



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 16 OCTOBER 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 William Romans
Ms Doreen Kiggundu
Ms Carolyn Buff

For the Registry:

Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

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

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard

1 Thursday, 16 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:52 5 JUDGE LUSSICK: Yes, we will take some appearances for the
6 record.

7 MS HOLLIS: Good morning Mr President, your Honours. This
8 morning for the Prosecution, Kathryn Howarth, Maja Dimitrova and
9 myself, Brenda J Hollis.

09:29:26 10 JUDGE LUSSICK: Thank you.

11 MR GRIFFITHS: Good morning Mr President. For the Defence
12 today, myself Courtenay Griffiths and my learned friend, Mr Terry
13 Munyard.

14 JUDGE LUSSICK: Thank you, Mr Griffiths. Yes, Ms Hollis.

09:29:37 15 MS HOLLIS: Mr President, I rose to make the appearances
16 for the Prosecution because I would also like to make clear for
17 the record a matter relating to the notice we gave to the Trial
18 Chamber yesterday of the limited time that we had with witness
19 TF1-197 and, as you recall, we indicated we had very limited time
09:30:00 20 with him because of his illness and also because of limited
21 availability of the Kono interpreters.

22 I would like to make very clear for the record that the
23 availability of the Kono interpreters was limited simply because
24 they were performing their duties in the interpretation booth.

09:30:21 25 In all other instances the Kono interpreters, as with all
26 interpreters in this case, have been very helpful to the
27 Prosecution and I certainly in no way meant to imply that they
28 had not been cooperative or helpful, and I just wanted to make
29 that clarification for the record.

1 JUDGE LUSSICK: Yes, thank you, Ms Hollis. I think you
2 have made that clear. Well, I think the next witness is TF1-197,
3 is that right?

4 MS HOWARTH: Yes, that is correct.

09:30:48 5 JUDGE LUSSICK: All right. Madam Court Manager, if we
6 could bring that witness in please.

7 MS HOWARTH: Your Honour, before that witness does come in
8 there is an application for recision.

9 JUDGE LUSSICK: I see, yes.

09:30:58 10 MS HOWARTH: Your Honour, the witness has indicated he
11 wishes to testify in open session. He is another witness to whom
12 the decision dated 5 July 2004 applies. Your Honours are by now
13 aware of the Prosecution position as to that decision in relation
14 to those Category 1 witnesses, witnesses of fact. The
09:31:16 15 Prosecution take the view that they were granted a pseudonym and
16 screen. Equally, the Prosecution are well aware of your Honour's
17 position in relation to these witnesses. However, the
18 application is for recision of those measures.

19 JUDGE LUSSICK: Yes. Well, thank you, Ms Howarth. Is this
09:31:35 20 witness one of the witnesses that was specifically listed in one
21 of the annexes to the decision?

22 MS HOWARTH: He is one of those witnesses who was
23 originally listed in the first Prosecution motion but not listed
24 in the second Prosecution motion. So he is not a Category A, B
09:31:54 25 or C witness, he is a Category 1 witness of fact.

26 JUDGE LUSSICK: When you say the second Prosecution motion,
27 that is the one of 5 July 2004, is it?

28 MS HOWARTH: It is the renewed motion.

29 JUDGE LUSSICK: Which one is that by date?

1 MS HOWARTH: So, your Honour, it is not in the annex to the
2 decision, if that assists.

3 JUDGE LUSSICK: All right, that is all I wanted to know.
4 Thank you. Well, again, Mr Griffiths, I assume you are not
09:32:24 5 opposing this, subject to the well-stated position of the
6 Defence? It is on record several times.

7 MR GRIFFITHS: Mr President, you assume correctly.

8 JUDGE LUSSICK: Well, we note the application by the
9 Prosecution for rescission of protective measures and we note that
09:32:55 10 this coming witness, TF1-197, will therefore be giving evidence
11 without protective measures, but the parties have stated their
12 positions on witnesses that are said to be covered by the
13 decision of 5 July 2004 by Trial Chamber I. The Trial Chamber
14 again states its position that we do not consider that this
09:33:28 15 witness is subject to any protective measures in any event and
16 therefore, in our view, the Prosecution application is redundant.
17 Thank you, Ms Howarth. We will call the witness now, please.

18 MR GRIFFITHS: Before the witness is called, can I make
19 this enquiry: In the normal course of events following a
09:33:53 20 proofing session we are normally provided on this side of the
21 Court with a note of any further information provided by the
22 witness, and I just wonder whether any such note is available
23 today? It may well have been served this morning, and I am not
24 addressing any criticism to the other side, but I didn't come via
09:34:20 25 the office so, consequently, I haven't received any further
26 material.

27 MS HOWARTH: Yes, it had been served this morning, but I do
28 have a spare copy that I can pass over to my learned friend.

29 MR GRIFFITHS: I am grateful.

1 MS HOWARTH: Perhaps while I am on my feet I could add that
2 the witness will be testifying in Kono.

3 JUDGE SEBUTINDE: And, Ms Howarth, this will be viva voce?

4 MS HOWARTH: Yes, that's correct.

09:34:52 5 JUDGE SEBUTINDE: It is no longer 92 bis.

6 MS HOWARTH: Exactly that.

7 WITNESS: SAHR BINDI [Sworn]

8 JUDGE LUSSICK: Yes, go ahead Ms Howarth.

9 MS HOWARTH: I don't think my learned friend has had an
09:36:06 10 opportunity to look at the proofing note. It is only brief, but
11 perhaps that might be passed to him first.

12 JUDGE LUSSICK: That is not going to prevent you from
13 introducing this witness and asking some questions.

14 MS HOWARTH: Yes.

09:36:22 15 EXAMINATION-IN-CHIEF BY MS HOWARTH:

16 Q. Mr Witness, you are going to be asked some questions. If
17 you can direct your answers towards their Honours. Mr Witness,
18 are you hearing me in Kono?

19 A. Okay.

09:36:43 20 Q. If there is anything that you don't understand then please
21 say so. If you feel that you are in need of a break, please say
22 so. So, Mr Witness, what is your name?

23 A. Well, my name is Sahr Bindi.

24 Q. Can you spell that?

09:37:08 25 A. Yes, but before I speak, if you meet, you happen to see
26 people you have to say greetings to them. I don't know if it is
27 possible.

28 JUDGE SEBUTINDE: Good morning, Mr Witness. That is very
29 kind of you.

1 THE WITNESS: I greet you all and say thanks to you all for
2 me to come here to testify in this Court. This will be good for
3 me, because I was thinking that when that event happened to me I
4 thought that that was the end of my life.

09:37:54 5 JUDGE SEBUTINDE: Thank you, Mr Witness. Please proceed
6 now.

7 MS HOWARTH:

8 Q. Mr Witness, you told us your name. Can you spell us your
9 name, please?

09:38:06 10 A. Well, that Sahr name, in our Kono language I am the first
11 son and we spell it in our language S-A-H-R, Sahr, Bindi
12 B-I-N-D-I. That is the spelling.

13 Q. Do you know how old you are?

14 A. Well, all I can remember, because I did not go to school,
09:38:39 15 this will be my 37th year.

16 Q. Where were you born?

17 A. Well, I was born in Kono in the chiefdom is Gbane.

18 Q. Were you born in a town or a village?

19 A. Well, it was in a village.

09:39:08 20 Q. And what is the name of that village?

21 A. Well, it is called Papwema.

22 MS HOWARTH: The spelling of that village is P-A-P-W-E-M-A
23 and the chiefdom ought to have been spelt G-B-A-N-E:

24 Q. What tribe do you belong to?

09:39:45 25 A. Well, I am a Kono man.

26 Q. And what religion are you?

27 A. I am a Christian.

28 Q. Are you married?

29 A. Yes.

1 Q. And do you have children?

2 A. Yes.

3 Q. How many?

4 A. Six children.

09:40:15 5 Q. Have you received any formal education?

6 A. No.

7 Q. What languages do you speak?

8 A. Well, the first one is Kono, which is my tribe, and the
9 second one I speak Krio and, the third one, I can speak Koranko.

09:40:50 10 Q. Do you read?

11 A. No.

12 Q. Mr Witness, when the war broke out in Sierra Leone, where
13 were you living?

14 A. Well, when the war broke out, I was in my village and I
09:41:11 15 left there and came to Koidu. That was the place where I was
16 sitting.

17 Q. In 1998 where were you?

18 A. Well, almost in 1998 it met me in Koidu. Then I moved from
19 there just as it appeared as if the year was coming to an end.

09:41:40 20 Q. Mr Witness, when you say "it met me in Koidu", what are you
21 referring to?

22 A. Well, like when the year is coming to an end. I did not
23 settle there. I moved away.

24 Q. Why did you move from Koidu?

09:42:15 25 A. Well, it came a time, I cannot remember that date, we heard
26 shooting in the night up to daybreak, but the shooting was so
27 intense. So that was the reason why I left there, and so many
28 other people, that very early morning at that time.

29 Q. Who was responsible for that shooting?

1 A. Well, at that time when I heard the shooting, what we were
2 told later, it was the RUF and the AFRC.

3 Q. Do you know why they had come to Koidu?

09:43:10

4 A. Well, at that time they came to Kono - the first President
5 that we had was reinstated who was --

6 Q. Mr Witness, I am not sure you finished your answer. You
7 said, "The first President that we had was reinstated who was --"
8 Who was the President?

09:43:34

9 A. Well, it was Kabbah that was ousted out and then he was
10 brought back.

11 Q. Do you remember how long after the first President was
12 reinstated that the rebels came to Koidu?

13 A. Well --

09:44:03

14 JUDGE LUSSICK: Did the witness actually mention the name
15 rebels? Did the witness mention rebels? He said it was the
16 RUF/AFRC.

17 MS HOWARTH: Your Honour is quite right:

18 Q. Mr Witness, do you remember how long after the first
19 President was reinstated that the AFRC and RUF came to Koidu?

09:44:30

20 A. Well, I cannot remember the date and the day, but they came
21 to Koidu. That was the reason we left there and went elsewhere.

22 Q. So when you say "we left", who left?

23 A. Well, the RUF and the AFRC came to Koidu. That was the
24 reason why we left there and went to another town.

09:44:58

25 Q. You said "we". Who is "we"?

26 A. Well, I was one of them. I moved together with my family.

27 Q. Where did you go?

28 A. We went to Tombodu.

29 Q. And what happened to you in Tombodu?

1 A. Well, we stayed there for a little while.

2 Q. And what happened after that little while?

3 A. Well, at the time we were staying there it came a time like
4 in the evening hours people went there and said we should go and
09:45:50 5 assemble.

6 Q. Who said you should go and assemble?

7 A. Well, at that time those people - the people who went
8 there, some of them had uniforms which was combat, some of them
9 had only combat trousers without the combat shirts, some of them
09:46:16 10 had combat shirts with different trousers. They asked us to meet
11 at the park.

12 Q. Who were those people?

13 A. Well, when we went and met there, two of them introduced
14 themselves to us.

09:46:37 15 Q. What did they say?

16 A. Well, those two individuals, the way he they introduced
17 themselves to us, that they are the authorities in charge. The
18 first one that stood up and said to us - he said he is a soldier
19 and he was wearing his uniform, the combat shirt, the combat
09:47:01 20 trousers and the boots. That was how he was dressed. The other
21 one had the combat trousers, but a different shirt and a
22 different shoe. But the first one that spoke to us had his
23 complete combat fatigue.

24 Q. What, if anything, did they say about what group they
09:47:27 25 belonged to?

26 A. Yes.

27 Q. What, if anything, did they say about what group they
28 belonged to?

29 A. Yes, they explained that to us.

1 Q. What did they say?

2 A. Well, the first one, who was the soldier, he said to us
3 that he is a soldier. And the other one, he said to us that he
4 is an RUF, a rebel.

09:48:18 5 Q. You said that you were assembled there. Who else was
6 assembled there?

7 A. Well, on that day people went there. We were many there at
8 that time.

9 Q. And who were those people?

09:48:41 10 A. Well, those of us that were staying in that town, not all
11 of us went there, but when we were invited we went there. We
12 were many.

13 Q. You said that the other one told us that he was an RUF
14 rebel. The first one, the soldier, what, if anything, did he

09:49:12 15 say --

16 A. Yes.

17 Q. What, if anything, did he say --

18 A. Yes.

19 Q. Mr Witness, can you just wait for the question. What, if
09:49:20 20 anything, did he say about what group he belonged to?

21 A. The one said, the first one, he is an AFRC, a soldier. And
22 the other one said he was an RUF, a rebel, who was not in that
23 complete uniform. The one who was in a complete uniform, he said
24 to us that he is a soldier.

09:49:54 25 Q. What if anything else did they say to you?

26 A. Yes.

27 JUDGE LUSSICK: I think you had better repeat that
28 question, Ms Howarth.

29 MS HOWARTH:

1 Q. Mr Witness, what if anything else did those two men say to
2 you?

3 A. Yes, they said other things to us again - to me.

4 Q. Well, what were those other things?

09:50:27 5 A. Well, the soldier, he was the first one that spoke to us.
6 He said the first thing is - he say, "If you happen to see us
7 here you should not run away from us. We are all the same
8 people". He said, "We are here. We have not come here to do bad
9 things to you, so the moment you see us and you run away from us,
09:50:51 10 for now the things that we used to do we are not going to do them
11 again to you. So let us all be together. So who is our
12 chairman, we have brought him, he is now presently in Koidu, so
13 therefore you should not run away from us. He was Johnny Paul
14 Koroma. We brought him from Koidu Town, he is there, so don't
09:51:12 15 run away from us". So therefore that was the advice he gave to
16 us; that we should not run away from them. So he said, "If you
17 are running away from us we two will not be pleased".

18 And other one said again the same advice to us. So what he
19 said is what his boss has just said is the same with us,
09:51:33 20 therefore we should not run away from them.

21 Q. Mr Witness, you mentioned Johnny Paul Koroma. Do you know
22 who Johnny Paul Koroma was?

23 A. Well, he said he was their authority and that he was the
24 chairman. That was what they said to us. But at that day - on
09:51:58 25 that day this man whose name was mentioned did not go there on
26 that day. I did not see him there on that very day. He was not
27 there.

28 Q. You have mentioned that these two men spoke to you, that
29 one was RUF and one was AFRC. How many others were there?

1 A. Well, the colleagues also were there, but they did not
2 speak to us. Those - only those two people spoke to us. The
3 others did not speak to us. They were just standing and
4 listening to us, the other people.

09:52:49 5 Q. Do you remember how their colleagues were dressed?

6 A. Well, some of them had military uniforms, some of them had
7 some combat, some of them had civilian clothing.

8 Q. Mr Witness, on this occasion when the RUF and AFRC came to
9 Tombodu, do you remember what season it was?

09:53:29 10 A. Well, it was in the dry season.

11 Q. And --

12 JUDGE LUSSICK: Ms Howarth, can I take it from that
13 question that the witness would not know what month it was?

14 MS HOWARTH: Would your Honour like me to put that to him?

09:53:48 15 JUDGE LUSSICK: Well, it's your witness, but I just find it
16 strange to ask him what the season was without first establishing
17 whether he could tell us the month. That's more informative in
18 my view.

19 THE WITNESS: Well, it was the dry season. It was a period
09:54:05 20 between the dry season and the rainy season, so it rained only
21 once in a while.

22 MS HOWARTH:

23 Q. Mr Witness, are you able to help us with months or are
24 months difficult?

09:54:28 25 A. Well, that month I cannot remember, but it appears as if it
26 was in February, during that period.

27 Q. So, what happened after that assembly?

28 A. Well, after we assembled at that point, nothing else
29 happened. They did not beat us and no-one was molested, so we

1 also returned back to our houses.

2 Q. Who is "we"?

3 A. Well, those of us that were invited, we returned back to
4 our houses, because I was not the only one that went there.

09:55:31 5 Q. And what about the AFRC and RUF? What happened to them?

6 A. They too, nothing happened to them. They too returned. So
7 we were standing there when they returned and we also returned.

8 Q. Do you know where they returned to?

9 A. They returned to Koidu.

09:55:58 10 Q. And when did they return?

11 A. The very same day. The moment they finished speaking to
12 us, the vehicle that was brought, it was - they returned with the
13 same vehicle.

14 Q. What happened to you in Tombodu after that?

09:56:26 15 A. Well, I returned home at that time. It took some time.

16 Never - nothing happened to me, but it came a time again --

17 Q. What came a time again?

18 A. Well, it came a time, it took some time, but not up to a
19 month, when --

09:56:54 20 Q. When what?

21 A. -- we were there one day when we heard shooting and
22 vehicles approaching. They were shooting. There were many.

23 Because from Tombodu to Koidu there were other routes. There
24 were two roads to go to Tombodu Town itself. The shooting was

09:57:21 25 coming from the two ends and the vehicles were speeding in and,

26 as they were coming, they were shooting. The area where I, was

27 there was a hill there before you get into the town. We saw some

28 with red piece of cloth tied around their heads. They were

29 shooting in the air and on the ground, so when we saw that we ran

1 into the bush.

2 Q. Do you know who these people were?

3 A. Yes, at the time, because they who came with their
4 vehicles, some had uniforms and some didn't. They came, the RUF
09:58:09 5 and the AFRC, they came shooting. That caused us to go into the
6 bush because the way they were shooting was very scary.

7 Q. For how long did you go into the bush?

8 A. Well, at the time when they came, when they came they
9 stayed for a long time, almost towards the evening, when the
09:58:40 10 shooting subsided. Then we heard - from where we were in the
11 bush we heard the vehicles - the sound of the vehicles again. It
12 appeared they were going. Then we started trickling into the
13 town, but we came close to the town, at the edge of the town, and
14 did not see anything. It was then that we entered the town in
09:59:03 15 our own area where we were.

16 Q. You said, "Almost towards the evening the shooting
17 subsided." When had that shooting started? What time of day?

18 A. Well, it was in the morning, at daybreak.

19 Q. So you were saying that you entered the town. What did you
09:59:50 20 observe when you entered the town?

21 A. Well, I entered the town. The area where we were there was
22 a junction there to go to Ekuma. We met a man there. He had
23 been shot. He was dead. That was my first time of seeing
24 someone who had been shot. That sight was scary. I just looked
10:00:25 25 at him and passed by and I went up to my house, the area where we
26 were, I saw another corpse of a man there. In fact, that
27 frightened me now. Then I said: Maybe I am a dead man standing.
28 Then I went to my house and I found the door broken into.

29 Q. You have explained that you saw two corpses. Had they been

1 there earlier that day?

2 JUDGE LUSSICK: Well, my understanding was he wasn't in
3 town earlier that day. Wasn't he just returning from the bush?

4 THE WITNESS: Well, these people, at the time that I was
10:01:21 5 leaving the town in the morning, I did not go round the town, but
6 I did not leave any corpse there. When these people came
7 shooting into the town it was at that time that I came into the
8 town and found those corpses.

9 MS HOWARTH:

10:01:37 10 Q. When you came into the town, was there still shooting going
11 on or not?

12 A. It had subsided. They had gone.

13 Q. Those corpses that you saw, did you know anything about who
14 they were?

10:02:06 15 A. Well, I did not know the other man. I did not actually
16 know him, because I did not take a close look at him. That first
17 person, I just passed by.

18 Q. Do you remember what he was wearing?

19 A. Well, he was wearing civilian clothes.

10:02:31 20 Q. What about the other corpse? Did you know anything about
21 that man?

22 A. Well, that other corpse, that man was a Maraka man. We
23 were staying in the same area.

24 Q. What do you mean you were staying in the same area?

10:02:58 25 A. I said the people with whom we were in the same area told
26 me that that man was a Maraka man. We were not in the same
27 place.

28 Q. Did you know anything about this Maraka man?

29 A. That Maraka man, he was a civilian. In Kono for instance,

1 they were just there to buy diamonds. That was what their job
2 was. That was what I saw them doing.

3 Q. The Maraka man, do you remember what injuries there were to
4 his corpse?

10:03:48 5 A. Well, he was shot with a gun at the back and the bullet
6 came out through his front.

7 Q. What about the other man? Do you remember what injuries
8 there were to his corpse?

9 A. The bullet pierced him through his neck - around his neck.

10:04:24 10 JUDGE SEBUTINDE: Ms Howarth, I assume that Maraka is some
11 kind of ethnic description?

12 MS HOWARTH: Yes.

13 JUDGE SEBUTINDE: Because it is not an English word.

14 MS HOWARTH: I will ask the witness to explain that:

10:04:38 15 Q. What do you mean when you say "Maraka man"?

16 A. Well, this Maraka man, in Kono, that is what we call them,
17 Maraka. They were foreigners. They came to our land and settled
18 there. That was what we called them, Maraka people. They said
19 they had come from - I don't know if it is Mali.

10:05:02 20 Q. Mr Witness, earlier you said when you saw the corpses "then
21 I said maybe I am a dead man standing". What do you mean by
22 that?

23 A. Well, at the time I saw people being shot I was so afraid
24 to go to my house. In fact, I was scared because if I thought
10:05:37 25 that if I had moved I would be killed as well because that was a
26 sight I had not been used to seeing.

27 Q. You said, this is my page 16, line 11, "Then I went to my
28 house." What state was your house in when you got back there?

29 A. When I went to my house the door was broken, things were

1 strewn all over the place. At the time I was a petty trader. I
2 was trading. I was selling clothes, but when I went there I did
3 not see any.

10:06:32 4 Q. Had your house been in that state when you were last there
5 or not?

6 A. The door was broken. It was damaged. I was a tenant in
7 one man's house. Even that man's house, the door was broken.
8 Other people had their doors broken as well, but I did not enter
9 theirs. I only entered mine.

10:06:56 10 Q. Do you know who was responsible for breaking those doors?

11 A. Well, those people who took the fighting there, the AFRC
12 and the RUF, they did that.

13 Q. Why do you say that?

10:07:32 14 A. Well, when they went there initially and introduced
15 themselves to us, they were the same people who were dressed in
16 the same way and that was how we saw them, as they had come.

17 Q. Now you said - and this is page 18, line 23 - "I was
18 selling clothes, but when I went there I did not see any." What
19 do you mean by that?

10:07:52 20 A. Well, there were things there with me, the things that I
21 lived out of, the clothes that I used to sell. I did not find
22 them there. Even my own valuables, I did not see them there.
23 Even the things that were in the house itself were not there any
24 longer.

10:08:16 25 Q. What had happened to them?

26 A. I did not find them there. Those people who broke into the
27 house took them.

28 Q. Now, you were explaining that when you saw the corpses and
29 when you went back to your house you were scared. You said, "I

1 thought that if I moved I would be killed". So what did you do?

2 A. Well, when I went to my house and did not see anything --

3 THE INTERPRETER: Your Honours, can the witness kindly
4 repeat this answer.

10:09:06 5 JUDGE LUSSICK: Mr Witness, the interpreter did not
6 register your answer then. You were asked what did you do. Now
7 can you repeat your answer, please.

8 THE WITNESS: Well, I said when I saw those corpses and
9 went to my house and I did not find anything. The only thing
10:09:33 10 that I was relying on, the clothing that I was selling, they had
11 taken all of them. So when I saw those corpses I concluded that
12 if I stayed there they would kill me as well. So the little
13 things that I found there, I took some of them and went into the
14 bush together with my wife and my children.

10:09:54 15 MS HOWARTH:

16 Q. When you say you went into the bush, where was that bush?

17 A. It was Tombodu, because they call that place Kamara
18 Chiefdom. It was under Kamara Chiefdom, that bush. That was
19 where we went, because that man's house where we were took us to
10:10:22 20 the bush because that was where he was born, he knew the terrain,
21 so he took us there.

22 Q. Who was that man who took you there?

23 A. Well, that man's name was Komba.

24 Q. And who was Komba?

10:10:44 25 A. Well, I was a tenant in his house in Tombodu.

26 Q. And what happened to you in the bush?

27 A. Well, in that bush we were there for a short while. We
28 were there one day. At daybreak - we went and built a hut. We
29 built a house using the sticks in the bush and that was where we

1 used to sleep.

2 Q. And what happened to you after you built that hut?

3 A. Well, at the time that we built that hut, at daybreak one
4 day these people came and they hit at the hut where we were and
10:11:46 5 they told us to come out. We came out and they captured us and
6 they told us to take out the diamonds, the rice, and we told them
7 that we did not have anything and that even the things that we
8 were eating were not enough. And they said if we did not bring
9 out anything, because they had said we had them, they would kill
10:12:07 10 us.

11 Q. Mr Witness, you are talking about these people who came and
12 did these things. Who are you referring to?

13 A. These people who went there to us in the bush, there was
14 one person who had - they were mixed. Some had military uniform
10:12:35 15 and the others hadn't. They were the people who told us. They
16 blindfolded me with a black piece of cloth and tripped me and I
17 fell down and where I fell there were ants there at that time --

18 Q. Okay, Mr Witness, you are giving us quite a lot of
19 information. Mr Witness, are you okay? Take your time,
10:13:16 20 Mr Witness.

21 MS IRURA: Your Honours, I think the witness would
22 appreciate a small break.

23 JUDGE LUSSICK: Mr Witness, are you all right to continue
24 now or would you like a little break?

10:14:13 25 THE WITNESS: Well, please wait a little. I want to take a
26 rest.

27 JUDGE LUSSICK: All right. We will adjourn the Court for a
28 few moments, say ten minutes, unless we get word in the meantime
29 that the witness is ready to continue.

1 [Break taken at 10.15 a.m.]

2 [Upon resuming at 10.35 a.m.]

3 JUDGE LUSSICK: Well, Mr Witness, I hope you are feeling
4 better. You are going to be asked some more questions now. Go
10:35:41 5 ahead, Ms Howarth.

6 MS HOWARTH:

7 Q. Mr Witness, the incident that you were describing before
8 the break, do you recall --

9 A. Yes.

10:35:55 10 Q. -- do you recall what month that occurred in?

11 A. Well, that month, because at that time, I am not sure I can
12 remember, because at that time we were worried for our lives.

13 Q. Mr Witness, do you recall what season it was?

14 A. It was during the dry season.

10:36:31 15 Q. Now, Mr Witness, these people who did that to you, did you
16 learn who these people were?

17 A. Yes.

18 Q. Who were they?

19 A. Well, it was the RUF and the AFRC.

10:36:58 20 Q. How do you know that?

21 A. Well, at the time, wherever they met us, at the time that I
22 was captured, even in that bush and did that thing to us there,
23 they introduced themselves to us that they were the people. The
24 reason I cried a while ago, I don't want you to feel bad about
10:37:23 25 it. You know, it is like we are reliving the whole thing. It is
26 like I am there and they have captured me and they are doing this
27 thing to me. That was why I cried. It is like - it was like I
28 was in that same place and the whole thing happening again.

29 Q. That is okay, Mr Witness. Just take your time. Now, you

1 said, "They introduced themselves to us that they were the
2 people." What do you mean by that?

3 A. When I was captured at that time and they tripped me and I
4 fell into those ants and they were hurting me, when we went up
10:38:10 5 the road, it was there again that they introduced themselves to
6 us. The one said he was an AFRC and the other said they were
7 RUF, at the time they were standing doing something else.

8 Q. Do you remember how many of them there were?

9 A. I think they were up to six people. They had guns. Four
10:38:43 10 of them had guns.

11 Q. Now, when you were in the hut before they called you to
12 come out, who was there in that hut?

13 A. Well, that man who took us along in the bush, under whose
14 auspices I was, we were there with his own wife, my wife and
10:39:19 15 children and that man's children. We were all there.

16 Q. Can you remind us of the name of that man, please?

17 A. Komba.

18 Q. So when you were called to come out, who came out?

19 A. Well, those of us who were taken out, I, my wife, that man
10:39:47 20 and his wives. Our children too came out.

21 Q. What was the first thing that happened after you all came
22 out?

23 A. Well, the first thing that happened to us when we came out,
24 they blindfolded us, they beat us up and they asked us to take
10:40:11 25 out the money and the diamonds, the palm oil, the rice and we
26 said we did not have and they tripped us and we fell into the
27 ants, and they pointed a gun in my stomach and they said if I did
28 not take out the money and the diamonds they would kill me.

29 Q. And at that point what did you think they would do?

1 A. Well, they were not doing a good thing to us.

2 Q. Mr Witness, you said, "They blindfolded us." Who exactly
3 was blindfolded?

4 A. Those who went there blindfolded us.

10:41:03 5 Q. Who had the blindfolds put on them?

6 A. They blindfolded us. They took a piece of cloth and tied
7 it around our eyes. We couldn't see, and they started beating
8 us, at time they had tripped us into these ants and they took us
9 and they said they were taking us up the road. That was where
10:41:30 10 they were going to kill us.

11 Q. Mr Witness, as well as yourself, which other of the people
12 had blindfolds put on them?

13 A. They blindfolded me, my wife, that man had the blindfold as
14 well. We left our children there in the hut and they took us up
10:41:54 15 the road. They stayed behind crying.

16 Q. You said, "They beat us up." What did they beat you with?

17 A. They had a stick that they took from the bush. That was
18 what they used to beat us up.

19 Q. And how did they beat you?

10:42:21 20 A. Well, they were beating us indiscriminately. When we were
21 going up the road they were beating us as well. They were
22 telling us we should take out the money and if we did not take
23 out the money they will kill us.

24 Q. What about your wife and the man Komba? Were they being
10:42:44 25 beaten or not?

26 A. They beat them up. They beat us all up and later they were
27 pointing the gun in between our legs and threatening us to take
28 out the money. They said, "Now, somebody is among you who is a
29 business person who has money and if you do not identify that

1 person we will kill all of you." And they were beating us up and
2 we were screaming as this was going on.

3 Q. So, what did you do when they said that to you?

4 A. When they said this, my head here, they stabbed me on my
10:43:22 5 head here. They said that was the first - look at the scar here.
6 They said if we do not identify this person they will kill all of
7 us. I knew now that death was near and it was then that I told
8 them that I was a businessman and I had some money and my wares.

9 JUDGE LUSSICK: We better get some notation of that scar
10:43:47 10 that the witness indicated to the Court. Did you get a look at
11 it, Mr Griffiths, from where you were?

12 MR GRIFFITHS: It is quite clear from my position,
13 Mr President. I don't know if others in the courtroom will have
14 had the opportunity that I have, but it is quite obvious that
10:44:05 15 there is a clear indentation just after the hairline on the
16 left-hand side of the witness's head.

17 JUDGE LUSSICK: What would you say, about two inches above
18 the left ear or --

19 MR GRIFFITHS: About three inches above the left ear.

10:44:25 20 JUDGE LUSSICK: Ms Howarth, I don't know whether you wanted
21 to make any further comments on that?

22 MS HOWARTH: I have certainly seen it before and I am happy
23 with my learned friend's description.

24 JUDGE LUSSICK: All right.

10:44:38 25 JUDGE SEBUTINDE: Mr Witness, can you just temporarily
26 remove your earphones, please.

27 THE WITNESS: Have you seen it here? Look at this. Look
28 at it here. Look at it here. This is it here. That was where I
29 was stabbed.

1 JUDGE LUSSICK: Go ahead, Ms Howarth.

2 MS HOWARTH:

3 Q. Mr Witness, you have shown us the scar on your head. How
4 was that caused?

10:45:32 5 A. Well, at the time when they had beaten me and stabbed me on
6 my head, and I was bleeding from my nose and my ears, then I told
7 them that I had money, and they asked me where the money and the
8 diamonds were and I said, "To tell you the truth I don't have
9 diamonds. You can do anything to me, but I don't have diamonds."
10:45:58 10 I said, "The money is there and some wares are still there." I
11 said it was ready and "I am ready to give them to you, instead of
12 you killing me." It was at that time that my wife and that man's
13 wife were released, and that I should identify where the money
14 had been hidden so that they could go and take the money.

10:46:25 15 Q. Mr Witness, remember to listen carefully to the question
16 that is asked. How was the scar on your head caused?

17 A. Those who captured me and were beating me up, they were the
18 ones who stabbed me on my head. They beat me up when I said
19 blood was oozing from my nose and my ears. They did that.

10:46:51 20 Q. With what did they stab you?

21 A. A knife.

22 Q. Now, you have said that they could go and take the money.
23 What did they do after that?

24 A. Well, when they had done this to me and I told them the
10:47:22 25 truth, and that that was the final truth, we went. I was selling
26 cigarettes. I took out the cigarettes and the money that I had,
27 I gave that to them and told them that that was all. They said,
28 "Is that it?" And I said "Yes." "Is that it?" And I said
29 "Yes." Then they took me and we returned to that place. The

1 bicycle that I had, they also took. We went back to the place,
2 at that junction where we were, and they told me to sit down and
3 I told them that I don't have any more --

10:48:06

4 THE INTERPRETER: Your Honours, can the witness kindly
5 repeat slowly.

6 JUDGE LUSSICK: Mr Witness, you are speaking too fast for
7 the interpreter, and please also remember that what you say is
8 being written down as well so the interpreter wants you to repeat
9 what you said after these words. You said, "I told them I don't
10 have any more". Now, can you go on from there, please.

10:48:23

11 THE WITNESS: Okay. Well, I told them at that time, after
12 I had given that to them, that I do not have any more money.

13 MS HOWARTH:

14 Q. Mr Witness, you also said - and this is page 28, line 10 -

10:49:00

15 "Then they took me and we returned to that place." Where are you
16 referring to?

17 A. Where I was stabbed. Where we were beaten up. That
18 junction. It was at that same junction that we returned.

19 Q. How far was that from your hut?

10:49:26

20 A. It was a long distance, but it was not quite long.

21 Q. So you have referred to various items, money and a bicycle.
22 What happened to those items?

23 A. Well, they started arguing among themselves. These people
24 said they were going to take that to their boss and the others
10:49:53 25 said they would take that to their boss, so they were arguing
26 amongst themselves.

27 Q. Do you know who that boss, or their boss, was?

28 A. Well, when I was sitting among them, that person who was
29 dressed in that military uniform said, he said it was - they were

1 going to take that to their boss and there was this other person
2 who was dressed in the civilian clothes said too that they were
3 taking it to their boss. The one who was dressed in the military
4 uniform said they should go to their own boss.

10:50:35 5 Q. Do you know who either of those people were, the one
6 dressed in the military uniform or the one in civilian clothes?

7 A. Well, the one with the uniform said he was a soldier, AFRC,
8 and the other who was in this mixed clothing said he was an RUF.

9 Q. So were your belongings taken or not?

10:51:16 10 A. Well, they took them from me. As we were sitting down and
11 they were having this argument, they told me to go back where I
12 had come from.

13 Q. So were your belongings taken away or not?

14 A. They took them from me. I was not there when they did
10:51:42 15 their distribution. They told me to go away and I went away.

16 Q. Where did you go?

17 A. I returned to my family in the hut.

18 Q. And what happened after that?

19 A. Well, when I returned to that hut, after a while they
10:52:10 20 massaged me and the following morning we left that place.

21 Q. Where did you go to?

22 A. At that time we went up to Guinea. We went at that time.

23 Q. Why did you go to Guinea?

24 A. We went towards Guinea, at that Forekonya area.

10:52:55 25 Q. Why did you go there?

26 A. After they had done these bad things to me I was scared and
27 we went. They were chasing us in the bush so that was very
28 frightening. That was why we left.

29 Q. You say, "We went towards Guinea." Did you get to Guinea?

1 A. Yes, we went to that place that I just named.

2 Q. Is that the Konia area?

3 A. Forekonya is in Guinea. It is not in Sierra Leone.

4 Q. For how long were you in Guinea?

10:54:08 5 A. Well, we took up to probably a month. It was up to a
6 month. It looks like it was up to a month, because when we were
7 there it was difficult to find food.

8 Q. So what did you do after that month?

9 A. Well, we were there when announcements were being made that
10:54:35 10 ECOMOG had come to Kono and that they were in Koidu and people
11 should go back to Koidu and that ECOMOG was there.

12 Q. Where were these announcements made?

13 A. Well, at the time people had radios there and so we heard
14 the announcements from the radios. Sometimes in the evening
10:55:03 15 these announcements were made.

16 Q. So when you heard these announcements that ECOMOG had come
17 to Kono, what did you decide to do?

18 A. Well, at the time we were undergoing strains, so I said we
19 should return, because in one's birthplace you could be able to
10:55:37 20 fend for food. But at that time they did not allow you to go
21 into the bush, there is a forest there. But in your village you
22 could go into the bush in search of yams and bananas, plantains,
23 you could take that for food.

24 Q. So the announcement said that ECOMOG were there, but why
10:55:59 25 did that make you want to return there?

26 A. Because we were suffering. Even in Guinea there was
27 suffering there. When they said ECOMOG had come and when you go
28 to the ECOMOG they do not do anything to you. They did not beat
29 you. And sometimes when you were with them they feel sorry for

1 you and if they have food they will give that to you. That was
2 why.

3 Q. So when you returned do you remember what month this was?
4 Don't worry if you can't.

10:56:40 5 A. Well, we returned, that month, it probably - the month in
6 which we left I can't remember, but it looks like it was in
7 April, but I cannot remember the date. I can't remember the
8 date.

9 Q. Do you remember what season it was?

10:57:14 10 A. It was during the dry season.

11 Q. So what happened next?

12 A. Well, when we came, when we returned to Kono in that
13 Tombodu bush, around that area --

14 Q. Yes, what happened in the bush around that area?

10:57:48 15 A. There came a time when we were in one village called Baima.
16 There was a --

17 THE INTERPRETER: Your Honours, can the witness kindly
18 repeat his answer and go slowly.

19 JUDGE LUSSICK: I have got to interrupt you, Mr Witness.

10:58:05 20 The interpreter did not get you.

21 THE WITNESS: Okay.

22 JUDGE LUSSICK: The interpreter did not get your answer.

23 You were asked, "What happened in the bush around that area?"

24 Now can you repeat your answer to that.

10:58:20 25 THE WITNESS: I said we were in that bush and I told my
26 sibling for us to go.

27 MS HOWARTH:

28 Q. What did you tell your sibling?

29 A. I said we should look for a road that we would use to go to

1 Koi du.

2 Q. What is the name of your sibling?

3 A. Safia.

4 Q. And is that a brother or a sister?

10:59:03 5 A. A male.

6 Q. Is he younger or older?

7 A. Younger.

8 Q. And as well as Safia, who else if anyone was with you at
9 that time?

10:59:25 10 A. The two of us went.

11 Q. Before the two of you went, who else if anyone was with
12 you?

13 A. No, we left our people behind us.

14 Q. Where did you leave them?

10:59:52 15 A. We left them in that village, Baima.

16 Q. Mr Witness, you said your brother was called Safia. Are
17 you able to spell that for us?

18 A. No.

19 MS HOWARTH: I am not sure if the interpreters might be
11:00:17 20 able to assist with that spelling. I'm afraid I don't already
21 have it.

22 JUDGE LUSSICK: Mr Interpreter, do you know how to spell
23 that?

24 THE INTERPRETER: Which one of them, Safia? S-A-F-I-A.

11:00:33 25 JUDGE LUSSICK: Thank you.

26 MS HOWARTH:

27 Q. So the two of you went. Where did you go?

28 A. Well, we were going when we met with some people. They
29 captured us. The RUF and the AFRC, they captured us again.

1 Q. How many of them captured you?

2 A. There could be six or five, because you know when they
3 captured you you would be confused.

4 Q. Why do you say they were RUF and AFRC?

11:01:30 5 A. Because when you met them and they captured you, they
6 introduced themselves to you as to who they were. They would
7 introduce themselves.

8 Q. What would they say?

9 A. That one said that he was RUF and the other said AFRC and
11:01:51 10 their dress was the same.

11 Q. What were they wearing?

12 A. Military clothes and a mixed uniform. Some would have the
13 trousers and the civilian clothes and there were others who had
14 the full uniform.

11:02:13 15 Q. So how did they capture you?

16 A. We were going on the way when we were captured.

17 Q. What did they say to you when they captured you?

18 A. When they captured us they said we should go to their boss
19 in the town.

11:02:42 20 Q. In what town?

21 A. Tombodu.

22 Q. Do you know who their boss was?

23 A. Well, we went there. Yes, they introduced him.

24 Q. Do you know his name?

11:03:04 25 A. Yes, his name was Staff Alhaji.

26 Q. And you said "we went there". Where is there?

27 A. Tombodu Town.

28 Q. And you said, "They said we should go to their boss". Did
29 you meet their boss in Tombodu Town?

1 A. Yes.

2 Q. And whereabouts did you meet him?

3 A. We met him in the town. The house where he was was at the
4 edge of one of the roads in the town. That was where he was, in
11:04:05 5 the veranda of that house.

6 Q. What, if anything, did he say to you?

7 A. Yes, when we --

8 Q. Carry on, Mr Witness. What did he say to you?

9 A. When we met him, when his boys handed us over to him that
11:04:37 10 they had brought - we are the ones that they had brought --

11 Q. Yes. What, if anything, did he say to you?

12 A. Yes.

13 Q. Perhaps my question is not clear. What, if anything, did
14 Staff Alhaji say to you?

11:05:10 15 A. He said something to me.

16 Q. What were the words that he said?

17 A. He asked me - he asked us where we were going.

18 Q. What did you say to that?

19 A. Then I told him that, "We were coming to you".

11:05:33 20 Q. Why did you say that?

21 A. Well, at the time that I said that - because I knew that
22 they had captured me and did something bad to me, so I said we
23 were going to them. Then he said, "No, you are not coming to
24 us".

11:05:49 25 Q. But for what reason did you tell him that you were coming
26 to them?

27 A. Well, at that time the reason I said I was going to them
28 was because if I had said I was going to ECOMOG - because at that
29 time if you said that they would kill you. Even he himself said

1 that; that I was not going to them, I was going to ECOMOG. That
2 was what he himself told me.

3 Q. Who is "he himself"?

11:06:23

4 A. Alhaji. When I said I was coming to them he said, "No, you
5 are telling lies. You are going to ECOMOG because ECOMOG has
6 come to Koidu, so now you want to go to them. We have been here
7 ever since and not a day have you come to us".

8 Q. So what happened after that?

11:06:44

9 A. Then he said - he said to his people who had taken us along
10 to tie us up.

11 Q. And what did they do?

12 A. They tied us up on a mango tree by the house.

13 Q. Where was Staff Alhaji while this was happening?

11:07:12

14 A. He was sitting in a veranda and they tied us to the mango
15 tree in front of the veranda of the house.

16 Q. Are you able to say how far this mango tree was from the
17 veranda?

18 A. The distance between the mango tree and the house is not
19 far. Even the mango tree overshadows the house.

11:07:47

20 Q. How many of them tied you up to the mango tree?

21 A. Well, three of them, because they tied my hands behind my
22 back and they tied my foot to the tree and I was facing his
23 veranda.

24 Q. Where was Staff Alhaji facing?

11:08:16

25 A. Well, he was sitting there in the veranda.

26 Q. What about your brother? Where is he at this point?

27 A. He too was tied to the mango tree, because in that area
28 there were mangoes there, they surrounded the house.

29 Q. How were you tied to the tree?

1 A. Well, that mango tree, it was not that big. They tied my
2 hand behind my back. This was how they took my hand behind my
3 back and they tied it and I was facing him in the veranda.

4 Q. What did they use to tie your hand?

11:09:09 5 A. Well, there was a wire there, but the wire is in a rubber.
6 It was like a cable. That was what they used to tie us to the
7 mango tree.

8 Q. What happened after you were tied to the mango tree?

9 A. Then he told them to beat us up and they started beating us
11:09:35 10 up.

11 Q. Who told them to beat you up?

12 A. Staff Al haji himself.

13 Q. And what did they do after that instruction?

14 A. Then they started beating us.

11:09:56 15 Q. With what did they beat you?

16 A. There was a wire that they used to beat us up.

17 Q. Can you tell us what sort of wire?

18 A. Well, that wire was like the wire that is used as a line to
19 hang - to dry clothes on. They folded it.

11:10:29 20 Q. Where did they beat you? I mean what part --

21 A. They were beating me on my leg, in my chest, but I had
22 clothes and trousers then. I did not strip naked.

23 Q. What about your brother?

24 A. It was the same for him. When they beat me, they beat him
11:10:52 25 too. That was how they were beating us. After a while they will
26 take a break and then restart.

27 Q. Why would they take a break?

28 A. When they would have done this beating he would tell them
29 to stop. I did not know why he told them to stop.

1 Q. Who would tell them to stop?

2 A. Alhaji. He told them. After they would have beaten us for
3 a while he will tell them to stop.

4 Q. And you said it would restart. Why would it restart?

11:11:29 5 A. Well, we did not know. After they would have beaten us he
6 will tell them to stop and after a while he will tell them again
7 to start. That was how it was happening.

8 Q. So for how long were you beaten?

9 A. It took some time. It happened in the morning, they
11:11:56 10 continued beating us up to towards the evening.

11 Q. What injuries did you and your brother suffer as a result
12 of this beating?

13 A. At that time we sustained bruises. We sustained bruises.

14 Q. While this beating was going on, what was Staff Alhaji
11:12:31 15 doing?

16 A. He was sitting there in the veranda.

17 Q. And what, if anything, happened on that veranda?

18 A. Yes, we were there when they brought one Limba person and
19 one woman.

11:12:55 20 Q. This woman, do you know who she was?

21 A. Yes.

22 Q. Who was she?

23 A. That woman was called Si a Lappia.

24 Q. Are you able to spell that?

11:13:21 25 A. No.

26 MS HOWARTH: I believe the spelling is S-I-A L-A-P-P-I-A:

27 Q. How do you know her name?

28 A. Well, that woman, I used to know her. She was in Tombodu.

29 Q. How did you know her?

1 A. Well, the area where she used to stay, we used to go there.

2 Q. And are you able to say whether she was a civilian woman or
3 whether she was a fighter?

11:14:18

4 A. She was not a fighter. She was a civilian. She was a
5 suckling mother.

6 Q. And you said they brought her to the veranda. Who brought
7 her?

8 A. Well, at that time Alhaji, his colleague was there. It was
9 Alhaji who called the woman to him to get close to him.

11:14:46

10 Q. What did he say to her?

11 A. Then he told her to take the child that she had strapped on
12 her back down.

13 Q. When he told her that, how did she react?

14 A. Well, that woman tried to - she was reluctant.

11:15:14

15 Q. Why was she reluctant?

16 A. Well, I did not know, but, when he said that, the woman
17 refused and then he took out his gun from his pocket.

18 Q. What happened then?

19 A. Then he pointed the gun at the ear of the woman.

11:15:44

20 Q. What was happening as he did that?

21 A. When he pointed the gun at her, the woman took the child
22 from her back and put the child down.

23 Q. What happened then?

24 A. Then he told the woman to remove her clothes.

11:16:12

25 Q. What did she do?

26 A. That woman too removed her clothes.

27 Q. You mentioned that he had pointed a gun at her ear. Do you
28 know what, if anything, he was doing with the gun at that point?

29 A. Yes, when the gun was pointed at the woman's ear he told

1 her to remove her clothes.

2 Q. So what happened after the woman removed her clothes?

3 A. When the woman removed her clothes and she looked - and he
4 looked at the woman, the woman's private, and he started hitting

11:17:04 5 the woman's private.

6 Q. With what did he hit the woman's private?

7 A. The gun was in one hand and he was using his palm, slapping
8 the woman's private.

9 Q. What did the woman do when this happened?

11:17:33 10 A. Then he told the woman to lie down.

11 Q. How was the woman reacting to this?

12 A. Well, I did not see the woman resist. She just lay down.

13 Q. And what happened after she lay down?

14 A. Well, when she lay down I saw the man remove his trousers
11:18:01 15 and lay on top of the woman and had sex with her.

16 Q. What man did this?

17 A. Staff Alhaji himself.

18 Q. And what happened after he had sex with her?

19 A. They had sex and he got up and did not do anything else to
11:18:30 20 the woman.

21 Q. Do you know what happened to the woman?

22 A. No. I did not see her being beaten, nor did I see her
23 being killed.

24 Q. Now, you also mentioned a Limba man. Do you know who he
11:18:54 25 was?

26 A. Yes.

27 Q. Who was he?

28 A. Well, his name was Marko.

29 Q. How do you know his name?

1 A. Well, that Limba man, he was there in Tombodu. He too was
2 staying there.

3 Q. Do you know how to spell his name?

4 A. No.

11:19:30 5 MS HOWARTH: I believe it should be M-A-R-K-O:

6 Q. That man, do you know if he was a civilian man or a
7 fighter?

8 A. He was not a fighter. That man was a palm wine tapper.

9 Q. And what happened to that man?

11:19:55 10 A. He too was beaten.

11 Q. Why was he beaten?

12 A. Well, I did not know. They brought him. I did not know
13 why they beat him up.

14 Q. Who beat him?

11:20:19 15 A. Well, Alhaji, those people whom he had, the rebels who were
16 with him, they were the ones who beat him. He himself did not
17 beat him up. He told them to beat him up.

18 Q. Where was he beaten up?

19 A. They were beating him on his back. In fact they did not
11:20:39 20 take long in beating him up when he told them to stop beating
21 him.

22 Q. So what then happened?

23 A. Then he told us that they should take us to his boss so
24 that they can go and kill us.

11:21:03 25 Q. Who said that?

26 A. Staff Alhaji himself.

27 Q. Who did he say that to?

28 A. His boys who beat us up.

29 Q. So what happened as a result of this order?

1 A. Well, they untied us and they took us to their boss.

2 Q. Do you know who their boss was?

3 A. No, because I did not ask about that.

4 Q. Where was their boss?

11:21:49 5 A. Where he was in Tombodu, there was a barri there with a
6 cell. That was where we went to their boss.

7 Q. And did you meet their boss?

8 A. We met him.

9 Q. Do you remember what he looked like?

11:22:18 10 A. We met him, but he was sitting down.

11 Q. Are you able to describe him?

12 A. Well, that person whom we met there whom they said was a
13 boss was dark in complexion.

14 THE INTERPRETER: Your Honours, can he kindly repeat the
11:22:39 15 description.

16 JUDGE LUSSICK: Mr Witness, the interpreter did not record
17 the description you gave of this person who was dark in
18 complexion. Can you carry on from there, please.

19 THE WITNESS: He was sitting down and he had on a uniform.
11:23:06 20 There was a table there and he was bowing when we went so they
21 had to tap him on his shoulder.

22 MS HOWARTH:

23 Q. You referred to a cell. Was that where you were taken to?

24 A. No. When we met their boss then this man told him that,
11:23:36 25 "We've brought these people for them to be killed". Then he just
26 said, "Go and put them in the cell".

27 Q. What, if anything, did the boss say about this killing?

28 A. What he told them was that, "Tomorrow we'll kill them".

29 Q. Tomorrow they would kill who?

1 A. Us. They would kill us.

2 Q. So he said, "Go and put them in the cell". What happened
3 to you after that?

11:24:22

4 A. Well, we were put in the cell. We met other people in that
5 cell.

6 Q. Okay, just before we get to that, you said, "They would
7 kill us". Who is "us"?

11:24:45

8 A. We were civilians. When they took us there and he told
9 them that they should kill them, he said, "No, tomorrow we will
10 kill them". I was together - I was with my brother then.

11 Q. So when you got to the cell, who was in the cell?

12 A. Other civilians were there.

13 Q. How many were there?

14 A. We met seven people there.

11:25:14

15 Q. How big was that cell?

16 A. Well, our own room where we were put was a little bigger.

17 Q. What time of day was it when you were put in that cell?

18 A. Well, it was almost in the afternoon, but it was going
19 close to the evening.

11:25:48

20 Q. What happened while you were in that cell?

21 A. Well, we were in the cell going to the evening. We heard
22 people pleading in the veranda that, "Don't kill us, don't kill
23 us", and they were being beaten as that was going on. They
24 continued screaming and pleading until finally that subsided.

11:26:16

25 Q. Do you know why it subsided?

26 A. Well, we did not know because we were in the cell. They
27 had not brought us out and we were not sitting outside. We did
28 not know what happened outside.

29 Q. For how long did you remain in the cell?

1 A. Well, we look long there. We were there up to the evening.
2 Up to dusk we were still in that cell.

3 Q. And when did you come out of that cell?

4 A. Well, in the evening they took us out, six of us.

11:27:03 5 Q. When you were taken out, what did you see?

6 A. When they brought us out of this cell, well, I just thought
7 that they were taking us to be killed.

8 Q. Why did you think that?

9 A. Because they had told us about death.

11:27:29 10 Q. And when you came out of that cell, what did you see?

11 A. We saw three corpses lying down.

12 MS HOWARTH: Your Honour, I have got my eye on the time. I
13 don't know if this is a convenient point to break.

14 JUDGE LUSSICK: I take it you are going to be some time on
11:27:55 15 this point.

16 MS HOWARTH: Yes.

17 JUDGE LUSSICK: All right. We will take a break now.

18 Mr Witness, we will have a break for half an hour and we will
19 resume at 12 o'clock. Madam Court Manager.

11:28:14 20 [Break taken at 11.30 a.m.]

21 [Upon resuming at 12.00 p.m.]

22 JUDGE LUSSICK: Yes, Ms Howarth.

23 MS HOWARTH:

24 Q. Mr Witness, before the break you said that when you came
12:00:05 25 out of the cell you saw three corpses lying down. Can you
26 describe the condition of those corpses?

27 A. Yes.

28 Q. Please do.

29 A. Well, those three corpses that we saw lying down there they

1 had ropes tied around their waist with a rock and they were
2 bleeding.

3 Q. From where were they bleeding?

4 A. Some were bleeding in their noses, their mouths --

12:01:02 5 THE INTERPRETER: Your Honours, can he kindly repeat the
6 last bit. He said something that is not clear to the
7 interpreter.

8 JUDGE LUSSICK: Mr Witness, the interpreter did not hear
9 the last part of your answer. You said, "Some were bleeding ..."

12:01:22 10 THE WITNESS: They were covered with blood. They had blood
11 all over their bodies.

12 JUDGE SEBUTINDE: Ms Howarth, I don't understand when the
13 witness said, "They had ropes tied around ..." - Mr Witness, I am
14 not talking to you

12:01:44 15 THE WITNESS: They had a rope tied around their waist.

16 JUDGE SEBUTINDE: Mr Witness, would you let me finish --

17 THE WITNESS: Okay, I said --

18 JUDGE SEBUTINDE: Mr Witness, could you let me finish my
19 question to the lawyer please. Ms Howarth, the witness said,

12:01:59 20 "They had ropes tied around their waist with a rock". I don't
21 understand the bit about the rock.

22 MS HOWARTH: Yes, I will ask him to clarify that.

23 Q. Can you tell us why they had ropes tied around their waist
24 with a rock?

12:02:34 25 A. The rope was tied --

26 THE INTERPRETER: Your Honour, he is still not clear in his
27 answer. Let him take it slowly.

28 JUDGE LUSSICK: Mr Witness, you are going too fast for the
29 interpreter. Could you please state your answer again.

1 JUDGE SEBUTINDE: Ms Howarth, I don't know whether the
2 witness said "with a rope", or he said "with a rock", but the
3 record has it with a rock. All I am seeking is what was the role
4 of the rock. I don't understand how you can be tied with a rock?

12:03:17 5 MS HOWARTH: Yes, I am sorry. I understand your Honour's
6 point now. I hadn't appreciated that:

7 Q. What was the purpose of the rock, Mr Witness?

8 A. Well, that rock was put on top of the people and the rope -
9 and both the person and the rock were tied with the rope.

12:03:41 10 Q. Why were they tied with a rope and a rock?

11 A. Well, at the time that I came out when I saw this thing
12 tied around their waist --

13 Q. Mr Witness, why were they --

14 JUDGE SEBUTINDE: Ms Howarth, I don't think the witness can
12:04:13 15 even answer that. He wasn't there. But all we needed to
16 understand is what he observed in relation to the rock. That's
17 the part, but I think now it's clearer.

18 MS HOWARTH: Yes:

19 Q. What did you observe in relation to the rope and the rock?

12:04:36 20 A. Well this rock which was tied with the rope around their
21 waist, they said they would take these people and dump them in
22 the river. I observed that it was like the rock would add weight
23 to the people when thrown into the river.

24 Q. So when you first saw the corpses, where was the rock in
12:05:07 25 relation to the people?

26 A. Well, they knew the reason why they tied it. You know, you
27 are just asking me.

28 THE INTERPRETER: Your Honours, can he again take this
29 slowly.

1 JUDGE LUSSICK: Once more, Mr Witness, the interpreter did
2 not register the answer you gave. Can you please repeat what you
3 said.

4 THE WITNESS: I said the rock which was tied at the back of
12:06:02 5 these people with this rope they knew why they did this, but the
6 people were lying there when we met them. They said they would
7 throw them into the river.

8 MS HOWARTH:

9 Q. Okay, slow down a bit, Mr Witness. When you said the rock
12:06:20 10 was tied at the back of these people, are you referring to the
11 backs of their bodies?

12 A. The rock - they put them on their back and they took a rope
13 and tied it around that rock and their waist. That was what they
14 tied around them. The rock was a little weighty.

12:06:52 15 Q. Mr Witness, these corpses, can you say what gender they
16 were?

17 A. They were men.

18 JUDGE SEBUTINDE: And, Ms Howarth, the witness said on more
19 than one occasion, "They said they would throw them into the
12:07:15 20 river". Could we establish who those were? Who said they would
21 throw them into the river?

22 MS HOWARTH:

23 Q. Mr Witness, who said they would throw them in the river?

24 A. Those who took us out of the cell and took us there, they
12:07:32 25 said we should take them and throw them into the river.

26 Q. And who were those people who took you out of the cell?

27 A. Well, they were the RUF and the AFRC.

28 Q. Apart from the blood, were you able to tell what wounds
29 these corpses had?

1 A. Well their bodies was like they have been beaten with
2 something, a stick and a metal, but their bodies were like they
3 were bruised and their heads too. It was like they had been hit
4 and their bodies were cut.

12:08:34 5 Q. Do you remember what, if any, clothing they were wearing?

6 A. Well, two of them they have clothes on. There was one who
7 had a clothes, but they were wearing civilian clothes.

8 Q. So --

9 THE INTERPRETER: Your Honours, the --

12:09:13 10 JUDGE LUSSICK: I am not sure I understand that answer,
11 Ms Howarth, "... two of them they have clothes on. There was one
12 who had a clothes, but they were wearing civilian clothes".

13 MS HOWARTH: Yes, I will try to clarify that:

14 Q. How many of them were wearing clothes?

12:09:28 15 A. There was one who had a shirt on. The other two did not
16 have shirts on.

17 Q. What clothing, if any, did the other two wear?

18 A. I said there was one who had a shirt on. The other two did
19 not have.

12:09:55 20 Q. What about shorts or trousers? Were there shorts or
21 trousers or not?

22 A. The other two had - the other two had trousers and even the
23 one who had the shirt had trousers as well.

24 Q. And are you able to say whether the shirt and the trousers
12:10:23 25 - were they civilian or were they combat?

26 A. Civilian clothes.

27 JUDGE SEBUTINDE: Ms Howarth, just to be sure, we are
28 talking about the corpses here?

29 MS HOWARTH: Yes.

1 JUDGE SEBUTINDE: Okay.

2 MS HOWARTH:

3 Q. Now, you said the RUF and AFRC said they would throw them
4 into the river. What happened after they said that?

12:11:02 5 A. Well, we took them and threw them into the river and they
6 sank.

7 Q. When you say a river, what are you referring to?

8 A. Well, it was an old mining pit. It was a round pit, but it
9 had been mined. But the water that was there, the quantity was
10 very large and the pit was very big. That was where we dumped
11 them.

12 Q. That pit, do you know if it had a name?

13 A. Well, when we went there at the time I did not know the
14 name of the pit. I saw that pit, it was an old one, it had been
15 there.

16 Q. Do you know if that pit had a name?

17 A. The condition in which I saw it, it was an old mining pit.
18 That was what I knew about it.

19 Q. Mr Witness, make sure you are listening carefully to the
12:12:20 20 question. I'm asking about the name of the pit. Do you know if
21 it had a name, what it was called?

22 A. Initially, I did not know another name for it. It was
23 later when we returned.

24 Q. And later, when you returned, what did you discover?

12:12:50 25 A. After we had thrown these people into this pit they put us
26 back into the cell.

27 Q. Mr Witness, at any point did you learn what the name of
28 that pit was or not?

29 A. Except the time that we were brought out of the cell, it

1 was the time that I heard in the bush that the pit was called
2 Savage Pit, but when we threw these people into the - these
3 corpses into the pit we returned to our cell.

12:13:36

4 Q. Mr Witness, you said, "We threw these corpses into the
5 pit." Who threw them into the pit?

6 A. I was one of them because I was captured. You know, we
7 used to carry them, two persons to one corpse. Two persons to
8 one corpse.

12:13:59

9 Q. So how many people in total were carrying the three
10 corpses?

11 A. Six of us; two persons to one corpse. You would hold the
12 corpse, one to the arms and another to the legs, and you would
13 throw that corpse into the pit.

14 Q. The other five people, who were they?

12:14:30

15 A. I don't understand.

16 Q. The five people who helped throw the corpses into the pit,
17 who were they?

18 A. I did not say five people. Six of us were taken out of the
19 cell and taken there. We were the civilians who were in that
20 cell.

12:15:06

21 Q. When you and the others threw the corpses into the pit,
22 what happened to those corpses?

23 A. Well, nothing happened to us. They did not beat us up.
24 They took us back into the cell.

12:15:27

25 Q. What about the corpses?

26 A. They sank. Each time we threw one into the pit it would
27 immediately sink.

28 Q. Why would it sink?

29 A. Well, probably the rock that was tied around them, that

1 rock was heavy, that was why they sank.

2 Q. Why was it that you and the others threw the corpses into
3 the pit?

12:16:14

4 A. Well, at that time we were under gunpoint. They told us to
5 though them into that pit.

6 Q. Who was it who told you that?

7 A. Those who took us out of the cell.

8 Q. When you say "we were under gunpoint", what do you mean?

12:16:40

9 A. Well, when they took us out they told us to take the
10 corpses. In fact when that was being done the gun was being
11 pointed at you, at your back.

12 Q. Mr Witness, whilst this was happening what was going
13 through your mind?

12:17:02

14 A. Well, at that time we were just there, we were only
15 thinking about death. That was the only thing we were thinking
16 about. Whatever we did, because I was now with them, I had given
17 up that I was going to die.

18 Q. What happened after you had thrown the corpses in the pit?

12:17:29

19 A. Well, when we threw the corpses into the pit, they took us
20 again and returned us to the cell.

21 Q. What happened after that?

22 A. Well, we were there in the cell and we were just praying to
23 God for them to have mercy on us. That was all we were doing.
24 We were worried. There was a Muslim man among us and those of us
25 who were Christians were similarly praying to God.

12:17:57

26 MS HOWARTH: Can you just give me one moment, please:

27 Q. So what happened after your prayers?

28 A. Well, we prayed until late. All of a sudden, when we
29 touched the door, it was open. Before when we were in there it

1 was locked from the outside.

2 Q. How did it come to be open?

3 A. Well, I can't tell. I did not know whether they opened it
4 or whether it was the grace of God or a miracle from God. We did
12:18:51 5 not know.

6 Q. When was that door opened? What time of day?

7 A. It was at night.

8 Q. Just so we're all clear, in what town or place is this
9 taking place?

12:19:11 10 A. In Tombodu.

11 Q. So what happened after the door to the cell opened?

12 A. Well, when the cell opened those of us who were in there
13 came outside.

14 Q. What did you observe when you came outside?

12:19:39 15 A. When we came outside, looked around, I did not see anybody.
16 We just saw fire to the houses that were in that area.

17 Q. What was this fire like?

18 A. The fire was set and it was burning seriously.

19 Q. Are you able to say how many houses you saw burning?

12:20:13 20 A. I did not go there. When I saw the fire on the houses, we
21 too found a way to escape, to get away from the cell into the
22 bush.

23 Q. Mr Witness, remember to listen carefully to the question.

24 Are you able to say how many houses you saw burning?

12:20:38 25 A. The houses were many. The houses where there was fire, the
26 houses were many. When you look around you see fire this way,
27 that way. All we thought of doing at that time was to escape
28 from that place.

29 Q. Do you know who caused this fire?

1 A. Well, those who went to this town, the RUF, they set this
2 fire because they were staying in the town.

3 Q. So you said, "All we thought of doing at that time was to
4 escape from that place". Did you escape from that place?

12:21:39 5 A. Yes. I did not stand to wait. We went.

6 Q. Where did you go?

7 A. Well, I went towards the direction where I had left my
8 family. We just went during that night.

9 Q. Can you remind us where it was that you had left your
10 family?

11 A. Yes.

12 Q. Where was it?

13 A. Where I had left them in the bush, that was Baiama.

14 MS HOWARTH: Your Honours, I am not sure if this has been
12:22:29 15 spelt before but the spelling I have is B-A-I-A-M-A:

16 Q. Mr Witness, can you tell us what district Baiama is in?

17 A. Yes, it's in Kono, in Tombodu, in the Kamara Chiefdom.

18 JUDGE SEBUTINDE: Just to be sure, all this incident that
19 the witness has described, including the cell, this is in Koidu
12:23:02 20 Town, is this the town?

21 MS HOWARTH: No, I believe I asked the witness to clarify
22 that and he said Tombodu:

23 Q. Mr Witness, just so we are clear, the incident with the
24 cell and the pit, which town did that take place in?

12:23:21 25 A. In Tombodu Town at the Lorry park. That was where the pit
26 was.

27 Q. So, Mr Witness, you've referred to Baiama. Did you reach
28 Baiama and your family?

29 A. That I'm talking about - are you listening to me? I said

1 at the time that we were going now to --

2 THE INTERPRETER: Your Honours, can the witness kindly
3 repeat slowly.

4 JUDGE LUSSICK: Just a minute, Mr Witness. Once more the
12:24:05 5 interpreter has failed to register your answer. You were asked,
6 "Did you reach Baiama and your family?" Could you please repeat
7 your answer to that question.

8 THE WITNESS: Okay. Before I came out of the cell before
9 going out of the cell - I actually reached Baima, but before I
12:24:34 10 got there there was a problem.

11 MS HOWARTH:

12 Q. What was the problem?

13 A. Well, before I got to Baima it was attacked. These people
14 went there again.

12:24:53 15 Q. By whom was Baiama attacked?

16 A. It's not Baiama, it's Baima.

17 Q. Who attacked Baima?

18 A. It was the RUF and the AFRC.

19 Q. So did you reach Baima?

12:25:24 20 A. Yes, after they had done what they went there to do I got
21 there.

22 Q. What do you mean "after they had done what they went there
23 to do"?

24 A. Shooting was coming from that end and, when it subsided, I
12:25:45 25 went into the town after they had returned.

26 Q. When you say you went into the town, where are you
27 referring to?

28 A. Baima.

29 Q. That shooting, who was doing the shooting?

1 A. Well, it was the RUF and the AFRC.

2 Q. When you got to Baima, did you reach your family?

3 A. Yes, I met them there. They had come from the bush as
4 well.

12:26:36 5 Q. When you got to Baima, what did you observe?

6 A. Well, when I went there I saw two corpses there and one
7 person whose arm has been chopped.

8 Q. Okay. First of all those two corpses, do you know whose
9 corpses they were?

12:27:08 10 A. Well, one was a woman and the other a man.

11 Q. What clothing did they have on, if any?

12 A. Civilian clothes.

13 Q. You said "One was a woman and the other a man", but were
14 they known to you before or not?

12:27:39 15 A. No.

16 Q. What observations did you make about those corpses?

17 A. Well, one of them he had been shot and the other had his
18 neck cut.

19 Q. Which one had been shot? Was it the man, or the woman?

12:28:07 20 A. The woman.

21 Q. And whereabouts in Baima were these corpses?

22 A. In the town, a small village.

23 Q. You also said that when you got to Baima you saw one person
24 whose arm had been chopped. Do you know who that person was?

12:28:50 25 A. Yes, I used to know that person. We were all together in
26 Tombodu at one time.

27 Q. Who was that person?

28 A. Komba.

29 Q. When were you together with him in Tombodu?

1 A. Well at the time that nothing had happened we were there in
2 Tombodu together, and in the market we were together and there
3 were - these streets had names. We were in China.

4 Q. This Komba, do you know his full name?

12:29:33 5 A. His name was Samuel Komba.

6 Q. And what had happened to Samuel Komba?

7 A. At the time that I entered that town and met those people I
8 met his arm chopped off and he said the people had chopped off
9 his arm, but he was not in Baima. He was in another village.

12:30:09 10 Q. Okay. First of all, what people had chopped off his arm?

11 A. They said those who attacked the village, the RUF. They
12 were the same people who killed those people.

13 Q. Did he say where his arm had been chopped off? In what
14 place?

12:30:40 15 A. In the town. That was what he said.

16 Q. In what town?

17 A. He said Baima.

18 Q. Did he say when this had happened?

19 A. Well, I met him there and he said it was on that day that I
12:31:03 20 met him.

21 JUDGE LUSSICK: Ms Howarth, I am having a little trouble
22 following this account. The witness said just a few moments ago
23 these words, "At the time that I entered that town and met these
24 people I met his arm chopped off and he said the people had
12:31:27 25 chopped off his arm, but he was not in Baima. He was in another
26 village", and now he has just said, "It happened in Baima". Did
27 the witness mean he met this man in another village, but the man
28 had his arm chopped off in Baima?

29 MS HOWARTH: Yes, I was going to clarify that with him.

1 JUDGE LUSSICK: If he did mean that, then he has gone back
2 on what he said earlier.

3 MS HOWARTH: Yes, I am not sure. That was something I was
4 going to clarify:

12:31:58 5 Q. Mr Witness, when you said you met this man in another
6 village, what are you referring to?

7 JUDGE LUSSICK: No, he didn't say that, did he?

8 THE WITNESS: I said - I want you to understand. I said
9 they chopped off his arm at Baima, but Komba - we were there, but
12:32:13 10 he was not staying in Baima Town. That was not where he stayed.
11 He was not in that village in Baima where they chopped off his
12 arm. They met him there. That was where they chopped him. He
13 was not staying in Baima. He was living in another village. He
14 only came to Baima. I don't know if you have understood.

12:32:35 15 MS HOWARTH:

16 Q. Where was it that he was living? In which village?

17 A. That village, he used - it's a place that you come from our
18 own place to go to his.

19 Q. Do you know the name of it, or not?

12:32:50 20 A. Well, I have forgotten its name.

21 Q. Okay, but it was in Baima that you met him?

22 A. Yes, I met him there after this thing had happened to him.

23 Q. And please tell us again in which village or place was it
24 that he said he had his arm chopped?

12:33:14 25 A. Baima.

26 Q. Can you tell us this Samuel Komba was he a civilian man, or
27 a fighter?

28 A. He was a civilian.

29 JUDGE SEBUTINDE: The witness - I don't know, Ms Howarth.

1 You have got to clarify this evidence. The witness said - and I
2 am looking at my page 62, line 11. He says that this man Komba:
3 "... was not staying in Baima Town. That is not where he
4 stayed. He was not in the village, in that village in Baima,
12:34:05 5 where they chopped off his arm. They met him there. He was not
6 staying in Baima. He was in another village. He did not come to
7 Baima. I don't know if you understood".

8 So if he did not come to Baima, where did they chop his
9 hand off from.

12:34:28 10 MS HOWARTH:

11 Q. Mr Witness, where did they chop his hand off from?

12 A. I did not say he did not come to Baima. He came to Baima
13 and that was where they chopped off his arm. He was not staying
14 there, just like you would stay with some people. He came there
12:34:46 15 and that was where they chopped off his arm, and when they
16 chopped off his arm he returned to where he had come from. I
17 don't know if you still understand. He came to Baima. That was
18 where they did this thing to him.

19 JUDGE SEBUTINDE: Perhaps we were having a little trouble
12:35:04 20 with interpretation, but I think it is clear now that he was
21 visiting Baima.

22 MS HOWARTH: I am grateful for that indication, your
23 Honour.

24 THE WITNESS: Okay.

12:35:13 25 MS HOWARTH:

26 Q. So when you saw Samuel Komba, what did this chopped arm
27 look like?

28 A. When they chopped it, it did not - it was not severed. I
29 was the one who took a piece of cloth and wrapped it round it.

1 Then I went.

2 Q. Which arm was it that had been chopped?

3 A. It's quite a long time now. I think it was his left hand,
4 because when it was hacked it was not severed. It was hanging.

12:36:03 5 Up to now he cannot work with it.

6 Q. What did you think when you saw your acquaintance with this
7 severed hanging hand?

8 A. It was scary. I thought too that if they met me there they
9 would do the same thing to me. Samuel Komba, we were together in

12:36:35 10 Tombodu. That was why I felt sorry for him and tied his hand.

11 Q. Where was the cut on his arm, or hand?

12 A. The piece of cloth, I took that piece of cloth outside
13 there because his hand was hanging like this because that was how
14 it was cut and so I just put it altogether and tied it with a

12:37:11 15 piece of cloth. The other hand was not cut.

16 Q. Mr Witness, when you say "It was hanging like this" I saw
17 you were moving around, but we couldn't see because your arms are
18 under the table. Are you able to just lift your arms over the
19 table and show us where you meant?

12:37:32 20 A. Well, his hand it was chopped here. It was hanging like
21 this. At that time my own hand had not been chopped off, so I
22 tried - I raised it up like this and I wrapped it with a piece of
23 cloth.

24 Q. When you are indicating "like this", do you mean around
12:38:07 25 your wrist? Around the wrist?

26 A. No, I said here. Here. Here. Here. They did not cut it
27 here. They cut it here. If you look - even if you look at that
28 this time, you will see it. They did not cut his wrist. It was
29 here. Here.

1 JUDGE LUSSICK: Well, I saw the witness indicating the back
2 of his right hand when he was describing where this person was
3 cut.

4 MS HOWARTH:

12:38:48 5 Q. Do you know what happened in the end to Samuel Komba's
6 hand?

7 A. Well, at that time he went and I too went away with my
8 family. We did not stay there.

9 Q. Before you went away, did you make any observations about
12:39:13 10 anything else in Baima?

11 A. Well, I did not stay there. Even those corpses, whether
12 they buried them or not I did not stay to see. I went away. We
13 left them there. As that man was going away, I too went away.

14 Q. Was there anyone else there you knew in Baima?

12:39:41 15 A. Well, at that time those whom we knew - because at that
16 time people used to come. There was one man - there were three
17 people who I knew, but I did not see them at that time because I
18 did not stay long in that town.

19 Q. Where did you go next, Mr Witness?

12:40:07 20 A. Well, at that time I went into the bush.

21 Q. Why did you do that?

22 A. Well, at that time if you stayed in the town they would
23 chase you. If you went into the bush they would chase you.

24 There was no place safe. We just went there for a few while.

12:40:29 25 When they push you here, you go there. When they push you there,
26 you go the other way.

27 Q. Where did you go for a few while?

28 A. Well, when we went into this bush, there was a town they
29 called - I have forgotten the name of that village. We went and

1 I said I was finally going to Koidu, Kokuima because it was
2 beginning to be difficult in the bush.

3 Q. You said a moment ago, "If you stayed in the town they
4 would chase you. If you went into the bush they would chase
12:41:10 5 you". Who is "they"?

6 A. The RUF, the rebels, and the AFRC people.

7 Q. Can you tell us for how long, how many days you were in
8 Bai ma?

9 A. Well, when this thing happened, when I came from Guinea - I
12:41:37 10 want you to understand. When I came from Guinea we only spent
11 two weeks. When this problem met me in Tombodu I did not sleep
12 there on that day. I left finally.

13 Q. For how long were you in Bai ma?

14 A. Well, I said the time that I left Guinea, we were there for
12:42:04 15 two weeks. When this thing happened - when they killed these
16 people I did not stay there any longer.

17 Q. Where did you go after that?

18 A. I went into the bush. I did not stay long there. That was
19 when I decided I was going to Kokuima, finally.

12:42:26 20 Q. So did you get to Kokuima?

21 A. Well, there came a time when one man came and met us in the
22 bush. We were there with his children and he said the ECOMOG
23 were now in Kokuima, not Koidu. He said we should go, he would
24 show us the way.

12:43:00 25 Q. Why did you want to go where ECOMOG were?

26 A. Well, if somebody went to them you will be safe because
27 they were not doing bad things to people. As long as you hadn't
28 a gun, whether you had a gun or not --

29 THE INTERPRETER: Your Honours, can he kindly repeat this

1 answer clearly.

2 JUDGE LUSSICK: Mr Witness, what did you say after your
3 words "whether you had a gun or not"? What did you say after
4 that.

12:43:31 5 THE WITNESS: I hadn't a gun, I was a civilian. I never
6 had a gun.

7 JUDGE LUSSICK: Look, I will read your answer. This is
8 your last answer. You were asked, "Why did you want to go where
9 ECOMOG were?" You said, "Well, if somebody went to them, you
10 will be safe because they were not doing bad things to people.
11 As long as you hadn't a gun, whether you had a gun or not --" and
12 that's where you finished. That's as far as the interpreter
13 heard. Now what I am asking you is what did you say after that?

14 THE WITNESS: I said, if you went to them you will be safe.
12:44:23 15 That was why I wanted to go there.

16 MS HOWARTH:

17 Q. So when you were in the bush at this point where were your
18 family?

19 A. I was with my wife and my children.

12:44:46 20 THE INTERPRETER: Your Honours, the interpreter would like
21 to make a correction. "I was there with my wife and child". Not
22 children.

23 MS HOWARTH:

24 Q. Where were your other children?

12:45:01 25 A. Well, the other children were with my wife's mother.

26 Q. So what happened to you next in the bush?

27 A. Well, it was at that time that we got up and we said we
28 were going to Kokuima. We were many. This man that I was
29 referring to, he led us to go in the bush.

1 Q. And did you reach Kokui ma?

2 A. No. We were attacked on the way.

3 Q. Who attacked you on the way?

4 A. The RUF and the AFRC.

12:45:53 5 Q. How do you know they were RUF and AFRC?

6 A. Well, the place where we met them - we know we were going
7 in the bush. We met a village and that was where they met us and
8 introduced themselves to us again.

9 Q. What village was that?

12:46:20 10 A. Koi duwoor.

11 MS HOWARTH: I'm not sure whether that has been recorded on
12 the record or not. Perhaps I could ask somebody for a spelling
13 for that, because I don't have one to hand.

14 JUDGE LUSSICK: Mr Interpreter, would you know how to spell
12:46:45 15 that village?

16 THE INTERPRETER: Your Honours, I will only spell it
17 phonetically. It's new to me. K-O-I-D-U-W-O-O-R.

18 MS HOWARTH:

19 Q. So these RUF and AFRC, how were they dressed?

12:47:11 20 A. Some were dressed in uniforms and the others in mixed
21 clothing. Some had combat trousers and a civilian shirt. That
22 is how they were, it was mixed.

23 Q. And do you remember how many of them there were?

24 A. Those who captured us, they were many.

12:47:41 25 Q. And you said they introduced themselves to you again. What
26 did they say?

27 A. Well, they captured us and they said they were taking us
28 along to Yardu.

29 Q. So who was taken to Yardu?

1 A. Those who captured us, those who attacked us said we should
2 go to Yardu. There was this man, this man who was leading us, he
3 said they should not take us there.

4 Q. So what happened when he said this?

12:48:21 5 A. Well, when they captured us, those who had things with
6 them, because I didn't have anything - there were others who had
7 things with them and they put them together.

8 Q. What things are you talking about?

9 A. Well, some had tape recorders, flasks, pieces of clothing.
12:48:50 10 They had all of them there.

11 Q. Why did they put these things together?

12 A. These things, they put them together and they put some in
13 bags and tied some in bundles.

14 Q. Who put these things together?

12:49:13 15 A. Those who captured us, they were the ones who put them
16 together.

17 Q. Who did these things belong to?

18 A. The people with whom we were together.

19 Q. And what happened to these things?

12:49:37 20 A. Then they told us to go to Yardu. Then this man said we
21 should not go there. He said we were going to Tombodu because
22 that was where they were, that we should go there.

23 Q. So what happened to all the people?

24 A. Then this man said we should go. It was like an argument
12:50:01 25 was ensuing and they said they were going to kill us. He had a
26 paper that he showed to them. He said they were in Tombodu.

27 THE INTERPRETER: Your Honours, can the witness kindly
28 repeat slowly. He is speeding.

29 JUDGE LUSSICK: Mr Witness, you are going too fast for the

1 interpreter. I please ask you to slow down. Now once more the
2 interpreter did not get everything you said. Your last words
3 that he recorded were these: "He had a paper that he showed to
4 them. He said they were in Tombodu". What did you say after
12:50:38 5 that?

6 THE WITNESS: When this man spoke to them and they refused
7 he showed them this piece of paper. Then they knew immediately
8 that this man was in Tombodu together with their colleagues.

9 MS HOWARTH:

12:50:56 10 Q. Mr Witness, I am going to stop you there because you are
11 giving us quite a bit of information. Who was the man with the
12 piece of paper?

13 A. This man, he was staying in Maima. He took out this piece
14 of paper to show that he was with these people in Tombodu.

12:51:16 15 Q. Okay. This man, was he one of the people with you or was
16 he an RUF or AFRC?

17 A. Well, he went into that bush, because we were there
18 together with his children. He said that he knew the route for
19 us to go to Kokuima. He said he was there together with these
12:51:43 20 people. He said that just so that these people would release us.

21 Q. What did the RUF and AFRC say to him when he showed them
22 the piece of paper?

23 A. Well, they told that man he should take the rest of these
24 people. He took seven of us. They said we should go with them.

12:52:18 25 Q. So the seven of you who should go with them, where did you
26 go?

27 A. Well, the seven of us, they took us to Yardu. We took
28 those things.

29 Q. What about the rest of these people; where did they go?

1 A. Well, that man took them and he said they should go. He
2 took them. He said they were going.

3 Q. You said that the things that belonged to these people, the
4 RUF and the AFRC took. Why was it that these things were given
12:53:12 5 to the RUF and the AFRC?

6 A. Well, when we met them, they were the ones who took the
7 things from the people. They asked people to submit whatever
8 they had on them.

9 Q. But why did they submit these things?

12:53:38 10 A. Because at the time they had guns. Everybody thought that
11 when they met you, in fact they would take properties from you
12 and if you didn't produce them they will kill you. So, rather
13 than die for the sake of property, you will give it to them.

14 Q. I'm referring to my page 72, lines 3 and 4. You say, "The
12:54:08 15 seven of us, they took us to Yardu, we took those things". What
16 do you mean "we took those things"?

17 A. We carried these things on our head. They put us in front
18 of them and we went.

19 Q. So what were you carrying?

12:54:28 20 A. Those things which they had taken from our companions, tape
21 recorders, clothes, flasks, those were the things that we carried
22 on our heads.

23 Q. And who was it who took you to Yardu?

24 A. We went to Yardu. We reached there at the junction --

12:54:58 25 Q. I am going to stop you there. The question was who took
26 you to Yardu?

27 A. The RUF and the AFRC. Those who stopped us on the way,
28 they were the ones who took us along.

29 Q. Why were you carrying those things?

1 A. Well this man when he explained this, they said we should
2 take these things along. They said they don't carry things. We
3 were the ones who should be toting their loads for them.

4 Q. Who was this man?

12:55:46 5 A. Those who captured us, I did not know their names. The
6 only name that I knew was AFRC and RUF, but I did not know their
7 names. In fact, they did not allow us to look in their faces.

8 Q. The other people who did not go to Yardu, where did they
9 go?

12:56:08 10 A. Well, this man took them along.

11 Q. Which man?

12 A. This man who was leading us. This elderly person among us.

13 Q. Who told him to take you along? Take them along, sorry?

14 A. I said it was the RUF and the AFRC soldiers. They said we
12:56:40 15 should go. We went to Yardu.

16 Q. Where were the others taken, do you know?

17 A. Well, what I knew, I met my wife in Kokuima later.

18 Q. So was your wife with the group who went to Yardu, or was
19 she with the other group?

12:57:09 20 A. She was in that other group - that man's group.

21 Q. So, did you reach Yardu?

22 A. Yes.

23 Q. What happened when you reached Yardu?

24 A. Well, before we got to Yardu there was a junction.

12:57:38 25 Q. Mr Witness, it's my fault, but before we get to that do you
26 know what month we are in now?

27 A. Maybe that month was April, but --

28 Q. Do you know what season it was, Mr Witness?

29 A. It was during the dry season.

1 Q. So I had asked you what happened when you reached Yardu and
2 you started to explain there was a junction. What happened at
3 that junction?

4 A. Well when we got to that junction, it's a crossroad. It's
12:58:35 5 a big junction to go to Koidu, to go to Kwakor and to go to
6 Tombodu and to Yardu.

7 Q. What happened there?

8 A. We met people there - dead people, corpses. You would have
9 to find a way among those people for you to go to Yardu. Six
12:59:08 10 people, they were lying down on the ground and you had to walk in
11 between them to go.

12 Q. What did these corpses look like?

13 A. Well, these people had been killed. We didn't stand to
14 see. And if you came and saw something and there was somebody at
12:59:35 15 your back telling you to go, you just look at that - just look at
16 the person briefly and go ahead.

17 JUDGE SEBUTINDE: Ms Howarth, I am sorry to interrupt
18 again, but regarding the timeframe of the rainy season, is this
19 in 1998 or 1999, because the beginning of the testimony the
12:59:56 20 witness had said at the end of 1998 or something?

21 MS HOWARTH:

22 Q. Mr Witness, do you know what year we are in now?

23 A. That same year. I did not say the rainy season. I said
24 the dry season. It's the same time. The dry season. It was not
13:00:19 25 a long time. It was that dry season. It was at that same time.

26 Q. Do you recall what events had happened that year?

27 A. Yes, what I can remember it was at that time that --

28 Q. Mr Witness, I'm not sure you finished your answer. We
29 have, "... it was at that time that --"

1 A. It was in the dry season. This thing happened in the dry
2 season, at the time that we were taken to Yardu.

3 Q. Mr Witness, earlier you mentioned the reinstatement of the
4 President. Do you remember if this was the same year as that?

13:01:22 5 A. Yes, it was at the time that he was reinstated. It was at
6 the time that he was taken back to Freetown.

7 Q. Mr Witness, you were talking about seeing corpses. Do you
8 remember how many corpses you saw?

9 A. Yes, because three were on one side and another three on
13:01:53 10 the other side.

11 Q. Do you recall what clothing they had on, if any?

12 A. Well, when I saw them lying down they were wearing civilian
13 clothes.

14 Q. Could you tell what injuries they had?

13:02:21 15 A. Well, I did not stand to look at them keenly. It was just
16 like you see people standing - people lying on the roadside and
17 take a quick look. There was no wasting of time. You were
18 carrying a load and so you just had to go and somebody was behind
19 you saying, "Let's go".

13:02:43 20 Q. Do you know if they were men, or women?

21 A. I did not look at them because I did not stand. Nobody
22 would stand at the time.

23 Q. Do you recall if they were young, or old?

24 A. I said really I did not stand to see whether they were
13:03:05 25 adult, old people. It is like you are going on your way and you
26 see something and you just take a quick look. You look at the
27 other end and you take a quick look. You were moving ahead. You
28 were not standing to see.

29 MS HOWARTH: Mr Witness, this isn't a question for you. I

1 have been passed a note with a spelling on it and it is the
2 spelling for Kwakor. It is spelt K-W-A-K-O-R and I understand it
3 has previously been spelt on the record on 30 September this
4 year:

13:03:33 5 Q. Mr Witness, so you had explained that you were heading
6 towards Yardu. Did you reach Yardu?

7 A. Yes.

8 Q. What happens when you reach Yardu?

9 A. When we got to Yardu, there was one house there. That is
13:03:54 10 where we reached and they said their boss was staying there.
11 They went in and they called him out and he came and we put the
12 loads down.

13 Q. Do you know who that boss was?

14 A. I did not know his name, but when he came out he was
13:04:16 15 dressed.

16 Q. Did you know what group he belonged to?

17 A. Well, when he came out he was - he said he was a soldier,
18 but when he came out he was wearing on - he was wearing the short
19 pants.

13:04:46 20 Q. What about his top? What was he wearing on top?

21 A. It was a uniform.

22 Q. What sort of uniform?

23 A. Military uniform.

24 Q. And what, if anything, did he say to you?

13:05:09 25 A. He said something. He asked these people who took us
26 along.

27 Q. Do you know what he asked them?

28 A. Yes, he asked where they had got these people from.

29 Q. And what happened next?

1 A. Then those people who took us said they had captured us at
2 Koiduwoor. They said they were going to Tombodu.

3 Q. What happened after that?

4 A. Then this man said we should sit on the ground.

13:06:03 5 Q. Who said that?

6 A. Their boss to whom we were taken.

7 Q. And did you sit on the ground?

8 A. Yes.

9 Q. So who was it who was sitting on the ground, as well as
13:06:23 10 yourself?

11 A. He was standing.

12 Q. Who was standing?

13 A. He was standing up. We were sitting down. Those of us
14 whom they had taken along, we were the ones who were sitting on
13:06:42 15 the ground.

16 Q. And what happened when you sat on the ground?

17 A. Then he asked us - he asked them, "Did you say these people
18 were going to Tombodu?"

19 Q. Who asked that?

13:07:00 20 A. Their boss to whom we had been taken.

21 Q. And what did they say to that?

22 A. Then they said, "Yes, there was one man among them who said
23 they were going to Staff Alhaji. They were his people".

24 Q. What happened after that?

13:07:20 25 A. Then this, their boss, said, "Okay, that's fine.
26 Staff Alhaji is in Tombodu".

27 Q. Did you remain sitting on the ground, or was there a point
28 when you got up?

29 A. We were still sitting on the ground whilst he was asking

1 these people the questions.

2 Q. And what happened after those questions?

3 A. Then he told them that, "We are going to kill them. This,
4 their boss, which is in Tombodu, Staff Alhaji, he was there to
13:08:05 5 kill people. All the people were coming from Sandor he was
6 killing them, so we too are going to kill his own people here".

7 Q. When you say "He told them that, 'We are going to kill
8 them'", who said that?

9 A. Their boss.

13:08:33 10 Q. And when he said "kill them", who is he referring to?

11 A. Well, those of us who were sitting on the ground. He was
12 referring to us.

13 Q. So what happened to you who were sitting on the ground?

14 A. Well, at that time this man said they went and gathered
13:09:22 15 rocks.

16 Q. What do you mean, "This man said they went and gathered
17 rocks"?

18 A. Their boss said they should go and gather rocks.

19 Q. What were those rocks for?

13:09:48 20 A. They brought --

21 THE INTERPRETER: Your Honours, can the witness kindly
22 repeat this one - this answer.

23 JUDGE LUSSICK: Can you just repeat that last answer,
24 please, Mr Witness.

13:10:09 25 THE WITNESS: They brought the rocks, but they were not big
26 ones. They were pebbles. They brought them and they put them on
27 the ground where we were sitting down.

28 MS HOWARTH:

29 Q. Why had they brought those pebbles?

1 A. Then he said to his people, "These people who are sitting
2 on the ground, we are going to kill them, but you have to first
3 do something".

4 Q. What was that something they had to first do?

13:10:42 5 A. When they brought these pebbles, he told them - he told one
6 of them - there were some who had cutlasses and there were others
7 who had sticks and guns. They surrounded us.

8 Q. What did they do with those pebbles?

9 A. He said, let them go and start throwing the pebbles. If
13:11:14 10 the pebble hits anybody, that person's arm would be chopped off.
11 If it does not hit you, you will be killed.

12 Q. Who said that?

13 A. Their leader.

14 Q. And when they said if it hits anybody, which people were
13:11:48 15 they referring to?

16 A. Those of us who had been brought and told to sit on the
17 ground.

18 Q. So what did they then do with those pebbles?

19 A. Well, we were sitting down on the ground. Then they were
13:12:12 20 throwing the pebbles at us and he went at our back and he had the
21 pebbles in his hand.

22 Q. What do you mean "he went at our back"?

23 A. Just like I am sitting here on this chair, then somebody
24 was at my back, standing there.

13:12:36 25 Q. How far away was this somebody?

26 A. It was a distance, but not long.

27 Q. If you are sitting in the courtroom at the moment, are you
28 able to say - guess the distance?

29 A. Yes.

1 Q. About how far would you say away?

2 A. Because the distance was like those people who are sitting
3 in front of me. The distance was like at the back of those
4 people, those people who are sitting in front of me.

13:13:26 5 MS HOWARTH: Your Honour, I believe a distance has been
6 measured before between that table and your Honours' table which
7 I believe was 279 centimetres, so I suspect that's another metre,
8 perhaps.

9 JUDGE LUSSICK: Yes, I would say probably 120 centimetres.

13:13:55 10 MS HOWARTH;

11 Q. So these people, were they standing - you said at the back,
12 so were they behind you?

13 A. The person who was throwing the pebbles was at the back
14 throwing the pebbles and the others, who had the cutlass and the
13:14:16 15 guns, were on our sides. They were surrounding us just so that
16 nobody would escape when the pebble was coming towards you. They
17 said if you got up they would shoot you.

18 Q. So how many pebbles were thrown, do you know?

19 A. There were seven stones. When they took them, they showed
13:14:43 20 them to us. If it hits you, your arm would be chopped off. If
21 it doesn't, you will be killed. They showed it to us and
22 explained to us.

23 Q. So what happened to you, Mr Witness? Was a pebble thrown
24 at you?

13:15:09 25 A. Yes, they did.

26 Q. And what happened with that pebble?

27 A. When it was thrown - they started with the person at the
28 rear and I was at the rear and when they threw it, it hit me and
29 they shouted.

1 Q. What did they shout?

2 A. Well, they shouted and they said, "Oh, you would have long
3 life, but these others, we will kill them".

4 Q. Why were the others going to be killed?

13:15:43 5 A. Well, that is what they said; that they will kill them.
6 Because this man was there killing people and we are his own
7 people.

8 Q. So what happened then?

9 A. Well, I came and they told me, they took me from among my
13:16:09 10 colleagues and they took me to a place where they had started
11 building a house but it was at the foundation stage.

12 Q. How far away was that?

13 A. Well, the distance between where I was and where my
14 companions was, the distance is just like where I am sitting here
13:16:35 15 and the table on my right hand. That was the distance between me
16 and my companions.

17 Q. And what was the first thing that happened when you were
18 taken that distance?

19 A. Well, when he took me there he said I should place my hand.
13:17:04 20 I pleaded with them. They said I should place my hand and I
21 started pleading with them. I told them not to chop off my hand.
22 They should leave me, they should stop doing that to me for the
23 sake of God.

24 Q. Mr Witness, do you remember what words you used when you
13:17:21 25 pleaded with him?

26 A. Yes, I pleaded with them. I pleaded with them not to cut
27 off my hand, to spare me in the name of God. And the one said -
28 and he said - he said, "Where is God? Where is God here?" And
29 he started looking around. "And now you are saying we should

1 I leave you for the sake of God. You show me where God is. Where
2 is God?" And he started looking around.

3 Q. What happened after that?

4 A. Then he said I should place my arm and when I placed my arm
13:18:03 5 each time they went to hit it I will pull it back because I was
6 afraid.

7 Q. And did they hit your arm?

8 A. He still had not hit me, I was still pleading.

9 Q. So what happened next?

13:18:29 10 A. Up to three times I was removing my hand and they told
11 their boss that this man is refusing for us to cut off his hand.

12 Q. So what happened?

13 A. He said, "Maybe he is afraid".

14 THE INTERPRETER: Your Honours, can he repeat his answer
13:18:50 15 slowly.

16 JUDGE LUSSICK: Mr Witness, once more you are speaking too
17 fast for the interpreter. Now, the last we have of your answer
18 is, you were saying this. "He said, 'Maybe he is afraid' ". Did
19 you say anything after that?

13:19:10 20 THE WITNESS: Yes, he said, "This man is afraid. It's
21 because maybe we have not killed these people. That is why he's
22 afraid". Then he said they should kill these other people.

23 MS HOWARTH:

24 Q. So what did they do with these other people?

13:19:29 25 A. They said, "You are lucky that we are only chopping off
26 your hand. We are going to kill these other people" and they
27 started killing them.

28 Q. Can you explain how they started killing these people?

29 A. Yes.

1 Q. Please do so.

2 A. There was --

3 THE INTERPRETER: Your Honours, again the witness is
4 speeding. Can he repeat slowly.

13:20:08 5 JUDGE LUSSICK: Look, Mr Witness, this is getting a little
6 tiresome. Would you please slow down when you answer because the
7 interpreter just can't keep up with you. Now can you repeat your
8 last answer, please.

9 THE WITNESS: Well, I said it was at the time that they
13:20:35 10 started killing these people.

11 MS HOWARTH:

12 Q. With what did they kill these people?

13 A. A stick and cutlass.

14 Q. So how did they use a stick and cutlass to kill these
13:20:56 15 people?

16 A. They would raise it and they would hit you with it. And
17 the cutlass, they would hack you with it.

18 Q. Where would they hit them with it?

19 A. Some were hit in their heads, some at the back of their
13:21:21 20 neck.

21 Q. And with the cutlass, where would they be hacked with the
22 cutlass?

23 A. Some in their heads, some at the back of their necks, some
24 on their sides, because it was not one person.

13:21:45 25 Q. How many people was it?

26 A. Well, there were many. There were women.

27 Q. Mr Witness, these people now you're referring to, who are
28 they; are they the ones with the cutlass or are they the ones who
29 had been sitting down?

1 A. Those who were sitting on the ground, they were the ones
2 who were killed. They were the ones who were being killed by the
3 cutlasses and the sticks. My companions.

4 Q. And you mentioned some women. What were the women doing?

13:22:33 5 A. They were doing the same thing to these people.

6 Q. So how did these people eventually die?

7 A. Well, they were just lying. Some were struggling to die.
8 Some were gasping for breath.

9 Q. What, if anything, did these people say when they were
13:23:08 10 being killed?

11 A. Yes. We were all pleading with them, but they did not
12 heed.

13 Q. What was going through your mind while you were watching
14 this?

13:23:27 15 A. At that time I was - I became unconscious. You know, you
16 have gone with people and they have done this to the people, it
17 was scary. It was really scary for me.

18 Q. What was the next thing that happened to you?

19 A. Then this person who was standing over me, one was having a
13:23:59 20 cutlass and one with a gun and he said --

21 THE INTERPRETER: Your Honours, he is speeding again.

22 JUDGE LUSSICK: What did you say after, "One was having a
23 cutlass and one with a gun"? What did you say after that,
24 Mr Witness?

13:24:23 25 THE WITNESS: I still pleaded with them.

26 MS HOWARTH:

27 Q. And what did they say this time?

28 A. Then he told me, "Put your hand. Now we've killed your
29 companions and you are still pleading?"

1 Q. So what happened next?

2 A. Then I put my right hand and when he wanted to hit it I
3 removed it, put it behind my back.

4 Q. So what happened after that?

13:24:55 5 A. Then he told me - then he finally told me that, "If you
6 remove your hand I will hit you with this cutlass in your head"
7 and that was the time that I put my arm and they chopped it off.

8 Q. Which arm?

9 A. My left hand. They chopped off my left hand. Initially I
13:25:21 10 was putting this one and removing it and later I put this one and
11 they cut it off.

12 JUDGE LUSSICK: Well, the witness has shown us his left
13 forearm. It looks to me as though the hand has been amputated in
14 the vicinity of the wrist. Could you hold that hand up again,
13:25:49 15 please? Your arm up again, please, Mr Witness?

16 THE WITNESS: Have you seen it? This was one, my left
17 hand. This was the one that they cut off. I was not born like
18 this. These people cut off my hand like this and they have
19 disturbed me. Even now my family is disturbed, because I was the
13:26:18 20 breadwinner. I did everything for them, but now I can't. I have
21 become a beggar, begging in the streets just so that I can feed
22 myself and my people.

23 JUDGE LUSSICK: Yes. Well, it looks to me as though the
24 left hand has been severed at the wrist. Would you agree with
13:26:38 25 that, Mr Griffiths?

26 MR GRIFFITHS: I would certainly agree with that.

27 JUDGE LUSSICK: There is no dispute there, is there,
28 Ms Howarth?

29 MS HOWARTH: No.

1 JUDGE LUSSICK: Yes, go on, Ms Howarth.

2 MS HOWARTH:

3 Q. Mr Witness, when you put your hand, do you remember whether
4 you put it so your palm was facing up, or facing down?

13:27:11 5 A. Well I placed it like this and they cut it off, but
6 initially it was not severed. It was hanging. Initially, this
7 was where they hit it. It was later that they severed it.

8 Q. Initially, how many times was your hand struck?

9 A. Initially, they cut it once. Then this man told me to go.

13:27:53 10 Q. With what did this man cut it?

11 A. Cutlass.

12 Q. When this man told you to go, what did you do then?

13 A. Well, I got up to go.

14 Q. Do you remember what words he said to you when he told you
13:28:21 15 to go?

16 A. Yes, when I was going the other said he has not cut off my
17 hand properly and they said if he did not do it properly they
18 would kill him.

19 Q. So what then happened?

13:28:39 20 A. Then he called me in turn.

21 Q. And what did he do?

22 A. Then I came and I sat down. He told me to sit down and I
23 sat down.

24 Q. Then what happened?

13:28:55 25 A. Then I sat down and it was at the time that I placed my
26 hand and he cut my hand. He hit my hand twice and it was cut
27 off. It was at the hospital that they patched it like this, you
28 see? Do you see it?

29 Q. That hand that was cut off, where did it go?

1 A. Well, When he cut off my hand finally they said I should go
2 and I went.

3 JUDGE LUSSICK: We will take the lunch break now,
4 Ms Howarth. Mr Witness, we are going to take an hour for lunch.
13:29:36 5 We will resume at 2.30.

6 [Lunch break taken at 1.30 p.m.]

7 [Upon resuming at 2.30 p.m.]

8 PRESIDING JUDGE: Good afternoon. Ms Howarth, I note
9 you're in examination-in-chief.

14:30:07 10 MS HOWARTH: Yes, that's correct.

11 PRESIDING JUDGE: Please proceed.

12 MS HOWARTH: Your Honour, just before I do so, there is a
13 change of appearance for the Prosecution. I'm joined by
14 Mr Mohamed Bangura, there's Mr Nicholas Koumjian and Maja
14:30:25 15 Dimitrova and myself Kathryn Howarth.

16 PRESIDING JUDGE: Thank you.

17 MS HOWARTH:

18 Q. Mr Witness, just before the break you had explained that
19 your hand was cut off and I asked you where did that hand go.
14:30:39 20 Can you tell us what happened to that hand that was cut off?

21 A. Well, they cut off my hand - the place where they cut off
22 my hand, that was where I left it.

23 Q. When you say "it" are you referring to your hand?

24 A. Yes, the one that was severed.

14:31:12 25 PRESIDING JUDGE: I will note for purposes of record that
26 the witness has held his left hand up.

27 MS HOWARTH:

28 Q. Mr Witness, where was the boss while the six people were
29 being killed?

1 A. Well, the place where he was sitting in the veranda, that
2 was where he was.

3 Q. How far away was he from those people while they were being
4 killed?

14:32:00 5 A. Well, the time that he came to us, he was not sitting down.
6 He was standing up in the veranda.

7 Q. How far away was he from those people as they were being
8 killed?

9 A. The distance was - because I was outside where my hand was
14:32:32 10 chopped off. All of us were outside. They just took me aside.
11 The distance between myself and my companions was like where I'm
12 sitting here and to where you are standing and the place to where
13 the house was is like the distance between myself and where these
14 people are sitting down.

14:32:53 15 Q. Where was the commander whilst your hand was being
16 amputated? I'm sorry, the boss.

17 A. Well, when they were killing those people I was not paying
18 attention to them. I was paying attention to myself and these
19 people, to speak the truth, but he was there when they were
14:33:27 20 killing those people, but at the time that I was going through my
21 own ordeal I was not paying attention to him.

22 Q. Mr Witness, after your hand had been cut off what did you
23 then do?

24 A. When they chopped off my hand and told me to go I just
14:33:56 25 went.

26 Q. Where did you go?

27 A. Well, the road that I used to come I used to go again
28 because that was the road to go to Kokui ma.

29 Q. What did you see as you walked down that road?

1 A. When I came where the checkpoint was, because these people
2 were there, there were many there, I passed through it.

3 Q. When you say "these people" who are you referring to?

14:34:48

4 A. Well, the AFRC people and the RUF. They were the ones who
5 were in that place.

6 Q. How did you know that these people were AFRC and RUF?

7 A. Well, whenever they captured me, even when I went to that
8 place they told me about themselves. They were the ones who were
9 there, the way they dressed, and that was what they told us.

14:35:14

10 Q. When you say, "When I went to that place they told me about
11 themselves", where are you referring to?

12 A. Yardu.

13 Q. And what place in Yardu are you referring to?

14:35:41

14 A. Where my hand was chopped off in Yardu and that checkpoint
15 was in Yardu.

16 Q. And what was it they said about themselves at that point in
17 Yardu?

18 A. Well, when I met their checkpoint and passed them by, what
19 they said was that that was a bad thing and two people followed
20 me.

14:36:13

21 Q. This checkpoint, what did it look like?

22 A. Just like I said a while ago, there were corpses lying down
23 there.

24 Q. What do you mean there were corpses lying down there?

14:36:40

25 A. Well, I told you that when we were - we were going to Yardu
26 there were corpses on the way and when I was returning these
27 people were there, the RUF.

28 Q. Where were the RUF?

29 A. Where the corpses were initially when we went to Yardu -

1 when we were going to Yardu where they chopped off my hand - when
2 I was returning on the same route, that was the route that we
3 used to go into that bush.

4 Q. How do you know they were RUF?

14:37:31 5 A. They were the ones who were there in that area and they
6 themselves said it. When we were leaving they were the people
7 who were in all of that area.

8 Q. Mr Witness, how were you feeling at this point?

9 A. My condition was not good. My condition was not good,
14:38:01 10 because I was - the only thing I was thinking about at the time
11 was death.

12 Q. Why were you thinking about death?

13 A. Because they'd chopped off my hand and I had never seen
14 that happen before.

14:38:20 15 Q. So what happened to you next?

16 A. Well, as I was passing them by and they started saying - it
17 was not a secret. They said, "That person going there, if he
18 goes like this it will be a bad reputation to us." They said,
19 "Let's chase him and capture him so that we can kill him."

14:38:47 20 Q. And what happened to you?

21 A. Then I ran away. I ran away.

22 Q. At what point did you stop running?

23 A. When I went running I met two people coming from - coming
24 to the end where I had come from and they gave me passage and
14:39:11 25 they turned around.

26 Q. And what happened to you after that?

27 A. Well, at that time these people were chasing me.

28 Q. And what happened after that?

29 A. Then their companions whom I met on the way, who did not

1 capture me, they had guns and they said, "You've done something
2 bad to that person. You've chopped off that person's hand and
3 now you are chasing him again? That's not good." And they came.
4 That was where they stopped, because the others did not chase me,
14:39:50 5 they all returned, and I was running away because that was a main
6 road.

7 Q. Did you manage to run away?

8 A. My hand had been cut off. I was running away. I ran.

9 Q. Where did you run to?

14:40:15 10 A. When I ran I went into a bush. I branched off to a bush,
11 into a bush. There was a mining area there. That was where I
12 fell. That was in the bush.

13 Q. What do you mean you fell?

14 A. Well, at that time, at the time that I was falling down I
14:40:34 15 was unconscious. I was just lying down there for quite a long
16 time.

17 Q. Why were you unconscious?

18 A. Well, maybe it's as a result of the bleeding, because when
19 I was there I was not aware of what was going on around me.

14:40:58 20 Q. Mr Witness, when you came to what happened then?

21 A. Well, when I came to I - when I was lying down, this was
22 how my arms were. They were stuck together because of the blood.
23 I was lying on this side, so they were stuck together. So I was
24 able to move my hand and they separated and I held onto my wrist
14:41:36 25 like this and entered into the bush, because if I hung it down
26 like this I would be bleeding profusely.

27 Q. Mr Witness, you just described holding onto your wrist but
28 again your hand was beneath the table when you were doing that.

29 So could you just show us that again but put your hands above the

1 table so we can all see, please.

2 A. When I fell, because I did not know, because I can say I
3 spent the day there. When I woke up by myself my hand was like
4 this. That was how I was lying down. It got stuck because of
14:42:17 5 the blood. So I fought hard to move it away and when I hung it
6 like this I started bleeding profusely so I held it in my other
7 hand like this as I was going. That was how it was when I was
8 going.

9 PRESIDING JUDGE: Counsel has seen the witness? I will
14:42:37 10 record that the witness first showed his amputated arm crossed
11 against his right arm and then showed him holding his arm below
12 the wrist. Proceed, Ms Howarth.

13 MS HOWARTH:

14 Q. What happened to you after you came to? What did you do
14:43:00 15 next after that?

16 A. Well, I tried to go into the bush because that place was
17 the one leading to Kokuima, grass all over, and it was a diamond
18 mining area.

19 Q. You mentioned Kokuima. Were you going in that direction or
14:43:29 20 a different way?

21 A. I was heading for Kokuima because I had known that ECOMOG
22 were now in Kokuima.

23 Q. What season are we in now?

24 A. It was during the dry season.

14:44:27 25 Q. And do you know what month the amputation occurred?

26 A. Well, except at the time that I went to Kokuima and met
27 ECOMOG, that was the time ECOMOG checked it, and they said it was
28 Thursday because on the day my hand was chopped off I did not
29 sleep there that day; I went immediately.

1 Q. And are you able to assist with the month or not?

2 A. Well, at that time the people told me that it was in April,
3 on the 18th, April, because ECOMOG were there and they looked at
4 my hand.

14:45:14 5 Q. Which people told you it was in April on the 18th?

6 A. The ECOMOG people whom I went to.

7 Q. And where were ECOMOG when they looked at your hand?

8 A. They were at Kokui ma.

9 Q. And how long did it take you to reach the ECOMOG at
14:45:45 10 Kokui ma?

11 A. The day on which my hand was chopped off, it was on that
12 day that I went there.

13 Q. And what if any treatment did you receive for your hand?

14 A. They applied some medicines, gave me some drugs and gave me
14:46:16 15 a place to sleep.

16 Q. And what happened next to you?

17 A. They even gave me food.

18 Q. And from Kokui ma where did you go next?

19 A. When they gave me a place to sleep, I think we slept, I
14:46:46 20 slept there Thursday. I was there on Friday. On Saturday they
21 put us in a vehicle and I met my colleagues there.

22 Q. When you say you met your colleagues there, who are you
23 referring to?

24 A. Well, I met people there. I call them colleagues because
14:47:10 25 they too had their arms amputated. I met them there.

26 Q. Do you remember any of their names?

27 A. Yes.

28 Q. What are those names?

29 A. Well, one was called Kai Boima. We had come from the same

1 chiefdom.

2 Q. What had happened to Kai Boima?

3 A. His arm was chopped off as well.

4 Q. Do you know who did that to him?

14:47:55 5 A. Well, he too said it was the same people, RUF and the AFRC,
6 they amputated his arm.

7 Q. Do you know where that occurred?

8 A. Well, I did not ask them where their arms had been chopped
9 off. You were going through your own pain so you couldn't have
14:48:22 10 been able to ask your companion.

11 Q. So you mentioned Kai Boima. Who were the other people with
12 you in that vehicle?

13 A. That area where I was, but in the vehicle we were many.
14 Those --

14:48:47 15 THE INTERPRETER: Your Honours, can he kindly repeat his
16 answer.

17 PRESIDING JUDGE: Mr Witness, the interpreter asks that you
18 repeat your answer. Please pick up where you said, "But in the
19 vehicle we were many." Continue from there, please.

14:49:04 20 THE WITNESS: Well, those whom I knew, the ones with whom
21 we were in the same area, Muktar Jalloh, he too had his arm
22 chopped off.

23 MS HOWARTH:

24 Q. Do you how to spell Muktar?

14:49:22 25 A. No, that was a Fullah man.

26 MS HOWARTH: Your Honour, I've got M-U-K-T-A-R.

27 Q. As well as Muktar Jalloh was there any other people known
28 to you before?

29 A. Yes.

1 Q. And who were they?

2 A. Samuel Kargbo.

3 Q. And what had happened to him?

4 A. His arm was chopped off as well.

14:49:59 5 Q. And were there any other people known to you?

6 A. Sorie Conteh.

7 Q. And what had happened to Sorie Conteh?

8 A. His arm was chopped off too.

9 Q. And were there any others known to you?

14:50:40 10 A. Sheku Bah Kuyateh.

11 Q. And what had happened - sorry. I think the spelling of
12 that is S-H-E-K-U and then B-A-H and then another word
13 K-U-Y-A-T-E-H. So Sheku Bah Kuyateh, what had happened to that
14 person?

14:51:14 15 A. His arm was chopped off as well.

16 Q. And do you know who had chopped these other people's arms
17 off?

18 A. Well, these people, they too said the same thing; that
19 these people, the AFRC and the RUF amputated their arms. They
14:51:39 20 said the same thing.

21 Q. So, Mr Witness, you were put in a vehicle. Where were you
22 taken to?

23 A. Well, they took us to Freetown.

24 Q. And where in Freetown did they take you to?

14:52:04 25 A. They took us to a hospital.

26 JUDGE SEBUTINDE: Ms Howarth, sorry to interrupt. Earlier
27 the witness said that he met all these people and he used the
28 word "there". Where exactly did he meet all these people he's
29 named, the fellow amputees?

1 MS HOWARTH:

2 Q. Mr Witness, where did you meet these fellow amputees?

3 A. I met all of them in Kokui ma. They were many but these
4 were people - it was like you were in the same house with them.

14:52:43 5 Q. When you got to the hospital in Freetown, did you receive
6 any medical treatment?

7 A. Yes.

8 Q. What treatment did you receive?

9 A. I said this, my hand - because these people in Kokui ma only
14:53:05 10 applied medicines. They stitched it and they were treating us
11 every day.

12 Q. Mr Witness, earlier you showed us a scar on your head. Can
13 you explain to us how that injury has impacted you?

14 A. I am suffering a lot because this, my head, it troubles me
14:53:48 15 every time. Even when I talk too much it aches and when that
16 happens I have to lie down, and sometimes when it's aching me it
17 causes blood to ooze from my nose.

18 Q. Mr Witness, you have also told and shown us that you have
19 had your hand amputated. How has that affected you physically?

14:54:17 20 A. Well, the trouble - the suffering - caused to me is great
21 because, you know, you fend with your hands, your arms, but now
22 that it is cut I can't do any work by my own. Even as - when I'm
23 standing and I want to, you know, put up my trousers, I can't. I
24 can't do it. Whatever I want to do I have to take my own time.

14:54:46 25 And one even to get my sustenance I had to go begging just to get
26 something to eat for me and my family. That is shameful to do.
27 So, you have to be going round people begging and your survival
28 depends on the discretion of those people. That's something I
29 don't like doing.

1 I have been rid of my di gnity. Even my younger brothers -
2 I was the eldest and he used to go to school , but because of this
3 he can't. Even my children, even to feed them that's the
4 problem. Even to feed them, you see? The thing that it has
14:55:39 5 caused to me, it's great. When I look at my arm I only shed
6 tears. I don't have money. If you - where I am if you send
7 somebody to do a piece of job for you then you have to pay that
8 person, but it's only my wife who assists me to do petty jobs for
9 me. That's the problem. That's the problem this thing has
14:55:59 10 caused me.

11 MS HOWARTH: Mr Wi tness, thank you for explaining that.
12 There's likely to be some more questions for you, so if you can
13 stay seated there please.

14 PRESIDING JUDGE: Yes, Mr Gri ffi ths?

14:56:14 15 THE WITNESS: Okay. If you've finished asking me, I would
16 have something to say. I want you to tell them that.

17 PRESIDING JUDGE: Mr Wi tness, counsel for the Defence may
18 have some questions and so please listen to his questions.

19 THE WITNESS: Okay.

14:56:38 20 MR GRI FFITHS: First of all , wel come back, Madam President.

21 PRESIDING JUDGE: Thank you, Mr Gri ffi ths.

22 CROSS-EXAMINATION BY MR GRI FFITHS:

23 Q. I don't have many questions for you, Mr Bindi , but the
24 first thing I want to ask you is this. Since Thursday 18 April
14:56:57 25 1998, when this was done to you, have you worked?

26 A. No. I did not do any other work like you would say a
27 salaried job, no.

28 Q. So you've not worked since that date?

29 A. Not one for which they pay me, no.

1 Q. But prior to that date you were a trader, weren't you?

2 A. Yes, during the normal times.

3 Q. And where had you been trading in the years prior to 1998?

14:57:56

4 A. Well, at first I was in my village and then later I went to
5 Koidu.

6 Q. So generally you were trading in that area of Kono, would
7 that be fair?

8 A. Yes.

14:58:20

9 Q. And for how many years had you been trading in the Kono
10 area?

11 A. I was doing business in Kono until that moment. I think I
12 was there for two years.

13 Q. And prior to the rebels coming to that area, what was life
14 like for you in Kono?

14:58:49

15 A. Well, things were fine because whatever you wanted to do
16 you will do. You can go out. There was no problem at the time.

17 Q. Now Kono is famous for its diamond mines, isn't it?

18 A. Yes.

19 Q. Had you ever engaged in diamond mining?

14:59:23

20 A. Well, when things were normal I used to do some mining. I
21 used to use the shovel myself, because whoever is born in Kono
22 that was something you can do somehow, to some extent.

23 Q. And tell me this. Up until April 1998 there were many
24 Maraka men involved in the diamond business in Kono, weren't
14:59:59 25 there?

26 A. Yes.

27 Q. And many of those Marakas - that is foreigners - were
28 Lebanese, weren't they?

29 A. Some were Lebanese and some Marakas.

1 Q. And did they remain in Kono in that area after the rebels
2 arrived?

3 A. Well I did not return there, but I did not hear that some
4 returned there. I was not there. Whether some returned among
15:00:50 5 them I did not know, because so many people fled. Most of them
6 fled. I did not return to Koidu until the end of the war.

7 Q. Now this was the first time, in about April 1998, that you
8 had come in contact with either AFRC or RUF soldiers, is that
9 right?

15:01:19 10 A. Yes.

11 Q. And you were told, were you not, that the commanders in
12 Tombodu were Superman, Staff Alhaji and another man called
13 Savage?

14 A. Yes.

15:01:44 15 Q. So am I right in saying that Staff Alhaji is a different
16 person altogether from Savage?

17 A. Alhaji and him, they are not the same people. Even the
18 names are not the same.

19 Q. Thank you. Now when you first encountered these armed men
15:02:25 20 in the bush the commander of that group was a man called Musa, is
21 that right?

22 A. Yes.

23 Q. M-U-S-A. And you'd known him from before, hadn't you?

24 A. Well I did not know Musa in person, but the man whom I was
15:02:51 25 staying with knew him. He in fact told me his name.

26 Q. Did you not know Musa from Maima village?

27 A. That was what that man said that that was where they were
28 staying.

29 Q. And Musa had been in the army, hadn't he?

1 A. Yes.

2 Q. And he had been based as a soldier in the Sierra Leonean
3 army at Maima along with Staff Alhaji, hadn't he?

4 A. Yes. Yes, they were together. They said he was their
15:03:35 5 boss.

6 Q. So the people who actually captured you were AFRC, not RUF.
7 That's right, isn't it?

8 A. Yes.

9 Q. Now following that initial encounter with those men - those
15:03:56 10 AFRC soldiers - you fled to Guinea, didn't you?

11 A. Yes.

12 Q. And when you thought it was safe to return you attempted -
13 you returned to Koidu, didn't you?

14 A. Yes, because they said then it was safe there. That was
15:04:21 15 why we said we were returning home.

16 Q. And that's where you encountered Staff Alhaji, that AFRC
17 soldier, for the second time?

18 A. Yes, it was at that time that we met there with Alhaji
19 where he was.

15:04:46 20 Q. Now Alhaji had a boss who was based in Tombodu, didn't he?

21 A. Yes.

22 Q. Can you help us with the boss's name?

23 A. Which boss do you mean?

24 Q. Alhaji's boss man who was based in Tombodu, what was his
15:05:16 25 name?

26 A. Well, initially - because when I'm explaining what I see is
27 what I talk about. When I went there initially I did not know so
28 many people. It was only Alhaji that I knew, because that man
29 told me that he was their boss. It was later that they told us

1 that Savage and Superman and Staff Alhaji were based there.

2 Q. So do you know who Staff Alhaji reported to? Who was his
3 superior officer?

15:06:09

4 A. Well, at the time that they took me to that man I did not
5 know him. God likes the truth. I did not know him, but they
6 said he was their boss.

7 Q. As far as you are aware, did someone order Staff Alhaji to
8 do these terrible things to you and the other people?

9 A. I don't understand.

15:06:31

10 Q. Do you know if someone told Staff Alhaji to cut off your
11 hand?

12 A. Well in relation to the cutting of my hand, it was not
13 Staff Alhaji who cut off my hand. My hand was not cut off in
14 Tombodu. It was cut off in Yardu.

15:06:59

15 Q. Do you know the name of the person who ordered that your
16 hand be cut off?

17 A. No, because --

18 Q. Do you know whether the person who ordered your hand to be
19 cut off was a member of the AFRC, or of the RUF?

15:07:31

20 A. Yes. They wouldn't give their real name, but their
21 official positions they did.

22 Q. And which organisation did they belong to, the people who
23 cut off your hand?

15:07:57

24 A. When their boss passed that command, that one that cut off
25 my hand he was wearing a civilian shirt and the trousers that he
26 was wearing was a military one; that one who cut off my hand.

27 Q. But do you know whether he was a member of the RUF, or
28 whether he was a member of the AFRC, or some other organisation?
29 Can you help us?

1 A. Well, from what they told us about their group, I knew that
2 they were RUF, they were rebels, because they were dressed in
3 that mixed dressing. For the soldiers, they dressed in their
4 uniform.

15:08:40 5 Q. How many men were with that group when your hand was cut
6 off?

7 A. I did not count them, because the area where they were,
8 they were many there. There were woman, there were men. That
9 was where they were based, in that area where we went.

15:09:02 10 Q. But at the time when it actually happened how many of them
11 were physically present?

12 A. I said I did not count these people. They were many.
13 Because when they took you they used to come. They were many
14 there. That was where they came from to go on patrols. They

15:09:26 15 were many there, because in that area they were the only ones
16 there.

17 Q. Now, you know someone called Samuel Komba, don't you?

18 A. Yes.

19 Q. In fact you travelled to The Hague here in Holland in
15:10:05 20 company with him, didn't you?

21 A. Well, they first came before us.

22 Q. But you saw him here in Holland?

23 A. Well, I heard he was here, but we are not in the same house
24 with him.

15:10:35 25 Q. Now, that is the same man who you saw in Kono shortly after
26 his hand had been cut off. That's right, isn't it?

27 A. Yes.

28 Q. And who did he tell you at that time had cut his hand off?

29 A. Well, he too told me the same thing; that the AFRC and the

1 RUF cut off his hand, because they were the people who were in
2 that area, and they went there on that day.

3 Q. But did he give you the name of the person who cut his hand
4 off?

15:11:25 5 A. Well, he did not name someone to say, "This was the person
6 who cut off my hand", because we did not discuss for a long time.

7 Q. Did you not tell us earlier today that it was Staff Alhaji
8 who did that to him?

9 A. I did not say it was Staff Alhaji who cut off my hand. I
15:11:51 10 said Staff Alhaji sent people to beat me up, but he did not cut
11 off my hand.

12 PRESIDING JUDGE: Pause, Mr Witness. Mr Griffiths, your
13 question was addressed to Samuel Kargbo. The witness has
14 answered as though it was himself.

15:12:07 15 MR GRIFFITHS: Samuel Komba.

16 PRESIDING JUDGE: Komba. Sorry, Komba.

17 MR GRIFFITHS:

18 Q. No, no, no, was it Staff Alhaji who cut off Samuel Komba's
19 hand?

15:12:21 20 A. No, Komba did not tell me that.

21 MR GRIFFITHS: Would your Honour give me a moment?

22 Q. Let me ask the question differently: Did Samuel Komba,
23 when you saw him, tell you who had cut his hand off?

24 A. Really, he did not name someone to say, "This was the
15:13:10 25 person who cut off my hand". What he told me when I asked him
26 about the cutting of his hand, he said, "These people who had
27 come here, the RUF, they were the people who've caused me this
28 injury".

29 Q. So he didn't say to you, did he, at the time, that it was

1 Savage who had cut his hand off?

2 A. No, he said he did not name someone. In fact we did not
3 discuss for a long time.

4 Q. So he certainly didn't mention that name Savage to you?

15:13:58 5 A. No, we did not discuss for long with Komba at the time.

6 Q. Now help me with this: Between the time when you first met
7 up with Staff Alhaji, then went to Guinea and came back and had
8 your hand cut off, how many weeks are we talking about had
9 expired?

15:14:48 10 A. I did not - I don't know if you understood my explanation.

11 Before they cut off my hand, when I went to Guinea my hand had
12 not been cut off. On the day that I was captured in Tombodu, and
13 they beat us up and put us in a cell, that was the time I left
14 and went to Guinea. When I left Guinea I came, and even Samuel

15:15:17 15 Komba's problem that I've talked about, it was at that time that
16 it happened.

17 Q. But how many weeks had elapsed between when you first
18 encountered the rebels and when you had your hand cut off on 18
19 April?

15:15:45 20 A. When I went to Guinea?

21 Q. That whole period, from when you first encountered them and
22 they beat you, you went to Guinea, came back and had your hand
23 cut off, how long in terms of days or weeks had passed by?

24 A. I can't tell to say these are the number of months. When I
15:16:16 25 went to Guinea and came back it was not long. It was not up to a
26 month. I did not check the time. It was not long when my hand
27 was cut off.

28 Q. Now right at the outset you explained to me that you had
29 not been receiving wages because you've been unable to work since

1 April 1998. That's right, isn't it?

2 A. I was not working for salary. Even when I was in the camp
3 at WFP - even at WFP they were giving us bulgur wheat. I was not
4 working for salary.

15:17:12 5 Q. I ask for this reason, you see: I wonder if this could be
6 put up on the screen, please. According to this document, you
7 see, Mr Bindi, in January of 2005 you were being paid money for
8 lost wages. Now, can you help us as to how it could be that a
9 man who is not working was being given money in compensation for
10 lost wages? Can you help me?

11 A. What company?

12 Q. According to this document which I've been given, the
13 Prosecution were paying you for lost wages in January 2005, and
14 my question is: How could the Prosecution be paying you for lost
15 wages when you weren't working?

15:18:21 16 A. I did not know - when they chopped off my hand, from that
17 time up to this time and they were paying me for work? No, I was
18 not receiving such money. Even when we were in the camp only
19 sympathisers, humanitarian workers went there and they were
15:18:49 20 giving us handouts as gifts. I was not working to say I was
21 receiving pay, no.

22 Q. But, you see, according to this document which I've been
23 given by the Prosecution you were paid for lost wages in
24 January, on 27 January 2005, on 4 January 2007, on 24 January
15:19:19 25 2007 and again in June - Madam Court Manager, if we could just
26 move it up a touch, please. And again in June 2007 you were
27 being paid for lost wages. And what I want you to help us with:
28 If you weren't working why are they saying they were paying you
29 for lost wages? Can you help me?

1 A. Well, it's only now that I have understood that the
2 Prosecution, this part of this court, they did not pay me with
3 money. I can say it here, the truth. Although it's quite a long
4 time now, I did not calculate the money that I was given, but
15:20:14 5 sometimes they would give me money. They say this is your
6 transport fare to come to Freetown. Sometimes 15,000. They did
7 not say that was salary for month. That was not money. Or when
8 you give somebody 10,000 for doing a job, what can that do for
9 anybody? Is that even enough for feeding? No, it's just like
15:20:41 10 your court here, they gave me that, but they did not tell me this
11 is your pay, no.

12 Q. Did they ever say to you, "Listen, Mr Bindi, we're giving
13 you this money because you've had to take time off work to come
14 here and talk to us"?

15:21:01 15 A. Yeah. At the time that they were giving me this money they
16 used to tell me that this money is transportation fare to
17 Freetown. When you're coming on the way, what you will eat on
18 the way. They did not say that is your salary. No, that was not
19 an agreement between us.

15:21:18 20 Q. So if this document - can you read, by the way, Mr Bindi?

21 A. No.

22 Q. So if this document says Mr Bindi was paid for lost wages,
23 it means, doesn't it, that whoever wrote up this document has
24 written something down which is totally wrong? That's right,
15:21:43 25 isn't it?

26 A. Well, the handing out of these monies is true, but to say
27 they were paying me per month, they did not tell me that and
28 that's not the truth that they were paying me every month, no.
29 Because I was not working. Why should they pay me? They were

1 just giving that to me, just like I explained, for transport
2 fares or like if they met me in my house they would give me
3 10,000 for food, you know, that was the kind of thing.

4 Q. Thank you, Mr Bindi. That's all I ask.

15:22:22 5 PRESIDING JUDGE: Thank you, Mr Griffiths. Any
6 re-examination, Ms Howarth?

7 MS HOWARTH: Just a few questions. If that document could
8 actually stay on the projector I would be grateful.

9 RE-EXAMINATION BY MS HOWARTH:

15:22:40 10 Q. Mr Witness, you referred to receiving money for transport
11 and for meals. There's a payment up there, on 27 January 2005,
12 with a reference to transport 15,000 leones. Do you recall being
13 given some money for transport in January 2005?

14 A. Well, they gave me money. I can remember 15,000. God
15:23:06 15 likes the truth, but they did not give me to say they were paying
16 me. I did not know - check the date, but I received that money
17 at that time.

18 Q. There's a reference to 4 January 2007 and again there's a
19 reference there to, "Transport: Funds required to facilitate the
15:23:25 20 attendance of the witness". Do you recall being given 15,000 for
21 transport?

22 MR GRIFFITHS: Well I think my learned friend if she's
23 going to quote from the document should quote the full sentence
24 and not merely the part which she would think assists her case,
15:23:39 25 because it does go on to say "as well as funding for lost wages"
26 and in fairness the whole sentence should be put to the witness
27 who cannot read.

28 MS HOWARTH: I'm most happy to do that and I'm putting this
29 particular document to the witness because it wasn't read out in

1 full completely as clearly it is marked "Transport/lost wages"
2 and the transport had been left out. I will go back to the
3 reference of 4 January 2007 which reads:

15:24:15 4 "Funds required to facilitate the attendance of witness at
5 the Special Court for the reconfirmation process as well as
6 funding for lost wages".

7 THE INTERPRETER: Your Honours, learned counsel is going
8 very fast for the interpreter to keep pace with her.

9 MS HOWARTH: I do apologise. I realise I was reading that
15:24:29 10 rather quickly.

11 THE WITNESS: Well because I did not go to school I do not
12 know exactly what is written there, but if you name the money and
13 ask me the question if it is true I will say, "Yes, it is true
14 that I received such money".

15:24:41 15 PRESIDING JUDGE: Mr Witness, counsel will put the question
16 again. You listen and reply, please. Repeat the question,
17 Ms Howarth. Please repeat the question.

18 MS HOWARTH: I was just checking to see if that was
19 actually caught on LiveNote. I think that is my learned friend's
20 concern.

21 PRESIDING JUDGE: Please repeat the question.

22 MS HOWARTH: Your Honour, that has been caught at 115, 1 to
23 3, and so the question --

24 PRESIDING JUDGE: It is not the transcription, Ms Howarth.
25 It is what the witness has heard and the interpreter had a
26 problem, so I am asking you now to repeat the question.

27 MS HOWARTH: Your Honour, yes:

28 Q. So to repeat the phrase:

29 "Funds required to facilitate the attendance of the witness

1 at the Special Court for the reconfirmation process as well as
2 funding for lost wages."

3 Mr Witness, that was on 4 January 2007 and it says you
4 received 15,000 leones. What do you remember - do you recall
15:25:41 5 receiving 15,000 leones in January 2007?

6 A. Yes, they gave me that sum.

7 Q. And what do you believe that sum was given to you for?

8 A. Well at that time they gave it to me they said it was for
9 transportation fares, because where I was there were motorbikes
15:26:07 10 there and so they told me to hire a motorbike and to buy food.

11 Q. And then finally on the second page of this document -
12 we're on page 1 of 2, but it's on page 2. Oh, I don't believe
13 page 2 has - it perhaps has not been passed up.

14 PRESIDING JUDGE: It would appear that page 2 was not put
15:26:29 15 to the witness in cross-examination.

16 MR GRIFFITHS: It wasn't put in cross-examination, but I'm
17 happy for the whole document to go in.

18 PRESIDING JUDGE: Very well, on that basis I will allow the
19 question.

15:26:48 20 MS HOWARTH:

21 Q. Mr Witness, it says there that on 1 October 2007 there was
22 a payment made to witness for transportation and meals to meet
23 with members of the OTP and that was 100,000 leones. Do you
24 remember that?

15:27:06 25 A. Yes, they gave me that one to leave Kono and come to
26 Freetown. That was my transport fares and my feeding.

27 MS HOWARTH: Your Honour, I have no further questions for
28 the witness.

29 MR GRIFFITHS: Madam President, I'm sorry, but I forgot to

1 make this application at the time, but could I ask for this
2 document to be marked for identification, please.

3 PRESIDING JUDGE: One or two pages, Mr Griffiths?

4 MR GRIFFITHS: Both pages.

15:27:41 5 PRESIDING JUDGE: That is a two page document, typewritten,
6 a record of payments to the witness. It becomes MFI-1.

7 We have no questions of the witness.

8 MR GRIFFITHS: I don't think there are any other exhibits
9 to be dealt with bar this one, Madam President, and we would ask,
10 please, that it be exhibited.

11 PRESIDING JUDGE: That is the indication from my learned
12 colleague. There is an application to tender this MFI-1
13 document, Ms Howarth?

14 MS HOWARTH: Yes, there is no objection to that.

15:28:54 15 PRESIDING JUDGE: That is a two page document headed
16 "Special Court for Sierra Leone All Disbursements for Witness"
17 and a subheading giving a reference number and "TF1-197". It
18 becomes Defence exhibit D --

19 MS IRURA: D-64, your Honour.

15:29:11 20 PRESIDING JUDGE: D-64, thank you.

21 [Exhibit D-64 admitted]

22 THE WITNESS: I want to say something to you.

23 PRESIDING JUDGE: Yes, Mr Witness.

24 THE WITNESS: Well, first and foremost I want to thank you
15:29:34 25 for bringing this Court into existence.

26 PRESIDING JUDGE: Thank you for that, Mr Witness. Is there
27 anything else?

28 THE WITNESS: Well, I thank you because this shows that we
29 will not do - commit crimes against one another any more. Can I

1 continue?

2 PRESIDING JUDGE: Yes, please do.

3 THE WITNESS: Those of us who sustained these injuries,
4 those of us who were amputated, we are please appealing to you to
15:30:21 5 sympathise with us. And, you know, it is your arms and your legs
6 that enable you to fend food, but wherever we are, please, we
7 want to ask you kindly to help us so that our children would go
8 to school, because really we are suffering. We are just beggars.
9 You have to beg first before you can eat. How long would you go
15:30:47 10 on begging to develop your family? Please, whatever power you
11 have to talk to people, to help us, those who are able to work so
12 that they can employ us and be paid to be able to feed your
13 family.

14 I am saying this because in Sierra Leone when you go to
15:31:08 15 Sierra Leone there are people there going all over the streets
16 with the same condition and we did not ask for this. We are
17 please pleading with the Court. Just like you've brought the
18 Court into existence, please we are begging you to do something
19 for us so that those of us who've come here to testify to provide
15:31:29 20 security for us, because we explained - these things that we
21 explained about people, some of them are not alive, but please we
22 are appealing to you to do something for us just so that our
23 children too could be educated. This is what I have to say to
24 you.

15:31:54 25 PRESIDING JUDGE: Thank you, Mr Witness. We have heard
26 what you said.

27 THE WITNESS: Thank God.

28 PRESIDING JUDGE: This Court, as we sit here today, does
29 not have power to give the things you have asked for. However, I

1 will now ask the Victims and Witness Support Unit to see if there
2 are any organisations to give you advice, if there are any
3 organisations that can help in your way of life, and I will ask
4 if they have advice for you. In the meantime, we will also thank
15:32:30 5 you for coming here to the Court to give your evidence. Your
6 evidence is now finished and you are free to leave the Court and
7 we wish you a safe journey back.

8 THE WITNESS: Amen. I thank you too.

9 PRESIDING JUDGE: Ms Howarth?

15:33:26 10 MS HOWARTH: Yes, your Honour, Mr Bangura has carriage of
11 the next witness. It's TF1-097.

12 PRESIDING JUDGE: Thank you.

13 MR BANGURA: Good afternoon, Madam President, your Honours
14 and counsel opposite.

15:33:41 15 PRESIDING JUDGE: Good afternoon, Mr Bangura.

16 MR BANGURA: Your Honours, as has been stated by my
17 colleague, the next witness is TF1-097. This witness will
18 testify in Krio.

19 The witness is covered by some protective measures which
15:34:06 20 were granted by Trial Chamber I in a decision dated 5 July 2004.
21 Your Honours, the Prosecution notes the ruling that has been
22 given in respect of witnesses who fall under Category 1 of that
23 decision in terms of the extent to which they are protected under
24 the measures granted there. To the extent that this witness is
15:34:48 25 considered protected under that decision, the Prosecution, having
26 recently met with the witness and having listened to the
27 witness's desire to testify openly before this Court, the
28 Prosecution applies that the measures which we believe cover him
29 be rescinded. Your Honours, specifically those measures are that

1 he testify with a pseudonym and be protected by a screen.

2 PRESIDING JUDGE: Mr Bangura, when you say "Category 1",
3 are you - do you mean it does not fall within the A, B and C
4 categories?

15:35:51 5 MR BANGURA: That is correct, your Honour. It's the
6 general Category 1, not the subcategories that are enumerated
7 under Category 1 in that decision.

8 PRESIDING JUDGE: So it's the orders that start on page 15
9 of that decision?

15:36:15 10 MR BANGURA: Yes, your Honour.

11 PRESIDING JUDGE: Yes, on which there has been a ruling by
12 this Court.

13 MR BANGURA: I do not have the decision, but I believe your
14 Honour is right.

15:36:30 15 PRESIDING JUDGE: Mr Munyard?

16 MR MUNYARD: Good afternoon, Madam President. I am going
17 to be dealing with this witness. I won't take up any more time
18 than is absolutely necessary. The Court is well aware of the
19 Defence position on witnesses who fall within Category 1, but not
15:36:44 20 in one of the annexes A, B and C. We repeat that position. We of
21 course have no objection to any Prosecution request to have a
22 witness testify in open session, but we restate that in our view
23 that witness did not have the benefit of prior protective
24 measures in any event. Unless the Court wants me to develop the
15:37:08 25 very familiar argument, that's all I need to say.

26 PRESIDING JUDGE: Thank you. We are aware of that
27 position, Mr Munyard.

28 [Trial Chamber conferred]

29 As in previous applications of this nature in relation to

1 the so-called Group 1 or Category 1 witnesses referred to in the
2 decision of 5 July 2004, the decision of this Court is that such
3 applications are redundant. We restate that decision and we note
4 that the witness will be giving his evidence in open session.

15:37:58 5 For purposes of record may I take it, Mr Bangura, that the
6 witness will also give his name?

7 MR BANGURA: Correct, your Honour.

8 PRESIDING JUDGE: Thank you. I will just check,
9 Mr Interpreter, the Krio interpreters are in position?

15:38:15 10 THE INTERPRETER: Yes, your Honour.

11 PRESIDING JUDGE: Very well. We will call the witness.

12 WITNESS: IBRAHIM WAI [Sworn]

13 PRESIDING JUDGE: Madam Court Officer, I'm not sure that
14 that's the correct wording. Please re-swear the witness and have
15:40:51 15 him repeat the correct wording. Mr Interpreter, please ensure
16 that the witness hears the oath properly.

17 EXAMINATION-IN-CHIEF BY MR BANGURA:

18 PRESIDING JUDGE: Mr Bangura, please proceed.

19 MR BANGURA: Thank you, your Honour.

15:41:55 20 Q. Good afternoon, Mr Witness.

21 A. Yes, good afternoon, sir.

22 Q. I'm going to ask you some questions this afternoon about
23 events that occurred some time ago in Sierra Leone.

24 MR MUNYARD: Madam President, I rise simply to enquire, it
15:42:17 25 may be my mistake entirely, I thought that this witness was a 92
26 bis tendered for cross-examination only. I see Justice Sebutinde
27 shaking her head. If I'm wrong then I'm quite happy to be
28 corrected. The witness has given --

29 MR BANGURA: Your Honour, the witness is testifying live.

1 It's not a 92 bis witness.

2 MR MUNYARD: Very well, I'm wrong, in which case I'll sit
3 down and shut up.

15:42:53

4 PRESIDING JUDGE: I wouldn't use such dramatic wording,
5 Mr Munyard, but it appears accepted that this is a viva voce
6 witness.

7 MR BANGURA: I wonder whether my learned friend needs to be
8 assisted about filings that were made with regard to this witness
9 indicating the mode of testimony.

15:43:09

10 MR MUNYARD: Don't worry about that. I can do that after
11 court. I don't want to delay proceedings any further.

12 PRESIDING JUDGE: Proceed, Mr Bangura.

13 MR BANGURA:

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

15:43:23

15 A. My name is Ibrahim Wai.

16 Q. Can you spell your surname for the Court, please?

17 A. W-A-I. W-A-I.

18 Q. Thank you. When were you born, Mr Wai?

19 A. 1961, 13 May.

15:43:56

20 Q. I take it that you are about 47 now. Is that correct?

21 A. Yes.

22 Q. Where were you born?

23 A. In Bo, Bo District.

24 Q. In which chiefdom in Bo District?

15:44:31

25 A. Bo Kakua.

26 Q. So what ethnic group --

27 PRESIDING JUDGE: Mr Bangura, have we had the spelling of
28 Kakua before?

29 MR BANGURA: I'm not so sure, but your Honours, it's

1 K-A-K-U-A:

2 Q. And what ethnic group do you belong to in Sierra Leone?

3 A. I am a Mende.

4 Q. What is your occupation?

15:45:11 5 A. I used to be a fisherman.

6 Q. What do you do presently to earn a living?

7 A. At present I am unable to do any other thing for myself,
8 save that I go in the streets begging.

9 Q. Do you have a family?

15:45:41 10 A. Yes, I have my wife and children. I have four children and
11 I have a wife.

12 Q. Have you had some education in your life?

13 A. I left school in 1975. I stopped at Class 6.

14 JUDGE SEBUTINDE: Mr Witness, I'm sure you understand a bit
15:46:06 15 of English, but please wait for the interpretation before you
16 answer.

17 THE WITNESS: Okay.

18 MR BANGURA:

19 Q. What languages do you speak?

15:46:21 20 A. I speak Mende and Krio.

21 Q. Do you recall December of 1998?

22 A. Yes.

23 Q. Where were you living about that time?

24 A. In Tombo peninsula, Western Area.

15:46:52 25 MR BANGURA: Your Honours, I'm not sure whether Tombo has
26 been spelt in this Court before.

27 PRESIDING JUDGE: Yes, we have heard it. Thank you.

28 MR BANGURA:

29 Q. What were you doing in Tombo at that time? You lived

1 there, what --

2 A. I was a fisherman.

3 Q. Before December of 1998 how long had you been living in
4 Tombo?

15:47:19 5 A. I was there for up to 17 years.

6 Q. Do you recall 23 December 1998?

7 A. Yes. I still remember that.

8 Q. Where were you that day?

9 A. I was in Tombo.

15:47:45 10 Q. Did anything happen on that day, that you recall?

11 A. Yes, I was there.

12 Q. What happened that you recall?

13 A. The things that happened that I recall are that on 23
14 December rebels entered there. They attacked us around 3 at

15:48:15 15 night. We were there and they started burning houses, killing,
16 and after that one of them went and attacked me in my house where
17 I was staying, and as I was trying to come outside, and even
18 before I went outside --

19 Q. Let me pause you, Mr Witness. You said rebels attacked
15:48:49 20 around --

21 PRESIDING JUDGE: Three in the morning.

22 MR BANGURA: Three in the morning, yes.

23 PRESIDING JUDGE: Rather, three at night.

24 MR BANGURA: Three at night:

15:49:03 25 Q. Where were you at 3 at night on 23 December?

26 A. I was in my house.

27 Q. And when you say rebels attacked you, who were these rebels
28 that you are referring to that attacked you?

29 A. They were the SLA/RUF soldiers.

1 Q. How did you know that the rebels had attacked Tombo that
2 night?

3 A. Because we got information in Tombo that they were at
4 Waterloo and it was from Waterloo that they entered Tombo.

15:49:48 5 Q. When you did get such information?

6 A. The time I got that information, people came and told us.

7 Q. The question is when did you get that information?

8 A. At what time? It was in December.

9 Q. Now, you have said that they attacked at 3 in the morning
15:50:19 10 and you were in your house. Describe what happened?

11 A. May God bless all of us. The truth that I'm here to say is
12 up to me, and if I lie again it will be up to me. On 23
13 December, when they attacked Tombo, they met me in my house and
14 the very man who led them to attack Tombo, he was called Mohamed.

15:50:55 15 He was a very good friend of mine and during most weekends he
16 will visit me, I will give him money. From there, they went and
17 attacked us and when they attacked us I was in my house by then
18 and they took our properties. But even before we were attacked I
19 was in my bedroom and I was sleeping, and at a point in time I
15:51:24 20 woke up and I saw that my neighbour's house was on fire and it

21 was burning. But when I took my bag and tried to move outside -
22 because at that time I was trading, I was selling petty things,
23 and I had the money bag with me. But when I - as I attempted to
24 go outside I met with Mohamed at the door and he pushed me back
15:51:58 25 into the house and I said, "Mohamed, what are you up to? What is
26 the problem?" He said he did not want to hear anything. He said
27 we should go back inside. And when we went inside he said I
28 should assemble all of my properties.

29 Q. Can I ask you to go a little slower as you explain your

1 story.

2 A. Yes.

3 Q. Continue, please.

4 A. Okay, so he and I entered into the house and he said I
15:52:28 5 should gather all of my things. He took my tape and my bag and
6 he even had the money with him - a tape recorder, my money, my
7 bag. He said I should escort them to the station and he said I
8 should go with them, he said, but if in any case I attempted to
9 take another route he will shoot at me. They were many. The
15:52:59 10 RUF, the SLA, they were many.

11 Q. Can I pause you, Mr Witness. This person who you said came
12 to your house, you said he's somebody you knew before. Is that
13 correct?

14 A. Yes.

15:53:12 15 Q. Did he come to your house alone that day?

16 A. They were two.

17 Q. Who was he with?

18 A. I did not know the other person, but he had on a combat
19 shirt and civilian trousers.

15:53:34 20 Q. This person who you said you knew, Mohamed himself, how was
21 he dressed?

22 A. He had on combat. Combat all over.

23 Q. Now, you said that Mohamed told you to pack your things -
24 gather your things and to take them along with you and follow
15:53:57 25 them. Is that correct?

26 A. Yes.

27 Q. Did you do that?

28 A. I did it.

29 Q. Did you go anywhere with them?

1 A. Yes, we stopped at the junction - at the hospital junction.

2 Q. And the hospital junction, where was this?

3 A. That is in the town, in Tombo.

4 Q. When you got to the hospital junction, did anything happen?

15:54:40 5 A. Yes. He told me that if I attempted turning back he will
6 shoot at me, so I too took another diversion and I ran into the
7 forest - into the bush.

8 Q. When you got to the hospital junction, did you notice
9 anything there?

15:55:02 10 A. Well, I saw the rebels. The RUF rebels and the SLA
11 soldiers, I saw them. They were there, but I did not know how
12 many of them.

13 Q. Were they few, or were they many, or you could not tell?

14 A. Oh, I am unable to tell you their number, but I told you
15:55:29 15 they were many. They were many, but I did not know their number.

16 Q. Thank you. You said you put the bag down and you were
17 ordered not to turn back and look and so you left. Where did you
18 go?

19 A. After that I went and hid up the hills.

15:55:50 20 Q. Which hills did you go to hide?

21 A. The hill around the forest in Tombo.

22 Q. Were you alone?

23 A. No. No, I was not alone. People were many there.

24 Q. What were they doing there themselves, the other people you
15:56:11 25 saw?

26 A. They had also escaped and they were hiding there.

27 Q. How long were you in the bush, or the hills as you said,
28 that you went to?

29 A. That night. That one night up to the morning hours.

1 Q. What happened in the morning?

2 A. We came back to town.

3 Q. When you say "We came back to town", yourself and who?

4 A. With the people.

15:56:50 5 Q. Were you able to get into the town?

6 A. Yes, I got there.

7 Q. Did anything happen when you got into the town?

8 A. Yes, something happened there.

9 Q. What happened?

15:57:08 10 A. They burnt down houses and they killed people. The others
11 were in the house when they put - the way how I managed to know
12 you mean? You mean the way I managed to know?

13 Q. Mr Witness, can you please try and listen to the
14 interpreter rather than to myself. I notice you tend to start to
15 answer before I have finished what I want to ask.

15:57:41 16 A. No, I am not listening to you. I am not listening to you.
17 I am listening to the interpreter, but that is how I speak. I
18 speak very fast.

19 PRESIDING JUDGE: Let the interpreter finish the question
15:58:01 20 before you answer, Mr Witness, please. Continue, Mr Bangura.

21 THE WITNESS: Okay, okay.

22 JUDGE SEBUTINDE: Mr Bangura, the witness said, "Others
23 were in the houses when they put ..." What does that mean? I'm
24 looking at page 130, line I think 5 or 6.

15:58:25 25 MR BANGURA: I have seen that, your Honour:

26 Q. Mr Witness, you were telling the Court about what happened
27 in town when you came back from the hill. What did you observe
28 when you got back into town?

29 A. What I observed and saw was that I saw people. The other

1 one was called Eku [phon].

2 THE INTERPRETER: Your Honours, the witness referred to a
3 name, a Pa something - Pa something's children. The name was not
4 very clear to the interpreter.

15:59:04 5 PRESIDING JUDGE: Mr Witness, the interpreter hasn't heard
6 the name that you gave clearly. You said "Pa" something, or "Pa"
7 something's "children". Please repeat that name for the
8 interpreter.

9 THE WITNESS: Pa Pratt's children. Pa Pratt's children.

15:59:24 10 MR BANGURA:

11 Q. Yes, what did you observe about Pa Pratt's children?

12 A. At the time we came from up the hills and whilst we were
13 going down, I said I was going in search of my brother. I went
14 towards Krio Town and I saw that the house had been burnt down
15 and I saw the boys lying by the side of the house. They had all
16 been burnt, the three of them.

17 Q. Did you notice anything else apart from those three --

18 A. Yes.

19 Q. -- boys that had been burnt in the house?

16:00:15 20 A. Yes, I saw some other things.

21 Q. What?

22 A. What?

23 Q. What else did you observe?

24 A. Okay. Bai Usu's child was killed, and that was Joseph who
16:00:40 25 was about 30 years of age. They went to Foday Breeze's house and
26 it was burnt down. They went to Alhaji Tuah's house and they
27 burnt it down. Alimamy Kargbo's house was burnt down.

28 Q. Just slow down a bit, Mr Witness. Just hold on. Your
29 Honours, the witness mentioned somebody's --

1 THE INTERPRETER: Your Honours, the witness should not only
2 be advised to slow down, but he should speak clearly. Some of
3 the words are coming in to the interpreter as not very clear.

16:01:22

4 THE WITNESS: I said Bai Usu's son was killed. His son was
5 killed.

6 MR BANGURA: Thank you, Mr Witness. Your Honours, this Bai
7 Usu is B-A-I U-S-U.

16:01:34

8 PRESIDING JUDGE: Mr Witness, did you hear the interpreter
9 explain that he's not hearing you speak clearly enough? He would
10 like you to speak more slowly and clearly so he hears the names
11 clearly.

16:01:53

12 Mr Bangura, I would like you to clarify when the witness
13 said - and I refer to page 131 about lines 13 and onwards - he
14 came down to search for his brother and he saw the boys lying at
15 the side of the house. Is he referring to Pa Pratt's children,
16 or the brother?

17 MR BANGURA:

16:02:11

18 Q. Mr Witness, when you said that you came from the hills and
19 whilst you were going down you were going in search of your
20 brother, you said you went and you saw - your Honours, I probably
21 may be reading from the wrong lines. Let me make sure again. We
22 have different fonts and so I have to find exactly where this is.
23 Mr Witness, you said you saw the boys lying by the side of the
24 house. They had all been burnt. I don't think that is it, your
25 Honour.

16:02:42

26 A. Yes, I saw them. That was what I said. I saw them, the
27 three of them.

28 Q. So the persons who you saw lying at the side of the house,
29 who were they?

1 A. I did not know two of them, but the elder one amongst them
2 I knew him, Eku. That was Pa Pratt's elder son. The other two
3 were twins. It was the one that was the elder one amongst them.

4 JUDGE SEBUTINDE: But they were all Pa Pratt's children,
16:03:24 5 yes?

6 THE WITNESS: Yes, they were his children. They were his
7 children.

8 MR BANGURA:

9 Q. Mr Witness, you have mentioned - how many people did you
16:03:38 10 see, or how many corpses did you see, that day?

11 A. They were six.

12 Q. And those six include all these ones that you have
13 mentioned already?

14 A. Yes.

16:04:01 15 Q. You also mentioned houses that were burnt. How many houses
16 did you observe that were burnt in Tombo that day?

17 A. Okay. The houses that they burnt in Tombo were Alimamy
18 Kargbo's house was burnt down, Alhaji Tuah, Foday Breeze, Tete's
19 house. The houses that they burnt that I observed and saw were
16:04:34 20 six in number. There were six houses that I saw burnt down.

21 MR BANGURA: Thank you. Can you pause, Mr Witness. Your
22 Honour, the witness mentioned a few names. I am just checking to
23 see which ones are not quite correctly spelt. They all seem to
24 be correctly recorded, your Honour.

16:05:00 25 PRESIDING JUDGE: Foday Breeze, that one is not clear.
26 Well there's a first name, but the second is --

27 MR BANGURA:

28 Q. Mr Witness, one of the persons whose house was burnt was
29 Foday Breeze. Are you able to spell that name - that surname -

1 Breeze?

2 A. Foday Breeze, no.

3 MR BANGURA: Okay, thank you. Your Honour, we have spelt
4 it as the word Breeze and I think that's correctly reflected.

16:05:32 5 PRESIDING JUDGE: Thank you.

6 MR BANGURA:

7 Q. After you had observed all of these things that happened in
8 Tombo that day, did you do anything yourself, Mr Witness?

9 A. We went up to Kent Junction at the peninsula, that was
16:06:00 10 where we stopped, and we escaped and came back to the town and
11 people said --

12 Q. Pause, Mr Witness. When did you leave and go as far as
13 Kent Junction? Was it after you had come and observed these
14 things that happened in the town?

16:06:22 15 A. Yes, that was the same day I'm talking about. What
16 happened was what made me to run away to Kent Junction.

17 Q. And then what happened? You said you got up to that point.
18 Did anything happen when you got to Kent Junction?

19 A. We got to Kent Junction and we returned and we went and
16:06:49 20 tried to check around, but they left behind a remark. They said
21 at 2 o'clock they will come back, so we left the people.

22 Q. Who left the remark that they would come back at 2 o'clock?

23 A. The RUF rebels and the soldiers. They were the ones who
24 said that.

16:07:10 25 Q. Did you come back to Tombo after you had gone up to Kent
26 Junction?

27 A. No, I returned to town. I used the peninsula route and I
28 came to town.

29 Q. When you say you came to town, which town are you talking

1 about?

2 A. I mean Freetown.

3 Q. How long did it take you to travel to Freetown?

4 A. I think it was about four days.

16:07:44 5 Q. When you came to Freetown, where did you go to?

6 A. I went to Kissy, Falcon Street. Kissy Crazy Yard.

7 Q. Please say again.

8 A. From Tombo I spent four days on the way and I went to Kissy

9 Chris yard. Around Falcon Street, I was there.

16:23:27 10 PRESIDING JUDGE: Mr Interpreter, is that Crazy Yard?

11 THE INTERPRETER: Your Honours, it's Crazy Yard. Kissy

12 Crazy Yard.

13 MR BANGURA: Your Honours, may the interpreter be asked

14 whether there is a name that goes normally for the word in Krio

16:23:27 15 Crazy Yard. Kissy Crazy Yard.

16 PRESIDING JUDGE: Really, that must come from the witness.

17 THE WITNESS: That is the mental home. That is the mental

18 home.

19 MR BANGURA: Thank you, Mr Witness:

16:23:27 20 Q. Who did you stay with at Falcon Street?

21 A. I was there with my siblings.

22 Q. And your sister, was she staying there with someone?

23 A. Yes, with her husband.

24 Q. Now, do you recall 6 January 1999?

16:23:27 25 A. Thank you very much, yes.

26 Q. Where were you on that day?

27 A. I was at Kissy at Crazy Yard by Falcon Street.

28 Q. Did anything happen on that day that you recall?

29 A. Yes, I recall.

1 Q. What do you recall?

2 A. On 26 December - I mean 6 December - that was January
3 1999 --

4 Q. Mr Witness, can you pause again.

16:23:28 5 A. Yes, sir.

6 Q. The question was about 6 January 1999.

7 A. Yes. Nine.

8 Q. Do you recall that date?

9 A. Yes, I still recall.

16:23:28 10 Q. Okay. Please tell us what you recall.

11 A. On 6 January 1999, that was around 3 in the morning, that
12 is at night, I was inside and I told my younger brother that I
13 want to go outside and ease myself. But when I went outside I
14 saw blazing fires around and I saw civilians coming with bundles
15 on their heads and I told my younger brother that trouble oh, is
16 coming. He said, "What is the trouble?" I said, "Come out and
17 see." And on that same day --

18 Q. Mr Witness, again I have to ask you to go slowly. Please
19 take your time. Okay, continue, please.

16:23:28 20 A. So when we saw the fire I told my brother, I said, "Oh,
21 rebels have entered." He said, "Who?" I said, "Rebels." I
22 said, "We are in trouble again." He said, "Oh, you are afraid?"
23 I said, "I'm not afraid. The reason is that I have escaped from
24 there and I have come here and the same thing has come here" and
16:23:29 25 I said, "Where can I go to now because here I don't know this
26 town, I don't even understand this town." I told him, "I don't
27 understand this town." And he said, "Okay, let's run away." And
28 from Kissy we travelled up to PWD Junction at Blackhall Road,
29 Kissy.

1 Q. Just before you continue, at what time did I leave Kissy
2 Falcon Street where you lived? At what time did you leave there
3 to go to where you were going at this time?

4 A. You mean what time? That was the same time, around the 3
16:23:30 5 o'clock that we were attacked, we left the place. We went up to
6 Ferry Junction and we met so many people there. But as we were
7 trying to go --

8 Q. Just pause. You met many people at Ferry Junction. Where
9 were these people heading?

16:23:30 10 A. They were also running away to go to the middle of the
11 town.

12 Q. Did anything happen when you got to the ferry - to this
13 point, the Ferry Junction?

14 A. Yes, we met people there, so many people there. We met
16:23:30 15 population there and together with the ECOMOG. They said we
16 should return. They said it was our brothers who are fighting
17 against them and those of us, the civilians who had got there, we
18 were trying to dismantle the checkpoint to cross over. So we too
19 tried and we managed to cross over and we went to Berry Street
16:23:31 20 around academy area.

21 Q. Just let me take you briefly. Who said that you should
22 return, it was your brothers who were fighting?

23 A. The ECOMOG.

24 Q. Now, you said you went to Berry Street at around academy
16:23:31 25 area. What is at that place where you just mentioned, around
26 academy area, Berry Street, what was there?

27 A. That is the school compound. That was where my brother was
28 working. He was a carpenter.

29 Q. So when you got to the academy compound, did you stay

1 there?

2 A. Yes, I stayed there for some days.

3 Q. How long? How many days?

4 A. Let me say for five days.

16:23:31 5 Q. After five days did you go anywhere?

6 A. Yes, I returned to Kissy.

7 Q. Did you - why did you decide to return to Kissy?

8 A. Because whilst we were there we were stranded. We were not
9 getting food, so I decided to go and meet my sister for some

16:23:31 10 food.

11 Q. Did you decide to go alone or did you go with somebody
12 else?

13 A. No, I went alone. I went alone.

14 Q. Did anything happen on your way going back to Kissy?

16:23:32 15 A. Yes. Something happened to me on the way.

16 Q. What happened?

17 A. A 30 years old RUF rebel asked me for money. He said I
18 should give him money.

19 Q. Where was this, Mr Witness?

16:23:32 20 A. At PWD, around Old Road.

21 Q. And whereabouts is PWD Old Road?

22 A. Around Ferry Junction.

23 Q. Which part of town is that?

24 A. At Blackhall Road.

16:23:32 25 Q. Was that in Kissy?

26 A. Yes, Kissy.

27 Q. What happened when you got to that point?

28 A. The thing that went wrong?

29 Q. Yes.

1 A. When I got there, the man said I should give him money. He
2 was a 30 year old rebel, an RUF man. He said I should give him
3 money. I told him I did not have money. I took out my wallet
4 and he took out my ID, he wanted to tear it up, and I told him I
16:23:33 5 did not have money. He said I should stretch my hand and he gave
6 me a dozen lashes, and after giving me a dozen lashes he asked me
7 to go, and whilst I was on my way going a 14 year old boy, having
8 a gun, he said because I refused to give them the money he said
9 he was going to shoot me, and this man whom I told that I did not
16:23:33 10 have this money, he said he should not - he should release me and
11 he told him that if he shot me he was also going to shoot him.
12 So they released me and I went.

13 Q. Mr Witness, you have described two people by their ages.
14 One you said was a 30 year old rebel and the other you said was a
16:23:34 15 14 year old. How did you know - take them at a time. How did
16 you know they were of these ages that you mentioned?

17 A. It was because of the faces that I saw. If I see someone
18 and say this person is up to 14 years, I would be looking at
19 maybe his height.

16:23:34 20 Q. So you merely judged their age by their height. Is that
21 what you're telling the Court?

22 A. Yes, yes.

23 Q. After this incident, did you continue on your journey to
24 Ki ssy?

16:23:34 25 A. Yes, I continued to go to Ki ssy.

26 Q. Did you eventually reach Ki ssy?

27 A. Yes, I arrived there.

28 Q. Did anything happen after you got back to Ki ssy? Your
29 Honours, I notice the witness's hand is up.

1 PRESIDING JUDGE: Yes, Mr Witness?

2 THE WITNESS: I want to ease myself.

3 PRESIDING JUDGE: Please assist the witness. Mr Witness,
4 are you all right? I notice you have got your head down.

16:23:34 5 Counsel, I note the time and the witness is distressed and in the
6 circumstances I think it would be best to adjourn at this time.
7 It is quite close to our normal time to adjourn. I have been
8 unable to remind the witness of his oath in the circumstances,
9 but perhaps --

16:23:35 10 MR BANGURA: It's understandable, your Honour.

11 PRESIDING JUDGE: Yes, I think we'll adjourn. Mr Munyard,
12 you wish to say something?

13 MR MUNYARD: Only this, your Honour. I completely agree
14 that the witness is very distressed and I wonder if Madam Court
16:23:35 15 Officer could inform him that he's still under oath.

16 PRESIDING JUDGE: I will [microphone not activated]. We
17 will adjourn now until tomorrow morning at 9.30. Please adjourn
18 the Court.

19 [Whereupon the hearing adjourned at 4.20 p.m.
20 to be reconvened on Friday, 17 October 2008 at
21 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

SAHR BINDI	18458
EXAMINATION-IN-CHIEF BY MS HOWARTH	18458
CROSS-EXAMINATION BY MR GRIFFITHS	18540
RE-EXAMINATION BY MS HOWARTH	18550
	18550
I BRAHIM WAI	18557
EXAMINATION-IN-CHIEF BY MR BANGURA	18557

EXHIBITS:

Exhibit D-64 admitted	18553
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