



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

FRIDAY, 17 OCTOBER 2008  
9:30 A.M.  
TRIAL

TRIAL CHAMBER II

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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 Carolyn Buff

For the Registry:

Ms Advera Kamuzora  
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis  
Mr Mohamed A Bangura  
Mr Christopher Santora  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munyard

1 Friday, 17 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:48 5 PRESIDING JUDGE: Good morning. I will take appearances  
6 and then I have two preliminary matters to deal with.  
7 Mr Bangura.

8 MR BANGURA: Good morning, Madam President. Good morning,  
9 your Honours and counsel opposite. Your Honours, for the  
09:31:05 10 Prosecution this morning appearing are Ms Brenda Hollis, myself  
11 Mohamed A Bangura, Mr Christopher Santora and Ms Maja Dimitrova.

12 MR MUNYARD: Good morning, Madam President, your Honours,  
13 counsel opposite. For the Defence this morning, Courtenay  
14 Griffiths QC and myself Terry Munyard.

09:31:32 15 PRESIDING JUDGE: Thank you, Mr Munyard. As I indicated  
16 when I came in there is two preliminary matters. Two of my  
17 learned colleagues have been invited to the swearing in of the  
18 new deputy Registrar and therefore we will change the time of our  
19 normal mid-morning break to accommodate them going to that  
09:31:52 20 swearing in. We will take the break from 10.15 until 11 o'clock.  
21 I hope this will not inconvenience Mr Taylor because I'm aware  
22 that quite often they are on a more rigid regime for the  
23 defendants.

24 MR MUNYARD: Thank you, Madam President, but it's not  
09:32:12 25 likely to cause Mr Taylor any difficulties. He has just  
26 indicated to us he is content with that.

27 PRESIDING JUDGE: I am grateful. It's a one-off, let me  
28 put it that way. The other matter I want to refer to, it has  
29 been brought to my attention that there has been some public

1 comment on my absence last week and that it was stated that none  
2 of the parties, the Prosecution and the Defence, raised any issue  
3 because of my absence, but nobody knew where I was.

09:32:48 4 I actually did make a public statement that I would be  
5 absent attending meetings and a conference, but it has been drawn  
6 to my attention by one of my learned colleagues that that  
7 unfortunately was whilst we were still in private session on 7  
8 October and so what I said and Mr Munyard's comments concerning  
9 procedural matters were not on public record. That and some  
09:33:11 10 other procedural matters which preceded my statement are recorded  
11 as being in private session and I will therefore ensure that all  
12 of those procedural matters are put on public record, rather than  
13 private, to ensure transparency. I can assure you I was not on a  
14 frolic of my own.

09:33:35 15 If there are no other matters I will remind the witness of  
16 his oath. Mr Witness, I hope you are feeling better today and  
17 that you slept well. I wish to remind you that yesterday you  
18 took the oath to tell the truth. That oath is still binding upon  
19 you and you must answer questions truthfully. Do you understand?  
09:33:56 20 Witness did you understand what I said?

21 THE WITNESS: Yes, I understand all what you said.

22 PRESIDING JUDGE: Thank you. Please proceed, Mr Bangura.

23 WITNESS: IBRAHIM WAI [On former oath]

24 EXAMINATION-IN-CHIEF BY MR BANGURA: [Continued]

09:34:22 25 Q. Good morning, Mr Witness.

26 A. Yes, good morning.

27 Q. We shall continue with your testimony this morning.

28 A. Okay.

29 Q. First of all I want to take you back briefly on a few

1 matters that you talked about yesterday.

2 A. Okay.

3 MR BANGURA: For purposes of reference, I am referring to  
4 the transcript of yesterday, page 18561, lines 12 through to 16:

09:35:19 5 Q. Mr Witness, yesterday you mentioned that one of the persons  
6 who attacked Tombo was called Mohamed and you said he was a very  
7 good friends of yours and that during most weekend he used to  
8 visit you and you would give him money. Do you recall that?

9 A. Yes.

09:35:35 10 Q. Now, when was it that Mohamed used to visit you on weekends  
11 and you would give him money?

12 A. On Fridays, Saturdays and Sundays. He used to lodge with  
13 me.

14 Q. How long before the attack on Tombo did Mohamed make those  
09:35:56 15 visits to you?

16 A. He used to visit me so many times.

17 Q. The question is how long before the attack on Tombo did he  
18 used to visit you?

19 A. Well, it took years. The time he used to visit me and  
09:36:35 20 after that it took years. I did not see him, not until that time  
21 when they attacked.

22 Q. Do you recall when was the last time you saw - he came to  
23 visit you before that attack? What year?

24 A. 1985.

09:36:58 25 MR BANGURA: Again for purposes of reference, your Honours,  
26 I am moving on to another area. I am at page 18565, lines 24 to  
27 25:

28 Q. Mr Witness, yesterday you said that after attack on Tombo  
29 you went and hid up the hills of Tombo and later you came down

1 and you observed certain things that had happened in the town.

2 Do you recall?

3 A. Yes.

09:37:47

4 Q. Amongst the corpses that you saw, you mentioned that you  
5 saw Bai Usu's child and then you said that was Joseph, who was  
6 about 30 years of age?

7 A. Yes, I saw all of them.

09:38:15

8 Q. What I want to ask you is when you say Bai Usu's child and  
9 then you said Joseph who was 30 years of age, are you talking of  
10 one and the same person or are they different persons?

11 A. They are different persons. One was Krio and the other was  
12 Temne.

13 MR BANGURA: Again, your Honours, for purposes of reference  
14 I am at page 18573, lines 5 through 7:

09:38:50

15 Q. Mr Witness, yesterday you stated that on your way to Kissy  
16 from Berry Street you were stopped by some rebels at PWD. Do you  
17 recall that?

18 A. Yes, I recall that.

09:39:21

19 Q. And they asked you for money. You were not able to give  
20 them any money. Do you recall?

21 A. Yes, I remember that.

09:39:54

22 MR MUNYARD: Madam President, the note that I had - and  
23 indeed the transcript, particularly page 18572, line 17 -  
24 suggests that the witness was stopped by a rebel, not some  
25 rebels. That accorded with my memory and I've just checked the  
26 transcript.

27 PRESIDING JUDGE: Yes, that's also my note. In fact he  
28 specified the age of the rebel, according to my notes,  
29 Mr Bangura.

1 MR BANGURA: I take the point, your Honour:

2 Q. Your evidence is that you were stopped by a rebel at around  
3 PWD. Is that correct?

09:40:26

4 A. Yes, one stopped me. There were many around the area, but  
5 it was one who stopped me.

6 Q. Now, what I want to ask you is this. You said that, "He  
7 told me I should stretch my hand and he gave me a dozen lashes.  
8 After giving me a dozen lashes, he asked me to go." Now, with  
9 what did he give you a dozen lashes?

09:40:50

10 A. With a cable.

11 Q. Can you describe this cable? When you say it's a cable,  
12 can you describe it?

13 A. An electric cable.

14 Q. Are you able to tell us the size of that cable?

09:41:14

15 A. The size is like this; like this cable.

16 PRESIDING JUDGE: For purposes of record, the witness has  
17 indicated the electric cable going to the monitor's screen before  
18 him.

09:41:36

19 MR BANGURA: I am not sure about my measurement, but I  
20 think we may be able to give an idea of what the measurement is  
21 in diameter.

22 PRESIDING JUDGE: Whilst you continue your questions,  
23 Mr Bangura, I will ask Madam Court Officer to measure the  
24 circumference, if you would do so please.

09:41:55

25 MR BANGURA: Thank you.

26 PRESIDING JUDGE: Continue with your questions.

27 MR BANGURA: Thank you:

28 Q. Mr Witness, we will now continue with your evidence from  
29 where we stopped yesterday. You told this Court that you

1 eventually --

2 MS IRURA: Your Honour, the diameter of the cable is seven  
3 centimetres.

09:42:48

4 PRESIDING JUDGE: That sounds a bit high to me. Is that  
5 the diameter, or --

6 MS IRURA: 0.7 centimetres. I am much obliged, your  
7 Honour.

8 PRESIDING JUDGE: Thank you.

9 MR BANGURA:

09:42:55

10 Q. Mr Witness, you told this Court that you eventually got  
11 back to Kissey from Berry Street. Do you recall?

12 A. Yes, I recall.

13 Q. Now when you got back to Berry Street, did anything happen  
14 there?

09:43:12

15 A. Even if something happened there, I only heard that over  
16 rumour.

17 Q. I am sorry, my question was meant to be when you got back  
18 to Kissey. I think I said when you got back to Berry Street.  
19 When you got back to Kissey, where did you go?

09:43:37

20 A. When I went back to Kissey I went back to the house, to my  
21 sisters and brothers.

22 Q. And while you were there, did anything happen again?

23 A. Yes, something happened there.

24 Q. What happened?

09:43:57

25 A. They said that the RUF and the rebels said they wanted  
26 peace, so they were burning motor tyres.

27 Q. Where were they doing this? Where were they burning motor  
28 tyres?

29 A. At Kissey. Kissey Crazy Yard.

1 Q. And whereabouts in Kissy Crazy Yard were they doing this?

2 A. Around Falcon Street.

3 Q. Can you explain exactly how they were going about burning  
4 the tyres?

09:44:41 5 A. They tasked civilians around the area and they said they  
6 wanted peace, so they were burning motor tyres around the area.  
7 So we were at home, we saw them burning the tyres and they were  
8 singing around saying that they want peace. They said they were  
9 tired of fighting.

09:45:09 10 Q. When you said "They tasked civilians around the area",  
11 exactly what do you mean?

12 A. What I mean by that is I mean they were forcing people to  
13 come outside and sing for them that they wanted peace.

14 Q. And let's be clear, Mr Witness. When you say "they", who  
09:45:33 15 are you referring to? Who was forcing these civilians to come  
16 out and sing that they wanted peace?

17 A. The rebels.

18 Q. And did the people come out?

19 A. Yes, people came out.

09:45:49 20 Q. Was anything else happening at that time, apart from  
21 forcing civilians to come out and sing for peace?

22 A. That I can't tell, because I was at home and it was at  
23 night. They were outside.

24 Q. Apart from coming out to sing for peace, was anything else  
09:46:12 25 going on around that time? Not just at night, but at the time  
26 you came back to Kissy?

27 A. Okay. After that, after they had gone through all those  
28 for a few days, we heard that the ECOMOG were coming towards  
29 Kissy. So, we were at home when we saw a boy called Abuja. He

1 told us that, "Oh, are you sitting there? ECOMOG is coming.  
2 They said they do not want to see civilians outside". So from  
3 that point by then we were seated at the veranda, so when he said  
4 that we went inside.

09:47:02 5 Q. Let me pause you, Mr Witness. Now just before you go on to  
6 talk about ECOMOG, the rebels who were telling civilians to go  
7 out and sing for peace, do you know whether they had a place - a  
8 base - somewhere in that area where you were in Kissy?

9 A. They were at Crazy Yard, in the mental home, around PWD,  
09:47:37 10 going towards Ferry Junction.

11 Q. Mr Witness, let's be clear. You have said that they were  
12 at Crazy Yard and they were at - is it the same place as PWD,  
13 going towards Ferry Junction? Are you talking of the same place?

14 A. Yes, that is the same place.

09:48:02 15 Q. So you talk about somebody who came and told you that  
16 ECOMOG were - that ECOMOG were coming?

17 A. Yes, somebody came and told us that. He was called Abuja.  
18 We were all living in that same area. So whilst we were sitting  
19 outside talking he told us, "Oh, are you sitting there? The  
09:48:33 20 ECOMOG is coming and they said they don't want to see civilians  
21 outside". So the moment we ran into the house, it did not take  
22 long, and then we saw a man coming. I pushed the window curtain  
23 and I told my brother, I said, "Oh, there is trouble coming.  
24 Trouble is approaching". I told my brother that, "Except by the  
09:48:55 25 grace of God maybe we will ..." --

26 THE INTERPRETER: Your Honours, could the witness slow  
27 down.

28 MR BANGURA:

29 Q. Mr Witness, can you slow down please. Maybe I need to take

1 you back a bit. Who was with you where you were sitting when you  
2 got this information that ECOMOG was coming?

3 A. My brother-in-law's younger brother, Koroma Brima.

4 Q. Was he the only person with you at that time?

09:49:29 5 A. No, no, no. We were four sitting there.

6 Q. Now, earlier you mentioned that you had been staying with  
7 your sister and her husband. Where were they at this time?

8 A. At that time they had run away.

9 Q. Do you know why they ran away?

09:49:54 10 A. It was because the information that they got, that the  
11 rebels were coming to the area, they ran away and so we stayed  
12 there at the house.

13 Q. Now, how long before this day that you got information  
14 about ECOMOG coming did your sister and her husband leave and run  
09:50:17 15 away?

16 A. It was the same day, because by then we were inside and I  
17 did not understand the area that much. They were outside on the  
18 veranda and the lady was cooking and even when they ran away they  
19 left the food behind. We ate the food, they didn't even eat the  
09:50:46 20 food, and I did not understand the area. We had finished it and  
21 we were sitting at the veranda. And even before I get to that

22 stage, by then I had just come from prayers, from saying prayers  
23 at the mosque, and we were sitting outside. It was about 2.00 in  
24 the afternoon and the boy came and said, "Oh, are you sitting  
09:51:09 25 there? ECOMOG is coming". He, Abuja, told us that. But Abuja -  
26 where Abuja stays and where we stay we are neighbours. They are  
27 very close to us. It was not long after that the rebels came.

28 Q. Now, Mr Witness, you said you went inside the house after  
29 the --

1 MR MUNYARD: I am sorry, can we just have clarification.  
2 When the witness says, "The lady was cooking", is he talking  
3 about his sister, or is he talking about somebody else who also  
4 ran away? It is a little ambiguous.

09:51:43 5 THE WITNESS: That is not clear?

6 MR BANGURA:

7 Q. Mr Witness, did you hear that? You talked about a lady  
8 cooking. Who was cooking?

9 A. My younger sister.

09:51:56 10 Q. Now, earlier you said that your sister had left that day  
11 when they got news that the rebels were coming and then you have  
12 said that your younger sister was cooking. Are you talking of  
13 the same person?

14 A. I'm talking about my younger sister. No other person, but  
09:52:18 15 my younger sister.

16 Q. So, did she finish the cooking before she left?

17 A. No, the rice was almost ready for eating and then they ran  
18 away and then we stayed. They did not dish the food, so we ate  
19 it.

09:52:45 20 Q. Now when you went inside the house, what happened?

21 A. It did not take long when we saw the rebel come. He was  
22 wearing a combat - a Sierra Leone military uniform - but the  
23 other did not have full combat. He had a combat shirt and  
24 civilian trousers. It did not take long when they came.

09:53:18 25 Q. Were they carrying anything?

26 A. Yes. The one that had the civilian trousers and the combat  
27 shirt, he had a gun. The one that had on the full combat he had  
28 a machete.

29 Q. Did anything happen when you saw these two?

1 A. Yes, yes, something happened to us.

2 Q. What happened?

3 A. They said if we did not open the door they would set the  
4 house on fire and they said if the ECOMOG come around we will  
09:53:57 5 come outside singing and clapping for them, "But because we have  
6 come they do not want to open the door for us. If you do not  
7 open this door we will set the house on fire".

8 So whilst they were trying to break the door and we had  
9 heard that they were going to set the house on fire I decided to  
09:54:16 10 open the door. Soon after I opened the door and before I could  
11 step outside to the veranda, the one that had the gun fired a  
12 shot. And when he fired the shot the dog jumped at him and he  
13 was fighting against the dog and whilst he was wrestling with the  
14 dog he shot the dog and the Mohamed boy pushed me into the  
09:54:45 15 parlour.

16 Q. Can I pause you, Mr Witness. You said that there were I  
17 believe four of you sitting in the veranda. Did all four of you  
18 go into the house?

19 A. Yes, the four of us entered in.

09:55:04 20 Q. At the time you opened the door, when these two rebels  
21 came, were all four of you still in the house?

22 A. At that time I had opened the window for them to jump out,  
23 so by then I was there with my younger brother. But those two  
24 small boys, I had opened the window for them, they jumped out.

09:55:34 25 Q. All right. So you said that you tried to go out and one of  
26 them fired a shot - one of the rebels fired a shot - and then  
27 what happened after that?

28 A. After that the Mohamed boy that was called Captain Blood,  
29 he pushed me inside and he told me I should give him 400,000 and

1 I told him I did not have anything and I said okay. I turned  
2 around and I said, "If you want the video or the television or  
3 whatsoever thing I will take it outside for you". He told me  
4 that is not what he wanted. He said I should give him the money.

09:56:18 5 JUDGE SEBUTINDE: Mr Witness, slow down. Don't run with  
6 your testimony. Slow down because it has to be written and it  
7 has to be interpreted. You understand that, please?

8 THE WITNESS: Yes.

9 JUDGE SEBUTINDE: Please tell your story, but tell it  
09:56:32 10 slowly so that it's written down.

11 THE WITNESS: Yes, that is how I actually speak. I  
12 normally speak very fast.

13 JUDGE SEBUTINDE: I appreciate that, but this is different.  
14 We are asking you kindly, please, to make an effort to slow down.

09:56:51 15 MR BANGURA:

16 Q. Mr Witness, can I just take you back. You said that this-  
17 one of these men, you called him Mohamed, and you said he was  
18 Captain Blood, he pushed you inside and he told you to give him  
19 400,000. First of all 400,000 of what currency or what exactly  
09:57:17 20 was he asking you to give?

21 A. That was the only thing that he asked me for. He asked me  
22 for money. He asked me for no other thing else.

23 Q. So what currency was that? 400,000 what?

24 A. Our Sierra Leonean currency.

09:57:37 25 Q. And what is that?

26 A. I said our Sierra Leonean currency. 400,000 Leones.

27 Q. Thank you. Now, you said this Mohamed that was called  
28 Captain Blood - did you know him, this man, before?

29 A. Yes.

1 Q. Where did you know him before?

2 A. From Waterloo.

3 MR MUNYARD: Again I am sorry to interrupt, but I  
4 understood when he talked about this Mohamed he was talking about  
09:58:17 5 the Mohamed that he has been telling us used to visit him on a  
6 regular basis for several years on a Friday, Saturday and Sunday.

7 PRESIDING JUDGE: He did add the name Captain Blood.

8 MR MUNYARD: I accept he has now added Captain Blood, but  
9 my learned friend is now asking him, "Did you know him", but we  
09:58:43 10 have already had evidence from him this morning and yesterday  
11 about this Mohamed. Unless I have got it wrong then we have had  
12 the evidence about him knowing him; we don't need to go over it  
13 again, with great respect.

14 PRESIDING JUDGE: Just make to sure it's the same Mohamed.

09:58:59 15 That's the only thing --

16 MR BANGURA: Your Honour, there may be various reasons why  
17 we need to establish that we are talking about perhaps one and  
18 the same person or a different person. I don't know whether my  
19 learned friend should be --

09:59:12 20 PRESIDING JUDGE: Very well. Establish it.

21 MR BANGURA:

22 Q. You mentioned that this person was Mohamed and you said his  
23 name was Captain Blood. Is this a person you had known before?

24 A. Yes, yes, that Mohamed boy. Because it was during that war  
09:59:34 25 that I heard that of his nickname, Captain Blood. But it was his  
26 colleague rebels who referred to him that way.

27 Q. First of all you said you had known him before. Just tell  
28 us how or where you had known him before?

29 A. At the time I knew him, because by then I was a

1 businessman, I used to buy fuel and sell. If I did not have pass  
2 he was the person that used to help me when I was at the  
3 checkpoint. That was the time I knew him at Waterloo, so he used  
4 to visit me. He will go and keep my company, he and his wife.

10:00:16 5 And the last time I asked his wife she told me that he has been  
6 sent to Daru and that was where he was now living. And the last  
7 time I saw him after that was when they attacked us at Tombo.

8 Q. So is it the same person that you have spoken about before?

9 A. I'm not lying here for any reason. That is the same  
10:00:40 10 person. I will not see Peter and say it is Joseph. Nor will I  
11 see Joseph and say it is Peter. That is the same person I am  
12 talking about, the Captain Mohamed.

13 Q. Thank you.

14 A. Thank you too.

10:00:53 15 Q. And then you said that you learnt that his name was Captain  
16 Blood from what his colleagues were calling him. When did you  
17 learn that he was Captain Blood?

18 A. The time I knew him to be Captain Blood was the time they  
19 went and attacked us at our house.

10:01:14 20 Q. When you say "at our house", are you talking of the  
21 incident that you are now dealing with or is it the previous one  
22 before at Tombo?

23 A. No. The one at Kissy.

24 Q. Very well. Can you then tell us what happened. You said  
10:01:34 25 you were first to go inside the house again. What happened when  
26 you got into the house?

27 A. The reason why he forced me into the house was that whilst  
28 we were wrestling he said I should give him money up to the tune  
29 of 400,000 and I told him that I did not have any money. And I

1 told him, "If you want any of this property in here I will give  
2 it to you" and he said, "No, I do not want any other thing except  
3 money". And it was not long after that that his colleague rebel  
4 with whom he went and attacked us, he said that, "I know this  
10:02:18 5 man. This man was the man that we attacked at Tombo and we are  
6 taking all of his business money from him" and when he was  
7 speaking I did not actually understand his language. Whether he  
8 was speaking English or whatsoever language, I did not understand  
9 it. But it was Captain Blood who was speaking Krio that I  
10:02:38 10 understood while he was talking. And the one that had the  
11 machete and the one who had a gun, they pushed my brother-in-law  
12 and my younger brother into the room.

13 THE INTERPRETER: Your Honours, could the witness slow down  
14 his pace.

10:02:53 15 MR BANGURA: Mr Witness, please slow down.

16 PRESIDING JUDGE: Mr Witness, again you have speeded up and  
17 again we repeat you need to speak more slowly so people can  
18 interpret what you're saying. Mr Bangura.

19 MR BANGURA:

10:03:05 20 Q. Now you just said, "The one that had the machete and the  
21 one that had the gun, they pushed my brother-in-law my younger  
22 brother into the room". It's not so clear. At this point you  
23 said that there were four people in the room, two had left. So  
24 how many of you were in the room at this point?

10:03:22 25 A. We were now two in the room, the two had escaped.

26 Q. Okay. Just take it slowly. And who was the other person  
27 with you? Was it your brother-in-law or was it your younger  
28 brother?

29 A. My brother-in-law. My younger sister's husband's younger

1 brother, that was the one I was now with.

2 Q. Now, you say that the one with the gun and the one with the  
3 machete, they pushed your brother-in-law into the room. How many  
4 people actually pushed him into the room?

10:03:58 5 A. The two of them pushed us inside, the Captain Blood and his  
6 colleague who had the gun.

7 Q. So you are now talking about your brother-in-law, he was  
8 pushed into the room. Is that what you said?

9 JUDGE LUSSICK: Mr Bangura, his evidence earlier was it was  
10:04:21 10 the brother-in-law and his younger brother that were pushed into  
11 the room. Now is it only his brother-in-law?

12 MR BANGURA: Your Honour, I believe I have clarified that  
13 by asking him again who were the room and he says there were two  
14 and the other person was actually his brother-in-law. So we got  
10:04:37 15 that cleared up, your Honour.

16 THE WITNESS: You are confusing me. I said my younger  
17 sister's husband. My younger sister's husband - my younger  
18 sister's husband's younger brother was the one that was with me  
19 in the parlour. The other two boys that numbered us to four, who  
10:05:00 20 were with us in the house, I opened the window and they escaped.  
21 No other person was with us. We were only two in number now.  
22 That is my in-law's younger brother.

23 MR BANGURA:

24 Q. Thank you. So what happened at this point?

10:05:18 25 A. Okay, after that we were now wrestling, resisting them,  
26 when - and that of my in-law's younger brother, I told him, I  
27 said, "Now, if you can find a way to escape you can do so,  
28 because now where we are except by the grace of God we might be  
29 able to save our lives". So whilst we were wrestling and we

1 managed to go outside, the one that had the gun he struck me with  
2 the gun butt and I fell on the ground. So I was now there crying  
3 and it was not long after that that Captain Blood came and he  
4 said I should put my hand on the table. He said if I refused to  
10:06:13 5 do that he will chop off my hand. And even before he said he was  
6 going to chop off my hand, the other one who had said that I  
7 should forget about - he should forget about me giving them  
8 money, he said he was a mercenary. He had on the combat. He  
9 said when he was ready he will go.

10:06:39 10 Q. Let me just pause you, Mr Witness. At this point, how many  
11 people were in this house attacking you and your brother?

12 A. It was the first man. They were three in number: Captain  
13 Blood and the other, his colleague, who said he was a mercenary.  
14 They were two. They entered and attacked me.

10:07:06 15 Q. Did anybody join them at any point?

16 A. Yes, another person joined them later, but I did not  
17 recognise his own face because when he came and hit me on my back  
18 with the gun butt I said, "Oh, somebody has hit me with a gun  
19 butt", and I dropped on the ground. So he said I should place my  
10:07:29 20 hand on the table and he said if I refused to do that he said he  
21 was going to tie my hands on my back. The man who said he was a  
22 mercenary said he should release me. He said, "This was the same  
23 man from whom we were taking all of his money at Tombo", and he  
24 said, "If this man says anything I will behead him".

10:07:53 25 Q. Who said, "If this man says anything I will behead him"?  
26 Who said that?

27 A. It was Captain Blood who said that.

28 Q. Now, just let me take you back. You said one of these men  
29 hit you with a gun - with the butt of a gun - on your back.

1 Before you were hit with the butt of a gun, was anything else  
2 done to you?

3 A. We were wrestling. We were wrestling, they and I. We were  
4 fighting. We were wrestling. He came and asked - he said, "Why  
10:08:29 5 are you fighting against my boys? Are you arguing against my  
6 boys?" I said, "I am not arguing", and he, the same Captain  
7 Blood, took the machete and he hit me on my back. He hit me on  
8 my back and I dropped and my hand was on the table, and when he  
9 chopped it off the blood oozed all over my body and on my face  
10:08:58 10 and everywhere.

11 Q. Just pause, Mr Witness. You said that he, Captain Blood,  
12 took the machete and he hit you on your back. How did he hit you  
13 with the machete?

14 A. He used the - he used the flat side, not the sharpened  
10:09:16 15 size. He used the - just as you are looking at my palm now, that  
16 was how he did it. He took it and hit me on my back.

17 Q. And then you said that he then put your hand on the table  
18 and chopped it off. Who did that?

19 A. It was Captain Blood who chopped off my hand. No other  
10:09:41 20 person else. It was Captain Blood.

21 Q. How many times did he - how did he do it exactly?

22 A. You are asking me questions that will not allow me to  
23 answer further questions because the point where you have reached  
24 now --

10:10:08 25 JUDGE SEBUTINDE: Mr Bangura, the witness said something  
26 which is recorded in a certain way. I don't think that is what I  
27 heard. When he was wrestling with these people, somebody said:  
28 Why are you fighting against my boys? It's recorded as boys.  
29 Why are you arguing against my boys? I thought the witness said:

1 Why are you fighting against my boss? Why are you arguing  
2 against my boss? Now did the witness say my boss or my boys.

3 MR BANGURA: I will get the witness to clarify, your  
4 Honour:

10:10:46 5 Q. Mr Witness, you said while you were struggling with Captain  
6 Blood, the other, one of the other rebels who was there came and  
7 he struck you with a gun, he hit you with a gun on your back and  
8 he asked you why are you --

9 JUDGE SEBUTINDE: No, no, no, he doesn't say who asked.

10:11:08 10 Just focus on my question.

11 MR BANGURA: All right.

12 JUDGE SEBUTINDE: Was the word "boys" or "boss"?

13 MR BANGURA:

14 Q. The question which was asked of you by one of the men, when  
10:11:21 15 he said why are you arguing, was it arguing with my boss or boys?  
16 Is it boys or boss?

17 A. Not boys. They said his boss, and it was the boss's boys  
18 that came and struck me with the butt of a gun and they were  
19 asking me why are you arguing with my boss.

10:11:51 20 JUDGE SEBUTINDE: And now we need to establish who this  
21 boss was of the lot of them.

22 MR BANGURA:

23 Q. Who was this boss? Who was this rebel referring to as his  
24 boss? He said "Are you arguing with my boss?" Who was he  
10:12:07 25 referring to as his boss?

26 A. It was Captain Blood.

27 Q. Thank you. You said that Captain Blood chopped your hand.  
28 What did he use?

29 A. He used a machete.

1 Q. And did anything happen? Did anything happen after he  
2 struck you with the machete?

3 A. Yes. After he had struck me with the machete he chopped  
4 off my hand. And after doing that he told me that I should go to  
10:12:55 5 Pa Kabbah. He said Pa Kabbah had brought so many hands for us,  
6 for those whose hands are hands off, they should go to him.

7 Q. Did you know what happened to your in-law's younger brother  
8 who was in the house as well at this time?

9 A. Yes, yes, I know. He had both of his hands chopped off.

10:13:25 10 Q. Do you know who chopped off his hands?

11 A. It was the same Captain Blood who chopped off his two  
12 hands.

13 Q. Did you see him doing it?

14 A. Well, after they had chopped off my own hand I went  
10:13:47 15 outside. By then he had told me that after chopping off my hand  
16 I should go to Pa Kabbah, so he pushed me outside. So the  
17 distance between the toilet was not that far, so I entered and I  
18 was inside the toilet. So I was in there when I overheard when  
19 he chopped off the boy's hands and the boy was screaming, he was  
10:14:09 20 shouting, and when he chopped off his two hands I attempted to go  
21 and help him, assist him, but I couldn't make it, so he was also  
22 screaming, he was crying, so I decided to relax in the toilet. I  
23 was sitting there for some time. Up to midnight, at about 12.

24 Q. Just let me ask you where was the toilet?

10:14:30 25 A. In the same compound. In the same compound.

26 Q. Mr Witness, you said that after they cut your hand they  
27 told you to go to Pa Kabbah. Who was Pa Kabbah. Who were they  
28 referring to? Who was Pa Kabbah?

29 A. The former president that we had in Sierra Leone.

1 President Kabbah. The former President that we had in Sierra  
2 Leone.

3 Q. Thank you.

10:15:23

4 PRESIDING JUDGE: Please proceed, Mr Bangura. I do note  
5 the time but my learned colleague has asked us to take another  
6 few minutes.

7 MR BANGURA: Thank you, your Honour:

8 Q. Did anything happen after this? You said you went into the  
9 toilet. How long were you in the toilet?

10:15:37

10 A. When they chopped off my hands around 3.00 I was there  
11 until around 12 midnight. I was there observing what was going  
12 on in the area. There were certain houses ablaze and where my  
13 in-law's brother was they set that house on fire. I was standing  
14 watching right up to 2.00 and they brought some girls.

10:16:10

15 Q. Before you go on to that, can I ask you, Mr Witness, your  
16 in-law's brother, who was in the house, did you see him come out  
17 after you had gone into the toilet? Did you see him come out at  
18 all?

10:16:36

19 A. No. I wanted to go and take him but he could not - I also  
20 could not go out. I could not go out to take him because I was  
21 feeling dizzy.

22 JUDGE SEBUTINDE: Did the witness not say the  
23 brother-in-law could not come out again?

10:16:52

24 THE WITNESS: Your Honour, he also said that he could not  
25 go because he wanted to help him but he could not go to help him.

26 JUDGE SEBUTINDE: The witness has said something different  
27 from what you've interpreted. Mr Bangura, perhaps you could ask  
28 the question again.

29 MR BANGURA:

1 Q. Mr Witness, the question I asked you was whether you,  
2 whether the brother of your in-law came out, whether you saw him  
3 come out of that house again? Well, not again, did you see him  
4 come out?

10:17:22 5 A. No. I was the one who got out, he did not get out. He was  
6 inside.

7 Q. Did you say that about midnight you were there and you saw  
8 them setting houses on fire. Do you recall that?

9 A. Yes, I was there. I did not go anywhere else. I was  
10:17:45 10 there. Right up to the time they set the house on fire, where  
11 the boy was, that was the first house they set on fire where my  
12 hand was cut off, that is our house. That was the first place  
13 that was set on fire before the other houses were set on fire.

14 Q. Did you see other houses set on fire?

10:18:07 15 A. Needless to say, even, if we are talking about burning of  
16 houses, in fact, that whole area in fact, even the mental home,  
17 the whole place was burnt down, the whole area was burnt down.  
18 The house where we were was burnt down completely and even now  
19 some of the houses are still burnt down. They could not rebuild  
10:18:29 20 them.

21 Q. Who was setting fire to these houses?

22 A. It was the rebels. It was not the civilians, it was the  
23 rebels who did that, because civilians were not brave enough to  
24 do things like this.

10:18:48 25 Q. You were talking about something that you saw about around  
26 midnight, you talked about girls. Can you --

27 JUDGE SEBUTINDE: Mr Bangura, he says his brother-in-law  
28 remained in the house. The house was set on fire. So what  
29 happened to the brother-in-law?

1 MR BANGURA:

2 Q. Do you know what happened to the brother-in-law who was set  
3 on fire in the house?

4 A. Yes.

10:19:12 5 Q. When the house was set on fire?

6 A. Yes, he was there. He burnt down. He died.

7 Q. How did you know that he was in there? That he got burnt  
8 in the fire?

9 A. I was still around that area. I knew he was in that house.

10:19:33 10 I knew he was in there when the house was set ablaze. Then I was  
11 standing in the toilet and they were bringing girls, asking them  
12 how old they were. Some will say 13 and others will say 14, some  
13 would say 15. After they had finished raping them the last one  
14 who came to rape the other girl, the girl said she was tired,

10:20:06 15 except they wanted to kill her and they went and called their  
16 boss, that was the rebel leader. She was a woman, I don't know  
17 her name, and he reported to her that that girl had resisted  
18 being raped. And I was still in the toilet when the other rebel  
19 came and asked me for money. And I said, "You have amputated me  
10:20:33 20 and you are asking me again for money?" He said, "Oh, you, we  
21 finished you." I said, "Well, if that is the case, just kill  
22 me." He said, "We have finished you so there is no more reason  
23 to go further than that" and he took me outside.

24 PRESIDING JUDGE: Mr Bangura, if it's convenient, maybe we  
10:20:54 25 could adjourn now until 11.00 and resume evidence then.

26 MR BANGURA: Very well, your Honour.

27 PRESIDING JUDGE: Mr Witness, we are talking our midmorning  
28 break earlier than usual today to allow for a special ceremony in  
29 another Court. We will be starting again at 11.00. So please

1 adjourn Court until 11.

2 [Break taken at 10.23 a.m.]

3 [Upon resuming at 11.05 a.m.]

4 PRESIDING JUDGE: Mr Bangura, please proceed.

11:05:28 5 MR BANGURA: Thank you, your Honour:

6 Q. Mr Witness, we shall continue with your testimony. Just  
7 before the break you said that they were bringing girls and these  
8 girls were raped. Do you recall that?

9 A. Yes.

11:06:00 10 Q. Now, where were these girls being brought to?

11 A. They lay them outside. When they brought them it was  
12 outside that they laid them. It was not in any room, or veranda.  
13 It was an open place.

14 Q. You have said that this was around midnight. How did you  
11:06:26 15 know that these girls were being raped if you were in the toilet.

16 A. The toilet in which I was hadn't a door.

17 Q. At that time of night were you able to see clearly?

18 A. Yes. Yes, because when they were burning the houses, you  
19 know, the flame was up and the place was bright, so I could see  
11:06:58 20 people passing and whatever they were doing.

21 Q. Thank you. Now, you said that one girl was brought and she  
22 said she was tired and they went and called the rebel leader who  
23 was a woman. Did anything happen after this leader was called?

24 A. Yes, because when this girl said she was tired and she was  
11:07:34 25 too exhausted and she couldn't do anything, the other boy went  
26 and called his boss. The girl was shouting, crying and screaming  
27 and she was asking that the guy should get up away from her, and  
28 the boy said if the lady - the girl - continued shouting he would  
29 kill her.

1 Q. Now let us be clear about what we're saying, Mr Witness.  
2 You have talked about a boss here. You talked earlier of a  
3 female rebel leader and now you talk about a boss. Who was this  
4 boss that you said one of them went to call?

11:08:20 5 A. Those who were raping - the boys. The boys who were with  
6 the rebel leader. You know, if you are a boss you always have  
7 boys with you, so you go and invite your boss and so it was the  
8 boss who would give the command to them, what they should do.  
9 That's why I said he was the boss. He was the leader. They went  
11:08:42 10 and called her, the woman. She was a woman.

11 Q. Now, you said that they had gone to call the rebel  
12 commander who was a woman - the rebel leader who was a woman.  
13 Then you said - I asked you what happened after that and you  
14 said, "They went and then called the boss". So it's this boss  
11:09:03 15 I'm asking you about. Is it different from the woman leader that  
16 you have just talked about?

17 A. It was the woman who was the leader - the woman - because  
18 she too had her own group. That's what they were saying, because  
19 she was - because he said he was going to call her, his boss.  
11:09:28 20 That was the leader, the woman.

21 Q. When this woman came, did she do anything about the  
22 situation?

23 A. Because she was the one even forcing the boys to rape the  
24 girls and she said if the girl did not lay down well she would  
11:09:54 25 tell the boy to kill her. If the girl refused being raped, she  
26 would be killed. That was what - that was her stance. That was  
27 what she said to them.

28 Q. So do you know what happened at all to this girl who said  
29 she was tired after the leader came?

1 A. They raped her. They raped her because - they had sex with  
2 her.

3 Q. Now, you mentioned that while you were in the toilet one  
4 rebel came and asked you for money. Do you recall?

11:10:42 5 A. Yes, I said that.

6 Q. Did you know this rebel before?

7 A. No, I didn't know him before.

8 MR BANGURA: Your Honours, just for the record I believe I  
9 heard the witness before the break - I will just go back to this  
11:11:02 10 page 27, lines 12 to 13. I believe I heard him say - I will just  
11 read what is on the record and what I believe I heard him say. I  
12 take it from line 11. He says, "And I was still in the toilet  
13 when the other rebel came and asked me for money", and I said,  
14 "You ...", and there's a word missing there, or words missing  
11:11:36 15 there, "You had me and you asked me again for money". I believe  
16 I heard him say that, "You had amputated me and you asked me for  
17 money". It's not recorded.

18 JUDGE SEBUTINDE: Mr Bangura, instead of you telling us  
19 what should be, why don't you ask the witness again.

11:12:01 20 MR BANGURA:

21 Q. Mr Witness, it's not clear on the record what you had said.  
22 This rebel came and asked you for money and what was your answer  
23 to --

24 PRESIDING JUDGE: Specify the time, Mr Bangura, because  
11:12:11 25 there's at least two or three requests for money.

26 MR BANGURA: Thank you:

27 Q. You were in the toilet and you said that the rebel came and  
28 asked you for money. What was your answer to this rebel again?

29 A. The response that I gave? The one who met me in the toilet

1 asked me - he said, "Where is the money?", and I said I didn't  
2 have money on me. I said, "Now you've amputated my hand and now  
3 you're asking me for money", and he said, "We're done with you".  
4 I said, "Well, just kill me", and he said, "No, we are not going  
11:12:54 5 to do anything further to you because we have cut your hand off  
6 so you are finished already", and he took me outside. While I  
7 was going, he was the one directing me. We met civilians - we  
8 saw civilians and rebels. The rebels were guarding the civilians  
9 and he said, "Just leave that man alone. We've finished with  
11:13:18 10 him. Let him go". So I went under the - near the corrugated  
11 irons in the house and he was flashing his torch, but I was still  
12 bleeding on my hand.

13 Q. Mr Witness, just before you move on, you mentioned that as  
14 this rebel was directing you where to go you met civilians - you  
11:13:52 15 saw civilians and they were guarded by rebels. Do you recall  
16 that?

17 A. Yes, except if it was not recorded, but I said it.

18 Q. What was the condition in which you saw these civilians?  
19 You said they were guarded by rebels.

11:14:18 20 A. Because that woman was an old woman, I didn't know them  
21 that much, but at that time the fence had been broken and so I  
22 just used that passage to go to them. I went at the back of the  
23 house and went to the next street and I was standing by the tin  
24 shack. I don't know any of their names, because I was not  
11:14:55 25 familiar with that area. So from there --

26 Q. When you said that woman, she was an old woman, what about  
27 her? You were talking about civilians who you met being guarded  
28 by rebels and then you talked about that woman. What exactly are  
29 you saying?

1 A. You know what I am saying, because maybe that woman had  
2 money. Maybe she bribed her way through why nothing was done to  
3 them, because when those - even when we get people around and if  
4 you know one of them and maybe you give something to them and  
11:15:43 5 they will not do anything bad to you, maybe they would even  
6 protect you, and so some of us who didn't have anything we were  
7 the ones who were damaged. But maybe she had money and she gave  
8 money to them and that's why they were protecting them. So I  
9 went through her house, I was standing by the tin shack and not  
11:16:02 10 long afterwards there was a boy who came and said, "Fullah Boy,  
11 today I want to drink blood".

12 Q. Just to be clear, how many of these civilians did you see  
13 before we talk about the next episode that you want to talk  
14 about? How many civilians did you see?

11:16:25 15 A. I cannot tell you their number, because I have already told  
16 you that at that time I was not in a good state. I was damaged.  
17 I was bleeding. I was even dizzy. You wouldn't expect me in  
18 that condition to be counting people. I don't want to tell you  
19 lies - telling you lies about the number of civilians who were  
11:16:45 20 there. If I tell you lies now, that would be sin against me.

21 What I witnessed is what I am talking about. I could not count.  
22 If you are damaged in that manner and you are bleeding, from 3  
23 o'clock to 12 o'clock midnight you are still bleeding, just  
24 imagine the state in which you would be. How would you see  
11:17:03 25 clearly? It was only by God's grace that I was - I led my way.  
26 So if I tell you now that I could remember the number of people,  
27 that would be a lie. I don't want to tell lies.

28 Q. Thank you, Mr Witness. You were telling us about a point  
29 where you got to and you heard somebody say, "Fullah Boy, today I

1 want to drink blood". Who said these words?

2 A. The person who said that word was The Killer.

3 Q. When you say "The Killer", is that the name of a person?

4 A. Yes, I heard him being called. When he said, "Fullah Boy,  
11:17:52 5 today I want to drink blood", and Fullah Boy said, "Oh, so let's  
6 go downstairs because the animals are down there". I did not see  
7 them. I only heard their voices when they were conversing. I  
8 did not see them because where I was the place was dark. They  
9 were flashing their torch. They were flashing their torch while  
11:18:18 10 they were burning the houses and they burnt all of the houses  
11 down and afterwards I jumped across the street --

12 Q. From that point did you go anywhere? Sorry, continue  
13 please.

14 A. That's what I'm about to explain now. That's what I'm  
11:18:37 15 about to explain. From that house to the other house and the  
16 street, I crossed over to the street. I went and I was under a  
17 mango tree, to lie there, and I heard some girls screaming in the  
18 house and they said, "Oh, you are killing us". Not long after I  
19 saw the house was on fire, so I left the place and I went down  
11:19:00 20 the hill where the tin shack was. I was lying on a big stone. I  
21 wanted to go in there and, you know, my other mind told me not to  
22 go in there and so I was under the mango tree. I didn't know  
23 where some bullet had come from. It flew just above me. I heard  
24 some people shouting up the hill. Some were talking. I also  
11:19:29 25 shouted asking them not to abandon me there and they said, "Who  
26 is that?"

27 Q. Continue.

28 A. And I said, "Please don't leave me here". They said, "Who  
29 is that?", and I said, "I am Fatty Wai's elder brother". I said

1 "Fatty Wai", and she said, "Brima's wife". I said, "I am Ibrahim  
2 Wai", and they said, "Oh, it is that boy who is called Kabinah".  
3 One of them said "I know him", and in fact both of them had both  
4 of their hands cut off and they came and they directed me and all  
11:20:10 5 of us went up the hills and from there at the junction - no, in  
6 the bush around the hills. I said I wanted to drink. I saw some  
7 water and they said, "No, don't drink this one. If you drink  
8 this you will die". I said, "Well, everything is up to God. It  
9 is God who is responsible for what is happening to me now". I  
11:20:32 10 was there for that night and early in the morning --

11 Q. Continue, please.

12 A. We passed the night there. Then we continued our journey  
13 and we went down by Berry Street, around college area, and we met  
14 ECOMOG there and they gave us some papers and that was for us to  
11:21:01 15 go to the satellite clinic at Brookfields. We were at  
16 Brookfields from morning to the evening. Around 6 o'clock we  
17 left the place and from there we went to Dr Bell, that is  
18 Brookfields Hospital. We were there, that is Alhaji, Kabinah,  
19 Santigie, Pa Marrah, and we were many whose hands were cut off.

11:21:35 20 THE INTERPRETER: Your Honours, can the witness repeat the  
21 last name, Pa something.

22 PRESIDING JUDGE: Please pause, Mr Witness. The  
23 interpreter needs you to repeat a name Pa something. You have  
24 given some names of Alhaji, Santigie and Pa Marrah. What other  
11:21:47 25 names did you give, the interpreter asks?

26 MR BANGURA:

27 Q. Did you say Kabinah before? That came up twice already.

28 A. Yes, Kabinah. They were up the hills. All of us were in  
29 Kissy. We all travelled from the bush right to the hospital with

1 Al haji and Al haji's sister. Al haji's sister was raped and he --

2 THE INTERPRETER: Your Honours, can the witness repeat  
3 this. He is talking too fast.

4 PRESIDING JUDGE: Mr Witness, you are talking very quickly,  
11:22:27 5 you may not realise it, and the interpreter cannot keep up with  
6 you. Please pick up your answer where you said, "Al haji's sister  
7 was raped". Continue from there and please speak more slowly.

8 THE WITNESS: I said Al haji's sister told me that she was  
9 raped, and in fact where she was hacked she even showed me the  
11:22:53 10 place because she was hacked on her leg because she was working  
11 at the government hospital. She told me even the place. I asked  
12 her for her brother and she said - no, let's just forget about  
13 that. Let me come to the important areas. It was then that  
14 Al haji, Kabinah and his sister, all of us travelled and we passed  
11:23:19 15 the night in the bush.

16 MR BANGURA:

17 Q. Mr Witness, are you telling us again about the journey that  
18 you took to come to the hospital? Is that what you're telling us  
19 again?

11:23:34 20 A. Because you asked me - you've asked me again to repeat,  
21 that's why I'm repeating for you to understand.

22 Q. I think that evidence is clear.

23 MR MUNYARD: Madam President, there's one thing that isn't  
24 at all clear to me, I'm afraid. In that previous answer, "She  
11:23:53 25 told me even the place and I asked her for her brother and she  
26 said - no, let's just forget about that. Let me come to the  
27 important areas". I'm not sure if that's what the woman is  
28 saying to the witness, or if the witness is breaking off the  
29 narrative and saying, "I want to deal with more important areas".

1 I wonder if we could clarify that.

2 PRESIDING JUDGE: That wasn't entirely clear to me either,  
3 Mr Bangura. I was waiting for clarification.

4 MR BANGURA: I was going to deal with the spelling, but let  
11:24:22 5 me deal with this first:

6 Q. Mr Witness, you were explaining about what happened to  
7 Alhaji's sister and at some point in your explanation you said,  
8 "She even told me the place and I asked her for her brother".

9 Then you said, "... and then she said - no ...", and then you  
11:24:47 10 said - continuing you said, "Let's just forget about that. Let's  
11 come to the important areas. That was then Alhaji, Kabinah and  
12 his sister, all of us travelled and passed the night". When you  
13 say, "Let us forget about that and let's come to more important  
14 areas", is that what the girl told you, or were you just making  
11:25:13 15 this statement as part of what you wanted to say here in court?

16 A. Yes, because that particular one is not that very important  
17 now to me. I just said that. I was the one who said it, because  
18 what I was talking when we met in the bush. That's what I want  
19 to bring to you now. That's the discussion that I want to bring  
11:25:37 20 to you now. That's what you should tell them, not this one. I  
21 am talking - I now want to talk about the important ones, not the  
22 one that I spoke with her. That's what I want to discuss now  
23 with you, the important ones.

24 MR BANGURA: I'm not sure whether my learned friend is --

11:25:57 25 MR MUNYARD: I'm grateful. That's clarified it.

26 MR BANGURA: Your Honour, the witness mentioned the name  
27 Kabinah quite a few times. The spelling for that is  
28 K-A-B-I-N-E-H:

29 Q. How long were you in hospital?

1 A. The hospital, we were there over one month. I was there  
2 for over one month because while I was there there was nobody  
3 else to take care of me. I was there for even two weeks before  
4 an operation was performed on me. MSF did that. At that time  
11:26:50 5 the hand had started getting rot, rotted, and I was still there  
6 in bed.

7 MR BANGURA: Your Honours, may I at this stage ask that the  
8 record reflect that the witness's left hand is amputated from  
9 above the wrist.

11:27:23 10 JUDGE SEBUTINDE: Mr Bangura, we haven't seen the witness's  
11 hand. This is privy only to you.

12 THE WITNESS: You are saying it is only Mr Bangura who  
13 knows about it. All of you have seen the hand, and even the  
14 leader of all these things is from West Africa, that is  
11:27:48 15 Charles Taylor, he has seen the hand. That is one of the worst  
16 things in fact.

17 PRESIDING JUDGE: I will record that the witness has shown  
18 his hand and it is bandaged at where --

19 MR MUNYARD: Madam President, I think that the confusion is  
11:28:06 20 arising because of the use of the word he has shown his "arm",  
21 with great respect, which has been amputated.

22 JUDGE LUSSICK: I don't think any of this conversation  
23 should be taking place when the witness can't hear us. So the  
24 witness should put on his headphones again.

11:28:24 25 JUDGE SEBUTINDE: Mr Bangura, the practice in this Court  
26 when a witness like this comes is for you to ask him officially  
27 to show his injuries to the Court and to the parties. Now that  
28 hasn't happened, and that is the point.

29 MR BANGURA: That is correct, your Honour:

1 Q. Mr Witness. Mr Witness.

2 A. Yes.

3 Q. You have explained what happened to you. Can you show the  
4 Court the state of your hand?

11:29:06 5 A. It's my left hand that was cut off.

6 Q. Can you raise that left hand for the Court to see, please?

7 The arm. The arm, please.

8 A. This is it.

9 PRESIDING JUDGE: I will record that the witness has shown  
11:29:30 10 his left arm which is amputated between the elbow and the wrist  
11 and bandaged. Counsel has seen it.

12 MR BANGURA: Your Honours, that will be all for the  
13 witness. Thank you, Mr Witness.

14 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard.

11:29:53 15 CROSS-EXAMINATION BY MR MUNYARD:

16 Q. Mr Wai, I'm going to ask you some questions now from this  
17 side of the courtroom. I don't want to keep you in the Court for  
18 any longer than is necessary and I'm going to try to limit my  
19 questions as much as I can. If I say anything that you don't  
11:30:17 20 understand would you please let me know and I'll try to put it in  
21 a different way. Can I ask you first of all about the man called  
22 Mohamed who came to your house in Tombo and --

23 A. I did not say --

24 JUDGE SEBUTINDE: Mr Witness, can you allow the lawyer to  
11:30:50 25 finish his question, please.

26 MR MUNYARD:

27 Q. You told us yesterday that the man who led them to your  
28 house in Tombo was a man called Mohamed. He was at your door and  
29 he took your tape recorder, your money and your bag, and he was

1 the same man who cut off your hand later in Freetown, and you  
2 learned then that his name amongst his colleagues was Captain  
3 Blood. Now, that was a man that you knew very well. Is that  
4 right?

11:31:37 5 A. Yes, because I have not come here to say well, this was the  
6 man who amputated me and you are not the person, no. No matter  
7 what you do, if you did something like that to me, no matter how  
8 you disguise yourself I will always know you. It doesn't matter  
9 how long it takes. So I will not go and say it was Lamina who  
11:31:58 10 cut off my hand if it was Peter who did it. If it was Peter I  
11 will say Peter. I will not say Lamina.

12 Q. No, we understand that. I just want to establish that this  
13 is somebody - the person who did these things to you is somebody  
14 who you knew well and you knew his real name and you certainly  
11:32:21 15 knew who he was at the time that he did these things to you, and  
16 I think you would agree with all of that, wouldn't you?

17 A. For what? I did not get you clearly.

18 Q. I was just summarising. I'll do it again as briefly as  
19 possible: That you knew Mohamed very well; the man who stole  
11:32:46 20 your goods in Tombo and then later cut off your hand in Freetown?

21 A. Yes.

22 Q. Thank you. After you went to Freetown did you stay at your  
23 sister's house or your brother's house?

24 A. At first when I ran away I went to my younger brother.  
11:33:14 25 That was where I used to pass the night and when I needed food I  
26 will go to my sister, but when I wanted to sleep I would go to my  
27 brother. I want to say I lived both sides.

28 Q. Very well. Thank you. When you were in Freetown, on the  
29 occasion when you were at the PWD Junction and you were stopped

1 by a rebel who gave you a dozen lashes, was it just the one rebel  
2 who stopped you?

3 A. Yes. At the time I was going, yes, they were many. They  
4 were many around the area and when he saw me coming he stopped me  
11:34:11 5 and he asked me for money. He said if I refused to give him the  
6 money he will give me a dozen lashes and he even gave me the  
7 dozen, the dozen lashes.

8 Q. Right. I just want to understand, although there were many  
9 around the area was he by himself when he stopped you, demanded  
11:34:27 10 money and then lashed you?

11 A. They were many. I cannot tell the amount, but he was the  
12 one who stopped me. He was the one who stopped me. So I will  
13 not say --

14 Q. Sorry, go on.

11:34:45 15 A. -- they were many around the area. I cannot tell you that  
16 I knew their number. They were many, but he was the only one  
17 amongst them who stopped me.

18 Q. Right. And was he - when he stopped you was he part of a  
19 group or was he by himself?

11:35:08 20 A. I said - please listen to what I am saying. I said they  
21 were many around the area, so I cannot tell you that he was with  
22 a particular group, but they were many around the area.

23 Q. Right. And he gave you a dozen lashes on your hand. Did  
24 he hit you anywhere else?

11:35:29 25 A. I said I stretched out my hand and he gave me a dozen  
26 lashes.

27 Q. We understand that. Did he hit you anywhere else?

28 A. No.

29 Q. All right. Then you went on to give us the account of what

1 happened to you when Mohamed came to your house where you were  
2 staying in Freetown and you say that you found out then that he  
3 was called Captain Blood because that's what his colleagues were  
4 calling him. Is that right? Is that how you found out his  
11:36:27 5 nickname?

6 A. Those were his colleagues. Whilst they were doing the  
7 operation they were - when they were chopping off people's hands  
8 that was how his colleagues referred to him.

9 Q. And that was how you learned that that was his nickname.  
11:36:48 10 Is that correct?

11 A. Yes.

12 Q. He came into your house together with another man. Mohamed  
13 was wearing full combat but the other man you say was only  
14 wearing half combat clothes. Is that correct?

11:37:11 15 A. Yes, that's correct.

16 Q. And the other man, you couldn't understand his language.  
17 Is that right?

18 A. Yes.

19 Q. And the other man identified himself as a mercenary at some  
11:37:33 20 point, you told us. He identified himself as a mercenary.

21 A. Yes.

22 Q. In what language did he identify himself as a mercenary?

23 A. Whilst he was speaking I was not actually - because I had  
24 focused all my attention on Captain Blood whilst we were  
11:37:58 25 wrestling and I did not actually pay attention to the language  
26 that he was speaking, because when they had attacked us, and I  
27 had focused my attention wrestling with the other man, I did not  
28 actually pay attention to him.

29 Q. We understand that, but all I want to know from you is,

1 when you told us this morning that he identified himself as a  
2 mercenary, how did he do that? Did he do it in a language that  
3 you understood and if so what language was he speaking when he  
4 told you he was a mercenary?

11:38:33 5 A. The Krio that he spoke was not very clear.

6 Q. So it was in Krio?

7 A. Yes, but the Krio was not a clear one.

8 Q. And did he speak in a way that made you think he was from  
9 Burkina Faso?

11:39:02 10 A. No, no, no. He did not speak such a language to me that I  
11 listened to. He told me that he was a mercenary. He said they  
12 came to fight, but if they found it difficult then he will  
13 return.

14 Q. And is this right that - I'm going from your evidence this  
11:39:28 15 morning - that the reason that Captain Blood, Mohamed as you knew  
16 him, was able to get hold of you and chop your hand off was  
17 because some of his boys came into the room and struck you with  
18 the butt of their gun? Is that how Captain Blood, Mohamed, was  
19 able to get you into a position where he was able to chop your  
11:39:55 20 hand off?

21 A. It was on the parlour where they met me. It was there. It  
22 was there that they hit me with the butt of a gun and when I  
23 dropped on the floor then they took the chance to chop off my  
24 hand.

11:40:17 25 Q. Yes, but I'm just asking, when you say "when they hit me  
26 with the butt of a gun" are you talking about the boss's boys who  
27 came in, as you told us a little earlier this morning? Was it  
28 them who struck you with the butt of the gun?

29 A. They struck me with the gun butt, the boys.

1 Q. Then your hand is chopped off by Mohamed and then you  
2 manage to get away and you stay for some time in the neighbour's  
3 toilet and there you overheard your brother-in-law's younger  
4 brother being amputated. That's what you told us this morning.

11:41:06 5 Do we take it that you overheard that terrible thing happening to  
6 your brother-in-law's brother but you didn't actually see it?

7 A. Yes. Where I was I told you - in the compound where I was  
8 the toilet - there was a toilet in the compound where I was. It  
9 was not a far distance. Just like these people are behind us,

11:41:30 10 you can see them. I was in there and I was seeing the event  
11 happening. They were cutting off the boy's hand.

12 Q. I just want to understand from the evidence you gave us a  
13 little while ago, did you simply overhear this or could you  
14 actually see it?

11:41:49 15 A. Oh God, I saw it. If I did not see it I wouldn't have said  
16 so.

17 Q. I'm only asking because all you said earlier was I  
18 overheard it. Now, do you remember quite some time ago now, in  
19 March of 2003, being interviewed by someone from the Special  
11:42:19 20 Court? Can you remember that, back in 2003?

21 A. Yes.

22 Q. And do you remember was it a man or a lady?

23 A. First it was a woman.

24 Q. And do you remember her name, by any chance?

11:42:41 25 A. No, I have forgotten her name.

26 Q. Was she a white woman?

27 A. Yes, she was white.

28 Q. And if I said her name was Corinne Dufka does that name  
29 ring any bells for you?

1 A. Yes.

2 Q. You remember her now, do you?

3 A. Yes.

4 Q. And when you saw her she wanted you to give a full account  
11:43:18 5 of everything that had happened to you, didn't she?

6 A. Yes.

7 Q. And she told you that she was from the Office of the  
8 Prosecution and that they needed you to tell as much detail as  
9 you could remember about the things that had happened to you and  
11:43:36 10 the things that you saw. Is that correct?

11 A. Everything is correct.

12 Q. Thank you. And when she had taken notes of everything that  
13 you were saying to her did she read them back to you in a  
14 language you could understand or did somebody else, an  
11:43:58 15 interpreter, read them back to you in a language you could  
16 understand?

17 A. Yes.

18 Q. And do you remember that you were seen again, I don't know  
19 who by, but you were seen again in 2005 and you were taken back  
11:44:20 20 through the original interview from 2003 and asked to add to it  
21 or comment on it? Can you remember that?

22 A. I don't remember that.

23 Q. Let me try and help you with when it was. It was in  
24 November 2005, and you were seen by somebody else who took you  
11:44:55 25 through the previous interview and you added some bits to the  
26 previous interview. Does that help you at all if I say it's  
27 November 2005? Don't worry if you --

28 A. Except if you remind me because - okay, let me say yes,  
29 because you would not just say everything.

1 Q. Now, throughout your evidence here in this Court today and  
2 yesterday, you've been telling the judges that the rebels were -  
3 you've described them either as RUF or SLA and RUF. That's  
4 correct, isn't it?

11:45:50 5 A. When I said SLA and RUF, they were the same people. Yes,  
6 that's what I said. They were the same people.

7 Q. And is that how you described them to the lady who took  
8 your account when you first gave a full detailed account to  
9 Corinne Dufka?

11:46:09 10 A. Yes. Yes.

11 Q. You've said just now they're the same people, but they  
12 actually were - you could distinguish between SLA and RUF,  
13 couldn't you?

14 A. Yes.

11:46:30 15 Q. And how would you distinguish between RUF and SLA?

16 A. Like - like you now are wearing black, and if I wear  
17 something different like what I'm having on now, the khaki and  
18 the white top, that's the difference. So that's why I said --

19 Q. Exactly. You're able to distinguish between SLA and RUF by  
11:47:00 20 the clothing that they're wearing. Is that correct?

21 A. Yes, that is correct.

22 Q. And did the lady who was taking your account, Corinne  
23 Dufka, did she appear to you to understand when you were  
24 distinguishing between the SLA on the one hand and the RUF on the  
11:47:22 25 other?

26 A. I gave her the differences. I gave her the difference.

27 Q. And just before we look at the interview, or the notes that  
28 were taken from your interview then, there was an interpreter  
29 present interpreting in Krio called Ishmael Daramy, if I've

1 pronounced his name correctly. Do you remember him or not?

2 A. Ishmael Daramy, yes.

3 Q. You do, all right. And did you have any difficulty --

11:48:01

4 A. Yes, there were leaders because he too had his two arms  
5 chopped off.

6 Q. Did you have difficulty in understanding what he was saying  
7 when he was interpreting the questions of Ms Dufka to you, or was  
8 it clear to you in the Krio he was speaking?

9 A. Well, let me say he was the one doing the interpretation.

11:48:26

10 I don't know whether he went to school or not. If he did  
11 anything wrong, I don't know. What I explained is the same thing  
12 that I'm explaining here. Whether there was a problem in  
13 recording it before now I don't know.

14 Q. But you didn't have any difficulty understanding him. Is  
15 that correct?

11:48:42

16 A. Yes, because somehow I spoke some English to her, she could  
17 understand. Somehow I tried to speak some English.

18 PRESIDING JUDGE: Mr Munyard, before you proceed I'm a  
19 little unclear on this answer at page 49, line 1. You were  
20 asking the witness about Ishmael Daramy and if he had any  
21 difficulty understanding, and the answer recorded is yes, there  
22 were leaders because he too had his two arms chopped off. Is  
23 that the interpreter is or is that someone else?

11:49:08

24 MR MUNYARD: I'm assuming that was the interpreter but let  
25 us clarify that, Madam President.

11:49:28

26 THE WITNESS: Yes, it is.

27 MR MUNYARD:

28 Q. Was Ishmael Daramy also a victim of amputations?

29 A. Yes, both of his hands are cut off. Both are cut off.

1 Q. Right. Two other points, please. You told us that before  
2 this terrible thing happened to you you were a fisherman by -  
3 that was how you lived. After this incident have you ever been  
4 able to work at all?

11:50:04 5 A. Yes, after that, after I had stopped everything - let me  
6 just say Charles Taylor's children, they were the ones who caused  
7 this problem to us in Sierra Leone, Charles Taylor who is sitting  
8 there. He was the one who caused this problem on us in Sierra  
9 Leone. He's responsible.

11:50:23 10 Q. I'm going to stop you there and ask you to go back to my  
11 question, please.

12 A. I will respond. I will answer your question.

13 Q. I'm going to ask it again.

14 JUDGE SEBUTINDE: Mr Witness, please let's maintain some  
11:50:33 15 order in this Court. The lawyer asks the questions, you give the  
16 answers, please, and politely. There will be no finger pointing  
17 at anybody. We are here to receive evidence. The evidence is to  
18 us, the judges, not to anybody else.

19 MR MUNYARD:

11:50:52 20 Q. Mr Wai, after this terrible thing happened to you were you  
21 ever able to earn any wages again?

22 A. Yes, because after I had stopped the fishing I used to do  
23 some security job. In fact, that is the T-shirt that I'm having  
24 on now. This is the T-shirt I'm having. The place where I used  
11:51:19 25 to work. But even that one now I am not working any more. It  
26 has ended.

27 Q. And, finally, before we look at the documents did you at  
28 any time tell Corinne Dufka that the rebels who you encountered  
29 on these different occasions were RUF rebels?

1 A. That's why I said it. I said I saw - I met with RUF rebels  
2 and SLAs; they were - it was a mixed group. There were the SLAs  
3 and there were the RUF rebels.

11:52:06

4 Q. And did you tell Corinne Dufka that they were RUF as well  
5 as SLAs?

6 A. Yes, I told her that.

11:52:27

7 MR MUNYARD: Now I'm going to hand out copies. Madam  
8 President, I've got four copies of the documents I'm going to  
9 hand out. These are Prosecution documents and so I haven't  
10 copied them for the Prosecution. I'm a little concerned at the  
11 amount of paper that we're going through here, and so I have one  
12 for each of the - I'm sorry, I've realised I've got one for each  
13 of the three judges and I should have got four for the judges and  
14 I've done one for the overhead projector and the witness. I hope  
15 that Judge Sow doesn't mind that he may have to look on the  
16 screen. In that case, I can easily cope by handing out my  
17 document to be put on the screen, but that is marked.

11:52:52

18 JUDGE SEBUTINDE: Mr Munyard, you could hand my copy to  
19 Justice Sow. I will follow the screen.

11:53:30

20 MR MUNYARD: Very well. I'm perfectly happy to put my copy  
21 up for the screen. Unfortunately, it's marked:

11:54:32

22 Q. Mr Witness, what we're now going to look at are the typed  
23 notes of the interview that Corinne Dufka conducted with you,  
24 interpreted by Ishmael Daramy on 5 March 2003. And the document,  
25 which should be on the screen now, gives the date of that  
26 interview, the location was in Freetown and the language during  
27 the interview was Krio and the account that she gives is headed  
28 "Left below elbow amputation." On the first page of that  
29 interview it starts off saying, "This happened on 21 January 1999

1 at around 3 pm." That obviously refers to the incident when your  
2 left hand was amputated in Freetown. And then you start by  
3 explaining that you're a fisherman. "Before this problem I was  
4 living in the seaside village of Tombo. Tombo was attacked on 23  
11:55:39 5 December 1998 at 3 a.m. in the morning."

6 Do you recall telling Ms Dufka that?

7 A. I told her.

8 Q. "I was woken up by a loud boom which I think must have  
9 been an RPG. I got up and saw that a nearby house was on fire.

11:56:01 10 Everyone in the village quickly ran out and into the surrounding  
11 hills. Once there we heard a lot of gunshots."

12 Do you agree that that was what you told her?

13 A. Yes.

14 Q. "As light came we saw hundreds of rebels running around  
11:56:19 15 setting the houses on fire. As I was preparing to flee up the  
16 hill I'd heard them saying bad things, abusive words. I heard  
17 them asking for the town chief. They said they wanted to cut off  
18 his head."

19 Did you tell her that?

11:56:38 20 A. Yes, I told her that one. I did.

21 Q. "We knew they'd already attacked Waterloo and were afraid  
22 they'd come to us. That's how we knew they were rebels. By  
23 around daybreak they had retreated, so I returned to the village  
24 to see what happened. I saw terrible things. I saw six houses  
11:57:01 25 which had been put on fire. Pa Pratt's house, Alimamy Kargbo's  
26 house ...", and then is it Bonge's house? Have I pronounced that  
27 correctly?

28 A. Yes.

29 Q. Thank you: "... Foday's Breeze's house, Alhaji Tuah's

1 house and Lamotumo's house. They were all brick houses". Did  
2 you tell her all of that?

3 A. Yes.

4 Q. "I saw three brothers, same mother, same father, who had  
11:57:49 5 suffered serious burns over all of their bodies. The three were  
6 alive in the morning, but died later that same day. They were  
7 from the Pratt family. I don't know why they weren't able to run  
8 out and escape the fire".

9 Did you tell her that?

11:58:04 10 A. I told her all of those.

11 Q. "I also saw the body of Bai Usu's son, 10 years old, who  
12 had been killed inside his house. His head had been shattered  
13 probably by a bullet. I saw scattered rice lying around the body  
14 and speculate that the rebels had ordered him to carry the bag  
11:58:24 15 and shot him when he was unable to bear the weight."

16 Did you tell her all of that?

17 A. I said it was explained to me, so that's why when you asked  
18 me I said I saw a 10 year old boy killed. Pa Usu's boy.

19 Q. All I want to confirm with you is that she has accurately  
11:58:49 20 recorded here what you told her and is that correct, that she's  
21 correct - that she's written down what you actually told her?

22 A. Yes.

23 Q. Thank you:

24 "Some fellow villagers later told me how yet another  
11:59:16 25 civilian had died. I saw his body. His name was Joseph and he  
26 was around 35 years old. He had been shot after the rebels had  
27 stolen money from his house".

28 Did you tell her that?

29 A. I told them that they asked for money and his mother took

1 out the money and gave it to them. After that point, when the  
2 boy was going into the house he was shot and he died. He was 30  
3 years old. I did not say 35. I said 30.

11:59:46 4 Q. Well, pausing there for a moment, this interview took place  
5 five and a half years ago in early 2003. That is obviously much  
6 nearer in time to the events that you were describing, wasn't it,  
7 than it is today? In other words, we're a lot further away in  
8 time today than you were in March 2003, do you agree?

9 A. Yes.

12:00:19 10 Q. So do you think your memory of events will have been better  
11 back in 2003, which was nearer to the time that the things  
12 happened that you were describing?

13 A. Yes.

14 Q. I'm going to carry on now reading what's recorded here:

12:00:45 15 "When we were hiding up in the hills we heard the rebels  
16 commenting that they would be returning to Tombo to finish the  
17 job at around 2 pm. The rebels had abducted several people from  
18 Tombo who I suspect were used to carry the looted goods. I know  
19 one of the ones they'd abducted named Ibrahim, 25 years old, who  
12:01:09 20 was abducted with his three year old son."

21 Did you tell her that?

22 A. Yes, I said so.

23 Q. "Ibrahim later told me he'd been forced to carry rice into  
24 the bush around Benguema. There he met up with SAJ Musa's  
12:01:29 25 rebels. He said the rebels had forced him to carry SAJ Musa's  
26 dead body from Benguema to a nearby village when he dug the hole  
27 for the grave and witnessed the burial. Ibrahim said he had  
28 escaped from them the very same day."

29 Did you tell her that?

1 A. I did not say he carried rice. I said he was captured with  
2 his three year old child, asked to carry SAJ Musa's corpse and  
3 they went up to Macdonalds. I did not say he carried rice. I  
4 said he was asked to carry SAJ Musa's corpse.

12:02:13 5 Q. So you're saying that today you don't remember telling  
6 Ms Dufka that he'd first been asked to carry rice, or are you  
7 saying that you never told Ms Dufka that Ibrahim had been asked  
8 to carry rice before being forced to carry SAJ Musa's corpse?

9 A. I did not say rice. I said corpse. I did not say rice.

12:02:39 10 Q. Very well. Now, SAJ Musa was from which group?

11 A. He was an SLA soldier and the RUF - because they were in  
12 two groups they were commanding each other. They were working  
13 hand in gloves.

14 Q. Well there was infighting between the SLA and the RUF,  
12:03:03 15 wasn't there?

16 A. Even if that obtained before I did not know about it,  
17 because I saw them, they joined together and they attacked us in  
18 Tombo.

19 Q. Are you saying you never knew about any infighting between  
12:03:21 20 the RUF and the SLA?

21 A. There was one, but I hadn't any interest in that because  
22 where I was I hadn't any opportunity to leave Tombo even to go to  
23 Waterloo because at that time I was really afraid to walk beyond  
24 my vicinity.

12:03:42 25 Q. Very well. I just want to establish that you actually did  
26 have knowledge of infighting between the RUF and the SLA at some  
27 stage and that is correct, isn't it?

28 A. Yes.

29 Q. Thank you. I'm carrying on now reading the document:

1 "He didn't describe the body. Ibrahim is a wood cutter  
2 and still lives in Tombo. He's very hard of hearing. There were  
3 many young people who were abducted during this time."

4 Do you agree that you said that to Ms Dufka?

12:04:33 5 A. He was not a young man. There were children, young boys,  
6 and they were taken away. Ibrahim had hearing problems. He was  
7 deaf.

8 Q. So you agree you told Ms Dufka about Ibrahim's hearing  
9 problems?

12:04:54 10 A. Yes.

11 Q. Thank you. Next paragraph:

12 "From Tombo I left to come to Freetown. It took me four  
13 days before reaching on 27 December 1999. I came to Kissy, near  
14 the mental home, which is where the house of my brother Mohamed  
15 is."

16 Did you tell her that?

17 A. Yes, I said all of those.

18 Q. Now before we go on to events in Freetown, there is no  
19 record in what we've seen so far of you telling Ms Dufka that  
12:05:35 20 your house - that the rebels were led to your house by a man you  
21 knew very well called Mohamed, is there?

22 A. Which Mohamed? I did not say Mohamed. I did not say  
23 Mohamed, because I will not make my brother an enemy because I  
24 was with him when I had run away from Tombo. I was with him at  
12:06:02 25 the house, because I used to leave the place and go to my sister  
26 for food. I did not say Mohamed.

27 Q. I am sorry, I didn't mean to confuse you. Forget about  
28 your brother Mohamed. I took you to there, to that point --

29 MS KAMUZORA: Excuse me, your Honours. The AV booth has

1 requested for five minutes from now to change the tape.

2 PRESIDING JUDGE: Yes, the tape runs out at two hours, so  
3 if you wish to have a seat and we will wait for the tape to be  
4 changed. Mr Witness, everything you say is recorded and we need  
12:06:48 5 to put a new tape in the machine and so it will just take a few  
6 minutes.

7 MR MUNYARD: Madam President, I wonder if it's possible to  
8 make a photocopy of one of the clean, unmarked pages set of  
9 documents in the meantime through Court Management? I think they  
12:07:00 10 have a photocopying facility just outside the door.

11 MS IRURA: Your Honour, unfortunately that facility  
12 requires a code which is only private to ICC staff members and so  
13 we wouldn't have access.

14 MR MUNYARD: Oh, is all I can say to that.

12:11:00 15 MS KAMUZORA: Your Honours, we are ready to proceed.

16 PRESIDING JUDGE: Mr Munyard, please proceed.

17 MR MUNYARD: Thank you, Madam President:

18 Q. Mr Wai, I'm just going to ask you about the account that  
19 you gave to Ms Dufka of what happened to you in Tombo. We've  
12:11:41 20 been right through that part of her notes of the interview and  
21 there is no reference in her notes of the interview to you  
22 mentioning a man who you knew well called Mohamed, who you later  
23 found out had a nickname of Captain Blood, coming to your house  
24 and stealing from you. Do you agree, first of all, that there's  
12:12:09 25 nothing in the account that I've just read back to you about  
26 that?

27 A. There is nothing hidden about this. It was that man who  
28 did it to me. He was called Mohamed, Captain Blood. So I  
29 wouldn't come here and say it was Lamina or Peter that chopped

1 off my hand. It was that man called Captain Blood, Mohamed. He  
2 was the one who chopped off my hand.

3 PRESIDING JUDGE: Mr Witness, the question is about what  
4 you told Ms Dufka and what is in your record of interview.

12:12:51 5 Please listen to the question and please put the question again,  
6 Mr Munyard.

7 MR MUNYARD:

8 Q. Do you agree that Ms Dufka has made no mention of the man  
9 you knew very well, who used to visit your house often, called  
12:13:06 10 Mohamed also known as Captain Blood. Do you agree there is  
11 nothing about him in what I've read back to you from those notes  
12 of your interview?

13 A. What I said at the time I was interviewed was that it was  
14 Captain Blood, Mohamed, who chopped off my hand. So if they did  
12:13:30 15 not record that then I don't know. But I told them that it was  
16 Mohamed, Captain Blood, who chopped off my hand. If they did not  
17 put it there, then I don't know, but that was what I said. I  
18 called the person's name.

19 Q. Mr Wai, we haven't got to the stage yet in the interview  
12:13:47 20 where you're describing having your hand cut off. I'm just  
21 dealing with the part of the interview that deals with Tombo and  
22 the rebels coming to Tombo. Do you understand?

23 A. Okay, I now understand. Yes, that was the same man, the  
24 same man, Mohamed, yes.

12:14:10 25 Q. You have told us this morning, before we started to look at  
26 the document, that you did tell Ms Dufka about Mohamed, the  
27 regular visitor to your house, also known as Captain Blood,  
28 coming to your house and stealing from you. Now, there is  
29 nothing about him in relation to the rebels coming to Tombo in

1 the notes of interview, is there?

2 A. I said that. I said it.

3 Q. When the interview was read back to you why did you not say  
4 to them that, "You haven't mentioned anything about this man  
12:14:55 5 Mohamed, who was later identified as Captain Blood, stealing from  
6 me in Tombo before I saw him again later in Freetown"?

7 A. I told them that. Maybe they did not record that, but I  
8 said it. I will not come here to lie. That was the reason why I  
9 took an oath on the Koran that I would not lie here. Maybe they  
12:15:23 10 did not record that, but I said it. Maybe they did not record  
11 the man's name, but I said it. They might have made that  
12 mistake. I did not do the mistake.

13 Q. Mr Wai, I'm not suggesting you're lying. I'm suggesting  
14 that your memory is not terribly reliable. Would you agree that  
12:15:41 15 your memory now, in 2008, is a lot less reliable than it was in  
16 early 2003 about events that happened at the end of '98,  
17 beginning of '99?

18 A. I cannot forget what happened and I cannot forget what I  
19 need to say. If I had forgotten, there wouldn't have been any  
12:16:17 20 reason for me to come sit here and explain the same events.

21 Q. Right. All right, we'll move on. Back to the document,  
22 please. It's the bottom of the second page, the pages aren't  
23 numbered, but it's the bottom of the second page:

24 "The rebels entered Freetown in the early morning hours of  
12:16:45 25 6 January. The following morning I saw many, many of them all  
26 around. They wore combat uniforms and many red pieces of fabric  
27 tied around their foreheads. They had guns, machetes, axes. I  
28 heard them yelling, 'We've come now, we've returned back to  
29 Freetown'. They based themselves inside the mental hospital."

1 Do you agree that you told Ms Dufka that in this interview.

2 A. I said all of those.

3 Q. I'm going over the page now:

4 "I saw many rebels going into and out of the mental  
12:17:27 5 hospital. I later learned their main base was in Ferry Junction  
6 and that the big commanders had sent their small soldiers on food  
7 finding all over Kissy. I saw many child soldiers in uniforms.  
8 Even 10 year olds, 12 year olds."

9 Did you tell her that?

12:17:48 10 A. I said all of those.

11 Q. "Later that day I ran away with the intention of coming to  
12 central, but was stopped by a huge group of them in Ferry  
13 Junction."

14 Did you tell her that?

12:18:06 15 A. I said it.

16 Q. "At PWD I was stopped at the checkpoint and when I told  
17 them I wanted to leave Kissy they forced me to lay down on an  
18 empty table in a small market and made me pull down my pants and  
19 struck me two dozen times with a cane."

12:18:29 20 Did you tell her that?

21 A. I did not - I did not say that they laid me on a table. I  
22 said it was my hand. Just as I explained this morning, I said  
23 they asked me to stretch my hand and I was given a dozen lashes.  
24 I did not say on my buttocks. If she has said that then she must  
12:18:55 25 have made that mistake, not me.

26 Q. I'm going to read the part where she deals with you being  
27 lashed on your hand, but before that appears in these notes of  
28 interview, she has recorded you telling her through the  
29 interpreter that first of all they made you pull down your pants

1 and struck you two dozen times with a cane on an empty table in a  
2 small market. Now, do you agree that the likelihood is that you  
3 did tell her that but you've now forgotten?

12:19:41

4 A. No. If - maybe it is possible that the one that was  
5 interpreting for me must have omitted that one or must have  
6 replaced it. I said it was on my hand. I did not say that I was  
7 laid on the table and not on my buttocks.

12:20:03

8 Q. She has recorded the lashings on your hand, and we're going  
9 to come to that in just a second, but this was read back to you,  
10 you agreed earlier, and you confirmed that it was correct when it  
11 was read back to you. Now, if all this business about you being  
12 laid on an empty table and made to pull your pants down and being  
13 struck two dozen times with a cane is not correct, but it was --

14 A. That area is not correct.

12:20:28

15 Q. Hang on. But it was read back to you, why didn't you  
16 object and say, "Take all that out, that never happened to me"?

17 A. I told them. I told them, but if they refused to do that I  
18 did not tell them that they asked me to take my pants off so that  
19 they lashed me on my buttocks. I told them it was on my hand.

12:20:57

20 Q. I'm carrying on now with the document:

21 "They then searched my pockets for money and when they  
22 didn't find any told me to stretch out my hand and struck me two  
23 dozen times with a cane."

24 Did you tell her that?

12:21:15

25 A. I said one dozen. I said, when I met with them, when they  
26 asked me to give them money, I said I did not have, they gave me  
27 a dozen lashes. That was what I said. I knew what happened to  
28 me. So if someone else would go and add something to my  
29 statement, or subtract something from my statement, then that is

1 not it. I said, that was what I explained, and that is what I am  
2 explaining here again. I said, when they checked my pockets and  
3 I did not have money there, they gave me a dozen lashes and they  
4 asked me to stretch my hand and they gave me a dozen lashes on my  
12:21:49 5 hand and when they released me, whilst I was going, a 14 years  
6 old boy took his gun and he said he was going to shoot me.

7 Q. We'll come on to the boy in a moment. I'm just dealing  
8 with the lashings at the moment. Was it with a cane or, as  
9 you've told us this morning, with a piece of electric cable?

12:22:14 10 A. It was a cable.

11 Q. So she and the interpreter have got cane mixed up with  
12 cable?

13 A. It was a cable, so if they have written cane there, I did  
14 not say so. I said cable.

12:22:33 15 Q. And looking at that account overall, she has recorded a  
16 worse incident than actually happened to you, hasn't she, because  
17 she's got you being lashed on two different parts of your body  
18 and for twice as long as you now recall. Do you agree?

19 A. No.

12:22:53 20 Q. I'm going to carry on with the rest of the interview. Just  
21 before I do, was this incident something that took place in full  
22 view of other people? Were other people able to see this  
23 incident where you were lashed?

24 A. Whether civilians were there? No, there were no civilians.

12:23:20 25 It was only rebels who were around there, around the place. No  
26 civilians present.

27 Q. But you're saying that Ms Dufka has completely made up the  
28 story of you having your pants pulled down and beaten on your  
29 buttocks, by implication.

1 A. I am saying maybe the one who interpreted made a blunder,  
2 because what I explained to them was that I was beaten on my  
3 hand. Maybe the interpreter must have blundered and said some  
4 other thing else that she recorded down. I did not say that they  
12:24:02 5 asked me to pull down my pants.

6 Q. And they've got this taking place in an area where there  
7 might not be other civilians around but you say where there was a  
8 lot of rebels who were able to see it, so it was something that  
9 happened in public?

12:24:19 10 A. That was why I said there were no civilians, but I said,  
11 yes, there were rebels present. There were rebels present, not  
12 civilians.

13 Q. Let's move on:

14 "I didn't hear the name of any of the rebels. I was the  
12:24:33 15 only one civilian at this checkpoint. Then I returned back to my  
16 brother's house."

17 Did you tell her that?

18 A. Yes, I told him that.

19 Q. "As I walked back I was limping from the beating and a  
12:24:49 20 small soldier around 17 years old pointed a gun at me and said,  
21 'If you don't run, I'm going to kill you'."

22 Did you tell her that?

23 A. I said 14 years. They might have written 17. It was a  
24 14-year old boy.

12:25:09 25 Q. May I make it clear, Mr Wai, that you were interviewed  
26 again, as I've indicated, in 2005 - in October 2005. I think I  
27 said November earlier. You were interviewed in October 2005 and  
28 you did make some corrections to this first account, and I accept  
29 that in October of 2005 you changed the age of the boy from 17 to

1 14. But we're going to look at the corrections and the  
2 clarifications that you made in October 2005 after we've been  
3 through this account:

4 "But then another rebel said 'No, don't do anything to  
12:25:59 5 him'. This rebel was a little older, maybe 20. Both were  
6 dressed in the same way, in combat and with the red head tie."

7 Did you tell her that?

8 A. Yes, I told her.

9 Q. "From Ferry Junction to my house at Falcon Street I saw  
12:26:19 10 many bodies. I'd followed the same route on my way down to Ferry  
11 Junction and hadn't seen them then. I believe they must have  
12 been killed that very day. I saw more than 20 bodies, one here,  
13 one there. Men, women and children. I saw most of the bodies  
14 along old Blackhall Road that climbs from the old road to the  
12:26:41 15 mental hospital. Some had already started to swell."

16 Did you tell Ms Dufka that?

17 A. I did not tell her that. I did not discuss that with her.

18 Q. Well are you saying you didn't tell her any of that, or are  
19 you saying there were some parts of that that you didn't tell  
12:27:02 20 her?

21 A. I did not tell her that. From the point where I said I was  
22 beaten I told her that after they had beaten me whilst I was  
23 coming to Kissy I saw rebels holding machetes, sticks, axes, but  
24 I did not tell her that I met corpses on the way.

12:27:23 25 Q. Did you in fact meet corpses on the way back to your  
26 brother's house?

27 A. No, I met civilians and rebels on the way starting from the  
28 old market, that is Kissy market, going towards the mental home.  
29 That was where I met them.

1 Q. Did you actually meet corpses on your way back to your  
2 brother's house?

3 A. No.

12:28:01

4 Q. Or, Mr Wai, do you simply not remember now whether or not  
5 you saw corpses on the way back to your brother's house?

6 A. I did not meet corpses. I met civilians on the way. I did  
7 not tell them that I met corpses on the way. I did not tell them  
8 that.

9 Q. Last paragraph on that page:

12:28:17

10 "On 8 January 1999 I saw a group of rebels set a  
11 neighbour's house on fire. More and more rebels were coming, all  
12 the time. At first they ordered us to set tyres on fire and sing  
13 for peace. The rebels were stealing a lot from the civilians,  
14 chickens, goats, pigs."

12:28:41

15 Did you tell her that?

16 A. Yes, I said it.

17 Q. "The worst of it started on the 19th, a Wednesday. I saw  
18 five civilians, two women, three men, who'd had their hand  
19 amputated on the 19th. They had come to our area to see a doctor  
20 who gave them first aid. I'd been told that these five had been  
21 amputated near PWD Ferry Junction."

12:28:57

22 Did you tell her that?

23 A. Yes, I said it.

12:29:18

24 Q. "My neighbours who had spoken to the amputees were the ones  
25 who told me what happened. On 20 January ECOMOG started shelling  
26 from the sea up into the hills around Kissy. Some mortars landed  
27 behind us in Looking Town. Later that day I started seeing fires  
28 burning all over Kissy. I wasn't able to go out of my house so  
29 don't know if there were any more amputees that day."

1 Did you tell her that?

2 A. I told her that I saw - I observed the ECOMOG bombarding  
3 and that the shells were falling around the hills. I did not  
4 tell her about amputees.

12:30:10 5 Q. No, she says here that you didn't know whether there were  
6 any more amputees that day. Do you think she might have asked  
7 you if you saw any more amputees and that you might have said  
8 "No"?

9 A. Well those of us whose hands were chopped off we were three  
12:30:28 10 who were walking in company, so if they had chopped off some  
11 people's - other people's hands maybe it was only for those five  
12 people that I saw.

13 Q. Next paragraph:

14 "On 20 January the rebels who'd been based around mental  
12:30:49 15 fled down towards Tecaco because ECOMOG shelling. They left some  
16 rebels in the area but the majority fled down."

17 Did you tell her that?

18 A. Yes, that was what I said.

19 Q. And can you help us with is that word that's written  
12:31:13 20 "Tecaco" correct?

21 A. Texaco. Texaco.

22 Q. And before we go on with the rest of what's recorded here,  
23 can you just help us with this. The fires that you'd seen  
24 burning all over Kissy, were they - do you know if they were  
12:31:29 25 caused by ECOMOG shelling; some or all of them caused by ECOMOG  
26 shelling?

27 A. Well, I wouldn't want to lie. I was at home. When we were  
28 at home we did not want to walk around and bad people were in the  
29 street. We were at home. We saw fire on the houses burning. We

1 saw houses burning. They were burning houses. People ran. They  
2 came and met us.

3 Q. Right. The third paragraph on that page is as follows:

4 "The next day, Thursday, things had calmed down and ECOMOG  
12:32:17 5 had stopped their shelling. Around 3 p.m. we heard that ECOMOG  
6 were advancing from Ferry Junction and had taken the rebel base  
7 at PWD. As we were sitting around people came to tell me that  
8 ECOMOG is coming. I also saw a man walking by holding up his  
9 amputated hand."

10 Do you recall telling Ms Dufka that?

11 A. I did not tell her that. I said the man came. He met us  
12 sitting in the veranda, four of us, and he told us that he was  
13 called Abuja and he told us that the ECOMOG were on their way  
14 coming and we too ran into the house. That was what I told her.

12:32:55 15 Q. Right. Next paragraph:

16 "Around 3 p.m. two rebels came to my house. I heard them  
17 saying 'Open up, or we'll set your house on fire. If we were  
18 ECOMOG you will be dancing and singing, but since it's us when  
19 you see the Sierra Leone soldiers you hide'. This he said in  
12:33:22 20 Krio."

21 Did you tell her that?

22 A. Yes, I said that.

23 Q. So they were saying, "When you see the Sierra Leone  
24 soldiers you hide". Do you agree that you didn't say anything  
12:33:37 25 about the RUF at this point?

26 A. RUF? They were mixed, they were together, and when I saw  
27 them having on the combats I knew that they were Sierra Leone  
28 soldiers. That was why I said the RUF and the Sierra Leone  
29 soldiers went and attacked us in our house.

1 Q. But Ms Dufka has not recorded "RUF" anywhere in what we've  
2 read so far, has she?

3 A. She might have not written that, but I said it. She might  
4 have not written it down, but I said it.

12:34:21 5 Q. Very well. Let's move on:

6 "Then he kicked the door down. I was hiding behind the  
7 door. As they came in there were two of them. I tried to run  
8 away and escape out of the door."

9 Did you tell her that?

12:34:40 10 A. I said all of those.

11 Q. Right. So you didn't open the door to them. They kicked  
12 the door in, is that right?

13 A. I opened the door and they came in. They said if I refused  
14 to open the door they will set the house on fire.

12:34:56 15 Q. Well, did you tell Ms Dufka that he kicked the door down?

16 A. I did not tell her that. I said I opened the door and they  
17 came inside.

18 Q. Very well. Continuing now with what's written here:

19 "Seeing this, the rebel with the gun (only one had a gun)  
12:35:24 20 shot on the ground to stop me. I was forced back into the house  
21 and they demanded I give them 4 million leones".

22 Did you tell her that?

23 A. No, I said 400,000. I said 400,000 leones. I did not say  
24 4 million.

12:35:45 25 Q. Very well. Did you tell her that the rebel with the gun  
26 shot on the ground to stop you escaping?

27 A. Yes.

28 Q. Thank you. I accept, Mr Wai, that when you were seen in  
29 October 2005 you did change the 4 million to 400,000. We'll look

1 at that in due course. Then it goes on as follows, "They both  
2 wore full combat clothes." Did you tell her that they both wore  
3 full combat clothes?

12:36:34

4 A. I said one had on combat and the other had halfway combat,  
5 because he had a combat shirt and civilian trousers.

6 Q. Or do you think you're just not able to remember so much  
7 now as you were able to remember back in early 2003?

8 A. I do not recall that much.

12:37:08

9 Q. "One had a gun and a grenade strapped on his belt. The  
10 other held a cutlass. The rebel with the cutlass was an SLA  
11 soldier. The other one spoke in a funny way. He wasn't a Sierra  
12 Leonean. He couldn't speak either Krio or English properly. I  
13 don't know where he was from but I thought he might be from  
14 Burkina Faso. I didn't hear French, nor know what it sounds

12:37:28

15 like, but once I met someone from Burkina Faso and he spoke  
16 broken English like this one."

17 Did you tell her that?

12:37:53

18 A. Maybe the one who interpreted what I said to her was the  
19 one who omitted, but I did not tell them that. I told them that  
20 the man was speaking a different language that I did not  
21 understand, so maybe the one who interpreted that was the one who  
22 must have omitted my words.

23 Q. Well from what you're saying somebody has added to your  
24 words the reference to Burkina Faso, haven't they?

12:38:19

25 A. Yes, the word that has been added there that I talked about  
26 Burkina Faso, I did not say that. It was the one who interpreted  
27 who might have done that.

28 Q. All right. Is it correct that you did once meet someone  
29 from Burkina Faso who spoke broken English? Is that right? Did

1 that ever happen in your life?

2 A. No, no, no.

3 Q. So they've just made that bit up, have they?

12:39:03

4 A. Well I did not know the type of human being that he was

5 because he was speaking Krio, but the Krio was not very clear.

6 That was why I said he was a foreigner. I categorised him to be

7 a foreigner, because his Krio was not as clean as I am speaking

8 the Krio here now. The man himself did say that he was a

9 foreigner and that he only came to fight, but if he did not

12:39:24

10 succeed he would return.

11 Q. Very well, "The Sierra Leonean soldier introduced himself

12 as Captain Blood". Did you tell Ms Dufka that?

13 A. I told her because his colleagues referred to him as

14 Captain Blood and that entered my ears, so that is the reason why

12:39:51

15 anywhere I go to if you ask me I will say it was Captain Blood

16 who amputated me.

17 Q. Mr Wai, what is written here is not that you heard his

18 colleagues calling him Captain Blood, but that he himself told

19 you that his name was Captain Blood. Did you tell Ms Dufka that

12:40:17

20 the Sierra Leonean soldier introduced himself to you as Captain

21 Blood?

22 A. I did not tell her that. I did not tell her that.

23 Q. "The other said his name was The Killer".

24 A. The Killer, that one - after they had chopped off my hand,

12:40:49

25 and whilst I was trying to go up the hills, that was the one who

26 said - who said, "Fullah Boy, Fullah Boy, I want to drink blood."

27 So that is the one I am referring to. I am not talking about the

28 mercenary here. It is that other one that I referred to as The

29 Killer.

1 Q. Did you tell Ms Dufka or not that the other man with  
2 Captain Blood introduced himself to you by saying his name was  
3 The Killer? Did you tell her that?

4 A. No, no. I did not discuss that with her. The one who  
12:41:29 5 chopped off my hand, the one who chopped off my hand was the one  
6 I told her that was called Captain Blood, and the one who during  
7 the late hours, whilst I was going to the hills, was the one who  
8 was calling his colleague, "Fullah Boy, I want to drink blood"  
9 and Fullah Boy too responded to him and said, "The Killer, let's  
12:41:55 10 go down there, the blood is there that you will drink." So the  
11 one that is written here is not what I told her. The one I  
12 explained, she must have missed, so she wrote something  
13 different. This is not what I told her.

14 Q. Moving on:

12:42:15 15 "I offered them all the things in my house and even  
16 offered to carry it but they refused. It was the money they  
17 wanted. I told them I didn't have that money."

18 Did you tell her that?

19 A. Yes, I told her. I said, when they asked me I explained  
12:42:35 20 everything. I said, he asked me to give him 400,000 and I told  
21 him that I did not have anything. I said I did not even have a  
22 cent with me and that if you wanted a property, any one amongst  
23 the property, I will hand that over to him. But he said he did  
24 not want any property, he wanted money.

12:42:54 25 Q. So she has correctly recorded what you told her about your  
26 property, yes?

27 A. Yes.

28 Q. Thank you:

29 "There were three other people hiding in the house with me

1 when the rebels entered. Three boys. My nephew named Koroma,  
2 who was 15 years old. The other two managed to escape."

3 Did you tell her that?

4 A. I told her all of this.

12:43:19 5 Q. "As the rebels were searching the house for valuables I  
6 decided to try and run out the door. As I tried to escape for  
7 the second time the rebel with the machete caught me by the  
8 waistband of my pants. He dragged me to the table, then he  
9 forced my left hand onto the table. As I withdrew it the rebel  
12:43:44 10 with the gun beat me and the one with the cutlass said he'd cut  
11 my head in two if I don't put my hand down. Then he ordered me  
12 to put my left hand down, held down my hand and chopped it four  
13 times with the machete."

14 Did you tell her that?

12:44:09 15 A. Yes, I told her that the man ordered me to put my hand down  
16 and I said the other man said the man should release me, but he  
17 said if I refused to put my hand he will have to split my head  
18 into two. So by then my condition was very bad. So at any time  
19 I put my hand on the table it --

12:44:39 20 THE INTERPRETER: Your Honours, could the witness slow down  
21 his pace and repeat from where the interpreter stopped.

22 PRESIDING JUDGE: Please pause, Mr Witness. The  
23 interpreter is again trying to keep up with you. He has not  
24 recorded all your answer, so please pick up your answer where you  
12:45:03 25 said, "So at any time I put my hand on the table." Please  
26 continue from there.

27 THE WITNESS: What is the question?

28 MR MUNYARD:

29 Q. In fact, Mr Wai, all I want to know from you is has she

1 recorded this correctly and I think you have agreed that you did  
2 tell her these things. Can I just ask you this: There is no  
3 reference in this account that she's recorded of it being these  
4 two rebels' boys or colleagues who actually managed to stop you  
12:45:39 5 escaping a second time and were the people who were responsible  
6 for holding you down when the principal rebel chopped off your  
7 hand. Did you tell Ms Dufka about their boys being the ones who  
8 grabbed you and held you down?

9 A. At that time, after they held me and pushed me, that is  
12:46:06 10 after they had hit me with the butt of the gun, I fell down on  
11 the floor. So it was that man who held my hand and put it on the  
12 table and chopped it off, because those other two boys had  
13 already gone outside.

14 Q. But you agree there's no reference to the other two boys in  
12:46:27 15 here? Sorry, to their, the rebels' boys, in here?

16 A. No.

17 Q. And there's no reference in here to the mercenary telling  
18 Captain Blood that Captain Blood should release you. Do you  
19 agree there's nothing recorded here?

12:46:48 20 A. She did not write it, because I explained everything to  
21 her, but she did not write it. I explained everything to her.  
22 Maybe she did not write it.

23 Q. Right. I'm now going to finish the rest of that paragraph:

24 "Meanwhile, the other rebel pointed the gun at my head.  
12:47:16 25 After cutting my hand the one with the machete said 'Go to Pa  
26 Kabbah, he's brought many many hands for you.' My hand was  
27 hanging by the flesh."

28 Did you tell Ms Dufka that?

29 A. That was the hand that they had chopped off. My only hand

1 that they chopped off and Captain Blood said I should go to Pa  
2 Kabbah to give me another hand. He said he has so many hands. I  
3 said the other boy, the late Koroma, they might have omitted what  
4 I said about him. They did not put it there.

12:48:00 5 Q. But do you agree that you told her what is recorded here  
6 that I just read to you?

7 A. Here, where I disagree with, is that I did not say that  
8 they pointed a gun at Koroma's head. So if --

9 THE INTERPRETER: Excuse me, your Honours. Your Honours,  
12:48:31 10 the witness is not really very clear in this area. He is not  
11 coming in very clearly to the interpreter.

12 MR MUNYARD: Before the witness answers, I think there's  
13 been a bit of confusion and I can probably clarify it by just  
14 reading out again the passage and hopefully moving on.

12:48:47 15 PRESIDING JUDGE: He does seem to be answering something  
16 different.

17 MR MUNYARD: Yes:

18 Q. Mr Wai, there was no mention in here of you telling  
19 Ms Dufka that somebody pointed a gun at Koroma's head. I'm just  
12:48:59 20 going to read these lines again and see if you agree you told her  
21 this:

22 "Meanwhile the other rebel pointed the gun at my head.  
23 After cutting my hand the one with the machete said 'Go to Pa  
24 Kabbah, he's brought many, many hands for you.' My hand was  
12:49:17 25 hanging by the flesh."

26 Did you say that to her?

27 A. I told her that they chopped off my hand, but I did not  
28 tell her that the gun was pointed at my head. I said it was -  
29 the gun was not pointed at Koroma's head but at my own head.

1 They might have written Koroma's name there.

2 MR MUNYARD: I think the misunderstanding is persisting but  
3 I'm going to move on:

12:49:50

4 Q. I'm now going to read the remainder of this account of your  
5 interview:

6 "I got up and moved towards the door from where I saw the  
7 rebels cut both hands off my 15 year old nephew Koroma. The same  
8 rebel did the cutting and said the same thing about going to Pa  
9 Kabbah."

12:50:10

10 Did you tell her that?

11 A. I told her.

12 Q. Thank you:

13 "After cutting my hand I fled into and hid in the  
14 neighbour's bathroom."

12:50:21

15 Did you tell her that?

16 A. Yes, I told her. I said the toilet that was in our  
17 compound. I told her all of this.

18 Q. I think "bathroom" may be American speak for what English  
19 people and others call a toilet:

12:50:40

20 "It was hot. ECOMOG was advancing. There was firing all  
21 around. From when I left my house I never saw Koroma again.  
22 Later, once in the hospital, my sister said she had seen the  
23 charred body of Koroma inside our house. That is how I learned  
24 that he died."

12:51:01

25 Did you tell her all of that.

26 A. Yes, I told her all of this.

27 Q. "After leaving my house the rebels set my house on fire.  
28 The same two rebels had petrol and set my house on fire. I saw  
29 this."

1 Did you tell her that?

2 A. I told her that I saw them setting houses - the house on  
3 fire.

4 Q. "From the inside the toilet I saw many bad things. Around  
12:51:29 5 4 p.m., an hour after they'd chopped my hand, I saw a group of  
6 rebels capturing 15 young girls from the neighbourhood. I saw  
7 one rebel guarding the girls who were sitting in front of the  
8 house. I saw the girls being led into the house one by one and  
9 heard cries coming from inside. I heard the girls screaming  
12:51:52 10 'You're going to kill me.' The girls ranged in age from 13 to  
11 17. Those left outside were guarded by four other rebels. Since  
12 I'm not from the area I never knew their names."

13 Did you tell her that?

14 A. I told her that.

12:52:13 15 Q. "Rebels did what they wanted and didn't feel the pressure  
16 from ECOMOG who didn't advance up the hill. ECOMOG had remained  
17 deployed further down in Lower Kissy. Around midnight I saw  
18 rebels moving around a house nearby and soon after saw it go up  
19 in flames."

12:52:33 20 Did you tell her that?

21 A. I told her.

22 Q. "Shortly after this a rebel found me hiding in the toilet.  
23 First he asked me for money and I showed him my cut hand and said  
24 'Come finish me now.' Seeing this he felt sorry for me and  
12:52:52 25 showed me the road I should use to escape. I went up the hill  
26 and slept in the bush."

27 Did you tell her that?

28 A. I said all, all of this.

29 Q. "The next day I arrived at Dr Bell's clinic in Brookfield.

1 There I saw more than 20 other amputees. None of them I found  
2 there died of their injuries. Included were a Pa Ballah, Tommy  
3 Foday, Gibri I Sesay, Pa Olu Williams (who recently died), Pa  
4 Jalloh, Alhaji Pa Binch and Santi gie."

12:53:32 5 Did you tell her that?

6 A. Yes.

7 Q. Next paragraph:

8 "I know the rebel who cut my hand, Captain Blood, was an  
9 SLA rebel because he was the one who had commented that we the  
10 civilians preferred ECOMOG soldiers to them the SLA. He said his  
11 name several times. He was medium build, of dark complexion,  
12 about 5 foot 8, in his early 30s AND of round face. I ran into  
13 him once in 1999 during a football match at the stadium. It was  
14 THE Sierra Leone/Liberia match. I just looked at him. When he  
12:54:18 15 saw me he moved away."

16 Did you tell Ms Dufka all of that?

17 A. Yes, I told her.

18 Q. And that is where her account of what you were telling her  
19 finishes. Now, there's no reference whatsoever in that account  
12:54:38 20 that she's recorded to the RUF, is there?

21 A. I called - I talked about RUF but she did not put RUF  
22 there. I said SLA and RUF soldiers, but she did not put the RUF  
23 there.

24 Q. And there's no reference to the fact that you knew the man  
12:55:04 25 called Captain Blood very well because he was Mohamed who used to  
26 visit your house regularly at weekends, is there?

27 A. Yes, that was what I said.

28 Q. Are you saying that you told Ms Dufka that?

29 A. I told her.

1 Q. I'm now going to turn to the other document which is a  
2 one-page document headed "Additional information provided by  
3 witness TF1-097". Now, Mr Wai, you were seen again on 21 and 26  
4 October 2005 in what's called a proofing session and this is the  
12:55:52 5 second time you were seen and I think that you agreed this  
6 morning that the original interview was gone over with you again.  
7 Is that correct?

8 A. Yes.

9 Q. Thank you. Well, we'll just look at the four paragraphs  
12:56:08 10 that have been recorded here:

11 "Witness ...", that is you, "... states that he was  
12 confronted by the same two rebels that amputated his hand in  
13 Freetown during the attack on Tombo. At that time they took  
14 money and property from the witness."

12:56:28 15 Do you agree that you told whoever --

16 A. I agree. I said all of those.

17 Q. Did you tell them in 2005 that this was the person called  
18 Mohamed who you knew very well?

19 A. Yes.

12:56:40 20 Q. Did you point out to them that there was no reference to  
21 his name or the fact that you already knew Captain Blood in that  
22 first interview that they were going through with you in the  
23 proofing session?

24 A. Repeat. Repeat that, please.

12:57:03 25 Q. Certainly, yes. The proofing session you've agreed  
26 includes you being taken through the first interview in order  
27 that you can correct anything in it that's wrong, or add to it  
28 anything that you now want to add, do you agree?

29 A. I did not add anything there. The ones that they read to

1 me were the ones I agreed with.

2 Q. Well, we know that you did add the fact that the two rebels  
3 who amputated your hand in Freetown had stolen money from you in  
4 the attack in Tombo. So you added something to the first

12:57:43 5 interview there, didn't you?

6 A. The first one?

7 Q. Yes, the interview that we've just looked through --

8 A. Yes.

9 Q. -- a number of pages?

12:57:55 10 A. I said yes, God. I said yes.

11 Q. And in order for you to add to that first interview the  
12 Prosecutors have to take you through everything that's in that  
13 first interview, don't they, so that you can check to see if  
14 there's anything you now think is wrong or anything that you want

12:58:16 15 to add like this reference to being robbed in Tombo? Do you  
16 agree?

17 A. Yes.

18 Q. Well, when they took you through the first interview in  
19 October of 2005 why didn't you say to them, "Captain Blood didn't  
12:58:34 20 need to introduce himself to me. I already knew him because I  
21 told the lady who interviewed me he was called Mohamed and he  
22 used to visit my house regularly"?

23 A. It was because they did not ask me such questions, so I too  
24 - it was at the latter part because I told them that they - they  
12:59:03 25 did not ask me initially, but I had said to myself that if they  
26 ask me such a question I knew that that was his nickname.

27 Q. They didn't need to ask you a question. As part of the  
28 proofing session you were - you've agreed you were being asked to  
29 correct anything that was wrongly recorded back in the 2003

1 interview and to add any information that you thought was  
2 relevant when you're going through this exercise in October 2005.  
3 So it was up to you to add, "I knew who Captain Blood was. He  
4 was that Mohamed who used to visit us regularly." Do you agree  
12:59:52 5 it was up to you to add that?

6 A. Yes, that is it.

7 Q. And you haven't added that then, have you, in this - on  
8 this second occasion when you're seen?

9 A. Because whilst they were reading to me it was what I  
13:00:13 10 explained to them that they wrote, so if they did not write it  
11 then they must have done the mistake. I did not do the mistake.

12 Q. Paragraph 2:

13 "After rebels entered Freetown on 6 January 1999 witness  
14 states he fled from the Kissy area and ended up at the Albert  
13:00:34 15 Academy. At the Albert Academy compound he saw rebels passing  
16 and heard the Pademba Road Prison breakout."

17 Did you tell them that?

18 A. I heard it. I was told. They told me.

19 Q. Yes, did you tell the people interviewing you or proofing  
13:00:57 20 you in October 2005 what we've just looked at?

21 A. Yes, when they told me that they had broke open Pademba  
22 Road and I - it was when she asked me that I explained that to  
23 her that they told me that Pademba Road was broke open.

24 Q. Paragraph 3:

13:01:26 25 "After staying at the Albert Academy compound for about  
26 seven days the witness tried to return to Kissy when he was met  
27 by the rebels who struck him with a cane at Ferry Junction PWD  
28 compound. States the young boy with a gun was 14 years old.  
29 Returned to the Albert Academy compound after this incident and

1 spent several more days there before being able to return to the  
2 house in Kissey."

3 Do you agree that you told them that?

13:02:04

4 A. At the time I was trying to return I said I was going to  
5 meet my sister for food and that was the day when I was returning  
6 to Kissey that they caught me and gave me the one dozen lashes.  
7 That is when I was leaving Academy and coming back to Kissey. By  
8 then I was not going to Academy. I was returning to Kissey when  
9 that incident happened to me at PWD. That was what I explained  
10 to her.

13:02:26

11 Q. Yes, and that's what is written down here, that you were  
12 trying to return to Kissey from the Albert Academy when this  
13 incident happened at the PWD compound, but do you agree that on  
14 that occasion you explained to them that the young boy with the  
15 gun wasn't 17 years old as in the notes of the first interview  
16 but was 14 years old? Do you agree that you've got that - that  
17 you made that correction in October 2005 to what was being read  
18 back to you of your earlier interview in 2003?

13:02:48

19 A. I said 14 years. Then they went and wrote something  
20 different. Maybe it was the one who interpreted for her that  
21 talked about that 17 years and then she recorded it as 17 years,  
22 but I said 14 years and that was what I said.

13:03:16

23 Q. Mr Wai, we've moved on from the first interview. We're  
24 looking at the second occasion. Do you agree that the people  
25 interviewing you on the second occasion have got it right when  
26 they say that you told them that that boy was 14 years old? Have  
27 they correctly recorded what you're telling them in October 2005?

13:03:35

28 A. Yes, it is the correct one that they wrote, 14 years.

29 Q. Yes. So they have clearly been reading back the notes of

1 the first interview to you line by line and page by page, haven't  
2 they?

3 A. Yes.

4 Q. Thank you:

13:04:20 5 "Returned to the Albert Academy compound after this  
6 incident and spent several more days there before being able to  
7 return to the house in Kissy."

8 That's correct, isn't it? That's what you told them?

9 A. Yes, everything is correct.

13:04:39 10 Q. Paragraph 4, "At house in Kissy rebels that amputated his  
11 arm demanded 400,000 leones." Do you agree you told them that?

12 A. I agree with the 400,000. That was what I told them. If  
13 they recorded 4 million I don't know where they got that account  
14 from, but what I told them was 400,000.

13:05:05 15 Q. Well, don't worry where they got the account from in the  
16 first interview. We've moved on from that. In the second  
17 interview you are given an opportunity to look at what's recorded  
18 in the first one and you've changed the 4 million to 400,000. Do  
19 you agree?

13:05:29 20 A. It was the 400,000 that the man asked for. He said I  
21 should give him 400,000. I did not say 4 million.

22 Q. "One of the rebels that entered the house in Kissy said he  
23 was a mercenary and had an identification card". Do you agree  
24 that you told them that in October 2005?

13:05:52 25 A. No.

26 Q. So do you agree that you told them that he was a mercenary?

27 A. Yes, I told them that. I agree with that.

28 Q. Thank you.

29 A. Thank you too.

1 Q. Did you tell them that he had an identification card?

2 A. I did not discuss that with them.

3 Q. So they've made that bit up, but they have correctly  
4 recorded what you told them about him saying he was a mercenary?

13:06:28 5 Is that right?

6 A. Yes, that is what she said. It's correct.

7 Q. I'm going to ask you just one last time do you accept that  
8 your memory today in 2008 is less reliable - less good - about  
9 events that happened nine or ten years ago than your memory was  
10 in 2003?

13:06:53

11 A. All that you see in front of me, everything, these were the  
12 correct words that I said. I agree.

13 Q. And you have not mentioned the word "RUF" in either 2003 or  
14 October 2005, have you?

13:07:27

15 A. I talked about RUF there. They might have omitted that,  
16 but I called the RUF there.

17 Q. Has somebody suggested to you that you've got to now start  
18 mentioning the RUF, or has some - let me rephrase that. Has  
19 somebody suggested to you since October 2005 that you should  
20 mention the RUF when you talk about these things that happened to  
21 you?

13:07:50

22 A. Yes, they said where I should start, but I told her that  
23 when I start talking I will start with the first person that  
24 started doing something bad to me. That was why I started with  
25 the SLA soldier and it was the SLA soldier that did the first bad  
26 thing to me. So, later I continued speaking and I talked about  
27 the RUF.

13:08:18

28 Q. You mean you talked about the RUF to Ms Dufka?

29 A. I talked about it.

1 Q. And you talked about the RUF in your proofing session in  
2 October 2005 that we've just looked at?

3 A. I explained everything.

4 Q. Did you tell them in October 2005 in the proofing session  
13:08:58 5 that the RUF were amongst those responsible for your  
6 mistreatment?

7 A. All of them were there. They were all there, because they  
8 were all involved in the chopping off of houses [sic]. They were  
9 all involved in the amputation of limbs.

13:09:21 10 Q. Mr Wai, I'm not asking you what happened. I'm asking you  
11 what you told the Prosecutors in those two interviews. Are you  
12 saying that in the second one you also mentioned the RUF?

13 A. I mentioned it.

14 Q. And today when you say that it was the children of  
13:09:43 15 Charles Taylor who did this to you, has somebody suggested that  
16 you should call out the name of Charles Taylor at some point in  
17 your evidence?

18 A. Nobody told me. I'm a mature man. If somebody did bad to  
19 me, I would have to say it. If he had not supported those people  
13:10:09 20 they wouldn't have done bad. If nobody supports me to do bad  
21 things I will not do bad things, so that was why I said he was  
22 the leader. He supported - he sponsored people to do bad things  
23 in Africa, Sierra Leone and Liberia. He supported people to  
24 amputate us, to split pregnant women's stomach.

13:10:28 25 Q. And where is your evidence for that, you yourself, Mr Wai?

26 A. Where I got the evidence?

27 Q. Yes.

28 A. Because this was done to me and I suffered it. If that was  
29 not done to me, I wouldn't have known him. Like even here, I

1 would n' t have been here today. If --

2 Q. Now - sorry.

3 A. Yes.

13:11:00

4 Q. I didn't mean to interrupt you. You are simply repeating  
5 what other people have told you about Charles Taylor, aren't you?

6 A. Yes, that's what I'm repeating it for him to have it in his  
7 own ears, to know what he has done, and what he did is what we  
8 are suffering now in our country.

13:11:27

9 Q. Who was the last person who told you to say that it was all  
10 Charles Taylor's fault?

13:11:50

11 A. Nobody told me. As I'm sitting here, that's why I told you  
12 if I saw him because I never had known him. It was only today,  
13 because yesterday when I came here I did not know him, but when I  
14 came today now I know him. So I am saying that it was he who was  
15 responsible for the problems that were caused on us. He used our  
16 brothers to amputate our arms, so that's why I said he is the  
17 cause of everything that has happened to us.

18 MR MUNYARD: Madam President, I have no other questions.

19 PRESIDING JUDGE: Thank you, Mr Munyard.

13:12:08

20 MR MUNYARD: I should say I have no other questions but I  
21 would invite the Court to mark both those documents for  
22 identification. The first one, which is I think four pages long,  
23 let me just check. It's more than four; six pages long, dated 5  
24 March 2003, and the second one is one page long and is  
25 information provided on 21 and 26 October 2005.

13:12:34

26 PRESIDING JUDGE: Very well. That is - the first is a six  
27 page documented headed "Special Court for Sierra Leone" and  
28 underneath that "Witness statement" and it has a date of  
29 interview 5/3/2003, six pages, it becomes MFI-1. The second is a

1 one page document headed "Additional information provided by  
2 witness TF1-097" and it becomes MFI-2.

3 MR MUNYARD: Thank you.

4 PRESIDING JUDGE: Any re-examination, Mr Bangura?

13:13:17 5 MR BANGURA: Yes, your Honour.

6 RE-EXAMINATION BY MR BANGURA:

7 Q. Mr Witness, I'm just going to ask you a question or two  
8 arising from matters that were asked of you by my colleague on  
9 the other side. Your Honours, for purposes of reference, the  
10 question I'm about to ask relates to page 57, line 2 of the  
11 transcript. I believe I'm on a 16 font on LiveNote. Mr Witness,  
12 counsel asked you the question about whether there was infighting  
13 between the RUF and the SLA. Do you recall?

14 A. Yes, I recall that a bit.

13:14:38 15 Q. Your answer was that there was one but you hadn't any  
16 interest in that and then you said something else. Do you  
17 recall?

18 A. Yes.

19 Q. What does the word "infighting" mean to you? What do you  
13:15:00 20 understand by that word "infighting" as used by counsel in that  
21 question?

22 A. That they were fighting in between themselves.

23 Q. And what did you know about an infighting?

24 A. Infighting, when two people meet and they fight against  
13:15:32 25 each other for something, but you can still come together to do  
26 wicked things because maybe you would reconcile to do wicked  
27 things. So that's why I said infighting is when two people are  
28 fighting against each other for something, but somebody may  
29 mediate and so no, let's reconcile. So now you've reconciled, so

1 that's why I referred to as infighting, because now the two of  
2 you have come together to do wicked things. That's what I call  
3 infighting.

13:16:12 4 MR BANGURA: Your Honours, that will be all for the  
5 witness.

6 PRESIDING JUDGE: Thank you, Mr Bangura. We have no  
7 questions of the witness.

8 MR MUNYARD: Madam President, in that case I would move the  
9 Court to exhibit the two documents that I've marked for  
13:16:33 10 identification.

11 PRESIDING JUDGE: Mr Bangura, you've heard the application.

12 MR BANGURA: Your Honours, the Prosecution does not object  
13 to the documents going in.

14 PRESIDING JUDGE: Very well. I would say, initially, have  
13:16:46 15 you got a clean copy for the Court record? There is one, very  
16 well. Therefore I will mark as exhibits MFI-1 the six-page  
17 document previously described, it will become Defence exhibit  
18 D-65.

19 [Exhibit D-65 admitted]

13:17:10 20 I will mark the second one-page document MFI-2 as  
21 previously described D-66.

22 [Exhibit D-66 admitted]

23 If there are no other matters I will release the witness.  
24 Mr Witness, that is the end of your evidence. You are now free  
13:17:31 25 to leave the Court and we thank you for coming to court to giving  
26 your evidence here today and we wish you a safe journey home.  
27 Thank you.

28 Mr Bangura, has the Prosecution another witness?

29 MR BANGURA: Yes, your Honour, the Prosecution does have

1 another witness, and my colleague Mr Christopher Santora will be  
2 leading that witness in evidence.

3 PRESIDING JUDGE: What language will the witness speak in?  
4 Mr Santora will deal with that.

13:18:38 5 MR BANGURA: Yes, thank you.

6 MR SANTORA: Good morning, Madam President, good morning,  
7 your Honours, good morning, counsel.

8 PRESIDING JUDGE: Good morning.

9 MR SANTORA: The next witness is testifying in Krio.

13:18:46 10 Before calling the witness there is a preliminary application  
11 related to the witness's protective measures. Perhaps we could  
12 dispense with that now and then the witness can be here starting  
13 for the next session, if there's time. I don't think it should  
14 take too long.

13:19:02 15 PRESIDING JUDGE: When you say dispense with it, do you  
16 mean you've got an application to make.

17 MR SANTORA: Exactly.

18 PRESIDING JUDGE: I see.

19 MR SANTORA: After consultation --

13:19:11 20 JUDGE LUSSICK: Just before you go ahead what is the  
21 pseudonym, Mr Santora?

22 MR SANTORA: I'm sorry, it's TF1-314. Now, the Prosecution  
23 has spoken with this witness and she has expressed her  
24 willingness to testify openly. Given this, the witness is  
13:19:37 25 currently covered by a decision from Trial Chamber I of the  
26 Special Court for Sierra Leone, which is dated 24 November 2004.  
27 This is actually a decision that has not been before this Court  
28 yet so we do have copies of this decision, if your Honours wish  
29 me to distribute for your Honours and counsel opposite.

1 Actually, we have four so --

2 MR GRIFFITHS: Can I just enquire from my learned friend  
3 whether it's the order of protective measures dated 24 November  
4 2004?

13:20:15 5 MR SANTORA: That is correct.

6 MR GRIFFITHS: Well, I do have copy of that.

7 MR SANTORA: Okay. So if Madam Court Attendant could just  
8 assist me in distributing these to your Honours.

9 JUDGE SEBUTINDE: Could I just request the parties that in  
10 future when you make copies for the Bench you make four copies;  
11 one for each judge, please.

12 MR SANTORA: There are four copies, I'm sorry, yes. I just  
13 didn't have one --

14 JUDGE SEBUTINDE: I said in future. In future. Because  
13:20:46 15 this error has been repeated over and over again.

16 MR SANTORA: Okay. The Prosecution is applying to rescind  
17 in totality provisions (a), (d), (e), (f) and (h) of the decision  
18 in front of your Honours, and in part rescind (b) and (c).

19 Provisions (b) and (c) refer to the witness's address and  
13:21:20 20 whereabouts. The Prosecution would seek to retain that portion  
21 of provisions (b) and (c). Provisions (p), (i) and (g) are not  
22 relevant in this situation. They're moot or they just don't  
23 apply to this witness. And the Prosecution would seek to retain  
24 provisions (j), (k), (l), (m), (n) and (o). I believe there was  
13:22:05 25 a previous witness where we only referred to addresses and that  
26 was an error. We should have referred to addresses and  
27 whereabouts, if you see in provisions (b) and (c). They may be  
28 redundant, but for purposes of record.

29 PRESIDING JUDGE: Mr Santora, you said part of (b) and (c)

1 and which parts?

2 MR SANTORA: Right. We're seeking to retain simply the  
3 portions that relate to address and whereabouts. Everything else  
4 the Prosecution is applying to rescind.

13:22:41 5 PRESIDING JUDGE: I see. In effect then, the witness is  
6 willing to reveal name and other identifying information?

7 MR SANTORA: Yes, your Honour. Yes, Madam President.

8 PRESIDING JUDGE: Mr Griffiths or Mr Munyard?

9 MR GRIFFITHS: Madam President, we're happy for this  
13:23:46 10 rescission to take place because as always we are concerned that  
11 justice be as open as possible. Could I just raise one query,  
12 however, and it's this: This particular witness gave evidence in  
13 previous proceedings and on two occasions on 2 November 2005  
14 evidence from the witness was given in closed session, and what  
13:24:10 15 I'd like to clarify through my learned friend is what is the  
16 status of that material now and whether it is open to us to  
17 cross-examine on those passages without the need to resort to  
18 closed session testimony?

19 MR SANTORA: It's the Prosecution's position that that  
13:24:35 20 particular section does remain closed as it is a part of a prior  
21 proceeding where protective measures were in effect when that  
22 testimony was given.

23 PRESIDING JUDGE: Mr Griffiths, in the light of that reply  
24 have you any further submission?

13:24:56 25 MR GRIFFITHS: Madam President, I think given the hour it  
26 might not be possible to continue debating this matter now, but  
27 there is material contained in those passages which I might be  
28 minded to cross-examine about and I think we should avoid the  
29 inconvenience of having to go into closed session yet again in

1 light of the concession made by the OTP now that the witness is  
2 quite prepared to give evidence openly.

3 PRESIDING JUDGE: However, it is an order of another - in  
4 another court or another Trial Chamber. How can we circumvent  
13:25:35 5 that?

6 MR GRIFFITHS: Well it seems to us that, without seeking to  
7 go behind the order made by the previous court, in light of the  
8 instant decision that in these proceedings the witness will give  
9 evidence openly I see no reason why the witness can't be  
13:25:59 10 cross-examined on all of her account so long as no mention is  
11 made of the fact that on a previous occasion portions of her  
12 testimony were in fact given in closed session. That way we  
13 retain respect for the previous decision, whilst at the same time  
14 allowing justice in these proceedings to be openly done.

13:26:39 15 [Trial Chamber conferred]

16 JUDGE SEBUTINDE: Mr Griffiths and Mr Santora, I think we  
17 did have this scenario before, if you recall, a scenario like  
18 this, and I think I did suggest on an earlier occasion that it is  
19 possible in my view to cross-examine a witness on a prior  
13:29:36 20 testimony in closed session and maintain the confidentiality of  
21 the fact that this witness did testify in closed session before.  
22 The way you do that is by not referring to the fact that she  
23 testified in closed session before in a prior transcript, but you  
24 actually cross-examine this witness on specific aspects that may  
13:30:00 25 have arisen. You don't even have to refer to the fact that he  
26 testified before. You can simply say, "You stated on an earlier  
27 occasion".

28 Now I did propose this before and I think both parties did  
29 agree on that condition, if you recall, and I think this is what

1 Mr Griffiths is trying to suggest we do again. Now if you don't  
2 have an objection to that, we need to know.

3 MR SANTORA: There is no objection to that procedure,  
4 Justice Sebutinde.

13:30:29 5 MR GRIFFITHS: Your Honour, I'm most grateful for that  
6 concession, Madam President, because it does clarify the  
7 situation and it enables me now over the weekend to craft my  
8 questions to accord with that.

9 PRESIDING JUDGE: We grant the rescission and I'm going to  
13:31:01 10 try and ensure that we accurately record that the provisions of  
11 (a) and those parts of (b) and (c) which refer to the names and  
12 other identifying data are rescinded, but the provisions relating  
13 to addresses and whereabouts are left. (c), (d), (e), (f) and  
14 (h) are rescinded. It is conceded that (g) does not apply and  
15 (h) does not apply. (i) is rescinded, (j) is rescinded, (k),  
16 (l), (m), (n) and (o) are rescinded. Is that what you said?

17 MR SANTORA: I apologise, Madam President.

18 PRESIDING JUDGE: Yes, so do I. Retain.

19 MR SANTORA: The rescission applied for was (a), the parts  
13:32:21 20 of (b) and (c), (d), (e), (f) and (h) only. The Prosecution is  
21 seeking to retain (j), (k), (l), (m) and (o). (p), (i) and (g)  
22 are moot, (i) and (g) because this is not that type of witness -  
23 category of witness - and (p) is moot because it is a pre-trial  
24 measure.

13:32:49 25 PRESIDING JUDGE: Yes, okay. (g) and (i) don't apply and  
26 the others are retained, (j), (k), (l), (m), (n) and (o). Have I  
27 got that right this time?

28 MR SANTORA: That is right, Madam President.

29 PRESIDING JUDGE: Very well. (p) is moot and does not

1 apply. As before, it will apply only in these proceedings before  
2 this Court.

3 Now that brings us up to the end of the morning session  
4 and, this being Friday, we will not be sitting for --

13:33:26 5 MR MUNYARD: Madam President, can I grab - I think the tape  
6 has gone, but it doesn't matter. Can I indicate to the Court  
7 what I indicated yesterday - early yesterday - morning to my  
8 learned friends opposite that we have reviewed the position of  
9 witness TF1-081 who would have had to travel this weekend to be  
13:33:48 10 subject to cross-examination only. He was one of the 92 bis  
11 witnesses who we had originally objected to being read under 92  
12 bis and the witness would have attended for cross-examination,  
13 but we reviewed his evidence again. We have indicated to the  
14 Prosecution that we no longer object to him being read 92 bis.  
13:34:12 15 There are small elements of hearsay in his evidence that we don't  
16 accept, but that can be dealt with in legal submissions on the  
17 evidence at the end of the day, and there is therefore no need  
18 for that witness to be brought here. If there's any need for us  
19 to put in a formal withdrawal of the objection, then of course  
13:34:31 20 we're happy to do so.

21 PRESIDING JUDGE: I'm not sure who is dealing with that  
22 witness. Ms Hollis?

23 MS HOLLIS: Madam President, the Prosecution believes that  
24 the Defence has orally made their position very clear and in our  
13:34:51 25 view there would be no requirement, at least for our purposes,  
26 for anything in writing.

27 PRESIDING JUDGE: Well, if that's by consent then I do not  
28 see a need for any written application.

29 MR MUNYARD: I'm very grateful.

1           PRESIDING JUDGE: We will adjourn until Monday morning at  
2 9.30.

3                               [Whereupon the hearing adjourned at 1.35 p.m.  
4 to be reconvened on Monday, 20 October 2008 at  
5 9.30 a.m.]

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## I N D E X

### WITNESSES FOR THE PROSECUTION:

I BRAHIM WAI	18576
EXAMINATION-IN-CHIEF BY MR BANGURA	18576
CROSS-EXAMINATION BY MR MUNYARD	18608
RE-EXAMINATION BY MR BANGURA	18653

### EXHIBITS:

Exhibit D-65 admitted	18654
Exhibit D-66 admitted	18654