



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

21 OCTOBER 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Mr Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Tuesday, 21 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.32 a.m.]

09:21:45 5 PRESIDING JUDGE: Good morning. Mr Koumjian, appearances
6 please.

7 MR KOUMJIAN: Good morning, your Honours. For the
8 Prosecution, Alain Werner, Maja Dimitrova and Nicholas Koumjian.

9 PRESIDING JUDGE: Thank you. Mr Munyard?

09:32:31 10 MR MUNYARD: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence, Courtenay Griffiths QC,
12 myself Terry Munyard, Morris Anyah and Ms Haffie Haffner and
13 before we go any further Mr Griffiths has a couple of matters
14 that he wishes to raise.

09:32:49 15 PRESIDING JUDGE: Thank you.

16 MR GRIFFITHS: Madam President, your Honours, good morning.
17 It is two matters, Madam President. The first is this:
18 Yesterday, through my own oversight and I take full
19 responsibility for this, I omitted to mark for identification the
09:33:06 20 statement which helpfully the Court manager had marked during the
21 course of the testimony of witness TF1-314 and although I am sure
22 it causes some inconvenience, in particular because Mr Santora is
23 not with us today, I would be applying to have that document
24 marked for identification and exhibited with that witness. Of
09:33:33 25 course with the leave of the --

26 PRESIDING JUDGE: It seems unnecessary to mark it for
27 identification if you are going to seek to tender it as an
28 exhibit.

29 MR GRIFFITHS: Yes, that may well be right, Madam

1 President.

2 PRESIDING JUDGE: And you said there was more than one
3 matter. Is the other related before I invite a reply?

09:33:55

4 MR GRIFFITHS: No, the other is not related, your Honour,
5 so we can deal with this.

6 PRESIDING JUDGE: In that case I will deal with that matter
7 first. Mr Koumjian, I appreciate that your colleague,
8 Mr Santora, dealt with this witness. You were present in court.
9 Are you in a position to reply to the application by counsel for
10 the Defence?

09:34:08

11 MR KOUMJIAN: Certainly I can reply. If I could just
12 enquire, and actually I am curious about this as a general
13 practice, what has become of the document? Is it still here,
14 because it was not --

09:34:22

15 MR GRIFFITHS: It was helpfully provided to me this morning
16 by the Court Manager.

17 PRESIDING JUDGE: That is the original you have in your
18 hand, Mr Griffiths?

19 MR GRIFFITHS: This is the original which was marked.

09:34:34

20 MR KOUMJIAN: Which the Court Manager had maintained. I
21 have no objection.

22 PRESIDING JUDGE: Thank you.

23 MR GRIFFITHS: I am grateful for that. Madam President,
24 that now would become exhibit D-70.

09:34:49

25 PRESIDING JUDGE: I usually try and recite how many pages
26 for purposes of record for convenience of the --

27 MR GRIFFITHS: I think it may be better and more
28 authoritative if you were to have a look at the document
29 yourself.

1 PRESIDING JUDGE: Thank you. This is a five page typed
2 document headed "The Special Court for Sierra Leone". I note
3 that the final page has a notation saying "Signature", but there
4 is no signature. It is as marked by the Court Manager in the
09:35:41 5 presence and following the evidence of the witness TF1-314 and it
6 becomes Defence exhibit D-70.

7 [Exhibit D-70 admitted]

8 MR KOUMJIAN: Your Honour, may I just look at the document?
9 I have not seen it.

09:35:55 10 PRESIDING JUDGE: Then it should have been given to you
11 before I made that ruling.

12 MR GRIFFITHS: Madam President, the second matter is this,
13 and I make it merely by way of observation and with all due
14 respect to this Court and it shouldn't be taken in any way as a
09:36:32 15 criticism, but we are concerned that whereas for the bulk of this
16 trial we have had all four judges present in court we are
17 somewhat concerned that in recent times, I am sure for good
18 reason and through no individual fault of the judges, we have
19 been lacking the expertise and experience of all four judges
09:36:58 20 being applied to the proceedings.

21 Now we take into account and note that we are dealing with
22 a complex factual situation here and we have noted with respect
23 and admiration the obvious attention paid to the detail of this
24 case by all four judges and indeed the necessary and we think
09:37:26 25 important interaction between you all during the course of the
26 proceedings. We are anxious that that be maintained for the
27 duration of the trial and that I appreciate that there may be
28 other authorities which may make demands upon the time of the
29 judges, but it seems to us that the priority should be these

1 proceedings.

2 PRESIDING JUDGE: Mr Koumjian, this is not - it's an
3 observation as Mr Griffiths correctly points out. Is there
4 anything you wish to add or reply to?

09:38:18 5 MR KOUMJIAN: No, thank you, your Honour.

6 [Trial Chamber conferred]

7 PRESIDING JUDGE: Mr Griffiths, as you can appreciate we
8 accept the point you are making and, as you correctly say, we are
9 not all here. However, some of these matters are following
09:38:59 10 directions or interaction by the President of the Court and we
11 will take your observations and we will have them conveyed to the
12 President for consideration.

13 MR GRIFFITHS: I am most grateful, Madam President.

14 PRESIDING JUDGE: Mr Koumjian, you have indicated to us
09:39:25 15 yesterday that you will be dealing with the next witness,
16 TF1-158.

17 MR KOUMJIAN: That is correct, your Honour, and if I may
18 first deal with the protective measures situation with that
19 witness. That witness is the subject of the now very familiar
09:39:47 20 July 2004 decision and is a Category B witness. As a Category B
21 witness 158 was entitled to a pseudonym for all public
22 proceedings and to screening and also to video link. We have
23 discussed this with the witness and the witness is comfortable
24 with waiving the video link and is prepared to testify with a
09:40:25 25 pseudonym and screen here in court in front of your Honours. So
26 we would be asking the Court to lift for purposes of this
27 proceeding paragraph (h) of the order in the July 2004 decision
28 in Sesay et al.

29 PRESIDING JUDGE: I am just looking at (h) in front of me,

1 Mr Koumjian. It says, "The witness in Category B (children)
2 testify with the use of closed circuit television. The image
3 appearing on the public's monitors being distorted". So am I to
4 take it that that distortion is included in the waiver?

09:41:10 5 MR KOUMJIAN: Your Honour, I believe paragraph (e) above
6 would still maintain the facial distortion. Am I correct?

7 PRESIDING JUDGE: My understanding is that (e) is only the
8 screen which means that the back curtain is down and the side
9 curtain is open, but let us check that to make sure we know what
09:41:32 10 we are talking about.

11 MR KOUMJIAN: My understanding is that the face of the
12 witness is not broadcast. The witness does not mind appearing in
13 court in front of your Honours and counsel. It is simply that
14 his face not appear, as I understand it, to the public.

09:41:45 15 MS IRURA: Your Honour, the use of an electronic witness
16 screen normally goes hand in hand with image distortion so that
17 the face of the witness is not broadcast.

18 PRESIDING JUDGE: Thank you for that. That is most
19 helpful. I am not sure if Mr Munyard is --

09:42:08 20 MR MUNYARD: You are correct, your Honour. It is me who is
21 dealing with this witness. Clearly at the time in July 2004 the
22 witness may well have been a child witness and therefore covered
23 by the order. I raise the question as I think he is now 21, does
24 that mean that he is still covered, because as I understood it
09:42:50 25 the category, Category B, was meant to cover witnesses who were
26 at the time still children.

27 If I am misunderstanding the purport of the judgment on 5
28 July 2004 then I am perfectly happy to have that pointed out, but
29 my understanding of it was that it was meant to protect those who

1 were children because if you look in the paragraph we were just
2 looking at - actually it is not that. It is paragraph 34 of the
3 judgment, can I read it out. It is quite short:

4 "As regards Category B witnesses (child witnesses) the
09:43:41 5 Prosecution seeks the possibility for testimony by way of closed
6 circuit television. Whilst the witness testifies in a back room
7 in the court building this would allow the accused and the
8 Defence as well as the Trial Chamber and the Prosecution to see
9 the witness on a television screen and observe his or her
09:43:58 10 demeanour while the image on the screen for the public at that
11 time would be distorted. As stated by psychologist Anne
12 Michaels, 'Vulnerable witnesses such as children have a high risk
13 of retraumatisation and the possibility of stigmatisation and
14 rejection is real and high'."

09:44:20 15 They then went on to say they agreed with a decision of the
16 United States Supreme Court as to the use of closed circuit
17 television.

18 I raise it because clearly we all understand and accept
19 that vulnerable witnesses such as children do fall into a special
09:44:39 20 category, but the witness is no longer a child and clearly hasn't
21 been a child for some years and that is why I raise the question
22 does decision still apply to him?

23 [Trial Chamber conferred]

24 PRESIDING JUDGE: May I take it by implication, Mr Munyard,
09:45:53 25 that you are objecting to the continuation of the protective
26 measures that are in situ for this witness?

27 MR MUNYARD: Madam President, I think I must object for the
28 reasons that I have given in order that we can clarify the true
29 ambit of this particular decision, because if I am right then

1 clearly the decision doesn't apply to a witness who is no longer
2 a child witness and so we obviously have to all be clear as to
3 the real meaning of child witnesses within the terms of the
4 decision that we are looking at.

09:46:34 5 So I would submit that as a witness who is now 21 is due to
6 give evidence, he or she, depending on who it is, no longer
7 enjoys the benefit of these protective measures for the reasons
8 that they are no longer children.

9 PRESIDING JUDGE: Mr Koumjian, you have heard the objection
09:47:01 10 which appears, I suggest, to raise a point of law as well as an
11 objection, so your reply, please.

12 MR KOUMJIAN: Thank you, your Honours. It take it as a
13 motion to rescind based on changes circumstances. Your Honours,
14 I do not believe there is any such limitation in the order by
09:47:19 15 reading the plain language of the order. It does not state that
16 witnesses up until their 18th birthday or any particular date
17 enjoy these measures. It states that these witnesses listed in
18 the annex - and this witness is one of those - enjoy the measures
19 and we don't think in this circumstance then that there is a need
09:47:42 20 to re-litigate it. A motion to rescind in our opinion at this
21 time moments before the witness is to take the stand is not
22 timely and we believe that this decision has been interpreted
23 previously to cover witnesses even after they reach majority and
24 I believe this particular witness has testified previously at the
09:48:05 25 age of 18 enjoying these measures. Thank you.

26 PRESIDING JUDGE: When you say it has been litigated and
27 interpreted, can you refer me to or refer myself and my learned
28 colleagues to the precedent you are referring to?

29 MR KOUMJIAN: Well, I was thinking of this witness's own

1 testimony before this Trial Chamber previously three years ago.

2 PRESIDING JUDGE: This issue wasn't raised then.

3 MR KOUMJIAN: Okay, thank you.

4 [Trial Chamber conferred]

09:50:06 5 PRESIDING JUDGE: We are of the view that this application
6 involves several legal issues involving interpretation of both
7 orders and the wording of those orders and of the rules and we
8 bear in mind the recent decision of the Appeal Chamber given on
9 17 October 2008 in which it said, inter alia, that a Trial
09:50:33 10 Chamber must provide and I quote: "Provide a reasoned opinion
11 that among other things indicates its view on all of those
12 relevant factors that a reasonable Trial Chamber would have been
13 expected to take into account before coming to a decision", and,
14 in the present circumstances, we are of the view that there is
09:50:52 15 not enough argument before us, nor time, to give a reasoned
16 opinion, and we therefore invite the parties to put this in
17 proper writing by way of motion and we will rule upon it. In the
18 circumstances, that witness cannot proceed today.

19 MR MUNYARD: Madam President, can I just add one thing
09:51:13 20 about the timing. I understand why my learned friend says that
21 my application is untimely. You will appreciate that witnesses
22 have been coming through at quite a rate over the last few weeks,
23 almost all of whom I think have sought rescission of all or some of
24 their protective measures and so it wasn't until this morning
09:51:35 25 that we actually knew, on this side of the Court, which if any
26 protective measures this witness still sought to have applied to
27 him. I am making that merely as an observation so the Court
28 understands why we haven't put in an application earlier.

29 PRESIDING JUDGE: I am glad you did, Mr Munyard, because I

1 was going to make the observation in due course, but that I will
2 defer.

3 MR MUNYARD: Thank you.

09:52:00

4 JUDGE LUSSICK: Even then, Mr Munyard, even that allegation
5 that the Defence was untimely is something to me that should be
6 properly litigated as well and we are talking about a written
7 motion and response.

8 MR MUNYARD: Certainly.

09:52:27

9 MR KOUMJIAN: Your Honour, the Prosecution is looking for a
10 practical solution to this. This will prejudice us in some ways
11 as far as timing because we have anticipated this witness will
12 take a good part of this day, but much more importantly it will
13 severely inconvenience the witness because the witness has been
14 brought here to testify. The amount of time required for motion,
15 reply, response, reply and decision could be quite lengthy as far
16 as a person who is brought here and kept in conditions that
17 frankly I don't think any of us would want to be in for a long
18 period of time.

09:52:51

19 I am not sure which of these measures the Defence is
20 objecting to. Is the Defence saying the witness has waived the
21 video link, the witness has only asked for screening and
22 pseudonym? If I can just get the Defence position maybe
23 possibly, maybe there is a solution to this, but because --

09:53:09

24 JUDGE LUSSICK: Sorry to interrupt, Mr Koumjian, but
25 perhaps I am wrong, but I thought the Defence position was clear
26 that they were saying that the present protective measures were
27 made because the witness at the time was a child and that
28 position does not pertain any more and therefore there shouldn't
29 be any protective measures. Have I misstated that, Mr Munyard?

09:53:31

1 MR MUNYARD: Your Honour, Justice Lussick is absolutely
2 right. Our position in relation to this witness effectively is
3 the same as what have been called Category 1 witnesses. The
4 decision for different reasons no longer applies or doesn't -
09:54:13 5 sorry, doesn't apply to this witness.

6 JUDGE LUSSICK: I understand. Well, look, this is subject
7 to what the Presiding Judge might think, but I am just wondering
8 if we went off the Bench for five minutes or so if the matter
9 could be resolved then, well and good. If the matter couldn't be
09:54:34 10 resolved then I partly support what the Presiding Judge has
11 already said.

12 I can just add one more thing regarding that decision of
13 the Appeals Chamber, that that also was a situation where this
14 Trial Chamber had to make an urgent decision because there was a
09:54:54 15 witness in the wings waiting to come on to give evidence, but
16 notwithstanding that it is made perfectly clear by the Appeals
17 Chamber that this Trial Chamber had a duty to provide a reasoned
18 opinion that, amongst other things, indicates its view on all
19 those relevant factors, that a reasonable Trial Chamber would
09:55:19 20 have been expected to take into account before coming to a
21 decision. The Presiding Judge has already made that clear to the
22 Court.

23 So it seems to me that if we take a break and the matter
24 can't be resolved in that break, we will have to make appropriate
09:55:37 25 orders that if we are expected to deliver a reasoned decision
26 then we would need some properly researched pleadings, motion and
27 response. So, is it worth having a five minute break,
28 Mr Koumjian?

29 MR KOUMJIAN: Certainly. I think there is nothing lost in

1 a five or ten minute break to try to reach a reasonable solution.
2 I would say I absolutely understand what your Honour is saying
3 regarding decisions on the fly. This witness has been listed
4 since the pre-trial brief and so - and this decision has existed
09:56:17 5 since that time. In our opinion the problem is a motion to
6 rescind at the very last minute when the witness has been on the
7 list for years.

8 PRESIDING JUDGE: We will take a break to allow both the
9 parties to clarify their respective positions and allow counsel
09:56:46 10 for the Prosecution to, or through the appropriate authorities,
11 to see the witness's position.

12 MR KOUMJIAN: Yes, thank you.

13 PRESIDING JUDGE: We will return as soon as that matter is
14 made. I can indicate that if this proceeds to a motion I have in
09:57:03 15 mind, subject to discussion with my colleagues, to direct
16 expedited filings. However, I give that as an indication only.
17 Please adjourn the Court temporarily to allow this matter to be
18 discussed.

19 [Break taken at 9.58 a.m.]

10:06:44 20 [Upon resuming at 10.14 a.m.]

21 PRESIDING JUDGE: Mr Koumjian.

22 MR KOUMJIAN: Your Honour, I have discussed this matter
23 with Mr Munyard and with the witness. There is an agreement that
24 the witness would testify with a pseudonym. I have explained to
10:13:26 25 the witness we would take his name in a private session and that
26 his name or the name of any family members would not be mentioned
27 in the court in open session. He is on the basis of that
28 prepared to testify; he is anxious to return home.

29 PRESIDING JUDGE: Thank you for that indication and I

1 gather your parties are ad idem with this?

2 MR MUNYARD: Certainly, Madam President. We took
3 instructions first of all from Mr Taylor. He was anxious that
4 the witness be dealt with today if at all possible and the
10:13:59 5 compromise solution that we have come up with I think meets the
6 concerns of both sides of the court.

7 Can I add one further thing: This situation might arise in
8 future and it is our view that the scope and ambit of the
9 decision of 5 July 2004, as regards child witnesses who are no
10:14:24 10 longer children, does need to be clarified and we would propose
11 putting in a motion in a timely fashion and it doesn't - I don't
12 think at the moment it would need to be expedited, but putting in
13 a motion to clarify the position of witnesses who fall into that
14 category so that everybody has an opportunity to fully consider
10:14:45 15 the question and then the Court to rule on it should it arise in
16 relation to any future witness.

17 PRESIDING JUDGE: Then you will be doing that of your own
18 motion, Mr Munyard?

19 MR MUNYARD: We will, your Honour, yes.

10:15:02 20 PRESIDING JUDGE: Obviously it is not incumbent upon me to
21 comment on such a course of action. I will merely observe that
22 it has concerned me for some time the interpretation of the word
23 "children".

24 MR MUNYARD: Indeed.

10:15:17 25 PRESIDING JUDGE: And bearing in mind such things as our
26 own rules and international conventions it may well be
27 appropriate to consider this.

28 MR MUNYARD: I did indicate that to Mr Koumjian when I
29 spoke to him in the short break and I should have also thanked

1 the Court for the time that it has given us to resolve this in a
2 way that is satisfactory to both sides and I do so now.

3 PRESIDING JUDGE: Thank you. Mr Koumjian?

4 MR KOUMJIAN: I just say we would welcome any timely
10:15:45 5 motions and also point out that the Prosecution, if measures are
6 rescinded, we need to speak to the witness about the current
7 situation and there may be a basis for measures on another basis
8 to be justified for other reasons. So all of this could be quite
9 lengthy, but that is just a comment that we welcome a timely
10:16:06 10 motion.

11 PRESIDING JUDGE: Mr Koumjian, I wouldn't dream of
12 suggesting that any variation in protective measures would be
13 dealt with without consultation with the person concerned and we
14 will deal with the motion if and when it is filed in the normal
10:16:24 15 manner.

16 I note by consent, therefore, that certain protective
17 measures given to witness TF1-518 [sic] have been rescinded and
18 that the witness will give his evidence - and I gather it is a
19 male witness - in open session with as appropriate applications
10:16:53 20 for certain evidence to be adduced in private with the use of a
21 pseudonym. The applications will be dealt with when and as they
22 arise. Please call the witness.

23 Are the Krio interpreters in position?

24 THE INTERPRETER: Yes, your Honour.

10:16:34 25 WITNESS: TF1-158 [Sworn]

26 PRESIDING JUDGE: Please proceed, Mr Koumjian.

27 MR KOUMJIAN: Your Honours, I would now apply for a brief
28 private session to take the witness's name.

29 PRESIDING JUDGE: Mr Munyard?

1 MR MUNYARD: No objection, your Honours.

2 PRESIDING JUDGE: We note there is no objection to this
3 application and we will grant the application. For the purposes
4 of record and the rules I inform the members of the public and
10:18:58 5 any monitors listening that the next part of the evidence will be
6 seen, if you can see words, but what the witness is saying will
7 not be heard. This is for reasons of protection and security of
8 the witness. The indications are that this will be very short as
9 it is merely personal details. Just a few moments, I think.

10:19:22 10 Please proceed. Please ensure that it is in order first.

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12 [At this point in the proceedings, a portion of
13 the transcript, page 18112, was extracted and
14 sealed under separate cover, as the proceeding
15 was heard in private session.]

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1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 MR KOUMJIAN:

10:21:12

4 Q. Sir, Mr Witness, can you tell us where you were born - the
5 place?

6 A. I was born in Bonoya.

7 MR KOUMJIAN: Bonoya, your Honours, is B-O-N-O-Y-A:

8 Q. Sir, what district is Bonoya in?

9 A. Bombali District.

10:21:32

10 Q. Sir, what languages do you speak?

11 A. I can speak Mandingo, Limba and Krio.

12 Q. Mr Witness, is your father still alive?

13 A. No, sir.

14 Q. Sir, do you remember the day your father died?

10:21:56

15 A. I cannot recall the day.

16 Q. Do you remember where you were?

17 A. I was in Bonoya.

18 Q. How old were you the day your father died?

19 A. I was ten years old.

10:22:16

20 Q. That day, Mr Witness, when you woke up, where did you go?

21 A. I went to the mosque.

22 Q. On that day, who were you living with? Who was in the
23 house you were living with?

24 A. At that time I was with my aunt and father.

10:22:40

25 Q. When you went to the mosque, did anyone go with you?

26 A. I went together with my aunt and others because normally
27 when we used to pray the women would be at the back and we, the
28 men, would be in the front.

29 Q. Mr Witness, did you have any brothers or sisters living

1 with you at that time?

2 A. Yes, I was together with my junior sisters and brother.

3 Q. What time of day was it that you went to the mosque?

4 A. I did not get the question clearly.

10:23:25 5 Q. Do you remember approximately what time of day it was that
6 you went to the mosque?

7 A. It was around 5 to 6.

8 Q. Is that 5 to 6 in the morning or in the afternoon?

9 A. In the morning.

10:23:48 10 Q. Do you remember what happened when you went to the mosque?

11 A. Yes, sir. Just as we went to the mosque at that time we
12 were to start the prayers. It was when the rebels entered the
13 town. When they entered the town they had already surrounded the
14 town. Some of them went and met us in the mosque and we were all
10:24:07 15 assembled. They said they were going to burn the mosque down,
16 because we had voted for Pa Kabbah and because that was the place
17 Pa Kabbah was born, so they were going to burn all of us in the
18 mosque. We were there when my younger sister met me and said
19 they have chopped --

10:24:27 20 PRESIDING JUDGE: Mr Witness, you are going speaking a
21 little too quickly. Everything you say is interpreted.
22 Everything you say is written down. I would like you to give the
23 interpreters and those writing a chance. So please continue with
24 your story, but pause at the end of each sentence to allow people
10:24:45 25 to keep up with you. Do you understand?

26 THE WITNESS: Okay.

27 MR KOUMJIAN: If I may, your Honour, may I just ask another
28 question?

29 PRESIDING JUDGE: Yes.

1 MR KOUMJIAN:

2 Q. Okay, let me ask you some questions, sir, about what you
3 have told us so far to make sure we understand. You said that
4 rebels entered the town. First of all the town that you were in,
10:25:08 5 can you tell us again what town were you in on that day?

6 A. It was Bonoya I was.

7 Q. Do you know about how many houses there were in Bonoya?

8 A. I don't recall.

9 Q. The people that lived in Bonoya, were they of different
10:25:34 10 tribes or any particular tribe?

11 A. We were all Mandingo people.

12 Q. And, sir, are both of your parents Mandingo?

13 A. My mother was Limba and my father was a Mandingo.

14 Q. Now, sir, you said that rebels came into the town.

10:26:03 15 A. Yes, sir.

16 Q. Can you estimate how many rebels you saw and if you can't
17 just say you cannot. Can you estimate how many you saw?

18 A. I don't recall. They were really many, but I don't recall
19 their number.

10:26:22 20 Q. Did these rebels have any weapons?

21 A. Yes, they had weapons. They had machetes also.

22 Q. Okay. So, Mr Witness, you said the rebels had weapons and
23 machetes also. What did they have besides machetes?

24 A. They had pistols. Those were the things that I saw with
10:27:14 25 them. Machetes, weapons.

26 Q. Now, Mr Witness, did your father go with you to the mosque
27 that morning?

28 A. No, sir, he was sleeping.

29 Q. Did the rebels come to the mosque?

1 A. Yes, sir. Some of them went to the house and the others
2 went to the mosque.

3 Q. Now, sir, if you could explain to us a little slower what
4 happened when the rebels came to the mosque. If you can look at
10:27:52 5 the judges and if you see the judges or myself hold our hand up
6 that just means to pause for a second so that the interpreter
7 catches up with you, because we want to hear everything you have
8 to say. We want to get the interpretation correct. So,
9 Mr Witness, can you now tell us what happened when the rebels
10:28:13 10 came to the mosque?

11 A. When they went to the mosque --

12 THE INTERPRETER: Your Honours, can the witness be told to
13 speak up a little louder.

14 PRESIDING JUDGE: Please pause again, Mr Witness. You are
10:28:28 15 a little far away from the microphone and the interpreter doesn't
16 hear you clearly. A little closer and speak a little louder.
17 Thank you. Please continue.

18 MR KOUMJIAN:

19 Q. Perhaps you could move your chair a little closer to the
10:28:44 20 microphone if it's comfortable and then we will hear you better.
21 Thank you. Okay, let me ask the question again, sir. Please
22 tell us slowly what happened when the rebels came to the mosque.

23 A. When they went to the mosque they met us there and we were
24 all assembled. They said they were going to burn us down in the
10:29:11 25 mosque. But at that time my father was asleep. When they met my
26 father at home they mutilated him and my younger sister came
27 running in the mosque and said our father had been mutilated and
28 we were all crying.

29 While we were in the mosque, two men were arguing over a

1 pregnant woman. One saying this pregnant woman must have a boy
2 child and the other one said no, she must have a girl child. And
3 they slit open the pregnant woman's stomach and they took out the
4 foetus and put it close to her.

10:30:01 5 From there they went to my father's elder brother's house
6 and when they met him there they saw two small children sleeping
7 on the mattress and they were wrapped in the mattress and the
8 mattress was set on fire. Those two children burned down.

9 And after that we were in the mosque and some of us had
10:30:36 10 been captured already and they said they were going to go with
11 us. We were there when I saw my father attempting to come by the
12 mosque wanting to escape and Adama Cut Hand saw him and said,
13 "Look at that pa going there. Go and finish him up", and two men
14 went and he was mutilated and he fell down. All of us were now
10:31:05 15 crying in the mosque.

16 And from there they blew the whistle. That meant that they
17 were to go ahead. While they were going ahead the --

18 Q. Thank you, Mr Witness. I want to ask you some questions
19 and then I will come back to what happened after the whistle was
10:31:31 20 blown. I just want to make sure I understand the many things
21 that you have told us already. First of all when you were
22 speaking to us earlier you said something that the rebels said
23 about Kabbah. Do you recall what the rebels said about Kabbah?

24 A. Yes, sir, they said it was because we had voted for Pa
10:31:56 25 Kabbah and it was around those areas that Pa Kabbah was born,
26 that is the Karina area, and that Pa Kabbah was a Mandingo so
27 they were going to burn down the mosque.

28 Q. Sir, how far was your village, Bonoya, from Karina? Can
29 you tell us in miles or the time it would take to walk?

1 A. It is two miles.

2 Q. Now, sir, you talked about what happened at your father's
3 elder brother's house. How do you know what happened where the
4 two children were placed in the mattress and it was set on fire?

10:32:45 5 How do you know about that?

6 A. It was my cousin who came and met --

7 THE INTERPRETER: Your Honours, the witness has used a word
8 that could mean both mothers and put together as a collective
9 noun, your Honour. Can he explain?

10:33:10 10 PRESIDING JUDGE: Mr Witness, the interpreter needs you to
11 clarify a word you have used. You have used a word that could
12 mean mothers or one. Can you explain --

13 THE INTERPRETER: And it could be a collective noun as
14 well.

10:33:28 15 PRESIDING JUDGE: It could be other female relatives.
16 Could you please specify who it was? Please do not mention a
17 name. Just mention a relationship.

18 THE WITNESS: My cousin came and met --

19 THE INTERPRETER: Your Honours, he has used the same
10:33:47 20 expression.

21 THE WITNESS: He met my father's elder brother's wives.
22 They were in the mosque and the cousin came and told them.

23 MR KOUMJIAN:

24 Q. Okay, are you speaking of the wife of your father's elder
10:34:01 25 brother?

26 A. Yes, sir.

27 Q. Thank you. And did you hear your cousin tell this to your
28 aunt, the wife of your father's elder brother, about what
29 happened in the house?

1 A. Yes, sir, I heard - I heard it and I saw the house burning.

2 Q. Now, Mr Witness, you also talked about seeing your father.

3 Am I correct that you said first your little sister came and told
4 you your father had been hacked. Is that correct?

10:34:48 5 A. Yes, sir.

6 Q. And what do you mean when you use the word "hack"?

7 A. You know, when someone is mutilated it's like when you take
8 a cutlass and you want to hack a meat or animal. That is what I
9 used the word for.

10:35:13 10 Q. Now after your little sister had told you your father had
11 been hacked, or mutilated, did you see your father again?

12 A. Yes, later I saw him when he was attempting to escape, but
13 he passed through the mosque, behind the mosque. That was when I
14 saw him. And at that time Adama Cut Hand and others were

10:35:41 15 standing in the veranda and she saw the Pa going and she said,
16 "Look at the Pa going. He wants to escape. Go and finish him
17 off" and two of the guys went and hacked him to death and all of
18 us fell down in the mosque crying.

19 Q. Who was Adama Cut Hand?

10:36:05 20 A. She was with the rebels.

21 Q. Sir, what languages did you hear the rebels speaking, if
22 any?

23 A. Some were speaking Mende, some others were speaking Krio,
24 some others were speaking a Liberian language.

10:36:31 25 Q. How were they dressed, the rebels? How were the rebels
26 dressed?

27 A. Some had red headbands, some had full military combat, some
28 had only the military shirt and some others only had a military
29 trousers and the boots.

1 Q. Now, sir, you told us about the two children who were
2 burned inside your uncle's house. Do you know if they survived?

3 A. They did not survive. They burned in the mosque in that
4 house.

10:37:13 5 Q. Now, you've talked about the whistle being blown. What
6 happened - first of all, do you know who blew the whistle?

7 A. No, I just heard the whistle.

8 Q. Okay, thank you. After you heard the whistle, what
9 happened?

10:37:32 10 A. They said it was to go, because it was getting to dawn, so
11 that whistle meant to go.

12 Q. Okay. And when they started to go, what happened to you?

13 A. That was when the things that they had already taken from
14 people, they asked us to carry them and we were the ones who
10:38:02 15 carried those things, and we went and we got in Ndaria village
16 and there too they amputated some people's hands and they killed
17 some people and from there again we continued our journey and we
18 went to Mateboi, in Mamboma it was already daybreak, but they did
19 not do anything there, so we went to Karina.

10:38:31 20 MR KOU MJIAN: Your Honour, I believe the witness said
21 Mateboi; that is M-A-T-E-B-O-I.

22 PRESIDING JUDGE: Before that there was a village - I think
23 it was Ndaria.

24 MR KOU MJIAN: We are checking the spelling.

10:38:44 25 Q. Can you repeat --

26 A. Ndaria.

27 Q. Do you know, Mr Witness, how to spell that?

28 A. Yes, sir, N-D-A-R-I-A.

29 Q. Thank you. Now, you talked about carrying some things?

1 A. Yes, sir.

2 Q. What things were you required to carry that the rebels took
3 with them from your village?

4 A. Rice and groundnut. That is what I carried.

10:39:26 5 Q. After Mateboi, where did you go?

6 A. When we left Karina, after we had crossed the river, we did
7 not go through any village again. We were walking in the bush.

8 So from that bush road we went to Mateboi and in there we did not
9 meet anybody. We saw the flame of the fire that was set on

10:39:56 10 Karina and from there we used a bush path as well and we went to
11 Rosos.

12 Q. What kind of a place was Rosos? Is it a town, or what is
13 it?

14 A. It is a town.

10:40:15 15 Q. Who was there at Rosos? Were there civilians or other
16 people or mixed?

17 A. Civilians were there.

18 Q. Was it only civilians there in Rosos?

19 A. They were the ones we met there.

10:40:34 20 Q. And what happened when you got to Rosos?

21 A. When we got to Rosos, we spent three days there. In those
22 three days they were training us how to fight.

23 Q. Mr Witness, first of all let me just ask you: Did you go
24 with these rebels to Rosos voluntarily? Did you want to go with
10:41:06 25 them?

26 A. I was not willing to go but I was under gunpoint. If
27 anybody refused to go that person would be killed.

28 Q. Now, you talked about training at Rosos. Who was
29 conducting the training?

1 A. It was Staff Alhaji who conducted the training.

2 Q. Who was Staff Alhaji?

3 A. One of the rebels.

10:41:42

4 Q. Can you describe what it was that they taught you in the
5 training in Rosos?

6 A. Yes, sir. In the training they used to dismantle the gun,
7 how to clean the gun and how to couple the gun up and how to cock
8 the gun and how to fire it, how to put the bullets in the
9 magazine and how to insert the magazine - how to fix the magazine
10 on the gun, how to crawl. We were taught all of those things.

10:42:13

11 And if, for example, there was a jet flying up and you were - you
12 did not expect it how to stand up for the jet not to even detect
13 that that person standing, that thing standing up is a human
14 being.

10:42:35

15 Q. Now, Mr Witness, what were the ages - excuse me, did you
16 train by yourself or were there other people training with you?

17 A. I was not alone. We were many.

18 Q. Can you give us any idea of how many of you were being
19 trained in Rosos?

10:42:55

20 A. Like about 300 of us. We were many.

21 Q. Did you talk to any of the other people being trained?

22 A. I did not get the question clearly.

23 Q. Did you ever speak to the other people being trained?

10:43:21

24 A. Yes, we spoke, but it was after the training. During the
25 training we didn't talk to each other.

26 Q. What ages were these people, if you know, approximately?

27 A. Some of us were ten years, some of them were eight years
28 old and some of them were from 11 upwards.

29 Q. Were there adults being trained?

1 A. Yes, there were adults there.

2 Q. Were the people being trained men or women or both?

3 A. Both men and women.

10:44:10

4 Q. Do you recall any of the weapons that you were trained on;
5 how they called them?

6 A. The one that was given to me was two pistol grip. That was
7 the way it was called.

8 Q. How big a gun is that? Can you show us with your hands?

10:44:34

9 A. The gun was as long as like from here to here. At that
10 time it was too big for me.

11 Q. When you put your hand out --

12 PRESIDING JUDGE: Mr Koumjian, for purposes of record the
13 witness extended his right hand and indicated between his elbow
14 and shoulder with his other hand. Do counsel agree that?

10:44:51

15 MR KOUMJIAN: Actually, I am not sure about the indication
16 over the shoulder. I was going to ask him what he was --

17 PRESIDING JUDGE: Between the elbow and the shoulder. Let
18 us have it again then.

19 MR KOUMJIAN: I see. Okay, thank you:

10:45:03

20 Q. Mr Witness, I am not sure I understand what you are saying
21 as far as how long the gun is. Can you repeat and show us or
22 explain to us how long are you saying the gun was from end to
23 end?

10:45:25

24 A. The gun like was from here, from my fingers to here; that
25 was how it was long. At that time it was too big for me.

26 PRESIDING JUDGE: Let us try again. The witness indicated
27 from the - extended his arm and indicated from the tips of his
28 fingers to his armpit. Is that agreed?

29 MR KOUMJIAN: Yes.

1 PRESIDING JUDGE: Mr Munyard?

2 MR MUNYARD: That is agreed, your Honour.

3 PRESIDING JUDGE: Please proceed.

4 MR KOUMJIAN: Thank you:

10:45:50 5 Q. Sir, do you know how these other people came to Rosos to be
6 trained? If you don't know, tell us. The other people that you
7 were with?

8 A. No, I don't know how the others came in to be trained. I
9 only saw many people being trained together with myself.

10:46:12 10 Q. Okay; thank you. Besides training, did you do anything
11 else when you were in Rosos?

12 A. Yes. After we had completed the training they used to give
13 us drugs. You can even see the scar here. They said that was
14 for us to be bold and be brave so we will not fear anything.

10:46:42 15 Even now it affects me every month. Normally, at every new moon,
16 I would appear as if I am mad.

17 PRESIDING JUDGE: The witness had indicated just
18 immediately under his eye, the left --

19 MR KOUMJIAN: I believe if your Honour turns on the witness
10:47:06 20 cam that it is visible on the screen that the witness has a scar
21 of about two centimetres under his left eye:

22 Q. Sir, you pointed to this part, something below your eye.
23 What was done there? Explain that to us again?

24 A. They pierced it and they put - they applied cocaine on it.
10:47:43 25 They said that was for us to be brave and be bold so we will not
26 fear anything.

27 Q. Sir, what they applied to that, what did it look like?

28 A. It was just like dust. Brown. Brown.

29 Q. Thank you. How did you feel after that dust was put on

1 your cut?

2 A. You know, it was as if - it was as if my head was off. I
3 looked like a mad person. In fact, I even felt like so, like a
4 mad person.

10:48:35 5 Q. What else did you do in Rosos besides training and - well,
6 let us say after this was put on you, this powder, did you go
7 anywhere or were you taken anywhere?

8 A. Yes, sir, they took us. They said we were to go in search
9 of food and we refer to that as food finding.

10:48:59 10 Q. Can you explain to us what is the procedure that the rebels
11 did to conduct food finding?

12 A. First, in the morning, they would call the ones that were
13 to go and at that time it was Staff Alhaji who was responsible
14 for that, to assemble those that were to go for the food finding
10:49:26 15 mission. They will first do a muster parade in the morning and
16 after the muster parade then we would move. They would give
17 everybody a gun.

18 Q. Were you given a gun for the food finding?

19 A. Yes, they gave me a gun.

10:49:48 20 Q. After you were given the gun, tell us what you did to do
21 food finding?

22 A. After they had given me the gun for the food finding we
23 went to the village but when we went nobody shot a gun. We only
24 took the food items and goats, chickens and some other things and
10:50:16 25 they said we were to come back to Rosos.

26 Q. Who did you take the food items, goats and chickens, from?

27 A. From the civilians.

28 Q. Mr Witness, how long do you think you remained in Rosos,
29 approximately?

1 A. After that food finding when we returned, let me say I
2 spent five days with them and from there I escaped, but while
3 escaping - before escaping I left the gun. I did not use the
4 main road that we had used before. I used a bush path, but I
10:51:15 5 made sure that the bush path that I had used there was the main
6 road by it, so whenever I would want to miss my way I will come
7 out by the main road and look. So I was always by the main road,
8 but not actually using the main road. That was to return.

9 Q. Now, sir, you said that when you were in Rosos you were
10 trained by a Staff Alhaji. Do you know - and tell us if you
11 don't - if Staff Alhaji was reporting to any commander?

12 A. Yes, sir, Staff Alhaji reported to Gullit and Five-Five.

13 Q. Well, what did you see or hear that makes you think Staff
14 Alhaji was reporting to Gullit? Let's just stick with that for
10:52:15 15 now.

16 A. Because after the parade he would go backward and hit his
17 foot against the other and he would salute and --

18 THE INTERPRETER: Your Honours, this is too fast for the
19 interpreters. Can the witness repeat.

10:52:35 20 PRESIDING JUDGE: Mr Witness, you are speaking too quickly
21 for the interpreters. Please speak more slowly and pick up your
22 answer and continue from where you said "and he would salute".
23 Continue from there.

24 THE WITNESS: He would go backwards then he will raise his
10:52:53 25 hand up and stamp his feet and he would report. If it was - if
26 there were 300 men being paraded he will say, "I have 300 men on
27 parade. Permission to stand them at ease and fall in, sir?"
28 Then the other one would give him the order and say, "Carry on",
29 and he will go backward and stamp his feet. That one I

1 witnessed.

2 MR KOUMJIAN:

3 Q. The person that Staff Al haji was saluting, or persons, did
4 you ever learn the name of that person, or persons?

10:53:36 5 A. Yes.

6 Q. Who was Staff Al haji saluting the way you just described?

7 A. It was Gullit, Five-Five and 0-Five. Three of them used to
8 stand close to each other, but he reported mainly to Gullit.

9 Q. Who told you that that was Gullit?

10:54:04 10 A. It was Sorie, a boy --

11 PRESIDING JUDGE: Please wait, Mr Witness. Sorry,
12 Mr Munyard.

13 MR MUNYARD: I don't believe that he has said anyone told
14 him he was Gullit. We don't yet know how he knows this person
10:54:17 15 was Gullit.

16 PRESIDING JUDGE: Foundation, Mr Koumjian.

17 MR KOUMJIAN: I think that is exactly what I am asking,
18 because I am asking who --

19 PRESIDING JUDGE: It implies that he was told. He may have
10:54:32 20 learnt by some other way.

21 MR KOUMJIAN: Okay:

22 Q. Sir, how did you learn Gullit's name?

23 A. It was when we were going to Karina. A guy introduced them
24 to me and he said this is Gullit and this one is Five-Five and
10:54:51 25 this one is 0-Five.

26 Q. Okay, thank you. Now, can you tell us, Mr Witness, you
27 said - I don't want to use a word you didn't use, but I believe
28 the witness used the word "escape".

29 PRESIDING JUDGE: Yes.

1 MR KOUMJIAN:

2 Q. You said you escaped from Rosos. Can you tell us exactly
3 what happened?

10:55:25

4 A. When I escaped I was returning, but when I was returning I
5 did not use the route that we had used before. I used a bush
6 path. But the bush path was close to the main road, the road
7 that we had used before. Just in case I would want to miss my
8 way I would come close to the main road and I would peep straight
9 and I would enter back into the bush so I would know my way. So
10 that was what I did while returning.

10:55:46

11 Q. When you say you escaped, did you leave Rosos by yourself
12 or with anyone else?

13 A. I was alone finding my way through the bush.

14 Q. Where did you go when you escaped?

10:56:13

15 A. When I escaped I reached at Mateboi and at that time I did
16 not meet people there again because they said they had got an
17 information that they were still at Rosos. So from there I went
18 into the bush again and I crossed the river. There was a guy who
19 crossed me over and I told him that I had escaped, so I came to
20 Karina and from there I got to our village where I had been
21 captured.

10:56:43

22 When I got there I did not meet anybody there. I only met
23 my grandmother. When she saw me she started crying and the two
24 of us were crying. After that she told me to hush and she said
25 my aunt and the other relatives had all escaped and gone to
26 Guinea, she was the only one in the village then. And I was
27 there for some days and I said I couldn't be there alone and I
28 said I was going to my other grandmother, that was my mother's
29 mother, in --

10:57:12

1 THE INTERPRETER: Your Honours, the witness has named a
2 village that I don't know.

3 MR KOUMJIAN:

10:57:43

4 Q. Sir, Mr Witness, can you just repeat slowly the name of the
5 village of your other grandmother that you went to. What is that
6 word?

7 A. Kamayusufu.

8 MR KOUMJIAN: Your Honour, that is spelt

9 K-A-M-A-Y-U-S-U-F-U.

10:58:03

10 THE WITNESS: Correct.

11 MR KOUMJIAN:

12 Q. Just so we are clear, when you say you went back to the
13 village where you had been captured, what was the name of that
14 village?

10:58:16

15 A. Bonoya.

16 Q. Besides your grandmother, were there many other civilian
17 people left in the village?

18 A. I did not see anybody there. My grandmother told me that
19 everybody had gone to Guinea.

10:58:36

20 Q. Did you learn what had happened to your father's body?

21 A. My grandmother showed me the grave where he was buried
22 behind the house where he was hacked.

23 Q. Did you stay with your other grandmother in Kamayusufu?

24 A. Yes, sir.

10:59:14

25 Q. Now, during the time that you were - well, first of all
26 which district is Kamayusufu in?

27 A. It is in the same district, Bombali District.

28 Q. When you were in Kamayusufu did you hear any news about war
29 or peace?

1 A. Yes, I heard about the Lomé Peace Accord over radio.

2 Q. Now, after you heard about the Lomé Peace Accord over the
3 radio, did anything else happen to you?

4 A. Yes.

10:59:59 5 Q. What happened?

6 A. We heard rumours that the rebels had started fighting again
7 and they were around the Kurubonla area and from there the
8 following day they attacked Kabala and we heard that they were
9 close to our village and the other villages, that is Kamayusufu,
10 and my grandmother said we should go into the bush and we - all
11 of us left the village and went into the bush.

11:00:29

12 Q. Now, Mr Witness, when you say "all of us left the village
13 and went into the bush", what people are you speaking about when
14 you say "all of us"?

11:00:49 15 A. The civilians in the village. We left there.

16 Q. The civilians in Kamayusufu?

17 A. Yes, sir. Yes, sir.

18 Q. Can you explain why it was that all the people, the
19 villagers in Kamayusufu, left their homes and went into the bush?

11:01:12

20 A. They said the rebels were coming headed for Makeni. At
21 that time they had already attacked Kabala and that attack was
22 code named Teresa Night when that woman was killed.

23 Q. I'm sorry, the name again of the attack?

24 A. Teresa Night, that was how it was called, the attack.

11:01:46

25 Q. Is that a name of a person or what is it? Can you explain?

26 A. It was the name of the woman who was killed that night.

27 Q. Okay, so the second word "night" refers to night-time as in
28 daytime/night-time, or is that part of her name?

29 A. It was at night, yes, sir.

1 Q. Thank you. Now, sir, when you went to the bush with your
2 grandmother, what happened?

3 A. When we went into the bush, my grandmother told me that she
4 had forgotten something and that was groundnut and she sent me to
11:02:43 5 go and collect it. While I was going for it - I had already got
6 into the village. Just about crossing the street to go to the
7 house I didn't know that they were on top of the hill. I didn't
8 see them. Just after I crossed, they halted me and they said,
9 "Halt, if you move we will shoot you", and I stood there. I did
11:03:10 10 not run away and they came. They said, "Where is the money?
11 Where are the cows?" And I said, "I don't have anything". And I
12 said, "All of my relatives have gone to Guinea and I don't have
13 anything". They said they were to take me back as they had done
14 before and all of us went to Kamabai. We were in Kamabai with
11:03:37 15 them. We were being trained again in Kamabai.

16 Q. Okay, Mr Witness, I just want to ask you a few questions
17 about what you told us. You said you had already gotten into the
18 village and "they halted me". Who was it that halted you?

19 A. It was the rebels. They halted me.

11:04:05 20 Q. How were they dressed?

21 A. Some of them had the full kit - full military uniform - and
22 some of them had red headbands and some of them had short pants.
23 That is the military uniform shorts. And some of them had
24 sleeveless shirts.

11:04:31 25 Q. Now, you said that after you told them you didn't have
26 anything - "They said they were to take me back" is what you
27 said?

28 A. Yes, that they were to go with me.

29 Q. Who said that to you?

1 A. Officer Demo.

2 Q. That is D-E-M-O. Who was Demo, Mr Witness?

3 A. He was a soldier. An SLA soldier. He was with Savage's
4 group.

11:05:11 5 Q. Where did Demo and his group take you?

6 A. It was Kamabai.

7 Q. Now you said in Kamabai they trained you again, is that
8 correct?

9 A. Yes, sir.

11:05:26 10 Q. What kind of training?

11 A. They trained us. They said we were to go to Kabala, so
12 they trained us on how we were to go and attack Kabala. It was
13 just the same things that we had been trained before; how to
14 dismantle the gun, to clean it and to couple it up again and how
11:05:49 15 to crawl.

16 Q. Were you being trained with other people?

17 A. Yes, we were trained with other people.

18 Q. Who were the other people that were training with you? Can
19 you tell us anything about them?

11:06:13 20 A. Yes, sir. Some of us who had been captured together with
21 some soldiers, rebels, who were in the group.

22 Q. What were the ages of those being trained?

23 A. Some of them were 15. We were ten.

24 Q. Mr Witness, do you know what district Kamabai is in?

11:06:47 25 A. Yes, sir.

26 Q. What district?

27 A. In Bombali District.

28 PRESIDING JUDGE: Mr Koumjian, can I seek clarification of
29 an answer. You asked the witness what were the ages of those

1 being trained and the witness replied, "Some of them were 15. We
2 were ten". Is that ten in number, or ten in age?

3 THE WITNESS: The ten is the age.

4 PRESIDING JUDGE: Thank you, Mr Witness.

11:07:29 5 MR KOUMJIAN:

6 Q. Mr Witness, what happened after your training in Kamabai?

7 A. After we had been trained they said we were to go to
8 Kabala. Some RUF had come from Makeni together with some SLA
9 soldiers. They said we were to go to Kabala. I did not want to
10 go, but at that time Adama Cut Hand was in Makeni. Just after
11 the past she was - I decided to go, because I wanted to go and
12 avenge my father's death, because she was the one who killed my
13 father, so we went.

14 Q. Mr Witness, you said some RUF had come from Makeni together
11:08:25 15 with some SLA soldiers. Did you see these people that were RUF
16 that came from Makeni? Did you see any of them?

17 A. Yes, sir, I saw some of them who had sleeveless T-shirts,
18 they had tattoo written on their shoulders "RUF". They had
19 tattoos.

11:08:55 20 Q. So what happened after you were told that they were going
21 to attack Kabala?

22 A. So all of us went together.

23 Q. And did the group that you were with, the RUF and SLAs,
24 attack Kabala?

11:09:15 25 A. Yes, sir, all of us joined together and we attacked Kabala,
26 but when we went there Pa Kabbah's soldiers had set an ambush.
27 They were on top of the hills and they waited until we entered.
28 After we had entered the town and the head of the Pa Kabbah's
29 soldiers was testing his gun, just as he shot once then the

1 rebels responded and there was firing now all over.

2 Q. What happened once the firing started between the two
3 sides?

4 A. We were not actually allowed to attack the town, but I was
11:10:09 5 searching for Adama Cut Hand but I did not see her. Because I
6 did not see her I went into a shop and I took a bicycle there for
7 me to return to Kamabai. While I was on top of the bicycle
8 climbing down the Kakra [phon] Hill I saw fire from my back.
9 Just as it dropped by me I also dodged and I was crawling. I
11:10:36 10 entered in - I was in the gutter and I was - I took the gun out
11 and I put it down and from there I saw Savage and he said we were
12 to go back.

13 Q. So, Mr Witness, if you know, what was the result of the
14 attack? Were the RUF and SLA successful, or were the people you
11:10:59 15 called Kabbah's soldiers successful?

16 A. Pa Kabbah's soldiers succeeded. Many of our group members
17 were captured, because some civilians had gone there, they wanted
18 to - they went there with selfish desires. They wanted to steal
19 those Temne people. So some were killed and some were captured.

11:11:31 20 Q. These people who wanted to steal, what group did they
21 belong to, if any?

22 A. They were with the RUF who had come from Makeni.

23 Q. You said you saw Savage and he said you were to go back.
24 Did you go anywhere after that?

11:12:04 25 A. We returned.

26 Q. To where?

27 A. Kamabai.

28 Q. What did Savage say once you went back to Kamabai?

29 A. When we went to Kamabai, we rested and we were being

1 trained again. Every morning we would do muster parade.

2 Q. And what happened then?

3 A. So we were on that training and there was some problem
4 between the RUF and the SLAs in Makeni. There was some grudge
11:12:50 5 between them.

6 Q. How did you hear about that, Mr Witness?

7 A. Some soldiers, the SLAs, were running away from Makeni,
8 because they were killing them. Some of them were running away
9 from Makeni and they came to Kamabai. They were the ones who
11:13:12 10 gave the information to Savage, so that was how we got to know.

11 Q. What did Savage say, if anything, if you know, after he
12 received this information about the infighting in Makeni?

13 A. He did not say anything. What he did was, because he had a
14 big truck, he took the young girls and the women and put them
11:13:41 15 into that truck and said we were to go to Kabala and surrender.
16 So that was - and they went ahead in the truck. So we walked and
17 he said we were to go and surrender.

18 Q. Okay, just so we're completely clear, who was it that said
19 that you were to go and surrender?

11:14:04 20 A. Savage.

21 Q. And who, Mr Witness, were you planning to surrender to
22 according to Savage's plans?

23 A. I did not get the question clearly.

24 Q. You said, "Savage said we were to go and surrender". Where
11:14:30 25 were you to go and surrender?

26 A. Kabala.

27 Q. And, if you know, who were you to surrender to?

28 A. To Pa Kabbah's soldiers.

29 Q. So what happened after the truck left with the women and

1 children?

2 PRESIDING JUDGE: I think he said women and girls.

3 THE WITNESS: We were walking slowly, but Savage was
4 returning fire because by then Savage himself had not yet moved
11:15:04 5 because he had said he was not going to move from Kamabai. But
6 at that particular time there was a conflict - an existing
7 conflict between them. When Superman and Five-Five and others
8 left Makeni, they were in an AA van and they were trying to call
9 on Savage. They said Savage should go and join them, they were
11:15:28 10 not going to do anything wrong to him. But Savage said no, he
11 was not going to go there because he thought someone had come and
12 explained to him what the situation was like.

13 THE INTERPRETER: Your Honours, the witness called a name
14 that did not come out clearly to the interpreter.

11:15:42 15 PRESIDING JUDGE: Mr Witness, the interpreters did not hear
16 a name you mentioned clearly. Please repeat the name.

17 THE WITNESS: Kaka Scatter. That was his nickname.

18 MR KOUMJIAN: Okay:

19 Q. Let me go through this slowly with you, but I just
11:16:04 20 phonetically - Kaka Scatter, is that one name, Mr Witness?

21 A. Yes, it is one name.

22 MR KOUMJIAN: K-A-K-A S-C-A-T-T-E-R:

23 Q. Sir, you said that Savage had not yet moved and there was a
24 conflict. Did you see any of the conflict?

11:16:39 25 A. The conflict? Yes, I saw Superman in the AA van, he and
26 General Issa.

27 Q. Okay. When you talk about an AA van, what is that? Can
28 you describe what it looks like?

29 A. Yes, sir, it is a vehicle and a two barrel was mounted on

1 top of it in that vehicle.

2 Q. So, Mr Witness, what happened when you saw General Issa and
3 Superman in the vehicle with the AA gun?

4 A. They were shooting seriously and Savage too was returning
11:17:25 5 fire. He wanted to launch against the AA van, but by then Kaka
6 Scatter had escaped with a bomb. He tried to do so, but he was
7 unable to do so, so he retreated. So we were now trying to go to
8 Kabala.

9 Q. Okay, Mr Witness, just so we're clear, you have mentioned
11:17:47 10 some names, Savage, General Issa, Superman. Who was fighting
11 against who on this occasion?

12 A. RUF was fighting against the SLA.

13 Q. And when you say the RUF, who was in the RUF group that was
14 fighting against the SLA?

11:18:19 15 A. It was Superman and others.

16 Q. Can you name any of the others with Superman?

17 A. Superman and General Issa.

18 Q. And what happened after this?

19 A. From there we were on our way going, but we did not know
11:18:43 20 that some RUF had entered some villages on food finding mission
21 and when we got to Fadugu we met them there. Savage arrested
22 those ones too and killed them. He said because they killed SLA
23 soldiers in Makeni. So as a result of that he too decided to
24 kill them there. From there we decided to proceed to Kabala.

11:19:09 25 Q. After you decided to proceed to Kabala, what happened?

26 A. When we got at the checkpoint in Kabala, all who had loads,
27 they searched everything. If it was a mattress, a foam mattress,
28 they would have to untie it and search everywhere inside it to
29 see whether guns were in there or whether there was nothing in

1 there. I had a two pistol grip with me, but by then will were no
2 bullets remaining inside. So they took it from me.

3 And if you were an adult they will write against your name
4 "ex-combatant" and then they will give you a band and they will
11:20:03 5 allow you to enter, but because some of us were very small, we
6 were very young, they put it there "ex-child soldier", "ex-child
7 combatant", and then we were given smaller bands and then they
8 allowed us to enter into Kabala.

9 Q. Okay. Mr Witness, this checkpoint in Kabala that you are
11:20:23 10 talking about, did it have a name?

11 A. Yes. Yes, sir.

12 Q. What did you call this checkpoint?

13 A. Makakura checkpoint.

14 MR KOUMJIAN: Your Honours, that is M-A-K-A-K-U-R-A:

11:20:44 15 Q. Where is this checkpoint, or where was this checkpoint?

16 A. In Kabala, entering into Kabala.

17 Q. Who was at the checkpoint?

18 A. Pa Kabbah's soldiers.

19 Q. Who did you go to the checkpoint with?

11:21:14 20 A. I went with Officer Demo, Savage and others in their group.

21 Q. Now, Mr Witness, you talked about your weapon. What
22 happened to the other weapons, if there were any, in your group?

23 A. They took everything from us. They disarmed us.

24 Q. Mr Witness, you talked about wristbands. Who was
11:21:45 25 distributing the wristbands?

26 A. Pa Kabbah's soldiers.

27 Q. Was there only one kind of wristband, or was there more
28 than one?

29 A. Two kinds.

1 Q. Can you explain the two kinds of wristbands?

2 A. If you were an adult they will write on the band
3 "ex-combatant" and those of us who were smaller boys, they will
4 write on them "child combatant".

11:22:29 5 Q. After this was done, was this done at the checkpoint?

6 A. At the checkpoint, yes, sir.

7 Q. And then what happened to you?

8 A. When they disarmed me they gave me the band on which it was
9 written "child combatant" and when we entered they used to cook,
10 provide us food, but the man with whom I entered, Officer Demo's
11 wife had a child there and his people had a house in that town
12 and they used to also cook for us in the camp, but by then when
13 they used to provide us food I came one day to see Adama Cut Hand
14 again and at that time everything had almost ended.

11:23:29 15 Q. And then what happened?

16 A. We were there for some weeks when they sent for UN trucks
17 and those were the ones that collected us from Kabala and took us
18 to Lunsar. At Lunsar we were there under Caritas. I was carry
19 Caritas that was now taking care of us there.

11:24:01 20 Q. Okay, thank you. Before I move on, in your previous answer
21 you said something I would like you to explain so we all
22 understand. You said, "I came one day to see Adama Cut Hand
23 again and at that time everything had almost ended". What did
24 you mean when you said "at that time everything had almost
11:24:25 25 ended"?

26 A. They were no longer killing. We had disarmed.

27 Q. Okay. Now you said the UN trucks came and collected you at
28 Kabala and took you to Lunsar. What happened at Lunsar to you?

29 A. Whilst we were in Lunsar, the other RUF heard an

1 information that we were at Lunsar so they decided to form a new
2 group saying that they were going to collect us from there, but
3 at that time some of us were never happy to return to the bush
4 any longer. So we all dispersed and we decided to head towards
11:25:19 5 the Freetown Highway towards Gberi Junction. We decided to use
6 the bush path and we got to a point when we reached Gberi
7 Junction. And when we got there at first they sent us a
8 helicopter to collect us to Freetown, but by then some people
9 were very crude. They did not understand what actually to do,
11:25:50 10 how to do things. So they decided to send us a truck again. So
11 when the truck came it collected us and it took us to Port Loko,
12 but even there we were still under Caritas.

13 Q. Okay, thank you. I apologise for not saying ask you this
14 before but when you said the UN trucks came and collected you and
11:26:10 15 took you to Lunsar, what people were on the UN trucks? You and
16 who else?

17 A. I did not get the question clearly.

18 Q. You said UN trucks came and collected you and took you from
19 Kabala to Lunsar. Were there other in people in the trucks with
11:26:31 20 you?

21 A. We were just the same people. We, the child combatants.

22 Q. Okay. Thank you. That was my question. So when you and
23 the child combatants were taken to Lunsar then you said you heard
24 RUF - you heard information that, "They decided to form a new
11:26:58 25 group saying they were going to collect us from there". Can you
26 explain that a little bit more?

27 A. Yes, sir. Whilst we were there the RUF by then had not yet
28 disarmed and they said we shouldn't go and stay with the Caritas
29 people. They said we should join them again and that was the

1 reason why they decided to come there for us. And when they came
2 some of our colleagues decided to join them again to go with
3 them, but some of us decided not to.

11:27:38

4 Q. And when you say your colleagues, what age group are you
5 talking about?

6 A. Some were 12 years old, some ten years, some 15 and above.

7 MR KOU MJIAN: Your Honour, this would be a convenient time.

11:28:06

8 PRESIDING JUDGE: Thank you, Mr Koumjian. We will now take
9 the mid-morning adjournment, Mr Witness. We will be resuming
10 court again at 12 o'clock. Please adjourn court until 12.

11 [Break taken at 11.29 a.m.]

12 [Upon resuming at 12.00 p.m.]

13 PRESIDING JUDGE: Mr Koumjian, I note a change of
14 appearance.

11:59:40

15 MR KOU MJIAN: Thank you, your Honour. Your Honours, for
16 the Prosecution, Brenda J Hollis, Alain Werner, Maya Dimitrova,
17 and myself Nicholas Koumjian.

18 PRESIDING JUDGE: Thank you, Mr Koumjian. Mr Munyard, your
19 Bar is as before so we will proceed.

11:59:56

20 MR MUNYARD: No change, Madam President.

21 PRESIDING JUDGE: Thank you. Please proceed, Mr Koumjian.

22 MR KOU MJIAN: Your Honour, if I just may before I begin,
23 your Honours I believe I forgot to or failed to thank the Defence
24 for reaching this practical solution to allow this witness to
25 testify today and we are grateful for that.

12:00:07

26 MR MUNYARD: Thank you very much.

27 MR KOU MJIAN:

28 Q. Sir, a few more questions for you. When we broke you had
29 told us that you were taken to Caritas. What is Caritas?

1 A. Caritas were the people who took care of us.

2 Q. When you say they took care of you, can you tell us what
3 they did?

12:00:49

4 A. Actually they circumcised us, they were feeding us and they
5 also sent us to school.

6 Q. When you say "us", who do you mean? Who was it that
7 Caritas was caring for?

8 A. Those of us, the child combatants.

12:01:16

9 Q. Where were you when you were with Caritas and going to
10 school?

11 A. We were with them at Lunsar and later Lungi.

12 Q. Mr Witness, just so we understand, how long - how many
13 years did you study with Caritas?

14 A. I do not recall.

12:01:43

15 Q. Are you still studying, sir?

16 A. Yes.

17 Q. And what grade or form are you in now?

18 A. It was in the year 2005 that I left school. By then I was
19 at JSS 3. That's is Form 3.

12:01:59

20 Q. Thank you. Does JSS mean that that's the primary school?

21 A. Junior secondary school.

22 Q. Thank you for clarifying that. Sir, when you were captured
23 - we started talking about the day that your father died. At
24 that time had you had any schooling?

12:02:23

25 A. I had not gone to school by then.

26 Q. Sir, you said you eventually were in Lungi. Were you with
27 any members of your family at that time? Just answer yes or no.

28 A. No.

29 Q. At some point did someone come to see you?

1 A. Yes, sir.

2 Q. Please take your time and speak slowly and explain to us
3 what happened?

4 A. After the refugees had returned, I mean those who had
12:03:16 5 escaped to Guinea - after they had returned to Sierra Leone, my
6 mother went to the village in search of me. But they told her
7 that, "Your son was captured during the war and we actually do
8 not know his whereabouts", but luckily whilst she was on her way
9 to Makeni she joined a vehicle and the vehicle that she joined,
12:03:41 10 there was a guy in that vehicle who knew me and that was Captain
11 Jegai [phon] and he too was an SLA soldier, we were all in the
12 same group. So just when she spoke about me and she was saying,
13 "Oh, my son, I don't know where my son is", and the boy asked
14 her, he said, "What is the name of your son?"

12:04:15 15 Q. Do not say your name, sir. I will just remind you not to
16 say your name.

17 A. Thank you, sir. And she called my name. And from that
18 point my mother asked him, she said, "How can we go about
19 searching for him so that we see him" and the boy told her that I
12:04:36 20 was at Lungi. He told her that it was at Lungi that they took
21 all of us to and the boy told her that if she can endeavour to
22 pay the transport fare for both of them to go to Lungi, he too
23 will endeavour to go with her and then the following day my
24 mother asked him to join her. So they crossed over the ferry and
12:05:01 25 they went.

26 And when they got to Lungi they went straight to the camp
27 and at that time they had given us to foster parents and the man
28 that I was staying with, he was called Mr Osman. I was there
29 when somebody went and told us that my mother had come and then I

1 said it was a lie because I said at that moment I did not know
2 where my mother was and where my other family members were, but
3 the boy said, "No, your mother has come". And I told the boy,
4 say, "Look, I am not going there. If you are sure that my mother
12:05:44 5 has come then she will send somebody to come and pick me up".
6 Then the boy went back and told her that he told me but I did not
7 believe.

8 So the two of them joined a motorbike and then they went
9 and met me and they told me that my mother indeed has come. And
12:06:08 10 I asked them, "What is the name of my mother? I will not want
11 you to take me to someone else and give me to that person and say
12 that person is my mother". Then they called my mother's name and
13 indeed it was my mother's name so I told them, "Okay, let's go".
14 But at that time I did not know her any more and she too did not
12:06:29 15 know me any more.

16 So my - two of us had been given to that foster parent, so
17 they took the two of us there. So when we went we sat down and
18 the boy told my mother that these are the two boys. Then my
19 mother advanced on the other boy and grabbed him and he said,
12:06:55 20 "This is my son" and then they asked, "What is the name of your
21 son?" Then she called the name and I started crying and my
22 mother too was crying. We were there for a short moment and they
23 prepared all my documents so that I will join my mother so that
24 the two of us go.

12:07:18 25 We joined a vehicle. We went and crossed over to Freetown
26 and when we got to Freetown I asked her, I said, "Oh, mother,
27 what next do you have in mind because you met me there and I was
28 going to school". I told her that I would want her to send me to
29 school, but she told me she did not have money and I told her, "I

1 will not be able to live with you if you don't have money to send
2 me to school" and I told her, "Look, I would rather decide to go
3 to the village" and when I went I met my aunt there.

4 My aunt too told me that she did not have money, so I was
12:08:00 5 now there and at some point in time the Caritas people still went
6 there. They met me there. And they asked me whether I was going
7 to school. I told them no. And from that point they started
8 paying for me again. They sent me to school. I was there up to
9 Class 1, Class 2, Class 4 and Class 5 and when I got to Class 6 I
12:08:27 10 wrote my NPSC exams. I passed the exams and from that point the
11 Special Court people too went there in search of people who would
12 be willing to give statements to them, just as I am testifying
13 here. They too from that point took up my responsibility. They
14 sent me to school. They bought books for me and each year they
12:08:56 15 would go and pay my school fees, but it was only at the latter
16 part in 2005 that they did not pay for me.

17 So I said instead of sitting in Makeni idling I decided to
18 go to Kono and when I went to Kono, I used to go and take petty
19 businesses from people. If somebody was selling an item for
12:09:29 20 15,000 I would go and take that item from that person and I would
21 go and sell the item for 17,000 and I would make small profit out
22 of it and I would go and return the person's money and take my
23 profit. That was what I was doing up until the time when they
24 sent for me again for me to come and testify here.

12:09:53 25 Q. Thank you, sir. I just want to go back for a moment and
26 ask you a question. You told us about seeing some marks, "RUF",
27 on some shoulders. Did you see any of the other child combatants
28 marked in any way?

29 A. Yes, some of us were marked. They said that will make us

1 brave so that we will not be afraid of anything. Some were
2 marked by the left-hand side of the face and some by the
3 right-hand side of the face.

12:10:40 4 Q. Did you ever see those markings taking place? Did you see
5 when people were marked, or no?

6 A. I saw it when we were at Rosos.

7 Q. And what were the children - child combatants - told about
8 what purpose marking them would serve?

12:11:08 9 A. They said that will make them brave so that they will not
10 be afraid. Even when they went on attacks, they will be very
11 brave.

12 MR KOUJIAN: Okay, thank you. I have no further
13 questions, your Honour. Thank you.

14 PRESIDING JUDGE: Mr Koumjian, I am not entirely clear on
12:11:22 15 the timeline of all of this evidence. The witness has given some
16 times and he has also indicated his age when his father died, but
17 it's not entirely clear how long this series of events took.

18 MR KOUJIAN: Well, your Honour, my position is that
19 because of the witness's difficulty in recalling years, that put
12:11:50 20 together with the other evidence about when forces were in Rosos
21 and then secondly the witness said between the two times he was
22 captured he heard about the Lome Accord and heard about the
23 infighting in Makeni, that the approximate dates are as good as
24 we are going to get.

12:12:09 25 PRESIDING JUDGE: I see, thank you. Mr Munyard, you have
26 questions of the witness?

27 MR MUNYARD: Yes, thank you, Madam President.

28 CROSS-EXAMINATION BY MR MUNYARD:

29 Q. Mr Witness, I am going to ask you a few questions from over

1 here and if there is anything I ask you don't understand will you
2 please let me know so that I can ask it in a different way and
3 hopefully make it clearer for you. Can you tell us how long ago
4 it was that you came to The Hague?

12:12:45 5 A. Let's say I came on the 15th.

6 Q. The 15th of this month, October?

7 A. Yes, sir.

8 Q. Right. And have you seen the Prosecution since that date
9 to talk about the evidence that you are going to give and

12:13:14 10 information you'd given to the Prosecution before?

11 A. I did not get the question clearly.

12 Q. Since you arrived in The Hague, have you had meetings with
13 Prosecution lawyers?

14 A. Yes, sir.

12:13:38 15 Q. How many meetings have you had with Prosecution lawyers to
16 discuss the evidence that you are going to give?

17 A. Two times.

18 Q. Two times. And do you remember when, after you arrived on
19 the 15th, those two times were?

12:13:55 20 A. I do not recall.

21 Q. Today is the 21st of October and so the 15th is just six
22 days ago, so you've been here almost a week. Was it shortly
23 after you arrived, or was it just before today when you've come
24 in to give evidence that you had these two meetings?

12:14:26 25 A. It was when I arrived I passed the night. The following
26 morning I saw my lawyers.

27 Q. Right. That was the first time, I presume. When was the
28 second time that you saw them; to talk about the evidence that
29 you were going to give I mean?

1 A. On the second occasion - after I had seen them the first
2 time, it took two days before I saw them again.

3 Q. Right. During the course of seeing the Prosecution
4 lawyers, did you tell them what language or languages the rebels
12:15:31 5 who captured you spoke?

6 A. Yes, sir.

7 Q. And how did that come about, that you told them what the
8 languages were? Was it something that you just thought was
9 important to tell them, or did you tell them in answer to a
12:15:55 10 question from them?

11 A. It was important for me to tell them.

12 Q. Let me know if you understand this question. Is it
13 something that you just volunteered to them, that you told them
14 from off the top of your head, or did you tell them that because
12:16:17 15 you were asked a question that caused you to tell them what
16 languages the rebels spoke?

17 A. I heard them speak those languages. That was the reason
18 why I told them, because they were speaking those languages.

19 Q. Were you asked a question by the Prosecution lawyers that
12:16:43 20 led you to tell them? Were you asked a question about the
21 languages, I should say, that led you to tell the Prosecution
22 lawyers what languages the rebels spoke?

23 A. I did not get the question clearly.

24 Q. Did the Prosecution lawyers ask you what languages the
12:17:04 25 rebels spoke when they saw you on these two occasions?

26 A. Yes, sir, they asked about the language that they spoke.
27 They asked me.

28 Q. And is that when you told them what those languages were?

29 A. Yes, sir.

1 Q. And what were those languages that you told the Prosecution
2 the rebels spoke when you've seen them here in The Hague?

3 A. I told them that they were speaking Mende, Krio and the
4 Liberian language - three languages.

12:17:58 5 Q. You were how old when you were captured by these rebels?

6 A. I was ten years.

7 Q. And how old were you when you disarmed at Kabala, as you've
8 just been telling us about?

9 A. I do not recall.

12:18:23 10 Q. Well, were you still ten years old?

11 A. Almost let me say I was 11 by then.

12 Q. How many months had you been with the rebels in total? I'm
13 including in that period the time you escaped and went back to
14 your grandmother's village. From the day you were first captured

12:18:55 15 to the day that you disarmed, how many months in total is that?

16 A. Let me say it was over ten months.

17 Q. And how do you know that the language that the rebels were
18 speaking, or some of the rebels were speaking, was Liberian, you
19 aged either ten or 11 at that time?

12:19:26 20 A. By then I understood some, whilst they were speaking, and
21 even when they attacked our village they were speaking that
22 Liberian language. They were saying, "My meh, we have now
23 captured this place", in the Liberian language. Anyway, they
24 were speaking the Liberian language.

12:19:53 25 Q. Yes, how do you know it was the Liberian language?

26 A. I did not get the question.

27 Q. How did you know that it was the Liberian language that
28 these people were speaking?

29 A. They were speaking Liberian language.

1 Q. Had you ever been to Liberia by this time?

2 A. No, sir.

3 Q. You were living in a village in Bombali District, weren't
4 you, sir?

12:20:36 5 A. Yes, sir.

6 Q. Did you have any Liberians living in your village there, in
7 Bombali District?

8 A. Liberians, no.

9 Q. Had you met anyone before this time who spoke Liberian?

12:20:52 10 A. Yes, sir.

11 Q. Who and where?

12 A. At Kamabai. At the time the ECOMOG people came to Kamabai,
13 that was the first time. That was the time I heard them speak
14 the Liberian language.

12:21:18 15 Q. And when was that in relation to the events that you've
16 been telling us about in your evidence?

17 A. I do not recall any more.

18 Q. Well, who was it who was speaking the Liberian language?
19 Are you saying it was ECOMOG people?

12:21:39 20 A. Yes, sir.

21 Q. How many ECOMOG people were speaking the Liberian language
22 to you?

23 A. They were not speaking to me. They were speaking to each
24 other. Five of them, they were speaking to one another.

12:21:59 25 Q. Five Liberians speaking to one another? Is that what you
26 are telling this Court?

27 A. Yes. Yes, sir.

28 Q. And where were you in relation to these five?

29 A. Do you mean where I was at that time?

1 Q. Yes.

2 A. I was at Kamabai, because we had an orange garden there in
3 Kamabai. We used to pluck those oranges and we would take them
4 to other areas to sell. That was the time I heard them speak the
12:22:42 5 Liberian language.

6 Q. When did all of this happen? Was this before you were
7 captured, after you had been captured, while you had escaped,
8 when you were recaptured?

9 A. It was before I was first captured.

12:23:08 10 Q. How many years before you were first captured?

11 A. I do not recall any more.

12 Q. Well, try please.

13 MR KOUMJIAN: Objection. If a witness says, "I cannot
14 recall", I believe it is asked and answered. Telling him to try
12:23:31 15 is the equivalent, especially to someone of a young age, of
16 asking him to guess.

17 PRESIDING JUDGE: I don't think it's asking him to guess.
18 I think it's asking him to search his memory and so I will allow
19 that question.

12:23:45 20 MR MUNYARD:

21 Q. You were captured when you were aged - you think when you
22 were aged ten?

23 A. Yes.

24 Q. Was it one year before you were captured, two years before
12:23:58 25 you were captured, or longer than that that you heard five ECOMOG
26 members speaking Liberian?

27 A. At that time I was nine years plus.

28 Q. Do you mean between nine and ten, just so that I can
29 understand?

1 A. Yes, sir.

2 Q. And were you in your orange grove?

3 A. I used to follow my elder brother. When he went to pluck
4 the oranges I would follow him and we would pluck them and we
12:24:46 5 would go and sell.

6 Q. Yes. Now, just answer my question, please. Were you in
7 the orange grove when you say you heard these five Liberian
8 members of ECOMOG talking in their language?

9 A. It was at Kamabai.

12:25:04 10 Q. Yes, where in Kamabai?

11 A. In Bombali District.

12 Q. No, I didn't ask you where Kamabai is. Whereabouts in
13 Kamabai were you when you claim to have heard five Liberian
14 members of ECOMOG talking amongst themselves in the language you
12:25:29 15 claim to recognise as Liberian?

16 A. It was whilst we were entering because they were at the
17 checkpoint. At any time we were entering the town we would meet
18 them at the checkpoint and they would buy some oranges from us.

19 Q. How do you know they were Liberian?

12:25:58 20 A. Because they were speaking the Liberian language.

21 Q. I'm going to come back to that in a second. Were they
22 wearing uniforms that indicated what country they came from?

23 A. Yes, sir.

24 Q. And what was it on their uniform that indicated which
12:26:23 25 country they came from?

26 A. I did not get the question clearly.

27 Q. You have just told us that they were wearing uniforms that
28 showed or indicated what country they came from. What was it on
29 their uniform that showed which country they came from?

1 A. They had the inscription on their badges and it was written
2 there "LIB".

3 Q. And then you heard them speaking a language which
4 presumably you didn't understand. Is that right?

12:27:12 5 A. No.

6 Q. Well, how did you know what language it was they were
7 speaking?

8 A. It was my brother who told me that they were speaking the
9 Liberian language.

12:27:34 10 Q. So you didn't understand it at all. Correct?

11 A. I did not understand, but it was my brother who told me
12 that they were speaking the Liberian language. He told me that
13 they were Liberian soldiers.

14 Q. And how long were you with this group of five who were
12:27:56 15 having this conversation amongst themselves?

16 A. We did not stay long with them. When they bought our
17 oranges we proceeded ahead and after selling we returned to our
18 village.

19 Q. Mr Witness, there were no Liberian soldiers in a Liberian
12:28:25 20 contingent in ECOMOG. Were you aware of that; that there wasn't
21 a Liberian contingent in ECOMOG?

22 A. They were there.

23 Q. Are you making up this evidence in order to explain how it
24 is that you claim to know that rebels were speaking Liberian when
12:28:51 25 you were captured by them?

26 A. Yes, sir.

27 Q. Well, I'm going to ask that again because I suspect there
28 might have been a misunderstanding and I don't want to be unfair
29 to the witness. I am asking you if you are making - if you're

1 inventing this story of having heard five Liberian members of an
2 ECOMOG contingent speaking their language in Kamabai when you and
3 your brother sold them some oranges. Are you just lying about
4 that in order to explain why you claim to have understood rebels
12:29:34 5 speaking Liberian when they captured you?

6 MR KOUMJIAN: Objection. That misstates the evidence. The
7 witness never said he understood these soldiers.

8 MR MUNYARD: I completely agree and I will withdraw
9 "understood":

12:29:48 10 Q. When you claim to have heard the Liberian language being
11 spoken, even though you didn't understand it. Are you just
12 making this up?

13 A. It is not a make up. I saw them and my brother told me
14 that they were Liberians.

12:30:08 15 Q. Right. Well, let's move forward to when you are captured
16 by the rebels. How was it that you knew that this language, one
17 of three that you claim rebels were speaking - how was it you
18 knew it was Liberian if all that you had ever heard before was -
19 all you had ever experienced before was overhearing a short
12:30:36 20 discussion with your brother for a short period of time?

21 A. I did not get the question clearly.

22 Q. Let me try it another way. If you didn't understand the
23 language they were speaking, and your brother had to tell you,
24 "When they bought my oranges they were talking Liberian", how is
12:31:03 25 it that you were able to recognise Liberian being spoken when you
26 were some time aged between ten and 11 when you were captured?

27 A. My brother told me.

28 Q. Your brother told you when you were nine plus that this
29 language that you didn't understand was Liberian. How were you

1 able to understand when you were ten plus, rebels were speaking a
2 language which was Liberian?

3 A. I heard them speaking it. They were speaking the Krio, but
4 they mixed it with the Liberian language.

12:31:52 5 Q. How did you know it was the Liberian language if you had
6 never understood it before and you were only with them for a very
7 short time when they bought your brother's oranges?

8 A. I did not get the question clearly.

9 Q. How did you know it was Liberian the second time you claim
12:32:20 10 to have heard people speaking Liberian?

11 A. How I knew that it was Liberian language, there was one of
12 my colleagues with whom we were all in the same groups by the
13 name of Sorie. He was the one who later explained to me that
14 those are Liberians.

12:32:45 15 Q. Right. So you still didn't recognise the fact that they
16 were speaking Liberian, the second time --

17 A. No.

18 Q. The second time it's Sorie who tells you these people are
19 speaking Liberian, yes? Is that it?

12:33:09 20 A. That is it.

21 Q. I see. And that's another bit you've just made up, isn't
22 it, that it was Sorie who explained to you that they were
23 speaking Liberian? That is another lie, isn't it?

24 A. It's not a lie. It happened.

12:33:30 25 Q. You have been seen by investigators from the Prosecution
26 since the year 2003, haven't you?

27 A. Yes.

28 Q. And the first time you were seen by them they asked you to
29 give a full account of everything you could tell them about what

1 happened to you at the hands of the rebels. That's right, isn't
2 it?

3 A. Yes, sir.

4 Q. And you gave them a full account in 2003. Do you agree?

12:34:08 5 A. Yes, sir.

6 Q. They took you through that account again in early 2004 and
7 you said that you had nothing to alter or add to that account.
8 That's right, isn't it?

9 A. Yes, sir.

12:34:32 10 Q. You were seen again in mid-July 2005 and you gave further
11 information to the Prosecution investigators adding to what you'd
12 already said in the original interview, didn't you?

13 A. I did not add any other thing to that statement.

14 Q. Do you mean in mid-July of 2005 you didn't add anything at
12:35:16 15 all?

16 A. I did not add anything further.

17 Q. You then gave evidence in court in a trial, didn't you?

18 A. I did not get the question.

19 Q. You gave evidence in a courtroom in Freetown, didn't you,
12:35:43 20 in one of the trials that was happening there in the Special
21 Court?

22 A. Yes, sir.

23 Q. And do you recognise any of the people who were sitting in
24 front of you across the courtroom from you on the judges' Bench?

12:36:10 25 A. I do not understand.

26 Q. If you look at the judges sitting opposite you, do you
27 recognise any of them? Have you seen them anywhere before?

28 A. I do not recall.

29 Q. But you do agree you gave evidence in a trial, don't you?

1 A. Yes, sir.

2 Q. Then you were seen, we know, on 17 October of this year,
3 which was Friday, last Friday. Do you agree that?

4 A. I do not recall that.

12:36:59 5 Q. Well, let me just try and jog your memory. Today is
6 Tuesday, I think. Yes, today is Tuesday. Yesterday was Monday.
7 Before that we had Sunday and Saturday which were the weekend.

8 A. Yes, sir.

9 Q. And the day before the weekend started was Friday, 17
12:37:26 10 October. Do you remember seeing Prosecution Lawyers on Friday,
11 just before the weekend?

12 A. Yes, sir.

13 Q. And who were the Prosecution Lawyers who you saw on Friday?

14 A. My lawyer. I have forgotten his name.

12:37:50 15 Q. Well, is he in court?

16 A. Yes, sir.

17 Q. And which lawyer is he in court?

18 MR KOU MJIAN: Could I just ask, this has been a line of
19 questioning several times, what is the relevance? Objection,
12:38:05 20 relevance.

21 MR MUNYARD: It's coming up, if the Court will allow me to
22 deal with it, I am going to it straightaway. I just want to
23 establish if the witness can remember saying certain things to
24 the people he has seen. If he can remember the people, that
12:38:24 25 might help him remember what he said or, more to the point, what
26 he didn't say.

27 PRESIDING JUDGE: Mr Koumjian, counsel in cross-examination
28 is permitted to put prior statements to the witness and in my
29 view he is also allowed to lay the foundation to put those prior

1 statements, so I will allow the question.

2 MR MUNYARD: Thank you, your Honour:

3 Q. Mr Witness, you are referring, when you say "my lawyer", to
4 Mr Koumjian, the gentleman who took you through your evidence
12:39:04 5 before I started asking you questions. Is that right?

6 A. Yes, sir.

7 Q. Now I will be corrected if I am wrong, but on no previous
8 occasion in 2003, in 2004, when you gave further information in
9 mid-July 2005, when you gave testimony in the - what we know as
12:39:36 10 the AFRC trial in 2005 and in the only other document that we've
11 been supplied with of any of your meetings with the Prosecution,
12 namely additional information given last Friday, 17 October, have
13 you ever suggested that the rebels who captured you spoke
14 Liberian. Do you agree that you've never before mentioned that
12:40:10 15 they spoke Liberian?

16 A. I did not just say they spoke Liberian and only Liberian.
17 I said they spoke Krio, Mende and the Liberian language. I said
18 three languages. All along this is what I have been saying.

19 Q. And I am only asking you about the Liberian part of that.

12:40:39 20 Do you understand? You've never before mentioned - unless I am
21 wrong and I will be happily corrected if I am wrong, you've never
22 before mentioned that they spoke Liberian. Do you agree?

23 A. That's what I have said all throughout.

24 Q. Ah, very well. Well, let's have a look at that. When did
12:41:09 25 you first tell Prosecution investigators and/or lawyers that
26 these rebels who captured you spoke Liberian?

27 A. I don't recall any more.

28 Q. Well, no-one is expecting you to remember a date. Let me
29 try asking the question in a different way. Was it when you

1 first saw the Prosecution in 2003 when you gave them a full
2 account of everything that you could remember about what had
3 happened to you at the hands of the rebels?

4 A. Yes, sir. Yes, sir.

12:41:47 5 Q. So you told them then that the rebels spoke Liberian -
6 sorry, some of the rebels spoke Liberian, is that right?

7 A. Yes, sir.

8 Q. Did you also tell them that other rebels spoke Mende and
9 Krio?

12:42:04 10 A. Yes, sir.

11 Q. Did you ever tell them at any other stage? Any other time
12 when you were seen by the Prosecution investigators and/or
13 lawyers, did you ever tell them that the rebels spoke Liberian -
14 some of the rebels?

12:42:31 15 A. Yes, sir.

16 Q. Are you quite sure about that?

17 A. Yes, sir.

18 Q. You told us a little while ago about seeing General Issa in
19 a vehicle. Do you remember that?

12:42:52 20 A. Yes, sir.

21 Q. What group did he belong to?

22 A. It was the RUF group.

23 Q. How do you know?

24 A. Because the SLA soldiers were running away. They were
12:43:13 25 running away. And they were the only people remaining in Makeni,
26 that is the RUF, because had he not been an RUF he would have
27 come to join the SLA, but when I saw him together with Superman
28 that was the reason why I said so.

29 Q. Did Sorie tell you that Issa was RUF?

1 A. Sorie did not tell me that.

2 Q. Right. When was it that you were captured the first time
3 by the rebels?

4 A. I do not recall any more.

12:44:30 5 Q. Did anyone tell you the date?

6 A. Nobody.

7 Q. Well has anyone suggested a date to you, or a time period
8 to you?

9 A. I do not recall any more and nobody told me when it
12:45:00 10 happened.

11 Q. Could it have been May of 1998?

12 A. Maybe.

13 Q. Have you any way of knowing whether or not it was May of
14 1998?

12:45:16 15 A. No.

16 Q. Has anyone ever suggested - I know I've asked you this
17 already, but I just want to try again. Has anyone ever suggested
18 to you - anyone from the Prosecution ever suggested to you - that
19 you were captured in May of 1998, the first time?

12:45:42 20 A. Nobody. I do not recall.

21 Q. And how is it that you know that you were ten at the time
22 you were captured?

23 A. Because at that time my father used to tell me. When he
24 had not yet been killed, he told me.

12:46:12 25 Q. Right. And the group who captured you, can you tell us the
26 names of any in that group?

27 A. Yes, sir. Gullit was there, Five-Five was there, 0-Five
28 was there and Staff Alhaji was there. Adama Cut Hand was there.

29 Q. Anybody else you can remember?

1 A. And Sorie. Those are the ones I recall.

2 Q. What about somebody called Demo?

3 A. Officer Demo was not part of that group. The last troop
4 that captured me, he belonged to that troop.

12:47:11 5 Q. Do you mean when you were first captured by them, at the
6 time that your father was killed?

7 A. Yes, sir.

8 Q. So Demo was with that group, Officer Demo?

9 A. No, Demo was not with that group.

12:47:30 10 Q. Let me just try and understand this. The rebels come into
11 your village, you are in a mosque, they do some awful things,
12 including killing your father, and then you and others are
13 captured by them and marched away. Is that right?

14 A. Yes, sir.

12:47:54 15 Q. And does all this - over how long a period of time did all
16 of that happen?

17 A. I did not get your question clearly.

18 Q. We know from your evidence that it all starts at about 5
19 o'clock in the morning, yes?

12:48:15 20 A. Yes, sir.

21 Q. By what time that day did Officer Demo capture you and
22 march you off carrying rice and ground nuts?

23 PRESIDING JUDGE: Mr Koumjian?

24 MR KOUMJIAN: Objection, that misstates the evidence.

12:48:31 25 Defence counsel is confusing the second capture when Demo was
26 there with the first capture.

27 THE WITNESS: I did not put any date for that and so I
28 would not understand that.

29 PRESIDING JUDGE: Please pause, Mr Witness. Mr Munyard,

1 the witness has said that Demo was in the group the second time
2 and he's denied that he was in the first group. So you have
3 asked - you have put Demo in the first capture and, if you are
4 challenging the witness by saying Demo was there, I think the
12:48:58 5 question should be rephrased.

6 MR MUNYARD: Certainly, Madam President:

7 Q. Was Demo the person who captured you from your village at
8 the time the rebels first appeared and, amongst other things,
9 killed your father?

12:49:27 10 A. No, he was not there. He belonged to the last group that
11 captured me. He was not part of that first group.

12 Q. Right. I want to be clear what you mean by the last group
13 that captured you. Do you mean the group who captured you after
14 you had escaped and gone to your grandmother's village and then
12:50:03 15 you were recaptured?

16 A. Yes, sir.

17 Q. So this is some weeks or months after the first time you
18 are captured, yes?

19 A. Yes, sir.

12:50:16 20 Q. All right. Well, we will come back to that. The people
21 that you named earlier, Gullit, Five-Five, O-Five, Adama Cut
22 Hand, they are all SLA soldiers, aren't they?

23 A. Yes, sir.

24 Q. So the group that captured you were basically SLA soldiers,
12:50:45 25 yes?

26 A. Yes, sir.

27 Q. Now, do you remember the first time you gave a statement to
28 someone for the Prosecution that you were interviewed by a lady
29 called Boi-Tia Stevens. Can you remember? It was back in 2003

1 and so it's a long time ago, but do you remember the first time
2 you were actually interviewed and somebody took notes of what you
3 were telling them?

4 A. I recall.

12:51:24 5 Q. Thank you. And did you know her name? Did she tell you
6 her name and can you now remember it? Am I right in saying it
7 was somebody called Boi-Tia Stevens?

8 A. I do not recall the name any more.

9 Q. But was it a lady?

12:51:44 10 A. What? I did not get the question.

11 Q. Was it a lady who interviewed you that very first time?

12 A. At the first time when they met me?

13 Q. The first time someone actually sat you down and wrote down
14 everything that you were telling her about the things that had
12:52:09 15 happened to you?

16 A. It was a man.

17 MR MUNYARD: Your Honours, I have to ask for some
18 assistance here. I have never met Boi-Tia Stevens and I have
19 assumed that that is a lady.

12:52:25 20 PRESIDING JUDGE: As I have mentioned before I shouldn't
21 give evidence from the Bench, it is bad enough from the Bar
22 table, but it was a Ms Stevens.

23 MR MUNYARD: And am I right in thinking that she is a
24 Prosecution lawyer, rather than an investigator?

12:52:40 25 PRESIDING JUDGE: I recall the lady appearing in Court as a
26 counsel.

27 MR MUNYARD: Thank you.

28 MR KOUMJIAN: Your Honour, we would be willing to stipulate
29 to that. Also perhaps it would be appropriate at this time to

1 ask the Court to stipulate that none of the members of the
2 current Bench were in a courtroom with this witness on any
3 previous occasion.

4 MR MUNYARD: I am quite happy to have that stipulated. I

12:53:07 5 think in English English we would call it admitted, but it
6 doesn't matter what language we use. I am perfectly content with
7 that. We have got the record:

8 Q. Mr Witness, we have all now established that it was a lady
9 that I'm asking you about who interviewed you. You say the first

12:53:31 10 time you were interviewed was by a man. Let me make it clear
11 what I mean by an interview. It is where somebody sits down with
12 you, asks you to tell them everything that happened to you and
13 writes down the account that you are telling them and then
14 hopefully before you leave reads it back to you so that you can

12:53:56 15 be sure that they have correctly written down what you've told
16 them. That's what I mean by an interview, do you follow?

17 A. Yes, sir.

18 Q. I don't mean someone who meets you and confirms that you
19 are willing to give information to them and arranges for you to
12:54:19 20 come back and see them. I mean the first person who actually sat
21 you down and took a very full account from you, do you
22 understand?

23 A. Yes, sir.

24 Q. Right. Now we have been given a document that is the typed
12:54:38 25 version of what we're told is the first interview that you had
26 with the Prosecution. Actually we've also been given the
27 handwritten version, I realise, and it's dated 12 April 2003.
28 Now, none of us would expect you to remember the date, but can
29 you remember when that lady took the account of what you were

1 telling her? Can you remember that, that occasion?

2 A. Yes, sir.

3 Q. And did she read it back to you at the end to make sure
4 that she had properly written down everything that you were
12:55:21 5 saying?

6 A. Yes, sir.

7 Q. Thank you. Now, when you gave evidence in the trial in
8 late July 2005 you confirmed in your testimony that when you were
9 first seen by that lady, and she took your account, that you were
12:55:49 10 giving her as full as possible an account of everything that had
11 happened to you. Do you agree that you were giving her the
12 fullest possible account from your memory when you were first
13 interviewed?

14 A. Yes, sir.

12:56:12 15 Q. Thank you. Are you cold or uncomfortable at all?

16 A. I am comfortable.

17 Q. Let us know if you're not comfortable. Right. So she read
18 it back to you and can you remember now was there anything in
19 there that you had to correct, that she'd got wrong? Tell us if
12:56:45 20 you don't remember.

21 A. I do not recall.

22 Q. All right. Do you remember almost a year later, in
23 February of 2004, you were seen by two people; a lawyer, counsel,
24 Paul Flynn, and an investigator called Miatta Samba. Can you
12:57:15 25 remember being seen by them in your home village?

26 A. Yes, sir.

27 Q. And they went through the first interview with you, didn't
28 they?

29 A. Yes, sir.

1 Q. And you confirmed the contents of your previous interview
2 and said that you did not wish to make any alterations or
3 additions. Do you agree?

4 A. Yes, sir.

12:57:47 5 Q. So they read it to you in Krio. Do you agree?

6 A. Yes, sir.

7 Q. And just to be clear, when you were first interviewed by
8 the lady, did she speak Krio to you?

9 A. In Krio, yes.

12:58:08 10 MR MUNYARD: Well, I would like to look, please, at the
11 first interview. Madam President, I have given Madam Court
12 Officer a bundle. I have four for the Bench, including one for
13 the absent judge, and, as I indicated last week, I'm now working
14 on the basis that as the Prosecution supplied us all of this that
12:58:34 15 they have got their own copy. Last week I made the error as you
16 know of supplying only three copies to the Bench because when I
17 copied them there were only three judges on the Bench. This week
18 I have done the opposite to avoid any embarrassment and I'm again
19 trying to do what we can not to use paper unnecessarily.

12:59:30 20 Now, before anything is put on the screen, I want to make
21 it clear that this witness's name is on here and that should not
22 be shown. It's on the first page of the first document I want to
23 look at. I know we have been able to ensure that his name or a
24 witness's name did not appear on the screen as broadcast outside
12:59:57 25 the courtroom and I wonder if Madam Court Officer can help us
26 with that.

27 MS IRURA: Your Honour, the only caveat in this instance is
28 that normally there is a screen behind us. At the moment the
29 screen in front of the witness would have the witness's name

1 displayed and maybe it would be visible from the gallery.

2 MR MUNYARD: Can I suggest in that case we just fold the
3 page so that his name doesn't appear.

4 PRESIDING JUDGE: I was going to make a similar suggestion,
13:00:27 5 if you feel that, counsel for the Prosecution, Mr Koumjian, that
6 would overcome.

7 MR KOUMJIAN: That is fine. We can black it out. Either
8 way.

9 MR MUNYARD: Madam President, I'm sorry, I have interrupted
13:00:40 10 you because I have realised that another close relative's name is
11 in the body of the first page, so that can't be done either. For
12 the moment can we just manage with me reading out and missing out
13 names:

14 Q. Now, Mr Witness, can you read English?

13:00:57 15 A. Yes, sir.

16 Q. I'm going to ask you to look at the document in front of
17 you and I'm going to read it out. If there is anything in there
18 that you are not able to follow will you let me know so that we
19 can take it more slowly?

13:01:13 20 A. Yes, sir.

21 Q. Right. This is a document that is actually the typed-up
22 version of the handwritten notes of the interview conducted on 12
23 April 2003 of you by Boi-Tia Stevens and I'm going to ask you
24 about the first paragraph. It says that - where it says
13:01:38 25 "witness" that always means you. It says:

26 "Witness states that he was in Bonoya when Bonoya was
27 attacked one day by a large group of people whose number [you]
28 were enable to state, but there were many. Men and women were in
29 the group and many of the men were dressed in military uniform

1 and many in the group were armed with guns."

2 Do you agree that you told her that?

3 A. Yes.

13:02:13

4 Q. It then carries on that they set houses on fire and you saw
5 houses burning. Did you tell her that?

6 A. I told her that.

7 Q. The next sentence:

8 "Witness was captured by one Officer Demo, whose name he
9 I learned three days later. He was dressed in military uniform.

13:02:34

10 The colour of the military uniform witness says these men were
11 wore was mixed combination of black, brown, green?"

12 Did you tell her that?

13 A. I did not tell her that.

13:02:57

14 Q. Well, when she read it back to you why didn't you tell her,
15 "There's something wrong with that"?

16 A. I don't recall if she read that particular part to me.

17 That Officer Demo thing, I did not tell her that.

18 Q. Mr Witness, just think about it for a moment. This lady is
19 a lawyer who is taking your account of what happened to you.

13:03:25

20 Now, she didn't know your story beforehand, did she?

21 A. No, sir.

22 Q. So she was writing down what you were telling her, wasn't
23 she?

24 A. Yes, sir, but I not tell her that one.

13:03:49

25 Q. If she wrote down something you didn't tell her that would
26 be not doing her job for a start, wouldn't it?

27 A. Well, I don't know that.

28 Q. But you agreed earlier that she read back to you what she
29 had written down of your account, yes?

1 A. Yes, but I'm not sure if she read this to me about Demo
2 because I did not tell her this.

3 Q. What is it you didn't tell her?

13:04:33

4 A. I did not tell her that Demo was part of that group. Demo
5 was not there.

6 Q. Did you tell her that the colour of the military uniform
7 that these men wore was a mixed combination of black, brown and
8 green?

9 A. And green, yes.

13:04:56

10 Q. So she has got everything right apart from Demo, yes?

11 A. Yes, sir.

12 Q. Well, who did capture you if it wasn't Officer Demo on that
13 first occasion?

13:05:23

14 A. The first time the group that captured me were Gullit,
15 Five-Five and 0-Five and at that time Staff Alhaji too was there
16 and Adama Cut Hand was part of them.

17 Q. All these SLAs, but which one was it who captured you?

13:05:44

18 MR KOUJIAN: Objection. That is vague. The witness said
19 he was in a group of people at a mosque and rebels approached, so
20 it's not clear to me what counsel is asking when he is saying
21 "which one captured you".

22 MR MUNYARD: Well, it may be clear to the witness and I
23 would like the witness to have an opportunity to answer it first
24 before he is fed the suggestion that he can't answer the
25 question.

13:05:59

26 PRESIDING JUDGE: I understand the question and I will
27 allow the question. Repeat it, please.

28 MR MUNYARD:

29 Q. You've just given us a list of names of SLA members. Which

1 one captured you?

2 A. I don't recall, except when we had gone a little further it
3 was then that I was told their names.

4 Q. Do you remember which one it was that actually captured
13:06:28 5 you?

6 A. I don't recall.

7 Q. Next paragraph, please: "In Bonoya the attackers also
8 killed residents of the village including [your uncle]". I am
9 not going to read out his name. Including your uncle. "Witness
13:06:53 10 was present when the latter" - that is your uncle - "was killed".

11 Did you tell her that?

12 A. I told her that.

13 Q. "Witness heard one Adama Cut Hand give instructions to kill
14 [your uncle] because he attempted to run away when caught". Did
13:07:17 15 you tell her that?

16 A. I did not tell her that it was my uncle. It was my father.

17 Q. All right. Did you tell her that your uncle, whose name we
18 can see there, was caught and killed in the course of this
19 particular attack on your village by the rebels?

13:07:43 20 A. Yes, sir. It was my father.

21 Q. No, it may be me. Put your father on one side for a
22 moment. We will come back to your father. Did you tell this
23 lawyer, this lady, Ms Stevens, that the rebels had caught and
24 killed your uncle, the one whose name we see there? Did you tell
13:08:11 25 her that?

26 A. I told her that.

27 Q. If you just take your eyes off the page for a moment,
28 Mr Witness, before we go back to this account, did you actually
29 see who it was who hacked your father, killed your father?

1 A. I saw them. They were two boys.

2 Q. Two boys?

3 A. Yes, sir.

4 Q. Was it Adama Cut Hand herself who did it or not?

13:08:51 5 A. No, she did not do it. She passed the order and two guys
6 did it.

7 Q. Right. Could we go back, please, to the page:

8 "According to the witness [your uncle]" - whose name is
9 mentioned again - "was chopped to death with a machete by three
10 men from the group of attackers."

11 Did you tell her that?

12 A. Two men. I did not tell her about three men.

13 Q. So you think that she's got the three wrong and that it
14 should have been two, but you did tell her that a number of men
13:09:32 15 chopped your uncle to death with a machete, yes? I think you've
16 agreed with that? Is that correct?

17 A. I said two. Two men.

18 Q. "Witness also witnessed the killing of Isatu Mansaray, a
19 new mother at the time, and he witnessed the killing of Isatu's
13:09:55 20 baby boy by the same group of attackers. Both Isatu and the baby
21 boy were chopped to death".

22 Did you tell her that?

23 A. I did not tell her that.

24 Q. Well, did you tell her that you had seen Isatu Mansaray
13:10:11 25 killed?

26 A. She was a pregnant woman. I saw the pregnant woman's
27 pregnancy slit open when they were arguing over the pregnancy and
28 the gender of the foetus in it - of the child in the pregnancy.
29 That was what I witnessed.

1 Q. Did you tell her that both Isatu and the baby were chopped
2 to death?

3 A. I did not tell her that.

4 Q. So she has got this totally and utterly wrong, yes?

13:10:49 5 A. Yes.

6 Q. Did you tell her anything that you can now think of that
7 might have led her to write down this completely wrong account of
8 this incident?

9 A. I told her that two guys were arguing over a pregnant woman
13:11:19 10 and they were arguing over the gender of the unborn baby and they
11 slit open the pregnant woman's stomach and took out the foetus.
12 That is what I told her.

13 Q. When she read the interview back to you, did you say to
14 her, "Hold on a minute. You've got the story about Isatu
13:11:44 15 Mansaray completely wrong"? Did you say anything like that to
16 her?

17 A. I did not tell her that.

18 Q. But you do agree she read back this interview to you,
19 didn't she?

13:12:01 20 A. I don't think she read this to me because, if she had read
21 it to me, I would have told her that I did not say that.

22 Q. Mr Witness, we will look at it later, but when you were
23 seen in the following February you were taken over this statement
24 again in Krio in your home village by a lawyer and an interpreter
13:12:25 25 and you said that you didn't have anything to alter to the
26 statement. You've agreed with that already and so, whether or
27 not Ms Stevens read this back to you at the time, you have agreed
28 it was read back to you again.

29 A. If they had read it to me, no. If they had read it back to

1 me, well, I did not hear this particular one being read to me,
2 because if I had heard this particular one being read to me I
3 would have said, "No, that is not what I said".

13:13:09 4 Q. The first time that you were seen by this lady, where were
5 you? What part of the country?

6 A. Bombali District.

7 Q. Right, let's carry on:

8 "From Bonoya you moved with the group of attackers on to
9 Karina. Witness ...", that is you, "... was given a heavy bag to
10 carry by Demo. Witness heard Officer Demo say he would shoot
11 anyone who attempted to run".

12 Did you tell Ms Stevens that?

13 A. I told her that, but that was later. It was not during
14 this first statement taking. It was during the taking of the
13:14:02 15 last statement.

16 Q. I don't understand that. You said you told her this, but
17 it wasn't during the first statement taking. Do you mean it
18 wasn't during the first time you were captured?

19 A. When I was captured, that was not the first time. It was
13:14:30 20 during the second time when I was captured. It was about that
21 that I told her that statement.

22 Q. "At Karina the group carried out an attack. Witness was in
23 a group which went ahead, so did not witness killings at Karina.
24 Witness later heard three men from the group talking about
13:14:51 25 killings which took place in Karina. Witness was in the advance
26 team".

27 Did you tell her that?

28 A. I told her that.

29 Q. And is that right; that you didn't personally see anybody

1 killed at Karina?

2 A. It is not correct. I witnessed two. From there we were in
3 front. I did not see the others killing. I did not see the
4 other people killing.

13:15:26 5 Q. What was the two that you witnessed?

6 A. I witnessed two, one boy and a girl. They had come from
7 prayers and they halted them and told them that if they moved
8 they would kill them, so they were hacked. I witnessed that.

9 Q. That's the incident you told us about in your evidence
13:15:52 10 earlier, is that right?

11 A. Yes, sir.

12 Q. So Ms Stevens has got it quite wrong when she says that you
13 told her that you did not witness any killings at Karina
14 yourself. You only heard about it. She has got that completely

13:16:20 15 wrong, has she?

16 A. Yes.

17 Q. Or could it be that you were very mixed up in the account
18 that you were giving her?

19 A. I was sure of what I was telling her.

13:16:37 20 Q. Just as you were sure earlier that you had told the people
21 - the person who interviewed you on the first occasion that the
22 rebels spoke Mende, Krio and Liberian, yes?

23 A. Yes.

24 Q. All right. The last two lines of that first page:

13:17:11 25 "Witness remained with the group. They moved from Karina
26 to Kurubonla to Serkoya to Rosos to Lunsar".

27 Did you tell her that?

28 A. I did not tell her that.

29 Q. What didn't you tell her of what I've just read out?

1 A. I did not tell her that we went to Kurubonla, we went to
2 Serkoya and the other places. I told her when we left that place
3 we went to Ndaria, from there we went to Mamboma and from Mamboma
4 we went to Karina. From Karina we went to Mateboi and from
13:17:49 5 Mateboi we went to Rosos. I did not talk to her about Kurubonla.

6 Q. So it's Kurubonla that she has got that wrong?

7 A. Yes.

8 Q. And what about Serkoya? Has she got that right, or that
9 wrong?

13:18:09 10 A. She got it wrong.

11 Q. And can you think of anything that you said to her that
12 caused her wrongly to write down the names of those two towns as
13 she is recording the account that you are giving her?

14 A. That Kurubonla thing was the second capture. When the
13:18:41 15 rebels came from the Kurubonla end I said they came from the
16 Kurubonla end and they came to Kabala; that Teresa Night attack
17 at Kabala. That is what I told her. They had come from those
18 areas.

19 Q. So is what we are looking at here your movement from Karina
13:19:04 20 to Rosos and Lunsar, is that in the first time that you had been
21 captured?

22 A. Lunsar? That Lunsar is not there. It was after everything
23 was finished, after Caritas had picked us up and UN had taken us,
24 was when the Lunsar thing came about. That is when I gave her
13:19:31 25 that statement.

26 Q. All right. So she's got that part of it completely mixed
27 up?

28 A. Yes.

29 Q. "Witness stayed with Officer Demo all throughout this

1 time". Did you tell her that?

2 A. It was later, when I was later arrested.

3 Q. All right. Did she read any of this back to you?

4 A. I'm not sure she did, because if she had done so I would
13:20:16 5 have told her that that was not the way it happened.

6 Q. Over the page, please, "Witness states that at Rosos there
7 were many soldiers", and there is a dash and then it says, "2
8 SLAs". I think the "2" is where the inverted commas hasn't come
9 out right, because somebody has pressed or not pressed a key on

10 the typewriter - on the keyboard, sorry. Did you tell her that
11 at Rosos there were many soldiers? Many SLAs?

12 A. It was those who went, we who went, who went there. We
13 were the ones who were there.

14 Q. Yes. Did you tell Ms Stevens that at Rosos there were many
13:21:14 15 soldiers, SLAs? Did you tell her that, or not?

16 A. I did not tell her that we met soldiers there. It was only
17 we who went. We were the ones who were there.

18 Q. Well, let me understand what you mean by that. Are you
19 saying that at Rosos there was just you, the group that you are
13:21:37 20 captured with and this group of SLA captors, Gullit, 0-Five,
21 Five-Five, et cetera? Is that what you are telling us?

22 A. Yes, sir.

23 Q. And at Rosos - take your eye off the page now. I am asking
24 you questions that aren't dealt with on the page necessarily. At
13:21:59 25 Rosos, what did you and your band of SLAs do?

26 A. We were being trained and from there they said we were to
27 go for food finding. That is why we went to Rosos.

28 Q. How many of you had been captured and were being trained?

29 A. We who were trained were 300.

1 Q. So how many SLAs were there who captured you, roughly?

2 A. I don't recall.

3 Q. Well, think about it.

4 MR KOUMJIAN: I am sorry, your Honour. I am a little late,
13:22:47 5 but I thought if I just asked the interpreter that I thought the
6 witness said, "We were more than 300", rather than a specific
7 number.

8 PRESIDING JUDGE: Mr Interpreter, what did you say there?
9 We are looking at the transcript.

10 THE INTERPRETER: Your Honours, I said exactly what the
11 witness said.

12 PRESIDING JUDGE: Yes. What did the witness say exactly?

13 THE INTERPRETER: 300, your Honours.

14 PRESIDING JUDGE: Thank you.

13:23:14 15 MR MUNYARD:

16 Q. How was this group of 300 herded through the bush from
17 Bonoya to Rosos?

18 A. We used --

19 MR KOUMJIAN: Objection. The witness did not say 300
13:23:26 20 people came from Bonoya to Rosos. He said people being trained.

21 PRESIDING JUDGE: I think that is correct, Mr Munyard.

22 MR MUNYARD: Absolutely right, yes:

23 Q. So let us establish first of all how many of the 300 were
24 brought from Bonoya?

13:23:51 25 A. We who came from Bonoya, let me say I saw three of us.
26 Three of us.

27 Q. Right. And how many rebels had captured the three of you
28 and took you from Bonoya to Rosos?

29 A. I don't recall. We were many.

1 Q. Sorry, "We were many"? Well, you were three and so the
2 rest of the "many" means SLA rebels, yes?

3 A. Yes, sir. It was a mixed group, RUF and SLA.

4 Q. They were mainly SLAs, weren't they?

13:24:30 5 A. It was a mixed group, but they were mainly SLAs. The SLAs
6 were more in number.

7 Q. Thank you. Roughly how many soldiers - SLAs - were there
8 in this mixed group that took you from Bonoya to Rosos?

9 A. I don't recall the number.

13:24:55 10 Q. Mr Witness, I'm asking you to recall it in very rough
11 terms. Are we talking of 20, 50, 100?

12 A. I don't recall.

13 Q. Or five? Or six?

14 A. We were many.

13:25:24 15 Q. When you get to Rosos, you three join at least 297 others
16 for there to be 300 of you being trained. That's right, isn't
17 it?

18 A. I did not say that.

19 Q. There were 300 of you being trained at Rosos, yes?

13:25:47 20 A. Yes, sir. I said more than 300.

21 Q. All right. More than 300. Help us with how many more.

22 A. More than 300, but I cannot recall the exact number, but it
23 was more than 300.

24 Q. Was it more than 400?

13:26:09 25 A. 300, up to that, but we were more than that. 300.

26 Q. Are all of these captives?

27 A. Yes. No, we who were captured, it was a mixed group. We
28 joined their group. All of us put together were more than 300.

29 Q. Yes, but are the more than 300 all people who have been

1 captured by the rebels?

2 A. I think so.

3 Q. So roughly how many rebel soldiers, SLAs, were there at
4 Rosos when you 300 plus were being trained?

13:27:02 5 A. We did not meet any soldier there. It was our own group.

6 Q. Right. So Ms Stevens has completely invented you telling
7 her that at Rosos there were many soldiers, SLAs. Is that right?

8 MR KOU MJIAN: I believe counsel is misunderstanding the
9 witness. I don't want to be accused of leading, but the witness
10 has said that there was no-one - no SLAs, as I understood it, at
11 Rosos when they arrived with the group. He hasn't said --

12 PRESIDING JUDGE: The record shows that the witness said,
13 "We did not meet any soldier there. It was our own group". So
14 there is an ambiguity, Mr Munyard, because as you recall in a
15 different part of his evidence he refers to meeting soldiers at a
16 checkpoint. I think you should clarify.

17 MR MUNYARD: Yes:

18 Q. Mr Witness, just before we break for lunch would you mind
19 telling us when you get to Rosos and you are being trained, are
20 there soldiers there in addition to the group of soldiers who
21 took you there, whose numbers you have been completely unable to
22 give us?

23 PRESIDING JUDGE: Mr Munyard, you are referring to rebel
24 soldiers here, rather than loyal soldiers.

13:28:27 25 MR MUNYARD: The whole context is rebel soldiers, yes:

26 A. I did not get the question clearly.

27 Q. At Rosos when you were being trained how many SLA rebel
28 soldiers were there including the band who brought you to Rosos?

29 A. When we got there, there were no soldiers. It was only we

1 who went.

2 Q. And once you had arrived, which is what Mr Koumjian was
3 suggesting - once you had arrived and start your training how
4 many soldiers were there at Rosos?

13:29:10 5 A. Those of us who were being trained?

6 Q. How many soldiers were there at Rosos apart from you who
7 were being trained there?

8 A. We were more than - we were more than 300.

9 MR MUNYARD: I think there is a misunderstanding, but I
13:29:29 10 think also I am going to have to deal with it after lunch.

11 PRESIDING JUDGE: Indeed. Mr Witness, we are now going to
12 take the lunch-time adjournment and we will start Court again at
13 2.30. Please adjourn Court until 2.30.

14 [Lunch break taken at 1.30 p.m.]

14:23:54 15 [Upon resuming at 2.30 p.m.]

16 PRESIDING JUDGE: Mr Koumjian, you're on your feet.

17 MR KOUMJIAN: Just to inform the Court for the record that
18 Brenda J Hollis has left us and otherwise the Prosecution remains
19 the same.

14:31:33 20 PRESIDING JUDGE: Thank you, Mr Koumjian. Mr Munyard.

21 MR MUNYARD: No change.

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

23 MR MUNYARD:

24 Q. Mr Witness, I think there may have been a misunderstanding
14:31:49 25 between us when we broke for lunch. Let me just try one last
26 time: I want to know from you how many SLA soldiers were at
27 Rosos when you were first there, and I do not include in that
28 number the 300 plus of you who were being trained. Do you
29 understand? I'm not asking about the 300 plus, I want to know

1 the whole of the time you were at Rosos that first time round how
2 many SLA soldiers were there?

3 A. When we got there there were no SLA soldiers.

14:32:33

4 Q. And I said throughout the whole time you were there. What
5 about after you arrived?

6 A. We did not meet any soldier there when we got there.

7 Q. While you were there, after you arrived did you meet any
8 others?

14:32:59

9 A. No, we did not meet any other one. It was only we who
10 went. We were the ones who were there.

11 Q. So it is your evidence that - how many weeks were you in
12 Rosos altogether?

13 A. I did not spend a week there. I spent five days in all.

14 MR MUNYARD: Would your Honours just give me a moment?

14:33:31

15 Q. That's all, just five days?

16 A. Yes, sir.

17 Q. All right. And you saw no SLA soldiers there?

14:33:55

18 A. Except the ones with whom we went there. They were the
19 ones who were there. But when we went there there were no SLA
20 soldiers that we met on the ground, no.

21 Q. Right. So when this was read back to you, and I'm looking
22 - I'm going to ask you to look again at the document we were
23 looking at before, it's the second page of the document, first
24 line: "Witness states that at Rosos there were many soldiers,

14:34:33

25 SLAs." When that was read back to you didn't you stop Ms Boi-Tai
26 Stevens and say to her, "Not at all, I never said that to you"?

27 A. She did not read it out to me. If she did I would have
28 told her that I did not say so.

29 MR MUNYARD: Can I make it clear, for the benefit of the

1 record, that in the handwritten version of these notes I was
2 correct when I said that the number 2 is clearly a typographical
3 error for the quotation mark. It should be a quotation mark
4 either side of SLAs and that is made plain on the handwritten
14:35:22 5 version:

6 Q. So she didn't read that back to you either. What about in
7 February the following year when you were taken right through
8 this record of interview again?

9 A. I did not get the question clearly.

14:35:35 10 Q. What about the following year, February of 2004, when you
11 were again taken through this record in Krio, in your home
12 village, why didn't you make any alterations to it then?

13 A. If they read it to me, clearly I would have changed it, I
14 would have made corrections. But I'm not sure it was read out to
14:36:04 15 me.

16 Q. You see, what she has written down here, that we're looking
17 at now, she's not just written it down once, she's written it
18 down twice:

19 "Witness states that at Rosos there were many soldiers,
14:36:21 20 SLAs. They wore military uniforms as described above. Witness
21 is unable to state the number of soldiers but says there were
22 many."

23 THE INTERPRETER: Your Honours, counsel is going too fast
24 with the reading of that area. Could he please go over it again.

14:36:40 25 THE WITNESS: I did not say that.

26 MR MUNYARD:

27 Q. Right, we understand you say you didn't say that but I have
28 to read it again. I'll miss out the part I've read repeatedly:

29 "They wore military uniforms as described above. Witness

1 is unable to state the number of soldiers but says there were
2 many."

3 You say you never said that to her, it wasn't read back to
4 you and it presumably couldn't have been read back to you in
14:37:12 5 February of 2004 because you made no alterations to the interview
6 record when it was read to you the following year, yes?

7 A. They did not read it to me. If they had done so I would
8 have said I didn't say so.

9 Q. So she's made it up and in addition she didn't read it back
14:37:41 10 to you, yes?

11 A. Yes, sir.

12 Q. Now the next line reads: "There were also men there who
13 called themselves RUF, such as Kill Man No Blood and Allusein.
14 Did you tell her that?

14:38:03 15 A. I did not tell her that. It was us, we who went, but it
16 was - amongst us who went there was Kill Man No Blood but among -
17 when we went there we did not meet any Kill Man No Blood, that
18 was not part of our group, no. We had one person of that name
19 amongst our group.

14:38:24 20 Q. Mr Witness, how could she have written these things down
21 unless you told them to her?

22 A. I don't know.

23 Q. Next line: "Some of the commanders whom witness saw based
24 in Rosos were Officer Demo, Gullit and Five-Five." Did you tell
14:38:56 25 her that?

26 A. I told her that but I did not include Demo's name. Demo
27 was not there.

28 Q. So completely her own idea, she's popped in the name Demo
29 into that group, has she?

1 A. I think so, but I did not tell her that.

2 Q. Now I'm not going to go right through the rest of what is
3 on this page, which is the final page of this interview, but
4 nowhere in this interview do you say that any rebels spoke
14:39:41 5 Liberian. Now I'm putting that to you as a fact. If I'm wrong
6 your lawyers, as you see them, will stand up and make it plain
7 that I've missed something. Do you understand?

8 A. I don't understand the question.

9 Q. Mr Witness, in this particular record of that first
14:40:08 10 interview there is no indication at all that you ever mentioned
11 rebels speaking Liberian.

12 A. No. In this one I did not mention that. It was later when
13 my lawyer asked me and said which language were they speaking,
14 that was when I made that statement.

14:40:31 15 Q. This morning before we broke for lunch I asked you several
16 times and several times you said, "I told them in the first
17 interview that some of the rebels who invaded my village spoke
18 Liberian." Have you now forgotten giving that piece of evidence?

19 A. Even if I said so I don't recall.

14:41:30 20 MR MUNYARD: Madam President, the - what I'll call the
21 confirmation interview record managed somehow not to find its way
22 into your bundles - it's only one page and I've had copies made
23 for the Court and for the witness. And again this shouldn't be
24 put on the screen because it has the witness's identification on
14:41:49 25 it:

26 Q. Mr Witness, in front of you at the moment should be a
27 document that is just one page. Does it have your full name on
28 the top of it?

29 A. Yes, sir.

1 Q. Does it give the date 9 February 2004 and the location
2 Bonoya? I think the letters are the wrong way round, is that
3 right?

4 A. I don't understand.

14:42:54 5 Q. It should be Bonoya, rather than Boynoya, but you were
6 interviewed in your home village, were you, in February 2004?

7 A. Yes, sir.

8 Q. The language Krio, is that correct?

9 A. Yes, sir.

14:43:16 10 Q. The investigator present somebody called Miatta Samba. Can
11 you remember that person?

12 A. Yes, sir.

13 Q. And did he or she speak Krio to you?

14 A. Yes, sir.

14:43:28 15 Q. The other person present counsel Paul Flynn. Do you
16 remember him?

17 A. I don't recall. I only recall Miatta Samba.

18 Q. Do you recall there being somebody else there?

19 A. Yes, sir.

14:43:52 20 Q. And the name of the interpreter, it's the same person as
21 the investigator, Miatta Samba. Then it says: "Interview notes:
22 The witness confirmed his previous statement and did not wish to
23 make any alterations" and it says here "or alterations". That
24 obviously is a typographical error for "additions "I would
14:44:23 25 suggest. It's merely a suggestion but it is consistent with
26 other similar documents that we've seen.

27 Now, you could not have confirmed your previous statement
28 unless they read it over to you, could you, or you read it
29 yourself?

1 A. I did not get that clearly.

2 Q. What this document says is that you confirmed your previous
3 statement. It is right, isn't it, that they either read over
4 your previous statement to you or gave it to you to read over in
14:45:01 5 a language you could follow?

6 A. They did not give it to me for me to read it.

7 Q. How did it work?

8 A. I don't recall.

9 Q. Right. But do you accept that these two people did not
14:45:24 10 travel all the way to your village --

11 A. They travelled.

12 Q. Do you accept they didn't travel all the way to your
13 village simply to sit there and have a cup of tea with you. They
14 actually must have gone through your original interview with you,
14:45:46 15 mustn't they?

16 A. Yes, sir.

17 Q. And you didn't tell them that anything in that interview,
18 the thing that we've just been looking at, needed altering. Do
19 you agree?

14:46:07 20 A. No, sir.

21 Q. Well, did you tell them, when they took you through the
22 interview, "This bit's wrong. That bit's wrong. I never said
23 this. I never said that"? Did you do any of that?

24 A. No, sir. They did not read it to me. If they did I would
14:46:34 25 have told them that this was not right or this was right and this
26 was not right. Something like that.

27 Q. Well, how did they get you to confirm your previous
28 statement?

29 A. I don't understand.

1 Q. It says here, and it will be translated to you in Krio by
2 the interpreter, "The witness confirmed his previous statement."
3 How did you confirm your previous statement when these two people
4 travelled to your village to go through it with you?

14:47:13 5 A. All what happened to me - all that I witnessed is what I
6 told them. I did not tell them anything that did not happen.

7 Q. Right. I'm going to move on. You are ten at the time that
8 you are captured by the rebels, yes?

9 A. Yes, sir.

14:47:41 10 Q. Who was the President of Sierra Leone at the time that you
11 were captured the first time?

12 A. It was Pa Kabbah.

13 Q. All right. Now at the time when you were ten, did you know
14 that or is it something you've learned as you've got older?

14:48:20 15 A. No, sir, I did not know, but when my relatives were voting
16 for him, and even when he was passing through to go to Karina,
17 people were jubilating for him, so that was how I came to know
18 that it was Pa Kabbah who was in power at that time.

19 Q. Now, did you ever hear, when you were at Camp Rosos, did
14:49:02 20 you ever hear SAJ Musa discussing an attack on Freetown?

21 A. I heard people talking about it.

22 Q. Did you hear SAJ Musa talking about it; a plan to attack
23 Freetown?

24 A. I did not hear him talking about it, but I heard other
14:49:33 25 people talking about it.

26 Q. And when did they say they were going to do it?

27 A. I don't know.

28 Q. Have you ever found out when rebels attacked Freetown after
29 you were at Rosos?

1 A. They said it was on 6 January. That was what I heard about
2 it.

3 Q. And when did you hear that?

14:50:22

4 A. At that time, it was after everything had finished and we
5 went - when I went back to my village and I saw that in the
6 movies, that was how I came to know about it.

7 Q. Right. So you only discovered that date long after it
8 actually happened?

9 A. Yes, sir.

14:50:37

10 Q. Thank you. Well, I'm going to ask you now, please, to look
11 at what's probably tab 2. This is a document headed "Additional
12 information provided by the witness" and I am fairly confident
13 that it doesn't identify the witness. Yes, I think I'm right.
14 This doesn't identify the witness. Now, Mr Witness, do you

14:51:22

15 remember shortly before you gave evidence in the other trial you
16 were seen by Prosecution lawyers to talk about the evidence that
17 you were shortly going to give in court, do you remember that,
18 way back in 2005?

19 A. I did not get your question clearly.

14:51:45

20 Q. Right. Do you remember giving evidence in the other trial
21 in Freetown, in the courtroom there?

22 A. Yes, sir.

23 Q. Do you remember shortly before that you were seen by
24 Prosecution lawyers to talk about the evidence that you were
14:52:06 25 going to give in court?

26 A. No, I don't recall.

27 Q. Well, do you agree that you did in fact see Prosecution
28 lawyers two weeks before giving your evidence in court?

29 A. I don't recall.

1 Q. We're going to look at the next document then. It's headed
2 "Additional information provided by witness TF1-158" given on 13
3 July 2005. Now, in the document in front of you, you say that
4 the leader of the group that attacked Bonoya was SAJ Musa. Did
14:52:58 5 you tell the lawyers that?

6 A. Yes, sir.

7 Q. "The other leaders were Five-Five, Gullit and O-Five". Did
8 you tell them that?

9 A. Yes, sir.

14:53:11 10 Q. "O-Five, Five-Five and Gullit were with the group that
11 entered Bonoya. The attack took place after the overthrow of
12 President Tejan Kabbah". Did you tell them that?

13 A. Yes, sir.

14 Q. President Kabbah, was he still overthrown, in other words
14:53:38 15 was he out of power, when this attack on your village took place?

16 A. Yes, sir.

17 Q. Are you sure about that?

18 A. Yes, sir.

19 Q. Do you have any idea when he was restored to power?

14:54:07 20 A. I don't recall any more.

21 Q. Now, look away from the page for a moment and just tell me
22 this. You've told us this morning that you were in the mosque
23 when all these events happened and the rebels first entered your
24 village. Did you remain in the mosque until you were taken away
14:54:34 25 with two others and marched off as a captive?

26 A. Yes, sir.

27 Q. So the whole time you're there - when the rebels invade
28 your village you're in the mosque until they physically take hold
29 of you and say, "Right, you're coming with us". Is that right?

1 A. Yes, sir.

2 Q. All right. The second paragraph, please, "On the day the
3 group entered Bonoya the witness was captured and locked into a
4 house with other civilians." Did you tell them that?

14:55:17 5 A. I did not tell them that.

6 Q. "The soldiers wanted to set fire to the house". Did you
7 tell them that?

8 A. I did not tell them that. What I told them was about my
9 cousins - my father's elder brother's children - when they were
14:55:37 10 wrapped in the mattress and the house was set on fire. That was
11 what I told them.

12 Q. Just pause for a moment. I know you don't remember this
13 particular proofing session, presumably with a lawyer or lawyers,
14 before you gave your testimony. Was the person who took you
14:56:05 15 through your evidence, the Prosecution lawyer, what you see as
16 your lawyer, was your lawyer in court the person who sat down
17 with you before the court case and talked to you about the
18 evidence you were going to give?

19 A. I don't understand.

14:56:29 20 Q. Let me try another way. Does it jog your memory now that
21 shortly before you gave your evidence, a couple of weeks before
22 you gave your evidence, you sat down with a lawyer to talk about
23 what you would be saying in court?

24 A. It was not up to two weeks.

14:56:51 25 PRESIDING JUDGE: This is the earlier court case?

26 MR MUNYARD: Yes:

27 Q. All right, but is it right that shortly before you gave
28 your evidence in the earlier court case can you now remember that
29 you had a meeting with your lawyer then?

1 A. Yes, sir.

2 Q. Thank you. And was that lawyer the same person who then
3 took you through your evidence in the court case - the earlier
4 one?

14:57:25 5 A. That was the first time even before I went to testify in
6 the courtroom.

7 Q. Yes, I'm just asking you about very shortly before you went
8 to testify in the courtroom in Freetown you had a meeting with a
9 lawyer. Was it the lawyer who then actually appeared in court
10 and took you through your evidence?

11 A. Yes, sir.

12 Q. Very well. Right, we'll carry on with this. You said you
13 didn't tell her that you were captured and locked in a house with
14 other civilians and soldiers wanted to set fire to that house.

14:57:57 15 We'll now read on, "The group left them ...", that's you and
16 others, "... locked in the house and captured a woman". Did you
17 tell them that?

18 A. I did not tell them that.

19 Q. "The woman was pregnant and they were betting whether the
14:58:18 20 baby was male or female. One soldier suggested that they should
21 split her belly and see what sex the baby was. Witness ...",
22 that is you, "... saw the corpse of the dead woman with her belly
23 split and the baby lying dead next to her."

24 Did you tell them that?

14:58:40 25 A. Yes, sir.

26 Q. So you didn't actually see them do that to the woman?

27 A. I saw it.

28 Q. Well, let's read the next line, "Witness saw this when he
29 was being led away by the people who had captured him". In other

1 words you saw her dead, with her belly split open, only when you
2 were being led away?

3 A. Yes, sir.

4 Q. Did you tell them that?

14:59:12 5 A. I told them that.

6 Q. But do you accept that this particular passage that we're
7 looking at does not include you saying that you actually saw the
8 woman being attacked? You didn't actually see them cutting into
9 her?

14:59:35 10 A. In my statement I said so. I witnessed it and I said it
11 and I was standing there while they were arguing.

12 Q. Can you think of any reason why, if you told the lawyer
13 that, she didn't include that in this note of what you were
14 telling her?

15:00:04 15 A. I did not get the question clearly.

16 Q. Mr Witness, this passage here where she is recording what
17 you told her in mid-July 2005 does not contain anything about you
18 seeing them attack the woman and split her open and kill her.

19 Can you think of any reason why, if you told the lawyer that, she
15:00:27 20 has failed to include that in the written record of what you told
21 her?

22 A. I don't know why she did not write it down, but I told her.

23 Q. Do you think that your memory of these events is very mixed
24 up indeed?

15:00:51 25 A. I don't think so.

26 Q. Do you think that your memory of what you have told the
27 Prosecution over the years has become very mixed up? Not the
28 story itself, but what you've told the Prosecution about these
29 events, do you think you've got all that mixed up over time?

1 A. I am not mixed up. What I witnessed and what I said I
2 would not forget them.

3 Q. Can I make it clear that I am not criticising you when I
4 ask, "Do you think you've got it mixed up?" I'm asking you do
15:01:41 5 you think that because of the awfulness of what happened and
6 because of the passage of time your memory is no longer very
7 accurate?

8 A. I don't understand.

9 Q. Mr Witness, it's not a criticism that you may have got
15:02:09 10 things mixed up. I'm suggesting it's just a fact maybe because
11 of the awfulness of what you saw and also because of the time
12 that has passed since then. Do you understand that I'm not
13 criticising you? I'm just asking you do you think your memory is
14 now mixed up?

15:02:36 15 A. I can recall very well. Everything that happened and what
16 I witnessed, I will never forget that.

17 Q. Next paragraph:

18 "During the attack the witness's father went to hide. A
19 soldier by the name of Adama saw him and she said 'The old man is
15:02:58 20 hiding there and he must be killed'. Witness saw Adama Cut Hand
21 pointing to the location of his father. His father was killed."

22 Did you tell her that?

23 A. Yes, sir.

24 Q. So she's correctly recorded that part of what you told her,
15:03:22 25 but she has got the previous part wrong in a number of respects.
26 That's what you're saying, isn't it?

27 A. Yes, sir.

28 Q. Next paragraph:

29 "From Bonoya witness was taken to Karina. Karina had been

1 attacked. From Karina witness together with other captives and
2 soldiers went to Mateboi and from there to Rosos. At Mateboi
3 witness saw Gullit, Five-Five and O-Five."

4 Did you tell her all of that?

15:04:02 5 A. I told her that, but it was not Mateboi. We did not get to
6 Mateboi when the introduction was done. We were on our way to
7 Karina when the introduction was done to me.

8 Q. Sorry, what introduction?

9 A. That that was Gullit and that was Five-Five and that was
15:04:26 10 O-Five and that was Adama Cut Hand. That was the time the
11 introduction was made.

12 Q. And when you say "the introduction", do you mean you were
13 taken up to these individuals and introduced to them by name?

14 A. No, sir. Just like when they were going they were ahead
15:04:52 15 and we were at the back, so the man was pointing at them from the
16 back and he said that that was Five-Five, that was Gullit and
17 that was O-Five. That was the way it happened.

18 Q. So this was this man, what was his name, the one who told
19 you about the Liberians? Sorie, was it?

15:05:14 20 A. Yes, it was. I had known him long ago.

21 Q. He didn't introduce them. He identified them, you mean?
22 Is that right?

23 A. Yes, sir. Yes, sir.

24 Q. Well you say in this paragraph we've just looked at, "From
15:05:35 25 Karina witness together with other captives and soldiers went to
26 Mateboi and from there to Rosos", and so there must have been
27 soldiers at Rosos with you when you got there, mustn't there?

28 A. We did not meet soldiers there when we went.

29 Q. Well go back, please, to tab 1 for a moment to the second

1 page. We stopped at the end of line 4 on the second page, but if
2 we go on to line 5 it reads as follows:

3 "Witness believes Five-Five was in charge because soldiers
4 took instructions from him. For instance, witness sometimes
15:06:35 5 heard the soldiers ask Five-Five for permission to go on food
6 finding mission."

7 Did you say that?

8 A. I told them that.

9 Q. So you've said both in that first interview and in this
15:06:54 10 third occasion when you were seen you've talked about soldiers at
11 Rosos, haven't you?

12 A. I did not say that. It was us who went. We were the ones
13 who were there. When we got there, we did not meet soldiers
14 there.

15:07:15 15 Q. All right. Go back then to what we were looking at, the
16 additional information on 13 July 2005. We'd just looked at
17 paragraph number 4. I want you to go now to paragraph number 6:
18 "Stayed in Rosos for two weeks". Did you tell the lawyer that?

19 A. I did not tell her that.

15:07:55 20 Q. Mr Witness, do you think that your memory of events in 2005
21 - sorry, of events some time before you ended up being disarmed -
22 would have been better in 2005 than it is three and a half years
23 later in 2008? Do you think your memory of events long ago would
24 be better in 2005 than it is this year, 2008?

15:08:40 25 A. I don't recall.

26 Q. It may be that you haven't fully understood. I'm just
27 asking you a simple question: You were telling this interviewer
28 in 2005 about events that happened probably about six years or so
29 earlier. Do you think that your memory in 2005, of something

1 that happened six years before, would be better than it is now
2 another three and a half years later?

3 A. Yes.

4 Q. Thank you. So when you told this Court today that you
15:09:26 5 thought that you'd only stayed at Rosos for five days, and when
6 you look at this record, according to this record the person has
7 said that you told them you stayed at Rosos two weeks, which
8 version do you think is likely to be more accurate?

9 A. The five days. That is correct.

15:09:57 10 Q. I'll move on. If we go to the second from the last
11 paragraph, please, do you see the second from the last paragraph
12 on that page that starts "While in Camp Rosos"? Do you see that,
13 Mr Witness?

14 A. Yes, sir.

15:10:36 15 Q. All right: "While in Camp Rosos had heard SAJ Musa telling
16 the group that they were going to attack Freetown on 6 January
17 1999."

18 A. He did not tell me. I did not hear it directly from him.
19 It was people who were saying it, the rebels who were to do the
15:11:08 20 attack.

21 Q. Yes, and were they saying, "We're going to attack Freetown
22 on 6 January next year"? "6 January 1999"? Is that what they
23 were saying?

24 A. Yes, sir.

15:11:21 25 Q. Are you sure about that?

26 A. I am sure. That was what they used to say and indeed they
27 did it.

28 Q. Do you really mean that while you were in Camp Rosos people
29 had actually set a date for the invasion of Freetown as precisely

1 as 6 January 1999?

2 A. They did not fix a precise date, but they were talking
3 about that, that they were going to attack there. It was later
4 now, after the attack had taken place, then there was a date to
15:12:04 5 it, 6 January.

6 Q. But a moment ago you said "yes" in answer to my question,
7 "Were they saying we're going to attack Freetown on 6 January
8 1999? Is that what they were saying?" You said "yes", and that
9 is certainly similar to what is recorded here, isn't it, except
15:12:31 10 here you say it was SAJ Musa and in your evidence today you say
11 it was some other people that you heard saying that?

12 A. It was the way you were confusing me with the questions.

13 Q. So did you tell the person who was interviewing you on 13
14 July 2005 that you heard anybody at Camp Rosos saying they were
15:12:56 15 going to attack Freetown on 6 January 1999?

16 A. They did not fix a date, but they were talking about that.
17 After the attack had taken place it was then that a date was with
18 it.

19 Q. And what part of this particular sentence recorded here do
15:13:23 20 you say has been accurately recorded as what you told the person
21 interviewing you on that date?

22 A. I don't understand the question.

23 Q. If you look at that sentence, how much of that did you tell
24 the person who has written it down on 13 July 2005?

15:13:56 25 PRESIDING JUDGE: Mr Witness, do you see the question?

26 Excuse me, do you see the sentence counsel is referring to?

27 THE WITNESS: I have not seen it.

28 MR MUNYARD: I will read it out.

29 PRESIDING JUDGE: I think that's prudent.

1 MR MUNYARD:

2 Q. Mr Witness, I don't want to confuse you in any way. We've
3 been looking at this sentence here that reads as follows: "While
4 in Camp Rosos had heard SAJ Musa telling the group that they were
15:14:28 5 going to attack Freetown on 6 January 1999." Did you tell the
6 person interviewing you on that day, that's to say 13 July 2005,
7 any of what appears in that sentence?

8 A. I did not tell her that.

9 Q. Did you tell her --

15:14:47 10 A. But I told her that they were talking about the pending
11 attack, but I did not fix a date on it. It was only after the
12 attack, then it had a date. Everybody knew about that.

13 Q. Now do you know who Issa Sesay is?

14 A. Issa Sesay at that time?

15:15:16 15 Q. Yes.

16 A. At that time, during those times I did not know him.

17 Q. No, but did you ever see him during those times?

18 MR KOUJIAN: I will just ask to clarify "those times"
19 because the witness has testified to a long period, two different
15:15:35 20 captures. Which time is counsel referring to?

21 MR MUNYARD: I'm referring to the witness's choice of words
22 "those times". It's the witness who actually --

23 PRESIDING JUDGE: He said "that time".

24 MR MUNYARD: "That time", I'm so sorry:

15:15:51 25 Q. At that time did you know who Issa Sesay was at that time,
26 whatever you mean by "that time"?

27 A. I did not talk about Issa Sesay relating to the first
28 capture that I was captured. I did not talk about that. I did
29 not know him.

1 Q. I will go about it a different route. During the whole of
2 the period of time that you're giving evidence about, from the
3 day you were first captured to the day you disarmed, did you know
4 who Issa Sesay was?

15:16:36 5 A. It was only once that I saw him and even there he was in a
6 vehicle, he and Superman. That was the only time that I saw him.

7 Q. And by what name did you know him?

8 A. General Issa.

9 Q. Are you quite sure about that?

15:16:54 10 A. Yes, sir.

11 Q. Have you ever known him by any other title, other than
12 general?

13 A. Some people referred to him as Issa Sesay and some others
14 referred to him as General Issa.

15:17:12 15 Q. And how did you refer to him?

16 A. We referred to him as General Issa.

17 Q. And on the occasion you're being interviewed here, just
18 before you give evidence in the other trial, did you tell the
19 person interviewing you that you had seen General Issa with

15:17:35 20 Superman?

21 A. I told her.

22 Q. How could you see him in this vehicle?

23 A. The way I saw him, he had short trousers on and they were
24 in the vehicle together with Superman. Superman was fully
15:18:05 25 dressed. He had a red headband on and he had a sleeveless
26 military T-shirt.

27 Q. Right. I was asking you how you could see him, not how he
28 was dressed. How could you see General Issa in this vehicle?
29 First of all, what sort of vehicle was it?

1 A. I did not get the question clearly.

2 Q. We're trying to work out how you could see General Issa in
3 this vehicle. What kind of vehicle was it, first of all?

4 A. It was black; a black van.

15:18:55 5 Q. A black van, and where was General Issa in it?

6 A. On top of the vehicle.

7 Q. Well, by "van" do you mean a vehicle that has enclosed --

8 A. Those --

9 Q. Sorry, do you mean a vehicle that has enclosed sides?

15:19:30 10 A. Yes, sir, there was no carrier. It was those sizable
11 jeeps. No carrier.

12 Q. I see here written "it was those sizable jeeps". Was it a
13 van or was it a jeep?

14 A. Jeep.

15:19:51 15 Q. And where was he sitting?

16 A. He was not sitting; they were standing.

17 Q. Is this the vehicle that Savage was trying to attack, that
18 you told us about this morning?

19 A. Yes, sir.

15:20:11 20 Q. This is the vehicle that Savage ordered to be fired on. Is
21 that right?

22 A. I don't understand the question.

23 Q. Didn't you tell us this morning that Savage ordered the
24 SLAs to fire on General Issa's vehicle because of the infighting
15:20:34 25 between the SLA and the --

26 A. I did not say that. I did not say that. It was he who was
27 attempting to launch on it, but the bodyguard escaped, the one
28 who had the bomb, he escaped. I did not say he ordered his
29 soldiers to launch on it.

1 Q. Well, if I'm putting something incorrectly no doubt I will
2 be informed, but didn't you tell us that you saw - you were
3 walking slowly, you saw Superman and Five-Five and others in an
4 AA van and they were shooting; you saw General Issa and Superman
15:21:38 5 in an AA van and the RUF were fighting the SLA at that time?

6 A. That was what I said.

7 Q. Well, who was shooting at who?

8 A. At that time the RUFs were shooting; they were the ones
9 shooting.

15:22:09 10 Q. Right. Well, what did the SLAs do in order to stop being
11 shot at by the RUF?

12 A. They too retreated to return because they hadn't
13 ammunition. They hadn't ammunition. It was only Savage and the
14 bomb that he relied on, Kaka Scatter escaped with it.

15:22:44 15 Q. Right, so is this AA van with Superman and General Issa in
16 it the one that was shooting at the SLAs?

17 A. Yes.

18 Q. And so was General Issa taking part in the shooting?

19 A. They were on top of the AA van, because they had a two
15:23:14 20 barrel gun in the vehicle.

21 Q. Yes, and was General Issa taking part in this fire fight
22 against the SLAs?

23 A. That's what I have said.

24 Q. So General Issa, did he have a weapon? Was he firing it at
15:23:40 25 the SLAs?

26 A. They had a two barrel gun in the vehicle, he and Superman.
27 Two-two.

28 Q. So the two of them were doing the firing of the two barrel
29 gun, were they?

1 A. Yes.

2 Q. Is any of this true?

3 A. I saw it. I'm saying the truth. What I witnessed is what
4 I am saying here. I will not say anything here that I did not
15:24:15 5 witness.

6 Q. So did you tell the person interviewing you just before you
7 gave evidence in the other trial all about this?

8 A. I told her.

9 Q. Right, over the page please. Now at the top of that page
15:24:54 10 you for the first time refer to - well it's in that interview, I
11 should say, that for the first time you mention escaping and at
12 the top of this page you say:

13 "After the witness escaped and returned to his village he
14 was recaptured again by Demo in Kamayusufu (Bombali District).
15:25:27 15 Demo was an SLA soldier. He belonged to the group led by Savage.
16 After his capture the witness was ordered to attack Kabala by
17 Brigadier Issa. Savage told them that Brigadier Issa had given
18 these orders to attack Kabala."

19 Did you tell all of that to the person interviewing you
15:25:55 20 just before you gave evidence?

21 A. I did not say that.

22 Q. Did you say any of it?

23 A. To go and attack Kabala, yes. The order came from Makeni.
24 At that time there was peace between the SLA and the RUF.

15:26:16 25 Q. Well, did you refer to Brigadier Issa?

26 A. I did not mention brigadier. I said general. It was from
27 there that the order came.

28 Q. So you called him general, but the person interviewing you
29 has written down brigadier. There's nothing - I'm not reading

1 the next few lines because they're just about the attack on
2 Kabala and weapons handling. There's nothing in here about you
3 seeing General Issa with Superman, or seeing the two of them
4 firing a two barrel gun at the SLA, is there? Not a word about
15:27:16 5 that in here, is there?

6 A. I did not get the question clearly.

7 Q. Mr Witness, you told us a minute ago that you had told this
8 person interviewing you on this date all about seeing General
9 Issa and Superman on a van firing a two barrel weapon at the SLA.

15:27:39 10 A. Yes, sir.

11 Q. But there is nothing in this document - this account of
12 what you told that person - concerning General Issa --

13 A. Maybe she did not write it down. Maybe it was she who did
14 not write it down.

15:28:03 15 Q. And can you think of any reason why she might not have
16 written down a piece of evidence as important as that? Did she
17 seem to be in a hurry?

18 A. I don't know.

19 Q. Very well. Then the final paragraph:

15:28:31 20 "There was infighting between RUF and SLA in Makeni and
21 Savage told the witness and other civilians to go to Kabala and
22 surrender to the SLA soldiers there."

23 Did you tell them that?

24 A. I told her that, but it was after everything. It was
15:28:57 25 during the times when the infighting took place in Makeni that
26 Savage said we should surrender.

27 Q. Now, you actually gave evidence before the Court on 26 July
28 2005. That should be in tab 3, I think, and the relevant part
29 should start at page 29. Thank you. Mr Witness, at the top of

1 page 29, "Witness TF1-158 ...", that's you, "... was sworn to
2 give evidence", and you testified through a video link. Can you
3 remember that?

4 A. Yes.

15:30:30 5 Q. And your lawyer, as you would see her, on that occasion was
6 a lady called Ms Alagenda. Do you remember her?

7 A. No, that is not the name I knew.

8 Q. No, did you know her by the name Shyamala?

9 A. Yes, sir.

15:30:51 10 Q. Yes, all right. Well, we know her by both of those names.
11 She took you through your evidence and I'd like you, please, to
12 turn to the next page, page 30, and on line 8 of page 30 she asks
13 you:

14 "Q. Witness, where were you living in May of 1998?

15:31:23 15 A. I was in Bonoya.

16 Q. Did anything happen in Bonoya in May 1998?

17 A. Yes."

18 Then the next answer:

19 "A. At one time by 5 o'clock we saw soldiers who were
15:31:37 20 armed with guns. We were in the mosque at that time."

21 Now, pausing there and just looking at - you don't need to
22 look at the page any more, if you just look up. How do you know
23 that this happened in May of 1998?

24 A. After everything had happened and when I returned to my
15:32:00 25 village and after our people had returned back to the village, it
26 was the elder ones who told us that.

27 Q. Right. But in none of the documents that we have looked at
28 have you ever given the date of May 1998, do you agree?

29 A. Well, maybe I did not put my attention there at that time

1 because by then we were not that mature.

2 Q. Do you agree that you've never given a date for this
3 incident in any of the documents that we've just been going
4 through?

15:32:50 5 A. Sir?

6 Q. Do you agree that the date of May 1998 is not in any of the
7 documents that we've been looking at?

8 A. Yes.

9 Q. Thank you. And indeed May 1998 first comes from the lips
15:33:14 10 of the lawyer asking you the question, doesn't it?

11 A. Yes, sir.

12 Q. All right. Now we broke off at, "We were in the mosque at
13 that time", on line 14. It goes on:

14 "They appeared at the mosque. We were assembled together,
15:33:35 15 those of us who were in the mosque. They placed us in one house.
16 Then they said they were going to burn the house."

17 Now I'm not going to ask you, "Did you say that?", because
18 this is the official court record of the words that came out of
19 your mouth on 26 July 2005. You did say in testimony before that
15:34:06 20 you were placed in a house and they said they were going to burn
21 it, so why today are you saying that you'd never been placed in a
22 house and threatened with being burned?

23 A. I did not say that. We were placed in the mosque and they
24 told us that they were going to burn us down. I did not talk
15:34:34 25 about any house.

26 Q. Mr Witness, do you understand that what we are looking at
27 now is what you actually said in court?

28 MR KOUMJIAN: Actually, your Honour, objection. That
29 misstates the reality, which is this is what was interpreted to

1 the Court by the interpreter. So I'm not sure which word the
2 witness used, I just don't know, but this is the official
3 translation of the witness's testimony.

4 MR MUNYARD: May I reply, your Honour? If that is right
15:35:09 5 then we might as well bin the entire ten months' worth of
6 Prosecution evidence in this case, because adopting the principle
7 that my learned friend has now espoused not a single word of any
8 of the Prosecution witnesses could be relied upon because it's
9 come through an interpreter, except for the handful of witnesses
10 who gave evidence in English, most of whom were not witnesses as
11 to fact but expert witnesses.

12 MR KOUMJIAN: Your Honour, may I just make a quick point?
13 My point is not to question the interpretation. In certain
14 languages, certain words have ambiguity. In Spanish the word for
15:35:48 15 finger means toe and so it could be translated either way, so all
16 I'm pointing out is that when there is a translation there is an
17 additional level of ambiguity.

18 PRESIDING JUDGE: Mr Koumjian, as has been said in this
19 Court more than once, the official interpretation and the
15:36:08 20 official record is the official record. That is what we have to
21 rely on. If there is a question of ambiguity then it can be
22 picked up either in re-examination, or if the witness is not sure
23 of what has been said and it's put again in another question the
24 witness can say he's not clear. But, as has been said in this
15:36:27 25 Court before, this is the official record. Let us get --

26 MR MUNYARD: I'm moving on.

27 PRESIDING JUDGE: Very well.

28 MR MUNYARD: I'm not spending more time on this. I'm going
29 to a different page, please. Yes, page 33, please. I'm sorry, I

1 should really start this passage on page 32. It is the very last
2 question and answer on page 32:

3 Q. "Q. Can you tell the Court what happened?

15:37:30

4 A. After I have been placed in the house they went around
5 to loot the house to take properties from the houses and
6 they chopped people and later we were removed and they said
7 they picked three of us that we should go with them.

8 Q. How do you know that they chopped people when you were
9 in the house?

15:37:50

10 A. We heard them crying. We heard them crying, 'Oh, me,
11 they have killed me'.

12 Q. Witness, did you see anybody being chopped?

13 A. Yes.

14 Q. Who did you see being chopped, witness?

15:38:08

15 A. I saw when my father was chopped.

16 Q. Can you tell the Court who chopped your father? Who
17 did you see chopping your father?

18 A. It was Adama soldier.

19 Q. Witness, who is Adama soldier?

15:38:29

20 A. She was with the group and she was a soldier."

21 Her name is then spelled A-D-A-M-A:

22 "Q. Witness, did you see Adama soldier chopping your
23 father?

24 A. Yes, I saw her."

15:38:52

25 Over the page, page 34, in the middle of page 34, at line

26 11:

27 "Q. Witness, when you say Adama soldier chopped your
28 father can you describe exactly what did she do to your
29 father?

1 A. Because my father had gone out - after I have been
2 removed from the mosque we were placed in the house. Then
3 Adama soldier saw him. Then they said there is a man going
4 there. Then she followed her and she went there and
15:39:26 5 hacked her, hacked her all over and hacked at the back of
6 her neck and then she fell down.

7 PRESIDING JUDGE: Mr Interpreter, we have two hers now.
8 The father is normally a mail. What is this answer about?

9 THE INTERPRETER: The father left the house and was thrown
15:39:48 10 in [indiscernible] and then she followed her and hacked him
11 until he died.

12 JUDGE SEBUTINDE: Mr Interpreter, we would urge you to
13 interpret accurately and that includes the gender of the
14 persons you're speaking about. Please stop confusing us."

15:40:07 15 Then we go over the page and you deal then with the
16 pregnant woman. Now, you have clearly said in your evidence as
17 it happens to some of these same judges that you saw Adama
18 soldier chop your father and by "chop" you meant kill, didn't
19 you? You may be slightly confused by that. By "chop" you mean
15:40:45 20 kill, don't you?

21 A. I did not say that. She was not the one who did it
22 herself. She did not do it herself. She sent other people to do
23 it.

24 Q. Do you agree that you said the last time you gave evidence
15:41:00 25 in the Court in 2005 that Adama soldier chopped your father and
26 you saw her doing that? Do you agree you said that in court?

27 A. I disagree. That was not what I said.

28 Q. Very well. Now I'm going to take you to a different place
29 in the interview. I'm sorry, I'd temporarily lost my place.

1 Page 74, please. This is where you're being asked about the
2 first interview, and indeed about a section of it that we looked
3 at earlier this afternoon where you had been telling the
4 investigators that at Rosos you'd seen men who called themselves
15:43:05 5 RUF. That is quoted to you at the beginning of page 74 and I'll
6 just read the relevant portion of it again starting at line 3.
7 Mr Witness, I'm now reading to you a passage that I read to you
8 earlier, and then we'll follow the questions you were asked about
9 that in the previous trial:

15:43:35 10 "Witness is unable to state the number of soldiers but
11 says they were many. There were also known there who called
12 themselves RUF, such as Kill Man No Blood and Allusein."

13 Then you were asked this question:

14 "Q. Can you remember that you gave this statement during
15:44:00 15 your first interview to members of the Prosecution?

16 A. During that time I was afraid when I gave that
17 statement.

18 Q. Could you please explain what you mean with that, you
19 were afraid when you gave that statement?

15:44:11 20 A. They only came and said we should explain the way we
21 were captured. Where and where we went.

22 Q. Can you recall that you mentioned during this first
23 interview the name RUF in the context of Rosos?

24 A. Yes.

15:44:27 25 Q. So what has been stated here on paper, this portion I
26 just read out to you, is a correct statement from you?

27 A. No.

28 Q. Could you explain what part is not correct from the
29 statement.

1 A. It was there we met the RUF there. The one's name was
2 Kill Man No Blood. That information is not correct.

3 Q. And the other name Allusein?

4 A. It is not correct.

15:44:53 5 Q. Are you familiar with these names?

6 A. These names, no.

7 Q. Did you tell the members of the Prosecution during this
8 interview about the presence of the RUF in Rosos" - then
9 Prosecuting counsel intervenes to say you've already answered

15:45:08 10 that question, but you then say page 75, line 3, "I did not tell
11 them."

12 There was then some discussion between the lawyers, and
13 indeed one of the judges, and then at line 19 the question is put
14 again:

15:45:26 15 "Q. Mr Witness, the portion of the interview you gave the
16 first time in Bonoya I just read out to you. Could you
17 please explain to the Court whether during this particular
18 occasion, so the first interview, the first interview you
19 gave, you yourself mentioned the name RUF?

15:45:43 20 A. There in the first interview I did not call RUF. I
21 said AFRC."

22 So although we have seen the written record suggesting that
23 you did tell prosecutors that you met RUF people at Rosos, in the
24 AFRC trial you claim that you didn't say that, that you actually
15:46:12 25 said AFRC. Mr Witness, do you fit your evidence to the
26 particular trial that you are giving testimony in?

27 A. I did not understand the question.

28 Q. Do you alter your evidence depending on which trial you're
29 giving evidence in?

1 A. No.

2 Q. In other words, were you turning the RUF into AFRC in the
3 AFRC trial because you knew you were giving evidence against AFRC
4 accused?

15:47:18 5 THE INTERPRETER: Your Honours, that answer did not come
6 out clearly to the interpreter.

7 PRESIDING JUDGE: Mr Witness, please answer the question
8 and speak loudly so the interpreters can hear you.

9 THE WITNESS: Can I get the question again?

15:47:36 10 MR MUNYARD:

11 Q. Were you turning the RUF into AFRC in the AFRC trial
12 because you knew you were giving evidence against AFRC accused?

13 A. Yes.

14 Q. And have you invented rebels speaking Liberian language in
15:48:02 15 this trial because you know the accused is a Liberian, but have
16 never mentioned Liberian speaking rebels ever before?

17 A. I have been saying that.

18 Q. Has somebody put you up to saying that there were Liberian
19 speaking rebels in the Charles Taylor trial when you have never
15:48:38 20 ever been recorded anywhere as saying some of the rebels spoke
21 Liberian?

22 A. Nobody told me that. I have been giving my statement in
23 line with that. Maybe they did not write it down.

24 Q. Page 78, please. Here, another portion of what you are
15:49:19 25 said to have previously told the Prosecution was read out to you
26 in the AFRC trial, and it is a passage that I read out to you
27 just a few minutes ago, and I'm going to read what appears on
28 this page starting on line 6. It is a quote from your proofing
29 session on 13 July 2005:

1 "After the witness escaped and returned to his village he
2 was recaptured again by Demo in Kamayusufu, Bombali District.
3 Demo was an SLA soldier. He belonged to the group led by Savage.
4 After his capture the witness was ordered to attack Kabala by
15:50:07 5 Brigadier Issa. Savage told him that Brigadier Issa gave - had
6 given these orders to attack Kabala. Spent five days in Kabala
7 during which time witness was taught weapon handling by Savage."
8 This is the part I didn't read out because it's just about
9 weapons training. Then you are asked:

15:50:33 10 "Q. Can you remember giving this information to the
11 Prosecution on 13 July?

12 A. Yes.

13 Q. Is it a correct reflection?

14 A. Yes."

15:50:52 15 Well, Mr Witness, is it a correct reflection?

16 MR KOU MJIAN: Your Honour, I believe that to complete the
17 context of the witness's testimony regarding this point counsel
18 should continue to read.

19 MR MUNYARD: I'm planning on reading the lot, I can assure
15:51:13 20 Mr Koumjian that I have by no means finished. I'm only
21 scratching the surface of this passage of his interview.

22 MR KOU MJIAN: Before the witness is asked whether he said
23 this he should be given the full context of what he said which I
24 think goes over to the next page, line --

15:51:29 25 MR MUNYARD: Don't read it out and lead the witness,
26 please. I am going to deal - I have undertaken to deal with all
27 of this.

28 PRESIDING JUDGE: Counsel, Mr Munyard is entitled to put it
29 bit by bit and if I consider he's misleading the witness or

1 Leaving out something or adding in something that's pertinent I
2 will intervene.

3 MR MUNYARD:

15:51:59

4 Q. Do you remember giving that information to the Prosecution
5 in July of 2005 shortly before you gave testimony in court?

6 A. I did not get the question.

15:52:26

7 Q. The passage that I have just read to you, Mr Witness, comes
8 from the written record of a session with you in which you gave
9 information to the Prosecution just two weeks before you gave
10 testimony in the AFRC trial. Do you remember that being put to
11 you in the AFRC trial, that you'd said these things when you were
12 seen by the Prosecutor before she took you through your evidence
13 in court?

15:53:00

14 A. We did not spend five days in Kabala. I did not say so. I
15 did not say that we spent five days in Kabala.

16 MR MUNYARD: Well, I'm going to just move through the
17 passage and the Court can make of it what it wishes:

15:53:20

18 Q. I stopped after you'd confirmed that that passage was a
19 correct reflection and I'm going to carry on with the next
20 questions and answers:

21 "Q. Could you please explain how you knew the attack on
22 Kabala was ordered by Brigadier Issa?

15:53:39

23 A. It was Demo who explained to me about this. During the
24 muster parade he said the order came from Makeni. The
25 leaders that were in Makeni, they were the ones that sent
26 the order.

27 Q. In which position Brigadier Issa had in your
28 recollection?

29 A. Which position are you referring to?

1 Q. The position of Brigadier Issa?

2 A. He was a brigadier."

3 Well why didn't you say, "He was a general. I never knew
4 him as a brigadier. I always called him a general"? Why didn't
15:54:14 5 you say that, Mr Witness, in the light of what you've told this
6 Court today?

7 A. I knew him as a general. I did not say brigadier.

8 Q. All right. Over the page, please, page 79:

9 "Q. Did you ever meet Brigadier Issa? Did you ever see
15:54:43 10 him?

11 A. I saw him once.

12 Q. Where? In which location?

13 A. He was in a vehicle. During that time the disarmament
14 had already taken place. He used to go to Karina. It was
15:55:02 15 the time I saw him in a vehicle."

16 Now, that's what you're recorded as saying. Why didn't you
17 say to them, "He was in a van with Superman with an AA two barrel
18 gun and they were firing it at the SLA", instead of saying,
19 "During that time the disarmament had already taken place. He
15:55:33 20 used to go to Karina"?

21 MR KOUMJIAN: I would object. The question put to the
22 witness was "In which location?", so asking him why he didn't say
23 what he was doing would not be responsive to that question. The
24 question on the transcript line 3, page 79, was "In which
15:55:54 25 location?"

26 PRESIDING JUDGE: Yes, that may be so, Mr Koumjian, but the
27 answer is, "He was in a vehicle", and that was during
28 disarmament. There is an inconsistency and that inconsistency
29 can be put.

1 MR MUNYARD: Well, your Honour, I've put it. I'm not
2 proposing to put it again because the witness has in effect been
3 led and so I'm going to move on:

4 Q. "Q. Do you know to which group Brigadier Issa belonged of
15:56:23 5 the groups you mentioned earlier?

6 A. I don't know."

7 And yet you tell us today that you knew that brigadier -
8 well, you didn't know him as Brigadier Issa on your account. You
9 knew that General Issa was in the RUF, but in the last trial you
15:56:55 10 didn't even know who Brigadier Issa - which group Brigadier Issa
11 belonged to?

12 A. He belonged to the RUF group. That was what I said.

13 Q. Yes, but why didn't you say that in court the last time you
14 were asked about it in 2005?

15:57:28 15 A. That was what I said. Maybe they did not write it down.

16 Q. I'm sure we've all heard that, Mr Witness. We'll move on:

17 "Q. Mr Witness, you stated earlier today that at a certain
18 moment there was an infight of the RUF against the AFRC.
19 Can you recall that?"

15:57:54 20 A. I do not recall.

21 Q. No, no, sorry, I'm reading the question that was put to
22 you. I haven't got to what I'm going to ask you about it yet.

23 I'll just start again:

24 "Q. Mr Witness, you stated today earlier that at a certain
15:58:08 25 moment there was an infight of the RUF against the AFRC.
26 Can you recall that?"

27 Then the Prosecutor intervened and said, "I don't believe
28 [you] used the word 'against'. [You] said 'between'", and then
29 the question is rephrased:

1 "Q. Mr Witness, can you recall that you testified earlier
2 that there was an infight between the RUF and the AFRC?
3 Is that correct? Can you recall that?

4 A. Yes.

15:58:41 5 Q. Can you recall what was the reason of this infight?

6 A. No.

7 Q. At that time, Mr Witness, how did you know that the
8 infight went on between the RUF and the AFRC?

9 A. Well, it was - first the AFRC men were held. Anyone
15:59:00 10 that came from Kono and arrived in Makeni he was captured
11 and killed.

12 Q. What do you mean with everyone?

13 A. The AFRC army. Anyone that came to Makeni he was held
14 and killed."

15:59:10 15 Over the page to page 80:

16 "Q. By whom?

17 A. I don't know.

18 Q. Did you see members of the RUF killing members of the
19 AFRC?

15:59:20 20 A. No. It was Demo that explained to us and information -
21 we also had information from Makeni."

22 And then you are asked about something else - asked about
23 the AFRC. Now when you were asked, "Did you see members of the
24 RUF killing members of the AFRC?", why didn't you say, "Well I
15:59:49 25 didn't actually see whether any were killed, but I did see
26 General Issa and Superman in an AA van shooting at SLA members"?
27 Do you agree you had a golden opportunity there to give that
28 piece of evidence to the Court and you have failed to mention it?

29 A. I forgot.

1 Q. And you didn't mention Superman at all in your evidence in
2 that previous trial, did you?

3 A. I spoke about it.

4 MR MUNYARD: Well, if I'm wrong I will be corrected. Your
16:01:16 5 Honours, again would you give me just a moment? I think I'm
6 either finished or very close to finished, but I just want to
7 make sure there is nothing I've missed:

8 Q. Yes, can we go to tab 4 I think it is "Additional
9 information of Witness TF1-158" on 17 October 2008; that is to
16:02:09 10 say last Friday. Now, Mr Witness, this is the only account that
11 we have of what you say were two days that you spent in The Hague
12 seeing the Prosecution and giving them further information. If
13 you look, please, at paragraph number 6:

14 "General Issa and Superman then came on a vehicle which
16:03:10 15 was carrying a heavy two barrel AA gun. They told Savage they
16 wanted to talk to him but Savage ordered his bodyguard to launch
17 a bomb against the AA. Firing occurred between the groups and
18 Savage's group and the witness withdrew to Fadugu. They came
19 across some RUF who were food finding and Savage ordered them
16:03:40 20 killed."

21 Now, that is a record - is that correct? Did you tell the
22 Prosecution that last Friday?

23 A. Yes, sir.

24 Q. Is that all correct?

16:03:48 25 A. Yes, sir.

26 Q. So when you were giving your earlier accounts to the
27 Prosecution and indeed when you were asked about infighting
28 between the RUF and the SLA on a previous occasion in court, why
29 did you never mention any of that; that's to say General Issa and

1 Superman with the two barrel gun and Savage ordering his
2 bodyguard to bomb it? Why did it take until last Friday for you
3 to mention any of this for the first time?

4 A. Well, during that time - I did not understand the question.

16:04:40 5 Q. Why did it take you until last Friday to mention for the
6 first time ever General Issa and Superman on a vehicle with a two
7 barrel gun which Savage then ordered his bodyguard to bomb? Why
8 when you have had opportunity after opportunity to tell that
9 before have you never mentioned any of that anywhere in your
10 accounts to the Prosecution or the Court before?

11 A. They may have not written it, but I said it.

12 Q. You told us today in evidence that the RUF hadn't disarmed
13 and they said to you that you shouldn't disarm and that you
14 should join them again. "Some of our colleagues decided to join
16:05:50 15 them. Some of our colleagues decided not to". You've never said
16 anything like that anywhere before, have you?

17 A. I had said it.

18 Q. Has somebody suggested to you that you should give some
19 evidence to this Court about the RUF saying that they shouldn't
16:06:18 20 disarm?

21 A. Nobody told me that.

22 Q. Because you've never suggested that in any other document
23 or testimony that we've looked at. How --

24 A. Well maybe they did not write it, but I said it.

16:06:39 25 Q. Well, did you tell them this last Friday when you were
26 gearing up for your evidence in court today?

27 A. Yes, sir.

28 Q. You did?

29 A. Yes, sir.

1 Q. It's not in the document that we're looking at, is it?

2 A. In that case I don't know, it's not my fault, but I said
3 it.

4 Q. Let me ask you this. Did you talk to the Prosecution when
16:07:27 5 you saw them on Friday about the question of the RUF saying they
6 didn't want to disarm?

7 A. Yes, I said all of those to them.

8 Q. And were you told why it was important to give evidence
9 about that?

16:07:54 10 A. I did not get the question clearly.

11 Q. Was it made clear to you in your discussions with the
12 Prosecution last Friday that it was important to tell the Court
13 that the RUF did not want to disarm?

14 A. Yes, sir.

16:08:21 15 Q. And that it was important that you say something about that
16 in your testimony? Were you told that or was that made clear to
17 you?

18 A. No, they did not tell me that, but it was I who thought it
19 in mind to be important and that I should say it, because they
16:08:48 20 told us that some of the RUF who were there with them had not
21 surrendered, but those of who us who have surrendered, they said
22 they were going to recapture us so that we rejoin them again.
23 They did not tell me to say that, I said it.

24 Q. Mr Witness, why have you never said anything like this ever
16:09:11 25 before?

26 A. It's not my fault. All of these things, I used to say
27 them.

28 Q. But you said them on Friday to the Prosecution, did you?

29 A. Yes, sir.

1 Q. So can you think of any reason why there's nothing about
2 this in this eight paragraph document we have which purports to
3 be an account of what you told the Prosecution last Friday?

4 A. I don't know that really.

16:09:48 5 Q. Have you heard of other witnesses in this trial talking
6 about the RUF or some of the RUF not wanting to disarm?

7 A. Never. I've never heard about that.

8 Q. And are you trying to add to that evidence by putting in
9 your little bit of evidence on this subject?

16:10:19 10 A. It happened in my presence; that was why I said it.

11 Q. And that is why you told the Prosecution about it last
12 Friday, I presume. Am I correct?

13 A. Yes, sir.

14 Q. You told us in your evidence today about some of the
16:10:57 15 combatants being marked on the left side or the right side of
16 their face. Do you remember that?

17 A. Yes, sir.

18 Q. Was it only their face they were marked on?

19 A. What I saw was there actually, but I saw some who marked on
16:11:24 20 their chest and some on their backs.

21 Q. Right. Now, you also told us of the account of meeting
22 your mother again and what you said was that she called your name
23 and you started to cry and then she did too. Do you remember
24 telling us that?

16:11:53 25 A. Yes, sir.

26 Q. Do you remember telling the Prosecution on Friday that you
27 called her name and when you said her name she started to cry and
28 that was how you were reunited?

29 A. Yes, sir.

1 Q. The other way round. Do you understand?

2 A. Yes, sir.

3 Q. Can you remember any of these stories accurately?

4 A. Yes, sir.

16:12:32 5 Q. Paragraph 7 of this document that we're looking at now,
6 additional information provided last Friday, the last three
7 lines, your mother was looking for you, you didn't believe it and
8 when you first saw your mother "they didn't recognise each other
9 as she'd left the family when he was small. He remembered his
16:13:03 10 mother's name and when he said it she started crying." Today you
11 told us that it was her calling your name and you starting
12 crying. Which way round was it?

13 A. They at first asked the boy because two of us were living
14 with the same foster parent. They asked him to call his own
16:13:28 15 mother's name and he called the name and they said, "No, that is
16 not you" and they asked me too to call my mother's name and when
17 I called the name she rushed at me and she grabbed me and two of
18 us started crying. At the time we were at the foster home they
19 asked her at first to show her son's name and she called the
16:13:53 20 name, but when they arrived at where we were it was I that they
21 asked.

22 MR MUNYARD: Yes, I've no other questions. Thank you.

23 PRESIDING JUDGE: Re-examination, Mr Koumjian?

24 MR KOUMJIAN: Briefly, your Honour.

16:14:18 25 RE-EXAMINATION BY MR KOUMJIAN:

26 Q. Mr Witness, I've never been to your village so I just want
27 to ask you a question: Your mosque, can you describe what it is?

28 A. Our mosque is very small in size, but it's almost old now.
29 It's an old, small mosque; it was painted white.

1 Q. Is your mosque in Bonoya - let me go back and - the day
2 that this happened, that your father was killed, the mosque at
3 that time, was it one building or something else?

4 A. It is one building, sir.

16:15:10 5 Q. Okay; thank you. Now, Mr Witness, certain things were read
6 to you from your testimony in a prior case and I would like to
7 read another section, page 76 beginning at line 23. You were
8 asked:

9 "Q. Mr Witness, can you recall aside from this statement,
16:15:43 10 we will leave your statement as it is now, can you recall
11 that during the training in Rosos of this week you told
12 about members of the RUF were present?

13 A. At Rosos they were mixed.

14 Q. And how do you know that?

16:16:05 15 A. Because there was one man whose name was Santigie, he
16 was an RUF, he went there later.

17 Q. How was this gentleman Santigie dressed?

18 A. He was in a military uniform."

19 MR MUNYARD: Your Honour, I'm not sure where this arises
16:16:27 20 out of cross-examination.

21 PRESIDING JUDGE: I don't have any marks on page 76. Was
22 something put on page 76?

23 MR MUNYARD: No.

24 MR KOUMJIAN: Your Honour, it arises out of counsel's
16:16:41 25 question to the witness that in the AFRC trial he was turning RUF
26 into AFRC, and he quoted from some portions of the transcript
27 earlier, I believe on page 73, I'm not sure. I've lost it.

28 PRESIDING JUDGE: Are you referring to - there was a part
29 put on page 75, line 24, is that --

1 MR KOUMJIAN: I believe that's part of it, yes. Yes, your
2 Honour, exactly.

3 PRESIDING JUDGE: So what are you saying now?

4 MR KOUMJIAN: What I'm saying now is that the proposition
16:17:19 5 that counsel tried to raise in your Honours' mind, that the
6 witness turned all RUF into AFRC in that trial is not true
7 because he testified there, as he has here, that there was a
8 mixed group although predominantly SLAs in Rosos.

9 MR MUNYARD: I object to that. For a start, it is an
16:17:43 10 attempt on the part of Mr Koumjian to read my mind because he's
11 saying what I'm saying is the proposition counsel tried to raise
12 in your Honours' mind. All I said was, you were turning the RUF
13 into the AFRC. I didn't say and I've never said all RUF into
14 AFRC. But I based my proposition to him on line 24 of page 75,
16:18:09 15 there in the first interview I did not call RUF, I said AFRC when
16 we all know that in that first interview, recorded rightly or
17 not, the words RUF do appear. I quoted them and so did counsel
18 in the AFRC case. I've never put to him that he turned all RUF
19 into AFRC.

16:18:37 20 PRESIDING JUDGE: Mr Koumjian, you can re-examine on
21 matters raised in cross-examination. The matter on page 76 was
22 not raised in cross-examination. It is to my mind a different
23 matter because it talks about training et cetera. You are
24 entitled to question on the part that was questioned.

16:18:56 25 Mr Witness, are you all right?

26 THE WITNESS: Yes, ma'am.

27 PRESIDING JUDGE: Thank you.

28 MR KOUMJIAN: Your Honour, given the Court's ruling I have
29 no further questions of this witness.

1 PRESIDING JUDGE: Thank you. Mr Witness, we do not have
2 any questions of you and that is the end of your evidence today.
3 We thank you for coming to court and giving your evidence and we
4 hope you have a safe journey home. I would ask that the Court -
16:19:27 5 Madam Court Officer, if you assist the witness to leave the
6 Court, please. Mr Koumjian?

7 MR KOUMJIAN: Yes, your Honours. The next witness is
8 TF1-023. This is a witness that was a subject of a Prosecution
9 motion under Rule 92 bis to admit transcripts of prior testimony
16:20:14 10 in lieu of the witness testifying here. That was dated 11
11 September 2008 and it dealt with witnesses for the Freetown and
12 Western Area. The Defence objection to the procedure was filed
13 on 17 September 2008 in which they indicated they wished to
14 cross-examine the witness. Your Honours' ruling was received on
16:20:41 15 16 October 2008 granting the 92 bis provided that the witness was
16 made available for cross-examination and further there was a
17 motion to rescind the protective measures by the Defence and
18 their response which your Honours dismissed.

19 Mr Werner will handle the witness, who I understand was
16:21:02 20 feeling bad earlier today, so I don't know if your Honours wish
21 to proceed now or enquire about the health of the witness, but
22 the witness apparently is here, but was not feeling well earlier.

23 PRESIDING JUDGE: If he's not feeling well it would be not
24 really proper to force the matter on.

16:21:23 25 MR WERNER: Your Honours, just one matter we would like to
26 raise maybe before because we need to make an application
27 concerning these protective measures, so maybe we can do that now
28 and I can start tomorrow morning.

29 PRESIDING JUDGE: I see. I think that would be practical.

1 MR GRIFFITHS: That certainly would be helpful and use the
2 remaining five minutes.

3 PRESIDING JUDGE: Thank you. Please proceed with that
4 application, Mr Werner.

16:21:47 5 MR WERNER: Yes, your Honour. As Mr Koumjian said this
6 witness is covered, as your ruling 16 October 2008 made clear.
7 Now, we spoke with this witness and this witness is comfortable
8 with waiving the voice distortion only, so we would apply to lift
9 only the letter (g) in this 5 July 2004 decision and have the
16:22:15 10 witness testifying with basically pseudonym and screen. That is
11 our application, your Honours.

12 PRESIDING JUDGE: 5 July 2004, so that is which category?

13 MR WERNER: Category A.

14 PRESIDING JUDGE: He or she is a Category A?

16:22:43 15 MR WERNER: She, your Honour.

16 PRESIDING JUDGE: It is a she, I see.

17 MR WERNER: And in your order on 16 October 2008 on page 3,
18 CMS number 21226, you indeed noted that this witness is covered
19 by this order and she is a Category A witness, sexual violence.

16:23:01 20 PRESIDING JUDGE: So, I always like to make sure I know
21 what I'm talking about. You are seeking to revoke the voice
22 distortion and leave in place screening device --

23 MR WERNER: Everything else, yes, basically.

24 PRESIDING JUDGE: -- and pseudonym. Right, I think I am
16:23:41 25 clear. Mr Griffiths, I think you're dealing with this because
26 you responded to the last matter?

27 MR GRIFFITHS: Yes, I am, Madam President. So if I
28 understand correctly, the remaining measures will be merely
29 pseudonym and screens?

1 PRESIDING JUDGE: That is my understanding.

2 MR WERNER: Yes, your Honours.

3 PRESIDING JUDGE: Yes.

16:24:05

4 MR GRIFFITHS: Well it's certainly an improvement on the
5 previous situation, Madam President, and so we would welcome it.

6 PRESIDING JUDGE: We will grant the application and to
7 ensure the record the witness will give evidence with a screen
8 and her pseudonym will be maintained and the Category A voice
9 distortion provision is rescinded. That is order (g).

16:24:39

10 MR WERNER: Just for my learned friend's benefit, tomorrow
11 morning we will ask for the 92 bis procedure on eliciting - we
12 would elicit only the personal information, we would ask just for
13 one minute or two minutes private session for the name and the
14 precise date of birth and then I believe that everything else can

16:24:54

15 be - the place of birth and the languages and the studies can be
16 elicited in open session.

17 MR GRIFFITHS: I have no difficulty with that.

18 PRESIDING JUDGE: Thank you, Mr Griffiths. Given the
19 witness is a little unwell and given the time, we will therefore
20 adjourn the matter until --

16:25:16

21 THE INTERPRETER: Your Honours, can counsel kindly indicate
22 the language.

23 PRESIDING JUDGE: I was just going to ask that,
24 Mr Interpreter. What language will the witness speak? We want
25 to make sure we've got an interpreter in position.

16:25:26

26 MR WERNER: Krio, your Honour.

27 PRESIDING JUDGE: It will be a Krio interpretation. I
28 think there are - oh, Mr Griffiths, you're on your feet.

29 MR GRIFFITHS: Madam President, can I alert those opposite

1 that it's unlikely that I'm going to be very long with this
2 witness and so if they could have somebody in reserve perhaps by
3 just before the mid-morning break. I might not even be as long
4 as that, because it's cross-examination only, this witness.

16:25:53 5 PRESIDING JUDGE: That is also my understanding. The
6 length of the cross-examination is a matter for yourself. If she
7 is not well obviously we would require a back-up too, but that
8 goes without saying. Counsel has noted the observation by
9 Mr Griffiths. Mr Munyard, now you're on your feet.

16:26:12 10 MR MUNYARD: I am going to deal with the following witness
11 and the same applies. I hope that's of some assistance to my
12 learned friends.

13 PRESIDING JUDGE: We are most grateful for those
14 indications which will assist all of us. If there are no other
16:26:25 15 matters, I will adjourn until tomorrow morning at 9.30? No.
16 Please adjourn court until tomorrow at 9.30.

17 [Whereupon the hearing adjourned at 4.27 p.m.
18 to be reconvened on Wednesday, 22 October 2008
19 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

| | |
|---------------------------------|-------|
| TF1-158 | 18810 |
| CROSS-EXAMINATION BY MR MUNYARD | 18846 |
| RE-EXAMINATION BY MR KOUMJIAN | 18921 |

EXHIBITS:

| | |
|-----------------------|-------|
| Exhibit D-70 admitted | 18800 |
|-----------------------|-------|