



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

WEDNESDAY, 24 SEPTEMBER 2008  
9:30 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

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

For Chambers:

Mr Simon Meisenberg  
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian  
Mr Alain Werner  
Mr Christopher Santora  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munyard  
Mr Morris Anyah

1 Wednesday, 24 September 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:18:08 5 PRESIDING JUDGE: Good morning. Mr Werner, appearances,  
6 please.

7 MR WERNER: Good morning, your Honours. Good morning,  
8 counsel opposite. So for Prosecution this morning, Nicholas H  
9 Koumjian, Christopher Santora, Maja Dimitrova, myself Alain  
09:29:38 10 Werner.

11 MR ANYAH: Good morning, Madam President. Good morning,  
12 your Honours. Good morning, counsel opposite. For the Defence  
13 it's myself this morning, Morris Anyah.

14 PRESIDING JUDGE: Thank you, Mr Anyah. Now we have a new  
09:29:48 15 witness on the stand.

16 MR WERNER: Yes, your Honour.

17 PRESIDING JUDGE: Mr Werner, the language, et cetera, if  
18 you can just repeat them for purposes of record.

19 MR WERNER: Yes, your Honour. TF1-065, he is going to  
09:30:03 20 testify in Krio and he is a Christian.

21 PRESIDING JUDGE: Please swear the witness. Thank you.

22 WITNESS: SAMUEL BULL [Sworn]

23 PRESIDING JUDGE: The Krio interpreters are in position?

24 THE INTERPRETER: Yes, your Honour.

09:30:52 25 PRESIDING JUDGE: That's fine. Please proceed, Mr Werner.

26 MR WERNER: Thank you, your Honour.

27 EXAMINATION-IN-CHIEF BY MR WERNER:

28 Q. Good morning, Mr Witness.

29 A. Good morning, sir.

1 Q. Mr Witness, could you give your name to this Court?

2 A. Well, my name is Samuel Bull.

3 Q. And could you spell for this Court your family name?

4 A. It's B-U-L-L, Bull.

09:31:32 5 Q. And, Mr Witness, where were you born?

6 A. I was born in Motema Town, Kono District.

7 MR WERNER: Your Honour, Motema would be M-O-T-E-M-A:

8 Q. And do you know in which chiefdom is Motema?

9 A. Yes, it's in the Nimi koro Chiefdom.

09:32:00 10 MR WERNER: Your Honour, Nimi koro would be N-I-M-I-K-O-R-O:

11 Q. Mr Witness, do you know your date of birth?

12 A. Yes.

13 Q. Please tell this Court what is your date of birth?

14 A. I was born on 4 June 1960.

09:32:29 15 Q. And, Mr Witness, what is your level of education?

16 A. Well, I stopped in the fifth form.

17 Q. And which languages do you speak?

18 A. Well, I am a Kono by tribe, but I can speak Mende as well,

19 Krio and English.

09:33:04 20 Q. And could you write in English?

21 A. Yes, yes.

22 Q. And why did you choose to testify in Krio before this

23 Court?

24 A. I chose Krio because I knew I was coming to testify in the

09:33:31 25 presence of white people and I'm not used to their accent. I

26 wouldn't want to be asking questions to be repeating over and

27 again, so that's why I want to testify in Krio; because this

28 thing is very important and I can express myself better in Krio.

29 Q. And, Mr Witness, what is your actual occupation?

1 A. Well, I'm a pastor. I'm a pastor in a ministry called IMC,  
2 called international --

3 THE INTERPRETER: Your Honours, can the witness repeat the  
4 meaning of the --

09:34:09 5 PRESIDING JUDGE: Mr Witness, the interpreter asks that you  
6 repeat the name of the church or the ministry to which you are  
7 attached.

8 THE WITNESS: IMC, International Mission Church, Sierra  
9 Leone. And I'm a facilitator in the Hope of Glory International  
09:34:31 10 from the US, working with Mammy Peggy.

11 MR WERNER:

12 Q. And, Mr Witness, are you married?

13 PRESIDING JUDGE: Mr Witness, you are not hearing the  
14 interpreter? Mr Interpreter, it would seem that the witness is  
09:34:56 15 not hearing your counterpart.

16 THE INTERPRETER: Could counsel please repeat his question.

17 MR WERNER:

18 Q. Are you married, Mr Witness?

19 A. Yes, I'm married.

09:35:06 20 Q. And do you have children?

21 A. Yes, yes, I have children.

22 Q. How many children do you have?

23 A. I have five children.

24 Q. Mr Witness, do you remember the month of May 1997?

09:35:26 25 A. Yes, I remember.

26 Q. And where were you at that time?

27 A. I was in Motema, Kono District.

28 Q. And during that month what, if anything, do you remember  
29 happening in Kono District?

1 A. Well, on that day, that is 25 May 1997, it was a Sunday, I  
2 was in church teaching at the Sunday school. I heard a group of  
3 soldiers coming and they were singing while coming and they were  
4 dancing and the song was not favourable to the church and myself,  
09:36:28 5 so we stopped the service to know what they were singing about.

6 PRESIDING JUDGE: Mr Witness, you are going a little bit  
7 fast as you speak. The interpreters are interpreting everything  
8 you say and broadcasting it also and people are writing it down,  
9 so can you speak a little bit more slowly and pause at the end of  
09:36:50 10 each sentence.

11 THE WITNESS: Okay. So I said on 25 May 1997, and that was  
12 on a Sunday, and I was in church teaching at the Sunday school, I  
13 saw a group of soldiers coming from the Gaya Junction end which  
14 was where the headquarters of the soldiers was and they were  
09:37:34 15 singing while coming and dancing, but the song that they were  
16 singing did not sound favourable to us.

17 MR WERNER: Your Honour, the witness gave a name, Gaya, I  
18 think it's already in front of your Honours but for the record  
19 it's G-A-Y-A:

09:38:04 20 Q. Now, Mr Witness, do you remember that song?

21 A. Yes.

22 Q. And would you be able to sing it for this Court?

23 A. Yes, I can sing it.

24 Q. Please do so, Mr Witness.

09:38:21 25 A. While they were coming they were singing saying, "Hey, hey,  
26 hey. Eni bodi" --

27 THE INTERPRETER: Your Honour, can I interpret or just  
28 repeat it verbatim?

29 PRESIDING JUDGE: Mr Interpreter, please repeat it

1       verbatim. Thank you.

2               THE INTERPRETER: Okay, your Honour. Can he repeat.

3               PRESIDING JUDGE: Please proceed, Mr Witness. Pick up  
4       where you were saying, "Hey, hey, hey. Eni bodi --" Continue  
09:38:51 5       from there.

6               THE WITNESS: "Hey, hey, hey. Eni bodi we no want soja wi  
7       go kil yu leke fol. Eni bodi we no want soja wi go kil yu leke  
8       fol." That is the song they sang.

9               MR WERNER: Your Honours, I'm going to clarify one word but  
09:39:14 10       before that could the record demonstrate that the witness  
11       actually sang the song.

12              PRESIDING JUDGE: Yes, the witness sang and it was  
13       translated verbatim by the interpreter. Please proceed.

14              MR WERNER:

09:39:32 15       Q. Mr Witness, you said the song, "Anybody we no want soldier  
16       we go kill you like a fowl". Could you explain that word? Could  
17       you explain that word?

18              MR ANYAH: Madam President, it might be helpful if the  
19       witness is asked to repeat the song but not sing it so a proper  
09:39:59 20       record is made of the language used in the song. That is the  
21       words that make up the song, because as it appears on the record  
22       as he sang it it doesn't appear that it was translated in its  
23       entirety and it's not clear as it appears on the record.

24              MR WERNER: I absolutely agree, your Honours. I am going  
09:40:18 25       to ask the witness:

26       Q. Mr Witness, without singing the song, could you tell this  
27       Court the words that were in this song, please, slowly?

28       A. Well, there was singing, the meaning of the song was that  
29       anybody who did not want the soldiers, that person would be

1 killed like a chicken.

2 Q. Mr Witness, what happened after that, after you heard this  
3 song?

09:41:20

4 A. Well, the service that was going on, we stopped it that  
5 morning and we went outside to actually make sure or know why  
6 those people on whom we depended were singing like that, and  
7 later we understood that they had overthrown the President we had  
8 just elected, that was Alhaji Ahmad Tejan Kabbah, that they had  
9 overthrown him.

09:42:05

10 Q. Mr Witness, who had overthrown Ahmad Tejan Kabbah?

11 A. The AFRC, the juntas.

12 Q. And following that day, what, if anything, did you hear?

09:42:48

13 A. Well, it was not long afterwards, that was just few days  
14 later, over Focus on Africa we heard Foday Sankoh talking on the  
15 radio that the RUF should leave the bush to join the AFRC and  
16 that they should not refer to themselves as RUF any more, but  
17 they should refer to themselves as the People's Army. That was  
18 what I heard.

19 Q. Mr Witness, do you remember the month of February 1998?

09:43:28

20 A. February 1998, yes.

21 Q. And, Mr Witness, do you know a place in Kono District  
22 called Koidu Town?

23 A. Yes.

09:43:58

24 Q. What is the distance, Mr Witness, between Motema and Koidu  
25 Town?

26 A. Approximately four miles from Motema to Koidu.

27 Q. And in that month in February 1998 did you go to Koidu  
28 Town?

29 A. Yes, I went there.

1 Q. And what, if anything, did you see in February 1998 when  
2 you went to Koidu Town?

3 A. Well, I visited Koidu Town and we saw that shops were open  
4 and a lot of looting took place done by the AFRC and the People's  
09:44:52 5 Army. They broke into shops using guns and they took everything  
6 from the shops.

7 Q. And, Mr Witness, when you say that "we saw that shops", who  
8 are "we"?

9 A. We, the civilians, who were in the Kono District,  
09:45:20 10 particularly Koidu Town.

11 JUDGE SEBUTINDE: Mr Werner, did the witness say the  
12 People's Army; what is that? The AFRC --

13 MR WERNER: I will clarify that, your Honour.

14 Q. Mr Witness, you said the AFRC and the People's Army did  
09:45:41 15 that?

16 A. Yes.

17 Q. According to your understanding who are the People's Army?

18 A. The People's Army refer to Foday Sankoh's fighters.

19 Q. And at that time did you hear Foday Sankoh's fighters or  
09:46:11 20 the AFRC saying anything in Koidu Town?

21 MR ANYAH: Objection, Madam President, to foundation.  
22 Koidu Town is a big place. He has not narrowed it to a specific  
23 location. He is asking did he hear AFRC or People's Army/Foday  
24 Sankoh's fighters say anything. Under what circumstances? Was  
09:46:34 25 this over the radio? Was this in person? Was it in a school  
26 premises?

27 MR WERNER: I will lay more foundation, your Honours.

28 Q. Who, if anyone, did you see in Koidu Town when you went  
29 there in February 1998?

1 A. It was the fighters.

2 Q. And which fighters did you see in Koi du Town?

3 A. Well, it was a mixed group. It was the AFRC and the  
4 People's Army. They were walking hand in hands.

09:47:12 5 Q. And where in Koi du Town did you see them?

6 A. I was not present when they were doing those things, but  
7 when I got to Koi du Town, around Opera, by Kai kondo Road, we saw  
8 shops were open and empty.

09:47:42 9 Q. Mr Witness, would you be able for this Court to spell  
10 Kai kondo Road? Kai kondo?

11 A. It's a bit difficult for me because that is a traditional  
12 Kono name.

13 MR WERNER: Your Honour, we would offer the spelling  
14 K-A-I-K-O-N-D-O:

09:48:16 15 Q. Now, Mr Witness, my question was that - sorry, just one  
16 second, your Honours, for me to check that on the LiveNote. So,  
17 Mr Witness, once again where did you see these fighters in Koi du  
18 Town in February 1998 when you went there?

09:49:02 19 A. I was not present, that's what I've said, when they were  
20 doing that act because I was in Motema, but they were all over  
21 the place. All over.

22 Q. But just listen to my question and try, if you can, to  
23 answer it as precisely as you can. When you went there, in which  
24 part of Koi du Town did you see them?

09:49:25 25 A. They were along the Kai kondo Road, along Opera and some  
26 other places, but those were the main places because they are the  
27 places where shops are located.

28 Q. And how many times did you see them in February 1998 in  
29 Koi du Town?

1 A. They were there until December, when they moved.

2 Q. Mr Witness, my question was that in February 1998 how many  
3 times did you see these fighters in Koidu Town when you went  
4 there?

09:50:10 5 A. Well any time somebody would go to Koidu Town, as long as  
6 it was the time they were in power they would be there.

7 Q. And how many times did you go there yourself in February  
8 1998 in Koidu Town?

9 A. Well, I cannot estimate that now because I used to go there  
09:50:37 10 frequently.

11 Q. And in February 1998, when you were there, what if anything  
12 did you hear the AFRC and the People's Army fighters saying, if  
13 anything?

14 A. Even before they looted - sorry, after the looting, the  
09:51:12 15 following morning we heard them saying, "Oh, yesterday was  
16 Operation No Living Thing" - sorry, "Operation Pay Yourself.  
17 Operation Pay Yourself". Some were even saying, "Ah, I didn't  
18 even know yesterday what was going on". That's what I heard.

19 Q. And when you say "We heard them saying", who said that,  
09:51:40 20 Mr Witness?

21 A. It was the fighters. They were the ones saying this. The  
22 AFRC and the People's Army.

23 Q. Now, Mr Witness, in that same month of February 1998, if  
24 anything what has happened in Kono District?

09:52:07 25 A. In that month we saw the Kamajors and the Donsos. They  
26 came and took over our area, particularly from Gaya right up to  
27 Koidu. They were in that place and the RUF, together with the  
28 People's Army - I mean, the RUF and the juntas - they left Kono  
29 and they went into the bush. Suddenly on February 21 we heard

1 heavy gunshots coming towards Kono from the Masingbi highway, and  
2 because of that we wouldn't say we would sit down to see what was  
3 happening, or who was shooting, so we ran into the bush.

09:53:38 4 Q. Just pause there, Mr Witness. Now, you said that you saw  
5 the Kamajors and the Donsos. Who are the Donsos, Mr Witness?

6 A. Well, they say Donsos. That is the Kono version of  
7 Kamajors. They were the hunters.

8 Q. And, Mr Witness, yourself - on 21 February, where were you  
9 yourself?

09:54:12 10 A. I was in Motema.

11 Q. And you said that you and others heard heavy gunshots  
12 coming towards Kono from the Masingbi highway. What is the  
13 Masingbi highway, Mr Witness?

09:54:41 14 A. That is the road leading from Freetown to Kono. It is -  
15 so, if you are coming to our district that is the highway you'd  
16 use. You pass through Masingbi.

17 Q. And so did you understand what was happening on that day,  
18 Mr Witness?

19 A. Well, I did not wait to understand what was happening.

09:55:13 20 Q. So what did you do?

21 A. I took my family to the bush. Fakoyia bush.

22 PRESIDING JUDGE: Is that a name of the bush, please,  
23 Mr Werner?

24 MR WERNER: I am going to clarify that, your Honour:

09:55:40 25 Q. Mr Witness, let me ask this question. What is Fakoyia  
26 bush?

27 A. Well Fakoyia is my village where we did some farming, so  
28 when we heard the gunshots then we went to Fakoyia, the village,  
29 but we were not based in the village itself. It was the nearby

1 bushes that we went for us to hide from the fighters.

2 MR WERNER: Your Honour, Fakoyia would be F-A-K-O-Y-I-A:

3 Q. Now, Mr Witness, previously you told this Court that you  
4 were born in Motema and now you just said that your village was  
09:56:30 5 Fakoyia. What did you mean when you said your village was  
6 Fakoyia?

7 A. Well, Motema is my place of birth. We had a village and we  
8 traditional people, that is the way we read it. Wherever you do  
9 some farming and where your family is and your forefathers  
09:57:01 10 established that place, you would take that place as your  
11 village. That is why I referred to it as my village.

12 Q. And in which chiefdom is Fakoyia, if you know?

13 A. No, Fakoyia is in the Nimi koro Chiefdom.

14 Q. And, if you know, what is the distance between Motema and  
09:57:29 15 Fakoyia?

16 A. Well, approximately it's three miles from Motema.

17 Q. And you said that on that day, February 21, you went to  
18 Fakoyia bush. If anyone, who went with you, Mr Witness?

19 A. I went together with my wife, my uncle, my father, my  
09:57:58 20 children and other relatives.

21 Q. And when you say Fakoyia bush, Mr Witness, could you  
22 describe the area where you and your family went?

23 A. Yes.

24 Q. Please do so, Mr Witness.

09:58:19 25 A. Well, the place where we hid had a very big rock and there  
26 is a space beneath that rock - it's like a valley - and it was in  
27 that space that we were.

28 Q. And how long did you stay in Fakoyia bush, Mr Witness?

29 A. Almost two months. It was just about five to six days to

1 two months.

2 Q. And what did you do for food, Mr Witness, during that  
3 period?

4 A. Well, when we got to Fakoyia actually I went with food. I  
09:59:30 5 had over a bag and a half of rice and I had some other condiments  
6 that we used, but because we didn't know how long we were going  
7 to spend in the bush and when ECOMOG would come to capture Kono I  
8 organised my family; that is I took myself, Thomas Kobie and my  
9 younger brother Emmanuel, we were the ones responsible to go and  
10:00:14 10 find food. We went in search of bush yams, just for us not to go  
11 short of food. And my wife and one of my relatives and one of my  
12 cousins, together with my children, they were the ones  
13 responsible for vegetables like potato leaves and some other  
14 vegetables in the swamp and the bush. That's the way we got our  
10:00:46 15 living.

16 Q. Just pause there, Mr Witness. Mr Witness, you mentioned a  
17 name. You said that you organised your family and you took  
18 yourself, your younger brother Emmanuel and someone else. Could  
19 you repeat the name of that person?

10:01:07 20 A. It's Thomas Kobie.

21 Q. And could you spell for the Court the family name?

22 A. My family name?

23 Q. No, the family name of Thomas Kobie.

24 A. Yes. It's K-O-B-I-E, Kobie.

10:01:42 25 Q. Thank you, Mr Witness. Now, during these two months that  
26 you were with your family in the Fakoyia bush, if you know, who  
27 were in Koidu Town?

28 A. At that time it was the juntas, who were there, together  
29 with the People's Army.

1 Q. And how did you know that?

2 A. They were the ones who had retreated from Freetown when  
3 they were flushed out, so they came to Kono and based there.

4 Q. But how did you know that, Mr Witness?

10:02:29 5 A. I saw them with my eyes.

6 Q. But did you see them during the time that you were in  
7 Fakoyia bush?

8 A. I did not see them, but --

9 THE INTERPRETER: Your Honours, can the witness repeat  
10:02:51 10 that?

11 PRESIDING JUDGE: Mr Witness, the interpreter asks you to  
12 repeat your answer. You said, "I did not see them". Please  
13 continue from there.

14 THE WITNESS: I did not see them personally when they went  
10:03:09 15 to the bush, to us, but they went there. That was because I had  
16 gone out in search of bush yams.

17 MR WERNER:

18 Q. Sorry to interrupt you, but we will come to that in a  
19 second. Mr Witness, during the two months that you were in  
10:03:28 20 Fakoyia bush, not after, during these two months, who if anyone  
21 did you see coming into Fakoyia bush?

22 A. There were people around us, those were Limba people and  
23 some other people, they used to come to the place. And later  
24 those people, that is the People's Army and the juntas, they  
10:04:04 25 visited us there.

26 Q. And, Mr Witness, the time when the Limba people came to  
27 Fakoyia bush, were you told anything by these people that you can  
28 remember?

29 A. It was only that I was not at that place where my people

1 were, but they came and told one of our pastors, that is Pastor  
2 Tamba Alyiu, and told him that they were chasing them. That is,  
3 the RUF, they were chasing them in the bush.

10:04:57 4 Q. And, Mr Witness, would you be able to spell the family name  
5 of Tamba Alyiu, for this Court?

6 A. Yes. Well, they spell the family name as A-L-Y-I-U.

7 Q. Well, Mr Witness, you told us before about Masingbi  
8 Highway. If anything, what were you told about Masingbi Highway  
9 during the two months that you were in Fakoyia bush?

10:05:35 10 A. Not even the two months. It was just the day after we had  
11 escaped, because I did not wait for them to enter. The time when  
12 the people met us there they told us that we were blessed that we  
13 had left the place earlier, they said because they killed some  
14 people at the Masingbi Highway while they were crossing. That is  
10:06:09 15 what they told me.

16 Q. And, Mr Witness, when you say "when the people met us  
17 there", which people are you talking about?

18 A. The civilians because they were the ones who used to go to  
19 us and we discussed, as friends.

10:06:28 20 Q. And when you say "because they killed some people at the  
21 Masingbi Highway", who are "they", Mr Witness?

22 A. I'm referring to the AFRC and the People's Army, on their  
23 way entering into Koidu.

24 Q. And when you say "it was just the day after we had  
10:06:55 25 escaped", can you remember the date?

26 A. Yes.

27 Q. Please tell this Court.

28 A. We escaped on 21 February 1998. That was when we escaped.

29 Q. Thank you, Mr Witness. What happened after - if anything,

1 what happened after these two months in Fakoyia bush, Mr Witness?

2 A. On 15 April 1998, I was not at the location where my family  
3 was but the three of us, we went in search of bush yams and my  
4 wife went in search of palm fruit and one of my cousins and some  
10:08:10 5 other persons whose names I don't want to call now, they went in  
6 search of vegetables. They were --

7 THE INTERPRETER: Your Honours, can the witness repeat  
8 this.

9 PRESIDING JUDGE: Mr Witness, please pause. The  
10:08:39 10 interpreter did not hear you clearly. Please pick up your answer  
11 and continue after you said, "They went in search of vegetables.  
12 They were --" Continue from that point.

13 THE WITNESS: I did not get that clearly.

14 PRESIDING JUDGE: You had said relatives had gone in search  
10:08:58 15 of vegetables. Now continue your answer.

16 THE WITNESS: Yes. I said one of my relatives, whose name  
17 I don't want to call now out, and one of my cousins too whose  
18 name I don't want to call out here as well, they went in search  
19 of vegetables.

10:09:30 20 MR WERNER:

21 Q. Sorry, Mr Witness, just pause there. First, Mr Witness,  
22 you said that three of you went in search of bush yams so,  
23 please, Mr Witness, who went in search of bush yams?

24 A. It was myself, Thomas Kobie and my junior brother Emmanuel.

10:09:57 25 Q. Just to be clear, what is the family name of your younger  
26 brother, Emmanuel?

27 A. Bull.

28 Q. Now, Mr Witness, you mentioned two persons, I believe your  
29 cousin and one of your relatives, and you said that you do not

1 want to give their names to this Court. Could you explain why  
2 you don't want to give the names of these two people to this  
3 Court, Mr Witness?

4 A. Yes, sir. The reason is at the time they were captured  
10:10:44 5 they were too young. The one was 16 years old and the other was  
6 17. And because of their safety, because I am here testifying in  
7 the open, and I know I am speaking the truth but I don't mind if  
8 it's just for me, but those children, now they've gone to school,  
9 they're working and they have their colleagues in their offices,  
10:11:22 10 they are married, they are now living with their families and  
11 friends as well, so if I start calling out their names and  
12 talking about what was done to them, if I explain everything,  
13 there will be a stigma and that will create a problem for them,  
14 and even for myself, within the family and to the friends that  
10:11:47 15 they have, so that is the reason why I don't want to call out  
16 their names.

17 MR WERNER: Your Honours, the witness has explained that to  
18 us before and has expressed his concerns. So we would propose a  
19 very simple procedure which would be for this witness to be given  
10:12:10 20 a piece of paper and he could simply write the letter "A" and the  
21 name of the first relative and maybe the relationship and then  
22 the letter "B" and the name of the person or the second relative  
23 and then the relationship and then he could sign and date and  
24 then that paper could be distributed to everybody and then myself  
10:12:34 25 and my learned friend could later could simply refer to "A" and  
26 "B". We have spoken with this witness about that and he is  
27 comfortable with that way of doing and I spoke with my learned  
28 friend last night about this proposal.

29 MR ANYAH: Yes, Madam President. Indeed, Mr Werner did

1 approach me after Court yesterday and he explained that this  
2 would be the proposal the Prosecution would make. Ordinarily we  
3 would object to this as has been our past practice, because this  
4 is evidence being given in open session.

10:13:04 5 I considered the circumstances of the two persons not  
6 before the Court as explained to us by the witness and I told  
7 Mr Werner that we would acquiesce in this proposal in this  
8 instance. I spoke with Mr Taylor this morning and explained the  
9 circumstances to him and he in turn said it was proper, in his  
10:13:26 10 view, to proceed in this manner due to securing and protecting  
11 the identity of the young persons that were involved.

12 This is the only instance I can recall us doing this or  
13 acquiescing to it and I just wanted to make the record clear that  
14 it is limited to these particular circumstances.

10:13:48 15 I would make an additional request: When the witness  
16 writes this information down that the document also be signed and  
17 dated by the witness and naturally your Honours would I'm sure  
18 entertain an application from the Prosecution that it be treated  
19 confidentially. It would also be helpful to us if the witness  
10:14:08 20 were to give the full names of these persons for a variety of  
21 reasons that may be necessary under cross-examination.

22 MR WERNER: We have no problem with that, your Honours.

23 PRESIDING JUDGE: Well, we will adopt that procedure. As  
24 this Court has said on other occasions, Mr Anyah, these matters  
10:14:32 25 are dealt with on a case by case basis, so your caveat is noted.

26 Mr Witness, did you understand what is going to happen  
27 next, what you are being asked?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: In fact, Mr Werner, you haven't asked the

1 witness but please proceed.

2 MR WERNER: Sure, your Honour, thank you.

3 Q. Mr Witness, you have a sheet of paper in front of you. You  
4 see it?

10:14:59 5 A. Yes, yes.

6 Q. So you told us that you can write in English, is that  
7 correct?

8 A. Yes.

9 Q. So could you, Mr Witness, on that piece of paper - and I'm  
10:15:12 10 just aware that some people can see behind and so could you just  
11 maybe --

12 PRESIDING JUDGE: Yes, I was wondering about that as well.

13 MR WERNER:

14 Q. Could you write the capital letter "A" and then first name  
10:15:33 15 and last name, if possible, of the first of the two persons that  
16 you mentioned and then on the same line the relationship between  
17 you and that person. Then when you are done do the same with the  
18 second person, indicate capital letter "B", the name of that  
19 person and the relationship between you and that person, the  
10:16:32 20 first name and the last name.

21 PRESIDING JUDGE: And, Mr Witness, you should sign and put  
22 today's date on that piece of paper also.

23 MR WERNER: The date is the 24th, Mr Witness. 24  
24 September.

10:20:15 25 PRESIDING JUDGE: Mr Anyah?

26 MR ANYAH: Yes, Madam President. Just one additional  
27 request. The witness's signature doesn't disclose his name.  
28 Would it be possible for him to write his name and his TF1 number  
29 on that document?

1 MR WERNER: I have no quarrel with that.

2 PRESIDING JUDGE: Mr Witness, we are going to return the  
3 paper to you. I would like you to print your name, so we can  
4 read it, and your TF1 number.

10:20:54 5 MR WERNER: Your Honour, I am not sure the witness knows  
6 his number. Mr Witness, your TF number is TF1-065.

7 THE WITNESS: TF?

8 MR WERNER: TF1-065.

9 PRESIDING JUDGE: Please proceed, Mr Werner.

10:21:35 10 MR WERNER: We would request this document to be marked for  
11 identification, your Honours.

12 PRESIDING JUDGE: That is a one-page document with  
13 handwriting by the witness. It becomes MFI-1.

14 MR WERNER: Thank you, your Honour:

10:22:10 15 Q. Mr Witness, before you told us that after these two months  
16 some people went in search of palm fruits and others went in  
17 search of vegetables. What happened to these people, Mr Witness?

18 A. So, they went searching for vegetables and they came into  
19 contact with the RUF and they captured them and they brought them  
10:22:51 20 to where we were hiding.

21 Q. Just pause there, Mr Witness. When you say that they were  
22 searching for vegetables, who went searching for vegetables,  
23 Mr Witness?

24 A. "A" and "B", they went in search of vegetables.

10:23:18 25 Q. Anyone else went with them?

26 A. Two of them went.

27 Q. And then, if anything, what happened to them, Mr Witness?

28 A. I said it was then that the RUF captured them. They held  
29 them captive and they brought them to where we were hiding.

1 Q. And then what happened, Mr Witness?

2 A. At that time myself and my brothers had gone in search of  
3 bush yams, that was right about 2 to 3 o'clock, and on our way  
4 coming, close to where we were hiding where I left my family I

10:24:16 5 heard a gunshot. That was a very big surprise to us, because we  
6 had been hiding there for a long time and we thought nobody  
7 noticed us, so I and my brothers ran away. We dropped all the  
8 bush yams that we had collected, we dropped everything and ran  
9 away, and we went and hid somewhere else. We were in hiding for  
10:24:43 10 over one hour and I decided to tell my brothers to wait for me.

11 I said they should wait so that I go and check to find out  
12 exactly what was going on, but for me to move from that point  
13 where I left my brothers it was a very short place and for me to  
14 get to where we had been initially hiding it took me over an hour

10:25:11 15 because I took my time. I was very cautious because I had heard  
16 gunshot and I did not want to meet them on the way, so I was  
17 going slowly sometimes and I crawl on the ground until I got to  
18 the place. I watched down the hole where we were hiding and I  
19 did not see anybody there, but because I had heard the singular  
10:25:40 20 gunshot I tried to look into the hole. I was looking around the

21 area but I did not see anybody lying on the ground, but I was not  
22 brave enough to go down the place. I stood behind a tree and  
23 suddenly one of my brothers, who was actually my brother-in-law  
24 because we are giving him a wife into marriage, he came from my  
10:26:09 25 back and he told me, "Brother Samuel", and I turned towards him  
26 in fear and he started crying.

27 Q. Please pause there, Mr Witness. Just to be completely  
28 clear, Mr Witness, because before you told us that when you went  
29 in search of bush yams you went with your brother Emmanuel and

1 then you mentioned someone else - I believe you mentioned someone  
2 called Kobie - and now you said that you went with your brothers.  
3 So, could you explain that. Who was the second brother with whom  
4 you went?

10:26:51 5 A. They were Emmanuel and Thomas Kobie. The reason why I  
6 refer to him as my brother, this Thomas Kobie I am talking about,  
7 is because we have lived together for 17 good years and we did  
8 everything in common during those days and as a result of that I  
9 regarded him as a brother. Those are the ones I referred to,  
10:27:14 10 Emmanuel and Thomas Kobie.

11 Q. Thank you, Mr Witness. Now when you went back and you saw  
12 your brother-in-law what, if anything, did he tell you at that  
13 time?

14 A. Oh, they started crying and then "B" started crying. "B"  
10:27:43 15 and Emmanuel, Kobie they were crying and they said, "Brother,  
16 they've said they've captured 'A' and they asked us to carry the  
17 properties that they took from us, but they refused to release  
18 him. They did not release him at all". They said, "We have  
19 pleaded on their behalf for so long, but they didn't listen to  
10:28:08 20 us", and so they were standing by me crying.

21 Q. And, Mr Witness, when you said, "They have captured 'A'",  
22 who are "they"?

23 A. RUF.

24 JUDGE SEBUTINDE: Mr Werner, I am assuming the RUF, the  
10:28:37 25 People's Army and the AFRC are three different groups.

26 MR WERNER: Well, your Honours, the witness said before  
27 that Foday Sankoh had been on the broadcast to say that from now  
28 on RUF were going to call People's Army and so, yes, they are two  
29 groups.

1 JUDGE SEBUTINDE: You assume and we assume.

2 MR WERNER: I am going to clarify that with the witness,  
3 your Honours.

4 THE WITNESS: Yes, that was how we used to refer to them as  
10:29:07 5 the People's Army. The RUF were the People's Army and the AFRC  
6 it was another group.

7 MR WERNER:

8 Q. Thank you, Mr Witness. Mr Witness, from now on just wait  
9 for me to ask you a question before telling us, if you can.

10:29:26 10 A. Okay.

11 Q. Now, Mr Witness, did - were you told anything else by the  
12 people that you met about what had happened in your absence?

13 A. Yes.

14 Q. What is that, Mr Witness?

10:29:47 15 A. I said "B" told me that they raped "A" to the extent that  
16 she found it difficult to even walk on her feet.

17 Q. Are you feeling all right, Mr Witness?

18 PRESIDING JUDGE: Mr Witness, are you all right?

19 THE WITNESS: No, no.

10:30:20 20 PRESIDING JUDGE: Just pause, Mr Witness, now.

21 MR WERNER: Maybe you want to drink something, Mr Witness.

22 PRESIDING JUDGE: Now, Mr Witness, do you feel able to go  
23 on or would you like a short break?

24 MS IRURA: Your Honour, the witness has indicated he would  
10:31:36 25 like to continue.

26 PRESIDING JUDGE: That's fine, Mr Witness. You take your  
27 time. Mr Werner.

28 MR WERNER: Thank you, your Honour:

29 Q. Mr Witness, you said that "B" told you that they raped "A".

1 Who are "they", Mr Witness?

2 A. The RUF. They raped her and they raped "B" and they  
3 released them to return, but they did not release "A" at all.  
4 She went with them.

10:32:18 5 Q. Now, Mr Witness, how did you learn that "B" had been raped?

6 A. Well, I was not present, but "B" explained to me and  
7 James --

8 THE INTERPRETER: Your Honour, the last name of James was  
9 not clear to the interpreter.

10:32:45 10 PRESIDING JUDGE: Mr Witness, the interpreter asks that you  
11 repeat the second name of James.

12 THE WITNESS: He was called James Ngego.

13 MR WERNER: Your Honours, the spelling we would propose for  
14 Ngego is N-G-E-G-O. James, the common spelling:

10:33:16 15 Q. Mr Witness, when you said they raped her and "B" and "they  
16 released them to return", who was released to return?

17 A. They released James Ngego, they released Mary Nelson, they  
18 released Emmanuel Kobie and they released "B" for them to return

19 MR WERNER: Nelson would be the current spelling and Kobie  
10:33:50 20 I believe was already spelt by the witness.

21 Q. And Mr Witness do you know how long "B", James Ngego, Mary  
22 Nelson and Emmanuel Kobie were held by the RUF?

23 A. Well, they did not actually spend more than three hours  
24 with them because the same day they went to drop the items for  
10:34:24 25 them that same day they were released and they returned.

26 JUDGE SEBUTINDE: Mr Werner, there are too many "they"s and  
27 "them"s.

28 MR WERNER: I am going to clarify, your Honour.

29 Q. When you say "they did not spend more than three hours with

1 the", who are "them", Mr Witness?

2 A. James and those who were captured - amongst my own people  
3 those who were captured who the RUF took along with them, those  
4 were the ones that the RUF released. They released them to  
10:35:09 5 return. You know, I am speaking Krio, that is the more reason  
6 why the "them, them"s are plenty.

7 Q. Thank you, Mr Witness. Mr Witness, you told us about  
8 items, that they had to carry items. What are you talking about?

9 A. Well, we had rice with us, and I had some chicken, and I  
10:35:51 10 had some ducks. The RUF took all our belongings, our wearings  
11 from us, the ones that were value in outlook, and they covered my  
12 people with them and they told them that they should go and  
13 escort them, so those were the items that they took with them.

14 Q. When you say "they covered my people with them", what do  
10:36:19 15 you mean?

16 A. I am not getting the interpreter.

17 THE INTERPRETER: Your Honour, could the lawyer go over the  
18 question again.

19 MR WERNER: Yes, sure.

10:36:35 20 Q. First when you said "they covered my people with them", who  
21 are "they"?

22 A. I said the RUF took our properties, and they asked my own  
23 people to carry them for them. Those are the properties I  
24 counted. I said they took our chickens, the RUF took our  
10:37:02 25 chickens, they took our ducks, and our clothing. So they took  
26 them along with them, but they did not actually find some of my  
27 value items that I had hidden away from them.

28 Q. Mr Witness, how did you know about that? How do you know  
29 that they were forced to carry these things?

1 A. Because he they were under gunpoint.

2 Q. No, but as you said before, Mr Witness, you were not there  
3 when that happened, so how did you learn about that?

10:38:06

4 A. When James Ngego, "B" and the other children like Mary  
5 Nelson, it was on their return that they explained to me exactly  
6 what happened. They explained to me.

7 Q. And, Mr Witness, you told us about "A". When is the next  
8 time you saw "A" again, Mr Witness?

10:38:41

9 A. From that time, it was only in the month of April 1999 that  
10 I set eyes on her again.

11 Q. Thank you, Mr Witness. Now explain to us, if anything,  
12 what happened after that.

13 PRESIDING JUDGE: After what, Mr Werner? Do you mean after  
14 April 1999?

10:39:00

15 MR WERNER: Sorry, your Honour, I am going to clarify:

16 Q. After you were told by James Ngego, "B", Mary Nelson and  
17 Emmanuel Kobie what had happened in Fakoyia bush, what did you  
18 do, Mr Witness?

10:39:28

19 A. Well, after that had occurred, I arranged together with my  
20 dad that we should move from the place because the RUF had given  
21 message a to James Ngego that he should tell us that those of us  
22 they did not meet, they were coming the following day to meet us.  
23 So because of that we decided to move from there. So we went to  
24 another town called Tongbodou. That is where we went to.

10:39:59

25 Q. Just to be complete clear, Mr Witness, when you said, "They  
26 did not meet, they were coming the following day", who were  
27 coming the following day?

28 A. RUF. The following morning they came back.

29 Q. Now Mr Witness, you mentioned a place Tongbodou. Would you

1 be able for the Court to spell that name?

2 A. Yes. It's T-O-N-G-B-O-D-U.

3 Q. And as far as you know in which chiefdom is Tongbodu?

4 A. Tongbodu is in Nimi koro Chiefdom.

10:41:01 5 Q. And, Mr Witness, for sake of clarity do you know a place  
6 called Tombodu?

7 A. Tombodu is around Koidu area.

8 Q. And do you know which chiefdom is Tombodu?

9 A. That is in Kamara Chiefdom.

10:41:27 10 Q. Thank you, Mr Witness, so what happened after you went to  
11 Tongbodu, if anything?

12 A. Yes. When we went to Tongbodu we passed the night there  
13 and it was raining heavily by then and the following morning my  
14 father and my junior brother suggested to me that we should go in

10:42:14 15 search of "A" because she did not - she was not familiar to Kono  
16 at all and she had never been there before, it was only as a  
17 result of the intervention that they went there to seek refuge  
18 with me. So I accepted and the following morning we decided to  
19 go in search of her, about seven of us, and we took the trip to

10:42:39 20 go. We left Tongbodu Town, not even 200 metres off --

21 Q. Mr Witness, pause there, just one second. Mr Witness, you  
22 mentioned again your junior brother. Who is your junior brother?  
23 What was his name?

24 A. Emmanuel.

10:43:03 25 Q. Now, you said that, "It was only as a result of the  
26 intervention that they went there to seek refuge with me". What  
27 is the intervention, Mr Witness?

28 A. I am trying to say that when the fighting had intensified  
29 in Freetown, and that was where my father and my junior brothers

1 were, they decided to move from there and to seek refuge with me  
2 in Kono, yes.

3 Q. And again, Mr Witness, you mentioned again your junior  
4 brother; who is he?

10:43:58 5 A. I said Emmanuel.

6 Q. Mr Witness, from now on it will help us if any time you  
7 want to refer to him you could spell his name, thank you. Sorry,  
8 your Honours. Say his name, thank you.

9 A. Okay.

10:44:16 10 Q. Mr Witness, now what happened after that?

11 A. Well, as we were on our way in search of "A", we met with  
12 the RUF in a curve, those same RUF who had gone and attacked my  
13 people in the Fakoyia bush, and we stopped and they had guns with  
14 them. We had no option, save for those who were behind us and  
10:44:57 15 the immediate person who was in front of us, who was the first  
16 person to spot them, that was Pastor Alyiu, he ran into the bush  
17 and I stood there in front of them. They captured me and they  
18 captured Emmanuel and they captured my dad. So those who were  
19 behind us, they ran away. They did not capture them. So the  
10:45:27 20 three us were captured and they took us back to Tongbodou Town  
21 where we had just left. That was what happened.

22 Q. And, Mr Witness, when you say "they captured us", who are  
23 "they"?

24 A. I said those same RUF who had gone and attacked my people  
10:45:53 25 in Fakoyia bush, those were the same ones that we met with on the  
26 way and they captured us.

27 Q. And how do you know, Mr Witness, that these RUF were the  
28 same ones as those who had attacked your people in Fakoyia bush?

29 A. When they captured us, after conducting a long interview

1 with us - that is the RUF interviewed us - they at the end  
2 finally confessed that "A" was with them, so it was as a result  
3 of that that I knew that they were the people who did it.

4 Q. And then what happened, Mr Witness?

10:46:47 5 A. They then asked us to sit on the floor. They said - I mean  
6 the RUF asked us to show them where other civilians were hiding  
7 in the bushes so that they would go there and meet them there,  
8 but I knew within myself that they did not have any good  
9 intention and so I told them I did not know anything about that.

10:47:24 10 I told them I was a stranger and I was from Freetown and I told  
11 them, "This is my dad and my junior brother Emmanuel". I told  
12 them I did not know anybody around where I was even standing. I  
13 didn't even know the village where I was standing. So they told  
14 me that we - the RUF told us that we were not up to serious

10:47:48 15 business. They said "Pikin" - that was the name they used to  
16 refer to one of the RUF small boys who was about 14 years old.  
17 They said, "Pikin, just take that man to the back of the house  
18 and kill him". So they jumped my dad, Pa Bull, and the Pikin  
19 came directly to me. He held me on my shirt and he asked me to  
10:48:27 20 get up, so I started crying.

21 Q. Just pause there, Mr Witness. Pause there. Now just to be  
22 clear, Mr Witness, who told Pikin to go with you in the back of  
23 the house?

24 A. The commander who was with them. He was called Issa.

10:48:55 25 Q. Continue, Mr Witness.

26 A. But he told me that, "Before shooting him, he shouldn't die  
27 with the shirt that he is having on". He said that he should  
28 remove that shirt from his body, so I started praying in my  
29 heart. I said, "Oh, God, if I should take off this shirt before

1 I die ...", then I said, "... then, God, I will not have to die",  
2 and I said, "I am not also going to take off this shirt", so I  
3 started pretending. I held the button on the shirt and they told  
4 me to take off the shirt and so I was just shaking the shirt like  
10:49:46 5 that. I said, "Please, sir. Please, sir. Papa, please". We  
6 did that for some time and he told me that if I did not want to  
7 take off the shirt he said I should lie on the ground and then I  
8 started crying bitterly.

9 Q. Pause there. Now, Mr Witness, who said that someone should  
10:50:21 10 not die with the shirt? Who said that?

11 A. The man who led them. The one who led the RUF. That was  
12 Issa. He told Pikin that before shooting me I should take off my  
13 shirt. And since he had told him that, that I shouldn't have my  
14 shirt on before shooting at me, I think he was going to wait  
10:50:55 15 until I take off my shirt because they normally listen to their  
16 commanders and the command he gave them.

17 Q. And who said that you should lie on the ground and then you  
18 started to cry? Who said that?

19 A. It was Pikin.

10:51:14 20 Q. And what happened after that, Mr Witness?

21 A. Suddenly their commander - that was the RUF commander - he  
22 told him say, "Allow him to get up", and I started thanking them.  
23 I thanked them and he said I should come back for more interview  
24 and he restarted the interviews. He wanted me to re-explain  
10:51:54 25 myself and I told him the same answer that I did not know anybody  
26 around that area, so he confessed. He said "A" was with them, so  
27 we became a little bit relieved. So, they asked my father to  
28 push away. They said they should go. They said he was an old  
29 man, he shouldn't follow us, so Emmanuel and I stayed with them.

1 They said we were going to - we were going to search for  
2 civilians and so we followed them and we were going. We left my  
3 father behind. So whilst we were going, by then we had not even  
4 left Tongbodu Town that far.

10:52:43 5 Q. Pause there. When you said, Mr Witness, that "... he  
6 confessed. He said 'A' was with them", who is "he", Mr Witness?

7 A. It was one of the RUF that said A was with them at Motema  
8 Town.

9 Q. And you said that, "They said we were going to search for  
10:53:19 10 civilians". Who said that, Mr Witness?

11 A. It was Issa, the RUF.

12 Q. And when you say that, "He said they were going to search  
13 for civilians", do you know why they wanted to go and search for  
14 civilians?

10:53:43 15 A. No, by then they knew their reason best.

16 Q. And what happened after that, Mr Witness?

17 A. We started going along with them. Issa was ahead, my  
18 brother and I were in the middle and the others were at the back;  
19 the other RUFs. When they had someone cutting down sticks in the  
10:54:20 20 bush, that is when the RUF heard a civilian cutting sticks in the  
21 bush, they decided to hurt us and they asked us to lie on the  
22 ground and we laid there on the ground. The same thing Issa did  
23 was what we also did, my brother and I. We were going, but we did  
24 not know how best they did it. The way one could step on the  
10:54:53 25 ground that they wouldn't hear anything, nothing would shake, so  
26 --

27 Q. Pause there, Mr Witness. Pause there, please. Mr Witness,  
28 you said that when the RUF heard a civilian cutting sticks in the  
29 bush they decided to do what? Can you repeat that, Mr Witness?

1 A. I said we should all bow down on the ground so that we  
2 would not stand up walking to prevent the people from seeing us  
3 so that they would run away. We all bowed down, we were bowing  
4 moving slowly until we got closer to them, and then we suddenly  
10:55:44 5 got in their midst.

6 Q. Pause there, please. And when you say, "We would not stand  
7 up walking to prevent the people from seeing us", which people  
8 are you talking about, Mr Witness?

9 A. The civilians who were in front of us walking. If we had  
10:56:09 10 stood up walking and going towards them we would be far off from  
11 them and they would be able to spot us, so the RUF told us that  
12 we should bow down and crawl on the ground for us to meet the  
13 civilians in the bush.

14 Q. And, if anything, what happened after that, Mr Witness?

10:56:31 15 A. We got there and when we got there they captured all of  
16 them, because it was a very new place that they had just  
17 established. They had no other way of escaping, so they captured  
18 all of them and they asked them for rice. They said, "Where is  
19 the palm oil?" They said, "we want Maggi", so those are the  
10:56:55 20 things they asked for. They said, "Where have you hidden the  
21 money?" Those were the questions they were asking. And the  
22 suckling mother who was with them and the Pa who was with them,  
23 that is Pa Wusu, they answered and they said they did not have  
24 anything. They said, "If you don't have anything, we are going  
10:57:16 25 to search for ourselves", and they started searching and by then  
26 they were seriously beating them up with the machete that the old  
27 man was walking with.

28 Q. Pause there, Mr Witness. Now when you said that, "We got  
29 there. We got there and they captured all of them", first of all

1 who are "they"?

2 A. I said the RUF. When we got to where the civilians were,  
3 they captured all of the civilians.

10:58:03

4 Q. And then I believe you mentioned a name. You said that  
5 there was a Pa who was with them and this man said that they did  
6 not have anything. What was the name of that person again,  
7 Mr Witness?

8 A. He was called Pa Wusu. He was a Kranko man.

9 Q. Could you spell the name of that person for this Court?

10:58:34

10 A. I think it's W-U-S-U. Wusu.

11 Q. And you said he was a Kranko man. Is that correct?

12 A. Yes, he was a Kranko man.

13 Q. Are you able to say spell Kranko for this Court?

14 A. Well, the way I spell it is K-R-A-N-K-O. Kranko.

10:59:19

15 Q. Thank you, Mr Witness. Now when you said, "They started  
16 searching", who started searching, Mr Witness?

17 A. It was the RUF. Issa and his colleagues, they are the ones  
18 that had been searching for food where the civilians were.

10:59:41

19 Q. And then you said, "They were seriously beating them up  
20 with the machete". Who were beating them up, Mr Witness?

21 A. It was one among them who was called Ngoba. He was the one  
22 that had been beating them. With that very commander, who was  
23 called Issa, he himself had been beating them so that they could  
24 produce the rice and anything that they could eat.

11:00:08

25 Q. And who were they beating, Mr Witness?

26 A. They were beating one fellow, but I did not know his name.  
27 I did not know the boy's name because that was the very first  
28 time that I saw that very boy, but he was a civilian.

29 Q. And, Mr Witness, you gave us a name of Ngoba. Who is

1 Ngoba?

2 A. It was one of the RUF.

3 Q. And would you know how to spell his name, Ngoba?

4 A. Ngoba? N-G-O-B-A.

11:01:03 5 Q. And what if anything happened after that, Mr Witness?

6 A. They hid rice, the husk rice and the one that was milled  
7 partially and the one that was completely milled they put all  
8 together in one bag and it was filled. So there was one child  
9 among them, who was Pa Wusu's child, she was called Isata that

11:01:35 10 but she was ill, she was really ill, her stomach was swollen.

11 Issa asked her, he said, "Why did you bring this child that is  
12 ill here? And you keep on hiding away from us. Supposing this  
13 child were to die in this bush?" So Issa said, "Well, this  
14 child, I will not leave this child with you. I will take her

11:02:02 15 with us". He said, "I will cure her. She will be my wife".

16 So he asked me. He said, "Mr Man, take the rice". He,  
17 Issa. So they helped me. So they put the rice on my head. So  
18 they took Isata with my younger brother Emmanuel. We were the  
19 only ones that were captured, all the other civilians were left  
20 there. So Pa Wusu said, "Well, if you take away my son who goes  
21 in search of food for me it's better for you to take me also",  
22 but they didn't take him along. So we started going. So we went  
23 so far. So we also heard other people in the bush, who were  
24 civilians, they were uprooting bush yams.

11:02:57 25 Q. Please wait. Mr Witness. Mr Witness, pause there.

26 A. Okay.

27 Q. Mr Witness, pause there just one second. You spoke about  
28 someone called Isata. Is Isata a boy or a girl?

29 A. It's a woman.

1 Q. And how old was Isata?

2 A. Well, I did not know her date of birth, but when you look  
3 at her she will be around 15, 16 years because even that - "A",  
4 they almost have the same age.

11:03:38 5 Q. And if you know what, if anything, happened to Isata?

6 A. Issa did not leave her behind. He took her away and she  
7 was with them.

8 Q. And when you say "she was with them", who are "them"  
9 Mr Witness?

11:03:58 10 A. She was with the RUF.

11 Q. And what happened after that, Mr Witness?

12 A. So when we met the civilians, they had been uprooting bush  
13 yams in the bush, the RUF noticed. They heard the sound. They  
14 ran to the spot in the bush. This Issa was the one that was

11:04:26 15 leading us whilst I was carrying the one bag of rice on my head.

16 He himself knew that his companions had gone into the bush, so he  
17 also went there.

18 He did not believe that I was going to run away. He left  
19 me standing. So I myself, I found out that he has gone into the  
20 bush, so I knew that that was the opportunity for me to escape.

11:04:47 20

21 So I threw the rice on the ground and I went into the bush to the  
22 opposite side so that I couldn't be seen. They heard the sound  
23 of the rice that I threw to the ground, so they started running  
24 after me, but I did not know the actual rebel that had been  
25 shouting saying that, "If you see him, kill him". In my heart I  
26 said that my own bush that I know very well, it will not be  
27 possible. So I went into the swamp and I started crawling. So  
28 all of a sudden I escaped from them.

11:05:13 25

29 Q. Please pause there, Mr Witness. Now at the beginning you

1 said that, "When we met the civilians they had been uprooting  
2 bush yams". So who were the civilians that you met at that time?

3 A. They were Limbas.

4 Q. Now, Mr Witness, what happened after that?

11:05:57 5 A. So, after that, when I had hidden from them, I climbed on  
6 the swamp. There was one small ridge. There I laid down.  
7 Suddenly, I slept. I was there up to 5 o'clock. I got up. I  
8 started going in search of my people where I left them.

9 Q. Pause there, Mr Witness. You had told us before that when  
11:06:29 10 you were brought to Tongbodou you were with your father and your  
11 younger brother Emmanuel and then you told us that they let your  
12 father go and then you went with them and your brother Emmanuel.  
13 At that time now, when you slept, by that time, where was  
14 Emmanuel?

11:06:54 15 A. He was still with them, with the RUF.

16 Q. And what happened after that?

17 A. I started searching where I left my people. I saw the  
18 place. So when I met them, they told me - they asked me, they  
19 said, "How about Emmanuel?" I said, "Well, I was fortunate to  
11:07:24 20 escape. So I do not know his way". So they said, "Well, the  
21 time that you left here, when you were captured, another group of  
22 RUF came. They had captured 'B'. They had captured Kobie,  
23 Emmanuel Kobie. Then they had captured Nelson. They had taken  
24 them away". They said, "Even the yams that we had boiled and the  
11:07:53 25 chicken that we had cooked for us to eat, they have taken  
26 everything".

27 Q. Please pause there, Mr Witness. First, Mr Witness, you  
28 said that you started to search for your people and then you met  
29 them. Mr Witness, who did you meet at that time?

1 A. I met my wife and my children. I met my father seated  
2 there and then I met James and one of our pastors and his family,  
3 I met all of them there. But they only selected those that they  
4 wanted and they left the rest, so I met all of them there.

11:08:41 5 Q. Now, Mr Witness, you talked about someone called Nelson and  
6 earlier you told us about someone called Mary Nelson. Are you  
7 talking about the same person?

8 A. Yes. See, when I used to say Small Mary --

9 THE INTERPRETER: Your Honours, would the witness be  
11:09:04 10 instructed to go a little bit slow.

11 PRESIDING JUDGE: Mr Witness, you have speeded up and the  
12 interpreter is trying to keep up with you. Please speak a little  
13 slower. You were saying, "When I used to say Small Mary --"  
14 Please continue from there.

11:09:21 15 THE WITNESS: Okay. Sorry. I said when I used to say  
16 Small Mary, we had two Marys. I had two Marys with me. The one  
17 was the elder and the other was the younger. I used to refer to  
18 the younger one as Small Mary and that younger Mary was called  
19 Mary Nelson.

11:09:48 20 MR WERNER:

21 Q. How old was she at that time?

22 A. Mary Nelson was just around 14 years.

23 Q. So you told us that you were told by your people that "B",  
24 Mary Nelson and Emmanuel Kobie had been taken away. Who took  
11:10:11 25 them away?

26 A. They said another group of RUF.

27 Q. And how did you know about that?

28 A. Well I came to know that it was true that it was the RUF  
29 that took them, because when we came out of the bush, when they

1 had taken over again, the time that I saw them they were with  
2 them. They were in their hands.

3 Q. Mr Witness, to be clear, when was - did you see Mary Nelson  
4 and Emmanuel Kobie and "B" again after that time - after that  
11:10:58 5 day?

6 A. I did not see them up to 1991 - 1999.

7 Q. And in 1999 what, if anything, did they tell you?

8 A. Well, I had conversation with "A".

9 Q. Mr Witness, sorry to interrupt you, but I'm not talking  
11:11:28 10 about "A". I am talking about "B", Emmanuel Kobie and Mary  
11 Nelson.

12 A. Okay.

13 Q. When you met these three people again in 1999 what, if  
14 anything, did they tell you about the people who had captured  
11:11:45 15 them?

16 A. Yes. Well, they said it was the RUF that captured them and  
17 they were in their hands. They were with them in the bush. The  
18 names of the places that they called they said that they were  
19 behind Koidu, and they told me about the way they suffered, how  
11:12:07 20 they would take them to go in search of food, how they would give  
21 them loads to carry on their heads and when they went in search  
22 of food those who did not know how to operate weapons they were  
23 the ones --

24 THE INTERPRETER: Your Honours, would the witness be asked  
11:12:30 25 to clarify that point.

26 PRESIDING JUDGE: Pause, Mr Witness. What point are you  
27 referring to, Mr Interpreter?

28 THE INTERPRETER: Well he is talking about weapons being  
29 given to people, but the point is not clear to the interpreter.

1           PRESIDING JUDGE: Mr Witness, in your answer you said,  
2 "Those who did not know how to operate weapons". Now, the  
3 interpreter is not clear when you are talking about weapons being  
4 given to them. Can you please explain this part of your answer  
11:13:02 5 for the interpreter.

6           THE WITNESS: Like Emmanuel Kobie, who was my own child, my  
7 erstwhile brother's child was with the RUF. When they went in  
8 search of food, there was one man who used to give them weapons  
9 so that they could carry them because the distance was far. So  
11:13:33 10 the RUF would give the weapons to the children so that they could  
11 carry them for them whilst they were going.

12           MR WERNER:

13 Q.     Just pause there, Mr Witness. Now, just one question about  
14 that and then we will move on. When you said that they would  
11:13:48 15 take them to go in search of food, who are "they", Mr Witness?

16 A.     I said the RUF, or whatever group in whose hands they were.  
17 When the RUF were going in search of food where civilians were,  
18 they would take their weapons and give them to the children so  
19 that they could hold them for the RUF.

11:14:15 20 Q.     Mr Witness, when you said, "They would give them loads to  
21 carry on their head", who are "they"?

22 A.     The RUF. The RUF would not carry loads on their heads.

23 Q.     Now, what happened after the time that you met your people  
24 again in the bush and you were told about "B", Emmanuel Kobie and  
11:14:41 25 Mary Nelson? What happened to you, if anything?

26 A.     Well when this had happened, the Kamajors that were at  
27 Banakoro, that is Nimi koro Chiefdom, they sent a message to all  
28 the little villages that were around that area. They said  
29 everybody should leave those villages, because they said they

1 were going there to flush the RUF out of that place where we were  
2 up to Koidu. That was the message that we got. So we still  
3 spent the night there and early in the morning we left for  
4 Banakoro.

11:15:38 5 MR WITNESS: Just pause there, Mr Witness. Your Honours,  
6 Banakoro the spelling we have would be B-A-N-A-K-O-R-O:

7 Q. Mr Witness what happened, if anything, after you slept in  
8 Banakoro?

9 MR ANYAH: Madam President, I would be grateful if we could  
11:16:06 10 know the year and the month when they went to Banakoro.

11 MR WERNER:

12 Q. Mr Witness, you told us that you were in Fakoyia bush until  
13 April 1998, do you remember that?

14 A. Yes.

11:16:33 15 Q. So do you remember the time - when was it that you went to  
16 Banakoro?

17 MR ANYAH: Well, if it please the Chamber, the witness's  
18 evidence regarding the timeframe spent at Fakoyia, his response  
19 was he said about two months. And then he went on to say from  
11:16:53 20 five to six days to almost two months, and I can show Your  
21 Honours the relevant portion of the transcript.

22 PRESIDING JUDGE: I recall him saying that, Mr Anyah.

23 MR ANYAH: And counsel is now saying the witness's evidence  
24 was that he was there until April. I mean, you can make that  
11:17:07 25 inference if you compute the time from 21 February and you add a  
26 few months. He didn't say he was there until April.

27 MR WERNER: My understanding, your Honours, is that the  
28 witness said that it was two months less five days, which would  
29 be exactly from 21 February to 15 April, which is two months less

1 five days. That is my understanding of what the witness said.

2 MR ANYAH: The witness's evidence appears on page 13, and  
3 his answer, the question and answer appears in lines 23 through  
4 25. The question posed.

11:17:44 5 "Q. And how long did you stay in Fakoyia bush, Mr Witness?

6 A. Almost two months. It was just about five to six days  
7 to two months."

8 That is what is on the record.

9 PRESIDING JUDGE: I have a note that later on he gives a  
11:18:01 10 date.

11 MR WERNER: I'm going to clarify that.

12 PRESIDING JUDGE: But since counsel is - I have a date -  
13 but since counsel is going to clarify it I will not pursue it.  
14 Please clarify, Mr Werner.

11:18:06 15 MR WERNER:

16 Q. Mr Witness, you told us that you were in Fakoyia bush, you  
17 went to Fakoyia bush 21 February?

18 A. Mm-hmm.

19 Q. Mr Witness, how long did you stay in Fakoyia bush before  
11:18:22 20 the RUF met your people in the bush?

21 A. Well, I said we went to Fakoyia bush on 21 February. And  
22 on 15 April that was the time that we were dispersed from that  
23 place.

24 Q. And do you remember the month and the year when you went to  
11:18:53 25 Banakoro?

26 A. Yes. It was in April. The right date, that's what I  
27 cannot recall because I wouldn't like to lie but it was in the  
28 month of April, after that attack.

29 Q. In which year, Mr Witness?

1 A. 1998.

2 Q. And what happened when, after you slept that night in  
3 Banakoro, if anything?

4 A. I did not spend the night at Banakoro.

11:19:39 5 Q. So where did you go after that, if anywhere?

6 A. When we arrived at Banakoro we met the Kamajors there and  
7 the Donsos, so they told us that we should not stay with them  
8 because they were fighters. There was one village behind them,  
9 they called it Mamboma. That was my very first day of reaching  
10 there. That is why we went.

11 Q. Mr Witness, if you know in which chiefdom is Mamboma?

12 A. Mamboma is also in the Nimikoro Chiefdom.

13 Q. And, your Honours, the spelling we have for Mamboma would  
14 be M-A-M-B-O-M-A. Mr Witness, who went to Mamboma?

11:20:45 15 A. It was I and my family, and my father.

16 Q. And what happened when you went to Mamboma?

17 A. In Mamboma, the very first day when we arrived there, it  
18 was during day and that was my long-time friend, Thomas Kobie, he  
19 said that, well, he was going in search of bush yams for us,  
20 since we don't have any other food. He went. He came. My wife  
21 and the other women who were with me, they prepared eat. When,  
22 no sooner we sat down to eat, the very first handful that I took  
23 did not even reach my mouth, then I heard right at my back  
24 somebody saying: "Sit down, sit down." I turned. Who appeared?  
25 What did I see? Was the clothing of a soldier. I did not wait  
26 for anything, wife, nor children, so I ran into the bush. I ran  
27 into the bush. So all of us started running away. They captured  
28 those that they were able to capture. That was the first thing  
29 that happened there.

1 Q. Mr Witness, at that time, the day Mamboma was attacked, if  
2 you know where was your brother Emmanuel?

3 A. He was with me, when that attack took place.

4 Q. And what happened after that, Mr Witness?

11:22:58 5 A. When we were in the bush, it was after seven, and the moon  
6 was shining. I saw a flashlight, the flash of a light towards  
7 where we were standing. It was I, Thomas Kobie, and one Pa  
8 Foyoh, we were standing at the same place, hoping that perhaps  
9 the children would come towards that part. So when I saw that  
11:23:39 10 flash, flashlight, so I whispered to Pa Foyoh and Kobie and I  
11 said that this was not an ordinary light. It would be one of the  
12 RUF that have come. So when I have said the word, all of us  
13 dispersed. I thought that my brother Thomas would have run.  
14 Little did I know that he did not run at all because he had  
11:24:10 15 problems with his eyes. At night he would not see properly and  
16 since we were in the bush he was not able to run, so he bowed  
17 down.

18 After that, that very RUF who was coming, he went and  
19 arrived at the place where we were and they captured Mr Thomas.  
11:24:37 20 He started beating him with the gun that he had in his hand  
21 because the distance where I was, see, I was listening to them.  
22 So he shouted in Mende. He said [speaks Mende] but I did not  
23 recognise the voice. I did not know that he was the one that was  
24 shouting, so I heard the voice saying that: Do you want to fight  
11:25:13 25 me? Are you fighting me.

26 Q. Pause there. So you said that the very RUF who was coming,  
27 he went and arrived at the place where you were. Who was this  
28 RUF, Mr Witness?

29 A. I did not know him, because the place was dark; we only had

1 a flashlight.

2 Q. And who shouted in Mende, Mr Witness? You said he shouted  
3 in Mende; who shouted in Mende?

4 A. Mr Thomas, because he was a Mende.

11:26:05 5 Q. And who said, Mr Witness, "Do you want to fight?" Who said  
6 that?

7 A. It was the RUF who captured him.

8 Q. And what exactly said in Mende, Mr Thomas, Mr Witness?

9 A. What Mr Thomas said?

11:26:25 10 Q. Yes.

11 A. He said, "Oh, I am dead." That was what he said. He said  
12 he was dead.

13 Q. What happened after that?

14 A. They started interviewing those that they captured. The  
11:26:51 15 RUF interviewed my father and all those that were captured, they  
16 started interviewing them. They used to ask them whether there  
17 was any Kamajor within that area. They said no. They started  
18 asking them, why were they running away and going into the bush.  
19 So they were having that interview. Later, they said that they  
11:27:18 20 were not going to do them anything. The rebels said they would  
21 not do anything to the civilians. They said, "Now, let your  
22 hearts be at rest", so the rebels said that, "Bring out the rice  
23 and meat so that you could cook and all of us could eat  
24 together."

11:27:43 25 PRESIDING JUDGE: Mr Werner, if this is a convenient point,  
26 we will take the mid-morning adjournment.

27 MR WERNER: It is, your Honour.

28 PRESIDING JUDGE: Mr Witness, we now have a break for half  
29 an hour until 12 o'clock. We start court again at 12. You hear

1 me?

2 THE WITNESS: Yes.

3 PRESIDING JUDGE: Very well. Please adjourn court until  
4 12.

11:28:16 5 [Break taken at 11.30 a.m.]

6 [Upon resuming at 12.00 p.m.]

7 PRESIDING JUDGE: Please proceed, Mr Werner.

8 MR WERNER: Thank you, your Honour:

9 Q. Mr Witness, before we proceed I would like to clarify one  
11:59:49 10 thing with you that you said this morning. You said that after  
11 you managed to escape from the group with Issa and Pikin, I asked  
12 you - and for my learned friend it's page 41, line 14, on the  
13 LiveNote and I'm using a 16 font I believe. You said - I asked  
14 you, "Where was Emmanuel?", and then you said that, "Emmanuel was  
12:00:24 15 still with them", with the RUF. Then later - and for my learned  
16 friend it's page 48, line 18, on the LiveNote, font 16 - I asked  
17 you when you were in Mamboma where was Emmanuel and at that point  
18 you said, "Well, Emmanuel was with me in Mamboma". So could you  
19 explain what has happened to Emmanuel in between.

12:01:00 20 A. Thank you. Well when he was with the RUF to carry the  
21 things that they had taken from the previous bush that they  
22 attacked, Emmanuel went with them right up to Motema and one  
23 thing which they said was that "A" was with them and they had  
24 promised Emmanuel that if he got there they would let him to see  
12:01:39 25 her and the two of them would talk to each other. So when he  
26 went, according to what he explained to me, he saw "A" and the  
27 two of them spoke to each other. He gave her words of  
28 encouragement and he was released to go back to meet us, that is  
29 Emmanuel, and he went back and met me in the bush and we were

1 together again. So, all of us travelled to Mamboma.

12:02:32 2 Q. Mr Witness, I know it is difficult and it's the first time  
3 you are testifying and it's translating in Krio, but it will help  
4 us if you can speak slowly and every time instead of using "he"  
5 or "them" you give the names of the persons, or the names of the  
6 group. That would help us, if you can. Now when you said,  
7 Mr Witness, that, "Emmanuel went with them right up to Motema",  
8 with whom did he go right up to Motema?

12:03:06 9 A. He and the RUF - because we were together when I escaped  
10 from the RUF and Emmanuel could not escape from the RUF so he was  
11 taken right up to Motema, but when Emmanuel and the RUF arrived  
12 in Motema they released him for him to return to us in the bush.

13 Q. Thank you, Mr Witness. Now, Mr Witness, you were telling  
14 us what was happening in Mamboma and you told us about a Thomas  
12:03:51 15 Kobie who was in Mamboma when Mamboma was attacked. Mr Witness,  
16 what if anything happened to Thomas Kobie in Mamboma on that day?

17 A. Yes, very serious. When the RUF captured Thomas Kobie in  
18 the bush and he was taken to Mamboma Town it was when the RUF  
19 started beating him up and after that, when they had realised  
12:04:45 20 that the Kamajors were already in town, Thomas Kobie was put in a  
21 house, they did that, together with everybody that the RUF had  
22 captured, they were all put - all of the civilians were put into  
23 a house and they shot Thomas Kobie in his right leg and it got  
24 broken.

12:05:09 25 Q. And, Mr Witness, how do you know about that?

26 A. It was after - that was in the morning now because they  
27 passed the night there. It was then that I was able to go to the  
28 town; that was after 8 in the morning. And when I went I did not  
29 only meet Kobie, I also met three people who were killed.

1 Q. And, if anything, what happened to Thomas Kobie after he  
2 was shot in the leg?

3 A. After the RUF had taken all of the civilians and they were  
4 put into the house there was a small boy, just about the age of  
12:06:19 5 three, when this boy saw the RUF, and they knew that we were  
6 running away from the RUF, so when he saw the uniform he started  
7 crying. He was crying continuously. His mother tried to give  
8 him words of courage but she did not succeed; same with the  
9 father. So one of the RUF fighters started yelling at the small  
12:06:59 10 boy for him to shut up his mouth. He continued this yelling and  
11 the father could not bear that any more and he said, "Look, this  
12 boy is afraid of your uniform. It is you the RUF that this boy  
13 is afraid of. That's why he's crying." And he said, "Why should  
14 he be afraid of us? Why should he fear us?", and the RUF started  
12:07:32 15 beating the small boy. They started beating him up. They were  
16 arguing; that is the RUF with the boy's father. They were  
17 arguing and all of them were arrested and taken into the house.

18 As this was going on one man entered, not knowing that the  
19 news had reached the Kamajors that the RUF had gone and attacked  
12:08:16 20 us in the bush in Mamboma Town, and they took off all their  
21 shoes. This very man who took the report to the Kamajors, the  
22 Kamajors took off their own shoes and they gave the shoes to that  
23 man for him to carry. The man was called SK and they headed for  
24 the town. But there was a man amongst them who was called Kai  
12:08:54 25 Sandy. He was the chief hunter. He stayed at the rear, him  
26 together with SK. So the Kamajors came and they besieged the  
27 town, but when SK and the chief hunter, that is Kai Sandy - but  
28 they did not know what had happened, that the Kamajors had  
29 surrounded the town. The chief hunter just entered the town like

1 that and he had his single barrel strapped at his back, so when  
2 he entered into the town he was asking - he said, "What has  
3 happened? What is going on? Why are you all sitting down like  
4 this?"

12:10:06 5 Then one of the rebels, they saw the single barrel at his  
6 back and they shouted. They said, "Oh, Kamajor. He's a  
7 Kamajor", and they opened fire at him, Kai Sandy. The rebels  
8 shot at Kai Sandy and he died. So because of this --

9 Q. Mr Witness, please pause there. Pause there just for a  
12:10:41 10 while. Now, Mr Witness --

11 JUDGE SEBUTINDE: Mr Werner, sorry to interrupt. Before I  
12 lose this point, there is something that the witness said at page  
13 53, I think. He says that they shot Thomas Kobie and you asked  
14 him, "Mr Witness, how do you know that?", and he says, "It was  
12:11:03 15 after. That was in the morning now. I was able to go down. I  
16 also met three people who were killed." I don't understand how  
17 you can meet people who were killed. Perhaps you could give  
18 clarification there. But also all this that the witness has said  
19 I don't know if this is what he saw, or he was told by Thomas  
12:11:32 20 Kobie or what.

21 MR WERNER: Thank you. I will try to clarify that, your  
22 Honour:

23 Q. So, Mr Witness, we will just try to take the events one  
24 after the other to clarify everything, if you can just bear with  
12:11:49 25 me.

26 A. Okay.

27 Q. So, first about Thomas Kobie. So you said that Thomas  
28 Kobie was shot in the leg and then I asked how did you know that  
29 and you said that you came the next morning. So now I'm trying

1 to understand what happened to Thomas Kobie, so could you explain  
2 to us what did you see when you came the next day in the morning?

12:12:45 3 A. Yes, I believe that was the point I was just about to come  
4 to because I wanted to make it clearly. Because it was night,  
5 you know, the RUF had taken all of the civilians and put them  
6 into a house because they knew the Kamajors were around. So that  
7 boy who was crying, one of the RUF guys entered the house and  
8 shot that Foyoh man in his chest and the bullet went out and  
9 caught Mr Thomas. I only came to realise this through my father,  
12:13:30 10 because he was the one sitting next to him. He was the one who  
11 explained to me exactly how it all went about.

12 Q. Thank you, Mr Witness. Now to be completely clear, were  
13 you in that house yourself when Thomas Kobie was shot in the leg?

14 A. No, I was in the bush close to them.

12:13:54 15 Q. And if you know what, if anything else, happened to Thomas  
16 Kobie on that day?

17 A. Yes, that morning, according to the mothers and my father,  
18 according to their explanation that when the rebels shot  
19 Mr Thomas in his leg he was not dead yet at that time, so they  
12:14:31 20 took a machete - the rebels took a machete and they hacked him on  
21 his neck. He still was alive right in the morning, right up to  
22 the morning he was alive. So in the morning when the rebels had  
23 realised that he was still breathing, he was not dead, was when  
24 one of them said that they were coming to dance the dance called  
12:15:04 25 Sokobana, and my father said that the rebels took the machete and  
26 he was hacked thrice in his head and his hands too and his legs,  
27 all were hacked and he died, Mr Thomas.

28 MR ANYAH: Madam President, I apologise for interrupting.  
29 Just so the record can reflect it, Mr Munyard has joined us at

1 the Defence bar.

2 PRESIDING JUDGE: Thank you, Mr Anyah. That's noted.

3 MR WERNER:

12:15:56

4 Q. First, Mr Witness, before you told us that the RUF attacked  
5 Mamboma and here you said that the rebels chopped Thomas Kobie.  
6 Who were these rebels, Mr Witness?

7 A. It was the RUF fighters.

12:16:21

8 Q. Now to be completely clear, because you spoke about your  
9 father and then you mentioned mothers. How do you know that  
10 after being shot in the leg Thomas Kobie was chopped on his body?  
11 Who told you that?

12 A. It was my father who explained everything to me.

13 Q. And how did your father know about that?

14 A. Because he too was captured.

12:16:43

15 Q. Yes, but how did he know about what had happened to Thomas  
16 Kobie?

17 A. How what?

18 Q. How did your father know what had happened to Thomas Kobie?

12:17:08

19 A. My father knew what happened to him because all of them  
20 were in the same room when his leg was shot.

21 Q. And how did he learn about the fact that later Thomas Kobie  
22 was cut with machetes? How did he know that, your father?

23 A. It was right in his presence that Mr Thomas was hacked by  
24 the RUF.

12:17:42

25 Q. And in the next morning what - you said that you saw Thomas  
26 Kobie. What exactly did you see?

27 A. I saw his corpse.

28 Q. And could you describe for this Court what you saw?

29 A. I saw wounds all over his body, in his head, everywhere was

1 having wounds. In that short moment his stomach was distended.

2 Q. Now, Mr Witness, when you were explaining what had happened  
3 to Thomas Kobie you mentioned another name, Foyoh. Who was  
4 Foyoh, Mr Witness?

12:18:40 5 A. Foyoh was the father of that boy who was crying.

6 Q. And what if anything happened to him, Mr Witness?

7 A. The RUF, one of them shot him in his chest and he died.

8 Q. And why did they do that?

9 A. They knew their reason best. That was the bitterness of  
12:19:17 10 war.

11 Q. And how did you learn about the death of Foyoh?

12 A. When I came from the bush, I saw Foyoh lying and Thomas too  
13 was lying and the others. It was because I saw them, that was  
14 how I came to know that he was dead.

12:19:42 15 Q. But you told us that he had been shot. How did you know  
16 that Foyoh had been shot?

17 A. I only knew that through the civilians who were present  
18 when this incident occurred and, in fact, when he was shot I  
19 heard - I heard him shout. Only once I overheard that. I only  
12:20:17 20 heard that once.

21 Q. And where were you when Foyoh was shot?

22 A. I was still in my hiding place.

23 Q. Now, Mr Witness, before - and I'm referring to page 53,  
24 line 2 of the LiveNote and that was following Justice Sebutinde's  
12:20:39 25 question - you said that you met three people when you went out  
26 of the bush who were killed. Who were these three people that  
27 you met?

28 A. I saw Foyoh - Joseph Foyoh - I saw Kai Sandy and Thomas  
29 Kobie.

1 Q. And you told us what had happened to Joseph Foyoh and  
2 Thomas Kobi e. Now what, if anything, did you learn about what  
3 had happened to Sandy?

4 JUDGE LUSSICK: Didn't he also tell us that? He's told us  
12:21:27 5 all that.

6 MR WERNER: Yes, your Honour:

7 Q. So what else, if anything, did you learn about Sandy on  
8 that day?

9 A. Yes, Kai Sandy, because he was a Kamajor the rebels cut his  
12:21:58 10 head off and his private part too was cut off. The rebels did  
11 that. They put the head on a stick, on a tripod like, and --

12 THE INTERPRETER: Your Honours, can the witness repeat  
13 this.

14 PRESIDING JUDGE: Mr Witness, the interpreter needs you to  
12:22:28 15 repeat part of your answer. You said, "They put the head on a  
16 stick, on a tripod like --" Please continue from there.

17 THE WITNESS: A tripod, yes.

18 PRESIDING JUDGE: And just for purposes of record, counsel  
19 may have noted that the witness has demonstrated by crossing his  
12:22:47 20 arms at the wrist. Please continue, Mr Witness.

21 THE WITNESS: They made a tripod. Three sticks were tied  
22 together. So when the rebels cut his head off, they took it and  
23 put it on that tripod and his private part too was cut off and it  
24 was hung on that tripod. That was what the rebels did to him.

12:23:27 25 MR WERNER:

26 Q. And how did you know about that, Mr Witness?

27 A. I saw it with my eyes.

28 Q. And did you learn why the rebels did that?

29 A. They were the only ones who knew their reason.

1 Q. Now, Mr Witness, you told us before about someone called  
2 SK. If anything, what happened to SK?

3 A. SK too was killed by the rebels. It was only when we went  
4 down by the river was when we saw his corpse by that river, but I  
12:24:20 5 did not see any bullet marks on him. They used knife - knives to  
6 kill him.

7 Q. And how did you learn that it was the rebels who killed SK?

8 A. They were the ones who had attacked.

9 Q. Now, Mr Witness, as far as you know how many people - how  
12:24:45 10 many civilians - sorry, I will rephrase. How many people who  
11 were attacked were killed by the RUF on that day in Mamboma?

12 A. Six people. Six civilians.

13 Q. And you told us about Thomas Kobie, Sandy, Foyoh and SK.  
14 Who were the other two who were killed on that day?

12:25:08 15 A. There was a suckling mother, together with her child. The  
16 rebel killed her.

17 MR WERNER: And I believe that the witness gave a name, if  
18 I'm not mistaken:

19 Q. Did you give a name, Mr Witness?

12:25:36 20 A. About the suckling mother? I did not know her name, nor  
21 the child.

22 Q. And how did you know that they were killed by the RUF?

23 A. Well, I got the story through my father when I saw him in  
24 Motema Town and he said, "My son, did you see that suckling  
12:26:03 25 mother?", and I said, "Yes, we saw her". Then other people who  
26 later went to Mamboma that very day, they told us. They said  
27 they were about climbing up the hill and that woman had just  
28 delivered her baby about ten days and the rebels took a five  
29 gallon container having palm oil in it to go with it. She was

1 carrying it on her head and as they got up to the hill the woman  
2 said she was tired. They asked her if indeed she was tired and  
3 she said, yes, she was tired. He asked her for the container and  
4 the rebels took it from her and they said, "Well, because you  
12:27:17 5 said you are tired you are not going anywhere further than here.  
6 You are going to be here", and they shot the suckling mother in  
7 her chest and the baby was strapped at her back and so the two of  
8 them dropped at the side of the road.

9 Q. And who shot the suckling mother and the baby, Mr Witness?

12:27:42 10 A. One of the RUFs.

11 PRESIDING JUDGE: Just pause, Mr Witness.

12 MR ANYAH: I stand to be corrected, but having reviewed all  
13 the disclosures we've been given in respect of this witness this  
14 information appears nowhere; the information concerning the death  
12:27:56 15 of this suckling mother. I'm not talking generally about  
16 information concerning the death of six persons. I'm talking  
17 about this specific information. To the extent there are any  
18 notes of interviews relayed - with information relayed by this  
19 witness concerning these events, we would like to receive them.

12:28:18 20 PRESIDING JUDGE: Mr Werner, can you assist?

21 MR WERNER: Your Honour, the witness - the disclosure said  
22 that six persons were killed on that day in Mamboma.

23 PRESIDING JUDGE: So, are you confirming that the detail  
24 recited by this witness was not included in that?

12:28:33 25 MR WERNER: Not this one, your Honour, yes.

26 PRESIDING JUDGE: There's nothing within the control of the  
27 Prosecution to disclose, Mr Anyah.

28 MR ANYAH: I understand the remedy we could bring forth  
29 before the Chamber, which is an application to commence and

1 continue, if you will, the examination. That would not be  
2 necessary in this circumstance, but this is a recurring pattern.  
3 I have made a similar request of the Prosecution perhaps within  
4 the last week in respect of a previous witness, and we just wish  
12:28:58 5 to make the record clear that there will come a time when it will  
6 implicate a more important witness and at that time your Honours  
7 will be receiving from us an application for an adjournment. I  
8 know it's not before your Honours now, but this is a recurring  
9 problem in this case so far.

12:29:15 10 PRESIDING JUDGE: We have taken note of what you've said,  
11 Mr Anyah, and we will deal with that as it arises. Mr Werner,  
12 please proceed.

13 MR WERNER: Thank you, your Honours:

14 Q. Now, Mr Witness, you said that some people climbed the  
12:29:38 15 hill. Who are these people, Mr Witness?

16 A. When the rebels had captured the civilians, they were on  
17 the way going and it was a hilly place. There is a hill close to  
18 the town and so the town is in a valley, so it was that very hill  
19 that the rebels and the civilians were climbing because they had  
12:30:10 20 been captured and they were taking them away.

21 Q. Thank you, Mr Witness. Now, you told us about your father.  
22 What happened to your father, as far as you know, on that day in  
23 Mamboma?

24 A. When the rebels entered Mamboma Town, my father was then  
12:30:42 25 over 65 years old. He could not run and when we were walking in  
26 the bush he had had thorns in his feet. So when he was captured,  
27 according to what my father told me, the rebels said that all the  
28 men were to be wounded in their heads. They should use the  
29 weapons that they had - the guns. So one of the rebels hit my

1 father in his head and the other man said, "Hit him again", and  
2 he was hit again in his head. No blood came out of his head and  
3 the other one said, "What are you doing? Hit him until blood  
4 oozes from his head", and he was hit again and there was a cut in  
12:31:49 5 his head and my father dropped down.

6 Q. Now, Mr Witness, you told us about the people who were  
7 killed in Mamboma on that day. You told us that some people had  
8 been taken away and you told us what happened to your father. If  
9 you know, what else happened on that day in Mamboma?

12:32:20 10 A. So after that, that very first day we were afraid as  
11 civilians. The next day we returned and we buried Mr Thomas, Kai  
12 Sandy and Foyoh. We put them in the same pit and buried them.

13 Q. Now, Mr Witness, you told us about a house where all the  
14 civilians had been placed. What, if anything, happened to that  
12:33:01 15 house?

16 A. Yes, that very house was burnt. It was burnt in the  
17 morning. When they had - when they had taken the civilians out  
18 of the house, that was the time that the rebels burnt the house.

19 Q. And at that time did they do anything else?

12:33:30 20 A. Well they took some of the civilians, including my father.  
21 It was not only that, but in the morning they entered into the  
22 bush, the rebels. They went in search of civilians. They said  
23 anywhere where civilians were they would take them out. So that  
24 night that they entered they were not able to capture my first  
12:34:05 25 son, they did not capture Emmanuel, but in the morning that they  
26 went into the bush that was the time that they caught that of my  
27 child Thomas Bull and that was the time that they captured  
28 Emmanuel and other people and they took them away.

29 Q. And how long did your child stay with the rebels,

1 Mr Witness?

2 A. Well, it was unfortunate [sic], it was only ten days that  
3 he spent with them.

4 Q. And what about Emmanuel?

12:35:00 5 A. Emmanuel was with them for some time.

6 Q. Now, Mr Witness, what happened to you after that?

7 JUDGE SEBUTINDE: Mr Werner, why did the witness say it was  
8 unfortunate, it was only ten days he spent with them?

9 MR WERNER: I'm going to clarify:

12:35:25 10 Q. Mr Witness, you said that - I asked you how long was your  
11 child held by the rebels and you said that it was unfortunate, it  
12 was only ten days. What did you mean when you said that?

13 A. Well, the rebels captured people. The civilians were in  
14 their hands over one year but my own child, together with my

12:35:54 15 father, they went to one village which was attacked by the  
16 Kamajors - where the rebels attacked --

17 THE INTERPRETER: Your Honours, would the witness be  
18 instructed to go slow.

19 PRESIDING JUDGE: Mr Witness, you're going too quickly for  
12:36:11 20 the interpreters. Please pick up your answer, saying, "They went  
21 to one village which was attacked by the Kamajors." Continue and  
22 speak slowly, please.

23 THE WITNESS: Okay. When they had come from Njaiama with  
24 the rebels they went to one other village and that village,  
12:36:41 25 Kamajors came to know that they had established there and the  
26 Kamajors went and attacked the rebels. It was from there that my  
27 father, he said he held my child's hand and they escaped into the  
28 bush.

29 MR WERNER:

1 Q. Mr Witness, why did you say that it was unfortunate that it  
2 was only ten days?

3 A. I said - I said he was fortunate. He was so lucky enough.

12:37:23

4 Q. Thank you, Mr Witness. Now, how long did your father stay  
5 with the rebels?

6 A. He was with them for ten days, according to what he told  
7 me.

12:37:45

8 Q. And you spoke about Njai ama and I believe that it's a  
9 correct spelling in the LiveNote. What, if anything, did your  
10 father tell you about what happened in Njai ama?

11 A. Njai ama? Njai ama Nimi koro.

12 Q. Yes, thank you.

12:38:10

13 MR WERNER: I will then propose a spelling. I think it's  
14 already in the record but the spelling we have is N-J-A-I-A-M-A  
15 and Nimi koro is already spel t.

16 THE WITNESS: Yes, that's Njai ama Nimi koro.

17 MR WERNER:

18 Q. What if anything were you told by your father about what  
19 happened in Njai ama Nimi koro?

12:38:31

20 A. Well, the only thing that he explained to me, he said when  
21 they and the rebels arrived in Njai ama they found their commander  
22 who was called Bai Bureh. He said it was he that they met in  
23 Njai ama, and he said all that had been taken from us, the rebels  
24 from Mamboma, the rebels gave him his own share and the rebels  
25 took the balance of - the rest of the things amongst themselves.  
26 That was what he told me.

12:39:07

27 Q. And, Mr Witness, when you said that he said they met in -  
28 sorry, "He said that all they had taken from us", what are you  
29 talking about? What was taken from you?

1 A. Well, when the rebels entered Mamboma, Mamboma Town, the  
2 way we lived in Mamboma Town, when we met the people, the  
3 civilians that I met in Mamboma Town the very day that I entered,  
4 they had a lot of goods. The village was little but there were a  
12:39:54 5 lot of goods. Some civilians had goats with them, sheep and  
6 clothing. Like for me, I was famous in that town. Even when I  
7 was in the bush people had been shouting my name. They said,  
8 "Fellow, come and join us", because I had money with me. By then  
9 it was a good sum of money which was more than a million and I  
12:40:25 10 had a good camera. Now I had a very good camera which I was  
11 using and I was not able to produce a single picture. All that  
12 was taken from me. This was the property that the rebels took  
13 along.

14 Q. Now, Mr Witness, you told us about someone called Bai Bureh  
12:40:53 15 and I'm just going to check the spelling on the LiveNote but I  
16 can see that it's correctly spelt. Mr Witness, who was Bai  
17 Bureh?

18 A. Well, Bai Bureh was part of the RUF. He was their  
19 commander.

12:41:16 20 Q. And how did you know that Bai Bureh was part of the RUF?

21 A. Yes, my father explained to me, because the RUF who went  
22 and attacked my father and the other civilians, they all  
23 confirmed that to me and then they met the civilians at Njaiama  
24 and they met that man at Njaiama and even when I went to  
12:41:47 25 Magburaka I heard about his name, that he was one of the  
26 commanders, the RUF commanders, so I believed that he was also an  
27 RUF.

28 Q. What happened to you after that, after what happened in  
29 Mamboma?

1 A. Well, in Mamboma things were terrible because everything  
2 had gone. Not even half property remained, except a single pair  
3 of trousers and one shirt. My own wife had only a single cloth,  
4 no dress as she went to the middle of the bush, Mamboma. There  
12:42:36 5 we were lying. Sometime we heard an announcement from the radio,  
6 that was on Focus. It was said that the ECOMOG had entered  
7 Njaiama Nimikoro - Njaiama Sewafe, up to Nimikoro, up to Motema,  
8 so we ourselves decided that well, we shouldn't waste any time,  
9 we should try to go so that we would not be captured there again,  
12:43:14 10 so we went to Motema.

11 Q. Mr Witness, do you remember when you went to Motema?

12 A. Yes, I can recall. It was 5 May 1998. That was the time  
13 that we entered Motema. The day that we left, that was the day  
14 that we reached.

12:43:39 15 Q. And just one more clarification: You said before that from  
16 the radio that was on Focus. What is Focus, Mr Witness, could  
17 you explain?

18 A. Focus, Focus on Africa. We used to get news from that and  
19 everybody was eager to listen to that news.

12:43:57 20 Q. And do you know which radio was Focus on Africa  
21 broadcasted?

22 A. BBC.

23 Q. So, Mr Witness, when you went to Motema on 5 May 1998 who  
24 if anyone was in Motema at that time?

12:44:22 25 A. When we arrived there we met the ECOMOG in Motema.

26 Q. And if you know at that time, where else was ECOMOG  
27 deployed at that time?

28 A. They were right at the boundary, Njaiama Sewafe, right up  
29 to Kokuima. When I entered there that was the place that they

1 were located.

2 Q. And what did you do when you arrived in Motema?

3 A. Well, I and my people, we went to ECOMOG. They saw us and  
4 they allowed us and we went through. So I went to one of our

12:45:15 5 houses that remained, which was not burnt at all, so there I was.  
6 It was one unfinished storey building. One unfinished storey  
7 building.

8 Q. And do you know the address in Motema of that building?

9 A. Yes, it's on the main highway, Masingbi Highway, number 6  
12:45:50 10 main Masingbi Highway, Motema, Kono District.

11 Q. And then what happened when you went to this house,  
12 Mr Witness?

13 A. I was already in the house and a lot of houses had been  
14 burnt in Motema so that was the only house which was big, so I  
12:46:15 15 had had to accommodate a lot of people, as a matter of fact, so  
16 there we were. But when we were staying there we had heard  
17 another attack in that very house.

18 Q. So, Mr Witness, this other attack, when did that take  
19 place, if you know?

12:46:40 20 A. Yes, it was on 12 June 1998.

21 Q. And on that day where were you staying?

22 A. I was staying in Motema and in the very house.

23 Q. And on that day, on 12 June, how many people stayed in that  
24 house?

12:47:04 25 A. As a matter of fact I had just been lodging civilians, but  
26 we were many in the house. Roughly, as a matter of fact, we were  
27 a little bit over 50 people.

28 Q. And why were so many people in your house on that day,  
29 Mr Witness?

1 A. One thing, the houses that were in Motema had been burnt.  
2 There was no house that could shelter people again in Motema and  
3 it was the only house which was left at the junction, which was  
4 on the main Masingbi Highway, and it was a very big house, it has  
12:47:57 5 a lot of big rooms and there are a lot of big rooms and parlours,  
6 so we did not just say that we should only accommodate people  
7 that were married, so we had just been lodging people because  
8 there was no place for people to sleep. That was why we were so  
9 many in that house.

12:48:18 10 Q. And you say that Motema was attacked. Who attacked Motema,  
11 Mr Witness, on that day?

12 A. The rebels. They are the ones that attacked Motema.

13 Q. And then what happened when that attack took place?

14 A. Well, when the attack occurred they killed civilians, as a  
12:48:48 15 matter of fact. They killed civilians. They wounded some. They  
16 damaged them. Some, right now as I'm testifying, they are  
17 amputees, those that are wounded.

18 Q. So, Mr Witness, we will go slowly. When the attack took  
19 place exactly where were you? We understand you were in the  
12:49:15 20 house, but where in the house were you when the attack took  
21 place?

22 A. I was upstairs.

23 Q. And what happened, Mr Witness?

24 A. Well, when the attack occurred, I said the people were  
12:49:36 25 killed, civilians, and the following morning the people - the  
26 rebels did not even go early. They were there up to dawn. Even  
27 during the day they were able to kill one individual. It was not  
28 until when the armoured car that was in Koidu went there that  
29 morning before they dispersed.

1 Q. Mr Witness, when you were upstairs in that house and you  
2 said that the rebels attacked what, if anything, happened to you  
3 when you were upstairs in that house?

4 A. Well, when I was upstairs, you know, initially we heard the  
12:50:38 5 firing which was so heavy. Later we had instructions to go and  
6 lie down, but later, around 4 o'clock, we heard another heavy  
7 firing so I came out into the parlour.

8 Q. Just wait there, Mr Witness. When you say first you heard  
9 firing and then you said, "Later we had instruction to go and lie  
12:51:07 10 down", who gave you this instruction, Mr Witness?

11 A. That was the ECOMOG.

12 Q. And what happened then when you heard a second time heavy  
13 firing?

14 A. I came into the parlour, because I was in one room. I came  
12:51:30 15 into the parlour. I leaned against the window, looking outside  
16 towards the street, and then I looked up where the ECOMOG  
17 deployed and I saw them retreating, pulling out. They crossed  
18 the line and then there were people behind them. They had been  
19 coming down. I did not know that it was a battle. But finally,  
12:52:06 20 you see, when I saw the other group crossing the line going,  
21 which was the ECOMOG, I was still in the parlour observing what  
22 had been happening because there was nowhere to go. So I turned  
23 behind. All of a sudden I saw somebody coming with a light on  
24 his forehead. I turned, I saw him. I myself ran. I ran and  
12:52:39 25 went and shouted to my wife and other people that were in the  
26 house. I said we should go, they had entered.

27 Q. Sorry to interrupt you, Mr Witness. Who entered the house,  
28 as far as you knew at that time?

29 A. It was one of the fighters who was against the government.

1 Q. And when you say "one of the fighters who was against the  
2 government", what do you mean?

3 A. The RUF.

12:53:17

4 Q. And what happened when the fighter was in the house? What  
5 happened, if anything?

12:53:46

6 A. Yes. I went into the room and I heard one of my grandma,  
7 who was called Ma Gbojo, she also had been coming out of one of  
8 the rooms, so I heard a gunshot. She did not even shout. So I  
9 myself, when I had heard that, I jumped through the window. When  
10 I jumped I heard my wife saying that SB has gone, it's true. So  
11 they also jumped through the windows, because I showed them how  
12 to escape in case of any attack.

12:54:12

13 MR WERNER: Just pause there, Mr Witness. The witness gave  
14 a name and the name - we have a spelling for that name but it was  
15 not clear on the LiveNote. Do you want me to ask the witness  
16 again?

17 PRESIDING JUDGE: Yes, please ask him. It's a grandmother,  
18 is that it?

19 MR WERNER: Yes, your Honour.

12:54:21

20 Q. Mr Witness, what was the name of the grandmother who was on  
21 the floor in the house?

22 A. It was Ma Gbojo.

23 MR WERNER: Your Honour, the phonetic spelling we have  
24 would be M-A G-B-O-J-O:

12:54:48

25 Q. Mr Witness, on that day what if anything happened to Ma  
26 Gbojo?

27 A. Well, she was killed by the RUF.

28 Q. And how did you know about that?

29 A. I saw her body and we were the ones that buried her.

1 Q. And what happened when you left the house? What happened,  
2 if anything?

3 A. Yes. Well, when we left the house I did not go that far at  
4 all because I left my children and my wife behind, so I'd planted  
12:55:35 5 some bananas by the house, so there I went and hid because they  
6 used to tell us that in case of any attack you should - when you  
7 are in a thicket of bananas, they said even if they shoot you  
8 would not be caught by bullets. There I went and I lay down.

9 Q. Mr Witness, who said that about the banana? Who said that  
12:56:02 10 to you?

11 A. If somebody lay in a thicket of bananas you would not be  
12 caught by bullet?

13 Q. Yes, yes.

14 A. Well, that was something that our people had been telling  
12:56:21 15 us for long. It was in our ears.

16 Q. And what happened when you went into the garden?

17 A. There I lay up to the time that day almost broke. All the  
18 people that were captured by RUF that were upstairs and  
19 downstairs they brought them down. They went downstairs because  
12:56:53 20 it was a cellar, because there was only one way out and they  
21 fired. They fired at my uncle. He had his child in his hands.  
22 So he was shot at and they dropped. They fired at his wife, but  
23 they fired at his wife on her buttocks but she did not die. She  
24 - they fired at her daughter and they broke her clavicle and the  
12:57:32 25 rest of the people were asked to queue and they were asked to sit  
26 down on the floor. So they were there some time.

27 This Sandy that I had been talking about, his son was there  
28 and his name was Daniel Sandy. One of the RUFs asked him, he  
29 said, "You, go for a machete." So he himself went up, upstairs.

1 He did not search for a machete. He came down. He said, "I have  
2 not seen a machete." He shouted at him again, "Go and search for  
3 a machete. Let us come and cut off their hands." He did not  
4 come down any more.

12:58:20 5 Q. Just pause there, Mr Witness, please. First, could you  
6 explain to this Court what was the proximity of the place with  
7 the bananas where you were to the house, your house? What was  
8 the distance?

9 A. If I can measure the length, the distance, it's like from  
12:58:46 10 that end just a little bit after this building. There the banana  
11 trees were, because the house was long but it was right in front.  
12 So the distance - they started queuing the people like from here  
13 to down that place there and I was lying down, so I was listening  
14 to them and I had been seeing them.

12:59:19 15 MR WERNER: Your Honours, we were wondering if you have the  
16 measurement of the courtroom because that's what the witness  
17 said. If not we will propose an estimate.

18 PRESIDING JUDGE: I don't recall it being recorded. Madam  
19 Court Attendant, can you assist?

12:59:32 20 MS IRURA: Your Honour, we don't have the measurements of  
21 the courtroom, but we can find out.

22 PRESIDING JUDGE: Have you got a tape there? We can do  
23 it --

24 MR WERNER: We would say it's about 30 metres.

12:59:48 25 PRESIDING JUDGE: Mr Anyah, is 30 metres acceptable?

26 MR ANYAH: I work in feet and I estimate it to be 35 feet.

27 PRESIDING JUDGE: That's an amazing difference between  
28 metres and feet. One is roughly a third of the other. So it  
29 would be about --

1 MR WERNER: Well, your Honour, I think we would say more 15  
2 metres.

3 PRESIDING JUDGE: That's 45 feet.

4 JUDGE SEBUTINDE: Mr Werner, what are you estimating,  
13:00:23 5 because the evidence is there was a queue from where the witness  
6 is sitting up to that wall behind Mr Taylor - I think this is how  
7 I understood the evidence. And then he said from where he was  
8 hiding up to where this queue began was of an equal distance on  
9 the other side. So what are you estimating? That is for the  
13:00:46 10 record.

11 MR WERNER: In my understanding was that that makes the  
12 length of the courtroom, but maybe I misunderstood.

13 PRESIDING JUDGE: I thought it was something different. He  
14 said a little bit after this building, and I thought the building  
13:00:57 15 as a whole, so perhaps we could clarify.

16 MR WERNER: I may ask the witness. The witness may be able  
17 to estimate.

18 PRESIDING JUDGE: Yes.

19 MR WERNER:

13:01:06 20 Q. Mr Witness, are you conversant with metres or feet?

21 A. Yes, I am conversant with feet.

22 Q. Mr Witness, are you able to tell the Court from the place  
23 you were in the banana garden to the house, your house where you  
24 were on that day, are you able to tell this Court the distance?

13:01:38 25 A. Yes. The distance between the house and the bananas, it  
26 was not more than 50 feet at all.

27 Q. Thank you, Mr Witness. I apologise, I should have asked  
28 the witness directly. Now, Mr Witness - your Honours, can I have  
29 just one second to go back to the LiveNote. Mr Witness, you

1 spoke about your uncle and you said, "They fired at my uncle."  
2 It's LiveNote page 75, lines 10-11. Who fired at your uncle,  
3 Mr Witness?

4 A. It was the rebels that went and attacked.

13:02:44 5 Q. And who was your uncle?

6 A. Aiah Sandy.

7 Q. And are you able to spell the first name for us, Aiah,  
8 Mr Witness?

9 A. Yes, A-I-A-H. Aiah.

13:03:14 10 Q. And then you said that he had a child in his hands and he  
11 was shot and they dropped. So, Mr Witness, first when you said  
12 "they fired at my uncle", what if anything happened to your  
13 uncle?

14 A. He died. He died. He and the child.

13:03:41 15 Q. And how do you know that?

16 A. When the ECOMOG had come to the scene, we did not see him  
17 around at all, so we went into the house, we met him there lying  
18 down, he and the baby. The baby was lying on his chest.

19 Q. And then you said that they fired at his wife. Who fired  
13:04:09 20 at his wife?

21 A. The same rebels.

22 Q. Then you said she did not die, but they fired on her  
23 buttocks. How did you learn about that?

24 A. Well, she was admitted at the hospital and they extracted  
13:04:33 25 the bullets from her body.

26 Q. And how did you learn about that?

27 A. I went and met her at the hospital and it was we that took  
28 her outside.

29 Q. Now, then on the next line you talked about a daughter and

1 you said they broke her clavicle. Who did that, Mr Witness?

2 A. Yes, it was the rebels that broke Mary's clavicle.

3 Q. And how did you learn about that?

13:05:20

4 A. I saw the clavicle being broken and, if you see the child  
5 now, you will see that the clavicle is lopsided.

6 Q. Now later, Mr Witness, you said that, "One of the RUF asked  
7 him", and you were talking about Daniel Sandy and I'm on LiveNote  
8 page 75, line 20. You said, "One of the RUF asked him, Daniel  
9 Sandy, to go for a machete". Who was that RUF, if you know?

13:05:46

10 A. Well, I came to know him that his name was Fayah.

11 Q. And would you be able to spell that name for the Court?

12 A. Well, it is a Kissi name. F-A-Y-A-H. This is the way I  
13 would spell it.

13:06:24

14 Q. Now, Mr Witness, what happened after that when you were in  
15 the banana garden? What else happened, if anything?

16 A. Well, daybreak what made me to come out of the banana  
17 garden. I went and I rushed and lay in a pit that I had dug,  
18 about three pits, so as to sell petrol which my father had been  
19 supplying me, but we had not yet buried the tanks at all. So I  
20 went and lay there, okay? So after that I heard a voice, a voice  
21 saying, "Let me go and ask my master what should be done to these  
22 people". After some time it was then that the very person that  
23 spoke came down, but when he said, "Let me go and ask", he went  
24 up. He came down.

13:07:03

25 Q. Just pause here, Mr Witness. When you say "He went up",  
26 where did he go?

27 A. The house was a cellar and so he went upstairs. He passed  
28 round.

13:07:40

29 Q. Are you talking about the same house where you were?

1 A. The same house. The same house.

2 Q. And then what else did you hear, if anything?

3 A. When he came down the rebel said, "Master said 'Operation  
4 No Living Thing'", and so they started firing at people, the  
13:08:26 5 civilians.

6 Q. And who started firing at people, Mr Witness?

7 A. Well, it was only the gun sound that I was hearing. I was  
8 only hearing the sound, but I actually heard the voice that said  
9 that "Operation No Living Thing". It was not one individual,  
13:08:51 10 they were many, and so I just heard sporadic firing.

11 Q. And again to be completely clear, where were you when you  
12 heard this sporadic firing?

13 A. I was in the pit which I had dug.

14 Q. And then what happened, Mr Witness?

13:09:18 15 A. It was then that the armoured car that was in Koidu came.  
16 When it came the ECOMOG, they themselves, they had some machines  
17 at Senesie Street junction at Motema. They themselves were  
18 standing there and they starting shelling up the hill. The  
19 people stood there shouting. Any gunshot, the people started  
13:09:59 20 shouting, "Overhead, overhead", up to the time that the armoured  
21 car came. So they were afraid and they went away.

22 Q. So first, Mr Witness, when you talk about an armoured car,  
23 which armoured car are you talking about?

24 A. Well, the ECOMOG had one weapon that they used. It was in  
13:10:25 25 one machine which had a truck beneath it. So they came with it  
26 from Koidu to come and drive the rebels out of Motema, so I heard  
27 the people calling it armoured car.

28 Q. And when you say, "So they were afraid and they went away",  
29 who are you talking about?

1 A. The rebels. The rebels. They were the ones who ran away.  
2 They went because they were only afraid of that armoured car.  
3 They said they were not afraid of any free kick.

13:11:09 4 Q. Now, Mr Witness, what if anything did you see on that day  
5 in Motema after the ECOMOG came?

6 A. Well, I went out - I came out because the civilians had  
7 already come to come and see what would have to happen. Some  
8 people felt that I had even died, so I came there. When I came  
9 what I saw, I saw corpses - corpses of civilians. Some other  
13:11:47 10 people were yelling. Some that were fired at who did not die had  
11 been shouting. Those are the ones that I saw.

12 Q. When you say, "I saw corpses of civilians", can you explain  
13 exactly what you saw, Mr Witness?

14 A. Their bodies. I said their bodies were lying down on the  
13:12:17 15 ground. They were killed by the RUF.

16 Q. And how many bodies did you see, Mr Witness?

17 A. Those that I saw, those that were killed in that house and  
18 the other neighbouring house, they were 21.

19 Q. Now, Mr Witness, before you said that "The people were  
13:12:43 20 taken outside the house" and now you said "Those who were killed  
21 in that house". Could you explain what you meant?

22 A. Yes, because that house was not the only house, but where  
23 the ECOMOGs were based, the house which was there, they killed  
24 two civilians. The rebels killed two civilians there. And then  
13:13:15 25 we had one small petrol station close to the house by the  
26 highway. They killed one woman. The rebels killed one woman  
27 there. Then after that there was another house at the opposite  
28 side, up. They killed one boy there. That's in the morning.  
29 They killed one boy. With the rest of the people that were in

1 the house, the house where I was, they killed them there. About  
2 17 people in my own house. They killed 17 people in my own house  
3 and the rest of the people were killed in the neighbouring  
4 houses.

13:13:57 5 Q. And how do you know, Mr Witness, that they killed 17 people  
6 in your own house?

7 A. Yes, because they killed two where the ECOMOG were and then  
8 they killed one at the petrol station which summed up to three --

9 PRESIDING JUDGE: Mr Witness, please pause. The question  
13:14:24 10 was how did you know that they killed 17 in your house.

11 THE WITNESS: Okay, because they were 17 that we took out  
12 of the house.

13 MR WERNER:

14 Q. And what happened with these corpses, Mr Witness?

13:14:44 15 A. Well when the ECOMOG had come and they had made a snapshot  
16 of them, the chief asked us, the civilians, to go and dig a hole  
17 and bury them, so we buried them.

18 Q. And who buried them, Mr Witness?

19 A. I was one of them.

13:15:15 20 Q. And can you remember the names of anyone that you buried on  
21 that day?

22 A. Yes, sir. I knew six people who were my own family members  
23 who were Aiah Sandy, Dorcos Sandy, Sia Sandy, we were of the same  
24 family, and Ma Gbojo, then with one other Komba Modeneh and then  
13:16:03 25 with Kadiatu Lebbie. These were the six whose names I knew and  
26 who were my relatives.

27 MR WERNER: Your Honours, about the names, Ma Gbojo was  
28 already spelt. I believe Aiah Sandy, Aiah was spelt as well.  
29 For Sia Sandy we would propose S-I-A, for Dorcos Sandy we would

1 propose D-O-R-C-O-S and for Komba Modeneh we would propose  
2 M-O-D-E-N-E-H and for Kadiatu Lebbie, Lebbie we would propose  
3 L-E-B-B-I-E:

13:17:01

4 Q. Now, Mr Witness, you told us that a number of people had  
5 been killed. If anything, what else happened to civilians on  
6 that day?

13:17:38

7 A. Well even when the rebels came, before they left they even  
8 captured some civilians and went with them. Even this Aiah Sandy  
9 who was killed by the rebels, one of his daughters who was called  
10 Anna Sandy, who were all with me, she was captured. By then my  
11 wife had been selling fish and so we had one basket of fish.

13:18:07

12 They took it and put it on her head so that they could go up the  
13 hill. Well, with the help of God it was on the way that the  
14 child was able to throw the basket of fish and escaped and there  
15 was also one of my aunts who was called Yei Nembeh. She also -  
16 it was only after the other day that we were able to see her.

17 Q. Mr Witness, are you able to spell for the Court Yei Nembeh?

18 A. Well, Yei is Y-E-I and the Nembeh is N-E-M-B-E-H.

19 Q. Now, Mr Witness, do you know anyone called Tamba Mondeh?

13:18:47

20 A. Yes, I know Tamba Mondeh.

21 Q. What, if anything, did you learn around that time about  
22 Tamba Mondeh?

13:19:15

23 A. Tamba Mondeh, he himself was in the house. I lodged him  
24 through my dad because I did not know him before. So he himself,  
25 he had a bullet wound in his mouth. He also was part of the  
26 people that were captured and taken away.

27 MR WERNER: Your Honours, Mondeh we would spell it

28 M-O-N-D-E-H.

29 THE WITNESS: Mondeh, it's Mondeh. M-O-N-D-E-H.

1 MR WERNER:

2 Q. Now, Mr Witness, you told us before that you heard someone  
3 saying, "Master had said Operation No Living Thing." What if  
4 anything did you learn about who was "Master"?

13:20:04 5 A. Well, yes, sir, the only time - should I explain? The only  
6 time that I came to know about that very Master that somebody has  
7 been talking about was 1999. That was the time that I came to  
8 know that Master that very boy that has been talking about.

9 THE INTERPRETER: Your Honours, would the witness be  
13:20:32 10 instructed to repeat the name, the last name that he called.

11 PRESIDING JUDGE: Mr Witness, the interpreter needs you to  
12 repeat the name. Please repeat the name you mentioned.

13 THE WITNESS: Fixo Bio.

14 MR WERNER: I believe the witness said Fixo Bio, but I can  
13:20:51 15 ask him again:

16 Q. Could you repeat that name, Mr Witness?

17 A. They used to call him Fixo Bio. Fixo.

18 Q. Mr Witness, who was Fixo Bio?

19 A. Fixo Bio was one of the RUF commanders.

13:21:15 20 Q. And how did you learn - how did you know that?

21 A. Well, I only came to know about him in the year 1999 when  
22 they came and occupied Kono. I met him in Motema as RUF.

23 Q. And as far as you know where was Fixo Bio the day the  
24 killing happened in Motema?

13:21:45 25 A. Fixo Bio, he was the very man who was the commander of that  
26 particular operation which was done during that day.

27 Q. And how did you know that Fixo Bio was there on that day?

28 A. Well, one of the proofs was that when they went and caused  
29 that particular havoc in the house they did not leave too early.

1 They were there up to almost 7 o'clock in the morning and the  
2 place was clear and we used to see them with our eyes. When they  
3 had been shouting overhead until they left.

4 Q. And who did you see?

13:22:44 5 A. I saw - the two people that I was able to recognise very  
6 well was this Fixo Bio and one other boy who was a junior to them  
7 who was called Fayah.

8 Q. And on that day did you - on that day in Motema, the day of  
9 the killing, did you know his name?

13:23:08 10 A. No, as a matter of fact I did not know his name.

11 Q. So when did you learn then about his name?

12 A. It was only in 1999 when they had taken over the entire  
13 Kono District and there was no other way. So they said that if  
14 we remained in the bush then they would say - declare us as Tejan  
13:23:40 15 Kabbah's children, so if they met anybody in the bush they would  
16 kill him, so we came out and when I arrived in Motema I met him  
17 there - he was called lieutenant colonel. Then this Fayah was a  
18 junior man to him, so I believed that he was a commander.

19 Q. Mr Witness, when you said that it was only in 1999 when  
13:24:08 20 they had taken over the entire Kono District, who are "they"?

21 A. When the RUF and the junta had taken over the entire Kono  
22 District, they were the ones that were there by then.

23 Q. Mr Witness, I have just two more questions for you. The  
24 first one is you told us before - and I'm referring for my  
13:24:34 25 I learned friend to page 25, line 11 on the LiveNote - you told us  
26 before that "A" was held by the RUF in Fakoyia bush. Do you  
27 remember that?

28 A. Yes, yes.

29 Q. Now why do you say that "A" was held by the RUF? How did

1 you know that it was the RUF who held "A"?

2 A. Well, in 1999, when I came from the bush and arrived in  
3 Motema, I met "A" in Motema Town and he was with them. He showed  
4 me few of them who had been taken care of.

13:25:33 5 THE INTERPRETER: Your Honours --

6 PRESIDING JUDGE: Please pause, Mr Witness.

7 Mr Interpreter --

8 THE INTERPRETER: Yes, there's a problem because one does  
9 not know the gender of "A", whether he or she, so I want that to  
10 be clarified, your Honours.

13:25:47

11 PRESIDING JUDGE: [Microphone not activated] Mr Witness, in  
12 order to be clear on the Krio was "A" a male or female person?

13 THE WITNESS: She was a female.

14 MR WERNER:

13:26:02

15 Q. And what did - you said, "I met 'A' in Motema Town and he  
16 was with them. He showed me a few of them who had been taken  
17 care of" and who are these people that "A" showed you?

18 A. She showed me the RUF who were in control of Motema. "A"  
19 showed me some of the RUF that had been taking care of her, that  
20 she was in their hands and they were all in the bush.

13:26:51

21 Q. Thank you, Mr Witness. Now apparently something is not  
22 clear on the record so I'm going to ask you the question again,  
23 Mr Witness. You said before that Master - you heard an RUF  
24 saying Master, that day in Motema when the killing took place,  
25 saying, "Master had said Operation No Living Thing". Again,  
26 Mr Witness, who was Master?

13:27:15

27 A. Well, they had a lot of masters. That is the only thing  
28 that he said. He said, "Master said".

29 Q. And tell us again, Mr Witness, who did you see on that day

1 in Motema? Who did you recognise, not among the civilians, among  
2 the rebels?

3 A. The one that I was clearly able to recognise was Fixo Bio  
4 and Fayah.

13:28:09 5 MR WERNER: Can I have just one minute, your Honours.

6 PRESIDING JUDGE: Just before you consult, was it Victor  
7 Bio as on the record and Fayah because I'm sure --

8 MR WERNER: I think the witness said before - let me ask  
9 him again. Yes, I think it was clear that he said Fixo Bio on  
10 the record.

13:28:26

11 PRESIDING JUDGE: Yes, I heard Fixo Bio.

12 MR WERNER:

13 Q. And, Mr Witness, again, so you told us you recognised Fixo  
14 Bio in 1998 in Motema when that killing took place. When is the  
15 next time that you saw that man?

13:28:43

16 A. From the time that I saw him when that problem occurred I  
17 only saw him in 1999. When he went he still stayed at the very  
18 place where he was when he made his havoc. I went there and I  
19 met him and I saw him.

13:29:12

20 Q. And where was the place where you saw him?

21 A. In Motema Town.

22 Q. And at that time who, if anyone, was in control of Motema  
23 Town?

24 A. Well, their boss man who was in control of Motema Town was  
25 one Pa who was called Pa Fembeh.

13:29:38

26 Q. And are you able to spell that name for the Court?

27 A. He that has his name, he knows how to spell it, but for me  
28 I would say F-E-M-B-E-H because it's a Mende name.

29 MR WERNER: Your Honour, can I request because I have to

1 check the transcript, I may have just one or two questions. Can  
2 I request --

3 PRESIDING JUDGE: It's the lunchtime adjournment now,  
4 Mr Werner. I note what you say. It is the usual time for the  
13:30:16 5 lunchtime adjournment. We've gone slightly over but we will  
6 defer your further questions until after the lunch adjournment.

7 MR WERNER: Thank you, your Honours.

8 PRESIDING JUDGE: Mr Witness, we are now taking the  
9 lunchtime break. We are resuming court at 2.30. Please adjourn  
13:30:33 10 court.

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

12 [Upon resuming at 2.30 p.m.]

13 PRESIDING JUDGE: Mr Anyah, do I see a change of  
14 appearance?

14:29:13 15 MR ANYAH: Yes, Madam President, that is correct.  
16 Representing the Defence this afternoon are Courtenay Griffiths  
17 QC, Mr Terry Munyard and myself Morris Anyah.

18 PRESIDING JUDGE: Thank you, Mr Anyah. Mr Werner, please  
19 proceed.

14:29:30 20 MR WERNER: Thank you, your Honour:

21 Q. Good afternoon, Mr Witness.

22 A. Yes, good afternoon.

23 Q. Mr Witness, I just want to come back briefly to a few  
24 things you said before we left off and the first thing I am going  
14:29:49 25 to refer for my learned friends to page 76 and more specifically  
26 from line 10 to line 12. Mr Witness, before the break when we  
27 asked you questions about - I asked you questions about the  
28 distance between the banana garden and the house, do you remember  
29 that?

1 A. Yes.

2 Q. And then in your answer, page 76, line 10, you said:

3 "So the distance they started queuing the people like from  
4 there here to down that place there and I was lying down so I was  
14:30:35 5 listening to them and I had been seeing them."

6 First, Mr Witness, when you said, "So the distance they  
7 started queuing the people like from there here to down that  
8 place", where did they start queuing the people?

9 A. They started it from the other end where the carpentry  
10 workshop was located to where I dug the water well.

11 Q. And where was it in cooperation to your house, Mr Witness?

12 A. It was in front of the house.

13 Q. And when you said, "They started queuing the people", who  
14 started queuing the people, Mr Witness?

14:31:36 15 A. The rebels.

16 Q. And then you say, "I was listening to them." To whom were  
17 you listening, Mr Witness?

18 A. To the rebels.

19 Q. And, "I had been seeing them." Who did you see?

14:31:53 20 A. I saw the civilians who were queued up and later they asked  
21 them to sit on the ground. I saw some of them, even though I did  
22 not see all of them, but I saw some of them.

23 Q. And when you say "the rebels", who are you talking about?

24 A. I am referring to the Foday Sankoh fighters.

14:32:17 25 Q. Now, Mr Witness, later you explained that you left the  
26 banana garden, and I am going to refer to page 80, line 3 to 7,  
27 and so you explained you moved and you say:

28 "Well, daybreak what made me to come out of the banana  
29 garden, I went and I rushed and I lay in a pit that had been dug,

1 about three pits, so as to sell petrol where my father had been  
2 supplying me, but we had not yet buried the tank at all so I went  
3 and I lay there."

4 Do you remember that, Mr Witness?

14:33:05 5 A. Yes.

6 Q. And then just after that - and I am referring to line 80,  
7 page - sorry, page 80, line 19 and 20, you say, "When he came  
8 down the rebel said, 'Master said Operation No Living Thing'."

9 If you look at line 25 you say it again, and then you said, "So  
10 they started firing at people, the civilians." And then I asked  
11 you, "But who started firing at people?" And then you said:

12 "It was only the gun sound that I was hearing. I was only  
13 hearing the sound, but I actually heard the voice that said that  
14 Operation No Living Thing and it was not one individual, there  
15 were many, so I just heard sporadic firing."

16 Mr Witness, when you said "It was not one individual, there  
17 were many", who are you talking about?

18 A. I meant the rebels who came.

19 Q. Now, Mr Witness, how long after you heard that person  
14:34:22 20 saying "Master said Operation No Living Thing", how long after  
21 that did you hear the sporadic firing?

22 A. Just after he said it, they started shooting.

23 Q. Now, Mr Witness - and I am going to refer to page 81, line  
24 15 to 17 - then you spoke about ECOMOG and you said:

14:34:55 25 "The ECOMOG had one weapon that they used. It was in one  
26 machine which had a truck beneath it, so they came with it from  
27 Koidu to come and drive the rebels out of Motema."

28 Do you remember saying that?

29 A. Yes.

1 Q. So, Mr Witness, you just told us just an instant ago that  
2 you heard that person talking about Operation No Living Thing and  
3 immediately after you heard sporadic firing and that was the time  
4 you were lying in the pit. Mr Witness, at that time, the time of  
14:35:36 5 the sporadic firing, had ECOMOG already entered Motema?

6 A. The ECOMOG were in Motema. They were in Motema. But at  
7 the time the firing was going on, they did not come there at all.

8 MR WERNER: Thank you, Mr Witness. Can I just consult for  
9 one second? We have no other questions, your Honours.

14:36:09 10 PRESIDING JUDGE: Thank you, Mr Werner. Mr Anyah, you have  
11 cross-examination of the witness?

12 MR ANYAH: Yes, I do. I have a few questions, Madam  
13 President, thank you.

14 CROSS-EXAMINATION BY MR ANYAH:

14:36:37 15 Q. Good afternoon, Mr Witness.

16 A. Yes, good afternoon.

17 Q. When did you arrive in The Hague, Mr Witness?

18 A. I arrived here on the 13th of this month.

19 Q. Saturday, 13 September, yes?

14:36:58 20 A. Yes.

21 Q. On the next day, Sunday the 14th, you met with the  
22 Prosecution, yes?

23 A. Yes, I met with them.

24 Q. And you met with them again on Wednesday, the 17th, yes?

14:37:21 25 A. Yes, I met with them.

26 Q. Would it be fair to say that your meeting with the  
27 Prosecution on Wednesday the 17th was the 13th time that you had  
28 met with them?

29 A. I have not been counting.

1 Q. Was your first meeting with the Office of the Prosecutor on  
2 14 November in the year 2002?

3 A. Yes, yes, yes, it was in November.

14:38:08

4 Q. After the first meeting in 2002, when was the next time you  
5 met with them?

6 A. Well, I cannot recall the exact time, because they used to  
7 meet me surprisingly sometimes.

8 Q. Do you know how many times you have met with them this  
9 year, the year 2008?

14:38:47

10 A. I do not want to guess. I did not count it.

11 Q. When you met with them in 2002, in November, the first  
12 time, when was the next time you heard from them?

13 A. It took some time before they went and met me in my house  
14 again. By then I was staying in Motema.

14:39:16

15 Q. And where were you staying in 2002 when you first met them?

16 A. At Motema.

17 Q. And when you say it took some time before they met you  
18 again, when you say "some time", do you mean a few months or  
19 years?

14:39:35

20 A. Months.

21 Q. Was it in the next year, 2003, that they met you for the  
22 second time?

23 A. Yes, about that.

14:40:01

24 Q. Mr Witness, from the time when they met you for the first  
25 time in November 2002 up until now, you are aware of the fact  
26 that members of the RUF stood trial at the Special Court in  
27 Freetown, in particular persons named Issa Sesay, Morris Kallon  
28 and Augustine Gbao, yes?

29 A. Yes, I knew that.

1 Q. These are facts of common knowledge in Sierra Leone  
2 generally; would you agree?

3 A. Yes.

14:40:42

4 Q. These persons, Issa Sesay, Kallon and Gbao, were members of  
5 the RUF, the same group that you have testified about here in  
6 court today, yes?

7 A. Yes.

14:41:02

8 Q. You are also aware of the fact there has been another trial  
9 in Sierra Leone rising from the conflict involving members of the  
10 Armed Forces Revolutionary Council, yes?

11 A. Yes.

12 Q. You have heard the name Gullit before, yes?

13 A. Yes, I have heard it before.

14 Q. Did you follow either of those two trials?

14:41:16

15 A. Not at all.

16 Q. Since 2002 up until the present have you lived or resided  
17 in the vicinity of Motema?

18 A. Yes.

14:41:35

19 Q. When you would meet with the Special Court - and I do have  
20 records of the dates you have met - did you meet with them in  
21 Motema or did you meet with them in Freetown?

22 A. I met with them in Motema and I also met with them in  
23 Freetown.

14:41:52

24 Q. And it would be fair to say that you met with them in  
25 Freetown on about a half dozen occasions?

26 A. Yes, I want to believe so.

27 Q. And that was in the premises of the Special Court, yes?

28 A. Yes.

29 Q. Now this group of persons on trial, the RUF and the AFRC,

1 these are the same persons or the groups to which they belonged  
2 that caused you and your close relatives a lot of harm, yes?

3 A. Yes.

14:42:38 4 Q. You have told us about events that happened to the persons  
5 that you have identified with the letters "A" and "B", yes?

6 A. Yes.

7 Q. Both of those persons were raped, true?

8 A. True.

9 Q. Both of those persons were very close and dear to you, yes?

14:42:54 10 A. Yes.

11 Q. You have told us about your father and how he was abducted  
12 and hit over the head, yes?

13 A. Yes.

14 Q. For a man of his age at the time that happened that was a  
14:43:08 15 painful and humiliating experience, yes?

16 A. Yes.

17 Q. It was something that pained you dearly, yes?

18 A. Yes.

19 Q. You have told us of how you yourself were caught in the  
14:43:25 20 crosshairs of the rebels. You said at one point somebody named  
21 Issa had ordered somebody named Pikin in essence to kill you,  
22 yes?

23 A. Yes.

24 Q. And you had to plead for your life, yes?

14:43:36 25 A. Yes.

26 Q. And you escaped death very narrowly on that occasion, is  
27 that fair to say, Mr Witness?

28 A. Yes.

29 Q. You have told us about your return to your house on

1 Masingbi Road and finding it to have been burnt, yes?

2 A. Yes.

3 Q. And you said the burning was done by the persons you called  
4 the rebels, AFRC and the People's Army also known as Foday

14:44:07 5 Sankoh's RUF, yes?

6 A. Yes.

7 Q. And that was not easy for you to swallow, yes?

8 A. Yes.

9 Q. A lot of the money you had saved - and you said people felt  
14:44:22 10 you were a rich person, that money was taken away from you by the  
11 rebels, yes?

12 A. Yes.

13 Q. In fact you told the Prosecution that the rebels took about  
14 3,000 - rather 3 million leones that you had saved, yes?

14:44:41 15 A. Yes, yes.

16 Q. That was your entire life's savings, yes?

17 A. Yes.

18 Q. And then you have told us about the abduction of your  
19 brother, Emmanuel Bull, yes?

14:44:58 20 A. Yes.

21 Q. The abduction of your son, Thomas Bull, yes?

22 A. Yes.

23 Q. The killing of your uncle?

24 A. Yes.

14:45:12 25 Q. Kai Sandy, yes?

26 A. Yes.

27 Q. You, one person, experienced all of this at the hands of  
28 the rebels, yes?

29 A. Yes.

1 Q. Is it fair to say as you sit there now, given all that has  
2 happened to you, you were pleased that persons like Issa Sesay  
3 then were put on trial?

4 A. Yes.

14:45:39 5 Q. Is it fair to say as you sit there now that you are hopeful  
6 that all of those responsible for what you went through would be  
7 brought to justice?

8 A. Yes.

9 Q. And the same would hold true for those men of the AFRC that  
14:45:56 10 stood trial in Freetown, yes?

11 A. Yes.

12 Q. If you had your way would you put more of them on trial for  
13 atrocities they committed to you and others in the vicinity of  
14 Motema?

14:46:16 15 A. Go over that once again.

16 Q. If it was up to you, Mr Witness, you yourself to determine  
17 the fate of these people, would you put more of them on trial  
18 than just the few that were put on trial in Freetown for what  
19 they did to you and others in Motema?

14:46:32 20 A. Yes.

21 Q. Mr Witness, where were you on 29 March 2006?

22 A. I was at Motema.

23 Q. Did you hear around that time that Charles Taylor had been  
24 arrested?

14:46:58 25 A. Yes, I heard it.

26 Q. And did you hear that they were arresting him because of  
27 things the RUF and the AFRC had done to the citizens of Sierra  
28 Leone?

29 A. Yes.

1 Q. What did you hear about Charles Taylor and the RUF? Can  
2 you tell us, please? I mean at the time of his arrest.

3 A. I am unable to tell exactly what he said.

4 Q. What who said, Mr Witness?

14:47:41 5 A. Over the news, Focus on Africa.

6 Q. That is a BBC programme, is it?

7 A. Yes.

8 Q. Is that the same programme that was on when you heard Foday  
9 Sankoh say in 1997 that the RUF should go and join the AFRC?

14:48:02 10 A. Yes.

11 Q. But you can't remember what in particular was said about  
12 Charles Taylor in 2006 vis-a-vis the RUF?

13 A. No.

14 Q. After Charles Taylor was arrested the people from the  
14:48:18 15 Special Court contacted you, yes?

16 A. Yes.

17 Q. Did they tell you they wanted you to give evidence in this  
18 case?

19 A. Yes.

14:48:42 20 Q. And you knew you were coming to give evidence against  
21 Charles Taylor, yes?

22 A. I did not know that earlier.

23 Q. What exactly did you know was the context or facts you were  
24 to talk about before this Court?

14:49:11 25 A. Yes, well, the attack that we experienced at Fakoyia and  
26 next Mamboma and Motema, those were the things that I had to  
27 testify on.

28 Q. Did it strike you as odd that they did not ask you to  
29 testify in Issa Sesay's trial?

1 A. That was not strange to me.

2 Q. Mr Witness, have you heard people talking about Charles  
3 Taylor in this context: Namely, that Charles Taylor was the man  
4 who was behind the scenes above the RUF? Have you heard people  
14:50:14 5 say such things?

6 MR WERNER: Sorry, your Honours, can we have a time frame?  
7 When? At any time in his life or --

8 MR ANYAH:

9 Q. Mr Witness, have you ever heard anybody since Charles  
14:50:27 10 Taylor was arrested say that, "Ah-ha, they've got the man that  
11 was behind the RUF"?

12 A. Yes, I heard that.

13 Q. And you knew as you were coming here to testify that the  
14 allegation against Charles Taylor was that behind the scenes he  
14:50:50 15 was the man in charge of the RUF, yes?

16 A. Yes.

17 Q. So you know as you sit there now that anything you say RUF  
18 did that in common parlance the person that is responsible for it  
19 is actually Charles Taylor, yes?

14:51:21 20 A. Yes.

21 Q. I am not confusing you, am I, Mr Witness? You understand  
22 exactly what I'm saying, right?

23 A. Yes, I understand.

24 Q. The house where you're staying at here in Holland, are you  
14:51:39 25 staying with a man by the name of Sheku Alex Bao, Mr Witness?

26 A. Even if I am staying with such a person, but the name is  
27 strange to me.

28 Q. Do you know a man by the name of Adesanya Sandy Hyde,  
29 Mr Witness?

1 A. No.

2 Q. Did you travel alone to The Hague to give evidence - and  
3 you don't have to tell us the names of those you travelled with.  
4 I am just asking if you travelled alone to come here?

14:52:18 5 A. I was not alone.

6 Q. There were other persons with you when you travelled here,  
7 right?

8 A. Yes.

9 Q. And you know that those persons are coming to appear before  
14:52:30 10 this Court to give evidence, yes?

11 A. Yes.

12 Q. How many other such persons did you travel with?

13 A. Five. Including me, six.

14 Q. Were at least two of them former or current police officers  
14:52:50 15 from Kenema?

16 A. I never knew them.

17 Q. Are all of you staying in the same house in The Hague?

18 A. Yes.

19 Q. Do all of you eat breakfast together?

14:53:07 20 A. Yes.

21 Q. How about lunch?

22 A. Yes.

23 Q. How about dinner?

24 A. Yes.

14:53:16 25 Q. Did one of them leave early yesterday and return back in  
26 the evening?

27 A. Yes.

28 Q. Did that person tell you how he spent his day?

29 A. No, I did not ask him.

1 Q. Since the 13th when you arrived in Holland up until today  
2 the 24th, almost nine days, have you and these other persons  
3 discussed the reason why you are in Holland?

4 A. Yes, we know that we are here to testify.

14:54:02 5 PRESIDING JUDGE: Mr Witness, the question was did you  
6 discuss, not did you know. Do you understand the difference?

7 THE WITNESS: No, no.

8 MR ANYAH:

9 Q. Mr Witness, you knew that you and the others - you said  
14:54:21 10 there were six including yourself - were coming here to testify.  
11 The question is in the days you have been here, about nine days  
12 total, have you and any of them discussed that reason why you are  
13 here?

14 A. We have not discussed anything.

14:54:41 15 Q. And you don't know of two policemen from Kenema residing  
16 with you at the present time here in The Hague?

17 A. Yes, I have been able to know them here.

18 Q. Yes, you know of the two of them and they are here with you  
19 in The Hague, yes?

14:55:00 20 A. Yes.

21 Q. And just to be fair to you, you're saying it was in The  
22 Hague you met them for the first time, right?

23 A. To know them and to know that they are policemen.

24 Q. How did you know they were policemen? Did they tell you,  
14:55:19 25 Mr Witness?

26 A. Yes, normally through the conversations they had.

27 Q. Did they tell you they were police officers during the time  
28 of the conflict, for example during the junta period?

29 A. No, no, no.

1 Q. Did you tell them anything about your experiences during  
2 the junta period?

3 A. No.

14:55:52

4 Q. Did you preach the gospel to them, Mr Witness? You told us  
5 you are a preacher or pastor, yes?

6 A. Yes.

7 Q. Did you preach the gospel to them?

8 A. Yes, yes.

14:56:06

9 Q. You were following the commands of Mark 28, right, the  
10 Great Commission. You know that, yes?

11 A. Yes.

12 Q. So you preached the gospel to all five of them that you are  
13 staying with?

14 A. Yes.

14:56:19

15 Q. When did you become a pastor, Mr Witness?

16 A. I took the pulpit full-time this year.

17 Q. And you told us you work or minister at a place called  
18 International Mission Church, right?

19 A. Yes.

14:56:45

20 Q. In Sierra Leone?

21 A. Yes.

22 Q. When would you say you became a born again Christian? What  
23 year?

24 A. Fully born again, it was in 1994.

14:57:06

25 Q. 1994, fully born again. Indeed, you told us on 25 May  
26 1997, when it dawned on you that the junta forces had taken over  
27 control, you were in church, yes?

28 A. Yes.

29 Q. So by then you had been a born again Christian for three

1 years since 1994, yes?

2 A. Yes.

3 Q. It is fair to say that before the coup on 25 May you worked  
4 as a power saw operator, yes?

14:57:47 5 A. Yes.

6 Q. Basically, you used to work with timber, wood, yes?

7 A. Yes.

8 Q. You also used to mine, yes?

9 A. Yes.

14:57:59 10 Q. And you were mining what, diamonds, yes?

11 A. Diamonds.

12 Q. So after being born again your main occupation was mining  
13 diamonds and making timber, yes?

14 A. Yes.

14:58:16 15 Q. And you used to mine for diamonds in Kono, yes?

16 A. Yes.

17 Q. After the AFRC took power you continued to mine for  
18 diamonds, yes?

19 A. Yes.

14:58:34 20 Q. Indeed, you mined in this place you told us about, Fakoyia,  
21 yes?

22 A. Yes. Fakoyia, yes.

23 Q. You were mining for diamonds, yes?

24 A. Yes.

14:58:52 25 Q. And next door in Motema the junta forces were mining as  
26 well, yes?

27 A. Yes.

28 Q. Did you at any time mine for diamonds with the junta  
29 forces?

1 A. Not a day.

2 PRESIDING JUDGE: Mr Interpreter, I didn't hear the answer  
3 clearly. Please repeat.

4 THE WITNESS: No, no.

14:59:25

5 MR ANYAH:

6 Q. When you say "no" you mean you never mined for diamonds  
7 with them?

8 A. Yes, I never.

14:59:42

9 Q. Is there something wrong for a Christian to be mining for  
10 diamonds?

11 A. No, it is not wrong.

12 Q. Is it fair to say that during the junta period no single  
13 entity controlled diamond mining in Kono? I am referring to the  
14 period from 25 May 1997 through the ECOMOG intervention in

15:00:12

15 February 1998?

16 A. People were working with licence.

17 Q. Yes, you had several licences for mining. Yes, you did?

18 A. Yes.

15:00:33

19 Q. But that was not my question. My question is this: Is it  
20 fair to say that nobody, as in not the AFRC, not the RUF, not  
21 ECOMOG, had exclusive control of diamond mining in Kono during  
22 that junta period?

23 A. They had control.

24 Q. Did you tell the Prosecution that --

15:01:00

25 MR WERNER: Sorry, your Honours, but we would appreciate,  
26 because the question was about AFRC, RUF and ECOMOG and they said  
27 "they" had control, who had control?

28 MR ANYAH: It is cross-examination. If it would assist,  
29 your Honours?

1           PRESIDING JUDGE: Yes, I would still like some clarity as  
2 to who "they" are.

3           MR ANYAH:

15:01:25

4 Q.   Mr Witness, who had control of diamond mining during the  
5 junta period in Kono?

6 A.   The juntas. More of the juntas.

15:01:46

7           MR ANYAH: Your Honours, as was the practice with a prior  
8 witness, I think the prior few witnesses, we have not made sets  
9 of documents for everybody in the courtroom just to expedite  
10 matters and I did give Madam Court Officer one set for herself  
11 and one for learned counsel opposite and I would ask for her  
12 assistance.

13           PRESIDING JUDGE: Mr Anyah, if it is a prior record of  
14 interview the references to "A" and "B" will not be shown.

15:02:16

15           MR ANYAH: Yes. On some of the pages I am likely to go  
16 over I suspect that they might appear and in this instance we  
17 would again ask for the assistance of those in the AV booth to  
18 restrict dissemination of what is placed on the overhead to just  
19 those within the courtroom, if that can be assured:

15:03:04

20 Q.   Mr Witness, your first interview with the Prosecution - and  
21 they do give us documents that contain comments made by you  
22 during these interviews, the first one 14 November 2002 - that is  
23 in tab 1 and at page 2. Mr Witness, during your first interview  
24 you spoke about diamond mining in Kono during the junta period  
15:03:38 25 and at the bottom of that page there is a paragraph that starts,  
26 "During that time there was no control over diamond mining in  
27 Kono". I don't know if you see it on the screen, Mr Witness, but  
28 if you look at the screen directly in front of you, we will allow  
29 you - you can wear your glasses and take your time - if you look

1 at the paragraph that says "During that time", do you see that,  
2 Mr Witness?

3 A. Yes.

15:04:20

4 Q. Now that paragraph and the preceding one is speaking about  
5 the junta period and it says:

6 "During that time there was no control over diamond mining  
7 in Kono. The AFRC/RUF could mine anywhere that was productive  
8 without obtaining permission from anybody."

9 Do you see that, Mr Witness?

15:04:39

10 A. Yes.

11 Q. Does that sentence suggest to you that although the RUF and  
12 AFRC could mine anywhere there was no-one really in control of  
13 diamond mining in Kono during that time?

14 A. Yes.

15:04:58

15 Q. Is it fair to say, Mr Witness, that it was only in the year  
16 1999 that you say the junta forces were in control of mining in  
17 Kono?

18 A. Yes, they were in control.

19 Q. But the import of the question - the key part - is this:

15:05:26

20 They were not in control until 1999, do you agree?

21 A. At all times when they were in power I disagree with that.  
22 They were working.

23 Q. We know they were working. The issue is were they in  
24 control of diamond mining in Kono before 1999? I am saying to  
15:05:55 25 you that you have said they were not, that it was only in 1999  
26 they gained control. Do you agree with that, Mr Witness?

27 A. Yes, sir.

28 Q. You understand the question I posed, Mr Witness?

29 A. Could you please go over it again.

1 Q. Yes. Do you agree with this proposition: On the basis of  
2 everything you have told the Prosecution previously, the truth is  
3 the junta forces did not gain full control of diamond mining in  
4 Kono until 1999, yes?

15:06:42 5 A. Yes.

6 Q. Mr Witness, you told us on 25 May 1997 you were in Motema,  
7 yes?

8 A. Yes, sir.

9 Q. And the next question asked by learned counsel opposite was  
10 about February 1998, and then you said you were in the vicinity  
11 of Koindu [sic] Town. Is that fair to say, Mr Witness?

12 A. I was at Motema.

13 Q. Then from May 25, 1997, is it fair to say from that day  
14 onwards you were in Motema until 21 February 1998 when you went  
15 to Fakoyia?

16 A. Yes.

17 Q. So during the entire junta period you were in Motema, is  
18 that fair to say?

19 A. Well, I was at Motema and around Motema. If you ask me I  
20 can explain.

21 Q. Well, I just need to know where you were and you have  
22 answered that question. You said you were in Motema and around  
23 Motema. When you say around Motema, do you mean those were some  
24 of the times you went to Koindu [sic] Town?

15:08:09 25 A. Well, I was staying at Motema. I was staying at Motema.

26 PRESIDING JUDGE: Just pause, Mr Witness.

27 MR WERNER: This is the second time my learned friend  
28 referred to Koindu and I believe he wanted to say Koidu Town.

29 MR ANYAH: Yes, that is fair enough. I will correct. I

1 will be aware of that:

15:08:38 2 Q. Mr Witness, when you say you were based in Motema,  
3 nonetheless suggesting that you would go elsewhere, you mean that  
4 it was during those times you would on occasion go to Koidu Town,  
5 yes?

6 A. Yes.

7 Q. Now, from 25 May when the junta forces took over, until 21  
8 February when you and your family fled to the bushes of Fakoyia,  
9 none of your family members were killed by the junta forces, yes?

15:09:07 10 A. No.

11 Q. So during the entire junta period you did not suffer any  
12 losses as in deaths of family members, yes?

13 A. No.

14 Q. No means what, you agree with me nobody died?

15:09:28 15 A. No, nobody died. Yes.

16 Q. You agree with me nobody was killed?

17 A. No, at that time.

18 Q. And somewhere about mid-February ECOMOG began to push out  
19 the junta forces from Freetown onwards, yes?

15:09:47 20 A. Yes.

21 Q. Incidentally, did you tell the Prosecution that you went to  
22 Makeni at some point during this period of time?

23 A. Yes, I went to Makeni, but I did not enter the town itself.

24 MR ANYAH: Well, Madam Court Officer, on the next page of  
15:10:13 25 the same document, tab 1, we are now at page 3, second full  
26 paragraph:

27 Q. Mr Witness, these are notes from your interview of 14  
28 November 2002. It reads:

29 "When I heard that information I escaped from Makeni with

1 my family to a place called Fakoyia which is two and a half miles  
2 from Motema. We stayed at Fakoyia up to April 1999."

3 Do you see that, Mr Witness?

4 A. That was not Makeni. It should be a mistake. It's not  
15:11:02 5 Makeni. It should be a mistake.

6 Q. Well, you are saying that what is written here is a  
7 mistake, yes?

8 A. Yes, it was Motema, not Makeni.

9 Q. But nonetheless in court today you confirmed that at some  
15:11:19 10 point in time you went to the vicinity of Makeni during the junta  
11 period, yes?

12 A. Yes, sir.

13 Q. Well, let's go to another reference to Makeni. Madam Court  
14 Officer, please, tab 3, page 2. Mr Witness, you had an interview  
15:11:48 15 with the Prosecution in July of this year specifically - sorry,  
16 Madam Court Officer, that should be tab 3. I don't know if that  
17 is what you have. It does not appear to be the page I am on. It  
18 is an interview dated 2 July. I suspect it is in your binder, it  
19 is just filed beneath or behind the wrong tab. Yes, thank you,  
15:12:25 20 Madam Court Officer. I am looking for page 2 of that document.

21 At the bottom of the page, Mr Witness, if you are looking at the  
22 page, do you see the subheading "ECOMOG intervention"?

23 A. Yes.

24 Q. And paragraph 12 reads:

15:12:59 25 "Witness did not see any of the shooting on February 21  
26 1998. The first firing the witness heard was when the jets fired  
27 the first bombs. He walked to Makeni on foot. He saw the dead  
28 bodies while going to Makeni and passing by the gates. Witness  
29 saw an old man killed at the Manbuda checkpoint. He was killed

1 right in his presence. He was accused of helping the RUF. He  
2 was shot by government soldiers."

3 Let's pause there. Mr Witness, I know from reading another  
4 interview of yours that you said this paragraph was also in error  
15:13:49 5 and we will get to that other interview shortly, but let me ask  
6 you this: When this paragraph refers to you walking to Makeni on  
7 foot, did you walk to Makeni at any time on foot?

8 A. Yes.

9 Q. And from where did you walk?

15:14:07 10 A. From Motema to Makeni.

11 Q. And this was during the intervention, yes?

12 A. No.

13 Q. But the first sentence of that paragraph speaks of 21  
14 February, do you agree?

15:14:22 15 A. I disagree with that.

16 Q. So the Prosecution has this wrong in suggesting that you  
17 walked on foot to Makeni during the junta period. Is that your  
18 evidence?

19 A. I disagree with this.

15:14:39 20 Q. What do you disagree with, Mr Witness?

21 A. Number 12.

22 Q. What aspect of number 12 do you disagree with?

23 A. To say that it was 21 February 1998. That was not the  
24 time.

15:15:01 25 Q. And what time was this, Mr Witness?

26 A. That was during the first attack in Koidu Town. It was 23  
27 October 1992, not 21 February.

28 Q. Well, let's focus on Makeni. With whom did you go to  
29 Makeni during the junta period?

1 A. During the junta period we and the ECOMOG went together.

2 Q. When you say "we", you mean you and your family?

3 A. No, by then my family had been in Freetown already and I  
4 returned to Kono and then we had to pull out with ECOMOG, so we  
15:16:06 5 and the ECOMOG, all of us walked to Makeni, but I did not enter  
6 Makeni Town itself. I stopped around the bush areas.

7 Q. Well, let us clarify a few things. You said you and ECOMOG  
8 walked to Makeni. You walked on foot, is that what you're  
9 saying?

15:16:23 10 A. Yes, on foot.

11 Q. And you said you went without your family. Was it just you  
12 and a group of ECOMOG soldiers, or you amongst many other  
13 civilians?

14 A. Me amongst other civilians and the ECOMOG.

15:16:41 15 Q. And you were going from, is it Kono to Makeni?

16 A. Yes, from Kono.

17 Q. Your family you say was in Freetown at this point?

18 A. Yes.

19 Q. When did your family move from Motema to Freetown?

15:17:04 20 A. I took all of them to Freetown and they were staying in a  
21 displaced camp and that was after the ECOMOG had entered Kono and  
22 whilst they were there. So we later realised that conditions  
23 were rough, so I took them there and that was in 1998. That was  
24 the time we were attacked at the storey building and I took them  
15:17:39 25 to Freetown.

26 Q. What month and what year did you take your family to  
27 Freetown, Mr Witness?

28 A. It was in 1998.

29 Q. Was it after the death of your uncle, Aiah Sandy, that you

1 took them to Freetown?

2 A. Yes.

3 Q. So the fact is from 25 May through ECOMOG's intervention in  
4 February 1998 your family remained in Motema, yes?

15:18:35 5 A. Once more.

6 MR WERNER: Sorry to interrupt, but I think it would be  
7 helpful if it's not said only 25 May, but the whole date with the  
8 year.

9 MR ANYAH: Well, I think from prior questions it is clear  
10 what I am referring to. I have pronounced the year with each  
11 question previously and the witness is not confused. You know, I  
12 ask for some liberty in the mode of asking my questions.

13 MR WERNER: Well, your Honours, we would submit that the  
14 year should be put to the witness.

15:19:07 15 PRESIDING JUDGE: Mr Anyah, please put the year.

16 MR ANYAH: Yes, Madam President:

17 Q. Mr Witness, is it fair to say that from 25 May 1997 through  
18 the ECOMOG intervention in Freetown in February 1998 your family  
19 remained in Motema?

15:19:24 20 A. Yes.

21 Q. And from Motema on 25 [sic] February 1998 it is fair to say  
22 that that is when your family went to the bush at Fakoyia, yes?

23 A. No.

24 Q. Well - sorry, go ahead, Mr Witness.

15:19:52 25 A. It was 21 February 1998 that I took them to the bush at  
26 Fakoyia.

27 Q. I have looked at the transcript. I see I said 25 February.  
28 It should be 21 February and we are in agreement that that's when  
29 you went to the bush at Fakoyia, yes, Mr Witness?

1 A. The 21st.

2 Q. Yes. And you said Fakoyia was a few miles, about three or  
3 four miles, from Motema, yes?

4 A. Not three or four miles. Three miles.

15:20:35 5 Q. That's fair enough. Three miles from Motema?

6 A. Yes.

7 Q. And you stayed at Fakoyia through mid-April 1998, yes?

8 A. April.

9 Q. You said 15 April 1998?

15:20:56 10 A. 15 April.

11 Q. From Fakoyia you went to a place called Tongbodu, right?

12 A. Yes.

13 Q. And it was at Tongbodu that you, Emmanuel and I recall you  
14 said your father, you went in search of the person with the

15:21:22 15 letter "A", yes?

16 A. Yes.

17 Q. Was it at Tongbodu that Emmanuel was taken by the rebel  
18 forces?

19 A. Yes, it was at Tongbodu.

15:21:45 20 Q. And you recall Mr Werner, council opposite, asked you a  
21 question when next you were reunited with Emmanuel, yes?

22 A. Yes.

23 Q. And what did you say in response to that?

24 A. I told him that we only reunited a few days from the time

15:22:12 25 he had been held captive. And when they got to Motema the rebels  
26 released him and he returned to the bush. And he was also  
27 searching out for me and then later we met and reunited.

28 MR ANYAH: Madam Court Officer, can we show the witness  
29 page 4 of tab 1. These pages should not be published because

1 they do contain sensitive names:

2 Q. Mr Witness, the Emmanuel we speak of, is it Emmanuel Kobie?

3 A. Emmanuel Bull.

4 Q. That was the Emmanuel, not Emmanuel Kobie?

15:23:33 5 A. No.

6 Q. Emmanuel Kobie, was he the brother of Thomas Kobie?

7 A. That is his son.

8 Q. Whose son?

9 A. Thomas Kobie's son.

15:23:55 10 Q. This was 1997, yes? Rather, this was 1998, yes?

11 A. '98, yes.

12 Q. Emmanuel Kobie was also abducted, yes?

13 A. Yes, sir.

14 MR ANYAH: Madam Court Officer, I apologise. Shall we go  
15:24:37 15 to the next page, page 5:

16 Q. In the middle of that page, Mr Witness, there is a sentence  
17 that begins:

18 "Before the rebels left the village they abducted my father  
19 TE Bull, my son Thomas Bull and Emmanuel and took them away.

15:25:06 20 They were with them for ten days. We later learnt that ECOMOG  
21 had taken over control of Koidu and Motema areas."

22 This abduction of Emmanuel, Mr Witness, your brother  
23 Emmanuel, was it at Tongbodu or was it at Mamboma village?

24 A. It was in the Tongbodu bush that he was abducted.

15:25:37 25 Q. And this also suggests that at the same time your father  
26 was abducted?

27 A. Yes.

28 Q. Now was your father abducted once or twice, Mr Witness?

29 A. Twice.

1 Q. And the events to which you testified before, regarding his  
2 abduction and when he was hit over the head, that took place at  
3 where?

4 A. It was at Mamboma.

15:26:07 5 Q. And is it your evidence that on both occasions when he was  
6 abducted he was released within about ten days' time?

7 A. Yes; when he was abducted at Mamboma it was within ten  
8 days.

9 Q. How old was Emmanuel at the time he was abducted? I am  
15:26:30 10 speaking of your brother, Emmanuel Bull?

11 A. He was 19 years old.

12 Q. How old was Thomas Kobie's son, Emmanuel Kobie, at the time  
13 he was abducted?

14 A. He was 12 years.

15:27:02 15 Q. So, with respect to your brother Emmanuel, he was abducted  
16 twice?

17 A. Yes.

18 Q. And on both occasions released, yes?

19 A. No. At first he was released. During the second he  
15:27:25 20 escaped.

21 Q. At no time was he conscripted, that is forced, to be a  
22 member of the junta forces, yes?

23 A. I did not get you clearly.

24 Q. Let's start with his abduction at Tongbodou. When they  
15:27:44 25 released him within ten days they did not force him, during the  
26 time he was with them, to take up arms to fight for them, did  
27 they?

28 A. No, I did not know that.

29 Q. The second time he was abducted, did he tell you that they

1     tried to force him to fight for them after he had escaped?

2     A.     Well, according to what he told me, no.

3     Q.     It is at Tongbodou that, when you came back, you learnt  
4     about what had happened to the persons with the letters "A" and  
15:28:48 5     "B", yes?

6             MR WERNER: Your Honour, that was not the evidence of this  
7     witness.

8             MR ANYAH:

9     Q.     Mr Witness, when was it that you came back from the bushes  
15:29:00 10     and learned what had happened to the persons with the letters "A"  
11     and "B"?

12     A.     Well, I later came to know that they were raped - that the  
13     rebels raped them.

14     Q.     Was it in Fakoyia that you had this information?

15:29:28 15     A.     Yes.

16     Q.     Was anybody amongst your number, that is your family  
17     members, killed in Tongbodou, Mr Witness?

18     A.     No.

19     Q.     And from Tongbodou you went to Banakoro, yes?

15:29:56 20     A.     Yes.

21     Q.     And that is where you met the Kamajors, also known as the  
22     Donsos, yes?

23     A.     Yes.

24     Q.     The Kamajor chief who you called the chief hunter, you said  
15:30:18 25     his name was Sandy, yes?

26     A.     Yes, sir.

27     Q.     Your uncle that was killed in the middle of 1998, in the  
28     vicinity of Motema, is also named Sandy, yes?

29     A.     Yes, sir.

1 Q. What is your mother's maiden name, Mr Witness?

2 A. Her middle name?

3 Q. Her maiden name. Your mother's maiden name, the name she  
4 answered before she married your father?

15:30:55 5 A. It was Sano.

6 Q. Sano?

7 A. Yes.

8 Q. Your father is Tamba Emmanuel Bull, yes?

9 A. Yes.

15:31:14 10 Q. Are you related to a family with the name Sandy,  
11 Mr Witness?

12 A. Yes.

13 Q. What side of your family answers the name Sandy?

14 A. My father, my father's sister, he was married to one man  
15:31:39 15 that was called Sandy, so he was the one that gave birth to those  
16 children. That is how we are related.

17 Q. And which children are you referring to, Mr Witness?

18 A. About?

19 Q. You said your father's sister gave birth - well, rather,  
15:32:04 20 your father's sister married somebody named Sandy. Is that  
21 correct?

22 A. Yes.

23 Q. So how many people named Sandy do you have in your family?

24 A. It is one group, Aiah Sandy, his wife and his children.

15:32:31 25 Q. Is Aiah Sandy related to the Kamajor chief, Pa Sandy?

26 A. No.

27 Q. Have you ever heard the phrase Kuliba [phon], Mr Witness?

28 A. No.

29 Q. Do you know what the Poro society is, Mr Witness?

1 A. I have never been there, no.

2 Q. It is not whether you have been there. My question is: Do  
3 you know what it means?

4 A. Partially, because I did not understand them.

15:33:30 5 Q. Well, let's forget whether you understood them or not or  
6 understand them or not. Can you tell us what Poro society is, as  
7 best as you know?

8 A. Well, yes. The only way in which you would be able to know  
9 that this or that is a Poro society, that is somebody belonging  
15:34:05 10 to a Poro society, is that they would have some marks on their  
11 backs and they themselves would be proud of that, saying that  
12 they belonged to the Poro society, so you would know through  
13 that.

14 Q. To the best of your knowledge was the Kamajor chief Pa  
15:34:25 15 Sandy, that was killed, a member of a Poro society?

16 A. I cannot tell.

17 Q. But you do know of Kamajors being members of this society,  
18 yes?

19 A. I did not have that knowledge because I was not there when  
15:34:53 20 they were initiated.

21 Q. Were you or any members of your family members of the  
22 Kamajors?

23 A. Yes.

24 Q. Which members of your family were members of the Kamajors?

15:35:17 25 A. Well, I knew of one Pa by the name of - one by the name of  
26 Ai ah.

27 THE INTERPRETER: Your Honours, would the witness be asked  
28 to repeat the last name that he mentioned.

29 PRESIDING JUDGE: Mr Witness, the interpreter asks that you

1 repeat the last name that you mentioned. Can you say it again,  
2 please?

3 THE WITNESS: Aiah Turntome.

4 MR ANYAH:

15:35:48 5 Q. Can you help us spell that, Mr Witness?

6 A. T-U-R-N-T-O-M-E, Turntome.

7 Q. Is that a nickname, or a proper name, Mr Witness?

8 A. That was the name that he first had as a Kamajor.

9 Q. That was his Kamajor name, yes? That was his fighting  
15:36:24 10 name?

11 A. Yes.

12 Q. What was his real name?

13 A. Most of the time we used to call him Aiah, but I did not  
14 know his real surname, but he was related to us. And the thing  
15:36:46 15 is that I was not much acquainted with him.

16 Q. Well, when you were at Mamboma, that is when the Kamajor  
17 chief came into town with the gun strapped on his back, yes?

18 A. Yes.

19 Q. That was when the Kamajors you said surrounded the village,  
15:37:13 20 yes?

21 A. Yes, sir.

22 Q. Was Turntome with the Kamajors when they surrounded the  
23 village?

24 A. Yes.

15:37:29 25 Q. Was Turntome bringing the Kamajors to help protect you and  
26 your family members that were in the village?

27 A. That was Kai Sandy.

28 Q. Well, Kai Sandy was the head Kamajor hunter, yes?

29 A. Yes.

1 Q. And you and your family were important to the Kamajors at  
2 the time, yes?

3 A. Yes.

4 Q. And that is why they came to attempt to rescue you, yes?

15:38:23 5 A. It was not because of that.

6 Q. But they were coming to your aid, the aid of you and your  
7 family, yes?

8 A. Yes, including all that were there.

9 Q. Yes. And this is when Joseph Foya was killed you said,  
15:38:51 10 yes?

11 A. Yes.

12 Q. This is when or about the time Thomas Kobie was killed,  
13 yes?

14 A. Kobie at the same time.

15:39:10 15 Q. And, indeed, this is when Pa Sandy, or Kai Sandy as you  
16 call him himself, was killed, yes?

17 A. Yes, sir.

18 Q. Now you told us in court today that when Thomas Kobie was  
19 killed you were not there, true?

15:39:29 20 A. Yes, I wasn't there.

21 MR ANYAH: Madam Court Officer, can I have your assistance,  
22 please:

23 Q. Now, Thomas Kobie is not your blood relative, but you had  
24 known him since 1981, correct?

15:39:52 25 A. Yes.

26 Q. For all practical purposes he was like your real or blood  
27 brother, yes?

28 A. Yes.

29 Q. He was somebody that you considered to be very close to

1 you, true?

2 A. Yes, yes.

3 Q. Now I want to read to you what the Prosecution has you  
4 saying about Thomas Kobie's death. Madam Court Officer, this is  
15:40:25 5 at tab 3 - well, it's the same interview we looked at before. It  
6 might be your tab 4, but it's my tab 3, and I will be referring  
7 to page 3 at the bottom right-hand corner, paragraph 22.

8 Mr Witness, these are notes from your interview a few  
9 months ago this year with the Prosecution, 2 July 2008. May I  
15:41:00 10 have a moment, Madam President? Mr Witness, at the bottom of the  
11 page, paragraph 22, it reads:

12 "Witness's brother Thomas (not by blood, friends since  
13 1981) was recognised by the RUF as unwanting to fight so they  
14 chopped his neck. The witness was there and saw this. Thomas  
15:41:53 15 didn't die right away and another RUF saw him breathing, so he  
16 got another rebel to come over and they chopped him up - head,  
17 arms and body."

18 This is what the Prosecution says you told them in July,  
19 that you were there and you saw this. Is that correct,  
15:42:14 20 Mr Witness, as in did you tell them that in July?

21 A. Well, this was an error. I did not say that.

22 MR ANYAH: Madam Court Officer, shall we go to tab 4. This  
23 is an interview dated 20 August 2008. I am looking for page 3,  
24 paragraph 21:

15:43:04 25 Q. Mr Witness, about a month and a half after you met with  
26 them in July, on 20 August you met with the Prosecution again and  
27 you went over the July transcript and to be fair to you in  
28 paragraph 21 of this document it says:

29 "Referring to the prior statement" - paragraph 22 that we

1 have looked at - "the witness stated that he was not present when  
2 the killing of Thomas Kobie took place, but that he saw the  
3 corpse later."

4 This is what you said a month and a half after the  
15:43:32 5 interview in July, yes?

6 A. Yes.

7 Q. Now, let us look at your first interview with them and  
8 describe what you said about the death of the person that is your  
9 blood brother, Thomas Kobie, and that would be tab 1.

15:43:50 10 PRESIDING JUDGE: I thought Thomas Kobie was not a blood  
11 brother.

12 MR ANYAH: He was not a blood brother. I misspoke. I had  
13 asked the witness if he was like a blood brother and he said yes.

14 PRESIDING JUDGE: That is clear.

15:44:05 15 MR ANYAH: Yes, yes. Tab 1, Madam Court Officer, and I am  
16 looking for page 5:

17 Q. Mr Witness, when you first described this horrible event,  
18 an event which in July of this year you said Thomas's neck was  
19 chopped, he didn't die right away, they saw him breathing,  
15:44:48 20 another rebel come over, chopped him, his head, his arms his body  
21 - this is how you first described it. This is the first full  
22 paragraph. In the middle of the paragraph you described the  
23 death of Joseph Foyoh, Thomas Kobie and another man that was shot  
24 and you say:

15:45:13 25 "However, the house was not set ablaze but the rebels shot  
26 at the civilian population killing one Joseph Foyoh on the spot.  
27 My brother, Thomas Kobie's right foot was broken by a gun - by a  
28 gunshot released by the rebels. On the following day the rebels  
29 mutilated Thomas Kobie's body until he died. Another man was

1 also shot dead by the rebels. We buried the three of them in one  
2 grave in Mamboma village."

3 This is how you described Kobie's death, is that fair to  
4 say, Mr Witness, when you first spoke with the Prosecution in  
15:45:51 5 November 2002?

6 A. Yes, that was what I said.

7 Q. Do you remember more in 2008 about what happened than you  
8 did in November 2002?

9 A. 2002? Is that the time that they went and interviewed me?

15:46:28 10 Q. Do you understand my question? Is your memory better as  
11 you sit here now in 2008 than it was when you first spoke to them  
12 in 2002?

13 A. The question is not that clear to me, the question.

14 Q. Well, I will repeat it. The way you recall things that  
15:46:54 15 happened during the conflict, is your recollection of things  
16 better now in the year 2008 than it was in November 2002?

17 A. Yes, somehow, but I still feel it.

18 Q. Why didn't you tell the Prosecution in 2002 that this  
19 Kamajor chief, Sandy, had his head cut off and his penis cut off?  
15:47:41 20 Why didn't you tell them that when you were describing the events at  
21 Mamboma?

22 A. Mamboma, yeah.

23 Q. Why didn't you tell them that, Mr Witness, in 2002 when  
24 describing the events at Mamboma?

15:47:54 25 A. That was exactly what I said, that that was what they did  
26 to him. If they did not write it out, well, they left it out.

27 Q. You are saying you mentioned to the Prosecution as early as  
28 2002 that this Kamajor chief had his head chopped off or cut off  
29 and his penis cut off and they did not write it down. Is that

1 your evidence?

2 A. I told them. When they wrote that, they did not read it  
3 back to me.

4 Q. Well, Mr Witness, that is not entirely right, because you  
15:48:37 5 see in tab 2 there is something called "Adoption of statement by  
6 witness". It's a one page document. Mr Witness, they had you  
7 look at that first statement you gave them in November 2002 and  
8 they had you sign a document last year, 2007, saying that you had  
9 read it or had that statement read to you and you see it says:

15:49:21 10 "Adoption of statement by witness. I, Samuel Bull, affirm  
11 that the information contained" - and it refers to your prior  
12 statement - "is true to the best of my knowledge and belief.  
13 Unless otherwise stated I have personal knowledge of all events  
14 in the above statement. I have read the statement, or I have had  
15:49:42 15 the statement read to me in the English language, or translated  
16 to me in the English language, and it is true to the best of my  
17 knowledge and recollection."

18 Do you see your signature on that page, Mr Witness? Yes?

19 A. Yes, my signature is there.

15:50:04 20 Q. When you met with the Prosecution on 7 December 2007 why  
21 didn't you say, "Wait a minute. My prior statement does not  
22 accurately reflect how Kamajor chief Kai Sandy was killed"? Why  
23 didn't you say that to them?

24 A. Even before I came they read all the statements and they  
15:50:38 25 did some correction, so if I did not see it there and what I said  
26 was not there, well, it's their own mistake, not mine.

27 Q. You also mentioned today in court that a suckling mother  
28 and her child were also killed at this time, yes?

29 A. Yes.

1 Q. There is no reference in your statement to the killing of  
2 this suckling mother and the child, is there? I am referring to  
3 your first statement to the Prosecution on 14 November 2002.

15:51:34 4 A. Well, whatever I said here, I know that I gave a statement  
5 that it was six people. So if they did not write about the  
6 suckling mother still I would say that they made a mistake, not  
7 me.

8 Q. There is also no reference in your first statement to  
9 Operation No Living Thing, that phrase "Operation No Living  
10 Thing", is there?  
15:51:56

11 A. It should be there.

12 Q. Well, counsel opposite will correct me if I am mistaken,  
13 but there is no use of that phrase in any of your statements,  
14 Mr Witness, until your statement taken here in The Hague between  
15:52:21 15 the 14th and 17th. That is when for the first time you used the  
16 phrase "Operation No Living Thing". Do you agree, Mr Witness?

17 A. Well, they did not write it there, so it's their own  
18 mistake. I said that.

19 Q. Can I ask you how much you make working as a preacher, or  
15:52:58 20 pastor, on a monthly basis?

21 A. Well, as of now I am not being paid anything. You see, I  
22 took up the work voluntarily. It is just a ministry that we  
23 started, so I don't ask people to pay me for now.

24 Q. How do you feed your family, Mr Witness?

15:53:30 25 A. Wonderful. Even though I do not work, but I have a woman  
26 who actually takes me as an elder brother. She does everything,  
27 because she knows how to do business, so it is out of there that  
28 we live, I and my children.

29 Q. Can I ask you when you say you have a woman you are

1 referring to your wife, yes?

2 A. Yes, yes, I am referring to my wife.

3 Q. And approximately how much each month does your wife make,  
4 Mr Witness?

15:54:13 5 A. According to what she is doing before the month ends she  
6 will be able to get up to 300,000 leones. And besides that I  
7 also have a power saw that I work with in the bush, so I can  
8 still get money out of that and I will give that money to her and  
9 she will control it because I do trust her.

15:54:34 10 Q. But did you tell the Prosecution that after the war you did  
11 not sell timber any more because your machines had been burned?

12 A. Yes, I told them that, but God has provided another one  
13 that I am working with.

14 Q. Well, you spoke with the Prosecution about a week ago on  
15:55:07 15 the 17th and they have you still saying:

16 "After the AFRC coup witness did not sell timber any more  
17 because his machines had been burned. Instead he mined in  
18 Fakoyia which is three miles from Motema."

19 That is what you told them here in The Hague. Why didn't  
15:55:24 20 you tell them you now have a power saw again?

21 A. Well, I did not tell them here that I had a power saw that  
22 is working now. I did not tell them that at all.

23 Q. Well, Mr Witness, the Special Court keeps records of money  
24 they have given to you and our records show - and for counsel's  
15:55:55 25 benefit this should be the final document at the back from the  
26 witnesses and victims section. Madam Court Officer, it would be  
27 the last document in the set of documents.

28 Mr Witness, the records show - and I will be corrected if  
29 mistaken - they show a TF1 number that is 065 and that is a

1 number assigned to you, and the records in paragraph 2 say,  
2 "Witness first arrived on 28 May 2008. To date, he has been paid  
3 a total of" and it delineates amounts paid for transportation,  
4 for medical and miscellaneous and the grand total is 550,500

15:56:56 5 leones. Do you see that, Mr Witness?

6 A. Yes, I have seen it.

7 Q. Now, does this amount sound about right to you that from  
8 the witnesses and victims section, in a span of three or four  
9 months since May, you have received over half a million leones?

15:57:25 10 A. Yes.

11 Q. And if we go to the previous tab we have more records of  
12 monies paid to you and this is by the Office of the Prosecutor.

13 MR WERNER: Sorry, your Honour, I don't think the documents  
14 show that in a span of three or four months. It says, "To date  
15:57:43 15 he has been paid a total of".

16 MR ANYAH: Well, I counted from May until now and that is  
17 about four months.

18 MR WERNER: I think it's the total of the money the witness  
19 received by that unit.

15:57:57 20 MR ANYAH: Madam President, the record speaks for itself.  
21 It says from the end of May, 28 May, almost 1 June.

22 PRESIDING JUDGE: As I understand prior evidence, the  
23 witness - a witness, not necessarily this witness - comes within  
24 the control of WVS at a certain date and that is the date I  
15:58:20 25 understand that is reflected in this document. If it is  
26 incorrect, or the implication is incorrect, then please pick it  
27 up on re-examination.

28 MR WERNER: Very well, your Honour.

29 MR ANYAH:

1 Q. Now, in tab 6, the previous tab in the set, are records of  
2 amounts spent on your behalf or given to you by the Office of the  
3 Prosecutor, and we start with entry number 1. Mr Witness, on  
4 Monday, 26 January in the year 2004, the Prosecution has their  
15:58:58 5 records saying that they gave you the sum of 5,000 Leones. Do  
6 you see that, Mr Witness?

7 A. Yes.

8 Q. This meeting on 26 January 2004, was that the first time  
9 you met with them after you met with them in November of 2002?

15:59:26 10 A. Yes, that was the other time.

11 Q. Did you write any document or statement for them in January  
12 of 2004?

13 A. Except if they gave me something and I append my signature,  
14 that is all.

15:59:47 15 Q. Not except, it is a question of fact. Either you did or  
16 you did not. Do you recall writing anything for the Prosecution  
17 on 26 January 2004?

18 A. I do not recall that I wrote anything there.

19 Q. They met you next two years later, 28 September 2006. Is  
16:00:20 20 that correct, Mr Witness?

21 A. Yes, correct.

22 Q. Did they give you 15,000 Leones on that date?

23 A. Yes, they gave me money.

24 Q. What did you say to them or what was discussed when you met  
16:00:41 25 with them on that day?

26 A. It had to do with what happened in the house, the attack  
27 that occurred in Motema Town. That was why - that was what they  
28 interviewed me about. That was all. Then they had to tell me  
29 that they wanted me to go to the Special Court in Freetown so as

1 to testify, but I did not agree. By then I said that, you see, I  
2 wouldn't do it and I had my reason.

3 Q. So somebody told you - and we are now in September of  
4 2006 - somebody told you that they wanted you to go to Freetown  
16:01:33 5 to the Special Court to give evidence, yes?

6 A. Yes.

7 Q. And that was a member of the Office of the Prosecutor, yes?

8 A. Yes.

9 Q. And on that particular day in September of 2006 you refused  
16:01:56 10 that request, true?

11 A. Yes, I denied.

12 Q. A few months later they contacted you again and you met  
13 with them on 24 January 2007, correct?

14 A. Yes.

16:02:13 15 Q. Did this next meeting on 24 January 2007 take place in  
16 Freetown or in Motema?

17 A. I think it was in Freetown, I am not sure because of the  
18 time that has elapsed, but we met.

19 Q. Did they give you 10,000 leones on that occasion?

16:02:54 20 A. Yes, they gave me money, because whenever we met they would  
21 give me money.

22 Q. That is the point, Mr Witness. You see for the entry we  
23 considered previously, 28 September, and if you look at the  
24 screen you can follow what I am reading, it says, "Payment for  
16:03:12 25 lost wages to witness to meet with OTP" and it says 15,000

26 leones. You see that, right?

27 A. Yes.

28 Q. And then a few months later on 24 January 2007 it says,  
29 "Payment for meeting with OTP on 24 January 2007." You see that,

1 right?

2 A. Yes, I have seen it.

3 Q. Now, Mr Witness, on that occasion, 24 January, you are  
4 given 10,000 leones, correct?

16:04:00 5 A. The money that I can recall, whether it is 10,000 or  
6 15,000, see, but the fact remains that they gave me money.

7 Q. On that day in January last year, did you agree on that  
8 occasion to serve as a witness for them?

9 A. Yes, I agree.

16:04:18 10 Q. You agreed?

11 A. Yes.

12 Q. And you see the next entry by December, the amount now goes  
13 up to 40,000 leones. Do you see that, 6 December 2007?

14 A. Yes, sir.

16:04:37 15 Q. It says, "Transport and lost wages". By December they had  
16 raised the amount to 40,000 leones, correct?

17 A. Yes.

18 Q. So 6 December you get 40,000 leones. The next day, 7  
19 December, you get 25,000 leones, correct?

16:05:02 20 A. Yes.

21 Q. In two days you had made 65,000 leones, true?

22 A. Yes, so it was.

23 PRESIDING JUDGE: Mr Anyah, if there is another document  
24 for 7 December I don't think it is --

16:05:21 25 MR ANYAH: I am sorry, Madam President, it is on the next  
26 page, the first entry, entry number 5.

27 PRESIDING JUDGE: I see. Thank you.

28 MR ANYAH:

29 Q. Mr Witness, I have counted that in this year, 2008, you

1 have met with them seven times and the records show in entry  
2 number 6 on that page, entry number 7, entry number 8 and then  
3 there is a next page, entry number 9, entry number 10 and then  
4 two times this month in The Hague. Does that sound about right,  
16:05:53 5 seven times this year you have met with them?  
6 A. Yes.  
7 Q. Did you write something down for them on all of those seven  
8 occasions?  
9 A. Yes, I wrote.  
16:06:14 10 Q. What did you write, Mr Witness?  
11 A. My signature.  
12 Q. What sort of paper were you signing, Mr Witness?  
13 A. They themselves came with a paper and I would sign.  
14 MR ANYAH: Madam President, I just make a request of  
16:06:35 15 counsel opposite to confirm whether they have any additional  
16 statements to disclose because for all of these meetings,  
17 starting with entry number 1, 26 January 2004, we have no  
18 statement; 28 September 2006, when the witness says he declined  
19 to serve as a witness for them we have no statement; 24 January  
16:07:01 20 2007 we have no statement or information; 6 December 2007 we have  
21 no statement or record of an interview; the corresponding  
22 interview we have is for 7 December 2007, and that is the  
23 one-page adoption of statement that I showed the witness  
24 previously. On 18 June of this year they met and we have no  
16:07:27 25 statement. 2 July we have a statement for that date, but 8 July  
26 2008 we have no statement, and so I just ask if for all of these  
27 dates the Prosecution has any records that have not been provided  
28 to us?  
29 MR WERNER: Your Honours, I am told by my Case Manager that

1 we have disclosed everything we have, so we will double-check,  
2 but that is what I am told by my Case Manager.

3 PRESIDING JUDGE: That is noted, Mr Werner.

4 MR ANYAH:

16:08:07 5 Q. Mr Witness, do you see the final amount that the Office of  
6 the Prosecutor says it has given to you? It says, "Total amount  
7 given to witness" as of the last entry on page 3, 8 September  
8 2008, 180,000 Leones. Does that sound about right to you,  
9 Mr Witness?

16:08:31 10 A. Yes, it would be right.

11 Q. Mr Witness, have you heard of the Sierra Leone Truth and  
12 Reconciliation Commission?

13 A. Yes, I used to hear about that.

14 Q. Have any of the persons you have told us about, the two  
16:08:55 15 persons with the letters "A" and "B", you yourself, Mary Nelson,  
16 James Ngego, anybody that you know appeared before that  
17 commission, Mr Witness?

18 A. They did not appear there. I am not aware of that.

19 Q. Are you sure about that, Mr Witness?

16:09:35 20 A. As we went and met them or they came and met us, no.

21 MR ANYAH: Madam President, may I have a moment?

22 PRESIDING JUDGE: Yes.

23 MR ANYAH: Madam President, there is a question I wish to  
24 pose to the witness but I am afraid I would have to request a  
16:10:20 25 private session because it implicates possible future witnesses  
26 before the Chamber.

27 MR WERNER: We welcome that proposal, your Honours.

28 [Trial Chamber conferred]

29 PRESIDING JUDGE: We will go into private session. For the

1 purposes of the rules and those persons who are in the public  
2 gallery, or monitors, the next set of questions will be heard in  
3 private session. This means that persons can see into the Court  
4 but they are will not hear what is actually being said. This is  
16:11:00 5 for reasons of security of other witnesses who may or may not  
6 appear before the Court. Please implement this.

7 Mr Witness, did you hear what I said?

8 THE WITNESS: Yes.

9 PRESIDING JUDGE: Do you understand what I said?

16:11:16 10 THE WITNESS: Yes, I do understand.

11 PRESIDING JUDGE: You may be asked questions. You may feel  
12 free to answer them without risking either your own security or  
13 that of others.

14

15 [At this point in the proceedings, a portion of  
16 the transcript, pages 17175 to 17180, was  
17 extracted and sealed under separate cover, as  
18 the proceeding was heard in private session.]

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1 [Open session]

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

3 PRESIDING JUDGE: Thank you.

4 MR WERNER: Can I proceed, your Honour?

16:24:18 5 PRESIDING JUDGE: Yes, please do so.

6 RE-EXAMINATION BY MR WERNER:

7 Q. Mr Witness, this afternoon you were asked some questions  
8 and I am going to refer to LiveNote page 109, lines 9 to 13, and  
9 my learned friend asked you this, he said - and I am reading  
10 starting line 9, page 109:

16:24:39

11 "Mr Witness, during your first interview you spoke about  
12 diamond mining in Kono during the junta period and at the bottom  
13 of that page there is a paragraph that starts, 'During that time  
14 there were no control over diamond mining in Kono'."

16:25:03

15 Do you remember when the Defence lawyer read you that?

16 A. Yes.

17 MR WERNER: Maybe that page could be put on the overhead.  
18 It is the second page of the interview 14 November 2002 and I  
19 would like simply to ask you about three lines in the same  
20 paragraph. It is going to take I would say between three and  
21 five minutes, your Honours, so I am in your hands. If you want  
22 me to proceed tomorrow morning I am happy with that.

16:25:32

23 PRESIDING JUDGE: Unfortunately, there is only one minute  
24 left on the tape and you know we have to record it and it takes a  
25 while to change tapes, but the question has been put and if you  
26 are content to defer --

16:26:00

27 MR WERNER: Well, I would like to read three lines in the  
28 same paragraph and ask him about that. I can do that tomorrow  
29 morning easily. I am in your hands.

1           PRESIDING JUDGE: We can - can we get another tape put in  
2 and try and finish the witness's evidence, please? It might be  
3 neater, Mr Werner, if we can, if you say there is only a few  
4 questions.

16:31:46 5           MS IRURA: Your Honour, a new tape is in place.

6           PRESIDING JUDGE: Thank you. There are two matters.  
7 Please put the relevant document on the screen and, Mr Werner,  
8 refresh the witness's memory by repeating your question, please.

9           MR WERNER: Thank you, your Honour:

16:32:02 10          Q.     So, Mr Witness, you were asked by my learned friend,  
11 Defence counsel, this afternoon: "Mr Witness, during your first  
12 interview you spoke about diamond mining in Kono during the junta  
13 period." And at the bottom of that page there is a paragraph  
14 that starts, "During the time - during that time there were no

16:32:28 15 control over diamond mining in Kono". Now, on the same  
16 paragraph, the same day, I would like to read you the last three  
17 lines and here is what is written. "People (mainly youths)" --

18           MR ANYAH: Objection. I am objecting, because it is beyond  
19 the scope of the cross-examination. Counsel is now trying to  
16:32:51 20 talk about youths being used to mine. The issue that I raised in  
21 cross-examination was limited to who controlled diamond mining.  
22 It was not areas that he could have covered under direct  
23 examination.

24           MR WERNER: Your Honour, these paragraphs --

16:33:07 25           PRESIDING JUDGE: Just let me pause, because I thought  
26 Mr Werner was continuing in a quotation from the transcript. Is  
27 this a quotation from the transcript?

28           MR WERNER: Not, your Honour. I'm sorry.

29           PRESIDING JUDGE: What is it then?

1 MR WERNER: It is from the same paragraph, exactly the same  
2 paragraph, that first line was read and I would like to read for  
3 completeness and because he talks about precisely control in  
4 Kono, which was the subject of the question, I would like to read  
16:33:31 5 the last three lines of the same paragraph.

6 [Trial Chamber conferred]

7 PRESIDING JUDGE: I will allow the question.

8 MR WERNER: Thank you, your Honour:

9 Q. So, Mr Witness, I am going to read you the final three  
16:34:12 10 lines:

11 "People (mainly youths) were forced by the AFRC/RUF to mine  
12 diamonds for them. There were a lot of other harassments meted  
13 out by the combined forces of AFRC/RUF on the ordinary citizens.  
14 I saw them remove valuable items from people against their will".

16:34:35 15 Is it what you said, Mr Witness?

16 A. Yes.

17 Q. And is that correct?

18 A. Yes, yes, yes.

19 Q. Now, the second thing which was asked or put to you, and  
16:34:50 20 now I am going to refer to page 110, line -- sorry, your Honours?

21 PRESIDING JUDGE: No, no, please continue.

22 MR WERNER:

23 Q. So, page 110, line 6 to 9, and here is the question. So,  
24 Defence counsel asked you this question, Mr Witness, "Is it fair  
16:35:12 25 to say, Mr Witness, that it was only in the year 1999 that you  
26 said the junta forces were in control of mining in Kono?" And  
27 you said, "Yes, they were in control".

28 Now, on that topic you told something to Prosecution in one  
29 of your interviews, and I am referring to the interviews on 17

1 September 2008, but I would not like to put that page on the  
2 overhead because a name is mentioned, so I am just proposing to  
3 indicate to everybody what page is that and say exactly which  
4 paragraph I am going to read, and I think we could proceed like  
16:35:53 5 that without having - because I am not sure the overhead is only  
6 for that courtroom.

7 PRESIDING JUDGE: You must indicate it to counsel for the  
8 Defence to allow him to read what you are saying.

9 MR WERNER: I will. Of course I will. So it is additional  
16:36:05 10 information provided by witness TF1-065, proofing on 14 and 17  
11 September 2008, and it will be paragraph 11.

12 MR ANYAH: I am aware of the paragraph, and there are  
13 others that could be put to the witness, but I will wait for him  
14 to put the paragraph, but I think we have all agreed that it  
16:36:27 15 could be published without those outside the Court seeing it so  
16 your Honours could as well see what is being read.

17 MR WERNER: I am in your Honours's hands.

18 PRESIDING JUDGE: If it can be done and not breach any  
19 security I would prefer to see it.

16:36:46 20 MS IRURA: Could counsel please indicate the tab?

21 MR WERNER: Yes. Sorry, it is behind tab 5, it is the last  
22 page, page 2, and it is paragraph 11.

23 JUDGE SEBUTINDE: Madam Court Officer, is that restricted  
24 viewing still?

16:37:12 25 MR WERNER:

26 Q. And about this control here is what you said, Mr Witness.  
27 You said --

28 JUDGE SEBUTINDE: Mr Werner, if you could wait please.

29 MR WERNER: I am sorry, your Honour. No, sorry, I said it

1 is behind tab 5, the second page.

2 MS IRURA: I am showing what is behind tab 5, the second  
3 page.

4 MR WERNER: Well, then we don't have the same binder  
16:38:05 5 because I am behind tab 5, the second page.

6 PRESIDING JUDGE: Please read the date on the record of  
7 interview.

8 MR WERNER: Yes, your Honour, it is proofing of 14 and 17  
9 September 2008 and there is a number on the top 00101341.

16:38:22 10 MR ANYAH: I think Madam Court Officer has it either in tab  
11 2 and it would be the second page of that document in tab 2,  
12 Madam Court Officer.

13 MR WERNER: Thank you:

14 Q. Here is what you said:

16:38:47 15 "11. When they were in full control of Kono from 1999  
16 onwards the RUF rebels forced people to mine diamonds all over  
17 Kono District."

18 Mr Witness, is it what you said?

19 A. Yes, I said so.

16:39:03 20 Q. Is it true?

21 A. Yes, it is true.

22 MR WERNER: I have no further questions, your Honours.  
23 Just, as you will remember, we have one document, a one-page  
24 document written on by the witness, MFI-1, we would move now --

16:39:24 25 PRESIDING JUDGE: Just allow me to consult with my learned  
26 colleagues if they have questions. We do not have any questions  
27 of the witness. Please proceed.

28 MR WERNER: Yes, your Honour. There is one MFI only,  
29 MFI-1, and it is a one-page document with own writing by the

1 witness, and we would request that document to be the next  
2 exhibit in front of the Court.

3 PRESIDING JUDGE: Mr Anyah, you have heard the application.

16:39:57

4 MR ANYAH: No objection and I suspect they wish it to be  
5 treated confidentially as well.

6 MR WERNER: I was going to say that.

16:40:14

7 PRESIDING JUDGE: I think that would be wise. This is a  
8 one-page document, handwritten page by the witness, signed and  
9 dated by the witness. It becomes Prosecution exhibit P-181 and  
10 that will be confidential.

11 [Exhibit P-181 admitted]

16:40:32

12 If there are no other matters I will discharge the witness,  
13 but before doing so, in the light of some of the questions asked  
14 by counsel for the Defence, I will put a restriction on his  
15 discussions.

16:40:47

16 Mr Witness, that is the end of your evidence here in the  
17 Court and we thank you for coming all this way to give your  
18 evidence in the Court. You may remember when I first said to you  
19 that when you were under oath you should not discuss your  
20 evidence with anyone else. I am going to make another warning  
21 today. There has been a reference to another witness who may be  
22 sharing accommodation with you. You should not discuss your  
23 evidence with that person or other potential witnesses who may  
24 come before this Court. They too have protective measures and  
25 they too have certain restrictions on them. Do you understand  
26 what I am saying to you?

16:41:08

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: Very well. Thank you and we wish you a  
29 safe journey back, Mr Witness. Please adjourn court until

1 tomorrow morning at 9.30.

2 [Whereupon the hearing adjourned at 4.42 p.m.  
3 to be reconvened on Thursday, 25 September 2008  
4 at 9.30 a.m.]

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## I N D E X

### WITNESSES FOR THE PROSECUTION:

SAMUEL BULL	17054
EXAMINATION-IN-CHIEF BY MR WERNER	17054
CROSS-EXAMINATION BY MR ANYAH	17133
RE-EXAMINATION BY MR WERNER	17180

### EXHIBITS:

Exhibit P-181 admitted	17185
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