



Case No. **SCSL-2003-01-T**

**THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR**

**TUESDAY, 28 OCTOBER 2008
9.30 A.M.
TRIAL**

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Doreen Kiggundu
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Christopher Santora
Ms Julia Baly
Ms Ruth Hackler

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Morris Anyah
Ms Jacqueline Watts

1 Tuesday, 28 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.32 a.m.]

09:33:21 5 PRESIDING JUDGE: Good morning. I note we have had a delay
6 in starting this morning and I understand that emanates from a
7 problem with the LiveNote, particularly on your side of the
8 Court, Ms Baly. Has that been rectified?

9 MS BALY: It has been rectified, thank you, your Honour.

09:33:52 10 PRESIDING JUDGE: In that case I will proceed on and take
11 appearances.

12 MS BALY: This morning for the Prosecution, Christopher
13 Santora, Ruth Mary Hackler and myself, Julia Baly.

14 PRESIDING JUDGE: Thank you, Ms Baly. Yes, Mr Anyah?

09:34:10 15 MR ANYAH: Yes, good morning, Madam President. Good
16 morning, your Honours. Good morning, counsel opposite.
17 Appearing for the Defence this morning we have Courtenay
18 Griffiths QC, myself, Morris Anyah, and Ms Jacqueline Watts.
19 Thank you, Madam President.

09:34:23 20 PRESIDING JUDGE: Thank you, Mr Anyah. If there are no
21 other matters I will remind the witness of his oath.

22 Good morning, Mr Witness.

23 THE WITNESS: Good morning.

24 PRESIDING JUDGE: I wish to remind you this morning that
09:34:38 25 yesterday you made a solemn declaration to tell the truth. The
26 promise therein remains binding on you and you must answer
27 questions truthfully. Do you understand?

28 THE WITNESS: Yes, sir.

29 WITNESS: IBRAHIM FOFANA [On former affirmation]

1 EXAMINATION-IN-CHIEF BY MS BALY: [Continued]

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

3 MS BALY: Thank you.

4 Q. Sir, before we continue on with where you left off

09:35:07 5 yesterday, I just want to return to one aspect of your evidence
6 that you gave yesterday in relation to some places that you went
7 to on your way and when you arrived in Guinea. You said that you
8 walked and you crossed over to Sandor and then you passed through
9 Komba Yende. Can you say the name of that place again and can

09:35:35 10 you say in which country that place Komba Yende is?

11 A. Forécariah. I went to Forécariah.

12 Q. Sir, Forécariah, is that in Guinea or is that in Sierra
13 Leone?

14 A. Guinea.

09:35:58 15 Q. Is the place Forécariah the place where you spent a month
16 and a half before you returned to Sierra Leone?

17 A. Yes.

18 MS BALY: Forécariah, F-O-R-E-C-A-R-I-A-H.

19 MR ANYAH: I apologise. I just noticed that in the
09:36:31 20 previous trial before your Honours in the AFRC case the spelling
21 given by the Prosecution for that location was different than
22 what has just been given, and for learned counsel's benefit the
23 relevant page is page 86 of the AFRC transcript.

24 MS BALY: I have the previous spelling and that was an
09:36:53 25 incorrect spelling. Previously it was given as a different
26 spelling and I'm instructed that that was incorrect.

27 PRESIDING JUDGE: So the spelling now on record is correct?

28 MS BALY: Correct. Just for clarity I'll spell it one more
29 time. F-O-R-E-C-A-R-I-A-H.

1 JUDGE SEBUTINDE: Is it one word or two words?

2 MS BALY: One word.

3 PRESIDING JUDGE: Thank you, Mr Anyah. Please proceed,
4 Ms Baly.

09:38:33 5 MS BALY: Thank you:

6 Q. Sir, can I return now to where we left off yesterday?

7 JUDGE SEBUTINDE: There was a second location, remember?

8 MS BALY: Correct. Thank you, your Honour.

9 THE WITNESS: That is where?

09:38:48 10 MS BALY:

11 Q. Mr Witness, you mentioned a place by the name of Komba
12 Yende in your evidence. My first question, is that a place in
13 Guinea or is that in Sierra Leone?

14 A. Forécariah and Komba Yende. Komba Yende is along the way
09:39:10 15 to Forécariah.

16 Q. My question is, is Komba Yende in Sierra Leone or is it in
17 Guinea?

18 A. It is in Sierra Leone.

19 MS BALY: I'm just having Mr Santora check the spelling of
09:39:35 20 that place and if I may return to that place.

21 PRESIDING JUDGE: Yes, please do so.

22 MS BALY: Thank you, your Honour:

23 Q. Now can we go please, sir, to where we left off yesterday
24 and you said just before we adjourned that you had fallen into an
09:39:49 25 ambush when you returned to your village. What did you --

26 A. Yes.

27 Q. What did you mean by an ambush?

28 A. Well, that was the word, whenever they would come to the
29 town that's the word they used. I didn't know they were in town.

1 I was about going in search of my people, because we were in the
2 bush, we hadn't anything to eat. As I was getting into the town
3 close to my house then the soldiers came out and arrested us.

09:40:34 4 Q. What did the soldiers who arrested you look like? What
5 were they wearing?

6 A. Those who arrested me had on military uniform.

7 Q. When they arrested you what exactly did they do to you?

8 A. When they arrested me - in fact about five of us were
9 captured and brought together and after that - and even my
09:41:20 10 children were captured and one of my aunts was captured too,
11 Isatu Bangura. She too was captured.

12 Q. This person Isatu Bangura, whereabouts was she when she was
13 captured?

14 A. She was at the house. She did not go to Guinea. She was
09:41:53 15 an old woman.

16 Q. When you were captured you mentioned there were five of you
17 and you also mentioned that your children were captured. The
18 five that were captured, did that include your children or were
19 they other people?

09:42:15 20 A. No, those of us who were captured, and we were used to
21 carry things for them, we were five. Those of us who were
22 captured in my house, they were killed.

23 Q. The five that were captured, of what gender were those
24 five, apart from yourself?

09:42:46 25 A. From amongst us who were captured there was no female. All
26 of us were male.

27 Q. Did the five include yourself or was there five and
28 yourself?

29 A. I was included.

1 Q. Your children that were captured, what happened to them
2 after they were captured?

3 A. When they were captured - because they met them at the
4 house. When I got to the house together with a man called Pa
09:43:39 5 Mustapha, those who were at the house, they did not allow them to
6 go out of the house and they set the house on fire.

7 Q. Pa Mustapha, was he one of the people who were with you?

8 A. Yes.

9 Q. What if anything did the soldiers say to you when they
09:44:01 10 captured you?

11 JUDGE SEBUTINDE: Sorry, Ms Baly, you asked the witness
12 what happened to his children when they were captured and then he
13 says to them, when I got to the house together with a man, those
14 who were in the house, they did not allow them to go, they set
09:44:20 15 the house on fire. So what happened to his children?

16 MS BALY: Your Honour, I'm coming to that:

17 Q. Can I just ask you first before we turn to your children,
18 what if anything did the soldiers say to you when you were
19 captured?

09:44:39 20 A. At that point they did not say anything. Where we were
21 taken to was where they said something.

22 Q. Where was this place you were taken to in relation to your
23 house? Was it near your house or far from your house?

24 A. They were not even in the same town.

09:45:11 25 Q. Before we come to that I want to go back to what happened
26 to your children. Can you just describe what happened to your
27 children after they were captured?

28 A. When they were captured we the male were tied up and the
29 house was put on fire and those who were inside, that is my

1 children and my aunt, they could not get out, so the five of us
2 were taken away. We carried loads for them.

3 Q. Did you see the house when it was put on fire?

4 A. Yes.

09:46:01 5 Q. When you were tied up what were you tied up with?

6 THE INTERPRETER: Your Honours, can the witness repeat the
7 word he used.

8 PRESIDING JUDGE: Mr Witness, the interpreters did not hear
9 your answer clearly. Please repeat the word you said.

09:46:25 10 THE WITNESS: It was a cord that they used to tie us up.

11 MS BALY:

12 Q. Where did they tie you to?

13 A. We were tied to a house in the town. When the five of us
14 were captured we were tied to a house even before we were taken
09:46:49 15 to where they were.

16 JUDGE SEBUTINDE: Ms Baly, should we assume that the
17 children burnt in the house?

18 MS BALY: I am just coming to that, your Honour.

19 THE WITNESS: Yes.

09:47:00 20 MS BALY:

21 Q. Just so it's clear, when you were tied up, could you - I'll
22 withdraw that. What happened to your children after they'd been
23 in this house?

24 A. They burnt in there. They died in the house, in the fire.

09:47:24 25 Q. What happened to your aunt, the one who couldn't walk?

26 A. All of them were in the house.

27 Q. Did your aunt die or did she survive?

28 A. None of them survived.

29 Q. You were tied up with the other men including Pa Mustapha.

1 What happened to you at that point?

2 A. Yes.

3 Q. What happened to you? Did you remain tied up?

09:48:16 4 A. No. After they had set the house on fire and it was
5 burning, the loads that they had, they gave them to us to carry
6 them to where they were and we did that under gunpoint.

7 Q. Where did you carry these loads to?

8 A. We carried the load to the big town where they were. That
9 is Tombodu, Kamara.

09:48:45 10 Q. How long did it take you to get to Tombodu?

11 A. Well, it took us a long time because it was difficult for
12 us to walk because the load was heavy.

13 Q. How did you carry these loads?

14 A. The load belonged to them. Wherever they wanted it was
09:49:18 15 where we took it to and that was Tombodu.

16 Q. Where on your body did you carry these loads?

17 A. I carried it on my head.

18 Q. How many of the five went to Tombodu?

19 A. All of us reached in Tombodu, five of us, because all of us
09:49:44 20 had loads.

21 Q. What did you see when you got to Tombodu?

22 A. When we got to Tombodu they took us to one of their bosses,
23 that is Alhaji Bayoh, they used to call him Staff Alhaji, he was
24 one of their heads, and they said these were the people we had
09:50:17 25 arrested in Paema, they are prisoners, and Staff Alhaji said he
26 didn't need anybody any more because they would fight the war
27 right up to the end and they took the loads from us. There was
28 an orange tree where we were taken to and tied to that tree and
29 we were seated. That was Chief Fania's place.

1 Q. How did you know this person Staff Alhaji was one of their
2 bosses?

3 A. He was the one we were presented to and he passed the
4 command that we were to be tied up under the orange tree.

09:51:05 5 Q. Who was tied up under the orange tree?

6 A. The five of us. At that time they had taken their loads
7 from us.

8 Q. And can you describe, please, how you were tied? Were you
9 tied to anything?

09:51:28 10 A. We were tied to the orange tree.

11 Q. Did you remain tied to the orange tree?

12 A. While we were tied to the orange tree I witnessed something
13 else that happened even before my hands were amputated.

14 Q. What did you witness?

09:52:06 15 A. What I witnessed was, while we were being tied up they went
16 and captured some other people by Masundu and they brought them,
17 53 of them, they put them into a big house, 53 people.

18 Q. Did you see these 53 people?

19 A. They brought the reports to the same man, Alhaji Bayoh,
09:52:44 20 Staff, and he asked them how many prisoners because he referred
21 to them as prisoners. How many prisoners were in the house and
22 they said they were 53.

23 Q. Just how did you know these people had come from Masundu?

24 A. That was according to the report that was presented to him,
09:53:05 25 presented to Staff Alhaji. He asked where they had got the
26 people from and they said Masundu.

27 Q. Who presented the report to Staff Alhaji?

28 A. One of the officers who had come from Masundu.

29 Q. Just say that name again, please. Where did he come from?

1 A. Masundu.

2 Q. I will just get the spelling for that. Mr Witness, this
3 report that was presented to Staff Alhaji, what was the nature of
4 the report? Was it a written report or an oral report?

09:53:52 5 A. The officer came before Staff Alhaji and saluted him and
6 gave the report and said the 53 people were in that cell, because
7 that was the way I could refer to it, but he said in the house,
8 and that was the report that he gave, that 53 people were in that
9 house.

09:54:14 10 Q. And when he gave this report did he hand something to Staff
11 Alhaji or did he speak to Staff Alhaji?

12 A. He spoke to Staff Alhaji.

13 MS BALY: Just pause there for a moment. The spelling for
14 Masundu is M-A-S-U-N-D-U.

09:54:51 15 JUDGE SEBUTINDE: What about Komba Yende and Chief Fania,
16 or something like that.

17 MS BALY: Yes, Komba Yende is two words. The first is
18 K-O-M-B-A and Yende is Y-E-N-D-E:

19 Q. Mr Witness, you mentioned a house. Where was this house?

09:55:20 20 A. The house was in Tombodu where those people were guarded.

21 Q. Did you know who belonged to this house? Who owned the
22 house?

23 A. I did not know them, but I said where we were being tied up
24 was where the report was made and I know the commander was given
09:55:45 25 relating to the people that were in the house.

26 Q. You've mentioned a person by the name of Chief Fania's -
27 Fania's place. You said you were taken to and tied to that tree
28 and you were seated, Chief Fania's place. What was Chief Fania's
29 place?

1 A. Chief Fania's place was in Tombodu. There was an orange
2 tree in that compound by the street. That was where we were tied
3 up.

4 MS BALY: And Fania is F-A-N-I-A:

09:56:36 5 Q. The people - the 53 people - what happened to them?

6 A. When they brought the report to Staff Alhaji he gave a
7 command that he didn't need any civilians or prisoners, so they
8 should lock the house and set that house ablaze and indeed they
9 did it. We were still tied up on that tree.

09:57:04 10 Q. How did they set the house ablaze?

11 A. The house was set on fire and all the doors were locked.
12 They put petrol on the house. We could hear people screaming in
13 the house while the house was burning and the house burnt down
14 completely and there was silence. We who were tied to the orange
09:57:39 15 tree, we were still there listening to the screaming right up to
16 the end when there was silence.

17 Q. After there was silence, what happened?

18 A. And that is when he turned to us, the five of us, and he
19 commanded his soldiers. He said the five of us were supposed to
09:58:10 20 go with the report to Tejan Kabbah because we had voted for him,
21 so because of that he needed our hands - two hands each - and
22 indeed they did it. They amputated our hands, two each.

23 Q. Sir, who was it that said the five of you were supposed to
24 go with the report to Tejan Kabbah? Who was that?

09:58:38 25 A. The same person, Staff Alhaji. He said Tejan Kabbah had
26 ordered hands for us because we had voted for him, so he would
27 order hands for us.

28 Q. And what happened to you after that was said?

29 A. After he had said it, he commanded one man whose duty was

1 to amputate. The other soldiers had guns. That was for anyone
2 who would want to escape. So, that was Rambo who had - whose
3 duty was to cut hands. He took the mortar. I was the first
4 person and my hand was put - I was untied and taken close to the
09:59:27 5 mortar. Oh, God.

6 Q. Sir, this person Rambo, had you seen this person Rambo
7 before?

8 A. No, no.

9 Q. How do you know his name was Rambo?

09:59:45 10 A. That was because his boss man referred to him that way and
11 he said, "Rambo, you are going to cut off these men's hands", and
12 he went and took the mortar. That's how I knew that that was his
13 name.

14 Q. How was Rambo dressed?

10:00:10 15 A. The same military uniform.

16 Q. Where was your hand put? You said that your hand was put -
17 that you were untied and your hand was put. Where was your hand
18 put?

19 A. On a mortar.

10:00:30 20 Q. And what happened to your hand?

21 A. Both of them were cut off - were cut.

22 MS BALLY: Can I just ask that the record reflect that the
23 witness's hands have been cut off:

24 Q. Sir, after your hands were cut off, what happened to you?

10:00:52 25 PRESIDING JUDGE: Just let me check. Mr Anyah, you have
26 noted that application?

27 MR ANYAH: Yes, we are in the Court's hands of course.

28 JUDGE SEBUTINDE: Ms Baly, from where I'm sitting I can't
29 see anything I'm afraid. I don't know if others can see.

1 MS BALY:

2 Q. Can you hold your arms up, please, and just show the judges
3 your arms?

4 A. These are the hands.

10:01:27 5 PRESIDING JUDGE: Are you all right, Mr Witness?

6 THE WITNESS: Yes, yes.

7 MS BALY: Can I just state for the record that the witness
8 held his arms up and that he has no hands.

9 PRESIDING JUDGE: Yes, I noticed that the hands were
10:01:48 10 amputated above the wrist, both right and left.

11 MS BALY:

12 Q. After your hands were cut off, what happened to you, sir,
13 at that time?

14 A. At that time I was not by myself, because at that time I
10:02:23 15 was completely - I was completely not by myself. From there we
16 went to Lebanon, together with my colleague.

17 Q. Before we get to that - before we get to Lebanon - the
18 other men that had been tied up, what happened to them?

19 A. All of them, all of our hands were cut off, the five of us.
10:02:54 20 The two of us reached to the ECOMOG. The other three did not.
21 As I told you, you may have to see the other man, the two of us
22 who got to ECOMOG.

23 Q. Who was - can you name the other man who got to ECOMOG with
24 you, please? What was his name, or what is his name?

10:03:16 25 A. Mustapha Mansaray.

26 Q. And the other three men who had their hands cut off and did
27 not go to ECOMOG, what happened to them?

28 A. Well, when we were going the first man fell off. We were
29 climbing a hill and when we went a little further the other one

1 fell off again. That was how the three of them fell off. I
2 don't know how - whether they ever got up any more, or they died
3 there, or whatever happened to them I don't know, but they fell
4 off on the way while we were going.

10:04:05 5 Q. And did you ever see any of them again?

6 A. No, I never saw any of them any more, the three of them.

7 JUDGE LUSSICK: Ms Baly, is the witness saying they fell
8 off the hill, or they fell down?

9 MS BALY:

10:04:21 10 Q. Mr Witness, did the three men fall off the hill, or did
11 they fall down on the hill?

12 A. No, I saw them fall down. They were bleeding profusely and
13 those people were elderly people, they were older than I am, so
14 they fell down. I don't know whether they lived, or they did

10:04:52 15 not.

16 Q. Mr Witness, do you know the date on which your hands were
17 cut off?

18 A. Yes, it was 5 April 1998.

19 Q. What happened to you after you reached ECOMOG?

10:05:22 20 A. ECOMOG took great care of us. They gave us some drugs
21 which they used to wipe the blood off and wrapped our hands up
22 and we were taken to Makeni later. From Makeni there was not
23 sufficient drugs and the following day we were taken to Freetown
24 to the Connaught Hospital.

10:05:52 25 Q. How long did you spend in the Connaught Hospital?

26 A. At Connaught Hospital I was only there for one month - not
27 even up to one month completely, because the place was full
28 because there were many people. They were bringing more people
29 and so they took us to another hospital in Waterloo. That was

1 where we were treated at last. It was a displaced camp.

2 Q. When you were in hospital, in the Connaught Hospital, did
3 someone take a video of you?

4 A. Yes, but I don't know the man. In the state in which I was
10:06:52 5 it was difficult.

6 MS BALY: I'm just going to ask that the witness be shown a
7 document that has four photographs on it. I think it was
8 distributed yesterday:

9 Q. Can you just look at that document with the four
10:07:33 10 photographs?

11 A. I am in this picture.

12 Q. You're in the picture?

13 A. Yes.

14 MS BALY: Might that document please be marked for
10:07:47 15 identification.

16 PRESIDING JUDGE: This is a one page document with four
17 small pictures of a male person whose two arms are bandaged. The
18 witness has identified the person as himself. It becomes MFI-1.

19 MS BALY: Thank you:

10:08:06 20 Q. Mr Fofana, since this happened to you have you had any more
21 children?

22 A. Yes.

23 Q. How many children do you have?

24 A. Well, since this thing happened to me in 1998 I have had
10:08:28 25 two children.

26 Q. Since this thing happened to you, since your hands were cut
27 off, have you been able to do any kind of work?

28 A. No.

29 Q. How do you support yourself and your family?

1 A. Well the way I support myself and my family is to be in the
2 street begging, so except when people will sympathise with me and
3 give me something that is how I get my living.

4 Q. And, sir, how are you able to look after yourself, to
10:09:20 5 attend to your daily needs?

6 A. My wife assists me. Even when I'm here she's here with me.

7 Q. What does she have to assist you with?

8 A. Yes.

9 Q. What kinds of things does she have to assist you with?

10:09:50 10 A. Well, she is the one who washes me when I want to take
11 shower and whatever I cannot do she is the one who does that for
12 me.

13 MS BALLY: Yes, I have no further questions.

14 PRESIDING JUDGE: Thank you, Ms Baly. Mr Anyah,
10:10:08 15 cross-examination?

16 MR ANYAH: Yes, Madam President. I have a few questions
17 for the witness. I do have a difficulty proceeding with
18 cross-examination in the sense that there is a video that I wish
19 to have displayed for your Honours and for the witness. It is
10:10:25 20 the video that learned counsel opposite has referred to from
21 which MFI-1 derives, the photograph you've just seen. This
22 morning before we commenced proceedings I spoke with Madam Court
23 Manager and she contacted the AV booth and I provided a copy of
24 the video, but they did have a problem with the audio when they
10:10:49 25 tried to test it and I was told they need some time to sort out
26 the audio so that it can be heard by your Honours and from my
27 enquiries they said they would require at least somewhere in the
28 vicinity of 30 minutes. It's a very short video, perhaps no more
29 than five minutes, and it does form a significant part of my

1 cross-examination of the witness.

2 PRESIDING JUDGE: We've been in here for more than half an
3 hour so can we check if everything is in place to show the video?
4 I gather from Mr Anyah's application you want the video first.

10:11:36 5 Is that the correct impression?

6 MR ANYAH: Well not necessarily, but it's a technical issue
7 in the sense I am told that they have to test the audio audibly
8 so that they can hear it in the courtroom and that would
9 interfere with me proceeding while they run the test.

10:12:00 10 MS IRURA: Your Honour, further to counsel's submissions
11 the AV booth did indeed try to run a test. The predicament they
12 were faced with is that they could not run the test whilst the
13 proceedings were continuing because they would need to test the
14 audio in the courtroom and check whether it is playing, so they
10:12:22 15 would actually require some time within the courtroom to test the
16 audio of the video.

17 PRESIDING JUDGE: Do you mean they physically come in here
18 and fiddle around with a machine?

19 MS IRURA: Your Honour, precisely that.

10:12:42 20 PRESIDING JUDGE: Well, can they do that now and how long
21 will it take?

22 MS IRURA: Your Honour, they requested for 30 minutes.

23 PRESIDING JUDGE: Well, let them come in here and test it.

24 JUDGE LUSSICK: Madam Court Manager, I'm just querying why
10:13:44 25 the technicians can't turn the audio on. If it works and we can
26 hear it we can continue. If it doesn't work, then we'll have to
27 leave the courtroom. Can that be done?

28 MS IRURA: Your Honour, that can be done, but just to
29 indicate to your Honours that a test of that nature was run just

1 before we commenced the proceedings and the audio was not
2 working. It was thought that a wire or some connection was not
3 properly in place in the courtroom, which is why the AV booth
4 were requesting for that time to be able to come in and check
10:14:26 5 where the loose connection, if any, is. Your Honours, that
6 having been said, maybe I can confer with the AV booth and see if
7 they can do one more test from where they are and if it would
8 work.

9 PRESIDING JUDGE: Please do, because this seems an
10:14:53 10 unwarranted amount of time. Please check.

11 MS IRURA: Your Honour, the situation is as was before.
12 The picture is visible, but there is no audio and so they would
13 need technicians to check where the connection - what has
14 happened with the audio.

10:16:02 15 PRESIDING JUDGE: Well now, Mr Anyah, it's your video and
16 you wanted the audio, I gather. You said it was an important
17 feature of it.

18 MR ANYAH: Yes, Madam President. Just so your Honours are
19 aware, I do not have but 10 to 15 minutes of questions for this
10:16:20 20 witness and if you were to add the video it would amount to about
21 15 minutes in total. I was intending to propose that with leave
22 of the Chamber we could perhaps move on to another witness until
23 this is sorted out, but Mr Griffiths, who has carriage of the
24 next witness, has indicated to me that he also is minded to
10:16:39 25 perhaps play a similar video when that witness does - if and when
26 that witness does take the witness stand and so there is a
27 dilemma of sorts.

28 Just for the benefit of the AV booth I will say that we did
29 not give them prior notice before today that we would be playing

1 these videos. I did test it in our computers outside of court
2 and it worked perfectly fine including the audio, so I assumed
3 that it would not pose any type of technical difficulties to have
4 it aired for your Honours.

10:17:28 5 PRESIDING JUDGE: I must say this is unsatisfactory. We
6 have started late this morning because of a technical problem and
7 now we've run into another technical problem, all of which are
8 outside the control of the parties and I accept outside the
9 control of the AV booth, that it hadn't been checked out, but it
10:17:49 10 begs the question why these things are not checked in time.

11 In the circumstances, since it involves two witnesses I
12 think the only practical thing is to take an early break, have
13 this matter sorted out and play the video as soon as we come
14 back. Would you please urge the technicians to get this sorted
10:18:14 15 as quickly as possible. We will adjourn and take our mid-morning
16 break now. Please adjourn for 30 minutes.

17 [Break taken at 10.20 a.m.]

18 [Upon resuming at 10.37 a.m.]

19 PRESIDING JUDGE: We were informed that the machinery or
10:38:23 20 whatever it is has been rectified, so in view of the fact that
21 the tape will have to be changed, Mr Taylor has a regime that's
22 stricter than ours and there has to be other changes, we will
23 reconvene, hear the tape and take another break in the course of
24 the morning. Mr Anyah, I understand you want that shown and then
10:38:48 25 you're going to proceed with your cross-examination. Am I
26 correct in that?

27 MR ANYAH: I would prefer to start with the examination and
28 then have it shown at some point during the examination.

29 PRESIDING JUDGE: It's your examination and you must

1 proceed as you feel appropriate. So please proceed.

2 MR ANYAH: Thank you, Madam President.

3 CROSS-EXAMINATION BY MR ANYAH:

4 Q. Good morning, Mr Witness. I have a few questions for you
10:39:22 5 and before I begin let me first say that my questions will in no
6 way seek to undermine the pain and suffering you've gone through
7 in having both of your arms amputated. Do you understand that,
8 Mr Fofana?

9 A. Yes, sir.

10:39:39 10 Q. The questions I am asking are aimed at just getting
11 clarification about a few matters from you and I would first like
12 to begin with the issue of your children. You have told us you
13 currently have two children. Can you tell us whether they're
14 male or female?

10:40:07 15 A. The two children that I have, one boy and a girl that are
16 with my wife currently, those are the ones I had after I got the
17 accident.

18 Q. Is it fair to say, Mr Witness, that you lost all of your
19 children when your house was set ablaze in 1998?

10:40:39 20 A. The first three children that I had were the ones I lost.
21 So after the April 1998 I was still with my wife, so that was
22 when I got the two children. Even now she is with me. She is a
23 nursing mother and she is the one who takes care of me.

24 Q. Yes, perhaps I didn't make the question specific enough.
10:41:03 25 The point of the question was to make clear the fact that after
26 that house was set ablaze, at that particular time in 1998 you
27 had no children, correct?

28 A. 1998, the three children whom I had were the ones I lost in
29 Kono. I had other two children back home, as I said that from

1 the beginning, so I took those. And the wife with whom I am now,
2 I've had other two children. She is a nursing mother right now.

3 Q. So what are the ages of the two children you currently
4 have, Mr Fofana?

10:41:59 5 A. The ones that I have now with that particular woman, the
6 current one who is suckling is six months old, and the other one
7 whom I left in Freetown is about six years, and that one is in
8 school now, Class 2.

9 Q. So you have a six year old child and another child that's a
10:42:25 10 six month old?

11 A. Yes.

12 Q. You have two?

13 A. Yes.

14 Q. The six year old, is that the boy or the girl, Mr Fofana?

10:42:38 15 A. A boy.

16 Q. And the six month old is your baby girl, your baby
17 daughter?

18 A. Yes, yes.

19 Q. You told us yesterday the ages of the three children that
10:42:49 20 you had in 1998. You said that one of them was a girl and two
21 were boys and you said that the girl - the girl was 18 years of
22 age you told us. One boy was 15 years of age and one was 19
23 years of age?

24 A. Yes. Those were the ones I lost.

10:43:16 25 Q. It would help, Mr Fofana, if you pause a little bit, let me
26 finish the question, then you give the answer.

27 A. Okay.

28 Q. I'm trying to ascertain for sure the ages of the children
29 that were burnt in the house as you have told us. The girl was

1 18 years of age. Is that fair to say?

2 A. Yes.

3 Q. The two boys, one was 15 and one was 19?

4 A. Yes, yes. Those were the ones I lost from the fire

10:43:53 5 incident.

6 JUDGE SEBUTINDE: Mr Witness, stop keep saying yes, yes, as
7 the lawyer is talking. Please let him finish the question before
8 you answer. Is that clear?

9 THE WITNESS: Okay.

10:44:11 10 MR ANYAH:

11 Q. Now, Mr Fofana, when your children were locked in this
12 house, and there was also amongst them Miss Isatu Bangura, where
13 was your wife?

14 A. The wife with whom I had those children was not with me,
10:44:34 15 she was with her relatives. We had a problem and during the war
16 period she was with her relatives and I was with the children.

17 Q. Is that the same woman you are married to right now?

18 A. No. We separated. She is with her relatives. This one
19 that I have now is also war affected, so the two of us came
10:45:06 20 together.

21 Q. The two of you came together after the war, yes?

22 A. Yes.

23 Q. The children you lost, can you give us their names? What
24 was the age - what was the name of the girl?

10:45:24 25 A. The girl was called Kadiatu Fofana. The boys were Mohamed
26 Fofana.

27 Q. Mohamed was how old? Was he the 15 or 19 year old?

28 A. That is the girl.

29 Q. The girl child was 15 years old, is that what you're

1 saying?

2 A. Yes.

3 Q. And that was Kadiatu?

4 A. Yes.

10:46:00 5 Q. And which boy or male child was the 15 year old? Was it
6 Mohamed? I'm sorry, was the 18 year old.

7 A. Mohamed Fofana. Eight years old, yes.

8 Q. So Mohamed Fofana was eight years of age. Is that what
9 you're saying, Mr Witness?

10:46:23 10 A. Yes.

11 Q. Not 18, like I believe was said yesterday in court.
12 Mr Fofana --

13 A. Yes, yes.

14 Q. -- you've given me the names of two children and their
10:46:43 15 ages. You said Kadiatu was 15 and Mohamed was eight?

16 A. Yes. No. No. Mohamed Fofana was 18.

17 Q. And there was another male child you had. What was his
18 name and how old was he?

19 A. That is Dauda Fofana.

10:47:13 20 Q. And how old was Dauda in 1998?

21 A. Dauda Fofana, 1998, that is six years to now, the one I got
22 with the current woman that I have now.

23 Q. Mr Witness, let's set aside the two children you have right
24 now with your current wife. I'm trying to ascertain the names of
10:47:47 25 the three that were in the house that was set ablaze according to
26 your evidence. The third child that was in that house, what was
27 that child's name?

28 A. The third one in the house? There was Mohamed Fofana
29 there.

1 Q. Yes, you've told us about Mohamed Fofana. You've told us
2 also about Kadiatu.

3 A. Yes.

4 Q. What was the name of the third child?

10:48:17 5 A. That is Dauda.

6 Q. How old was Dauda when this house was set ablaze?

7 A. The time the house was set on fire, Dauda would have been
8 17 to 18.

9 Q. So the three children that were in the house with Isatu

10:48:42 10 Bangura were Mohamed, Kadiatu and Dauda, yes?

11 A. Yes. Yes, the three of them were there.

12 Q. All three died when the house was set ablaze. Is that your
13 evidence?

14 A. Yes, sir.

10:49:02 15 Q. You were present and saw the house being set ablaze, yes?

16 A. They met them there. Just after they captured me then the
17 house was set on fire.

18 Q. And it is after the house was set on fire that you were
19 taken to Tombodu with the other men?

10:49:24 20 A. Yes, sir.

21 Q. So the house was set on fire before both of your arms were
22 amputated?

23 A. No. The house had already burnt down before we were given
24 loads to carry.

10:49:47 25 Q. Yes, and your hands were amputated after that?

26 A. Yes, my hands were not amputated in Paema. It was in
27 Tombodu.

28 Q. And the burning of the house took place in Paema, your
29 village?

1 A. My house which was burnt where my children died was in
2 Paema. Where my hands were cut was in Tombodu where the 53
3 people died also.

4 Q. And you left Paema and were taken to Tombodu with the other
10:50:31 5 men that had been tied with you?

6 A. Yes, yes.

7 Q. And it was at Tombodu that Staff Alhaji gave the order for
8 your arms to be cut off with a cutlass, correct?

9 A. Yes, sir. Yes, sir.

10:50:47 10 Q. Now when you went to Connaught Hospital learned counsel
11 opposite asked you the question whether you recall having a
12 videographer or someone with a video come and speak to you?

13 A. Well, people used to go there and talk to us but I was not
14 in the best of states, you know, to even think about what was
10:51:20 15 happening. I used to see video cameras but I didn't know what
16 they were even doing with them.

17 Q. But you do recall somebody with a camera coming to talk to
18 you while you were at Connaught Hospital receiving treatment for
19 your injuries?

10:51:41 20 A. They used to ask us where we got the problem from.
21 Somebody used to ask us, yes.

22 Q. Now, I noticed when you were asked questions in chief you
23 said that the day on which your arm was amputated was 5 April
24 1998?

10:52:02 25 A. Yes.

26 Q. And it seems to be in contrast to what you told this very
27 court in the AFRC trial on 27 June 2005 when you said it was 14
28 April. Are you a little bit confused about the precise date on
29 which your arms were amputated, Mr Witness?

1 A. The day that my hands were amputated was April 1998.

2 MR ANYAH: And for learned counsel's benefit, the relevant
3 page is page 94 of the Brima et al transcript from 27 June 2005.

4 THE WITNESS: No, no, no.

10:52:57 5 MR ANYAH:

6 Q. Mr Witness --

7 A. Yes.

8 Q. -- if you just allow me to ask the questions. I'm not
9 disputing whether or not your arms were amputated. It's obvious.

10:53:07 10 I'm just asking you if your memory gives you problems when you
11 try to remember events that happened to you?

12 A. Well, for that one I said I was not in a good state, but it
13 was in 1998, April. That particular one I will never forget it.
14 That was when my hands were amputated.

10:53:32 15 Q. And it is also fair to say that you would never forget
16 standing outside that house and watching your children being
17 burned alive, yes?

18 A. No, I will not forget that.

19 Q. The wife that you were married to at the time, when you say
10:53:50 20 you were separated from her and she went to stay with her people,
21 she did not have any children of yours with her when she went
22 away?

23 A. We had separated. I had taken my children from her, but
24 she was pregnant for another man and so that's why I even got out
10:54:19 25 of the relationship and she went to her people.

26 MR ANYAH: Yes. Madam President, I would at this time ask
27 that the video be played for your Honours.

28 PRESIDING JUDGE: Please implement that, Madam Court
29 Officer.

1 MS IRURA: Your Honours, the parties and the Chamber are
2 kindly requested to press the button PC-1 on the panel next to
3 their monitors.

4 MR ANYAH: Madam President, before it is played I did
10:54:53 5 notice that the conversation about to be shown is in Krio and I
6 don't know how this could be relayed to the witness. I have not
7 provided a copy of the video to the interpreters, but it would be
8 helpful if as the video is being played the witness is able to
9 follow - well, he speaks Krio and so I suspect he will be able to
10:55:18 10 follow it, but it's a mixed conversation in both English and Krio
11 and your Honours will perhaps make the appropriate orders if
12 clarification is needed for anybody viewing the proceedings.

13 PRESIDING JUDGE: Mr Interpreter, will you be able to hear
14 this video as it's being played?

10:55:36 15 THE INTERPRETER: Your Honours, we cannot tell now because
16 the video has not been played yet.

17 PRESIDING JUDGE: When it is played will you be able to
18 hear it?

19 THE INTERPRETER: Expectedly so, your Honour.

10:55:47 20 PRESIDING JUDGE: Would you be able to try and interpret as
21 it goes along?

22 THE INTERPRETER: I will tell my colleagues on the other
23 end who are interpreting into Krio.

24 PRESIDING JUDGE: Thank you, that would be very helpful.

10:56:15 25 [Video played to the Court]

26 PRESIDING JUDGE: Mr Interpreter, thank you for that. It
27 was most helpful. The video has now stopped and so if you could
28 ask your colleagues to not continue with the interpretation of
29 the video. We'll be starting with the evidence shortly.

1 MR ANYAH: Madam President, I would make a request of the
2 Chamber. The interpretation started midway through the video. I
3 would prefer for your Honours to first hear the audio without the
4 interpretation run through its course, because there's a nuanced
10:58:57 5 difference between what I heard hearing the audio without the
6 interpretation and what has been interpreted. So, I would
7 respectfully request that the video be played again without the
8 interpretation over the conversation.

9 PRESIDING JUDGE: But, Mr Anyah, if it's in Krio how are we
10:59:20 10 to have a record and an official interpretation?

11 MR ANYAH: Well, I'm assuming that what has just been
12 played and interpreted does make a record - does create a record
13 - and what is about to be played need not appear on the
14 transcript necessarily. It's already on the transcript. I would
10:59:40 15 prefer for your Honours to have the audio unedited with the
16 interpretation, especially since it started in the middle and in
17 particular during what we feel is the important part of the
18 dialogue between the two men. I will just say that one of those
19 involved in the dialogue repeated the witness's answer in
11:00:00 20 English, so your Honours would be able to follow. Each time the
21 witness gave an answer, the person asking him the questions
22 repeated his answers in English.

23 MS BALY: If I just perhaps can make a suggestion and
24 perhaps it would serve Mr Anyah's purposes and also assist the
11:00:20 25 record if the video could be played twice, once without
26 interpretation and then secondly played again and fully
27 interpreted without any interruptions. That might assist both
28 the record and Mr Anyah's purposes.

29 MR ANYAH: Yes, we are most grateful for that suggestion

1 from Ms Baly and I think that would suffice for our purposes,
2 your Honours.

3 PRESIDING JUDGE: Mr Interpreters, did you hear that?

4 THE INTERPRETER: Yes, your Honour.

11:01:15 5 PRESIDING JUDGE: We will have the video played again as it
6 is, just let it run and then subsequently again with your
7 interpretation, please.

8 THE INTERPRETER: Okay, your Honours.

9 PRESIDING JUDGE: Thank you, very much. Please play the
11:01:31 10 video again, Madam Court Officer.

11 [Video played to the Court]

12 Can it be repeated up until there and the interpreters can
13 give us an interpretation of what is being said. Mr Interpreter,
14 are you ready?

11:03:50 15 THE INTERPRETER: Yes, your Honour.

16 PRESIDING JUDGE: Very good. Please proceed.

17 THE INTERPRETER: "Q. Mr Ibrahim Fofana, Mr Ibrahim
18 Fofana, where are you from?

19 A. Kono.

11:04:02 20 Q. Where?

21 A. Kono.

22 Q. What exactly happened to you in Kono? I heard that you
23 had an encounter with the rebels. What actually did they
24 do to you? Please talk louder for them to understand.

11:04:14 25 A. Well, they gave us loads to carry for them and they
26 brought us to Tombodu. When we got to Tombodu they said
27 they did not need civilians around them. That was the time
28 they amputated us and they said we should go.

29 Q. So they amputated you. So how are you feeling now?

1 A. I'm feeling serious pain. Please have my sympathy.

2 Q. Who took you out of the place where you were amputated?

3 Did you go for yourself to ECOMOG, or somebody helped you?

4 A. Well, I managed to go there.

11:04:48 5 Q. What was your occupation? What was your occupation?

6 A. I was a farmer.

7 Q. So you were a farmer?

8 A. Yes, I was a farmer.

9 Q. Where are your family members? Your children and your
11:05:00 10 wife?

11 A. Well, I left them in the bush.

12 Q. Did they still remain in the bush?

13 A. Yes.

14 Q. Do you know where you left them?

11:05:08 15 A. Well, my brother, I cannot tell. I cannot understand.

16 At the time those guys went and attacked us in the bush I

17 cannot tell you. I cannot understand the things that

18 happened there, maybe except you find another way to

19 understand that. Please have my sympathy.

11:05:19 20 Q. So is there another person that I can interview?

21 A. Yes.

22 Q. Please, you have to - you need to go to the

23 bathroom and have some bath. Do you have another clothes

24 to wear?

11:05:27 25 A. Yes, yes, I am profusely sweating. I am profusely

26 sweating."

27 PRESIDING JUDGE: Please proceed, Mr Anyah.

28 MR ANYAH: Thank you, Madam President. Thank you, your

29 Honours, for accommodating our request that the video be played

1 twice:

2 Q. Mr Witness, did you see the video that was just played?

3 A. Yes.

4 Q. And you recognised the person that was shown in that video?

11:06:08 5 A. Yes.

6 Q. You are the person that is depicted by that video, yes?

7 A. Yes.

8 Q. And this video footage was taken of you while you were at
9 Connaught Hospital in 1998, correct?

11:06:25 10 A. Yes.

11 MR ANYAH: Madam President, I would respectfully ask that
12 the video be marked for identification as a Defence exhibit.

13 PRESIDING JUDGE: I haven't got it before me, but I presume
14 it's on a CD.

11:06:41 15 MR ANYAH: I have it both on a CD and I have given them an
16 audio Windows formatted version of the video that can be
17 transferred onto a CD.

18 PRESIDING JUDGE: Which one are you seeking to have marked
19 for identification, Mr Anyah?

11:07:05 20 MR ANYAH: The one that has just been shown which is not in
21 a CD format. It's the audio version in a Window's audio file.
22 Since it's what your Honours saw that would have to be the one
23 that we make the application about.

24 PRESIDING JUDGE: Very well. That will be a Windows audio
11:07:24 25 file showing the witness, an interview taken whilst, I
26 understand, at Connaught Hospital. It will be marked for
27 identification MFI-5.

28 JUDGE SEBUTINDE: Mr Anyah, I'm just wondering about this
29 interpretation we had which was running pretty fast and you can

1 see from the transcript that the transcriber was having
2 difficulty catching up with the interpretation. Some words
3 appear as indiscernible. There are definitely others which were
4 omitted which I heard and are not in the transcript. For
11:07:59 5 example, where the person asked the witness where are your family
6 members, that is your wife and children, I heard the person ask
7 your wife and children, that doesn't appear. So I was just
8 wondering if it's possible to have as an exhibit along with the
9 audio a proper transcript of the interpretation as we've done in
11:08:20 10 the past. We've had an English transcript that is then exhibited
11 along with the audio, the full interpretation, rather than making
12 do with this quick translation that we had in court. I don't
13 know what you think about it.

14 MR ANYAH: Well, to the extent that it would assist your
11:08:42 15 Honours in understanding the evidence it would certainly be
16 something we need to pursue. I do not have a verbatim written
17 transcription of what was said in the audio tape. I don't know
18 if the Prosecution is in possession of such a transcription.
19 Your Honours will appreciate that it would entail some
11:09:03 20 administrative issues to have --

21 PRESIDING JUDGE: Sorry to interrupt you, Mr Anyah, but we
22 are supposed to have an official interpretation and that official
23 interpretation, since it is evidence, comes from our own
24 interpreters. So in the course of the break I will ask Madam
11:09:20 25 Court Officer to liaise with the appropriate personnel to ensure
26 that it is transcribed.

27 MR ANYAH: Thank you, Madam President. We are most
28 grateful for that. May I proceed?

29 PRESIDING JUDGE: Yes, please proceed.

1 MR ANYAH:

2 Q. Mr Witness, the audio footage we have just - the video
3 footage we have just watched depicts you being asked certain
4 questions, one of which was what happened to your wife and
11:09:53 5 children, and in both versions that we heard, the version that
6 was interpreted by the Court's interpreters and the version that
7 was the raw footage in Krio, I understood you to say you left
8 them in the bush. They are still in the bush. Do you agree that
9 that's what you said?

11:10:18 10 A. Well, at that time when - the time the video is talking
11 about, by then I was not in a good state.

12 Q. Well, I go back to my question. That does not answer my
13 question. Did you hear yourself on that video say that your
14 children and your wife were still in the bush, that you left them
11:10:43 15 in the bush?

16 A. I heard it, yes.

17 Q. And that is different from what you have told us in Court
18 of your children - may I finish, Mr Fofana. That is different
19 from you have told us in Court this morning about your three
11:11:01 20 children being burned alive in your house, yes?

21 A. What I am trying to say, and what the video had said, the
22 condition of the video and the condition of what I saw and what I
23 said is what the video has said here. But what I saw myself is
24 what I have said here.

11:11:28 25 THE INTERPRETER: Your Honours, the tail end of the
26 witness's testimony did not come clearly to the interpreter.

27 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
28 all of your answer clearly. Please pick up where you said: "But
29 what I saw myself is what I have said here." Continue from

1 there.

2 THE WITNESS: Yes, that is what I'm saying. What I saw for
3 myself is what I have said here. At that time I was not by
4 myself. I was not in the right state of mind.

11:11:59 5 MR ANYAH:

6 Q. I will repeat my question. We appreciate that you were not
7 in the right state of mind when the video was shot. My question
8 is this: What you have admitted to saying on the video, namely,
9 that your wife and children were still in the bush, that is

11:12:14 10 different from your testimony in Court today that your children
11 were burnt alive in your house, yes?

12 A. There is a difference, yes.

13 Q. And you admitted or confirmed before we watched the video
14 that seeing your children burned alive is not something you could
11:12:37 15 possibly forget, yes?

16 A. Oh, yes.

17 Q. Just like the day --

18 A. But --

19 Q. I'm sorry, go ahead.

11:12:45 20 A. -- the day when that thing happened, the condition in which
21 I was at the time my hand was chopped off, up to that moment they
22 were speaking to me I was not in the right frame of mind and what
23 the video has told you is something I might have said.

24 Q. Well, is the video mistaken? You say it's something you
11:13:11 25 might have said. Did you or did not say what we just heard?

26 A. Well, the video interview that took place in the hospital,
27 yes, I support it, but what actually happened to say, that I was
28 in the right frame of mind to have explained accurately what
29 happened, no. It was - but the condition that you see me, as I

1 appear in the video, I was not in the right frame of mind.

2 Q. Well, Mr Witness, that video was not taken on the same day
3 your arms were amputated. Correct?

4 A. To say it was not taken the same day, was that not the same
11:13:57 5 day? It was not the same day, because we travelled from Kono to
6 Connaught, but the way you see me in the video, I was not in the
7 right frame of mind and what came to my mind that moment was what
8 I said, because I think I was half alive.

9 Q. Mr Witness, how could you possibly have omitted to explain
11:14:24 10 to this man who was questioning you on the video that your three
11 children were put in a house and burnt alive?

12 A. Well, the fact that I forgot that moment depended on my
13 condition, and I want to believe that my mind did not run to that
14 at that moment, and what came exactly to my mind that moment was
11:14:52 15 what I said.

16 Q. That they were still in the bush?

17 A. Yes.

18 MR ANYAH: May I have a moment, Madam President?

19 PRESIDING JUDGE: Yes, certainly.

11:15:14 20 MR ANYAH: I have no further questions, Madam President.
21 Thank you.

22 PRESIDING JUDGE: Thank you, Mr Anyah. Re-examination,
23 Ms Baly?

24 MS BALY: No, thank you, your Honour.

11:15:34 25 PRESIDING JUDGE: We have no questions of the witness.
26 Ms Baly?

27 MS BALY: I would like to tender MFI-1, thank you.

28 PRESIDING JUDGE: Mr Anyah, you've heard the application.

29 MR ANYAH: I have no objection, Madam President.

1 PRESIDING JUDGE: That is the tender of a one page document
2 showing four small pictures of the witness. It becomes
3 Prosecution exhibit P-217.

4 [Exhibit P-217 admitted]

11:16:16 5 MR ANYAH: Yes. If it please your Honours, Madam
6 President, we would like to tender MFI-5.

7 MS BALY: No objection.

8 PRESIDING JUDGE: Very well. That is a Windows audio file,
9 have I got that correct, showing an interview with the witness
11:16:38 10 and other persons whose image we did not see on the screen. It
11 becomes Defence exhibit D-72.

12 [Exhibit D-72 admitted]

13 MR ANYAH: Thank you, Madam President.

14 PRESIDING JUDGE: If there are no further matters I will
11:17:00 15 release the witness.

16 Mr Witness, that is the end of your evidence and we thank
17 you for coming to Court to give your evidence here before us.
18 You are now free to leave the Court and we wish you a safe
19 journey home. Please assist the witness.

11:18:20 20 Counsel, we're discussing whether to, as well as the
21 official record of the transcript that will be recorded and
22 properly transcribed, if a separate extract of that translation
23 should be also prepared and travel with Defence exhibit D-72. I
24 think it may be appropriate to do that.

11:18:46 25 MR ANYAH: Yes, we would acquiesce in that and we would be
26 grateful for the assistance in preparing it. Perhaps, Madam
27 President, you might wish to also give it an exhibit number and
28 make the Windows audio file exhibit A of Defence exhibit 72 and
29 the verbatim written translation Defence exhibit D-72B.

1 PRESIDING JUDGE: I will direct therefore that when that is
2 corrected and updated, that particular translation be extracted,
3 it be shown to counsel for the Defence and counsel for the
4 Prosecution. If it is agreed I will then give it a separate
11:19:29 5 exhibit number, but I will not do that until it is agreed.
6 Ms Baly.

7 MS BALLY: The next witness, your Honours, is TF1-217 to be
8 led by Mr Santora, a viva voce witness.

9 PRESIDING JUDGE: Please call the witness.

11:20:03 10 MR SANTORA: Good morning, Madam President, good morning
11 your Honours, good morning counsel. Madam President, before
12 calling the witness just one preliminary matter on the witness's
13 protective measures. This witness, as the last two witnesses, is
14 a Category 1 witness from the 5 July 2004 decision from Trial
11:20:25 15 Chamber I of the Special Court for Sierra Leone. To the extent
16 that this witness is under protective measures the Prosecution
17 wishes to make an application to rescind those protective
18 measures. The Prosecution has spoken with this witness and after
19 consultations this witness has expressed his willingness to
11:20:51 20 testify openly today.

21 PRESIDING JUDGE: Defence counsel, Mr Griffiths.

22 MR GRIFFITHS: We adopt the same position as obtained when
23 this application has been made in the past, Madam President.

24 PRESIDING JUDGE: Thank you, Mr Griffiths. I repeat as
11:21:14 25 before, that whilst we are of the view that this is redundant, we
26 note that the witness is giving his evidence in open session and
27 may I also take it for purposes of record that he will be giving
28 his name?

29 MR SANTORA: That is correct, Madam President.

1 PRESIDING JUDGE: Thank you. In that case please call the
2 witness. Incidentally, the language?

3 MR SANTORA: Is Krio and the witness will take the oath on
4 the Bible.

11:21:44 5 PRESIDING JUDGE: Thank you.

6 WITNESS: GIBRIL SESAY [Sworn]

7 EXAMINATION-IN-CHIEF BY MR SANTORA:

8 Q. Good morning, Mr Witness.

9 A. Yes, good morning.

11:23:53 10 Q. Mr Witness, I'm going to ask you some questions. I would
11 ask that you listen to my questions closely and that if you don't
12 understand any questions I'll repeat the question, okay?

13 A. Okay.

14 Q. I'll also ask you to try to speak slowly so the translators
11:24:15 15 can keep up with you. Can you state your name for the Court,
16 Mr Witness?

17 A. Gibril Sesay.

18 Q. And when were you born, Mr Witness?

19 A. I was born in 1956.

11:24:34 20 Q. Do you know the month and the day that you were born?

21 A. 23 November. 23 November, not October. 23 November.

22 Q. Where were you born?

23 A. Kono.

24 Q. And what village and chiefdom within Kono were you born?

11:25:04 25 A. Bagbema, Sandor Chiefdom.

26 Q. Bagbema is B-A-G-B-E-M-B-A and that's Sandor Chiefdom, is
27 that correct?

28 A. It's correct.

29 Q. Did you ever have the opportunity to go to school?

1 A. Yes.

2 JUDGE SEBUTINDE: Mr Santora, are you sure of the spelling?
3 That's Bagbema, what you've given us.

4 MR SANTORA: Let me have the witness say it again. I will
11:25:40 5 clarify.

6 THE WITNESS: Bagbema. It is Bagbema.

7 MR SANTORA: I think it actually should be then
8 B-A-G-B-W-E-M-A. This appears on maps in several different
9 spellings and so that's why --

11:26:02 10 JUDGE SEBUTINDE: Why don't you let the witness attempt to
11 spell it. Mr Witness.

12 THE WITNESS: B-A-G-B-E-M-A. Bagbema.

13 MR SANTORA:

14 Q. Thank you, Mr Witness. Mr Witness, you said you had the
11:26:27 15 opportunity to go to school. How far did you progress in school?

16 A. Form 5.

17 Q. What languages do you speak?

18 PRESIDING JUDGE: I am sorry, Mr Santora, is Form 5
19 secondary or primary level?

11:26:44 20 THE WITNESS: Secondary school.

21 PRESIDING JUDGE: Thank you, Mr Witness. We've had several
22 variations on this. Thank you.

23 MR SANTORA:

24 Q. Mr Witness, what languages do you speak aside from Krio?

11:26:55 25 A. I speak Kono, I speak Temne and Krio.

26 Q. Can you understand any English?

27 A. Yes, a little bit, because I am not as perfect as the
28 British man.

29 Q. Neither am I, Mr Witness, but let me ask you the next

1 question: Before the war in Sierra Leone what were you doing for
2 work, if anything?

3 A. I was a miner and a footballer.

4 Q. Who were you playing football for?

11:27:52 5 A. Well, in Kono we had some area teams and my team was
6 Cosmos.

7 Q. You said Cosmos, correct?

8 A. Cosmos, yes. Cosmos Football Club.

9 Q. When the war started in Sierra Leone did you continue to
11:28:27 10 work in mining?

11 A. No. When the war started in Sierra Leone I was no longer
12 mining.

13 Q. When did you stop mining?

14 A. Well, that was the time the junta and the rebels started
11:28:56 15 seizing people's gravels so that they could wash it and get the
16 things from it because at that time, when people had piled their
17 gravels, they would come and seize it and they would take all
18 that was in there.

19 Q. Mr Witness, are you familiar with something called the
11:29:18 20 AFRC?

21 A. The AFRC, yes.

22 Q. Are you familiar with the event when the AFRC took power in
23 Sierra Leone?

24 A. Yes, I know some.

11:29:40 25 Q. Where were you when that happened?

26 A. I was in Koidu Town.

27 Q. So prior to this incident when the AFRC took power in
28 Sierra Leone were you working as a miner?

29 A. I was working.

1 Q. In mining?

2 A. Yes.

3 Q. Now you said that then you stopped mining when - the time
4 the junta and the rebels starting seizing people's gravels. What
11:30:24 5 do you mean by that?

6 A. Well, they would always hang around after people have
7 tripped and piled their gravels, because I too had workers. They
8 would wait until the workers had tripped and piled the gravel and
9 when they were now ready for washing then they would go and take
11:30:54 10 the gravels away from the people. Sometimes they went around and
11 did shoot-outs so that people would run away and leave everything
12 and then they will wash the gravels and take the diamonds from
13 there and it came to a time when my own boss said we should stop
14 the mining and that was the time we stopped the mining. They did
11:31:20 15 it forcefully.

16 Q. Okay. First of all, when you say the junta and the rebels,
17 who do you mean?

18 A. Junta, rebels. Juntas were soldiers. They were government
19 soldiers, breakaway government soldiers, and who had turned
11:31:42 20 against their country people and what I mean by the rebels is
21 that it was the RUF who were brought by Foday Sankoh. Those were
22 the ones we referred to as the rebels, the rebel fighters.

23 Q. Now when you said that the junta and the rebels would take
24 people's gravels, when you say gravels, just explain what you
11:32:08 25 mean by gravels?

26 A. Well, a gravel, it's something deep down in the ground that
27 is mixed with stones like marbles and sand, black, and if one is
28 fortunate you will find diamonds in there. That is after you
29 have removed the upper layer of the soil, and then you dig deep

1 down, you will meet some other surfaces that is mixed with sand
2 and there is a material in there that is called koloudu, it is
3 something like a stone. And anywhere they say they have,
4 diamonds are possibly there. And sometimes you would take
11:33:08 5 samples of such soils and the sample too looks like a diamond,
6 but it is actually not a diamond, but it is not difficult to
7 detect the difference between that sample and a diamond. So all
8 of those materials, all of those things, they are normally mixed
9 together in one place and that is what we refer to as gravel.

11:33:29 10 Q. You mentioned a material in the soil called koloudu, is
11 that correct?

12 A. Yes.

13 Q. Do you know how to spell that?

14 A. Yes.

11:33:46 15 Q. Can you spell it?

16 A. Yes.

17 Q. Go ahead.

18 A. K-O-L-O-U-D-U.

19 JUDGE SEBUTINDE: This can't be an English word. What is
11:34:23 20 it?

21 THE WITNESS: Yes.

22 MR SANTORA:

23 Q. What is this word, Mr Witness?

24 A. Well, that is how we the miners referred to it. That is
11:34:38 25 how we referred to it and I do not know the English word for that
26 particular material.

27 Q. Mr Witness, about how long after - when the AFRC took power
28 in Sierra Leone, about how long after that did you stop mining?

29 A. It was when they took over that we stopped because no

1 sooner they took over, at that particular time they started
2 taking away people's gravels from them.

3 Q. How do you know they were taking away - first of all when
4 you say "they" who do you mean?

11:35:32 5 A. Well, the junta and the rebels.

6 Q. And where was this occurring? What areas?

7 A. Well, that was all over Kono and the question that you had
8 asked me, let me answer it. That was something I saw. It was
9 not something that I was told whether - that somebody told me.

11:36:01 10 No, nobody told me. It was something I saw for myself.

11 Q. So where did you see this happening?

12 A. It happened in Koidu Town because mining was going on in
13 Koidu Town. It happened in Small Sefadu, Tombodu and even in my
14 own village where I was born, it happened in Bagbema.

11:36:28 15 Q. Now, before you stopped mining who were you mining for?

16 A. I was mining for Kasim Basma. He was a diamond exporter.
17 Kasim Basma. He was the person that I was mining for. But he
18 used to give us a monthly salary and he gave us a reasonable
19 support and after I had been able to get a reasonable amount of
11:37:09 20 money for me to support myself that was the time I decided to
21 look out for my own labourers so that I could do my own mining
22 for myself. So by then I was now doing mining on my own.

23 Q. Kasim Basma is spelt K-A-S-I-M B-A-S-M-A. When did you
24 stop working for Kasim Basma. Do you know the year?

11:37:43 25 A. Well, I started working for Kasim Basma, I think it was in
26 1982.

27 Q. And when did you stop?

28 A. I stopped working for him in 1986 after I had been able to
29 sponsor my own labourers to do my work.

1 Q. So at the time the AFRC took over in Sierra Leone you were
2 sponsoring your own labourers, is that correct?

3 A. Yes.

4 Q. Now, after you had to stop mining what happened?

11:38:27 5 A. Well, we decided to sit and look how the junta and the
6 rebel were treating our people.

7 Q. When you say - sorry --

8 A. And they did not treat them right. They went around
9 midnight knocking at doors, raping women, looting people's
11:39:06 10 property and taking them away.

11 Q. First of all, when you said, "We decided to sit and look
12 how the junta and rebel were treating our people", when you say
13 "we decided to sit" who is "we"?

14 A. We, the civilians.

11:39:30 15 Q. Specifically, who were you living with at this time?

16 A. I was living with my children, my wife and my sister.

17 Q. At that time how many children did you have?

18 A. Three.

19 Q. And at that time, during the AFRC regime, what were their
11:39:55 20 ages, if you recall?

21 A. I wouldn't recall that much.

22 THE INTERPRETER: Your Honours, could the witness be
23 advised to speak up at the tail end of his testimony. The
24 interpreter did not get the tail end of it.

11:40:26 25 PRESIDING JUDGE: Mr Witness, the interpreters did not hear
26 everything you said. They noticed that you go quieter at the end
27 of each sentence and they would like you to keep your level of
28 voice at the same level and would you please pick up your answer
29 where you said, "I wouldn't recall that much" and continue from

1 there, please.

2 THE INTERPRETER: Your Honours, and the interpreters also
3 would want to make a correction. The interpreters would want to
4 make a correction. The word koloudu as used by the witness, the
11:41:04 5 interpreters have been able to check it up. The English word for
6 it is corundum, C-O-R-U-N-D-U-M.

7 PRESIDING JUDGE: Thank you for that, Mr Interpreter.
8 Mr Witness, you heard what I said. Would you please repeat your
9 last answer and do you need the question again?

11:41:27 10 THE WITNESS: Yes, let him ask his question again.

11 MR SANTORA:

12 Q. Mr Witness, can you recall approximately what ages your
13 children were at this time we are talking about, the time when
14 you were living in Koidu during the AFRC regime?

11:41:49 15 A. They were very small and I did not have enough at that time
16 really. They were very small.

17 Q. And what do you mean you did not have enough? What does
18 that mean?

19 A. I did not say enough, but I said I did not actually get
11:42:17 20 time for that because everybody was in a confused state, and I
21 did not recall the age of my children at that time, but they were
22 actually my children.

23 Q. And of the three children do you know the - how many were
24 boys and how many were girls?

11:42:39 25 A. Well, the three of them were girls, although I had boys.
26 At the time you are asking me about, and during that time the
27 junta took over, I did not recall their ages at that time.

28 Q. But you're saying you had three girls at that time. Is
29 that correct?

1 A. Yes.

2 Q. And where were you residing in Koidu with your family at
3 this time during the AFRC regime? What area of Koidu?

4 A. Taru Lane. Number 16 Taru Lane, up Hill Station. Because
11:43:34 5 Hill Station is the name for the area in general and there are
6 streets there and I was living on Taru Lane number 16.

7 MR SANTORA: I thought it was - and I can ask the witness,
8 did you Taru or Taru Lane, and go ahead --

9 A. Taru. Taru Lane.

11:44:03 10 Q. Can you spell that please, Taru?

11 A. T-A-R-U.

12 Q. Okay, thank you.

13 PRESIDING JUDGE: Mr Santora, I did indicate earlier that
14 we should have a break because there will have to be a change of
11:44:25 15 tape and usually we are alerted about the tape. I was actually
16 looking for some indication, but I note the time now and this may
17 be an appropriate time to adjourn, if that's convenient in this
18 examination-in-chief.

19 MR SANTORA: It is, Madam President.

11:44:43 20 PRESIDING JUDGE: Thank you. Very well. We will take a
21 break now and in light of the fact that we've already lost some
22 time we'll reduce it to 20 minutes, so please have a 20 minute
23 break, Madam Court Officer, and allow a change of tape.

24 [Break taken at 11.45 a.m.]

11:59:57 25 [Upon resuming at 12.10 p.m.]

26 PRESIDING JUDGE: Please proceed, Mr Santora.

27 MR SANTORA: Thank you, Madam President:

28 Q. Mr Witness, just before the break I was asking you some
29 questions about what was happening in Koidu after the AFRC took

1 over and you had said that the junta and rebels came to Koidu.

2 Is that correct?

3 A. Yes.

4 Q. You also said later on that "They went around at midnight
12:11:35 5 knocking at doors, raping women, looting people's property and
6 taking them away." Do you remember saying that?

7 A. Yes, that was something they did frequently.

8 Q. And when you say "they", who do you mean exactly?

9 A. The juntas and the rebels.

12:11:57 10 Q. Now, about how long after the AFRC took over did these
11 activities start? About how long after the AFRC took over, can
12 you recall?

13 A. As soon as they took over they started doing those acts.

14 PRESIDING JUDGE: Mr Santora, could we clarify when the
12:12:26 15 witness says "and taking them away", are we talking about the
16 looted property?

17 MR SANTORA: That was exactly my next question. Thank you,
18 Madam President.

19 PRESIDING JUDGE: I should not have interrupted.

12:12:36 20 MR SANTORA: That's okay. I was thinking along the same
21 line:

22 Q. Now, you said they were looting people's property and
23 taking "them" away. When you say "them" who or what are you
24 referring to?

12:12:49 25 A. The juntas and the rebels, after they had looted people 's
26 property, those same junta took the properties to where they were
27 based. That was why I said "them" and not the people. The
28 juntas and the rebels. After looting people's property, they
29 took away those property.

1 Q. And how do you know this, Mr Witness?

2 A. Well, we sometimes heard gunshots midnight and in the
3 morning we would go to the particular house where the junta and
4 the rebels would have wreaked that havoc, so we used to know by
12:14:00 5 that. And even myself, my house where I was living, they looted
6 my baling machines and some of my furniture.

7 Q. Who specifically looted your baling machines and some of
8 your furniture? Do you know who it was?

9 A. Well, I did not know the person or the people who did it,
12:14:32 10 but then I saw them, but I did not know them. I saw them, but I
11 did not know them. And even if any one of them stand in front of
12 me here now I would not be able to identify the particular person
13 to say "This was the one and that was the one who did it",
14 because at that time we didn't have time to look at faces and be
12:14:59 15 able to identify them later.

16 Q. Your baling machine and furniture, do you know when
17 approximately this was taken from you?

18 A. Yes, I know.

19 Q. When was it?

12:15:26 20 A. It was in February.

21 Q. Do you know the year?

22 A. It was in 1998. 1998, February.

23 Q. You said that you don't know specifically who it was, but
24 do you know the group or groups that these people were affiliated
12:15:53 25 with, that took your baling machine and furniture?

26 A. Well, at that time, as long as someone carried a gun and he
27 wore a uniform, and those who went and looted my house where I
28 had my property, they held guns, some had uniforms on and some
29 wore jeans, and we know for certain that those were the people

1 who were called the juntas and the RUF rebels.

2 Q. At the time your baling machine was taken, do you know
3 approximately the value of that item?

4 A. Well, baling machines were not that costly at that time. A
12:16:52 5 baling machine at that time cost 500,000 leones in shops.

6 Q. And could you put an approximate value on the furniture
7 that was taken from you?

8 A. I wouldn't say - be able to say that, in obvious terms.

9 Q. Now, are you familiar with an event in Sierra Leone known
12:17:22 10 as the intervention?

11 A. Yes.

12 Q. During this event, were you still living in Koidu?

13 A. Yes, I was there. I was there.

14 Q. Now between the time the AFRC took over, and this event
12:17:46 15 called the intervention, did you see any commanders of the junta
16 or the rebels in Koidu?

17 A. Yes.

18 Q. Can you remember some of those you saw?

19 A. Yes.

12:18:09 20 Q. Go ahead and name the ones you remember?

21 A. Well, I saw Lieutenant T, who was a government soldier and
22 who formed part of the break-away group. I saw Alhaji Bioh. I
23 saw Captain Bai Bureh and Lieutenant Jalloh and I also saw Komba
24 Gbundema.

12:18:51 25 PRESIDING JUDGE: Mr Santora, I notice the spelling of
26 "Alhaji Bioh" on this particular transcript varies from the
27 spelling in a previous --

28 MR SANTORA: I noticed that too, your Honour, and I was
29 hesitating as to whether I should --

1 PRESIDING JUDGE: It could be a different person.

2 MR SANTORA: I can just ask who he is and that perhaps will
3 clarify it.

4 Q. First of all, you said somebody called "Alhaji Bioh". Who
12:19:19 5 is that?

6 A. Well, that was the man who led that particular group. That
7 was the man who led the particular group that amputated me and he
8 was the leader of the group that captured me when they amputated
9 me. That was the man who amputated me.

10 Q. Can you say his full name and slowly?

11 A. Alhaji Bayoh.

12 Q. Have you ever heard of an individual called Staff Alhaji
13 Bayoh?

14 A. That is the man.

12:20:08 15 Q. Okay. Do you know how to spell Bayoh?

16 A. Yes, B-A-Y-O-H, Bayoh.

17 Q. Now you mentioned some other individuals you saw in Koidu.
18 Who was Captain Bai Bureh?

19 A. Well, he was one of the RUF commanders.

12:21:17 20 Q. And while you were in Koidu do you recall where you saw
21 him?

22 A. Yes, in Wendedu, where we had gone and hid ourselves where
23 myself, my children and my younger sister and my wife went and
24 hid. That was where he used to go frequently.

12:21:41 25 Q. Now, sticking to the time in Koidu itself, before the
26 intervention, did you have the occasion to see Captain Bai Bureh,
27 if you recall?

28 A. Yes, but not in Koidu Town. It was in Wendedu where we
29 went to and hid ourselves after we had ran away from Koidu Town,

1 after we had escaped from Koidu Town. He used to go there very
2 frequently with his men.

3 Q. Did you leave Koidu Town before the intervention occurred?

4 A. I was there.

12:22:33 5 Q. I am going to repeat the question. Did you leave Koidu
6 Town before the intervention occurred?

7 A. We were there. I was there, together with my children,
8 when the intervention took place in Koidu Town.

9 Q. And when the intervention took place, did you remain in
12:23:03 10 Koidu Town?

11 A. No, we at first escaped.

12 Q. Now I am just going to --

13 A. But I was there when the intervention took place when they
14 went and met us in Koidu Town.

12:23:25 15 Q. Who is "they"?

16 A. The juntas and the rebels.

17 Q. Before I ask you about that incident, I am just going to go
18 back one more time. Before the intervention occurred, before you
19 left Koidu, within Koidu Town itself, can you just name the
12:23:48 20 commanders you remember seeing?

21 A. Well, yes. I saw Mosquito. I saw him. I saw Komba
22 Gbundema.

23 Q. Who is Mosquito?

24 A. That is Sam Bockarie.

12:24:16 25 Q. And where did you see Mosquito?

26 A. In our community centre.

27 Q. Is that community centre located in Koidu Town?

28 A. Yes, in Koidu Town.

29 Q. And approximately when did you see Sam Bockarie at this

1 community centre in Koidu Town?

2 A. That was the time they had arrested nine thieves and they
3 went and killed them at the football field. He had spectacles,
4 dark spectacles on his face and we knew him. And he even held a
12:25:10 5 meeting with the chiefs at the community centre.

6 Q. About how long before the intervention did this happen, do
7 you know, in terms of weeks or months?

8 A. Well, that I wouldn't tell but I know for certain, and I
9 saw when he went where the killing took place, that is the
12:25:47 10 thieves, nine of them who were killed at around the community
11 centre, and I saw it.

12 Q. Did you know who Sam Bockarie was at that time?

13 A. Well, according to what people were saying and what we
14 heard over the radio, it was that he was the field commander for
12:26:26 15 Foday Sankoh.

16 Q. And what exactly did you see Sam Bockarie doing at the
17 community centre? Describe what happened?

18 A. After they had arrested nine thieves and they took them
19 there to be killed, they displayed all of them there and they
12:26:58 20 shot all of them, and those of us who were standing there we saw
21 the thieves being shot at.

22 Q. Who shot the thieves?

23 A. Well, I believe that those who held guns at that particular
24 time were the RUF fighters and the juntas. Those were the only
12:27:27 25 people.

26 Q. Who were these thieves, do you know?

27 A. Well, we did not know them. Let me say I did not know
28 them. The only thing we were told was that they were thieves.

29 Q. And what was Sam Bockarie doing during this incident?

1 A. Well, he stood there whilst the thieves were shot at - the
2 nine thieves.

3 Q. What happened after that, after they were shot at?

4 A. They then went for a meeting in the community centre hall
12:28:26 5 where the chiefs gave warnings that they would not want anybody
6 to be killed in the middle of the town, nobody around the
7 community centre. So they said they were pleading with them so
8 that they don't repeat that kind of thing any more.

9 Q. Okay, Mr Witness, I know it's difficult, but I am going to
12:28:57 10 ask you to try to use - instead of using "they" and "them", to
11 try to call out who you mean when you explain something, okay?

12 A. Okay. The chiefs pleaded with Sam Bockarie during the
13 meeting, saying that they shouldn't allow anybody to be killed
14 inside the community centre and the middle of the town.

12:29:31 15 Q. Were you present when this was occurring?

16 A. Yes, I was there and we were many. We, the civilians, we
17 were there, we stood by and we were watching.

18 Q. Did anything else happen at that meeting?

19 A. Well, after all this we all dispersed.

12:30:00 20 Q. How were you feeling at this point about the situation?

21 A. Well, all of us who were there who went and saw whilst
22 those people were shot at, we did not feel happy about that. Not
23 everybody was happy about that. But the juntas and the RUF
24 fighters were happy because they said they were thieves.

12:30:38 25 Q. And do you know anything about these thieves otherwise in
26 terms of what they were alleged to have stolen?

27 A. Well, they did not tell us that. The only thing they told
28 us was that they were thieves.

29 Q. Mr Witness, I am now going to ask you about things that you

1 remember from the point of the intervention, okay?

2 A. I am ready.

3 Q. You said you were living in Koidu Town when the
4 intervention started. Is that correct?

12:31:21 5 A. Yes.

6 Q. What happened after the intervention started for you?
7 Describe what happened.

8 A. Well, when the juntas and the rebels had taken over Koidu
9 Town, the juntas and the rebels were knocking at people's doors
12:32:05 10 at midnight and if someone refused to open the door for them they
11 would break into the house and rape, steal people's property and
12 take those property away.

13 So that became disturbing to us in Koidu Town, so the
14 chiefs and some other members of the Lebanese community and some
12:32:43 15 other rich people, all of them decided to hold a meeting so that
16 they will go and call the Kamajors so that they will come and
17 chase the juntas and the RUF out of Koidu Town. So that was the
18 time the chiefs went and called on the Kamajors. So the Kamajors
19 came and chased the junta and the RUF fighters of Koidu Town.

12:33:21 20 Q. Mr Witness, you said that - again referring to what was
21 happening in Koidu after the intervention started. You said that
22 they would break into the house and rape. First of all, when you
23 say "they", again who are you referring to?

24 A. Okay, I have already said that. I said the juntas and the
12:33:50 25 rebels. And the question you asked me about how I managed to
26 know, let me say for instance we will go to the hospital and that
27 will only happen after people would have given us the
28 information. We will go to the hospital, the government
29 hospital, by then it was Dr Gborie who was there. We would go

1 there and see the young girls and the women who had been raped.

2 Q. When you say we will go there, who do you mean "we"?

3 A. Some of us, the civilians.

4 Q. And when you went there and you saw the young girls and the
12:34:35 5 women who had been raped, how did you actually know that they had
6 been raped?

7 A. Well, we saw when people interviewed them and their
8 families were present and they interviewed them and the women too
9 spoke. They explained their ordeals.

12:35:08 10 Q. From your observation, what were the ages of the young
11 girls that you remember seeing at the hospital?

12 A. That I wouldn't tell, their ages. I did not know their
13 ages, but some of them were very young girls. Yes, but I
14 wouldn't tell because I am not their father, but they were
12:35:37 15 actually young girls.

16 Q. So you said then that there was a meeting and the chiefs
17 and some of the members of the Lebanese community allocated money
18 to call the Kamajors. Is that correct?

19 A. Yes.

12:36:00 20 Q. And did this occur?

21 A. It happened and the Kamajors came. They entered Koidu
22 Town.

23 Q. And about how long were the Kamajors in Koidu Town for?

24 A. They spent about two or three weeks, I think so.

12:36:28 25 Q. And what happened after two or three weeks?

26 A. Well, the chiefs had gone and invited the Kamajors to come
27 and free us from the shackles of the junta and the rebels, but to
28 our surprise on just one particular day we saw the RUF put a big
29 pot very close to the central mosque. That was at the roundabout

1 going towards Yardu Road and Main Road and Gbongbor Street. It
2 was at that roundabout. And taking it up from there also to
3 Kainkordu Road. And those the Kamajors had arrested and said
4 they were juntas sympathisers and RUF sympathisers and
12:37:33 5 collaborators who had not been able to escape from Koidu Town,
6 they were cooked in those pots and eaten.

7 Q. I am just going to clarify, Mr Witness. You said "we saw
8 the RUF put a big pot". Who put the big pot close to the central
9 mosque?

12:37:57 10 A. It was not the RUF fighters who put the big pot there. I
11 said the Kamajors. To our surprise, after the chiefs had gone
12 and invited the Kamajors, it was to our surprise that the
13 Kamajors too started doing some wicked things. They were cooking
14 human flesh and eating it. They put the pot close to the central
12:38:24 15 mosque.

16 Q. Now you said that the Kamajors --

17 JUDGE SEBUTINDE: Could we have some spellings and they
18 have been compounded, a number of spellings of some locations.

19 MR SANTORA: I am checking the transcript. I apologise for
12:38:44 20 the delay. One moment. I believe there is Yardu Road, Main Road
21 and I think he said Gbongbor Street, but I will check:

22 Q. What street did you say?

23 A. Now --

24 Q. The pot you are referring to, what street was it near
12:39:05 25 again. Repeat those streets slowly.

26 A. Let's say for instance here is Yardu Road and Yardu Road
27 runs straight to Yardu and here is Kainkordu Road also and the
28 central mosque is on this side between Main Road - the central
29 mosque is faced towards Main Road and Yardu Road and the other

1 side of the mosque faces Kainkordu Road and that was where they
2 put the pot and Gbongbor Street too is not far off from that
3 point.

4 Q. Just repeat the streets only. You said first Kainkordu
12:40:05 5 Road?

6 A. Yes.

7 Q. Say it slowly. Say it again?

8 A. Kainkordu Road.

9 Q. Do you know how to spell that?

12:40:22 10 A. It is difficult for me.

11 MR SANTORA: I am going to have to phonetically spell it
12 then.

13 JUDGE SEBUTINDE: Mr Interpreter, can you spell any of
14 these roads for us, please.

12:40:38 15 THE INTERPRETER: Yes, your Honours, Kainkordu is
16 K-A-I-N-K-O-R-D-U and Yardu Road is Y-A-R-D-U.

17 MR SANTORA: And there is a third road. I believe it was
18 Gbongbor Road. Again I would only be guessing phonetically so
19 perhaps the interpreter --

12:40:56 20 JUDGE SEBUTINDE: There is a street, Gbongbor or something
21 like that.

22 THE INTERPRETER: Yes, your Honour, Gbongbor. Gbongbor is
23 G-B-O-N-G-B-O-R.

24 MR SANTORA: Thank you, Mr Interpreter:

12:41:18 25 Q. Now you said that the Kamajors remained in Koidu Town for
26 approximately two to three weeks. Is that correct?

27 A. Yes.

28 Q. What caused them to leave?

29 A. Well, on one Friday we heard gunshots very early in the

1 morning and it was a sporadic firing.

2 Q. From which direction were these gunshots coming from?

3 A. From the Kokuima end. From Kokuima village.

4 Q. What happened then?

12:42:15 5 A. It was then that we saw the Kamajors running away. They
6 were running away. And we too ran away that particular moment;
7 myself, my children, my wife and my sister.

8 Q. Where did you run?

9 A. We did not go that far and it was after some time precisely
12:42:56 10 in the afternoon after the shooting had subsided that some of us,
11 the civilians, decided to return to Koidu Town to make a scene
12 check.

13 Q. Okay, and what happened after you made a scene check?

14 A. Well, it was at that time that we saw that both the junta
12:43:30 15 and the RUF had again returned to Koidu Town and taken over and
16 that was the time they started setting houses on fire.

17 Q. When you returned to Koidu to make a scene check, do you
18 know - did you learn any of the commanders who were in Koidu at
19 this time?

12:43:57 20 A. Well, the only man I saw was Captain T, whose boys were
21 setting houses on fire at Hill Station, and that man was born at
22 that same Hill Station, this Lieutenant T. That was where he was
23 born.

24 JUDGE SEBUTINDE: Did you say born or burnt,
12:44:32 25 Mr Interpreter?

26 THE INTERPRETER: Born. That was where he was born.

27 MR SANTORA: As in B-O-R-N?

28 THE INTERPRETER: As in B-O-R-N, your Honours.

29 THE WITNESS: Yes, not that he was burnt. That was where

1 he was born. That was where his mother gave birth to him.

2 MR SANTORA:

3 Q. Do you know who led the juntas and rebels back into Koidu?

4 A. Well, during those few days they encouraged us to stay with
12:45:19 5 them and at the time they were talking to us I did not actually
6 see the person but they told us that it was War Tank who went and
7 with a group that recaptured Koidu Town from the Kamajors and the
8 name of the War Tank that we were later told was a person called
9 Akim Sesay.

12:45:55 10 JUDGE SEBUTINDE: Mr Santora, it was War Tank who went. Is
11 War Tank a person?

12 MR SANTORA: I was going to clarify that:

13 Q. You said - did you understand - do you understand Justice
14 Sebutinde's question, Mr Witness?

12:46:09 15 A. Yes, I understood it. It is not the tank itself. The man,
16 Akim Sesay, that was his nickname, War Tank.

17 Q. Now, you said that you learned this after two or three days
18 in Koidu. Is that correct?

19 A. Yes.

12:46:41 20 Q. You also said that you saw houses being set on fire at Hill
21 Station by one Lieutenant T. Is that correct?

22 A. Yes, together with his men.

23 Q. What exactly did you see in Koidu? Well, first of all, I
24 withdraw the question. When did you see Lieutenant T start
12:47:06 25 setting houses on fire with his men near Hill Station area in
26 Koidu?

27 A. Well, that was the time they had re-entered. That is when
28 the juntas and the rebels re-entered and pushed the Kamajors out.

29 Q. And what exactly did you see? Describe the situation.

1 A. It was fire. The houses were set on fire and the situation
2 at that time was not good.

3 Q. Did you remain in Koidu Town?

4 A. They told us they did not want any civilian around there,
12:48:06 5 so we moved.

6 Q. Who told you that they did not want any civilians around
7 there?

8 A. It was the juntas and the RUF. They said they will see to
9 it that Koidu Town is converted into a farm.

12:48:40 10 Q. I know you said it was - do you remember specifically who
11 told you this?

12 A. No.

13 Q. Okay. And did you hear it on one occasion or more than one
14 occasion?

12:48:57 15 A. Well, it was more than one occasion they told us that, that
16 they did not want us there. The juntas and the RUF said they did
17 not want any civilians around Koidu Town, so that prompted us to
18 move.

19 Q. Could you approximately tell about how long - how many days
12:49:17 20 you spent in Koidu Town after you came back and made a scene
21 check to the time where you were prompted to move again? Do you
22 remember how many days that was, approximately?

23 A. Well, I spent three days there and I was not alone,
24 together with other civilians who had gone to check around their
12:49:45 25 whole houses, in their houses for their properties and other
26 things.

27 Q. So after this three days, where did you go?

28 A. To Wendedu and I was not alone. We were many, those of us
29 civilians who went to Wendedu.

1 Q. Can you approximate about how many civilians were moving in
2 the direction of Wendedu?

3 A. You wouldn't stand there to count, to take a head count of
4 people, but we were many.

12:50:37 5 Q. And what road is Wendedu on, if any? Do you know?

6 A. The road? From Koidu Town to Wendedu is about two miles.
7 It is not that far from Koidu Town. It is not a far place. That
8 was where so many civilians went to, into hiding.

9 Q. Is Wendedu located along a road out of Koidu?

12:51:21 10 A. You will have to pass through Koidu Town and there is a
11 road leading towards the eastern part of Koidu Town. That was
12 where we passed through.

13 Q. So in which direction is Wendedu from Koidu Town?

14 A. The east.

12:51:47 15 Q. And you said it was about two miles - Wendedu is about two
16 miles from Koidu Town?

17 A. Yes.

18 Q. So how long did it take you to - first of all, how were you
19 travelling there?

12:52:04 20 A. We walked. We walked. And it was not a slow kind of
21 walking. It was almost a running kind of thing.

22 Q. How were you feeling at this point?

23 A. No, we were not feeling good. I, for one, I was not
24 feeling fine.

12:52:33 25 Q. What were you thinking about?

26 A. Well, at that time human beings were not feeling good and I
27 was not feeling good because we could not imagine those juntas
28 and the rebels coming to just destroy and nothing developmental.
29 They only went to destroy people, so I did not feel good about it

1 - about them at all.

2 Q. And were you travelling with your family?

3 A. Oh, yes.

4 Q. Now, did you eventually arrive at Wendedu?

12:53:35 5 A. Well, yes, we arrived at Wendedu, I and my family.

6 Q. Describe the situation at Wendedu when you arrived?

7 A. We met other civilians there. They were many, because that
8 was where most of the people - most of the civilians - went and
9 assembled. So we got there and whilst we were resting we saw

12:54:13 10 that Captain Bai Bureh was patrolling around the area there and

11 he used to go there frequently and at any time they went there

12 they used to go there to get some palm wine to drink, but the

13 reason why I, my wife and my children decided to move from there

14 also, and together with other civilians, because there was a day

12:54:39 15 - but even before that happened I and Lieutenant Jalloh had a

16 quarrel because of my sister. So, on one particular day my wife

17 was cooking when my younger sister went to the hand force pump

18 because an NGO had constructed that hand force pump there for the

19 community, so my younger sister went there to fetch water and

12:55:18 20 after fetching the water, on her way coming, Captain Bai Bureh

21 saw her, but even before that happened they had come the previous

22 day in five open Land Rovers - five vehicles - and they had

23 girls, some girls, in there, about ten of them, young girls, but

24 the youngest amongst them was crying, but they were actually not

12:56:06 25 captured in Wendedu. And it was after then that Captain Bai

26 Bureh captured my sister. I went to meet him to plead with him

27 so that he could release my sister, and it was then that he

28 threatened me with some words saying "Which one do you choose;

29 your life or your sister?", so I had no option. I did not say

1 anything. I did not say a word, but I turned around and moved
2 back to where I came from. It was then that we left that village
3 together with some other civilians and travelled to a place
4 called Kondewakoro.

12:56:56 5 Q. I am going to stop you for a moment just to clarify a few
6 things, Mr Witness. First of all, how old was your sister at
7 this time?

8 A. At that time she was 16 years of age.

9 Q. Now, you first said that when you arrived at Wendedu you
12:57:14 10 would see Captain Bai Bureh patrolling around. Is that correct?

11 A. Yes, in that village he was the one who used to go there
12 frequently, he and Lieutenant Jalloh.

13 Q. Who was Lieutenant Jalloh?

14 A. He was with Captain Bai Bureh. He was an RUF fighter.

12:57:46 15 Q. Now, you said that you had a quarrel with Lieutenant
16 Jalloh. Is that correct?

17 A. Yes, it's true.

18 Q. Describe in terms of sequence, in order, how things
19 occurred from the story you have just described. Describe it in
12:58:10 20 order of how it happened?

21 A. Okay. Do you mean the time I had the quarrel with
22 Lieutenant Jalloh?

23 Q. Let me actually - let me start again. After you arrived at
24 Wendedu, about how long after you arrived there did you see
12:58:29 25 Captain Bai Bureh and Lieutenant Jalloh patrolling?

26 A. They used to frequent there. They used to go there
27 frequently. I think I spent about two weeks in that place and
28 they used to go there frequently.

29 Q. And when you were there and saw them, you have referred to

1 a quarrel with Lieutenant Jalloh. Is that correct?

2 A. That is true. He had wanted to abduct my sister and that
3 was the reason why I had the quarrel with him, but it was then
4 Captain Bai Bureh after all who succeeded to capture my sister
12:59:30 5 and he added my sister to the other ten girls whom they had
6 captured somewhere else. I did not actually know where they were
7 captured from.

8 Q. So you had a quarrel with Lieutenant Jalloh about your
9 sister before your sister was taken. Is that correct?

12:59:53 10 A. Yes.

11 Q. And what exactly was said during this quarrel with
12 Lieutenant Jalloh?

13 A. It was because of my sister. He had wanted to capture my
14 sister and take her along, but I did not allow him to do that, so
13:00:18 15 I had a serious quarrel with him and in that particular village
16 there were so many civilians present there.

17 Q. Now, about how long after this quarrel did Captain Bai
18 Bureh come back and take your sister?

19 A. Well, I wouldn't recall that now, but I don't think it was
13:00:52 20 up to five days when they came back. I don't think it was up to
21 five days when they came back. That is when Captain Bai Bureh
22 came back to the village and captured my sister.

23 Q. And you said when he captured your sister there were
24 vehicles, five open Land Rovers, with Captain Bai Bureh. Is that
13:01:23 25 correct?

26 A. Yes, that is true.

27 Q. What exactly did you see in the five open Land Rovers?

28 A. One of the Land Rovers was where I saw the young ladies who
29 were brought to Wendedu village. They were not captured in

1 Wendedu itself. I told you that there was a small girl crying.
2 She was in the Land Rover and she was crying.

3 Q. And in the other Land Rovers did you see anything - the
4 other four Land Rovers?

13:02:11 5 A. They were the only ones in it. At that time one would not
6 be there to - you would not stand by and look what was in the
7 Land Rover. One would not do that.

8 Q. So just so I understand, the ten girls were in one Land
9 Rover. Is that correct?

13:02:37 10 A. Yes.

11 Q. Now, after they took your sister, after Captain Bai Bureh
12 took your sister, did you ever see her again?

13 A. Yes, I was lucky to see her after the disarmament. That
14 was during the DDR program. That was when I was able to see my
13:03:05 15 younger sister again.

16 Q. Did you ever ask her what happened to her?

17 A. She is my younger sister. I did not talk to her that much,
18 but all I can recall was that I paid her school fees and she is
19 currently in school.

13:03:32 20 JUDGE SEBUTINDE: Mr Santora, I am just seeking
21 clarification. This location that appears as Wendedu in the
22 transcript, I heard both yourself and the interpreter sometimes
23 saying Wonedu and the indictment contains both locations,
24 Wonedu and Wendedu. Now you haven't spelt this word for us.

13:03:57 25 MR SANTORA: I have not spelled it because it had been on
26 the record before. I do not - I am not going to attempt to
27 elicit through this witness that there are alternative spellings
28 to this particular location. I think in the Prosecution's - in
29 the aggregate in our final submissions potentially this issue can

1 be addressed, but because it has been spelled on the record
2 before and the witness did originally said Wendedu I think that
3 is how it should be spelt transcript at this point.

13:04:34 4 JUDGE SEBUTINDE: Mr Santora, my point was whilst the
5 witness was saying Wendedu, both yourself and the interpreter
6 kept saying Wondedu. I heard something different and the
7 transcript shows something different and this is the discrepancy
8 I was trying to bring to your attention so that with relation to
9 this witness at least the record is correct.

13:04:54 10 MR SANTORA: Okay, I understand. I will clarify:

11 Q. Just to clarify the name of the location that you left -
12 that you arrived at after leaving Koidu Town, can you say it
13 again?

14 A. Wendedu. Do you want me to spell it?

13:05:15 15 Q. Yes, go ahead and spell it.

16 A. W-E-N-D-A-D-U, Wendadu.

17 MR SANTORA: I apologise to the Court for mispronouncing
18 the name myself, if that was the case in mispronouncing it to
19 Wondedu and I will stick with a - I will pronounce it Wendadu
13:05:46 20 from this point:

21 Q. Now, Mr Witness, after your younger sister was taken by Bai
22 Bureh did you remain in Wendadu?

23 A. No, we left the place together with some other civilians
24 and we went to Kondewakoro where we hid in the hills.

13:06:26 25 MR SANTORA: The spelling has been picked up correctly
26 according to the transcript:

27 Q. Mr Witness, where is Kondewakoro?

28 A. Kondewakoro is in the eastern part of Kono, towards the
29 Guinea border. It is the Meli River that separates the town from

1 Guinea.

2 MR SANTORA: I am going to have to get a proper spelling
3 for Meli River because I didn't have that prepared. So I will
4 check that and get back on that.

13:07:15 5 PRESIDING JUDGE: Thank you, Mr Santora.

6 MR SANTORA:

7 Q. So this town, Kondewakoro, how close is it to Guinea?

8 A. It is close to Guinea. It is only that river that
9 separates them. The river is the boundary.

13:07:35 10 Q. And who actually went to Kondewakoro from Wendadu?

11 A. Those of us who were civilians who had run away from
12 Wendadu were the ones that went to Kondewakoro.

13 Q. Why did you run away from Wendadu?

14 A. When we saw Captain Bai Bureh had started capturing young
13:08:14 15 girls, that was why we ran away and he captured my younger sister
16 and took her along.

17 Q. Now I am going to ask you again approximately, if you can
18 approximate, about how many civilians moved from Wendadu to
19 Kondewakoro?

13:08:45 20 A. Nobody would be able to do a head count at that time.
21 Nobody would stand there counting as if you were a census
22 officer. No, that was during war. I couldn't have stood there
23 counting people during war, but we were many.

24 Q. From your observation, was it over 50 people?

13:09:12 25 A. Yes, but I did not count because I couldn't. We were many.

26 Q. I understand you didn't count, Mr Witness. I am just
27 asking in terms of approximate range from your observation. Do
28 you believe it was over 100 people?

29 A. No, but we were more than 50.

1 Q. Thank you.

2 A. Because there are many other roads. Some other people used
3 some other roads and we used the Kondewakoro Road.

4 Q. And again if I ask you during the time you were in Wendadu
13:09:55 5 from your observation was it over 50 people in Wendadu in terms
6 of civilians?

7 A. We were more than that, because most of us from Koidu Town
8 went to that village. Most of us, the civilians from Koidu Town,
9 went to that village. So we were more than that.

13:10:25 10 Q. From your observation do you think it was more than a
11 hundred people in Wendadu?

12 A. That's right, yes. That is true.

13 Q. Do you think it was more than 500 people in Wendadu?

14 A. No.

13:10:46 15 Q. Now, where exactly were you staying in Kondewakoro?

16 A. We - when we went to Kondewakoro we did not actually stay
17 in the village itself, because there was a paramount chief there,
18 he is now dead. He is called Samuel Sulluku, so he gave us a
19 place and that was where we constructed some huts. That was
13:11:22 20 where we lived, in the hills.

21 Q. You called out a name of a paramount chief. What was the
22 name of that paramount chief?

23 A. Samuel Sulluku.

24 Q. Samuel Cole or Samuel Sulluku?

13:11:48 25 A. Samuel Sulluku. That was his chiefdom.

26 MR SANTORA: I might as well take care of two spellings
27 now. The Meli River is M-E-L-I, which was the river that the
28 witness said was along the border. I am going to first of all
29 ask the witness:

1 Q. Mr Witness, do you know how to spell paramount chief
2 Sulluku, his last name? His family name?

3 A. Sulluku, yes, I will try.

4 Q. Go ahead.

13:12:24 5 A. S-U-L-L-U-K-U. Sulluku.

6 Q. Okay, thank you, Mr Witness. Now, while you were hiding in
7 the hills what were you doing for food?

8 A. Well, we used to have bush yams. We dug in the ground for
9 bush yams.

13:13:22 10 Q. How long did you stay in Kondewakoro - in the hills near
11 Kondewakoro?

12 A. About one month and some days. One month and some weeks.
13 That was what we spent there. Almost two months anyway, let me
14 say, because it was around April that we left the place. About
13:13:54 15 two months. We left the place in April.

16 Q. And is that April 1998?

17 A. That's right.

18 Q. What caused you to leave Kondewakoro?

19 A. I had a small radio in my luggage, so I inserted the
13:14:25 20 batteries into it and that was the radio we used to listen to
21 when we wanted to listen to news. There was a day when we heard
22 an announcement from the BBC that was given by a reporter, that
23 reporter was late Eddie Smith. He said ECOMOG had taken over
24 Koidu Town.

13:14:55 25 Q. If you recall, what programme did you hear this news on?

26 A. Focus on Africa, BBC.

27 Q. After you heard this news what was - what was the reaction
28 of the people you were with?

29 A. All of us were happy, but we did not jubilate because we

1 didn't want to cause any noise. We didn't want to make people
2 know our location and so we packed our loads again and within
3 three days we left for Koidu Town.

13:15:57 4 Q. Now at this point when you left Kondewakoro did your family
5 come with you?

6 A. Yes, together with the other civilians with whom we were
7 together living in the hills.

8 Q. Describe what happened after you left Kondewakoro?

13:16:32 9 A. We walked for four days because we walked at night. We
10 were afraid to do so in the day. So after the four days we
11 reached Wendadu village, that same Wendadu village.

12 Q. And is this the Wendadu village that you spoke of earlier
13 that is two miles outside of Koidu?

14 A. Yes, that is it.

13:17:05 15 Q. What happened after you reached back - after you came back
16 to Wendadu?

17 A. At that time, because the village is a big village, some of
18 the houses we already saw had been burnt down and there were
19 rotting corpses. We saw their skeletons. We went to the chief's
13:17:41 20 house. That was not burnt down. That was where we sat and for
21 us to have some rest, because we arrived there early in the

22 morning. While having our rest some people said they wanted to
23 go so all of us should go to Koidu Town because they said they
24 were going to register their presence with ECOMOG because ECOMOG
13:18:14 25 was registering people so you should register yourself and your
26 family members with the ECOMOG. And my wife told me that we
27 should go, but I said no, we should not go. I said they should
28 go and we should have some rest, because we had walked for four
29 days, and even if we had to go we were not going to use that

1 particular route, we were going to use another at route. And so
2 the people went. After one hour or so was when we saw some of
3 the civilians who had gone to Koidu Town, who had said they were
4 going to Koidu Town to register who had left us in Wendadu, they
13:19:02 5 were coming and were running while coming, and they held a man
6 who was shot on his shoulder, and his shoulder was bleeding and
7 they were the ones who told us that it was not ECOMOG who were
8 there, it was the juntas and the rebels who were still in the
9 town - in Koidu Town. And at that time we did not even know that
13:19:32 10 the ECOMOG did not reach Koidu Town itself. The reporter had
11 given false information. It was in Kokuima. It was only Kokuima
12 village that the ECOMOG had stopped. They could not flush out
13 the rebels from Koidu Town. So that frightened us and we took
14 our loads back. You know, that area is a mining area. I knew
13:20:01 15 the terrain, I understand the area. So I led the group. This
16 time I led the civilian group this time right up to the time we
17 arrived in Penduma and from Wendadu to Penduma is about four
18 miles. And we walked - we were really afraid. We walked quietly
19 to Penduma village and in that Penduma village was where I got my
13:20:33 20 problem.

21 Q. I am going to ask you about Penduma village in a moment. I
22 just want to clarify a few things you said. For the record
23 Penduma is P-E-N-D-U-M-A. It has been spelled on the record as
24 that before. Mr Witness, you said that some civilians continued
13:20:57 25 on from Wendadu and you remained there. Is that correct?

26 A. Yes. Those who - yes, those who said that they were going
27 to register - to be registered by ECOMOG in Koidu Town - the
28 civilians who had left us where we were resting, because we got
29 there early in the morning after a four day walk, so they went to

1 be registered by the ECOMOG, the civilians. They left us there.
2 We stayed there. But after one hour or so they returned,
3 running, and we saw that man. He was shot on his shoulder and
4 blood was oozing from it. And when they came they said it was
13:21:52 5 not the ECOMOG who were in Koidu Town, it was the juntas and the
6 rebels. So that was why we left Wendadu again and went to
7 Penduma. That was the way leading to Kokuima and we reached in
8 Penduma. That was where we rested, under a mango tree, my
9 children and I. We met some other civilians who had gone there
13:22:27 10 who were resting there. They were many as well.

11 Q. When you arrived in Wendadu and the group of civilians
12 continued on towards Koidu Town and then they returned, do you
13 know actually how far they reached? Do you know if they reached
14 Koidu Town?

13:22:50 15 A. According to the information that I got from them was that
16 they reached in Koidu Town, but it was not the ECOMOG who were
17 there, it was the juntas and the RUF fighters who were still in
18 control of Koidu Town and some of their colleagues had been
19 killed. And I even saw that man bleeding from his shoulder.
13:23:13 20 That frightened us and we took our luggage and we went. You
21 know, I understood that mining area so I led the group that time
22 and we left. We went to Penduma.

23 MR SANTORA: Just for the record, I am not sure if counsel
24 saw but when the witness was describing the individual who was
13:23:33 25 shot in the shoulder he was pointing to his left shoulder with
26 his right hand.

27 PRESIDING JUDGE: Mr Griffiths, did you see that?

28 MR GRIFFITHS: I agree.

29 PRESIDING JUDGE: Well, then, the record will reflect that

1 the witness gesticulated by pointing to his left shoulder with
2 his right hand.

3 MR SANTORA:

4 Q. Now, Mr Witness, then you said you led a group to Penduma.

13:24:01 5 Is that correct?

6 A. Yes, the civilian group. Those of us who had come from
7 Kondewakoro and had come to Wendadu and rested there, I led that
8 group now because of the fright because that man was shot and
9 when we had been told that it was the juntas and the rebels that
10 were in Koidu Town, and Wendadu to Koidu Town was just about two
11 miles, about a two mile distance, it was very short, so we left
12 for Penduma and we went there.

13 Q. And you said you were trying to find a way to reach
14 Kokuima. Is that correct?

13:24:47 15 A. Yes, to the ECOMOG. The ECOMOG soldiers.

16 Q. When you arrived in Penduma you said "We rested under a
17 mango tree." Who actually rested under the mango tree?

18 A. Myself and my children and the other people, that is the
19 civilians whom we had met there, they were sitting at some houses
20 and the others who had gone with us, whom we all went together,
21 they were sitting on the other end.

13:25:15 20 and the others who had gone with us, whom we all went together,
21 they were sitting on the other end.

22 Q. What happened after you took some rest under the mango
23 tree?

24 A. During April there was some rain and some sun. At that
13:25:43 25 time it was the mango season. So while we were under the mango
26 tree some of the mangoes were ripe enough. I just was about to
27 climb the tree when one of my children told me that "Papa, don't
28 climb the tree. I will do that for you." So I came down the
29 tree and my child went up the tree and shook it and we got some

1 mangoes and that was what we were eating. It was then that I saw
2 a man that I had known for a long time, he was coming with an
3 amputated hand. He was bleeding all over. His name was Mohamed
4 S Kamara. The man was called Mohamed S Kamara.

13:26:40 5 Q. What exactly did you see?

6 A. I saw that his hand had just been freshly amputated. He
7 was bleeding all over.

8 Q. At that point in your life had you ever seen a man's hand
9 amputated?

13:27:11 10 A. Except a Fullah man, but I will explain that later. It was
11 a Fullah man, but that was a vehicular accident in 1991. That
12 was the first man I ever saw.

13 Q. Which direction was this Mohamed Kamara coming from?

14 A. From Tombodu.

13:27:34 15 Q. And when he approached describe how he was approaching you
16 and describe the nature of the way he was arriving - he was
17 walking or running?

18 A. He was walking. He had his two daughters. All of them
19 were crying, and I went to him and held him. He was very weak.

13:28:07 20 I said I was going to accompany him. My children went to my
21 wife. She was preparing some food for us where we were resting.

22 So I accompanied Mohamed S Kamara from Penduma to Small Sefadu.
23 That was just about a quarter of a mile, because the man was too
24 weak so I held him. While we were going I was interviewing him.

13:28:47 25 He told me that it was in Manikala village, which had just about
26 two or three houses, that was where Staff Alhaji had amputated
27 his hand. This Staff Alhaji Bayoh. That was where he amputated
28 his hand. And I asked him where had they gone? And he said they
29 had gone back to Tombodu, that is the juntas, Alhaji Bayoh's

1 group. He said they had gone back to Tombodu.

2 Q. Manikala you said is two or three houses. Is that in the
3 vicinity of Tombodu village?

4 A. Yes, it is very close to Tombodu.

13:29:35 5 MR SANTORA: Madam President, I don't know if you are on
6 the same schedule, because if we are stopping at the same time as
7 normal --

8 PRESIDING JUDGE: Yes, we would stop at our normal time. I
9 think we have made up some of our loss this morning as much as I
13:29:50 10 think we can and if this is a convenient time in the evidence,
11 Mr Santora, then we will take the lunchtime adjournment.

12 MR SANTORA: It is, thank you, Madam President.

13 PRESIDING JUDGE: Mr Witness, we are going to take the
14 lunchtime adjournment, it's one hour and we will be starting
13:30:05 15 court again at 2.30.

16 THE WITNESS: Thank you.

17 PRESIDING JUDGE: Please adjourn court until 2.30.

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

19 [Upon resuming at 2.30 p.m.]

14:31:10 20 PRESIDING JUDGE: Good afternoon. Mr Santora, please
21 proceed.

22 MR SANTORA: Thank you, Madam President:

23 Q. Mr Witness, before we took the lunch break you were
24 describing what happened to you after you left Wendadu and
14:31:30 25 arrived in Penduma and you described how an individual named
26 Mohamed S Kamara came to Penduma from the Tombodu direction and
27 you saw that his arm was amputated, is that correct?

28 A. Yes.

29 Q. And you also said that you accompanied this man about a

1 quarter of a mile to Small Sefadu, is that correct?

2 A. Yes.

3 Q. Aside from yourself did anyone go with you to accompany
4 this man to Small Sefadu?

14:32:09 5 A. It was only his children and I.

6 Q. And after you brought him to Small Sefadu what happened
7 next?

8 A. I returned. At that time my wife was preparing some food
9 for us to eat. I was sitting under the same mango tree and my
14:32:36 10 children came close to me. But some of the civilians were still
11 there. Those of them whom we had met in the place, they were
12 still there. Not long after there was gunshots around us all
13 over the village. There was firing. Those people who attempted
14 to escape were shot and my children came close to me and we sat
14:33:14 15 under the mango tree. Some of us were captured.

16 Q. Okay. You said you heard gunshots. Which direction did
17 you hear gunshots from?

18 A. It was within the town, within the town itself, Penduma
19 Town. It was within the coffee and cacao plantation. It was
14:33:47 20 from that direction that the gunshots were coming from. But
21 those who attempted to escape, some of them were shot. But some
22 of us did not risk it to run away. Particularly me when I had my
23 children, I did not want to leave them behind and go, so I was
24 sitting there. I was there until when they came and captured all
14:34:21 25 of us and we assembled at a particular place and they said they
26 were waiting for their colonel.

27 Q. Who captured you when you were waiting under the mango tree
28 with your family?

29 A. Well, the juntas and the RUF fighters. They said they were

1 waiting for their colonel. While we were sitting there was when
2 I saw Staff Alhaji coming from the Tombodu direction and he came
3 close. Then I got up and greeted him and he did not respond. I
4 said, "Staff Alhaji, good day".

14:35:18 5 Q. How do you know it was Staff Alhaji who was coming from the
6 Tombodu direction?

7 A. That's right. The two of us had grown up together in Kono.
8 He was older for me though, but we grew up together in Kono and I
9 knew that he got his staff position from the military and I knew
14:35:40 10 that he was a soldier.

11 Q. So what happened then after you greeted him and he did not
12 respond?

13 A. Then Junior slapped me. A native of Tombodu, fair in
14 complexion, he slapped me. He said, "Don't you know that this
14:36:10 15 man is our colonel and you are calling him Staff?" And I said,
16 "I don't know, this man has been promoted", so I sat down again.
17 And he spoke to his men, that is Staff Alhaji. He spoke to his
18 men, that is the juntas and some of the RUF fighters, and some of
19 the men I already knew. Two of the men I knew were born in
14:36:39 20 Tombodu, even they hailed from Tombodu. In fact up to three of
21 them, because Victor Teh was there.

22 And we were divided. The pregnant women and the children,
23 that is including my own children, and the suckling mothers, were
24 put on - at a particular place. Those who were not pregnant were
14:37:23 25 separated from them, they were put at a separate place. And the
26 men were in three rows. In my own row we were nine. The others
27 I did not count.

28 Q. Before you continue, just to clarify. You said that the
29 pregnant women, suckling mothers and children were put off to one

1 side. Is that correct?

2 A. Yes, yes. That is one group. They were in one group.

3 Q. The second group you said was other women who were not
4 pregnant?

14:38:00 5 A. Yes.

6 Q. And then you said the men were divided into three lines.
7 Is that correct?

8 A. Yes, and I was in one of the lines.

9 Q. Who directed the division of the people?

14:38:19 10 A. It was Staff Alhaji.

11 Q. In your line of men, do you remember approximately how many
12 men were in your line?

13 PRESIDING JUDGE: The witness I think has already stated
14 that, Mr Santora. He said nine.

14:38:39 15 MR SANTORA: I apologise, Madam President:

16 Q. The other lines of men, do you know how many men were in
17 the other lines?

18 A. I did not count them.

19 Q. And do you know approximately how many non-pregnant women
14:38:54 20 were put off into one group?

21 A. At that time nobody would have the time to start counting
22 people because it was too bad. The situation was not that
23 anybody would have the time to start counting people. Whether
24 they were ten or so I did not count at that time.

14:39:29 25 Q. Where was your wife put in terms of these groups?

26 A. Well, among the women who were not pregnant, she was there
27 because she was not pregnant and, in fact, she was brought to
28 that place naked. She was preparing food. She was taken from
29 that place and brought naked.

1 Q. Can you describe what happened after the people were
2 divided up into these groups that you've outlined? What happened
3 after they were divided?

4 A. In one of the groups where the men were queued up, when
14:40:24 5 Staff Alhaji came he was sitting on one of the roots of a big
6 tree, near a UMC primary school. We were down the school. The
7 school was in the upper part. He was sitting on the root of that
8 big tree. He had a staff in his hand and he used it to point at
9 the first group, and the juntas and the rebels took the people in
14:41:09 10 that group to this Fullah man that he used to - you asked me
11 about today if I have ever seen any amputee and I said "Yes".

12 This Fullah man got his amputation through a vehicular accident
13 in 1971 and he lived in Penduma. He had a house there. It was
14 at his house that the juntas and the RUF took that first group
14:41:42 15 that Staff Alhaji had pointed at. They took them into that house
16 and we saw them set the house ablaze. We heard voices, people
17 were crying and they were screaming, because the place was not
18 that far from us. It was just within the same town and we could
19 see.

14:42:05 20 Q. Who put the house on fire?

21 A. Staff Alhaji's men, who had taken the people into that
22 house - the civilians into that house.

23 Q. And after you heard the screaming, what happened?

24 A. After silence had returned, there was no crying any more,
14:42:33 25 most of them returned.

26 Q. Most of who, I am sorry, Mr Witness?

27 A. Most of the juntas and the rebels returned. Then
28 Staff Alhaji pointed at the other group and he called a boy who
29 had a bag and he opened the bag and emptied the contents. There

1 were knives in the bag and they fell off from the bag - fell out
2 of the bag. Some of them took - these juntas, some of them took
3 the knives each. The RUF fighters and the juntas they took the
4 knives each, so the second group was taken at the back of the
14:43:28 5 school, behind the school, and there they were slaughtered.
6 Their throats were cut. Two of the men attempted escaping, so
7 they were shot. That was on the field, because we saw it. They
8 were attempting to escape and they were shot. But how I came to
9 know that their throats were cut off, it was because after
14:44:09 10 Staff Alhaji had cut off my hand I passed behind the school and I
11 saw those people. Then I came to the conclusion, "Oh, that is
12 the way they were killed."
13 Q. That was the second group you just referred to. Is that
14 correct?
14:44:21 15 A. Yes.
16 Q. Just to clarify on the first group, about how far away were
17 you from the house of the Fullah man that the first group of men
18 were put into?
19 A. It is not a far distance. It was not even a corner. It's
14:44:44 20 Main Road. You will be in the school and you can see - from afar
21 you can see the place. The distance was really not far from
22 where we were, where we were queued up. The distance from where
23 we were queued up to where the people were put into the house, it
24 was a short distance.
14:45:06 25 Q. In terms of metres, can you estimate?
26 A. No, but it is not a far distance. It is not a far
27 distance. It is not a far distance, because you could see from
28 one end. While they were being put into the house we saw that
29 happen and we saw the smoke and we heard the people crying and

1 the screaming. We heard everything.

2 Q. Is there a way that you can point out something in the
3 courtroom to show how far it is, or was it longer than that?

4 A. No, the distance was - this one is shorter than that
14:45:53 5 distance, but we could see. We could see clearly. I'm not
6 having any problem with my eyesight and so we could see clearly.

7 Q. Now, you then described the second group taken behind the
8 house and you later saw --

9 PRESIDING JUDGE: Behind the school.

14:46:13 10 MR SANTORA: I am sorry. I apologise, Madam President,
11 behind the school:

12 Q. About how far away was that school from you?

13 A. It was like from where I am sitting now to where I came
14 from a moment ago, because it was near the school that we - our
14:46:38 15 hands were amputated. That Staff Alhaji amputated our hands.

16 Q. Now before you describe what happened to your group of men,
17 can you describe what if anything happened to the women; the
18 group of women that your wife was with?

19 A. Yes, but even before I could come to that he ordered his
14:47:08 20 men - Staff Alhaji ordered his men - that the pregnant women and
21 the children and the suckling mothers were to be released, they
22 were to go, and so some of them went. My children and some other
23 children were standing nearby to know our own fate. They did not
24 go far from us. They were standing by. In the women's group,
14:47:45 25 that is the group of women who were not pregnant, including my
26 wife, and he turned to us, his men, and he looked at them and he
27 said, "Well, that one is up to you. It's up to you whatever you
28 want to do to them. It's up to you now. They are yours". Then
29 immediately Staff Alhaji's boys started taking off their pants

1 and the others were standing by looking and they started raping
2 our wives, including my wife. And Junior said, "You should look
3 clearly now, look carefully, because if you don't know how to do
4 it properly now I am going to tell you how to do it and so you
14:48:40 5 should count". Eight of them raped my wife. One of them was
6 Tamba Joe and I knew him very well - T Joe. He was nicknamed T
7 Joe, but his full name was Tamba Joe. The second one was Junior
8 himself and I knew him. Eight of them raped my wife.

9 Q. Where were your children when your wife was being raped?

14:49:05 10 A. They were sitting. They were sitting on a bar. What I
11 meant by bar, that is the earth that the diamond miners use.
12 When they dig into the ground then, after they take out of the
13 ground, it is what we call over bar. They were sitting on that
14 one.

14:49:34 15 Q. And where were you in relation to your wife when she was
16 being raped?

17 A. I was just standing close by like this.

18 Q. So describe what was happening as they were raping your
19 wife?

14:49:55 20 A. She was raped by eight of them and he asked me to be
21 counting. After they had completed raping her, Junior and Tamba
22 Joe took the knives and they stabbed my wife to death.

23 Q. And the other women who were with your wife, what happened
24 to them?

14:50:31 25 A. Some of them were killed and some of them were taken along
26 with them, because I did not witness them being killed.

27 Q. And during the time this was happening to your wife, where
28 was Staff Alhaji?

29 A. He was sitting on the root of that big tree. I went there

1 to plead with him, but he could not heed to my plead, because I
2 had known him. We grew up together in Kono.

3 Q. What did he say when you tried to plead with him?

4 A. He did not say anything even. He just said - he just said,
14:51:32 5 "Yours is on the way. Just wait. I'm going to amputate your
6 feet. Yours is on the way. Just give me some moment".

7 Q. Just one more question about this. About how long was this
8 rape going on of these eight people? How long did it take?

9 A. They were not - it took some time. They were not in
14:52:04 10 hiding, not that they did it in the house even. It was an open
11 place.

12 Q. And after your wife was stabbed - and you said it was Tamba
13 Joe and Junior who did it. Is that correct?

14 A. Yes, particularly Junior.

14:52:27 15 Q. What happened after that, after they killed your wife?

16 A. Then Staff Alhaji ordered that my feet be tied up and then
17 my feet were tied up to the tree. He said, "I am going to cut
18 off your foot because I don't want you to play any more
19 football", and he started amputating hands. He amputated two
14:53:12 20 people's hands. I was the third man whose hand was cut off.

21 Q. Before you describe that, you had referred to a third group
22 of men that you were with. Is this the group that you are
23 referring to when you say "he started amputating hands"?

24 A. Yes.

14:53:36 25 Q. So describe what happened after he told you you weren't
26 going to play football any more?

27 A. After he had cut the two people's hands, those people I
28 didn't know their names, that was when he - he was turning
29 around. I had a wristwatch and he asked that I be untied by his

1 boys. He ordered his boys to untie me and he asked me to give
2 him my wristwatch. He called me and he said, "Come", and I went
3 close to him and he said, "Give me that wristwatch". While I was
4 about taking off the wristwatch, you know, I was nervous. I
14:54:25 5 could not. That was when he held on the watch and took it away
6 from me forcefully and it broke. In fact, the strap of the watch
7 even injured me. This is the mark on my wrist here.

8 PRESIDING JUDGE: I am sorry, Mr Witness, you have
9 indicated something, but we cannot see it clearly. Could you
14:54:48 10 please hold up where you were showing us so we can see it
11 properly.

12 THE WITNESS: Yes, here. Look, you can see it here. If
13 you come close, it's not difficult to see. It's visible. This
14 is it.

14:55:07 15 PRESIDING JUDGE: Thank you, Mr Witness. Counsel, witness
16 has indicated a mark on the lower part of his amputated left arm.
17 Is that acceptable record, counsel?

18 MR GRIFFITHS: I'm happy with that, Madam President.

19 MR SANTORA:

14:55:26 20 Q. So you said you were too nervous to take off the watch
21 yourself?

22 A. Yes.

23 Q. And that he held the watch and took it from you forcefully
24 and that it broke?

14:55:36 25 A. That's what he did. That's what he did.

26 Q. What happened after that?

27 A. Then he came down from the forest tree where he was sitting
28 and he asked me to put my hand on the ground. He said he was
29 going to cut my hand off and he said I will no longer wear a

1 wristwatch, because those were the things we used to wear and
2 show off to women. And I took my right hand, I put it on the
3 ground.

4 MR SANTORA: Just for the record, the witness is placing
14:56:19 5 his right hand towards the ground:

6 Q. Then what happened?

7 A. Then he took out the machete from his back. He raised up
8 the machete. Then I raised my head and I looked at him. He
9 wanted to hit my hand with the machete, but I took my hand from
14:56:43 10 the ground and so the machete hit the ground and he said, "What
11 are you doing? You are putting your hand and you are taking it
12 off again?" And he took the machete and hit me on my forehead,
13 here. Because that particular machete is curved like - has a
14 curve. It's a curve like this. He hit me here. Look at it.

14:57:11 15 This is the second mark I got from that incident.

16 PRESIDING JUDGE: The witness is indicating about
17 mid-forehead. Counsel has seen this? Proceed, Mr Santora.

18 MR SANTORA:

19 Q. So after he hit you in the head with the cutlass what
14:57:31 20 happened?

21 A. Then I started bleeding from the forehead. Then he said,
22 "Put your hand down". I knew that I used my right hand to write
23 and I also saw that he was furious, he wanted to cut my hand off,
24 so I put my left hand down. At that time I was hefty. He hit my
14:58:11 25 hand 11 times. He hacked my hand 11 times and the hand came off
26 and it fell on the ground.

27 MR SANTORA: For the record the witness was indicating with
28 his right hand a chopping motion towards his left arm:

29 Q. After your hand fell to the ground what happened?

1 A. Then I got up and he told my children, "Follow your
2 father". While I was going I was confused and I was bleeding.
3 Then I returned to take the amputated hand. You know, at that
4 time I thought if I took it with me it will be fixed again. As I
14:59:17 5 bowed to grab the hand from the ground he hit me on the back with
6 the machete. He said I should leave the hand, that was what they
7 wanted. I should leave it there, I should not take it. Can the
8 Court kindly permit me to show them the scar from the back?

9 PRESIDING JUDGE: Mr Santora?

14:59:40 10 MR SANTORA: If the witness is okay with it I would ask
11 that the witness show the mark on his back. As long as he is
12 comfortable doing that.

13 PRESIDING JUDGE: Mr Witness, only if you wish to show it.
14 If you wish to show it then please do so. Do you need
14:59:57 15 assistance?

16 MR SANTORA:

17 Q. Do you want to show the mark on your back?

18 A. Yes, that I will do it. I will do it. I can do it.

19 PRESIDING JUDGE: Thank you, we see that mark. Counsel for
15:00:19 20 the Defence, Mr Griffiths, you have seen that mark. The mark,
21 there is a deep scar, about one inch across, towards the --

22 MR SANTORA: Lower left portion.

23 PRESIDING JUDGE: -- lower left portion of the back. Thank
24 you, Mr Witness.

15:00:38 25 MR SANTORA:

26 Q. Mr Witness, you said that your children were close by. Do
27 you know if they saw your hand get amputated?

28 A. Yes, and they witnessed their mother's killing too.

29 Q. So after he chopped off your hand, after Staff Alhaji

1 chopped off your hand, you said that you wanted to take it back
2 and he wouldn't let you. Is that correct?

3 A. That is correct.

4 Q. Do you know why he wouldn't let you take your hand back?

15:01:26 5 A. He only knew. I don't know. He only had his reason.

6 Q. After that, after you tried to take your hand back, what
7 happened?

8 JUDGE LUSSICK: Didn't he just say he got hit on the back
9 with a cutlass.

15:01:44 10 MR SANTORA: I am sorry. I will move on:

11 Q. After that you were hit on the back with the cutlass?

12 A. Yes, it was the same Alhaji Bayoh who chopped me on the
13 back, he said that was my goodbye. I should leave the hand,
14 because that was what they wanted, and chopping me on the back
15:02:02 15 was a goodbye to me.

16 Q. After that, after you were chopped on the back, what
17 happened?

18 A. Then I got up to go and he said, "Go to Tejan Kabbah. He
19 has brought ten containers full of hands, he will give you one of
15:02:29 20 them".

21 Q. Who said that?

22 A. Staff Alhaji.

23 Q. After he said that, what happened?

24 A. Then we left. All of us were crying together with my
15:02:50 25 children and I fell down. I did not go that far when I fell
26 down.

27 Q. And at this point, if you can, describe how you were
28 feeling?

29 A. I don't even want to answer that question. I was feeling

1 really very badly and it was excruciatingly painful. If anybody
2 ever experienced that one I don't think you would ever want to
3 talk about it.

4 Q. After you fell down, what happened?

15:03:45 5 A. My children attempted to take me from the ground, but they
6 could not. Staff Alhaji's men were standing by laughing at us,
7 because the place where my hand was cut off to where I fell was
8 from this wall to the other wall there. It was not a far
9 distance. They were standing by and laughing at us and they
15:04:17 10 shot, they shot from that distance. I think that was just for me
11 to get up and go. So my children told me to get up. They said,
12 "Papa, get up. Let us go. You know they are coming." And I got
13 up and we went. On our way going I fell down again for the
14 second time.

15:04:35 15 Q. I am sorry to interrupt you, Mr Witness. Just for the
16 record the witness indicated from the point where he fell down to
17 the point where Staff Alhaji and his men were laughing was from
18 one side of the courtroom to the other side horizontally.

19 PRESIDING JUDGE: Yes, I saw that also. I think we have
15:04:59 20 measured that before. I will ask Madam Court Officer in the
21 course of the afternoon to give us the distance. Please
22 continue, Mr Santora.

23 MR SANTORA:

24 Q. Continue, Mr Witness. You said you fell down again then
15:05:09 25 for a second time after your children had gotten you up?

26 A. Yes, then we passed through Small Sefadu. When I got up
27 the second time we passed through Small Sefadu, I was still in
28 serious pain.

29 There are three Pendumas. There was Old Penduma village

1 and there was Penduma where the school was, where my hand was cut
2 off, that is the big village, and there is Penduma Barracks where
3 the NDMC workers were, a police barracks was there. That is
4 where we refer to as Penduma Barracks. So at the roundabout,
15:06:07 5 that is between Penduma Barracks and Pa Sao's garden, he had a
6 Guinea mango garden, it was at that roundabout that I fell down
7 the last time because at that time I was bleeding profusely. It
8 was in that man's garden, a Yalunka man, at the junction of that
9 garden and that village that I fell off. Then I was - we were
15:06:39 10 going towards --

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

13 PRESIDING JUDGE: Please pause, Mr Witness. The
14 interpreter did not hear everything you said. Please pick up and
15:06:49 15 continue your answer from where you said, "that village that I
16 fell off. I was going towards --" Please continue.

17 THE WITNESS: Okay. We were going towards the ECOMOG and
18 we got to a roundabout by Penduma Barracks. At that roundabout,
19 you know you could be there and see Pa Sao's mango garden. I
15:07:22 20 fell down there. I could not get up. And my children left me
21 and they ran to the ECOMOG checkpoint at Kokuima. Kokuima is a
22 big town. They went to a particular place called Small Lebanon,
23 a mining area. Lebanese were in that place before. And it was
24 at that time that they went and told the ECOMOG commander,
15:07:56 25 because he had come to that place with his patrol team, according
26 to what my children told me later, that they will say there was
27 an ECOMOG commander called Major Tanko. He was the one who led
28 some troops to the scene where I had fell - I had fallen down and
29 I was put in a short Land Rover and I was taken to their hospital

1 in Kokuima.

2 MR SANTORA:

3 Q. Mr Witness, just a few more questions. When you were
4 walking after this incident occurred, did you try to dress in any
15:08:39 5 way - try to put something on your wound?

6 A. I did not try that because it was very painful, because
7 even when the air blew my sore it was painful. I did not take
8 anything to fan air on to it because by then even when I was
9 falling down and getting up the sand had already got at the place
15:09:23 10 where I was bleeding because he in fact chopped off my hand on
11 the ground.

12 Q. After you went - you said you went to Kokuima to a
13 hospital. Did you go to any other hospital after Kokuima?

14 A. Yes. We spent three days in Kokuima, together with other
15:09:47 15 amputees, those of us whose hands had been amputated, including
16 Mohamed S Kamara, and others whose names I knew.

17 And the ECOMOG realised that they did not have any doctor
18 around that was qualified to carry out such operations, such
19 surgical operations, so they took us to the Makeni government
15:10:14 20 hospital and at the Makeni government hospital we did not meet
21 any doctor present. We met just field nurses around. Yes, but
22 they too only managed to give us first aid treatment and then
23 they drove us to Freetown and it was in Freetown that we were
24 taken to Connaught. And it was at Connaught that Médecins Sans
15:10:53 25 Frontières doctors admitted us and they were the ones who did the
26 operation. It was a French woman, a French doctor, who did the
27 operation. And I was there until I got healed.

28 When the government later assisted us to be taken to the
29 Waterloo displaced camp hospital where the Liberian refugees

1 were, that was where we were until we finally got healed. So
2 that is my story.

3 Q. Just one more question. Can you describe - can you tell
4 the Court how this has affected your life; how this incident has
15:12:03 5 affected your life?

6 A. It affected my life in a very bad way and this incident has
7 instilled very serious worries right into my heart. No matter
8 the way I dress up, when I stand amongst my fellow human beings I
9 will be very awkward. I will look awkward. No matter how I

15:12:41 10 dress up I always feel awkward amongst my fellow human beings, so
11 that has served on my mind always and it will always make me
12 recall where Staff Alhaji amputated me. I want to say for this
13 reason war is no good for any country. War destroys the
14 development of any country whatsoever. It's not good. I'm not

15:13:14 15 talking for myself, for what happened to me now, but I am talking
16 to international community to stop war totally in Africa because
17 this is not going to help. Because if I had died, or that others
18 had died, who will have been there to take care of our families?
19 And for those my girl children, who are now grown up, they would
15:13:47 20 have become prostitutes to support themselves, if I had died.

21 Except that I go around now, I have returned to my mining area, I
22 cannot - I can no longer throw shovels because I cannot do that
23 kind of job again.

24 THE INTERPRETER: Your Honours, could the witness kindly be
15:14:14 25 advised to slow down his pace and repeat the last bit of his
26 testimony.

27 PRESIDING JUDGE: Please pause, Mr Witness. Everything you
28 say is being interpreted and written down and the interpreters
29 are trying to keep up with you, so could you please speak a

1 little bit slower and repeat what you were saying. You were
2 saying, "I cannot do that kind of job again". Please continue
3 from there and please speak a little slower so the interpreters
4 can keep up with you.

15:14:47 5 THE WITNESS: Sorry, I went out of my mind.

6 PRESIDING JUDGE: No, no, no need to be sorry. Just speak
7 more slowly.

8 MR SANTORA:

9 Q. Mr Witness, you were describing that you could never do
15:15:00 10 your job again.

11 A. Yes.

12 Q. Continue.

13 A. I am unable to do that now, you see? And this war, war,
14 war, raging of war against your people, or against other people,
15:15:18 15 all of this is not good. Like in the case of Sierra Leone, it
16 used to be a peaceful country. At the time I was a small boy I
17 knew my country to be a very peaceful country, but this was
18 doubtful to me. I did not know. They pushed - they moved me
19 back and forth, but I did not actually know the way this war
15:15:49 20 entered our country that should bring so much suffering and
21 struggling to us, you know? I'm pleading with the international
22 people to prevent that from happening again. This has affected
23 Sierra Leoneans everywhere. We are pleading.

24 MR SANTORA: Thank you, Mr Witness. I have no further
15:16:17 25 questions.

26 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths?

27 MR GRIFFITHS: Yes, may it please your Honour.

28 CROSS-EXAMINED BY MR GRIFFITHS:

29 Q. Mr Sesay, I totally agree with all the sentiments you've

1 just expressed. War indeed is a terrible thing, isn't it?

2 A. Yes.

3 Q. And you for one suffered grievously as a result of the war
4 in your country, didn't you?

15:16:45 5 A. Yes.

6 Q. And I want you to appreciate from the outset, because I can
7 see with my own eyes what has been done to you, that I am not
8 here to suggest that you didn't have your hand chopped off and
9 that the other terrible things that happened to you did not

15:17:05 10 occur. Do you understand me?

11 A. Yes.

12 Q. What I am going to suggest though, Mr Sesay, and I'm going
13 to suggest it quite boldly, is that you've embellished the
14 account that you have given this Court. Do you understand that

15:17:23 15 word "embellished"?

16 A. Until you explain that to me, I don't understand that.

17 Q. Embellished means when there is a core of truth in a story,
18 but the teller of the story adds a number of other fantasies to
19 that core. Do you understand me now?

15:17:54 20 A. I do not understand whether I added, or subtracted. I
21 would want you to ask me a straightforward question.

22 Q. Let's go then to the straightforward questions.

23 A. Yes.

24 Q. You were born and grew up in Kono District, didn't you?

15:18:23 25 A. Yes.

26 Q. And you were still living there when the war broke out in
27 Sierra Leone in 1991?

28 A. Yes.

29 Q. Now in the first years of the war up until the coup in July

1 1997, had you

2 MR SANTORA: Objection on the date. I know it was a
3 misstatement, but there was a wrong date given.

4 PRESIDING JUDGE: Mr Griffiths?

15:18:55 5 MR GRIFFITHS: I am sorry, it was May 1997. My fault.

6 PRESIDING JUDGE: The coup? You are talking about the
7 coup, yes?

8 MR GRIFFITHS: Yes:

9 Q. When the junta took over, up until that time in May 1997
15:19:11 10 had the war affected your life in any way?

11 A. Yes.

12 Q. How?

13 A. Because we did not have freedom of movement. That was one.

14 Q. But did you have to deal with armed men in your community?

15:19:32 15 A. What do you mean by dealing with armed men in my community?
16 Please put a direct question to me for me to be able to answer
17 when you said dealt with?

18 Q. Between 1991 and May 1997, did you see any rebels in the
19 community where you lived?

15:20:06 20 A. Yes.

21 Q. Did they molest you in any way?

22 A. Yes.

23 Q. How?

24 A. Well, this is one of the examples.

15:20:25 25 Q. I'm sure it's my fault, Mr Sesay.

26 A. Number two --

27 Q. Listen very carefully to the question. Between 1991 when
28 the war started and May 1997 when the junta government took over,
29 during that period were you molested by rebels in the community

1 where you lived?

2 A. Well, no.

3 Q. In fact things only really became difficult in 1998, didn't
4 they?

15:21:10 5 A. Yes.

6 Q. Thank you. And I say that, you see, for this reason. You
7 are the Mr Sesay who gave several statements to the Prosecution,
8 aren't you?

9 A. I know the statements that I made, yes.

15:21:32 10 Q. Well, I'm going to remind you of quite a few of them. I
11 wonder if these bundles could be handed out, please.

12 A. Okay.

13 Q. Now can I ask, Mr Sesay, and it's not that I'm seeking to
14 embarrass you, can you read?

15:21:54 15 A. I can read, but you should read it for me. Just read it.

16 Q. I'd like --

17 A. Let them read it. Just don't worry about that. Don't
18 worry.

19 Q. I would like us, please, to look behind divider 1. Now
15:22:39 20 this is an undated statement, but I'm led to believe that it
21 should bear the date 11 September 2003. I'm particularly
22 interested in the first paragraph - the first full paragraph:

23 "I was born and raised in Koidu Town in Kono District.

24 This incident happened in late April, 1998, after the AFRC had
15:23:15 25 been expelled from Freetown. Living with the rebels during that
26 time was very difficult. From February 1998 to April 1998 many
27 bad things happened to the civilians."

28 You then go on to describe some of those things. That
29 timeframe that you mention there for bad things happening,

1 February 1998 to April 1998, do you stick to that?

2 A. Yes.

3 Q. So just so that we can get the --

4 A. But --

15:24:01 5 Q. Go ahead.

6 A. Now, read one statement here. Yes, here.

7 Q. Who would you like to read it? Me, or would you like to
8 read it?

9 A. This Akim Turay. This Akim Turay, I did not make mention
15:24:31 10 of Turay. I said Akim Sesay.

11 PRESIDING JUDGE: Mr Witness, allow counsel to take you
12 through it and when it's the appropriate point you can ask that
13 question.

14 THE WITNESS: Yes, okay. Okay.

15:24:47 15 MR GRIFFITHS:

16 Q. So let's just take it slowly and in stages, Mr Sesay,
17 because I would like us to get a chronological structured account
18 of your evidence. Do you follow me?

19 A. Okay.

15:25:00 20 Q. So putting what you've told me so far together, is this the
21 picture? From 1991 up until May 1997, the war hadn't really
22 affected you. Would you agree with that?

23 A. Yes.

24 Q. After the coup in May 1997 the AFRC/RUF soldiers took
15:25:29 25 liberties with the miners in Kono in that they would steal, for
26 example, their gravel. Do you agree?

27 A. Yes.

28 Q. But the really bad things, the raping, the looting, the
29 killing, that all took place within a three month period or so

1 after the ECOMOG intervention. Would you agree?

2 A. Yes.

3 Q. And this is the three month period you are describing in
4 this statement, between February 1998 and April 1998. I'm right,
15:26:17 5 aren't I?

6 A. Yes.

7 Q. And indeed would you agree that prior to 1998 no house had
8 been burnt in Koidu Town?

9 A. 1998?

15:26:42 10 Q. That no house was burnt in Koidu before 1998.

11 PRESIDING JUDGE: Mr Witness, did you understand the
12 question?

13 THE WITNESS: They burnt houses in 1998.

14 MR GRIFFITHS:

15:27:09 15 Q. That's not my question. Let me try it again. Would you
16 agree that before 1998 no houses had been burnt in Koidu Town?

17 A. Before 1998?

18 Q. Yes, please.

19 A. They burnt a certain house in Koidu Town where they said
15:27:43 20 the soldiers' secretariat was, number 10 Gbongbor Street. It was
21 not all over Koidu Town. It was then in 1998 that the worse
22 things happened.

23 Q. I have a specific reason for asking you this question. You
24 do recall an occasion in October 2005 when you gave evidence
15:28:13 25 before these very judges in the AFRC trial. Do you remember
26 that?

27 A. I remember.

28 Q. Let me just remind you of something you said in that trial.
29 Can we look behind divider 3, please. Behind divider 3 should be

1 transcripts of your evidence given on 17 October 2005. I would
2 like us, please, to go to page 35. During the course of those
3 proceedings you were asked questions by a gentleman called
4 Mr Manly-Spain, and you said this to him, top of the page,
15:29:09 5 please:

6 "A. They didn't burn houses in Koidu Town. They didn't
7 burn houses there in 1992.

8 Q. Before 1998 were there any houses burnt in Koidu Town?

9 A. No."

15:29:29 10 Do you remember telling these very judges that on a
11 previous occasion?

12 A. Well, I do not recall whether that man asked me that
13 question at that time, but there was a house which housed the
14 secretariat of the soldiers, that one was burnt at that time. I
15:30:00 15 recall that he asked me whether houses were burnt in Koidu Town.
16 He did not just refer to a house, a particular house. He asked -
17 he did not ask whether Koidu Town had been burnt down before
18 1998. It was just one particular house, number 10 Gbongbor
19 Street.

15:30:21 20 Q. Was there something about the question that you were asked
21 which you didn't understand?

22 PRESIDING JUDGE: Which question, Mr Griffiths; the one
23 that you referred to at page 35 or the last one?

24 MR GRIFFITHS: The one at page 35, your Honour, yes:

15:30:41 25 Q. It's a very simple question: "Before 1998 were any houses
26 burnt in Koidu Town?" Answer, an unequivocal: "No"?

27 A. One house. One house. One house.

28 Q. Very well, I'm not going to spend unnecessary time on that.
29 Can we go then to another topic, please. Now, by March 1998 the

1 civilians in Koidu Town were really fed up, weren't they?

2 A. Yes.

3 Q. And so they decided to get in touch with the Kamajors and
4 invite them to chase the junta and RUF soldiers out of Koidu. Is
15:31:46 5 that right?

6 A. The chiefs? Together with some Lebanese. The chiefs
7 together with some Lebanese. That is a correct thing.

8 Q. And they collected money, didn't they, to pay the Kamajors
9 to come and push the junta soldiers out of Koidu?

15:32:13 10 A. That is true.

11 Q. And when the Kamajors turned up the juntas and the RUF
12 soldiers ran away?

13 A. That is true.

14 Q. But you soon discovered that you'd jumped from the frying
15:32:39 15 pan into the fire, didn't you?

16 A. That is true.

17 Q. Because the Kamajors treated you just as badly, didn't
18 they?

19 A. Yes, they maltreated people then. They - those they
15:33:06 20 captured, the juntas and those RUF who were unable to escape and
21 some of their sympathisers.

22 Q. In fact the Kamajors stayed in Koidu for about two weeks
23 and whilst there they killed a number of people, didn't they?

24 A. They did it.

15:33:29 25 Q. And you also told us earlier this morning that they also
26 put up a large pot next to the mosque where they killed, cooked
27 and ate human beings?

28 A. That is true. That is true.

29 Q. Now, help us. During the time the junta and the RUF had

1 control of Koidu, did they cook and eat people publicly?

2 A. The juntas?

3 Q. Yes, the juntas and the RUF, did they do that?

4 A. No, no, no.

15:34:06 5 Q. So no doubt you were absolutely shocked when the Kamajors
6 came along and were behaving in this most inhuman way?

7 A. Yes.

8 Q. And also it's right, isn't it, that the Kamajors imposed
9 taxes on the people of Koidu?

15:34:41 10 A. Tax? That I don't know about. I did not pay tax to
11 Kamajors. Just that people contributed money to provide food for
12 them, to cook food for them. Is that what you are referring to
13 as tax?

14 Q. That is what I'm referring to as tax, yes.

15:35:09 15 A. Okay. I contributed money. Per house.

16 Q. And just so you understand where I get that from, let's
17 have a look, please, behind divider 1. The first page. If we
18 look at the penultimate paragraph on that page:

19 "By March 1998 we, the civilians, were really fed up. The
15:35:47 20 elders got in touch with the Kamajors who were in the surrounding
21 bush and on behalf of all of us youths asked them to drive the
22 rebels from Koidu Town, which the Kamajors did. The Kamajors
23 held the town for about two weeks during which I saw them kill
24 about 15 people they accused of being rebels. They cooked some
15:36:12 25 of their victims in a big pot and ate them. I saw this.

26 Sometimes they ate their livers raw. The Kamajors were very bad,
27 just like the rebels. Every family had to pay the Kamajors money
28 to pay for their food."

29 Is all of that true?

1 A. That is correct. That is what I saw.

2 Q. Now eventually, after about two weeks, the AFRC and RUF
3 rebels, under the command of one Akim, drove the Kamajors out of
4 Koidu, didn't they?

15:36:59 5 A. That's true.

6 Q. Now, you were telling - me, correcting something about this
7 page earlier with regard to Akim. Because if you look further up
8 that page you will see, two lines from the bottom of the first
9 paragraph:

15:37:17 10 "The commanders I used to see around Koidu Town were
11 Lieutenant T, Akim Turay, Captain Bai Bureh. The one we feared
12 most was RUF commander Komba Gbundema."

13 Is there something wrong with that sentence?

14 A. Yes, something is wrong with this sentence.

15:37:44 15 Q. What's that?

16 A. One, I did not see Akim. It was his boys who told us that
17 it was Akim who led the troops to go and flush the Kamajors out
18 of Koidu Town. I did not see him and that is not my statement.
19 In fact, it shouldn't be Akim Turay. What I said was Akim Sesay.

15:38:14 20 Q. So, please, Mr Sesay, can you help us as to how it is that
21 this statement made in 2003, that supposedly represents what you
22 told investigators, how did this come to appear in that
23 statement?

24 A. Well, they only know the reason why they wrote this. It
15:38:45 25 shouldn't be Akim Turay, I said Akim Sesay and I did not
26 particularly see him and I will say that again. I did not see
27 him.

28 Q. Very well. Now, there came a time, did there not, when you
29 had a problem with a Lieutenant Jalloh. Is that right?

1 A. Yes.

2 Q. If we go to the second page of that same interview and we
3 look at the first large paragraph, it says this:

4 "The rebels were still coming and going but they weren't
15:39:52 5 too bad or at least I didn't see them kill anyone, but then I had
6 a problem with an RUF rebel named Lieutenant Jalloh. The problem
7 happened as Lieutenant Jalloh was abducting my 16 year old
8 sister."

9 Now, help me, is that true?

15:40:19 10 A. It's not correct. The problem I had with Lieutenant Jalloh
11 was because of my sister. He wanted to abduct my sister but he
12 did not actually abduct her at the end. It was Captain Bai Bureh
13 who in fact abducted her later. In fact it was Lieutenant Jalloh
14 who was the first person that attempted to abduct my sister.

15:40:46 15 That was the reason why I had a quarrel with him, but he did not
16 actually abduct her. So this statement is not correct to say
17 that it was Lieutenant Jalloh who abducted my sister.

18 Q. So whoever wrote this statement has got that totally wrong,
19 is that right?

15:41:07 20 A. Well, there are certain things there that are correct and
21 there are some that are incorrect statements.

22 Q. Because if we go on with that same account that you are
23 giving there, having said that it was Lieutenant Jalloh who was
24 abducting your sister you then say.

15:41:34 25 "That day about 40 rebels came into Wendadu and abducted
26 ten girls. The rebels stayed for about three hours and were
27 drinking a lot."

28 You then go on to describe that. Then if we jump forward a
29 little bit, four lines from the bottom of that paragraph:

1 "In front of me Lieutenant Jalloh saw my sister and said,
2 'We're going to take this girl. She's going to be my wife'. I
3 tried to intervene by saying he should leave her, but he said,
4 'Hey, see my face. I am Lieutenant Jalloh. If you say let me
15:42:17 5 not take your sister, I will kill you'. Then they put the ten
6 girls into one Land Rover and drove off."

7 Then you go on to say your sister was with the rebels for
8 four years. Help me, please. Why no mention of Bai Bureh in
9 that paragraph?

15:42:36 10 A. Well, I don't know. How this person wrote this down I
11 don't know, but now let me make the correction here. Let me tell
12 you - let me not even say a correction. Let me tell you it was
13 what happened to me and it was I that things happened to. I saw
14 them and they happened to me. None of you was there. So if the
15:43:07 15 writer has written something wrong, now let me tell you here that
16 this particular paragraph that I am seeing I want to clarify
17 things there. I had a quarrel with Lieutenant Jalloh because of
18 my sister that he wanted to abduct. He even attempted to abduct
19 her, but I had a quarrel with him and so he decided to forget
15:43:36 20 about that. It was after three days that he later came with
21 Captain Bai Bureh and that was the time Captain Bai Bureh
22 abducted my sister. And the ten other girls were not captured in
23 Wendadu. They brought them. They were already in the Land
24 Rover. I did not know which villages they went to and captured
15:44:03 25 those girls. It was not in Wendadu. In Wendadu it was only my
26 sister - just my sister - that was captured there.

27 Q. Mr Sesay, help me. At that time, how many sisters did you
28 have?

29 A. Oh, it was one. It was just one that I had in Wendadu.

1 Just one sister that I had in Wendadu. Just one.

2 Q. And your only sister was actually living in the same house
3 as you at the time, wasn't she?

4 A. Yes.

15:44:41 5 Q. So, help me. If your only sister is abducted, how could
6 you get it wrong as to who it was who abducted her?

7 A. Well, I did not get it wrong. I have told you the correct
8 thing. I have told you the name of the right man, the right
9 person who abducted my sister, and that was Captain Bai Bureh. I

15:45:07 10 have no doubt about it, not at all, because it was something that
11 happened to me and it was something that I saw for myself.

12 Q. Well, the final question on this point. Can you help me.
13 If what you are telling us is correct then this paragraph should
14 read, "Captain Bai Bureh abducted my sister". Can you help me

15:45:30 15 why it says "Lieutenant Jalloh", rather than "Bai Bureh"? Can
16 you help me?

17 A. That is not my statement. My statement says that it was
18 Captain Bai Bureh who abducted my sister. In the case of
19 Lieutenant Jalloh, I had a quarrel with him when he attempted to
15:45:53 20 abduct my sister and I told you he was the first man who
21 attempted to abduct my sister. You have asked me this question,
22 I have answered and now you are asking the same question.

23 Q. Let us just see what else is said about this Lieutenant
24 Jalloh on this page. Let's go back to that same paragraph:

15:46:14 25 "She was only freed after the DDR process. We never really
26 talked about what happened to her. She didn't volunteer
27 information and I never asked. However, she told me that she
28 remained with" - guess who - "Lieutenant Jalloh for some time."

29 According to what you are telling us that should be "Bai

1 Bureh", so how is Bai Bureh being transformed yet again into
2 Lieutenant Jalloh?

3 MR SANTORA: Objection. Asked and answered now for the
4 third time.

15:46:50 5 PRESIDING JUDGE: No, this is a different part of the
6 record of interview, Mr Santora. Counsel is entitled to put this
7 new piece.

8 MR GRIFFITHS:

9 Q. Can you help me with that?

15:47:06 10 A. I have told you that it was not Lieutenant Jalloh who
11 abducted my sister. He of course attempted to abduct my sister.
12 I wouldn't come here to defend this man. The man is not my
13 relation. He is nobody to me for me to come here and start
14 defending him. I have told you he was not the one who abducted
15:47:31 15 my sister. It was Captain Bai Bureh who abducted my sister. Of
16 course he attempted it, but he did not do it. And whether the
17 writer has written this I did not say that he stayed with
18 Lieutenant Jalloh for some time, or what, because I was not where
19 they took her to. I am saying as a result of what I saw and what
15:47:56 20 happened in my presence it was Captain Bai Bureh who abducted my
21 sister, so I will not be here and then you persistently ask me
22 the same question in different forms and I answer to them and
23 then you ask the question again in different forms.

24 Q. Let me try one more form. Let's go to the last paragraph,
15:48:18 25 "After being threatened by Lieutenant Jalloh, me together with my
26 wife and children fled into the bush." Is that true?

27 A. It was not Lieutenant Jalloh who threatened me. It was
28 Captain Bai Bureh. I had a quarrel with Lieutenant Jalloh, but
29 he did not threaten me. It was Captain Bai Bureh. After

1 capturing my sister, I went to meet him to plead with him. I did
2 not run away. I went and met him trying to plead with him to
3 release my sister, but then he asked me a question, "Two options,
4 either your life or your sister", and with that I turned my back
15:49:05 5 at him and then decided to move off him.

6 Q. And is that when you decided to flee into the bush?

7 A. It was not into the bush. We went to Kondewakoro village
8 and we went up the hills. That was where we went and constructed
9 some huts. But it was not Lieutenant Jalloh who threatened me.

15:49:34 10 It was Captain Bai Bureh who abducted my sister that threatened
11 me.

12 Q. So you would agree with me then that most of what is
13 written on that page is totally wrong?

14 A. Yes. Most of what is written, yes.

15:49:52 15 Q. Thank you. In any event there did come a time, did there
16 not, when you did go, leave, along with other civilians and set
17 up a temporary settlement in the hills?

18 A. Yes, that was at Kondewakoro.

19 Q. Whilst there you heard over the radio, did you not, that
15:50:35 20 ECOMOG had occupied Koidu Town?

21 A. That is true.

22 Q. So you decided after some hesitation to leave Kondewakoro
23 and return to Koidu Town?

24 A. That is true.

15:50:59 25 Q. And it's during the course of returning that you ran into a
26 man called Staff Alhaji?

27 A. They met us. It was not that we ran into one another. It
28 was at Penduma village where they captured us. It was when
29 Staff Alhaji - Staff Alhaji's boys said we should wait until we

1 hear from their boss - their colonel - and that was Staff Alhaji
2 and he came from Tombodu.

3 Q. Thank you for that. Let's go over, please, to the next
4 page. Now, in the middle of that page we see this:

15:52:06 5 "I knew Staff Alhaji Bayoh. He had been in the SLA for a
6 very long time. I know this because I used to be an SLA soldier.
7 I knew him well. He enlisted in 1975. I enlisted in 1977 and
8 served until 1990. For some time we were both based in
9 Wilberforce Barracks. He was a provost sergeant. He was always
10 wicked. He always had a long moustache which he twisted when he
11 got agitated. He was doing the same thing the day he attacked
12 us."

13 Is that true?

14 A. It's not correct.

15:53:00 15 Q. What's wrong about it?

16 A. That's right. This statement I did not make mention of
17 myself being a soldier. It was my elder brother, the late RSM
18 Maxwell Sesay - the late RSM Maxwell Sesay - who was a soldier.
19 Both of them lived in Wilberforce, he and Staff Alhaji, and at
15:53:41 20 that time because I went to school in Freetown and I was with my
21 brother I used to visit him and I knew him. I used to go to my
22 elder brother. I know Staff Alhaji too, because all of us grew
23 up in Kono. I knew the way he used to treat his soldiers. But
24 for me if you check the record of the military in Sierra Leone
15:54:06 25 you will never see my name there and you will never see my name
26 there. Even if you see my name in either of the computers then
27 let the law take its course against me, but I tell you I have
28 never been a soldier.

29 Q. Mr Sesay, can you help me with this. When you spoke to the

1 investigators on this occasion, in what language were you
2 speaking to them?

3 A. It's Krio.

4 Q. And was there an interpreter present?

15:54:37 5 A. There was an interpreter.

6 Q. And help me please. What's the Krio word for "I"?

7 A. Me?

8 Q. And what's the Krio word for "my brother"?

9 A. My brother. My brother.

15:55:00 10 Q. So, if I understand you correctly you said to the
11 investigator, "My brother enlisted in 1975", and somehow they
12 wrote it down as, "I enlisted in 1975". Is that what you are
13 telling us?

14 A. Well, I told them - I told the Court - that it was my
15:55:29 15 brother and I have never been a soldier. If I had been a soldier
16 before, why shouldn't I say it in Court here? Why should I be
17 afraid to say that? I would not have any fear to say that, but I
18 have never been a soldier. I was not a soldier. It was my
19 brother - my elder brother - RSM Maxwell Sesay. He is now late.

15:55:51 20 Q. So once again you said something completely different and
21 whoever has written this down has written down something which
22 you just didn't say, is that right?

23 A. That is it.

24 Q. Because you never said that you had enlisted as a soldier,
15:56:15 25 did you?

26 A. I am not a soldier.

27 Q. Yes, but you never said to this investigator, "I am a
28 soldier", did you?

29 A. I did not even say it. I said my brother. He was a

1 soldier and they had lived in Wilberforce Barracks, he and
2 Staff Alhaji, and we used to go there. We used to see the man,
3 you see. So how would I be a soldier and then deny about it?
4 Why shouldn't I say it in Court here? If I had been a soldier
15:56:55 5 before why shouldn't I say it here? Why should I forget that?
6 Then I should have known so many secrets about them. Then I
7 would have been better placed to explain those secrets about them
8 in this Court, but I am not afraid. I was not a soldier.

9 Q. Okay. So again we should ignore that paragraph because
15:57:17 10 it's quite wrong, should we?

11 A. Yes.

12 Q. Very well. But, from your limited knowledge of Staff
13 Alhaji, he was a wicked man, wasn't he?

14 A. Yes. I said I grew up with the man together, but he was
15:57:40 15 older than me. I'm talking about far back. We grew up together,
16 so I know the man. So at that time we used to visit our elder
17 brother in Wilberforce I used to see the kind of treatment he
18 gave to his soldiers, you see.

19 Q. And was he wicked even as a child growing up?

15:58:07 20 A. That man liked fighting.

21 Q. From a child?

22 A. He liked fighting. That was what I said.

23 Q. Now, just within your limited experience of him, that
24 wicked man burnt 25 men to death in a house in front of you,
15:58:32 25 didn't he?

26 A. In my presence, we saw them take the people into the house.
27 They took them into the house and they burnt the house and we
28 heard people crying, screaming. And that was what I said
29 happened in our presence, because the line - the road was a

1 straight route and we saw them putting the people into the house.
2 It was this man who took the men into the house whilst he was
3 sitting on the forestry route, so he was there when he ordered
4 his men to take the people there. He ordered them.

15:59:21 5 Q. That was going to be my question. He was the one who
6 ordered that horrible thing to be done. That's right, isn't it?

7 A. Yes.

8 Q. And he's also the man, is he not, who allowed his soldiers,
9 in his presence, to rape a number of women in public, including
15:59:48 10 your wife?

11 A. Yes, that was what he did.

12 Q. And he was the man, wasn't he, who amputated your left hand
13 along with the limbs of other individuals on that same day?

14 A. Yes.

16:00:11 15 Q. That man really is a criminal, isn't he, Mr Sesay?

16 A. Well, that is how I regarded him.

17 Q. Because he's the man who is responsible for many, many
18 deaths, isn't he?

19 A. Yes.

16:00:34 20 Q. And when you saw him and his group of rebels, as you say on
21 that same page, second paragraph, "I didn't see anyone with a
22 handset communication set". Is that right?

23 A. No, I did not see anybody with that.

24 Q. And you're quite clear, aren't you, that Staff Alhaji was
16:01:13 25 obviously the person in charge of that group of soldiers?

26 A. Yes. And they said it and I saw it for myself, that indeed
27 he was the commander for that particular group because after they
28 had captured all of us - and it was then the RUF and the junta
29 said that we should wait for their boss to come, for the colonel.

1 That was what they said, they said the colonel.

2 Q. And that wicked criminal, in 2004/2005, he was still a
3 serving member of the Sierra Leonean army, wasn't he?

4 A. Yes.

16:02:03 5 Q. That despite the crimes he had obviously committed, not
6 merely to you but to others in Kono, he was still serving in that
7 army in 2005. Is he still serving now?

8 A. Well, that is what I understand, because I am now living in
9 Kono.

16:02:28 10 Q. And, help me, you having met him through your brother at
11 Wilberforce Barracks, when he was cutting off your hand, did he
12 say that he recognised you?

13 A. Listen to me. I did not meet him at the Wilberforce
14 Barracks after he had amputated me and after I had been healed.

16:03:05 15 I said at the time my brother was working there, when I was going
16 to school --

17 Q. It's clearly my fault, so let me try again. At the time
18 when he was cutting off your hand, on your account you having
19 known him through your brother from Wilberforce Barracks, as he

16:03:31 20 raised the machete 11 times, did he say, "I remember you. Your
21 brother used to serve with me at Wilberforce"? Did anything like
22 that happen?

23 A. No, I did not speak with him. And since I was amputated I
24 have never gone up to Wilberforce and meet him there because my
16:03:59 25 brother is now dead. He is a late man.

26 Q. Mr Sesay, I'm sure it's my fault so let me try again.
27 Let's just take matters in stages. Remember telling me earlier
28 that your brother was the soldier, not you? Remember telling me
29 that?

1 A. Yes.

2 Q. And you remember telling me that through your brother, when
3 you were at school in Freetown, you met Staff Alhaji?

4 A. I had known Staff Alhaji from Kono.

16:04:41 5 Q. From when you were growing up?

6 A. Yes, but he was older than me. I had known him. So at the
7 time I was going to school in Freetown, when I used to visit my
8 elder brother at Wilberforce I used to meet him there too. That
9 was where I used to meet him.

16:05:00 10 Q. That's my point. So this was someone you knew from
11 childhood. So by the time he came to cut off your hand in 1998,
12 he was someone who must have recognised you from before, don't
13 you agree?

14 A. He knew me, but during the rebel war in Sierra Leone the
16:05:32 15 person who knew and recognised you was the one who'd always do
16 wicked things to you.

17 Q. Now, did he say anything to you at the time he was cutting
18 off your hand to suggest that he recognised and knew who you
19 were?

16:05:51 20 A. No. He only told me that, "This wristwatch that you use,
21 that you used to bluff women, so put your hand down, let me cut
22 it off", and that was what I did.

23 Q. But surely you were a well-known footballer in Kono
24 District, weren't you?

16:06:22 25 A. Well, people know me. They know me.

26 Q. And did Staff Alhaji say anything to you when he was
27 cutting off your hand to suggest that he knew you'd been a famous
28 footballer?

29 A. It was not when he was now ready to cut off my hand.

1 Staff Alhaji met me lying down because his boys had already tied
2 me up and he told me, "You, I am going to cut off those of your
3 limbs". But it was when he saw my wristwatch that he asked his
4 boys to untie me and when I was trembling to take off the watch,
16:07:13 5 that was the time he forcefully took it off my wrist and it was
6 then that the strap of the watch wounded me here.

7 MR SANTORA: Madam President, I don't mean to interrupt,
8 but I clearly heard the witness say something that was not
9 translated. I heard the witness say something about not playing
16:07:37 10 football again and it did not come out on translation and I think
11 for record purposes he should either go over the answer again or
12 at least that portion of it.

13 PRESIDING JUDGE: Mr Interpreter, you've heard Mr Santora.
14 Was all of the answer translated? Please check with your
16:07:56 15 colleagues.

16 THE INTERPRETER: Your Honours, could the witness be kindly
17 ask to repeat the answer or the question go again.

18 PRESIDING JUDGE: Mr Witness, we are concerned that not all
19 of your answer was recorded properly. Are you able to repeat
16:08:10 20 your answer or do you want the question put to you again?

21 THE WITNESS: He is welcome.

22 MR GRIFFITHS: I think there is an easier way we can deal
23 with this. Let's go behind divider 1, please, and let's look at
24 the page with the ERN number 641 in the top right-hand corner,
16:08:53 25 second paragraph:

26 "Staff Alhaji turned to us and said, 'Now it is my turn to
27 do the work.' Then he started calling us forward one by one. He
28 cut off one hand of both the first and second victim. Then he
29 looked at me and then told his soldiers to tie me up to a tree.

1 I think he was thinking of cutting off my legs. Then Staff
2 Alhaji said, 'You'll never play football again.' I think he said
3 this because I used to be a well-known footballer. I started
4 begging him and asking him for forgiveness. He ordered a rebel
16:09:34 5 to untie me and told me to stand before him. Then he ordered me
6 to give him my watch, which I did. Then he ordered me to put my
7 hand down and told me I would never wear a watch again."

8 Q. Do you agree with all of that, Mr Sesay?

9 A. Yes, but let me clarify one statement here. When he said
16:10:00 10 he ordered me to hand my watch over to him, which I did, I did
11 not hand my watch over to him. It was he who forcefully cut the
12 strap off my wrist, because by then I was nerving - I was
13 nervous.

14 Q. I'm going to leave that episode now please and come on to
16:10:30 15 deal with the sequence of events which led up to that. Now, when
16 you were in the bush and heard over the radio that ECOMOG had
17 occupied Koidu Town, were your wife and children with you?

18 A. [No interpretation].

19 Q. When you left that makeshift village to return to Koidu
16:11:01 20 Town, did your wife and children go with you?

21 A. It was not in Koidu Town that we headed for. It was
22 Penduma.

23 Q. Now when you got to Penduma, by the mango tree, were your
24 wife and children still with you?

16:11:20 25 A. Yes.

26 Q. When you encountered Staff Alhaji and his men, were your
27 wife and children still with you?

28 A. They were with me. My wife was behind a house cooking.

29 Q. You then left, didn't you, to go towards Koidu and you were

1 met by a man who'd been amputated - a Fullah man? Is that right?

2 A. That is not correct. I did not leave to go to Koidu Town.

3 I said while we were sitting under the mango tree was when I saw

4 Mohamed S Kamara with an amputated hand. He was coming with his

16:12:13 5 two children. It was not - I did not say that I was going to

6 Koidu Town. I did not say it was when I was going to Koidu Town.

7 I said I was sitting under the mango tree with my children. That

8 is when I saw Mohamed S Kamara coming with an amputated hand. He

9 was the one who told me that it was Staff Alhaji who had

16:12:41 10 amputated his hand, but that he had returned to Tombodu, so when

11 I was accompanying him to Small Sefadu he told me that. I was

12 not going to Koidu. At that time ECOMOG was now based at

13 Kokuima.

14 Q. But in any event -

16:13:01 15 A. He told me the ECOMOG were based in Kokuima.

16 Q. But, in any event, having given assistance to that man you

17 returned to your wife and children, didn't you?

18 A. I returned. My wife was preparing food, so we were

19 awaiting that dish when we heard gunshots in the village.

16:13:31 20 Q. And so your wife and children were with you when you were

21 captured by Staff Alhaji and his men?

22 A. The children were with me and my wife was behind the house.

23 Q. In any event, thereafter your wife was put in one line. Is

24 that right?

16:14:04 25 A. She was not in a queue. They were sitting. Those who were

26 not pregnant, they were sitting. She was brought naked and was

27 told to join that group.

28 Q. And she was then raped in the presence of your children, is

29 that right?

1 A. That's what they did.

2 Q. And your children were still there to witness their father
3 having his hand chopped off?

4 A. Yes. Not just my children, because after Staff Alhaji had
16:14:47 5 released the children and the suckling mothers, together with the
6 pregnant women, some of them stood by to see what was our fate.
7 They did not go anywhere and he warned his men not to do anything
8 to the ones he had already released.

9 Q. Now do you remember last year, Mr Sesay, in July of last
16:15:22 10 year, speaking to investigators?

11 A. Several people used to meet me, so you can remind me. Ask
12 me a question and then I will respond.

13 Q. Let me just find a reference, please. Yes, could you go
14 with me, please, behind divider 6. This is a statement, or an
16:16:06 15 interview, conducted with you on 9 July of last year. Let's go
16 through it carefully, shall we:

17 "On 9 July 2007 Special Court for Sierra Leone investigator
18 Magnus Lamin played me a DVD which was marked 'Copy of exhibit
19 EV0146'. I identified myself in the recording in exhibit EV0146
16:16:40 20 at the time code 11.43 to 17.21".

21 That should be 12.21:

22 "During this portion of the film I am not wearing a shirt
23 but wearing a red short pants and I am in bed at the Connaught
24 Hospital, outpatient in Freetown. I'm explaining to a reporter
16:17:05 25 who asked me how I got my hand amputated. He asked me my name
26 and I told him I was called Gibril Sesay. I told the reporter
27 that when the rebels entered Kono we left Koidu Town and hid in a
28 village called Wendadu situated in a thick forest and about two
29 miles from Koidu Town. Whilst in hiding we got information that

1 ECOMOG had deployed at Kokuima, so I left the hiding with my wife
2 and children and headed for the ECOMOG base. We stopped a while
3 at a village called Penduma near Small Sefadu. Then I saw one
4 Mohamed S Kamara, who is a cousin to me, with his hand amputated.

16:18:07 5 I decided to accompany him to the ECOMOG base at Kokuima. Just
6 when I was about to reach the ECOMOG base with Mohamed Sorie
7 Kamara, I left him and returned to collect my wife and children
8 to bring them to the ECOMOG base."

9 Now, listen to this, "When I returned to collect my wife
16:18:34 10 and children from the hiding place, I could not find them." Is
11 that true?

12 A. Complete the reading of the statement. Complete it.

13 Q. With pleasure:

14 "The rebels had entered the village and chased everyone
16:19:01 15 there and laid ambush at the end of the village. I took some of
16 my luggage and headed towards Kokuima. When I reached the ambush
17 area, 15 rebels came out of the bush and halted me. The
18 commander of the troops was one Staff Alhaji, someone I knew very
19 well. He told me to put my luggage down. They looted my luggage
16:19:28 20 and stripped me naked. Even my underpants were removed from me.
21 Then Staff Alhaji pulled his machete right from his back and
22 asked me to lay my hand on the ground. He chopped my hand ten
23 times and after the 11th stroke my arm finally came off.

24 They had told me to go my way, but I was unable because it
16:19:54 25 was like I had a blackout. One of them stabbed me again on my
26 back. They kept kicking me until I fell into a nearby stream.
27 That in my opinion saved me because the water made me open my
28 eyes and I drank the water and got some relief. I got up and
29 headed for the ECOMOG base.

1 They brought me to Makeni and later to Freetown. Up until
2 that moment I don't know whatever happened to my wife and
3 children. I declare that the above statement is true and
4 accurate."

16:20:43 5 Now according to this you had lost your wife and children
6 by the time you had your hand cut off, but you are telling this
7 Court that your children witnessed your wife being raped and
8 witnessed your hand being cut off. Now tell me, Mr Sesay, which
9 account is true: what you were saying in 2007, July, or what
16:21:03 10 you've told this Court today? Which account do you want us to
11 accept?

12 A. That is the story that I told you. First of all, ma'am,
13 can you please start again from page 1 from statement 1. Go back
14 to statement 1.

16:21:28 15 PRESIDING JUDGE: Mr witness, what is it that you require?

16 THE WITNESS: That is at the beginning of the statement,
17 that statement, I want to make the corrections and to tell the
18 lawyer that those are not the things that I said. In fact, in
19 the first place whose signature is there?

16:21:48 20 PRESIDING JUDGE: Mr Witness, listen. Are you talking
21 about the statement that the counsel has just read out to you?

22 THE WITNESS: Yes, that is not my statement.

23 MR GRIFFITHS:

24 Q. Well, before we do that --

16:22:04 25 PRESIDING JUDGE: Mr Santora?

26 MR SANTORA: Your Honour, I am going to bring to your
27 attention something which I believe is a matter of fairness. The
28 statement that Defence counsel is referring to is a statement in
29 which --

1 THE WITNESS: That is not mine.

2 MR SANTORA: One moment, Mr Witness.

3 PRESIDING JUDGE: Please pause, Mr Witness.

4 MR SANTORA: In terms of the rule of completeness here, the
16:22:24 5 witness in this statement is recounting what he said in 2003 on
6 an interview. It's not an account that he is describing in 2007.
7 If you look at the beginning of that statement he is describing
8 watching a video what he told a reporter in this report interview
9 - video interview - EV0146.

16:22:51 10 PRESIDING JUDGE: Mr Santora, I look at the page before me
11 and the page before me says, "On 9 July 2007, investigator ...",
12 et cetera, and it goes on to say, "I identified myself in the
13 recorded exhibit EV0146", and then it goes on to say "I".

14 MR SANTORA: Exactly.

16:23:09 15 PRESIDING JUDGE: So that appears to me to be a
16 contemporaneous statement. However, if you dispute that I
17 suggest it's more appropriate to be dealt with in re-examination.

18 MR SANTORA: I take the point, your Honour. Thank you.

19 MR GRIFFITHS: And of course my learned friend will see
16:23:28 20 that the statement ends, "I declare that the above statement is
21 true and accurate", but also let's go please behind divider 5:
22 Q. Now, behind divider 5 we have what is called a solemn
23 declaration and you will see on the second page of that that
24 Mr Lamin who interviewed you on 9 July says:

16:24:25 25 "Interviewed the witness and recorded the information
26 provided by the witness during the course of the interview in the
27 witness statement dated 9 July 2007, which are identified by the
28 ERN numbers 00038112 to 00038114 interview notes. These notes
29 were read back to the witness in the English language, or

1 translated into the Krio language, and the witness affirmed to me
2 verbally that the information contained therein was true to the
3 best of the witness's knowledge and belief. The witness further
4 affirmed to me verbally that:

16:25:16 5 (1) it was understood that a person making a false
6 statement in a written statement which the person knows or has
7 reason to know may be used in evidence in proceedings before the
8 Special Court is liable to a maximum penalty of 2 million leones
9 or a term of imprisonment of two years or both.

16:25:40 10 (2) The affirmation relating to the interview notes was
11 given voluntarily.

12 (3) The witness was aware that the interview notes might be
13 used in legal proceedings before the Special Court for Sierra
14 Leone and that the witness might be called to give evidence in
16:26:01 15 public before the Court".

16 Now, do you remember Mr Lamin warning you of all those
17 consequences after you gave that interview on 9 July?

18 A. In the first place, who is Mr Lamin? From February last
19 year I went to Kono. When those people wanted me to come, they
16:26:44 20 were the ones who called me through a phone, before I came to the
21 Sierra Leone office, at the Court, you see.

22 Q. Now, let's try my question. Do you remember Mr Lamin
23 warning you, having read the statement over to you, that if you
24 told lies in that statement you might be fined and sent to
16:27:11 25 prison?

26 A. Oh, God. I have testified twice and my evidences were
27 clear. I never mentioned someone obtaining statement from me
28 last year. From February I was in Kono.

29 PRESIDING JUDGE: Please pause, Mr Witness. You have

1 raised a question who is Mr Lamin. Do you mean you do not recall
2 Mr Lamin?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: We will clarify that in due course. Are
16:27:46 5 you also saying to counsel for the Defence that you were in Kono
6 from February and did not make a statement? I am not clear what
7 exactly you are saying.

8 THE WITNESS: You know, many people used to go to me to
9 take from me, many, and I have forgotten many of these occasions.
16:28:09 10 From February I was in Kono. So who is this Mr Lamin? A lot of
11 people used to meet me and I cannot recall now who particularly
12 was having this name.

13 MR GRIFFITHS:

14 Q. Mr Sesay, let's forget about Mr Lamin for a moment. We
16:28:32 15 don't have much time this afternoon. Let me see if I can get an
16 answer from you to this question: In your statement of July you
17 are saying your wife and children went missing, yet earlier today
18 you told us your children witnessed your wife being raped and
19 also witnessed you being amputated. Now a simple question, which
16:28:58 20 of those two accounts is right?

21 A. The story which I told the Court in Freetown and the one
22 which I told the Court here, that is the correct one. And in
23 fact my children, I left them with Major Tanko.

24 Q. But this statement says, you see, from July last year:

16:29:30 25 "When I returned to collect my wife and children from the
26 hiding place I could not find them. I don't know whatever
27 happened with my wife and children."

28 That can't - that has to be a lie, doesn't it?

29 A. No, no, no.

1 Q. Based on what you are telling us that has to be a lie?

2 A. That is not my statement. That is not mine. That is not
3 my statement. That is not my statement. It is not. All what I
4 told the Court here is the truth. That's why took an oath on the
16:30:07 5 Bible. I'm a Christian. I am not telling my lies here, I am
6 saying the truth. What I said in Freetown is the same as I have
7 come here to say. So if somebody else took different notes or
8 took different statement and brought it here to this Court that
9 is not mine I am not going to admit to it. It is not mine.

16:30:30 10 Q. So that's a lie?

11 A. It is not my statement.

12 Q. It is a lie?

13 A. It is not my statement.

14 Q. It is a lie then?

16:30:39 15 A. It is not my statement.

16 PRESIDING JUDGE: Mr Witness, did you understand the
17 question asked? You said it's not your statement. Therefore the
18 question is, if it is not your statement, is it a lie?

19 THE WITNESS: Yes.

16:30:55 20 PRESIDING JUDGE: Mr Griffiths, we have been alerted that
21 we are just about out of time, possibly out of time.

22 MR GRIFFITHS: Madam President, I don't know if there is
23 any potential flexibility because I feel that I could conclude
24 this witness and save him having to be brought back to Court in
16:31:13 25 another 15 minutes or so or is that stretching it?

26 PRESIDING JUDGE: We would need to get a new tape. There
27 is no tape left. That means we need to have a short break and
28 get another tape in. But in the circumstances because my next
29 question to you was going to be you indicated this morning you

1 had in mind to show a video. Is that still your intention?

2 MR GRIFFITHS: It's still my intention, Madam President.

3 PRESIDING JUDGE: In that case I would suggest that it may
4 be appropriate to get it done tomorrow, because as well as the
16:31:43 5 time I am looking to ensure that everything is in working order
6 given our problems this morning.

7 MR GRIFFITHS: Very well, Madam President.

8 PRESIDING JUDGE: So, Mr Witness, it's now 4.30 and this is
9 the time we break. There are a few more questions for you, but
16:32:00 10 we will have them tomorrow morning. I wish to inform you that
11 since you have now taken the oath you must not discuss your
12 evidence with any other person until all your evidence is
13 finished. Do you understand this?

14 THE WITNESS: Okay.

16:32:16 15 PRESIDING JUDGE: Thank you. Please adjourn court until
16 tomorrow morning at 9.30.

17 [Whereupon the hearing adjourned at 4.30 p.m.
18 to be reconvened on Wednesday, 29 October 2008
19 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

IBRAHIM FOFANA	19331
EXAMINATION-IN-CHIEF BY MS BALY	19332
CROSS-EXAMINATION BY MR ANYAH	19349
GIBRIL SESAY	19367
EXAMINATION-IN-CHIEF BY MR SANTORA	19367
CROSS-EXAMINED BY MR GRIFFITHS	19421

EXHIBITS:

Exhibit P-217 admitted	19365
Exhibit D-72 admitted	19365