



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 30 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 Sidney Thompson
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawalie

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:

Mr Morris Anyah
Ms Amina Graham

For the Office of the Principal Defender:

Mr Silas Chekera

1 Thursday, 30 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:41 5 PRESIDING JUDGE: Good morning. Appearances, please,
6 Mr Koumjian?

7 MR KOUMJIAN: Good morning, your Honours. For the
8 Prosecution the this morning, Mohamed A Bangura, Maja Dimitrova
9 and myself Nicholas Koumjian.

09:31:17 10 PRESIDING JUDGE: Thank you. Yes, Mr Anyah?

11 MR ANYAH: Good morning, Madam President. Good morning,
12 your Honours. May it please the Court, appearing for the Defence
13 are myself Morris Anyah, I am joined by Silas Chekera of the
14 Office of the Principal Defender and I am joined by Ms Amina
09:31:34 15 Graham. Thank you, Madam President.

16 PRESIDING JUDGE: Thank you, Mr Anyah. Mr Koumjian, I
17 notice there is no witness in the Court.

18 MR KOUMJIAN: Your Honours, the next witness, and there was
19 some communication between the parties and Court last night
09:31:45 20 regarding a change in order, is --

21 PRESIDING JUDGE: I am aware of that.

22 MR KOUMJIAN: -- witness TF1-210. That witness has
23 indicated he wants to testify open without a pseudonym and
24 without a screen. This is one of the witnesses that the
09:32:06 25 Prosecution position has been falls in Category 1 of July 2004
26 decision. I don't think there is any need to reiterate the
27 various positions of the parties.

28 The Prosecution is moving to rescind those measures on the
29 basis that we believe they exist, but in any event the witness is

1 willing to testify openly without pseudonym or screen and wants
2 to do that.

09:32:44

3 PRESIDING JUDGE: For purposes of record, before I invite a
4 reply, does that include address and present whereabouts? I look
5 part (b).

09:33:01

6 MR KOUMJIAN: Thank you, your Honours. No, the Prosecution
7 would request that that remain, that the witness - all witnesses
8 be afforded that protection, that their current address and
9 current whereabouts of themselves and family members not be part
10 of the public record.

11 PRESIDING JUDGE: Mr Anyah, to my mind there are two parts
12 to this. I will leave you to deal with them. You have heard the
13 respective parts of the application.

09:33:25

14 MR ANYAH: Yes, I will limit my comments to the current
15 witness. I think other witnesses that are to come, your Honours
16 will deal with those issues as and when they arise. With respect
17 to the witness TF1-210, as we have stated in the past, in
18 principle we have no objection to an application for recision.

09:33:44

19 We do stand by and maintain our previous position on this issue
20 regarding the applicability of the 5 July 2004 order to witnesses
21 such as these. So in principle we have no objection to an
22 application for recision.

23 PRESIDING JUDGE: However, there is part to deal with
24 address, whereabouts, et cetera.

09:34:02

25 MR ANYAH: That invariably falls under the position we have
26 taken. Namely, that to the extent the Prosecution is of the view
27 that such protection is afforded these witnesses from that order,
28 that they are not applicable.

29 MR KOUMJIAN: Your Honour, may I clarify one issue, because

1 I realise that I may have confused the Prosecution position with
2 the wording that I used. The Prosecution position is even when a
3 witness does not yet have protective measures, that the current
4 address and whereabouts of witnesses should not be part of the
09:36:21 5 public record. I think that is standard procedure of all
6 tribunals that I know of and it's a basic measure to protect the
7 privacy of the witnesses, same as the addresses of attorneys are
8 not matters of public record. Witnesses' current whereabouts and
9 addresses should not be matters of public record.

09:36:45 10 Obviously we can deal in Court with any questions dealing
11 with that, but it is possible theoretically that someone would
12 come to the WWS and ask to see all their records about where a
13 witness is and our position is just that that should remain
14 confidential information.

09:37:01 15 PRESIDING JUDGE: See, part of my concern, Mr Koumjian, is
16 that there is a ruling of this Court that these so-called
17 Category 1 witnesses - that order, that protection does not apply
18 to these so-called Category 1 witnesses. So provisions of (a)
19 through to (f) don't exist, if I could put it that way, for want
09:37:30 20 of a better terminology. And if you are saying the names and
21 addresses, et cetera, have to be kept then that is a different
22 form of application because there is a ruling of this Court. It
23 hasn't been changed on appeal, it hasn't been reviewed, therefore
24 it stands. And that is the point I was making. In view of what
09:37:56 25 you have said I will now invite Mr Anyah's response to that.

26 MR ANYAH: Well, I don't know whether the clarification
27 that learned counsel opposite has put forward actually clarifies
28 things because now we are dealing with, it seems to me, two
29 applications in respect of TF1-210 generally to rescind measures

1 dealing with pseudonym and other issues. And, secondly, an
2 application purportedly deriving from the same order that the
3 witnesses' name and addresses not be disclosed.

09:38:38 4 In addition, Mr Koumjian appears to be making a general
5 application in respect of all Prosecution prospective witnesses,
6 an application to the effect that the addresses --

7 PRESIDING JUDGE: Whilst I don't intend to cut you short,
8 Mr Anyah, this application can only apply to this witness so it's
9 not all. So let me save you further argument on that point.

09:39:06 10 MR ANYAH: Well, I appreciate the point, Madam President,
11 and I know your Honours will craft or fashion a ruling that is
12 specific to just this witness. But there is comments on the
13 record by counsel opposite to the effect, at 2 starting at line
14 7, that all witnesses be afforded that protection, that their
09:39:20 15 current addresses and whereabouts of themselves and family
16 members not be part of the public record.

17 The basis for this, which in our view is a new and distinct
18 application, not in writing, orally for the first time in Court,
19 purportedly derives from - counsel's words are, "I think that is
09:39:38 20 standard procedure of all tribunals that I know of and it's a
21 basic measure to protect the privacy of witnesses."

22 Well, we operate by rules, we operate by written
23 application. So to say that it is standard procedure and
24 therefore all witnesses should be afforded this from our point of
09:39:59 25 view is not legally sound. So we won't even comment on this
26 additional application. We have made our submissions in respect
27 of TF1-210 and we stand by them.

28 [Trial Chamber conferred]

29 PRESIDING JUDGE: We are of the view that the application

1 before us is redundant as there are no measures in place in
2 relation to this witness, when I say measures I mean protective
3 measures, under the purported decision of 5 July 2004.

4 If you can call the witness, please.

09:42:38 5 MR KOUMJIAN: Your Honours, the witness will testify in the
6 Mende language.

7 PRESIDING JUDGE: Interpreter, is there a Mende interpreter
8 in position, please?

9 THE INTERPRETER: Yes, your Honours.

09:42:59 10 JUDGE SEBUTINDE: Religion?

11 MR KOUMJIAN: He is Muslim.

12 JUDGE SEBUTINDE: Is this a viva voce witness, not a 92 bis
13 witness?

14 MR KOUMJIAN: That's correct.

09:43:50 15 WITNESS: MUSTAPHA MANSARAY [Sworn]

16 EXAMINATION-IN-CHIEF BY MR KOUMJIAN:

17 Q. Good morning, sir. Sir, could you please tell the Court
18 your name?

19 A. My name is Mustapha Mansaray.

09:45:25 20 Q. Can you spell your name, sir? If not, it is fine.

21 A. Yes.

22 Q. Please spell Mustapha.

23 A. M-U-S-T-A-P-H-A.

24 Q. And, sir, may you help us please with the spelling of
09:45:48 25 Mansaray?

26 A. M-A-N-S-A-R-A-Y.

27 Q. Thank you very much. Sir, can you tell us when you were
28 born?

29 A. Yes.

- 1 Q. Please tell us.
- 2 A. 1948.
- 3 Q. Where were you born, sir?
- 4 A. Jimmi Makpelle.
- 09:46:23 5 Q. And when you say Jimmi Makpelle, is one of those a chiefdom?
- 6 A. It's a chiefdom, Pujehun District.
- 7 Q. What is the name of the chiefdom?
- 8 A. Pujehun.
- 9 Q. Pujehun is the district. Is that correct?
- 09:46:48 10 A. Yes.
- 11 Q. And what is the name of the chiefdom that Jimmi is in?
- 12 A. Jimmi.
- 13 Q. What is the name of the chiefdom?
- 14 A. Makpelle.
- 09:47:08 15 Q. Just so we are clear which town you are talking about, this
- 16 town that you've called Jimmi can you tell us is that a small
- 17 town or a bigger town?
- 18 A. It's a chiefdom headquarter town. It's a big town. It's a
- 19 chiefdom headquarter town.
- 09:47:29 20 MR KOUMJIAN: Thank you. Your Honours, the spelling that
- 21 we have used in this Court is Z-I-M-M-I, Zimmi.
- 22 THE WITNESS: Yes.
- 23 MR KOUMJIAN: And Makpelle, your Honours, is M-A-K-P-E-L-E:
- 24 Q. Sir, what languages do you speak and understand?
- 09:47:52 25 A. I do speak English. I'm a Mende, but apart from that I can
- 26 speak a little bit of Krio.
- 27 Q. Did you say you speak English?
- 28 A. No.
- 29 Q. Thank you. What tribe are you, sir?

1 A. Mende. I am a Mende by tribe.

2 Q. Sir, you told us that you were born in Zimmi Makpele. At
3 some point did you leave Zimmi Makpele?

4 A. Yes.

09:48:42 5 Q. When was that?

6 A. 1993.

7 Q. Thank you. By the way, thank you for speaking so clearly.
8 So far we understand everything you are saying. Sir, what caused
9 you to leave Zimmi in 1993?

09:49:14 10 A. There was war. That is why I left the place.

11 Q. Where did you go - first of all, when you say there was war
12 can you tell us a bit more about what was going on in the Pujehun
13 District?

14 A. We were dislodged by the war, because when the war entered
09:49:42 15 the place they were killing people and others were mutilated. I
16 had about nine children and so I decided to leave the town. We
17 were hiding, we went into the bushes and we would leave the
18 bushes and we went into some villages and towns. You know, I got
19 fed up and so I said I was going to one of my uncles around the
09:50:04 20 Moala.

21 Q. Thank you. When you say - first of all, thank you, sir. I
22 will remind you also to speak slowly when you have a longer
23 answer so the interpreter can keep up. When you say around the
24 Moala, is that the Moala River?

09:50:20 25 A. There is a town called Moala, but the river by that town is
26 called Moala River so the town is called.

27 MR KOUMJIAN: Your Honours, M-O-A-L-A.

28 JUDGE SEBUTINDE: Is that where the witness went, or went
29 by the river, or what?

1 MR KOU MJIAN: I will clarify that, your Honour:

2 Q. Sir, you were living - I want to go over several things in
3 your last answers. You said Moala. Did you go to Moala?

4 A. Yes, to my uncle.

09:51:09 5 Q. Did your uncle live there in Moala?

6 A. Yes, yes.

7 Q. Thank you. Now, sir, when I asked you what was going on in
8 Pujehun District that made you leave, you said that they were
9 killing people. Actually, the transcript has something that I

09:51:27 10 did not hear. You said because when the war entered somebody,
11 "they", were killing people. Who was killing people?

12 A. The rebels.

13 Q. And when you say "the rebels", sir, did you ever find out
14 who these people were or who their leader was?

09:51:59 15 MR ANYAH: Well, Madam President, there are two questions
16 in one.

17 THE WITNESS: Foday Sankoh.

18 PRESIDING JUDGE: Mr Anyah?

19 MR ANYAH: There are two questions in one, "Did you ever
09:52:07 20 find out who these people were or who their leader was?"

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: Yes, you have got two parts there,
23 Mr Koumjian. If you could divide them up, please

24 MR KOU MJIAN:

09:52:19 25 Q. Sir, who was the leader of these rebels?

26 A. Foday Sankoh.

27 Q. How did you find that out, sir?

28 A. He came to Zimmi and assembled everybody and said he was
29 going to talk to us about the war that he had brought.

1 Q. Did you actually see with your own eyes Foday Sankoh?

2 A. Yes, in the court barri - our court barri .

3 Q. Did you hear him talk?

4 A. Yes.

09:52:59 5 Q. What did Foday Sankoh say in the court barri in Zimmi ?

6 A. What he told us was that the war that had come to Sierra
7 Leone was that whatever we - whatever anybody had as property did
8 not belong to anybody at that time any more, if somebody's
9 property was taken that person should not do anything and that we
10 should feed the people who had come to fight.

09:53:26

11 Q. Thank you. You said that he said that property did not
12 belong to anybody. What then was to become with people's
13 property, according to what Foday Sankoh said?

14 A. I have not understood what you've just said.

09:54:32

15 Q. Can you tell us again and explain what did Foday Sankoh say
16 about people's property?

17 A. Foday Sankoh said that if anybody lost anything you should
18 not swear or insult anybody for that because he had come to free
19 us from slavery. That was why he had brought the war. We were
20 not the target, he did not come for the civilians, and that
21 people should not tell lies and people should not steal. That is
22 what he said.

09:54:58

23 Q. What did he say, sir, about people owning property? We
24 didn't quite understand that.

09:55:17

25 A. He said that whenever there is a war in a country
26 everything is free for them. Nobody should own anything
27 personally and that is what they did. Whenever they would come
28 to a town they would take food, the food that we had, they would
29 take the sheep that we had and the goats and everything we had

1 because he had said that nothing belonged to anybody personally.
2 It belonged to them, because that was war.

3 Q. Thank you, sir. That is very clear, thank you. Can you
4 tell us the soldiers that were with Foday Sankoh, how were they
09:55:59 5 dressed at that time?

6 A. Some of them dressed like civilians, but they had red
7 headbands with cowrie shells on them.

8 Q. What languages were these rebels speaking?

9 A. Those rebels spoke the Gio language and they also spoke
09:56:34 10 Gola language and Vai. We refer to that as "kalo". They spoke
11 most of the languages that the people speak in Liberia. We heard
12 those "meh, meh" languages.

13 MR KOUMJIAN: Gola, your Honours, I believe is G-O-L-A and
14 Vai, the third language the witness mentioned, V-A-I.

09:57:49 15 PRESIDING JUDGE: And the witness referred to the "meh,
16 meh" languages in Liberia.

17 MR KOUMJIAN: Thank you.

18 THE WITNESS: My meh.

19 MR KOUMJIAN:

09:58:00 20 Q. What do you mean when you say "my meh", sir?

21 A. My meh, just like you would want to say to somebody, "I
22 say".

23 Q. Well, who would say "my meh"?

24 MR ANYAH: Well, there has to be some context here. "Who
09:58:21 25 would say my meh?" Is it a Nigerian - I mean, what is the
26 foundation for this?

27 MR KOUMJIAN: That is exactly what I am trying to ask the
28 witness.

29 PRESIDING JUDGE: The witness has referred to "meh, meh" or

1 "my meh" languages and counsel should clarify what that is. What
2 is "my meh" language?

3 MR KOUMJIAN:

4 Q. Sir, can you explain to us, because we are not from
09:58:48 5 Pujehun, what do you mean when you say you call these my meh
6 languages?

7 A. You know, just like when you are talking to somebody and
8 then you say "man" or you say "you", that is what I meant. It's
9 not actually a language. It's a way of talking.

09:59:11 10 Q. Okay. So who was it that would say that word "my meh"?

11 A. Those people who came from the Liberia end, the rebels.
12 That is what they spoke.

13 JUDGE SEBUTINDE: Mr Koumjian, I would be interested to
14 know if that phrase "my meh" to the witness means anything. We
09:59:36 15 would like to know if he can interpret that for us.

16 MR KOUMJIAN:

17 Q. Sir, do you know what that means, "my meh"?

18 A. Yes. To my understanding, like I'm sitting here, then you
19 touch me and I would say, "Hey, fellow stop. Leave me". That's
10:00:01 20 what I mean. You can say, "Hey, man, stop". So as you can say
21 "my meh" means, "Hey man, fellow, stop". That's what I mean by
22 "my meh", "hey man".

23 Q. Thank you.

24 A. Thank you.

10:00:22 25 MR KOUMJIAN: I don't know if it would be helpful, your
26 Honours, at this point or we could at a later point get the
27 Liberian interpretation of that pronunciation. I wonder if we
28 could ask if the Liberian booth could give an interpretation of
29 that phrase.

1 PRESIDING JUDGE: I think the record from the witness is
2 clear and if there is any dispute about it then it can be raised
3 later.

4 MR KOUMJIAN: Thank you:

10:00:55 5 Q. Sir, you said that the rebels were killing people. What
6 did you actually see in regards to that?

7 A. Yes. What I observed regarding to that, when they attacked
8 Zimmi, while we were going, running away from the place, we saw
9 corpses. You know, I wouldn't have waited to see what was
10:01:17 10 happening while they were shooting. So after they had attacked
11 we left the village and I said I was going to my uncle and on our
12 way going I saw corpses.

13 Q. Okay. Thank you. Now, you said your uncle lived in Moala.
14 Was Moala - was that free of rebels? Let me perhaps ask the
10:01:43 15 question simpler. Were there rebels in Moala?

16 A. At the time that we went there they were not there, but
17 they came there later. They used to come and return. They were
18 not based there.

19 Q. What district is Moala in?

10:02:03 20 A. Pujehun. Pujehun.

21 JUDGE SEBUTINDE: Mr Witness, can you wait for the
22 interpretation before you answer, please.

23 THE WITNESS: Okay. Agreed.

24 MR KOUMJIAN:

10:02:21 25 Q. Thank you, sir. Now, you had told us earlier what was said
26 by Foday Sankoh about property. Did you ever see that law
27 enforced?

28 A. They did that to me myself, many times.

29 Q. Can you explain to us what happened?

1 A. Yes. Initially when we crossed the river and I went to my
2 uncle together with my children, that uncle of mine had a farm,
3 so when he went to harvest the rice for us to use he was captured
4 in the farm. The rebels captured him and he was brought to town.
10:03:12 5 He had said they had earlier said that nobody owned any property
6 personally and they had put that law if anybody had cultivated a
7 farm you should not harvest anything that you have cultivated, so
8 he was arrested and brought to the village and he was killed
9 there and decapitated. About five minutes after he had been --

10:03:40 10 THE INTERPRETER: Your Honours, can the witness slow down
11 and repeat his answer.

12 PRESIDING JUDGE: Please pause, Mr Witness. The
13 interpreter is trying to keep up with you. Everything you say is
14 being interpreted and is being written down. You are speaking
10:03:54 15 quickly and we would like you to talk more slowly and pick up
16 your answer and continue from where you said, "About five minutes
17 after he had been --" Please continue from there.

18 THE WITNESS: After he was captured, brought to the town,
19 they assembled everybody. He was beheaded. But usually when
10:04:39 20 they wanted to behead somebody they would start from the back of
21 the neck and once he had been beheaded the head was jumping for
22 about five minutes and the head was talking even before he died
23 finally.

24 MR KOUMJIAN:

10:04:59 25 Q. Sir, you said your uncle was brought to the centre of town.
26 Which town was he brought to?

27 A. Moala.

28 Q. Were you present when your uncle was decapitated?

29 A. Yes.

1 Q. What was your uncle's name?

2 THE INTERPRETER: Can the witness repeat the name.

3 PRESIDING JUDGE: Mr Witness, please repeat the name of
4 your uncle.

10:05:41 5 THE WITNESS: Gibri I Turay.

6 MR KOUMJIAN: Your Honours, I don't know if the Mende
7 interpreters could help us with the spelling or we could attempt
8 it.

9 PRESIDING JUDGE: Does the witness know how to spell it?

10:06:04 10 He has been able to spell out other things.

11 MR KOUMJIAN: Perhaps I should first ask a question:

12 Q. Mr Witness, have you ever been to school?

13 A. No, except the adult education, that was when we were
14 amputated and I used to attend that in the camp where we were.

10:06:17 15 So I did not continue attending school for six months.

16 MR KOUMJIAN: Your Honour, I believe Gibri I would be
17 G-I-B-R-I-L and Turay T-U-R-A-Y.

18 MR ANYAH: Madam President, your Honours, I would like to
19 be heard about this. This is the first time I am hearing this
10:06:41 20 name and I have read discovery provided by the Prosecution. The
21 information about this witness's uncle being amputated was --

22 PRESIDING JUDGE: He wasn't amputated.

23 MR ANYAH: I mean decapitated, rather, was, as far as we
24 know, elicited from this witness either on Sunday, the 26th of
10:07:02 25 this month or Monday the 27th. That is the disclosure from which
26 that information became known to us. Not included in that
27 information was this particular name. Now, in fairness to us we
28 should be placed in a position where for each and every alleged
29 unlawful killing we should be able to investigate with

1 particularities of the incidents.

2 This is a recurring issue in this case. Up until now we
3 have objected but we have not made any firm applications to your
4 Honours. The usual application would be a request for an
10:07:47 5 adjournment so we could properly investigate, but there are other
6 applications we could make.

7 At this point I would make an application, in other
8 jurisdictions it might be called a motion in limine, which is
9 that your Honour precludes certain evidence and I do so pursuant
10:08:05 10 to Rule 54, a generally applicable provision that you have in the
11 exercise of your discretion for the orderly progression of the
12 case. It is simply unfair to our client that we are given this
13 name right now in open court for the first time, unable to
14 investigate it to ascertain whether or not it is reliable or to
10:08:24 15 verify its reliability and this practice has to be held in check.
16 So I make that application. It's an application that the
17 evidence regarding this decapitation and those not disclosed to
18 us in a timely manner not be considered by your Honours when you
19 weigh this witness's evidence.

10:08:50 20 PRESIDING JUDGE: Do I understand correctly you have been
21 given disclosure of some matters that arose in the last few days
22 that included the statement that the uncle was killed by
23 beheading, but did not include the uncle's name?

24 MR ANYAH: That is correct. The information given to us
10:09:11 25 was obtained from the witness within the last week. I am not
26 sure what day during the course of this week it was given to us,
27 because certainly they were speaking to him on Monday the 27th.
28 The name of the uncle was not included in that information.

29 The events to which the witness is testifying took place

1 apparently almost 17 years ago, in 1993 or thereabouts. The
2 Prosecution first spoke to this witness in 2003. They could have
3 provided that information to us sooner.

10:09:49 4 PRESIDING JUDGE: Mr Koumjian, you have heard Mr Anyah's
5 application.

10:10:07 6 MR KOUMJIAN: All disclosures have been made timely to the
7 Defence on this matter. The witness first was asked why he left
8 Pujehun. In earlier statements he indicated he left because of
9 the war. He was asked why he left Pujehun here in The Hague
10 during the course of proofing and he indicated to us this
11 incident - among other things including this incident where his
12 uncle was decapitated. He was not asked the name of the uncle.
13 The disclosure at that time - this is today the first time I have
14 asked him, or anyone to my knowledge from the Prosecution, has
10:10:26 15 asked him the name. The disclosure was given to the Defence in a
16 timely manner indicating that the uncle was decapitated as the
17 witness has just testified. All of this arises out of a
18 statement from 2003 where he indicated he left Pujehun because of
19 the war.

10:13:35 20 [Trial Chamber conferred]

21 JUDGE SEBUTINDE: I have been requested by the Presiding
22 Judge to give a ruling on behalf of the Bench this way.

10:13:54 23 Mr Anyah, we do acknowledge that the accused has a right to
24 have full disclosure of this name that you've just named, in
25 addition to the incident of decapitation. We acknowledge that
26 this is the right of the accused in order to help him prepare or
27 enable him to adequately prepare. This is his right under the
28 statute. We also recognise that in this case this was not done,
29 as is the duty of the Prosecution to have done so. However, we

1 believe that it would be drastic to simply strike out this
2 evidence given the fact that the incident itself was disclosed to
3 you. So we believe that this defect can be cured with allowing
4 the Defence more time, or adjournment if they so require, in
10:14:38 5 order to further investigate this matter. This is what we have
6 done in the past. If the time has come for you to cross-examine
7 and you feel you need more time to investigate this incident then
8 the Chamber can accommodate that, but in this case we will not
9 strike out the evidence altogether. That is the ruling of the
10:15:02 10 Court.

11 PRESIDING JUDGE: Mr Anyah, you are on your feet?

12 MR ANYAH: Yes, Madam President. To the extent that
13 Justice Sebutinde's ruling on your Honour's behalf does suggest
14 or invite us to consider making an application for additional
10:15:21 15 time, may I seek instructions from my client?

16 PRESIDING JUDGE: It's normal to wait until
17 examination-in-chief before such an application and, of course,
18 you may indeed take instructions.

19 JUDGE LUSSICK: Yes. Mr Anyah, I agree with what the
10:15:40 20 Presiding Judge has just said. Another consideration is that
21 there may be other instances during this witness's
22 evidence-in-chief of non-disclosure, so it may be appropriate to
23 wait until his evidence is completed before you make a final
24 decision on whether you need to make an application or not.

10:16:04 25 MR ANYAH: Thank you, your Honours. I appreciate the
26 point. I shall wait, of course.

27 PRESIDING JUDGE: Mr Koumjian, please proceed.

28 MR KOUMJIAN:

29 Q. Sir, in the Pujehun District when you were there, did you

1 ever see any checkpoints?

2 A. Yes.

3 Q. Whose checkpoints were these?

10:16:42

4 A. Even at that Moala where we were there was a checkpoint
5 going to Potoru. There are many checkpoints there. Even in
6 Zimmi there are checkpoints.

7 JUDGE SEBUTINDE: Mr Koumjian, we are proceeding, but we
8 have no idea where - what timeframe this is. We have heard some
9 comments from the other side, but that wouldn't be evidence.

10:16:58

10 MR KOUMJIAN:

11 Q. Sir, can you tell us when did you leave Pujehun?

12 A. In that same 1993.

13 Q. Sir, when was it that the war first touched you, or
14 affected you, in Pujehun District? Do you recall the year?

10:17:26

15 A. That was the same year, 1993.

16 Q. So in 1993, these checkpoints that you saw, who was at the
17 checkpoints?

18 A. The rebels were at the checkpoints.

19 Q. And what happened at the checkpoints?

10:17:51

20 A. They would decapitate human beings and use the heads and
21 put them at each end of the checkpoints on top of sticks. Then
22 they would connect the heads with a rope from one end to the
23 other.

24 Q. What would happen, sir, if - well first of all, sir, did
10:18:18 25 you ever see civilians come up to these checkpoints?

26 A. Yes, because whenever people wanted to go elsewhere out of
27 town you would have to go through the checkpoints, because if you
28 attempted to use any other road that was not leading through the
29 checkpoint if you were caught you would be killed because that

1 meant that you wanted to escape.

2 Q. Did you yourself pass through the checkpoints?

3 A. Yes, together with my people.

4 Q. Sir, what would happen when you passed through a

10:18:57 5 checkpoint?

6 A. I did not understand that.

7 Q. When you went through a checkpoint, to a checkpoint, what
8 would happen?

9 A. The first checkpoint that I went to I was arrested, because

10:19:25 10 I had a Koran in my hand and I was asked to give them six feet

11 off because they wanted to kill me. I went off them six feet,

12 you know, just like that distance to where I am now, and he, the

13 rebel, cocked the gun, but my - I had my son who had just walked.

14 He was called Jabbati. He went and held me and the rebel asked,

10:19:53 15 "Whose son is this? I wanted to kill this man and he has come

16 and embraced him". They said, "That boy is his son", and he

17 said, "I'm not going to kill you again because of this boy, so

18 please take care of this boy, okay?" I said "Yes, sir", but they

19 took away the Koran from me and they never returned that to me.

10:20:17 20 Q. Did the rebels say anything about the Koran?

21 A. Yes, they said we were the people working for the Momoh

22 soldiers. We were the jujumen working for the Momoh soldiers.

23 Q. Sir, you said in 1993 you left Pujehun. Where did you go?

24 A. I went to Blama, Kenema District.

10:21:27 25 Q. What happened after you got to Blama?

26 A. We were there for some time and again the rebels dislodged

27 us and I went to the Temne land in a town called Ro-Nyortor.

28 MR KOUJIAN: Your Honours, the spelling is R-0 dash

29 N-Y-0-R-T-0-R:

1 Q. Sir, what district is Ro-Nyortor in, if you know?

2 A. Magburaka, Tonkolili.

3 Q. How long did you stay there in Tonkolili District?

10:22:32

4 A. I spent some time there, but I was not counting. Maybe it
5 was up to five months, or six.

6 Q. Then where did you go, sir?

10:23:01

7 A. When I left there I went to Kono with my relatives. There
8 also I was dislodged, together with my people, and I went to Kono
9 because they said Kono was safer because the South Africans were
10 there.

11 Q. Can you explain that a bit more. Who said Kono was safer
12 because the South Africans were there?

10:23:25

13 A. Our fellow civilians told us that, because they too were
14 based there. When they told us that we did not refute it and so
15 we went there.

16 Q. Do you know, sir, approximately when it was that you went
17 to the Kono District? If you don't know, you can tell us.

18 A. You know, it's a long time now. I don't remember. Someone
19 can forget.

10:23:53

20 Q. Thank you. When you got to the Kono District, in fact were
21 there South Africans there in Kono?

22 A. They were there at that time. They were in Koidu.

23 Q. Thank you, that's helpful. Now, sir, where did you go in
24 Kono District?

10:24:18

25 A. The town in which I was based was called Tongoma. That is
26 close to Yengema.

27 MR KOUMJIAN: Tongoma, your Honours, is T-O-N-G-O-M-A:

28 Q. What were you doing, sir, in Tongoma?

29 A. I used to fetch firewood and I used to go and sell it to

1 get some money to be able to take care of my family. Sometimes I
2 used to take the wood to Yengema, because that's a big town, to
3 sell it.

4 Q. Were you doing anything else for money?

10:24:58 5 A. Yes, we used to mine diamonds but, you know, one would not
6 depend on diamond mining because you would work there for about a
7 week without getting a diamond, but for firewood fetching, you
8 know, every day you go there you get some wood and you are sure
9 of having some money.

10:25:21 10 Q. Who were you working for when you were mining diamonds?

11 A. I used to work for many people because initially I worked
12 for a man called Alimamy Bangura. I also worked for a man called
13 John Turay.

14 Q. Were these people soldiers, or civilians?

10:25:55 15 A. They were civilians, but the civilians whenever we worked
16 if the rebels came and saw that we had excavated gravel they
17 would drive us away from that and they would wash it, or they
18 would ask us to wash it for them, and they would take the
19 proceeds.

10:26:24 20 Q. Thank you, sir. I am going to ask you a little bit more
21 about that, but before I do so that we understand when it was you
22 were in the Kono District do you recall the election of President
23 Kabbah?

24 A. We were the ones who voted, yes, 1996.

10:26:49 25 Q. Where were you at that time?

26 A. I was in Tongoma.

27 Q. And, sir, did you ever hear that anything happened to
28 President Kabbah after his election?

29 A. Yes. After we had done the voting, the initial voting,

1 they said he did not win and they said there was going to be
2 another election and we did the second election and that one he
3 won clearly, so they told us that he had won the elections.

10:27:31

4 Q. Sir, did President Kabbah's government stay in power or did
5 anything happen to it that you know?

6 A. He was overthrown.

7 Q. Who did you hear overthrew him?

10:28:12

8 A. That was Johnny Paul Koroma and his people and Mosquito,
9 Sam Bockarie, and his people. Because Johnny Paul Koroma was the
10 leader of the soldiers and Sam Bockarie, whom they used to refer
11 to as Mosquito, he was the leader of the rebels. So that was
12 what happened.

13 Q. Thank you. Now, can you help us to understand, where were
14 you when you heard --

10:28:36

15 A. I was.

16 Q. Sorry, when you heard that President Kabbah had been
17 overthrown?

18 A. I was still in Tongoma.

10:28:53

19 Q. When you heard that President Kabbah had been overthrown,
20 were there any changes for you and other people in Tongoma?

21 A. Yes. We then started seeing people coming from Yengema.
22 They said Yengema had been attacked and Yengema was far off from
23 us, so I packed my loads and took my children to a town called
24 Worodu Sandor. We were there for a very long time, because at
10:29:30 25 the time whenever we would go - wherever we would go we used to
26 get some food because at that time I had no money. Wherever we
27 went I would spend some time there except we would be dislodged
28 again, because if we had started getting some food there it would
29 be better to be there than moving up and down because there we

1 would get some cassava, some bananas, people would offer us. So
2 we spent some time there. So some day we saw the rebels mixed
3 with soldiers but they did not attack. We were there for a long
4 time.

10:30:13 5 Q. Thank you. Now, I want to go back before we move on to the
6 attack that you just started to talk about. You said when you
7 left Tongoma you went to another town and the interpreter did not
8 quite understand that. Can you tell us the name of the town you
9 moved to from Tongoma?

10:30:39 10 A. Worodu Sandor.

11 MR KOUMJIAN: Your Honours, the spelling we have is
12 W-O-R-O-D-U and Sandor, S-A-N-D-O-R:

13 Q. Is Sandor, sir, a town or a chiefdom? What is it?

14 A. Sandor is the name of the chiefdom. Wordu is the name of
10:31:01 15 the town. Sandor is the chiefdom.

16 Q. About how big --

17 JUDGE SEBUTINDE: Mr Koumjian, is it Worodu or Wordu?

18 MR KOUMJIAN: The spelling I have, I would pronounce it
19 Worodu. I hear Wordu, but this is the spelling the Mende
10:31:18 20 interpreter gave me and that's what I am going on. We will
21 double check the map:

22 Q. Just so we are clear on this town, is it near another town,
23 Worodu?

24 A. There are many towns there.

10:31:43 25 Q. About how many houses are there in Worodu?

26 A. Worodu? Could be up to 200 houses.

27 Q. What were you doing there to feed your family?

28 A. Worodu, we didn't do anything else apart from food finding
29 because when we went there they told us that we could use the

1 food, particularly the cassava that was there and the bananas
2 that were close to the village. We used to get them for food
3 together with my children.

4 MR KOUMJIAN: Your Honour, I do have a correction from my
10:32:36 5 colleague. The spelling should be W-O-R-D-U:

6 Q. Sir, you started to tell us that something happened in
7 Wordu. Can you again tell us what happened. Speak very slowly
8 and pause every sentence or two so that the interpreter can catch
9 up?

10:33:15 10 A. What happened in Wordu was while we were there the people
11 came there, the soldiers and the rebels. But when they came they
12 did not attack the town because that was not their intentions.
13 They said we were there for a long time, for even over a week,
14 but some day we saw that they were capturing people. I saw them
10:33:47 15 like from a distance, like the waiting room where I was to here.
16 And I saw - I got up from the veranda and we entered into the
17 room and lay under the bed.

18 We were there when - and they kicked the door open and they
19 captured me. The man who captured us was called Farma, he
10:34:24 20 captured me, and that child of mine went out and followed me,
21 this same son that I spoke about today, who saved me from that
22 gunman before, and I told him to go back. He did not go back and
23 he followed me and I kicked him hard and he returned.

24 Q. Sir, do you know what month and year this attack took
10:34:44 25 place?

26 A. It was not an attack. I said all of us were in the town
27 for many days, over a week even.

28 Q. Okay, thank you for correcting me. When did it take place
29 that the rebels came to Wordu?

1 JUDGE SEBUTINDE: Didn't he say it was the soldiers and the
2 rebels?

3 MR KOUMJIAN: Yes, thank you.

4 THE WITNESS: Yes. I think it was 12 April.

10:35:19

5 MR KOUMJIAN:

6 Q. What year was it, sir?

7 A. 1998.

8 Q. I am sorry, but I want to go back a little bit to some
9 things that were going on before that. Sir, you had told us

10:35:40

10 about hearing about the overthrow of Kabbah. And you had told us
11 that at one time in Kono you were engaged in mining. After
12 Kabbah was overthrown, did that affect mining in the Kono
13 District?

14 A. In fact we were in the mining field mining diamonds when he
15 was overthrown and we left the mining fields and came to town and
16 when we went to town we heard the announcement on the radio. Our
17 fellow civilians told us and explained to us. And afterwards,
18 about two or three days, we saw that the soldiers had come to
19 Kono and they said, "Those of you who have voted for Kabbah, now
20 it's our turn, we've come" and they started punishing people and
21 I took my children and I went to Wordu Sandor.

10:36:41

22 Q. When the soldiers came did they come alone to the Kono
23 District?

24 A. No. There were some other ones who were called People's
25 Army, but I think maybe they were soldiers. Some of them were
26 rebels. It was a mixed group.

10:37:15

27 Q. What happened with the mining in the Kono District once
28 these soldiers and rebels, the mixed group, came into Kono
29 District?

1 A. They used to disturb people. They would meet people doing
2 their work and they would drive them away from the work and ask
3 them to go. They would shoot in the air. At that time they did
4 not used to kill people. If they captured somebody they will
10:38:02 5 search the person. If there was any di amond on that person they
6 would take the di amond away from that person, but they would not
7 kill people. If they met people washing gravel they would drive
8 them away from that gravel washing and they would do it and get
9 the proceeds.

10:38:16 10 Q. When you said "they would do it and get the proceeds", who
11 would get the proceeds from the gravel?

12 A. They will capture other people and force them to wash the
13 gravel for them.

14 Q. Sir, just so the record is clear, when you say they would
10:38:43 15 capture people and force them to wash the gravel, who is it that
16 you are talking about that would capture people?

17 A. Yes. The rebels.

18 Q. When you say rebels, are you talking about these people
19 that - well, who do you mean when you say rebels?

10:39:02 20 A. The rebels?

21 Q. Yes.

22 A. You know, there were two groups initially, there were the
23 rebels and the soldiers, but there was a time when Foday Sankoh
24 said they should join hands together and they should form a
10:39:24 25 group. So in fact there were times even when they would do bad
26 things to each other, but actually it was one group. They would
27 come together and do bad things to people.

28 PRESIDING JUDGE: Just before you move on to the next
29 topic, Mr Koumjian, we need a clarification and spelling for the

1 name of the person who captured the witness. Page 28, it's line
2 25 and on my font.

3 THE WITNESS: You are talking to me?

4 MR KOUMJIAN: Yes, the witness said - I will have him

10:40:12 5 repeat it but I know what he said:

6 Q. Sir, now we are going to go back to the April incident that
7 you talked about where you hid under the bed and then you said
8 someone came in and captured you. What was the name of the
9 person that captured you?

10:40:30 10 A. His name was Farma.

11 Q. F-A-R-M-A. Was he a soldier or a rebel, sir?

12 A. He was a soldier.

13 Q. Now, what was it that made you hide under the bed?

14 A. The reason why I hid under the bed was that I was hiding
10:41:05 15 away from punishment because whenever they would capture people
16 they would punish them, they would hurt them. And indeed what I
17 was hiding from was what I eventually got.

18 Q. Before you went and hid under the bed what did you see
19 going on in Wordu?

10:41:35 20 A. They used - I saw them capture my colleagues. They even
21 captured my --

22 THE INTERPRETER: Your Honours, the witness has used a word
23 that could mean nephew or niece.

24 THE WITNESS: His name was Alimamy Bangura, my nephew. But
10:42:05 25 those soldiers and rebels, there were three groups, those of them
26 who were capturing people. When they captured us some people
27 would go to Yarya and these others would go to Kayima. And we
28 went to Tombodu.

29 MR KOUMJIAN:

1 Q. You said this person captured you. What happened after he
2 captured you?

3 A. Yes, they took us to a place where they used to assemble
4 people. Whenever they captured people they would assemble them
10:43:06 5 there. At that time I had a boil on me, on my leg here, so I
6 pleaded with them not to go with me. He took out the bayonet,
7 that one that would be affixed to a gun, and he --

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

9 PRESIDING JUDGE: Mr Witness, again you are a little quick
10:43:39 10 for the interpreter. Could you pick up your answer, speak slowly
11 and start again where you said, "And that one that would be
12 affixed to a gun --"

13 THE WITNESS: He used a bayonet. That knife is normally
14 fixed on a gun. That is what he used to hit me on the boil. He
10:43:58 15 said whenever a boil burst that would be the time of your
16 healing. The boil burst, but then there was no pus in it and I
17 was bleeding and he asked us to go with the load.

18 MR KOUMJIAN:

19 Q. Now, where were you? After you were captured, where
10:44:21 20 exactly did they take you?

21 A. They said we were going to Tombodu, but when we went we
22 passed the night at Masundu Sandor.

23 Q. Sorry, I want to go back to Wordu. I want to understand
24 what happened there first. When you were captured in your house,
10:44:44 25 were you taken from your house anywhere in Wordu?

26 A. Yes, where they were lodged.

27 Q. And in this place were you alone, or were there any other
28 people?

29 A. No, just those of us who were captured and their colleague

1 soldiers. Like the other one was there, who was called Sergeant
2 Mohamed, and there was the other one who was called - he was a
3 corporal. He was called Corporal Jalloh. They were there. All
4 of us were there, together with the soldiers. Do you want me to
10:45:35 5 continue?

6 Q. Well, let me just ask you a few questions about what you
7 have already told us so that I am clear. You said, "All of us
8 who were captured"?

9 A. Okay.

10:45:45 10 Q. Who, besides yourself?

11 A. Yes.

12 Q. What other people were there?

13 A. Those of us who were captured, we were - we were five and
14 in fact one of my colleagues came here one of these days to
10:46:06 15 testify. He was the sixth. There was another man called Sorie.
16 He was a Mandingo. That man was called Ibrahim Fofana also, but
17 there were some other people whose names I did not know because I
18 had not lived in that town and so I did not know many people
19 there.

10:46:26 20 Q. Okay. Now in the town, in addition to capturing the five
21 of you, did the rebel soldiers do anything else that day that you
22 saw?

23 A. Yes, the first people who were going to Yarya, they had a
24 vehicle. After they had put the people in the vehicle, they put
10:47:01 25 leaves on top of the vehicle and they left. Those who were to go
26 to Kayima, that was my nephew and others, they walked to the
27 place. When they left, it did not take long when we also started
28 our own journey.

29 Q. The people that were captured, were they asked to do

1 anything when the groups left?

2 A. Yes. The things that they had taken away from people, even
3 the food I had myself they took everything from us and they took
4 palm oil from people, together with rice, in jerry cans. The
10:47:52 5 palm oil was in jerry cans that they took from people.

6 Q. When you say they took the food and the rice and the palm
7 oil from people, from what people did they take these items?

8 A. These same people I am referring to. The soldiers and the
9 rebels, that mixed group, they were the ones who did that.

10:48:19 10 Q. And where did they find these items? Was that somewhere in
11 Wordu, or in another place?

12 A. No, they had already brought some things with them when
13 they came to our village. When they came they also took other
14 things from people from within the village, including mine even,
10:48:48 15 and so all of those put together were the ones that we went with.

16 Q. Sir, you said that people who were captured were sent - you
17 said the rebels went in different directions. The first group,
18 where did the first group go? The first group to leave?

19 A. That first group and the second group all of them used the
10:50:23 20 same road, but you know when they said Yarya - the first set of
21 people went to Yarya, but when you used that road if you go a
22 little further there is another road branching off that goes to
23 Kayima. That is the road the other group used, but leaving the
24 town they all used the same road and one group branched off

10:50:50 25 later.

26 Q. Thank you. Now this first group that you say went to
27 Yarya, did they have any civilians from Wordu with them, or was
28 it only the soldiers and rebels?

29 A. They were not the only ones together with the ones they

1 captured. They went together. They carried the things.

2 Q. Who carried the things?

3 A. The civilians.

4 Q. Sir, what about the group that went to Kayima? Were there
10:51:28 5 civilians among that group, or were there only soldiers and
6 rebels?

7 A. The civilians were among them.

8 Q. And what were the civilians doing?

9 A. I can't tell that.

10:51:45 10 Q. Thank you. Now, sir, which group were you in?

11 A. Farma's group. The Farma that captured me, Staff Farma.

12 Q. Were you still there in Wordu when the first two groups
13 left?

14 A. We were still there in captivity.

10:52:11 15 Q. What happened then to your group? Where did you go?

16 A. We went to Tombodu.

17 Q. How were you travelling? In a vehicle, or on foot?

18 A. We walked on foot.

19 Q. How long did it take you?

10:52:41 20 A. Two days. On the third day - two days and on the third day
21 we arrived in Tombodu.

22 Q. Okay. Now, sir, you said it took you a few days. The
23 first night after you left Wordu, where did you reach?

24 A. We got to Masundu Sandor at night.

10:53:30 25 Q. And the second night where did you sleep?

26 A. Peyima.

27 Q. At Peyima did anything happen?

28 A. Apart from putting us into the guardroom together with two
29 soldiers with guns guarding us so that we cannot escape.

1 MR KOUMJIAN: Your Honour, the first town the witness
2 mentioned was Masundu Sandor. Masundu is M-A-S-U-N-D-U:

3 Q. Now, sir, when you left you said that there were a certain
4 number of people in your group. How many people - civilians -
10:54:28 5 were in your group when you left Wordu going towards Tombodu?

6 A. I said we were six.

7 Q. Did all six of you leave from Wordu?

8 A. Yes.

9 Q. Did anyone else join you?

10:54:52 10 A. Yes, Ibrahim Fofana. He was captured where we slept,
11 Peyima.

12 PRESIDING JUDGE: This group of six, Mr Koumjian, is that
13 inclusive of the rebels and soldiers?

14 MR KOUMJIAN:

10:55:10 15 Q. Sir, when you talk about the group of six, are you talking
16 about - are you including the soldiers and rebels?

17 A. No, no. I'm talking about we, the civilians, those of us
18 who carried the loads.

19 Q. Sir, what happened when you got to Tombodu?

10:55:34 20 A. Yes.

21 THE INTERPRETER: Your Honours, can the witness be kindly
22 requested to wait for the Mende interpretation.

23 PRESIDING JUDGE: Mr Witness, please pause. The
24 interpreters say that you are coming in before the Mende

10:55:47 25 interpretation is finished. You should wait until you hear all
26 of the question and then answer. You understand?

27 THE WITNESS: Okay, but me too the difficulty that I would
28 say what is difficult for me.

29 PRESIDING JUDGE: Please do. What is difficult?

1 THE WITNESS: This one, that we came from Wordu Sandor, we
2 left Masundu Sandor, we slept there and in the morning we went to
3 Peyima. Then we have left that one and we have gone to somewhere
4 else. That is what I am saying. You know, you brought in
10:56:35 5 Tombodu again and we left Masundu Sandor and we went to Peyima.

6 PRESIDING JUDGE: I understand. I will ask counsel to
7 clarify his question.

8 MR KOUMJIAN:

9 Q. Thank you, sir. If any question is not clear, please ask
10:56:55 10 me to clarify it. I apologise if I am taking you back and forth
11 in time. Now, sir, I want to come to when you - first of all,
12 did you arrive in? Tombodu?

13 A. Yes.

14 Q. Did you get to Tombodu?

10:57:10 15 A. Where?

16 Q. Tombodu.

17 A. Yes, yes.

18 Q. Please take your time, sir. Are you okay? Are you all
19 right, sir?

10:57:23 20 A. Yes.

21 Q. Take your time and tell us what happened when you arrived
22 in Tombodu? Please speak slowly.

23 A. When we got to Tombodu, we put the loads down at the first
24 place that we arrived. Then they said we should take them to the
10:57:47 25 headquarters. The headquarters was where Staff Alhaji was.

26 Staff Alhaji that amputated our arms. Then we went. When we got
27 there, then they said they should take us to the guardroom. He,
28 Staff Alhaji. When we put the loads down and they said they
29 should take us to the guardroom, the person who was guarding the

1 guardroom, the person who was in charge of the guardroom said
2 nobody can enter there, there is a huge crowd there. There were
3 53 people in there, that no other person can enter there.

4 Then Staff Alhaji himself came. When they said Staff
10:58:38 5 Alhaji had come I thought he was an Alhaji who had come to speak
6 on our behalf because everything, the food had been exhausted.
7 We were hungry, we had gone three days without food and they were
8 eating but they were not giving us food. So when Staff Alhaji
9 came that man - and when that man said - and they said they

10:59:01 10 should strip us naked and we were all stripped naked. We were
11 just like our mothers had given birth to us, stripped naked. And
12 they said we were 53 people. They told him that we were 53
13 people and he said we should be stripped naked. When we were
14 stripped naked we all sat down on the ground and they
10:59:29 15 straightened our legs just like just going for initiation for the
16 first time.

17 So these people who took us along, Sergeant Mohamed came to
18 greet us and he said that, "We've brought them. We've completed
19 our duty. We don't have anything more to do" and they bid
10:59:52 20 farewell. I even thought that they were going to kill us. Then
21 Staff Alhaji said he was going to do his work.

22 THE INTERPRETER: Your Honours, can he kindly repeat this
23 last sentence.

24 PRESIDING JUDGE: Please pause, Mr Witness. The
11:00:09 25 interpreter is trying to keep up with you. Could you please pick
26 up your answer and repeat from where you said, "Then Staff Alhaji
27 said he was going to do his work." Continue from there, please.

28 THE WITNESS: Staff Alhaji said he was going to do his work
29 when they said that there were 53 people in that room. Then, all

1 of us were stripped naked and we sat down on the ground with legs
2 straightened out. Are you hearing me?

3 After we had straightened our legs out he stood in front of
4 us. All the dress that - the dress that he had on was all white.
11:00:51 5 The jumper he had on was white, the trousers he had was white and
6 the shoes that he had was a white moccasins and the cap he was
7 wearing was white. And he said they should bring a mortar, then
8 they brought that mortar. But Mr Ibrahim Fofana was in front of
9 me. Then he asked him to place his hand on it. May I continue?

11:01:26 10 MR KOU MJIAN:

11 Q. Yes, please.

12 A. Then he placed his hand on it. Then he chopped it, but it
13 was not severed. It was not severed. Did you hear that?

14 Q. What did he chop, sir? You said he chopped it?

11:01:44 15 A. His hand, with a cutlass.

16 JUDGE SEBUTINDE: Mr Koumjian, clarify for us. Who chopped
17 whose hand, before we go too far?

18 MR KOU MJIAN:

19 Q. Mr Witness --

11:01:59 20 A. It was Staff Alhaji who --

21 Q. What did Staff Alhaji do?

22 A. The cutlass that he had he used to chop Mr Fofana 's hand.

23 Q. You said it was not severed. What happened then?

24 A. No, he said he himself should hold on to it and sever it.

11:02:37 25 Then indeed he held it because there were gunmen behind him, the
26 soldiers. Whoever escaped they said that person should be
27 killed. So we were all sitting down. Nobody attempted. Then
28 they chopped his hand, but it was not severed. Then they said -
29 then he told him to hold on to it and remove it. Then he held

1 onto it and removed it and dropped the bit there.

2 THE INTERPRETER: Your Honours, can the witness kindly be
3 requested to speak slowly and repeat his last answer.

4 PRESIDING JUDGE: Sorry, Mr Witness, but again the
11:03:16 5 interpreters are trying to keep up with you. You've speeded up a
6 bit. Please speak more slowly. As counsel has said, try and
7 pause at the end of each sentence and pick up where you said, "He
8 dropped the bit there."

9 THE WITNESS: Yes. It was jumping up and down.

11:03:42 10 MR KOUMJIAN:

11 Q. What was jumping, sir?

12 A. The hand that had been chopped off.

13 Q. Now, sir, I want you to continue but I would ask you - I
14 know this is not normal, it's difficult, but try not to use "he"
11:03:59 15 and use the name so we are clear who is doing the action or
16 what's happening. What happened after Staff Alhaji had amputated
17 the hand of - the first hand of --

18 A. Staff Alhaji.

19 Q. The first hand of Ibrahim Fofana?

11:04:27 20 A. When he chopped, that is Staff Alhaji - when he chopped his
21 hand and it was not severed he told him to hold on to it and
22 remove it.

23 JUDGE SEBUTINDE: You mean Mr Fofana was asked to cut his
24 own hand?

11:04:49 25 THE WITNESS: No. He chopped it, but it was not severed.
26 It was hanging. Then he told him that he himself should hold on
27 to it and pull it off.

28 MR KOUMJIAN:

29 Q. When you say "he", we are a little confused which person.

1 You said, "He told him that he himself should hold on to it".

2 Who told who, that who should hold on to it?

3 A. Yes. Staff Alhaji, who chopped the hand.

4 Q. Did he say something to Ibrahim Fofana?

11:05:27 5 A. Yes.

6 Q. What did he tell Ibrahim Fofana?

7 A. He said he should hold on to the hand that has been chopped
8 and pull it because he has chopped it and it had not been
9 severed, so he should hold on to it and pull it himself.

11:05:43 10 Q. Sir, then what happened?

11 A. Then he himself held onto it and pulled it and it cut off
12 and he dropped it. So the remaining of the hand that has been
13 dropped was jumping up and down.

14 Q. Then what happened, sir?

11:06:13 15 A. Then he chopped it twice and it got severed and they said
16 he should get up, but he was not able to stand up. Then he sat
17 down.

18 Q. Then what happened?

19 A. Then they pushed the mortar close to me. They started
11:06:38 20 chopping off our left hands. Then I laid my hand on it.

21 Q. What happened after you put your hand on the mortar?

22 A. Then Staff Alhaji chopped it. After he had chopped it off
23 he told me again to put this one. Then he chopped it. At that
24 time gunmen were behind us just to prevent anyone from escaping
11:07:09 25 because he said if anyone attempted to escape that person should
26 be shot. Then I put this other hand. Then he chopped it but
27 when he chopped it it was not severed initially. He chopped it
28 twice and it hit here and some bones were broken in it. Then the
29 third time it was severed.

1 Q. What happened to the other men?

2 A. Then, I got up but I couldn't stand because I was dizzy,
3 just like a cassette that you put in a tape recorder, the way it
4 turns, that was how I was feeling. So I sat down and I was
11:08:02 5 trembling. Then they pushed the mortar towards the other man and
6 they chopped off his two hands too, just like he did this and it
7 stopped at --

8 THE INTERPRETER: Your Honours, can he kindly repeat this
9 last part of his answer.

11:08:23 10 PRESIDING JUDGE: Please pause, Mr Witness. Again, can you
11 please repeat your answer from where you said "just like this and
12 it stopped at" - please continue.

13 THE WITNESS: I said it reached a point and stopped.

14 PRESIDING JUDGE: Mr Witness, maybe the interpreter didn't
11:08:54 15 hear you clearly. You had said that they pushed the mortar
16 towards the other man and they chopped off his two hands too.
17 Please continue from there.

18 THE WITNESS: Yes. After they had finished cutting mine
19 and I had gone behind, then they put Mr Sorie's hand too on the
11:09:16 20 mortar, Staff Alhaji. Then he cut it. Then he put the other one
21 there again. Then he cut that too. Then he went backwards.
22 Then he fell down. Then he died. Because they were older than
23 us, I and Pa Brima. Then they pushed the mortar towards the
24 other person and they chopped off his left hand, Staff Alhaji,
11:09:58 25 and he put the other one.

26 JUDGE SEBUTINDE: I imagine it is Sorie who died. Could
27 you clarify that, please.

28 MR KOUMJIAN:

29 Q. Sir, how many men in total had their hands amputated there?

1 JUDGE SEBUTINDE: Mr Koumjian, I asked a question.

2 THE WITNESS: We were six.

3 JUDGE SEBUTINDE: A question. The witness has on the
4 record "Then he cut that too. Then he went backwards. Then he
11:10:31 5 fell down. Then he died." Now, the one who cut died or who
6 died? Please clarify?

7 MR KOUMJIAN:

8 Q. Sir, you said --

9 A. That one whose hands were cut, he was the one who died.

11:10:47 10 The one whose hands were cut off by Staff Alhaji, he was the one
11 who fell down and died, apart from the two of us - the first -
12 the first of the two of us whose hands were cut off.

13 JUDGE SEBUTINDE: Was Sorie the one who died, Mr Witness?

14 THE WITNESS: No, four people died, who went backwards and
11:11:10 15 died, but I do not know their names.

16 MR KOUMJIAN:

17 Q. Was Sorie one of the people that lived or one of the people
18 that died. Sorie?

19 A. He died.

11:11:30 20 Q. Who were the people that survived?

21 A. I, and Mr Ibrahim Fofana.

22 Q. Did anyone say anything to you about why your hands were
23 being amputated?

24 A. Yes. He said we will never have our hands with politics.
11:12:04 25 We will never be involved in politics. We will never vote for
26 Kabbah any longer. Then they told us where ECOMOG was. They
27 said they were at Lebanon.

28 Q. Sir, you said, "He said we will never have hands with
29 politics." Who said that?

1 A. Staff Al haji said that. When we got up those 53 people who
2 were in the room --

3 Q. Please continue. Sorry to interrupt you.

11:12:50

4 A. Then they sprinkled petrol on that house. You know, they
5 had petrol in gallons and he said they should set it on fire.
6 Then they set it on fire.

7 Q. Mr Witness, you again used "he", and it's important for us
8 to be sure who you are talking about. You said, "He said they
9 should set it on fire." Who said that?

11:13:12

10 A. Staff Al haji. He was the commander for them.

11 Q. What happened after Staff Al haji said they should set the
12 house on fire?

13 A. People were in that house, 53 people. They were crying.
14 Everybody was crying in his or her own tribe.

11:13:40

15 Q. Was the house set on fire?

16 A. Yes, that's what I'm saying.

17 Q. What did you hear the people - could you hear what they
18 were saying?

11:14:04

19 A. Yes. Those who were Temnes, they were crying. They were
20 saying "Oh, kurumasaba." The Fullahs who were there, they were
21 saying, "Oh, nenneh." There were Mendes there who were saying
22 "Oh, yea." Konos who were there, they were saying, "Oh, yata."
23 There were many. Everybody was crying in his or her own
24 language. In his or her own language. Then I said to Pa Brima,
25 "Let's go." When they cut my hand, I did not cry. It was not
26 crying that made me shed tears. There were children there
27 crying, suckling mothers and their children.

11:14:33

28 Q. Just so we are clear, when you say there were children
29 crying and suckling mothers, who were you talking about? These

1 were people crying where?

2 A. They were crying in that house, after they had set it on
3 fire. Those people who were in that house, each and every one of
4 them was crying in his or her own language. Then I told Pa Brima

11:15:19 5 that we should go.

6 Q. Sir, when you say Pa Brima, who are you referring to?

7 A. Yes.

8 Q. Who is Pa Brima?

9 A. Pa Ibrahim Fofana. I said he was here yesterday, he was
11:15:31 10 here. He was the one who testified yesterday.

11 Q. Okay. And just so we are clear we understand who you mean
12 when you say Pa Brima. It would be helpful to us if you use his
13 name, Ibrahim Fofana, just so we are clear.

14 JUDGE SEBUTINDE: Mr Koumjian, before you leaving the
11:15:48 15 incident of the burning house, I am not sure what to conclude. I
16 don't understand any meaning of these words that the witness has
17 said, and I don't know whether that means that the people died in
18 the house necessarily, so please clarify.

19 MR KOUMJIAN:

11:16:07 20 Q. Mr Witness, the crying that you heard, did it continue or
21 did it ever stop?

22 A. Well, I was not there then, as when they were crying we
23 left. I left together with that man, Mr Ibrahim Fofana, the two
24 of us who survived.

11:16:36 25 Q. In the house, was there any reason the people couldn't just
26 leave the house that was burning?

27 A. Yes. Because that house, the doors were locked by using
28 nails, even the windows, and they stood soldiers with guns by
29 them. If anybody attempted to escape, they were to shoot that

1 person. I did not stay there for it to finish burning. We were
2 going then.

3 Q. Sir, when you talked about hearing the crying, you said the
4 Temnes were saying "Oh kurumasaba." Do you know what that means?

11:17:43 5 A. Yes, oh, my God.

6 Q. And you also said in Fullah they were saying, "Oh, nenneh",
7 do you know what that means?

8 A. Yes, oh, my mother.

9 Q. When you left, where were you trying to go?

11:18:11 10 A. Lebanon. That was where they told us that ECOMOG was, that
11 we should go there so that they can take us to Kabbah, who would
12 give us arms but that hand that we were having has now been
13 removed from politics.

14 Q. And again so the record is clear, who told you that?

11:18:36 15 A. Staff Alhaji.

16 Q. When you left, what happened?

17 A. We were going. For instance, from when I leave and go to
18 that point, I feel dizziness and I will sit. I will be resting.
19 Then he too will come. Mr Ibrahim Fofana, he will pass me by and
11:19:13 20 go to a point and also sit down to wait and when I come to myself
21 a little I will also get up and move and go past him. That was
22 what we were doing but as we were going we met someone lying
23 down. I thought it was Mr Brima and I lay down by him, not
24 knowing that that person was a corpse. I was now crying when
11:19:43 25 they were calling to prayers, the Adhan, and I was kicking him
26 with my foot. I was telling him, look, let's go. Day is
27 breaking. This is a place I don't know. I have never known this
28 place. It is the war that brought me here. But he had been
29 around that place so he knew that terrain but he wouldn't

1 respond. Not knowing that in fact it was a corpse. Then I said,
2 "I am going to bear it up and lie down and wait for you because
3 you are the one who knows here" and I lay down by him. I thought
4 he was sleeping.

11:20:21 5 Q. Mr Witness, was this a person you knew before? The body?

6 A. No, I did not know him. When day was breaking, I got up
7 and I discovered that it was a corpse. When I looked on my side,
8 and I saw another, up to five, and a dog had just come and opened
9 its stomach and was eating the entrails. There was a village

11:21:01 10 nearby, that was where the dog had come from and when I got up
11 the dog ran away. Then I got up and went. But I did not know
12 the road that Pa Brima had used.

13 Q. Before we move forward, you said you got up in the morning,
14 you realised that the body next to you was a corpse and then you
11:21:24 15 saw more up to five. You saw up to five what? What was it that
16 you saw?

17 A. Yes. Mm-hmm. I got up and went because I was - there was
18 a road and I was using that road but I got to a point and I saw
19 roads branching off and I met with a woman, a suckling mother.

11:21:55 20 Q. Sir, before we go on I just want to clarify something you
21 said. My LiveNote is not working. You said when you got up and
22 you realised that the body next to you was a corpse and then you
23 said you saw up to five but you didn't say what it was --

24 A. Yes.

11:22:13 25 Q. -- you saw up to five what?

26 A. Yes.

27 Q. You said five others. What were they?

28 A. Corpses. Corpses.

29 Q. Thank you.

1 A. They were up to five.

2 Q. Thank you. These corpses that you saw, could you tell if
3 they were men or women?

4 A. They were all men.

11:22:37 5 Q. How were they - were they dressed in army uniforms or not?

6 A. They were not wearing military uniforms. They were wearing
7 civilian clothing.

8 Q. Okay. Thank you for that clarification. So now, please
9 continue. After you woke up that morning and saw those five

11:23:01 10 corpses, approximately, where did you go next? What happened?

11 A. I was still going to Lebanon but I did not know the road.
12 This Mr Ibrahim had left me behind. I did not know the route he
13 had used so I was confused.

14 Q. How, sir, were you able to find your way?

11:23:32 15 A. Then, first, at this the cross road, just like these things
16 are here, I saw my hand bleeding. And if I am going, if I am
17 using this road, if my hand was still bleeding I will use that
18 road.

19 THE INTERPRETER: Your Honours, can the witness be
11:23:51 20 requested to repeat his answer very slowly.

21 PRESIDING JUDGE: Mr Witness, the interpreters are having
22 trouble keeping up with you. You are speaking a little too
23 quickly. Please continue your answer. Pick up where you said,
24 "If I am going, if I am using this road, if my hand was still
11:24:11 25 bleeding I would use that road." Continue from there, please.

26 THE WITNESS: What happened, I stood and thought: I did
27 not know this place before. I did not know the road. Then I
28 stood and thought: I am going and I am bleeding at the same time
29 and I thought that that my colleague too should be bleeding, so

1 that was the sense that God gave to me. So wherever, when I was
2 going, if there was no blood on this road I would not use that
3 road. If there was this other road that there was blood on I
4 would use that route, so I didn't use the one that hadn't any
11:24:49 5 blood. I only used the one that had blood on it. Is that clear?

6 PRESIDING JUDGE: Thank you, Mr Witness. That is very
7 clear. Please proceed, Mr Koumjian.

8 MR KOUMJIAN:

9 Q. So, Mr Witness, as you continued on following the blood,
11:25:03 10 what happened to you?

11 A. I met three women sitting down near a river. There was a
12 hill by that river. That was where they were sitting down. And
13 they greeted me. And I asked them, "Why are you crying?" Then
14 they said, "Look into that stream" and I looked into the stream
11:25:43 15 and I saw two people with their hands chopped off. They were
16 lying in that water, in that stream, sorry. Then I said, "Why?
17 What had happened?" And they said they were our husbands. Their
18 hands had been chopped off yesterday in Tombodu. But they told
19 them not to drink that water, and they told them, they had told
11:26:13 20 them that when your hand had been chopped off initially you
21 should not drink water, you will die, and they drank that water
22 and now they have died. Then I looked for a route. Then I
23 entered into the stream. Then I knelt down and drank the water
24 and I got satisfied and I got up and went.

11:26:50 25 JUDGE LUSSICK: Now, Mr Koumjian, it seems we've missed
26 some of this account. Before this witness was interrupted he
27 started to tell us about meeting a suckling mother. Now, we
28 haven't heard anything more about that.

29 MR KOUMJIAN:

1 Q. Mr Witness, you mentioned meeting a suckling mother. Did
2 you meet a suckling mother at some point on your route after your
3 amputations?

4 A. Yes. When they chopped off my hand and as I was going I
11:27:30 5 met a suckling mother but you know it's quite a long time now.
6 When you want to explain sometimes you miss out a lot of things
7 but that suckling mother was the first person I met before I met
8 those who were sitting by that stream. She had a baby strapped
9 on her back and she asked me what had happened and I asked her
11:27:50 10 where she was going and she told me she was going to Tombodu and
11 I asked her where she had come from and she told me she had come
12 from Yardu, that was the town behind Tombodu. That was where she
13 had come from. I asked her why and she said rebels had come
14 there yesterday and had dislodged us.

11:28:13 15 JUDGE SEBUTINDE: Slowly, you are running with your
16 testimony.

17 THE WITNESS: Please forgive me.

18 JUDGE SEBUTINDE: Please continue, but slowly.

19 THE WITNESS: Then that suckling mother removed her
11:28:28 20 clothes. She removed her wrapper and tied it around me because I
21 had nothing on. They had stripped me naked completely.

22 PRESIDING JUDGE: Mr Witness, this is now the time where we
23 normally take our midmorning break. So we are going to break for
24 half an hour and we will come back to Court at 12 o'clock.

11:29:00 25 Please adjourn Court until 12.

26 [Break taken at 11.30 a.m.]

27 [Upon resuming at 12.00 p.m.]

28 PRESIDING JUDGE: Please proceed, Mr Koumjian.

29 Mr Koumjian, I noted in the course of the witness's evidence he

1 said, "Like this" and held his arm up. He was on one occasion
2 referring to the road, but if that occurs we should really get on
3 record the proper note of what was gesticulated and meant.

4 MR KOUMJIAN: Thank you:

12:00:34 5 Q. Sir, when we stopped at the break you had talked about
6 meeting a young mother who removed her wrap and tied it round you
7 because you had nothing on. Did she say anything when she did
8 that?

9 A. Yes.

12:00:55 10 Q. Tell us what happened.

11 A. She asked me - asking that where I had come from. I said I
12 had come from Tombodu and I asked her in turn about where she was
13 going.

14 Q. And what happened then?

12:01:18 15 A. And she said she was going to Tombodu. I told her, "Don't
16 go there, because that is the place that my hands were
17 amputated." She took off her wrapper, because I hadn't anything
18 on, I was naked, and tied it around me - not on my hand. Then I
19 told her - I said, "But what are you going to wear now, now that
12:01:57 20 you've given me this, because you have a child?" She said I
21 should not worry. Let me just have that on. She only had her
22 underwears on. She said, "In fact I want the two of us to go
23 together", and I agreed. The two of us went for some distance
24 and I saw two women sitting on the hill crying.

12:02:50 25 Q. Then what happened, sir?

26 A. Then I asked them and I said, "Why? What are you crying
27 for?" They said, "Just turn round and look into that stream",
28 and I did. I said, "Why? What is this?", and they said, "These
29 were our husbands. Their hands were amputated, but when their

1 hands were amputated they said they should not drink the water
2 because if one's hand is freshly amputated and you drink water
3 you would die. They drank that water and that is why they fell
4 into the water - into the stream - and they died". But I said I
12:03:45 5 was going there and I went there to the stream and I knelt in it
6 and I drank the water until I was full and I got up and went
7 again up the hill and I continued my journey.

8 So after we went, together with that woman, we met a
9 crossroad, one going to Lebanon and the other one going to
12:04:34 10 Kensey, and so I went - I left to go to Lebanon and she went the
11 other way to Kensey.

12 JUDGE SEBUTINDE: Mr Interpreter, we didn't hear the second
13 location.

14 THE WITNESS: Kensey. Kensey.

12:04:55 15 MR KOUMJIAN:

16 Q. Please continue, Mr Witness. You said, "So I went ..." --

17 A. Then I went to Lebanon. Then I saw Limba people coming
18 from afar, having palm wine hanging on their shoulders in jerry
19 cans, and they ran into the bush. Then I walked and got to the
12:05:31 20 place where they had entered the bush and I stood at the junction
21 and I called them loud. I called out saying that they should
22 come out and I told them that I was their fellow civilian and
23 that my hand had been amputated, not knowing that they too wanted
24 to go to Lebanon, but at that time somebody would not just go to
12:06:00 25 the soldiers like that. They would take you to be a bad person
26 and so they would treat you badly. They said, "Oh Papa, I think
27 we are going to go now together", and so I accepted. So, you
28 know, whenever I would move I would not get up to like that -
29 where that table is and then I would be dizzy and then I would

1 sit down. I did this for some time and they got fed up and they
2 said --

3 Q. Mr Witness, you said you wouldn't get as far as that table.
4 Are you referring to the table I'm pointing at to my right? You
12:06:44 5 pointed towards this direction.

6 A. This one where those people are sitting.

7 PRESIDING JUDGE: The witness has indicated referring to
8 the Bench where the judges are sitting.

9 MR KOUMJIAN: I would say that's about ten feet.

12:07:02 10 THE WITNESS: That's what I'm talking about. They told me
11 that, "Do you want us to give you some wine to drink?", and I
12 said, "No". I said, "I don't drink alcohol". They said,
13 "Please, just drink some". I asked them to put some into the cup
14 so I will drink, because they told me that if I drank it I would
12:07:41 15 be able to walk and they gave me a cup and I drank that one. I
16 was hungry, but at that time I started feeling a little better.
17 I asked them to turn some more for me and they did and I drank
18 that also. Then I got up and we went. They were behind me. Now
19 I felt much better. You know, before now I wasn't able to even
12:08:18 20 walk and now I was walking and I was walking fast. I was even
21 walking faster than they did. They were now after me, behind me,
22 walking.

23 When we got close to the ECOMOG people and the other - one
24 of them saw me. He halted me and came to me and took me to their
12:08:45 25 headquarters. They started asking questions of me and I
26 explained to them. They asked me if I was sure that they were
27 indeed in Tombodu and I said, "Yes, they are there", and they
28 said, "Okay, we will be going there just now".

29 So I went and met some of my fellow amputees who had just

1 been amputated. One of them was Alpha Kanu and the other one was
2 Mohamed S Kamara and TP Sumana. I saw them there. They too had
3 been amputated - their hands had been amputated. The ECOMOG said
4 that they did not have drugs, but they gave us lodging.

12:09:43 5 Q. Sir, you said you were taken to the headquarters. Where
6 was the headquarters?

7 A. Lebanon.

8 Q. And when you speak of Lebanon, where is that?

9 A. Kono.

12:09:57 10 Q. Is it a town, or is it - what is it?

11 A. It is a town. It was the Lebanese who were there --

12 Q. Was it --

13 A. -- before the war.

14 Q. Is this - can you tell us how far this is from Koidu Town,
12:10:20 15 or is it part of Koidu Town?

16 A. It is part of Koidu Town. It was built by the Lebanese.
17 Even if we were talking about distance it could be around three
18 miles, but it's in the same town.

19 Q. Okay, thank you.

12:10:39 20 JUDGE SEBUTINDE: Mr Koumjian, there's an area that needs
21 clarification. The witness said, "They asked me if I was sure
22 they were indeed in Tombodu and I said, 'Yes, they are there',
23 and they said, 'Okay, we will be going there just now' ". I'm not
24 sure who he is referring to.

12:11:01 25 MR KOUMJIAN:

26 Q. Mr Witness, in your answer --

27 A. The ECOMOGs were asking.

28 Q. What was it that the ECOMOGs asked you?

29 A. What they asked of me was that they asked me who had done

1 this to me and I said, "It was the soldiers and the name of that
2 soldier was Staff Alhaji. He had amputated my hand".

3 Q. What else did ECOMOG ask you?

4 A. They told me something. They did not ask me a question.

12:11:47 5 They said they were going there. That was only what transpired
6 between us.

7 Q. You said earlier, Mr Witness - well, let me just find it
8 for you so I can quote you correctly. As the Justice has pointed
9 out, you gave this answer and we just want to clarify what you

12:12:05 10 meant. You said, "And they asked me if I was sure that they were
11 indeed in Tombodu". Who asked you if they were in Tombodu?

12 A. It was the ECOMOG.

13 Q. And who was it that they were asking about when you said
14 that they asked if they were indeed in Tombodu? If who was in

12:12:31 15 Tombodu?

16 A. The soldiers and the rebels.

17 Q. Thank you. Did you receive any treatment from ECOMOG for
18 your injuries?

19 A. They had some medication, but they said they hadn't enough.

12:13:06 20 The little that they had was what they gave to me, they applied
21 it on my hand, but it was not even sufficient. Those who had
22 been there before were the ones who had sufficient medication.

23 Q. What happened to you then?

24 A. We passed the night there under their control. They lodged

12:13:32 25 us and in the morning they put us in a vehicle and took us to
26 Makeni.

27 Q. Mr Witness, when you say, "They put us in a vehicle", who
28 went to Makeni? You and who else? You don't have to give us the
29 names, but just tell us now who were the other people?

1 A. Together with my fellow civilians whom they had hurt, like
2 the ones that I had mentioned before.

3 Q. About how many civilians who were injured were taken with
4 you to Makeni on that occasion?

12:14:23 5 A. We were up to five.

6 Q. What happened when you got to Makeni?

7 A. They took us to a government hospital.

8 Q. How long - well, did you stay in the hospital?

9 A. No, the doctor said that they had run short of medication
12:14:55 10 and so they referred us to Connaught, Freetown.

11 Q. Did you go to Connaught Hospital in Freetown?

12 A. Yes.

13 Q. How soon --

14 A. Yes.

12:15:06 15 Q. So how long did you stay in Makeni, sir?

16 A. We spent about four days there.

17 Q. Where is the Connaught Hospital in Freetown? Do you know
18 the area?

19 A. Yes.

12:15:34 20 Q. Is that in the city?

21 A. It's right in the centre of the city.

22 Q. How long did you stay in Connaught Hospital?

23 A. I spent a week there.

24 Q. Did you receive any treatment there in Connaught Hospital?

12:15:57 25 A. Yes.

26 Q. What did they do for you?

27 A. After they had cut off this hand of mine when the bones
28 were broken, they were the ones who took out the broken bones and
29 they treated me until it was healed.

1 PRESIDING JUDGE: I noticed as the witness answered he
2 raised his hand and I think we should have that on the record.
3 Mr Anyah, did you see? I wish to record it.

12:16:33 4 MR ANYAH: We're in the Court's hands. I believe that
5 whatever pronouncement your Honour gives accurately describes
6 what the witness did.

7 PRESIDING JUDGE: I noted that the witness answered the
8 question and at the same time raised his right hand, which was
9 severed between the elbow and the wrist, and then indicated that
12:16:51 10 this was hands where bones were removed.

11 MR KOUMJIAN:

12 Q. Mr Witness, can you raise - just answer this yes or no.
13 Can you raise your left arm?

14 A. No.

12:17:08 15 Q. Can you explain why?

16 A. I'm suffering from stroke.

17 MR KOUMJIAN: Your Honours, I would invite counsel if he
18 wishes to approach, but the witness similarly has been amputated
19 and he's cut between the wrist and the elbow on the left arm with
12:17:36 20 the left hand missing.

21 MR ANYAH: We acknowledge that, Madam President. That's
22 accurate.

23 PRESIDING JUDGE: Thank you. The record will show that.
24 Please proceed, Mr Koumjian. Oh, thank you, Mr Witness. I now
12:17:48 25 see it clearly. The witness has now raised his arm, with the
26 help of his other hand, and shows that his left arm is also
27 amputated between the elbow and the wrist.

28 MR KOUMJIAN:

29 Q. How long, sir, were you in Connaught Hospital?

1 A. One week.

2 Q. Where did you go after that?

3 A. After we were discharged they took us to Waterloo to
4 Abdul i .

12:18:27 5 THE INTERPRETER: To ADRA, your Honours, sorry.

6 THE WITNESS: We, the amputees.

7 MR KOUMJIAN: Thank you very much.

8 PRESIDING JUDGE: I think the witness has used maybe a
9 pseudonym, or an abbreviation. Could we have the correct name,
12:18:47 10 please.

11 MR KOUMJIAN:

12 Q. Sir, you said you went from Waterloo to where? Sorry, you
13 said, "They took us to Waterloo to ..." --

14 A. Waterloo displaced camp.

12:19:04 15 Q. And does that have a name, the displaced camp?

16 A. That's the name that I just - that you have mentioned and
17 that you are calling out.

18 Q. Thank you, but we didn't quite get it. What is the name?
19 Can you say it again? I apologise.

12:19:22 20 A. Yes, Waterloo displaced camp.

21 Q. Thank you. Sir, was there any organisation there at the
22 Waterloo displaced camp assisting you?

23 A. Yes.

24 Q. Which organisation?

12:19:51 25 A. MSF. They were the ones assisting us together with ADRA.

26 Q. What is ADRA, sir?

27 A. It was an NGO that was called that way.

28 Q. Thank you.

29 A. Okay.

1 Q. Sir, how long were you there in Waterloo?

2 A. They took me there in 1998, April.

3 Q. Sir, let me ask you this. That year --

4 A. We left the place in 1999.

12:20:43 5 Q. Okay, thank you. That's helpful. In 1998 do you remember
6 where you spent Christmas, the year that you were amputated?

7 A. Yes. We were at the old wharf when the war entered
8 Waterloo, the 1996 war that was about to come to Freetown, when
9 they got to Waterloo.

12:21:21 10 Q. So at Christmas 1998 you were at Waterloo. Is that the
11 same place you've just told us about, the camp for displaced
12 persons?

13 A. Yes.

14 Q. What happened when the war reached you again there in
12:21:44 15 Waterloo?

16 A. The place was attacked and we left the place.

17 Q. Who was attacking Waterloo, if you know?

18 A. The soldiers and the rebels.

19 Q. Where did you go from Waterloo?

12:22:22 20 A. We went to old wharf. That was where the MSF took us to.

21 Q. Where is old wharf?

22 A. Old wharf is in Wellington, in the eastern part of
23 Freetown.

24 Q. Thank you. That's helpful. And the place that you were
12:22:51 25 staying at at the old wharf in Wellington, did that have a name?

26 THE INTERPRETER: Your Honours, can the witness repeat.

27 PRESIDING JUDGE: Mr Witness, please repeat the name as the
28 interpreter did not hear it clearly.

29 THE INTERPRETER: Your Honours, the witness's expression is

1 not clear enough.

2 MR KOUMJIAN: If I could ask:

3 Q. Mr Witness, is this the name of a disease?

4 A. Yes.

12:23:30 5 Q. And can you try to say it again?

6 A. Cholera Camp. That was where we were.

7 Q. How long were you at Cholera Camp in Waterloo?

8 A. After the war had dislodged us from Waterloo we spent three
9 days there and the war entered Freetown; we left the place.

12:24:03 10 Q. What made you leave Wellington, the Cholera Camp?

11 A. It was because the war had entered Freetown because they
12 went there because we had been taken there by the MSF.

13 Q. Is there any reason you didn't feel safe in Camp Cholera
14 before you left?

12:24:39 15 A. Yes.

16 Q. What happened?

17 A. After the war was in Freetown - because that town is near
18 the sea, there was nowhere to go. Some of our colleagues used to
19 go into the mud and the mud will - they could not get out of the
12:24:59 20 mud, they would be fighting in there attempting to go out of it
21 and they would be fighting until they would die and they started
22 burning the town, the area where we were, they started burning
23 the town and the smoke was suffocating us. Nobody was looking
24 for a way to go to town.

12:25:24 25 Q. So what happened then?

26 A. We went and we got to Ferry Junction. We were not using
27 the main road because there was war in the town. We were using
28 the road by the sea, avoiding the main road, and we got to Ferry
29 Junction. That was where we met the ECOMOG. But even before we

1 got to Ferry Junction we met the rebels. They had gone to a
2 particular warehouse, there were refrigerators there, over 50
3 refrigerators in there. They were taking the refrigerators and
4 hitting them on the ground breaking them and we got to Ferry
12:26:33 5 Junction and ECOMOG allowed us to go and we passed through.

6 Q. Sir, you said, you were talking about leaving Cholera Camp
7 and you said "we went". Who did you go with when you left
8 Cholera Camp in Wellington?

9 A. Those of us who were hurt and our caretakers.

12:26:59 10 Q. How were you travelling? In vehicles or how?

11 A. At that time nobody - there were no vehicles in Freetown.
12 If you saw a vehicle it was the rebels who might have been in
13 there, that was why we did not even use the main road, we used
14 the bypasses. Those of us who were injured were the ones who
12:27:27 15 went, together with our caretakers.

16 Q. Did you see anything when you were walk - well, is it
17 correct then that you were walking?

18 A. Yes.

19 Q. Did you see anything when you were walking towards Ferry
12:27:45 20 Junction?

21 A. Yes. We saw corpses.

22 Q. Can you tell us how many --

23 A. And burnt houses.

24 Q. Can you give us any idea of the number of corpses you saw?

12:28:18 25 A. No.

26 Q. Were the corpses - could you tell if they were men or
27 women?

28 A. There were both male and female. There were old adults,
29 young adults.

1 Q. Where were the corpses?

2 A. That is on the way from the Cholera Camp to Ferry Junction.

3 Q. But were they in houses or where were they that you were
4 able to see them?

12:29:08 5 A. They were laid in the street as if they were about crossing
6 the road or the street when they were shot.

7 Q. Could you tell, from anything you observed, about how these
8 people died?

9 A. Whenever we would get to such a scene we would just run
12:29:40 10 away. We would not stand there watching.

11 Q. Thank you. How about at Ferry Junction, did you see
12 anything there?

13 A. Yes, we passed through there. The ECOMOG were there. It
14 was there that we were allowed to pass through even.

12:30:09 15 Q. Where did you go from Ferry Junction?

16 A. We went to a school called Bishop Johnson Secondary School.
17 That was where we were based.

18 Q. What is the name of the school?

19 A. Bishop Johnson Secondary School. Bishop Johnson Secondary
12:30:39 20 School.

21 MR KOUMJIAN: Your Honour, I think just to be helpful to
22 your Honours, it might be helpful to put a map on the screen. It
23 was previously admitted but has some markings. We also have a
24 fresh copy. It was P-107 and it is map that is S-17 in the book.

12:31:07 25 If your Honours wish we could use a fresh copy, if you like. I
26 don't intend to ask the witness to mark it, I just want to, so
27 we're all aware, to locate this on the map for your Honours'
28 benefit. If the map could be put down a bit, and a bit to the
29 left and then zoomed in. Move the paper down, and then move the

1 paper so that the picture is more on the right-hand side. Then
2 if we could zoom in a bit, please. I'm just directing your
3 Honours to the red area just above Fourah Bay Road. Between
4 Fourah Bay Road and the bay:

12:32:24 5 Q. Sir, how long did you stay at Bishop Johnson school?

6 A. I have forgotten now a bit, but I think we spent about four
7 days, but I am just approximating.

8 Q. Thank you. That may be taken away then, thank you.

9 Mr Witness, can you tell the Judges what effect these events that
12:33:12 10 you've told us about today had on your life?

11 A. It has affected my life so much. The first one is that I
12 lost three of my children in this same war, but they were not
13 actually killed by rebels or soldiers. It was during the time we
14 were running from one place to the other, they would get sick.

12:33:56 15 There was no medication in the country. There were no hospitals
16 functioning. So whatever we did they would die. That is one way
17 I am affected.

18 And later I was separated to my children - my children and
19 I were separated. Even my wife, they did not know where I was
12:34:31 20 and I did not know where they were. But by God's grace we
21 reunited later in the year 2000.

22 And another impact it had on me was when I came, I did not
23 know that it was because of the tetanus - after my hand was
24 amputated, maybe it was because of the tetanus that I got the
12:35:05 25 stroke, so I suffered from stroke. Now I cannot even raise my
26 hand voluntarily except I use the other hand to raise it. That's
27 another impact on me, the stroke.

28 And the other one is my children are alive - all of them
29 are going to school, but in fact this year I could not even pay

1 their school fees. One of them promoted to Form 6, I could not
2 pay for that one. The other one wrote the BECE exams, I could
3 not pay for that one. The other one is in Form 2 and I could not
4 pay for that one. Except the younger ones whose are in the
5 primary school because that one is not much expensive. For
6 those, I manage to do some bits of - to take care of them. That
7 was another impact that the war has had on me.

8 Q. Sir, how has the loss of your hands affected you?

9 A. Before now I used to lift something with this hand, now I
10 cannot. That is one of the major impacts. I cannot do anything
11 with this hand like I used to do before.

12 Q. What was your occupation before the war?

13 A. I used to do business, selling cacao and coffee, I used to
14 buy that cacao and coffee in my wife's home town Bomaru. In fact
15 I was there - that was where I was when we got married and got
16 those children.

17 JUDGE SEBUTINDE: Mr Koumjian, is it possible to establish
18 when the witness suffered this stroke?

19 MR KOUMJIAN:

20 Q. Sir, when did you suffer the stroke?

21 A. It was on Thursday, 16 September, year 2000. This is the
22 eighth year.

23 Q. Sir, we see you are in a wheel chair. Is that because of
24 the stroke?

25 A. Yes.

26 Q. After you were amputated were you - well, can you tell us,
27 do you have any occupation now?

28 A. I have nothing to do. I am just sitting here. I am not
29 doing anything. I don't do anything.

1 Q. Sir, we recognise - we appreciate you coming here,
2 especially given your condition. Can you tell us: Why were you
3 willing to testify in this case?

4 A. Why I was willing to come and testify? It was for one
12:38:36 5 reason: Because there was a man they used to call
6 Charles Taylor. At the time there was war in Liberia he said
7 that that war that had come to Liberia, we would taste the
8 bitterness of that one in Sierra Leone. Everybody heard that in
9 the radio. So if indeed the war came to Sierra Leone, and I am
12:38:58 10 like this, this is my own portion of the bitterness that I
11 tasted. Both of my hands were amputated. What he said was what
12 came to pass. Those were his children who did that.

13 MR KOU MJIAN: No further questions, your Honour.

14 PRESIDING JUDGE: Thank you.

12:39:24 15 JUDGE SEBUTINDE: Mr Koum jian, I didn't understand that
16 last answer of the witness when he said those were his children.
17 What is he referring to or who is he referring to?

18 MR KOU MJIAN:

19 Q. Sir, can you explain what you meant when you said the
12:39:49 20 following: "This is my own portion of the bitterness that I
21 tasted. Both of my hands were amputated. What he said was what
22 came to pass. Those were his children who did that." What do
23 you mean when you say those were his children who did that?

24 A. They were his workers, those of whom he sent there to us.
12:40:25 25 So when he had said that we the Sierra Leoneans would taste the
26 bitterness of war, that was what happened. This is my own
27 portion of the bitterness that I tasted.

28 Q. Thank you.

29 A. Okay.

1 PRESIDING JUDGE: Mr Anyah?

2 MR ANYAH: Yes, Madam President. Your Honours will recall
3 that an issue arose during examination-in-chief regarding the
4 promptness of disclosure of certain information. I would like
12:41:03 5 briefly to consult with Mr Taylor to receive instructions
6 vis-a-vis whether or not we are to undertake the
7 cross-examination at this point.

8 PRESIDING JUDGE: Of course you're entitled to do that. Do
9 you wish to withdraw with Mr Taylor to do that in private?

12:41:17 10 MR ANYAH: Yes, I would prefer that, Madam President.

11 PRESIDING JUDGE: How long will it take?

12 MR ANYAH: Approximately five minutes.

13 PRESIDING JUDGE: We will take a brief adjournment to allow
14 counsel to consult. If it's not inconvenient I would ask
12:41:37 15 Mr Witness to remain. Mr Witness, we are going to take a very
16 short break and we will be back within some short minutes.
17 Please adjourn court.

18 [Break taken at 12.40 p.m.]

19 [Upon resuming at 12.58 p.m.]

12:59:22 20 PRESIDING JUDGE: Mr Anyah?

21 MR ANYAH: Thank you, Madam President. I have - first of
22 all we are grateful for the opportunity to have had a
23 consultation between myself and Mr Taylor. We have spoken about
24 the issue and I am under instructions to proceed, but there are
12:59:49 25 certain matters of record we wish to make known. In the first
26 instance, as Justice Lussick intimated that I wait until the
27 close of the examination-in-chief before making any applications,
28 just to see what would unfold during the course of additional
29 questioning, it did occur to me when additional questions were

1 posed that there were other matters that in our view were not
2 fully disclosed to us.

3 They are not, in my assessment, as significant as the
4 failure to disclose the name of the uncle, but by way of example,
13:00:29 5 the witness was asked a question about what the rebels said at a
6 particular checkpoint, and he made reference to a statement to
7 the effect that jujumen working for the Momoh soldiers. None of
8 that was disclosed to us. Although information about checkpoints
9 were disclosed to us, that information was disclosed to us this
13:00:54 10 week, the information about checkpoints. And the witness's first
11 statement given to the Office of the Prosecutor was on 15
12 September 2003, over five years ago, and nowhere in that
13 statement was information about checkpoints conveyed.

14 The witness also made reference to Sam Bockarie, also known
13:01:13 15 as Mosquito, as the leader of the rebels. That was not disclosed
16 to us. It does not appear in any documents disclosed in
17 connection with this witness.

18 Having said all of that, we are moving forward but the
19 concern here which Mr Taylor wishes me to convey is one of
13:01:37 20 notice. During the break we did discuss the indictment and
21 whether or not Pujehun District features in the indictment. I
22 have skimmed it over quickly, because I couldn't recall from
23 memory, and I do not find reference to Pujehun District and you
24 will recall that this alleged decapitation of the witness's
13:01:59 25 uncle, Gibril Turay, is said to have occurred in the place the
26 witness calls Moala which was in Pujehun District.

27 We have previously taken exception to evidence being led
28 about atrocities committed in places not specifically alleged in
29 the indictment. Your Honours have overruled those objections. I

1 in particular myself alone have made several of them and here we
2 have a case where a place not previously charged in the
3 indictment features in the witness's evidence and he speaks of
4 atrocities committed in that particular place.

13:02:35 5 So this is an issue which in sum and substance is about
6 fundamental fairness and notice to the accused and we have laid
7 several markers down before and we are grateful for the
8 opportunity to seek remedies from the Chamber if and when such
9 issues arise, but we do place everyone on notice that at the
13:02:59 10 appropriate time we are minded to lodge a proper submission on
11 this issue.

12 In the meanwhile, considering the witness's physical
13 impairments, and we are aware of the logistical issues that have
14 surrounded his appearance here, Mr Taylor has instructed me that
13:03:20 15 for those reasons we should not seek any sort of adjournment and
16 I should proceed with the cross-examination.

17 PRESIDING JUDGE: Thank you, Mr Anyah.

18 Mr Koumjian, I was about to comment that there is not
19 actually a submission before us. It is a comment, and as counsel
13:03:50 20 for the Defence named it, a marker, and therefore no ruling is
21 invited. So in the circumstances I think it's appropriate to
22 proceed on with cross-examination, but I have no doubt you have
23 noted what counsel has said.

24 MR KOUMJIAN: Yes. And I do feel that there is - I would
13:04:09 25 request the opportunity to comment on the comment simply to say
26 that it is our position that we have complied with our disclosure
27 obligations. The fact that some questions would be asked here,
28 either in proofing or in the trial, that were not asked before is
29 a common occurrence and there's nothing - that's not a disclosure

1 violation.

2 We have disclosed what we have learned to the Defence or
3 made every effort to do that. I don't claim to be a hundred per
4 cent accurate in every single circumstance and we welcome any
13:04:43 5 submissions and we'll respond appropriately when they're made.

6 Thank you.

7 PRESIDING JUDGE: Thank you, Mr Koumjian. I have no doubt
8 that Mr Anyah has taken note of what you have said. Please
9 proceed, Mr Anyah.

13:04:54 10 MR ANYAH: Thank you, Madam President.

11 CROSS-EXAMINATION BY MR ANYAH:

12 Q. Good afternoon, Mr Witness.

13 A. Good afternoon.

14 Q. Mr Mansaray, let me begin by saying that it is obvious to
13:05:13 15 all of us that you have sustained some injuries as a consequence
16 of the war in Sierra Leone. Do you understand that?

17 Mr Mansaray?

18 A. Yes.

19 Q. I want to say to you that by virtue of - I'm saying to you
13:05:40 20 that by virtue of me asking you questions I am not seeking to --

21 A. Yes.

22 Q. -- I am not seeking to dispute the fact --

23 A. Yes.

24 Q. -- that you do have injuries that you sustained --

13:05:51 25 A. Yes.

26 Q. Mr Mansaray, can I finish the questions first --

27 A. Yes. No problem.

28 PRESIDING JUDGE: Mr Witness, please let counsel finish
29 what he's saying before you respond. Thank you.

1 THE WITNESS: Okay.

2 MR ANYAH:

3 Q. Thank you, Mr Mansaray. I am saying to you that by virtue
4 of me asking you questions now I am not attempting to --

13:06:21 5 A. Yes.

6 JUDGE SEBUTINDE: Mr Mansaray, please stop saying "Mmm".
7 Listen. Let the lawyer finish his sentence. Just listen,
8 please, and then you will answer.

9 THE WITNESS: Okay.

13:06:41 10 MR ANYAH:

11 Q. Mr Mansaray, before we took a short break you spoke about
12 Charles Taylor saying Sierra Leone would taste the bitterness of
13 war. Do you recall saying that, Mr Mansaray?

14 A. Yes.

13:07:06 15 Q. Did you hear Charles Taylor say that yourself?

16 A. I heard it on the radio.

17 Q. Where were you when you heard this said by Charles Taylor?

18 A. Zimmi Makpele. I was visiting Makpele.

19 Q. Again, Mr Mansaray, I would just urge you to slow down,
13:07:35 20 wait until I finish and then you give me your response, okay?

21 Now, when - what year - did you hear Charles Taylor say this on
22 the radio? Did you hear the question, Mr Mansaray?

23 A. You've not asked me.

24 Q. In what year did you hear Charles Taylor on the radio say
13:08:12 25 that Sierra Leone would taste the bitterness of war?

26 A. I do not now know the year. Just when the war came, it was
27 not long.

28 Q. Now, Mr Mansaray, you told us a little bit about some of
29 the effects that your injuries have had on your life. Do you

1 recall telling us that?

2 A. Yes.

3 Q. It has been very difficult for you, the years since 1998,
4 correct?

13:09:11 5 A. A lot.

6 Q. And not just for you alone, but there are others like
7 yourself who have suffered injuries during the war that you are
8 aware of like Ibrahim Fofana who have also suffered since 1998,
9 yes?

13:09:36 10 A. That's true.

11 Q. In addition to that it is fair to say that your country,
12 Sierra Leone, was essentially paralysed and turned upside down as
13 a consequence of the war that came into Sierra Leone in 1991,
14 true?

13:10:02 15 A. Yes.

16 Q. And when you were coming here to The Hague to give evidence
17 you came together with Ibrahim Fofana, yes?

18 A. The two of us did not come here. Where I am sitting here?

19 Q. Is Fofana here with you in Holland right now, Mr Mansaray?

13:10:30 20 A. Yes, the two of us are here.

21 Q. This is the same Mr Fofana whose arm was also amputated at
22 the time your hands were amputated, correct?

23 A. Yes, he was the first person. Just after they amputated
24 him, they amputated mine.

13:10:56 25 Q. Yes. Did you travel on an aeroplane together with Fofana
26 when you came to Holland?

27 A. The two of us came.

28 Q. Did the two of you talk about what you were coming to do in
29 Holland?

1 A. No.

2 Q. Were you aware before you boarded the plane that
3 Charles Taylor was on trial in Holland in connection with the war
4 in Sierra Leone?

13:11:50 5 A. Yes.

6 Q. Were you aware at the time Charles Taylor was arrested,
7 around 29 March 2006, that he was being held regarding the war in
8 Sierra Leone?

9 A. Yes.

13:12:13 10 Q. This was an important piece of information for you,
11 correct?

12 A. Yes.

13 Q. You have been looking forward to the day when the person
14 that was responsible for the war in Sierra Leone would face

13:12:32 15 justice. Is that fair to say, Mr Witness?

16 A. I don't understand that.

17 Q. Would you like to see the person who was responsible for
18 the war in Sierra Leone face justice, Mr Witness?

19 A. Yes.

13:13:16 20 Q. And, as you've told us before, in your mind Charles Taylor
21 is the person who is responsible for the war in Sierra Leone. Is
22 that fair, Mr Witness?

23 A. Very well.

24 Q. And the reason why you feel Charles Taylor is responsible
13:13:38 25 is because of this news broadcast you heard on the radio about
26 the bitterness of war, true?

27 A. Yes, that was why I thought so. Indeed, he said it and it
28 happened.

29 Q. He said it and it happened, but as you sit there now --

1 A. Yes.

2 Q. And again, please, let me finish the question and then you
3 give us your answer. Just listen first, Mr Mansaray. You just
4 told us Charles Taylor said it and it happened, but during the
13:14:29 5 entire time that you were in Pujehun District and you moved up to
6 Kenema District and you moved up to Tonkolili District and you
7 ended up in Kono District at no time did you hear from
8 Charles Taylor again during that period of time, correct?

9 A. What I heard is what I have said.

13:15:01 10 Q. And what you heard about the bitterness of war was said at
11 the very beginning of the conflict in Sierra Leone around 1991.
12 Is that true, Mr Witness?

13 A. Yes.

14 Q. The people who amputated your arm, they are AFRC or former
13:15:31 15 SLA soldiers, isn't that right?

16 A. It's AFRC. It was AFRC.

17 Q. Yes, they were AFRC and you are aware that --

18 A. Yes.

19 Q. -- the AFRC came into being by virtue of former Sierra
13:15:58 20 Leone Army soldiers joining together led by Johnny Paul Koroma,
21 yes?

22 A. Yes.

23 Q. The people who amputated your arms as well as the arm of
24 Ibrahim Fofana, they were not Liberians, correct?

13:16:29 25 A. Yes.

26 Q. No Liberians were amongst Staff Alhaji's men at the time
27 when you say he amputated your arms, correct?

28 A. No.

29 Q. "No" means there were no Liberians? Is that what you're

1 telling us, Mr Witness?

2 A. Yes, I did not see them.

3 Q. And these persons that you referred to who spoke Liberian
4 languages, Gio, Gola and Vai, you said they were in the company
13:17:17 5 of Foday Sankoh when he spoke to you and others at Zimmi Makpele
6 at the beginning of the war, correct?

7 A. Yes.

8 Q. And you were still at Zimmi Makpele in 1993 when Foday
9 Sankoh came there, right?

13:17:44 10 A. Yes.

11 Q. And your arms were amputated in or about April 1998,
12 correct?

13 A. Yes.

14 Q. So when you make reference to people speaking Liberian
13:18:06 15 languages, those people you heard spoke that language in 1993,
16 correct?

17 A. Yes.

18 Q. Are you aware that there was a war in Liberia starting in
19 1989, Mr Witness?

13:18:38 20 A. No.

21 Q. Pujehun District is at the south eastern portion of Sierra
22 Leone and it borders Liberia, correct?

23 A. That is so. That is where I am.

24 Q. And Zimmi Makpele is not very far from the Mano River, is
13:19:12 25 it?

26 A. Yes.

27 Q. "Yes" means I am correct, it is not very far from the Mano
28 River, true?

29 A. Yes.

1 Q. And it is quite close to the Sierra Leone-Liberian border,
2 correct?

3 THE INTERPRETER: Your Honours, can the witness be more
4 audible and clear in his answer.

13:19:47 5 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
6 you clearly and some of your answers are not coming across
7 clearly. Please answer with a word and please speak loudly.

8 MR ANYAH:

9 Q. Mr Witness, my question was Zimmi Makpele is quite close to
13:20:11 10 the Liberian-Sierra Leone border, correct?

11 A. Yes.

12 Q. If I were to - Mr Witness, can I ask you can you read and
13 write English?

14 A. I have no hands to write anything.

13:20:40 15 Q. I appreciate that. My apologies. Can you read English,
16 Mr Witness?

17 A. I can't speak it, but I can understand it a little.

18 Q. Have you ever seen the map of Sierra Leone before?

19 A. No, no.

13:21:01 20 Q. Have you ever seen the map of Liberia before?

21 A. No.

22 Q. But you know whereabouts in Sierra Leone different places
23 are, like Zimmi Makpele, you know what district it is in,
24 correct?

13:21:26 25 A. Yes.

26 Q. And you know what district Yengema is in, correct?

27 A. Yes.

28 Q. And you know what district Koidu Town is in, yes?

29 A. Yes.

1 MR ANYAH: Madam Court Officer, may I have your assistance,
2 please:

3 Q. Mr Witness, this is a map of Sierra Leone and if you look
4 at the monitor that's in front of you - I wonder if that monitor
13:22:32 5 could be made more vertical for the witness. Perhaps we could
6 zoom in to the bottom right-hand corner of the map. Thank you,
7 Madam Court Officer.

8 Your Honours, I would kindly request the assistance of
9 Madam Court Officer under the circumstances to use a pen to
13:23:14 10 indicate places on the map that I mention and I can relay
11 questions then to the witness.

12 Q. Mr Witness, this is a map of Sierra Leone and I will be
13 corrected if I am mistaken in that regard. Do you see a place
14 called Zimmi at the bottom right-hand corner of the map? Just
13:23:35 15 look at the screen where Madam Court Officer is pointing. Do you
16 see a place called Zimmi, Mr Witness?

17 MR KOUMJIAN: Your Honour, the witness has indicated he
18 cannot read, so he could see where there is a dot that is pointed
19 to but he would not be able to --

13:23:53 20 THE WITNESS: I'm not educated.

21 PRESIDING JUDGE: I understand that, but you can see where
22 it is being pointed to, Mr Witness, that is the question.

23 MR ANYAH:

24 Q. Can you see what is being pointed at, Mr Witness?

13:24:05 25 A. I can't see clearly. I am not seeing it.

26 Q. Is there a place near Zimmi that is called Gorahun,
27 Mr Witness, in Sierra Leone?

28 A. Yes.

29 Q. Across the Liberian border from Zimmi is there a place

1 called Kongo, Mr Witness?

2 A. Yes.

3 Q. And way down south from Zimmi is there a place at the edge
4 of Sierra Leone called Sulima, Mr Witness?

13:24:53 5 A. I know all of those places.

6 MR ANYAH: Madam Court Officer, can you go up the map to
7 Kenema - I am sorry, to Blama, which is near Kenema, to the south
8 eastern portion and Blama is - yes, that would be the place and
9 if you look on the right-hand corner you will see Kenema. If you
10 were to go north from Zimmi and just go in a straight line up,
11 keep going, Madam Court Officer, yes, there is Kenema, to the
12 left is Blama. Yes:

13:25:28 10

13 Q. Mr Witness, Blama is a place in Sierra Leone that's near
14 Kenema. Would you agree with that, Mr Witness?

13:25:55 15 A. Yes.

16 Q. Blama is in Kenema District, yes?

17 A. Yes.

18 Q. Now, if we were to go to the middle of the country above -
19 slightly below Makeni is a place called Magburaka. Now,

13:26:17 20 Mr Witness, you mentioned a place called Ro-Nyortor close to
21 Magburaka. Do you remember telling us that, Mr Witness?

22 A. I said it's in Magburaka, district Tonkolili.

23 Q. Yes, Magburaka is in Tonkolili District, correct?

24 A. Yes.

13:26:46 25 Q. And it is quite close to a place called Matotoka, correct?

26 A. Yes.

27 MR ANYAH: Madam Court Officer, if you could move in a
28 straight line past Masingbi and you will get to Yengema. Yes.
29 Further to the right, Madam Court Officer, yes:

1 Q. Mr Witness, Yengema is another place that you went to or
2 you were close to Yengema, correct?

3 A. Yes.

13:27:28

4 Q. The place you mentioned Tongoma is in the vicinity of
5 Yengema and that is in the Kono District, correct?

6 A. Yes.

7 Q. And this place Worodu, W-O-R-O-D-U, is it near a place
8 called Koi du Sefadu?

9 A. Yes.

13:27:58

10 Q. And that is also the place Worodu is also in Kono District,
11 is it?

12 A. Yes.

13:28:24

13 MR ANYAH: Madam Court Officer, I need to display another
14 map. Madam President, I see the time and I am still in the
15 middle of a series of questions and there is not necessarily an
16 appropriate point to stop but as it pleases the Court.

13:28:47

17 PRESIDING JUDGE: Maybe before we start into another map it
18 would be appropriate to take the lunchtime adjournment now,
19 Mr Anyah. Mr Witness, it's now our usual lunchtime break. We
20 take a one hour break and we start court again at 2.30. Please
21 adjourn court until 2.30.

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

23 [Upon resuming at 2.30 p.m.]

24 PRESIDING JUDGE: Mr Koumjian, you are on your feet.

14:30:07

25 MR KOUMJIAN: Your Honour, there was a matter I meant to
26 deal with this morning and I apologise for a very brief delay but
27 I believe there was an error I understand made yesterday by the
28 Prosecution in stating the page numbers on exhibit P-219. This
29 was the CMS page number. This was in relation - this exhibit

1 came in with witness TF1-198. On exhibit P-219 the last page CMS
2 page number should be 19654.

3 PRESIDING JUDGE: I think I recited it as 1961, is that
4 right?

14:30:49 5 MR KOUMJIAN: That, your Honour, is in fact the last page
6 of exhibit P-221, so we just wanted the record corrected on that.
7 I wasn't here, but I understood it was a Prosecution mistake.

8 PRESIDING JUDGE: That was a lady - I think that was a lady
9 witness. Mr Anyah, I don't think it was you who had carriage of
10 that witness, I think that was Mr Griffiths' witness, but I am
11 sure you will note the correction.

12 MR ANYAH: Yes, we have made a note of it, Madam President.

13 PRESIDING JUDGE: Thank you, Mr Anyah, and of course our
14 own court people, much more relevant. Mr Anyah, please proceed
14:31:40 15 with your cross-examination.

16 MR ANYAH: Thank you, Madam President:

17 Q. Mr Witness, we were considering a map of Sierra Leone
18 before we took the lunch break and I would like to resume with
19 another map, this time of Liberia. Madam Court Officer, with
14:32:01 20 your assistance please. Mr Witness, this is a map that shows
21 Liberia in detail and you can see adjacent to it to the left or
22 the west is Sierra Leone. Do you recall that a few minutes
23 before the lunch break I showed you the map of Sierra Leone and
24 you acknowledged that a place called Sulima to the south eastern
14:32:41 25 part of Sierra Leone was close to Zimmi, Zimmi Makpele. Do you
26 recall acknowledging that Sulima is near Zimmi Makpele?

27 A. Yes.

28 Q. Do you see that on the Liberian side of the border, near
29 where Sulima is, is a county called Grand Cape Mount? Madam

1 Court Officer, could you point that for the witness. To the
2 right in red letters are the words "Grand Cape Mount". Do you
3 see that, Mr Witness?

4 A. No, I told you before that I had a problem with my vision.

14:33:30 5 Q. In any event there is a place above in Grand Cape Mount
6 called Kongo and you acknowledged before the break, if I recall
7 correctly, that Kongo was on the other side of the Sierra Leonean
8 border in Liberia. Do you recall acknowledging that, Mr Witness?

9 A. Yes, Kongo. That is what I know.

14:33:56 10 Q. And do you see where it says Lofa, as in Lofa County, in
11 red on that map?

12 MR KOUJIAN: Your Honour, the witness has indicated he
13 cannot read.

14 MR ANYAH: My question is whether he sees it. The witness
14:34:19 15 can tell us whether or not he sees it.

16 THE WITNESS: I told you I cannot see and I am not
17 educated.

18 MR ANYAH:

19 Q. We appreciate that, Mr Witness. When you say you cannot
14:34:34 20 see you mean you cannot read something that is on the screen? Is
21 that what you are saying? Or you cannot see something that is on
22 the screen that is in front of you?

23 A. What? No.

24 Q. In any event, Mr Witness, have you ever heard of a place
14:34:53 25 called Buedu in Sierra Leone?

26 A. Yes.

27 Q. And Buedu is very close to the Liberian Sierra Leonean
28 border, correct?

29 A. Yes.

1 Q. And on the other side of the Liberian border is a place
2 called Lofa County, yes?

3 A. Yes.

14:35:33

4 MR ANYAH: Thank you, Madam Court officer. That is it for
5 this map for now:

6 Q. Mr Witness, this entire border area between Liberia and
7 Sierra Leone, and perhaps this might facilitate this exchange.
8 Madam Court Officer, could you put the additional map of Sierra
9 Leone with the districts. Yes, thank you. Mr Witness, the
10 border region between Liberia and Sierra Leone, it is true, is it
11 not, that Sierra Leoneans live on the Liberian side of the border
12 and Liberians also live on the Sierra Leonean side of the border?

14:35:55

13 A. Many.

14 Q. And sometimes Sierra Leoneans will live in Liberia for a
15 long time and then cross back into Sierra Leone, correct?

14:36:24

16 A. Yes.

17 Q. And sometimes Liberians will live in Sierra Leone for a
18 while and then they will cross back into Liberia, yes?

19 A. Yes.

14:36:50

20 Q. Now, Mr Witness, the same thing with the languages. The
21 languages are not just contained in one country. Languages like
22 Gio are spoken not only in Liberia, but they are also spoken in
23 neighbouring countries, for example in Guinea, yes?

24 A. I don't know about that. Those that were close to each
25 other are the ones that I know about, because normally they will
26 come from their place and go to us hunting monkeys.

14:37:18

27 Q. When you say they would come from their place, are you
28 speaking of Liberians, Mr Witness? You just said they would come
29 from their place to us hunting monkeys, or something to that

1 effect. Are you speaking of Liberians coming into Sierra Leone,
2 Mr Witness?

3 A. Yes.

14:38:00

4 Q. I may have misspoke a few minutes ago when I said Gio was
5 spoken in Guinea. Have you known the Gio language to be spoken
6 in Ivory Coast and in Liberia?

7 A. I don't know. I know about the Liberians.

14:38:33

8 PRESIDING JUDGE: Mr Anyah, in effect you had two questions
9 in one there, and in view of the ambiguity of the reply you
10 should put the country one by one.

11 MR ANYAH: I appreciate that:

12 Q. Mr Witness, have you known of the Gio language to have been
13 spoken in the Ivory Coast, Cote d'Ivoire?

14 A. No.

14:38:53

15 Q. I want to read to you what a witness who came before you
16 has testified to in this Court. That witness appeared before
17 this Chamber in May of this year. His name is Moses Blah. He is
18 the former President of Liberia and Moses Blah, President Blah,
19 was speaking about the border region between the Mano River Union
20 countries, spoke of the border regions between Liberia and Sierra
21 Leone, not necessarily Guinea, but he also spoke of the Cote
22 d'Ivoire, and I will read this to you and I will ask you some

14:39:17

23 questions. Just listen to what I am reading. The transcript is
24 from 14 May, open session, and this is President Blah being asked
25 a question, and at line 18 on that page - well, the page number
26 is 9794:

14:39:43

27 "Q. Witness, let's move up to 1985. What, if anything,
28 happened that year that affected your situation?

29 A. Yeah. In 1985 there were big conflict between Samuel

1 Kanyon Doe and Thomas Quiwonkpa who was then the Commander
2 General and once you speak Gio at the time or Mano at the
3 time you would be arrested and investigate your role being
4 a member of that tribe and we fled to Cote d'Ivoire."

14:40:29 5 Then Justice Sebutinde asked a question "A big what? There
6 was a big something?" And President Blah said "There was a big
7 conflict, a big riot."

8 THE INTERPRETER: Your Honours, can counsel go slowly so
9 the interpreters can interpret exactly what he is reading.

14:40:46 10 MR ANYAH: Yes, Mr Interpreter, I will endeavour to go
11 slower:

12 Q. Justice Sebutinde asked a question, "A big what? There was
13 a big something?" President Blah then said in response:

14 "There was a big conflict, a big riot, and when the riot
14:41:06 15 started Doe wanted to remove Quiwonkpa from his position and a
16 large group of my family didn't - my tribes, they didn't like
17 that and we all fled to Cote d'Ivoire and escaped arrest?"

18 Mr Witness, do you know of Liberians fleeing from Liberia
19 to Cote d'Ivoire - Gio tribesmen of Liberians fleeing from
14:41:35 20 Liberia to Cote d'Ivoire in the 1980s?

21 A. I don't know anything about that.

22 Q. Okay. I will read to you now what President Blah says
23 about the Liberian-Sierra Leonean border. This is on page 10151.
24 The transcript is from 19 May 2008. The exchange first starts
14:42:04 25 with the Liberian-Cote d'Ivoire border and then moves on to the
26 Sierra Leone-Liberian border. Line 16 the question was posed:

27 "Q. By that I mean this, former President: The Cote
28 d'Ivoire Liberian border cuts right through the middle of
29 one ethnic group, the Gios. That's right, isn't it?"

1 A. You are correct.

2 Q. And so you have Gios on one side of the border, Gios on
3 the Liberian side of the border, and it effectively could
4 mean that families are divided. That's right, isn't it?

14:42:55 5 A. Exactly so.

6 Q. Likewise on the Sierra Leone-Liberian border you have
7 Mandingos on one side and Mandingos on the other side and
8 equally in Guinea."

9 President Blah does not agree that Mandingos are on either
14:43:22 10 side, but he does say this about Mendes and this is on page
11 10152, question at line 7:

12 "Q. What would you call that side?

13 A. That is where the Mendes - the Mendes and the Mendes on
14 both sides. Mendes on the Sierra Leone side and on the
14:43:42 15 Liberian side, not Mandingo. Mandingo is on the Guinea
16 side."

17 Mr Witness, do you agree that there are Mendes who can be
18 found in Liberia as well as in Sierra Leone?

19 A. Many. Even my brothers are there.

14:44:03 20 Q. Indeed you have brothers living in Liberia, yes?

21 A. Yes.

22 Q. How many brothers do you have living in Liberia?

23 A. There are many of my siblings there.

24 Q. And have they lived in Liberia for a long time, Mr Witness?

14:44:28 25 A. Yes.

26 Q. And you are a Mende by tribe, correct?

27 A. Yes.

28 Q. Have your relatives lived in Liberia for over ten years,
29 Mr Witness?

1 A. Yes.

2 Q. Now, this border area, you will agree with me, Mr Witness,
3 that there was trading of goods and services between Liberians
4 and Sierra Leoneans across the border area around the time that
14:45:02 5 your arms were amputated in 1988, yes?

6 A. If they were doing business there, at that time I was not
7 there any more.

8 Q. Well, let's go back to the time of the NPRC regime starting
9 around 1992 through 1997 when President Kabbah was removed from
14:45:26 10 office. There was trading in that region, the border region
11 between Liberia and Sierra Leone, between Liberians and Sierra
12 Leoneans. Will you agree, Mr Witness?

13 A. No, I was not there. I was in Kono.

14 Q. Well, I will continue to read from former President Blah's
14:45:51 15 evidence. At the same page I was at, 1052, President Blah told
16 the Court --

17 MR KOUMJIAN: Excuse me, your Honour. I do have an
18 objection to simply reading prior testimony and then asking a
19 question that is not really necessary from the prior testimony.
14:46:07 20 This is, in my view, irrelevant. It's not a question about what
21 Moses Blah said to this witness. This witness is not in a
22 position to answer and it really hasn't - he hasn't been asked
23 about it.

24 PRESIDING JUDGE: Well, Mr Koumjian, the witness gave
14:46:23 25 certain evidence-in-chief concerning languages and I consider
26 that counsel is entitled to put some other prior evidence which
27 relates to ethnic groups and languages in that area and on that
28 basis I will allow the question.

29 MR ANYAH: And I would just add I think the witness

1 confirmed he is a Mende. President Blah said Mendes are on both
2 sides of the border. The witness said his family, Mende, are in
3 Liberia. That is what I read just now:

14:46:59 4 Q. Mr Witness, regarding trading along the border area here is
5 what President Blah had to say. The question was posed at line
6 11, page 10152:

7 "Q. I am pausing, former President, to deal with this
8 geographical and historical reality for this reason: There
9 has for centuries been a great deal of fluidity of movement
10 across those borders, hasn't there?
14:47:25

11 A. Yes.

12 Q. You have traders from Sierra Leone going to Liberia to
13 shop and vice-versa. Likewise into Guinea, likewise into
14 Cote d'Ivoire?

14:47:45 15 A. That's correct."

16 Mr Witness, in the time you lived in Sierra Leone did you
17 know of people who would go from Sierra Leone to Liberia to do
18 business?

19 A. Yes.

14:48:01 20 Q. And you also knew of persons who would come from Liberia
21 into Sierra Leone to do business along the border area?

22 A. Many.

23 Q. Thank you, Mr Witness. So, Mr Witness, the fact that there
24 were some people who spoke Gio, Gola or Vai present when Foday
14:48:28 25 Sankoh spoke in 1993, that occurrence was not unusual given the
26 presence of Liberians in Sierra Leone before 1993?

27 A. I don't understand.

28 Q. Mr Witness, it was not unusual to find Liberians living in
29 Sierra Leone around the time Foday Sankoh came to Zimmi Makpele,

1 do you agree?

2 A. I don't understand the question you are asking.

3 Q. At the time you say you were present in Zimmi Makpele, when
4 Foday Sankoh came, at that time there were Liberians living in
14:49:35 5 the vicinity of Zimmi Makpele in Sierra Leone, yes?

6 A. A lot.

7 Q. Thank you, Mr Witness. Now, Mr Witness, since 1998 when
8 you sustained your injuries up until today, the year 2008, you
9 have recounted the events that led up to your injuries several
14:50:06 10 times for several people, yes?

11 A. Yes.

12 Q. Basically you have told people what happened to you on
13 different occasions, correct?

14 A. Yes.

14:50:35 15 Q. You have also heard many people tell of their experiences
16 during the conflicts in Sierra Leone, correct?

17 A. Yes.

18 Q. And you would hear people mention names like Johnny Paul
19 Koroma, yes?

14:51:00 20 A. Yes.

21 Q. And you heard people mention the name Mosquito, correct?

22 A. Yes.

23 Q. And is that how you came to know of Sam Bockarie, alias
24 Mosquito, that you mentioned to us this morning when you were
14:51:18 25 being asked questions by the Prosecution?

26 A. No.

27 Q. How did you come to know about Mosquito, Mr Witness?

28 A. Mosquito's home town is within the same area as mine. I
29 did not just know him during the war. I knew him before. And

1 even when he was dead, when he was brought, all of us went to see
2 him.

3 Q. Mr Witness, with respect to Johnny Paul Koroma, did you
4 also know him before the war?

14:52:08 5 A. No.

6 Q. And is it fair to say that the time you encountered AFRC
7 soldiers in 1998, at no time did you hear them mention the name
8 Johnny Paul Koroma?

9 A. After our hands were amputated, that was the time I saw
14:52:40 10 Johnny Paul Koroma. He visited the camp where we were.

11 Q. Yes, but before your arms were amputated you had not --

12 A. I did not know him.

13 Q. And also the soldiers that you referred to as AFRC, you did
14 not hear them mention the name Johnny Paul Koroma, did you?

14:53:05 15 A. No.

16 Q. So right from 1993 when you heard Foday Sankoh speak at
17 Zimmi Makpele, through April and May of 1998 when your arms were
18 amputated, you never heard soldiers say the name Johnny Paul
19 Koroma, correct?

14:53:32 20 A. Just mentioning his name?

21 Q. Yes.

22 A. I used to hear his name.

23 Q. Well, Mr Witness, what I am trying to ascertain is why you
24 told the Prosecution during their first meeting with you that you
14:53:51 25 never heard the soldiers talking about Johnny Paul Koroma. Do
26 you remember telling the Prosecution when you met with them in
27 September of 2003 that you never heard the soldiers - AFRC
28 soldiers, that is - talking about Johnny Paul Koroma?

29 A. I did not tell them that. Or maybe it is some of the

1 things you tell people, what you tell them is not what they
2 write. Maybe that is how some of the discrepancies come about.

3 Q. Since 1998 up until now you have heard people in Sierra
4 Leone telling stories about Johnny Paul Koroma, correct?

14:54:52 5 A. Yes.

6 Q. And how many times would you say you saw Johnny Paul Koroma
7 in person, Mr Witness?

8 A. I don't remember. I cannot recall now, because at the time
9 our hands were amputated, after we had been taken to the camp he
10 used to visit us and talk to us, saying words of encouragement to

11 us, that we were all the same, and he said whatever the case was
12 those people who did that were our brothers, but I don't recall
13 the number of times that he paid a visit there. And apart from
14 that, we saw each other again and at UE building, at the time

14:55:53 15 Maxwell Khobe died and it was during that arrangement that he
16 invited the amputees so we went there and I saw him there. And
17 even apart from that I also saw him at the stadium. That was the
18 time a Christian organisation came from America and said anybody
19 who had a problem they would pray for that person and God would
14:56:23 20 help that person. I saw him there also many times.

21 Q. So, Mr Witness, it would be fair to say that you saw Johnny
22 Paul Koroma many times, including at the camp where amputees were
23 kept, at the stadium and at a place during the funeral of Maxwell
24 Khobe, yes?

14:56:49 25 A. Yes.

26 Q. Do you know to which group Johnny Paul Koroma belonged?

27 A. Yes.

28 Q. And which group is that?

29 A. AFRC.

1 Q. And that is the same group you said that amputated your
2 arms, yes?

3 A. Yes.

4 Q. And since the war was over you have heard stories about
14:57:19 5 things the AFRC did to others besides yourself, right?

6 A. In fact those of us who were injured we were all in the
7 same place.

8 Q. No, that was not me question, Mr Witness?

9 A. What is the question then?

14:57:43 10 Q. The question is whether you have heard people tell stories
11 about what the AFRC did during the war?

12 A. Yes.

13 Q. Now, Mr Witness, the Prosecution met with you on 20
14 September in - sorry, 15 September in 2003. Do you remember
14:58:06 15 meeting with them in 2003?

16 A. No.

17 Q. Do you remember people from the Special Court, in
18 particular a woman by the name of Corinne Dufka, coming to talk
19 to you in September of 2003?

14:58:47 20 A. Oh, there were many people talking to us during those
21 times.

22 Q. Yes, I can appreciate that, but I am focusing particularly
23 on members of the Special Court. Do you remember a woman by the
24 name of Corinne Dufka coming to discuss with you what had
14:59:03 25 happened to you during the war?

26 A. I wouldn't remember any specific person who went to me. I
27 cannot recall anybody's name.

28 Q. Well, even if you cannot recall the name, do you recall
29 talking to somebody from the Special Court in the year 2003 about

1 what had happened to you?

2 A. Yes.

3 MR ANYAH: Madam Court Officer, may I have your assistance
4 please? For counsel's benefit, the statement I will be referring
14:59:56 5 to is that of 15 September 2003. The ERN number is the last four
6 digits of the first page is 1023, it is four pages in length and
7 ends in 1026:

8 Q. Mr Witness, this is a document given to us by the Office of
9 the Prosecutor that summarises what they say you told them in the
15:00:38 10 year 2003. Now, this is a document that is four pages in length.
11 I have read it a couple of times and there are a few things that
12 I cannot find in their record of interview that you have told us
13 in court. You have told us in court, Mr Witness, that Foday
14 Sankoh came to Zimmi Makpele in 1993 or thereabouts and you were
15:01:03 15 present when he spoke. Did you tell the Prosecution that when
16 you spoke with them in September 2003?

17 A. No, whosoever went to me - I mean the journalist - they
18 will ask me how I got my problem. They actually only
19 concentrated on my amputation, not how the war started or things
15:01:30 20 about the war. They only actually asked me questions relative to
21 my amputation, so that was what I responded to.

22 Q. The first time you mentioned Foday Sankoh's name, and this
23 event occurring at Zimmi Makpele, was here in The Hague,
24 Mr Witness, this past Sunday and Monday, isn't that right?

15:02:03 25 A. No.

26 Q. In The Hague, since you have been here in Holland, you have
27 met with members of the Office of the Prosecutor, yes?

28 A. We have not met.

29 Q. Have you ever met with somebody while you have been here in

1 The Hague that you told about Foday Sankoh coming to Zimmi
2 Makpele?

3 A. Yes.

15:02:40

4 Q. And when you told that person that information, that was
5 the first time you were mentioning it to members of the Special
6 Court, yes?

7 A. Yes.

15:02:58

8 Q. You also told that person whom you met here in The Hague
9 about hearing Charles Taylor on the radio say Sierra Leone will
10 taste the bitterness of war. That is right, isn't it?

11 A. Yes.

12 Q. And it was here in The Hague, in Holland, that you told the
13 Prosecution that for the first time, yes?

14 A. Yes.

15:03:32

15 Q. The incident where you say your uncle, his head was cut
16 off, Gibriil Turay, you mentioned that to the Office of the
17 Prosecutor for the first time while you have been here in The
18 Hague, yes?

19 A. Yes.

15:03:55

20 Q. Same thing about Liberian languages being spoken around the
21 time Foday Sankoh visited. These phrases you referred to, or the
22 phrase "meh, meh" or something to the effect that you said was
23 hey man, or something like that, the first time you mentioned
24 hearing Gio, Gola and Vai being spoken around when Foday Sankoh
25 was in Zimmi Makpele, the first time you mentioned that was here
26 in The Hague this week?

27 A. Yes.

15:04:21

28 Q. Mr Witness, you see that document that we are looking at?
29 The first paragraph --

1 A. I can just see it, but I don't know what it is. I don't
2 know anything about education.

3 Q. Yes, I will read it for you. First let me confirm your
4 movements. You told us that you were in your village, Zimmi
15:04:56 5 Makpele, in Pujehun District of Sierra Leone, and that the war
6 came and met you there in 1993 and you left, correct?

7 A. Yes.

8 Q. And when you left Zimmi Makpele you went to the village
9 where your uncle was decapitated, a place called Moala?

15:05:20 10 A. Moala.

11 Q. Moala, yes, thank you. From Moala you said you went to
12 Blama in Kenema District, yes?

13 A. Yes.

14 Q. So you have gone from Pujehun District to Kenema District
15:05:35 15 and from Kenema District you went all the way to the middle of
16 Sierra Leone near Magburaka in Tonkolili District, yes?

17 A. Yes.

18 Q. And you told us that by the time President Kabbah had come
19 into office by then you were now back in Kono District, yes?

15:06:02 20 A. Yes.

21 Q. In particular, you said you had gone to a place called
22 Tongoma close to Yengema in Kono, correct?

23 A. Yes.

24 Q. President Kabbah took office on 29 March 1996. Would you
15:06:20 25 agree, Mr Witness?

26 A. I don't recall the month.

27 THE INTERPRETER: Your Honours, can the witness repeat the
28 last bit?

29 PRESIDING JUDGE: Mr Witness, the interpreter asks that you

1 repeat the last part of your answer. Please pick up where you
2 said "I don't recall the month" and then continue from there.

3 MR ANYAH:

15:06:50 4 Q. Mr Witness, you said you don't recall the month President
5 Kabbah came into office and then you were saying something after
6 that. What were you saying?

7 A. Just now?

8 Q. Well, you do not recall when Kabbah came into office, but
9 is it fair to say you remember it as taking place in the year
15:07:13 10 1996?

11 A. Yes.

12 Q. And before Kabbah was Julius Maada Bio, yes?

13 A. Yes, that is what I heard over the radio.

14 Q. Yes. Now, you said when President Kabbah took office, by
15:07:39 15 then you were already in Kono, specifically you were in the
16 vicinity of Tongoma, yes?

17 A. Yes.

18 Q. And you were also in Kono, in Tongoma, in May of 1997 when
19 the AFRC overthrew Kabbah from government, yes?

15:08:07 20 A. Yes.

21 Q. Now, the Prosecution has a different account in your first
22 statement. I want to read to you what they say was the pattern
23 of your movement from 1993. The first or second full paragraph
24 of the statement reads:

15:08:28 25 "I moved to Kono District in 1993 from Pujehun from where
26 we'd fled because of the rebel attacks. I settled in Worodu, in
27 Sandor Chiefdom, Kono District, with my wife and seven children.
28 I used to earn my living by buying and selling coffee and cocoa".

29 Mr Witness, the Prosecution wrote down that you told them

1 you left Pujehun in 1993 and went to Kono. Is that correct?

2 A. Yes.

3 Q. Did you understand what I just said? I am asking you if
4 when you left Pujehun in 1993 you went directly to --

15:09:24 5 [overlapping speakers]

6 THE WITNESS: I said when I left Pujehun. No.

7 PRESIDING JUDGE: Pause, Mr Witness. Yes, Mr Koumjian.

8 MR KOUMJIAN: Mr Anyah has asked two different questions.
9 He said did you understand what I said? And then asked another
10 question which was did you go directly to Kono.

15:09:35

11 MR ANYAH: Madam President, the context is that I am
12 actually trying to be fair to the witness. I suspected that he
13 may not have understood what I was saying and I am actually
14 trying to assist by being honest in making sure his answer is
15 what he means.

15:09:53

16 PRESIDING JUDGE: I appreciate the point, but maybe give
17 him a little more time to answer, bearing in mind the need for
18 interpretation, Mr Anyah. Please continue.

19 MR ANYAH:

15:10:05

20 Q. Mr Witness, when you left Pujehun District in 1993 did you
21 go directly to Kono District?

22 A. No.

23 Q. Are you saying to us that you left Pujehun District and you
24 first went to Kenema District?

15:10:32

25 A. Yes.

26 Q. Well, the Prosecution's record of your first interview
27 suggests otherwise.

28 MR KOUMJIAN: I object to that. That is counsel's
29 interpretation. He just says he left Pujehun in 1993 and went to

1 Kono.

2 PRESIDING JUDGE: He actually said "I moved to Kono
3 District in 1993 from Pujehun". To me that is a straight
4 transfer and so I will allow the question and allow the witness
15:10:57 5 to clarify. Please put the question again.

6 MR ANYAH: May I have a moment, Madam President:

7 Q. Mr Witness, you have just told us that when you left
8 Pujehun District in 1993 you first went to Kenema District, yes?

9 A. Yes.

15:11:39 10 Q. The record of your interview with the Prosecution in
11 September 2003 does not make any reference to Kenema District.
12 Is it in error when it fails to mention Kenema District?

13 A. I did not make the mistake. They made the mistake.

14 Q. The record of your interview makes no reference to you
15:12:09 15 going from Kenema District to Tonkolili District. Are you sure
16 you told the Prosecution when you spoke with them for the first
17 time that you went to Tonkolili District, near Magburaka?

18 A. Yes, Ro-Nyortor.

19 Q. So if the record of interview doesn't mention it, it is
15:12:36 20 failing to mention something you told them, yes?

21 A. Yes.

22 Q. Now, did you tell the Prosecution when you spoke with them
23 in 2003 what is written in the third full paragraph of this
24 statement which I will read to you now. It reads: "During the
15:13:07 25 AFRC days - from May 1997 to around February 1998 - we never saw
26 the rebels." Did you tell the Prosecution that you never saw the
27 rebels during the junta period, Mr Witness?

28 A. You see, that is what confuses this whole thing because you
29 will be asking a question and you ask a long winding question and

1 I am confused. Like this one, I did not even understand it.

2 PRESIDING JUDGE: Mr Anyah, I was going to point out that
3 the word "junta" may not be one that the witness is familiar
4 with.

15:14:00 5 MR ANYAH: I will be happy to break it into bits and I will
6 clarify:

7 Q. Mr Witness, the period when the AFRC was in power in Sierra
8 Leone was from May 1997 through February 1998, yes?

9 A. Yes.

15:14:23 10 Q. Do you remember telling the Prosecution that during that
11 period of time you never saw the rebels?

12 A. I did not say that. That is the same thing I am talking
13 about. I said at the time that we were in Kono, Worodu, Sandor,
14 we did not know that the rebels were there. We thought that the
15:14:47 15 war had ended. We were there in Worodu Sandor. We did not know
16 that they had gone there to attack. It was only then that they
17 started capturing people. But what you tell people, that is not
18 the way they write it. And when you come now to public they say
19 different thing and if a different thing is written it will be
15:15:10 20 exposed.

21 Q. It's a simple question. During the time the AFRC was in
22 power did you see the rebels where you were, Mr Witness?

23 A. Yes.

24 Q. The Prosecution's record of your interview has something
15:15:34 25 different. It says you told them that during the AFRC days you
26 never saw the rebels?

27 A. They were the same group. They were working hand in
28 gloves.

29 Q. I am not asking you if they were the same group. The

1 question is where you were whether you saw these people. You are
2 telling us in court that you saw them. The Prosecution says you
3 told them you never saw the rebels during the AFRC period. Which
4 is correct, Mr Witness?

15:16:13 5 A. I did not say that.

6 PRESIDING JUDGE: Mr Anyah, in the course of his evidence
7 the witness has referred to the rebels and he has referred to
8 soldiers. It may be possible that the witness is somewhat
9 confused and draws only on the one group, i.e. the rebels.

15:16:33 10 MR ANYAH: My question has only mentioned the rebels and I
11 am staying true to the statement. I am not saying soldiers:

12 Q. Mr Witness, you told us in court of diamond mining taking
13 place in Kono District while you were there in 1998, yes?

14 A. Yes.

15:17:03 15 Q. The Prosecution's record of your first interview says that
16 you pretty much stayed in the village and tried to avoid contact
17 with the rebels. Do you agree that when the rebels were in power
18 that you were pretty much in the village and avoided contacts
19 with them?

15:17:34 20 A. Yes.

21 Q. Mr Witness, this whole episode of diamond mining in Kono,
22 in particular the areas near Yengema, you mentioned them to the
23 Prosecution for the first time when you were here in The Hague
24 this week, yes?

15:18:00 25 A. Yes.

26 Q. It was also here in The Hague in Holland that for the first
27 time you mentioned something about the People's Army?

28 A. Yes.

29 Q. You told us a few hours ago today that Foday Sankoh said

1 something to the effect that there should be a People's Army. Do
2 you recall telling us that?

3 A. No, I did not say Foday Sankoh. I spoke about People's
4 Army. I did not say Foday Sankoh. They referred to themselves
15:18:48 5 that way during the junta period.

6 Q. But the fact is the first time you mentioned People's Army
7 in the context of the junta period was when you were here in
8 Holland this week, yes?

9 A. Yes.

15:19:24 10 Q. Mr Witness, you also told us something that differs from
11 what Ibrahim Fofana told us this week. You told us that it was
12 Staff Alhaji who amputated your arms, yes?

13 A. Yes.

14 Q. You said that he was the person who actually used the
15:19:51 15 cutlass or machete to cut your arms, yes?

16 A. Yes.

17 Q. Is it possible that someone else was the one that did this
18 to you; that cut your arms?

19 A. No.

15:20:12 20 Q. Ibrahim Fofana was here on Tuesday, I believe it was the
21 28th, and Mr Fofana is the same person you told us the two of you
22 were together when your arms were amputated, yes?

23 A. Yes.

24 Q. Did you ever hear of somebody named Rambo who was present
15:20:36 25 when your arms were amputated?

26 A. No.

27 Q. Well, Fofana told us that it was Rambo that was ordered to
28 do the amputations and this is from page 19340 through 19341 of
29 Tuesday's transcript. Was it Staff Alhaji or was it someone

1 named Rambo that did the amputations, Mr Witness?

2 A. I know about Staff Alhaji.

3 Q. You don't know of anybody named Rambo?

4 A. No.

15:21:35 5 Q. Were you ever in Koidu Town, Mr Witness?

6 A. Yes, but I was not based there.

7 Q. Was it from Koidu Town that you fled and moved to Worodu in
8 Sandor Chiefdom?

9 A. No.

15:22:07 10 Q. Was it from Tongoma that you moved to Worodu, Mr Witness?

11 A. Yes.

12 Q. One of the Prosecution's notations has it that you fled
13 from Koidu Town. Is that a mistake, Mr Witness?

14 A. No - yes.

15:22:32 15 Q. Well, you said no and then yes. One of the Prosecution's
16 documents says that you told a nurse at Connaught Hospital that
17 you fled from Koidu Town to get to Worodu and not from Tongoma to
18 Worodu. Which is it? Did you go to Worodu from Tongoma?

19 A. I came from Tongoma and went to Worodu.

15:23:02 20 Q. So you could not possibly have come from Koidu Town to go
21 to Worodu?

22 A. Not at all.

23 Q. Did you ever do diamond mining in Koidu Town, Mr Witness?

24 A. No, I did that in Tongoma.

15:23:26 25 Q. So if somebody said you were in Koidu Town and fled from
26 there to Worodu that is a mistake, right?

27 A. Yes, that means I will be telling a lie.

28 MR ANYAH: For counsel's benefit this is in the interview
29 record of 6 February 2008, paragraph 6 of page with ERN 00046387:

1 Q. Mr Witness, you told us that in Kono there were South
2 Africans. Do you recall telling us that?

3 A. Yes.

4 Q. Have you ever heard of the name Executive Outcomes before,
15:24:18 5 Mr Witness?

6 A. No.

7 Q. Did you see these South Africans with your eyes,
8 Mr Witness?

9 A. Yes.

15:24:32 10 Q. They were armed, were they?

11 A. Yes.

12 Q. And on which side were they fighting for, Mr Witness?

13 A. I don't know, but they were protecting us, the civilians.

14 Q. Have you ever heard of the Kamajors, Mr Witness?

15:25:03 15 A. Yes.

16 Q. Were the Kamajors in Kono at the time you were there in
17 1998?

18 A. No.

19 Q. Do you know whether these South Africans were fighting with
15:25:17 20 somebody else as a team, Mr Witness?

21 A. I used to hear that it was the government which had sent
22 them there.

23 Q. And can you tell us again the year in which you saw these
24 South Africans in Kono?

15:25:52 25 A. I saw them there - I think it was 1995.

26 Q. 1995, yes?

27 A. Uh-huh.

28 Q. So it is the case that you were in Kono in 1995, yes?

29 A. Yes.

1 Q. I thought you told us you were making your way towards Kono
2 from Tonkolili District around that time. Well, I withdraw that.
3 It may not be fair to the witness. Mr Witness, when exactly did
4 you get to Kono after you left Tonkolili District?

15:26:51 5 A. I don't recall the time.

6 Q. Was it during the NPRC regime of Valentine Strasser that
7 you arrived in Kono District?

8 A. No.

9 Q. It was during the time of Tejan Kabbah. Is that your
15:27:13 10 evidence?

11 A. Yes.

12 Q. But Kabbah only came to office in 1996 and we have agreed
13 on that, so is it the case that you saw these South Africans in
14 Kono in 1996?

15:27:35 15 A. I said I went there in 1995 after we had come from
16 Ro-Nyortor, Tonkolili District.

17 Q. So you were in Kono in 1995 then?

18 A. Yes.

19 Q. Yes.

15:28:07 20 JUDGE SEBUTINDE: Mr Anyah, I am a bit curious to find out
21 from the witness how he knows these people were South Africans,
22 the people he refers to as South Africans. Perhaps you could
23 establish.

24 MR ANYAH: Yes, I will clarify:

15:28:22 25 Q. Mr Witness, these persons you referred to as South
26 Africans, how did you know they were South Africans?

27 A. It was when they said they were there protecting the
28 civilians, that is how I came to know, because people were going
29 there and returning and so that was why I said - so that was why

1 I said let us go there, so at least we will be at peace.

2 JUDGE SEBUTINDE: Yes, but Mr Witness, how did you know
3 they were South African and not any other - they were not from
4 any other country? How did you know they were South Africans?

15:29:06 5 THE WITNESS: That was how people used to talk around, that
6 those people were South Africans.

7 MR ANYAH:

8 Q. And the people who used to say they were South Africans,
9 those were Sierra Leoneans, yes?

15:29:29 10 A. Yes.

11 Q. Do you know how long the South Africans had been in Kono
12 before your arrival from Tonkolili District?

13 A. I did not know how long they had taken there before I went
14 there, but I knew about them right around that time.

15:29:52 15 MR ANYAH: Madam Court Officer, could you kindly produce
16 Defence exhibit D-62, please:

17 Q. Mr Witness, I want to read you something about South
18 Africans in Sierra Leone. Madam Court Officer, can we go to page
19 3 please of that document, and in the middle of the page where it
15:30:32 20 says "March 1995". Mr Witness, a prior witness was shown this
21 document before this Court in September of this year, and I just
22 want to read you a portion of what it says about South Africans
23 in Sierra Leone. It says:

24 "March 1995: Strasser then invited in the South African
15:30:59 25 private security force, Executive Outcomes. By that stage the
26 RUF rebels were less than 20 miles from the capital, although
27 their hold on the rest of the country outside of the main diamond
28 mining areas was intermittent."

29 Then you go down a few lines it says, "EO started by

1 initiating training programmes for the army."

2 Mr Witness, this document suggests that South Africans, in
3 a group called Executive Outcomes, were working with the Sierra
4 Leonean Army training them around March 1995. Were you aware of
15:31:50 5 South Africans working with the Sierra Leonean Army around that
6 time, Mr Witness?

7 A. I was not aware.

8 Q. You told us a few minutes ago that you heard that the South
9 Africans were fighting on the government side. Do you recall
15:32:11 10 saying that?

11 A. I said it was the government who sent them there, The
12 government that was in power.

13 Q. And the government that was in power at that time was the
14 NPRC, yes?

15:32:29 15 A. Yes.

16 MR ANYAH: Thank you, Madam Court Officer:

17 Q. Mr Witness, while you have been here in The Hague with
18 Ibrahim Fofana, have the two of you talked about what you would
19 say in court?

15:32:57 20 A. No.

21 Q. When Mr Fofana came here on Tuesday to testify, when you
22 saw him later that day, did you and him speak?

23 A. Except when I asked him if he had completed.

24 Q. You meant if he had completed his testimony, yes?

15:33:26 25 A. Yes.

26 Q. And what did he say, Mr Witness?

27 A. He said he had completed.

28 Q. Did you ask him what kind of questions he was asked?

29 A. No.

1 Q. Did he tell you whether or not he saw Charles Taylor on
2 Tuesday?

3 A. We did not talk about anything that obtained in the court.

15:34:04

4 Q. Did you and him ever talk about what happened to the two of
5 you in Sierra Leone in 1998?

6 A. No.

7 Q. Since you have been here in The Hague at no time did the
8 two of you discuss Staff Alhaji Bayoh. Is that your evidence,
9 Mr Witness?

15:34:33

10 THE INTERPRETER: Your Honours, can the witness repeat that
11 answer.

12 PRESIDING JUDGE: Mr Witness, the interpreter needs you to
13 repeat your answer. Please repeat what you said.

14 MR ANYAH:

15:34:49

15 Q. Mr Witness, since you have been in The Hague with Ibrahim
16 Fofana, that name Staff Alhaji Bayoh, has it ever come up in your
17 discussions?

18 A. No.

19 Q. Do you know where Ibrahim Fofana is - well, I withdraw
20 that. Did you and Ibrahim Fofana ever talk about his children?

15:35:13

21 PRESIDING JUDGE: Which children? Mr Fofana's children?

22 MR ANYAH: Yes:

23 Q. Did you and him ever talk about Mr Fofana's children?

24 A. No.

15:35:29

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

26 PRESIDING JUDGE: Yes, certainly.

27 MR ANYAH:

28 Q. A few more questions, Mr Witness. Have you ever heard of
29 somebody named Momoh Gi bba?

1 A. No.

2 Q. Now, Mr Witness, the rebels that took you through Peyima
3 all the way to Tombodu where your arms were amputated, those
4 rebels did not have any kind of communications equipment with
15:37:22 5 them, correct?

6 A. No, I did not see any equipment with them.

7 Q. Indeed, you told us that there were three groups of rebels
8 in the sense that one group was going to Tombodu, yes?

9 A. Yes.

15:37:45 10 Q. One group was going towards Kayima, correct?

11 A. Yes.

12 Q. And one group was going towards Yarwa, yes?

13 A. Yarya.

14 Q. Yes.

15:38:03 15 A. Yes.

16 Q. Now, from the first time you encountered the rebels when
17 they came to Worodu and captured you, up until the time you went
18 to Tombodu, you did not see any of them with anything that looked
19 like a walkie-talkie or radio communications equipment, yes?

15:38:32 20 A. No.

21 Q. Indeed, the Prosecution asked you questions to that extent
22 when you first spoke with them in 2003 and you said, "I didn't
23 see any handset or walkie-talkie in Tombodu", yes?

24 A. No.

15:38:55 25 Q. And apart from Tombodu, when you said the rebels had come
26 in April 1998, you also said, "I didn't see any of the rebels
27 with a walkie-talkie", yes?

28 A. I did not see that.

29 Q. So it is fair to say that these different groups of rebels,

1 as far as you know, were not using any communications equipment
2 to speak with each other as one group was going to Tombodu, the
3 other one was going to Yarya, and the other one was going to
4 Kayima?

15:39:37 5 A. I did not see it with them.

6 MR ANYAH: Thank you, Madam President. I have nothing
7 further.

8 PRESIDING JUDGE: Thank you, Mr Anyah. Mr Koumjian, have
9 you re-examination of the witness?

15:39:50 10 MR KOUMJIAN: No, your Honour, I have no further questions
11 of Mr Mansaray. Thank you.

12 PRESIDING JUDGE: Thank you.

13 Mr Witness, I would like to clarify something you said
14 earlier and counsel, I am now referring to the witness's evidence
15:40:12 15 concerning the women that were sitting on the hill crying. You
16 were asked, Mr Witness, and you said you met - first you said you
17 met three women who were sitting on the hill crying. Counsel,
18 that is page 53, line 23.

19 THE WITNESS: No.

15:40:31 20 PRESIDING JUDGE: And later you said there were two women
21 sitting on the hill crying and that is line 56 - excuse me --

22 THE WITNESS: I never spoke about three women.

23 PRESIDING JUDGE: I see. Thank you. That is my question,
24 Mr Witness. How many women were there?

15:40:46 25 THE WITNESS: Two.

26 PRESIDING JUDGE: Thank you. Questions arising, counsel?
27 No. If there are no other matters I will release the witness.

28 Mr Witness, that is the end of your evidence here in court
29 today and we thank you for coming to court to give your evidence.

1 We wish you a safe journey home. Thank you.

2 THE WITNESS: Amen.

3 PRESIDING JUDGE: Mr Koumjian?

15:42:41

4 MR KOUMJIAN: Your Honour, my colleague Mr Bangura has
5 carriage of the next witness.

6 PRESIDING JUDGE: Thank you, Mr Bangura.

15:43:00

7 MR BANGURA: Good afternoon, Madam President, your Honours
8 and counsel opposite. Your Honours, the next witness for the
9 Prosecution is TF1-201. Your Honours, this is a witness who has
10 not testified before the Special Court at any time and he is
11 presently covered by pre-trial protective measures. Your
12 Honours, these are measures that were ordered by Trial Chamber I.
13 There were three decisions that covered those measures, two of
14 them came out on 23 May 2003 and one came out on 10 October 2003.

15:43:39

15 Your Honours, the witness, I submit, is covered by the
16 decision of 10 October 2003. He made a statement to the
17 Prosecution prior to that decision coming out, but after the
18 earlier ones.

15:44:04

19 Your Honours, the witness has indicated that he is willing
20 to testify openly before this Chamber. The pre-trial measures
21 that apply to this witness entitle him to be referred to by a
22 pseudonym as well as other measures which are intended to protect
23 his identity. In view of his preference to testify openly, I
24 respectfully apply that those measures which require that he be
25 referred to by pseudonym and that his identity be withheld be
26 rescinded. Specifically, your Honour, I refer to orders (b), (c)
27 and (e) of the orders granted in the decision of 10 October 2003.
28 I should say this application is consistent with previous
29 applications we have made in respect of other witnesses,

1 particularly TF1-173.

2 JUDGE SEBUTINDE: Mr Bangura, to expedite matters do you
3 have a copy of the 10 October 2003 decision?

15:46:02

4 MR BANGURA: Yes, I do have just one copy here. There are
5 more copies here if I can have your further assistance, please.

15:47:25

6 PRESIDING JUDGE: Mr Bangura, I have the decision you have
7 kindly handed up to us and I am just looking for the actual
8 orders (b), (c) and (e) that you refer me to. On page 3 of that
9 decision there is a recital of the requests to issue orders and
10 they have (a), (b), (c), et cetera, but I am looking for the
11 actual order. Is that on page 22, or I am a little --

12 MR BANGURA: [Microphone not activated].

15:47:50

13 PRESIDING JUDGE: I see. Maybe in the circumstances I will
14 pass you back mine and you can mark them so that we are all clear
15 what exactly we are talking about. Mr Court Usher, could you
16 assist and pass this document back to counsel. Thank you.

17 JUDGE SEBUTINDE: Perhaps I could request our legal staff
18 to post these decisions on to the Court file so we can all
19 access, because we can't see.

15:48:23

20 PRESIDING JUDGE: Your light is not on, but you are on your
21 feet.

15:48:42

22 MR ANYAH: Yes, Madam President. Yes, I am on my feet
23 simply because I seem to recall this issue is currently sub
24 judice and when the issue arose on 29 September in respect of
25 TF1-173 the Prosecution advanced four decisions, three of which
26 were consolidated, we were told, into a decision on 5 July 2004
27 and perhaps that explains why you have not been able to find the
28 relevant parts of the order that has been referred to.

29 I don't wish to speak further because there are submissions

1 I recall currently pending on this issue. It was a majority
2 decision by your Honours, Justice Sebutinde dissenting, vis-a-vis
3 the question of whether or not these three pre-trial decisions,
4 23 May 2003 in the Issa Hassan Sesay case, 23 May 2003 decision
15:49:29 5 in the Morris Kallon case, and the 10 October 2003 decision
6 specifically focused on defendant or accused Augustine Gbao, all
7 supposedly consolidated into 5 July 2004 decision. We took
8 exception to it, your Honours rendered a ruling and I believe
9 there are submissions pending on this matter.

15:50:04 10 PRESIDING JUDGE: Mr Bangura, can you assist in reply to
11 Mr Anyah's submissions?

12 MR BANGURA: Your Honour, counsel is right to the extent
13 that the pre-trial protective measures which were granted came
14 from three different decisions as I have pointed out earlier and
15:50:23 15 there was a consolidation at a later stage and this was when
16 there was an application for joinder of the three individual
17 accused persons to be tried in one case and then in that decision
18 these three prior decisions were incorporated into one. That is
19 quite right.

15:50:53 20 PRESIDING JUDGE: Yes.

21 MR BANGURA: Your Honours, the position is that I have gone
22 back to arguments which were heard in court when this matter - I
23 think when it first came up and the position is that counsel - I
24 should not misstate it, but the position was that Justice Lussick
15:51:20 25 I remember quite clearly in the interests of ensuring that we
26 made progress considering that there was in fact no - there was
27 an application to rescind, thought it was not necessary for the
28 arguments to be furthered when the position was clearly to make
29 some progress with the witness and not to hold the Court back on

1 the application of those measures.

2 Your Honours, my recollection is that at that point - and I
3 am referring to the case of witness TF1-173, and at that point
4 the counsel for the Defence did not continue to argue against the
15:52:11 5 application which the Prosecution had made for rescision of the
6 motion since it was in the interests of going on with the witness
7 without the measures. That is my recollection.

8 MR ANYAH: Madam President, there are pleadings pending
9 about this issue and we are not going back on the decision. I
15:52:31 10 will merely state our position. The only reason I sought to
11 clarify the record is that counsel's application referred you to
12 the 10 October 2003 decision. That is in error.

13 This issue, the way it has been dealt with, has viewed it
14 an issue that relates to the 5 July 2004 decision with those
15:52:54 15 three pre-trial decisions - 23 May, the two decisions
16 respectively in Sesay and in Kallon, and the 10 October decision
17 in Gbao - being consolidated into the decision in May 2004. So
18 if they are making any application for rescision it necessarily
19 must derive from orders issued from 5 July 2004 and not from just
15:53:20 20 the Gbao decision, but it is their application to make. Our
21 position is simple. We have made an objection to it, the matter
22 is sub judice, we stand by the objection.

23 PRESIDING JUDGE: The current application, the application
24 before us now, is to rescind protective measures in respect of a
15:53:40 25 witness TF1-201. Do you object to that application?

26 MR ANYAH: I was hoping your Honours would appreciate that
27 in principle we have no objection and I do not object. I am
28 merely reinforcing our position that while we do not object to
29 rescision in this specific case, we do not concede that the order

1 invariably applies to this witness.

2 PRESIDING JUDGE: I understand your position. I appreciate
3 what you're saying.

4 MR BANGURA: Your Honour, may I be heard for what I submit
15:54:12 5 is a misconstruing of the history of this matter as it is. Your
6 Honour, this witness is not covered by the July 2004 decision
7 which my learned friend is referring to. This witness is a
8 witness who had pre-trial protective measures under one of the
9 three decisions that came before and in the July 2004 decision
15:54:48 10 additional measures were granted and those measures were intended
11 for witnesses who went to trial, who were called in trial. This
12 witness, as I mentioned earlier, never testified. He has never
13 testified before.

14 JUDGE SEBUTINDE: Mr Bangura, the matter is very clear and
15:55:05 15 simple in my view. Just point us to the decisions under which
16 this witness claims protective measures, please.

17 MR BANGURA: Your Honours --

18 JUDGE SEBUTINDE: If you are not sure say so, but we cannot
19 be going around in circles guessing.

15:55:45 20 MR BANGURA: Your Honours, I refer to page 3 of the
21 decision.

22 JUDGE SEBUTINDE: Of what decision? We are talking about
23 ten decisions now; which one?

24 MR BANGURA: 10 October 2003, your Honour. That is the
15:55:58 25 decision under which I have indicated that this witness falls.

26 PRESIDING JUDGE: Yes, and as I said to you, Mr Bangura,
27 page 3 is a recital of the motion; it is not the order. Just
28 direct us to where the order was granted, hence my question: Am
29 I to refer to page 22 of that decision?

1 MR BANGURA: That is correct, your Honour. Page 22.

2 JUDGE SEBUTINDE: Mr Bangura, I would like to know where
3 witness TF1-201 is referred to in this decision.

4 MR BANGURA: Your Honour, the witnesses in respect of who
15:57:06 5 these pre-trial measures were applied for at the time of the
6 application - well, the application was meant to protect
7 witnesses who were being either interviewed or from whom
8 statements had been taken by the Prosecution before even trial
9 commenced, and this was a witness one of whom had been
10 interviewed by the time this decision was granted, and it was
11 intended in a very general sense to cover witnesses in that
12 category. He was one and the statement that he provided at the
13 time he gives this decision.

14 JUDGE SEBUTINDE: If I understand you, Mr Bangura, and I am
15:57:48 15 looking at page 3, which says "Motion", under the title "Motion",
16 it says, "The Prosecution divides its witnesses into two groups
17 based on the witness list filed on 26 April 2004, that is
18 witnesses of fact" and it gives three categories, and then "2.
19 Expert witnesses". So these are the two categories that this
15:58:17 20 decision refers to, am I correct?

21 MR BANGURA: Correct, your Honour.

22 JUDGE SEBUTINDE: And witness TF1-201, which of these
23 categories does he fall into?

24 MR BANGURA: Under the first category, your Honours,
15:58:31 25 witness of fact.

26 JUDGE SEBUTINDE: Yes, under (a), (b) or (c)?

27 MR BANGURA: Your Honour, he doesn't fall under any of
28 those subcategories.

29 JUDGE SEBUTINDE: So how then do you say that this decision

1 applies to him?

2 MR BANGURA: Your Honour, if we go back to - this is an
3 argument that - your Honours, can I seek further guidance from my
4 Case Manager?

15:59:01 5 PRESIDING JUDGE: Yes, please do.

6 MR BANGURA: [Microphone not activated] point again that
7 this witness falls into a group of witnesses who at the time this
8 application was made were potentially considered to be witnesses
9 for the Prosecution at trial, and the measures applied for at the
16:00:01 10 time were intended to protect those witnesses as the Prosecution
11 continued to talk to them and continued to obtain information
12 from them in the form of statements. At that time there was not
13 what you might call a precise witness list in that the
14 Prosecution was still talking to quite a number of people and so
16:00:35 15 he would have been one of a number of witnesses considered to be
16 a factual witness.

17 [Trial Chamber conferred]

18 PRESIDING JUDGE: By a majority decision, Justice Sebutinde
19 dissenting, we note the application to rescind protective
16:05:24 20 measures and we note Defence counsel's submission that it may be
21 sub judice. In any event, we note that the application is not
22 opposed and the witness has elected to give evidence without
23 protective measures and the matter may proceed with the witness
24 being called without protective measures.

16:05:47 25 MR BANGURA: Your Honours, the witness will testify in
26 Krio.

27 PRESIDING JUDGE: Mr Interpreter, your Krio colleagues are
28 in position?

29 THE INTERPRETER: Yes, your Honour.

1 PRESIDING JUDGE: Thank you. Yes, Mr Anyah.

2 MR ANYAH: I just wish to refer your Honours, for ease of
3 reference, to the pleadings that I was referring to as being sub
4 judice. In respect of that issue that arose I was struggling
16:07:34 5 trying to find them and I have. The first one was filed by the
6 Defence and the correct sequence, the first witness in question
7 when it arose was TF1-065 and that arose on or about 24
8 September. The CMS number is 609. That was the first
9 application made by the Defence.

16:08:03 10 PRESIDING JUDGE: Yes.

11 MR ANYAH: There have since been subsequent pleadings
12 concerning what your Honours have just reiterated.

13 PRESIDING JUDGE: I am always cautious to not cite anything
14 if there is a possibility that it is sub judice. I appreciate it
16:08:19 15 is a different witness and there are arguments, but I am going to
16 let it lie at that, Mr Anyah.

17 MR ANYAH: Yes, thank you, Madam President.

18 PRESIDING JUDGE: Please proceed, Madam Court Officer.

19 WITNESS: SHEKU BAH KUYATEH [Sworn]

16:09:30 20 EXAMINATION-IN-CHIEF BY MR BANGURA:

21 Q. Good afternoon, Mr Witness.

22 A. Good afternoon, sir.

23 Q. Mr Witness, I am going to ask you some questions this
24 afternoon about events that occurred in your life some time back.

16:10:02 25 I ask that when you give your answers you try not to speak too
26 fast, because what you say is being recorded and you are also
27 being interpreted, okay? Do you understand?

28 A. Yes, sir.

29 Q. Can you tell the Court your name, please?

- 1 A. Yes, sir. My name is Sheku Bah Kuyateh.
- 2 Q. Can you spell your name for the Court?
- 3 A. Yes, sir. S-H-E-K-U B-A-H K-U-Y-A-T-E-H, Kuyateh.
- 4 Q. How old are you, Mr Kuyateh?
- 16:11:02 5 A. This is my 52nd year.
- 6 Q. Where were you born?
- 7 A. I was born in Kagahun village, Kayamba Chiefdom in the
8 Moyamba District.
- 9 MR BANGURA: Your Honours, Kagahun is K-A-G-A-H-U-N and
16:11:28 10 Kayamba is K-A-Y-A-M-B-A:
- 11 Q. What do you do for a living?
- 12 A. Well, at the moment I sell firewood in my veranda together
13 with my wife. She helps me to sell the firewood.
- 14 Q. What is the make up of your family?
- 16:12:11 15 A. I, my wife and my children.
- 16 Q. How many children do you have?
- 17 A. I have five children, sir.
- 18 Q. Which ethnic group do you belong to in Sierra Leone?
- 19 A. I am a Mandingo by tribe, sir.
- 16:12:44 20 Q. Did you go to school?
- 21 A. I did not go to any proper schooling. I stopped at Class
22 7. I can sign my name.
- 23 Q. And what languages do you speak?
- 24 A. I speak four languages, sir.
- 16:13:04 25 Q. What are those languages?
- 26 A. I speak Mandingo, that is my tribe. I speak Temne, Mende
27 and then I can understand some English.
- 28 PRESIDING JUDGE: I think the witness is giving evidence in
29 Krio, isn't he?

1 MR BANGURA: Yes, your Honour.

2 PRESIDING JUDGE: So we will add that one to the list.

3 THE WITNESS: Yes, sir.

4 MR BANGURA:

16:13:36 5 Q. Do you recall the events of 25 May 1997?

6 A. Yes, sir.

7 Q. Now, at this time where were you?

8 A. I was in Koidu Town in Kono.

9 Q. And what were you doing in your life at this time?

16:14:13 10 A. At that time I was a security in a mining company.

11 THE INTERPRETER: Your Honours, can he kindly repeat the
12 name of the company.

13 PRESIDING JUDGE: Mr Witness, the interpreter asks that you
14 repeat the name of the mining company.

16:14:31 15 THE WITNESS: The company was called Joe Gab Company, sir.

16 MR BANGURA: Your Honours, Joe Gab is J-O-E G-A-B:

17 Q. You said this company was a mining company, am I correct?

18 A. Yes, sir.

19 Q. So you have said that you do recall the events of 25 May
16:15:06 20 1997. What do you recall about that date?

21 A. That day I was in the swamp. I was in the swamp when I
22 heard a radio announcement that Pa Kabbah has run away. That was
23 - that announcement was made by a man who called himself Gborie.

24 Q. Now when you say you were in the swamp, what do you mean?

16:15:41 25 A. That was the place where we were mining the diamonds where
26 the machines were. We called there swamp.

27 Q. Thank you. Now you said you heard an announcement by a man
28 who called himself Gborie. What exactly did you hear him say?

29 A. He said that they have overthrown the SLPP government and

1 Pa Kabbah has run away.

2 Q. After hearing this announcement, did anything happen? Did
3 you observe anything?

4 A. Yes, sir.

16:16:36 5 Q. What did you observe?

6 A. What I observed was that on the following day the soldiers
7 took over the entire Koidu Town.

8 Q. Now, before this time were there soldiers there?

9 A. Yes, there were soldiers there. That is the real soldiers
16:17:03 10 who were there at that time.

11 Q. And you said that after hearing this announcement the
12 soldiers had taken over the whole town. When you said they had
13 taken over the whole town, what exactly do you mean?

14 A. Well, the soldiers who were there initially were the
16:17:30 15 soldiers whom Tejan Kabbah had there, but when they announced
16 that they had overthrown Tejan Kabbah, those who went there just
17 went there forcefully.

18 Q. And did anything happen when these soldiers took over the
19 town?

16:17:53 20 A. Yes, sir.

21 Q. What happened?

22 A. When they went there they started looting in the entire
23 town and they caused all the companies to close down. Even our
24 own company closed down. Everybody, the white men who were in

16:18:11 25 the town, all of them left. All of them left the place. We, the
26 securities, remained in the swamp, sir. The rich people left the
27 town because of the looting that was carrying on.

28 Q. And who do you say was doing the looting?

29 A. It was the AFRC soldiers who entered there, sir.

1 Q. Apart from the soldiers who entered Koidu Town, did any
2 other group come into Koidu Town at this time?

3 A. Yes, sir.

4 Q. What group was that?

16:18:58 5 A. It was the RUF, sir.

6 Q. How did you know that this group was called the RUF?

7 A. Well, the way when they came they were not wearing any
8 uniforms, but all of them had guns. They too when they came,
9 they were just looting in the town, sir.

16:19:24 10 Q. Do you know whether the RUF who came were acting separately
11 from the soldiers who you said had come earlier and were also
12 looting?

13 A. Yes, sir. The RUF were in their own place and the AFRC
14 were in their own place, sir.

16:19:57 15 Q. As a result of this looting, did anything happen to you
16 yourself?

17 A. Yes, sir.

18 Q. What happened?

19 A. Well, they captured me too, sir. We were working with them
16:20:21 20 for the nine months that we were with them, sir.

21 Q. Who captured you?

22 A. It was the RUF, sir.

23 Q. Mr Witness, you said you were captured by the RUF and what
24 did you do when they captured you? What were you doing with
16:20:55 25 them?

26 A. Well, when they captured us, at that time we were slaves.
27 Wherever they wanted to put us that was where we were to be.
28 That's why I said we were working with them, sir.

29 Q. What work did you yourself do for the people that captured

1 you?

2 A. Well, we were mining diamonds for them, Papa.

3 Q. How long did you yourself mine diamonds for the RUF that
4 captured you?

16:21:42 5 A. Well, at the time that I was captured I dug diamonds for
6 them on only one day.

7 Q. Do you know about other people who were captured, how long
8 they worked for the RUF that captured them?

9 A. Well, those whom they captured, I did not know about them.
16:22:08 10 I only knew about myself. I never wanted to be with them, sir.

11 Q. Now these people that came to Koidu Town, the RUF and the
12 soldiers, do you know whether they had any of the bosses with
13 them in Koidu Town?

14 A. Yes, sir.

16:22:37 15 Q. What do you know about the bosses?

16 A. Well, at the time that we were captured when we were in the
17 township, sir, they called a meeting at their secretariat. So
18 we, the civilians, went there to eavesdrop to see the type of
19 people who had come. When we went to the secretariat, somebody
16:23:02 20 identified Mosquito to me and I saw SAJ Musa, someone whom I had
21 known before, and so many other men who were their bosses whose
22 names I do not know. But I saw all of them at the Executive
23 Mansion there, sir.

24 Q. Mr Witness, I heard you say secretariat before and I have
16:23:25 25 just heard Executive Mansion. Where exactly was this meeting
26 held that you are talking about?

27 A. At the secretariat, sir.

28 Q. And when you say Executive Mansion, what do you mean?

29 A. I mean the secretariat. I just forgot. It's the

1 secretariat. There is no Executive Mansion there.

2 Q. Do you recall February of 1998?

3 A. Yes, sir.

4 Q. Where were you at this time?

16:24:18 5 A. I was in Koidu Town, sir.

6 Q. Do you recall anything happening about this time while you
7 were in Koidu Town?

8 A. Yes, sir.

9 Q. What do you recall?

16:24:41 10 A. Well, we were in Koidu Town when we heard an announcement
11 over the radio that ECOMOG had taken over Freetown.

12 Q. Taken over Freetown from who?

13 A. From the RUF and they took over from the AFRC, sir.

14 Q. After hearing this announcement, did you observe anything
16:25:07 15 in Koidu Town?

16 A. Yes, sir.

17 Q. Well, perhaps let me ask was there any reaction to this
18 news after you had heard the announcement? Was there any
19 reaction in Koidu Town at all by anyone?

16:25:33 20 A. Yes, sir.

21 Q. What reaction did you observe in Koidu Town at the time?

22 A. Well, it was on that day that another group came there,
23 sir.

24 Q. Now, which group was this?

16:26:02 25 A. Well, that particular group was the RUF. They entered
26 there, sir.

27 Q. Now, the local people in Kono - in Koidu Town - did they
28 react at all to the news about the overthrow of the AFRC in
29 Freetown?

1 A. Yes, sir.

2 Q. How did they react?

3 A. Well, on the first day and the second day looting was going
4 on very seriously, sir. They looted on the first and the second
16:26:47 5 day and on the third day we, the youths in Koidu Town, resolved
6 that rather than sit by and all of us be killed because these
7 particular people who have come we should fight against them. We
8 would be on it and ECOMOG would come.

9 Q. I ask you, Mr Witness, to try and speak slowly, not too
16:27:13 10 fast.

11 PRESIDING JUDGE: I agree with you, Mr Bangura, and we have
12 been alerted to the fact that the tape has just about run out so
13 I trust this is a convenient point to adjourn.

14 MR BANGURA: Very well, your Honour.

16:27:25 15 PRESIDING JUDGE: Thank you.

16 Mr Witness, this is the time we normally finish court for
17 the day. We are going to adjourn now until tomorrow at half past
18 9. I wish to tell you that now that you have taken the oath to
19 tell the truth you must not discuss your evidence with any other
16:27:40 20 person until all your evidence is finished. Do you understand?

21 THE WITNESS: All right, sir.

22 PRESIDING JUDGE: Thank you, Mr Witness. Please adjourn
23 court until tomorrow morning at 9.30.

24 [Whereupon the hearing adjourned at 4.30 p.m.
16:27:57 25 to be reconvened on Friday, 31 October 2008 at
26 9.30 a.m.]

27
28
29

I N D E X

WITNESSES FOR THE PROSECUTION:

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CROSS-EXAMINATION BY MR ANYAH	19633
SHEKU BAH KUYATEH	19679
EXAMINATION-IN-CHIEF BY MR BANGURA	19679