



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 30 SEPTEMBER 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 Simon Meisenberg
Ms Doreen Kiggundu
Ms Carolyn Buff

For the Registry:

Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

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

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Tuesday, 30 September 2008

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.30 a.m.]

09:23:32 5 PRESIDING JUDGE: Good morning. I will take appearances
6 and I also notice that the accused is not in court, but I will
7 take appearances first and deal with that next. Mr Koumjian,
8 please.

9 MR KOUMJIAN: Good morning, your Honours, counsel. For the
09:29:13 10 Prosecution, Christopher Santora, Maja Dimitrova and myself,
11 Nicholas Koumjian.

12 PRESIDING JUDGE: Thank you, Mr Koumjian. Mr Anyah?

13 MR ANYAH: Yes, good morning, Madam President. Good
14 morning, your Honours. Good morning, counsel. For the Defence
09:29:29 15 appearing are Mr Terry Munyard and myself, Morris Anyah.

16 With respect to the absence of Mr Taylor, if it please the
17 chamber Mr Taylor, as your Honours know, is of the Jewish faith
18 and today is the beginning of the Jewish New Year, Rosh Hashana.
19 He did call me this morning to indicate he would not be in
09:29:51 20 attendance, but he did expressly give us his consent to proceed
21 in his absence and we are hopeful that your Honours can
22 accommodate that request.

23 PRESIDING JUDGE: Thank you. Allow me I to confer.

24 [Trial Chamber conferred]

09:30:06 25 We note Mr Taylor's wish to observe his day of - I'm not
26 sure if it's a day of worship or a day of holiday, but in any
27 event a religious day and his acquiescence for the trial to
28 continue in his absence in accordance with Rule 60 and we grant
29 that request.

1 MR ANYAH: Thank you, Madam President.

2 PRESIDING JUDGE: I will now remind the witness of his
3 oath. Mr Witness, good morning. I hope you have rested well. I
4 wish to remind you that yesterday you took the oath to tell the
09:30:46 5 truth. That oath continues to be binding upon you and you should
6 answer questions truthfully. Do you understand?

7 THE WITNESS: Yes, Madam.

8 WITNESS: ABDUL OTONJO CONTEH [On former oath]

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

09:31:01 10 EXAMINATION-IN-CHIEF BY MR KOUMJIAN: [Cont.]

11 Q. Good morning, sir.

12 A. Good morning, sir.

13 Q. I would just like to ask you a few questions clarifying
14 some of the answers you gave us yesterday. You spoke very
09:31:14 15 clearly, but there were a few areas I would like to get a little
16 further explanation. The first for the benefit of counsel and
17 your Honours appears at page 17503 of yesterday's transcript.

18 Sir, we were talking yesterday about 1994 and you had said
19 that the RUF - on line 7 - was in Tongo Fields for about nine
09:31:42 20 months. I then asked you if they had complete control of the
21 area and you said no. Then I asked you to explain and this is
22 the answer that you gave. You said: "Well they did not have
23 complete control over the area because our own soldiers also were
24 there". Can you give a little further explanation. What did you
09:32:05 25 mean when you said the RUF did not have complete control of Tongo
26 Fields in '94 because your own soldiers were there?

27 A. Well, Tongo Field by that time, 1994, when they overthrew
28 the entire place and then drove the civilians there, it became a
29 no man's land. There were soldiers who were visiting there, but

1 they were not based there. The rebels also were visiting there
2 but they were not based there. Both the combatants were afraid
3 of themselves. The rebels were afraid of our soldiers and our
4 soldiers were also afraid of the rebels, so they never settled
09:32:47 5 there. It was no man's land for nine good months.

6 Q. Thank you for that. That helps us understand it. First of
7 all, a few more clarifications just so we are clear on the
8 record. When you say "our soldiers" and "their soldiers", which
9 soldiers did you mean?

09:33:02 10 A. Sierra Leone soldiers and then RUF soldiers.

11 Q. And just so again we are absolutely clear, in '94 what was
12 the relationship at that time between the RUF and the Sierra
13 Leone soldiers that were coming and going to Tongo Fields? Were
14 they allies or not at that time in 1994?

09:33:21 15 A. No, sir, they were not allied. They were not in good
16 condition. There was a vast difference between them. Both of
17 them I can say were enemies.

18 Q. Okay, thank you.

19 A. Yes, sir.

09:33:31 20 Q. And how did that situation effect the civilians, the fact
21 that Tongo Fields was a no man's land at that time?

22 A. Well, all the civilians were not there. We were all at
23 Kenema or other places in other chiefdoms.

24 Q. Okay, thank you. Perhaps you could explain why did the
09:33:50 25 civilians leave then in '94?

26 A. Well, we took RUF as an enemy because they were very
27 wicked.

28 Q. Okay, so you left --

29 A. We left Tongo Fields completely.

1 Q. Thank you.

2 A. The entire chiefdom.

3 Q. Thank you. Thank you for that explanation. Now, on page
4 17529 we were talking about another subject and that is I had
09:34:17 5 asked you at line 12 about any reports you took to Lieutenant
6 Sekou Kunnateh.

7 A. Yes, sir.

8 Q. And then you went on and gave an explanation about the
9 massacre or the killing of 15 persons or more, you saw 15 bodies
09:34:36 10 at Bumpé.

11 A. Yes, sir.

12 Q. But perhaps it's my fault. It wasn't clear, I didn't ask
13 you, did you in fact report that to Lieutenant Kunnateh?

14 A. Yes, sir, we made a report to Lieutenant Kunnateh, OC
09:34:53 15 secretariat.

16 Q. Tell us about that in a little more detail. Who went and
17 gave the report?

18 A. The committee to - the Lower Bambara caretaker committee
19 headed by Abdul Otonjo Conteh.

09:35:07 20 Q. Yourself?

21 A. Yes, sir.

22 Q. So when you went to Lieutenant Kunnateh and made the report
23 did you do that orally or in writing?

24 A. No, we did it orally.

09:35:16 25 Q. What was his response?

26 A. He said he was going to tell Mosquito.

27 Q. Okay. Was that the only incident that you reported to
28 Lieutenant Kunnateh?

29 A. No, sir, several times we reported to OC secretariat

1 Lieutenant Kunnateh.

2 Q. What kinds of incidents did you report to Lieutenant
3 Kunnateh?

4 A. One when they retired police John Dakowah was killed at
09:35:44 5 Panguma and then the report was brought to us in the office, we
6 marched ourselves to his office and then made a report to him.

7 Q. What was his response?

8 A. He said he was going to tell Mosquito.

9 Q. Thank you. Anything else?

09:36:01 10 A. Then again on 16 September, when they said RUF soldiers
11 went to fight against the Kamajors in Dodo, while they were
12 returning they killed the town chief, Chief Vandi Sei at Panguma.
13 The report was brought to us. Then we went and reported it to
14 him in his office. He said he was going to tell Mosquito. After
09:36:28 15 that, then it was the same date that they killed over 15 people
16 in Bumpe. Then again a village called Madaahun, about three and
17 a half miles from Tongo, a man and his wife were killed. They
18 term them as Kamajor or Kamajors supporters. We went again and
19 made a report in the office. He said he was going to tell
09:36:59 20 Mosquito, see. Then even these people were, the civilians again
21 we were mining at Pandebu and then were killed by those child
22 combatants that one we just - we told him. He said, "Well, the
23 report came from Sam Bockarie alias Mosquito. He sent those boys
24 so that he is not going to handle it."

09:37:26 25 When again people, two civilians were killed at Sandeyeima
26 swamp we carried the report again to him. He said that one,
27 Mosquito sent those child combatants so he is not going to handle
28 that. From Wuiima again, when at the mining site, three civilians
29 were killed. Then two people brought the report to us. We went

1 again and they reported to the OC secretariat, Kunnateh. He said
2 he was not going to take that - handle that. Nobody has right to
3 mine in Lower Bambara Chiefdom. Everybody was to mine for AFRC
4 government. So he didn't do anything towards that, see.

09:38:10 5 Q. Thank you, sir.

6 A. Yes.

7 Q. Sir, perhaps you could help us with a spelling. You gave
8 us the name on page 6, it is on line 8 I believe on mine, of the
9 village where the couple were killed, Madaahun. Can you spell

09:38:25 10 Madaahun?

11 A. Madaahun.

12 Q. Madaahun.

13 A. M-A-D-A-A-H-U-N.

14 Q. Thank you.

09:38:45 15 JUDGE SEBUTINDE: I am not sure. Could you spell it again,
16 please.

17 MR KOUMJIAN: Perhaps I will spell it and sir --

18 THE WITNESS: M-A-D-A-A-H-U-N, Madaahun.

19 MR KOUMJIAN: Thank you. Is that sufficient?

09:39:01 20 JUDGE SEBUTINDE: Mr Koumjian, there was an earlier village
21 where the RUF soldiers went to fight against the Kamajors in
22 Kordu [phon] or something like that. What was the name of that
23 village again?

24 THE WITNESS: It is only Dodo they went there twice. They
09:39:17 25 went there on 8 September and then again on 16 September. Dodo.

26 JUDGE SEBUTINDE: Would you spell the name of that village,
27 please.

28 THE WITNESS: Dodo. Then the chiefdom also is called -
29 D-0-D-0, Dodo.

1 MR KOUMJIAN:

2 Q. And the name of the chiefdom that Dodo is in, I believe you
3 mentioned that?

09:39:39

4 A. Yes. The headquarters town is Dodo. Then the chiefdom
5 also is known as Dodo Chiefdom.

6 Q. Okay. Thank you sir.

7 A. Yes, sir.

09:40:06

8 Q. When we were completing your testimony yesterday you told
9 us about leaving the Lower Bambara Chiefdom and going eventually
10 to Bo, going to Kenema and then Bo. First, I just want to check
11 because the President, the Presiding Judge, had a question about
12 your first proverb which I see has, on the corrected transcript,
13 was picked up correctly, but perhaps you could repeat it and then
14 explain its meaning. What is the first proverb you gave, sir?

09:40:27

15 A. Well, when I got out I had that emergency meeting after
16 being saved by Captain Rasis, Abdul Rasis, I used two proverbs.
17 I quote. The first proverb was - I said "You see these soldiers.
18 You see these rebels. They are all now specimens of identical
19 plumage that congregate in the same proximity." Then I turned to
20 my chairman --

09:41:03

21 Q. Sir, just a moment. I just want to make sure we understand
22 that proverb. I think it is similar to one that I have heard of
23 which is birds of a feather flock together, but can you explain
24 what it means to you?

09:41:17

25 A. Yes. Then, in other words, I can say it: People who eat
26 rotten meat smoke the same pipe. It means that they all have the
27 same character now.

28 Q. Okay, thank you.

29 A. Those two groups.

1 Q. And the second proverb you gave was uneasy lies the crown -
2 sorry, uneasy lies the head which holds the crown?

3 A. Yes, that wears the crown.

4 Q. Wears the crown. Can you explain the meaning of that?

09:41:44 5 A. Yes, sir.

6 Q. Relative to your situation. Explain how it is relevant to
7 your situation at that time.

8 A. Okay. In ordinary terms, when there's a fight, a person
9 fighting with a baton all will look out for bigger heads. That
09:42:06 10 is, when there is a problem you, the leaders, have to be
11 man-handled first before ever they think of others. That is what
12 that means.

13 Q. Okay. Thank you, sir. Now, can you remind us what was the
14 date that you left Lower Bambara Chiefdom and Tongo Fields?

09:42:29 15 A. I left Lower Bambara Chiefdom on 10 November 1997.

16 Q. Okay, thank you. Sir, I only have one more question for
17 you. I just ask you in your own words: Can you explain to us in
18 this courtroom what it was like for you for that time period that
19 the RUF and AFRC were in Tongo Fields from 11 August until you
09:42:51 20 left in November? What was life like for you and the other
21 civilians in your chiefdom?

22 A. The life was not really suitable, but we were under threat
23 to just work with them because already they have stated that if
24 we don't work with them, while we have been working with the
09:43:12 25 other three governments, i.e. the APC government, the PRNC
26 government and then the SLPP government, now AFRC government is
27 in power and we have run away from the chiefdom, therefore, we
28 don't favour their government and wherever they caught anyone
29 that was in - that was a native of Lower Bambara Chiefdom they

1 were going to kill him. So, with that threat, we all came to one
2 with paramount chief to form that committee and then just be
3 camouflaging them as if we were part of them, but we were not to
4 take any part actively in their bad doings, but only to go there
09:44:11 5 and make sure that our brothers and sisters who were in the bush,
6 we move them from the bush, bring them to their villages and then
7 when anyone is being harmed we go and make a report to them; that
8 is to the secretariat OC or Sam Bockarie who was the supreme head
9 in that area.

09:44:39 10 MR KOUMJIAN: Thank you, sir. I have no further questions.

11 PRESIDING JUDGE: Thank you, Mr Koumjian. Mr Anyah, you
12 are going to question the witness?

13 MR ANYAH: Yes, I do have some questions, if I may just
14 move to the other microphone, thank you.

09:44:57 15 CROSS-EXAMINATION BY MR ANYAH:

16 Q. Good morning. Good morning, Mr Witness.

17 A. Good morning, sir.

18 Q. This place where you are from, Lalehun, it is a village
19 within Lower Bambara Chiefdom, yes?

09:45:43 20 A. Yes, sir.

21 Q. And in Lower Bambara Chiefdom there are several different
22 sections - seven?

23 A. Yes, sir.

24 Q. Just kindly allow me to finish the questions and then you
09:45:58 25 can give your responses so it is easy for us to follow one
26 another. The question is: Back in 1997 when the junta occupied
27 Lower Bambara Chiefdom there were about seven sections within
28 that chiefdom, yes?

29 A. Yes, sir.

1 Q. Is Lalehun considered a section or is it considered a
2 village?

3 A. Lalehun is the headquarters town of the entire Nyawa
4 section.

09:46:29 5 Q. I see. So the section in which Lalehun is located is Nyawa
6 which you spelt for us yesterday?

7 A. Yes, sir.

8 Q. Is Tongo - I am speaking now of Tongo township --

9 A. Yes, sir.

09:46:44 10 Q. -- is that a section or is it considered a village?

11 A. Well, it just a section of Nyawa section. They are towns,
12 concentrated towns put together. About eleven towns together.
13 We call it Tongo.

14 Q. And are all of these towns the most of which you spoke

09:47:07 15 about, are they all in this Nyawa section?

16 A. Yes, sir.

17 Q. Is Panguma in that section?

18 A. No, sir, it is Lower Bambara Chiefdom.

19 Q. Sandeyeima where you did your diamond mining, is that in --

09:47:24 20 A. Nyawa section.

21 Q. Nyawa section.

22 A. Yes, sir, it's in Nyawa section.

23 Q. And what of Tokpombu One and Tokpombu Two?

24 A. Nyawa section.

09:47:34 25 Q. And what of Pandebu?

26 A. Nyawa section.

27 Q. Okay. Mr Witness, on May 25th 1997 we agree that the junta
28 forces, AFRC and RUF, took power in Sierra Leone, yes? Did you
29 hear the question?

1 A. Oh, yes, sir.

2 Q. And at that time on that day, when this news or these
3 events happened, you were at your diamond mining village?

4 A. Yes, sir.

09:48:05 5 Q. Sandeyei ma, yes?

6 A. Yes, sir.

7 Q. And at that time on that day the junta forces had not yet
8 reached your village Lalehun, true?

9 A. Not at all, sir.

09:48:16 10 Q. Indeed, it was not until 11 August that they came within
11 the vicinity of Lalehun, yes?

12 A. Quite correct, sir.

13 Q. So it is the case that from 25 May 1997, through 11 August,
14 life in Lalehun was essentially normal in every respect?

09:48:37 15 A. Yes, sir.

16 Q. You were carrying on with your affairs as you had done
17 before the junta forces --

18 A. Yes, sir.

19 Q. -- took power, yes?

09:48:46 20 A. Exactly, sir.

21 Q. And during that period of time, the months of late May, the
22 month of June, the month of July, through the first ten days of
23 August 1997, the predominant forces present in Lalehun were the
24 Kamajors and the SSD, yes?

09:49:09 25 A. Yes, sir.

26 Q. And SSD is Special Security Division of your local police,
27 true?

28 A. Yes, sir.

29 Q. And they were the armed wing of your police force?

1 A. Yes, sir.

2 Q. I see. You mentioned yesterday that despite the fact that
3 Lalehun was essentially normal, you did venture into Kenema Town
4 between the end of May 1997 and 11 August 1997. You recall that?

09:49:49 5 A. 11 May 1997?

6 Q. No.

7 A. What?

8 Q. Before the junta forces came to Lalehun --

9 A. Yes, sir.

09:49:58 10 Q. -- did you go to Kenema to see what was happening in Kenema
11 Town?

12 A. Yes, sir, exactly.

13 Q. And some of what you saw is what you told us yesterday,
14 correct?

09:50:07 15 A. Yes, sir.

16 Q. How many times did you go to Kenema Town while you were in
17 Lalehun before the junta came to Lalehun?

18 A. I went there twice.

19 Q. And once was in June, yes?

09:50:20 20 A. Yes, sir.

21 Q. Of 1997?

22 A. Exactly, sir.

23 Q. And the second time was in July of 1997?

24 A. Yes, sir, quite correct.

09:50:27 25 Q. So it is fair to say that in the months of June and in the
26 months of July you went to Kenema once each month?

27 A. Yes, sir.

28 Q. So the entire time pre the junta's entry into Lalehun on 11
29 August you only left Lalehun twice to go to Kenema, yes?

1 A. Quite correct, sir.

2 Q. So all you told us yesterday about things you observed in
3 Kenema during the junta period, between May 1997 and early August
4 1997, were based on what you observed on just those two trips,
09:51:08 5 true?

6 A. Yes, sir.

7 Q. When you went to Kenema in June of 1997, did you have any
8 difficulties travelling from Lower Bambara Chiefdom to Kenema?

9 A. No, sir.

09:51:28 10 Q. Indeed, lorries were free to travel?

11 A. Exactly, sir.

12 Q. To and from Kenema to Tongo Fields, yes?

13 A. Yes, sir.

14 Q. And passengers were allowed to travel, yes?

09:51:38 15 A. Yes, sir.

16 Q. Let's talk about 11 August. 11 August you were in
17 Sandeyeima and you heard some heavy firing, RPGs in particular,
18 yes?

19 A. Yes, sir.

09:51:56 20 Q. This was about 3 o'clock in the afternoon, correct?

21 A. Yes, sir.

22 Q. And you sought to move from Sandeyeima towards Lalehun when
23 you heard this, yes?

24 A. Yes, sir.

09:52:08 25 Q. Indeed, the firing was coming from the direction of
26 Lalehun. That is where you could hear the sounds coming from?

27 A. Yes, sir. Exactly, sir.

28 Q. As you moved towards your village the sounds got louder and
29 louder, correct?

1 A. Yes, sir.

2 Q. And then you decided that perhaps you might not be able to
3 reach your village and you made a detour on a footpath, true?

4 A. Exactly, sir.

09:52:29 5 Q. And from the footpath you said you ended up on top of a
6 hill?

7 A. Yes, sir.

8 Q. What is the name of that hill?

9 A. The name was not given. I don't know the name of that
09:52:46 10 hill. All I know is that it was a hill.

11 Q. In which - is it also in Nyawa section?

12 A. It's very close to Lalehun.

13 Q. Very close to Lalehun?

14 A. Yes, sir.

09:53:00 15 Q. And from this hill you told us you saw somebody eventually
16 you named as Sam Bockarie?

17 A. Yes, sir.

18 Q. And you saw him in the company of a number of soldiers,
19 yes?

09:53:12 20 A. Yes, sir.

21 Q. How long were you on this hill when you - how long were you
22 on the hill for when you saw Sam Bockarie?

23 A. I was on top of that hill for nearly 30 minutes while they
24 were passing.

09:53:28 25 Q. And how far below were Sam Bockarie and the men you saw?

26 A. They were very close to each other.

27 Q. No, how far from where you were?

28 A. Okay.

29 Q. What is the distance from the top of the hill to the bottom

1 where you saw Sam Bockarie and his men?

2 A. It's about 100 yards.

3 Q. A hundred yards?

4 A. Yes, sir.

09:53:50 5 Q. It was raining heavily at the time?

6 A. Yes, sir.

7 Q. And you are telling us you stood on the hill for 30
8 minutes?

9 A. Yes, sir.

09:53:57 10 Q. In the rain?

11 A. Yes, sir.

12 Q. Watching these people?

13 A. No, by then the rain has ceased a bit.

14 Q. Are you sure of that, Mr Witness?

09:54:05 15 A. Completely, sir.

16 Q. So it was raining for part of the time you were on top of
17 the hill?

18 A. Yes, sir.

19 Q. And you stayed there for 30 minutes?

09:54:12 20 A. Yes, sir.

21 Q. How many men did you see in the company of Sam Bockarie?

22 A. There were many. I was not able to count them.

23 Q. Well, can you give us an approximate number?

24 A. Well, later on, according to research, when they reached

09:54:28 25 Mano Junction they said they divided themselves. About 3,000
26 entered through the east and then 1,500 entered through the
27 direction from Daru which is from the north. So I was not able
28 to count them, but that was what they said or they told us later.

29 Q. So perhaps that would be about 4,500 men?

1 A. Exactly, sir.

2 Q. In total?

3 A. Yes, sir.

4 Q. Now before Sam Bockarie and his men entered Lalehun, the

09:55:04 5 Kamajors had checkpoints or barriers around the village, yes?

6 A. Yes, they had checkpoints around the village and the main

7 one was at Mano-Gieya

8 Q. But when Sam Bockarie approached the Kamajors fled?

9 A. Yes, sir.

09:55:24 10 Q. And the reason you say they fled was that they did not have

11 ammunitions?

12 A. Exactly sir.

13 Q. How did you know that?

14 A. We all went into the bush together with them. We were even

09:55:34 15 laughing at them, because they who have been protecting us now we

16 all ran - we were then all running into the bush.

17 Q. Did you run into the bush with your family, Mr Witness?

18 A. I followed them later. Because I was not in Lalehun Town I

19 followed them later.

09:55:58 20 Q. You found your family in the bush later on?

21 A. Yes, sir.

22 Q. How big was your family? What size?

23 A. About eight of them.

24 Q. Your wife?

09:56:10 25 A. Yes.

26 Q. How many children?

27 A. Three children.

28 Q. Any relatives?

29 A. Yes, about four relatives.

- 1 Q. Brothers of yours?
- 2 A. Nephews.
- 3 Q. Nephews?
- 4 A. Yes.
- 09:56:25 5 Q. The person you told us about yesterday, Morison Farma, he
6 is your nephew?
- 7 A. Yes, sir.
- 8 Q. You also have a nephew named Ibrahim?
- 9 A. Yes, sir.
- 09:56:36 10 Q. Did Ibrahim follow you to the bush?
- 11 A. No, they found another route.
- 12 Q. Another route to where?
- 13 A. When this thing happened we were not together. They were
14 at Tongo. I was at my mining place. It was from my mining
09:56:49 15 place, Sandeyeima, I tried to head off for Lalehun.
- 16 Q. My question was did Ibrahim follow you to the bush?
- 17 A. No, sir.
- 18 Q. Did he go to a bush of his own?
- 19 A. No, sir.
- 09:57:03 20 Q. Did he go to a hiding place that you called sorkoi hun or
21 something like that? You called it a --
- 22 A. Ibrahim did not go there with me.
- 23 Q. He did not go there?
- 24 A. No, sir.
- 09:57:20 25 Q. But your family had its own sorkoi hun, yes?
- 26 A. Yes, sir.
- 27 Q. That is a Mende phrase for "our own hiding place", yes?
- 28 A. Yes, sir.
- 29 Q. And you told us you were in this sorkoi hun on 11 August

1 1997, yes?

2 A. Yes, sir.

3 Q. And you stayed there on 12 August 1997?

4 A. Quite correct, sir.

09:57:44 5 Q. And on which day did you venture to go to the big market in
6 Tongo? Was it the 13th --

7 A. The 14th.

8 Q. -- or was it the 14th?

9 A. The 14th.

09:57:53 10 Q. 14 August?

11 A. Yes, sir.

12 Q. Would that have been your third day in the bush or your
13 fourth day in the bush?

09:58:05 14 A. This would have been my third day in the bush. I went
15 there on the 11th night, 12, 13, 14. By then I have spent three
16 nights in the bush, so the fourth day now it was on the 14th.

17 Q. And you went to buy salt, you told us?

18 A. Yes, sir.

09:58:31 19 Q. Now, the Prosecution has given us documents that they say
20 you were responsible for preparing, reports about some of the
21 events you have testified to here in court, and I would like to
22 go over those documents with you and so I will ask for the
23 assistance of Madam Court Officer. Your Honours, we have
24 prepared only two bundles of documents or sets of documents; one
09:58:55 25 for the Prosecution and one to be displayed on the overhead
26 projector. Madam Court Officer, I am interested in the documents
27 to be found in tab 11.

28 MR KOUMJIAN: Your Honours, if I may just - perhaps counsel
29 may not be aware of this, but there are originals in the

1 courtroom which the Court Officer has of these documents.

2 MR ANYAH: That being the case we would naturally prefer
3 the original. Thank you, counsel:

4 Q. Mr Witness, can you see the screen in front of you?

10:00:27 5 A. Yes, sir.

6 Q. Can you read what is on the screen? I am not asking you to
7 read it, but just let us know if you can read - if it is clear
8 enough for you to see and read.

9 A. Yes, sir.

10:00:43 10 Q. And you have a bachelor of science degree in what field did
11 you say yesterday?

12 A. In economics.

13 Q. Economics. You attended Fourah Bay College?

14 A. Yes, sir.

10:00:57 15 Q. So you are a university trained man?

16 A. Yes, sir.

17 Q. And these reports, on the basis of information we received
18 from the Prosecution, were initially written by you, but typed up
19 by a friend of yours?

10:01:08 20 A. Yes, sir.

21 Q. Yes? And then if you go to the next page, the very next
22 page, actually at the back, yes, these are handwritten notes,
23 yes?

24 A. Yes, sir.

10:01:24 25 Q. And you were the one who wrote those notes?

26 A. Yes, sir.

27 Q. Now, the handwritten notes, on the basis of what the
28 Prosecution tells us, they said you wrote them to refresh your
29 memory before you testified in the RUF trial. Is that correct?

1 A. Quite correct, sir.

2 Q. And you testified in the RUF trial on 29 April 2005, yes?

3 A. Yes, sir.

4 Q. And do you recall testifying in Freetown and being asked

10:01:52 5 questions by Prosecutor named Harrison, yes?

6 A. Yes, sir.

7 Q. And then three Defence lawyers asked you questions as well?

8 A. Yes, sir.

9 Q. Did you tell the lawyers in that case that you had

10:02:04 10 handwritten notes of the events in question?

11 A. No, sir, the reason to that.

12 Q. Well, I think you have answered my question. You did not
13 tell them.

14 A. Okay, I did not.

10:02:14 15 Q. Yes. Did you tell the lawyers and the Justices in that
16 case that you had handwritten notes about what you were
17 testifying to?

18 A. No, sir.

19 Q. Did you tell either the lawyers that asked you questions or
10:02:27 20 the Justices that there were typed reports of information you
21 gave to your friend regarding the events in question?

22 A. No, sir.

23 Q. Yes. Mr Witness, your first meeting with the Office of the
24 Prosecutor we have on record was on 2 February 2003. Does that
10:02:47 25 sound about right to you?

26 A. Yes, sir.

27 Q. You also in 2003 met with them on 12 October, yes?

28 A. Yes, sir.

29 Q. In 2004 in July, specifically 16 July, you met with them

1 again, yes?

2 A. Yes, sir.

3 Q. And then in 2005 on 13 April before you testified in the
4 RUF case you met with them, yes?

10:03:10 5 A. Yes, sir.

6 Q. And then came your testimony in the RUF trial on 29 April,
7 true, of 2005?

8 A. Yes, sir.

9 Q. And then you came to The Hague this September. When did
10:03:24 10 you arrive here, Mr Witness?

11 A. I arrived here on 16 September.

12 Q. You arrived on the 16th. The 16th was a Tuesday, yes?

13 A. Tuesday, yes.

14 Q. And on Friday the 19th the Prosecution came and met with
10:03:42 15 you, yes?

16 A. Yes, sir.

17 Q. And on Sunday the 21st they met with you again?

18 A. Yes, sir.

19 Q. And then they met with you last Friday, Friday 25
10:03:55 20 September, yes?

21 A. Yes, sir.

22 Q. Now, if you count all of those interactions from your first
23 interview on 2 February 2003, through your RUF testimony on 29
24 April 2005, all the way to 25 September you have had nine
10:04:16 25 opportunities to provide these handwritten notes and these
26 reports. Would you agree you have had nine chances to do so?
27 Well, let me ask you this --

28 A. Yes.

29 Q. You only gave the Prosecution these documents on Friday

1 Last, 25 September 2008, correct?

2 A. Yes, sir.

3 Q. So in eight prior opportunities from your first meeting
4 with them, through your RUF testimony in April 2005 you did not
10:04:50 5 mention or produce these documents, did you?

6 A. No, sir.

7 Q. Now, let's look at the documents. The first one, the first
8 typed page - actually before we look at the document I have one
9 or two more questions. You can leave them displayed, Madam Court
10:05:11 10 Officer. These documents, Mr Witness, you told the Prosecution
11 on Friday that the former principal of the Lower Bambara
12 secondary school, Mr Bah Man?

13 A. BA Man.

14 Q. BA Man?

10:05:30 15 A. That is his nickname. His actual name is Bockarie Alpha,
16 but he is commonly known as BA Man.

17 Q. Okay. And he was the principal or is the principal of the
18 Lower Bambara secondary school, yes?

19 A. Yes, sir.

10:05:44 20 Q. Now this fellow, Bockarie Alpha Man, you said typed up your
21 handwritten notes of these events, true?

22 A. Correct, sir.

23 Q. And these notes were prepared in 1997, yes?

24 A. Quite correct, sir.

10:06:03 25 Q. And you told the Prosecution you kept a copy of them hidden
26 in a toilet at the house of a friend of yours in Kenema, yes?

27 A. Yes, sir, where I rent. The house which I rent.

28 Q. Now what is the name of this friend in whose house you hid
29 the documents in the toilet?

1 A. No, I was a tenant in that house. I was paying rent to
2 him. He owns the house.

3 Q. In any event, at some point you fled from Kenema to Bo?

4 A. Yes, sir.

10:06:35 5 Q. And you took these documents with you when you fled from
6 Kenema to Bo?

7 A. Exactly, sir.

8 Q. And your evidence is that since 1997 through today, 11
9 years hence, 2008, you have preserved these documents. Is that
10 your evidence, Mr Witness?

10:06:50

11 A. Yes, sir.

12 Q. I see. Who was the paramount chief of the Lower Bambara
13 Chiefdom back in May of 1997?

14 A. The paramount chief was called Amadou Moiwan [phon] Farma
15 IV.

10:07:13

16 Q. So it would be paramount chief Farma IV?

17 A. Yes, sir, late now.

18 Q. And that is F-A-R-M-A?

19 A. Yes, sir.

10:07:29

20 Q. Now these reports were they prepared to Chief Farma,
21 Mr Witness?

22 A. Yes, sir.

23 Q. And you did so in your capacity as secretary of this 13
24 member caretaker committee, true?

10:07:46

25 A. Yes, sir.

26 Q. And shortly after an event would happen you would write
27 down what had happened, yes?

28 A. I used to make jottings in Tongo, then when I come to
29 Kenema I enter my room and then prepare full note and then give

1 it to this of my friend, Mr Bockarie Alpha, alias BA Man, to type
2 it for me, which he did.

3 Q. Well, let us understand this now because I am a little bit
4 confused at where exactly you were. You are suggesting to us you
10:08:22 5 typed up - you took down the notes in Tongo and you would rewrite
6 them all or clean them up in Kenema?

7 A. Yes, sir.

8 Q. Is it not the case that you were based in Lalehun instead
9 of Kenema?

10:08:38 10 A. No, sir. If you can allow me, I can explain it.

11 Q. When were you based in Kenema?

12 A. I was based in Kenema only before when the rebels took over
13 Tongo Fields, then when SLPP government came back in power in
14 1996 I returned to Tongo Fields. There I was teaching and then
10:09:05 15 doing mining. But when this committee was formed I was to make a
16 report to the paramount chief either weekly or fortnightly. So I
17 was forced to come to Tongo - I mean to Kenema from Tongo either
18 weekly or fortnightly. Each time I came I brought these jottings
19 and then entered my room and prepared a note, take it to

10:09:33 20 Mr Bockarie Alpha and then he would type it overnight. Then in
21 the morning I would go and hand it over to the paramount chief.
22 One copy to paramount chief, one to the section chief, the senior
23 section chief, then one to the advisor, chief advisor to the
24 paramount chief. Each time I gave them they said we should burn
10:10:00 25 them down. I allowed it to be burnt there. I mean they burned
26 their own and then I go keep mine for reference sake.

27 Q. You kept yours for reference sake?

28 A. Yes, sir.

29 Q. Do you remember telling the Prosecution when you first met

1 with them on 2 February 2003 that - and for counsel's purposes
2 this is in tab 1, page 3. Do you remember saying this to them,
3 Mr Witness, and I will read it for you --

4 A. 2001?

10:10:35 5 Q. You met with the Prosecution on 2 February 2003 and they
6 took notes of what you said.

7 A. Yes, sir.

8 Q. And at the bottom of page 3 this is what you told them as
9 written by the Prosecution. They wrote that you said this:

10:10:51 10 "We only reported verbally, we wrote no reports down
11 because if anybody dared you will be killed. Being the
12 secretary, I was the one most responsible. I was, being the
13 secretary, always available in the office as the others went out
14 to attend to their private and other matters most of the time."

10:11:16 15 MR KOUMJIAN: Excuse me.

16 THE WITNESS: Quite correct. What I meant by that --

17 PRESIDING JUDGE: Please pause, Mr Witness.

18 MR KOUMJIAN: Perhaps I don't have to say anything. May I
19 listen to the witness's response before I give my comment.

10:11:28 20 PRESIDING JUDGE: Very well. Please continue, Mr Witness.

21 THE WITNESS: Yes, what I said, it was dangerous for us to
22 give reports, written reports, to the OC secretariat, because he
23 had to give it to Mosquito and if that happens they have to kill
24 us. But I have to inform my paramount chief what was exactly
10:11:45 25 going on in the chiefdom. That was in closed door meeting with
26 him and his sub-chiefs, so that they will know exactly that we
27 are working in the chiefdom and we are not conniving with the RUF
28 soldiers.

29 MR KOUMJIAN: Thank you. Your Honours, I think in line

1 with the witness's answer to put what was written on page 3 in
2 context the sentence before your Honours should be made aware of
3 where the witness is clearly referring to reports to the AFRC/RUF
4 secretariat.

10:12:21 5 PRESIDING JUDGE: I don't think - do we have that record of
6 interview before us?

7 MR KOUMJIAN: You don't have that. May I just read the
8 sentence.

9 MR ANYAH: Can I ask where you are reading from?

10:12:33 10 MR KOUMJIAN: The sentence before you read, so it would be
11 the last sentence on the second full paragraph.

12 PRESIDING JUDGE: Mr Koumjian, I think maybe it might be
13 more appropriate to deal with this in re-examination, unless
14 Mr Anyah wishes to concede to your request.

10:12:47 15 MR KOUMJIAN: Okay, if I --

16 MR ANYAH: I do not concede to the substance or the import
17 of the arguments being made and I suspect counsel can pick this
18 up in re-examination.

19 MR KOUMJIAN: I would object to that because I think any
10:13:03 20 time something is read to a witness it is only fair to read it in
21 context of what has been reported and I don't think it's fair to
22 put that out of context of the fact that he was referring to the
23 AFRC/RUF secretariat in the sentence before.

24 MR ANYAH: Can I --

10:13:18 25 PRESIDING JUDGE: Mr Koumjian, the witness has in fact
26 answered the question quite clearly and, as I have already ruled,
27 it can be raised in re-examination.

28 MR ANYAH: I would just add that the page is displayed for
29 your Honours, the triers of the fact, to see and determine if I

1 am intentionally misleading the witness or taking something out
2 of context:

3 Q. Mr Witness, the original question and why I referenced you
4 to this report related to whether or not things were written
10:13:48 5 down. Are you suggesting to us that in the case of briefing your
6 paramount chief you wrote down things?

7 A. Yes, sir.

8 Q. But not in the case of briefing the OC secretariat, Sekou
9 Kunnateh?

10:14:01 10 A. Not at all, sir.

11 Q. And you would also say that in the case of the SOS, Eddie
12 Kanneh, secretary of state east, you also did not write things
13 down?

14 A. No, sir.

10:14:13 15 Q. But when you met with the Prosecution on 2 February 2003
16 you could have, if you wanted, told them that you had these
17 documents, yes?

18 A. Well, the reason why I didn't show them --

19 Q. But you could have told them that you had the documents,
10:14:30 20 yes? If you wanted to, you could have told them, yes?

21 A. No, sir.

22 Q. And why could you not have told them?

23 A. Well, for two reasons. Reason number one, I have already
24 written at the back of these reports. Those written documents
10:14:51 25 and my handwritings were summary to remind me when I come to
26 court what to say.

27 Q. I am not asking you about --

28 A. So I thought they were now invalid for my lawyer to see.
29 Secondly, I failed to inform my lawyer that I have documents like

1 this.

2 Q. Okay, so you have two explanations?

3 A. Yes.

10:15:15

4 Q. One, you are concerned about the handwritten notes at the
5 back of the documents?

6 A. Yes, sir.

7 Q. And, two, you failed to inform your lawyer?

8 A. Yes, sir.

10:15:23

9 Q. That is your explanation for eight failed opportunities to
10 tell either a court or your lawyers that you had reports about
11 the events you are talking about, yes?

12 A. Quite correct.

10:15:50

13 Q. Yes. Let's look at the report. The first one, at the top
14 - the date at the top - Madam President, by virtue of having
15 switched to the originals the manner in which I have ordered the
16 documents in my bundle was chronologically by date, so the date
17 that appears now is 5 November while the first report is actually
18 dated 24 August 1997.

19 A. Yes, sir.

10:16:08

20 Q. So could we start with that one, please.

21 PRESIDING JUDGE: This is the second page with the
22 handwritten notes, is it, with the ERN number 001?

10:16:35

23 MR ANYAH: No, Madam President, it is the first page with
24 the ERN number 1408 and it is dated 24 August 1997. Well, the
25 complete ERN is 00101408. May I proceed?

26 PRESIDING JUDGE: Yes, please do so, Mr Anyah.

27 MR ANYAH: Thank you:

28 Q. Mr Witness, this report at the top says 24 August 1997 and
29 if you look at the first sentence it speaks to events of the

1 fateful day of 11 August 1997, yes?

2 A. Quite correct.

3 Q. And everything in this report you wrote, yes?

4 A. Yes, sir.

10:17:19 5 Q. In the sense that everything in this report you wrote and
6 they were typed up by Mr Bah Man, yes?

7 A. BA man.

8 Q. BA Man.

9 A. Yes, sir.

10:17:31 10 Q. I see. You will notice towards the middle and bottom of
11 the report that there are handwritten corrections?

12 A. Yes, sir.

13 Q. Those handwritten corrections, you made them as well,
14 correct?

10:17:43 15 A. Yes, sir.

16 Q. At the bottom where it says, "CC all section chiefs", that
17 is your handwriting, correct?

18 A. Yes, sir.

19 Q. And it is fair to say that in all of these documents all of
10:17:53 20 the handwritten annotations or corrections are yours, yes?

21 A. Yes, sir.

22 Q. Title of the report says, "Dear sir, a situation report of
23 Lower Bambara Chiefdom after basement of the military junta",
24 yes?

10:18:15 25 A. Yes.

26 Q. And then someone adds the word "the" in front of
27 "basement", yes?

28 A. Yes, sir.

29 Q. That was you that did that?

1 A. Yes, sir.

2 Q. Let us look at the paragraph that says, "Moving a step
3 further". It's in the middle of the page. Mr Witness, this is
4 what you wrote about 11 August:

10:18:49 5 "Moving a step further, getting an information that
6 business was on a full swing at Tongo, on the" - and it looks to
7 me to be the 5th day - "I managed to visit the township of Tongo,
8 where the same heavy lootings in almost all houses was also
9 discovered. While all villages in the chiefdom were abandoned by
10:19:17 10 their indigenes, these heavy lootings continued for complete one
11 week."

12 Do you see that, Mr Witness?

13 A. Yes, sir.

14 Q. Do you see that somebody changed the date that appears to
10:19:30 15 me to be 5th, to be the 3rd day. Do you see "3" and then "3rd"
16 written above "5th day" in that document?

17 A. That is after taking three days in the bush. That was what
18 I meant.

19 Q. But you are the one who changed the "5th" to the "3rd"
10:19:54 20 there, yes?

21 A. Yes, sir.

22 Q. Let's go to the paragraph below. It says:

23 "However, upon all these lootings, to our greatest
24 surprise, no killings or burning of houses was done by the junta
10:20:09 25 as we formerly expected, basing upon the information gathered
26 prior to their entry the chiefdom. Nonetheless, certain
27 incidents that took place were as follows."

28 Do you see that paragraph, Mr Witness?

29 A. Yes, sir.

1 Q. Now there are handwritten corrections made to that
2 paragraph. Let's take them one at a time. After the sentence
3 that reads, "However, upon all these lootings, to our greatest
4 surprise, no" - the word "no" is scratched and somebody writes
10:20:41 5 "only few killings" and instead of "or burning", somebody writes
6 "only few killings and burning". Do you see that, Mr Witness?

7 A. Yes.

8 Q. So you were the one who added the phrase "only few", yes?

9 A. Yes, I was the one.

10:20:56 10 Q. And that changes the meaning of the sentence from no
11 killings to only few killings, yes?

12 A. Yes, sir.

13 Q. And it changes the meaning from no burning to only few
14 burnings, yes?

10:21:12 15 A. It doesn't mean no killing. As we expected they were
16 killing so many people, burned the whole town. That was what I
17 meant.

18 Q. We understand what you are saying now, but I am trying to
19 take you through a process of who changed these documents and
10:21:27 20 from what they were changed and into what they were changed. So
21 you agree with me you added the phrase "only few", yes?

22 A. Yes, sir.

23 Q. You agree that you changed the disjunctive "or" between
24 "killings" and "burning" to a conjunctive "and", yes?

10:21:49 25 A. Yes, sir.

26 Q. When you add those three words it changes the mining of the
27 sentence from reading "no killings and burning", to "only few
28 killings and burning", yes?

29 A. Yes, sir.

- 1 Q. So which is the case?
- 2 A. All those incidents listed there happened - took place.
3 Like number one that at Sembema village - Sandeyeima village a
4 house was burnt.
- 10:22:27 5 Q. Let's go through them, Mr Witness?
- 6 A. Yes, go through them.
- 7 Q. Number one is about a house burnt at Sandeyeima, yes?
- 8 A. Yes, sir.
- 9 Q. Number 2 is at Tokpombu, is that Tokpombu One or Tokpombu
10 Two?
- 10:22:43 10
- 11 A. Tokpombu One.
- 12 Q. And that's also about a house burnt.
- 13 A. Yes, sir.
- 14 Q. This is property damage?
- 10:22:47 15 A. Yes, sir.
- 16 Q. Number 3, also at Tokpombu One was a house set on fire?
- 17 A. Yes, sir.
- 18 Q. Number 4, at Tokpombu One, was somebody killed by a stray
19 bullet?
- 10:22:58 20 A. Yes, sir.
- 21 Q. And number 5, look at number 5, all handwritten --
- 22 A. Yes, sir.
- 23 Q. -- your own handwriting?
- 24 A. Exactly.
- 10:23:04 25 Q. Of a woman killed by a stray bullet?
- 26 A. Yes, sir.
- 27 Q. Now 4 and 5 about people killed by stray bullets?
- 28 A. Yes, sir.
- 29 Q. Not necessarily the same as intentional assassinations or

1 executions, would you agree?

2 A. Well, that was what I was told.

3 Q. But you have them down here as --

4 A. As being told.

10:23:26 5 Q. Yes, stray bullets.

6 A. Yes, sir.

7 Q. And at the end of the report it has your name, prepared by
8 you?

9 A. Yes, sir.

10:23:35 10 Q. Yes?

11 A. Yes, sir.

12 Q. Let's look at the next one, and the date on this Madam
13 Court Officer is 10 September 1997. Mr Witness, and your Honours
14 for the record the ERN number is 00101406. Mr Witness, you also
10:24:07 15 prepared this report, yes?

16 A. Exactly, sir.

17 Q. And the title of this report is a confidential report
18 against the military junta at Tongo Field, and in parentheses 1.
19 Do you see that parentheses 1?

10:24:22 20 A. Yes, sir.

21 Q. If you look at the other reports in the bundle or set of
22 documents you have provided, usually at the end of the title of
23 the report in parentheses you always add a number, yes?

24 A. Exactly, sir.

10:24:41 25 Q. So if we looked at the next one we would see in parentheses
26 after the title, we would see the number 2, yes?

27 A. Yes, sir.

28 Q. And Madam Court Officer has it, this one is dated 17
29 September. You see there the number 2 at the top?

1 A. Yes, sir.

2 Q. Of the title.

3 A. Yes, sir.

10:25:04

4 Q. If we look at the next one dated 26 September, do you see
5 the number 3 at the top, Mr Witness?

6 A. Yes, sir.

7 Q. And we look at the next one dated 18 October 1997. Do you
8 see what looks to be the number 4 in parentheses at the top?

9 A. Yes, sir.

10:25:21

10 Q. And we look at the last one dated 5 November 1997. Do you
11 see in parentheses after the title a confidential report against
12 the military junta of Tongo Field Lower Bambara Chiefdom, do you
13 see somebody wrote 8 in parentheses?

14 A. Yes, sir.

10:25:42

15 Q. What happened to reports 5, 6 and 7, Mr Witness?

16 A. They were missing.

17 Q. They were missing?

18 A. Yes, sir.

10:25:56

19 Q. I see. So of the eight reports you kept reports 1, 2, 3, 4
20 and 8?

21 A. Yes, sir.

22 Q. And you safeguarded them for the last 11 years?

23 A. Yes, sir.

10:26:06

24 Q. But somewhere along the way reports 6, 7 - reports 5, 6 and
25 7 went missing?

26 A. Yes, sir.

27 Q. But you kept all these reports in the same place, we
28 assume, yes? You did not spread them apart and hide some in one
29 place and hide another one in another location. You kept all of

1 them together, correct?

2 A. I kept them together, but when there is sudden firing even
3 our own material we used to leave them.

10:26:33

4 Q. Are you telling us there was sudden firing and you left
5 reports 5, 6 and 7? Is that what you are suggesting to us,
6 Mr Witness?

7 A. Well, the way I left Tongo, I mean I left Tongo in very
8 disorderly manner and I was discouraged, so maybe it was in the
9 process I left those.

10:26:56

10 Q. You grabbed some and you left some; are you suggesting that
11 to us?

12 A. Exactly.

13 Q. Well, let's go back to the one on 10 September 1997.

10:27:26

14 Mr Witness, this report speaks of events on 8 September and I
15 just want to focus in the middle of the first paragraph where it
16 starts with the sentence, "But before this the OC at Tongo
17 several times requested us, i.e., the caretaker committee to talk
18 to our Kamajor brothers to come out of the bush and surrender
19 their guns to them. To this request our ready-made answer has
20 always been", I quote in parentheses, "We have no Kamajors in
21 Lower Bambara Chiefdom, and do not know anywhere they are
22 either." Close parentheses.

10:27:52

23 A. Yes, sir.

10:28:10

24 Q. So the OC secretariat, for practical purposes, associated
25 you with the Kamajors? You as in the people of Lower Bambara
26 Chiefdom?

27 A. Yes, sir, the people.

28 Q. And he referred to the Kamajors as your brothers, yes?

29 A. Yes, sir.

1 Q. Were there Kamajors in Lower Bambara Chiefdom or its
2 vicinity during the time the junta was there starting on 11
3 August 1997?

4 A. Before ever 11 August 1997, Kamajors and SSD were in Tongo.
10:28:48 5 They were in the entire chiefdom taking care of the chiefdom.

6 Q. Yes.

7 A. Yes, sir.

8 Q. You said before August they were there?

9 A. Yes, sir.

10:29:03 10 Q. You said they left after the juntas came, yes?

11 A. Yes, sir.

12 Q. The question is: Were they still around its vicinity?

13 A. No, sir, they were not in Lower Bambara Chiefdom. Dodo is
14 a different chiefdom.

10:29:16 15 Q. Yes, we appreciate that Dodo is a different chiefdom, and
16 Dodo is where Sam Bockarie and his men went to fight the Kamajors
17 and sustained a major defeat, yes?

18 A. Yes, sir.

19 Q. In fact, you are right about the events at Dodo Chiefdom in
10:29:30 20 one of your reports and how Sam Bockarie and his men, upon
21 returning, took out their frustration on many citizens including
22 this section chief of Panguma, Pa Vandi Sei, yes?

23 A. There is a correction there. Sam Bockarie never went into
24 the front war. He only sent his Kamajors - his commandos.

10:29:59 25 Q. Well, that is a slight distinction, we appreciate it, but
26 the fact is his men went to Dodo Chiefdom, fought a battle, lost
27 severely. On their way back they killed a section chief, yes?

28 A. Yes, sir.

29 Q. I see. Mr Witness, it is the case that those junta forces

1 that did misbehave, those that did take part in the lootings and
2 those that did burn houses that Sam Bockarie disciplined them,
3 correct?

10:30:46 4 A. It was only at one incident Sam Bockarie disciplined, when
5 they went and looted one woman and then took money from her.
6 That was the first week when they entered Tongo, the ending of
7 the first week.

8 Q. Madam Court Officer, the first document we looked at, 24
9 August, at the bottom the Prosecution has you speaking about this
10:31:10 10 issue and the last paragraph reads:

11 "Finally, apart from the heavy lootings and off-loading of
12 people, raping by some junta members have started in the
13 chiefdom. All these actions have caused some people on deciding
14 to stay permanently in the bush - i.e. sorkoihun, even though
10:31:37 15 Colonel Sam Bockarie [Mosquito] is trying to put this under
16 control by firing a foot of anyone now reported of any of the
17 above crimes in the chiefdom."

18 That is a correct account of what was going on around the
19 time the junta forces came into Lower Bambara Chiefdom, correct?

10:31:58 20 A. Yes, the first week.

21 Q. And it is the case that even after the first week
22 Sam Bockarie continued to administer punishments to junta members
23 that "misbehaved. Would you agree with that?

24 A. No, sir.

10:32:29 25 MR ANYAH: Well, Madam Court Officer, shall we go to tab
26 number 2:

27 Q. At the top of tab number 2 you give accounts about looting
28 in Lalehun and its vicinity and then you speak of a woman who
29 reported to Mosquito's secretary that one of his soldiers had

1 taken her radio. Do you remember telling the Prosecution this,
2 Mr Witness?

3 A. Yes, sir.

10:33:18

4 Q. And Mosquito had the soldier come to his place and Mosquito
5 shot him in his legs. Is that what you told the Prosecution?

6 A. It was not put correctly. That was within the first week.

7 Q. Well, did Mosquito shoot a soldier in his legs for stealing
8 a lady's radio?

9 A. Rebels. Rebel soldiers.

10:33:37

10 Q. Yes.

11 A. Two rebel soldiers and one civilian.

12 Q. Yes.

13 A. Yes, he did.

14 Q. Yes.

10:33:42

15 A. In the first week.

16 Q. And if you go slightly further, "Witness heard how
17 Mosquito's boys raped four girls between 12 and 15. They were
18 just initiated by the Bondo societies." It goes on to say that
19 you knew this from the parents of the girls?

10:34:04

20 A. Yes, sir.

21 Q. And referring to the parents you say, "They went to
22 Mosquito and complained about what has happened. That raping
23 happened a couple of days after they entered Tongo Fields."

24 A. Yes, sir.

10:34:15

25 Q. "Mosquito sent the soldiers who did the raping to the guard
26 room"?

27 A. Yes, sir.

28 Q. You didn't know where the guard room was or for how long
29 they stayed there, yes?

1 A. That was just a camouflage. He left them.

2 Q. You are saying that the fact that he sent them to the guard
3 room --

4 A. Okay, correct, sir.

10:34:32 5 Q. -- was in your word a camouflage?

6 A. Yes, sir.

7 Q. You are saying it was not an effective attempt to punish
8 the soldiers?

9 A. Exactly.

10:34:46 10 Q. Shall we go to the next page, page 2 of the same interview.

11 These are notes from your interview on 12 October 2003?

12 A. Yes, sir.

13 Q. And this is to be fair to you, Mr Witness, there are a few
14 things in this page I will cover at the same time. In the middle

10:35:09 15 of the page there is a sentence that starts, "Witness does not
16 know what happened with the diamonds". You can take your time
17 and find it. Do you see it, Mr Witness?

18 A. What paragraph?

19 Q. It is in the middle of the page, there is a sentence above
10:35:34 20 it says that, "There were over a hundred small boys and they were
21 already trained". The very next sentence - Madam court officer,
22 perhaps you could point it if you find it to the witness. Do you
23 see it, Mr Witness? Mr Witness, are you with me?

24 A. Let us correct that one.

10:36:21 25 Q. Let me ask you first if you see the sentence. Do you see
26 it?

27 A. The sentence is not clear. I am seeing "Witn does".

28 Q. Yes, that means witness. But let us call it as you see it,
29 "Witn does not know what happened with the diamonds." Shall I

1 read it first and then ask you questions about it?

2 A. All right. Okay, read it first.

3 Q. "Witness does not know what happened with the diamonds. The
4 arms, they brought them from the bush. They were all armed when
10:36:48 5 they entered Tongo Field. Witness does not know how Mosquito's
6 attitude towards the behaviour of his soldiers was. He knows
7 only about the above mentioned punishments.

8 Mosquito and his soldiers were in power for nine months.
9 Mosquito lived during that time in Tokpombu and in Kenema.

10:37:12 10 Witness does not know about other commanders in charge in
11 Tongo Field. The only one was Sekou Kunnateh. That was
12 Mosquito's OC secretary. He was a Sierra Leonean soldier.

13 Witness does not know about chain of commands and
14 communications."

10:37:30 15 Mr Witness, let's take that bit by bit.

16 A. Yes, sir.

17 Q. The first part says you do not know about what happened
18 with diamonds. Do you agree with that statement, Mr Witness?

19 A. I did say in this Court that twice I witnessed Sekou
10:37:46 20 Kunnateh, the OC secretariat, counting diamonds and when he was
21 asked he said he was going to give it to Mosquito.

22 Q. We know what you said in court. We were here yesterday.

23 A. Yes, sir.

24 Q. The question is the Prosecution has you saying something
10:37:59 25 else?

26 A. No.

27 Q. Is that an error, Mr Witness?

28 A. It's an error.

29 Q. The next statement - you told us in court yesterday about

1 Captain Eagle. Do you recalling telling us about that?

2 A. Yes, sir.

3 Q. And how you ran into Captain Eagle, yes, and how Captain
4 Eagle told you they were receiving support from Charles Taylor,
10:38:22 5 yes?

6 A. Yes, sir.

7 Q. In addition to Foday Sankoh?

8 A. Yes, sir.

9 Q. And indeed Captain Eagle, according to you, told you that
10:38:29 10 they were receiving ammunitions through Charles Taylor.

11 A. Yes, sir.

12 Q. Do you see that the Prosecution has you saying, at least on
13 the basis of your interview on 12 October, that the arms, they
14 brought them from the bush, they were all armed when they entered
10:38:43 15 Tongo Field. You are referring to the juntas here, are you not?

16 A. When they entered Tongo they were armed. But staying there
17 using the ammunition, when it got finished they have to get
18 supplies somewhere else and that was what Captain Eagle was
19 telling me.

10:39:02 20 Q. Captain Eagle told you this?

21 A. Yes.

22 Q. When did he tell you this?

23 A. When I was in Tongo.

24 Q. When you were in Tongo?

10:39:11 25 A. Yes, sir.

26 Q. He told you this in 1997?

27 A. Yes, sir.

28 Q. Do you know the first time - of all the documents we have
29 about you do you know the first time you told the Prosecution

1 about Captain Eagle and this sequence of events of Charles Taylor
2 producing arms for the junta forces? Do you know when the first
3 time you mentioned that was?

4 A. Is that the first time I mentioned it?

10:39:32

5 Q. You mentioned it this September, either the 19th or the
6 21st. That was the first time you told the Prosecution about
7 speaking to Captain Eagle about these events. Do you agree,
8 Mr Witness?

10:39:48

9 A. I do agree. All statements I have been giving was alluding
10 to the RUF members who were at Zero, Sesay and others. Nobody
11 asked me whether I know anything about Charles Taylor.

12 Q. But that's a mistake. In the same document we are looking
13 at, the same page, Mr Witness, at the top of the page, they asked
14 you about Charles Taylor and here you have saying you never saw
15 Charles Taylor at the mines.

10:40:15

16 MR KOU MJIAN: Excuse me. I would just ask - the Court
17 rules require counsel to treat witnesses respectfully and I don't
18 think it is beneficial to our understanding of the testimony to
19 be speaking so rapidly and shouting at the witness.

10:40:31

20 MR ANYAH: May I respond, Madam President?

21 PRESIDING JUDGE: Yes, please do.

22 MR ANYAH: I am in cross-examination. Cross-examination
23 sometimes involves emotion. I will behave according to the rules
24 of ethics and I always abide by those rules. I don't believe I
25 have been disrespectful to this gentleman in any way whatsoever.

10:40:49

26 JUDGE LUSSICK: Mr Anyah, if we feel that you are harassing
27 the witness in any way we will let you know.

28 MR ANYAH: Thank you, your Honour Justice Lussick:

29 Q. Mr Witness, let's look at the same page we are looking at;

1 your interview of 12 October 2003.

2 A. Yes, sir.

3 Q. You go a few lines up. We know Charles Taylor was
4 mentioned in this interview because something is written down.

10:41:13 5 It says - and I don't know if Madam Court Officer sees the
6 sentence that says, "Witness did not see any other people visit
7 the mines." It is about a third of the page down in the second
8 full paragraph.

9 Mr Witness, Charles Taylor's name came up when you spoke
10:41:40 10 with them in 2003 and they have you saying about Charles Taylor:
11 "Witness did not see any other people visit the mines. He never
12 saw Charles Taylor at the mines." So you had the opportunity
13 then to say Charles Taylor provided arms and support to the junta
14 forces, but you did not, true?

10:42:01 15 A. I did not see Charles Taylor at the mines and even anyone
16 from Liberia I did not see, but I saw three times helicopter
17 landing at Tongo Fields and they told us that those were visitors
18 from Liberia. And each time that plane was landing no civilians
19 would be around. We were kept off from the area completely.
10:42:28 20 Even the work - the mining - stopped on those days.

21 Q. My question is not about helicopters. My question is not
22 about whether you were kept away from the area when helicopters
23 were landing. My question is not really about seeing Charles
24 Taylor at the mines.

10:42:45 25 My question is whether during your interview in October
26 2003 the name Charles Taylor came up and you had the opportunity
27 then to say what you told the Prosecution only in September 2008.
28 Namely, that Captain Eagle told you Charles Taylor was providing
29 support. You did not tell the Prosecution in October 2003 that

1 Charles Taylor was providing arms or ammunitions to the junta,
2 did you?

3 A. No, sir.

4 Q. Now, speaking of the helicopters you just spoke about,
10:43:17 5 Madam Court Officer, may we go to tab 8, please. This is a
6 record of interview you had with the Prosecution. It is undated.
7 That is, we don't know when they had this interview with you,
8 whether it was in person or whether it was by the phone. All we
9 know is it took place some time ago. And here it says:

10:43:53 10 "The witness added to his previous statement the following:
11 I did not see Taylor, Sankoh or Johnny Paul Koroma at Tongo.
12 However, three times a helicopter landed at the headquarters
13 football field in Tongo and on all three occasions civilians were
14 ordered to remain indoors for several hours. The order was given
10:44:18 15 by Sam Bockarie, alias Mosquito. Mosquito and his men said VIPs
16 were coming and therefore all mining was stopped and civilians
17 should remain in their houses."

18 Do you hear any reference to Liberia in what I have just
19 read, Mr Witness?

10:44:34 20 A. No, sir.

21 Q. Why did you just tell us in court that these helicopters
22 were believed to be coming from Liberia?

23 MR KOUMJIAN: Objection. That misstates the evidence, I
24 believe. I thought he said Liberians were coming, which is
10:44:48 25 slightly different from coming from Liberia.

26 PRESIDING JUDGE: My note is that he was told visitors from
27 Liberia. So there is a certain ambiguity, Mr Anyah, but you are
28 correct that the word "Liberia" was mentioned.

29 MR ANYAH:

1 Q. Yes, this is what you just told us, Mr Witness, a few
2 minutes ago:

3 "I did not see Charles Taylor at the mines and even anyone
4 from Liberia I did not see, but I saw three times helicopter
10:45:11 5 landings at Tongo Fields and they told us that those were
6 visitors from Liberia. And each time that plane was landing no
7 civilians would be around."

8 Now you have said the visitors were from Liberia now in
9 open court, 30 September 2008. Pre-trial when you spoke with the
10 Prosecution did you say that the visitors were from Liberia?

11 A. Well, that was what I was told by Captain Eagle.

12 Q. That's not my question.

13 A. Yes.

14 Q. What I have just read to you are notes taken by the
10:45:46 15 Prosecution about what you told them. Those notes do not speak
16 of visitors from Liberia, do they?

17 A. Let it be read again.

18 Q. Yes, I will. It says:

19 "Witness added to his previous statement the following: I
10:46:02 20 did not see Taylor, Sankoh or Johnny Paul Koroma at Tongo.
21 However, three times a helicopter landed at the headquarters
22 football field in Tongo and on all three occasions civilians were
23 ordered to remain indoors for several hours. The order was given
24 by Sam Bockarie, alias Mosquito. Mosquito and his men said VIPs
10:46:30 25 were coming and therefore all mining was stopped and civilians
26 should remain in their houses."

27 Mr Witness, no mention of Liberia, do you agree?

28 A. Yes, sir.

29 Q. Now shall we go back to where we left off. That was tab 2,

1 page 2. I read you six of seven sentences. We are considering
2 each of them in turn. To refresh your recollection, we have
3 talked about the arms. The next sentence, "Witness does not know
4 how Mosquito's attitude towards the behaviour of his soldiers
10:47:14 5 was." Do you agree with that statement, Mr Witness?

6 A. Yes, sir.

7 Q. So you do not know whether separate and apart from the two
8 incidents we have talked about, the radio - the lady with the
9 radio that was stolen and the young girls that were abducted and
10:47:29 10 raped, you do not know whether or not he meted out punishment,
11 that is Mosquito handed out punishment to the junta soldiers,
12 yes?

13 A. Yes, sir.

14 Q. He could have handed out punishments but you simply do not
10:47:41 15 know, yes?

16 A. Yes, sir.

17 Q. Next sentence that I want you to consider: "Witness does not
18 know about other commanders in charge in Tongo Field. Only Sekou
19 Kunnateh." That is a fair representation of what you knew when
10:48:06 20 you spoke with the Prosecution on 2 February 2003, correct?

21 A. Yes, sir.

22 Q. Well, actually it was in October of 2003, Mr Witness. This
23 is what you knew in 2003, yes?

24 A. Yes.

10:48:23 25 Q. And then the last one: "Witness does not know about change of
26 commands and communications." You agree with that as being what
27 you knew or did not know in October 2003?

28 A. I didn't know.

29 Q. Thank you, Mr Witness.

1 A. Yes.

2 Q. Mr Witness, this place Tongo Fields, it's a diamond mining
3 community, yes?

4 A. Yes, sir.

10:48:47 5 Q. It is a very lucrative part of Sierra Leone?

6 A. Yes, sir.

7 Q. All governments, going as far back as the NPRC to begin
8 with, have been very much interested in the Tongo Fields area?

9 A. Yes, sir.

10:49:07 10 Q. You would go as far back as to Siaka Stevens, would you?

11 A. Yes, sir.

12 Q. All of them from independence through now, yes?

13 A. Yes, sir.

14 Q. Even the presidency of President Ernest Bai Koroma are
10:49:27 15 interested in the Tongo Fields area, yes?

16 A. Yes, sir.

17 Q. NPRC took over in 1992. Valentine Strasser, yes?

18 A. Yes, sir.

19 Q. Valentine Strasser's soldiers came to Tongo Field?

10:49:41 20 A. Yes, sir.

21 Q. Yes?

22 A. Yes, sir, that is correct.

23 Q. You gave us a parable - one of two parables you said you
24 spoke as you were leaving, "People who eat rotten meat smoke the
10:50:01 25 same pipe", true?

26 A. Yes, sir.

27 Q. In the context of Tongo Fields and what the junta forces
28 did in 1997, it would be fair to say that they smoked from the
29 same pipe as Valentine Strasser's forces during the NPRC regime?

1 A. No, sir.

2 Q. Well, Valentine Strasser's forces came to Tongo Field and
3 they destroyed your source of electricity, yes?

4 A. Yes, sir, they looted it.

10:50:30 5 Q. Yes, NPRC, Valentine Strasser, and then Julius Maada Bio
6 through March 1996. So we have a four year period of the
7 National Provisional Ruling Council ruling Sierra Leone. You
8 agree with that, that they ruled Sierra Leone during that period
9 of time?

10:50:48 10 A. Yes, sir.

11 Q. Now, there was something called the NDMC, National Diamond
12 Mining Company, is that what it stood for?

13 A. Yes, sir.

14 Q. That company provided electric power, an electric power
10:51:06 15 machine, to the residents in the vicinity of Tongo Fields, yes?

16 A. No, only for the workers.

17 Q. But there was electricity provided by this company?

18 A. Yes, sir.

19 Q. And Valentine Strasser's NPRC soldiers came and looted it,
10:51:21 20 yes?

21 A. Yes, sir.

22 Q. There was also electric water supply pipes that were looted
23 by Strasser's fighters?

24 A. Yes, sir.

10:51:31 25 Q. Yes?

26 A. Yes, sir.

27 Q. And the same Strasser's fighters engaged in illicit diamond
28 mining in Tongo Fields, yes?

29 A. Quite correct, sir.

1 Q. Yes. If we go to the document in tab 11, one of your own
2 notes dated 5 November 1997, the one we started with at the
3 beginning of this exercise. Mr Witness, your own report again, 5
4 November, this is your last report, report number 8, at least the
10:52:31 5 last one that has been disclosed to us, there might be others.
6 Are there others, Mr Witness? Are there reports higher than
7 report number 8?

8 A. No, sir.

9 Q. It stops in 8?

10:52:42 10 A. Yes, sir.

11 Q. Here you make a comparison between the NPRC and the junta
12 forces and you say in the first paragraph?

13 "From keen studies carried out of the past and the present,
14 it appears as if Lower Bambara Chiefdom, Tongo Field in
10:53:01 15 particular, is always chosen as one of the places to be destroyed
16 by any military government that gains power in this country. For
17 instance, when NPRC government gained power in this country, the
18 NDMC electric power machine, which was capable of supplying the
19 entire chiefdom with light, was completely destroyed by its
10:53:30 20 soldiers who were staying at Tongo Field through illicit mining
21 and other things else."

22 You just told us that this electric power machine was
23 limited to the workers. It actually provided electricity to the
24 entire chiefdom, yes?

10:53:50 25 A. It could have, but it was only used by the workers. They
26 didn't supply the facilities to all the chiefdom - I mean all the
27 villages around Tongo.

28 Q. But you agree, as is written here in your report, that it
29 had the capability to provide electricity to all of the chiefdom,

1 the Lower Bambara Chiefdom?

2 A. Exactly.

3 Q. Yes. And we read further:

10:54:20

4 "In addition to this, all the valuable building materials
5 on the houses at the bungalow were completely looted by them.
6 More important still, the electric water supply pipes at Bonthe
7 bungalow and labour camp were removed by these soldiers for the
8 constructions of their own private houses in their homes."

9 All of this done by the NPRC regime, yes?

10:54:47

10 A. Yes, sir.

11 Q. Yes. Then you go on to chronicle what you say are the
12 atrocities of the juntas?

13 A. Yes, sir.

10:55:00

14 Q. Moving furthermore to the military junta and see how worse
15 they are, their attitudes are as follows:

16 "1. That the Tongo aeroplane field is no more a plane
17 field but a mining site and that if no solution is found to stop
18 the said mining, within two weeks' time, it would be completely
19 cut-off."

10:55:20

20 So what you are saying here is that instead of using the
21 airfield for other purposes, perhaps to ship in arms and
22 ammunition, the junta forces converted it into a mining site,
23 yes?

24 A. Correct, sir.

10:55:32

25 Q. Yes. And the helicopters you spoke of landed on a football
26 field, yes?

27 A. Yes, sir, correct.

28 Q. There were no planes flying in and out of this airfield
29 with arms and ammunitions from anywhere?

1 A. No, sir.

2 Q. Yes. Number 2:

3 "That the Kono Highway has been completely cut-off by the
4 military junta opposite", perhaps it means opposite --

10:55:52 5 A. Opposite.

6 Q. -- "the former Tongo hospital", yes?

7 A. Correct, sir.

8 Q. So the first complaint was how an airfield was transformed
9 into a mining pit and the second one is the cutting off of a
10 highway, yes?

10:56:11

11 A. Correct, sir.

12 Q. Yes, number 3:

13 "That most houses at the labour camp, security
14 headquarters, and the former hospital camp are falling down
15 through the bad diggings carried out by the junta members in
16 Tongo."

10:56:26

17 Yes, Mr Witness?

18 A. Correct, sir. Correct, sir.

19 Q. Number 4:

10:56:39

20 "That cemetery sites at the security headquarters,
21 Tongolaa, Bormie, Sandeyei ma et cetera have all been destroyed
22 through bad diggings", yes?

23 A. Correct, sir.

24 Q. Number 5:

10:56:55

25 "That the Bumpe village Poro bush and the Tongolaa Bondo
26 bush have been completely destroyed through digging and that they
27 are no longer good for any secret society purposes."

28 Yes?

29 A. Correct, sir.

1 Q. Let's pause there. You are speaking of the Poro society
2 here, yes?

3 A. Correct, sir.

4 Q. Yes. They hold their secret meetings in the bush, yes?

10:57:23 5 A. Correct, sir.

6 Q. The Kamajors are mostly the constituent members of the Poro
7 society. Do you agree, Mr Witness?

8 A. Quite correct, sir.

9 Q. So this is in essence speaking of the destruction of a
10:57:36 10 Kamajor secret society meeting place, yes?

11 A. No, I disagree with that.

12 Q. But the people who are members of Poro society who meet in
13 the bush are in part Kamajors, yes?

14 A. Correct, sir.

10:57:54 15 Q. Are you a member of the Poro society, Mr Witness?

16 A. Completely, sir.

17 Q. Yes? Is that a yes?

18 A. Yes.

19 Q. Are you a Kamajor, Mr Witness?

10:58:03 20 A. No, sir.

21 Q. But you have brothers members - brothers who are members of
22 the Poro society who are Kamajors, yes?

23 A. Yes, sir.

24 Q. Number 6:

10:58:13 25 "That the motor roads leading from Tongolaa Town to the
26 security headquarters, Peyama village, Tongo, Lowoma and Wui ma
27 village have all been cut off by the military junta in the
28 chiefdom."

29 Yes?

- 1 A. Yes, sir.
- 2 Q. This is speaking again of roads being cut off?
- 3 A. Yes, sir.
- 4 Q. This report is dated 5 November 1997?
- 10:58:36 5 A. Yes, sir.
- 6 Q. You leave Tongo for good, or at the time, because of the
7 junta on 11 or 10 November 1997?
- 8 A. Yes, sir.
- 9 Q. It was the 10th, right?
- 10:58:47 10 A. Yes, sir. Yes, sir.
- 11 Q. Of November?
- 12 A. Yes, sir.
- 13 Q. So this is about five days before you leave, yes?
- 14 A. Yes, sir.
- 10:58:53 15 Q. And you are chronicling the atrocities of the junta forces,
16 yes?
- 17 A. Yes, sir.
- 18 Q. Number 7:
- 19 "That the Jehova Witness and the Roman Catholic churches at
10:59:05 20 Pandebu have fallen down through the destructive diggings by the
21 junta at Tongo."
- 22 Number 8: "That Bumpe and Madaahun villages have been
23 burnt down by the military junta at Tongo." 7 and 8 that I have
24 read, they are accurate, are they not?
- 10:59:26 25 A. Yes, sir.
- 26 Q. These are events as recorded by you?
- 27 A. Yes, sir.
- 28 Q. Number 9:
- 29 "That eight houses were recently, i.e. 2/11/97, burnt down

1 at Giehun, the headquarters town of" - and, Mr Witness, what is
2 that? Giehun is the headquarters of what?

3 A. Fallay.

4 Q. Fallay section.

10:59:51 5 A. Yes, sir.

6 Q. "... by the military junta, but falsely putting the
7 crime against the Kamajors", yes?

8 A. Yes, sir. You are correct.

9 Q. Now, to be fair to you, on the next page, number 10, you
11:00:06 10 have:

11 "That the military junta at Tongo have started attacking
12 lorries, plying Lago-Tongo Highway at night, and off-loading
13 them, by falsely accusing the Kamajors of the crime."

14 Yes?

11:00:29 15 A. Yes, sir.

16 Q. Number 11: "That raping, off-loading, looting and
17 molestations to civilians have now gone beyond control in the
18 entire chiefdom", yes?

19 A. Yes, sir.

11:00:42 20 Q. And 12:

21 "Finally, that except someone is a professional sociologist
22 who can perfectly use the method of participant observation
23 studies of a certain society, i.e. the military junta, in order
24 to give correct information about their behaviours; no-one,
11:01:00 25 particularly those who wish to maintain good name and character
26 of their families, would be able to live with them."

27 Yes?

28 A. Yes, sir.

29 Q. These in sum and substance are your summaries of the major

1 atrocities committed by the junta?

2 A. Completely, sir.

3 Q. And you did so vis-a-vis or in comparison with what
4 Valentine Strasser's forces did in the vicinity of the Tongo

11:01:23 5 Fields, yes?

6 A. Pardon?

7 Q. Shall I repeat that?

8 A. Repeat that.

9 Q. Your report summarised not only what the junta forces in
11:01:31 10 your view were responsible for, but also what you remembered
11 happened in the vicinity of Tongo Fields when the NPRC was in
12 power?

13 A. Yes, sir.

14 Q. Now, the junta forces eventually left in February or so
11:01:50 15 1998, yes?

16 A. Yes, sir.

17 Q. And then came back the Kamajors, yes?

18 A. Yes, sir.

19 Q. And when the Kamajors came back they wreaked havoc on the
11:02:00 20 citizens of the Tongo Field area. Do you agree, Mr Witness?

21 A. Quite agree, sir.

22 Q. Well, let's consider Kamajor atrocities for a moment.

23 Madam --

24 MR KOU MJIAN: Your Honours, I have an objection. I would
11:02:14 25 ask council to state the relevance of Kamajor atrocities which
26 the Prosecution has never denied, but I question the relevance in
27 this case.

28 MR ANYAH: I would be pleased to do so if your Honours
29 permit me a response. If a witness has information of not only

1 junta atrocities but Kamajor atrocities as well, the relevant
2 period of consideration is not limited to the witness's evidence
3 as in the junta period. Your Honours are faced with an
4 indictment stemming from 1996 through January 2002 and we
11:02:42 5 certainly can cover atrocities by all the other warring factions,
6 just like the Prosecution has invoked Rule 93 to lead evidence of
7 crimes in Koinadugu District outside the precise language of the
8 indictment. It's a contextual exercise and it's
9 cross-examination and I think I have the liberty to pursue this.

11:03:02 10 PRESIDING JUDGE: Well, I will allow that question.

11 MR KOU MJIAN: May I respond?

12 PRESIDING JUDGE: You have made your objection and there
13 has been a reply, Mr Koum jian.

14 MR KOU MJIAN: I only wanted to raise a legal point, but
11:03:13 15 thank you.

16 PRESIDING JUDGE: I have made a ruling.

17 MR KOU MJIAN: Okay, thank you.

18 MR ANYAH:

19 Q. Mr Witness, let us consider some of the atrocities of the
11:03:19 20 Kamajors also inflicted on the citizens of Tongo Field. One of
21 your brothers was killed by the Kamajors, yes?

22 A. Yes, sir.

23 Q. They killed him with a cutlass?

24 A. Yes, sir.

11:03:30 25 Q. Tell us about that. What did they do to your brother?

26 A. Well, what they told me is they said my brother was a junta
27 collaborator, he gave food to two of the junta soldiers. That
28 was all.

29 Q. And they cut him with a cutlass, yes?

1 A. Yes, sir.

2 Q. And you told the Prosecution - and for counsel's benefit
3 the record of this interview is in tab 2, page 3. Indeed, the
4 account of Kamajor atrocities start on the previous page, but
11:04:20 5 Let's focus on your brother for now. You told the Prosecution
6 after they killed your brother:

7 "Afterwards they cut his head and they put the head on a
8 stick. Then they danced around in the village with the head on
9 the stick."

11:04:36 10 That's what they did to your brother, yes?

11 A. Yes, sir.

12 Q. Yes:

13 "Any civilian they saw, they asked them to present some
14 money, because now they were in charge of the town because the
11:04:47 15 town chief was dead. That was when the people started running
16 away."

17 So people started running away fleeing from the Kamajors as
18 well, yes?

19 A. Yes, sir.

11:04:59 20 Q. "They also cut open the stomach of Brima and took out all
21 the intestines. They cooked it and presented it on a dish." The
22 Kamajors did this to the citizens of the Lower Bambara Chiefdom,
23 yes?

24 A. Yes.

11:05:17 25 Q. "They apparently ate it. The head of this group was Michel
26 Cole." Yes, Mr Witness?

27 A. Yes, sir.

28 Q. You yourself found your name amongst the list of 400 names
29 that the Kamajors were going to kill, yes?

1 A. Yes, sir.

2 Q. If we go to the previous page, Madam Court Officer --

3 A. Quite correct, sir.

4 Q. At the bottom of the page there is a sentence that says,

11:05:48 5 "After some months of regime by the junta ..." Are you there
6 with me, Mr Witness? Perhaps Madam Court Officer could point it
7 out to him. It starts towards the last end of the page.

8 A. Please just read it. I will understand. All right. Okay.
9 I have seen it.

11:06:16 10 Q. And it reads:

11 "After some months of regime by the junta, the Kamajors
12 attacked Tongo Field and took power from junta. Mosquito and his
13 soldiers ran away. The Kamajors took over the entire Tongo
14 Field. The Kamajors in witness own village, Lalehun, played
11:06:38 15 atrocities. They killed two people. One Aruna Kondowa and one
16 Brima Conteh, witness's brother and town chief by then. The
17 Kamajors said that they had worked with the junta and therefore
18 they were after them and killed them. They used cutlass to kill
19 them. That was in March 1998, after they had overthrown the
11:07:01 20 junta. Witness did not see how it happened because he ran away
21 in the bush. The Kamajors listed over 400 names of people that
22 they wanted to kill because they had collaborated with the junta,
23 according to them. Witness's name was on the list too.
24 Therefore he ran away and went to Bo."

11:07:24 25 Mr Witness --

26 A. Yes, sir.

27 Q. -- the Kamajors came rolling into town after overthrowing
28 the junta and they attacked in essence the citizens of Tongo
29 Field, yes?

1 A. Quite correct, sir.

2 Q. Everybody was suspected to be a junta collaborator, yes?

3 A. Quite correct, sir.

4 Q. And just like the junta were out looking for Kamajor
11:07:47 5 collaborators, the Kamajor did the exact same thing, yes?

6 A. Yes, sir.

7 Q. Indeed your name was also on the list of those to be killed
8 and you were forced to hide in the bushes, yes?

9 A. Well, there is a correction there. I left Tongo far before
11:08:04 10 that time.

11 Q. Yes, I am not suggesting that. I am suggesting that after
12 you returned to Tongo almost the identical sequence of events
13 that you went through when the junta took power and came to Tongo
14 repeated or recurred when the Kamajors came back into Tongo after
11:08:21 15 the junta left. Do you agree?

16 A. Yes, sir, I do agree.

17 Q. You had to go into the bushes to hide?

18 A. No, sir, I never went to Tongo during the period of the
19 Kamajors until --

11:08:35 20 Q. Well - yes, finish please.

21 A. I never went to Tongo Field during the period of Kamajors.
22 I only went to Tongo after 2002 when complete disarmament has
23 taken place, because I have already been told that the Kamajors
24 were looking for me after killing my brother, you see?

11:08:56 25 Q. Yes, but wherever you were, and perhaps you were in
26 Lalehun, yes?

27 A. No, sir, I was not in Lalehun. I was in Bo Town.

28 Q. But the reason you ran away to Bo was because of the
29 Kamajors?

1 A. No, sir.

2 Q. Well, why does it say here, "Witness name on the list too.
3 Therefore he ran away and went to Bo"?

4 A. No.

11:09:21 5 Q. This is what the Prosecution has you saying, that you ran
6 away to Bo because the Kamajors had your name on a list. Do you
7 agree with that, Mr Witness?

8 A. No, sir, there is a correction there. I went to Bo far
9 before that time. I ran away from the juntas in Kenema. From
11:09:41 10 Tongo to Kenema, Kenema to Bo, because that was the base for
11 Mosquito, then the base for OC secretariat Captain Kanneh and
12 then SOS Eddie Kanneh. So if I had stayed in Kenema, this would
13 have looked out for me and which they did and then maybe I should
14 have been caught. So that was why I went to Bo. I was now in Bo
11:10:09 15 when I even heard the killing of my brother. I never returned to
16 even Kenema until after 2002 election.

17 Q. But even assuming that your account now is correct, the
18 fact is you were afraid to return to the vicinity of the Bambara
19 Chiefdom, Lower Bambara Chiefdom, because you knew the Kamajors
11:10:33 20 were after you?

21 A. Completely, sir.

22 Q. Yes. And it was while you were away that they killed your
23 brother, yes?

24 A. Yes, sir.

11:10:43 25 Q. So the Kamajors were not any more better off behaviour wise
26 than were the junta forces?

27 A. During that time, sir.

28 Q. Yes?

29 A. In my own village.

1 Q. Yes?

2 A. Not everywhere.

3 Q. That's correct. But you agree with that proposition, that
4 they behaved just as badly as did the junta forces?

11:11:02 5 A. At Tongo Field.

6 Q. Yes.

7 A. Yes, sir.

8 Q. Mr Witness, you told us about Bumpé and the killing of 15
9 persons. Do you remember that?

11:11:14 10 A. Yes, sir.

11 Q. That was yesterday?

12 A. Yes, sir.

13 Q. When you spoke with the Prosecution the first time did you
14 suggest that these killings were only of nine people?

11:11:27 15 A. I mentioned more than nine. More than nine. Some people
16 died in the bush. Some were found dead in the village.

17 Q. But only about nine of the 15 were suspected Kamajor
18 members, is that it?

19 A. That were killed?

11:11:47 20 Q. Yes.

21 A. No, sir.

22 Q. How many of those killed were suspected to be Kamajor
23 members?

24 A. The entire village.

11:11:55 25 Q. Everybody was suspected to be Kamajor members?

26 A. Either Kamajor members or a supporter of Kamajors.

27 Q. The Kamajors killed your brother and the junta forces
28 killed your sister. Would that be fair to say?

29 A. Correct, sir.

1 Q. And your sister was amongst those killed at Bumpe?

2 A. Yes, sir.

3 Q. Mr Witness, you were part of a 13 member caretaker
4 committee, yes?

11:12:35 5 A. Yes, sir.

6 Q. You were what they call the secretary-general of this
7 committee?

8 A. Yes, sir.

9 Q. Morison Farma was the chairman of this committee?

11:12:42 10 A. Yes, sir.

11 Q. This committee was formed at the request of both your
12 paramount chief and the SOS of the east, Eddie Kanneh, yes?

13 A. Yes, sir.

14 Q. And you told us the committee had a twofold mandate or
11:12:57 15 mission: One, to make people from the bush go back to the
16 villages, yes?

17 A. Yes, sir.

18 Q. And, two, to make a record or field reports - receive
19 reports - about the complaints of the citizens of the Lower
11:13:16 20 Bambara Chiefdom, yes?

21 A. Yes, sir.

22 Q. And when you would receive a report you would go to the OC
23 secretariat, yes?

24 A. Yes, sir.

11:13:26 25 Q. Sekou Kunnateh, yes?

26 A. Yes, sir. Yes, sir.

27 Q. Yes. If the junta forces were as reckless as some would
28 have us believe, no respect for authority, raping, looting and
29 killing, do you find it strange that they would need your

1 permission to go into parts of your chiefdom to search for people
2 that might be Kamajor supporters?

3 A. Repeat that one.

4 Q. Well, let me break it down a little bit for you.

11:14:00 5 A. Okay. Yes, sir.

6 Q. It was the case that despite the fact that there was this
7 secretariat and that there was this OC, Sekou Kunnateh, he would
8 seek your permission - that is the permission of the committee of
9 13 - before going into your chiefdom to search for Kamajor

11:14:22 10 supporters? Do you understand the question?

11 A. I do. I do. I do understand it. It was not a respectable
12 way of asking permission. All they wanted was to do - go ahead
13 and kill every civilian you see in the bush. That was what they
14 meant.

11:14:49 15 Q. But they would exchange information and discuss things with
16 the committee of 13 and they would request your permission before
17 they would want to go into your villages to search for Kamajor
18 supporters, yes?

19 A. Yes, sir.

11:15:19 20 MR ANYAH: May I have a moment, Madam President? Yes, that
21 is all I have, Madam President. Thank you.

22 PRESIDING JUDGE: Thank you, Mr Anyah. Mr Koumjian, your
23 re-examination.

24 MR KOUMJIAN: Thank you, your Honour. Madam Court Officer,
11:16:08 25 if we could please have tab 2, the first page, put on the screen,
26 of the Defence bundle.

27 RE-EXAMINATION BY MR KOUMJIAN:

28 Q. Sir, you were asked about a report of a woman who came to
29 Mosquito's secretary and said her radio was stolen. Do you

1 recall that event?

2 A. Yes, sir.

3 Q. And in this report - or parts of this interview were read
4 to you and I am going to read just a bit further. It says that
11:16:55 5 you asked one of Mosquito's soldiers what had happened and he
6 told you that:

7 "One woman reported to Mosquito's secretary that one of the
8 soldiers had stolen her radio. Mosquito had the soldier come to
9 his place and shot him in the legs. He told the soldier he had
11:17:12 10 told him he was allowed to loot only for four days."

11 Can you explain that?

12 A. Yes, sir. According to Mosquito, when this incident took
13 place these were three people who went and looted that lady,
14 money and then radio. They said they gave only four days to
11:17:36 15 soldiers that took over Tongo on the 11th. He said if there had
16 been any challenge from the Kamajors then they should have fought
17 them and then killed everything. They termed it as Operation No
18 Living Thing. But since they had no challenge from Kamajors
19 while they were entering the Tongo Field they gave the soldiers
11:18:01 20 who took over Tongo Field - RUF soldiers who took over Tongo
21 Field four days to loot. Anything there, even woman, you get rid
22 of anyone, that would be your own wife. They said after the four
23 days no more looting. Anybody found looting would be dealt with
24 severely. That was the case.

11:18:23 25 Q. Now, sir, in these killings that you talked about, there
26 was the killing in Bumpe, the killings of the three mining sites
27 where combatants were sent you said by Mosquito and killings took
28 place, was anyone punished for any of those to your knowledge?

29 A. No, sir. No punishment was inflicted on them.

1 Q. These killings at the mining sites, did they occur in the
2 first week after the junta entered?

3 A. No, sir. No, sir.

11:19:01

4 Q. Your sister who was in Bumpe who was killed, what was her
5 occupation? What was she doing?

6 A. She was a married lady.

7 Q. Was she a --

8 A. A housewife.

9 Q. Was she a Kamajor?

11:19:09

10 A. No, sir.

11 Q. How old was she?

12 A. She was about 25 years.

13 Q. Did she have any children?

14 A. Yes, sir.

11:19:16

15 Q. What happened to her children?

16 A. The children, one is with me.

17 Q. Were they in the village at the time their mother was
18 killed?

19 A. No, sir, two of them were at Tongo Field.

11:19:32

20 Q. Okay, thank you. Now I would like to go to the packet of
21 reports and the one dated 5 November, that is the first page with
22 the ERN number 00101402. Now, sir, you were shown this and it
23 was read in quite a bit of detail just a few moments ago during
24 the cross-examination and you list on this report which is listed
25 as number 8 and dated 5 November several things that the junta
26 did. There is 12 paragraphs between this and the next page. Is
27 this a complete list of all of the atrocities committed by the
28 junta?

11:20:14

29 A. No, sir, there were so many.

1 Q. Had you reported other atrocities in earlier reports?

2 A. Yes, sir.

3 Q. Now, sir, you begin this report talking about how all
4 governments have been interested in Tongo Fields and how all
11:20:49 5 governments have taken advantage of Tongo Fields in certain ways
6 and then before the list you write this sentence and this is just
7 above the number 1: "Moving furthermore to the military junta
8 and see how worse they are." What did you mean when you said
9 "how worse they are"?

11:21:10 10 A. Well, their own atrocities were more than the NPRC
11 government, far more than that.

12 MR KOU MJIAN: Thank you. I just wanted to go - now if we
13 could go to page 00101404 in that bundle. It is the same report,
14 but just the second page. Sorry, that is - when you look a
11:22:09 15 little further that is not what I wanted. Sorry, it is. Can we
16 have that page back, I am sorry:

17 Q. Now, in the handwriting on that page there is something
18 under the number 1 about hot palm oil. Do you recall an incident
19 about hot palm oil?

11:22:48 20 MR ANYAH: I will object.

21 MR KOU MJIAN: Excuse me, it is number 2.

22 MR ANYAH: I will object. I did cover the page, but to the
23 extent counsel is seeking to elicit evidence of a new atrocity
24 not covered on direct examination I register an objection.

11:23:11 25 PRESIDING JUDGE: Mr Koum jian?

26 MR KOU MJIAN: Your Honours, counsel tried - was making a
27 point, or attempting to make a point, through this that these 12
28 items listed were all of the atrocities - the only atrocities -
29 committed during the time period by the junta, so he has raised

1 the issue of whether there were other atrocities in the
2 cross-examination. This is on the same page, although it is in
3 the handwriting and not part of the original note.

4 PRESIDING JUDGE: Could you just refer me to what --

11:23:42 5 MR KOUMJIAN: Yes, it is under the 2. If you look on the
6 left it --

7 PRESIDING JUDGE: No, I know the part you are seeking to
8 question. What I am asking is to refer me to where Mr Anyah said
9 that these were the only atrocities, or not the only but limited
10 his questioning.

11 MR KOUMJIAN: I will try to find that, your Honour.

12 MR ANYAH: Madam President, I do not recall - I suspect
13 they won't be able to find it because what I did when I asked the
14 question in respect of each paragraph I merely said, "Is this a
11:24:36 15 fair account of the atrocities?" Besides that, to put counsel's
16 interjection or response in context, counsel a few minutes ago
17 asked the witness a question specifically asking him whether this
18 was a complete delineation and the witness said, "No, this was a
19 limited list". So to the extent that counsel wants to rebut the
11:24:56 20 inference of my examinations he has already done so by having the
21 witness say that this is not a complete delineation of all junta
22 atrocities, so to now go beyond that and start going to specific
23 atrocities not covered on direct I think is way beyond the scope
24 of my cross-examination.

11:25:18 25 PRESIDING JUDGE: Mr Koumjian, I asked you to find the
26 reference.

27 MR KOUMJIAN: Yes, page 62, line 22, on my font, the
28 question from Mr Anyah after going through the 12 paragraphs was,
29 "These in sum and substance are your summaries of the major

1 atrocities committed by the junta?" Answer, "Completely, sir".
2 So, that is the answer that I am relying on and I submit it to
3 your Honours.

4 MR ANYAH: I used the word "major".

11:25:47 5 [Trial Chamber conferred]

6 PRESIDING JUDGE: We do not consider that this is questions
7 arising from questions put in cross-examination and I do not
8 allow the question.

9 MR KOU MJIAN: Thank you, your Honours:

11:26:29 10 Q. Just one question further, Mr Witness. You have talked
11 about horrible things committed by Kamajors. These Kamajors,
12 were they a problem in Sierra Leone before the war came from
13 Liberia in 1991?

14 A. No, sir.

11:26:49 15 Q. Sir, you lived in - you said you were born in 1953.

16 A. Yes, sir.

17 Q. Prior to 1991, was there any government that was killing
18 and raping as a policy?

19 A. No, sir.

11:27:02 20 MR KOU MJIAN: Thank you, no further questions.

21 PRESIDING JUDGE: Thank you, Mr Koumjian.

22 MR ANYAH: I wanted to seek the Chamber's indulgence. I
23 forgot to ask that the set of reports by the witness be marked as
24 a Defence exhibit with an MFI number. If your Honours please, I
11:27:18 25 would like to make that request now.

26 MR KOU MJIAN: I have no objection to the complete set being
27 marked. Thank you.

28 PRESIDING JUDGE: Very well. I am just watching the time,
29 counsel, so let me do this as quickly as I can. This is a bundle

1 of documents partly typed and partly handwritten.

2 MR KOU MJIAN: 13 pages in total, your Honour.

3 PRESIDING JUDGE: Thank you, Mr Koumjian, that is helpful.

4 Of 13 pages and it is MFI-1. Mr Anyah, I thought I heard you say

11:28:16 5 to mark them for identification, but I have just been corrected.

6 I am looking for the record.

7 MR KOU MJIAN: Your Honour, they have not been marked yet

8 for identification.

9 PRESIDING JUDGE: Yes, Mr Anyah said a Defence exhibit with

11:28:29 10 an MFI number.

11 MR ANYAH: Yes.

12 PRESIDING JUDGE: But you have not actually sought to

13 tender them.

14 MR ANYAH: No, I just requested that they be marked first.

11:28:36 15 PRESIDING JUDGE: We have no questions of the witness,

16 Mr Anyah.

17 MR ANYAH: Then I would make the formal application to have

18 them entered into evidence as a Defence exhibit.

19 PRESIDING JUDGE: Mr Koumjian?

11:28:50 20 MR KOU MJIAN: Your Honours, there is no objection from the

21 Prosecution.

22 PRESIDING JUDGE: Very well. This is a 13 page bundle of -

23 a partly typed partly handwritten bundle of documents which the

24 witness has noted as being of his authorship and it becomes

11:29:12 25 Defence exhibit D-63. Is that correct, Madam Court Officer?

26 MS IRURA: That is correct, your Honour.

27 PRESIDING JUDGE: D-63.

28 [Exhibit D-63 admitted]

29 Mr Witness, that is the end of your evidence and we thank

1 you for coming and giving all of your evidence today and
2 yesterday and we hope that you have a safe journey home and wish
3 you well. We will adjourn court now until 12 o'clock, please.

4 [Break taken at 11.30 a.m.]

11:53:17 5 [Upon resuming at 12.00 p.m.]

6 PRESIDING JUDGE: I note some changes of appearance.

7 Mr Griffiths?

8 MR GRIFFITHS: Madam President, your Honours, good morning
9 and to counsel opposite. I join Mr Anyah and Mr Munyard at this
10 point.

11:59:10

11 PRESIDING JUDGE: Thank you. Mr Santora?

12 MR SANTORA: Good afternoon, Madam President. Good
13 afternoon, counsel. Just joining the Prosecution's bench from
14 this morning's session is Alain Werner.

11:59:26

15 PRESIDING JUDGE: Thank you. Now I note there is no
16 witness on the stand.

17 MR SANTORA: The next witness, Madam President, is TF1-064.
18 Prior to this witness being called, however, the Prosecution does
19 have an application with regard to this witness's current
20 protective measures.

11:59:42

21 The Prosecution is making an application at this point to
22 rescind one of the protective measures that currently applies to
23 this witness, which is voice distortion. This witness is
24 currently listed in an annex A of a Prosecution motion that was
12:00:07 25 filed on 4 May 2004 in the Prosecution against Sesay, Kallon and
26 Gbao. This submission has been discussed with prior witnesses.
27 This is a submission that has several - three annexes associated
28 with it. This particular witness is listed in annex A of that
29 submission.

1 PRESIDING JUDGE: Why are you quoting a submission instead
2 of the order, the decision --

3 MR SANTORA: I was actually just going to first establish
4 that this particular witness is listed in the submission and then
12:00:44 5 the decision that applied to that submission was 5 July 2004
6 which has also been the subject of discussion with other
7 witnesses. That decision granted several protective measures
8 including pseudonym, use of a screening device and for this
9 witness the use of voice distortion. That was provision (g) of
12:01:09 10 that decision, the 5 July 2004 decision in Prosecutor versus
11 Sesay, Kallon and Gbao.

12 Specifically the Prosecution now, after consultation with
13 this witness, is seeking to rescind the provision (g) of that
14 decision which is voice distortion, but the remaining protective
12:01:28 15 measures including screen and pseudonym to remain in effect.

16 PRESIDING JUDGE: Where does the screen come from,
17 Mr Santora, the screen provision?

18 MR SANTORA: I will check the exact letter. One moment.

19 I apologise for the delay. This is provision (e) of that
12:02:11 20 decision. That is the 5 July 2004 decision.

21 PRESIDING JUDGE: This is a Category A witness, is that
22 what you said?

23 MR SANTORA: This is a witness that was listed in annex A,
24 yes. Just for counsel's purposes, counsel across, specifically
12:02:40 25 she is listed as number 26, a Category A witness of the
26 Prosecution submission, in annex A.

27 PRESIDING JUDGE: Mr Griffiths?

28 MR GRIFFITHS: We have no observations, Madam President.

29 [Trial Chamber conferred]

1 PRESIDING JUDGE: We have considered the application and we
2 grant the application as made so that the witness will continue
3 to give evidence with the screen but without the voice
4 distortion. I trust I have that correctly recorded.

12:03:41 5 MR SANTORA: That is correct, Madam President.

6 PRESIDING JUDGE: Thank you. Now if this is screened then
7 for the witness to be brought into Court we would need to lower
8 the other blinds, please.

9 MR SANTORA: Just also to note the witness will testify in
12:04:13 10 Kono, so just to ensure the Kono interpreters are in place.

11 PRESIDING JUDGE: I will do that. Mr Interpreter, are the
12 Kono interpreters in position, please?

13 THE INTERPRETER: Yes, your Honour.

14 PRESIDING JUDGE: Very good. For any members of the public
12:04:43 15 who are in the public gallery, the extra screens which have been
16 lowered are a temporary provision to allow the witness to come
17 into the Court and take the stand. They will be opened quite
18 soon.

19 WITNESS: TF1-064 [Sworn]

12:07:40 20 EXAMINATION-IN-CHIEF BY MR SANTORA:

21 Q. Good afternoon, Madam Witness.

22 A. Good afternoon.

23 MR SANTORA: I was just wondering, Madam Court Attendant,
24 because it looks as if the wire is not - is there any way the
12:07:52 25 wire could be loosened a little bit because it looks like if she
26 leans back at all it is going to take - it looks as if it's
27 caught around something. Thank you, Madam Court Attendant:

28 Q. Mrs Witness, are you hearing me in Kono?

29 A. Yes.

1 Q. Mrs Witness, I'm going to ask you some questions, okay?

2 A. Okay.

3 Q. Now, I want you to try to speak slowly when you give your
4 answers.

12:08:45 5 A. Okay.

6 Q. If you don't understand one of my questions, please just
7 say so, okay?

8 A. Okay.

9 Q. And if for some reason you need to take a break you can let
12:09:02 10 the Court know, okay?

11 A. Okay.

12 Q. Mrs Witness, where were you born?

13 A. I was born in Kwakor, Gbense.

14 MR SANTORA: Kwakor has actually not been spelt for the
12:09:25 15 record. It is K-W-A-K-O-R. Gbense has been spelt and it looks
16 correct on the LiveNote:

17 Q. Where is Gbense?

18 A. What?

19 Q. Is Gbense a chiefdom?

12:09:44 20 A. Yes.

21 Q. And where is Gbense Chiefdom?

22 A. It's in Sandor. Towards Sandor.

23 Q. Is that in the District of Kono?

24 A. Yes.

12:10:13 25 Q. Where did you grow up, Mrs Witness?

26 A. I was brought up in Dangbaidu.

27 Q. And what chiefdom is that in?

28 A. In Kamara.

29 MR SANTORA: Dangbaidu is D-A-N-G-B-A-I-D-U:

1 Q. Mrs Witness, have you ever had the chance to go to school?

2 A. No.

3 Q. Did you ever get the chance to learn how to read and write?

4 A. Not at all.

12:11:09 5 Q. Do you know how old you are?

6 A. No.

7 Q. Now, what languages do you speak?

8 A. I speak Kono and I also speak Kono - Krio.

9 Q. And what do you do for work, Mrs Witness?

12:11:28 10 A. I used to go to Koidu to buy some fish which I sold later
11 to get my living.

12 Q. Is that what you still do for a living?

13 A. Yes.

14 Q. Before coming here to Holland, Mrs Witness, have you ever
12:12:00 15 been outside of Sierra Leone?

16 A. No.

17 Q. Mrs Witness, are you married?

18 A. The husband I had before rejected me.

19 JUDGE SEBUTINDE: Mr Santora, I hope at an appropriate
12:12:36 20 moment the personal details of this witness will be entered on
21 the record somehow. We cannot have an anonymous witness.

22 MR SANTORA: I understand. I believe if the appropriate
23 thing is to go briefly into private session for that particular
24 purpose it will take literally 30 seconds to a minute.

12:13:09 25 MR GRIFFITHS: Can I suggest that, rather than do that and
26 have the inconvenience of raising the screens, if it could be
27 written down and handed?

28 MR SANTORA: I think it is not just raising the screen. It
29 could just be a private session.

1 PRESIDING JUDGE: It's a private rather than a closed
2 session, I understand you are asking for, so the sound does not
3 leave the Court?

4 MR SANTORA: Exactly, Madam President.

12:13:38 5 PRESIDING JUDGE: Mr Griffiths?

6 MR GRIFFITHS: I'm happy with that, your Honour.

7 PRESIDING JUDGE: Please put the Court temporarily in
8 private session. For purposes of the rules and those members of
9 the public and monitors who may be listening, the Court will go
10 into a short private session for reasons of security of the
11 witness.

12 Madam Witness, can you hear me?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: The next questions that you are going to
12:14:14 15 be asked are about yourself. No-one else can hear those
16 questions and no-one can hear your answers outside of this
17 courtroom, so you should feel at ease to answer those questions.
18 Do you understand me?

19 THE WITNESS: Yes.

12:14:33 20 [At this point in the proceedings, a portion of
21 the transcript, pages 17626 to 17628, was
22 extracted and sealed under separate cover, as
23 the proceeding was heard in private session.]

24

25

26

27

28

29

1 [Open session]

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

3 JUDGE LUSSICK: Just another matter, Mr Santora, perhaps
4 you can direct yourself to, and I don't think this will involve
12:19:46 5 any risk to the identity of the witness. When we look at this
6 record in weeks or months to come we won't know whether the
7 witness was an elderly woman in her 80s, or a young woman in her
8 early 20s, unless there is something on the record to indicate as
9 much.

12:20:06 10 MR SANTORA: I understand. Thank you, Justice Lussick:

11 Q. Mrs Witness, I already asked you your age and you don't
12 know your age, do you?

13 A. I did not understand. I did not understand.

14 Q. You don't know what year you were born, do you?

12:20:29 15 A. I said I cannot recall it.

16 MR SANTORA: I would ask for a stipulation from counsel
17 opposite that the person who is now appearing appears to be a
18 woman in an age of within the 20s to 30s. I would ask for that
19 stipulation. I don't think it's wise to go any narrower than
12:20:58 20 that in terms of an age appearance, but I would say range from
21 age 20 to 35.

22 JUDGE SEBUTINDE: Mr Santora, in my own limited experience
23 usually this is an estimation that the judges themselves make
24 based on the apparent age of a witness. I think any of us here
12:21:21 25 can have an apparent age stipulation of this particular witness.

26 MR SANTORA: Well, I think I was just for the record just
27 trying to address the concerns that at some point later on down
28 the line, when these are just looked at as transcripts, that it's
29 on the record at this point that I'm asking for that stipulation.

1 I do not know if Defence counsel is inclined to agree with that
2 stipulation, but at least it will be on the record.

12:22:08 3 PRESIDING JUDGE: Mr Griffiths, have you any views on how
4 this can be dealt with? You have heard Justice Lussick and
5 Justice Sebutinde.

6 JUDGE LUSSICK: Well I think your opponent is asking for a
7 stipulation, Mr Griffiths.

8 MR GRIFFITHS: Well, I am in some difficulties here, Madam
9 President, quite frankly. I think it really is a matter for the
12:22:24 10 Court to come to a view as to the age of a witness, rather than
11 it be a matter of agreement between the parties, because at the
12 end of the day it's a matter for the Court to decide.

13 PRESIDING JUDGE: Mr Santora, for myself, and I agree with
14 my colleagues, I think there are other ways of ascertaining sort
12:22:44 15 of roughly what age group this witness falls into. There are
16 events that she will remember and she can remember also what sort
17 of - whether she was a child at the time of those events or
18 whether she was in her teens or whether she was an adult. So
19 before we make an assessment, let us have a little more evidence.

12:23:12 20 MR SANTORA: I will inquire, but I do just want to give an
21 indication to the Bench that the familiarity with events may be
22 particularly limited. So I will make an effort in this regard
23 pursuant to Madam President's request, but I just wanted to -
24 with that caveat, but I will inquire in this area:

12:23:35 25 Q. Mrs Witness, do you remember how old you were when - let me
26 rephrase the question. Do you remember when the war started in
27 Sierra Leone? Were you a child?

28 PRESIDING JUDGE: There are two questions there. Take them
29 one at a time, Mr Santora, please.

1 MR SANTORA:

2 Q. Were you a child when the war started in Sierra Leone?

3 A. Yes.

4 Q. Do you know when the war started in Sierra Leone?

12:24:10 5 A. By then, I could not remember events.

6 Q. Did you ever hear of something called the AFRC?

7 A. All I knew by then, they said war. That was the name I
8 knew.

9 Q. Have you ever heard of somebody called Ahmad Tejan Kabbah?

12:24:57 10 A. It was after the war that I heard about this name.

11 Q. Did you ever vote in an election in Sierra Leone? Did you
12 ever vote?

13 THE INTERPRETER: Can she kindly repeat her answer, Madam
14 President.

12:25:29 15 THE WITNESS: After we have come an election took place
16 there.

17 MR SANTORA:

18 Q. Did you yourself ever vote in an election in Sierra Leone?

19 A. Yes.

12:25:42 20 Q. Do you remember how long ago that was when you voted in an
21 election?

22 A. Since I started recalling events, I only remember that I
23 voted three times.

24 Q. How long ago was the first time, do you know? About how
12:26:12 25 many rainy seasons ago?

26 A. Long time ago.

27 JUDGE SEBUTINDE: Perhaps what would be helpful is who she
28 voted for in the first voting.

29 MR SANTORA: I was going to go into that area.

1 JUDGE SEBUTINDE: That might - or which election it was.
2 That might help.

3 MR SANTORA:

12:26:44

4 Q. Mrs Witness, you said you voted three times. Is that
5 right?

6 A. Yes.

7 Q. The first time you voted, do you remember who you voted
8 for?

9 A. I cannot remember the name of that person.

12:27:00

10 Q. Was this an election for a chief or was this an election
11 for a president?

12 A. I could not distinguish between this at that time.

13 Q. Do you remember if they put ink on your hand?

14 A. I don't understand.

12:27:33

15 Q. Mrs Witness, let me ask you this: If you had to guess how
16 old you were, what do you think roughly your age is? Just
17 approximate.

18 A. Perhaps I might be in my 25th year now, because I have
19 given birth to a son.

12:28:02

20 Q. And the first time you ever gave birth, the first time you
21 ever gave birth, how long ago was that; the first time you ever
22 had a child?

23 A. My first child --

12:28:26

24 THE INTERPRETER: Your Honours, can the witness be audible
25 and kindly repeat her answer.

26 PRESIDING JUDGE: Madam Witness, everything you say is
27 being interpreted. The interpreters must hear you clearly, so we
28 need you to talk a bit louder and close to the microphone.
29 Please repeat your last answer.

1 THE WITNESS: I said my first child I gave birth to - it
2 took some time before I gave birth to another child.

3 MR SANTORA: I think in the context of the events that are
4 going to be discussed, I think this actually will help in terms
12:29:20 5 of clarifying or at least getting an approximate age, because the
6 subject of the children is part of her accounting of events. I
7 can perhaps be mindful of this concern and just again go back to
8 the area when these children are discussed and I think it will
9 give the Chamber a better idea at least of an approximate age. I
12:29:43 10 don't know if that satisfies --

11 PRESIDING JUDGE: The witness herself has also given an age
12 estimation.

13 MR SANTORA: Okay:

14 Q. Mrs Witness - I don't know if she can be asked to move a
12:29:56 15 little closer to the microphone or just shown. Maybe just a
16 little bit closer. I know that some of the answers are trailing
17 away. Mrs Witness, are you okay?

18 A. Yes.

19 Q. Now, I'm going to ask you some questions about the war,
12:30:31 20 okay, the war in Sierra Leone.

21 A. Okay.

22 Q. During the war in Sierra Leone, where were you living?

23 A. I was in Foendor.

24 MR SANTORA: F-O-E-N-D-O-R.

12:30:55 25 Q. Where is Foendor?

26 A. In Kamara.

27 Q. Is that Kamara Chiefdom?

28 A. Yes

29 Q. And is that in Kono District?

1 A. Yes.

2 Q. Where is the closest large village to Foendor?

3 A. Tombodu.

4 Q. What chiefdom is Tombodu in?

12:31:36 5 A. It's also in Kamara.

6 Q. Now, while you were living in Foendor, during the war in
7 Sierra Leone, did anything happen to you?

8 A. It was as a result of the war that we fled into the bush.

9 Q. Why did you flee into the bush?

12:32:12 10 A. They said the rebels have started killing people.

11 Q. Who said that?

12 A. Those who fled and came to our place.

13 Q. So you were living in Foendor and you said you fled to the
14 bush?

12:32:37 15 A. Yes.

16 Q. How far away was the bush from Foendor? About how long did
17 it take you to walk there?

18 A. The place was not too far from the town, so I cannot give
19 the right time, how long it take.

12:33:02 20 Q. Now, you said that some people told you that the rebels
21 started killing people. And the people who told you this were
22 those who fled and came to your place. Is that right?

23 A. The civilians.

24 Q. Do you know where they fled from? Do you know?

12:33:34 25 A. Some came from Koidu, some came from Tombodu.

26 Q. Now, who did you flee into the bush with, do you remember?

27 A. Yes, my family members.

28 Q. Now, I don't want you to call their names, but can you just
29 mention some of the relationships of the family that fled with

1 you?

2 A. Yes.

3 Q. Go ahead, if you can name some of the relationships?

12:34:40

4 A. My child. My child and the younger sister of my husband

5 and my husband himself and his mother and his father and my

6 younger brothers, three of them, and my mother and my father.

7 And the - that of my husband, his younger sister, and three of

8 his grandchildren and another adopted child. The people

9 travelled and met us there, so that we were there with those

12:35:10

10 people.

11 JUDGE SEBUTINDE: There is a word I didn't catch by the
12 interpreter. Something of my husband.

13 MR SANTORA: I am sorry, let me look at - I will try to
14 clarify your Honour.

12:35:33

15 JUDGE SEBUTINDE: Before she mentioned the younger sister
16 of her husband, she mentioned some other relative of the husband
17 that the interpreter did not interpret for us.

18 MR SANTORA: I will clarify:

12:35:50

19 Q. Mrs Witness, so your husband at that time, he came with you
20 too, is that correct?

21 A. We were all there in that bush.

22 Q. And you said that includes your husband's younger sister?

23 A. Yes.

24 Q. And did you mention another relative of your husband?

12:36:15

25 A. Not at all. The person I spoke about, it was an adopted
26 child. He was a child living there. But the woman with whom the
27 child was staying had fled - gone in search of food, so she left
28 the child in our care.

29 JUDGE SEBUTINDE: I am afraid we lost that in the

1 interpretation somewhere. Perhaps you can proceed.

2 MR SANTORA: Perhaps if I see it come up again I can
3 address it at that point:

12:36:53

4 Q. So these people that you mentioned, were you all together
5 in the bush outside of Foendor?

6 A. Yes.

7 Q. Now do you remember if this was happening - when this
8 happened, when you fled to the bush, do you remember if it was
9 the rainy season or the dry season?

12:37:19

10 A. It was during the dry season because there wasn't much rain
11 during that time.

12 Q. Now aside from the family members that you've mentioned,
13 were there other people in the bush outside of Foendor?

14 A. The only people I knew about was that child and his mother.

12:38:06

15 Q. This was the adopted child that you talked about; is that
16 who you are talking about?

17 A. She was not staying with us. The first day the events took
18 place, that was the day the mother left the child in our care.

12:38:41

19 Q. Okay. How many days or weeks did you stay in the bush
20 outside of Foendor, do you know?

21 A. I cannot remember.

22 Q. Now, when you were hiding from the rebels what did you do
23 for food?

12:39:10

24 A. We used to go in search of bush yams for us. Sometimes we
25 used to put ordinary vegetables on it without pepper, no salt.
26 That was how we used to eat it.

27 Q. Now, you said you had a child with you, one of your
28 children. Is that right?

29 A. If one of my children was with me?

1 Q. Yes.

2 A. Say it again. Let me understand it clearly.

3 Q. When you were hiding in the bush outside of Foendor, one of
4 your children was with you?

12:39:50 5 A. Yes. It was - a young child was with me.

6 Q. How old was that young child?

7 A. Three years.

8 Q. Was it a boy or a girl?

9 A. A boy child. My first son.

12:40:15 10 Q. And was that the first baby you ever had?

11 A. Yes.

12 Q. Now, you said that you were hiding from rebels because you
13 heard they were killing people. Is that right?

14 A. Yes.

12:40:42 15 Q. Did you ever encounter rebels while you were hiding?

16 A. I was abducted initially. By then I was pregnant.

17 Q. Why don't you tell the Court what happened when you first
18 came in contact with the rebels?

19 THE INTERPRETER: Your Honours, can the witness be asked to
12:41:33 20 repeat what she said.

21 PRESIDING JUDGE: What is the problem, Mr Interpreter?

22 THE INTERPRETER: It's not audible.

23 PRESIDING JUDGE: Very well. I understand. Now, Madam
24 Witness, the interpreters are not hearing you clearly, so I would
12:41:49 25 like you to speak louder and repeat your last answer because they
26 did not hear it.

27 MR SANTORA: Perhaps I should ask the question again.

28 PRESIDING JUDGE: It would be wise, Mr Santora.

29 MR SANTORA:

1 Q. Mrs Witness, can you tell about the time that you first
2 came in contact with the rebels? What happened?

3 A. At the time that they captured me, that was the dry season
4 but they did not take me anywhere. The base where we were in the
12:42:23 5 bush, we did not go too far from there when they released me.

6 Q. Okay. And when you say they captured you, do you know who
7 captured you exactly?

8 A. We did not know them.

9 Q. So this first time, this time they captured you, this first
12:42:50 10 encounter, what did they do to you?

11 A. They chased us for a long time before they finally captured
12 us, but when they captured us, for me, they did not do anything
13 to me. They released me and - because I was pregnant and it was
14 far advanced they released me.

12:43:17 15 Q. Do you know if they did anything else to other people?

16 A. Well, I can't say because they took along the others. I
17 did not know what happened.

18 Q. Now you said your pregnancy was far advanced. Is that
19 right?

12:43:41 20 A. Yes.

21 Q. So the first time you encountered the rebels you said they
22 released you because you were still pregnant. Is that right?

23 A. Yes.

24 Q. So what happened then, after they released you?

12:44:05 25 JUDGE SEBUTINDE: Mr Santora, was this pregnant with her
26 first child or another child?

27 MR SANTORA: The witness stated that the first child she
28 was with was three year old boy.

29 JUDGE SEBUTINDE: No, because you then took her back. She

1 said the first time she encountered the rebels, she said, "I was
2 pregnant and the pregnancy was advanced."

3 MR SANTORA: I will clarify.

4 JUDGE SEBUTINDE: I need to know if this was the pregnancy
12:44:32 5 of the child she has described or some other child.

6 MR SANTORA: I understand. Thank you, Justice Sebutinde:

7 Q. Mrs Witness, just to make sure that we understand, you said
8 that you had a three year old child with you when you were hiding
9 in the bush in Foendor. Is that correct?

12:44:53 10 A. Yes. At the time that I was going to the bush that child
11 was with me. That was the first child. The one I was pregnant
12 with was the second one.

13 Q. Okay. Now did you give birth to this second child?

14 A. Yes.

12:45:12 15 Q. Where did you give birth to the second child?

16 A. When they captured us, and we were frightened, that place
17 where I was, to my mother's elder sister, that was where I went
18 and delivered. Then they came again and captured us.

19 THE INTERPRETER: Your Honours, can she speak a little
12:45:41 20 slowly.

21 PRESIDING JUDGE: Madam Witness, as I explained to you
22 before, everything you say is being interpreted and written down
23 and the interpreters ask that you speak more slowly to give them
24 a chance to repeat what you are telling us. So can you speak
12:45:59 25 more slowly. We did not hear everything you said. Pick up your
26 answer again, when you said, "Then they came again and captured
27 us." Please continue from there.

28 THE WITNESS: Okay.

29 MR SANTORA: Perhaps it's appropriate that I just start the

1 line of questioning again. That may make it easier:

2 Q. Mrs Witness, so you said you gave birth then to your second
3 child. Is that right?

4 A. Yes.

12:46:40 5 Q. Was it a boy or a girl?

6 A. Girl.

7 Q. And where did you give birth to the second child?

8 A. When they captured us and released us I ran away and went
9 to my mother's sister. That was where I gave birth.

12:47:02 10 Q. And where was that?

11 A. In Dangbaidu.

12 Q. So after you gave birth to your second child what happened?

13 A. They came again and captured me the following morning.

14 Q. Who came again and captured you?

12:47:36 15 A. The same people, the rebels.

16 Q. Where this - now let's talk of - the second time they came,
17 where were you when they came the second time?

18 A. I - which second one?

19 Q. The second time - after you gave birth to your second child
12:48:03 20 you said the rebels came and captured you again. Is that
21 correct?

22 A. Yes.

23 Q. Now where were you when this happened?

24 A. I was in Dangbaidu when I was captured.

12:48:20 25 Q. And where is Dangbaidu in relation to Foendor?

26 A. A short distance.

27 Q. Now this second group, this second group of rebels that
28 captured you, do you remember what they looked like?

29 A. They wore combat.

1 Q. About how many of them were there?

2 A. I did not do a head count so I did not know their number.

3 Q. Did you know anybody among these rebels? Did you know any
4 of them?

12:49:13 5 A. No, I did not know anyone.

6 Q. And why do you say they were rebels?

7 A. When you see somebody who is doing bad you would know him.

8 Q. So what happened then? Go ahead, tell your story then.

9 What happened after that?

12:49:46 10 A. When I was captured, one came and said --

11 THE INTERPRETER: Your Honours, she is speaking very fast
12 again.

13 PRESIDING JUDGE: Madam Witness, you've speeded up again.

14 Now stop at the end of each bit of your evidence, each sentence.

12:50:18 15 Take a breath and start again. You have said, "When I was
16 captured one came and said --" Continue from there.

17 THE WITNESS: When I was captured one of them said that I
18 should become his wife. Then the other said, "She is a suckling
19 mother." They left me and I returned to my mother in the bush.

12:51:06 20 MR SANTORA:

21 Q. Now, you returned to your mother in the bush. Is this the
22 bush outside of Foendor?

23 A. Yes.

24 Q. What happened then when you got back to the bush outside of

12:51:23 25 Foendor?

26 A. When I went there, it was not too long when these people
27 came and captured me.

28 Q. Who were these people? Who do you mean?

29 A. The same rebels.

1 Q. Now this time, when they came to you in the bush outside of
2 Foendor, did you know of these rebels?

3 A. Yes.

4 Q. Who did you know?

12:52:09 5 A. Tamba Joe.

6 Q. How did you know Tamba Joe?

7 A. We were together in the same town.

8 Q. What do you mean by that? Do you mean before the war?

9 A. The war had not yet come. They were in the same town with
12:52:41 10 my husband.

11 Q. What town was that?

12 A. What?

13 Q. What town was that that you were in the same town with
14 Tamba Joe?

12:52:55 15 A. Foendor. Foendor.

16 Q. So this group with Tamba Joe, can you describe how they
17 looked? Can you describe how they appeared?

18 A. Some had combat fatigues on and some were in civilian
19 clothing.

12:53:25 20 Q. Now, who were you with at this time in the bush outside of
21 Foendor when this group with Tamba Joe came? Who were you with
22 at the time?

23 A. I was with the family in the same place.

24 Q. Is this the family that you mentioned today earlier, the
12:53:52 25 same people?

26 A. Yes.

27 Q. Okay, so go ahead. What happened when Tamba Joe and this
28 group came?

29 A. They came and met us and they said they were ECOMOG.

1 Q. Did you believe they were ECOMOG?

2 A. I did not know ECOMOG, but they said they were ECOMOG.

3 Q. And what language - what language were they speaking?

4 A. They were speaking Krio from what I heard.

12:55:08 5 Q. So, what happened then after Tamba Joe and this group came?

6 A. Well, they took my boy child and threw him away.

7 Q. What do you mean by that, Mrs Witness?

8 A. That child was holding on to my lappa and they took him and
9 threw him away.

12:55:42 10 Q. Where did they throw him?

11 A. In the bush.

12 Q. What happened next?

13 A. They brought us together and they said we should go.

14 Q. Mrs Witness, when they first came - when Tamba Joe and the
12:56:08 15 group first came - to you in the bush outside of Foendor, what -
16 did they say anything?

17 A. They spoke their language and they told my sister-in-law
18 that they will rape her.

19 Q. What did they say? Do you remember what they said to your
12:56:38 20 sister in law?

21 A. My sister --

22 THE INTERPRETER: Your Honours, can she kindly repeat this
23 slowly.

24 PRESIDING JUDGE: Madam Witness, please repeat your answer
12:56:56 25 for the interpreters. You said, "My sister --" Continue.

26 MR SANTORA:

27 Q. What did they say to your sister-in-law, Mrs Witness?

28 A. They said if she refuses - if she refuses for them to use
29 her - they will tear her private part.

1 Q. Who said that to her?

2 A. What?

3 Q. Who said --

4 A. Rebels.

12:57:35 5 Q. What happened then, after they said this to her? After the
6 rebels said this to her, what happened?

7 A. They took her and they were taking her away when my son
8 held onto her.

9 Q. Then what happened?

12:58:04 10 A. They took her and the boy came back, but I did not see her.

11 Q. Did you ever see her again?

12 A. I did not see her.

13 Q. Mrs Witness, when they first came to the bush, this group
14 with Tamba Joe --

12:58:39 15 A. Yes.

16 Q. -- what if anything did they do to you?

17 A. They said the Temne men whom they had captured, they told
18 him to rape me.

19 Q. What happened after they told him to rape you?

12:59:06 20 A. When she refused, they started beating her.

21 THE INTERPRETER: Your Honours, can the witness repeat. I
22 don't know who the witness is talking about; whether it's the
23 Temne man, or herself.

24 MR SANTORA: I can start clarifying that and perhaps this
13:00:01 25 will make it a little easier:

26 Q. Mrs Witness, did you say there was a Temne man who they had
27 captured? Is that what you said?

28 A. Yes.

29 Q. And what happened with you and the Temne man? What

1 happened?

2 A. They told us to have sex.

3 Q. And then what happened after they told you this?

13:00:46

4 A. I stood myself naked. When he did not refuse, they started
5 beating him up.

6 Q. When who did not refuse?

7 A. The Temne man.

8 JUDGE SEBUTINDE: Mr Interpreter, did the witness say "When
9 he did not refuse", or, "When he refused"?

13:01:02

10 THE INTERPRETER: When he refused.

11 MR SANTORA: There is a significant difference on
12 interpretation:

13 Q. So, Mrs Witness, the Temne man, he refused and who started
14 beating him up?

13:01:22

15 A. The rebels.

16 Q. After they beat him - after they started beating him up -
17 what happened then?

18 A. After that they said we should go to the other base.

13:02:08

19 Q. After they told him this, this Temne man, after they told
20 him to rape you, did eventually this happen?

21 A. Yes.

22 Q. Where were your children? You had a three year old and a
23 newly born girl. Where were your children when this happened?

24 A. I was carrying the child.

13:02:42

25 Q. And when this Temne man was forced to have sex with you,
26 where were they? Where were the children - the two children?

27 A. He was there with me. They said I should lay him down.

28 Q. And while this was happening, did anything happen to the
29 child?

1 A. Yes, when we went to my mother.

2 Q. Well I will ask a question, Mrs Witness, and maybe I can
3 ask a question that is a little easier to understand. You said
4 earlier that - well first of all when this thing was happening,

13:03:47 5 when this thing with the Temne man was happening, where was Tamba
6 Joe?

7 A. He was there.

8 Q. What was he doing when this was happening?

9 A. They assembled all of us in the same place.

13:04:22 10 Q. Who assembled all of you?

11 A. Yes.

12 Q. Okay. Who assembled you? Who assembled all of you?

13 A. It was the rebels who assembled all of us in the same
14 place.

13:04:42 15 Q. Did they do this after this incident with the Temne man?
16 Is that when they assembled you?

17 A. No.

18 THE INTERPRETER: Can she kindly repeat her answer. Let
19 her be audible a little, your Honours.

13:05:06 20 PRESIDING JUDGE: Madam Witness, the interpreters need you
21 to speak more loudly and pronounce your words more clearly so
22 they can hear you properly. Please repeat what you said just
23 now. They did not hear it and neither did we.

24 THE WITNESS: I said we had left there when they went and
13:05:31 25 assembled us.

26 MR SANTORA:

27 Q. Mrs Witness, let's start from - let me ask you this. From
28 the point after this thing, this bad thing happened with the
29 Temne man, okay, after that what happened?

1 A. After that they said they were hungry.

2 Q. So, continue. What happened after that?

3 A. The bread fruit which they met with my mother, they took it
4 and roasted it.

13:06:19 5 Q. Now these rebels that were there, did you see if they had
6 guns?

7 JUDGE SEBUTINDE: Did the witness say grapefruit?

8 THE WITNESS: Not all of them were carrying guns, yes.

9 MR SANTORA: I am not sure what "Yes" was to, but I can --

13:06:46 10 PRESIDING JUDGE: I heard bread fruit.

11 MR SANTORA:

12 Q. Mrs Witness, did you make them grapefruit, or bread fruit?

13 A. Bread fruit. Bread fruit.

14 Q. Bread fruit. Bread fruit?

13:07:01 15 A. Yes, yes.

16 Q. What is that? Okay, I actually will withdraw the question.

17 I was just trying to make sure it wasn't confusing. So,

18 Mrs Witness, you said, "Not all of them were carrying guns".

19 Were some of them carrying guns?

13:07:26 20 A. Some were carrying guns.

21 Q. What about Tamba Joe? Do you remember if he was carrying a
22 gun?

23 A. He was carrying a gun as well.

24 Q. Now after your mother made them bread fruit - made these

13:07:57 25 rebels bread fruit - what happened?

26 A. They queued us and they said we should go to town.

27 Q. What town?

28 A. Foendor.

29 Q. And when you say "us", who do you mean?

1 A. It was the rebels who queued us and told us to go.

2 Q. Did you say --

3 PRESIDING JUDGE: I heard queued.

4 MR SANTORA:

13:08:41 5 Q. Can you just say, Mrs Witness, did you say the rebels
6 queued you?

7 A. Yes, for us to go to town.

8 Q. Now, earlier you said you and your family were there.

9 Was - did they queue you and your family that you mentioned

13:09:10 10 earlier? All of you were queued to go to town? Is that correct?

11 A. Yes.

12 Q. What happened then, after they queued you?

13 A. We went to town.

14 Q. Okay.

13:09:29 15 A. They said we should put the children down.

16 Q. Who said that you should put the children down?

17 A. Tamba Joe.

18 Q. How many children were there?

19 A. My two children and my three brothers and the adopted child

13:10:08 20 and the three other children from my grandfather - my

21 father's father. My father-in-law's father, I beg your pardon.

22 Q. Where did they - where did Tamba Joe ask you to put the
23 children?

24 A. There was an orange tree there. That was where we sat them
13:10:37 25 down.

26 Q. What happened after you sat the children down by the orange
27 tree?

28 A. They said we should enter a house and strip ourselves
29 naked, men and women.

1 Q. Who said that?

2 A. That same Tamba Joe.

3 Q. So what happened then?

13:11:21

4 A. Then we entered that house and they started killing our
5 children.

6 Q. Mrs Witness, are you okay?

7 MS IRURA: Your Honour, I think the witness would
8 appreciate a break.

9 PRESIDING JUDGE: I think we will take a break.

13:12:14

10 MR SANTORA: Given the time I don't know it if makes --

11 PRESIDING JUDGE: We will just confer.

12 [Trial Chamber conferred]

13 I think in the circumstances it's close to the lunchtime
14 adjournment in any event and we will take an early lunchtime
15 adjournment.

13:12:28

16 Madam Witness, I can see you are upset and so we are going
17 to close the court now and allow you to have a little break.
18 Please adjourn the court until 2.30. Madam Witness, you must sit
19 where you are so the curtains can be closed to allow you out.

13:12:51

20 The court is adjourned until 2.30.

21 [Lunch break taken at 1.15 p.m.]

22 [Upon resuming at 2.30 p.m.]

23 PRESIDING JUDGE: Mr Griffiths, I note you've got your
24 light on and you're on your feet.

14:30:37

25 MR GRIFFITHS: Madam President, your Honours, yes. Your
26 Honours, everyone notes the evident discomfort and emotional
27 state of this witness, and we are anxious that this ordeal, for
28 that it must be, for the witness be as short as possible.

29 In the circumstances exceptionally I invite my learned

1 friend to lead the witness on the remainder of her evidence, but
2 I make the point that it is an exception and we're not here
3 making any general concessions in terms of future witnesses.

4 PRESIDING JUDGE: Thank you. That's most helpful,
14:31:14 5 Mr Griffiths. Whilst the Chamber does not have any policy or
6 consensus on such matters, we look to counsel for the Defence to
7 indicate when they object to leading.

8 Mr Santora, counsel for the Defence has - is agreeable to
9 you leading the witness in the remainder of her evidence. We
14:31:34 10 will of course be vigilant to any objections that could arise.

11 MR SANTORA: Thank you, Madam President. Thank you,
12 counsel. Madam President, just as one - just to note there is a
13 slight change of appearance. Mr Alain Werner is no longer at the
14 Prosecution bench.

14:31:53 15 PRESIDING JUDGE: Indeed, Mr Santora. I'm glad you noted
16 that for me.

17 MR SANTORA: I do have one preliminary matter, and just to
18 bring to the Court's attention that the Prosecution was informed
19 over the break that the witness had requested from WVS to have a
14:32:10 20 WVS support officer sit with her during the course of her
21 testimony. I don't know if your Honours are aware of this or
22 not. I would make that request if it's something that your
23 Honours would consider entertaining.

24 PRESIDING JUDGE: I will of course confer with my
14:32:26 25 colleagues and I will look to counsel for the Defence for a
26 comment, but I would say as a preliminary matter I would be very
27 uneasy if the person was actually sitting next to the witness.
28 But let me confer and let me first ask Mr Griffiths's view.

29 MR GRIFFITHS: I appreciate, Madam President, the anxiety

1 about the witness - the person sitting next to the witness - but
2 I see no reason why such an individual couldn't be present in the
3 Court to offer assistance and comfort whenever necessary.

14:33:05 4 JUDGE LUSSICK: Just before we confer, Mr Santora, can I
5 take it by what you've said that you would have no objection to
6 this person from WVS hearing evidence that otherwise might not be
7 heard by people who don't have the benefit of being in on private
8 sessions?

9 MR SANTORA: There would be no objection, your Honour.

14:33:26 10 [Trial Chamber conferred]

11 PRESIDING JUDGE: We will not agree to that at the moment.
12 If the witness becomes distressed we will ask - we will follow
13 our normal procedure and ask for her to be spoken to by people
14 within the Court precincts. We will proceed on with the
14:34:42 15 evidence, Mr Santora, please.

16 MR SANTORA: Thank you, Madam President:

17 Q. Good afternoon, Mrs Witness. How are you feeling?

18 PRESIDING JUDGE: Is the interpreter in position?

19 THE INTERPRETER: Yes, your Honour.

14:35:01 20 PRESIDING JUDGE: Madam Witness, did you hear what the
21 lawyer asked you, the counsel asked you?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: Are you able to answer?

24 THE WITNESS: The question that he asked should be
14:35:22 25 repeated.

26 MR SANTORA:

27 Q. Mrs Witness, are you feeling okay to answer some more
28 questions?

29 A. Yes, if I can't I will say so.

1 Q. Okay, thank you, Mrs Witness. Just, Mrs Witness, if you
2 can just try to speak into your microphone when you do talk,
3 okay?

4 A. Okay.

14:35:52 5 Q. Now, Mrs Witness, before we took a lunch break you were
6 describing what happened to you and the group that you were with
7 when you went to Foendor. Do you remember?

8 A. Yes.

9 Q. And you said that the rebels and this group with - the
14:36:20 10 group with Tamba Joe - that they made you and the other adults go
11 into the house. Do you remember?

12 A. I said they put us into a house.

13 Q. And you also said that they made you take off your clothes.
14 Is that correct?

14:36:51 15 A. Yes.

16 Q. Now when you got into the house - and you also said you had
17 to leave your children near an orange tree?

18 A. Yes.

19 Q. Now when you got into the house what did they say to you,
14:37:15 20 if anything? What did the rebels say to you?

21 A. They did not say anything to me.

22 Q. Who was in the house with you?

23 PRESIDING JUDGE: Mr Santora, whilst it's not my job to
24 tell you what to do, there has been an indication from counsel
14:37:41 25 for the Defence that you may lead.

26 MR SANTORA: I guess it's a bad habit, or a good habit.

27 I'll make an effort to lead a little more:

28 Q. Now you also, Mrs Witness, said that they killed your
29 children?

1 JUDGE LUSSICK: She didn't actually say that.

2 MR SANTORA: Okay, I apologise:

3 Q. Mrs Witness, in the house did they lock you inside the
4 house?

14:38:13 5 A. There was somebody standing at the door, holding onto the
6 door.

7 Q. And the person who was standing at the door, was that a
8 rebel?

9 A. Yes.

14:38:25 10 Q. Did he have a gun?

11 A. He had a machete.

12 Q. Did you hear screaming from the house? Did you hear
13 screaming coming from the outside?

14 A. Yes, the children.

14:38:48 15 Q. And did there come a point where that screaming stopped?

16 A. Yes.

17 Q. After the screaming stopped, did the rebels start taking
18 people out of the house?

19 A. Yes, when they finished killing the children.

14:39:14 20 Q. Now, did they take you out of the house last?

21 A. Yes.

22 Q. Now the people that were in the house with you, who were
23 taken out of the house before, did the rebels do anything to
24 those people?

14:39:45 25 A. They killed all of them.

26 Q. And these people that they killed, did they include the
27 family members that you mentioned before?

28 A. Yes.

29 Q. Now, they took you out of the house last?

1 A. Yes.

2 Q. Inside of that house, one of these people that was killed
3 was one of them a town chief?

4 A. Yes.

14:40:30 5 Q. And was he the town chief or she - was this the town chief
6 of Foendor?

7 A. The town chief was --

8 THE INTERPRETER: Your Honours, can she kindly repeat it
9 slowly.

14:40:50 10 PRESIDING JUDGE: Madam Witness, the interpreter asks you
11 to repeat what you just said. "The town chief was --" Please
12 finish that sentence.

13 THE WITNESS: The youth leader was killed in the house.

14 MR SANTORA:

14:41:11 15 Q. And did you see that happen?

16 A. Very well.

17 Q. And did they kill the - the town chief, did they kill him
18 with a machete?

19 A. They were all killed with the machete.

14:41:37 20 JUDGE LUSSICK: I note that the only person to call this
21 person who was killed a town chief is yourself, Mr Santora.

22 MR SANTORA: I will rephrase the question to reflect the
23 witness's response:

24 Q. Mrs Witness, did you say that it was a youth leader that
14:41:57 25 was killed in the house?

26 A. They killed the youth leader.

27 Q. Now, was there also a town chief in the house or not?

28 A. The town chief too was killed.

29 Q. And was he killed inside or outside of the house?

1 A. They killed the town chief outside. He was the first to be
2 killed.

3 Q. Now, did they also kill your father-in-law's little sister?

4 A. Yes.

14:42:52 5 Q. Did they kill her outside or inside of the house?

6 A. They killed them outside.

7 Q. Now when they were killing these people outside could you
8 hear these people screaming?

9 A. Yes.

14:43:25 10 Q. Were you the last one out of the house, Mrs Witness?

11 A. Yes.

12 Q. When you came out of the house did you see all of the
13 bodies of these people?

14 A. When I came outside they were all there.

14:43:52 15 Q. And did you see your children's bodies outside of the
16 house?

17 A. I did not understand. Yes.

18 Q. And did the rebels say to you, "Look around. These are
19 your relatives"? Did they say that to you?

14:44:26 20 A. What I was told was that I should look to see my people.

21 Q. Who told you that, Mrs Witness?

22 A. Tamba Joe.

23 Q. Now earlier you just talked about a Temne man, do you
24 remember?

14:44:52 25 A. I did not talk about a Temne man.

26 Q. Okay. When you came outside of the house, was there a
27 Temne man as well there?

28 A. I saw him later among the corpses.

29 Q. Okay. Now did the - after you came outside of the house

1 and saw the corpses, did the rebels make you carry any bags?

2 A. Yes, they gave me the heads to carry, but I was unable at
3 first.

14:45:56

4 Q. Now, were these the heads of the people that you said were
5 killed?

6 A. Yes.

7 Q. So after they gave you the heads and you couldn't carry
8 them, did they give the heads to somebody else to carry?

14:46:22

9 A. That Temne man whom I saw later was the one whom they asked
10 to carry it later.

11 PRESIDING JUDGE: I'm sure the witness said he was among
12 the corpses, "I saw him later among the corpses."

14:46:44

13 MR SANTORA: I believe there's a portion that - maybe it
14 was lost in translation, but that this does occur - in the story
15 this does happen later and perhaps it was - and I think it will
16 be --

17 PRESIDING JUDGE: I see. Let us get the sequence correctly
18 please, Mr Santora.

19 MR SANTORA: I will clarify it:

14:46:57

20 Q. So, Mrs Witness, so when you came outside of the house,
21 okay, and they first gave you the bag and then they gave - are
22 you okay? And you said you couldn't carry the bag, they gave --

23 A. Yes.

24 Q. They gave this bag to - did they give this bag to the Temne
25 man?

14:47:22

26 A. Yes.

27 Q. So, the Temne man was there?

28 A. Yes.

29 Q. Now, later on did the Temne man die?

1 A. Yes.

2 Q. Okay. We'll come to that, but let me - I'm going to keep
3 asking you a few questions about what happened now. When you saw
4 the bag, Mrs Witness, did you see blood dripping out of the bag?

14:48:04 5 A. Yes.

6 Q. And when you saw this did one of the rebels make you laugh
7 at this?

8 A. Yes.

9 Q. And did you have to pretend to laugh then?

14:48:27 10 A. Yes.

11 Q. Now did they - these rebels, did they take you and the
12 Temne man to a village, the village called Tombodu?

13 A. Yes.

14 Q. And is this Tombodu in the Kamara Chiefdom?

14:48:58 15 A. Yes.

16 Q. So after you got to Tombodu, did the bag that was being
17 carried with the heads - did they empty the bag?

18 A. Yes.

19 Q. And when they emptied the bag did you see your children's
20 heads in the bag?

14:49:22 20 heads in the bag?

21 A. Yes.

22 Q. Did the boss man in Tombodu, did he tell some women to
23 throw the heads in the water?

24 A. Yes.

14:49:50 25 Q. And was this a pit of water that was right next to the
26 village of Tombodu?

27 A. Yes.

28 Q. Now, was there a boss man there that they called Capay?

29 A. Yes.

1 Q. And was this - did you know this man to be the boss because
2 of the way the other rebels talked to him?

3 A. That was the Capay.

4 Q. How did you know he was the boss?

14:50:47 5 A. I saw them go to him and hand over everything to him.

6 MR SANTORA: Your Honours, I'm sorry. Can I just have one
7 quick moment:

8 Q. The boss man, you said that - did the rebels call him
9 Capay?

14:51:29 10 A. Yes.

11 Q. Mrs Witness, now when you got to Tombodu did the rebels
12 kill the Temne man you were with?

13 A. Yes.

14 Q. Was it the Capay himself that killed this Temne man?

14:52:18 15 A. Yes.

16 Q. And did he - did the Capay kill the Temne man by putting
17 him - by putting the Temne man on a mortar and slicing his
18 throat?

19 A. Yes.

14:52:39 20 Q. And did you see this happen?

21 A. Yes.

22 Q. Now was this Temne man's body also taken to the same pit of
23 water that you - that you mentioned earlier?

24 A. I saw them dragging along, but I don't know what was done
14:53:16 25 to him.

26 Q. Now you yourself when you got to Tombodu, was there an
27 argument between the rebels about you?

28 A. Yes.

29 Q. And was the argument between Tamba Joe and a Kissi man?

1 A. Yes.

2 Q. And did Tamba Joe want to kill you?

3 A. Yes.

14:54:14 4 Q. And did you beg for your life from the Kissi man to try to
5 save you?

6 A. Yes, yes.

7 Q. Now, did Tamba Joe say that he joined this movement so even
8 if he saw his own mother he could kill her? Did he say that?

9 A. Yes.

14:54:42 10 Q. And after this argument it was decided that they weren't
11 going to kill you, is that right?

12 A. Yes.

13 Q. But instead did they assign you to an old man to be with
14 him?

14:55:10 15 A. Yes.

16 Q. And this old man, he was also a rebel. Is that correct?

17 A. Yes.

18 Q. And the first night when you were in Tombodu, this old man
19 wanted to have sex? Did he want to have sex with you?

14:55:41 20 A. Yes.

21 Q. And did you refuse?

22 A. Yes.

23 Q. And after you refused, did he tell you that he was going to
24 tell the boss man?

14:56:08 25 A. Yes.

26 Q. Are you okay, Mrs Witness?

27 A. Just continue.

28 Q. Okay. So that first night when he threatened - when this
29 old man said he was going to tell the boss man, did you pretend

1 that you had to go to the bathroom and escape?

2 A. Yes.

3 Q. And did you then wander alone in the bush for three days
4 and three nights?

14:57:06 5 A. Yes.

6 Q. Now, is it true that you couldn't even eat or drink during
7 this time?

8 A. Yes.

9 Q. And is it true that you thought that you were going to die?

14:57:32 10 A. Yes.

11 Q. And did it start raining very, very heavy when you were out
12 in the bush?

13 A. Yes.

14 Q. Now after three days and three nights when you were alone
15 in the bush, did you come upon a group of people?

14:57:55 16 A. Yes, but they did not see me.

17 Q. Now, did you come to a point where some people brought you
18 to a place called Kokui ma?

19 A. Yes.

14:58:32 20 Q. And when you got to Kokui ma, was there a group called
21 ECOMOG that was there?

22 A. Yes.

23 Q. And was it at this point that you were rescued?

24 A. Yes.

14:59:03 25 Q. After you got to Kokui ma, did you go to a place in Bo that
26 was a camp for victims?

27 A. Yes.

28 Q. What was the name of this camp?

29 A. Splendid.

1 Q. And did you stay in this camp for three years until the end
2 of the war in Sierra Leone?

3 A. Yes.

15:00:05

4 Q. Now, did your first - did your husband leave you because of
5 what happened to you?

6 PRESIDING JUDGE: Just let us clarify. My understanding
7 was that the husband was in the group that went to the bush in
8 the first place --

9 MR SANTORA: I can clarify that, your Honour.

15:00:20

10 PRESIDING JUDGE: -- and then was in the group that was
11 then taken to the - presumably to the house. So, just where does
12 he fit in?

13 MR SANTORA: I'll clarify that. Thank you, Madam
14 President:

15:00:31

15 Q. Mrs Witness, during the things that you've talked about,
16 okay, these things that happened in Foendor, was your first
17 husband with you in the village of Foendor when these things
18 happened?

15:00:56

19 A. The place where we were captured, he was not there. He
20 went in search of bush yams.

21 Q. So your husband was never captured by Tamba Joe and his
22 group. Is that correct?

23 A. Not at all. They chased him, but he was not captured.

15:01:24

24 JUDGE SEBUTINDE: Mr Santora, you asked this witness the
25 question whether all the family members she had mentioned earlier
26 in her testimony were killed and to which she answered "Yes".

27 MR SANTORA: That's why I'm going to clarify that point.
28 Thank you, Justice Sebutinde:

29 Q. Mrs Witness, the people that were in the house with you, in

1 the house in Foendor when these things happened, your husband was
2 not there?

3 A. He was not there.

15:02:04

4 Q. What about your other family members that you mentioned
5 already? Were all of them there, the ones that went with you to
6 hide in the bush in Foendor? Were all of the other ones in the
7 house?

8 A. Yes, you asked me and I answered just a few minutes ago.

15:02:32

9 Q. So was it only your husband that escaped and didn't get
10 caught by Tamba Joe's group?

11 A. Yes.

12 MR SANTORA: I'm not sure if that clarifies it for your
13 Honours? Okay:

15:02:53

14 Q. Now, Mrs Witness, did your first husband leave you because
15 of what happened to you?

16 A. He left me because that was, how I will say it? That was
17 how the events took place.

18 Q. So did he leave you because of these events that took
19 place?

15:03:27

20 A. I don't know his mind.

21 Q. Okay. Were you at Splendid Camp when you heard the war was
22 over in Sierra Leone?

23 A. Yes.

15:04:03

24 JUDGE SEBUTINDE: Mr Santora, are you suggesting that the
25 husband actually left her, or is it that he counted her dead for
26 three years and moved on with his life?

27 MR SANTORA: I'll clarify that:

28 Q. Mrs Witness, did you see your first husband when you got to
29 Splendid Camp?

1 A. We went together until we arrived there.

2 Q. Did you go together from Kokui ma?

3 A. Yes.

4 Q. And once you got to Splendid Camp, did he leave you?

15:04:48 5 A. That was where he left me.

6 Q. And did he take up with another - so, Mrs Witness, did your
7 first husband take up with another woman?

8 A. Ah, yes.

9 Q. Now, did you ever learn if your husband left you because of
15:06:03 10 these events that happened to you?

11 A. I don't know his mind. I don't know what is in his heart.

12 Q. Now since these events occurred, Mrs Witness, have you ever
13 gone back to Foendor?

14 A. I never went there.

15:06:42 15 Q. Do you want to tell the Court how these events affected
16 your life? Can you tell the Court?

17 A. Yes.

18 Q. Go ahead and tell the Court how these events affected your
19 life.

15:07:22 20 A. It affected me greatly, because the way we used to be
21 together with my mother we separated and I'm still feeling that
22 emotional pain. I'm left behind and I started giving birth on my
23 own to children. But that alone, it has appeared as if when that
24 event took place I lost my strength. I can no longer give birth
15:07:57 25 on my own, except they conduct an operation on me, and so this is
26 the problem that is affecting me in my life. At the time I was
27 sitting, that never happened to me. I gave birth to my first two
28 children on my own, but since that event took place except they
29 conduct operations on me I will suffer because there was no-one

1 there to encourage me. Each time I thought of my mother, how she
2 used to encourage me, I start to cry. I will - that will
3 continue until it became a problem. It came a time when I felt
4 disappointed. When that occurs to me I lost myself each time I
15:08:43 5 thought of that, the way we used to be until the encounter that
6 date, and so that event always confuses me. I cannot recall
7 events, if you see you asking me some questions, so that since
8 that day when I lost myself up to date I cannot regain myself.
9 Each time I thought of that, I feel confused.

15:09:07 10 Even when I'm walking alone along in the road, each time I
11 thought of that it appears to me like I'm scaring and then I
12 become frightened. As I'm speaking today, asked about it, it
13 will take - it will be a long time. I used to dream again that
14 event occurring to me, so up to date I'm still frightened because
15:09:35 15 those who did that to me I don't know whether they're still alive
16 or not and so I'm also worried about my very self.

17 This thing that is affecting me, my child I don't - when
18 again when I gave birth to a child and he be with me, his age
19 group somewhere in class 3 and class 4, but today I cannot see
15:09:57 20 that child. So, that is - that is the emotional pain in me. I'm
21 alone. If I see now my family, except my mother's elder sister
22 and our children, but my mother's died, me alone. I'm alone.
23 Sometimes when I thought of that I feel discouraged, but I always
24 thought about God. But what God has designed for me, it happens.
15:10:35 25 Had it not been designed by God that event would not have
26 happened to me, but I give thanks to God because I survived. So
27 when - after some time when I thought of that I still think about
28 God, but this - the two children I got that --

29 THE INTERPRETER: Your Honours, could the witness be asked

1 to speak slowly.

2 PRESIDING JUDGE: Madam Witness, I'm very sorry to
3 interrupt you, but the interpreters cannot keep up with you. Can
4 you please repeat slowly what you just said starting from the
15:11:12 5 point you said, "The two children I got that -- ", and continue
6 from there.

7 THE WITNESS: The two children I have, may God provide an
8 opportunity for me to be sent to school. May God provide the
9 opportunity for them to live for long so that they could
15:11:48 10 encourage me, but there are still tears in my eyes like what has
11 been affecting me. I never thought of that because my mother was
12 a young woman --

13 THE INTERPRETER: Your Honours, can the witness repeat her
14 last answer.

15 PRESIDING JUDGE: Again, Madam Witness, the interpreters
16 need to hear what you said before. You said, "My mother was a
17 young woman", and then you said something after that that they
18 did not hear properly. Can you repeat that, please.

19 THE WITNESS: I said my mother was a young woman. I never
15:13:12 20 thought that I will be a lonely man in this world.

21 MR SANTORA:

22 Q. Did you say a lonely man, or a lonely woman?

23 A. From my mother's womb I'm the only person alive.

24 MR SANTORA: One moment, your Honour. Mrs Witness, thank
15:14:11 25 you for answering my questions. I have no further questions.

26 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths?

27 MR GRIFFITHS: Madam Witness, I hope all of your wishes
28 come true. I have no questions, your Honour.

29 JUDGE SEBUTINDE: Madam Witness, I just want to ask you one

1 or two questions that I didn't quite understand in your account,
2 okay? You spoke of a - earlier on in your testimony you spoke of
3 a Temne man that was forced to rape you. Do you remember that?

4 THE WITNESS: I did not say he was going to do it
15:15:20 5 willingly.

6 JUDGE SEBUTINDE: Mr Interpreter, I think you are
7 misinterpreting because that is exactly what I said. Anyway,
8 Madam Witness, what I would like to know is when this man was
9 forced to rape you was this in front of your family members that
15:15:42 10 you told us about?

11 THE WITNESS: We were not close to my mother and others.

12 JUDGE SEBUTINDE: But were any other people watching?

13 THE WITNESS: Yes, just them.

14 JUDGE SEBUTINDE: Okay, thank you. That's all I needed to
15:16:10 15 ask.

16 PRESIDING JUDGE: Questions arising from Judge Sebutinde's
17 questions?

18 MR SANTORA: None, your Honour.

19 PRESIDING JUDGE: Mr Griffiths, questions arising?

15:16:24 20 MR GRIFFITHS: Nothing from me, Madam President.

21 PRESIDING JUDGE: Thank you.

22 Now, Madam Witness, that is the end of your evidence and we
23 thank you for coming to court to give your evidence. We wish you
24 a safe journey home and that things will go well for you and the
15:16:41 25 new baby. Now we are going to lower the curtains so that you can
26 leave the Court and not be seen, so please sit where you are.

27 THE WITNESS: Okay.

28 PRESIDING JUDGE: Mr Koumjian, you were trying to say
29 something just now.

1 MR KOUMJIAN: Yes, your Honours. I'd actually be
2 requesting a short recess, the reason being this witness did
3 finish much quicker than we expected. I thought we had another
4 witness on call in the building, but I'm not sure. There may
15:20:06 5 have been a miscommunication and I'm trying to determine whether
6 the next witness is in the building or not. Apparently we have
7 received a message now that they're not in the building. I
8 thought the witness was being brought at 2, but I think it's
9 probably my fault that I did tell someone I didn't expect this
15:20:23 10 witness to finish today. But, in any event, I think it might be
11 worthwhile to take a very short recess for us to confer with WVS
12 about the status of the next witness. Five minutes I believe is
13 all I need.

14 PRESIDING JUDGE: Very well, we will adjourn for five
15:20:38 15 minutes and reconvene and find out what the status quo is.
16 Please adjourn court for five minutes.

17 [Break taken at 3.22 p.m.]

18 [Upon resuming at 3.30 p.m.]

19 PRESIDING JUDGE: Now, Mr Koumjian, I notice we don't have
15:29:54 20 a witness.

21 MR KOUMJIAN: Yes, your Honour. I was informed by VWS that
22 the witness was on standby - that I take full responsibility for
23 - not in this building and it would take an hour to bring the
24 witness here. I take responsibility for that miscommunication.

15:30:16 25 PRESIDING JUDGE: There always has been a policy that there
26 was a backup in the event of a witness becoming unable to
27 proceed. Mr Griffiths?

28 MR GRIFFITHS: Uniquely on this occasion I can't allow
29 Mr Koumjian to take all the blame, because perhaps I ought to

1 have notified the Prosecution at lunchtime that I had no
2 intention of cross-examining the witness.

3 PRESIDING JUDGE: Well, then, we'll spread it between the
4 two of you gentlemen. In the circumstances, we will adjourn
15:30:53 5 until tomorrow morning at 9.30 and I have no doubt we will all be
6 able to put our time to good use. Please adjourn court until
7 9.30.

8 [Whereupon the hearing adjourned at 3.31 p.m.
9 to be reconvened on Wednesday, 1 October 2008
10 at 9.30 a.m.]

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

I N D E X

WITNESSES FOR THE PROSECUTION:

ABDUL OTONJO CONTEH	17552
EXAMINATION-IN-CHIEF BY MR KOUMJIAN	17552
CROSS-EXAMINATION BY MR ANYAH	17559
RE-EXAMINATION BY MR KOUMJIAN	17613
TF1-064	17622
EXAMINATION-IN-CHIEF BY MR SANTORA	17622

EXHIBITS:

Exhibit D-63 admitted	17619
-----------------------	-------