



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 5 MAY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Sidney Thompson
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Shyamala Alagendra
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Monday, 5 May 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:14:59 5 PRESIDING JUDGE: Good morning and I welcome you all back
6 after the short break. I think we have one uncompleted matter in
7 relation to the last witness and that is dealing with documents
8 marked for identification. Ms Alagendra?

9 MS ALAGENDRA: Good morning, your Honours. Just for the
09:31:12 10 record for the Prosecution today is Mr Nicholas Koumjian, Mohamed
11 Bangura, myself Shyamala Alagendra and Maja Dimitrova, your
12 Honours.

13 PRESIDING JUDGE: Thank you. Mr Anyah?

14 MR ANYAH: Yes, good morning, Madam President. Good
09:31:28 15 morning, your Honours. May it please the Court. Good morning,
16 counsel opposite. For the Defence we have Mr Terry Munyard,
17 myself Mr Morris Anyah, and Lansana Kamara.

18 PRESIDING JUDGE: Thank you.

19 MS ALAGENDRA: Your Honours, in relation to the previous
09:31:44 20 witness we would like to make an application to the Court for the
21 exhibits to be marked and to be admitted into evidence, your
22 Honour.

23 PRESIDING JUDGE: I think the neatest way is to go through
24 them one by one.

09:31:57 25 MS ALAGENDRA: Yes, your Honour. The first one for the
26 Prosecution is MFI-16 and this was a proclamation entitled
27 "Administration of Sierra Leone Armed Forces" and the Prosecution
28 seeks for this document to be marked as an exhibit and admitted
29 into evidence.

1 PRESIDING JUDGE: Mr Anyah?

2 MR ANYAH: Yes, Madam President, I have no objection, but
3 it should be noted that there are scribbles or additional
4 notations on the document. There is a prior exhibit number and
09:32:40 5 there is a name written at the top of the document as well that
6 does not pertain to this case and so perhaps a redacted version
7 of this document could be introduced into evidence, Madam
8 President.

9 PRESIDING JUDGE: Have we got a clean copy, Ms Alagendra?

09:32:56 10 MS ALAGENDRA: No, your Honours, this is the copy that was
11 provide to the Office of the Prosecutor, but we are happy to go
12 as counsel has suggested.

13 PRESIDING JUDGE: Let me get the number. What's the next
14 Prosecution exhibit number, please?

09:33:27 15 MS IRURA: Your Honour, it would be P-100.

16 PRESIDING JUDGE: That's a supplement to the Sierra Leone
17 Gazette as marked and that will become Prosecution exhibit P-100.

18 [Exhibit P-100 admitted]

19 MS ALAGENDRA: Your Honour, the next item is MFI-17.

09:33:53 20 MR ANYAH: I'm to interject. Madam President, will the
21 redactions be made to P-100?

22 PRESIDING JUDGE: It would appear that there isn't a clean
23 copy. That's what I asked Ms Alagendra. So I can only admit it
24 in its present form if I don't have it, but the scribbles to me
09:34:14 25 appear not to be relevant and there has been no application to
26 have them as part of the core of the evidence, but if it's by
27 consent that they can be redacted I see no problem in doing that.

28 MR ANYAH: Your Honour, the concern I have is if you look
29 on the second page of the document, Madam President.

1 PRESIDING JUDGE: Yes, continue, Mr Anyah.

2 MR ANYAH: Yes, on the second page of the document are
3 dates written. I suspect this was an exhibit in a prior case
4 perhaps and the witness in that case marked this exhibit and on
09:34:55 5 the second page of this document ending in ERN number 7672
6 somebody scratches off the number 27 and inserts 40. That was an
7 issue raised in another document in this case that they will soon
8 be seeking to introduce; that is the decision by the AFRC to
9 change numbers of its members from 27 to 40. Your Honours will
09:35:21 10 see this in another document that will be introduced.

11 So the record needs to be clear that in respect of this
12 document the number that should be on record is 27 and not 40 and
13 that these dates have nothing to do with the witness who
14 testified, that's the hand scribbled dates.

09:35:40 15 PRESIDING JUDGE: Yes, I think you have got a valid point
16 there, Mr Anyah. Ms Alagendra, you have heard Mr Anyah's
17 application to have this cleaned up or redacted.

18 MS ALAGENDRA: Your Honour, we have no objection to the
19 request by the Defence to have it redacted and the only matters
09:35:55 20 we seek to admit into evidence is as stated in the official
21 document and none of the scribbles.

22 JUDGE SEBUTINDE: Could I just maybe observe that on page
23 2, the part that Mr Anyah has drawn to our attention, this is
24 merely an amendment. This is a normal way of someone indicating
09:36:15 25 in the Registry or something that there was an amendment to this
26 particular provision which changed the number from 27 to 40 and
27 that was by decree number 4 of 1997 written in the margin.

28 MS ALAGENDRA: That seems to be --

29 JUDGE SEBUTINDE: That is really what it is. I'm not

1 saying you shouldn't redact, but that's what it appears to be. I
2 don't think there is anything mala fide about it.

09:36:50 3 MS ALAGENDRA: That seems to be correct, your Honour. In
4 fact we will be asking the Court to admit the subsequent decree
5 number 4 in any event, but I am agreeable to go as suggested by
6 counsel, your Honour.

7 PRESIDING JUDGE: Well, this is a four page document headed
8 "Public Notice, Supplement to the Sierra Leone Gazette,
9 Extraordinary Volume" and it is admitted as a Prosecution exhibit
10 with the redaction of two handwritten scribbles on the first and
11 three handwritten scribbles on the second pages thereof.

12 MS ALAGENDRA: Your Honour, the next item is MFI-17 which
13 is the AFRC decrees dated 14 July 1997 and this specifically,
14 your Honours, is AFRC decree number 4 being a decree to increase
09:37:46 15 the membership of the Armed Forces Revolutionary Council dated 14
16 July 1997 and we seek, your Honour, for this to be marked as an
17 exhibit and admitted into evidence.

18 PRESIDING JUDGE: Mr Anyah?

19 MR ANYAH: No objection, Madam President.

09:38:03 20 PRESIDING JUDGE: Very well. The Prosecution exhibit
21 application is granted and "AFRC Decree No. 4" which is a two
22 page document is admitted in evidence as P-101.

23 [Exhibit P-101 admitted]

24 MS ALAGENDRA: Your Honours, the next item is MFI-18 and
09:38:27 25 this will be AFRC decree number 3, being a decree to make
26 provision for the establishment of the office of principal
27 liaison officer dated 10 July 1997. Your Honour, we request that
28 this document be marked as an exhibit and admitted into evidence.

29 MR ANYAH: No objection, Madam President.

1 PRESIDING JUDGE: Very well. MFI-18 which is a three page
2 document headed "AFRC Decree No. 3" is admitted in evidence as
3 P-102.

4 [Exhibit P-102 admitted]

09:39:15 5 MS ALAGENDRA: The next item, your Honours, is MFI-19 and
6 this is AFRC decree number 2, being a decree to establish council
7 of secretaries and it's dated 10 July 1997. We request for this
8 document to be marked as an exhibit and admitted into evidence.

9 PRESIDING JUDGE: Please proceed, Mr Anyah.

09:39:34 10 MR ANYAH: Yes, no objection, Madam President.

11 PRESIDING JUDGE: Thank you. So that is MFI-19 which is a
12 five page document headed "Decree, Supplement to the Sierra Leone
13 Gazette" and that becomes P-103.

14 [Exhibit P-103 admitted]

09:40:15 15 MS ALAGENDRA: Your Honour, the next number is MFI-20 and
16 this, your Honour, is a document entitled "Sierra Leone Gazette"
17 dated 11 September 1997, number 53 which identifies members of
18 the council, your Honour, and we request for this document to be
19 marked as an exhibit and admitted into evidence.

09:40:43 20 PRESIDING JUDGE: Mr Anyah?

21 MR ANYAH: The Defence will not have an objection to the
22 first two pages being admitted into evidence. The document
23 consists of eight pages and the balance of the document, as the
24 Court will notice, indeed starting from page 2, contains general
09:41:03 25 notices. On page 2 there is a notice regarding the sitting
26 sessions for the High Court of Sierra Leone and then on the
27 balance of the page you have a revised list of chiefdoms and
28 their councillors. That's what the balance of the document is.
29 We would not object to the first two pages being admitted, but

1 the remaining six pages we would tender an objection.

2 PRESIDING JUDGE: On what grounds, because this is a public
3 document and it is normal practice for judicial notice to be
4 taken of public document of this nature and not to divide them
09:41:43 5 up.

6 MR ANYAH: Yes, Madam President, it is the case, but an
7 application for the document to be judicially noted has not been
8 made, of course the Chamber retains the discretion to do so sui
9 sponte or proprio motu, but given it has been introduced by the
09:42:00 10 Prosecution in this manner, we believe the evidence on record
11 only pertains to the first two pages which they went over with
12 the witness. He was not questioned about the balance of names on
13 the other pages. The Chamber will note on page 2 in a part of
14 the document not discussed with the witness a name appears on the
09:42:16 15 document that could be said to be the witness's name. I am
16 referring to page 2 ending ERN 7712 and on the right-hand column
17 number 10 is a name that could arguably be said is the witness's
18 name, that was not covered with the witness, and so for the rest
19 of the document I make an objection on the record.

09:42:34 20 PRESIDING JUDGE: Very well. Ms Alagendra, you have heard
21 the objection. It would appear that counsel is seeking to divide
22 this document.

23 MS ALAGENDRA: Your Honours, we would ask that the whole
24 document be admitted into evidence and the Court to only consider
09:42:50 25 the parts which were led in evidence. And in relation to the
26 name appearing in number 10, your Honour, that should not be an
27 issue at all because it was not something put to the witness or
28 raised in Court.

29 JUDGE LUSSICK: Ms Alagendra, I am just curious to

1 understand why you say the rest of that document is admitted. It
2 doesn't appear to be relevant. Do you say it's relevant?

3 MS ALAGENDRA: No, your Honours, it's just that because
4 this is a public document and for the Court to understand the
09:44:37 5 nature of this entire gazette and the purpose of it, which is to
6 provide names of the various bodies during that particular time
7 and during examination-in-chief we only made reference to one
8 particular body which was the AFRC council.

9 PRESIDING JUDGE: We admit as evidence the first two pages
09:45:41 10 of a document headed "The Sierra Leone Gazette" and dated
11 Thursday, 1 September 1997, No. 53, as Prosecution exhibit P-104.

12 [Exhibit P-104 admitted]

13 MS ALAGENDRA: Your Honours, the next item is MFI-21 which
14 is the map of Kono where the witness marked certain locations
09:46:23 15 that he had testified about and we request that that map with the
16 markings made by the witness be marked as an exhibit and admitted
17 into evidence.

18 PRESIDING JUDGE: Mr Anyah?

19 MR ANYAH: No objection, Madam President.

09:46:37 20 PRESIDING JUDGE: Very well. A map, a one page document
21 headed "Kono District - Sierra Leone" with ten markings by the
22 witness is admitted as evidence as P-105.

23 [Exhibit P-105 admitted]

24 MS ALAGENDRA: Your Honours, the next item is MFI-22 which
09:47:02 25 is the map of Bombali where the witness marked locations that he
26 testified about and we request that this map with the markings by
27 the witness be admitted as an exhibit into evidence.

28 MR ANYAH: No objection, Madam President.

29 PRESIDING JUDGE: Thank you, Mr Anyah. So a one page

1 document, a map headed "Bombali District - Sierra Leone" with 11
2 markings by the witness is marked as Prosecution exhibit P-106.

3 [Exhibit P-106 admitted]

4 MS ALAGENDRA: The next item, your Honours, is MFI-23.

09:47:39 5 This is a map of Freetown with markings made by the witness and
6 we request that the map with the markings be marked as an exhibit
7 and admitted into evidence.

8 PRESIDING JUDGE: Mr Anyah?

9 MR ANYAH: No objection, Madam President.

09:47:56 10 PRESIDING JUDGE: Very well. A map without a title but
11 headed in the corner "Freetown" with 12 markings by the witness
12 is admitted in evidence as exhibit P-107.

13 [Exhibit P-107 admitted]

14 MS ALAGENDRA: The next item, your Honour, is MFI-24 which
09:48:23 15 is a map of Freetown and environs. The witness had made markings
16 on this map of locations that he testified about. We request
17 that this map be marked as an exhibit and admitted into evidence.

18 PRESIDING JUDGE: Mr Anyah?

19 MR ANYAH: No objection, Madam President.

09:48:43 20 PRESIDING JUDGE: That is a one page document without a
21 title, but the word "Freetown and Environs" is on the right
22 corner and it has six markings by the witness. It is admitted in
23 evidence as Prosecution exhibit P-108.

24 [Exhibit P-108 admitted]

09:49:07 25 MS ALAGENDRA: The next item, your Honours, is MFI-25 and
26 this is a road map of Sierra Leone and we were referring to the
27 Western Area on that map. The witness made markings of locations
28 he testified about. We ask that that map be marked as an exhibit
29 and admitted into evidence.

1 PRESIDING JUDGE: Mr Anyah?

2 MR ANYAH: No objection, Madam President. I just think we
3 have to be mindful of the description given to this exhibit.
4 Right now as I see it listed, and I know this is a tentative
09:49:48 5 listing by the Court Management, it indicates map that ranges
6 from Freetown to Magburaka, Sierra Leone. The Prosecution is
7 referring to it as the Western Area and I recall when this map
8 was put forward by the Prosecution they clarified that it was a
9 portion of a larger map and was one of several different maps.
09:50:13 10 We just have to have the right description, I think.

11 PRESIDING JUDGE: Very well. This is a map which does not
12 have a title, but is acknowledged to be part of a larger map. It
13 ranges from Freetown and Yawri Bay to Magburaka and it has 12
14 markings by the witness and it becomes Prosecution exhibit P-109.

09:50:48 15 [Exhibit P-109 admitted]

16 MS ALAGENDRA: Your Honours, the next item is MFI-26. This
17 is a map of Port Loko and the witness made markings on this map
18 of locations he testified about. We request that this map with
19 the markings made by the witness be marked as an exhibit and
09:51:10 20 admitted into evidence.

21 PRESIDING JUDGE: Mr Anyah?

22 MR ANYAH: No objection, Madam President.

23 PRESIDING JUDGE: This is a one page document headed "Port
24 Loko District - Sierra Leone". It is a map and it has five
09:51:27 25 markings by the witness. It is admitted in evidence as
26 Prosecution exhibit P-110.

27 [Exhibit P-110 admitted]

28 MS ALAGENDRA: The next item for the Prosecution, your
29 Honour, was a document which we referred to during re-examination

1 and this was MFI-41 and this is a BBC article dated January 6
2 1999 entitled "World: Africa, Battle for Sierra Leone" and we
3 request that this document be marked as an exhibit and admitted
4 into evidence.

09:52:13 5 PRESIDING JUDGE: You have heard the application, Mr Anyah?

6 MR ANYAH: No objection, Madam President.

7 PRESIDING JUDGE: That's a two page document headed "BBC"
8 and it becomes Prosecution exhibit P-111.

9 [Exhibit P-111 admitted]

09:52:44 10 MS ALAGENDRA: Thank you, your Honours. That is all for
11 the Prosecution.

12 PRESIDING JUDGE: Thank you, Ms Alagendra. Mr Anyah, have
13 you any applications?

14 MR ANYAH: Yes, Madam President. There are a number of
09:52:56 15 documents that were requested to be marked for identification by
16 the Defence and I will start with the first one which is MFI-27.
17 MFI-27 is a BBC article dated 18 April 1999 with the title "Rebel
18 Leader freed for talks" and we would request that this be
19 admitted into evidence, Madam President.

09:53:23 20 PRESIDING JUDGE: Ms Alagendra?

21 MS ALAGENDRA: No objections, your Honour.

22 PRESIDING JUDGE: Just let me get the number for the
23 Defence exhibit.

24 MS IRURA: Your Honour, it is D-19.

09:53:38 25 PRESIDING JUDGE: This is a three page document with a
26 heading "BBC News Africa" and a bolder title "World: Africa,
27 Rebel Leader freed for talks". It becomes Defence exhibit D-19.

28 [Exhibit D-19 admitted]

29 MR ANYAH: The next document is also from the BBC. It is

1 dated 6 August 1999, the title of the article is "Sierra Leone,
2 Who are the kidnapers?" We respectfully request that this be
3 admitted into evidence.

4 MS ALAGENDRA: No objections, your Honour.

09:54:10 5 PRESIDING JUDGE: Well, this is another three page document
6 headed "BBC" with a larger title "Who are the kidnapers?" It
7 becomes Defence exhibit D-20.

8 [Exhibit D-20 admitted]

9 MR ANYAH: The next document is from the Sierra Leone News
09:54:30 10 Archives. It is dated 31 August 1999 with portions also
11 pertaining to 30 August 1999 and we request that it be admitted
12 into evidence.

13 JUDGE LUSSICK: Mr Anyah, I think it would be a very good
14 idea if you put on record the identification marking of each
09:54:50 15 document so that we know we are talking about the same document.

16 MR ANYAH: Yes, Justice Lussick, and I will do so now in
17 reference to the previously admitted documents. With respect to
18 Defence exhibit 19, the MFI number is MFI-27. With respect to
19 what has just been admitted as Defence exhibit 20 the MFI number
09:55:14 20 is MFI-28. With respect to the document we propose for admission
21 now from the Sierra Leone News Archives dated 30 and 31 August
22 1999 the MFI number is MFI-29.

23 MR ANYAH: No objections, your Honour.

24 PRESIDING JUDGE: Thank you, Ms Alagenda. That is a two
09:55:38 25 page document headed "News Archives" and it becomes Defence
26 exhibit D-21.

27 [Exhibit D-21 admitted]

28 MR ANYAH: Your Honours, the next document is MFI-30 also
29 from the Sierra Leone News Archives, an article dated 30

1 September 1999 and we request that it be admitted into evidence.

2 MS ALAGENDRA: No objections, your Honour.

3 PRESIDING JUDGE: This is a one page document headed
4 "Sierra Leone News Archives September 1999". It becomes Defence
09:56:20 5 exhibit D-22.

6 [Exhibit D-22 admitted]

7 MR ANYAH: The next document, your Honours, is from the
8 BBC. It is dated 1 October 1999. The MFI number is 31. The
9 title of the document is "Sierra Leone rebel leader delays
09:56:40 10 return" and we request that it be admitted into evidence.

11 MS ALAGENDRA: No objection, your Honour.

12 PRESIDING JUDGE: This is a three page document headed "BBC
13 News" and underneath in bolder type "World: Africa, Sierra Leone
14 rebel leader delays return". It becomes Defence exhibit D-23.

09:57:04 15 [Exhibit D-23 admitted]

16 MR ANYAH: The next document is MFI-32, an article from the
17 BBC dated 6 August 1999. The title of the document is "Sierra
18 Leone hostage tells of ordeal" and we ask that it be admitted
19 into evidence.

09:57:20 20 MS ALAGENDRA: No objection, your Honour.

21 PRESIDING JUDGE: This is a three page document headed "BBC
22 News" and in bolder type "World: Africa, Sierra Leone hostage
23 tells of ordeal" and it becomes Defence exhibit D-24.

24 [Exhibit D-24 admitted]

09:57:38 25 MR ANYAH: The next document is a map of Liberia with
26 demobilisation sites between the period 22 November 1996 and 12
27 February 1997. The MFI number is 33 and we ask respectfully that
28 this be admitted into evidence.

29 MS ALAGENDRA: No objection, your Honour.

1 PRESIDING JUDGE: This is a one page document, a map headed
2 "World Food Programme" and "Liberia Demobilisation Sites". It is
3 admitted into evidence as Defence exhibit D-25.

4 [Exhibit D-25 admitted]

09:58:23 5 MR ANYAH: Madam President, the next document is MFI-34.
6 It is an excerpt from the Truth and Reconciliation Commission for
7 Sierra Leone's report, in particular a statement by his
8 Excellency the Presidential Alhaji Dr Tejan Kabbah dated 5 August
9 2003 and we seek to have it admitted into evidence.

09:58:50 10 MS ALAGENDRA: Your Honours, we object to the admission of
11 this document on the grounds of relevance. I recall that the
12 purpose for which the witness was shown this document by counsel
13 was to establish that the size of the STF forces in Sierra Leone
14 was considerable, but during the cross-examination of the witness
09:59:11 15 it was noticed that there was nothing in the document that
16 referred to numbers or the size of the STF and on that basis,
17 your Honours, we don't think that document was relevant.

18 MR ANYAH: Madam President, I propose to the Chamber the
19 document is relevant in several respects and irrespective of what
09:59:31 20 purpose it was initially introduced, and I question the
21 assumption that we merely introduced it to establish the size of
22 the Special Task Force, but be that as it may, it is relevant for
23 several different reasons.

24 Number one, at issue during this witness's testimony was
09:59:47 25 the origins of the Special Task Force and there is evidence on
26 the record by the witness before he was confronted with this
27 document as suggesting that the Special Task Force derived from
28 the NPFL. This document was put to the witness to establish the
29 ULIMO connection to the genesis of the Special Task Force.

1 That's one matter at issue.

2 The second matter at issue in respect of this document was
3 General David Livingstone Bropleh and whether or not he continued
4 to play any role in Sierra Leone and in particular respect in
10:00:25 5 connection with the Special Task Force post the Lome Peace
6 Agreement in 1999. That was also put to the witness.

7 So for all of these factors I would propose to your Honours
8 that the document is entirely relevant, in particular respect to
9 this issue of Liberians and the Special Task Force fighting in
10:00:48 10 Sierra Leone during the relevant period.

11 PRESIDING JUDGE: We consider that this is a relevant
12 document and we admit it as an exhibit. It is a six page
13 document with a cover sheet headed "Appendix 2, Submissions to
14 the TRC" and it is admitted in evidence as Defence exhibit D-26.

10:01:20 15 [Exhibit D-26 admitted]

16 MR ANYAH: Thank you, Madam President. The next document
17 is MFI-35. It is an article from the New York Times dated 13 May
18 1998 with the title "US reportedly backed British mercenary group
19 in Africa". We respectfully move to have this admitted into
10:01:39 20 evidence.

21 MS ALAGENDRA: No objections, your Honour.

22 PRESIDING JUDGE: That is a two page document headed "New
23 York Times" and a larger subheading "US reportedly backed British
24 mercenary group in Africa". It is admitted in evidence as
10:01:54 25 exhibit D-27.

26 [Exhibit D-27 admitted]

27 MR ANYAH: The next document, MFI-36, is from the Sierra
28 Leone News Archives. It's a document pertaining to the date 31
29 December 1998 and we respectfully move it to be admitted into

1 evidence.

2 MS ALAGENDRA: No objections, your Honour.

3 PRESIDING JUDGE: Thank you. This is a three page document
4 entitled "Sierra Leone News Archives" with a bolder "News
10:02:30 5 Archives" subheading and dated 31 December 1998. It is admitted
6 in evidence as Defence exhibit D-28.

7 [Exhibit D-28 admitted]

8 MR ANYAH: The next document, Madam President, is MFI-37,
9 the title is "Sierra Leone People's Army", it is said to be from
10:02:51 10 General David L Bropleh and we respectfully move to have it
11 admitted into evidence.

12 MS ALAGENDRA: No objections, your Honour.

13 PRESIDING JUDGE: I have mislaid my copy, but for the
14 moment I will note there is no objection and therefore - I never
10:03:15 15 did have a copy. This is a two page document of type headed
16 "Sierra Leone People's Army" with a stamp across it partially
17 obliterating some of the letters and it is admitted in evidence
18 as a Defence exhibit D-29.

19 [Exhibit D-29 admitted]

10:03:38 20 MR ANYAH: Madam President, the next document is MFI-38
21 also from the Truth and Reconciliation Commission of Sierra Leone
22 and the substantive part names the AFRC leadership and the AFRC
23 high command/Supreme Council and we move to have it admitted into
24 evidence.

10:04:00 25 MS ALAGENDRA: No objections, your Honour.

26 PRESIDING JUDGE: Thank you. That is a six page document
27 with a cover sheet with some pictures and "Witness to Truth" and
28 it comes from volume 2 of the report of the Sierra Leone Truth
29 and Reconciliation Commission. It is admitted into evidence as

1 Defence exhibit D-30.

2 [Exhibit D-30 admitted]

3 MR ANYAH: Thank you, Madam President. The next document
4 is MFI-39. It is from appendix 2 containing submissions to the
10:04:34 5 Truth and Reconciliation Commission of Sierra Leone. It is dated
6 12 July 2003, a letter from the director of prisons, and we move
7 to have it admitted into evidence.

8 MS ALAGENDRA: No objections, your Honour.

9 PRESIDING JUDGE: Thank you. This is a six page document
10:04:52 10 with a cover sheet entitled "Appendix 2, Submissions to the TRC".
11 Within it are several typed pages and the relevant portions
12 referred to by counsel are a letter from the director of prisons
13 to the commissioners of the Truth and Reconciliation Commission.
14 It is admitted in evidence as exhibit D-31.

10:05:15 15 [Exhibit D-31 admitted]

16 MR ANYAH: The next document, Madam President, is MFI-40,
17 also from volume 2 of the Truth and Reconciliation Commission
18 report and in substantive components it deals with the RUF
19 leadership structure, the RUF high command, and we move to have
10:05:38 20 it admitted into evidence.

21 MS ALAGENDRA: No objections, your Honour.

22 PRESIDING JUDGE: This is a six page document with a cover
23 sheet with some pictures and the title "Witness to Truth, Volume
24 2" and inside is volume 2, report of the Sierra Leone Truth and
10:06:02 25 Reconciliation Commission. It is admitted in evidence as Defence
26 exhibit D-32.

27 [Exhibit D-32 admitted]

28 MR ANYAH: That's all we have, Madam President.

29 PRESIDING JUDGE: Thank you. Ms Alagenda, or is it

1 Mr Bangura, I note that you are - do you have carriage of the
2 next witness?

3 MR BANGURA: Yes. Good morning, Madam President. Good
4 morning, your Honours. Your Honours, the next witness for the
10:06:45 5 Prosecution will be TF1-143.

6 Your Honours, this witness was granted protective measures
7 by Trial Chamber I on 5 July 2004 - by a decision on 5 July 2004
8 and he is classified as a category 1B witness and that meant at
9 the time that he was entitled to testify with closed circuit
10:07:22 10 television, that is not testifying in open court, and as well as
11 being entitled to have his image not shown and his voice
12 distorted - no, I'm sorry. His image not shown and a pseudonym,
13 your Honour.

14 Your Honours, this was at the time when this witness was
10:08:01 15 categorised as a child witness. At present he is above that age
16 and he is not entitled to enjoy that category of protection,
17 specifically that to do with testifying behind a closed circuit
18 television. I am respectfully asking that that measure
19 specifically be rescinded for his testimony before this Chamber
10:08:31 20 and that for this present purpose he be entitled to the rest of
21 the measures which are a pseudonym, testifying with a pseudonym,
22 and with the screen as well as having his face distorted - the
23 image distorted.

24 PRESIDING JUDGE: I haven't got - did you mention a screen
10:09:02 25 before, Mr Bangura?

26 MR BANGURA: I did mention a screen, yes, your Honour.
27 Your Honour, that is an application I am making.

28 PRESIDING JUDGE: Thank you. I am going to invite a reply.
29 Mr Munyard?

1 MR MUNYARD: Good morning, Madam President, your Honours.

2 I note that the witness is now 22 years of age and therefore
3 obviously my learned friend's application to rescind the one
4 previous protective measure that he has mentioned is an
10:09:35 5 appropriate application and clearly we support it. As to the
6 other measures that are in force in relation to this witness we
7 have no comment to make.

8 PRESIDING JUDGE: Thank you. Mr Bangura, have you got a
9 copy of the relevant order of Trial Chamber I which you have
10:10:54 10 referred us to?

11 MR BANGURA: Yes, I do.

12 PRESIDING JUDGE: Could you pass it up, please.

13 MR BANGURA: I just wish to point out that it has got some
14 sections highlighted, but I hope that does not - your Honours, I
10:11:05 15 have got clean copies.

16 PRESIDING JUDGE: May I take it that counsel for the
17 Defence has seen this order?

18 MR MUNYARD: I haven't in fact had direct sight of the
19 order. I know that we have looked into this matter in the past,
10:11:18 20 but I personally haven't looked at this order and so I would be
21 grateful also for sight of it, Madam President.

22 MR BANGURA: I could assist your Honours by just pointing
23 to the relevant areas of this decision so as to speed up your
24 Honours' deliberation on this matter. On page 3 of the decision
10:11:44 25 under the rubric "The motion" we have the Chamber stating out the
26 categories of witnesses that the Prosecution applied to have
27 protected and we have category 1B there as child witnesses is a
28 category for which this witness - for which measures were applied
29 for this witness. On page 4, 6(b) we have the measures that

1 specifically applied to category 1B witnesses. Then finally at
2 page 16 where the Court makes its orders at paragraph H --

3 MR MUNYARD: I am sorry to interrupt, but my copy only goes
4 up to page 14.

10:12:53 5 MR BANGURA: I am sorry. I think we have a more complete
6 copy here. Again, at paragraph H and on page 16 the Court makes
7 its orders and specifically states the measures to which the
8 witness would be entitled. Your Honours, I might also add page
9 15 paragraph (a) under the rubric "Dispositions". That deals
10:14:41 10 with pseudonyms - grants pseudonyms to all witnesses, all
11 categories.

12 PRESIDING JUDGE: I am just looking for a reference to a
13 screen, Mr Bangura.

14 MR BANGURA: Your Honours, there is no specific reference
10:15:03 15 to screen in the order that was granted because what was granted
16 the witness at that time was the closed circuit television
17 measure which meant that he would have testified away from the
18 courtroom and what we are seeking now, your Honour, consistent
19 with the fact that he is entitled to a pseudonym and is entitled
10:15:34 20 to facial distortion - what we are seeking now is that he be
21 granted the measure of testifying behind a screen.

22 Yes, your Honour, in fact my attention has been drawn to
23 paragraph (e) on page 16 which grants all category of witnesses
24 the use of screening device from the public.

10:16:26 25 JUDGE SEBUTINDE: Mr Bangura, I just need to seek your
26 views on one matter.

27 MR BANGURA: Yes, your Honour.

28 JUDGE SEBUTINDE: This particular witness you say was
29 granted measures by virtue of his tender age at the time. In

1 other words, all the measures that you have named, including
2 closed circuit TV, voice distortion, or image distortion, I beg
3 your pardon, and pseudonym were on the grounds that he was under
4 age.

10:16:52 5 MR BANGURA: That is correct, your Honour.

6 JUDGE SEBUTINDE: Now he is over age do you still think he
7 needs to testify behind a screen and with voice distortion
8 necessarily - face distortion necessarily since he is no longer a
9 child?

10:17:13 10 MR BANGURA: Yes, your Honour, the witness - we have
11 reviewed questions of his concerns about security and his safety
12 and the witness still has such concerns as he had expressed to us
13 quite a few years back, except for the fact now that he is not
14 entitled by reason of his age to the measure of closed circuit
10:17:40 15 television. That is he is just not entitled to testify away from
16 the courtroom, but he does still have those concerns and it is
17 consistent with these concerns that we still request that the
18 Court grants or goes by the measures that had been ordered
19 before.

10:18:20 20 MR MUNYARD: Madam President, I wonder if I might just draw
21 the Court's attention to something before you conclude your
22 deliberations. One really has to go back to the beginning of
23 this application to see what it was that was sought and why
24 therefore the Court ordered as it did and if you look at page -
10:18:41 25 well, starting on page 3 with the submissions, the Prosecution
26 divided it witnesses into two groups. We are only concerned with
27 the first group here, witnesses of fact. Categories within this
28 group are (a) witnesses who are victims of sexual assault and
29 gender crimes, (b) child witnesses and (c) insider witnesses.

1 Now we know why the special measures were granted to this
2 particular witness because he fell within category (b). It is
3 the other two groups of witnesses (a) and (c) for whom the
4 various other measures were granted. That is to say, screens,
10:19:28 5 distortion, et cetera.

6 If you turn over the page to page 4, paragraph 6, the
7 Prosecutor asks for additional protective measures for certain
8 categories of witnesses; witnesses in category (a) who are
9 victims of sexual assault and gender crimes should testify with
10:19:53 10 voice distortion to avoid recognition by the public. Witnesses
11 in category (b), child witnesses, should be allowed to testify
12 with closed circuit television for the obvious and usual reasons
13 and (c) insider witnesses, voice distortion as the fear of
14 reprisals for these witnesses and their families is particularly
10:20:15 15 strong.

16 Now that is the basis on which the measures appear to us at
17 least to have been granted by the Court. I should mention that
18 at the top of page 4 - I should have drawn your attention to this
19 just before I took you to 6, in paragraph 4 it says, "The
10:20:35 20 Prosecution states that the security in the country remains
21 fragile and supports this assertion by affidavits" and that's
22 clearly what the position was in 2004 when this was applied for,
23 but of course that's four years ago.

24 Now if one then goes to the decision of the Court, which -
10:21:07 25 well, it is the orders of the Court starting on page 15 at the
26 foot of page 15 under the heading "Disposition":

27 "The Court hereby grants motion that orders for all
28 witnesses in group 1, that is witnesses as to fact, all witnesses
29 should be referred to by pseudonyms at all times during the

1 course of proceedings, names and addresses and other identifying
2 information shall be sealed."

3 I am not going to bother with (c) because that's in effect
4 an application of the same principle and likewise (d), (e) all
10:21:46 5 witnesses shall testify with the use of a screening device from
6 the public and (f) no photographs.

7 Now, those general provisions clearly apply to the
8 witnesses as to fact who fall within group (a) and group (c).
9 Then if you look at what the Court further orders, the voices of
10:22:07 10 witnesses in category (a) victims of sexual violence shall be
11 distorted. That is specific to sexual violence victims. (B)
12 closed circuit television, that is what we have been concerned
13 with hitherto because this witness fell to be treated as a child
14 then, and (c) insider witnesses shall have their voices distorted
10:22:34 15 also.

16 It appears on the face of the document that the measures
17 that the Court imposed for this particular witness who fell
18 within category (b) were the usual measures for a child witness.
19 He doesn't, on the face of it, appear to fall within either
10:22:54 20 category (a) or category (c) and it was for witnesses in those
21 two groups that these other measures were ordered by the Court.
22 So the protection for a child witness no longer applying in the
23 case of this witness means that he didn't fall within the two
24 categories (a) and (c) for whom those other measures were
10:23:25 25 ordered. I thought it only right to draw the Court's attention
26 to that and I hope that's helpful.

27 MR BANGURA: May it please your Honours, I appreciate my
28 learned friend's point. I am not so sure whether my learned
29 friend is now registering an objection.

1 PRESIDING JUDGE: He has not reneged on what he previously
2 said in my hearing, Mr Bangura.

3 MR BANGURA: Yes, but just a point of correction there I
4 should say. My learned friend is making the point that the
10:23:54 5 measures for a pseudonym and screen were only ordered or limited
6 to witnesses within category (a) and (c), but, your Honours, my
7 reading and understanding of the decision is that all category 1
8 witnesses enjoyed the pseudonym, the screen and they were
9 entitled to non-disclosure of - a 42 day non-disclosure of their
10:24:23 10 unredacted material.

11 PRESIDING JUDGE: Thank you for that clarification.

12 JUDGE SEBUTINDE: Madam Court Officer, we are just seeking
13 clarification according to the technicalities. When a witness
14 testifies behind a screen is their image shown to the public?

10:27:36 15 MS IRURA: Your Honour, the image of the witness is
16 distorted automatically when a witness testifies behind a screen.

17 PRESIDING JUDGE: This is an application by the
18 Prosecution. The Prosecution apply to vary the order for
19 protective measures for witness TFI-143 on the grounds that he is
10:33:19 20 no longer a child witness. The application is for the witness to
21 testify behind a screen and image distortion and a pseudonym.
22 The application is not opposed.

23 The Court notes the order of Trial Chamber I of 5 July 2004
24 which granted inter alia that the witness shall be referred to as
10:33:39 25 pseudonym at all times during the course of the proceedings
26 whether during a hearing or in documents including the transcript
27 of the proceedings and the witness will testify with the use of a
28 screening device from the public. We note that the application
29 is to vary the order at (h) which provided for closed circuit

1 television.

2 The Court has been informed that the effect of the screen
3 will be to have an image distortion when the witness is giving
4 evidence. Accordingly we grant the application to vary the order
10:34:20 5 (h) and do away with the use of closed circuit television.

6 For purposes of public record I will inform the public that
7 all of the curtains will now come down. This is to allow the
8 witness to come in unseen by the public. Once he is seated in
9 position the side curtains will rise, but the screen will remain.
10:34:45 10 The public will be able to hear what the witness says and what
11 else takes place in Court. I will therefore ask the Court
12 Officer to implement these matters so that the witness may be
13 brought into the Court.

14 MR BANGURA: Thank you, your Honours.

10:36:55 15 PRESIDING JUDGE: Mr Bangura, for purposes of record what
16 language will the witness give evidence in?

17 MR BANGURA: Your Honour, the witness will testify in Krio.

18 PRESIDING JUDGE: And the Krio interpreters are in
19 position?

10:37:08 20 THE INTERPRETER: Yes, your Honour.

21 WITNESS: TF1-143 [Sworn]

22 EXAMINATION-IN-CHIEF BY MR BANGURA:

23 Q. Good morning, Mr Witness.

24 A. Good morning, sir.

10:38:39 25 MR BANGURA: Your Honours, for the first four or five
26 questions - five questions that I intend to ask the witness I
27 have put together a list of the questions and for purposes of
28 protecting his identity, because the answers that he might give
29 to these questions will indicate to anybody listening out there

1 who he is, and I have put together the questions on a piece of
2 paper which I will show to the Court and to my colleague on the
3 other side.

4 PRESIDING JUDGE: You have not shown it to my Court.

10:39:22 5 MR BANGURA: To your Honours.

6 PRESIDING JUDGE: No, we haven't seen this.

7 MR BANGURA: No, I am saying, your Honour, that I will
8 show. I am sorry if I did not make myself clear. I will show it
9 to your Honours and my colleague before it is given to witness.

10:39:43 10 PRESIDING JUDGE: What exactly are we meant to do with this
11 list or what is it doing?

12 MR BANGURA: Your Honours, this is a piece of paper which
13 has got a list of questions I will be asking of the witness and I
14 want him to record the answers. The reason being that if he
15 gives out the answers openly these answers will have the effect
16 of disclosing --

17 PRESIDING JUDGE: In other words, are you making an
18 application that he writes answers?

19 MR BANGURA: Yes, correct, your Honour.

10:40:10 20 JUDGE SEBUTINDE: So why do your questions have to be
21 secret?

22 MR BANGURA: These relate to his personal --

23 JUDGE SEBUTINDE: Yes, but the questions can be on the
24 public record.

10:40:18 25 MR BANGURA: Not the questions, your Honour. It is the
26 answers. I am sorry if I am not making myself clear.

27 JUDGE SEBUTINDE: So are you showing him the answers or
28 what?

29 MR BANGURA: No, these are the questions. I will ask the

1 questions, but they are clearly indicated on the paper as well.

2 If your Honours see what I am trying to say and could I --

3 MR MUNYARD: Madam President, would it be of assistance if
4 I looked at the piece of paper now, if I don't have any objection
10:40:50 5 - I am not saying that that binds the Court, but it may be that
6 we can speed matters up.

7 PRESIDING JUDGE: Yes. It is usually helpful, Mr Bangura,
8 if these sorts of procedural matters could be indicated to
9 counsel for the Defence prior to the witness coming in.

10:41:07 10 MR BANGURA: I take the point, your Honour.

11 MR MUNYARD: Thank you, Madam Court Officer. I have seen
12 the questions. They are the obvious identifying questions. The
13 questions clearly don't need to be written down, although they
14 have been, I don't have a problem with that. It is the answers
10:41:21 15 that obviously my learned friend is concerned about and, again in
16 the light of the Court's orders about protective measures, I
17 don't have a problem with him writing down the answers so that
18 the Court can see his identification.

19 JUDGE SEBUTINDE: This is written in English, Mr Bangura,
10:42:13 20 in subtitles.

21 MR BANGURA: Yes, your Honour.

22 JUDGE SEBUTINDE: You have not established whether this
23 witness understands written English.

24 MR BANGURA: I will establish that before I put this to the
10:42:22 25 witness. I was only as a preliminary measure indicating that
26 this is the way I was going to proceed.

27 JUDGE SEBUTINDE: Normally the established practice in this
28 Court has been that you ask the question publicly and you give
29 the witness a blank sheet on which you then say to him to write

1 such and such.

2 MR BANGURA: I will abide if that is a better way to go
3 about with this matter, your Honour.

4 JUDGE SEBUTINDE: If you can establish that the witness
10:42:52 5 understands what is written in English by yourself I am sure we
6 will probably have no objection.

7 MR BANGURA: That was the first step I was going to go to
8 before putting this piece of paper to the witness and I believe
9 that that should help clarify the position. But if your Honours
10:43:12 10 wish for me to just give him a blank sheet of paper that will be
11 fine. I believe the witness should be able to deal with it that
12 way as well.

13 JUDGE SEBUTINDE: The difference then is that your
14 questions are on the public record. It's his answers that are
10:43:26 15 not on the public record.

16 MR BANGURA: I do intend to ask the questions publicly. It
17 is not that the questions are not to be asked, your Honour, but I
18 will get the witness - could we then have the witness given a
19 blank sheet of paper?

10:43:47 20 PRESIDING JUDGE: The Court allows the procedure that you
21 wish to adopt, Mr Bangura. The witness will be asked the
22 questions orally and publicly and the witness will be permitted
23 to write his answers on a blank sheet.

24 MR BANGURA: Thank you:

10:44:03 25 Q. Mr Witness, are you able to read and write?

26 A. Yes. Yes, sir.

27 Q. Right. Now I will ask you a few questions initially --

28 JUDGE LUSSICK: When he says read and write, Mr Bangura, is
29 that in Krio or in English?

1 MR BANGURA: I will clarify that:

2 Q. Are you able to read and write English, Mr Witness?

3 A. Yes, sir.

4 Q. I am going to ask you a few questions and I will ask you to
10:44:42 5 record the answers to those questions on the paper that has been
6 provided to you, okay?

7 A. Yes, sir.

8 Q. Now you will number the answers so that it's clear which
9 answer you are giving to which question, okay?

10:45:10 10 A. Yes, sir.

11 Q. Can you state your names? The first question - the first
12 answer would be number 1, if you could just write your name,
13 please?

14 A. I have done that.

10:45:50 15 Q. Now apart from the name that you were given at birth, do
16 you go by any alias, any other name or names? Can you write that
17 if you go by any alias and that will be number 2.

18 A. I am through with that question.

19 Q. Now can you write down your date of birth, please. That
10:46:43 20 will be number 3.

21 A. I am through with the third question.

22 Q. Can you write down your present place of residence?

23 A. I am done with that.

24 Q. And the last one, which will be number 5, is can you state
10:47:55 25 what work you do presently?

26 A. Yes.

27 MR BANGURA: Thank you.

28 PRESIDING JUDGE: That paper should be shown to counsel for
29 the Prosecution and then to counsel for the Defence.

1 MR BANGURA: Your Honours, the practice has been to have
2 the witness's TF number marked and the date.

3 MR MUNYARD: And if I am right, going on memory, doesn't
4 any witness who writes anything on a piece of paper always sign
10:50:17 5 and date it? It hasn't been signed and dated I note on this
6 occasion.

7 THE WITNESS: [Witness complied]

8 PRESIDING JUDGE: Please proceed, Mr Bangura.

9 MR BANGURA: Your Honours, I would wish to move that that
10:53:04 10 document be admitted as an exhibit and be marked as sealed.

11 PRESIDING JUDGE: Mr Munyard, you have heard the
12 application.

13 MR MUNYARD: As it was being made I noticed a very minor
14 error. The witness has given his number as TF143 and it should
10:53:26 15 be TF1-143. Other than that, I have nothing to say about the
16 application.

17 MR BANGURA: Your Honours, I did say marked as sealed, but
18 to be marked as confidential.

19 PRESIDING JUDGE: Confidential I think is the correct -
10:53:46 20 very well, this is a one page handwritten document signed by
21 witness TF1-143 and it becomes Prosecution exhibit 112 to be
22 marked as confidential.

23 [Exhibit P-112 admitted]

24 MR BANGURA: Thank you, your Honour:

10:54:02 25 Q. Mr Witness, do you recall --

26 THE INTERPRETER: His microphone is not switched on.

27 PRESIDING JUDGE: Can you assist with the witness's
28 microphone? Proceed, Mr Bangura.

29 MR BANGURA:

1 Q. Do you recall September of 1998?

2 A. Yes, sir, September 1998 I was with my mother and my
3 families. It was in the rainy season, so --

10:54:51

4 Q. Okay, Mr Witness, if you just pause. Where were you living
5 at this time?

6 A. In Kabala Town.

7 Q. Which district is Kabala Town?

8 A. Koinadugu District.

10:55:11

9 Q. And when you say you were living with your mother and your
10 family, who were the members of your family at that time apart
11 from your mother?

12 A. My brother and my sister.

13 Q. Was it one brother and one sister?

14 A. Yes.

10:55:34

15 Q. Now how old were you at that time?

16 A. I was 12 years old.

17 Q. And what were you doing in your life at that time?

18 A. I was going to school.

19 Q. Do you recall what level you were at school at that time?

10:56:07

20 A. I was in class 4.

21 Q. Now you say you recall September of '98. How do you recall
22 that period?

23 A. Well, during that time we were - I and my mother, we were
24 at home. My mother was cooking and in the evening we heard some
10:56:37 25 heavy firing. People were running away, some carrying loads and
26 they were going to their villages. I and my mother and my
27 brother and sister, we too ran away to my mother's village which
28 was 12 miles away from Kabala.

29 Q. Now what's the name of the village that you ran away to?

1 A. It is called Konkoba.

2 MR BANGURA: Your Honours, Konkoba is K-0-N-K-0-B-A:

3 THE WITNESS: Yes.

4 MR BANGURA:

10:57:18 5 Q. Now apart from your mother, your family, were there other
6 people that ran to this village Konkoba?

7 A. There were other people who were born in that village with
8 whom we were running to that town, the village.

9 Q. So when you got to Konkoba did anything happen?

10:57:46 10 A. We were in Konkoba - the day we arrived in Konkoba we spent
11 the night and the next day we got an information that they had
12 pushed the fighters, the rebels, out of Kabala and they had come
13 to another village that was close to Konkoba called Kayakoh.

14 MR BANGURA: Your Honours, Kayakoh is K-A-Y-A-K-0-H:

10:58:16 15 Q. When you got this information that the rebels had been
16 pushed and they were coming towards a village called Kayakoh, did
17 you do anything?

18 A. I, my mother, my grandfather and my sister and my brother
19 and my grandmother ran to my grandfather's farm which was three
10:58:44 20 miles away from the village.

21 Q. Right. Now before we talk about what happened when you
22 went to your grandfather's farm, you mentioned that the rebels,
23 as you say, had been pushed from Kabala towards Kayakoh. When
24 you say pushed, what do you mean?

10:59:10 25 A. Well, because we had Nigerians soldiers in the town, Kabala
26 Town. There were Guinean soldiers in the town. They pushed them
27 out of - out of the town so they were running away to find their
28 own location.

29 Q. Now these Nigerian soldiers and Guinean soldiers that you

1 mentioned, do you know whether they operated under any name?

2 A. Well, they were in the town to rescue us.

3 PRESIDING JUDGE: The question, Mr Witness, was do you know
4 if they had a name, these soldiers?

11:00:01 5 THE WITNESS: Well, the soldiers, they used to call them
6 Oga Men. The Guineans, we also used to call them Guineans. They
7 were there as a peacekeeping force in Kabala.

8 MR BANGURA: Thank you.

9 MR MUNYARD: Could we have a spelling of Oga Men, please.

11:00:20 10 I am sure what appears on the transcript isn't correct.

11 PRESIDING JUDGE: I was just going to ask for that. Can
12 you assist us with the spelling, Mr Bangura.

13 MR BANGURA: Yes, your Honour, I will make an effort. It
14 is O-G-A and men two separate words.

11:00:41 15 JUDGE SEBUTINDE: And what exactly does this mean?

16 MR BANGURA: I will get the witness to:

17 Q. Mr Witness, you said the Nigerians you referred to as Oga
18 Men, what do you mean when you said you referred to them as Oga
19 Men?

11:00:57 20 A. Well, at that time I had no idea about that.

21 Q. You said, Mr Witness, that you moved - when you got
22 information that the rebels had been pushed and were coming
23 towards Kayakoh you then moved to your grandfather's farm. Where
24 was your grandfather's farm?

11:01:54 25 A. It was in Konkoba, it was in Konkoba village, three miles
26 away from the village.

27 Q. And did anything happen when you got to your grandfather's
28 farm?

29 A. Well, the evening that we ran away to that village, the

1 farm, we spent the night and the next day we were there for the
2 rest of day but we had no information that they were in Konkoba
3 town. That evening we came back to town to spend the night and
4 the next day to be able to come to Kabala Town.

11:02:30 5 Q. Now, thank you, Mr Witness, but let us clarify the next
6 day, the different days that you were involved in in what you
7 have just told us about. You went to the farm on a certain date,
8 is that right, on a certain day?

9 A. Yes, the day that we went to the farm we spent the night
11:02:53 10 there. The next day, the next day - we were there up to in the
11 evening and we left the farm to come to Konkoba, the village, to
12 spend the night there. That is the next morning for us to come
13 to Kabala.

14 Q. So, if I am correct, you only spent one night at the farm,
11:03:13 15 is that right?

16 A. Yes.

17 Q. And on the evening of the next day you came back to
18 Konkoba, correct?

19 A. Yes, sir.

11:03:29 20 Q. And what was your intention of coming back to Konkoba?

21 A. Well, to spend the night there and the next morning to go
22 back to Kabala, our town.

23 Q. When you got back to Konkoba that evening, did anything
24 happen?

11:03:59 25 A. Well, we were sleeping in the night when we heard knocking
26 on my grandfather's door and he got up and opened the door and
27 when he opened the door he was put under gunpoint and they went
28 in there and removed all of us from inside the house and took us
29 to the other house. The house --

1 Q. Mr Witness, can I pause you. Now you don't have to say
2 everything all at once, because it will be difficult to follow
3 what you're saying. I will guide you and you will give your
4 answers in bits, is that clear?

11:04:42 5 A. Yes, my Lord.

6 Q. Now you said that that evening there was a knock at your
7 door, is that right?

8 A. Yes, sir.

9 Q. And if you just briefly tell us what happened first when
11:04:59 10 you heard the knock at the door?

11 A. When my grandfather got up and opened the door, when he
12 opened the door he was put under gunpoint, that is --

13 Q. Who put your grandfather under gunpoint?

14 A. That is the rebels, when we had got information that they
11:05:26 15 were in Kayakoh village, they are the ones who put him under
16 gunpoint.

17 Q. And what happened next after they put him under gunpoint?

18 A. So they entered from one room to the other, took us out and
19 they took us to the next house.

11:05:53 20 Q. Now when you say they took you out, who did they take out?

21 A. I - they took me, my mother, my brother, my sister, my
22 grandmother and my grandfather. All of us, they took us to the
23 next house.

24 Q. Now you have talked about these rebels and you say they -
11:06:22 25 initially you told us that the rebels came to Kabala Town and
26 they attacked the town and you have continued to talk about the
27 rebels again and you say they came now to Konkoba and knocked at
28 your door. Are they the same people that you are referring to
29 when you say rebels?

1 A. They were the same people - I am talking about the same
2 people, sir.

3 Q. Now who were these rebels?

11:07:00

4 A. Well, at that time I didn't know who they were, because
5 that was what our mothers called them, that is what we heard them
6 calling them, so we too started calling them in the same way.

7 Q. Now on this night that they came and knocked at your door
8 and took you out, did you see them yourself?

9 A. Yes, I saw them.

11:07:25

10 Q. What did you notice about them?

11 A. Well, during that night they had guns. All of them had
12 guns. Up to the time that they took us to the house we had no
13 way of moving.

11:07:51

14 Q. Did you notice were they wearing any particular outfit that
15 you remember?

16 A. It was in the morning that I noticed that.

17 Q. I will come to the morning. So when you were taken to the
18 house next door, did anything happen there?

11:08:25

19 A. Well, we were all locked up in this house. Just as they
20 were capturing the other people they brought them in the house
21 until morning.

22 Q. So it was not just your family that was in the house; is
23 that correct?

24 A. Not at all. Yes, sir.

11:08:42

25 Q. By morning were you - are you able to tell this Court what
26 was the number of people in that house in which you were locked
27 up?

28 A. Well, in the morning when they opened the door those who
29 came, they were four in number. All of them had guns. The two -

1 two of them came. They were Kabila and Mohamed. They called out
2 their names. They said they had come to mark us, the boys and
3 girls they were going to take away. The other two were there to
4 count us. When we were counted we were 150 in number.

11:09:35 5 MR BANGURA: Your Honours, Kabila is K-A-B-I-L-A:

6 Q. When you say to mark us, what do you mean?

7 A. When they said they were going to mark us, at that time I
8 didn't know. When they started to mark us, the first person that
9 they marked among us, they carved on his forehead "AFRC" and on
11:10:47 10 his chest "RUF".

11 Q. What did they use to carve on the chest of this person?

12 A. A razor blade was used.

13 Q. And who did the marking?

14 A. It was Kabila and Mohamed. They were doing the marking.

11:11:15 15 Q. Now you mentioned earlier that they had counted you and
16 then they said that the boys and the girls were going to be
17 marked, is that right? Is that what you told the Court?

18 A. Well, that was what I said.

19 Q. Now, did you - what happened? You said they marked the

11:11:42 20 first boy and then was he just the only person that they marked?

21 A. No, we were all marked. The boys and girls, we were all
22 marked. After they had marked us we, the young ones, at the time
23 they took the elderly ones and they removed them from in the
24 house, our fathers and mothers, those who were older than us.

11:12:11 25 Those of us who were younger whom they had marked, we were 50 in
26 number when we were counted.

27 Q. Now yourself, did you get marked?

28 A. Yes, they marked me.

29 Q. What was marked on you?

1 A. They carved "RUF" on my chest.

2 Q. Who did that?

3 A. It was Kabila who did that. He marked me.

4 Q. Now, you said that when they counted you, the young ones,
11:12:45 5 you were 50. Is that correct?

6 A. Yes.

7 Q. Was this just boys?

8 A. It was boys and girls, boys and girls, and those of us who
9 were older than us a little.

10 Q. Now are you able to tell roughly the ages of you, the boys
11 and girls, that made up this number 50?

12 A. Well, some of them we were all of the same ages. Some of
13 them were above us. I can't tell their ages at that time.

14 Q. Now after you had been marked - well just before we get on
11:13:42 15 to that, I asked you earlier about the outfit of the people who
16 you described as the rebels and you said at night you were not
17 able to discern. In the morning were you able to find out or
18 were you able to observe the way they were dressed?

19 A. Yes, in the morning some of them were wearing combat
11:14:11 20 trousers and a black shirt. They had red bandanas. Some of them
21 were wearing combat uniforms.

22 Q. And were they carrying anything?

23 A. Yes, at that time they had guns. All of them - most of
24 them had heavy weapons. At that time I did not know the names of
11:14:38 25 the weapons.

26 Q. And you mentioned four of them who came to the house where
27 you were locked up and who marked you, the boys. Do you recall
28 how many of them were there, if you can give a number?

29 A. Go over that question.

1 Q. Now apart from the four who came to the house where they
2 locked you up and who marked the young boys and the girls, were
3 there others?

4 A. Yes. Those who were in the town, they were over - they
11:15:25 5 were over 200.

6 Q. Now after you had been marked, did anything happen?

7 A. After they had marked us they took us down to where their
8 commander was at a house and they were Five-Five and 0-Five,
9 Komba and some other fighters whose names I cannot remember now.

11:15:53 10 MR BANGURA: Your Honours, the figures represent those
11 names 0-Five and Five-Five. Komba is K-O-M-B-A:

12 Q. Now you said that there were over 100 - about 150 people
13 locked up in the house that they captured - the rebels captured -
14 in the village and of that number 50 of you were the young ones,
11:16:26 15 the boys and the girls. What happened to the rest?

16 A. Well, after that our elders they started beating them up.
17 They said they will not be able to take them along because they
18 would not be able to walk, so they started beating them up. They
19 even broke one man's leg in the village.

11:16:47 20 Q. What about your family, your mother and your brother and
21 sister? Do you know what happened to them?

22 A. At that time I was unable to see my sister. My mother was
23 beaten, you see? We were all marked together with my brother and
24 we were taken along.

11:17:10 25 Q. So you said you were taken to - so what eventually happened
26 to those that were beaten?

27 A. Well, after they had beaten them, they were left in the
28 town. After they had beaten them they left them there, and then
29 they came and took all of us and they said they were taking us

1 along. They took us out of the town - out of the village.

2 Q. Where did they take you to out of the village?

3 A. We left the village. We went and we arrived at a place
4 where they rested and those of us who were captured were divided
11:17:57 5 - distributed to the commanders.

6 Q. How were you distributed?

7 A. All the commanders took their boys. I and another boy
8 called Short Pepper, we were with Kabila. It was Kabila who took
9 us.

11:18:21 10 MR BANGURA: Your Honours, Short Pepper is P-E-P-P-E-R and
11 Short as in short:

12 Q. Did anything happen after that?

13 A. After we had been distributed among the commanders Kabila
14 and some of his colleague fighters said they were going for food
11:18:56 15 finding and so they took us, the boys. Those boys who have been
16 distributed among his colleagues, they took us and we arrived at
17 a farmhouse.

18 Q. Did anything happen at this farmhouse?

19 A. We met an old woman there, so Kabila ordered me to rape the
11:19:20 20 woman - the old woman - and I started crying. I started crying.
21 I said, "I can't do this". I started crying. He punished me.
22 That day I was lying down under the sun and opened my eyes, so
23 his colleagues went and found the food and they came back and met
24 us there.

11:19:41 25 Q. Now, why did you cry?

26 A. Because the old woman could - was able to give birth to my
27 own mother. She was older than I was. At that time I had not
28 even started sex. At that time I didn't even have a girlfriend
29 at that time.

1 Q. And because of your refusal, what exactly did Kabila do to
2 you?

3 A. So he punished me. He asked me to lie down under the sun
4 and open my eyes for the rest of the day up to the time his
11:20:22 5 colleagues came from finding food. So they went to the town and
6 cooked. It was after they had cooked that Kabila went to town.
7 When we arrived in town, we spent the night there and the next
8 day we left.

9 Q. When you left that next day, where did you go?

11:20:48 10 A. Well, we passed through the highway. That is Lenkenkoro.
11 A village called Lenkenkoro.

12 MR BANGURA: Your Honours, Lenkenkoro is

13 L-E-N-K-E-N-K-O-R-O:

14 Q. Yes, you said you passed through the highway which leads to
11:21:21 15 a village called Lenkenkoro. Where did you go to eventually?

16 A. So, when we got to Lenkenkoro we saw a man coming on a
17 motorbike. They stopped him. Kabila stopped him, but the man
18 refused. When the man passed, he shot at the back of the man.
19 He had a passenger - he was carrying a passenger - so the bullet
11:21:53 20 caught that person. The man did not stop. He continued going.

21 Q. And did anything happen after that?

22 A. So, we moved and went through some villages whose names -
23 villages where I had never been before. I didn't know their
24 names. So, we reached in one village where we rested. Kabila
11:22:20 25 gave us a forced training.

26 Q. Can you --

27 A. And another boy.

28 Q. Can you explain again. When you say "a forced training",
29 what do you mean by "forced training"?

1 A. How to dismantle a weapon and couple it up. How to
2 dismantle a weapon, clean it up and couple it up.

3 Q. Mr Witness, when you say "forced training", are you saying
4 that this was the first time he gave you training, or are you
11:22:55 5 saying that he forced you to - forced you into training?

6 A. He forced me to do it, because he said we should be taught
7 to do those things because now that they had captured us we are
8 now in the group.

9 Q. Thank you. Before this time had he given you any training
11:23:20 10 yet?

11 A. No, at that time he had not given me any training. That
12 was the first training he had given me. Then he took me into a
13 house. After that, he took me into a house and asked me to do
14 push-ups for five hours. During those five hours when he goes
11:23:47 15 outside I will stand still. When he comes in I will start doing
16 the push-ups again. He will lift me up and hit me on the wall
17 and he said I have started disobeying his orders. In the first
18 place I had disobeyed his order to rape that woman.

19 Q. Now, after this training - before this time had you ever
11:24:11 20 touched a weapon?

21 A. No, I had never touched a weapon since my birth.

22 Q. Do you know what kind of weapon that he used to give you
23 training?

24 A. Well, at that time I didn't know the name of the weapon.
11:24:33 25 It was a large gun. It had a round box and large chains that he
26 hung over here. They were ammunition that he hung round his
27 neck. That was what he taught us to dismantle, clean it up and
28 couple it up.

29 So after he had punished me in that room in the evening he

1 took me into a bush and he defecated and asked me to eat it up,
2 because he said I have started disobeying his orders. He said I
3 will never have peace in my life. He said if I did not do that
4 he would kill me and leave me there and if anybody asked him he
11:25:13 5 will tell that person that I have run away.

6 Q. Now, did you comply with his orders at this time?

7 A. Yes, I did it. After that he took me to a riverside where
8 I bathed and that evening we left and we went up to Koinadugu
9 Town.

11:25:40 10 Q. Now when you say that he forced you to eat his faeces and
11 this was because you had disobeyed his orders, which orders are
12 you referring to?

13 A. The first order that he gave me, the order that he gave me
14 that I should rape that old woman, he said I have started
11:26:01 15 disobeying his order. He said I have started disobeying his
16 order. If I refuse to eat that faeces he will kill me and
17 abandon me there. If anybody asked he said, "That boy has
18 started disobeying my order. In fact he has run away".

19 Q. Now you said that that evening you left to go to Koinadugu
11:26:20 20 Town, correct?

21 A. Yes, sir.

22 Q. When you say you, are you referring to just you and Kabila?

23 A. No, the entire group that left Konkoba. The same group who
24 were - we were in one group when we were coming, all of us were
11:26:39 25 moving, so in the evening when we arrived in that town all of us
26 rested there. In the night we left the town and went up to
27 Koinadugu where their boss was.

28 Q. Now, where is Koinadugu Town that you are referring to?

29 A. Well, Koinadugu Town is - it is on top of a hill.

1 Q. In what district?

2 A. It is in the same Kabala District, but the town is
3 Koinadugu. That is what they call it, Koinadugu.

4 Q. Do you mean to say Koinadugu District? Koinadugu Town in
11:27:26 5 Koinadugu District, is that what you meant to say?

6 A. Yes, sir.

7 Q. Now, can you tell this Court what happened when you arrived
8 at Koinadugu Town?

9 A. Well, the night that we got there we slept and in the
11:27:48 10 morning - and we were all summoned. All of us, the boys who had
11 been captured, boys and girls who had been marked, they took us
12 to their boss, SAJ Musa. When we got there the - then 0-Five and
13 Five-Five, Komba and others introduced us to their boss. Kabila
14 and others were there and they all introduced us to their boss,
11:28:17 15 SAJ Musa. Then they said, "These are the boys who have been
16 captured in Konkoba whilst we were coming". So they gave him two
17 boys whom they had reserved for him to SAJ Musa, so after that we
18 left them there and we went to the place where our commanders
19 were.

11:28:41 20 Q. Now when you say "we left them there", who did you leave
21 and where did you leave them? Let's be clear.

22 A. We left our boss men - our heads there. We left them
23 there, the fighters. They had a muster parade there.

24 Q. And when you say "we", who are you that left the boss men
11:29:01 25 there?

26 A. Those of us who had been captured, the boys who had been
27 captured and who had been marked, we left the fighters there, the
28 elders there, who were in the group.

29 PRESIDING JUDGE: Mr Bangura, I think we have run out of

1 time. We have just been alerted to the tape and so I am afraid
2 we will have to adjourn at this point and resume.

3 MR BANGURA: Very well, your Honour.

11:29:32

4 PRESIDING JUDGE: Mr Witness, we are now going to take the
5 mid-morning break. We are taking half-an-hour's break and we
6 will be back in court resuming at 12 o'clock. Please adjourn
7 court until 12.

8 [Break taken at 11.30 a.m.]

9 [Upon resuming at 12.00 p.m.]

12:01:46

10 PRESIDING JUDGE: I note a change of appearances on your
11 Bar, Mr Bangura.

12 MR BANGURA: That is correct, your Honour. Your Honour,
13 for this session the Prosecution team is composed of first
14 Ms Julia Baly, myself Mohamed A Bangura, Ms Shyamala Alagendra
15 and Ms Maja Dimitrova. Thank you, your Honour.

12:02:13

16 PRESIDING JUDGE: Thank you, Mr Bangura. Please proceed
17 with your examination-in-chief.

18 MR BANGURA: Thank you, your Honour:

12:02:34

19 Q. Mr Witness, we shall continue with your testimony. Now
20 when we broke off your group had reached Koinadugu village -
21 Koinadugu Town, which is within Koinadugu District. Is that
22 correct?

23 A. Yes, my Lord.

24 Q. And you said that you were introduced to SAJ Musa, is that
25 right?

12:02:54

26 A. Yes.

27 Q. Now you said that after the introduction you left the
28 commanders who had a meeting and you, the captured boys, left and
29 went somewhere else. Is that right?

1 A. We went to our places where our commanders were, where we
2 sleep.

3 Q. Now apart from - do you know - these rebels who had
4 captured you, do you know whether they belonged to any particular
12:03:32 5 group?

6 A. Well those who captured us, our own group that came to
7 Koinadugu, they were under SAJ Musa's group. That group they
8 were mixed, both AFRC and RUF, because the marking that was made
9 on us was "AFRC" and "RUF". So they were mixed, both AFRC and
12:03:57 10 RUF, those who were in SAJ Musa's group.

11 Q. Now do you recall what part of Koinadugu Town SAJ Musa was
12 when you met him, or when you were introduced to him?

13 A. Well, SAJ Musa was at the point - when you just enter
14 Koinadugu Town, on your left-hand side, that was where SAJ Musa
12:04:24 15 was, by the hillside.

16 Q. Now, do you know whether at this time there were any other
17 people belonging to any of these two groups in another part of
18 the town?

19 A. Well when we got to Koinadugu, that morning my boss,
12:04:51 20 Kabila, told me that there are two groups here: Superman's group
21 was in Koinadugu Town and SAJ Musa's group, who was our own boss.

22 Q. And did he tell you where Superman's group was in the town?

23 A. Well Superman's group was down after the field, because in
24 Koinadugu there is a big field there at the centre of the town.

12:05:16 25 Q. And did he tell you who Superman was?

26 A. Yes, at that time he told me. He said Superman was the RUF
27 commander.

28 Q. Did you yourself go to the area where Superman was based?

29 A. No. At that time when my boss left the muster parade, he

1 came and told us that SAJ has told them - that SAJ has ordered
2 them - that our group which came should be in the advance team to
3 Freetown. He said we should not spend the rest of the day in the
4 town, because the jet goes round the town and so we should go
12:06:00 5 into the forest. That is the jorbush.

6 Q. Now, you said that Superman was the boss of the RUF and
7 that there was another group in that part of town where he was.
8 Do you know which group - those others that were in that group,
9 do you know which group they belonged to?

12:06:28 10 A. What group?

11 Q. The ones under Superman, or in the area where Superman was?

12 A. Well my boss, Kabila, said the group to which Superman
13 belonged, he was the head of the RUF because they weren't in
14 combat. They hadn't any combat. It was SAJ Musa's group that
12:06:53 15 was wearing combat. Some of them were mixed. Some wore shirts -
16 black shirts.

17 Q. Thank you. Now you said that Kabala came from a meeting
18 and advised that they had been ordered - your group had been
19 ordered to be the advance team to leave for Freetown, but before
12:07:25 20 that you were ordered to go to jorbush. Is that right?

21 A. Well, when he left - after they had come from the muster
22 parade, when he came after the muster parade, they distributed
23 ammunition. When he brought his own ammunition he said, "This is
24 our own ammunition; the ammunition that has been supplied to us".

12:07:48 25 Then he said, "Our group should be in the advance team, so we
26 should go to the jorbush". So he took us to the jorbush, because
27 they had said we should not spend a day in the town.

28 Q. Mr Witness, can we have it clearly from you the place where
29 you went to. What is it again? The what bush?

1 A. Jorbush. Jorbush.

2 MR BANGURA: Your Honours, I believe jorbush has been spelt
3 several times before:

4 Q. Did anything happen at the jorbush where you went?

12:08:27 5 A. Well I, Kabila and the other boy with whom he was, whom he
6 had captured, together with his wife that he had captured, all of
7 us went into the jorbush. When we were in the jorbush he gave us
8 another training, that is a second training that he gave to me
9 and the boy, how to dismantle a weapon, clean it and couple it up
12:08:55 10 and how to cock it, put its safety and then he showed us in case
11 of any target how to manoeuvre. He showed all of that to us.
12 How to crawl in the bush. He showed all of that to us that day.

13 Q. Now you said that you went to the jorbush with the wife of
14 Kabila, whom he had captured. Who was this person that you are
12:09:21 15 referring to as his wife?

16 A. Well, when we were coming on the way it was the woman whom
17 he captured on the way. That was the woman he took as his wife.

18 Q. Do you recall how old this woman was?

19 A. Well, I can't know. I didn't know her age at that time,
12:09:52 20 but she was young. She was taller than me, a little.

21 Q. Now, you mentioned that Kabila came from the meeting and
22 told you that they had been - ammunition had been distributed to
23 them and that was in preparation for your group to leave. Did he
24 say who distributed the ammunition to them?

12:10:24 25 A. Well, it was SAJ Musa who gave them the ammunition. He
26 said their own group, that was the ammunition that they were to
27 have in the advance team to Freetown.

28 Q. Now you said you went to the jorbush. How long were you
29 there?

1 A. We spent the rest of the day and in the evening we came to
2 town.

3 Q. And when you came back to town, did anything happen?

12:11:06 4 A. Well, we left. We left Koinadugu and headed - all of us,
5 all those of us who were in the advanced team, we were about 200
6 plus, we left Koinadugu; those of us who were in the advance
7 team.

8 Q. And when you say there were 200 of you plus, which - can
9 you tell us what was the make up of that group? The number that
12:11:27 10 left Koinadugu Town, who were there within the group?

11 A. Well, we had Five-Five, O-Five, Mohamed, Kabila and some
12 other fighters whose names I didn't know.

13 Q. Now apart from the individual names, do you know what this
14 advanced team - which groups were in this advanced team?

12:12:00 15 A. Well, we were mixed, because those of us who came, those of
16 us came, those who had been captured, some of them were wearing
17 clothes, some with black shirts. When they captured us some of
18 them were wearing uniforms and some of them were wearing combat
19 trousers. They were well armed when we were going.

12:12:22 20 Q. But did you recall that they belonged to particular groups
21 at all? Whether they belonged to particular groups?

22 A. Well, it was SAJ Musa's group. SAJ Musa's group. We left
23 to come to town.

24 Q. And you had said earlier that SAJ Musa's group comprised of
12:12:43 25 which forces, can you tell the Court again?

26 A. It was AFRC who made up - who was dominant, but they were
27 mixed. Some of them wore black and they had red bandanas on
28 their heads. Kabila told us that we were mixed in the group.
29 That is SAJ Musa's group. We were mixed with RUF and AFRC.

1 Q. Mr Witness, at this time you say your age was - how old
2 were you again?

3 A. At that time I was 12 years old.

4 Q. And did you quite understand these differences?

12:13:29 5 A. I did not understand. It was my boss, Kabila, because at
6 that time I used to ask him. When I ask him, he will tell me.

7 Q. Now when you left - when did you leave Koinadugu Town?

8 A. Well, that evening. We left in the evening. We left
9 Koinadugu Town that evening. We walked throughout the night.

12:14:01 10 Q. And where did you go to?

11 A. We passed through some villages and we arrived in one
12 village, because I did not know the names of those villages.
13 That was my first time for anybody to take me out of Kabala. The
14 first village - we passed through some villages. The other

12:14:26 15 village that we arrived at, they captured a man there and alleged
16 that he was a Kamajor. 0-Five severed his head using a power
17 saw.

18 Q. Did you witness this incident yourself?

19 A. Yes, I was present when his head was severed off with a
12:14:53 20 power saw.

21 Q. And did anything happen after that?

22 A. After that we left there and we were going when we got to a
23 village where they told us that the next village, Karina, there
24 were soldiers there and they were Nigerian soldiers and that they
12:15:19 25 were in that town called Karina. So, they told us because there
26 were women among us. The advanced team that was moving, we were
27 divided into three. There was a team in front, the boys and the
28 girls and the women, those who were carrying ammunition, were in
29 the middle, and those who were at the rear to protect us in case

1 of any resistance from the back. So, they told us to wait.

2 Q. Can I just pause you there. Now, you have said that there
3 were three - the advance team was divided up into three groups as
4 you moved. Is that correct?

12:16:05 5 A. Yes.

6 Q. Now, who was in the first group?

7 A. Well the first group Kabila and others were in front,
8 together with Five-Five, Mohamed and some other older fighters
9 whose names I don't know. That was how the group was divided.

12:16:28 10 Those who were at the back, there were some older fighters whose
11 names I can't remember. They were protecting us from the back.

12 Q. And you said the ones in the middle were - can you say
13 again who they were?

14 A. Well we, the boys, because at that time we were not used to
12:16:50 15 the jungle we were in the middle together with the women and
16 those who were carrying the ammunition.

17 Q. Now, you said that you were about to enter a town called
18 Karina. Your Honours, I believe Karina has been spelt before.
19 Did anything happen just before you entered Karina?

12:17:14 20 A. They told us that we should go into one bush to go and sit
21 and lie down there, so we laid down there and we heard heavy
22 firing going on in the town up to the time that the fighting
23 ended and they came and called us to go.

24 Q. Now, who told you to wait and stay in the bush while the
12:17:41 25 firing was going on in the town?

26 A. Well Kabila, who was my boss, came and took some ammunition
27 from me and he told us and another fighter - I do not know their
28 names any more. At that time I did not know their names. So, he
29 told us that we should all go into the bush and when we go into

1 the bush we should all lie down and we went there and laid down.

2 Q. And did anything happen after you had heard this firing
3 going on?

12:18:25

4 A. Yes, after the firing had gone - after the firing has
5 ceased they told us that we should go, that they have cleared up
6 the road and we should go, and so when we were going - when we
7 got to the village in Karina Town I saw three corpses of
8 civilians. They were hacked. They had been hacked with a
9 cutlass. They were dead. Some soldiers who had been shot and
10 some houses which were burning. At that time they were saying we
11 should hurry and we went and passed through the village, that is
12 Karina.

12:18:45

13 Q. Now, you said that you saw some soldiers. Which soldiers
14 did you see?

12:19:04

15 A. Well, they were wearing uniforms - full combat. They were
16 lying down dead.

17 Q. Now after you passed through Karina, where did you go next?

18 A. When we passed Karina we passed one village, the second
19 village, and they captured - we met the advance team where

12:19:32

20 Five-Five had captured one soldier and they said he was a
21 Nigerian soldier. He was wearing a combat. Five-Five shot the
22 man with a pistol in his mouth.

23 Q. Now can I ask you at this point, Mr Witness, who was the
24 leader of this group?

12:19:51

25 A. At that time it was Five-Five and O-Five who were heads of
26 that group.

27 Q. Now at this village where a man was shot with a pistol in
28 the mouth, did anything else happen?

29 A. Yes. In that village O-Five ordered that we, the boys who

1 had been captured, who had been captured and marked, should be
2 trained. All of us should be trained. So, they summoned all of
3 us and put us down. Kabila and Mohamed were the ones who trained
4 us. They trained us how to parade using a weapon, in case of an
12:20:42 5 object how to escape, how to crawl. They showed all of that to
6 us. We spent about two hours there and the training came to an
7 end. After that training Kabila, my boss, gave me two blue
8 tablets which I drank. When he gave me those tablets, I drank
9 them.

12:21:05 10 Q. Now when you took those tablets, did he tell you what the
11 tablets were for?

12 A. No, he did not tell me what those tablets were for. So
13 when I drank the tablets, then we were in that town --

14 Q. Just before you go on, what - did you experience anything
12:21:26 15 or any feeling after you had taken those tablets?

16 A. Yes, when I took the tablet I started feeling a way that I
17 was not feeling before. I started being bold; my eyes going red
18 at that time. Before we left that town, Komba came and met us
19 with some Liberian soldiers.

12:22:01 20 Q. Now, who was Komba?

21 A. Well Komba was one of the fighters; the leaders who had
22 captured us in Koinadugu. Those who captured us in Konkoba up to
23 Koinadugu.

24 Q. Now, when was the last time - what rank did he carry?

12:22:18 25 A. Well, at that time I did not know his rank.

26 Q. When was the last time that you saw Komba since they
27 captured you at Konkoba?

28 A. Well, when we got to Koinadugu it was Koinadugu that was
29 the last place where I saw him. When we left Koinadugu he was

1 not with us.

2 Q. So Komba came with a group. Do you know which group he
3 came with?

12:22:56

4 A. Well the group that he came with, I asked my Kabila, my
5 boss. I said, "Bra, is it Komba that has come with the group?"

6 I said, "Who are those men?", because they were speaking a
7 different language that we do not understand, and he said they
8 were speaking a Liberian language. He said they were Liberian
9 soldiers whom he had brought. He said they were reinforcement
10 for our own group to go to Freetown.

12:23:19

11 Q. Do you know how many men he brought with him, Komba, as
12 reinforcement to your group?

13 A. No, they were many. They were many, really, the men he
14 brought. There were some people who were carrying loads. They
15 were carrying some loads, the people whom they brought, when he
16 came and met us in the town.

12:23:43

17 Q. Now Komba, do you know which group he belonged to?

18 A. Well, Kabila told me that he - they were the RUF group who
19 had mixed with us, the AFRC; with them, the AFRC group, when they
20 captured us.

12:24:07

21 Q. Now I haven't specifically asked you, but Kabila, who was
22 your commander, what group did he belong to?

23 A. Well, Kabila, the marking that he made on me, he marked me
24 "RUF" on my chest in broad on my chest. He said they were their
25 colleagues, "RUF". He said, "Haven't you seen the marking that I
26 have made on your chest, 'RUF'?" It was from then that I knew
27 that he too was RUF.

12:24:29

28 Q. Now you also mentioned another person who you said helped
29 to train you, Mohamed. Do you know what group he belonged to?

1 A. Well, they were all in the same group with Kabila. That is
2 the RUF group.

3 Q. Now the group that came with Komba, you've said that they
4 were speaking a different language. Do you know whether this
12:25:11 5 group - whether these people belonged to any group?

6 A. Well at that time I did not know what group they were, but
7 Kabila, who was my boss, told me that they were Liberian
8 soldiers. They had come to reinforce us.

9 Q. Do you recognise, or did you know, the names of any members
12:25:36 10 of that group that came to join you later?

11 A. At that time I did not know anyone among them up to the
12 time we were leaving that town when we got to the next town.

13 Q. If you did recall - if you did get to know their names, are
14 you able to tell us which ones that you recall now?

12:26:10 15 A. Yes, I was able to know four of Komba's bodyguards. Four
16 of them.

17 Q. What are the names?

18 A. John, Ballah, Bajehjeh and Bahzoh.

19 MR BANGURA: Your Honours, John is normal, Ballah is
12:26:31 20 B-A-L-L-A-H, Bajehjeh is B-A-J-E-J-E-H [sic]:

21 Q. And the last name you called, Mr Witness, was?

22 A. Bahzoh.

23 MR ANYAH: B-A-R-Z-O-H [sic], your Honours.

24 JUDGE SEBUTINDE: Mr Bangura, it's not clear to me. These
12:26:56 25 people that came with Komba, is it the witness's testimony that
26 they were - he heard them being called Liberian soldiers, but
27 that they were carrying loads?

28 MR BANGURA: I'll get him to clarify.

29 JUDGE SEBUTINDE: Because he said, "They were many. They

1 were carrying loads".

2 MR BANGURA: I tried to get him to give a number, that's
3 when he talked about them being many and carrying loads, but I
4 will get him to clarify, your Honour. Your Honour, let me just
12:27:48 5 check with what I have got on the transcript:

6 Q. Now, you said that the men whom - the group that came with
7 Komba were speaking a different language. Is that right?

8 A. Yes, yes.

9 Q. And what did you learn about them after you enquired from
12:28:03 10 Kabila?

11 A. Kabila, my boss, when I asked him he told me that they were
12 speaking Liberian language. He said they were Liberian soldiers.
13 He said they had come to reinforce us to go with the advance team
14 to support the advance team to go into town.

12:28:22 15 Q. Did you observe anything about them yourself apart from
16 their language, the language that they spoke?

17 A. Well, they came. They had weapons. When they came, they
18 had weapons. I don't know their names, but they had some
19 civilians whom they had captured on the way. They were carrying
12:28:48 20 loads for them. Some of them were carrying loads.

21 Q. Now, earlier you mentioned that you were ordered by -
22 O-Five ordered that you be trained at this village and Kabila and
23 Mohamed conducted the training. Now, this training was for who?

24 A. Well they said they should start giving us training,
12:29:14 25 because by the time we get to Freetown they would give some of us
26 weapons so that we would become fighters.

27 Q. When you say some of you, who? Who were you that were
28 supposed to be trained?

29 A. We, the boys whom they captured in Konkoba. Those of us

1 who were marked.

12:29:49 2 MR BANGURA: Your Honours, my attention has just been drawn
3 to the fact that the name Bajehjeh has been spelt before and the
4 version I gave just now is slightly different. May I for the
5 purposes of correcting the records give the correct version
6 consistent with what we gave before.

7 PRESIDING JUDGE: Yes, please do.

8 MR BANGURA: It's B-A-J-E-H-J-E-H, Bajehjeh.

12:30:06 9 MR MUNYARD: Madam President, on the subject of name
10 spellings, I note the way in which my learned friend spelt the
11 name Bahzoh. We do have it written down though in a statement
12 with a slightly different spelling again, so can I just give the
13 alternative spelling in case anything turns on it. Instead of
14 B-A-R-Z-O-H, we've got it written down as B-A-H-Z-O-H.

12:30:28 15 PRESIDING JUDGE: We'll note that, Mr Munyard.

16 MR BANGURA: Yes, I take the point, your Honour. I will go
17 by the version that we have in the statement in that case so that
18 we are not at odds when it comes to that particular name.

19 PRESIDING JUDGE: Very well. That will be noted
12:30:43 20 accordingly.

21 MR BANGURA: Thank you:

22 Q. Mr Witness, I was asking you about the - I was asking you
23 about the people who were supposed to be trained on the orders of
24 O-Five and who were they and you said those who were captured.
12:31:20 25 Who and who were in this group?

26 A. We were mixed, both boys and girls. We, the small boys who
27 were captured, and girls.

28 Q. And anybody else?

29 A. And some who were older than us. Those who were captured

1 in that same town when we were brought to that town. Those of us
2 who moved.

3 Q. Now as you moved on, Mr Witness, apart from you, the boys
4 and girls that had been captured who left Koinadugu, did you get
12:31:59 5 any other people that joined your group?

6 A. Yes, after we had been trained, Komba brought this his
7 group. After they had trained us, Komba brought his group. When
8 I asked my boss, Kabila, who told me about them, that they were
9 speaking Liberian language, I said, "Bra, they're speaking in a
12:32:29 10 different language that we don't hear", and he said they were
11 speaking Liberian language.

12 Q. Now, you have told us that after the training you were
13 given two blue tablets by Kabila and after taking those tablets
14 you felt differently from your normal self. Did anything happen
12:32:46 15 after that?

16 A. Yes, after that they said we should leave the town and so
17 all of us went. We were going and the next village that we got
18 to they told us that we should loot and kill and burn down the
19 town. So when we got there --

12:33:06 20 Q. Just before you move on, who gave you this order?

21 A. The order was given by Five-Five.

22 Q. And then what happened?

23 A. So the place where I and my boss went, we met five people
24 there. Those five people whom we met there, he called me and
12:33:27 25 said those people - he was going to kill those people and I said,
26 "Okay, sir".

27 Q. And did anything happen after that?

28 A. Then he said, "I will demonstrate". He took the machetes.
29 He was holding up machetes. He took the machetes and then hacked

1 the first person at the back of his neck. Then the man fell down
2 and started hacking him. He gave me the machetes. When he gave
3 me the machetes, I also hacked the other woman on the other side
4 and I also hacked her on her breast, I hacked her child and then
12:34:11 5 hacked the other child. I also hacked her on her head and also
6 on her side.

7 Q. Mr Witness, how many people were there at this house where
8 you and your boss, Kabila, went to?

9 A. They were five in number.

12:34:36 10 PRESIDING JUDGE: I thought he went to a village?

11 MR BANGURA: They were at a village where an order was
12 given to kill and loot, as I understand, and burn.

13 JUDGE SEBUTINDE: But there's no mention of a house at all.
14 There's no mention of a house at all by this witness.

12:34:52 15 MR BANGURA: Right:

16 Q. So, Mr Witness, where did you meet these five people?

17 A. In the village. The village we went to. Myself and my
18 boss went to that village. At the house we went to - when they
19 gave us the orders to kill, burn and loot, the house we went to,
12:35:12 20 that is the house I am talking about.

21 Q. Now, what was the composition of these five that you met in
22 the house?

23 A. Two men, a woman and her child and another child.

24 Q. And if you can just take us very slowly how you went about
12:35:40 25 killing these people, starting with the very first one?

26 A. The first person my boss called me and said, "Well, you
27 kill those people". I said, "Okay". I said, "This time round I
28 will not refuse your order". Then he said, "I will do the
29 demonstration first". He took the machetes and hacked the first

1 man on his neck and the man fall down. He started hacking him
2 and then he gave me the machetes. When he gave me the machetes,
3 I had to hack the woman. I hacked her at the back of his [sic]
4 neck. I hacked her on her breast. And then the other child I
12:36:34 5 hacked her twice; the one the breast feeding mother was carrying.
6 The other child was standing crying. I had to hack him on his
7 neck and then I hacked him in the middle of his side. Then the
8 other person was standing begging Kabila. Then Kabila called me
9 and said, "Kill the other person", and then I hacked her - I
12:37:02 10 hacked him on his neck and chopped off his head. Then from there
11 we moved on and then burnt the house.

12 PRESIDING JUDGE: Mr Interpreter, could you be careful,
13 please. You are changing from "him" to "her" or "her" to "him"
14 and it's confusing and you've referred to "child" and "childs",
12:37:30 15 so would you please be careful in your interpretation.

16 MR BANGURA: Your Honours, I'm not so sure whether the
17 witness has been talking of more than one machete.

18 PRESIDING JUDGE: Yes, that was another point. He also
19 said machetes in the plural and, Mr Witness, that is not clear
12:37:45 20 because you've used both the plural and the singular.

21 MR BANGURA: Is it the interpreter your Honour meant to
22 say?

23 PRESIDING JUDGE: Sorry, I meant Mr Interpreter, not
24 Mr Witness.

12:37:59 25 MR BANGURA: Thank you, your Honour:

26 Q. Now, Mr Witness, how did you feel when you were doing these
27 acts when you were killing these people on the orders of Kabila?

28 A. Well when he told me to do it he said if I did not do it he
29 too will kill me, so I had to do it. I was bold to do it,

1 because the tablet that he had given me I just felt that it -
2 that was the cause that I had that boldness to do it.

3 Q. Now after this incident, did anything happen in that
4 village?

12:38:48 5 A. Yes, there were some other fighters who were on the other
6 side. They were looting, burning down houses. From there we
7 left the town, I and my boss. Just as I killed those people, he
8 told us to leave and we left.

9 Q. Where did you head for next?

12:39:06 10 JUDGE SEBUTINDE: Mr Bangura, before you leave to head,
11 could we have a location of where this village was? What is it,
12 if the witness is able to tell us?

13 MR BANGURA:

14 Q. Mr Witness, to the extent you can, are you able to tell us
12:39:21 15 what the name of this village is?

16 A. At that time I did not know the name of the village. That
17 was my first of time going to that village.

18 Q. Now, let me just take you back so that we're clear where
19 you were. You mentioned Karina Town earlier, correct?

12:39:39 20 A. Yes. After Karina we passed one village, a second village.
21 That was where they gave us the training. After the training, I
22 took the tablets. From there we left that town and it was the
23 next village that we got to that this incident took place.

24 Q. So, this would be three villages after you left Karina. Is
12:40:00 25 that correct?

26 A. Yes.

27 Q. Thank you. Now did you head for any other place from
28 there?

29 A. So after that village it was on top of a hill that that

1 town was, so we were going down the hill when we met Five-Five
2 watching through binoculars, but my boss called it a microscope.
3 So, he was watching through that and he said we should go down
4 that hill. When we got down the hill, we arrived at a village
12:40:38 5 and from that village he said the other town is Kamalo.

6 MR BANGURA: Your Honours, Kamalo is K-A-M-A-L-O. I believe
7 it has been spelt before:

8 Q. Did anything happen when you reached Kamalo?

9 A. Well when we got to Kamalo they told us that, okay, there
12:41:06 10 was another resistance in Kamalo Town and so they told us that we
11 should wait in the first village before Kamalo. So, they pushed
12 us into one bush and we were there when they went to Kamalo Town
13 and fought there and we were there when we heard the firing. We
14 were in the bush when we heard the firing that was going on and
12:41:31 15 it was serious. After that, that night, after the firing has
16 ceased, Kabila and others came and met us. They said they have
17 pushed the resistance that was in Kamalo Town. So, they told us
18 that they were going to make arrangements for boats to cross us
19 over. They said we were going to cross a river to Karina.

12:41:59 20 Q. Mr Witness, did you say that you were going to cross a
21 river to Karina?

22 A. Yes, that evening we passed, we came out of the bush, we
23 went to that village, we passed Karina and went ahead and we went
24 and they crossed with us in a boat. They were crossing with us
12:42:23 25 in a boat.

26 Q. Mr Witness, you were at Kamalo, is that correct?

27 A. Yes, when they had crossed with us.

28 Q. And you were moving from Kamalo to go and you said that
29 they were making arrangements for boats to get you across a

1 river, is that right?

2 A. Yes.

3 Q. And where were you heading for? Which town were you
4 heading to from across the river, if you --

12:42:56 5 A. They said - my boss told me that when we go across the
6 river we will go to Karina. Karina. So, we were not yet at - we
7 did not go into Karina Town. It was the advanced team that got
8 to Karina and captured one priest, that is a reverend father.
9 They said there were two and that the other had gone in a speed
10 boat.

12:43:19 11 Q. Can I just pause you again, Mr Witness. You have in your
12 testimony already mentioned that you reached a town before which
13 was Karina. Now, at this point were you going to another town
14 which was called Karina?

12:43:39 15 A. After Kamalo - after Kamalo we went to Kukuna. Kukuna.

16 Q. Now let us be clear. You have said several times that when
17 you crossed the river you were heading for Karina. Did you
18 intend to say Kukuna?

19 A. It was Kukuna. Kukuna. We were to go to Kukuna after
12:44:07 20 Kamalo. After Kamalo, it's Kukuna.

21 Q. Thank you. Now would you just go over the events that
22 occurred just before you crossed the river and then after that.
23 You said at some point somebody was using binoculars - a pair of
24 binoculars - and was looking over the river after the fight in
12:44:38 25 Kamalo. Is that correct?

26 A. After the village where we had done that killing, that
27 village was on top of a hill. Going down that hill, that was
28 where Five-Five was having that binoculars through which he was
29 looking. After he had looked, we went down and we arrived at a

1 village before arriving in Kamalo. It was in that village that
2 we got information that there were soldiers in Kamalo Town.

3 Q. And then there was some fighting. Is that correct?

4 A. Yes.

12:45:17 5 Q. And then after the fighting what happened?

6 A. After the fighting, that evening when it was getting darker
7 they told us that they had made arrangements with boats for us to
8 go across to Kukuna.

9 Q. And did you make the crossing to Kukuna?

12:45:42 10 A. Yes. After they had crossed us in the boats we passed a
11 village, got to Kukuna and the advanced team had already crossed.
12 So they went and they brought a priest, a reverend father, whom
13 they said they had captured in Kukuna. They said there were two
14 of them, but the other had gone with a speed boat.

12:46:03 15 Q. Now this priest that was captured, can you describe him?
16 What was he? Can you say anything about him?

17 A. They said he was a father.

18 Q. Can you say what race he was? Was he black, or white?

19 A. He was white. He was white.

12:46:26 20 Q. Yes, so he was brought and what happened next?

21 A. Then they said we should go into one forest. When we went
22 into that forest, they will go into Kukuna Town. They said the
23 fighters - they said there were Nigerian soldiers in Kukuna Town.
24 So we went into the forest, we heard heavy firing and after that
12:46:53 25 firing had ceased - after that firing had ceased they came back
26 and met us where we were, because they had told us that when we
27 go into the forest the same instruction that they had given us to
28 lie down, that was what we were to do. So we lay down in that
29 forest, and after that firing they came and took us to go and at

1 that time they said we were going now to Colonel Eddie Town.

2 Q. Now, Mr Witness, just before we move on, at this point what
3 - did you perform any role? Were you performing any role for
4 anybody?

12:47:30 5 A. Well I was carrying Kabila's - some of Kabila's ammunition
6 that he had, and the machete that I used to kill I had that as
7 well. I was close to his wife and some of their wives, the wives
8 of the fighters. We were all in those places. They said we
9 should wait there.

12:47:54 10 Q. Did you carry anything else?

11 A. No, at that time it was only the ammunition that I had.

12 Q. Before that had you been made to carry anything else for
13 your boss, Kabila?

14 A. Well there was some places sometimes we would carry his
12:48:21 15 ammunition and give me the gun for me to hang it on, but the gun
16 was heavy for me. It was heavy for me. I was unable to walk
17 faster with it. The way they were going I couldn't catch up with
18 them and so I would stay behind, so his colleagues advised him
19 that, "This boy is unable to carry this gun". They said, "You
12:48:39 20 should take away the gun from him", so he took away the gun from
21 me and so he stopped giving me the gun. It was only the
22 ammunition that I was carrying then.

23 Q. Do you know what type of gun that he was using which you
24 used to carry?

12:48:55 25 A. Yes, I asked him and he told me that the gun that he had
26 was GMG.

27 Q. Do you know what that meant, or what that means now?

28 A. Well, at that time I did not know what that gun meant. It
29 was a large gun. It has a round box. It has large bullets. The

1 bullets that it used were large. It was a chain and he hung it
2 round his neck.

3 Q. What did he hang around his neck?

12:49:42

4 A. That is the bullets that were connected in the box and the
5 box was underneath the gun and he used to tie it round his neck.
6 Wherever resistance was, as he fires, as he shoots, that's how
7 the bullets came out of the box.

12:50:07

8 Q. Thank you. Now you said that at Kukuna there was some
9 fighting and after the fighting you - the commanders then came to
10 you and said that you should move on to Colonel Eddie Town. Can
11 you tell us how you proceeded from Kukuna?

12:50:38

12 A. When we left Kukuna, we went through some villages and we
13 got to one village where we rested. The village where we rested,
14 Kabila took me - at that time he had - he was able to get another
15 gun that had two handles. You can hold it at the back and in
16 front. He said, "I have taught you how to dismantle a gun, clean
17 it and couple it up". He said, "Now I'm going to teach you how
18 to shoot the gun". So he took me to a riverside. He said, "I
19 will be doing the shooting in the river". So I went to the river
20 and he said, "Hold on to this. Hold on to it tighter, because it
21 will pull you", so I held on to it and he told me to shoot. He
22 said I should point it into the water and I should put my finger
23 into something and he asked me to shoot it and I shot it once and
24 he called me that we should go to town.

12:50:59

12:51:22

25 Q. Now do you know why he asked you to shoot - to aim your
26 shot into the water?

27 A. At that time he told me that, because he's taught me how to
28 clean and dismantle a weapon, he said now he's going to teach me
29 how to shoot.

1 Q. Yes, but you said that in the training that he gave you he
2 told you to aim your shot into the water. Do you recall that?

3 A. During the training that he gave me he did not - he did not
4 teach me how to shoot. He did not teach me how to shoot.

12:52:05 5 Q. Did you fire a shot from that gun?

6 A. I shot the gun.

7 Q. Where did you aim at when you shot the - when you pulled
8 the trigger?

9 A. I pointed the gun in the water. I pointed the gun in the
12:52:26 10 water and that was where I shot it.

11 Q. Why did you have to shoot it into the water?

12 A. He said because his bosses were in town and he said because
13 the place where we had fought was not too away from Kukuna he
14 said he wouldn't want them to hear that were in that town. So
12:52:51 15 when we got into the - if they heard the sound they will come
16 into that area. That was why he told me to point it into the
17 water so that the sound will not be heard.

18 Q. Now after you had gone through the training, after that
19 short process did anything happen?

12:53:16 20 A. Well, when we came to town, when we came to the village
21 where his bosses were, the house where he had left his wife and
22 his other boy, his friends were there. He went and brought out
23 marijuana and he wrapped it for me and he asked me to smoke it.
24 So I smoked it. I smoked the marijuana. There was some ground
12:53:40 25 nut there and I started chewing it. I did that until I started
26 vomit ing.

27 Q. Now were you the only one smoking marijuana?

28 A. Well, at that time his other friends, his other colleague
29 fighters, also sat down smoking. I and - he gave me marijuana

1 for me to smoke. He wrapped it and told me that I should start
2 smoking. Since then, wherever we went he will wrap it for me and
3 I will smoke.

4 Q. Before this time had you ever smoked a cigarette?

12:54:18 5 A. That was my first time of smoking since birth. That was my
6 first time of smoking.

7 Q. Now after this incident, did anything happen next?

8 A. Well, we slept - we slept in that town. The next morning
9 we left and went to Colonel Eddie Town.

12:54:43 10 Q. How far away was Colonel Eddie Town from this town where
11 you rested and you smoked marijuana?

12 A. Well, we passed some two villages. After the third village
13 we arrived at Colonel Eddie Town, but at that time it was
14 daybreak.

12:55:15 15 Q. Now did anything happen when you arrived at Colonel Eddie
16 Town?

17 A. When we got to Colonel Eddie Town, we met SAJ Musa. He was
18 sitting down in the veranda and so we went and met him. There
19 was a mango tree in front of the veranda and there was a rock
12:55:40 20 there. We met him sitting in a hammock.

21 Q. And who else did you see or meet at Colonel Eddie Town?

22 A. In Colonel Eddie Town there is a street that passes in the
23 centre of the town, a broad street. On the left-hand side that
24 was where SAJ Musa was and on the other side I saw Junior Lion,
12:56:03 25 Gullit and another boy called Foday Pump Lock and Alhaji, Junior
26 Lion's boy, and other fighters.

27 MR BANGURA: Your Honours, Pump Lock is P-U-M-P and
28 L-O-C-K:

29 Q. Now before you got to Colonel Eddie Town, did anything

1 happen on the way? That is after you had left the village where
2 you were trained to use the gun - to fire the gun - did anything
3 happen on the way?

12:56:52 4 A. Well, on our way coming, after we had passed one village in
5 the next village Komba ordered his boys to capture one girl.
6 They put her in a house and he used her, and after that he came
7 out and we stayed in that village looting things so as to take to
8 Colonel Eddie Town that we may use for cooking.

12:57:21 9 Q. Now, you said that Komba ordered his boys to capture one
10 girl and they put her in a house and he used her. What do you
11 mean when you say "he used her"?

12 A. Because I can say that is rape, because he threatened her,
13 his boys were carrying guns after her, the girl was crying when
14 they took her in and when they put her in and they said, "Bra,
12:57:46 15 we've put her in and we've stripped her naked", he went in and at
16 that time I was standing at the door. That boy that he had
17 Alhaji, that is John, his boy, I was with him standing by him,
18 and so after that he came out and we left the town.

12:58:06 19 Q. Now, it's not so clear who was - which one of his boys was
20 carrying out - was helping him out. You have mentioned John and
21 you have mentioned Alhaji. Which one of them?

22 A. No, it was John, not Alhaji. It was John. It was John,
23 who was Komba's boy.

12:58:36 24 Q. Now, you were telling us about the situation in Colonel
25 Eddie Town when you arrived there. You talked about a street
26 running through the town and on one side you said SAJ Musa was,
27 on the other side you mentioned Gullit and you mentioned Foday
28 Pump Lock and some other names. Now, who else do you recall that
29 was there?

1 A. The only persons whom I saw at Colonel Eddie Town whose
2 name I knew were Junior Lion, Gullit and it was Junior Lion's boy
3 who told me that his boss was Gullit. Foday Pump Lock was with
4 Gullit. He was with Gullit. He was Gullit's boy.

12:59:19 5 Q. Now, do you know who Gullit was?

6 A. At that time I never knew him. We met in Colonel Eddie
7 Town. It was in Colonel Eddie Town that we met them.

8 Q. Did any --

9 MR MUNYARD: Madam President, I'm sorry to interrupt. At
12:59:38 10 what appears to be page 79 in the first few lines - and I'm
11 putting it that way because we have different type faces - the
12 witness referred to a boy. He said, "That boy that he had
13 Alhaji, that is John", and later he said, "Not Alhaji, but John".
14 I'm sorry to raise it at this stage, but I would like

13:00:01 15 clarification. Is Alhaji John, or are they two different people?

16 PRESIDING JUDGE: Yes, I noted that, Mr Bangura. I got the
17 impression that at first they were the same person, but it should
18 be clarified as the subsequent evidence leads me to wonder.

19 MR BANGURA: Thank you, your Honour. I tried to get it
13:00:22 20 clarified, but I don't think we got there:

21 Q. Now let me take you back, Mr Witness. You talked about the
22 incident in which somebody was helping Komba - one of his boys
23 was helping him - and you said he committed a rape against a
24 girl. Is that correct? Do you remember that?

13:00:45 25 PRESIDING JUDGE: That's a confusing question, Mr Bangura.
26 Who committed the rape, Komba or the boy?

27 MR BANGURA:

28 Q. Komba. Do you recall that you said Komba committed a rape
29 on a girl?

1 A. It was Komba who ordered his boys to take the girl in. His
2 two boys took the girl in; that is Bajehjeh and Bahzoh. They
3 took her inside. The other boy, John, I was standing with him
4 outside.

13:01:16 5 Q. So, was John involved in any of what happened?

6 A. John was standing outside as a bodyguard. He was Komba's
7 bodyguard. His name is John. The Alhaji that I'm talking about
8 when we got to Colonel Eddie Town, he was Junior Lion's boy.

9 Q. Was Alhaji at this scene at all?

13:01:49 10 A. We had not yet arrived in Colonel Eddie Town. I was in
11 Colonel Eddie Town and you've taken me back to what happened in
12 that village and that was what I explained, where that raping
13 took place.

14 Q. So, Mr Witness, let us simply be clear. Was Alhaji there
13:02:05 15 when this rape took place?

16 A. Alhaji was not there when the rape took place.

17 Q. Thank you. Now, again, just about the girl --

18 PRESIDING JUDGE: Let us also be very clear. Is John and
19 Alhaji the same person, or two different people?

13:02:24 20 MR BANGURA: Thank you, your Honour. I will get the
21 witness to clarify:

22 Q. Mr Witness, did you hear the question? Are they one and
23 the same person, or are they two different people?

24 A. They are two different people.

13:02:42 25 Q. Thank you. Now this girl who was raped, do you recall her
26 age? Are you able to tell the Court how old she was?

27 A. I don't know her age. I was taller than she was.

28 Q. Now you are at --

29 PRESIDING JUDGE: Mr Bangura, the witness has on two

1 occasions compared his height to others, but we have no record of
2 the witness's height.

3 MR BANGURA: Thank you, your Honour:

13:03:24

4 Q. Mr Witness - I believe it's safe enough for the witness to
5 stand up?

6 PRESIDING JUDGE: Possibly he knows his own height. It
7 might be safer to ask him that question.

13:03:38

8 JUDGE LUSSICK: Mr Bangura, aren't we dealing with his
9 height at the time of the incident? He was only 12 years old.
10 It's not much use knowing his height now.

11 MR BANGURA: I get the point, your Honour. The witness has
12 also referred to his age. I perhaps should get him to refer to
13 his age in relation to the persons that he described, rather than
14 his height:

13:03:55

15 Q. Now, Mr Witness, when you talk about the girl who was
16 raped, in relation to your age at the time - and you've told this
17 Court that you were 12 - how would you describe that girl's age
18 in relation to your age at the time?

13:04:29

19 A. I did not know her age, but she was a little fatter and we
20 had the same height.

21 Q. Now, earlier also I asked you about boys who were trained
22 on the orders of 0-Five and I believe you said boys of about your
23 height. Now, you were - in relation to your age, and you were 12
24 years at the time, how would you describe the ages of those boys
25 with whom you were trained?

13:04:55

26 A. Well, we were all not of the same age and I do not know
27 their ages. Some were older than me and there were some with
28 whom I had the same age. We had the same age, so to speak,
29 because I and some of them, those of us who were captured in that

1 village, we were going to school together --

2 Q. So when --

3 A. -- in Kabala.

13:05:38

4 Q. So when I asked you earlier about the ages of these boys
5 and you said they were about the same height, what really were
6 you referring to when you say "about the same height"?

13:06:01

7 A. Some - I said some of them. Some of them with whom I had
8 the same height. Some of them were taller than us. They were
9 older than us. I had clarified that area. I said some were
10 older than me and some were taller than me and there were some
11 with whom I had the same height. There were some girls among us
12 who were captured who were taller than us and I had the same
13 height with some of them.

13:06:21

14 Q. Thank you, Mr Witness. Now at Colonel Eddie Town you have
15 described some of the people that were there whom you met there.
16 Did anything happen when you arrived?

13:06:52

17 A. Well, when we got to Colonel Eddie Town, the commanders
18 whom we had come with they were with SAJ Musa. So, we stood in
19 the veranda - the veranda of the house where SAJ Musa was. He
20 was sitting in the hammock. That was where I saw my friend with
21 whom we were going to school in Kabala. That is Alhaji. So I
22 went to him and greeted him. He even asked me for my brother and
23 I said, "Since I was captured I have not been able to see him",
24 and he introduced me to his boss and he said this was his boss,
25 Junior Lion. He said Junior Lion was his boss. Junior Lion's
26 boss was Gullit and it was Junior Lion who was in charge of the
27 radio set. From then I told him that my own boss was Kabila and
28 I brought him over to Kabila and introduced him to Kabila.

13:07:13

29 Q. Did anything else happen?

1 A. Then the two of us crossed the street. When we went for
2 him to introduce me to his boss Junior Lion, but at that time we
3 met him talking on the radio set then he told me that, "My boss
4 is talking on the radio set." He said he was talking to JS
13:08:00 5 Momoh. I left him then and went across to my boss.

6 Q. Now who was JS Momoh that you say he was talking to?

7 A. Well, he just told me that his boss was talking to JS
8 Momoh. Then I went across. I said I was going to where my boss
9 was. Then I left him there.

13:08:25 10 Q. Did you know anybody who was called JS Momoh?

11 A. At that time I did not know anybody who was called JS
12 Momoh.

13 Q. Now did anything happen after this?

14 A. After that when I went to where Kabila was, where they
13:08:55 15 were, then I went to the house where they had put the things, the
16 loads, the clothes and the bag that the boy was carrying for him,
17 the other boy with whom we had all been captured, where his wife
18 was sitting down. So I was going towards there and I went there
19 and I checked there.

13:09:15 20 As I was coming I met with Kabila on the way. Then he said
21 well, their boss has given them another order, that is that they
22 were going to town to go and overthrow. He said they were going
23 to town to overthrow and that they should not kill a civilian and
24 that they should not burn a house. He said they were going to
13:09:36 25 overthrow. Then Kabila said that was not going to work. He said
26 the same order that we were coming with was the same order that
27 we were taking along, Operation Spare No Soul, that was what we
28 were going along with. That is it was Kabila who told me that.

29 Q. Now let us be clear. First of all you said you met Kabila

1 and he told you that they had been given an order by his boss.

2 Did he tell you who the boss was that gave them a new order?

3 A. Yes, he said SAJ Musa has given them an order.

4 Q. And this order he said was to go to Freetown?

13:10:25 5 PRESIDING JUDGE: He didn't say Freetown, Mr Bangura. He
6 said town.

7 MR BANGURA: To go to town, I'm sorry, your Honour:

8 Q. Was to go to town?

9 A. Yes, the town that I mean is that we should go to Freetown.

13:10:42 10 He said when we go to Freetown we were to overthrow the
11 government that was in power.

12 Q. And you said that Kabila then told you that this was
13 wouldn't work, is that right?

14 A. Yes.

13:11:00 15 Q. He talked about an --

16 THE WITNESS: I want to ease myself.

17 PRESIDING JUDGE: Could you please assist the witness.
18 Have a seat, Mr Bangura.

19 Perhaps I should explain to the public the witness has to
13:11:36 20 go out and for reasons of his security the blinds will be down as
21 he moves in the courtroom.

22 Mr Bangura, please proceed. I would suggest that you
23 repeat your last question and it appears to me if you're
24 paraphrasing the witness's answer you have not paraphrased it
13:18:11 25 correctly.

26 MR BANGURA: Your Honour, just before I get on I just wish
27 to have a question that I asked corrected on the record. This is
28 on line 5 of page 86.

29 PRESIDING JUDGE: That's what I was referring to. If

1 you're going to ask a question you say it's incorrect, then put
2 it correctly.

3 MR BANGURA: I will just go over the whole issue again:

13:18:50

4 Q. Mr Witness, you said that Kabila told you that they had
5 been given a new order, is that right?

6 A. Yes.

7 Q. What was that order?

13:19:08

8 A. Well, the order, he said SAJ Musa has ordered them to go to
9 Freetown. To go to Freetown. He said when we go to Freetown we
10 were to overthrow the government that was in power. He said then
11 when we were getting to Freetown we should not burn a house, we
12 should not kill and not to loot or amputate.

13:19:35

13 Q. Now you also said that Kabila told you or he mentioned
14 something about the previous order which you had. Do you recall
15 that?

13:19:58

16 A. Yes. He said that won't work. He said the same order, the
17 same way that we had been coming, it was the same order. When we
18 get to Freetown it will be Operation Spare No Soul. Then I asked
19 him what Operation Spare No Soul was. Then he said starting from
20 ants, goats, humans, nothing should stay.

21 Q. When you say nothing should stay, what do you mean?

22 A. Well, that was the answer. When I asked him that was the
23 answer he gave me. Even humans, ants, goats, all should be
24 killed.

13:20:23

25 Q. Now when you say that that won't work, and he was talking
26 about the new order which was given to him, what did he say would
27 not work?

28 A. Well, he said the order that SAJ Musa has given to them,
29 for him that will not work, he said because when we go to town

1 starting from goats, sheep, humans, houses, he said nothing will
2 remain, he was going along with a different order.

3 Q. You also talked about the old order that they had which
4 they were going by. Did he say what the old order was?

13:21:17 5 A. Because when we got to that town they said we should burn
6 down the town and kill, he said that same order was what we were
7 going by, and loot.

8 Q. Thank you. Now after Kabila had informed you about this
9 new order that was given to them by SAJ Musa did anything happen?

13:21:37 10 A. After that, that evening all of us left the town. We were
11 walking during the night. We were walking during the night. We
12 left that town and in the night we started walking and we passed
13 through some villages and we got to one village. When SAJ Musa
14 found out there were no persons in that village SAJ Musa ordered
13:22:02 15 that that town should be burnt down, so we burnt down that town.
16 Kabila gave me petrol and he sprinkled it right round the house
17 and he gave me a match and I scratched the match and set the
18 house on fire. That was in the night.

19 MR MUNYARD: Madam President, could I ask for some
13:22:23 20 clarification, please. It may just be me, but looking at the
21 transcript the witness has been giving evidence about the
22 SAJ Musa order not to burn and kill. Then he goes on to the
23 order from Kabila to spare no soul. Then I've got at page 88
24 line 10 on my typeface:

13:22:54 25 "Thank you. Now after Kabila had informed you about this
26 new order that was given to them by SAJ Musa did anything
27 happen."

28 The implication of that was that the second order was a new
29 order from SAJ Musa. That isn't how I had understood his earlier

1 evidence to be. I had understood his evidence to be SAJ Musa
2 gives one order, Kabila gives a new contradictory order. In
3 other words, it is Kabila who gives the new order, not SAJ Musa
4 as Mr Bangura's question implies.

13:23:32 5 PRESIDING JUDGE: I think Kabila was resurrecting an old
6 order, but let us get it properly from the witness. Mr Bangura,
7 you've heard counsel for the Defence and it should come from the
8 witness.

9 MR BANGURA: I understand the confusion earlier, but I
13:23:52 10 thought that was cleared up in subsequent questions, but I will
11 get the witness to:

12 Q. Mr Witness, the orders which - let us talk about the order
13 which Kabila told you about that he got from his boss which you
14 called a new order, now who gave Kabila that order that he told
13:24:14 15 you about?

16 A. When we got to Colonel Eddie Town, after the meeting that
17 they've held, it was SAJ Musa who gave that order that when we
18 get to Freetown - when we were heading for Freetown and when we
19 get to Freetown it was just to overthrow. He said they should
13:24:34 20 not kill a civilian, they should not loot, they should not burn a
21 house.

22 Q. That was the order which he told you about which was given
23 by SAJ Musa, is that correct?

24 A. Yes.

13:24:49 25 Q. Now Kabila then said something to the effect that the order
26 wouldn't work, is that right?

27 A. Yes.

28 Q. And did he suggest anything else?

29 A. Then he said that that order won't work. He said when we

1 get to Freetown he - even ants he would not leave. He said he
2 was going by Operation Spare No Soul when we get to Freetown.

3 Q. And when he said he was going by Operation Spare No Soul,
4 was this an order which was already there before?

13:25:39 5 A. Well, the order that we came with, when we were under
6 O-Five, when we got to that village where he ordered to kill and
7 burn anybody we meet in that town, those towns that we came
8 across, when Kabila gave me that tablet, those tablets, where I
9 did the killings. From then on to the point where we got to SAJ
13:26:05 10 it was a different order that SAJ gave.

11 Q. But when you now say that Kabila says Operation Spare No
12 Soul was that the same as the order which had been given by
13 O-Five before?

14 A. Yes.

13:26:27 15 Q. Thank you. Now you were telling the Court about what
16 happened when you got to a town where there were no people and
17 you said SAJ Musa gave an order to you. Is that right?

18 A. Yes. I don't know that village. It was only in that
19 village that he gave an order that the town should be burnt.

13:27:05 20 Q. And in carrying out that order what role did you play?

21 A. My boss Kabila had petrol and he said we should sprinkle it
22 right round the house. Then he gave me matches for me to scratch
23 and put it on the house. Then I did that and we left that town
24 that very night.

13:27:35 25 Q. Now who sprinkled the petrol around the house?

26 A. It was Kabila, my boss.

27 Q. Now when you moved from that village where did you go next
28 to?

29 A. Well, throughout then we were walking in the night. I

1 don't know those villages. We walked all night. From the time
2 we left Colonel Eddie Town we were walking in the night. In the
3 morning we will find a forest where we will stay for the rest of
4 the day and at night we will leave. That was how we were
13:28:15 5 walking.

6 Q. Now this group that was heading - that had left Colonel
7 Eddie Town, can you describe its composition?

8 A. Well, SAJ Musa was with the group, O-Five, Junior Lion,
9 Gullit and others, they were all ahead with SAJ Musa. So we were
13:28:39 10 all going with the same group up to the time we arrived in
11 Freetown.

12 Q. And if you would refer to names, what were the different
13 names of the members of that group?

14 PRESIDING JUDGE: I don't understand that question,
13:28:56 15 Mr Bangura. Do you mean names of individuals or --

16 MR BANGURA: No, let me be clearer:

17 Q. Which different groups were made up of this big group that
18 was going to Freetown?

19 A. Well, at that time the group that we met where Junior Lion
13:29:23 20 and others were, they called them - they said they were the Red
21 Lion group. SAJ Musa's group, that is our own group, the AFRC
22 group, we were mixed with the RUF.

23 PRESIDING JUDGE: Mr Bangura, I note the time and it's now
24 the usual lunchtime adjournment time so we will resume the
13:29:47 25 evidence at 2.30. Mr Witness, it's now lunchtime and we are
26 going to adjourn for one hour. We will be starting again at
27 2.30. Please adjourn court.

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

29 [Upon resuming at 2.30 p.m.]

1 PRESIDING JUDGE: Yes, Mr Bangura. Please proceed.

2 MR BANGURA: Thank you, your Honour:

3 Q. Good afternoon, Mr Witness.

4 A. Good afternoon, sir.

14:30:22 5 Q. We shall continue with your testimony. Now just before the
6 break we were - you told this Court about the group that left
7 Colonel Eddie Town to move towards Freetown and my last question
8 I believe was for you to give the composition of that group. I
9 had asked you to give the composition of that group. In your
14:31:00 10 answer you said that the group was a mixed one. You said there
11 was one group which were - Junior Lion and others were and you
12 said they called them the Red Lion group. Then you said there
13 was SAJ Musa's group and that is your own group. You called that
14 - they called that the AFRC. And then --

14:31:25 15 JUDGE SEBUTINDE: No, he did not say AFRC. He said they
16 were mixed. They were mixed with the RUF.

17 MR BANGURA: Your Honours, I am just trying to get the
18 witness's answer.

19 JUDGE SEBUTINDE: I do beg your pardon. Yes, AFRC mixed
14:31:41 20 with RUF.

21 MR BANGURA:

22 Q. I will just go over that again, Mr Witness. You said that
23 there was a group where Junior Lion and others were and they
24 called that group the Red Lion group, correct?

14:31:59 25 A. Yes.

26 Q. And then you said SAJ Musa's group was a group in which you
27 were and you said that group was the AFRC group. Is that right?

28 A. Yes, AFRC and RUF were mixed.

29 Q. Thank you. And when you left Colonel Eddie Town you -

1 where was the - you said you were heading for Freetown and where
2 was the - let me just be clear. You have already told this Court
3 that you got to a point where SAJ Musa ordered the burning of a
4 town, a village, is that correct?

14:32:57 5 A. Yes.

6 Q. Now from that point on how did you progress? Where did you
7 go to next?

8 A. We went and passed through some villages. In the morning -
9 in the morning we entered into a forest where we were for the
10 whole day and at night we left the forest again and we moved.

11 Q. So where did you eventually end up moving towards Freetown?
12 Where was the first big place or big town that you went to?

13 A. Well, the other town that we got to, I don't know its name.
14 They fought there too with some soldiers, so they told us to
15 wait. They went and fought in the town. When it was clear then
16 they called us and we were waiting in a village where they told
17 us to wait. At the back of the village there was a bush where we
18 were told to wait until after the fight had ceased and they
19 called us to go back.

14:34:16 20 Q. Now did you get to any town whose name that you can
21 remember? Can you tell us the name of a town that you got to
22 along the way that you remember?

23 A. No, that was my first time to go to those areas. I did not
24 know those places, because we were doing the travels at night.
14:34:43 25 When we were coming some of the names that I could even recall
26 was because we passed through the towns in the afternoon. That
27 was why I recalled them.

28 Q. Did you get to Freetown, where you were heading?

29 A. When we came we got to Benguema at night. It was then that

1 my boss told me that we had almost arrived in Freetown, because
2 that was Benguema barracks where the soldiers were. He said that
3 was the place where the soldiers were being trained and that was
4 close to Freetown. They went into the barracks and they were
14:35:30 5 able to take over the barracks in Benguema.

6 Q. Can you just pause. Which soldiers did your boss tell you
7 were being trained at Benguema barracks? Which soldiers did he
8 refer to?

9 A. That was the soldiers in Freetown who were in the town, the
14:35:56 10 Sierra Leone soldiers who were being trained there.

11 Q. Thank you. Now what happened when you got to Benguema?

12 A. When we got to Benguema our group - because they had
13 entered already, they had taken over the barracks, they were
14 looting ammunition, they were taking out ammunition. We had
14:36:22 15 come, we were towards the gate entering into the barracks and
16 they came, they met us, they said it would be risky for us to
17 enter into the barracks because there were bombs exploding, some
18 bombs were exploding.

19 Q. Mr Witness, can I pause you. When you say they had already
14:36:38 20 reached there and they were taking ammunition, who are you
21 referring to as "they"?

22 A. Our group, SAJ Musa's group, and the Red Lion group
23 together that came and entered together into the Benguema
24 barracks.

14:36:59 25 Q. But who were these people amongst you that were already
26 ahead of you in the barracks? Who were they? Who do you refer
27 to?

28 A. Go over that question again.

29 Q. You said that you got to a point where you were about to

1 enter the barracks and by that time there were already some
2 people in the barracks and they were looting ammunition and then
3 they came and told you to wait. Who were they when you talk
4 about "they" there? Who are you referring to?

14:37:41 5 A. That is the advanced team that was ahead where the
6 commanders were. That is the 0-Five, Five-Five, Komba, Med and
7 some other fighters who had gone ahead. They were part of the
8 advanced team.

9 Q. So you say that they came and told you at the gate. Who
14:38:04 10 were you at the gate then? If the advanced team was there who
11 were the ones at the gate including yourself?

12 A. We together with the women, the small boys and girls and
13 the other group that was behind us, that was protecting us. That
14 was the time for our own batch to enter into barracks and then we
14:38:37 15 were stopped.

16 Q. Who stopped you?

17 A. Kabila came together with Komba and Mohamed. They came and
18 stopped us from entering into the barracks. So Kabila brought
19 some ammunition that he had looted already from the stock and he
14:38:55 20 asked me to - he asked me to carry that together with the other
21 boy. Both of us were with him. So both of us carried the
22 ammunition.

23 Q. So why did they ask you to stop?

24 A. So I asked them why had they asked us not to enter and he
14:39:21 25 said they had looted the ammunition, what they wanted they had
26 looted and they had set fire on the remaining ones. So SAJ Musa
27 had gone to look at who had set the store on fire and a bomb had
28 exploded and he pointed to him being brought.

29 Q. Did you at that time - at that moment see SAJ Musa being

1 brought as Kabila was explaining this to you?

2 A. Yes, at that time I saw him being brought. He was in a
3 hammock being brought. They came and passed us at the gate and I
4 followed them. I was behind those who were carrying the hammock.
14:40:13 5 Myself, the wife, Kabila and the other boy and they took us to
6 another place.

7 Q. Who were carrying the hammock?

8 A. There were some boys. Ten of them were ordered to carry
9 the hammock and took it to the hill.

14:40:34 10 Q. Where did you go? Where did the group go that was carrying
11 SAJ Musa in a hammock?

12 A. That group, we withdrew from the barracks. We came and
13 headed - we used the main road and we veered off from the main
14 road and we entered into the forest. We got to a junction and we
14:41:06 15 entered into the forest.

16 Q. And did anything happen after you had branched off and
17 entered the forest?

18 A. We went into the forest and Kabila told me to wait. He put
19 me in a place where people were resting in the forest. So the
14:41:35 20 boys took SAJ Musa right up on the hill. So the boys who carried
21 him, they told them to go back and the commanders remained and
22 they stayed there.

23 Q. Now did anything happen after that?

24 A. They attempted to treat him, but he could not respond to
14:41:59 25 treatment and Kabila told us that SAJ had died, he could not
26 endure the pain and that he had died and he went up again. He
27 asked us to stay there that when it would be dark then we will
28 move. We were there for the whole day. In the afternoon they
29 dug a grave. The priest whom had been captured was asked to pray

1 on the corpse and he was buried. When he was being buried after
2 the priest had prayed --

3 Q. Can I pause you, Mr Witness. Were you there when this
4 happened? You said the priest who was with you was asked to pray
14:42:40 5 for the corpse. Were you there?

6 A. After the burial, it was according to what was explained to
7 me by my boss. That's what I'm relating to you.

8 Q. And when you say your boss, who are you referring to?

9 A. Kabila. Kabila.

14:43:04 10 Q. If you just take it step by step, what did Kabila tell you
11 about what happened after SAJ Musa died?

12 A. After SAJ Musa had died - he told us that after SAJ Musa
13 had died the priest prayed on the corpse and O-Five and Gullit
14 gave an order for a sacrifice for us to perform so we would go to
14:43:49 15 Freetown and succeed, the mission would be successful, that we
16 should bury the corpse together with a fair in complexion lady
17 and the lady should be buried alongside SAJ Musa alive. Her legs
18 were tied and she was buried together with SAJ Musa alive.

19 Q. And this was information which you received from Kabila.

14:44:17 20 Is that correct?

21 A. Yes.

22 Q. Now what happened after SAJ Musa had been buried?

23 A. After SAJ Musa had been buried, in the evening when it was
24 getting to dusk we were asked to come out of the bush to head for
14:44:45 25 Freetown. So we came down to Waterloo Junction and we were using
26 the main road, the highway, headed for Freetown, the city.

27 Q. Were you all together in one group still as you moved down?

28 A. All of us left the forest. We were in the same group. We
29 met houses on fire and we were looting shops.

1 Q. Now when you say you met houses on fire, do you know which
2 group met these houses on fire?

3 A. It was the group that I was with, the same group that was
4 up the hill. When we came down when we were going to Freetown we
14:45:44 5 were breaking into shops, looting. If we met drinks we took it
6 out and we would drink just so that we would sustain our lives
7 right until that time we would get to Freetown.

8 Q. Do you know who became the leader of your group after SAJ
9 Musa died?

14:46:08 10 A. The same people, O-Five and Gullit. They were the heads
11 right up until the time we went to Freetown.

12 Q. Now when you entered Freetown where did you go in Freetown?

13 A. We went right up to Allen Town. That was where I stopped
14 because I was unwell. I left them and I was sitting at the
14:46:40 15 place. I joined a group where Adama was. She was called Adama
16 Cut Hand.

17 Q. Now who was Adama Cut Hand?

18 A. At that time I had not known her before. It was just some
19 of the boys that she had. They knew me and they said, "This is
14:47:03 20 Kabila's boy" and they took me into their house where their boss
21 was, Adama Cut Hand.

22 Q. Do you know what group she belonged to?

23 A. At that time I did not know the group that she was part of,
24 because it was my first time to see her.

14:47:24 25 Q. Had you heard the name before you met her that first time?

26 A. No.

27 Q. Now let me just take you back a few steps. You said the
28 group that came to Freetown included a group called the Red Lion.
29 Is that correct?

1 A. Yes.

2 Q. Now who were in this group, the Red Lion group, that you
3 have mentioned?

4 A. It was Gullit, Junior Lion and Foday --

14:48:08 5 THE INTERPRETER: Your Honours, the witness called a name
6 after Foday which is not clear.

7 PRESIDING JUDGE: Just pause, Mr Witness.

8 MR BANGURA:

9 Q. Mr Witness, can you go over the names again that you were
14:48:16 10 calling. I asked you about who were in the group the Red Lion.
11 Can you go over the names of those that were in that group again?

12 A. That group comprised Junior Lion, Gullit and Foday Pump
13 Lock with some other men whose names I cannot recall now. I did
14 not know them.

14:48:43 15 Q. Now you mentioned that there were Liberian fighters or
16 people who spoke Liberian, Liberian soldiers, earlier, do you
17 recall?

18 A. Yes.

19 Q. Do you know which group they belonged to?

14:49:00 20 A. They were part of the RUF group.

21 Q. Right, thank you. Now you said that you stayed at Allen
22 Town when you entered Freetown. What about the rest of the
23 group?

24 A. They had gone ahead into the city, Freetown. They had
14:49:26 25 arrived in the city but I did not go with them because I was not
26 well. My foot - my feet had gone swollen.

27 Q. You said that you were with Adama Cut Hand, you stayed with
28 Adama Cut Hand, is that right?

29 A. Yes, Adama gave me treatment. She gave me medicines and I

1 took those. So when I was well she said I should not just be at
2 home, I should be with her group in the patrols.

3 Q. Now what was Adama Cut Hand doing in Allen Town?

4 A. In the mornings where she was where she was based, that is
14:50:20 5 Foamex on the way to go to Freetown. Foamex. That is the way to
6 Freetown after Allen Town on the main highway to go to Freetown.
7 That was where her base was.

8 Q. Do you know what part of Freetown Foamex is?

9 A. Yes, that is the way to - on the way to enter Freetown on
14:50:49 10 the highway.

11 Q. Now what was she doing? What was Adama Cut Hand doing at
12 Foamex?

13 A. At that time when she told me that I was supposed to be
14 part of the patrol, when we went we met some of her boys and
14:51:12 15 girls. I met one of her girls who had injuries, she was shot, so
16 I took her weapon.

17 Q. You haven't given me a clear picture of what Adama Cut Hand
18 was doing at Foamex. What was she doing there?

19 A. That was where her base was where she was amputating arms.

14:51:41 20 Q. Now the name is Adama Cut Hand. Do you know whether that
21 name carried any particular meaning?

22 A. Her group - she said her group was a group to amputate
23 arms.

24 Q. Now did you at any point in time witness this kind of
14:52:12 25 activity going on at her base, that is amputation of hands?

26 A. Yes. Where I met her when we had come and I had taken the
27 weapon from that girl of hers, that is Mariama who had got the
28 injury, I met some arms that she had already amputated, there was
29 blood on the ground. I met machetes there. I met two men whom

1 her boys had brought and she asked the men that, "My boys have
2 brought you and I am the doctor and the tailor at the same time,
3 you are to give me the style that you want", but the men did not
4 say anything in reply so she ordered the boys to hold on to the
14:53:11 5 men's arms and one of them was amputated on the wrist and other
6 one's arm was amputated on the elbow - at the elbow. And she
7 told them to go to Pa Kabbah so that Pa Kabbah will give them
8 arms.

9 Q. Now you said that he told these two people that you saw
14:53:33 10 that she was the doctor and the tailor, is that right?

11 A. No, she said she was the tailor, not doctor.

12 Q. And did she indicate how her role fits into that of a
13 tailor? Did she say what she meant by being the tailor?

14 A. Yes, she said her being the tailor, if she said short
14:54:14 15 sleeve that meant she would amputate the arm at around the wrist.
16 If she said short sleeve that means she will amputate the arm at
17 the elbow.

18 Q. Can we be clear again, Mr Witness, about what she meant by
19 short sleeve and long sleeve?

14:54:34 20 A. Well, when she said short sleeve and long sleeve, the long
21 sleeve is to amputate at the wrist and short sleeve is to
22 amputate at the elbow.

23 Q. Now, you said earlier that you took a weapon, a gun from
24 one of the - from a girl who was with Adama Cut Hand. What kind
14:55:01 25 of gun or weapon did you take from this girl?

26 A. The weapon had two handles. I don't know the name of that
27 weapon.

28 JUDGE SEBUTINDE: The witness mentioned the name of a girl
29 I believe, but you didn't spell that name. Mariama or something

1 Like that.

2 MR BANGURA: Your Honours, Mariama is M-A-R-I-A-M-A. Your
3 Honours, I need to go back to the illustration which the witness
4 gave about short sleeve and long sleeve and ask that the Court
14:55:46 5 reflects what the witness was demonstrating:

6 Q. Mr Witness, you showed - you explained about what short
7 sleeve and long sleeve meant as explained by Adama Cut Hand. Can
8 you just say that again for the Court?

9 A. Adama Cut Hand said when she had said that she was the
14:56:11 10 tailor that meant if she said long sleeve, that meant to cut the
11 arm at the elbow. And short sleeve, that is to cut the arm at
12 the wrist.

13 Q. Mr Witness, can I ask you to - again we have it a little
14 confusing. Can I ask you again to say exactly which was the long
14:56:33 15 sleeve and which was the short sleeve?

16 PRESIDING JUDGE: The witness was demonstrating - I
17 couldn't see him clearly because there is a screen in front of
18 him, so perhaps it would be easier if he lifted his arm a little
19 higher so we could all see, including Defence.

14:56:47 20 JUDGE LUSSICK: Well, I think you were trying to make it
21 clear what he was referring to because he said something entirely
22 different not very long ago about long sleeve and short sleeve.

23 MR BANGURA: That's right, your Honour. It has come out in
24 perhaps three different ways now.

14:57:06 25 MR MUNYARD: Can I ask that on this particularly, this
26 subject, the witness is not led. I haven't objected to a number
27 of leading questions during the course of the morning, but this
28 is an area where --

29 PRESIDING JUDGE: Well, that is why I am asking for the

1 demonstration, because it's not leading. He himself has
2 volunteered the demonstration.

3 MR MUNYARD: I completely agree, with respect, but I am
4 putting down a marker now. Having let a number of leading
14:57:32 5 questions go by I don't want any more.

6 PRESIDING JUDGE: I will note that, Mr Munyard. I had
7 noted the leading questions. I had noted that you had not raised
8 it, but in the light of your comment I will watch it from this
9 point on.

10 MR MUNYARD: Thank you, your Honour.
14:57:42

11 MR BANGURA: Your Honours, I am happy to have my learned
12 friend take the objections when they arise, but --

13 PRESIDING JUDGE: He has indicated that now. But, as I
14 have already said, the witness was making an indication but I
14:57:58 15 couldn't see him clearly because of the screen and therefore I
16 cannot put anything on record.

17 MR BANGURA: Your Honour has suggested that it would be
18 better if he raises his arm as he makes his illustration or
19 demonstration:

14:58:13 20 Q. Mr Witness, can you again demonstrate to the Court what was
21 explained as long sleeve and short sleeve and as you do so can
22 you raise your hand - raise the hand that you want to use to
23 demonstrate a little higher so that --

24 A. Okay. Well, short sleeve, that was to amputate at the
14:58:39 25 elbow here. And long sleeve, that is down at the wrist here.

26 PRESIDING JUDGE: For the purposes of record I note that
27 the witness has indicated when he said short sleeve an area
28 between the elbow and the armpit. And when he referred to short
29 --

1 MR BANGURA: Your Honours, I --

2 PRESIDING JUDGE: It was below the --

3 MR BANGURA: The witness said long sleeve was at the wrist
4 and short sleeve was at the elbow.

14:59:16 5 PRESIDING JUDGE: Very well. I will correct that again
6 then. The long sleeve was at the wrist and the witness did
7 clearly indicate the wrist and the short sleeve was at the elbow
8 and he indicated around the elbow area.

9 MR BANGURA: Thank you, your Honour:

14:59:33 10 Q. Mr Witness, did you yourself get involved in any activities
11 under the command of Adama Cut Hand?

12 A. Yes.

13 Q. What did you engage in? What activities did you engage in?

14 A. She ordered us to go. She told us that wherever we will go
15:00:06 15 to loot and anybody who refused or who would make any comment
16 against us, we will take that person and bring that person to
17 her. So we moved together with her boys on a patrol. We went to
18 Kissy. We got there, we went to a shop, we met two people, two
19 men --

15:00:27 20 Q. Now just before you continue, you said you moved with your
21 boys. Who were part of --

22 PRESIDING JUDGE: I am sure he said, "We moved with her
23 boys". Yes, it is recorded as her boys.

24 MR BANGURA: Her boys:

15:00:42 25 Q. You said you moved along with the boys belonging to Adama
26 Cut Hand. Is that correct?

27 A. Yes.

28 Q. How many of you were in the group that moved?

29 A. We were many, but we were about eight in number.

1 Q. You said you went to Kissy. What happened at Kissy?

2 A. When we got to Kissy, the shop that we went to loot, we met
3 two men there and when we went, whilst we were about taking the
4 things from the shop and loading them into the vehicle these two
15:01:39 5 men made a comment that these small boys are taking our property
6 from the shop and I said Adama Cut Hand had given us instruction
7 that anybody who would refuse that we should not take anything
8 from them, we will take them and I said so we should take these
9 people. So we took them to Adama. We took them to Adama and
15:02:02 10 when we went I said, "These are the ones who resisted" and she
11 said - she asked them, "What do you choose? Short sleeve or
12 long sleeve?" She told them that she was the tailor. They did
13 not respond. Then they started crying because they saw blood on
14 the ground and they saw some other arms already amputated. So
15:02:31 15 she --

16 THE INTERPRETER: Your Honours, can the witness --

17 MR BANGURA:

18 Q. Can you slow down a bit. Can you just not go too fast.
19 Let's take it back from where Adama Cut Hand puts it to them that
15:02:48 20 - asked them whether they wanted short sleeve or long sleeve.
21 What happened when she asked them this question?

22 A. When she asked them they did not respond, so she ordered
23 one of the boys to hold on to one of the man's arms and put it
24 down and one of the hands, the right, was amputated at the wrist,
15:03:22 25 that was long sleeve, and she amputated the other one, that is
26 the left, at the elbow, that is short sleeve, and from there they
27 were crying and she told them to go to Pa Kabbah for him to give
28 them hands.

29 Q. Now while this was going on did you take part in anything

1 at all?

2 A. Yes.

3 Q. What did you do?

4 A. I together with one of her boys took a patrol on our own.

15:04:06 5 We left them at Foamex and we went to Portee together with the
6 boy.

7 Q. Mr Witness, the question is during the time that the hands
8 of these two men that you had brought were being amputated, did
9 you yourself take part in any of that activity?

15:04:30 10 A. I held my weapon and pointed it at them.

11 Q. Right. And after that you said you went with another boy
12 to --

13 MR MUNYARD: You mentioned a place name, two place names,
14 one of which has appeared on the face of it as a place named

15:04:55 15 Foamex and then the next name he mentioned - he said we went to
16 Portee. That has come out as lower case P-O-R-T-Y. I suspect it
17 is the name of a place and it should be clarified and spelled.

18 MR BANGURA: That is where I am coming to now:

19 Q. Where did you say you went to after this incident occurred?

15:05:20 20 A. After that incident, Adama and others moved to Portee and I
21 and the other boy took our own patrol and went to --

22 MR BANGURA: Your Honours, Portee is P-O-R-T-E-E.

23 JUDGE SEBUTINDE: Did you spell Foamex?

24 MR BANGURA: It came up as correctly spelt, your Honours.

15:05:51 25 I did not bother to interfere with the spelling. Let me just
26 cross check. The first time it came up it was okay:

27 Q. So where did you and the other boy go to?

28 A. We went to Kissy market.

29 Q. What did you go to do at Kissy market?

1 A. When we went to Kissy market we went to a shop. We knocked
2 at the shop and nobody opened. So the gun which I had, I used
3 the bayonet and prised open the door, because the door was made
4 of wood.

15:06:49 5 Q. Mr Witness, can I just pause you. What kind of gun were
6 you carryi ng?

7 A. It had two stands, the gun that I took from Mariama. The
8 other boy too had the same gun.

9 Q. Does the gun have a name? Did you learn the name of the
15:07:12 10 gun?

11 A. Later I came to know that it was AK-47.

12 Q. Yes, so what did you do? You knocked at the door and there
13 was no answer so what did you do?

14 A. I used the bayonet to open the door. We broke into the
15:07:42 15 door. We used force. When we entered into the place we met two
16 men in there and we said, "You were here and we were knocking at
17 the door and you made as if you were not even in here".

18 Q. Who said these words, there were two of you?

19 A. I said these words and I said, "You were in here and we
15:08:07 20 were knocking, you did not open" and the other boy said, "That
21 hand that they refused to use to open the door, let's amputate
22 them". And I said, "Okay, let's amputate the hands" and I took
23 one of them outside and I took the cutlass from the other boy and
24 I --

15:08:31 25 Q. Mr Witness, if you just try and go a little slower. You
26 seem to be moving too fast.

27 A. Okay.

28 Q. So again just tell us what you did, what happened?

29 A. The boy said, "Bra, what would we do?" And he suggested

1 that the hands that they refused to open the door, let's amputate
2 them and I agreed. I said okay.

3 Q. And what did you do after this?

15:09:10

4 A. And I took the machete from the boy and I told him to step
5 on the hand of the other man and put the hand on the door and I
6 hacked it three times and it was cut off.

7 Q. What part of the hand did you strike these blows with the
8 machete?

15:09:36

9 A. The left hand down at the wrist here. That was where I
10 amputated it. After that we took the other one outside too and I
11 amputated that one too at the elbow here, the right arm.

12 PRESIDING JUDGE: For the purpose of record I note that the
13 witness first indicated the left hand at the wrist and then
14 indicated the right arm at around the elbow.

15:10:07

15 MR BANGURA: Thank you, your Honour:

16 Q. Now as you amputated the hands of these men did any of them
17 say anything?

15:10:26

18 A. Well, they were crying and they were saying what would we
19 do today? Whilst they were crying we just took what we wanted
20 from the shop and we went.

21 Q. Did you take part in any further activities after this?

15:10:56

22 A. From there we left. As we getting towards Foamex we heard
23 heavy firing and we withdrew. We went through Allen Town and we
24 went right behind Allen Town and when we got there we met Adama
25 and others had run away. So I hid in Allen Town in one of the
26 mosques.

27 Q. How long were you in this mosque where you went to hide?

28 A. I was there for three days.

29 Q. Did anything happen after three days?

1 A. I was there when the imam came. I thought he came to clean
2 the mosque and call for prayers and he saw me in there and he
3 went and invited the Nigerian soldiers, because at that time
4 there were even road blocks in that Allen Town area. The
15:11:44 5 Nigerian soldiers were manning the checkpoints, so they came and
6 they took me out.

7 Q. And what happened when they took you out?

8 A. When they arrested me, they took off my clothes and they
9 saw the marks, the RUF marks on my chest, and they said, "These
15:12:01 10 are the rebels. These are the RUF." They wanted to go and kill
11 me and the SSDs who were down there at the checkpoints, one of
12 them called that they should take me down to them and I should be
13 interviewed first.

14 Q. When you say SSD, who are you referring to?

15:12:24 15 A. That is the Sierra Leone police. They were down there.

16 Q. You said one of them said that you should be taken to be
17 interviewed first. Were you interviewed?

18 A. Yes. When we went there the man asked me for my name and I
19 gave him my name. That is the SSD officer. He asked me where I
15:12:52 20 was born and I told him and he asked me for my mother's name and
21 I told him. And he called the Nigerians - the head of the
22 Nigerians and he came and he said, "This boy was captured from my
23 village". He said, "I know his mother and I know his family. He
24 is the son of my sister. His brother is here even". And he
15:13:19 25 asked them to give him time to locate my family. So I was with
26 him when he located my brother. He was able to see one of my
27 brothers in town and he came to rescue me from them.

28 Q. Now after this did you go anywhere?

29 A. Yes, my brother came and took me into his house and took me

1 to the hospital. At that time my stomach was swollen. I had
2 serious pain. Everywhere was swollen on me. He took me to the
3 hospital and I was treated and from there he called my mother.
4 He sent a message to my mother that I was with him and my father
15:14:16 5 came and took me from that brother of mine.

6 Q. You have mentioned already in several parts of your
7 evidence that you were marked on the chest "RUF". Do you still
8 have that marking on your chest today?

9 A. No, when I was at my father's place I was going to school.
15:14:48 10 There was an NGO which came called COOPI. They did the operation
11 to remove the RUF writing on my chest.

12 Q. Where was there operation done?

13 A. At Lungi.

14 Q. Now during your meetings with the Prosecution team did you
15:15:17 15 show them - well, after the operation what do you now bear on
16 your chest where the marking was?

17 MR MUNYARD: I am happy for the witness to be led on this
18 issue.

19 PRESIDING JUDGE: Thank you. You note that, Mr Bangura.

15:15:34 20 MR BANGURA: Thank you:

21 Q. After the operation, do you have any marks at the moment
22 showing on your chest?

23 A. Yes, the scar is still there when the operation was done on
24 my chest. Even when the Prosecution went to interview me I
15:15:57 25 showed them at that time.

26 Q. Did you have your photograph taken by the Prosecution
27 during one of these interviews?

28 A. Yes, the first time that I met with them my photo was
29 taken.

1 MR BANGURA: Your Honours, at this stage can I ask that a
2 photograph marked ERN M0001184 be shown to the witness. Your
3 Honours, we have provided two different photographs. One is a
4 clearer version of the other. The second one is a clearer
15:16:53 5 version of the first one and I am referring here to the second
6 one:

7 Q. Do you see the photograph which has been shown to you,
8 Mr Witness?

9 A. Yes.

15:17:27 10 Q. What do you recognise it as?

11 A. It is the scar that is on my chest. That is it.

12 Q. And was this a photograph that was taken of you by the
13 Prosecution investigators?

14 A. Yes.

15:17:51 15 MR BANGURA: Your Honours, I would respectfully ask that
16 this document be admitted into evidence as an exhibit.

17 PRESIDING JUDGE: Mr Munyard, you have heard the
18 application.

19 MR MUNYARD: No objection, your Honour.

15:18:08 20 PRESIDING JUDGE: Very well. That is one photograph which
21 shows the upper torso with markings. The witness has identified
22 it as his chest following an operation and that will be
23 Prosecution exhibit 113.

24 MR BANGURA: Your Honours, may I also ask that it be marked
15:18:35 25 as confidential?

26 PRESIDING JUDGE: Mr Munyard, there is an application to
27 have this exhibit marked as confidential.

28 MR MUNYARD: Well, in fact it doesn't show the witness in
29 any way that could possibly identify him and --

1 MR BANGURA: Your Honours, let me --

2 PRESIDING JUDGE: Just let Mr Munyard finish his comments
3 because we may also have questions, Mr Bangura. Please continue.

15:19:23

4 MR BANGURA: Your Honours, it will probably make any
5 submissions on this unnecessary because I just wish to ask that
6 the application not be - I withdraw the application, your Honour.

7 PRESIDING JUDGE: Very well. Then it will be a normal
8 exhibit, Prosecution exhibit P-113.

9 [Exhibit P-113 admitted]

15:19:39

10 MR BANGURA: Thank you, your Honour.

11 Q. Mr Witness, you mentioned that you went back to school
12 after you went to stay with your brother. Is that correct?

13 PRESIDING JUDGE: [Microphone not activated] I don't recall
14 that.

15:20:07

15 THE WITNESS: Yes.

16 MR BANGURA: I stand corrected, but I believe he mentioned
17 school.

18 PRESIDING JUDGE: I recall the witness said his father came
19 and collected him.

15:20:20

20 MR BANGURA: Well, I am informed - I probably --

21 MR MUNYARD: Yes, it's on page --

22 PRESIDING JUDGE: Yes, "When I was at my father's place I
23 was going to school, there was an NGO". You are right,
24 Mr Bangura. I withdraw that remark.

15:20:43

25 MR BANGURA:

26 Q. Now did you bear this mark when you were going to school
27 before the operation? When did you go back to school?

28 PRESIDING JUDGE: Mr Bangura, you have got three questions
29 in there and you have been doing that most of today. Could you

1 please be a little more careful.

2 MR BANGURA: Yes, your Honour. I am getting to the
3 question of when he went - when did he go to school.

15:21:11

4 MR MUNYARD: And are any of them relevant is my question/my
5 objection?

6 MR BANGURA: Your Honours, I submit that this question is
7 most relevant in the sense that the impact - what the Prosecution
8 is seeking to prove and show here is the impact that this marking
9 had on the witness in his later life.

15:21:33

10 PRESIDING JUDGE: I will allow the question.

11 MR BANGURA:

12 Q. So when did you go back to school?

13 A. I started going back to school in 2000. I had returned to
14 my father at that time.

15:21:52

15 Q. At the time that you went back to school, had you had the
16 operation done on your chest?

17 A. No, I had the mark when I was going to school. It was
18 later that it was removed.

15:22:15

19 Q. Now as a boy going to school with this mark on your chest,
20 did you have any concerns about the mark on your chest at that
21 time?

22 A. Yes, because even when I would be going to school I would
23 button up my shirt right up to the last button, up here, just so
24 that nobody would see the mark.

15:22:36

25 Q. Would you take part in physical activities at school in
26 which you would have to take off your clothes?

27 A. No. At that time, no, I did not take part in anything.

28 Q. Why?

29 A. Because I feared for my - for the mark on my chest because

1 if I had done so my friends would see it and maybe they would
2 earmark me for something that I did not like. So I did not do
3 it.

4 MR MUNYARD: Madam President, I do pursue a further
15:23:14 5 objection. If this is relevant, and I am bound by the Court's
6 ruling - if it's relevant I would expect that the Prosecution
7 would have supplied the Defence with a statement or what's called
8 a statement in advance. We have absolutely nothing from all the
9 times when this witness was interviewed about the impact on him.
15:23:36 10 I say that and I add this: That, with great respect, it must be
11 obvious to anybody what the impact on a young boy of his age
12 would have been and so in one sense it's not necessary because
13 it's so obvious and that's why I said is it relevant? But if it
14 is to be led then it's very surprising that this hasn't been
15:23:58 15 recorded and in due course disclosed to the Defence.

16 PRESIDING JUDGE: Has there been disclosure of this,
17 Mr Bangura?

18 MR BANGURA: Your Honours, not specifically, but, your
19 Honours, we are dealing here with the witness's feelings about
15:24:15 20 the way this treatment he got impacted on his life afterwards and
21 I believe it's a situation that can be called from the witness
22 himself in the position in which he is at the moment in Court
23 while he testifies. It is not a question of an event that
24 occurred that we are now looking at. It is the effect that this
15:24:44 25 has had on his life and, your Honour, I think it is a proper
26 point to deal with.

27 My learned friend says that it is not necessary and it's
28 obvious, but this is a Court of law and, your Honours, we cannot
29 assume that your Lordships will read into the Prosecution's case

1 the feelings that the witness had or how he felt about the effect
2 of this scar on his chest. I believe that the Prosecution is
3 entitled properly to investigate this issue with the witness. In
4 any event, your Honours, on that issue that was the last question
15:25:32 5 on the question of his feelings and how the mark impacted on his
6 life afterwards.

7 PRESIDING JUDGE: I see. Just a moment. The majority view
8 of the Bench, Justice Lussick dissenting, is that the question is
9 relevant and we allow the question.

15:27:00 10 MR BANGURA: I am grateful, your Honours:

11 Q. Mr Witness, just a few more questions. I take you back to
12 a point that came up earlier. I asked you questions about the
13 age of a girl that was raped by Komba and your first answer which
14 we tried to clarify later was that this girl was about your
15:27:28 15 height. I asked you about age and you tried to explain that she
16 was about your height. Now when you talked about the girl's
17 height, what does it mean or what did you mean really? My
18 question was about her age, but your answer was about her height.
19 What were you trying to explain?

15:28:04 20 A. Well, that one, I wouldn't know her age, but I knew about
21 her height. At that time I couldn't have told her age.

22 Q. So when you say that the girl was about your height, what
23 did you mean?

24 A. She was like my height, but she was a little fat, more than
15:28:40 25 I was. I wouldn't have told her that she was older or younger
26 than I was.

27 Q. Thank you. Now also I asked you about the ages of boys who
28 were trained with you and you said that they were about - they
29 were boys you knew and you were all going to school together so

1 you - what did you mean? My question was about their ages and
2 you said that they were boys with whom you went to school. So
3 what did you mean then?

4 A. Some of the boys whom were all captured in that village, we
15:29:28 5 were all in the same school and in the same class. Those of us
6 who were captured were of the same age group, because we were
7 comparing our ages.

8 MR BANGURA: Your Honours, may I confer for a moment?

9 PRESIDING JUDGE: Yes.

10 MR BANGURA: Your Honours, that will be all for this
11 witness.

12 PRESIDING JUDGE: Thank you. That is the end of
13 examination-in-chief, is it?

14 MR BANGURA: Yes, your Honour.

15 PRESIDING JUDGE: Mr Munyard, cross-examination?

16 MR MUNYARD: Your Honour, I do have some questions. May I,
17 before I embark upon the questions, make this point: In some
18 jurisdictions there are nowadays what are called victim impact
19 statements where it is regarded as appropriate or relevant that
15:30:27 20 the impact of the alleged offence on the victim is given in
21 evidence before the Court and it is an increasing area of
22 jurisprudence. It's very common to see witness impact statements
23 in those jurisdictions where that is regarded as relevant. It is
24 clearly regarded as relevant in this jurisdiction and in those
15:30:52 25 circumstances I would invite the Court to order that the
26 Prosecution, if they seek to rely upon victim impact, that they
27 serve statements from the victims on the Defence before the
28 victims give evidence.

29 MR BANGURA: Your Honours, may it please your Honours, my

1 learned friend clearly seems to be going behind the ruling of
2 this Chamber on a matter which has been dealt with and a majority
3 decision given. What my learned friend is seeking to say is that
4 for any further situations of this kind this Bench, having
15:31:28 5 already ruled on this point, should go behind its ruling and
6 order otherwise.

7 PRESIDING JUDGE: Mr Bangura, the ruling that was made was
8 in relation to the evidence of this witness at this time. My
9 understanding is Mr Munyard's is making a more general statement,
15:31:44 10 or a general application perhaps would be the more correct way of
11 putting it.

12 MR BANGURA: Your Honours, I make the point that if this is
13 an application then it clearly is going behind the ruling which
14 your Lordships have given. I can understand my learned friend
15:31:59 15 making the point that there is in some jurisdictions a practice
16 which he has elucidated this Court on, but the point is that if
17 he goes beyond that and makes an application on that basis then
18 my submission is that he is actually going behind the ruling.

19 MR MUNYARD: Madam President, far from going behind the
15:32:26 20 ruling I am actually making an application predicated on the
21 ruling. The ruling is that this material is relevant.
22 Therefore, if it is to be given in evidence, a statement of some
23 sort should be taken and disclosed to the Defence in advance
24 along with the rest of the evidence. This evidence on the face
15:32:43 25 of it is no different from any other evidence that the
26 Prosecution seek to rely upon and it is their duty to disclose
27 that evidence in advance.

28 I have indicated when I first spoke that I wasn't seeking
29 to go behind the ruling and I am not. I am seeking now to deal

1 with the logical conclusion of the ruling as we see it. Unless
2 you want me to develop it further that is all I have to say on
3 that and I will move on.

15:33:18

4 PRESIDING JUDGE: Unless my learned colleagues have a
5 question, I have no questions.

15:33:46

6 JUDGE LUSSICK: Well, Mr Munyard, I accept what you say
7 that your application is a consequence of the ruling of the
8 Court, but I would take it that you would not have made that
9 application had the ruling gone the other way simply because
10 victim impact statements are highly prejudicial and the accused
11 hasn't even been found guilty of anything.

15:34:05

12 MR MUNYARD: Your Honour is absolutely right. Of course I
13 wouldn't be seeking to have those statements disclosed, but in
14 the light of the ruling and the fact that this evidence is going
15 to be allowed to be given and therefore is on a par with other
16 evidence it should be committed to writing and transmitted to us
17 by way of disclosure in advance.

15:37:25

18 JUDGE SEBUTINDE: Mr Munyard, we ourselves on the Bench are
19 not aware of any jurisprudence in international humanitarian law,
20 but could you perhaps let us know now if you are aware of any
21 jurisprudence of any of the international tribunals where victim
22 impact statements are actually ordered to be circulated or
23 disclosed? Are you aware of such jurisprudence?

15:37:46

24 MR MUNYARD: Your Honour, I am working on the basis of what
25 I see and hear in this Court today. If this Court has ruled, as
26 it has done, that this evidence is relevant, then it falls to be
27 disclosed in advance. All the evidence that the Prosecution seek
28 to rely upon has to be disclosed in advance to the Defence. It
29 is a simple and basic proposition. This Court has this very

1 afternoon ruled that the evidence can be given. Therefore I work
2 on the basis that even if there is no jurisprudence beforehand
3 that oral order and that decision of this Court constitutes
4 jurisprudence for these purposes.

15:38:32 5 That is as much as I can tell you about international
6 jurisprudence. Certainly in England and Wales there is nowadays
7 a practice of presenting victim impact statements, albeit, as
8 Justice Lussick has by implication indicated, usually after
9 conviction. Sometimes during the course of evidence in a trial
15:38:59 10 where the accused is pleading not guilty and no decision has been
11 reached by the jury you will hear evidence given of the impact on
12 the victim, but that again is always in my experience disclosed
13 in advance in the form of a written statement. The Defence can
14 object to it being given and if the judge so rules then it will
15:39:19 15 be given and that objection can be overridden. It can go either
16 way. But the material is disclosed in advance.

17 I know that the England and Wales approach to this question
18 has been modelled to some extent on the United States
19 jurisdiction where the role of the victim in criminal trials is
15:39:47 20 very much greater than it has been in England and Wales. Other
21 than those two jurisdictions and the ruling of this Court today I
22 can't assist the Court without doing further research.

23 Your Honour, may I raise one further point, because it is a
24 useful illustration in my view. There is a witness coming up, I
15:41:39 25 think it's the next witness, I am not going to mention any names,
26 but the Prosecution took a statement from that witness on 21
27 November 2007 which deals in some detail with the impact on the
28 witness of what had happened to him. That deals with the
29 emotional effect, the physical effect, the effect on his family

1 and so on. So it's not the case that the Prosecution never
2 disclose this material in advance. They haven't disclosed it in
3 relation to this witness, but they have in relation to others.

4 PRESIDING JUDGE: This is a majority decision on an
15:46:04 5 application by the Defence, Justice Lussick dissenting. The
6 provisions of Rule 66(A)(i) of the Rules of Procedure and
7 Evidence provide that copies of the statement of all witnesses
8 whom the Prosecutor intends to call to testify be disclosed to
9 the Defence. Rule 89(B) also provides that:

15:46:25 10 "In cases not otherwise provided for in this section a
11 Chamber shall apply rules of evidence which best favour a fair
12 determination of the matter before it and are consonant with the
13 spirit of the statute and the general principles of law."

14 The rules do not distinguish between witness impact
15:46:42 15 statements or other pieces of evidence, but the import of Rule 66
16 is that disclosure of a witness statement is to be disclosed
17 prior to the witness being called. The intent is full
18 disclosure.

19 However, notwithstanding that broad provision of Rule 66 by
15:47:06 20 a majority we consider that the evidence called today was
21 relevant and we are not prepared to make a distinct rule or a
22 general order specifically directing and ordering disclosure of
23 victim impact statements.

24 Mr Munyard, please proceed.

15:48:11 25 MR MUNYARD: Thank you, your Honour.

26 CROSS-EXAMINATION BY MR MUNYARD:

27 Q. Mr Witness, you have mentioned a number of times today in
28 your evidence a group called the Red Lion group. Who made up
29 that group? Who was a member of the Red Lion group?

1 A. Well, the ones who were members of that group that I knew
2 of were Junior Lion, Gullit and Foday Pump Lock. Those were the
3 ones whom we met at Colonel Eddie Town that I knew were members.

15:49:00

4 Q. And when did you first hear them referred to by that name,
5 the Red Lion group?

6 A. Well, it was when we got to Colonel Eddie Town.

7 Q. So back in early 1999, or late 1998?

8 A. Well, I can't recall that time now.

15:49:39

9 Q. A little while before the invasion of Freetown on 6 January
10 1999. Is that correct?

11 A. Yes.

12 Q. And you knew them by that name, the Red Lion group, from
13 then onwards. Is that correct?

14 A. Yes.

15:50:00

15 Q. And did you tell the Prosecution when you were interviewed
16 from 2003 up until last month that this was a group called the
17 Red Lion group?

18 A. They did not ask me about the name of the groups that we
19 met there. They only asked me about the group that I was
20 attached to and then I told them it was SAJ Musa's group, which
21 was the AFRC group, and the RUF group.

15:50:31

22 Q. Well, they asked you a lot of questions over a period of
23 years, didn't they?

24 A. The question, yes, they asked me those questions and the
25 questions that they asked me are the ones I have spoken about.

15:50:57

26 Q. And when they first started asking you questions did they
27 simply ask you to tell them the story of all the various things
28 that you were involved in from the time you were first captured
29 until the time that you were rescued by a police officer in Allen

1 Town?

2 A. Well, the time they first went and interviewed me, at that
3 time I had some fear, I thought it was a problem that was coming
4 my way, so I did not have confidence to explain to them most of
15:51:51 5 the things that I took part in.

6 Q. You were first interviewed in April of 2003. You may not
7 be able to remember the date, but does that sound about right to
8 you, April of 2003?

9 A. Yes, that was the first time they went to me, 2003.

15:52:32 10 Q. That is 7 April 2003 and then the next time you were
11 interviewed was 9 December 2004. Does that sound about right?

12 A. Yes.

13 Q. The next time, the third time, was 10 June 2005. Again
14 does that sound about right?

15:52:58 15 A. Yes.

16 Q. The fourth interview on 7 December last year, 2007. Does
17 that sound right?

18 A. Yes.

19 Q. And then the last time you were interviewed was on 16, 17
15:53:20 20 and 18 April this year?

21 A. Yes.

22 Q. About three weeks ago. And I will be corrected if I am
23 wrong, but I think in each of those interviews you were asked
24 about events at Colonel Eddie Town, do you agree?

15:53:48 25 A. During that time what - go over that question.

26 Q. All right. You were asked in those interviews about what
27 happened on your way to Freetown just before the invasion of
28 Freetown?

29 A. Yes.

1 Q. And do you agree that you never once mentioned the name Red
2 Lion group or Red Lion anything in any of those interviews?

3 A. At all, because I was not asked about the group that we met
4 at Colonel Eddie Town. That is the name.

15:54:47 5 PRESIDING JUDGE: Mr Interpreter, you and I have had this
6 discussion before. What does "at all" mean?

7 THE INTERPRETER: Not at all.

8 MR MUNYARD: I see your Honour's point. I wasn't watching
9 the transcript.

15:55:02 10 PRESIDING JUDGE: It is a common Krio expression,
11 Mr Munyard.

12 MR MUNYARD: I am beginning to learn that:

13 Q. Well, why was it that you used that expression today, Red
14 Lion group?

15:55:30 15 A. The boy who was Junior Lion's own boy said to me that their
16 own group was the Red Lion group.

17 Q. Yes, why was it that you told us today on a number of
18 occasions that this group was called the Red Lion group and if
19 you were able to say it today why haven't you told the

15:56:03 20 Prosecution in any of those interviews beforehand that this group
21 of people were called the Red Lion group?

22 MR BANGURA: Double questions, your Honour. I believe it
23 is a double complex question. My learned friend has gone one way
24 why have you told us today and then he goes on beyond that and
15:56:30 25 that's a different question, but all loaded in one.

26 MR MUNYARD: It is meant to be one question. Can I
27 rephrase it.

28 PRESIDING JUDGE: Please do so.

29 MR MUNYARD:

1 Q. Mr Witness, why is it that you have been telling the Court
2 today that this group of people was called the Red Lion group,
3 but you never bothered to tell the Prosecution that on all of the
4 previous occasions when you had been talking about that group?

15:57:04 5 A. Well, the time they asked me about the group we met in
6 Colonel Eddie Town I did say to them that we met two groups,
7 Junior Lion's group and SAJ Musa's group. That was all that I
8 told them, because at that time I had already told them the group
9 that I was attached to, that was the AFRC group and in that group
10 we were mixed and that was SAJ Musa's own group.

11 Q. Yes, we understand that, but why not tell the Prosecutors
12 on all of these occasions when you are being asked about the
13 groups that you were with and who was at Colonel Eddie Town, why
14 not tell them, "This the group was called the Red Lion group"?

15:57:53 15 A. They did not ask me too much about that group. They only
16 asked me about the commanders that we met. I only told them the
17 names of the commanders.

18 Q. Well, you have told them more than the names of the
19 commanders as you have just told this Court that you were in an
15:58:16 20 AFRC group that was mixed with some RUF. So you were telling
21 them more than just the names of the commanders, weren't you?

22 A. Yes.

23 Q. Has somebody asked you to use the name Red Lion group when
24 giving your evidence in this Court?

15:58:51 25 A. I have not had such a discussion with anybody. The boy I
26 told you about, that was Junior Lion's boy, he told me that the
27 group they were attached to was the Red Lion group.

28 Q. Yes. So why not tell the Prosecution that?

29 A. Well, at that time I did not recall everything. So as I am

1 sitting here today I recall the names and as I go over the events
2 through which I went I recall the names.

3 Q. Mr Witness, you were asked a lot of questions about the
4 group at Colonel Eddie Town, weren't you, in the previous
15:59:51 5 interviews with the Prosecution between 2003 and April of this
6 year?

7 A. Well, they only asked me about how many groups I met in
8 Colonel Eddie Town and they said Junior Lion's group and then SAJ
9 Musa's group. That was what I told them about.

16:00:12 10 Q. And are you saying that each time you discussed this with
11 the Prosecution that you forgot to tell them that the group
12 called itself the Red Lion group?

13 A. Yes.

14 Q. And that it is just by chance that you are remembering to
16:00:37 15 call them that today in your evidence and it's not because it has
16 been suggested to you that you should use that name for them? Is
17 that what you are telling this Court?

18 A. Nobody told me to use that name. That was the name by
19 which they were called. The [indiscernible] who told me that his
16:01:07 20 own boss Junior Lion told him that that was the Red Lion group.

21 Q. Yes, and so are you saying that now in May of 2008 your
22 memory has improved and is better than it was in April of 2003?

23 A. At that time I was almost forgetting some of the things
24 that happened to me in the past, but as the interviews went on I
16:01:48 25 started recalling most of the things through which I went.

26 Q. Would it be right to say that there were no Liberians in
27 the group that you are now calling the Red Lion group?

28 A. Go over that.

29 Q. Would it be right to say that there were no Liberians in

1 the group you are now calling the Red Lion group?

2 A. No.

3 Q. Are you agreeing with me that there were no Liberians in
4 what you're calling the Red Lion group?

16:02:37 5 A. Well, that group was a mixed group. They were the RUF.
6 Some of them did not speak the same Krio. So they were mixed and
7 we all moved and headed towards Freetown.

8 MR MUNYARD: Would your Honour give me just a moment?

9 PRESIDING JUDGE: Yes.

16:03:33 10 MR MUNYARD:

11 Q. You were in which group?

12 A. I was in SAJ Musa's group.

13 Q. In other words, not the Red Lion group?

14 A. Not at all.

16:04:00 15 MR MUNYARD: Well, I heard both the answer in what I would
16 call English and the translation in what I would call English and
17 I am working on the basis that "at all" means not at all?

18 PRESIDING JUDGE: Yes.

19 MR MUNYARD: Thank you:

16:04:18 20 Q. And so you can't say if there were any Liberians in the Red
21 Lion group, can you?

22 A. Well, when we had left Colonel Eddie Town and as we were
23 moving they were mixed with us. Most of them did not speak the
24 Krio that we were speaking and they had on red bands, you know,
16:04:48 25 and they were not speaking the Krio that we spoke. So that was
26 how they were referring to them, the Red Lion group. So since my
27 boss, Kabilia, had told me that those who did not speak the same
28 Krio that we spoke were Liberians, so I also considered them all
29 to be Liberians.

1 Q. Mr Witness, how is it that you keep calling them the Red
2 Lion group today, but you have never mentioned that before? What
3 is your explanation?

4 A. I have made it clear to you that the time they used to go
16:05:38 5 and interview me, they did not ask me at that time about the two
6 different groups that we met at Colonel Eddie Town, their names.
7 I only told them about the commanders who were present at Colonel
8 Eddie Town.

9 Q. I think you have already agreed with me that you didn't
16:06:05 10 only tell them about the commanders that were at Colonel Eddie
11 Town. Do you remember agreeing with me about that just a few
12 minutes ago?

13 A. That I had not told them about the commanders who were at
14 Colonel Eddie Town? I told them about the commanders who were at
16:06:32 15 Colonel Eddie Town. They did not ask me about the other group
16 and the group that I was attached to, that is SAJ Musa's group,
17 was the group that I knew about.

18 Q. Did you tell them about bodyguards, for example, at Colonel
19 Eddie Town?

16:07:11 20 A. I did not tell them about bodyguards at Colonel Eddie Town.
21 I only told them about the names that Komba brought with - I told
22 them I recall four of the names who - boys who were bodyguards to
23 Komba. Those were the names that I told them about.

24 Q. Exactly. So you did tell them about bodyguards at Colonel
16:07:38 25 Eddie Town, not just commanders, do you agree?

26 A. Go over that.

27 Q. Right. Let me try and help your memory with the date.
28 Three weeks ago when you were interviewed over three whole days,
29 16, 17 and 18 April, were you interviewed here in The Hague?

1 A. Yes.

2 Q. And you gave them information about what went on at Colonel
3 Eddie Town and who was there, didn't you?

4 A. Yes.

16:08:32 5 Q. And you gave them the names of bodyguards, didn't you?

6 A. Yes.

7 Q. And who were the bodyguards who you named then?

8 A. When we got to Colonel Eddie Town, the bodyguards that we
9 met, that is Junior Lion's bodyguards, it was one Alhaji and

16:09:03 10 Foday Pump Lock, they were there. Those were the two that I made
11 mention of.

12 Q. All right. And the Prosecution wouldn't know what these
13 groups were called unless you told them, would they?

14 A. I told them.

16:09:27 15 Q. Yes, so they had to rely on you telling them who was in
16 these groups and what these groups were called, didn't they?

17 A. Yes.

18 Q. So why didn't you tell them just three weeks ago when they
19 were asking you lots of questions about the events on the way to

16:09:52 20 Colonel Eddie Town, at Colonel Eddie Town and who went from
21 Colonel Eddie Town that this group was called the Red Lion group?

22 A. I did not say we were referring to them as Red Lion group.

23 I said Junior Lion's boy, the name he told me about, he told me
24 that the group he was attached to was the Red Lion group. So as

16:10:24 25 we were going on our way we referred to them by that name, Red
26 Lion group.

27 Q. So why didn't you tell the Prosecution that in 2003, 2004,
28 2005, 2007 and 2008?

29 A. The statements were plenty that I can recall. At that time

1 I did not recall most of the things that had happened long time
2 ago.

16:11:10

3 Q. Right. While you have been here in The Hague have you been
4 staying with any other witnesses who have been giving evidence in
5 this case?

16:11:36

6 A. No, the place where I live there are only workers and
7 securities. That is in my apartment where I am lodged.
8 Sometimes when I want to go downstairs to eat there I go with
9 him. Sometimes when I want to go downstairs to watch games I go
10 with him.

11 Q. Sorry, go with who? Are you saying you went with a
12 bodyguard or you went with somebody else who has given evidence
13 in this case? I don't want any names. I just want you to know
14 who you are referring to.

16:11:56

15 A. I said the security who is living with me in my apartment.
16 We always go down together. From my apartment I come downstairs
17 to watch game. If there is no game then I go upstairs to my
18 room.

16:12:15

19 Q. Have you learned of any of the evidence that has been given
20 in this case before you came to give your evidence today?

21 A. No.

22 Q. Are you quite sure of that?

23 A. Yes.

16:12:39

24 Q. Now you have told us today quite a lot of detail about the
25 time when you were trained in the use of a weapon, a gun that was
26 too heavy for you to carry. Do you remember saying that?

27 A. Yes.

28 Q. Had you previously told the Prosecution that the gun you
29 were being trained to fire was too heavy for you to carry?

1 A. Yes.

2 Q. And have you previously told the Prosecution that the
3 person who was training you in it had ammunition round his neck,
4 I think you said?

16:13:21 5 A. I told them. I have told them that.

6 Q. And when you were telling them these things, were they
7 written down in your presence?

8 A. They wrote it down.

9 Q. Well, I will be corrected if I am putting something wrong
16:13:41 10 to you, Mr Witness, but I have not seen in any of the written
11 accounts of what you have been telling the Prosecution anything
12 about a weapon being too heavy for you to carry or anything about
13 the person training you having ammunition round his neck. As I
14 say, I will be corrected if I am wrong on that, but is it the
16:14:08 15 case that in your discussions with the Prosecution before giving
16 evidence --

17 PRESIDING JUDGE: Mr Witness, you look this way towards the
18 judges. Don't be looking round.

19 MR MUNYARD: Thank you, your Honour.

16:14:23 20 THE WITNESS: Thank you.

21 MR MUNYARD:

22 Q. Is it the case that before you have come into Court to give
23 evidence you have actually talked to the Prosecution about naming
24 that group the Red Lion group?

16:14:51 25 A. It was because when I came I just read over my statements.
26 I did not tell them about that.

27 Q. Did you notice when you read over your statements that
28 there was nothing in there about the gun being too heavy for you
29 to carry and about the man with ammunition round his neck,

1 although you had previously told the Prosecution that when they
2 were writing down notes of your account?

3 A. I only told them that the one who captured me, the gun that
4 he had with him - at that time I did not even know the name of
16:15:38 5 that gun, but the gun that he had with him had a chain around his
6 neck and it is connected to a box which goes to the gun.

7 Q. Right. You told them all of that and they wrote it all
8 down as far as you could tell, is that what you're saying?

9 A. Yes, I told them. That was what I told them.

16:15:59 10 Q. Did they read back to you what you were telling them after
11 they had written it down so that you could check it to make sure
12 that they had written down everything correctly and that they
13 hadn't missed anything out?

14 A. They read it back to me, but as I sit here today I have
16:16:30 15 taken an oath on the Bible and whatever I am saying here is the
16 truth.

17 Q. Do you remember on the day when you told them about the
18 ammunition round the man's neck and the box and the heavy weight
19 of the weapon - do you remember that that didn't appear in the
16:16:54 20 notes that were read back to you? Can you remember having to say
21 anything to the Prosecution that they had missed that out of your
22 account?

23 A. No, I did not tell them about that.

24 Q. And when is it that you think you told the Prosecution all
16:17:25 25 of that? 2003, 2004, 2005, 2007 or 2008?

26 A. It was 2007.

27 Q. Well, we have been given the notes of what you said to the
28 Prosecution in 2007 and as far as I can see there is no such
29 information in there. Therefore they must have failed to record

1 that. Is that what you are saying?

2 A. Well, maybe the person who interpreted for him was the one
3 who failed to tell him what I said, but the gun that that man
4 had, that is the man who captured me, the people told him that he
16:18:33 5 should stop giving me it to carry. People advised him.

6 Q. And none of that managed to make its way into the written
7 notes that were read back to you and interpreted, do you follow?
8 None of that appears in the written notes, do you understand?

9 A. Well, the gun that was heavy for me, it was in the notes
16:19:07 10 and they read it out to me.

11 Q. Now I want to move on to something different, please. Do
12 you know how SAJ Musa came to die?

13 A. Well, when we got to Benguema it was my boss who approached
14 me and told me that a bomb had exploded and hit SAJ Musa. He
16:19:43 15 said, "Look at him being brought in a hammock". They brought him
16 and then we followed him until we went up the hill and when they
17 went there to treat him my boss came later and told me that SAJ
18 is dead, he could not withstand the pain.

19 Q. Yes. In other words, you were not present when SAJ
16:20:08 20 received the injuries that led to his death. Is that right?

21 A. Look at the gate and look at the ammunition store. You
22 will be standing right there and then you will see when the bomb
23 exploded. I saw it live when the bomb exploded.

24 Q. You actually were present, were you?

16:20:44 25 A. I was not too far away from the place.

26 Q. Well, do you remember telling the Prosecution in the first
27 interview you had with them on 7 April 2003 that you were present
28 when the bomb exploded and killed SAJ Musa? Do you remember
29 telling them that?

1 A. The bomb did not kill him that moment. When the bomb
2 exploded and hit him, I was not actually far from there. It was
3 around the roundabout and you stand there and see the ammunition
4 dump.

16:21:48 5 PRESIDING JUDGE: Mr Witness, counsel is asking about do
6 you remember telling the Prosecution in your first interview that
7 you were present. He is not asking you details about the bomb
8 going off. Do you remember saying anything in your first
9 interview? Is that correct, Mr Munyard?

16:22:09 10 MR MUNYARD: Yes, it is. Thank you, your Honour.

11 PRESIDING JUDGE: Do you understand the question,
12 Mr Witness?

13 THE WITNESS: Go over the question.

14 PRESIDING JUDGE: If you would be so kind.

16:22:20 15 MR MUNYARD:

16 Q. Do you remember in the very first interview telling the
17 Prosecution that you were present standing behind Kabila at the
18 time the bomb exploded which subsequently killed SAJ Musa?

19 A. During the first interview I told them that the place where
16:22:46 20 Kabila and others were standing was not too far away from where I
21 was standing and it was just a roundabout that separated us. I
22 told them that I stood there and I saw when the bomb exploded.

23 Q. And do you remember telling the Prosecution later that you
24 weren't present? You were not present when SAJ Musa was killed,
16:23:13 25 but that Kabila told you about the incident that led to his
26 death?

27 A. When he died and when we went up the hill where he was to
28 be buried, it was the time Kabila came back and told us that he
29 is dead. But at time the bomb exploded and hit him he did not

1 die that moment.

2 Q. Mr Witness, we know that. Do you remember telling the
3 Prosecution first that you were present when the bomb exploded
4 and later that you weren't present, but that Kabila told you what
16:23:54 5 had happened to SAJ Musa?

6 A. I said I told them that the place where we were was not too
7 far and then later Kabila too came and explained to me that a
8 bomb exploded and it hit SAJ Musa.

9 Q. So do you agree with me that the first version of events
16:24:21 10 you gave you told the Prosecution that you were present when the
11 bomb exploded that hit SAJ Musa and eventually killed him and on
12 a later occasion you told them that you weren't present, but
13 Kabila told you that this was what had happened to SAJ Musa?

14 A. I have made this clear for you. I said at that time in
16:24:50 15 2003 when they went to interview me I had some fear in me,
16 because they said they were from Special Court. But it was later
17 when Shyamala went to interview me, that is in 2006 and 7, that I
18 started explaining to her some of these things.

19 Q. Well, why would you tell them that you were present when
16:25:19 20 SAJ Musa was killed if you weren't simply because you had some
21 fear that they were from the Special Court?

22 A. Well, it was because even when I told my mother that it was
23 an issue that had to do with the Special Court she told me that I
24 shouldn't and she even thought it was something bad, but it was
16:25:56 25 later when they went there and introduced themselves to her and
26 then they explained that they were doing the job of Prosecutors
27 and they explained everything and that was when my mother
28 accepted and she had some confidence, because in actual fact the
29 things that I went through sometimes I don't even want to sit and

1 recall them.

2 Q. Mr Witness, we are almost at the end of today's evidence,
3 but I just want to put this to you. Why did you tell them in
4 2003 that you were present at the scene when the explosion that
16:26:39 5 killed SAJ Musa occurred and then when you saw them in 2008,
6 three weeks ago, you told them you were not present when the
7 explosion that killed SAJ Musa occurred at Benguema barracks but
8 that your account of events was based on information you received
9 from Kabila who was present?

16:27:08 10 A. Well, the reason why I said I was present was because where
11 the thing happened was not too far away from where I was
12 standing. That is where the bomb exploded. And we were standing
13 just outside the gates and it was just a roundabout that
14 separated where the ammunition dump was and where we were
16:27:30 15 standing.

16 Q. So why tell Shyamala in 2008 that you were not present if
17 you were present?

18 A. That question, I told him that I was not present face - but
19 it did not actually happen to my face. If it had happened that
16:28:03 20 way I was going to explain that also, but I actually told them
21 that I stood somewhere close by to where the thing occurred.

22 MR MUNYARD: Your Honour, is that a convenient moment?

23 PRESIDING JUDGE: If it is convenient, Mr Munyard, it would
24 be appropriate to adjourn now as we are just about up to our time
16:28:22 25 limit.

26 MR MUNYARD: Certainly.

27 PRESIDING JUDGE: Mr Witness, we are now going to finish
28 the Court for today. We will be starting again tomorrow morning
29 at 9.30. I must tell you that you have taken the oath to tell

1 the truth and between now and the time all your evidence is
2 finished you must not discuss your evidence with anyone else. Do
3 you understand this?

4 THE WITNESS: Yes, my Lord.

16:28:46 5 PRESIDING JUDGE: Please adjourn Court until 9.30 tomorrow.

6 [Whereupon the hearing adjourned at 4.30 p.m.
7 to be reconvened on Tuesday, 6 May 2008 at
8 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

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