

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-16-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
v.
ALEX TAMBA BRIMA
BRIMA KAMARA
SANTIGIE KANU

FRIDAY, 8 APRIL 2005
9.25 A.M
TRIAL

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg
Mr Matthias Reuss

For the Registry:

Mr Neil Gibson

For the Prosecution:

Ms Lesley Taylor
Ms Sharan Parmar
Mr Robert Braun
Ms Jennifer Beckley (intern)
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Ms Claire Carlton-Hanciles

For the accused Alex Tamba Brima:

Ms Glenna Thompson
Mr Osman K Kamara

For the accused Brima Kamara:

Mr Mohamed Pa-Momo Fofanah
Mr Abdul Rahman Mansaray

For the accused Santigie Kanu:

Mr Abibola Manley-Spaine
Ms Karlijn van der Voort

1 Friday, 8th April 2005

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

09:17:41 5 [Upon commencing at 9.25 a.m.]

6 PRESIDING JUDGE: We understand that the witness TF1-320 is giving
7 evidence today; is that correct?

8 MS TAYLOR: That is correct, Your Honour, it is the witness currently
9 in the witness box.

09:22:50 10 PRESIDING JUDGE: We are aware that a document headed "Additional
11 Information provided by Witness TF1-320," and dated 7th April has been
12 provided to the Bench. Has this been served on the Defence?

13 MS TAYLOR: Yes, Your Honour, it was served last evening. I beg your
14 pardon, this morning. But the Defence were aware of it. I beg your
09:23:18 15 pardon, it was served this morning, Your Honour.

16 PRESIDING JUDGE: Defence, anything to say concerning that service?

17 MR FOFANAH: Yes, Your Honour. On behalf of the three defence teams,
18 I wish to reply to that. Firstly, Your Honour, whilst we are not against
19 this witness testifying before this Court, we want to object to his
09:23:43 20 testifying on the basis that we were short-served. In my case, I was only
21 served here in court when I came in this morning. I think in the case of
22 my colleagues, they were only served this morning. So we had not had
23 sufficient time to prepare our defence pursuant to Article 17(4)(b) of the
24 Statute of the Court. That is one, Your Honour, that we are short-served
09:24:27 25 and we did not have adequate time to prepare the defence in order to
26 cross-examine this witness on the basis that we were only served this
27 morning. Particularly in my case, I was only served in court. We are
28 relying upon Article 17(4)(b) of the Statute of the Special Court which
29 with your leave I will read.

1 PRESIDING JUDGE: I have it before me.

2 MR FOFANAH: As Your Honour pleases. We are also relying on Rule
3 66(A)(ii). Or rubric, under the rubric 66(A)(ii). We are aware that this
4 Honourable Court has amended that provision which deals with 60 days to 42
09:25:30 5 days and this is an additional information, unlike proofing, provided by
6 this witness about to be called. We therefore restate that we have not
7 been given sufficient time to read the additional information and to
8 prepare the defence to cross-examine this witness.

9 JUDGE LUSSICK: The additional statement is two and a fraction pages.
09:26:01 10 How long do you say that you need for that?

11 MR FOFANAH: [Microphone malfunction]

12 JUDGE LUSSICK: [Microphone malfunction] Yes, Mr Fofanah, I may be
13 able to hear you now.

14 MR FOFANAH: Yes, I was asking if your -- I was imploring Your Honour
09:26:44 15 to respectfully go over what you said, I didn't have my --

16 JUDGE LUSSICK: Yes, well what I said was the statement -- this
17 additional information that was served this morning is only two and a bit
18 A4 pages long. So in view of that it doesn't take long to read. How much
19 time do you say you will need to absorb it and be able to handle it?

09:27:13 20 MR FOFANAH: Perusal of that document is one thing, Your Honour, and
21 then getting that information cross-checked by investigators as well as, I
22 mean, other officers of the Defence team is another. I mean, that goes
23 towards preparing our case properly for cross-examination. I can peruse
24 the document in less than five minutes or ten minutes, but then I need to
09:27:36 25 cross-check some information.

26 JUDGE LUSSICK: What sort of time are you asking for?

27 MR FOFANAH: I need to confer with my colleagues, Your Honour. May I
28 respectfully?

29 PRESIDING JUDGE: We need to know the application you are making,

1 Mr Fofanah.

2 MR FOFANAH: Firstly, Your Honour, we would like this Honourable
3 Court to rule on the method of service, because we basically do not want a
4 repetition of this manner of serving us documents, especially in court.

09:28:44

5 PRESIDING JUDGE: Refer us to the rules, Mr Fofanah, concerning
6 service.

7 MR FOFANAH: That is why I started by referring Your Honour to
8 Article 17(4)(b) as well as Rule 66 of the Rules of Evidence and Procedure.
9 Otherwise we might be in a situation where we will be served just at the
10 point of cross-examination and with every respect we may be tempted to call
11 such practice trial by ambush and we don't want that to happen.

09:29:07

12 PRESIDING JUDGE: I am not clear what relief you are seeking on the
13 rule -- the Chamber rules and the method of service.

14 MR FOFANAH: On the basis of what I have told this Court, we are
15 seeking this Honourable -- we are asking this Honourable Court to
16 respectfully rule on whether service made within less than one hour before
17 the Court sits on a witness that is about to testify is proper service.
18 That is one. Especially where the statement of the additional information
19 which is about to be given was only made the previous day, yesterday; the
20 7th February 2005. We are also seeking this Honourable Court on the basis
21 of my first statement or the preceding statement to clarify for our
22 understanding Rule 66(A)(ii) regarding service of additional information or
23 statements within limits.

09:29:45

09:30:28

24 PRESIDING JUDGE: And what relief do you want under Rule 66?

09:31:07

25 MR FOFANAH: That firstly Your Honour disregard the present attempt
26 by the Prosecution to call this witness now. That is one. We are always
27 willing, able and ready to prepare defence regarding this witness at a
28 later date and not now. And based on that we are also asking Your Honour
29 to consider what you reasonably think is adequate time and facility for us

1 to prepare our defence to cross-examine this witness if the testifies at
2 all.

3 PRESIDING JUDGE: I think it would be very presumptuous of us to step
4 into the shoes of defence counsel and decide how much time defence counsel
09:31:54 5 require. You must be more specific, Mr Fofanah.

6 MR FOFANAH: Your Honour, the rule, as I have referred Your Honours
7 to, Rule 66 (A)(ii), provides for 60 days, but I have earlier indicated
8 that Your Honours in your wisdom modified that to 42 days.

9 PRESIDING JUDGE: You are referring to a previous ruling of this
09:32:25 10 Court?

11 MR FOFANAH: Yes, which I unfortunately -- I know the previous
12 ruling, but then I don't have it on me now.

13 PRESIDING JUDGE: I go back to His Honour Justice Lussick's question
14 to you; how much time?

09:32:49 15 MR MANLEY-SPAIN: May it please Your Honour, I think we simply want
16 compliance with the rules. If we have a decision on that, then we know how
17 to proceed in the future. If you decide that they can serve us in the
18 morning before trial then we will be prepared to be taken by surprise, but
19 the only way we have been taken by surprise and we were merely simply
09:33:27 20 asking for the Prosecution to comply with the rules also.

21 MR FOFANAH: On a second -- that is one point. The second point
22 which we want this Court to rule on is the protective measure which has
23 been granted to this witness. I am referring Your Honours to a document
24 entitled "List of protective measures received from Trial Chamber I and
09:34:08 25 other information filed pursuant to schedule order of 28th January 2005".
26 It was actually filed on 1st February 2005. It was filed by the Office of
27 the Prosecution dated 1st day of February 2005.

28 PRESIDING JUDGE: Yes, Mr Fofanah.

29 MR FOFANAH: Yes, like I say, it is dated 1st day of February 2005.

1 I will particularly draw Your Honours' attention to annex A of that
2 document. Annex A. Witness 320. TF1-320, which is found at page 11.

3 JUDGE LUSSICK: We have not have the document before us, so if you
4 could read out what you are referring to it would be helpful.

09:35:25 5 MR FOFANAH: As Your Honour pleases. I am referring to page 1619 of
6 that document and then at least protective measures received from Trial
7 Chamber I by category, protective measures.

8 PRESIDING JUDGE: Before you go any further, Mr Fofanah, are you
9 seeking to vary a protective measure granted by Trial Chamber number one?

09:35:47 10 MR FOFANAH: No, I am seeking to indicate to this Court that no
11 protective measure was granted to this witness by virtue of this annexe.

12 PRESIDING JUDGE: In that case we are having a copy made.

13 MR FOFANAH: As Your Honour pleases.

14 PRESIDING JUDGE: Read out the protective measure relating to this
09:36:07 15 witness, please.

16 MR FOFANAH: There is nothing. There is nothing. I mean, the
17 witness was not categorised as requiring any form of protection. There are
18 various witnesses grouped as group one, under which you have sub-categories
19 A, B and C protection, and then witness group two, which basically deals
09:36:28 20 with experts I guess. Witness TF1-320 has nothing against his name. So I
21 take it that there is no protective measure granted to him. We are kind of
22 flustered that we see him in a protective enclosure. We seek clarification
23 from Your Honours.

24 MS TAYLOR: Your Honour, if I may first deal with the issue of
09:37:08 25 disclosure. The Defence has been in possession of the redacted versions of
26 this witness's statement, in relation to the first statement, for 18 months
27 and in relation to the two paragraph confirmation statement since February
28 of last year; in excess of 12 months. They have been in possession of the
29 unredacted versions of those statements since 21st February of this year.

1 Other than the statement dated yesterday, the last statement is dated 25th
2 March 2004. That was the last occasion on which anyone from the Office of
3 the Prosecutor saw this witness. The witness was seen yesterday by
4 prosecuting counsel in preparation for giving evidence today and I might
09:38:03 5 say, Your Honours, that the reason that the Prosecution has sought to call
6 this witness higher up the order than originally indicated is that this
7 witness is 69 years of age. He is ill and he requires surgery and that
8 surgery cannot take place until his evidence before this Court has been
9 completed. The facts about which this witness will testify are quite
09:38:28 10 discrete. The original statement -- pardon me, Your Honours, I will just
11 turn up the page. The original statement is three typed pages. The
12 confirmation statement from March 2004 is one typed page. The Prosecution
13 has a continuing obligation of disclosure imposed upon it pursuant to Rule
14 66. The material that was disclosed this morning that was obtained by the
09:39:14 15 Office of the Prosecutor yesterday, does not amount to any new allegation
16 whatsoever. There is nothing in the document that was disclosed to the
17 Defence this morning that will take them by surprise. What is in that
18 document is an amplification of the material that has been previously
19 disclosed to the Defence. The only thing that can possibly be said to be
09:39:37 20 new in that document is that the witness says in the document dated 7th
21 April 2005 that men were killed in the village. That men were killed in
22 the village.

23 MR FOFANAH: Sorry, Your Honour, I don't want to interrupt my
24 colleague at this stage, but I --

09:40:00 25 PRESIDING JUDGE: Well, don't; let her finish her --

26 MR FOFANAH: Is she trying to go into the content of that document?

27 PRESIDING JUDGE: She has only pointed out one word.

28 MS TAYLOR: Thank you, Your Honour. The witness from the original
29 statement runs right through to the statement yesterday gives evidence

1 about the killing of women in a house. Yesterday he said that the
2 remaining men were killed -- most of the remaining men were killed as well.
3 Now, in the context where this witness's statement deals with the killing
4 of people in a village that he said in the original statement, on page
09:40:49 5 6513, "Those of us who were not killed were taken along as captured
6 civilians". The Prosecution would submit that there is nothing that can
7 possibly be described as ambush or surprise in this document. The document
8 is two pages and one paragraph long. There is nothing in that document
9 that the Defence have not known about. As I said, in fairness to the
09:41:11 10 witness it was disclosed because the witness provided amplification and
11 amplification only and in those circumstances, given the difficulties, the
12 personal difficulties that this witness faces, the discrete nature of the
13 evidence which he will give and the very short amplification that he gave
14 yesterday, the Prosecution would submit that there is no unfairness in
09:41:44 15 proceeding to the Defence in proceeding with the evidence of this witness
16 this morning. In relation to the protective measure issue that was raised
17 by my learned friend Mr Fofanah, I don't have the documents before me in
18 court, Your Honour, but I do recall that after the status hearing in which
19 the protective measures were discussed Your Honour raised with me certain
09:42:11 20 issues about certain witnesses in the document that was filed and the
21 Prosecution did file a clarification document very shortly thereafter. I
22 am not sure if it was the same day or the day after. And from memory, I
23 think this witness was included in that clarification document in the sense
24 that the protective measures issued by Trial Chamber one on 5th July 2004
09:42:43 25 were highlighted for this Trial Chamber. If my recollection of that is
26 incorrect, Your Honours, and there is in fact no protective measure in
27 place for this witness, I would make an oral application, pursuant to Rule
28 75, that this witness be granted the protective measures accorded to all
29 witnesses before the Special Court both in this Chamber and in Trial

1 Chamber one, other than expert witnesses, which are the minimum protections
2 of testifying behind a screen and the use of a pseudonym and the other
3 measures that deal with not being photographed coming in and out of the
4 court. As I said, Your Honours, I am not in a position to help you because
09:43:26 5 I don't have those documents in front of me, but those will be my
6 alternative submissions.

7 PRESIDING JUDGE: Ms Taylor, I recall the sequence of appearances
8 that you refer to, but I too do not have the precise document. I will
9 therefore ask our legal officer to produce that document for us and we will
09:43:45 10 adjourn briefly to both consider that document, the other order that has
11 been filed and the various submissions made by counsel for both the Defence
12 and the Prosecution.

13 JUDGE SEBUTINDE: Could I just ask -- Mr Fofanah, I realise that you
14 do have a right of reply.

09:44:20 15 MR FOFANAH: Yes.

16 JUDGE SEBUTINDE: And while you are replying, I just wanted to really
17 seek your views on the Defence team. Supposing the Bench were inclined to
18 actually hear only the examination-in-chief of this witness in view of his
19 health, also in view of the time, of saving time. Supposing we were
09:44:45 20 inclined today only to hear the evidence-in-chief, would you still object?
21 So in your reply if you could kindly, you know, respond to that in addition
22 to what Ms Taylor has submitted and then we will retire and consider.

23 MR FOFANAH: In the last bit certainly we will not object, Your
24 Honour, because we all seek speedy trial in this case, especially
09:45:13 25 considering the health of the witness. Then if Your Honour can adjourn to
26 such reasonable time that will enable us to cross-examine him it will be
27 fine with us. Especially as I wish to draw two important things. My
28 learned colleague in her response stated that nothing new has been raised
29 except for one thing which she indicated.

1 I wish to particularly draw Your Honours' attention to two things in
2 the additional information which were never contained in the previous.

3 The first is the mention of a village called Dothombo which with
4 respect, I mean, is very vital for the case of the Defence, because if
09:45:52 5 Dothombo has been mentioned we probably may need to send somebody around to
6 find out where that village is and what exactly happened in that village.
7 Then it will be crucial. Dothombo is coming up only for the very first
8 time. There is also the mention of the name of a commander who was never
9 mentioned. No commander was ever mentioned in the previous statement. I
09:46:25 10 don't know if mentioning that commander now would jeopardize his protective
11 state.

12 Then if you look at the second page of that additional information at
13 paragraph three, there is a mention of a colonel. I don't know if Your
14 Honours have seen it. There is mention of a colonel. So that again is
09:46:50 15 crucial for our cross-examination.

16 And then on the second point on protective measure, I would
17 particularly, now that Your Honours have the document that I referred to, I
18 will refer you to.

19 JUDGE LUSSICK: Well, I still don't have that document, I have
09:47:08 20 just got --

21 MR FOFANAHA: The one that was just printed.

22 JUDGE LUSSICK: I see. I have not been shown that.

23 MR FOFANAHA: The one that I refer to which was just printed. That is
24 page 1609 which is page one of that document. If you look at clause three
09:47:51 25 or paragraph three. It says that, "This document was prepared pursuant to
26 an order by Her Honour Judge Doherty". So it is not like it is coming to
27 this Court for the first time. It was prepared pursuant to an order made
28 on the 28th day of January 2005. That is all, Your Honours.

29 PRESIDING JUDGE: If there are no other matters, the Court will

1 adjourn to consider this. We will also ask for a copy of the later order
2 referred to by counsel for the Prosecution. Which order for protective
3 measures has this Court to consider? Is it the order of 1st February 2005
4 or the subsequent clarifying document filed by you, Ms Taylor?

09:48:58 5 MS TAYLOR: I believe it is the subsequent clarifying document, Your
6 Honour.

7 PRESIDING JUDGE: You are aware of this, Mr Fofanah, I think you were
8 in court when that was dealt with, if I remember correctly.

9 MR FOFANAH: Yes, but I clearly cannot recall the date.

09:49:07 10 PRESIDING JUDGE: Very well. Obviously you require a copy as well.
11 Please assist counsel for the defence with a copy of that document.

12 [Break taken at at 9.52 a.m.]

13 [On resuming at 10.35 a.m.]

14 PRESIDING JUDGE: This is a ruling of the Trial Chamber on an
10:32:10 15 objection by defence counsel concerning the service of a document.

16 [Ruling]

17 PRESIDING JUDGE: The Trial Chamber considers that serving a document
18 on the morning of the hearing is insufficient notice to the Defence of the
19 document entitled "Additional information provided by witness TF1-320".

10:32:31 20 Therefore, the Trial Chamber orders that this statement cannot be used
21 today. In relation to the protective measures as raised by defence
22 counsel, the protective measures, as varied by Trial Chamber number one, in
23 relation to the protective measures Witness TF1-320 is listed as a group
24 one witness and the general protective measures apply to him in accordance
10:33:05 25 with paragraph 12 of the order of 1st February 2005 and the protective
26 orders as recited on page 6772 of the order of 5th July 2004 in the case of
27 The Prosecutor v. Sesay, Kallon and Gbao. Those are the two rulings of
28 this Court. Yes.

29 MS TAYLOR: Your Honour, the Prosecution is content to still lead

1 this witness without asking any questions resulting from the document that
2 was filed this morning.

3 PRESIDING JUDGE: Thank you, that has been duly noted and I will
4 therefore - unless there is some other matter - request the court attendant
10:34:07 5 to swear in the witness. Mr Court Attendant, please swear in this witness.

6 WITNESS: TF1-320 [Sworn]

7 [Witness answered through interpreter]

8 PRESIDING JUDGE: Ms Parmar, are you leading this witness?

9 MS PARMAR: That is correct, Your Honours.

10:35:12 10 PRESIDING JUDGE: Thank you.

11 EXAMINED BY MS PARMAR:

12 Q. Good morning, Mr Witness.

13 A. Good morning.

14 Q. What year were you born?

10:35:30 15 A. Well, I was born in 1936.

16 Q. Are you married?

17 A. I am married.

18 Q. Do you have any children?

19 A. I have children.

10:36:02 20 Q. How many children do you have?

21 A. I have six children.

22 Q. Have you ever attended school?

23 A. No, I have never been to school.

24 Q. Do you know how to read or write?

10:36:23 25 A. No, I don't know.

26 Q. What did you do for a living before the war?

27 A. I am a farmer. I have a very big garden. That is where I get my
28 survival.

29 Q. Mr Witness, where were you living in 1999?

1 A. I was in my village. I went nowhere.

2 Q. What is the name of your village?

3 A. Thombo Manarma.

4 Q. Which district is Thombo Manarma?

10:37:51 5 A. It is in the Port Loko District.

6 Q. What happened in your village during the war?

7 A. Well, we saw a lot of rebels who came to our village and attacked us.
8 They amputated us and killed the others.

9 Q. Where were you when the rebels attacked your village?

10:38:42 10 A. I was in my garden planting cassava in my cassava farm

11 Q. Where is your cassava farm?

12 A. It is between Manarma and Dothombo. That is where I planted my
13 cassava. In fact, it is there right now as I am speaking. That is where I
14 normally work.

10:39:16 15 Q. Who were you with at your farm when the rebels attacked the village?

16 A. We were there, three of us. Three of us; myself, my wife, and my
17 son.

18 Q. What happened to you at your cassava farm?

19 A. Well, we saw people coming from the bush advancing to our end. When
10:39:56 20 we looked at them there was no way to escape and they captured us and took
21 us to Thombo and they also captured other people at Thombo. So the number
22 increased and they took us to Manarma.

23 Q. Mr Witness, describe what these people looked like who captured you?

24 A. The one we saw wearing military uniform we know that he is a soldier.

10:40:36 25 Q. What were these people calling themselves?

26 A. Well, within themselves they are calling themselves soldiers. They
27 never called their names.

28 Q. What happened when you were brought to Manarma?

29 A. When we are brought to Manarma they told us we were many. They told

1 us to sit on the ground. Both men and women were asked to sit on the
2 ground.

3 Q. You say there were many men and women; how many men and women were
4 there?

10:41:47 5 A. They are many. They are many. There were many towns, they captured
6 people from all these villages. So when they heard about these people that
7 they are coming, they ran to our village. So there are too many. I could
8 not give the exact number because by then I was tied. I had a rope on me.

9 Q. What happened after the men and women were lined up in the village?

10:42:42 10 A. When we were lined up, the women were in one part and we, the men,
11 were in the other part. So they divided us and they took the women and
12 take them into the houses. And we, the men, were left outside.

13 Q. Which house were the women taken to?

14 MR FOFANAH: Sorry, Your Honour, I think the witness said houses.

10:43:13 15 PRESIDING JUDGE: Yes, my recollection or my note is houses in the
16 plural.

17 MS PARMAR: I will correct my statement, Your Honours.

18 THE WITNESS: Ask me.

19 MS PARMAR:

10:43:30 20 Q. Mr Witness, which houses were the women taken to?

21 A. In my house, the biggest house. That is where they took all the
22 women. It has seven rooms and the men were left outside. We, the men,
23 were left outside.

24 Q. What happened to the women who were kept in that house?

10:44:18 25 A. The women they took in my house, all of them they axed them and they
26 killed all of them. In fact, as I am talking right now I want to invite
27 people to go and see up till now.

28 THE INTERPRETER: Sorry, the interpreter is sorry. The witness is
29 moving so fast that he cannot interpret all his testimony.

1 PRESIDING JUDGE: First of all, Mr interpreter, the witness is a
2 little upset. Now do you need a break? Mr Witness, would you like to have
3 little break?

4 MS PARMAR: Your Honours, perhaps we might invite the witness support
10:45:05 5 counsellor to meet with the witness if he needs it.

6 THE WITNESS: Well, continue. It is because of the grief. I am just
7 reflecting. That is why -- you see, if I am giving short testimony, with
8 reflection that is why I am sobbing. Just continue.

9 PRESIDING JUDGE: Very well, Mr Witness, we will continue.

10:45:34 10 JUDGE SEBUTINDE: Maybe counsel could roll that back a bit.

11 MS PARMAR: Certainly, Your Honour.

12 Q. Mr Witness, you said that the women in the house were axed. Can you
13 explain what you mean by that?

14 A. Yes, they were hacked. After that they took the guns and shot at all
10:46:14 15 of them. After that they burnt the house. All of them were burnt down.

16 Q. Mr Witness, I am going to ask you to talk a little bit slowly so the
17 interpreter can interpret you properly.

18 A. Okay.

19 Q. Who was it who axed and fired at the women in the house?

10:46:54 20 A. The rebels did that.

21 Q. Where was your wife at this time?

22 A. In the very house that was where they were all burnt down.

23 Q. Where were you while this was happening, Mr Witness?

24 A. I was sitting upright outside the house. Look at the house. Look at
10:47:42 25 the street. This is my house. The other house belongs to my son. By then
26 they were questioning me. Killing the others. It was just a stone throw.
27 I was sitting there until all of them were killed. They were shouting.

28 Q. Just to confirm, Mr Witness, what you have just said. You were
29 sitting in front of your house?

1 A. Like this is the house that they were killing the people. This is
2 the street. This is the other house. That was the place I was sitting.
3 It was only a single line in the village. Then the village was big.

10:48:46 4 Q. Was there anything between you and this house while this was
5 happeni ng?

6 A. Nothing happened except killing. We were sitting there with the
7 problem and they were killed.

8 Q. From where you were sitting, Mr Witness, what happened to the village
9 of Manarma?

10:49:41 10 A. In my village Manarma, that was where they killed the people. They
11 brought them from Thombo. That is what happened and they burnt down the
12 town.

13 Q. Who burnt down the town?

14 A. The rebels.

10:50:09 15 Q. Where did you or -- what happened next, Mr Witness, to you?

16 A. After they have burnt the town -- at night they said well they have
17 killed all the men. Only three of us were left. They killed all the other
18 men.

10:50:46 19 Q. Mr Witness, tell us what happened to you after these things happened
20 in the village.

21 A. Well, I felt bad.

22 Q. Where did you go next?

23 A. Well, I was not myself. At night after they had killed all the men
24 and the women, one man said, "Let's go to Port Loko" with all his men.

10:51:36 25 Q. What happened in Port Loko?

26 A. When we arrived in Port Loko we went to Sri Lanka. By then I was
27 having the cord on me. I was tied. I had it on me, with the other
28 children. They went and ran round Sri Lanka where the ECOMOG soldiers were
29 there -- were based. The Malians. The Malians never knew that these

1 people have come to destroy them

2 Q. To clarify, Mr Witness, where is this place you refer to called; Sri
3 Lanka?

10:52:39

4 A. Well, it is by Low Shell Road in Port Loko. Along the Low Shell
5 Road. Along the Low Shell Road.

6 Q. After these things happened in Port Loko, where did you go?

7 A. After they have done the killing in Port Loko, this man also drove
8 us, of course --

9 THE INTERPRETER: Your Honour, the witness is moving too fast for
10 the interpreter.

11 PRESIDING JUDGE: Mr Witness, could you go a little bit slower,
12 please? Thank you.

13 THE WITNESS: Well okay, okay.

14 PRESIDING JUDGE: Ms Parmar, maybe it's best if you put the question
15 again.

16 MS PARMAR: Thank you, Your Honour.

17 Q. Mr Witness, I will remind you to talk slowly when you tell your
18 story.

19 A. Okay. No problem

10:53:51

20 Q. I want you to repeat your answer to this question: Where did you go
21 after these things happened in Port Loko?

22 A. We had no place to go. We went to Gberibana where the man was. That
23 was where he resided.

24 Q. Can you repeat the name of the place that you were going to go to?

10:54:35

25 A. We went to Gberibana.

26 Q. And who was this man you were talking about?

27 A. The head of the rebels.

28 Q. What did you do while you were travelling to Gberi?

29 A. Well, on our way to Rogberi, we are in the forest we are almost close

1 and God directed me and so he [inaudible] and I went in the bush. In the
2 bush they were shouting for me, but they didn't see me. But they have
3 already destroyed, but I was almost close to the town and God saved me.
4 And I returned and went back to Port Loko again.

10:55:47 5 Q. Mr Witness, you mentioned that you were with your elder son when you
6 were captured by the rebels. What happened to your son?

7 A. They held my son. They held him for two years, five months. Except
8 when the [inaudible] attacked Rogberi, they were the only people who freed
9 him. They took him to Raka. I sent a message to Raka when we heard the
10:56:23 10 news. I sent to Mohammed. I said, "Mohammed, please go to stadium and
11 find my son. If you see him, please bring him." He went there and saw him
12 and brought him. They held him for two years, five months.

13 Q. Mr Witness, who kept your son for two years?

14 A. The one who held my son for two years, five months, is the commando.
10:57:09 15 Who was -- he was at his house. He was staying with him.

16 Q. Which group did this commando belong to?

17 A. Well, at Gberibana he called themselves outside -- West Side.

18 MS PARMAR: One moment, Your Honours. Your Honour, those are all
19 the questions that the Prosecution has for this witness.

10:57:53 20 PRESIDING JUDGE: Cross-examination.

21 MR MANLEY-SPAINE: Yes, just a few questions, Your Honour.

22 PRESIDING JUDGE: Yes, Mr Manley-Spaine.

23 CROSS-EXAMINED BY MR MANLEY-SPAINE:

24 Q. Mr Witness --

10:58:05 25 A. Yes.

26 Q. Did you ever have military training?

27 A. Never, I'm not a fighter.

28 Q. Mr Witness, did the events you have described happen before or after
29 the Lome Peace Accord?

1 PRESIDING JUDGE: Mr Witness, do you understand what the counsel is
2 talking about?

3 THE WITNESS: Well, I would not understand, but I have not -- I have
4 not been to school, but I heard from people about this Lome Accord. He
10:59:17 5 said, but we didn't have any hand in that because I did not understand
6 English. He says, Lome Peace Accord we heard about that. He said, they
7 had already fought during that time. They had already destroyed us before
8 that.

9 JUDGE SEBUTINDE: Mr Manley-Spaine, say in kindly re-put your
10:59:47 10 question to the witness because we didn't allow him to answer. I think he
11 understood the question.

12 MR MANLEY- SPAINE: Yes, Your Honour.

13 JUDGE SEBUTINDE: If you can just put it back to him then he can
14 answer your question.

10:59:57 15 MR MANLEY- SPAINE: I would like to ask a prefix to that. I would
16 like to --

17 JUDGE SEBUTINDE: You don't want him to answer you previous question?

18 MR MANLEY- SPAINE: I will ask that later, I just want to ask him
19 whether he had ever heard about the Lome peace accord.

11:00:08 20 JUDGE SEBUTINDE: But he has just answered that, didn't you hear what
21 he said? He does not know the contents of the accord, but he has heard of
22 it, and certainly it is in his statement.

23 MR MANLEY- SPAINE: I am grateful to be guided.

24 Q. Did the events you have described happen before or after
11:00:24 25 the Lome Accord?

26 A. They had already destroyed us before we heard about it. They had
27 already destroyed. That was the time that we heard about it.

28 Q. Do you understand what a year is?

29 A. I am not literate in English. I cannot write and I cannot even count

1 in English. I wouldn't know. But what I saw was what I explained. You
2 see, I am not literate.

3 Q. Did this thing happen during the rainy season?

4 A. That is the only time [inaudible] they destroyed us. It happened
11:01:39 5 during the time that people were harvesting. During that time it was
6 raining sparsely.

7 Q. Do you mean that was towards the end of the rainy season?

8 A. Yes, when people harvest that shows you that it was almost towards
9 the end of the rainy season.

11:02:13 10 Q. Do you know whether it was in the year 1999 or the year 2000? 1999
11 or 2000?

12 A. These things, Pa, I do not understand these things. When you tell me
13 1990 I don't understand. I don't even say months, I only understand
14 [inaudible] numbers. I really don't understand anything.

11:02:56 15 Q. And you are certain that the commando you were talking about -- the
16 commander you were talking about lived at Rogberi?

17 A. The one I talked about was at Robgeri, but I don't know whether he is
18 still there. But that was his town. That was the time -- that was his
19 base.

11:03:31 20 Q. Did you live there until your son was freed?

21 A. When they took my child, he was there.

22 Q. I mean did you live at Rogberi?

23 A. The man -- who are you talking about?

24 Q. The man and your son, did they live at Rogberi all the time.

11:04:02 25 MS TAYLOR: Your Honour, I would object to that question. It is
26 asking the witness to speculate.

27 MR MANLEY-SPAINE: I am surprised that has come from the Prosecution.
28 They have been speculating all the time.

29 PRESIDING JUDGE: Please don't make general comments like that,

1 Mr Manley-Spaine, you know it is not appropriate.

2 MR MANLEY-SPAINE: I am sorry, Your Honour, but that is not asking
3 him to speculate. He has said that his son was freed. His son lived with
4 the commando. The commando lived at Rogberi. It is a question of fact
11:04:33 5 that I am putting to him that ought to be within his knowledge.

6 PRESIDING JUDGE: Please let me hear the question.

7 MR MANLEY-SPAINE: My question is did your son live with the
8 commander at Rogberi until he was freed?

9 PRESIDING JUDGE: I think it would be more appropriate -- he could
11:04:47 10 only [inaudible]

11 THE WITNESS: Yes, they were together until the white people came and
12 freed him. He is not the one that freed him. It was the white people that
13 went and with the vehicle and freed and they took him to Lakka.

14 [TB080405B - RK]

11:05:52 15 MR MANLEY-SPAINE: Yes, that will be all.

16 PRESIDING JUDGE: Thank you, Mr Manley-Spaine. Ms Thompson.

17 MS THOMPSON: Your Honour, I only have a few questions.

18 CROSS-EXAMINED BY MS THOMPSON:

19 Q. Did you approach the Special Court to tell them your experiences?

11:06:18 20 A. It was I, myself -- repeat your question.

21 Q. Did you -- was it you who approached the Special Court to talk to
22 them about your experiences?

23 A. Yes, I came.

24 Q. How did you know about the Special Court?

11:07:02 25 A. Well, we heard people here and they told us that this Court is here
26 for people who have suffered from the war.

27 Q. So did you approach personally or did you get somebody to do it for
28 you?

29 A. People went to our town trying to know what happened. Well, we did

1 not come. When the Court started, it was the time that I came and I came
2 and explained, because this is what happened to me. That is why I came.

3 Q. So before you came to the Court people went to your town to tell you
4 about the Court?

11:08:20 5 A. In fact this is something that is widespread when the Special Court
6 was established throughout the Court and they said that the court had come,
7 you know, to make people to come to them to explain their problems.

8 Q. These people who went to your town, were they from the Special Court?

9 A. Well, I wouldn't know, because when these things that happened -- we
11:09:00 10 wouldn't know, because we were not here in the English land, but they would
11 go into the villages and they would ask what happened and then we would
12 explain to them what happened. We would not know whether they came from
13 this Court.

14 Q. So they went to your village --

11:09:17 15 MR FOFANAH: Excuse me, Your Honours, may I be excused for just two
16 minutes. I want to ease myself.

17 MS THOMPSON:

18 Q. So they went to your villages to tell you about the Special Court.
19 Did you not know who you were talking to?

11:09:37 20 A. Oh, no. Those who went --

21 Q. Yes?

22 A. Those who went to explain to us --

23 THE INTERPRETER: Your Honours, the witness is too fast.

24 JUDGE SEBUTINDE: Witness, could you please talk a little slowly so
11:09:59 25 that the interpreter can interpret for us in English.

26 THE WITNESS: Okay.

27 MS THOMPSON: Shall I repeat the question?

28 JUDGE SEBUTINDE: Yes, please.

29 Q. When these people went to your villages, did you not know to whom you

1 were talking to?

2 A. What do you mean, talking to us?

3 Q. Yes.

4 A. You see when they go there, they had been searching for people like
11:10:39 5 us who suffered.

6 Q. So who is "they" who were searching for people like you who suffered?

7 A. I did not say that -- I did not say that they were searching for us.
8 I said if they came, you know, to search for the towns that were destroyed,
9 it was people like us that they were searching for.

11:11:06 10 Q. Mr Witness, you told this Court that people came to your village to
11 search for you -- to search for people who had suffered from the war. My
12 question to you is this: Do you know where these people came from?

13 A. We don't know. We did not know. They only told us to tell them what
14 happened.

11:11:38 15 Q. So you were telling your story to total strangers whom you know
16 nothing about?

17 PRESIDING JUDGE: Ms Thompson, what is the relevance of this line of
18 questioning?

19 MS THOMPSON: I think, Your Honour, it shall become clearer. It is
11:12:01 20 purely a line of questioning as to when he first -- the question is: When
21 did you first contact the Special Court? That is how I started and then he
22 took us up to these villages because the people wanted to talk to the
23 villagers.

24 PRESIDING JUDGE: But you're asking him who he spoke to. He says he
11:12:18 25 doesn't know and really what is the relevance of pursuing that line of
26 questioning if he didn't know?

27 MS THOMPSON: Your Honour, I'm only I seeking clarification because
28 he said he didn't know people. It may well be that -- I don't know whether
29 it is one person or several people. It may well be that he something more

1 to tell us there. I don't intend to go very much further with it.

2 PRESIDING JUDGE: If he didn't know, he didn't know.

3 MS THOMPSON: Your Honour, I think he was about to answer the last
4 question.

11:12:49 5 PRESIDING JUDGE: I think the last question is verging on harassment
6 to be so critical.

7 MS THOMPSON: May I have a moment, Your Honour?

8 [Defence counsel confer]

9 Q. Can you remember -- I know you say you are not literate in English
11:13:11 10 and perhaps you don't know anything about years, but can you remember
11 whether it was the rainy season or dry season that you came -- that you
12 approached the Special Court?

13 A. It was not that long. It was not that long.

14 Q. Can you remember how many rainy seasons passed between when you
11:13:47 15 escaped and when you first approached the Special Court?

16 A. Well it was not the same time. It is not the same thing. The time
17 that I escaped we were in camp. We took some time there. We took two
18 years, up to three years and after that it was four years. When we had
19 escaped, that was not the time that I had this opportunity. When we ran
11:14:28 20 away from the camp, we went to Port Loko.

21 Q. Mr Witness, your evidence is about four years from the time of your
22 escape to the time you approached the Special Court; is that it?

23 MS TAYLOR: Your Honour, I don't believe that is the import of what
24 the witness said. If my friend is simply seeking clarification, that is
11:14:53 25 one thing, but if she is putting a positive statement to him that is
26 another.

27 MS THOMPSON: Your Honour, I'm not putting a positive statement. The
28 interpretation I got --

29 THE INTERPRETER: Sorry, he wants me to --

1 THE WITNESS: I did not say four years when I escaped.

2 MS THOMPSON: Your Honour, the interpretation was two years, three
3 years, four years. If my question has not been put to the witness, I will
4 put it again.

11:15:18 5 PRESIDING JUDGE: I think the question, Ms Taylor, was: Do you mean
6 four years from the escape to the Special Court? I think that is a clear
7 question and I think it is an allowable question.

8 MS THOMPSON:

9 Q. From the time that you escaped, that is what I'm asking, Mr Witness,
11:15:37 10 to the time that you approached the Special Court.

11 JUDGE SEBUTINDE: Mr Witness, please wait for the lawyer to complete
12 the question -- Mr Witness, please listen carefully to the question before
13 you answer.

14 MS THOMPSON:

11:16:07 15 Q. Mr Witness, the question is are you saying that from the time that
16 you escaped to the time that you approached the Special Court was about
17 four years?

18 A. The time that I escaped, I wouldn't know. When we had left -- when
19 I left and went to back there, up to now it is up to five years.

11:16:46 20 Q. Do you know how many -- can you recall how many meetings you have had
21 with people from the Special Court?

22 A. No, because I have not met with any people.

23 Q. Not even to make your statement to them?

24 A. What I explained to them is what I have just said to the Court.

11:17:21 25 Q. Yes, I know that. What I'm saying to you is: From your last answer
26 I take it that you did meet with someone from the Special Court?

27 A. I did not tell you that I met with people that came from the Special
28 Court. When they asked me how I came to know about the Special Court,
29 I said that in fact everybody knew about the Special Court. That is what

1 I told you.

2 Q. Mr Witness, this is not a truth question. I simply want to know how
3 many times you met -- first of all let me ask you this, did you make a
4 statement to the Special Court?

11:18:21 5 A. Yes, when I came they asked me to explain to them, yes.

6 Q. And somebody wrote down with a pen and paper what you were saying?

7 A. Yes, and this is what I said.

8 Q. Now, how many times did that happen? Can you recall?

9 A. Well, I have not done that many times.

11:18:59 10 Q. Not that many times. More than once?

11 A. Well, I did that twice. It was yesterday that it was my second time
12 of doing it.

13 Q. Okay. And on those two occasions you travelled to them or did they
14 go to meet you?

11:19:29 15 A. These two times that I did it.

16 Q. Thank you, very much.

17 MS THOMPSON: That is all the questions I have.

18 PRESIDING JUDGE: Thank you, Ms Thompson.

19 THE WITNESS: Um-hum.

11:28:10 20 MR FOFANAH: Mr Witness, you have just told this Court --

21 PRESIDING JUDGE: I haven't invited you to cross-examine.

22 MR FOFANAH: Oh, sorry.

23 THE WITNESS: What? What?

24 PRESIDING JUDGE: Mr Fofanah, please proceed.

11:28:10 25 CROSS- EXAMINED BY MR FOFANAH:

26 Q. Mr Witness, you've just told this court that a statement was taken --

27 A. Yes.

28 Q. Yeah, I said you've just told this Court that people from the Special
29 Court took statement from you; not so?

1 A. I did not say that they came and took a statement. They asked me
2 whether I came here and I explained to you that yes, I came. You see,
3 before coming here, I mean, somebody must have asked you to explain things
4 to him

11:28:10 5 Q. When you came, did you explain what happened to you to them?

6 A. Well, if they say a statement, it is like asking you to tell them
7 what happened to you.

8 Q. Did you do that?

9 A. I did that.

11:28:10 10 Q. And when they took that statement from you, was it read over to you?

11 A. Well, when somebody writes something, he reads it again.

12 Q. Was it explained to you?

13 A. Yes.

14 Q. Did you understand it?

11:28:11 15 A. Well, since I'm not literate --

16 Q. Did you understand what they explained to you?

17 A. What I explained to them was what they read back to me.

18 Q. Okay. And what they read back to you, you took to be true and
19 correct; not so?

11:28:11 20 A. Well, what I said is what they explained to me.

21 Q. Okay.

22 MR FOFANAH: Your Honours, I wish to refer to the witness's
23 statement.

24 JUDGE SEBUTINDE: Mr Fofanah, before you proceed, we haven't
11:28:11 25 understood what language was used. This goes to foundation of what you're
26 trying to do. We don't know if they used an interpreter or what.

27 MR FOFANAH: Thank you very much. Much obliged.

28 Q. Now, in what language did you make your statement to the people from
29 the Special Court?

1 A. I spoke my language.

2 Q. Which language?

3 A. Temne.

4 Q. When the statement was read over and explained to you, was it done in
11:28:12 5 Temne?

6 A. Yes.

7 Q. And your understanding of the statement was based on the Temne
8 interpretation of it; not so?

9 A. Well, what they wrote was also explained to me in Temne. It was
11:28:12 10 interpreted to me.

11 MR FOFANAH: Your Honour, on that basis I wish to refer to the
12 witness's statement dated the 29th day of October 2003, at page 6511. I'm
13 referring to the first paragraph.

14 Q. I just wish to read the entire paragraph so that the story does not
11:28:12 15 break a cycle. It goes, "I was in my village Manarma when the Lome Peace
16 Accord was signed." Did you say that?

17 A. Yes, yes, we heard that. We heard that.

18 Q. "I was told of the signing of the Lome Peace Accord by the other
19 civilians." Did you say that?

11:28:13 20 A. Well, we used to get information from the radio and people again used
21 to tell us about that, but when the radio was -- the radio was explained,
22 people even interpret as it was understood by everybody.

23 Q. "Just as the rainy season in that year was coming to an end,
24 approaching the dry season, we heard about rebel activities around Mile 38
11:28:13 25 area up to Freetown and down to Magbeni and Rogberi areas." Did you say
26 that?

27 A. Yes, I said so. I said in all in our area. In fact, there was no
28 place they did not fight. In fact, as I'm talking now, the mass grave is
29 there. The place in which they buried all the people they killed.

1 Q. "As the information of these rebel actives becoming stranger, some
2 men dressed in complete army uniform and armed with guns such as G3, AK and
3 RPGs when they went to our village." Did you say that. G3, AKs and RPGs
4 when they went to our village.

11:28:14 5 A. Well, I cannot distinguish between guns. I do not know their name.
6 I cannot write, but I know that they had guns.

7 Q. Did you state these guns as stated in what I'm writing: G3s, AKs and
8 RPGs?

9 A. What I understand very well, the short ones. These -- they had these
11:28:14 10 guns. All the guns you've talked about they had them

11 Q. Did you mention them by name -- that is my question -- as AKs, G3s
12 and RPG?

13 A. They called them

14 Q. And you told that to the people from the Special Court; not so?

11:28:38 15 A. When they went -- the guns that they used, yes they asked us about
16 the guns and we told them that, in fact, they had a lot of them, you see,
17 and they call the names of the guns that they had. We did not know the
18 types of guns that they had, but they would ask us whether they had these
19 types of guns, these type of guns. See, I'm not a soldier. I don't know
11:29:05 20 how to shoot. They would tell us is this the type of gun? Is this the
21 type of gun? And we said, yes, these are the type of guns that they used.
22 I cannot distinguish between guns.

23 Q. Who were the people telling you: Is this the type of guns? Is this
24 the type of guns?

11:29:23 25 A. Those who went -- those who went and obtained statements from --
26 those who went and asked us about the destruction that took place in our
27 villages. We told them that in fact they had been fighting with guns and
28 they had been fighting with cutlasses.

29 Q. So you're saying that those who took statement from you suggested the

1 names of these guns to you; am I right?

2 A. Yes, because they knew the names of these guns. We did not know the
3 different types of guns.

4 Q. We'll move from there. Did you also continue in your statement, the
11:30:08 5 same paragraph, I'm reading just after "AKs, when they went to our
6 village." The next sentence: "The soldiers told our chief" -- I don't
7 know if I can call that name, but then -- may I seek clarification from the
8 Prosecution, the name of the chief?

9 PRESIDING JUDGE: I understand he's --

11:30:34 10 THE WITNESS: What chief?

11 MS TAYLOR: The witness is certainly protected. The chief he
12 referred to in the statement is the chief of the village and the name of
13 village has already been stated, so I can't see that there is any
14 difficulty.

11:30:52 15 MR FOFANAH: Thank you.

16 Q. "The soldiers told our chief Pa Santigie Kamara that they have been
17 sent by government to secure our village from any attack from rebels." Did
18 you say so?

19 A. Santigie Kamara, was he the one that said so?

11:31:18 20 Q. No, the soldiers. And probably you will have to clarify that. "The
21 soldiers told our chief Pa Santigie Kamara that they have been sent by
22 government to secure our village from any attack from rebels." Did you say
23 that to people from the Special Court?

24 A. During that time they had already burst the house -- the town and we
11:31:47 25 saw the soldiers coming.

26 JUDGE SEBUTINDE: Mr Witness, you are not focusing. Listen, please.
27 The lawyer is reading out a statement which you made to the Special Court
28 investigators. He is reading line by line and asking you to confirm if
29 this is what you told the Special Court. That is all he is asking you.

1 Please listen to the line he is reading and then confirm to him if you said
2 those words to the Special Court. That is all he is asking.

3 MR FOFANAH:

4 Q. So did you say "The soldiers took -- told our chief Pa Santigie
11:32:31 5 Kamara that they have been sent by government to secure our village from
6 any attack from rebels." Did you say that to people from the Special
7 Court?

8 A. Yes, yes. It was Pa Santigie himself. They even told that to Pa
9 Santigie himself. And then they came for some days and then they went
11:32:59 10 back.

11 Q. Who came for some days and went back?

12 A. The soldiers, they themselves came to the town and went back.

13 Q. When they first came how long did they spend in the town?

14 A. Well, at times they would come -- they came twice. The other time
11:33:27 15 they came for two weeks. And the other time they came for one week and
16 five days and they went back.

17 Q. So as a matter of fact, these soldiers have, in fact, been coming to
18 your village, not so, during this period? They've been coming to and fro?

19 A. They would go and they would surround the town and go back.

11:34:00 20 Q. Okay. We'll move from there. You also went further to say, "I
21 cannot tell the name of any of these soldiers." Did you say that?

22 A. Yeah. We did not know their names. They did not tell us their
23 names. We did not know their names.

24 Q. "I did not see the soldiers with any walkie-talkie or any other
11:34:24 25 communication equipment." Did you say that?

26 A. If I saw them with them? I do not know those things. I don't
27 understand those things.

28 Q. But did you mention walkie-talkie or communication equipment in your
29 statement to people from the Special Court?

1 A. They asked me whether they had such things and I told them I did not
2 know. I told them that I did not see them communicating.

3 Q. Now, you went further to say, "They did not also go to our village
4 with us Gbethis" - meaning CDF. "Also occasionally came to the village
11:35:26 5 from Babara [phon] directions." I think there should actually be a break
6 in the sentence. It should go: "They did not also goes to our village
7 with us Gbethis. "

8 A. No. At times they would come from the direction of Port Loko and
9 they would come and when they come, they would surround the town and they
11:35:52 10 would go.

11 Q. When you said -- did you mention the word "Gbethis," CDF to the
12 statement takers?

13 A. No, I did not mention CDF. I did not even know about them. I did
14 not even mention that.

11:36:04 15 Q. Do you know about the word "Gbethis"? Have you ever heard that word
16 "Gbethis"?

17 A. The Gbethis? Well, the Gbethis were in Port Loko. In fact, they are
18 many.

19 Q. Who were the Gbethis to the best of your knowledge?

11:36:26 20 A. I would not know their difference. We saw guns with them. We would
21 not know.

22 Q. Were you a Gbethi?

23 A. I'm not a Gbethi. Look at me. I'm an old man, fairly old man. All
24 I know is going to my farm. I do not do any English work. I'm not even
11:36:56 25 literate.

26 Q. So did you told [sic] members from the Special Court this statement:
27 "They did not also go to our village with us Gbethis." "With us Gbethis. "

28 MS TAYLOR: Your Honour, I hesitate to rise to my feet, but --

29 THE WITNESS: I do not understand what you are saying.

1 MS TAYLOR: There is no full stop anywhere, and it appears that there
2 might be one missing. Now, speculation might differ as to where it should
3 be, but in the circumstances, I think the entire lines should be put to the
4 witness. My learned friend keeps saying: "They did not also go to our
11:37:41 5 village with us Gbethis." An equally valid interpretation of where the
6 full stop should be in that is: "They did not also go to our village with
7 us." Full stop. "Gbethis also occasionally came to the village from
8 Babara [phon] directions." Now, I'm just concerned that the witness is
9 getting confused by the way that the question is being put.

11:38:03 10 THE WITNESS: I don't understand that.

11 JUDGE SEBUTINDE: Excuse me, but really, Ms Taylor, this is a
12 document that is a Prosecution document and I think you have a duty to put
13 on the record documents that make sense. Even I'm reading this sentence
14 and I'm sure Defence counsel is tussling with making sense out of this
11:38:24 15 sentence.

16 MS TAYLOR: I do understand that, Your Honour, and there does appear
17 to be --

18 JUDGE SEBUTINDE: So you can't ask him to read a full stop where
19 there isn't one.

11:38:37 20 MS TAYLOR: No, that is my point. He is putting in a full stop where
21 there is not one. He is not reading from the time where there is a capital
22 letter to the time where there is a full stop and he is putting a sense on
23 that statement that isn't apparent on the face of the document.

24 JUDGE SEBUTINDE: I think he is asking a content out of this
11:38:54 25 nonsensical sentence. That's what he's trying to do. He's trying to make
26 sense out of a nonsensical sentence.

27 MS TAYLOR: And in my submission, if he's going to do that, then he
28 must put the entire statement and not himself choose where the punctuation
29 should be.

1 MR FOFANAH: Yeah, I really don't know why counsel is suggesting
2 punctuation marks for me. I did not --

3 PRESIDING JUDGE: Counsel said there was no punctuation mark.

4 MR FOFANAH: Yes, I made a break in the statement. I did not infer
11:39:23 5 that it was a full stop or a comma or a dash, if you want to call it, or a
6 hyphen. I basically made a break, so if she's suggesting that it was a
7 full stop, I think -- I mean, that is a clear misunderstanding of what I
8 was doing. I was basically making sense out of what I see here. But it is
9 for the witness to answer and I think -- I mean, he has indicated that he
11:39:45 10 was not a member of the Gbethi. I will not pursue that any further.

11 PRESIDING JUDGE: Mr Fofanah, if you are putting a prior inconsistent
12 statement, you have no choice but to put it as it is recorded.

13 MR FOFANAH: And that is what I was doing, Your Honour. That is
14 exactly what I was doing. I mean, she was inferring the punctuation marks.
11:40:11 15 I have said I will not pursue that.

16 PRESIDING JUDGE: Mr Fofanah, please do not argue against yourself.
17 You were the one that suggested at the opening of this that there should
18 have been some form of punctuation.

19 MR FOFANAH: As Your Honour pleases. I will move on.

11:40:22 20 PRESIDING JUDGE: However, you are moving on. Please do so.

21 MR FOFANAH:

22 Q. So you said when these people went to you, they suggested names of
23 guns like AKs, G3 and RPGs; not so?

24 A. They asked us whether these people had these guns. So we said when
11:40:47 25 soldiers came to fight, they said they must have guns and they said what
26 type of guns and we told them that we did not know the type of guns. They
27 were the ones that were telling us or suggesting these names. See, I do
28 not know types of guns and I have not been to school. How would I be able
29 to know these names. That was not my concern.

1 Q. But did you answer that these were the type of guns that they were
2 using -- that the rebels were using?

3 A. No, I did not tell them that. I only told them that in fact there
4 was no soldier that did not have gun. They were the ones that suggested
11:41:28 5 the names of these guns. We did not know the names of these guns.

6 Q. But if I can recall, you just said, I mean, a short while ago that
7 when they suggested these names, you said that in fact these were the guns
8 that they were using. A short while ago you just said that.

9 A. I told them that -- I told them that all these guns that they
11:41:58 10 suggested, they have them. We do not know them.

11 Q. So how did you know -- were the guns shown to you? Were the guns
12 shown to you? Was any G3 shown to you? We'll start from there.

13 A. The name -- they gave the names. They gave the names. We did not
14 know. We are not soldiers. We cannot shoot.

11:42:21 15 Q. Was G3 shown to you, sir? Was G3 shown to you, the gun or the rifle?

16 A. They did not show it to me. They only showed us the names. They did
17 not bring the guns and say, "Okay, these are a G3." They only showed the
18 names. They did not come with the guns at all.

19 Q. Did they show you an AK-47 rifle?

11:42:43 20 A. They started. That was number one and the other one was a third and
21 I told them that in fact we did not know these types of guns. All we know
22 is that you had been fighting with the guns. They showed us the names, but
23 they did not say, "Okay, here is the gun that is called a G3." We did not
24 know that.

11:43:04 25 Q. Did they show you an AK-47? That is the question.

26 A. No.

27 Q. Did they show you an RPG?

28 A. No. They suggested the names, but they did not show us the gun.
29 They called the names, because they are the ones are manipulating these

1 guns. They know them.

2 Q. Who, who, who? Who are the they who are manipulating the guns?

3 A. Those that are fighting with them. They are the owners. A civilian
4 cannot have such a gun.

11:43:48 5 Q. But you mentioned -- you just stated to this Court that those who
6 took statement from you mentioned guns. So are you in fact suggesting that
7 they are the ones who were manipulating the guns?

8 A. No, but they were the one that suggested them. What they said was
9 that -- these names that they suggested they asked us whether these were
11:44:18 10 the guns that were used by rebels. And we told them that in fact they
11 hacked people and they shot at people. But they take these guns and bring
12 them to us. They did not bring them to us at all.

13 Q. So how did you come by the answer yes when these guns were not in
14 fact shown to you?

11:44:35 15 PRESIDING JUDGE: Which answer yes are you referring to, Mr Fofanah?

16 MR FOFANAH: I mean, the witness said that -- I mean, he has just
17 confirmed that when those who went to take statement from him, mentioned
18 guns like AK, G3s and RPGs, as to whether those were the guns that the
19 rebels were using. He said yes. So the question is how did he come by
11:45:00 20 that answer yes when the guns were not shown to him? Can that be put, Your
21 Honour?

22 PRESIDING JUDGE: Yes.

23 MR FOFANAH:

24 Q. So how did you come -- do you understand the question?

11:45:17 25 A. I don't understand it.

26 Q. I'll put it again. You've just told this Court that when those who
27 went to take statement from you suggested the names of guns, like G3, AKs,
28 and RPGs and asked whether those were the type of guns that the rebels were
29 using you said yes.

1 A. I told them that they had been using guns. They had been hacking
2 people. They had been shooting at people and they had been killing our
3 people. They used guns. We did not know the names. And he started
4 suggesting. He did not bring them; he suggested.

11:46:02 5 Q. You've said all of that. I'm basically asking you: Why did you say,
6 yes, these were the guns they were using, when the guns were not shown to
7 you? How did you come by that answer yes?

8 A. Well, if the individual who understands the type of guns, then one
9 would have to answer that yes, these were -- they used guns.

11:46:39 10 Q. So who is the individual who understands the type of guns?

11 A. Well, those that are -- those that are literate in English.

12 Q. And by that you mean whom?

13 A. Well, those that are fighting. Those that are fighting know the
14 names of the guns.

11:47:14 15 Q. Now, will I be correct from what you've told this Court if I suggest
16 to you that by "those who are literate in English," you are in fact
17 referring to the statement takers? Will I be correct?

18 A. No. Those ones who took the statement from me, I'm talking about
19 them? No. What I know is that they told me -- they told us about the

11:47:54 20 guns, but they did not show us the guns. And I know that whosoever is a
21 fighter has a gun, and if they said that they used such-and-such guns, you
22 see, I wouldn't say that. I would not say no, because I did not know the
23 type of guns. It was not I that suggested, but we know that, in fact, they
24 have different sorts of guns. Because when they capture you, you see the
11:48:18 25 types of guns, but you do not know the names of guns.

26 Q. Did the statement takers tell you they know these guns?

27 JUDGE SEBUTINDE: Mr Fofanah, really I don't know where the point of
28 this line of questioning is going, because the witness has been very clear.
29 And I think I will give him credit to convey to all of us that in his

1 statement before the investigators he didn't suggest the names. Up to now
2 he doesn't know the different professional names of these weapons and that
3 these names were suggested without showing him models of the guns. He
4 also, you know -- in his evidence in chief he has not talked of AK-47s and
11:49:00 5 other -- in his evidence in chief, you see? So I think you've made your
6 point and he has given his explanation for the apparent inconsistency which
7 is where you are trying to go.

8 MR FOFANA: Most grateful, Your Honour. I'll move forward.

9 Q. So you've told this Court that you were present when the rebels
11:49:29 10 took -- firstly separated women from men and then took the women to your
11 house and started axing them, killed and burned down the house; not so?
12 You said you were present?

13 A. We were all captured, all of us. In fact, it is not just a question
14 of me standing and looking. All of us were captured. They took them, put
11:50:11 15 them inside, hacked them to death and shot them. I was there.

16 Q. Did anyone tell the rebels to do so, to the best of your knowledge?

17 A. Oh, yes, because they had a head. They couldn't do anything without
18 asking him.

19 Q. So are you aware if that head gave them the orders?

11:50:39 20 A. Yes, yes, because he would go and ask him, "What should we do," and
21 he would say, "Do this, do this, do this."

22 Q. So how, how did he give them the orders?

23 A. Well, we were almost at the point of death and he was the one who
24 told them the owners should be taken into the house. That was the first.

11:51:09 25 After which they were up to nightfall and they said, "Well, what are we
26 going to do with these people?" And he said, "The house should be burnt."
27 He said so. In fact, we were not far apart. I was there and they tied a
28 cord right on my waist, you see. I heard that. Friday, Saturday, it was
29 in the morning that they loosed me. It was not something that people said

1 and I heard. I saw everything that happened. In fact, my wife was killed
2 in the house.

3 Q. You heard it yourself?

4 A. I saw.

11:51:47 5 Q. Did you not hear it?

6 A. I was on the veranda when these things happened.

7 Q. Did you hear it yourself?

8 A. When they have been killed?

9 Q. Did you hear the command which the commander gave?

11:52:09 10 A. Yes. He was sitting like here and I was sitting like here and the
11 man came asked him and he answered. I heard.

12 Q. You heard. Now, I'll refer Your Honours to page 6512 of the
13 statement, the second paragraph. It is quite long, but I will just take it
14 from the 8 to last line. It should be somewhere around the middle of that
11:52:46 15 paragraph where it says: "The house is our family house. "The women who
16 number about" - I think 70 is what they're trying to say - "were detained
17 in the house until about 5.00 p.m." I intend to read from the next
18 sentence. "I was still with the commander."

19 A. It was during nightfall, nightfall when people wanted to pray. That
11:53:20 20 was the time that they were killed. It was not in the morning that they
21 were killed. Those that were taken into the room were not killed in the
22 morning.

23 JUDGE SEBUTINDE: The lawyer has not asked you any questions. The
24 lawyer is talking to the judges. Please, when he is going to ask you, he
11:53:36 25 will tell you that he is now asking you a question, and that is what you
26 will answer.

27 MR FOFANAH:

28 Q. I will read from --

29 A. Okay, I will not do that again.

1 Q. I will read from the statement which you said you made to the people
2 from the Special Court, and I just want you to answer yes or no if you made
3 any such statements to them. "I was still with the commander when one
4 rebel who had a red head tie, but with no shirt, came and asked for the
11:54:08 5 position of the detained women." Did you say that?

6 THE INTERPRETER: Your Honours, the interpreters did not get the
7 attorney's question.

8 MR FOFANAH:

9 Q. I'm reading a statement. It says: "I was still with the commander
11:54:28 10 when one rebel who had a red head tie, but no shirt, came and asked for the
11 position of the detained women." Did you say that?

12 A. Yes. Yes, he came and asked. He came and asked his master and the
13 master said they should killed. You see, I was there. They tied the cord
14 right on me, you see, and he was sitting in a place like this. You see, I
11:55:00 15 wouldn't lie about these people at all.

16 JUDGE SEBUTINDE: Counsel, instead of asking him [overlapping
17 microphones] which actually amounts you to taking things out of context,
18 why don't you read a sizeable chunk to the witness?

19 MR FOFANAH: As Your Honour pleases. I just wanted to make some
11:55:07 20 story out of it.

21 JUDGE SEBUTINDE: You've seen the kind of witness you're dealing
22 with. So read a sizeable chunk which puts everything in context and then
23 ask him if he said that.

24 MR FOFANAH: Yes, in fact -- I mean, I was just going to read,
11:55:27 25 because the sentence I'm interested in is actually sandwiched between the
26 first and third sentences, so the second is what I'm interested in, but
27 I needed to introduce it.

28 Q. Now, did you go further to say to the statement takers: "I did not
29 hear the commander give any verbal order, but he just waved his hands."

1 Did you say that?

2 A. Yes, when he came, he said he was coming to ask him: "These people
3 that were detained, what should be done with them?" And he said: "They
4 should be killed," and after which, you know, he waved his left hands.

11:56:13 5 Yes.

6 Q. Are you saying that you did not hear the commander give any verbal
7 order, but just waved his hands?

8 A. When he came -- when he came and asked him, he answered and after
9 which he waved his hand. I was sitting. I was sitting there.

11:56:34 10 Q. I think the sentence is clear enough. Did you say: "I did not hear
11 the commander give any verbal order, but he just waved his hands"?

12 A. He asked. He said: "What should we do with these people?" And he
13 said: "What people?" And he said: "The people that we've detained." He
14 said: "Go and kill them." That's the man that had the red band on his

11:57:04 15 head, the rebel that was commanding. He detained them for the whole of the
16 day. In fact, there were people again that were surrounding the place.
17 These people are powerful.

18 Q. Did the commander give any verbal order to the rebel that you're
19 talking about?

11:57:25 20 A. Yes, he ordered; he spoke. In fact, I've answered to this for three
21 times. In fact, I was sitting back when these things were happening. In
22 fact, when he came back, he started hacking them to death. In fact,
23 I would like this particular court, if you do not believe, I would like
24 these people to go there to our village to see, you know, the mass grave,
11:57:51 25 you know, so as to prove me wrong or right. Up to this time he had the
26 bones. The bones are there.

27 Q. We're certainly not saying you're lying. We just want to establish
28 the truth. We just want you to help this Court. So, in fact -- I mean,
29 you're saying that you --

1 A. So is it that I have lied?

2 Q. You're saying that you never made these statements to the statement
3 takers that, "I did not hear the commander give any verbal order, but he
4 just waved his hands." Are you saying that, that you never made any such
11:58:25 5 statement to them?

6 A. I told you that when the man came and asked, he said -- he talked and
7 he waved his hand telling them that these people should be done away with.
8 If the man did not write that, then --

9 MR FOFANAH: The question is straightforward. I just want him to say
11:58:52 10 yes --

11 JUDGE SEBUTINDE: Mr Fofanah, it is quite possible to give an order
12 with your hand, especially when you read that sentence, the previous
13 sentence. He's referring to the man with the red head tie asking for the
14 position of the detained women. Now, if -- the next sentence then says the
11:59:12 15 commander waved his hand. You can wave your hand indicating the position
16 of the people that are inquired without saying anything.

17 MR FOFANAH: The prefix to that is: I did not hear the commander
18 give any --

19 JUDGE SEBUTINDE: Yes, and I'm saying that the waving of the hand, in
11:59:28 20 and of itself, does amount to a command; wouldn't you agree? I don't know
21 what the contention is between you and the witness.

22 MR FOFANAH: Yes, the contention is -- I mean, the witness -- yes,
23 the witness has categorically -- that is why I started by asking him. Did
24 you hear that commander give orders? He said he was right there. He said
11:59:56 25 it; he heard it. And, I mean, the statement here is very clear enough. "I
26 did not hear the commander give any verbal" -- the word "verbal" is even
27 used -- "any verbal order." And if anything, I mean, it can only be said
28 that by waving of hand could be an inference of many things, but I really
29 was not coming to go that, because it might mean asking this witness to

1 interpret sign language and the like. But I just want him to confirm
2 whether he indeed made any such statement to the statement takers that,
3 "I did not hear the commander give any verbal" - verbal - "order, but he
4 just waved his hands. "

12:00:41

5 JUDGE SEBUTINDE: My concern is equally like yours. I also would
6 like to know, to establish exactly what he heard and what he interpreted or
7 what he saw. But my worry is, the way you're asking and the way this
8 particular person is understanding your questions and answering, we may be
9 going around in circles. I think maybe you need to rephrase the question
10 or focus on exactly what it is that you're trying to get out of this
11 witness as in terms of what he actually saw or didn't see that is contained
12 in the statement additionally.

12:01:02

13 MR FOFANAH:

14 Q. Now, I'll ask you a question in this form: When the commander was
15 giving orders to the rebels, did he speak to them or just waved his hands?

12:01:23

16 A. He waved his hand and he said -- he said: "Go and kill them." In
17 fact, I have said that. This is the fifth time. What do you want --
18 because I was by them. He said so. If you ask somebody: What are we
19 going to do with these people and he said -- he waved his hands and he
20 said: "Okay, go and kill them." What else could he have said? And that
21 is why they kill them. They killed all of them. All our wives were killed
22 and, in fact, they even burnt them.

12:01:56

23 Q. Just one last question. I mean, I'm moving on to page 6513 of the
24 statement, the second paragraph, and I'll be very specific on the sentence.
25 Mr Witness, I'm going to read out a sentence made in your statement and
26 just tell me if you made that statement or not. Did you tell the statement
27 takers the follow words: "Throughout the time I was with them I did not
28 hear our capturers call names like Superman, General Issa Sesay, SAJ Musa,
29 Komba Gbundema, Johnny Paul or Mosquito." Did you say that?

12:02:25

1 A. I do not even know the names of these people that you've called. I
2 said the man who captured us was at Gberi and he was the commander that I
3 knew. In fact, all these people that you've called, I have never seen them
4 with my eyes. I do not know about them You see, what they did in our
12:03:19 5 town is what I know. I do not know them at all.

6 MR FOFANAH: That is all. Thank you.

7 PRESIDING JUDGE: Any re-examination?

8 MS PARMAR: Your Honours, there are no questions for re-examination
9 for this witness.

12:03:43 10 PRESIDING JUDGE: Thank you, Ms Parmar. Mr Witness, thank you very
11 much for coming to the Court. Your evidence is all finished and you may
12 now leave the Court. Thank you for coming.

13 THE WITNESS: Okay.

14 PRESIDING JUDGE: I think possibly it would be appropriate to have a
12:04:09 15 short adjournment now to allow the witness to go and also to have an
16 adjournment generally. Quarter past 12.00, please, counsel.

17 MR COURT ATTENDANT: All rise.

18 [The witness withdrew]

19 [Recess taken at 12.05 p.m.]

12:08:09 20 [The witness entered court]

21 [On resuming at 12.15 p.m.]

22 PRESIDING JUDGE: Yes, Ms Taylor.

23 MS TAYLOR: Your Honours, the next witness will be TF1-083. This
24 witness will give evidence in the Temme language and will be led in chief
12:15:41 25 by my learned friend Mr Braun.

26 PRESIDING JUDGE: Thank you. Where is Mr Braun? Please proceed,
27 Mr Braun. They have to swear in the witness first, please, Mr Court
28 Attendant.

29 WITNESS: TF1-083 [Sworn]

1 [Witness answered through interpreter]

2 PRESIDING JUDGE: Yes.

3 MR BRAUN: Thank you, Your Honour.

4 EXAMINED BY MR BRAUN:

12:17:11 5 Q. Good afternoon, Mr Witness.

6 A. Yes, good afternoon.

7 Q. Mr Witness, when were you born?

8 A. Well, I do not know the time I was born, but I can guess my years.

9 Q. So how old are you, approximately?

12:17:36 10 A. Well, I will guess that I'm 35 years old.

11 Q. Do you know where you were born?

12 A. Yes, I know where I was born.

13 Q. Would you please tell us.

14 A. Yes, I can tell you.

12:18:07 15 Q. Please so do.

16 A. Well, where I was born. I was born at Tonkolili.

17 Q. What chieftdom?

18 A. In the Kholifa Chieftdom

19 Q. Have you ever attended any school?

12:18:40 20 A. No, I have never been to school.

21 Q. What is your native language?

22 A. Well, I speak Temne.

23 Q. Do you speak any other language than Temne?

24 A. Except English, I know a little Krio [as interpreted].

12:19:31 25 Q. Did you say you know English?

26 A. No, I do not know English.

27 Q. What is your occupation?

28 A. Well, I was a petty trader. I used to sell building materials.

29 Q. What do you do for a living now?

1 A. Presently I have nothing to do except in the morning I will go out in
2 the street to beg for what I will eat.

3 Q. Were you ever a member of any armed group at any time?

4 A. One day I have never joined any group to fight.

12:20:51 5 Q. Did you ever use a weapon during the conflict in Sierra Leone?

6 A. One day I have never held a gun.

7 JUDGE SEBUTINDE: Sorry, I don't understand these answers. Does he
8 mean that he used a weapon for one day or does he mean never?

9 MR BRAUN:

12:21:31 10 Q. Mr Witness, can you clarify your answers, please? When you said "one
11 day," what do you mean by that?

12 A. To say I'll go to fight. I've never held a gun to fight.

13 MR BRAUN: Your Honour, is your question clarified?

14 JUDGE SEBUTINDE: I will understand that to mean "No, I have never."

12:22:21 15 MR BRAUN: That is what I understood as well.

16 MS THOMPSON: Your Honours, the literal translation from Krio to
17 English, that is what we are having. One day in Krio is actually never.
18 And he's actually speaking a mixed Krio and Temne. That's the reason for
19 the confusion.

12:22:34 20 JUDGE SEBUTINDE: Then could we ask Mr Interpreter, who is supposed
21 to address us in English, to understand that he should address us in
22 English and not a mixture of English and some other language.

23 MR BRAUN: May I proceed?

24 Q. Mr Witness, where did you live in January 1999?

12:23:11 25 A. I was in Kissy, Kissy, at Kissy.

26 Q. In what town is Kissy located, Mr Witness?

27 A. At Kissy in Freetown.

28 Q. Thank you.

29 A. Yeah.

1 Q. Before you answer my question -- before I put my next question,
2 please remember that you don't have to mention any names. Who lived with
3 you at that time?

4 A. I was living with my elder brother and his wife and his children, and
12:24:01 5 our younger sister.

6 Q. How old was your sister at that time?

7 A. She was 15 years old. 15 years old.

8 Q. Mr Witness, did anything happen in Freetown in January 1999?

9 A. Yes.

12:24:43 10 Q. Would you please tell us.

11 A. In January 1999, so during that time it was the month of Ramadan. So
12 we were sleeping. While sleeping -- by the time we were ready to eat the
13 early morning food, we were woken up.

14 MR BRAUN: Your Honour, I have the impression that there are some
12:25:37 15 problems with the translation. I have the impression that someone is
16 assisting the translation. Maybe I am wrong, but I just wanted to clarify
17 before I proceed.

18 PRESIDING JUDGE: We didn't hear part of what you said, Mr Braun.
19 You are saying somebody is doing what with the translation?

12:25:50 20 MR BRAUN: I have the impression that the translator is assisted by a
21 second person, but maybe I'm wrong.

22 JUDGE LUSSICK: I think, Mr Braun, that last answer didn't make
23 sense. If you want to ask that question again.

24 PRESIDING JUDGE: And on the point of interpreters, I believe there
12:26:27 25 are more than one interpreter in the booth. But only one is interpreting,
26 so if someone is interfering, they should not do so.

27 MR BRAUN: Your Honour, I will just move on.

28 Q. I will repeat the question again. Mr Witness, could you --

29 A. Yes.

1 Q. Tell us, did anything happen in Freetown in January 1999?

2 A. Yes.

3 Q. Please tell us.

4 A. So in January 1999 it was the month of Ramadan.

12:27:35 5 Q. Do you recall the date you're speaking of now?

6 A. Yes, it was January 6.

7 Q. What happened on January the 6th of 1999?

8 A. What happened in the 6th of January 1999, it was the month of
9 Ramadan. All of us were fasting. So when we entered, we lied down

12:28:11 10 sleeping. We were woken up by firing.

11 Q. What happened next?

12 A. During that time, when we were ready to eat the midnight food, when

13 we were woken up. The rebels started firing. They woke us up. It was

14 around 4.00. So they started saying, "We have come. We have come. When

12:28:48 15 you thought we wouldn't be able to come back, we went to the bush, now we

16 are back. Now we are not going anywhere. We are not going to any bush.

17 We've come for peace. If the peace does not sustain, then you will know

18 what will happen."

19 Q. Mr Witness, you just said "The rebels have come." What is your

12:29:11 20 understanding of rebels?

21 A. What I knew about the rebels, so like now if I have money or I have

22 property and someone move and took my property by violence without me

23 giving it to him. Saying "You take this. You take it from me." Using

24 violence with their gun and saying that "If you say anything I am going to

12:29:56 25 kill you," then that is a rebel.

26 Q. Did you see any rebels on the 6th of January 1999?

27 A. Yes.

28 Q. How did they look like?

29 A. Well, they dressed in combat.

1 Q. Mr Witness, did anything happen after the arrival of the rebels in
2 Freetown?

3 A. Yes. Yes.

4 Q. What happened?

12:30:57 5 A. So when they entered early in the morning by daybreak whoever is --
6 if they meet you in your room locked up, you are afraid to come out. If
7 your door is locked, they will kick at your door and they will say, "We
8 have come for peace. When the ECOMOG came you were supporting them leaving
9 us your brothers. Now we have gone to the bush and now we are back. Now
12:31:36 10 we are back you have locked your door. If anyone locks his or her door, if
11 we don't kill you, then we are going to punish you severely."

12 Q. Apart from that, did anything else happen, Mr Witness.

13 A. Yes.

14 Q. Please tell us.

12:32:07 15 A. So when they entered in the 6th of January, it took about ten days,
16 at about 8.00 to 9.00. In the area where we were living there was a
17 pharmacy.

18 Q. Mr Witness, did anything happen before?

19 A. Yes. In the morning we were sitting in the house, me and my
12:32:56 20 brothers. We had no place to go, so my brother was a driver. He is an
21 apprentice. In the morning my brother's friends started coming in and they
22 said, "Your apprentice brother has been killed by the rebels."

23 Q. Who told you that?

24 A. The friends of my brother.

12:33:33 25 Q. Did they tell you why this man was killed by the rebels?

26 A. Well, when they entered on the 6th of January, early that morning --
27 when we heard the firing some people were running helter-skelter and he
28 went out and he was killed. And they burnt down all the vehicles that
29 morning at Grassfield [phon].

1 Q. Mr Witness, you just mentioned a pharmacy. Did anything happen with
2 this pharmacy?

3 A. Yes, I'm coming up to that. Yes, I am coming to that.

4 Q. Please do so.

12:34:47 5 A. So when they entered on the 6th January, early in the morning, it was
6 the tenth day at about 8.00, because when they entered, they took over the
7 entire town, so everybody was -- we were in our house. In that house the
8 people that we live together there is a pharmacy in the area. The others
9 went out and they came back to say the pharmacy has been burnt down. So we
12:35:19 10 were afraid to go out until when three rebels came to our house. When they
11 came, they kicked at our doors and entered inside. When they entered
12 inside they started asking us for money. They asking us. When they
13 entered, we were in the parlour. They were rushing to our rooms and we ran
14 out. And when we ran out, we went to the other area. When we went --

12:35:57 15 Q. Mr Witness, go slowly, please.

16 A. Okay.

17 Q. How many days after the rebels entered Freetown did this incident
18 with the pharmacy happen?

19 A. When they entered on the 6th of January, the tenth day that -- it was
12:36:32 20 on the tenth day that they burnt down the pharmacy, so when they kicked at
21 our doors and we ran out, we looked at the pharmacy and where it used to be
22 and all the other houses along that lane.

23 Q. Mr Witness, when you say the tenth day, do you mean the 10th of
24 January or the tenth day after the rebels arrived?

12:37:03 25 A. Yes.

26 Q. Now, was it ten days after the rebels arrived?

27 A. Ten days after they had arrived.

28 Q. Thank you.

29 A. Because they entered on the 6th of January and after ten days.

1 Q. Now, did you see the pharmacy burn?

2 A. The pharmacy, when I ran out, I saw the pharmacy on fire. I saw it
3 and all the other houses along that lane were on fire.

4 Q. Do you know who set the pharmacy and the other houses on fire?

12:38:11 5 A. The houses, it was the rebels. I don't know exactly who burned them
6 down, but I believe it was the rebels because they were tense. That was
7 why they came and kicked at our doors.

8 Q. Now, after the rebels came to your house and asked for money, what
9 did you do?

12:38:53 10 A. Well, what we did -- well, at that time when they entered, I was
11 having 350, but when they entered, I cut my pants and I -- it was double,
12 so I cut part of it and I kept the money in the pants. Then I put on my
13 trousers. I put on my shorts and trousers.

14 Q. And where did you go?

12:39:28 15 A. When they kicked at the door, I ran out. I ran out, because when we
16 came out, starting from the pharmacy all the other houses in that lane when
17 they kicked at our doors -- well, everybody ran out.

18 Q. Where did you go, Mr Witness?

19 A. When they kicked our doors, we ran out. This house it was in -- they
12:40:06 20 have just roofed it. It was almost between 8.00 to 9.00. The house was
21 newly roofed. We entered into the house, me and my brother together with
22 our younger sister. That is where we took refuge that night.

23 Q. Can you tell us where this house with the new roof was located?

24 A. Well, it was around the area, it was back of -- like where I'm
12:40:46 25 sitting here. Like if you look at the other lane at the back.

26 Q. So it was very close to your house; is that correct?

27 A. It was before our house. It was -- it is just the same area. You
28 see, when we talk about an area, you go there. It is not that it is
29 opposite my house, but it is the same area.

1 Q. So what happened after you took refuge in this house?

2 A. So when we took refuge in this house, at that night we were there,
3 then two rebels came. They were having some flashlight, lighting. When
4 they came, they saw us in this house. When they met us there, they took my
12:41:58 5 brother's wife out and we also dispersed. We ran, me and my brother.

6 Q. Where did you go?

7 A. Well, when my brother came out and ran, I too came out and ran.
8 There is a river by the side and there are plantations. I went there. My
9 brother went out and ran at that night.

12:42:33 10 Q. What happened next?

11 A. After that -- after they have taken my brother's wife, the same night
12 she came back calling. She was calling and I answered. She came where we
13 were under the bananas and we stood there there by 4.00, between 4.00, 5.00
14 and 6.00 my brother came shouting for us and the children, and when he
12:43:15 15 called and I answered. When I answered, he came. He called his wife.
16 When he called his wife, he asked her: "What did they do with you?" She
17 said, "When they took me, they raped me."

18 Q. What did you do next, Mr Witness?

19 A. After that the rebels were all over Kissy area. My brother said,
12:44:01 20 "Well, let us leave this area. Let us move to Thunder Hill," and when went
21 to Thunder Hill.

22 Q. Why did you go to Thunder Hill?

23 A. Well, when we went there for those few days, it was better, peaceful.
24 It was not like the violence that we used to have in the areas where we
12:44:36 25 used to live.

26 Q. Where did you stay in Thunder Hill?

27 A. At Thunder Hill. When we ran from our areas, so we went and met a
28 house. This house it has a fence and the owner -- the owner had ran - his
29 name is Mr Conteh - when the guys entered. So when we went there, we

1 entered the house. The house is a storey building, but the house is in a
2 compound. So the owner later came and saw us and he went and collected his
3 children, so all of us settled in this house.

12:45:28 4 PRESIDING JUDGE: Counsel, I notice it is now time for the lunch time
5 adjournment. So we will adjourn until 2.15. Mr Witness, it is time for a
6 break for lunch. You have promised to tell the truth on the Koran and the
7 Rules of Court say you should not be now discussing your story until
8 [overlapping microphones] do you understand?

9 THE WITNESS: What?

12:45:54 10 PRESIDING JUDGE: You should not talk about your evidence during the
11 lunchtime break with any other person.

12 THE WITNESS: Um-hum Okay.

13 PRESIDING JUDGE: Mr Court Attendant, please adjourn court to 2.15.

14 MR COURT ATTENDANT: All rise.

12:47:18 15 [Luncheon recess taken at 12.47 p.m.]

16 [TB 080305 - CR]

17 [Upon resuming at 2.18 p.m.]

18 PRESIDING JUDGE: Mr Braun, before you continue, I remind the witness
19 of his oath. Mr Witness, do you recall this morning swearing to tell the
14:17:53 20 truth in the Court?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: That promise is still binding on you and you must
23 continue to tell the truth; do you understand?

24 THE WITNESS: Well, it isn't bad; it's good.

14:18:23 25 PRESIDING JUDGE: Please continue.

26 MR BRAUN: Thank you, Your Honour.

27 Q. Good afternoon, Mr Witness.

28 A. Good afternoon.

29 Q. Mr Witness, we just left off the morning when you described the

1 compound where you stayed in Thunder Hill. Now, did anything happen in
2 Thunder Hill?

3 A. Yes.

4 Q. Please tell us.

14:19:07 5 A. Well, when I went to Thunder Hill, the man that we met, that's the
6 owner of the house, was called PA Conte. So when I arrived there, I did
7 not meet anybody, so I went into it.

8 Q. Just to clarify, Mr Witness, when did you meet the owner of the
9 house?

14:19:43 10 A. It was the same day; it was the same day that we went up there.

11 Q. What happened after that?

12 A. So when we entered the house, he himself also wasn't around. He
13 left -- when we arrived -- when we settled down, a little bit later he came
14 to check. When he checked, he met us there.

14:20:13 15 Q. Do you know if anything happened on Wednesday, 20 January 1999?

16 A. Yes, I'm coming to that. So, in January 1999 -- so, on the 20th,
17 Wednesday, a vehicle came from Waterloo part. It belonged to ECOMOG. It
18 came shooting. When it came shooting, the rebels that were on the new
19 road, they all ran away, and they went up to Thunder Hill.

14:21:19 20 Q. Mr Witness, can you explain to us where the new road is?

21 A. The new road?

22 Q. Yes, sir.

23 A. It's on the part of Shell company. The new road passed through Shell
24 company. The old road is on the inside.

14:21:49 25 Q. The area where the new road is, can you mention the name of the area?

26 A. The new road is found at Shell company. It's from there right up to
27 Calaba Town, right up to Ferry Junction, right up to Upgun. That is where
28 you have the crossroads.

29 Q. Okay, Mr Witness, go on.

1 A. So when this vehicle passed firing and the rebels went right up to
2 Thunder Hill -- they went right up to Thunder Hill. When the vehicle had
3 passed, we did not hear any more firing. We did not hear anything more.
4 So they themselves did not hear anything, so they came down shooting. By
14:23:06 5 then, it was in the evening.

6 Q. Who was shooting?

7 A. The rebels.

8 Q. Go on.

9 A. So they came down shooting. When night fell, nobody was able to move
14:23:30 10 to anywhere. In fact, you couldn't move from my position here up to the
11 point where the judges are. They started burning houses and they started
12 firing, so that meant where you were found, you had to stay there.

13 Q. Who started the burning, Mr Witness?

14 A. It was the rebels that were burning the houses. By then, they
14:23:55 15 started burning, right up through the day and they continued shooting.
16 Because when they ran from the ECOMDG, when they heard the armoured car
17 passing, when the armoured car passed, so they came down shooting and
18 burning houses.

19 Q. Did anything else happen?

14:24:23 20 A. Yes. So, night fell. So, in the morning, by then it was the 20th.
21 Nobody was able to go anywhere during that day until it was around 12. So
22 right up to Thunder Hill, we were down, so we saw people coming again from
23 Thunder Hill, two of them, they were coming down. And they told us that
24 they had burnt some houses and that two people had been killed in this
14:25:06 25 house. So we turned and saw the billows of the fire.

26 Q. Mr Witness, who told you that?

27 A. Those ones that were in the area, when they were coming down the
28 hill, they were the ones that told us that. When we turned, we saw the
29 fire.

1 Q. Mr Witness, the ones who told you about that, were these civilians or
2 rebels?

3 A. They were civilians. They wore civilian clothes, so they were
4 civilians, sir, because they came running, so I assumed they were
14:25:51 5 civilians.

6 Q. What exactly did they tell you?

7 A. They told us that they had killed two people there, that is what they
8 told us when they were going because our house was just by the main
9 highway. So when we turned, we saw the houses burning.

14:26:22 10 Q. What happened next?

11 A. After that? After that, a child came from Grassfield part. He came
12 and called his aunty, but in the house in which we were hiding, there his
13 aunt was. When he came, he said, "Aunty," he said, "My mum is calling
14 you." He said, "You should go to the new road, because there is no problem
14:26:54 15 there." Then the aunt said, "No. At this time, I will not go anywhere. I
16 will not go down anymore, because it's 3.00 and there is a curfew order,"
17 because that was the curfew order imposed by General Kabbah that after 3.00
18 nobody should go anywhere else. So if you go out, then you are a rebel.
19 Because Alpha Jets was up shooting. Then the gunboats were at sea shooting
14:27:26 20 right up the hills. So she said she wouldn't be able to go, she would wait
21 in the morning.

22 Q. What happened next?

23 A. After that, night fell. When night fell, nobody had any opportunity
24 of going out, because we heard shooting and burning of houses, so everybody
14:27:56 25 was just there, hoping against hope.

26 Q. Go on, Mr Witness.

27 A. After that in the morning -- so in the morning, January 6, 1999 from
28 the 22nd --

29 Q. Mr Witness, would you just clarify the date. What date are you

1 speaking about now?

2 A. The Thursday.

3 Q. Thursday -- what date, Mr Witness?

4 A. So on the 21st.

14:28:57 5 Q. Mr Witness, you are speaking of 21 January 1999; is that correct?

6 A. Yes.

7 Q. Thank you. Go on.

8 A. So Friday in the morning, on the 22nd, it was on Friday morning. I
9 and my brother and my brother's children and our younger sister went in the

14:29:38 10 morning. My brother came out first and when he came out of the gates, he
11 stood in another house waiting. I also had my children, so when we went
12 out, I went and met him and he said, "Fellow" -- yes, sir, he did say that.

13 There was no problem at new road, so what I wanted to do, go and wait, so
14 that I could go and check at new road. "You go and wait for me in the

14:30:10 15 house. "

16 Q. Mr Witness, let me just stop you there.

17 A. Okay.

18 Q. Can you please explain to us why you and your brother left the house?

19 A. Why I and my brother left the house? Because on Thursday evening,

14:30:34 20 for the whole of the night, there was a lot of shooting. So, in the

21 morning, they told us on Thursday in the afternoon, around 3.00, the chap
22 that was sent to call his aunt, and the aunt said they had to wait until
23 the morning, so in the morning, we saw that there was a lot of shooting in
24 the evening, so we are trying to escape to the new road.

14:30:58 25 Q. Thank you, Mr Witness. Go on.

26 A. Okay. So, when we were standing in this house, he said, "Fellow, I
27 want you to go back to the house because yesterday we were told there was
28 no problem at the new road, so I want to go and check there. If I check
29 there, if everything is well, then I will come and call you. "

1 Q. Who said that you will go to check?

2 A. My elder brother.

3 Q. So what did you do after that?

14:31:54 4 A. So I took my children and went back to the house that's Mr Conteh's
5 house. When we went there, we did not know that this man had not gone
6 anywhere; he had been waiting for us. He wanted us to get inside. So he
7 saw two rebels going down. So we entered the house, but he had not gone.
8 So when they came to this gate, they stood and they started banging the
9 door.

14:32:18 10 Q. Who was banging the doors?

11 A. The rebels. The rebels, they banged the door and said it should be
12 opened. They said if it is not opened -- they said if they entered the
13 house they would create a lot of trouble.

14 Q. What happened next?

14:32:42 15 A. So when we understood that they continued banging the door, so we
16 heard the man with whom we are at new road, so all the houses are just
17 adjacent at. He was called Sene. So both of them went to this house in
18 which we were. When they entered -- so my brother took 50,000 Leones and
19 said, "Fellow, this house, all my brothers and my aunt are here. Please
14:33:23 20 don't come into this house." So he took this 50,000 and give to them One
21 of the rebels said that he did not want to see the 50,000, so my brother
22 saw him cocking the gun. When he saw him cocking the gun, he ran away.
23 This Sene, they shot at him in the leg and he fell down, but we were in the
24 house.

14:33:45 25 Q. Mr Witness, stop there.

26 A. Okay.

27 Q. Who shot Sene?

28 A. The rebels.

29 Q. Can you just explain to the Court who was Sene?

1 A. Who Sene was?

2 Q. Yes.

3 A. So, he was with us at the new road. Look at our own house, look at
4 his and when we ran, we -- we also got into the house just by the one in
14:34:34 5 which we were hiding, so he was a neighbour of mine.

6 Q. Now, when you said that the rebels shot at Sene, did you see that?

7 A. No. I was at the gate. I did not see where he was shot, but I heard
8 the gunshot.

9 Q. So how do you know what happened?

14:35:01 10 A. How I knew what happened? So, on Friday in the morning -- see that
11 was the time that I had this problem. The following day, my brother went
12 and met me at Connaught Hospital and explained to me just what I had
13 explained to you people.

14 Q. So you were told by your brother; is that correct?

14:35:27 15 A. Yes, so it is.

16 Q. Thank you, Mr Witness.

17 A. Welcome.

18 Q. So after you heard the shot, what happened?

19 A. So they tried and they opened the gate. When they opened the gate,
14:35:53 20 they went inside.

21 Q. Who went inside, Mr Witness?

22 A. They, the rebels; both of them went inside.

23 Q. What happened after they came inside?

24 A. When they went inside, they started asking people for money. So they
14:36:25 25 took our money from us and having taken the money, when they wanted to go
26 out, they said that Sene should be taken into the house.

27 Q. Can you describe how the rebels were dressed?

28 A. Well, the things that they wore, they were combat.

29 Q. Were they armed?

1 A. Yes, they had guns. Because that is what made them to shoot Sene.

2 Q. So what happened next?

3 A. So when they had come inside and gone outside, three others came.

4 When they came, they entered the house, just the same. They asked for

14:37:26 5 money; they asked for valuable things and when they had given them to them,

6 they went out, because there were many in the house.

7 Q. Mr Witness, you said three came. Who were those three?

8 A. It's they themselves, the rebels.

9 Q. Were they the same rebels that went to your house before?

14:37:53 10 A. No, that was another set. When those ones left, the others came.

11 Q. Go on.

12 A. When they had taken all the money, others came again. So, they came,

13 because after -- one after the other, and each time they came, they would

14 ask for money and they'd ask us to give them any valuable property that we

14:38:24 15 had.

16 Q. Did you give your property?

17 A. Yes, we gave them money and they asked for some other things, and we

18 give them. And we were not there. We only went and hid there.

19 Q. When you say "they asked for", what do you mean by that?

14:38:53 20 A. They asked for money, they asked for change. They asked for valuable

21 things. They asked for things to wear.

22 Q. What happened next, Mr Witness?

23 A. Later, they came again, another set of people came. In fact, there

24 are three. That's another set.

14:39:43 25 Q. What happened when this other set arrived?

26 A. When they came, they asked for money again, and they gave them again.

27 One of the rebels said, "This house, we are too many." He said, "I want

28 all of you to get out of this house." He said, "It's not for us, but the

29 other ones that are coming." He said, "We that are coming, we ask you for

1 money, we ask you for some valuable property, but those that are coming,
2 perhaps when they came, they will come and kill all of you, so because of
3 this I would like you people to leave this place."

4 Q. What did you do next?

14:40:29 5 A. So we said - we begged them. We said, "Use your own power and help
6 us to leave this place." He said, "No. I cannot take you out of this
7 place, but I will show you a way." He said, "Because today, we are also
8 trying to escape," and said words. He said, "Do you see this one that is
9 lying down, this Sene that is lying down?" He said, "You should get a
14:40:59 10 hammock for this Sene that is lying down here, put him there, and at that
11 time, then you get out. So when you are getting out, so when you meet your
12 companions, you will give them the impression that this one has been struck
13 by a stray bullet, so we are taking him to the Red Cross." So during that
14 time, we escaped from them.

14:41:19 15 Q. What did you do?

16 A. So we tried to get a cloth. This cloth, we made it - we tied it to a
17 stick and made it in the form of a hammock, and we put him there. So
18 during that time, I, one other old man that was called Pa Sorie, and
19 another old man that was called --

14:42:00 20 THE INTERPRETER: I am sorry, Your Honour, I did not get that name.

21 MR BRAUN:

22 A. Mr Witness, would you please repeat the names, but be aware that you
23 don't mention any names of your family members.

24 A. Okay. I and Pa Sorie and Misa, so these two, the other two, I did
14:42:33 25 not know their names. So five of us, we, the men, besides women, we were
26 in the house. So we put Sene in the hammock.

27 Q. Where did you go next?

28 A. We were trying to get out, just like one of the rebels advised, so we
29 were trying to find a way to go to new road, because yesterday we were told

1 that everything was calm at new road.

2 Q. So on your way from Thunder Hill to new road, did you notice anything
3 unusual?

4 A. Yes. When we left the house, I, my brother's children and my
14:43:45 5 brother's wife and our younger sister, when we were going down the hill, we
6 saw many corpses. We saw corpses littering the ground while we are going.

7 Q. What were the corpses dressed like?

8 A. They wore civilian clothes.

9 Q. Did you see something on the corpses?

14:44:30 10 A. Yes. Because some had bullet wounds, some had machete wounds.

11 Q. What happened next, Mr Witness?

12 A. After that, we went. We went right up to old road at Locust and
13 Samuels, in Samuels area. When we reached there, there we met several
14 rebels.

14:45:25 15 Q. Can you describe these rebels?

16 A. Yes. The way they were dressed, they had the caps, but these caps,
17 the eyes, you could only see the eyes with the mouth and the nose. You
18 could only see the eyes, the nose and the mouth. That was what they had,
19 and they had guns and they had machetes, and they had axes and they had
14:46:01 20 knives, and they called us, and we went.

21 Q. Mr Witness, you just mentioned you only saw the eyes. Can you
22 explain that to us? Why could you only see the eyes?

23 A. Because of the caps that they wore. These caps covered the face, the
24 eyes, the nose and the mouth. That is they left the nose simply because
14:46:32 25 they had to breathe. The caps covered all the face, only these three parts
26 that I mentioned were left.

27 Q. Did anything happen after you met those rebels?

28 A. Yes. When we met them, one of them took my shirt and wore it, and
29 the other ones captured my brother and called all of us, five of us, and

1 women, and they captured them. And the other one was talking, and the
2 other one said he was going to marry my sister. And the other one said,
3 "No, I wouldn't marry her."

4 Q. Who wanted to marry your sister?

14:47:18 5 A. In fact, they had been struggling over marrying my sister. One would
6 say, "I would marry her," and the other one would say, "I would marry her."

7 Q. Mr Witness, my question was who was struggling over your sister?

8 A. The rebels.

9 Q. So what happened next?

14:47:45 10 A. So when they had taken my shirt and worn it, and they said we should
11 take off our clothes so that they could go and kill us. So when they told
12 us that, I had my trousers, it was on top, and I had the shorts beneath,
13 and I kept the money in my pants. So I took off the trousers and I took
14 the shorts off and when I wanted to take off the pants and one of them took
14:48:22 15 the knife and struck me on the waist. He saw the money bulging in the
16 pants and they took out the money.

17 Q. What happened next?

18 A. When they had shared the money amongst themselves, they said we
19 should go right up the hill so that they could go and kill us. So two of
14:48:53 20 them were behind us, so -- and the other two were on the right-hand side,
21 and the other two were on the left-hand side, and the one was leading us,
22 so we are the middle who are going.

23 Q. Who was with you when you were going with the rebels?

24 A. I, Pa Sorie, Musa and the others that I did not know, and my younger
14:49:37 25 sister. So the other women who are with us, I did not know their names.
26 We men were five.

27 Q. So where did you go to?

28 A. So they used another route to take us where they said they are going
29 to kill us.

1 Q. When you were walking, did you notice anything?

2 A. Yes. When we are going, we saw corpses littering the ground and they
3 told us, "See these ones that are lying down, they are sleeping. So you
4 also are going to sleep like this."

14:50:50 5 Q. So what happened next?

6 A. So when we went, we met their commander. When we met the commander,
7 one of them said, "Commander, these are the people that we brought." And
8 the commander said, "Now," he said, "These ones, some we are coming to eat
9 them and the others, we are going to kill them."

14:51:36 10 Q. Mr Witness, can you describe the commander?

11 A. Yes, I can. [Witness sobs]

12 PRESIDING JUDGE: Mr Witness, would you like to have a break?

13 MR BRAUN: Your Honour, I would like to ask for a short break so the
14 witness can collect himself again.

14:52:30 15 [Upon adjourning at 2.55 p.m.]

16 [Upon resuming at 3.03 p.m.]

17 MR BRAUN:

18 Q. Mr Witness.

19 A. Yes.

15:01:58 20 Q. Would you please describe the commander to us?

21 A. Yes. The hat that the commander was wearing was round, so his
22 bodyguards, the one that was standing on the other hand, and the other one
23 was standing on the other hand, and they had pistols.

24 Q. What were they dressed liked?

15:02:38 25 A. They had combats. The commander was fair in complexion. Then they
26 had some marks on their ears, and they had plasters on. I'm talking about
27 the bodyguards, and their eyes were red.

28 Q. So what happened next?

29 A. After that, they told us that, "Commander, these are the ones that I

1 brought." He said, "These ones, we are going to send them and, the others,
2 we are going to kill them." And they told us to lie down flat on our back.

3 Q. Who said that, Mr Witness?

15:03:49

4 A. The commander. The commander to whom he said, "Well, these are the
5 people that we brought," and he said, "okay, these people, lay them flat on
6 their backs and, the others, we are going to send them "

7 Q. What do you mean by send them?

15:04:15

8 A. Well, I'm coming to that. That is they are going to cut off their
9 hands and the others are going to be killed. When they cut off your hand,
10 that is to say you have been sent, they say, "Go away."

11 Q. Okay, what happened next, Mr Witness?

15:04:45

12 A. After that, when they had laid us down on our backs, the two of them
13 whose names I did not know, these were the ones that were put right in
14 front of me, and I made the third individual, and the other the individual,
15 Pa Sorie, he was right behind me. Musa was the last one.

16 Q. Go on.

15:05:21

17 A. So, when they said we were to be sent, so these two people who I did
18 not know, they took one of them and they took him to a corner. When he was
19 taken to a corner, when they came, they laid us down on our back. They
20 came with a knife with some blood. They came and took the other one and
21 took him to the same place, the same, and when they came back, they came --
22 the knife had some blood. So I took it for granted that they had killed
23 him

24 Q. Did you see that?

15:05:44

25 A. When they took them to the corner, the knives that they had, these
26 knives had blood.

27 Q. But did you actually see how these persons were killed?

28 A. No, I did not see them being killed, but, when they came back, the
29 knives that they had had blood.

1 Q. Okay. What happened after they came back?

2 A. When they came back, the commander said, "Well, the rest of the
3 individuals that have remained, they should cut off their hands and
4 anyone's hand which is cut, they should go to Kabbah and ask for Kabbah to
15:06:45 5 give him a hand."

6 Q. What happened next?

7 A. So when we were laid, I was number three. So they left the other
8 one. Because where we were laid on our backs, they surrounded us and they
9 left the other one and said they should leave me where my hand is to be
15:07:18 10 cut. When he took me, he took the knife and thrust it on me here.
11 [Witness indicates]. He stabbed me here before he took me. He took me
12 right off. He stabbed me here.

13 Q. What did he use to stab you?

14 A. A knife. He used a knife to stab me.

15 JUDGE LUSSICK: I think for the record it should be noted that the
16 witness was indicating his left upper arm towards the back of the bicep.

17 MR BRAUN: Thank you, Your Honour.

18 Q. What happened after that, Mr Witness?

19 A. So he took me where my hands were to be cut off, just like where the
15:08:24 20 judges are sitting. When they took me there, they found out that in fact
21 they had stabbed me on my left-hand side and I showed him this hand, and he
22 put it off and he said if I were to straighten it again, I would be shot
23 at. And the one who took me so my hand could be cut, he took my right hand
24 and put it on a stick and they chopped it, and they chopped it two times
15:08:50 25 and they chopped it here right at the ankle [as interpreted] and the second
26 time, it was taken off.

27 Q. Mr Witness, what did the rebels use to chop your hand?

28 A. They used an axe, because they have axes and machetes. They had an
29 axe but the axe was so short, it was big -- it was big. The hilt is short,

1 but the iron is so big.

2 Q. What happened after that?

3 A. When my hand has been cut off, they left me. But when they left me,
4 it was just in the same area. I was not able to see. It was a gutter, but
15:09:51 5 I thought I had crossed the gutter, but I had not passed -- I did not jump
6 over the gutter, so I fell into the gutter. So I was not able to see.

7 Q. Were you able to hear?

8 A. What they had been saying, I understood everything, but I wasn't able
9 to see, because I wasn't able to see anybody, so they came and they took Pa
15:10:24 10 Sorie, because when we were laid on our backs, it was Pa Sorie who was by
11 me, so they took him

12 Q. So what happened?

13 A. His hand was also cut; he, Pa Sorie.

14 Q. How do you know that when you couldn't see?

15:10:51 15 A. When they had cut our hands, Pa Sorie, we met at Connaught.

16 Q. What is Connaught, Mr Witness?

17 A. It's the hospital. The hospital where people are cured.

18 Q. So that's where you came to know that Pa Sorie's hand was cut; is
19 that correct?

15:11:36 20 A. So it is.

21 JUDGE SEBUTINDE: Sorry, counsellor, did the witness refer to a
22 hospital where people are killed? Was that the testimony?

23 MR BRAUN: Cured.

24 JUDGE SEBUTINDE: Cured.

15:11:53 25 MR BRAUN: Thank you.

26 Q. So what happened next, Mr Witness?

27 A. After that, it was the turn of Musa and they came for him. When they
28 took him, they cut off four of his fingers, so the commanders said --
29 shouted -- said, "You should not cut off Musa's fingers. You should cut

1 off his hand, so that he can go to Kabbah and tell him to give him a new
2 hand." So Musa started begging. He said brother, "I beg, please, don't
3 cut off my hand because I am a driver." He said, "Please, take me along.
4 I'd work for you, I'm driver." So when we were standing there, those that
15:12:46 5 were surrounding us, the other one said Musa, they said, "Are you fighting
6 against the commander?" He said, "Okay, shoot at him" So, in fact,
7 that's where it did not end. So, that was the time that I heard the
8 gunshot and he fell down.

9 Q. Did you see Musa later?

15:13:22 10 A. When I was laying in the gutter, when it came to a certain time, I
11 was able to see. You know I had -- I was muddy all over, so I stood up and
12 I looked, so I tried -- I looked and saw -- I came out of the gutter and
13 saw Musa lying down. He was already dead.

14 Q. Do you know what happened to your sister?

15:13:58 15 A. Well, they took her along. We were able to see her later,
16 after January 6. It took a long time. In fact, it took seven months, 10
17 days before we were able to see her.

18 Q. Who took her away?

19 A. It was rebels who captured us that took her away. They took her to
15:14:37 20 Occra Hill, because when she came, we asked her; that is what she told us.
21 She told us that is where they raped her.

22 Q. What did you do after you could see again?

23 A. When I regained my sight, when I came out of the gutter, so I started
24 shouting. I went on shouting. A man, where he was -- where he wasn't --
15:15:29 25 when he saw me coming, he cried. He said, "Here, my son. Here, my son."
26 I myself, you know, they tried to sever my throat, so I turned. I was not
27 able to get water. So I turned to this old man and I told him, "Dear
28 father, get me some water to drink," and he brought me the water in these
29 milk pans and he brought me the water and I drank.

1 Q. So what happened next?

2 A. So when I drunk, the old man told me -- he said, "My son, now the
3 rebels, ECOMOG and the rebels have a crossfire." So what I wanted to do,
4 go to the mosque, and this mosque is called Rogbalan Mosque so a stray
15:16:40 5 bullet cannot strike and kill you. So he said, "Go there and rest for a
6 while."

7 Q. Go on, Mr Witness.

8 A. So, when I went there, I did not know whether the old man knew that
9 there were corpses or not. When I went there, this mosque, it already had
15:17:16 10 a fence right round. But outside, I started meeting corpses littering the
11 ground. So I was able to enter into the gates. When I went to enter into
12 the gates, I saw -- I saw corpses, a lot of them, so then I went inside.

13 Q. What were the corpses dressed like, Mr Witness?

14 A. They had civilian clothes on.

15:17:49 15 Q. What did you see when you entered the mosque?

16 A. When I entered the mosque, the Imam has a door where he passes
17 through. Right at that particular door, there was a corpse, and where he
18 used to stand to pray, there again I met another corpse, on the left and on
19 the right. It seems to me as before the rebels came in January 6, people
15:18:24 20 came and hid in this particular mosque, because I met a lot of things
21 there. They had some tripods, they had spoons, they had rice --

22 MR MANLEY-SPAIN: Your Honour, we have been sitting here, but now he
23 is going on to opinion. It seems to me that when the rebels came, such and
24 such happened. We are objecting to that evidence.

15:18:45 25 PRESIDING JUDGE: He has said he saw certain things.

26 MR MANLEY-SPAIN: Yes, we do not object to that, but he's going on
27 to say that, "It seems to me".

28 PRESIDING JUDGE: He said, "It seems to me people were killed" that
29 bit is opinion, I accept. But then, as I understand the evidence, he

1 described certain things. Perhaps we could clarify that point, Mr Braun.

2 MR BRAUN:

3 Q. Mr Witness, what makes you think that those people hid in the mosque
4 since 6 January 1999?

15:19:22 5 A. Because of the things that I met there, because -- and the great
6 number that I met in the mosque, all of them dead. There were tripods.
7 See, it seemed as if January 6 when the rebels came, that was the place
8 where they went and hid.

9 PRESIDING JUDGE: Just pause there. He should describe only what he
15:19:54 10 saw.

11 MR BRAUN:

12 Q. Mr Witness, describe what you saw inside the mosque.

13 A. Too many corpses.

14 Q. How many corpses did you see inside the mosque?

15:20:30 15 A. There were many. See, if I can guess, 70: the children; the old;
16 women; men.

17 Q. You mentioned you saw things in the mosque. What things did you see?

18 A. I met pants, I met tripods, I met spoons. I met a lot of other
19 things; things to wear.

15:21:12 20 Q. What was the name of the mosque?

21 A. This mosque is called Rogbalan Mosque.

22 MR MANLEY-SPAIN: I'm asking permission for one of the accused to
23 use the toilet.

24 PRESIDING JUDGE: Yes.

15:21:56 25 MR BRAUN: Can I proceed?

26 PRESIDING JUDGE: Yes, please proceed.

27 Q. Mr Witness, did you stay in the mosque?

28 A. When my hand has been cut, when the old man said to go to the mosque
29 so as not to come across a stray bullet that will destroy me, so I went

1 there. From 12.00 when my hand has been cut, I stayed there up to 6.00 in
2 the evening. That was the time that I left.

3 Q. What happened after that?

4 A. After that, I came out shouting. When I went out shouting for
15:22:57 5 sometime, see, I came to the new road and I arrived at Ferry Junction and I
6 met ECOMDG and they took me to Connaught Hospital.

7 MR BRAUN: I have no further questions for this witness.

8 PRESIDING JUDGE: Cross-examination?

9 MR MANLEY-SPAINE: Just a few questions.

15:23:48 10 CROSS-EXAMINED BY MR MANLEY SPAINE:

11 Q. Mr Witness, did you have any military training in your life?

12 A. Not today, not today did they teach me how to fight. I do not know
13 how to fight.

14 Q. Do you know guns?

15:24:22 15 A. Well, when they would pass them, the time that they came, whether I
16 knew a gun or not, at the time that they came, you must know a gun.

17 Q. Do you know that there are different types of guns?

18 A. Yes.

19 Q. And do you know their names.

15:25:00 20 A. The other guns were short, some were long.

21 Q. I'm asking about names.

22 A. Well, the pistol is the one that is short.

23 Q. Are you, Mr Witness, sure of the dates that you have given to this
24 Court?

15:25:32 25 A. Sir?

26 Q. Are you sure of the dates that you have given to this Court?

27 A. Yes. I will not forget when my hand was cut off and January 6 when
28 the rebels entered. I would not forget those.

29 Q. You said you met with the commander that you were taken to.

1 A. Yes, when we arrived there, they that took us there, he was the one
2 that said these are the ones that we brought.

3 Q. Was he a big, tall and well-built man?

4 A. He was not that tall, but he was tall. He was not all that fat, I'm
15:26:41 5 sorry, but he was tall.

6 MR MANLEY- SPAINE: That is all I have, Your Honour.

7 PRESIDING JUDGE: Thank you, Mr Manley- Spaine. Ms Thompson.

8 CROSS- EXAMINED BY MS THOMPSON:

9 Q. Mr Witness, you mentioned you had a brother who died. Was this the
15:27:12 10 same brother you were living with?

11 A. Yes.

12 Q. That is the brother of the wife and children?

13 A. Yes, he was my elder brother. So I am the younger brother.

14 Q. Can you remember when he died?

15:27:37 15 A. It was January 6 when they entered in the morning. In the morning,
16 my brother's friends came and told me that, because during that time,
17 nobody was able to come out. They came and told us that they had killed
18 him.

19 Q. So this happened in Kissy?

15:28:07 20 A. Yes.

21 Q. When you went to Thunder Hill, were you coming from your brother's
22 house?

23 A. No.

24 Q. Where were you coming from?

15:28:27 25 A. This house, when we run away, the man's whose name was called Pa
26 Conteh was the owner of the house, we only went there to hide.

27 Q. This house, was it at Thunder Hill?

28 A. Yes.

29 Q. So I will ask you the question again: where were you coming from

1 when you got to Pa Conteh's house?

2 A. From Kissy, new road, that area, that is where we were, so we went
3 right up to Thunder Hill.

4 Q. At Kissy, you were staying in the house of your brother?

15:29:20 5 A. Yes, because he was only renting. He was not the owner of the house.
6 Because wherever you rent and you stay there for two days, well, the house
7 belongs to you.

8 Q. Pa Conteh is a relative of yours?

9 A. Pa Conteh is not a relative of mine. When we run away, that is the
15:29:53 10 only time that I knew him and when we hid in his house.

11 Q. Now, do you recall making statements to the Prosecution?

12 THE INTERPRETER: Would the attorney please ask that question again?

13 MR THOMPSON:

14 Q. Do you recall making statements to the Prosecution, to the Office of
15:30:28 15 the Prosecutor?

16 A. Yes.

17 Q. Now, do you recall your first statement?

18 A. Well, I cannot remember any more.

19 Q. Do you recall that you made a statement on 3 March 2003?

15:30:53 20 A. Yes.

21 Q. That statement at the end of it, were you asked to sign your name and
22 was it read back to you, first of all?

23 JUDGE SEBUTINDE: Ms Thompson, we don't even know yet which language
24 they were communicating in. Maybe you can lay the foundation. Before it
15:31:30 25 is read to him, there must be a language used.

26 MR THOMPSON:

27 Q. The person from the Prosecutor's office, what language were you
28 communicating in?

29 A. He was using English.

1 Q. And was there an interpreter present?

2 A. Yes.

3 Q. What language did the interpreter speak to you?

4 A. English.

15:32:18 5 Q. Did you understand what the interpreter was saying?

6 A. That is what I've explained.

7 Q. Let me ask you the question again. Did you understand what was being
8 said to you or the questions that were being asked of you?

9 A. Yes.

15:32:52 10 Q. When they finished, was the statement that you had given to them read
11 back to you?

12 A. Yes.

13 Q. It was read back to you in a language you understood?

14 A. Yes.

15:33:20 15 Q. Let me ask you this question again: what language was that that you
16 understood?

17 A. The one that was interpreted to me?

18 Q. Yes.

19 A. He was speaking Krio.

15:33:53 20 Q. Were you asked to sign or put your thumbprint to confirm that the
21 statement was correct?

22 JUDGE SEBUTINDE: Ms Thompson, I have to insist, if this witness
23 understands and speaks Krio. We have to establish that.

24 MR THOMPSON: I thought I had. Anyway, I'll put the question again.

15:34:15 25 Q. You say the interpreter spoke Krio to you. Did you understand the
26 language which is Krio, which was used by the interpreter to you; did you
27 understand?

28 A. Well, I was not able to understand everything in the language. I am
29 now speaking Temne, simply because I do not fully understand Krio. Well,

1 seeing as it is Temme that I understand better, that is why I said that I
2 was coming to talk Temme in this Court.

3 Q. At the time you told them that you agreed with what was in your
4 statement, you didn't fully understand what was in that statement?

15:35:18 5 A. Not at all. What I understood was what I explained.

6 Q. Was your statement given -- before I ask that, can I ask this: can
7 you write your name?

8 A. Not at all.

9 Q. Can you use a thumbprint?

15:35:58 10 A. Yes.

11 MR THOMPSON: Your Honour, at this stage, may I ask -- I don't know
12 if they have the original here, but may I ask if --

13 MS TAYLOR: I have a photocopy of the original.

14 MR THOMPSON: Thank you.

15:36:55 15 Q. Were you given a pen and asked to write anything on the piece of
16 paper that the person was writing on?

17 A. Yes.

18 Q. Did you understand the reason for that? Was it explained to you the
19 reason for getting you to sign, to write your initials on this piece of
20 paper?

15:37:30 20

21 A. Yes.

22 Q. And you understood that is to confirm that the statement you had
23 given was true and correct?

24 A. Yes.

15:38:01 25 MR THOMPSON: Your Honour, I don't want to tender it. I just want
26 him to identify that in fact he wrote on it.

27 JUDGE SEBUTINDE: What did he write? What is written on it?

28 MR THOMPSON: The initials on each and every page.

29 JUDGE SEBUTINDE: What initials?

1 MR THOMPSON: His initials.

2 JUDGE SEBUTINDE: What are those? Do you see anything?

3 MR THOMPSON: Yes, AS, that is why I ask for him to --

4 PRESIDING JUDGE: Please show the document to the witness.

15:38:36 5 [Document shown to witness]

6 MR BRAUN: Your Honour, I just want to mention that maybe the witness
7 has been told not to mention his name when he is shown his initials.

8 PRESIDING JUDGE: Yes. Do you understand what was said, Mr Witness;
9 you should not mention your name. Do you understand this?

15:38:54 10 THE WITNESS: Yes.

11 MR THOMPSON:

12 Q. Now, witness, bearing in mind what you've just been told, if you look
13 at the bottom right-hand corner of the first page, can you see that? The
14 bottom right-hand corner. Are you looking at it? Do you recognise
15 something that you wrote on it?

16 A. Yes.

17 Q. They're big letters. You wrote that; did you?

18 A. Yes.

19 Q. And if you turn the page, you will see on the pages different -- it's
15:40:02 20 on the next page and the page after that.

21 MR THOMPSON: Perhaps the witness can be assisted.

22 Q. Do you see the same thing on those pages?

23 PRESIDING JUDGE: Mr Attendant, would you please assist the witness.

24 THE WITNESS: Yes.

15:40:31 25 MR THOMPSON: And the page after that. Then we can just go to the
26 last page.

27 Q. You recognise those letters?

28 A. Yes.

29 Q. That statement was read back to you and you signed it?

1 PRESIDING JUDGE: You mean signed or initialed?

2 MR THOMPSON: Initialed.

3 THE WITNESS: Yes.

15:41:05 4 JUDGE SEBUTINDE: Sorry, that was two questions in one. Is the yes
5 to the reading back, or is it yes to the initialing?

6 MR THOMPSON: I will ask him again.

7 Q. The statement was read back to you?

8 A. Yes.

9 Q. And initialed?

15:41:20 10 A. Yes.

11 JUDGE SEBUTINDE: We would like also to know in what language the
12 statement was read back.

13 MR THOMPSON:

14 Q. Can you tell the Court in what language the statement was read back
15:41:31 15 to you?

16 A. In Krio.

17 Q. Now, did you mention Pa Conteh, the owner of the house in Thunder
18 Hill to the person who was interviewing you?

19 JUDGE SEBUTINDE: Sorry to keep interpreting, counsel. Did you ask
15:41:58 20 the witness whether he initialed the statement, and he said yes?

21 MR THOMPSON: He said yes.

22 Q. Did you mention Pa Conteh to the person who was interviewing you?

23 A. Yes, I mentioned it, because it was in his house that we hid.

24 MR THOMPSON: Your Honour, I'm looking at page 6445 of your bundle.

15:42:41 25 Q. Did you say this to the person interviewing you, "We all run away to
26 Thunder Hill, to the house of a relative of mine"? Did you tell them that?

27 A. No.

28 Q. You didn't?

29 A. No. Pa Conteh, that was the first time that we knew him. That was

1 the time that I accepted that, because when something pushes us to go to
2 somebody's house and they accept you, we will take it for granted that he's
3 a relative of yours. We did not pay him for that, for the time that we
4 spent in his house.

15:43:25 5 Q. The question, Mr Witness, did you say to the Prosecution, "We all run
6 away to Thunder Hill to the house of a relative of mine"?

7 PRESIDING JUDGE: Ms Thompson, you've already asked that question and
8 there is an answer.

9 THE WITNESS: No, no.

15:43:47 10 MR THOMPSON: I will go on.

11 Q. Can you tell the Court how long you were in Thunder Hill for?

12 A. Yes.

13 Q. How long?

14 A. Well, we left Kissy, because they were - after 10 days, the 11th
15:44:22 15 day -- in fact, we spent 11 days there because after 10 days, that was the
16 time that we went up to Thunder Hill.

17 Q. How long were you in Thunder Hill for?

18 A. The days that we spent there?

19 Q. Yes.

15:44:56 20 A. That was after January 6. That was the time they burnt the pharmacy
21 and the other houses. It was just that particular day that we left that we
22 went up to Thunder Hill.

23 JUDGE SEBUTINDE: Mr Witness, please answer the question directly.
24 Counsel has asked you how many days did you spend in Thunder Hill. You are
15:45:21 25 the one who knows that answer.

26 THE WITNESS:

27 A. That is why I said okay. It's around 10 days.

28 Q. And in that 10 days, were you living in the same house all the time?

29 A. Yes.

1 Q. That is Pa Conteh's house?

2 A. Yes, because at that time, we had no way out. Yes.

3 Q. This incident of Sene which you have described to the Court, where
4 did it happen? In Thunder Hill or in Kissy?

15:46:38 5 A. It was at Thunder Hill.

6 Q. How did you know Sene?

7 A. Sene? When we were at Kissi, new road, so we were in the old house,
8 so he was on the opposite side, the house on the opposite side.

9 Q. Did you tell the Prosecution -- Your Honours, I'm looking at 6445 --
15:47:28 10 "Sene was a man about 30 years old and lived close to my brother whose next
11 house in Thunder Hill we had taken refuge in."

12 A. Your Honour, I do not know Sene's age, because I do not know where he
13 was born. I only knew him as a man who was living in the same area as me.

14 Q. Did you say to the person interviewing you that he lived close to
15:48:04 15 your brother whose next house in Thunder Hill you had taken refuge in?

16 A. No. The house in which we were at Thunder Hill, when we came from
17 Kissi, the house in which -- the house belonged to Mr Conteh, the house in
18 which we sought refuge. The house did not belong to my brother.

19 Q. So Sene was not a neighbour of your brother's at Kissy -- at Thunder
15:48:44 20 Hill?

21 A. It was not at Thunder Hill, it was at Kissy, by New Road. We only
22 went to Thunder Hill, because we were running away and he also ran and went
23 to the same direction.

24 [TB080405D 4.50 p.m. - SGH]

15:48:22 25 Q. At Thunder Hill do you know where Sene was staying?

26 A. Sene was in the other house just by ours.

27 Q. At Thunder Hill, how many times did rebels go to your house?

28 A. They went there three times.

29 Q. Did you tell the person from the Prosecution who interviewed you that

1 they went to the house at Thunder Hill on three occasions?

2 A. I told -- I said that when the others leave, the others would come.
3 The first two came. After that, three came. Later, the others that asked
4 us to leave the house.

15:49:50 5 Q. I know that is what you said today. I am asking you about the time
6 you made your statement. Did you tell them that at the time you made your
7 statement?

8 A. What I explained to them was that when others left, the others would
9 come in. When others left, the others would come in. That is what I told
15:50:13 10 them.

11 Q. Well, can I just read this to you and you will agree with me or
12 disagree with me as you see fit?

13 MS THOMPSON: Your Honour, I will start from -- I will start from
14 "Sene says," and then it makes sense on page 6445. "Sene was a man about
15:50:43 15 30 years old and lived close to my brother whose next house in Thunder
16 Hill we had taken refuge in. Some minutes later five rebels entered
17 inside our compound. They said things like, "'We come, but we weren't
18 able to achieve peace. So now you will see what we will do.'" A few days
19 earlier I have seen an ECOMOG gunboat in the bay and I knew rebels were
15:51:34 20 not able to withstand them. All five rebels wore combat clothes. One
21 had a mask that covered his full face except for the eyes. Three had
22 guns, I had an axe -- one had an axe, one had a machete. They were all
23 adult men, they spoke Krio to us. They called each other CO or colonel.
24 One of the five ordered us to come out of the house. It was then that we
15:52:43 25 saw Sene lying down inside the compound. He had been shot around his
26 thigh. I think Sene shot..." I think there should be a word there.
27 "Sene shot as he was trying to escape from the rebels as they entered the
28 compound. These five rebels started stealing from us." Now, you have
29 told us that three rebels came and then another set. When did these --

1 Did you tell the Prosecution about these five rebels, first of all, let
2 me ask you that.

3 A. What type of questions?

4 Q. Did you tell the Prosecution about five rebels coming to the house?

15:54:01 5 A. There were seven and when we went up again we met three and those
6 were the ones that summed up to ten.

7 Q. So now there are ten rebels?

8 A. Yes.

9 Q. This is not to confuse you, I just want to find out. At Thunder Hill
15:54:28 10 whilst you were staying at the house how many rebels came and when?

11 JUDGE SEBUTINDE: Counsel, are you asking for the sum total?

12 MS THOMPSON: No, no, no.

13 JUDGE SEBUTINDE: Because the witness did allude to the sum total.

14 Do ask your questions in a non-confusing way, please.

15:54:47 15 MS THOMPSON:

16 Q. The first set of rebels that came to your house; how many were there?

17 A. The first set were two.

18 Q. And then they left; is that right?

19 A. Yes, and they left.

15:55:18 20 Q. [Microphone not activated] and another set came?

21 A. Yes.

22 Q. [Microphone not activated]

23 A. Three of them came and they went inside.

24 Q. Did they subsequently leave?

15:55:39 25 A. At that time when the others had left, when they went and the others
26 came again.

27 Q. [Microphone not activated]

28 A. Yes, the faces. Yes, at that time we saw their faces. Their faces
29 were different.

1 Q. And how many --

2 A. Different.

3 Q. And how many were they?

4 A. Three of them came.

15:56:16 5 Q. Which one of these sets told you to leave the house; the last three?

6 A. The last set that came. The last set that came, they were the ones
7 who told us to leave the house. Because they saw that we were so many in
8 the house, men as well as women. So they said that if we did not go out it
9 was not for them, because they had come only to take what they wanted. But
10 those that were coming they would kill us, because the ones that were --
11 the wicked ones would come. And that is why we talked to this individual
12 to help us out.

13 Q. And they were [Microphone not activated]

14 A. Yes.

15:57:08 15 Q. Had you before told the Prosecution that it was two different rebels?

16 A. I told them that. When the others came and they had taken what they
17 wanted to, they left. And the others came and told us to leave. And the
18 others said that, "We had only come, you know, to take what we wanted to
19 take from you people. But do not stay here."

15:57:47 20 Q. It is these others that gave you this advice I am asking about. Did
21 you tell the person who took your statement that it was two people?

22 A. Yes, I told them so. They were the ones -- the last ones that came.
23 They were the last ones that came.

24 Q. Shall we take it that your evidence is that these last ones were two
15:58:17 25 and not three?

26 A. Yes.

27 Q. I just have two short questions for you. The scene at the mosque,
28 you said that you could guess there were about 70. 70 people, 70 corpses.

29 A. 70, yes. Because was it not only in the mosque. Even within the

1 area, right from the lane where people would get into the mosque. That was
2 the time -- that is where the corpses started littering right up to the
3 gates, because the gate was fenced right round. Inside the fence there the
4 other corpses littered. Right up to where the imam used to stand and where
15:59:32 5 the other people used to stand we had a lot of corpses.

6 Q. That figure, is it a guess from what you saw, or is it because
7 someone had told you that 70 people died there?

8 A. You see, I only thought about that. Nobody told me that.

9 Q. [Microphone not activated] On page 6449. Did you tell the
16:00:05 10 Prosecution this, or the person who interviewed you this: "I later heard
11 about 70 people died there. "I later heard about 70 people died there."
12 Did you tell them that you heard about 70 people dying there?

13 A. Which ones?

14 Q. At the mosque.

16:00:44 15 A. That was my guess because the way I saw them littering the ground, it
16 was a guess.

17 Q. So you didn't tell the person who interviewed you that it was
18 something someone else told you?

19 A. Not at all.

16:01:12 20 Q. Can I just ask you this, can you recall how many times you met
21 someone from the Prosecution?

22 A. No, I cannot remember any more.

23 Q. Is it more than once?

24 A. Yes. I cannot remember any more.

16:01:43 25 Q. I am asking if it is more than once. You may not remember.

26 A. Yes.

27 Q. Do you know a place called Sea View?

28 A. Not at all. But it's --

29 THE INTERPRETER: Your Honours, would the attorney please repeat

1 the question.

2 MS THOMPSON:

3 Q. Do you know a place called Sea View?

4 A. CBU?

16:02:08 5 Q. Sea View.

6 A. No, I cannot remember. Because even where I am sitting here I will
7 not be able to describe here.

8 Q. Your meetings with the people from the Special Court. You just to
9 need answer yes -- [inaudible]

16:02:46 10 A. Yes.

11 Q. Have they always taken place at the Special Court?

12 A. While we are sitting here?

13 Q. Not in this building, but in this complex?

14 A. Yes.

16:02:59 15 Q. On all occasions?

16 A. Yes.

17 Q. And was the Special Court responsible for your transportation to and
18 from your place of residence?

19 A. Yes.

16:03:35 20 Q. Including payments for those transportation?

21 A. Yes.

22 MS THOMPSON: Thank you very much, I have no further questions.

23 PRESIDING JUDGE: Thank you, Ms Thompson. Mr Fofanah, have you any
24 questions for the witness?

16:03:54 25 MR FOFANAH: Yes, I intend to be quite short.

26 CROSS-EXAMINED BY MR FOFANAH:

27 Q. Mr Witness, can you precisely recall the date that you were
28 amputated?

29 A. Yes.

1 Q. What date was that?

2 A. It was on a Friday, on the 22nd.

3 Q. Of what month?

4 A. January.

16:04:30 5 Q. Was that in 1999?

6 A. Yes.

7 Q. Now, was the pharmacy that you referred to as burnt down, was it
8 burnt before your amputation?

9 A. It was first burnt. When we ran away we went right up to Thunder
16:05:14 10 Hill. Around the 22nd. When everybody was mixed up -- when everybody was
11 mixed up in the country, that is the time that they cut off my hand. That
12 was on a Friday on the 22nd.

13 Q. I was just saying the pharmacy was burnt before your arm was
14 amputated; not so?

16:05:40 15 A. No. It was the pharmacy that was first burnt. Later my hand was cut
16 off.

17 Q. That's what I am saying. Thank you.

18 A. Welcome.

19 Q. Now, you recall telling this Court --

16:06:06 20 A. Today?

21 Q. Yes.

22 A. Yes, I came and testified what happened to me and what I saw.

23 Q. Yes. When was it that the rebels first visited your house? Can you
24 recall that date?

16:06:31 25 A. No. I cannot remember.

26 MS TAYLOR: Perhaps my friend could specify which house. The
27 witness has in fact given evidence about two houses.

28 MR FOFANAH: I think at Grassfield. At Grassfield I guess so.

29 Q. You were staying at Grassfield before you went up the hills to

1 Thunder Hill; not so?

2 A. No, no. I did not stay at Grassfield.

3 Q. Where were you staying?

4 A. It was around the Shell Company area.

16:07:43 5 Q. Okay. You indicated to this Court that a curfew order was imposed by
6 Tejan Kabbah in your testimony; is that true?

7 A. Yes. He imposed a curfew around at 3 o'clock and he said that
8 whosoever was a civilian should stay in his or her house. So that if you
9 came out he will take it for granted that you are a rebel because the

16:08:15 10 gunboats were all around. Because the gunboat was there shooting right up
11 the hills. And the jet was right up so hovering around. Everybody should
12 be in his house.

13 Q. Thank you very much, Witness, you have stated that before. Now, who
14 is Tejan Kabbah, or who was -- Do you know Tejan Kabbah?

16:08:30 15 A. Tejan Kabbah?

16 Q. Yes. Who is he?

17 A. I did not know him. I only used to hear about him.

18 Q. You have never heard the name Tejan Kabbah; is that what you are
19 saying?

16:08:53 20 PRESIDING JUDGE: I don't think that is quite fair. He said, "I
21 used to hear about him."

22 THE WITNESS: You see I used to hear about the name and he is leading
23 all of us in Sierra Leone.

24 MR FOFANAH: And by that you mean he is the president of Sierra
16:09:06 25 Leone?

26 A. Yes.

27 Q. So when you said that the curfew order was imposed by Tejan Kabbah,
28 you actually meant that it was imposed by the President of Sierra Leone
29 then?

1 A. Yes.

2 Q. Was that curfew order observed in your area where you lived at Shell
3 Company?

4 A. Well, at that time they said whosoever came out he would be
16:10:00 5 considered a rebel. The gunboats was up -- the alpha jet was right up and
6 it was bombarding and that's why everybody was advised to sit in his or her
7 house.

8 Q. So you happily stayed in doors when the curfew order was imposed; is
9 that right?

16:10:17 10 JUDGE SEBUTINDE: Counsel, is that a fair question? The curfew he
11 said would begin at three in the afternoon.

12 THE WITNESS: Yes, he should be there.

13 JUDGE SEBUTINDE: When you asked him did he stay indoors, do you mean
14 he stayed indoors 24 hours?

16:10:35 15 MR FOFANAH: To determine --

16 JUDGE SEBUTINDE: You ask the question in a clear way so that even we
17 understand what the question is.

18 MR FOFANAH: I was actually coming to that. I needed to establish
19 first that there was a curfew order imposed and then I was coming to the
16:10:44 20 time.

21 Q. Yes, you have just said that were you staying indoors. From what
22 time to what time were you indoors when the curfew order was imposed?

23 A. Curfew order?

24 Q. Yes.

16:11:10 25 A. At 3 o'clock. At sharp three, everybody should not go anywhere in
26 the afternoon right up to the next day. Right up to the next day.

27 Q. What time?

28 A. Nobody should get out of his house.

29 Q. What time of the next day?

1 A. Well, out in the morning. Say 8 o'clock or 7 o'clock, 8 o'clock,
2 then you are free. Because if you have to find something to eat then if
3 you have somebody to cook for you, he could cook for you. Then the 3
4 o'clock you should not go anywhere again.

16:11:55 5 Q. So, I take it that between 8 o'clock in the morning and 3 o'clock in
6 the afternoon you go about your normal business; is that it?

7 A. Well, at that time you wouldn't have anything to do. Except if you
8 had a way of cooking something. If you had food, but you would not have
9 anything extra to do.

16:12:31 10 Q. How long did this curfew order continue for?

11 A. Well, that's if I should tell you that this is the duration, I would
12 be lying. Until when they were ousted, the time that the rebels were
13 ousted, you know, it took -- it took some time. I wouldn't tell you the
14 time it took for the curfew order was lifted because it took some time and
16:13:08 15 I was in the hospital.

16 Q. So you have told this Court that the rebels came to Freetown in
17 January 6th, 1999. When precisely was the curfew order imposed?

18 A. The time that the curfew order was imposed?

19 Q. Yes.

16:13:32 20 A. This is what I am telling you. The time that the curfew order was
21 imposed, January 6th, 1999. When the rebels entered that was the time that
22 Pa Kabbah imposed his curfew order. That is his soldiers -- so anybody's
23 soldiers to oust the rebels out. So that whosoever was a civilian should
24 not get out. But if I tell you that I knew the time that the curfew order
16:14:04 25 was imposed and if I tell you that I knew the time the curfew order was
26 lifted, I would be lying.

27 Q. So I take it that it was because of this curfew order that you stayed
28 indoors from 3.00 p.m. to 6 or 7 a.m. in the morning; not so? From
29 January 6th.

1 A. Yes.

2 Q. Now, you have stated that there were gunboats shooting from the sea
3 and the jets flying overhead. Are you aware if these gunboats and jets
4 actually fired anything? Releasing anything in the form of bullets or
16:14:53 5 bombs?

6 A. Yes, they had bombs and wherever it was dropped that particular area.
7 Whosoever as was there was finished. If it landed where we are then we
8 here are finished.

9 Q. Are you aware of any area where these bombs fell?

16:15:22 10 A. Well, I will not be able to identify because what I was fearing -- I
11 was thinking about my life, because they have just been shooting rampantly.
12 But if I should tell you that no, it dropped in such and such an area, you
13 see I would be telling a lie.

14 Q. And you are not aware if those bombs fell in around the Shell Company
16:15:59 15 area where you lived?

16 A. Not at all. I don't know whether when we had left and went up to
17 Thunder Hill and hid there, they dropped there, I wouldn't be able to tell.

18 Q. Were the bombs dropped or were they shot at you at Thunder Hill when
19 you were at Thunder Hill?

16:16:41 20 A. They used to shoot.

21 Q. Who used to shoot?

22 A. I didn't know them, but the shooting came from the seaside, from the
23 gunboats. I didn't know.

24 Q. Yes, go on.

16:17:09 25 A. So, the gunboats were -- the gunboats were the ones that were
26 shooting from the sea, so as to try to dislodge the rebels.

27 Q. You had earlier indicated that the jets were also flying where you
28 are when you were at Thunder Hill. Did they drop any bombs on Thunder
29 Hill, the jets?

1 A. No, the area in which I was, if I tell you that a bomb was dropped
2 there, I will be telling a lie. But right up in the hills?

3 Q. Yes, that's what I mean right up the hills, in the hills at Thunder
4 Hill.

16:18:01 5 A. Yes.

6 Q. What is the yes? Were bombs dropped at Thunder Hill?

7 A. Yes, yes, when they shot. When the gunboats had been shooting. Yes,
8 they used to fall there.

9 Q. Did anyone die as a result of that?

16:18:48 10 A. Well, I would not be able to know because that area -- because that
11 particular area was a little bit above where we were. So nobody had told
12 me that this and this had happened there or that the bombs had killed such
13 and such people. I did not hear that.

14 Q. Were houses destroyed as a result of that? Or buildings, were
15 buildings destroyed as a result of that?

16:19:06 16 A. There again, I did not hear that because if I had heard that a bomb
17 had destroyed the house I say I would say it here.

18 MR FOFANAH: That is all for him. Thank you very much.

19 THE WITNESS: Welcome.

16:19:24 20 PRESIDING JUDGE: Any re-examination?

21 MR BRAUN: Your Honour, there are no questions for re-examination.

22 PRESIDING JUDGE: Thank you.

23 JUDGE SEBUTINDE: Could I ask, Mr Witness, one question.

24 QUESTIONED BY THE COURT:

16:19:42 25 Q. You said to us this morning, I think, or this afternoon, that when
26 the rebels chopped off your hand you could not see. Is that correct?

27 A. Yes.

28 Q. You fell down and you could not see.

29 A. Yes. I could not see. I fell in the gutter. I wanted to jump the

1 gutter, but by the time -- I was not able to jump the gutter, so I fell
2 into it. I didn't see, but I heard what they said.

3 Q. The question that I want to ask you, Mr witness, is why could you not
4 see?

16:20:31 5 A. Well, I fainted. All my blood and water were oozing, so I fell.
6 That was why I was not able to see.

7 Q. Thank you. That will be all.

8 PRESIDING JUDGE: Thank you, Mr witness. That is your evidence
9 before the Court. Thank you for coming.

16:21:01 10 THE WITNESS: Okay.

11 PRESIDING JUDGE: Ms Taylor, do you have another witness?

12 MS TAYLOR: Yes, there is another witness available.

13 PRESIDING JUDGE: Do you require us to adjourn in order to allow the
14 protected witness to leave?

16:21:53 15 MS TAYLOR: Well, the curtains certainly need to be closed.

16 PRESIDING JUDGE: Ms Taylor, would you please deal with that for the
17 curtains please so the witness may leave?

18 MS TAYLOR: Your Honours, I don't know if you are aware, but your
19 microphone is on.

16:22:24 20 PRESIDING JUDGE: I beg your pardon, Ms Taylor.

21 MS TAYLOR: I notice you were having discussion with your learned
22 sister that your microphone is on.

23 MR FOFANA: Your Honour, may I be excused to ease myself? I am
24 grateful.

16:23:17 25 MS TAYLOR: Your Honours, the next witness is TF1-227. He will also
26 be led in chief by my learned friend Mr Braun. He will give evidence in
27 English. But Your Honours were discussing having a short adjournment.
28 Mr Braun has indicated for his own comfort he would not mind if there were
29 a few minutes adjournment or whether he might be excused for a few minutes

1 before the Court hears that evidence.

2 PRESIDING JUDGE: Mr Braun, you may leave the precincts. We will
3 adjourn. I think five minutes should be enough to bring us to the half
4 hour. Mr Court Attendant, please adjourn the court for five minutes.

16:24:32 5 [Break taken at 4.26 p.m.]

6 [On resuming at 4.32 p.m.]

7 PRESIDING JUDGE: Please swear in the witness.

8 WITNESS TF1-227 [Sworn]

9 PRESIDING JUDGE: Please proceed.

16:30:47 10 EXAMINED BY MR BRAUN:

11 Q. Good afternoon, Mr Witness.

12 A. Good afternoon.

13 Q. Mr Witness, when were you born?

14 A. I was born on the 10th of February 1967.

16:31:11 15 Q. Where were you born?

16 A. I was born in Freetown.

17 Q. Have you ever attended school?

18 A. Yes.

19 Q. So what is the highest grade you attained?

16:31:26 20 A. Well, the highest grade is the TC certificate.

21 Q. Can you explain what kind of certificate this is?

22 A. It is a teacher's certificate in education.

23 Q. Thank you. What is your native language?

24 A. My native language is Limba.

16:31:57 25 Q. Do you speak any other languages than Limba?

26 A. Yes. I can speak Krio and English.

27 Q. What is your religion?

28 A. Christian, the Catholic Christian.

29 Q. Would you describe yourself as a religious man?

1 A. Yes, because I am a baptised and confirmed Christian.

2 Q. Were you ever a member of any armed group at any time?

3 A. No.

4 Q. Did you ever use a weapon during the conflict in Sierra Leone?

16:32:41 5 A. No.

6 Q. Mr Witness, where were you on 19th January 1999?

7 A. I was at Calaba Town in 1999.

8 Q. Now, on 19th January 1999, where was your family?

9 A. Well, my family was at Calaba Town and later they went up the hills.

16:33:33 10 We are proceeding towards Freetown.

11 Q. When you are speaking of your family, who are you referring to?

12 Please don't mention any names.

13 A. I am referring to my wife, my daughter and also my wife's brother and
14 my wife's nephew.

16:34:14 15 Q. Why did your family leave Calaba Town?

16 A. Well, when the atrocity was coming towards Calaba Town so I was
17 around the vicinity, then I told her to left immediately so that I can pack
18 certain documents for security reasons.

19 Q. When you say atrocities, what exactly do you mean by that?

16:34:50 20 A. Well, I mean because we saw the firing, exchange of bullets and also
21 the burning of houses. We saw the smokes around. So we think that we
22 should flee for our lives.

23 Q. Who was exchanging fire?

24 A. Well, the ECOMOG and the rebels.

16:35:17 25 Q. When you say rebels, what do you mean by that?

26 A. I mean by the AFRC and the RUF.

27 Q. Now, when your family fled, did you stay in Calaba Town?

28 A. Well, I also -- I stayed in Calaba Town for a few days and I proceed
29 to go to Allen Town.

1 Q. Why did you want to go to Allen Town?

2 A. Because the tension was so immense, so I decided to go towards Jui to
3 face the ECOMDG for safety reasons.

4 Q. So, when you left Calaba Town, where did you go next?

16:36:31 5 A. When I left Calaba Town, I proceed to go to Allen Town by the main
6 road, towards going to Jui.

7 Q. Did you stop in Allen Town?

8 A. Yes, I stop at one Nyuma's house at the main road at Allen Town where
9 I saw a group of -- there were many people stayed there in an unfinished
16:37:04 10 house and so we stayed there for some time. Then because of the crowds at
11 that house, then I decided to pursue it again.

12 Q. Let me stop you here. When you say crowds, can you describe how many
13 people you saw?

14 A. Well, unfortunately we are about 70 people inside that house.

16:37:34 15 Q. And those people -- sorry, Mr Witness.

16 A. Well, those people were [inaudible] civilians.

17 Q. Was there a reason why you stayed in that house with those other
18 civilians?

19 A. Well, since we are all heading towards Jui, then I met them there so
16:38:00 20 I decided to stay with them, see. But because of the certain pressure, I
21 left immediately.

22 Q. What do you mean by pressure?

23 A. Well, the tension of the firing was going on and shedding of bombs.
24 So I decided to go.

16:38:26 25 Q. So where did you go next?

26 A. From there I continued in the main road going towards Allen Town
27 because my destination was going to Jui.

28 Q. And did you get to Jui?

29 A. No.

1 Q. Why didn't you get to Jui?

2 A. Well, I stopped at certain junction because the ECOMDG were also
3 shedding bombs and civilians were also moving towards -- coming towards the
4 Calaba Town. So, they are not allowing any civilians to go towards their
16:39:21 5 own base. So, that was the reason I did not continue the journey to
6 [inaudible] to Jui.

7 Q. So where did you go then?

8 A. Then I return. See, I return later after I stay about two days
9 within that area. Then I return to pass through Thomas Place.

16:39:45 10 Q. When you came back to Thomas Place, did you notice anything?

11 A. Yes, I discover corpse, bodies, dead bodies.

12 Q. Do you know about how many dead bodies you saw?

13 A. Well, estimately about 40 bodies I saw.

14 Q. Can you tell how those bodies were dressed like?

16:40:17 15 A. Well, they dressed, they are all in plain clothes. They are in
16 civilian dress.

17 Q. Do you know what happened to them?

18 A. Well, I cannot tell.

19 Q. So what did you do after that?

16:40:41 20 A. So after that I decided to go towards Kola Tree and stay at one
21 unfinished house.

22 Q. Why did you stay in the unfinished house?

23 A. Well, to secure myself.

24 Q. Secure from what, Mr Witness?

16:41:23 25 A. Secure myself because the firing was going on rampantly in that
26 particular area.

27 Q. How long did you stay in that unfinished house?

28 A. I stayed there for three days.

29 Q. Did anything happen during that three days, Mr Witness.

1 A. Well, during my stay at that particular unfinished house for three
2 days, when I would just be praying, reciting certain prayers and my rosary
3 with me, they say on the third day three military soldiers came in, in the
4 house, and they entered and met me inside. They said I am a Kamajor. You
16:42:25 5 see, they all had guns, you see. So they asked me to stand. I stand up.
6 I pleaded to them that I am not a Kamajor, I am just a civilian. A
7 civilian. Then -- but the one who met me in said, "He is a pastor,"
8 because I was holding a prayer and hymn book.

9 Q. Can you describe those three soldiers that entered the house?

16:43:02 10 A. Well, one about the age of 28 to 29 years, is the tall gentleman by
11 the name, they said Corporal Bastard. Then you have two others, you see,
12 but they are about the age of 20 years above.

13 Q. Do you know what group Corporal Bastard belonged to?

14 A. Yes, he belonged to the AFRC group.

16:43:36 15 Q. So what happened after they said you are a pastor?

16 A. Yes, after that he asked -- he asked me to stand up. Then he started
17 shouting at me. He took my wedding ring. He took some monies that I have.
18 And I cannot state now the exact amount. And then he went inside the other
19 rooms in the building with the other two gentlemen -- soldiers. So they
16:44:08 20 started taking things and immediately they make a big bundle. They said I
21 should carry it and they will take me to their base. And later on they set
22 fire on the house.

23 Q. Was it your free will to go with those soldiers?

24 A. It was not my free will, I was forced.

16:44:37 25 Q. How were you forced?

26 A. You see because you under press because they have the guns, you need
27 to go with these looted things with them.

28 Q. So, you had to carry those looted things?

29 A. Yes.

1 Q. So where did you go?

2 A. You see from there we went towards Kola Tree end and after passing
3 through the Cemetery Road. So they started giving me some beating, so I
4 should not turn back. So not look at the back of them They said I should
16:45:27 5 go front.

6 Q. How were they beating you?

7 A. Well, the one beat me at my back. They said they wanted to starting
8 to kick me so I should walk quickly.

9 Q. Now, when you passed the cemetery, did you see anything unusual?

16:45:54 10 A. Well, I saw a corpse or bodies anyway. I saw one fresh one who I
11 think he was newly killed. Other bodies was along the cemetery area.

12 Q. Do you recall how many dead bodies you saw?

13 A. It was about four bodies.

14 Q. How were they dressed like?

16:46:21 15 A. They were all in civilian clothes.

16 Q. Where did you go from the cemetery?

17 A. From the cemetery we go to the extreme end of Kola Tree where there
18 is -- you have mango tree, a big shade of trees full of mangoes.

19 Q. Why did you go there?

16:46:49 20 A. Well, they took me there because they are colleagues are there. When
21 I talk of their colleagues, they have leaders, their leaders are there.
22 They all have certain different groups. So their big authorities are also
23 there.

24 Q. Are you speaking of a base?

16:47:08 25 A. Yes.

26 Q. Now, when you came to that place, what did you see?

27 A. Well, when I arrived at that place, I saw three of my students whom I
28 taut at about the age of 12 to 13 years of age. One the court cannot allow
29 me to mention the name. But one I remember as Justina. So I saw her. She

1 also look at me, but at that moment we did not exchange any communication.
2 Then Corporal Bastard said should go to the Provost Marshall.

3 Q. Who was the Provost Marshall?

4 A. Well, the Provost Marshall his name was Colonel Adamu.

16:48:17 5 Q. Do you know what Colonel Adamu belonged to?

6 A. Yes, he is from the AFRC.

7 Q. What happened after you were brought to Colonel Adamu?

8 A. Well, Corporal Bastard handed me over to him and he said I am a
9 pastor. Then he just left me like that. Then he went down to his own
16:48:39 10 place.

11 Q. Now, you just mentioned that you met some former students. Did you
12 see other civilians there?

13 A. Yes. And many civilians.

14 Q. How many civilians did you see at that stage?

16:49:07 15 A. Maybe around 200 civilians at Kola Tree.

16 Q. To your knowledge was it the free will of those civilians to stay at
17 Kola Tree?

18 A. I am not sure it's not their free will.

19 Q. So why were they staying there?

16:49:30 20 A. Because they were forced to.

21 Q. By whom?

22 A. By the rebels. Because they were all encaptured or abducted to come
23 with them

24 Q. Now, you have just mentioned Colonel Adamu. Were there any other
16:49:56 25 commanders at Kola Tree?

26 A. Well, the names I can remember at that time were -- we have Mbayoh,
27 Mbayoh was a commander.

28 Q. Can you spell that name?

29 A. It is M-B-A-Y-O-H, Mbayoh. And you have Gumboots, one Gumboots. He

1 too was a commander, Achempo [phon]. These are the few names I can
2 remember because for the few days I stayed with them at that particular
3 area.

4 Q. Do you know the rank of Gumboot?

16:50:48 5 A. Gumboots was a lieutenant.

6 Q. Now do you know what group those persons belonged to?

7 A. AFRC.

8 Q. Did you see any RUF in Kola Tree?

9 A. No, I did not see any RUF at Kola Tree.

16:51:14 10 Q. Mr Witness, can you describe the behaviour of the soldiers at Kola
11 Tree towards civilians?

12 A. Well, the behaviour of the soldiers who were civilians -- civilians
13 were doing domestic work and some have to cook for them. And others you
14 need to act as guards.

16:51:44 15 Q. Do you know whether it was the free will of the civilians to do so?

16 A. Well, it is not their free will to do so.

17 MS THOMPSON: Your Honour, I have not objected before, but my
18 learned friend is asking questions which is more or less asking the
19 witness to speculate. He has done it before, I didn't say anything. He
16:52:01 20 is doing it again. He is asking him to speculate on others' free will.
21 Unless he has had a conversation with these people, he is unlikely to be
22 able to tell us.

23 MR BRAUN: Your Honour, I just wanted to clarify that point.

24 PRESIDING JUDGE: [Microphone not activated] Your reply to Ms
16:52:18 25 Tompson's objection.

26 MR BRAUN: I don't think that the witness is speculating.

27 JUDGE LUSSICK: Well, you have not really laid any foundation for
28 asking him that question.

29 MR BRAUN: If Your Honour will allow it, I will lay the foundation

1 right now.

2 Q. So, Mr Witness, how do you know that it was not the free
3 will of those civilians to work for the soldiers?

4 A. Because if you have been forced to join or to come along on a certain
16:53:01 5 thing which is not my desire or my view, then you can tell me to do
6 anything which I want to do. You see.

7 Q. And how do you know that those other civilians were forced to stay
8 there?

9 A. For instance, I am a typical example. You see, because I am forced
16:53:18 10 to do certain things which is not my desire. It is not my wish. And also
11 about two other people who would stay together was asked to do the beating,
12 you know, of rice and cooking. You see. And she was crying. I think with
13 that distinction you can even justify that, it is not her will to do it.

14 Q. Apart from you, were other civilians forcibly brought to Kola Tree?

16:53:52 15 A. Well, apart from me -- well, I saw some of our youth members, you
16 see, who the place where I was sitting I was just watching at them as they
17 were bringing them in the area.

18 Q. Who was bringing them in the area?

19 A. You see, well you have the young soldiers who come with them.

16:54:17 20 Q. Did you see that?

21 A. Yes, I saw it.

22 Q. What exactly did you see?

23 A. You see, well I saw, for instance, I cannot call the name of the boy
24 now, you see. Fortunately for him, when I saw him he started to glance at
16:54:37 25 me and he was a youth to the place I was working before. You see. And we
26 just glanced ourselves.

27 Q. But did you see him when they brought him in?

28 A. Yes, because another commander take care of him.

29 Q. And can you describe how they brought him in?

1 A. Well, you are under guards, you see. Then you need to go together
2 with the person. But I saw the tears on him.

3 Q. You mentioned a name, Justina, before. Did you ever speak to Justina
4 after you were brought to Kola Tree?

16:55:35 5 A. Yes, I spoke with her. She came along the place where Commander
6 Adamu stayed. Then I asked her what really happened. She say she too was
7 abducted and before she was brought in this place, she was molested
8 sexually. I said "My God, I said you are a very young chap, about 13 years
9 of age." I said, "Well this kind of behaviour is not so good." However, I
16:56:16 10 asked her what about her parents. She said she doesn't know the
11 whereabouts of her parents.

12 Q. Mr Witness, who sexually abused Justina?

13 A. Well, the one who captured her; the AFRC soldier.

14 Q. When you arrived in Kola Tree, did you see anything in the evening?

16:57:11 15 A. Well, when I arrived at Kola Tree I saw a heap which was - I had the
16 smell of the heap and one Killer said, "If you try to escape, you see that
17 heap, there are corpse whom they have just there.'

18 Q. Is Killer a name?

19 A. Well that is the nickname. I met Killer. That is what he told me
16:57:40 20 that is his name.

21 Q. What do you mean by the smell of the heap?

22 A. They have already buried somebody there.

23 Q. Is there anything else you noticed at Kola Tree?

24 A. Yes. I noticed one man hand was chopped by the -- it was cut off by
16:58:08 25 the right hand.

26 Q. How was this man dressed like?

27 A. Well, the man dressed like a civilian. He is a civilian.

28 Q. Did you see how his hand was chopped off?

29 A. I was not at the scene when the hand was chopped off, but I saw him

1 when the hand had been cut off.

2 Q. Do you know who cut off his hand?

3 A. I said well Achempo came to our place where Adamu was. Then he said
4 they have just cut one person's hand, but I did not know who cut the hand
16:58:56 5 of the man.

6 Q. Who is Achempo.

7 A. Well, Achempo, he too is a member of the AFRC.

8 Q. Do you know the rank of Achempo?

9 A. He must have been a high rank person because he is highly educated,
16:59:21 10 but I cannot testify now the level of the rank according to the military --

11 MR MANLEY- SPAINE: We hate to interrupt, but this morning we were
12 talking about speculation. This is all speculation. He must have been
13 because he was a highly educated. They cannot be answers to the
14 questions being put.

16:59:46 15 PRESIDING JUDGE: Yes, the witness is giving evidence of his own
16 partly speculation and partly observation. It should be limited to what he
17 saw and heard.

18 MR MANLEY- SPAINE: I am much obliged.

19 MR BRAUN:

17:00:02 20 Q. Mr Witness, did you ever hear Achempo giving orders to soldiers?

21 A. No, no, no.

22 Q. So what happened to the person whose hand was cut off?

23 A. Well, I saw him going down Kola Tree. I seen him moving towards
24 Calaba Town.

17:00:50 25 Q. Why did he move there?

26 A. Well, he was going towards Freetown.

27 Q. How do you know that?

28 A. Because when the man was going he was escorted by soldiers and they
29 said, "Let him go and show the hand to Tejan Kabbah. "

1 Q. Did you hear that?

2 A. Well, that is what they were saying. I heard that is what they were
3 saying.

17:01:37

4 MR BRAUN: Your Honour, this is maybe a convenient time to stop the
5 examination-in-chief.

6 PRESIDING JUDGE: We will adjourn the Court until Monday at 9.15. Mr
7 Witness, you have sworn to tell the truth and therefore between now and the
8 time that you finish all of your evidence in the court, you should not
9 discuss your evidence and story with anyone else. Do you understand what I
10 have said to you?

17:02:14

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: Thank you, Mr Witness. Mr Court Attendant, please
13 adjourn the Court until 9.15 a.m.

17:02:56

14 [Whereupon the court adjourned at 5.05 p.m. to be reconvened on
15 Monday, the 11th day of January 2005 at 9.15 a.m.]

16

17

18

19

20

21

22

23

24

25

26

27

28

29

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1- 320	12
EXAMINED BY MS PARMAR	12
CROSS- EXAMINED BY MR MANLEY- SPAINE	18
CROSS- EXAMINED BY MS THOMPSON	21
CROSS- EXAMINED BY MR FOFANAH	26
WITNESS: TF1- 083	44
EXAMINED BY MR BRAUN	45
CROSS- EXAMINED BY MR MANLEY- SPAINE	71
CROSS- EXAMINED BY MS THOMPSON	72
CROSS- EXAMINED BY MR FOFANAH	84
QUESTIONED BY THE COURT	90
WITNESS TF1- 227	92
EXAMINED BY MR BRAUN	92