

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 BAZZY KAMARA  
SANTIGIE BORBOR KANU

THURSDAY, 14 APRIL 2005  
9.20 A.M.  
TRIAL

Before the Judges:

Teresa Doherty, Presiding  
Julia Sebutinde  
Richard Lussick

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Ms Lesley Taylor  
Ms Boi-Tia Stevens  
Mr Alain Werner  
Ms Jennifer Beckley (intern)  
Ms Maj a Dimi trova (Case Manager)  
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

No appearances

For the accused Alex Tamba Brima:

Mr Kevin Metzger  
Ms Glenna Thompson

For the accused Brima Bazy Kamara:

Mr Wilbert Harris  
Mr Mohamed Pa-Momo Fofanah

For the accused Santi gie Borbor Kanu:

Mr Abi bol a Manl ey-Spai ne  
Ms Karl i j n van der Voort

1 [TB140405A-JM]  
2 Thursday, 14 April 2005  
3 [Open session]  
4 [The witness entered court]  
09:15:57 5 [The accused entered court]  
6 [On commencing at 9.20 a.m.]  
7 PRESIDING JUDGE: Good morning. Unless there are some  
8 preliminary matters, I will remind the witness of her oath. And  
9 I think then, Mr Manley-Spaine, you were still in  
09:19:53 10 cross-examination.  
11 Good morning, witness. Can you hear me?  
12 THE WITNESS: Yes.  
13 PRESIDING JUDGE: Yesterday, you promised to tell the  
14 truth. And today, that promise is still binding on you. So  
09:20:10 15 there will be some more questions today, and you're obliged to  
16 tell the truth. Do you understand?  
17 THE WITNESS: Yes.  
18 PRESIDING JUDGE: Mr Manley-Spaine, please proceed.  
19 WITNESS: TF1-282 [Continued]  
09:20:30 20 [Witness answered through interpreter]  
21 CROSS-EXAMINED BY MR MANLEY-SPAIN E :  
22 MR MANLEY-SPAIN E:  
23 Q. Good morning.  
24 A. Yeah.  
09:20:46 25 Q. Do you remember testifying yesterday, and you agreed that  
26 you made a statement to the Office of the Prosecution?  
27 A. Yes.  
28 Q. Now, I want to refer you to some portions of that statement  
29 to confirm whether you actually told the Prosecutor what I'm

1 going to read.

2 MR MANLEY-SPAIN: Your Honour, I wish to refer to page  
3 6522. That will be the second paragraph which I will read in its  
4 entirety. "Witness was in Sumbuya for two weeks before Sumbuya  
09:21:41 5 was attacked. Witness was raped during these two weeks. Witness  
6 was vaginated by Five-Five when she arrived in Sumbuya. Witness  
7 was about 14 years old at the time and had not yet been  
8 initiated. Witness was raped in a house by Five-Five who  
9 threatened to kill her if she cried. Witness said that Five-Five  
09:22:22 10 had a pistol on him, and she did not see it clearly."

11 I'm sorry, "although she did not see it clearly. Five-Five  
12 made her take off all her clothes. Witness said that Five-Five  
13 penetrated her vagina and made her bleed vaginally. Witness  
14 pleaded with Five-Five for him to stop, but he said that she  
09:23:04 15 should wait until he was finished. After he had finished, he  
16 dismissed witness, who returned to the house where the other  
17 group of rebels who captured her were staying. Witness described  
18 Five-Five as tall, slim, and fair in complexion, which means not  
19 too black. She heard him speak Krio. Witness knew he was a big  
09:23:52 20 commander, as he passed orders to his men. Witness heard him  
21 order his men to jah-jah or loot. They would go looting, and  
22 then come back with the loot which they brought to him."

23 Q. Witness, I want to ask you first of all, did you tell the  
24 Prosecution that you were raped by the person called Five-Five at  
09:24:32 25 Sumbuya?

26 A. I did not say that he raped me at Sumbuya. I said he raped  
27 me in the bush.

28 Q. Is it the case that what I've just read to you, that part  
29 of what I've just read to you is not true?

1 PRESIDING JUDGE: There were several elements to that  
2 sentence.

3 MR MANLEY-SPAIN: Yes, I qualified it by saying "that  
4 part," the part of the rape at Sumbuya. I'm putting it to  
09:25:28 5 her -- I'm asking her whether that is not true.

6 THE WITNESS: It was not in Sumbuya.

7 MR MANLEY-SPAIN:

8 Q. Witness, did you describe the person called Five-Five as  
9 tall, slim, and fair in complexion?

09:25:58 10 A. I was not able to describe him because I only saw him once.  
11 That was the time that he raped me. So I wasn't able to describe  
12 him, how he was and how he wasn't.

13 Q. Are you saying that you did not tell the Prosecution that  
14 he was tall, slim, and fair in complexion?

09:26:25 15 A. Not at all.

16 Q. Did you tell the Prosecution that you heard him with your  
17 own ears telling his men or ordering his men to jah-jah?

18 A. I did not hear it from him, that they should go and  
19 jah-jah. It was the rebel men who held me. He was the one that  
09:27:12 20 said Five-Five sent them to go and jah-jah.

21 Q. Did you at any time hear him yourself pass orders to his  
22 men?

23 A. I had not -- I had not heard it from his mouth. I was  
24 told.

09:27:56 25 MR MANLEY-SPAIN: Your Honour, I don't know whether -- I  
26 think the interpretation should be "I never heard him." I never,  
27 never heard him.

28 PRESIDING JUDGE: I've recorded "I did not hear him".

29 MR MANLEY-SPAIN: Your Honour, that will suffice.

1           PRESIDING JUDGE: Or more exactly, "I did not hear it from  
2 his mouth."

3           MR MANLEY-SPAINÉ: I'm much obliged.

4 Q.       Witness, how long -- how many times did you see this person  
09:28:39 5 that you were told was Five-Five -- was called Five-Five?

6 A.       I saw him only once.

7 Q.       Where was that?

8 A.       That was the time that -- that was the time that we were in  
9 the bush. The very day I was captured.

09:29:05 10 Q.       You have told this Court that he was at Sumbuya whilst you  
11 were there. Is that so?

12 A.       What?

13           PRESIDING JUDGE: Mr Manley-Spainé, are you putting to the  
14 witness that the person named as Five-Five was at the Sumbuya  
09:29:43 15 while she was at Sumbuya?

16           MR MANLEY-SPAINÉ: Yes, Your Honour. I'm putting to her  
17 that she has already said that he was at Sumbuya. I just want to  
18 confirm this, whilst she was there.

19           PRESIDING JUDGE: It's just that I understood her to say  
09:30:03 20 that she was in the bush.

21           MR MANLEY-SPAINÉ: Yeah, she said the only time she saw her  
22 was in the bush. But prior to that, she had said that while she  
23 was at Sumbuya, this person called Five-Five was also there.

24           JUDGE SEBUTINDE: Since the witness didn't understand the  
09:30:23 25 question, would you mind repeating it, please.

26           MR MANLEY-SPAINÉ: Yes, Your Honour.

27 Q.       Witness, did you tell this Court that whilst you were at  
28 Sumbuya, this person called Five-Five was also there?

29 A.       Yes.

1 Q. Was he there all the time that you were there?

2 A. Well, I don't know whether he was there all the time. But  
3 this rebel man who captured me, he was the one that told me that  
4 Five-Five was there.

09:31:14 5 Q. [Previous interpretation continues] -- my next question.

6 Witness, can you describe the kind of houses that were at  
7 Sumbuya. For example, what they were made of?

8 A. I am not able.

9 Q. Can you tell whether they were houses made of mud?

09:31:55 10 A. When I went to Sumbuya, I wasn't able to watch because I  
11 was always afraid. I wasn't able to see whether this and  
12 this -- whether this house and this house was built like that  
13 because I was afraid.

14 Q. Witness, was this place you called Sumbuya, was it fenced?

09:32:27 15 A. I don't know whether it was fenced because I did not go  
16 round to see whether it was fenced.

17 Q. Can you remember, Witness, the number of people that were  
18 at Sumbuya?

19 A. I cannot remember the number of the people that were in  
09:33:04 20 Sumbuya. I cannot remember that. Because I'm just telling you  
21 that I was afraid, so I wasn't able to check how many people were  
22 there and how many people are not there. So I cannot remember.

23 Q. The person that you say you lived with, have you seen him  
24 after this time, after you escaped from the village?

09:33:51 25 A. What?

26 Q. The person that you said -- the other rebel that you said  
27 you lived with as his wife, have you seen him after you escaped?

28 A. Never seen him again.

29 Q. Witness, you have -- do you understand what a year is?

1 A. If I know what?

2 Q. What a year is.

3 A. Yeah. What year do you mean? Because in Krio, they refer  
4 to the ear that you have -- that's the ear that you hear with.

09:35:27 5 Q. Do you remember 1999? Do you remember 1999?

6 A. I remember.

7 Q. Do you also remember the year 2003? Do you remember 2003?

8 A. If I can remember 2003? Please, come and make this thing.

9 Q. Yes.

09:36:32 10 A. Neneh, please make this thing.

11 PRESIDING JUDGE: I didn't quite understand what the  
12 witness is saying. Is there a problem with the earpiece?

13 THE WITNESS: This thing. Yes, it comes out. Yes.

14 MR MANLEY-SPAINNE:

09:37:00 15 Q. Yes, do you remember 2003?

16 Witness, may I ask you again, do you remember 2003?

17 PRESIDING JUDGE: Witness, do you understand the question?

18 Are you all right?

19 THE WITNESS: I don't understand the question. I don't  
09:37:52 20 understand what is meant by the question, do you remember the  
21 year 2003.

22 MR MANLEY-SPAINNE:

23 Q. Do you know that this year is 2005?

24 A. Yes.

09:38:09 25 Q. So I'll ask you again. Do you know that two years ago was  
26 2003?

27 A. That's two years past?

28 Q. Yes, that was 2003. Do you know that?

29 A. When you talk, I don't understand.

1 Q. Please, Witness, please listen to the interpretation, not  
2 my voice. Okay. Do you understand that two years last past was  
3 2003?

4 Okay. Let me ask you: Do you know that last year was  
09:39:37 5 2004?

6 A. Yes.

7 Q. And do you know that the year before last year was 2003?

8 A. Yes.

9 Q. Witness, do you agree that that year, 2003, is closer to  
09:40:08 10 1999 than this year 2005?

11 A. The year 2003 was nearer 1999?

12 Q. Than this year.

13 A. The year 1999 and 2003 are not more close than this year.

14 Q. Witness, after 1999, which year comes first? 2003 or 2005?

09:41:15 15 A. The year that is past?

16 JUDGE SEBUTINDE: Mr Manley-Spaine, really, what is the  
17 point of grilling this obviously innumerate witness about your  
18 mathematic facts. If there is a point, please get to it.

19 MR MANLEY-SPAINE: Yes, Your Honour.

09:41:46 20 Q. Witness, I'm putting it to you that at the time you made  
21 the statement I have read, the events that you have given  
22 evidence of in court were fresher in your mind than they are  
23 today.

24 A. I don't understand the question.

09:42:14 25 Q. I'll move on.

26 Witness, you mentioned your brother telling you something  
27 about what happened in Freetown. Do you remember whether the  
28 time he told you was the beginning of January or the end of  
29 January 1999?



1 A. Well, I don't know whether it was at the beginning of  
2 January or at the end of January.

3 MR MANLEY-SPAIN E: No more questions.

4 PRESIDING JUDGE: Thank you, Mr Manley-Spain e. Mr Metzger

09:43:33 5 --

6 MR MANLEY-SPAIN E: Your Honour, you may have noticed that  
7 I'm having some problem with my glasses.

8 PRESIDING JUDGE: No, I'm sorry, I didn't notice.

9 MR MANLEY-SPAIN E: The frame is broken and I'm missing one  
09:43:44 10 of the lenses. I just want to have permission to go and have it  
11 fixed and come back.

12 PRESIDING JUDGE: I think that would be wise.

13 MR MANLEY-SPAIN E: Much obliged.

14 PRESIDING JUDGE: Mr Metzger.

09:43:56 15 CROSS-EXAMINED BY MR METZGER:

16 Q. Good morning, Witness.

17 A. Good morning. How do you do.

18 MR METZGER: Before I start, I note, of course, what was  
19 said yesterday in relation to any gender-related issues as far as  
09:44:17 20 this witness is concerned. But of course, in the course of the  
21 witness's testimony, there's an allegation of rape, and it seems  
22 to me, if the Bench would allow, I would accord the witness the  
23 respect of referring to the Witness by gender.

24 PRESIDING JUDGE: I think that would be appropriate in the  
09:44:35 25 circumstances, Mr Metzger. My observation was at the beginning,  
26 and because of the voice distortion.

27 MR METZGER: Indeed. I'm very much obliged.

28 Q. Madam Witness, I would like to ask you some questions about  
29 your involvement with the Prosecution in this case. We have been

1 provided with information that suggests you gave a witness  
2 statement or information to the Prosecution on the 16th of  
3 September 2003. Are you able to recall that?

4 A. I cannot remember that.

09:45:39 5 Q. But do you remember speaking to people from the Prosecution  
6 about what happened to you in Mabale and Sumbuya?

7 A. Yes.

8 Q. Do you remember how many times you spoke to someone from  
9 the Prosecution about these matters?

09:46:27 10 A. I cannot recall how many times.

11 Q. Can you give me a rough idea, even? Was it more than two  
12 times?

13 Madam Witness, did you understand the question?

14 A. No.

09:47:00 15 Q. Let me ask you again. Did you meet someone from the  
16 Prosecution about what happened to you more than two times? You  
17 do understand what I'm asking, don't you, Madam Witness?

18 A. I don't clearly understand.

09:48:08 19 Q. All right. Let me try it in another way. When was the  
20 last time that you spoke to someone from the Prosecution about  
21 what you were coming to talk about in court?

22 A. If I can recall the last time I talked to somebody before I  
23 ever came to court to testify?

24 Q. That is what I'm asking you.

09:48:54 25 A. Yes.

26 Q. When was that, please?

27 A. It was the day before yesterday.

28 Q. And before that, when was the last time before that?

29 A. Before that, before the day before yesterday? The last

1 time again?

2 Q. Yes.

3 A. Yesterday again.

09:50:25

4 Q. And yesterday, when you spoke to somebody, did you talk  
5 about what you were going to talk in court?

6 A. I don't understand the question.

09:50:52

7 PRESIDING JUDGE: Mr Metzger, I just interrupt here not to  
8 interrupt your cross-examination. But I'm just concerned that  
9 the witness would be conscious of the difference between persons  
10 from the Prosecution and persons from the witness protection  
11 unit.

12 MR METZGER: I accept that. I will try and make absolutely  
13 sure, which is why I'm asking what they spoke about.

14 Q. Madam Witness.

09:51:07

15 A. Yes.

16 Q. You have told just us that you spoke to someone from the  
17 Prosecution yesterday about this case. Is that correct?

18 Can you help us with an answer, please.

09:52:28

19 PRESIDING JUDGE: Witness, if you understand the question,  
20 you must answer. If you do not understand the question, you must  
21 tell us.

22 THE WITNESS: Yes.

23 MR METZGER:

24 Q. The person that you saw, do you know that person's name?

09:53:24

25 A. Yes.

26 Q. And can you tell us that person's name.

27 A. Yes.

28 Q. Please do so.

29 It may not assist you to look towards the right-hand side

1 of this room.

2 A. What?

3 Q. Could you tell us the name of the person, please. Madam  
4 Witness, do you have a difficulty with that question?

09:54:48 5 A. The person I saw yesterday before I came to court to  
6 testify?

7 Q. The person that you were telling us about that you said you  
8 saw yesterday, what's the name of that person?

9 A. The person's name is Boi-Tia.

09:55:30 10 Q. So that's counsel in this case. Did you see anybody else  
11 yesterday from the Prosecution after we had finished in Court?

12 A. If I saw anybody in court here that I saw yesterday after  
13 we left the court? I don't understand. Repeat.

14 Q. Did you see anyone from the Prosecution after we left court  
09:56:14 15 yesterday to talk to about your case -- about your evidence?

16 A. Yes.

17 Q. And what was that person?

18 A. I don't know the person's name.

19 Q. Have you seen that person before?

09:56:47 20 A. No.

21 Q. Then let me ask you about the time before that, which was  
22 the day before yesterday. Who did you see then?

23 A. The person I saw before the -- the day before yesterday?

24 Q. Yes, that's what I'm asking about. Can you tell us who  
09:57:25 25 that person was.

26 A. Yes.

27 Q. Go ahead, please.

28 A. I saw Boi-Tia.

29 Q. Now, what I wanted to ask you about, the first time that

1 you spoke to someone from the Prosecution, not the person you  
2 refer to as Boi-Tia, but the person who listened to what you had  
3 to say, do you remember that time?

4 A. I don't understand.

09:57:58

5 Q. The very first time you spoke to somebody from the  
6 Prosecution of the Special Court, can you remember that time?

7 A. The first time I saw somebody from the Special Court?

8 Q. Yes. It was a long time ago, perhaps.

9 A. I cannot get you clearly up until now.

09:58:53

10 Q. Let me ask another question, then, Madam Witness. You  
11 agree that you told your story to somebody from the Special Court  
12 Prosecution.

13 A. I narrated my story to somebody.

14 Q. How did you come to narrate your story to that person? Did  
15 you -- did they ask you or did you simply tell them?

09:59:29

16 A. They went and asked me what happened with me during the  
17 war.

18 Q. Can you remember where you were when they went and asked  
19 you what happened to you during the war.

10:00:06

20 A. Yes.

21 Q. Were you in Freetown or somewhere else?

22 A. I was in Freetown.

23 Q. And without giving us necessarily the address, were you at  
24 your home or somewhere else?

10:00:44

25 A. If I was in my house or elsewhere?

26 Q. That is correct.

27 A. I wasn't in my house, I was elsewhere.

28 Q. The place where you were, what kind of place was it?

29 Without, again, giving us the address.

1 A. I was at the camp.

2 Q. What kind of camp was it? Was it a DDR camp?

3 A. No. It was a war wounded camp.

4 Q. Right. And what year was that, if you are able to help us?

10:01:38 5 A. I cannot remember the year this happened. But I'm sure  
6 that somebody went and met me at the camp. But I cannot tell the  
7 year.

8 Q. All right. Now, I will ask this question generally. From  
9 the time you first told your story and your coming to court to  
10 testify, have you received money from anyone about the case?

11 A. Repeat so that I can understand.

12 Q. Has anyone given you money in relation to your giving  
13 evidence in this case?

14 A. They only give me money for transportation.

10:02:56 15 Q. And how much transportation money have you received?

16 A. I cannot recall the amount of money they give me for  
17 transportation.

18 Q. In total, Madam Witness, from the time you started helping  
19 the Prosecution to now, is that money over or under 50,000  
10:03:24 20 Leones? I want to ask you for specifics.

21 A. I am unable to check as to whether it was 50,000. It was  
22 given for me for transportation. When they give me that --

23 THE INTERPRETER: The interpreter is sorry. He cannot  
24 interpret the witness's testimony because the witness is moving  
10:03:55 25 too fast.

26 MR METZGER:

27 Q. Madam Witness, you have gone from the speed of a tortoise  
28 to the speed of a fast-moving motor car. Can you slow down your  
29 answers for us so people can take down notes and so that the

1 interpreter can interpret your answers.

2 Would you be able to do that for us, please, Madam Witness?

3 A. Okay.

4 Q. Thank you.

10:04:31 5 PRESIDING JUDGE: Perhaps we could get a repetition of the  
6 last answer.

7 MR METZGER: Yes.

8 Q. Can you repeat the last answer that you were giving when  
9 you were going too fast for us. Shall I help you with the

10:04:47 10 question?

11 A. Yes.

12 Q. In all the time that you have been helping the Prosecution,  
13 the money that you have been given for transport, has it amounted  
14 to over or under 50,000 Leones?

10:05:06 15 A. I said I did not know the amount, whether it was 50,000,  
16 because they give it to me for transportation. And when they  
17 give it to me, see, I would pay for transportation. I did not  
18 gather it so as to be able to see the amount because it was for  
19 transportation that it was given to me.

10:05:26 20 Q. Were you ever given money because you lost out on wages at  
21 work?

22 A. They had not given me money because I was not able to work.

23 Q. Have you been in employment during the time you have been  
24 helping the Prosecution?

10:06:04 25 A. I was not doing any work.

26 Q. Now, I know you say you can't help us with the total  
27 amount. But what is the biggest amount of money you have ever  
28 been given in relation to this case obviously?

29 A. Which of the -- the money that you're talking about, is it

1 the money for the transport or the one connected with this case.

2 Q. Have you been given connected to this case separately from  
3 transport money?

4 A. When I was at [redacted], that was the time that they gave  
10:07:08 5 me --

6 MS TAYLOR: Your Honour, I'm just concerned about the  
7 reference and the witness security.

8 MR METZGER: I have no problem with that. She was just  
9 explaining a circumstance.

10:07:29 10 Q. When you were in the place that you name -- shall we call  
11 it -- shall we use a sobriquet for it, such as X or Z?

12 A. I can use false name?

13 MR METZGER:

14 Q. Yes, we know the place you're talking about. Don't mention  
10:07:52 15 the place again.

16 A. Okay.

17 Q. At that place, Madam Witness, you were explaining when you  
18 were there, and then my learned friend from the Prosecution asked  
19 us to take that into account. Can you explain for us again what  
10:08:04 20 you were trying to tell us.

21 A. If I can explain to you what I was trying to say?

22 Q. Yes, please.

23 A. About what?

24 Q. I think you were trying to tell us about what money they  
10:08:17 25 may have given you when you were there.

26 A. Yes, they give me money when I was there.

27 Q. How much money did they give you when you were there?

28 A. The money that was given to me, the one that was given to  
29 me was 160.



1 Q. 160. Is that 160.000 Leones?

2 MR METZGER: Could the witness answer the question, please.

3 THE WITNESS: Yes.

4 MR METZGER: I think there may well be an objection. I

10:08:54 5 shall sit down to hear it.

6 PRESIDING JUDGE: Ms Stevens, you're on your feet.

7 MS STEVENS: Yes. Counsel was just asking the witness  
8 about money that was given to her, and she indicated a certain  
9 amount, an amount of 160. I just wish for counsel to clarify

10:09:14 10 with the witness who "they" were. He did say "counsel did ask

11 --

12 MR METZGER: Can I ease Prosecution counsel's mind. I will  
13 leave no stone unturned until I find out where this money's from,  
14 who it came from, and what it was all about. I think you can

10:09:39 15 rely on me, counsel, for that.

16 PRESIDING JUDGE: We'll allow you to go further. I've  
17 already indicated some different organisations within the Special  
18 Court. Please continue, Mr Metzger.

19 MR METZGER:

10:09:46 20 Q. That sum of 160.000 Leones, Madam Witness, what was your  
21 understanding that it was for?

22 PRESIDING JUDGE: Perhaps, Mr Metzger, in the light of  
23 Ms Stevens's objection --

24 MR METZGER: I should ask where it came from first.

10:10:24 25 PRESIDING JUDGE: Where it came from first. I think it  
26 would be more logical.

27 MR METZGER: Sorry. Stylistic matter. I quite accept the  
28 point. I shall ask it in that way instead.

29 Q. Madam Witness, forget that last question; I'll come back to

1 it. Who was it that gave you that money, the 160.000 Leones,  
2 when you were at that place?

3 A. I don't know the man's name.

4 Q. Do you know what organisation that man came from?

10:10:55 5 A. I don't know where he came from.

6 Q. Do you know who he was working for?

7 A. He was working for the Special Court.

8 Q. Do you know which part of the Special Court he was working  
9 for?

10:11:21 10 A. I don't know the part that he's working for.

11 Q. Since that time you got the money, 160.000 Leones at that  
12 place, did you see that man again?

13 A. Yes.

14 Q. Are you able to tell us whether you saw him within the  
10:11:41 15 Special Court compound or somewhere else?

16 A. I see him within the Special Court compound. I see him  
17 where I am.

18 Q. When you see him within the Special Court compound, which  
19 area of the Special Court compound do you see him?

10:12:18 20 JUDGE SEBUTINDE: Sorry, did the witness say, "I can see  
21 him from where I am"?

22 MR METZGER: No, I understand the witness to have said, "I  
23 see him within the Special Court compound, and I see him from  
24 where I am," meaning where I am situated, that place. Perhaps I  
10:12:38 25 should clarify that because I can't -- at the moment, the gender  
26 composition of the people on the right-hand side of the room  
27 would not allow for that interpretation. Yes.

28 Q. Madam Witness, let me clarify that. When you say you see  
29 that man from where you are, do you mean the place that you were

1 telling us about? The place where you were staying?

2 A. Right now?

3 Q. Yes, the place where you are staying. Is that what you're  
4 talking about, where you see that man?

10:13:19 5 A. Yes, yes.

6 Q. Is that man involved in looking after you where you stay?

7 A. If he looks after me where I'm staying?

8 Q. [Previous interpretation continues] ... Let me ask it  
9 perhaps in another way. Do you know what work that man does?

10:14:18 10 A. The work that I see him doing?

11 Q. Yes.

12 A. He'll go and take me in the morning and bring with me and  
13 take me back.

14 Q. Okay. Thank you.

10:14:28 15 When you were given that money, the 160,000 Leones, what  
16 did you understand that money was for?

17 A. The one who give me the money did not tell me that this  
18 money was for such and such a thing. So I did not understand why  
19 they give me the money.

10:15:04 20 Q. Madam Witness, in your whole life, have people given you  
21 money for nothing?

22 A. Yes, people do give money to people for nothing.

23 Q. So on this occasion when you're talking about, when you  
24 received the 160,000 Leones, do you believe that money was given

10:15:28 25 to you for nothing? Madam Witness, have you got an answer for  
26 the Court, please?

27 PRESIDING JUDGE: Witness, did you hear the question?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: Did you understand the question?

1 THE WITNESS: I don't understand the question.

2 MR METZGER: I'm very much obliged. I shall try again.

3 Q. Madam Witness, we'll take it in easy steps. You agree that  
4 you've told this Court at some time, which we have not yet  
10:16:53 5 determined, you were given 160.000 Leones by a man who works for  
6 the Special Court and who recently has been involved in bringing  
7 you to Court and taking you back. Is that correct?

8 A. If he is the one that brings me to Court here?

9 Q. Madam Witness, that's not the question. What I'm saying is  
10:17:25 10 he has been involved in bring you to court and taking you back.  
11 It's simply to identify that man in your mind. I'm not asking  
12 you for his name because you don't remember it.

13 A. If the money was given to me so as to bring me to court and  
14 take me back?

10:17:46 15 Q. Madam Witness, it is precisely what that money is for that  
16 I am asking you. Why you were given that money as far as you  
17 know?

18 You may not find the answer in front of you on the floor.  
19 Are you able to help us, please, with why you were given that  
10:18:33 20 money?

21 PRESIDING JUDGE: Witness, did you hear what counsel asked  
22 you?

23 THE WITNESS: I heard what the lawyer said.

24 PRESIDING JUDGE: And did you understand what counsel asked  
10:19:11 25 you?

26 THE WITNESS: I understand.

27 PRESIDING JUDGE: Then you should give counsel an answer  
28 -- give the Court an answer.

29 THE WITNESS: What makes me doubt in giving an answer,

1 because nobody had come to me and said, "This money that I am  
2 giving to you is for such and such a purpose."

3 PRESIDING JUDGE: Thank you.

4 MR METZGER:

10:19:50 5 Q. But what did you understand that money was for? If they  
6 didn't tell you exactly, what did you understand was the reason  
7 for your being given 160,000 Leones?

8 A. Well, you understand that I heard -- I don't know. Because  
9 I left the place where I am staying, and I am sleeping in the  
10:20:21 10 place where I am right now. I don't know if it was for that that  
11 they give me that money.

12 Q. The place where you are sleeping right now, are you paying  
13 rent for it?

14 A. No.

10:20:33 15 Q. Do you have to buy food to eat?

16 A. Like which type of food?

17 Q. Is food provided? I mean, if you want to go out and eat  
18 your Jackie Tomboy you might want to pay for that yourself. But  
19 is food provided for you on a daily basis at the place where  
10:21:07 20 you're staying?

21 A. They provide for me food every day.

22 Q. What about clothing? Is clothing provided for you? What  
23 else is provided for you?

24 A. When I'm in that place?

10:21:22 25 Q. Yes. Wait for a moment. I might have to ask you this  
26 question again.

27 PRESIDING JUDGE: Ms Stevens.

28 MS STEVENS: Your Honour, I have an observation to make.

29 These are Court-sanctioned payments. Guidelines have been set as

1 to what should be provided and the amount to be provided. And  
2 quite frankly, I don't see where my learned friend is going with  
3 this line of cross-examination.

4 PRESIDING JUDGE: Mr Metzger.

10:21:55 5 MR METZGER: Am I being asked to respond to that?

6 PRESIDING JUDGE: It's not framed as an objection, but it  
7 appears that counsel for the Prosecution is challenging the  
8 relevance of the line of questioning in view of the fact that  
9 there are sanctioned provision for allowances to witnesses.

10:22:19 10 MR METZGER: So be it, Your Honour. Can I then state for  
11 the record and in order to assist this Trial Chamber so that it  
12 can decide on the issue of relevance that as far as I'm aware, we  
13 have had no disclosure whatsoever of any other monies that are  
14 provided to witnesses other than that which the Prosecution has  
10:22:39 15 given for transport/lost wages and any other heading in that

16 general category. In my respectful submission, where a witness  
17 comes to give evidence of a nature that is clearly prejudicial to  
18 an accused person, as it must be - the witness is giving evidence  
19 for the Prosecution - then any monies received by that particular  
10:23:08 20 witness for whatever purpose by an organisation linked to,

21 amalgamated with or otherwise under the auspices of the Special  
22 Court ought properly to be disclosed so that evidence can be  
23 placed before this Court where necessary, and it may not be  
24 necessary in all cases, so that this Trial Chamber can make a

10:23:35 25 full and reasoned decision about whether there are motives that  
26 may be financial or otherwise other than a desire to tell the  
27 truth behind the testimony that said witness is giving in court.

28 Does that assist?

29 PRESIDING JUDGE: Mr Metzger, I do recall in a previous

1 hearing day a distinction being made known to the Trial Chamber  
2 between the conduct money you refer to and the -- which as you  
3 correctly say has been given by Prosecution to Defence and  
4 provisions made by the witness protection unit. You have given a  
10:24:18 5 very full response to Ms Stevens. Hers was a much more cursory  
6 observation. And if you consider it proper that this Trial  
7 Chamber gives a full ruling on whether such things should be  
8 divulged, I think it's fair that the Prosecution should be  
9 allowed to make a fuller submission because you've given a very  
10:24:40 10 full reply, on both a point of law and a point of fact.

11 MR METZGER: I'm very much obliged.

12 PRESIDING JUDGE: Perhaps we should have an indication of  
13 whether we should deal with that now, or whether that should be  
14 dealt with as a more general matter as it could well pertain to  
10:24:59 15 other witnesses.

16 MR METZGER: I'm very much obliged. I shall sit down and  
17 see where we go from here.

18 [Prosecution counsel confer]

19 [Trial Chamber confers]

10:26:36 20 PRESIDING JUDGE: Ms Stevens, as you've --

21 [Trial Chamber confers]

22 PRESIDING JUDGE: Mr Metzger, the view of the Bench is that  
23 the matter -- you should continue with your cross-examination at  
24 this point.

10:27:13 25 MR METZGER: I'm very much obliged.

26 PRESIDING JUDGE: The last record I have is that the  
27 witness said about food that they provide me with food.

28 MR METZGER:

29 Q. Again, without disclosing the location, please, Madam

1 Witness, how many rooms are available to you in this place that  
2 you are staying?

3 A. One room.

10:27:56

4 Q. And what about the facilities? For example, a bathroom and  
5 toilet facilities, are they modern?

6 A. Yes.

10:28:26

7 Q. Before you came to live in those premises, Madam Witness,  
8 and I'm not asking you, please, where you were living, just  
9 simply the conditions of the place where you were living, how  
10 much room did you have then?

10:28:44

11 MS TAYLOR: Your Honour, I object to that question. The  
12 objection is relevance. How on earth is it relevant to a fact in  
13 issue in this trial what the facilities of the witness or the  
14 housing conditions of the witness prior to her coming to give  
15 evidence in the Court?

10:29:12

16 MR METZGER: My response to that would be we are in an area  
17 of Africa where not everybody has modern conveniences. It may be  
18 of assistance to the Trial Chamber when considering certainly the  
19 evidence of witnesses whether certain emoluments or improvements  
20 in their lives may impact on their willingness to give evidence  
21 in this case. I am, of course, as always guided by the Trial  
22 Chamber's rulings and the corrections of my learned friends where  
23 appropriate.

24 [Trial Chamber deliberates]

10:30:19

25 PRESIDING JUDGE: We overrule that objection, and the  
26 question is allowed. Please proceed, Mr Metzger.

27 MR METZGER: I'm obliged.

28 Q. Madam Witness, I was just asking you, please, before you  
29 moved into that place that we were talking about earlier, what



1 sort of place did you live in? What was it like? Do you  
2 understand the question?

3 A. No.

4 Q. Let me break it down, then. Did you live beforehand in a  
10:31:00 5 house that is made of bricks? You did understand that question,  
6 Madam Witness?

7 A. No.

8 Q. Let me put it another way. Did you live in a cement house?

9 A. The house, I don't know whether it was made of cement.  
10:31:51 10 Because when I went there, they had already painted it.

11 Q. Madam Witness, not where you are living now, but where you  
12 were living before you moved there. Before the Special Court  
13 moved you to that place or got that place for you. Where were  
14 you living before that?

10:32:15 15 A. This is what I'm trying to say. Where the Special Court  
16 moved me from when I came here, they had already built the house,  
17 and they had already painted it. So I would not be able to know  
18 whether it was made of cement.

19 Q. Okay. And were you living on your own in that house or  
10:32:35 20 with other people?

21 A. I was there with some other people.

22 Q. Without telling us their names, please, were there a lot of  
23 people or just a few people in the house?

24 A. If I can tell the number of people?

10:33:05 25 Q. If there's no objection to that.

26 There's no objection. Yes, tell us how many people were  
27 living in this house.

28 A. Nine people.

29 Q. And how many rooms did this house have?

1 A. Two rooms. And a parlour.

2 Q. And were there modern conveniences in that property? Do  
3 you understand? Like flush toilet and bathroom with running  
4 water?

10:33:47 5 A. We did not have flush, but we had a toilet. And we had a  
6 toilet to wash. But there was -- I mean, a tap.

7 Q. When you say you had a washyard, was that inside or outside  
8 the house?

9 A. It was behind the house.

10:34:06 10 Q. Thank you very much, Madam Witness.

11 MR METZGER: I shall move on now, Your Honour, to an  
12 -- well, effectively, her evidence, this being background  
13 questioning. Might I ask when the Bench might want to take its  
14 mid-morning break so I can tailor my questioning to that.

10:34:42 15 [Trial Chamber confers]

16 MR METZGER: Microphone.

17 PRESIDING JUDGE: I'm trying to some arithmetic, and I  
18 think 10 minutes to 11.00 is about mid-morning. So I would aim  
19 for about 10 minutes to 11.00.

10:35:08 20 MR METZGER: I'm very much obliged. I will do my best.

21 PRESIDING JUDGE: I'm not intending to curtail any counsel.

22 MR METZGER: I'm much obliged.

23 Q. Madam Witness, I want to ask you now, please, about 1999,  
24 your evidence yesterday. First and foremost, you said that you  
10:35:34 25 had received some news from your brother who had been in  
26 Freetown. Do you recall that?

27 A. Yes.

28 Q. How did you receive this news? Was it from your brother  
29 personally, or by some other method?

1 A. It was from my brother himself.

2 Q. Would it be correct that your brother came to Mabale in  
3 Koya Chiefdom, as you put it, and told you what was happening in  
4 Freetown?

10:36:19 5 A. Yes, yes.

6 Q. Thank you. Now, you told us that the rebels came on two  
7 occasions.

8 A. Yes.

9 Q. And on both of those occasions, you, with other people,  
10:36:37 10 went to the bush to hide. Is that correct?

11 A. What? I don't understand.

12 Q. On the two occasions that the rebels came to Mabale where  
13 you were, yourself and other people went to the bush to hide. Is  
14 that correct?

10:37:09 15 A. Yes.

16 Q. On the first occasion, the rebels took some people. But  
17 you managed to escape. Is that correct?

18 A. Yes.

19 Q. And it was on the second occasion that you yourself were  
10:37:27 20 captured. Is that also true?

21 A. Yes.

22 Q. Are you now able to help us between the space of time  
23 between the first visit by the rebels and the second visit when  
24 you were captured?

10:37:53 25 A. I cannot tell the time.

26 Q. Now, your brother, where was he when the rebel came on the  
27 first visit?

28 A. Where my brother was when the rebels first came?

29 Q. Yes, please. Do you know where he was?

1 A. They all hide in the bush.

2 Q. On the first occasion, your brother also escaped being  
3 captured by the rebels. Is that correct?

4 A. Yes.

10:38:55 5 Q. Now, on the second occasion when you were captured, where  
6 was your brother?

7 A. At that time, I did not see him any more.

8 Q. Did there come a time when you became aware that your  
9 brother had also been captured?

10:39:51 10 A. Yes.

11 Q. Do you know when your brother was captured?

12 A. No.

13 Q. Do you know where your brother was captured from?

14 A. No.

10:40:04 15 Q. But you do know that in due course, your brother was given  
16 military training under the rebels? Is that not so?

17 A. I don't know.

18 Q. Madam Witness, let me refer the Trial Chamber to the same  
19 witness statement.

10:40:42 20 MR METZGER: Your Honours, page 6523 for the benefit of  
21 those who want to follow this. And I'm looking at the very last  
22 sentence on that page.

23 Q. Madam Witness, this statement says, and I read: "The  
24 witness's brother" - the witness is yourself - "brother was  
10:41:12 25 abducted after she had been abducted and was given military  
26 training. He was released to ECOMOG in 1999."

27 Were you aware of that?

28 A. I am not aware of that.

29 Q. Is it your evidence that you did not give that information

1 to the investigator who was taking your statement from the  
2 Prosecution?

3 A. Well, I am saying the truth. I am saying I don't know if  
4 they trained him.

10:42:12 5 Q. Madam Witness, would you agree with me that there are two  
6 sides to this: Either you told that woman who was taking the  
7 statement from you that your brother was taken away and given  
8 military training or you didn't tell her. I'm simply asking you  
9 which it was.

10:42:57 10 Did you not tell her that your brother had been captured  
11 after you and given military training? Can you help us with  
12 that, please, Madam Witness?

13 PRESIDING JUDGE: Witness, did you understand the question  
14 that was put?

10:43:47 15 MR METZGER: I'm not sure she did.

16 THE WITNESS: I don't understand the question.

17 MR METZGER:

18 Q. Thank you. Madam Witness, if you don't understand the  
19 question, please just say, and I will try again. And I will do  
10:44:01 20 it.

21 You have told us -- scratch. I'll start again. I'm asking  
22 about the interview you had with an investigator from the  
23 Prosecution and suggesting to you that in that interview, it is  
24 recorded that your brother had been captured after you and that  
10:44:33 25 he was given military training. Do you understand that part?

26 That's what I'm saying.

27 A. They captured my brother when I was not captured?

28 Q. After you had been captured, your brother was captured. Do  
29 you know that? That's what it's saying here.

1 A. Well, what I understand --

2 Q. Yes.

3 A. -- my brother, I was not in the area where he was captured.

4 But at one time, my brother told me that they captured him. I

10:45:31 5 was not there. He told me that he was captured. They trained

6 him how to fight.

7 Q. So you accept that your brother told you those things?

8 A. Yes.

9 Q. And that your brother also told you that --

10:45:48 10 A. Yes.

11 Q. -- he was released to ECOMOG in 1999? Yes? Do you accept  
12 that?

13 A. Yes.

14 Q. Fair enough. Let's stick with those first three things.

10:46:09 15 You knew by the time you were speaking to the Prosecution that

16 your brother had been captured, from him, because he told you.

17 That's correct, yes, and that he had been given military

18 training. Your brother told you these things?

19 A. I was told by my brother, yes.

10:46:31 20 Q. What I'm asking you, is, did you give that information to  
21 the investigator from the Prosecution?

22 A. I can't remember whether I gave that information.

23 Q. I think we can leave that matter there.

24 MR METZGER: I'm about, Your Honour, to move on to

10:46:58 25 cross-examination in relation to the Mabale and Sumbuya

26 contra-distinction, but I hope to approach it from a slightly

27 different angle from Mr Manley-Spaine, and we'll watch that I

28 don't tread on any ground that's already trodden.

29 PRESIDING JUDGE: Just pause, Mr Metzger, please.

1 [Trial Chamber confers]

2 PRESIDING JUDGE: We will adjourn for 15 minutes. Madam

3 Court Attendant, please adjourn Court for 15 minutes.

4 [Recess taken at 10.47 a.m.]

11:08:09 5 [TB140405B - CR]

6 [Upon resuming at 11.10 a.m.]

7 PRESIDING JUDGE: Mr Metzger, you were cross-examining.

8 MR METZGER:

9 Q. Madam Witness, I now want to ask you what you say happened  
11:08:25 10 to you in the bush in Mabale. Can I just clarify something with  
11 you. When you say you were raped in the bush, that must have  
12 been a very frightening experience for you, wasn't it?

13 A. Yes.

14 Q. It's something that you won't forget in a hurry?

11:09:05 15 A. Not at all.

16 Q. You have a very vivid memory of how it happened; is that  
17 correct?

18 A. Yes.

19 Q. And this, is it correct, was the first time you had been  
11:09:27 20 raped by this man in the bush? Is that correct?

21 A. Which man?

22 Q. The man you refer to as Five-Five.

23 A. Yes.

24 Q. Now, let me ask you about that. Your evidence is that this  
11:10:03 25 happened in the bush near or in Mabale; is that correct?

26 A. What?

27 Q. Your evidence is that this rape took place in the bush in  
28 Mabale; is that correct?

29 A. Yes.

1 Q. That bush was quite some distance away from the village  
2 itself; is that correct?

3 A. Yes, it's a little bit distant from the village.

4 Q. What had happened was you had been taken by one rebel into  
11:10:48 5 the bush where you met two people -- two rebels; is that correct?

6 A. Yes.

7 Q. When you gave your evidence yesterday, you said that the  
8 man who led you into that area left you there; is that correct?

9 A. Yes.

11:11:16 10 Q. You said initially he called one rebel whose name was  
11 Five-Five and then he returned back; is that correct?

12 A. Yes.

13 Q. That's what I want to ask you about, Madam Witness. When  
14 you say that man called one rebel whose name was Five-Five, can  
11:11:45 15 you explain, please, what you meant by that?

16 A. No.

17 Q. Why can't you explain? So we can understand, what do you  
18 mean? When you say he called one rebel whose name was Five-Five,  
19 how did he call him; what did he say?

11:12:08 20 A. I don't know what he meant when he called him Five-Five.

21 Q. Let me ask it then in this way: can you tell us, please,  
22 what happened? You are brought into this area where there were  
23 two people. What exactly, as far as you can remember, did the  
24 rebel who brought you into that area say; what were his words?

11:12:32 25 A. The one that brought me to the area?

26 Q. Indeed, the very one.

27 A. What he said?

28 Q. Can you tell us, please, what he said?

29 A. He only said Five-Five, and he returned.



1 Q. So your evidence is that that rebel came into the area  
2 where there were two rebels and said the words Five-Five and then  
3 moved off?

4 A. Mmm-hmm.

11:13:14 5 Q. Do you know who he was referring, or what he was referring  
6 to when he said the words Five-Five at that time?

7 A. If I am aware of what he was talking about?

8 Q. Yes, please. Can you tell us if you were aware?

9 A. When he took me to the place, I thought they were going to  
11:13:50 10 kill me. I thought it was -- they had wanted to kill me.

11 Q. Thank you. But, as we know, they didn't kill you?

12 A. Not at all.

13 Q. So when the man said Five-Five, what did you understand  
14 that Five-Five to mean? At that time, what did you understand it  
11:14:23 15 to mean?

16 A. I don't know what he meant by Five-Five, when he called  
17 Five-Five. I don't understand.

18 Q. Let me ask you this, Madam Witness. Is it correct that in  
19 Sierra Leone there are a brand of cigarettes known as Five-Five?  
11:15:03 20 Did you get the question?

21 A. Yes. We have the cigarette.

22 Q. So for all you know, having taken you into this area --  
23 clearing or otherwise -- the man may have remembered that he  
24 wanted to smoke some cigarettes and said Five-Five and went off  
11:15:22 25 to get his cigarettes. That could have been the position; is  
26 that right?

27 A. When the man took me to the area and said Five-Five, I saw  
28 he made a sign like this to the man [indicates], then he  
29 returned.

1 Q. The sign that you indicated, for the record, is a nodding  
2 of your head; is that correct? You nodded your head like this  
3 [indicates].

4 A. Yes.

11:15:54 5 Q. Well, there were two people there. Who was it that you  
6 believed that man was communicating with out of the two people?

7 A. It was the one who raped me.

8 Q. Are you able at all to describe the other man who was  
9 there?

11:16:17 10 A. I cannot tell because during the time I was frightened. I  
11 was frightened. I was unable to recognise the man properly.

12 Q. Now, again, please -- I'm sorry to have to ask you about  
13 this -- but the rape itself, as you call it, you were told to  
14 undress and lie down; is that correct?

11:16:59 15 A. Yes.

16 Q. You laid down and he went on top of you and raped you; is  
17 that correct?

18 A. Yes.

19 Q. At any stage, was there any conversation? Did you say  
11:17:15 20 anything at all to the man?

21 A. I did not say anything because I was afraid.

22 Q. Did you tell the man that you were afraid?

23 A. I did not tell him that I was afraid. It was in my heart  
24 that if I had told him, something would have happened.

11:17:48 25 Q. Now, Madam Witness, it's already been put to you so I won't  
26 go into it in any detail, but in the interview that you had with  
27 the lady from the Prosecution, you suggested that the rape, the  
28 first one, took place in a house in Sumbuya.

29 A. No. For me, what had happened is what I'm explaining here,

1 the truth, is what I'm explaining.

2 Q. What I'm asking you, Madam Witness, is did you, when you  
3 were speaking to this woman from the Prosecution, in fact say to  
4 her that it had happened in a house in Sumbuya?

11:18:46 5 A. What I can recall that I said is what I have said.

6 Q. So is it your evidence then that as far as you can recall  
7 you never told anybody from the Prosecution that you had been  
8 raped by this man in a house in Sumbuya; is that your evidence?

9 A. Yes, it was not inside a house that I was raped; it was  
11:19:33 10 inside the bush.

11 Q. Now, just trying to think back as best as you can in order  
12 to help this Court, can you think of any reason why someone would  
13 record that you said this rape happened in a house in Sumbuya?

14 MS STEVENS: Objection.

11:20:01 15 MR METZGER: Don't answer yet, there is an objection.

16 MS STEVENS: I object to that question, Your Honour. It  
17 calls for speculation on the witness's part. The witness  
18 couldn't possibly know what was going on in the investigator's  
19 mind when the statement was recorded.

11:20:14 20 MR METZGER: I thought I had framed the question so that I  
21 was asking this witness to tell us what was within her own  
22 experience by virtue of her being present at the interview and  
23 whether she could think of any reason by virtue of what she had  
24 said to this person.

11:22:22 25 [Trial Chamber confers]

26 PRESIDING JUDGE: The witness was present when this  
27 statement was recorded. She was there and spoke to the  
28 investigator. I'm of the opinion that she could have formed a  
29 view as to what was recorded. I will allow the question.

1 MR METZGER: I'm very much obliged. I do concede that  
2 perhaps the question was cumbersome and I can try to make it  
3 simpler.

4 Q. Madam Witness, was there anything that you said to the  
11:24:19 5 investigator from the Prosecution that you think could have led  
6 her to record that the rape involving Five-Five happened in a  
7 house in Sumbuya?

8 A. What had happened is what I've explained.

9 Q. So your evidence is that you were very clear about what  
11:24:53 10 happened; is that correct?

11 A. Yes.

12 Q. And that you told the investigator what you have told us  
13 today?

14 A. I'm saying the truth. What happened to me is what I have  
11:25:17 15 explained.

16 Q. Indeed, Madam Witness. But what I'm asking you is this  
17 question: are you saying that what you have told us today, which  
18 is the truth on your evidence, is what you told the investigator  
19 for the Prosecution? Do you understand the question, Madam  
11:25:54 20 Witness?

21 A. Yes.

22 Q. Is that the answer that you told that investigator what you  
23 are telling us today? It may not assist you to look to the  
24 right-hand side of the room at this point.

11:26:26 25 PRESIDING JUDGE: You must answer that question.

26 THE WITNESS: What I recall that I said is what I've  
27 explained.

28 MR METZGER:

29 Q. Now there is one other thing I wanted to ask you about,

1 Madam Witness, and that relates to your relationship with the man  
2 whose name you told this court in closed session; the rebel you  
3 say who said he wanted you. Do you understand who I mean?

4 A. Yes.

11:27:30 5 MR METZGER: For the assistance of the Trial Chamber and  
6 interested parties, I am proposing now to ask questions about  
7 interview notes relating to an interview on 11 March 2004. This  
8 is the document which Your Honours will recall when were told  
9 prior to the beginning of this testimony had simply not been  
11:27:54 10 filed and, unfortunately, not disclosed.

11 Q. Madam Witness, you may not remember the date, but we have a  
12 document which suggests you were interviewed by somebody from the  
13 Prosecution on 11 March last year. Can you remember coming for  
14 an interview and talking about your statement in around March of  
11:28:23 15 last year?

16 A. Yes.

17 Q. During that interview -- I'm going to read now a section,  
18 the last paragraph, Your Honours. It says: "Witness was married  
19 to a rebel called" -- then you give us the name. For present  
11:28:57 20 purposes, because that name was given in closed session, I shall  
21 use the sobriquet X. "Witness was married to a witness called X.  
22 When X captured witness, he told her brother that he was taking  
23 the witness as a wife." I'm going to stop there for a moment. I  
24 will read the rest of it to you in due course, but will take it  
11:29:24 25 in small bits. Did you tell the person from the Prosecution that  
26 this rebel X had told your brother he was taking you for his  
27 wife?

28 A. He did not tell my brother that. He took me on his own.

29 Q. But did you tell the Prosecution during that meeting I have

1 referred you to that, in fact, he had told your brother that he  
2 was taking you for a wife?

3 A. I do not remember that.

11:30:17

4 Q. Is the position then this, Madam Witness: you may have  
5 told that to the interviewing officer, but you simply don't  
6 remember? I mean the interviewer from the Prosecution?

7 A. I said I cannot recall if I said that.

11:30:53

8 Q. Let me go on, because it might jog your memory. Next line,  
9 "He" -- that is this so say this X -- "asked witness's brother to  
10 go and inform the witness's parents that he had taken their  
11 daughter as a wife and that after the war he would go and see  
12 them." Now, do you recall telling the interviewer from the  
13 Prosecution that X had asked your brother to go and tell your  
14 parents that he was taking you for his wife?

11:31:19

15 A. He did not tell my brother that.

16 Q. But did you say that to the interviewer from the  
17 Prosecution?

18 A. I cannot remember that I said so.

11:31:40

19 Q. Again, something you don't remember. I will move on. The  
20 next sentence, "When X asked witness if she would marry him, she  
21 said yes, because saying no in the circumstances would have made  
22 no difference. She may even have been killed." Did you say that  
23 to the interviewer from the Prosecution?

24 A. That when this rebel said that he wanted me I said yes?

11:32:14

25 Q. No, when the rebel asked you if you would marry him that  
26 you said yes.

27 A. I said yes.

28 Q. And you agree you told that, at least, to the interviewer  
29 from the Prosecution?

1 A. Yes.

2 Q. I will read the rest of it. "As wife, the witness took  
3 care of X. She fetched water for him, did his laundry and also  
4 cooked for him. X did not have any other wife apart from the  
11:32:56 5 witness. No other rebel attempted to rape her after she got  
6 married to X because they all knew that she was his wife." Did  
7 you tell that to the interviewer from the Prosecution?

8 A. I did not say that I had done laundry for him.

9 Q. What about cooking for him; did you say that you cooked for  
11:33:28 10 him?

11 A. I did not cook for him. Not at all.

12 Q. You did not cook for him?

13 A. Not at all.

14 Q. Did you fetch water for him?

11:33:34 15 A. No.

16 Q. You did not tell any of these things to the interviewer  
17 from the Special Court?

18 A. I cannot remember that I said so, because I did not do  
19 those works.

11:33:52 20 Q. So you don't remember if you told her, but you didn't do  
21 those works?

22 A. Not at all.

23 Q. So if you did tell her, you would have been lying because  
24 you didn't do those works; is that the case?

11:34:17 25 A. I cannot tell a lie. The truth is what I'm saying. What  
26 has happened is what I'm saying. I wouldn't say what did not  
27 happen. I'm telling you what happened.

28 Q. But it is wrong to say for anybody to write down that you  
29 fetched water, did laundry and cooked for him; that's wrong,

1 because it didn't happen?

2 A. I cannot remember that I said that.

3 Q. Since you don't remember, Madam Witness, is it a  
4 possibility that you did say it, but you simply just don't  
11:34:54 5 remember now? Is that possible?

6 A. It's not everything that one is able to remember. I have  
7 tried to tell you that I cannot remember that.

8 Q. Indeed, Madam Witness. The point, you see, is a very  
9 simple one. We have a document which I have put to you that  
11:35:45 10 records that you fetched water, did laundry and cooked, and other  
11 things which you're supposed to have done. You have told us that  
12 you didn't do these things, but you don't remember if you said to  
13 this interviewer that these things in fact happened. That's the  
14 case, isn't it? That's your position right now?

11:36:14 15 A. Yes.

16 Q. You've also told us that you would not say something that  
17 didn't happen, because you are not here to tell lies; is that  
18 your position?

19 A. Yes, I came here to say the truth.

11:36:34 20 Q. When you went to the interviewer for the Prosecution, did  
21 you go there to tell the truth?

22 A. Yes.

23 Q. From your knowledge, are you able to explain why there is  
24 something different in what you are supposed to have said on that  
11:36:58 25 occasion?

26 MS STEVENS: Your Honours, this witness has consistently  
27 said she does not remember in response to questions that have  
28 been put to her about what is contained in her statement. I say  
29 once again that this witness is not in a position to tell what



1 was in the investigator's mind.

2 [Trial Chamber confers]

3 PRESIDING JUDGE: The question asked is what is in the mind  
4 of the witness and is therefore allowed.

11:38:39 5 MR METZGER:

6 Q. Are you able to help us please with an explanation, to your  
7 knowledge, as to why what you have said today may appear to be  
8 recorded differently in your interview with the Prosecution  
9 person last year?

11:39:10 10 A. I don't understand.

11 MR METZGER: It may be, Your Honour, that I won't get an  
12 answer to that. I shall move on.

13 JUDGE SEBUTINDE: Madam Witness, all that the lawyer is  
14 asking you is why is it that what you have told us in Court today  
11:39:27 15 is different from what is recorded in the statement that he is  
16 reading which was recorded last year. He's asking you: why is  
17 that?

18 A. Well, I do not know what has been recorded.

19 MR METZGER:

11:39:55 20 Q. Madam Witness, finally this: after the incident, however  
21 long all of this took, you left Sumbuya and you received medical  
22 attention at Connaught Hospital.

23 PRESIDING JUDGE: Mr Metzger, there were a lot of  
24 incidents, which one?

11:40:15 25 MR METZGER: After her whole abduction period.

26 Q. You left Sumbuya and you went to Connaught Hospital; is  
27 that correct?

28 A. Yes.

29 Q. At Connaught Hospital, did you complain to anybody that you

1 had been raped during the time that you were taken by the rebels?

2 A. When I was at Connaught Hospital, I would sit like that and  
3 explain that to people that they raped me.

11:41:25

4 Q. But did you make that complaint to any of the doctors who  
5 treated you at Connaught Hospital?

6 A. No.

7 Q. In that case, I have no further questions. Thank you very  
8 much, Madam Witness, Your Honours.

9 PRESIDING JUDGE: Mr Fofanah?

11:41:48

10 MR FOFANAH: Your Honour, I have no questions for this  
11 witness.

12 PRESIDING JUDGE: Thank you, Mr Fofanah. Re-examination?

13 MS STEVENS: None, Your Honour.

11:42:18

14 PRESIDING JUDGE: Thank you, Ms Stevens. Madam Witness,  
15 that is all your evidence finished. You are now free to leave  
16 the Court; do you understand? Thank you for coming to the Court  
17 and for giving your evidence. Just sit where you are a little  
18 moment, Madam Witness.

11:42:48

19 Madam Court Attendant, this is a protected witness and it  
20 will be necessary to draw the curtains. Thank you, if you could  
21 do that, please.

22 [The witness withdrew]

11:44:05

23 MS TAYLOR: Your Honour, the next witness is TF1-256. That  
24 witness will give evidence in the Temne language. The witness  
25 will be led in evidence by my learned friend Mr Werner, who I  
26 don't believe has appeared in front of this Chamber yet.

27 PRESIDING JUDGE: Thank you.

28 MS TAYLOR: Your Honour, there is only one matter I would  
29 raise about this witness. This witness has recently spent a

1 period of three weeks in hospital. While he is well enough to  
2 give his evidence, I simply raise that so the Court might be  
3 vigilant, if the witness begins to experience any fatigue or any  
4 difficulty resulting from that, that it might be necessary to  
11:44:40 5 take the odd break.

6 MR METZGER: Your Honour, there are two matters which  
7 arise. Perhaps we can flag them at this stage for the Trial  
8 Chamber. In relation to the last witness and, indeed, this  
9 witness we've had some difficulty with the interview notes and  
11:45:08 10 the statement which wasn't, in fact, a statement. We do know  
11 that these were taken by people who exist, regardless of the  
12 original documentation going missing. It would seem prudent, in  
13 all the circumstances, for some party, whether it be the Trial  
14 Chamber of its own motion or the Prosecution, to call the  
11:45:30 15 relevant investigator or interview-taker in order to give  
16 evidence about the taking of those interviews.

17 PRESIDING JUDGE: Are you actually applying for that,  
18 Mr Metzger? An observation and an application are not  
19 necessarily the same.

11:45:57 20 MR METZGER: Yes. At the moment, it's an observation.

21 [The witness entered court]

22 MR METZGER: At the moment, Your Honour, in this respect,  
23 that is an observation, because it appears to us it seems more  
24 appropriate to make the observation now so that certainly if the  
11:46:48 25 Prosecution are minded to see that observation is a useful one,  
26 then there would be no need for formal motions to be made before  
27 the Court, or particular requests. However, there is a more  
28 pressing matter, and that is in relation to this witness TF1-256  
29 who is now about to give evidence.

1 Not only is this document not titled "Statement", it is  
2 titled "Interview Report". We have the same situation as the  
3 previous witness where there is no affirmation attached thereto.  
4 Before we go into the situation we were at yesterday, we would  
11:47:39 5 hope that the Prosecution will be able to say that their records  
6 have been checked and they are able to either provide the  
7 original handwritten or original form of note, in case it differs  
8 in any material particular, or to indicate that there is no such  
9 original and no further documentation in this regard.

11:48:05 10 PRESIDING JUDGE: Since you're observing, I presume you're  
11 not calling for a reply or a ruling, but I have no doubt the  
12 Prosecution has heard what you've said. In the event of a formal  
13 application, we will deal with it.

14 MR METZGER: The application in relation to this side of  
11:48:23 15 things for this particular witness is that we ought properly to  
16 have either a full answer or documentation in our possession  
17 before the witness is called. We note, for example, that there  
18 is no -- this appears to be a witness that hasn't been seen,  
19 because it has not been disclosed on us so far as I am aware any  
11:48:45 20 further interview notes suggesting that the witness has gone  
21 through his statement. I stand corrected. There is one  
22 confirmation last year that he simply confirmed his prior  
23 statement and made no additions or clarifications.

24 MS TAYLOR: Your Honour, there was also disclosed in an  
11:49:17 25 unredacted form on 21 March this year a document entitled  
26 "Additional Information Provided By Witness TF1-256". The  
27 relevant Registry pages are 7101-7104. In relation to the other  
28 issue raised by my learned friend, the Prosecution has no signed  
29 copy of this statement nor any further notes relating to that

1 statement.

2 JUDGE SEBUTINDE: Ms Taylor, we don't have on our records  
3 the pages you just named. None of us on the Bench appear to have  
4 those pages you just referred to.

11:50:10 5 MS TAYLOR: They have obviously been filed because we have  
6 Registry page numbers. I can try to find out the date on which  
7 they were filed.

8 MR FOFANAH: Excuse me, Your Honours, counsel on the other  
9 side might be able to also help us with the recent information  
11:51:01 10 she just mentioned, the one dated the 21st. Unfortunately, I  
11 don't have that. I think my colleagues are also indicating the  
12 same.

13 PRESIDING JUDGE: Those are the pages 7101-7104,  
14 Mr Fofanah?

11:51:23 15 MR FOFANAH: I don't have it, but it is dated the 21st.

16 MS TAYLOR: Your Honour, that particular document was  
17 disclosed to all members of the Defence team on 21 February 2005.  
18 I have the disclosure receipts in my hand. If my learned friends  
19 don't have copies in Court, then the Prosecution will make copies  
11:51:56 20 of them. That might require a five-minute adjournment.

21 MR MANLEY-SPAINNE: We have the document.

22 MR FOFANAH: I mistakenly was looking at the one dated the  
23 16th. I think that is what she is referring to. Thank you.

24 PRESIDING JUDGE: Are we now ready to proceed and have the  
11:52:17 25 witness sworn in?

26 MR METZGER: I'm content. I rather suspect this witness  
27 will, in-chief, take to the luncheon adjournment. I'm content I  
28 can pick up four pages over lunch, if required.

29 PRESIDING JUDGE: Madam Court Attendant, please swear in

1 the witness.

2 WITNESS: TF1-256 [Sworn]

3 PRESIDING JUDGE: Thank you.

4 EXAMINED BY MR WERNER:

11:54:19 5 MR WERNER: Good morning, Your Honours. Good morning  
6 members of the Defence.

7 THE WITNESS: Good morning.

8 Q. Mr Witness, just wait for me.

9 A. Okay. Good morning. How do you do?

11:54:32 10 Q. Thank you.

11 A. You're welcome.

12 Q. Mr Witness, just listen to my questions.

13 A. Okay.

14 Q. I'm going to ask you a few questions, if you can just  
11:54:49 15 answer my questions.

16 A. No problem. Okay.

17 Q. Mr Witness, where were you born?

18 A. At Masi mera.

19 Q. In which district, Mr Witness?

11:55:10 20 JUDGE SEBUTINDE: Counsel, we did agree yesterday that --

21 THE WITNESS: Port Loko District.

22 JUDGE SEBUTINDE: -- you would spell these names for us  
23 before you proceed.

24 MR WERNER: Yes, Your Honour, I wanted to have the district  
11:55:23 25 first, but I will.

26 Q. Could you just tell us which district?

27 A. At Port Loko District.

28 Q. Which chiefdom?

29 A. Masi mera Chiefdom.

1 Q. Are you able to spell the name of the chiefdom for the  
2 Court?

3 A. I?

4 Q. Would it be possible for you --

11:56:02 5 JUDGE LUSSICK: No, you do it, Mr Werner. You must have  
6 some instructions of the correct spelling.

7 MR WERNER: M-A-S-I-M-A-R-A, Masimera.

8 JUDGE LUSSICK: I think he said that is in the Port Loko  
9 District.

11:56:31 10 MR WERNER: Yes, Your Honour.

11 Q. Mr Witness, how old are you?

12 A. 42 years this year.

13 Q. What are you doing for a living, Mr Witness?

14 A. Farming.

11:56:54 15 Q. Mr Witness, do you remember the month of April 1999?

16 A. Yes.

17 Q. Could you tell this Court where you were in April 1999?

18 A. Yes. Yes, I will be able to tell them.

19 Q. Could you do so, Mr Witness?

11:57:31 20 A. I will be able to do so.

21 Q. Please do so.

22 A. In 1999 we were in our village at Masimera. We were always  
23 almost in the bush running away from the rebels.

24 Q. Just wait for a moment, Mr Witness. Just answer my

11:58:02 25 questions. What happened, Mr Witness, in Masimera in April 1999?

26 A. War was waged on us.

27 Q. What else happened?

28 A. They killed people and they burnt our houses and they

29 locked and raped our wives and children and they punished us.

1 JUDGE LUSSICK: I wasn't quite sure. They did something  
2 and --

3 MR WERNER: I will try to clarify, Your Honour.

11:59:07

4 Q. Mr Witness, you said "they". Could you tell this Court who  
5 are "they"?

6 A. People who wore uniform -- in a soldier uniform.

7 [TB140405C-12.00-SGH]

8 Q. Did they belong to a group?

11:58:37

9 A. Well, from right from the start we are of the opinion that  
10 they were soldiers.

11 Q. Why did you think that?

12 A. Because they wore a soldier's uniform.

13 Q. Now, let me ask you the question again. Please try to  
14 listen as carefully as you could to my question.

11:59:15

15 A. Okay.

16 Q. What happened to you yourself in Masimera in April 1999?  
17 To yourself, starting from the start the beginning.

18 A. We ran away from the soldiers and we went into the bush.  
19 And they captured some of our colleagues in the bush while they  
20 were running after us.

11:59:46

21 Q. [Microphone not activated] You said, "We fled to the bush".  
22 Who are "we"?

23 A. Those people from whom we ran.

12:00:25

24 Q. No, you said "we", "We fled to the bush. We escaped to the  
25 bush." Now, who are "we"? What do you mean when you say "we"?

26 A. We ran away from the soldiers.

27 Q. Mr Witness, I understand it is difficult and I understand  
28 my --

29 A. Yes.



1 Q. Just try to listen to my question and to follow me. You  
2 say "we escaped". We understood that you escaped. You said, "We  
3 escaped to the bush". Could you just clarify?

4 MR METZGER: With respect, it is sort of an objection. I would  
12:00:59 5 just caution my learned friend to, as it were, put the words of the  
6 witness rather than using other terminology. I am sure it is difficult  
7 enough for the interpreter, but if we can stick with the words that he  
8 used.

9 MR WERNER: I apologise.

12:01:20 10 A. I.

11 Q. Mr Witness, you say we fled. Could you just clarify for us  
12 who are "we"?

13 A. My children and my brothers and sisters who ran away and  
14 went into the bush.

12:01:39 15 Q. Now, Mr Witness --

16 A. Yes.

17 Q. You said that they captured some colleagues. Who are these  
18 colleagues?

19 A. I said we ran away and went to the bush. Our own children  
12:02:19 20 and all of us in town, we ran away and went to the bush when the  
21 soldiers came. That is what I told you.

22 Q. Mr Witness, you told us as well that then -- just listen to  
23 me. You told us as well --

24 A. I am listening to you.

12:02:41 25 Q. Okay. You told us as well that they captured some of your  
26 colleagues.

27 A. Yes.

28 Q. I understood you left and you and your family now. I am  
29 asking you about the colleagues. Who were these colleagues?

1 A. They captured Nyaday Sesay and her children. And they  
2 captured Adama Sankoh and her children. They captured  
3 Amie Conteh and their children and the rest of us were left in  
4 the bush.

12:03:33 5 MR WERNER: Do you want me to spell the names?

6 JUDGE SEBUTINDE: Well, if you are going to ask the names,  
7 you have to spell the names.

8 MR WERNER: Yes, Your Honour. I am ready to do so. So  
9 Amie Conteh. First name: A-M-I-E. Family name: CO-N-T-E-H.

12:04:00 10 Adama Sankoh. First name: A-D-A-M-A. Family name:

11 S-A-N-K-O-H. Myalay Sesay. First name: M-Y-A-L-A-Y.

12 MS THOMPSON: Your Honour, I interrupt my learned friend  
13 now because I think the interpretation that came to us was Nyaday  
14 Sesay as opposed to Myalay as appears in the statement. That is  
15 the interpretation I got. Perhaps the witness can clarify  
16 because my learned friend is spelling words in the statement.

12:04:28 15

17 THE WITNESS: Nyaday, Nyaday.

18 MS THOMPSON: That is a different spelling. Secondly, can  
19 we just get clarification because we have a note down here that  
20 it is Adama Sesay, as opposed to Adama Sankoh, which appears on  
21 the statement. So can my learned friends --

12:04:47 20

22 A. No, no, Adama Sankoh.

23 PRESIDING JUDGE: For the purpose of the record, I have  
24 Adama Sankoh.

12:05:02 25 MR WERNER: I think it was my mistake and indeed it is

26 Nyaday. So it will be N-Y-A-D-A-Y. Nyaday. Sesay, family name:  
27 S-E-S-A-Y.

28 Q. Mr Witness --

29 A. Yes.

1 Q. You said Amie Conteh and her children; do you know how many  
2 children were captured on that day?

3 A. Amie Conteh, was with her own children. Three. And she  
4 was making the fourth.

12:06:09 5 Q. You said Adama Sankoh and her children; do you know how  
6 many children were captured on that day?

7 A. Adama Sankoh also had three children and she made up to  
8 four.

9 Q. Now, you said Nyaday Sesay and her children; would you tell  
12:06:42 10 us how many children were captured on that day?

11 A. She had four children and she made up to five.

12 Q. Now, Mr Witness, you said that you fled with your family.  
13 Where did you go?

14 A. We were travelling when our colleagues had been captured.  
12:07:21 15 We were trying to go some other parts when we encountered  
16 soldiers.

17 Q. Mr Witness, I would like to explain to you that people are  
18 writing down what you are saying, so if you could just --

19 A. Okay. Okay.

12:07:50 20 Q. So, did you know exactly where did you go?

21 A. Yes, I go there.

22 Q. How far was it from where you left?

23 A. You mean in the bush or in the town.

24 Q. The bush?

12:08:12 25 A. In the bush and the garden.

26 Q. Mr Witness, just try to follow me. You said that you fled?

27 A. Yes. Yes.

28 Q. I am just trying to understand how far you went when you  
29 fled, wherever you went. But how far did you go?

1 A. That's from the town to the place where I fled to.

2 Q. Mr Witness, just try to follow me. Wherever you went, how  
3 far did you walk?

4 A. This is what I asked of you.

12:09:09 5 Q. Okay, I am trying another way. What happened after you  
6 fled to the bush?

7 A. When our colleagues had been captured who were trying to go  
8 to some other part.

9 Q. Where?

12:09:37 10 A. Because where we were we knew that they would have to  
11 capture us. So we went.

12 Q. I understood that, Mr Witness. Where did you go?

13 A. So there we encountered the soldiers in the garden.

14 Q. Mr Witness, try to answer my questions. You told us that  
12:10:02 15 you went. Where did you go? If you cannot remember, that is  
16 fine. Just try to answer my question. Do you remember where did  
17 you go?

18 A. We were on our way because we have already abandoned where  
19 we were, because they had captured our colleagues. So I want you  
12:10:24 20 to understand. So we are trying to go to some other part.

21 Q. Where were these other parts?

22 A. We were on our way going when we encountered the soldiers  
23 in the garden.

24 Q. From the day you fled to the bush, up to the day you  
12:10:59 25 encountered these soldiers, how long between these two dates?

26 A. The day they entered, we spent the night where we ran to.  
27 They were not able to capture us. Shall I continue?

28 Q. Yes.

29 A. The second day, that was the time that they captured our

1 colleagues. Shall I continue?

2 Q. Yes.

3 A. So we said, "Oh this place, we have to leave this place and  
4 go to some other part." Shall I continue?

12:11:54 5 Q. Yes.

6 A. When we were going to this other part that I was talking  
7 about, the road that we were supposed to use there was a garden  
8 and this was the place that we are supposed to pass and go to  
9 some other part.

12:12:18 10 Q. Mr Witness, where is the garden?

11 A. Yes, this garden belonged to our town.

12 Q. Can you try to be more precise?

13 A. Shall I continue?

14 Q. Just answer the question. Where is this garden?

12:13:09 15 A. I said this garden belongs to our town and it is -- it is  
16 out of the town. It is just something like half miles -- half a  
17 mile from the town.

18 Q. What is the name of the town, Mr Witness?

19 A. Rochendekom [phon].

12:13:36 20 Q. Okay, the name I have does not match exactly, but I will  
21 try. T-E-N-D --

22 MR METZGER: Sorry. I have a little concern that the sound that  
23 we heard seems to have been like a C-H, some different thing from that  
24 which is about to be spelt and I am concerned that we could be writing  
12:14:03 25 something completely different.

26 PRESIDING JUDGE: Give counsel a chance, Mr Metzger, to say  
27 what [inaudible]

28 THE WITNESS: Shall I say it again?

29 MR WERNER:

1 Q. Yes, yes, say it again.

2 A. About the town?

3 Q. Yes, yes.

4 A. Rochendekom Nonkoba.

12:14:33 5 MR WERNER: I shall ask for the first name, because it is not -- I  
6 can assist for the second name.

7 PRESIDING JUDGE: Please do so.

8 MR WERNER: Nonkobah. N-O-N-K-O-B-A-H.

9 JUDGE LUSSICK: I notice in the statement that it is spelt  
12:15:02 10 with no H on the end of it. If you look at the witness's  
11 statement, the second last line on the first page.

12 MR WERNER: Sorry, which statement, because we have two  
13 documents?

14 JUDGE LUSSICK: 30 October 2003. Page 6516.

12:15:29 15 MR WERNER: I take your leave. It was spelt, I think,  
16 actually differently on the proofing, but I should correct. So  
17 without H. I apologise for that.

18 JUDGE LUSSICK: I was not necessarily saying you were  
19 right, it could have been the statement that was wrong.

12:15:51 20 MR WERNER: I am led to assist further. I still don't know  
21 if there is an H or no H.

22 Q. Now, Mr Witness --

23 A. Yes.

24 Q. Could you tell this Court again what happened when you  
12:16:09 25 arrived in the garden?

26 A. Yes.

27 Q. Please do so, Mr Witness.

28 A. When we arrived at the garden, we met them there and we  
29 found some of our colleagues that they captured, something like

1 the day before.

2 Q. Just pause for a moment.

3 A. Okay.

4 Q. You said, Mr Witness, we met them. Who did you meet in the  
12:16:58 5 garden?

6 A. We met the soldiers and our colleagues with whom we were in  
7 the bush.

8 Q. How many of them were in the garden?

9 A. You mean the soldiers?

12:17:28 10 Q. Yes.

11 A. I would guess because during that time I wasn't able to  
12 get -- I wasn't able to get the number, but I would say that  
13 there were 200, but there should be more than that. Because I  
14 wasn't able to count all of them. This is just a guess.

12:18:05 15 Q. Now, Mr Witness, how big was this garden?

16 A. Yes, from the work that we do in our villages is something  
17 like two acres and if you are to sow seeds, say rice seeds on  
18 each, it will be something like two bushels.

19 Q. Now, Mr Witness, you said that when you arrived --

12:18:39 20 A. Yes.

21 Q. You said that when you arrived in the garden you saw  
22 soldiers and your colleagues. Could you explain to this Court  
23 what you mean? Could you explain to this Court what you mean by  
24 your colleagues?

12:19:05 25 A. Our townspeople with whom we ran and those that were  
26 captured and these were the ones that I referred to as our  
27 colleagues.

28 Q. Could you give these colleagues names?

29 A. Well, I had given you the names. I mean Nyaday Sesay,

1 Adama Sankoh and Amie Conteh. These are the ones we met there.  
2 These they are the ones that have been captured during the  
3 previous day before we encountered them.

12:19:52 4 Q. Mr Witness, you said that you saw Amie Conteh. Did you  
5 speak with her?

6 A. Yes.

7 Q. Did she tell you anything?

8 A. She did not give me a report, but I saw a wound on her  
9 head.

12:20:14 10 Q. Could you describe the wound?

11 A. I just saw it on the head.

12 Q. Could you describe the wound?

13 A. It was big.

14 Q. Mr Witness, did you see anyone else injured?

12:21:01 15 A. Yes, the other child Alimamy was also wounded on the hand.

16 Q. Just pause, Mr Witness, please. Do you know the full name  
17 of Almany? Do you know his full name? Do you know his family  
18 name?

19 A. Yes. He was Kabi a.

12:21:10 20 Q. Okay.

21 MR WERNER: So Almany. A-L-M-A-N-Y. Now it is spelt differently  
22 on one of the documents. But he said Almany and I have Alimamy. So I  
23 guess we should spell it A-L-M-A-N-Y. Now family name is Kabi a,  
24 K-A-B-I-A.

12:22:11 25 MS THOMPSON: Your Honour, if it helps the court, the  
26 spelling in the second statement is actually the same name, that  
27 is the way to spelt. And I think there is an N there. It is  
28 spelt Alimamy. As in, the M should be an N and the I is in the  
29 right place.



1 MR WERNER: I am grateful for that.

2 Q. Did you speak with a Alimamy Kabi a, Mr Witness?

3 A. During that day one was not able to, you know, to talk to  
4 anyone because everybody was confused.

12:23:14 5 Q. In answering my question you said that Alimamy was injured.  
6 Could you say how?

7 A. Yes, I saw a wound on his hand.

8 Q. Could you describe the wound?

9 A. I saw it; it was big.

12:23:53 10 Q. Did you know what happened to him?

11 A. I wasn't able to ask him.

12 Q. Now, Mr Witness --

13 A. Yes, sir.

14 Q. Did you see anyone else in this garden?

12:24:10 15 A. Somebody like whom?

16 Q. You told us, Mr witness, that when you arrived at the  
17 garden you saw soldiers and you saw the people who had been  
18 captured who belonged to your group. My question is: Did you  
19 see anyone else in this garden? It is a big garden.

12:25:01 20 A. We saw soldiers. We saw our own people. We saw some other  
21 civilians. But we were not able to -- shall I continue?

22 Q. Just in answer the questions. You said, "I saw other  
23 civilians". How many of them?

24 A. I will give a rough estimate of 100, because I wasn't able  
12:25:34 25 to count them.

26 Q. Do you know where they were coming from, these civilians?

27 A. Later we came to realise that they came from Koya.

28 MR WERNER: My spelling is K-O-Y-A. Koya.

29 Q. Mr Witness, you told us that there were soldiers in this

1 garden. Was anyone in charge of these soldiers?

2 MR METZGER: Objection. I rise hesitantly to say groundwork and  
3 perhaps if he could just be asked if he was able to tell first of all,  
4 if you are asking that question?

12:27:07 5 THE WITNESS: Shall I speak?

6 MR WERNER: I am happy to rephrase.

7 PRESIDING JUDGE: Pardon?

8 MR WERNER: I am happy to rephrase.

9 PRESIDING JUDGE: Thank you.

12:27:18 10 MR WERNER:

11 Q. Mr Witness, were you able to tell if anyone was in charge?

12 A. Yes, there was a leader. When we were in the garden he  
13 would come. There was one a captain about whom they said that he  
14 was the one that was responsible for the people that were in the  
15 garden.

12:27:50 16 Q. Do you know his name, Mr Witness?

17 MR METZGER: Again, objection. Normally can we get groundwork as  
18 to who it was who said he was responsible before going towards his name?

19 MR WERNER: I am happy to.

12:28:18 20 Q. Mr Witness, who told you that someone was responsible in  
21 the garden?

22 A. As one out of them.

23 Q. Could you be more specific, Mr Witness?

24 A. Yes.

12:28:46 25 Q. Please tell us.

26 A. It's one out of them who speaks Temne just like I do, he  
27 was also a soldier. He was the one that told us that that there  
28 is one individual in town who was their leader.

29 Q. Okay. Abu Kanu?

1 MR WERNER: So I am going to clarify.

2 MR METZGER: With respect, the note I have is, "There was  
3 one who speaks Temne just like I do. He was the one who told us  
4 that there was one individual who was the leader." I don't know  
12:29:47 5 where I learned friend got the --

6 JUDGE SEBUTINDE: At least I have a note. Did allude to a  
7 soldier, a Temne speaking soldier who told them.

8 MR METZGER: That's correct. No name.

9 MR WERNER: That's my mistake. I may have been  
12:29:50 10 anticipated.

11 Q. Do you know the name of the Temne speaker who gave you  
12 the name of the person in charge? Do you know his name?

13 A. He was called Abu Kanu. That Temne speaking man was a  
14 soldier. He was the one that explained to us just like you the  
12:30:26 15 interpreter are talking to me in Temne.

16 Q. Okay, Abu Kanu. A-B-U K-A-N-U. Now, Mr Witness, did  
17 Abu Kanu tell you the name of the person in charge responsible  
18 for [overlapping microphones] in the garden?

19 A. Yes. He showed him to us.

12:30:50 20 Q. Mr Witness, I understand -- I really understand this  
21 difficulty, but just try to follow me. Did Abu Kanu tell you his  
22 name?

23 A. Yes, I know his name. The one that captured in the garden  
24 from -- that covered the town and the garden.

12:31:47 25 Q. I will try in a different way. Mr Witness, do you know the  
26 name of the one in charge of the garden?

27 A. That is what I have told you. The man that stayed in town  
28 was the same man that covered the garden. I know his name.

29 Q. Was Abu Kanu in charge of the garden?

1 MS THOMPSON: Your Honour, sorry, I rise at this -- I know there  
2 is going to be an objection to that last question. But something  
3 bothers me at this moment. My learned friend has mentioned the name  
4 Abu Kanu, which came from the witness. But before that name came from  
12:32:33 5 the witness, he alluded to that name which is the reason I got up the  
6 last time. Now, I think he got that name from a particular document  
7 which we do not appear to have here. So, I don't know, is there another  
8 document that my learned friend has which we do not have, such as  
9 another proofing? None of us have a document with the name Abu Kanu on  
12:32:53 10 it. I think it was a name that came from him in the first place.

11 A. That of Abu Kanu?

12 JUDGE SEBUTINDE: I don't think the name Abu Kanu came from  
13 counsel. The name came clearly from the witness.

14 MS THOMPSON: I think it did come from counsel. Before --  
12:33:13 15 counsel mentioned it before we objected saying --

16 JUDGE SEBUTINDE: No, I don't remember counsel initiating  
17 that name.

18 MS THOMPSON: Your Honour, can we check the records,  
19 please, just to be on the safe side?

12:33:26 20 MR WERNER: If I can just -- I heard in good faith Abu Kanu  
21 being translated in my head and that's the reason why I got the  
22 name.

23 JUDGE SEBUTINDE: What I recall is Mr Metzger stood up to  
24 object because counsel was about to lead a witness. He did not  
12:33:43 25 give him a chance to even ask anything, but for sure the name  
26 Abu Kanu did not come from counsel to my recollection.

27 MS THOMPSON: I stand corrected, Your Honour.

28 JUDGE SEBUTINDE: The name came from the witness. The  
29 spelling came from counsel.

1 MS THOMPSON: Yes, I know the spelling came from -- I think  
2 counsel mentioned the name. He may have -- he did say later that  
3 he pre-empted the next answer, that was his word that he  
4 pre-empted the next answer. The words Abu Kanu came from him  
12:34:10 5 before we then got up to say that he -- in the translation the  
6 transmission did not say Abu Kanu. Counsel said Abu Kanu and  
7 that name did not come from the translation and that's when he  
8 asked his next question. We can check the records if that is the  
9 case.

12:34:26 10 JUDGE SEBUTINDE: In any event, the name is now in the  
11 records. I am not sure at this stage what the objection is.

12 MS THOMPSON: Your Honour, I have not got an objection, I  
13 just needed to know whether there was another document that he  
14 has got that we have not.

12:34:45 15 MR WERNER: There is none. There is none.

16 PRESIDING JUDGE: Very Well. Does that answer your  
17 question, Ms Thompson, that there is no other document? I know  
18 you are awaiting the four pages of 710.

19 MS THOMPSON: We have got that now.

12:35:06 20 PRESIDING JUDGE: We can now proceed. Please proceed.

21 MR WERNER: I understood there was going to be a second  
22 objection.

23 MR METZGER: It was my understanding that my learned friend  
24 was about to embark on a leading question and I was about to  
12:35:19 25 object to that.

26 PRESIDING JUDGE: I was about to comment on that also.  
27 Please do not lead the witness.

28 MR WERNER:

29 Q. Mr Witness --

1 A. Yes.

2 Q. What was the name of the person in charge in the garden?

3 A. From the town to the garden what I understood he was called  
4 Captain Ri chin. He was their captain. That is what I was told  
12:36:10 5 by Abu Kanu.

6 Q. Captain Ri tchi e. R-I-C-H?

7 A. Ri chin.

8 Q. Okay.

9 JUDGE SEBUTINDE: Mr Interpreter, let the witness say this name  
12:36:27 10 again and then interpret it exactly as he said it.

11 THE WITNESS: Captain Ri chin.

12 MR WERNER: I have Ri tchi e and he said Ri chin, so I am  
13 going to spell Ri chin and it is not -- it is Ri tchi e in the  
14 statements. So Ri chin would be --

12:36:46 15 MR METZGER: No.

16 PRESIDING JUDGE: If you don't know the actual spelling,  
17 then we are all speculating on this spelling.

18 JUDGE SEBUTINDE: Does the interpreter -- perhaps if the  
19 interpreter is aware of this name? Is this a common name that  
12:37:02 20 you can spell for us, Mr interpreter?

21 THE INTERPRETER: Well, no, from the pronunciation it is  
22 Ri chin. R-I-C-H-I-N. Ri chin. Because the problem is that the  
23 Temne speaker they have these C-H sounds and that man I am  
24 sure speaks the Yoni dialect according to the understanding of  
12:37:26 25 the interpreter. So the only dialects have this C-H and that is  
26 what the witness used.

27 JUDGE SEBUTINDE: Now, counsel, would you more or less  
28 agree, Prosecution counsel that is, would you agree that this is  
29 a fair spelling?

1 MR WERNER: Absolutely.

2 MR FOFANAH: Just another point, Your Honours. If only  
3 counsel can refrain a bit to referring to the statement because  
4 that statement is not in evidence when spelling the names of  
12:37:50 5 those mentioned by the witnesses. I mean at least we -- yes,  
6 because often there are attempts made by counsel to at least  
7 refer to the statement in trying to spell out names of people  
8 mentioned by the witness.

9 PRESIDING JUDGE: Mr Fofanah, what other source would  
12:38:09 10 counsel have in the document compiled by him? He is spelling at  
11 the request of the Bench.

12 MR FOFANAH: Yes, I stand guided, but I think what the  
13 witness says is what the Court is guided by.

14 PRESIDING JUDGE: We have now recorded what the witness  
12:38:25 15 said.

16 MR FOFANAH: As Your Honour pleases.

17 PRESIDING JUDGE: Please proceed.

18 MR WERNER: Thank you, Your Honour.

19 Q. Mr Witness --

12:38:39 20 A. Yes.

21 Q. Did Captain Richin belong to a group?

22 A. I saw him -- I saw him uniform and the soldier's uniform.

23 Q. Let me ask you the question again. If you do not know, you  
24 do not know. Do you know if he belonged to a group or you don't  
12:39:13 25 know?

26 A. Well, I understood that he belonged to the group of  
27 soldiers.

28 Q. Now Mr Witness --

29 A. Yes.

1 Q. Where was Captain Ri chin stayi ng?

2 A. He was at Rochendekom. That was where he was based.

3 PRESIDING JUDGE: I did not catch the name given by the witness.

4 JUDGE LUSSICK: It is the interpreter that we can't hear.

12:40:17 5 If you could only speak up, please, Mr interpreter.

6 THE INTERPRETER: Rochendekom. Rochendekom.

7 MR WERNER: The same name which appeared before and I was  
8 unable to assist the Court about.

9 JUDGE SEBUTINDE: Mr Interpreter, can you spell that name

12:40:41 10 for us? Are you able to spell that name for us?

11 THE INTERPRETER: Yes. R-O-C-H-E-N-D-E-K-O-M.

12 Rochendekom.

13 MR WERNER:

14 Q. Now Mr Witness --

12:41:00 15 A. Yes.

16 Q. You said that you saw soldiers in the garden.

17 A. Yes.

18 Q. Now, how old were these soldiers?

19 A. They have there?

12:41:45 20 Q. I am happy to re-phrase. I am happy to rephrase. Mr  
21 Witness --

22 A. Yes.

23 Q. You told us that you saw soldiers. Now, how old were the  
24 youngest soldiers you saw in the garden?

12:42:05 25 MR METZGER: And now I rise to object. It may be just it is the  
26 hour and people are getting tired, but it would seem to me that my  
27 learned friend again has, as it were, by-passed the foundation and  
28 started trying to build a roof in this area. Perhaps it is that point  
29 where we ought to take our short adjournment.



1           PRESIDING JUDGE: Counsel, I have actually got two  
2 questions down here and I have no answer to either of them.  
3 Which one are you putting and as soon as we clarify and have that  
4 on record and an answer we will adjourn because it is now time  
12:43:27 5 for the lunchtime adjournment. So I have two questions that I do  
6 not know which is which.

7           MR WERNER: Yes. My understanding that for question  
8 answered was that there were soldiers in the garden now. The  
9 question I wanted to ask was: "How old were the youngest  
12:43:44 10 soldiers you saw in the garden?" That is the question I wanted  
11 to ask.

12           MR METZGER: And that's the question I wanted to object to.

13           PRESIDING JUDGE: Is your objection on the grounds of  
14 foundation?

12:44:02 15           MR METZGER: My objection is on the grounds of foundation.

16           PRESIDING JUDGE: There is some validity in that because we  
17 have not ascertained yet that there was a range of ages of these  
18 soldier or they were the same age or anything else. So we will  
19 have to clarify that point before and since it is just after  
12:44:23 20 [sic] the lunchtime adjournment will adjourn now and allow you to  
21 rethink this out. Madam Court Attendant -- just pause please,  
22 Counsel. Mr Witness, we are going to adjourn for the lunchtime  
23 adjournment.

24           THE WITNESS: Yes.

12:44:34 25           PRESIDING JUDGE: Between now and the time that all of your  
26 evidence is told to the Court you should not discuss your  
27 evidence with anyone else.

28           THE WITNESS: Yes.

29           PRESIDING JUDGE: Do you understand? Did you understand

1 what I said?

2 THE WITNESS: Yes.

3 PRESIDING JUDGE: Thank you.

4 THE WITNESS: Okay.

12:45:11 5 [Luncheon recess taken at 12.48 p.m.]

6 [On resuming at 2.20 p.m.]

7 [TB140405D - RK]

8 PRESIDING JUDGE: Yes, please proceed. There are no  
9 matters. Please proceed.

14:20:16 10 MR WERNER: Thank you. First I would like to apologise. I  
11 was told by the Translation Unit there was a problem with my mic  
12 and I was not always understood. I should have thought about  
13 that. I apologise for that. I hope it will be okay now.

14 Q. Good afternoon, Mr Witness?

14:20:39 15 A. Okay, good afternoon.

16 Q. Mr Witness --

17 A. Yes.

18 Q. -- before the break you told us about soldiers in the  
19 garden. Now, are you able to say, Mr Witness, whether the

14:21:18 20 soldier you saw in the --

21 A. That was what I said.

22 Q. -- the soldier that you saw in the garden were roughly of  
23 the same age or were they of different ages?

24 A. I cannot explain clearly on that.

14:22:04 25 MR WERNER: I'm sorry, Your Honour, I have a problem with  
26 my -- I'm going to try to fix it now.

27 PRESIDING JUDGE: Mr Werner, do you require assistance from  
28 the audio --

29 MR WERNER: Yes, yes.

1 PRESIDING JUDGE: Madam Court Attendant, would you ask  
2 someone to assist counsel, please.

3 MR WERNER: Would it be possible just to have the answer  
4 again?

14:22:46 5 PRESIDING JUDGE: Mr Interpreter, please repeat the answer  
6 for counsel.

7 THE INTERPRETER: Would the attorney please put the  
8 question again.

9 PRESIDING JUDGE: Mr Werner, I have recorded "I cannot  
14:22:56 10 explain clearly on that."

11 MR METZGER: About the ages, I think.

12 PRESIDING JUDGE: About the ages.

13 MR WERNER:

14 Q. Now, Mr Witness --

14:23:21 15 A. Yes.

16 Q. Before the break you told us that Captain Richin was in  
17 charge of the soldiers. Now, do you know if that group of  
18 soldiers had a name?

19 A. Yes, I later understood that they had another name.

14:23:56 20 Q. What is that name?

21 MR METZGER: Objection. The witness has given --

22 THE WITNESS: They were called the SLAs.

23 MR METZGER: On this occasion I wasn't quick enough. The  
24 objection again in relation to foundation, and I would urge my  
14:24:14 25 I learned friend to use his best endeavours to elicit the evidence  
26 from his witnesses in proper and manner.

27 PRESIDING JUDGE: Mr Metzger, we note that in the form of  
28 an objection.

29 Please proceed, Mr Werner.

1 MR WERNER:

2 Q. Mr Witness, you said you were told later, when were you  
3 told that they had another name?

4 A. Yes, yes.

14:24:58 5 JUDGE SEBUTINDE: Counsel, the witness did not say he was  
6 told by anyone. He said he understood, "Later I understood."

7 MR WERNER: I apologise.

8 Q. Mr Witness, you said that you later understood that the  
9 group had another name. When did you understand that?

14:25:22 10 A. Yes. Because I was told later.

11 Q. Can you be a little bit more specific about when was later?

12 A. Yes, I can tell.

13 Q. Please do so, Mr Witness?

14 A. That was the time when I was with the person that aided me  
14:25:56 15 to talk to them. That was the time that I knew they were called  
16 SLA.

17 Q. And who told you that?

18 A. He was called Mr Lamin.

19 Q. And just for the sake of clarity, what did he tell you?

14:26:13 20 A. He told me that they were SLAs.

21 JUDGE SEBUTINDE: Spelling please.

22 MR WERNER: Mr Lamin, L-A-M-I-N. I believe that is the  
23 name in the statement.

24 Q. Mr Witness --

14:26:48 25 A. Yes.

26 Q. -- you told us that you arrived in this garden. Now, my  
27 question is: What happened then after you arrived?

28 A. When we went to the garden, the soldiers captured us.

29 Q. When you say "us," Mr Witness, could you be more specific?

1 Who are us?

2 A. What I meant by "us," we were many. That was why I said  
3 they captured us.

4 Q. Could you try to be more specific on the identity of us.

14:27:51 5 I understand you were many, but who was with you at that time.

6 A. I was with my wife, children. We were 55, we were 55.

7 Q. How do you know, Mr Witness, that you were 55 in the group?

8 A. At the time they captured us, they lined us and registered  
9 our names and they counted us.

14:28:47 10 Q. Mr Witness, what happened after that?

11 A. After that I saw with one woman called Adama Sankoh. She  
12 was captured.

13 Q. And where was she staying?

14 A. All of us were in the bush, but they were the first people

14:29:32 15 that were captured.

16 Q. Was she staying with anybody?

17 A. Yes, it was Mr Lamin who captured her.

18 Q. And who was Mr Lamin?

19 A. It was the man that I told you that he told me that they  
14:30:04 20 were the SLAs.

21 Q. And was he doing anything in the garden, Mr Lamin?

22 A. Well, they were the soldiers. They gave me what to do  
23 while I was under his control.

24 Q. Which work?

14:30:32 25 A. I built some booths for him.

26 JUDGE LUSSICK: I wonder if the interpreter is speaking  
27 directly into the microphone. The witness said he did some work.  
28 Did he say he was making boots?

29 MR WERNER: Yes, yes.

1 JUDGE LUSSICK: Boots, thank you.

2 THE WITNESS: Booths, booths, where people slept in.

3 MR WERNER: I think there was a confusion. It is booth.

4 Q. Mr Witness, did you build these booths by yourself?

14:31:46 5 A. Yes. Yes, I built them. That was the job Mr Lamin gave me  
6 to do.

7 Q. How long did it take you to build these booths?

8 A. We were two. We built two houses in two days.

9 Q. Who was the other one?

14:32:27 10 A. He too was captured.

11 Q. Now, what -- you said you did that for two days. During  
12 these two days, what did the other civilians in the garden do?

13 A. The day we started fetching sticks, we saw some of our  
14 colleagues. Abu Kanu came and called them to go to the direction  
14:33:25 15 of the town. They were going towards the town. As we were doing  
16 the building job, we did not know what he was going to do with  
17 them. We were in this job. We went into the bush to cut some  
18 sticks; the ones that we would use to build. Amongst the people  
19 that were captured, there I met seven people killed in the bush.  
14:34:12 20 That was where I met my child's corpse. During that time I came  
21 in a galaxy of confused thought where I was doing the building.  
22 We were about to run away, but there was no chance. Anywhere you  
23 go you meet them. We continued the job with in this galaxy of  
24 confused thought until we finished the job the other day.

14:35:03 25 Q. Yes, just pause for one second. I'm going to come back  
26 point by point to what you said. You said that some of your  
27 colleagues left the garden. Now, could you be more specific  
28 about that, please. Who were the people who left the garden?

29 A. The ones that they captured with us. They called them and

1 they asked them to go from among these people.

2 Q. I would like to clarify that point and to remind you about  
3 the protective measures in place and that you should not disclose  
4 your identity. Now, again, who were these people who left the  
14:36:07 5 garden?

6 A. The people with whom we were captured together, Abu came  
7 and called them. Do you understand me?

8 Q. Yes. Could you give some names or if the names are going  
9 to reveal in any -- if these names are going to reveal your  
14:36:47 10 identity, could you give us the first name of some of these  
11 people who left the garden.

12 A. Amongst our own people?

13 Q. Yes.

14 A. The ones that they asked to follow the road?

14:37:30 15 Q. No, the ones who left the garden.

16 A. You want to put me in a confused state.

17 Q. I'm sorry about that, Mr Witness. Let me ask you that  
18 again. You told us that Abu Kanu left the garden with some of  
19 your colleagues. Now, I'm asking you if you can give this Court  
14:38:03 20 names of these colleagues?

21 A. Yes.

22 Q. Please do so, did you could, Mr Witness.

23 A. The ones that I went with that I have never seen since  
24 then?

14:38:37 25 Q. Yes, who were they.

26 A. They went with Teomoh [phon], Pa Brima, Yaiye [phon],  
27 Mohammed, Sudan, Fatmata, Santigie, from amongst -- is it seven?  
28 Is it not seven? From among these seven, those are the ones that  
29 I met in the bush that they've already killed.

1 Q. Mr Witness --

2 A. Yes, yes.

3 Q. -- I'm not talking now about what you saw in the bush later  
4 on. I'm talking about when the people in the garden while you  
14:39:44 5 were building the booth when they left with Abu Kanu. I'm  
6 talking about that, not later. Do you understand me?

7 A. Yes.

8 Q. Now, let me try another way. You told us that your  
9 colleagues left with Abu Kanu. How many people -- how many  
14:40:09 10 people left the garden?

11 A. From the time we were captured they were 47. These are the  
12 people since then I've never seen them.

13 Q. So 47 people left the garden with Abu Kanu?

14 MS THOMPSON: Your Honour, that wasn't the evidence.

14:40:36 15 [Overlapping microphones]

16 THE WITNESS: Yes.

17 MS THOMPSON: My learned friend then put another question:  
18 "So 47 people left the garden."

19 MR WERNER: I will rephrase. I will rephrase.

14:40:46 20 MS THOMPSON: No, I think you ought to make clear for us as  
21 to whether in fact you and your witness are talking about the  
22 same thing.

23 JUDGE SEBUTINDE: Also - and to avoid interrupting you  
24 later - we have agreed in this Court that when you elicit an  
14:41:04 25 answer that has a name, counsel has a duty to spell that name for  
26 us, either through the witness himself or yourself. And if you  
27 are not able to, that is when we call on the interpreter.  
28 I really do not wish to interject every now and then, but my  
29 record is blank where the names are concerned.



1 MR WERNER: I hope to cover that ground again and to make  
2 that clear.

3 Q. Now, Mr Witness --

4 A. Yes.

14:41:28 5 Q. -- when did these 47 people leave the garden with --

6 MS THOMPSON: Your Honour, he's repeating the question  
7 again. We need to know whether or not the 47 people that the  
8 witness spoke about are the same 47 people my learned friend is  
9 talking about. I'm no more clearer than I was two or three  
10 minutes ago.

14:42:01

11 THE WITNESS: These were all our people in the town. They  
12 were the people captured with us.

13 PRESIDING JUDGE: Mr Werner, there is a reference to 47 and  
14 there is a reference to seven. I appreciate your -- is there a  
15 difference, first of all?

14:42:22

16 MR WERNER: Yes.

17 PRESIDING JUDGE: And we would really need to get a logical  
18 sequence of what happened and whether there are two different  
19 groups, whilst avoiding leading the witness.

14:42:37

20 MR WERNER: Yes.

21 Q. So, Mr Witness --

22 A. Yes.

23 Q. -- how many people did leave the garden with Mr Abu Kanu?

24 A. When they left, I said that they were 47 and these people I  
25 have not been able to see up until now.

14:43:15

26 Q. Just a minute. Now, when did these 47 people leave the  
27 garden with Abu Kanu, when?

28 A. In the morning.

29 Q. How long had you been working in the garden when they left

1 with Abu Kanu?

2 A. From the morning up to midday. I was not able to see them.

3 Q. Okay. Mr Witness, you told us that you worked two days to  
4 build the booth; do you remember that?

14:44:35 5 A. Yes. Yes, yes that was what I said.

6 Q. Now, after how many days that you were working in the  
7 garden did these people leave with Abu Kanu?

8 A. It was three days, but I did not start to work on the day  
9 that I started working. The third day was the time that Abu Kanu  
14:45:15 10 came and took these people away.

11 Q. I will try to clarify that. You said the third day. Do  
12 you mean the third day after your arrival in the garden?

13 A. Yes, that was what I said.

14 Q. Now, did you know anyone out of this group of 47 people who  
14:45:58 15 left with Abu Kanu?

16 A. In fact, some of them were my children, some of them were  
17 my brothers and sisters.

18 Q. So could you tell this Court the name of the ones who were  
19 part of your family, reminding that you should not disclose your  
14:46:42 20 identity.

21 A. Yes, I was just -- well I just want to tell you, give you  
22 general names. I wouldn't like to specify those of my family.

23 Q. Could you -- without specifying the full name, could you  
24 tell us the first name of anyone who was part of your family,  
14:47:30 25 only the first name, if you could.

26 A. Yes.

27 Q. Please do so.

28 A. Well, I -- well, I the witness lost one of my child. I saw  
29 the corpse of that particular child.

1 Q. We'll talk about that. First, what is the name of your  
2 child, first name?

3 A. He was called Santi g i e.

4 Q. And did he leave the garden that day?

14:48:21 5 A. Yes, he was amongst the group that Abu Kanu took away.

6 Q. Just pause there. So Santi g i e, S-A-N-T-I-G-I-E. Now, out  
7 of these 47 people, were there anyone else from your family?

8 A. I had them there.

9 Q. Could you give their first names, please. Slowly?

14:49:23 10 A. My other brother had eight children.

11 Q. Wait, one second. What is the name, the first name of your  
12 elder brother.

13 A. Mr Abdul .

14 Q. Just pause for one second, A-B-D-U-L. Now, was there  
15 anyone from Abdul's family in this group?

16 A. His children and his wife and his mother-in-law were all  
17 staying together. These summed up to eight.

18 Q. How many children?

19 A. The children were six.

14:50:52 20 Q. So just to have that clear six children, one wife and one  
21 mother-in-law for Abdul's family?

22 A. Yes. Yes.

23 Q. Was there anybody else from your own family?

24 A. Yes.

14:51:19 25 Q. Could you tell this Court who he or she was?

26 A. Yes, I will tell this Court Pa Idri ssa.

27 Q. I-D-R-I-S-S-A, Idri ssa, and I believe he said Pa Idri ssa.  
28 Was there anyone in this group of Pa Idri ssa's family?

29 A. His four children and his wife.

1 Q. Now, was there anyone else from your own family in this  
2 group of 47?

3 A. Yes, there was another one.

4 Q. Could you tell us his name?

14:52:46 5 A. Almami e's children.

6 Q. Was Almami e in the group?

7 A. No, they took his children away. They did not take him  
8 away.

9 Q. So A-L-m -- sorry, I start again. A-L-M-A-M-I -E, Almami e.

14:53:25 10 Now, just for the sake of clarity, because I want it to be  
11 absolutely clear. Mr Witness, you told us that Abdul's family  
12 left with Abu Kanu. Did Abdul himself leave the garden with  
13 Abu Kanu.

14 A. No, he did not go with them; he remained. Up 'til now he  
14:54:12 15 is there.

16 Q. Now, you told us that Idri ssa's family went with this group  
17 of 47. Did Idri ssa go with the group?

18 A. No, he didn't go; he remained. It was only those five that  
19 left.

14:54:52 20 Q. Now, did you know anyone else in this group of 47 which  
21 left with Abu Kanu?

22 A. Yes, I knew them.

23 Q. How many of them did you know?

24 A. The other lady, Yai ye and her three children.

14:55:42 25 Q. Just pause here, Mr Witness. I do not know this name.

26 JUDGE SEBUTINDE: Can Mr Interpreter assist us in spelling  
27 the name the witness has just given?

28 THE INTERPRETER: Y-A-I -Y-E.

29 PRESIDING JUDGE: Thank you.

1 THE INTERPRETER: Wel come.

2 MR WERNER:

3 Q. Now, Mr Witness, I'm not asking about all the names,  
4 I would just like to know how many people -- sorry, I will  
14:56:30 5 rephrase. Did you know anyone else in this group of 47 which  
6 left the garden?

7 A. I knew all of them because all of us were together in town.

8 Q. Now, what happened -- did anything happen after the time  
9 when you saw these 47 people leaving with Abu Kanu? Did anything  
14:57:19 10 happen?

11 A. What I saw was what I started explaining and you said  
12 I should stop.

13 Q. Yes, I apologise for that, Mr Witness. It is just that we  
14 need to go little bit by little bit.

14:57:52 15 A. Well, I'm not angry about that.

16 Q. I'm grateful. Again, I'm repeating the question. So did  
17 you see anything after these 47 people left the garden?

18 A. Yes, something happened. I saw all that with my eyes in  
19 the bush.

14:58:26 20 Q. What happened?

21 A. When we went into the bush, you know, to cut the sticks,  
22 I found seven corpses who were killed in the bush.

23 Q. When did you go to fetch sticks in the bush? When?

24 A. The morning that they took them, it was in the afternoon  
14:59:08 25 that I went there.

26 Q. Was anyone with you?

27 A. Yes, we were two working on these booths, so it was both of  
28 us that went into the bush and saw all that happened.

29 Q. What did you see?

1 A. Well, this confusion, that was why I did not, sir, accept,  
2 you know, to come and explain to these people. You see the  
3 feeling that I have today is just equal to the one that I had on  
4 the day that I saw these corpses. When I went through the bush,  
15:00:14 5 I found out that they had killed my son, plus six other people  
6 that were killed, you know from our village. I saw seven of  
7 them.

8 Q. Mr Witness, I understand how painful it is. Can you try as  
9 best as you can?

15:00:41 10 A. It is painful.

11 Q. Mr Witness, would you like to --

12 PRESIDING JUDGE: Would the witness like to have a short  
13 break?

14 THE WITNESS: Let's just continue. I'll go on, gradually,  
15:01:09 15 because once I'm finished, you see everything is finished. Let  
16 us go gradually.

17 PRESIDING JUDGE: Thank you, Mr Witness. If you feel very  
18 distressed, you must tell us.

19 THE WITNESS: Let us just go gradually.

15:01:27 20 MR WERNER:

21 Q. I will do my best, Mr Witness.

22 A. Okay, I will try.

23 Q. Now, you say you saw seven people and you talked about your  
24 son. Now, did you recognise anyone else? And again I have to  
15:02:07 25 warn you about not disclosing your identity.

26 A. I knew all of them.

27 Q. Mr Witness --

28 A. Yes.

29 Q. You told this Court about your son. What was his name?

1 A. I explained to you that he was called Santigie.

2 Q. Now, I'm not going to ask you about the names of the six  
3 other persons. What I would like to ask you is that was anyone  
4 else part of your family?

15:03:18 5 MR METZGER: At this point in time I do object. Apart  
6 from --

7 THE WITNESS: The ones that I met in the bush?

8 MR METZGER: Could the witness just wait for the moment,  
9 please. Apart from the long drawn-out nature of the  
15:03:35 10 cross-examination, I think he has given to the evidence. Unless  
11 my learned friend is again referring to another document that is  
12 not with us, I don't see why he is whipping this particular piece  
13 of evidence. If there is something else he's expecting to come  
14 out, perhaps we ought to know what it is.

15:03:57 15 PRESIDING JUDGE: For clarification, Mr Metzger, are you  
16 saying that this line of evidence was not disclosed?

17 MR METZGER: It certainly seems to me that from the  
18 documentation that I have now seen that up until the point that  
19 we have got has been disclosed, but I see no continuation and no  
15:04:19 20 point in asking this particular witness about names of other  
21 people amongst the seven. I could be wrong about that.

22 PRESIDING JUDGE: I'm just trying to ascertain the basis of  
23 your objection. It is because of disclosure or what is the  
24 basis, please?

15:04:38 25 MR METZGER: On the basis that this is a witness who is  
26 being examined-in-chief. This particular piece of evidence has  
27 been gone over on, I think, at least four occasions.

28 PRESIDING JUDGE: You're objecting on the grounds of  
29 repetition.

1 MR METZGER: One, on the grounds of repetition. Secondly,  
2 if he is seeking to elicit names, then I would object to that on  
3 the basis of nondisclosure.

4 PRESIDING JUDGE: Your reply, Mr Werner.

15:05:07 5 MR WERNER: On the first ground, I was just trying to have  
6 the witness going step by step, because it seemed to me that the  
7 first time he just gave his evidence, so that was not clear  
8 enough. There was a confusion between the 47 and the seven.  
9 That was the first ground. For the second ground, it was  
10 disclosed in March 2005 that there was six other people he saw.

11 PRESIDING JUDGE: I may be wrong, but my understanding is  
12 that disclosure was relating to names. Is that correct,  
13 Mr Metzger?

14 MR METZGER: There was no disclosure relating to names, and  
15:05:59 15 also in any event, although we haven't taken objection to it thus  
16 far, sympathetically, if I can put it that way, said disclosure  
17 could only have been served on us after the 16th of March, which  
18 is under the 42-day period.

19 MR WERNER: I would just like to make clear that I said  
15:06:23 20 expressly that I did not want any names. I just trying to  
21 ascertain if there was any one of his family. I was going to  
22 stop there. There was nothing else I was going to elicit.

23 PRESIDING JUDGE: Mr Metzger, in the light of that  
24 clarification of counsel for the Prosecution, are you pressing on  
15:06:43 25 the point that he is questioning only in relation to family  
26 members?

27 MR METZGER: No, no, I won't press that.

28 PRESIDING JUDGE: Thank you. In the light of that, your  
29 statement, Mr Werner, you should limit yourself to that



1 particular point.

2 MR WERNER: I will, Your Honour.

3 Q. Now, Mr Witness, you told us about seven --

4 A. Yes, yes.

15:07:14 5 Q. You told us about seven people. You told us about your son  
6 and you are gave us his name. Was anyone else a part of your  
7 family in this group of seven people? And again, I'm not asking  
8 you for names. I just want to know if anyone else was part of  
9 your family.

15:07:37 10 A. Out of these 47.

11 Q. No, out of the seven people you saw when you were going to  
12 fetch sticks?

13 A. I said I knew all of them, the seven. In fact, the sixth  
14 was my son. I knew all of them.

15:08:22 15 MR WERNER: I will move on. I will move on.

16 Q. Mr Witness --

17 A. Yes.

18 Q. -- did you look at these corpses?

19 A. The seven?

15:08:43 20 Q. Yes.

21 A. I looked at them.

22 Q. Did you notice anything about the corpses?

23 A. Yes.

24 Q. Could you tell this Court what you noticed?

15:09:10 25 A. Well, this is the purpose of my coming here, to explain to  
26 the Court.

27 Q. We're listening to you, Mr Witness.

28 A. I saw blood on them. I saw sticks by them. Some -- there  
29 was one that was hit and by then he was struggling to die and the

1 other I saw blood oozing from his head. These are the things  
2 that I saw on the corpses.

3 Q. After having seen that, Mr Witness, did you do anything?

4 A. I just went out weeping. In fact, I had to do it silently,  
15:10:16 5 because if they had seen me weeping, that would have been a  
6 problem.

7 Q. Did you try to do anything with the corpse of your son,  
8 Mr Witness?

9 A. I did not have that opportunity.

15:10:38 10 Q. Why not?

11 A. Because I was -- I was also in a terrible fear. You see, I  
12 was very jittery.

13 Q. Now, Mr Witness, you told us about 47 people leaving the  
14 garden.

15:11:10 15 A. Yes.

16 Q. Now you just told us about these seven -- let me rephrase.  
17 Let me rephrase.

18 MR WERNER: Can I take instructions for one second?

19 PRESIDING JUDGE: From -- oh, from senior counsel.

15:11:43 20 [Prosecution counsel confer]

21 MR WERNER: Thank you, Your Honour.

22 Q. Mr Witness --

23 A. Yes.

24 Q. -- the seven people that you saw and you just told us  
15:12:36 25 about, did they belong to the group of 47 which left the garden?

26 MR METZGER: Objection. Asked and answered.

27 THE WITNESS: Yes.

28 MR WERNER:

29 Q. Now, do you know what happened to the other 40 people of

1 this group?

2 A. Well, we were not able to see them up to now. We saw the  
3 others that had been killed.

4 Q. Now, do you know what happened to them?

15:13:35 5 MR METZGER: Objection. Basis.

6 THE WITNESS: What did he say?

7 PRESIDING JUDGE: Just a minute, Mr Werner. You're asking  
8 him: "Do you know what happened?" He said: "We were not able  
9 to see them up 'til now." Are you asking him has he had any

15:14:21 10 direct information or -- or what exactly are you asking him? We  
11 want to be clear on that. Something within his knowledge.

12 MR WERNER: Yes, I would like to know if he knows what  
13 happened to them.

14 PRESIDING JUDGE: Well, he said he didn't see them. So are  
15:14:40 15 you asking him was he informed or did he receive a report or how  
16 exactly can you elicit such evidence from the witness?

17 [TB140405E - CR]

18 MR WERNER: Should I explain to you what I am trying to  
19 elicit, or can I ask the question?

15:16:21 20 PRESIDING JUDGE: In fact, there has been an objection, so  
21 it would be proper to reply to the objection. Then we will rule  
22 upon it.

23 MR WERNER: I'm trying to know if the witness -- maybe the  
24 witness should have his earphones taken --

15:16:42 25 JUDGE LUSSICK: Look, you're going to tell him now what  
26 answer you're seeking to a question that's been objected to.  
27 There is a simple way to ask that question that could not be  
28 objected to. I suggest you rephrase the question. I think this  
29 objection should be upheld.

1 MR WERNER: So let me try to rephrase my question.

2 Q. Mr Witness, you told us that you never saw the 40 people  
3 again. My question is: have you got --

4 A. Up to now, I have not been able to see them.

15:17:25 5 Q. Just listen to my question. Have you got any information  
6 or any sort of information as to what happened to these 40  
7 people?

8 A. From the time that we came back, we saw some evidence.

9 From the time that we went into the bush and saw those seven  
10 people, so we saw some evidence.

11 Q. Please tell us about this evidence.

12 A. We saw some heaps as though these heaps were potato leaves  
13 and we saw some sticks in these heaps. And the place was -- the  
14 order of the place was so bad.

15:18:50 15 Q. Now, Mr Witness, I'm going to take you back to the time  
16 that Abu Kanu was taking the 47 people from the garden. I have  
17 two questions about that. Were there any soldiers other than Abu  
18 Kanu with the group of 47 people?

19 A. Well, he was not alone. The only thing was that it was  
15:19:49 20 only he that I knew, but there were so many that were together.

21 Q. Could you try to be more specific? Could you give us a  
22 figure of how many of them were there.

23 A. I only guess. They should be around 100. I was very, very  
24 far. I just saw people going, going.

15:20:29 25 Q. Were they carrying anything?

26 MS THOMPSON: Your Honour, might I ask my learned friend  
27 who we are talking about. The answer was people just going. I'm  
28 not sure now whether we are talking about Abu Kanu and his  
29 cohorts, so the other 47. I just need some clarification.

1 PRESIDING JUDGE: The witness said there were around 100  
2 going and that is what is being asked.

3 THE WITNESS: The soldiers.

4 MR WERNER:

15:21:10 5 Q. So who were these 100 people leaving with Abu Kanu?

6 A. His fellow colleagues, his fellow colleagues. He was the  
7 only one whose name I knew. The soldiers.

8 Q. Okay, now I'm talking about the soldiers. Were they  
9 carrying anything, these soldiers?

15:21:36 10 A. They had sticks; they had machetes.

11 Q. Did you ever see those soldiers again?

12 A. Yes. Yes, I saw them back in the garden. Yes, I saw them.

13 Q. Did you see anything else when you saw them back in the  
14 garden?

15:22:18 15 A. Yes, the other they -- they captured another one who run  
16 into them in the evening.

17 Q. Who was he or she?

18 A. Well, they said I should not call any name. He was a man.  
19 He was beaten and they tied him around the waist.

15:22:50 20 Q. Can you tell us his first name, if you know it?

21 A. He was called Canabie. It was a false name.

22 Q. Can you pause for one second, Mr Witness.

23 A. Okay.

24 Q. Canabie is C-A-N-A-B-I-E. Now, when did you see Canabie?

15:23:29 25 A. He was captured in the evening, and they beat him  
26 throughout the night and the morning, they took him along the way  
27 leading to the village.

28 PRESIDING JUDGE: Yes, Mr Metzger?

29 MR METZGER: It is our application that anything relating

1 to this Canabie be struck from the record as it doesn't comply  
2 with the disclosure rules, it not being contained in any document  
3 that we are able to ascertain that was served on us before the  
4 42-day period.

15:24:20 5 MS TAYLOR: Your Honour, if I may respond to that. The  
6 rules of procedure and evidence place an ongoing obligation of  
7 disclosure on the Prosecution. There are a number of authorities  
8 from Trial Chamber I in relation to that obligation. That  
9 obligation continues right up until the moment that the witness  
15:24:41 10 enters the witness box. If that witness has told the Prosecution  
11 something additional, something in clarification, or something  
12 that contradicts an earlier statement, the Prosecution must  
13 disclose that information.

14 In my submission, having information struck is a rather  
15:25:06 15 excessive remedy. If my learned friend is saying that he has  
16 prejudice because he hasn't had this information in time, my  
17 submission would be that my learned friend would have to  
18 establish that to Your Honours' satisfaction. The remedy should  
19 be that my learned friend be given appropriate time to look at  
15:25:26 20 that information rather than have any information excluded.

21 I would note that this material was disclosed on 21 March  
22 2005. Although that is within the 42-day period, the bulk of  
23 this witness's evidence has been known to the Defence in an  
24 unredacted form for in excess of 42 days and in a redacted form  
15:26:18 25 for 18 months. In those circumstances, it would be my submission  
26 that my learned friend has not made out any prejudice.

27 PRESIDING JUDGE: On a point of law only, Mr Metzger?

28 MR METZGER: Well, on a point of information and then a  
29 point of law. First and foremost, this is new information; i.e.

1 it wasn't contained in any of the material beforehand. Secondly,  
2 and I would say this is a point of law, there is an issue as to  
3 relevance.

4 Now the Prosecution could, theoretically, on the basis of  
15:27:03 5 that which has been submitted by my learned friend, continue to  
6 serve material up until two minutes before the witness comes to  
7 give evidence as information comes to their knowledge. However,  
8 experience must be used, and good judgment, particularly when one  
9 is coming to consider what relevance that has on the indictment  
15:27:28 10 as against the accused persons as a whole. It would have, in our  
11 respectful submission, been more prudent for the Prosecution to  
12 seek to call evidence that they can link against the indicted  
13 persons. This does not really add, in my respectful submission,  
14 to this matter at all. Those are my further submissions.

15:29:00 15 JUDGE SEBUTINDE: Ms Taylor, did you say that you disclosed  
16 the evidence regarding Canabie to the Defence at the given time?

17 MS TAYLOR: Yes.

18 JUDGE SEBUTINDE: If you did, could you point us to the  
19 page?

15:29:11 20 MS TAYLOR: Yes, it's on page 7102, and the relevant  
21 paragraph number is 9. That document was filed with the court on  
22 8 April. There was that issue before lunch, Your Honour.

23 JUDGE SEBUTINDE: Did you say paragraph 9?

24 MS TAYLOR: Yes. Your Honours, if you will permit me, the  
15:29:55 25 last three sentences, "His nickname was Canabie, and I knew  
26 him" --

27 PRESIDING JUDGE: Ms Taylor, could you assist us. When do  
28 you say the second document was served electronically?

29 MS TAYLOR: Sorry, I don't think I did say the document was

1 served electronically.

2 PRESIDING JUDGE: When was it served?

3 MS TAYLOR: It was disclosed to the Defence on 21 March and  
4 it was filed with the Court on 8 April.

15:37:04 5 [Trial Chamber confers]

6 PRESIDING JUDGE: This is a ruling of the Court on an  
7 objection by Defence counsel on two grounds: one of relevance  
8 and certainly of this new information. We consider evidence was  
9 disclosed to the Defence and by way of paragraph 9 of 7102 on

15:37:29 10 21 March 2005. I consider this is in fulfilments of the  
11 continuous duty to disclose. If the Defence is objecting on a  
12 ground of relevance, then this should be cured by allowing time  
13 and not by striking out. Therefore, a strike-out is refused.

14 Pause Mr Werner. In the light of that ruling, Mr Metzger  
15:37:59 15 might have something to say.

16 MR METZGER: I have very little to say. I think I said  
17 what I had to say in relation to the question of relevance. I  
18 think it would be wrong of me to say that I can't deal with any  
19 material that comes, except in so far as it requires us to get  
15:38:23 20 information in, and I hope that that won't be required with this  
21 witness.

22 PRESIDING JUDGE: Mr Werner, in the light of Mr Metzger's  
23 remarks, please proceed.

24 MR WERNER:

15:38:48 25 Q. Mr Witness, you said that you saw Canabie being beaten up  
26 during the night, that's what you said. Now, my question is did  
27 you see --

28 A. That is what I said. I said I saw him being beaten in the  
29 evening.



1 PRESIDING JUDGE: I have a note in the evening as well.

2 Take care, Mr Werner, please.

3 MR WERNER: Yes, I apologise for that.

4 Q. Did you see Canabie again?

15:39:30 5 A. In the morning again, I saw them beating him and they took  
6 him along a road. From that time up to now, I have not been able  
7 to see him.

8 Q. Mr Witness, when you say they, they beating him again, who  
9 are they?

15:39:45 10 A. Yes, it was the soldiers that I saw beating him.

11 Q. Now, Mr Witness, you told us that you stayed three days in  
12 the garden, and you told us that you saw a group of 47 people  
13 leaving the garden and that you knew all of them. Now, my  
14 question is: did anyone else you knew stay in the garden during

15:40:35 15 these three days?

16 A. Out of the 47?

17 Q. I'm not talking -- I'm leaving the 47 people now. I'm not  
18 talking any more about these 47 people. My question is did you  
19 know anyone else in the garden?

15:41:07 20 A. Well, some of us remained there, those of us who were  
21 captured.

22 Q. Mr Witness, do you know someone called AB?

23 A. Yes.

24 MR METZGER: With respect, I'm not sure that this is not  
15:41:31 25 leading the witness. A fine example of cross-examination, but I  
26 do remind my learned friend that this is his witness and it has  
27 happened more than once too often, in our respectful submission.  
28 I object to him cross-examining his witness.

29 JUDGE LUSSICK: Yes, I think it is quite clear that leading

1 will be objected to by the Defence. That question in that form  
2 is not allowed.

3 MR WERNER:

4 Q. Mr Witness, you said that some of you stayed in the garden.  
15:42:32 5 Now, my question is were there men and women?

6 A. There were women. These were captured by the soldiers.  
7 There were three.

8 Q. Did you know any one of them?

9 A. I knew the three of them, these ladies that were captured.

15:43:09 10 Q. What were their names?

11 A. Well, they said I should not call names because of my life.

12 Q. Just first names, Mr Witness.

13 A. I knew Yebu.

14 Q. Just pause there, Mr Witness. Who was Yebu? Sorry, I  
15:43:37 15 apologise, I'm going to spell it. I apologise for that.

16 A. A woman.

17 MR WERNER: Y-E-B-U.

18 PRESIDING JUDGE: The question again, please, Mr Werner.

19 MR WERNER: Before understanding that I forgot what I  
15:44:05 20 should have done, I just asked who was Yebu.

21 Q. Mr Witness, who was Yebu?

22 A. She was a woman. She was the daughter of my brother.

23 Q. Did you speak with Yebu at that time?

24 A. We later discussed.

15:44:40 25 Q. When did you discuss with her?

26 A. When we have been released, that was the time that we  
27 discussed.

28 Q. What did she tell you? Sorry, did she tell you anything?

29 A. She told me something.

1 Q. Could you tell this Court what she told you?

2 A. She told me that the individual who captured her raped her  
3 and she gave me an example; she brought something to prove that.

4 Q. What was it?

15:45:24 5 A. She fell ill and her vagina got swollen.

6 Q. Mr Witness, did she tell you anything else?

7 A. Well, the most acute problem was that of raping her. She  
8 was raped over and over again.

9 Q. Did she tell you who did that?

15:46:18 10 A. Yes. She showed me the name of the individual who did  
11 that.

12 Q. Who was he?

13 A. She said he was called Yellow Man.

14 Q. Now, did you know anyone else in the garden?

15:47:03 15 A. Yes, I knew them. I knew them amongst our own children who  
16 were captured, right up to my wife.

17 Q. Again, reminding you of the protective measure, could you  
18 tell us the first name of your wife?

19 JUDGE SEBUTINDE: Excuse me, counsel, I am getting a bit  
15:47:31 20 confused. You have so far asked this witness to start describing  
21 the people that remained after the 47.

22 MR WERNER: Yes.

23 JUDGE SEBUTINDE: Is that where we're still at?

24 MR WERNER: After --

15:47:45 25 JUDGE SEBUTINDE: After the 47 left the garden.

26 MR WERNER: During this three-day period.

27 JUDGE SEBUTINDE: You should make that clear. I no longer  
28 know what period we're talking about.

29 MR WERNER: I'm now going to clarify that. I apologise for

1 that, Your Honour.

2 Q. Mr Witness, did Yebu tell you when that -- what you have  
3 just described -- happened?

15:48:32

4 A. That was the time that we had been released. That is the  
5 time she explained to me what they did to her.

6 Q. I understand that now, Mr Witness. My question is she  
7 explained that to you after being released. Did she tell you  
8 when what she told you happened?

9 MR METZGER: I object. This time, I object --

15:48:56

10 THE WITNESS: This happened to her at the time that we were  
11 captured. The man who captured her was the one who raped her.

12 PRESIDING JUDGE: Just wait a little moment, Mr Witness,  
13 please.

15:49:09

14 MR METZGER: This time I object along the lines that we  
15 have an identified and identifiable person who, to all intents  
16 and purposes, is present, living and able to give evidence; that  
17 this is not the proper way to adduce evidence where it is  
18 available.

15:49:33

19 The idea of introducing hearsay evidence, in our respectful  
20 submission, is where, largely speaking, that evidence is  
21 unavailable or difficult to find. We have now been placed in a  
22 situation where someone has been identified. Evidence has been  
23 given about what that person said to this witness and, in due  
24 course, if my learned friend wishes to go any further than that  
25 which has so far been disclosed to us, then it would be open to  
26 the Prosecution to call that witness.

15:49:59

27 PRESIDING JUDGE: Aren't the rules relating to evidence and  
28 procedure permit the adducement of hearsay evidence, Mr Metzger?

29 MR METZGER: I accept that it does, and I thought that was

1 inclusive in the submission that I made. That is to say,  
2 although the rules include the adduction of hearsay evidence, and  
3 it really falls to the Trial Chamber to then attach what weight  
4 they will to that particular part of the evidence, it seems to me  
15:50:47 5 that once we have had the evidence, certainly that has been  
6 disclosed to us, that when further detail is being obtained -- I  
7 give as an example the Court will note that the name Yellow Man  
8 doesn't appear, it seems to me, in this disclosure about the  
9 person who has been raping this particular person at paragraph 20  
15:51:25 10 and 21 of the document that we've been looking at.

11 What I am concerned about, and I think it goes for all the  
12 Defence teams, is that particularly in the way in which the  
13 evidence of this witness is being led, that the Trial Chamber is  
14 not particularly being helped and a lot of room for error and  
15:52:10 15 confusion is creeping in. I'm concerned that with adduction  
16 further of hearsay evidence, where it is capable of hearing  
17 first-hand evidence, that one should be very, very careful,  
18 indeed. It is in the light of that that I make this particular  
19 submission.

15:52:35 20 JUDGE LUSSICK: Mr Metzger, correct me if I am wrong, but  
21 there is a case on this point, isn't there, in the ICTY, where  
22 the Court said if a witness is available and not called, it  
23 certainly attacks the weight of the evidence that the Court ought  
24 to give. Am I correct there?

15:52:59 25 MR METZGER: Your Honour's right. I don't have it to hand  
26 at this point in time, which is why I sought not to say it is  
27 supported by this particular authority. If the Court requires,  
28 we can look it up.

29 JUDGE LUSSICK: I can't remember the name myself, but I'm

1 mentioning that it's nothing new that you're bringing up.

2 MR METZGER: I'm very much obliged.

3 PRESIDING JUDGE: I will hear reply by Prosecution. At  
4 that point, we are about time for a brief adjournment. We will  
15:53:31 5 hear reply and then consider it.

6 MS TAYLOR: Your Honours, at least one point we seem to be  
7 in heated agreement about is hearsay is permitted in these  
8 proceedings. The issue for Your Honours is the weight that will  
9 be attached to any such evidence that is adduced in the Court.

15:53:53 10 The fact that a named person has been identified as having  
11 told this witness something does not ipso facto mean that that  
12 person is available and can be called in this Chamber. That is a  
13 leap of logic that just doesn't bear analysis. Further, one of  
14 the reasons hearsay is permissible in international proceedings  
15:54:21 15 is that the nature of the crimes dealt with by international  
16 Courts contain elements such as widespread and systematic. In  
17 those circumstances, the Prosecution bears a very, very heavy  
18 burden to prove all elements of the charges before the Court. To  
19 relieve the Prosecution from the need of calling hundreds, if not  
15:54:45 20 thousands of witnesses to substantiate its counts, it is  
21 permissible for witnesses to give not only direct evidence of  
22 what they saw, did or heard, but what they were told.

23 In circumstances where you have this witness and nearly all  
24 the other witnesses who have been called so far, being in a  
15:55:15 25 situation where they might have been subjected to what the  
26 Prosecution allege is criminal behaviour, and therefore can give  
27 direct evidence of that, they also heard about what the  
28 Prosecution alleged to be criminal behaviour that occurred in  
29 relation to someone else. In those circumstances, to say that

1 the Prosecution has an obligation to call each and every person  
2 that told the relevant witnesses something would mean that the  
3 trial would never end.

4 Your Honours, the Prosecution says that the hearsay  
15:55:55 5 evidence is admissible and Your Honours are professional judges  
6 who will be able to give the appropriate weight to the evidence  
7 depending upon the circumstances in which the hearsay arose, if  
8 Your Honours please.

9 PRESIDING JUDGE: Thank you, Ms Taylor. It is time for the  
15:56:17 10 afternoon adjournment. We will adjourn. We'll take an extra  
11 five minutes and make it a 20-minute adjournment.

12 [Upon adjourning at 3.58 p.m.]

13 [TB140405F-SGH]

14 [On resuming at 4.28 p.m.]

15 PRESIDING JUDGE: This is a decision of the Trial Chamber having  
16 heard both Defence and Prosecution concerning the evidence of this  
17 witness.

18 [RULING]

19 PRESIDING JUDGE: The Trial Chamber adopts and with the  
16:26:03 20 approval and cites part of a decision at paragraph 15 in the case  
21 of the Prosecutor v Zlatko Aleksovski from which I now cite: "It  
22 is well settled in the practice of the Tribunal that hearsay  
23 evidence is admissible. Since such evidence is admitted to prove  
24 the truth of its contents, a trial chamber must be satisfied that  
16:26:30 25 it is reliable for that purpose in the sense of being voluntary,  
26 truthful and trustworthy as appropriate and for this purpose may  
27 consider both the content of the hearsay statement and the  
28 circumstances under which the evidence arose. The absence of the  
29 opportunity to cross-examine the person who made the statements

1 and whether the hearsay is first-hand or more removed are also  
2 relevant to the probative value of the evidence. The fact that  
3 the evidence is hearsay does not necessarily deprive it of  
4 probative value. But it is acknowledged that the weight or  
16:27:09 5 probative value to be afforded to that evidence usually will be  
6 less than that given to the testimony of a witness who has given  
7 it in a form under oath." Accordingly, the Trial Chamber  
8 considers that this evidence is admissible and with a person  
9 being absent the matter will go to weight, but it allows the  
16:27:31 10 evidence.

11 MR WERNER: Your Honours, I was required to have my mic  
12 here now, so I hope it will keep improving the situation for the  
13 translators.

14 Q. Mr Witness --

16:28:01 15 A. Yes, sir.

16 Q. Before the break you told this Court that Yebu told you  
17 that she had been raped. Now, my question is: Did Yebu tell you  
18 if it was before or after the 47 people leaving the garden with  
19 Abu Kanu?

16:28:28 20 PRESIDING JUDGE: I am a little confused. Are you saying -- Yes,  
21 just pause. She told you she was raped and was it before after the  
22 telling?

23 MR WERNER: No, no, no. He told her that he was told about  
24 that after the event. So now I am trying to answer a question, I  
16:29:05 25 am trying to know if that happened after or before the 47 people  
26 left the garden. If the rape happened after or before the 47  
27 people left the garden. So I will repeat the question.

28 Q. Mr Witness --

29 A. Well, I have heard. The day we came out of the bush that



1 we are captured, that was the time Yebu was captured by this man.  
2 When those other ones were taken away she was with this soldier.

3 Q. And did she tell you when the rape happened or occurred?

4 A. The very day the man captured him, that was the very day he  
16:30:02 5 started raping him -- raping her, sorry.

6 Q. Now, Mr Witness, before --

7 A. Yes.

8 Q. Before the break, you told us that some people remained  
9 when the 47 people left and that there were three women. Now,

16:30:27 10 you have told us about Yebu. Did you speak to the other women  
11 about what happened to them in the garden?

12 A. Yes, I discussed with them. We had a talk.

13 Q. With whom did you discuss?

14 A. We discussed with Abie.

16:31:08 15 Q. What did she tell you? Did she tell you anything, sorry.  
16 Did she tell you anything?

17 A. She told me something.

18 Q. What did she say?

19 A. We slept in the same place. That was the place she was

16:31:29 20 taken at during the night and a man raped her. When she came the  
21 following morning, she told me about it.

22 MR WERNER: So Abie is A-B-I-E.

23 Q. Did you speak with anyone else?

24 A. Yes, with Ruge.

16:32:16 25 MR WERNER: So Ruge is spelt R-U-G-I-E.

26 Q. Did she tell you anything?

27 A. She too, since the time we were captured, the man that  
28 captured her -- shall I continue?

29 Q. Yes.

1 A. The man that captured her, I don't know the man's name, the  
2 man continued raping her all the time. I don't know the man's  
3 name, but Rugie told me about that.

4 Q. Did anyone else tell you anything?

16:33:21 5 A. The other child Kadi-Kadi.

6 Q. Just pause for a moment. Could you tell the name again, Mr  
7 Witness?

8 A. Kadija. Kadi-Kadi. We call her Kadi-Kadi. Kadiatu.

9 Q. So, K -- So, Your Honour, I have Kadija here. Kadijatu.

16:33:48 10 A. Kadija, Kadija.

11 Q. Okay. So Kadiatu. K-A-D.

12 MS THOMPSON: Can my learned friend ascertain whether we are  
13 talking about Kadijatu or Kadiatu? They are two different names.

14 PRESIDING JUDGE: The witness has given us a specific name.

16:34:24 15 MR WERNER: Kadija. I can spell Kadija. K-A-D-I-G-A.

16 Sorry, G-A. I apologise for that. G-A.

17 Q. Now, what did, Mr Witness --

18 JUDGE SEBUTINDE: That was J-A, not G-A; right?

19 MR WERNER: Right. I apologise.

16:35:06 20 Q. Now, Mr Witness, what did she tell you?

21 A. She too told me that when she was captured she was raped.

22 Q. Did she tell you anything else?

23 A. Well, they used to send them in different areas and they  
24 cooked for them.

16:35:39 25 Q. Who are "them"?

26 A. The soldiers.

27 Q. Mr Witness, did you speak with anyone else?

28 A. Yes.

29 Q. With whom did you speak?

1 A. Among those -- from those children I got those reports that  
2 this was what was done to them. Except what happened to me that  
3 I have not yet explained.

4 Q. So, let me ask you this question, Mr Witness: You told us  
16:36:29 5 that you stayed three days in the garden. What happened after  
6 that?

7 MR WERNER: Sorry, I will re-phrase it.

8 Q. Did anything happen after that?

9 A. Within the three days, after those people had left, well  
16:36:55 10 somebody came and collected me from there.

11 Q. Who came to collect you, Mr Witness?

12 A. [Inaudible] soldiers came with a paper saying that we were  
13 wanted at the headquarters.

14 Q. Who are "we"? You say we were wanted?

16:37:23 15 A. We are four in number. We, the people.

16 Q. What happened after that, Mr Witness?

17 A. We are taken to the place which they call their  
18 headquarters.

19 Q. Where is it?

16:37:57 20 A. The big town we have there called Nonkoba.

21 Q. Just slow down, Mr Witness. I already spelt this name  
22 earlier on.

23 A. Okay.

24 MR WERNER: Can I carry on?

16:38:27 25 PRESIDING JUDGE: Proceed.

26 MR WERNER:

27 Q. So what happened after that, Mr Witness?

28 A. Well, they took us to Nonkoba. They made one house which  
29 they called NP office.

1 Q. Mr Witness, where is Nonkoba?

2 A. It is adjacent town. That was where I said Chendekom  
3 Nonkoba.

4 Q. Now, what is the distance, Mr Witness, between Chendekom  
16:39:19 5 and Nonkoba?

6 JUDGE SEBUTINDE: No, no, Mr Interpreter, can you --

7 THE WITNESS: It was one mile and a half.

8 JUDGE SEBUTINDE: Please wait, Mr Witness. Mr Interpreter,  
9 can you spell that first name for us?

16:39:37 10 THE INTERPRETER: Do you mean Chendekom, My Honour? Do you  
11 mean Chendekom?

12 JUDGE SEBUTINDE: Yes. Yes.

13 THE INTERPRETER: C-H-E-N-D-E-K-O-M.

14 MR WERNER:

16:40:08 15 Q. Mr Witness, is that the same place as the called  
16 Rochendekom?

17 A. Rochendekom Nonkoba. Nonkoba is separate; Chendekom is  
18 separate.

19 Q. Mr Witness, just listen to my question. Is Chendekom and  
16:40:42 20 Rochendekom the same? Are they the same places?

21 A. It is the same town. Chendekom, yes.

22 Q. Now, are you able to say, Mr Witness, what the distance  
23 between Chendekom or Rochendekom and Nonkoba?

24 A. Yes. Yes. We estimate the distance to be one and a half  
16:41:24 25 miles from Chendekom to Nonkoba.

26 Q. Thank you, Mr Witness. Now, Mr Witness --

27 A. Yes.

28 Q. In Nonkoba, do you know if anyone was in charge?

29 PRESIDING JUDGE: In charge of what?

1 MR WERNER: Okay, so let me re-phrase.

2 Q. Who was living in Nonkoba, Mr Witness?

3 A. It was the soldiers. We met them there. They came and  
4 collected us.

16:42:25 5 Q. Do you know if anyone was in charge of those soldiers in  
6 Nonkoba?

7 A. When they took us there, we knew the man that was in charge  
8 of the NP office that we were taken to.

9 Q. What was his name?

16:42:53 10 A. We heard that he was RS Momoh. He was RSM Momoh, he was in  
11 charge of the NP office.

12 Q. Okay, so Momoh is M-0-M-0-H. Do you know what RSM stands  
13 for?

14 A. Yes.

16:43:16 15 Q. Could you tell this Court?

16 A. No, I cannot explain that precisely. I don't know. I only  
17 heard the name RSM. I don't know.

18 Q. Now, did RSM Momoh belong to a group?

19 A. He belongs to the group of the soldiers. We saw him in  
16:43:56 20 uniform and he had a gun.

21 Q. Mr Witness, you said belonged to the soldiers. Did these  
22 soldiers have a name?

23 A. Yes.

24 Q. Which name, Mr Witness?

16:44:31 25 A. What type of name?

26 Q. I am asking you if you know if the soldiers had a name or  
27 if you don't know --

28 A. I came to understand later that when Mr Lamin told me that  
29 they were SLAs, but when I saw them before that time anybody that

1 was in uniform wore uniform, I knew he was a soldier. So when I  
2 saw Momoh in soldier uniform, I knew that he was a soldier. I  
3 never had the time to ask him again if he were a soldier. I knew  
4 he was because he was in military uniform.

16:45:20 5 Q. Now, listen to me, Mr Witness, what happened?

6 A. Yes.

7 Q. What happened in Nonkoba?

8 A. When we arrived four of us they strip us naked and leaving  
9 us with only our pants. They took us and they placed us in one  
10 room which they referred to as a guard room and they locked us  
11 up. We are there round about seven or nightfall. They took us  
12 from the room and placed us in a box.

16:45:46

13 Q. Just pause for one second, Mr Witness. When did they take  
14 you in the box?

16:46:26

15 A. Round about six o'clock. Round about six o'clock in the  
16 evening. That was the time they took us from the room and placed  
17 us in the box. We had those boxes in our places. Those are the  
18 boxes we put our harvested rice and the place bricks on us.

19 Q. Just pause for one second, Mr witness. How big was the  
20 box?

16:46:42

21 A. The box? That side was about six feet. The only thing --  
22 I don't have a tape. The other side about six feet. The length  
23 was about seven feet. Four of us were placed in there.

24 Q. Why were you put in this box, Mr Witness?

16:47:33

25 A. Well, they took us from where we were. They never told us  
26 anything. When they place us in the guard room and strip us  
27 naked, they only told us to enter the box. The place was there.  
28 We had nothing we did to them. They never explained anything  
29 that we have done to them. Ah me. I feel so bad today.

1 Q. What happened after that, Mr Witness?

2 A. We were in the box until early morning round about four

3 o'clock. At about down in the morning. What made us realise

4 that it was four o'clock? There were guards. Those guards

16:48:38 5 were -- we are taken from where we are, then we are taken back to  
6 the guard room.

7 Q. Just pause here one second, Mr Witness. Do you know,

8 Mr Witness, why you were released out of the box?

9 A. Yes, I know.

16:48:55 10 Q. [Microphone not activated]

11 A. Yes, I can explain.

12 Q. Please do so.

13 A. So, we were in the box. I heard that there was a paper

14 that was sent from Lunsar. During that time Lunsar was under

16:49:31 15 Superman. He wrote to them that they should stop killing. When  
16 they arrived at our own area Masimera, food was plentiful. They

17 ate our food. If they say they are going to kill us all during

18 that time -- during which we were aided, they had a report from

19 Lunsar that they have captured the speaker Alpha Lamin. It was

16:50:03 20 for this reason that they sent a message to us that they should  
21 not kill anybody again. They are eating our own food. They

22 should no continue to kill us all. We are in the box while the

23 letter was read.

24 Q. Just pause. Some names were given and I have not forgotten

16:50:17 25 this time, I was just going to take the witness back bit by bit

26 and I will deal with the names as they come out. Now, you said,

27 "He wrote to them a letter." Who is "he"?

28 A. We are in the box. When we heard them reading the letter,

29 they said it was Superman.

1 Q. Just pause there. So Superman -- Now, do you know  
2 anything about the content of this letter?

3 A. No, the only thing -- we only listened to where they said  
4 they should not kill people again. All that was in the letter we  
16:51:27 5 never heard all, but was it only that portion that we listened  
6 very attentively.

7 Q. Okay. You said they said they should not kill people  
8 again. Who are "they"? Who said "they"?

9 A. They said the letter came from Superman. He wrote the  
16:51:52 10 letter that they should stop killing people because they are  
11 eating our food. They should not continue killing everybody in  
12 the chiefdom.

13 Q. Just pause here one second, Mr Witness. Now you said  
14 Superman said they should stop killing the people. Who are  
16:52:09 15 "they"?

16 A. We, the people of Masimera.

17 Q. I do not think you answered my question, I am going to ask  
18 you again.

19 A. Oh, it was the soldiers that told us to stop killing us  
16:52:37 20 because they were eating our food. You understand me?

21 Q. Yes, Mr Witness. Now, did you hear anything else?

22 A. Yes, while we were in the guard room in the morning, that  
23 was the office they called NP office. Everybody that came in the  
24 morning they struck us with a whip and he reported that he has  
16:53:25 25 come to work.

26 Q. Who struck you with the whip?

27 A. The soldiers when they come to -- when they come to work in  
28 the office that was the area where they had their guard room.

29 Q. And was it after you were released out of the box?



1 A. Yes, after they have taken us from the box in the morning.  
2 In the morning they came and flogged us.

3 Q. Who came?

4 A. The soldiers. I cannot tell their names.

16:54:24 5 Q. Now, Mr Witness, you talked about Superman. Do you know  
6 who was Superman?

7 A. I heard about him. I have never seen him. I don't know  
8 him. I only heard the name Superman.

9 Q. Mr Witness --

16:54:36 10 A. Yes.

11 Q. What happened after that?

12 A. After that, when we have been flogged for so long, they met  
13 us and said -- and said if we wanted to work for them. The man  
14 that was the head in the office, that was RSM Momoh, the fellow  
16:55:09 15 with whom I was, well he was a little bit literate and he said he  
16 wanted a child. Well, for me one of the soldiers that was called  
17 RSM Mesiger, he said he wanted me.

18 Q. Just pause here. Pause here. I am going spell RSM  
19 Mesiger. Which is M-E-T-Z-I-K-E-L. Mesiger.

16:55:30 20 MS THOMPSON: Your Honour, we will be guided as to which spelling  
21 my learned friends are using because there are two spellings in the  
22 disclosed material to us.

23 MR WERNER: It may be wise to ask the booth because it is  
24 true indeed there is two spellings of the same name.

16:56:21 25 PRESIDING JUDGE: I will ask the interpreter to spell it  
26 and since he is a Temne speaker let us get that spelling.  
27 Mr interpreter, could you spell this name for us, please.

28 THE INTERPRETER: Yes, Your Honour, shall you please get  
29 the pronunciation from the witness?

1 PRESIDING JUDGE: Mr Witness, please say Mesiger's name  
2 properly again to us. Thank you.

3 THE WITNESS: RSM Mesiger.

4 THE INTERPRETER: M-E-S-I-G-E-R. M-E-S-I-G-E-R.

16:56:54 5 PRESIDING JUDGE: Thank you.

6 THE INTERPRETER: Welcome.

7 PRESIDING JUDGE: I was just going to ask, Mr Werner, I  
8 notice it is just about 5.00 o'clock. Do you have many more?

9 MR WERNER: No.

16:57:18 10 PRESIDING JUDGE: Well, perhaps if there are only a few, it  
11 would be neater to finish and --

12 MR WERNER: It is difficult -- it will take 10 or 15  
13 minutes.

14 THE WITNESS: It will not take long, I will soon be  
16:57:37 15 finished.

16 MR WERNER: He could be released.

17 PRESIDING JUDGE: A few more, but we must not let it go too  
18 late. Everybody has other work to do.

19 MR WERNER: I am happy to stop here.

16:58:03 20 PRESIDING JUDGE: If it is a few questions, then let us  
21 have them.

22 MR WERNER:

23 Q. So, Mr Witness, you told us --

24 A. Yes.

16:58:15 25 Q. You told us about RSM Mesiger. What happened after that?

26 A. So, he had -- I was in his control. The other two  
27 children, the person under whose care they were, I did not know  
28 him and we were free from the guard room.

29 Q. You said you were under his control, so what did you do?

1 A. The work I used to do for him, I used to fetch water for  
2 him. Then I boiled the water when he wanted to wash. That was  
3 the work that I had for him. I had no other work to do.

4 Q. How long did you work for him?

16:59:12 5 A. Seven days.

6 Q. How did you feel about that?

7 A. I was not comfortable. I was not comfortable because I had  
8 my wife. It is for me to be controlled by my fellow man, so I  
9 fled from him when I went to Lunsar.

16:59:52 10 Q. Now, Mr Witness, you told us that Nonkoba you saw soldiers.  
11 Now let me ask you this question.

12 A. Yes.

13 Q. How old were the soldiers you saw in Nonkoba?

14 A. Well, they had uniform.

17:00:01 15 Q. Were the soldiers you saw in Nonkoba, were they from the  
16 same age or different ages?

17 MR METZGER: Objection. Vague.

18 MR WERNER: Just wait, Mr Witness. Wait. I will  
19 re-phrase.

17:00:27 20 Q. Mr Witness, the soldiers you saw in Nonkoba, were all  
21 the soldiers about the same age or were they soldiers of  
22 different ages?

23 A. I was not able to distinguish because I was not able to  
24 talk to any of them with the exception of the man who captured  
17:01:35 25 me. You see, it was difficult for me to say that this and this  
26 are equal in ages. So it was difficult.

27 Q. What happened after that, Mr Witness?

28 A. When we were in Nonkoba, they also -- that was the time  
29 that they are -- that they were ousted. Both of them, we and

1 they, went to Lunsar. When we arrived at Lunsar, that is the  
2 time that I had the opportunity of escaping from him. That was  
3 the time that I left him. So I arrested, you know, from his own  
4 part.

17:02:12 5 Q. Mr Witness --

6 A. Yes.

7 Q. You said they were ousted. What do you mean? Who are  
8 they -- what do you mean by that? Sorry, the first question, who  
9 were ousted?

17:02:34 10 A. These soldiers when they were there, then another group of  
11 soldiers came. And we saw them running and both of us that were  
12 captured ran away and all of us went to Lunsar, but the group  
13 that came and attacked them, we did not know the type of group.  
14 So we all ran away. So when we came to Lunsar -- Lunsar is a  
17:02:58 15 very big town, so I also ran away from Mesiger because, I mean, I  
16 wanted to free myself from this punishment.

17 Q. And what happened in Lunsar?

18 PRESIDING JUDGE: [Inaudible]

19 MR WERNER:

17:03:05 20 Q. Mr Witness, just pause for one second.

21 PRESIDING JUDGE: We didn't hear, Mr Werner.

22 MR WERNER: Yes, I am going to ask the question again.

23 Q. What happened in Lunsar?

24 A. This is what I explained. I said when we came to Lunsar  
17:03:23 25 that was the time that I had the opportunity of escaping, you  
26 see, and from that point I did not know anything concerning them.

27 Q. I have one final question and I will be over with this  
28 witness. Mr Witness --

29 A. Yes.

1 Q. You told us at the beginning of your testimony that all  
2 these events happened in April 1999. How do you know that?

3 A. Well, how I came to know? Because I had a watch and second  
4 and we had -- there was a particular time that we used to do our  
17:04:07 5 work. You see every type of month I know has a particular type  
6 of work that you do. You see, in it, and that was the time.  
7 That was how I came to know all these things. That was the time  
8 that we used to plant our groundnut. It was at the end of that  
9 particular month that was the time that we used to plant cassava,  
17:04:26 10 cassava sticks.

11 MR WERNER: I have no further questions for this witness.

12 PRESIDING JUDGE: Thank you, Mr Werner. We will adjourn  
13 until tomorrow. Mr Witness --

14 THE WITNESS: Yes, sir.

17:04:53 15 PRESIDING JUDGE: We are going to finish --

16 THE WITNESS: Yes, sir.

17 PRESIDING JUDGE: -- the Court for today. Tomorrow you  
18 will have to come back to the Court as the other lawyer will have  
19 some questions. Between now and the time all of your evidence is  
17:05:06 20 finished, you should not discuss or talk about your evidence with  
21 anyone else. Do you understand? Do you understand me?

22 THE WITNESS: Clearly.

23 PRESIDING JUDGE: Thank you, Mr Witness. Madam Court  
24 Attendant, please adjourn the Court until 9.15 a.m. tomorrow  
17:05:22 25 morning.

26 [Whereupon the hearing was adjourned at 5.08 p.m. to be  
27 reconvened on Friday, the 15th day of April 2005 at 9.15 a.m.]

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29

WITNESSES FOR THE PROSECUTION:

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