



Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

FRI DAY, 24 JUNE 2005
9. 20 A. M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Jim Hodes
Ms Melissa Pack
Mr Alain Werner
Ms Maja Dimitrova (Case Manager)

For the Principal Defender:

No appearances

For the accused Alex Tamba
Brima:

Ms Glenna Thompson
Mr Osman Keh Kamara

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah
Mr Ibrahim Foday Mansaray

For the accused Santi gie Borbor
Kanu:

Mr Ajibola E Manly-Spain
Ms Viola Trebicka (intern)

1 [TB240605A - AD]

2 Friday, 24 June 2005

3 [Open session]

4 [Accused Kanu present]

5 [Accused Brima and Kamara not present]

6 [Upon commencing at 9.20 a.m.]

7 PRESIDING JUDGE: Good morning. I note we have a new
8 witness in the witness box and a new counsel.

9 MR WERNER: Good morning, madam.

09:27:42 10 PRESIDING JUDGE: I have been re-classified from a madam.
11 I have never been a madam, in fact.

12 Mr WERNER: I apologise, Your Honour. It is the second
13 witness I am leading so let me introduce myself again. My name
14 is Alain Werner. The witness is TF1-122. He will testify in
09:28:06 15 English and he is a Christian.

16 PRESIDING JUDGE: I also note that there is only one
17 accused. Ms Thompson, am I to take it that the situation that
18 prevailed the last few days continues to prevail.

19 MS THOMPSON: Yes, Your Honour.

09:28:27 20 PRESIDING JUDGE: Thank you. I will note that accordingly.
21 Mr Court Attendant, please swear in the witness.

22 WITNESS: TF1-122 [Sworn]

23 PRESIDING JUDGE: Please proceed.

24 MR WERNER: Thank you Your Honour.

09:29:11 25 EXAMINED BY MR WERNER:

26 Q. Good morning, Mr Witness.

27 A. Good morning.

28 Q. Mr Witness, could you tell this Court where you were born?

29 A. I was born in a village called Bandasuma, Pujehun District.

1 Q. For the Court, Bandasuma is B-A-N-D-A-S-U-M-A?

2 A. That's correct.

3 MS THOMPSON: Your Honour, before my learned friend goes
4 any further, so that we don't get into the same difficulties as
09:29:47 5 we did with the other witnesses. Since this witness is literate
6 and giving his evidence in English I ask that spellings of
7 unusual names of places and towns, or wherever, come from the
8 witness as it is his evidence.

9 MR WERNER: I have no problem with that.

09:30:01 10 PRESIDING JUDGE: Thank you. We will adopt that procedure.

11 MR WERNER:

12 Q. In which district is Bandasuma?

13 A. Pujehun District, Barri Chiefdom.

14 Q. Could you spell those two names for the Court?

09:30:23 15 A. Barri Chiefdom, Barri is B-A-R-R-I.

16 Q. And the district?

17 A. Pujehun, P-U-J-E-H-U-N. Pujehun.

18 Q. How old are you, Mr Witness?

19 A. I am 46 years of age.

09:30:48 20 Q. And are you able to read and write?

21 A. Yes, I can read and write.

22 Q. Mr Witness, what were you doing in May 1997?

23 A. I was working as a civil police officer.

24 Q. Where?

09:31:15 25 A. Kenema Town.

26 Q. Which office?

27 A. The Criminal Investigation Department Office, Kenema Police
28 Station.

29 Q. And what was the substance of your work?

1 A. I was the station sergeant.

2 Q. And what does a station sergeant do?

3 A. As station sergeant I was in charge of all my personnel ,
4 responsible for their welfare and postings.

09:32:05 5 Q. And could you tell this Court how many people did work
6 under your supervision?

7 A. Yes. I have 54 personnel working under my supervision.

8 Q. Now, Mr Witness, did something happen in this country on
9 25th May 1997?

09:32:35 10 A. Yes.

11 Q. Could you tell this Court what happened?

12 A. Yes. May 25th 1997, I was in Freetown when I heard a
13 sporadic gun firing at about 5.30 a.m. I later made to
14 understand that the AFRC have overthrown the democratically
09:33:30 15 elected government.

16 Q. And what did you do?

17 A. I went to town to see for myself. I did see a lot of
18 destruction in town. I saw the central bank, Bank of Sierra
19 Leone, on fire.

09:34:07 20 Q. What did you do after?

21 A. I also saw the treasury building burning down.

22 JUDGE SEBUTINDE: I'm sorry, what was that building? The
23 what building?

24 MR WERNER:

09:34:34 25 Q. Could you repeat the name of the --

26 A. The treasury.

27 Q. What did you do after that, Mr Witness?

28 A. Well, I later returned home.

29 Q. Where?

1 A. I was trapped down in Freetown here for about a week.

2 Q. And where did you return?

3 A. After that I returned to Kenema.

09:35:24 4 Q. Mr Witness, did anything happen in Kenema, Kenema Town, as
5 a result of what happened in Freetown in May 1997?

6 A. Yes. When I arrived at Kenema I saw a lot of RUF rebels
7 and AFRC juntas masquerading the streets of Kenema township.

8 Q. And, Mr Witness, did anything happen in the Kenema CID
9 office as a result of what happened in Freetown in May 1997?

09:36:08 10 A. Yes, in the following morning, I went to my office and
11 summoned a meeting. In that meeting I advised my personnel
12 working under my supervision to remain neutral. All of them
13 adhered to my advice with the exemption of one personnel.

14 Q. What is his name?

09:36:53 15 A. And that is Barba Tarawalay.

16 Q. And could you spell this name for the Court?

17 A. B-A-R-B-A, Barba; Tarawalay, T-A-R-A-W-A-L-A-Y.

18 Q. Who was Barba Tarawalay?

09:37:28 19 A. Barba Tarawalay was my personnel, a police constable
20 working under my supervision.

21 Q. Now Mr Witness, where were the AFRC/RUF troops stationed in
22 Kenema?

09:38:07 23 A. Well, normally the military in Kenema had their brigade
24 headquarter at reservation. So the military used this same
25 brigade as their brigade headquarters.

26 Q. Where they anywhere else?

27 A. They also used 14 Hangh Road as their secretariat.

28 Q. Could you spell Hangh Road for the Court.

29 JUDGE SEBUTINDE: I'm sorry to intervene. Is this evidence

1 regarding the normal military or regarding the AFRC/RUF rebel
2 locations or stations? Because he says normally the military has
3 this, this, this. And the question you asked was not with regard
4 to the normal military.

09:38:53 5 MR WERNER: My understanding was that the witness was
6 explaining that --

7 PRESIDING JUDGE: It is for the witness to explain.

8 MR WERNER: I apologize.

9 Q. Have you understood the question from the Bench? Could you
09:39:06 10 explain what did you mean by the normal military?

11 A. The AFRC juntas used the old brigade.

12 Q. Could you repeat what you just said about Hangh Road?

13 A. There is building along Hangh Road, that is number 14 Hang
14 Road.

09:39:50 15 Q. Could you spell for the Court?

16 A. The spelling of Hangh is H-A-N-G-H.

17 Q. And who were at number 14 Hangh Road?

18 A. The AFRC and the RUF rebels.

19 Q. You spoke about a secretariat; what does that mean?

09:40:21 20 A. Well, they established that place to run their
21 administration.

22 Q. What about the RUF rebels? Because you talked about the
23 AFRC and you talked about the secretariat. How about the RUF?

24 A. The RUF rebels occupied a building, NIC building along Dama
09:40:54 25 Road, Kenema.

26 Q. What does NIC stand for?

27 A. National Insurance Company.

28 Q. Now Mr Witness,

29 JUDGE SEBUTINDE: Spell --

1 Q. Could you spell Dama Road.

2 A. Dama road. D-A-M-A, Dama.

3 MR WERNER:

09:41:36 4 Q. Now Mr Witness, how long did the AFRC/RUF forces stay in
5 control of Kenema Town?

6 PRESIDING JUDGE: It's not been established that they were
7 in control of the Kenema Town. He said they were there.

8 MR WERNER: I will rephrase.

9 Q. How long were the AFRC/RUF stationed in Kenema Town?

09:41:56 10 A. They were there for about nine months.

11 Q. Until which time, approximately?

12 A. In the 25 May 1997 to February 1998.

13 Q. And during that time were any other forces in Kenema Town?

09:42:36 14 A. Initially there were Kamajor militia, but later they all
15 disappeared.

16 Q. Why?

17 A. Due to the pressure from the AFRC junta and the RUF rebels.

18 Q. Now Mr Witness, where were you yourself from that period of
19 time, May 1997, February 1998?

09:43:10 20 A. I was in Kenema township throughout the nine month period.

21 Q. And what were you doing throughout the nine month period?

22 A. I was working there as civil police officer.

23 Q. Where?

24 A. Kenema police station.

09:43:33 25 Q. Is that the same as CID?

26 A. Yes.

27 Q. Now, Mr Witness, was anyone in charge of the AFRC/RUF
28 troops to Kenema during that time?

29 A. Well, the AFRC junta, they have their SOS East by the name

1 of Eddie Kanneh.

2 Q. Could you first explain to the Court what does SOS East
3 stand for?

4 A. Secretary of state, east.

09:44:18 5 Q. Could you spell for this Court Eddie Kanneh?

6 A. Eddie, E-D-D-I -E; Kanneh, K-A-N-N-E-H.

7 Q. Now, were any other commanders in Kenema Town at that time?

8 A. You also have Sam Bockarie alias Mosquito who was this
9 charge of the RUF rebels.

09:45:01 10 Q. Could you spell this name for the Court?

11 A. Sam Bockarie, S-A-M, Sam; Bockarie, B-O-C-K-A-R-I -E,
12 Bockarie.

13 Q. Could you spell Mosquito.

14 A. Mosquito, M-O-S-Q-U-E-T-O [sic].

09:45:30 15 Q. Where was he staying?

16 A. He was staying right at Dama Road in NIC building.

17 Q. And were any other commanders in Kenema at that time?

18 A. Yes, you have some sub-commander under Mosquito, a man like
19 Massaquoi .

09:46:03 20 Q. Could you spell that name?

21 A. M-A-S-S-A-Q-U-I , Massaquoi [sic].

22 Q. Any other ones?

23 A. You also have Morris Kallon.

24 Q. Could you spell it for this Court?

09:46:32 25 A. Morris, M-O-R-I -S-E [sic]; Kallon, K-A-L-L-O-N, Kallon.

26 Q. Where -- did you see yourself Morris Kallon? At that time?

27 A. Yes.

28 Q. Where did you see him?

29 A. Along Dama Road, Kenema.

1 Q. How many times did you see him?

2 A. Very often.

3 Q. Always at the same place?

4 A. They even used to come to my office. Almost every day.

09:47:28 5 Q. Mr Witness --

6 JUDGE SEBUTINDE: Counsel, we don't know who "they" are.

7 JUDGE LUSSICK: And "they" is?

8 MR WERNER: Sorry.

9 Q. Who are "they"? When you say "they" used to come almost
09:47:45 10 every day to my office, who are they?

11 A. Sam Bockarie, Eddie Kanneh, Morris Kallon.

12 Q. Any other one?

13 A. You have people like Akim.

14 Q. Could you spell the name for this Court?

09:48:07 15 A. Akim, A-K-I-M.

16 Q. And for whom was he working, Akim?

17 A. Initially he was a government soldier and later defected to
18 the RUF.

19 Q. When you say later, when was that? What do you mean when
09:48:38 20 you say later he defected to the RUF?

21 A. Well, he was our constitutional army, in the Sierra Leone
22 Army, so after the coup, we later saw him with the RUF rebels.

23 Q. Any other commanders you can remember?

24 A. Yes, you also have a man like Issa Sesay.

09:49:11 25 Q. Could you spell this name for the Court?

26 A. Yes, Issa, I-S-S-A; Sesay, S-E-S-A-Y.

27 Q. Was he --

28 A. He was living at No. 31 Hangh Road, Kenema.

29 Q. Did you go through Hangh Road at that time yourself?

1 A. Every day I walked through that street.

2 Q. Did you see anything special happening when you were
3 walking along Hangh Road?

4 A. Yes.

09:49:52 5 Q. Could you tell this Court what you saw?

6 A. Well, at No. 14 Hangh Road where they have their
7 secretariat building, they were having a national flag there.

8 Q. Which national flag? Could you just specify?

9 A. The Sierra Leone national flag. Green, white and blue,
09:50:27 10 that is the colour.

11 Q. Carry on.

12 A. Normally we used to put our flag up at 6.00 am in the
13 morning.

14 Q. Who are "we"?

09:50:41 15 A. We Sierra Leone national flag is supposed to go up at
16 6.00 am and we put it down 6.00 p.m.

17 Q. Every day?

18 A. Every day. But the AFRC juntas and the RUF rebels, set a
19 trap with our national flag.

09:51:20 20 Q. Can you explain what you mean?

21 A. Sometimes they put the flag up at 8.00 o'clock or 9.00
22 o'clock.

23 Q. For the sake of clarity, Mr Witness, let me just interrupt
24 you. Is anything compulsory in Sierra Leone when the national

09:51:55 25 flag is up? Is anything supposed to happen when the national
26 flag is up?

27 A. When our national flag is going up, as long as you are
28 within that vicinity you are supposed to stand still.

29 JUDGE SEBUTINDE: I am sorry, I don't understand. When the

1 flag is up and flying you are supposed to stand still or when
2 it's going up?

3 MR WERNER: My question was not clear, but I thought it
4 was clear.

09:52:32 5 Q. Have you understood the question from the Bench?

6 A. When the flag is going up, as long as you are within that
7 vicinity you are supposed to stand still.

8 Q. Carry on.

9 A. So, they brought forward the time from 6.00 a.m. to
09:52:57 10 8.00 a.m. or, at times, 9.00 a.m. And our people are not
11 conversant with that time.

12 Q. What happened?

13 A. So each time the flag is going up at 8.00 or 9.00, people
14 do not understand so that they continue walking.

09:53:30 15 MR MANLY-SPAIN: May it please Your Honours. I
16 respectfully submit that the witness is now giving opinion
17 evidence, talking about people did not understand most of the
18 time, et cetera. He is talking for the people now.

19 MR WERNER: Things are going to become clear whilst he is
09:53:52 20 explaining that in relation with particular evidence. That's the
21 reason why.

22 PRESIDING JUDGE: Mr Manly-Spain, I think the witness
23 should be allowed to finish his description. I think he was
24 coming to a description that will convey his view.

09:54:07 25 MR MANLY-SPAIN: As Your Honour pleases.

26 MR WERNER: Thank you, Your Honour.

27 Q. Carry on, Mr Witness.

28 A. So he each time the flag is going up and people are moving
29 in the street, they get you arrested.

1 Q. Who are they, Mr Witness?

2 A. Take you to their secretariat.

3 Q. Mr Witness, sorry to interrupt you. But just you say,
4 "they get you"; who are they?

09:54:32 5 A. The AFRC juntas and the RUF rebels.

6 Q. Carry on.

7 A. They take you to their secretariat, remove everything that
8 you have on you, and if you resist, they beat you and lock you
9 up. And they do this continuously. So at one point in time --

09:55:09 10 Q. Did you see that happening?

11 A. On several occasion. They do it continuously.

12 Q. Do you remember any specific occasion?

13 A. Yes. At one point in time, I was going to my office. That
14 was about 8.00.

09:55:34 15 Q. In the morning or in the -- in the morning?

16 A. 8.00 a.m. in the morning. A certain lady was going to the
17 market, and at that time they were putting up the flag. The lady
18 continued walking away. So they stop her and called her to their
19 secretariat. When she got there, they put it to her that, "Are

09:56:13 20 you not seeing the flag that is going up?" The lady said, "No."
21 So they told her, "You have broken the law."

22 Q. Carry on.

23 A. They took her money from her, his purse, wristwatch, his
24 neck chain -- her neck chain.

09:56:49 25 Q. Sorry, Mr Witness, is it "his" or "her"?

26 A. Her neck chain. Woman. It's just a slip of tongue.

27 Q. Carry on.

28 A. So I was not happy. I went there, I tried to stop them.

29 But they did not listen to me at all, they continued harassing

1 and molesting the lady. When I insist that they should stop, one
2 AFRC soldier became very, very much aggressive with me.

3 Q. Do you know his name?

4 A. I don't know his name, but I know him very well. Up to now
09:57:49 5 I am seeing him passing in the street.

6 Q. Carry on.

7 A. So he held me on my trousers and the others came around and
8 started beating me with their belts.

9 Q. Who are the others?

09:58:09 10 A. The other RUF rebels and the AFRC juntas. They later
11 locked me up in their cell. I was there for about two hours. My
12 authorities later intervened and I was subsequently released.

13 Q. Mr Witness, you told us before that Issa Sesay was, as
14 well, living at Hangh Road.

09:58:48 15 MS THOMPSON: Your Honour, before my learned friend goes
16 further, this witness has given evidence of harassment that he
17 says he saw on several occasions and they do it continuously.
18 That is two time frames. My learned friend then asked the
19 question, "Did you see these," and he gave one example. The

09:59:13 20 problem I have with this evidence is that my learned friend
21 should go on to ask this witness or to lay some foundation as to
22 the other two time periods this witness has given evidence, which
23 is the several locations and the continuously. Because he has
24 not given any evidence of how he knows of this sort of behaviour
09:59:34 25 happening continuously or it happening on several occasions.

26 That is my objection.

27 MR WERNER: I take the comment on board and can clarify
28 that.

29 PRESIDING JUDGE: Very well.

1 MR FOFANAH: Secondly, Your Honour, before my learned
2 colleague responds, the witness ended his last statement with the
3 words "my authorities later intervened and they released me." We
4 do not know what he means by "my authorities". If only that can
10:00:03 5 be clarified as well. Thank you.

6 MR WERNER: I will.

7 Q. Have you heard the comments? Let's deal with the first
8 remark. You said that you saw that happening continuously.
9 Could you be more specific, both, like, how many times and then
10:00:23 10 during which time frame?

11 A. Yes. I can show so many instances. Let me just say few
12 because of time. At another point in time, they also arrested an
13 elderly woman for allegedly walking away while the flag is going
14 up. They also removed everything from her. And that lady is
10:01:09 15 still in Kenema. They do this over and again.

16 Q. Mr Witness, without giving us -- telling us every story, if
17 it is possible can you approximate about how many times did you
18 see that happening?

19 MS THOMPSON: Your Honour, I think the question has to
10:01:31 20 be -- and I don't want to interrupt my friend, I do beg your
21 pardon. But I think the question has to be how does he know this
22 happened continuously or how does he know it happened on several
23 occasions? Giving an approximation I don't think answers the
24 concerns we have. Or, in fact, giving us a narrative of every
10:01:48 25 time this happened does not answer our question. It is just how
26 it came to this witness's knowledge that he is able to give this
27 evidence today.

28 MR WERNER: The witness already testified that he was
29 going through Hangh Road every day, but I am very comfortable

1 with asking the question if it can help.

2 MS THOMPSON: Might I just add that this is also new
3 evidence that we are hearing today. It is not in the statements
4 that have been served on us. We are not taking objection to
10:02:16 5 that, but if the witness is giving evidence on that today, then
6 perhaps we need more clarity, because this is all new to us, it
7 is nothing that we have seen in any of the statements.

8 MR WERNER: It has been served to the Defence on the 31st
9 of May 2005, a two page statement. I have it here.

10:02:35 10 PRESIDING JUDGE: Ms Thompson, do you want to check if you
11 have the document that counsel is referring to?

12 MS THOMPSON: I do have that statement, Your Honour. What
13 I am saying is that some of what this witness is talking about
14 today is not contained in that statement. I'm not saying we
10:02:46 15 weren't served the statement; we were. But some of what he is
16 talking about today is not in those statements.

17 PRESIDING JUDGE: Counsel, the witness has stated that --
18 he says that these incidence happened continuously. Clearly they
19 did not all happen to him; he has given examples. Therefore,
10:03:15 20 there must be a foundation for him to be able to say what he has
21 said.

22 MR WERNER: Yes, Your Honour.

23 Q. Mr Witness how do you know that what you have described
24 happened continuously? How do you know that?

10:03:35 25 A. Hangh Road is the route I take to my office every day. And
26 I used to see them every day behaving that same way. Majority of
27 the victims are alive and they are in Kenema and they are ready
28 to come and testify that.

29 Q. Now, are you able, or not, to approximate how many times

1 did you see that happening?

2 A. This is the usual habit. They always do it. I cannot
3 approximate, but they always do it. The entire Kenema township
4 know about that. There is no hidden business about it.

10:04:44 5 Q. Now, Mr Witness, you said that the day you were yourself
6 arrested in the AFRC secretariat at 14 Hangh Road, after two
7 hours, you were released by your authorities. Who are your
8 authorities? Who are you referring to?

9 A. My commissioner of police and my chief police officer.
10:05:16 10 They came and intervened and I was subsequently released.

11 Q. Now, Mr Witness, you said that Issa Sesay, as well, was
12 living at Hangh Road. Did you see him at that time at Hangh
13 Road?

14 A. Yes. He used to go to our office frequently.

10:05:49 15 Q. Was he living by himself at Hangh Road?

16 A. He was with his own men.

17 Q. Did you see them at that time, his men?

18 A. I see them clearly. I see them. I spoke with them.

19 Q. Did anything special happen when you saw them at Hangh Road
10:06:21 20 at that time?

21 MR FOFANAH: May it please Your Honours, is it see or saw?

22 MR WERNER: Sorry, I am a bit confused.

23 JUDGE SEBUTINDE: There is a time frame we are talking
24 about. When a witness says "I see them", that means as of now.

10:06:41 25 But I think that your questions are relating to a particular time
26 frame which you have named between May of 1997 and February of
27 1998.

28 MR WERNER: Sorry, I didn't get that.

29 Q. Mr Witness, I am always referring to that period you were

1 at Kenema Town and you said the AFRC/RUF troops were at Kenema
2 Town which is May 1997, February 1998. So during that time frame
3 did you see anything happening with Issa's men at Hangh Road?

4 A. Well, from that time they also used to extort money from
10:07:35 5 people.

6 Q. Who are they, Mr Witness?

7 A. The boys of Issa Sesay.

8 Q. Did you see that happening?

9 A. Yes.

10:07:49 10 Q. How many times?

11 A. It is unaccountable; they do it continuously.

12 JUDGE SEBUTINDE: Here we go again. Is this doing in the
13 present tense or what?

14 MR WERNER: Mr Witness, we need to be as specific as
10:08:20 15 possible. When did you see that happening continuously? What is
16 the time frame we are referring to now?

17 A. I am talking here from May 25th, 1997 to February 1998.

18 Q. Now, Mr Witness, at Hangh Road you talked about forces in
19 the AFRC secretariat. You talked as well about men of Issa
10:09:03 20 Sesay. Now were these people all of the same age?

21 A. No. You have smaller boys among them, you have some
22 adults.

23 Q. How old were the youngest men you saw and to which group
24 did they belong to. I am sorry, I will go with the first
10:09:34 25 sentence first. How old were the youngest you saw?

26 A. You can see them with 12 years old boy, 15, up to 18.

27 Q. How do you know the youngest were 12 years old? How could
28 you say that?

29 A. I am a father of so many children, so I can know who is 12,

1 who is 15, who is 18.

2 Q. Now, when you are talking about 12 year old boys, are you
3 referring to forces in the AFRC secretariat 14 Hangh Road or with
4 Issa Sesay at Hangh Road where he was living?

10:10:32 5 A. I talking here in terms of those at Hangh Road, 31 Hangh
6 Road with Issa Sesay, and those at the secretariat, 14 Hangh
7 Road. They were all operating together.

8 Q. Now, Mr Witness, during that time frame, May 1997, February
9 1998, did anything else happen in Kenema, can you remember?

10:11:11 10 A. Yes, a lot of things happened in Kenema township.

11 Q. Can you tell this Court one of them?

12 A. Yes.

13 Q. Please.

14 A. At one point in time, I went to my office for duty.

10:11:47 15 Somebody called me from the cell. I went to him.

16 Q. Are you able to say when was it during that period of time?
17 Which month?

18 A. That was some time late June, 1997.

19 Q. What happened?

10:12:20 20 A. And the person I saw was called Bonnie Wailer whom I know
21 very well.

22 Q. Mr Witness, could you spell this name for the Court?
23 Bonnie Wailer, could you spell the name?

24 A. Bonnie, B-O-N-N-I -E.

10:12:39 25 Q. And Wailer?

26 A. Wailer, W-A-I -L-E-R.

27 Q. Who was Bonnie Wailer?

28 A. He was a civilian. But that morning when he called me he
29 was wearing combat trousers and with plain cloth. I asked him,

1 "Why are you dressed in military trousers and why are you in
2 cell?"

3 Q. Did he tell you anything?

4 A. He told me he and his colleague went to run a mission.

10:13:39 5 Q. What does that mean?

6 A. I am quoting him directly. That was what he told me. He
7 said but he ran out of luck and he was subsequently caught.

8 Q. By whom?

9 A. The complainants. Those who brought him to the police
10:14:16 10 station and made a report against him.

11 Q. What happened after that?

12 A. I later returned to my office and investigated the matter.
13 I saw the report recorded in our diary. It was a report of
14 house-breaking and larceny.

10:14:50 15 Q. What happened after that?

16 A. After some time, I saw two vehicles enter our police
17 compound.

18 Q. Carry on.

19 A. One of the vehicles was occupied by Mosquito and his men
10:15:28 20 and the other was occupied by one AFRC lieutenant and his men.

21 Q. Do you know his name?

22 A. No, I don't know his name.

23 Q. What happened?

24 A. So they asked us about the case reported to our office in
10:15:58 25 respect of Bonnie Wailer, who was in custody. We told them the
26 matter is under investigation.

27 MS THOMPSON: Your Honours, is it possible for us to know
28 who is "we". "They asked us and we told them." Who is them?
29 Who is we? Who is us?

1 MR WERNER:

2 Q. Mr Witness, you said, "they asked us". Who asked? Who
3 asked the question?

4 A. Mosquito. And when I say "us", I am referring to me and my
10:16:47 5 personnel .

6 Q. Carry on, Mr Witness.

7 A. So he ordered the lock-up orderly to bring out Bonnie
8 Wailer. And Bonnie Wailer was brought out of the cell .

9 Q. By whom?

10:17:13 10 A. The lock-up orderly who was in charge of them.

11 Q. What happened after that?

12 A. Mosquito asked Bonnie Wailer to show the location of his
13 core [phon] colleagues.

14 Q. What do you mean his court colleagues?

10:17:42 15 A. To show where his colleagues are located.

16 Q. What do you mean by his colleagues?

17 A. Those who went to run the Aranu [phon] team.

18 Q. What happened?

19 A. I clearly saw Bonnie Wailer with some bruises, swollen
10:18:08 20 face. And he told me he was tortured by those civilians who
21 arrested him.

22 Q. What happened after that?

23 A. Mosquito say he should keep quiet. They threw Bonnie
24 Wailer into their vehicle --

10:18:32 25 Q. Which vehicle?

26 A. -- and drove off.

27 Q. Mr Witness, which vehicles? Because you saw two vehicles
28 arrived, so which vehicle?

29 A. The one with the AFRC lieutenant.

1 Q. What happened after that?

2 A. The two vehicle left. The two vehicle left; they went with
3 Bonnie Wailer.

4 Q. Did anything else happen?

10:18:57 5 A. So, after some time, they returned with Bonnie Wailer with
6 two other boys.

7 Q. Sometimes; can you say how long?

8 A. In the space of two hours time they returned to the police
9 station with Bonnie Wailer and two others.

10:19:22 10 Q. Who are they?

11 A. One of them used to be a notorious criminal, but the other
12 one, I don't know him for sure.

13 Q. When you say you don't know him, what do you mean?

14 A. I don't know the other one.

10:19:41 15 Q. Do you mean he was not known by the CID police office; is
16 that what you mean?

17 A. Bonnie Wailer, I know him with the other suspect brought
18 in, but the third suspect, I don't know him.

19 Q. Okay. What happened?

10:20:05 20 A. Mosquito say they should keep all of them.

21 Q. Did Mosquito come back with them? Yes, they all returned
22 to the police station.

23 JUDGE SEBUTINDE: I am sorry, I did not hear what you said.
24 Mosquito said what; they should kill or they should keep?

10:20:29 25 THE WITNESS: They should kill all of them, the three men.

26 PRESIDING JUDGE: Is that K-I-L-L or K-E-E-P?

27 MR WERNER:

28 Q. Could you answer the question? What do you mean should
29 kill?

1 A. K-I -L-L, ki ll .

2 JUDGE SEBUTINDE: Who is "they", that they should kill?

3 Who is "they"?

4 MR WERNER:

10:20:55 5 Q. Mosquito said, "They should kill," who are they?

6 A. He was referring to himself and his men.

7 Q. Did you hear that?

8 A. Clearly, I was there.

9 Q. What happened after that?

10:21:29 10 A. In the presence of all of us and so many other civilians,
11 Mosquito gave order that those boys should be killed and his men
12 and the AFRC juntas started shooting them one after the other.

13 Q. Did you see that happening?

14 A. Clearly, I was standing there, all of us were there. It is
10:21:58 15 no hidden business.

16 Q. Where was Mosquito when the shootings occurred?

17 A. As he gave the order, he jumped in his vehicle and started
18 driving away.

19 Q. What happened after that?

10:22:22 20 A. So they shot and killed all of them.

21 Q. How many?

22 A. Three. They were there for the rest of the day.

23 JUDGE SEBUTINDE: I don't understand. Who was there for
24 the rest of the day, the corpses or the people who shot them?

10:22:43 25 MR WERNER: I was going to ask that question, Your Honour.

26 Q. Who was there for the rest of the day? You said they were
27 there.

28 A. Those three boys who were killed were left lying there for
29 the rest of the day.

1 Q. Did anything happen?

2 A. Yes, later in the evening I saw one pickup van came to the
3 police station, they loaded the three bodies and went away with
4 them.

10:23:18 5 Q. Was it a civilian or a military pickup van? Did you see
6 the pickup van.

7 A. Military pickup van.

8 Q. Mr Witness, do you know at that time in the CID office what
9 were the standard procedures for investigation of a case of
10 theft?

10:23:47 10

11 A. Yes.

12 Q. Could you tell this Court what it was?

13 A. When a report is being made to us at the office, our
14 responsibility is to investigate the matter. If there is

10:24:05 15 evidence our business is to charge the Court. That is how we
16 operate.

17 Q. Thank you, Mr Witness. Mr Witness, we are talking about
18 the same time frame, the same period of time - May 1997, February
19 1998. Did anything else happen?

10:24:32 20 A. Yes.

21 Q. Can you tell this Court what happened?

22 A. Yes. As I said earlier, a lot of all things happened in
23 Kenema township. Another development, a man was caught brushing
24 his swamp by RUF rebels they were coming along a group.

10:25:16 25 JUDGE SEBUTINDE: I am sorry, we are just lost. A man was
26 caught doing what?

27 MR WERNER:

28 Q. Could you just repeat what you said?

29 A. A man was caught brushing his swamp.

1 Q. For some of us who are people from the city, can you
2 explain what that means, "brushing his swamp"? I understand it
3 may be a strange question, but can you explain what does that
4 mean -- brush the swamp?

10:25:55 5 A. This man is a poor farmer. He was caught brushing his
6 swamp, S-W-A-M-P.

7 MR MANLY-SPAIN: Your Honours, [Overlapping speakers]
8 concentrate on giving opinion evidence. Poor farmer, I think he
9 is a poor farmer. He is a farmer. Poor farmer is describing the
10:26:20 10 status of the man.

11 PRESIDING JUDGE: What is wrong with that?

12 MR MANLY-SPAIN: He cannot tell. That is opinion.

13 MR WERNER: I will try to clarify that.

14 JUDGE SEBUTINDE: Please forgive us, Mr Witness, but we
10:26:31 15 don't understand what brushing a swamp is. Can you clarify,
16 please?

17 MR WERNER:

18 Q. Explain what that means, brushing a swamp.

19 A. Yes. When you want to cultivate a swamp, the first thing
10:26:55 20 you need to do is to brush it.

21 Q. With what, with a cutlass?

22 A. Cutlass.

23 Q. That is what he was doing?

24 A. Yes.

10:27:15 25 Q. And you said he was a poor farmer. How do you know that?

26 A. From his look.

27 Q. The way he was dressed?

28 A. He was dressed like a poor farmer.

29 Q. Carry on, Mr Witness.

1 A. So, I saw them marching along Maxwell Khobe Street with
2 this man.

3 Q. Who are they?

4 A. The RUF rebels.

10:27:53 5 PRESIDING JUDGE: Can we have the spelling of the street
6 name, please?

7 MR WERNER:

8 Q. Could you please spell the street?

9 A. Maxwell Khobe, M-A-X-W-E-L-L K-H-O-B-E.

10:28:11 10 Q. Is that in Kenema Town?

11 A. Yes, yes.

12 Q. Carry on, Mr Witness.

13 A. So I was curious to know what they were going to do with
14 this man. I chased them. But before I could get to the Bank of

10:28:37 15 Sierra Leone, I heard two gunshots, apparently from a pistol.

16 Q. What do you mean, apparently from a pistol?

17 A. The shot was not from an AK-47 either, because it is
18 heavier than the shot I heard. That is what I am saying.

19 Q. Carry on.

10:29:09 20 A. When I finally arrive at the NIC building, I met a large
21 crowd gathered around. And I saw this man lying with a gunshot

22 wound in his head and his stomach, struggling to die. And

23 Mosquito was standing right there with his pistol in his hand,
24 brandishing it in the air.

10:29:40 25 Q. What happened after that?

26 JUDGE SEBUTINDE: Are we talking about the same man, a
27 different man or what?

28 MR WERNER: I apologise for that, Your Honour.

29 Q. Who was the man you saw, the corpse? Who was this man?

1 A. I am still talking here about this poor farmer who was
2 caught.

3 Q. Did you see the corpse?

4 A. Clearly, in fact I saw him struggling to die.

10:30:22 5 MR FOFANA: Excuse me, Your Honours. I don't know where
6 corpse has come into this. Has the man died?

7 MR WERNER: I will clarify that.

8 Q. Mr Witness, you said that the man was struggling to die.
9 What happened?

10:30:42 10 A. Exactly.

11 Q. Did he die?

12 A. He died later. Mosquito was remarking that he must finish
13 all of them.

14 Q. To whom was he referring when he said "finish all of them?"

10:31:02 15 A. They were alleging that that man was a Kamajor, because
16 they were singing and dancing that they have captured and killed
17 one Kamajor. So Mosquito later gave order that the man should be
18 dragged and dumped into a hole.

19 Q. You said that he eventually died. Did you see the corpse?

10:31:31 20 A. Clearly.

21 Q. Was it the same man?

22 A. The same farmer who was caught, yes.

23 Q. You said say Mosquito was there. Who was there? Was
24 anyone else there?

10:32:02 25 A. His boys were there and he ordered boys to drag the man and
26 dump him into a hole.

27 Q. Okay, Mr Witness. Talking about the same period of time -
28 May 1997, February 1998, did you see anything else happening in
29 Kenema Town?

1 A. Well, yes.

2 Q. What did you see?

3 A. There is a lady in Kenema township called Mrs Dowe i .

4 Q. Could you spell that for the Court, Mr Witness?

10:32:47 5 A. D-O-W-E-I .

6 Q. Who is she?

7 A. A housewife.

8 [TB240605C - SV]

9 Q. What happened?

10:33:06 10 A. That woman made a report to us that --

11 Q. Who are "us," Mr Witness?

12 A. I'm referring to myself and my personnel -- police, police
13 personnel .

14 Q. Carry on.

10:33:28 15 A. She made a report to the police that the AFRC juntas and
16 the RUF rebels went and attacked them at home.

17 Q. Who are "them," Mr Witness? "Attacked them"; who are
18 "them"?

19 A. The very complainant, Mrs Dowe i , her husband, Mr Dowe i and
10:33:53 20 their relatives in the house.

21 Q. What happened?

22 A. They said they looted all their property.

23 Q. Who are "they," Mr Witness? "They looted"; who are "they"?

24 A. The RUF rebels and the AFRC juntas looted all their
10:34:17 25 property. So when her husband intervened to take the freezer
26 from them, they shot and killed him.

27 Q. Who are "they"? "They shot"; who are "they"?

28 A. The AFRC juntas and the RUF rebels shot and killed her
29 husband, Mr Dowe i .

1 Q. And why did he want to keep the freezer?

2 A. Well, according to Mrs Dowei, they were left with nothing
3 to generate from. So the freezer, they can use that to do
4 business and get some money to sustain their family.

10:35:06 5 Q. How do you know that? Did she tell you that?

6 A. She made a report and she made a comprehensive statement to
7 us.

8 Q. Same period of time, Mr Witness, May 1997/February 1998,
9 did anything else happen?

10:35:36 10 A. Yes. The police, we also had a report from ICRC.

11 Q. What does ICRC stand for, do you know?

12 A. International -- I can not say from offhand now.

13 Q. That's fine. That's fine. Carry on.

14 A. They made a report that thief or thieves entered -- break
10:36:18 15 and entered into their warehouse and stole a large quantity of
16 expensive drugs.

17 Q. Carry on.

18 A. We started investigating the matter.

19 Q. Who are "we," Mr Witness?

10:36:38 20 A. The police.

21 Q. What happened?

22 A. During the course of the investigation Mosquito arrived in
23 the police station. He was very aggressive at that time.

24 Q. "At that time"; could you specify during the time frame
10:37:11 25 when was it, in which month?

26 A. That was late in 1997, around November.

27 Q. What happened, Mr Witness?

28 A. So he asked, "How far have you gone with that matter?" We
29 told him the matter is under investigation.

1 Q. Who are "we"? "We told him"; who are "we"?

2 A. The police.

3 Q. And what happened?

4 A. He told us that he has an information about the suspect.

10:38:01 5 So he is going to help the police to go in search of the suspect.

6 Q. What happened after that?

7 A. So he left.

8 Q. And what happened after that?

9 A. So later in the day, we receive an information that

10:38:31 10 Mosquito have arrested both the alleged theft and a certain boy

11 called Santos working at the Capital Cinema.

12 Q. Can you spell Santos for the Court?

13 A. S-A-N-T-O-S, Santos.

14 Q. And Capital Cinema, could you spell Capital?

10:39:06 15 A. C-A-P-I-T-A-L.

16 Q. Was it in Kenema Town?

17 A. Right in Kenema township.

18 Q. And what happened?

19 A. The information came that Mosquito have arrested the

10:39:23 20 alleged theft and one Santos, and that he has killed both of them

21 instead of taking them to the police station.

22 Q. And what happened?

23 A. In the evening hour, when I returned home, I saw the body

24 of Santos lying right in front of my door and the alleged theft.

10:39:56 25 JUDGE SEBUTINDE: I'm sorry, I don't understand. The

26 alleged who?

27 THE WITNESS: Thief.

28 MR WERNER: He said that Mosquito went for two people.

29 JUDGE SEBUTINDE: I was wondering about --

1 THE WITNESS: The alleged thief.

2 JUDGE SEBUTINDE: I think it's clear.

3 MR WERNER:

4 Q. Now, did you know Santos?

10:40:24 5 A. I know Santos very well.

6 Q. Mr Witness, when you say "I know" at this present time, do
7 you know him now or did you know him at the time?

8 A. I know him at that time very well.

9 Q. Who was Santos?

10:40:39 10 A. He was working at the Capital Cinema as the cinema
11 operator.

12 Q. And you referred to the other person as the alleged thief,
13 not to Santos. Why is that?

14 A. Repeat the question once again.

10:41:14 15 Q. Yes. You said, "When Mosquito went for one alleged thief
16 and Santos." Now, do you understand my question? Why did you
17 say "one alleged thief and Santos"?

18 PRESIDING JUDGE: I'm not clear what you're asking the
19 witness.

10:41:35 20 MR WERNER: I'm sorry, I'm confusing the witness. I'm
21 going to try another way. I apologise for that.

22 Q. According to what you knew at the time, was Santos ever
23 involved in any robbery?

24 A. We don't have any record on that.

10:42:05 25 Q. When you say "we," who are we?

26 A. The police don't have any record on that.

27 Q. And what happened with these two corpses in front of your
28 house? What happened with them?

29 A. The bodies remained there for about two days. The third

1 day Mosquito brought his boys and they loaded those bodies into
2 their vehicle and went away.

3 JUDGE SEBUTINDE: Sorry, did the witness say that these
4 bodies were dumped at his doorstep at home?

10:42:46 5 MR WERNER: Yes.

6 JUDGE SEBUTINDE: And this is where these bodies remained
7 for two days?

8 MR WERNER: Yes.

9 JUDGE SEBUTINDE: Is that correct, Mr Witness?

10:42:53 10 THE WITNESS: The bodies were lying right in front of my
11 house for about two days. Very, very inconvenient to me and my
12 family.

13 MR WERNER:

14 Q. The final question about that and then we will move on.

10:43:13 15 You said that you heard that Mosquito killed these two persons.
16 Who told you that?

17 A. It was a widespread rumour in Kenema township, and from the
18 circumstances, he came with his boys and took the body away.

19 Q. Okay. Mr Witness, for the sake --

10:43:41 20 PRESIDING JUDGE: Sorry, are you finished that particular
21 line of your evidence?

22 MR WERNER: Yes.

23 PRESIDING JUDGE: Well, maybe this is an appropriate time
24 for us to have a mid-morning break.

10:43:51 25 THE INTERPRETER: Your Honour's mic is not on.

26 PRESIDING JUDGE: [Microphone not activate] I'm sorry. I'm
27 saying that since counsel is moving into another line of evidence
28 this would be an appropriate time to take the normal mid-morning
29 break. Mr Court Attendant, please adjourn court for 15 minutes.

1 [Recess taken at 10.40 a.m.]

2 [Upon resuming at 11.00 a.m.]

3 PRESIDING JUDGE: Please proceed, Mr Werner. Just a
4 moment, Mr Manly-Spain is on his feet.

11:04:37 5 MR MANLY-SPAIN: Yes, Your Honour. We just want to
6 [indiscernible] for Ms Thompson.

7 PRESIDING JUDGE: Unfortunately, my view is a bit blocked
8 by this, but I'll take your word for it.

9 MR MANLY-SPAIN: Very well, I wouldn't be [indiscernible].

11:04:53 10 PRESIDING JUDGE: Please proceed.

11 MR WERNER: I just would like to let Your Honours know
12 that we have noticed that the witness took maybe five or ten
13 seconds before answering the question and we inquired to know if
14 he was getting English or Krio translation and it occurred that
11:05:15 15 he was getting Krio translation. So everything was translating,
16 what you say, what I say, everything was translating in Krio.
17 So, through Mr Walker we asked him what did you want to do and
18 now he said he preferred to go with straight English. So, now
19 it's going to be simultaneous. Just for you to --

11:05:38 20 PRESIDING JUDGE: Thank you for that information.

21 MR WERNER:

22 Q. Okay, Mr Witness, during the same period of time, May
23 1997/February 1998, did anything happen when you were working in
24 the CID office?

11:05:58 25 A. Yes.

26 Q. Could you tell this Court what happened?

27 A. Around December, late December they launched -- the RUF
28 rebels and the AFRC juntas launched an attack on us in Kenema
29 township which they described as Operation No Living Thing.

1 During the daytime they parade the streets of Kenema accusing
2 people of being Kamajor, entering into the homes of poor
3 civilians, harassing them, looting their property with the
4 allegations that they're having Kamajors in their houses. They
11:07:01 5 can also search you in the street, take whatever you have in your
6 pocket and they will allege that you have Kamajor in your pocket.
7 They were doing that for the rest of the day. They were shooting
8 all over the air.

9 Q. Who are "they", Mr Witness?

11:07:17 10 A. The AFRC juntas and the RUF rebels. In the night hours
11 they break into my house, they stole all my valuable belongings.
12 They molested me and my wife, and that night --

13 Q. Who are "they"? Who are "they"?

14 A. The AFRC juntas and the RUF rebels. And for the rest of
11:07:47 15 that night I didn't see any Kamajor.

16 Q. What else happened?

17 A. So when day break, in the morning hours at about 7.00 a.m.,
18 I saw a fat man lying along Hangh Road, Kenema by Sierra Leone
19 Telecommunication.

11:08:32 20 Q. In Kenema Town?

21 A. Yes, that man was motionless and I saw the RUF rebels and
22 the AFRC juntas dancing and singing aloud that they have captured
23 and killed the Kamajor boss.

24 JUDGE SEBUTINDE: I'm sorry, you said that man was what?

11:08:58 25 THE WITNESS: Motionless.

26 JUDGE SEBUTINDE: Motionless?

27 THE WITNESS: Was lying down motionless.

28 MR WERNER:

29 Q. And what happened?

1 A. So within the interim I saw one of the rebels stab that man
2 in his belly with his bayonet.

3 Q. What happened?

4 A. They split open his stomach, removed his intestines. They
11:09:56 5 put it across the street.

6 Q. What is it, Mr Witness?

7 A. His intestines. They put it across the Hangh Road and they
8 made it into a checkpoint.

9 Q. Who are they?

11:10:23 10 A. The AFRC juntas and the RUF rebels. They were manning that
11 checkpoint for three consecutive days.

12 Q. What happened after that?

13 A. After that they collected the body and went away with it.

14 Q. Who are "they"?

11:10:50 15 A. The AFRC and the RUF.

16 JUDGE LUSSICK: Does that mean after the three consecutive
17 days?

18 MR WERNER: Thank you, Your Honour.

19 Q. When did they collect the bodies?

11:11:07 20 A. After three days.

21 Q. Now, who was this fat man?

22 A. Well, that man I don't really know him before, but he was
23 dressed in plain cloth. He was dressed modestly in plain cloth.

24 I believe and I want to believe -- I think he was a civilian

11:11:34 25 because he was not dressed in Kamajor uniform at all.

26 MR MANLY-SPAIN: May it please Your Honours, this is what
27 we are objecting to. I think counsel should lead the witness and
28 cut off what is unnecessary. He is now giving opinion again.

29 PRESIDING JUDGE: That is opinion, but the observation of

1 how the man was dressed or how he looked is not opinion, it's
2 observation. But the other part, as to whether he was or was not
3 a Kamajor, is opinion and is not admissible.

4 MR MANLY-SPAIN: Yes.

11:12:07 5 MR WERNER: I will move on.

6 Q. Mr Witness, again during that time, May 97/February 98, did
7 anything else happen in the CID office?

8 MR FOFANAH: May it please Your Honours, although one could
9 infer and probably we will need to get this clear from the
10 witness, he actually referred to late December when he was
11 talking about this incident and no year was mentioned.

12 MR WERNER: I'm happy to clarify that.

13 MR FOFANAH: Thank you.

14 MR WERNER:

11:12:49 15 Q. Going back to just what you were talking about previously,
16 you said -- I asked you about the time frame, you said late
17 December. Could you specify the year?

18 A. That was late December 1997.

19 Q. Thank you, Mr Witness. Now, I will repeat my question.
11:13:15 20 During the same period, May '97/February '98, did anything else
21 happen when you were working in the CID office?

22 A. Yes.

23 Q. What happened?

24 A. Early February 1998 at about 9.00 p.m. I was at home when I
11:13:37 25 heard that Mosquito has arrested BS Massaquoi, Bri ma Kpaka,
26 Andrew Quee and others.

27 Q. Could you spell these three names for the Court?

28 A. Bri ma -- BS Massaquoi -- Massaquoi is M-A-S-S-A-Q-U-I
29 [sic]. BS Massaquoi. Bri ma Kpaka is B-R-I-M-A. Kpaka is

1 K-P-A-K-A.

2 Q. And the third name?

3 A. Andrew Quee, A-N-D-R-E-W. Quee, Q-U-E-E.

4 Q. Now, Mr Witness, who was BS Massaquoi ?

11:14:45 5 A. BS Massaquoi is chairman Kenema Town Council.

6 Q. And who is Brima Kpaka?

7 A. Brima Kpaka was a prominent businessman in Kenema and still
8 a prominent businessman in Kenema.

9 Q. Who was Andrew Quee?

11:15:08 10 A. Andrew Quee was a civil servant.

11 Q. And what happened?

12 A. So when I got that information I decided to stay indoors
13 until tomorrow morning because the town was tense. So in the
14 following morning at about 9.30 a.m., I left my house for my

11:15:36 15 office. On my way, reaching at the AFRC secretariat, that is at
16 number 14 Hangh Road, Kenema, I saw a large crowd gathered around
17 that building. I went there to inquire. I was made to
18 understand that BS Massaquoi and others are kept there.

19 Q. Who told you that, Mr Witness?

11:16:16 20 A. One of the on-lookers.

21 Q. And what happened?

22 A. So, I penetrated the crowd and went through and I saw for
23 myself BS Massaquoi, Brima Kpaka, Andrew Quee and others. They
24 were all lying down flat on the ground, on the bare floor.

11:16:52 25 Q. Carry on.

26 A. There was a liquid on that floor, but I cannot tell whether
27 that was water or any other thing. But I saw a liquid there.

28 Q. Did you see anyone else in the AFRC secretariat, number 14
29 Hangh Road?

1 A. By then Mosquito was there and the man in charge of the
2 secretariat, the AFRC man was there.

3 Q. What's his name?

4 A. I cannot remember that man's name. He was a lieutenant.

11:17:27 5 And many other soldiers and RUF boys, they were all there. And
6 Mosquito was brandishing his pistol, like this, in the air,
7 alleging that BS Massaquoi and others are supporters of Kamajors.
8 So therefore he is going to kill all of them.

9 Q. Did you hear him saying that?

11:17:48 10 A. Clearly. Openly.

11 Q. What happened after that, Mr Witness?

12 A. So after that, I saw a swollen face on BS Massaquoi, Brima
13 Kpaka had a wound on his eye, and the others were all heavily
14 tortured according to their bodies. Some have bruises, and the
11:18:13 15 rope has already eaten their body, their flesh. You can see the
16 wound from their hands.

17 Q. Mr Witness, let me stop you there. You say "the others";
18 who are "the others"?

19 A. Well, for sure I don't really know the others, but I
11:18:30 20 perfectly know BS Massaquoi, Brima Kpaka and Andrew Quee.

21 MR FOFANAH: May it please Your Honours, at this stage
22 we'll object -- I'll object on the grounds that this witness is
23 trying to draw an inference of torture and merely saying the
24 bodies of the people on the floor. Until the foundation is laid
11:18:57 25 the witness cannot allude that what he saw on their bodies was as
26 a result of torture. Thank you.

27 PRESIDING JUDGE: Your reply?

28 MR WERNER: Your Honours, the witness just described what
29 he saw.

1 JUDGE LUSSICK: I didn't hear any inference there of
2 torture. He was just describing some injuries he saw.

3 MR WERNER: That is our submission, yes.

4 JUDGE SEBUTINDE: But he did use the word "torture" and he
11:19:26 5 said you could see where the ropes had eaten into the flesh. We
6 don't know if the ropes were there or he just saw marks and
7 assumed the ropes were there.

8 MR WERNER: I will clarify that, Your Honour.

9 Q. Mr Witness, you said that the ropes were eating their
11:19:43 10 flesh. Could you say why did you say that? Could you explain to
11 the Court.

12 A. All of them were tied with their hands at their back, and
13 you can see the rope has already eaten into their flesh. You can
14 see a wound from their hands, all of them.

11:19:59 15 Q. Who are "all of them," Mr Witness?

16 A. BS Massaquoi and others.

17 Q. Could you try to be more specific, who are others? Who are
18 you referring to?

19 A. BS Massaquoi, Andrew Quee, Brima Kpaka and the others who
11:20:13 20 were arrested. I don't know them anyway. But they were all
21 there. I saw them clearly.

22 Q. How many of them?

23 A. Roughly around just seven. About that.

24 Q. Including the three?

11:20:28 25 A. Yes.

26 Q. What happened after that, Mr Witness?

27 A. Well, I went to the office. Everybody was sitting there
28 quiet.

29 Q. Which office, Mr Witness?

1 A. To the CID office, Kenema Police Station.

2 Q. And what happened?

3 A. After they have taken some considerable time with them,

4 let's say about three to four days --

11:20:58 5 Q. What do you mean "they"? Who are "they" and what do you
6 mean they took time with them?

7 A. After BS Massaquoi and others have taken about four or
8 three days with the AFRC and the rebels.

9 Q. Where?

11:21:16 10 A. At the secretariat. They were kept at the secretariat in
11 their cells.

12 Q. Okay.

13 A. They transfer all of them to the police, with the case and
14 inquiry file, for further investigation.

11:21:32 15 Q. Where to the police?

16 A. To the police.

17 Q. Where?

18 A. At the CID office.

19 Q. And what happened?

11:21:41 20 A. The police, we re-investigated the matter. We opened our
21 own case, an inquiry file. We re-investigated that matter.

22 Q. Which matter?

23 A. They said they were Kamajors collaborator.

24 Q. And when you say "we investigated," who are "we"?

11:22:06 25 A. When I say we, it's the police.

26 Q. Okay. And what happened after that?

27 A. After the police investigation, we couldn't find any
28 evidence against them as alleged in respect of Kamajor
29 collaborators.

1 Q. So what happened?

2 A. So we wrote a report recommending their immediate and
3 unconditional release.

4 Q. Who are "we," Mr Witness? Who are "we"?

11:22:37 5 A. We the police. We wrote a report to our commissioner that
6 there is no evidence against these people and they should be
7 released with immediate effect.

8 Q. What's his name, the commissioner?

9 A. Kenneh. Commissioner Kenneh.

11:22:52 10 Q. Could you spell that name for the Court?

11 MR MANLY-SPAIN: May it please Your Honours, Your Honours,
12 again we are having this "we" problem. Who wrote the report? It
13 cannot be several people.

14 THE WITNESS: The police.

11:23:09 15 MR WERNER: I will try to clarify, Your Honour.

16 PRESIDING JUDGE: Counsel is going to ask some questions,
17 Mr Manly-Spain.

18 MR MANLY-SPAIN: Yes, Your Honour.

19 MR WERNER:

11:23:18 20 Q. You said the police, could you be more specific?

21 A. Yes, the investigator. But we all -- we sat together, we
22 compile everything together, we put our ideas together, and then
23 the report was written by the sole investigator. So we all go
24 through the report and we suggested -- we made the same

11:23:37 25 suggestion, all of us, that there is no evidence, those people
26 should be released immediately.

27 Q. Okay. And what happened?

28 A. So our commissioner decided to take the matter up with the
29 brigade commander.

1 Q. Sorry, what is the name of your commissioner?

2 A. Commissioned Kenneh.

3 Q. Could you spell that name for the Court?

4 A. K-E-N-N-E-H, Kenneh.

11:24:04 5 Q. Could you explain, for those of us who are not familiar
6 with that, what does that mean, commissioner? What does that
7 mean?

8 A. Commissioner of police, that is the man in charge of the
9 entire police force within the eastern region, which includes

11:24:28 10 Kenema, Kono and Kailahun Districts.

11 Q. So what happened?

12 A. So we went and consulted the brigade commander and later
13 returned.

14 Q. Who was the brigade commander?

11:24:42 15 A. The brigade commander, I cannot remember his name now. But
16 he returned and told us that we should ask BS Massaquoi and
17 others to send for their sureties to come tomorrow, so that they
18 could be released on bail.

19 Q. What do you mean by sureties. Could you explain to this
11:25:04 20 Court what do you mean when you say sureties?

21 A. That is the person who is going to come and sign for you as
22 a surety so that you go home.

23 JUDGE SEBUTINDE: I suppose that is surety.

24 MR WERNER:

11:25:26 25 Q. And what happened?

26 A. So on the following day I saw the surety of BS Massaquoi
27 and Bri ma Kpaka.

28 Q. Who are they?

29 A. One Mr Marrah.

1 Q. Could you spell that name?

2 A. M-A-R-R-A-H. The other surety for Brima Kpaka, I cannot
3 get his name from offhand, but two of them came to the police
4 station that day.

11:26:29 5 Q. What happened?

6 A. So, both Brima Kpaka and BS Massaquoi were subsequently
7 released to their respective sureties and they went home.

8 Q. And what happened after that?

9 A. After three to four days, Mosquito returned from trek.

11:27:19 10 Q. You didn't tell us that he left, so when did he leave?

11 A. No, I didn't know the time that he left.

12 Q. And what happened?

13 A. So he came to the police station and asked for BS Massaquoi
14 and Brima Kpaka.

11:27:19 15 Q. And what happened?

16 A. We told him they are released on bail. They are at home.

17 Q. What happened?

18 A. Well, he was not happy with that statement, so he became
19 very furious and went directly to the commissioner's office.

11:27:59 20 Q. What happened?

21 A. So later on we saw the commissioner going to the brigade
22 headquarter. And from there he came back --

23 Q. Where, where, Mr Witness? Where?

24 A. From the brigade headquarter.

11:27:59 25 Q. Which one are you referring to?

26 A. The brigade at the reservation, government reservation.

27 Q. Okay. And what happened?

28 A. So on the return of the commissioner, he ordered that he
29 has received an instruction from Mosquito and the brigade

1 commander that BS Massaquoi and Brima Kpaka should be
2 re-arrested.

3 Q. So what happened?

4 A. So they form a team, headed by --

11:28:39 5 Q. Who are "they," Mr Witness? Who are "they"?

6 A. The police formed a team headed by Mr Fofanah and they
7 went --

8 Q. Could you spell that name for the Court?

9 A. Fofana is F-O-F-A-N-A-H.

11:28:39 10 Q. And who is he?

11 A. He was a police sergeant working directly under my own
12 supervision.

13 Q. What happened?

14 A. So he went with his team and later returned with

11:28:50 15 BS Massaquoi. He told us Brima Kpaka was not well and he has
16 been admitted at the government hospital, Kenema.

17 Q. What happened after that?

18 A. It was very late now in the night, so we went home. After
19 some days - I can remember the day - it was on a Friday that same
11:29:24 20 February, when I went to work I saw two military vehicles with a
21 lot of soldiers, AFRC juntas. They were all dressed in military
22 uniform. They were all deployed all over compound with guns in
23 their hands.

24 Q. Did you see any commanders?

11:29:53 25 A. So when I --

26 Q. Mr Witness, did you see any commanders?

27 A. Yes. The man who was in charge of them was called
28 Lieutenant AB Turray.

29 Q. Could you spell that name for the Court?

1 A. AB Turray. T-U-R-R-A-Y, Turray.

2 Q. Who was he?

3 A. He was AFRC junta.

4 Q. What happened?

11:30:19 5 A. So they asked for BS Massaquoi, where our inspector who was
6 in charge told them that "BS Massaquoi is with us." And the
7 lieutenant said --

8 Q. What do you mean "us"? Who are "us"?

9 A. With us, the police. He's in our custody.

11:30:42 10 Q. What happened after that?

11 A. The lieutenant told us that he has got an instruction from
12 the SOS east and the brigade commander that he should come and
13 collect all those suspects - BS Massaquoi, Brima Kpaka, Andrew
14 Quee and others - and take them to the brigade headquarters.

11:31:06 15 Q. Just for the sake of clarity, I know you already said that,
16 but who at the time was the SOS east?

17 A. That time it was now one Mansaray. They changed Eddie
18 Kanneh later. It was now one Mansaray.

19 Q. Could you spell that name for the Court?

11:31:34 20 A. M-A-N-S-A-R-A-Y.

21 Q. What about the brigade commander?

22 A. The brigade commander, now I cannot remember his name from
23 off head.

24 Q. That's fine, Mr Witness. So what happened after that?

11:31:46 25 A. So I saw the AFRC juntas get hold of BS Massaquoi, molested
26 him, beat him, kick him.

27 Q. Did you see that?

28 A. Clearly. I was standing right at the counter and they just
29 threw him like, like a rice bag into their vehicle.

1 Q. Who are they, Mr Witness?

2 A. The AFRC juntas.

3 Q. What happened after that?

4 A. They also went to the cell and collected Andrew Quee and
11:32:20 5 the others.

6 Q. How many of them?

7 A. About six of them because Brima Kpaka was not among them at
8 that time because he was in the hospital.

9 Q. What happened after that?

10 A. So they took them away.
11:32:35

11 Q. Who are them?

12 A. The AFRC juntas.

13 Q. No, you say they took them away?

14 A. That is BS Massaquoi, Andrew Quee and others who were
11:32:49 15 staying in police custody.

16 Q. Okay, and what happened after?

17 A. After two days, that was on a Sunday, the Kamajors entered
18 Kenema township from two flanks. The first came through Dama
19 Road. The second came through Combema Road.

11:33:12 20 Q. Could you spell that name for the Court?

21 A. C-O-M-B-E-M-A. So they thought BS Massaquoi were still in
22 police custody and others were still in police custody.

23 Q. What happened?

24 A. So the Kamajors entered the police compound and searched
11:33:44 25 briefly, but they couldn't find BS Massaquoi. So what they did,
26 they took all our documents outside.

27 Q. Who are they, Mr Witness? Who are they?

28 A. The Kamajors took all documents outside and set fire on it.

29 Q. And what happened after that?

1 A. So that morning when I came to the office, I met those
2 document on fire, I went there and saw our diary, the current
3 diary, which I collected and kept safely.

4 Q. And what happened after that?

11:34:15 5 A. So after that the Kamajors were beaten back by the AFRC and
6 the rebels. But already they have rescued Brima Kpaka who was
7 admitted in the hospital. So they went away with him. But they
8 couldn't succeed in getting BS Massaquoi and others.

9 Q. And what happened after that?

11:34:47 10 A. So that same Sunday at about 5.00, it was a widespread
11 rumour in Kenema township that BS Massaquoi and others have been
12 killed.

13 Q. What do you mean "others"?

14 A. BS Massaquoi, Andrew Quee and others have been killed.

11:35:11 15 Q. What happened on that day? Did anything else happen on
16 that day?

17 A. The people of Kenema started pulling out of Kenema
18 township. The town was tense, there was shooting all over, so
19 people started moving away from Kenema.

11:35:31 20 Q. What did you do?

21 A. I later went to the brigade headquarters.

22 Q. What is "later", Mr Witness?

23 A. After I have got that information that BS Massaquoi, Andrew
24 Quee and others have been killed, I went to the brigade
11:35:49 25 headquarter.

26 Q. Was it on the same day, Sunday?

27 A. That same day, but I couldn't find them there.

28 Q. So what did you do?

29 A. I went to Guinea Base and they were not there.

1 Q. Mr Witness, could you spell that for the Court, Guinea
2 Base?

3 A. G-U-I -N-E-A B-A-S-E, Guinea Base.

4 Q. Is it in Kenema Town?

11:36:14 5 A. Right in Kenema township in the reservation, the government
6 reservation. You know, it's a big area. So I couldn't find them
7 there.

8 Q. So what did you do?

9 A. I went down to a small stream called Lambaya.

11:36:33 10 Q. Could you spell that for the Court, Mr Witness?

11 A. L-A-M-B-A-Y-A.

12 Q. You say it is a stream, right?

13 A. It is a small stream, yes.

14 Q. And what happened?

11:36:54 15 A. Then there is a place at Lambaya called Dorwala. It's a
16 place where the waterfall.

17 Q. Could you spell that name for the call?

18 A. D-O-R-W-A-L-A. That is a typical Mende name.

19 Q. And what happened?

11:37:20 20 A. So, at that place I first saw the body of BS Massaquoi.

21 Q. What did you see exactly?

22 A. I went closer to make sure and it was BS Massaquoi. He has
23 a very big cement block lying on his head.

24 Q. Did you see anything else?

11:37:50 25 A. When I turned around I also saw Andrew Quee.

26 Q. Did you see anything else?

27 A. Yes, the others were also lying down in the same area.

28 Q. How many others?

29 A. I think about four of them.

1 Q. Were they dead or alive, Mr Witness?

2 A. They were all dead with gunshot wound all over their
3 bodies.

4 Q. Who are you talking about now? The others or --

11:38:29 5 A. The others.

6 Q. Now, Mr Witness, at that time did you know who gave the
7 order for them to be killed?

8 A. Their operation is well planned and coordinated.

9 MR MANLY-SPAIN: May it please Your Honour. Obviously the
11:38:48 10 witness has said he met the bodies. The question is not fair.
11 He can only conjecture.

12 PRESIDING JUDGE: He can say if he knew or he did not know.
13 Let him say if he knew or he did not know and then we decide if
14 he is conjecturing or not.

11:39:07 15 MR WERNER:

16 Q. Do you know, Mr Witness, or you don't know if an order was
17 given for them to be killed? Do you know or you don't know?

18 MR MANLY-SPAIN: My Lord, that was not the question I
19 objected to. The question was do you know who gave the order.

11:39:22 20 JUDGE LUSSICK: I think that earlier question, Mr Spain, is
21 objectionable. I would say it's not admissible.

22 JUDGE SEBUTINDE: The fact of the matter, Mr Prosecutor, is
23 you have not laid the foundation for there to have been an order.
24 We have not heard in evidence that there was an order given for
11:39:42 25 their killing. You don't have that foundation yet.

26 MR WERNER: That was my question, if there was an order to
27 lay the foundation.

28 JUDGE SEBUTINDE: But then you are leading. That is not
29 how you ask. You are leading the witness when you say that.

1 MR WERNER: Okay, I will take that on board.

2 Q. Mr Witness, do you know anything about the killing of BS
3 Massaquoi and others?

4 A. Yes.

11:40:08 5 Q. What do you know?

6 A. From the circumstances, all I can tell this Court is that
7 the killing of BS Massaquoi and others was well planned and
8 coordinated by the organisation of AFRC juntas and the RUF
9 rebels.

11:40:24 10 MS THOMPSON: I object, Your Honour. That's opinion.

11 MR WERNER: Give me the chance to --

12 PRESIDING JUDGE: There is no foundation for that opinion.

13 MR WERNER:

14 Q. Mr Witness, what is the source of your -- what is the basis
11:40:52 15 of your statement? Why do you say that?

16 A. In the first instance these people were arrested by
17 Mosquito, who is the RUF rebel. Then, the second instance, the
18 AFRC juntas, headed by one Lieutenant Ab Touray, came and
19 collected these suspects from our custody and took them away to
11:41:12 20 their brigade headquarters.

21 Q. Thank you, Mr Witness. I am going to move on. Mr Witness,
22 what happened immediately after you saw that?

23 A. I went home in sadness.

24 Q. Mr Witness, at the CID office in Kenema were records kept
11:41:40 25 about the entry of people being brought to be detained?

26 A. Accurate record. We had accurate record on all of those
27 events that happened in Kenema.

28 Q. And was one record kept during the time BS Massaqui, Brima
29 Kpaka, and Andrew Quee were detained?

1 A. Yes, that is our current diary.

2 Q. Have you seen that document at that time?

3 A. Pardon?

4 Q. Have you seen this document at that time, this diary?

11:42:12 5 A. Yes.

6 Q. And when did you last see it?

7 A. That was the day when I saw it outside by the other
8 document that were set on fire. So I pick it up from there and I
9 kept it safely.

11:42:33 10 Q. Was it the day that the Kamajors -- you said that the
11 Kamajors attacked --

12 A. Yes.

13 Q. Was it that day?

14 A. Yes.

11:42:40 15 Q. So did you take that document with you?

16 A. I took it from that point and kept it safely.

17 Q. And what did you do with that document?

18 A. Well, I later handed it over to the Special Court
19 investigators.

11:42:57 20 Q. Do you know to whom specifically did you hand over this
21 document?

22 A. Yes.

23 Q. Could you give the name to the Court?

24 A. Yes. That is one ex-police officer Mr Lahewn.

11:43:13 25 Q. Do you know for which section of the Court Mr Lahewn is
26 working?

27 A. From the -- he is one of the investigator, yes.

28 Q. Okay. And what exactly was contained in that specific
29 diary, Mr Witness?

1 A. All entry about all incidents made in Kenema township.

2 Q. And who put those entries in the diary?

3 A. I have my desk officer, who is responsible for that.

4 Q. And so the desk officer, who is his or her direct
11:43:54 5 supervisor?

6 A. I supervise them directly.

7 Q. And when were those entries made?

8 A. Well, as we open the diary we make entry as the events
9 unfold. Every day, every night we make entry in that diary.

11:44:15 10 Q. Okay. Mr Witness, I would like to show you a diary.

11 MR WERNER: Mr Walker, I gave five copies this morning,
12 one for each of Your Honours, plus one for the court reporters
13 and one for the legal officers. So there should be five copies.
14 And the Defence was given more than two month ago copies of those
11:44:43 15 diary.

16 PRESIDING JUDGE: Are you seeking to tender it? Is that
17 what you're doing now?

18 MR WERNER: Yes, but I would like to go through it with
19 the witness.

11:45:01 20 MS THOMPSON: Your Honour, before my learned friend goes to
21 that stage, it is true that we have had copies of this diary, or
22 certainly something that has entries on it and certain dates.
23 What we haven't seen is the original of this document, and the
24 witness has just given evidence that he picked it out. So there
11:45:21 25 must be an original copy.

26 MR WERNER: The original is with Mr Walker.

27 MS THOMPSON: Perhaps we might have the opportunity of
28 looking at it first before --

29 PRESIDING JUDGE: That's not quite the way to do it, to

1 point to the Court Attendant and say it's there.

2 MR WERNER: I apologise for that.

3 MS THOMPSON: I am not sure the Court Attendant should have
4 had it in the first place. I think, Your Honour, it should be
11:45:40 5 shown to us first to make comparisons with the copies that we
6 have, and then my learned friend can seek to do what he's trying
7 to do at the moment.

8 MR WERNER: Can I just answer on one point? The
9 difficulty with that, this document had been tendered to the
11:45:54 10 other Trial Chamber with another witness. I believe it was a
11 month or two months ago. So we filed a motion for this document
12 and we have correspondence for this document to be transferred.
13 If my learned friend wants to time to inspect, I will have no
14 objections.

11:46:45 15 PRESIDING JUDGE: Ms Thompson, Defence counsel are entitled
16 to see the original and compare it with the copy prior to any
17 further questions. How long do Defence counsel require to see
18 this document? And the other practical question is where, since
19 it is a tendered exhibit?

11:47:08 20 MS THOMPSON: Your Honour, we can do it here but it's a
21 document that with 195 pages. We may not necessarily have to
22 look at every page but at least we'll have to look at the
23 majority of the pages contained in that book.

24 PRESIDING JUDGE: Your estimate? Well, of course if you
11:47:26 25 cannot say how long then it's not -- that is not a realistic
26 question.

27 MR WERNER: Sorry, Your Honour, just maybe I can assist.
28 I'm going to lead on five pages and I can give now, if it's of
29 any convenience -- I can give now the pages which I'm going to

1 lead and then those pages can be read, if that can shorten the
2 time.

3 MS THOMPSON: Your Honour, I'm very grateful for my learned
4 friend's helpful suggestion. Then in that case we'll probably
11:48:17 5 take about 20 minutes to have a look at it and compare it and
6 then we can actually do that in court.

7 PRESIDING JUDGE: I think you must have certain privacy to
8 do it in the absence of the Bench.

9 JUDGE LUSSICK: I think before we do anything shouldn't the
11:48:37 10 witness identify the original and then say that's the document
11 that he's talking about.

12 MR WERNER: I'm happy to do that.

13 MS THOMPSON: Yes, Your Honour, yes.

14 MR WERNER: I'm happy to do it. So maybe can the document
11:49:03 15 be handed over to the witness?

16 Q. Mr Witness, is that the diary that was kept at the CID
17 office at the time --

18 A. Yes, this is the diary.

19 MR WERNER: Do you want me to specify now the pages or do
11:49:45 20 you want us to do that together?

21 JUDGE SEBUTINDE: Counsel, are you going to be tendering
22 pages of this document or the entire document? What is your
23 plan?

24 MR WERNER: I'm ready to do both depending if the Defence
11:50:08 25 want to cross-examine on other portions of the document and that
26 I cannot know. But otherwise we were ready -- we would have
27 submitted for the entire document to be tendered and in the
28 future we will refer only to that, or we are happy to tender only
29 the five pages.

1 JUDGE SEBUTINDE: Well, it's your case, I'm just asking.

2 MR WERNER: So in that case we would submit that the
3 entire document is tendered. That was what was done in the other
4 Trial Chamber and that's what we would like to do here.

11:51:39 5 PRESIDING JUDGE: In the light of Ms Thompson's application
6 and estimate we will allow an adjournment of half an hour. If
7 counsel finds that they're ready to proceed prior to the end of
8 the half hour they can notify us. The diary will be handed over
9 and, as I understand it, you are going to read it here in the
11:52:03 10 Court precincts?

11 MS THOMPSON: Yes, Your Honour.

12 PRESIDING JUDGE: Thank you. In that case, Mr Court
13 Attendant, please arrange for the diary to be given to counsel
14 for the Defence, remain within the vicinity and adjourn court for
11:52:31 15 30 minutes, please.

16 [Break taken at 11.47 a.m.]

17 [TB240605C-EKD]

18 [Upon resuming at 12.20 p.m.]

19 MS THOMPSON: Your Honour, may I say we are grateful for
12:25:11 20 the time.

21 PRESIDING JUDGE: That is fine, Ms Thompson.

22 MR WERNER: Do Your Honours have a copy? I apologise, the
23 Prosecution is short of supplies and we didn't find any --

24 MR MANLY-SPAIN: May it please, Your Honour.

12:26:21 25 PRESIDING JUDGE: Yes, Mr Manly-Spain.

26 MR MANLY-SPAIN: Your Honour, the accused is not present at
27 the moment. I have been informed that he had to see the doctor
28 and that he will be coming back in the afternoon if everything is
29 okay with him.

1 PRESIDING JUDGE: And he has instructed you to proceed on?

2 MR MANLY-SPAIN: Yes, Your Honour.

3 PRESIDING JUDGE: We will note that. Thank you,

4 Mr Manly-Spain.

12:26:45 5 MR WERNER:

6 Q. Mr Witness, can you open that diary?

7 PRESIDING JUDGE: Yes, please proceed.

8 MR WERNER:

9 Q. Mr Witness, do you see on the top on the left -- sorry, on
12:27:34 10 the right of each page there is a number?

11 A. Yes.

12 Q. Can you see that?

13 A. Yes.

14 Q. Can I ask you to go to page 112?

12:27:43 15 MR MANLY-SPAIN: May it please Your Honour. We believe
16 that it would be better for the document to be tendered first
17 before he goes into the contents.

18 PRESIDING JUDGE: There has been no application, so we are
19 waiting for that.

12:27:53 20 MR MANLY-SPAIN: We do not object.

21 PRESIDING JUDGE: You are not objecting.

22 MR MANLY-SPAIN: No, Your Honour.

23 PRESIDING JUDGE: Very well.

24 MR WERNER: I was going to wait for -- sorry, I would ask
12:28:05 25 that the document be tendered.

26 PRESIDING JUDGE: I note the consent of the Defence and
27 therefore the document will be tendered. I think it is P24.
28 Please check.

29 MR WALKER: P24, Your Honour.

1 [Exhibit No. P24 was admitted]

2 PRESIDING JUDGE: For purposes of record, counsel, I note
3 the order of Trial Chamber I relating to the permission to
4 temporary transfer of this exhibit and the orders therein for the
12:29:47 5 production and exhibiting of certified true copy of this
6 document. You are aware of this order and have you complied with
7 it?

8 MR WERNER: Yes, I think the certified true copy should be
9 with Mr Walker. My understanding of that.

12:30:07 10 PRESIDING JUDGE: Mr Court Attendant, can you --

11 MR WALKER: Yes, I do have certified copies here,
12 Your Honour.

13 PRESIDING JUDGE: Thank you for that information. In
14 accordance with that in compliance with this order from Trial
12:30:19 15 Chamber I, please proceed on now.

16 MR WERNER: Your Honour, I haven't got the number of the
17 exhibit.

18 PRESIDING JUDGE: P24. Isn't that correct? And it will be
19 the certified copy in accordance with the order that will be P24.

12:31:19 20 MS THOMPSON: That is what I was going to ask, Your Honour.
21 That is exactly what I was going to ask whether the certified
22 true copy is going to be numbered.

23 PRESIDING JUDGE: Yes, as my learned sister has pointed
24 out, we must comply with the order of Trial Chamber I. It must
12:31:36 25 be -- the certified copy will be P24.

26 MR WERNER: Thank you.

27 Q. Mr Witness, are you on page 112?

28 A. Now?

29 Q. Could you turn to page 112?

1 A. Yes.

2 Q. Mr Witness, if you look at the left-hand side there is a
3 first column with SN/0. What is that column?

4 A. Far left?

12:32:21 5 Q. Far left; first column far left?

6 A. S/NO, that is serial number. The "S" stands for serial and
7 that "no" stands for number.

8 Q. What does that mean?

9 A. We number this diary accordingly; we do it serially. When
12:32:44 10 you are making any entry, you do it serially. So that is a
11 serial number.

12 Q. And at every day you start a new serial number. How does
13 it work?

14 A. Every day and every night.

12:33:02 15 Q. What do you mean? There will be a serial number until the
16 night shift and then you start a new serial number?

17 A. Yes.

18 Q. If you take the next column on the left, what is that
19 column?

12:33:17 20 A. That is the time of making a particular entry.

21 Q. Next column on the right, what is that column?

22 A. That is the cross-reference.

23 Q. What does that mean?

24 A. When you made the first entry you always cross-reference
12:33:37 25 the second entry for easy reference. So that's why we make
26 cross-references.

27 Q. Next column to the right. Can you explain to this Court
28 what is that column?

29 A. Well, that is the occurrence, the event that we record in

1 this diary.

2 Q. Next column to the right?

3 A. Each one making entry in this diary must put his signature.

4 That is the column where you sign. You, the person making the
12:34:11 5 entry in this diary.

6 Q. And who are the persons making the entries in this diary?

7 A. The desk officer is in charge, but every investigator has a
8 right to make entry into this diary.

9 Q. I would like to ask you to go to serial number 46 on the
12:34:31 10 same page, 112.

11 A. Yes.

12 Q. Could you read out loud for the Court this entry?

13 A. Yes. "Serial number for the 6th OC CID, D Inspector Hyde
14 and team return to the office from secretariat Kenema on board
12:35:01 15 WU35250 with Brima Kpaka, BS Massaquoi, Andrew Quee, Issa
16 Ansumana, Abdulai Bockarie and John Swanay for further
17 investigations on subversive allegation against the state."

18 Q. Mr Witness, does that entry mean anything to you?

19 A. Yes.

12:35:32 20 Q. What does that mean to you?

21 A. Well, that is what I said earlier. When the --

22 Q. Just wait one second.

23 A. Yes.

24 PRESIDING JUDGE: Just pause one moment, counsel.

12:36:00 25 MR WERNER: Sure.

26 PRESIDING JUDGE: You may sit down if you wish. Please
27 continue.

28 MR WERNER: Thank you, Your Honour.

29 Q. So let me ask you the question again. Does that entry you

1 just read out loud to us, does it mean anything to you?

2 A. Yes. This particular entry is just what I said previously.
3 When the matter was transferred to the police, that was the time
4 they brought in these people. So this is the entry.

12:36:42 5 Q. Do you know who wrote that entry, Mr Witness?

6 A. Yes, it was written by Sergeant Masallay.

7 Q. Can you spell that name for the Court?

8 A. M-A-S-A-L-L-A-Y, Masallay.

9 Q. Could you -- looking at the page 112, could you tell the
12:37:06 10 Court which date was this entry made?

11 A. Yes, Wednesday, 28th January 1998.

12 Q. Thank you. Can I ask you now to turn to page 130, 130,
13 130. Are you there?

14 A. Yeah.

12:37:42 15 Q. Can I ask you to refer to serial number 50 and 51?

16 A. Yes.

17 Q. Could you read out loud for the Court these two entries?

18 A. Okay. "Serial number 50, Mr Edward Francis Mallah of
19 number 5 Hindowa Street, Kenema, and Mr Mohamed Minkalu Jah of
12:38:08 20 number 8 Gabba Lane, Kenema, both arrived in the office to stand
21 sureties from Mrs BS Massaquoi and Bri ma Kpaka. Serial number 51
22 reference SD 50, both sureties have been approved by the CPOL
23 division, Mr Issa."

24 Q. Thank you. Does that entry mean anything to you?

12:38:41 25 A. Yes.

26 Q. Can you tell this Court what does it mean?

27 A. Well, at the conclusion of our investigation, of the
28 investigation of the police, we suggested to the commissioner
29 that those people should be released with immediate effect and

1 that was approved so they sent for their respective sureties. So
2 the other day they came and they were handed over to them
3 respectively. That is the entry.

4 Q. Do you know who wrote that entry?

12:39:05 5 A. Yes, it was written by the desk officer.

6 Q. Can I ask you to turn to page 155, 155. Serial number 50,
7 50. Are you there?

8 A. Yeah.

9 Q. Could you read that entry out loud?

12:39:41 10 A. Yeah. Serial number 50. By order of CPOL division,
11 Mr Issa, I have brought in Mr Brima S. Massaqui and at the same
12 time handed him over to the lockup orderly, D corporal 6006 for
13 safe custody.

14 Q. Does that entry mean anything to you, Mr Witness?

12:40:16 15 A. Yes.

16 Q. Can you tell this Court what that entry means to you?

17 A. When Mosquito returned from trek he was furious when he
18 learned that those people were released, so he ordered their
19 immediate rearrest. So the team went out and rearrested BS

12:40:34 20 Massaqui and he was brought to the police station. That is the
21 entry.

22 Q. Do you know, Mr Witness, who wrote that entry?

23 A. Yes, it was written by the team leader, Detective Sergeant
24 Fofanah.

12:40:47 25 Q. Could you spell that name for us? I know you have
26 previously.

27 A. Yes, F-O-F-A-N-A-H.

28 Q. Could you now turn to page 181, 181?

29 A. Yes.

1 Q. Serial number 78, second part of the page?

2 A. Yes.

3 Q. Could you read out those two entries for us, for the Court,
4 Mr Witness?

12:41:27 5 A. "Serial number 7: Lieutenant AB Turray, OC military police
6 and party arrived in office.

7 SN 8: Following suspects - Andrew Quee, Issa Ansumana,
8 Abdulai Bockarie, Abdulai Saidu Quee, Brima S Massaquoi and John
9 Swanay - are handed over to Lieutenant AB Turray under the order
10 of the SOS east."

12:42:05

11 Q. Do those two entries mean anything to you?

12 A. Yes, that was the time when this lieutenant came with his
13 team and collected these suspects and took them away to their
14 brigade headquarters.

12:42:23

15 Q. Do you know who wrote that entry?

16 A. Yes, it was done by Detective Sergeant Masallay.

17 Q. Is he the same Masallay you referred from the first entry?

18 A. Yes, yes, yes.

19 MR WERNER: Your Honour, it will be my last page.

12:42:44

20 Q. Next page, 182. Could you just turn the page and go to
21 serial number 10?

22 A. Yeah.

23 PRESIDING JUDGE: 182?

24 MR WERNER: Yes, sorry, next page, 182.

12:43:06

25 Q. Second entry on the page, number 10, could you read that
26 entry out loud for us?

27 A. Yes. "Serial Number 10: The military police, headed by
28 Lieutenant AB Turray, arrive in the office to withdraw the
29 Kamajor suspect BS Massaquoi and others. Left for brigade

1 headquarters, Kenema."

2 Q. Does that mean anything to you, Mr Witness?

3 A. Yes. That was the time when he collected the suspects and
4 took them away.

12:43:37 5 Q. And do you know who wrote that entry?

6 A. This entry was done by the desk officer himself.

7 Q. Thank you, Mr Witness; that will be all for that exhibit.

8 MR WERNER: Your Honour, I have noted the time. I would
9 say that I have, I hope, less than half an hour. I am in your

12:44:20 10 hands, if you want me to proceed now. Maybe a little bit over
11 half an hour.

12 PRESIDING JUDGE: Sorry?

13 MR WERNER: Maybe a little bit over half an hour.

14 PRESIDING JUDGE: In the light of that, we would take the

12:44:49 15 lunch time adjournment a few minutes earlier than usual and allow
16 you to do that evidence as one complete part. We will reconvene
17 at a quarter past two. Mr Court Attendant, please adjourn.

18 [Luncheon recess taken at 12.40 p.m.]

19 [TB240605D-SGH]

14:19:30 20 [On resuming at 2.18 p.m.]

21 PRESIDING JUDGE: Mr Manly-Spain, I see the accused is not here

22 MR MANLY-SPAIN: He has not returned. We have not had any
23 word from the Detention Centre as to why he has not come back.

24 PRESIDING JUDGE: You did indicate to us this morning that
14:22:05 25 he might have a medical appointment.

26 MR MANLY-SPAIN: Yes. Then I wish to inform the Court that
27 my learned friend Mr Fofanah will be a little late.

28 PRESIDING JUDGE: I see.

29 MR MANLY-SPAIN: He has just called to say he is coming,

1 but he will be a little late.

2 PRESIDING JUDGE: His assistant is not here, but presumably
3 you will be able to give --

4 MR MANLY-SPAIN: [Overlapping speakers] we will be
14:22:25 5 covering, we will be covering for him.

6 PRESIDING JUDGE: Very well, Mr Manly-Spain. Thank you.

7 MR MANLY-SPAIN: Thank you, Your Honour.

8 MR WERNER: Thank you, Your Honour.

9 Q. Good afternoon, Mr Witness.

14:22:40 10 A. Good afternoon.

11 Q. This morning in your evidence you told us about AFRC/RUF
12 men going and looting your house to the house of Mr Doweï.
13 Mr Witness, do you remember if that kind of thing, soldiers going
14 and looting houses of civilians, happened on another occasion

14:23:05 15 during the period May 1997/February 1998?

16 A. Yes.

17 Q. Could you tell this Court one?

18 A. Both RUF rebels and the AFRC juntas carry out looting
19 excessively. At one point in time they went at Mambu Street.

14:23:42 20 Q. Could you spell that name for the Court?

21 A. M-A-M-B-U, Mambu Street.

22 Q. When was it, can you remember?

23 A. That was the initial stage of the revolution.

24 Q. What happened?

14:24:18 25 A. Well, for the rest of the day they were firing around that
26 area. So later on we saw them coming with refrigerator.

27 Q. Who are "they", Mr Witness? Who are "they"?

28 A. The AFRC and the RUF, Akim was seen with a Mercedes Benz.

29 He was sitting right on top of the bonnet.

1 Q. Can you remind this Court who is Akim?

2 A. Akim was a government soldier, but he later defected to RUF
3 rebels after the coup. So they brought a lot of household
4 materials, they were singing that they have --

14:25:03 5 Q. Who are "they", Mr Witness? Who are "they"?

6 A. The rebels and the juntas were singing that they have
7 driven the Kamajors out of that area.

8 Q. What happened after that?

9 A. I went there in the evening and I saw the house.

14:25:21 10 Q. Where did you go? Where did you go?

11 A. Mambu Street where the incident took place.

12 JUDGE SEBUTINDE: Are we to assume this is in Kenema Town?

13 MR WERNER:

14 Q. Could you tell this Court -- I apologise for that. Could
15 you tell this Court where is Mambu Street?

16 A. Mambu Street, Kenema.

17 Q. Kenema District or Kenema Town?

18 A. Kenema town.

19 Q. Carry on.

14:25:47 20 A. So I met the house on fire and moving downwards to the
21 swamp area I saw three bodies lying dead.

22 Q. Where was the swamp in regard to the house? Was it in the
23 same compound?

24 A. After the house you go down a bit and you find the swamp.

14:26:06 25 But the bodies were lying in the street. Two elderly men and one
26 young men. They were all in plain cloth.

27 Q. Did you know them?

28 A. I don't know them.

29 Q. Now, Mr Witness, you told us that AFRC -- I am sorry.

1 MS THOMPSON: Your Honour, before my learned friend goes on, the
2 witness has answered his last question very early on in his answer he
3 said both AFRC rebels and RUF juntas carried out looting extensively.
4 Yet, I am not sure if my learned friend is about to go -- perhaps it
14:26:59 5 might be better for us to know how the witness came by that knowledge.
6 There is no foundation for -- I mean the witness has said it, but then
7 my learned friend has not led any evidence as to how the witness
8 acquired that knowledge.

9 PRESIDING JUDGE: No, there has not been any foundation for
14:27:13 10 that.

11 MR WERNER:

12 Q. Yes, so coming back to that point. You said that, if I am
13 not mistaken, you saw looting extensively. How do you know that?

14 A. This is no secret. There was no secret about it. Every
14:27:46 15 day they do widespread looting. They can even go from village
16 to village and we see them coming with looted properties.

17 Q. Who are we? Who are we, Mr Witness?

18 A. Both the AFRC --

19 Q. You said, "we saw them". "We saw them."

14:27:57 20 A. Myself and my colleague police personnel. Even the entire
21 Kenema township, the civilian used to do -- they don't hide.
22 They do this every day. They go to the village, they kill people
23 and steal their properties?

24 Q. What do you mean by village, because now we are talking
14:28:12 25 about Kenema Town?

26 A. They take patrol, every day they go with their pickup from
27 village to village and when they are coming back we see them with
28 looted property. And most of the properties contained blood
29 stains.

1 Q. Which villages are you referring to?

2 A. Different, different, different, different villages.

3 Q. Okay. I will move on.

4 MS THOMPSON: Your Honour, I am not sure that that was a proper
14:28:41 5 foundation. That just asked more questions than it answered. I don't
6 know if my learned friend is satisfied, but certainly I am not sure that
7 was a proper foundation. Indeed, the witness's answers, as I say,
8 opened up several more questions. Did he examine the properties? How
9 did he know they were looted? Were they got from a shop? I don't know,
14:29:00 10 but certainly there was no foundation there.

11 MR WERNER:

12 Q. Mr Witness, you told us about a house in fire in Mambu
13 Street and then you told us about the fact that you saw Akim
14 with -- and other soldiers you described as AFRC/RUF with looting
14:29:24 15 properties. How do you know -- where were they coming from? Do
16 you know where they were coming from?

17 A. We have more than 50 reports.

18 Q. Who are "we", Mr Witness? Who are "we"?

19 A. The police. The police have more than 50 reports. Even
14:29:40 20 above hundreds of looting and killing from village to village.
21 Dama Village, Koya Village. All that records were kept safe.

22 Q. Could you spell the names of the two villages you just
23 gave?

24 A. Dama, D-A-M-A.

14:29:50 25 Q. And the second one.

26 A. Koya, K-O-Y-A. A lot of other villages came in with the
27 reports that they attacked their village, killed their people,
28 looted their properties. A hundred of cases were reported of
29 widespread looting and killing of innocent people.

1 Q. Now, Mr Witness, talking about Mambu Street and then will
2 move on.

3 JUDGE SEBUTINDE: Counsel, we still don't know who "they" were who
4 are contained in these reports.

14:30:23 5 MR WERNER:

6 Q. Could you tell this Court --

7 JUDGE SEBUTINDE: Just listen to what your witness is
8 saying and make sure. It is your job to ensure that he is giving
9 factual evidence with foundation.

14:30:30 10 MR WERNER: Yes, thank you, Your Honour.

11 Q. Well, when you say "they", who are "they"?

12 A. Like the chief of Dama, the town chief. The town chief
13 of Koya. Every village that we received reports from is from
14 the chief. It's either the town chief or the head man.

14:31:00 15 Q. Now, about -- I would like to come back to Mambu Street.
16 Do you know anything else, you have just told us before that the
17 house was on fire at Mambu Street, do you know anything else
18 about what happened at Mambu Street or not?

19 A. Yes.

14:31:20 20 Q. What do you know?

21 A. That house was occupied by Kamajors.

22 Q. Which house?

23 A. The house at Mambu Street, Kenema. It belongs to one
24 Pa Mansaray. He is in Kenema right now.

14:31:32 25 Q. Could you spell the last surname for us?

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

27 Q. So that was his house?

28 A. That was his house. The house belonged to him.

29 Q. What happened?

1 A. When I went there the Kamajors were nowhere to be seen.
2 They had already gone. I only saw three bodies, these were
3 civilians, they were in civilian plain cloth.

4 Q. How do you know they civilians?

14:32:01 5 A. They were in civilian plain cloth. Two elderly men and one
6 young man. They were not in Kamajor uniform at all.

7 Q. Thank you, Mr Witness. Now, this morning you told us about
8 the chief police officer, the CPO, and you told us as well about
9 Mr Kenneh, commissioner chief of police for the entire eastern

14:32:33 10 region. I am still concentrating on the same period of time,
11 May 1997/February 1998. Did you see them, these two individuals?
12 Did you see them at the time?

13 A. Yes.

14 Q. Did anything happen to them during that time?

14:32:47 15 A. Yes. That was the initial stage. There was one of our
16 colleague by the name of AKK.

17 Q. What does AKK stand for, Mr Witness?

18 A. Abdul Karim Koroma.

19 Q. Could you spell it?

14:33:03 20 A. A-B-D-U-L, Abdul. K-A-R-I-M, Karim. K-O-R-O-M-A, Koroma.
21 He was a police constable attached to the traffic division. He
22 had a quarrel with one of his colleagues which resorted to a
23 fight between them.

24 Q. Who was this colleague?

14:33:29 25 A. Well, I cannot remember the name of his colleague. But he
26 went and made a report.

27 Q. Who is he, Mr Witness? Who is he?

28 A. Abdul Karim Koroma went and made a report.

29 Q. To whom?

1 A. He later came to the police station.

2 Q. Mr Witness, to whom did he make a report?

3 A. To his brother Issa Sesay. He later returned to the police
4 station with his brother Issa Sesay.

14:33:53 5 Q. When was it?

6 A. At the early stage of their coup.

7 Q. What happened?

8 A. Issa Sesay was with his boys fully armed. They marched
9 towards the commissioner's office. I later saw them --

14:34:13 10 Q. Who are "they"? Who are "they", Mr Witness?

11 A. I later saw Issa Sesay and his boys coming out together
12 with the police commissioner and the CPO.

13 Q. What happened?

14 A. They put them into their vehicle and went away with them.

14:34:36 15 Q. Who are "they"? Who are "they put them"? Who are "they"?

16 A. Issa Sesay and his men.

17 Q. And put whom?

18 A. Ordered that the police commissioner and the CPO should go
19 on board the vehicle. And that was done so --

14:34:53 20 Q. Did you see that?

21 A. Clearly with my own eyes. Right in front of me.

22 Q. What happened after that?

23 A. So they went away with them. They were with them for the
24 rest of the day.

14:35:06 25 Q. I am sorry, I know it is a bit painstaking, but who are
26 "them"? "They went with them", who are "them"?

27 A. Issa Sesay and his boys took away the police commissioner
28 and the CPO.

29 Q. Okay. What happened after that?

1 A. These people were with them for rest of the day. In the
2 evening hours both commissioner and the CPO returned to the
3 police station.

4 Q. Where were you at that time?

14:35:38 5 A. I was still in my office, CID.

6 Q. And they returned to the -- when you say police station, do
7 you mean the CID office?

8 A. They returned to the police station and entered into their
9 own offices.

14:35:51 10 Q. Is it --

11 A. It's the same building.

12 Q. What happened then?

13 A. I later went there to sympathise with them.

14 Q. Who are "them"?

14:36:03 15 A. The CPO and the commissioner.

16 Q. Did you speak with them?

17 A. No, I met their offices jam-packed with senior police
18 officers trying to sympathise with them.

19 Q. Then what happened?

14:36:20 20 A. So later when some of these senior police officers came out
21 they told us that both the commissioner and the CPO were
22 humiliated by Issa Sesay and his boys.

23 Q. What do you mean humiliated?

24 A. Well, for the mere fact of taking him away against their
14:36:43 25 will, these are big men heading a whole department, a whole
26 region and you kept them in your custody for the rest of the day
27 against their own wish. That is complete humiliation to me.

28 Q. Were you told anything else?

29 A. No.

1 Q. Now, Mr Witness, everything you told us so far was
2 happening in Kenema Town. Now, talking about Kenema District,
3 did anything happen during the same period of time,
4 May 1997/February 1998? Did anything happen in Kenema District?

14:37:30

5 A. Yes. I can remember at one time the AFRC and the RUF
6 rebels they formed a very strong team and they left for Tongo
7 Field. Tongo Field is in --

8 Q. Could you spell it, Mr Witness? Could you spell it for the
9 court?

14:37:48

10 A. T-O-N-G-O, Tongo. Field, F-I-E-L-D.

11 Q. Where is Tongo Field?

12 A. Tongo Field is in the Lower Bambara Chiefdom, Kenema
13 District.

14 Q. Could you spell the chiefdom for the Court?

14:38:04

15 A. L-O-W-E-R, Lower. B-A-M-B-A-R-A.

16 Q. And what happened?

17 A. So, they went there with heavy armament.

18 Q. Who are "they", Mr Witness?

19 A. The AFRC juntas and RUF rebels.

14:38:25

20 Q. Were there any commanders?

21 A. Yes.

22 Q. Who are the commanders?

23 A. Issa Sesay was among them.

24 Q. Can you --

14:38:34

25 A. Akim was among them. A lot of them, so they went. After
26 two days --

27 Q. Yes?

28 A. -- I saw a lot of displaced people coming from Tongo.

29 Q. Did you speak with them?

1 A. I spoke with them. They told me they were attacked by RUF
2 and the AFRC juntas.

3 Q. Where?

4 A. At Tongo Field.

14:39:16 5 Q. Did they tell you anything else about what was happening at
6 Tongo Field at that time?

7 A. They told me they have killed a lot of people and captured
8 lot of able-bodied men.

9 Q. Who are "they", Mr Witness? Who are "they"?

14:39:30 10 A. The AFRC and the RUF. They said they killed a lot of
11 people. Captured lot of able-bodied men to do mining for them.
12 Diamond mining.

13 Q. Who are "them", Mr Witness?

14 A. The AFRC and the RUF rebels. That is what I was told by
14:39:42 15 the displaced people.

16 Q. Thank you, Mr Witness. Now, this morning I asked you about
17 the age group for the AFRC forces which were in the AFRC
18 secretariat in Hagh Road and for the soldiers who were leaving
19 with Issa Sesay. Now, I am going to ask you the same question,
14:40:21 20 but for the whole of the forces, not only those two groups, but
21 as well Mosquito's boys you told us about them this morning. So
22 my question is: During the same period of time,
23 May 1997/February 1998 where the soldiers -- all the soldiers who
24 were in Kenema Town were they all from the same age group?

14:40:47 25 A. No, not at all.

26 Q. Okay. Now, were they all from the same gender?

27 A. No, they have both male and female.

28 Q. Okay. Now, how old were the youngest female you saw at
29 that time?

1 A. 15, 16, 17, 18.

2 Q. And where did you see them?

3 A. They were -- some of them were with Mosquito at the --

4 Q. Who are "them"? Who are "them", Mr Witness?

14:41:20 5 A. Some of these kids were with Mosquito at the NIC building.

6 Q. So female, now you are talking about female?

7 A. Yes, the females.

8 Q. The NIC building?

9 A. Yes.

14:41:28 10 Q. Is it the same building you were referring to this morning?

11 A. Yes.

12 Q. The same NIC building?

13 A. Yes.

14 Q. Did you go there?

14:41:36 15 A. Every day I go there. Every day. And Mosquito come to my
16 office every day.

17 Q. And what did you see there in the NIC building?

18 A. I saw a lot of young girls. Some of them were hanging
19 AK-47 rifles. Some of them were not having guns.

14:41:53 20 Q. Did you speak with some of them?

21 A. I spoke with a lot of them.

22 Q. What did they tell you?

23 A. Well, I can remember two girls when I interviewed them,
24 they told me -- one told me she was captured.

14:42:08 25 Q. Who is she? Can you remember any specific? Was she this
26 one you are talking about now?

27 A. I want to bring in two instances. I spoke to many of them,
28 but I can still remember two girls. One told me she was captured
29 in school at Kailahun Town.

1 Q. When was she captured, at that time or before?

2 A. Before.

3 Q. How many years before? Did she tell you?

4 A. That was at the initial stage of the rebel war in this
14:42:38 5 country.

6 Q. When was the initial stage of the rebel war in this
7 country?

8 A. 1991.

9 Q. What did she tell you. Did she tell you anything else?

14:42:51 10 A. She told me she was captured in school right in Kailahun
11 Town and she has been with them ever since.

12 Q. What did she do with them?

13 A. She told me she was trained as a fighter and she has been
14 fighting alongside with them. The other girl told me --

14:43:09 15 Q. Who was the other girl?

16 A. I am talking of these two girls now.

17 Q. Yes, we are talking about the second one. I am following
18 you. I am just asking who was she, the second one?

19 A. She was also one of the RUF rebels.

14:43:24 20 Q. What did she tell you?

21 A. She told me she was captured right in Pujehun Town.

22 Q. When?

23 A. When going back home from school.

24 Q. At what time? How many -- what time? Before 1997?

14:43:33 25 A. Yes, before 1997.

26 Q. Are you able to say when?

27 A. That was at the initial stage when the RUF war began in
28 this country.

29 Q. You say 1991?

1 A. Yes. So she told me she has been trained to fight and she
2 has been fighting alongside with them. She has been with them
3 all this while.

4 Q. Was anyone in charge of those girls?

14:44:01 5 A. There was a lady whom they call the wife of Mosquito. She
6 was --

7 Q. Who called her the wife of Mosquito? You said, "They
8 called her the wife of Mosquito". Who are you referring to?

9 A. The RUF rebels. So she was more in control of those girls.

14:44:26 10 Q. Now at the time you saw them, were they wearing anything?

11 A. Yes.

12 Q. What were they wearing?

13 A. They were wearing plain cloth and hanging their AK-47 rifle
14 on them. Some of them were not carrying any weapon.

14:44:44 15 Q. Did you see the weapon yourself?

16 A. I saw it clearly. I see the weapon every day.

17 Q. Mr Witness, I will just have a few more questions for you.

18 Where were you in March 1998?

19 A. I was right in Kenema Town.

14:45:06 20 Q. Did anything happen in March 1998 in Kenema Town?

21 A. Well, yes.

22 Q. What happened?

23 A. I can remember that time we had a lot of influx of refugee,
24 I mean displaced people from Segbwema .

14:45:26 25 Q. Could you spell for this Court Segbwema ?

26 A. S-E-G-B-W-E-M-A, Segbwema.

27 Q. In which district is Segbwema?

28 A. Segbwema is in Njaluhun Chiefdom, Kailahun District.

29 Q. Could you spell the chiefdom of the district for the Court?

1 A. N-J-A-L-U-A-H-U-N, Nj al uahun.

2 Q. And the di strict?

3 A. Kai lahun di strict, K-A-I -L-A-H-U-N.

4 Q. Go on, Mr Wi tness.

14:46:12 5 A. So they told us the RUF rebels.

6 Q. Who are "they"? Who told you?

7 A. The di splaced peopl e comi ng from Segbwema. They told us
8 that the RUF rebels and AFRC juntas have overrun their town and
9 they have killed a lot of people.

14:46:34 10 Q. Di d they tell you anything else?

11 A. Yes, they also told me that they have captured a lot of
12 able-bodi ed men and women to carry their loot at Kai lahun.

13 Q. Who are "they"? Who are "they," Mr Wi tness? You say
14 "they."

14:46:52 15 A. The di splaced peopl e told me that they have captured a lot
16 of peopl e from Segbwema.

17 Q. Who captured? Who captured?

18 A. The AFRC and the RUF captured a lot of peopl e from Segbwema
19 to carry their loot at Kai lahun, which i s their headquarters.

14:47:06 20 Q. Di d they tell you anything else?

21 A. They told me they saw all of them headi ng towards Kai lahun.

22 PRESIDING JUDGE: I didn't hear so what?

23 MR WERNER:

24 Q. Sorry, could you repeat the last sentence?

14:47:18 25 A. They told me they saw them headi ng towards Kai lahun.

26 Q. Who are "them"?

27 A. Those captured and the rebels and the juntas.

28 Q. So they captured -- so they were rebels and the juntas;
29 ri ght?

1 A. The junta and the rebels captured some people from Segbwema
2 and that they saw them all heading towards Kailahun direction
3 with their looted properties.

4 Q. So, "they" are the displaced people?

14:47:44 5 A. Yes.

6 Q. So they captured people heading -- do I understand
7 correctly?

8 A. The RUF rebels and the AFRC juntas, according to those
9 displaced persons, they captured a lot of people from Segbwema
10 Town and they took them away to Kailahun. They were carrying
11 their looted property to Kailahun Town.

12 MR WERNER: I am happy to say that my 30-minute prediction
13 was more or less correct. I don't have any other questions.

14 PRESIDING JUDGE: Very accurate, counsel; very good. Now,
14:48:25 15 Mr Manly-Spain, I think you are senior counsel among the Defence. Do
16 you have cross-examination?

17 MR MANLY-SPAIN: Yes, Your Honour. A few questions.

18 CROSS-EXAMINED BY MR MANLY-SPAIN:

19 Q. Mr Witness, at the time of the coup in 1997, how long had
14:49:30 20 you been in the police force?

21 A. I'm now doing my 24 years.

22 Q. Can you tell us about in 1997 now -- how long you had been
23 in the police force in 1997?

24 A. That is supposed to be 37 years.

14:50:18 25 PRESIDING JUDGE: Are you sure of your arithmetic there?

26 JUDGE SEBUTINDE: Was that 37 years in 1997?

27 MR MANLY-SPAIN:

28 Q. Mr Witness, how many statements did you make to the
29 investigators of the Special Court?

1 A. I can remember two statements.

2 Q. Can you remember the dates you made those statements?

3 A. No, I cannot.

4 Q. Can you remember if you made any on 28th January 2003?

14:51:01 5 A. Yes, I do.

6 Q. Do you remember if you made any statement on

7 14th January 2004?

8 A. Yes, I do.

9 Q. Did you make any additional statement?

14:51:54 10 A. In addition to those two statements, yes, I do.

11 Q. Do you remember the dates?

12 A. No, I cannot.

13 Q. Did you give any additional information --

14 A. Yes, I do.

14:52:06 15 Q. -- to the police?

16 A. Yes, I do.

17 Q. Do you remember the dates?

18 PRESIDING JUDGE: To the police, Mr Manly-Spain?

19 MR MANLY-SPAIN:

14:52:19 20 Q. To the investigators of the Special Court? I am sorry,

21 yes.

22 A. Yes, I do.

23 Q. Mr Witness, on the day of the coup, 25th May 1997, did you

24 hear any announcement on the radio about the coup?

14:52:42 25 A. Yes, I do.

26 Q. Do you remember what the announcement was?

27 A. Yes.

28 Q. Can you please tell this Court?

29 A. Yes, the first announcement I had came directly from one

1 Corporal Gborie. That they have overthrown the democratically
2 elected government of President Tejan Kabbah and that they are
3 now in full control; the AFRC.

4 Q. Did you use the word "they"?

14:53:24 5 A. That is what he said over the air that they are now in full
6 control.

7 Q. He used the word "they"?

8 A. That was what Gborie said in the air.

9 Q. And Gborie used the letters AFRC, did he?

14:53:35 10 A. Yes, he did.

11 Q. Did you see -- hear him say that the army, the Sierra Leone
12 army, junior officers of the Sierra Leone army, had overthrown
13 the Government?

14 A. I heard him saying that the AFRC juntas and the RUF
14:54:11 15 soldiers have taken over the government and they are in full
16 control.

17 Q. Mr Witness, I am putting it to you that is not true.

18 A. Well, that is not true. It is a nation-wide broadcast, so
19 everybody in this country heard that broadcast. So, if I cannot
14:54:39 20 say exactly what he said, but at least he made the announcement
21 that they had overthrown.

22 Q. Let us be clear on what he said. Did Gborie use the
23 letters AFRC?

24 A. Well, I cannot remember exactly, but he went over the air
14:55:08 25 and made the announcement that they have overthrown and they are
26 in full control.

27 Q. Do you remember who he said had overthrown? He did not use
28 the word "they." He said certain people had overthrown the
29 government of Sierra Leone. Whom did he say had overthrown the

1 Government of Sierra Leone?

2 A. Well, I later came to know the AFRC and the RUF --

3 Q. [Overlapping speakers] asking you about what happened
4 later, I am asking you about the announcement that you said
14:55:45 5 Gborie made.

6 A. Put the question clearly. I don't understand.

7 Q. My question is, Mr Witness, who did Gborie say had
8 overthrown the Government of Sierra Leone?

9 A. The military and the RUF.

14:56:34 10 Q. Are you sure that Gborie said the military and the RUF. I
11 am putting it to you that he never said that.

12 A. Well perhaps I cannot quote the man directly because it has
13 taken quite some time now, so I cannot keep everything up my
14 head.

14:56:54 15 Q. That is exactly the point I want you to answer to. You
16 have been quoting people all over the place today, but now you
17 are saying you cannot quote directly, you cannot remember because
18 it has taken a long time. Is that so?

19 A. Well, to me that is not very important to me. So that is
14:57:18 20 why in fact I skip it out.

21 Q. What else have you skipped out, Mr Witness?

22 A. About Gborie issue, this announcement. It is not important
23 to me, that is why I didn't even mention it.

24 Q. Now that you have mentioned it, Mr Witness, I am putting it
14:57:34 25 to you that you should tell the Court the truth about the
26 announcement which you have not done.

27 MR WERNER: That is totally irrelevant. I would object.

28 PRESIDING JUDGE: Mr Manly-Spain, there has been an
29 objection. What is the relevance of the truth of the public

1 not --

2 MR MANLY-SPAIN: My Lord, the entire case that is before
3 you turns on what happened on that date and what has transpired
4 after. We have, Your Honour, a witness who is saying that he had
14:58:10 5 a particular announcement. In his evidence-in-chief he has said
6 that he heard the announcement that the AFRC had overthrown the
7 Government of Sierra Leone. And that is what I'm putting to him
8 that it is not true it came from him. It is relevant.

9 PRESIDING JUDGE: What is not true; that there was no
14:58:33 10 announcement or that the AFRC --

11 MR MANLY-SPAIN: That the announcement said that the AFRC
12 had overthrown the government. That is not true and he has
13 started to answer that that is not what he heard. It is very,
14 very relevant, Your Honour.

14:58:42 15 Q. Mr Witness.

16 PRESIDING JUDGE: Just pause. There has been no ruling.

17 MR MANLY-SPAIN: I am sorry, Your Honour.

18 [Trial Chamber confers]

19 PRESIDING JUDGE: The unanimous view of the Bench is that
14:59:30 20 the question is relevant and it is allowed. Please put your
21 question.

22 MR MANLY-SPAIN: Much obliged.

23 Q. Mr Witness, wasn't it after Mr Gborie's announcement
24 that the AFRC was later formed?

14:59:52 25 A. Well, I cannot tell whether that particular organisation
26 was from formed before or after. I cannot tell.

27 Q. Thank you. Mr Witness, before the coup you have told us
28 that you were a policeman?

29 A. Yes.

1 Q. Is that so?

2 A. Yes.

3 Q. After the coup did you continue to work as a policeman?

4 A. Yes.

15:00:31 5 Q. After the coup who exercised the power of government in
6 Sierra Leone?

7 A. Well the AFRC and the RUF were in charge. So they were
8 exercising their powers forcefully on the people of this country.

9 Q. I'm putting to it you that it was the AFRC that was in
15:01:08 10 power.

11 A. I have no quarrel with that. I saw AFRC and RUF in power.

12 Q. And Mr Witness, you worked for the AFRC; didn't you?

13 A. I worked for the people of this country; not that regime at
14 all.

15:01:47 15 Q. You worked for the AFRC.

16 A. I worked for the people of this country.

17 MR WERNER: Objection. That is argumentative.

18 MR MANLY-SPAIN: Pardon? I didn't get that.

19 PRESIDING JUDGE: Is there an objection?

15:01:55 20 MR WERNER: That it was argumentative with the witness.

21 The witness has answered the question.

22 PRESIDING JUDGE: He has answered the question; don't keep
23 repeating it.

24 MR MANLY-SPAIN:

15:02:06 25 Q. Mr Witness, were you employed in the police force?

26 A. Yes.

27 Q. Is the police force an arm of the Government of Sierra
28 Leone?

29 A. I don't remember that question.

1 Q. Is it part of the government of Sierra Leone, the police
2 force?

3 A. Yes.

4 Q. And you were working for the police, a part of the
15:02:33 5 Government of Sierra Leone?

6 A. Yes.

7 Q. A part of the AFRC government?

8 A. During the AFRC regime I --

9 Q. Please answer my questions.

15:02:43 10 A. I worked for my people, not for the AFRC at all.

11 Q. Answer my question. Mr Witness, you have just told this
12 Court about your relationship with Mosquito; is that not so?

13 A. Yes.

14 Q. Whom you saw every day?

15:03:00 15 A. Yes.

16 Q. You went to see him all the time?

17 A. Advise him to stop what they are doing.

18 Q. Did you go to see him all the time?

19 A. I go to his place and he is always in my office. I always
15:03:16 20 advise him to stop what they are doing. They should hand over --

21 Q. Did you have a good relationship with him?

22 A. With all of them. I have no problem with them, they are my
23 brothers. I didn't just like what you are doing.

24 JUDGE SEBUTINDE: Mr Manly-Spain, I am concerned about the tenses
15:03:30 25 that the witness is using. And what that does for the record.

26 MR MANLY-SPAIN: Yes, Your Honour.

27 JUDGE SEBUTINDE: Please be mindful of the tenses that the
28 witness is using and make sure that whatever evidence you are
29 targeting is actually what we are getting.

1 MR MANLY-SPAIN: I am much obliged, Your Honour.

2 Q. Mr Witness, during the period of the AFRC, you said you
3 were stationed at Kenema Police Station?

4 A. Yes.

15:04:04 5 Q. Did you carry out police functions in that statement?

6 A. Yes.

7 Q. Were you the most senior officer in the station?

8 A. I was one of the senior officers in the station.

9 Q. Please answer my question, Mr Witness.

15:04:25 10 A. I had senior officers above me.

11 Q. Were you the most senior?

12 A. No.

13 Q. How many senior officers were above you?

14 A. Well, in my department I have my OC CID, I have my SO CID.

15:04:44 15 After the SO CID I am the number third in my department, CID
16 office.

17 Q. I am talking about the entire police station.

18 A. Oh, I have so many senior officers. You have the
19 commissioner.

15:04:56 20 Q. Several.

21 A. You have the CPO, you have the OC in charge, you have the
22 2IC, several of them. I am just a kid.

23 Q. Thank you. Mr Witness, will you agree with me that as a
24 police officer your job, you should not have anything to do with
15:05:28 25 politics?

26 A. Of course, yes.

27 Q. Mr Witness, you said you called your other colleagues and
28 you advised them to be neutral; is that so?

29 A. Yes.

1 Q. What do you mean by being neutral?

2 A. They should join no warring faction. We should remain as
3 police officers and serve our people.

4 Q. Serve the state, you mean; is that not so?

15:06:19 5 A. To serve our people.

6 Q. In the absence of a war isn't it your duty as a police
7 officer to be neutral, non-partisan - let me put it that way.
8 Isn't that your duty?

9 A. Yes you are correct. We are always neutral.

15:06:50 10 Q. Mr Witness, at the time you called this meeting, were you
11 the most senior officer at Kenema police station?

12 A. No, I did not call the meeting for the entire Kenema police
13 station.

14 MR WERNER: I will object.

15:07:04 15 THE WITNESS: But for my department.

16 MR WERNER: Sorry, Mr Witness, just wait one moment. It
17 was clear in the evidence-in-chief that this meeting was not for
18 the entire Kenema Police Station but only the CID. And it is not
19 clear now what we are talking about. He didn't call a meeting
15:07:19 20 for the entire police station.

21 MR MANLY-SPAIN: I will re-phrase my question.

22 Q. Were you the most senior officer at the CID at the time
23 you called this meeting?

24 A. Yes.

15:07:41 25 Q. Mr Witness, how many diaries were kept by the CID in
26 Kenema?

27 A. We have so many diaries.

28 Q. You have got one of them to court. Where are the others?

29 A. They were burnt down by the Kamajors.

1 MR MANLY-SPAIN: Can I have the diary please? P24.

2 Q. Mr Witness, when you said several diaries, could you please
3 give us a figure?

4 A. When we used that ledger, if it got finished, we have our
15:08:36 5 archive where we keep our documents. We don't destroy them; we
6 keep them.

7 Q. Yes, I am simply asking you for a figure of how many
8 diaries you had there at that time?

9 A. Oh, that is uncountable. Because we don't destroy them, we
15:08:53 10 have so many of them that.

11 MR WALKER: All the originals have been put back with the other
12 file.

13 MR MANLY-SPAIN: I can safely go on without that, I don't
14 want to --

15:09:05 15 PRESIDING JUDGE: Is there a certified copy for counsel
16 That has been admitted?

17 MR WALKER: Yes, I think that it is here.

18 PRESIDING JUDGE: Please give that to counsel.

19 MR MANLY-SPAIN: The original, Your Honour, would have
15:09:17 20 demonstrated what I am trying to get at but I think I can try and
21 see if I can --

22 PRESIDING JUDGE: Well, if you require it please inform us.

23 MR MANLY-SPAIN: As Your Honour pleases.

24 Q. Would the diaries be more than 20?

15:09:27 25 A. More than 100. We keep them, we don't destroy these
26 documents. They are very important to us.

27 Q. Yes, Mr Witness. Were you present when the Kamajor burnt
28 the diaries?

29 A. No but I met those documents on fire.

1 Q. How many diaries did you save?

2 A. Only one.

3 Q. Only one?

4 A. Yes.

15:10:04 5 Q. The one you have brought to court.

6 A. Yes.

7 Q. So of over 100 diaries, only one was not burnt down.

8 PRESIDING JUDGE: Mr Manly-Spain, I don't think there has been a
9 foundation for that question. We haven't established that the 100 were
10 burnt.

15:10:17

11 MR MANLY-SPAIN: I believe he mentioned that, My Lord.

12 PRESIDING JUDGE: I had understand the witness to say they
13 had -- they kept the ledgers in the archive and that papers were
14 burnt but I am not --

15:10:28

15 MR MANLY-SPAIN:

16 Q. Yes, please can you just assist the Court and give us a
17 number of diaries that were in the archives?

18 A. We have the appropriate authority who keeps those
19 documents. That is the exhibit clerk. Our own area is when the
20 diary got finished, we take to it him. When it got finished we
21 take it to him. So he is the appropriate authority to tell you
22 how many old diary he have there. I was only concerned with the
23 current diary, which I have surrendered to this Court.

15:10:55

24 Q. Mr Witness, let me ask you again, were all the diaries in
25 the archives burnt except this one that you have got?

15:11:11

26 A. In a way I cannot tell that.

27 MR WERNER: Sorry to interject, but it is clear now that this
28 diary was not in the archive because it was the current diary. So he's
29 talking about two different things. This diary was here and the diary

1 in the archives.

2 PRESIDING JUDGE: I hope you are not giving evidence from
3 the bar table. In any event, Mr Manly-Spain, I did not hear an
4 answer to the question that you had put which I understand was:
15:11:53 5 Were all the diaries in the archive burnt. Is that your
6 question?

7 MR MANLY-SPAIN: Yes, Your Honour.

8 PRESIDING JUDGE: I did not hear a answer.

9 MR MANLY-SPAIN: My learned friend objected.

15:12:01 10 PRESIDING JUDGE: Please put the question.

11 MR MANLY-SPAIN:

12 Q. Mr Witness, were all the diaries in the archives burnt?

13 A. I cannot tell for sure. But I met a lot of documents on
14 fire.

15:12:28 15 Q. Mr Witness, did you make any entries in that diary
16 yourself?

17 A. Yes. Every day I do parade my men in that diary and detail
18 them in that diary, every day.

19 Q. And did you yourself record in that diary any report of
15:12:51 20 looting against any soldier?

21 A. I have a lot of personnel responsible for that.

22 Q. Please answer my question.

23 A. No.

24 Q. You did not?

15:12:59 25 A. I did not. But my men did.

26 Q. If you were to be shown a copy of that diary would you
27 highlight pages where such reports are recorded?

28 A. This current diary.

29 Q. Yes.

1 A. The diary that they destroyed were --

2 Q. Can you can you can you?

3 A. No.

4 Q. So there is no report in the present diary of any looting
15:13:29 5 made against the soldiers?

6 A. I don't think so.

7 Q. Yes, well, we cannot look at the other diaries because they
8 are all burnt; is that so?

9 A. Yes, but some of the people who made a report are still
15:13:43 10 alive.

11 Q. Yes, so the people you are referring to, Mr Witness, you
12 knew whether they made statements to the investigators of the
13 Special Court?

14 A. No, I don't know.

15:14:10 15 Q. You don't know anyone of anybody who was working at the
16 Kenema police CID who made statements to the Office of the
17 Prosecution, Special Court?

18 A. I think other officers made statements to the Special
19 Court. Apart from me.

15:14:40 20 Q. I don't want you to say anything -- do you know or don't
21 you know?

22 A. Well, I don't really want to tell lies. Because I saw a
23 lot of my colleague in contact with the Special Court
24 investigators. So I don't know whether they were on statement or
15:15:01 25 whatnot. I don't know.

26 Q. Okay, Mr Witness. Mr Witness, the keeping of a station
27 diary is a normal part of police business; am I right?

28 A. You are correct.

29 Q. This was done at Kenema CID station before the coup?

1 A. Yes.

2 Q. Did you and you will agree with me you also continued with
3 these forces to keep a station diary?

4 A. Yes, up to date.

15:15:37 5 Q. After the coup.

6 A. Yes, and up to date we are keeping them safe.

7 Q. Would you therefore agree with me that normal police
8 business continued after the coup at Kenema CID.

9 A. After the coup?

15:16:00 10 Q. Yes?

11 A. That was not very normal. It was not very normal. It was
12 under difficult situation, under harassment and intimidation. We
13 were not given free-hand to execute our duty freely. It was not
14 normal at all. We did that because of our people.

15:16:23 15 Q. Let me put to it you. Is it normal to have muster parades
16 at the police station?

17 A. Every day.

18 Q. Did you carry that out after the coup?

19 A. Sometimes we do. Sometimes when everything is very tense,
15:16:44 20 we don't do it.

21 Q. Did you have an overall boss and overall officer in
22 command, police officer in command, of the Kenema CID?

23 A. Yes.

24 [TB240605E - CR]

15:17:45 25 Q. That was normal?

26 A. Yes.

27 Q. And did he have an assistant?

28 A. Yes, that is so.

29 Q. So that was also normal.

1 A. Yes.

2 Q. Police officers, apart from you, turned up for work at the
3 police station during the time -- that time after the coup; is
4 that not so?

15:18:14 5 A. Some turn up. Some ran away to the neighbouring countries,
6 Liberia and Guinea.

7 Q. Those who turned up were recorded in the diaries?

8 A. Those police officers who turned up?

9 Q. Yes, their names were recorded in the diaries; is that not
15:18:39 10 so?

11 A. Well, we have a special book for that, not a diary. We
12 have an attendance register.

13 Q. Okay, so it was recorded in the --

14 A. Attendance register, yes, that's correct.

15:18:57 15 Q. And the duties you were asked to perform were also
16 recorded?

17 A. Yes. Everything we do, we record it.

18 Q. Mr Witness, you have told this Court about several lootings
19 and killings, et cetera, by AFRC juntas and RUF. Can you,
15:19:23 20 Mr Witness, tell us whether there were reports against civilians
21 of looting?

22 A. The report we received on looting is all the time involved
23 the AFRC junta and the RUF rebels. We didn't get any report of
24 civilians looting property.

15:19:55 25 Q. Okay. Thank you. Did you get any report of civilians
26 breaking into people's houses at night and stealing?

27 A. A lot. We had that report. A lot of that report was made
28 to us.

29 Q. Many times, Mr Witness, when these civilians were

1 apprehended, you found them in military uniforms?

2 A. Only one instance I saw one man in military trousers. That
3 is the man I've earlier on mentioned, Bernie Wailer. He was the
4 only man in military trousers. But apart from him, no other
15:20:48 5 persons.

6 Q. Thank you. Mr Witness, how many killings by RUF and the
7 AFRC juntas did you personally witness?

8 A. I saw the one that took place right in our police compound.

9 Q. Was that the only one?

15:21:54 10 A. Yes, that was the one I saw with my own eye. It happened
11 in my presence.

12 Q. Mr Witness, you said that killing was done -- did you say
13 that killing was done under the orders of Mosquito?

14 A. That was exactly what I said.

15:22:44 15 Q. Do you know what faction Mosquito belonged to?

16 A. RUF rebel.

17 Q. Mr Witness, do you know who was the head of the --
18 appointed head of the AFRC?

19 A. Yes, I do. Johnny Paul Koroma.

15:23:18 20 Q. And do you know who appointed the secretary of state east?

21 A. That's supposed to be Johnny Paul Koroma.

22 Q. In December 1997, Mr Witness, were you promoted by the
23 AFRC?

24 A. Not at all.

15:23:54 25 Q. Are you sure about that?

26 A. I'm quite sure.

27 Q. Do you know whether other police officers at Kenema CID
28 were promoted by the AFRC?

29 A. Yes, I know of that.

1 Q. You know of that. And they accepted the promotion?

2 A. Yes. Those who went there willingly, they accepted the
3 promotion.

4 Q. Mr Witness, I am putting it to you that all the evidence
15:24:30 5 you have given about looting, you did not witness.

6 A. I witnessed a lot of looting, live. I saw them live with
7 my own eyes. In fact, at one point in time, there was a soldier
8 who was about to give me some looting item in order to go and
9 keep it in my house, but I deliberately refused. I said, "I am
15:24:58 10 not mixed."

11 Q. Mr Witness, you seem to have a very good relationship with
12 the soldiers?

13 A. Yes, they are my brothers. I have nothing against them.
14 What they were doing to my people in this country is what I
15:25:10 15 didn't like. I have nothing against them.

16 Q. All right. Mr Witness, have you given evidence in any
17 other trial at the Special Court?

18 A. This is my first appearance.

19 Q. This is your first appearance. Do you know who brought the
15:25:44 20 diary which you have tendered -- do you know who brought it
21 earlier to the Court? I mean, do you know who tendered it to the
22 Court?

23 MR WERNER: There are protective measures in place. I
24 would urge the witness not to give any name.

15:26:09 25 MR MANLY-SPAIN: Yes, I understand that. But we can have
26 it written down. But Your Honour, the reason why I am asking
27 this question is that since the diary is part of the evidence, it
28 was intended to be part of the evidence in this Court, and it has
29 been tendered and used in another Court. We ought to have been

1 given transcripts of that evidence.

2 PRESIDING JUDGE: Did you ask for transcripts?

3 MR MANLY-SPAIN: Well, this is a revelation to us, this
4 diary which this witness said was in his possession all the time,
15:26:48 5 had been tendered before.

6 PRESIDING JUDGE: Counsel for the Prosecution has suggested
7 the name be written.

8 JUDGE LUSSICK: He hasn't said he knows yet. Your last
9 question was, "Do you know who tendered it to the other court?"

15:27:02 10 He hasn't answered that yet.

11 MR WERNER: Perhaps I was just objecting pre-emptively. I
12 don't know the answer to the question. I just wanted to be
13 sure --

14 JUDGE LUSSICK: It can only be one of two things, yes or
15:27:11 15 no. Yes, he knows, or no, he doesn't know.

16 MR MANLY-SPAIN:

17 Q. I'm not asking you to tell us the name of the person. If
18 you know.

19 A. I don't even know.

15:27:28 20 Q. You don't know.

21 MR MANLY-SPAIN: As Your Honour pleases, we'll take the
22 necessary steps to have it disclosed to us.

23 Can I have a copy of the diary, please?

24 Q. Mr Witness, I just put to you that you never saw any
15:27:56 25 looting, and you said you saw several. I am putting it to you
26 now that almost everything that you have told this Court is what
27 was told to you by other people.

28 A. No.

29 Q. I want you to look at this document.

1 PRESIDING JUDGE: This is Exhibit P?

2 MR MANLY-SPAIN: P24. Page 172, please. I want you to
3 look at the last statement on that page. Page 172, Your Honour.

4 A. Mmm-hmm.

15:29:33 5 Q. Were you the one who recorded it?

6 A. No.

7 Q. Had you read it before?

8 A. The SD. Please show me the SD. I have so many entries on
9 this page.

15:29:50 10 Q. The last entry, I will read it to you, but I want you to
11 look at it.

12 JUDGE SEBUTINDE: Please refer to it by serial number. It
13 does have a serial number.

14 MR MANLY-SPAIN: Yes, 612105.

15:30:27 15 Q. Page 172, Mr Witness.

16 A. This photocopy has no -- okay, I have seen page 172.

17 Q. Yes.

18 A. Serial number 61.

19 Q. 2105.

15:30:52 20 A. Yes, I have seen it.

21 Q. Did you make that entry?

22 A. No.

23 Q. Do you see the statement therein, "No personnel was
24 reported sick or absent. One male suspect, Bri ma Kpaka,
15:31:09 25 admitted, and 2725 was posted as guard in the hospital, the
26 Government Hospital, Kenema." Have you seen that?

27 A. Let me read for myself.

28 Q. Yes, please.

29 A. Yes, I've read it.

1 Q. What is the date of that entry?

2 A. Wednesday, 4th February 1998.

3 Q. And in the statement I've just read what is 2725? "And
4 2725 was posted as guard." That 2725, what is it?

15:32:35 5 A. It is a police force number.

6 Q. Of whom?

7 A. The personnel who was posted there.

8 Q. Again, let me ask you this: "male suspect Bri ma Kpaka";
9 was he the same suspect who was with BS Massaquoi and others?

15:33:04 10 A. Yes.

11 Q. At the bottom, Mr Witness, are two words, "Area quiet" what
12 does that mean?

13 A. Well, that means the area is quiet.

14 Q. Which area?

15:33:24 15 A. The entire Kenema townshi p.

16 Q. Is it the case on 4th February 1998, the Kenema town was
17 quiet, no problems?

18 A. Well, yes, sometimes Kenema is quiet, sometimes tense.

19 Q. I'm not asking about that.

15:33:50 20 A. Yes.

21 Q. Is it also the case, Mr Witness, that this suspect was at
22 the hospital with the knowledge of the police?

23 A. Yes, with the full knowledge of the police.

24 Q. Mr Witness, I want you to look at page 74. What date was
15:35:02 25 that?

26 A. Friday, 23rd January 1998.

27 Q. 1998?

28 A. Yes.

29 Q. I want you to look at serial number 0745.

1 A. 0745. Yes, I've seen it.

2 MR WERNER: Just for clarity, that is not the serial
3 number.

4 PRESIDING JUDGE: I think that's the time. The serial
15:35:35 5 number is 6.

6 MR MANLY-SPAIN: The serial number is 6. Sorry, Your
7 Honour.

8 THE WITNESS: The time is 0745.

9 MR MANLY-SPAIN:

15:35:46 10 Q. Can you read that entry for me?

11 A. Yes, "Day shift personnel comprised of the following
12 numbers: 6240, 1608, 4602, [sic] 3527, 4566, 6006, 3947, 1675,
13 1521, 35, 5886, 48, 78, 5106, 1893, 1895, 2507, SCS11, 72, 367,
14 ASP Rogers and myself present and at the same time paraded for
15:36:27 15 duty. They were inspected by DSI Kamara and found clean, fit and
16 ready for duty. The shift lectured on general police duty by
17 4878 before detainees as follows, duty officer" - is now what we
18 call desk officer - "3947. Lock up orderly 1608. Crime reserve:
19 6240, 4062, 3527, 4566, 6006, 1675, 1521, 35, 5886, 4878, 5106,
15:37:13 20 1893. UPA leave: 2183. Not yet seen for duty: 4779 and 5604.

21 Two (2) suspects in custody for various criminal offences in
22 charge shift, 2057. The area seems to be quiet at the moment,
23 otherwise no serious reports".

24 Yes, I've read it.

15:37:40 25 Q. Mr Witness, I want to ask about the personnel that have
26 been recorded on this page. Were they police officers?

27 A. All of them.

28 Q. Was it normal to record those present on the station diary?

29 A. Every day parade, every day parade.

1 Q. What was the book you said you recorded the names of the
2 present officers?

3 A. That is the attendance register, it is quite different than
4 this diary.

15:38:22 5 Q. It is also the case that you recorded in the diary those
6 who were present?

7 A. We parade shifts. And we do the paperwork here in this
8 diary.

9 Q. You remember I asked you about muster parades?

15:38:31 10 A. Yes.

11 Q. And then about recording the names of present officers in
12 the diary?

13 A. Yes.

14 Q. I was right, is that not so?

15:38:39 15 A. Yes. After the muster parade, we wrote the people here in
16 this diary. Attendance register we have separately.

17 Q. Okay.

18 A. Yeah.

15:39:01 19 Q. Mr Witness, did you witness, or did you receive any report
20 of threats to burn houses?

21 A. Threat to burn houses?

22 Q. Yes.

23 A. I received several reports that houses have been burnt down
24 in Kenema and the environ. Not even threat, that they are burnt
15:39:27 25 down to ashes.

26 Q. Please concentrate on my question, please.

27 A. I did not receive a report of threat of burning houses.

28 Q. Do you know whether your station received any such report?

29 A. No, I do not know.

1 Q. Did you have SSD officers attached to that station, Kenema
2 station, not the CID branch?

3 A. Yes, we have SSD personnel attached to Kenema police
4 station.

15:40:01 5 Q. Do you even know of any report made against one such
6 officer?

7 A. No.

8 Q. That he had threatened to burn a house?

9 A. No.

15:40:16 10 Q. I want you to turn to page 5. Serial number 29 and 30.

11 A. Yes.

12 Q. Did you make those entries?

13 A. Let me read.

14 Q. Thank you.

15:41:10 15 A. No.

16 Q. You did not?

17 A. At all.

18 Q. Have you seen them before?

19 A. No, no.

15:41:32 20 Q. Do you see the name of one Bri ma Kpaka?

21 A. Yes.

22 Q. Recorded there?

23 A. Yes.

24 Q. Do you know that person?

15:41:42 25 A. No.

26 Q. Is it the same Bri ma Kpaka --

27 A. I can't tell.

28 Q. -- as the one you have spoken of before?

29 A. I cannot tell.

1 Q. You cannot tell. Mr Witness, how many pages of this diary
2 have you looked at?

3 A. I have not gone all over of the diary, but I have looked at
4 the important areas of it.

15:42:33 5 Q. Which areas are they?

6 A. Like the areas I previously read to this Court.

7 Q. You mean the five pages?

8 A. Yes.

9 Q. Are you really saying that the rest of the pages in the
15:42:57 10 diary are not important?

11 A. They are important, but we have the appropriate authority
12 who is in charge of that. He is supposed to read and satisfy
13 this diary and that is my boss.

14 Q. Do you still have a diary there?

15:43:13 15 A. The diary is here, yes.

16 Q. Can you identify on that diary the entries that you
17 personally made?

18 A. Yes.

19 Q. Take us through it.

15:43:29 20 A. If you go to page 2, serial number 13, I made that entry as
21 the station sergeant. I parade my men; after that, I do the
22 paperwork. So I made that entry on SD13 at 0745.

23 Q. Yes, carry on.

24 A. You want me to read it.

15:44:07 25 Q. No, no, just show us other entries you made.

26 A. If you turn to page 6, serial number 33, I made that entry;
27 page 7, serial number 40, I made that entry; page 12, serial
28 number 7, I made that entry; page 19, serial number 7, I made
29 that entry.

1 Q. Okay, Mr Witness, were you the one who made the entries
2 concerning BS Massaquoi ?

3 A. Not at all .

4 Q. Were you there, Mr Witness, at the police station when he
15:46:01 5 was taken there?

6 A. I was right there.

7 Q. The second time?

8 A. I was right there, yeah.

9 Q. You agree with me he was taken there twice?

15:46:08 10 A. Yes.

11 Q. And you were there on both occasions?

12 A. Yes.

13 Q. How many times was he released?

14 A. Well, when he was transferred to the police, one time.

15:46:27 15 Q. Mr Witness, I'm going to conclude now. I want to ask you
16 at the date in 1997 when you saw this poor farmer being shot or
17 having been shot -- first of all, let me ask you: Did you
18 witness him being shot?

19 A. I did not. I was on my way going there when I heard the
15:46:55 20 shot.

21 Q. Okay.

22 A. I met him struggling to die. Mosquito was standing right
23 there with his pistol .

24 Q. And you heard only one shot?

15:47:04 25 A. Two shots.

26 MR MANLY-SPAIN: I stand to be guided.

27 THE WITNESS: I heard two shots.

28 MR MANLY-SPAIN:

29 Q. Two shots?

1 A. Yes.

2 Q. Okay. The street, you said was called Maxwell Khobe
3 Street?

4 A. That is the street where they marched through to their own
15:47:35 5 building which is along Dama Road.

6 Q. At that time was it Maxwell Khobe Street?

7 A. No, Maxwell Khobe Street is opposite my own office.

8 Q. What was the name of the street at the time?

9 A. Maxwell Khobe Street used to be called Maxwell Street.

10 Q. Okay, thank you. I want to ask you a question about
15:47:50 11 Mrs Dowe .

12 A. Yes.

13 Q. Did she make a report to the station or did she just tell
14 you about what happened?

15:48:10 15 A. He made a report. The report was entered into the dairy.
16 She made a statement. Some witnesses even came and made
17 statements. There was a whole case and inquiry file on that
18 matter.

19 Q. I want to refer you, Mr Witness, to your interview notes of
15:48:42 20 25th November 2004.

21 MR MANLY-SPAIN: Your Honour, I believe it is page 7304.

22 THE WITNESS: Page?

23 MR MANLY-SPAIN: Page 7304, I believe.

24 THE WITNESS: I don't have 7304.

15:49:14 25 MR WERNER: The witness is looking at the diary.

26 MR MANLY-SPAIN: No, it's not you, sorry. I am not asking
27 you to read. Can you please take it back from him. I'm sorry,
28 Mr Witness. I don't know whether Your Honours have found it.

29 Q. I want to read to you, Mr Witness, what you told the

1 investigator. It is number 12. Let me read it: "There were
2 killings in Kenema. One incident was the killing of a man called
3 Doweï. I was told about the killing of this man. He apparently
4 refused to give up his goods and was shot on the spot by the
15:49:55 5 soldiers. The soldiers took rebels. This event occurred right
6 after the takeover. Doweï's wife came to me about the event, but
7 I was not present."

8 Is that what you mean to say she made a report, there was a
9 case filed, et cetera, et cetera? Please answer my question.

15:50:18 10 When you state this to the Prosecution do you mean that there was
11 a report and a case file was made of the incident?

12 A. She made a report, the report is in the diary.

13 Q. Mr Witness, please, answer my question.

14 A. And there was a case and inquiry filed.

15:50:39 15 Q. I asked you a question. Please answer it.

16 A. Read -- please repeat your question once again.

17 Q. Okay. Thank you. "There were killings in Kenema. One
18 incident was the killing of a man called Doweï. I was told about
19 the killing of this man. He apparently refused to give up his
15:50:59 20 goods and was shot on the spot by the soldier rebels. This event
21 occurred right after the takeover. Doweï's wife came to tell me
22 about the event, but I was not present." I'm asking you, when
23 you made this statement do you mean that Doweï's wife made a
24 report and the case file was developed?

15:51:22 25 A. Yes, she made a report and a case and inquiry file --

26 Q. Okay, that is all I'm asking. I want you to listen again.
27 I'm going to 13, Your Honour. "Another time soldiers attacked a
28 very fat man. They said he was a Kamajor and they attacked and
29 killed him. They cut open his belly and took out his intestine

1 and stretched it across the road. They joked that this was now a
2 checkpoint. This occurred in the middle of the AFRC rebel
3 period, maybe September 1997. This man was an unarmed civilian.
4 I did not see the killing, but I saw the body afterwards. I
15:52:18 5 went to the body and checked for myself. There had been a fight
6 the night before and they were shooting throughout the night.
7 The next day I saw this dead man, and I assumed that he had been
8 killed because they thought he was a Kamajor." Is that what you
9 told the investigators?

15:52:38 10 A. Yes.

11 Q. Is that what you have told this Court today?

12 A. It's almost the same.

13 Q. Is it the same?

14 A. Almost the same.

15:52:49 15 Q. Is it the same, Mr Witness? What did you tell the Court
16 this morning?

17 A. I told the Court that one morning they launch Operation No
18 Living Thing. For the rest of the day there was shooting and
19 widespread looting in the entire Kenema township. In the

15:53:18 20 night-time they continued shooting and looting, but I did not see
21 any Kamajor in the entire Kenema township. So when day break in
22 the morning hour, I saw a big fat man lying in the street of
23 Hangh Road, motionless. They were dancing and singing that they

15:53:40 24 have captured and killed the Kamajor boss. I saw one of the
25 soldiers later took out his bayonet, stabbed the man in his
26 stomach, open his belly and remove his intestines and put that
27 across the street. They made it as a sort of checkpoint. They
28 were there for about three days. That is exactly what I told the
29 Court.

1 Q. Thank you. I am putting it to you that that is different
2 from what you told the investigators.

3 A. I believe it's almost the same thing.

4 Q. You said, "I did not see the killing, but I saw the body
15:54:14 5 afterwards. I went to the body and checked for myself."

6 A. Yes.

7 Q. Okay. When did you go to the body? After the checkpoint
8 had been made?

9 A. No, by then he was motionless.

15:54:32 10 Q. Before the checkpoint?

11 A. Yes.

12 Q. So you were present, were you not, when this bayonet was
13 put in his stomach?

14 A. No, I came back and stood in my verandah and continuing
15:54:47 15 looking.

16 Q. No, no, no, were you present when the bayonet was put in
17 his stomach?

18 A. I saw the incident clear but I was not at the scene.

19 Q. Were you present, Mr Witness, when the bayonet was put in
15:54:57 20 his stomach.

21 A. I was standing right in my verandah and I saw it clearly.
22 I was not at the scene.

23 Q. Thank you very much.

24 A. I was not at the scene, but I saw it happen. I was
15:55:10 25 standing at a distance. That is what I'm trying to say.

26 Q. Mr Witness, that is the third version you are giving us of
27 this incident: The one in your statement; the one when you said
28 you walked to where they were, they were jubilating and this
29 bayonet was put in his stomach; and now you are saying you were

1 at your verandah.

2 A. I want you to understand me and just believe what I'm
3 saying.

4 Q. I want you to speak the truth, that is all.

15:55:34 5 A. That is the truth.

6 Q. All three of them?

7 A. I saw the man lying there motionless. I went there and I
8 saw him, he was dead. I returned and stood in my verandah. That
9 is some distance, about 100 yards, but I can see from my

15:55:47 10 verandah. I can see them clearly, that is what I'm trying to
11 say, when his belly was cut open.

12 Q. Mr Witness, this morning did you tell this Court that you
13 returned to your verandah before his belly was cut open?

14 A. I cannot say everything here now in this Court, but the
15:56:04 15 most important thing that comes into my mind is what I'm going to
16 put to the Court. If I say I'm going to say everything --

17 Q. Mr Witness, don't forget that you are a police officer.

18 A. But I've stated the most important thing that this Court
19 has needed.

15:56:18 20 Q. That is what you think the Court needs.

21 MR WERNER: That is argumentative, I'm sorry.

22 MR MANLY-SPAIN: I'm sorry, Your Honour.

23 Q. But, Mr Witness, did you say to the Prosecution: "The next
24 day I saw this dead man and I assumed that he had been killed
15:56:43 25 because they thought he was a Kamajor." Did you say that to
26 the --

27 A. Yes, I said it. I said it. They were openly dancing and
28 singing that they have captured and killed the Kamajor boss.

29 Q. That is not what you said here. I asked you about what you

1 said to the officers who were taking your statements.

2 A. I can even say so many other things that I have left out.

3 MR HODES: I'm rising to object because actually

4 Mr Manly-Spain objected to the witness talking about it and I'm

15:57:15 5 looking at the draft of this morning's transcript.

6 Mr Manly-Spain objected to this witness opining that the person

7 who was dead was possibly a Kamajor. So now he is somehow

8 impeaching the witness by not being able to tell the Court

9 earlier today that this man was a Kamajor. So I would ask the

15:57:33 10 Court to stop this line of questioning if he wants to continue to

11 impeach him on something that he stopped him from testifying to

12 earlier.

13 MR MANLY-SPAIN: I'm sorry, Your Honour, I think I have

14 been misunderstood. I can understand the Prosecutor's point, but

15:57:54 15 what I have been pressing on, what I have been questioning on, is

16 the fact that this witness was not present at the time of the

17 alleged incident. Not his assumption, et cetera. You will

18 remember, Your Honour, when I was reading I said, "The next day I

19 saw this dead man" and stopped but, from your directions, I

15:58:18 20 should not stop in the middle of a sentence. That is why I went

21 on to read the rest of the sentence. But the point of my

22 question in cross-examination is to show that this witness did

23 not witness any such incident.

24 JUDGE SEBUTINDE: What incident are we talking about? The

15:58:35 25 killing or the removal of the intestine? They are two incidents.

26 MR MANLY-SPAIN: The killing first of all.

27 JUDGE SEBUTINDE: There are two incidents.

28 MR MANLY-SPAIN: Yes, Your Honour. The killing first of

29 all, the removal of the intestines secondly. He has given an

1 answer for the removal of the intestine, to say he was not there,
2 he went to his verandah from where he could see. I don't quarrel
3 with that.

4 JUDGE SEBUTINDE: So what is your point, Mr Manly-Spain?

15:59:03 5 MR MANLY-SPAIN: That did he did not see the killing.

6 JUDGE SEBUTINDE: Has he claimed to have seen the killing?

7 MR MANLY-SPAIN: Yes, Your Honour.

8 JUDGE SEBUTINDE: He did not claim that in chief or in
9 cross-examination earlier. He didn't.

15:59:11 10 THE WITNESS: I never saw the killing. The man was
11 motionless. I went there and saw for myself --

12 MR MANLY-SPAIN:

13 Q. If you say you never saw the killing then that's fine with
14 me.

15:59:30 15 A. Okay.

16 Q. I want to understand something, Mr Witness. In the next
17 paragraph, 15, of your statement you say, as follows -- you said
18 as follows: "Two other boys were walking at the Capital Cinema
19 and Mosquito claimed that they were stealing medicines from
20 Medecins Sans Frontieres. The boys were killed and Mosquito
21 dropped the bodies in front of my house." They remained there
22 for days. They were dropped there because Capital was across the
23 street from my compound. I saw the corpses afterwards. I was
24 told Mosquito had killed the boys. This occurred around 1997.

16:00:16 25 It was raining at the time." I want to ask you --

26 MR WERNER: Sorry, but the -- August 1997.

27 MR MANLY-SPAIN: August 1997. Sorry.

28 Q. Does this statement have any relationship with the report
29 by Medecin Sans Frontiers to the police about their drugs being

1 stolen?

2 A. Yes, that report was there.

3 Q. Okay.

4 MR MANLY-SPAIN: I seemed to have put the wrong question,
16:01:04 5 the wrong name. The name he used this morning was ICRC. That is
6 what I want to ask about.

7 Q. Was it the same report by the ICRC, this incident, instead
8 Medecin Sans Frontier. Was it ICRC?

9 A. Well, in my statement, ICRC or Medecin Sans Frontier, that
16:01:33 10 two group, either one of them, because it has taken sometime so I
11 cannot keep it in my head.

12 MR MANLY-SPAIN: Thank you.

13 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Ms Thompson?

14 MR FOFANAH: Your Honours, may I respectfully apologise for
16:02:20 15 coming late. I had very serious and urgent domestic matters to
16 attend to which were not foreseen.

17 PRESIDING JUDGE: Very well, Mr Fofanah.

18 CROSS-EXAMINED BY MS THOMPSON:

19 Q. Mr Witness, I just have a few questions for you. This
16:02:41 20 morning you gave us an account of what happened to the person you
21 said was Bonnie Wailer - the person you refer to as Bonnie
22 Wailer. Now, may I just ask you: when Mosquito gave the order
23 to shoot these people, how many people did they shoot?

24 A. Three of them.

16:03:04 25 Q. And you were present throughout this incident?

26 A. Yes.

27 Q. Now, you've answered to my learned friend that you recall
28 making various statements to an investigator from the Special
29 Court. Can I just read part of your statement to you, the

1 statement you made on 30 January 2003.

2 A. Okay.

3 MS THOMPSON: Your Honours, I'm looking at starting at page
4 7298, the very last line.

16:03:57 5 Q. Now, this statement - I'm not going to read the entire
6 paragraph. There you have been talking about what Bonnie Wailer
7 said to you, the conversation between yourself and Bonnie Wailer
8 and as to why he was there. Then you go on, "Whilst in this
9 conversation, soldiers came from the AFRC secretariat and
16:04:13 10 demanded that he, the suspect, be handed over to them. I only
11 recognised an RUF man among them called Junior. They withdrew
12 him from the cell and asked him also his colleagues he went to
13 steal together with. Bonnie Wailer mentioned names to them and
14 the AFRC/RUF men took him away on board a vehicle. They returned
16:04:41 15 shortly with three others and shot four of them at the police
16 compound in Kenema. They took their bodies away." Is that the
17 same as you told us this morning?

18 A. Well, I can remember three police, three of them were shot.
19 Maybe that's a mistake; the figure is a mistake.

16:05:04 20 Q. The figure was a mistake.

21 A. Yes.

22 Q. When did they take the bodies away -- sorry, which figure
23 is a mistake, the four of them figure or the three?

24 A. The three is correct.

16:05:17 25 Q. Okay. When did they take these bodies away?

26 A. Later in the day.

27 Q. You see, when I read your statement, it doesn't say later
28 in the day. It appears to me, from my understanding, that it was
29 taken that same day. "They took their bodies away." This poor

1 farmer you told us about this morning, did you know him before
2 this incident?

3 A. No.

4 Q. You didn't. How did you know he was a farmer then, let
16:06:10 5 alone a poor farmer?

6 A. Well, from the look, he was having his machete; he was
7 dressed in fatigue cloth and he has mud on his foot.

8 Q. Now, let me just stop you there, Mr Witness. You have
9 given your evidence in English and the Learned Judge has pointed
16:06:30 10 this out several times. Please try to give your evidence in the
11 past tense. When you took, what we're understanding is that
12 you're talking about all this happening now. We're talking about
13 a time frame, so if you try to give your evidence in the past
14 tense, it would be very helpful.

16:06:48 15 A. Okay.

16 Q. So if you could just go over that again, please?

17 A. This poor farmer was dressed in fatigue. He was having his
18 cutlass and mud all over his body.

19 Q. So from that you knew he was a farmer?

16:07:07 20 A. Yes.

21 Q. Or you assumed he was a farmer. I would be right to say if
22 I say "assumed"?

23 A. Yes, you're right.

24 Q. Then how did you know he was a swamp farmer then?

16:07:20 25 A. I saw the mud on his body. When somebody is brushing a
26 swamp, you can know, and when he is brushing a land farm, you can
27 know.

28 Q. Okay. Around what time of the year did this incident
29 happen?

1 A. That is the early stage of the revolution. I cannot
2 remember the time of it now.

3 Q. So we're talking about early 1997 -- sorry, during the
4 rainy season; we're talking about mid-1997?

16:07:53 5 A. Yes.

6 Q. During the rainy season?

7 A. Yes.

8 Q. So he could have been working on muddy land as opposed to a
9 swamp?

16:08:03 10 A. Yes.

11 Q. You're just assuming that he was a swamp farmer?

12 A. He was, because when somebody's brushing a swamp and a land
13 farm, the difference is easy to know. He has the mud, and his
14 feet was wet, you know.

16:08:25 15 JUDGE SEBUTINDE: Sorry, Ms Thompson, I'm just lost. I
16 don't know what fatigue is and I don't know what mod is.

17 MS THOMPSON: Sorry, Your Honour.

18 Q. When you say mud - are you talking - say mod, because I
19 think what came through was mod. Are you talking about mud, as
16:08:42 20 in M-U-D?

21 A. Yes, from the swamp.

22 Q. Okay. What do you mean by fatigue?

23 A. Working cloth.

24 Q. Okay. Now, when you made your statement to the
16:08:56 25 investigators, did you tell them about this farmer?

26 A. Yes, I told them.

27 Q. If I read this to you - Your Honours, I'm reading page
28 7304, paragraph 14 - "Another time, two young boys were brushing
29 the swamp to plant rice. Mosquito branded them as Kamajors and

1 brought them to the NIC building. We heard the shootings and
2 went over afterwards and saw the bodies. There were holes in the
3 back of the building and they just threw the bodies into the
4 hole. Mosquito did the killing by himself."

16:10:02 5 Now, the story you told us this morning, does it have any
6 relationship to this incident you described in your statement?

7 A. Yes, that is the exact story.

8 Q. Okay. How many people did you see, one poor farmer or two
9 young boys?

16:10:14 10 A. One.

11 Q. Why have you got one and two young boys in that statement?

12 A. That could be a mistake.

13 Q. By whom?

14 A. Perhaps the recorder.

16:10:22 15 Q. What language were you talking in?

16 A. English.

17 Q. What language was the recorder writing your statement in?

18 A. English.

19 Q. Did he read it back to you?

16:10:43 20 MR WERNER: That would be answered by 7302, which is this
21 matter will not be reviewed by the witness or read back to him.

22 MS THOMPSON: Your Honour, I'm aware what is at the top of
23 the statement. I still think my question is valid.

24 PRESIDING JUDGE: I think counsel is entitled to ask that
16:11:15 25 question if she is putting a prior inconsistent statement.

26 MS THOMPSON:

27 Q. Did he read it back to you?

28 A. Yes, he did.

29 Q. As a police officer, you are used to statement-taking, are

1 you?

2 A. Every day. That's my job.

3 Q. So you will know how important it is to get a statement
4 down accurately?

16:11:35 5 A. Yes.

6 Q. You know how important it is to get a witness's account
7 down accurately?

8 A. Yes.

9 Q. Did you at any time quarrel with the person who was taking
16:11:43 10 down your statement, or at any time ask him about the accuracy of
11 the statement he had taken from you?

12 A. No, I did not.

13 Q. Now, in this statement here, you've corrected this, but you
14 say it wasn't two young boys, it was one poor farmer. Here,
16:12:09 15 again you say, "Mosquito did the killing by himself." How do you
16 know that? Were you there?

17 A. I was not there.

18 Q. So how do you know he did the killing by himself?

19 A. Well, the circumstances surrounding the issue, because
16:12:25 20 Mosquito was found right there --

21 Q. Mr Witness, please answer the question. How do you know he
22 did the killing by himself?

23 A. The gunshot I heard came from a pistol and Mosquito was
24 with a pistol. All his boys were armed with an AK-47 rifle. And
16:12:46 25 he was boasting that he was going to draw out all of the Kamajors
26 and gave order that they should be dragged to the pit. So
27 because of the circumstances surrounding the issue, that is why I
28 say, Mosquito himself did the killing. The onlookers confirmed
29 that he did the shooting.

1 Q. Can I just ask you this, I'm just curious: are you an
2 expert in guns and ammunition?

3 A. Well, I'm not an expert, but at least I'm conversant with
4 the guns.

16:13:13 5 Q. Are you trained in different types of guns and gunshots?

6 A. Yes, I'm well trained in musketry and in firing.

7 Q. Now, I think you answered my colleague the issue whether it
8 is ICRC and Medecin Sans Frontiers, you can't be sure which?

9 A. Yes.

16:13:45 10 Q. A report was made to the police?

11 A. Yes, exactly.

12 Q. And you don't have access to that report now; that's your
13 evidence, is it?

14 A. No, no.

16:14:01 15 Q. You told us this happened in late 1997. When you were
16 giving evidence this morning, you said that particular incident,
17 the incident with the theft from this NGO happened in late 1997?

18 A. Yes.

19 Q. Was that after the rainy season?

16:14:14 20 A. Almost, yes.

21 Q. Almost after. Had the rainy season ended?

22 A. September.

23 Q. You're giving now September. Okay, this morning you
24 said November.

16:14:23 25 A. Yes.

26 Q. In your witness statement --

27 A. The rain ends September.

28 Q. Hang on a minute, let me just finish the question, sir.

29 Let me just finish the question. This morning you said November.

1 Now you've just said September.

2 A. No, the rain ends in September in our country here.

3 Q. Sorry, sir let me finish the question then you can answer

4 me. You wouldn't be able to answer me unless I finish the

16:14:42 5 question. It is not a trick question, please. September

6 now, November this morning and, in your statement, the one which

7 was read out to you by my colleague, you said this occurred

8 around August 1997, "It was raining heavily at the time."

9 Exactly when did this incident happen? Do you see my question

16:15:03 10 now. You have given three different months.

11 A. That is why I always say "about". I cannot be precise.

12 This is a very long time.

13 Q. Mr Witness, I appreciate it is a long time. We know you

14 cannot be precise about everything. Like I said to you, you are

16:15:19 15 a police officer. You must appreciate the importance of

16 accuracy. If you cannot actually give precise evidence, then

17 please say so.

18 A. No, I do. That is why we record everything. If the

19 materials are available, that would have been an easier job. But

16:15:35 20 everything was destroyed. We have everything to record, but it

21 was destroyed.

22 Q. So if everything was destroyed and you are giving evidence

23 now off the top of your head, or just what you can recollect,

24 it's fair to say that you haven't been very accurate with this

16:16:03 25 Court and your evidence now, have you?

26 A. Like in dates, yes, like in dates. But I'm accurate over

27 the actions that they did. But the dates, I cannot say it from

28 off head.

29 Q. I put it to you, Mr Witness, we cannot rely upon anything

1 you have said today in evidence?

2 A. I wish I had a video camera at that time. I would have
3 produced the correct picture to you so you would believe.

4 Q. Mr Witness, please just answer the question. Whether you
16:16:44 5 had a video camera or not really is not the answer.

6 A. I have told this Court the truth and nothing but the truth,
7 so help me God.

8 Q. Now, during the period that this was happening, May 1997
9 to February 1998, did you leave Kenema? You have told us at the
16:16:56 10 beginning of the coup you were in Freetown and then you left to
11 go to Kenema. Since you went to Kenema, did you leave at all?

12 A. Throughout that period I was in Kenema.

13 Q. After February 19th, when was the first time that you left
14 Kenema?

16:17:12 15 A. When the Kamajors enter and took over the entire Kenema
16 township. That was a Sunday, so I went into hiding. Monday, the
17 AFRC and juntas returned, apparently, to take Kenema - to retake
18 Kenema township. So in the evening hours I escaped. I went out
19 of Kenema to a nearby village.

16:17:36 20 Q. That was when? What month?

21 [TB240605F - JM]

22 A. That was, I think, early March. Either late February or
23 early March when the Kamajors entered the township.

24 Q. If I read this to you, will it ring a bell - page 7303,
16:17:56 25 Your Honours, paragraph 10 - "We pulled out of Kenema in February
26 1998 because we had heard about Operation Pay Yourself. Mosquito
27 had taken an ambulance from the government hospital, went around
28 town announcing that there was a final operation, a final push to
29 get all the properties and whatnot. This was Operation Pay

1 Yourself to loot everything before they pulled out of Kenema. We
2 heard about this and fled to save our lives, but our property was
3 all looted when we returned."

4 Did you pull-out in February 1998?

16:18:32 5 A. Yes, at that time we went to RTI camp, it's outskirts of
6 Kenema, and we returned the following day. The final pull-out
7 was either late in February or early March, and finally left
8 Kenema township.

9 Q. In this statement I've just read to you, you haven't
16:18:54 10 mentioned anything about running away from the Kamajors.

11 A. From the Kamajors?

12 Q. Yes, you've said you ran away because the Kamajors entered
13 on a Sunday.

14 A. Yes.

16:19:09 15 Q. In this statement, you didn't mention that. There's
16 nothing about the Kamajors running. Let me ask you this: Why
17 did you run away when the Kamajors were coming?

18 A. Because we've already had intelligence that some police
19 officers betray their colleagues by joining forces with the rebel
16:19:35 20 and the juntas. So when they come, they will teach every police
21 officer a lesson. So there is no need for me to sit down and
22 wait for the Kamajor to come and cut off my head. That's why I
23 went into hiding.

24 Q. Mr Witness, I put it to you that the reason why you had to
16:19:55 25 run away was because you were a AFRC/RUF collaborator. That's
26 the reason why you had to run away from the Kamajors. You were
27 working for them and you were working with them. Isn't that the
28 case?

29 A. That is not the case, My Lord.

1 Q. You're Mosquito's friend. You said they were your
2 brothers.

3 MR WERNER: That is argumentative.

4 THE WITNESS: All of them were my brothers.

16:20:18 5 MR WERNER: That is argumentative.

6 THE WITNESS: All of them. They were friends, they were
7 brothers.

8 MS THOMPSON:

9 Q. They were friends and they were brothers?

16:20:24 10 A. Yes.

11 Q. That's why you ran away. Isn't that the case?

12 PRESIDING JUDGE: He has answered the question,
13 Ms Thompson.

14 MS THOMPSON:

16:20:36 15 Q. Now, you've answered this -- well, some of this in
16 evidence-in-chief and when you were giving answers to my learned
17 friend about the diary. When you went to the police station and
18 found these documents on fire, were you the only police officer
19 present?

16:20:59 20 A. All of us were there. We gathered around, we tried to pick
21 some of the important documents from the fire.

22 Q. So apart from this diary which was saved and which has no
23 burn marks on it, you'll agree with me, because you saw it this
24 morning, didn't you, it has no burn marks on it?

16:21:16 25 A. Yes. It was lying apart.

26 Q. Okay. So apart from this diary were you able to save case
27 files, for example?

28 A. Yes, some case files were saved.

29 Q. So other documents were saved?

1 A. Yeah.

2 Q. Okay. Once you got hold of that diary what did you do with
3 it?

4 A. I kept it safely.

16:21:38 5 Q. Where?

6 A. I know the place. You have to be careful. Otherwise, they
7 kill you for nothing.

8 Q. I'm not asking you to specify your house or something like
9 that. I mean, was it kept in your office or in a safe?

16:21:57 10 A. In my house.

11 Q. In your house. Why did you not give it to the exhibit
12 clerk, because before you told us that the exhibit clerk was
13 responsible for these sort of things. Why did you not surrender
14 it to the exhibit clerk?

16:22:12 15 A. By them, all of them have gone into safe haven. The
16 exhibit clerk was not there. The majority of the personnel were
17 out of town.

18 Q. But other officers were present at this time, were they
19 not?

16:22:27 20 A. Yes, my staffs were present.

21 Q. Members of your staff were present?

22 A. Yes.

23 Q. What about your superiors, were they present?

24 A. Well, some came to the station later.

16:22:40 25 Q. Did you say to your superiors, then, that I have saved the
26 diary?

27 A. Yes.

28 Q. I have got it?

29 A. Yes. Direct to the OCC when he came to the office later,

1 and he asked that I should keep it safe.

2 Q. So you were keeping this diary on the command of your OC?

3 A. Yes.

4 Q. And you kept it and you surrendered it to the Special
16:23:05 5 Court?

6 A. Yes.

7 Q. Okay. Now, in all that time that you kept that diary, did
8 you once look at it, just look at the entries, go through the
9 entries in that diary?

16:23:17 10 A. Yeah, I was more concerned about the entry in respect of
11 BS Massaquoi and others.

12 Q. When did you realise that those entries would be important
13 entries?

14 A. Because I knew one day this case would come up, and that
16:23:39 15 diary is a documentary evidence. It is important to tender in
16 evidence. That was why I kept it.

17 Q. You knew one day that which case would come up?

18 A. The war tribunal.

19 Q. When did you first hear about the world tribunal -- war
16:23:59 20 tribunal?

21 A. I've read about it. After any war there must be a tribunal
22 to try people who are involved.

23 Q. Mr Witness, you probably know more than we do but when did
24 you first hear that there was going to be a war tribunal?

16:24:18 25 A. I know about war tribunal before this time.

26 Q. Before which time?

27 A. Long ago.

28 Q. Long ago when?

29 A. Before our own war.

1 Q. I'm not asking you about war tribunals in general. I'm
2 asking you about the war tribunal for the war which you know
3 about, this war, the war that we are here about. When did you
4 first know about that?

16:24:40 5 A. That there would be a case after the war?

6 Q. Yes.

7 A. I'm fully aware of that.

8 Q. When?

9 A. From secondary school days I know that if a war break out
16:25:00 10 and after the war all those involved will be prosecuted in court.
11 I know of that.

12 Q. Mr Witness, perhaps let's try it this way. When did this
13 fire happen?

14 A. When the Kamajor came in to rescue BS Massaquoi and
16:25:16 15 Brima Kpaka and others.

16 Q. When? Give me a month if you cannot give me an exact date.

17 A. That was in February. It was on a particular Sunday.

18 Q. In February.

19 A. I think that diary -- that diary is supposed to help us
16:25:31 20 with the date.

21 Q. This fire, that's what I'm asking you about.

22 A. Yes.

23 Q. Okay. Can you remember what month it took place?

24 A. February.

16:25:43 25 Q. February, fine. In February of 1998 -- am I right in
26 saying 1998?

27 A. You're correct.

28 Q. Yes. In February 1998 did you know they were going to have
29 a war tribunal in Sierra Leone?

1 A. I even know before that time.

2 Q. Then you would have been let into a secret which we were
3 not.

4 A. I even know before that time.

16:26:10 5 MR HODES: Your Honours, I'm going to object to Defence
6 counsel's comments with regards to responses.

7 PRESIDING JUDGE: I have already mentioned there will be
8 none of these facetious remarks. I mentioned that yesterday and
9 it applies to all counsel.

16:26:26 10 MS THOMPSON: Yes, Your Honour.

11 Q. Now, in this diary, did you check -- apart from the
12 reference to BS Massaquoi did you check to see in this diary
13 whether there were reports which you did not enter but reports of
14 looting, for example, of murders, that sort of thing? Did you
15 check?

16 A. No. Most of the looting cases were reported at the general
17 charge office. We operate two diary. We operate one at the CID,
18 the general duty operate one.

19 Q. Well, did you check for murder?

16:27:09 20 A. No, I didn't. For murder? Yes.

21 Q. You checked that diary for murder?

22 A. Yes, there were a series of murder cases.

23 Q. And did you note those entries in that diary?

24 A. The problem here is that those diaries have been destroyed.

16:27:27 25 Otherwi se --

26 Q. No, I'm not asking about other diaries, Mr Witness --

27 A. This parti cul ar diary?

28 Q. -- I am asking about thi s parti cul ar diary.

29 A. No, I did not check.

1 Q. You did not check. So you weren't interested in whether
2 this war tribunal that you'd known about would be interested in
3 murders committed by these rebels?

4 A. Yes.

16:27:46 5 Q. You were interested?

6 A. Yes.

7 Q. But not enough for you to check to see whether those
8 entries were in the diary?

9 A. They were there, but the diary was destroyed.

16:27:57 10 Q. No, I'm asking about this particular diary, the one which
11 you have tendered in court. We take it the others were
12 destroyed, I'm talking about this one. You did not check this
13 one to see whether there were entries of murders and that sort
14 of--

16:28:14 15 A. No, that's what I'm saying. I didn't check. But the past
16 diary had reports of murder cases.

17 MS THOMPSON: Thank you. I have no further questions for
18 this witness.

19 PRESIDING JUDGE: Mr Fofanah.

16:28:27 20 MR FOFANAH: Thank you, Your Honour.

21 CROSS-EXAMINED BY MR FOFANAH:

22 Q. Good afternoon, Mr Witness.

23 A. Good afternoon.

24 Q. I have only a few questions for you. Mr Witness, when you
16:28:38 25 were testifying this morning you indicated to the Court that you
26 were in Kenema throughout the nine months period of the AFRC/RUF
27 presence there; is that the case?

28 A. Yes, you're correct.

29 Q. And you even went further to state that you were there from

1 25th -- you said that period started from 25th May 1997 to
2 February 1998.

3 A. February 24th, May 1997, I left Kenema for Freetown. I was
4 in Freetown when the coup took place on 25th May 1997. I was
16:29:27 5 trapped down here in Freetown for about a week before ever I was
6 able to return to Kenema under hard constraints.

7 Q. Yes, but I'm just saying you said you were in Kenema this
8 morning. You said you were in Kenema for a period of nine months
9 and you described that nine months period when the AFRC and RUF
16:29:47 10 were occupying Kenema as starting from 25th May 1997.

11 A. No, I didn't say so. I said I was here when the coup take
12 place. I was trapped here for about a week. After that, I was
13 able to return to Kenema under hard constraints.

14 Q. I know that, Mr Witness. I know that.

16:30:06 15 A. From that time, I did not go anywhere. I was there until
16 the last day of the AFRC rule.

17 Q. So when did this nine months period start when, according
18 to you, the AFRC/RUF were at Kenema? When did the nine months
19 period start?

16:30:31 20 A. From the day they took over.

21 Q. Was that on 25th May 1997?

22 A. Yes, you're correct.

23 Q. So, Mr Witness, you agree with me that you were not in
24 Kenema for the entire nine months' period that you referred to.

16:30:48 25 Not so? Given that you spent at least a week from Freetown.

26 A. Yes, you're correct.

27 Q. So why did you say that you were in Kenema for the whole of
28 the nine months' period that the AFRC and RUF, according to you,
29 were in Kenema?

1 A. Well, perhaps that was a mistake. But I was in Freetown
2 when the coup occurred. It was about a week before I was able to
3 return to Kenema.

4 Q. And you made that mistake this morning, not so, under oath?

16:31:27 5 A. But to start with, my statement, I said I was in Freetown
6 when the coup took place. And I later returned after a week to
7 Kenema. From that point, I didn't go anywhere again. I was
8 there throughout that period.

9 Q. Mr Witness, you've told us that you were merely working as
16:31:57 10 a civil servant during that period at Kenema and you were never
11 associated with any of these forces?

12 A. At all.

13 Q. Now, given the scenario that you've described, kind of
14 horrors according to you that pervaded Kenema, did you feel
16:32:14 15 frightened and threatened when you were working with the AFRC/RUF
16 there?

17 A. No. Because I was having a very strong mind. I didn't
18 like what they were doing. That is why I intervened in some
19 cases to stop them. I was not frightened. I was not afraid.

16:32:34 20 Q. Were you relaxed?

21 A. Yes.

22 Q. So you were only frightened when the Kamajors came to
23 attack. Not so?

24 A. Even that, I was not frightened.

16:32:48 25 Q. But you've just told the Court that you ran away. You were
26 frightened and you ran away --

27 A. Yes. I went into hiding with my family, but I was not
28 frightened.

29 Q. Mr Witness, do you recall that there was some form of civil

1 di s obedi ence dur ing the AFRC/RUF peri od?

2 A. Yeah.

3 Q. And to the best of your knowl edge, are you aware that some
4 policemen refused to work during that peri od?

16:33:23 5 A. Yes.

6 Q. Was it comfortable for you to continue to work in those
7 circumstances?

8 A. Yes, to save my people. And I did save thousands of
9 people, yes.

16:33:40 10 Q. Mr Wi tness, you've told the Court that throughout this
11 peri od, Sam Bockarie, alias Mosqui to, was in Kenema. Not so?

12 A. Throughout?

13 Q. The nine months' peri od.

14 A. He was in charge of his rebels in Kenema, but he used to
16:34:05 15 travel to Freetown, Kailahun. He used to travel on and off, on
16 and off.

17 Q. To be fair with you, you have actually said that he went
18 out on one or two occasions. But will you agree with me if I say
19 that during this peri od, Sam Bockarie was in total control and
16:34:23 20 command of the fighters at Kenema?

21 A. You are very correct.

22 Q. And to the best of your knowl edge, he was RUF. Not so?

23 A. Yes.

24 MR FOFANA H: Thank you. No further questions.

16:34:36 25 PRESID ING JUDGE: Re-exami nati on, counsel .

26 MR WERNER: The Prosecution has no re-exami nati on for this
27 wi tness.

28 PRESID ING JUDGE: Just a mi nute.

29 [Tri al Chamber confers]

1 MS THOMPSON: Your Honour, your mic is on.

2 PRESIDING JUDGE: Sorry.

3 Thank you, Mr Witness. That is the end of your evidence.

4 There are no further questions, and we are grateful for you

16:35:40 5 coming in and giving your evidence today. You're at liberty to

6 leave the Court.

7 I think the curtains will have to be closed, is that right,

8 Mr Court Attendant, to allow the witness to leave the Court?

9 I think the appropriate thing to do in the circumstances

16:36:03 10 given the time is to adjourn until Monday morning. So as soon as

11 Mr Court Attendant has done that, we will have the Court

12 adjourned to Monday.

13 [The witness withdrew]

14 PRESIDING JUDGE: Mr Court Attendant, we'll adjourn court

16:37:21 15 to Monday morning, please.

16 [Whereupon the hearing adjourned at 4.37 p.m. ,

17 to be reconvened on Monday, the 27th day of

18 June, 2005, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P24 56

WITNESSES FOR THE PROSECUTION:

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