



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

FRIDAY, 22 JULY 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:	Ms Maureen Edmonds
For the Prosecution:	Mr Jim Hodes Mr Alain Werner Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearances
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah Mr Ibrahim Foday Mansaray Mr Andrew William Kodwo Daniels
For the accused Santigie Borbor Kanu:	Mr Geert-Jan Alexander Knoops

1 [Friday, 22 July 2005]

2 [AFRC22JUL05A - CR]

3 [Open session]

4 [Witness entered court]

09:18:16 5 [Accused Brima, Kamara and Kanu present]

6 [Upon commencing at 9.20 a.m.]

7 PRESIDING JUDGE: Good morning. I will remind the witness
8 of his oath. Mr Fofanah, you were still in the midst of your
9 cross-examination.

09:24:24 10 Mr Witness, when you started to give evidence in this
11 Court, you took the oath and promised to tell the truth. That
12 promise is still binding on you and you must answer the questions
13 truthfully. Do you understand this?

14 THE WITNESS: Yes, sir.

09:24:49 15 PRESIDING JUDGE: Please proceed, Mr Fofanah.

16 WITNESS: TF1-045 [Continued]

17 [Witness answered through interpretation]

18 CROSS-EXAMINED BY MR FOFANAH: [Continued]

19 Q. Good morning, Mr Witness.

09:24:54 20 A. Good morning, sir.

21 Q. Mr Witness, I want to go through with you [Microphone not
22 activated]

23 [Technical difficulty]

24 MR FOFANAH: Your Honours, we were looking at the
09:25:17 25 transcript.

26 Q. You remember I confronted you with the issue as to whether
27 you were in Monrovia or Cote d'Ivoire at the time of Foday
28 Sankoh's arrest before or immediately after. You said you were
29 somewhere between Ivory Coast or Monrovia, but you were not in

1 Sierra Leone. You can guide me clearly on that. I'm going over
2 that again. Where were you precisely - if I can start this way -
3 immediately before Foday Sankoh's arrest in 1996?

4 A. I was in Danane, Ivory Coast.

09:26:10 5 Q. Were you there immediately after his arrest?

6 A. Yes, I was in Ivory Coast when he was arrested in Nigeria.

7 Q. Mr Witness, I again put it to you that you had earlier told
8 this Court under oath in your testimony that four to five months
9 when you were with Sankoh at Zogoda, he sent you to Kailahun, and
10 that you remained in Kailahun until his arrest in 1996. I am
11 putting that to you that you remained in Kailahun until the
12 arrest of Foday Sankoh.

09:26:38 13 A. I did not say so. In fact, Kailahun, that was the first
14 time --

09:27:13 15 THE INTERPRETER: Your Honours, would the witness go a
16 little bit slower so as to give the interpreter time to interpret
17 accurately.

18 PRESIDING JUDGE: Mr Witness, could you speak a little bit
19 slower so the interpreter can keep up with you? I think start
20 your answer again, please.

09:27:28 21 THE WITNESS: Okay, sir. What I said, I said exactly I was
22 in Ivory Coast when Foday Sankoh was arrested. Then from there,
23 I went to Monrovia until the AFRC took over. Before, however,
24 that was the first time that I came through Kailahun since 1991.

09:27:58 25 MR FOFANAH: In that case, Your Honours, I'm referring to
26 the transcript of the closed session at page 11, lines 10 to 12.

27 Q. I will just read. Mr Witness, I'm reading from your
28 testimony in closed session on the 19th of July 2005. Listen
29 carefully and tell me if you recall making this testimony. There

1 was a question: "At that time, did you work with Foday Sankoh?"
2 And your answer was, "Yes, I worked with him up to four to five
3 months, then he sent me to Kailahun again. There I was until he
4 was arrested." Do you recall saying that?

09:29:00 5 A. No.

6 MR HODES: Your Honours, you only have to look at the
7 question right above that and it refers to the year 1999.

8 MR FOFANAH:

9 Q. Mr Witness, when you said you had spent four to five months
09:29:38 10 with Sankoh before he sent you to Kailahun, what period were you
11 referring to?

12 A. Well, the time that I was talking about was 1999. The time
13 that the Lome Peace Accord was in place when I had been with him
14 as security in Freetown here. Then the time that he and Mosquito
09:30:06 15 confronted each other, that was the time that he sent me and the
16 my other brothers, so as to go and talk to the soldiers, so as
17 not to take -- take the initiative that Mosquito had and asked
18 them to take, which I wanted to bring a fracas in the peace. So
19 we were set there. That was the time that I went back to
09:30:31 20 Kailahun.

21 Q. So is it your evidence that when you were here in
22 Freetown -- is it your evidence, first of all, that you were here
23 in Freetown in 1999?

24 A. Say it again.

09:30:58 25 Q. Is it your evidence, your testimony, that you were here in
26 Freetown in 1999?

27 A. Yes, '99. When Foday Sankoh came here. I told you that,
28 I've been with him.

29 Q. So what time in 1999 were you in Freetown?

1 A. Well, I cannot recall the exact dates, but the time, the
2 time they freed Foday Sankoh from the Lome Peace Accord and he
3 came to Liberia, immediately he came to Freetown here. Two days
4 he went to Kailahun. So when we went to Kailahun with the
09:31:42 5 General Jetley, the UN first commander, that was the time he came
6 with me in Freetown here as security.

7 Q. I take it that was after June, because the Lome Peace
8 Accord was in June 1997.

9 A. It was not in 1997, the Lome peace accord was in --

09:32:18 10 Q. 1999. Sorry, 1999 is what I meant.

11 A. Yes.

12 Q. And you said when you came to Freetown after June 1999, you
13 spent four to five months with Sankoh?

14 A. I spent up to that.

09:32:42 15 Q. So, was it towards the end of 1999 that he sent you to
16 Kailahun?

17 A. Towards that, yes, I can recall. Yes.

18 Q. So, throughout this four to five month period, you were
19 with Sankoh and not with Commander B?

09:33:15 20 A. At that time, Commander B was here, but he had said that I
21 should be with him initially. They had taken me from Commander
22 B, although I used to meet him, but I was with him at that
23 moment, because he was the one that handed me over to Commander
24 B.

09:33:31 25 Q. Okay. Now, we'll move on to the other questions. Remember
26 yesterday I was trying to get you to answer questions from the
27 meetings that you referred to which you said you attended. You
28 kept saying that you could not remember the specific months. You
29 kept coming between the months of September, October, November.

1 Now, when you came to Freetown in 1998 in September until the
2 time you left in December, were you in Freetown throughout that
3 period - 1997?

4 A. Well, repeat it again.

09:34:30 5 Q. You said you came to Freetown on 22 September 1997. You
6 said you attended various meetings between 1997, September, and
7 sometime in December 1997. Now, my question is: Did you remain
8 in Freetown throughout that period, September to December 1997?

9 A. Yes, I was with him. I was with Commander B until later he
09:35:02 10 sent me back. I went to Tongo.

11 Q. You never left Freetown throughout that period, September
12 to December 1997?

13 A. I did not leave Freetown, is that what you are trying to
14 say? I was not there or what?

09:35:24 15 Q. I mean up to the time Commander B sent you to Tongo from
16 September 1997 to the time he sent you to Tongo, which was
17 in December 1997, you never left Freetown, you were with him in
18 Freetown. You did not go anywhere else; is that the case?

19 A. No. I said he sent me back, I went to Tongo. I did not
09:35:47 20 leave this place. I was there up to -- it was December and he
21 sent me back to Tongo to go and do some mining for him.

22 Q. I understand that. I'm saying that before he sent you to
23 Tongo, which was in December 1997, you were with him from
24 September to the period he sent you to Tongo in December 1997.

09:36:07 25 Now, throughout that period you did not leave Freetown, you were
26 with Commander B; not so?

27 A. Yes.

28 Q. Okay. In that case, I'm going to put the statement to you
29 and tell me if you recall making it.

1 A. All right.

2 MR FOFANAH: Your Honours, I'm reading from page 8625,
3 paragraph 12. Can I go on?

4 PRESIDING JUDGE: Yes, please do.

09:37:17 5 MR FOFANAH:

6 Q. This is what you said in a very recent interview with you.
7 You said, "I was not present when Gullit was appointed by Johnny
8 Paul Koroma as a mining commander for Kono. In October 1997 I
9 had to go to Kono. When I was in Kokwema, I saw mining sites. I
09:37:39 10 also saw armed men guarding civilians who were working. From
11 what I saw, I can tell that first -- I can tell at first mining
12 was going on." Do you recall making that statement very recently
13 in May 2005?

14 A. Yes, I made that clear; I said so.

09:38:10 15 Q. So you actually went to Kono in October 1997?

16 A. No, it was not in October. The time that I went back, the
17 time that I went to Tongo, that was the time that I left there
18 and went to Kono. I reached Njaiama Minikoro and then I arrived
19 at another town from Njaiama Minikoro when you come down from the
09:38:40 20 main line. That was where I stopped. The next day we returned.

21 It was - I was taken by somebody who asked me to drive his
22 vehicle. At that time I had gone back to Tongo.

23 Q. Let's start it this way. First of all, how long did you
24 spend at Kono when you went there? This time that you're talking
09:39:02 25 about?

26 A. I just went there. I reached in the afternoon and by
27 midday we were there for the whole of the day. It was just a
28 day. We spent one night. In the morning, we went back.

29 Q. Now, Mr Witness, why didn't you tell the Court that before

1 Mosquito first sent you to Kono to collect Johnny Paul you had
2 been there?

3 PRESIDING JUDGE: Was he asked, Mr Fofanah?

4 THE WITNESS: Make it clear.

09:39:34 5 MR FOFANAH:

6 Q. According to my recollection, the only time you went to
7 Kono during the period under review, I mean from the time you
8 came to Freetown and then the time you returned to Buedu was when
9 Mosquito sent you to collect --

09:39:52 10 PRESIDING JUDGE: Mr Fofanah --

11 MR FOFANAH: Yes.

12 PRESIDING JUDGE: -- I asked you a question. Please do not
13 ignore me.

14 MR FOFANAH: No, I'm not doing that. It was because the
09:39:59 15 witness was also -- Your Honour, may I be kindly guided by the
16 question again? I seem to have lost that.

17 PRESIDING JUDGE: [Microphone not activated]

18 THE INTERPRETER: Your Honour's mic is not on.

19 PRESIDING JUDGE: You asked him why did he not say
09:40:13 20 something, and I pointed out to you that he may not have been
21 asked. You have got to show that he was asked and failed to
22 answer the question truthfully or at all.

23 MR FOFANAH: I'm sorry about that, Your Honour. I will go
24 over the question again.

09:40:30 25 Q. When you were testifying before this Court, did you tell
26 the Court that you went to Kono and spent time at Njaiama
27 Minikoro?

28 A. When I gave that statement I did not testify here. When
29 they asked me, all the questions that were posed to me were the

1 ones that I answered and if there are any questions for my
2 statement, he said I would answer them again.

3 Q. Okay. So you were saying that you did not say you went to
4 Kono in October 1997?

09:41:10 5 MR HODES: Objection, Your Honour, that's --

6 PRESIDING JUDGE: Sorry, I was going to say, Mr Fofanah --
7 I let me take Mr Hodes's objection before I make any remarks of my
8 own. Mr Hodes, your objection.

9 MR HODES: The way I under understood the question, it was
09:41:26 10 basically putting words in the witness's mouth that he has said
11 something that I don't think he has, first of all, ever been
12 asked and secondly, ever said.

13 MR FOFANAH: He was clearly asked about that when I read
14 out the statement to him, because the statement was very clear.
09:41:41 15 It said, "In October 1997 I had to go to Kono." Then I put the
16 question to him as to whether he recalled making that statement.
17 He said the only time he went to Kono was after he had left
18 Freetown when Commander B sent him to Tongo. So my question now
19 is -- I mean, whether the witness is saying that he did not go to
09:42:03 20 Kono in October 1997.

21 PRESIDING JUDGE: Mr Fofanah, the record shows -- or my
22 record rather shows that he went to Kono for one day, stayed
23 there overnight and went back. You asked him then why he didn't
24 say that in Court and I have written the following, "I did not
09:42:22 25 testify to it here. I said it in the statement only."
26 Therefore, he has at some point, according to his evidence, said
27 it in his statement, but wasn't asked about it in court. So, I
28 think it is unfair to you to put to him now, "Are you saying that
29 you did not go to Kono in October 1997?" Because he has not said

1 that and I consider that question unfair and I will not allow it.

2 MR FOFANAH: Even in his statement, Your Honour, he has not
3 said that, that he went to --

4 PRESIDING JUDGE: If there is a statement you are
09:42:57 5 entitled -- if there is a statement that contradicts what he is
6 saying here under oath, then by all means put it to him.

7 MR FOFANAH:

8 Q. Mr Witness, I'm going to read again the statement which I
9 had earlier put to you. I am still reading from page 8625, at
09:43:15 10 paragraph 12.

11 JUDGE SEBUTINDE: Mr Fofanah, before you read, the record
12 shows that you have read the contents of paragraph 12 in their
13 entirety. You then put a question to the witness whether he
14 stated that to the investigators, and he unequivocally said yes,
09:43:26 15 he did.

16 MR FOFANAH: As Your Honour pleases.

17 JUDGE SEBUTINDE: Now, carry on from there, don't take us
18 backwards, please.

19 MR FOFANAH: Thank you very much. I am most grateful.

09:43:39 20 Q. So, taking it from there, Mr Witness, I am putting it to
21 you that the statement which you gave to members of the
22 Prosecution team was to the effect that you were in Kono
23 in October 1997.

24 A. I was not there.

09:44:06 25 Q. Okay, we'll move on. Mr Witness, I am also putting it to
26 you that you never attended any meetings in Freetown, if you were
27 there at all.

28 A. Yes, I was there and I told you that I attended.

29 Q. And you also did not attend any meeting where you saw

1 Bazy.

2 A. I saw Bazy. How would you tell me? I was there and I was
3 the one that saw him.

4 Q. You also did not attend any meeting in which Kowas, the
09:44:57 5 army chief of staff, according to you, chaired the meeting.

6 A. I attended it. I told you that I and Kowas attended the
7 meeting. It was not a single occasion.

8 Q. Okay. In that case, we'll come to Kenema. Now, I'm
9 referring to the period when you said General Mosquito gave you
09:45:29 10 orders to pay yourself. By that I mean you said he said you
11 should loot since the AFRC is no longer in power and then gather
12 your loot and move out of Kenema. So that's the period that I'm
13 now talking about. Do you recall -- was it not the case that
14 General Mosquito looted three trucks from a Lebanese

09:45:56 15 businesswoman called FT.

16 Saad? And Saad is spelt S-A-A-D?

17 A. Yes. I said so.

18 Q. Was it not the case that these three trucks were filled
19 with looted items from Kenema and taken to Daru?

09:46:21 20 A. If you say Mosquito, yes.

21 Q. Was it not the case also that Mosquito looted the ambulance
22 in Kenema, the ambulance belonging to the government hospital in
23 Kenema?

24 A. Well, I saw a vehicle with him, but I did not know that he
09:46:43 25 took it from those people. But Mosquito had vehicles.

26 Q. Did you see and hear the ambulance with its sirens on
27 during this period of looting in Kenema?

28 A. Well, at that time, I did not see it. I did not see it.

29 Q. Now, shortly after Mosquito has killed BS Massaquoi, which

1 you testified to yesterday, was it not the case that he also went
2 and burnt down his houses at Massaquoi Street as well as Wamanabu
3 Road? I will spell as Massaquoi as M-A-S-S-A-Q-U-O-I and
4 Wamanabu Road is W-A-M-A-N-A-B-U R-O-A-D. Was it not the case
09:47:51 5 that he sent RUF men to go and burn down the houses of
6 BS Massaquoi at both Massaquoi Street and Wamanabu Road?

7 A. Yes, I heard about that.

8 Q. Was it not also the case that when Kamajors attacked Kenema
9 during this period when Mosquito was there, shortly before the
09:48:22 10 pull-out he ordered that civilians be killed at will?

11 PRESIDING JUDGE: "He" is Mosquito here?

12 MR FOFANAH: Mosquito, yes.

13 THE WITNESS: I saw the Kamajors attacking in Kenema, but I
14 did not see where he said to the civilians that --

09:48:50 15 THE INTERPRETER: Your Honours, would the witness take it
16 slowly, please.

17 PRESIDING JUDGE: Mr Witness, you have got very fast again.
18 Please go a little bit slower and start again. You said, "I saw
19 Kamajors". Please continue from there and speak more slowly for
09:49:14 20 the interpreter.

21 THE WITNESS: I saw Kamajors attacking Kenema. I myself
22 was there. In that attack, when it finished, after the other
23 day, at that time Freetown had already fallen into the hands of
24 ECOMOG. It was at the time that he took Mammy Saad's trucks, he
09:49:40 25 loaded them with medicine, with other things which he needed, and
26 took them up to railway. The only thing that I saw that he gave
27 orders about was Operation Pay Yourself. He said, "You should
28 take everything that you are able to take," so as we could
29 dissolve this town. I was there when these orders were given.

1 That is what I saw.

2 Q. Did you take part in the attack against the Kamajors who
3 attacked Kenema?

4 A. Yes. Oh, yes, I defended my family.

09:50:18 5 Q. Did you kill Kamajors in that attack?

6 A. I did not see the corpse of a Kamajor. Kamajors do not
7 die.

8 Q. Mr Witness, did civilians die in that attack when the
9 Kamajors attacked Kenema?

09:50:47 10 A. Well, I told you where I was I did not see civilians,
11 because it was in the brigade. That was where my family was and
12 they never reached there, but we do fire. I will not say at that
13 time when I came out I saw civilian corpses at that moment.

14 Q. By your family, do you mean your mother, father, sisters
09:51:13 15 and brothers? What do you mean by family?

16 A. My wife and my child.

17 Q. So did you travel with them from Liberia to Kenema?

18 A. All along. That woman had been with me from the beginning
19 up to 1990, up to the war. We have stayed together over 15
09:51:50 20 years, or more than that.

21 Q. Was she with you at Tonga?

22 A. Everywhere. Wherever I am, she is with me, except when I
23 came here.

24 Q. Now, apart from killing BS Massaquoi, is it not the case
09:52:13 25 that Mosquito also killed Andrew Quee? Quee is spelt Q-U-E-E.

26 A. I heard about it. I heard about Andrew Quee. I heard
27 about BS Massaquoi. I heard about Mr Brima Kpaka, whom he
28 damaged his head with a pistol who in fact is my uncle. I went
29 with him. I saw him. He bust his head with a pistol. Then I

1 saw Mr Kpaka himself, because, in fact, he's my uncle and Brima
2 Paka.

09:53:00 3 Q. Was it not also the case that Mosquito killed several other
4 civilians, apart from the names you've mentioned in Kenema during
5 this period?

6 A. Well, those are the ones I saw that I consider as major
7 people and they are the very ones that I'm concerned about.

8 Q. Do you know the Lebanese school in Kenema, where the
9 Lebanese school is in Kenema?

09:53:28 10 A. Yes.

11 Q. Was it not the case during this period Nigerian ECOMOG
12 soldiers were based there?

13 A. Yes, before the coup, when Tejan Kabbah was overthrown,
14 that time, ECOMOG was based at Lebanese school in Kenema, coming
09:53:54 15 towards Bo.

16 Q. Was it not the case that Mosquito regularly sent RUF
17 soldiers to attack these troops at the Lebanese school?

18 A. Yes. I was not there, but I heard about it, the time he
19 sent them there to attack them. I was in Freetown with
09:54:19 20 Commander B when the attack took place. When they attacked the
21 ECOMOGs at Lebanese compound - school in Kenema.

22 Q. Now, you recall saying that shortly before you left, or, in
23 fact, before Operation Pay Yourself was declared, Mosquito called
24 RUF members to a meeting at his NIC lodge in Kenema and that you
09:54:44 25 were one of those who were called to this meeting? In that
26 meeting, he declared now that the AFRC was gone and that you were
27 all RUF, having a common ideology, that you should withdraw from
28 Kenema - pay yourself before that and then withdraw from Kenema
29 to Daru. Isn't that what you discussed in that meeting?

1 A. Well, it's like that. I told you that it was not a
2 meeting. He didn't call anybody for a meeting. When he heard
3 about it and he had wanted to pass the order, he took a truck, I
4 told you, and went right up to the brigade. There is a house
09:55:38 5 close to the Catholic Church at the back in Kenema. That was
6 where we sat. He was there at the time when he had wanted to go
7 with his family to Kailahun, leaving us. So, when we saw that,
8 we went to him. We said, "Boss, what is happening?" Now we saw
9 what is happening. Now Freetown has fallen. Everything has gone
09:56:02 10 wrong. So, right now, whatever you can lay hands on, take it,
11 and let's leave this town and go to Daru.

12 Q. Was it not the case that in that meeting you were
13 instructed to abduct civilians and then take them to Daru for
14 training as RUF soldiers?

09:56:19 15 A. Well, they didn't say so directly that we should capture
16 civilians, but we do capture them. The RUF soldiers, AFRC do
17 capture civilians - women, children, and train them.

18 Q. Mr Witness, I'm putting it to you that during this period
19 of Mosquito's withdrawal, it was only loyal RUF soldiers who
09:56:59 20 withdrew with him from Kenema, the AFRC did not.

21 A. Well, everybody went to Daru Barracks, they all followed
22 him. In fact, soldiers were rushing to occupy Daru Barracks, the
23 AFRC.

24 Q. I'm also putting it to you that when you were withdrawing
09:57:34 25 from Kenema, you, RUF soldiers, abducted women and girls and took
26 them to Daru as wives.

27 A. Well, I told you earlier that RUF, AFRC captured women and
28 children. I told you about that. I, particularly, have been
29 married for long. My family know about it. I have my wife with

1 me. Not so. There was no need for me, having my wife, and to
2 abduct another woman.

3 Q. And you saw these abducted women and girls; not so, when
4 you arrived at Daru?

09:58:23 5 A. Yes, I saw brother's child who was also captured by an RUF
6 fighter. He told us his wife. I saw the girl, the next morning
7 I said, "Who captured you?" He said he was captured by an RUF
8 fighter. He said he is now his wife and he's raped her and in
9 the morning when I saw her, I tried to take her from him, because
09:58:54 10 she's the daughter of my elder brother and she was attending
11 school. So I took her from her and I took care of her. She was
12 with me and later I came with her to my elder brother and gave
13 her to him.

14 Q. Now, you have told us about this girl before. Apart from
09:59:13 15 this girl, did you see other women and girls who were treated in
16 the same fashion?

17 A. Well, for that issue I was not there to audit, but I told
18 you I saw the abducted civilians, but to say they do this, that
19 is not my --

09:59:41 20 THE INTERPRETER: Your Honours, can the witness please go
21 over the last segment of his testimony?

22 PRESIDING JUDGE: Mr Witness, could you please repeat the
23 last part of your answer so the interpreter can hear it properly.

24 THE WITNESS: I said yes. I told him earlier that I saw
10:00:06 25 abduction. They abducted women, but I didn't see, like, the way
26 my brother's daughter said she was raped. I was not concerned
27 about others, but I saw where they abducted people. I saw the
28 people.

29 MR FOFANAH:

1 Q. Now, why didn't you try to stop -- you've told us that you
2 went and at least intervened in the case of your sister. Now,
3 did you do the same for the other women, the abducted women whom
4 you saw?

10:00:47 5 A. Well, no, I was not a commander. How do you go to an armed
6 man, you ask him, "Is this your woman?" That is not your
7 concern. You are not a family member - no.

8 Q. So you were only interested in your niece?

9 A. Yes, at that time.

10:01:19 10 Q. Now, did you leave Kenema for Daru with your family on this
11 bike that you looted, this motorcycle that you looted?

12 PRESIDING JUDGE: He said a Honda. Is that automatically a
13 motorbike? There are all sorts of Honda things.

14 MR FOFANAH: Thank you very much, Your Honour.

10:01:40 15 Q. What was this Honda? Was it a vehicle or a motorcycle?
16 What was it?

17 A. It's a motorcycle, XL 125.

18 Q. Did you leave Kenema with your wife and child on board this
19 XL 125 motorcycle?

10:02:08 20 A. Yes. I told you I wanted to save my family. I know it was
21 enough for I and my family to go wherever I want to go.

22 Q. Now, I'm going to Daru, but just before that, I'm going to
23 put a name to you and tell me if you can remember that name.

24 MR FOFANAH: I'm not particularly sure if this will
10:02:39 25 interfere with his protective measures. I don't know because it
26 was just a name. Can I write it down and pass it on to the
27 Prosecution?

28 PRESIDING JUDGE: I think that's the wise thing to do.

29 MR FOFANAH: Could you kindly help?

1 MR HODES: Your Honours, it is not a name I recognise nor
2 one I have discussed with the witness, so out of concern that it
3 might be a close relation, and I don't know if that's what
4 Defence counsel is going to suggest or something along those
10:03:50 5 lines, if this is his last question or last line of questions,
6 perhaps we can go into a short closed session.

7 MR FOFANAH: It is not, it is not my last question.

8 JUDGE LUSSICK: Mr Fofanah, you are the one who is going to
9 ask the questions. Where are you going to take us? Are you
10:04:31 10 going to take us into closed session, or are you going to confine
11 your question to the name written on the piece of paper so that
12 it doesn't get mentioned verbally in open court?

13 MR FOFANAH: Yes, I believe this witness will be able to
14 identify this name, because although he has grappled with other
10:04:50 15 names before, he has actually attempted at spelling others. I
16 would like to pass it on to him.

17 JUDGE LUSSICK: I am asking you not whether he can identify
18 the name, but how far are you going with it? Do you want us to
19 close the Court or you are simply asking him to say yes or no to
10:05:06 20 an identification of something written on a piece of paper?

21 MR FOFANAH: I'll put it this way. Firstly, Your Honour,
22 yes, I will put it to him as to whether he identifies this name
23 and ask him if the name has --

24 JUDGE LUSSICK: Look, if you can do all this in open
10:05:25 25 session, by all means do it. I am just relying on you to tell
26 the Court if you are going to compromise this witness's identity
27 in any way, that you will need a closed session.

28 MR FOFANAH: Certainly, I will not. I am under every
29 obligation to protect his identity. I will just show him the

1 name and then I will move on from there.

2 JUDGE LUSSICK: All right. Thank you, Mr Fofanah.

3 JUDGE SEBUTINDE: Perhaps we should caution the witness

4 that this next set of questions, if you feel that there is

10:05:54 5 anything in the questions that will reveal your identity, you are

6 not obligated to answer them in open session, and you should let

7 the Court know that you will not answer such questions, because

8 they will compromise your identity. If, on the other hand, you

9 feel that these questions are fair and will not compromise your

10:06:14 10 identity, then please go ahead and answer the questions.

11 MR FOFANAH: In that case, may I seek your leave to pass

12 the name on to him? It has been written on a piece of paper.

13 PRESIDING JUDGE: I understood he couldn't read. Can he

14 read?

10:06:33 15 MR FOFANAH: Yes, he went as far from two --

16 PRESIDING JUDGE: Very well, show it to him, please.

17 THE WITNESS: I can try, let him come with it. Yes.

18 MR FOFANAH:

19 Q. Now, if I ask you questions about that name will it

10:07:02 20 jeopardise your protection in open court?

21 A. Yes, put it in a closed session. Even if it is in a open

22 session, I will answer it. It means nothing.

23 MR FOFANAH: I will put it in a closed session when I'm
24 rounding up lest ex abundanti cautela. Let me have that, please.

10:07:36 25 Q. So, Mr Witness, I am now at Daru. You have just said that

26 you were not interested in other abducted women whom you saw

27 there. Now, was it at Daru that General Mosquito summoned you

28 and assigned you to attack various roads leading to Daru?

29 A. Well, he didn't assign me. There were people that he

1 assigned to take care of the major roads. My job was there. It
2 is before you.

3 Q. So was it the case that he ordered both Manawa and Captain
4 Eagle of the RUF to close the road from Daru to Gbaima?

10:08:43 5 A. Yes.

6 Q. Was it also the case that he ordered both yourself and
7 Major Gweh to go and receive Johnny Paul Koroma in Gandorhun
8 Kpaneh?

9 A. Yes.

10:09:04 10 Q. Was it the case that he gave you 50 RUF soldiers in order
11 to go on this trip at Pendembu?

12 A. Yes, he gave me them.

13 Q. Okay. So was it not the case that at this particular point
14 in time, General Mosquito was in absolute control of Daru and the
15 entire Kailahun District?

10:09:38

16 A. Well, he was the High Command. Everybody was looking up to
17 him - yes.

18 Q. Was it not the case that he left Kenema with General Issa
19 Sesay as his deputy?

10:10:10 20 A. Issa Sesay was not there when we are retreating from
21 Kenema.

22 Q. Wasn't Issa Sesay living at Hangha Road, Kenema? Hangha is
23 spelt H-A-N-G-H-A. Was he not living there during the period of
24 Mosquito's reign in Kenema?

10:10:39 25 A. Well, except in my absence, but since I was in Kenema with
26 Mosquito, I never saw General Issa.

27 Q. In that case, let me just secure her Honour's leave to
28 check my notes, because I think I have something to that effect.
29 Okay, I'll move on. I will not waste time. Mr Witness, when you

1 left with these 50 RUF men to go and receive Johnny Paul Koroma
2 in Gandorhun, you said you, in fact, met Issa Sesay there; not
3 so, at Gandorhun Kpaneh?

4 A. Yes.

10:11:35 5 Q. And it was Issa Sesay who chaired the meeting when you met
6 to disclose to them your mission?

7 A. Yes, because we were sent directly -- General Mosquito sent
8 us directly to him to receive him and Commander B. So when we
9 went we reported directly to him and he organised everything, who
10:11:59 10 and who to come attend the meeting. So we came and escorted him.

11 Q. So would you agree with me if I put it to you that, based
12 on what you've just said, it was all about an RUF commander in
13 the person of General Mosquito giving orders to RUF soldiers in
14 the person of yourself and Major Gweh, to pass those orders on to
10:12:26 15 another RUF commander in the presence of General Issa Sesay, that
16 Johnny Paul Koroma and his family be brought to Kailahun?

17 A. Yes. Mosquito is a RUF commander. He gave the orders,
18 yes.

19 Q. And those orders were directly directed at General Issa
10:13:02 20 Sesay in Kono; not so?

21 A. They gave us to give him directly, yes.

22 Q. In fact, apart from chairing the meeting at Gandorhun
23 Kpaneh, General Issa Sesay was also the general in command of the
24 troops that left from Gandorhun Kpaneh with Johnny Paul Koroma
10:13:23 25 for Buedu? He was in command of the entire convoy as general of
26 the RUF?

27 A. Yes, although the chairman was there, yes.

28 Q. At this point in time, was General Issa Sesay the second in
29 command to General Mosquito in the RUF hierarchy?

1 A. Yes. All along, he was deputising Mosquito.

2 Q. Okay. Now let's come to Buedu. You've clearly recalled
3 telling the Court what happened to Johnny Paul Koroma and his
4 wife at Buedu, both in the hands of General Mosquito and General
10:14:24 5 Issa Sesay; not so?

6 A. Repeat again the last part.

7 Q. I said you can clearly recall, because you've told us
8 already, what happened to Johnny Paul Koroma and his wife at
9 Buedu, especially relating to the nine plastic containing
10:14:50 10 diamonds as well as the rape of Johnny Paul Koroma's wife in the
11 hands of both General Mosquito and General Issa Sesay?

12 A. Yes.

13 Q. Now, at this point in time when Johnny Paul Koroma was
14 stripped of the diamonds and everything that he had and
10:15:18 15 subsequently sent to Kangama, was it not the case that General
16 Mosquito and General Issa Sesay set up a structure to continue
17 the rebellion in Sierra Leone?

18 A. Yes. I told you earlier.

19 Q. As a result of that, you left Gbaima with the 1st Battalion
10:15:50 20 and came to Buedu to attend an all RUF meeting; not so?

21 A. Yes, that time.

22 Q. At this RUF meeting, Operation Spare No Soul, which meant
23 that civilians in every part of Sierra Leone where the RUF came
24 in contact with them were to be eliminated was declared.

10:16:25 25 Operation Spare No Soul was declared by the RUF under the
26 authority of General Mosquito and General Issa Sesay?

27 A. Yes, their leadership, that was the idea they had.

28 Q. Now, after this -- this was sometime in May 1998; not so?
29 Sorry, this was sometime in late 1998; not so, the meeting at

1 Buedu?

2 A. Yes, sir.

3 Q. In fact, I will just read out your statement. This is just
4 to refresh your memory of the time.

10:17:18 5 MR FOFANAH: Your Honours, I'm referring to page 9512,
6 paragraph 4.

7 Q. Now, this is what you told the Prosecutors. You said,
8 "Around October/November 1998, Mosquito called a meeting for his
9 commanders at Buedu. At that time I was in Gbaima as a major
10:17:43 10 under the command of Colonel Eagle. Major Kailondo, also known
11 as Native Warrior, Major Lamin and I were selected to represent
12 our battalion at a meeting called by Mosquito." You recall
13 saying that; not so?

14 A. Yes.

10:18:10 15 Q. So in fact, this meeting was sometime between
16 October, November 1998?

17 PRESIDING JUDGE: Mr Fofanah, can I have the page number
18 again, please?

19 MR FOFANAH: Page 9512, Your Honour.

10:18:22 20 PRESIDING JUDGE: Thank you.

21 JUDGE SEBUTINDE: And the paragraph?

22 MR FOFANAH: Paragraph 4. Have you seen it, Your Honour?

23 PRESIDING JUDGE: Yes. The page number looks different,
24 but I have found it, thank you.

10:18:40 25 Q. Now, Mr Witness, shortly after that meeting, was it not the
26 case that General Mosquito located 13 specific target areas like
27 Daru, Kenema, Kono, Makeni, Magburaka, et cetera, as places that
28 the RUF should attack and gain control of?

29 A. Yes.

1 Q. Was it not also the case that a decision was taken in that
2 meeting that General Issa Sesay should join Morris Kallon,
3 Superman, in Kono in order to attack locations in Kono and Makeni
4 and that they should also attack the Kailahun axis.

10:19:54 5 A. Yes.

6 Q. Was it also not the case that at this meeting Operation
7 Free Sankoh was launched?

8 A. Yes, when he was going on, yes.

9 Q. Under this Operation Free Sankoh, was it not the case that
10:20:15 10 Mosquito ordered you should commit atrocities like burning and
11 killing of civilians in order to raise concerns within the
12 international community?

13 A. Yes, that had been happening. Yes, from the meeting, yes,
14 I had explained that, before even the operation started.

10:20:33 15 Q. So it has been like this before the operation, and it was
16 just a continuation; not so?

17 A. It was a continuation.

18 Q. Was it not the case that General Issa Sesay openly
19 supported and agreed with General Mosquito that they should carry
10:20:56 20 on this exercise?

21 A. Yes, seriously.

22 Q. Now, was it the not the case that the brigade in Kailahun,
23 which had about 45 armed men, started attacking towns like
24 Segbwema - Segbwema is spelt S-E-G-B-W-E-M-A; Bendu Junction,
10:21:29 25 B-E-N-D-U; Bunumbu, B-U-N-U-M-B-U; Daru, D-A-R-U; and Kenema,
26 K-E-N-E-M-A? Was it not the case that the brigade in Kailahun
27 comprising these 45 men and other loyal troops started attacking
28 these towns: Segbwema; Bendu Junction; Bunumbu; Daru; and
29 Kenema?

1 A. Yes.

2 Q. Was it not the case that during these attacks civilians
3 were abducted and killed by RUF soldiers?

4 A. Yes.

10:22:14 5 Q. Was it not the case there was also raping, looting and
6 burning of houses during this period?

7 A. Yes.

8 Q. Was it not the case that at this point in time you were
9 under the command of one Lieutenant Colonel Ghadaffi, spelt
10:22:42 10 G-H-A-D-A-F-F-I, and that under the command of the said
11 Lieutenant Colonel Ghadaffi you continued to attack, kill, rape,
12 loot and burn houses and people?

13 A. Make it clear to me.

14 PRESIDING JUDGE: You have actually got two questions in
10:23:00 15 there, Mr Fofanah.

16 MR FOFANAH:

17 Q. Firstly, was it not the case you were under the
18 commandership of Lieutenant Colonel Ghadaffi at this time?

19 A. Yes. He was the one who was controlling the area.

10:23:17 20 Q. Was it not the case that the troops of Lieutenant Colonel
21 Ghadaffi, including yourself, attacked civilians, abducted them
22 and killed them?

23 A. Well, at the time that they captured, I think that was the
24 time that they burnt the town, but I knew that it was the ECOMOG
10:23:42 25 that was with Kamajors. I did not see a civilian being killed at
26 that particular time.

27 Q. Was it the case that these ECOMOG and Kamajors were killed
28 by your troops under the commandership of Lieutenant Colonel
29 Ghadaffi?

1 A. Yes.

2 Q. And you're saying that civilians were not killed?

3 PRESIDING JUDGE: That's not a fair question, Mr Fofanah.

4 He said, "I did not see." He didn't say, "There were none."

10:24:16 5 MR FOFANAH: I'm sorry about that, Your Honour.

6 PRESIDING JUDGE: Rephrase your question.

7 MR FOFANAH: Most grateful. I'm sorry about that.

8 Q. You said you did not see any civilians killed; not so?

9 A. Not at all.

10:24:30 10 Q. Was it the case that this Lieutenant Colonel Ghadaffi who
11 was also an RUF member was reporting to the brigade commander CO
12 Denis?

13 A. Yes.

14 Q. Was it the case that this brigade commander was directly
15 answerable or was reporting to General Mosquito?

16 A. Yes.

17 Q. Was it the case that in the absence of General Mosquito,
18 they also reported to General Issa Sesay?

19 A. Yes, it is true. That is true.

10:25:17 20 Q. Now, during this period, did you hear about killing of
21 civilians and raping of women in Kono and Makeni under the
22 commandership of Morris Kallon and Superman?

23 A. Well, I did not see that with my own eyes, I used to hear
24 about it.

10:25:47 25 Q. Was it not in fact the bodyguards of Morris Kallon who told
26 you so - the bodyguards of Morris Kallon?

27 A. Yes.

28 Q. As well as the radio operators of Morris Kallon, they
29 informed you about that?

1 A. Yes, the radio operators.

2 Q. Now, Mr Witness, I'm going to take you to 1999. What we
3 have just recounted continued until December 1999; not so?

4 A. Yes, sir.

10:26:27 5 Q. Didn't Foday Sankoh order that you be sent to Tongo
6 in November 1999 in order to monitor mining of diamonds there?

7 A. Later when - yes, when I had gone. That is not what he
8 told me. There was a problem between him and Mosquito. That is
9 why he sent me, first of all, to Segbwema. After that, finally,

10:27:03 10 when in fact they had fallen apart and Mosquito had withdrawn out
11 of this country, I had been there. He had not called me to come

12 here. He said I should pass through Tongo. Because Akim was
13 here and he was there, but he was with me. It was one Lieutenant
14 Alpha who was AFRC, but he had been the RUF. He was the one who

10:27:31 15 was taking care as brigade commander, so that was the time that I
16 went there. I left Segbwema and I went there to Tongo.

17 Q. Was it not the case that this Lieutenant Alpha that you've
18 referred to was in fact replaced by General Issa Sesay as brigade
19 commander in Tongo? He was replaced with CO Banya. Banya is
10:28:01 20 spelt B-A-N-Y-A.

21 A. Yes.

22 Q. Was it not the case that CO Banya reported directly to
23 General Issa Sesay?

24 A. Yes.

10:28:19 25 Q. Weren't UN peacekeepers arrested by the RUF when one Van
26 Damme, V-A-N D-A-M-M-E, was made the commander of the
27 3rd Battalion of the RUF?

28 A. Well, it was not the UN that they attacked. They were only
29 AFRC soldiers. When they made Banya as a commander, they said

1 Banya was a junior officer, so they did not accept him at all, so
2 they made a plan so as to kill him. So at that time, it was then
3 that Banya, who arrest them and he beat some of them, he did not
4 kill any of them. He chained all of them. That was the time
10:29:23 5 that he assigned me as commander to take care of that battalion.

6 Q. Was Banya RUF?

7 A. He was AFRC, but later he was RUF throughout with General
8 Issa.

9 Q. When did Lieutenant Alpha become RUF?

10:29:50 10 A. It was the time that everybody retreated from this town,
11 AFRC, when we were in the jungle in Kailahun.

12 Q. I take it was in February 1998 that he became RUF?

13 A. Yes, because he had been with the RUF throughout until up
14 to the end.

10:30:11 15 Q. Was it also the case that it was in February 1998 that
16 Commander Banya became RUF?

17 A. Everybody, all of them, AFRC soldiers - all.

18 Q. They all became RUF in February 1998?

19 A. Yes, those who I knew who were there with us there.

10:30:35 20 Q. And they received command directly from the RUF under the
21 commandership of General Mosquito and his deputy Issa Sesay?

22 A. Yes, sir.

23 Q. Was also the name that I've mentioned, Van Damme, RUF?

24 A. Van Damme, I told you that he was AFRC, but he himself
10:31:08 25 became RUF.

26 Q. Okay, so now we are coming to the period when you were made
27 commander in Tongo. You said you were made commander. When you
28 were made commander by Banya, you were based in Tongo at that
29 time; not so?

1 A. Yes, sir.

2 Q. You were controlling all the RUF troops based in Tongo at
3 that time; not so?

4 A. No.

10:31:43 5 Q. You, as commander, because remember from 1998, February, we
6 no longer have AFRC. All the AFRC soldiers had become RUF, the
7 ones that you knew, according to knew. I'm saying when you
8 became commander in Tongo, you have told this Court it was Banya
9 who made you commander in Tongo. I'm saying that - were you
10 based, first of all, in Tongo as commanding officer?

11 A. Yes. I told you earlier that I took care of one of the
12 battalions. There were four battalions under that particular
13 brigade, so I was controlling one.

14 Q. It was the 1st Battalion that was in control of Tongo; not
10:32:28 15 so?

16 A. It was the brigade. It was the brigade that was
17 controlling Tongo. It was the brigade.

18 Q. But wasn't this brigade based somewhere in Kono? Was it
19 based in Kono, the brigade itself, the headquarters?

10:32:48 20 A. No, it was in Tongo, at Labour.

21 Q. Remember yesterday when I was putting questions to you, you
22 told us that the RUF had formed two brigades by March 1998 and
23 that the 1st Brigade was based somewhere in Kailahun whilst the
24 2nd Brigade was based in Kono, and you said you cannot recall the
10:33:13 25 name of the person who was in control of the 2nd Brigade in Kono.
26 So now I want to know was this another brigade in Tongo? Are we
27 talking about the 3rd Brigade now?

28 A. Yes. It was a different brigade, that's what I'm telling
29 you.

1 Q. So who was commanding this 3rd Brigade?

2 A. Well, it's what I told you. I said first of all it was
3 Colonel Alpha and after that, Colonel Banya took over from him.

4 [AFRC22JUL05-RK]

10:33:43 5 Q. So when you were commander of the 1st Battalion in Tongo,
6 where were you based? What part of Tongo?

7 A. Under the 1st Brigade I was in the 3rd Battalion commander,
8 based at Bumi.

9 Q. Bumi, did I hear you say, because I want to attempt a
10:34:07 10 spelling of it Bumi. Is it Bumi?

11 A. Yes, I was based at Bumi. 3rd Battalion.

12 JUDGE SEBUTINDE: Mr Fofanah, I have to interrupt. I'm not
13 sure if these questions are not leading to the identity of this
14 witness.

10:34:20 15 MR FOFANAH: As Your Honour pleases. I will just -- I will
16 avoid that particular question.

17 PRESIDING JUDGE: I also note the time, Mr Fofanah. I was
18 wondering how near you are to finishing your cross-examination.
19 If there is more, then we should adjourn now. If there is only
10:34:42 20 one or two small items --

21 MR FOFANAH: Your Honours, I respectfully suggest we take a
22 short adjournment, a short break.

23 PRESIDING JUDGE: Madam Court Attendant, please adjourn
24 court for 15 minutes.

10:36:39 25 [Break taken at 10.32 a.m.]

26 [On resuming at 10.52 a.m.]

27 PRESIDING JUDGE: Please proceed, Mr Fofanah.

28 MR FOFANAH: Thank you very much. Your Honour.

29 Q. Mr Witness, good afternoon again.

1 A. Afternoon, sir.

2 Q. Morning, I am sorry. Good morning.

3 A. Good morning, sir.

4 Q. Mr Witness, when we broke off a short while ago. I was
10:57:28 5 asking you questions about Tongo and you said you were the
6 commander of the 3rd Battalion, of the 3rd Brigade based in
7 Tongo; not so?

8 A. Yes, sir.

9 Q. Now, as commander of that brigade, was it not the case that
10:57:47 10 you were abducting civilians and then sending them to do forced
11 mining for the RUF?

12 A. Yes, they had the miners who were doing it under the
13 battalion. They had a special branch in charge of that.

14 THE INTERPRETER: Your Honours, would the witness go closer
10:58:24 15 to the mic.

16 PRESIDING JUDGE: Mr Witness, could you come closer to the
17 microphone or I will have the court attendant push the microphone
18 closer to you. Mr Interpreter, can you hear it better now?

19 THE INTERPRETER: Yes, Your Honour, thanks very much.

10:58:41 20 PRESIDING JUDGE: Proceed, Mr Witness.

21 THE WITNESS: Repeat your question, please.

22 MR FOFANAH:

23 Q. Yes, I was just talking about captured civilians being
24 forced to mine for the RUF under your command as the head of the
10:58:57 25 3rd Battalion?

26 A. No, not under my command, but the command of the brigade
27 and mining commander.

28 Q. Was it the case that the brigade and the mining commander,
29 you just called a name as the head of -- as mining commander did

1 you say Peleto?

2 A. Yes, as overall mining minister for RUF.

3 Q. Was it Amara Peleto if I can be precise?

4 A. You are correct.

10:59:51 5 Q. Amara is spelled A-M-A-R-A, Peleto P-E-L-E-T-O. So was it
6 the case that it was Amara Peleto as the mining minister,
7 according to you, for the RUF as well as the Brigade Commander
8 Banya who was instructing that civilians be forced to mine for
9 the RUF in Tongo?

11:00:14 10 A. Yes. They needed civilians to do the mining, unless you
11 forced them. Because you are not willing.

12 Q. And RUF was forcing them to mine, not so, under these
13 commanders?

14 A. Yes.

11:00:39 15 Q. This was from the period you went there, from October 1998
16 on to late -- until December 1999, was it?

17 A. 1999. That was the time that I was there up to the end of
18 the disarmament.

19 Q. So in fact, this was the case, this situation continued,
11:01:12 20 civilians being forced to mine diamonds for the RUF from
21 October 1998 until the time you disarmed as an RUF soldier, not
22 so?

23 A. Yes.

24 Q. When did you disarm as an RUF soldier?

11:01:31 25 A. I think it was around 1991 -- in the year 2001.

26 Q. That is confusing. You said 1991 and the year 2001. When
27 did you disarm?

28 A. 2001.

29 Q. Do you remember the month?

1 A. Well, I cannot recall. I've forgotten.

2 MR HODES: I'm going to object to the relevance. I've let
3 the question go far beyond the scope of my direct examination at
4 this point and my direct examination ended with the meeting in
11:02:11 5 October of 1998. And I've allowed questioning to a certain
6 extent, but at this point it has gone way beyond the scope of my
7 direct examination and beyond the scope of our indictment, so I'm
8 going to object based on scope as well as relevance.

9 PRESIDING JUDGE: Mr Hodes, it is cross-examination,
11:02:32 10 however, I will seek a reply to your objection. There is an
11 objection in two parts. Relevance and beyond the scope of the
12 indictment. What is your reply, Mr Fofanah, to that objection.

13 MR FOFANAH: Your Honour, I will take the latter first.
14 I'm absolutely sure the latter is not correct. I mean, the
11:02:52 15 clients that we represent have been charged with very serious
16 crimes spanning from 1996 to way down in --

17 PRESIDING JUDGE: Which part of the indictment are you
18 referring to?

19 MR FOFANAH: I do not have that with me here.

11:03:08 20 JUDGE LUSSICK: Mr Fofanah, if it is beyond the scope of
21 the indictment it is irrelevant. Just tell us what the relevance
22 is.

23 MR FOFANAH: I'm saying that our clients have been charged
24 with crimes that go beyond 1998 and go as far as, I mean,
11:03:23 25 sometime in 1999 and beyond. But I'm trying to get the
26 indictment just to disprove that. And on the first limb of the
27 question of relevance, I mean, Your Honours, this witness has
28 testified on a number of occasions to things being done by the
29 AFRC soldiers which, according to him, continued for sometime

1 even after the AFRC left power in 1998. And he is also alluded
2 to, according to him, some collusion between some AFRC soldiers
3 and the RUF and we're just trying to establish, based on what
4 I've earlier said, that the responsibility with which our clients
11:04:12 5 have been -- have been allegedly indicted goes beyond the period
6 1998. In fact, my learned colleague Professor Knoops has just
7 drawn that to my attention. I will just refer to the portion of
8 the indictment. Before I do that, I will say in reply, Your
9 Honours, to both points on my colleague's objection that
11:04:41 10 cross-examination is not necessarily confined to
11 examination-in-chief. I appreciate the fact that Your Honour has
12 rightly pointed that out.

13 Now to the indictment, Your Honour, I refer you to page
14 6243; that is one. Page 6244; that is two.

11:05:11 15 PRESIDING JUDGE: Pages of what, Mr Fofanah?

16 MR FOFANAH: Of the indictment. It is numbered in
17 chronology from the general records of the Court, especially at
18 page 6244 which talks about Kono. Yes, at paragraph 30. It
19 says, "Between mid-February 1998 and 30th April 1998 Santi gie
11:05:53 20 Bobor Kanu was seen" --

21 PRESIDING JUDGE: What was the date? February '98 and
22 which date?

23 MR FOFANAH: Yeah, I am just going through because I have
24 to read everything in sequence. If you really look at the last
11:06:05 25 sentence. It says, "Santi gie Bobor Kanu, along with Alex Tamba
26 Brima and Brima Bazy Kamara was also one of three commanders of
27 the AFRC/RUF forces during the attack on Freetown on 6
28 January 1999.

29 PRESIDING JUDGE: We're talking about Kono in 2001,

1 Mr Fofanah. I'm asking you for those dates.

2 MR FOFANAH: Yes, I'll come to that in a minute. Now, may
3 I ask that Your Honours at least allow me to proceed whilst my
4 colleague goes through the indictment. I will come back to this
11:06:39 5 issue because there is an abundance of information on that.

6 JUDGE LUSSICK: Well, I take it, Mr Fofanah, that you're
7 undertaking to demonstrate the relevance of your line of
8 questioning, at some stage.

9 MR FOFANAH: Exactly, Your Honour, regarding incidents that
11:07:01 10 happened especially in the provinces, not just Kono because I've
11 mentioned Makeni. I've mentioned Magburaka, so I'll be coming to
12 all of those.

13 PRESIDING JUDGE: If you wish to complete your reply to
14 this objection and deal with some other matter, then I will
11:07:20 15 abstain from consulting my colleagues and ruling on it until you
16 have completed that reply? Is that what you are asking the Court
17 to do?

18 MR FOFANAH: Yes. I mean, in fact, as I go along I see a
19 number of them. I was just looking at Port Loko District.

11:07:34 20 PRESIDING JUDGE: We're still in Kono, Mr Fofanah.

21 MR FOFANAH: I just said, Your Honour, that whilst I was
22 cross-examining him, I told him about Mosquito ordering that
23 Morris Kallon and the other RUF soldier take control of places of
24 Magburaka, Makeni, a number of towns. We're not necessarily
11:07:59 25 restricted to Kono.

26 PRESIDING JUDGE: Very well, if you're going to deal with
27 something else, let us not waste time, deal with it and come back
28 to it. You have colleagues to assist you.

29 MR FOFANAH: Thank you, very much, Your Honour.

1 If that is the case, the questions I have under this line
2 of questioning I have about two questions. I will reserve until
3 Your Honour's ruling and then I will go to just two questions
4 before closed session.

11:08:35 5 Q. Mr Witness.

6 A. Yes, sir.

7 Q. You recall testifying when one of my colleagues was asking
8 you questions yesterday that when you were giving your interview
9 in February 2003, you were not concerned about junior soldiers
11:08:59 10 and you were even specific, you said soldiers like Bazzy and
11 Five-Five but you were concerned about senior officers. Do you
12 recall that yesterday? You said when you were giving your
13 interview?

14 A. Yes.

11:09:15 15 Q. So who were these senior officers that you were concerned
16 with when you were concerned about when you were giving your
17 interview in February 2003 to the investigators?

18 MR HODES: Your Honours, I'm not clear on what is being
19 asked and if there is a reference to the interview, we do have it
11:09:42 20 and it can be referenced so we can see what Defence counsel is
21 referring to.

22 PRESIDING JUDGE: Mr Fofanah, you referred to his evidence
23 and you referred to his statement. Which are you putting to the
24 witness?

11:09:54 25 MR FOFANAH: Yes, Your Honours, the question was -- I think
26 it was Professor Knoops, I mean when --

27 PRESIDING JUDGE: I do recall the line of evidence.

28 MR FOFANAH: He asked him a question about not mentioning
29 the names of some of the accused persons in this interview and

1 that interview was in February 2003. This has been put to him on
2 a number of occasions and he said he gave that interview in
3 February 2003. And in that interview he said in the
4 cross-examination yesterday he said that -- I mean, he was not
11:10:30 5 very concerned about people like Bazzy and Five-Five but he was
6 more concerned about the senior officers when he was giving the
7 interview in February of 2003. And he has just answered, so my
8 question is for him to tell the Court who these senior officers
9 were that he was concerned with when he was making his interview
11:10:50 10 in February 2003.

11 JUDGE SEBUTINDE: Mr Fofanah, the word "concerned with" is
12 very misleading, I think, in the normal grammatical sense of the
13 word "concerned with". As I understood the testimony of this
14 witness yesterday or the day before, he says he easily remembered
11:11:08 15 the names of the senior officers that happened to attend those
16 meetings, and easily remembering is not synonymous with being
17 concerned with. When you take that further and you now ask him
18 who are these officers he's concerned with, I'm totally lost. I
19 don't know what you mean.

11:11:29 20 MR FOFANAH: I will leave that.

21 JUDGE SEBUTINDE: As the Prosecution has rightly pointed
22 out, we have the various statements before us. We have the text
23 of the witness's testimony before us. If there's a matter you
24 want to remind him about, please go directly to the portion so
11:11:47 25 we're with you and we follow what you're asking. I think that
26 would be the best way to handle this matter.

27 MR FOFANAH: Thank you very much, Your Honour.

28 Q. Mr Witness, I'm now challenging you on your interview of
29 Wednesday, 26 February 2003. You recall that on a number of

1 occasions when my colleagues were asking you questions, you said
2 you gave this interview to investigators of the Special Court?

3 A. Repeat it clearly.

4 Q. You've already told that you gave an interview to
11:12:39 5 investigators of the Special Court in February 2003?

6 A. Yes.

7 Q. Now I'm putting it to you that that interview which you
8 gave in February 2003 to investigators of the Special Court, you
9 never mentioned the word "Bazzy" in that interview.

11:13:03 10 PRESIDING JUDGE: I think you're going to have to be a
11 little more precise.

12 MR FOFANAH: In the entire interview of the 26th
13 February 2003, you never mentioned the word or the name "Bazzy".

14 MR HODES: Your Honours, I rise to object, only because if
11:13:23 15 there is a question that is not posed and an answer not given, it
16 really creates an unfair situation for the witness. So unless
17 Defence counsel can cite to a question that was posed to him that
18 should have led to a response, such as, "Were there AFRC
19 commanders present," I think it is an unfair question to the
11:13:55 20 witness.

21 PRESIDING JUDGE: Mr Fofanah we went through this objection
22 yesterday and my learned brother Justice Lussick gave a full
23 answer which is basically as counsel for the Prosecution says.
24 If a witness or a person giving an interview is not asked a
11:14:16 25 question, how can you expect him to have it in his statement?
26 You have got to indicate somewhere, if you're putting a prior
27 inconsistency, that he had either omitted it, forgotten it or in
28 some other way indicate that he was inconsistent.

29 JUDGE LUSSICK: I think, Mr Fofanah, you would have to

1 indicate a context in the statement in which Bazzy should have
2 been mentioned, but was not.

3 MR FOFANAH: As Your Honour pleases.

4 Q. Mr Witness, you talked about the four meetings in Freetown
11:14:54 5 in your interview on February 26th, 2003; not so?

6 A. Yes, sir.

7 Q. When you were talking about those meetings in that
8 interview, did you mention the name Bazzy to the interviewers?

9 MR HODES: Your Honours, it is the same objection. Unless
11:15:22 10 Defence counsel can cite to us a page and a question, I don't
11 know that that it is a fair question if there is isn't something
12 that is being referenced for the witness to either recall or not
13 recall.

14 PRESIDING JUDGE: Mr Fofanah, there has been a ruling on
11:15:46 15 this.

16 MR FOFANAH: As Your Honour pleases. I will just leave
17 that and go to another line of questioning. Before I go on, I
18 really wanted to complete that line that I was on before the
19 objection was raised and which you had to rule. I'm referring to
11:16:06 20 page 6256 of the records. It is part of the indictment and under
21 the rubric of Kono District it forms part of the indictment.

22 PRESIDING JUDGE: You're now referring to the indictment,
23 Mr Fofanah; is that correct?

24 MR FOFANAH: Yes, it is the indictment.

11:16:26 25 PRESIDING JUDGE: Indeed, I have that before me.

26 MR FOFANAH: Page 6256.

27 PRESIDING JUDGE: I'm not clear when you say "page" -- is
28 this part of the statement? What is this page number?

29 MR FOFANAH: It is part of the indictment because any

1 document that is filed is given a page number.

2 PRESIDING JUDGE: Can you give us --

3 MR FOFANAH: It is the fourth amended consolidated
4 indictment.

11:17:02 5 JUDGE LUSSICK: You're referring to Count 13, are you?

6 JUDGE SEBUTINDE: It would help if you would refer to the
7 count number.

8 MR FOFANAH: As Your Honour pleases. Sorry, Your Honour.
9 I've just seen it. Yes, Your Honour, it is under Count 13 of the
10 further amended --

11:17:41

11 JUDGE LUSSICK: If we go back to the objection, if you can
12 remember it, your question dealt with being disarmed in 2001, and
13 then you said you were relying on the indictment. But if you
14 look at the count, it covers the period 1998 to January 2000. So
15 the objection against your question is how is disarmament in 2001
16 relevant?

11:18:05

17 MR FOFANAH: That is just an example that I was given.
18 Firstly, on the question of January 2000, apart from the
19 disarmament issue which was raised, all my line of questioning
20 related to incidents in 1999 up to December 1999. It was only
21 when I asked him he said he remained in Togo until he disarmed,
22 and I needed to know when was it that he disarmed and he said it
23 was in 2001. As Your Honours can rightly see, under the rubric
24 Kono District, the period is between February 14, 1998 and
25 January 2000. So the other line of questioning that I have
26 clearly confined themselves to that period. In fact, they are
27 before January 2000.

11:18:52

28 PRESIDING JUDGE: So that is your reply to the objection,
29 Mr Fofanah?

1 MR FOFANA H: Yes, Your Honour, in addition to the fact that
2 I also indicated that in order to at least test the credibility
3 of this witness, cross-examination does not necessarily have to
4 be limited to what was put to him in examination-in-chief. Thank
11:19:35 5 you very much.

6 JUDGE LUSSICK: You're saying that your questions about
7 the disarmament go to credibility?

8 MR FOFANA H: Yes, Your Honour.

9 [Trial Chamber confer]

11:19:51 10 PRESIDING JUDGE: We will, allow the question. I just
11 remind counsel on the time limitations on that particular count.

12 MR FOFANA H: Thank you very much, Your Honour.

13 Q. Mr Witness, I'm just going to put one or two questions to
14 you on the situation in Togo before January 2000. Mr Witness,
11:20:23 15 you've said that it was only the brigade commander and Amara
16 Peleto that forced civilians to mine for the RUF; not so?

17 A. Yes, because they were the commanders.

18 Q. Now, as battalion commander, during the time under
19 review -- I mean the period in 1999 as battalion commander, did
11:20:54 20 you provide up to 150 civilians on a daily basis to do forced
21 mining for the RUF?

22 A. Yes, they handed them over because I told you we had the
23 miners. After they have gathered the manpower, they come and
24 tell me these are the number of civilians we have in the
11:21:24 25 battalion. Then I would say okay. Then they will hand them over
26 to the brigade mining commander, I was just like a defender for
27 them when, in fact, they will be mining when there will be an
28 attack by the Kamajors or other enemy forces. But I was not
29 involved in any mining, you see.

1 Q. Was it not the case that when these diamonds were found,
2 they were subsequently given to General Issa Sesay who will then
3 forward them to General Mosquito to be used for purposes of the
4 RUF?

11:22:08 5 A. Yes. When they have taken the diamond, they will take it
6 to General Issa, like Banya; Peleto, Amara Peleto.

7 Q. Was it not the case that these diamonds were subsequently
8 used to purchase arms and ammunitions in order to continue the
9 fight by the RUF in Sierra Leone?

11:22:34 10 A. Well, this issue that I'm referring to, they didn't use
11 that money to buy arms and ammunition this particular one. Maybe
12 later the person who received them will tell you what they did
13 with it.

14 Q. Okay. I will end that line of questioning now. Just a few
11:22:59 15 questions before I come to closed session. Now you remember when
16 Professor Mr Knoop, my colleague, was also asking you questions
17 about -- in fact, it was Ms Thompson -- about Gibril Massaquoi
18 and Steve Bi oh coup, attempted coup in Freetown. You gave
19 certain remarks about it; not so. You said something about an
11:23:24 20 attempted coup by Gibril Massaquoi and Steve Bi oh in Freetown?

21 A. Yes.

22 Q. Was it not the case that both Gibril Massaquoi and Steve
23 Bi oh attempted to overthrow the AFRC regime of Johnny Paul Koroma
24 because they were unhappy about the fact that Foday Sankoh had
11:23:55 25 not been released at that time?

26 A. Well, it was like that. I heard that that was the reason,
27 because I was not here. I was based in Kenema when I heard about
28 it. So it may be true.

29 Q. From what you heard, and to the best of your knowledge, was

1 it not the case that both Gibril Massaquoi and Steve Bioh, as RUF
2 members were in fact trying to overthrow the AFRC on the
3 instructions of the RUF?

4 A. I said it is true. I heard about it.

11:24:47 5 Q. Now uniforms. You've just said yesterday that in order to
6 disguise and in order to camouflage as soldiers that RUF
7 combatants wore uniforms, combat uniforms, in order to disguise.
8 Was it the case that they were dressed in full military uniform
9 from head to toe in order to disguise as soldiers?

11:25:28 10 A. Well, it was not like that, because you will see there were
11 no supplies to say they will give it to you, except if you go and
12 get the trousers or the shirt, or if one Vandy has the trousers
13 and Brima had the shirt. If we are going on a mission, I will
14 have the trousers and that one will have the shirt. Then I will
11:25:54 15 ask him to borrow me his shirt and in fact sometimes there is no
16 hat. This is how we operated.

17 Q. But was it the case that at least some RUF men had full
18 combat uniforms in order to disguise as soldiers?

19 A. Yes.

11:26:15 20 Q. Was it the case that these RUF men who wore full combat
21 uniforms in order to disguise as soldiers included commanders of
22 the RUF?

23 A. Yes, most of them were commanders.

24 Q. So who was supplying these uniforms to the RUF? You just
11:26:44 25 talked about supplies.

26 A. Well, I never saw any supply. It was the time when RUF was
27 fighting the soldiers, we had soldiers at base. If you capture
28 there, then if you saw uniform, then you will take them. Then if
29 you take them, then you will use them and even food.

1 Q. Now, one last question on your interview before I move on
2 to closed session. You remember I have already referred to this
3 interview before, that it was conducted in February 2003. You
4 remember in that interview saying that the relationship between
11:27:28 5 SAJ Musa of the AFRC and Sam Bockarie of the RUF was very, very
6 poor during the period 1997 until SAJ Musa's death in 1998
7 December? SAJ Musa died in 1998 December and the relationship
8 was very, very poor between SAJ Musa and Sam Bockarie.

9 A. I never saw even SAJ Musa spoke or even came close to
11:28:10 10 Mosquito, so they had no close relationship, whether they had
11 anything good to share amongst themselves.

12 MR FOFANAH: In any case, in order to shorten that
13 question, I will just refer Your Honours to page 7593 and I will
14 put it to him and ask him if you can recall making it.

11:28:53 15 Q. I'm reading from the last bottom just after the name "John
16 Berry." There was a question: "Can you tell us, because you
17 would have been in the area at the time, but after they were the
18 junta was forced out of Freetown around February 1998 and they
19 moved up into the Kono and Makeni and all those areas. What was
11:29:18 20 the relationship between SAJ Musa and Sam Bockarie?" The answer
21 was: "They never meet together since. The relationship was very
22 poor." Question: "Very poor?" Answer: "Very, very poor." Do
23 you recall saying this for the interviewers?

24 A. Yes, that is what I have just said. What I said is what is
11:29:53 25 in there. That is what I said.

26 Q. Thank you very much. Just one last bit. Now this
27 attempted coup by Gibril Massaquoi and Steve Bio, that was
28 sometime in 1997, not so?

29 A. Yes.

1 Q. At least during the AFRC period of 1997?

2 A. Yes.

3 Q. Thank you very much.

4 MR FOFANAH: Your Honours, in view of what I had earlier
11:30:22 5 anticipated, respectfully apply that the Court goes into a short
6 closed session, so that I can ask him on the names I had earlier
7 put to him.

8 MR HODES: No objection, Your Honour.

9 MR FOFANAH: Thank you.

11:31:02 10 PRESIDING JUDGE: In light of the application and in order
11 to protect the identity and the security of the witness, we will
12 allow the closed session.

13 Madam Court Attendant, please implement that.

14 [At this point in the proceedings, a portion of the
11:31:17 15 transcript, pages 46 to 54, was extracted and sealed under
16 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MS EDMONDS: We are in open session, but they are not quite
3 ready for the split screen at the moment.

4 PRESIDING JUDGE: Well, can we have Mr Werner announce the
11:59:26 5 witness and then at least I can have that on record? Could you
6 just repeat the number of the witness for purposes of record?

7 MR WERNER: Yes, Your Honour. So, the next witness will be
8 TF1-157. He is a category B witness, so he will testify by video
9 link. He will be testifying in Madingo and, as far as I know, he
11:59:54 10 is a Muslim.

11 MS EDMONDS: The closed circuit is in place now. The
12 interpreter needs to be sworn.

13 PRESIDING JUDGE: This is another interpreter. Well, where
14 is the interpreter?

12:02:36 15 MS EHRET: Your Honours he is here with me.

16 PRESIDING JUDGE: Mr Interpreter, please come into the well
17 of the Court. Madam Court Attendant, please swear in the
18 interpreter.

19 [Interpreter sworn]

12:03:36 20 PRESIDING JUDGE: Thank you, Mr Interpreter. Once the
21 interpreter goes into the booth we will have the court attendant
22 swear in the witness.

23 THE INTERPRETER: The swearing in can go on, there is one
24 interpreter on hand now.

12:04:12 25 PRESIDING JUDGE: Thank you. Madam Court Attendant, please
26 proceed to swear in the witness.

27 WITNESS: TF1-157 [sworn]

28 [The witness testified through interpreter]

29 [The witness testified via video link]

1 EXAMINED BY MR WERNER:

2 PRESIDING JUDGE: Please proceed, Mr Werner.

3 MR WERNER: Thank you, Your Honour.

4 Q. Good afternoon, Mr Witness.

12:06:20 5 A. How do you do?

6 Q. Fine, thank you. Mr Witness --

7 A. Yes.

8 Q. -- I am going to ask you some questions.

9 A. Yes.

12:06:42 10 Q. If you could simply answer my questions.

11 A. Yes.

12 Q. I was requested to tell you by the interpretation unit that
13 we will need to go very slowly.

14 A. Okay.

12:07:07 15 Q. So, if you can speak slowly and pause regularly to help the
16 translation.

17 A. Okay.

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

19 A. Yes.

12:07:39 20 Q. Please tell this Court.

21 A. I was born in Bonoya.

22 Q. Bonoya. B-O-N-O-Y-A. Do you know, Mr Witness, in which
23 district is Bonoya?

24 A. Yes.

12:08:08 25 Q. Could you tell this Court in which district is Bonoya?

26 A. Yes.

27 Q. Please tell this Court.

28 A. In Bombali District.

29 Q. Bombali, B-O-M-B-A-L-I. Mr Witness, how old are you?

1 A. 20 years old.

2 Q. How do you know, Mr Witness, that you are 20 years old?

3 A. My sister told me so. My elder sister.

4 Q. Mr Witness, before coming to Freetown to give your
12:09:16 5 testimony in this Court, where did you live?

6 A. I was in Bonoya.

7 Q. And how long have you been living in Bonoya?

8 A. I can't recall that.

9 Q. Mr Witness, did anything special happen in Bonoya that you
12:09:49 10 can remember?

11 A. Yes.

12 Q. Could you tell this Court what you remember that happened
13 in Bonoya?

14 A. Yes.

12:10:11 15 Q. Please tell this Court.

16 A. When they attacked, they attacked Bonoya.

17 Q. Who attacked Bonoya, Mr Witness?

18 A. The rebels.

19 Q. Are you able to be more specific? Do you know who were
12:10:41 20 those rebels?

21 A. Yes, the rebels and the soldiers, the SLAs.

22 Q. And are you able to say approximately when that attack took
23 place?

24 A. Yes.

12:11:11 25 Q. Could you tell this Court?

26 A. In the new year.

27 Q. I would request the translator to translate exactly the
28 word the witness used because I think he was using --

29 THE INTERPRETER: Jonbenteh, it means the Islamic new year.

1 MR WERNER: -- because I have no way to spell, would it be
2 possible for the interpreter to give a phonetic translation of
3 that word?

4 THE INTERPRETER: J-O-N-B-E-N-T-E. H at the end. E-H.
12:11:53 5 T-E-H.

6 MR WERNER:

7 Q. And do you know in which year?

8 A. No. I can't recall. I can't recall the year.

9 Q. Now, Mr Witness, the people who attacked Bonoya, how were
12:12:41 10 they dressed?

11 A. Some wore combat fatigues and some wore civilian clothes,
12 and some wore combat shirts and some combat trousers.

13 Q. Now, reminding you that in any case you should not give
14 family name who can in anyway reveal your identity, could you
12:13:21 15 tell this Court if anything happened during that attack?

16 A. The crowd?

17 Q. Could you say that again, please?

18 A. Please repeat the question.

19 Q. Did anything happen during that attack?

12:13:49 20 A. Yes.

21 Q. What happened?

22 A. They killed people in the town and they burnt down four
23 houses. They killed six people those whom I know.

24 Q. Who killed those people, Mr Witness?

12:14:17 25 A. The rebels.

26 Q. And are you able to be more specific about who are those
27 six people?

28 A. Yes.

29 Q. Please.

1 A. Let me speak?

2 Q. Yes.

3 A. Let me speak?

4 Q. Yes.

12:15:01 5 A. Yes. They killed my elder sibling.

6 Q. Anyone else?

7 A. Yes.

8 Q. Who else?

9 A. They killed my uncle.

12:15:29 10 Q. Anyone else?

11 A. Yes.

12 Q. Who else?

13 A. My uncle's two children were killed. They threw them into

14 the fire.

12:15:46 15 Q. Who threw them into the fire, Mr Witness?

16 A. The rebels.

17 Q. Anyone else?

18 A. Yes.

19 Q. Who else?

12:16:05 20 A. They killed another woman too.

21 Q. Anyone else?

22 A. And another child, a young boy.

23 Q. And who killed the woman and the child?

24 A. The same rebels.

12:16:35 25 Q. Now, Mr Witness, how do you know about --

26 A. Yes.

27 Q. How do you know about those killings?

28 A. I saw some myself.

29 Q. Which ones did you see?

1 A. I saw my uncle's children, my brother and I saw some
2 wounded, those who didn't die, but they were lying down there.

3 Q. Okay. Now, you talked about a woman and a child; do you
4 know their names?

12:17:06 5 A. Yes.

6 Q. Could you give their names to the Court?

7 A. All of those who died?

8 Q. No, just the child and the woman?

9 A. Mammy Adama and Mamadu.

12:17:56 10 Q. Mammy Adama. Adama, A-D-A-M-A. And you said Adamu?

11 A. Adama.

12 Q. Adama?

13 A. Yes.

14 Q. Mr Witness, could you just repeat the name of the woman for
12:18:06 15 the Court?

16 A. Mammy Adama.

17 Q. And do you know the name of the child who was killed as
18 well?

19 A. Yes. Mamadu.

12:18:39 20 Q. I believe. M-A-M-A-D-U. Now, Mr Witness, you said that
21 some were wounded. Who was wounded, do you recall, during that
22 attack in Bonoya?

23 A. They wounded my elder brother. No, should I call his name?

24 Q. Mr Witness, do not give the family name. Just give the
12:19:08 25 first name.

26 A. Okay.

27 Q. Just give the first name.

28 A. Alhaji Funkuba (phon).

29 Q. Is he your brother, Alhaji Funkuba, or is your brother

1 someone else?

2 A. My brother. Elder brother.

3 Q. Anyone else who was wounded on that day?

4 A. Yes. Yes.

12:19:47 5 Q. Who else?

6 A. Lamin.

7 Q. Anyone else?

8 A. Yes.

9 Q. Who else?

12:20:18 10 A. I have forgotten some of the names. His name is -- yes,

11 Ali.

12 Q. Now, how do you know -- how did you learn that these three
13 boys were injured?

14 A. When I came, I saw them wounded.

12:20:42 15 Q. And who injured them?

16 A. The rebels.

17 Q. Now, you said before that some houses were burnt; how many
18 houses were burnt in Bonoya?

19 A. They burnt down four houses.

12:21:07 20 Q. Who are "they" who burnt down four houses?

21 A. The rebels.

22 Q. And how do you know that?

23 A. I saw someone fire and by the time I came back some had
24 already been burnt down.

12:21:26 25 Q. What do you mean by "by the time I came back"? When did
26 you come back?

27 A. When I went from Freetown after there was a lull in the
28 fighting.

29 Q. So, do you mean long after the attack on Bonoya?

1 A. Yes.

2 Q. Who burnt those four houses, Mr Witness?

3 A. The rebels.

4 Q. Now, Mr Witness, you told us about people killed, people
12:22:21 5 being wounded. You told us about houses being burnt. Did
6 anything else happen in Bonoya on that day you can remember?

7 A. Yes.

8 Q. Would you tell this Court what happened?

9 A. They looted people's property. For instance, they looted
12:22:57 10 my father's mattress and the food that we had in the store.

11 Q. Did they loot anything else in Bonoya on that day,
12 Mr Witness?

13 A. Yes.

14 Q. What did they loot?

15 A. They took other things, but because it was in the night I
16 didn't see what they were carrying, but they did take certain
17 things. But yes, indeed, people said they took their things
18 away.

19 Q. Now, how do you know about the looting which occurred in
12:23:39 20 your house? How do you know about it?

21 A. They took them in my presence.

22 Q. Now, Mr Witness, what happened --

23 A. Yes.

24 Q. Did anything happen to you on that day in Bonoya?

12:24:00 25 A. Yes.

26 Q. What happened to you?

27 A. I was captured and the rice that they had taken they asked
28 me to carry the rice.

29 Q. Do you know who captured you?

1 A. Yes.

2 Q. Who captured you?

3 A. Can I call his name?

4 Q. Yes.

12:24:41 5 A. Mohamed.

6 Q. And did you stay with Mohamed?

7 A. Yes.

8 Q. Were you the only one captured on that day, Mr Witness?

9 A. Yes. Yes.

12:25:19 10 Q. I am going to repeat that question.

11 PRESIDING JUDGE: Why? Why should you repeat the question
12 when you have had an answer?

13 MR WERNER: Because I am not sure he understood it.

14 PRESIDING JUDGE: You can't say that, Mr Werner, he has
12:25:33 15 given an answer.

16 MR WERNER:

17 Q. So, Mr Witness --

18 A. Yes.

19 Q. What happened --

12:25:38 20 PRESIDING JUDGE: You can ask other questions around it,
21 but you cannot ask that same question.

22 MR WERNER: Okay.

23 Q. Mr Witness --

24 A. Yes.

12:25:51 25 Q. -- What happened after your abduction in Bonoya on that
26 day? What happened?

27 A. They captured other people.

28 Q. When? When did they capture other people?

29 A. The day on which I was captured.

1 Q. Who did they capture?

2 A. I cannot recall the day, but it was in the night. About
3 4 o'clock.

4 Q. Do you remember the names of those who were captured on
12:26:35 5 that day?

6 A. Yes.

7 Q. Can you give their names?

8 A. Yes.

9 Q. Please do so, Mr Witness.

12:26:50 10 A. Mbalu Marrah.

11 Q. Just go one by one and I will spell for the Court. Mbalu
12 Marrah. M-B-A-L-U. Marrah, M-A-R-R-A-H. Anyone else,
13 Mr Witness, you can remember?

14 A. Aminata Tarawalie.

12:27:28 15 Q. Aminata Tarawalie?

16 A. Yes.

17 Q. A-M-I-N-A-T-A. Tarawalie, T-A-R-A-W-A-L-I-E. Anyone else,
18 Mr Witness?

19 A. And Kadei Marrah.

12:27:58 20 Q. Kadei Marrah. K-A-D-E-I. Marrah, M-A-R-R-A-H. Anyone
21 else abducted on that day?

22 A. Yes.

23 Q. Who?

24 A. Sulamani Kamara.

12:28:16 25 Q. Sulamani, S-U-L-A-M-A-N-I. Kamara, K-A-M-A-R-A. Anyone
26 else, Mr Witness, you can remember?

27 A. Yes. Yes.

28 Q. Who else?

29 A. Fanta Mansaray.

1 Q. Fanta, F-A-N-T-A. Mansaray, M-A-N-S-A-R-A-Y. Now,
2 Mr Witness --

3 A. Yes.

4 Q. Do you know how old was Kadei Marrah?

12:29:09 5 MR KNOOPS: Your Honour, I object. I think this is a
6 question that calls for speculation because the witness indicated
7 that he did not know his own age, he learnt it from his sister.
8 So I think this is a question which is calling the witness to
9 speculate.

12:29:16 10 PRESIDING JUDGE: [Microphone not activated] with that, Mr
11 Knoops, if he does not know he can say so. But if he is guessing
12 then we will take due note, but he is entitled to put the
13 question.

14 MR WERNER:

12:29:35 15 Q. Okay, Mr Witness, I am going to repeat the question. Do
16 you know how old was Kadei Marrah?

17 A. No, I do not know how old she was at that time.

18 Q. Do you know if she was bigger or smaller than you at that
19 time, the size?

12:30:12 20 A. At that time I was bigger than her and I was older than
21 her.

22 Q. What about Fanta Mansaray?

23 A. She too was a child.

24 Q. But were you older or younger than her?

12:30:39 25 A. I was older and bigger than her.

26 Q. What about Sulamani Kamara?

27 A. I was older and bigger than him.

28 Q. Was anyone else abducted on that day in Bonoya, Mr Witness?

29 A. If they captured other people?

1 Q. Yes, that is my question.

2 A. They said they captured other people, but I don't know.

3 Q. Who said that?

4 A. My companions.

12:31:50 5 Q. Okay. And who are you referring to when you say my
6 companions?

7 A. They are in Bonoya.

8 Q. And were they with you when you were abducted from Bonoya?

9 A. Those who told me?

12:32:09 10 Q. Yes.

11 A. No.

12 Q. Now, how do you know, Mr Witness, about the abduction of
13 the five people you have named? How do you know that? How did
14 you know they had been abducted on that day in Bonoya?

12:32:34 15 A. Well, we met somewhere else.

16 Q. Where?

17 A. In the jungle.

18 Q. And when?

19 A. We met in Rosos. That's where I saw them.

12:32:59 20 Q. Rosos. R-O-S-O-S. Now, Mr Witness, what happened -- did
21 you stay in Bonoya? Did you stay in Bonoya, Mr Witness?

22 A. I do not -- I do not understand your question.

23 Q. After the abduction by Mohamed, what did you do?

24 A. I saw -- I saw people carrying loads and they were with
12:33:48 25 them. But they were not captured in Bonoya.

26 Q. Do you know where these people had been captured?

27 A. Yes. I asked some and they told me.

28 Q. What did they tell you?

29 A. Kagbemneh and Kamanameh.

1 Q. Kagbemneh, K-A-G-B-E-M-N-E-H. Kamanameh,
2 K-A-M-A-N-A-M-E-H. Do you know in which district are those
3 villages?

4 A. Yes.

12:34:47 5 Q. In which district?

6 A. Bombali .

7 Q. And did those people tell you what happened in Kagbemneh
8 and Kamanameh?

9 A. Yes.

12:35:19 10 Q. What did they tell you?

11 A. They said they were captured forcefully.

12 Q. And did they tell you if anything else happen in Kamanameh
13 and Kagbemneh?

14 A. No.

12:35:43 15 Q. Did anyone else tell you about any other villages?

16 A. Yes.

17 Q. Which villages?

18 A. Kamatelun and Kamabai .

19 Q. Kamatelun. K-A-M-A-T-E-L-U-N. Kamabai , K-A-M-A-B-A-I .

12:36:18 20 And did those people tell you what happened in Kamatelun and
21 Kamabai ?

22 A. They said they were captured forcefully.

23 Q. And did they tell you if anything had happened in Kamatelun
24 and Kamabai ?

12:36:37 25 A. No.

26 Q. Now, Mr Witness --

27 A. Yes.

28 Q. Did you go anywhere else after Bonoya?

29 A. Yes.

1 Q. Where did you go?

2 A. Kamagbo.

3 Q. Kamagbo, K-A-M-A-G-B-O. What happened when you went to
4 Kamagbo?

12:37:49 5 A. It was attacked.

6 Q. Who attacked Kamagbo?

7 A. The rebels.

8 Q. And what happened there?

9 A. They amputated one man's hand. But they didn't do anything
12:38:19 10 else after that.

11 Q. Do you know his name?

12 A. Yes.

13 Q. What is his name, Mr Witness?

14 A. Santi gie.

12:38:45 15 Q. Santi gie. S-A-N-T-I-G-I-E. How do you know about the
16 amputation of Santi gie?

17 A. When I returned I saw his hand amputated.

18 Q. When did you return?

19 A. When I left Freetown. When I was released from Freetown,
12:39:13 20 when I returned.

21 Q. And how long did you stay in Kamadogbo, Mr Witness?

22 A. We didn't stay long after that. Then we went ahead.

23 Q. Where did you go?

24 A. Daraya.

12:39:53 25 Q. Daraya. D-A-R-A-Y-A. And what happened when you went to
26 Daraya?

27 A. It was attacked as well.

28 Q. Who attacked Daraya, Mr Witness?

29 A. The rebels.

1 Q. Now, did anything happen when Daraya was attacked?

2 A. Yes.

3 Q. What happened?

4 A. They killed -- they killed people and burnt down houses.

12:40:31 5 Q. Yourself, do you know anyone who was killed in Daraya
6 during that attack?

7 A. Yes.

8 Q. Who do you know?

9 A. They killed my uncle and another man was killed there as
12:41:03 10 well. He is my uncle's wife. They burnt down my grandmother's
11 house and my own mother's house.

12 Q. You said they killed your uncle. Who killed your uncle,
13 Mr Witness?

14 A. The rebels.

12:41:30 15 Q. Now, was anyone else killed on that day?

16 A. Yes.

17 Q. Who else was killed on that day?

18 A. My uncle's wife was killed.

19 Q. Anyone else?

12:41:47 20 A. Yes.

21 Q. Who else was killed on that day?

22 A. They killed another man.

23 Q. Do you know his name?

24 A. Yes.

12:41:57 25 Q. What is his name? What is his name?

26 A. Al haji Abu.

27 Q. Al haji Abu, A-L-H-A-J-I. Abu, A-B-U. Anyone else?

28 A. They killed my uncle. Do you want me to call his name?

29 Q. No, don't give his name. Talk about your uncle, your

1 uncle's wife, Alhaji Abu. Anyone else or you cannot remember
2 anyone else?

3 A. Yes.

4 Q. Who else?

12:42:36 5 A. My uncle's wife.

6 Q. Mr Witness, you said your uncle's wife, your uncle and
7 Alhaji Abu. My question is anyone else you can remember who was
8 killed on that day in Daraya?

9 A. Yes.

12:42:59 10 Q. Who else?

11 A. My uncle.

12 Q. I am moving on. Now, Mr Witness, you told us as well about
13 houses burnt. Who burnt houses?

14 A. The rebels.

12:43:34 15 Q. Did anything else happen in Daraya on that day?

16 A. Yes.

17 Q. What else happened?

18 A. Some were captured. My uncle's wife was captured as well.

19 Q. Who captured her?

12:44:00 20 A. The rebels.

21 Q. Anyone else was captured on that day?

22 A. Yes.

23 Q. Who else was captured on that day?

24 A. They captured another young lady.

12:44:22 25 Q. Do you know her name?

26 A. I have forgotten her name.

27 Q. How long did you stay in Daraya, Mr Witness?

28 A. We didn't stay long there.

29 Q. When you say "we", who are "we"?

1 A. Us and the rebels. I said we because we had been captured
2 by the rebels at that time. We were with them.

3 Q. And what happened after that? Where did you go after that?

4 A. That day he called a name that is not clear. Can you ask
12:45:09 5 the question again, please.

6 Q. Yes. Where did you go? You said you didn't stay for a
7 long time, where did you go after Daraya?

8 A. We went to Mayogbo.

9 Q. Mayogbo, M-A-Y-O-G-B-O. And what happened when you went to
12:45:33 10 Mayogbo?

11 A. It was attacked.

12 Q. Did anything happen when Mayogbo was attacked?

13 A. Yes.

14 Q. What happened?

12:45:57 15 A. They burnt down houses and I saw them chop off one person's
16 hand and they captured some people.

17 Q. Okay. So who burnt those houses?

18 A. The rebels.

19 Q. How many houses did they burn?

12:46:15 20 A. No.

21 Q. How do you know that?

22 JUDGE SEBUTINDE: What are you asking? You have got the
23 witness lost.

24 MR WERNER: Yes, my question was not clear. I apologise
12:46:25 25 for that.

26 Q. How do you know that houses were burnt?

27 A. I saw them on fire.

28 Q. Now, you talked about abduction, can you tell who was
29 abducted that day in Mayogbo?

1 A. Yes.

2 Q. Who was abducted?

3 A. They captured Ferreh.

4 Q. Ferreh. F-E-R-R-E-H. Anyone else?

12:47:07 5 A. And Muyo.

6 MR WERNER: Your Honour, I have the name. Could the
7 translator help me and give a phonetic translation?

8 THE INTERPRETER: M-U-Y-O.

9 MR WERNER:

12:47:42 10 Q. Anyone else, Mr Witness, you can remember?

11 A. Yes, somebody was captured, but I've forgotten it. His
12 name, he was a boy, a youth.

13 Q. Now, you talk about one amputation. Do you know who was
14 amputated on that day in Mayogbo?

12:48:07 15 A. Yes.

16 Q. Who?

17 A. Hawa.

18 Q. Hawa, H-A-W-A.

19 PRESIDING JUDGE: Have you completed that segment of your
12:48:30 20 examination-in-chief?

21 MR WERNER: Yes. I am moving to another place.

22 PRESIDING JUDGE: Very well. That would be an appropriate
23 time to have the lunch time adjournment. Madam Court Attendant,
24 please adjourn court until quarter past two.

12:48:46 25 [Luncheon recess taken at 12.45 p.m.]

26 [On resuming at 2.15 p.m.]

27 MS THOMPSON: Your Honour, I have remained standing. Your
28 Honour would notice that Mr Brima is not in the Court this
29 afternoon. Having felt unwell towards the latter end of this

1 morning's session, he has decided to stay away from Court this
2 afternoon. It is purely to do with his health reasons.

3 PRESIDING JUDGE: Thank you for that information,
4 Ms Thompson, we will make sure that is on record.

14:20:23 5 Now, Mr Werner, you were in the midst of your
6 examination-in-chief. Please continue.

7 MR WERNER: Thank you, Your Honour.

8 Q. Good afternoon, Mr Witness.

9 A. Good afternoon.

14:21:00 10 Q. I have some more questions for you, if you can just answer
11 my questions.

12 A. I forgot to say something. If I go over that now, will you
13 accept me to say it? I forgot to say something this morning.

14 PRESIDING JUDGE: Very well, Mr Witness, you tell us what
14:21:27 15 it is.

16 MR WERNER:

17 Q. Just tell us, Mr Witness.

18 A. My uncle's wife and brother that they killed, my brother's
19 wife and his child that they killed.

14:22:02 20 Q. Where, Mr Witness?

21 A. In Bonoya.

22 Q. And when?

23 A. They did as they entered the village.

24 Q. Was it the same day you had been abducted?

14:22:23 25 A. Yes.

26 JUDGE SEBUTINDE: I haven't quite understood the relations
27 of the people that died. He first said, "My uncle's wife and
28 brother" and then he said "my brother's wife and child." I am a
29 bit confused. Who are these people that died that he now wants

1 to tell us about?

2 THE WITNESS: I talked about my uncle. I am also referring
3 to my brother and -- my uncle was burnt and killed, but my
4 brother and his son were killed. That's not what I'm talking
14:23:19 5 about. I'm not talking about my uncle now. I'm talking about my
6 brother and his son.

7 MR WERNER:

8 Q. You're adding to the list you gave this morning about the
9 people killed in Bonoya, your brother and his son; is that
14:23:34 10 correct?

11 A. No, I just forgot to mention about my brother and the son
12 that was killed this morning.

13 Q. That's fine. Mr Witness, before we stopped this morning,
14 you told us about an attack in Mayogbo?

14:24:17 15 A. Yes.

16 Q. Do you remember that?

17 A. Yes.

18 Q. Now, how long did you stay at Mayogbo?

19 A. We didn't stay long at Mayogbo, but I saw burnt houses at
14:24:38 20 Mayogbo, and also the man who was amputated.

21 Q. Yes, Mr Witness, you told us about that this morning. Now,
22 what did you do after having stayed at Mayogbo. Where did you
23 go?

24 A. We went to Kari na.

14:24:58 25 Q. Just pause here. Kari na, K-A-R-I -N-A. What happened when
26 you went there?

27 A. They attacked Kari na.

28 Q. Who attacked Kari na?

29 A. The rebels.

1 Q. Did you see anything during that attack?

2 A. Yes.

3 Q. What did you see?

4 A. The burnt houses.

14:25:43 5 Q. How many?

6 A. Two houses that I saw.

7 Q. Who burnt them?

8 A. The rebels.

9 Q. Did you see anything else happening during the attack

14:26:00 10 against Karina?

11 A. Yes.

12 Q. What did you see?

13 A. I saw two people who were mutilated.

14 Q. Who were those people, Mr Witness?

14:26:25 15 A. Two women.

16 Q. Did you know them?

17 A. No.

18 Q. And who did that to them?

19 A. The rebels.

14:26:41 20 Q. How do you know that?

21 A. I saw them when they were being mutilated.

22 Q. Now, you told us about burning and you told us about these

23 two women being mutilated. Did anything else happen during the

24 attack against Karina?

14:27:05 25 A. They looted the people's property in the town.

26 Q. Who did that?

27 A. The rebels.

28 Q. How do you know about that?

29 A. It was their work. I didn't see them doing it, but I knew

1 it was their work.

2 Q. Were you told about that?

3 A. Yes, it was the people that told us that they were looted
4 when we arrived in Karina.

14:27:54 5 Q. When you say, "we arrived," who are "we," Mr Witness?

6 A. I'm talking about the rebels, all the people that told us
7 that they looted the village.

8 Q. You said they told us when we arrived in Karina. Who are
9 you referring to? Who are "we arrived in Karina"?

14:28:29 10 A. I was captured by the rebels, so I am making reference to
11 them, but I had been captured by them.

12 Q. Now you told us about looting, burning, two people being
13 mutilated. Did anything else happen during the attack against
14 Karina?

14:28:48 15 A. They also captured people in Karina.

16 Q. Who captured people?

17 A. The rebels.

18 Q. And do you know who was captured?

19 A. Yes.

14:29:18 20 Q. Can you tell the Court who was captured?

21 A. Let me name their names?

22 Q. Yes, Mr Witness.

23 A. Sai o Fanta.

24 Q. Saoi S-A-I-O. Fanta, F-A-N-T-A. Anyone else, Mr Witness?

14:29:44 25 A. Yes. Kanko Fanta.

26 Q. Kanko Fanta, Kanko, K-A-N-K-O, Fanta, F-A-N-T-A. Anyone
27 else, Mr Witness?

28 A. Also Kanko Binti.

29 Q. Kanko same spelling, Binti, B-I-N-T-I. Anyone else,

1 Mr Witness?

2 A. Also Kanko Thorfila.

3 Q. Could I suggest the assistance of the interpreter. I do
4 not that have the last name.

14:30:37 5 PRESIDING JUDGE: Mr Interpreter, do you know how to spell
6 the last name in that answer?

7 THE INTERPRETER: T-H-O-R-F-I-L-A, Thorfila.

8 PRESIDING JUDGE: Thank you, Mr Interpreter.

9 MR WERNER: Thank you.

14:31:09 10 Q. Mr Witness, was anyone else attacked that day in Karina?

11 A. I can't remember that again.

12 Q. Now, Mr Witness, who abducted those people?

13 A. The rebels.

14 Q. How do you know about them?

14:31:32 15 A. I saw them ahead.

16 Q. Who are they? Who did you see ahead?

17 A. The people whose names I have given already.

18 Q. When you say "ahead," what do you mean? Mr Witness, when
19 you said, "I saw them ahead," what do you mean, "ahead"?

14:32:19 20 A. I saw them ahead. Ahead. I saw them ahead. What are we
21 talking about here, isn't it the same thing?

22 MR WERNER: Mr Interpreter, I'm just asking. The witness
23 said --

24 PRESIDING JUDGE: The interpreter is interpreting what the
14:32:43 25 witness has said, Mr Werner, and the witness is asking you.

26 MR WERNER: Sorry about that. I was confused. Okay, I'll
27 move ahead.

28 Q. Now, Mr Witness, how long did you stay in Karina?

29 A. I did not stay long in Karina.

1 Q. Where did you go after Karina?

2 A. We went across the river.

3 Q. Do you remember the name of the river?

4 A. Yes.

14:33:33 5 Q. Could you give the name to the Court.

6 A. Mabol eh.

7 Q. M-A-B-O-L-E-H. Now, Mr Witness, from Bonoya to Karina and
8 then to Mabol eh what were you doing yourself?

9 A. I had luggage on my head as a captured somebody.

14:34:22 10 Q. You told us this morning about civilians from other
11 villages. What were they doing with themselves?

12 A. They were also carrying luggages on their heads.

13 Q. Now, Mr Witness, did you hear soldiers talking about the
14 places you have named so far Bonoya, Kamagbo, Mayogbo, Karina?

14:35:05 15 Did you hear --

16 PRESIDING JUDGE: Pause, Mr Werner. Yes, Mr Knoops.

17 MR KNOOPS: I object the word "soldiers" wasn't used by
18 the witness. It is a word of the Prosecutor.

19 PRESIDING JUDGE: That is correct, Mr Werner. The witness
14:35:16 20 has not used that terminology. It is an important distinction.

21 MR WERNER: The witness said SLA at the beginning of his
22 testimony. I agree that he repeatedly said rebels after. I will
23 rephrase. I apologise for that.

24 Q. So did you hear the rebels talking about the places you
14:35:36 25 have named this morning, Bonoya, Kamagbo, Mayogbo, Karina?

26 THE INTERPRETER: Can I learned counsel please repeat the
27 question. It is not clear for the interpreter.

28 MR WERNER:

29 Q. Mr Witness, did you hear the soldiers talking about the

1 villages you have named --

2 PRESIDING JUDGE: Mr Werner, you have done it again.

3 MR WERNER: Sorry.

4 Q. Did you hear the rebels talking about the places you have
14:36:19 5 named this morning?

6 A. Yes.

7 Q. What did you hear?

8 A. They said it is Tejan Kabbah's town, that is why they are
9 burning there. The rain was coming by that time.

10 Q. After Mayogbo, where did you go, Mr Witness?

11 A. We went to some local village.

12 Q. Do you remember the name of the local village.

13 A. Mabaka.

14 Q. Mabaka, M-A-B-A-K-A. Mr Witness, what happened when you
14:37:35 15 went to Mabaka?

16 A. They attacked Mabaka.

17 Q. Who attacked Mabaka, Mr Witness?

18 A. The rebels.

19 Q. Did you see anything during the attack against Mabaka?

14:37:58 20 A. Yes.

21 Q. What did you see?

22 A. They burnt houses, killed two people. One was killed in
23 front of me.

24 Q. Who burnt houses?

14:38:18 25 A. The rebels.

26 Q. How many houses were burnt?

27 A. I don't know the number of houses. Because by that time I
28 was not emotionally steady.

29 Q. How did you learn about the burning of those houses?

1 A. I just saw the fire on the houses.

2 Q. Now, what about the two people killed, who were they?

3 A. They were civilians.

4 Q. What happened to them?

14:39:14 5 A. The one was mutilated and I found him dead. The other one
6 was stoned right in front of us until he died. Right in front of
7 me until he died.

8 Q. How did you learn about the one who had been mutilated?

9 A. I met him dead.

14:39:40 10 Q. Who did that, Mr Witness, who killed him.

11 A. The rebels.

12 Q. Now, Mr Witness, how long did you stay in Mabaka.

13 A. We did not stay for long. We went ahead.

14 Q. Where did you go?

14:40:06 15 A. We went ahead.

16 Q. Do you remember, where did you go?

17 A. We went to this town, Mandaha.

18 Q. Mandaha for the Court, M-A-N-D-A-H-A. Now, Mr Witness, did
19 anything happen on the way from Mabaka to Mandaha?

14:40:43 20 A. Yes. We saw burnt houses and dead people.

21 Q. Where?

22 A. On the way. I cannot tell because I don't know the names
23 of the villages.

24 Q. Can you tell how many villages? Sorry, I'm going to

14:41:10 25 rephrase. Do you know in how many villages did you see houses
26 burnt and civilians killed?

27 A. We passed sandy roads. I can't remember exactly the number
28 of houses.

29 Q. Can you remember the number of villages you went through?

1 A. I can't remember. I can't remember.

2 Q. Can you remember -- you say, "I saw corpses." Can you
3 remember how many corpses you did see on the way from Mabaka to
4 Mandaha?

14:42:13 5 A. No.

6 Q. Now, did anything happen when you arrived at Mabaka?
7 Sorry, when you arrived at Mandaha?

8 A. They attacked Mandaha.

9 Q. Who attacked Mandaha, Mr Witness?

14:42:30 10 A. The rebels.

11 Q. What happened?

12 A. They attacked there. We entered. I saw one dead person.

13 Q. Who was he or she?

14 A. He.

14:42:57 15 Q. Who was he?

16 A. He was a civilian.

17 Q. Who killed him?

18 A. The rebels.

19 PRESIDING JUDGE: Mr Werner, are you making an assumption
14:43:13 20 there that he was killed?

21 MR WERNER:

22 Q. So, what happened to the dead body you saw, Mr Witness?

23 A. He was shot.

24 Q. Who shot him?

14:43:40 25 A. The rebels.

26 Q. How do you know that?

27 A. I saw the bullet mark on him.

28 Q. Did you see anything else at Mandaha, Mr Witness?

29 A. The Kamajors came and attacked us.

1 Q. And what happened?

2 A. A bomb fell on the house. One commander died and also one
3 boy.

4 Q. When you say one commander, who was he?

14:44:21 5 A. He was a rebel .

6 Q. Was the boy killed because of the bombing?

7 A. I don't know what killed him, but he was also with us in
8 Bonoya. He was alongside of me.

9 Q. Do you know his name?

14:44:53 10 A. Yes.

11 Q. What is his name?

12 A. Bockarie.

13 Q. Bockarie, B-O-C-K-A-R-I-E. Now, Mr Witness, did anything
14 else happen in Mandaha?

14:45:15 15 A. Yes.

16 Q. What has happened in Mandaha?

17 A. They arrested one Kamajor.

18 Q. Who arrested one Kamajor, Mr Witness?

19 A. The rebels.

14:45:30 20 Q. What happened with the Kamajor?

21 A. They slaughtered him.

22 Q. Who slaughtered him, Mr Witness?

23 A. The rebels.

24 Q. How do you know that?

14:45:47 25 A. I saw them.

26 Q. How long did you stay in Mandaha, Mr Witness?

27 A. I remember we took one week. Roughly, I remember.

28 Q. Where did you go after that?

29 A. We went to another town.

1 Q. Do you remember the name of that town?

2 A. No.

3 Q. What happened there?

4 A. They attacked there. Did anything happen when they
14:46:44 5 attacked that town?

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

7 MR WERNER: Sorry.

8 Q. Mr Witness, who attacked that place after Mandaha?

9 A. The rebels.

14:46:57 10 Q. Did anything happen when the rebels attacked that place
11 after Mandaha?

12 A. We went two days -- we didn't spend more than two days. We
13 left.

14 Q. Where did you go?

14:47:28 15 A. We found our way to Mateboi.

16 Q. Mateboi, M-A-T-E-B-O-I. Now, from Mandaha to Mateboi, you
17 talked about that village you cannot name. Did anything else
18 happen on the way from Mandaha to Mateboi, Mr Witness?

19 A. Yes.

14:47:57 20 Q. What happened on the way?

21 A. They went about killing people on the way. There was a
22 town where they killed so many people. They even killed a baby
23 in one of the towns.

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

14:48:15 25 A. The rebels killed the civilians.

26 Q. How many people were killed?

27 A. I cannot remember counting them, because there were plenty.
28 There were many.

29 Q. How do you know about that?

1 A. I found their bodies, dead bodies, lying all over the
2 place, when we passed by.

3 Q. Did anything else happen on the way, Mr Witness, from
4 Mandaha to Mateboi?

14:48:59 5 A. Yes, they burnt some houses on the way.

6 Q. Who are "they"?

7 A. The rebels.

8 Q. Did anything happen on the way?

9 A. That was the only thing we did whilst we were going, whilst
14:49:25 10 we went along.

11 Q. Now, Mr Witness, you say you went to Mateboi. What
12 happened when you arrived -- sorry, did anything happen when you
13 arrived at Mateboi?

14 A. Yes.

14:49:47 15 Q. What happened?

16 A. They attacked there.

17 Q. Who attacked Mateboi?

18 A. The rebels.

19 Q. Did you see anything during that attack, Mr Witness?

14:50:08 20 A. No.

21 Q. Did anything happen during the time -- how long did you
22 stay at Mateboi?

23 A. We spent three weeks.

24 Q. What did you do during that time?

14:50:28 25 A. We discovered some aluminium properties in one hole.

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

27 A. Me and the rebels.

28 Q. Do you know why that aluminium property was in that hole?

29 A. It was a hole. They just stamped on the area. So -- and

1 you know where there is already stamped there, the sun comes out.

2 Q. So what happened when the rebels found -- you and the
3 rebels found that aluminium material? What happened?

4 A. We dug the holes -- we dug up the holes and then brought
14:51:47 5 out the aluminium property and then shared it amongst ourselves.

6 Q. Do you know why this property had been put in that hole?

7 A. They were trying to hide them from the rebels.

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

9 A. The civilians. They hid the things so that the rebels
14:52:21 10 would not see them, but there was no way they saw them.

11 Q. Could you describe when you say aluminium material, what
12 was it? Could you describe what it was?

13 A. Yes.

14 Q. Please do so.

14:52:42 15 A. Aluminium cups, pots, dishes, plates.

16 Q. Now, during the time you were in Mateboi in those weeks,
17 did anything happen?

18 A. Yes.

19 Q. What happened, Mr Witness?

14:53:14 20 A. There is a village close to Mateboi there, near a river.

21 THE INTERPRETER: Your Honours, can the witness please
22 repeat his explanation?

23 PRESIDING JUDGE: Just pause for a moment, Mr Witness and
24 go back and start your answer again [microphone not activated] so
14:53:48 25 the interpreter can keep up with you. Please start again.

26 THE WITNESS: There is a village close to Mateboi. It is
27 very close to a river. By that river, also, I saw two dead
28 bodies. Have you understood now?

29 MR WERNER:

1 Q. Yes, Mr Witness. Thank you. Who were those dead bodies?

2 A. Civilians.

3 Q. Do you know what happened to them? What had happened to
4 them?

14:54:53 5 A. They were killed by the rebels.

6 Q. How do you know that, Mr Witness?

7 A. I just saw them lying there, the dead bodies lying there,
8 and they were killed by the rebels. And at the same time, the
9 river, it was the dry season and the level of the river was low,

14:55:29 10 so you could not say they were drowned by the river.

11 Q. Mr Witness, during these weeks you were in Mateboi,
12 yourself, what did you do?

13 A. I laundered for them and I also pounded rice for them.

14 Q. Who are they?

14:56:02 15 A. I also fetched water for them. The rebels.

16 Q. Now, what did you do when you left Mateboi?

17 A. I had their luggages on my head.

18 Q. Where did you go?

19 A. We found our way to Gbomsamba.

14:56:38 20 Q. For the Court, Gbomsamba, G-B-O-M-S-A-M-B-A. Did anything
21 happen when you arrived in Gbomsamba?

22 A. They attacked there.

23 Q. Who attacked there, Mr Witness?

24 A. The rebels.

14:57:07 25 Q. Did anything --

26 MR DANIELS: Excuse me. Your Honour, my clients would like
27 to --

28 PRESIDING JUDGE: Yes, they should be escorted out. He
29 should be escorted out, you have just got the one there.

1 MR DANIELS: Much obliged.

2 PRESIDING JUDGE: Continue, Mr Werner.

3 MR WERNER: Thank you, Your Honour.

4 Q. You said that Gbomsamba was attacked by the rebels. Did
14:57:45 5 anything happen during that attack?

6 A. Yes.

7 Q. What happened, Mr Witness?

8 A. They killed one soldier.

9 Q. Who was the soldier?

14:58:11 10 A. It was a man.

11 Q. Now, did anything else happen?

12 A. They burnt some houses and looted property.

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

14 A. Who? Those whose properties they took?

14:58:43 15 Q. No, no. Who did that? You said "they". Who did that?

16 A. The rebels.

17 Q. Did anything happen in Gbomsamba?

18 A. They looted people's property.

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

14:59:10 20 A. The rebels.

21 Q. How do you know about those burnings and those lootings?

22 A. I saw houses on fire.

23 Q. How do you know about the looting?

24 A. That's their job. Wherever they went, that's what they
14:59:30 25 did.

26 Q. Now, how long did you stay in Gbomsamba?

27 A. We didn't stay long. We went ahead.

28 Q. Where did you go?

29 A. We went to Robat mess.

1 Q. For the Court, Robat mess, R-O-B-A-T M-E-S-S. Now,
2 Mr Witness, we are going to talk about Robat mess in one second.
3 From Bonoya to Robat mess, did you have a commander?

4 A. Yes, but I didn't know them then. They just captured me,
15:00:44 5 but I did not know them.

6 PRESIDING JUDGE: Yes, Mr Knoops.

7 MR KNOOPS: Your Honour, I object. There is no foundation
8 for the fact that the witness has a commander.

9 PRESIDING JUDGE: There has not, Mr Werner. You must lay
15:00:56 10 some foundation for that question.

11 MR WERNER: I will. I will.

12 Q. Mr Witness, you told us that you had been abducted by one
13 Mohamed. Do you remember that?

14 A. Yes.

15:01:21 15 Q. Who was Mohamed?

16 A. He was a People's Army.

17 Q. Did Mohamed come with you from --

18 A. Yes.

19 Q. Just let me finish my question, Mr Witness. Did Mohamed
15:01:42 20 come with you from Bonoya to Robat mess?

21 A. Yes.

22 Q. Did you follow Mohamed?

23 A. He captured me.

24 MR KNOOPS: Your Honour, I think these are all leading
15:02:03 25 questions of counsel.

26 PRESIDING JUDGE: They are leading. And there had been
27 earlier leading ones, Mr Werner, but since there was no
28 objection, I didn't raise it, but since an objection has now been
29 raised, it's a valid one.

1 MR WERNER:

2 Q. Mr Witness, did Mohamed have a boss?

3 PRESIDING JUDGE: What?

4 MR WERNER: A commander, sorry.

15:02:32 5 PRESIDING JUDGE: Oh, I see.

6 MR WERNER:

7 Q. Did Mohamed have a commander, Mr Witness?

8 MR KNOOPS: Your Honour, I think this is also a leading
9 question.

15:02:42 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: It is leading and in actual fact, there
12 is not sufficient foundation for it, either. Sorry, you have
13 established that he was People's Army. I withdraw that last
14 comment.

15:02:59 15 MR KNOOPS: Your Honour, it was not established what the
16 position of this Mohamed was within that People's Army. So I
17 think the question as to whether Mohamed had a commander is quite
18 presumptuous.

19 PRESIDING JUDGE: It is. In any event, I'm not going to
15:03:21 20 tell you what to do, Mr Werner. I just uphold the objection.

21 MR WERNER:

22 Q. Mr Witness, do you know what position Mohamed held in the
23 People's Army?

24 A. No.

15:04:06 25 Q. Did you know during your journey from Bonoya to Robat mess
26 you talked about Mohamed. Did you know anyone else with the
27 rebels?

28 MR KNOOPS: Your Honour, I think these are questions which
29 are too broad and too vague and also too ambiguous for this

1 witness to answer. I object against the generality of the
2 questions.

3 MR WERNER: I will try to narrow my questions.

4 Q. Mr Witness, you said that from Bonoya to Robot mess you
15:04:48 5 were with the rebels. Do you remember that?

6 A. Yes, including the soldiers.

7 Q. Now, have you ever learned the name of any of those rebels
8 or soldiers?

9 A. I learnt that later, but initially I didn't know.

15:05:30 10 Q. What did you learn? Later, what did you learn?

11 A. I did not understand your question.

12 Q. You said that you didn't know that at that time, the name
13 of other rebels and soldiers, but you learned those names later.

14 So my question is: What did you learn later? Which names did
15:06:09 15 you learn later?

16 A. When we reached Rosos, that's when I knew them. That's
17 when I knew their names. The people who -- the person who
18 captured me is the People's Army.

19 Q. Could you tell the Court the names you learned later in
15:06:35 20 Rosos?

21 A. Yes.

22 Q. Please do so, Mr Witness.

23 A. Gullit.

24 Q. And the other one?

15:06:54 25 A. Five-Five.

26 Q. And the other one?

27 A. Adama Cut Hand.

28 Q. Now, Mr Witness, do you know if Gullit, Five-Five and Adama
29 Cut Hand were with you from Bonoya to Robot mess?

1 A. Yes.

2 Q. How do you know that?

3 A. I knew them later because at that time no other troop
4 joined us, and they were calling their names in my presence.

15:07:47 5 Q. Now, how do you know that Five-Five, Gullit and Adama Cut
6 Hand were commanders?

7 MR KNOOPS: Your Honour, these are not the words of the
8 witness. Your Honour, with all due respect, I think this is not
9 the proper way to conduct examination-in-chief. This is
10 repeatedly leading and I have the impression that the witness is
11 indirectly suggested to say things. I think this should be
12 discarded.

13 MR WERNER: I am sorry. Can I reply?

14 PRESIDING JUDGE: Yes, you may reply, Mr Werner.

15:08:29 15 MR WERNER: I asked him if he learned about commanders. He
16 told me that he learned about commanders.

17 PRESIDING JUDGE: No, I have recorded that he said, "I
18 learnt names."

19 MR WERNER: Sorry, I will come back to that.

15:08:43 20 PRESIDING JUDGE: I would uphold the objection on leading.
21 This is a crucial part of the evidence, it would appear, from
22 what is being said in relation to the indictment. So you must
23 not lead.

24 MR WERNER: Yes, Your Honour.

15:08:58 25 Q. So, Mr Witness, you told us the names of Five-Five, Gullit
26 and Adama Cut Hand. Do you know who were those three people you
27 have named?

28 A. Yes.

29 Q. Who were they?

1 A. They were rebels.

2 Q. Do you know what were their positions among the rebels?

3 MR KNOOPS: Your Honour, I object. Only the reference to
4 the word "position" is leading in this context and the previous
15:09:49 5 objections the Defence has raised.

6 MR WERNER: I will rephrase that.

7 Q. Mr Witness, Gullit, Five-Five and Adama Cut Hand --

8 PRESIDING JUDGE: Just pause a minute, Mr Werner.

9 [Trial Chamber conferred]

15:10:28 10 PRESIDING JUDGE: Mr Werner, I'm not sure if you've moved
11 on before we could rule on the objection as to the term
12 "position" because I didn't hear a reply from you and I had
13 started recording it and then Mr Knoops objected, but we didn't
14 rule on it.

15:10:46 15 MR WERNER: Sorry about that. I apologise.

16 PRESIDING JUDGE: There is no objection to the use of the
17 word "position". The question may be put.

18 MR WERNER:

19 Q. So, Mr Witness, Five-Five, Gullit and Adama Cut Hand --

15:10:55 20 A. Yes.

21 Q. Do you know what were their positions?

22 A. No. But I knew that they were bosses.

23 Q. What do you mean when you say, "I knew that they were
24 bosses"? What do you mean by that?

15:11:36 25 A. The way they spoke with other people, that's how I knew
26 that they were bosses.

27 Q. Now, Mr Witness, you told us that you went to Robot mess.
28 Do you remember?

29 A. Yes.

1 Q. Did anything happen when you went to Robat mess?

2 A. It was attacked.

3 Q. Who attacked Robat mess, Mr Witness?

4 A. The rebels.

15:12:30 5 Q. Did anything happen during that attack?

6 A. Yes.

7 Q. What happened?

8 A. They killed people.

9 Q. Who killed people, Mr Witness.

15:12:47 10 A. The rebels.

11 Q. How do you know that?

12 A. I saw their graves.

13 Q. Whose graves, Mr Witness?

14 A. The corpses'.

15:13:15 15 Q. How many graves did you see?

16 A. I saw five graves. I saw the five graves in person.

17 Q. Do you know who were in those graves?

18 A. They were civilians. They were not properly buried. Some

19 of them had their hands protruding out. Some of them had their

15:13:44 20 feet out.

21 Q. Did you see that?

22 A. Yes.

23 Q. Do you know what had happened to those people, Mr Witness?

24 A. They were killed, but I do not know how they killed them.

15:14:10 25 Q. You said "they". Who is "they"? You said, "I do not know
26 how they killed them." Who are they?

27 A. The rebels.

28 Q. Now, do you know, Mr Witness, why did the rebels bury those
29 people?

1 MR KNOOPS: Your Honour, I object.

2 THE WITNESS: Yes.

3 MR KNOOPS: The witness is not able to speak for other
4 people than himself. The Prosecution asked what the reason is
15:14:52 5 that the rebels buried civilians there.

6 JUDGE SEBUTINDE: Actually, we don't have evidence of who
7 buried these people. There is no evidence of who buried these
8 people.

9 MR WERNER: I will rephrase then.

10 THE WITNESS: I met them buried. I do not know who buried
11 them.

12 MR WERNER:

13 Q. Mr Witness, do you know why those corpses were in graves?
14 Do you know why?

15 MS THOMPSON: Your Honour, I object. This witness has said
16 that when he got there, he saw five graves. Which, to me,
17 suggests that they were already buried. Properly or not, but
18 they were already buried by the time he got there. He would be
19 not be able to answer as to why they were buried. Who buried
15:15:43 20 them or indeed who killed. He has already stated when he got
21 there, the graves were already there, five of them. If I may
22 say --

23 THE WITNESS: How they were buried --

24 PRESIDING JUDGE: Ask the witness to pause, Mr Interpreter.

15:15:59 25 Please pause, Mr Witness. Ms Thompson, can you get a little
26 closer to the microphone. I missed part of your --

27 MS THOMPSON: Sorry, Your Honour. I was just saying that
28 my learned friend would be bordering on cross-examining his own
29 witness if he carries on, because the witness's evidence is quite

1 clear.

2 PRESIDING JUDGE: Mr Werner, I haven't got a reply from you
3 on that objection.

4 MR WERNER: I will rephrase.

15:16:49 5 Q. Mr Witness, did you hear anything about why there were
6 graves in Robat mess?

7 A. Yes.

8 Q. What did you hear?

9 A. The state of the corpses, because that's where we saw it,
15:17:16 10 together with the rebels.

11 Q. Did you hear anything else?

12 A. Apart from that, if I saw something else?

13 Q. I will move on, I will move on.

14 JUDGE SEBUTINDE: Isn't there a word for "hear" in
15:17:45 15 Mandingo?

16 THE INTERPRETER: Excuse me, Your Honours.

17 JUDGE SEBUTINDE: I asked if there is not a word for "hear"
18 in Mandingo, because the question was, "What did you hear?"

19 THE INTERPRETER: Yes, there is a word.

15:17:58 20 JUDGE SEBUTINDE: So how come we got an answer relating to
21 the smell rather than the hearing.

22 THE INTERPRETER: That's the answer he gave us, Your
23 Honour.

24 MR WERNER:

15:18:11 25 Q. Okay, did you hear anything else, Mr Witness, about those
26 graves?

27 A. No.

28 Q. What happened when you arrived at Robat mess? What did you
29 do?

1 A. I did not understand the question. What I did?

2 Q. Yes.

3 PRESIDING JUDGE: Mr Witness, are you feeling all right?

4 THE WITNESS: Yes. I am feeling all right.

15:19:10 5 PRESIDING JUDGE: Very well, then.

6 Mr Werner, in the circumstances, I think put your question
7 again as it would appear from the witness's response that he
8 didn't understand.

9 MR WERNER: Yes.

15:19:27 10 Q. Mr Witness, did you stay at Robat mess?

11 A. Yes.

12 Q. How long did you stay?

13 A. I spent three months there.

14 Q. During that time, during those three months, did you go to
15 any other places, or did you stay in Robat mess itself?

16 A. We went on food-finding missions.

17 Q. What happened during those three months when you were at
18 Robat mess?

19 A. I said we did go on food-finding missions. Food-finding.

15:20:42 20 Q. What else did you do during those three months in Robat
21 mess?

22 MR KNOOPS: Your Honours, I think the witness has answered
23 the question three times.

24 PRESIDING JUDGE: He has answered, Mr Werner.

15:21:01 25 MR WERNER:

26 Q. Did anything else happen during those three months?

27 MR KNOOPS: Your Honour, I object. I think this line of
28 questioning is highly prejudicial to the accused. It is clear
29 that the Prosecution wants to hear something from the witness. I

1 think until so far, the questions which are put to the witness
2 are at least suggestive and, as Your Honours have repeatedly
3 ruled, leading for the witness, yet the witness indirectly gets
4 the information in order to get the question from him which are
15:21:32 5 clearly not voluntarily given by the witness, so in this respect,
6 I have a more general objection whether this examination-in-chief
7 should continue as the way it goes. I think right now it is fair
8 to say that the way this witness has led into the evidence is
9 highly prejudicial and I therefore apply, and I hope my learned
15:21:55 10 colleagues will support that we will ask Your Honours not to
11 continue with this witness. I clearly think this evidence is not
12 admissible because only by the way the witness is led into
13 evidence is prejudicial to the accused. This is actually an
14 accumulation of all the leading questions we have heard until so
15:22:18 15 far which, clearly, are influential to the attitude of the
16 witness and the perception he gets from questions. I humbly ask
17 the Court to consider not to continue with this
18 evidence-in-chief.

19 JUDGE LUSSICK: Well, I don't think there are any grounds
15:22:43 20 at all for the Court refusing to hear this witness's evidence.
21 We have dealt with any objection that it has come along and we
22 have not allowed leading questions and we will continue not to
23 allow leading questions. The only comment I can make further to
24 that is that there is a way of eliciting testimony from this
15:23:01 25 witness without leading him. But seeing there has been a strong
26 objection to leading, questions of that nature will not be
27 allowed.

28 MR HODES: Your Honours, may I at least rise for this
29 specific objection. The question which was just put to the

1 witness was, "Did anything else happen?" I can't think of
2 anything that could be more general than that. There is nothing
3 leading about that. He's not suggesting anything. It's just,
4 "Did anything else happen?" Maybe nothing happened, nothing that
15:23:38 5 the witness can remember. That, by itself, is not a leading
6 question. I would argue that that question can be allowed.

7 MR KNOOPS: Your Honours, with all due respect, I think
8 leading questions should also be seen, at least a qualification
9 for leading questions should be seen in the light of the
15:23:59 10 questions which precede the specific question. Now, the witness
11 has repeatedly said that there was a food-finding mission during
12 the three months. He said it twice again to the Prosecution.
13 When you, in this context, again ask the witness if something
14 happened, that is clearly suggestive to the witness. The witness
15:24:25 15 is put to a certain topic to mind to think about what else might
16 have happened. This is not clearly a voluntary answer given by
17 the witness. In the context of the preceding questions, the
18 question, how general it may be put in this particular event can
19 amount to a leading question, or at least a suggestive question.

15:24:57 20 PRESIDING JUDGE: There has been an objection and there has
21 been a reply.

22 [Trial Chamber confers]

23 JUDGE LUSSICK: The Trial Chamber has conferred on the
24 objection. The question taken alone, "Did anything else happen"
15:26:13 25 is not leading, but in the context of the answers that the
26 witness has already given, for instance, all he can come up with
27 when asked several times what happened in this place was that
28 they went on food-finding missions. In that context, to ask him
29 again, "Did anything else happen?" Is suggesting that something

1 else must have happened apart were food-finding missions. We
2 find that question leading. We uphold the objection.

3 MS THOMPSON: Your Honour, can I just raise something that
4 has just occurred to me. Whilst this legal argument has been
15:26:50 5 going on, I think what is being said here is being interpreted to
6 the witness. I'm worried that we may then start getting answers
7 on the basis of the deliberations that have taken place within
8 the well of this Court. It's just occurred to me. I've just
9 discussed it with my learned friends. The witness's earphones
15:27:13 10 are on, the microphones are there and what is being said here
11 being interpreted to him. Which, in my humble position, it
12 defeats the entire purpose of legal argument.

13 PRESIDING JUDGE: Mrs Thompson, that is life in any Court.

14 MS THOMPSON: Your Honours, I think, certainly in the Court
15:27:31 15 room when legal argument is taken place, witnesses are told to
16 leave the courtroom and, in my submission, that if arguments are
17 being certainly proffered in court regarding questions that are
18 put to the witness, perhaps it might be an idea for it not to be
19 translated to the witness.

15:27:49 20 PRESIDING JUDGE: Could you refer me to a rule on that?

21 MS THOMPSON: I can't do that now, Your Honour, but I
22 certainly will look it up.

23 MR KNOOPS: Your Honour, if I may, make a suggestion. I
24 know from examination-in-chief in Trial Chamber I, and I believe
15:28:10 25 it was attached to Witness 04 -- that in Trial Chamber I, while
26 raising objection, the Trial Chamber allowed the microphone to be
27 switched off for the witness so that the arguments were not
28 overheard by the witness. I believe we have the transcripts for
29 that particular portion, it was a discussion between learned

1 counsel Mr Jordash and Mr O'Shea in Trial Chamber I.

2 JUDGE LUSSICK: Mr Knoops, don't you think it is a little
3 bit late to tell us that after all the arguments have been heard,
4 to tell us then that the microphones should have been switched
15:28:53 5 off?

6 MR KNOOPS: Your Honour, if I only could look into the
7 future, I would have warned or alerted the Chamber to this
8 solution. We were, of course, not aware that this
9 examination-in-chief would be conducted in this way. So I
15:29:05 10 apologise if we refer to this suggestion. But now that the
11 objections are actually quite repetitive and upheld, I think it
12 is probably now a proper moment to consider this suggestion, Your
13 Honours. I apologise if we didn't alert the Chamber earlier to
14 this potential solution.

15:30:53 15 [Trial Chamber conferred]

16 PRESIDING JUDGE: We've heard and considered the several
17 matters. First of all, the matter of this last objection has
18 been heard, disposed of and dealt with. Any future objections
19 will be dealt with one by one as they arise. We again caution
15:35:18 20 counsel for the Prosecution not to lead the witness.

21 MR HODES: Your Honours, I'm rising only to suggest that
22 under Rule 90(F) the Trial Chamber has complete control over the
23 mode and type of interrogation of witnesses and at the Court's
24 discretion can allow, I believe, from the rule the possibility of
15:35:49 25 a leading -- leading questions in some instances. And I actually
26 do have a case from the Federal Courts of the United States that
27 deals with an issue of a similar nature in which the translation,
28 the language being used, was a particularly troublesome one for
29 the interpreter and in that case, the Federal Court judge did

1 allow leading questions on direct because the language problem
2 was such that it was clearly creating problems in terms of the
3 responses. I think we have already experienced that in this
4 Trial Chamber in the past. Unfortunately, I don't have that case
15:36:27 5 with me. But I assure you, as an officer of the Court, that I do
6 have that case back in my office.

7 This is a young witness, a witness who was abducted,
8 clearly traumatised over years and is trying to answer questions
9 through an interpreter in a language that is something that is
15:36:48 10 somewhat specialised, even amongst the interpreters in this
11 Court. So, what I'm asking the Court to consider is the
12 possibility of occasionally allowing a leading question,
13 particularly given the Madingo language that is being used, the
14 age of the witness/victim and the trouble that all of that can
15:37:14 15 cause in terms of being able to answer non-leading questions.

16 And pursuant to the rules which would allow the Court to do so.

17 MR KNOOPS: Your Honours, there is a decision of the
18 Yugoslav tribunal in the matter of Kordic and Cerkez, decision on
19 Prosecution's motion on the trial procedure of 19th March 1999,
15:37:50 20 in which decision the ICTY Trial Chamber clearly said that the
21 practice within common law not to allow any leading questions
22 should be adopted by the ICTY, except -- not to allow leading
23 questions to issues in dispute, but leading questions may be used
24 to accelerate testimony on background matters or other matters
15:38:22 25 not in dispute. This is, with all due respect, for the judgment
26 my learned friend just quoted, but I think in the context of
27 international criminal proceedings, it should perhaps be
28 preferred to look also into the case law of the ICTY.

29 Now, the matters put before this witness are clearly in

1 dispute by the Defence. Therefore, I don't think it is
2 appropriate that the Prosecution may, in certain instances, ask
3 leading questions. In addition to that, it would amount to quite
4 an arbitrary situation, because then we get a question what is
15:39:07 5 leading, what is not leading. In light of the circumstances of
6 what the Prosecutor perhaps interprets as not leading, but in
7 addition to that, I think Your Honours should perhaps consider to
8 adopt the same approach as the Kordic and Cerkez decision of the
9 Trial Chamber.

15:39:29 10 JUDGE LUSSICK: Well, I would go so far as to say that
11 decision, Mr Knoops, is trite law.

12 MR KNOOPS: Sorry, Your Honour.

13 JUDGE LUSSICK: I would say it is trite law. It is so
14 commonly known that -- I'm not saying that particular decision is
15:39:45 15 so commonly known, but the principle enunciated in that decision
16 is so commonly known as to be called trite law.

17 MR KNOOPS: Yes, Your Honour. But what I am trying to say
18 is that the ICTY apparently did not see any opening for the
19 Prosecution for an exclusion to this rule, except when it relates
15:40:07 20 to background matters. I agree with you it is of course common
21 practice, but I'm trying to say that in the context of
22 international criminal proceedings, an exception as the
23 Prosecutor proposes is not adopted yet. Therefore, I say the
24 reference of my learned friend is actually superseded by -- or
15:40:32 25 the ICTY supersedes the decision of the Federal Court he quoted.
26 That's my point of view. Thank you.

27 MS THOMPSON: Furthermore, Your Honour, we haven't got to
28 that stage where interpretation problems are here. This witness
29 has answered the questions. I personally haven't seen any reason

1 to doubt the interpretation thus far. There is one question
2 which Her Honour Justice Sebutinde raised, the issue when the
3 question was, "Did you hear?" And the answer was about smell,
4 but as the interpreter said, there is a word in Madingo for
15:41:08 5 "hear", and that was the answer that the witness gave. It may
6 well be that my learned friend is not getting the answers that he
7 thinks he should be getting, but that is the witness's testimony.
8 If that is the witness's evidence, then so be it.

9 PRESIDING JUDGE: Thank you.

15:47:03 10 THE WITNESS: I want to ease myself.

11 MR WERNER: Your Honour, the witness just indicated that he
12 would like to ease himself.

13 PRESIDING JUDGE: He may do so, of course.

14 [Trial Chamber confers]

15:50:08 15 PRESIDING JUDGE: The ruling of the Trial Chamber on this
16 objection - in fact, there is more than one objection - is as
17 follows: No objections to the interpretation have been raised
18 and the Trial Chamber has had no application or cause to call the
19 interpretation into question.

15:50:26 20 Matters going to facts in issue are in dispute; are not
21 peripheral matters and may not be led unless by clear and
22 unequivocal consent and by permission of the Trial Chamber. The
23 original ruling stands.

24 Mr Werner, you will no doubt will recall the last series of
15:51:06 25 questions that have led to this?

26 MR WERNER: Yes.

27 PRESIDING JUDGE: Please proceed.

28 MR WERNER:

29 Q. I have one more question about that. Mr Witness, do you

1 know why you stayed three months at Robat mess?

2 A. During the rainy season, because it was the rainy season.

3 Q. What happened after that, Mr Witness?

4 THE INTERPRETER: Can the witness be audible. We are not
15:51:55 5 getting him clearly in the interpreter's booth.

6 PRESIDING JUDGE: Mr Witness, you must speak loudly and
7 close to your microphone so the interpreter can hear you and
8 interpret what you're saying. Thank you.

9 THE WITNESS: Where did we go?

15:52:15 10 MR WERNER:

11 Q. Yes, what happened after Robat mess?

12 A. When we left Robat mess, we went on a food-finding mission.
13 That's why we stopped.

14 Q. What happened there? Did anything happen there?

15:52:45 15 A. Where we went, we met one house that was burnt, and there
16 was an old man in that village. We went on this food-finding
17 mission. We got some cassava and we gave it to her for her to
18 eat.

19 Q. Do you remember the name of the place?

15:53:04 20 A. Dopatfu.

21 MR WERNER: Dopatfu, Your Honours, D-O-P-A-T-F-U.

22 JUDGE SEBUTINDE: Did the witness say they met an old man
23 or an old woman?

24 THE WITNESS: An old woman.

15:53:37 25 MR WERNER:

26 Q. When you went to Dopatfu, did you see anything else?

27 A. Yes.

28 Q. What did you see?

29 A. I saw burnt houses.

1 Q. Anythi ng el se?

2 A. Yes.

3 Q. What el se?

4 A. I saw corpses.

15:54:03 5 Q. How many?

6 A. Three peopl e.

7 Q. Do you know who are those people?

8 A. They were civili ans.

9 Q. Do you know what did happen to them?

15:54:29 10 A. They were killed by the rebels.

11 Q. How did you know that?

12 A. I saw burnt houses.

13 Q. In answer to my question, you said the corpses you saw, I
14 asked you what happened to those people. You said they had been

15:54:54 15 killed by the rebels. My question is: How do know that?

16 A. The rebels had just departed there. They are the ones who
17 killed them. I saw three corpses.

18 Q. And thi s old woman, did you see her agai n?

19 A. Yes.

15:55:39 20 Q. When?

21 A. When we went on a food-fi ndi ng mi ssi on, the day I saw the
22 corpses and the burnt houses, the day we went to the bush, we got
23 some cassava and came and gave it to her.

24 Q. Di d you see her agai n?

15:55:59 25 A. No. When we came back, we found her dead.

26 PRESIDING JUDGE: Just a moment.

27 MR KNOOPS: I think it was a repetitive question again.

28 The witness already answered whether he saw the woman again.

29 MR WERNER: The witness gave an answer and then I asked

1 again --

2 PRESIDING JUDGE: There has been an answer and that's it.
3 I heard part of it.

4 MR WERNER: Could the translator repeat the last sentence.

15:56:38 5 THE INTERPRETER: Can you please put the question again?

6 PRESIDING JUDGE: No, don't put the question again. I
7 think I heard the witness say, "I found her dead."

8 JUDGE SEBUTINDE: What I have on a note, as Mr Knoops was
9 putting his objection, the witness answered and said, "We never
10 saw this old woman again. When we came back, she was dead."
11 That is what I have recorded.

12 MR WERNER: Can I carry on?

13 PRESIDING JUDGE: Proceed on, please.

14 MR WERNER:

15:57:10 15 Q. Do you know why she died?

16 A. Yes.

17 Q. Why?

18 A. She died of starvation. She hadn't any food to eat.

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

15:57:35 20 A. We returned to Robat mess.

21 Q. What happened after that?

22 A. They decided that they would start giving us training.

23 Q. Who decided that, Mr Witness?

24 A. The rebels.

15:58:17 25 PRESIDING JUDGE: Mr Werner, is the word screening?

26 MR WERNER: Training.

27 PRESIDING JUDGE: Thank you.

28 MR WERNER:

29 Q. What happened? When did he say you should undergo

1 training? What happened?

2 A. They started training us.

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

4 A. The rebel .

15:58:46 5 Q. And who are "us"?

6 MR KNOOPS: Your Honour has already --

7 THE WITNESS: We, the civilians.

8 PRESIDING JUDGE: Mr Knoops, you started saying something
9 and stopped. I didn't hear you because other people were

15:59:04 10 speaking.

11 MR KNOOPS: Sorry.

12 PRESIDING JUDGE: It's all right. Please proceed with what
13 you were saying.

14 MR KNOOPS: I understood, but I just learned that the
15 Prosecutor asked, "Who is 'us'?" I understood the Prosecutor
16 again wanted to know who were "they". I may be not correct.

17 PRESIDING JUDGE: I think it was both that were asked.

18 MR WERNER: The witness said, "They decided to train us".

19 I said, "What happened?" He said, "They trained us." I wanted
15:59:32 20 to clarify that again. I asked, "Who is 'they'?", "Who is "us",
21 for the sake of clarity.

22 MR KNOOPS: The question has already answered the question,
23 "Who are 'they'?" He said, "The rebel ."

24 MR WERNER: No, he didn't, because he said they decided to
15:59:46 25 train them. They could decide if something happened. That is
26 the reason why I asked, "What happened?" And he said, "They
27 trained us." I understand that to be two different things.

28 MR KNOOPS: I agree there is a difference between they and
29 us. If the Prosecutor intends again to ask the witness, "Who is

1 'they'?" I think this has already been answered by the witness
2 before.

3 THE WITNESS: The civilians.

4 JUDGE SEBUTINDE: There was no repetition this time around.

16:00:14 5 I didn't find that the Prosecution was asking the same question
6 again and again. I don't think so.

7 JUDGE LUSSICK: What was the last question, Mr Werner? It
8 was, "Who is `us`", isn't it?

9 MR WERNER: Yes, Your Honour.

16:00:35 10 JUDGE LUSSICK: I don't see anything wrong in that
11 question.

12 JUDGE SEBUTINDE: For that matter, you can ask it again,
13 because we didn't get an answer from the witness.

14 MR WERNER: Yes, Your Honour.

16:00:43 15 Q. Mr Witness, you said, "They trained us." Who is "us"? Who
16 are you referring to?

17 A. Can I speak now?

18 Q. Yes, you can.

19 A. We, the civilians.

16:01:10 20 MR WERNER: Your Honours, we are just starting now quite a
21 long bit. I'm happy to start if you want. I'm just looking at
22 the time.

23 PRESIDING JUDGE: In the light of that, it may be
24 appropriate to adjourn now. I will warn the witness and we will
16:01:33 25 adjourn Court. Mr Witness, the Court is going to finish for
26 today. We want you to continue your evidence on Monday morning.

27 THE WITNESS: Okay.

28 PRESIDING JUDGE: Between now and the time that all your
29 evidence is finished in the Court and you have answered all the

1 questions, you must not discuss your evidence with any other
2 person. Do you understand what I am saying?

3 THE WITNESS: Yes, I understand.

4 PRESIDING JUDGE: Thank you.

16:02:22 5 [Whereupon the hearing adjourned at 3.58 p.m.,
6 to be reconvened on Monday, the 25th day of
7 July 2005, at 9.15 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-045	2
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