



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

TUESDAY, 25 JULY 2006
9.19 A.M
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

No appearance

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Ms Maja Dimitrova (Case Manager)

For the Principal Defender:

No appearance

For the accused Alex Tamba
Brima:

Mr Koj o Graham
Ms Glenna Thompson
Mr Ibrahim Foday Mansaray (legal assistant)

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Ajibola E Manly-Spain

1 [AFRC25JUL06A - CR]
2 Tuesday, 25 July 2006
3 [The accused present]
4 [The witness entered court]
5 [Open session]
6 [Upon resuming at 9.19 a.m.]

7 PRESIDING JUDGE: Defence, what is the number of the
8 witness in the box at the moment?

9 MR FOFANAH: He is DAB-086. He shall be testifying in
10 Koranko.

11 PRESIDING JUDGE: All right, he can be sworn.

12 WITNESS: DAB-086 [Sworn]

13 [The witness answered through interpreter]

14 PRESIDING JUDGE: Yes, Mr Hardaway.

15 MR HARDAWAY: As with other witnesses in the past, Your
16 Honour, the Prosecution has no objection to my learned colleagues
17 leading to non-contentious and general basic information.

18 PRESIDING JUDGE: Thank you, Mr Hardaway. You can take
19 note of that Mr Fofanah.

20 MR FOFANAH: Much obliged, Your Honours.

21 EXAMINED BY MR FOFANAH:

22 MR FOFANAH: Good morning, Your Honours; good morning,
23 Mr Witness.

24 A. How's the morning?

25 Q. Mr Witness, you are Sierra Leonean by nationality; is that
26 so?

27 A. I am Sierra Leonean.

28 Q. You were born in 1974, but you don't know the exact --

29 A. I am 36 this year.

1 Q. Please listen to the question before you answer. I was
2 saying you were born in 1974, but you don't know the exact date
3 and month of your birth.

4 A. No, I don't know that.

09:23:16 5 Q. You were born at Yifin in the Neini Chiefdom?

6 THE INTERPRETER: Your Honours, the witness is not waiting
7 for the interpretation.

8 PRESIDING JUDGE: Mr Witness, you will be getting some
9 interpretation into Koranko. Please wait until counsel's
10 question has been interpreted before you answer.

09:23:37

11 MR FOFANAH:

12 Q. Listen carefully. I said you were born at Yifin Town?

13 A. Okay.

14 Q. You were born at Yifin Town in the Neini Chiefdom,
15 Koinadugu District?

09:23:53

16 A. I was born in Yifin Town, Koinadugu District. In Yifin
17 Town.

18 Q. You belong to the Koranko tribe and speak Koranko.

19 A. I am Koranko and I speak Koranko.

09:24:22

20 Q. You do not have any formal qualification?

21 A. I did not go to school.

22 Q. Your occupation is carpentry?

23 A. Yes, that's my trade.

24 Q. Do you know for how long you've been engaged in that
25 occupation? I don't have that.

09:24:44

26 A. Well, I started it in Kenema. I started it in Kenema in
27 1990.

28 Q. Mr Witness, you are married with two children?

29 A. Yes. I have a wife and two children.

1 Q. Where are your children staying at the moment? Your wife
2 and your family, where are they staying?

3 A. They are with me in Yifin.

4 Q. Now, since you were born at Yifin, where have you been
09:25:31 5 living, since the time of your birth?

6 A. Since I was born in Yifin, I left Yifin in 1990 and I was
7 sent to learn a trade in Kenema.

8 MR FOFANAH: Your Honours, Kenema is K-E-N-E-M-A.

9 Q. Now, do you recall the year 1997?

09:26:04 10 A. It's not 1997, it's 1990.

11 Q. Yes, I know that. I'm now moving to a different thing. Do
12 you recall the year 1997?

13 A. Yes. The way I can remember it, close to my year in Kenema
14 in 1991, we heard that the war has come, but they said that was
09:26:44 15 1991.

16 Q. From Kenema, did you come back to Yifin at any point in
17 time?

18 A. I returned in 1991 to Yifin.

19 Q. Since 1991, did you continue to live in Yifin?

09:27:18 20 A. I was not there at that time -- all the time.

21 Q. Were you in Yifin in the year 1997?

22 A. 1997, I was in Kono, the beginning.

23 Q. Whilst in Kono, did anything happen to you?

24 A. Nothing happened to me there.

09:27:55 25 Q. Did you later have cause to return to Yifin from Kono?

26 A. At that time, we had an accident, and I said I was going to
27 Yifin.

28 Q. What year was that?

29 A. I do not know the year, but --

1 Q. Okay, you do not know the year. Now, during the year 1997,
2 did you return to Yifin?

3 A. It was in that year that I returned.

4 Q. Whilst in Yifin, did anything happen that you can recall?

09:28:56 5 A. When I was at Yifin, before I reached there, we were in
6 Yengema and we were told that -- the driver that was taking us to
7 Yifin, when we had --

8 Q. You're a bit fast. Go slowly. Yes, you were just saying
9 you were at Yengema.

09:29:23 10 MR FOFANAH: Yengema, Your Honours is Y-E-N-G-E-M-A.

11 Q. Where is Yengema?

12 A. Kono.

13 Q. So what happened from Yengema?

14 A. What happened from Yengema is that we had people running.
09:29:43 15 We heard that they have overthrown Pa Kabbah's government. We
16 were in a vehicle.

17 Q. That was at Yengema in Kono District. So from Yengema did
18 you do anything after hearing the news?

19 A. We did not do any other thing. The driver wanted to take
09:30:09 20 us to Yifin, but he returned to Kayima, because he, too, said he
21 had left his family behind.

22 MR FOFANAH: Your Honours, we've had Kayima before.

23 Q. So did you go anywhere from Yengema after hearing the news
24 about the overthrow of President Kabbah?

09:30:36 25 A. We were in a vehicle. We were in a transport vehicle.

26 Q. Yes. Where did you go from Yengema, that is what I want to
27 know.

28 A. Oh, when we left Small Sefadu, we were going to Koranko.

29 When we reached Yengema, that's when we heard that.

1 Q. Did you come back to Yifin after Yengema?

2 A. I was on my way to Yifin.

3 Q. Did you finally come to Yifin?

4 A. I arrived there.

09:31:33 5 Q. When you arrived there, did you continue to stay in Yifin?

6 A. Since I went to Yifin then, I did not go anywhere.

7 Q. So in 1997, whilst at Yifin -- you told the Court that you
8 were at Yifin in 1997 -- did anything happen?

9 A. Well, when we were there, after some time, after some
09:32:01 10 months, because I did not go to school, I do not know the months.

11 Q. Yes. What happened after some months?

12 A. What happened then was that some people came from Makeni,
13 some came from Kono, and they were calling themselves junta.

14 Q. How did you know that these people came from Kono and
09:32:30 15 Makeni respectively?

16 A. At that time, the river was dried up, because in the rainy
17 season, vehicles cannot come across, but in the dry season,
18 vehicles can come across, even from Kono.

19 Q. How did you know that they were coming from Kono, that's
09:32:55 20 what I want to know, or Makeni.

21 A. There are two routes there, Kono, the Kono route and the
22 Makeni route, so we did see some people coming from Kono and some
23 people coming from the Makeni roads.

24 Q. So, Mr Witness, when you saw these people, you said they
09:33:21 25 called themselves junta forces. How did you know that?

26 JUDGE DOHERTY: Mr Fofanah, he actually didn't use the word
27 "forces," he just referred as "junta".

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

29 Q. You said they were junta. How did you know that they were

1 junta?

2 A. I did not know. They were calling themselves junta.

3 Q. Do you know, or did anyone tell you what junta meant?

4 A. Nobody ever told me.

09:34:03 5 Q. Now, these men who came into Yifin, how were they dressed?

6 JUDGE DOHERTY: Again, we haven't ascertained if they were
7 men.

8 MR FOFANAH: I'm very grateful, Your Honours, I will be
9 more cautious.

09:34:19 10 Q. These people who came into Yifin, how were they dressed?

11 A. Some of them wore jeans, carrying a gun. Some had combat
12 on, long trousers, but they had dressed -- their clothing was all
13 mixed up.

14 Q. So did they arrive in Yifin Town?

09:34:49 15 A. They came there and they stayed there. Most of them stayed
16 there.

17 Q. Where were you during that period?

18 A. I was in Yifin Town.

19 Q. So, did anything happen whilst they were staying with you?

09:35:10 20 A. Well --

21 THE INTERPRETER: Can you take it again?

22 PRESIDING JUDGE: Would you repeat that answer, please,
23 Mr Witness.

24 THE WITNESS: I said, at that time, they were taking
09:35:42 25 people's cattle, sheep and goats. They were killing them,
26 slaughtering them, and they were eating them up.

27 MR FOFANAH:

28 Q. Did anyone tell you whether these people had a leader, the
29 junta?

1 A. There was one person to Uncle KB, they called him Steven.
2 They told us that he was their leader.

3 Q. Who is Uncle KB?

4 A. Our chief who has now died, his elder son.

09:36:35 5 THE INTERPRETER: Sorry, Your Honours. Correction,
6 interpreter: His eldest son.

7 MR FOFANAH:

8 Q. So you said the name of the leader of the junta was Steven;
9 did you see him yourself at Yifin?

09:36:54 10 A. I saw him in person.

11 Q. Now, apart from the cattle that you have referred to which
12 you said they caught and they slaughtered, did anything else
13 happen in Yifin?

14 A. They did not do any other thing after that, that I can
09:37:22 15 recall.

16 Q. I mean during the period that you have referred to, 1997,
17 did anything happen whilst the junta was there in 1997?

18 A. Apart from the cattle raiding, nothing happened in my
19 presence then.

09:37:51 20 Q. Do you know how long the junta stayed in Yifin?

21 A. In Yifin Town, they stayed for quite some time, but I do
22 not know when they left.

23 Q. Was it in the rainy season that you saw these group --

24 MR HARDAWAY: [Microphone not activated].

09:38:21 25 THE WITNESS: It was in the dry season.

26 PRESIDING JUDGE: All right, that was leading, Mr Fofanah,
27 but I note that he's answered the question.

28 MR FOFANAH: Thank you. I will rephrase.

29 Q. Now, you said that they stayed for a very long time, that

1 you cannot recall. Whilst they were there --

2 PRESIDING JUDGE: He said quite some time. Quite some
3 time.

4 MR FOFANAH: For quite some time.

09:38:51 5 PRESIDING JUDGE: He did not say a very long time.

6 MR FOFANAH: I am sorry about that, Your Honour.

7 Q. Now, did these people continue to stay with you forever in
8 Yifin?

9 MR HARDAWAY: Objection, Your Honour. He did say that
09:39:05 10 they --

11 THE WITNESS: No, that did not happen.

12 PRESIDING JUDGE: No, he's answered that. But you will
13 have to watch your questions, Mr Fofanah. He already said he
14 can't say how long they stayed. Obviously they didn't stay
09:39:19 15 forever. If that's not the answer, then there is no alternative,
16 because he can't tell you how long they stayed.

17 MR FOFANAH: I'm grateful, Your Honour.

18 Q. Now, how did they leave Yifin?

19 A. The way they left there, we were there one day when we
09:39:52 20 heard some shooting coming from the Alikalia end, because it is
21 that road that joins on the Kabala Road, we call it Alikalia
22 Road.

23 Q. Alikalia, is it a place?

24 A. Yes, it's a big town. It's the road leading to Kabala.

09:40:11 25 MR FOFANAH: Your Honours, Alikalia is A-L-K-A-L-I-A.

26 Q. So, yes, you said you heard something there. Can you
27 continue from there?

28 A. Where I've started?

29 Q. Yes. You were explaining how the junta left Yifin.

1 A. That's what I'm doing now.

2 Q. Please continue.

3 A. One day, we heard gunshots coming from the Alikalia Road,
4 coming towards the Yifin Town.

09:41:01 5 Q. Now, when you heard these gunshots, the firing, did
6 anything happen in Yifin?

7 A. When that happened, those who were at the end of the road
8 came running towards us saying ECOMOG have arrived.

9 Q. When you say ECOMOG, what do you mean?

09:41:32 10 A. Well, we were in Koranko there. We were hearing that
11 ECOMOG have come to Freetown. So when those vehicles came, they
12 said it was ECOMOG that has come. So that was what we heard. We
13 did not actually know what that meant.

14 Q. So did ECOMOG come to Yifin at any point in time?

09:41:54 15 A. They entered Yifin Town.

16 Q. Do you know what season it was when they entered Yifin?

17 A. It was in the dry season.

18 Q. Do you know the year?

19 A. I do not know the year.

09:42:22 20 Q. So did anything happen when ECOMOG entered Yifin, that you
21 know?

22 A. When they entered, those men, the junta, they run away.
23 They left Yifin.

24 Q. Now, do you recall the year 1998?

09:42:54 25 A. Well, like I'm saying, I do not know the time. I was not
26 counting dates at that time. I was not counting dates.

27 Q. Did you yourself see the ECOMOG troops that entered Yifin?

28 A. I saw them.

29 Q. Did you hear or know whether the ECOMOG troops had any

1 leader?

2 A. Their leader was Mr Albert.

3 Q. Did they stay in Yifin, the ECOMOG troops?

4 A. Yes, they stayed there.

09:43:51 5 Q. For how long, if you know?

6 A. Well, I did not count it. I do not know if it's one month
7 or if it's more than one month.

8 Q. So whilst at Yifin, did anything happen whilst the ECOMOG
9 troops were at Yifin? Did anything happen that you can recall?

09:44:11 10 A. At the time that they were there, good things happened.
11 Nothing bad happened there.

12 Q. Now, how were these troops, the ECOMOG troops, dressed?
13 You said you saw them; how were they dressed?

14 A. They had on military uniform.

09:44:50 15 Q. Apart from that, did they carry anything on them?

16 A. Gun.

17 Q. What part of Yifin were they staying?

18 A. They were based - for instance, uncle KB that I have
19 mentioned, Mr Albert stayed there, their leader.

09:45:14 20 Q. Since you cannot recall the length of time that ECOMOG
21 stayed in Yifin, do you know how they left Yifin?

22 A. I knew that they left, but the time that they left, I
23 cannot remember. They left in that same dry season, but the
24 month and the day, I don't know.

09:45:50 25 Q. How did they leave Yifin?

26 A. The way they left Yifin was that one day there was a small
27 village there, Kulaya.

28 MR FOFANA: Your Honours, Kulaya is spelt K-U-L-A-Y-A.

29 Q. Yes, go on.

1 A. Somebody came running from Kulaya to Yifin.

2 Q. Who was that person?

3 A. I was not at that end of the town.

4 Q. So how did you know that somebody came running from Kulaya
09:46:42 5 to Yifin?

6 A. One of our relatives, his name is [redacted].

7 Q. Please, don't call names. If I need names, I'll ask you.

8 A. Okay, okay.

9 MR FOFANA: Your Honours, do you want me to spell that?

09:47:01 10 Because he's a relation. I was going to ask that that name be
11 redacted, respectfully.

12 PRESIDING JUDGE: That might reveal the witness's identity,
13 is that what you --

14 MR FOFANA: He's a relation, yes.

09:47:14 15 PRESIDING JUDGE: All right. That last name of a person
16 should be redacted from the transcript.

17 MR FOFANA: Thank you.

18 Q. Yes. So, the question was, without calling names, how did
19 you know, or hear, that, I mean, somebody came running into
09:47:31 20 Yifin?

21 A. The way I came to know this, that person did not die in the
22 war. He came running and said in Yifin that they've burnt down
23 Kulaya.

24 Q. Did the person tell you who has burnt down Kulaya?

09:48:00 25 A. He said rebels.

26 Q. How far is Kulaya from Yifin, if you know?

27 A. Five miles.

28 Q. So when this person came into Yifin, did anything happen
29 that you can recall?

1 A. What happened, was that at that time, at that morning, the
2 transport vehicle had come. Mr Albert said that the vehicle
3 should be handed over to them so that they could go along that
4 road.

09:48:40 5 Q. I know you've mentioned Mr Albert before. Can you tell us
6 again who he was?

7 A. He was an ECOMOG. He was their leader.

8 Q. Okay. So what did he say?

9 A. He said, that driver should give him the vehicle so that
09:49:08 10 they could go along that road to go and find out what these
11 people were doing.

12 Q. By these people, what do you mean "what these people were
13 doing"?

14 A. The rebels.

09:49:26 15 Q. So did anything happen later, after that?

16 A. What happened is they went from Yifin, it is not up to 1
17 mile, then we heard the sound of a bomb.

18 Q. When you say "we heard," what do you mean by "we"?

19 A. The rebels bombed the vehicle.

09:50:01 20 Q. How did you know that the rebels bombed the vehicle?

21 A. How I came to know this was that bus, the person's vehicle
22 they took, they were wounded. They were wounded and they came
23 running.

24 Q. Where did they come to?

09:50:33 25 A. In Yifin.

26 Q. So after that, did anything happen in Yifin, that you can
27 recall?

28 A. Like I have said, I was not on that side of the town, but
29 all my people run away, and they met me in the bush, and they

1 said there's fighting.

2 Q. Where was the fighting?

3 A. In Yifin.

4 Q. So when did you run away into the bush?

09:51:15 5 A. I was in the bush, that's where they met me.

6 Q. Now, who was fighting whom? Were you told?

7 A. The rebels entered Yifin.

8 Q. You said there was fighting. Who was fighting who?

9 A. Well, they went to burn down Yifin.

09:51:50 10 Q. How did you know that?

11 PRESIDING JUDGE: Wait on. Do you want an answer to your
12 last question? You asked who was fighting whom, and then you
13 don't insist on an answer.

14 MR FOFANAH: As Your Honour pleases. I have actually asked
09:52:06 15 him twice, but he does not seem to be giving the answer.

16 Q. You said that they told you that there was fighting in
17 Yifin. Who was fighting whom?

18 A. Well, ECOMDG was there at that time and the rebels came.

19 Q. By rebels, what do you mean, when you said the rebels came?

09:52:35 20 A. In our home, those people who were killing people and
21 burning down houses.

22 Q. Were you still in the bush when the rebels came into Yifin?

23 A. Yes. On that day.

24 Q. How long did you stay in the bush for?

09:53:06 25 A. The next morning, I came to town.

26 Q. How far away were you from Yifin when you were in the bush?

27 A. It could be up to 4 miles, but I was on top of a hill.

28 Q. Were you able to see Yifin from the top of the hill where
29 you were?

1 A. I will not see the town. I will only see smoke.

2 Q. So did you see any smoke whilst at the top of the hill?

3 A. Very, very well.

4 Q. Where was the smoke coming from?

09:54:02 5 A. It was coming from Yifin.

6 Q. Now, you said you came back to Yifin the next day. When
7 you came, did you notice anything in Yifin?

8 A. We were on top of that hill when we heard the sound of the
9 jets, when we were in the bush.

09:54:36 10 Q. What jet did you hear the sound of?

11 A. The one that drops bombs.

12 Q. Did that jet drop any bomb on that day when you saw it?

13 A. We were in the bush on the top of that hill when we heard
14 the sound of a bomb, before we could come to town.

09:55:09 15 Q. How did you know that it was a bomb, the sound that you
16 heard?

17 A. Well, they were saying in our presence that if we saw that
18 machine in the air and you hear the sound of something that was
19 terrible, it must be a bomb from that machine.

09:55:29 20 Q. So how many bomb sounds did you hear whilst at the top of
21 the hill?

22 A. One.

23 Q. From which direction did you hear the bomb sound?

24 A. The sound of the bomb, it was in Yifin.

09:55:51 25 Q. Now, when you came back to Yifin the next day, did you meet
26 the ECOMOG troops there?

27 A. We did not meet any ECOMOG there on that day.

28 Q. What do you mean by "we"? "We did not meet." What do you
29 mean by "we"?

1 A. I was not the only person. I was there with my relations.

2 Q. Did you meet anyone in Yifin when you returned?

3 A. On that day, we did not meet anyone in town. Everybody had
4 gone into the bush.

09:56:39 5 Q. Did you stay in Yifin upon your return from the hilltop?

6 A. We came. We did not stay. We reached and we saw that all
7 our houses have been burnt down. We looked at the town and we
8 found out that people have been killed and houses have been
9 burnt, so we returned.

09:57:11 10 Q. How many houses did you notice were burned in Yifin?

11 A. Well, at that time I was unable to count every house --

12 MR HARDAWAY: Objection, Your Honour.

13 PRESIDING JUDGE: Yes, Mr Hardaway.

14 MR HARDAWAY: Objection to the question. There is no

09:57:30 15 evidence of houses being bombed.

16 MR FOFANAH: I said burned.

17 PRESIDING JUDGE: I think he said burned.

18 MR HARDAWAY: I heard bombed. I apologise.

19 MR FOFANAH:

09:57:43 20 Q. You said when you came back houses were burnt down in
21 Yifin. So my question to you was: How many houses, if you know,
22 were burnt down?

23 A. That's what I'm saying. I was unable to count the houses,
24 all the houses on that day, but we were there. EU had brought a
09:58:10 25 programme, there were 20 - 33 houses. They supplied that one,
26 but it was not enough, so it was more than 33 houses which were
27 burnt.

28 THE INTERPRETER: 100. Correction, interpreter, more than
29 100 houses.

1 MR FOFANA:

2 Q. Can we get the number again, Mr Witness. When you say more
3 than, more than how many?

4 A. It was more than 100 houses.

09:58:38 5 Q. How did you know that it was more than 100 houses?

6 A. The way I came to know this, EU brought a programme and
7 they built 133 houses and, still, the houses were not enough.
8 Those that were built.

9 Q. Did you say EU?

09:59:03 10 A. I do not know how to call it. It was an NGO that assisted
11 us in housing. They assisted us with 133 houses, but, still, the
12 burnt houses were not replaced adequately.

13 Q. So do you know who burnt down these houses when you came
14 back into Yifin?

09:59:31 15 A. Yes, I know some.

16 Q. Who was it, if you know?

17 A. There was one person who identified himself. His name is
18 High Firing.

19 Q. When you said he identified himself, to whom did he
09:59:57 20 identify himself?

21 A. I can say the entire town. Because everybody cannot come
22 now to testify here, but I can say that it was to the entire
23 town.

24 Q. Were you present when he identified himself?

10:00:18 25 A. I was sitting there.

26 Q. Can you describe High Firing?

27 A. He's fair in complexion. He's slim, and he has bow legs.

28 Q. Did he tell you whether he belonged to any force or group?

29 MR HARDAWAY: Objection. Leading.

1 PRESIDING JUDGE: That's leading, Mr Fofanah.

2 MR FOFANAH:

3 Q. How was he dressed when you saw him?

4 A. He was wearing civilian clothes. Whatever he wanted to
10:01:12 5 wear, he would wear.

6 Q. Did he stay in Yifin for long when he identified himself to
7 you, and the rest of the townspeople?

8 A. He stayed for quite some time. I do not know the number of
9 month, but he stayed for long.

10:01:38 10 Q. Was he alone whilst in Yifin?

11 A. There was another man, Sheku Siaka. He, too, was there.
12 He was next to him

13 Q. What do you mean he was next to him?

14 A. That means they went to us and they introduced him, that
10:02:03 15 High Firing was their leader.

16 MR FOFANAH: Your Honours, Sheku Siaka, I think, is already
17 in the summary.

18 Q. So who introduced him? Sheku Siaka, who introduced Sheku
19 Siaka?

10:02:18 20 A. High Firing.

21 Q. Now, you said High Firing identified himself. How did he
22 identify himself?

23 A. He had gone -- he had been staying with us for quite some
24 time and we were beginning to familiar to one another, so he said
10:02:44 25 he was the one who burnt down Yifin and all those people who were
26 killed there, he said he had done that. So we had no chance
27 then. We had no strength at that time, so we couldn't do
28 anything to him

29 Q. Now, apart from claiming to have burnt down Yifin and to

1 have killed people, did he do any other thing in Yifin that you
2 know of? I mean, High Firing and his group?

3 A. After that, when they came to Yifin, every month, we would
4 subscribe rice, 30 cups.

10:03:34 5 Q. To whom?

6 THE INTERPRETER: Your Honours, can he -- there is a last
7 bit of his answer that I did not get clearly. Can he repeat,
8 please?

9 PRESIDING JUDGE: You will have to repeat your answer for
10:03:49 10 the interpreter.

11 THE WITNESS: What they did -- I said, after the burning of
12 the houses, when they came, they said we should feed them every
13 month, 300 cups of rice, and some money to make this, to prepare
14 the sauce.

10:04:13 15 MR FOFANAH:

16 Q. Now, you've told us how High Firing was dressed. Do you
17 know how Sheku Siaka was also dressed whilst at Yifin?

18 A. They all wore mixed up clothing, but they had guns.

19 Q. Do you know for how long they stayed in Yifin.

10:04:43 20 A. They stayed long for in Yifin, but the time that they left,
21 I don't know, but they stayed long in Yifin.

22 Q. Do you know how they left Yifin?

23 A. Well, when they left there, they left by themselves.

24 Q. What do you mean by that, "they left by themselves"?

10:05:12 25 A. That if you stay -- if somebody stays in one place for a
26 long time, they just disappeared. They did not bid farewell.
27 Even if they did to somebody else, but I did not know.

28 Q. So, apart from contributing 30 cups of rice every month did
29 any --

1 PRESIDING JUDGE: Well, I've heard two figures there, 30
2 and 300.

3 MR FOFANAHA:

4 Q. How many cups of rice did you say you were contributing to
10:05:46 5 High Firing per month?

6 A. Three hundred every month.

7 Q. So apart from that, did any other thing happen, that you
8 know of, whilst High Firing and his men were in Yifin?

9 A. After that, he said we should cultivate a farm for him and
10:06:21 10 provide the seed rice, and we did that.

11 JUDGE SEBUTINDE: Sorry, provide the what?

12 THE INTERPRETER: Seed rice.

13 MR FOFANAHA:

14 Q. So when you say "we did that," what do you mean by "we"?

10:06:47 15 A. The town; the entire townspeople.

16 Q. So, did you also know the total number of people whom you
17 found dead in Yifin when you came back from the hilltop?

18 A. What I can remember is that there were more than 30.

19 Q. Now, can you describe the population of Yifin before the
10:07:38 20 ECOMDG came? Do you know how many people were living in Yifin
21 before ECOMDG came?

22 A. What happened to our place at that time, it was not just
23 Yifin; there are other small towns. Everybody had come into
24 Yifin before the burning down of Yifin. That was why so many
10:08:03 25 people died. It was not just a few people who were killed.

26 Q. Now, whilst at Yifin, did you see or hear about any rape
27 being committed?

28 MR HARDAWAY: Objection, Your Honour.

29 PRESIDING JUDGE: You're objecting to the leading?

1 MR HARDAWAY: Absolutely.

2 PRESIDING JUDGE: All right. There is an objection to the
3 leading, so you can't lead, Mr Fofanah.

4 MR FOFANAH: Your Honours, I'm actually trying to put the
10:08:37 5 indictment to the witness now; that's what I'm trying to do.

6 PRESIDING JUDGE: You are speaking specific denials of
7 matters in the indictment?

8 MR FOFANAH: As Your Honour pleases.

9 PRESIDING JUDGE: Is that correct?

10:08:47 10 MR FOFANAH: Yes. Yes. In fact, one of the allegations is
11 that somebody was raped in Yifin. The Prosecution witness 153
12 alluded to that whilst he was testifying so I just want to put
13 that to him, if he heard about it.

14 PRESIDING JUDGE: Yes.

10:09:04 15 MR HARDAWAY: I would submit, Your Honour, that it should
16 be linked to the accused and also counsel's question wasn't
17 specific as to what specific time period. Was it the first when
18 he came down back from the hill? There is no specificity to it.
19 I also would submit that if he's going to lead it to the
10:09:21 20 indictment, it should be focused specifically to the accused,
21 because they are the subject of the indictment.

22 PRESIDING JUDGE: Well, these witnesses are obviously led
23 by the accused to provide evidence against charges brought in the
24 indictment. But I think your objection as to specificity of time
10:09:48 25 should be upheld. I won't allow the question in that form,
26 Mr Fofanah.

27 MR FOFANAH: As Your Honour pleases.

28 Q. Now, throughout the period of your stay in Yifin -- first
29 of all, before I ask that question, now, were you in Yifin in

1 1998?

2 MR HARDAWAY: Objection, Your Honour. Asked and answered.

3 PRESIDING JUDGE: Yes, that's already been answered,

4 Mr Fofanah.

10:10:19 5 MR FOFANAH: Okay. Thank you very much.

6 Q. So, throughout your stay in Yifin, did you hear the name

7 Ibrahim Bazy Kamara as being one of the rebels you have

8 mentioned?

9 A. I did not hear that name.

10:10:38 10 Q. Throughout your stay in Yifin, did you hear the name Alex

11 Tamba Brima, or Gullit, as being one of the rebels you mentioned

12 as burning and killing people in Yifin?

13 A. I did not hear that name.

14 Q. Throughout your stay in Yifin, did you hear the name

10:11:07 15 Santigie Borbor Kanu, or Five-Five, as being one of the rebels

16 who attacked, burnt down and killed people in your village,

17 Yifin?

18 A. I did not hear that name.

19 Q. Did you hear about any looting occurring in your village,

10:11:30 20 Yifin, throughout your stay there?

21 PRESIDING JUDGE: What was that looting or what?

22 MR FOFANAH: Looting. Looting.

23 THE WITNESS: Those who stayed in Yifin, those who stayed

24 in Yifin did that.

10:11:50 25 MR FOFANAH:

26 Q. What do you mean by "those who stayed in Yifin"?

27 A. High Firing and his people, they did that. They took

28 people's property from them in the bush.

29 Q. Did you hear or see any rape being committed in Yifin

1 throughout your stay?

2 A. That happened in my presence in Yifin. Once.

3 Q. How did it happen in your presence?

4 A. The way it happened, there was a man in Yifin, but you said
10:12:44 5 I should not mention people's names. His relation had come from
6 Sisiwlia, and the man raped her.

7 MR FOFANAH: Sisiwlia, Your Honours is S-I-S-I-W-L-I-A.

8 Q. You said the man had raped her. Who was the man?

9 A. A rebel man. I did not know his name. He was not in
10:13:14 10 Yifin. He had come from Kayima.

11 Q. How did you know that he had come from Kayima?

12 A. Those who were staying with us, we knew them. Those who
13 had come from some other place, Sheku Siaka said these our
14 colleagues had come from Kayima.

10:13:36 15 Q. Now, did anything happen to the rebel who raped the woman?

16 A. They did not beat him up in my presence, but they were in
17 the chief's compound. Before I could get there, a mortar pestle
18 was by his side. A pestle was on his side and he was lying down
19 there like somebody who was almost dead, the one that they had
10:14:04 20 beaten him with, the pestle -- two pestles.

21 Q. Did you yourself see any killing in Yifin throughout your
22 stay there?

23 A. After the burning of the town?

24 Q. Throughout your stay, before and after, did you see any
10:14:29 25 killing?

26 A. No, they did not kill anybody in my presence. It did not
27 happen in my presence.

28 Q. In your presence, did you see anyone burn houses, in Yifin?

29 A. That did not happen in my presence.

1 Q. Now, you spoke about Kayima. Do you know who and who were
2 present at Kayima during your stay at Yifin?

3 A. In Kayima, I do not know about Kayima, like the man who
4 raped that woman, Sheku told me that man had come from Kayima,
10:15:24 5 but I don't really know about Kayima.

6 Q. Are there other surrounding villages around Yifin, that you
7 know?

8 A. Yes, there are small villages there.

9 Q. Can you tell us the names of those villages, the ones that
10:15:42 10 you can recall?

11 A. Konbaya is there. Kurrtor.

12 Q. Go slowly.

13 MR FOFANA: Konbaya is K-O-N-B-A-Y-A.

14 Q. What was the second?

10:15:58 15 A. Kurrtor.

16 MR FOFANA: Kurrtor, Your Honour is K-U-R-R-T-O-R.

17 Q. Uh-huh.

18 A. Gbenekoro.

19 MR FOFANA: Gbenekoro, G-B-E-N-E-K-O-R-O.

10:16:22 20 A. Sewaya.

21 Q. S-E-W-A-Y-A.

22 A. Funba.

23 Q. F-U-N-B-A.

24 A. Tili kor.

10:16:41 25 Q. T-I-L-I-K-O-R.

26 A. Those are the surrounding villages in Yifin.

27 Q. Whilst in Yifin, did you at any point in time go to any one
28 of these villages.

29 MR HARDAWAY: Objection, Your Honour. He stated when he

1 stayed in Yifin, he stayed in Yifin.

2 PRESIDING JUDGE: That's all right. I'll let him answer
3 the question, Mr Hardaway. Ask it again.

4 MR FOFANAHA:

10:17:24 5 Q. Whilst at Yifin, did you at any point in time visit any one
6 of these villages that you've mentioned?

7 A. Kurrtor and Gbenekoro, I used to go there frequently.

8 Q. Did anything happen in Kurrtor that you can remember?

9 PRESIDING JUDGE: What period are we talking about? When
10:17:53 10 he said he used to go there frequently, was that this year or
11 last year? When was it?

12 MR FOFANAHA: I'll ask him

13 Q. My question to you was whilst you were there, now what
14 period are you referring to when you said you used to visit
10:18:08 15 Kurrtor and the other village frequently?

16 A. During the war -- it was not during the war. When the war
17 had subsided, that was the time I was going there. During the
18 war, I was in the bush. It took one year and I didn't go to
19 those areas.

10:18:36 20 Q. Did you hear or know anything that happened in Kurrtor
21 whilst you were in Yifin.

22 MR HARDAWAY: Objection. Leading.

23 PRESIDING JUDGE: I'll allow that question.

24 MR FOFANAHA:

10:18:47 25 Q. Did you hear or know if anything happened at Kurrtor whilst
26 you were at Yifin?

27 A. In Kurrtor, there was a man there, Tafaikor, he too was a
28 rebel. He was in Kurrtor, but he would leave there and come to
29 High Firing and most times, High Firing would say in my presence

1 that they were the ones who came and burnt down Yifin.

2 MR FOFANAHA: Tafaiakor, Your Honours, is spelt

3 T-A-F-A-I-K-O-R.

4 Q. How did you know that this rebel that you have referred to
10:19:32 5 as Tafaiakor came from Kurrtoor?

6 A. That was where he stayed. That was not his birthplace,
7 they just came and stayed there. Whenever they come, they would
8 say, "I am the leader in this place."

9 PRESIDING JUDGE: How can he give this evidence? You
10:19:57 10 haven't laid any foundation as to how he would know all this.

11 MR FOFANAHA: Your Honours, I heard him say that he came
12 from Kurrtoor, Tafaiakor. That's why I asked him the question, how
13 did he know that he came from Kurrtoor.

14 PRESIDING JUDGE: What did he say? You mean he explained
10:20:22 15 how he knows that this Tafaiakor came from Kurrtoor to Yifin and
16 did all the burning? I'm saying, have you laid a foundation as
17 to how he knows all this?

18 MR FOFANAHA: I will put it again to him.

19 Q. Mr Witness, how did you know that that Tafaiakor was one of
10:20:47 20 the rebels? That you have referred to?

21 A. Okay. We were in Yifin. One of our relations came from
22 Kurrtoor.

23 THE INTERPRETER: Your Honours, he has called his name.

24 MR FOFANAHA:

10:21:11 25 Q. Hold it. Hold it. Please, Mr Witness, I have asked you
26 not to call names.

27 MR FOFANAHA: Your Honours, I will respectfully apply again
28 that that name be redacted.

29 PRESIDING JUDGE: Yes, the name can be redacted from the

1 transcript.

2 MR FOFANAHA:

3 Q. So you said one of your relations came, just continue from
4 there, without mentioning names.

10:21:33 5 A. Okay. One of our relations came one day from Kurrtor, and
6 he said, "In our own place, we, too, have got some trouble."

7 Q. Do you understand what he meant by, "In our own place"?

8 A. Our own place means our own town. Kurrtor Town.

9 Q. What period was this?

10:22:20 10 A. I do not know the year, but at that time, High Firing was
11 staying in our own place. It was at that same time.

12 Q. Okay. So what problem did he say they had at their own --
13 at Kurrtor?

14 A. He said that we, too, have started contributing, just like
10:22:44 15 you people are doing here, to feed them

16 Q. Was that all he told you?

17 A. That was what he told me.

18 Q. So, Mr Witness, what do you understand by the word rebel?

19 MR HARDAWAY: Objection, Your Honour. I believe that's
10:23:09 20 been asked and answered.

21 PRESIDING JUDGE: Yes, I seem to have a note of that. Yes,
22 I won't allow that question. He's already answered it.

23 MR FOFANAHA: In that case, I have no further questions.

24 This witness is a common witness, Your Honour.

10:23:22 25 PRESIDING JUDGE: Thank you, Mr Fofanah. Yes, Mr Hardaway.

26 CROSS-EXAMINED BY MR HARDAWAY:

27 Q. Mr Witness, good morning?

28 A. Did you sleep well?

29 Q. I did. Thank you, sir. I have some questions for you.

1 I'm going to ask that you answer them concisely, directly. Most
2 of them can be with yes, no, or I don't know. Do you understand,
3 sir?

4 A. Yes.

10:24:22 5 Q. You had mentioned in your evidence that the attack on Yifin
6 by who you call rebels that 30 people died; is that correct?

7 A. ~~Mmm-hmm~~

8 Q. You did not see them die, did you?

9 A. No.

10:24:47 10 Q. And you would agree with me that they died as a result of
11 the fighting between ECOMOG and the group you call the rebels;
12 yes?

13 A. I was in the bush, but our relations who run away and met
14 us, they said ECOMOG did not shoot. When the rebels came, ECOMOG
10:25:14 15 run away.

16 Q. But the only two groups that had guns in Yifin were the
17 rebels, as you call them, and ECOMOG; yes or no?

18 A. They were the two groups who had guns.

19 Q. Thank you. Now, you personally did not see the attack on
10:25:47 20 Yifin. You were on the hill 4 miles away; yes or no?

21 A. ~~Mmm-hmm~~ ~~Mmm-hmm~~

22 Q. I put it to you, sir, that the attack on Yifin --

23 A. I did not see the attack, I only saw the smoke.

24 Q. Thank you, sir. I put it to you, sir, that the attack on
10:26:14 25 Yifin was committed by a joint force of RUF and SLA soldiers
26 against ECOMOG? What is your response? I apologise,
27 Your Honour, for the delay?

28 A. Well, I was not there. When the town was being burnt, I
29 was not there.

1 Q. You had mentioned, sir, that more than a hundred houses had
2 been burnt. Do you remember that?

3 A. It was more than a hundred.

4 Q. You did not personally count every single house, did you?

10:27:05 5 A. I did not count them one after the other, but the way I
6 knew that it was more than hundred, that's what I've explained.
7 When they helped us in housing, it was 133 houses that were
8 built. They built them, but it was not enough. There were still
9 houses that had been burnt, so that told me that there were more
10:27:27 10 than a hundred.

11 Q. So where did you get the number 133?

12 A. That was what was given to us.

13 Q. It was given to you. You did not personally go around and
14 count; is that correct?

10:27:46 15 A. They built all of them and they were all counted, and they
16 summed up to that number.

17 Q. But you personally did not count the houses; yes or no?

18 JUDGE DOHERTY: Mr Hardaway, which houses are we talking
19 about, the ones that were built by the NGO or the ones that were
10:28:17 20 burnt?

21 MR HARDAWAY: I will clarify, Your Honour. Thank you.

22 Q. You did not personally count the number of houses that were
23 burnt; yes or no?

24 A. I did not count them one after the other, but how I can --

10:28:36 25 Q. Thank you, sir. You did not personally count the houses
26 that were being built in Yifin; yes or no?

27 A. I counted all of them, those which were built.

28 Q. Okay. Mr Witness, you had testified that you had seen a
29 rape take place in your presence. Do you remember that?

1 A. He did not rape in my presence, but I met, they have beaten
2 him up with pestles.

3 Q. Mr Witness, did you not testify that you saw a rebel rape
4 someone in your presence in Yifin; yes or no?

10:29:39 5 A. He did not rape her in my own presence. When he raped her,
6 I met that they have beaten him up and he said he had come from
7 Kayima. This is not our own rebel. They had beaten him and he
8 was lying down. They had beaten him up with two pestles, and the
9 pestles were lying close to him

10:30:06 10 Q. That is not the response you gave to Defence counsel when
11 he asked you about rape, was it?

12 A. To say what?

13 Q. You did not mention -- to the question from the Defence
14 counsel when he asked you about rape, you said, there was a rape,
15 it was in my presence. You did not give him the explanation that

10:30:35 16 you just gave me, did you?

17 A. That's how I explained. I don't know if you were
18 listening, but that's what I explained.

19 Q. Mr Witness, you testified that you went to the hill after
10:31:06 20 the attack on Yifin, you came back the next day, you saw the town
21 being burnt, and then you left. Do you remember that?

22 A. Yes.

23 Q. How long did you stay away after you left Yifin that time?

24 A. I did not stay long.

10:31:39 25 Q. How long, sir? How many days?

26 A. The day I came, it was the day I returned, because when I
27 came, all the houses had been burnt. Everything had been spoilt,
28 so I returned to the bush. I did not stay long.

29 Q. Once you returned to the bush, how long did you stay there?

1 A. I had no watch at that time. I do not know the time. But
2 I did not stay long in the town.

3 Q. Was it one day, two days, three days?

10:32:15

4 A. That same day I returned. That same day I returned into
5 the bush.

6 Q. I understand that. After you returned to the bush - listen
7 to the question carefully - how long did you stay in the bush
8 before you came back to Yifin, the second time?

10:32:41

9 A. I stayed long. I stayed long, because at that time we were
10 staying in the bush.

11 Q. How do you define long, sir?

12 A. What I'm saying, at that time, we were living in the bush.
13 We would come to the town and return, come to the town and
14 return, but our base was in the bush.

10:33:02

15 Q. So what you're saying is you would come back and forth from
16 the bush into Yifin, but you were living in the bush?

17 A. Mmm-hmm, Mmm-hmm, Mmm-hmm.

18 Q. Now, Mr Witness, did you give a statement to someone from
19 the Special Court concerning what you're giving evidence here to
20 today?

10:33:26

21 A. Except those people who went to talk to us that they want
22 us to come and speak here when they went to our place.

23 Q. So you did speak to someone; yes?

24 A. Yes.

10:33:51

25 Q. Did they take down what you said?

26 A. They wrote it down.

27 MS THOMPSON: Your Honour, before my learned friend goes to
28 his next question, may I seek the permission of the Court for the
29 first accused to use the convenience.

1 PRESIDING JUDGE: Yes, Mr Brima can leave the Court.

2 MR HARDAWAY: Thank you, Your Honour.

3 Q. Mr Witness, we, on the Prosecution, are provided a summary
4 of the evidence that you're going to lead today. I want to read
10:34:41 5 you a part of your summary and then ask you some questions about
6 it. The summary that we have, as it comes from you, sir, reads
7 in part, "He and many of the villagers went into hiding for a
8 year." Is that what you told the people who took your statement,
9 that you were in hiding for a year?

10:35:09 10 A. I did not spend one year in the bush.

11 Q. So that part is wrong; you were not hiding for a year?

12 A. Maybe, except for the way they wrote it. I did not stay in
13 the bush for one year without coming to the town, no.

14 Q. Did you tell them that you were living in the bush and that
10:35:37 15 you came back and forth from the bush into Yifin?

16 A. The town was burnt in the dry season. When the town was
17 burnt in the dry season, in the rainy season, these are the
18 people who came and stayed in the town, and they told us that we
19 should come to the town, so we did not spend one year in the
10:36:03 20 bush.

21 Q. Sir, that is not my question. Listen carefully. This can
22 be answered yes, no, or I don't know. The people who took your
23 statement, did you tell them after the attack on Yifin you lived
24 in the bush and you went back and forth from the bush to Yifin?

10:36:25 25 A. We stayed long in the bush. We were in the bush --

26 Q. Mr Witness, the question is simple. It can be yes, no, or
27 I don't know. Did you tell the people who took your statement
28 that you lived in the bush after the attack on Yifin, and that
29 you would go back and forth from the bush to Yifin, back to the

1 bush, back to Yifin? Did you tell them that; yes or no?

2 A. I did not tell them that.

3 Q. Mr Witness, did you tell the people who gave -- who took
4 your statement that you had to give cups of rice to High Firing?

10:37:38 5 A. Mmm-hmm.

6 Q. I put it to you --

7 A. Mmm-hmm, I told them.

8 Q. I put it to you, sir, that you're lying, that you did not
9 tell the people who took your statement that you had to give rice
10 to High Firing.

10:37:54

11 MR FOFANAHA: Objection.

12 PRESIDING JUDGE: Yes, what is the objection.

13 MR FOFANAHA: The objection is that the summary does not
14 necessarily tell what he stated to the interviewers which was
15 contained in his statement. This is just a summary of what he
16 told them.

10:38:05

17 PRESIDING JUDGE: That's all that the Prosecution has to go
18 by.

19 MR FOFANAHA: If he's putting to him as a lie --

10:38:21

20 PRESIDING JUDGE: He's entitled to put it to him. They
21 have been given a summary where those facts are absent, if you
22 wish to clarify the matter by producing another document, that's
23 up to you, but I will allow that question.

24 MR HARDAWAY: Thank you, Your Honour.

10:38:34

25 Q. I put it to you, sir - I will repeat it again - I put it to
26 you that you are lying, you did not tell them and it is not in
27 your statement that you had to give cups of rice to High Firing;
28 what is your response?

29 A. I told them.

1 Q. I put it to you, sir, that you are lying when you said that
2 you saw that you had an incident of rape take place in your
3 presence; what is your response?

4 A. It did not happen in my presence, but it happened in Yifin,
10:39:22 5 and he was beaten and he was lying, about to die.

6 Q. Now, you testified, sir, that you had visited other
7 villages around Yifin. Do you remember that?

8 A. During the war, I was not going, but I used to go there
9 frequently, except during the war.

10:39:45 10 Q. All right. During the time that Yifin was attacked, and
11 the time that you were in the bush and going back and forth from
12 the bush to Yifin, did you visit any of the villages that you had
13 mentioned earlier?

14 A. No, I did not go there at that time.

10:40:07 15 Q. Did you mention in your statement, sir, that you had heard
16 from a relation, a family member, that there was trouble in
17 Kurrtoor, I believe? Did you tell that to the people in your
18 statement?

19 A. I did not tell them that.

10:40:38 20 Q. You were asked very specific questions about the three
21 accused, Mr Witness. I want to ask you some other questions as
22 it relates to them. You stated that you had heard on the radio
23 about the overthrow of the Kabbah government; is that correct?

24 A. In Yengema, they told a driver. We saw people running
10:41:19 25 around, that's true.

26 Q. Okay, so you did hear it on the radio?

27 A. I did not hear it. I did not hear it. We were in a
28 transport vehicle. We were going to Kayima to go to Yifin.

29 Q. At any point from when you heard about the overthrow of the

1 Kabbah government to while you were in Yifin, did you ever hear
2 the name Alex Tamba Brima as being one of the people responsible
3 for the overthrow of the Kabbah government?

4 A. I did not hear that.

10:41:54 5 Q. Did you hear the name Santigie Borbor Kanu as being one of
6 the people responsible for the overthrow of the Kabbah
7 government?

8 A. I did not hear that.

9 Q. Did you hear the name Ibrahim Bazzy Kamara as being one of
10:42:15 10 the people responsible for the overthrow of the Kabbah
11 government.

12 A. I did not hear that.

13 Q. Did you hear the name Five-Five as being one of the people
14 responsible for the overthrow of the Kabbah government?

10:42:38 15 A. I did not hear that.

16 Q. Did you hear the name Gullit at any time as being one of
17 the people responsible for the overthrow of the Kabbah
18 government?

19 A. I did not hear that.

10:42:53 20 MR HARDAWAY: If I may have the Court's indulgence for a
21 moment, please, Your Honour. I thank the Court.

22 Q. Mr Witness, I have no further questions of you, sir. Thank
23 you.

24 MR HARDAWAY: Your Honours, this concludes my
10:43:18 25 cross-examination.

26 PRESIDING JUDGE: Thank you, Mr Hardaway. Any
27 re-examination?

28 MR FOFANAH: Yes, just one for the witness.

29 RE-EXAMINATION BY MR FOFANAH:

1 Q. Mr Witness, whilst counsel was asking you questions, he
2 suggested the names SLA and RUF to you as being the rebels who
3 attacked ECOMOG. Now, those that you have referred to as rebels
4 in your testimony, did they have any name that you can recall?

10:43:51 5 A. In our place at the time, by the time they were attacking
6 Yifin, they said rebels.

7 Q. That is all you know; they did not have any name?

8 MR HARDAWAY: Asked and answered, Your Honour.

9 THE WITNESS: No.

10:44:20 10 PRESIDING JUDGE: He's answered the question.

11 MR FOFANAH: Thank you.

12 PRESIDING JUDGE: Any other re-examination?

13 MR FOFANAH: None, Your Honour. Thank you very much.

14 PRESIDING JUDGE: Thank you, Mr Fofanah. Witness, we'd
10:44:27 15 like to thank you for coming to court and giving evidence. Your
16 testimony is now completed. If you just sit there for a moment,
17 we're going to adjourn the Court and then you will be given
18 assistance to leave. We will have a short break until
19 11.00 a.m.

10:45:10 20 THE WITNESS: Okay.

21 [Break taken at 10.44 a.m.]

22 [Upon resuming at 11.05 a.m.]

23 PRESIDING JUDGE: Yes, Mr Manly-Spain.

24 MR MANLY-SPAIN: Your Honour, the next witness is going to
11:06:55 25 be DAB-087. He will give evidence in Koranko.

26 WITNESS: DAB-087 [Sworn]

27 [The witness answered through interpreter]

28 PRESIDING JUDGE: Yes, Mr Hardaway.

29 MR HARDAWAY: The standard applies, Your Honour, no

1 objection to leading on biographical or non-contentious issues.

2 PRESIDING JUDGE: Thank you, Mr Hardaway.

3 EXAMINED BY MR MANLY- SPAIN:

4 Q. Good morning, Mr Witness.

11:08:31 5 THE INTERPRETER: His microphone is not switched on.

6 MR MANLY- SPAIN:

7 Q. Good morning, Mr Witness.

8 A. Did you sleep well?

9 Q. Yes. Thank you. Mr Witness, am I right to say that you
11:08:49 10 were born in Yifin Town, Neini Chiefdom in the Koinadugu District
11 of Sierra Leone?

12 A. I was born in Yifin, Koinadugu District, Sierra Leone. I
13 was born in Yifin.

14 Q. Thank you. Mr Witness, you are presently living in Yifin
11:09:18 15 Town; is that so?

16 A. I am in Yifin.

17 Q. And you are also a farmer?

18 A. Yes, I am a farmer.

19 Q. And you have been a farmer for over 40 years; am I right?

11:09:43 20 A. Yes, it's more than 40 years that I have been farming.

21 Q. Mr Witness, do you know how old you are?

22 A. I am 60.

23 Q. Thank you. Mr Witness, you are a married man; is that not
24 so?

11:10:12 25 A. I've four wives.

26 Q. And you also have 12 children?

27 A. I have 12 children.

28 Q. Mr Witness, do you live in Yifin Town with some of your
29 children?

1 A. At the moment, I am there with some of my children.

2 Q. Do you also live with your wife at Yifin?

3 A. All four of them are there.

4 Q. Thank you, Mr Witness. Presently, do you hold any position
11:10:48 5 in Yifin Town?

6 PRESIDING JUDGE: Is that going to affect his identity?

7 MR MANLY-SPAIN: Well, I will leave that out.

8 PRESIDING JUDGE: I will leave it to you, Mr Manly-Spain.
9 I'm just putting in a reminder, that's all.

11:11:06 10 MR MANLY-SPAIN: I'm sure it will. I'm sorry. I'll leave
11 that question out.

12 Q. Mr Witness.

13 A. Yes.

14 Q. Do you recall the year 1997?

11:11:18 15 A. I don't know its name in English, but I can remember that
16 year.

17 Q. Do you remember whether anything happened in Sierra Leone
18 that year?

19 A. Yes, what I can remember at that time is that I saw some
11:11:52 20 people who said they have removed Tejan Kabbah from here.

21 Q. Thank you. Where were you at the time when you saw these
22 people who told you that they had removed Tejan Kabbah?

23 A. I was in Yifin.

24 Q. Do you know who these people were who told you that?

11:12:28 25 A. They were passing by. Sometimes they would sleep and they
26 would pass by. But I don't know them.

27 Q. Do you recall, Mr Witness, how these people were dressed?

28 A. Some of them had short uniform trousers, and some civilian
29 clothing.

1 Q. Mr Witness, at that time, when you were in Yifin, do you
2 know whether there was any security force based at Yifin?

3 JUDGE SEBUTINDE: Mr Manly-Spain, sorry to interrupt. I'm
4 not sure I understand what short uniform trousers is.

11:13:23 5 MR MANLY-SPAIN: Yes, Your Honour, I will try to clarify
6 that.

7 Q. Mr Witness, what do you mean when you said some of them
8 were in short uniform trousers? What kind of uniform trousers do
9 you mean?

11:13:44 10 A. Soldier uniform Military uniform It was cut short.

11 Q. Thank you. My next question was: At the time when you
12 were in Yifin, do you remember whether there was any force
13 securing Yifin, stationed at Yifin?

14 A. Yes. When these people continued troubling us, ECOMOG went
11:14:20 15 and dislodged them.

16 Q. Thank you. After ECOMOG went and dislodged them, did
17 anything happen in Yifin?

18 A. When ECOMOG dislodged them at that time, they went. They
19 hung heads and they returned and burnt down that town.

11:14:50 20 Q. I want you to recall, Mr Witness, when ECOMOG came and
21 dislodged them, was there any fighting between ECOMOG and these
22 people you have referred to?

23 A. Well, ECOMOG was coming to dislodge them at that time.
24 They did not fight. At that time, they did not fight.

11:15:25 25 Q. What did they do?

26 A. They were shooting, but they were shooting in the air, just
27 so that they will run away. They run away and went into the
28 bush.

29 Q. Thank you, Mr Witness. When ECOMOG came to Yifin at that

1 time, did ECOMDG stay there?

2 A. Yes, they stayed in Yifin.

3 Q. Do you remember what time of the year that was?

4 A. I cannot remember the year, because they were not recording
11:16:10 5 it. I cannot remember the year.

6 Q. I'm asking you about the time of the year, not the year
7 itself, but what time of the year, Mr Witness.

8 A. They went there in the dry season.

9 Q. When you say "they," who do you mean?

11:16:38 10 A. ECOMDG. When we say they, it means there are many. Those
11 who went, they went in the rainy season.

12 Q. Okay. So when ECOMDG was there, do you know how long they
13 stayed there for?

14 A. Yes. They spent one year.

11:17:03 15 Q. Thank you. Mr Witness, are there any villages near to
16 Yifin?

17 A. Yes.

18 Q. Can you tell this Court the names or name of any such
19 village?

11:17:29 20 A. At that time, the town that was close to us were Tilikor
21 and Kulaya.

22 Q. We already have Kulaya. What did you say the other one was
23 called?

24 A. Tilikor.

11:18:07 25 MR MANLY- SPAIN: I believe we got that also.

26 PRESIDING JUDGE: Yes.

27 MR MANLY- SPAIN:

28 Q. Mr Witness, whilst ECOMDG was in Yifin at that time, do you
29 know where these other people whom you said were wearing short

1 uniform trousers, do you know where they were?

2 A. They were coming from the Kayima end. Towards Kono.

3 Q. Do you know whether they stayed in Kayima or any other
4 place?

11:18:57 5 A. They were coming from that end, but they were staying in
6 Sefadu.

7 Q. Thank you. Mr Witness, whilst ECOMOG was in Yifin, did
8 anything happen?

9 A. At the time ECOMOG were in Yifin, we stayed long there, and
11:19:29 10 we did not see anything bad that happened.

11 Q. Thank you. Do you know whether anything bad happened
12 anywhere else apart from Yifin at that time?

13 A. At the time ECOMOG were there, we were all happy. We don't
14 hear anything bad that was happening in the surrounding villages.

11:20:09 15 Q. Do you recall, Mr Witness, the dry season of the following
16 year?

17 A. During the other dry season, ECOMOG went.

18 Q. Do you know what caused ECOMOG to go?

19 A. The reason why ECOMOG left there was that they came and met
11:20:57 20 them there and they burnt down the town and they drove them away,
21 but before they could set the town on fire, they burnt down a
22 small village called Kulaya and ECOMOG appealed to one gentleman
23 who had a vehicle to take them along that road, but the man
24 refused --

11:21:24 25 Q. Please stop at that stage. You said that they burned down
26 a small village called Kulaya. To whom do you refer as "they"?

27 A. The rebels.

28 Q. How did you know that they burned down this village,
29 Kulaya?

1 A. Somebody came from there and told our chief that they have
2 burned down Kulaya.

3 Q. Were you present, Mr Witness, when this person came and
4 told your chief about the burning of Kulaya?

11:22:21 5 A. Yes.

6 Q. Do you remember what the person said?

7 A. The person came running and told our chief that, "Get away
8 from here. These people have come and they have burnt down
9 Kulaya." But people did not believe him

11:22:42 10 Q. You said these people. To whom do you refer?

11 A. The rebels.

12 Q. After that, Mr Witness, did you do anything?

13 A. After that, we ran away.

14 Q. With whom did you run away?

11:23:22 15 A. At that time, they said like I have spoken about that
16 vehicle, they have taken that vehicle and when they have reached
17 a road --

18 Q. Hold on, Mr Witness. Please answer the question that I'm
19 asking. Then we'll get things in order.

11:23:37 20 A. Okay.

21 Q. With whom did you run away?

22 A. Together with my family members.

23 Q. Thank you, Mr Witness. Mr Witness, do you know at the time
24 you were running away what happened to other people who were
11:24:03 25 staying in Yifin?

26 A. After we had run away, one day, on the second day, we came
27 to come and see what was happening in the town.

28 Q. Thank you. But my question, Mr Witness, at the time you
29 were running away, do you know what happened to other people who

1 lived in the town Yifin?

2 A. At the time we were running away, they had not reached it
3 in our own town at that time. It was ECOMOG that we left there.

4 Q. Where were the other people who lived in Yifin at the time
11:24:50 5 you were running away?

6 A. Everybody went to his own bush.

7 Q. Thank you. Before you run away, you said ECOMOG were in
8 the town, Yifin.

9 A. Yes. Yes.

11:25:16 10 Q. Do you know whether ECOMOG were informed of the rebel
11 attack at Kulaya?

12 A. That's what I said a while ago. They that came and said
13 that they have burnt down Kulaya, then ECOMOG -- the chief sent a
14 message to ECOMOG that they should go along that road and ECOMOG
11:25:48 15 went on that road.

16 Q. Thank you. Just answer the question, please. Do you know
17 how ECOMOG went on the road?

18 A. They took a vehicle which they used to go and we said that,
19 "Ah, seen them go, let us leave this place."

11:26:19 20 Q. Thank you. Do you remember what type of vehicle they went
21 in?

22 A. It is like a Nissan Patrol.

23 Q. Do you recall how many ECOMOG soldiers went in this
24 vehicle?

11:26:44 25 A. I cannot remember how many, but they filled a vehicle,
26 because, at that time, we were unable to count them.

27 Q. Thank you. Before that date, Mr Witness, did you know how
28 many ECOMOG soldiers were in Yifin?

29 A. No, I don't know that.

1 Q. Did all of the ECOMOG soldiers go in this vehicle?

2 A. No. Even if they had three vehicles, they would not be
3 able, all of them, to go. Those who went were a small number.
4 There were very many in Yifin.

11:27:36 5 Q. Do you know what happened to the others that did not go?

6 A. Those ECOMOG people who did not go, when we went in the
7 morning, when we came back in the morning, we saw one who had
8 died, and his body was lying outside. A huge one. He was lying
9 outside dead.

11:28:12 10 Q. Thank you. When some of the ECOMOG soldiers went in the
11 van, the Nissan Patrol, did the others remain in Yifin?

12 A. Some were going at the back, they did not know the terrain,
13 they did not know where to go, so the place where the chief went,
14 some of them went there and they were protecting the chief.

11:29:00 15 Q. Thank you. Mr Witness, when the ECOMOG soldiers were going
16 in the van, did they carry anything with them?

17 A. When they were going in that vehicle, they went with some
18 guns.

11:29:26 19 Q. Do you know, Mr Witness, what happened to the ECOMOG
20 soldiers who went in this vehicle?

21 A. Those who went into that vehicle, they ran away, and they
22 went to Alikalia.

23 Q. Thank you. Do you know, Mr Witness, who was driving that
24 vehicle?

11:29:46 25 A. The person who was driving that vehicle, I do not know him,
26 but he injured close to his leg.

27 THE INTERPRETER: Correction, interpreter: On his cheek.

28 MR MANLY- SPAIN:

29 Q. Was that person also an ECOMOG soldier?

1 A. No, it was the person in the vehicle. They had only
2 appealed to him for him to take them along.

3 Q. Did you see that driver again?

4 A. That driver, when he was running away, he met us on the
11:30:36 5 way. He was coming to Alikalia.

6 Q. When he met you, did he tell you anything?

7 A. At that time, he was unable to speak, because at that time,
8 he was unable to speak. But we saw his injury.

9 Q. After that, did you do anything, Mr Witness?

11:31:14 10 A. In relation to that fighting, I did not do any other thing.

11 Q. Where were you going to when you met this wounded driver?

12 A. Our farm was on the Alikalia road. We were on our way,
13 saying that probably we'd see the ECOMDG, so we were going when
14 the ECOMDG met us. They, too, were running away.

11:31:55 15 Q. Can you please explain that again. First, my question to
16 you is: Where were you going to?

17 MR HARDAWAY: Objection, Your Honour. I believe that was
18 asked and answered.

19 THE WITNESS: I was going to my farm.

11:32:18 20 PRESIDING JUDGE: Well, he's answered it now, Mr Hardaway.

21 MR MANLY-SPAIN: I only asked the question because he said
22 my farm was at Alikalia, or something like that, but he not
23 actually say, "We were going to Alikalia."

24 Q. Did you, Mr Witness, get to your farm?

11:32:39 25 A. Yes, I went and reached in my farm.

26 Q. Am I right in saying that you said just now that, on the
27 way to your farm, you met ECOMDG soldiers who were running away?

28 A. I saw some ECOMDG soldiers on the way to my farm, two of
29 them. They said -- they caught me and they said I should take

1 them to Alikalia, but I told them that I was going to the farm,
2 so they said I should accompany them up to Alikalia. So we
3 entered the bush, and I took them up to the outskirts of
4 Alikalia, and I said that's Alikalia, and they said I should
11:33:29 5 return, and I returned.

6 Q. Thank you, Mr Witness. These two ECOMOG soldiers what you
7 met with, do you know whether they were part of the group that
8 left Yifin in the Nissan Patrol?

9 A. At that time, I did not ask them whether they had gone into
11:33:56 10 that vehicle. I was unable to ask them that, but I saw that he
11 was injured on his cheek, that ECOMOG, then he said, "Eh, don't
12 go to that town. They've burnt down your town. Don't go to that
13 town."

14 PRESIDING JUDGE: Yes, Mr Hardaway.

11:34:32 15 MR HARDAWAY: Your Honour, even though he's already
16 answered, I object to this line of questioning on the grounds of
17 relevance as related to are these the same ECOMOG soldiers in the
18 Nissan Patrol or anything as relates to ECOMOG, on the grounds of
19 relevance.

11:34:32 20 PRESIDING JUDGE: What do you say to that, Mr Manly-Spain?

21 MR MANLY-SPAIN: Your Honour, I respectfully submit that
22 the evidence is highly relevant. Similar evidence has been led
23 before as to what happened to ECOMOG in this particular village,
24 and about things surrounding the village.

11:34:58 25 JUDGE SEBUTINDE: Yes, but, Mr Manly-Spain, what is
26 relevance to things that happened to ECOMOG in relation to the
27 indictment? How is that relevant?

28 MR MANLY-SPAIN: The indictment charges widespread
29 destruction to property and life in this area. We're leading

1 evidence as to how this came about. I will move on.

2 Q. Mr Witness, after you had gone to Alikalia, do you know
3 whether anything happened at Yifin?

4 A. On that same day, I did not reach up to Alikalia. We
11:35:55 5 reached the bush path and I accompanied them to the outskirts of
6 the town, and I returned, because my family members were on the
7 farm.

8 Q. Thank you. Mr Witness, where did you return to?

9 A. To the farm.

11:36:14 10 Q. Whilst you were on the farm, do you know whether anything
11 happened at Yifin?

12 A. When I was on the farm, because the day that thing
13 happened, all of us were in the town, but we ran away. We were
14 all in the town on that day.

11:36:44 15 Q. Yes, Mr Witness. Did you go back to Yifin that day?

16 A. That day I did not return to Yifin.

17 Q. Did you ever go back to Yifin?

18 A. One day, and on the second day, we went to the town.

19 Q. When you went to the town, did you notice anything?

11:37:18 20 A. I saw burnt houses. There was a house on this side of our
21 road. It was a thatch house. People were burnt in there. We
22 saw them, but it was after two days.

23 Q. Thank you. Do you know, Mr Witness, who burnt the houses
24 in Yifin?

11:37:54 25 A. I wouldn't know the person that these were the people who
26 set this on fire or set that on fire, I cannot point at anybody,
27 but at that time they said they were rebels and these were the
28 people whom we knew, the rebels.

29 Q. Who told you that they were rebels?

1 A. Because we, too, when we were there, those people who were
2 carrying guns, those who took guns and met us, they were the
3 people whom we described as rebels.

4 Q. Yes. Well, who told you that it was the rebels who burnt
11:38:39 5 the houses in the town, Yifin?

6 A. After they had burnt down the town, those people who came
7 and stayed with us, they were the ones who said they had come and
8 burnt down the town.

9 Q. Thank you. To whom do you refer as those people who came
11:39:06 10 and stayed with us?

11 A. The rebels.

12 Q. Thank you. Mr Witness, before the town was burnt, did you
13 know how many houses were there?

14 A. Before the town could be burnt down, we did not count the
11:39:46 15 houses at that time. We didn't think about counting the houses
16 at that time, because there were many.

17 Q. Thank you. When you say the houses were burnt down, do you
18 know how many were burnt down?

19 A. The number of houses that were burnt, I do not know, but
11:40:26 20 the ones that were not burnt, I can remember their number.

21 Q. Can you tell this Court the number of the houses that were
22 not burnt?

23 A. Those houses which were not burnt down in our place at that
24 time -- are you listening to me?

11:41:03 25 Q. Yes. Yes, we're listening to you.

26 A. Five houses did not burn in our place.

27 Q. Thank you, Mr Witness. Mr Witness, when did you come to
28 meet with the people who went there and told you that they had
29 burnt the houses?

1 A. At the time that we came to the town, the chief called us
2 up and said these people, these rebels have said that if we do
3 not surrender, they would come and kill us. They said we should
4 go and surrender to them. For me to know that they were rebels,
11:42:09 5 we subscribed rice and we went and met them. Those people who
6 went and met them, were our elders. They are there right now.

7 Q. Okay. Thank you, Mr Witness. Mr Witness, where did the
8 town chief call this meeting?

9 A. In the veranda of his house.

11:42:36 10 Q. Were you present at this meeting?

11 A. At that time, the barri was burnt.

12 Q. Yes. Were you present at the meeting?

13 A. Yes.

14 Q. Do you know whether any of these rebels were present at
11:42:54 15 that meeting?

16 A. They were not there.

17 Q. And the chief told you that the rebels had requested that
18 you should surrender to them?

19 A. Yes.

11:43:18 20 Q. Did the chief tell you what he meant by that, that you
21 should surrender to them?

22 A. At that time, people were afraid. We were afraid, that we
23 would not be killed. That if you did not support them, you would
24 die, so we were all afraid, so the chief summoned us and told
11:43:47 25 that we should go and surrender to them.

26 Q. Mr Witness, do you know where these rebels were staying at
27 that time when the chief called this meeting?

28 A. They were in Mongo at that time.

29 Q. Do you know how far Mongo was from Yifin?

1 A. I do not know that. But our people went up to Gberefe. I
2 do not know the mileage, because I have never been there.

3 Q. After the chief --

4 MR MANLY-SPAIN: I believe a name was mentioned, which
11:44:46 5 is strange to me.

6 Q. Please tell this Court what place you said your people went
7 up to?

8 A. Our people went up to Gberefe.

9 MR MANLY-SPAIN: Mr Interpreter, I don't know whether you
11:45:10 10 can help us with that spelling.

11 THE INTERPRETER: G-B-E-R-E-F-E. Gberefe.

12 MR MANLY-SPAIN: Thank you very much.

13 Q. Did you go yourself, Mr Witness?

14 A. I did not go.

11:45:37 15 Q. How do you know that they went up to Gberefe?

16 A. Those people who went, two of our elders went. They are
17 there.

18 Q. Thank you. Mr Witness, the elders who went, ask they
19 return to Yifin?

11:46:09 20 A. They returned to Yifin. That is when they said they were
21 sending people who would stay with them.

22 Q. What did they tell you when they returned?

23 A. When they returned, they told us that we've gone and met
24 them and they thanked us. They thanked us, indeed, but they said
11:46:38 25 they were sending someone to come and tell us if we have gone and
26 surrendered to them, we were the people who were going to be
27 responsible for their feeding. That's what they came and told
28 us.

29 Q. Thank you. You said "they sent," who do you recall -- who

1 do you refer to as "they" whose feeding you should be responsible
2 for?

3 A. The rebels who were there, they said that if we return and
4 go and tell our people that we've accepted, we will not do
11:47:20 5 anything to you, but you are going to be responsible for our
6 feeding. The rebels.

7 Q. Mr Witness, you have told this Court that, on the day you
8 went back to Yifin, you saw houses had been burnt. Did you
9 actually see these houses when they were burning?

11:47:44 10 A. Yes, in Yifin. I did see them. That's my birthplace.

11 Q. Yes. Do you recall where you were when you saw Yifin
12 burning?

13 A. There is a hill there. It's overlooking our town. We were
14 in the bush, and we were on top of that hill overlooking the
11:48:17 15 town, and we saw fire in almost all the houses. There was nobody
16 outside. There was nobody outside, except rebels, and the houses
17 were on fire. We were on top of the hill. The hill overlooks
18 our town.

19 Q. With whom were you at the top of the hill?

11:48:38 20 A. Two of us were there.

21 Q. Thank you, Mr Witness. After watching Yifin burning, did
22 you go back to Yifin?

23 A. No. I went to the farm. I was unable to go there. We
24 just went to the farm.

11:49:04 25 Q. Thank you. You said, Mr Witness, that there was nobody
26 there except the rebels at the time Yifin was burning.

27 A. Yes.

28 Q. After the burning, do you know what happened to the rebels
29 who were in Yifin?

1 A. After the burning down of the town, all of them
2 disappeared. Nobody was there. When we came back, there was
3 nobody there.

4 Q. Thank you, Mr Witness. You have now told us that you did
11:49:57 5 not see the rebels and nobody was there when you returned to the
6 town. You have also told us that the houses were burnt. Apart
7 from the burnt houses, Mr Witness, did you notice anything in
8 Yifin when you went back?

9 A. At the time that we returned from the bush to the town,
11:50:25 10 that's what I'm saying, that we found the houses burnt.

11 Q. Apart from the houses burnt, did you notice anything about
12 Yifin?

13 A. After the burning of the houses, I said I saw an ECOMOG who
14 was burnt outside. The house in which they stayed, on the
11:50:56 15 outside of that house.

16 Q. Thank you, Mr Witness. Mr Witness, after the elders had
17 gone to meet with the rebels, did anything happen?

18 A. After that, they came. Before these elders could go, the
19 town was empty. When the elders came, nothing happened after
11:51:36 20 that.

21 Q. After the elders had come, what did they tell you?

22 MR HARDAWAY: Objection, Your Honour. I believe that was
23 asked and answered.

24 PRESIDING JUDGE: I don't recall it. Yes, that is asked
11:52:16 25 and answered, Mr Manly-Spain.

26 MR MANLY-SPAIN:

27 Q. After the elders came to Yifin, did the people of Yifin do
28 anything?

29 A. When these elders returned in Yifin, we subscribed to feed

1 them Every month, hundred cups.

2 Q. Thank you. Did you ever see these rebels again?

3 JUDGE SEBUTINDE: Mr Manly-Spain, perhaps you understand
4 who they were feeding, but he didn't say on the record.

11:53:01 5 MR MANLY-SPAIN: Thank you. Sorry, Your Honour.

6 Q. Mr Witness, you said that you contributed to feed them
7 Whom were you to feed?

8 A. The rebels.

9 Q. Did you ever come to see the rebels you're talking about?

11:53:22 10 A. Except when they spoke about that subscription. It was
11 then that they came when we saw them

12 Q. Where did they come to?

13 MR HARDAWAY: Objection, Your Honour. I believe that also
14 has been asked and answered.

11:53:53 15 PRESIDING JUDGE: No, I will allow that, Mr Hardaway.

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

17 Q. Where did the rebels come to?

18 A. Yi fin.

19 Q. Were you present when they came to Yi fin?

11:54:09 20 A. Yes.

21 Q. After they had arrived in Yi fin, did anything happen?

22 A. When they arrived at Yi fin, nothing happened after that.
23 They said we should feed them, but they did not do anything to us
24 there.

11:54:31 25 Q. Thank you. Do you know any particular rebel who went to
26 Yi fin.

27 MR HARDAWAY: Objection. Leading.

28 PRESIDING JUDGE: Yes, that's objected to. It is leading,
29 Mr Manly-Spain.

1 MR MANLY-SPAIN: As Your Honour pleases.

2 Q. Mr Witness, how long did the rebels stay in Yifin after
3 they came?

4 A. Two years.

11:55:13 5 Q. Did you personally meet with them?

6 A. I did not go and meet them where they were, but when they
7 came to our town, we all were brave enough to meet them, so we
8 were talking to one another.

9 Q. Do you remember any one of them that you spoke with?

11:55:42 10 A. The ones who stayed there, we stayed there with High Firing
11 and Ngawuja and Major Sheku.

12 Q. Do you know who High Firing was?

13 A. Even if he stands right here now, I will know him That's
14 his name.

11:56:26 15 Q. Thank you. When you met with these rebels, did they tell
16 you anything about the burning of houses at Yifin?

17 MR HARDAWAY: Objection, Your Honour. One, I believe it's
18 leading and, two, I think it was already answered.

19 PRESIDING JUDGE: Well, it's certainly leading,

11:56:53 20 Mr Manly-Spain.

21 MR MANLY-SPAIN: I concede to that, but I don't think he
22 had answered that before.

23 PRESIDING JUDGE: I don't recall. Perhaps you could
24 rephrase it.

11:57:04 25 MR MANLY-SPAIN:

26 Q. Mr Witness, when you spoke with the rebels who had come to
27 Yifin, did they tell you anything?

28 A. When I spoke with the rebels and told them that we are
29 afraid of them, High Firing said, "If I had met your chief here,

1 I would have killed him "

2 Q. At that time, did he tell you anything else?

3 A. He said that right now the country's in our hands, that the
4 country was in our hands. The country was in our hands.

11:57:57 5 Q. Mr Witness, can you recall --

6 JUDGE SEBUTINDE: Sorry, in whose hands?

7 MR MANLY- SPAIN:

8 Q. When he said the country was in their hands, whose hands
9 did he tell you that the country was in?

11:58:12 10 A. We, the rebels, that the country was now in the hands of
11 us, the rebels.

12 Q. Thank you. Mr Witness, apart from High Firing, Major Sheku
13 and Ngawuja, were there other rebels with them?

14 A. Those boys whom they captured were after them. They were
11:58:55 15 giving them guns, and they were working with them. They were
16 with them at that time. Those whom I knew in Yifin, the adults
17 were the ones I've mentioned. They had their boys after them.
18 But they were bringing other people, so you wouldn't know them.

19 Q. Mr Witness, do you know whether High Firing and the others
11:59:23 20 had with them anybody called Alex Brima whilst they were at
21 Yifin?

22 A. That did not go to Yifin. I did not see that one.

23 Q. Do you know whether there was anybody there called Gullit?

24 A. That did not go to Yifin. Even if he got there, I did not
11:59:56 25 see him.

26 Q. Thank you. Do you know if there was anybody there called
27 Ibrahim Kamara, with the rebels of High Firing?

28 A. Ibrahim Kamara, I did not see that one.

29 Q. Do you know if there was anyone there called Santigie

1 Borbor Kanu?

2 A. Borbor Kanu. That Borbor Kanu, I did not see him

3 Q. Do you recall anybody there with the name Five-Five?

4 A. I did not hear any Five-Five name there. There was an old
12:00:52 5 man among them called Major Norris, but he died among them there.

6 Q. Thank you. Major?

7 A. Major Norris, but he died.

8 Q. Did you hear the name Bazzy as having been with High Firing
9 and his men in Yifin at the time?

12:01:24 10 A. I did not see that one.

11 Q. Thank you, Mr Witness. Mr Witness, you have told this
12 Court that the rebels lived with you for two years in Yifin.

13 A. Yes.

14 Q. Do you recall how they left Yifin?

12:01:47 15 A. When they were in Yifin, the way they left there, they said
16 that if they did not leave, the Kamajors were coming, and they
17 were coming to dislodge you, so they started disappearing one
18 after the other.

19 Q. Thank you, Mr Witness. Mr Witness, during this period that
12:02:22 20 High Firing and his men were at Yifin, did they hold any meeting
21 there?

22 A. At the time that they were in Yifin, if they convened a
23 meeting at all, it was in relation to their feeding. They were
24 always summoning that kind of meeting about their feeding.

12:02:50 25 Q. Can you remember what transpired at any one of those
26 meetings at the beginning when they first entered Yifin?

27 MR HARDAWAY: Objection, Your Honour. The question is
28 leading.

29 PRESIDING JUDGE: I will allow it. Go ahead,

1 Mr Manly- Spain.

2 MR MANLY- SPAIN: Thank you.

3 Q. I'm asking you about one of the first meetings that they
4 held in Yifin. Can you remember what transpired.

12:03:19 5 MR HARDAWAY: Objection, Your Honour. No foundation laid
6 as to if there were any meetings or how many, no foundation has
7 been laid for that.

8 MR MANLY- SPAIN: Your Honour, the witness has said they
9 held several such meetings.

12:03:32 10 PRESIDING JUDGE: Yes, he said they had several meetings,
11 it was mainly about feeding them

12 MR HARDAWAY: Very well, Your Honour, but also there was no
13 evidence led that he was actually present at the meetings.

14 MR MANLY- SPAIN: I will lead him on that.

12:03:44 15 Q. I want you to recall, Mr Witness, one of the first meetings
16 that were held in Yifin by High Firing. Were you present in any
17 such meeting?

18 A. I was not at that meeting.

19 Q. Were you present in any meeting at all?

12:04:07 20 A. I was at another meeting, and they said -- we decided on
21 how we should feed them, that is, what each person should
22 subscribe. So at the end of every month, everybody would bring
23 his own subscription.

24 Q. Thank you, Mr Witness. Do you recall whether any of the
12:04:38 25 elders of Yifin Town at that time were present at this meeting
26 you're talking about?

27 MR HARDAWAY: Your Honour, I would object on the grounds of
28 relevance as to the presence of the elders at the meeting, or
29 even the meetings generally. We know that they were feeding

1 because that was the reason why they were there, but the
2 relevance as to the meetings as was discussed as related to
3 feeding, that's what the Prosecution is objecting to.

12:05:14 4 PRESIDING JUDGE: There has been an objection on the
5 grounds of relevance, Mr Manly-Spain. What do you say to that?

6 MR MANLY-SPAIN: Yes, Your Honour. One of the charges goes
7 to the harassment of the civilian population, and we are trying
8 to prove that these demands were not few, but several. We're
9 trying to show who made these demands.

12:05:39 10 PRESIDING JUDGE: I see. I'll rule on it. You've made
11 your objection. I will allow the question.

12 MR MANLY-SPAIN: Thank you.

13 Q. Mr Witness, I'm asking you, at the time when you attended
14 this meeting, was any of the elders of Yifin present?

12:05:55 15 A. The elders who were there, the one that is alive now --
16 there is only one of them.

17 Q. Please don't call his name.

18 A. I'm not saying his name.

19 Q. Thank you. Were the elders present?

12:06:27 20 A. The elders were there.

21 Q. Mr Witness, do you recall how many meetings you attended of
22 this nature?

23 A. I can't remember that.

12:06:59 24 Q. Thank you. Mr Witness, in any of these meetings were other
25 rebels introduced to you?

26 A. At that meeting, they did not introduce anybody to us.
27 Those whom they introduced, they just said, "These are the
28 people. These are the people you've seen." But these are the
29 people who've come, here they are. So they showed them to us,

1 but I do not know anybody among them.

2 Q. Thank you. Can you remember whom they showed to you?

3 A. Those who were shown to us, I said in the first instance
4 that there was High Firing, Ngawuja and Major Sheku. Those were
12:07:54 5 the people who were shown to us, that these were your own people.

6 Q. Mr Witness, at the time the rebels came into Yifin, after
7 ECOMOG had left, was there a town chief in Yifin?

8 A. There was a town chief. But on that day, on that day that
9 the rebels entered the town, he was running away. He fell down
12:08:41 10 and he died, but he was not shot. He just fell, because he was
11 so frightened and he died.

12 Q. Mr Witness --

13 JUDGE SEBUTINDE: Are we going to get any foundation laid
14 as to this knowledge?

12:09:02 15 MR MANLY-SPAIN: That's what I was going on to.

16 Q. Mr Witness, how did you know that the town chief died when
17 he was running away from the rebels?

18 THE INTERPRETER: Your Honours, he is saying something that
19 can identify him. Can I go on?

12:09:26 20 MR MANLY-SPAIN:

21 Q. Mr Witness, I don't want you to explain anything that will
22 identify yourself. I don't want you to call the name of the late
23 chief. I just want you to explain. I don't want you -- if
24 somebody told you, I don't want you to call that person's name.

12:09:43 25 I just want you to explain how you got to know that the chief I
26 died when he was running away. Please explain to the Court how
27 you got to know?

28 A. He was running away. He was climbing the hill when he fell
29 and died.

1 Q. Were you present then, Mr Witness?

2 A. It did not happen in my presence. Together with his child,
3 we were in the same farm. So they went and called his child.

4 Q. When they went to call the child, did they tell the child
12:10:33 5 anything?

6 A. Just like I've explained, they said, "Your father has
7 fallen on the road and he has died, so you should go and bury
8 him."

9 Q. Thank you very much. Mr Witness, you have explained to us
12:10:51 10 the demands made by the rebels that you should be feeding them,
11 and you have also explained what you should contribute to their
12 feeding. Did you actually do so?

13 A. Yes, we provided -- we made the contribution for one year
14 and, in the second year, we cultivated a farm for them. We
12:11:27 15 rested in making a subscription, so the farming, the farm that we
16 cultivated, we harvested that one, and we pounded rice, and their
17 elders who were in Sefadu, would take it to them. We did all of
18 that.

19 Q. Thank you. Mr Witness, do you recall how many times you
12:11:51 20 made contribution to the feeding of these rebels?

21 MR HARDAWAY: Objection, Your Honour, as to the relevance
22 as to the number of times. Because he stated they were fed for
23 at least a whole year and then cultivated. I don't see the
24 relevance in the exact number of times. It was for the time
12:12:11 25 period of at least one year, so I object to the relevance as to
26 the number.

27 PRESIDING JUDGE: Yes, I will allow that question. Go
28 ahead, Mr Manly-Spain.

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

1 Q. Can you recall how many times, whilst the rebels were in
2 Yifin, that you made this contribution to them?

3 A. The contribution that we made, every month, a hundred cups.
4 Every month, a hundred cups. That is what we subscribed. Every
12:12:44 5 month, a hundred cups.

6 Q. Mr Witness, did you yourself make any contribution to the
7 feeding of rebels?

8 A. Yes. I did subscribe, because they were in our town. I
9 did subscribe.

12:13:06 10 Q. Thank you. Mr Witness, you told this Court that before you
11 returned to Yifin, all the houses had been burnt except five; is
12 that so?

13 A. Those five houses -- there were five houses which were not
14 burnt. The church was not burnt and the mosque.

12:13:44 15 Q. Thank you.

16 A. That's true.

17 Q. Did you go back to stay in Yifin?

18 A. We came to Yifin. Everybody came to town. We went and
19 brought all our colleagues, our family members, and we built
12:14:13 20 boots [as interpreted] and we stayed in the town.

21 Q. Do you know at that time when you went back and built these
22 boots what happened to your houses?

23 A. Our houses had been burned.

24 Q. When the rebels came, led by High Fire --

12:14:44 25 JUDGE DOHERTY: He didn't actually say lead.

26 MR MANLY-SPAIN: Sorry, Your Honour. Thank you.

27 Q. When High Fire and the other rebels came to Yifin and
28 stayed there, do you know where they slept?

29 A. Those houses which remained, nobody gave them any house.

1 Those houses which were not burnt, that's where they parked their
2 belongings.

3 Q. Thank you, Mr Witness. Mr Witness, whilst the rebels were
4 in Yifin, did anything happen?

12:15:30 5 MR HARDAWAY: Objection, Your Honour. Asked and answered.
6 He had stated, Your Honour, that, in Yifin, they fed them,
7 nothing more.

8 PRESIDING JUDGE: I can't -- look, I don't want to have to
9 go back through this evidence. I will allow that question. Go
12:15:50 10 ahead, Mr Manly-Spain.

11 MR AGHA: Your Honour, I rise reluctantly at this time.
12 During the course of the last half an hour's evidence, it is the
13 submission of the Prosecution that we're just toing and froing
14 over old ground. The fact of the matter is, yes, the witness has
12:16:06 15 said they fed them, they fed them so many cups, they stayed in
16 the town, or the village. I cannot really see the relevance of
17 continuing with this line of questioning, especially as before, a
18 number of the questions have been asked and answered. If my
19 learned colleague wants to string this out to the lunch break,
12:16:24 20 that's fine, but the Court's time is very valuable.

21 PRESIDING JUDGE: I've already ruled on the question. I've
22 allowed it.

23 MR MANLY-SPAIN: Thank you.

24 Q. Yes, Mr Witness, please answer the question.

12:16:50 25 A. What question?

26 Q. Yes, Mr Witness, I'm asking you that whilst the rebels were
27 now staying with you in Yifin, did anything happen that you
28 recall?

29 A. At the time that they were in Yifin, nothing happened at

1 that time.

2 Q. Thank you, Mr Witness. Mr Witness, apart from this rebel
3 attack on Yifin, was there -- the rebel attack which brought the
4 rebels to stay in Yifin, was there any attack on Yifin?

12:17:37 5 MR HARDAWAY: Objection, Your Honour. Leading.

6 MR MANLY-SPAIN: Your Honour, I can't see that question
7 being leading.

8 PRESIDING JUDGE: I will allow it, Mr Manly-Spain.

9 MR MANLY-SPAIN:

12:17:50 10 Q. Was there any other attack on Yifin, Mr Witness?

11 A. The reason why the rebels stayed in Yifin, there was
12 another attack but, at that time, they had left. There was
13 another attack.

14 Q. Thank you. Do you know who attacked Yifin?

12:18:26 15 A. I wouldn't know those people who did that attack on Yifin
16 but, at that time, all of them had left Yifin, so we saw the SLAs
17 come to Yifin. When they came to Yifin, they -- when they stayed
18 there, they came and attacked them, but they were unable to
19 dislodge them, so they returned.

12:18:53 20 Q. Okay, Mr Witness. Let me ask you: You said you saw the
21 SLA. Whom did the SLA attack?

22 A. The SLAs did not attack anybody. They did not attack
23 anybody. It was the rebels who returned to attack them. At that
24 time, they had come and stayed in Yifin.

12:19:14 25 Q. Whom did the rebels attack?

26 A. The SLAs.

27 Q. Thank you. Do you know what happened as a result of this
28 attack?

29 A. They did not explain to us but, at that time, they were

1 saying they'd come. We've come and stayed with you. We've come
2 to stay, but we were afraid at that time of guns. So they came
3 and attacked them at night.

12:19:58 4 Q. I'm asking you, Mr Witness, who was saying come and stay
5 with us?

6 A. The SLAs who came.

7 Q. Thank you. Who attacked the SLAs?

8 PRESIDING JUDGE: He just said the rebels.

9 MR MANLY-SPAIN: Oh, sorry. Sorry, Your Honour.

12:20:22 10 Q. After the rebels attacked the SLAs, do you know what
11 happened at Yifin?

12 A. They killed some of the SLAs at the place where they were
13 treating them. We saw them dead SLAs there.

14 Q. Did you yourself see them?

12:20:53 15 A. Yes.

16 Q. Mr Witness, apart from the -- when you said you returned to
17 Yifin, apart from the body of the ECOMOG soldier, did you see any
18 other dead bodies in Yifin?

19 PRESIDING JUDGE: He just said he saw some dead SLAs.

12:21:34 20 MR MANLY-SPAIN: I understand, sir, but I'm asking him
21 about the previous attack.

22 PRESIDING JUDGE: In the previous attack?

23 MR MANLY-SPAIN: The first attack, when he said an ECOMOG
24 soldier was killed.

12:21:45 25 PRESIDING JUDGE: I see. Go ahead.

26 MR MANLY-SPAIN:

27 Q. When you returned to Yifin at that time and saw the body of
28 the ECOMOG soldier, did you see any other bodies of dead people
29 in Yifin?

1 A. The corpse which I saw after that was those people who were
2 killed when we were on top of the hill, where they put people in
3 the house, the people who died in that house, about 24 people,
4 it's a thatch house, and they set it on fire, and they burnt
12:22:19 5 inside the house.

6 Q. Thank you, Mr Witness.

7 JUDGE SEBUTINDE: I'm sorry, what was the number he
8 mentioned?

9 MR MANLY- SPAIN: Twenty-four.

12:22:30 10 Q. Finally, Mr Witness, do you know what happened to the
11 bodies of those 24 people?

12 A. Those 24 people who died, to say the truth, they all got
13 rotten in the house. After they had got rotten, it was the SLAs
14 who took their skeletons and buried them in the grave.

12:22:59 15 Q. Thank you, Mr Witness.

16 PRESIDING JUDGE: I think you said already that this
17 witness was a common witness; is that right, Mr Manly-Spain?

18 MR MANLY- SPAIN: Yes.

19 PRESIDING JUDGE: Yes, Mr Hardaway.

12:23:14 20 CROSS- EXAMINED BY MR HARDAWAY:

21 Q. Mr Witness, good afternoon, sir. I have some questions I'm
22 going to ask you and I want you to answer them as clearly and
23 concisely as possible. Most of the answers can be given as yes,
24 no, or I don't know. Do you understand, sir?

12:23:42 25 A. Mmm- hmmm

26 Q. Mr Witness, you had stated that it was rebels who attacked
27 Yifin; is that correct?

28 A. Yes.

29 Q. I put it to you, sir, that the rebels you refer to also

1 included SLA soldiers; what is your response?

2 A. I did not see those.

3 Q. Mr Witness, you had also stated in your testimony that at
4 the meeting you held with the elders that the rebels were at
12:24:37 5 Mongor; is that correct?

6 A. I've not spoken about Mongor.

7 Q. Didn't you say, sir, that when you had the meeting with the
8 elders, talking about the surrender of Yifin, that the rebels
9 were at Mongor?

12:25:12 10 A. That they were in Mongor? I said they were staying in
11 Mongor Town. Gbrefe. That's in Mongor. That's true.

12 Q. Is Mongor the same place as Mongor Bendugu?

13 A. Those who were in Gbrefe.

14 Q. I'm sorry, sir, was that a yes or a no? Is Mongor the same
12:25:52 15 as Mongor Bendugu?

16 A. They are not the same.

17 Q. All right. Now, Mr Witness, you had stated in your
18 evidence that Kulaya was a village that was burnt down by the
19 rebels; is that correct?

12:26:13 20 A. Yes.

21 Q. Now, sir, did you speak to anyone at the Special Court
22 about what you're going to testify here to today?

23 A. That Kulaya was burnt down? I did not say that.

24 Q. Listen to the question. Again, it's simple. It can be
12:26:49 25 answered yes, no, or I don't know. Did you give a statement to
26 someone from the Special Court about your evidence here today?

27 A. Yes.

28 Q. In that statement that you gave, sir, did you tell them
29 that Kulaya was burnt by the rebels; yes or no?

1 A. I did not tell them that. I told them that they killed one
2 man there. That's what I told them

3 Q. Mr Witness, the Prosecution is given a summary of the
4 statement that you gave to the Special Court, and nowhere in that
12:27:55 5 summary is Kulaya mentioned, but you say you did not mention
6 Kulaya in your statement; is that correct?

7 A. Those who went, I did not tell them that there.

8 Q. Now, you had mentioned, sir, in your evidence, about dead
9 SLA. Do you remember that?

12:28:29 10 A. Yes.

11 Q. Did you put in your statement about dead SLA?

12 A. No, I did not tell them that.

13 Q. You had spent a lot of time, sir, talking about the feeding
14 of rice to the rebels. Did you tell that -- did you put that in
12:29:04 15 your statement?

16 A. Yes, I did that.

17 MR MANLY-SPAIN: Your Honour, my problem here is that I
18 believe counsel prefaced his question by saying a summary was
19 served on them. Now the question is put what is in his
12:29:31 20 statement. Can you tell them if he's putting that the summary
21 does not contain what he's putting to the witness, that's okay,
22 but I think it's unfair to say your statement when he's referring
23 to the summary.

24 PRESIDING JUDGE: Yes.

12:29:50 25 MR HARDAWAY: Your Honour, as related to the last witness,
26 if I'm allowed a little leeway, he says he put it in the
27 statement. My next thing is that it's not in the summary and
28 I'm challenging his credibility on it. If they wish to address
29 that on re-examination, as relates with the last witness, then

1 they are free to do so.

2 PRESIDING JUDGE: Go ahead, Mr Hardaway.

3 MR HARDAWAY:

4 Q. Mr Witness, I put it to you that you are lying, that you
12:30:14 5 did not mention in your statement anything about feeding of rice
6 to rebels in Yifin; what is your response?

7 A. Well, because I did not tell them there to write that.

8 Q. Mr Witness, you had mentioned about the town chief and the
9 speaking to the child of the town chief for burial. Did you put
12:30:54 10 that in your statement? Did you tell them that for your
11 statement? Let me rephrase.

12 A. I did not put that in my statement.

13 Q. Yet you just remember it today; is that correct?

14 A. I thought about it today, that whatever happened -- they
12:31:21 15 have said that whatever happened to you, you should explain. I
16 only thought about that today, but that was not written.

17 Q. When you say they said that, by "they," who are you
18 referring to?

19 A. When I said they, I am talking about our place, those who
12:31:47 20 went to write. They said whatever happened to you, you should
21 tell us, but you don't write everything.

22 Q. So let me get this straight: The people who told you to
23 tell them everything that happened, they said they would not
24 write everything down?

12:32:05 25 MS THOMPSON: That's not what he said, Your Honour.

26 MR HARDAWAY: I'm asking for clarification. I thank my
27 learned friend.

28 THE WITNESS: They did not say that.

29 MR HARDAWAY:

1 Q. What exactly did they say, sir?

2 A. They asked me what I have in mind so that you would tell us
3 for us to write it down.

4 Q. Sir, are you able to read and write, in any language?

12:32:45 5 A. I cannot write it, I cannot read it.

6 Q. Very well, sir. After you told the people who took the
7 statement everything that you say you told them, did they go over
8 the statement with you?

9 A. At that time, they said I should sign, but to say they read
12:33:21 10 it out to me, no, that did not happen.

11 Q. Now, since you are illiterate, you did not sign; is that
12 correct?

13 A. They placed my thumb in something, and they put it on the
14 paper.

12:33:45 15 Q. Just so that I'm clear, did you tell the people who took
16 the statement about Kulaya being burnt down by the rebels; yes or
17 no?

18 A. To tell them, you know, it's quite a long time and I've not
19 written it anywhere. Now that I'm explaining, you know what
12:34:35 20 happened with what I'm explaining, because I have taken an oath.

21 Q. The question is very simple; yes or no. Did you tell the
22 people who took your statement that Kulaya had been burnt by the
23 rebels?

24 A. I said it.

12:34:39 25 Q. Did you tell the people who took your statement the names
26 of the villages around Yifin as you testified here today; yes or
27 no?

28 PRESIDING JUDGE: There is another alternative, and I'm not
29 suggesting any answers -- just a minute, Mr Witness. I'm trying

1 to say something to you. The answer might not necessarily be yes
2 or no. It might be I don't remember. That's also an
3 alternative. I'm not suggesting that's what you should say, but
4 I'm also saying that you are not necessarily confined, as counsel
12:35:26 5 has put to you, to a yes or no answer.

6 MR HARDAWAY:

7 Q. What is your answer to my question, Mr Witness?

8 A. No.

9 Q. You did not tell them that about the surrounding villages?

12:35:54 10 MR FOFANAHA: The question has been answered, Your Honour.

11 MR HARDAWAY: I'm asking for clarification, Your Honour.

12 THE WITNESS: I did not tell them

13 MR FOFANAHA: Hold it.

14 MR HARDAWAY: Well, he answered; he didn't tell them. I'll
12:36:05 15 move on.

16 MR FOFANAHA: You're harassing the witness.

17 MR HARDAWAY: I'm not harassing the witness. I'm testing
18 his evidence, as my learned friends have done during the
19 Prosecution case in chief. I'm almost finished.

12:36:16 20 MR MANLY-SPAIN: May it please, Your Honour.

21 PRESIDING JUDGE: Yes, Mr Manly-Spain.

22 MR MANLY-SPAIN: Your Honour, I do not think this is the
23 proper way to conduct cross-examination of a witness on a
24 statement. The witness comes here to give evidence-in-chief. It
12:36:28 25 is not everything that he says here will be in his statement. If
26 there is something that diverges from what is in his statement,
27 that's okay. But we, counsel, lead witnesses, and we know what
28 we want to bring out of the witnesses. For example, what my
29 learned friend has just asked, did you tell the people who took

1 your statement about the villages that surround Yifin, I do not
2 see the point, Your Honour. Your Honour, if we go on, counsel
3 can go on for the next hour about things that has been said which
4 is not in the summary. The summary is just a summary.

12:37:13 5 MS THOMPSON: Your Honour, further, might I just also add a
6 similar situation happened, I think, last week, and I was able to
7 show his colleague bits of the statement, of the statement which
8 we had, which they had a problem with which wasn't in the
9 summary. We were able to show that the issue was clarified, and
12:37:31 10 they were able to move on. For my learned friend to be going on
11 and on and on about what is or is not -- if he wants the
12 statement, just ask, and we can give it to him, but this is a
13 summary, and we were never ordered to provide a statement. We
14 were ordered to provide a summary and, a summary, by definition,
12:37:49 15 does not contain everything that is in the statement. We can
16 provide the statement and then you can see whether the witness,
17 indeed, is saying something different from what was in his
18 statement. That is how it was conducted during the Prosecution
19 case, and I can't see why the rule should be different now,
12:38:04 20 Your Honour.

21 MR HARDAWAY: Based on my learned friend's generosity, I
22 ask for the statement.

23 MR MANLY-SPAIN: This is not a clean copy.

24 MR HARDAWAY: I understand. I will take that into
12:38:18 25 consideration. I won't be making any comments on the markings.
26 I don't know if the Court attendant could hand them over?

27 MR AGHA: Your Honour, I rise at this stage to make a
28 suggestion to my learned friends and perhaps to the Bench, so
29 this situation could be avoided in the future. I would submit it

1 may be expeditious if the Defence just agreed to hand over to us
2 the statements which they have. Then this issue of statement
3 versus summary wouldn't arise. If they were agreeable to do
4 that, we could perhaps move things forward without such --

12:38:57 5 PRESIDING JUDGE: We're not going to make any orders along
6 those lines. You can approach the Defence if you want to clarify
7 something in the statement. As far as the Defence is concerned,
8 the questions that the Prosecution are asking, whether they're
9 based on the summary or the statement, are admissible, because
12:39:19 10 they go to credit, and it's cross-examination. There's no
11 suggestion that they're not allowed to ask those questions. So
12 if the parties want to get together in their own time and produce
13 statements, that's something they can do.

14 MR AGHA: Thank you, Your Honour.

12:39:41 15 MR HARDAWAY: If I may have a brief moment's indulgence,
16 Your Honour.

17 JUDGE SEBUTINDE: Also, I think it's good to observe that
18 if the Defence feel their witness is being unfairly
19 cross-examined, or being questioned with regards to things that
12:39:57 20 are not in the summary, they have a chance to re-examine on the
21 witness statement and straighten out these issues. I think, in
22 all fairness to the Prosecution and the side opposite, the
23 Prosecution is entitled to cross-examine the witness to test his
24 credibility in light of the summary that has been provided, and
12:40:19 25 to ask questions which the witness can then answer yes or no, I
26 don't know, or I don't remember. As simple as -- there's nothing
27 wrong or inadmissible about the Prosecution asking such questions
28 arising out of the summary that they have.

29 MR MANLY-SPAIN: Thank you, Your Honour. Can I call back

1 for the statement, and let's go on.

12:40:54 2 MS THOMPSON: Your Honour, I think the objection I had was
3 not that the questions were inadmissible. It was the suggestion
4 that the witness was lying because it was not in the summary. I
5 think that's the problem we have here.

6 JUDGE SEBUTINDE: And the witness is perfectly capable of
7 saying -- answering for himself, you see. Just an accusation
8 that he is lying doesn't establish a fact that he's lying.

9 MR MANLY-SPAIN: Can I have back the statement, please?

12:41:12 10 MR HARDAWAY: I have reviewed it, Your Honour, yes.

11 MR FOFANAH: Just one point, Your Honour, in response to
12 your last comment. I do recall that the reason why I
13 particularly rose to object was that the witness had already
14 answered the question and my learned colleague was going over it
15 again to seek clarification. That is why I objected. I think
16 where a witness has given a clear and unambiguous answer, it is
17 proper that the records stick to that. That is all I was doing.

12:41:37 18 PRESIDING JUDGE: I understand that, Mr Fofanah. Have no
19 fears. If we think that the witness is being intimidated or
12:41:59 20 harassed, we will do something about it.

21 MR FOFANAH: I'm grateful.

22 MR HARDAWAY: Thank you, Your Honours. I've reviewed the
23 statement.

24 Q. And based upon my review of the statement, Mr Witness, I
12:42:12 25 thank you for your time. I have no further questions.

26 MR HARDAWAY: Your Honours, this concludes my
27 cross-examination.

28 PRESIDING JUDGE: Thank you, Mr Hardaway.

29 MR MANLY-SPAIN: We have no re-examination.

1 PRESIDING JUDGE: Mr Witness, thank you for coming to court
2 to give evidence. Your evidence is now finished. If you will
3 just sit there a few moments, we'll arrange for you to be taken
4 out of the Court. First, the Court will adjourn. We will
12:43:00 5 adjourn for the lunch break now.

6 MS THOMPSON: Your Honour, before we adjourn.

7 PRESIDING JUDGE: We're going to come back at 2.15. Yes,
8 Ms Thompson.

9 MS THOMPSON: Your Honour, the next witness should have
12:43:08 10 been DAB-079. He was a witness who was present, fell ill, felt
11 he wasn't getting the care that he needed and returned, and we
12 have not been able to get him back. We was the next witness who
13 was supposed to come this afternoon.

14 Having said that, Your Honour, we have this morning filed a
12:43:30 15 motion for a status conference. I hasten to say that we have
16 exhausted the entire list of witnesses which we had in Freetown.
17 I think this witness was our 26th witness from start. In the
18 light of that, we have asked -- have applied for a status
19 conference for tomorrow where we will have to do a draft agenda.

12:44:03 20 It is our submission, Your Honour, that this has to be
21 sorted out. We have to bring to the Court's notice the
22 difficulties that we have, some of which will be nothing new to
23 the Court, some of which will be depending on the information we
24 receive today, we will be able to put before the Court. As it
12:44:24 25 stands now, Your Honour, there are no more witnesses for the
26 Defence available now.

27 PRESIDING JUDGE: Now until when?

28 MS THOMPSON: Your Honour, a team -- they should have left
29 yesterday, but I think they will be leaving tomorrow to go to

1 Kono District. That is -- I can't say. I would rather not give
2 the Court information which turns out not to be the case, as has
3 happened to me before, but I know that the team should be leaving
4 for Kono this week, once all the modalities have been put in
12:45:02 5 place for witnesses to come down from Kono. I don't know how
6 many witnesses will be able to come down, or if any. I don't
7 know what the situation will be when they get to Kono. That's
8 the long and short of it: I don't know. We should be able to
9 get some more information this afternoon, which is why we asked
12:45:21 10 for a status conference for tomorrow. But I repeat, as I said
11 earlier, as we stand now, there are no more witnesses. The last
12 witness, we don't even know where he is now. We believe he has
13 gone back home, but he was in Freetown and left.

14 PRESIDING JUDGE: Well, we haven't obviously read that
12:45:42 15 motion. We've been in Court while it was filed. Do the
16 Prosecution have anything to say at the moment?

17 MR AGHA: Yes. We just received a copy of the motion for
18 the status conference which is, indeed, requested for tomorrow.
19 The Prosecution would suggest there's no reason why it can't be
12:46:03 20 held this afternoon, the status conference, if there are no more
21 witnesses and the sooner things are aired, the sooner orders can
22 be made and matters put in motion again.

23 PRESIDING JUDGE: Yes, all right. Look, we'll read that
24 motion over the lunch hour and court will reconvene at the usual
12:46:18 25 time this afternoon at 2.15.

26 [Whereupon the hearing adjourned at 2.15 p.m.
27 to be followed by a Status Conference]

28
29

WITNESSES FOR THE DEFENCE:

WITNESS: DAB-086	2
EXAMINED BY MR FOFANAH	2
CROSS- EXAMINED BY MR HARDAWAY	27
RE- EXAMINATION BY MR FOFANAH	35
WITNESS: DAB-087	36
EXAMINED BY MR MANLY- SPAIN	37
CROSS- EXAMINED BY MR HARDAWAY	65