



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

WEDNESDAY, 6 SEPTEMBER 2006
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Ri chard Lussi ck, Presi di ng
Teresa Doherty
Jul i a Sebuti nde

For Chambers:

Ms Carol yn Buff

For the Registry:

Mr Thomas George
Ms Advera Kamuzora

For the Prosecution:

Mr Kari m Agha
Mr Charl es Hardaway
Mr Vi ncent Wagona
Mr Sean Morri son (i ntern)

**For the accused Alex Tamba
Bri ma:**

Mr Kojo Graham a
Mr Ibrahi m Foday Mansaray (l egal assi stant)

**For the accused Bri ma Bazzy
Kamara:**

Mr Mohamed Pa-Momo Fofanah

**For the accused Santi gie Borbor
Kanu:**

Mr Aj i bol a E Manl y-Spai n

1 [AFRC06SEP06A - MD]
2 Wednesday, 6 September 2006
3 [Open session]
4 [The accused present]
5 [The witness entered court]
6 [Upon commencing at 9.20 a.m.]

7 PRESIDING JUDGE: Well, this is witness DAB-113; is that
8 correct?

9 MR GRAHAM: Good morning, Your Honours. This is DAB-078.
09:22:25 10 It's number 8 on your list of summaries and, Your Honours, the
11 witness will be testifying in Krio. It's number 8 on the record.

12 PRESIDING JUDGE: Which summary is it number 8 on? Yes.
13 Has the witness been sworn?

14 MR GRAHAM: Not yet, Your Honours.

09:24:11 15 JUDGE SEBUTINDE: Mr Court Attendant, please.

16 WITNESS: DAB-078 [Sworn]
17 [The witness answered through interpreter]

18 PRESIDING JUDGE: Yes, Mr Hardaway?

19 MR HARDAWAY: Yes, Your Honour. Before my learned friend
09:25:10 20 starts, I want to let him know there is no objection from the
21 Prosecution again leading on biographical and general
22 information.

23 EXAMINED BY MR GRAHAM:

24 Q. Yes, good morning, Mr Witness.

09:25:46 25 A. Good morning. How are you?

26 MR GRAHAM: Your Honours, before I proceed I would like to
27 seek your kind indulgence. My intention is that in order to
28 avoid having to make an application under Rule 79 to go into
29 closed session, in -- regarding questions relating to his

1 background, I will adopt a prior procedure of using a pseudonym
2 for the town where he was born and where he stayed for the
3 greater part of his life for the purposes of avoiding his
4 identification. So, with Your Honours' kind permission, if we
09:26:27 5 may agree on a pseudonym for the town. I probably suggest Town B
6 for the place of residence and also where he worked. Also, Your
7 Honours, as we proceed, I would seek your kind permission that he
8 write his place of employment as well.

9 PRESIDING JUDGE: Well, I think first he has to give some
09:26:54 10 evidence about the town, if only by writing it down, and then we
11 could nominate it by Town B or whatever town you like.

12 MR GRAHAM: Thank you.

13 PRESIDING JUDGE: But we can't go fixing Town B without it
14 being a general agreement on what B means.

09:27:09 15 MR GRAHAM: Thank you, Your Honours. I will proceed.

16 MR AGHA: Your Honour, sorry to interrupt my learned
17 friend. It has just occurred to me, does this witness have
18 protective measures?

19 PRESIDING JUDGE: Yes, he already has. He was in the
09:27:23 20 original list, Mr Agha.

21 MR GRAHAM:

22 Q. Mr Witness, you were born on January 23, 1972, isn't it?

23 A. Yes.

24 Q. And, Mr Witness, I'm going to ask you where you were born.

09:27:44 25 I would want you to write that down on a piece of paper.

26 MR GRAHAM: Your Honours, with your kind permission, if
27 Court Management could forward a sheet of paper to the witness.

28 PRESIDING JUDGE: All right. We have seen that, Mr Graham.

29 MR GRAHAM: Your Honours, with your kind permission, if we

1 could agree on a pseudonym, both for the town and the chiefdom.

2 JUDGE DOHERTY: Why, Mr Graham?

3 MR GRAHAM: Simply because of his profession that he was
4 engaged in up to two weeks ago, I believe, it might make it very
09:30:43 5 easy for him to be identified if we publicly disclose his
6 profession and where he works, as well as his place. It would be
7 very easy to identify. That is the primary reason why I'm
8 requesting, Your Honours, we adopt pseudonyms, short of having to
9 make an application for a closed session, so that won't be having
09:31:03 10 to refer to the town.

11 JUDGE SEBUTINDE: But this is his place of birth, not his
12 place of work, necessarily.

13 MR GRAHAM: Yes, Your Honour. I'm saying this because this
14 is his place of birth and he has stayed there all of his life,
09:31:16 15 and the bulk of his evidence he will giving before the Court this
16 morning was related to the same place, which he has lived all his
17 life, as well as the same place being his home town, and that is
18 the principal reason why I'm seeking your permission for us to
19 adopt a pseudonym, just for his place of birth, which is his
09:31:34 20 place of residence throughout his life as well.

21 PRESIDING JUDGE: Does that affect the Prosecution in any
22 way, Mr Hardaway?

23 MR HARDAWAY: No, it doesn't, Your Honour.

24 PRESIDING JUDGE: Right. Well, what do you want to call
09:31:48 25 that place?

26 MR GRAHAM: Your Honours, with your kind permission, we
27 could adopt Town C for his place of birth and residence, and then
28 we could use Chiefdom C as well to refer to the chiefdom that is
29 written on the sheet of paper that we have before us.

1 PRESIDING JUDGE: Well, you'd better let the witness know
2 what you are referring to.

3 MR GRAHAM:

4 Q. So, Mr Witness, I will be using Town C as a reference point
09:32:17 5 for your place of birth and place of residence, and also Chiefdom
6 C, as well, in relation to the chiefdom that you've written on
7 the piece of paper which has been circulated with the Court this
8 morning.

9 PRESIDING JUDGE: Mr Witness, is that clear? That town --

09:32:39 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: If we were to refer to your town and
12 chiefdom by their correct names, would that in any way endanger
13 your safety?

14 THE WITNESS: Yes.

09:32:56 15 PRESIDING JUDGE: Right. Go ahead, Mr Graham.

16 MR GRAHAM: Thank you, Your Honours.

17 Q. Mr Witness, you were born in Town C on January 23, 1972,
18 isn't it?

19 PRESIDING JUDGE: Well, before you go ahead --

09:33:14 20 THE WITNESS: Yes.

21 PRESIDING JUDGE: -- there will be no evidence on the
22 record what Town C ever represented, unless you tender that piece
23 of paper.

24 MR GRAHAM: Very well, Your Honours. I'm grateful for the
09:33:25 25 assistance. Your Honours, with your kind permission, subject to
26 any objections from my friends on the other side, I would want to
27 tender the sheet of paper in evidence, as indicative of the
28 witness's place of birth, place of residence, as well as the
29 chiefdom.

1 PRESIDING JUDGE: So Town C, I beg your pardon --

2 MR GRAHAM: Town C is place of birth.

3 PRESIDING JUDGE: Place of birth, place of residence.

4 MR GRAHAM: That is so Your Honour.

09:34:05 5 PRESIDING JUDGE: And chiefdom represents Chiefdom C as
6 well.

7 MR GRAHAM: That is so, Your Honour.

8 PRESIDING JUDGE: Mr Hardaway?

9 MR HARDAWAY: No objections, Your Honour.

09:34:17 10 PRESIDING JUDGE: All right. Well, that piece of paper
11 which the witness has just written on, indicating his town and
12 place of birth and his chiefdom, will be admitted into evidence
13 as Exhibit D23.

14 [Exhibit No. D23 was admitted]

09:34:52 15 PRESIDING JUDGE: Go ahead, Mr Graham.

16 MR GRAHAM: Thank you, Your Honours.

17 Q. Mr Witness, Town C is located in Chiefdom C, isn't it?

18 A. Yes.

19 Q. And Chiefdom C is in the Koinadugu District, isn't it?

09:35:08 20 A. Yes.

21 Q. And, Mr Witness, you are a Temne by tribe, isn't it?

22 A. Yes.

23 Q. And a Sierra Leonean by nationality, isn't it?

24 A. Yes.

09:35:24 25 Q. And you also attended the Benevolent Islamic Secondary
26 School?

27 A. Yes.

28 Q. You went up to the fifth form?

29 A. Yes.

1 Q. You presently live in Town C, isn't it?

2 A. Yes.

3 Q. And, Mr Witness, I am right in saying that you are married
4 with three children?

09:35:57 5 A. Yes.

6 Q. And that you presently live with your family in Town C,
7 isn't it?

8 A. Yes.

9 Q. And that you are a teacher by profession, isn't it?

09:36:24 10 A. Yes.

11 Q. And that you, until quite recently, taught at a Roman
12 Catholic school, which is located not very far from Town C, isn't
13 it?

14 A. Yes.

09:36:44 15 Q. That you are presently working -- that you presently
16 stopped working as a teacher just a few weeks ago, isn't it?

17 A. Yes.

18 Q. And that you are currently working with an organisation in
19 Town C, isn't it?

09:37:10 20 A. Yes.

21 Q. And, Mr Witness, am I right in saying that you spent a
22 greater part of your adult life in Town C; is that right?

23 A. You are correct, sir.

24 Q. And, Mr Witness, have you lived anywhere else, apart from
09:37:37 25 Town C?

26 A. Yes.

27 Q. Can you please tell this Court where else you've lived,
28 apart from Town C?

29 A. Yes.

1 Q. Mr Witness, do you remember where you were in May of 1998?

2 A. Yes.

3 Q. Where were you -- and I will remind you to use the
4 pseudonyms that we have adopted, in the event you want to refer
09:38:25 5 to them -- where were you in May of 1998, Mr Witness?

6 A. I was in Town C.

7 Q. Thank you. And, Mr Witness, do you remember whether
8 anything worth noting happened on May of 1998?

9 A. Yes.

09:38:54 10 Q. Can you please -- and before you go on, Mr Witness, do you
11 remember which particular day of the month -- sorry, Your
12 Honours. Can you tell this Court what happened on that day,
13 Mr Witness?

14 A. Yes.

09:39:15 15 JUDGE SEBUTINDE: What day are we talking about? We've got
16 a month and a year.

17 MR GRAHAM: Thank you, Your Honours.

18 JUDGE SEBUTINDE: We haven't got a date.

19 MR GRAHAM:

09:39:24 20 Q. Mr Witness, do you recall on which particular day of the
21 month this --

22 A. I cannot remember the day but I know the date.

23 Q. Okay. What date was it, Mr Witness?

24 A. It was 22 May.

09:39:42 25 Q. And how do you know that it was 22 May 1998, Mr Witness?

26 A. I looked through the calendar.

27 Q. Thank you. And, Mr Witness, can you tell this Court what
28 happened on 22 May 1998?

29 A. Yes.

1 Q. Please do tell this Court.

2 A. This happened one morning, on the very 22nd. When I got
3 up, it was around 8.30 to 9.00, in the morning. I heard some of
4 my people from the same town say -- coming towards my house,
09:40:36 5 towards the direction of my house, and they were shouting, "They
6 are coming. They are coming."

7 Q. Mr Witness, before you go on, be patient because the
8 interpreters will have to record you, so you take your time. And
9 these people you were referring to, Mr Witness, do you know from
09:40:55 10 which direction they were coming to -- from?

11 A. Yes.

12 Q. From which direction were they coming from, Mr Witness?

13 A. They were coming from the Kabala direction, and coming
14 towards Makeni Road.

09:41:11 15 Q. Mr Witness, how do you know they were coming from the
16 Kabala direction towards the Makeni Road? How do you know that?

17 A. I went there myself to see, when they were coming.

18 Q. Thank you. And, Mr Witness, do you remember your exact
19 location where you were when you saw the people you've just
09:41:35 20 referred to as coming from the Kabala direction?

21 JUDGE DOHERTY: Mr Graham, the witness has referred to
22 people from Town C coming towards his house, and they were
23 saying, "They are coming." Now, which group are we talking
24 about, the group coming towards his house, the natives of Town C
09:41:51 25 or they.

26 MR GRAHAM: Thank you, Your Honours, for that.

27 Q. Mr Witness, you just told us that you saw a group of people
28 coming from the Kabala direction. At the time that you saw these
29 people coming from that direction, do you remember where your

1 exact location -- where you were?

2 A. Yes, my house was not very far from the highway, the main
3 road.

4 Q. Thank you. And, Mr Witness, this group of people that you
09:42:28 5 said you saw coming from the Kabala direction, do you remember
6 approximately how many of them you saw on that day?

7 A. The first group that I saw were my colleague civilians from
8 the town, so I am not able to count.

9 Q. And then, apart from the first group you've just referred
09:42:54 10 to, was there any other group that you saw coming from that
11 direction?

12 A. Yes.

13 Q. Can you tell this Court what other group you saw, apart
14 from the first group you've just referred to?

09:43:11 15 A. I saw men dressed in soldier uniform. They were carrying
16 guns, and they were coming from the same direction where the
17 people were running to come.

18 Q. Thank you, Mr Witness. And, Mr Witness, this first group
19 of people that you've just referred this Court to when -- that
09:43:31 20 you saw them coming -- did they say anything to you when you saw
21 them coming?

22 A. I did not wait to see. I did not wait for them to meet me.
23 I did not wait for them to meet me.

24 Q. Did you -- from where you were, did you hear them say
09:43:55 25 anything?

26 MR HARDAWAY: Objection, Your Honour. I believe that's
27 been asked and answered.

28 PRESIDING JUDGE: Refer us to when and what was said
29 Mr Hardaway.

1 MR HARDAWAY: When he said he heard people say, "They're
2 coming. They're coming."

3 MR GRAHAM: Your Honours, with great respect, I believe my
4 first question was specifically in respect whether they told him
09:44:19 5 anything personally. I'm asking him, and he said no. I
6 proceeded to ask him whether he heard them say anything as they
7 were approaching.

8 PRESIDING JUDGE: All right. The question is allowed. Go
9 ahead.

09:44:31 10 MR GRAHAM: Thank you. I'm grateful, Your Honours.

11 Q. Mr Witness, I'm saying, from the distance where you were,
12 as this first group was approaching, did you hear them say
13 anything?

14 A. I did not hear them say anything because, as I -- as soon
09:44:45 15 as I saw them, I run away to my house.

16 Q. Thank you. And, Mr Witness, you said you saw a second
17 group of people coming from that direction. And how many people
18 did you see in the second group that was coming from that
19 direction, Mr Witness?

09:45:09 20 A. There were eight.

21 Q. How do you know that there were eight, Mr Witness?

22 A. From the -- the point where I stood, I was able to count
23 the ones that I saw.

24 Q. Thank you, Mr Witness. And, Mr Witness --

09:45:27 25 JUDGE SEBUTINDE: Mr Graham, I assume this is the group of
26 armed men in soldier uniform?

27 MR GRAHAM: Exactly.

28 JUDGE SEBUTINDE: Eight.

29 MR GRAHAM: Eight.

1 Q. And, Mr Witness, this second group that you referred to and
2 said -- did you see the way they were dressed?

3 MR HARDAWAY: Objecti on.

4 THE WITNESS: Yes.

09:45:46 5 MR HARDAWAY: Asked and answered.

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: All right. That has been asked and
8 answered, Mr Graham, move on.

9 MR GRAHAM: All right.

09:45:52 10 Q. Can you describe what they were wearing, Mr Witness?

11 PRESIDING JUDGE: It's already been answered. It's quite
12 clear on the record what they were wearing, Mr Graham.

13 MR GRAHAM: Okay, Your Honours. I will proceed.

14 Q. And, Mr Witness, you just told this Court that you ran
09:46:10 15 away; where did you run to?

16 A. I went to my house to get my family off.

17 Q. Did you manage to get your family off, Mr Witness?

18 A. Before I got there, to the house, they had already left.

19 Q. And so can it -- did anything happen when you got to your
09:46:39 20 house, and you realised your family had already left?

21 A. Yes.

22 Q. Mr Witness, can you tell this Court what happened?

23 A. As I got to the house, to see whether my family had left,
24 and I saw other three men came to me. Two held guns and the one
09:47:05 25 had a stick, and they asked me to stop and join them.

26 Q. Thank you. And, Mr Witness, these three men that you
27 referred -- you just told us about -- did you observe the way
28 they were dressed?

29 A. Yes.

1 Q. Can you please describe to the Court the way they were
2 dressed?

3 A. Yes. The one had a soldier uniform on and the two had
4 civilian clothes on.

09:47:42 5 Q. And did you observe whether they were carrying anything,
6 Mr Witness?

7 PRESIDING JUDGE: He's already said that. Two had guns and
8 one had a stick. Move on, Mr Graham.

9 MR GRAHAM: Thank you, Mr Witness.

09:47:56 10 Q. Mr Witness, when these three men you just referred to
11 what -- did they do anything to you?

12 A. At that moment they did not do anything to me. They only
13 asked me to follow them.

14 Q. And did you follow them, Mr Witness?

09:48:15 15 A. Yes. There was no option.

16 Q. And can you tell this Court where you followed them to?

17 A. We continued on the highway, leading to Makeni.

18 Q. And, Mr Witness, were you alone with the three people that
19 you referred to on your way to Makeni?

09:48:48 20 A. I was not the only one that was a civilian, who was
21 captured. I was there with other people also.

22 Q. How many other people were you there with, approximately,
23 if you know, Mr Witness?

24 A. We were about 15.

09:49:10 25 Q. And you just used the word "captured," Mr Witness. How do
26 you know these other people you referred to were captured?

27 A. Most of them were townsmates.

28 Q. And this -- you, together with the other captives that you
29 just mentioned too, did you all head towards Makeni direction?

1 A. Yes.

2 Q. And do you know around which time of the day that this
3 group you are referring to headed towards the Makeni direction?

4 A. I had no time to look at and there was no time to look at
09:50:08 5 my watch, because we were already on the move.

6 Q. Thank you. So, Mr Witness, when you left towards the
7 Makeni direction, did you make any stop on your way?

8 A. Yes. We stopped at the first junction, in Town C.

9 Q. Okay. Mr Witness, where is the first -- what is the name?
09:50:32 10 The first junction, does it have a name?

11 A. Yes.

12 JUDGE SEBUTINDE: Mr Graham, is that necessary? Are you
13 sure this is not going to blow the cover of this witness, or his
14 residence?

09:50:49 15 MR GRAHAM: No, Your Honours, not in respect of the line of
16 questioning that we'll be following.

17 Q. And, Mr Witness, this first junction that you stopped at,
18 did anything happen there?

19 A. Yes.

09:51:01 20 Q. Can you tell this Court what happened there?

21 A. They captured one of my townsmates, who was my friend.
22 They hit him on the neck with the stick because it was -- he was
23 so huge that they thought that he was a CDF.

24 Q. Mr Witness, who hit this friend of yours?

09:51:30 25 A. It was the men, one of the men who captured us.

26 Q. And, Mr Witness, can you spell -- can you write the name of
27 your friend you've just mentioned?

28 A. Yes.

29 MR GRAHAM: Your Honours, with your kind permission, if I

1 may ask Court Management to give --

2 PRESIDING JUDGE: Well, what's the purpose of this,
3 Mr Graham?

4 MR GRAHAM: Well, Your Honours, it of course relates to
09:52:01 5 evidence that may well lead to the identification of the
6 witness's identity, but I may well move on, Your Honours. I can
7 deal with that later.

8 PRESIDING JUDGE: Well, I'm just asking you why you want to
9 write it down. Is this person the only -- is the accused -- I
09:52:17 10 beg your pardon. Is the witness the only friend this person has
11 and that must inevitably lead to the witness's identification, or
12 does this person have other friends?

13 MR GRAHAM: Well, Your Honours, it may simply also be
14 because of the size of these kind of communities and makes it
09:52:39 15 very easy. But, as I said, Your Honours, I will move on. I will
16 address these issues within another context. I'm grateful.

17 Q. And, Mr Witness, this, your friend, that you said was hit,
18 do you know what -- did anything happen to him after he was hit,
19 as you've just told this Court?

09:52:58 20 A. Yes.

21 Q. What happened to him?

22 A. They continued hitting him until he died. Then they cut
23 open his stomach at the checkpoint.

24 Q. Yes.

09:53:16 25 A. They opened his stomach and they cut gut out at the
26 checkpoint.

27 Q. Mr Witness, how do you know that he died?

28 A. I was there when this happened.

29 Q. Mr Witness, did anything else happen at the first junction

1 apart from --

2 PRESIDING JUDGE: Well, let's explain that. They hit him
3 until he died and, according to the witness, they cut open his
4 stomach at the checkpoint. Do you mean to say he died at the
09:53:49 5 junction and they carried him to some checkpoint to cut his
6 stomach open, or what exactly happened?

7 MR GRAHAM:

8 Q. Mr Witness, if you will clarify this part of your testimony
9 for the Court. You've just told us about your friend being hit
09:54:05 10 on the head until he died. What -- did anything else -- did
11 these people --

12 PRESIDING JUDGE: He didn't say on the head. He said he
13 got hit on the neck. I don't remember him saying the head
14 specifically, did he?

09:54:16 15 MR GRAHAM:

16 Q. Well, Mr Witness, if you can --

17 MR GRAHAM: Your Honours, I can ask him to -- I don't know
18 what you're -- I'm not challenging the records as it reflects,
19 but I will move on.

09:54:26 20 PRESIDING JUDGE: None of us have any records of him being
21 hit on the head, Mr Graham. It's not just me.

22 MR GRAHAM: Very well, Your Honours. Very well.

23 Q. Mr Witness, this friend of yours that you just referred --
24 mentioned, did anything else happen to him, after they hit him?

09:54:49 25 A. Yes.

26 Q. What happened to him; can you tell this Court?

27 A. Yes.

28 Q. Please tell this Court what happened to him.

29 A. Apart from the hits, which he had, which led to his death,

1 they -- they cut his navel with a knife, and the moment they cut
2 the navel, they remove his gut and use that gut as a checkpoint.

3 Q. Who removed his gut and used it as a checkpoint,
4 Mr Witness?

09:55:29 5 A. The people who attacked the town.

6 Q. Mr Witness, apart from this incident which happened at the
7 first junction, do you remember anything else happening there?

8 A. Yes.

9 JUDGE SEBUTINDE: I'm sorry, Mr Graham. I personally don't
09:55:45 10 understand when he says they used his gut as a checkpoint;
11 meaning what?

12 MR GRAHAM:

13 Q. Mr Witness, can you explain to this Court what you mean by
14 checkpoint?

09:55:58 15 A. Yes.

16 Q. Please do.

17 A. After they had cut the navel, they placed a stick -- they
18 put a stick and used the gut across the sticks so that whosoever
19 was coming across there would be checked at that checkpoint.

09:56:23 20 Q. And, Mr Witness, when you say gut, what do you mean by gut?

21 A. The intestines. They were tied and used as a rope across
22 the gate.

23 Q. Thank you, Mr Witness. And, Mr Witness, I asked you: Did
24 anything else happen, apart from this incident which you've just
09:56:50 25 described to this Court at the first junction?

26 A. Yes.

27 Q. Please tell this Court.

28 A. So while they were on that operation, they led us to go.
29 We continued going to Makeni and, as we went, very close to

1 another junction in the same Town C. One man was shot and his
2 younger brother, he -- they died there in our presence, where we
3 were going.

4 Q. Who shot them, Mr Witness?

09:57:27 5 A. The people who attacked the town.

6 Q. And did you know the people who were shot, these two people
7 that you just referred to?

8 A. Yes.

9 Q. How do you know them, without mentioning their names?

09:57:48 10 A. One was a teacher and the other was a small brother,
11 younger brother.

12 Q. How do you know that he was a teacher?

13 A. I stayed very close to the primary school in Town C, so I
14 know him personally.

09:58:10 15 Q. Thank you, Mr Witness. Mr Witness, did anything else
16 happen at this second junction, apart from what you've just told
17 us?

18 A. Yes.

19 Q. Can you please tell this Court what happened?

09:58:28 20 A. Then, they gave me luggage to carry for them.

21 Q. Who gave you luggage to carry for them?

22 A. The people who had captured me, they gave me luggage to
23 carry it for them.

24 Q. Mr Witness, and did you carry the luggage?

09:58:51 25 A. Yes.

26 Q. And, Mr Witness, from this second junction, did you go
27 anywhere?

28 A. Yes.

29 Q. Can you tell this Court where did you go?

1 A. From Town C, when we left, we walked on to -- to another
2 town which is 11 miles from Town C.

3 Q. And, Mr witness, before you got to this town, which you
4 said is 11 miles from Town C, did you stop at any place?

09:59:38 5 A. Yes. We used to make -- we -- stops. We made stops until
6 we reached the town which is 11 miles from Town C.

7 Q. Mr Witness, can you tell this Court where you -- where did
8 you stop? Where was your first stop?

9 A. Yes.

10:00:03 10 Q. Do you know the name of the place where you first stopped?

11 A. Yes, I know the name of the place.

12 Q. Can you mention that, Mr Witness?

13 A. I would want to write it.

14 Q. Can you mention the name to assist the Court in doing the
10:00:32 15 spelling? Is there any particular reason why you would want to
16 write it?

17 A. Yes. It's the place where I was teaching before the two
18 weeks when I got this new job.

19 Q. Now, Mr Witness, we will move on. You said you got to this
10:00:54 20 town which is about 11 miles from Town C?

21 A. Mmm-hmm.

22 Q. Did you get to this town alone?

23 A. No.

24 Q. Who were you with when you got to this town?

10:01:15 25 A. We -- I was with some towns mate and the men who captured
26 us.

27 Q. And, Mr Witness, do you have any objection to mentioning
28 the name of this town, which you said is 11 miles from Town C?
29 Can you mention the name?

1 A. I would call -- I would call it 11 Mile Town. It's Kani kay
2 Junction.

3 MR GRAHAM: I will spell Kani kay. It's K-A-N-I-KA-Y.
4 Kani kay Junction.

10:02:05 5 Q. And, Mr Witness, apart from the first stop which you said
6 you did not want to mention because you taught there, did you
7 stop anywhere else before you got to Kani kay?

8 A. Yes.

9 Q. Can you tell this Court where else you stopped before you
10:02:20 10 got to Kani kay, apart from the first one you did not want to
11 mention?

12 A. Yes.

13 Q. Please tell us.

14 A. We stopped at Kamaron.

10:02:36 15 MR GRAHAM: Kamaron, Your Honours, I believe, is spelled
16 K-A-M-A-R-O-N. Kamaron.

17 Q. And, Mr Witness, do you know how far Kamaron is from Town
18 C?

19 A. Yes.

10:02:54 20 Q. How far is it from Town C, Mr Witness?

21 A. It's 5 miles.

22 PRESIDING JUDGE: Tell me, Mr Graham, you are doing your
23 very best to identify Town C to the public.

24 MR GRAHAM: Very well.

10:03:06 25 PRESIDING JUDGE: What relevance does it have how far
26 Kamaron is from Town C? But by giving us specific distances, it
27 wouldn't be difficult to work out the name of Town C.

28 MR GRAHAM: Very well, Your Honour.

29 PRESIDING JUDGE: Look, unless there is some reason in your

1 evidence why you need these distances, I think that all you are
2 doing is helping to identify Town C.

3 MR GRAHAM: I will take a cue from the Bench, Your Honours.

4 PRESIDING JUDGE: Well, it's up to you. I don't know what
10:03:36 5 evidence you want to lead. If it's relevant, put in the
6 distances, by all means, but if you seriously want to conceal the
7 identity of Town C, I'd think twice.

8 MR GRAHAM: Very well, Your Honours. I will take the cue
9 from the Bench and proceed cautiously.

10:03:52 10 Q. Mr Witness, I will bring you back to Kani kay. Mr Witness,
11 do you remember what time of the day you arrived at Kani kay?

12 A. Yes.

13 Q. What time, Mr Witness, did you arrive at Kani kay?

14 A. We arrived at Kani kay around 9.00 in the evening.

10:04:25 15 Q. Mr Witness, how do you know that you arrived around that
16 time?

17 A. I had a watch on my hand.

18 Q. And, Mr Witness, did anything happen when you got to
19 Kani kay around the time you just mentioned?

10:04:46 20 A. Yes.

21 Q. Can you please tell this Court what happened, Mr Witness?

22 A. Yes.

23 Q. Please do.

24 A. When we arrived in Kani kay, they told us to put the luggage
10:05:04 25 down and rest. They said they would try to cook for us and we
26 met other groups there, from other people who had guns.

27 Q. Mr Witness, you've just told this Court that you met other
28 groups. Do you know this other -- sorry, Your Honours. This
29 other group that you just mentioned, Mr Witness, did you --

1 PRESIDING JUDGE: Well, you put it into the singular. I
2 thought he said plural, groups.

3 MR GRAHAM:

4 Q. Mr Witness, these groups that you said joined you at
10:05:48 5 Kani kay, were they civilians?

6 A. Some wore soldier clothes. Some wore civilian clothes.

7 Q. And, Mr Witness, were they carrying anything with them?

8 A. Yes. Some of them had guns.

9 Q. And, Mr Witness, did you get to know where these groups
10:06:18 10 were coming from?

11 A. No.

12 Q. So, Mr Witness, when these groups joined you at Kani kay,
13 did anything happen?

14 A. Yes.

10:06:33 15 Q. Can you tell this Court what happened, Mr Witness?

16 A. While they were trying to cook and rest, then we managed to
17 escape.

18 Q. You and who managed to escape, Mr Witness?

19 A. I was the only one.

10:07:01 20 Q. And how did you escape, Mr Witness?

21 A. Well, I know that town very, very well and I know the
22 shortcut that leads to Town C, so that was the route I used.

23 Q. And, Mr Witness, prior to your escape, did you get to know
24 whether there was anyone in charge of these individuals that you
10:07:38 25 saw that were armed that accompanied you from Town C to Kani kay?

26 A. Well, when we were returning, as we were trying to make a
27 stop, I heard them saying that they were waiting for their --
28 their head, who was Captain Ishmael, and another one called
29 Colonel Born Trouble. Those were the names I heard.

1 MR GRAHAM: Your Honours, before I -- Captain Ishmael, I
2 believe is spelt Ishmael, I-S-H-M-A-E-L. And Lieutenant-Colonel
3 Born Trouble, B-O-R-N and Trouble, T-R-O-U-B-L-E.

10:08:24 4 Q. And, Mr Witness, if you may tell this Court, from whom did
5 you hear this, the names Captain Ishmael and Lieutenant-Colonel
6 Born Trouble?

7 A. From the men who captured me that were returning to
8 Kani kay.

9 Q. And, Mr Witness, when you escaped, did you go anywhere?

10:08:48 10 A. Yes.

11 Q. Where did you go, Mr Witness?

12 A. I went back to Town C.

13 Q. And, Mr Witness, did you see anything when you got back to
14 Town C?

10:09:11 15 A. Yes.

16 Q. Mr Witness, can you tell this Court what you saw, when you
17 returned to Town C?

18 A. As I returned back to Town C, when that happened, on
19 23 May, I heard my -- my other townsmates, they were telling me
10:09:37 20 about two other corpses that were -- that they were to go and
21 bury, two ladies that they killed when we were coming to Kani kay.

22 Q. Did they tell you who killed these two ladies, Mr Witness?

23 A. Yes. They said it was the men who attacked in the morning.

10:10:09 24 Q. Did you, yourself, see these two ladies that you were told
25 had been killed?

26 A. Yes. I saw the bodies and I even helped to do the burial,
27 to dig the grave.

28 Q. And where did you dig the grave for the burial, Mr Witness?

29 A. In Town C cemetery.

1 Q. And, Mr Witness, apart from these two ladies that you
2 referred to, did you see anything else when you returned to Town
3 C?

4 A. No, I didn't see anything else.

10:10:59 5 Q. And, Mr Witness, have you heard the name ECOMOG before?

6 A. Yes.

7 Q. And do you know what ECOMOG means?

8 A. Yes.

9 Q. Will you tell this Court, to the best of your
10:11:19 10 understanding, what you believe ECOMOG means?

11 A. To me, I understand it as joint forces from the West
12 African Economic Community States, who they bring for
13 peacekeeping in -- in any country.

14 Q. And, Mr Witness, do you know whether there were any ECOMOG
10:11:50 15 in Town C during the May 22nd incident that you've told this
16 Court about?

17 A. Yes.

18 Q. And do you know how long they had been in Town C prior to
19 the May 22nd incident?

10:12:14 20 A. It was not so long when they arrived.

21 Q. When you say not long, can you be a bit more specific, in
22 terms of weeks, months, if you can assist?

23 A. It was just about two weeks when they got there.

24 Q. Mr Witness, how do you know that it was just about two
10:12:48 25 weeks prior --

26 JUDGE SEBUTINDE: I am sorry, is this prior to the attack?

27 MR GRAHAM: Yes, prior to the attacks, Your Honours.

28 THE WITNESS: Yes.

29 MR GRAHAM:

1 Q. How do you know? Can you tell this Court, Mr Witness?

2 A. As I was saying, Town C is a town that I have been for the
3 rest of my life, so I know about all this.

4 Q. Thank you, Mr Witness. And, Mr Witness, do you know
10:13:16 5 whether, during the May 22nd incident that you've told this Court
6 about, ECOMOG was involved in the incident that you told us
7 about?

8 JUDGE DOHERTY: Which incident, Mr Graham? Because we've
9 had several.

10:13:36 10 MR GRAHAM: I will be more specific, Your Honours. I'm
11 grateful.

12 Q. Mr Witness, you've told us about the attack on Town C. Do
13 you know whether, on May 22nd, the armed men that visited Town C
14 faced any resistance from ECOMOG?

10:13:59 15 A. Well, to -- for my own perspective, at that time, when they
16 attacked, around 9, it was at 11 we left for Kanikay, and
17 throughout that time, it was the men who had attacked we saw
18 around Town C. It was not until I returned on the 23rd.

19 Q. Thank you, Mr Witness. So, Mr Witness, on your -- when you
10:14:32 20 escaped from Kanikay, and you got back to Town C, did you see any
21 ECOMOG on your return to Town C?

22 A. On the 23rd when I returned?

23 Q. Yes.

24 A. I did not see ECOMOG.

10:14:52 25 Q. And do you know whether ECOMOG came back to Town C any time
26 after May 23rd, when you returned?

27 A. Yes.

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

29 A. Well, we saw them. They came in large numbers. They said

1 they had come to take control of the town.

2 Q. Who -- when you say large numbers, can you give this Court
3 an approximation, to the best of your knowledge, how many ECOMOG
4 you saw after May 23rd?

10:15:43 5 A. I cannot tell. I don't know.

6 Q. And you just told this Court that they told you -- I mean,
7 who told you that they had come to -- why they had come to Town
8 C?

9 A. The people -- who all of us were in the town.

10:16:12 10 Q. Now, I was asking you who told you why ECOMOG came there,
11 to Town C?

12 A. To save -- they said they had come to take control of the
13 town.

14 Q. When you say "they," who are you referring to as "they"?

10:16:34 15 A. The ECOMOG.

16 Q. And do you know how -- sorry, Your Honours. Just a second.
17 And, Mr Witness, the Nigerian -- sorry, the ECOMOG that you told
18 us that came back to Town C, did they have any --

19 JUDGE SEBUTINDE: Mr Graham, we cannot believe what you're
10:17:33 20 sayi ng.

21 MR GRAHAM:

22 Q. Mr Witness, you told us that ECOMOG came back to Town C,
23 after May 23rd. Did you observe whether they had any weapons
24 with them?

10:17:54 25 A. Yes.

26 Q. Can you tell this Court what kind of weapons?

27 A. Yes.

28 Q. Please do.

29 A. I saw -- I saw armoured cars, two armoured cars.

1 Q. Thank you, Mr Witness. Mr Witness, have you heard about
2 the name Alpha Jets before?

3 A. Yes.

4 Q. How did you hear that name, Mr Witness.

10:18:36 5 A. Well, when we hear the sound, we hear the townsmen saying,
6 "The Alpha Jet is coming, the Alpha Jet is coming."

7 Q. And did you, at the time, know where these Alpha Jets were
8 coming from?

9 A. I don't know. I don't know.

10:18:58 10 Q. Thank you.

11 JUDGE SEBUTINDE: Mr Graham, the interpreter says, "When we
12 hear." "When we hear the sound," but you are referring to
13 something in the past.

14 MR GRAHAM: Well, Your Honours, I will ask the question
10:19:17 15 again for further clarification.

16 Q. Mr Witness, I asked you: How did you get to know about the
17 Alpha Jets?

18 A. I said, I knew about the Alpha Jet because we heard the
19 sound from the air and we hear the other townsmen saying, "The
10:19:41 20 Alpha Jet is coming. The Alpha Jet is coming."

21 Q. And, Mr Witness, do you know, did you know where these
22 Alpha Jets were coming from?

23 A. I don't know.

24 Q. And did you know who was flying this Alpha jet?

10:20:04 25 A. I don't know.

26 Q. And did you see any Alpha Jet in Town C any time after
27 May 23rd, 1998?

28 A. Yes.

29 Q. Where did you see them, Mr Witness?

1 A. In Town C.

2 Q. And how often did you see these Alpha Jets in Town C,
3 Mr Witness?

4 A. Well, we see them, like, two or three times in the week.

10:21:01 5 JUDGE SEBUTINDE: Madam Interpreter, is that "we see them"
6 or "we saw them"?

7 THE INTERPRETER: We saw them.

8 MR GRAHAM:

9 Q. Mr Witness, this -- the ECOMOG that you referred to as
10:21:25 10 having come to Town C after May 23rd, do you know whether they
11 were living or resident in Town C?

12 A. The ECOMOG that came after the 23rd, yes, that was where
13 they stayed.

14 Q. How do you know that they were staying in Town C,
10:21:58 15 Mr Witness?

16 A. I used to see them there.

17 Q. And during the time that ECOMOG came to Town C, after
18 May 23rd, 1998, did you get to know who was in charge of the
19 ECOMOG forces in Town C?

10:22:34 20 A. I don't know his name. I don't know him.

21 Q. Thank you. And during this period that ECOMOG came to Town
22 C, that is after May 23rd, do you remember anything significant
23 happening in Town C regarding the ECOMOG?

24 A. Yes.

10:23:07 25 Q. Can you please, Mr Witness, tell this Court what you do
26 remember?

27 A. The ECOMOG mounted their checkpoint by the junction in Town
28 C, the second junction coming from Kabala.

29 Q. Mr Witness, how did you know they mounted a checkpoint at

1 this very position that you refer to?

2 A. I saw it myself.

3 Q. And apart from this checkpoint, do you -- did you hear --
4 sorry, apart from this checkpoint, do you know whether ECOMOG did
10:24:03 5 anything significant in Town C during that period?

6 A. Yes.

7 Q. Can you, Mr Witness, please take your time and tell this
8 Court?

9 A. It was one morning, we were sitting -- we sat down very
10:24:35 10 close to the checkpoint. Then -- then a boy, who is around aged
11 18 to 19 years, so this ECOMOG soldier called him, and he asked
12 him, so I heard the boy saying that I am a student. The young
13 boy removed -- pulled out a piece of paper to show his identity
14 to the ECOMOG, but another ECOMOG soldier came from the rear and
10:25:11 15 held the paper that he was not satisfied with that identity. So
16 we took him to the back of the yard, and he shot the boy. Later
17 on --

18 Q. Mr Witness, before you move on, who took the boy to -- you
19 used the word "we took the boy," so I want you to explain what
10:25:42 20 you mean by "we."

21 MR HARDAWAY: Your Honour, objection to this question on
22 the basis of relevance. There is no count in the indictment as
23 relates to anything done by ECOMOG.

24 PRESIDING JUDGE: We've dealt with this type of objection
10:25:59 25 before, Mr Hardaway. But I will put it to you, Mr Graham, what
26 do you reply to that?

27 MR GRAHAM: Yes, Your Honours, with great respect, the
28 indictment states in no uncertain terms about a number of
29 atrocities and killings that took place in Town C. Your Honour,

1 the essence of this evidence is that it establishes two things:
2 One, that some of the killings that were done in Town C were not
3 committed by the accused persons, as alleged in the indictment,
4 and I believe it is relevant for that purpose.

10:26:34 5 PRESIDING JUDGE: Yes, go ahead.

6 MR GRAHAM: Thank you, Your Honours.

7 Q. Mr Witness, you said who took the boy [microphone not
8 activated]?

9 A. It was the ECOMOG soldier.

10:26:59 10 Q. And, Mr Witness, did you witness this event alone, the one
11 you just described about this boy; did you witness that alone?

12 A. No.

13 Q. With whom did you witness this event?

14 A. I was with two other of my friends that morning hour.

10:27:28 15 Q. Thank you.

16 JUDGE SEBUTINDE: Mr Graham, sorry. Perhaps I didn't just
17 catch the evidence. Did he say what finally happened to this
18 boy?

19 MR GRAHAM: He said it, but I'm coming back just to clarify
10:27:47 20 that [indiscernible].

21 Q. Mr Witness, you told this Court that the ECOMOG took the
22 boy to the back of the house.

23 JUDGE DOHERTY: I heard shed.

24 MR GRAHAM: To the back of --

10:27:58 25 PRESIDING JUDGE: Well, I heard yard; back of the yard and
26 shot him.

27 MR GRAHAM: Okay.

28 Q. Mr Witness, where did the ECOMOG take the school boy?

29 A. At the back of a -- the house that is nearby at the

1 checkpoint.

2 Q. And how do you know that the ECOMOG shot him; how do you
3 know that?

4 A. I heard the gunshot, and later they asked me to take to
10:28:41 5 bury him.

6 Q. Who asked you to bury him, Mr Witness?

7 A. The ECOMOG soldier.

8 Q. Did you bury him, as you said you were asked to?

9 A. I helped in the burial. I helped to dig up the grave.

10:29:05 10 Q. With whom did you dig the grave, Mr Witness?

11 A. Me and the other young men in the town.

12 Q. Thank you, Mr Witness. Mr Witness, apart from this
13 incident which you've just described to the Court, do you recall
14 any other incident happening in Town C at the ECOMOG checkpoint
10:29:34 15 you just mentioned?

16 A. Yes. I saw something happen but it was not around the
17 checkpoint.

18 Q. Can you please tell this Court what you saw happen?

19 A. That very day again, we were sat there and we heard that a
10:30:00 20 vehicle has had an accident, just about a mile from Town C,
21 leading to Makeni. Not long, they came with those who had
22 involved in the accident. There were seven men. They brought
23 them by the health centre in Town C.

24 Q. Mr Witness, please hold on a second. We would want to know
10:30:25 25 who brought them to Town C?

26 A. The ECOMOG men brought them to Town C because they had
27 injuries on them.

28 Q. Please, where -- and do you know where they took them, when
29 they brought them to Town C, without mentioning the name of the

1 place they took them, if it may disclose --

2 A. Yes, yes. To the health centre in Town C.

3 Q. Now, Mr Witness, how do you know that they were taken to
4 the health centre in Town C?

10:31:05 5 A. All of us, I followed the group that went to see them.

6 Q. And, Mr Witness, if you can tell this Court, if you know,
7 did anything happen at the health centre, when ECOMOG brought
8 these people you've just referred to?

9 A. Yes.

10:31:25 10 Q. Can you please tell this Court, Mr Witness, what happened?

11 A. After some time, they -- we were called that -- telling us
12 that they had killed the man, that one of the ECOMOG men said he
13 had interrogated them and found out that the men were juntas, so
14 they killed the seven of them.

10:31:53 15 Q. Mr Witness, who told you that? What you've just told this
16 Court, who told you that?

17 A. It was one of my colleague told me, and I went there myself
18 and saw the bodies.

19 Q. Thank you. Mr Witness, you just told this Court you saw
10:32:16 20 the bodies. Do you know whether anything happened to the bodies
21 of these seven men?

22 A. Yes.

23 Q. Can you tell this Court?

24 A. From that moment, we were called again that we should go
10:32:32 25 and bury them. So, we dug a single hole, including the school boy
26 that was killed the previous day. The eight of them were all put
27 in the same hole, in the same grave.

28 Q. Mr Witness, this same grave that you've just told this
29 Court, is it of any significance to you?

1 A. Yes, yes.

2 Q. Of what significance is it to you, Mr Witness?

3 A. Because not too long ago one NGO called Interreligious
4 Council went there and met us in town and asked us to identify
10:33:19 5 mass graves. It was one of the mass graves that we identified.
6 It has been cemented and, right now, it is there; everybody,
7 anybody can go there to see it.

8 Q. Thank you, Mr Witness. Mr Witness, apart from the killings
9 by ECOMOG that you witnessed yourself, and what you've told this
10:33:43 10 Court you heard from other people, did you hear about any other
11 killings by ECOMOG in Town C?

12 A. If I -- I heard of other killings but I did not see them.

13 Q. And, Mr Witness, if you know, you can tell this Court, do
14 you know why these killings by ECOMOG took place?

10:34:14 15 A. Yes. Yes. They said they don't want to see anybody there,
16 that the people they killed were collaborators, rebels and
17 juntas.

18 Q. Thank you.

19 JUDGE SEBUTINDE: Who is "they"?

10:34:35 20 MR GRAHAM: I was just about to ask.

21 Q. Mr Witness, when you say "they," who are you referring to
22 as "they"?

23 A. The ECOMOGs.

24 Q. Thank you, Mr Witness. And, Mr Witness, you earlier on
10:34:51 25 told us about an ECOMOG checkpoint in Town C. Do you know
26 whether this checkpoint had a name?

27 A. I don't know any other name for it. I don't know any name
28 for that checkpoint.

29 Q. Okay. And, Mr Witness, you told us that you heard from

1 other -- apart from the account you told us, you heard from other
2 people about ECOMOG killings in Town C. I want to ask you: Do
3 you know, if you do, how long these killings by ECOMOG in Town C,
4 how long it went on for?

10:35:37 5 A. Well, this -- the killings went on until 11 September 1998.

6 Q. And, Mr Witness, where -- on 11 September 1998 -- and,
7 Mr Witness, do you know why, according to you, that these
8 killings lasted until -- by ECOMOG -- went on until September
9 11th, 1998?

10:36:18 10 A. I don't know why they were killing.

11 Q. No. My question was that you just told this Court that the
12 ECOMOG killings went on until September 11th, 1998, and I'm
13 asking you that, do you know why you said it ended on September
14 11th, 1998?

10:36:43 15 A. Yes. That was the day when a heavy attack was -- happened
16 in Town C.

17 Q. Mr Witness, were you in Town C on 11 September 1998?

18 A. Yes.

19 Q. And, Mr Witness, if you can tell this Court, how do you
10:37:09 20 know that a heavy attack took place on 11 September -- September
21 11th, 1998?

22 A. It was very early in the morning when I heard heavy
23 gunshots all over Town C.

24 Q. Mr Witness, when you say early in the morning, around what
10:37:34 25 time? If you can be approximate, around what time in the
26 morning?

27 A. That was around 5.00 in the morning. Around 5.00.

28 Q. And this was in Town C?

29 A. Yes.

1 Q. And, Mr Witness, you just told this Court that you heard
2 heavy -- did you say -- what did you hear?

3 PRESIDING JUDGE: He said heavy gunshots, Mr Graham. No
4 need to go back over the evidence.

10:38:04 5 MR GRAHAM: I was just being cautious in the choice of
6 words.

7 Q. How do you know it was heavy gunfire, Mr Witness?

8 PRESIDING JUDGE: He said gunshots.

9 MR GRAHAM: Gunshots. Sorry, Your Honour.

10:38:19 10 Q. How did you know?

11 A. Because I was -- I heard it almost from so many directions
12 in the town.

13 Q. And, Mr Witness, did you do anything when you heard these
14 heavy gunshots?

10:38:36 15 A. Yes.

16 Q. What did you do, Mr Witness?

17 A. I had a secret place to hide, so I went there to hide.

18 Q. And did you go to this secret hideout alone, Mr Witness?

19 A. I went there alone. Later on, another man met me there.

10:39:10 20 Q. And, Mr Witness, do you know how far this, your secret
21 hideout, was from Town C?

22 A. It is not far. It was within the town. About, just a bush
23 that separates the first junction and the second junction in the
24 town.

10:39:32 25 Q. And during the time that you were in the secret hideout,
26 did you hear anything, Mr Witness?

27 A. I heard gunshots.

28 Q. And, Mr Witness, did you do anything whilst you were at
29 your secret hideout?

1 A. Yes. After a while, the gunshots died down, so, my
2 colleague, who was there in hiding with me, he went away because
3 he saw fire coming from his house, from the direction of his
4 house. So he was trying to go -- he met very important person in
10:40:21 5 the town there, who was burnt, who was on fire. So he was afraid
6 and came back to meet me. I myself was making my way to go.
7 Then I met this body of this very important person in that town.
8 He was burning. They wrapped him with local mattresses and
9 put -- they placed wood on him. So I tried to remove the wood,
10:40:48 10 but the mattress had fire on it, but the condition I saw --

11 Q. Go ahead. I suggest take your time. Go ahead?

12 A. The condition I saw the body made me very much panicked and
13 I went back.

14 Q. And, Mr Witness, I'm not asking you to mention the name,
10:41:19 15 but can you write down the name of this very important person
16 that you just mentioned?

17 A. Yes.

18 MR GRAHAM: Your Honours, with your kind permission, if
19 Court Management may issue a piece of paper to the witness?

10:41:38 20 PRESIDING JUDGE: Yes, please assist the witness.

21 MR GRAHAM:

22 Q. And, Mr Witness, you can write the name and the position of
23 that person in the community on that sheet of paper.

24 PRESIDING JUDGE: Yes, go ahead, Mr Graham.

10:44:07 25 MR GRAHAM: Thank you, Your Honours. Subject to any
26 objections from my learned friends on the other side, I would
27 humbly apply that this sheet of paper be tendered in evidence.

28 PRESIDING JUDGE: Mr Hardaway?

29 MR HARDAWAY: No objection, Your Honour.

1 PRESIDING JUDGE: Thank you. Well, the sheet of paper on
2 which the witness has written the name and position of the very
3 important person who was burned, in respect of which the witness
4 has just given evidence, will be admitted into evidence as
10:44:54 5 Exhibit D24.

6 [Exhibit No. D24 as admitted]

7 PRESIDING JUDGE: Well, is that a convenient time?

8 MR GRAHAM: Yes, Your Honour. I was just going to move
9 into another area. That is a convenient time.

10:45:18 10 PRESIDING JUDGE: Mr Witness, we are going to take a short
11 break now. I have to tell you that while you are in the course
12 of giving evidence, you are not permitted to discuss the
13 evidence, or the case, with any other person. Is that clear?

14 THE WITNESS: Yes.

10:45:36 15 PRESIDING JUDGE: Thank you. We will adjourn until 11.00.

16 [Break taken at 10.45 a.m.]

17 [Upon resuming at 11.05 a.m.]

18 PRESIDING JUDGE: Go ahead, Mr Graham.

19 MR GRAHAM:

11:08:12 20 Q. Mr Witness, just before you left, you told us about the
21 body of an important person that you saw on fire. I'm asking
22 you, Mr Witness, how did you know that the body that you saw was
23 that of an important person?

24 A. I went there myself to help to put off the fire from his
11:08:36 25 body and I saw his face, but, I did not continue, so I left and
26 returned.

27 Q. And you said you saw the face. Did you know that person
28 prior to the time that you saw his body on fire?

29 A. I know him very well.

1 Q. And, Mr Witness, is the name of that person, is that what
2 you wrote on the piece of paper just before the short recess?

3 A. Exactly so.

4 Q. And, Mr Witness, did you do anything after you saw this
11:09:31 5 body on fire?

6 A. Yes.

7 Q. You've told us already what you tried to do.

8 A. Yes.

9 Q. After that, did you do anything else?

11:09:44 10 A. Yes.

11 Q. What did you do, Mr Witness?

12 A. I run and returned to my house.

13 Q. And, Mr Witness, did you observe anything when you were
14 running to your house?

11:10:08 15 A. Yes.

16 Q. Can you please tell this Court, Mr Witness, what you
17 observed?

18 A. I saw so many houses on fire.

19 Q. Mr Witness, do you know, approximately, how many houses
11:10:39 20 there are in Town C?

21 A. I don't know.

22 Q. And if you say you saw many houses on fire, can you be a
23 bit more specific?

24 A. I saw over 30 houses on fire.

11:10:58 25 Q. Thank you, Mr Witness. And Mr Witness, did you eventually
26 get to your house?

27 A. Yes. I tried to see whether there was fire on my house.

28 Q. And did you find out whether there was fire on your house?

29 A. Yes. I got there but there was no fire on it.

1 Q. And did anything happen when you got back to your house,
2 Mr Witness?

3 A. Yes.

4 Q. Yes. Can you please tell this Court what happened?

11:11:41 5 A. As I reached there, I saw the place very quiet and I
6 thought that there was nobody there. So, as I managed to enter
7 the parlour, I met four men there. The one was trying -- was
8 raping my niece, my sister's daughter, who was there in the house
9 with me.

11:12:08 10 Q. And, Mr Witness, before I go on, these men that you just
11 described, you said you saw, did you observe how they were
12 dressed?

13 A. Yes.

14 Q. Can you please describe to this Court how they were
11:12:26 15 dressed?

16 A. The two had soldier uniforms on, and the other two were in
17 civilian clothes.

18 Q. And did you observe whether they were carrying anything on
19 them, Mr Witness?

11:12:49 20 A. Yes.

21 Q. Can you please tell this Court what you observed that they
22 were carrying on them?

23 A. The three had guns. The one hadn't a gun.

24 Q. And, Mr Witness, when you saw them, did anything happen?

11:13:06 25 A. Yes.

26 Q. Can you tell this Court what happened?

27 A. They asked me to stand. They captured me and asked me to
28 see where they were raping my niece.

29 Q. And, Mr Witness, did anything happen after they told you

1 that?

2 A. Yes.

3 Q. Can you please tell this Court what happened, Mr Witness?

4 A. The four of them, I stood there watching them while they
11:13:49 5 were raping my niece.

6 Q. Did anything happen after that, Mr Witness?

7 A. Yes.

8 Q. Can you tell this Court what happened, Mr Witness?

9 A. Okay.

11:14:17 10 JUDGE DOHERTY: Mr Witness, are you all right?

11 THE WITNESS: Yes, yes. I'm all right. That led to the
12 excessive bleeding of the girl, which led to her death.

13 Q. Mr Witness, did you do anything upon her death?

14 A. After her death, I called people to help me to bury her.

11:14:59 15 Q. And do you know what happened to these men who raped your
16 niece?

17 A. I did not see them again.

18 Q. And, Mr Witness, during this time, did you get to know who
19 were responsible for the attack of September 11th, 1998?

11:15:31 20 A. Just about three days after the attack, that was on day
21 14th September, I heard that they called a meeting, although I
22 was not at the meeting, when the person introduced himself as the
23 commander for that particular attack.

24 Q. Mr Witness, before you go on, who told you about this
11:16:08 25 meeting?

26 A. One lady, because I was in the bush. So, we had
27 information from them.

28 Q. Please go on with your account of what you said happened at
29 the meeting?

1 A. So this lady told me that it was one man called Savage,
2 that he -- he said he was the commander for the attack, for that
3 attack, and that he had his second in command, who was Ishmael.

4 MR GRAHAM: Your Honours, Savage and Ishmael, we've heard
11:17:03 5 that before.

6 Q. And, Mr Witness, apart from what this person told you about
7 Savage and Ishmael, did -- were you told anything else about what
8 happened at that meeting?

9 A. No.

11:17:26 10 Q. And, Mr Witness, apart from Savage, did you get to hear
11 whether anyone else addressed this meeting?

12 A. I did not hear about any person, any other person that
13 addressed that meeting.

14 Q. And, Mr Witness, you told us about a number of houses on
11:18:04 15 fire in Town C. By this time, did you get to hear who had set
16 these houses on fire?

17 A. According to the news, the news, I heard, that the men who
18 attacked that very 11 September, were the people who put those
19 houses -- put those houses on fire.

11:18:32 20 Q. Thank you, Mr Witness. And, Mr Witness, you just told us
21 about the town meeting and Savage, and I'm asking you,
22 Mr Witness, that during the period after the September 11th, 1998
23 attack, did you, yourself, ever get to meet this man by name
24 Savage?

11:19:05 25 A. I did not meet him in person. It was during an occasion
26 that I was passing around the area he was -- where he was and
27 they showed him to me, that that was the place where he was and
28 then, at another time, I passed the same way again, because there
29 was a main road on which he resided and, again, they showed him

1 to me, that that was the Savage.

2 Q. And do you know whether he, Savage, was living in Town C
3 after the period of September 11th, 1998?

4 A. Yes. He was there.

11:19:52 5 Q. How do you know that, Mr Witness?

6 A. These times that I was talking that I was passing around
7 and saw him, he was in the town there where I was passing and I
8 used to see him there, so he was there.

9 Q. Did you observe the way he was dressed?

11:20:16 10 A. The first day I saw him, he was -- he had no clothes on.
11 He only had the military trousers.

12 Q. And, Mr Witness, did Savage do -- did anything to you, or
13 any relation of yours, during the period after September 11th,
14 1998, when the attack that you referred to took place in the

11:20:58 15 Town C?

16 A. Yes.

17 Q. Can you please tell this Court, to the best of your
18 knowledge, Mr Witness?

19 A. Savage took one of my uncle's wives by force and threatened
11:21:16 20 to kill my uncle if he appeared. So that made my uncle to run
21 away, and went to Kabala.

22 Q. Mr Witness, how do you know that Savage took one of your --
23 took your uncle's wife by force?

24 A. My uncle himself told me the story, before he ran away.

11:21:54 25 Q. And, Mr Witness, you told us you saw Savage one time and
26 you also saw him the second time. Where did you see Savage the
27 second town -- the second time in Town C? I'm sorry.

28 A. It was the same house where I saw him the first time.

29 Q. And during the time that you said, Mr Witness, that you saw

1 Savage the second time, did you observe him do anything?

2 A. After the second time, I saw him do something.

3 Q. Can you please tell this Court --

4 PRESIDING JUDGE: Well, wait on. Just so I get that clear,

11:22:49 5 Mr Graham, was it the second time that he saw this Savage do
6 something or after the second, as he's just testified? In other
7 words, he's talking about a third time, is he?

8 MR GRAHAM: That is so. I will clarify, Your Honour.

9 Q. Mr Witness --

11:23:05 10 A. Yes.

11 Q. -- you are saying you saw Savage. So this time you saw him
12 was after you saw him for the second time, so it means you saw
13 him again for the third time; is that right?

14 A. Yes. That was the very day I saw him do this thing.

11:23:20 15 Q. Can you please tell this Court, Mr Witness, what you saw
16 Mr Savage do?

17 A. We saw him -- we heard that one of his boys under his
18 command went and looted a house. So he took out his pistol, a
19 black pistol, and he shot the boy and killed him because he did
11:23:44 20 not authorise him to loot.

21 Q. When you say "we saw him," who are you referring to as "we"
22 that you saw Savage shoot?

23 A. We, the civilians, who were there.

24 Q. And during this period, this third time that you -- during
11:24:06 25 the period that you saw Savage, was he alone?

26 A. No, he was not alone.

27 Q. With whom was he with, Mr Witness?

28 A. He was with other men who too had guns.

29 Q. Now, before I go on, you just told us about Savage shooting

1 one of his men. Did you get to know the name of the person that
2 he shot, in your presence?

3 A. I had -- I don't know him.

4 Q. And you -- these people you said were with Savage who were
11:24:55 5 armed, did you get to know any one of these guys around Savage
6 during the period after September 11th, 1998?

7 A. I only knew one of them later. I knew the name of one of
8 them later, one of them.

9 Q. And what was the name of the one you knew?

11:25:24 10 A. The name they called him --

11 THE INTERPRETER: Your Honours could the witness please go?

12 THE WITNESS: Bobby Nengor. Okay. Bobby Nengor was the
13 name they called him.

14 MR GRAHAM: First I'll spell Bobby, B-O-B-B-Y. Then Nengor
11:25:41 15 is N-E-N-G-O-R. Bobby Nengor.

16 Q. And how did you know this man you mentioned as Bobby
17 Nengor? How do you know him?

18 A. I knew this man because -- because he was a very wicked
19 man. He was a man that, if he wanted to travel within or out of
11:26:24 20 the towns, out of Town C, he had a hammock and he will order men
21 to take him in that hammock. I did that once for him, to take
22 him from Town C to another town, which was about 3 miles off from
23 Town C.

24 Q. Thank you. Mr Witness, apart from what you've told this
11:26:50 25 Court about Bobby Nengor, did you know him in any other way?

26 A. Yes.

27 Q. Can you please tell this Court, Mr Witness?

28 A. Bobby Nengor, he threatened to kill a friend, whom he shot,
29 but the bullet just cut the right ear, which has caused the

1 partial deafness of the man, and the man is still alive.

2 Q. Mr Witness, how do you know that it caused partial deafness
3 of the man?

4 A. The man is still there alive and he told me this.

11:27:50 5 Q. And, Mr Witness, during the period of the September 11th,
6 1998 attack, did you see any Alpha Jets on the day of the
7 September 11th attack?

8 A. Yes. Alpha Jets came in the evening of that very
9 11 September.

11:28:15 10 Q. And, Mr Witness, how do you know it was Alpha Jets that
11 came on that evening of September 11?

12 A. We were already used to the sound and, the moment it came,
13 we will know that it has come and it dropped bombs in the town
14 there.

11:28:34 15 Q. Mr Witness, how do you know that the Alpha Jets dropped
16 bombs in the Town C?

17 A. We saw -- I had to see the destruction later because it
18 dropped it on one house which went down, which was completely
19 demolished, and the place is there right now empty.

11:29:00 20 Q. Apart from the destruction caused by the bomb, which you've
21 just referred to, do you know of any other destruction caused by
22 the ECOMOG Alpha Jets during the September 11th attack, or any
23 time thereafter, in Town C?

24 A. No. No, I don't know.

11:29:22 25 Q. Thank you, Mr Witness. Mr Witness, during all this period
26 that we've spoken -- referred to, that was -- I will first go on
27 to the May -- Your Honours, just one second. During the May 22nd
28 attack, when you told us about the soldiers and the armed men,
29 did you see, Mr Witness, any of them using any communication

1 equipment? I'm talking about May 22nd, 1998?

2 MR HARDAWAY: Objection, Your Honour. Leading.

3 PRESIDING JUDGE: It's come up in the evidence before,
4 Mr Hardaway. I will allow the question.

11:30:19 5 MR GRAHAM:

6 Q. Mr Witness, I asked you whether, during the May 22nd
7 attack, you saw the armed personnel who came to Town C using any
8 form of communication equipment?

9 A. I did not see them with any communication set.

11:30:39 10 Q. Did any one of the civilians that you referred to tell you
11 whether they had seen them using any communication equipment?

12 A. No, I did not hear it from any of them.

13 Q. And during the time that you left from Town C to Kani kay
14 Junction, did you also observe the armed individuals who were

11:31:11 15 with you on your way to Kani kay Junction, did you observe any one
16 of them using any communication equipment?

17 A. I did not see any one of them use communication set.

18 Q. And you also told us about seeing Savage a number of times.

19 Mr Witness, the time that -- during the periods that you saw

11:31:36 20 Savage, did you observe him using any communication equipment?

21 A. The three things -- the three times I saw him, I did not
22 see him using any set.

23 Q. But did any one of the civilians or individuals you know in
24 Town C tell you that they had seen him using any communication
11:32:04 25 equipment?

26 A. I did not hear it from any one of them, those we were
27 discussing.

28 Q. Mr Witness, do you remember where you were in May of 1997?

29 A. May 1997? Yes.

1 Q. Where were you, Mr Witness?

2 A. I was in Town C.

3 Q. And during this day, Mr Witness, did you hear of any
4 significant thing happening, in May of 1997?

11:32:58 5 PRESIDING JUDGE: You said during this day.

6 MR GRAHAM: Sorry.

7 PRESIDING JUDGE: You mean during this month?

8 MR GRAHAM: Sorry, Your Honour. Thank you.

9 Q. Mr Witness, during this month of May 1997, do you remember
11:33:11 10 anything significant happening?

11 A. Yes.

12 Q. Can you tell this Court?

13 A. I remember I heard the news about the BBC, that they had
14 overthrown the SLPP government.

11:33:38 15 Q. And did you get to hear the names of any individuals who
16 were responsible for the overthrow of the SLPP government?

17 A. Yes.

18 Q. Can you tell this Court what you heard, Mr Witness?

19 A. I first heard Tamba Gborie, who -- who they said led the
11:34:10 20 overthrow and, later on, I got to know that -- I got to hear
21 Johnny Paul's name.

22 MR GRAHAM: Your Honour, Tamba Gborie, we've heard that
23 before.

24 Q. And, Mr Witness, who told you that Tamba Gborie was one of
11:34:29 25 those who led the overthrow of the SLPP government?

26 A. It was through the BBC, Focus On Africa.

27 Q. Thank you. And, Mr Witness, during this same period, in
28 May, or any time thereafter, did you hear that one Alex Tamba
29 Brima, also known as Gullit, was one of those who were

1 responsible for the overthrow of the SLPP government?

2 A. I did not hear that.

3 Q. Did anyone tell you that they had heard that Alex Tamba
4 Brima, also known as Gullit, was one of those responsible for the
11:35:20 5 overthrow of the SLPP government?

6 A. I did not discuss such things with anybody.

7 Q. Mr Witness, did you hear that one Ibrahim Bazy Kamara, was
8 one of those who were responsible for the overthrow of the SLPP
9 government, in May of 1997?

11:35:47 10 A. I did not hear that.

11 Q. Did anyone tell you that they had heard, in any way, that
12 Ibrahim Bazy Kamara was one of those who were responsible for
13 the overthrow of the SLPP government, in May of 1997?

14 A. I did not hear that.

11:36:09 15 Q. Mr Witness, did you hear that one Santigie Borbor Kanu,
16 also known as Five-Five, was one of those who were responsible
17 for the overthrow of the SLPP government, in May of 1997?

18 A. No, I did not hear that.

19 Q. But did anyone tell you that they had heard that Santigie
11:36:33 20 Borbor Kanu, also known as Five-Five, was one of those who were
21 responsible for the overthrow of the SLPP government?

22 A. I did not discuss that with anybody and I did not hear
23 that.

24 Q. Mr Witness, do you recall where you were on January 6,
11:36:56 25 1999?

26 A. Yes.

27 Q. Where were you, Mr Witness?

28 A. I -- I was in Kabala Town.

29 Q. And do you remember anything significant happening on

1 January 6th of 1999, Mr Witness?

2 A. Yes. I heard about the January 6th intervention, ECOMOG
3 intervention, in Freetown.

4 Q. Mr Witness, did you hear about a rebel invasion of
11:37:46 5 Freetown, in January 6th of 1999?

6 A. Yes.

7 Q. Did you hear that one Alex Tamba Brima, also known as
8 Gullit, was one of those responsible for the attack on Freetown
9 on January 6th, 1999?

11:38:12 10 A. No, I did not hear that.

11 Q. And did anyone tell you that they had heard that one Alex
12 Tamba Brima, also known as Gullit, was responsible for the
13 attack, General Issa's attack on Freetown?

14 A. No, I did not hear that.

11:38:33 15 Q. Mr Witness, did you hear that one Ibrahim Bazy Kamara, was
16 one of those responsible for the January 6th attack on Freetown?

17 A. No, I did not hear that.

18 Q. And did you hear that one Santi gie Borbor Kanu, also known
19 as Five-Five, was one of those responsible for the attack on
11:39:01 20 Freetown, on January 6th of 1999?

21 A. No, I did not hear that.

22 Q. And did anyone tell you that they had heard that he was one
23 of those who attacked Freetown on January 6th, 1999?

24 A. No, I did not discuss it with anyone and I did not hear it.

11:39:22 25 Q. Mr Witness, these names that -- three names that I just
26 mentioned to you, have you heard these names before?

27 A. I got to know these names when the Court and Outreach
28 programme reached in Town C, when they showed us through the
29 video, and the man who was showing the video told us the names.

1 He said that these were the people. I don't know how they are
2 called in Court, so that was how I came to know those names.

3 Q. Do you remember when you were shown this video, Mr Witness?

4 A. I can't recall the date.

11:40:20 5 Q. Mr Witness --

6 MR GRAHAM: Your Honours, just a second. I just need a
7 second to consult with my learned friends. Your Honour, I don't
8 have any further questions for the witness. I'm grateful for the
9 time.

11:41:15 10 PRESIDING JUDGE: Thank you, Mr Graham. Is there anything
11 else in chief?

12 MR MANLY-SPAIN: Yes, Your Honour, just a couple of
13 questions.

14 CROSS-EXAMINED BY MANLY-SPAIN:

11:41:24 15 Q. Mr Witness, you mentioned the programme on the BBC, Focus
16 On Africa. I want to ask you: After the January 6th invasion of
17 Freetown, did you listen to Focus On Africa?

18 A. I'm just -- after January 6th, about January 11th, I left
19 Sierra Leone for Guinea, so I did not listen to the radio because
11:41:53 20 I did not go with a radio.

21 MR MANLY-SPAIN: Thank you. That is all, Your Honour.

22 PRESIDING JUDGE: Yes, Mr Fofanah:

23 MR FOFANAH: Yes, Your Honours, a number of questions.

24 CROSS-EXAMINED BY MR FOFANAH:

11:42:04 25 Q. Mr Witness, do you know if Savage, the man you've referred
26 to as heading the rebels, was answerable to anyone?

27 MR HARDAWAY: Objection. Leading. He didn't say he was
28 leading -- first off -- I apologise, he wasn't leading. He
29 didn't say that the group was rebels. The group that attacked,

1 there was no classification of them, Your Honour.

2 PRESIDING JUDGE: What do you say to that, Mr Fofanah?

3 MR FOFANAH: I don't know if my learned colleague is
4 objecting to the word rebel.

11:42:51 5 PRESIDING JUDGE: Well, I take that as the first objection;
6 is that right.

7 MR HARDAWAY: Actually, Your Honour, that is the primary
8 objection. There is no classification of the group that led the
9 attack, that Savage led.

11:42:56 10 MR FOFANAH: I will concede and just rephrase the question,
11 Your Honour.

12 PRESIDING JUDGE: All right. Thank you.

13 MR FOFANAH:

14 Q. So do you know if the armed men you've referred to as being
11:43:09 15 headed by Savage, do you know if Savage was answerable to anyone?

16 MR HARDAWAY: Objection, Your Honour. Leading.

17 PRESIDING JUDGE: I will allow it, Mr Hardaway.

18 MR FOFANAH:

19 Q. The question is, if you know if Savage was answerable to
11:43:30 20 anyone?

21 A. I don't know about that. I did not hear about that because
22 I did not have any close conversation with Savage.

23 Q. Now, you also mentioned Ishmael as Savage's second in
24 command. How do you know that Ishmael was deputy to Savage?

11:43:55 25 MR HARDAWAY: Objection, Your Honour. Asked and answered.

26 PRESIDING JUDGE: Refer us to what was said, Mr Hardaway.

27 MR HARDAWAY: He stated that, at the meeting, that Savage
28 introduced Ishmael as his second in command.

29 PRESIDING JUDGE: Yes, I would say Mr Hardaway is correct

1 there.

2 MR FOFANA H: As Your Honour please s.

3 Q. Now, how long did Savage and his men stay in Town C, if you
4 know?

11:44:26 5 A. Since September 11th, I cannot tell because I left Town C,
6 finally, on 12 October 1998.

7 Q. Now, apart from the killings and burnings and the rape
8 you've referred to, which you said were allegedly committed by
9 Savage and his men, did you hear of any other crime committed by
10 these men?

11:44:53 11 A. I don't know about any other one, except -- apart from the
12 one I have mentioned.

13 Q. Finally, how do you know that -- the people who showed you
14 the video portraying the accused persons in Court, how do you
15 know that those who showed the video were from the Special Court
16 for Sierra Leone?

11:45:15 15 know that those who showed the video were from the Special Court
16 for Sierra Leone?

17 A. The man who led the programme, he had -- he made a
18 self-introduction and gave us a briefing about the programme.

19 Q. Did he say he was from the Special Court for Sierra Leone?

11:45:41 20 A. Yes.

21 MR FOFANA H: Thank you. I have no further questions.

22 PRESIDING JUDGE: Mr Hardaway.

23 MR HARDAWAY: Thank you, Your Honour.

24 CROSS-EXAMINED BY MR HARDAWAY:

11:45:57 25 Q. Mr Witness, good morning, sir.

26 A. Good morning. How are you?

27 Q. I'm fine, thank you. I have some questions for you. I
28 just want you to listen to them carefully, answer them concisely.
29 For the most part, they can either be answered yes, no, or I

1 don' t know. Do you understand, sir?

2 A. Yes.

3 Q. I want to take you back, sir, to the first attack on Town
4 C, and I believe that was on, excuse me, 22nd May 1998; is that
11:46:44 5 correct?

6 A. Yes.

7 Q. While you were in Town C during that attack, did you see or
8 hear of any rapes being committed?

9 A. 22nd May?

11:47:02 10 Q. Yes.

11 A. I did not hear, I did not see.

12 Q. Did you see any killings or hear of any killings on the
13 attack of 22 May?

14 A. Yes.

11:47:20 15 Q. What killings did you see or hear about in Town C on
16 22 May, sir?

17 A. As I have said, I mentioned some of the people who I saw be
18 killed in Town C that very 22nd May.

19 Q. Did you see or hear of any mutilations in Town C on the
11:47:52 20 attack of 22 May 1998?

21 A. No, I did not hear, I did not see.

22 Q. Did you see or hear of any burnings of any houses in Town C
23 on 22 May 1998?

24 A. No.

11:48:16 25 Q. What you have described, sir, these were committed by the
26 people who you testified were in soldier uniforms; is that
27 correct?

28 A. Yes, some wore soldier uniforms, some wore civilian
29 clothing.

1 Q. And you had learned that the name of the leader of this
2 particular attack, and I refer to 22 May, was Captain Ishmael;
3 correct?

4 A. Captain Ishmael and Colonel Born Trouble.

11:48:52 5 Q. Captain Ishmael was an SLA soldier, wasn't he, sir?

6 A. Yes.

7 Q. And Born Trouble -- did you see Born Trouble?

8 A. I did not see Born Trouble on that day. I did not see him.

9 Q. Now, approximately how many people were marched to
11:49:24 10 Kani kay Junction from Town C?

11 A. Civilians?

12 Q. Yes, sir.

13 A. The group I was with, there were 15 civilians, 15
14 civilians.

11:49:41 15 Q. Were there any children among the 15 civilians?

16 A. No.

17 Q. Were there women among the 15 civilians?

18 A. No.

19 Q. It was all men?

11:49:55 20 A. All men.

21 Q. And you mentioned you were forced to carry luggage. Were
22 the other people -- were the other men in the group also forced
23 to carry luggage?

24 A. The 15 of us, all of us had luggage.

11:50:17 25 Q. Just to go back to Town C on the 22nd of May, sir. Among
26 the people who were attacking Town C, did you see any children as
27 part of the attack on Town C?

28 A. I did not see them all. The ones I saw I did not see
29 children among.

1 Q. Did you hear of any children being part of the attack on
2 Town C on 22 May 1998?

3 A. No.

4 Q. I put it to you, sir, that the group that attacked Town C,
11:51:06 5 on 22 May 1998, was a mixed force of SLA soldiers and RUF rebels.
6 What is your response, sir?

7 A. I don't know about their status, but --

8 Q. When you were at Kani kay Junction, sir, did you see or hear
9 of any rapes at Kani kay Junction?

11:51:40 10 A. No.

11 Q. Did you see or hear of any killings in Kani kay Junction?

12 A. No.

13 Q. Did you see or hear of any mutilations in Kani kay Junction?

14 A. No.

11:52:00 15 Q. Did you see or hear of any burnings in Kani kay Junction?

16 A. On the 22nd?

17 Q. While you were at Kani kay Junction, sir?

18 A. No.

19 Q. Now, you stated that you had seen soldiers or people in
11:52:22 20 military uniforms and people in civilian clothes there as well;
21 is that correct?

22 A. Yes.

23 Q. And the people in the uniforms and the civilians clothes,
24 they had weapons, didn't they?

11:52:38 25 A. Yes.

26 Q. Did you see any children with any weapons while you were at
27 Kani kay Junction?

28 A. No.

29 Q. I put it to you, sir, that the armed people who you saw at

1 Kani kay Junction were a mixed force of SLA soldiers and RUF
2 rebels. What is your response, please?

3 A. I still repeat that I don't know about their status,
4 whether they are any -- from any of those groups.

11:53:19 5 Q. Now, other than in the armed groups that we've just
6 discussed, did you see any children generally in Kani kay
7 Junction?

8 A. I arrived there at night and the place was dark, so I could
9 not see.

11:53:57 10 MR HARDAWAY: With the Court's indulgence for one moment.

11 PRESIDING JUDGE: Yes, Mr Hardaway.

12 MR HARDAWAY:

13 Q. I want to take you now, sir, to Town C, during the attack
14 of September 11th, 1998; all right?

11:54:31 15 A. Okay. Yes, okay.

16 Q. Now, other than the burnings and killings and the rape that
17 you mentioned -- actually, I withdraw that question, Your Honour.
18 Did you see any children as taking part of the attack on Town C
19 on September 11th, 1998?

11:55:04 20 A. I was unable to see the men that was in action when they
21 attacked because I was in hiding. I did not see them when they
22 were doing the action.

23 Q. After the attack of September 11th, 1998 on Town C, did you
24 hear of any children taking part in that attack?

11:55:28 25 A. Yes. I want to ease myself.

26 MR HARDAWAY: I have just maybe one or two more questions,
27 Your Honour, if that's all right.

28 PRESIDING JUDGE: Well, I appreciate you letting us know
29 that, Mr Hardaway, but we've got no means of knowing whether

1 there is any re-examination, and I think the witness's needs are
2 fairly urgent at the moment. Mr Witness, could you wait for a
3 few more moments?

4 THE WITNESS: I'm okay.

11:56:19 5 MR HARDAWAY: Thank you, Your Honour. Mr Witness, thank
6 you.

7 Q. Mr Witness, you stated you saw Savage wearing military
8 trousers; correct?

9 A. Yes.

11:56:33 10 Q. Savage was an SLA soldier, wasn't he?

11 A. I got to know that later that he was an SLA soldier.

12 MR HARDAWAY: Thank you, Mr Witness. I thank you for your
13 time. I have no more questions for you. Your Honour, this
14 completes my cross-examination.

11:56:53 15 PRESIDING JUDGE: Thank you, Mr Hardaway. Is there any
16 re-examination?

17 MR FOFANAH: Your Honours, on behalf of the Defence, I
18 would just -- just one question on re-examination.

19 RE-EXAMINED BY MR FOFANAH:

11:57:05 20 Q. Mr Witness, how do you know that both Ishmael and Savage
21 are SLA soldiers?

22 A. I heard that from the discussion with the men.

23 Q. [Microphone not activated]?

24 A. With his men.

11:57:23 25 MR FOFANAH: Thank you, Mr Witness.

26 PRESIDING JUDGE: I take it there is no other
27 re-examination?

28 MR GRAHAM: That is so, Your Honours.

29 PRESIDING JUDGE: Any questions? Well, Mr Witness, we'd

1 I like to thank you for coming along to Court and giving evidence.
2 Your testimony is now complete. If you could just sit there for
3 one short moment, we will have those curtains drawn across and
4 you will be able to leave the courtroom.

11:57:54 5 THE WITNESS: Thank you.

6 [The witness withdrew]

7 PRESIDING JUDGE: I understand the next Defence witness to
8 be called is DAB-018; is that right, Mr Graham?

9 MR GRAHAM: Your Honour, on the order of summaries, he
11:59:41 10 appears as number one, on your order of summaries. Your Honours,
11 I believe he will be testifying in Krio.

12 PRESIDING JUDGE: Which witness is that?

13 MR GRAHAM: DAB-018.

14 [The witness entered court]

12:01:33 15 PRESIDING JUDGE: Just help us out here, Mr Graham. I'm
16 lost. Where do I find this witness summary?

17 MR GRAHAM: Your Honours, I'm referring to the common
18 Defence witness summaries. I'm sorry, number one on the common
19 Defence witness summaries.

12:02:41 20 PRESIDING JUDGE: Mr Graham, you said this witness will be
21 giving evidence in -- was it Kono?

22 MR GRAHAM: Your Honours, we have him listed on the summary
23 as Kono, but I believe he will be testifying in Krio.

24 WITNESS: DAB-018 [Sworn]

12:03:42 25 [The witness answered through interpreter]

26 PRESIDING JUDGE: Go ahead, Mr Graham.

27 MR GRAHAM: Thank you, Your Honour.

28 EXAMINED BY MR GRAHAM:

29 Q. Good day, Mr Witness.

1 A. How are you, man?

2 Q. Mr Witness, I am fine. Mr Witness, I'm going to ask of you
3 a few questions.

4 A. Yes, man.

12:04:01 5 Q. And I beg of you to answer them as concisely and patiently
6 as you can, seeing as the interpreters will also be following
7 your responses and interpreting accordingly.

8 A. Yes, man.

9 Q. Mr Witness, you were born 1968.

12:04:18 10 MR GRAHAM: Your Honours, I proceed on the presumption that
11 my learned friends have no objections to me leading on
12 uncontested background material?

13 MR AGHA: Yes, we have no objection, Your Honour.

14 MR GRAHAM: Thank you.

12:04:30 15 Q. Mr Witness, you were born in 1968 in Koidu Town, isn't it?

16 A. Yes, man.

17 Q. And that you attended the United Methodist Primary School
18 in Koidu, isn't it?

19 A. Yes, man.

12:04:52 20 Q. And that you subsequently got secondary education at the
21 Koidu secondary school, in Koidu, in the Kono District, isn't it?

22 A. Yes, man.

23 Q. And that you went up to secondary school form two but
24 dropped out as a result of financial constraints, isn't it?

12:05:15 25 A. Yes, man.

26 Q. And that after your secondary -- when you fell out from
27 secondary education, you assisted your mother in a petty business
28 trading, isn't it?

29 A. Yes, man.

1 Q. And that you yourself are currently engaged in the business
2 of petty trading, isn't it, Mr Witness?

3 A. Yes, man.

4 Q. And, Mr Witness, you were appointed as a vigilante in 1992
12:06:00 5 with the Sierra Leone border guard, isn't it?

6 A. Yes, man.

7 Q. And, Mr Witness, did you receive any form of -- in this
8 appointment was in 1992, isn't it, as a vigilante?

9 A. Yes, man.

12:06:27 10 Q. Mr Witness, I'm asking of you, did you receive any form of
11 training when you were appointed as a vigilante with the Sierra
12 Leone border guard, in 1992?

13 A. Yes, man.

14 Q. What kind of training did you receive, Mr Witness, if you
12:06:51 15 can tell this Court?

16 A. Armed training.

17 Q. What do you mean by armed training, Mr Witness?

18 THE INTERPRETER: I beg -- Your Honours, I cannot get the
19 witness clear. Can the witness repeat that again?

12:07:17 20 MR GRAHAM:

21 Q. Can you speak directly into the mic in front of you and
22 speak as clearly and as patiently as you can, please.

23 PRESIDING JUDGE: He needs to repeat that last answer.
24 Perhaps you should ask the question again.

12:07:32 25 MR GRAHAM: Thank you.

26 Q. Mr Witness, you said you received arms training and I asked
27 you: What do you mean by arms training?

28 A. Arms training is the four phases of war.

29 Q. Thank you.

1 JUDGE SEBUTINDE: The four what?

2 THE WITNESS: The four phases of war.

3 MR FOFANAH: Your Honours, if the mic may be lifted a bit,
4 respectfully, because it seems a bit too low.

12:08:03 5 MR GRAHAM:

6 Q. Mr Witness, what do you mean by the four phases of war?

7 A. For capture -- to capture, retreat, advance and withdraw.

8 Q. Mr Witness, how long, if you know, did this training take
9 place?

12:08:50 10 A. The first one was about three weeks.

11 Q. And was there a second one?

12 A. Yes.

13 Q. And before you go on, this first training for three weeks,
14 where did this training take place, Mr Witness?

12:09:14 15 A. In Daru.

16 Q. And is that in the Kailahun District?

17 A. Yes, sir.

18 Q. And the second, did you have any training apart from the
19 first one you've just referred to?

12:09:35 20 A. Yes.

21 Q. What kind of training did you have, Mr Witness?

22 A. Yes, sir.

23 Q. Can you tell this Court the kind of training you had during
24 your second training?

12:09:48 25 A. I did a British course and then I did Sierra Leone course.
26 Those were the two courses I did.

27 Q. And, Mr Witness, speak clearly into the mic. What was the
28 nature of these courses that you took during your second
29 training?

1 A. The same training that I've just told you about, the four
2 phases of war.

3 Q. And where did this second training take place, Mr Witness?

4 A. At Daru.

12:10:32 5 Q. And do you know -- did you have any other training apart
6 from the second -- first and second trainings that you've
7 mentioned to this Court?

8 A. Yes.

9 Q. And where was this training?

12:10:48 10 A. In Benguema.

11 Q. And was this training under the Sierra Leone border guard
12 as well?

13 MR AGHA: Your Honour, I'd object to that. I don't think
14 he's mentioned who the first set of training was under.

12:11:06 15 PRESIDING JUDGE: No, he hasn't. Yes, you got as far as
16 saying he was appointed as a vigilante in 1992 in the Sierra
17 Leone border guard. Then you went on to get him to describe arms
18 training.

19 MR GRAHAM: Very well, Your Honours.

12:11:24 20 Q. Mr Witness, you've told us about your first and second
21 training. Can you tell this Court who provided you with the
22 first and second training that you've just told this Court about?

23 A. Yes.

24 Q. Please do, Mr Witness.

12:11:40 25 A. I heard one of my officers called Kel ehku Marah. He pushed
26 me --

27 THE INTERPRETER: Your Honours, could the witness say that
28 again? Your Honours, could the witness take that piece of
29 evidence again?

1 MR GRAHAM: Okay, Your Honours, I will just get him clear
2 on course.

3 Q. Mr Witness, when you were appointed as a vigilante in 1992
4 with the Sierra Leone border guard, did the Sierra Leone border
12:12:20 5 guard provide you with any form of training?

6 A. Yes.

7 Q. Is that the first and second training that you've just
8 described to this Court?

9 A. It was the first one.

12:12:41 10 Q. Thank you. And, Mr Witness, who provided you with the
11 second training that you just mentioned before this Court?

12 A. I said it's Kel ehku Marah. Lieutenant Kel ehku Marah.

13 MR GRAHAM: And this Lieutenant Kel ehku Marah, Your
14 Honours, I will spell the name. Kel ehku is spelt K-E-L-E-H-K-U,
12:13:11 15 and Marah is spelt M-A-R-A-H.

16 Q. And, Mr Witness, do you know when you -- did you complete
17 your training with the Sierra Leone bodyguard?

18 A. It was in 1992, but I don't know the right time.

19 Q. And are you saying that it was in 1992 that you completed
12:13:45 20 the training with the bodyguards, border guards, sorry?

21 A. Sierra Leone border guard, it's not body.

22 Q. Sierra Leone border guard?

23 A. It was not a pure army. It was just -- we only volunteered
24 ourselves to fight for the country against the RUF.

12:14:09 25 Q. Thank you. Mr Witness, when you completed your training as
26 a vigilante with the Sierra Leone border guard, did anything
27 happen?

28 A. Yes.

29 Q. Can you tell this Court what happened, Mr Witness?

1 A. I was given an SLA number. From there, I got my SLA
2 number, 1995.

3 Q. Do you recall -- do you remember your SLA number that was
4 given to you?

12:14:50 5 A. Yes, man.

6 Q. Can you give your SLA number?

7 JUDGE SEBUTINDE: Mr Graham, is this not identifying data?

8 MR GRAHAM: Well, Your Honours --

9 JUDGE SEBUTINDE: You know best.

12:15:09 10 MR GRAHAM: -- I will take a cue from the Bench and move
11 around it.

12 Q. Mr Witness --

13 A. Yes, sir.

14 Q. -- when you completed your training with the Sierra Leone
12:15:20 15 body -- border guards were you sent anywhere?

16 A. Yes.

17 Q. Can you tell this Court where you were sent to?

18 A. Yes.

19 Q. Where were you sent to?

12:15:40 20 A. Pendembu.

21 Q. Your Honours, Pendembu, you've heard that before. And,
22 Mr Witness, you've just told this Court you were sent to
23 Pendembu. In what -- do you know in which district Pendembu is?

24 A. Kailahun District.

12:16:11 25 Q. And how -- do you know how long you -- Your Honours, with
26 your kind permission, I believe the second accused wants to use
27 the restroom.

28 PRESIDING JUDGE: The second accused?

29 MR GRAHAM: Yes.

1 PRESIDING JUDGE: Yes, all right. He can leave the
2 Courtroom.

3 MR GRAHAM:

4 Q. And, Mr Witness, when you were posted to Pendembu, how long
12:16:46 5 did you stay at Pendembu, as a vigilante?

6 A. For a long time. More than '92, '93, '94, '95 I was in
7 Pendembu.

8 Q. And during this period that you were in Pendembu, from '93
9 to '95, what were you doing as a vigilante, Mr Witness?

12:17:15 10 A. I was -- I was a soldier. I had arms.

11 Q. Mr Witness, were you -- you've told this Court you were in
12 Pendembu from 1993 to 1995; did you go anywhere else after 1995?

13 A. Yes.

14 Q. Can you please tell this Court?

12:17:52 15 A. I went to Kono.

16 Q. And, Mr Witness, is there a reason why you went to Kono?

17 A. Yes.

18 Q. Can you please tell this Court why you went to Kono?

19 A. For welfare.

12:18:17 20 Q. Mr Witness, what do you mean by welfare, for welfare?

21 A. I had my wife there, and my children, so I obtained a pass
22 to see them.

23 Q. And, Mr Witness, you also told this Court earlier on that
24 you had some training at Benguema. What kind of training did you
12:18:47 25 have at Benguema, Mr Witness?

26 A. Sierra Leone Army training.

27 Q. And did anyone send you to Benguema for the Sierra Leone
28 Army training?

29 A. Yes.

1 Q. And do you know who sent you to Benguema for the Sierra
2 Leone Army training, Mr Witness?

3 A. Yes.

12:19:27 4 Q. Can you tell this Court who sent you to Benguema for
5 training, the Sierra Leone Army training, Mr Witness?

6 A. Yes, man.

7 Q. Please tell this Court?

8 A. Kel ehku Marah.

9 Q. Thank you. And this Kel ehku you've heard before. And,
12:19:48 10 Mr Witness, do you know Lieutenant Kel ehku Marah sent you to
11 Benguema for Sierra Leone Army training?

12 A. Yes.

13 Q. Can you tell this Court, Mr Witness, why he sent you to
14 Benguema for the training?

12:20:04 15 A. For further training, SLA training.

16 Q. Did you -- can you tell this Court the kind of training
17 that you had at Benguema, briefly?

18 A. Same four phases of war. The same four phases of war.

19 Q. Thank you. Did you, Mr Witness, did you complete the
12:20:43 20 training at Benguema?

21 A. Yes, sir.

22 Q. Do you know when you completed the training at Benguema?

23 A. '96.

24 Q. And were you given anything after the completion of your
12:21:11 25 training at Benguema, Mr Witness?

26 A. Yes.

27 Q. What were you given, Mr Witness?

28 A. The soldier attire and the arms.

29 Q. Who gave you the soldier attire and the arms, Mr Witness?

1 A. The brigade commander who was there. I have forgotten his
2 name.

3 Q. Thank you. And, Mr Witness, when did you get your -- do
4 you know the year that you got your SLA number?

12:21:56 5 A. Yes.

6 Q. What year was it, Mr Witness?

7 A. '95.

8 Q. And was this before or after your training at Benguema?

9 A. It was before the training.

12:22:13 10 Q. And, Mr Witness, did you ever become a member of the Sierra
11 Leonean Army?

12 A. Yes.

13 Q. What year did you become a member of the Sierra Leonean
14 Army, Mr Witness?

12:22:36 15 A. From '95, from '95, that was the time when the army started
16 paying me salary.

17 Q. And when you became a member of the Sierra Leone Army, in
18 1995, were you posted anywhere by the Sierra Leonean Army,
19 Mr Witness?

12:23:02 20 A. Yes.

21 Q. Where were you posted, Mr Witness?

22 A. In Kono. I took the welfare to come to Kono.

23 Q. And how long were you in Kono, Mr Witness?

24 A. From '95? For a long time.

12:23:32 25 Q. Can you remember roughly up to what year? You said you
26 were there from '95. Can you remember roughly up to what year
27 you were in Kono, from '95, to what year?

28 A. '95 I went for a course and I came back to the same Kono,
29 '96, '97 -- '97.

1 Q. Thank you. Mr Witness, do you remember where you were, in
2 May of 1997?

3 A. Yes.

4 Q. Mr Witness, where were you in May of 1997?

12:24:27 5 A. I was in Koidu Town.

6 Q. And during this time were you still a serving member of the
7 Sierra Leonean Army?

8 A. Yes.

9 Q. Mr Witness, do you remember anything significant happening
12:24:47 10 in May of 1997?

11 A. Yes.

12 Q. Can you please tell this Court, Mr Witness, what you recall
13 happened in May of 1997?

14 A. We were at the headquarters. We heard it over the Focus
12:25:09 15 that the government had been overthrown and we don't know who did
16 the overthrow.

17 Q. Mr Witness, before you move on, you just told this Court
18 that you were at headquarter; which headquarter are you referring
19 to?

12:25:25 20 A. Kono 6th Battalion, HQ.

21 Q. And where is that, Mr Witness?

22 A. In Ngai a.

23 Q. Your Honours, Ngai a is spelt N-G-A-I-Y-A [sic], and in what
24 district is Ngai a, Mr Witness, if you know?

12:25:51 25 A. In the Kono District.

26 Q. And, Mr Witness, you also told -- just told this Court you
27 heard on Focus; what do you mean by Focus?

28 A. Over the BBC.

29 Q. Thank you. And continue with what you heard on Focus,

1 Mr Witness; what did you hear on Focus?

2 A. That one corporal -- one corporal heard the announcement
3 that he had taken over power.

4 Q. Did you hear the name of this corporal?

12:26:30 5 A. Yes, but it has gone out of my mind a little.

6 Q. And when you said had taken over power, did you understand
7 what they meant by had taken over power?

8 A. Gborie said, the man is called, the man is called Gborie,
9 that he had overthrown the government. That the whole country,
10 that he had come with new people that have come to run the
11 government.

12 MR GRAHAM: Thank you. Your Honours, Gborie we've had that
13 before. Thank you.

14 Q. So, Mr Witness, when you heard this information on Focus,
15 were you alone when you heard this information on Focus?

16 A. No.

17 Q. With whom were you with, Mr Witness?

18 A. I heard it in my house, with my family. I was with my
19 family.

12:27:42 20 Q. And did anything happen when you heard this information on
21 Focus, Mr Witness?

22 A. I didn't see anything happen. I only saw everybody sad,
23 all the soldiers were sad and were moving about.

24 Q. How did you know that the soldiers were sad, Mr Witness?

12:27:59 25 A. Well, I was part of the soldiers.

26 Q. So, Mr Witness, you were in Kono in May of 1997 when you
27 heard this information. Did you -- how long did you continue to
28 stay in Kono after you heard this information on Focus, in May of
29 1997?

1 A. We were there until we heard that ECOMOG had --

2 THE INTERPRETER: Your Honours, I cannot get the last bit
3 of his testimony.

4 PRESIDING JUDGE: Did you hear that, Mr Graham?

12:28:51 5 MR GRAHAM: Yes.

6 Q. Mr Witness, I asked you that you said you were meaning --
7 you were in Kono in May of 1997 when you heard the information,
8 and I asked you that how long did you stay in Kono after you
9 heard this information in May of 1997?

12:29:14 10 A. I was there for a long time.

11 Q. And did you at any point leave Kono after you heard this
12 information, in May of 1997?

13 A. Yes.

14 Q. Where did you leave Kono for, or to, sorry?

12:29:40 15 A. In Freetown.

16 Q. And, Mr Witness, is there any reason why you had to leave
17 Kono for Freetown? Was there any reason?

18 A. Yes.

19 Q. Can you please tell this Court what the reason was,
12:29:59 20 Mr Witness?

21 A. I was in Kono and so one honourable, he said he was an
22 honourable, that we should organise a muster parade. From there
23 he asked me to accompany him to Freetown, so he will deploy me at
24 Congo Dust [as interpreted] because I was among the other rank,
12:30:22 25 but he was an honourable. He took me along.

26 Q. Mr Witness, this honourable, do you remember the name of
27 this honourable you've just referred to?

28 A. Yes.

29 Q. Can you please mention it to the Court?

1 A. Yes.

2 Q. What is the name?

3 A. Momoh Bangura.

4 Q. Your Honours, if I may spell, Momoh, M-O-M-O-H, and then

12:30:48 5 Bangura, B-A-N-G-U-R-A. Momoh Bangura. And, Mr Witness, before

6 I go on, you did say that he asked that a muster parade be

7 called, if I'm right; is that the case?

8 PRESIDING JUDGE: Yes, he said that, Mr Graham.

9 THE WITNESS: Yes, he called a muster parade.

12:31:15 10

MR GRAHAM:

11 Q. And did -- where did this muster parade take place,

12 Mr Witness?

13 A. In the HQ at Ngai a.

14 Q. And do you recall what, do you remember what, if anything,

12:31:38 15 was said at this muster parade?

16 A. Yes, yes.

17 Q. What was said, Mr Witness?

18 A. The honourable said that he was an honourable, so that was

19 what he said, before the battalion commander.

12:32:04 20 Q. And do you know who that battalion commander was at the

21 time?

22 A. Yes.

23 Q. Can you mention the name to the Court, please, Mr Witness,

24 the name of the battalion commander?

12:32:16 25 A. Colonel Sheikh Mamood.

26 Q. Your Honour, Sheikh Mamood, I think is S-H-E-I-K-H, and

27 Mamood is M-A-M-O-O-D. And before I go on, this Honourable Momoh

28 Bangura, do you know him by any other name?

29 A. Yes.

1 Q. What other name have you known him by, Mr Witness?

2 A. Momoh Dotti.

3 MR GRAHAM: Your Honour, that is spelt M-O-M-O-H, and Dotti
4 is D-O-R-T-I-E [sic]. Momoh Dotti. Apart from the honourable
12:33:08 5 Momoh Bangura, and the battalion commander, did anyone else
6 address the muster parade.

7 MR AGHA: Objection, Your Honour. I don't believe he said
8 the battalion commander addressed the muster parade.

9 MR GRAHAM: No, he said the brigade commander.

12:33:24 10 PRESIDING JUDGE: That's correct, Mr Graham.

11 MR GRAHAM: Very well. Very well, Your Honours.

12 Q. Mr Witness, can you tell us, if you know, who addressed the
13 muster parade on that day?

14 A. I said it was Momoh Bangura, Honourable Momoh. Honourable
12:33:42 15 Momoh.

16 Q. Thank you, Mr Witness. And, Mr Witness, did you, did
17 anyone else, apart from Momoh Bangura, address the muster parade?

18 A. No.

19 Q. Thank you. And, Mr Witness, did you do anything after you
12:34:16 20 heard Honourable Bangura address the muster parade?

21 A. No.

22 Q. You've told this Court that -- at which point in time,
23 Mr Witness, did you leave Kono for Freetown?

24 A. It was after the muster parade, then the honourable called
12:34:44 25 me.

26 Q. And, Mr Witness, how did you travel to Freetown?

27 A. Through the highway, from Kono to Freetown.

28 Q. Did you travel alone?

29 A. No, I came with convoy. We were more than 60.

1 Q. And who was part of this convoy of more than 60 that you
2 just referred to, Mr Witness?

3 A. Soldiers, but the commander we had was Momoh. We all
4 looked up to him.

12:35:26 5 Q. And when you say Momoh, are you still referring to
6 Honourable Momoh Bangura?

7 A. Yes, sir.

8 Q. And this -- so, Mr Witness, this group, this convoy of
9 about 60 or more people that you just referred to, were you --

12:35:48 10 were they armed?

11 A. Yes. We were all armed.

12 Q. And did -- do you know whether you all -- did you
13 eventually arrive in Freetown?

14 A. I don't understand.

12:36:07 15 Q. You said you left Kono, and I'm asking the convoy of 60 or
16 more, did you all eventually arrive in Freetown from Kono?

17 A. Yes, yes.

18 Q. And, Mr Witness, did you do anything when you got to
19 Freetown?

12:36:26 20 A. Yes.

21 Q. And before I go on, Mr Witness, do you recall what time of
22 the month you left Kono in 1997; what time of the month? What
23 month, sorry, not what time of the month; what month, sorry, Your
24 Honour?

12:36:49 25 MR AGHA: Objection, Your Honour. He hasn't actually said
26 that he left in 1997. He said in May '97 he remained there a
27 long time.

28 PRESIDING JUDGE: That's correct, Mr Agha. He didn't put
29 the year at 1997 in his evidence, Mr Graham.

1 MR GRAHAM: Thank you, Your Honour.

2 Q. Mr Witness, do you remember what year you left Kono for
3 Freetown?

4 A. '97.

12:37:24 5 Q. And do you remember what month of 1997 that you left Kono
6 for Freetown, Mr Witness?

7 A. It will be in June, on the 1st of June.

8 Q. Thank you, Mr Witness. I asked you that, did you do
9 anything when you arrived in Freetown?

12:37:46 10 A. Yes.

11 Q. What did you do, Mr Witness?

12 A. Honourable Momoh deployed me at Congo Dust at the Fourah
13 Bay community.

14 MR GRAHAM: Congo Dust is Congo as we know, then Dust is
12:38:10 15 D-U-S-T, Congo Dust, in the Fourah Bay community. Fourah Bay,
16 we've heard that before, Your Honours.

17 Q. Mr Witness, what did Honourable Momoh deploy you to
18 Congo Dust for?

19 A. He said I should take care of Congo Dust with my men. The
12:38:53 20 manpower to take care of Congo Dust.

21 THE INTERPRETER: Your Honours, can the witness go over
22 that last bit?

23 MR GRAHAM:

24 Q. Mr Witness, please speak directly into the mic, to assist
12:39:10 25 the interpreters to do their work. Speak directly. Get closer
26 to the mic and speak directly into it as much as you can. And I
27 asked you that when Honourable Momoh deployed you to Congo Dust,
28 what did he ask you to go and do at Congo Dust?

29 A. He said -- he gave me 12 manpower. He said I should be

1 with them because they were robbing. If we found anybody, we
2 should send him to the headquarters.

3 Q. Did you say they were robbing?

4 A. Yes.

12:39:59 5 Q. And, Mr Witness, when you say "12 manpower," what do you
6 mean by manpower?

7 A. Twelve soldiers.

8 Q. And, Mr Witness, these 12 soldiers that you just mentioned,
9 do you know whether they were all members of the SLA?

12:40:21 10 A. Yes.

11 Q. And when you were deployed were you given any arms,
12 Mr Witness?

13 A. Yes.

14 Q. What kind of arms were you given, Mr Witness?

12:40:40 15 A. AK-47s and rocket launches with RPGs.

16 Q. Thank you. And do you know who was in charge of this 12
17 manpower?

18 A. Yes.

19 Q. Who was in charge, Mr Witness?

12:41:00 20 A. It was a staff -- Staff Polo. He gave orders directly to
21 Momoh.

22 MR GRAHAM: Your Honours, P-0-L-0.

23 Q. And, Mr Witness --

24 JUDGE SEBUTINDE: Excuse me, what did -- did the

12:41:19 25 interpreter say Staff Polo gave orders to Momoh; is that what the
26 witness said?

27 THE INTERPRETER: Yes, that is what the witness said.

28 MR GRAHAM: I am going to clarify that. Wait a minute.

29 Q. Mr Witness, when you said that Staff Polo gave orders to

1 Honourable Momoh, what do you mean by that?

2 A. He took orders from -- who to Honourable Momoh. I did not
3 say he -- he took powers, order, from Momoh.

4 Q. Thank you, Mr Witness. Mr Witness, how long were you
12:41:59 5 deployed at Congo Dust in Fourah Bay community?

6 A. I was there for about nearly six months.

7 Q. Do you remember up to what time? Do you remember up to
8 what time you were in Congo Dust; up to what time? Was it in
9 1997 or 1998?

12:42:38 10 A. The very same 1997, from the 10th of June, I was in Congo
11 Dust.

12 Q. And did you, after Congo Dust, were you deployed anywhere
13 else?

14 A. I took a pass.

12:43:00 15 Q. What do you mean by you took a pass, Mr Witness?

16 A. I obtained a leave pass through Honourable Momoh Dotti.

17 Q. And what was the reason, if any, that you took this pass
18 from Honourable Momoh Dotti, Mr Witness?

19 A. For my welfare, for my children, my family. I wanted to go
12:43:31 20 and see them.

21 Q. Thank you. And, Mr Witness, did you, when you -- what did
22 you do when you took your pass?

23 A. I went to Kono.

24 Q. Do you remember what month of the year that you went to
12:43:49 25 Kono, Mr Witness?

26 A. No, I have forgotten.

27 Q. But do you remember what year you took your pass and went
28 to Kono, Mr Witness?

29 A. Yes. It was in 1997.

1 Q. Thank you, Mr Witness. So Mr Witness, did you eventually
2 get to Kono, after you took your pass?

3 A. Yes.

4 Q. And whilst you were in Kono, after you took your pass, do
12:44:26 5 you remember anything significant happening?

6 A. Yes.

7 Q. Can you please tell this Court, Mr Witness, what you heard?
8 What -- sorry, what happened?

9 A. I heard that the ECOMOG had put the -- had dislodged
12:44:56 10 soldiers in Freetown.

11 Q. How did you hear that, Mr Witness?

12 A. Through Focus.

13 Q. And, Mr Witness, did you know what ECOMOG meant at the
14 time, when you heard it on Focus?

12:45:23 15 A. Yes.

16 Q. Can you please tell this Court what you understood ECOMOG
17 to mean, at the time you heard it on Focus?

18 A. That the ECOMOGs were coming to dislodge soldiers in
19 Freetown, so when they said -- when they said ECOMOG, everybody
12:45:50 20 was concerned.

21 Q. Mr Witness, so when you heard this information on Focus,
22 did -- after you had heard the information, did -- do you know
23 whether anything happened in Kono as a result of that?

24 A. Yes.

12:46:13 25 Q. Can you please tell this Court, Mr Witness, what happened?

26 A. Yes.

27 Q. Please do tell this Court, Mr Witness.

28 A. I saw a major, Major Hajah.

29 Q. Your Honours, if I may spell that, could you mention the

1 name again?

2 A. Major Haj ah. Major Haj ah.

3 MR GRAHAM: It's spel t H-A-J-A-H, Haj ah.

4 Q. Please continue with your account. You saw Major Haj ah?

12:46:53 5 A. Haj ah.

6 Q. Go ahead. What happened when you saw Major Haj ah?

7 A. Yes. He called some of the soldiers said that a Lebanese
8 boy had called the Kamajors from Tongo area.

9 Q. Mr Witness, you just told this Court he summoned the
12:47:18 10 soldiers. How do you know that Haj ah summoned the soldiers?

11 A. I was there. I was a part of them.

12 Q. And do you remember approximately how many soldiers were
13 summoned at this time by Haj ah?

14 A. There were many, many.

12:47:54 15 Q. And did you -- and you've just told this Court apart from
16 what you just told us that Haj ah told the soldiers he had
17 summoned as to some Lebanese, could you further clarify what
18 Haj ah said on that day to the Court; could you tell us what he
19 said?

12:48:21 20 A. He said that he had got information that the Lebanese boy
21 called Moudi had called Kamajors to take soldiers from his town
22 and that Freetown is not safe.

23 Q. Your Honours, Moudi is spel t M-O-U-D-I. And did Haj ah say
24 anything else apart from that?

12:48:57 25 A. Yes. He just said we should go to Kabala because the town
26 was not safe. He brought Kamajors for us to go to Kabala.

27 Q. Who brought Kamajors for you to go to Kabala?

28 A. Not to go to Kabala, to come out of -- to come out of Kono.
29 For the Kamajors to remove us from Kono.

1 MR GRAHAM: Thank you, Mr Witness. Your Honours, I'm
2 looking at the time. I was going to move into a new area. With
3 your kind permission, this is an appropriate time to end the
4 day's proceedings.

12:49:43 5 PRESIDING JUDGE: Yes. Thank you, Mr Graham. Well,
6 Mr Witness, we are going to adjourn now. We won't be reconvening
7 until tomorrow morning at 9.15 as we attend to other matters on
8 Wednesday afternoons. So I have to tell you that, while you are
9 in the course of giving evidence you are not permitted to discuss
12:50:08 10 the evidence, or the case, with any other people; is that clear?

11 THE WITNESS: Yes, man.

12 PRESIDING JUDGE: Thank you. We will adjourn until 9.15
13 tomorrow morning.

14 [Whereupon the hearing adjourned at 12.50 p.m.,
12:50:24 15 to be reconvened on Thursday, the 7th day of
16 September 2006, at 9.15 a.m.]

17
18
19
20
21
22
23
24
25
26
27
28
29

EXHIBITS:

Exhibit No. D23	6
Exhibit No. D24	37

WITNESSES FOR THE DEFENCE:

WITNESS: DAB-078	2
EXAMINED BY MR GRAHAM:	2
CROSS-EXAMINED BY MANLY-SPAIN:	50
CROSS-EXAMINED BY MR FOFANAH:	50
CROSS-EXAMINED BY MR HARDAWAY:	52
RE-EXAMINED BY MR FOFANAH	57
WITNESS: DAB-018	58
EXAMINED BY MR GRAHAM	58