



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

THURSDAY, 14 SEPTEMBER 2006
9.15 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Julia Sebutinde
For Chambers:	Mr Simon Meisenberg
For the Registry:	Ms Advera Kamuzora
For the Prosecution:	Mr Karim Agha Mr Vincent Wagona Ms Maja Dimitrova (Case Manager) Mr Michael Brazao (intern)
For the accused Alex Tamba Brima:	Mr Kojoo Graham
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels Mr Mohamed Pa-Momo Fofanah
For the accused Santi gie Borbor Kanuu:	Mr Ajibola E Manly-Spain Mr Silas Cherkera

1 [AFRC 14SEP06A-MC]

2 Thursday, 14 September 2006

3 [Open session]

4 [The accused present]

5 [The witness entered court]

6 [Upon commencing at 9.15 a.m.]

7 WITNESS: DAB-131 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, Mr Witness, I will remind
09:19:18 10 you that you're still on that oath. I will remind you that you
11 are still on the oath to tell the truth, the oath that you took
12 yesterday.

13 JUDGE SEBUTINDE: Could the witness's mic -- thank you.

14 PRESIDING JUDGE: Did you hear what I said, Mr Witness?
09:19:36 15 You are still on your oath to tell the truth; that is, the oath
16 that you took yesterday.

17 THE WITNESS: Yes, sir.

18 PRESIDING JUDGE: Yes, Mr Agha.

19 MR AGHA: Your Honours, before we start, as is the custom
09:19:50 20 before this Court, I would like to introduce the new member of
21 the Prosecution team. This is Mr Michael Brazao sitting behind
22 me, and has just risen.

23 PRESIDING JUDGE: Well, welcome to the Court Mr Brazao.

24 Yes, Mr Graham.

09:20:06 25 MR GRAHAM: Yes, good morning, Your Honours.

26 PRESIDING JUDGE: Good morning.

27 EXAMINED BY MR GRAHAM: [Continued]

28 Q. Good morning, Mr Witness.

29 A. Yes, good morning, sir.

1 Q. Mr Witness, we are going to continue from where we left off
2 yesterday. Yesterday you told us about the Operation Pay
3 Yourself. You also gave testimony to this Court that Tamba Bri ma
4 was a big man. What do you mean by the statement that he was a
09:20:36 5 big man?

6 A. Well, they used to call him PLO 2. That is what I mean
7 when I said he was a big man.

8 Q. Thank you. Mr Witness, you also told this Court that he
9 was there with his soldiers and I'm asking you, did you see --
09:21:06 10 how many soldiers did you see with Tamba Bri ma PLO 2?

11 A. Well, I saw a group of soldiers in his area at Masingbi
12 Road. I can't know the number.

13 Q. Approximately five, ten, 15? Can you give this Court an
14 approximation?

09:21:31 15 A. Well, I can't know, sir.

16 Q. Thank you, Mr Witness. Mr Witness, did you see any of
17 these soldiers who were with Tamba Bri ma PLO 2 engaged in any
18 looting after you heard the Operation Pay Yourself.

19 MR AGHA: Objection, Your Honour. That is a leading
09:21:54 20 questi on.

21 THE WITNESS: No, sir.

22 PRESIDING JUDGE: It goes to the indictment. I will allow
23 it.

24 MR GRAHAM: That is so, Your Honours.

09:22:02 25 Q. And did anyone tell you that they had seen soldiers that
26 were with Tamba Bri ma PLO 2 engaged in any form of looting?

27 A. No, sir.

28 Q. And, Mr Witness, have you heard the name Kamajor, before?

29 A. CDF. We heard the name CDF when they entered Kono.

1 Q. My question to you was that, have you heard the name
2 Kamajor before? You can answer with yes or no, Mr Witness.

3 A. Yes.

4 Q. And do you know who the Kamajors are?

09:22:50 5 A. They were the CDF group, sir.

6 Q. And Mr Witness, do you know what CDF stands for?

7 A. Yes.

8 Q. Can you please tell this Court, Mr Witness, what CDF stands
9 for?

09:23:09 10 A. Civil Defence Forces.

11 Q. And the Civil Defence Forces, did you -- do you know what
12 they do?

13 A. Well, they, too, were in the district to fight against the
14 soldiers and the rebels.

09:23:35 15 Q. When did you see the Kamajors whom you call the CDF? When
16 did you see them in the district?

17 A. Well, it was at that time that Tamba Brima drew from Kono,
18 out of Kono. That was the time they came into Kono District.
19 After the Operation Pay Yourself.

09:24:00 20 Q. And, Mr Witness, did you see the Kamajors/CDF, yourself,
21 come into Kono District?

22 A. Yes, sir.

23 Q. And do you recall how many of them you saw in the Kono
24 District during this period you've told this Court about?

09:24:24 25 A. Well, there were many, sir. Over a thousand who came.

26 Q. And, Mr Witness, do you know why they came to Kono
27 District?

28 A. When they went to Kono, yes, sir.

29 Q. Please tell this Court why they -- you believe they came to

1 the Kono District?

2 A. Well, they went to Kono District to go and dislodge the
3 soldiers who were in Kono District.

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

09:25:06 5 A. Because when they went, they started looking out for
6 soldiers.

7 Q. Mr Witness, how did you know that the Kamajors/CDF were
8 looking out for soldiers?

9 A. Well, they were arresting soldiers and killing them.

09:25:33 10 Q. Mr Witness, did you yourself witness any killing of
11 soldiers by the Kamajors/CDF?

12 A. Yes, they killed two soldiers who -- which I saw.

13 Q. Where did you see this, Mr Witness?

14 A. Well, at the Konomanyi Park. That was one of the areas.

09:27:24 15 MR GRAHAM: Your Honours --

16 Q. Can you mention that name again, the park -- the name you
17 just mentioned, Mr Witness?

18 A. Konomanyi Park.

19 MR GRAHAM: Your Honours --

09:27:24 20 PRESIDING JUDGE: It's a park, isn't it?

21 MR GRAHAM: Yes, Your Honour. K-O-N-O-M-A-N-Y-I.

22 Q. And did you know the name of the -- and these soldiers that
23 were killed, do you know whether they were SLA or AFRC?

24 A. Yes, sir.

09:27:24 25 Q. Please tell the Court.

26 A. SLA soldiers were killed.

27 Q. How did you know that these were SLA soldiers, Mr Witness?

28 A. The soldiers that were deployed at Ngai a, with Colonel
29 Si nah, sir.

1 Q. And, Mr Witness, do you -- did you know why the
2 Kamajor/CDF, do you know why they were -- why they were
3 killing -- why they killed the SLA soldier?

4 A. Well, because they said they did not want them.

09:27:51 5 Q. And apart from the SLA soldiers that you yourself
6 witnessed, did you hear of any other killing of SLA soldiers by
7 the Kamajors/CDF in Kono District?

8 A. Well, they killed. We heard about that. They killed.

9 Q. And, Mr Witness, do you know how they were killed?

09:28:27 10 A. Well, they chopped their heads off and placed it at the
11 checkpoint.

12 Q. Did you see this yourself, Mr Witness?

13 A. Yes, sir.

14 Q. Where did you see this, Mr Witness?

09:28:43 15 A. One was at the Konomanyi Park, at the checkpoint. One's
16 head was placed there.

17 Q. And then how many -- apart from this head -- did you see
18 any other head that had been placed at the checkpoint,
19 Mr Witness?

09:29:07 20 A. Yes.

21 Q. How many did you see, Mr Witness?

22 A. I came across another one again.

23 Q. Where, Mr Witness?

24 A. At Masingbi Road.

09:29:31 25 Q. And the one that you saw at Masingbi Road, how did you know
26 it was that of an SLA soldier?

27 A. Well, they captured him and said he was an SLA soldier.

28 That was the time that he was in his military combat. Close to
29 MP, the Military Police.

1 Q. Thank you, Mr Witness. Mr Witness, apart from what the --
2 what you've just told us about, the SLA soldiers, the ones that
3 you saw, how many killings of the SLA soldiers did you hear
4 about, yourself?

09:30:16 5 A. Well, in Kono, it was many, because the youths -- and the
6 CDF were --

7 THE INTERPRETER: Your Honours, can the witness kindly
8 repeat? There is some ambiguity in his answer.

9 MR GRAHAM:

09:30:34 10 Q. Mr Witness --

11 A. Yes, sir.

12 Q. -- can you please repeat your statement? And please speak
13 a little bit clearly and into the mic.

14 A. Some were captured and burnt.

09:30:51 15 Q. How did you know that some were captured and burnt,
16 Mr Witness?

17 A. Well, we used to come across the place where they were
18 burnt.

19 Q. Did you yourself witness any burning, personally?

09:31:09 20 A. Yes, sir.

21 Q. Where did you witness this, Mr Witness?

22 A. One was in front of the Tankoro Police Station.

23 MR GRAHAM: Your Honours, Tankoro, T-A-N-K-O-R-O. Tankoro
24 Police Station.

09:31:27 25 JUDGE SEBUTINDE: Mr Graham, I assume this is burnt to
26 death, not just burnt, but burnt to death.

27 MR GRAHAM: Thank you, Your Honours. I take your que.

28 Q. And, Mr Witness, this witness -- this soldier that you
29 saw -- just told this Court was burnt, do you know whether

1 anything happened to him after he was burnt?

2 A. He continued burning until he turned into ashes.

3 Q. Okay. Mr Witness, apart from the cutting off of heads and
4 the burning, that of SLA soldiers, do you know any other means by
09:32:11 5 which SLA soldiers were killed by the Kamajor/CDF during this
6 period?

7 A. No, sir. Except the one that I came across.

8 Q. Thank you. And, Mr Witness, these Kamajors/CDF, whom
9 you've told this Court came to Kono District, do you know whether
09:32:45 10 they were sent there by anyone?

11 A. Yes, they called them. The people of Kono invited them.

12 Q. How do you know that the people of Kono invited them?

13 A. Well, it was over the news, sir.

14 Q. And did you hear the name of any particular individual in
09:33:10 15 Kono, who was part of those who invited the Kamajors/CDF to Kono
16 District?

17 A. Yes, sir.

18 Q. Please tell this Court, Mr Witness?

19 A. One Lebanese man called Hamouday who was at Dabundeh
09:33:35 20 Street.

21 MR GRAHAM: Your Honours, Hamouday is spelt,

22 H-A-M-O-U-D-A-Y. And Dabundeh Street, D-A-B-U-N-D-E-H street.

23 Q. And where is Dabundeh Street? Do you know where Dabundeh
24 Street is, Mr Witness?

09:33:51 25 A. Yes, it's in the town. Koidu Town.

26 Q. And, Mr Witness, during -- do you remember which month and
27 year these incidents that you have just told this Court happened?

28 A. I have forgotten the month because it's taken a long time,
29 sir. But it was during the intervention.

1 Q. Thank you, Mr Witness. Mr Witness, you've told this Court
2 that the intervention took place, I believe, in February of 1998.

3 JUDGE SEBUTINDE: Mr Graham, sorry to interrupt. Before
4 you leave these events, what is the location of these events?

09:34:48 5 I've heard Kono District, but what is the location of these
6 events?

7 MR GRAHAM:

8 Q. Mr Witness, you've told this Court -- you have given an
9 account of a number of killings that took place in the Kono

09:35:04 10 District of SLAs. Can you tell this Court, where in the Kono
11 District that these events took place?

12 A. Well, I have mentioned the place I know to the Court.

13 Q. Mr Witness, just please --

14 A. Yes, sir.

09:35:26 15 Q. -- answer the question. If you've told the Court -- I
16 asked you, please tell just tell us. Which place in Kono
17 District did these things happened?

18 A. At that Konomanyi Park, the police station and Masingbi
19 Road.

09:35:46 20 Q. I said where in Koi du are all these places -- where in Kono
21 District are all these places? In which part of Kono District?

22 A. Tankoro and Gbense.

23 Q. Tankoro, Gbense is a chiefdom, isn't it, Mr Witness?

24 A. Yes, police station in Tankoro. Masingbi Road is in

09:36:15 25 Tankoro. Konomanyi Park is in Gbense, another chiefdom. Two
26 chiefdoms.

27 Q. This place in Gbense Chiefdom, is a town -- is it a town or
28 village that these things happened at -- these things you have
29 told you us? They must have happened somewhere.

1 A. It's a town. It's inside the Koidu township, sir.

2 Q. Thank you, Mr Witness. And, Mr Witness, these Kamajors/CDF
3 who came into Koidu Town in the Kono District, do you know
4 whether they stayed in the Kono District?

09:36:57 5 A. No, they did not stay, sir. They came for some time and
6 after some time, they went.

7 Q. When you say "some time," how long was some time? Can you
8 give a bit more?

9 A. Well, they spent one week, sir.

09:37:19 10 Q. And, Mr Witness, do you know whether these Kamajors/CDF who
11 came to Kono District, whether they had a leader?

12 A. Yes, sir.

13 Q. Can you tell this Court who their leader was, Mr Witness?

14 A. Yes, sir.

09:37:41 15 Q. Please tell the Court.

16 A. It was Doctor. It was Doctor. He was their leader. He
17 convened a meeting at the community centre.

18 Q. Okay. Mr Witness, before you go on, how did you know that
19 this person, whom you referred to as their leader of the
09:38:06 20 Kamajor/CDF, how did you know that his name was Doctor?

21 A. When he came, he convened a meeting at the community centre
22 and introduced himself to the people.

23 Q. And, Mr Witness, this community centre that you are talking
24 about, where is it located?

09:38:28 25 A. At Gbense Chiefdom.

26 Q. And the community centre, do you know where -- whether it
27 is located in the village or town in Gbense Chiefdom?

28 A. It's in a town, sir.

29 Q. And do you know the name of the town, Mr Witness?

1 A. Yes, sir.

2 Q. Please tell the Court.

3 A. Gbense. Gbense Town.

4 Q. Thank you, Mr Witness. And, Mr Witness, do you know --
09:39:02 5 were you yourself present?

6 A. Yes, sir.

7 Q. Mr Witness --

8 A. Yes, sir.

9 Q. -- Let me finish with my questions before you give your

09:39:12 10 answers, so that the interpreters can hear both of us very
11 clearly. I asked that, were you yourself present at the meeting
12 at the community centre in Gbense Town?

13 A. Yes, sir, I was there.

14 Q. And can you tell this Court how you heard about this
09:39:34 15 meeting at the community centre in Gbense Town.

16 A. Yes, sir.

17 Q. Please tell this Court, Mr Witness.

18 A. Well, when the Kamajors came, they announced that they were
19 going to have a meeting at the community centre. They invited
09:39:57 20 everybody to go and listen to what -- to why they have come. So
21 everybody went and listened to why they have come. They asked
22 the people -- when we went, they said they were hungry.

23 Q. Before you go on, Mr Witness, you have told this Court they
24 invited people. How was this invitation carried out? How were
09:40:23 25 people invited to this meeting?

26 A. They made the announcement over the microphone.

27 Q. Thank you, Mr Witness. And, Mr Witness, at this meeting at
28 the community centre in Gbense Town, do you remember how many
29 people were present at this meeting?

1 A. There was a population there.

2 Q. What do you mean by "there was a population"? Can you
3 please, to the best of your knowledge, give this Court an
4 approximation of about how many people were there; 50, 100? Can
09:41:07 5 you give this court an approximation, either in hundreds or
6 thousands?

7 A. There were over 500.

8 Q. Thank you, Mr Witness. And, Mr Witness, do you -- you've
9 told us about the Doctor who was the leader of the Kamajors. Did
09:41:28 10 anyone address this meeting at the community centre at Gbense
11 Town?

12 A. Well, yes, sir.

13 Q. Who addressed the meeting, Mr Witness?

14 A. Well, the man who had invited the Kamajors started off the
09:41:54 15 meeting.

16 Q. And who is this man who had invited the Kamajors,
17 Mr Witness?

18 A. This Lebanese man, Hamouday.

19 Q. Thank you. And when Hamouday addressed the meeting, what
09:42:12 20 did he say, Mr Witness?

21 A. He introduced the Kamajors, saying that they had come for
22 Kono District. They do -- did not want soldiers in Kono.

23 Q. Okay. Mr Witness, do you remember those whom he introduced
24 to the meeting? First of all, how many people did he introduce
09:42:37 25 to the meeting?

26 A. Well, he introduced three people.

27 Q. And do you recall the name of these three people that were
28 introduced by the Lebanese, Hamouday?

29 A. Just the one who was the boss. It's his name that I can

1 remember, Doctor.

2 Q. Thank you, Mr Witness. And, Mr Witness, apart from
3 Hamouday, the Lebanese, did anybody else address the meeting at
4 the community centre in Gbense Town?

09:43:19 5 A. Yes. And -- because they had formed a committee.

6 Q. Mr -- my question was: Apart from Hamouday, who addressed
7 the meeting, did anyone else address the meeting at the community
8 centre?

9 A. Yes. One of our brothers also spoke, because he was -- he
09:43:51 10 was deputy to Hamouday. A Kono man.

11 Q. And this Kono man, do you know whether he was a CDF or a
12 Kamajor -- Kamajor/CDF?

13 A. No, sir.

14 Q. Okay. Mr Witness, so what did this deputy to Hamouday,
09:44:19 15 what did he say to the meeting?

16 A. He, too, just introduced the people, saying that they had
17 come for safety in Kono.

18 Q. And did Hamouday tell the meeting why he did not want the
19 soldiers in Kono District?

09:44:53 20 A. It was the Kono man who spoke.

21 Q. What did the Konoman say? Please tell this Court,
22 Mr Witness.

23 A. The Kono man said they do not want soldiers in the Kono
24 District.

09:45:11 25 Q. And did he give a reason why they did not want soldiers in
26 the Kono District?

27 A. Yes. Because intervention has taken place in Freetown, so
28 they do not want soldiers in the Kono District.

29 Q. Thank you. And, Mr Witness, was anything else said at the

1 meeting by those who addressed you, apart from what you've told
2 this Court?

3 A. They taxed us, sir.

4 Q. What do you mean by they taxed you, Mr Witness?

09:45:54 5 A. They taxed the people of Kono.

6 Q. I asked you to explain what you mean by "They taxed the
7 people of Kono."

8 A. Well, they said that the Kamajors came with hunger, so we
9 should contribute to feed them.

09:46:19 10 Q. So did you contribute to feed them?

11 A. From one house to the other, we contributed.

12 Q. What did you contribute, Mr Witness?

13 A. Well, they would go to the house and ask if you had rice or
14 palm oil.

09:46:41 15 Q. How did you know that, Mr Witness?

16 A. Well, they went to our house, sir. And we, too,
17 contributed rice.

18 MR AGHA: Your Honours, I would like to object --

19 MR GRAHAM: Mr Witness.

09:46:54 20 MR AGHA: -- at this stage on the ground - and I apologise
21 for cutting off my learned friend - on the ground of relevance,
22 as to how this is relevant to the indictment.

23 PRESIDING JUDGE: Yes, Mr Graham.

24 MR GRAHAM: Well, Your Honours, the indictment is very
09:47:09 25 clear about a number of activities that took place in the Kono
26 District during this period. And that man talks about looting,
27 and he talks about a host of other things. And, Your Honour, I
28 am laying the foundation to other activities that were also
29 engaged in the Kono District by the Kamajor/CDF. Because the

1 indictment states clearly that the AFRC/SLA were responsible for
2 harassment and terrorising of civilians in the Kono District.
3 And the activities that are indicated in the witness's testimony,
4 he is very clear that these are activities which amount to
09:47:48 5 terrorising, if I am right in what I say, and I believe that is
6 the relevance. But I'm not harping on that, I'm moving on.

7 PRESIDING JUDGE: All right. Well, please move on.

8 MR GRAHAM: Yes, thank you. I'm grateful.

9 Q. So, Mr Witness, apart from what you've told this Court, did
09:48:04 10 the -- did you see the Kamajors/CDF do anything else in the Kono
11 District during this period?

12 A. Yes, sir.

13 Q. Please tell this Court.

14 A. They, too, started harassing people, taking their
09:48:28 15 properties from them.

16 Q. And, Mr Witness, how -- during the time that the Kamajors
17 were in the Kono District during this period, did you hear of any
18 fighting?

19 A. In the Kono District?

09:48:58 20 Q. Yes. In the period that the Kamajors came to the Kono
21 District, that you've told us about, did you hear of any fighting
22 taking place during the time that they came there?

23 A. At the time that they went there, they did not fight
24 because they did not find any soldiers there, except some of
09:49:25 25 them.

26 Q. Thank you. And, Mr Witness, do you know where -- whether
27 the -- you have told this Court that the Kamajors stayed in Kono
28 District for a period of time. Do you know why they left the
29 Kono District?

1 A. Well, they were in Kono for a week.

2 Q. And did anything happen after that week?

3 A. Yes.

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

09:49:59 5 A. After a week we got information that Johnny Paul was on his
6 way, coming.

7 Q. Mr Witness, before you go on, how did you get that
8 information that Johnny Paul was on his way, coming?

9 A. Well, people were running. People were packing and running
09:50:21 10 into the bush. Shooting was coming from the main highway end.

11 Q. Before I go on, Mr Witness, who is Johnny Paul?

12 A. Well, Johnny Paul was a former AFRC leader.

13 Q. Thank you, Mr Witness. And, Mr Witness, you've just told
14 this Court that you heard some shooting coming from the main
09:50:52 15 highway. Which main highway? Does this main highway have a
16 name, Mr Witness?

17 A. Freetown Highway, sir.

18 Q. And this Freetown Highway, do you know whether it is
19 referred to by any other name, Mr Witness?

09:51:10 20 A. It also has Masingbi Road.

21 MR GRAHAM: Your Honours, we have heard Masingbi Road
22 before.

23 Q. And, Mr Witness, so when you heard that Johnny Paul was
24 coming and shooting from the main highway, did anything else
09:51:30 25 happen?

26 A. Well, the town was in chaos. Kamajors and everybody was
27 running away from the town.

28 Q. How do you know that the town was in chaos, and that
29 everyone was running away, including the Kamajors, Mr Witness?

1 PRESIDING JUDGE: Mr Graham --

2 THE WITNESS: Everybody.

3 PRESIDING JUDGE: -- just a minute please, Mr Witness.

4 Just a moment, please. It's about time I said this: It's not

09:52:02 5 necessary for you to summarise the witness's previous answer

6 before you ask your new question. It takes up time and all you

7 do is repeat what he just said before you ask the next

8 question --

9 MR GRAHAM: Your Honour, Your Honour --

09:52:15 10 PRESIDING JUDGE: -- it's entirely unnecessary, Mr Graham.

11 MR GRAHAM: Your Honours, I do hear you. But, Your

12 Honours, I do that for a purpose simply also because of the issue

13 of the fact that the witness isn't giving their testimony. As I

14 said earlier on, Your Honours, I haven't had any contact, in

09:52:32 15 whatever form, with these witnesses when they are coming in, and

16 issues of their recollection of the events. And I believe that

17 it is not my intention to waste the Court of its time, but I

18 believe it also assists effectively. But, Your Honours, I take

19 the point and it is definitely not our desire --

09:52:46 20 PRESIDING JUDGE: Well, look --

21 MR GRAHAM: -- to waste the Court's time.

22 PRESIDING JUDGE: Well, if that's the case, we are not

23 going to allow you to have your witness's interviews in court

24 while he is giving evidence. I would suggest to you that you

09:52:58 25 don't need to repeat his previous answer in full before you ask

26 your next question. If he doesn't understand, he'll tell you

27 that he doesn't understand your question. And then, perhaps, you

28 can fill him in on the answer that he gave previously. But to

29 continuously repeat the witness's previous answer, you have been

1 prefacing it just about every question you ask, it is a great
2 time waster and totally unnecessary.

3 MR GRAHAM: Your Honours with --

09:53:26 4 PRESIDING JUDGE: [Overlapping speakers] Mr Graham, I am
5 still speaking. Don't interrupt.

6 MR GRAHAM: Yes, Your Honours.

7 PRESIDING JUDGE: I hope -- I hope I am getting a message
8 through to you.

09:53:35 9 MR GRAHAM: Your Honours, the message is very clear.
10 I've -- I've heard the message.

11 PRESIDING JUDGE: All right. Well --

12 MR GRAHAM: If I -- if I may just, with your kind
13 permission, Your Honours, clearly it is not one's intention or
14 desire to waste the time of the Court in that regard at all, with
09:53:47 15 great respect. Your Honours, the point is well noted.

16 MR AGHA: Your Honours, if I might also just weigh in at
17 this point to say that I do very much support the observations by
18 Your Honour. And would also say that on occasion, sometimes what
19 is reproduced is not entirely accurate. For example, "Johnny
09:54:06 20 Paul came firing," was not actually what the witness said. Now,
21 I don't think that is quite right, and obviously not on all
22 occasions, the Prosecution wants to keep objecting.

23 PRESIDING JUDGE: Well, that's -- I hope you take notice of
24 that, Mr Graham, because we have noticed that during the trial,
09:54:21 25 too, that when you do not reproduce verbatim what the witness
26 answered in the previous question, you leave your way open -- it
27 leads the way to objections from the Prosecution, and all
28 stemming from a process that need never have happened. You need
29 never have repeated his previous answer. So in any event, you've

1 said you've taken all this on board. Now, please carry on.

2 MR GRAHAM:

3 Q. Mr Witness, you -- what happened after you heard that
4 Johnny Paul was coming to Kono?

09:55:03 5 PRESIDING JUDGE: Well, he said that -- the last answer
6 was: "The town was in chaos. Kamajors and civilians were
7 running." Now, go from there.

8 MR GRAHAM:

9 Q. I asked you, Mr Witness, that how did you know that the
09:55:16 10 town was in chaos and people were running, including the
11 Kamajors?

12 A. I was in the town.

13 Q. And do you know -- after -- do you know whether anything
14 happened after the chaos and the running you've told this Court
09:55:41 15 about?

16 A. Well, at that time we had run into another village; the
17 town was empty.

18 Q. Which village did you run to, Mr Witness?

19 A. Tuyor.

09:56:00 20 MR GRAHAM: Your Honour, Tuyor is spelt, T-U-E-Y-O-R [sic].

21 Q. But, Mr Witness, before you run away to the village called
22 Tuyor, did you see any fighting between --

23 MR GRAHAM: Sorry, Your Honours.

24 Q. Did you -- did you -- before you left to the village
09:56:23 25 called Tuyor, do you know whether Johnny Paul actually came to
26 Kono?

27 A. No, sir, except when they were talking about it over the
28 news. I didn't see.

29 Q. And did you --

1 JUDGE SEBUTINDE: Mr Graham, is Kono a town?

2 MR GRAHAM: Kono -- Kono District.

3 JUDGE SEBUTINDE: Because this witness says "We left --
4 fled the town." Which town did they flee to go to Tuyor?

09:56:50 5 MR GRAHAM: Your Honour, I believe he -- he previously had
6 said he was in Koidu, but I'll ask him again.

7 Q. Mr Witness, where were you, in the Kono District, before
8 you left to go to the village Tuyor?

9 A. I was at my area, sir, where my father's house was.

09:57:09 10 Q. And what is the name of this area, Mr Witness?

11 A. It's around Tankoro.

12 Q. Is Tankoro a town or village, Mr Witness?

13 A. It's a town, sir.

14 Q. And, Mr Witness, before you left Tankoro Town to go to
09:57:33 15 Tuyor Village, did you hear whether any fighting had taken place
16 in Tankoro Town, between the Kamajors and anyone else?

17 A. Heavy firing was coming from Freetown, so everybody moved,
18 even Kamajors, fathers, old people, everybody run into the bush.
19 Heavy shooting was going on.

09:58:01 20 JUDGE SEBUTINDE: Did you see heavy firing was coming from
21 Freetown?

22 THE WITNESS: From Freetown Highway, Your Honour.

23 MR GRAHAM:

24 Q. And, Mr Witness, did you go to Tuyor alone?

09:58:22 25 A. No, sir.

26 Q. With whom did you go to Tuyor, Mr Witness?

27 A. We were many, a group of people. Civilians. We were many.

28 Q. And how did you get to Tuyor? By what means did you get to
29 Tuyor? Did you walk or go by transport? How did you go to

1 Tuyor?

2 A. We walked on foot, sir.

3 Q. And, Mr Witness, do you know the distance from Koi du --
4 from Tankoro Town to Tuyor?

09:59:01 5 A. It's nearly 9 miles away.

6 Q. How do you know that the distance is 9 miles, Mr Witness?

7 A. Well, the distance the people were going were saying it's 9
8 miles away.

9 Q. Thank you, Mr Witness. And, Mr Witness, did you eventually
09:59:28 10 arrive at Tuyor?

11 A. We reached Tuyor.

12 Q. And do you remember what time of the day you reached Tuyor?

13 A. We reached Tuyor in the evening, sir. Around three going
14 to four.

09:59:50 15 Q. Thank you, Mr Witness. And, Mr Witness, when you reached
16 Tuyor -- what -- did you do anything when you reached Tuyor?

17 THE INTERPRETER: Your Honours, I didn't get the word.

18 MR GRAHAM:

19 Q. Mr Witness, can you please repeat. You've just said you
10:00:10 20 find -- you found the place. Can you repeat it clearly for the
21 interpreter.

22 A. Yes, sir.

23 Q. Please repeat the last part of your testimony, Mr Witness?

24 A. When we got to Tuyor, we -- we searched for a place in
10:00:33 25 order for us to hide.

26 Q. And did you find a place to hide, Mr Witness?

27 A. Yes, sir.

28 Q. And after you found that place, did anything happen,
29 Mr Witness?

1 A. We were there. We build booths, a lot of booths.

2 Q. And were what these booths meant for, Mr Witness?

3 A. That was where we sought refuge.

4 Q. And after building -- after -- after that, did anything
10:01:15 5 happen, Mr Witness?

6 A. Yes, sir.

7 Q. Please tell the Court.

8 A. We were there and after four days we saw troops of RUF
9 members.

10:01:34 10 Q. Mr Witness, how many troops did you see?

11 A. Well, I can't tell, because we were in the bush. We only
12 heard their voices and the shooting.

13 Q. And how did you know that they were RUF, Mr Witness?

14 A. We had some people who went to fetch water that we were
10:02:06 15 drinking; they captured two of them. And the rest of them came
16 to where we were hiding.

17 Q. And when they -- and were they the ones who told you that
18 they were RUF?

19 A. Yes. They said RUF had come to the town. They were in the
10:02:27 20 town now.

21 Q. Did you understand what RUF meant at that time?

22 A. No, sir. I was a civilian. I didn't know what RUF meant.

23 Q. But do you now know what RUF means, Mr Witness?

24 A. No, sir.

10:02:52 25 Q. Thank you. Mr Witness, so did anything happen after you
26 got the information about the RUF troops?

27 A. Yes.

28 Q. Please tell this Court what happened, Mr Witness.

29 A. Because where we were, we were in -- in sections. Then

1 some of the RUF men attacked the other bush, the people who were
2 near us.

3 Q. And when the RUF attacked the people near you, did anything
4 happen?

10:03:43 5 A. They started shooting.

6 Q. And did anything happen as a result of the shooting?

7 A. Yes, they killed.

8 Q. Whom did they kill, Mr Witness?

9 A. They killed people, three people. A woman.

10:04:08 10 Q. And then who else?

11 A. Two men, two men.

12 Q. How did you know that these people were killed by the RUF,
13 Mr Witness?

14 A. Well, after they had come, they returned. They didn't stay
10:04:27 15 there. They only came to stabilise the people and returned.

16 Q. And, Mr Witness, during this period, were you there alone
17 in your -- in the booth?

18 A. No. No, sir. I was with my family, sir. We were many.
19 Different, different people.

10:04:56 20 Q. And during this time do you know whether anything happened
21 to any of the people that were with you?

22 A. They didn't come to our own area. They came to the people
23 close to us, because we were in various areas.

24 Q. Now, Mr Witness, do you remember how long you stayed at
10:05:21 25 this hideout in Tuyor?

26 A. Well, from the moment those men came, we moved from that
27 area and went to another area. Because they didn't know where we
28 were hiding.

29 Q. Okay. Where did you move to, Mr Witness?

1 A. We went in -- into the bush again and created another
2 shelter.

3 Q. And how long did you stay in this place that you moved to?

4 A. Well, we were there for nearly a month.

10:05:59 5 Q. And during the time that you were there, did anything
6 happen to any one of you?

7 A. Yes, sir.

8 Q. What happened, Mr Witness? Please tell this Court.

9 A. Well, my father and my younger brother, because my father
10:06:20 10 was sick, he was a sickler [as interpreted].

11 Q. And go on. He was --

12 A. So we were there and he said he was going to search for
13 medication in town. On --

14 Q. From which town are you referring to, that your father --

10:06:44 15 A. Tuyor Town. Tuyor Town.

16 Q. Mr Witness, before you go on, do you remember what month
17 and year this period was, that you were hiding in the bush in
18 Tuyor?

19 A. It has taking a long time. I can't remember. It was
10:07:09 20 taking a long time. Over six years. It's a long time.

21 Q. But do you remember the year?

22 A. Well, it's -- within '98. I think so. '98, '98. It's
23 within that period.

24 Q. And, Mr Witness, if you may assist the Court. Do you
10:07:30 25 remember how long this was, after you heard that Johnny Paul was
26 coming to Kono? Can you tell this Court, approximately how long
27 after that?

28 A. No, sir.

29 Q. Thank you, Mr Witness. So Mr Witness -- so what happened

1 when your father said he was going to look for medication at
2 Tuyor?

3 A. My father went to search for medication in Tuyor and then
4 he came across RUF soldiers.

10:08:10 5 Q. How --

6 PRESIDING JUDGE: Look, just tell your story. Mr Witness,
7 if you have got something to tell us, tell us, will you. Don't
8 keep stopping.

9 MR GRAHAM:

10:08:20 10 Q. Mr Witness --

11 PRESIDING JUDGE: Let him tell his story, Mr Graham, and if
12 you've got questions to clarify, please wait till he tells us
13 something and then you can go back and ask some clarification
14 questions. This is getting drawn out to an intolerable level.

10:08:40 15 We still haven't heard what's going to happen.

16 MR GRAHAM: Your Honours, I'm a bit confused and amazed at
17 this. I mean, beyond the -- the -- the process that I am
18 adopting to -- to -- to lead the witness. I don't know how else
19 I am going to do that. I mean, if I --

10:08:53 20 PRESIDING JUDGE: You let him [Overlapping speakers] well,
21 if you listen to me, I will suggest something to you.

22 MR GRAHAM: Very well, Your Honours.

23 PRESIDING JUDGE: Let him tell his story. Let us get the
24 story out. And then if it needs clarification, you can go back
10:09:06 25 and ask him some questions about clarification. But here we
26 have -- this is just one example. Here we have a man trying to
27 tell how his father went in search of medication. This has been
28 drawn out to an extraordinary level, and we still haven't got the
29 father out of the bush and in Tuyor yet. The man is trying to

1 tell us a story. Please, let him say it and then you can clarify
2 afterwards. Now, is that clear, Mr Graham?

3 MR GRAHAM: Your Honours, I agree. Your Honours, with
4 great respect, the presupposes that I interrupt the witness.
10:09:38 5 Your Honours -- [Overlapping speakers]

6 PRESIDING JUDGE: Well, you do. All the time. All the
7 time.

8 MR GRAHAM: I interrupt the witness, Your Honour.

9 PRESIDING JUDGE: You always interrupt the witness by
10:09:45 10 asking times and distances and places. Why not let him tell his
11 story and then clarify?

12 Now, Mr Witness, you were telling us your father went in
13 search of medication. What, if anything, happened after that?

14 THE WITNESS: Yes, sir. My father and my younger brother
10:10:10 15 went -- my father and my younger brother went in search for
16 medication and they came across RUF soldiers. Then they shot at
17 my father. My brother run away, then he met us in the bush.
18 Then he said my father had been shot.

19 PRESIDING JUDGE: Mr Witness, are you all right? Would you
10:10:48 20 like a glass of water? Or would you like to have a break?

21 THE WITNESS: Then our brother met us in the bush and said
22 that they had fired our father. From then we moved to another
23 point. We went into another bush.

24 MR GRAHAM:

10:11:42 25 Q. Mr Witness, are you all right?

26 A. Yes, sir. My brother met me and said they had shot my
27 father. From then, we moved from that bush where we were hiding.
28 We went into another bush. We were there for some time. We
29 didn't have food to eat. I left my family and my wife and my

1 brothers in search of food. Before returning, we met the rebels
2 that captured my wife and children and other people, and they
3 said they were going to -- to town. All our properties were
4 taken from us. They came with all of them to town. Then we
10:12:43 5 located another place, because we thought ECOMOG were coming to
6 free the township. We were in that bush with our families and
7 people. They captured my wife and child and brought them to
8 town. We were there until a particular night. A group of RUF
9 men again attacked us there again. Captured us. Captured a lot
10:13:28 10 of us. Came with us to town.

11 PRESIDING JUDGE: Well, what is happening here? What is
12 going on, Mr Graham? Can you inform the Court?

13 MR GRAHAM: Your Honours, please, with your kind
14 permission, if we could get a short adjournment for about five or
10:14:43 15 ten minutes, we would be very grateful, please.

16 PRESIDING JUDGE: We will, Mr Graham. And you explain to
17 Mr Brima that the Judge is not bullying this witness. The Judge
18 is simply recommending a more expeditious and efficient way of
19 questioning the witness. And as I explained to you, when he
10:15:02 20 finishes his story, you can ask any questions in clarification
21 that you want to. And I have already explained that.

22 MR GRAHAM: Thank you, Your Honours.

23 PRESIDING JUDGE: But all right, we will have a short
24 adjournment. You send for us when everything is ready to
10:15:16 25 proceed. Well, we'll take the morning adjournment and come back
26 at 10.15 [Sic]. Mr Graham, do you still want that adjournment?

27 MR GRAHAM: Yes, Your Honours.

28 PRESIDING JUDGE: All right. We will come back at 10.30.

29 MR GRAHAM: Yes, Your Honours. I'm grateful.

1 [Break taken at 10.15 a.m.]

2 [AFRC14SEP06B - MD]

3 [Upon resuming at 10.50 a.m.]

4 PRESIDING JUDGE: All right. Well, I can say this to
10:51:16 5 counsel: We said the Court will start at 10.30. Now, obviously,
6 you have had something to discuss with your clients. But, if
7 that is the case, you come to Court at 10.30, nevertheless, and
8 ask for a further adjournment, not just take it.

9 MR GRAHAM: Yes. We are very sorry, Your Honours. We are
10:51:37 10 very sorry.

11 MR AGHA: We would say, Your Honour, counsel for the
12 Prosecution has been present and, had you wanted to proceed, we
13 were here.

14 PRESIDING JUDGE: Thank you. I will note that, Mr Agha.
10:51:48 15 So, counsel, just to emphasise, I don't want this to happen
16 again. The Court says 10.30 and you arbitrarily choose to come
17 back at ten minutes to 11.00. You are experienced counsel. You
18 know very well that if the Court says 10.30, you must come here
19 at 10.30 and, if you have a good reason, we will be reasonable
10:52:14 20 and give you a further time. So I hope that has sunk in.

21 MR GRAHAM: Your Honour, we sincerely apologise for that.

22 PRESIDING JUDGE: Okay, Mr Graham. Apology accepted. Now,
23 I notice the absence of Mr Manly-Spain.

24 MR GRAHAM: Your Honours, he's on his way. He was taken
10:52:49 25 unawares by the rain. I believe he should be here in a few
26 minutes. I believe he is on his way.

27 MR MANLY-SPAIN: Sorry, Your Honour.

28 PRESIDING JUDGE: Mr Manly-Spain, I've just mentioned this
29 to your two colleagues: We said that the Court would resume at

1 10.30. We know you have had some difficulties, but,
2 nevertheless, you are experienced counsel and you must realise
3 that if the Court says 10.30, you must be here at 10.30, and if
4 you need a further adjournment, you can ask for it, and if the
10:54:24 5 request is reasonable, we will always grant it. But it's wrong
6 to simply take the time for yourself on your own decision against
7 what the Court has said.

8 MR MANLY-SPAIN: Unfortunately, Your Honour, but we didn't
9 just take the time for ourselves. We were trying to see whether
10:54:43 10 we can resolve the matter for the trial to continue. We have
11 been to see the Principal Defender. Unfortunately, he was away
12 and we also tried to see the Registrar. He was also away, and we
13 were in a meeting with the Deputy Registrar, that is what took
14 us -- and we tried to get word to you but, at the same time, that
10:55:12 15 wouldn't stop me for apologising for coming late.

16 PRESIDING JUDGE: All right. Thank you, Mr Manly-Spain. I
17 accept that. Now, where are the accused?

18 MR MANLY-SPAIN: Well, when we left here -- I think the
19 security people can give better explanation for what happened.
10:55:30 20 They had to be taken to the detention. That is all we know.

21 PRESIDING JUDGE: All right. Well, look, firstly, it's
22 regrettable that the accused are not here, because I wanted to
23 say something to them, and I'm hoping that the Defence counsel
24 can pass on the message.

10:55:52 25 The message is that this Court is in control of these
26 proceedings, not the accused. If they see something they don't
27 like, their only recourse is to relate that to their counsel and
28 if their counsel have some relief that they seek the Court to
29 grant them, or some matter that ought to be litigated before the

1 Court, then that is a matter of counsel. But it is not for the
2 accused to exercise that type of bad behaviour in Court.

3 Now, my warning to them, which I hope you will pass onto
4 them, is that if they ever do that again in Court, we will simply
10:56:35 5 have them removed from the courtroom and we will continue the
6 trial in their absence, which is not desirable, but it's
7 certainly an option that the Court can exercise.

8 MR MANLY-SPAIN: Yes. We will definitely convey what Your
9 Honour said and take instructions for that, Your Honour.

10:56:55 10 PRESIDING JUDGE: Well, I appreciate that, Mr Manly-Spain.
11 Now, in the meantime, pursuant to Rule 60(B), we are satisfied
12 that the accused have expressly, or impliedly, waived their right
13 to be present, and we order that these proceedings continue in
14 their absence. Yes, Mr Graham.

10:57:21 15 MR GRAHAM: Thank you, Your Honours. Your Honours, just
16 for the purposes of the record, if I may be guided as to which
17 point in time we broke off? I believe the witness was talking
18 about --

19 PRESIDING JUDGE: Yes. It's a matter -- Mr Witness, I'm
10:57:43 20 very reluctant to have you recount this evidence again. But, I
21 have to say that the point in time was, the son had just come
22 back and said their father -- the brother had just returned and
23 given the bad news to the accused about their father.

24 MR GRAHAM: Thank you, Your Honours.

10:58:11 25 Q. Mr Witness, when you heard the news about the death --

26 MR MANLY-SPAIN: Your Honour, without taking away from the
27 order you've made, I think I should be put on record to say I'm
28 not sure whether I can go on at this stage without specific
29 instructions from the accused person, the third accused, whom I

1 represent. I just want it to be on record.

2 PRESIDING JUDGE: That's on record. Go ahead.

3 MR GRAHAM:

4 Q. Mr Witness, when you heard the news about the death of your
10:58:52 5 father --

6 JUDGE SEBUTINDE: Mr Graham, please hold on.

7 [Trial Chamber conferred]

8 PRESIDING JUDGE: Mr Manly-Spain, we are not quite sure
9 what you meant by that. I simply thought you meant you need some
10:59:37 10 instructions on this witness's evidence. Are you saying your
11 instructions to appear have been withdrawn?

12 MR MANLY-SPAIN: No, I'm not withdrawing myself. I want
13 further instructions from the third accused whether I should
14 continue to represent him.

10:59:51 15 PRESIDING JUDGE: But why would you be in doubt about that?

16 MR MANLY-SPAIN: The accused, Your Honours, probably or
17 apparently walked out of Court.

18 JUDGE SEBUTINDE: Did they withdraw instructions? Did
19 Mr Kanu expressly withdraw instructions from you?

11:00:07 20 MR MANLY-SPAIN: They're saying they were not going to come
21 back.

22 JUDGE SEBUTINDE: I am not talking about Mr Kanu's presence
23 or absence.

24 MR MANLY-SPAIN: This is the point, I'm making. I don't
11:00:18 25 know, Your Honour.

26 JUDGE SEBUTINDE: We have to assume, and so do you
27 Mr Manly-Spain, that his instructions to you previously, which
28 were to sit here and represent him continue. Are you submitting
29 that he has withdrawn those instructions?

1 MR MANLY-SPAIN: I don't know, Your Honour. That is what
2 I'm saying. I need --

3 JUDGE SEBUTINDE: Well, why do you assume that he has
4 withdrawn instructions?

11:00:38 5 MR MANLY-SPAIN: Exactly because of what has happened this
6 morning.

7 JUDGE SEBUTINDE: But this is not the first time the
8 accused persons have voluntarily absented themselves.

9 MR MANLY-SPAIN: No. But this is quite different, Your
11:00:48 10 Honour.

11 JUDGE SEBUTINDE: Okay. If I may ask another question. We
12 have just spent 45 minutes of the Court's time, allowing three
13 Defence counsel -- and we learned that you went down to the
14 detention centre.

11:01:01 15 MR MANLY-SPAIN: No, Your Honour.

16 JUDGE SEBUTINDE: We were told so. This is what we were
17 told.

18 MR MANLY-SPAIN: We have not been there.

19 JUDGE SEBUTINDE: And we were told that you went to speak
11:01:09 20 to the accused persons, and that we were to wait for you to come
21 back with word as to how we should proceed.

22 MR MANLY-SPAIN: Your Honour --

23 JUDGE SEBUTINDE: So what did you spend the 45 minutes
24 doing?

11:01:21 25 MR MANLY-SPAIN: I have explained, Your Honour. The
26 position was that when they were leaving, they were asking to see
27 the Registrar or the Principal Defender.

28 JUDGE SEBUTINDE: The accused persons?

29 MR MANLY-SPAIN: Yes. And we did not expect they would be

1 taken to the detention centre. We went out there to meet with
2 them. We were waiting in the room when we were told, no, you
3 cannot meet with them. They were taken down to detention. So we
4 went -- told the officers to meet with the Principal Defender, he
11:01:49 5 was not there. And then we went to see the Registrar, he was not
6 there. We were speaking with the Deputy Registrar when we were
7 summoned to come to Court. We have not been to see the accused
8 persons at all. There hasn't been any time for us to do that.

9 JUDGE SEBUTINDE: Well, that is what you should have
11:02:05 10 explained to the Judges --

11 MR MANLY-SPAIN: I did, Your Honour.

12 JUDGE SEBUTINDE: -- that you were denied the opportunity.
13 We assumed that you'd been speaking with your clients. None of
14 you, none of you, has been explained to the Bench that you were
11:02:17 15 denied the right to speak to your clients.

16 MR MANLY-SPAIN: I am not putting it that way, that we were
17 denied. When we wanted to speak with them, they told us that,
18 because of security, they had to be taken down.

19 JUDGE SEBUTINDE: So why didn't you go to the detention
11:02:32 20 centre?

21 MR MANLY-SPAIN: Because they had given us instructions
22 they wanted to talk with the Registrar or the Principal Defender.

23 JUDGE SEBUTINDE: Yes, but with the greatest of respect,
24 Mr Manly-Spain --

11:02:44 25 MR MANLY-SPAIN: Yes.

26 JUDGE SEBUTINDE: -- you three are the lawyers for the
27 accused. The Registrar is not the lawyer for the accused. The
28 Principal Defender is not the lawyer and the accused persons are
29 not the ones advising you, you are advising the accused persons.

1 MR MANLY-SPAIN: Yes.

2 JUDGE SEBUTINDE: How do you let them control you?

3 MR MANLY-SPAIN: No, they are not in control. They
4 requested the Principal Defender --

11:03:06 5 JUDGE SEBUTINDE: And all that can be done, but it should
6 be done without prejudice to the trial. That is all we are
7 saying.

8 MR MANLY-SPAIN: We quite understand, Your Honour. Our
9 intention is for this trial to continue.

11:03:18 10 JUDGE SEBUTINDE: You tell me, how can this trial continue
11 with what you have just submitted? You are saying Mr Kanu is not
12 in court and you are sitting there, but effectively not
13 representing him. How are you helping the trial to continue,
14 Mr Manly-Spain?

11:03:34 15 MR MANLY-SPAIN: I am trying, Your Honour, the best I can.
16 I don't want to work out of Court at this moment. That is why I
17 raised the point that I cannot, at this moment, represent him in
18 Court without taking further instructions.

19 JUDGE SEBUTINDE: But you haven't asked for an adjournment
11:03:49 20 to go and take further instructions. You haven't.

21 MR MANLY-SPAIN: I don't want to abort the trial. Counsel
22 was here, you had said go on. He has started to go on. Then I
23 raised the point but, if Your Honours could permit me, I am
24 respectfully asking for an adjournment so I can clear up this
11:04:06 25 point.

26 [Trial Chamber conferred]

27 PRESIDING JUDGE: Look, Mr Manly-Spain, the fact of the
28 matter is this: The accused walked out of Court this morning and
29 you haven't spoken to them since. So it must follow, as the

1 night the day, that you don't have any instructions not to
2 represent Mr Kanu. So for the present, if you will just take
3 your seat, you are representing Mr Kanu. Your instructions could
4 not possibly have changed because you haven't spoken to your
11:04:50 5 client. Now is that correct or not?

6 MR MANLY-SPAIN: No, Your Honour, I don't believe that is
7 correct. They were shouting in Court and they said certain
8 things to our hearing, that they do not want to go on, they were
9 not going to come back, et cetera, et cetera. I believe, with
11:05:09 10 all due respect, Your Honour, that point has to be cleared
11 between us and them or, particularly, between me and my client,
12 whether I should continue to represent him in his absence. I am
13 not going to assume -- I don't want to assume it, with respect,
14 Your Honour, without any -- I don't want to assume that I have
11:05:34 15 representation now; I have instructions to represent him now.

16 PRESIDING JUDGE: Mr Manly-Spain, I understand.

17 MR MANLY-SPAIN: It's a dilemma, Your Honour.

18 PRESIDING JUDGE: Yes, I understand. But let me tell you
19 this: If we grant you an adjournment now, it means that any
11:05:49 20 accused, who wants to call a halt to an international trial,
21 simply has to cause a pandemonium in Court and bring the trial to
22 a halt while various counsel make inquiries as to further
23 instructions. We are not going to allow that to happen. We know
24 for a fact that you do not have instructions to withdraw from
11:06:12 25 representing Mr Kanu, and it follows, in that case, until you
26 hear something further from your client, you are representing
27 Mr Kanu; is that clear? And if you have a formal instruction
28 from your client to withdraw, that's a different thing, and then
29 we will look into appointing another lawyer for him.

1 MR MANLY-SPAIN: As Your Honour pl eases.

2 PRESIDING JUDGE: All right, Mr Graham.

3 MR GRAHAM:

4 Q. Mr Wi tness, did you do anything after you heard of the
11:06:47 5 death of your father?

6 A. Yes.

7 Q. Please tell thi s Court what you did, Mr Wi tness.

8 A. I cried, myself and my fami ly. That was all we did.

9 Q. And, after that, did you go anywhere else from your
11:07:15 10 hideout?

11 A. Yes.

12 Q. Please tell the Court where you went.

13 A. Yes. We moved from the other place to another area, where
14 we hi d. It was the same bush, but it was far off.

11:07:33 15 Q. And do you know, was thi s -- do you know the name of the
16 place where you moved to? Was that in Tuyor as well?

17 A. We were around Tuyor bush. We were travelling wi thin the
18 same bush.

19 Q. And while -- when you went to thi s new hideout, did
11:07:59 20 anything happen whi lst you were there?

21 A. Yes.

22 Q. Mr Wi tness, please tell thi s Court what happened.

23 A. We went there and, it was not long, the RUF captured us
24 there.

11:08:20 25 Q. Mr Wi tness, how did you know that it was the RUF that
26 captured you?

27 A. Well, they went there, they met us there and they captured
28 us. They said they were RUF. They were in Koi du township then.

29 Q. And how many of them captured you, Mr Wi tness?

1 A. Well, there were many. I can't tell the number because
2 they were all over the bush.

3 Q. And those who captured you, do you know whether they had a
4 leader?

11:08:54 5 A. Yes. The leader was CO Mohamed.

6 Q. Mr Witness, how did you know that the leader was
7 CO Mohamed?

8 A. Well, that was how he was referred to. They said he was
9 their leader. He led the troop.

11:09:15 10 Q. Thank you. And after you were captured, as you've told
11 this Court, did anything happen, Mr Witness?

12 A. Yes, sir.

13 Q. Please tell this Court what happened, Mr Witness.

14 A. We pounded husk rice for them and from there they asked us
11:09:38 15 to carry it on our head to town.

16 Q. Okay. And before you go on, did you know whether CO -- do
17 you know whether -- the leader you call CO Mohamed, do you know
18 whether he had a deputy?

19 A. Yes, he had a deputy.

11:10:09 20 Q. And did you get to know the name of CO Mohamed's deputy?

21 A. Well, he had a nickname, sir.

22 Q. And please tell the Court the nickname.

23 A. He was referred to as Sucking Blood. That was the nickname
24 he had.

11:10:29 25 Q. And how did you know the name was Sucking Blood,
26 Mr Witness?

27 A. Well, they themselves were referring to themselves by their
28 names.

29 Q. And, Mr Witness, did anything happen after you pounded the

1 rice?

2 JUDGE SEBUTINDE: He said he carried it to the town; he has
3 already answered that.

4 MR GRAHAM:

11:10:57 5 Q. And, Mr Witness, when you got to the town, after you had
6 pounded the rice, did anything happen?

7 A. Yes. On our way to town, two of our brothers were afraid.
8 They wanted to escape, so they were shot at.

9 Q. How do you know that they wanted to escape, Mr Witness?

11:11:24 10 A. Well, that was what the rebels said. They said the men
11 wanted to escape.

12 Q. And did you witness the shooting yourself?

13 A. We were al together, sir. We were placed in one area. We
14 were together at one point.

11:11:49 15 Q. And after this shooting, after the shooting of the two
16 people, did anything happen, Mr Witness?

17 PRESIDING JUDGE: Well, were they shot or were they shot
18 at? The wording was "shot at."

19 MR GRAHAM:

11:12:02 20 Q. Mr Witness, please tell this Court, when these two people
21 were shot at, do you know what happened to them?

22 A. When they were shot, they moved us; they said we should
23 move to town. We carried our luggage to town. We left the
24 corpses there.

11:12:19 25 Q. Thank you. And when you left -- you said you left the
26 town. Which town did you leave to?

27 A. We went to Koi du Town, where we had run away from. We were
28 taken back to Koi du Town.

29 Q. Who took you back to Koi du Town, Mr Witness?

1 A. CO Mohamed, who was a RUF man. They came with us into the
2 town. They said they were in control of the township,
3 Koi du Town.

11:13:00 4 Q. And, Mr Witness, how many of you were taken to Koi du Town
5 by CO Mohamed?

6 A. Well, we were many.

7 Q. And when you got to Koi du Town, did anything happen,
8 Mr Witness?

11:13:20 9 A. Yes, sir. When we were taken to Koi du Town, they had a G5
10 commander. They took us there.

11 Q. Who is a G -- what do you mean by a G5 commander,
12 Mr Witness?

11:13:42 13 A. Well, that was how he was referred to. The person who will
14 mediate between the civilians and the soldiers. He will receive
15 us, the civilians.

16 Q. And this G5 commander, do you know -- did you know his
17 name?

18 A. I've forgotten his name because it has taken a long time.

11:14:01 19 Q. Thank you. And when you were taken to the G5 commander,
20 were you taken alone?

21 A. No, we were many. Those of us who had been captured, who
22 came with them, we were many.

23 Q. And before you were taken to the G5 commander, when you got
24 to Koi du Town, did you observe anything in Koi du Town?

11:14:30 25 A. Yes. The town -- the town had been burnt down.

26 Q. And, Mr Witness, did you get to know who burnt down the
27 town?

28 A. Well, it was the people who came with us to the town
29 because when we went to the G5 commander, we were divided. We

1 were sent to the mining unit. They said we should work for them.

2 Q. Who sent you to the mining unit, Mr Witness?

3 A. It was the G5 commander.

4 Q. And the G5 commander, do you know which part of -- was

11:15:17 5 he -- which part of Kono District was the G5 commander,

6 Mr Witness?

7 A. It was at Tankoro Junction. That was where his office was.

8 Q. And, Mr Witness, when you were sent to the mining section,

9 did anything happen?

11:15:39 10 A. Yes, we were there working. We worked for the RUF

11 movement. They said we should work for them.

12 Q. And, Mr Witness, what kind of work did you do?

13 A. Diamond work. We dug diamond for them.

14 Q. How -- apart from you, how many other individuals did you

11:16:12 15 dig diamond with at the time?

16 A. We were 240 people.

17 Q. Mr Witness, how did you arrive at the number 240?

18 A. They were checking us every morning. They will check the

19 amount.

11:16:40 20 Q. Who used to check you every morning, Mr Witness?

21 A. Well, the man that we were handed over to, the mining

22 commander, who was leading us.

23 Q. Mr Witness, did this mining commander have a name; do you

24 know?

11:16:57 25 A. Major Kumba.

26 MR GRAHAM: Your Honours, Kumba is spelt K-U-M-B-A. Kumba.

27 Q. And, Mr Witness, how did you know that Major Kumba was the

28 mining commander?

29 A. Well, when we went there, he introduced himself to us,

1 saying that he was the mining commander for the RUF.

2 Q. Thank you. And when you did the mining, did you find any
3 diamonds?

4 A. Yes. We used to work at the OC compound tents. That's
11:17:39 5 where we got diamonds.

6 Q. And when you got the diamonds, did you give them to anyone?

7 A. We handed over the diamonds to OC Kumba, Major Kumba.

8 Q. And when you handed over the diamonds to Kumba, do you know
9 what he did with them?

11:18:05 10 A. Well, he said they were government diamonds. That was what
11 they used to tell us; that they were government diamonds.

12 Q. And when they said government diamonds, did you understand
13 what they meant by that?

14 A. The RUF government, they said it was their diamonds. They
11:18:27 15 said they were in control of the government.

16 Q. And, Mr Witness, on a typical working day, when would
17 you -- when do you start your work mining?

18 A. Well, we do the mining at night, because of the jet. So
19 we'd go excavating at night and we would take it to the

11:18:57 20 riverside. They would say the jets would come. So they would
21 take us at night. And they would keep guard of us and we would
22 excavate and tote it down to the riverside.

23 Q. And, Mr Witness, when they said the jet -- what do you mean
24 by jet?

11:19:17 25 A. Well, at that time, the Nigerian troops were against them.
26 The ECOMOG troops were against them in the town, so the ECOMOG jet
27 would come in the town in the morning and in the evening.

28 Q. And, Mr Witness, how long did you continue to mine under
29 Major Kumba?

1 A. Well, we mined for three months and the ogas, or the
2 ECOMOG, dislodged all from Kono and we went to Burkina.

3 Q. And, Mr Witness, do you remember what year ECOMOG -- sorry,
4 Your Honours. Before you go on, Mr Witness, how did you know
11:20:07 5 that? Whom did ECOMOG dislodge?

6 A. At that time, it was the RUF who were in the township, when
7 I lived with them. It was the RUF who were in the township.
8 They had said that they were in control of Kono, that they were
9 in control of Kono. They burnt down Kono. In fact, in our
11:20:30 10 presence, they started setting house -- they set houses on fire
11 at night.

12 Q. Okay. Mr Witness, so you've just told this Court you left
13 to go to Burkina. Did you, before you left to go to Burkina, did
14 you yourself see any ECOMOG in Koidu Town?

11:20:50 15 A. No. Except when we saw soldiers, RUF soldiers, from Ngai a,
16 Bumpé, running towards us, saying ECOMOG were on their way
17 advancing to Kono. So everybody was panic stricken. So we
18 started taking loads, putting them on our heads, going to Burkina
19 in Kailahun. So we were turned into manpower, and we were
11:21:23 20 carrying things on our head, both men and women.

21 Q. Thank you. And, Mr Witness, this place you said you went
22 to, Burkina, in what chiefdom -- do you know what chiefdom
23 Burkina is?

24 A. It's in the Kailahun Chiefdom.

11:21:40 25 Q. And do you know what district the Kailahun Chiefdom is
26 located?

27 A. I think it's in the east.

28 Q. Okay. Mr Witness, this Burkina is it known -- do you know
29 it by any other name?

1 A. Except Buedu.

2 MR GRAHAM: Buedu, you've heard that before. B-U-E-D-U.

3 Buedu.

4 Q. And when you got to Burkina, also known as Buedu, how long
11:22:23 5 did it take you to go from Koidu Town to Burkina, to Buedu?

6 A. We walked for two days and two nights before arriving at
7 Burkina, this Buedu.

8 Q. And did you walk to Buedu Burkina alone?

9 A. It was a group of RUF soldiers and civilians carrying
11:22:53 10 loads, many of them.

11 Q. And on your way from Koidu Town to Burkina, also called
12 Buedu, did anything happen on the way?

13 A. Yes, sir.

14 JUDGE SEBUTINDE: Sorry, Mr Witness. Mr Graham, I'm
11:23:13 15 assuming the witness is still in captivity at this time.

16 MR GRAHAM: Yes, [indiscernible].

17 JUDGE SEBUTINDE: It's not that he went on his own.

18 MR GRAHAM: [Indiscernible].

19 Q. Mr Witness, can you tell this Court, did you go to Burkina
11:23:27 20 Buedu on your own free will?

21 A. No, sir. We go on manpower. We went as manpower. We were
22 still captives to the RUF.

23 Q. And when you say you went as manpower, Mr Witness, what do
24 you mean by "manpower"?

11:23:53 25 A. Well, you were just there to work for the RUF. That was
26 what they called us, civilian manpower, to work for them.

27 Q. Thank you. And, Mr Witness, I asked you that on your way
28 from Koidu Town to Burkina Buedu, did anything happen on the way?

29 A. Yes, sir. Something happened on our way going.

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

2 A. Well, some of our fellows, some of our brothers who were
3 being used as manpower, who had been carrying heavy loads that
4 they were unable to carry, they shot them. They would take that
11:24:41 5 load and add it to somebody else's among those of us who were
6 going, and they were burning down those small villages on the
7 way. They said the Kamajors were staying in those villages.

8 Q. Mr Witness, who shot those who couldn't carry their load?
9 Who shot them?

11:25:01 10 A. It was the RUF, the rebels sir. Those who had captured us.

11 Q. Did you witness this shooting yourself?

12 A. Yes, sir. In our presence. A lot of people. Many people.
13 It was not a secret. They would do it in your presence, to put
14 fear in you.

11:25:25 15 Q. And those who were shot, do you know what happened to them
16 after they were shot?

17 A. They said they were unable to carry heavy loads. They
18 would ask you to carry heavy loads.

19 Q. Mr Witness, my question was: When they were shot, did
11:25:46 20 anything happen to them, those who were shot, after they were
21 shot?

22 A. They would die. We would abandon them there. We would
23 take the loads and proceed.

24 Q. And then you also told this Court that you also witnessed
11:26:03 25 burning of houses. Where -- who carried out these burnings of
26 houses, Mr Witness?

27 A. Well, it was the rebels whom we were with. The RUF. They
28 were the ones burning the houses in our very presence.

29 Q. And do you remember the name of any of these places that

1 houses were burnt on your way to Burkina Buedu?

2 A. Well, that was my first time of travelling on that route,
3 so I did not know the villages. I was not born there. Except
4 Sandaru, that I came across, that I know.

11:26:50 5 Q. Did you say Sandahun?

6 A. Sandaru. Sandaru.

7 MR GRAHAMS: Your Honours, I believe that will be spelt
8 S-A-N-D-A-R-U, Sandaru.

9 Q. And apart from the burning and the shooting, did you
11:27:08 10 witness any other thing on your way that was done by the RUF, on
11 your way to Burkina Buedu?

12 A. Yes, sir.

13 Q. Please tell this Court.

14 A. If you had a good footwear, they would take it from you.
11:27:31 15 If you had a good trousers, they would take it from you. If you
16 had a good shirt, they would take it from you.

17 Q. Who would take these things from you, Mr Witness?

18 A. The RUF soldiers. The rebels.

19 Q. Thank you. And, Mr Witness, this movement from Koidu Town
11:27:48 20 to Burkina Buedu of which you were part of, do you know whether
21 this group had a leader?

22 A. Oh, it was a group of armed men. A group -- there were
23 many. They had no leader, because Superman, too, was on his way
24 going, Rambo and others and Issa, all of them, they were all
11:28:16 25 going to Kailahun.

26 Q. Mr Witness, how did you know that Issa, Superman and Rambo
27 were all on their way to Kailahun?

28 A. Well, they were in a vehicle and they passed us by on the
29 way whilst we were walking on foot, and they said this Superman

1 and Issa were going. It was the rebels who were telling us that
2 their bosses were going.

3 Q. Did you see colonel Issa yourself, Mr Witness?

4 A. Yes. In a 4Runner, in which he was, a white one.

11:28:57 5 Q. And did you know whether -- and did you know who Colonel
6 Issa was?

7 A. No. At that time, I was a civilian. They had just
8 captured me. I did not know them. I just heard the name.

9 Q. But did you get to know who he was later on?

11:29:19 10 A. That was when we arrived in Burkina, that was when I knew
11 who Issa was.

12 Q. When you got to Burkina, what did you get to know about
13 Issa?

14 A. Well, it was at that time that I knew that Issa, too, owned
11:29:49 15 RUF.

16 Q. What do you mean by he owned RUF?

17 A. He was the commander in the RUF. He was a big man.

18 Q. Thank you. And, Mr Witness, you also told us about
19 Superman. Had you heard the name Superman before you saw him
11:30:07 20 during your trip to Burkina Buedu?

21 A. It was when they came in the vehicle and they passed us by,
22 that is when they said those are Issa and Superman.

23 Q. And did they tell you who they were?

24 A. No, sir. No sir.

11:30:35 25 Q. Thank you. But did you get to know later who they were?

26 A. It was when we arrived at Burkina, in Kailahun.

27 Q. And what did you get to know about Superman and Rambo when
28 you got in Kailahun?

29 A. Well, at the time that we arrived in Kailahun, we were over

1 500 men. It was at that time that we knew that these people were
2 big men.

3 Q. And, Mr Witness, do you remember what year you arrived in
4 Burkina Buedu, in Kailahun?

11:31:16 5 A. It's quite a long time now. This war has taken a long
6 time. We cannot recollect all the years that these things
7 happened. It's quite a long time now.

8 Q. But after you left, you ran away from Koidu Town to hide in
9 the bush in Tuyor, do you know how long you spent in the bush in
11:31:37 10 Tuyor before you were taken back to Koidu Town to CO Komba?

11 A. We spent nearly a month, nearly a month.

12 Q. Okay. Mr Witness, when you got to -- sorry, did you
13 eventually get to Burkina Buedu?

14 A. Yes. They took us there as manpower. We carried loads for
11:32:07 15 them onto Burkina.

16 Q. Thank you. And, Mr Witness, when you got to Burkina Buedu,
17 in Kailahun, did anything happen?

18 A. Yes, sir.

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

11:32:29 20 A. On the day that we arrived, Sam Bockarie came over the air.
21 They had a radio station there. He announced over the air that
22 whoever had 50,000 leones, that was government money, and they
23 had some SLAs among the troops that went to Kailahun. They were
24 all disarmed and they said that from now on they were going to
11:32:59 25 take over control. They, the RUF.

26 Q. Okay. Mr Witness, this person you referred to as Sam
27 Bockarie, do you know him by any other name?

28 A. Well, they were calling him Mosquito.

29 Q. Thank you, Mr Witness. And, Mr Witness, did you hear

1 this -- did you hear this announcement on the -- how did you know
2 that they had a radio in Kailahun, over which the broadcast, you
3 said, was made? How did you know the radio was RUF radio?

11:33:53 4 A. Well, the place where they took us -- the RUF were by the
5 Joe Bush. Where they took us, there was a radio set there.
6 Whatever was going on in the media, they would transmit it to us,
7 the civilians, that this was what was on now. That is what they
8 told us.

9 Q. Thank you. And after you heard the announcement on the
11:34:12 10 radio, do you know whether people gave out any monies or
11 properties as a result of the announcement you heard?

12 A. Well, they were searching people. If they found out that
13 you had money, diamond or gold, they would take it away from you,
14 and they would beat you up first, saying it was government
11:34:37 15 property.

16 Q. Who would search you and beat you up, Mr Witness?

17 A. The rebels. The RUF members.

18 Q. And you also told this Court about SLAs who were disarmed.
19 Did you witness any disarming of SLAs in Kailahun when you got
11:35:02 20 there?

21 A. Well, we were in the Joe Bush. They announced that any SLA
22 who had come with them to the jungle, where they arrived, all of
23 them must be disarmed, and they were all disarmed, because we had
24 two or three among us who were in the mining unit. They were all
11:35:21 25 disarmed. Even in our own areas, three were disarmed.

26 Q. Thank you. And, Mr Witness, after this announcement --
27 after what you've told us about the announcement and what
28 happened, did anything else happen after that?

29 A. Yes, sir.

1 Q. Can you please tell this Court?

2 A. After some time, they came for civilians to train them at
3 the base. Among the 500 civilians who had gone, some of us were
4 taken, some of us were taken to a base. Two hundred forty of us
11:36:05 5 stayed, and Sam Bockarie had said we should stay behind to do
6 some mining for the movement, to mine diamonds for the movement,
7 the RUF. So we stayed behind to work, 240 of us who stayed, at
8 the hiding place where we were, because they took us in the bush
9 where they kept us under their control. The rest were taken for
11:36:32 10 training to woman Monica. She was called woman Monica. She was
11 the trainer who trained the RUF.

12 Q. Mr Witness, before you go on, these 240 people that you
13 said Mosqui to said they should remain for mining, do you know
14 whether it was the same 240 people that you worked with in the
11:36:57 15 group under CO Komba?

16 A. No. Ten of us died because of hunger, disease. Ten of us
17 died. There was no food, and fell ill.

18 Q. Where did they die, Mr Witness?

19 A. At Burkina , in the Kailahun district. That is where they
11:37:27 20 died.

21 Q. Mr Witness, how did you know that part of the civilians
22 were to be taken to be trained by woman Monica?

23 A. It was an order that was passed. In Kailahun, we worked
24 with others. You wouldn't move without a guide. Wherever you
11:37:52 25 went, you would have a bodyguard. So whatever happened, happened
26 as a result of an order. That was said over the wires. And they
27 picked some of us and took them along. That happened in our
28 presence, in the bush where we were. It was Sam Bockarie who
29 passed that order.

1 Q. Mr Witness, how do you know it was Sam Bockarie who passed
2 that order?

3 A. Well, the MP who came for those people said it was
4 Sam Bockarie who passed that order. Even to CO Kumba, who was
11:38:36 5 our mining commander said that, too; it was Sam Bockarie who had
6 passed that order for civilians to go for training. Not all of
7 them, but some of them.

8 Q. And Mr -- when you say MP, what do you mean by MP?

9 A. Well, the RUF, too, had MPs. They called them MPs.

11:38:49 10 Q. I asked you: Do you know what MP means, what it stands
11 for?

12 A. Well, I don't know. That was what they were calling them;
13 MP.

14 Q. And do you know whether these civilians were actually
11:39:06 15 trained by woman Monica?

16 A. Well, we were in our own area. When someone goes to that
17 base, you never know about that person, except you yourself go
18 there.

19 Q. Thank you. And, Mr Witness, your group of 240, did you
11:39:26 20 engage in any mining in Burkina, Buedu?

21 A. No. We were just there finding banana and food to feed
22 ourselves. After some time, they took us to Kono, that Kono had
23 fallen in their hands. So we came to the villages. We lived in
24 the bush as well, so -- and we started working.

11:39:52 25 Q. Okay. Mr Witness, who took you to Kono?

26 A. This Major Kumba, he took us to Kono again, to go and stay.
27 But we stayed in the bush again. We created a Joe Bush. They
28 called it Joe Bush.

29 Q. And, Mr Witness, how many of you were taken back to Kono by

1 CO Kumba?

2 A. Two thirty. You know we were 240, but you know that 10
3 died at Burkina, so it was 230 that returned to Kono.

4 Q. And on your way from Buedu, Burkina, in Kailahun, back to
11:40:40 5 Kono, did anything happen on the way?

6 A. Except that we were carrying loads. We were carrying loads
7 for the people, for the rebels, and we came. Nothing was
8 happening then.

9 Q. And when you got to Kono, did you go to any particular
11:41:04 10 place?

11 A. Well, there were Joe Bushes. We came to one bush where we
12 met the RUF had set up a Joe Bush. That was where we were kept.

13 Q. And after they kept you at that Joe Bush, did anything
14 happen when they kept you there?

11:41:26 15 A. Well, that was where we were and, later, we started working
16 around that Joe Bush, at the terrace.

17 Q. What kind of work were you doing?

18 A. Diamond work. Diamond work. That was what we were doing.

19 Q. And during the time you were doing this diamond work, do
11:41:47 20 you know whether you were supervised by anyone?

21 A. Oh, we had many armed men who'd guard and supervise us,
22 many.

23 Q. And these armed men, do you know where they were from?

24 A. In Burkina. They were rebels. They brought us. They were
11:42:13 25 with the mining unit. They were the security guards over us. If
26 you wanted to go to toilet, they would be following you.

27 Q. And you just referred to them as rebels, and these rebels,
28 do you know whether they belonged to any particular armed
29 faction?

1 A. Well, they were rebels. We knew them as rebels; RUF. That
2 was the only group we were with. They captured us and took us
3 away.

11:42:50 4 Q. Thank you, Mr Witness. And this -- whilst you were mining
5 and being supervised by these armed men, do you know whether
6 these armed men had a leader?

7 A. The leader under whom we were mining, it was Major Kumba
8 who was our leader. He was the mining commander. Any diamonds
9 that we got, we had supervisors who took those diamonds and give
11:43:15 10 them to Major Kumba.

11 Q. And during that time, apart from Major Kumba, do you know
12 of any other person who was also -- worked as deputy to Kumba?

13 A. Yes. Two people were working. There was Major Kumba and
14 we had CO Alhaji. He, too, was there. He, too, had another
11:43:43 15 group.

16 Q. And this CO Alhaji that you just mentioned, do you know
17 whether he's also referred to by any other name, Mr Witness?

18 A. CO Alhaji, they were calling him Staff Alhaji.

19 Q. And this Staff Alhaji, you've told this Court that he also
11:44:09 20 had another group. I stand to be corrected. Do you know what
21 Staff Alhaji's group was doing at the time?

22 A. It was mining. They divided us and they said 230 would go
23 into one group and another group would go to CO Kumba. That was
24 how we were.

11:44:31 25 Q. Thank you. And this Staff OC Alhaji, whom you also called
26 Staff Alhaji, do you -- had you heard of him before?

27 A. That was my first time of coming across him.

28 Q. And do you know whether he was a RUF rebel or not?

29 A. RUF because everybody was under the RUF control. He was a

1 RUF rebel. At that time, we hadn't SLA any more, we were under
2 RUF control; this time that I'm talking about, from Burkina to
3 Kono.

11:45:17 4 Q. And, Mr Witness, when you mined during this period, did you
5 find any diamonds?

6 A. Yes. We used to find diamonds but, at that time, you know,
7 when we were in the bush, whichever diamond you got, it wouldn't
8 be weighed. We'd just give it to them and they would carry it to
9 Burkina, to Sam Bockarie.

11:45:34 10 Q. How did you know that they would carry the found diamonds
11 to Sam Bockarie in Burkina, Mr Witness?

12 A. Well, when the diamonds come, when we get the diamonds,
13 there would be an escort and they would bring those diamonds to
14 Sam Bockarie. It was not something that was in secret. Whatever
11:45:56 15 they did, they would not hide it away from us. They said we were
16 working for the movement. Whatever we got, they would take to
17 Sam Bockarie.

18 Q. Thank you. And, Mr Witness, how long did you continue to
19 do mining in this place in Kono?

11:46:11 20 A. Well, we worked for nearly three to four months and, by
21 December, they said they should endeavour to dislodge ECOMOG from
22 the township, because we were in the surrounding villages and the
23 bushes. So they decided that Kono should fall, Kono should be
24 under the RUF now.

11:46:35 25 Q. How do you know that that decision -- who made that
26 decision?

27 A. Well, it was the bosses, from Sam Bockarie to Issa.

28 Q. And I'm saying, how did you get that information,
29 Mr Witness?

1 A. Well, those people who were with them, whatever was going
2 on, they wouldn't hide it away from you. They would tell that
3 this was their programme. As long as you'd been with them,
4 they've captured you and you were not going anywhere, they would
11:47:07 5 not hide anything away from you.

6 Q. After you heard this information, did anything happen?

7 A. It was not long, and we started seeing groups of RUF
8 soldiers coming from everywhere. Some said from Kailahun, and
9 they were calling various places. They said they were coming to
11:47:27 10 stay there and they were there for the Kono programme, that Kono
11 should fall under their control.

12 Q. And so do you know whether Kono fell under their control?

13 A. Yes, sir.

14 PRESIDING JUDGE: Just a minute, Mr Graham. I don't like
11:47:44 15 to interrupt you. Mr Manly-Spain, I was just going to make sure
16 you were still awake. You look as though you are asleep.

17 MR MANLY-SPAIN: I'm okay, Your Honour.

18 PRESIDING JUDGE: Go ahead.

19 MR GRAHAM: Thank you. I'm grateful, Your Honours.

11:48:00 20 Q. Mr Witness, I had asked you: How did you know that Kono
21 fell under their control, the RUF control?

22 A. Well, they came. They came in full -- they were many.
23 They were many, those who came. Superman, Rambo, Issa and the
24 other commanders, and they said this was a mission for Kono, to
11:48:28 25 dislodge ECOMOG from Kono, from the groups of the Kamajors and
26 SLAs who were in Kono. They said Kono should fall. They came.
27 There were many, over 1,000 of them, well armed.

28 Q. And, Mr Witness, were you yourself -- did you, yourself,
29 ever become an RUF rebel?

1 A. No, sir. I was a captive. I was a civilian. I was the
2 manpower to work for them. They took us as manpower to work for
3 them, to carry their loads. In fact, when they were shot, we'd
4 take them and carry them to Kailahun. So they were just using us
11:49:12 5 as tools.

6 Q. Were you ever trained, whilst you were in captivity, by the
7 RUF on how to -- were you ever trained as a fighter by the RUF
8 whilst you were in captivity?

9 MR AGHA: Leading question, Your Honour. I'd object.

11:49:27 10 THE WITNESS: No, I had left that area.

11 MR GRAHAM:

12 Q. Hold on, Mr Witness.

13 THE WITNESS: I had left that area.

14 MR GRAHAM:

11:49:32 15 Q. Hold on.

16 PRESIDING JUDGE: You will note Mr Agha is objecting to a
17 leading question.

18 MR GRAHAM: I concede that.

19 Q. Mr Witness, did you receive any form of training, whilst
11:49:40 20 you were in captivity, under the RUF?

21 A. No, sir. I had left that area so that the time we were
22 taken to Kailahun, they took some of us -- they took some among
23 us and took them to the base. We were just there to work for
24 them, to mine diamonds for them. So I had left that area. I had
11:50:00 25 answered that question, sir.

26 Q. Thank you. And, Mr Witness, after you heard -- saw, you've
27 told this Court, many RUF came to Kono to take it under their
28 control, did anything happen after that?

29 A. Well, they were in the bush for some time. They were in

1 the bush for some time. Then the superiors came: CO Issa, Rambo
2 and Superman. They said, now, this is the mission for the fall
3 of Kono. One night we were there and he started moving to attack
4 Kono. So from there, they moved -- we were in the bush when we
11:50:44 5 got information that they had captured Kono, after some fighting.
6 Because we were in the bush when we heard the exchange of
7 shooting. After one or two days, they sent a radio message to
8 the bush that Kono had fallen under their control.

9 Q. And, Mr Witness, when you got this information that Kono
11:51:08 10 had fallen under their control, did anything happen to you where
11 you were?

12 A. Well, where we were, we were discouraged, because we had
13 our relatives in the township. We didn't know what was
14 happening. We were worried that some had died, so we were
11:51:29 15 discouraged for our relatives. So we were worried.

16 Q. So did you still continue mining at the Joe Bush, after
17 what you -- after you heard that Kono had fallen?

18 A. Yes. When the Joe Bush, after two weeks' time, they said
19 they have ensured that Kono had fallen and they have started
11:51:59 20 extending their tentacles as far as Makeni, and they said we
21 should come now to town to start mining. That was after two
22 weeks.

23 Q. And after -- how did you know that they had extended all
24 the way to Makeni, Mr Witness?

11:52:21 25 A. Those people, when you are with them, whatever they were
26 doing, they wouldn't hide it away from you. They would tell you
27 that that was what they were doing, as long as they had captured
28 you and you were living with them.

29 Q. And after you heard this information, did you still -- yes,

1 you told -- did you continue to remain where you were in the Joe
2 Bush?

3 A. Well, we were under their control. We were there up to
4 some time and, one morning, very early in the morning, they'd
11:52:53 5 said that signal had come that we should move tonight to go to
6 Koi du Town, that they had cleared Koi du Town, that we should come
7 there and start working for them. They had captured some of the
8 civilians who were in the town, that they were waiting for us to
9 come and join them and start working.

11:53:13 10 Q. Did you go -- eventually go and join these civilians in
11 Koi du Town?

12 A. Well, after some time, at night, they came and took us.
13 And they said we should take our little belongings and go to the
14 township. So at night, they took us, because they did not walk
11:53:37 15 during the day because of fear of the jets. So at night, they
16 took us and carried us to the township.

17 Q. And when they carried you and took you to the township of
18 Koi du Town, did anything happen, Mr Witness?

19 A. No. At that time, nothing happened. The town was under
11:53:53 20 their control, except that as you came, you would see corpses,
21 strewn in the streets. You would see ECOMOG corpses, civilians
22 corpses. They were in the streets. Things strewn all over the
23 place.

24 Q. And so when you came back to Koi du Town and saw all these
11:54:13 25 things, did you continue to engage in mining?

26 A. Yes. That was why they brought us to the town. When we
27 came, we stayed for up to one week before we started working.

28 Q. And for this one week where you stayed, where did you stay
29 during this one week?

1 A. Well, they placed us at Koakoyi ma. Koakoyi ma.

2 Q. We've heard that before.

3 A. Yes.

4 Q. And after the one week, when you started the mining, where
11:54:50 5 was this mining taking place?

6 A. Well, I was mining. After that one week, we started mining
7 in the township, because work was going on when we came. So all
8 the areas where they had excavated gravel, that was where we
9 started washing those gravels. We were working at night. They
11:55:09 10 would not allow us to work during the day because of fear of the
11 jet. So they would move us at night to go and do that work. So
12 we started and I was sent to one area when I had one commander,
13 Mohamed, and I was made assistant clerk and I was his secretary
14 at Gbayikor in the Nimi koro Chie fdom.

11:55:29 15 Q. Mr Witness, before you go on --

16 MR AGHA: Your Honour, at this stage, I'd like to object on
17 the grounds of relevance, because this period is December 1998
18 and it's outside of the indictment period.

19 PRESIDING JUDGE: Yes, what do you say to that, Mr Graham?

11:55:45 20 MR GRAHAM: I concede that, Your Honours. I just have one
21 or two questions to wind up with the witness.

22 PRESIDING JUDGE: Move along, if it's not covered in the
23 indictment.

24 MR GRAHAM: Yes.

11:55:56 25 Q. So, Mr Witness, during the time that you came back to
26 Koakoyi ma, did you -- did you work under any form of -- sorry,
27 Your Honours. During the one week that you stayed in Koakoyi ma,
28 did you observe anything?

29 A. Except the problems that had happened there. There were

1 properties strewn all over the place, corpses, when the rebels
2 were fighting against the ECOMOG troops in the township.

3 Q. Thank you. Mr Witness, thank you very much for the time.
4 And your answers, the testimony.

11:56:46 5 MR GRAHAM: I don't have any further questions for the
6 witness, Your Honour.

7 PRESIDING JUDGE: Thank you, Mr Graham. Anything else in
8 chief? All right. Yes, Mr Agha.

9 CROSS-EXAMINED BY MR AGHA:

11:57:07 10 Q. Witness, I'm going to ask you some questions, many of which
11 can be answered with a "yes" or "no" answer. So I'd like you to
12 answer these questions as concisely and truthfully as possible;
13 do you understand?

14 A. Yes.

11:57:31 15 Q. Okay. Now, you mentioned yesterday that, in May 1997,
16 soldiers had taken over power and formed the AFRC government; do
17 you remember that?

18 A. Yes.

19 Q. And the AFRC government replaced the Kabbah government,
11:57:51 20 didn't they?

21 A. Yes.

22 Q. Did you hear that Tamba Brima was one of the soldiers who
23 had taken part in the overthrow of the Kabbah government?

24 A. No, sir. Except when he said he was PLO 2 in Kono, and we
11:58:15 25 didn't know what was PLO 2.

26 Q. Did you ever hear that Ibrahim Bazy Kamara was one of the
27 soldiers who had taken part in the overthrow of the Kabbah
28 government?

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

1 Q. Did.

2 You ever hear that Santi gie Kanu, aka Five-Five, was one of
3 the soldiers who had taken part in the overthrow of the Kabbah
4 government?

11:58:46 5 A. Well, we were --

6 THE INTERPRETER: Your Honour, I didn't get the last word.

7 MR AGHA:

8 Q. Five-Five -- sorry.

9 PRESIDING JUDGE: Ms Interpreter, do you mean the last word
10 from counsel asking the question?

11 THE INTERPRETER: The witness. From the witness.

12 PRESIDING JUDGE: Ask the question again.

13 MR AGHA:

14 Q. Did you ever hear that Santi gie Kanu, aka Five-Five, was
11:59:14 15 one of the soldiers who overthrew Kabbah's government?

16 A. No, sir.

17 Q. Now, do you remember yesterday saying that the RUF joined
18 the AFRC government?

19 A. Yes. Yes, sir.

11:59:34 20 Q. Now, whilst the AFRC government was in power, the Sierra
21 Leone Army were working with the RUF in running the country,
22 weren't they?

23 A. Well, I don't know because I was not in Freetown. I was in
24 the provinces.

11:59:56 25 Q. But you'd agree with me that the RUF joined the AFRC
26 government?

27 A. Yes. AFRC, they went to the radio. They called the rebels
28 in the bush for them to come and join them. That was over the
29 wires, even in the villages knew about that.

1 Q. So the AFRC government and the RUF were working together
2 until they were overthrown by ECOMOG; is that right?

3 A. Yes, I think so because they -- the AFRC called RUF from
4 the bush. We were in the bush.

12:00:42 5 Q. Now, you mentioned Tamba Brima. Did you ever hear Tamba
6 Brima being referred to as an honourable?

7 A. Except the name PLO 2, and I don't know what is PLO 2.
8 That was the time when he went to Kono when he was at
9 Masingbi Road. That was the time I knew him as PLO 2 Tamba
12:01:10 10 Brima.

11 JUDGE SEBUTINDE: Mr Witness, it would help this trial if
12 you listened to the question and confined your answer to the
13 question, not to retell the story before. Do you understand?

14 THE WITNESS: Okay. Okay, sir.

12:01:24 15 MR AGHA:

16 Q. Did you ever hear Tamba Brima being referred to as an
17 honourable?

18 A. No, sir.

19 Q. Now, I understand you are doing petty trading. What job
12:01:42 20 were you doing in Koi du Town at the time of the takeover by the
21 AFRC government?

22 A. Well, I was doing petty trading. I had a small shop where
23 I was selling little things.

24 Q. And, according to you yesterday, there were no problems in
12:02:12 25 Kono whilst the AFRC was in power, until around January and
26 February 1998; do you remember that? Is that right?

27 A. Yes, sir.

28 Q. And, during this period, before January and February 1998,
29 RUF were also present in Kono -- in Koi du Town, sorry, weren't

1 they?

2 A. Yes, they were there. They were there.

3 Q. And SLAs were also there, weren't they?

4 A. Yes, they were there. They were there.

12:03:05 5 Q. And during the period of the AFRC government, di amond for
6 mi ning -- di amond mi ning was going on in Kono, wasn't it?

7 A. Mi ning. Yes, they were mi ning di amonds in Kono. We were
8 worki ng there. We oursel ves were worki ng there. I, mysel f, was
9 worki ng there.

12:03:24 10 Q. And these di amonds, a part of them were going to the AFRC
11 government, weren't they?

12 A. No. My father -- the plot, I was worki ng for mysel f. I
13 had a li cence to work. People were worki ng with thei r own
14 li cence.

12:03:48 15 Q. Was there any forced mi ning in Kono during the AFRC
16 government?

17 A. No. Everybody was worki ng for themsel ves. I had a
18 li cence. I was worki ng with my li cence, wi thout any harassmt,
19 my father's li cence. There was no probl em, no harassmt.

12:04:09 20 Q. I thought you were a petty trader?

21 A. Yes. My father had a li cence. I was born in Kono. Even
22 though I was a petty trader, my father had a li cence. He had a
23 plot.

24 Q. So you were mi ning as well as bei ng a petty trader?

12:04:29 25 A. Yes.

26 Q. I suggest to you there was forced mi ning going on in Koi du
27 Town by the RUF and SLA during the AFRC government period; what
28 do you have to say about that?

29 A. Well, accordi ng to my own view, where I was worki ng in the

1 township, I don't know about the interior but, in the township,
2 that wasn't happening. The area where I was working, that wasn't
3 happening.

12:05:04 4 Q. So according to you, there was no forced mining of
5 civilians in Koidu Town; right?

6 A. Within my area where I was working, where I was working. I
7 don't know about the other areas, but, where I was working, that
8 wasn't happening in my presence.

12:05:24 9 Q. Well, where were you working? Were you working in
10 Koidu Town?

11 A. In Koidu, yes, sir.

12 Q. Now, the AFRC had a secretariat in Kono, didn't they?

13 A. Yes, sir.

12:05:45 14 Q. And this AFRC secretariat was monitoring the mining
15 activities, wasn't it?

16 A. Well, I didn't have any business with them. We would not
17 go close to them. We were busy with our mining and petty
18 trading.

19 Q. So who was manning the AFRC secretariat; was it soldiers?

12:06:10 20 A. Well, they had soldiers, civilians. We would see them. We
21 wouldn't go there. I wouldn't go there because I didn't have any
22 business with them. I was about my own business.

23 Q. So what was the AFRC secretariat doing?

12:06:31 24 A. Well, they were just there. They were just within the
25 township, sir. They had an office there.

26 Q. But you don't know what they were doing?

27 A. No, sir. I didn't know what they were doing because I
28 didn't go there.

29 Q. Have you heard of a person called Eddie Kanneh?

1 A. Eddie Kanneh? No, sir. I didn't have any business with
2 that secretariat. I was afraid to go there.

3 Q. But have you heard of a person called Eddie Kanneh?

4 A. No, sir.

12:07:11 5 Q. Now, yesterday, you mentioned that Tamba Brima was present
6 at Masingbi Road at Koidu Town; do you remember that?

7 A. Yes, sir.

8 Q. Tamba Brima had his headquarters at Masingbi Road, didn't
9 he?

12:07:37 10 A. It was at -- he was in a house in -- he was saying there,
11 in a house, in one house at Masingbi Road. That was where he was
12 staying.

13 Q. And he was staying there between January and February 1998,
14 wasn't he?

12:07:52 15 A. Yes. Within that time. I cannot recall the year but
16 within that period. The year, it has taken a long time. I
17 cannot say anything about the year.

18 Q. Yes, but the months between January and February; right?

19 A. Maybe. I don't know. It has taken a long time and,
12:08:16 20 something that has taken a long time, I cannot recall that.

21 Q. Well, do you remember meeting anyone from the Special
22 Court, to tell your story before coming to Freetown?

23 A. Yes. They met me at my house.

24 Q. And they took a statement from you about your version of
12:08:44 25 the events, didn't they?

26 A. Yes.

27 Q. We've been provided with a brief summary of that statement
28 and I will read it to you as follows: Are you listening?

29 A. Yes, sir.

1 Q. "Witness will testify he knew Tamba Brima as a member of
2 the AFRC present at Masingbi Road at Koi du Town between January
3 and February 1998." Do you remember telling that to the person
4 who took your statement?

12:09:32 5 A. Yes, sir.

6 Q. So, is that correct?

7 A. Yes, sir.

8 Q. Now, how often did you see Tamba Brima at Masingbi Road?

9 A. While he was there, because that area, we didn't have any
12:09:56 10 business with that area. I was far off from that area. He came,
11 he sat. He was born in Kono. He is a Kono man. So he was based
12 there, but I didn't go around that area.

13 Q. Did you see him at all moving around Koi du Town?

14 A. No, I was not within that area. Where I was, and where he
12:10:20 15 was, was far distance. Where I was was in a little corner. In
16 the morning I will go about my petty trading and go to the mining
17 site.

18 Q. Mr Witness, you can very easily answer that question yes or
19 no, so I ask it again: Did you see Tamba Brima moving at all in
12:10:39 20 Koi du Town in January and February 1998? "Yes" or "no"?

21 A. No, sir.

22 Q. Now, you say Tamba Brima had soldiers with him, didn't you?

23 A. Yes, sir.

24 Q. Now, you said you couldn't remember the number of soldiers,
12:11:11 25 well?

26 A. No.

27 Q. So I'm going to ask you again: Was it around five
28 soldiers?

29 A. Except you want me to tell a lie? I cannot tell because I

1 was not there. I was not with him.

2 Q. Okay. Now, as PLO 2 in the AFRC government Tamba Bri ma
3 held an important position whilst in Koi du Town; would you agree
4 with that?

12:11:52 5 A. They referred to him as a big man. PLO 2. That was what
6 we knew about in Koi du Town. They said big man. PLO 2. That
7 was what he was referred to. They said he was a big man. I
8 don't know what is PLO 2. I only heard them calling him PLO 2.

9 Q. Now, you say that they called him a big man; was it well
12:12:15 10 known in Koi du Town that Tamba Bri ma, as PLO 2, was a big man?

11 A. That was what people knew in the township. It wasn't a
12 secret to the people of Koi du.

13 Q. Okay. Now, you said that you didn't know what Tamba Bri ma
14 was doing in Koi du Town yesterday; do you remember that?

12:12:48 15 A. Yes.

16 Q. I suggest to you that Tamba Bri ma was supervising the
17 mining activities in Koi du Town on behalf of the AFRC government;
18 what do you have to say about that?

19 A. Except I tell a lie, I don't know about that. What I know
12:13:08 20 is what I am telling the Court, what I saw. What I came across
21 is what I am telling the Court.

22 Q. Now, was Tamba Bri ma a SLA soldier?

23 A. I only know the man by the name. The name Tamba Bri ma,
24 that's what I know.

12:13:35 25 Q. But did you know him as a SLA soldier or an AFRC soldier?

26 A. Well, I knew him as a SLA soldier.

27 Q. So is there any difference between a SLA soldier and an
28 AFRC soldier?

29 A. Well, I don't know. That was how they referred to

1 themselves. The AFRC, I don't know the difference, because I
2 only know Tamba Brima was a SLA soldier. I don't know the
3 difference. They know the difference.

4 Q. Do you know whether he was another ranked soldier?

12:14:28 5 A. No, sir, I don't know anything about rank in the military.
6 I didn't have any business with Tamba Brima. I only saw him at
7 Masingbi Road.

8 Q. So did you know him before the coup?

9 A. No, sir. No, sir. Except when I heard his name, Tamba
12:14:50 10 Brima, when he was based in Kono at Masingbi Road, that was when
11 I knew him as Tamba Brima. I had never known him before.

12 Q. And did you know that he played football?

13 A. No, sir.

14 Q. Now yesterday, you mentioned Operation Pay Yourself; do you
12:15:13 15 remember that?

16 A. Yes, sir.

17 Q. I suggest to you that Tamba Brima and his men took part in
18 the looting of property in Kono after Operation Pay Yourself;
19 what do you have to say about that?

12:15:28 20 A. For that, I wouldn't be able to say anything because the
21 soldiers were many in the township. I said that yesterday. They
22 were all over the township. Everywhere you go you would see
23 soldiers. AFRC soldiers were everywhere. So I cannot tell
24 whether they were Tamba Brima's soldiers or other soldiers. If I
12:15:54 25 said that then I would be lying because I wasn't there.

26 Q. So you don't know whether Tamba Brima or any of his
27 soldiers carried out any looting; is that right?

28 A. Yes, because the soldiers were mixed up. There were many.
29 The only person I knew was the Commander Sinah. He was in charge

1 of the soldiers in Ngai a. Tamba Brima was just at Masingbi Road.

2 Q. How far is Ngai a from Masingbi Road, roughly?

3 A. Ngai a is out of the town, sir, around Freetown Highway,
4 going towards Yengema, to Bumpe.

12:16:37 5 Q. But would you say it's five miles away, more, or less?

6 A. Yes, yes, sir.

7 Q. What, that it is more than five miles or less than five
8 miles?

9 A. Within five miles. Ngai a headquarter, NDMC used to be
12:17:03 10 there but, later, it was converted to the military headquarter.

11 Q. Did you personally see Tamba Brima leave Kono?

12 A. Yes. After Operation Pay Yourself we saw Tamba Brima in a
13 vehicle. He went out. Since then I never saw him and his men
14 again. They went along Masingbi Road towards the highway. From
12:17:33 15 then, I didn't see Tamba Brima any more, together with his men.
16 They only said that was Tamba going.

17 Q. Okay. So Tamba Brima left with his men from Masingbi Road
18 and you didn't see him again; is that right?

19 A. Yes, yes.

12:17:57 20 Q. Now, in March 1998, Johnny Paul Koroma's forces dislodged
21 the Kamajors from Koi du Town, didn't they?

22 A. Yes, sir.

23 Q. And Johnny Paul Koroma's forces consisted of former AFRC
24 soldiers and RUF, didn't they?

12:18:23 25 A. Yes, sir.

26 Q. And did you hear that Johnny Paul Koroma ordered the
27 burning of Koi du Town because the civilians had betrayed the SLAs
28 to the Kamajors?

29 A. No, sir.

1 Q. I suggest to you that Johnny Paul Koroma ordered the
2 burning of Koidu Town when he arrived in around February, March
3 1998; what do you have to say about that?

12:19:09 4 A. Well, I don't know, except you want me to lie? What I know
5 is the time I was with the rebels --

6 Q. It's sufficient for you to say you don't know. You don't
7 have to explain beyond that.

8 A. Okay, sir. Okay, sir.

12:19:24 9 Q. Now, you say when Johnny Paul Koroma's forces attacked
10 Koidu Town you ran away; is that right?

11 A. Yes, sir.

12 Q. And you went into hiding?

13 A. Yes, sir.

12:19:39 14 Q. And you say that after about four days the RUF came and you
15 heard people being attacked?

16 A. Yes, sir. That was --

17 Q. I suggest to you that it was both RUF and SLA soldiers who
18 had come with Johnny Paul Koroma who were carrying out that
19 attack; what do you have to say about that?

12:20:01 20 A. Well, I don't know.

21 Q. Now, you hid between April and June 1998, didn't you?

22 A. Yes, sir.

12:20:38 23 Q. Now, both RUF and AFRC forces were working together
24 fighting against the Kamajors in Kono between March and June
25 1998, weren't they?

26 A. That period I was in hiding, I was in the bush. I don't
27 know.

28 Q. So would it be fair to say that between April and June 1998
29 you wouldn't be able to say anything about what was happening in

1 the Kono District?

2 A. I was in the bush.

3 Q. So would it be fair to say you couldn't comment on what was
4 happening in the rest of Kono?

12:21:22 5 A. I didn't see. What would I be able to say, except I tell a
6 lie to the Court. I wasn't there. What I saw is what I am
7 speaking about in the Court.

8 Q. Now, I say to you that Ibrahim Bazy Kamara was the most
9 senior SLA commander operating in Kono between February and June
12:21:47 10 1998; what do you have to say about that?

11 MR DANIELS: Objection, Your Honour. I think the question
12 has already been asked, whether he heard about Ibrahim Bazy
13 Kamara and his answer was answered no; he said not at all.

14 PRESIDING JUDGE: Yes. What do you say, Mr Agha?

12:22:06 15 MR AGHA: I'm just putting the Prosecution's case to him.

16 PRESIDING JUDGE: All right. If that's the only basis it's
17 put, I presume this will tie in with a submission at the end of
18 the --

19 MR AGHA: Yes, it ties in with the Prosecution case, Your
12:22:19 20 Honour.

21 PRESIDING JUDGE: All right. Go ahead.

22 MR AGHA: Okay.

23 Q. So, Witness, I say to you that Ibrahim Bazy Kamara was the
24 most senior SLA soldier operating in Kono between February and
12:22:32 25 June 1998; what do you have to say about that?

26 A. I don't know him, sir. I don't know.

27 Q. Now, in July of 1998, the RUF found you and took you to
28 another area in Koidu Town; is that right? They found you from
29 your hiding place in July 1998?

1 A. Yes.

2 Q. So would you agree with me that you could not comment on
3 any events in Kono up until July 1998, when you were captured?

4 A. No, because I was a captive. I couldn't move.

12:23:22 5 Q. Yes.

6 A. On my own.

7 Q. Before you were captured, in July 1998, you would not be
8 able to tell what was going on in the Kono District, would you?

9 A. I didn't have enough time. I was busy with my petty
12:23:40 10 trading and mining with my father. In the morning I would go
11 about my business.

12 Q. Witness, I'm talking about the period when you were in
13 hiding, when Johnny Paul Koroma has attacked Koidu Town, you've
14 run away into hiding. Now, you've already said you were in
12:23:59 15 hiding between April and June. Now, you were actually captured
16 in July 1998 by the RUF from your hiding place; is that right?

17 A. Yes, sir.

18 Q. So before the time you were captured, in July 1998, you
19 could not say what was happening in Kono District, could you?

12:24:22 20 A. No, I didn't know. I was in the bush. I was in hiding.

21 Q. I say to you that after you were captured, in July 1998,
22 nearly all the SLA soldiers had left Kono for Koinadugu District
23 and the Northern Jungle; what do you have to say about that?

24 A. For me, I don't know, sir. Those who captured me were RUF.
12:25:00 25 Those are the ones I know.

26 Q. I say to you that no SLAs were disarmed in Kailahun; what
27 do you have to say about that?

28 A. What I saw is what I'm talking about in front of the Court.
29 When I went to Kailahun what I saw is what I have told the Court.

1 Q. Now, you say, coming back to your capture from hiding, you
2 were captured from hiding in July 1998 by the RUF and became a
3 captive; yes?

4 A. RUF captured me. I was with them until the cease fire.

12:25:53 5 Q. So that whole period, where you were taken away to
6 forcefully mine for diamonds, in Koidu, and then taken to
7 Kailahun, where you found bananas, and then came back to Koidu,
8 that was after you were captured by the RUF in July 1998, wasn't
9 it?

12:26:16 10 A. What? I don't understand what you are saying.

11 JUDGE SEBUTINDE: It was a very long commentary.

12 MR AGHA:

13 Q. I will break it down for you.

14 A. I don't understand, sir.

12:26:37 15 Q. I will ask you again, witness, in a shorter manner. You've
16 described, when you were captured by the RUF, that they made you
17 forcefully mine for them; do you remember that?

18 A. Yes, sir.

19 Q. And this happened after they captured you in July 1998,
12:27:03 20 didn't it?

21 A. Yes, sir.

22 Q. And they took you to Kailahun after they captured you,
23 didn't they?

24 A. Yes, sir.

12:27:17 25 Q. And then, after that, you were brought back to Kono where
26 you did some more mining, didn't you?

27 A. Yes, sir.

28 Q. And you then say that an attack was launched on Koidu Town
29 by the RUF?

1 A. Yes, sir. The time we were in the bush we were doing
2 mining with the RUF in the bush.

3 Q. I say to you that that RUF attack on Koidu Town occurred in
4 December 1998?

12:28:00 5 A. Yes, I said that. I said they attacked Koidu Town in
6 December. I said that. I said it was in December that they
7 attacked Koidu Town. They came from Kailahun to attack Koidu
8 Town in December. I said that, sir. I think we've gone through
9 that, sir. I've said it.

12:28:19 10 Q. Yes, I was just seeking your clarification on that,
11 witness. Thank you. Did you come to hear about an attack on
12 Freetown in January 1998?

13 A. No, sir.

14 MR AGHA: I have no further questions of this witness,
15 Your Honour. That completes the cross-examination.

16 PRESIDING JUDGE: Thank you, Mr Agha. Anything arising for
17 re-examination?

18 MR GRAHAM: No, Your Honours.

19 PRESIDING JUDGE: Well, I'll tell counsel it's not much
12:29:19 20 point bringing another witness on now. We will take an early
21 lunch break. We will be breaking about 15 minutes early so that
22 if necessary we will add 15 minutes on to our sitting time this
23 afternoon.

24 Mr Witness, we are going to adjourn now but, before we do,
12:29:38 25 we want to thank you for coming along to Court and giving your
26 evidence. We are very sorry you had to go through that
27 unpleasant experience of telling about what happened to your
28 family but it's all over now. You will be able to leave. So
29 please, just sit there until we adjourn, and arrangements will be

1 made for you to leave the courtroom.

2 We will adjourn the Court until 2.15.

3 [The witness withdrew]

4 [Luncheon recess taken at 12.30 p.m.]

14:08:23 5 [AFRC14SEP06 - MC]

6 [Upon resuming at 2.20 p.m.]

7 PRESIDING JUDGE: Well, firstly, we note none of the three
8 accused are present in court. We are satisfied that the three
9 accused have expressly waived their right to be present and the
10 trial will continue in their absence.

14:20:10

11 What is the next Defence witness to be called?

12 MR MANLY-SPAIN: May it please Your Honour.

13 PRESIDING JUDGE: Yes.

14 MR MANLY-SPAIN: Your Honour, I crave your indulgence. I

14:20:25

15 am respectfully requesting an adjournment of this matter until
16 tomorrow morning. The reason being that we, all of us Defence
17 Counsel and investigators, have been to see the accused persons
18 in the detention centre. They have expressed their wish for
19 proceedings in this matter to go on as we have been doing. But
20 at the moment the situation is that we wish to have, and we need
21 to have, further time with them to diffuse the present impasse.

14:21:00

22 We hope, Your Honours, that you will understand our
23 position and look at your application with some understanding.

24 As counsel, we are usually bound by the instructions, even
25 towards us, by our counsel's -- by our clients, while at the same
26 time we realise that we are officers of the Court, and we have to
27 behave in a certain manner of decorum to the Court where there
28 comes a time when we have to balance the two.

14:21:39

29 Similar applications have been made to this Court before,

1 which you have treated with understanding and which we
2 appreciate.

3 We humbly pray that you grant us this application, this
4 adjournment, so that we can sort out things to -- with our
14:22:30 5 clients. We -- I do not want to go into more details as to why
6 it is necessary. Well, we hope that Your Honours will trust us
7 that by tomorrow morning we will come and, most probably, the
8 trial will continue in the manner that it should. That is, with
9 the presence of the accused persons and their counsel having full
14:23:03 10 representation, full instructions to represent them.

11 PRESIDING JUDGE: Thank you, Mr Manly-Spain. I might say
12 that I wouldn't put this on the basis of -- whatever our decision
13 on your application for an adjournment, it should not be on the
14 basis of the Court lacking trust in counsel. I can assure you
14:23:28 15 that has never been the case. But before we call on the
16 Prosecution to deliver whatever response it may wish to, when you
17 say you need time with your clients to solve the present impasse,
18 what exactly is the present impasse?

19 I mean -- what I mean by that, is that all we could -- all
14:23:52 20 we from the Bench could perceive this morning was a totally
21 unjustified and bad-mannered interruption of the trial. How does
22 that amount to an impasse?

23 MR MANLY-SPAIN: The impasse I'm talking about, Your
24 Honours, is the fact the accused are not here. We want them to
14:24:12 25 come. That is what I am talking about. It has nothing to do,
26 between the Court and the accused persons.

27 JUDGE SEBUTINDE: How is that an impasse to the trial, in
28 light of the rules which permit us to proceed in the absence of
29 the accused persons where they have voluntarily absent

1 themselves? How is it an impasse?

2 MR MANLY-SPAIN: I -- I -- I am not suggesting that you
3 cannot proceed in the absence of the accused. I am merely asking
4 for you to adjourn so that we can have the opportunity to diffuse
14:24:41 5 the situation.

6 PRESIDING JUDGE: Diffuse what situation?

7 MR MANLY-SPAIN: Your Worship, we cannot go beside the fact
8 that certain things happened in the Court this morning, which you
9 have described, which we do not like. That is the situation I'm
14:24:58 10 talking about. We don't want a repeat of it. They have their
11 opinion. They have expressed it to us, and we want to get things
12 settled. That is all we are asking for.

13 [Trial Chamber conferred]

14 PRESIDING JUDGE: Anything the Prosecution wishes to say in
14:25:41 15 response?

16 MR AGHA: Yes, Your Honours. Ordinarily, the Prosecution
17 would object to such an adjournment on the basis that the Trial
18 Chamber does have the power and the right, and is entitled,
19 indeed, to continue with the case, and we wouldn't want to see it
14:25:59 20 being a precedent. But on the basis that it is, quite hopefully,
21 an unusual situation that arose this morning, and the Prosecution
22 would actually be wanting to know that the Defence have proper
23 instructions and can act accordingly, and would prefer the
24 accused be present for the trial. Under these circumstances if
14:26:20 25 the Court were to grant an adjournment until tomorrow morning,
26 the Prosecution would have no objection.

27 That is all the Prosecution would like to say.

28 PRESIDING JUDGE: Thank you. Just before we deliver,
29 Mr Manly-Spain --

1 MR MANLY-SPAIN: Yes, Your Honour.

2 PRESIDING JUDGE: -- two things I would like to make clear.

3 This situation, as you know, has happened before in this trial,
4 where the -- the accused have refused to come to court for one
14:26:52 5 reason as another -- or another. I think that this particular
6 occasion today has probably got the less support of any of those
7 other occasions. But in any event, am I correct in assuming that
8 what you're saying is that counsel more or less want to speak to
9 the accused and remind them of their obligations as to their
14:27:25 10 behaviour in court, and so that counsel, in fact, will never be
11 embarrassed in that situation again? Am I seeing it that way?
12 In other words, you're saying you are, in a way, going to read
13 the riot act to them as to their behaviour? Or is it for some
14 other reason?

14:27:43 15 MR MANLY-SPAIN: Well, more or less, Your Honour. What I
16 have been trying to say is that I mentioned that we have our
17 obligation to our clients, and we have our obligation to the
18 Court, which has to be balanced. But your message, the message
19 you gave to me this morning was delivered, not exactly in the
14:28:03 20 words -- exact words that you used, but it was delivered that the
21 court can go on in their absence, and the court have gone on
22 previously in the absence of the accused persons when they refuse
23 to go to court.

24 But we need, Your Honour, we need -- we are praying that
14:28:20 25 you grant us the adjournment. We would need to reconcile our
26 position as counsel.

27 PRESIDING JUDGE: Well -- well -- well, what exactly do you
28 mean by reconcile your position?

29 MR MANLY-SPAIN: We need to have proper instructions to

1 continue.

2 PRESIDING JUDGE: Well, look, this is starting to sound
3 like the last time the accused wouldn't come to court. One of
4 their reasons was they would not give their counsel instructions,
14:28:46 5 if you remember that. And then counsel then used that as a
6 ground to apply to withdraw. And, as you know, the -- you cannot
7 withdraw from representati on wi thout permissi on of thi s Court.
8 So are we going down that road again?

9 MR MANLY-SPAIN: No, I don't believe that, Your Honours. I
14:29:08 10 don't believe it would be retracted, or it would be like that,
11 like what happened before. Even if that -- on that occasion, it
12 wasn't every counsel that went along that line. So I don't
13 believe that is the way we are going. We just need time to
14 conclude talking to the accused persons.

14:29:36 15 PRESIDING JUDGE: All right. Just pardon us for a minute,
16 please.

17 [Trial Chamber conferred]

18 PRESIDING JUDGE: Well, we, the Trial Chamber, do not
19 really think that the outburst by the accused this morning is a
14:30:57 20 justifi cation for an adjournment. However, we have heard from
21 Defence Counsel, and we take Defence Counsel at their word that
22 they will try to reconcile things with the accused, the ultimate
23 view being that it is better to have the accused here for the
24 trial than run the trial in their absence. We agree with that
14:31:22 25 and we agree with the Prosecution's submission in that regard.

26 However, we do say this: That the trial will go on
27 tomorrow morning, preferably with the accused present in court.
28 But if they are not present, the trial will still go on.

29 Now, as to what instructions, or lack of instructions they

1 may or may not give counsel, that may be a matter for another
2 application. But until such an application is made and decided,
3 the trial will go on tomorrow morning.

4 That being the case, we are going to grant your adjournment
14:32:06 5 until 9.15 tomorrow morning.

6 MR MANLY-SPAIN: As Your Honour please.

7 PRESIDING JUDGE: But, Mr Manly-Spain, I hope I have made
8 it clear - I want to be as forceful as I can - that whatever
9 happens with your conversations with your clients this afternoon,
14:32:23 10 the trial is going on tomorrow morning.

11 MR MANLY-SPAIN: We are -- we are -- we know that, Your
12 Honour.

13 PRESIDING JUDGE: All right, thank you. Well, the other
14 thing I would ask of the Defence is that the witness sitting in
14:32:36 15 the witness box now does not have any headphones on, but would
16 you please give him the Court's apologies that we -- we can't
17 hear him today and please explain to him why that was.

18 MR MANLY-SPAIN: As Your Honour please.

19 PRESIDING JUDGE: Thank you. We will -- we will adjourn
14:32:52 20 until -- you -- you have something to say?

21 MR AGHA: No, Your Honour.

22 PRESIDING JUDGE: All right. We will adjourn to 9.15
23 tomorrow morning.

24 [Whereupon the hearing adjourned at 2.32 p.m., to be
25 reconvened on Friday, the 15th day of September 2006
26 at 9.15 a.m.]

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29

WITNESSES FOR THE DEFENCE:

WITNESS: DAB-131	2
EXAMINED BY MR GRAHAM	2
CROSS-EXAMINED BY MR AGHA:	59