



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

MONDAY, 18 SEPTEMBER 2006
9.18 A.M
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

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

For the accused Alex Tamba
Brima:

Ms Glenna Thompson

For the accused Brima Bazy
Kamara:

Mr Andrew William Kodwo Daniels

For the accused Santigie Borbor
Kanu:

Mr Ajibola E Manly-Spain

1 [AFRC18SEP06A - MD]

2 Monday, 18 September 2006

3 [Open session]

4 [The accused present]

09:10:53 5 [The witness entered court]

6 [Upon commencing at 9.18 a.m.]

7 PRESIDING JUDGE: Yes. Who is taking this witness?

8 MR DANIELS: Good morning, Your Honours.

9 PRESIDING JUDGE: Good morning.

09:19:34 10 MR AGHA: Your Honour, just before my learned friend

11 starts, I would like to inform the Bench that I have to excuse

12 myself, because there are other matters related to this case I

13 have to deal with. But, in my absence, Mr Hardaway will have

14 conduct of the case for the Prosecution, and this may happen from

09:19:52 15 time to time, so I do apologise for my absence on these

16 occasions.

17 PRESIDING JUDGE: Well, thank you for informing us,

18 Mr Agha. What type of absence are you talking about; a day or

19 longer than that or?

09:20:04 20 MR AGHA: Just the odd session, some times to go and check

21 up on some witnesses, to check some expert reports and to discuss

22 with investigators. It is during Court periods rather than days

23 on end, Your Honour.

24 PRESIDING JUDGE: I see. All right. Well, thanks for

09:20:19 25 letting us know, Mr Agha.

26 MR AGHA: Thank you.

27 PRESIDING JUDGE: Now, Mr Daniels, what is the pseudonym of

28 this witness?

29 MR DANIELS: The pseudonym, Your Honours, is DBK-110 and

1 it's number 51 on the order and the witness will be speaking in
2 Temme.

3 WITNESS: DBK-110 [Sworn]

4 [The witness answered through interpreter]

09:21:26

5 EXAMINED BY MR DANIELS:

6 Q. Good morning, Mr Witness.

7 A. Good morning.

8 Q. Mr Witness, I will be asking you a few questions after
9 which my learned friends --

09:22:15

10 A. Okay. [Overlapping speakers]

11 Q. My learned friends on the other side will ask you
12 questions.

13 A. Okay.

14 Q. Thank you very much.

09:22:23

15 A. Welcome.

16 Q. Mr Witness, you were born in Nonkoba ; is that correct?

17 A. Yes, there I was born.

18 Q. Mr Witness, Nonkoba is in the Masimera Chiefdom; is that
19 correct?

09:22:53

20 A. Yes.

21 MR DANIELS: Masimera, Your Honours is spelt M-A-S-I-M-R-A
22 [sic].

23 Q. And this chiefdom is in the Port Loko District?

24 A. Yes.

09:23:14

25 Q. You are a farmer?

26 A. Yes.

27 Q. And you are also a blacksmith?

28 A. Yes.

29 Q. Your shop is located next to your house?

1 A. Yes.

2 Q. You are married with two wives?

3 A. Yes.

4 Q. And four children?

09:23:48 5 A. Yes.

6 Q. Witness, do you remember the overthrow of President Tejan
7 Kabbah?

8 A. Yes.

9 Q. Where were you?

09:24:12 10 A. I was at Nonkoba.

11 Q. What were you doing?

12 A. I was doing my job.

13 Q. Do you also remember who over threw President Tejan Kabbah?

14 A. Yes, I know them.

09:24:46 15 Q. Who are they?

16 A. The soldiers.

17 Q. Did you ever hear about the removal of the soldiers?

18 A. Yes.

19 Q. What did you hear?

09:25:18 20 A. They told us that they were ousted from power by ECOMOG.

21 Q. Where were you when the soldiers --

22 A. I was at Nonkoba.

23 Q. And what were you doing?

24 A. I was still doing my blacksmith work.

09:25:48 25 Q. How did you hear about the removal of the soldiers?

26 A. I heard an announcement.

27 Q. Where?

28 A. At Nonkoba.

29 Q. Who made the announcement?

1 A. I didn't know who made the announcement.

2 Q. Did someone say it? Was it over the radio? How did you
3 hear this announcement?

4 MR HARDAWAY: Objection, Your Honour, I believe --
09:26:23 5 [overlapping speakers].

6 THE WITNESS: Yes, I heard that on the radio.

7 PRESIDING JUDGE: He's answered it.

8 MR DANIELS:

9 Q. What exactly did you hear?

09:26:38 10 A. They said Pa Kabbah had been overthrown.

11 Q. I'm talking about the removal of the soldiers; did you hear
12 about that?

13 A. Yes, I heard about it.

14 Q. And how did you hear about that one, too?

09:26:57 15 A. I heard that the soldiers had been removed from power.

16 Q. At the time that you heard that the soldiers had been
17 removed from power, did anything happen in Nonkoba Town?

18 A. Yes, all of us sat. We sat still.

19 Q. And did anything happen after that in Nonkoba Town?

09:27:27 20 A. Yes, they went there and held a meeting.

21 Q. Who went there to hold a meeting?

22 A. These rebels came from Lunsar.

23 Q. How many were they?

24 A. There were many. There were many.

09:28:00 25 Q. How did you know that they came from Lunsar?

26 A. Well, it was from there that they wrote the letter and they
27 sent it to the chief in town.

28 Q. What letter did they send to the chief?

29 A. They said that they wanted to come and hold a meeting

1 there.

2 Q. How do you know that they sent a letter?

3 A. Well, we were in town. My uncle is the chief.

4 Q. And when they sent the letter, did the rebels actually come
09:28:47 5 to Nonkoba Town?

6 A. They came.

7 Q. What time of day was this?

8 A. I cannot tell the time.

9 Q. What happened when they came?

09:29:12 10 A. When they came, they went to the chief and told him that
11 they had come, concerned the letter that they sent and the letter
12 went to the head man, and it was announced in town.

13 Q. Were you there when the announcement was made?

14 A. Yes, I was there.

09:29:36 15 Q. What did they say in the announcement?

16 A. They said that people came to us and they wanted us to be
17 together.

18 Q. And how long did the rebels stay in Nonkoba?

19 A. Well, they spent two hours there.

09:30:10 20 Q. How were they dressed?

21 A. Some had uniform, some had civilian clothing.

22 Q. Do you know which force they belonged to?

23 A. No, I did not know the group to which they belonged.

24 Q. After they came to Nonkoba Town, did they leave Nonkoba
09:30:55 25 Town?

26 A. Yes, they left and went to a place that is called Mafuri.

27 Q. Mafuri is M-A-F-O-R-I [sic], Your Honours. How do you know
28 they went to Mafuri?

29 A. Well, they said that they went -- well, they said that they

1 wanted somebody to lead them and the individual who went with
2 them to Mafuri was the one who came and informed us.

3 Q. Do you know the individual who led them to Mafuri?

4 A. Yes, I knew him.

09:31:38 5 Q. Who was he?

6 A. It was my own uncle, [redacted].

7 Q. What exactly did he tell you?

8 A. He said that he had left, the people who came here, to
9 Mafuri.

09:31:58 10 Q. Do you know whether anyone else escorted them to Mafuri?

11 A. Not at all. I did not know whether any other individual
12 went with them to Mafuri. It's only one of my brothers whom they
13 caught at Nonkoba, that they took along.

14 Q. Who is this brother who was caught, that they took along?

09:32:22 15 A. He was called [redacted].

16 JUDGE SEBUTINDE: Mr Daniels, is this not identifying data
17 for this witness, when you make him name his relatives one by
18 one?

19 MR DANIELS: Very well. I will take the cue.

09:32:48 20 Q. Mr Witness, for your own protection --

21 A. Yes.

22 Q. -- do not mention their full names; just tell me about
23 their relationship?

24 A. Okay. It's good.

09:33:01 25 Q. Now, this person that they captured --

26 A. Yes.

27 Q. -- what was he?

28 A. He was my brother.

29 Q. Do you know who captured him?

1 A. Not at all. I do not know who captured him.

2 Q. Did he go to Mafuri?

3 A. Yes. They went to Mafuri.

4 Q. Did he return from Mafuri?

09:33:36 5 A. Not at all. When they left there, they went to Maborah.

6 MR DANIELS: Maborah. M-A-B-O-R-A-H.

7 Q. Do you know what at -- before I go there, did anything
8 happen at Mafuri Town?

9 A. Not at all. Nothing happened at Mafuri. The man who came
09:34:08 10 from there, the person who came from there said that nothing
11 happened there.

12 Q. How do you know they went to Maborah Town, from Mafuri?

13 A. Well, when they went and attacked the place, it was my
14 brother who came from there and told us at Nonkoba that the place
09:34:30 15 had been attacked.

16 Q. Did he -- what else did he tell you about the attack?

17 A. He said the attack was very heavy. That was what made him
18 to run.

19 Q. Where is that brother?

09:34:50 20 A. He had been killed.

21 Q. Do you know who was attacked at Maborah?

22 A. The group that came from Nonkoba, they were the ones that
23 attacked the place. I did not know them.

24 Q. But who did they attack at Maborah?

09:35:20 25 A. They attacked the town. It was a town.

26 Q. Did anything happen as a result of that attack, if you
27 know?

28 A. My brother recounted all that happened there to me.

29 Q. I want you to tell me exactly what your brother told you?

1 A. They said when they went there and attacked, at dawn, they
2 killed people and they burnt the vehicles. He ran away, because
3 he was not used to shooting.

4 Q. Did he tell you how many people were killed?

09:36:03 5 A. When he ran away, I did not ask him whether people were
6 killed.

7 Q. Now, after this incident you've referred to, did anything
8 else happen in Nonkoba Town?

9 A. Yes, yes. Something happened there.

09:36:34 10 Q. What happened?

11 A. The rebels would come from Makeni Rofullah and they would
12 come.

13 MR DANIELS: Makeni, we all know. Rofullah is
14 R-O-K-F-U-L-L-A-H [sic].

09:36:57 15 Q. You said the rebels came from Makeni, Rofullah. They came
16 to Nonkoba Town?

17 A. Yes, that was what I said.

18 Q. How soon after this first incident, this meeting, how soon
19 after was it that they came to Nonkoba Town?

09:37:19 20 A. About two weeks.

21 Q. And this time, how many of them came, if you know?

22 A. There were many. There were more than 150.

23 Q. And this group who came, how were they dressed?

24 A. Some had uniform, some had civilian shirts.

09:38:09 25 Q. And what time of day did they come to Nonkoba Town?

26 A. It was early in the morning, at 5.00.

27 Q. When they came to Nonkoba Town, where were you?

28 A. By then, we were lying down. When they shot, we ran away
29 and went into the bush.

1 Q. Did you hear the shooting yourself?

2 A. Yes, I heard the shooting.

3 Q. And where was the shooting coming from?

4 A. They came from Makeni, Rofullah part. Therein we had a
09:39:09 5 line.

6 Q. Did anything happen in Nonkoba Town as a result of the
7 shooting?

8 A. When they shot, it was -- we went into the bush and they
9 came and took our property.

09:39:33 10 Q. Who did you go to the bush with?

11 A. I alone, in my own group.

12 Q. And for how long were you in the bush?

13 A. I was there up to 2.00.

14 Q. Did you return to Nonkoba Town?

09:39:58 15 A. Yes, I came back, when they had gone.

16 Q. And when you came back, did you return alone?

17 A. Not at all. I came with my companions. All of us came
18 out.

19 Q. And when you got back to Nonkoba Town, what did you see?

09:40:25 20 A. They broke the doors. They took all the things and they
21 wrote their names on the doors.

22 Q. Who wrote their names on the doors?

23 A. They, the RUF.

24 Q. What exactly did they write?

09:40:59 25 A. They wrote "RUF. "

26 Q. You told us that they stole your things; which things were
27 stolen from Nonkoba Town?

28 A. They took our clothing; they took rice; they took sheep;
29 they took goats.

1 Q. So for how long did the rebels stay in Nonkoba Town on that
2 occasion?

3 A. They were up to 2.00 and they returned.

4 Q. Do you know where they returned to?

09:41:51 5 A. They went to Makeni Rofullah. That is where they went
6 again.

7 Q. Do you know who their leader was?

8 A. Not at all. I did not know their leader.

9 Q. On this occasion we are talking about, was anybody raped in
09:42:19 10 Nonkoba Town?

11 A. Not at all. No woman was raped there.

12 Q. Was anyone killed in Nonkoba Town?

13 A. During the time that they came, they did not kill anybody.

14 Q. Did they burn any houses?

09:42:54 15 A. During the time that they came, they did not burn any
16 houses.

17 Q. During the time that they came, did they abduct or kidnap
18 any people from Nonkoba Town?

19 A. Yes, they abducted people.

09:43:26 20 Q. How many people were abducted? Please do not mention their
21 names. How many persons were abducted?

22 A. There were three.

23 Q. Were they men?

24 A. Two women and one man.

09:43:48 25 Q. These persons who were abducted, did you know them
26 personally?

27 A. Yes, I knew them.

28 Q. Where is the man today, the man who was abducted?

29 A. He is right now at Nonkoba.

1 Q. And where are the women who were abducted?

2 A. One -- one of the women is at Nonkoba, and the other one
3 has gone.

4 Q. [Microphone not activated]?

09:44:33 5 A. She has gone to Mamamah. There she is married.

6 Q. Now, you've just told us about this incident. After this
7 incident we just spoke about, did anything else happen in Nonkoba
8 Town?

9 A. Yes, something happened.

09:45:05 10 Q. When did it happen?

11 A. I cannot tell you the time, but something happened.

12 Q. How soon after this last incident that you are referring
13 to, did it happen?

14 A. It was just a period of one week.

09:45:35 15 Q. What happened?

16 A. They came back.

17 Q. Who came back?

18 A. The RUF.

19 Q. How many of them came back this time?

09:45:52 20 A. There were many.

21 Q. Did you know where they were coming from?

22 A. They came from Makeni, Rofullah.

23 Q. And on this occasion you are talking about, what time of
24 the day did they come?

09:46:22 25 A. It was early in the morning.

26 Q. Where were you?

27 A. We ran away, when they started shooting.

28 Q. And where did you run to?

29 A. Well, there I was born. You see, I was just hiding around,

1 but they did not see me.

2 Q. Did anything happen when you ran away?

3 A. Yes. They went into the bush and they started collecting
4 the rice that we hid in the bushes.

09:47:12 5 Q. How do you know that?

6 A. Well, where I was hiding, I saw them

7 Q. Apart from them coming to take the rice that you hid in the
8 bushes, did anything else happen?

9 A. Yes, something happened.

09:47:39 10 Q. What happened?

11 A. Well, those that they -- the most difficult ones came.

12 Q. They came where?

13 A. They came from Masiaka and they came to Nonkoba.

14 Q. I'm saying that after you were in the bush, did you return
09:48:03 15 to Nonkoba Town?

16 A. Yes, I returned to Nonkoba.

17 Q. And when you went back to Nonkoba Town, did anything happen
18 in Nonkoba Town?

19 A. Yes, something happened.

09:48:26 20 Q. What happened?

21 A. They came, and that was the third time.

22 Q. I'm talking about the second occasion. On the second
23 occasion, when you had got back to Nonkoba Town, did you see
24 anything?

09:48:45 25 MR HARDAWAY: Objection, Your Honour. Leading.

26 PRESIDING JUDGE: Yes. What do you say, Mr Daniels?

27 MR DANIELS: I'm asking whether he saw anything in Nonkoba
28 Town. I don't see how I can be leading. I mean, the variables
29 are so many; how can I be leading?

1 PRESIDING JUDGE: Yes. All right. You can ask that
2 question.

3 MR DANIELS: Thank you.

4 JUDGE SEBUTINDE: And are we talking about the second time
09:49:11 5 or this third time?

6 MR DANIELS: I'll clarify. I'll clarify.

7 THE WITNESS: I --

8 MR DANIELS:

9 Q. Mr Witness --

09:49:21 10 A. Yes.

11 Q. -- you told us about an occasion when the rebels came into
12 the bush to take the rice that people have hidden in the bush; do
13 you remember?

14 A. Where I'm sitting here, I said so.

09:49:49 15 Q. After that, did you go back to Nonkoba Town?

16 A. Yes, I returned.

17 Q. And when you went back to Nonkoba Town, did you see
18 anything?

19 A. Yes, I saw writings on the door.

09:50:19 20 Q. Now, you've mentioned that there was a third attack.

21 Yes --

22 JUDGE SEBUTINDE: Mr Daniels, according to the evidence
23 you've led so far, this is the third attack; when they came a
24 week afterwards. They came the first time and they came two

09:50:43 25 weeks later and then they came one week later. That is when --

26 this third time, that is apparently when they stole the rice from
27 the bush.

28 MR DANIELS: I think --

29 JUDGE SEBUTINDE: They are three different times I have on

1 my record.

2 MR DANIELS: Yes. I believe the very first time it was not
3 attack, it was a meeting, and then there was a first attack and a
4 second attack. So the very first time was a meeting, as I
09:51:13 5 understood it, Your Honour.

6 Q. So, after you returned to Nonkoba Town, that is when the
7 rebels came to steal the rice, after you returned. Did anything
8 else happen in Nonkoba Town?

9 A. Yes, something happened there.

09:51:45 10 Q. What happened?

11 A. They broke the doors and they wrote their names on the
12 doors.

13 Q. Did anything happen to you?

14 A. Well, something did not happen to me. You see, as such,
09:52:04 15 because all that we had had been taken away and I had nothing to
16 give them.

17 Q. After this occasion, was there any other attack?

18 MR HARDAWAY: Leading, Your Honour. Objection.

19 PRESIDING JUDGE: All right. It is leading, Mr Daniels.
09:52:23 20 Can you rephrase that?

21 MR DANIELS:

22 Q. Did anything else happen to you in Nonkoba Town, after
23 these incidents you have referred to?

24 A. Yes. They -- they came again from Masiaka, and that was
09:52:42 25 the third time.

26 Q. Thank you.

27 A. Welcome.

28 Q. This third time, you said they came from Masiaka; how do
29 you know they came from Masiaka?

1 A. When they came in the morning, around 8.00, we ran away.
2 They went into the bush. They run after us and they captured me
3 and they told me that they came from Masiaka.

4 Q. Who captured you?

09:53:23 5 A. That man was called Jacob.

6 Q. How did he capture you?

7 A. He ran after me. He captured me and he tied me.

8 Q. Where did he tie you?

9 A. He tied me on the hands and he took my hands at the back.

09:53:46 10 In fact, I even have some of the weals on my hands.

11 Q. Mr Interpreter, could you repeat? Some of the what on --

12 A. The weals. Weals. Those are the marks. W-E-A-L-S. The
13 marks.

14 Q. Very well. Mr Witness, can you show the Court the marks
09:54:12 15 you have on your hand?

16 A. Yes, I can show them to the Court.

17 Q. Please do.

18 A. Here they are. Here they are.

19 PRESIDING JUDGE: You will have to hold your sleeves up,
09:54:35 20 Mr Witness.

21 THE WITNESS: Yes, I am raising it now. So do you see it?

22 PRESIDING JUDGE: Yes. There appear to be some marks just
23 below the elbow.

24 MR DANIELS: Some scar markings. Can you confirm that?

09:54:58 25 What do you see.

26 MS KAMUZORA: There are two marks, Your Honour, on his --
27 both arms.

28 PRESIDING JUDGE: Just above the elbow on both arms.

29 MR DANIELS:

1 Q. Thank you.

2 A. Welcome.

3 Q. After you were tied by Jacob, did anything happen to you?

4 A. Yes. And he said that I was to go to the house and sit
09:55:38 5 down. And I told him, how would I be able to sit down, now that
6 you have tied me in this way?

7 Q. So, where did Jacob take you to?

8 A. He went me -- he took me to my own house.

9 Q. And when you got to your house, did anything happen?

09:55:58 10 A. Something did not happen to me, only told me that I was to
11 sit down. They went into the house and they found my grandfather
12 lying down. They took him outside.

13 Q. Who took your grandfather outside?

14 A. This same individual who captured me; Jacob.

09:56:31 15 Q. Did anything happen to your grandfather?

16 A. Yes, they took him behind the house and they killed him
17 there. They slaughtered him and they cut him into bits, and they
18 brought a big pot and they put him into that pot.

19 Q. How do you know that they killed him and put him into a
09:56:57 20 pot?

21 A. They came with his head because, during that time, there
22 were no sheep, there were no goats, there were no chickens during
23 that time at Nonkoba.

24 Q. And after they put him in the pot, did anything happen?

09:57:21 25 A. They made fire, you see, and the pot started boiling, see.
26 They took him out. They took the piece -- the meat out and they
27 put some palm oil and they started frying the body.

28 Q. And after they started frying the body, did anything
29 happen?

1 A. When they had fried the body, they ate and they asked me
2 whether I was going to eat and I told him that I was not going to
3 eat and I started yelling.

4 Q. Who ate the body?

09:58:15 5 A. These people who captured me, they were the ones who ate
6 this old man's body, and they were licking their fingers.

7 Q. Did you -- did anything happen -- did anything else happen
8 in Nonkoba Town apart from the killing of your grandfather?

9 A. When they had killed him, they said we were to -- they said
09:59:03 10 we were to leave. When they had eaten him, they said we were to
11 go to Lunsar.

12 Q. Apart from your grandfather, was anyone else killed in
13 Nonkoba Town?

14 A. Yes. They killed a lot of people.

09:59:28 15 Q. About how many, if you know?

16 A. Well, when my brothers came from the place, they said they
17 had killed five people.

18 Q. Were any houses burnt?

19 A. Yes. My brothers informed me that they burnt houses, and
09:59:57 20 when the dust had settled, I came there and found out that it was
21 true.

22 Q. Do you know whether anybody was raped?

23 A. Not at all. I did not know anything about that.

24 Q. So did you eventually get to go to Lunsar with the rebels?

10:00:29 25 A. Yes, I went with them.

26 Q. How did you get to Lunsar?

27 A. Well, I led them, because they captured me.

28 Q. Did you go by car or on foot?

29 A. We walked. We used the bush path.

1 Q. And how far is Lunsar from Nonkoba?

2 A. I can't tell the exact mileage but it's a long distance,
3 because normally we don't count the miles. We normally count the
4 towns.

10:01:31 5 Q. Did you eventually arrive in Lunsar?

6 A. Yes, we arrived at Lunsar.

7 Q. When you arrived at Lunsar, did anything happen?

8 A. Yes, I was taken to Bangura.

9 Q. Who was Bangura?

10:02:01 10 A. He was there. He was called Sulaiman Bangura.

11 Q. When you were taken to him, what did he say to you?

12 A. He said, "Why did you bring this to me? Why did you bring
13 it? You ought to have killed him." Then Superman said: "No,
14 they should not kill him. If you kill this, I will kill you."

10:02:41 15 Q. Who was Superman?

16 A. The man -- that man was in Lunsar. He's also a big man.

17 Q. Did you get to see him yourself?

18 A. Yes, I saw him myself.

19 Q. You say he was a big man; what do you mean by he was a big
20 man?

10:03:14 21 A. Well, whatever he says is final.

22 Q. Was he superior to Bangura?

23 A. Bangura was the ground commander.

24 Q. How do you know that Bangura was the ground commander?

10:03:49 25 A. Well, the one who captured me told me that the ground
26 commander was Bangura, in Lunsar.

27 Q. And after Superman told Bangura that you should not be
28 killed, did anything happen in Lunsar?

29 A. Well, nothing happened at that time. They asked me whether

1 I want to join them I said, "Yes, I'll join you."

2 Q. So who did you join?

3 A. They, those who took me. We were in the same group and
4 Bangura took a G3 and gave it to me.

10:04:52 5 Q. What is a G3?

6 A. The guns, the same type like those that ECOMOG used to
7 have, AB. The black ones.

8 Q. How many guns were given to you?

9 A. Just one.

10:05:23 10 Q. Were you trained on how to use it?

11 A. Yes, he taught me, but he did it just once and later they
12 asked us to go.

13 Q. Where did they ask you to go to?

14 A. We were heading for Buya Romende.

10:05:55 15 MR DANIELS: I will spell that phonetically, Your Honours.

16 B-U-Y-R-O-M-A-N-D-E [sic]. Buya Romende.

17 Q. What did you go to do at Buya Romende?

18 A. Well, we went and attacked there too -- in search of food
19 and we brought the food to Lunsar.

10:06:20 20 Q. How many of you went on this attack?

21 A. We were -- we were many. That was Bangura's group. We
22 were many.

23 Q. Was anybody killed on this attack?

24 A. Yes. Yes. People were killed.

10:06:44 25 Q. How many people were killed?

26 A. Well, I can't recall the number.

27 Q. And who killed them?

28 A. Well, we who went killed them.

29 Q. And how did you kill them?

1 A. We shot them with guns.

2 Q. Apart from killing, did you do anything else when you went
3 on this food finding?

4 A. We broke the doors, entered the houses and took food from
10:07:33 5 the houses, put them in bags and carried them

6 Q. Apart from going on attack to Buya Romende, did you go on
7 any other attacks?

8 A. Yes. Yes, we went there.

9 Q. Where did you go?

10:07:56 10 A. At Masimra Kom Katik

11 MR DANIELS: Again, I will spell that phonetically.

12 Masirakom, M-A-S-I-R-A-K-O-M [sic]. One word, Katik, K-A-T-I-K.

13 Q. What happened when you went to Masimra Kom Katik?

14 A. Well, we also attacked there.

10:08:36 15 Q. And which group attacked?

16 A. We, the same group.

17 Q. On this attack, were any people killed?

18 A. Yes, people died there. We killed them there because they
19 didn't die just like that. We killed them

10:09:02 20 Q. And who instructed you to kill them?

21 A. Well, our boss man who sent us.

22 Q. And how many people were killed on this particular attack?

23 A. Well, I -- I was unable to count them because, that time,
24 at the end of the mission, the next thing is to retreat.

10:09:41 25 Q. And who was killed?

26 A. Where?

27 Q. On the attack on Masimra Kom Katik, who was killed? You
28 said you killed people; which people did you kill?

29 A. Women and men.

1 Q. Now, the group who went with you to carry out this killing,
2 what were the ages of the persons in your group?

3 A. Those that were killed?

4 Q. No, those that went with you to carry out the killing.

10:10:33 5 A. Well, some are between ten, 15 and 20 years.

6 Q. How old were you at the time? Do you remember how old you
7 were?

8 A. Yes.

9 Q. How old were you when you went on this attack?

10:11:01 10 A. Well, at that time, I was -- I was 25 years old. I was 25
11 years old by then.

12 Q. And apart from this attack on Masimra Kom Katik, did you go
13 on any other operations?

14 A. No. From there, we didn't go anywhere.

10:11:42 15 Q. Were you with Bangura at the time of the peace accord?

16 A. Yes, I was with him.

17 Q. And after that, what happened to you?

18 A. When the peace came, he took the gun from my --

19 Q. Did you eventually go back to Nonkoba Town?

10:12:20 20 JUDGE SEBUTINDE: We didn't hear the rest of the sentence,
21 did you?

22 MR DANIELS: I beg your pardon.

23 JUDGE SEBUTINDE: They took the gun from my something.

24 THE WITNESS: They took the gun from me.

10:12:30 25 MR DANIELS:

26 Q. I said, Mr Witness, after the peace, what happened to you?

27 JUDGE DOHERTY: Mr Daniels, you asked him about the time of
28 the peace accord. There were several peace [overlapping
29 speakers] --

1 THE WITNESS: They took the gun from me.

2 JUDGE DOHERTY: [Microphone not activated] peace, which is
3 it?

4 MR DANIELS: I'm referring to the Lome Peace Accord.

10:13:00 5 Q. You said -- who took the gun from you?

6 A. Our boss man, Bangura.

7 Q. So, where is Bangura today?

8 A. He is at Masimra Kom, Rosint. That is his place of birth.

9 Q. And did you go back to Nonkoba Town?

10:13:28 10 A. Yes, I returned to Nonkoba.

11 Q. And when you returned to Nonkoba, did you see anything?

12 A. Yes. I met -- they burnt all our houses, when we had to
13 build booths.

14 Q. When you say all your houses, what do you mean?

10:13:52 15 A. The -- our dwelling houses; all of them were burnt.

16 Q. Did you eventually get to find out who burnt them?

17 A. Yes. I asked my companions.

18 Q. And what did they tell you?

19 A. They said, "My friend, the entire Nonkoba has been burnt
10:14:32 20 down."

21 Q. The question I'm asking you is: Did he tell you who burnt
22 down Nonkoba?

23 A. Yes.

24 Q. What did he tell you?

10:14:44 25 A. They said the rebels have burnt down Nonkoba.

26 Q. Mr Witness, I just -- we are coming to an end, but I just
27 want you to tell me: What are the names of the towns immediately
28 surrounding Nonkoba Town?

29 A. We have Kukuna. Rochendekom, Mamanso.

1 Q. [Microphone not activated].

2 A. Welcome.

3 Q. We have Kukuna?

4 A. Kukuna.

10:15:32 5 Q. K-U-K-U-N-A. Yes?

6 A. Manmamso.

7 Q. M-A-N-M-A-M-S-O [sic]?

8 A. Mamorkah.

9 Q. Mamorkah, M-A-M-O-R-K-A-H. Yes?

10:15:59 10 A. Ruchincom.

11 MR DANIELS: R-U-C-H-I-N-C-O-M These are all phonetical
12 spellings, Your Honours.

13 Q. Any more?

14 A. Magbosonko.

10:16:16 15 Q. M-A-G-B-A-S-O-N-G-K-O [sic]. Okay, Mr Witness, thank you
16 very much.

17 A. Welcome.

18 MR DANIELS: Your Honour, I have no further questions.

19 PRESIDING JUDGE: Thank you, Mr Daniels. Is there anything
10:16:40 20 else in chief?

21 MR MANLY-SPAIN: Just a few questions. But, before we do
22 so, we, the Defence, would like to welcome back Judge Doherty.
23 We hope you are fully recovered.

24 JUDGE DOHERTY: Thank you, Mr Manly-Spain. I will try not
10:16:56 25 to make a habit of staying away.

26 EXAMINED BY MR MANLY-SPAIN:

27 Q. Mr Witness, I have only a few questions for you.

28 Mr Witness, the first time the rebels went to your village and
29 held a meeting, do you remember which language was spoken at this

1 meeting?

2 A. They spoke Krio and it was translated into Temne.

3 Q. Thank you, Mr Witness.

4 A. Welcome.

10:17:43 5 Q. Mr Witness, when they asked you to join them, you said you
6 will join them. Why did you agree to join them? The rebels,
7 when they asked you to join them, why did you agree?

8 A. Well, they said they were going to kill me and so I decided
9 to join them.

10:18:10 10 Q. Thank you very much, Mr Witness.

11 A. Welcome.

12 MR MANLY- SPAIN: Sorry, Your Honour, just one more
13 question.

14 Q. Mr Witness, you have told us about the villages near to
10:18:25 15 Nonkoba. Do you know whether these villages were at any time
16 attacked by the rebels?

17 A. Yes, the same people who were based at Nonkoba went to all
18 those villages.

19 Q. Thank you, Mr Witness.

10:18:54 20 A. Welcome.

21 MS THOMPSON: No questions on behalf of the Brima team.

22 PRESIDING JUDGE: Thank you, Ms Thompson. Yes,
23 Mr Hardaway.

24 MR HARDAWAY: Yes, Your Honours, thank you. Good morning,
10:19:13 25 Your Honour. On behalf of the Prosecution, also, welcome back,
26 Your Honour.

27 JUDGE DOHERTY: Thank you, Mr Hardaway. I appreciate it.

28 CROSS- EXAMINED BY MR HARDAWAY:

29 Q. Mr Witness, good morning, sir.

1 A. Good morning.

2 Q. I have a few questions for you. I just want you to listen
3 to them carefully and answer them truthfully. A lot of the
4 time --

10:19:40 5 A. That's why I'm sitting quietly, to listen.

6 Q. Thank you, sir. A lot of the times the questions can be
7 answered yes, no, or I don't know; do you understand, sir?

8 A. Yes.

9 Q. I want to go back with you from the beginning of your
10:19:58 10 evidence, just so you can clear up some matters that I'm confused
11 about, all right?

12 A. Yes.

13 Q. Now, you stated the first time that you met the rebels was
14 when they wanted to have a meeting with the chief; is that
10:20:22 15 correct?

16 A. Yes.

17 Q. And that the next time they came back was two weeks later;
18 is that also your evidence?

19 A. Yes.

10:20:51 20 Q. And was it in between that time, from the meeting to when
21 they came back, is that when they attacked Mafuri and Maboro?

22 A. Yes.

23 Q. And then when they came back -- and after the attack on
24 Nonkoba, they came back a week later and attacked again, the
10:21:29 25 rebels; is that your evidence?

26 A. Yes.

27 Q. And then how long was it, sir, between when they attacked
28 Nonkoba, as you just described, and -- forgive me, Your Honours.
29 That attack on Nonkoba, after the two weeks, that is when you saw

1 the broken doors with RUF on; is that correct?

2 THE INTERPRETER: Your Honours, can learned counsel please
3 repeat his question?

4 MR HARDAWAY: Yes. I apologise to the interpreters.

10:22:13 5 Q. When they came back after two weeks, from the meeting that
6 they had, that was the first attack; correct?

7 MR DANIELS: Objection, Your Honours. I believe that the
8 witness never said it was an attack. He said it was a meeting.

9 MR HARDAWAY: It was after the meeting was my question.
10:22:37 10 But I can clarify if there is any --

11 Q. Mr Witness, I will ask again: When the rebels came back to
12 Nonkoba, after the meeting, that was the first attack; is that
13 correct?

14 A. The attack at Nonkoba?

10:23:05 15 Q. Yes, sir.

16 A. It was a meeting that they held.

17 Q. I'm asking after the meeting. You testified after the
18 meeting they went away for two weeks and then they came back. Do
19 you remember that, sir?

10:23:22 20 A. Yes, yes.

21 Q. And when they came back, that was the time when they
22 attacked Nonkoba the first time; is that your evidence?

23 A. Yes.

24 Q. And then, correct me if I'm wrong, a week afterwards they
10:23:40 25 came back and attacked Nonkoba again; is that correct?

26 A. Yes.

27 Q. Now, how long was it, sir, between the second attack on
28 Nonkoba and the third attack, in which you were captured by
29 Jacobs?

1 A. About a month.

2 Q. And, again, it was this time when you were captured you
3 went to see Bangura, and then you joined the rebels; is that
4 correct?

10:24:43 5 A. Yes.

6 Q. Mr Witness, before you came to give your evidence here
7 today, did you ever speak to anyone from the Special Court
8 concerning your evidence?

9 A. Yes.

10:25:05 10 Q. And did you give a statement to those people from the
11 Special Court, telling them everything that you've told us today?

12 A. Yes.

13 Q. Mr Witness, the Prosecution is given a summary of the
14 statement that you've given to the people at the Special Court,
10:25:31 15 and I want to read a portion of it to you and then ask you a
16 couple of questions; is that all right, sir?

17 A. Yes.

18 Q. Thank you.

19 A. Welcome.

10:26:02 20 Q. The summary, I put to you, sir, it reads as follows: "W
21 said the first time he experienced rebel activity was in 1995
22 when the town received a letter inviting all residents to a
23 meeting." My question to you is this, sir: Did you tell the
24 people from the Special Court that the first time --

10:26:27 25 THE INTERPRETER: Your Honours, can learned counsel please
26 go slowly to facilitate interpretation.

27 MR HARDAWAY: I will, Your Honour. Again, my apologies to
28 the interpreters in the booth.

29 Q. Mr Witness, my question is this: Did you tell the people

1 who took your statement that the first time you encountered the
2 rebels was in 1995 as it related to the meeting you have given
3 evidence on?

4 A. I'm not literate. I -- I can't remember the year.

10:27:16 5 Q. Mr Witness, I put it to you that your first meeting with
6 the rebels, and all of the evidence that you have given here
7 today, took place in 1995; what is your response?

8 A. Well, you are literate.

9 Q. Thank you, Mr Witness.

10:27:49 10 A. Welcome.

11 Q. I have no further questions of you, sir. I thank you for
12 your time and your evidence today.

13 MR HARDAWAY: Your Honour, this completes my
14 cross-examination.

10:27:58 15 PRESIDING JUDGE: Thank you, Mr Hardaway. Is there any
16 re-examination?

17 MR DANIELS: Not from me, Your Honour. Not from this side.

18 PRESIDING JUDGE: All right. Thank you. Mr Witness --

19 THE WITNESS: Yes.

10:28:14 20 PRESIDING JUDGE: -- thank you for coming to Court.

21 THE WITNESS: Welcome. Yes.

22 PRESIDING JUDGE: You will be able to leave very shortly.
23 Just sit there for the moment.

24 THE WITNESS: Okay.

10:28:27 25 [The witness withdrew]

26 MR MANLY-SPAIN: May the third accused be permitted to use
27 the bathroom?

28 PRESIDING JUDGE: Yes, he can go. Yes, next Defence
29 witness?

1 MR DANIELS: Your Honour, I will be taking the next
2 witness. His pseudonym is DBK-111 and the number appears at
3 number 39 on the order.

4 WITNESS: DBK-111 [Sworn]

10:33:02 5 [The witness answered through interpreter]

6 EXAMINED BY MR DANIELS:

7 Q. Mr Witness, good morning.

8 A. Good morning.

9 Q. I will ask you a few questions.

10:33:34 10 A. Okay.

11 Q. And after that, my learned friends on the other side will
12 also ask you some questions.

13 A. Yes, sir.

14 Q. Please look at the judges while you are answering your
15 questions, and after that you will be able to go.

16 A. Okay, sir.

17 Q. Mr Witness --

18 A. Yes, sir.

19 Q. -- you were born in 1954.

10:34:09 20 A. Yes.

21 Q. At Mayepoh Village?

22 A. Yes, yes.

23 Q. Can you spell the name of the village?

24 A. Yes. M-A-Y-E-P-P-O-H [sic]. Mayepoh.

10:34:38 25 Q. And it is in what chiefdom?

26 A. Gbonkel eh.

27 Q. Can you spell that, please?

28 A. Yes.

29 Q. Go ahead.

- 1 A. To spell it?
- 2 Q. Yes.
- 3 A. G-B-O-N-K-E-L-E-L-E-H.
- 4 Q. And that is in the Tonkolili District?
- 10:35:14 5 A. Yes.
- 6 Q. For the moment, you are a senior teacher in Nonkoba
7 Village?
- 8 A. Yes.
- 9 Q. This is in the Masimera Chiefdom?
- 10:35:40 10 A. Yes.
- 11 Q. In the Port Loko District?
- 12 A. Yes.
- 13 Q. You have been teaching since 1974?
- 14 A. Yes.
- 10:36:01 15 Q. And you started teaching in Nonkoba Village in 1993?
- 16 A. Yes.
- 17 Q. You are married with two wives and seven children?
- 18 A. Yes.
- 19 Q. You presently live at Nonkoba Village?
- 10:36:27 20 A. Yes.
- 21 Q. You have a teacher's certificate?
- 22 A. Yes.
- 23 Q. From Port Loko Teachers' College?
- 24 A. Yes.
- 10:36:53 25 Q. Your mother tongue is Temne?
- 26 A. Yes.
- 27 Q. What is your religion?
- 28 A. Christian.
- 29 Q. Very well. Thank you. Mr Witness, I would like you to

1 take your mind back to 1997.

2 A. Yes.

3 Q. Where were you at the beginning of 1997?

4 A. I was at Lunsar.

10:37:44 5 Q. And where were you in May 1997?

6 A. At Lunsar.

7 Q. What were you doing at Lunsar, in May 1997?

8 A. At that time, they told me to get back to Lunsar because
9 the rebels were disturbing us at Nonkoba.

10:38:22 10 Q. So when did you get to Lunsar?

11 A. Lunsar, I arrived there early September 1997. Because the
12 rebels moved us in 1996, because there was no chance for us to
13 continue with the work and they asked me to deploy at Lunsar.

14 Q. Did anything happen in Lunsar around May of 1997?

10:39:05 15 A. 1997, May, we heard that the President Alhaji Tejan Kabbah
16 has been overthrown.

17 Q. Who did you hear had overthrown the president?

18 A. Well, we heard that -- the military.

19 Q. And how did you hear this?

10:39:47 20 A. At that time, I heard it over the BBC. In fact, it was on
21 the radio at the SLBS. I heard it.

22 Q. Did anything happen in Lunsar Town, as a result of the
23 overthrow of President Tejan Kabbah?

24 A. Well, at that time, nothing of significance really

10:40:25 25 happened, because we continued our work as teachers during that
26 time.

27 Q. Did you eventually return to Nonkoba Town?

28 A. Yes.

29 Q. And when did you return to Nonkoba Town?

1 A. At the beginning of the academic year, in September 1998,
2 1997 -- 1997/98 academic year.

3 Q. So, that will have been what year. What year was it in?

4 A. 1998.

10:41:16 5 JUDGE SEBUTINDE: Mr Daniels, this is absolutely not clear.

6 MR DANIELS: Very well.

7 Q. Mr Witness --

8 A. Yes.

9 Q. -- you said you went to Lunsar in May 1997.

10:41:33 10 A. 1977. '77.

11 Q. I want you to relax. Just relax.

12 A. Okay. Okay. Okay.

13 Q. Just listen to the question.

14 A. Okay, sir.

10:41:52 15 Q. Where were you in May in 1997?

16 A. I was at Lunsar. I was at Lunsar.

17 Q. In 1998, where were you?

18 A. I went back to Nonkoba, in 1998, because the rebels were
19 disturbing us in 1996, and I transferred to Lunsar in 1997, so,
10:42:28 20 in the beginning of 1998, we went back to Nonkoba.

21 Q. You said it was in the beginning of 1998 that you went back
22 to Nonkoba. When was it in the beginning of 1998 that you went
23 back to Nonkoba?

24 A. The end of 1998 academic year, to 1989, because academic
10:43:08 25 year starts in September every time. So that was why we
26 transferred back, to continue our school at Mayepoh.

27 Q. So, in September 1998, you were in Nonkoba Town?

28 A. Yes.

29 Q. Did anything happen in Nonkoba Town?

1 A. Yes.

2 Q. Please wait for me to ask the question.

3 A. Okay. Okay.

4 Q. It's being translated and, after that, you answer.

10:43:41 5 A. Okay.

6 MR DANIELS: Your Honour, I think this may be an
7 appropriate time to take the break, so that we can start on a
8 new --

9 PRESIDING JUDGE: All right. Witness, we are going to have
10:43:54 10 a break until 11.00 a.m. I'll just caution you now not to
11 discuss this evidence or the case with any other person.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: We will adjourn until 11.00.

14 [Break taken at 10.45 a.m.]

11:00:06 15 [Upon resuming at 11.03 a.m.]

16 MR DANIELS: Court assistant, could you put the mic on.

17 Q. Good morning, once again, Mr Witness.

18 A. Good morning.

19 Q. Mr Witness, you just told us before the break that in
11:04:41 20 September 1998 you were in Nonkoba Town, or Nonkoba Village; do
21 you remember?

22 A. Yes. I was there.

23 Q. Why did you go there?

24 MR HARDAWAY: Objection, Your Honour, on the grounds of
11:05:05 25 relevance. The time period is outside of the period of the
26 indictment.

27 PRESIDING JUDGE: Yes; what do you say to that, Mr Daniels?

28 MR DANIELS: I vehemently disagree. The time period, in
29 this indictment, at least for child soldiers, is throughout all

1 times relevant to this indictment and, with respect --

2 MR HARDAWAY: My reference is to Port Loko, which is what
3 is listed on the summary. That is outside the indictment period
4 for Port Loko.

11:05:53 5 PRESIDING JUDGE: I think the indictment period for Port
6 Loko is February 1999, isn't it?

7 MR HARDAWAY: It is -- I have, Your Honour -- it is in
8 1999. I believe it is from February maybe to April of 1999. End
9 of April.

11:06:09 10 MR DANIELS: That is with respect to Port Loko, but then
11 there is a general, as regards child soldiers, no specific date
12 has been put and then, September only leads into -- September
13 1998 leads into 1999 where we are going to. So that is the
14 relevant period. It's only background information.

11:06:43 15 PRESIDING JUDGE: Yes. I think in regard to child soldiers
16 there has been no specific period stipulated in the indictment.
17 That is count 12.

18 MR HARDAWAY: Very well, Your Honours.

19 MR DANIELS: Most grateful.

11:07:05 20 Q. Mr Witness --

21 A. Yes, sir.

22 Q. -- I was asking you why you returned to Nonkoba in 1998,
23 September?

24 A. Well, well, during that time ECOMOG had already come into
11:07:26 25 the country; that was why they told us to go to our various
26 stations.

27 Q. And while you were in Nonkoba, in September 1998, did
28 anything happen?

29 A. Well, when I was at Nonkoba, in 1998, September, first

1 September's salary we were to take it from Makeni, so we were not
2 able to get October, November and December. So they said by
3 then --

4 Q. Carry on, slowly.

11:08:11 5 A. So -- okay. So, in December, after Christmas, they asked
6 us to go to Lungi, to collect our salary, all the northern
7 province, so, we went there. At Lungi, we were there, so
8 later --

9 Q. When -- when did you go to Lungi, Mr Witness?

11:08:36 10 A. The 28th of December.

11 Q. 19 --

12 A. '98.

13 Q. And what happened? Carry on?

14 A. So when we arrived at Lungi, we were there with the other
11:08:52 15 people, we heard that the rebels -- the rebels had taken over
16 Lunsar and, even our colleagues who went to collect their
17 salaries, they told us, so we had no way to return.

18 Q. When did you hear that the rebels had taken over Lunsar?

19 A. 29th.

11:09:19 20 Q. Of?

21 A. Of December.

22 Q. Did anything happen after that, to you?

23 A. Well, we were at Lungi up to January 1999, the 1st of
24 January. That was where we spent the new year. We were there up
11:09:42 25 until 1999, January. Then the 2nd, I told my other -- my
26 colleague teachers --

27 THE INTERPRETER: Your Honours, would the witness go a
28 little bit slower.

29 MR DANIELS:

1 Q. I want to remind you that what you are saying is being
2 interpreted so please take your time so it can be interpreted, so
3 we can go on.

4 A. Okay.

11:10:05 5 Q. Please carry on.

6 A. Okay. So the 2nd, we went to Freetown. We were in
7 Freetown, the 2nd. The 3rd, I told the teachers, I told them
8 that we were to go back to our station at Nonkoba, so the 3rd,
9 when we went to Nonkoba my friends, who were at Lunsar, I met a
10 lot of them in my house. They said that they had been pushed out
11 from Lunsar by rebels. So on the 4th we were at Lunsar. We were
12 at Nonkoba now and my friends, the 4th, the 5th, the 6th, we
13 heard that rebels had entered Freetown. That was in 1999, the
14 6th of January. I heard that on the radio and even where we
15 were, say, when they were fighting, we heard the sound.

11:11:02

16 Q. Did anything happen in Nonkoba Town after you heard that
17 the rebels had entered Freetown?

18 A. Well, at that time, we were at Nonkoba by then. Nothing
19 had happened by then until during that time, at Lunsar, by then,
20 this man, Superman, was in charge of Lunsar. During that time
21 they were trying to create a relationship with us at Masimera so
22 as to get a way of getting their food so --

11:11:41

23 Q. Hold on. Hold on.

24 A. Okay.

11:12:00

25 Q. You just said Superman was in charge of Lunsar?

26 A. Yes.

27 Q. Around what period was this?

28 A. 1999.

29 Q. And, if you can, around what month?

1 A. See, I cannot recall the month.

2 Q. Who was Superman?

3 A. Well, Superman, according to what I heard, because I did
4 not see him, they said he was the one that had the group at
11:12:41 5 Lunsar.

6 Q. Okay. And I'm now talking about Nonkoba Town?

7 A. Yes.

8 Q. Not about Lunsar?

9 A. Okay. So --

11:12:52 10 Q. Please listen to the question.

11 A. Okay.

12 Q. Did anything happen in Nonkoba Town?

13 A. Yes, something happened at Nonkoba Town.

14 Q. Do you recall the month?

11:13:04 15 A. Yes.

16 Q. What was the month?

17 A. April.

18 Q. April?

19 A. 1999.

11:13:14 20 Q. What happened in Nonkoba Town, in April 1999?

21 A. When -- 1st April 1999, rebels at Lunsar wrote a letter to
22 our section chief explaining that they had to come and take
23 something on the 27th anniversary, that is the Independence Day.
24 They wrote a letter. Then --

11:13:43 25 Q. Hold on.

26 A. Okay.

27 Q. You said rebels in Lunsar wrote a letter to the section
28 chief?

29 A. Yes.

1 Q. In Nonkoba Town?

2 A. Yes, sir.

3 Q. Around April 1999?

4 A. April.

11:13:59 5 Q. How do you know this?

6 A. Well, when they brought the letter, the section chief
7 called me so as to read letter to him because I was a teacher in
8 the place. Then I read it and explained it to him.

9 Q. So when you read the letter, did you -- what exactly do you
11:14:20 10 recall reading? What was in the letter?

11 A. They wrote saying that they were coming to come and have
12 something at Nonkoba because they wanted to celebrate the
13 Independence Day. Because the independence -- the Independence
14 Day was on the 27th.

11:14:43 15 Q. Now, this letter, who signed the letter?

16 A. Well, the name that they had in their own language, I did
17 not know them very well. All I knew was that they wrote on the
18 top of the letter "RUF."

19 Q. Do you have a copy of that letter?

11:15:07 20 A. It was not I that kept the letter; it was the section chief
21 who had it.

22 Q. So did the rebels eventually come to Nonkoba Town?

23 A. Well, the rebels, before they came, all the rebels came
24 from Masiaka.

11:15:34 25 Q. I am saying in respect of the letter that they wrote --

26 A. Mm-hmm.

27 Q. -- did they come?

28 A. Yes, they came. They came.

29 Q. Do you know the date that they came?

1 A. Yes.

2 Q. What was it?

3 A. The 25th, the 25th of April. 4.00 in the evening. I

4 listen to --

11:16:01 5 Q. Please, were you there when they came?

6 A. Yes, I was there.

7 Q. And now tell us what happened?

8 A. When they came, they said that they had come. I took my
9 children and my wife and went into the bush. So we were in the

11:16:22 10 bush throughout the night. So in the morning, by then, I found
11 out that the rebels had taken everything that we had, our
12 property, around 10.00.

13 Q. Mr Witness --

14 A. Yes, sir.

11:16:39 15 Q. -- you said the rebels came as a result of a letter?

16 A. Mm-hmm.

17 Q. When they came into the town, how long did they stay?

18 A. They were there on the 25th and the 26th.

19 Q. How many were there?

11:17:00 20 A. Well, I did not see them because there were many. Because
21 the ones that met us in the bush were many.

22 Q. And who did you go to the bush with?

23 A. My wife and my children, we went into the bush and most of
24 the people, a lot of them went into the bush.

11:17:25 25 Q. Did anything happen in Nonkoba Town itself?

26 A. Yes, it happened.

27 Q. What happened?

28 A. Well, when we left, because they had taken all our
29 property, I came out. I told my wife that I was hungry, so I

1 went out. So we came to town. When we came to town, the woman
2 was trying to prepare a little thing. That was the time that the
3 rebels told us that they wanted people to take things to Lunsar.
4 So my wife said --

11:18:05 5 Q. Hold on, hold on. When you say "town," which town are you
6 talking about?

7 A. Nonkoba, Nonkoba, the village, because we were in the bush.
8 So, when we came to the village, Nonkoba, the woman was preparing
9 a little thing. The rebels went and asked for people to take
10 their load to Lunsar.

11 Q. Where were you when this was happening?

12 A. I was in the house by then, when I had left the bush. I
13 was in the house.

14 Q. Where were you in the house?

11:18:40 15 A. I was outside. When they said that they were coming, my
16 wife said I was to hide because if they saw me they would ask me
17 to take the load.

18 Q. So did you go and hide?

19 A. Yes. Yes, I went and hid.

11:18:57 20 Q. And where did you hide?

21 A. I was in my room, under the bed.

22 Q. And when you were under the bed, what did you hear?

23 A. Well, it was then that the rebels said, I had one child
24 that was -- I mean, six years old and the other one was seven --

11:19:18 25 and they said that these children should carry the load for them
26 up to Lunsar. So my wife said the children should not go. She
27 said instead of them to take the children, she was prepared to go
28 with them. So the rebels went with my wife. She carried the
29 load on her head.

1 Q. Do you know where your wife -- do you know where your wife
2 went to?

3 A. She went as far as the river. When she came, according to
4 what she told me, she went up to the river and they told her to
5 return.

11:19:56

6 Q. Apart from asking your wife to carry the load to the river
7 did anything else happen in Nonkoba Town?

8 A. Well, before, before the woman -- when the rebels came, the
9 first batch had passed. These people came from Masiaka before
10 these other ones came. The first batch came from Masiaka and
11 they went to Lunsar and, when they were coming, they met up with
12 them, so all of them came together with my wife.

11:20:22

13 Q. Now, these rebels who came with your wife, do you know who
14 their commander was?

15 A. Well, because -- the one who was captured, because I was
16 not captured, the one who was captured, who was with them over
17 two weeks, said they were -- it was Tina Musa who was in charge
18 because by then they said that it was SAJ Musa but when he had
19 died it was the woman who had been controlling them. That was
20 what the man said, Mr Foday Bangura, because he was with them for
21 over nearly a month.

11:20:43

22 Q. So when the rebels returned -- when your wife returned, did
23 anything else happen in Nonkoba Town?

24 A. Yes, it happened. Because when these had gone --

11:21:10

25 Q. I will ask the questions.

11:21:38

26 A. Okay.

27 Q. Then you give the answer.

28 A. Okay. Okay.

29 Q. I asked you whether anything else happened in Nonkoba Town.

1 You said "yes?"

2 A. Yes. Well, the other day, the rebels -- the rebels that
3 were at Nonkoba, people came from Tendekom, and they said that a
4 lot of people had come to come and attack on the 28th.

11:22:08 5 Q. Hold on. Can you spell that, Tendekom?

6 A. Yes.

7 Q. Spell it for me?

8 A. C-H-A-I-N-D-C-O-M [sic]. Chendekom.

9 Q. And how far is Chendekom from Nonkoba?

11:22:31 10 A. About a mile.

11 Q. And when was this, that the people came from Chendekom to
12 Nonkoba; what month was this?

13 A. It was in April.

14 Q. Do you remember the date?

11:22:47 15 A. The 28th, the morning. At 9 o'clock.

16 Q. And what happened?

17 A. When they came, I took my wife and my children. I took my
18 children and we all ran.

19 Q. Where did you run to?

11:23:06 20 A. When we ran, we went into the bush, but when I went, my
21 mother-in-law stayed behind, and I told them that I was going for
22 my mother-in-law, so when I came --

23 Q. Mr Witness --

24 A. Okay.

11:23:26 25 Q. -- you said you went into the bush?

26 A. Yes, sir. Yes.

27 Q. And you left your mother-in-law behind?

28 A. Yes.

29 Q. How long did you spend in the bush?

1 A. The bush, I was there for three days.

2 Q. Who was with you while you were in the bush for three days?

3 A. Well, at that time, my wife, I was not able to see them, so
4 that was why I said I was coming to collect my mother-in-law. I
11:24:02 5 was moving around the area. Later, I was able to get some other
6 people, some other parts.

7 Q. From the bush, did you return to Nonkoba Town?

8 A. No. From the bush, we went to Konta Line.

9 Q. And where is Konta Line?

11:24:32 10 A. Konta Line is on the Bo Highway.

11 Q. And how far is that from Nonkoba?

12 A. Twelve miles.

13 Q. And who was in charge of Konta Line?

14 A. At that time, it was ECOMOG that was there.

11:24:58 15 Q. Do you know who was in charge of ECOMOG at Konta Line?

16 A. No, man, no. I don't know.

17 Q. And how long did you spend at Konta Line?

18 A. I was at Konta Line up to ten days.

19 Q. When the rebels were at Nonkoba, before you left to

11:25:31 20 Konta Line, did -- apart from when you ran away, did they do
21 anything in Nonkoba Town?

22 A. Apart from the fact that I ran away?

23 Q. Yes.

24 A. Yes, they did something.

11:25:50 25 Q. To the best of your knowledge, what did they do in Nonkoba
26 Town?

27 A. Well, they killed a lot of people. They killed a lot of
28 people.

29 Q. How do you know that they killed a lot of people?

1 A. Well, when we came, after these ones, because ECOMOG had
2 driven them, in the year 2000, we came to the place because,
3 first, we used to go there but when all of us had come together,
4 they tried to check the people whom they did not see anymore, so
11:26:34 5 they came to find out that they lost 36 people, including my
6 mother-in-law.

7 Q. So apart from your mother-in-law, who you knew, did you
8 know any of the other 35 persons who were killed in Nonkoba?

9 A. Well, I knew the names of some, but I couldn't recall the
11:27:02 10 names of the others.

11 Q. And those who were killed, do you know how they were
12 killed?

13 A. Well, because some, when we met them, so we would meet one
14 of the -- the others' heads would be like this. Some others,
11:27:28 15 some we met, the head, one part of their head would -- will lie
16 down here and the body would lie on the other side.

17 Q. And do you know who killed them, these 36 persons?

18 A. Well, because they just -- when they had burnt the houses,
19 because they would just write "RUF." That was the way they used
11:27:57 20 to write. That was how we came to understand. See, out of 52
21 houses that we had, they burnt all, with the exception of three
22 houses.

23 Q. How do you know that they burnt all the 52 houses, with the
24 exception of three houses? How do you know that?

11:28:18 25 A. Well, when we came to the place.

26 Q. Did you count the houses yourself?

27 A. Yes, I counted them. Even the school where I was, it was
28 burnt.

29 Q. Apart from the burning of the houses, apart from the

1 killing of the 36 persons, were any women raped in Nonkoba Town?

2 A. Well, the ones that were captured, they talked about that,
3 especially the people from Chendekom because most of them were
4 captured, so they were able to explain to us. Even the women
11:29:07 5 that were captured, that was what they say, they said.

6 Q. This Chendekom you are talking about, is it the same
7 Chendekom that you say is one mile away from Nonkoba Town?

8 A. Yes, sir.

9 Q. Do you know whether any people were abducted from Nonkoba
11:29:32 10 Town?

11 A. Those that were -- those that were taken away?

12 Q. Yes.

13 A. Whom we have not been able to see?

14 Q. Yes.

11:29:44 15 A. It was one child that we have not been able to see.

16 Q. So how many people were abducted?

17 A. Well, up to now, it was -- it is two children because their
18 parents told me that they have not been able to see them, up to
19 now.

11:30:07 20 Q. Now this Chendekom that you referred to, I have a word
21 here, it's spelt Tendekom, and it's also in Port Loko District.
22 In fact, it is in paragraph 50 of the indictment. Is it the same
23 T-E-N-D-A-K-U-M [sic]. Is it the same as the Chendekom you are
24 talking about, do you know?

11:30:40 25 A. Yes, it is the same Chendekom, you see, because I did not
26 know the individual who wrote, he must have made a mistake but
27 according to the way that we spell it, it's C-H-A-I-N-D-E-K-O-M
28 [sic]. Chendekom.

29 Q. I see. And did the rebels do anything in Chendekom?

1 A. Yes, they did something.

2 Q. What did they do in Chendekom?

3 A. Chendekom, they killed a lot of people.

4 Q. How do you know that a lot of people were killed in
11:31:21 5 Chendekom?

6 A. Well, after the war, when we came, we met a lot of mass
7 graves where people were buried. They were -- they were packed
8 and covered. Packed and covered. Even sometimes they had a
9 doctor, who was a specialist doctor, he went there. We went

11:31:46 10 around to find out about the bones and about -- over ten mass
11 graves that we looked -- we checked with the white man --

12 Q. Now, where did you see these mass graves?

13 A. Some were by the town, some were far away from the town, in
14 the bush.

11:32:11 15 Q. And which town are you talking about?

16 A. It's Chendekom.

17 Q. And those who died in Chendekom, do you know how they died?

18 A. No, I don't know, because I was not there.

19 Q. And apart from those who were killed in Chendekom, did
11:32:40 20 anything else happen in Chendekom? Were houses burnt in
21 Chendekom?

22 MR HARDAWAY: Objection. Leading.

23 PRESIDING JUDGE: Yes, Mr Daniels.

24 MR DANIELS: My Lord, it is mentioned in the indictment.

11:32:53 25 PRESIDING JUDGE: It goes to the indictment, does it?

26 MR DANIELS: Yes, and it is mentioned specifically.

27 PRESIDING JUDGE: Go ahead.

28 MR DANIELS:

29 Q. Were any houses burnt in Chendekom?

1 A. Yes, they were burnt.

2 Q. Do you know how many houses were burnt in Chendekom?

3 A. Chendekom, because it's a small town, all the houses were
4 burnt.

11:33:26 5 Q. And do you know who burnt the houses?

6 A. Well, I did not know, because during that time it was the
7 RUF that went there, and I knew that they were the ones that
8 burnt the houses.

9 JUDGE SEBUTINDE: Mr Daniels, what paragraph of the
11:33:44 10 indictment is burning of this town mentioned?

11 MR DANIELS: Well, I am looking at unlawful killings, which
12 is paragraph 50, but burning specifically, I am just checking. I
13 don't see it specifically.

14 JUDGE SEBUTINDE: 38.

11:34:45 15 MR DANIELS: 38? I am being assisted by my legal friends.
16 38, I am told. It's a general reference, however.

17 PRESIDING JUDGE: Yes, Mr Hardaway.

18 MR HARDAWAY: I would object, Your Honour, because,
19 specifically, count 14 deals with looting and burning and there
11:35:21 20 is no count in the indictment under that section that deals with
21 Port Loko, so I would object to this line of questioning.

22 PRESIDING JUDGE: Well, that appears to be right,
23 Mr Daniels.

24 MR DANIELS: My Lord, I believe that if you look at
11:35:38 25 paragraph 38 it gives a very general reference to armed attacks.
26 I mean, though the specifics are not mentioned. There is
27 evidence -- they are also charged for unlawful killings in
28 Chendekom. I mean, they all go together, and it is the
29 Prosecution's case. I mean --

1 PRESIDING JUDGE: You are saying the killings could have
2 been connected to the burnings?

3 MR DANIELS: Acts of terrorism and all -- it's very general
4 to talk about terrorism. Acts of terrorism, counts 1 and 2 is
11:36:28 5 mentioned. I mean, surely burning goes to terrorism.

6 PRESIDING JUDGE: Well, the Prosecution did not lead any
7 evidence on Chendekom, of burning, in its case in chief,
8 Mr Daniels.

9 MR DANIELS: Yes, Your Honours. So we will take it that
11:36:54 10 the Prosecution, therefore, have no charge in respect of what,
11 burnings? Very well. We are talking about unlawful killings, if
12 I may go on?

13 PRESIDING JUDGE: Yes, go on, Mr Daniels. You are going on
14 to unlawful killings?

11:37:18 15 MR DANIELS: That is so.

16 PRESIDING JUDGE: But I think it's the case that the
17 Prosecution did not lead any evidence of any offences in
18 Chendekom at all, in its case in chief.

19 MR HARDAWAY: That is correct, Your Honour. And then just
11:37:36 20 to clarify my learned friend's point, it's not that the
21 Prosecution is not leading on any burning, but just specifically
22 since we are talking about Port Loko. Otherwise, the indictment
23 speaks for itself.

24 MR DANIELS: Very well, Your Honours. I mean, in the Rule
11:37:52 25 98 application, that particular charge was not struck out, you
26 know, as being one of the charges where -- and though we ask that
27 that evidence, that particular crime base be struck out, that did
28 not come out as a result of Rule 98. And I recall that the Bench
29 also mentioned, or the ruling also mentioned the problem with the

1 spellings and different spellings, so we are only just trying to
2 tidy up the record, you know.

3 JUDGE SEBUTINDE: But, Mr Daniels, where the Trial Chamber
4 found in their Rule 98 ruling, that the Prosecution had failed to
11:38:29 5 adduce evidence in certain locations, I think Chendekom is one of
6 those locations, this particular location. What is the sense in
7 the Defence now drawing evidence of crimes committed in those
8 areas? If, if the Prosecution either failed or chose willingly
9 not to call evidence, what does the reason in the Defence now
11:38:58 10 drawing evidence of crimes in those locations? And this is not
11 the only one. There was one, I think last week, Mortema, or
12 something, where the Trial Chamber found equally that no evidence
13 of any crime had been led. But Defence witnesses were now
14 leading evidence of crimes in those areas.

11:39:23 15 MR DANIELS: The point is well taken, Your Honour, and we
16 just said that, indeed, it was not struck out. But, I mean, it
17 is only good news.

18 PRESIDING JUDGE: Nothing was struck out in the Rule 98
19 decision but we did comment that we would not expect the Defence
11:39:35 20 to lead evidence in regard to those places where the Prosecution
21 had not led evidence.

22 MR DANIELS: I will not belabour the point. I will not
23 belabour the point. Well, very well, then. Then we have no
24 further questions. It can only go to our advantage. Thank you
11:39:52 25 very much.

26 PRESIDING JUDGE: Any other questions in chief?

27 MISS THOMPSON: None on behalf of Brima, Your Honours.

28 PRESIDING JUDGE: Thank you, Ms Thompson.

29 EXAMINED BY MANLY- SPAIN:

1 Q. Mr Witness, good morning.

2 A. Good morning.

3 Q. You mentioned Tina Musa?

4 A. Yes, sir.

11:40:15 5 Q. Did you meet with her?

6 A. I did not meet with her.

7 Q. Did you see the people she was with, when they went to
8 Nonkoba?

9 A. Well, one Mr Foday that was captured, he was the one that
11:40:39 10 told us that he was with them. One Mr Foday Bangura, he was
11 captured. He was with them. Over two weeks. They were with him
12 at Nonkoba and when they went to Lunsar he was still with them.

13 Q. Thank you, did this Mr Foday tell you whether Tina Musa had
14 somebody commanding her?

11:41:01 15 A. Well, they spoke about it, but I did not know the man's
16 name. She was a woman but --

17 THE INTERPRETER: Your Honours, would the witness go over
18 the last bit of his testimony? He is a little bit fast.

19 MR MANLY- SPAIN:

11:41:22 20 Q. The man is --

21 JUDGE SEBUTINDE: Mr Witness, Mr Witness, please repeat
22 everything that you have said. The interpreters did not get you;
23 neither did we.

24 THE WITNESS: I said Mr Foday, he was the one that told me.

11:41:42 25 Then Mr Foday, he did not know the name because the man was not
26 literate. He did not even understand Krio.

27 MR MANLY- SPAIN:

28 Q. Thank you. Did Mr Foday tell you whether, when they went,
29 when he went to Lunsar with Tina Musa, they met with anyone at

1 Lunsar?

2 A. Well, when they took Mr Foday to Lunsar because people --
3 people are many because during that time, it was during the time
4 that Superman's group and the others that came together, who
11:42:27 5 came, they came together.

6 Q. Do you know, Mr Witness, who was in charge? I mean, a
7 soldier or somebody carrying arms, who was in charge of Lunsar at
8 the time Tina Musa went there?

9 A. Those that had guns?

11:42:52 10 Q. Yes.

11 A. Well, there were many, because I did not liaise with them
12 too much because I always tried to run away from them, you see.

13 MR MANLY-SPAIN: Thank you very much.

14 PRESIDING JUDGE: Yes, Mr Hardaway.

11:43:13 15 MR HARDAWAY: Yes, Your Honours. Though I am reluctant to
16 do so, I feel that at this point the Prosecution would ask for an
17 adjournment of the cross-examination of this witness and, in
18 light of that, the identifying data of this witness was disclosed
19 to the Prosecution on 8 September of this year, and he is now
11:43:40 20 testifying on the 18th. That is violation of the 21-day order,
21 which normally would give the Prosecution until the 29th, in
22 order to conduct an investigation.

23 Now, the last witness -- we are taking this on a
24 case-by-case basis, Your Honour, and respectfully, the last
11:44:00 25 witness, though also falling outside the 21-day rule, it was
26 determined that we could go ahead based on his testimony as
27 given. But, given the testimony of this witness, along with
28 certain factors which aren't even mentioned in the summary,
29 specifically I would bring out the mention of going to Freetown,

1 in January of 1999, the Prosecution would ask for an adjournment
2 for further investigation and, keeping in mind the Bench's
3 reliance upon judicial economy, the Prosecution would not be
4 asking for the total of the balance which would be, I believe, 11
11:44:42 5 days. We feel that we can, perhaps, complete our investigation
6 as it relates to this witness's testimony by Friday morning, and
7 let's proceed at that time.

8 And also as a point of reference, Your Honour, this
9 witness, along with the prior, I believe DBK-110, that call order
11:45:07 10 was given to us on Friday. Now, the week prior, we were given
11 witnesses, I believe this was on 8 September, and there were two
12 references on that list which had not been called yet. That
13 would be DAB-134 and DAB-122. They are due to come up now but,
14 given the fact that we have prepared for those, and they have
11:45:33 15 brought two witnesses in, DBK-110 and 111, covering an entirely
16 new district, again we take it case-by-case, not wanting to
17 exercise our motions judiciously but, in this matter, the
18 Prosecution feels we would need an adjournment for investigation
19 in this matter.

11:45:53 20 PRESIDING JUDGE: Yes. Does the Defence wish to reply to
21 that application?

22 MR DANIELS: Respectfully, Your Honours, our learned
23 friends, at least the Prosecution, are very particular about the
24 time-frame in the indictment and the time-frame in the indictment
11:46:09 25 talks about April 1999 and the gentleman, the witness, has given
26 evidence about April 1999. So I don't see how they have been
27 taken by surprise. I don't see which new element and, the fact
28 the witness goes to Freetown, I don't see how -- what evidence he
29 has led today that would prejudice the case of the Prosecution.

1 And we are mindful that this trial continues as speedily as
2 possible and we would oppose the application for an adjournment,
3 but we shall be guided by the Court.

4 PRESIDING JUDGE: Yes, Mr Hardaway?

11:46:52 5 MR HARDAWAY: Your Honour, I would just say, as it relates
6 to a speedy trial, the Prosecution would not be in this position
7 if the Defence had not consistently violated orders of the Court
8 as it relates to rolling disclosure. We do not wish to be in
9 this position and it is regretful that we are in this position
11:47:11 10 but it's through no fault of the Prosecution that we have to ask
11 for this.

12 PRESIDING JUDGE: All right. Thank you. All right. Well,
13 we note that the identifying data of this present witness was
14 given outside the time-frame of our order, our standing order, on
11:47:53 15 21 days, so we are going to grant your application, Mr Hardaway.
16 Just to repeat that: Friday morning, the 22nd, you want an
17 adjournment until then?

18 MR HARDAWAY: Until Friday morning the 22nd, Your Honour,
19 and also as a point of clarification, it's based on the Court's
11:48:11 20 order, this in no way should impede the going of the trial
21 because, as the Court mentioned to the Defence, should the
22 Prosecution ask for this we could continue with the cases in
23 chief of the witnesses they have.

24 PRESIDING JUDGE: Yes. All right. Mr Witness, you can go
11:48:31 25 out of the witness box for today, but you will be required to
26 come back in Court this coming Friday, next Friday morning, that
27 is Friday, the 22nd of September. That is Friday of this week,
28 you will be required to come back into Court again.

29 THE WITNESS: Okay.

1 PRESIDING JUDGE: I will repeat my caution: That because
2 you are still in the process of giving evidence, you must not
3 discuss this case or your evidence with any other person; is that
4 clear?

11:49:12 5 THE WITNESS: Okay.

6 PRESIDING JUDGE: Just sit there and we will arrange for
7 the curtains to be pulled and you can leave the courtroom. But
8 don't forget, you are required back here on Friday.

9 THE WITNESS: Okay.

11:49:27 10 [The witness stood down]

11 PRESIDING JUDGE: Yes. What is the pseudonym of the next
12 Defence witness?

13 MR MANLY-SPAIN: Your Honours, we have DAB-134. I believe
14 he is number 30 on the list.

11:51:30 15 PRESIDING JUDGE: Thank you.

16 WITNESS: DAB-134 [Sworn]

17 [The witness answered through interpreter]

18 JUDGE SEBUTINDE: What language will this witness?

19 MR MANLY-SPAIN: Kono, Your Honour.

11:54:28 20 EXAMINED BY MR MANLY-SPAIN:

21 Q. Good morning, Mr Witness.

22 A. Good morning.

23 Q. Mr Witness, you were born in the Kono District, Jagbwema
24 Fiama Chiefdom?

11:54:48 25 A. Yes.

26 Q. I believe we've had that before, Jagbwema Fiama. And you
27 are about 40 years old now?

28 A. Yes.

29 Q. You are married to two wives?

1 A. Yes.

2 Q. And you have eight children?

3 A. Yes.

4 Q. You are presently a farmer?

11:55:18 5 A. Yes, I am a farmer.

6 Q. And you are a Christian by religion?

7 A. Yes.

8 Q. Mr Witness, do you remember the year 1998?

9 A. Yes.

11:55:42 10 Q. Do you remember the dry season of that year, towards the
11 end of the year?

12 A. Yes.

13 Q. Where were you then at that time?

14 A. I was in Njardu.

11:56:02 15 Q. Where is Njardu?

16 A. Very close to Jagbwema.

17 Q. Apart from Njardu, are there any other villages close to
18 Jagbwema?

19 A. Yes, there are other villages.

11:56:26 20 Q. Can you please tell the Court.

21 A. Yes.

22 Q. Please tell the court.

23 A. Well, there came a time when I made my farm in Njardu, in
24 one village. They called that village Njardu. So I was there

11:56:53 25 when I heard a gunshot. When I heard a gunshot, together with my
26 children and my brothers, so we got up and -- so I got up and
27 told them to wait for me. So they waited for me in that farm.
28 So I went to the town to look, to know what type of gunshot is
29 that. So I saw somebody who was putting something on the fire

1 and the other was putting fire on the house. So, at that time, I
2 ran back to the farm. I say -- I told them that they are burning
3 our houses.

4 Q. Thank you, Mr Witness. Mr Witness, before you go on, can
11:57:40 5 you tell me the villages that are near to Jagbwema?

6 A. Yes, I can name some of them.

7 Q. Please do.

8 A. Well, we have the one that is called Jakadu. Njardu.

9 Q. Jakadu, J-A-K-A-D-U. Njardu, N-J-A-D-U [sic]. Yes.

11:58:20 10 A. So I left that place --

11 Q. Hold on, Mr Witness. Which town did you go to look at when
12 you heard the gunshot?

13 A. I went to look at Jagbwema Town.

14 Q. Thank you. You said you saw one man putting fire to the
11:58:47 15 house; was that the only person that you saw in the town?

16 A. There were many.

17 Q. And what -- were they doing anything?

18 A. Yes, they were putting fire on houses, so I ran back.

19 Q. When you saw them, can you estimate the number of these
11:59:15 20 people that you saw, who were putting fire on houses?

21 A. Well, I can't tell, because it was fearful, so I ran back
22 into the farm.

23 Q. Thank you, Mr Witness. Mr Witness, the people that you
24 saw, do you recall how they were dressed?

11:58:13 25 A. Yes. Some were -- they were wearing a shirt that was mixed
26 up and some were wearing a trousers and they -- and some were in
27 the mufti [indiscernible].

28 Q. What do you refer to as mufti?

29 A. Well, they have that type of dress -- clothing. Some have

1 a trouser -- the trousers are different colour. The shirt has a
2 different colour. That is what I meant by it.

3 Q. Do you know who usually wear those mufti?

4 A. Well, they were rebels, because they usually wear that type
11:59:21 5 of dressing.

6 Q. Mr Witness, when you went back to the town and saw these
7 men, apart from them putting fire to houses, did you see them
8 carrying anything?

9 A. Well, when I left there, I ran to my people. They put fire
11:59:54 10 on the houses, so I -- we run together, because I went and told
11 my people. So myself and my people, we run right into the bush.
12 So when we were in the bush now, the distance was so far. So I
13 knew that -- so my brother told me that we should go -- I should
14 go and look for food for my children. So my brother went to look
12:00:30 15 for food, so we did not see him for a long time. So --

16 Q. Mr Witness, wait. Your evidence is being interpreted by
17 the interpreter, and the Court has to record it, so you should go
18 slowly, a little slowly. And also wait for the questions that I
19 ask you. I have to guide you. Thank you.

12:01:10 20 Mr Witness, you say you went into the bush with your
21 family. Do you remember how many of you went into the bush?

22 A. We were 11 in number.

23 Q. Thank you. You also said you went to find food. Where did
24 you go to find food?

12:01:42 25 A. Well, we are in -- I went and built a hut. My brother went
26 to -- in search of food. He went in search of food. So we
27 couldn't see him for a long time. So we went after him to look
28 for him. When they came --

29 THE INTERPRETER: My Honour, can the witness go at a --

1 MR MANLY-SPAIN: Please go slowly.

2 Q. Did you go to look for your brother?

3 A. Yes.

4 Q. And when you looked -- went to look -- did you -- when you
12:02:22 5 went to look for him, did you find him?

6 A. Yes. I met him dead.

7 Q. Where did you see him?

8 A. I met him in the bush dead. The -- the bush -- the bush
9 that he entered to go and search for food for us.

10 Q. When you saw him dead, did you notice anything about his
11 body?

12 A. Yes, he was stabbed with a knife.

13 Q. Thank you, Mr Witness. Mr Witness, after that, after you
14 had found your brother stabbed and dead, did you do anything?

15 A. I ran back to the town to tell my people that my brother is
16 dead. So when I went and told them, as I was running back the
17 people came behind me. When they were coming now, they knew that
18 I was there. So as soon as I know that they are running after
19 me, so I went to the town, told my people that my brother is
12:03:26 20 dead. So they said we should go.

21 Q. Which people were running after you?

22 A. The rebels.

23 Q. And, Mr Witness, which town did you go to, did you run to?

24 A. I went back into the town again.

25 Q. Which town?
12:04:29

26 A. Went to -- right into the bush. So wherein I built that
27 buffer. So we went -- [not interpretation]

28 Q. Mr Witness, when you went back to where you built the
29 buffer, did you meet anyone there?

1 JUDGE SEBUTINDE: Does buffer translate to booth, or what?

2 THE INTERPRETER: It's a booth, My Honour.

3 MR MANLY- SPAIN: Thank you.

4 Q. Mr Witness, did you meet anyone at the booth?

12:05:22 5 A. Yes. I met -- I did not meet any people under the booth
6 when I run. I went northwards. So I went northwards.

7 Q. Where did you go to?

8 A. Went right up the hill to look for my people. When I was
9 right on top of the hill, I saw they caught -- they capture
12:05:55 10 another person. They were beating that person. They were three
11 in number, beating him with a stick. So I told the people up
12 there, I said, "Those people around there, they are beating my
13 brother."

14 Q. Hold on, Mr Witness. When you went up the hill, did you
12:06:11 15 meet anyone there?

16 A. Yes. In that hill -- on that hill I and my wife were
17 there. And I saw the people running after the others.

18 Q. Apart from the three who you said were beating this person,
19 this person who you say is your brother, were there any other
12:06:36 20 people -- where were they when they were beating this person?

21 A. They were under the hill. They were under the hill.

22 Q. Mr Witness --

23 A. I was on top of the hill.

24 Q. -- Mr Witness -- Mr Witness, wait for the questions. Wait
12:07:01 25 for the questions, please.

26 JUDGE SEBUTINDE: Madam Interpreter, what is "under the
27 hill"? What is that?

28 THE INTERPRETER: It's the valley.

29 MR MANLY- SPAIN:

1 Q. Mr Witness, wait for the questions, okay? Thank you.

2 Where were the people who were beating this man?

3 A. In the bush.

4 Q. Were they alone? Were they only the three -- were they
12:07:42 5 only the three who were beating this man?

6 A. They were many.

7 Q. Did you notice, Mr Witness, how they were dressed?

8 A. Well, when I turned back they had on assorted dresses.
9 Some had sticks and some had guns.

12:08:09 10 Q. Thank you, Mr Witness. Mr Witness --

11 A. Yes, sir.

12 Q. -- when you witnessed them beating this man, do you know
13 whether anything happened to the man?

14 A. They killed him.

12:08:27 15 Q. How do you know that?

16 A. Because I did not see him again. He continued screaming.
17 As they were beating him, he was screaming. I did not see him
18 running after us anymore.

19 Q. After that did anything happen to you?

12:08:50 20 A. Yes. We went into the bush again, together with the rest
21 of my children. We continued going until we reached the place
22 where we built a hut. We were there again when we were chased
23 away, and two children were captured again.

24 Q. Hold on, Mr Witness. How many of you arrived at this place
12:09:13 25 where you built a hut again?

26 A. We were nine in number, because we were -- we were 11. Two
27 taken away; we remained nine. And out of that nine, two were
28 also captured.

29 Q. Let us now go on to how these two were captured. Can you

1 please explain to the Court how the other two were captured?

2 A. Yes. Yes, I can explain.

3 Q. Please explain.

4 A. Well, they chased them out of that place, those two
12:10:04 5 children, and they run away. But they were captured.

6 Q. Hold on a second, Mr Witness. You said "those two
7 children." Who were they, these two children?

8 A. One woman and one man.

9 Q. Were they anything to you?

12:10:30 10 A. They were my children.

11 Q. Thank you. Do you recall, Mr Witness, how old they were?

12 A. Well, the other one was eight years. And the other was
13 ten, because they were children.

14 Q. Yes. Mr Witness, which of them was eight and which of them
12:11:01 15 was ten?

16 A. The boy was eight. Because, you know, the way we determine
17 their ages is by the farms we cultivate, because we are not
18 educated. The -- the girl was older than the boy. She was ten.

19 Q. Thank you, Mr Witness. Mr Witness, after that -- after
12:11:27 20 they were captured and taken away, did you see them again?

21 A. Well, we searched for them and we only found the girl. But
22 the boy we couldn't find.

23 Q. Thank you, Mr Witness. Mr Witness --

24 A. Yes.

12:11:48 25 Q. -- do you know who captured your two children?

26 A. I know those who captured them.

27 Q. Can you -- can you tell this Court who they were?

28 A. Yes.

29 Q. Please tell the Court.

1 A. Well, they were captured by rebels.

2 Q. Did you, Mr Witness, see them being captured by the rebels?

3 A. Well, they chased them and we did not -- we did not see
4 these two people. And when we searched for them, they came from
12:12:43 5 their end.

6 Q. Thank you, Mr Witness. Mr Witness, when your daughter was
7 found again, did she tell you anything about who had captured
8 her?

9 A. We asked them whom they had been with. And he -- she said
12:13:11 10 that they were with the rebels, that they had been captured by
11 the rebels.

12 Q. Thank you, Mr Witness. And did she tell you anything about
13 her brother?

14 A. I asked her about her brother and she said he was with
12:13:30 15 them, but they would not allow them to be together. They said
16 they would not allow them to be together. So they had taken them
17 somewhere else.

18 Q. I don't know. I -- I think you mean they had taken her
19 brother somewhere else; is that so?

12:13:52 20 A. Pardon me?

21 Q. I am asking you, Mr Interpreter, you said they are taking
22 them. I had asked about her brother, and in the answer you said
23 the daughter said they are taking them somewhere else. I am
24 asking whether the witness meant that they had taken her brother
12:14:16 25 somewhere else?

26 THE INTERPRETER: Are you asking the witness? Are you
27 asking me?

28 MR MANLY-SPAIN: No, no, no. I am asking the witness to
29 clarify, because the answer you gave was that they had taken them

1 somewhere else, and the question was about one person. The --

2 JUDGE SEBUTINDE: Mr Manly-Spain, it usually is good to
3 address either the witness or the interpreter. In this case we
4 are not sure who you are questioning.

12:14:52 5 MR MANLY-SPAIN: I will put the question again, Your
6 Honour, and clarify.

7 Q. Mr Witness --

8 A. Yes.

9 Q. -- what did you -- your daughter tell you about her brother
10 that was captured with her?

12:15:02 11 A. I asked her if she had seen her brother. Then she said, "I
12 saw him with these people, but that they would not allow us to be
13 together." Then I asked her where he was. And he -- she did not
14 know where they had taken him.

12:15:25 15 Q. Thank you very much.

16 A. And then I said, "Well, I'll find him one day."

17 Q. Thank you very much. Mr Witness --

18 A. Yes.

19 Q. -- now that your two children had been captured, how many
12:15:38 20 of you remained together in the bush?

21 A. We remained seven there.

22 Q. Do you remember how long you took in the bush, the seven of
23 you?

24 A. Well, it took -- it took some time. I can't remember
12:16:04 25 exactly how long, but it was quite a long time that we were in
26 that bush.

27 Q. Did you eventually leave the bush?

28 A. Yes. I left and I peeked into the town. And when I came,
29 I saw people and they said the war was over, and we came back to

1 town. We came back to town.

2 Q. What town did you go back to?

3 A. Jagbwema.

4 Q. Before you went to Jagbwema, did anything occur? Did
12:16:45 5 anything happen which caused you to go back to the town?

6 A. When we went into the town, they said we should come and
7 stay. So many things happened to us.

8 Q. Before you went back into the town, do you know the people
9 who were in the town?

12:17:15 10 A. Yes. Because I had peeked into the town, the people whom I
11 found -- I found there told me I shouldn't be afraid of them,
12 that they were not going to do anything to us. I did see those
13 people.

14 Q. Who were these people that you found in the town?

12:17:31 15 A. The rebels. They were still in the town, but they said the
16 war was over and that they were not going to kill anybody.

17 Q. When you were told this by the rebels, did you go back to
18 the town?

19 A. Jagbwema?

12:17:54 20 Q. Yes.

21 A. That's where I was. That's where I was. Because they said
22 we should not be afraid of them.

23 Q. Thank you. Did you go back into the town alone?

24 A. Together with the rest of my relatives. I took them and we
12:18:12 25 all came to town. Where -- where we were.

26 Q. When you went back to town, Jagbwema, where did you stay?

27 A. I was there in the Jagbwema Town with the rest of the
28 people.

29 Q. Where did you stay?

1 A. At Tongoma Road.

2 Q. Before you left Jagbwema, Mr Witness, where did you stay?

3 A. I was in Jadu. That was where I was doing the farming, in
4 Jadu.

12:18:58 5 Q. Witness, in Jagbwema when you returned, did you stay in any
6 particular place?

7 A. When I returned to Jagbwema, I was -- I was staying at a
8 place called today Sawakoh, when these people had gone.

9 Q. Mr Witness, when you returned to Jagbwema, did you observe
12:19:27 10 anything about the town?

11 A. In Jagbwema? We were there when -- at one time they said
12 we should work; that is, we should do some farming. They said we
13 should work forcefully.

14 MR HARDAWAY: Objection, Your Honour.

12:19:43 15 PRESIDING JUDGE: [Overlapping speakers]

16 MR HARDAWAY: I object on the grounds of relevance. Based
17 upon the witness's evidence when he said that "the war is over,"
18 the Prosecution would submit that this falls outside of the
19 indictment period for Kono.

12:19:57 20 PRESIDING JUDGE: What do you say to that, Mr Manly-Spain?

21 MR MANLY-SPAIN: Your Honours, I will refer my learned
22 friend to paragraph 68, I believe, of the indictment. This
23 charge goes on to the year 2000, January in the year 2000 --

24 JUDGE SEBUTINDE: Could you please speak in the mic.

12:20:30 25 MR MANLY-SPAIN: Sorry. The charge goes on to the year
26 2000, January 2000, and we started the evidence in 1998. I have
27 said that the war was over, but there was no time given by the
28 witness. I will try to elicit --

29 PRESIDING JUDGE: Yes, the witness didn't give a time frame

1 or, in fact, whether the war was really over, or whether that was
2 something he was just told. So I will overrule that objection.
3 Go ahead.

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

12:21:02 5 Q. Mr Witness, please listen to the question I'm asking.

6 Before you went into Jagbwema, did you hear any announcement
7 about the war?

8 A. Yes, I heard. I heard an announcement in relation to the
9 war.

12:21:29 10 Q. What did you hear?

11 A. Well, they said that the bad people were the ones who
12 brought the war. And they said they were rebels.

13 Q. Mr Witness, when you got back into the -- the -- Jagbwema,
14 do you remember how long it was since the time you left?

12:22:01 15 A. Well, I cannot remember that time. It's quite a long time
16 now.

17 Q. Thank you, Mr Witness. Mr Witness, you said you met the
18 rebels in the town?

19 A. Yes.

12:22:21 20 Q. Apart from the rebels, did you meet any other people there?

21 A. They were the ones who were in the town. They were in the
22 town. So they stayed in the town for long. We were there with
23 our -- our wives for a little while. In fact, they would capture
24 your wife and take her away. In fact, you wouldn't -- you
12:22:49 25 wouldn't quarrel with that. Apart from that --

26 Q. Mr Witness, who do you refer to as "we," "our wives," et
27 cetera?

28 A. The rebels would take away our wives and they would use --

29 MR MANLY- SPAIN: I'm not sure. I think it might have been

1 a translation problem. Because my question is quite -- the
2 questions are quite straightforward and simple, but he is coming
3 up with something completely different.

4 Q. Mr Interpreter, please put to him who he referred to as,
12:23:29 5 "we."

6 A. What do you mean?

7 Q. You said, Mr Witness, that the rebels took your wives, et
8 cetera, et cetera. Whose wives did the rebels take?

9 A. Okay. They took -- they took my wife away and they had sex
12:23:56 10 with her. But you wouldn't be angry. You would only laugh about
11 it, because if you become angry, you would be in trouble. You
12 would only be laughing at it. That -- that was when I said that
13 this is not good for us to stay here.

14 Q. Mr Witness, when you returned to Jagbwema, were you the
12:24:19 15 only native of Jagbwema who returned to Jagbwema?

16 A. People were many there. At that time some people were
17 coming from Guinea.

18 Q. Thank you. Do you know if anything happened to these --
19 these other people in Jagbwema, at the time?

12:24:44 20 A. Well, they punished us there. One of our relatives came.
21 He, too, was captured. When he came, he was captured and --

22 THE INTERPRETER: Your Honours, can the witness kindly
23 repeat what he just said.

24 MR MANLY-SPAIN:

12:25:03 25 Q. Please go slowly and repeat your answer.

26 A. When we were in the village, one of our relatives came.
27 When he came, he was captured and they said he was a Kamajor, and
28 he started stabbing him. They laid him down and they took a -- a
29 block and they asked him to raise it up, and they continued

1 stabbing him until he died.

2 Q. Thank you, Mr Witness. Mr Witness, you said that your wife
3 was raped in your presence.

4 JUDGE DOHERTY: I don't recall him saying "in my presence,"
12:25:47 5 Mr Manly-Spain. He said they were taken away and they --

6 MR MANLY-SPAIN: Thank you. I'm sorry, Your Honour.

7 THE WITNESS: They took him -- her into a house.

8 MR MANLY-SPAIN:

9 Q. They took her into your house -- into a house. How do you
12:26:04 10 know that she was raped?

11 A. She -- when they released her, she came and told me. Then
12 I said "Well, it is not good for us to stay."

13 Q. Thank you, Mr Witness. Apart from your wife, do you know
14 whether any other woman was raped in Jagbwema at that time?

12:26:30 15 A. The women were many, but you only talk about yours. The
16 one that troubled me is the one I'm talking about --

17 Q. How --

18 A. I only hear.

19 Q. -- how do you know that other women were raped?

12:26:49 20 A. Well, some talked about it, but it's only yours that would
21 trouble you.

22 Q. Okay, Mr Witness. Mr Witness, at the time you went back to
23 Jagbwema and you said you met the rebels there, do you know any
24 of these rebels by name?

12:27:17 25 A. Those who had sent us to cultivate the farm, I know some of
26 their names. It's not all of them. Because at that time you
27 would not observe somebody closely. They were -- they used to
28 pronounce some of their names.

29 Q. Yes. Please tell the Court the ones you -- who you

1 remember?

2 A. Can I call out those, the names of those people?

3 Q. Yes.

4 A. There was one called --

12:27:52 5 THE INTERPRETER: Your Honours, can he repeat the name?

6 It's not very clear.

7 MR MANLY- SPAIN:

8 Q. Mr Witness, please repeat the name of the --

9 A. Vienna, Vienna.

12:28:06 10 Q. And was it just Vienna?

11 A. Yes. Yes, that was the name that we were told. Vienna.
12 That was the name that they told us.

13 MR MANLY- SPAIN: Literally, I have written it down as,
14 V-I-E-N-N-A.

12:28:24 15 Q. Yes, carry on. Who else?

16 A. Ballah.

17 MR MANLY- SPAIN: B-A, Your Honour, B-A-L-L-A-H.

18 Q. Anyone else?

19 A. Gujumu, he was the one who actually stabbed people.

12:28:47 20 MR MANLY- SPAIN: G-U-J-U-M-U.

21 Q. And anyone else?

22 A. Gassama.

23 MR MANLY- SPAIN: Gassama, G-A-S-S-A-M-A.

24 Q. Mr Witness --

12:29:04 25 A. Yes.

26 Q. -- how long did these rebels remain in Jagbwema?

27 A. I cannot remember that. But they did -- they took quite a
28 long time. In fact, I continued cultivating the farm at that
29 time. Can I explain? Can I talk about the farming?

1 Q. Yes, Mr Witness.

2 A. Well, we cultivated the farm. It was in the rainy season.
3 When we cultivated the farm, the way we used to do the farming,
4 we fell down trees. We fell down trees. We finished and we cut.

12:29:57 5 Q. Mr Witness --

6 A. Yes, sir.

7 Q. -- did you -- why did you do this farming?

8 A. He said we should do the farming. They wanted rice, so he
9 said we should do the farming, in the rainy season.

12:30:21 10 Q. Thank you. Who said so?

11 A. Vienna.

12 Q. Of the four names you've given this Court of the rebels --
13 for the rebels, do you know who was the leader?

14 A. Those are the leaders I have mentioned; Vienna and Gassama
12:30:47 15 and Ballah and Gujumu. In fact -- in fact, Gujumu who stabbed
16 that person.

17 Q. Thank you.

18 A. Yes.

19 Q. Mr Witness, do you know whether these rebels in Jagbwema at
12:31:05 20 the time were taking orders from anyone?

21 A. Yes, Vienna. It was from Vienna that they took orders.

22 Q. Thank you. Mr Witness, do you know whether these rebels
23 belonged to any group, any armed group?

24 A. I used to hear that they were RUF, but we do not know the
12:31:39 25 meaning. In fact, you cannot even know the meaning. But that's
26 what we heard, that they were RUF.

27 Q. How did you come to hear that they were RUF?

28 A. Well, that's what they used to call them. That's what I
29 used to hear.

1 Q. Thank you, Mr Witness. Mr Witness, during this period when
2 the rebels were in Jagbwema, did you hear that they were under
3 the control of one Ibrahim Bazy Kamara?

4 A. We did not hear.

12:32:23 5 Q. Did you hear that they were under the control of one
6 Santigie Borbor Kanu?

7 A. I did not hear that.

8 Q. Did you hear that they were under the control of one Tamba
9 Brima?

12:32:44 10 A. I did not hear that.

11 Q. Finally, Mr Witness, do you know whether the rebels did
12 anything in the other time -- in the other villages close to
13 Jagbwema?

14 A. Yes. Bakadu, Jadu, they set fire to those places --
15 places. And they burnt them down.

12:33:08 16 MR MANLY- SPAIN: That is all, Your Honours.

17 PRESIDING JUDGE: Anything else in chief?

18 MS THOMPSON: No, Your Honour.

19 PRESIDING JUDGE: Yes, Mr Hardaway.

12:33:31 20 MR HARDAWAY: Thank you, Your Honour.

21 CROSS- EXAMINED BY MR HARDAWAY:

22 Q. Mr Witness, good afternoon, sir.

23 A. Yes, good afternoon.

24 Q. I have some questions for you, sir. I just want you to
12:33:42 25 listen carefully and answer truthfully. A lot of the times the
26 answers can be "yes," "no" or "I don't know." Do you understand,
27 sir?

28 A. Yes.

29 Q. I want you to help me with some time references, if you

1 can, sir. Now, my learned friend had asked you about the end of
2 the rainy season in 1998. Do you remember that?

3 A. Yes.

4 Q. And that is when you heard all the -- the shots; correct?
5 The shots coming from Jagbwema?

6 A. Yes. That was the time we are in our farm

7 Q. Now, when you went into the bush and you were hiding, and
8 at one point where you said you had built a hut and your children
9 are were captured, that was in the dry season, wasn't it?

10 A. Pardon me? Between the rainy season and the dry season.

11 Q. When you went into the bush and you had built a hut in the
12 bush, that was in the dry season, wasn't it?

13 A. Dry season.

14 THE INTERPRETER: Your Honours, can he kindly repeat what
15 he just said?

16 PRESIDING JUDGE: Repeat your answer, please, Mr Witness.
17 The interpreter did not get it all down.

18 THE WITNESS: I said wherever we went, we would build --
19 build a hut, because we spent a long time in the bush.

20 MR HARDAWAY:

21 Q. Mr Witness, my question is: When you built the hut, it was
22 in the dry season, wasn't it?

23 A. The time that we built that hut, we were there until the
24 rainy season. And we built another hut again in the rainy
25 season.

26 Q. So when you say you were there until the rainy season,
27 there was a dry season in between the rainy seasons you're
28 talking about; yes?

29 A. Yes, the rain -- between the rainy season and the dry

1 season.

2 Q. And --

3 A. At that time it was not raining much.

4 Q. -- and you had testified that when you returned to

12:36:30 5 Jagbwema, and the names that you had mentioned, Colonel Vienna,

6 Ballah, so on and so forth, that was in the new rainy

7 season; correct?

8 A. Yes. Yes, it was a new rainy season.

9 Q. And --

12:36:50 10 A. Between the dry season. The rainy season and the dry

11 season.

12 Q. -- so when you returned to Jagbwema, after you heard them

13 say the war was over, that was in the dry season, or the new

14 rainy season?

12:37:10 15 A. When I returned to Jagbwema, that was when we did that

16 work. At that time they said the war was over. That's when we

17 cultivated that new farm. When we finished cultivating --

18 cultivating the farm, they said the war was over.

19 Q. Mr Witness, as I said before, please listen carefully to my

12:37:30 20 question. The question is this: When you returned to Jagbwema,

21 after you heard the rebels say the war was over, it was in the

22 dry season; correct?

23 A. At that time it was the dry season. That was when the war

24 was over.

12:37:54 25 Q. And then when you cultivated the farm, it was in the new

26 rainy season, wasn't it?

27 THE INTERPRETER: Your Honours, can he kindly repeat? He

28 is not audible enough, and he is not articulating well.

29 PRESIDING JUDGE: Mr Witness, try to lean forward and speak

1 into the microphone, please. You -- the interpreter did not hear
2 you. So you're going to have to repeat that answer. Perhaps the
3 question again, Mr Hardaway.

4 MR HARDAWAY: Yes, Your Honours.

12:38:35 5 Q. Mr Witness, when you went -- when you returned to Jagbwema
6 and you cultivated the farm, that was in the new rainy season,
7 wasn't it?

8 A. Yes, that is when you do that work. The rice ripens
9 between the dry season and the rainy season. Because the -- the
12:39:02 10 rice ripens during the rainy season.

11 Q. Now, Mr Witness, when you testified that you saw the person
12 being stabbed in Jagbwema, was that in the dry season or in the
13 new rainy season when you cultivated the farm?

14 A. Well, I can't remember the period because it's -- because
12:39:33 15 it's quite a long time, because there was confusion. So it was
16 not -- it is not possible for someone to remember everything.

17 Q. All right, Mr Witness. I will ask this way: Was -- the
18 stabbing you referred to, did that happen after you returned to
19 Jagbwema when you heard the war was over?

12:40:01 20 A. That was at the end of the war. When they told us that the
21 war was over and we came and stayed, that is when we saw this man
22 being brought and they stabbed him until he died. [Overlapping
23 speakers]

24 Q. Thank you, Mr Witness.

12:40:17 25 A. And then I said this was not a joke. They said the war was
26 over and this was going on.

27 Q. I put it to you, Mr Witness, that the events that you have
28 testified to, after you returned to Jagbwema, including the names
29 of Colonel Vienna, Ballah, Gujumu and Gassama, took place in July

1 of 1999. What is your response, please?

2 A. I can't -- I can't remember. I'm not literate, to say that
3 I can keep it in memory. I can just explained what happened, and
4 that's what I have done.

12:41:01 5 Q. Thank you, Mr Witness. I want to take you back now to the
6 actual attack on Jagbwema. Mr Witness, you had testified that
7 you saw many people burning houses. Do you remember that part of
8 the evidence?

9 A. Yes. They burnt -- I said they burnt houses.

12:41:23 10 Q. Did you see any children or young people setting fire to
11 the houses in Jagbwema?

12 A. That they were setting houses on fire?

13 Q. Yes, sir.

14 A. Those whom I saw, because I was in the bush, peeping,
12:41:45 15 that's when I saw those people setting the houses on fire. Then
16 I returned and I said that was not a joke.

17 Q. Now, Mr Witness, you described what these people were
18 wearing. Some of them were wearing military combats, weren't
19 they?

12:42:01 20 A. They were wearing mixed clothing.

21 Q. Were any of them wearing military combats, sir?

22 A. It was just mixed clothing. What I saw is what I'm
23 explaining.

24 Q. While you were in Jagbwema did you ever see or hear of a
12:42:33 25 Captain Junior?

26 A. I did not hear that.

27 Q. I put it to you, sir, that Captain Junior was the SLA in
28 charge at Jagbwema. What is your response?

29 A. I did not see him and I don't know him.

1 Q. Mr Witness, the group --

2 A. Yes.

3 Q. -- that you say that you peeped, that attacked Jagbwema,
4 were a mixed force of SLAs and RUF, weren't they?

12:43:13 5 A. Well, I do not know the distinction.

6 Q. I put it to you, sir, that the attack on Jagbwema was by a
7 mixed force of SLA soldiers and RUF. What is your response?

8 A. I wouldn't say, because I do not know their distinction. I
9 am not literate.

12:43:41 10 Q. Mr Witness, I want to move forward again a little bit. The
11 time that your children were kidnapped, was that in the dry
12 season, or in the new rainy season?

13 A. My man, this is quite a long time now. I cannot tell. At
14 the time that my children were captured, we were on the run, and
15 I cannot exactly tell when. At that time I was worried about my
16 life.

17 Q. I understand, Mr Witness. I'm not asking you about dates.
18 As a farmer, you know the difference between the dry season and
19 the rainy season; that's correct?

12:44:30 20 A. Yes, but at that time we were not farming.

21 Q. I understand that, sir. Please listen to the question. At
22 the time your children were kidnapped, was it the dry season, or
23 was it the new rainy season when you went back to Jagbwema?

24 A. Because when I returned, I really did not know when -- as
12:44:58 25 soon as they said that the war was over, when I peeked and found
26 out the war was over. But I cannot exactly tell the distinction,
27 because I do not know the time. I did not keep it in memory.

28 Q. I put it to you, sir, that it took place in the middle of
29 the dry season. What is your response?

1 A. Well, I can't say. Maybe that's what you know. Because
2 what you see is what you talk about.

3 Q. And the person who you saw getting beaten with a stick,
4 sir, was that in the dry season, or was that in the new rainy
5 season?

12:45:37

6 A. That, too, it was a dry season. At that time we were
7 running into the bush. That is when they were beating at my
8 elder brother until he died. At that time we were -- we were in
9 the farm and they chased us.

12:45:49

10 Q. Okay. Now that we have established that was in the dry
11 season, let me back up one. Were your children kidnapped --

12 THE INTERPRETER: Your Honours, can learned counsel -- can
13 he just give an answer that I did not get, because learned
14 counsel was asking another question.

12:46:07

15 PRESIDING JUDGE: Go ahead with your question, Mr Hardaway.

16 MR HARDAWAY: Thank you, Your Honours.

17 Q. Now that we have established that the man you called your
18 brother was beaten in the dry season, let me ask you this: Were
19 your children kidnapped before your brother was beaten or after
20 your brother was beaten?

12:46:24

21 A. It was after they had beaten that man that my children were
22 captured. After we had gone to another place; that was where
23 those children were captured.

24 Q. Thank you, Mr Witness.

12:46:52

25 A. Yes.

26 MR HARDAWAY: I thank you for your time and your evidence,
27 Mr Witness. I have no more questions.

28 Your Honours, this completes my cross-examination.

29 PRESIDING JUDGE: Thank you, Mr Hardaway. Is there any

1 re-examination?

2 MR MANLY- SPAIN: No re-examination, Your Honours.

3 PRESIDING JUDGE: All right, thank you. Mr Witness, thank
4 you for coming to court to give evidence. You will be able to
12:47:11 5 leave now. Just sit there until we can pull the curtains.

6 THE INTERPRETER: Okay.

7 PRESIDING JUDGE: And then you can go. We will adjourn the
8 Court until 2.15.

9 THE INTERPRETER: Okay.

12:47:24 10 [Luncheon recess taken at 12.47 p.m.]

11 [AFRC_18SEP06C- CR]

12 [Upon resuming at 2.15 p.m.]

13 [The witness entered court]

14 PRESIDING JUDGE: Yes, who is this witness, Ms Thompson?

14:15:21 15 MS THOMPSON: Your Honours, this is DAB-122. He is number
16 25 on the list.

17 WITNESS: DAB-122 [Sworn]

18 [The witness answered through interpreter]

19 PRESIDING JUDGE: This witness is giving evidence in Kono;
14:16:55 20 is that not right?

21 MS THOMPSON: No, Your Honour, in Krio.

22 THE WITNESS: In Krio.

23 EXAMINED BY MS THOMPSON:

24 Q. Good afternoon, Mr Witness.

14:17:24 25 A. Good afternoon.

26 Q. Now, I have a few questions for you. When I've finished
27 asking you questions, my friends on the other side might have
28 some questions for you; okay?

29 A. It's not bad.

1 Q. When you are answering the questions, please take your
2 time.

3 A. Yes.

14:17:45 4 Q. And bear in mind that what you say is being interpreted,
5 and when the interpretation comes down, we are taking notes. The
6 best thing is to watch the judges' pen and you can see how fast
7 they are going.

8 A. Okay.

9 Q. Mr Witness, you are from Sewafe?

14:18:08 10 A. Yes.

11 Q. That's in Nimiama Chiefdom in the Kono District?

12 A. Yes.

13 Q. You are educated up to form 3?

14 A. Yes.

14:18:19 15 Q. You are a farmer?

16 A. Yes.

17 Q. You are married with six children; is that right?

18 A. It's true.

19 Q. And you were born in 1960?

14:18:45 20 A. Yes.

21 Q. And, in fact, you were born in Sewafe?

22 A. Yes.

23 Q. Firstly, Mr Witness, can you tell me whether Sewafe is the
24 same place as Njaiama Sewafe?

14:18:56 25 A. It's the same place as Njaiama Sewafe.

26 MS THOMPSON: Your Honours, I believe we have had that
27 spelling before in this Court. N-J-A-I-M-A [sic], and Sewafe.

28 Q. Okay, Mr Witness, let me ask you this: Can you recall
29 1997?

1 A. Yes, I can recall 1997.

2 Q. Can you recall the month of May in that year?

3 A. 1997, in the May month, I can recall.

4 Q. Can you recall if something happened in Sierra Leone?

14:19:45 5 A. Yes. That year, and the month, I could recall. That was
6 the month when Kabbah -- Tejan Kabbah was overthrown; that year
7 in 1997.

8 Q. Thank you, Mr Witness. Now, where were you in May of 1997?

9 A. I was in Njaiama Sewafe Town.

14:20:17 10 Q. At that time, did you have any forces in Sewafe?

11 A. They had forces in Sewafe, which were SLA soldiers.

12 Q. Do you know who the leader was of those soldiers who were
13 at Sewafe at the time?

14 A. The first leader that was there was Captain Ndanema. He
14:20:51 15 had left. So the new leader that came with the soldiers, I
16 didn't -- I don't know him.

17 Q. Okay. Firstly, you said captain who?

18 A. Captain Ndanema.

19 MS THOMPSON: Captain Ndanema. Your Honours -- sorry. I'm
14:21:12 20 told it's N-D-E-M-E-M-A. N-D-A-N-E-M-A, yes.

21 Q. Okay. Then you said Captain Ndanema left, and another one
22 came, but you cannot recall the name of that person?

23 A. At all.

24 Q. Did these troops continue to remain in Sewafe after the
14:21:50 25 coup?

26 A. After the coup, they were in Sewafe.

27 Q. Yes, you have told us that. Did they continue to be there
28 after the coup in the year 1997?

29 A. Yes, they were in Njaiama Sewafe Town.

1 Q. Okay. Did any other force come to Sewafe during that time?

2 A. Yes, the force came in Njaiama Sewafe, with the RUF; they
3 were combined together with the SLA soldiers who were in Njaiama
4 Sewafe.

14:22:38 5 Q. Did they come together, or did the RUF come on their own?

6 A. The RUF came on their own, because they were in the bush,
7 so, when they left the bush, people called them that they were
8 the People's Army. They came and joined the SLA soldiers who
9 were in Njaiama Sewafe.

14:23:05 10 Q. Okay. When the RUF came, do you know if the RUF had a
11 leader?

12 A. At that particular time, the RUF, when -- after they had
13 come to the town, I didn't know their leader.

14 Q. Okay. Now, whilst -- were you still living in Sewafe when
14:23:28 15 the RUF came?

16 A. We were still in Njaiama Sewafe when the RUF -- we
17 understood that they were now coming from the bush.

18 Q. When the RUF came and joined the SLAs who were there, did
19 anything happen in Sewafe?

14:23:54 20 A. Yes. When the RUF came and joined the SLA soldiers there,
21 being that they had started the intervention in Freetown, so
22 civilians within the town, most of us were discouraged, because
23 the situation of the town was not really a reliable one. So we
24 decided to pull out of the town and go to the bush because the
14:24:28 25 soldiers that were there in the town were actually -- they made
26 us confused, because we understood that the head of state was not
27 in power at that particular time. So we felt that anything can
28 happen at that particular moment, which could result into a
29 fight.

1 Q. Okay, Mr Witness, let's go back a little bit. You said a
2 lot, so I want you to explain what it is you have just said.
3 Okay?

4 A. Yes.

14:25:02 5 Q. You mentioned the intervention in Freetown.

6 A. Yes.

7 Q. What intervention are you talking about?

8 A. The intervention which I'm talking about, it was the ECOMOG
9 intervention when, they decided to dislodge the AFRC from

14:25:21 10 Freetown.

11 Q. Okay. Now, was this before -- this intervention, did it
12 take place before or after the RUF had come to Sewafe?

13 A. The RUF were -- they were -- the AFRC were in Sewafe. The
14 RUF were -- the RUF decided to join them. Then the intervention
15 started in Freetown.

14:25:55

16 Q. Okay. Now, when the intervention started in Freetown, how
17 did that affect you in Sewafe?

18 A. Well, when the intervention started in Freetown, it
19 affected us in Sewafe. It was a tedious moment, because we
20 believed that an attack could have happened at any time, because
21 the CDF, who were within that region, who were in the Kenema
22 District, a town known --

14:26:24

23 THE INTERPRETER: Your Honours, I did not get the name of
24 the town. Could --

14:26:42 25 MS THOMPSON:

26 Q. Mr Witness, can you go back a little bit, please. Maybe it
27 might be best if you started again -- or you start -- you said
28 the CDF were in the area and the interpreter lost you somewhere
29 around there. So if you repeat what you were saying.

1 A. The CDF, they were in Kenema District, a town known as
2 Potoru when the intervention started. So people in Njaiama
3 Sewafe were worried because the CDF did not favour when people
4 were aligning with the AFRC in Njaiama Sewafe, so they threatened
14:27:35 5 that they will come to attack at any time, so that was really --
6 that worried us, the civilians who were there.

7 Q. Okay. Mr Witness, can you -- the town where the CDF were
8 based, we heard Potoru. Can you tell us, please, which town the
9 CDF were based in the Kenema District?

14:28:00 10 A. Well, it was in the Kenema District. Those who were coming
11 to --

12 THE INTERPRETER: Your Honours, the name of the town is not
13 really --

14 MS THOMPSON:

14:28:09 15 Q. Mr Witness, can you spell the name of the town for us? Or,
16 if you say -- if you can't spell it, say it slowly.

17 A. The town's name is Punduru. P-U-N-D-U-R-U. Punduru Town.

18 Q. Thank you, Mr Witness. Now you said the CDF -- you thought
19 the CDF was going to attack Sewafe. Did they attack Sewafe at
14:28:45 20 all?

21 A. Yes, it got to a day the CDF attacked Sewafe.

22 Q. Where were you when that happened?

23 A. I was in the Sewafe Town when that happened.

24 Q. And, as a result of that attack, did you do anything?

14:29:08 25 A. When the attack took place, firing started, gunfire
26 started, so we decided to pull out of the town.

27 Q. When you say "we," who are you talking about?

28 A. My own family that I had at that time.

29 Q. You pulled out; where did you go?

1 A. We went into the bush. I had a village about five miles
2 away from Njaiama Sewafe Town.

3 Q. Okay. And how long were you in the bush?

14:30:04 4 A. Well, at that particular time, when the CDF launched an
5 attack, the SLA soldiers and the RUF were actually got hold of
6 the town, because they repelled the CDF and they went back to
7 their base. So we were there -- we were about a month in the
8 bush.

9 Q. After the month in the bush, what did you do?

14:30:31 10 A. The AFRC decided to call upon the civilians to come back to
11 town, that they have repelled the CDFs, that any civilian who was
12 in the bush, and if they made a patrol in the bush and they got
13 hold of him, they would treat him badly, so they called upon the
14 civilians to come back to town.

14:30:54 15 Q. And did you go back to town?

16 A. No, I did not go back to town, because the condition was
17 not really favourable.

18 Q. Where did you go?

19 A. I decided to stay in the bush.

14:31:21 20 Q. How long did you stay in the bush for?

21 A. Well, when we entered the bush, we stayed there until 1998,
22 except, after the arrival of ECOMOG troops in Njaiama Sewafe
23 Town, which gave us the cause to come out of the bush to come
24 back to Njaiama Sewafe Town.

14:31:37 25 Q. How did you know ECOMOG had arrived in Njaiama Sewafe?

26 A. When ECOMOG arrived in Njaiama Sewafe, few of the civilians
27 who were within the outskirts of the town, they went and told us
28 that ECOMOG have really come to Njaiama Sewafe Town. They said
29 that ECOMOG troops were with the CDFs in Njaiama Sewafe Town, so

1 all civilians should go back to town, which was in 1998.

2 Q. And did you go back to town on this occasion?

3 A. Yes. When ECOMOG came, when they arrived in Njaiama
4 Sewafe, I came back to town with my family.

14:32:31 5 Q. When you came back to town, can you describe for us what
6 the town was like?

7 A. When I arrived in the town, the town, about 85 per cent of
8 the houses were burnt down, all of them. There were burnt houses
9 all over the town.

14:32:52 10 Q. Do you know who was responsible for that?

11 A. Well, the ECOMOG soldiers whom we met, they told us that it
12 was the AFRC that were accountable for the burning of the houses.

13 Q. Now, Mr Witness, when you say AFRC, who are you talking
14 about?

14:33:13 15 A. They were -- they -- the soldiers. The SLA soldiers who
16 overthrew, and they changed the council to the revolutionary
17 council because, at that time, they called themselves the juntas,
18 so ECOMOG soldiers told us that it was AFRC soldiers that were
19 accountable for the burning of the buildings.

14:33:46 20 Q. Do you know whether these SLA soldiers, or these AFRC, do
21 you know whether they had leaders amongst them?

22 A. At that particular time they had a leader, but I don't know
23 his name.

24 Q. Do you remember the names of anybody who was amongst them,
14:34:13 25 not necessarily the leader, but anybody who was amongst them?

26 A. If I could recall anybody's name who was among the AFRC
27 soldiers?

28 Q. Yes.

29 A. Well, I could not remember any -- any name who were with

1 the AFRC soldiers at that particular time when the burning of the
2 houses took place.

3 Q. Okay. What about the RUF; do you recall any names of RUF
4 members?

14:34:49 5 A. I could not recall because the RUF, they came out of the
6 bush. I could not remember any name.

7 Q. Mr Witness, during the time this was taking place in
8 Sewafe, did you ever hear the name Alex Tamba Brima being
9 mentioned, as someone present in Kono District, as a commander of
10 troops in Kono District?

11 A. Alex Tamba Brima? No. No, I did not hear of him, about
12 him. I did not hear about his name.

13 Q. Ibrahim Bazy Kamara, did you hear about him?

14 A. No.

14:35:51 15 Q. What about Santigie Borbor Kanu?

16 A. I did not hear about that name, really. I did not hear
17 about it.

18 Q. Apart from burning in Sewafe, did anything else happen,
19 that you can recall?

14:36:14 20 A. In Njaiama Sewafe Town?

21 Q. Yes.

22 A. Because the burning of the houses was the most important
23 thing because, after they've burnt down the buildings, we
24 realised that they vandalised, because they had taken all the
25 necessary things that they wanted.

14:36:39 26 Q. Okay, Mr Witness. Thank you very much. Please wait there,
27 and there might be some questions from my colleagues.

28 A. Okay, thank you. Thank you. Thank you, too.

29 MS THOMPSON: That's the end of my examination-in-chief,

1 Your Honour.

2 PRESIDING JUDGE: Thank you, Ms Thompson. Anything else in
3 chief?

4 THE WITNESS: Thank you. Thank you, too.

14:37:02 5 MR FOFANA: There's none for the Kamara team,
6 Your Honours.

7 MR MANLY- SPAIN: [Microphone not activated].

8 PRESIDING JUDGE: Thank you. Yes, go ahead, please.

9 MR WAGONA: Thank you, Your Honours.

14:37:09 10 CROSS- EXAMINED BY MR WAGONA:

11 Q. Witness, I just have a few questions for you.

12 A. It's not bad.

13 Q. How did you hear about the overthrow of President Kabbah's
14 government?

14:37:34 15 A. I heard it through the radio.

16 Q. And when you heard it on radio, did you hear that Alex
17 Tamba Brima, aka Gullit, was one of those people involved in
18 overthrowing that government?

19 A. Alex Tamba Brima, I only heard of Corporal Gborie who they
14:38:04 20 say were involved in the coup d'etat, but I cannot recall Alex
21 Tamba Brima.

22 Q. Do you recall hearing that Ibrahim Bazy Kamara was one of
23 the people who overthrew President Kabbah's government?

24 A. No, I cannot remember.

14:38:28 25 Q. Do you remember hearing whether Santigie Borbor Kanu, also
26 called Five-Five, was one of the people who overthrew President
27 Kabbah's government?

28 A. Well, I cannot remember, because most of those people you
29 are calling now are strange, foreign people. Even their names

1 are strange.

2 Q. But I put it to you that those very people I have called
3 were involved in the overthrow of President Kabbah's government;
4 what do you say, Mr Witness?

14:39:12 5 A. Well, if they took part in the overthrow, fall of President
6 Kabbah's government, there's nothing I can say about it, but,
7 because the only one I knew of, that came through the media,
8 which was Corporal Gborie, I -- when I listened the radio I got
9 that name.

14:39:51 10 Q. During that time, during the time of the AFRC government,
11 did you hear that diamond mining was going on in Kono?

12 A. The time of the AFRC government? Mining, yes, there was
13 mining going on in Kono.

14 Q. Did you hear that soldiers were mining diamonds?

14:40:08 15 A. Yes, I heard about -- I heard about the fact that soldiers
16 were mining diamonds in Kono.

17 Q. And did you hear that the soldiers were forcing civilians
18 to mine diamonds for them?

19 A. Yes, I heard about that. They said they were forcing
14:40:34 20 civilians to wash the gravel.

21 Q. Now, you say that burning of houses was the most serious
22 thing you can speak about for Sewafe, but did you hear about
23 abductions of men, women and children?

24 A. In Njaiama Sewafe Town, when the intervention took place,
14:41:08 25 no, I did not hear about that, that they abducted children. It
26 did not happen. Even if it happened, I did not hear about it.

27 Q. Did you -- did you hear of any killings?

28 A. Yes. We heard about a killing which was a woman. When the
29 intervention had actually intensified before the ECOMOG came, we

1 heard about the death of a Pa. They said the rebels killed him

2 Q. Did you hear of looting?

3 MS THOMPSON: Your Honour, may I --

4 THE WITNESS: Yes, a lot.

14:42:04 5 MS THOMPSON: -- may I respectfully ask my learned friend
6 for a time frame because I think when he started with his chain
7 of questions, the first was during the AFRC government, and then
8 he asked a question about forced mining which, during the AFRC
9 government, forced mining was not part of this indictment, in any
14:42:18 10 event, but that's beside the point. There are a series of
11 questions and the witness is answering, and we don't know whether
12 we're talking about prior to the -- after the AFRC had taken over
13 or after ECOMOG had intervened. We've heard this morning about
14 being time specific. I just ask my learned friend to be
14:42:35 15 consistent.

16 PRESIDING JUDGE: All right. Did you note that, Mr Wagona?

17 MR WAGONA: Thank you. Thank you. I'll clarify that.

18 Q. Witness, I'm talking about the period that you said the
19 burning happened, the burning of houses. And so I'm asking you
14:42:56 20 about these other incidents during that same period.

21 A. Like?

22 Q. Before the arrival of ECOMOG; you talked about burning?

23 A. Yes. When the ECOMOG came, when we left the bush to come
24 to town, it was about 85 per cent of the town was -- had been
14:43:28 25 burnt down. All the houses were down.

26 Q. Yes, you had said so. So I was then asking you --

27 A. Yes.

28 Q. -- about these other incidents also, whether you heard
29 about killings?

1 A. Yes. We heard about -- we heard that the soldiers were
2 killing people. They would patrol in the bush, and whosoever did
3 not join them, they would kill you.

4 Q. And did you also hear about looting?

14:44:15 5 A. Yes. Before the ECOMOG troops arrived, we heard about
6 looting.

7 Q. Did you hear about rapes of women and girls?

8 A. Well, at that moment, I could not recall. I cannot recall.

9 Q. And did you hear about mutilations?

14:44:55 10 A. Yes, I heard about it, because the mutilations did take
11 place, but not in Sewafe Town; a town close to Sewafe Town, which
12 is after -- after Ngo Town. If you go to the village --

13 THE INTERPRETER: Your Honours, can the witness take that
14 name again, the name of the town.

14:45:19 15 MR WAGONA:

16 Q. Could you repeat the name of the town for the interpreters,
17 please?

18 A. Bambara Foi du [as interpreted]. After a nearby village,
19 which is Ngo Town. It is on the highway. So to go to Bomba
14:45:38 20 Foi du, you would branch on your left, when you are coming to
21 Freetown, on the left-hand side of the road, which leads to
22 Sandia, a village around Njaiama Sewafe.

23 Q. Do you know Sewafe Bridge?

24 A. Yes, I know Sewafe Bridge, the bridge.

14:46:06 25 Q. Did you hear that that bridge was also damaged by the
26 rebels before ECOMOG arrived?

27 A. Well, they did not damage that as such. They decided to
28 dig a hole, you see. They dug a hole to cut off the
29 communication, but they did not damage the bridge; it is intact.

1 It is intact, as it was.

2 MR WAGONA: Just a moment, Your Honours.

3 Q. Thank you, witness. That's the end of my questions.

4 A. Thank you. Thank you, too.

14:47:12 5 PRESIDING JUDGE: Thank you, Mr Wagona. Is there any
6 re-examination?

7 MS THOMPSON: No, Your Honour. No.

8 PRESIDING JUDGE: Thank you, Mr Witness, for coming to
9 Court. You will be able to leave in a few minutes.

14:47:27 10 THE WITNESS: Thank you, too.

11 PRESIDING JUDGE: Just sit there and we'll have the Court
12 attendant adjust the curtains so that you can leave.

13 [The witness withdrew]

14 PRESIDING JUDGE: Yes, what is the pseudonym of the next
14:48:50 15 Defence witness?

16 MS THOMPSON: Your Honour, it's DAB-096, and he is number
17 32 on the list.

18 PRESIDING JUDGE: Thank you.

19 [The witness entered Court]

14:50:11 20 JUDGE SEBUTINDE: Could we have the language of this
21 witness, please?

22 MS THOMPSON: Krio, Your Honour.

23 WITNESS: DAB-096 [Sworn]

24 [The witness answered through interpreter]

14:51:10 25 EXAMINED BY MS THOMPSON:

26 Q. Mr Witness, good afternoon.

27 A. Good afternoon.

28 Q. Now, Mr Witness, I'm going to ask you some questions. When
29 I've finished asking you my questions, there may be questions

- 1 from this side and also from my friends sitting on the other
2 side. Okay? Please bear in mind that what you say is being
3 interpreted, and it has to be written down, so we'll take it
4 slowly as possible, okay? If you're going too fast, I'll stop
14:52:22 5 you. I'll let you know. Now, Mr Witness, you were born in the
6 Kono District; is that right?
7 A. Yes.
8 Q. And that is where you presently live?
9 A. Yes.
14:52:40 10 Q. In Koi du Town?
11 A. Yes.
12 Q. You are married with one wife -- to one wife and two
13 children, I beg your pardon.
14 A. Yes.
14:52:52 15 Q. And you are 32 years of age?
16 A. Yes.
17 Q. You are educated up to the first year of secondary school?
18 A. Yes.
19 Q. It is right to say that you are presently a trader?
14:53:13 20 A. Yes.
21 Q. But, in the past, you've been a miner and you've also been
22 a member of the army?
23 A. Yes.
24 Q. Amongst other things.
14:53:24 25 A. Yes.
26 Q. Now, Mr Witness, can you are remember -- can you recall the
27 year 1997?
28 A. Yes.
29 Q. Can you recall the month of May?

1 A. Yes.

2 Q. Can you tell the Court where you were in the month of May
3 1997?

4 A. Yes.

14:53:49 5 Q. Where were you?

6 A. I was in Koidu Town.

7 Q. Do you recall if anything happened in Sierra Leone in that
8 month?

9 A. Yes.

14:54:06 10 Q. Can you tell the Court what happened?

11 A. Yes.

12 Q. Please carry on.

13 A. Well, sometimes in 1997, I was in the mining ground. I was
14 going there -- I was with a small radio. While I was mining, the
14:54:34 15 radio was on. I heard news about one Corporal Gborie, who
16 announced that -- that he has removed Tejan Kabbah from power.

17 Q. Okay. Now, Mr Witness, at that time, were you aware of any
18 troops being stationed in Koidu?

19 A. Yes.

14:54:59 20 Q. What troops were those?

21 A. Well, they were the national army.

22 Q. And do you know what -- the name of the national army, as
23 it was then?

24 A. Yes. They were the SLAs.

14:55:25 25 Q. Do you know who was the commander of the SLAs in Koidu at
26 the time?

27 A. Yes.

28 Q. What was his name?

29 A. Major AF Kamara.

1 Q. And do you know where the headquarters of the SLA in Koidu
2 was at the time?

3 A. Yes.

4 Q. Where was it?

14:55:53 5 A. In Ngai a.

6 Q. Can you spell that for us?

7 A. N-G-A-Y-A [sic].

8 Q. Thank you. After the coup in May 1997, did the new
9 government set up headquarters in Koidu?

14:56:14 10 A. Yes.

11 Q. Do you know what this new government was called?

12 A. Yes.

13 Q. Please tell us.

14 A. AFRC.

14:56:34 15 Q. Where was their headquarters in Koidu?

16 A. In Segbwema Road, by the Tankoro Junction.

17 MS THOMPSON: I think we've got those spellings already,
18 Your Honour. I'm not sure. I think S-E-G-B-W-E-M-A, Segbwema,
19 and Tankoro is T-A-N-K-O-R-O.

14:57:11 20 Q. Do you know who was in command, or who was in charge, I
21 should say, I beg your pardon, do you know who was in charge of
22 the AFRC headquarters in Koidu?

23 A. It was one Lieutenant Panda.

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

14:57:23 25 A. Well, I stayed with one of my brothers, who was a trader in
26 the area, who was one MP commander.

27 Q. What do you mean by "MP commander?"

28 A. Military police.

29 Q. Okay. And this -- did you say it was your brother?

1 A. Yes; we were born in the same place.

2 Q. Okay. So he's not your real brother, just that you were
3 born in the same place; is that it?

4 A. Yes, and we -- we grew up together.

14:58:02 5 Q. Okay. Now, where was he based?

6 A. He was based at Masingbi Road.

7 Q. Is that -- was that his place of work or his house?

8 A. Well, his house was Old Road. Masingbi Road was his place,
9 his office.

14:58:32 10 Q. What office was at Masingbi Road?

11 A. It was the MP office, the military police office.

12 Q. Okay. Now, Mr Witness, after May 1997, did the SLAs
13 continue to be the only force in Koidu?

14 A. No.

14:59:01 15 Q. Did any other force come to join them, or come into Koidu?

16 A. Yes.

17 Q. Can you tell us, please, who, if you know?

18 A. The RUF.

19 Q. How do you know it was -- how do you know the RUF came to
14:59:17 20 Koidu to join them?

21 A. Well, they were together with us in the town.

22 Q. Who was together with you in the town?

23 A. The RUF.

24 Q. Now, do you know who -- do you know if the RUF who came had
14:59:39 25 any leaders amongst them?

26 A. Yes, they had leaders.

27 Q. And do you know who these leaders were?

28 A. Yes, I know few of them.

29 Q. Can you tell us please?

1 A. Yes. Sam Bockarie, alias Mosquito.

2 Q. Okay. Pause there. Now, you've mentioned Sam Bockarie.

3 Did you see him at all in Koidu, or in Kono District?

4 A. Yes.

15:00:19 5 Q. The next leader?

6 A. Morris Kallon.

7 Q. Did you see him there?

8 A. Yes.

9 Q. Any other persons that you can recall?

15:00:32 10 A. Issa Sesay.

11 Q. And anybody else?

12 A. Augustine Gbao.

13 Q. Can you recall anyone else?

14 A. Colonel Nimineh.

15:00:58 15 MS THOMPSON: Your Honours, I think Nimineh is

16 N-I-M-I-N-E-H.

17 Q. Do you know where they were based?

18 A. Yes.

19 Q. Where was that?

15:01:19 20 A. Sam Bockarie was at Dabundeh Street.

21 Q. Yes; and the others?

22 A. Issa Sesay and Morris Kallon were in Lebbie Street. Along
23 the Lebbie Street.

24 Q. What about the others?

15:01:32 25 A. Nimineh, too, was at Dabundeh Street.

26 Q. Did the RUF have an office there in Koidu?

27 A. Yes.

28 Q. Where was that?

29 A. The office was where Sam Bockarie had his residence.

1 Q. Now, you've mentioned various names. Do you know who had
2 overall control of the RUF in Koidu at this time?

3 A. Yes.

4 Q. Who was it?

15:02:11 5 A. Sam Bockarie.

6 Q. Now, we're still in the period -- just so I get it clear in
7 my -- we're still in the period after the coup of '97. Do you
8 recall anything happening in Koidu at that time?

9 A. Yes.

15:02:36 10 Q. Please tell us.

11 A. Well, we had some Kamajor attacks.

12 Q. Where -- first of all, do you recall when these attacks
13 were?

14 A. Yes, it was in '97.

15:02:55 15 Q. And where were you when this attack -- I beg your pardon,
16 you said "some," and you said '97. Do you recall how many
17 attacks took place in '97?

18 A. Yes.

19 Q. How many?

15:03:19 20 A. Four attacks.

21 Q. Four attacks on where?

22 A. The first attack was at Sewafe.

23 Q. How do you know about that one?

24 A. Well, the commander with whom I was had his military police
15:03:42 25 officer who was working at Sewafe. So when he came from there,
26 he revealed it to his boss.

27 Q. Okay. And the second attack was where?

28 A. It was at Fotaneh Junction.

29 Q. Can you -- can you say that again, please?

1 A. Fotaneh.

2 MS THOMPSON: I think that is F-O-T-A-N-E-H.

3 Q. How do you know about that attack?

4 A. Well, the soldiers whom they attacked there, some were
15:04:22 5 killed. The two that returned came with that information.

6 Q. And how do you know? They came with the information, but
7 to whom did they go with the information?

8 A. They came with it to the OC secretariat who was Panda, and
9 then he, too, passed it to the MP military commander with whom I
15:04:49 10 was.

11 Q. The third attack was where?

12 A. It was Mabodu checkpoint.

13 MS THOMPSON: Mabodu is M-A-B-O-D-U, Your Honours.

14 Q. And how do you know about that one?

15:05:11 15 A. Well, I live -- I lived with some of my friends, one
16 Papa 17. He had a bullet shot on his leg. He came with it to
17 the government hospital when -- where I went to look out for him

18 Q. And you said four, so we're on the fourth attack in '97;
19 where was that one?

15:05:32 20 A. Well, that was in the town, when the Kamajors moved the
21 soldiers.

22 Q. What town?

23 A. Koi du Town.

24 Q. Where were you?

15:05:48 25 A. At that time, I was at Kambiama Street.

26 Q. Did you do anything as a result of that attack?

27 A. Well, I moved.

28 Q. Where did you go?

29 A. I went as far as Mongor Bendugu.

1 Q. And this was in what year?

2 A. It was in '97, towards the end of '97.

3 Q. How long did you stay in Mongor Bendugu?

4 A. I was at Mongor for about three to four months.

15:06:36 5 Q. After that, where did you go?

6 A. I came back to Koidu Town and to look out for my parents.

7 Q. And did you find them?

8 A. Well, on my return, I learned that my father was killed.

9 My brothers had all run into the bush, and I didn't know their

15:07:01 10 whereabouts.

11 Q. What did you do after you found out they'd killed your
12 father?

13 A. I was in the house for about two days, and the RUF started
14 setting fire to the houses, so I moved out of my house, and I

15:07:24 15 came over to Gbense.

16 Q. Okay. Before we go to the spelling of Gbense, which I
17 probably should do now, sorry. G-B-E-N-S-E, Your Honours. You
18 mentioned they had killed your father. Do you know who had
19 killed your father?

15:07:45 20 A. Well, I understood that it was the RUF.

21 Q. How -- you said you understood. How did you come to that
22 knowledge?

23 A. My brother had his workmate, who was with him in the house,
24 they were all in the same village where they hid, when they were

15:08:04 25 dislodged. When my father died, when the tension cooled down, he
26 came back home, and he was the person that revealed that to me.

27 Q. Okay. All right, Mr Witness. Now, you were at the point
28 where you say you went to Gbense. What happened when you got
29 there?

1 A. When I reached Gbense, I saw the burning still being
2 carried out and I saw corpses about.

3 Q. The burning was being carried out by who?

4 A. The RUF.

15:08:36 5 Q. Did you do anything as a result of that?

6 A. I decided to move back to town.

7 Q. Which town?

8 A. I moved to Koidu Town, and I stayed at Kurubonla.

9 Q. Sorry, can you clarify, please? You said you moved back,
15:09:00 10 and then the interpreter said you moved to Koidu Town then
11 Kurubonla. From Gbense, where did you go?

12 A. From Gbense, I travelled through Yardu Village, Tombodu,
13 and I came to Kurubonla.

14 Q. Okay. Did you stop in Yardu Village?

15:09:20 15 A. Well, I took a rest, but I did not sleep there.

16 Q. What about Tombodu, did you stop there?

17 A. No, I only passed.

18 Q. When passing through Tombodu, did you notice anything about
19 Tombodu?

15:09:42 20 A. Well, at that time, people were in the town. Few people
21 were in the town.

22 Q. Were you travelling alone, or were you with people?

23 A. I travelled with some of my brothers, who were soldiers.

24 Q. Now, you said you went to Kurubonla. Why did you go to
15:10:14 25 Kurubonla?

26 A. Well, I found out that -- I was in Mongor when I heard that
27 SAJ Musa --

28 THE INTERPRETER: Your Honours, could the witness take it a
29 little bit slowly.

1 MS THOMPSON:

2 Q. Mr Witness, nobody got what you just said. I'll ask the
3 question again and then, please, try and answer as slowly as
4 possible so that the interpreter can interpret and we'll be able
15:10:44 5 to understand what you say. The question I asked was: Why did
6 you go to Kurubonla? Why did you choose to go to Kurubonla?

7 A. Well, I moved from Koidu to Kurubonla because the town had
8 been burnt. Then I was already Mongor, where I did not
9 experience those things, those type of things, so I decided to go
15:11:04 10 back to that area.

11 Q. When you got to Kurubonla, did you stay in Kurubonla?

12 A. Yes.

13 Q. Who did you stay with in Kurubonla?

14 A. I stayed with the forces that I found there.

15:11:30 15 Q. Can you recall some of the names of the people you found
16 there? You said the forces; what faction did they belong to?

17 A. The AFRC.

18 Q. Did they have a leader?

19 A. Yes.

15:11:50 20 Q. Who was their leader?

21 A. SAJ Musa.

22 Q. Can you recall whether there were other people with
23 SAJ Musa?

24 A. Yes. He was together with some STF soldiers.

15:12:11 25 Q. What is STF?

26 A. Special Task Force.

27 Q. Do you know the names of the soldiers he was with, or some
28 of the soldiers he was with?

29 A. I know few.

1 Q. Can you tell us, please?

2 A. He was with one Badara, and one Scorpion, and including the
3 CSO with whom he was, called Alabama.

4 Q. How long were you in Kurubonla for?

15:12:52 5 A. I was in Kurubonla for a long time.

6 Q. And during the time that you were in Kurubonla, were you
7 trained to fight?

8 A. No.

9 Q. Did you go on any fighting operations with anybody?

15:13:16 10 A. No, I never went on any operation.

11 Q. Did you see people being trained to fight?

12 A. No.

13 Q. During this time you say SAJ Musa was the leader. How do
14 you know SAJ Musa was the leader?

15:13:38 15 A. Well, he was the overall commander. He used to man their
16 muster parade.

17 Q. Did you ever speak to SAJ Musa?

18 A. No.

19 Q. Were you ever in close distance to SAJ Musa -- close enough
15:14:06 20 to SAJ Musa, distance-wise?

21 A. Yes.

22 Q. Did you ever see SAJ Musa using a communication set?

23 A. He had a communication set in Kurubonla, but he had a
24 signaller who used it.

15:14:29 25 Q. So who did you see using the communication set; SAJ Musa or
26 the signaller?

27 A. It was the signaller.

28 Q. Now, did you ever witness or hear any of these
29 communications over the set?

1 A. I only heard when -- when we moved to Kurubonla, to go
2 to -- to Eddie Town.

3 Q. Whilst in Kurubonla, were you staying with any particular
4 person?

15:15:08 5 A. Yes.

6 Q. I'm not going to ask you to name the person -- not yet, in
7 any event. Now, whilst you were in Kurubonla, did you ever hear
8 of any communication between SAJ Musa and Tamba Brima?

9 A. No.

15:15:33 10 Q. Did you ever see a person called Santigie Borbor Kanu, or
11 Five-Five, come to Kurubonla?

12 A. No.

13 Q. Did you ever see or hear of any communication between
14 SAJ Musa and Ibrahim Bazzy Kamara?

15:15:54 15 A. No.

16 Q. Now, before we move on from Kurubonla, I'm just going to
17 ask you one question about Koidu Town. In the year 1997 -- first
18 of all, let me ask you this: Do you know Tamba Brima?

19 A. Yes.

15:16:15 20 Q. How do you know him?

21 A. He was my brother, and we are all from Kono, and we have
22 stayed in the same place.

23 Q. When did you stay in the same place?

24 A. It was sometime in 1996, when he left Freetown for Kono.

15:16:40 25 Q. Okay. Now, in 1997 --

26 JUDGE SEBUTINDE: Sorry, Ms Thompson, is that brother as in
27 blood brother?

28 MS THOMPSON: No, I think he said they both came from the
29 same place. I think that's what followed, but I can clarify --

1 JUDGE SEBUTINDE: Well, brothers do come from the same
2 place, usually.

3 MS THOMPSON: I think we're talking about the general
4 African context, but I'll clarify it, Your Honour.

15:17:03 5 Q. Now, you said Tamba Brima is your brother and then you
6 added, "We all come from the same place." Can you tell us,
7 please, whether he is your blood brother -- is he your blood
8 brother?

9 A. No. He's not my blood brother. But because we were coming
15:17:21 10 from the same area, so I considered him as a brother.

11 Q. Okay. Now, for the purpose of clarification, if you're
12 referring to someone as your brother, if he's your blood brother,
13 please tell us and, if he isn't, then please tell us. He's not
14 my blood brother, but that's what I refer to him as, okay?

15:17:41 15 A. Yes.

16 Q. Now, in 1997, before you left to go to Mongor, did you see
17 Tamba Brima in Koidu?

18 MR AGHA: Objection, Your Honours. That's a leading
19 question.

15:18:00 20 PRESIDING JUDGE: I think it's already been coming from
21 previous allegations, doesn't it? But what do you say to that
22 objection?

23 MS THOMPSON: Your Honour, it is previous allegations. The
24 Prosecution's case was that Tamba Brima was in Koidu, was head of
15:18:13 25 mining, looking after the AFRC mining operations in Koidu Town.
26 I didn't think I was leading if I was putting the Prosecution's
27 own case to the witness.

28 PRESIDING JUDGE: We'll allow the question.

29 JUDGE SEBUTINDE: Did he mention Mongor?

1 MS THOMPSON: Yes, he said he left. He went to Mongor --
2 on the first occasion he left Koidu, he went to Mongor, then
3 Bendugu.

4 Q. Mr Witness, in 1997, did you see Tamba Brima in Koidu?

15:18:50 5 A. I saw him once.

6 Q. Can you remember what month you saw him?

7 A. I cannot recall the month.

8 Q. Okay. Did you speak to him?

9 A. I was not able to talk to him.

15:19:10 10 Q. Do you know -- did you find out why he was in Koidu at all?

11 A. Well, I understood that he went -- that he went to get
12 married. I knew that by one other friend -- through another
13 friend called Tamba Fasuluku. He led me to go to witness the
14 engagement.

15:19:47 15 Q. Did you say you witnessed the engagement; was that what you
16 said?

17 A. Yes.

18 Q. Now, back to Kurubonla. When you left Kurubonla, where did
19 you go?

15:20:09 20 A. We left Kurubonla, together with all the troops for
21 Koinadugu.

22 Q. Okay. Amongst the people who left with you to go to
23 Kurubonla, were there women amongst you?

24 A. Yes.

15:20:27 25 Q. Did you have children with you?

26 A. Yes. Some people were there with -- together with their
27 families.

28 Q. Did you see people there who looked like they'd been
29 abducted.

1 MR AGHA: Objection, Your Honour. That could just be
2 speculation.

3 THE WITNESS: No.

4 MS THOMPSON: Your Honour, I'm not sure how -- this is the
15:20:59 5 Prosecution allegation that, when they were moving, they were
6 moving with women, children, abductees and fighting men. What
7 I'm doing is merely putting what the Prosecution themselves have
8 put to witnesses, their own witnesses in chief and in
9 cross-examination of Defence witnesses.

10 PRESIDING JUDGE: Yes, but you're relying on his opinion,
11 aren't you? It just looked to him as though they were abducted;
12 that's just asking for an opinion. I'm not quite sure how people
13 look when they're abducted. I mean, doesn't he have any firmer
14 knowledge than that?

15 MS THOMPSON: I will ask a direct question as to whether he
16 saw any abductions.

17 Q. Now, the people that you were moving with, do you know if
18 any of them had been abducted?

19 A. None was abducted.

15:22:03 20 Q. Can you tell us, roughly, how many people were in this
21 group that was moving?

22 A. Well, there were many, because most of the soldiers were
23 with their families.

24 THE INTERPRETER: Your Honours, the witness has started
15:22:17 25 going fast again.

26 MS THOMPSON:

27 Q. Mr Witness, please stop. The interpreter lost you
28 somewhere, so if you can start again. You said there were many,
29 and if you can continue from that.

1 A. I said there were many, because most of the soldiers moved
2 with their families. There was a time when ECOMOG were pointing
3 at soldiers and were singling them out, and some people took
4 their wives, their sisters and mothers. Many people went with
15:22:55 5 their families.

6 Q. Now, of the soldiers -- now, leaving aside the families, of
7 the soldiers, do you know how many soldiers there were in this
8 group? You don't need to give an exact figure but --

9 A. I cannot recall.

15:23:18 10 Q. Were they about -- okay, let's start with 100. Were there
11 about a hundred, or were there more than a hundred?

12 MR AGHA: Objection, Your Honour. He's already said he
13 can't recall.

14 PRESIDING JUDGE: I'll allow that. He's got an idea
15:23:32 15 whether there were a lot or a few. Surely he must have that. Go
16 ahead, Ms Thompson.

17 MS THOMPSON: Thank you, Your Honour.

18 Q. Now, the question was, if we take the figure a hundred,
19 were there less than a hundred or more than a hundred?

15:23:50 20 A. There were more than a hundred.

21 Q. Now, when you left Kurubonla, where did you go?

22 A. We went Koinadugu, to Koinadugu.

23 Q. Koinadugu; where did you go?

24 A. That was -- Koinadugu in the Kabala District. We spent a
15:24:20 25 night there and, from there, we moved on to Colonel Eddie Town.

26 Q. From Koinadugu -- when you say you went to Koinadugu, is
27 that a town or village?

28 A. It's a village in Kabala, in the Koinadugu District.

29 Q. When you left Koinadugu, and you said you went to Colonel

1 Eddie Town, do you know what villages or towns you went through?

2 A. I cannot recall the names.

3 Q. Do you know, roughly, what month you were moving from
4 Koinadugu to Colonel Eddie Town?

15:25:16 5 A. I cannot recall the month, but I know it was in 1998.

6 Q. What -- did anything, whilst you were in Koinadugu Town, in
7 the brief stopover in Koinadugu Town, do you recall anything
8 happening there?

9 A. Yes.

15:25:50 10 Q. What happened?

11 A. Well, in Koinadugu Town, we were there and we heard a
12 message from Junior Lion, through the signaller.

13 Q. How do you know there was a message from Junior Lion
14 through the signaller?

15:26:11 15 A. Each time they want to send a message, they will send it to
16 the signaller, and then, from the signaller, it will be -- it
17 will be spread out to the soldiers.

18 Q. So where were you when this message came through?

19 A. At that time, I was -- we were together with the families.

15:26:38 20 The families were where the signallers were. That was the rear
21 team

22 Q. When you say rear team, was there a front team as well?

23 A. Yes. The armed men who were there who were in the front,
24 and there were men who were protecting the set. They were always
15:27:12 25 at the rear.

26 Q. Okay. Now, that two groups, were you divided into groups
27 at all? Apart from those two, were you divided into any more
28 groups?

29 A. No, until we got to Eddie Town.

1 Q. When you moved to Koinadugu, was SAJ Musa with you?

2 A. Yes.

3 Q. And when you moved to Eddie Town, Colonel Eddie Town, was
4 he with you as well?

15:27:59 5 A. Yes; we went together.

6 Q. Okay. Now, on the way to -- from Koinadugu to Colonel
7 Eddie Town, do you remember any villages you passed through?

8 A. I cannot recall the names of the villages, because we went
9 through many villages.

15:28:23 10 Q. How long did it take you from Koinadugu to Eddie Town?

11 A. Well, it was about one to two weeks.

12 Q. Did anything happen during that trip? Do you recall
13 anything happening?

14 A. No.

15:28:51 15 Q. When you arrived at Eddie Town, did you arrive in the
16 morning, or was it in the evening, or afternoon? What time of
17 the day?

18 A. We reached there in the evening.

19 Q. And when you arrived there, did anything happen that
15:29:14 20 evening?

21 A. When we arrived, Colonel Eddie and Junior Lion told SAJ
22 Musa that they have captured some soldiers who were about to
23 escape from them to surrender and right -- and they were in
24 detention.

15:29:39 25 Q. Now, first of all, how do you know that Colonel Eddie and
26 Junior Lion told SAJ Musa this?

27 A. Well, when we went, in the evening, the message was
28 disseminated. After that, the following morning, they manned the
29 muster parade.

1 Q. Now, you mentioned specifically that Junior Lion and
2 Colonel Eddie spoke to SAJ Musa; had you seen these two people
3 before?

4 A. Yes. Junior Lion, I had seen him during the NPRC days in
15:30:37 5 Kono. Then Colonel Eddie, I had known him during the AFRC, too.

6 Q. Now, in the morning, you said there was a muster parade;
7 were you present at this muster parade?

8 A. Well, when they make a muster parade, the civilians and
9 the --

15:30:57 10 THE INTERPRETER: Your Honours, can the witness take it
11 over again, please?

12 MS THOMPSON:

13 Q. Yes. Can you start again, please. The interpreter lost
14 you somewhere there. My question -- I'll repeat the question:

15:31:11 15 Were you present at the muster parade?

16 A. Yes.

17 Q. Did you take part in it?

18 A. Yes, we had our own queue, the civilians and the families.

19 Q. And what happened? Did anything happen at this muster
15:31:34 20 parade?

21 A. Yes.

22 Q. Can you tell the Court what?

23 A. Yes. During the muster parade, in the morning, after they
24 handed over the parade to SAJ Musa, they brought the three

15:31:57 25 prisoners who were in detention. They brought them to the

26 soldiers. They told them that these were the prisoners that

27 wanted to escape from Junior Lion to surrender. Then SAJ Musa

28 said this -- that those prisoners should go back to detention,

29 under his own command structure, so they put the prisoners in

1 detention again.

2 Q. Do you know who these prisoners were?

3 A. During that time, I knew only -- I can remember the two.

4 Q. And who can you recall?

15:32:42 5 A. Tamba Brima and Santigie Kanu.

6 Q. Okay. Are those the only two names you can recall?

7 A. Yes. Those were the ones I knew; I had known before.

8 Q. Was there anybody amongst them who you saw but had not
9 known before?

15:33:05 10 A. Yes, I saw others that I had not known before. I only came
11 to know them during those times.

12 Q. Okay. Do you recall a name?

13 MR FOFANA: Just one point, Your Honours. I think the
14 witness said, "I only came to know him," and the interpretation
15 was "them "

16 PRESIDING JUDGE: Do you want to follow that up,
17 Ms Thompson?

18 MS THOMPSON: Yes, Your Honour.

19 Q. I think I started from the question of: Was there anybody
15:33:51 20 there who you did not know, who you had seen, but did not know
21 before?

22 A. Yes.

23 Q. Do you know that person's name?

24 A. I only came to know his name. I did not know his name at
15:34:13 25 that moment.

26 Q. And when you came to know his name, what name did you know
27 him as? What name did you know?

28 A. Well, it was Ibrahim Bazy Kamara.

29 Q. Now, did anything else happen at Colonel Eddie Town?

1 A. Well, Colonel Eddie Town, it was -- that was where SAJ Musa
2 manned his commanders.

3 Q. Do you know who his commanders were, for Freetown?

4 A. Yes, I know a few of them

15:34:59 5 Q. Can you tell us their names, please?

6 A. I know Junior Lion, Colonel Eddie, Keh for Keh, Tamba
7 Fasuluku, Foday Bah. That's are the ones I can remember.

8 Q. Do you recall what positions, if they had positions, do you
9 recall what positions they held?

15:35:30 10 A. Well, at that time, I did not know their ranks, but I knew
11 that they were the commanders that had been appointed.

12 Q. How long did you spend in Colonel Eddie Town?

13 A. Well, we did not stay in Colonel Eddie Town for long.

14 Q. When did you leave Colonel Eddie Town; do you remember?

15:36:01 15 A. Well, I can't -- I can't remember the date or month.

16 Q. Where did you go from Colonel Eddie Town?

17 A. Well, from Colonel Eddie Town we headed to Freetown. We
18 passed through Kamalu, Mange Bureh, and we came to the highway by
19 Musaya Junction.

15:36:34 20 Q. Highway by where?

21 A. Musaya Junction. Between Lunsar and Berry Junction.

22 MS THOMPSON: With the exception of Musaya, I think, Your
23 Honours, we've had the spellings of all those. Musaya, I spell
24 as M-U-S-A-Y-A.

15:37:03 25 Q. Now, who were you travelling with?

26 A. Well, I travelled with the families and the prisoners who
27 were in detention.

28 Q. Were you asked to carry arms?

29 A. No, I did not carry a weapon.

1 Q. Were you asked to carry loads for people?

2 A. Well, I only carried my friend's bag where he had some few
3 things inside.

4 Q. Did you see any abductions on the way?

15:37:53 5 A. No, I did not see any abductions on the road.

6 Q. And apart from the three people you've mentioned earlier,
7 were there other prisoners?

8 A. I cannot recall.

9 Q. During the -- from when you left Colonel Eddie Town to when
15:38:23 10 you got to Berry Junction, did anything happen?

11 A. Well, when we left Colonel Eddie Town, we passed through
12 Mange Bureh, and there were attacks in Mange Bureh but, during
13 the attacks, I -- we did not go with them. Me, the families, the
14 prisoners, we were at the back.

15:38:59 15 Q. And from Berry Junction, where were you heading from Berry
16 Junction?

17 A. From -- from Berry Junction, Musaya Junction, the ECOMOGs
18 were deployed, so they found a Joe Bush.

19 Q. I think, Mr Witness, there are things that you said which
15:39:31 20 were left out in the interpretation. Can you say -- can you
21 repeat your answer, please?

22 JUDGE SEBUTINDE: Perhaps you could ask the question again.

23 MS THOMPSON:

24 Q. Did anything happen when -- after Berry Junction coming,
15:39:50 25 did anything happen?

26 A. Well, after Berry Junction, they left us at Joe Bush, the
27 families, the prisoners, and then they attacked Lunsar.

28 Q. After that attack, did anything happen?

29 A. Well, after the attack, we moved straight up to Mile 38,

1 but before we went to Mile 38, they would have captured the town
2 and, when they have gone before, then they will send for the
3 families and the prisoners.

4 Q. And these prisoners, were these the same people that you'd
15:40:45 5 earlier mentioned?

6 A. Yes, yes.

7 Q. Did you stay in Mile 38?

8 A. Yes, we were in Mile 38, together with the prisoners,
9 including SAJ Musa, who reversed to attack Masiaka.

15:41:14 10 Q. Who reversed to attack Masiaka, please?

11 A. The troops.

12 Q. After that attack, did anything happen?

13 A. Well, after the attack, the troop left us at 38 and
14 advanced to RDF.

15:41:36 15 Q. Can you tell this Court what happened after that?

16 A. Well, after that, we remained in 38 and RUF was captured.
17 After RDF had captured -- they moved to Waterloo and they called
18 we, the prisoners and their families, to come to RDF, so that was
19 how they moved.

15:42:12 20 Q. How long did you stay at the RDF for?

21 A. Well, we never took any long time in those areas.

22 Q. Did you subsequently leave RDF?

23 A. Yes. And, in fact, not that -- we never settled in the
24 RDF; we were at Joe Bush.

15:42:36 25 Q. How far was that from the RDF?

26 A. Maybe 3 to 5 miles, roughly, off the RDF camp.

27 Q. Okay. Did you go anywhere after that?

28 A. Well, after there, they advanced to Waterloo.

29 Q. Who advanced to Waterloo?

1 A. The troops. The troops, they advanced -- the troops
2 advanced to Waterloo.

3 Q. And where were you when the troops went to Waterloo?

4 A. At that time, we -- at that time, we were at the Joe Bush,
15:43:15 5 together with the prisoners.

6 Q. After the troops had gone to Waterloo, did anything happen
7 to -- did you, yourself, and the others, did you do anything?

8 A. No, we did not do anything.

9 Q. Did you stay at the Joe Bush?

15:43:38 10 A. Yes.

11 Q. How long were you there for?

12 A. We took about two days in the Joe Bush. After Waterloo had
13 been captured, we were called.

14 Q. Who called you?

15:43:53 15 A. The troops.

16 Q. Where did you go?

17 A. Well, before we came to Waterloo, that was the time they --
18 by then, they had gone to attack Benguema.

19 Q. How long did you stay in Waterloo for?

15:44:09 20 A. We were in Waterloo -- we were in Waterloo for about three
21 days, and we understood that SAJ Musa had died.

22 Q. How did you know SAJ Musa had died?

23 A. Well, when SAJ Musa died, the troops were in disarray. So
24 those that came to meet us at Waterloo, these were the ones that
15:44:41 25 brought the information to us.

26 Q. After you got that information, did you do anything?

27 A. After we heard that information, we, the troops, when the
28 troops were in disarray, at that time, I settled down in
29 Waterloo. I settled in Waterloo and did not continue with them

1 Q. At this time, do you know where the prisoners were?

2 A. Well, at that time, everybody was in disarray. I didn't
3 know where they were by then, because I found my way.

4 Q. Okay. How long did you stay at Waterloo for?

15:45:29 5 A. I was in Waterloo for a long time, until after January 6
6 when they were returning, then I moved to Lunsar.

7 Q. Who did you move with?

8 A. Well, I moved with one of my brothers, who was a soldier.

9 Q. Is that a blood brother?

15:45:57 10 A. No. No, no.

11 MS THOMPSON: Your Honours, the first accused would like to
12 be excused for a minute.

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

14 MS THOMPSON:

15:46:16 15 Q. From Lunsar, did you go anywhere?

16 A. Well, from Lunsar, I was there until they signed the peace
17 accord, when they made the disarmament camp in Port Loko. So I
18 moved together with my brother and came to the camp in Port Loko.

19 Q. Thank you very much, Mr Witness. I have no further
15:46:39 20 questions for you.

21 PRESIDING JUDGE: Anything else in chief?

22 MR FOFANAH: Yes, Your Honours.

23 EXAMINED BY MR FOFANAH:

15:47:01 24 Q. Mr Witness, I have some questions for you regarding the
25 second accused, Mr Ibrahim Bazy Kamara. You said the first you
26 knew Ibrahim Bazy Kamara was at Colonel Eddie Town.

27 A. Yes.

28 Q. Now, you've told the Court about RUF burning houses in
29 Kono. What part of Kono are you referring to?

1 A. All over Koidu Town.

2 Q. Now, whilst the burning was going on, did you hear anyone
3 mention Ibrahim Bazy Kamara as being in charge of those who were
4 burning houses in Kono, in Koidu Town?

15:47:42 5 A. No.

6 Q. Did you hear about Ibrahim Bazy Kamara being in Mongor
7 Bendugu?

8 A. No.

9 Q. Just another question backwards from Kono. At Kono, did
10 you hear about Ibrahim Bazy Kamara's presence at all? Was he in
11 Kono during your stay there?

12 A. No.

13 Q. Now, you've told the Court that you met him as a prisoner
14 in Colonel Eddie Town. How was he a prisoner?

15:48:49 15 A. Well, they had a chain in their hand. They locked him up
16 and -- they were locked up.

17 Q. And by "them," who do you mean?

18 THE INTERPRETER: Repeat it again.

19 MR FOFANAH:

15:49:17 20 Q. You said they were locked up. Who were locked up?

21 A. They locked the three of them up.

22 Q. Who locked them up?

23 A. Junior Lion and Colonel Eddie.

24 Q. To the best of your knowledge, did he remain a prisoner
15:49:44 25 throughout your movement from Colonel Eddie Town to the time you
26 left him in Waterloo?

27 A. Yes, that man was a prisoner.

28 MR FOFANAH: That is all for the witness.

29 PRESIDING JUDGE: Thank you. Mr Manly-Spain.

1 EXAMINED BY MR MANLY-SPAIN:

2 Q. Mr Witness, during your evidence on the movement to
3 Freetown, you mentioned the word "Joe Bush" a number of times.
4 What do you mean by that?

15:50:26 5 A. Well, it's the forest where we were camped.

6 Q. Am I right to say it was your hiding place from time to
7 time in the forest?

8 A. Yes, that was where we hid.

9 Q. Thank you, Mr Witness. Mr Witness, you say that SAJ Musa
10 appointed commanders at Colonel Eddie Town. Do you know whether
11 these commanders did anything on the march to Freetown?

12 A. Well, I only know of a soldier who had gunshots, and he
13 said Junior Lion shot at him, because he advised Junior Lion when
14 he did some bad things, so he fired -- he shot at him.

15:51:30 15 Q. Okay, thank you. That wasn't my question, but let me put
16 it another way. Do you know who led the attack on Mange Bureh?

17 A. Well, the task force operation commander, at that time, was
18 Junior Lion.

19 Q. Was he the one who led the attack?

15:51:57 20 A. He's the operation commander.

21 Q. Okay. Do you know who led the attack on Lunsar?

22 A. Junior Lion is the overall operations commander that was
23 appointed by SAJ Musa.

24 Q. Is he the one who led the attack?

15:52:21 25 A. Yes, he's the commander.

26 Q. Do you know who led the attack on Mile 38?

27 A. Well, at the time they went to attack Mile 38, I was -- we
28 were at Joe Bush, but I knew that the overall commander was
29 Junior Lion, that SAJ Musa had appointed.

1 Q. When you were informed that SAJ Musa had died, you say you
2 were at Waterloo. Do you know where SAJ Musa died?

3 A. SAJ Musa -- they said he died at Benguema.

4 Q. And do you know whether there was an attack by the group
15:53:19 5 you were with, SAJ Musa's group? Do you know whether there was
6 an attack on Benguema by that group?

7 A. Yes.

8 Q. Do you know who led the attack?

9 A. SAJ Musa himself was -- when -- led the attack.

15:53:51 10 Q. Mr Witness, you say at the beginning that you were once an
11 SLA.

12 A. Yes. I joined the SLA after the disarmament programme when
13 my brother gave me the opportunity. I had the ID card. That was
14 the time I went to join the army, in 2002.

15:54:22 15 Q. Thank you very much. Mr Witness, during this movement to
16 Freetown, did you, at any time, see Santigie Kanu lead any
17 attack?

18 A. That man was a prisoner. He did not lead any attack.

19 Q. Have you ever heard the name Gbinti?

15:54:57 20 A. I've never heard that name Gbinti.

21 Q. Do you know whether, on your way to Freetown with the
22 troops, you passed by a place called Gbinti, in the Port Loko
23 District?

24 A. Well, I don't remember all the villages.

15:55:24 25 MR MANLY-SPAIN: Your Honour, Gbinti is spelled
26 G-B-I-N-T-I.

27 Q. Finally, Mr Witness, after Waterloo, did you see Junior
28 Lion again?

29 A. No.

1 MR MANLY-SPAIN: That will be all.

2 PRESIDING JUDGE: Thank you. Yes, Mr Agha.

3 MR AGHA: Your Honour, at this stage, the Prosecution would
4 make an application for an adjournment. The Prosecution had the
15:56:05 5 identifying data of this witness disclosed on 8th September, and,
6 clearly, there are quite a number of the 21 days period left.

7 The submission of the Prosecution is that the witness has given
8 important evidence today, and that the Prosecution would require
9 the time period it is entitled to in order to investigate the
15:56:26 10 evidence which the witness has given. The Prosecution would,
11 therefore, humbly request for an adjournment until next Monday.

12 PRESIDING JUDGE: Do the Defence wish to reply to that
13 application?

14 MR MANLY-SPAIN: Having regard to the earlier ruling, it
15:56:47 15 would not be wise for us to object.

16 PRESIDING JUDGE: Yes, quite right, Mr Manly-Spain. There
17 is a standing order, as we're all aware of.

18 We note that the identifying data was filed in
19 contravention of the standing order of this Court. We therefore
15:57:41 20 grant the Prosecution's application to postpone cross-examination
21 of this witness until Monday, 25th September. That's the date
22 you're asking, I take it, Mr Agha?

23 MR AGHA: Yes, Your Honour, it's the following Monday.

24 PRESIDING JUDGE: That's the following Monday, yes.

15:57:57 25 Mr Witness, Mr Agha, for the Prosecution, has a few questions to
26 ask you, but he won't need you again until Monday. That's next
27 Monday, 25th September. You will be required to come back to
28 Court to give more evidence next Monday, 25th September; is that
29 clear?

1 THE WITNESS: Well, at that time, I will be prepared.

2 PRESIDING JUDGE: All right. Thank you. In the meantime,
3 I'll caution you not to discuss this case, or the evidence, with
4 any other person; is that also clear?

15:58:40 5 THE WITNESS: Sir.

6 PRESIDING JUDGE: Thank you. We'll adjourn the Court now
7 until 9.15 tomorrow morning.

8 [Whereupon the hearing adjourned at 3.58 p.m.,
9 to be reconvened on Tuesday, the 19th day of
10 September 2006, at 9.15 a.m.]

15:59:48

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WITNESSES FOR THE DEFENCE:

WITNESS: DBK- 110	3
EXAMINED BY MR DANIELS	3
EXAMINED BY MR MANLY- SPAIN	24
CROSS- EXAMINED BY MR HARDAWAY	25
WITNESS: DBK- 111	30
EXAMINED BY MR DANIELS	30
EXAMINED BY MANLY- SPAIN	50
WITNESS: DAB- 134	55
EXAMINED BY MR MANLY- SPAIN	55
CROSS- EXAMINED BY MR HARDAWAY	72
WITNESS: DAB- 122	79
EXAMINED BY MS THOMPSON	79
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