



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

MONDAY, 21 JANUARY 2008  
9.30 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

Justice Teresa Doherty, Presiding  
Justice Julia Sebutinde  
Justice Richard Lussick  
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr William Romans  
Ms Doreen Kiggundu

For the Registry:

Ms Rosette Muzigo-Morrison  
Ms Rachel Irura  
Mr Vincent Tishakwa

For the Prosecution:

Ms Shyamala Alagendra  
Ms Kirsten Keith  
Mr Mohamed A Bangura  
Mr Nicholas Koumjian

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munyard  
Mr Andrew Cayley

1 Monday 21 January 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:39 5 PRESIDING JUDGE: Good morning. I notice a change of  
6 appearances on both benches. Miss Alagendra?

7 MS ALAGENDRA: Yes, your Honours, good morning. For the  
8 Prosecution it is Mr Nicholas Koumjian, myself, Shyamala  
9 Alagendra and Ms Kirsten Keith.

09:29:00 10 PRESIDING JUDGE: Could I have the spelling of the last  
11 name, please.

12 MS ALAGENDRA: It will be K-E-I-T-H.

13 PRESIDING JUDGE: Yes, Mr Cayley?

14 MR CAYLEY: Yes, may it please your Honours: Courtenay  
09:29:23 15 Griffiths QC, myself, Andrew Cayley, and Terry Munyard.

16 PRESIDING JUDGE: Thank you, Mr Cayley. If there are no  
17 other matters I will remind the witness of his oath.

18 Father Caballero, on Friday you undertook and swore to tell  
19 the truth. That oath is still binding on you and you must  
09:29:42 20 continue to tell the truth.

21 Miss Alagendra, please proceed.

22 WITNESS: TF1-326 [On former oath]

23 EXAMINATION-IN-CHIEF BY MS ALAGENDRA: [Continued]

24 Q. Good morning, Father Caballero.

09:29:53 25 A. Good morning.

26 Q. Father, when we ended on Friday my last question to you was  
27 to tell the Court the ages of the children who had committed  
28 atrocities and you testified that they were between 14 and 17  
29 years old. Father, I would like you to be a bit more specific as

1 to at what time period were they this age? Was it when they came  
2 to your centre, or was it some time before that?

3 A. The age I gave you is the age when the children arrive in  
4 St Michael's. The children started committing crimes, you want  
09:30:35 5 to say so, as soon as they were able to carry weapons, let us say  
6 7, 8 years old.

7 Q. Father, did the children tell you where the training camps  
8 were located at the time they were being trained by the RUF?

9 A. Well, when they arrived in St Michael they mentioned some  
09:30:58 10 of the camps where they were trained.

11 Q. Are you able to recall the names of some of the camps?

12 A. The one I recall now is Camp Lion, Zagoda, where according  
13 to the children Foday Sankoh was.

14 PRESIDING JUDGE: If you would spell them as you go along,  
09:31:23 15 please.

16 THE WITNESS: Zagoda should be Z-A-G-O-D-A.

17 JUDGE SEBUTINDE: And Lion, is that as in the animal?

18 THE WITNESS: Yes, so Camp Lion, Zagoda. Burkina, like the  
19 country.

09:31:45 20 MS ALAGENDRA:

21 Q. Would you spell Burkina, please?

22 A. B-U-R-K-I-N-A. Kangari Hills, Kangari is K-A-N-G-A-R-I,  
23 Hills. Where Gibril Massaquoi was. It was one of the first  
24 camps where many of the children that arrived in St Michael's  
09:32:19 25 were trained. Northern jungle, behind Kabala, and then they also  
26 talk about Rosor, R-O-S-O-R, but I am not sure if they were  
27 trained there.

28 Q. Father, also if you can give the spelling for Kabala?

29 A. K-A-B-A-L-A.

1 Q. You told the Court on Friday that you yourself spent a lot  
2 of time talking to the children. What language did you yourself  
3 communicate with the children in?

4 A. I always speak in Krio when in Sierra Leone.

09:33:08 5 Q. You testified that one of the techniques used by the  
6 St Michael's Lodge was to ask the children to draw pictures on  
7 certain themes and those pictures were then interpreted. Who  
8 interpreted the drawings by the children?

9 A. Well, the first time was Dr Millares, the Spanish  
09:33:40 10 psychologist who came to train the teachers and social workers,  
11 and then later on the social workers and the teachers were able  
12 to do it.

13 Q. Father, could you just briefly explain the process of this  
14 technique?

09:33:55 15 A. Okay, the children were given a topic, were asked to draw  
16 something related to that topic and then the children were asked  
17 to explain, in front of the other children, what they had drawn  
18 and why, the meaning of the design. The information that the  
19 children gave could be used to get information from their  
09:34:22 20 background, what happened to them during the time they were with  
21 the fighting forces, or the problems they may have at that time.

22 Q. And when the children were explaining their drawings, was  
23 it recorded?

24 A. Yes, normally it was for record keeping.

09:34:37 25 Q. How was it recorded?

26 A. Normally it was with a tape recorder, sometimes with notes,  
27 but normally a tape recorder.

28 Q. And what were the themes, or topics, that the children were  
29 asked to draw pictures about?

1 A. There was a programme drawn by Dr Millares. We asked the  
2 children the date they kidnapped them, what they learned and what  
3 they did when they were with the fighting forces, the happiest  
4 day in their life, what they lost during the time they were with  
09:35:15 5 the fighting forces, their future, about their future and these  
6 kinds of things.

7 Q. Father, what did you do with the drawings by the children?

8 A. Well, we kept them. The very first one, the one when  
9 Dr Millares was there at St Michael, we published a book with  
09:35:41 10 them, Dr Millares and myself, trying to explain what happened to  
11 these children and the problems they went through.

12 Q. So is it your testimony that these drawings were published  
13 in a book?

14 A. Yes, they were.

09:35:57 15 Q. What is the title of the book?

16 A. The title is in Krio, "Ano Bin Wan Duam."

17 Q. Could you repeat that again?

18 A. "Ano Bin Wan Duam", A-N-O B-I-N W-A-N D-U-A-M.

19 Q. Father, what does that mean in English?

09:36:30 20 A. "I didn't want to do it."

21 Q. Your Honours, can I ask that the witness be shown the  
22 document at tab 19, please. Father, could you just look through  
23 the pages of the document in front of you. Do you recognise  
24 these pages?

09:37:29 25 A. Yes, these are photocopies from that book.

26 MS ALAGENDRA: Your Honour, can I ask that this document be  
27 marked as MFI-3.

28 PRESIDING JUDGE: The document acknowledged by the witness  
29 will be marked MFI-3.

1 MS IRURA: That is correct, your Honour.

2 MR CAYLEY: Madam President, can my learned friend give me  
3 the last four ERN numbers because we don't have a copy of the  
4 bundle that she is referring to.

09:38:04 5 PRESIDING JUDGE: Ms Alagendra, could you please assist?

6 MS ALAGENDRA: The ERN numbers, your Honour, are 00032807  
7 until 00032818.

8 PRESIDING JUDGE: Mr Cayley, have you traced this document  
9 now?

09:38:48 10 MR CAYLEY: Yes, I have. I mean the fact is, your Honour,  
11 the exhibits were disclosed to us but we were not provided with a  
12 copy of the bundle. It would be helpful in future - we can move  
13 ahead now, but we normally provide to the Defence [sic] a copy of  
14 the documents that we are using. It just helps matters that is  
09:39:06 15 all.

16 PRESIDING JUDGE: Ms Alagendra, perhaps your Court Manager  
17 can note that.

18 MS ALAGENDRA: We will, your Honour, and I apologise for  
19 this.

09:39:20 20 PRESIDING JUDGE: Please proceed.

21 MS ALAGENDRA:

22 Q. Father, in what language is this book published in?

23 A. In Spanish.

24 Q. Father, at the time the children were explaining their  
09:39:34 25 drawings, in what language did they explain their drawings in?

26 A. In Krio.

27 Q. Who translated the explanations into Spanish for the  
28 purposes of this book?

29 A. I did.

1 Q. Father, could you turn to the second page of the document  
2 in front of you. Underneath the drawings it is written there  
3 some --

4 MS IRURA: Please switch to document cam witness.

09:40:27 5 MS ALAGENDRA:

6 Q. There are some numbers written there, father, could you  
7 tell the Court what that means?

8 A. Underneath the drawing?

9 Q. Yes.

09:40:37 10 A. The identification number we have given to the child and  
11 the age of the child at the time he did these drawings.

12 Q. And the ages under these drawings, are they the accurate  
13 ages of the children who did these drawings?

14 A. Well, it depends. In some cases we just changed it so that  
09:41:00 15 the child cannot be recognised because if you follow all the  
16 designs, all the drawings, you can reconstruct the history, or  
17 the story, of a child. So to avoid the child to be identified,  
18 once in a while we changed the age of the child.

19 Q. If one wanted to know the actual age of the particular  
09:41:19 20 child who drew a picture, where could we get this information  
21 from?

22 A. You go back to page 1, the one you gave me, this table  
23 identifies the child and the real age of the child.

24 Q. This is the --

09:41:35 25 A. This table on the first page you gave me.

26 Q. Father, can I ask you to look at the table on the first  
27 page, please. Could you explain to the court what is stated in  
28 each of these columns?

29 A. Okay, the first column, the identification number we have

1 given - we gave to each child. Second is sex of the child, boy  
2 or girl. The third one, the age the child had when he was  
3 kidnapped by the RUF. The fourth, the age of the child when he  
4 took part in the exercise with Dr Millares and myself, and the  
09:42:29 5 last one is how many years the child spent with the RUF.

6 Q. Father, by looking at the table and your explanation of  
7 what is in each of the columns, is it the case that the drawings  
8 in this book are done by children who were with the RUF?

9 A. Yes, all of them in this particular book belong to children  
09:42:56 10 who were with the RUF.

11 Q. I would ask you to turn the page again, please. Would you  
12 look at illustration 2 on that page.

13 A. Okay.

14 Q. I notice there is no explanation underneath this  
09:43:27 15 illustration. Are you able to explain what this drawing means?

16 A. Yes, I recall this drawing. This drawing is - when there  
17 is no explanation Dr Millares explained that - explained the  
18 drawing to us so we could learn how to do it. According to her,  
19 this particular child was with somebody who was in charge of the  
09:43:51 20 ammunition room. That is why he draw this ammunition room on  
21 there and he is the boy on top of the roof with that maybe RPG,  
22 or AK-47, on top of the roof of the ammunition room.

23 Q. Father, by referring to your table on the first page can  
24 you tell the Court the actual details of this child who drew this  
09:44:21 25 picture?

26 A. This particular child is a boy. He was 11 years old when  
27 he was kidnapped by the RUF and he was 17 when he took part in  
28 this exercise and he has spent 3 years with the RUF.

29 Q. Father, could you turn over to the next page, please. Can



1 you look at illustration 2 on that page. By reference to the  
2 table on the first page, can you tell the Court the actual  
3 details of this child who drew this drawing?

09:45:22 4 A. Okay, this was a boy. He was 13 years old when he was  
5 kidnapped by the RUF. He was 15 when he took part in this  
6 exercise and he was 2 years with the RUF.

7 Q. Your Honours, at this stage I want to seek some  
8 clarification from the Court. This witness has just testified  
9 that it was himself who translated the explanations by the  
09:45:43 10 children from Krio into Spanish and these are the explanations  
11 which appear in this book, and I was about to ask this witness to  
12 translate this explanation into English and I want to know  
13 whether there is any objections that this is being done.

14 PRESIDING JUDGE: We don't yet know the witness's expertise  
09:46:09 15 in the languages of English and Spanish and until I determine  
16 that I don't think I will ask for a reply from the Defence.

17 MS ALAGENDRA: If I can just solicit that information from  
18 the witness, your Honour:

19 Q. Father, are you able to translate what appears in these  
09:46:33 20 pages from Spanish into English?

21 A. Well, I think so. I think I can do it.

22 Q. If that is sufficient for me to proceed?

23 PRESIDING JUDGE: Ms Alagenda, you know that is not  
24 sufficient. Mr Cayley, you are on your feet.

09:46:57 25 MR CAYLEY: Madam President, might I assist here. I think  
26 that, 1, we would not have an objection and if perhaps my learned  
27 friend asked the father whether he had studied at a graduate  
28 level in both English and Spanish, the Defence would be satisfied  
29 and perhaps also the bench would be satisfied.

1           PRESIDING JUDGE: I am grateful for the indication,  
2 Mr Cayley. Ms Alagendra, you have heard counsel for the Defence.

3           MS ALAGENDRA: Thank you. I will take that as a guide:

09:47:32

4 Q.     Father, could you tell the Court at what level have you  
5 studied the English language, if at all?

09:47:55

6 A.     Well, I studied - I just learnt English in the school and  
7 then when I was in the States, when I worked for my master  
8 everything was in English, so I have this master level because  
9 I passed my masters in New York and in Spain, for the Spanish, it  
10 is the same. I have two BAs in Spain, so I think I can.

11           PRESIDING JUDGE: Mr Cayley, you heard the evidence and you  
12 heard the application.

13           MR CAYLEY: No, your Honour, we have no objection to the  
14 father translating from Spanish into English. Thank you.

09:48:14

15           PRESIDING JUDGE: Thank you. In the circumstances we also  
16 will accept, by consent, that the witness is qualified to  
17 interpret and you may proceed on now, Ms Alagendra, please.

18           MS ALAGENDRA: Thank you, your Honour:

09:48:37

19 Q.     Father, could you translate the explanation above  
20 illustration 2 into English.

21 A.     Okay:

09:49:08

22           "I cannot forget. I was captured by Rambo, one famous  
23 fighter whose name is very well known in Sierra Leone. He took  
24 me to Liberia, together with other people, to be trained and  
25 later to fight against our enemies."

26           MS MUZIGO-MORRISON: Could the witness put the microphone  
27 on, please.

28           THE WITNESS: Sorry, let me start again, sorry:

29           "I cannot forget. I was captured by Rambo, one famous

1 fighter whose name is very well known in Sierra Leone. He took  
2 me to Liberia, together with other people, to be trained and  
3 later to fight against our enemies. I took drugs to feel secure.  
4 The time of the training was very hard and difficult. Many  
09:50:02 5 people died. The 6 June 1999" - may I say something? I think it  
6 should say 6 January. Maybe a typo from the book. Anyway, the  
7 right translation is:

8 "The 6 June 1999 we entered the city with heavy weapons and  
9 the commander in charge was Sam Bockarie, Mosquito and Rambo.

09:50:41 10 Because I was not afraid I was promoted to lieutenant. I still  
11 remember all these things. I have problems concentrating in my  
12 studies."

13 MS ALAGENDRA:

14 Q. Father, could you turn over to the next page, please.

09:51:19 15 Could you have a look at the second illustration on that page.  
16 By reference to the table on the first page, could you give the  
17 actual details of this child who drew this picture?

18 A. Okay. This is a boy who was 12 years old when he was  
19 captured by the RUF. He was 13 when he took part in this  
09:51:49 20 exercise and he spent one year with the RUF.

21 Q. Could you translate the explanation next to this drawing?

22 A. "The name of my boss when I was in Camp Lion was Target.  
23 The soldiers of RUF didn't like him because he was very smart.  
24 The most traumatising fact of my life was when Target shot and  
09:52:40 25 killed a rebel whose name was Tamaboroh, or called Tamaboroh.  
26 Tamaboroh had miraculous powers that allow him to appear and  
27 disappear at his wish. He was the one who helped us in the  
28 attacks" - sorry:

29 "He was the one who helped us in the successful attacks

1 launched by the rebels near Koinadugu in the northern province of  
2 Sierra Leone. However, my boss saw him fighting, Target shot and  
3 killed him. The rebels liked very much Tamaboroh because of his  
4 miraculous powers, his special powers, and they organised a  
09:54:08 5 rebellion and arrested Target and they killed him summarily on  
6 the spot. I loved Target. He was good to me. I was not able to  
7 hide my feelings and I started shouting. The people who had  
8 against my boss wanted to kill me because I was crying for a  
9 monster. This fact comes to me over and over."

09:54:57 10 Q. Father, could you look at the first illustration, please,  
11 on that same page.

12 A. Yes.

13 Q. Could you tell the Court the actual details of this child  
14 who drew this drawing?

09:55:13 15 A. Okay, this is a boy who was 9 years old when he was  
16 kidnapped by the RUF. He was 17 when he took part in this  
17 exercise and he spent 9 years with the RUF.

18 Q. Could you translate the explanation next to that drawing  
19 for the Court?

09:55:40 20 A. "I will never forget the day when they kidnapped me and  
21 took me to a camp called Zagoda. This camp had many deadly  
22 weapons because Foday Sankoh, the leader of the RUF, was there.  
23 These are incidents and facts that I will never forget: The day  
24 in which Zagoda was attacked. They attacked us from four sides,  
09:56:33 25 but with the tactics we have learned we repelled attacks. We  
26 could do it because they ran out of ammunition and they couldn't  
27 turn back. We surrounded them and killed them. I cannot forget  
28 these things, but" --

29 Q. Father, could you turn over to the next page, please.

1 Could you translate the chapter heading which appears at the top?

2 A. Okay, "This is what I learned in the bush."

3 Q. On that same page, that first drawing, could you tell the  
4 Court, by referring to your table in the first page, the actual  
09:57:40 5 details of the child who drew this picture?

6 A. It is a boy who was 10 years old when he was captured by  
7 the RUF. He was 12 years when he took part in this exercise and  
8 he was - he spent 3 years with the RUF.

9 PRESIDING JUDGE: Madam Court Attendant, could you put the  
09:58:08 10 actual picture up, please. Thank you, please continue.

11 MS ALAGENDRA:

12 Q. Could you translate the explanation next to the drawing?

13 A. "I learned how to loot and to take things from people by  
14 force and threatening. I also learned how to use drugs:

09:58:49 15 Cocaine, blueboat, marijuana."

16 Q. Could you turn to the next page, please. Father, I am  
17 referring to the first drawing on that page. By referring to the  
18 table on the first page, could you tell the Court the details of  
19 the child that drew that picture?

09:59:22 20 A. This is a boy who was 12 years old when he was kidnapped by  
21 the RUF. He was 13 years old when he took part in this exercise  
22 and he has spent 3 years with the RUF.

23 Q. Could you translate the explanation below that drawing?

24 A. "I was trained. I was learnt how to use weapons. I also  
09:59:55 25 smoked and drank."

26 Q. Could you have a look at the second picture and, referring  
27 to the table on the first page, provide the actual details of the  
28 child who drew this drawing?

29 A. Okay, it is a boy again. He was 10 years old when he was

1 captured by the RUF. He was 13 when he took part in this  
2 exercise and he spent 3 years with the RUF.

3 Q. Could you translate the explanation below that drawing?

10:00:43

4 A. "I learnt to use weapons and I wounded and maltreated  
5 people of every age, of all ages. I learnt to steal money and to  
6 loot."

7 Q. Could you now look at the third picture on that same  
8 page and, referring to the table on the first page, provide the  
9 actual details of the child who drew this picture?

10:01:06

10 A. It is a boy. He was 11 years old when he was captured by  
11 the RUF, 17 when he took part in this exercise and he has spent 3  
12 years with the RUF.

13 Q. Could you translate the explanation for this drawing?

10:01:40

14 A. "During one week they trained me on how to prepare an  
15 ambush. I also fire shot from a helicopter to the city of Lunsar  
16 during two hours. I drank, rape and killed everybody I wanted  
17 to."

18 Q. Could you turn over to the next page. I am looking at the  
19 second drawing on that page. By reference to the table on  
20 page 1, could you provide the actual particulars of this child?

10:02:24

21 A. This is a child who was 13 years old when he was captured  
22 by the RUF. He was 15 when he took part in this exercise and he  
23 spent 2 years with the RUF.

24 Q. Could you translate the explanation below that drawing.

10:02:47

25 A. "I learnt to use weapons. This is a bazooka." You call it  
26 in English "bazooka"? Okay, sorry. "It is very difficult to  
27 use. It is very big. Up it fires bullets and down, bombs.  
28 There is my commander, the one who learned me. His name is  
29 Rambo."

1 Q. Father, could you look at the third illustration on that  
2 page at the bottom and, referring to the table on the first page,  
3 provide the actual particulars of the child who did this drawing?

4 A. This boy was 12 years old when he was captured by the RUF.  
10:03:41 5 He was 14 when he took part in this exercise and he spent 2 years  
6 with the RUF.

7 Q. Could you translate the explanation next to the drawing?

8 A. "I learnt many things. I killed a man because I stop him  
9 and he didn't want to stop. I did the same with a woman who  
10:04:08 10 didn't want to stop, so I ran after her and killed her. One  
11 experience at that particular time was what we call 'Operation  
12 Spare No Soul'. I came across a girl of 12 years old and I cut  
13 off her two hands. Just when we came back, we were coming back  
14 from that operation, I killed a man inside his house. We were  
10:04:50 15 told not to leave anybody alive in the village."

16 Q. Could you turn over the page, please. Father, I am looking  
17 at the first drawing. By referring to the table on page 1, could  
18 you provide the actual details of the child that did this  
19 drawing?

10:05:20 20 A. This boy was 9 years old when he was captured by the RUF.  
21 He was 17 when he took part in this exercise and he spent 9 years  
22 with the RUF.

23 Q. Can you translate the explanation below that drawing?

24 A. "I learned how to assemble weapons that is why I draw  
10:05:50 25 myself [indiscernible]. I also learned how to use them. I  
26 learned to fire weapons."

27 Q. Could you look at the second drawing on that page and, by  
28 referring to the table on the first page, provide the actual  
29 details of the child that did this drawing?

1 A. This particular boy was 6 years old when he was captured by  
2 the RUF. He was 15 when he took part in this exercise and he  
3 spent 8 years, 6 months with the RUF.

10:06:30 4 Q. Could you translate the explanation below that drawing,  
5 please?

6 A. "Before I became a rebel I was obedient and quiet. When  
7 they took me to the bush I learned to take drugs, to kill, to  
8 loot and to burn houses. This drawing shows how I burn and  
9 destroy houses."

10:07:08 10 Q. Thank you, father. You testified on Friday that part of  
11 your work at the St Michael's Lodge was a reunification of  
12 children with their families, isn't that correct?

13 A. That was the work, one of the main purposes of the  
14 programme: To take children back to their families.

10:07:29 15 Q. Could you explain the reunification process briefly for the  
16 Court?

17 A. Once we got the information when we thought it was true and  
18 we could believe, because as I told you on Friday many times we  
19 had to interview the children several times until we got the  
10:07:45 20 right information from them, we have a particular team of social  
21 workers that will go to the place, to the village, or the area  
22 where the children came from, trying to find their family. If  
23 the family was found then they will talk with them to see if the  
24 family was ready to take the child back. If they were ready then  
10:08:08 25 they will talk with different authorities in the area, religious  
26 leaders, town leaders, women groups, youth groups, just to  
27 explain what happened to the child, the process the child went  
28 through, how the child, who has been with the RUF, now was a  
29 different person and could be trusted and sent back to the



1 community. If everybody agree on taking back the child the  
2 social workers will take the child back to their family.

3 Sometimes the children are coming from other regions  
4 because we cover mostly for reunification Western Area. We send  
10:08:51 5 the information to the agency in that area and they would do the  
6 tracing for the family and all these processes I just described  
7 and if the family was ready to receive the child we send the  
8 child to that agency to be unified with his family, or her  
9 family.

10:09:06 10 Q. Was there any documentation involved in this process?

11 A. Well, to get information we had that form, the national  
12 tracing form that you showed me the other day, the document, but  
13 then once the child was unified with the family we get a  
14 certificate, a handover certificate, signed by the family, signed  
10:09:35 15 by the agency as well.

16 MS ALAGENDRA: Your Honours, can I ask that the witness be  
17 shown the document at tab 18 which was marked.

18 PRESIDING JUDGE: Madam Court Attendant, if you could  
19 assist, please.

10:09:55 20 MS ALAGENDRA: It was marked MFI-2 previously, your Honour:

21 Q. Father, could you have a look at the last page. Do you  
22 recognise this document?

23 A. Yes, this is the one I was telling you about, the one we  
24 filled out once the child was handed over to the family.

10:10:34 25 Q. Who would be given copies of this document?

26 A. One copy went to the family, the other copy went to the  
27 agency, in this case to us, and one copy went to the Minister of  
28 Social Welfare, to the database.

29 Q. Once a child is reunified with the family is there any

1 follow up that is undertaken by yourself, or any other  
2 organisation?

3 A. Yes, when the child was unified COOPI, C-O-O-P-I, an  
4 international NGO, was in charge of the following up of children  
10:11:10 5 who have been already reunified with their families.

6 Q. Was there ever the need for any counseling after children  
7 were reunified with their families?

8 A. Yes, of course, because the children they still needed this  
9 follow up, this counseling, so COOPI social workers will follow  
10:11:35 10 up with the children, visit the children in their houses, or the  
11 schools, or the workshop where they were learning skill  
12 trainings, and the family, or the community, will call on these  
13 social workers any time something happens with the children.

14 Q. Were there any particular difficulties faced by the  
10:11:51 15 families, or the children after reunification?

16 A. For the children it was not easy to adapt to the new life,  
17 especially they were child soldiers, they were used to slaves  
18 they were working for them when they were in the bush, so now a  
19 child back to his family he has to go to get the water in the  
10:12:13 20 morning, to clean, to do the laundry for himself and those things  
21 were not easy for them, so it was difficult for them to adjust to  
22 the new life. We have many problems. Many times the social  
23 worker has to intervene.

24 Q. Can you tell the Court of any instance where the social  
10:12:32 25 workers had to intervene?

26 A. There were many of them but, for example, I remember now a  
27 particular child unified with his family in Freetown. The family  
28 sent him to the public tap to get water and the people were  
29 lining up, just waiting for their turn to get the water. When he

1 arrived there he just go straight to the tap and wanted to get  
2 the water, so people started shouting at him and he just said,  
3 "You don't know who you are talking to. If you knew who I am you  
4 would not talk to me like that." What happens, the people just  
10:13:13 5 beat him up. A COOPI social worker had to go back and to mediate  
6 with the community, and the people, and with the family, and with  
7 the child so that he would not do the same things again. That is  
8 the kind of things we used to face.

9 Q. Were all the children that went through the programme at St  
10:13:36 10 Michael's Lodge reunited with their families?

11 A. No, not all of them. Many of them we couldn't find the  
12 families.

13 Q. What happened to those children whose families could not be  
14 traced?

10:13:47 15 A. We have what we call an alternative care programme for  
16 those children whose family couldn't be found, or those children  
17 the family didn't want to take them back. In severe cases the  
18 family was afraid of taking their children. So, this programme  
19 have four units. The first one it was foster family for those  
10:14:08 20 little children up to 10 years old. They were given foster care  
21 to a family. Then we have what we call group homes where a  
22 family took care of four or five children, going to a school. We  
23 call - we had apprenticeship: Children learning a skill,  
24 training, a skill. We will send to a workshop and they stay with  
10:14:32 25 the doctor and the family of this doctor while they learn the  
26 skill and then finally we had what we called independent living,  
27 for the bigger ones. We helped them to rent a room. We gave  
28 them some money to start business so that they could support  
29 themselves while they were going to a school, or to learn their

1 skill.

2 Q. Father, while the programme was going on do you recall if  
3 there were any RUF commanders who visited the St Michael's Lodge?

10:15:16

4 A. Well, yes, especially the one I recall is Foday Sankoh  
5 visiting St Michael's in May 2000.

6 Q. Could you describe what took place when he visited the  
7 lodge?

10:15:38

8 A. It was a Sunday. Children were in the beach with the  
9 social workers and the caretakers. I was in my room, room and  
10 office, and I heard this noise, all the children coming inside  
11 the compound. So I just looked from my window and I saw all the  
12 children in the central compound and they were saluting a person  
13 I couldn't see, so I came down and when I approached the circle  
14 I saw Foday Sankoh was addressing the children. He made them

10:16:07

15 pray. They sang the RUF hymn - anthem, sorry. Then he addressed  
16 them saying, "I am your father, you are my children. I have  
17 promised you you will have a better life, you will have free  
18 education and now you have it." So at that moment, I approached  
19 Mr Sankoh and I ask him that - I told him it was a private

10:16:36

20 institution, he didn't have any right to come inside like that  
21 and he asked me who I was. I introduced myself and said I was  
22 Father Chema, the person in charge of the programme. Then he

10:16:55

23 said he knew the Government of Sierra Leone had given me a lot of  
24 money to take care of the children and all the children were  
25 there almost naked when they were on the beach that day and  
26 I wasn't taking care of the children, so I just told him that the  
27 Government of Sierra Leone didn't give me any money for the  
28 programme, that all the money was coming through UNICEF and  
29 private donors from Spain, so he just got angry at that moment,

1 pointed fingers at me and started threatening me saying he will  
2 send a commission to investigate how I was using the money the  
3 government was giving me for the children.

10:17:34 4 There were some armed people with him when he arrived in  
5 the compound, even a vehicle with some weapons and after that  
6 they left, the vehicles and Foday Sankoh.

7 It happened that when I was there one of the social workers  
8 was taking pictures and he took the pictures at the moment when  
9 I was talking with Foday Sankoh.

10:17:55 10 Q. Father, you said that one of the social workers took some  
11 pictures of this visit. What did you do with the pictures,  
12 father?

13 A. Well, later on when the social worker gave me the picture  
14 I took it to Spain, to my house, to my parent's house, sorry.  
10:18:14 15 Later on a Spanish journalist wrote a book on child soldiers and  
16 the work I was doing with the child soldiers in Sierra Leone. He  
17 went to my house and he published that picture in the book.

18 Q. What is the name of the book in which that picture is  
19 published?

10:18:33 20 A. It is in Spanish as well. It is "Salvar a los Niños  
21 Soldados." That in English means "Save the Child Soldiers."

22 Q. Your Honours, may I ask that this witness be given the  
23 document at tab 20.

24 PRESIDING JUDGE: Madam Court Attendant, if you could do  
10:18:51 25 that, please.

26 MS ALAGENDRA:

27 Q. Father, could you look at the first page. Do you recognise  
28 what this is?

29 A. This is the cover of the book.

1 Q. Father, I would like you to turn to the fourth, or last,  
2 page in that bundle of documents you have. Could you have a look  
3 at the second picture, top right.

4 A. Yes.

10:19:59 5 Q. Can you tell the Court who appears in that picture?

6 A. Well, at centre is Mr Foday Sankoh the moment he was  
7 pointing fingers at me. The other one is myself. There are two  
8 boys, two sides of Foday Sankoh, the boys who were at the centre  
9 at that particular moment and they were acting as a kind of

10:20:22 10 bodyguard for him. Then you see the children around, behind us,  
11 all the children, and some of the social workers and caretakers  
12 that were there at that moment.

13 Q. Could you describe to the Court what is happening in that  
14 photograph?

10:20:41 15 A. This is the particular moment when Foday Sankoh got a  
16 little angry at me and he was threatening me and saying that  
17 I was not using the money given by the government to me for the  
18 children and that he will send a commission to investigate how  
19 I was using the money.

10:21:01 20 Q. Is this the same incidence you just testified about before  
21 when he was pointing his finger at you?

22 A. Yes, that is the same.

23 Q. Father, could you tell the Court which month this visit  
24 took place in 2000, by Foday Sankoh?

10:21:22 25 A. It was May 2000, beginning of May 2000.

26 Q. Father, could you have a look at that picture again,  
27 please, and could you translate what is written at the bottom?

28 A. "Chema listened to the guerilla leader, Foday Sankoh, in  
29 front of dozens of child soldiers, Lakka, Sierra Leone, March

1 2000."

2 Q. You just testified that his visit was in May 2000. Could  
3 you tell the Court which is the correct date then?

4 A. I remember it was a few weeks before that big demonstration  
10:22:15 5 happened in Freetown. That was May 2000 and he had to run away  
6 from his place and then later on he was captured, so I think the  
7 right date is May. This particular picture I didn't give to the  
8 journalist that wrote the book, it was my mother and maybe that  
9 is the mistake why he wrote March instead of May.

10:22:42 10 Q. Is there anything you can tell the Court to describe the  
11 behavioural patterns of the children that were at St Michael's  
12 Lodge?

13 A. You mean that particular day?

14 Q. No, generally.

10:22:55 15 A. Can you -

16 Q. I will repeat the question.

17 A. Yes, please.

18 Q. I am asking you if you are able to tell the Court anything  
19 which would describe the behavioural patterns of the children  
10:23:06 20 that were in your programme at St Michael's Lodge.

21 A. When the children arrived in St Michael they were very  
22 aggressive and violent. Many of them were on drugs. Little by  
23 little they just cooled down, started to collaborate with the  
24 social workers and the other staff of the programme, until they  
10:23:31 25 could change and start thinking of their future, but the first  
26 thing for them was violence and drugs.

27 Q. Father, are you able to say anything from what you know  
28 about the present situation of the children and ex-child soldiers  
29 that went through your programme?

1 A. I will say that most of them, 95 per cent of the children,  
2 have rehabilitated. Some of them are already married with  
3 children. They learn skills, they are working. We have plenty  
4 of taxi drivers, or auto mechanics, or carpenters, or tailors  
10:24:14 5 working in Freetown and other place of Sierra Leone. We have  
6 children in college already, children who passed through  
7 St Michael, or still finishing the secondary school, but we have  
8 a good group of them in college now. There were very few that  
9 never made it. We call them lost causes because they never left  
10:24:39 10 the drugs, especially the bigger ones, and so they never  
11 rehabilitated. Many of them are in the streets, some of them in  
12 Freetown, doing these small crimes, stealing, or something like  
13 that. Some of them are in Pademba Prison in Freetown.

14 Q. At the time that your programme was in place, did all the  
10:25:14 15 children who came to the lodge remain with the lodge throughout  
16 the programme?

17 A. No, no. Some of them, we have some cases that ran away  
18 from the programme and went back to their commanders.

19 Q. Did you have any information about what they did when they  
10:25:33 20 went back to their commanders?

21 A. I know some of them, after January 2002 when peace came to  
22 Sierra Leone, together with the commanders they cross over to  
23 Liberia, according to the information that the children gave me,  
24 and they were fighting in Liberia. Even I know two cases of  
10:25:55 25 children that, from Liberia, went to Ivory Coast to fight.

26 Q. Do you know any details about who they were fighting, or  
27 why they were fighting in Liberia?

28 A. No, I don't know the details. I know what the children  
29 told me about the other children: They went to Liberia, or Ivory



1 Coast, but I don't know the details.

2 Q. Father, you told the Court that you also received girls who  
3 were used as sex slaves. Do you know the present situation of  
4 these girls?

10:26:24 5 A. Girls, it was much difficult to work with them because of  
6 that part of abused women it was difficult to bring it up, so  
7 many of the girls, once they were unified, they have a lot of  
8 problems with their families. They couldn't adapt themselves to  
9 their families, to their new life. Many of them ran away from  
10:26:51 10 their families and they finished in the beach of Freetown,  
11 prostitution. When I go to the beach in Freetown I see many of  
12 them, even in Victoria Park in Freetown, working as prostitutes.

13 Q. Your Honours, Victoria Park is - would you spell that?

14 A. Victoria, Queen Victoria Park.

10:27:22 15 Q. Your Honours, I have no further questions for this witness.

16 PRESIDING JUDGE: Thank you, Ms Alagendra. Mr Cayley, are  
17 you --

18 MR CAYLEY: Yes. Thank you, your Honour. If I can just  
19 hand out to the Court a bundle which are Father Chema's various  
10:27:29 20 statements that he has made to the OTP.

21 CROSS-EXAMINATION BY MR CAYLEY:

22 Q. Father Chema, good morning to you. My name is Andrew  
23 Cayley and along with my colleagues, Mr Courtenay Griffiths and  
24 Mr Terry Munyard - I think you understand, you are a trained  
10:28:30 25 lawyer - we act on behalf of Mr Taylor. I don't have many  
26 questions for you and certainly we, on this side of the Court,  
27 appreciate very much the kind of work that you have been doing  
28 with these children, but I do need to make some clarifications  
29 with you about some of the things you said and also to explore a

1 number of issues with you.

2 Again, if you can heed what the Presiding Judge said and  
3 look at the judges when I ask you questions. I know it is  
4 somewhat unnatural, but it will help the interpreters and in  
10:29:00 5 essence you are addressing the judges, you are not addressing me.

6 Again, if there is any question that I put to you that you  
7 don't understand, please stop me and ask me to repeat it. We  
8 will go at quite a slow pace because in between us, as you know,  
9 there are interpreters interpreting for the purposes of the  
10:29:22 10 people in West Africa actually watching the proceedings.

11 Now, you stated in your evidence on Friday and today that  
12 most of the children that you had at St Michael's had been with  
13 the RUF. You recall that, yes?

14 A. Yes, that is right.

10:29:44 15 Q. I think it is also the case, is it not, that you had  
16 children who had been with the AFRC, is that right?

17 A. That is right.

18 Q. I am also right in stating, am I not, that the CDF, or the  
19 Kamajors, also used children in their fighting force, is that  
10:30:08 20 right?

21 A. Yes, that is right.

22 Q. And I am also right in saying that I think, at one stage at  
23 least, in April of 1992, the Sierra Leonean army itself were  
24 making use of children in their fighting force?

10:30:26 25 A. Yes, that is right as well.

26 Q. So it would be fair to say, would it not, father, that all  
27 of the fighting forces within Sierra Leone during the civil war  
28 at some stage made use of children in the fighting forces?

29 A. Yes, that is right.

1 Q. And I think it is probably also fair to say, is it not,  
2 that in many other parts of Africa children are unfortunately  
3 used, or have been used, as child soldiers, right?

4 A. That is right, yes.

10:31:00 5 Q. Just to give some examples, and if you can confirm for the  
6 Court, child soldiers have been used in Angola, right?

7 A. Yes.

8 Q. In the Democratic Republic of Congo, right?

9 A. Yes.

10:31:15 10 Q. And also, unfortunately, in Uganda by the Lord's Resistance  
11 Army, is that right?

12 A. That is right, yes.

13 Q. I think also child soldiers have been used in other parts  
14 of the world. Just to give you some examples: In Burma, yes?

10:31:30 15 A. Yes, I think so.

16 Q. In Nepal?

17 A. I am not sure about that.

18 Q. In Lebanon, do you know about that?

19 A. Lebanon they were used, yes, that is true, yes.

10:31:44 20 Q. Now, I want to just refer you very briefly to an expert  
21 report actually put into evidence by the Prosecution and to read  
22 you a passage from that report. This, your Honours, is the  
23 Prosecutor's exhibit 31. This is Dr Ellis's report. To be fair  
24 to the witness I think if it could be placed in front of him.

10:32:15 25 I will read out the section to him.

26 This, Father Chema, is a report by a gentleman called  
27 Dr Stephen Ellis who gave evidence last week. He was an expert  
28 for the Prosecution. He addressed - one of the issues he  
29 addressed in his report was that of the use of child soldiers and

1 I wanted to read you a passage from that report to ask you for  
2 your comments.

3 Madam Court Manager, the relevant part is actually on  
4 page 15, your Honours page 15, of the report, the last four  
10:32:55 5 digits of the ERN number, for the purposes of the transcript, are  
6 6618.

7 I think you should be able to follow me, Father Chema, if  
8 I read it to you. I will just check that we are looking at the  
9 right part. If it could be moved down a little, Madam Court  
10:33:29 10 Manager. Yes, perfect, thank you. I will read from the last  
11 sentence on that page that begins with the word "However":

12 "However, although the NPFL made use of various other forms  
13 of coercion in order to recruit fighters, porters and forced  
14 labourers, it did not rely on the abduction of children and  
10:33:57 15 adolescents for use of fighters on anything approaching the scale  
16 of the RUF."

17 Father, I don't want your comments on that. I am simply  
18 reading that to you so you understand the context of this  
19 particular comment:

10:34:09 20 "On this point it is useful to bear in mind that it is  
21 traditional in many rural areas of West Africa, including in  
22 Liberia and Sierra Leone, for adolescent boys to assume the  
23 character of warriors as part of their initiation into adulthood  
24 and that in some places a system of age sets includes the  
10:34:38 25 induction of cohorts of young men as fighters. Hence, while  
26 there does appear to have been some degree of imitation of the  
27 NPFL by the RUF, in regard to the recruitment of children and the  
28 organisation of Small Boy Units, it is not clear to what extent  
29 the use of child soldiers represents an innovation and to what

1 extent it was simply the continuation of an historically embedded  
2 practice."

3 Now, father, the question I have for you, without in any  
4 way making comment by me implicitly on the rightness or wrongness  
10:35:20 5 of using child soldiers, you are aware that there was, as  
6 Mr Ellis states here, a historically embedded practice of using  
7 children in armies in this part of the world?

8 A. Yes, that is right, but I think there is a small difference  
9 there. I said - I stated that more than 3,000 children passed  
10:35:48 10 through St Michael's. Out of those 3,000 children I only found  
11 one child who told me he joined voluntarily the fighting forces.  
12 All the others were forced to join. What you are talking about  
13 is a tradition, where children may join, or may not join,  
14 according to their wish.

10:36:09 15 Q. But again, putting aside the issue of voluntariness, you  
16 accept that there was an historical practice in the region of  
17 using children in armed fighting units?

18 A. I think so, yes.

19 Q. Now, again and I am not trying to give you a memory test  
10:36:32 20 here and you can certainly look at the statements that I have  
21 given to you, but am I right in saying that you made five  
22 statements to the Office of the Prosecutor over a four year  
23 period?

24 A. Yes, that is right.

10:36:51 25 Q. If you could go to your statement of 11 July 2003, which is  
26 the first statement, and that, your Honours, you will find behind  
27 tab 1. Father Chema, at the time that you made this statement  
28 did you read it over and sign it?

29 A. I read it later on when the second statement was made, not

1 the first time.

2 Q. So the very first occasion that you were spoken to by the  
3 investigators, you did not read or sign the statement?

10:37:50

4 A. I don't think so. I don't recall doing it. I just  
5 answered some questions because they were not interested in what  
6 I could say, but I was asked to take some children to the Special  
7 Court, to the investigator, so they could talk with them and this  
8 was a kind of introduction to the children.

10:38:15

9 Q. So to clarify, the first occasion, on 11 July 2003, they  
10 did not take a formal statement from you?

11 A. No, I don't think so.

12 Q. But they made notes from your meeting with them and with  
13 the children, which they subsequently made into a statement. Is  
14 that fair?

10:38:29

15 A. Yes.

16 Q. Is that a fair assessment?

17 A. That is right, yes.

10:38:53

18 Q. If we could go to your next statement of 2 May 2007. There  
19 I think you met with Brian Hutchinson and also Ms Alagendra was  
20 there and Mr Mohamed Bangura. So, this is essentially four years  
21 later. Did you travel to Freetown for this interview?

22 A. For this particular one?

23 Q. Yes.

24 A. Yes, I did.

10:39:07

25 Q. Where did you travel from?

26 A. From Medina where I am living right now.

27 Q. How did you get there?

28 A. To Freetown?

29 Q. To Freetown from Medina.

1 A. With my vehicle.

2 Q. How long did that take you?

3 A. Depends. If it is rainy season it can be up to ten hours.  
4 Dry season, five hours, more or less.

10:39:29 5 Q. I just want to address some of the corrections you made in  
6 this statement, to the first statement. In this statement did  
7 you read these interview notes through and sign this, or not?

8 A. You mean the first one?

9 Q. No, this one we are talking about now: This statement of 2  
10:39:47 10 May 2007.

11 A. I read it later on when I came for the third time.

12 Q. So at the time these notes were taken you didn't read these  
13 interview notes back?

14 A. No, they were taking notes, then later on when I came back  
10:39:58 15 to the Special Court they gave me the statement to read and make  
16 any corrections if necessary.

17 Q. If we go to the first page of the statement of 2 May 2007 -  
18 do you have that in front of you?

19 A. Yes.

10:40:13 20 Q. I just want to go through the changes that you made and you  
21 will see in the second sentence it says:

22 "The changes are recorded on a photocopied version of his  
23 statement. They include in the first paragraph he previously  
24 stated that he stayed in Kenema from October 1992 until 1994. It  
10:40:36 25 should read he stayed in Kenema from October 1992 until 1993."

26 Do you think that that mistake appeared in the first  
27 statement because either: 1, your recollection was faulty, or  
28 because the investigators may have copied down what you said  
29 incorrectly?

1 A. Well, I don't really know. The difference with the second  
2 and the other statements is that when I was called to go to the  
3 Special Court and they asked me - I mean they explained to me  
4 what they wanted from me. I have some notes I have taken during  
10:41:18 5 the years I was in St Michael's and previous. I had all those  
6 papers in front of me so it was more accurate, the information  
7 I gave. Since the previous one, the first statement, I don't  
8 think was a formal interview, we were talking with this  
9 investigator, some mistakes - even myself I could have made a  
10:41:37 10 mistake talking. I didn't give the right information, maybe  
11 I mistook.

12 Q. I will not trouble you with the rest of the corrections,  
13 but there are, in fact, six other corrections on that page. It  
14 would be fair to say that the explanation you have just given  
10:41:53 15 would apply to those corrections too?

16 A. I think it is the same explanation.

17 Q. Just a question on your preparation for your evidence  
18 before the Court, when did you arrive in The Hague?

19 A. It was last Wednesday morning, 16 January.

10:42:18 20 Q. How much time did you spend with Ms Alagendra preparing for  
21 your evidence before the Court?

22 A. That very same day I think it was almost two hours in the  
23 afternoon.

24 Q. That is all the preparation you have had for the hearing,  
10:42:34 25 on Friday and Monday today?

26 A. We also met a couple of times in Freetown before coming  
27 here.

28 Q. Is that on the days when these other statements were taken?  
29 If you just have a look at them. I can actually give you the



1 dates. 16 May, if you go to tab 3.

2 A. No, the last time we met in Freetown was 7 January.

3 Q. Of this year?

4 A. This year, yes. Yes, it was the 7th.

10:43:15 5 Q. No statement was taken from you?

6 A. No, it was just to inform me about my coming here to The  
7 Hague and I also met that day Mr Nahim for the travel  
8 arrangements and I asked to read all the statements so I knew  
9 what was there, so I could just refresh my memory.

10:43:38 10 Q. That is perfectly normal. Did you actually talk about the  
11 evidence you were going to give before the Court on that occasion  
12 on 7 January 2008?

13 A. Well, I was briefed. Only the thing they told me was  
14 everything, every question will come from this statement I have  
10:43:57 15 given.

16 Q. If we can move on and I want to talk about an issue that  
17 you actually referred to on Friday, but I want to develop it  
18 somewhat and I would like you actually to look at your statement  
19 of 11 July. That is your first statement. If you could go,  
10:44:24 20 please, to - the last four ERN numbers are 2448 - page 3 of the  
21 statement. Do you have that in front of you?

22 A. Yes.

23 Q. I think it begins at the top with, "Approximately 2,000  
24 children." Do you see that?

10:44:45 25 A. Yes.

26 Q. It is the second paragraph that I am interested in and it  
27 reads as follows:

28 "They had only AFRC/RUF children. They were divided in two  
29 groups in the centre. The majority was RUF. They knew it

1 because of the markings. The RUF kids blamed the AFRC that they  
2 were the ones who did all the bad things like looting, cutting  
3 hands, killings, et cetera. The RUF pretended that they were the  
4 real fighters. The AFRC, in return, blamed the RUF to work with  
10:45:21 5 the Kamajors."

6 Now, the question I have for you is this: Was there  
7 fighting at St Michael's between children who had been in the RUF  
8 and the AFRC?

9 A. Can you repeat it? I was reading something.

10:45:41 10 Q. I am sorry, I should have waited for you. Reading what is  
11 said in that first interview, can you confirm for us that there  
12 was fighting between children who had been in the RUF and  
13 children who had been in the AFRC?

14 A. Yes, it happened several times, yes.

10:46:00 15 Q. And this was, I think, a reflection of divisions between  
16 the adults within the RUF and the AFRC, wasn't it?

17 A. Well, I don't really know. Maybe it can be because  
18 belonging in a group just to oppose the other one. The reality  
19 for me, it was that they were divided and they were fighting  
10:46:23 20 among themselves from the beginning. The reason, I don't know  
21 why.

22 Q. Now, you said - on Friday you referred to two groups who  
23 arrived at St Michael's in October 1999. Do you recall that?

24 A. In October it was one group, in November there were two  
10:46:45 25 groups.

26 Q. Sorry, can you repeat that?

27 A. In October it was one group.

28 Q. In November?

29 A. In November there were two groups, yes.

1 Q. And the group that arrived in November, they were, I think,  
2 both RUF, were they not?

3 A. Yes.

4 Q. And I think one group had been led by Issa Sesay, yes?

10:47:05 5 A. That is the other group, the one that arrived in October.

6 Q. So let me clarify, a group arrived in October which had  
7 been led by Issa Sesay, yes?

8 A. Some of them Issa Sesay, some of them Superman.

9 Q. Did these two groups arrive in the same month, or one in  
10:47:27 10 October and one in November?

11 A. What I said, Friday is when the Prosecutor asked me when  
12 was the very first time we received child soldiers. I said the  
13 very first group that was demobilised and therefore recognised  
14 officially as child soldiers arrived in November and arrived in  
10:47:45 15 two days. The first day there were seven children. The second  
16 day there were 67 children, or 64 children.

17 Previous to that, in October, arrived this other group that  
18 was never demobilised but they had been fighting. That is when I  
19 said about this in fight, when one group was in Lunsar with Issa  
10:48:11 20 Sesay and the other group moved to Makeni and Magburaka with  
21 Superman.

22 Q. It would be fair to say by November you had one group of  
23 RUF children who had been with Issa Sesay and one group of RUF  
24 children who had been with Superman?

10:48:28 25 A. Yes, that is right.

26 Q. And these kids, these children, you said on Friday were  
27 fighting with each other, yes?

28 A. Yes, that is right.

29 Q. And that fight was as a result of very vigorous

1 disagreements within the RUF between Superman and Issa Sesay,  
2 wasn't it?

3 A. I think so, yes.

10:48:57

4 Q. I am right in saying that that fight became so serious  
5 between these two groups of children that you had to call in UN  
6 troops to separate them, is that right?

7 A. Yes, it was the group that were there nearby, Nigerian  
8 troops.

10:49:25

9 Q. Let me ask you next about the account you gave on Friday  
10 about children, or a child, stating to you that they had seen a  
11 helicopter. Do you recall that evidence?

12 A. Yes, I said that, yes.

10:49:49

13 Q. Now, I think you said that the children told you that  
14 helicopters came to their bases with weapons and drugs. Do you  
15 recall saying that?

16 A. That is right, yes.

17 Q. And I think you also said that the children confirmed to  
18 you that they did not know where the helicopters had come from.  
19 Do you recall stating that?

10:50:00

20 A. That is right, yes.

21 Q. Now, you also stated that the children told you that the  
22 helicopters were white in colour. Do you recall that?

23 A. Yes, I do.

10:50:13

24 Q. You also note, from your time in Sierra Leone, that the  
25 United Nations used white helicopters, didn't they?

26 A. Yes, I know, but not only United Nations.

27 Q. Who else do you know used white helicopters?

28 A. Many others international agencies, like Red Cross, or the  
29 welfare programme and many others.

1 Q. So international organisations used white helicopters  
2 within Sierra Leone?

3 A. Yes, that is right.

4 Q. Just out of interest, father, when you stated to me a  
10:50:53 5 moment ago that when you went to Freetown you travelled in your  
6 own vehicle and it took you five hours, did the OTP give you any  
7 travelling expenses at all? Did you claim them?

8 A. Yes, in three occasions they paid me for my coming down to  
9 Freetown.

10:51:14 10 Q. For your travelling expenses essentially?

11 A. Yes, the fuel. That is all I asked for.

12 Q. Do you recall how much they paid you?

13 A. I think it was 120,000 leones at that time, any trip.

14 Q. Father, you said on Friday, and I think it was also covered  
10:51:40 15 again today, that on occasions, certainly when the children  
16 arrived at St Michael's, that they would not tell you the truth  
17 about their background, or about what had happened to them, is  
18 that right?

19 A. Yes, I said so.

10:51:58 20 Q. I think you also said that you pursued matters with them in  
21 order to try and clarify with them what had actually happened to  
22 them. Do you recall saying that?

23 A. That is right, yes.

24 Q. Now, it would be, I think, fair to say that on some  
10:52:13 25 occasions you probably concluded that with some children you  
26 would never get the entire truth, would you?

27 A. That is right. It can happen, yes.

28 Q. And I think it would be fair to say that because of those  
29 problems with the truth of what the children said to you, that in

1 some respects the statistics that you produced about the children  
2 may have some errors in them because of that, right?

3 A. Could be, yes. Excuse me, in the statistics there is a  
4 plus/minus sign near to the figures. It says child soldiers,  
10:53:04 5 plus/minus, because sometimes, for example, we received many  
6 children, these refugee children, through UNACR and we find out  
7 that many of the children had been fighters, child soldiers, that  
8 ran away to Guinea and stayed in the refugee camps and when they  
9 came back to Sierra Leone they were child soldiers, but because  
10:53:31 10 they came through UNACR they were never demobilised and never  
11 recognised as child soldiers, for example. Can you see it?

12 Q. I am just reading what you are saying, father. I am sorry,  
13 I was also reading my notes. Yes, I understand. But you accept  
14 that because of this untruthfulness - I am not in any way  
10:53:59 15 criticising your work - there may well be inaccuracies within  
16 those statistics that you have presented to the Court?

17 A. Yes, it can happen. Even in several cases social workers  
18 talking with the children discovered that a child that came as a  
19 child soldier, after you interviewed him and talked with him, you  
10:54:18 20 found out he was not a child soldier. Maybe he was a street  
21 child that just tried to come inside the programme to get some  
22 benefits, so it can happen.

23 Q. That was not uncommon because it was a poor society and  
24 they could see, the children, that St Michael's was giving help  
10:54:35 25 to child soldiers, so children might on occasion actually pretend  
26 to be child soldiers in order to get food and education that  
27 St Michael's was offering, correct?

28 A. That is correct, but that is why the social workers follow  
29 up on the children and they discover most of these cases.

1 Q. Now, you mentioned this morning that Foday Sankoh came to  
2 visit you at St Michael's and that was approximately in May 2000  
3 as your memory serves you right.

4 A. Yes, that is right.

10:55:07 5 Q. And he said that he was going to order a commission to  
6 investigate your activities at St Michael's. Do you recall  
7 saying that?

8 A. Yes, that is right.

9 Q. I am right in saying that no commission ever came to  
10 investigate you, did it?

11 A. That is right, yes.

12 MR CAYLEY: Thank you, Madam President. I have now  
13 finished with my questions for the witness. Thank you, Father  
14 Chema.

10:55:30 15 PRESIDING JUDGE: Thank you, Mr Cayley. Ms Alagendra, I am  
16 noticing the time, but do you have any questions in  
17 re-examination?

18 MS ALAGENDRA: No, your Honour. I don't have any  
19 re-examination. Just to admit documents.

10:55:46 20 PRESIDING JUDGE: Just pause, we will have questions from  
21 the bench first, but I am keeping my eye on the time,  
22 Ms Alagendra.

23 JUDGE SEBUTINDE: Father Chema, I just need a clarification  
24 from you. In your evidence, when Ms Alagendra was speaking to  
10:56:02 25 you, you took us through some sketches that the children drew and  
26 besides each sketch you read out, in English, the English excerpt  
27 attached to that sketch. My question is, were you reading out  
28 what the children told you, or your interpretation of the  
29 picture?

1 THE WITNESS: No, those pictures that had the comment, it  
2 is what the children said at that moment when they explained and  
3 they presented the picture, the drawing, in front of the other  
4 children that were taking part in the exercise, so actually they  
10:56:43 5 were tape recorded at that moment and later on I translated it  
6 into Spanish for the purpose of the book.

7 JUDGE SEBUTINDE: Thank you.

8 PRESIDING JUDGE: I also have one question. When you were  
9 giving some examples of the children in relation to the  
10:57:01 10 illustrations, for example the very first one you said the child  
11 was captured at age 11, he was 17 when he did the exercise and he  
12 was 3 years with the RUF. There seems to be a missing period  
13 there.

14 THE WITNESS: It can happen. It can be some mistakes there  
10:57:22 15 typos in the books.

16 PRESIDING JUDGE: Thank you, those were the questions from  
17 the bench. Any questions arising, counsel?

18 MR CAYLEY: No, thank you, your Honour.

19 MS ALAGENDRA: No, thank you, your Honour.

10:57:33 20 PRESIDING JUDGE: Well, we do have a few minutes,  
21 Ms Alagendra, please proceed.

22 MS ALAGENDRA: Your Honour, I just want to check with the  
23 Court first whether the last exhibit that was shown to the  
24 witness I indicated it to be -

10:57:46 25 PRESIDING JUDGE: I don't have any exhibits in this case  
26 yet, Ms Alagendra.

27 MS ALAGENDRA: Sorry, the documents shown to the witness  
28 for identification, whether it was marked MFI-4?

29 PRESIDING JUDGE: No, it was not. You did not seek to mark



1 it, so it was not marked.

2 MS ALAGENDRA: I apologise. May I request that it be  
3 marked as MFI-4.

4 PRESIDING JUDGE: Very well, MFI-4.

10:58:09 5 MS ALAGENDRA: With that, your Honour, I would like to  
6 request that the documents at tab 21, which is MFI-1, be admitted  
7 as an exhibit.

8 PRESIDING JUDGE: Mr Cayley, you have heard the  
9 application.

10:58:25 10 MR CAYLEY: No objection, your Honour.

11 PRESIDING JUDGE: Is it up to P-30?

12 MS IRURA: Your Honour, that would be P-39.

13 [Exhibit P-39 admitted]

14 PRESIDING JUDGE: Thank you. Please proceed.

10:58:42 15 MS ALAGENDRA: Your Honour, I request that the document tab  
16 18, which is marked as MFI-2, be admitted into evidence.

17 PRESIDING JUDGE: Mr Cayley?

18 MR CAYLEY: No objection, your Honour.

19 PRESIDING JUDGE: That will become P-40.

10:59:01 20 MS IRURA: That is correct, your Honour.

21 [Exhibit P-40 admitted]

22 PRESIDING JUDGE: Yes?

23 MS ALAGENDRA: May I request that the document at tab 19 be  
24 admitted into evidence and marked as an exhibit, that is MFI-3.

10:59:18 25 MR CAYLEY: No objection, your Honour.

26 PRESIDING JUDGE: That becomes prosecution exhibit P-41.

27 MS IRURA: That is correct, your Honour.

28 [Exhibit P-41 admitted]

29 PRESIDING JUDGE: Ms Alagendra?

1 MS ALAGENDRA: The last document, your Honour, is at tab  
2 20, which was MFI-4, I ask for it to be admitted as an exhibit.

3 PRESIDING JUDGE: Thank you. Mr Cayley?

4 MR CAYLEY: No objection, your Honour. If I can just renew  
10:59:45 5 my request to the Prosecution, if in future we can be given the  
6 bundles. As I say, we have the exhibits, but it is just helpful  
7 in following the proceedings that is all, thank you.

8 PRESIDING JUDGE: Indeed, I can see that and I have asked  
9 Ms Alagendra to note it with their Court Manager. Thank you.

11:00:00 10 That appears to complete the evidence of this witness.

11 I just note P-42 was the last exhibit, Madam Court Manager?

12 MS IRURA: That is correct, your Honour.

13 [Exhibit P-42 admitted]

14 PRESIDING JUDGE: Very well, that appears to complete now  
11:00:16 15 the evidence of this witness. Father, we thank you for coming  
16 from Freetown, or from Makeni, to give evidence in the case and  
17 we are grateful for your assistance with the Court. You are now  
18 free to leave, thank you.

19 I also note that it is the usual time to adjourn for the  
11:00:36 20 mid-morning break, so we will adjourn to 11.30, please.

21 [Break taken at 11.02 a.m.]

22 [Upon resuming at 11.30 a.m.]

23 PRESIDING JUDGE: Good morning. Ms Alagendra, you are  
24 taking carriage of the next witness, are you?

11:29:19 25 MS ALAGENDRA: Your Honour, before the next witness comes,  
26 the Prosecution would like to apply to admit the report of an  
27 expert - a Prosecution expert witness. This is the expert report  
28 by Jessica Alexander.

29 PRESIDING JUDGE: Has Defence had notice of this?

1 MS ALAGENDRA: Yes, your Honour.

2 MR MUNYARD: Your Honour, the Defence have had notice of  
3 this particular expert and, indeed, I think the previous legal  
4 team for Mr Taylor accepted this report and we take no difference  
11:29:46 5 stance on that.

6 While I am on my feet, I should indicate a change in the  
7 representation. At this stage Mr Cayley is no longer with us.

8 PRESIDING JUDGE: Thank you, Mr Munyard. I was actually  
9 also going to note that Mr Bangura was present in Court on the  
11:30:01 10 Prosecution side.

11 So, we will note first of all the appearances and we will  
12 then deal with your application. The Defence have indicated that  
13 (a) they have had notice and (b) they will not rescind on the  
14 previous indication that they consent. What is the nature of  
11:30:20 15 this report?

16 MS ALAGENDRA: Your Honour, the title of this report is  
17 "Children Associated with Fighting Forces in the Conflict in  
18 Sierra Leone" and it is dated 4 May 2007.

19 PRESIDING JUDGE: And what is your application, Ms  
11:30:46 20 Alagenda?

21 MS ALAGENDRA: The application, your Honour, is that for  
22 this report to be admitted into evidence and marked as an  
23 exhibit.

24 PRESIDING JUDGE: Into evidence and marked as an exhibit.  
11:31:30 25 Mr Munyard, you have heard the formal application now.

26 MR MUNYARD: We do not oppose the admission into evidence  
27 of this document.

28 PRESIDING JUDGE: Thank you. The document entitled  
29 "Children Associated with Fighting Forces in the Conflict in

1 Sierra Leone", dated 4 May 2007 by Jessica Alexander, is admitted  
2 into evidence by consent of the parties and becomes exhibit  
3 Prosecution P-43. Is that correct?

4 MS IRURA: That is correct, your Honour.

11:32:16 5 PRESIDING JUDGE: Thank you.

6 MS ALAGENDRA: Your Honour, the second request in relation  
7 to this report, your Honour, is that the Prosecution be allowed  
8 to read an executive summary of the report for the benefit of the  
9 public. It is a one page summary, your Honour, and it comes out  
10 of page 5 of the report.

11:32:35

11 PRESIDING JUDGE: Again, I will ask if that has been given  
12 -if Defence have had notice of that and the content?

13 MR MUNYARD: I haven't had notice of the desire to read an  
14 executive summary. In our submission, it is not necessary. This  
15 report is going into evidence now and that should suffice.

11:32:55

16 PRESIDING JUDGE: First of all I would say, Ms Alagenda,  
17 that I would not be very happy about a synopsis being read out  
18 that has not been agreed by the Defence. Are you referring to -  
19 when you said it is page 5, are you going to read ad verbatim the  
20 content on page 5?

11:33:27

21 MS ALAGENDRA: Yes, that is correct, your Honour. And  
22 also, your Honour, if I am not mistaken I was under the  
23 impression that this was a matter which the Defence had agreed.

24 PRESIDING JUDGE: I only rely on the submissions before me,  
25 Ms Alagenda, but I have noted what was said. I will just -  
26 please pause while I --

11:33:45

27 MR MUNYARD: Your Honour, I think there may have been some  
28 misunderstanding as between Prosecution and Defence, but  
29 certainly there has been no discussion at all with me and I

1 simply restate the position I made a moment ago.

2 PRESIDING JUDGE: I am quite clear on what you are saying,  
3 Mr Munyard. It is correct that the document is now an exhibit  
4 and therefore available to the public. However, for purposes of  
11:34:25 5 public record and because this trial is being heard in Sierra  
6 Leone and Liberia, for the public we will have the Prosecution  
7 counsel read the relevant executive summary for purposes of  
8 record and public consumption only. Please proceed,  
9 Ms Alagendra.

11:34:49 10 MS ALAGENDRA: Thank you, your Honour. Your Honour, I will  
11 be reading the executive summary which appears at page 5 of the  
12 report by Jessica Alexander, which is entitled "Children  
13 Associated with Fighting Forces in the Conflict in Sierra Leone"  
14 and the report is dated 4 May 2007:

11:35:18 15 "In 1996 the Child Welfare Secretariat of Sierra Leone's  
16 Ministry of Social Welfare, Gender and Children's Affairs --  
17 began a Family Tracing and Reunification (FTR) program for all  
18 children separated during the conflict in Sierra Leone. In  
19 conjunction with UNICEF and other relevant stakeholders, the  
11:35:39 20 MSWGCA developed and administered forms in order to trace  
21 children and reunite them with their families. The forms, known  
22 as 'Documentation and Registration Forms for Separated and  
23 Unaccompanied Children', gathered information on children's  
24 families, home villages, and the circumstances of their  
11:36:01 25 separations.

26 Using these forms housed at the MSWGCA in Freetown, the  
27 research team sought to:

28 (1) create an electronic database of the information on  
29 the forms for children who were abducted under the age of 15

1 years old (the Court's cut-off age to be considered a child).

2 (2) analyze the data and draw conclusions on the nature of  
3 the exploitation of children abducted during the civil conflict.

4 The research team entered into the database a total of  
11:36:42 5 2,235 children who were abducted under the age of 15. The team  
6 also interviewed 36 social workers and stakeholders involved in  
7 the FTR and DDR process to further understand how information on  
8 the forms was collected, reported and verified.

9 The database provides evidence of the abduction and use of  
11:37:06 10 children, both boys and girls, under the age of 15 during Sierra  
11 Leone's conflict. Key findings include:

12 Abduction: All warring factions were responsible for the  
13 abduction of children under 15. The RUF accounted for the most  
14 abductions/captures.

11:37:26 15 Age at Abduction: The median age at the time of abduction  
16 was 11 years old - 4 years below the Court's cut-off age to be  
17 considered a child.

18 Military Training: Children were taken to a number of  
19 combat camps where they received various methods of military  
11:37:47 20 training.

21 Active Combat: Children as young as 5 years old at the  
22 time of their abduction were armed and took part in active  
23 combat. Twenty-five percent of children either took part in  
24 active combat or were intended to do so. The RUF and AFRC/RUF  
11:38:05 25 were the two groups most frequently cited for using children in  
26 active combat.

27 Sexual violence: Sexual violence and slavery took place,  
28 even to girls who were as young as 8 years old at the time of  
29 their capture/abduction.

1           Forced Labor: Outside of active fighting, children were  
2 subjected to forced labor and played a number of roles in  
3 assisting the operations of the armed groups.

4           Geography and Time Horizon: Children were abducted across  
11:38:42 5 a variety of districts and over a number of years.

6           Social workers who carried out interviews and were closely  
7 involved in the FTR process collected and recorded data from  
8 children as diligently as possible as accurate information was  
9 vital to the task of FTR. They used various methods to mitigate  
11:39:02 10 errors on the forms and had various ways of eliciting correct  
11 information from the children".

12           Your Honour, that is the executive summary of the report.

13           PRESIDING JUDGE: Thank you, Ms Alagendra. For the  
14 purposes of the record, I note that the initials FTR and DDR are  
11:39:18 15 in the abbreviations. FTR is Family Tracing and Reunification.  
16 DDR is Disarmament, Demobilisation and Reintegration.

17           MS ALAGENDRA: Thank you, your Honour.

18           PRESIDING JUDGE: Your next witness, Ms Alagendra. I say  
19 that because, as Mr Munyard has indicated, it was - the previous  
11:39:48 20 Defence team had consented to this report and had not made any  
21 application under 94 *bis* (B) to cross-examine. Is my memory  
22 correct?

23           MR MUNYARD: Madam President, are we talking about the  
24 document that has just been read?

11:40:05 25           PRESIDING JUDGE: Yes.

26           MR MUNYARD: Yes, not the next witness.

27           PRESIDING JUDGE: I am talking - I am trying to complete  
28 this one before we go on to the next.

29           MR MUNYARD: Yes, quite. You mentioned next witness. That

1 is why I was slightly confused.

2 PRESIDING JUDGE: Oh, I apologise. I am sorry.

3 MR MUNYARD: Madam, I have nothing to add to what you have  
4 said.

11:40:21 5 PRESIDING JUDGE: Thank you. Ms Alagendra, please proceed.

6 MS ALAGENDRA: Your Honour, I will proceed to introduce the  
7 next witness, which will be Corinne Dufka, and she will testify  
8 in the English language and she will be led in evidence by  
9 Mr Mohamed Bangura, your Honour.

11:40:37 10 MR MUNYARD: Madam President, I have indicated this morning  
11 to the Prosecution that the Defence object to this witness. We  
12 have a substantial objection and I would ask the Court to hear me  
13 before the witness is called so that the Court appreciates the  
14 basis of our objection. I can do it either in summary form, or I  
11:40:57 15 can do the whole of the basis of the objection.

16 PRESIDING JUDGE: I think in the circumstances we will have  
17 a brief summary, Mr Munyard. As you know, the jurisprudence of  
18 the Court is concerning expert witnesses. I gather this is an  
19 expert witness?

11:41:13 20 MR MUNYARD: Yes, she is an expert - well, that is the nub  
21 of our objection.

22 PRESIDING JUDGE: That is the nub, I see.

23 MR MUNYARD: When her report was tendered to us we objected  
24 to her and I can now outline the basis of the objection and, as  
11:41:29 25 your Honour has indicated, I will do it in summary form initially  
26 so that you know the heads under which we object to this  
27 particular witness.

28 Madam President, your Honours, technology is getting the  
29 better of me at moment I am afraid, or the wires actually. We



1 object to the evidence, or we object to this witness, Corinne  
2 Dufka, being called on the following bases.

3 First of all, it is our submission that she is not an  
4 expert in the sense usually understood in the jurisprudence of  
11:42:16 5 this tribunal, other international tribunals and indeed a whole  
6 range certainly of common law domestic tribunals.

7 Secondly, we say that her report and the annexes to it, the  
8 exhibits attached to it, violate the accused's fundamental right  
9 under article 17 of the Court's statute and in particular article  
11:42:37 10 17 (4) (c), that is to examine or have examined witnesses against  
11 him. In that connection, I note in passing that the Prosecution  
12 have already sought to have some of this witness's evidence  
13 either taken judicial notice of, or in the alternative admitted  
14 under rule 92 *bis* I think I am right in saying, and the Court has  
11:43:00 15 already refused those motions in relation to this witness.

16 Thirdly, we submit that much of her evidence goes to the  
17 ultimate issues for this Court to determine and, fourthly, we  
18 submit that the scope of many of the documents, including her  
19 report and many of the annexes appended to it, go beyond both the  
11:43:29 20 territorial and the temporal scope of the indictment. They deal,  
21 in other words, with matters not concerning the civil war in  
22 Sierra Leone and they deal with matters either before or beyond  
23 the time period encompassed by the indictment. To give you but  
24 one example, there is a whole section in her report and annexes  
11:43:51 25 to it concerning Guinea.

26 Fifthly and lastly, it is our submission that this witness  
27 is not an expert in the sense that that phrase is understood to  
28 mean an impartial independent witness who gives testimony to the  
29 Court without in any way seeking to promote the agenda of one

1 side - one party, or another. In other words, that the expertise  
2 is there independently of whoever might call the witness. It is  
3 for those five reasons that we object to this witness.

4 Can I say as far as expertise is concerned, the first  
11:44:42 5 objection, that her testimony as an expert would be to enlighten  
6 the Court on specific issues of a technical nature requiring  
7 specialist knowledge in a specific field, and the obvious  
8 examples that come to mind are matters of scientific knowledge  
9 with which the Court itself would not be familiar, or matters of  
11:45:10 10 a medical nature. Again these are matters of specialist, not  
11 general, knowledge.

12 Plus, the individual has to be an expert in this area of  
13 special knowledge, and fundamentally a witness who is claiming to  
14 be put forward as an expert witness does not deal with basic  
11:45:33 15 facts; that is to say evidence that you would expect to be called  
16 from what I will call for these purposes ordinary witnesses. In  
17 this particular trial they are divided up into two broad groups,  
18 but they are all giving evidence as to fact rather than  
19 expertise.

11:45:53 20 Furthermore, when considering the report of an expert, the  
21 Court has to consider whether material in that report is  
22 reliable, whether it is relevant and of probative value and  
23 whether its substance falls within the area of specialist  
24 expertise without which the Court would not be able to understand  
11:46:17 25 the evidence presented, or determine a fact in issue.

26 Now in our submission Ms Dufka's report, which consists -  
27 both her report and the annexes to it consist of accounts of  
28 atrocities. That is the bulk of what she is seeking to be called  
29 to present to the Court. She is in that sense doing no more than

1 putting forward in summary form factual evidence. There is no  
2 expertise involved.

3 In doing that - and I am now moving on to the second head  
4 of our objection, violating the accused's fundamental right to a  
11:47:00 5 fair trial. In doing that she is putting forward evidence which  
6 this Court is unable to determine the reliability of, because it  
7 is not hearing the testimony of those who are actually giving the  
8 factual accounts. And, as I have said, although this Court has  
9 the power to admit hearsay evidence, in particular in relation to  
11:47:26 10 two aspects of Ms Dufka's material the Court has already been  
11 invited to adopt it as hearsay evidence and has refused to do  
12 that.

13 This in our submission is a substantive issue in the case,  
14 and to allow this material in - factual material in - via an  
11:47:48 15 expert who is doing no more than summarising factual material  
16 undermines completely the concept of an expert giving opinion  
17 evidence.

18 In many cases the documents that she attaches to her report  
19 are not even written by her and there is no information at all in  
11:48:14 20 some of them as to the provenance of the statements contained in  
21 those reports.

22 Madam President, I can take you through examples of where  
23 her report goes to the ultimate issues for this Court to decide  
24 and indeed so do the annexes to her report, but this Court has  
11:48:33 25 already reminded one witness in the first week of the trial that  
26 Prosecution experts are called to give expertise and are not  
27 called to comment on the matters that are ultimately for the  
28 Court to determine. In other words, they are not here to usurp  
29 the function of the Court.

1 I am in the Court's hands now as to whether or not you wish  
2 me to take you through specific examples in her report?

3 PRESIDING JUDGE: I think we will adopt - I don't think  
4 that is necessary at this point. As a point of clarification,  
11:49:11 5 the procedure for expert witnesses is at - and I read now from  
6 rule 94 *bis* (B):

7 "Within fourteen days of filing the statement of the expert  
8 witness, the opposing party shall file a notice in the Trial  
9 chamber indicating whether it accepts the expert's statement".

11:49:31 10 You have indicated you are not - you are not accepting this  
11 statement and you are also challenging the witness as an expert.  
12 There is two parts to this, Mr Munyard, isn't there?

13 MR MUNYARD: Yes, your Honour.

14 PRESIDING JUDGE: I don't think it is quite necessary. We  
11:50:04 15 will call upon you if we feel it is necessary to give examples,  
16 but your next subheading 4 is the ultimate issue, Mr Munyard?

17 MR MUNYARD: Yes, again that is an area on which I can give  
18 examples.

19 PRESIDING JUDGE: I think until we actually have the  
11:50:26 20 document in front of us it would be more appropriate to deal with  
21 it at that time.

22 MR MUNYARD: Right. Under the heading 5, that she is not  
23 an expert in the sense that she is not an impartial witness, I  
24 summarise that very baldly. I can put it in three ways and give  
11:50:45 25 you three specific bases on which we make that objection.

26 First of all, she works as an advocate of human rights  
27 issues. In a number of cases Courts both international and  
28 domestic have taken the view that advocacy is different from  
29 impartial expertise. Campaigning is different from expertise.

1 Human Rights Watch is essentially - and indeed claims to be  
2 essentially - an advocacy organisation, and it is in her capacity  
3 as a Human Rights Watch researcher and author that a number of  
4 these reports are put forward.

11:51:28 5 Secondly, and very importantly, this particular witness  
6 worked for the Office of the Prosecutor in this case for a year  
7 between October 2002 and October 2003 doing a very wide range of  
8 things, including finding witnesses and interviewing witnesses,  
9 and we are aware from having looked at the statements that we  
11:51:59 10 have received from the Prosecution that she interviewed at least  
11 18 witnesses who are going to be called before this Court to give  
12 evidence in this case. I say at least 18 for this reason. We  
13 know from the witness statements that something like 23 of those  
14 statements don't indicate who they were interviewed by, 23  
11:52:24 15 statements that were taken during the year when Ms Dufka was  
16 working in that capacity for the Office of the Prosecutor, and so  
17 it is perfectly possible that she is the interviewer of more than  
18 18 on whose name - I am sorry, on whose statements her name  
19 appears. That again adds to her lack of impartiality, in our  
11:52:50 20 submission.

21 And, thirdly, Ms Dufka has given a number of - a very large  
22 number of interviews and made public comments over the last  
23 number of years about the matters that this Court is considering.  
24 We submit that in some of the comments that she has made, no  
11:53:13 25 matter how discreet she has been, the message is very clear that  
26 she is putting forward and that is that this accused is guilty of  
27 the crimes of which he is accused.

28 In our submission, for those three reasons she is not to be  
29 regarded as an impartial witness.

1           PRESIDING JUDGE: Thank you. Mr Bangura, you have heard  
2 the objection.

3           MR BANGURA: Thank you, your Honour. Your Honours, if I  
4 understand my learned friend correctly, the first basis of his  
11:54:01 5 objection is that the witness about to be called has no  
6 qualifications to be an expert based on the understanding of that  
7 definition within the jurisprudence of this tribunal.

8           Your Honours, my response firstly to that is it would be at  
9 this stage premature for the Chamber to make any determination as  
11:54:30 10 to the qualification of the witness when this Chamber has not  
11 heard any evidence from that witness as to how she is qualified,  
12 or what makes her qualified to be an expert and to speak on this  
13 subject. Your Honours, I believe if the witness is called upon  
14 and is heard on what we say gives her the qualifications to be an  
11:55:03 15 expert, then at that stage this Chamber is or will be able to  
16 make a determination as to her qualifications. So, I submit that  
17 that limb of the objection is premature.

18           Your Honours, I also understand my learned friend is saying  
19 - and there are several limbs to that particular line of  
11:55:24 20 objection. One of them is that the material, the substance of  
21 the evidence which the witness is going to be giving to this  
22 Court, is one which comes largely from not her own personal  
23 knowledge and she is merely presenting evidence on facts which  
24 are not within her knowledge.

11:55:44 25           Your Honours, again it goes - it boils down to the idea of  
26 what sort of evidence the witness is giving. We characterise the  
27 witness as an expert witness and, of course, my learned friend  
28 has pointed to the fact that the Court can hear hearsay evidence.

29           We say that the witness's expertise comes from being in the

1 line of work where she is - she meets with victims and persons  
2 who have witnessed atrocities and she interviews them and takes  
3 these notes from the interviews. Her line of work is such that  
4 all of this material which is collected is presented in reports  
11:56:30 5 and, your Honours, implicit in that sort of work are certain  
6 skills which the witness will demonstrate she possesses and which  
7 she applied in the collection of the information, or the  
8 material, or the evidence which she put in those reports.

9 So, your Honours, I believe again it boils down to the  
11:56:51 10 question of having to hear the witness to be able to make a  
11 determination as to whether she is as characterised a qualified  
12 person as an expert to present that sort of evidence before the  
13 Court.

14 Your Honours, my learned friend again as a further  
11:57:10 15 extension of the first limb of his argument he mentions that some  
16 of the material which is contained in the reports which the  
17 witness is about to tender goes outside the scope of the - or  
18 rather outside the temporal jurisdiction of this Court.

19 Your Honours, we will - the Court can admit evidence which  
11:57:34 20 is contextual to the evidence that relates specifically within  
21 the time frame of the indictment, I submit, and we submit further  
22 that to the extent that much of that evidence gives context and  
23 background to the events which led to the crimes that are  
24 described in her report, that evidence is relevant and should be  
11:57:56 25 admitted if the witness does get to testify.

26 Your Honours, my learned friend again pointed to further  
27 issues about reliability of the material and their probative  
28 value. Again I make the point that these are matters which are  
29 secondary, in the sense that this Chamber can only get to

1 consider those issues at the end of the day when the Court comes  
2 to consider the weight of the evidence that has been adduced. At  
3 this stage, this Chamber will not be in a position to make any  
4 determination as to the weight of the evidence.

11:58:48 5 As to the reliability of it, your Honours, we - the witness  
6 when she gets to be heard will demonstrate the methods that have  
7 been applied in the collection of the material, or the evidence,  
8 that has been incorporated in her report, and that would  
9 demonstrate methods which are very objective, which are fair,  
11:59:09 10 which are standards that are free from any perceptions of  
11 impartiality - of partiality, I am sorry.

12 Your Honours, my learned friend also made the point, the  
13 second limb of his objection which seems to be thrust of his  
14 objection, that the witness has been associated with the  
11:59:36 15 Prosecution, also that she works for an organisation which is  
16 basically a human rights advocacy institution and I understand  
17 him to be putting a lot of weight on the fact that as an employee  
18 of the Special Court, of the Prosecutor's Office within the  
19 Court, she had taken interviews from witnesses who may very well  
12:00:04 20 testify before this Court.

21 Your Honours, my submission in that regard is that the  
22 jurisprudence of these tribunals is clear that by a witness  
23 having worked with the Prosecution, or being associated with the  
24 Prosecution, alone does not by itself exclude that witness's  
12:00:23 25 testimony, or her report, or his or her report as an expert  
26 witness.

27 Your Honours, that is the submission I am making and there  
28 is authority to support that. There is authorities to support  
29 that, your Honours. I am sorry, I do have a few copies of the



1 jurisprudence from the ICTY which I can cite now and make copies  
2 available to the Bench and to my colleague. Your Honours, I cite  
3 the case of Prosecutor versus Boskoski and Tarculovski.

4 MR MUNYARD: Can we have spellings, please?

12:01:10 5 MR BANGURA: I can spell it. Your Honours, it is  
6 B-O-S-K-O-S-K-I, and there is some funny character over the "s".  
7 I don't know how to describe that, and then Tarculovski is  
8 T-A-R-C-U-L-O-V-S-K-I. Your Honours, this is a decision by the  
9 Trial Chamber II of the ICTY, dated 17 May 2007, and the title of  
12:01:41 10 that decision is, "Decision on motion to exclude the  
11 Prosecution's proposed evidence of expert Burgess and his  
12 report".

13 Your Honours, I believe that position, the decision in this  
14 - the position taken in this case I have cited was that, just as  
12:02:08 15 I have said before, the association which an employee has with  
16 the Prosecution and that employee who later becomes or is later  
17 called to give evidence as an expert witness does not affect the  
18 evidence that that witness gives as an expert and should not  
19 exclude - should not make that evidence by itself be excluded  
12:02:33 20 simply because of their association with the Prosecution.

21 Your Honours, that position is further supported by another  
22 decision and that is - or rather this decision came earlier, the  
23 case of Brganin. This decision came earlier. It is the case of  
24 Brganin, Prosecutor versus Brganin, decision on 3 June 2003,  
12:03:08 25 Trial Chamber II of the ICTR - the ICTY, I am sorry. The title  
26 of that decision is, "Decision on Prosecution's submission of  
27 statement of expert witness, Ewan Brown". E-W-A-N B-R-O-W-N.  
28 Your Honours, Brganin is B-R-G-A-N-I-N.

29 I have copies of - could Madam Court Manager assist? I

1 have copies of the first decision I cited but not of the second,  
2 but I shall endeavour at the break to make copies of the second  
3 decision available, your Honour.

12:04:32 4 Your Honours, if I may continue, matters which have been  
5 raised by my learned friend on the question of - further matters  
6 raised by my learned friend on the question of the witness having  
7 made public statements in the course of her duties, or  
8 responsibilities, within Human Rights Watch.

12:04:51 9 Your Honours, I would submit that those statements made to  
10 the extent that they may affect her testimony go to at the end of  
11 the day what weight your Honours might attach to it and to what  
12 extent your Honours might consider that it undermines her  
13 objectivity, or impartiality.

12:05:12 14 Your Honours, my submission is that the witness's  
15 association with the Special Court, in the capacity of an  
16 investigator as it were at the time, does not in any way  
17 undermine her objectivity in the report which she has prepared  
18 and on which she is about to testify.

12:05:43 19 Your Honours, furthermore if as stated by my learned friend  
20 the witness's objectivity has been undermined by some of the  
21 statements that she made in her official capacity, your Honours,  
22 my submission is that the witness could be tested as to how  
23 objective she has been in the preparation of this report in  
24 cross-examination which is open to counsel when the witness  
12:06:08 25 testifies.

26 So, your Honours, in all, by all indications and based on  
27 the submissions I have made, my bottom - my main position is that  
28 the witness is a proper witness to be called as an expert and  
29 that the determination to be made as to whether or not she

1 qual i f i e s as an expert i s one to be determined when she states  
2 her qual i f i c a t i o n s before the Court. Your Honours, that i s my  
3 submi s s i o n s.

4 PRESIDING JUDGE: Mr Munyard also raised the issue of that  
12:06:45 5 the evidence, or proposed evidence, goes to the ultimate issue?

6 MR BANGURA: Your Honours, I will first of all submit that  
7 the evidence contained, or the material contained, in the report  
8 of this witness do not go to the ultimate issue. Your Honours,  
9 these are - as already stated, these are based on statements and  
12:07:12 10 i n t e r v i e w s conducted by the witness and not in every situation  
11 would - and largely these are not words, or statements, or  
12 conclusions made by the witness herself in this situation and  
13 they would amount to basically the same amount - the same - they  
14 would amount to witnesses coming before this Court and making  
12:07:35 15 statements to the effect that the accused in a particular  
16 situation did a particular act, which in any event may not  
17 ultimately be - may not ultimately be a point upon which the  
18 culpability of the accused is determined at that point.

19 Your Honours, what I am saying is that to determine  
12:07:57 20 ultimately - talking about ultimate issues, we are saying here  
21 that what is contained in the report leads to a conclusion that  
22 the accused is culpable of the acts that we allege. Your  
23 Honours, there is a certain level at which this Bench makes that  
24 determination and the level is that there has to be evidence  
12:08:19 25 beyond all reasonable doubt. What we have in some of the  
26 statements that have been incorporated in the report may not  
27 amount to that standard at this stage in the first place and, in  
28 any event, your Honours, this material that has been collected  
29 from witnesses is in many cases eyewitness accounts; eyewitness

1 accounts from witnesses who were victims or who witnessed some of  
2 the atrocities that were committed. To the best of my  
3 recollections, your Honours, they are basically accounts from  
4 witnesses who have witnessed these events themselves, your  
12:09:02 5 Honours.

6 PRESIDING JUDGE: Thank you, Mr Bangura. I will confer.

7 MR MUNYARD: Madam President, before the Court reaches a  
8 final conclusion, I wonder if I could be heard in reply because  
9 in my submission Mr Bangura has mischaracterised some of our  
12:10:23 10 objections to this witness and fundamentally the first and last  
11 of our objections?

12 Firstly, she is not giving expert evidence. The way in  
13 which Mr Bangura has characterised her expertise is that of an  
14 expert in gathering evidence. That misses the point. The point  
12:10:44 15 is that the evidence that she has gathered is ordinary evidence  
16 that this Court is quite capable of understanding without the  
17 need of it being put forward in some way as expert evidence. It  
18 is a mischaracterisation of our argument and it is a  
19 misunderstanding of what expert evidence is about. It is not  
12:11:06 20 about collecting straightforward factual evidence and putting it  
21 before the Court in the form of a report.

22 That is the first way in which he is --

23 PRESIDING JUDGE: Just a moment, Mr Munyard. You asked me  
24 if I could give you leave to reply.

12:11:21 25 MR MUNYARD: I am sorry.

26 PRESIDING JUDGE: I was going to say only on points of law.

27 MR MUNYARD: Well, I have a point of law.

28 PRESIDING JUDGE: I will hear it.

29 MR MUNYARD: With great respect, I think that first

1 submission was a point of law, the law being the law of expert  
2 evidence. What is expertise?

3 Secondly, we are provided with an authority which  
4 Mr Bangura referred to when discussing the jurisprudence of these  
12:11:45 5 international tribunals on whether or not the fact that somebody  
6 worked for the Office of the Prosecutor excludes them from being  
7 put forward as an expert. I have only read it very briefly, but  
8 I can't see in the decision in the case of Boskoski and  
9 Tarculovski where Mr Terry Burgess is said to have previously  
12:12:09 10 worked for the Prosecution.

11 Furthermore, it is obvious from paragraphs 7 and 8 of that  
12 decision that Mr Burgess is a fully qualified police officer,  
13 police instructor, he has been through American Criminal Justice  
14 Academy Basic Police School and indeed the FBI National Academy  
12:12:41 15 where he studied subjects related to the management of police  
16 functions. That is an area of expertise and he was being put  
17 forward by the Prosecution as an expert in the question of the  
18 management of police functions. It is very different from  
19 Corinne Dufka, who is a report writer on a whole range of  
12:13:03 20 subjects, being put forward to this Court to present the factual  
21 material - the factual evidence - that she seeks to put forward.

22 May I myself in response on this point of law distribute to  
23 the Court and the parties a decision in the International  
24 Criminal Tribunal for Rwanda, Trial Chamber III, Prosecutor  
12:13:30 25 versus Edwar Karemera, spelt K-AR-E-M-E-R-A, and if it is  
26 convenient to the Court I will simply say "and others", and that  
27 is case number ICTR-98-44-T and it is a decision handed down on  
28 25 October 2007.

29 Madam President, I will hand up four copies to the Court

1 and a copy to my learned friend. It is a rather more substantial  
2 document than the Boskoski decision, but this goes to the whole  
3 question of a researcher gathering evidence together of factual  
4 witnesses and then seeking to have that evidence put forward  
12:14:36 5 through her as expert evidence. I will say no more than that at  
6 the moment. I will give the Court time to read the decision.

7 PRESIDING JUDGE: Thank you, Mr Munyard.

8 MR BANGURA: Your Honours, if I may be heard?

9 PRESIDING JUDGE: There is no reply to a reply. There is  
12:15:39 10 no reply and no reply to a reply.

11 MR BANGURA: This is not a reply, your Honour. It is just  
12 a clarification I wish to make as regards the decision that I  
13 handed out.

14 Your Honours, I am still trying to establish the correct  
12:15:51 15 position, but it would appear to me as though what was handed out  
16 is slightly different from the version that actually has the  
17 jurisprudence that I have relied upon. I am just trying to  
18 establish that. It may be that I may have to withdraw the copies  
19 that I handed out and replace them with the correct copies.

12:16:22 20 PRESIDING JUDGE: Very well.

21 MR BANGURA: Your Honours, just to further make the point  
22 that we have discovered that in fact the decision which I meant  
23 to rely on is not the one which was circulated. I think there a  
24 series of decisions in this title, but then they differ in the  
12:18:31 25 witnesses that are dealt with as experts. If your Honours wish,  
26 I may give the correct reference and I would then endeavour to  
27 provide copies?

28 PRESIDING JUDGE: Perhaps you can hand it to our Senior  
29 Legal Officer so it will be available to us in due course.

1 MR BANGURA: Thank you, your Honour.

2 MR MUNYARD: And to us, I would ask.

3 PRESIDING JUDGE: Indeed, and of course to the Defence.

4 This is a ruling on a preliminary objection to the calling  
12:23:49 5 of the witness, Corinne Dufka. The Bench has considered the  
6 submissions and have considered, albeit not in-depth, the  
7 references to other international jurisprudence.

8 We note the five heads of objections, but without hearing  
9 the witness or having the tender of the report in issue we  
12:24:08 10 consider each of the matters raised to be premature.

11 The Defence has a right to cross-examine the witness, and  
12 at this stage we would therefore permit the witness to appear to  
13 give evidence and defer the decision on the admission of the  
14 report and the documents, if any attached thereto, until the time  
12:24:27 15 of the testimony of Ms Dufka.

16 MR MUNYARD: Madam President, can I ask for one matter of  
17 clarification? I understand now we will proceed to hear the  
18 evidence of this witness and she will be heard no doubt in full.  
19 It appears to us that this is a matter of some considerable  
12:24:50 20 weight and I note, looking at some of the jurisprudence that I  
21 haven't put before the Court, that it is quite common in these  
22 international tribunals on an issue such as this for written  
23 submissions to be made to the Court once - on these objections  
24 once the evidence is concluded and I wonder if that is a course  
12:25:12 25 that you want to indicate would be appropriate? You may not want  
26 to indicate it now, but if you did then it would certainly be  
27 helpful for all of us if that is something that you would wish to  
28 receive in due course.

29 PRESIDING JUDGE: Mr Munyard, we will hear the witness and

1 if as the testimony proceeds and the submissions proceed we feel  
2 it would be helpful to have something in writing, we will  
3 indicate that giving you both parties of course as much notice as  
4 is reasonable.

12:26:24 5 MR MUNYARD: Thank you.

6 PRESIDING JUDGE: Mr Bangura, you have heard the ruling of  
7 the Court.

8 MR BANGURA: Thank you, your Honour. Your Honour, the  
9 Prosecution calls the next witness, Corinne Dufka. Your Honours,  
10 this witness is characterised as an expert and will be testifying  
11 in English.

12 PRESIDING JUDGE: We are well aware that that is an issue  
13 and so I am not going to record that.

14 MR BANGURA: Thank you, your Honour.

12:27:18 15 PRESIDING JUDGE: Mr Bangura, I presume the witness will  
16 give evidence in English?

17 MR BANGURA: [Microphone not activated] yes, your Honour.

18 WITNESS: CORINNE DUFKA [Sworn]

19 PRESIDING JUDGE: Did I note that the witness has some  
12:28:20 20 papers before her?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: If you could just pass them temporarily  
23 to the Madam Court Attendant. They should not be with you at  
24 this point.

12:28:34 25 Proceed, Mr Bangura, please.

26 EXAMINATION IN-CHIEF BY MR BANGURA:

27 Q. Good afternoon, Madam Witness.

28 A. Good afternoon.

29 Q. Please state your name for the record?



1 A. Corinne Dufka.

2 Q. And can you spell your names, please?

3 A. C-O-R-I-N-N-E. Dufka is D-U-F-K-A.

4 Q. How old are you?

12:29:01 5 A. 50.

6 Q. Please state your address. You don't need to go into the  
7 details, but just the city and the country where you reside?

8 A. In Dakar, Senegal.

9 Q. You are a senior researcher working with Human Rights  
12:29:18 10 Watch, correct?

11 A. That is correct.

12 Q. Where is your present station of work?

13 A. In Dakar, Senegal.

14 Q. What position do you hold at your present station of work?

12:29:33 15 A. I am a senior researcher for the Africa Division of Human  
16 Rights Watch. I am in charge of all of our research and advocacy  
17 efforts for West Africa.

18 Q. At the moment which countries in West Africa do you have a  
19 presence, or does your work cover?

12:29:54 20 A. Our work covers Nigeria, Niger, Guinea, Cote d'Ivoire,  
21 Liberia, Sierra Leone.

22 Q. Now, you graduated with a bachelors degree in social work  
23 from San Francisco State University in the United States in 1979,  
24 correct?

12:30:17 25 A. That is correct.

26 Q. You then went on to study for a masters degree at the  
27 University of California, Berkeley, graduating in 1984, is that  
28 correct?

29 A. That is correct.

1 Q. What was your field of specialisation for your masters  
2 degree?

3 A. Clinical and psychiatric social work.

4 MR BANGURA: Your Honours, Berkeley is spelt

12:30:43 5 B-e-r-k-e-l-e-y:

6 Q. Did you do any further academic studies at tertiary level  
7 after this?

8 A. No, I did not.

9 Q. Would I be right to say then that by your academic  
12:31:02 10 qualifications your area of specialisation is the field of  
11 clinical social work?

12 A. That is correct.

13 Q. You first worked as a clinical social worker for a period  
14 of about ten years across a number of countries in Latin America,  
12:31:23 15 is that right?

16 A. Yes, in the United States as well as in Nicaragua, El  
17 Salvador and Mexico.

18 Q. Can you give the Court how much time you spent in these  
19 countries - each of these countries - over the period?

12:31:39 20 A. Okay. The majority of my work was in the United States, in  
21 the San Francisco area, where I worked in social work in the  
22 areas of psychiatric social work within the hospital setting and  
23 medical social work within the hospital setting as well as in  
24 drug and rehabilitation counselling. In Mexico City, in 1985, I  
12:32:05 25 worked in doing trauma counselling for those who had suffered the  
26 Mexico City earthquake in 1985, then in Nicaragua I worked in  
27 1979 with refugees from that country's armed conflict and in El  
28 Salvador I worked for some years working with refugees and  
29 internally displaced persons.

1 Q. Now from 1988 through to 1999 you worked for Reuters news  
2 agency as a photojournalist and you were principally in armed  
3 conflict areas, is that right?

4 A. That is correct.

12:32:50 5 Q. And would you like to specify some of the countries that  
6 you worked in during that period?

7 A. Yes, I worked in El Salvador, Nicaragua, Panama, Bosnia,  
8 Rwanda, Burundi, the DRC then known as Zaire, Sierra Leone,  
9 Liberia and Somalia among others.

12:33:15 10 MR MUNYARD: Could I ask that initials are actually spelled  
11 out so that we all know what they refer to?

12 MR BANGURA:

13 Q. Ms Dufka, in this case you mentioned "DRC". Would you like  
14 to give the full words - full meaning of the words - for DRC?

12:33:33 15 A. Yes, the Democratic Republic of Congo.

16 Q. Thank you. And this period of your work spanned close to  
17 about 12 years, is that right?

18 A. That is correct.

19 Q. Now more specifically you were a photojournalist by your  
12:33:55 20 title, but what was - what did your job entail specifically?

21 A. I was responsible for providing photographic coverage  
22 primarily to situations of armed conflict, but also other news  
23 developments. I also assisted news reporters with Reuters in  
24 collecting information on the ground.

12:34:20 25 Q. And of course Reuters is a news reporting agency, is that  
26 correct?

27 A. That is correct. It is one of the three biggest wire  
28 services in the world.

29 Q. In 1999 you took up work with Human Rights Watch Africa

1 Division as a researcher, is that right?

2 A. That is correct.

3 Q. Now, where were you first posted?

12:34:47

4 A. I was first posted to Freetown, Sierra Leone. My first  
5 work with Human Rights Watch was to open a field office in  
6 Freetown, Sierra Leone, in April 1999.

7 Q. Now, could you describe your duties as a researcher at the  
8 time?

12:35:09

9 A. My duties consisted of documenting human rights violations  
10 occurring in the context of the Sierra Leonean armed conflict.  
11 My first area of specialisation was concentrating on abuses  
12 committed by all sides during the 6 January 1999 rebel offensive  
13 against the capital, Freetown.

12:35:31

14 Q. Now, did you undergo any training to prepare you for this  
15 new role? You had been in clinical social work before and then  
16 you had also been a photojournalist and now you find yourself in  
17 a different work environment as a researcher for a human rights  
18 organisation. Now, did you get any training to prepare you for  
19 this role?

12:35:55

20 A. Yes, prior to being posted to Sierra Leone and at various  
21 intervals since then I received training in Human Rights Watch  
22 methodology and principles that underlie our work.

23 Q. Can you be a bit specific as to the sort of issues that you  
24 went into during your training?

12:36:23

25 A. Yes, I received training on the components of and how to  
26 conduct a broad based human rights investigation. I received  
27 training on specific aspects of interviewing, particularly  
28 vulnerable groups such as children and women. In addition,  
29 aspects needed to identify command responsibility, components of

1 doing advocacy and other various aspects of our methodology and  
2 principles. I also received at that time guidelines on Human  
3 Rights Watch's principles, which include objectivity, fairness, a  
4 high standard of proof and the importance of maintaining  
12:37:11 5 confidentiality of our sources.

6 Q. Now, are you able to draw any parallels between your  
7 previous two lines of employment and your new role as a  
8 researcher in a human rights institution?

9 A. Yes, in my work at Human Rights Watch my training as a  
12:37:32 10 clinical social worker particularly with respect to methods of  
11 interviewing have been utilised, as well as my work as a  
12 journalist. Clearly, there the importance of reporting both  
13 sides of a story, emphasising neutrality and objectivity, came in  
14 very useful in my work in conducting investigations with Human  
12:38:00 15 Rights Watch.

16 Q. Now apart from taking a year off your work with Human  
17 Rights Watch and that was between 2002 and 2003, you have  
18 continued to work with this organisation, is that right?

19 A. That is correct.

12:38:20 20 Q. And the years 2002 - the year between 2002 and 2003 you  
21 spent working with the Special Court for Sierra Leone, is that  
22 right?

23 A. That is correct, from October 2002 to October 2003.

24 Q. More specifically with the Office of the Prosecutor, is  
12:38:39 25 that right?

26 A. That is right.

27 Q. What was your role in that office?

28 A. My role was as a senior human rights adviser. The work  
29 consisted of providing orientation to members of the Prosecution

1 team and investigation team on the history of the Sierra Leonean  
2 armed conflict and the context within the armed conflict - the  
3 context within which the armed conflict took place. I assisted  
4 in compiling documents from a wide variety of sources which had  
12:39:15 5 been written on the Sierra Leonean armed conflict. I also  
6 assisted in obtaining leads and information which could be useful  
7 to the Office of the Prosecutor, as well as in conducting  
8 investigations with witnesses.

9 Q. Thank you. Now, you have told this Court already that your  
12:39:38 10 present position is a leader of the West Africa team, or West  
11 African team, based in Dakar of Human Rights Watch, is that  
12 correct? Can you explain, you know, the extent of your  
13 responsibilities in this position as head of a team leader of a  
14 team?

12:39:59 15 A. Yes, I direct a team of three to five researchers. I  
16 direct all research and advocacy efforts done by my team in the  
17 countries within which we work. I speak on behalf of the team on  
18 human rights developments in West Africa, I edit all of the  
19 materials coming out of my team of researchers and I do public  
12:40:29 20 speaking on various different countries and the human rights  
21 developments within those countries.

22 Q. Thank you. Now when did you take this appointment, or when  
23 did you get or rise to that position of leader of the team?

24 A. In 2003.

12:40:49 25 Q. Would that be after - just after - you left the Special  
26 Court?

27 A. That is correct.

28 Q. Now, can you tell this Court what it means to be leader of  
29 a team; I mean taking into consideration the structure of Human

1 Rights Watch as an organisation?

12:41:22 2 A. Human Rights Watch, which as some of you may know is  
3 dedicated to the protection and promotion of human rights  
4 worldwide, is divided up into various different divisions both  
5 regionally, the Africa division, Asia, Europe and Americas, as  
6 well as thematically focusing on children's rights, women's  
7 rights, rights of refugees and the displaced, rights of gay and  
8 Lesbians and others.

9 So, my work is focusing as head of the West Africa team.

12:41:49 10 The Africa division is the largest division and we work in some  
11 15 countries within Africa, so I am responsible for all of our  
12 work in West Africa, that is directing research, deciding what  
13 our priorities should be, reviewing the work plans of my  
14 researchers, assisting them with investigations and also  
12:42:11 15 conducting investigations myself. I am also - I have remained  
16 responsible for Human Rights Watch's work in Liberia and Sierra  
17 Leone, and as well Niger, and as I mentioned supervising all of  
18 our work in the other countries within which we work in West  
19 Africa.

12:42:34 20 Q. Now on an annual basis Human Rights Watch as an  
21 organisation produces a report, is that correct?

22 A. Yes, every year we produce what we call our world report,  
23 which includes chapters summarising the human rights developments  
24 in each of the countries within which we conduct research.

12:42:59 25 Q. And do you have any specific responsibility towards  
26 production of that report as team leader of West Africa?

27 A. I write the Sierra Leone and Liberia chapters and edit and  
28 supervise the production of the other chapters concerning West  
29 Africa.

1 Q. Now, would you like to comment on the work generally that  
2 Human Rights Watch does?

3 A. Uh-huh. Human Rights Watch, as I mentioned, is one of the  
4 world's two largest human rights organisations. It is dedicated  
12:43:35 5 to protecting and promoting human rights worldwide. We advocate  
6 for those who are responsible and implicated in human rights  
7 abuses to be held accountable in accordance with fair trial  
8 standards.

9 Our work is grounded in, and founded on, in-depth  
12:44:03 10 investigations which we conduct. There are a number of factors  
11 that we take into consideration in doing our work and this is for  
12 all researchers, across all divisions. We conduct - our  
13 investigations are based on interviews with a broad spectrum of  
14 sources. There is an emphasis to corroborate, whenever we can,  
12:44:36 15 those are sources and then there is a rigorous analysis to  
16 identify human rights abuses and patterns of human rights abuses  
17 and then come up with recommendations, that we include in all of  
18 our reports, to bring an end to those patterns of human rights  
19 abuses.

12:44:58 20 Q. Now, you have just mentioned that you then come up with  
21 recommendations. Obviously these recommendations are then  
22 included in the reports which you produce, is that correct?

23 A. That is correct.

24 Q. And then how does Human Rights Watch make known its  
12:45:15 25 recommendations, its findings and recommendations?

26 A. Following an investigation, that material, after it has  
27 gone through a very rigorous vetting process to ensure balance,  
28 fairness, to ensure that the findings are consistent with Human  
29 Rights Watch's principles, guidelines and methods, then that



1 material is organised into a number of different types of written  
2 documents. These include reports, shorter briefing papers, press  
3 releases, Op-Eds and letters to various different protagonists.

12:46:08

4 Q. And what is the focus as you address these - your reports,  
5 or press releases and the material you produce, what is the focus  
6 usually?

12:46:30

7 A. The focus is to first of all expose patterns of human  
8 rights abuses and then to make recommendations to those  
9 individuals and groups, state and non-state actors, as well as  
10 regional organisations, the United Nations and others, including  
11 businesses, civil society, who can impact positively on human  
12 rights situations, that is ultimately our aim is to bring about  
13 improvements in the human rights situation that we have  
14 documented.

12:46:48

15 Q. Now, you mentioned vetting and you talked about a rigorous  
16 vetting process. I hope I am correct in what you said. Can you  
17 describe what that vetting process actually entails?

12:47:13

18 A. Yes, once a report is produced, or once any written  
19 document is produced, it goes through a series of edits and  
20 vetting, first by the division. So, in my case all of my  
21 materials would be vetted by someone within the Africa division,  
22 most notably the deputy director. That then comes back to me to  
23 respond to their comments and questions. After that it goes to  
24 the head of our programme division, who does another edit looking  
25 at a number of other factors, including balance, objectivity,  
26 fairness. It then comes back to me and then it goes to our legal  
27 and policy division to ensure that the positions we have taken,  
28 the characterisations of human rights abuses and crimes, are  
29 consistent with legal standards and legal characterisations.

1 Q. Now, you were appointed as a researcher in 1999 and posted  
2 to Sierra Leone. Was there a need for your organisation to make  
3 this appointment at that time?

4 A. My appointment to Sierra Leone was first identified as  
12:48:34 5 being important following the events of 1998. It was at that  
6 point that Human Rights Watch began to try to find funds. We are  
7 dependent upon funds received from individual donors to be able  
8 to conduct work in Sierra Leone. Human Rights Watch does not  
9 work in every single country in Africa, we do not have the funds  
12:49:04 10 to be able to sustain that activity, and so we are selective in  
11 the countries that we choose to engage in.

12 Following the atrocities that were committed in 1998 in  
13 Sierra Leone, Human Rights Watch decided that Sierra Leone was a  
14 priority. At that point they obtained funds and, once those were  
12:49:30 15 available, went through a recruitment process and I was chosen to  
16 head up that office.

17 Q. Now, prior to 1999 when you started work in Sierra Leone,  
18 had there been any presence of Human Rights Watch in Sierra  
19 Leone?

12:49:50 20 A. Yes, there had been one consultant who had been dispatched  
21 to Sierra Leone and had produced one report on the 1998 events.  
22 After that report specifically then Human Rights Watch realised  
23 they wanted a more consistent engagement in the country.

24 Q. So in effect Human Rights Watch's presence in Sierra Leone  
12:50:15 25 dates back to about 1998, is that right?

26 A. That is correct.

27 Q. Now, your initial portfolio, that is the scope of your job  
28 or duties at the time of your appointment, was to cover or  
29 research human rights developments in Sierra Leone, is that

1 right?

2 A. That is correct.

3 Q. In 2000, which is just a year later, this portfolio was  
4 expanded, is that not right?

12:50:46 5 A. That is correct. It was expanded to cover the human rights  
6 situation in Liberia, specifically in Northern Liberia, so I  
7 began, from 2000, to document war crimes committed within the  
8 context of Liberia's second armed conflict which began in 2000.

9 Q. Did this expansion cover any other countries apart from  
12:51:14 10 Liberia?

11 A. Yes, later I began working in Cote d'Ivoire, beginning in  
12 2000, following a violent episode which followed the 2000  
13 elections in Cote d'Ivoire, and then also in Guinea, specifically  
14 in relation to cross-border attacks into Guinea which began in  
12:51:38 15 2000 and continued into 2001.

16 Q. Now, during your career with Human Rights Watch from 1999  
17 to present, you have been part of a team that has produced quite  
18 a number of reports, is that right?

19 A. That is correct.

12:51:56 20 Q. And some of those reports you have yourself authored, is  
21 that right?

22 A. That is correct.

23 Q. Would you like to discuss some of the publications that you  
24 have produced with Human Rights Watch since you have been with  
12:52:14 25 them?

26 A. I have authored at least eight full reports and numerous  
27 other shorter reports and press releases and briefing papers.  
28 These are included at the end of my CV, but they include "Getting  
29 away with murder, mutilation and rape", the first report that I

1 produced for Human Rights Watch in 1999; they include "Back to  
2 the Brink", a report about human rights abuses in Liberia; they  
3 include a briefing paper on sexual violence, which I wrote in  
4 2001; a report on abuses against Liberian citizens trying to flee  
12:53:02 5 into Guinea; abuses by the LURD, which I wrote in 2002; and a  
6 report on the election violence in Cote d'Ivoire, "The political  
7 manipulation of ethnicity". There are numerous others which I  
8 have listed in my CV.

9 Q. As well, there are other reports which have been produced  
12:53:26 10 which you assisted in producing but did not yourself author, is  
11 that correct?

12 A. Yes, that is correct.

13 Q. Was there any publication on the human rights issue in  
14 Sierra Leone before you joined the organisation?

12:53:40 15 A. Just the one report, "Sowing terror", which was released in  
16 July 1998. Again, I did not author that report.

17 Q. Now, as a senior researcher and team leader of the West  
18 Africa team, part of your duties include to be the official  
19 mouthpiece of Human Rights Watch, West Africa, is that correct?

12:54:11 20 A. That is correct.

21 Q. Now, could you comment on how you have performed this role,  
22 especially lately? In what circumstances do you have to perform  
23 the role of speaking officially for your organisation?

24 A. Part of our methodology in getting our information  
12:54:32 25 disseminated is to issue various different publications, as I  
26 have mentioned, distribute those very widely to national and  
27 international media houses and organisations and then conduct  
28 interviews in which we detail, and in some cases summarise, the  
29 findings of our reports.

1           Since joining Human Rights Watch in 1999 and usually  
2 following the release of every document that we produce, I have  
3 done numerous interviews with newspaper, radio and to a lesser  
4 extent television. This has continued and is a key part of the  
12:55:21 5 job that I do with Human Rights Watch. I am very often asked to  
6 comment on human rights developments on various countries in West  
7 Africa and about various different types and forms of human  
8 rights violations.

9           Q.     Now, you mentioned earlier that Human Rights Watch  
12:55:44 10 maintains certain standards of fairness of objectivity and of  
11 confidentiality in the investigation and production -  
12 investigation of human rights abuses and, indeed, production of  
13 your work. Now, can you comment on how vigorously you adhere, if  
14 at all, to these standards?

12:56:09 15           A.     Yes, every researcher has to adhere very vigorously to  
16 those standards: a high standard of proof, confidentiality of  
17 our sources, objectivity, neutrality and fairness. In most armed  
18 conflicts there are abuses committed by all warring sides. This  
19 is true all over the world and so we endeavour, whenever  
12:56:40 20 possible, to include that information in the documents that we  
21 produce and our investigations always seek to create a balanced  
22 view of abuses committed by both sides. That doesn't mean that  
23 at times one side is more - is implicated further in abuses than  
24 the other side, but nevertheless we always try to investigate  
12:57:09 25 both sides of an armed - or indeed all of the different sides of  
26 an armed conflict. And, as I mentioned, that is also one of the  
27 criteria for our - that those involved in vetting our reports  
28 look for, is balance, to ensure that we included information on  
29 the conduct of all warring factions in a given armed conflict.

1 Q. Now, you have mentioned that one of the reports that you  
2 yourself authored since you joined Human Rights Watch is one  
3 titled "Getting away with murder, mutilation and rape". I  
4 believe that came out in 1999, is that correct?

12:57:52 5 A. That is correct.

6 Q. Now, as an example, could you give us - explain to this  
7 Court how you applied those standards of fairness, those  
8 standards of objectivity and confidentiality to that research  
9 work?

12:58:08 10 A. Yes. We, or rather I, conducted hundreds of interviews  
11 from a wide variety of sources, victims and witnesses, hospital  
12 officials, government officials, medical workers, those who  
13 worked in the morgue, people within the neighbourhoods, Imams,  
14 religious personnel, members of national and international  
12:58:44 15 organisations, taxi drivers, market women, people from all  
16 different walks of life, to try to obtain as much information I  
17 could about abuses committed by all sides.

18 In that report we characterised the rebel forces as being  
19 responsible for the vast majority of abuses committed during the  
12:59:11 20 6 January offensive. However, we also included a section on the  
21 very serious and numerous atrocities committed by the Nigerian  
22 led ECOMOG force, as well as the Civil Defence Forces and members  
23 of the Sierra Leone police. With respect to the ECOMOG, the  
24 Nigerian led ECOMOG forces, we documented over 180 executions of  
12:59:41 25 rebels and rebel collaborators that occurred during that  
26 offensive.

27 Q. Now, do you hold a membership of any professional body or  
28 association?

29 A. No, I do not.

1 Q. Have you earned any recognition for your work over the  
2 years?

3 A. Yes, I have received a number of awards, both in  
4 recognition of my work in exposing war crimes and human rights  
13:00:15 5 abuses in Sierra Leone as well as my work as a photojournalist.  
6 In 2003 I was honoured as a MacArthur fellow. This is a  
7 program run by the MacArthur Foundation which recognises some 30  
8 or 35 professionals for the contributions they have made to their  
9 field. In my case it was to the field of human rights,  
13:00:44 10 specifically in relation to Sierra Leone. Previous to that I  
11 won, in 1997, the International Women's Media Foundation Courage  
12 in Journalism award and then I also won, in 1997, the Overseas  
13 Press Club award, the Robert Capa gold medal for war reporting,  
14 war photographer, and a number of others for my work in covering  
13:01:11 15 the Rwandan genocide, as well as the armed conflict in Liberia  
16 and other places.

17 Q. Now, in the course of your duties with Human Rights Watch  
18 you attend conferences and represent your organisation and speak  
19 to the values that your organisation stands for, is that correct?

13:01:35 20 A. Yes.

21 Q. Would you like to comment on some of the engagements that  
22 you have had, or that you regularly have, as team leader of Human  
23 Rights Watch, or as a senior researcher?

24 A. Yes, I am regularly asked to participate in conferences,  
13:01:54 25 usually organised by universities, to discuss my work with Human  
26 Rights Watch. I usually accept two or three of these invitations  
27 each year. Given the workload that I have, I can't accept more.  
28 For example, last year I presented two papers at a conference at  
29 Emory University, E-M-O-R-Y, in Atlanta, Georgia, in the United

1 States, and the topic was consolidating peace in West Africa. I  
2 have also spoken in a number of different universities, including  
3 Brandeis in the United States as well.

13:02:46 4 Q. Have you published any material other than your  
5 contribution to Human Rights Watch publications?

6 A. I published two articles in a book called "The war crimes:  
7 What the public should know". One was on the phenomena of  
8 disappearances, and I wrote about my knowledge and experience of  
9 that phenomena in El Salvador, and I also wrote a small chapter  
10 or piece on the use and recruitment of child soldiers.

11 Q. Now, since 1999 your research work has focused more on  
12 Sierra Leone and Liberia. Are you able to trace historically any  
13 link between these two countries in terms of human rights  
14 situations at the time, from about 1998 - in fact, going back  
15 from your previous experience, but then you could also comment on  
16 the situation up to 1999?

17 A. Part of what we do in our investigation is to do background  
18 research into the historical, cultural, economic context within  
19 which abuses take place. Indeed, in each report we include what  
13:04:02 20 we call a background section in which we use various elements of  
21 history to try to contextualise some of those violations within  
22 the historical, social and economic context that they take place  
23 in. So, of course as part of my work with Human Rights Watch I  
24 have read numerous books and chapters in books and professional  
13:04:32 25 articles, or academic articles, on the history of the Sierra  
26 Leonean and Liberian armed conflicts. That was also the - I  
27 endeavoured to conduct further research into that in a project I  
28 researched in 2004 which was called "Youth poverty in blood",  
29 which looked at the phenomena of mercenaries' activity in West



1 Africa. So, I have also researched the links, the very complex  
2 web and links that exist among West African nations which have  
3 often provided logistical and personnel to support an armed  
4 conflict in one country or the other. So, it is an area of  
13:05:21 5 ongoing research that I have - that I continue to do.

6 Q. Now, you took up work in Sierra Leone in 1999, but do your  
7 links with that country go back before that date?

8 A. Yes, they do. The first time that I went to Sierra Leone  
9 was as a photojournalist with Reuters in 1995. The focus of that  
13:05:51 10 report was on what we would call - what we classified as a war  
11 induced famine in the Bo and Kenema areas. I then returned in  
12 1997, in May, to cover the coup by the Armed Forces Revolutionary  
13 Council. I then covered the ECOMOG and Kamajor offensive which  
14 dislodged the AFRC and RUF from power in Freetown in February  
13:06:28 15 1998 and then, of course, from 1999 I was then based in Sierra  
16 Leone with Human Rights Watch.

17 Q. Now, in relation to Liberia, where your mandate got  
18 expanded once you took up your duties with Human Rights Watch,  
19 when was your earliest connection with that country?

13:06:49 20 A. Similar to my experience with Sierra Leone, my first trip  
21 to Liberia was as a photojournalist. I spent some six weeks  
22 there in April 1996 covering the episode of violence in Monrovia.  
23 I then returned in 1997 to cover the elections, and then the next  
24 time I returned was as Human Rights Watch to conduct human rights  
13:07:19 25 investigations.

26 Q. During these missions to Liberia, did you at any point have  
27 the chance to meet with the accused?

28 A. I never met with the accused. I went to his house in Kongo  
29 Town in April, or it might have been early May, 1996, as part of

1 a team of Reuters reporters and perhaps a few other journalists  
2 were there. I was never introduced to him, but I was in a room  
3 in which an interview with him was conducted by these  
4 journalists. Then also I was at the place where he cast his  
13:08:03 5 ballot in 1997, but of course there were thousands of people  
6 there.

7 Q. Now, outside Sierra Leone and Liberia your work, research  
8 work, has had a widening interest in human rights situations in  
9 other countries, is that correct, within West Africa?

13:08:34 10 A. That is correct.

11 Q. And could you comment on that interest and how much of it  
12 has taken up your attention?

13 A. Well, since working in Sierra Leone I expanded my work, as  
14 I mentioned, to Liberia and Cote d'Ivoire. We have recently  
13:08:55 15 expanded our work also to Niger and we will work in a few other  
16 countries this year. The team was very small and was only one or  
17 two people in 1999 and now we have some five people in our team.  
18 We cover a wide variety of human rights abuses depending on the  
19 country that we are covering and the particular context.

13:09:21 20 Q. Now, what is your fluency with languages?

21 A. I speak English obviously, Spanish, French and Krio.  
22 Sierra Leonean Krio, sorry.

23 Q. Have you testified in any Court before, or in any formal  
24 proceedings?

13:09:43 25 A. Yes, in January of 2007 I was a witness for a case in the  
26 International Criminal Tribunal for Rwanda and then in 2006 I was  
27 a witness in a case of the Dutch government versus Gus Kouhoven.

28 Q. Your Honours, Kouhoven, I think the name has come up  
29 before, but I should try and spell it again. It is Gus is G-U-S,

1 Kouhoven is K-O-W-O-H, K-O-U-O-H - can you help with the  
2 spelling?

3 A. I have seen it spelt a few different ways, so  
4 K-O-U-H-O-V-E-N, I believe.

13:10:35 5 Q. Right. So, Ms Dufka, your testimony here today is based on  
6 your experiences and your expertise as a researcher in human  
7 rights, on human rights development, in Sierra Leone and in  
8 Liberia, focusing on the war periods in those countries, is that  
9 correct?

13:10:55 10 A. That is correct.

11 Q. Now, based on your experience on human rights development  
12 in Sierra Leone, you were approached by the Special Court for  
13 Sierra Leone, by the Prosecution, to prepare a report for this  
14 trial, is that right?

13:11:18 15 A. That is correct.

16 Q. And what was the focus of that report?

17 A. I was approached to prepare a report which characterised  
18 human rights developments in Sierra Leone and Liberia from 1998  
19 through the end of my engagement and so that would have been  
20 approximately 2003/2004.

13:11:43 21 Q. And when did you prepare this report?

22 A. Last year. I was asked to prepare that report some time at  
23 the beginning of 2007 and then I submitted the final report in  
24 May 2007.

13:12:04 25 MR BANGURA: Your Honours, may the witness be assisted by  
26 the Court Manager to be shown the document in tab 1?

27 PRESIDING JUDGE: Yes, Madam Court Attendant, please show  
28 it to the witness.

29 MR BANGURA:

1 Q. It will be enough if the front cover of that document is  
2 shown to the public. Ms Dufka, is that the report which you  
3 produced or prepared for the Office of the Prosecutor at the  
4 Special Court?

13:12:58 5 A. Yes, that is the cover of the report.

6 Q. I believe you have the full report before you as well?

7 A. Yes. Yes, it is.

8 Q. Now, the report provides a resume of yourself which is  
9 consistent with the facts that you have discussed with this Court  
10 this morning, is that correct?

13:13:21

11 A. That is correct.

12 Q. And that resume, is it, is in the appendix, the first  
13 appendix of the report, is that correct?

14 A. Yes.

13:13:30

15 Q. Appendix 1. Could the witness be shown page - appendix 1  
16 which is on page, Court Management numbering, 9718. That is your  
17 resume, is that correct?

18 A. That is correct.

19 MR BANGURA: Your Honours, I --

13:14:31

20 PRESIDING JUDGE: Please proceed, Mr Bangura.

21 MR BANGURA: Your Honours, I move that document identified  
22 by the witness be marked for identification at this stage.

23 PRESIDING JUDGE: The report or the document headed "Report  
24 of Corinne Dufka, Human Rights Watch, to the Office of the  
25 Prosecutor, Special Court for Sierra Leone, 13 May 2007" will be  
26 marked as MFI-1.

13:14:57

27 MR MUNYARD: Madam President, can I just point out that the  
28 numbering that I have, which is the stamped numbering, is  
29 different from the numbering at the top of this document. It may

1 be that others are following from what I thought was the official  
2 Court numbering, which is 00031534 for the benefit of anyone who  
3 does not have the handwritten numbering.

13:15:38 4 MR BANGURA: I believe that numbering that my learned  
5 friend has referred to is what is given to documents that are in  
6 the possession/custody of the Prosecution and there is an  
7 evidence unit that gives those numbers. There is about eight  
8 digits, I guess.

13:15:55 9 PRESIDING JUDGE: Well, the document I have has got a  
10 handwritten number 9680 and that appears to be the situation with  
11 my learned colleagues. So, if Mr Munyard has a different  
12 numbering then we are going to be at odds with each other and so  
13 we need to have consistent numbering.

13:16:15 14 MR MUNYARD: I think it should be relatively easy to  
15 manage, but I just want the Court to know that if there are any  
16 hiccups it is because we are operating on different numbering.

13:16:31 17 MR BANGURA: I am at a loss, but I believe the Defence were  
18 served with the official version of the documents that we are  
19 using here, which would be the same as what your Lordships have  
20 and the numbering on those pages would be the Court Management  
21 numbers. I am not so sure, it may be that previous disclosure of  
22 this document to the Defence was at a time when they had not been  
23 filed and the numbering on it would have been the numbers given  
24 to the document by the evidence unit. It may be that --

13:16:53 25 PRESIDING JUDGE: That sounds a little odd, because if  
26 Mr Munyard has an ERN number then it would be the official  
27 number. Perhaps - we are approaching the lunch break. Perhaps I  
28 can ask Court Management to assist the parties in reconciling  
29 these numbers so we are all talking about the same document and

1 the same page numbers.

2 MR MUNYARD: Can I say I certainly would not welcome any  
3 more paper added to the avalanche that we are labouring under at  
4 the moment. If we can manage by comparing the numbers, I will be  
13:17:25 5 content.

6 PRESIDING JUDGE: I have noted that and so has Court  
7 Management.

8 MR BANGURA: Thank you. Shall I proceed, your Honour?

9 PRESIDING JUDGE: Please do so, Mr Bangura.

13:17:38 10 MR BANGURA:

11 Q. At page 7, that is as paginated by yourself, Ms Dufka, of  
12 the report - may I enquire from my learned friend: Would it be  
13 all right if we proceed at this stage by the numbering, page  
14 numbering, inserted by the author? Would that be all right for  
13:18:05 15 all parties?

16 MR MUNYARD: Yes, I am quite content.

17 MR BANGURA: Thank you.

18 Q. Page 7 of the report, you have described the methodology  
19 used in your research, is that correct?

13:18:26 20 A. Yes.

21 Q. That essentially reflects the standards that you have  
22 discussed this morning that applied - that Human Rights Watch  
23 applies to the production of its work and its reports, is that  
24 correct?

13:18:46 25 A. That is correct.

26 Q. Now, to a very large extent you have relied - you have  
27 based - this report is based on facts and details and findings  
28 which are already contained in other reports that were produced  
29 by Human Rights Watch, is that correct?

1 A. Yes, the report that I produced for the Special Court for  
2 Sierra Leone, Office of the Prosecutor, is based entirely on my  
3 own research and the research of a number of other researchers  
4 for Human Rights Watch; all of whom followed the same rigorous  
13:19:33 5 research methodology as required by Human Rights Watch.

6 Q. In effect, principally your report, which incorporates all  
7 the other reports that you have just mentioned, contained  
8 firsthand accounts from persons who had witnessed events, or they  
9 had been victims of those events, is that correct?

13:20:00 10 A. Yes, it is. My report for the Special Court, as well as  
11 every document that I have produced and others at Human Rights  
12 Watch have produced, are based primarily on the accounts, the  
13 detailed accounts, of firsthand witnesses and victims, and I  
14 would like to point out that often one victim, or witness, has  
13:20:28 15 information not only about what happened to them, but about what  
16 they witnessed happen to others, often members of their own  
17 family, village and community.

18 Q. Can you give the Court an idea of how, for instance, you  
19 went about identifying these victims? You have given us a broad  
13:20:53 20 range of people that you may have interviewed. Some may be  
21 victims and some may be only witnesses to the events, but how did  
22 you - in your research, how would you normally go about  
23 identifying these victims?

24 A. We identify victims and witnesses through a number of  
13:21:14 25 sources and a number of ways. Sometimes it is through word of  
26 mouth, through informal discussions with people we come across,  
27 or sometimes it is through press reports which we consider a  
28 lead. We never rely only on a press report. We consider that is  
29 a lead to be able to help guide us to the original source of that

1 information. We rely on patients in hospitals. We rely on  
2 international organisations who might have internal reports, or  
3 public reports that have leads in them. I often received leads  
4 from people who lived around where a particular incident  
13:22:04 5 happened, from public transportation workers who were driving to  
6 and fro and often had the occasion to witness various different  
7 atrocities, from refugees and refugee camp leaders. So, these  
8 are just a number of the sources that we rely on for leads.  
9 Again, once we have those leads then we identify, or serve them  
13:22:34 10 to identify the actual victim and witness themselves.

11 Q. Now, may I refer you to pages 11 to 18 of your report?

12 This is basically for notice, just referring to those pages.

13 Now, you have at page 18 - starting, sorry, from page 11.

14 Starting from page 11, you have documentation of crimes against  
13:23:21 15 civilians in Sierra Leone, is that correct?

16 A. That is correct.

17 Q. Now, can you identify for the Court which one of the  
18 earlier human rights reports that you relied on in support of  
19 this part of your report?

13:23:36 20 A. Yes, that was "Sowing terror: Atrocities against civilians  
21 in Sierra Leone", which was released by Human Rights Watch in  
22 July 1998. As I mentioned, this report I did not research and/or  
23 write. This was done prior to my engagement with Human Rights  
24 Watch.

13:23:59 25 Q. And you did not take part in the production of this, you  
26 have said?

27 A. No, but I am familiar with the findings and, as I  
28 mentioned, the researcher, whom I know, who conducted this  
29 investigation followed the same methods and it is underscored by



1 the same principles of Human Rights Watch.

2 MR BANGURA: Can the witness be shown the document in tab  
3 5, please:

4 Q. Now, just for identification purposes, Ms Dufka, the  
13:25:40 5 document shown to you is entitled "Sowing Terror: Atrocities  
6 against civilians in Sierra Leone". Is that the document that  
7 you have referred to which is sourced - which you used to source  
8 this part of your report?

9 A. Yes, it is.

13:25:57 10 Q. Now, did you use, or did you refer to, any other documents  
11 produced by Human Rights Watch to source this portion of your  
12 report?

13 A. No, I did not.

14 Q. Now, let me refer you to appendix 2 - sorry, no, pages 18  
13:26:19 15 to 21.

16 A. Okay, can I have my own notes and versions of these reports  
17 at this point?

18 Q. We would rather go by the versions that are before the  
19 Court at this stage.

13:26:39 20 A. It is the same version. It is just that since I am dealing  
21 with a lot of information I have highlighted so that it will make  
22 my presentation more concise. It is the same exact version, but  
23 only with --

24 MR MUNYARD: Madam President, with great respect it does  
13:26:55 25 not sound as though it is the same exact version if it has got  
26 annotations, markings and anything of any sort and so I object.

27 PRESIDING JUDGE: Well, Mr Bangura seems to agree with you.  
28 He has made no effort to have it before the witness and I agree  
29 with Mr Bangura and yourself.

1 THE WITNESS: I am sorry, is a witness not allowed to have  
2 - an expert witness not allowed to have their own notes?

3 PRESIDING JUDGE: There is a ruling, Ms Dufka. Please  
4 don't challenge me.

13:27:24 5 THE WITNESS: I am sorry.

6 MR BANGURA: You will use the versions of the report with  
7 the Court that has been filed.

8 MR MUNYARD: And the witness has not yet been determined to  
9 be an expert.

13:27:40 10 MS IRURA: Mr Bangura, to which document are you referring?

11 MR BANGURA: I am referring to MFI-1, I believe, the first  
12 document that we identified, and I am referring the witness to  
13 pages 18 to 21 of that document:

14 Q. At page 18 and through to 21 you have documented crimes  
15 against civilians in Liberia, is that correct?

13:28:21

16 A. That is correct.

17 Q. Right. Now, could you say which one of Human Rights  
18 Watch's reports, that you have spoken widely of here this  
19 morning, you used to source this part of your report?

13:28:37

20 A. That would be "Back to the Brink", a report that we  
21 published in 2002.

22 PRESIDING JUDGE: Mr Bangura, I note the time and so if  
23 your next question is short, all right. If it is long, we will  
24 break now.

13:28:53

25 MR BANGURA: Your Honours --

26 PRESIDING JUDGE: That is convenient.

27 MR BANGURA: I will probably just end at this stage and we  
28 will pick it up from this point when we get back.

29 PRESIDING JUDGE: Thank you, Mr Bangura.

1 Madam Witness, this is the lunchtime adjournment. We take  
2 one hour lunch break. As you are under oath I would remind you  
3 that you should not discuss your evidence with anyone until it is  
4 completed. We will adjourn to 1.30. Please adjourn the Court.

13:29:29 5 I am sorry, I am allowing you an hour, 2.30.

6 [Lunch break taken at 1.30 p.m.]

7 [Upon resuming at 2.30 p.m.]

8 PRESIDING JUDGE: Mr Bangura, just before you resume your  
9 cross-examination I will check what the situation is about the  
14:29:04 10 numbering of these pages. Has anything been sorted out?

11 Mr Munyard, it was everybody's problem, including yours.

12 MR MUNYARD: Madam President, I've been in purdah since the  
13 Court rose and so the Court Manager wasn't able to speak to me  
14 until about two minutes ago. We'll try and make sure that we're  
14:29:24 15 all working from documents that have the same page numbers, but  
16 all I rose to do earlier today was to make it plain to the Court  
17 that if any confusion did arise that was the reason. I am  
18 confident that we can deal with these sorts of problems in a  
19 practical way.

14:29:39 20 PRESIDING JUDGE: I have no doubt at all that we'll be able  
21 to resolve it without any trouble. Mr Bangura, please proceed.

22 MR BANGURA: Thank you, your Honour.

23 Q. Good afternoon, Ms Dufka.

24 A. Good afternoon.

14:30:07 25 Q. We shall pick up from where we left off but just before  
26 that, your Honours, I believe a second document was identified by  
27 the witness and I haven't yet moved the Court for that document  
28 to be marked for identification. I believe that document was --

29 PRESIDING JUDGE: That's the document which on the front

1 page has, the top heading "Sierra Leone" and a subheading "Sowing  
2 Terror."

3 MR BANGURA: Correct, your Honour. It came from tab 5.  
4 Your Honour, may I apply that this document be marked for  
14:30:45 5 identification.

6 PRESIDING JUDGE: It will be marked for identification as  
7 MFI-2.

8 MS IRURA: That is correct, your Honour.

9 PRESIDING JUDGE: Thank you. Please proceed, Mr Bangura.

14:30:59 10 MR BANGURA:

11 Q. Ms Dufka, just before the break I believe another document  
12 had been shown to you which you identified. Is that correct?

13 A. I'm sorry, are you referring to a document other than  
14 "Sowing Terror".

14:31:11 15 Q. Yes.

16 A. And other than my reports?

17 Q. Yes.

18 A. I'm not clear on what that document is.

19 Q. Okay. I may probably be trying to jump the gun.

14:31:27 20 PRESIDING JUDGE: Mr Bangura, my recollection is the last  
21 document shown to the witness was Human Rights Watch report with  
22 the large heading. It has now been marked MFI-2.

23 MR BANGURA: Yes, I recall now, your Honour. I think I was  
24 going to show the witness another document and that's where we  
14:31:43 25 finished up.

26 Q. May I ask - Ms Dufka, you did - I did draw your attention  
27 to pages 18 to 21 of your report which is MFI-1. Is that  
28 correct?

29 A. Yes.

1 Q. And you did confirm for the Court that this section of your  
2 report covers human rights abuses or crimes against civilians in  
3 Liberia. Is that correct?

4 A. I'm sorry, can you repeat the page number?

14:32:19 5 Q. Pages 18 to 21.

6 A. Okay, thank you. Yes.

7 Q. And the question was which one of the human rights reports,  
8 Human Rights Watch reports, you had used to source your report,  
9 this section of your report?

14:32:42 10 A. Yes, that would be "Back to the Brink" which was published  
11 in 2002 and a few other shorter documents including a press  
12 release and perhaps another - some sort of other advocacy  
13 document. I don't recall which one it was.

14 MR BANGURA: May the witness be assisted and shown the  
14:33:10 15 document in tab number 15, please.

16 Q. Do you recognise the document shown to you?

17 A. Yes, I do.

18 Q. And that's one of the documents that you used to source  
19 this part of your report. Is that correct?

14:34:31 20 A. That is correct.

21 Q. Now you mentioned other documents, there may be press  
22 releases and some other documents of some other description. Are  
23 you able to recall any at this point?

24 A. Not specifically the dates that they were released. I  
14:34:46 25 believe there was one shortly before and shortly after this one.  
26 Perhaps if I could look at the list of publications in my CV I  
27 could be reminded.

28 Q. Please do so.

29 A. One of them was a document entitled "Liberian refugees in

1 Guinea: Refoulement, Militarisation of Camps and Other  
2 Protection Concerns", published in November 2002. That is one.

3 MR MUNYARD: Can I ask that these documents be identified  
4 if they are in the large bundle by their tab reference, please?

14:35:50 5 PRESIDING JUDGE: That would indeed be helpful.

6 MR BANGURA: I was going to go into that after the witness  
7 identified the number of documents that she's used to source her  
8 report, but if it makes for tidiness I shall refer to them as  
9 they're referred to by the witness.

14:36:08 10 THE WITNESS: I'm sorry, should I wait?

11 MR BANGURA: Your Honours, I did not want to disturb the  
12 flow of - the witness's flow and recollection.

13 Q. Can you go on to the next one, please?

14 A. There's just one more at any rate which is Human Rights

14:36:25 15 Watch letter and press release from July 29th 2002, "Liberia:  
16 Deteriorating Human Rights Situation in Liberia."

17 MR MUNYARD: Tab number?

18 MR BANGURA: I'm just getting to that. Your Honours, the  
19 witness has referred to document in tabs number 21 and 22. May I  
14:36:59 20 ask that these documents be shown to the witness in the order in  
21 which they have been referred to. First the document in tab  
22 number 21.

23 THE WITNESS: 21 is correct. 22 is not. This one refers  
24 to recruitment of ex-child soldiers in Cote d'Ivoire.

14:37:55 25 MR BANGURA: I'm sorry, your Honours. That's my error.  
26 It's 21 and 20. It's going backwards. It's 21 and 20. Madam  
27 Court Manager, please, it's 21 and 20.

28 THE WITNESS: Yes. This is the document I mentioned.

29 MR BANGURA:

1 Q. So in addition to the document - well, the earlier document  
2 you referred to, "Back to the Brink", you also sourced this  
3 portion of your report with these two other documents. Is that  
4 correct?

14:38:58 5 A. That's correct.

6 MR BANGURA: Your Honours, I respectfully ask that the  
7 documents, I will refer to them one after the one, be marked for  
8 identification. First the human rights report - the document in  
9 tab number 15.

14:39:19 10 PRESIDING JUDGE: That is the document "Back to the Brink,  
11 War Crimes By Liberian Government and Rebels." That will be  
12 MFI-3.

13 MR BANGURA: And next is the document in tab number 21.

14 PRESIDING JUDGE: Document entitled "Liberian Refugees in  
14:39:45 15 Guinea: Refoulement, Militarisation of Camps and Other  
16 Protection Centres" will be marked for identification 4.

17 MR BANGURA: And the third in the series will be the  
18 document in tab number 20.

19 PRESIDING JUDGE: That is the document entitled  
14:40:02 20 "Deteriorating Human Rights Situation in Liberia." That will be  
21 marked for identification MFI-5.

22 MR BANGURA: Thank you, your Honour.

23 Q. Now I would like to refer you, Ms Dufka, to appendix 2 of  
24 your report and that's on page --

14:40:47 25 A. It's 9721 I think.

26 Q. 9721 as marked by Court Management. Now this part of your  
27 report provides a list of some of the - your earlier publications  
28 for Human Rights Watch which you have referred to already in this  
29 Court. Is that correct?

1 A. That's correct.

2 Q. Now can you just identify for our purposes here which ones  
3 of these you produced yourself and if there are any that you did  
4 not and let the Court be - let the Court be aware?

14:41:35 5 A. Should I read through them or just note the ones where I  
6 didn't produce them?

7 Q. The ones that you produced and you could speak on those  
8 that you did not produce as well. Basically just identify the  
9 ones you produced?

14:41:47 10 A. All right. The first one, "Rebel Atrocities Against  
11 Civilians in Sierra Leone" is based on my own research and  
12 writing. "Sierra Leone: Getting Away Murder, Mutilation and  
13 Rape" I researched and wrote. "Sierra Leone: Government Bombing  
14 Causes Civilian Deaths" I researched and wrote. "Sierra Leone:  
14:42:07 15 New Evidence of Atrocities in Sierra Leone" I researched and  
16 wrote.

17 Moving on to the next page now, "Sierra Leone: Sexual  
18 Violence Within the Sierra Leone Conflict" I researched and  
19 wrote. "Liberia: Back to the Brink, War Crimes By Liberian  
14:42:31 20 Government and Rebels" I worked with one other researcher from  
21 Human Rights Watch on that report. We researched and wrote that  
22 together. "Liberia: Deteriorating Human Rights Situation in  
23 Liberia", I researched and wrote that. "Liberian Refugees in  
24 Guinea, Refoulement, Militarisation of Camps and Other Protection  
14:42:56 25 Centres" I worked with one other researcher with that who  
26 assisted with research and writing.

27 On to the third page, "Cote d'Ivoire: Ex-child Soldiers  
28 Recruited For War", I researched and wrote that. Human Rights  
29 Watch report "Youth, Poverty and Blood, The Lethal Legacy of West



1 Africa's Regional Warriors" I researched and wrote. "Sowing  
2 Terror, Atrocities Against Civilians in Sierra Leone", I did not  
3 research that nor did I write that. "We'll Kill You If You Cry,  
4 Sexual Violence in the Sierra Leone Conflict" I assisted with the  
14:43:34 5 research but I did not write that report.

6 Q. Thank you. Now at pages 24 to 26 of your report, this is  
7 part 2, you deal with the topic "The Subregional Dynamic of West  
8 African Conflicts." Is that correct?

9 A. That's correct.

14:44:12 10 Q. And in that part of your report you try to identify certain  
11 common patterns that are apparent in conflicts in not only Sierra  
12 Leone and Liberia but in countries within West Africa that have  
13 been embroiled in conflict. Is that right?

14 A. Yes.

14:44:34 15 Q. Now are there any common patterns that you identified?

16 A. Yes, that is dealt with in another part of my report as  
17 well.

18 Q. Okay.

19 A. Should we refer to that now?

14:44:47 20 Q. Yes, I'd like you to refer the Court to the report that you  
21 produced that supports your findings in this research?

22 A. Okay.

23 Q. Just refer to the report?

24 A. Okay. That report is "Youth, Poverty and Blood" which was  
14:45:02 25 released in 2005.

26 MR BANGURA: Your Honours, that document is in tab 23.

27 Could the witness be shown the document in tab 23, please.

28 THE WITNESS: Yes, this is the report I just referred to.

29 MR BANGURA: Your Honours, I move that document be marked

1 for identification.

2 PRESIDING JUDGE: The document entitled "Youth, Poverty and  
3 Blood, The Lethal Legacy of West Africa's Regional Warriors" is  
4 MFI-6 marked for identification.

14:46:18

5 MR BANGURA:

6 Q. Now in this work that you produce you, as mentioned  
7 earlier, you identify certain patterns in conflicts not only in  
8 Sierra Leone and in Liberia but in other West African countries.  
9 Is that correct?

14:46:29

10 A. That's correct.

11 Q. Now from the point of view of pattern of abuses which are  
12 perpetrated in these conflicts was there any common thread that  
13 you were able to establish in these situations of conflict?

14 A. Yes.

14:46:45

15 Q. Would you like to discuss your findings?

16 A. Yes. Firstly I would like to speak for one moment, if I  
17 may, about the motivation for conducting the research in that  
18 report. There were a number of factors. One of them was trying  
19 to understand the roots of the exceptional brutality which has  
20 characterised the conflicts in Liberia, Sierra Leone, Cote

14:47:15

21 d'Ivoire and elsewhere in the region. Secondly, I was trying to  
22 identify the methods, if any, of mitigating those violations,  
23 that is what kind of oversight the commanders from the various  
24 different state and non-state actors exerted upon the military  
14:47:44 25 forces to mitigate human rights abuses. Thirdly, I was trying to  
26 identify what kind of failures of the state, that is of the  
27 governments which had reigned in Liberia, Sierra Leone,  
28 particularly the role that they had played, the role that the  
29 betrayal of their own populations had played in fomenting the

1 roots which gave rise to armed conflict in the region.

2 That research was based on interviews with some 60 former  
3 combatants, primarily from Liberia and Sierra Leone, who had  
4 fought in at least two armed conflicts within the region. That  
14:48:36 5 was the criteria for me interviewing those individuals. The  
6 findings were numerous. They are in - illuminated in the  
7 entirety of that report, but in general what I found was that  
8 there was a striking lack of distinction in terms of the fighting  
9 forces between military and civilian targets, there was a  
14:49:06 10 tendency to met out very lethal collective punishment against  
11 populations which were believed by one warring faction or the  
12 other to support the opposing force. Also there was very little  
13 effort on the part of the command structures to either instill  
14 discipline or hold accountable members of warring factions which  
14:49:45 15 had been implicated in human rights abuses.

16 I also found that very few of armed combatants had received  
17 any kind of training in the laws of war. Also notable was that a  
18 high number or a high percentage of those who had joined the  
19 first armed conflict had done so after having been forcefully  
14:50:15 20 recruited, but that subsequent conflicts they joined voluntarily,  
21 primarily with the motive of achieving some sort of financial  
22 reward. The report also went into failures of the disarmament  
23 program to address some of the needs of former combatants.

24 Q. Thank you. Ms Dufka, the report, as you've noted, or as it  
14:50:47 25 states, came out in April 2005. Correct?

26 A. Yes.

27 Q. But your research on this subject reflected periods before  
28 this time. Is that correct?

29 MR MUNYARD: I'd be grateful if my learned friend wouldn't

1 lead on issues like this. We're already straying into territory  
2 way beyond this indictment, for example disarmament processes,  
3 and I'd be grateful if this examination-in-chief or direct  
4 examination, whatever you want to call it, is restricted to  
14:51:22 5 issues that go to the matters this tribunal has to decide.

6 PRESIDING JUDGE: Yes, Mr Bangura, there has been leading  
7 before, it's not been objected to but there is an objection  
8 lodged now and I will uphold that objection. You must not lead  
9 on these issues.

14:51:41 10 MR BANGURA: I take the point, your Honour.

11 Q. Did this report reflect on periods before the date on which  
12 it was produced?

13 A. Yes, it was looking at the trajectory that the 60  
14 combatants had gone in their careers, if you will, as armed  
14:52:01 15 combatants. Going from the early 80s, 1980s, until 2004, I would  
16 say, 2004. And that research has continued and manifested in  
17 other documents I have produced on cross-border recruitment of  
18 Liberian ex-combatants by the Ivorian government.

19 Q. In your research did you come up with any findings to do  
14:52:37 20 with root causes of these conflicts or common causes - common  
21 root causes to these conflicts?

22 A. Yes. Very generally the governments within the countries  
23 from which these young combatants hailed have been characterised  
24 by state failure, massive corruption, inequitable distribution of  
14:53:07 25 resources and impunity and this has resulted in cycles of poverty  
26 and war and other forms of social discontent.

27 MR BANGURA: Your Honours, I respectfully move that this  
28 document be marked for identification. That's the document from  
29 tab 23.

1 PRESIDING JUDGE: Sorry, which document are you referring  
2 to, Mr Bangura?

3 MR BANGURA: I'm sorry. The document in tab 23, your  
4 Honour, Human Rights Watch report West Africa, "Youth, Poverty  
14:53:56 5 and Blood."

6 PRESIDING JUDGE: We've already marked it for  
7 identification as MFI-6. This is the front cover, isn't it, to  
8 make sure we're talking about the same thing?

9 MR BANGURA: That's right, your Honour.

14:54:12 10 Q. In part 3 of your report, and that runs from page 27  
11 through to page 30, the caption there is "Liberia's Involvement  
12 in Sierra Leonean Armed Conflict", you provide eyewitness  
13 accounts of the presence and involvement of Liberians in the war  
14 in Sierra Leone between 1991 and 2002. Is that correct?

14:54:48 15 A. That's correct.

16 Q. Now which of your earlier publications for Human Rights  
17 Watch did you rely on as sources for these findings?

18 A. These interviews noted here were done in the course of my  
19 research for "Youth, Poverty and Blood."

14:55:07 20 Q. When you say these interviews?

21 A. The interviews on pages 27 and 28 of my report to the  
22 Special Court, Office of the Prosecutor.

23 Q. All right, thank you. You have stated that an important  
24 feature of Human Rights Watch reports is to make recommendations  
14:55:29 25 in these reports and these recommendations are directed at  
26 various parties found to be responsible in some cases for the  
27 atrocities that are committed. Is that correct?

28 A. That's correct.

29 Q. Now how is this information usually - the findings in the

1 reports, actually brought to the attention of the parties that  
2 are named in them?

3 A. As I mentioned earlier, the wide dissemination of our  
4 reports is an important strategy for us aimed at making known the  
14:56:22 5 findings of our reports. Now part of that strategy is sending  
6 the report to the parties in question, that is the state and  
7 non-state actors as well as various other actors who are involved  
8 in either the perpetration or the support of groups which are  
9 involved in the commission of human rights abuses. What that  
14:56:50 10 means is that generally speaking we send the report - a copy of  
11 the report to the government and/or one of the UN or diplomatic  
12 missions in the United States or England or the various different  
13 capital which happens to have a relationship with the given  
14 country. In other words if it was Cote d'Ivoire they would be  
14:57:16 15 sent to France. In the case of Liberia and Sierra Leone we  
16 generally try to send those reports to the diplomatic missions in  
17 the United States and the United Kingdom.

18 Also we, as I mentioned, send our reports to journalists,  
19 international and national journalists, and then rely on and  
14:57:45 20 usually experience a wide dissemination within the media of the  
21 findings of our report, usually in the form of an article or a  
22 radio or television report characterising the findings.

23 So it is primarily in those two ways that we disseminate  
24 and make known our information. Often that is followed up with  
14:58:11 25 meetings with key actors who we believe could influence in a  
26 positive way on the improvement of human rights.

27 Q. You mentioned somewhere in your report that between 1989  
28 and 2006 there were as many as 72 different publications from  
29 Human Rights Watch on the human rights development in Liberia.

1 Is that correct?

2 A. That's correct.

3 Q. And as regards Sierra Leone there were - between 1997 to  
4 2002 there were as many as 73 reports produced by Human Rights  
14:58:59 5 Watch regarding the situation as well in Sierra Leone. Is that  
6 correct?

7 A. Yes.

8 Q. Now with regards --

9 PRESIDING JUDGE: Mr Bangura, you're definitely leading  
14:59:07 10 there, so I've already --

11 MR MUNYARD: Madam President, if Mr Bangura is going to  
12 lead, and he shouldn't, then would he at least lead accurately.  
13 I don't know whether this witness is saying that there are 73  
14 reports or 73 documents. She has distinguished between reports,  
14:59:25 15 press releases and letters already. Is that what she's talking  
16 about or is it reports? It's not clear from Mr Bangura's leading  
17 question.

18 PRESIDING JUDGE: I re-emphasise Mr Bangura, you've been  
19 told not to lead in this particular - and you've not been  
14:59:42 20 released from that, so please do not lead.

21 MR BANGURA: Your Honours, the position is that the witness  
22 has produced her report for the Court and at this stage I am  
23 dealing with the report that this witness has produced and in the  
24 interests of economy of the Court's time, your Honour --

15:00:02 25 PRESIDING JUDGE: Number one is justice and a fair trial.  
26 You will not lead until you are told you can.

27 MR BANGURA: I will abide by the rule, your Honour.

28 Q. Ms Dufka, you did mention a short while ago a certain  
29 number of documents that have been produced by Human Rights Watch

1 regarding the human rights development in Liberia. Is that  
2 correct?

3 A. Yes, I had earlier defined documents that Human Rights  
4 Watch produces as a number of different type of document. I said  
15:00:37 5 reports, briefing papers, press releases, op-eds and letters.  
6 These are all documents. I didn't distinguish - necessarily go  
7 into more detail than that. In the course of Human Rights  
8 Watch's engagement with Sierra Leone we have produced - I believe  
9 it's either 72 or 73 and in the case of Liberia it's 73 or 72. I  
15:01:00 10 can't remember because I don't have it in front of me. I did not  
11 write every single one of those, as I've mentioned. I have  
12 detailed here many of those that I have written, but that list  
13 that is included in the report is not exhaustive.

14 Q. Now as regards the documents that were produced in relation  
15:01:20 15 to Liberia are you able to say if at all whether they were  
16 brought to the attention of the relevant authorities referred to  
17 in the reports, specifically here the government of Liberia?

18 A. I cannot say definitely that every single one of those  
19 documents was sent directly to the government of Liberia. What I  
15:01:41 20 can say, it is our usual practice to send those reports to the  
21 government either in the country if that is possible and feasible  
22 given logistics or to the diplomatic missions in the respective  
23 countries.

24 Now I can further say that whilst I was researching human  
15:02:06 25 rights conditions in Liberia it was difficult getting reports  
26 into Liberia. The mail system was dysfunctional, email wasn't up  
27 and running as it is now and fax machines were spotty. I know we  
28 attempted on a few occasions to get reports into Liberia, that is  
29 delivering them. I do not believe that they were successful. So



1 to the best of my understanding those reports were sent to the  
2 Liberian mission in the United States.

3 I also want to be clear on the fact that sending them to  
4 the diplomatic mission in the United States was not my  
15:02:47 5 responsibility seeing as I was based in Freetown. That would  
6 have been the responsibility of individuals working within the  
7 Africa division and the communications divisions in New York and  
8 Washington DC.

9 Q. Now it is the case - in any of the reports that were  
15:03:08 10 produced is there any reference or any recommendation that was  
11 made - here I'm referring to reports produced on Sierra Leone, is  
12 there any part of any recommendation that referred to the  
13 government of Liberia at any stage?

14 A. Yes, I recall one of our reports, I cannot recall which  
15:03:31 15 one, but I do recall that there was a recommendation on Liberia  
16 respecting an arms embargo to the rebels in Sierra Leone.

17 Q. And you say you would not recall which of those reports?

18 A. I'm sorry, I can't recall which one.

19 MR BANGURA: Could the witness be shown the document in tab  
15:03:57 20 number 2.

21 THE WITNESS: It wasn't in this one.

22 MR BANGURA:

23 Q. Do you - in the recommendation section of that report is  
24 there any reference there to the government of Liberia?

15:05:07 25 A. No, in that case it might have been "Sowing Terror."

26 MR BANGURA: Can the witness then be shown MFI-2.

27 Q. Is there a reference in the recommendations in this report  
28 to the government of Liberia?

29 A. Yes.

1 Q. And that could be found on --

2 A. Page 8 of the report.

3 MR BANGURA: Your Honours, page 8 of document MFI-2. Could  
4 that page be put up on the monitor, please.

15:06:50 5 Q. Now, would you like to read the portion of that - the  
6 recommendation there that refers to the government of Liberia in  
7 relation to events that were occurring in Sierra Leone at the  
8 time?

9 A. Okay.

15:07:06 10 "The government of Liberia should respect the international  
11 arms embargo against the AFRC/RUF and assure that Liberia is not  
12 used as a point of supply or transit for combatants, arms,  
13 ammunition, food or other supplies to support the AFRC/RUF. To  
14 this end, President Charles Taylor should facilitate border  
15 monitoring by ECOMOG. The government should investigate, arrest  
16 and hold accountable anyone on Liberian territory engaged in arms  
17 trafficking or other support to the AFRC/RUF."

18 Q. Now this recommendation would be based on a finding in the  
19 report of matters that are raised in it. Is that correct?

15:08:01 20 A. Yes, in principle and I believe that report does make  
21 reference to interviews that were conducted in and around refugee  
22 camps in northern Liberia in which the interviewees noted  
23 interaction between Sierra Leonean rebels and Liberians.

24 Q. Now to your knowledge was this report, in the context of -  
15:08:32 25 within the context of your explanation recently about how  
26 distribution of your reports is done, to your knowledge would you  
27 know whether this document was brought to the attention of the  
28 government of Liberia as they are named in there?

29 A. As I mentioned that would be the intent of our

1 organisation, to ensure that a copy of this report is delivered  
2 to the embassy, Liberian embassy in the United States in  
3 Washington DC or the UN mission - Liberian UN mission in New  
4 York. As I mentioned, this was before I joined Human Rights  
15:09:13 5 Watch so I cannot say with 100 per cent certainty that that was  
6 the case, but that is usually the procedure. Of course that's  
7 the objective of our organisation, is achieving change and  
8 improvement in the human rights situation so we try at all - by  
9 all means to ensure that our reports are widely distributed,  
15:09:33 10 particularly to the protagonists in an armed conflict.

11 Q. Still with document MFI-2, and that's "Sowing Terror", may  
12 I refer you to pages 11 to 18 of your report - your report I'm  
13 referring you to.

14 A. Yes.

15:10:00 15 Q. And we shall be dealing with MFI-2 in the process. Come  
16 back to the findings of the "Documentation of Crimes Against  
17 Civilians in Sierra Leone" and you have told this Court already  
18 that this part of your report is sourced by primarily the  
19 document MFI-2. Is that correct?

15:10:33 20 A. That's correct.

21 Q. That is "Sowing Terror." Now this section of your report -  
22 the report itself came out in 1998, July 1998. Is that correct?

23 A. That's correct.

24 MR MUNYARD: Madam President, I rise at this point to -  
15:11:02 25 because this illustrates very well the principles that I raised  
26 in my objection. Pages 18 onwards of this section of this report  
27 which is now being asked about are headed "Documentation of  
28 Crimes Against Civilians in Liberia." What has that got to do  
29 with this indictment that charges the accused with crimes in

1 Sierra Leone?

2 MR BANGURA: Your Honours, I may have misstated the pages  
3 but I was referring to pages 11 --

15:11:41

4 PRESIDING JUDGE: My notes are it was pages 11 to 18 and  
5 pages 11 --

6 MR MUNYARD: I'm sorry if I've misheard that and only heard  
7 the last bit which is 18.

8 PRESIDING JUDGE: And page 11 the heading is "Crimes  
9 Against Civilians in Sierra Leone".

15:11:57

10 MR MUNYARD: In that case I will sit down, but I'm sure you  
11 take my point when we reach page 18.

12 PRESIDING JUDGE: It has been noted, Mr Munyard.  
13 Mr Bangura, you've crept into leading again.

15:12:14

14 MR BANGURA: I did not understand my learned friend's  
15 objection as relating to leading.

16 PRESIDING JUDGE: Mr Munyard has corrected himself and  
17 there is no objection on record at the moment, but he has  
18 prophesied one.

19 MR BANGURA: Thank you.

15:12:37

20 Q. Now we did say that the report came out in July 1998?

21 A. Yes.

22 Q. Now what period - what was the background to this report  
23 coming out at that time in the context of the war in Sierra  
24 Leone?

15:12:53

25 A. Are you referring to a background section in our report or  
26 in general the background of the research?

27 Q. The background which could very well be a background  
28 section in your report, but the background to the situation at  
29 the time the report was prepared?

1 A. Okay. All of our longer reports - all of our reports  
2 include what we call a background section which endeavours to  
3 provide some of the recent history and the context within those -  
4 within which the abuses that we later document in the report take  
15:13:46 5 place. This report of course had a background section in which  
6 we gave a brief history of the war in Sierra Leone as starting in  
7 1991, the motives for the war, the underlying dynamics and so on.  
8 From there we lead into the findings of the report with respect  
9 to the events which occurred primarily after the RUF and AFRC  
15:14:21 10 were dislodged from political power, that is from Freetown,  
11 Kenema and other towns in the primarily south and retreated up  
12 into the north. So the report details and concentrates on abuses  
13 committed from February when the AFRC/RUF were dislodged from  
14 Freetown until approximately June 1998.

15:14:54 15 Q. Now who conducted investigations for this report?

16 A. This report was researched and written --

17 Q. You may not call the name of the author if that's  
18 confidential?

19 A. It's in the report. It's researched and written by an  
15:15:12 20 individual named Scott Campbell who was a consultant for the  
21 Africa division of Human Rights Watch at that time.

22 Q. As you've said this was before you joined the organisation?

23 A. Yes.

24 Q. Now the title of the report is "Sowing Terror, Atrocities  
15:15:43 25 Against Civilians in Sierra Leone." Does the title depict  
26 anything about the nature of the atrocities that were caused or  
27 were being caused at all in Sierra Leone at the time?

28 A. Yes, the title "Sowing Terror" was chosen by the author  
29 after having noted through the scores of interviews which he

1 conducted for this research that the element of fear and terror  
2 among the civilian population was a very prominent feature. He  
3 went on to describe in the report patterns of very serious human  
4 rights abuses by all sides, but primarily by members of the rebel  
15:16:39 5 factions once they had been dislodged from the political power  
6 and moved into northern Sierra Leone.

7 It described - and I don't know if I have mentioned this  
8 before with respect to Human Rights Watch reports, but one of the  
9 features of our reports, one of the objectives of our work, is to  
15:17:06 10 use the voice of the victim and witness themselves as they have  
11 experienced the abuse in question. We feel that this lends  
12 credibility to our work because we are including a written  
13 version of what the victim or witness said. So this report, like  
14 nearly all of our reports, includes numerous testimonies taken  
15:17:39 15 during the research of victims and witnesses to very serious  
16 atrocities.

17 The element of terror was noted in a number of these  
18 interviews. The notion of the random nature of targeting  
19 individuals was one of those elements that lent itself to  
15:17:59 20 civilians feeling terrorised, as well as the sheer number of  
21 people who were effected as well as the targeting of all  
22 different ages and ethnic groups and types of people, as well as  
23 targeting individuals without asking any questions or trying to  
24 even determine what their political or other orientation might  
15:18:28 25 have been, as if that might have protected them in some way.

26 Q. Thank you. Now the report focuses on a number of locations  
27 in Sierra Leone where these human rights violations took place.  
28 Is that correct?

29 A. Yes. This report concentrates on events which took place

1 in Kono District. There are a number of particular places that  
2 are noted in the report. Shall I list them?

3 Q. Yes, please do. Could we try and spell them as you list  
4 them?

15:19:06 5 A. Sure. These include Koidu Town, that is K-O-I-D-U. It  
6 includes Tombodu Town or village, T-O-M-B-U-D-U. Sinegoro,  
7 S-I-N-E-K-O-R-O. Jagbwema Faiama, two words, first word is  
8 J-A-B-W-E-M-A, second word F-A-I-A-M-A and the last is Njaiama  
9 Sewafe which is N-J-A-I-A-M-A, second word S-E-W-A-F-E, among  
10 others. One of the others was Gbense, GBENSE.

11 Q. And these are locations, as you've said, within Kono  
12 District. Is that right?

13 A. To the best of my knowledge.

14 Q. Now the report catalogues a number of human rights abuses  
15:20:24 15 that were committed against civilians in these areas. Is that  
16 right?

17 A. That's right.

18 Q. Would you like to briefly name - go through those abuses  
19 that are catalogued?

15:20:39 20 A. Yes. I would also like to preface that by saying that, as  
21 in all of our reports, this report documented abuses by both  
22 warring sides. The vast majority, as has been noted, were  
23 committed by the AFRC/RUF which I will note just now. The others  
24 were committed by the Civil Defence Force militias, primarily the  
15:21:07 25 Kamajors and to a lesser extent ECOMOG.

26 So with respect to the AFRC/RUF rebels the types of  
27 atrocities included mutilations. Mutilation of hands, fingers,  
28 feet, ears. The mutilation appeared to be an effort to punish  
29 civilians for their alleged or perceived support of the

1 government. Then there was widespread rape of girls I believe as  
2 young as 10. I can't recall now the youngest interviewee in that  
3 report, but it was around that age. And abduction of large  
4 numbers of civilians, including girls and women for the purpose  
15:22:01 5 of sexual slavery and boys and men for the purposes of forced  
6 recruitment into the military service.

7 It also includes accounts of disembowelment of the foetuses  
8 from pregnant women as well as razing of villages, particularly  
9 in Tombodu, and massacres and extrajudicial executions in again  
15:22:36 10 Tombodu as well as Koidu Town.

11 With respect to the Civil Defence Force militias, primarily  
12 the Kamajors which are allied to the Mende ethnic group, they  
13 also committed very serious human rights violations but on a much  
14 lesser scale. This is noted in our report. These violations  
15:22:59 15 were primarily focused at combatants or perceived combatants.

16 They included the execution of RUF and AFRC prisoners including  
17 in particularly horrific ways, like by putting tyres around them  
18 and burning them or burning them alive and then disembowelling  
19 them. It also included - the report included a number of reports  
15:23:25 20 of cannibalism by the Kamajor militias. The CDF also engaged in  
21 the use and recruitment of child soldiers.

22 With respect to ECOMOG it noted that the ECOMOG shelling of  
23 Freetown during the process of dislodging the rebels was at times  
24 indiscriminate and resulted in numerous civilian casualties.

15:23:57 25 Q. Are you able to say in what context the crimes that were  
26 committed by these forces, especially the RUF and AFRC which you  
27 have mentioned committed the greatest quantities of these crimes,  
28 are you able to say in what context they committed them?

29 A. These atrocities were committed within the context of two



1 operations, two military operations, which had - which were  
2 loosely called Operation Pay Yourself during which there was also  
3 quite massive looting and pillage of the civilian population. I  
4 forgot to mention that when I was cataloguing the abuses. The  
15:24:44 5 other one was Operation No Living Thing. Those were the - that  
6 was the context. As I mentioned before, these abuses were  
7 committed after the RUF and AFRC had been dislodged from  
8 political power and they appeared to be blaming the civilian  
9 population in a form of collective punishment for having lost  
15:25:10 10 political power.

11 Q. And these two operations that you mentioned occurred within  
12 the time frame of the research and production of this report. Is  
13 that correct?

14 A. Yes. They were launched roughly February/March 1998 and  
15:25:29 15 then at least in Kono, which was the focal point of this  
16 investigation, appeared to come to an end in late April or May  
17 when the ECOMOG and Kamajor forces retook Koidu Town. It also  
18 noted the number of civilian wounded as being about 507. I think  
19 if I can remember correctly about 425 or so wounded civilians had  
15:26:02 20 been treated in three of Sierra Leone's hospitals and the rest  
21 had been treated in Guinea. These interviews - the vast majority  
22 of the interviews of victims and witnesses were conducted not in  
23 Sierra Leone but in refugee camps in Guinea and Liberia.

24 Q. Now you - in cataloguing the crimes that were committed  
15:26:39 25 against Sierra Leoneans and not just limiting yourself to the  
26 period covered by this report that we've just discussed, that is  
27 "Sowing Terror", you have in your report also referred to another  
28 report which we have identified already. That's "Getting Away  
29 With Murder, Mutilation and Rape"?

1 A. That's correct.

2 MR BANGURA: Your Honours, I'm referring to MFI - I'm not  
3 so sure we have identified that. It has not been identified as  
4 yet. I am referring to the document in tab number 2. Could the  
15:27:28 5 witness be shown the document in tab number 2, please.

6 THE WITNESS: Yes, that is "Getting Away With Murder,  
7 Mutilation and Rape", a document I researched and wrote.

8 MR BANGURA:

9 Q. You have in fact spoken of this report already?

15:28:01 10 A. Yes.

11 MR BANGURA: Your Honours, I wish to respectfully ask that  
12 this document be marked for identification.

13 PRESIDING JUDGE: That will be --

14 MR BANGURA: It's the document in tab number 2.

15:28:18 15 PRESIDING JUDGE: Yes. The document entitled "Getting Away  
16 With Murder, Mutilation and Rape, New Testimony from Sierra  
17 Leone" will be marked for identification MFI-7.

18 MR BANGURA:

19 Q. Now you state in your report that between 1999, that's when  
15:28:43 20 you took up office with Human Rights Watch, and 2001 you  
21 interviewed over 400 individuals in your research work generally.  
22 Is that correct?

23 A. That's correct.

24 Q. And some of these that you interviewed would be in relation  
15:29:03 25 to the report "Getting Away With Murder, Mutilation and Rape."  
26 Is that correct?

27 A. That's correct.

28 Q. When was that report produced?

29 A. The research for that report was done in April, May and

1 part of June 1999 and then it was written in June and released in  
2 June.

3 Q. And could you give the Court some background to the period  
4 - the background to the writing of that report, the period that  
15:29:49 5 it --

6 A. Yes. That report was an attempt to reconstruct in human  
7 rights terms what occurred in what we characterised in the report  
8 as the most intensive and concentrated period of human rights  
9 abuses in Sierra Leone's armed conflict. In the months leading  
15:30:10 10 up to this - the research and leading up to the offensive in  
11 January 1999 the rebels had moved across Freetown from the east,  
12 through Kono, Makeni, down into Masiaka, Waterloo and then down  
13 into Freetown. We include some of that background in our  
14 background section as well as the other information we usually  
15:30:40 15 include in the background section. But this report --

16 Q. Can I pause you for one moment. When you say the rebels,  
17 which group are you referring to when you say the rebels?

18 A. Well, we refer to the rebels in different ways in this  
19 report. We usually refer to them as RUF. There were elements of  
15:31:01 20 the SLAs or, rather, the AFRC, Armed Forces Revolutionary  
21 Council. At that point when this research was done and the  
22 report written the rebels were in the process of beginning a  
23 dialogue and negotiation process and they referred to themselves  
24 as one block, as the RUF rebels. But they are referred to in  
15:31:26 25 different ways also depending upon how they're identified by the  
26 victims and witnesses, which is sometimes RUF, sometimes SLA,  
27 sometimes AFRC, juntas and simply just rebels.

28 Q. Yes, you were giving us a background to this report?

29 A. Yes. The report was based on several hundred interviews

1 with victims and witnesses. I spent, as I mentioned, some two  
2 months conducting the research, in many cases going house to  
3 house, street to street through downtown Freetown as well as in  
4 the outer lying neighbourhoods where the majority of atrocities  
15:32:18 5 were committed.

6 In addition I interviewed government officials from the  
7 health ministry, from the housing ministry, morgue officials,  
8 military officials and other national and international  
9 organisations. There was a very, very broad spectrum of  
15:32:43 10 individuals interviewed for the production of this report, but  
11 the vast majority were victims and witnesses as you will see in  
12 the report which is full of scores of testimonies of those who  
13 suffered human rights abuses by all sides.

14 Q. Now I think you started, but I'm not sure - you started  
15:33:03 15 giving the Court some background in terms of the phase of the  
16 fighting in Sierra Leone within which the report - on which this  
17 report focuses. I'm not sure whether you completed that?

18 A. Yes. It appeared from the research to suggest that the  
19 rebels had - that their attack on Freetown was an attempt to  
15:33:25 20 retake political power that they had lost in 1998. They had  
21 started by launching a series of offensives against towns in the  
22 east and north of the country, as I mentioned primarily or most  
23 importantly Kono, Makeni, Masiaka and then Waterloo, before they  
24 came into Freetown.

15:34:06 25 The report includes the events of the takeover of great  
26 areas of Freetown, including, as I mentioned, downtown and the  
27 suburbs of Calaba Town, Wellington and Kissy and then the ensuing  
28 three week occupation of those areas by the rebel forces.

29 Q. Now you discuss quite a number of atrocities or human

1 rights violations that were committed during this period. Is  
2 that correct?

3 A. That's correct.

15:34:49

4 Q. Would you like to just simply discuss broadly which ones  
5 that you identify in this report?

15:35:16

6 A. Yes. As I mentioned, the offensive marked the most  
7 concentrated and intense period of human rights abuses in Sierra  
8 Leone's war. It brought to the capital city the same types of  
9 atrocious acts that had been committed in other parts of the  
10 country and some of which have been referred to in our report  
11 "Sowing Terror." It was characterised by systematic, widespread  
12 perpetration of numerous classes of human rights abuses against  
13 all different ages of people and both men and women and children  
14 of all ages.

15:35:44

15 The abuses included murder and numerous massacres. I  
16 documented numerous massacres of civilians by the rebel forces.  
17 These included a massacre of some 60 individuals who had been  
18 sheltering inside a mosque in Kissy on January 22nd. The killing  
19 of some 19 - yes, excuse me, an attack on a family on January  
20 6th, the first day that the offensive occurred, in which all six  
21 children and one grandchild of a family had been gunned down.  
22 The killing of some - the January 19th attack on a church in  
23 Wellington in which 12 people were gunned down and a January 21st  
24 attack on a compound, a family compound, in Kissy in which some  
25 17 individuals had been killed.

15:36:59

26 The killing occurred in numerous different ways and people  
27 appeared to have been targeted at random. They were killed in  
28 churches, in mosques, in houses where they were sheltering. They  
29 were - including children, including infants were thrown into

1 burning fires. People were - people's houses were set on fire  
2 and then rebels posted themselves outside so that they could not  
3 attack - they could not escape. I documented cases of people  
4 being thrown out of their windows of the third or so storey of a  
15:37:47 5 building.

6 Of people being mutilated. We documented 97 mutilations.  
7 This was a quite common feature of this offensive. 97  
8 mutilations including 26 double arm amputations. We documented  
9 some 11 or 12 amputations of children, including the youngest one  
15:38:12 10 about a year and a half.

11 Also there was widespread and systematic sexual abuse  
12 against girls and women in which there were rebel operations that  
13 were - appeared to be launched by the rebels to go out into the  
14 communities, driving around from house to house, picking up girls  
15:38:36 15 including many who were 13, 14, 15, 16 and then taking these  
16 girls back to rebel bases throughout Freetown where they were  
17 subjected to repeated and often brutal forms of sexual abuse  
18 including individual and gang rape and sexual slavery.

19 I also document cases of women having objects put in their  
15:39:04 20 vaginas including burning wood, umbrellas. The hospital records  
21 indicated two cases of women who had been shot through their  
22 vaginas and died subsequently.

23 We also documented violations of medical neutrality where  
24 rebels went into the main hospital, Connaught Hospital, and  
15:39:26 25 kicked patients out of their beds and threatened doctors and  
26 nurses with death if the wounded combatants expired and then made  
27 that hospital their base and then destroyed and looted medicines.

28 I documented massive looting and pillage. I heard untold  
29 numbers of testimonies of civilians who were hit with wave, after

1 wave, after wave of rebels coming in and looting and stealing  
2 from them. Many people were killed in the context of these  
3 raids. When they could not produce money or goods to give to the  
4 rebels they were often shot and killed. The same was the case if  
15:40:21 5 mothers and fathers refused to give up their sons or their  
6 daughters to the rebels for the purpose of abduction.

7 Speaking of abduction, there were - it's hard to say how  
8 many people were abducted from Freetown when the rebels were  
9 pushed out of the city by ECOMOG in late January. It was over a  
15:40:45 10 thousand according to government records and according to UNICEF  
11 records they'd registered some 500 - over 500 children and then  
12 the ministry of gender and children's affairs registered some  
13 1,500 people who were missing. Many of those remained with the  
14 rebels for quite a long time. So --

15:41:10 15 Q. In the abuses, the crimes that were committed, did you  
16 catalogue any instances of amputations?

17 A. Yes, I've spoken about the amputations, that we had 90 - we  
18 catalogued 97 cases of amputation including 26 cases of double  
19 arm amputation. Those figures were derived from my interviews  
15:41:39 20 with every hospital in Freetown and most of the clinics and then  
21 scouring through medical records as well. Now those were the  
22 amputees who survived. I also interviewed morgue workers and  
23 street cleaners charged with cleaning up or removing bodies from  
24 the streets who identified individuals with one or more amputated  
15:42:03 25 arms among the dead that were then buried in mass graves.

26 Q. Could you speak to any patterns. I appreciate you have  
27 mentioned patterns in the commission of some of these crimes, but  
28 can you speak further to any patterns which emerged in the  
29 commission of some of these crimes?

1 A. Well, one of them was the use of terror, similar to what I  
2 spoke about with reference to the 1998 offensives in the north.  
3 The use of terror was a prominent feature as described by  
4 numerous victims and witnesses. First of all the random nature  
15:42:43 5 of these attacks served to create an ambience of complete and  
6 utter terror; people never knew when it was that they would be  
7 attacked and for what. People were attacked as they were going  
8 out of their houses trying to obtain food for the day, as they  
9 ran from the rebels, as they sought shelter, sometimes they were  
15:43:05 10 pulled from their houses. There were no apparent reason for the  
11 targeting, nor did there appear to any kind of questioning to  
12 even ascertain the details of that person's life. They were  
13 being blamed for having supported President Tejan Kabbah, however  
14 very often they weren't even asked a single question before their  
15:43:28 15 arms were hacked off or they were shot.

16 Also the rebels made use of games - of games and techniques  
17 to maximise terror. For example, forcing a father or a mother to  
18 decide which one of their children would be killed, putting  
19 people in rooms in a house and then assigning a time, the 9  
15:43:55 20 o'clock room, the 9.30 room, the 10 o'clock room, the 10.30 room  
21 and then taking people out at random and executing them.

22 They also would - on one occasion I documented a massacre  
23 of some 30 individuals in which - killed after the rebels had  
24 dressed up in the uniforms of ECOMOG soldiers whom they had  
15:44:20 25 killed or captured and they went into an area soliciting a  
26 positive report from the population in which case they caught  
27 them, in parentheses, and proceeded to execute them.

28 I documented cases of people going out to try to pick up  
29 the body of a loved one who had been killed and then falling into



1 an ambush by the rebels who had positioned themselves around the  
2 dead bodies of these individuals.

3 Also setting people alight in houses. I had neglected to  
4 mention that but it is a pattern. There were numerous  
15:45:02 5 testimonies I took of parents and other family members who lost  
6 loved ones in a fire where the house was set alight and then they  
7 were unable to go in and rescue their loved one. There was one  
8 father who lost his four and six year old child, he wasn't able  
9 to go rescue them and then was forced to sit there and listen to  
15:45:27 10 the screams of his children. Another case of people being set  
11 alight in a house and then the rebels positioning themselves  
12 outside and picking them off as they tried to escape from the  
13 fire. So these were the types of patterns and the use of terror  
14 that we documented, I documented.

15:45:48 15 Q. Now did you identify any particular groups that may have  
16 been targeted during the course of this violence?

17 A. Yes, we identified three groups - as I mentioned, the vast  
18 majority of victims were targeted seemingly at random. However,  
19 there were three groups that did stand out as having been  
15:46:15 20 targeted. One of them was Nigerian nationals who appear to have  
21 been targeted because of the component of ECOMOG which at that  
22 point was dominated and led by Nigerians.

23 The massacre in the church in Wellington that I mentioned  
24 was committed because there were two Nigerian missionaries who  
15:46:40 25 were in that church with all the rest of those people, I think it  
26 was - I can't recall the number now. I think it was - 12 people  
27 were killed in that massacre, including the two Nigerians. The  
28 rebels came in and were talking to the people and the two  
29 Nigerians remained silent and it appeared that the rebels had

1 information about the Nigerians having taken refuge in that  
2 church and then proceeded to kill all of them including a  
3 journalist and his three children. So Nigerians was one group.

4 Then the second group was policemen, unarmed, off duty  
15:47:31 5 police officers. We documented - and police records indicated  
6 that 10s of them had been killed. The exact number is in the  
7 report, I can't recall it.

8 And then the third group was journalists and that was to a  
9 lesser extent, but there were nevertheless a number of Sierra  
15:47:47 10 Leonean journalists who appear to have been targeted during the  
11 offensive

12 Q. Did your research indicate at all whether or not there were  
13 commanders that were identified and if so did it indicate what  
14 role they played in all of this?

15:48:05 15 A. We - my research did not identify a strict command - line  
16 of command with respect to the commission of these atrocities.  
17 What I can say, however, is that commanders - is that many of the  
18 incidents and atrocities appeared to be well organised. Many of  
19 them - many of the witnesses noted the presence of someone who  
15:48:37 20 appeared to be a commander, they weren't able to specify at what  
21 level of commander. Many of the girls who were rounded up for  
22 the purposes of sexual slavery and abductees that were rounded up  
23 for the purposes of forced labour and sexual slavery and  
24 recruitment were taken to command centres.

15:49:01 25 So there appeared to be certainly knowledge and some  
26 involvement of commanders. Also the wide scale nature of these  
27 abuses would make it very difficult to argue that commanders did  
28 not know that these atrocities were going on.

29 Q. Did you want to say something --

1 A. Yes, also there were very few instances, although there  
2 were a few, but there were very few instances of either a  
3 commander or a rebel trying to stop an abuse from being  
4 committed.

15:49:34 5 Q. Now did any evidence come out from your research pointing  
6 to planning or premeditation?

7 A. Yes. There was one incident I was going to mention that at  
8 the Rogbalan mosque where warning was given two days before that  
9 massacre. Again there were some 60 civilians killed in that  
10 incident. They were harbouring - sheltering inside this mosque  
11 in Kissy.

12 Q. Can I ask you to spell the name of that mosque?

13 A. Okay, R-O-G-B-A-L-A-N.

14 Q. Yes, continue please?

15:50:16 15 A. That was in Kissy. Yes, I probably interviewed maybe 10  
16 witnesses to that massacre and what they explained was that the  
17 rebels were coming to that place every day, abducting girls and  
18 women who were among those sheltering in the mosque and one of  
19 those days that was two days before the massacre was committed  
15:50:44 20 some rebels came and told people that there would be a massacre,  
21 that they were going to come in and kill them. But that was,  
22 you'll recall, when the withdrawal from Freetown had already  
23 started, when ECOMOG was pushing very hard on the rebels. ECOMOG  
24 had, I believe, received reinforcements and were pushing from  
15:51:05 25 downtown Freetown into the suburbs of Kissy and Calaba Town, so  
26 people did not flee because they felt that they simply had no  
27 place to go, there was firing all around them and so on.

28 That incident involved two groups of rebels that came and  
29 positioned themselves around the mosque, some came - one group

1 came inside and started firing at people in the men's section, in  
2 the women's section, whilst the other group was outside popping  
3 or shooting at people as they tried to flee. So that's one that  
4 appeared premeditated.

15:51:41 5 Also some of the women and girls who had been abducted and  
6 raped told me that when they were abducted they - those abducting  
7 them said this is a nice one for the commander, we're taking this  
8 one for the commander or that one for the commander. Then they  
9 of course went back to a rebel headquarters - ad hoc rebel  
10 headquarters. One of them at that time was in the brewery in  
11 Wellington and in a number of other places. State House is an  
12 another of the command centres too where scores of girls and  
13 women were taken for the purposes of sexual abuse

14 Q. Did your research identify names of particular units which  
15 suggested anything at all as to the nature of the crimes that  
16 they committed?

17 A. Yes, there were - that's in my report as well. I noted a  
18 number of operations that appeared to be specifically designed to  
19 do or to commit certain types of atrocities. For example the  
15:52:48 20 Burn House Unit, the Cut Hand Unit, the Kill Man No Blood Unit,  
21 the Born Naked Squad. That one doesn't refer to a type of abuse  
22 but - well, yes it did. The Born Naked Squad were the ones who  
23 stripped their victims before killing them.

24 But people did describe those units or there were a few  
15:53:09 25 cases of civilians being kept in one place and saying, "We're  
26 keeping you here until the Cut Hand Squad arrives", so they were  
27 kept there for however long it took for the Cut Hand Squad to  
28 arrive and then when they did then that is when the amputation  
29 took place.

1 Q. Now you have said that the entire episode of events  
2 occurred within a three week period. Is that correct?

3 A. Within a three to four week period, yes.

4 Q. And could you describe, as much as you're able to, the flow  
15:53:41 5 of events over that period right from the beginning?

6 A. Yes. First of all I can say we documented atrocities being  
7 committed from the first day of that offensive, that is January  
8 6th, for example the killing of the man's - this couple's six  
9 children and one grandchild was on the evening of January 6th,  
15:54:07 10 until the very end of January. So atrocities were committed  
11 throughout the entirety of that offensive.

12 However, certain atrocities were quite constant throughout.  
13 Namely, abduction and sexual abuse. They were quite constant  
14 throughout that period. Others, for example the massacres and  
15:54:29 15 the amputations, appeared to be concentrated from the 17th, 18th  
16 onward. That is once the rebels appeared to be under military  
17 pressure from ECOMOG who were trying to dislodge them from the  
18 suburbs of Freetown.

19 Q. You started earlier and I believe in the course of your  
15:54:56 20 explanation you have mentioned quite a number of locations, but I  
21 don't know how exhaustive you have been in mentioning the  
22 locations that were mainly at the centre of most of these abuses?

23 A. Okay. Yes, we documented atrocities - all different types  
24 of atrocities taking place in the many neighbourhoods of Freetown  
15:55:22 25 and the suburbs. In downtown Freetown, if I can recall  
26 correctly, we have Pademba Road, Ugun - do I need to spell  
27 these?

28 Q. Yes, please.

29 A. Okay. Pademba Road, P-A-D-E-M-B-A and then the second word

1 is road, R-O-A-D. State House --

2 Q. I think that flows.

3 A. Okay. Upgun, U-P-G-U-N. Kissy Road, K-I-S-S-Y. PZ, P as  
4 in Peter, Z. And then the neighbourhoods of Calaba Town,

15:56:20 5 C-A-L-A-B-A and then town. Kissy, K-I-S-S-Y. Wellington,

6 W-E-L-L-I-N-G-T-O-N. Let me just look through my notes to see if

7 I have forgotten any. Brookfields.

8 MR MUNYARD: Can I just check whether the witness is

9 looking through her report or if she's looking through notes

15:56:53 10 which she has already been told she shouldn't be consulting with.

11 PRESIDING JUDGE: That's true, Ms Dufka. You mentioned the  
12 word notes just now --

13 THE WITNESS: I'm sorry, I meant my report.

14 MR BANGURA:

15:57:04 15 Q. Yes, please go on?

16 A. Yes. This is on page 14. Kru Bay, K-R-U and then bay.

17 Susan's Bay, Kingtom.

18 Q. Is that all?

19 A. There are probably others, but anyway, that's --

15:57:29 20 Q. Now did you in support of the findings that you made in the

21 report, were you able to obtain any figures to support some of

22 the information you had got from people you interviewed?

23 A. Yes, I consulted widely, as I mentioned, with hospital

24 records, government ministries and UN organisations, among

15:58:03 25 others. So some of those statistics are included in this report

26 and of course many more in the full report of "Getting Away With

27 Murder, Mutilation and Rape."

28 But a few that perhaps are worth noting are the numbers of

29 abducted individuals. For example on page 14 you can see the

1 ministry of social welfare registered 573 adults who had either  
2 been abducted or gone missing and UNICEF had classed as abducted  
3 some 1,500 children.

4 I also went to the housing ministry to register the  
15:58:45 5 destruction of homes. I had neglected to mention that as the  
6 rebels withdrew, and as it was clear that they were going to lose  
7 the capital, lose control of the capital, they set large areas of  
8 Freetown on fire. So the housing ministry identified or  
9 registered as destroyed some 5,788 homes and residential  
15:59:20 10 buildings. Entire city blocks had actually been burned. Then  
11 the hardest hit neighbourhood was Calaba Town which had suffered  
12 some 80 per cent of residential structures had been left in  
13 ashes.

14 Then the ministry of trade, industry and transport noted  
15:59:42 15 that eight of Freetown's factories had been set ablaze resulting  
16 in what they estimated was a loss of 500 jobs.

17 Also in terms of the death figures, I couldn't come up with  
18 a very definitive number for those civilians who had been killed  
19 in part because there were also a lot of rebels who had been  
16:00:10 20 killed and many of them were buried in mass graves. Many, many  
21 people I talked to had just buried their family members in the  
22 compound within which they lived. So there were a number of  
23 figures floating around but I think one could safely say that at  
24 least 2,000 civilians had been killed during that January 6th  
16:00:36 25 offensive. The government put the number quite - they put the  
26 number of those that they had buried in mass graves at around  
27 5,000. Then in terms of those that the hospital treated and so  
28 on, a number of those statistics I didn't include in my report to  
29 the Office of the Prosecutor but they are included in the longer

1 report

2 Q. May I refer you now to page 15 of your report. At page 15  
3 and continuing you have also referred to other episodic events in  
4 the war in Sierra Leone which are covered by Human Rights Watch  
16:01:27 5 reports or publications. Is that correct?

6 A. Yes, but I also perhaps had neglected to say a word about  
7 the ECOMOG atrocities that were committed, if I may.

8 Q. Could you please - you had talked about the one group being  
9 primarily or mainly responsible for these atrocities and you also  
16:01:53 10 mentioned that there were other groups, but there was one group  
11 which you identified as the rebels?

12 A. That's right, yes, the vast majority of abuses were  
13 committed by rebel forces but also members of the Nigerian led  
14 ECOMOG peacekeeping force in some cases together with Kamajor  
16:02:17 15 militiamen and/or members of the Sierra Leone police were  
16 involved in executing or the execution of RUF prisoners and  
17 suspected collaborators. I had mentioned earlier we documented  
18 180 of those cases. The majority of those were perpetrated by  
19 Nigerian ECOMOG peacekeepers or soldiers. We noted or documented  
16:02:47 20 that many of those among the 180 had been ordered or perpetrated  
21 in the presence of officers up to the level of captain, that many  
22 of these rebels or suspected rebels had been wounded before they  
23 were executed.

24 One particularly egregious event occurred on January 11th  
16:03:15 25 in Connaught Hospital, that's Freetown's main public hospital, in  
26 which ECOMOG troops stormed the hospital and inside found -  
27 you'll remember that was a rebel headquarters. They stormed the  
28 hospital and they found some 28 rebels including two child  
29 combatants who were either wounded or had already surrendered and



1 they were executed on the grounds of the hospital and in the  
2 environs of the hospital.

3 Most of the killings by ECOMOG were committed at check  
4 points and in mop up operations. We also noted some looting and,  
16:03:58 5 as I mentioned, a few executions committed by the Civil Defence  
6 Force.

7 Q. Thank you. I was going to refer you to page 15 of your  
8 report and to a few more incidents, or rather episodes in the  
9 conflict in Sierra Leone which are covered by reports produced by  
16:04:21 10 Human Rights Watch. On page 15 you refer to - that's the second  
11 half of the material presented there, you refer to 1999 rebel  
12 attacks against towns of Masiaka and Port Loko. Is that correct?

13 A. Yes.

14 Q. Now what if any is the source in human rights publications  
16:04:48 15 for this episode of the conflict in Sierra Leone, was any  
16 material produced at all?

17 A. Yes. These incidents were documented in a press release  
18 that I wrote and which was released in May 1999.

19 MR BANGURA: Your Honours, may the witness be shown the  
16:05:16 20 document in tab 10.

21 THE WITNESS: Yes, this is the press release in question.

22 MR BANGURA: Your Honours, before we speak to the contents  
23 of this document may I respectfully ask that the document be  
24 marked for identification.

16:06:21 25 PRESIDING JUDGE: The document named "Rebel Atrocities  
26 Against Civilians in Sierra Leone" will be marked for  
27 identification MFI-8.

28 MS IRURA: That's correct, your Honour.

29 MR BANGURA:

1 Q. As you have pointed out, this document was prepared or  
2 produced in May of 1999. Is that right?

3 A. Yes, that is correct.

16:06:57

4 Q. And can you give the Court some background to the  
5 preparation of this material at the time?

16:07:27

6 A. Yes. The material in this release was based on 20  
7 civilians who I interviewed mostly in the - in hospitals in  
8 Freetown who described several attacks on villages in the Port  
9 Loko and Masiaka area. That's M-A-S-I-A-K-A and Port Loko is  
10 P-O-R-T L-O-K-O. These villages - these areas, they're two towns  
11 and the attacks occurred on numerous villages around those two  
12 towns.

13 Q. Do you know which district in Sierra Leone these two towns  
14 fall?

16:07:43

15 A. I believe in - well certainly Port Loko is in Port Loko,  
16 and Masiaka, I'm not sure if it's Port Loko or Bombali.

17 Q. In the context of the conflict in Sierra Leone at the time  
18 what was the background to the events that you catalogue here?

16:08:09

19 A. These attacks appear to have been committed by rebels as  
20 they were in the process of withdrawing from - or rebels who had  
21 withdrawn from Freetown in late January/early February, had based  
22 themselves further away from the capital, some 30 kilometres away  
23 from the capital. The attacks around Port Loko had happened  
24 actually before and after an actual attack on the town of Port  
25 Loko in early May and then the attacks around Masiaka had  
26 happened in the course of skirmishes with ECOMOG over territory  
27 to actually - trying to consolidate their territory in those  
28 areas.

16:08:44

29 So I interviewed, as I mentioned, 20 civilians and they

1 described numerous group killings, a few decapitations,  
2 amputation of hands and ears and scores of abductions. In one  
3 particularly disturbing incident in a village near Masiaka there  
4 were witnesses to 57 civilians being burned to death, put down on  
16:09:26 5 the road and then had mats put over them that were set alight.

6 During - in the course of that research I also documented a  
7 number of individuals who'd had both of their hands - I think it  
8 was six or seven double amputees which I interviewed in the  
9 hospital. And also one of the individuals from a village called  
16:09:56 10 Madi gba which is M-A-D-I-G-B-A described how 12 civilians from  
11 that village had been hacked to death in the early morning of May  
12 11th.

13 Q. Now who were principally responsible for these atrocities  
14 [overlapping speakers]?

16:10:14 15 A. They said rebels - RUF/AFRC rebels. As I said, when  
16 civilians describe their attackers they call them by a number of  
17 names including RUF, AFRC, rebels and so on.

18 Q. Now let me refer you to page 16 of your report, and again  
19 another one of the episodic events in the course of the conflict.

16:10:45 20 I'm referring there to the - after the first two bullet points  
21 the incidents in Kambia and Koinadugu Districts, 1999 and 2000  
22 rebel attacks. Do you recall the context in which these  
23 incidents occurred?

24 A. Yes. Following the breakdown of the - well, some of these  
16:11:19 25 attacks occurred in late 1999 shortly after the peace agreement  
26 was signed but nevertheless where there continued to be rebel  
27 activity in the northern parts of Sierra Leone, and others  
28 further down the page were committed after the breakdown of the  
29 May 2000 peace accord in which there were episodic abuses

1 including amputation, forced recruitment - amputation but on a  
2 much lesser scale, and forced recruitment of children and  
3 adolescents and other serious abuses, killings and rape and so on  
4 that occurred in a number of the primarily northern districts of  
16:12:12 5 Sierra Leone.

6 Q. And which particular towns bore the brunt of these attacks?

7 A. Well, I can say that the districts involved were - well  
8 some of the attacks occurred in Lunsar, in Makeni, in Kabala and  
9 also in the Okra Hills. So in Port Loko District, in Bombali  
16:12:39 10 District, in Koinadugu District.

11 PRESIDING JUDGE: Mr Bangura, before we move on could we  
12 have some spellings, please.

13 THE WITNESS: I'm sorry.

14 MR BANGURA:

16:12:50 15 Q. Could we first of all go back to the towns. I think you  
16 started off with districts and then towns and then you went back  
17 to the districts. Could we take the districts and then we will  
18 talk about the towns specifically in those districts, as much as  
19 you are able to?

16:13:03 20 A. Okay. So Kambia is K-A-M-B-I-A. Koinadugu is  
21 K-O-I-N-A-D-U-G-U. Port Loko I've already spelled.

22 Q. Sorry, this is for districts, I believe?

23 A. And Bombali I mentioned. I didn't include that in the  
24 report but that's one of the other districts. Bombali,

16:13:43 25 B-O-M-B-A-L-I. Another one is Tonkolili which is  
26 T-O-N-K-O-L-I-L-I.

27 Q. Now which towns did you mention that fall within these  
28 districts?

29 A. Okay. Makeni, M-A-K-E-N-I. Lunsar, L-U-N-S-A-R. If we

1 come to other towns I'll spell them.

2 PRESIDING JUDGE: We had the Okra Hills as well.

3 THE WITNESS: Yes, I'm sorry. O-C-C-R-A and then hills,  
4 H-I-L-L-S.

16:14:35 5 MR BANGURA: I've seen a spelling that was slightly  
6 different, O-K-R-A. I don't know whether that would be a more  
7 accepted version of it.

8 Q. So did Human Rights Watch produce any publication at this  
9 time covering these events?

16:14:55 10 A. Yes and I'd have to see the list to - there was a  
11 publication in - I think it was May or June 2000 which - it was  
12 actually a letter to the United Nations which highlighted a  
13 number of these atrocities that we had documented.

14 Q. I was going to refer you to a document if that jogs your  
16:15:54 15 memory. We have it in our tab 13 and that document is titled  
16 Human Rights Watch letter and testimony, "Evidence of Atrocities  
17 in Sierra Leone"?

18 A. The date on that?

19 Q. It's 13 November 2000.

16:16:08 20 A. Okay.

21 Q. Does that jog your memory?

22 A. Yeah, I think that's it.

23 MR BANGURA: Could the witness be shown the document in tab  
24 number 13, please.

16:16:55 25 THE WITNESS: Yes, this is the document.

26 MR BANGURA: Your Honours, I move that the document be  
27 marked for identification.

28 PRESIDING JUDGE: The document entitled "Evidence of  
29 Atrocities in Sierra Leone" is marked for identification MFI-9.

1 MS IRURA: That's correct, your Honour.

2 MR BANGURA:

3 Q. Now could you broadly just speak to, and you don't need go  
4 into any detail, just the specific atrocities or crimes that were  
16:17:28 5 committed in the context of these attacks that you have referred  
6 to here?

7 A. There were - we documented - I documented several  
8 recruitment operations by the rebels based in Makeni primarily  
9 who recruited - who tried to recruit numerous primarily young men  
16:18:04 10 including some children from the villages around Makeni as well  
11 as from villages around the town of Kabala and this was in - this  
12 was after the May 2000 breakdown of the peace process and in  
13 anticipation of, according to the witnesses, further military  
14 actions by the rebels including cross-border raids into Guinea.  
16:18:36 15 That's according to the witnesses and the victims who were  
16 actually recruited themselves.

17 In one case in Kabala during a recruitment operation in  
18 numerous villages there were some 40 civilians, mostly young men,  
19 who were rounded up and tattooed with the letters "RUF" by a  
16:19:07 20 rebel commander on their chest. The tattooing was done with a  
21 knife. I interviewed 12 of these young men and girls, that  
22 included three adolescent girls. These had managed to escape  
23 after they'd been tattooed. Okay.

24 Also there were a number of rapes that we documented during  
16:19:27 25 that time. That was in August 2000. Then there were other  
26 incidents of - like I said, one or two cases of mutilation or  
27 amputation, but again that had really come down after 2000, the  
28 numbers had really come down on the crime of mutilation and  
29 amputation.

1 Also I documented the execution of three individuals and  
2 the gang rape of another and one amputation in July, a family  
3 who'd been targeted in the Kono District for having defied the  
4 rebels in the context of diamond mining. Supposedly they were  
16:20:08 5 accused of having hidden some of the diamonds that they were  
6 supposed to be mining and handing over to rebel commanders

7 Q. Now just in more general terms, you mentioned the marking  
8 or tattooing of young men with the letters "RUF". Now generally,  
9 given your exposure and experience to the conflict in Sierra  
16:20:37 10 Leone, how widespread was this practice?

11 A. It was not particularly widespread. I documented numerous  
12 cases of it both - we call it tattooing, but it's really cutting  
13 into the skin the letters "RUF" and others that were "AFRC". You  
14 know, I interviewed in addition to this case a number of other  
16:21:02 15 cases over the years.

16 I can say there was a program run by an American aid agency  
17 which involved plastic surgeons who came to Sierra Leone after  
18 2000 or 2001 to try to perform plastic surgery on these boys and  
19 girls and men and women to try to remove or lessen the extent of  
16:21:29 20 this tattooing.

21 Q. Thank you. Now from page 17 through to 18, I'm reading  
22 from after the first bullet point, I'm looking at --

23 PRESIDING JUDGE: Is that the report, Mr Bangura?

24 MR BANGURA: Yes, of the report, your Honour, I'm sorry.

16:21:48 25 Q. You mention - I'm looking at three different subheadings  
26 there. You mention three different situations which are also  
27 covered by Human Rights Watch reports, two of them are on page 17  
28 and the third is on page 18. I want to deal with them all in  
29 one.

1 Now the first one is May/June 2000, "Sierra Leone  
2 Government Attacks on Rebel Held Territory." The second one is  
3 2000 to 2001, "Guinean Military Attacks Against Civilian Targets  
4 in RUF Territory." The third one is 2001, "Kamajor Atrocities in  
16:22:30 5 Kono and Koinadugu Districts."

6 Now these are also evidence of atrocities or violations of  
7 the human rights of civilians in Sierra Leone, but they would  
8 seem to suggest that different groups were involved in these  
9 cases. Is that correct?

16:22:57 10 A. Yes, and I would add that these three press releases deal  
11 with abuses against civilians and rebel combatants by warring  
12 factions that were not rebel factions. In this case the Sierra  
13 Leonean government, the use of the helicopter gun ship, the  
14 Guinean military and air force and then by Kamajor militiamen.

16:23:20 15 Q. And the context, just in a few sentences, to each of these  
16 please, just give the context?

17 A. Okay. The findings from May and June 2000 are contained in  
18 the press release that we did in which we documented several  
19 helicopter gun ship attacks by the Sierra Leone government  
16:23:46 20 helicopter, I think it was an Mi -24, which perpetrated what we  
21 characterise as indiscriminate attacks against the civilian  
22 populations living within the rebel held towns of Makeni,  
23 Magburaka, that's M-A-G-B-U-R-A-K-A, and Kambia Towns.

24 I documented a number of air raids or attacks by the  
16:24:17 25 helicopter gun ship which resulted in at least 30 civilian deaths  
26 and 50 civilian wounded. The gun ship was attacking crowded  
27 market places and lorry parks and the witnesses I interviewed  
28 maintained that there were very few RUF casualties in these  
29 raids. That was one.



1 The second one occurred in the context of the cross-border  
2 raids by RUF and/or Sierra Leonean rebel forces and Liberian  
3 government forces across the border into Guinea which occurred in  
4 late 2000 and early 2001. The motive for those attacks appeared  
16:25:01 5 to be punishing Guinea for its support for Liberian rebels.

6 So in response to that in late 2000 and early 2001 the  
7 Guinean military, including the army and the air force, launched  
8 attacks into Sierra Leone rebel held territory and in the process  
9 of doing that they committed numerous serious human rights  
16:25:31 10 violations. So I spoke with witnesses to 12 attacks all within  
11 areas of RUF control who described collectively the deaths of 42  
12 civilians including 11 children.

13 MR BANGURA: Can I pause. Your Honours, I am watching the  
14 clock. Could the witness be able to briefly round up on the  
16:25:53 15 point that she is on before the tape runs out?

16 PRESIDING JUDGE: Let's try and do that, Mr Bangura.

17 THE WITNESS: I'll be brief.

18 MR BANGURA:

19 Q. Yes, I think you got to the third one?

16:26:04 20 A. Yes. So I just want to say that that one involved - so  
21 indiscriminate air attacks by the Guinean military and also it  
22 involved a number of rapes, killing, including a cases of  
23 amputation of rebel combatants by the Guinean army, a very  
24 serious violation, and also the disappearance and summary  
16:26:27 25 execution of a number of captured RUF.

26 The third one involved attacks against villages by the  
27 Kamajor militias in Kono and Koinadugu Districts. The context  
28 briefly was the Kamajors who had been living within Guinean  
29 refugee camps left those camps to launch an offensive against

1 Sierra Leone and in the process they killed numerous civilians,  
2 at least 24 civilians including nine women and nine children.

3 MR BANGURA: Thank you, Ms Dufka. I believe this is a  
4 convenient time, your Honours, to end for today.

16:27:20 5 PRESIDING JUDGE: We will therefore adjourn until tomorrow  
6 at 9.30. Ms Dufka, in accordance with the usual procedure of the  
7 Court I remind you that you have taken the oath and that you  
8 should not discuss your evidence until all of your evidence is  
9 finished.

16:27:38 10 [Whereupon the hearing adjourned at 4.29 p.m.,  
11 to be reconvened on Tuesday, 22 January 2008 at  
12 9.30 a.m.]

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## I N D E X

### WITNESSES FOR THE PROSECUTION:

|                                      |      |
|--------------------------------------|------|
| TF1-326                              | 1682 |
| EXAMINATION-IN-CHIEF BY MS ALAGENDRA | 1682 |
| CROSS-EXAMINATION BY MR CAYLEY       | 1705 |
| CORINNE DUFKA                        | 1744 |
| EXAMINATION-IN-CHIEF BY MR BANGURA   | 1744 |

### EXHIBITS:

|                       |      |
|-----------------------|------|
| Exhibit P-39 admitted | 1721 |
| Exhibit P-40 admitted | 1721 |
| Exhibit P-41 admitted | 1721 |
| Exhibit P-42 admitted | 1722 |