



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 29 SEPTEMBER 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Carolyn Buff
Ms Doreen Kiggundu

For the Registry:

Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Mr Christopher Santora
Mr Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Monday, 29 September 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:25:52 5 PRESIDING JUDGE: Good morning, Mr Werner.

6 MR WERNER: Good morning, your Honours. Good morning
7 Defence opposite. For the Prosecution this morning,
8 Nicholas Koumjian, Christopher Santora, Maja Dimitrova, Nathan
9 Quick and myself Alain Werner.

09:32:19 10 PRESIDING JUDGE: Thank you. Mr Anyah?

11 MR ANYAH: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence we have Terry Munyard and
13 myself Morris Anyah.

14 PRESIDING JUDGE: And I trust Mr Munyard is fully
09:32:38 15 recovered. I see there is no witness on the stand, Mr Werner.

16 MR WERNER: Yes, your Honour, the next witness is TF1-173
17 and we need to make an application concerning the protective
18 measures. That is the reason why there was no witness on the
19 stand.

09:32:53 20 PRESIDING JUDGE: I understand.

21 MR WERNER: So we are in the same scenario as TF1-459 and
22 122. This witness is covered by pre-trial protective measures
23 decisions and as the case before it's pre-joinder decisions. In
24 the case, the three cases, it's Prosecutor versus Sesay, 23 May
09:33:16 25 2003, Prosecutor versus Kallon, 23 May 2003, and Prosecutor
26 versus Gbao, 10 October 2003.

27 Now we have spoken with this witness and he wants to go
28 open. So again we are applying to rescind the protective
29 measures and, as the cases before, we would like to rescind the

1 protective measures attributed to this witness and being recited
2 at paragraph (b) which basically are names and any other
3 identifying information concerning all witnesses be sealed by the
4 Registry, (c), which is in and out of court pseudonym and (e)
09:34:04 5 which is non-disclosure of name and other information to public
6 or media.

7 PRESIDING JUDGE: I am just looking at the list that you
8 have given us, Mr Werner. That is rescission of the name,
9 identifying data and the pseudonym. Well, the name/pseudonym are
09:34:36 10 basically the same. Was there any other protective measures for
11 this witness? There was a reference from our legal officer to a
12 screen, is that incorrect?

13 MR WERNER: Yes, it is. Our understanding is that that was
14 the protective measures for this witness. That were discovered
09:34:58 15 by this decision. That were the protective measures for this
16 witness.

17 PRESIDING JUDGE: [Microphone not activated].

18 THE WITNESS. Yes, Your Honour.

19 PRESIDING JUDGE: Mr Anyah, have you any response to that
09:35:09 20 application?

21 MR ANYAH: Yes, Madam President. As is consistent with our
22 practice we naturally do not oppose rescission at a general level,
23 but your Honours will recall we have in the past, specifically
24 last week, objected to rescission based on measures granted on
09:35:29 25 this 23 May 2003 decision, so we stand by that principle. I do
26 believe perhaps on Friday we have filed something in respect of
27 this issue, but I have not seen any circulation from CMS yet. So
28 in principle we do not object to rescission, but we do not waive
29 our right to challenge a previous decision of this Court.

1 JUDGE SEBUTINDE: Did you say this witness was previously
2 protected in three different decisions or only one?

3 MR WERNER: Well, your Honour, there were three pre-joinder
4 decisions and as you know that was the whole discussion; there
09:36:11 5 was no list with this witness's TF number. There was one
6 decision in each case before the beginning of the trial. So that
7 was the reason why I gave you the three cases.

8 JUDGE SEBUTINDE: So the answer to my question is yes?

9 MR WERNER: Yes, your Honour.

09:36:30 10 MR ANYAH: Well, Justice Sebutinde, if it please your
11 Honours, if I understood counsel correctly he is suggesting that
12 there were three pre-joinder decisions. When this issue arose
13 last week we were made privy to only one decision, that was the
14 decision of 23 May 2003. The additional documents that were
09:36:50 15 circulated by the Prosecution on the day in question were their
16 motion which led to that decision and that motion was dated 7
17 April 2003. If the suggestion now is that there were designated
18 Judges of each Trial Chamber issuing pre-trial decisions that
19 were consolidated into one pre-trial protective measures
09:37:17 20 decision, then I am at a loss as to what the procedural history
21 is here.

22 All I know is, and the suggestion seems to be, that the
23 measures being rescinded purportedly arise from the decision of
24 23 May 2003 and if that is the case our position remains
09:37:37 25 unchanged in respect of that decision.

26 JUDGE SEBUTINDE: I think all three decisions are 23 May
27 2003.

28 MR WERNER: Your Honours, maybe I can assist on that.
29 There is two decisions on the same day, 23 May 2003, Prosecutor

1 versus Sesay and Kallon. The decision concerning Gbao was 10
2 October 2003. My learned friend Mr Santora when he applied for
3 TF1-459 for recision to that witness mentioned these three
4 decisions expressly. And that was pre-joinder, so it was never
09:38:15 5 consolidated.

6 PRESIDING JUDGE: I have a decision on the matter of
7 Prosecutor versus Sesay dated 23 May 2003 and for purposes of
8 record and clarity I'm going to read out what the protective
9 measures are at (b), (c), (e) and I think you said (k),
09:38:39 10 Mr Werner. I am looking at the record here before me.

11 MR WERNER: Today you mean?

12 PRESIDING JUDGE: Yes, I see (k) written down.

13 MR WERNER: Probably it's my French accent. I said (b),
14 (c) and (e).

09:38:52 15 PRESIDING JUDGE: Very well. It is the (k) that is
16 confusing me. (b) is that the names and other identifying
17 information concerning witnesses be sealed. (c) is that the
18 Prosecution may designate a pseudonym for each witness and that
19 is to be used in pre-trial disclosure and (e) is that the names
09:39:13 20 and other identifying data and information on file with the
21 Registry, et cetera, shall not be disclosed to the public and the
22 media, et cetera. Very well, we are clear on that.

23 [Trial Chamber conferred]

24 By a majority, Justice Sebutinde dissenting, we grant the
09:45:57 25 application to rescind the protective measures (b), (c) and (e)
26 in the relevant decisions as cited by counsel for the
27 Prosecution.

28 MR ANYAH: Madam President, it would assist us and we would
29 be grateful to receive some clarification perhaps from counsel

1 opposite. It is unclear to me which of the three decisions cited
2 by counsel, I am referring to 23 May 2003 Sesay decision, the 23
3 May 2003 Kallon decision and the 10 October 2003 Gbao decision -
4 of which of those three does the Prosecution purport that the
09:46:35 5 protective measures for this witness were granted, because that
6 invariably impacts what I believe we have filed on Friday, which
7 is in relation only to the 23 May 2003 Sesay decision that was
8 put before this Chamber and of which a copy was given to us when
9 this issue initially arose in connection with TF1-065.

09:47:00 10 MR WERNER: Your Honour, for this witness, all three of
11 them. That is the answer.

12 PRESIDING JUDGE: My understanding, Mr Anyah, is that
13 pre-trial decisions were made prior to Sesay, Kallon and Gbao
14 being joined, and that they were in the same terms and applied -
09:47:24 15 although we don't have a list - to the same witnesses. And then
16 there was, subsequently, yet another decision made on 5 July 2004
17 after the joinder of the three cases. If my interpretation is
18 incorrect, or my understanding is incorrect then it can be
19 corrected.

09:47:46 20 JUDGE SEBUTINDE: Just for curiosity, Mr Werner, now that
21 you have these three pre-trial decisions how do you decide which
22 witnesses are protected by which decision?

23 MR WERNER: Your Honour, the distinction is that if the
24 statement was given before the decision then we consider that it
09:48:13 25 is covered. The statement of the witness, because, as you
26 remember, there were no lists and that was the issue.

27 JUDGE SEBUTINDE: Yes, but surely there has to be some way
28 of putting the other side on notice, and the Court on notice, so
29 that everybody knows which witnesses pertain to which decision.

1 As matters stand, this is knowledge that is only within your
2 possession as OTP.

3 MR WERNER: That is the reason why for each witness we are
4 explaining and giving the position of the Prosecution for each
09:48:49 5 witness.

6 JUDGE SEBUTINDE: In other words, you pick and choose.

7 MR ANYAH: Well, again, I rise merely to seek further
8 clarification because Justice Sebutinde's question raises the
9 additional issue of what occurred before the Chamber last week,
09:49:13 10 which is in respect of TF1-065. We certainly appreciate your
11 Honours have ruled, we are not seeking to go behind the decision,
12 we just seek clarification.

13 In respect of that witness the Prosecution put forth before
14 this Chamber only one of the two decisions that was rendered on
09:49:31 15 23 May. That is not to say perhaps Mr Santora, learned counsel
16 opposite, did not mention all three orally. The one that was
17 relied on in open court, of which copies were circulated to your
18 Honours and to the Defence Bar, was the one in respect of Issa
19 Hassan Sesay, not the one in respect of Morris Kallon. So
09:49:52 20 apparently of two decisions both rendered on 23 May 2003 they
21 unilaterally elected one of those two to propose that that was
22 the basis for the protective measures granted to TF1-065.

23 Today before your Honours counsel is heard to be saying
24 that so long as a witness's statement predates a decision, that
09:50:16 25 is the controlling factor vis-a-vis which decision is proposed as
26 being the relevant decision in question.

27 Well, last week they had two decisions from which they
28 could have proceeded and they proceeded on the basis of the one
29 pertaining to Issa Hassan Sesay. This invariably has impacted

1 our approach procedurally to this issue.

2 Your Honours will soon receive circulation from CMS
3 something that was filed on Friday last. The matter is sub
4 judice since it has been filed, but at an appropriate time on the
09:50:52 5 basis of what has been said in Court we may make an application
6 to amend what has been filed.

7 MR WERNER: Your Honour, we believe the application
8 mentioned in this case, the application mentioned the three
9 decisions. The three decisions are identical to the other three.
09:51:10 10 I have them here. They are the same decisions. We believe
11 orally it was made clear that the three decisions were referred
12 to.

13 JUDGE LUSSICK: I would just like to make this comment. Is
14 it necessary to waste all of this time talking about the present
09:51:34 15 case when the witness says he doesn't want any protective
16 measures. The Prosecution, who originally obtained the
17 protective measures for him supposedly says that they no longer
18 need to apply. As far as the Defence is concerned, the rights of
19 the accused are not in the slightest way affected.

09:51:54 20 So can't we save all this debate for contested issues
21 rather than this one? You are not committing yourself to
22 anything by simply agreeing on this basis. This case is by
23 consent, there is no issue at all, really, and you are not
24 committing yourself to anything by simply going along with the
09:52:22 25 Court order. You can distinguish these cases by consent from
26 contested issues and they are the ones that we should be wasting
27 the time over - spending the time on rather than wasting time
28 here.

29 MR ANYAH: If your Honour would grant me leave to just

1 respond why we are emphasising these particular points.

2 I made this indication to your Honours last week when the
3 issue initially arose. The concern here isn't the particular
4 witness before your Honours; the concern which undergoes all
09:52:54 5 these arguments is that today the Prosecution comes before your
6 Honours seeking rescission on the basis of an order. Tomorrow they
7 may very well come before your Honours seeking to uphold
8 protective measures on the basis of the same order. That is of
9 concern.

09:53:11 10 JUDGE LUSSICK: That is why I am saying when that happens
11 that will be a defended application and we can go seriously into
12 the arguments involved, but is it necessary to do that here?

13 MR ANYAH: I appreciate your Honour's point and we stand
14 admonished as to the preferred procedure.

09:53:41 15 JUDGE LUSSICK: Perhaps you are being a bit severe on
16 yourself. I didn't mean to admonish you and in fact that was
17 just my own view. I don't even have the agreement of my
18 colleagues on that. I am just trying to save some time. That's
19 all, Mr Anyah.

09:54:03 20 JUDGE SEBUTINDE: That's right. That was Justice Lussick's
21 personal views.

22 PRESIDING JUDGE: Please call the witness.

23 MR MUNYARD: Before the witness is called, can I make this
24 point.

09:54:18 25 This is a witness who Mr Griffiths has carriage of, to use
26 the language of the Court. He, like me, has been affected by
27 transport difficulties this morning. The difference between us
28 is obvious; I managed to get us here in the nick of time. He is
29 still delayed. He will be here by the time of the mid-morning

1 break.

2 I raise this simply so that the Court knows that I will be
3 covering for him while the witness gives evidence-in-chief. I
4 don't know how long the witness will be in chief, it is entirely
09:54:49 5 a matter for my learned friends opposite, but I simply wanted you
6 to know that it will be him who will be taking the witness in
7 cross-examination, if any, when that time arises.

8 I am informing the Court and my learned friends opposite as
9 a matter of courtesy.

09:55:07 10 PRESIDING JUDGE: Thank you for that the information.

11 MR MUNYARD: Can I also thank the Court for your concern as
12 to my recovery which is close to be complete.

13 PRESIDING JUDGE: Please proceed.

14 MR WERNER: Yes, your Honour. So the next witness will be
09:55:33 15 TF1-073. He is going to testify in the Kono language and is a
16 Christian. I do not expect my examination-in-chief to be very
17 long. But I think it's one of the first times we are using the
18 Kono interpreters and I will try to go slowly. That is the only
19 indication I can give.

09:55:55 20 PRESIDING JUDGE: Are the Kono interpreters in place?

21 THE INTERPRETER: Yes, your Honour.

22 PRESIDING JUDGE: The interpreters are in place, Mr Werner
23 and possibly you can also request your witness to speak slowly.

24 MR WERNER: I will, your Honour.

09:57:09 25 WITNESS: TAMBA MONDEH [Sworn]

26 THE WITNESS: I did not understand.

27 PRESIDING JUDGE: Did the witness say, "I do not
28 understand". Mr Witness, what do you mean you do not understand?

29 THE WITNESS: I understood.

1 PRESIDING JUDGE: You did understand? You must understand
2 the oath completely.

3 THE WITNESS: Yes. I swear on the Bible.

09:58:33

4 PRESIDING JUDGE: Very well. Please complete the oath,
5 Madam Court Officer.

6 THE WITNESS: Praise be to God.

7 PRESIDING JUDGE: I am not clear. The oath is extremely
8 important. Let us start again from the beginning. Please
9 re-swear the witness.

09:58:48

10 THE WITNESS: Okay.

11 PRESIDING JUDGE: Thank you. Please proceed, Mr Werner.

12 MR WERNER: Thank you, Madam President.

13 EXAMINATION-IN-CHIEF BY MR WERNER:

14 Q. Good morning, Mr Witness.

09:59:46

15 A. How did you sleep?

16 Q. Very well, thank you. Mr Witness, I'm going to ask you
17 some questions?

18 A. Okay.

10:00:03

19 Q. And everything I am saying and you will say will be
20 translated.

21 A. I am listening.

22 Q. And I will try to speak very slowly.

23 A. All right.

24 Q. If you can do the same that would be appreciated.

10:00:25

25 A. Okay.

26 Q. Mr Witness, could you give your name for this Court?

27 A. Well, my name is Tamba Mondeh.

28 MR WERNER: Your Honour, the family name Mondeh will be

29 M-O-N-D-E-H:

1 Q. And did you ever go to school?

2 A. Yeah. Well, I never went to school.

3 Q. And, Mr Witness, what is your place of birth?

4 A. Well, I was born in Kono. They call it Motema.

10:01:12 5 MR WERNER: Your Honour, Motema was already spelt for the
6 Court.

7 Q. Mr Witness, do you know --

8 A. Well, Motema is along the main highway in Bandafafah
9 section.

10:01:25 10 MR WERNER: Your Honour, Bandafafah would be
11 B-A-N-D-A-F-A-F-A-H:

12 Q. Mr Witness, what is your date of birth?

13 A. Well, my father never explained that to me. I don't want
14 to lie.

10:01:55 15 Q. And which languages do you speak, Mr Witness?

16 A. Well, I always speak this Kono. I only learnt how to speak
17 in Krio, but I did not go too far.

18 Q. Mr Witness, are you married?

19 A. Yes. I have a wife and children.

10:02:19 20 Q. And how many children do you have?

21 A. I have four children. They are there.

22 Q. And when you say they are there, where are they?

23 A. Well, they are in Sierra Leone.

24 Q. And, Mr Witness, what are you doing for a living?

10:02:43 25 A. Well, I'm not well. I used to visit my relatives. Some of
26 them used to give me and my wife.

27 Q. And today do you have a job?

28 A. I'm not occupied. Even right now.

29 Q. Mr Witness, are you familiar with the event when Tejan

1 Kabbah was overthrown by the AFRC junta?

2 A. Well, I was there but I cannot - that was why I said I
3 never went to school.

4 Q. But do you remember where you were when that happened?

10:03:36 5 A. Well, I was in Motema.

6 Q. And do you remember what you did after that event?

7 A. Well, I ran away. It was a long time now.

8 Q. And did you run away on your own?

9 A. Well, I was there but at the time, when they started doing
10 something, that discouraged me and that was why I ran away.

11 Q. And when you say when they started doing something, who are
12 you talking about?

13 A. Who? What do you mean? Those who were harassing people?

14 Q. Who were these people who were harassing people?

10:04:35 15 A. Well, the people used to come and they used to kill people.

16 Q. Who are they? Who are the people who used to kill people?

17 A. Well, they said rebels.

18 Q. And where did you go when you ran away, Mr Witness?

19 A. Well, at first I went to a village called Sawako, we were
20 there in the bushes.

21 MR WERNER: Your Honours, Sawako would be S-A-W-A-K-O:

22 Q. And you said you that you ran away to Sawako. Who did you
23 run with, Mr Witness?

24 A. Yes, that was where I was in the bushes, together with my
10:05:30 25 family.

26 Q. And how long did you and your family stay in Sawako?

27 A. Well, we took long there.

28 Q. And then, after your time in Sawako, what did you do,

29 Mr Witness?

1 A. Well, when we heard about these people, we stayed there for
2 a while and we moved from there and went to another village.

3 THE INTERPRETER: Your Honours, can he kindly repeat the
4 name of the village where they went.

10:06:07 5 PRESIDING JUDGE: Mr Witness, the interpreter asks that you
6 repeat the name of the village you went to.

7 THE WITNESS: Well, I said my name is Tamba Mondeh.

8 PRESIDING JUDGE: Mr Witness, not your name, the name of
9 the village you went to when you moved. You told us you moved.

10:06:30 10 THE WITNESS: When I left Motema?

11 PRESIDING JUDGE: The next one.

12 THE WITNESS: They called there Timbor.

13 MR WERNER: Your Honour, Timbor would be - the spelling we
14 have would T-I-M-G-B-O-R:

10:06:57 15 Q. Mr Witness, you said that you were in Sawako and then you
16 and your people heard about these people. Who were these people?

17 A. Well, there were bad people as well and we were running
18 away from them. When we heard about them we used to run away.

19 Q. And who were these bad people, Mr Witness?

10:07:22 20 A. Well, they said rebels.

21 Q. How long did you stay, Mr Witness, in Timbor?

22 A. Well, Timbor too, when we went there we were in the
23 bushes. We continued running away. Then we heard again that
24 they came to Baima, and then we left there as well.

10:07:49 25 MR WERNER: I believe that Baima was already spelt for your
26 Honours

27 MR MUNYARD: Sorry, is the witness saying they went from
28 Timbor to Baima? I'm not sure quite sure why he has mentioned
29 Baima.

1 JUDGE LUSSICK: He hasn't actually said the he ever reached
2 Bai ma.

3 THE WITNESS: No. I said the rebels came and they caused
4 destruction there. Then we moved from Timbor.

10:08:15 5 MR WERNER:

6 Q. And where did you go, Mr Witness? Did you understand my
7 question, Mr Witness?

8 A. When we left Timbor we went to another village again.

9 Q. And do you remember the name of this village?

10:08:40 10 A. No, no, because we were running away. I did not know the
11 name of the village and it was on the very first day that we left
12 that place.

13 Q. And how long did you stay in the village that you cannot
14 remember the name, Mr Witness?

10:09:01 15 A. Well, that village, I do not believe if I spent three weeks
16 there. I established a small bush there and the rebels came
17 there again and caused some destruction there. They killed some
18 people, maimed some people and we ran away again and we went to
19 another village called Kangama Ngorama. That was where we were.

10:09:28 20 MR WERNER: Your Honours, Kangama Ngorama would be spelt
21 K-A-N-G-A-M-A and the second name N-G-O-R-A-M-A.

22 JUDGE SEBUTINDE: Are all these locations in one district I
23 would imagine.

24 MR WERNER: I can ask the witness.

10:10:00 25 THE WITNESS: That is not one district. Let me not tell
26 you lies.

27 MR WERNER:

28 Q. Mr Witness, do you know in which district is Sawako?

29 A. Well, Sawako is in the Bandafafah section. I know there

1 very well.

2 Q. And do you know in which district is Bandafafah section?

3 A. Well, the Motema area is where we call the Bandafafah
4 section.

10:10:42 5 Q. And what about Timbor, do you know in which section is
6 Timbor?

7 A. Let me not tell lies, because I walked to go there.

8 Q. What about Kangama Ngorama? Do you know in which section
9 is Kangama Ngorama?

10:11:01 10 A. Well, Kangama Ngorama is on the Mende section. They were
11 in the majority there.

12 Q. Now, Mr Witness, when you went to Kangama Ngorama, how long
13 did you spend there?

14 A. Well, there too I did not stay long there.

10:11:30 15 Q. And what happened after your time in Kangama Ngorama,
16 Mr Witness?

17 A. Well, one day we were there when we saw one man who arrived
18 and who had been mutilated on his neck and his arms.

19 Q. When you said that "we saw", who saw this man, Mr Witness?

10:12:01 20 A. Well, we went close to him but I did not talk to that man.
21 Let me not tell you lies. There were people who asked him and
22 they asked him who had mutilated him and he said rebels. We were
23 there and at that time there was ECOMOG in that area that is
24 called Kangama Ngorama and they said we should go there. We went
10:12:23 25 there and they gave him medicines and they dressed up the area
26 that were injured and when they said now that this had happened,
27 what do we do? We should take this man and take him somewhere
28 where he would be treated. So they took him there and we left
29 him there and returned home. But later we asked and they said

1 they took him away.

2 Q. And, Mr Witness, you said that you and others went close to
3 him but you did not talk to that man. What did you see when you
4 went close to him?

10:12:59 5 A. I said I did not talk to him.

6 Q. Yes, but, Mr Witness, just try to listen to my question.
7 You said that you did not talk to him but you went close to him.
8 When you went close to him, what did you see?

9 A. Well, I saw the wounds. I saw the marks of the mutilation.

10:13:26 10 Q. And can you describe what you saw, Mr Witness?

11 A. I said he was mutilated. He was mutilated with a machete
12 on his neck and his arms.

13 Q. And then, Mr Witness, you said that there were people who
14 asked him and asked him who had mutilated him. Who asked him
10:13:53 15 these questions, Mr Witness?

16 A. It was - there was a man who asked him that question: "Who
17 wounded you? Who mutilated you?" And he said, "We were in the
18 bush together with my people. The rebels went there and they
19 mutilated me and they returned".

10:14:16 20 Q. And then, Mr Witness, you said that they gave him medicine
21 and they dressed up the area. Who gave him medicines,
22 Mr Witness?

23 A. Well, the ECOMOG who were there in Ngorama, they were the
24 ones who did that.

10:14:40 25 Q. And then you said that they took him there and we left him
26 there and we returned home. Who took him?

27 A. The ECOMOG took him there. They said they should try to
28 take him to Kenema or Bo, so that he would be there in a
29 hospital. We left him there and we returned home.

1 Q. And when you say "we returned home", what do you mean?

2 A. Well, we returned to our respective homes where we sleep.

3 Q. And after that, Mr Witness, where did you go?

10:15:40

4 A. Well, we were there, my child that I took along, the child
5 died. The child fell ill and they decide. They called the child
6 Sahr Sesay, Sahr Mondeh.

10:15:59

7 MR MUNYARD: Your Honours, I rise because there is a piece
8 of the witness's evidence that immediately follows on him saying,
9 "We left him there and we returned home" that is vague and
10 ambiguous. What he is recorded as saying after that was, "But
11 later we asked and they said they took him away". I thought my
12 learned friend was going to deal with that because he has been
13 carefully going through this passage, but he moved off. That is
14 the last part of that passage and I wonder if that could be
15 clarified. I have no idea who "they" are and who took him away
16 and to where.

10:16:20

17 MR WERNER: I believe the witness said that ECOMOG took
18 him, but I am very happy to try to clarify that.

10:16:36

19 PRESIDING JUDGE: Yes, there was a reference to hospital,
20 but whether he was actually - what actually happened is not
21 clear.

22 MR WERNER: Yes, your Honour.

10:16:52

23 Q. So, Mr Witness, you said that, "They said they took him
24 away" and we are still talking about this man who was mutilated.
25 Who took him away, Mr Witness?

26 A. It was ECOMOG who took him. They gave him the medicines
27 and they said they should take him to Kenema hospital, or Bo.
28 Those are the two places I mentioned.

29 MR WERNER: I believe that clarified the issue.

1 PRESIDING JUDGE: Mr Werner, we will need to try and get a
2 spelling for the child's name.

3 MR WERNER: Yes, your Honour. I believe the name is Sahr,
4 that should be S-A-H-R, Sahr Mondeh:

10:17:46 5 Q. Mr Witness, could you tell again this Court what happened
6 to Sahr Mondeh?

7 A. Well, he was my child. He fell ill and we were unable to
8 get medicine for him, so he died and we left him at Kangama
9 Ngorama.

10:18:02 10 Q. And when you left Kangama Ngorama, where did you go,
11 Mr Witness?

12 A. We left him there. We were there when we heard that ECOMOG
13 had gone to Freetown and they've come up to Bumpe and they have
14 come again to Nimikoro up to Motema and from Motema they went to
10:18:36 15 Yengema and from there they also captured Koidu.

16 One day there was one person who said he was going to
17 understand what was going on and he went there, he went up to
18 Njaiama and then he saw ECOMOG there and they were there for a
19 while. Then he said, "There are people there who are suffering".
10:18:59 20 He said, "They want to come, but they do not believe that you are
21 here". It was like some people used to go previously and then
22 they would say ECOMOG were there and when we come we do not find
23 ECOMOG there. So that person returned to us again in Kangama and
24 he said that, "Oh, my people, it's true. ECOMOG indeed has come.
10:19:21 25 I met them and they are in Njaiama Nimikoro". Then people
26 started going. They started - they continued going.

27 Then I myself, on one day, I told my wife that, "Look,
28 people are going and they are continuing to go. So tomorrow I'm
29 going in the bush together with my child to find yam". And we

1 went and got this yam and when we came back we said these people
2 that we were staying for here -

3 THE INTERPRETER: Your Honours, can he kindly repeat and go
4 slowly.

10:19:58 5 PRESIDING JUDGE: Mr Witness, please pause. Everything you
6 say is being interpreted and everything you say is being written
7 down, so you must speak a little more slowly. The interpreters
8 are having a problem keeping up with you. So speak slowly and
9 continue from where you said, "When we came back we said these
10:20:20 10 people were staying --" Continue from there and speak slowly.

11 THE WITNESS: Okay. I - they said ECOMOG were in Njaiama
12 Nimi koro. When they came there they also stayed in Bumpe.

13 MR WERNER: Your Honour, a number of locations were given
14 and I believe that all of them were given before and all of them
10:21:06 15 are correct on the transcript except Njaiama Nimi koro. I believe
16 that Njaiama has been spelt already, I am happy to spell it again
17 but I think it has ben spelt already. But Yengema, Bumpe, of
18 course Freetown, Koi ndu --

19 THE WITNESS: There is no Koi ndu there.

10:21:33 20 MR WERNER: Yes, your Honour, I just noted there.

21 THE WITNESS: I did not talk about Koi ndu. You said Koi du.

22 MR WERNER: Yes, your Honour. So that will be not
23 correctly spelt on the transcript. Except that and Njaiama, I
24 believe everything else is correct.

10:21:53 25 THE WITNESS: It's Njaiama that is not clear?

26 PRESIDING JUDGE: Mr Witness, is it's not you that is
27 unclear. It is the people that are trying to write the things
28 are having trouble keeping up with you. Let us have the correct
29 name of the place.

1 MR WERNER: Yes, your Honour, Njai ama would be
2 N-J-A-I-A-M-A, Njai ama Nimi koro, N-I-M-I-K-O-R-O.

3 PRESIDING JUDGE: The one that is not Koindu, what is the
4 correct name?

10:22:36 5 MR WERNER: Yes, Koindu, K-O-I-D-U:

6 Q. Mr Witness, they said ECOMOG were to Njai ama Nimi koro. Who
7 said that, Mr Witness?

8 A. Well, our asking colleagues went and they announced it,
9 because whenever they captured a place it would be announced.

10:23:00 10 Q. When you say whenever they captured a place that would be
11 announced, who are "they", Mr Witness?

12 A. Well, they announcements used to come from a place like
13 Freetown. That was what we knew.

14 Q. But you said that "whenever they captured a place", who are
10:23:27 15 you talking about? Who captured that place?

16 A. I said ECOMOG. They were in Njai ama.

17 Q. And when you say whenever they come and capture a place it
18 would be announced, how would it be announced Mr Witness?

19 A. Well, some people who were in the bushes were the ones who
10:23:57 20 went to see. And, for instance, when they captured a place they
21 will say that place has been captured.

22 Q. And, Mr Witness, why were these people trying to go to
23 ECOMOG, if you know?

24 A. Well, they used to come to free people, so when they
10:24:30 25 captured a place that was why people used to rush to go there.

26 Q. And when you said, "They used to come to free people", who
27 are you talking about, Mr Witness?

28 A. Well, it was the ECOMOG who used to free people. That was
29 why when they captured the place people would go there.

1 Q. And when you said they used to free people, what do you
2 mean?

3 A. Well, what I mean there is that if somebody was killing
4 people and another comes and says, "Don't kill that person", so,
10:25:11 5 if at the end of the day you are not killed then you go to that
6 person who prevented you from being killed and at the end of the
7 day that is the person you would end up with.

8 Q. And who is that person?

9 A. The ECOMOG, because at that time they did not kill people.

10:25:33 10 Q. So, Mr Witness, what happened to you after that?

11 A. I left for Njaiama. I slept there one night.

12 Q. Yes, please carry on, Mr Witness?

13 A. Then we went to Bumpé. ECOMOG were there and they screened
14 us. Then we passed through.

10:26:07 15 Q. And then what happened, Mr Witness?

16 A. Then we went to Motema. We stayed in Motema then.

17 Q. Now, Mr Witness, when you went to Motema, who was in Motema
18 at that time?

19 A. Well, ECOMOG were there too. That was why we the civilians
10:26:38 20 went and stayed there.

21 Q. And when you say we stayed there, where did you stay,
22 Mr Witness, in Motema?

23 A. Well, I was in one man's house. This man is called Samuel
24 Bull. That is where we were staying.

10:27:04 25 MR WITNESS: And, your Honour, I believe that the name
26 which is on the LiveNote is correctly spelt, Samuel Bull:

27 Q. And at the time you went to Motema, if anyone, who was in
28 the house of Samuel Bull?

29 A. Well, we were the ones who were there in that house.

1 Q. Anyone else at that time was in this house?

2 A. There were a lot of people there.

3 Q. And who were these people?

4 A. We, the civilians, were there in that house.

10:27:50 5 Q. Could you describe the house, Mr Witness?

6 A. Well, that house, it was a storeyed building, but it was
7 incomplete.

8 Q. And where were you and your people staying in this house?

9 A. Well, we were on the ground floor.

10:28:17 10 Q. And how many of you were on the ground floor?

11 A. We were many. In the morning everybody would go to his or
12 his respective place to the find food.

13 Q. Who, if anyone, was staying on the first floor, Mr Witness?

14 A. Well, these people were many, those who were there.

10:28:53 15 Q. And you spoke about Samuel Bull. Was any one of the Bull
16 family staying in the house at that time?

17 A. Well, one of his child was there.

18 Q. And who was the child?

19 A. The one who was in charge of the house was also called
10:29:24 20 Samuel Bull.

21 Q. And you say one of his child. So how old was the Samuel
22 Bull who was staying in the house at that time? How old was he?

23 A. The first child?

24 Q. No. You said that someone called Samuel Bull was in charge
10:29:47 25 of the house at that time when you went to Motema and you stayed
26 in this house. How old was this Samuel Bull?

27 A. Well, I do not know his age. Let me not tell lies. His
28 child was there.

29 Q. But was he an adult or was he a child himself?

1 A. Well, he was older than me, his child.

2 Q. Thank you. So --

3 A. Praise be God.

4 JUDGE LUSSICK: The child, was that the child of the Samuel
10:30:35 5 Bull who was in charge of the house, or the child of the senior
6 Samuel Bull?

7 MR WERNER: That is what I understood, your Honour. I will
8 clarify:

9 Q. So, Mr Witness, you said that someone was in charge of the
10:30:51 10 house. Is that correct?

11 A. Yes. I met his child there.

12 Q. And who was the child who was in charge of the house?

13 A. Well, they called that child too - I said Samuel Bull. His
14 father built that house.

10:31:19 15 MR WERNER: I believe that clarified the issue, your
16 Honour:

17 Q. Now, Mr Witness, how long --

18 A. Ask me, I will explain to you.

19 Q. Mr Witness, how long did you stay in that house?

10:31:38 20 A. Well, I did not stay long there. Let me not tell you lies.

21 Q. And what, if anything, happened when you stayed in that
22 house, Mr Witness?

23 A. Yes.

24 Q. What happened, Mr Witness?

10:32:00 25 A. Well, at one time, we were in that house.

26 Q. Please just carry on, Mr Witness?

27 A. At one time, when we were in that house, we were lying down
28 and we went to sleep. When we woke up, we started hearing
29 whispering outside. At that time it was the bad people who had

1 come.

2 Q. Mr Witness, when you say the bad people had come, who are
3 you talking about?

4 A. Well, I am talking about the rebels.

10:33:22 5 Q. Please carry on, Mr Witness.

6 A. We wanted to come outside. That very house, the ground
7 floor in which we were hadn't a door, so we used to block the
8 door with a zinc.

9 Q. Please carry on.

10:33:57 10 A. When we went and stood wanting to go outside they said,
11 "Where are you going?" At the time they had surrounded the
12 house. Those people who came, they had surrounded the house.

13 Q. Please carry on, Mr Witness.

14 A. Then they said you - we should return into the house.

10:34:33 15 MR WERNER: Your Honour, I am just noticing on LiveNote
16 that there was a name coming out. I am not sure who is that
17 name.

18 PRESIDING JUDGE: It's certainly not you, Mr Werner. It
19 will be picked up when the corrections are made.

10:34:50 20 MR WERNER:

21 Q. Carry on, Mr Witness.

22 A. Okay. Then we returned into the house.

23 Q. And then what happened, Mr Witness?

24 A. Those who were outside, we used to hear them saying that,
10:35:18 25 "You, you people, do not want us. You said that you want
26 ECOMOG."

27 Q. And when you said that you used - we used to hear "them"
28 saying, who are saying that, Mr Witness?

29 A. Well, these bad people who were outside, the rebels, they

1 were the ones who said. We used to listen to them. They were
2 outside there. And they were saying that we did not want them
3 and they said We'll know what will happen to us. They said we
4 will kill all of us here.

10:36:11 5 Q. And did you hear them saying anything else at that time?

6 A. Well, at that time, I said I was inside the house and they
7 were outside saying these things. They were saying that we did
8 not want them and that we wanted ECOMOG. And they, our boss,
9 Fixo Bio, "When he passes the command, we will kill all of you."

10:36:37 10 Q. And who said that, Mr Witness, that "Our boss, Fixo Bio,
11 when he passes the command, we will kill all of you." Who said
12 that?

13 A. Well, it was the rebels who were saying that. They were
14 outside whilst we were inside the house.

10:37:01 15 Q. Your Honour, Fixo Bio has been spelt before. But that will
16 be F-I-X-O B-I-O, two words. Mr Witness, who was Fixo Bio?

17 A. Well, Fixo Bio was a bad person. They came.

18 Q. And did you know anything else about Fixo Bio at that time?

19 A. Well, Fixo Bio, I used to know him when we were in the
10:37:41 20 diamond area, when we went our separate ways, I did not know him
21 then except on that day that I saw him.

22 Q. We will come to that, Mr Witness. What happened to you
23 after you heard these people saying those things, Mr Witness?

24 A. They went inside and said 'We should all come out and kill
10:38:18 25 before they would kill us.'

26 Q. And who went inside, Mr Witness?

27 A. We were - we were the ones who were in the house.

28 Q. And you said "they" went inside. Who went inside?

29 A. Well, the rebels entered the house and took us outside.

1 Q. And before they took you outside, what if anything
2 happened?

3 A. When they took some people outside, whilst we were in
4 hiding --

10:38:59 5 THE INTERPRETER: Your Honours, can he kindly repeat his
6 entire answer slowly.

7 PRESIDING JUDGE: Please pause, Mr Witness. The
8 interpreter is having trouble keeping up with you. I would like
9 you to repeat your answer slowly so the interpreter can hear you
10:39:15 10 clearly. You said when they took some people outside. Continue
11 from there.

12 THE WITNESS: All right.

13 PRESIDING JUDGE: Can you continue, Mr Witness, with your
14 answer.

10:39:36 15 THE WITNESS: The rebel entered the house.

16 MR WERNER:

17 Q. And what happened, Mr Witness, when they entered the house?

18 A. They took people outside.

19 Q. And at the time they took people outside, where were you
10:39:58 20 yourself?

21 A. I was in the very house.

22 Q. And what happened?

23 A. That person who was standing, the rebel, he shot and he
24 caught me on my lip.

10:40:20 25 Q. And if the record could reflect that, I believe the witness
26 pointed to his chin. Could you show --

27 A. Yeah, you will be able to see there. That was where, this
28 is where the bullet caught me.

29 PRESIDING JUDGE: For the record, the witness has moved his

1 head backwards and indicated his chin and below his chin and
2 invited us to look at a mark on it.

3 MR WERNER: Your Honour, there was a scar. I don't know if
4 you can see it from here. I have seen it before.

10:41:00 5 PRESIDING JUDGE: I can see a scar but can counsel for
6 Defence see? I will ask the witness to turn his head if he can.
7 Mr Witness, please turn and show the lawyers what you are telling
8 us about.

9 MR MUNYARD: Thank you.

10:41:19 10 PRESIDING JUDGE: Thank you, Mr Witness.

11 THE WITNESS: Praise be to God.

12 MR WERNER: Your Honour, I would for the record ask that it
13 be noted that the scar goes from his lower lip to the bottom of
14 his chin, going down to his Adam's apple and I believe that we
10:41:40 15 did some measurement. The scar is about 9 centimetres long but
16 of course that could --

17 PRESIDING JUDGE: Mr Munyard, you have seen the witness and
18 you have heard Mr Werner's description. Do you agree, first, the
19 description and, secondly, what about the measurement?

10:41:59 20 MR MUNYARD: I agree the description. I am not in a
21 position to dispute the measurements and I don't seek to do so.

22 PRESIDING JUDGE: Thank you, Mr Munyard.

23 THE WITNESS: Thanks be to God.

24 MR WERNER:

10:42:15 25 Q. So, Mr Witness, you said that you were shot. Who fired, or
26 who shot you?

27 A. It was the rebels who shot me.

28 Q. And what happened when you were shot, Mr Witness?

29 A. Well, I was not the only person. There was another man

1 there called Aiah. He too was shot in that house.

2 Q. For the record, your Honour, Aiah would A-I-A-H. Do you
3 know, Mr Witness, the family name of Aiah who was shot as well in
4 the house?

10:43:00 5 A. Well, his son, he was together with his son. The two of
6 them were shot. They died there.

7 Q. And what was the name of Aiah's son?

8 A. The younger one?

9 Q. Yes.

10:43:24 10 A. That younger one, I did not know.

11 THE INTERPRETER: Your Honours, the interpreter is not
12 clear about the sex of the child.

13 PRESIDING JUDGE: Mr Witness, the interpreter asks: You
14 said Aiah with a son. The child, was the child a male child or a
10:43:42 15 female child?

16 THE WITNESS: A female.

17 JUDGE LUSSICK: And are you asking, Mr Werner about the
18 younger son or the one that was shot? I think there is some
19 confusion here. He said the two of them were shot and you asked
10:44:06 20 him what was the name of Aiah's son and then he asked you "the
21 younger one". Well, is it the younger one who was shot or was
22 it --

23 MR WERNER: I will clarify that, your Honour.

24 Q. So, Mr Witness, can you clarify. You told us that Aiah was
10:44:21 25 shot. Who else was shot, except you and Aiah in the house, on
26 that day?

27 A. After I had been shot, he too was shot in the house,
28 together with his child.

29 Q. And when you say "he too was shot", who are you talking

1 about?

2 A. Aiah. He too was killed in that house, together with the
3 young child.

10:45:03

4 Q. And you said that before that, the child was a girl; is
5 that correct, Mr Witness?

6 A. Very well.

10:45:19

7 MR MUNYARD: Well, I am sorry but we do need some further
8 clarification because the child was originally a son who was
9 shot. Then there is the question of whether or not there is a
10 younger child in addition to the son and whether that younger
11 child is a female child. At the moment, the record does contain
12 considerable ambiguity. I would be grateful if we could clarify
13 it.

14 MR WERNER:

10:45:34

15 Q. So, Mr Witness, you told us that Aiah was shot, and that he
16 had with him a girl who was shot as well; is that correct,
17 Mr Witness?

18 A. I said his child, a girl. All two of them were killed.

10:46:06

19 Q. Was, at the time he was shot, was Aiah with anyone else in
20 that house, except his child?

21 A. There were people there. I said there were many people in
22 that house.

23 PRESIDING JUDGE: What we are not clear about is how many
24 children Aiah had with him in the house.

10:46:38

25 THE WITNESS: That one who was killed?

26 PRESIDING JUDGE: All together, before they were killed.

27 THE WITNESS: We were many. I do not know the number. Let
28 me not tell lies.

29 PRESIDING JUDGE: No, just think about Aiah. There was

1 Aiah and how many children did Aiah have with him?

2 THE WITNESS: They were upstairs. Let me not tell lies. I
3 was downstairs. We were many in that house. I said in the
4 morning everybody would go their separate ways.

10:47:22 5 MR MUNYARD: Madam President, you asked the very question I
6 was rising to - we still have on the record a son shot and a
7 female child killed. It's up to the Court whether it wishes to
8 leave the ambiguity but I personally think there is still scope
9 for it to be clarified.

10:47:45 10 MR WERNER: I believe we have tried to clarify the gender
11 of the child. We have asked three times and it was a girl.

12 JUDGE SEBUTINDE: Mr Witness, did Aiah have a son that was
13 also shot in the house?

14 THE WITNESS: Well, I only knew about the girl. A young
10:48:10 15 girl.

16 MR WERNER:

17 Q. Now, Mr Witness, answering the question from the Bench, you
18 said that they were upstairs. So just for the sake of clarity,
19 at the time you yourself were shot, where were Aiah and the girl?

10:48:29 20 A. They shot us all together.

21 Q. But where were Aiah and the girl, the little girl, at the
22 time they were shot?

23 A. He was downstairs because they said those who were
24 upstairs, they should bring all of them downstairs, so at that
10:48:57 25 time he was downstairs when we were all shot.

26 Q. And, Mr Witness, what happened after you, Aiah and the
27 little girl were shot downstairs?

28 A. Well, they brought us all outside and they asked us to
29 queue in front of the house.

1 Q. And who brought you outside and asked you to queue in front
2 of the house?

3 A. Well, it was the rebels. They brought us out.

10:49:41

4 Q. And can you tell this Court how you felt when you yourself
5 went outside the house?

6 A. Well, I can explain.

7 Q. Please do so, Mr Witness.

10:50:09

8 A. They brought us out. People were, the people were queued,
9 a lot of them. Then I was asked to stand in that queue. As I
10 was going, you know when they shoot you, when you were shot, you
11 would look like you have been electrocuted.

12 Q. Mr Witness, at the time you went outside and you were asked
13 to queue with the other people who, if anyone, did you see when
14 you went outside?

10:50:37

15 A. Well, people were there. They were wearing uniforms. I
16 saw someone whom I can remember, the person who I referred to as
17 Fixo Bio.

18 Q. And can you describe exactly where did you see him?

10:51:10

19 A. He was standing there, where these people had been killed
20 outside.

21 Q. And where was he standing exactly?

22 A. He was standing close to the people, and he was looking at
23 us outside. Then I saw him face-to-face.

24 Q. And how did you recognise him, Mr Witness?

10:51:35

25 A. Well, I used to know him. That was why when I saw him, I
26 knew that this is the man. This was the man that they had been
27 talking about.

28 Q. And after you were brought outside and asked to queue and
29 you saw Fixo Bio what happened, Mr Witness?

1 A. Well, where they asked me to stand, I was standing there.
2 Then I heard the sound of a gun.

3 THE INTERPRETER: Your Honours, can he kindly repeat the
4 last bit of his answer.

10:52:14 5 PRESIDING JUDGE: Again, Mr Witness, the interpreter did
6 not hear part of your answer clearly. Please continue from where
7 you said "Then I heard the sound of a gun." Perhaps if you - did
8 you understand me, Mr Witness?

9 THE WITNESS: Very well.

10:52:39 10 PRESIDING JUDGE: Please continue.

11 THE WITNESS: Then --

12 THE INTERPRETER: Your Honours, the witness is using a word
13 that the interpreters are finding difficult to understand. Can
14 he be asked to simplify what he is actually talking about.

10:53:02 15 PRESIDING JUDGE: Mr Witness, the interpreters have heard
16 you use a word. They are not clear what this word means and they
17 have asked if you would give your answer using a clearer meaning,
18 a clearer, clearer words.

19 MR WERNER:

10:53:30 20 Q. Please, Mr Witness, can you repeat your answer?

21 A. Then after I had been shot, then they brought us all
22 outside to queue.

23 Q. And what happened after that, Mr Witness?

24 A. After I had been brought outside, I turned around and I saw
10:53:58 25 this man and this man whom they had referred to that if he passed
26 a command they would kill all of us.

27 Q. And when you said that they had referred to him, if he
28 passed a command, who referred to him, Mr Witness?

29 A. Well, they said Fixo Bio, their boss.

1 Q. And who said that, Mr Witness?

2 A. Well, it was the rebel who said that.

3 Q. And what happened after that, Mr Witness?

4 A. At that time I was going and, you know, I was hitting,
10:54:46 5 bumping into people. That is when I heard the - heard gunshots.

6 Q. And, Mr Witness, who fired these gunshots?

7 A. Well, those people who were there, these bad people, the
8 rebels, they shot the gun because they said that we did not like
9 them; we liked ECOMOG.

10:55:10 10 Q. And what happened after that, Mr Witness?

11 A. Then they shot. They broke people's legs, arms. They
12 killed people.

13 Q. And who did that, Mr Witness?

14 A. Those people who were shooting, the rebels who were
10:55:37 15 shooting, they were the ones who killed these people.

16 Q. And what happened to you when they started to shoot,
17 Mr Witness?

18 A. Well, I, myself, sitting down here, my wife's foot was -
19 leg was broken.

10:55:59 20 Q. Mr Witness, my question was: When they started to shoot
21 what did you do?

22 A. Well, I went into the bush and fell down but at that time
23 my wife's leg had been broken. Later when I went there, my child
24 too was shot in his shoulder.

10:56:30 25 Q. And, Mr Witness, you said they killed people. How did you
26 know that they killed people?

27 A. Well, I saw corpses.

28 Q. And because you told us that after they started to shoot
29 you went into the bush, so when did you see the corpses?

1 A. When we stayed there for a while I was in the bush for a
2 while, for quite some time, and I removed my shirt and tied my
3 chin.

10:57:24 4 Q. Mr Witness, you told us that there were people in the
5 queuing and then they started to shoot. To be completely clear,
6 Mr Witness, what happened to the people in the queue, as far as
7 you know?

8 A. I said they were shot. They broke some people's legs, some
9 people's arms and others were killed.

10:57:50 10 Q. And what happened to you then, after you were in the bush
11 and you removed your shirt and you tied your chin; what happened
12 to you, Mr Witness?

13 A. Well, I was there when the ECOMOG came. They had come from
14 Koakoyima. They came in an armoured car.

10:58:18 15 Q. Your Honour, I believe that Koakoyima was already spelt by
16 your Honours. What happened, Mr Witness, when you were in the
17 bush and then ECOMOG came from Koakoyima with an armoured car;
18 what happened?

19 A. Well, they left us there and they went to where ECOMOG was.

10:58:50 20 Q. When you said "They left us there and they went to where
21 ECOMOG was", who are you talking about, Mr Witness?

22 A. The very ECOMOG. Those who had come from Koakoyima.

23 Q. But, Mr Witness, you said "They left us there and they went
24 to where ECOMOG was". Who went to where ECOMOG was?

10:59:23 25 A. Well, the ECOMOG who had come from Koakoyima went to the
26 other ECOMOG who were in Motema. They said, they asked them,
27 "Why have you been here and the others, the people have been
28 killed there? What were you doing?"

29 Q. And what if anything did the other ECOMOG answer, as far as

1 you know? Let me ask you differently, Mr Witness. What if
2 anything else did you hear at that time?

3 A. Pardon me?

11:00:22

4 Q. After you heard what you just told us, what if anything
5 else did you hear ECOMOG saying?

6 A. After I had been shot?

7 Q. No. Mr Witness, you told us that they asked why had you
8 been there and people had been killed there. Why had you been
9 there and people had been killed there. What were you doing?

11:00:50

10 After you heard that, what if anything else did you hear?

11 A. Well, these people, they returned to us, those ECOMOG.

12 Q. And when they returned to you what happened, Mr Witness?

13 A. Well, these people who had come, and who did this shooting,
14 the rebels, they had gone. We did not meet them there. At that
15 time they had gone, so I got up.

11:01:28

16 Q. And what did you do after that, Mr Witness?

17 A. Then I went to town; Motema Town.

18 Q. And what if anything did you see when you went to Motema
19 Town?

11:01:52

20 A. Well, I saw corpses. The ECOMOG were there and they were
21 picking up these people. Those who had been injured were placed
22 in one place, so I, they went and they said that those people who
23 had been shot, they said the ECOMOG have come and they should go
24 down there. They want to take them to Lebanon.

11:02:21

25 Q. And, your Honour, I believe that Lebanon is the Court
26 spelling. Mr Witness --

27 A. Then all of us went down there.

28 Q. Now, Mr Witness, you said that they said that those people
29 who had been shot, who said that? Let me rephrase, Mr Witness.

1 When, tell us again: When you went to Motema what did you hear
2 ECOMOG saying?

3 A. Well, ECOMOG were there. They were guarding us.

4 Initially, they said when there is shooting we should not run

11:03:09 5 because they said the weapons that we had goes very far. That
6 was what we had in mind.

7 Q. And when you said they said the weapon that we had, who are
8 you talking about?

9 A. Well, it was the ECOMOG who said that. They said we should
11:03:32 10 not run away, if you are in town, because even if they were here,
11 we would be able to clear them up immediately.

12 Q. And when you said that, if you said -- even if they are
13 here, who are you talking about?

14 A. Well, it was ECOMOG who said that. They said if the rebels
11:03:57 15 come, we should not run. They said they would be able to
16 dislodge them but the rebels who came, they shot many houses
17 there. Even now, the houses, the burnt houses are there, as I'm
18 talking.

19 Q. And before, Mr Witness, you said that when you went to the
11:04:16 20 town you saw corpses. How many corpses did you see when you went
21 there?

22 A. Well, there were many. They were on the street.

23 Q. And what happened to these corpses, Mr Witness?

24 A. Well, these corpses, I left them there.

11:04:45 25 Q. And do you know, Mr Witness, how many people were killed on
26 that day in Motema?

27 A. Well, on that day I did not know the total but later I
28 heard that there were 25 people. At that time now they had
29 brought us out.

1 Q. And how did you learn, Mr Witness, that 25 people were
2 killed in Motema on that day?

3 A. Well, there was someone who had come from Motema, they came
4 where we were in the hospital. They said that to us.

11:05:30 5 Q. And do you know the name of that person who came from
6 Motema where you were in the hospital?

7 A. Well, there was someone, yes.

8 Q. What was the name of that person, Mr Witness?

9 A. Well, that very Samuel that I was talking about, that
11:05:53 10 Samuel Bull, he came there to visit us at the hospital. He said
11 they were the ones who buried those people in two graves.

12 Q. And you are talking about an hospital. Which hospital are
13 you talking about?

14 A. Well, when ECOMOG took us, and brought us to Lebanon --

11:06:26 15 Q. Yes, carry on, Mr Witness.

16 A. -- then they called in a flight but the flight did not
17 come. They said they should wait.

18 Q. Mr Witness, where is Lebanon?

19 A. Lebanon is in Kono.

11:06:45 20 Q. And you said that they called a flight. Who called the
21 flight?

22 A. The ECOMOG.

23 Q. And how many people, Mr Witness, were in Lebanon in Kono
24 waiting for this flight from ECOMOG?

11:07:10 25 A. We were many, those of us who were there.

26 Q. And what happened after that, Mr Witness?

27 A. Well, the flight did not come. The helicopter did not
28 come. Then one ECOMOG man said, the senior man, said he was
29 going for diesel to put in the vehicle so that these people

1 cannot die here and that they would be able to take them out.

2 Q. And what happened after that, Mr Witness?

3 A. Then we were put in that truck and brought us to Makeni.

4 We were in Makeni, close to Makeni, when one man died, the one

11:07:56 5 who was shot on his back.

6 THE INTERPRETER: Your Honours, can he repeat the last bit
7 of his answer, the tail end.

8 PRESIDING JUDGE: Mr Witness, the very last part of your
9 answer, the interpreter would like you to repeat it. Pick up

11:08:10 10 where you said the one who was shot on his back, the man, one man

11 died, the one who was shot on his back. Please finish your

12 answer from there.

13 THE WITNESS: Well, there was a man, he had been shot in
14 that same place, Motema, he was shot on his back. The shot came,

11:08:42 15 the bullet came outside but he did not die at the time so they

16 were bringing us in Makeni when he died. But we were close to

17 Makeni, we were getting close to Makeni when he died in the

18 vehicle, in our hands.

19 MR WERNER:

11:09:00 20 Q. Mr Witness, you said that this man had been shot on his

21 back. Who shot this man on his back in Motema?

22 A. Well, the rebels, they shot us there. They shot that man

23 as well.

24 Q. And on the way to Makeni what if anything else happened,

11:09:23 25 Mr Witness?

26 A. That man died on the way.

27 Q. And do you remember anything else happening on the way?

28 A. When that man died, when we reached Makeni, they took us

29 out and they carried us to the hospital.

1 Q. And what happened after that?

2 A. Well, at the time, I was taken to the theatre and they
3 stitched my mouth and it was dressed up properly.

4 Q. And then what happened, Mr Witness?

11:10:16 5 A. All the others, some of them, those whose legs had been
6 broken, they said they managed some and they said the following
7 morning they would take them to Freetown but that the medicine
8 that was in that hospital was not enough to go around all of us.

9 Q. And who said that, Mr Witness?

11:10:38 10 A. Well, the ECOMOG who brought us, they took us to that
11 hospital and the doctors said that the people were many but the
12 following morning that we would be taken to Freetown. Then the
13 ECOMOG people returned.

14 Q. And then what happened to you, Mr Witness?

11:10:57 15 A. The following morning they brought a bigger vehicle and we
16 were put in that vehicle and taken to Freetown.

17 Q. And what happened when you were transported to Freetown,
18 Mr Witness?

19 A. Well, they brought us to a hospital to receive medication.
11:11:18 20 The hospital is called Connaught. That was where we were.

21 Q. I believe the spelling was given before. Connaught
22 Hospital. And, Mr Witness, to you in particular, what happened
23 to you when you went to Connaught Hospital, in Freetown?

24 A. Well, they treated me there. Those people were giving me,
11:11:44 25 us medicines. They called them MSF Holland and France. They did
26 very well. If had it not been for them all of us would have
27 died. They were the ones who were giving medicines to the
28 doctors and we received the treatment.

29 Q. And, Mr Witness, did you underwent an operation in

1 Connaught?

2 A. Very well. They did an operation on my mouth. I was in
3 the hospital for a year for this my chin.

4 Q. Now, Mr Witness, you said before that some houses were
11:12:23 5 burnt in Motema. As far as you know, how many houses were burnt
6 in Motema?

7 A. Well, the house in which we were, close to that house,
8 there was a big house there; that very house was burnt down too.

9 Q. And who burnt down that house, as far as you know?

11:12:52 10 A. Well, these bad people burnt down the house, the rebels.

11 Q. And was only one house burnt on that day in Motema?

12 A. Well, on that side, they set houses on fire there but I saw
13 two houses.

14 Q. And who set houses on fire, Mr Witness?

11:13:22 15 A. Well, these bad people set the houses on fire.

16 Q. Now, you told us about several people injured on that day.
17 As far as you know, how many people were injured in Motema on
18 that day?

19 A. Well, I did not do any head count because at that time I
11:13:48 20 was injured as well, I was wounded as well, so I was paying
21 attention to mine.

22 Q. And, Mr Witness, so you told us that houses were burnt on
23 fire and then you said that it was these bad people the rebels
24 who did that. How do you know that it was the rebels who burnt
11:14:09 25 these houses?

26 A. We used to see it. When they attacked places they would
27 burn houses. They would burn down houses. When we were attacked
28 they burnt those houses.

29 Q. But if anyone, who told you that the rebels burnt houses on

1 that day in Motema?

2 A. I myself saw fire in the houses.

3 Q. Now, Mr Witness, you told us that you had an operation on
4 your mouth. Are you able to function normally today?

11:15:04 5 A. Well, my -- the first thing, my jaw bone is not as it was,
6 on both sides. It's not like it was.

7 Q. And for the record, the witness indicating his jaw bone.

8 And what did you say the third thing that your jaw bone is not as
9 it was. What else are you experiencing today, Mr Witness, as a

11:15:45 10 result of what happened to you in Motema, if anything?

11 A. Well, I am not happy. I am not happy about what happened
12 to me. Even as I'm talking now it's hurting me; my jaw, my head
13 it hurts me so much.

14 Q. And are you experiencing anything else, Mr Witness, as a
11:16:17 15 result of what happened to you in Motema?

16 A. Yes. I am not working right now, because I am the one who
17 is supposed to be working to take care of my family but today I
18 am not able to work.

19 Q. Why are you not able to work?

11:16:42 20 A. I am a beggar.

21 Q. Why are you not able to work, Mr Witness?

22 A. Because they shot me with a gun.

23 Q. Do you have any other pain except what you described on
24 your face, on your jaw bone? Do you feel any other pain,

11:17:07 25 Mr Witness, today?

26 A. Yes. I do feel pain in my heart because I am the person
27 who is supposed to be feeling my family but now I can't.

28 [Indiscernible] my wife.

29 Q. And, Mr Witness, did you say you feel pain in your heart or

1 in your back? Where did you say you felt pain?

2 A. Well, this pain, it affects me in my head. Then even my
3 heart, even in my heart, I am the one who is supposed to be
4 feeding my family but now I am reduced to a beggar. I can't feed
11:17:54 5 my family.

6 MR WERNER: We have no further questions for this witness.

7 PRESIDING JUDGE: Right. Thank you, Mr Werner. Now,
8 Mr Munyard, you have given us an indication that Mr Griffiths was
9 to have carriage of this witness.

11:18:11 10 MR MUNYARD: Yes, Madam President. I see the time. We are
11 something like 11 or 12 minutes short of the normal mid-morning
12 break. I anticipate that if he isn't in the building already
13 then he certainly will be by the time of the mid-morning break.

14 I wonder if I could ask Court's indulgence to rise a little
11:18:30 15 early. I don't personally anticipate that if he has any
16 questions at all that they would take very long. So, that I am
17 afraid, is the best I can do. As I did indicate to the Court I
18 also had transport difficulties this morning as a result of a
19 train being cancelled and he rang me to say he was also in
11:18:50 20 transport difficulties.

21 PRESIDING JUDGE: Mr Werner, you have heard Mr Munyard.

22 MR WERNER: We have no difficulties with that.

23 PRESIDING JUDGE: We will rise early as applied. As we
24 said before, we are conscious of the obligations of the parties
11:19:18 25 but more particular there is often procedures for Mr Taylor. So
26 we will resume at our normal time of 12 o'clock to accommodate
27 those matters.

28 MR MUNYARD: We are very grateful.

29 PRESIDING JUDGE: Mr Witness, we normally have a break in

1 the morning and we are going to take that break now. We are
2 going to start Court again at 12 o'clock; do you understand?

3 THE WITNESS: Yes, I've heard.

4 PRESIDING JUDGE: Thank you. Please adjourn Court until
11:19:49 5 12.

6 [Break taken at 11.21 a.m.]

7 [Upon resuming at 12.00 p.m.]

8 MR WERNER: Your Honours, just a word to say that
9 Mr Santora left the Prosecution.

11:59:11 10 PRESIDING JUDGE: There's two counsel on their feet and we
11 can't have two on your feet together so who has got --

12 MR WERNER: Just a word to say that Mr Santora left the
13 Prosecution table.

14 PRESIDING JUDGE: Thank you, Mr Werner. I will note that.
11:59:24 15 Now, Mr Griffiths.

16 MR GRIFFITHS: Good morning, Madam President, your Honours,
17 counsel opposite. Can I first of all apologise for my
18 non-attendance this morning, Madam President. Transport
19 difficulties which I think Mr Munyard mentioned to the Court and
11:59:37 20 I didn't want to interrupt the proceedings by walking in partway
21 through. I do have a few questions for this witness, your
22 Honour, not many, and I'm hopeful that I can conclude that in 30
23 minutes or so.

24 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Munyard, had
11:59:55 25 indeed explained the circumstances. So please proceed now.

26 MR GRIFFITHS: Thank you.

27 CROSS-EXAMINATION BY MR GRIFFITHS:

28 Q. It was on a Saturday, was it, that the house in which you
29 were staying was attacked. Is that right?

1 A. Well, I said I could not recollect. I don't want to lie.

2 Q. You can't remember? In any event, what time of day was

3 it --

4 A. At all. I don't want to lie.

12:00:26 5 Q. What time of day was it?

6 A. Well, that event did not take place during the afternoon.

7 It was very early in the morning hours when that thing happened.

8 Q. And was there - you were staying in a house, weren't you?

9 A. Yes.

12:00:51 10 Q. Whose house was it?

11 A. Well, it was Mr Samuel Bull. He was an old man. Not that
12 he was a young guy.

13 Q. And did that man Samuel Bull have two sons called Emmanuel
14 and Samuel?

12:01:18 15 A. Well, his son Samuel Bull, I knew him, not that I knew all
16 his children because he was an old-looking man.

17 Q. Did you know his son Emmanuel?

18 A. Emmanuel Bull?

19 Q. Yes.

12:01:42 20 A. Well, it was Samuel Bull who gave me a place. I knew him
21 very well.

22 PRESIDING JUDGE: Mr Witness, counsel is asking about a
23 different person, a man called Emmanuel Bull. Did you know
24 Emmanuel?

12:02:06 25 THE WITNESS: I said Samuel Bull, I knew him very well.

26 MR GRIFFITHS:

27 Q. Let me start from a different point altogether then. The
28 house in which you've been staying since you arrived in The
29 Hague, there were two individuals living in that house with you

1 called Emmanuel Bull and Samuel Bull, weren't there?

2 A. Well, yes. I don't like to lie.

3 Q. Well, I don't want you to lie; that's why I'm asking you
4 these questions. Now those two men who were staying in the house
12:02:56 5 with you here in The Hague, Emmanuel Bull and Samuel Bull, had
6 you seen them in Motema?

7 A. Samuel Bull in fact - in fact he stays there, but Samuel
8 Bull is - Emmanuel Bull was a schoolboy. He used to go there on
9 holidays. Sometimes he would spend some time there and return.
12:03:34 10 He too was there because his dad was there.

11 Q. Right, because the Bulls were one of the wealthiest
12 families in Motema, weren't they?

13 A. Yes, their father was a senior man. He was a CPO Motema.

14 Q. What's that?

12:04:06 15 A. I said their father was a senior officer. In fact he was a
16 CPO at Motema.

17 Q. What's a CPO?

18 A. He was a policeman. He was a senior policeman.

19 Q. Right. So father Bull, Samuel Bull, was a senior police
12:04:31 20 officer in Motema. Is that right?

21 A. Yes.

22 Q. And his son Emmanuel Bull was a student in Freetown. Is
23 that right?

24 A. Well, he used to be in school. Then when he come over to
12:05:02 25 his father again he would be there again in school.

26 Q. And the son, Samuel Bull, did he live in the same house as
27 you?

28 A. That Samuel Bull, he in fact gave me a place.

29 Q. Now were you working for the Bulls as a miner?

1 JUDGE SEBUTINDE: Mr Griffiths, I don't think he understood
2 your question. You said and the son Samuel Bull. Did you mean
3 Emmanuel Bull?

4 MR GRIFFITHS: No, no, the son Samuel Bull. Let me ask the
12:05:41 5 question again and I'm grateful, your Honour:

6 Q. Mr Witness, can I ask you again: The man Samuel Bull who
7 you saw in the house here in The Hague, did he live in the house
8 with you in Motema?

9 A. Well, at the time I was shot, we were in the same house.
12:06:11 10 He gave me a place.

11 Q. So - because I want to be clear about this - so in that
12 house you were staying there was Samuel Bull the father and
13 Samuel Bull the son. Is that right?

14 A. Well, their father was not there. I did not see their
12:06:42 15 father there. I wouldn't want to lie. But Samuel Bull in fact
16 was - we stayed with him. I said he gave me a place to sleep.

17 Q. So at the time that the rebels arrived in Motema Samuel
18 Bull, the father, was not in the house. Is that right?

19 A. Well, that was why I said I wouldn't like to lie. I said
12:07:20 20 he was not there in that house. Not at all. His son was there.

21 Q. And the father's name was Tamba Emmanuel Bull. Is that
22 right?

23 A. Well, on our side that was how they used to call him. He
24 was an adult. I used to go and say hello to him and return, but
12:07:50 25 that was the Samuel Bull name I used to know.

26 Q. I think we're getting confused here and I'm sure it's my
27 fault, so perhaps I ought to take things a bit slower. By what
28 name did you know Mr Bull, the father?

29 A. Well, I said Mr Samuel Bull. I used to hear people calling

1 him that way, the father.

2 Q. And he was not in the house when the rebels attacked. Is
3 that right?

4 A. That their father?

12:08:42 5 Q. Yes, that's right.

6 A. Well, I said he was not there. I did not see him. I don't
7 want to lie.

8 Q. So the only Bull who was in the house at the time of the
9 attack was Samuel, the son. Is that right?

12:09:06 10 A. Yes. He in fact gave me a place to sleep.

11 Q. Now were you working for the Bull family as a miner?

12 A. Never. I never worked under him. I don't want to lie to
13 you.

14 Q. But you were a miner at the time, were you?

12:09:35 15 A. Well, prior to the war I used to do that work.

16 Q. What work?

17 A. I used to do petty trading during the rainy season. I'm a
18 country man and I used to make a swamp farm.

19 Q. But you never mined for the Bull family?

12:10:08 20 A. Not at all. Never. I never worked as a miner under him.
21 I don't want to lie.

22 Q. Did --

23 JUDGE SEBUTINDE: Sorry, did the witness say I used to do
24 "diamond" work?

12:10:20 25 MR GRIFFITHS: No, petty trading, your Honour. That's what
26 I understand and he also did farm work in a swamp. That's what I
27 understood him to be saying.

28 THE WITNESS: Swamp cultivation very well. And I also have
29 a coffee garden, but I am not able to brush that any longer.

1 MR GRIFFITHS:

2 Q. Did the Bull family have a mining company?

3 A. Yes. He had - his father had a licence.

4 Q. And was it a large mining company?

12:11:12 5 A. Well, it was a licence. It was a portion. If a place you
6 like, you licence it.

7 Q. Did he mine using machines?

8 A. Well, baling machines, they used to work with them. I saw
9 them. Baling machines and a plant.

12:11:56 10 Q. Were the Bull family devout Christians?

11 A. Well, their son was a Christian. Samuel Bull was a pastor.

12 Q. And were you actually having a church service in the house
13 when the rebels attacked?

14 A. Well, the house in which we were living, we used to pray
12:12:41 15 every evening before we went to bed. His sons used to pray with
16 us.

17 Q. Were you actually having a service when the rebels
18 attacked?

19 A. No. I said it was very early in the morning hours when the
12:13:03 20 rebel came there. I don't want to lie.

21 Q. Now on the topic of mining, prior to the attack ECOMOG
22 soldiers were occupying Yengema, Kokui ma, Lebanon and other key
23 places in Kono, weren't they? Hello?

24 PRESIDING JUDGE: Mr Witness, did you hear the question
12:14:00 25 asked?

26 THE WITNESS: I did not understand. Let him repeat it
27 again.

28 MR GRIFFITHS:

29 Q. Before the attack by the rebels, ECOMOG soldiers were

1 occupying Yengema, Kokui ma, Lebanon and all the key places in
2 Kono, weren't they?

3 A. Yes. They occupied all those areas.

12:14:38

4 Q. And the ECOMOG soldiers were involved in diamond mining in
5 those places, weren't they?

6 A. Well, in the morning I used to see them dressed in military
7 fatigue, sitting down. But to say I saw an ECOMOG officer
8 working in the mines, in the swamp, it would be a lie.

12:15:15

9 Q. Let me put it differently then. Were people mining for the
10 ECOMOG soldiers?

11 A. Well, on my own part I was not engaged in any mining
12 activity. Since the war started I never did any diamond work.

13 Q. Was anyone to your knowledge mining for the ECOMOG
14 soldiers?

12:15:45

15 A. Well, sometimes I used to hear, because it's fine to say
16 the truth. When one dies you wouldn't be buried with any other
17 person. You alone will be buried on this ground.

18 Q. What was it that you used to hear?

19 A. To hear what?

12:16:17

20 Q. Let me start again. Was anyone to your knowledge mining
21 for the ECOMOG soldiers?

22 A. Well, I said on my own part I never worked for them in the
23 mines. I used to hear.

24 Q. You used to hear what?

12:16:50

25 A. Heard it with my ears. Some people will say we work under
26 this ECOMOG officer, but as for me I never worked for them. But
27 in fact not all of them were involved because most of them were
28 afraid. When those people came they used to kill many of them.

29 Q. But you did hear that people were mining for the ECOMOG

1 soldiers. Is that right?

2 A. Well, I used to hear some of it and some of them are not
3 miners.

4 PRESIDING JUDGE: Mr Griffiths, there's a couple of "they"
12:17:34 5 s and "them" s that are unclear. "When those people came they
6 used to kill many of them". And before that "Not all of them
7 were involved, because most of them were afraid". I'm not quite
8 clear who we're talking about there.

9 MR GRIFFITHS: Okay:

12:17:54 10 Q. When you said to me earlier - one minute. When you said
11 earlier that not all of them were involved because most of them
12 were afraid, who were you talking about?

13 A. The ECOMOG. When the rebels came some of them were killed.
14 That was why not all of them had miners. Only few of them had
12:18:40 15 miners.

16 MR GRIFFITHS: I hope that clears it up, Madam President.

17 PRESIDING JUDGE: Yes, it does.

18 MR GRIFFITHS: I'm grateful:

19 Q. Now let's move on and talk about another topic. Were there
12:18:50 20 Kamajors in Motema?

21 A. Well, when I was released Kamajors were not there at that
22 time. I don't want to lie.

23 Q. Did you ever see Kamajors in Motema?

24 A. At that time I did not see Kamajors.

12:19:14 25 Q. Did you see Kamajors in Motema at any time?

26 A. No, I did not see Kamajors there at that time.

27 Q. No, no. Did you ever in your life during the war see
28 Kamajors in Motema?

29 A. No, at that time I did not see the Kamajors. I don't want

1 to lie to you.

2 Q. I'm sure it's my fault. Let me try once more. Did you
3 ever at any time see Kamajors in Motema?

4 A. Well, I said at the time I was shot I did not see any
12:20:16 5 Kamajor, but some of the areas, Kamajors were there in some of
6 the villages.

7 Q. That's helpful, but I'm going to try once more. Did you
8 ever at any time see Kamajors in Motema?

9 A. Well, at the time I went there until the time I was shot I
12:20:48 10 did not see any Kamajor at that time, but Kamajor used to be at
11 some places where we used to go. Some of the Kamajors were
12 there.

13 Q. Were the Bull family Kamajors?

14 A. Well, even if they had been Kamajors, at that time I never
12:21:16 15 knew them to be the Kamajors. I don't want to lie.

16 Q. Were you a Kamajor?

17 A. I did not understand.

18 Q. Were you a Kamajor?

19 A. I don't in fact know how to shoot. I don't want to lie.
12:21:48 20 I'm not a Kamajor.

21 Q. Where were you when you were shot?

22 A. Well, I said I was in Motema. There I was shot.

23 Q. Where physically in Motema were you when you were shot?

24 A. Well, I was at Pa Samuel Bull's house. In the main
12:22:24 25 [indiscernible]. There the house is.

26 Q. Where in the house were you?

27 MR WERNER: Sorry to interrupt. Just for the transcript, I
28 think he said the main road, and it has not been picked up.

29 PRESIDING JUDGE: I thought I heard main room is what I

1 heard.

2 MR WERNER: Well, I understood he said the house --

3 MR GRIFFITHS: Let me try and clarify:

4 Q. Where in the house were you when you were shot?

12:22:55 5 A. I was downstairs.

6 Q. In what room in the house?

7 A. Well, it's the house, there was a big parlour. There was a
8 little place where things were kept.

9 Q. And help me: Were you standing up or lying down when you
12:23:25 10 were shot?

11 A. Well, I was not lying down. I was standing up and I went
12 behind the thing.

13 Q. And help me with this. Could you look at me for a moment,
14 please. Hello?

12:23:50 15 PRESIDING JUDGE: Mr Witness, could you please turn and
16 face counsel for the Defence. That's it.

17 MR GRIFFITHS:

18 Q. The bullet struck you there, is that right?

19 A. Yes. Where I was standing in the house, the bullet hit the
12:24:08 20 house and caught me here downwards.

21 Q. If it hit you here but didn't come out through the back,
22 somehow it just went down like that. Is that right?

23 A. Yes, this my head is just there. I cannot eat anything
24 hard.

12:24:34 25 Q. So you were standing up, a bullet hits you in your chin,
26 but doesn't penetrate and go through. Somehow it just glances
27 downwards. Is that right?

28 A. Yes, I was - there was a metal that was at the back and the
29 bullet hit it and hit me.

1 Q. Or was it the case that you were actually fighting for the
2 Kamajors and perhaps lying on the ground when you were shot?

3 A. It's not like that.

4 Q. You were taken to hospital where?

12:25:36 5 A. What?

6 Q. Did you go to hospital?

7 A. When I was shot there, the soldiers took me from there to
8 Lebanon in Kono.

9 Q. Did you go to hospital?

12:25:57 10 A. Well when they brought us to Lebanon they took us and
11 brought us to a hospital in Makeni, the ECOMOG. From Makeni, one
12 morning they took us to Freetown. They said they were unable to
13 treat us there. There were no medicines.

14 Q. So you received treatment at hospital in Freetown, did you?

12:26:29 15 A. Very well.

16 Q. And is that a hospital to which wounded Kamajor fighters
17 were taken?

18 A. Well, it was Connaught. They took me to Connaught.

19 Q. Was it a hospital to which wounded Kamajor fighters were
12:27:01 20 taken?

21 A. Well they used to take them there later, but it's a
22 hospital where they were taking them. At that time it was Hinga
23 Norman who was head. They were treating all of them, but there
24 were not many there. They had their own place where they used to
12:27:27 25 take them.

26 Q. But there were Kamajor soldiers receiving treatment in that
27 hospital, is that right?

28 A. You mean Connaught?

29 Q. Yes.

1 A. Well, Connaught, there were no soldiers there. I don't
2 want to tell lies. When a soldier was shot, they will take him
3 directly to the military barracks. They had their own hospital
4 there. That was where they were being treated.

12:27:57 5 Q. I'm not - I'm sure it's my fault. Were there wounded
6 Kamajors in the hospital when you were there?

7 A. Well some were there, yes.

8 Q. Now the commander of the rebels, what was his name?

9 A. For the rebels?

12:28:35 10 Q. Yes, please.

11 A. That man, maybe he died. There was - it was one man. I
12 used to hear - I used to hear his name. They said Foday Sankoh.

13 Q. The rebels who attacked the house in Motema, did they have
14 a leader?

12:29:09 15 A. Okay. He was called Fixo Bio.

16 Q. Have you ever heard the name Victor Bio?

17 A. Fixo Bio.

18 Q. Have you ever heard the name Victor, V-I-C-T-O-R, Bio?

19 A. Fixo Bio.

12:29:52 20 PRESIDING JUDGE: Mr Witness, counsel is asking about a
21 person called Victor. Victor Bio.

22 MR GRIFFITHS:

23 Q. Have you ever heard that name, Victor Bio?

24 A. Victor or Victor Bio? I want to know the distinction so
12:30:21 25 that I can understand.

26 Q. I am talking about one person with one name, Victor Bio.
27 Have you ever heard that name?

28 A. Apart from that name?

29 Q. No, hopefully with - I'm wondering whether there is a

1 problem with the translation.

2 PRESIDING JUDGE: Shall I ask? Mr Interpreter, is the
3 witness being told that he's being asked about a person called
4 Victor Bio, as he appears to be confused?

12:31:09 5 THE INTERPRETER: Your Honours, the Kono interpreters are
6 on the other side of the courtroom and they can't get to you on
7 the floor, but I have sent somebody across to find out what is
8 being interpreted to him.

9 PRESIDING JUDGE: Thank you, Mr Interpreter. We will just
12:31:24 10 pause briefly and see what the explanation is.

11 THE INTERPRETER: Your Honours, the interpreters say they
12 are interpreting exactly what learned counsel is putting to the
13 witness.

14 PRESIDING JUDGE: Thank you.

12:32:23 15 MR GRIFFITHS:

16 Q. Let us try once more. Have you ever heard the name Victor
17 Bio?

18 A. Just now?

19 Q. At any time in your life, have you ever heard the name --

12:32:49 20 A. Well, it's a name. People often say it.

21 Q. People often say it when?

22 A. Well, somebody would give birth to a child and name that
23 child.

24 Q. Have you ever heard of a rebel leader called Victor Bio?

12:33:29 25 A. Well that one that I was talking about that took the troop
26 there whom they called Victor, he was there. I said I knew him.
27 He used to be a rebel leader.

28 Q. So was his name Victor, or was it Fixo?

29 A. Fixo Bio. Fixo Bio. Fixo Bio.

1 MR GRIFFITHS: I think I'm going to give up. I think I
2 give up. Let me try one other matter and I hope I don't have the
3 same difficulty with this name:

4 Q. Have you ever heard the name Kai Sandy?

12:34:30 5 A. Kai Sandy?

6 Q. Yes, please.

7 A. At that house?

8 Q. Anywhere in Kono, have you ever heard the name Kai Sandy?

9 A. Well Kai Sandy I heard it, but he died. In Motema he died
12:34:58 10 there.

11 Q. So you do know a Kai Sandy who lived in Motema, yes?

12 A. Yes.

13 Q. And he was a chief hunter of the Kamajors, wasn't he?

14 A. Yes, but he was not there. They were in a village far off,
12:35:28 15 but he died.

16 Q. How did he die?

17 A. Well, we were in one village - the village that I was
18 talking about - called Timbor. They bypassed us there and they
19 surfaced in one village there. That was where they came and they
12:35:47 20 met Mr Kai Sandy with a gun, with bullets. At that time - it was
21 at that time that he was caught. They beat him up and they
22 killed him. They severed - they cut his throat and then they
23 went. They left his corpse there.

24 Q. Who did that?

12:36:21 25 A. Well, the rebels did that. When they did that they
26 returned to Njaiama. They returned to Njaiama in haste. When
27 the Kamajors were coming to that place, they did not meet them
28 there. They had gone.

29 Q. But that man Kai Sandy was a leader for the Kamajors,

1 wasn't he?

2 A. Well, I knew him. He - to join to fight the war. That was
3 when I knew him, but he was a Kamajor.

4 Q. Were you ever asked to join the Kamajors?

12:37:12 5 A. I had one of my friends who said I should join the
6 Kamajors, but I said, "I do have a family. I have my families".
7 If I say I'm going to join the Kamajors, that will be a problem.
8 I wouldn't have time for my children and my wife and my children
9 will suffer. So I didn't go there. Let me not tell you lies.

12:37:36 10 Q. When you were asked to join the Kamajors? Was it before or
11 after the rebels attacked?

12 A. At that time I had not been shot.

13 Q. So you were asked to join the rebels before you were shot?

14 PRESIDING JUDGE: Are you sure it was the rebels?

12:38:08 15 MR GRIFFITHS: Sorry, my fault:

16 Q. You were asked to join the Kamajors before you were shot?

17 A. Yes, but I said I did not join the Kamajors. I did not
18 join the Kamajors.

19 Q. Now the friend of yours who asked you to join the Kamajors,
12:38:29 20 was he a Kamajor?

21 A. Yes, he was a Kamajor, but they were in the Mende area.

22 Q. So I take it then that you had friends who were Kamajor
23 fighters?

24 A. Well, he was the only one. I was even surprised that he
12:39:07 25 became a Kamajor, because he was not a Kamajor.

26 Q. Did he live in Motema? I'm sure you didn't hear my
27 question so let me try it again. Did your friend who was a
28 Kamajor live in Motema?

29 A. No, he was in another village far off. In fact it's far

1 away from Motema. But he was not in that village any more. He
2 was in the Mende area. That was where he joined the Kamajor.
3 That was where they were fighting.

4 Q. Where did you meet him when he asked you to join?

12:40:04 5 A. Well, he came - he came to the village called Giehun and I
6 have a nephew that I went to visit him there when I saw him and
7 he took me to his house. Then he said, "Please, my man, I have
8 become a Kamajor. You too, won't you join?" And I said,
9 "Please, you know that I have a family. I can't join the
12:40:35 10 Kamajors". I said, "Two wives and the children. If I become a
11 Kamajor now, isn't that a bad thing? I will lose my people".
12 Then I left him there and returned.

13 Q. Did the Bulls have relatives who were Kamajors?

14 A. Well, I did not know any other person except the person you
12:41:04 15 are talking about because they were close. That one who was
16 killed in that village with his throat cut, Mr Aiah Sandy.

17 Q. I'll try one final time. Did the Bulls have relatives who
18 were Kamajors?

19 A. Apart from Aiah who was killed there?

12:41:47 20 Q. Well, let me try it differently. Was Aiah a Kamajor?

21 A. That man who was killed, he was a Kamajor, Mr Aiah Sandy.

22 PRESIDING JUDGE: Just a minute. We've had Mr Sandy with
23 two names. I think I heard Kai Sandy and I now hear Aiah Sandy
24 and we have a Mr Aiah who is a different person.

12:42:18 25 THE WITNESS: Kai Sandy. Kai Sandy. Kai Sandy.

26 PRESIDING JUDGE: And both Mr Aiah and Mr Kai Sandy have
27 been killed, so we're on the verge of confusion here.

28 MR GRIFFITHS: I'm confused already, not on the verge of
29 it, Madam President, so I'll try and extricate myself from this

1 mi re. Let me try this:

2 Q. There was a Mr Kai Sandy, a Kamajor, who was killed and had
3 his throat cut. Is that right?

12:42:58

4 A. Yes, that happened, but that was not in Motema. From
5 Motema to that place it's a long distance.

6 Q. Thank you. There was a Mr Aiah who was killed. Is that
7 right?

8 A. Yes, we were together in that house, that one who was
9 killed.

12:43:18

10 Q. Was Mr Aiah a Kamajor?

11 A. He was not a Kamajor. I did not know him to be a Kamajor.

12 MR GRIFFITHS: Very well. That's all I ask, your Honour.

13 PRESIDING JUDGE: Thank you, Mr Griffiths. Any

14 re-examination, Mr Werner?

12:43:37

15 MR WERNER: No re-examination, your Honours.

16 PRESIDING JUDGE: Thank you. Mr Witness, that is your
17 evidence finished and we thank you for your evidence and for
18 travelling here and coming to court to give your evidence today.

19 You are now free to leave the Court and we wish you a safe

12:44:04

20 journey. Please assist Mr Witness to leave.

21 THE WITNESS: Amen. May God keep you well, those of you
22 whom I've met here.

23 PRESIDING JUDGE: Thank you, Mr Witness, for that.

24 Mr Koumjian, yes?

12:45:03

25 MR KOUMJIAN: Your Honours, the next witness is TF1-060 who
26 has agreed to testify openly. He did testify previously with
27 certain protective measures in the RUF case, but he's agreed to
28 testify openly in this case and will be testifying in English.

29 PRESIDING JUDGE: When you say he had protective measures

1 in the RUF case, Mr Koumjian, are they still in place or what is
2 the status of those measures?

3 MR KOUMJIAN: Yes, they are still in place, so maybe I
4 shouldn't have said that. I would just say that he had
12:45:56 5 protective measures from a decision of 5 July 2004 and we would
6 ask for the rescission of those measures except for - sorry, my
7 copy of the motion has fallen apart so I am looking for the
8 paragraphs that are relevant. I believe starting on page 9 of
9 the order.

10 The only thing I'm concerned about in paragraph (b) is of
11 course it doesn't - it is more of concern to the victim witness
12 section, the addresses of witnesses and current whereabouts
13 should remain sealed in paragraph (b). I believe for purposes
14 of this proceeding none of the other paragraphs need to apply to
12:47:22 15 this proceeding. Of course the measures remain in place for the
16 other proceeding.

17 PRESIDING JUDGE: For purposes of clarity, this is the
18 decision that this Court has already ruled upon in relation to
19 witness TF1-215. That is the same decision, is it?

12:47:51 20 MR KOUMJIAN: Yes.

21 PRESIDING JUDGE: So for purposes of record you have
22 referred me to order 20(b), is it, but with modification that
23 you've said the addresses and the present whereabouts to remain
24 sealed?

12:48:16 25 MR KOUMJIAN: Correct.

26 PRESIDING JUDGE: Is that the only measure you're referring
27 me to, Mr Koumjian?

28 MR KOUMJIAN: Your Honour, there are some other measures
29 which I believe would apply without a specific order from this

1 Court, but those would be related to the Defence not disclosing
2 non-public material. That would be in paragraph (j). Again the
3 testimony in this case will be public, but paragraph (j) would
4 remain as far as the obligation not to disclose non-public
12:48:50 5 material.

6 PRESIDING JUDGE: Paragraph 19 of that order and paragraph
7 20 are applications for modification. The actual orders are
8 contained in the disposition on page 15. So I really need to
9 have those in front of me.

12:49:25 10 MR KOUMJIAN: I'm sorry, I should have been referring to
11 that, yes. So that paragraph (j) is in the disposition on page
12 16; the obligation not to disclose non-public material. And the
13 other paragraph that I referred to earlier should have been
14 paragraph (b) on page 16 and that is that the address and
12:49:45 15 whereabouts of the witness remain sealed within the public
16 records of the Special Court. That is not public material, the
17 address and whereabouts of the witness.

18 PRESIDING JUDGE: That is your application now,
19 Mr Koumjian?

12:50:12 20 MR KOUMJIAN: Yes.

21 PRESIDING JUDGE: Now I'm not sure who has carriage of this
22 witness.

23 MR ANYAH: I do, Madam President. I've heard the
24 Prosecution's application. As a matter of initial impression it
12:50:25 25 does appear that paragraph (a) of the same order, and we are now
26 in the dispositional section, at page 15 which says that all
27 witnesses shall be referred to by pseudonyms, that seems on its
28 face to appear to this witness as well. As would be paragraphs
29 (c) and (d) to the extent for example we wish to refer to prior

1 transcripts or exhibits that have identifying information
2 pertaining to the witness. And it seems to me, unless I am also
3 mistaken, that paragraph (e), the use of a screening device,
4 might very well apply to this witness.

12:51:23 5 Of course all of this is conditioned on which category this
6 witness would be said to belong to and that would not be Category
7 A, it would not be Category B. Category A being victims of
8 sexual violence, Category B being children, Category C being
9 insider witnesses.

12:51:40 10 So I am not sure if we've covered all the possibilities
11 here and I raise this in this specific context: There have been
12 disclosed to us certain transcripts that are closed session
13 transcripts and these proceedings of course will be held in open
14 session, assuming what has been proposed to the Chamber is
12:52:04 15 correct, that the witness wishes to testify openly, and to the
16 extent that rescission is being sought of some measures a
17 question will arise whether the measures vis-a-vis the closed
18 session transcripts remain in place and whether referring to
19 those transcripts one would have to seek leave of Chamber either
12:52:27 20 to rescind those measures or to go into closed session to do so.

21 So I merely seek clarification foreshadowing the
22 possibility that reference may be made to closed session
23 transcripts in respect of this witness. Other than that in
24 principle we have no objection to the application to rescind.

12:52:49 25 PRESIDING JUDGE: Now, Mr Koumjian, you've heard the reply
26 and it would appear that Mr Anyah is conceding some but saying
27 that other protective measures should also be rescinded. So he
28 is either objecting or making an application, I'm not entirely
29 sure which, but let me have your views.

1 MR KOUMJIAN: Your Honour, my view is that this Chamber
2 cannot rescind the measure as it applied to the other case. In
3 other words, we can't make public what is closed session in the
4 other case without going to the other Trial Chamber to do that.

12:53:41 5 So if we reach a point where the Defence needs to refer to closed
6 session I think we're going to have to deal with that at the
7 time. I think we'll have to deal with it in closed session.

8 But again I think we were doing - each of us was taking a
9 slightly different approach. I was pointing to the paragraphs
12:54:04 10 that need to remain effect and Mr Anyah was referring to the ones
11 that need to be rescinded, but I don't think there was that great
12 a difference, except for this area which he has pointed out, that
13 there is testimony in closed session. I think some of that same
14 testimony is going to come out in open frankly in this case, but
12:54:24 15 if the Defence needs to refer to that I just think legally only
16 the other Chamber could lift that closed session order, to my
17 understanding.

18 JUDGE SEBUTINDE: Mr Koumjian, just to clarify again, you
19 are seeking to rescind all measures mentioned in paragraph 35 or
12:55:07 20 just below 35 except (b). That is measures (a), (c), (d), (e),
21 (f)?

22 MR KOUMJIAN: Yes, your Honour.

23 JUDGE SEBUTINDE: And this particular witness 060 is a
24 group 1 witness?

12:55:27 25 MR KOUMJIAN: Correct, your Honour.

26 [Trial Chamber conferred]

27 PRESIDING JUDGE: We note that this issue of rescission of
28 protective measures that were considered or rendered by Trial
29 Chamber I on 5 July 2004 has been before the Chamber both in the

1 substantive written motion and decision and more recently on 23
2 September 2008. We then ruled and again rule that we have
3 rendered our decision that witnesses not in Categories A, B or C
4 are not subject to protective measures and that applies to the
13:00:52 5 instant witness TF1-060. Therefore there are no protective
6 measures and the application is redundant.

7 MR ANYAH: I do wish to make another application that is
8 separate and distinct from protective measures, it pertains to
9 disclosures, at your Honour's convenience.

13:01:25 10 PRESIDING JUDGE: Let me hear what Mr Koumjian has to say
11 in the light of what we've ruled.

12 MR KOUMJIAN: Your Honour, I understand your ruling. I
13 would say that it's not going to affect my direct examination.
14 An issue may come up in cross-examination if, as Mr Anyah
13:01:43 15 foretold, he wishes to refer to closed session, because that
16 actually was an oral motion that was granted by the Trial Chamber
17 and it's contained in the transcript. I suggest we deal with it
18 if and when we have to.

19 PRESIDING JUDGE: Yes, that would be appropriate and, as
13:02:01 20 you correctly say, it has been raised before. Mr Anyah, I
21 understand the witness is going to be called. If there is issues
22 about closed session transcripts they will be dealt with if and
23 when they arise.

24 MR ANYAH: I had an application in respect of late
13:02:27 25 disclosure received from the Prosecution.

26 PRESIDING JUDGE: I understand now what you're talking
27 about. Please proceed with what you wish to say on late
28 disclosure. I presume it is appropriate to do it in the absence
29 of the witness?

1 MR ANYAH: Since the witness is not yet on the stand it
2 would seem appropriate that the Chamber hear of this issue now.
3 Friday last the Prosecution disclosed additional information in
4 respect of this witness to us. I received that information this
13:02:47 5 morning through our case manager. I believe the disclosures took
6 place some time after 12 noon on Friday. The number of pages in
7 question are 14. In open court today we were served 13 of those
8 pages.

9 Without going into much detail the pages - some of them are
13:03:09 10 typewritten and some of them are handwritten. The handwritten
11 versions appear to be documents written by the witness. The
12 typewritten versions or the typewritten documents are purportedly
13 reports that were made contemporaneously or shortly thereafter
14 the events to which they pertain, events which go back over ten
13:03:35 15 years. I have tried to look through these documents since
16 receiving them in court this morning and they will require
17 further in depth study, just because they recount or pertain to
18 events that took place a while ago and are purportedly prepared
19 contemporaneously with those events.

13:03:58 20 I raise this merely to indicate to the Chamber that to the
21 extent the examination-in-chief of the witness concludes rather
22 quickly, perhaps within two hours, I will seek additional time to
23 study these materials more closely. I would not be discharging
24 my obligations to our client diligently should I proceed without
13:04:23 25 giving them further consideration.

26 Other than that we have no objection to the
27 examination-in-chief proceeding, but there might very well be an
28 application from me at a later time seeking additional time to
29 cross-examine this witness.

1 PRESIDING JUDGE: Mr Anyah, this Trial Chamber has cured
2 such problems in the past by entertaining an adjournment and at
3 the appropriate time we will - if appropriate and you make such
4 an application we will deal with it.

13:04:50 5 MR ANYAH: Thank you, Madam President.

6 PRESIDING JUDGE: Mr Koumjian, please proceed.

7 MR KOUMJIAN: If I could - just on that point if I could
8 just clarify one thing. The documents in question which counsel
9 mentioned were provided to the Prosecution on Thursday night.

13:05:13 10 They had to be logged and scanned and then provided to the
11 Defence the next day.

12 PRESIDING JUDGE: Mr Koumjian, I noted that Mr Anyah did
13 not have any implied or direct criticism of the Prosecution and I
14 have no doubt that you acted in a professional manner.

13:05:27 15 MR KOUMJIAN: Thank you. I would say I don't anticipate
16 that the direct examination will finish today, or if it will be
17 it will be very late today.

18 PRESIDING JUDGE: Thank you. Please advise what language
19 the witness will speak.

13:05:56 20 MR KOUMJIAN: The witness will testify in English.

21 WITNESS: ABDUL OTONJO CONTEH [Sworn]

22 PRESIDING JUDGE: Mr Koumjian, please proceed.

23 MR KOUMJIAN: Thank you.

24 EXAMINATION-IN-CHIEF BY MR KOUMJIAN:

13:07:52 25 Q. Good afternoon, sir.

26 A. Afternoon, sir.

27 Q. Would you please tell the Court very slowly and then spell
28 your name for the record?

29 A. My name is Abdul A-B-D-U-L, Otonjo O-T-O-N-J-O, Conteh

1 C-O-N-T-E-H.

2 Q. Thank you, sir. Can you tell us when you were born?

3 A. I was born on 10 June 1953.

4 Q. Sir, where was it that you were born?

13:08:46 5 A. I was born at Lalahun.

6 Q. Can you tell us where Lalahun is as far as if it - first
7 which country and district it's in?

8 A. Lalahun is in Nyawa section, Lower Bambara Chiefdom, Kenema
9 District, eastern region of Sierra Leone.

13:09:10 10 Q. Thank you, sir. Is the area in which Lalahun is located,
11 does it have another name that particular area?

12 A. Yes, sir.

13 Q. What is the name of that area?

14 A. The main area of that area is - the main name of that area
13:09:30 15 is Tongo Fields.

16 Q. Thank you, sir.

17 A. Tongo Fields.

18 JUDGE SEBUTINDE: Is Lalahun spelt correctly in the
19 transcript?

13:09:41 20 MR KOUMJIAN: No:

21 Q. Sir, would you please spell Lalahun?

22 A. Yes, sir. Lalahun L-A-L-E-H-U-N.

23 Q. Thank you. Now you said that this was - and I'm not sure
24 the transcript picked it up. You said it was in a section in the
13:10:05 25 Lower Bambara Chiefdom. What section is it in?

26 A. Nyawa section.

27 Q. Can you spell Nyawa, please, sir?

28 A. Yes, sir, N-Y-A-W-A.

29 Q. Okay, thank you. Sir, can you tell the Court what your

1 education is?

2 A. Yes, sir. I am BSc Economics with Honours in Sociology,
3 Fourah Bay College, Sierra Leone.

4 Q. Thank you, sir. When did you graduate from Fourah Bay?

13:10:45 5 A. I graduated from Fourah Bay College in June 1992.

6 Q. Sir, after your graduation what occupation did you have?

7 A. After my graduation I took up to teaching at Tongo
8 Agricultural Secondary School, Tongo Fields.

9 Q. When you say Tongo Fields, can you describe this area that
13:11:13 10 you're talking about?

11 A. Yes, sir. Tongo Field is just about 28 miles away from
12 Kenema, the provincial headquarter of the eastern region.

13 Q. So when you say Kenema in this instance, are you speaking
14 of the town or the district?

13:11:34 15 A. No, I'm speaking about the town of Kenema.

16 Q. Thank you. And what is Tongo Fields? Is it a town? Is it
17 an area? Can you describe it?

18 A. Tongo Fields is an area. This was an area allocated to
19 former company called SLST, Sierra Leone Selection Trust, that
13:11:58 20 was operating there.

21 Q. What kind of company was that?

22 A. A diamond mining company.

23 Q. This area that's called Tongo Fields, does it have any
24 towns or villages within the area?

13:12:12 25 A. Yes, sir.

26 Q. Can you tell us?

27 A. Yes, the township of Tongo Field has over 10 towns
28 concentrated together.

29 Q. Can you give us a rough estimate of its dimensions, the

1 Tongo Fields, about how many kilometres long or wide?

2 A. Yes, sir, Tongo Field is about eight kilometres.

3 Q. Is that in a radius? In a circle?

4 A. Eight square kilometres.

13:12:44 5 Q. Eight square kilometres?

6 A. Eight square kilometres.

7 Q. Thank you. Sir, how long did you work as a secondary
8 school teacher?

9 A. When I took up from 1992, I worked up to 1994. Then we
13:13:04 10 were overthrown by the - the area was overthrown by the rebels
11 and so I came to Kenema.

12 Q. After you came to Kenema in '94, did you ever return to
13 teaching?

14 A. Yes, sir, I returned to teaching again when - in 1996 when
13:13:26 15 the former government was then formed. That is the government of
16 Tejan Kabbah.

17 Q. And how long did you work as a secondary school teacher
18 after returning during the government of Tejan Kabbah?

19 A. I worked there up to 1997 when again he was overthrown in
13:13:57 20 25 May 1997.

21 Q. Okay, thank you. We'll come back to those events, but I
22 just wanted to get your occupation up to that time. Perhaps you
23 can just tell us currently are you working?

24 A. I was working as a teacher there at the same time I was
13:14:14 25 doing some mining at Tongo Fields.

26 Q. Okay.

27 A. Diamond mining.

28 Q. You anticipated my next question, but let's deal with what
29 you just said.

1 A. Okay, sir.

2 Q. So when you said you were working as a teacher and doing
3 diamond mining in Tongo Fields, when was that that you were doing
4 both of those activities?

13:14:33 5 A. That was 1997 - 1996 to 1997.

6 Q. So, sir, this area that you were doing the diamond mining
7 in, where was that located?

8 A. It was located at one village called Sandeyeima village.

9 Q. Is Sandeyeima in this area that you've described as Tongo
10 Fields?

11 A. Yes, Sandeyeima is one of the villages that the township of
12 Tongo Field is comprising of.

13 Q. Is this township of Tongo Fields famous for anything?

14 A. Pardon?

13:15:17 15 Q. Is the township of Tongo Fields well known in Sierra Leone
16 for any particular reason?

17 A. Yes, sir, it is well known in Sierra Leone.

18 Q. Why is that?

19 A. This is one of the most diamondiferous area in the country.
13:15:29 20 It is the next to Kono District.

21 Q. Thank you. The land that you were working as a miner on as
22 your second occupation, how did you get that land?

23 A. Well that is the family land, but before you mine there you
24 have to take mining licence from government.

13:15:52 25 Q. Okay, I'll come to that in a second. So when you say the
26 family land, does that mean you obtained it - inherited it?

27 A. Yes, sir.

28 Q. And you gave us already the location. I want to make sure
29 it's spelt correctly. It's not. Can you help us, sir, with the

1 spelling of Sandeyei ma?

2 A. Yes, sir, S-A-N-D-E-I-H-U-Y-E-M-A. Let me go there again.

3 S-A-N-D-E-Y-E-I-M-A, Sandeyei ma.

4 Q. Thank you. Sir, you mentioned a licence. Sir, having

13:16:47 5 worked that mine, are you familiar with how mining worked in the
6 Tongo Fields area before the war or before 1997 in Sierra Leone?

7 A. Yes, sir.

8 Q. Can you explain to us this process that people who owned
9 land would use to get a licence?

13:17:07 10 A. Yes, sir. You have to come to the government mining
11 office, you buy the licence, then when you purchase the licence
12 they issue it to you and you have the right now to go and mine.
13 You get your men and then you support your workers. When you get
14 the diamond, you sit down together with your workers and then you

13:17:37 15 negotiate on the price. Assuming that the diamond costs 3,000
16 leones, then you have to agree on 1,000 leones. When you give
17 this 1,000 leones, or if you don't have the money you come and
18 sell the diamond with 3,000 leones. You give your workers 1,000
19 leones, you reserve 1,000 leones for you and then you use that
13:18:06 20 1,000 leones as a support to support them back.

21 Q. Okay, so let's go through what you just told us. First,
22 you said you get the licence from the government office after
23 paying some money for it. Is that correct?

24 A. Yes, sir.

13:18:21 25 Q. Who is it that gets this kind of licence? Do you have to
26 prove anything to the government to get the licence?

27 A. Yes, sir.

28 Q. What do you have to show?

29 A. The licence itself is what they have to give you.

1 Q. Is it the person that owns the land that has to get the
2 licence?

3 A. Yes, sir.

4 Q. Was your name on this licence?

13:18:37 5 A. Yes, sir.

6 Q. Were you the owner of the land?

7 A. Yes, sir.

8 Q. Okay. So once you have the licence, you talked about how
9 the mining takes place. On your particular land did you - who
10 did the actual physical mining?

13:18:48

11 A. It's the workers, people whom you take. If you are able to
12 support five people, the five people do the work. If you are
13 able to support seven, the seven people have to do the working.

14 Q. Can you describe for the judges and those of us - those
15 like myself who haven't been there what kind of mining goes on in
16 Tongo. Is it something where you dig deep within the ground, or
17 how does the mining take place?

13:19:07

18 A. Well, at Tongo now it was surface mining. It was not too
19 deep. The deepest was up to let's say six feet.

13:19:28

20 Q. And how did the mining actually occur? What would you do
21 to find the diamonds?

22 A. You deal with surface, pick axes in certain areas, and then
23 when you get the gravel you have to get a shaker. That is to
24 wash it locally. Then when you get the diamond you can now take
25 it to your customer, the dealers. There are other people who
26 have dealers' licence. They buy. They also get this diamond -
27 their licence from the government. They are the only people who
28 are authorised to buy diamonds.

13:19:55

29 Q. I see. So you as a person who finds diamonds - a miner -

1 are you required to sell to those dealers?

2 A. Yes, sir.

3 Q. Who were the dealers in Tongo Fields traditionally?

13:20:33

4 A. At that time we had the Fullahs, we had the Marakas, we had
5 the Mandingos, we had the Lebanese - we had the Lebanese and so
6 forth. These were the dealers.

7 Q. Now, you mentioned a moment ago the events of 25 May 1997.
8 Did these dealers remain in Tongo Fields after that day?

9 A. No, sir.

13:20:55

10 Q. What happened to the --

11 A. Most of them went away.

12 PRESIDING JUDGE: Mr Koumjian, just before you go on there
13 is one group whose name is not clear. If you look at page 85,
14 line 4, on my font it comes after the Fullahs.

13:21:15

15 MR KOUMJIAN: The witness said Marakas and I can provide a
16 spelling, thank you.

17 PRESIDING JUDGE: That would be helpful.

18 MR KOUMJIAN: M-A-R-A-K-A-S:

13:21:45

19 Q. Sir, what was the arrangement you would have with your
20 workers?

13:22:00

21 A. Well, before the work starts you have to agree that you
22 will support them fully. What is this supporting? You have to
23 give them feeding, then you buy the working materials and then
24 you lodge them; that is you give them houses, you see? That is
25 the preliminary arrangement you should have with them. Then when
26 they get the diamonds you have to buy it, you have to sit there
27 and then negotiate the price. When you come to agreement, then
28 they will give you the diamond. Whether you have the money, or
29 not, you will go and sell the diamond and then come and give them

1 their own share of the money. But we always make sure that it is
2 one-third that you can agree on. Otherwise you will go at a
3 loss, you the owner of the licence. When you sell the diamond
4 you always make sure you give them one-third, one-third go to you
13:22:41 5 and then one third go to their supporting.

6 Q. Okay. Now, you mentioned selling to the dealers. Did the
7 dealers need a licence?

8 A. Yes, sir.

9 Q. And where did they get the licence from?

13:22:56 10 A. The dealers get the licence from the government. Sierra
11 Leone government.

12 Q. Do you know if they pay for that licence?

13 A. Yes, sir, they do pay.

14 Q. And do you know if the dealers paid anything else to the
13:23:06 15 government?

16 A. Yes, they also pay something to government, but that one is
17 by percentage. When they buy diamonds they have to weigh it,
18 then they find the quality of the diamond. Then there are
19 diamond - government diamond officers who represent the
13:23:20 20 government. So they will sit down and then know how much they
21 have to give to government for each diamond they buy.

22 Q. Okay, thank you. Now, sir, how did you prevent the workers
23 from stealing the diamonds that were working for you?

24 A. Well, the only way of preventing the workers from stealing
13:23:43 25 the diamonds from you is you should have a very good relative
26 that would be at the washing site, because you would not be
27 there, you see, so that they will not steal it.

28 Q. Did you have any gunmen or anyone guarding the mining site?

29 A. No, sir. You as a civilian, you are not to have any gun.

1 It's a pure negotiation with you and your workers. That is why
2 you have to get a relative whom you believe that will be your own
3 representative at the washing site, or else you yourself have to
4 be there.

13:24:22 5 Q. Okay, thank you. Now you've described your own site as a
6 private mining site, correct?

7 A. Yes, sir.

8 Q. In Tongo Fields was there any other mining besides private
9 mining?

13:24:33 10 A. Yes, sir.

11 Q. Can you explain that to us?

12 A. Yes, sir. The company was also operating there.

13 Q. What company? What do you mean?

14 A. The NDMC before that time. It was operating there.

13:24:45 15 Q. And what was the NDMC?

16 A. The NDMC has its own area and then they gave certain
17 portion to the chiefdom people. It's there you have to get this
18 licence.

19 Q. Was NDMC, if you know, a private company?

13:25:03 20 A. No, NDMC was not a private company. It was a company owned
21 by both private people and the government.

22 MR ANYAH: Madam President, we would be grateful to receive
23 a time indication whether the witness's reference to NDMC was pre
24 or post the May coup 1997.

13:25:34 25 MR KOUMJIAN: I thought it was quite clear:

26 Q. Sir, which period of time are you talking about? Are you
27 talking about before or after --

28 A. No, before. Before the coup.

29 Q. Now, sir, you mentioned at one point had to leave being a

1 teacher in 1994. What happened then?

2 A. The rebels overtook over Tongo Field and then everybody
3 fled from Tongo Field and I came to Kenema.

4 Q. When you say the rebels in this instance, who do you mean?

13:26:11 5 A. RUF.

6 Q. How long was the RUF in Tongo Fields in 1994?

7 A. RUF was in Tongo Field for about nine months.

8 Q. During that nine months did they have complete control of
9 the area?

13:26:30 10 A. No, they did not have complete control of the area.

11 Q. Explain why not.

12 A. Well, they did not have complete control over the area
13 because our own soldiers also were there.

14 Q. Sir, do you recall the 1996 elections?

13:26:50 15 A. Yes, sir.

16 Q. I'm sorry, perhaps to make things clear, you said that they
17 were there for nine months. What happened at the end of the nine
18 months that they were no longer there?

19 A. Well, at the end of the nine months the soldiers were - at
13:27:06 20 the end of the nine months the soldiers went there and then
21 settled there completely, civilians also went there, chiefs,
22 police, all of us went there. Then we were settled there after
23 the nine months.

24 Q. Okay. When you say the soldiers went there after the nine
13:27:23 25 months, which soldiers?

26 A. Sierra Leone soldiers.

27 Q. And --

28 A. And the ECOMOG soldiers. Sierra Leone as well as ECOMOG
29 soldiers.

1 Q. Okay, thank you. And, if you can, can you tell us
2 approximately what months the RUF was in Tongo Fields in '94 to
3 the best of your recollection? If you're not sure you can say
4 so.

13:27:46 5 A. I think from - if I'm not mistaken it was from January -
6 ending of January to October.

7 Q. Thank you. Do you recall the 1996 elections?

8 A. Yes, sir.

9 Q. Did anything occur in the area in Kenema District --

13:28:06 10 A. Yes, sir.

11 Q. What happened before those elections that you recall?

12 A. Before the 1996 general election in Sierra Leone on 25
13 December 1995 the rebels, RUF, and the government soldiers
14 started fighting until 1 January 1996 before ever our - the
13:28:38 15 Sierra Leone soldiers were able to overtake the RUF rebels.

16 MR KOU MJIAN: I see the time, your Honour.

17 PRESIDING JUDGE: Thank you, Mr Koumjian. If this is
18 convenient we will take the lunchtime adjournment.

19 Mr Witness, this is the time we usually adjourn and have a
13:28:55 20 break for our lunchtime. We take one hour. So we will stop
21 hearing your evidence now and start again at 2.30. Please
22 adjourn court until 2.30.

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

24 [Upon resuming at 2.30 p.m.]

14:31:04 25 PRESIDING JUDGE: Mr Koumjian, you appear to be on your own
26 this afternoon. No, I see Ms Dimitrova behind you, but there are
27 some changes of appearance.

28 MR KOU MJIAN: Thank you. Good afternoon, your Honours.
29 For the Prosecution myself Nicholas Koumjian and Ms Maja

1 Di mi trova.

2 MR ANYAH: Good afternoon, your Honours. For the Defence
3 we have Courtenay Griffiths and myself Morris Anyah.

14:31:45

4 PRESIDING JUDGE: Thank you, Mr Anyah. Now, Mr Koumjian,
5 please proceed.

6 MR KOUMJIAN:

7 Q. Sir, before we go back to other questions just one issue on
8 your background I forgot to ask. Can you tell us what languages
9 you speak?

14:31:56

10 A. Yeah. I speak Mende, Krio and English.

11 Q. Sir, what is your tribe or ethnicity?

12 A. My ethnicity is Mende.

13 Q. We were talking about the 1996 elections and you began to
14 tell us about things that happened at the end of December 1995.

14:32:24

15 Can you pick us from there and tell us what you recall happening
16 in the Kenema District at that time?

17 A. On 25 December 1995, the township of Kenema was attacked by
18 RUF rebels. The fight went on up to 1 January 1996 before so
19 ever the soldiers were able to overthrow the rebels.

14:33:03

20 Q. Sir, when you say "the soldiers were able to overthrow the
21 rebels", what do you mean?

22 A. The Sierra Leonean soldiers.

23 Q. Were the rebels, the RUF, able to enter Kenema Town, to
24 take Kenema Town?

14:33:19

25 A. No, sir.

26 Q. Sir, did you hear at any time from then up to the election
27 in '96 - did you hear of anything occurring in the villages
28 around Kenema Town?

29 A. Yes, sir.

1 Q. What was it that you heard about?

2 A. Most villages were attacked wherein rebels held people, the
3 civilians. They started injuring them.

4 Q. Okay. When you say "injuring them", can you describe first
14:33:57 5 what you heard about?

6 A. Yes, sir. Some people's hands were cut off in order not
7 for them to come and vote.

8 Q. Did you hear of anything else being done to anyone?

9 A. Yes, sir.

14:34:25 10 Q. Can you please explain to us what you heard?

11 A. For instance, a certain man, he was - a padlock was put on
12 his mouth. Padlock. Both the upper and lower lips.

13 Q. When you say the padlock was put on his mouth, how was that
14 done, if you know?

14:34:47 15 A. Well, they tried and then injured him, the upper lip, by
16 putting an iron there, then both the lower before ever they were
17 able to put the padlock.

18 Q. Now, these injuries of people that you talked about, first
19 of all have you finished? Is there anything else that was done
14:35:17 20 besides you said amputating hands and putting the padlock that
21 you heard about?

22 A. Yes, sir. They were also raping women around Kenema. They
23 were writing at their backs, "RUF says" - I quote, "RUF says no
24 to election".

14:35:57 25 Q. Sir, did you ever see, yourself, with your own eyes, anyone
26 who was injured in any of these attacks?

27 A. Yes, sir.

28 Q. What did you see?

29 A. The woman was injured, her hand was - left hand was cut

1 off.

2 Q. Where did you see that?

3 A. A village called Mano-Gieya.

4 Q. Can you help us with the spelling?

14:36:30 5 A. Yes, sir. M-A-N-O dash G-I-E-Y-A.

6 Q. Aside from seeing that woman with her hand, you said, cut
7 off, with your own eyes did you see anyone else who was injured?

8 A. Yes, people were coming to Kenema to come and report hands
9 cut off, wounded.

14:37:13 10 Q. You mentioned this padlock. Did you ever see anyone who
11 had this padlock?

12 A. Yes, sir. This was a man.

13 Q. Where did you see him?

14 A. He was brought to Kenema.

14:37:31 15 JUDGE SEBUTINDE: Where did these atrocities take place,
16 exactly?

17 THE WITNESS: This is Nongowa Chiefdom in Kenema District.

18 MR KOU MJIAN: Unless there are further questions on this I
19 was going to move on to another area:

14:38:02 20 Q. You mentioned earlier an event that happened in May 1997 in
21 Freetown. Do you recall that?

22 A. Yes.

23 Q. What happened, to your knowledge, in May 1997?

24 A. On 25 May 1997, while I was at my mining place, Sandeyei ma
14:38:32 25 swamp, a friend of mine rushed to me.

26 Q. Sir, so you know I congratulate you because you have
27 followed my instructions to go slowly better than any witness so
28 far in this trial, but actually, sir, you can pause for a little
29 less time in your answer. If we need you to slow down, we will

1 tell you?

2 A. Okay, sir.

3 Q. But you can just pause after a sentence or two, but please
4 complete your sentences.

14:39:18 5 A. Yes, a friend of mine rushed to me and asked me, I quote,
6 "Have you heard the news?" Then I asked him, "What news?" He
7 said, "They have overthrown SLPP's government".

8 Q. And then after you heard that how did life change, if at
9 all, in the Kenema District?

14:39:45 10 A. Automatically in Kenema District life changed. There was a
11 big confusion in the chiefdom and then in the district; Ngorama
12 Chiefdom as well as Kenema District.

13 Q. Can you tell us first what was the situation in Kenema Town
14 after 25 May 1997 coup - in the town of Kenema?

14:40:18 15 A. The town of Kenema after the 25th coup, the RUF or AFRC now
16 formed, they came and established their secretariat there.

17 Q. Prior to the coup, did the Sierra Leone Army have forces in
18 Kenema Town?

19 A. Yes, sir.

14:40:42 20 Q. Okay. And after the coup - well, let me first make sure we
21 are clear. Prior to the coup was the RUF in Kenema Town, prior
22 to the coup?

23 A. No, sir.

24 Q. And what happened after 25 May with the Sierra Leone Army
14:40:58 25 and the RUF in Kenema Town?

26 A. Well, after the 25th coup Sierra Leone Army and then the
27 RUF all amalgamated and then formed AFRC; a government called
28 AFRC.

29 Q. Do you recall - and tell us if you don't know. Please just

1 tell us. Do you recall how long it was after the announcement of
2 the coup before the RUF came to Kenema Town?

3 A. Yes, sir.

4 Q. Please tell us what you know.

14:41:32 5 A. Yes. Just after the coup, within three days' time they
6 were now at Kenema.

7 Q. Who?

8 A. RUF and AFRC. The so-called government was then
9 established in Kenema just on one day. The second day they were
14:41:54 10 there. And then not only Kenema, the provincial headquarters all
11 in the country.

12 Q. Just so we are clear, when you are talking about the town
13 of Kenema just say "Kenema Town" so we are not confused between
14 the district and the town. So when you say they established
14:42:14 15 themselves in Kenema, was that in all parts of Kenema District or
16 were you speaking of Kenema Town?

17 A. I am speaking about Kenema Town, sir.

18 Q. Thank you, sir. Now, you said they established a
19 government. First of all, at that time did you on occasion go to
14:42:29 20 Kenema Town?

21 A. Yes, sir.

22 Q. Can you tell us what was established after the coup in May
23 1997 as far as government in Kenema Town?

24 A. The AFRC government established their secretariat in Kenema
14:42:52 25 just after the coup.

26 Q. Can you describe the structure or who was in charge of this
27 secretariat?

28 A. Yes, sir. One Captain Kanneh was the OC secretariat and
29 then one Eddie Kanneh was the SOS East.

1 Q. Thank you. Now, you have mentioned two Kannehs. Is it the
2 same name, but one or two different individuals?

3 A. Yes, sir.

14:43:20

4 Q. Explain to us. Are you talking about two different
5 individuals, or the same person?

6 A. No, I'm talking about two different individuals.

7 Q. Is the last name spelt the same for both?

8 A. Yes, sir.

14:43:33

9 MR KOUMJIAN: Thank you. I believe we have the spellings
10 of course:

11 Q. Was anyone else - first of all, Eddie Kanneh, who was he,
12 do you know?

13 A. Yes, sir, Eddie Kanneh was the SOS East.

14 Q. And what does that mean, SOS?

14:43:48

15 A. SOS means Secretary of State East.

16 Q. And when you say the east, do you know what area was
17 considered the east?

18 A. Yes, sir, that is the Eastern Region of the country, Sierra
19 Leone.

14:44:09

20 Q. Thank you. Now, you said - was there any other authority
21 in Kenema Town besides Eddie Kanneh and the SLAs?

22 A. Yes, sir.

23 Q. Now first of all you told us Eddie Kanneh's position, but
24 do you know if Eddie Kanneh was a soldier or a civilian?

14:44:29

25 A. Yes, sir, he was a soldier.

26 Q. A soldier in what force, if you know?

27 A. I didn't know his position - his rank.

28 Q. Okay. Again, sir, if you are not sure of anything just
29 tell us, but I am not merely just asking his rank but do you know

1 what army he was a soldier in?

2 A. Oh, yes, sir. The Sierra Leone Army.

3 Q. Thank you. Was there any other authority, besides Eddie
4 Kanneh, in Kenema Town?

14:45:01 5 A. Yes, sir.

6 Q. Can you tell us about that?

7 A. I also saw Sam Bockarie, alias Mosquito, who was also one
8 of the authorities in AFRC government.

9 Q. Now you've told us that the RUF came to Kenema Town within
14:45:24 10 a few days, I believe you said three, of the coup?

11 A. Yes.

12 Q. What was happening in your own area in Tongo Fields?

13 A. In my own area, Tongo Fields, the Kamajors and the SSD were
14 still in control of that area in the entire chiefdom.

14:45:49 15 Q. When you say the SSD, can you explain to us what is the
16 SSD?

17 A. SSD means Special Security Division in the police force.
18 These are the people - the only police force that carry gun.

19 Q. And the police force in what country?

14:46:09 20 A. In Sierra Leone.

21 Q. So for how long did the situation remain after May 1997
22 where Tongo Fields was controlled by Kamajors and the SSD police?

23 A. Well, SSD and the Kamajors were in control of Tongo Fields
24 from 25 May up to 11 August before ever AFRC could enter there.

14:46:52 25 Q. When you say 11 August, just so we are clear --

26 A. 1997.

27 Q. Thank you. What happened on 11 August 1997?

28 A. On 11 August 1997, while I was at my mining site, around
29 3.30 I heard heavy firing from RPG from two directions: one from

1 Kenema site, that is the east, and then the other one from Daru
2 site. That is the north towards the chiefdom; that is Lower
3 Bambara Chiefdom.

4 Q. What did you do then?

14:47:51 5 A. The firing continued until I became upset and then I left the
6 swamp and went to Sandeyei ma village. At Sandeyei ma village I
7 joined other people who were also baffled about this firing. The
8 firing continued then approaching Tongo Fields until up to half
9 past 5. By 6 I decided to come back to my village, Lalehun,

14:48:40 10 which is two miles away from the township of Tongo. While coming
11 the firing was now nearly approaching me and I could not reach
12 the village, so I at that point entered a path - a small road -
13 that is leading to the bush and then climbed up a hill. Whilst
14 standing there I saw group of combatants led by one tall lanky

14:49:47 15 man who had a rod in his hand, just like a staff. He was dressed
16 from feet to head in red. So many combatants were with him.

17 Q. Sir, how were the other combatants that were with him
18 dressed, if you recall?

19 A. Yes. They were all dressed in this, the same uniform, but
14:50:37 20 they had red pieces tied on their heads and in their hands. So
21 also the civilians who were with them they were wearing - they
22 were tying red pieces on their foreheads, both men and women.

23 Q. When you say they had red pieces tied on their foreheads,
24 pieces of what?

14:51:12 25 A. Poplin. Pieces of poplin cloth. Then at the same time the
26 combatants were firing, but just in the air.

27 Q. Where were they and in what direction - well, first of all
28 where were they when you saw them?

29 A. They were now very close, about three quarters of a mile to

1 Tongo Fields, when I saw them.

2 Q. What direction were they --

3 A. They were moving towards Tongo from Kenema direction; that
4 is east entering to Tongo Fields.

14:51:59 5 Q. Sir, you mentioned they were firing in the air.

6 A. Yes, sir.

7 Q. Was there any battle going on? Was anyone firing at them?

8 A. No, sir, nobody was firing at them.

9 Q. Previously, sir, you mentioned that there were Kamajors and
14:52:19 10 police in control of Tongo Fields area?

11 A. Yes, sir.

12 Q. What happened to them, if you know?

13 A. At this place where they used to have their checkpoints,
14 Mano-Gieya, they were there when these people came, but they were
14:52:36 15 harmless. They did not have any ammunitions again and so when
16 they saw them they ran away into the bush.

17 Q. So when the - these combatants that you saw with the men
18 you called Sam Bockarie came, what happened next after you saw
19 these combatants?

14:53:01 20 A. They passed. I was in the bush standing on top of the
21 hill. I saw them passing. They passed over 30 minutes and
22 entered the township of Tongo. So, after that I entered into the
23 bush. By then my own family in my village have already gone into
24 the bush.

14:53:28 25 Q. Now, sorry, you've described that in the group of
26 combatants that they were wearing red cloth on their head. Were
27 they in civilian dress or uniforms or any combination? Can you
28 describe what you saw?

29 A. Yes, sir. Some people were wearing civilian attires, while

1 some were wearing these combatants, yeah, the soldier uniform.

2 Q. Okay. So you mentioned going back to your village and your
3 family was in the bush. What happened then?

14:54:13

4 A. I also went into the bush to meet my family, in our hiding
5 place. Normally we call it our sorkoi hun.

6 Q. Perhaps could spell that for the record, sir?

7 A. Yes, sir. S-O-R-K-O-I-H-U-N.

8 Q. Sir, what language does that word come from?

9 A. It's from Mende language.

14:54:43

10 Q. What does it mean?

11 A. It means hiding place.

12 Q. When you say your sorkoi hun, can you explain what you mean
13 by that?

14:55:02

14 A. Which I say my sorkoi hun - our sorkoi hun, it's there our
15 family - I with my family tried to hide. If there is any problem
16 or we want to carry on any secret something.

17 Q. So is this something that everyone in your family knows
18 where it is?

19 A. Yes, sir.

14:55:15

20 JUDGE SEBUTINDE: You mentioned the name of somebody that I
21 don't think the witness mentioned. I could be wrong. The
22 witness described a tall, lanky man but he didn't tell us his
23 name and you seem to have given this character a name.

24 MR KOU MJIAN: I apologise. I thought the witness did give
14:55:47 25 the name. Thank you:

26 Q. You talked about a tall, lanky fellow with a rod in his
27 hand. Did you ever learn the identity of that person?

28 A. Yes, sir. Later on, when I came to Tongo, I discovered
29 that the tall, lanky man I saw in front leading the troop was Sam

1 Bockarie, alias Mosquito.

2 MR KOUMJIAN: Thank you, your Honour. I apologise if I
3 misunderstood the testimony:

4 Q. What happened after you went to your sorkoi hun?

14:56:38 5 A. After I had gone to my sorkoi hun on the 11th - on the
6 evening of 11 August 1997, the next morning on the 12th I came
7 to my village to observe the situation. Two of us came there.

8 Q. Who went to your village?

9 A. I and a nephew. We came to my village and I observed the
14:57:05 10 situation of the town.

11 Q. Just so the record is clear, when you say your village,
12 what do you mean?

13 A. Lalehun.

14 Q. When you got to Lalehun, what did you see?

14:57:16 15 A. When I got to Lalehun, all doors were widely open. All
16 windows were widely open. Our own houses were well looted and
17 even if my own room only the bed and chairs were there. All the
18 other properties were taken away. So also the other houses in
19 the village.

14:57:38 20 Q. About how many houses were there at that time in Lalehun?

21 A. Lalehun had over 400 houses by that time. It had over 400
22 houses.

23 Q. When you say, sir, that your property was missing except
24 for you said, I believe, a bed and a chair, what kinds of things
14:58:02 25 were missing from your house?

26 A. My wearings, trousers, shirts, shoes.

27 Q. Okay, thank you.

28 A. Yes, sir.

29 Q. So what happened after you had returned to Lalehun on 12

1 August?

2 A. Pardon?

3 Q. What happened after that?

4 A. After returning to Lalehun on 12 August, on the 13th we
14:58:40 5 were still in the bush. On the 14th, a friend came to our own
6 sorkoihun and told me that business was in full swing at the
7 township of Tongo. By then, we were short of salt so I decided
8 to go to Tongo to buy salt. So I went there. I went to Tongo.
9 On my way to Tongo, at Sandeyeima village, I saw a house burnt.
14:59:38 10 At Tokpombu One I saw another house burnt.

11 Q. These places that you've mentioned, Sandeyeima village, I
12 presume by that term it is a village, is that correct?

13 A. Yes.

14 Q. About how many houses approximately?

15:00:02 15 A. Not to my village now. Each one was more than my village
16 Lalehun. Over 500 house each one.

17 Q. And then you've mentioned another village and for the
18 record can you say it again and help us with the spelling where
19 you saw a house burnt?

15:00:19 20 A. Tokpombu, T-O-K-P-O-M-B-U.

21 Q. I believe you said Tokpombu and a number. Is that correct?

22 A. Number one.

23 Q. Can you explain why it's called number one?

24 A. Yes, sir. These are two towns, but they are only divided
15:00:45 25 by a street, so that one we met our own forefathers calling it
26 Tokpombu One, Tokpombu Two.

27 Q. Okay. So the same town has one area called Tokpombu One
28 and one called Tokpombu Two, is that correct, or two towns
29 divided by one street?

1 A. No, there are two towns, because they are owned by two
2 family heads.

3 Q. Thank you. Did you see and where was this house burnt, in
4 which of the Tokpombus?

15:01:19 5 A. Tokpombu One.

6 Q. Did you see anything else on that day?

7 A. Yes, my Lord.

8 Q. What did you see?

9 A. I saw a dead man, a man was killed.

15:01:31 10 Q. Where?

11 A. At Tokpombu One.

12 Q. What did you see? Describe what you saw.

13 A. I saw a man killed but, according to my research, they said
14 it was a stray bullet that killed him.

15:01:50 15 Q. When you say you saw a man killed, where did you see this?
16 Did you see the killing --

17 A. No, no.

18 Q. -- or did you just see the body?

19 A. No, I just saw the body.

15:02:01 20 Q. Thank you. Where was the body?

21 A. The body was lying down near the street. Then, moving
22 further, there was a church, Church of Salvation, I saw a lady
23 also there dead.

24 Q. Was this the same day?

15:02:24 25 A. When I tried to inquire, they said she was killed by a
26 stray bullet. So without wasting time I entered the market,
27 bought the salt and then returned to my sorkoihun.

28 MR ANYAH: Madam President, it is unclear to me whether
29 this lady and the church of the Salvation Army, he observed the

1 woman dead in this village called Tokpombu One, or whether that
2 was at Sandeyeima, or whether that was at Tongo Township.

3 MR KOUMJIAN:

4 Q. Please wait for the question. Just so it's easier for
15:03:24 5 those typing, wait until I've finished my question before you
6 start your answer.

7 A. All right, sir.

8 Q. Sir, can you tell us - we would appreciate knowing where it
9 was that you saw this woman's body by a church?

15:03:40 10 A. It was Tokpombu One.

11 JUDGE SEBUTINDE: And who was it that gave the witness the
12 explanation of how these deaths occurred?

13 MR KOUMJIAN:

14 Q. You said that you were told later that they were killed by
15:03:59 15 - the man was killed by a stray bullet.

16 A. Yes.

17 Q. Who told you that?

18 A. The civilians who were there.

19 Q. The civilians told you?

15:04:07 20 A. Yes, sir.

21 Q. The civilians that were in the village?

22 A. Yes, sir.

23 Q. Thank you. What happened then after you got this salt and
24 went back to your sorkoi hun?

15:04:27 25 A. After two days, because this was on the 14th, the 15th I
26 did not come to Tongo again. On the 16th that salt got finished,
27 so I came back again to the same Tongo to get more salt.

28 Q. Did anything happen when you went back?

29 A. Yes, sir. On arrival I came across one of my nephews by

1 the name of Morison Farma.

2 Q. So first, sir, let me just clarify one thing. You said you
3 were going again to Tongo and now when you are saying Tongo, what
4 are you speaking of? Is this a town, a village, or an area?

15:05:11 5 A. No, township of Tongo.

6 Q. When you say across Morison Farma - first can you spell his
7 name?

8 A. Yes, sir. M-O-R-I-S-O-N, Morison. Farma, F-A-R-M-A.

9 Q. So what happened when you came across your nephew?

15:05:40 10 A. Morison told me that Sam Bockarie had held two consecutive
11 meetings with all the civilians in Tongo, that is the township of
12 Tongo Field, and all other ethnic groups are being represented
13 except the Mendes. This was supported also by one Ibrahim. And
14 that he, Mosquito, told him that if we, the actual indigenes,
15:06:29 15 that is the Mendes of Lower Bambara Chiefdom, did not come back
16 to Tongo or in the entire chiefdom, and then work with them, that
17 is with their government, every native of Lower Bambara will be
18 in problem during their reign in power.

19 Morison Farma said Mosquito added that Lower Bambara people
15:07:13 20 had worked for APC government, they also worked for NPRC
21 government and then they also worked for SLPP government, so
22 there is no reason why they are now in power we should run away
23 from them without working for them.

24 He went further that Lower Bambara has been a chiefdom
15:08:04 25 where every government in Sierra Leone used to get money through
26 diamond mining. Therefore, if we don't come and work with them,
27 that would mean we don't favour their government. And that they
28 will show us that they were the people - the government that was
29 in power at that time and they are going to remain in power for

1 so many years. After this, then I asked Morison Farma, "Then
2 what can we do now?" Morison Farma and Ibrahim.

3 Q. I am just going to stop you for a moment. You have
4 mentioned now Ibrahim. Who was Ibrahim?

15:09:08 5 A. Ibrahim was also a young man who was living in Lalehun.

6 Q. Was he present during this conversation?

7 A. Yes, sir, this second time now on the 16th.

8 Q. Then what happened after you had this conversation with
9 Morison Farma and Ibrahim?

15:09:26 10 A. They told me that we should go and meet the SOL - the OC
11 secretariat who was called Sekou Kunnateh, Lieutenant Sekou
12 Kunnateh.

13 Q. Where was this OC secretariat?

14 A. It was Tokpombu One in the township of Tongo.

15:09:49 15 Q. Who was Lieutenant Sekou Kunnateh?

16 A. Sekou Kunnateh was the OC.

17 MR KOUMJIAN: Perhaps I could spell it for the record.

18 Sekou, S-E-K-O-U:

19 Q. Sir, can you spell it? If you can, spell it.

15:10:11 20 A. You are quite correct because that is a proper noun.

21 Q. And Kunnateh, can you spell that?

22 A. K-U-N-N-A-T-U - sorry, T-E-H.

23 Q. So K-U-N-N-A-T-E-H?

24 A. Yes, but it's a proper noun. You can spell it anyhow.

15:10:48 25 Q. This OC secretariat Lieutenant, did he belong to any force?

26 A. Sekou Kunnateh was a soldier.

27 Q. He was a soldier in what army?

28 A. In Sierra Leone Army.

29 Q. And do you know what his position was after the coup?

1 A. He was a lieutenant. Sekou Kunnateh was a lieutenant and
2 after the coup he was made OC secretariat.

3 Q. For what government?

4 A. For AFRC government.

15:11:30 5 Q. Thank you. What happened when you went to see Lieutenant
6 Kunnateh?

7 A. When we went to OC secretariat Sekou Kunnateh, he explained
8 the same thing that Morison told me and that they were just in
9 need of three prominent people in the chiefdom. Anyone comes to
10 work with them, then everybody in the chiefdoms will be free.

15:11:50 11 Number one person was the paramount chief, but since the
12 paramount chief was sick, that is Pa Rice [phon] in Kenema which
13 they knew very well, he has his own representative whom he
14 appointed was doing his work, so they can meet that one. Then,
15:12:17 15 the chiefdom speaker, they could meet him. Then, the section
16 chief of Nyawa where Tongo Field is located. So these three
17 people, we should try and get them, or any one of them, then all
18 of us would be free, as long as one is in the chiefdom, but
19 without that we would be in problem.

15:12:48 20 So he opened his drawer and then took foolscap papers,
21 eight foolscap papers full of names written in pen. Then he
22 showed me. He said, "You see these names", they were written by
23 categories. The chiefs, the teachers, the business people. When
24 he came even to teachers my own name was there. He said we are
15:13:15 25 going to type all these names, share them to all checkpoints in
26 this country and that if any of these names was caught at any of
27 these checkpoints, that person would we dealt with. Even if it
28 comes to killing that person they will kill you. He said, "So
29 that is the situation".

1 So I told him, "Then what can we do?" He said, "Well, it's
2 left to you, your paramount chief is at Kenema. If you don't
3 mind, we could help you people to go to Kenema and then tell them
4 this news".

15:14:24 5 Q. Okay.

6 A. So without wasting any time, we told them that we should do
7 that. Four of us volunteered to go, then other two people added
8 to go with us with this news to the paramount chief in Kenema.

9 Q. Let me just stop you for a moment.

15:14:51 10 A. Yes, sir.

11 Q. I understood something a little different from the
12 transcript. How many of you volunteered?

13 A. Six of us.

14 Q. So did you say four and then two?

15:15:04 15 A. Two added.

16 Q. Who were the four of you who volunteered first?

17 A. I myself, Abdul O Conteh, Morison Farma, Paul Dauda,
18 Mohamed Kutubu, Alhaji Swaray and one more person.

15:15:29 19 Q. If you can help us with a few of the spellings. The third
20 name you said was Paul Dauda?

21 A. Yes, sir.

22 Q. Can you spell his last name?

23 A. Dauda, D-A-U-D-A.

24 Q. Then you said a Mohamed. Who was that?

15:15:43 25 A. Mohamed Kutubu.

26 Q. Can you spell the family name?

27 A. M-O-H-A-M-E-D, Mohamed. Kutubu, K-U-T-U-B-U.

28 Q. Let me stop you for a moment and ask you to explain a few
29 things for us for those of us not from Sierra Leone. First of

1 all when we are talking about a paramount chief, what is the
2 significance in your country to paramount chiefs?

3 A. Paramount chief is a figurehead of a chiefdom in our
4 country. Figurehead of a chiefdom in our country and that one,
15:16:32 5 our own was Chief Farma of Lower Bambara Chiefdom.

6 Q. When you say a figurehead of the chiefdom, what do you
7 mean?

8 A. Just we compare it to a president. In Sierra Leone, for
9 instance, we have now Ernest Bai Koroma as a figurehead. Then in
15:16:54 10 the chiefdom the figurehead is the paramount chief.

11 Q. Does the paramount chief have any influence over the people
12 in the chiefdom?

13 A. Yes, sir. He has a very big influence over the people in
14 the chiefdom.

15:17:07 15 Q. Why is that, can you explain?

16 A. Yes, sir. Because he is in the authority, and his presence
17 there so that the country - the chiefdom was safe. And if there
18 is a problem, you see the paramount chief moves away, all the
19 other people will feel that that problem is not going to be
15:17:34 20 easily handled, so they should also move. But when the paramount
21 chief is there, then people will feel everything will be all
22 right.

23 Q. Sir, you've told us that you lived at that time in the
24 Tongo Fields area of Lower Bambara Chiefdom. Correct?

15:17:57 25 A. Pardon?

26 Q. At that time, you were living - Lalehun is in Tongo Fields.
27 Correct?

28 A. Yes, sir.

29 Q. And that is Lower Bambara Chiefdom. Correct?

1 A. Correct, sir.

2 Q. Can you tell us what was the ethnicities of the people in
3 Lower Bambara Chiefdom?

15:18:27

4 A. The ethnicity, that is the indigenes were the Mendes, but
5 other ethnicities were there.

6 Q. What other ethnicities were there that you recall?

7 A. The Fullahs, the Mandingos, the Limbas, Temne, Kurankos and
8 then Marakas.

9 Q. Can you spell core coast?

15:18:47

10 A. Yes, sir. K-U-R-A-N-K-O-S, Kurankos.

11 Q. Now, sir, you had these conversations about the people
12 working for the government. What had happened, in those days
13 after 11 August, what had the people in Lower Bambara Chiefdom
14 done, to your knowledge?

15:19:22

15 A. After the entry of AFRC on 11 August in Lower Bambara
16 Chiefdom, all the natives of Lower Bambara, the Mendes in
17 particular, ran away into the bush.

18 Q. Why was that? Why did all the members of - the people in
19 Lower Bambara Chiefdom run to the bush when the AFRC came into
20 Lower Bambara chiefdom?

15:19:49

21 A. We ran into the bush simply because we had been hearing of
22 the atrocities committed by the RUF rebels while they were in the
23 bush. So we felt their presence there in Lower Bambara was a
24 threat to us. They can change their attitudes at any time for
25 the worse. So instead, people took to their heels not to mingle
26 with them.

15:20:23

27 Q. So after you had this discussion with Lieutenant Kunnateh
28 who offered to help you see the paramount chiefdom, what
29 happened?

1 A. When we came down - this is a storey building. When we
2 came down a lot of other ethnic groups were around. The Mendes
3 in particular. Over 30 of us now. We had a small discussion
4 that we should go to Kenema, but before going to Kenema all of
15:21:08 5 them advised me to go around the township of Tongo and then see
6 the atrocities that have been caused there. So that after
7 arriving in Kenema, in closed door meeting we should tell the
8 paramount chief the situation of the chiefdom, the township of
9 Tongo in particular. This I agreed to.

15:21:42 10 So without wasting time I took - we bought a pen, paper,
11 and I hid it my pocket. I went from town to town, observed the
12 situation; whether other atrocities having occurred. So this I
13 did. I included the former observations, the killing of these
14 two people, the burning of these houses, and then in addition to
15:22:21 15 that when I went to Bomie Town a house was burnt there.

16 Q. Can you spell Bomie, please, sir?

17 A. Yes, sir. Bomie, B-O-M-I-E.

18 Q. By the way, taking advantage of the fact that you've
19 lived - is it correct you've lived in Sierra Leone your whole
15:22:53 20 life.

21 A. Pardon?

22 Q. Is it correct you've lived in Sierra Leone your whole life?

23 A. Yes, sir. I have lived in Sierra Leone throughout my life.

24 Q. Can you tell us when we talk about different place names in
15:23:06 25 Sierra Leone is there always one spelling, or is it sometimes
26 spelt different ways?

27 A. No, it can be spelt different ways because these are proper
28 nouns.

29 Q. So when you went around and gathered this information what

1 did you do then?

2 A. I came and I told my colleagues that I have done so, but I
3 didn't put it in writing there. I only made some jottings what I
4 discovered for the fact that if I am caught with any writing in
15:23:48 5 connection with AFRC I should be dealt with severely by Mosquito.
6 So, I only made some jottings.

7 Q. Did you go see the chief?

8 A. Yes, I saw him. When I arrived in Kenema it was night,
9 during the night, the 20th of August. I entered my room and then
15:24:23 10 put everything in writing.

11 Q. When you say Kenema, now are you talking about the town or
12 the district?

13 A. Kenema Town.

14 Q. And after you arrived, then what happened?

15:24:32 15 A. After we have arrived, we went to the chief and explained
16 matters indoors to him. I then presented a report to him, the
17 written one, and then he cried and he asked me that we should go
18 around the township of Kenema and then look out for natives of
19 Lower Bambara Chiefdom; the stakeholders in particular, like
15:25:11 20 section chiefs and other authorities.

21 Q. What do you mean by stakeholders?

22 A. Stakeholders, these are important people in a society.
23 People that matter in a society.

24 Q. Did the chief explain why he was crying?

15:25:36 25 A. Yes, sir.

26 Q. Why was he crying?

27 A. Already he had now noticed that his life was at stake,
28 because if at all we didn't see those three prominent people, to
29 go and work with the AFRC government, even he himself his life

1 was not safe. Then also these other people who were in the bush,
2 they were relatives - he had so many relatives among them - and,
3 in fact, everybody in the chiefdom belonged to the chief because
4 he is the figurehead. So, he cried for everyone.

15:26:22 5 Q. Then what happens?

6 A. Then we looked for these people and on 21st we could not
7 get a good number. On 22nd we couldn't get a good number. On
8 23rd we were able to get a good number of indigenents of Lower
9 Bambara Chiefdom. We then went to the paramount chief. On 24th
10 he sent somebody to the secretariat in Kenema Town to Captain
11 Kanneh and told him about the meeting that we are ready. He did
12 the same thing to Eddie Kanneh, the SOS, about the same meeting.
13 Then also Mosquito was around. He then sent to him and told him
14 about the same meeting. These three people did not come for the

15:27:24 15 meeting, but they sent their representatives, you see? They were
16 all soldiers - soldiers and rebels. Mosquito sent a rebel,
17 Captain Kanneh sent a soldier and SOS Kanneh also sent a soldier.
18 They came. We held a meeting and the conclusion was we did not
19 get these three prominent people in the chiefdom, the section
15:27:50 20 chief, the paramount chief representative and then the chiefdom
21 speaker, and so finally we decided we should form a committee to
22 go and work with these people since we could not see those other
23 stakeholders.

24 This they agreed to and so we formed the committee and 13
15:28:12 25 of us were appointed. The paramount chief appointed me to be the
26 secretary for that committee and he should like to be hearing
27 from us every week or every fortnight. So, we formed a committee
28 - the 13 man committee. Mosquito took the names, they went and
29 typed it and then brought it to SOS Kanneh. He signed it,

1 Mosquito also signed it and then they give - they gave each of us
2 a copy, the 13 man committee members. Everybody was given a copy
3 and then the paramount chief was also given a copy.

4 Q. Sir, did this committee have a name?

15:29:15 5 A. Yes, sir.

6 Q. What was it called?

7 A. The name of this committee was Lower Bambara Caretaker
8 Committee. Lower Bambara Caretaker Committee.

9 Q. Sir, what did you understand to be the function or the
15:29:33 10 responsibilities of this committee?

11 A. The responsibility of this committee was, according to the
12 paramount chief, we should go and take care of our brothers and
13 sisters who were in the bush; that is if anything went wrong, for
14 say the rebels did harm to anyone, they should come and report to
15:30:00 15 us and not to either Mosquito or Sekou Kunateh. The committee
16 have to take the report now to Sekou Kunateh, the SOS. This was
17 our duty. Then at the same time to make sure that the people who
18 were in the bush we would remove them from the bush, bring them
19 to their villages and then ask advice from SOS to really take
15:30:38 20 care of them; that is the combatants will not disturb them in
21 their villages.

22 Q. Okay. And who - as far as this second responsibility that
23 you mentioned to get the people to come from the bush back to
24 their villages or towns, who was it that wanted you to do that?

15:30:58 25 A. The paramount chief wanted us to do that. Then these
26 people now, when we came to Tongo, the secretariat, Mosquito, the
27 OC secretariat, Sam Bockarie, they all now told us that we should
28 talk to our brothers and sisters to come to the town and leave
29 the bush because in the bush they were not safe.

1 Q. What did you do then?

2 A. We were - in the first place we were now in Kenema from
3 24th up to to the 31st. It was at that time we returned to Tongo
4 Field. When we came we established our own office there at
15:31:53 5 Tokpombu One. Then we started getting our brothers and sisters,
6 reports from them, and then we have to take this report to Sekou
7 Kunateh. Not directly to Mosquito, but Sekou Kunnateh, the OC
8 secretariat.

9 Q. Where was Sekou Kunnateh's office at that time?

15:32:18 10 A. Sekou Kunnateh's office was at Tokpombu One in the township
11 of Tongo.

12 Q. Can you recall, sir, some of the reports that you took, if
13 any, to Sekou Kunateh?

14 A. Yes, sir. At one time people were killed at Bumpe village.
15:32:47 15 The report came to us. We went for observation at the same - in
16 the village we saw up to 15 people, but some people went into the
17 bush salt and so maybe they died there.

18 Q. Let me stop you for a moment. When you say "We went" - you
19 said, "At one time people were killed in Bumpe village". The
15:33:32 20 report came to who?

21 A. To the caretaker officer.

22 Q. When you got the report, did you personally go to Bumpe
23 village?

24 A. Yes, sir.

15:33:41 25 Q. Where is Bumpe?

26 A. Bumpe is about one mile from the township of Tongo.

27 Q. When you got there, what did you see?

28 A. We saw --

29 Q. No, tell me what you saw, not what they saw.

1 A. I saw dead people.

2 Q. Where were these dead people?

3 A. They were lying down on the ground in the village.

4 Q. Can you describe if you saw any wounds on these people?

15:34:05 5 A. Yes, I saw wounds on them.

6 Q. What kind of wounds did you see?

7 A. They were gun wounds. Cartridges.

8 Q. Were the people in their homes, were they outside of their
9 homes, or where were they?

15:34:25 10 A. They were lying there outside on the ground.

11 Q. The bodies that you saw, were they male or female?

12 A. Both males and females.

13 Q. Can you give us any idea of the age range of these bodies?

14 A. Yes, sir, I saw about two girls. One was at the age -
15:34:48 15 about the age of 14 and then the other about the age of 18. Then
16 full adults over the age of 40, I saw men like that. Then also
17 women over the age of 30 I saw.

18 Q. How were these people dressed?

19 A. They were dressed in civilian clothes.

15:35:17 20 Q. Did you talk to the people - the survivors - in Bumpe?

21 A. No, nobody was there. They all ran away. Nobody was
22 staying there. It was later, because they ran away from that
23 village and then few came to Tongo and it was - they were these
24 people who came and then made a report to us.

15:35:41 25 Q. When these people from Bumpe made a report to you, what did
26 they tell you about what happened?

27 A. They said it was RUF combatants that went there and they
28 opened fire at them. They went - in the first place they went to
29 fight at Dodo.

1 Q. Who went to fight at Dodo?

2 A. RUF or AFRC gunmen. They went to fight in Dodo Chiefdom
3 then with the Kamajors. That was on 16 September. While they
4 were returning - because they were badly hit [sic]. Most of
15:36:25 5 them were killed in Dodo by the Kamajors, so when they were
6 returning with that frustration anyone they met they have to kill
7 that person. In fact, it was in the process of that they killed
8 one chief, Chief Vandi Sei, at Panguma. Then while they
9 continued coming to Tongo they then came and they opened fire at
15:36:52 10 these people at Bumpe.

11 Q. Thank you. First, can you spell the name of Pa Vandi Sei?

12 A. Yes, sir. Pa is P-A, Vandi V-A-N-D-I and Sei is S-E-I.

13 Q. Where was it that he was killed?

14 A. Panguma.

15:37:24 15 Q. Can you spell Panguma, please.

16 A. Panguma is P-A-N-G-U-M-A. Then at this same Panguma on the
17 8th these same rebels when they went to fight in Dodo Chiefdom,
18 they were also badly hit, so the few fortunate ones while
19 retreating they came across a retired police by the name of John
15:38:01 20 Dakawah. They also killed that at Panguma.

21 Q. First, you said a couple of times that in these battles in
22 Dodo Chiefdom the rebels were badly hit. Is that what you
23 said?

24 A. Yes, sir.

15:38:18 25 Q. What do you mean by that when you say badly hit?

26 A. Well, the number that were always left Tongo - the
27 combatants that always left Tongo - almost half of them will
28 return which mean those were killed.

29 Q. Are you referring to the RUF?

1 A. Yes.

2 Q. The AFRC?

3 A. Yes, sir, AFRC forces.

4 Q. Now, you mentioned John Dakowah. Can you spell his last
15:38:42 5 name?

6 A. Yes, sir. Dakowah, D-A-K-O-W-A-H.

7 Q. Sir, you've told us that part of your responsibilities in
8 the committee was to bring people back to their homes from the
9 bush?

15:39:16 10 A. Yes.

11 Q. And did some people come back?

12 A. Yes, sir. Some of them came back to these villages.

13 Q. What did the government - the AFRC/RUF government do with
14 these civilians when they came back?

15:39:32 15 A. When these civilians came back to these villages they were
16 really harassed. Especially the women. Later they went on
17 raping the women, beating them and so forth simply because they
18 said they have their people who are Kamajors that are in the
19 bush, you see. And all atrocities meeting them were done by
15:40:02 20 these Kamajors and they were relatives of these people.

21 Q. Was the AFRC government engaged in any activities in the
22 Tongo Fields at that time?

23 A. Yes, sir.

24 Q. What were they doing?

15:40:18 25 A. They were doing mining, diamond mining.

26 Q. Where were they doing --

27 A. In the entire chiefdom, but the most popular place was
28 about 400 yards from township of Tongo known as Cyborg.

29 Q. Who gave this particular mine the name Cyborg. I will just

1 spell it for the record, C-Y-B-O-R-G.

2 A. Cyborg, that's a proper noun. It can be spelt anyhow.

3 Q. Who gave it that name?

4 A. That was the AFRC soldiers, they gave it the name.

15:41:01 5 Q. You've told us where it was. How big was it?

6 A. The place was about - the place was about 100 yards long,
7 50 yards wide.

8 Q. Can you describe it a little more?

9 A. 100 yards long --

15:41:20 10 Q. Besides the dimensions, what kind of mining was going on
11 there?

12 A. It was surface mining that was going there. Not deep
13 mining at first.

14 Q. How many people would work in that mine at a time?

15:41:39 15 A. Every day people worked there at least 300 under the
16 control of Sam Bockarie and his soldiers.

17 Q. Why do you say they were under the control of Sam Bockarie
18 and his soldiers?

19 A. Because it was a forceful mining. They were forced under
15:42:00 20 threat. They went to villages, raided them and then brought
21 them.

22 Q. Who went to the villages and raided them?

23 A. The RUF soldiers.

24 Q. I'm sorry, let's both slow down a little bit. I am sorry
15:42:18 25 for speeding up. Let me slow down and ask you. Can you now tell
26 us how did the RUF obtain the workers that worked at Cyborg?

27 A. Yes, sir. They went from villages - one village to
28 another, raiding people, the civilians, see. If they caught
29 anyone, maybe they tied them, their shirts, in twos. They tie

1 you like slaves in twos and then they march you to the township
2 of Tongo.

3 Q. Okay, sir you said "they tied their" and the transcript
4 didn't get it. Can you say again the word used. What did they
15:43:02 5 tie?

6 A. Their shirts. Shirts. This shirt here and that one they
7 tied it together.

8 Q. Why don't you stand up because I can see what you're doing
9 but the judges cannot.

15:43:10 10 A. This is my shirt, they tie A, they tie B and then they tie
11 you together.

12 PRESIDING JUDGE: Did counsel for the Defence see that?

13 MR ANYAH: Yes, I did see it. But incidentally we would be
14 grateful for some additional foundation. Does his knowledge base
15:43:27 15 derive from him serving on this committee, or was he present at
16 the various villages when the RUF apparently forced people and
17 conscripted them into mining?

18 PRESIDING JUDGE: Just before you deal with that,
19 Mr Koumjian, I will put for purposes of record that the witness
15:43:43 20 stood up and demonstrated by taking the corner end of his shirt
21 and demonstrated tying it to another piece of material.

22 MR KOUMJIAN: With the right shirrtail he pulled out.

23 PRESIDING JUDGE: Now we will deal with Mr Anyah's not
24 exactly objection, but request.

15:44:07 25 MR KOUMJIAN:

26 Q. Sir, you described this tying of the shirts together. Did
27 you ever see that?

28 A. Yes, sir. Our own office was right on the main road.
29 Right on the main road though Sam Bockarie's office. So while

1 they are passing on the main road we would come out and then see
2 them, you see. We would come and then stand on the verandah,
3 then we see them passing.

15:44:34 4 Q. How do you know that they raided villages to get these
5 workers?

6 A. People were coming with their reports to us, the wives of
7 these people. Even they said themselves some people tried to
8 escape. They would come and tell us.

9 Q. You said that you yourself were mining earlier?

15:44:51 10 A. Yes.

11 Q. What happened to your mine when the AFRC came into
12 Tongo Fields?

13 A. As soon as AFRC entered Tongo Field, then I stopped mining
14 completely.

15:45:04 15 Q. What happened to the site that you had, your land that
16 was - do you know?

17 A. It was under the control of AFRC by then.

18 Q. Do you know if they were mining in your land?

19 A. Yes, sir, they were mining there.

15:45:22 20 Q. Forgive me for asking this question, but did they ask your
21 permission to do that?

22 A. No, no, they owned the land. They were now the government.
23 Everything in the country was for them.

24 Q. You said besides Cyborg there were other locations. Can
15:45:43 25 you tell us some other locations where mining was going on?

26 A. Yes, sir. At Wui ma, they were mining there.

27 Q. Can you spell Wui ma, please?

28 A. Wui ma, W-U-I-M-A.

29 MR KOUMJIAN: Just for the record I believe our map has it

1 W-I-I-M-A.

2 THE WITNESS: It's not easy.

3 MR KOUMJIAN: It's okay.

4 Q. Any other locations in Tongo Fields?

15:46:12 5 A. Yes, sir. At Bomie, they were mining there. Pandembu
6 [phon], they were mining there. Even this of my own mining
7 place, Sandeyeima, they were mining there.

8 Q. Now when they were mining, you said that they brought
9 workers or forced workers. How did they guard these spots, if at
15:46:39 10 all?

11 A. Pardon?

12 Q. Sorry, let me try to make a clearer question. Did you see
13 whether there was any security by the AFRC around these mining
14 sites? Let's start with Cyborg.

15:46:52 15 A. Yes, sir.

16 Q. Did you see any security around Cyborg yourself? Did you
17 ever see people there?

18 A. We saw people there. They used to carry the combatants,
19 you see, to guard these workers.

15:47:06 20 Q. What kind of combatants were guarding the workers?

21 A. RUF combatants.

22 Q. And what were the ages of the guards?

23 A. You have the adults. Then you have the child combatants.

24 Q. When you say child combatants, what age range are you
15:47:23 25 speaking of?

26 A. From the age 12 to 15.

27 JUDGE SEBUTINDE: Was it to guard or to guide the workers?

28 MR KOUMJIAN: I don't want to lead so I will ask:

29 Q. Sir, you're saying these combatants would do what with the

1 workers? Did you say guide or guard?

2 A. Guard.

3 Q. Thank you. The people that were guarding the workers, were
4 they armed?

15:48:02 5 A. Yes, sir, they were armed.

6 Q. You mentioned in the beginning of your testimony that
7 Tongo Fields was an area where there traditionally was a lot of
8 mining by the population. Correct?

9 A. Yes, sir.

15:48:23 10 Q. Did civilians continue to mine when the AFRC came into
11 Tongo Fields?

12 A. No, sir.

13 Q. Why not?

14 A. If you mined there you will be mining for government.

15:48:36 15 Nobody had right to mine by that time, except you mine for Sam
16 Bockarie and his government.

17 Q. Did anyone try?

18 A. Nobody tried. Yes, people tried.

19 Q. What happened?

15:48:50 20 A. Like at Pandembu, by a church while they were mining there
21 the report went and reached Sam Bockarie.

22 Q. Just so we are clear, when you say "while they were mining
23 there", who is they?

24 A. Civilians were mining there. The report went and met Sam
15:49:11 25 Bockarie.

26 Q. What happened?

27 A. He then sent child combatants.

28 Q. What happened when these child combatants --

29 A. When they came they opened fire against them and three

1 people were killed.

2 Q. Who were the people that were killed?

3 A. The civilians were killed. Three civilians were killed.

4 Q. Did anything else happen besides three being killed?

15:49:41 5 A. Yes, sir. Many of them were injured.

6 Q. How do you know this?

7 A. We came there.

8 Q. Who is we?

9 A. The caretaker committee members. Pandembu is just 300
15:49:55 10 yards from our office, so we came there. We saw the three people
11 dead, then others injured with bullet wounds.

12 Q. Do you know of any other locations where civilians tried to
13 mine?

14 A. Yes, sir.

15:50:14 15 Q. Where else?

16 A. At Sandeyeima where I used to mine, the civilians were also
17 washing gravel. Child combatants came there, opened fire and two
18 people were killed. Two civilians were killed. Then others were
19 wounded. Then at Wuima, five people were mining. Combatants
15:50:42 20 came there, opened fire, three people died, two injured - or not
21 two, but they brought the report to us to caretaker committee at
22 Tongo.

23 Q. Thank you. Was this mining ever dangerous for the miners
24 aside from the killings you've just spoken of? When the workers
15:51:12 25 were working for the AFRC, was it ever dangerous?

26 A. Yes, sir. It was dangerous as time went on. This is the
27 trailings, I mean sand, at Cyborg. Sand. So when they came they
28 did not open the pit widely. So while at times they were
29 digging, then the sand have to collapse and then kill people.

1 Q. How deep were people digging? How high were the walls, do
2 you know?

3 A. The wall went now up to 20 feet. At the beginning you just
4 have to - it's a sand. You just have to take the sand and then
15:51:58 5 go and wash it. But the deeper you go, then the more the thing
6 becomes dangerous.

7 This was - Cyborg was a valley. A valley. Then when this
8 aeroplane field was constructed they did not want to make a
9 curve, so they came and then filled it with this sand. This was
15:52:20 10 sand that was produced by former machine, but was not well
11 constructed, so diamonds were escaping, see. Diamonds were
12 escaping, many diamonds. So it was this sand they brought and
13 then filling that valley with. So the more you dig, the deeper
14 the thing becomes. So without opening it widely, it will
15:52:47 15 collapse at any time and this was exactly what was happening,
16 see.

17 Q. Okay. I follow you, but I'm not sure if others do. You've
18 used a word - and on page line 12, page 129 the first word - you
19 used a word "trailings", is that correct?

15:53:08 20 A. Yes, sir.

21 Q. Can you explain to us here what are trailings? What does
22 that mean. It's T-R-A-I-L-I-N-G? What are trailings.

23 A. Yes, trailing means the remains of gravel, that is sand.
24 It's what we take to plaster houses with, to build houses with.
15:53:31 25 That's what I'm referring to.

26 Q. So if I understand you correctly you are saying that this
27 Cyborg area was a place where trailings had been dumped by
28 previous mining companies?

29 A. Yes, sir.

1 Q. And you said something about it once being an airfield. Is
2 that correct?

3 A. Yes, sir.

4 Q. What was an airfield?

15:53:54 5 A. It was an aeroplane field, but when it was constructed the
6 thing didn't get its actual length and they didn't want to make a
7 curve, but before it there was a very big valley. The valley was
8 about 200 yards long and then 50 yards wide. So what they did -
9 the company did - was to close up that valley with the trailings.

15:54:21 10 Q. They filled it with the trailings?

11 A. The trailing.

12 Q. You mentioned this cave-in. Did this happen once, or more
13 than once?

14 A. More than once.

15:54:35 15 Q. And how do you know about it?

16 A. Reports were brought to us. Even they themselves, they
17 died there.

18 Q. Who?

19 A. The rebels.

15:54:49 20 Q. I don't want you to guess, but do you have any idea how
21 many people? If you don't, say so. How many civilians died in
22 those cave-ins?

23 A. I don't know, sir. Many.

24 Q. Now, you've mentioned Sam Bockarie. When did you see Sam
15:55:10 25 Bockarie in Tongo Fields?

26 A. I saw Sam Bockarie in Tongo Field on 16 August 1997 when I
27 was led to OC secretariat office, Sekou Kunateh, by Morison
28 Farma.

29 Q. Were you introduced to him then?

1 A. Yes, sir.

2 Q. Would you see him after that in Tongo Fields?

3 A. Yes, sir.

4 Q. Do you know if he was staying in Tongo Fields, or not?

15:55:46 5 A. No, he was not permanently staying in Tongo Fields, but
6 every morning - he was present there every morning, maybe by 8
7 latest, and then left Tongo by 6 in the evening for Kenema Town.

8 Q. Do you know what he would do when he came to Tongo Fields?

9 A. Yes, sir.

15:56:06 10 Q. What would he do?

11 A. He only came to Tongo to collect diamonds from Sekou
12 Kunateh and then went back to Kenema with it.

13 Q. When Sam Bockarie came - would come to Tongo Fields, would
14 he come alone?

15:56:27 15 A. No, he used to come with his troops to Tongo Fields.

16 Q. These troops, can you describe them?

17 A. Yes, they were rebels. Maybe two or three vans would come
18 together in convoy.

19 Q. Can you give us the age range of these combatants?

15:56:44 20 A. The combatants, they had both adults and child combatants.

21 Q. And again those that were around Sam Bockarie that you've
22 talked about child combatants, what age range were they?

23 A. From the 12 to 14 years.

24 Q. Did you see any soldiers - Sierra Leone Army soldiers - in
15:57:12 25 Tongo Fields at that time?

26 A. Yes, sir, I saw Sierra Leone Army soldiers in Tongo Fields
27 at that time.

28 Q. And what was the relationship - how many soldiers were
29 there in comparison to how many RUF there were in Tongo Fields?

1 Do you understand my question?

2 A. I cannot tell the exact numbers, but there were more rebels
3 in Tongo than soldiers.

4 Q. When you say rebels this time, what do you mean?

15:57:40 5 A. RUF rebels.

6 JUDGE SEBUTINDE: By Sierra Leone soldiers you mean
7 soldiers of the government, or the AFRC?

8 THE WITNESS: No, soldiers of the government.

9 MR KOUMJIAN:

15:57:57 10 Q. Which government?

11 A. Sierra Leone Government.

12 Q. Which Sierra Leone Government at this time?

13 A. By then it was not Sierra Leone Government, but they have
14 amalgamated and then formed a government known as AFRC.

15:58:07 15 Q. So were there any soldiers - just so we are clear, were
16 there any soldiers still in Tongo Fields who were loyal to the
17 Kabbah government?

18 A. No, sir, there were none.

19 Q. Can you describe the conditions that the workers were in
15:58:28 20 that were doing the mining?

21 A. The workers that were these civilians who were doing the
22 mining, they were in very rough conditions. They did not feed
23 them. They hold them. After working for the whole day they used
24 to give them only two cups of garri, each person. Then they went
15:58:53 25 and installed them in their campus - the headquarters campus -
26 and then the next day they took them to the working site again,
27 you see? They used to do that three days to each group and then
28 they would go around again. When your own time is completed,
29 then go around and then raid other people. As soon as they get a

1 good number of them then they release you and say, "You go and
2 rest a bit. Don't go anywhere. You are still here under our
3 command".

15:59:36 4 Q. Sir, you have mentioned how the mining worked before the
5 AFRC came and gave an example of your own mining and how, when
6 diamonds were sold, a portion went to the workers. Do you know
7 if the workers for the AFRC/RUF at this time were given any money
8 for the diamonds that were found?

16:00:00 9 A. No, sir, they were not given any money and even food it was
10 only two cups of garri they used to give them.

11 Q. Sir, did you ever see any diamonds during this period of
12 time?

13 A. Yes, sir, I was fortunate twice in the office of Sekou
14 Kunateh. In the first place I find him parceling the diamond and
16:00:25 15 then weighed it. He said he was going to give it to Sam
16 Bockarie. That happened in my presence twice when I was
17 fortunate.

18 Q. Let's go over that again a little slowly.

19 A. Yes.

16:00:38 20 Q. This was in - where did this occur?

21 A. At Tongo in Sekou Kunateh's office, the OC secretariat.

22 Q. Why were you at the office?

23 A. I went there with a report.

24 Q. And what exactly did you see?

16:00:55 25 A. I saw some diamonds with Sekou Kunateh.

26 Q. Tell us where you saw the diamonds?

27 A. I saw the diamonds on his table in a white paper, you see?

28 Q. What was he doing?

29 A. He said he was trying to count them.

- 1 Q. Was there anyone else in the office?
- 2 A. Yes, sir.
- 3 Q. Who else was there?
- 4 A. I saw one Kamara. He was there also.
- 16:01:24 5 Q. Who was he?
- 6 A. He was their 2IC.
- 7 Q. Second in charge, is that what you mean?
- 8 A. Yes, sir, second in charge to Sekou Kunateh.
- 9 Q. Were they doing anything else besides looking or
- 16:01:44 10 separating/counting the diamonds?
- 11 A. No, sir, they were not doing any other thing.
- 12 Q. How many times did you see that?
- 13 A. Twice, sir.
- 14 Q. Now, you said something about where the diamonds went to.
- 16:02:01 15 Do you know what Sekou Kunateh did with the diamonds?
- 16 A. According to Sekou Kunateh he was to take the diamonds to
- 17 Sam Bockarie, alias Mosquito.
- 18 Q. Who told you that?
- 19 A. He himself.
- 16:02:27 20 Q. During the time you were in Tongo Fields with AFRC and RUF,
- 21 do you know if any type of aircraft arrived?
- 22 A. Yes, sir, three times aircraft arrived there - helicopter.
- 23 Q. Was it a helicopter in each occasion?
- 24 A. Yes, sir.
- 16:02:52 25 Q. And what happened?
- 26 A. Before helicopter could come there, a day before that time
- 27 they have to inform us that we should not move from our places,
- 28 you see, and go out.
- 29 Q. Take your time and explain that to us.

1 A. Okay.

2 Q. Who said that to you and how did they inform you?

3 A. Sekou Kunateh would send one of the soldiers to caretaker
4 committee and then that we should inform our people there should
16:03:25 5 be no work tomorrow and they should not see anybody outside, you
6 see? If you are out you will be in problem. So with that we
7 will go around and then tell people, "Don't go out tomorrow. If
8 you have anything to do, do it in your house. Don't go out. The
9 order has been given that nobody should go out".

16:03:47 10 Q. How do you know that a helicopter came if no-one went out?

11 A. Each time the helicopter came we shall know, because we see
12 it in the air and they land it in the plane field.

13 Q. Where did it land?

14 A. In the plane field.

16:04:08 15 Q. Are you saying plane, or playing?

16 A. Plane, P-L-A-N-E.

17 Q. Where was that?

18 A. It is situated between Tokpombu one and headquarter.

19 Tokpombu One and headquarter. It was the same field again that
16:04:35 20 was used at Cyborg, but the tail end. The plane field was more
21 than almost half a mile long, so it was the end they were using
22 as Cyborg.

23 Q. Sir, during the time that you were in Tongo Fields during
24 the AFRC time, did you ever hear the name Charles Taylor?

16:05:03 25 A. Yes, sir, I heard the name of Charles Taylor.

26 Q. Where did you hear that? What circumstances?

27 A. It was in the circumstance that when I had a conversation
28 with one Captain Eagle.

29 Q. This Captain Eagle, who was he?

1 A. He was a rebel commando.

2 Q. When you say rebel, which force do you mean just so we are
3 clear?

4 A. He was a captain rebel. He has a plated lip - the upper

16:05:38 5 lip.

6 Q. He has what in his upper lip?

7 A. Upper lip plate.

8 Q. A plate?

9 A. Yes, sir

16:05:44 10 Q. Can you describe him physically besides that? Was he
11 short?

12 A. Yes, sir. No he was tall and then huge.

13 Q. And how was it that you talked to this rebel commander?

14 A. Well this rebel commander, because I in particular I was in

16:06:06 15 fear of them I befriended him. I befriended him and then I made

16 somebody to be tapping palm wine for him. So he told me that

17 they were not only supported by Sankoh, but also Charles Taylor,

18 and that all the diamonds they were getting in that place were

19 sent to Liberia to him. It was there they were getting their

16:06:39 20 ammunition.

21 JUDGE SEBUTINDE: Him, meaning who?

22 MR KOUMJIAN:

23 Q. When you say --

24 A. AFRC, or RUF, where they were getting their ammunition.

16:06:54 25 The RUF.

26 Q. You said that "... all the diamonds they were getting in
27 that place were sent to Liberia to him". Who do you mean by him?

28 A. To former president Charles Taylor. It was he, former

29 Charles Taylor, that was getting ammunition for them - for RUF in

1 this country.

2 Q. Sir, how long did you stay in Tongo Fields during this AFRC
3 time?

16:07:31

4 A. I stayed at Tongo Field from 11 August when they entered
5 there up to 10 November that I left there.

6 Q. Can you explain to the judges why you left Tongo Fields?

16:08:17

7 A. Yes, sir. One afternoon, on 10 November, I was approached
8 by a group of rebels, of RUF, who came and marched me to the
9 office of OC secretariat, Sekou Kunnateh. As we reached there,
10 they told me that all along I had been defending Kamajors at

11 Tongo, that there are no Kamajors in Lower Bambara Chiefdom. And
12 now a village about two - about three miles away from the
13 township of Tongo, known as Sembema, Kamajors have overtaken the
14 village. Therefore, I should go there with them to fight the

16:09:09

15 said Kamajors. There I told them that I had no gun, so how was I
16 to go and fight with them?

17 Q. Sir, you can go ahead and complete the entire - narrating
18 all the events that led to you leaving Tongo Fields area, and I
19 am not going to interrupt you, so you don't have to wait for my
20 questions. Go ahead and tell the judges all the circumstances
21 that happened that you left Tongo?

16:09:52

22 A. So Sekou Kunnateh also supported them. He said, "You
23 should go with them. I have no objection to that, as long as
24 it's in connection with Kamajors in this place. We need our
25 safety in this place". So, without refusing, I came down with
26 them. So we took off for Sembema village.

16:10:10

27 As we went, finishing the township of Tongo, about two
28 miles away from Tongo, the township of Tongo, one mile to
29 Sembema, we met on the road with one rebel captain, by the name

1 of Captain Abdul Rasis [phon] and he was carrying one of his
2 rebel soldiers at his back, on his XL Honda bike. He then
3 stopped and then asked the rebel soldiers where they were going
4 together with me. They could not answer. There and then I
16:11:43 5 intervened and then explained to him that these soldiers have
6 said Kamajors have taken over Sembema village and that I should
7 go with them to fight those Kamajors. At this point, Captain
8 Rasis then answered them. Said, "I'm working at Sembema village.
9 There I have my workers, diamond miners, and I am just from
16:12:35 10 Sembema village. There are no Kamajors in Sembema village and
11 there have never been Kamajors in Sembema village. It's a
12 blatant lie you are telling and you wanted to go and destroy this
13 man's life". He said, "What I am telling you now is that we have
14 come out of the bush, met our relatives, we are not to make them
16:13:21 15 enemies". Say, "I'm going to take this man back to Tongo".
16 So he dropped the man he was backing, and then backed me on
17 his XL bike. He left them there and then brought me back to the
18 township of Tongo. So when we came I knew very well that the
19 minds of these people have now changed, these rebels, against us
16:13:58 20 and that they did not even want to see what they call caretaker
21 committee office. So immediately we arrived, I called an
22 emergency meeting. Fortunately, my chairman was around, the
23 vice-chairman was around and then other nine of them, the
24 caretaker committee members were around. I said, "Well, now it
16:14:32 25 is observed that the minds of this government have changed
26 against us. They are not satisfied with our staying in this
27 place." I said, "So today I'm not going to sleep in Tongo, but
28 before I go I'm going to use two proverbs". If the Court can
29 allow me, I can use them.

1 Q. Tell us the two proverbs, sir.

2 A. I turned to the members of the caretaker committee. I
3 said, "You see the rebels, you see these of our soldiers, Sierra
4 Leone soldiers", I said, "They are all now specimens of identical
16:15:21 5 plumage. They are congregating in the same proximity".

6 Then I turned to my chairman and the vice-chairman. I
7 said, "Beware. Uneasy lies beware the head that wears the
8 Crown". I repeat, "Uneasy lies the head that wears the Crown".
9 I said, "A word for the wise is sufficient. From today I'm not
16:15:46 10 going to sleep here". So I took off from my village in Lalehun.
11 From Lalehun I continued my journey to Kenema. I did not reach
12 Kenema that day. I slept at a village called Lago. Lago is 15
13 miles from Tongo.

14 The next day I continued my journey, that was on the 11th,
16:16:11 15 to Kenema. After arriving at Kenema I thought it fit that I
16 should also leave Kenema, because there we have the main
17 secretariat for the east, Captain Kanneh was there. Then the SOS
18 Kanneh was there and it is the base of Mosquito. It was the base
19 of Mosquito, Sam Bockarie. So my life was not safe there. On
16:16:44 20 the 12th I left Kenema for Bo Town.

21 MS IRURA: Your Honour, the witness requests a break.

22 PRESIDING JUDGE: Well, I see it's - the witness is a
23 little upset and he's requested a break. I note it's very close
24 to our normal time to adjourn, so I think maybe the sensible
16:17:57 25 thing would be to adjourn for the day.

26 Mr Witness, this is very close to the time we normally
27 finish for the day, so we will finish a little early, give you a
28 chance to catch your breath. We will resume tomorrow morning at
29 9.30. I think maybe one of the first things I will ask you will

1 be to repeat the first of your proverbs, I didn't hear it very
2 well. I will also tell you that now that you have taken the oath
3 you should not discuss your testimony with any other person until
4 it is all finished. Do you understand?

16:18:33 5 THE WITNESS: Yes.

6 PRESIDING JUDGE: Very well. Please adjourn Court until
7 tomorrow at 9.30.

8 [Whereupon the hearing adjourned at 4.20 p.m.
9 to be reconvened on Tuesday, 30 September 2008
10 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TAMBA MONDEH	17436
EXAMINATION-IN-CHIEF BY MR WERNER	17437
CROSS-EXAMINATION BY MR GRIFFITHS	17470
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ABDUL OTONJO CONTEH	17493
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