



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

THURSDAY, 22 OCTOBER 2008  
9:30 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

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

For Chambers:

Mr William Romans  
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian  
Mr Mohamed A Bangura  
Mr Alain Werner  
Ms Julia Baly  
Ms Kathryn Howarth  
Ms Ruth Hackler

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munyard  
Mr Morris Anyah

1 Wednesday, 22 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:33:56 5 PRESIDING JUDGE: We will continue. I will take  
6 appearances and we will proceed in the normal way. Let me hear  
7 what Madam Court Officer has to say.

8 MS IRURA: The equipment is now working. A technician was  
9 called in. We managed to sort out the problem.

09:34:24 10 PRESIDING JUDGE: Very good.

11 MR WERNER: Good morning, Madam President, counsel  
12 opposite. For the Prosecution this morning Nicholas Koumjian,  
13 Julia Baly, Ms Hackler and myself Alain Werner.

14 PRESIDING JUDGE: Yes, Mr Griffiths.

09:34:50 15 MR GRIFFITHS: Good morning, Madam President, counsel  
16 opposite. For the Defence today, myself Courtenay Griffiths,  
17 Mr Morris Anyah, Terry Munyard and also Mr Piers Von Berg, who  
18 has been with us before.

19 PRESIDING JUDGE: Good. We welcome all the persons we have  
09:35:12 20 missed for a couple of weeks back on both sides. If there are  
21 some other preliminary matters? We will have the witness sworn  
22 please and we will proceed in the normal way.

23 WITNESS: TF1-023 [Sworn]

24 MR WERNER: Your Honours, as we indicated yesterday we  
09:36:31 25 would apply for a very, very short private session to elicit only  
26 the name of this witness and the precise date of birth.

27 PRESIDING JUDGE: Mr Griffiths, you did respond yesterday.  
28 The situation remains the same?

29 MR GRIFFITHS: We have no objection.

1           PRESIDING JUDGE: For purposes of the rules and record we  
2 will now go into a short private session. This is to bring out  
3 matters relating to the witness's personal details and is for  
4 reasons of security of the witness. Please put the Court in  
09:37:09 5 private session.

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[At this point in the proceedings, a portion of the transcript, page 18930, was extracted and sealed under separate cover, as the proceeding was heard in private session.]

1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 PRESIDING JUDGE: Thank you. Please proceed.

4 MR WERNER:

09:39:36 5 Q. Madam Witness, do you know where you were born?

6 A. Yes.

7 Q. Tell this Court where you were born?

8 A. In Freetown, Sierra Leone.

9 Q. And you belong to any tribe?

09:39:54 10 A. Yes.

11 Q. Which tribe do you belong to, Madam Witness?

12 A. Mende.

13 Q. Which languages do you speak?

14 A. English and Krio only.

09:40:16 15 Q. And can you read and write in English?

16 A. Yes.

17 Q. And without giving any specifics, what is your level of  
18 education?

19 A. University.

09:40:38 20 Q. And are you currently in university?

21 A. Yes.

22 Q. Madam Witness, do you remember having testified in the case  
23 Prosecutor versus Brima, Kamara and Kanu, the AFRC case?

24 A. Yes.

09:41:03 25 Q. During three days in 2005, the Prosecution asked you  
26 questions on 9 and 10 March 2005, and Defence asked you questions  
27 on 7 November 2005. Do you remember that?

28 A. Yes.

29 MR WERNER: Your Honour, we would request a transcript to

1 be first shown to my learned friend. This is the transcript of  
2 those proceedings, and I believe the reason why it's first two  
3 days on 9 and 10 March 2005, and then the third day 7 November  
4 2005 is because a contempt matter arose in the middle. The CMS  
09:42:02 5 pages, it will be 93 pages, will be 19314 to 19406:

6 Q. Madam Witness, you have the transcript in front of you.  
7 Was this transcript read to you in a language that you could  
8 understand?

9 A. Yes.

09:42:54 10 Q. And do you adopt this transcript as your prior testimony?

11 A. Yes.

12 Q. And, Madam Witness, for you to understand that means that  
13 we will apply later for what you said in the AFRC trial to be  
14 then part of the proceedings.

09:43:17 15 MR WERNER: Your Honours, I would apply for this transcript  
16 to be marked for identification now, and we had the same scenario  
17 last week on several occasions. There were two portions in  
18 closed session. The first one was on 10 March 2005, 20 pages,  
19 and the CMS number was 19356 to 19375, and the second portion was  
09:43:58 20 on the last day, 7 November 2005, 29 pages in closed session, CMS  
21 number 19378 to 19406. So, as we did last week, what we would  
22 propose is to have one MFI; it could be 1A with the transcript  
23 which is in open session, and I did the breakdown so I have the  
24 numbers in open session, which would be 19314 to 19355, and then  
09:44:41 25 19376 to 19377 and then later we will ask for the second one to  
26 be confidential, second one MFI-1B with these two portions in  
27 closed session.

28 PRESIDING JUDGE: A total of 93 pages?

29 MR WERNER: Yes, your Honour.

1           PRESIDING JUDGE: Very well. That will become, a total of  
2 93 pages of transcript being numbers 19314 to 19406, being a  
3 transcript of 9 and 10 March 2005 and 7 November 2005 of witness  
4 TF1-023 will become MFI-1 and we will deal with the difference of  
09:45:43 5 closed and open session if and when the matter arises - it is  
6 tendered.

7           MR WERNER: Very well, your Honour.

8 Q. Now, Madam Witness, the first day you testified in Freetown  
9 in the AFRC trial, do you remember indicating on a piece of paper  
09:46:11 10 the name of the rebel with whom you went to Calaba Town and who  
11 later handed you over to another rebel commander. Do you  
12 remember doing that?

13 A. Yes.

14 Q. And could I ask one page to be first shown to my learned  
09:46:33 15 friend. And, your Honour, the CMS number of that page is 21252  
16 and we filed a corrigendum yesterday because there had been an  
17 error in the filing and I gave that filing to my learned friend.

18           MR GRIFFITHS: Mr Werner certainly did, your Honour, and I  
19 don't need to be shown these documents because he helpfully  
09:47:12 20 talked me through it yesterday so I think we can deal with it as  
21 a matter of course.

22           PRESIDING JUDGE: Very well.

23           MR WERNER:

24 Q. Madam Witness, can you look at that document. Do you  
09:47:29 25 recognise it?

26 A. Yes.

27 Q. Is it the one that you marked on that day?

28 A. Yes.

29           MR WERNER: Your Honours, I would request that to be marked

1 for identification.

2 PRESIDING JUDGE: Was it an exhibit in the previous --

3 MR WERNER: Sorry, your Honour, yes, it was and it was AFRC  
4 exhibit P1 on that day.

09:47:54 5 PRESIDING JUDGE: Very well. That will become MFI-2 and  
6 it's a one-page document which was previously an exhibit in the  
7 case of the Prosecutor and Brima and others.

8 MR WERNER: Thank you, Madam President:

9 Q. Madam Witness, on the same day, do you remember indicating  
09:48:48 10 on another piece of paper the name of this other rebel commander  
11 to whom you were handed over and who became your rebel husband.  
12 Do you remember doing that?

13 A. Yes.

14 MR WERNER: And can I ask this piece of paper to be shown  
09:49:12 15 to my learned friend. Your Honours, that was on that day what  
16 became AFRC exhibit P2 and the CMS number is 21253:

17 Q. Madam Witness, could you look at that document. Do you  
18 remember writing that on that piece of paper on that day?

19 A. Yes.

09:50:01 20 MR WERNER: Your Honours, we would request that document to  
21 be marked for identification.

22 PRESIDING JUDGE: Just before I do mark it for  
23 identification, Mr Werner, we have been shown a photocopy and  
24 really it's a very poor copy; it's not clear. When we come to an  
09:50:25 25 actual tender of these documents, if they are tendered, will the  
26 original in a clear form be shown, be exhibited?

27 MR WERNER: I don't think we do have the original. What I  
28 can try to do is to get a better copy, certainly.

29 PRESIDING JUDGE: If necessary, I have not invited

1 comments, and I am now speaking without hearing submissions, but  
2 it may be necessary to have these rewritten in a more clear form  
3 and signed and dated. This is my initial reaction.

09:51:04 4 MR GRIFFITHS: Madam President, can I say this: That for  
5 my part I wouldn't want the witness to have to go through the  
6 trouble of recounting those events in order to put in context the  
7 names that she would be writing down because I have no intention  
8 to ask her anything about that.

09:51:29 9 If there is a way we can get better copies then I would be  
10 grateful if we could do it by that route, rather than through the  
11 witness.

12 MR WERNER: Your Honours, we will try our best to get a  
13 better copy, and we shall do that.

09:51:46 14 PRESIDING JUDGE: I will defer any further comment until,  
15 as I said, the matter of tender arises. In the meantime, I will  
16 mark as MFI-3, a one page document with the CMS number 21253.

17 JUDGE LUSSICK: Just before you leave that, was that MFI-3  
18 an exhibit in the AFRC case?

09:52:16 19 MR WERNER: Sorry, I thought I told you this was AFRC  
20 exhibit P2:

21 Q. Now, finally, Madam Witness, do you remember still on the  
22 same day, on 9 March 2005, the first day of the proceedings in  
23 Freetown, do you remember explaining that your rebel husband  
24 left, went to Makeni, left you under the care of one individual,  
09:52:51 25 and then you indicated on a piece of paper the name of that man  
26 who was a captain, and with whom you stayed. Do you remember  
27 that?

28 A. Yes.

29 MR WERNER: Could I have of one piece of paper be shown



1 first to my learned friend. That was, that had become AFRC  
2 exhibit P3, it's a one-page document and the CMS number is 21254:

3 Q. Can you look, and that name, is that the name that you  
4 wrote on that paper on that day?

09:53:39 5 A. Yes.

6 MR WERNER: Your Honours, we would request that paper to be  
7 marked for identification.

8 PRESIDING JUDGE: This is a one page document with  
9 handwriting. It was exhibit P3 in the case of the Prosecutor and  
09:54:12 10 Brima and others. CMS number 21254 becomes MFI-4.

11 MR WERNER: At that stage, your Honour, we are tendering  
12 the witness.

13 PRESIDING JUDGE: Thank you. Mr Griffiths, I understand  
14 you will be cross-examining this witness.

09:54:32 15 MR GRIFFITHS: I am grateful, Madam President.

16 CROSS-EXAMINATION BY MR GRIFFITHS:

17 Q. Madam Witness, you were born in Freetown, weren't you?

18 A. Yes.

19 Q. And have you lived all your life in Freetown?

09:54:47 20 A. No.

21 Q. Have you ever travelled outside of Sierra Leone.

22 A. Yes.

23 Q. Now, when the war started in Sierra Leone in March 1991  
24 were you living in Sierra Leone at that time?

09:55:07 25 A. Yes.

26 Q. And were you living in Freetown?

27 A. Yes.

28 Q. Now, were you in Freetown at the time that the junta took  
29 over in May 1997?

1 A. Yes.

2 Q. Now, between the start of the war in March 1991, and the  
3 coup in May 1997, during that six year period what effect did the  
4 war have upon your life?

09:55:39 5 A. Well, it greatly affected me because schooling went to a  
6 standstill and shooting was going on all around and we were  
7 indoors for some times and we were not actually comfortable,  
8 anyway.

9 Q. That was throughout that six year period, was it?

09:56:13 10 A. On and off. In 1997 we experienced that.

11 Q. That's the point I'm trying to make. Up until the junta  
12 takeover, the war hadn't really touched your life in Freetown,  
13 had it?

14 A. It touched me.

09:56:41 15 Q. Did it touch your life merely in terms of the disruption of  
16 your schooling?

17 A. Not just that.

18 Q. Would it be fair to say that you first heard gunfire in  
19 1997 at the time of the coup?

09:57:02 20 A. Yes.

21 Q. So up until that time, although there might have been other  
22 privations in your life, your life had not been affected by  
23 fighting as such, wouldn't that be fair?

24 A. No, it affected me.

09:57:32 25 Q. Very well. But, in any event, the first time you hear  
26 gunfire is in 1997. Yes?

27 A. No, no, no.

28 Q. When was it, then?

29 A. I think in '94, when the NPRC overthrew. That was in '94.

1 Q. Right. Okay. So there was some violence then but that  
2 violence didn't have anything to do with the rebels, did it?

3 A. No, no, no.

09:58:11 4 Q. And then we have a gap of three years or so. Then, in May  
5 1997, you have a similar experience again?

6 A. Yes.

7 Q. Now, your father was very critical of the AFRC regime which  
8 took over in May 1997, wasn't he?

9 A. Yes.

09:58:38 10 Q. Because he felt that it was anti-democratic?

11 A. No.

12 Q. So what was his problem with the AFRC regime, then?

13 A. It was because at the time the AFRC overthrew they  
14 suppressed our family. They suppressed my family because my  
09:59:11 15 father belonged to a particular party and they did not like that.

16 Q. Which party was that?

17 A. SLPP.

18 Q. And was he a prominent member of that party - and I am not  
19 interested in knowing his name or identity.

09:59:30 20 A. Yes.

21 Q. And did he hold high position in that party?

22 A. No.

23 Q. Was he a prominent organiser for the party?

24 A. Yes.

09:59:47 25 Q. And was that in Freetown?

26 A. Yes.

27 Q. And so consequently his opposition to the AFRC regime had  
28 consequences for your family, didn't it?

29 A. He did not oppose them as such but they troubled him as a

1 result of that.

2 Q. I fully accept what you say. My point is very simple:  
3 That because of his past connection with the SLPP party that had  
4 consequence for your family during the AFRC regime?

10:00:30 5 A. Yes.

6 Q. In any event, during that period of the AFRC regime  
7 following the coup in May 1997, did you continue living in  
8 Freetown?

9 A. No, no.

10:00:54 10 Q. Did you move out?

11 A. Yes, I went to Bo in 1997, around June, but then we didn't  
12 even stay in Bo because we were still being harassed so my mother  
13 and I returned to Freetown. My sisters stayed there for a while  
14 because we hadn't transportation fare but later they joined us

10:01:23 15 and I, my mother and my other sister, we later travelled to  
16 Conakry and my remaining family travelled to Kambia.

17 Q. In any event, so the position is that as a result of the  
18 coup effectively you and other members of your family had to flee  
19 from Freetown and eventually ended up in another country, is that  
20 right?

10:02:11 21 A. Yes.

22 Q. So at the time of the ECOMOG intervention in February 1998  
23 were you in Freetown?

24 A. No.

10:02:46 25 Q. So you were out of the country at the time of the ECOMOG  
26 intervention. Is that right?

27 A. Yes.

28 Q. Was your father in Sierra Leone at the time of the ECOMOG  
29 intervention?

1 A. Yes.

2 Q. So despite the AFRC regime's attitude towards your father,  
3 he had not been killed during the period of AFRC rule, is that  
4 right?

10:03:13 5 A. Yes.

6 Q. In any event, you are aware, are you not, that as a  
7 consequence of the ECOMOG intervention there was a great deal of  
8 loss of life, wasn't there?

9 A. Yes, yes.

10:03:34 10 Q. Effectively, the AFRC and the RUF were driven out of  
11 Freetown. You know that, don't you?

12 A. Yes.

13 Q. And you know that they were driven out by primarily  
14 Nigerian soldiers attached to ECOMOG?

10:03:53 15 A. They - who were driven?

16 Q. The AFRC and the RUF were driven out by primarily Nigerian  
17 soldiers?

18 A. Yes.

19 Q. And you appreciate, don't you, that in the course of that  
10:04:14 20 operation, the Nigerian soldiers treated many Sierra Leoneans  
21 quite badly?

22 A. I was not there anyway. I was not there.

23 Q. Your father was?

24 A. Yes.

10:04:31 25 Q. Did he talk to you about that?

26 A. No.

27 Q. Very well. And you never asked him?

28 A. No.

29 Q. Very well. In any event, how soon after the ECOMOG

1 intervention did you return to Freetown?

2 A. May 1998.

3 Q. So about three months after the intervention, yes?

4 A. Yes.

10:05:01 5 Q. And by that stage your father felt that it was safe enough  
6 for you to return?

7 A. Yes.

8 Q. And upon your return, did you return to school?

9 A. Yes.

10:05:19 10 Q. In any event, you returned in May 1998 by which stage you  
11 would have been 15 years old, wouldn't you?

12 A. Yes.

13 Q. Now, your first direct, and I emphasise the word "direct"  
14 contact with the war was the Freetown invasion of 6 January 1999,  
10:06:28 15 wasn't it?

16 A. Yes.

17 Q. And you appreciate, don't you, that a former SLA soldier  
18 called SAJ Musa was the overall commander of the Freetown  
19 invasion?

10:06:46 20 MR WERNER: I am sorry, your Honour, that is not correct.  
21 That is misstating the entire evidence.

22 MR GRIFFITHS: I am certainly not attempting to do that. I  
23 am merely quoting the witness's own words and, for that reason, I  
24 appreciate that this page is marked, but I would just like the  
10:07:14 25 witness, please, to be shown --

26 PRESIDING JUDGE: Are you referring to a previous  
27 transcript or to a record of interview?

28 MR GRIFFITHS: I am referring to a record of interview  
29 dated 16 February 2003.

1           PRESIDING JUDGE: Just before it's displayed I want to  
2 ensure that the witness's name or other identifying matter are  
3 not --

4           MR GRIFFITHS: It doesn't appear on that page at all. I am  
10:07:53 5 directing the witness's attention to a particular sentence:

6 Q. Madam Witness, do you see towards the bottom of that page,  
7 handwritten in the right-hand column, the word "SAJ Musa"?

8 A. Yes.

9 Q. Do you see a sentence which begins on the first line of the  
10:08:26 10 paragraph "I knew". Could you read that sentence out to us,  
11 please?

12 A. Me?

13 Q. Yes, please.

14 A. "I knew SAJ Musa was the overall commander of Freetown  
10:08:39 15 invasion."

16 Q. Thank you very much. Now, you appreciate, don't you, that  
17 what I have just shown you is a record of a conversation you had  
18 with investigators attached to the Prosecution on 16 February  
19 2003. Do you remember speaking to them on that occasion?

10:09:08 20 A. I can't remember.

21 Q. Very well. So, do you remember saying that to anyone?

22 A. No.

23 Q. In 2003 had you started university then?

24 A. Yes.

10:09:41 25 Q. So according to this record of an interview with you the  
26 person being interviewed at that time - could I have a moment,  
27 please, Madam President. Madam President, it has just been  
28 brought to my attention that the witness's picture is on the  
29 screen.

1           PRESIDING JUDGE: I had seen a distorted image. Let us  
2 check this urgently.

3           MR GRIFFITHS: Well, it is on Mr Taylor's screen, and he is  
4 the one who brought it to my attention. It's a matter of some  
10:10:33 5 concern to me given that we have gone to the trouble of putting  
6 up a screen behind the witness. Could we just check please that  
7 the picture is not being broadcast and it was also on  
8 Mr Munyard's screen.

9           PRESIDING JUDGE: This is of great concern.

10:10:50 10           MR GRIFFITHS: It is of great deal concern to us.

11           PRESIDING JUDGE: Madam Court Officer, if you could check  
12 urgently and to those persons who are dealing with this, no image  
13 of the witness

14           MR GRIFFITHS: [Microphone not activated]

10:11:08 15           MS IRURA: Your Honour, on the panel next to the monitors  
16 there are several buttons, and if you press the witness cam  
17 button, you will be able to see a clear picture of the witness  
18 only within the Courtroom. However, the parties should stay on  
19 live feed so that they only see the distorted picture of the  
10:11:29 20 witness, especially if they are near the screens of the public  
21 gallery. However, it is only Mr Taylor and Mr Munyard who would  
22 be able to see, to use that button or other parties in the  
23 Courtroom. The public gallery and the broadcast don't have  
24 access. They are viewing the distorted image of the witness.

10:11:51 25           PRESIDING JUDGE: Thank you.

26           JUDGE SEBUTINDE: What about on the video link?

27           MS IRURA: Your Honour, on the broadcast they are viewing  
28 the live feed, which is the distorted image of the witness which  
29 is what we can see within the courtroom. Because as long as the



1 witness has the screen around them they distort the image of the  
2 witness, so the broadcast has the distorted image of the witness.  
3 But I will confirm with the booth.

10:12:29

4 PRESIDING JUDGE: Mr Griffiths, if you please have a seat  
5 whilst this is checked.

6 MS IRURA: Your Honour, it is only the distorted picture  
7 that is going out on the broadcast.

10:12:59

8 PRESIDING JUDGE: Thank you. I trust that allays all the  
9 parties' concerns to ensure the security of this witness. Madam  
10 Witness, you have heard that no one has seen your picture and we  
11 give you that reassurance.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: Mr Griffiths, please proceed and I am  
14 grateful to you for alerting us to this.

10:13:13

15 MR GRIFFITHS:

16 Q. Madam Witness, please be assured that despite the fact that  
17 I represent Mr Taylor I have no intention of disclosing your  
18 identity to anyone. Do you understand me?

19 A. Yes.

10:13:28

20 Q. Now let's take you back, please, to February 2003. At that  
21 stage you were a university student, you tell us?

22 A. Yes.

10:13:53

23 Q. Now, we know from material disclosed to us that you were  
24 spoken to on 16 February of that year by persons attached to the  
25 Prosecution in this case. Are you saying you do not remember  
26 that at all?

27 A. I do not recall saying that I knew SAJ and that I knew SAJ  
28 was the overall commander. I can say I knew him, of course I  
29 knew him, but I did not say that I knew he was the overall

1 commander.

2 Q. Now, from the material in front of me, you were interviewed  
3 by an investigator called Louise Taylor. Does that name ring a  
4 bell?

10:14:39 5 A. Yes.

6 Q. Do you recall also that on the occasion that you were  
7 interviewed by Louise Taylor there was a Cecilia Williams also  
8 present as an interpreter?

9 A. Yes.

10:14:56 10 Q. And whilst you were speaking to them do you recall now that  
11 they were writing down what you were saying?

12 A. Yes.

13 Q. And do you further recall that, having made a record of  
14 that conversation with you, they came back to you in the November  
10:15:17 15 of that year and asked you to confirm your previous statement.

16 Just to assist your recollection can I ask that the witness be  
17 shown this but it not be put on the screen, please.

18 PRESIDING JUDGE: Do you have a copy, Mr Werner?

19 MR WERNER: No. Sorry, can we just have a look at the  
10:15:44 20 document.

21 MR GRIFFITHS:

22 Q. Now, Madam Witness, assist us please. Does your name  
23 appear on that document?

24 A. Yes.

10:16:13 25 Q. Is there a date on the document?

26 A. Yes.

27 Q. What is the date?

28 A. 19 November 2003.

29 Q. And is there another name on the document of an

1 investigator?

2 A. Yes.

3 Q. What name is that?

4 A. Louise Taylor.

10:16:35 5 Q. And can you read out to us, please, what the statement says  
6 or what the document says?

7 A. "The witness confirmed his previous statement" --

8 Q. I didn't catch that, I don't know, but there is something  
9 happened with the transmission.

10:17:00 10 JUDGE SEBUTINDE: There is no translation. We didn't hear  
11 any translation.

12 THE INTERPRETER: Your Honours, the witness is reading in  
13 English.

14 MR GRIFFITHS:

10:17:15 15 Q. Can you read it again for us please. And please read it  
16 into the mic.

17 A. "The witness confirmed his previous statement and did not  
18 wish to make any alterations or additions."

19 Q. Right. Can I have that back, please. And now, I am sorry  
10:17:40 20 to trouble you again, Madam Court Manager, but could I ask you,  
21 please, to hand just this page to the witness.

22 PRESIDING JUDGE: For purposes of counsel for the  
23 Prosecution, what is the document?

24 MR GRIFFITHS: I am showing a handwritten document dated 16  
10:18:06 25 February 2003 which appears to be a contemporaneous record of a  
26 conversation with this witness:

27 Q. Madam Witness, is there a date on that document?

28 A. Yes.

29 Q. What date is that?

1 A. 16 February 2003.

2 Q. Does your name appear on that document?

3 A. Yes.

4 Q. Does the name of Louise Taylor also appear on that  
10:18:39 5 document?

6 A. Yes.

7 Q. Does the name Cecilia Williams also appear on that  
8 document?

9 A. Yes.

10:18:49 10 Q. And does it appear to be a handwritten note of a  
11 conversation with you?

12 A. Yes.

13 Q. Can I have it back, please. Now that you have seen both  
14 documents, the scenario is as follows, isn't it: That on 16

10:19:16 15 February you were seen by Louise Taylor and a record was made of  
16 what you said to her. That same Louise Taylor came back to you a  
17 few months later in November, went through that document with you  
18 and you confirmed it and said that you did not want to make any  
19 alterations. But now, five years later, you do want to make an  
10:19:41 20 alteration, don't you?

21 A. It's not that I want to. The case is that I do not recall  
22 saying that.

23 Q. Let us just examine that proposition, please. Are you  
24 saying you never said it?

10:20:07 25 A. I did not say that. What has been shown to me, I did not  
26 say that.

27 Q. It follows then, doesn't it, that Louise Taylor quite  
28 wickedly wrote down something which you didn't say and has  
29 attributed it to you. That follows logically, doesn't it?

1 A. No, I wouldn't want to say that. Maybe they might have  
2 made a mistake but I wouldn't want to say that.

3 Q. Well, if you didn't say it and it has been attributed to  
4 you, it means that someone made it up, doesn't it?

10:20:52 5 A. No, no. I'm not sure of that.

6 Q. Well, help me, please. Is there a middle position which  
7 could explain this dichotomy?

8 A. Well, I don't know. I don't know. I don't know if there  
9 is any other position.

10:21:15 10 Q. You do understand what it is I am saying, don't you?

11 A. Yes.

12 Q. Because you have told me quite categorically you did not  
13 say that. It follows that if you didn't say it then the writer  
14 of that record said it on your behalf. That follows, doesn't it?

10:21:40 15 A. Maybe the person misunderstood what I was trying to say but  
16 because the person wrote it maybe I want to say that the person  
17 misunderstood what I said and then decided to write that.

18 Q. Help me, please. Instead of "I knew SAJ Musa was the  
19 overall commander of the Freetown invasion", what was it that you  
10:22:06 20 actually wanted to say?

21 A. I told them that - they asked me, actually, whether I knew  
22 SAJ Musa. I said yes, I knew him, and that was all.

23 Q. I don't want to delay overlong, so let's move on. Where do  
24 you know SAJ Musa from?

10:22:33 25 A. Well, I saw him at the time they overthrew, as the NPRC  
26 group, although I was very small by then, but I still recall that  
27 and that besides, I used to see him appear over the television  
28 and also I can say I have been - I have been seeing him most  
29 times in Freetown.

1 Q. And that was during the period of AFRC rule, was it?

2 A. No.

3 Q. When was it?

4 A. NPRC.

10:23:16 5 Q. Very well. In any event, moving on. Following the  
6 Freetown invasion on 6 January, the first soldiers you came in  
7 contact with were AFRC soldiers, weren't they?

8 A. Yes.

9 Q. And, in fact, you knew some of them from before?

10:23:51 10 A. Yes.

11 Q. And following the Freetown invasion on 6 January those AFRC  
12 soldiers had come repeatedly to the address where you were  
13 staying looking for your father, hadn't they?

14 A. Yes.

10:24:13 15 Q. And no doubt your father had moved elsewhere?

16 A. Yes.

17 Q. He had gone into hiding, hadn't he?

18 A. Yes.

19 Q. Because he was aware that they were looking to find him and  
10:24:34 20 possibly kill him?

21 A. Yes.

22 Q. Because of his opposition to their regime?

23 A. Yes.

24 Q. Now, those first, that first set of AFRC soldiers that you  
10:24:53 25 came in contact with, of whom you said you knew some of them,  
26 it's not only that you recognised them, they also told you that  
27 they were AFRC, didn't they?

28 A. They too were saying that, yes. They too were saying that.

29 Q. And they were dressed quite distinctively because they had

1 US flags as headbands, didn't they?

2 A. Yes.

3 Q. And they warned you on each occasion that they came that  
4 they would be coming back, didn't they?

10:25:41 5 A. They were saying that, that they would come back because I  
6 did not used to see them face-to-face because by then I was  
7 mostly hiding.

8 Q. In any event, on a further visit by those same AFRC rebels  
9 they were accompanied by a soldier who was still living in  
10 Wellington in 2003, isn't that right?

11 A. Yes.

12 Q. Then some 16 days after the Freetown invasion, on 26  
13 January 2009, you were captured by AFRC soldiers, weren't you?

14 A. It was on 22 January.

10:26:56 15 PRESIDING JUDGE: 2009 is shown on the record,  
16 Mr Griffiths. It was 1999.

17 MR GRIFFITHS: Sorry, I think it was my fault.

18 Q. Yes. So 16 days later, on 26 January 1999, you were  
19 captured by AFRC soldiers, weren't you?

10:27:18 20 A. It was on 22 January.

21 Q. Yes, I agree. Now, on that same day, a sister of yours was  
22 stabbed in the lower abdomen by a woman who lived in Wellington,  
23 wasn't she?

24 A. Yes.

10:27:37 25 Q. And that woman who stabbed your sister was a neighbour?

26 A. Yes.

27 Q. Was the woman who stabbed your sister a member of the AFRC?

28 A. No. She was not a soldier but she later teamed up with the  
29 soldiers.

1 Q. But she had been a neighbour of your sister?

2 A. Not just my sister.

3 Q. I appreciate that, most people have several neighbours, but  
4 she had been a neighbour?

10:28:21 5 A. Yes.

6 Q. The point I'm getting at is simply this: That the  
7 opposition and hatred of your family was not limited to AFRC  
8 soldiers, was it? Some of your neighbours also disliked your  
9 family, didn't they?

10:28:47 10 A. Yes.

11 Q. Putting it bluntly, your family was unpopular in the area,  
12 in the neighbourhood, weren't they?

13 A. No.

14 Q. Well, can you explain why it was that a female neighbour  
10:29:08 15 stabbed your sister?

16 A. Well, although I was not present, because I was not present  
17 when the stabbing took place, but I want to believe that it was  
18 because of the way we were brought up in our family, and that  
19 might have been a grudge against us for which she just looked at  
10:29:38 20 my sister and stabbed her. I think that did not really go down  
21 well with them.

22 Q. In any event, following your capture, one of the most  
23 harrowing events you had to witness was the amputation of a  
24 suspected Kamajor, wasn't it?

10:29:56 25 A. Not a Kamajor. He or she was only suspected to be, but  
26 not.

27 Q. That is precisely why I used the word "suspected", but you  
28 witnessed that, didn't you?

29 A. Yes.



1 Q. What effect did that have on you?

2 A. It was grave. It was very bad.

3 Q. How old were you at the time?

4 A. 15 plus.

10:30:40 5 Q. You were coming up, weren't you, to your 16th birthday?

6 A. I think 17th birthday.

7 Q. Now, in any event, following your capture various things  
8 happened to you which you've already told the tribunal about, and  
9 I am not going to ask you any questions about that. Do you

10:31:19 10 follow me?

11 A. Yes.

12 Q. I am not here to suggest that what you told a previous  
13 Court, as to what happened to you directly, I am not here to  
14 suggest that that didn't happen. Do you understand me?

10:31:39 15 A. Yes.

16 Q. I'm not going to ask you a single question about that. Do  
17 you understand?

18 A. Yes.

19 Q. What I do want you to help us with, in order to put some  
10:31:56 20 flesh on the bones of your account, is just to help me with a  
21 couple of locations, please. First of all, could the witness be  
22 given the map of Freetown, S17. Madam Witness, I have no  
23 intentions of asking you about any particular address. I just  
24 want to ask you about general locations. Do you understand?

10:32:28 25 A. Yes.

26 Q. Now, the first thing I want to ask you is this: The part  
27 of Freetown where you were captured is called Cline Town, isn't  
28 it?

29 A. No.

1 Q. Were you not living in Cline Town at the time when the AFRC  
2 rebels first came to the address at which you were staying?

3 A. Yes, I was there.

10:33:17

4 Q. Can you help us please, looking at the map, where in  
5 Freetown was it that you were captured?

6 A. Calaba Town.

7 Q. Now, because I am not a native of Freetown, I wonder if you  
8 could assist me by pointing out on the map where that is. Madam  
9 Witness, is it depicted on that map?

10:34:24

10 A. I'm still searching for it.

11 Q. I will tell you what we will do. It may be, because I had  
12 an indication from Mr Werner's shaking head, that maybe it's not  
13 on that map.

10:35:05

14 MR WERNER: If I can point on the map for you SC-3. The  
15 one with Freetown and then you will find Calaba Town.

16 MR GRIFFITHS: I wonder if Mr Werner could help me. SC-3.

17 MR WERNER: That is the marking I have. It's basically the  
18 same map. If you take the part where Freetown is indicated then  
19 you will find Calaba Town.

10:35:31

20 MR GRIFFITHS: Ours is called S3-B. I think what we should  
21 do, can we take that map back from the witness because my  
22 suspicion is Calaba Town isn't shown on it. Okay? If the  
23 witness could be given that map, please. S3-B ours is marked.  
24 It's upside down, I am told. Right.

10:36:32

25 Q. Now, Ms Witness, understand all I am interested in are your  
26 movements, all right? Can you indicate on the map where it was  
27 you were captured, first of all. Just point with that pen.

28 MR WERNER: Your Honour, maybe it's me, but I would be  
29 unable to see it. Maybe it could be made clear for the witness.

1 On my screen I am unable to see it.

2 MR GRIFFITHS:

3 Q. You know that area around the Freetown peninsula, could you  
4 highlight that part, please?

10:37:06 5 A. Calaba Town.

6 Q. Can you make it slightly bigger please and move the map  
7 over to the right and make it even bigger still because I think  
8 all the locations we are interested in are within this general  
9 area. Okay. So where is Calaba Town now?

10:37:33 10 A. Here.

11 Q. And from there, where were you taken next?

12 A. Allen Town.

13 Q. Right. Then where?

14 A. Then back to Calaba Town.

10:37:58 15 Q. And then after that to where?

16 A. To Waterloo.

17 Q. Can you see Waterloo?

18 A. Yes.

19 Q. And from there where did you go?

10:38:14 20 A. From Waterloo to Four Mile.

21 Q. Where is that?

22 A. To Lumpa, then Four Mile. I cannot see - Waterloo,  
23 Benguema, Lumpa, Four Mile, I can see Lumpa but --

24 Q. Well, just help us to this extent, Ms Witness. Is Four  
10:38:50 25 Mile far from Lumpa? Is Four Mile far from Lumpa?

26 A. Not that far.

27 Q. We've got the general idea. Now, after Four Mile, where  
28 did you go after that?

29 A. Mile 38.

1 Q. Can you just give us an indication of where that could be  
2 found? Perhaps it's not marked on the map, Ms Witness, so can  
3 you just help us as to where it is close to? Is it close to, for  
4 example, Songo, is it close to Okra Hills?

10:40:12 5 A. I'm not familiar with that area.

6 Q. No problem. After Mile 38, where did you go after that?

7 A. Magbeni.

8 Q. I think we've come across that Magbeni before. I am sure  
9 Mr Werner can help me. Where is Magbeni, Mr Werner? If you see  
10:40:54 10 where the number 22 is above Songo, just to the left of that, is  
11 that Magbeni?

12 A. No, there is no name here.

13 PRESIDING JUDGE: If the map could be moved there is a  
14 Magbana, Magberi [phon], but I don't know if it's the same place.

10:41:34 15 THE WITNESS: Okay. No, no. I thought it was this.

16 MR GRIFFITHS:

17 Q. Yes. Do you see just past Masiaka there is a place called  
18 Magbana?

19 A. Yes, yes, but I don't know because I cannot see the letters  
10:41:55 20 clearly.

21 Q. Perhaps you might assist us. After that, where did you go  
22 after that?

23 A. After Magbeni, no, a lady escaped with me back to Freetown.

24 Q. You escaped back to Freetown?

10:42:12 25 A. Yes.

26 Q. Thank you very much, Ms Witness. If we can put that map  
27 away now because I think we have a general idea of your  
28 movements, and just to summarise what you've told us, for much of  
29 the time you were in and around the Freetown area, yes?

1 A. No.

2 Q. I mean, in places not too far from Freetown, then you were  
3 taken out to Magbeni and that is where you escaped, yes?

4 A. Yes.

10:43:00 5 Q. Can you help us please: For how long did that ordeal last?  
6 How many days or weeks?

7 A. Almost seven months.

8 Q. Yes, and so when you finally managed to escape that was  
9 around about July time?

10:43:23 10 A. August, August.

11 Q. Now, on the way being taken to Waterloo, you did not see  
12 the rebels commit any atrocities, did you?

13 A. We were walking and I can recall they killed some nuns, it  
14 was not in my presence but I heard it. And that is all.

10:44:11 15 Q. I am not here to test your memory. Although this document  
16 is marked, it doesn't bear your name, I would just like to remind  
17 you of something you said. Second to last paragraph. Do you see  
18 that last sentence, "I did not see the rebels commit abuses  
19 during the Waterloo but many civilians and rebels were killed by  
10:44:52 20 the Alpha Jet." Do you remember saying that?

21 A. Yes.

22 Q. Just so that we get the complete picture, you having  
23 mentioned nuns, let's just read out all of the paragraphs, shall  
24 we?

10:45:05 25 "As we were fleeing we saw four nuns who wore shorts and  
26 T-shirts. One nun had a veil with a blue strip. The nuns did  
27 not look well. I also saw" - that should be two, I am sure -  
28 "white men who were in their 30s. They had black hair. They were  
29 not in the same group as the nuns after this time. I did not see

1 the nun or white men again. I did not see the rebels commit  
2 abuses during the walk to Waterloo but many civilians and rebels  
3 were killed by the Alpha Jets."

4 Do you recall saying that?

10:45:41 5 A. Yes.

6 Q. And was it the truth?

7 A. Yes.

8 Q. And can I have that document back, please. And do you  
9 recall now that when you got to Four Mile the younger children

10:46:10 10 were released to the United Nations?

11 A. Yes.

12 Q. And they were released by the AFRC soldiers. Is that  
13 right?

14 A. Yes.

10:46:25 15 Q. And it's also right, isn't it, and again I am quoting what  
16 you said back then, "The only women and girls who did not have  
17 rebel husbands were the young girls under 15." Is that right?

18 A. Yes, I'm referring to those that I saw where I was. That  
19 was what I was talking about.

10:47:01 20 Q. And you didn't see any girls under 15 being taken as wives?

21 A. No, no. Because the age I gave was just some estimation  
22 because you can see somebody, a person can be mature but maybe  
23 the person may not be up to 15 years. It was just an estimation  
24 that I made.

10:47:31 25 Q. I'm grateful. And also, it was quite clear to you, was it  
26 not, that the AFRC soldiers you were with were quite short of  
27 ammunition. Isn't that right?

28 A. They had.

29 Q. Because did they not have to attack Port Loko in order to

1 secure ammunition and food from ECOMOG soldiers?

2 THE INTERPRETER: Can counsel please go over that question,  
3 My Lord.

4 MR GRIFFITHS:

10:48:13 5 Q. Can you remember that during your time at Magbeni, I hope I  
6 have pronounced that correctly, the AFRC soldiers attacked Port  
7 Loko to gather ammunition from ECOMOG?

8 A. Yes.

9 Q. And that was because ammunition was in short supply, wasn't  
10:48:32 10 it?

11 A. Yes.

12 Q. Now you were also aware of a group of former Sierra Leonean  
13 Army soldiers?

14 A. Yes.

10:48:47 15 Q. Who called themselves the West Side Boys?

16 A. Yes.

17 Q. Did you have any contact with them?

18 A. Yes, because all of us were in the same place.

19 Q. Now, so far as those movements are concerned, the final  
10:49:11 20 thing I want to ask you is this: If I understand your account  
21 correctly, during that seven month ordeal that you had to endure  
22 in 1999, all of the soldiers you came in contact with were AFRC  
23 soldiers, weren't they?

24 A. Yes.

10:49:39 25 Q. Did you during that period encounter any RUF rebels?

26 A. Yes. At Magbeni, yes. They were a mixed group, all  
27 throughout our journey.

28 Q. But the ones that you had direct contact with were all  
29 AFRC?

1 A. Yes.

2 Q. Now, there are only two other matters that I want to ask  
3 you about, and they are these: Do you recall that in May of last  
4 year, 2007, you were again seen and you were asked various

10:50:40 5 questions about your welfare. Do you recall that?

6 A. Yes.

7 Q. And mercifully, do you recall telling your interviewer that  
8 you had no psychological problems and you were totally fine?

9 A. No.

10:51:09 10 Q. Thank you. Do you see the first letter A on the left-hand  
11 side of that page?

12 A. Yes.

13 Q. Do you see what's written next to it?

14 A. Yes.

10:51:43 15 Q. And do you see, "I have no psychological problems. I  
16 totally, I am fine." Do you see that?

17 A. Yes.

18 Q. Do you see that?

19 A. Yes.

10:51:58 20 Q. Do you see it goes on. "I have no employment problems."  
21 Can I have that back now, please. So can I take it that at the  
22 time that you were being asked these questions you were not  
23 working?

24 A. No.

10:52:18 25 Q. Indeed, since the war have you worked at all?

26 A. No.

27 Q. And during the time that you had contact with the Office of  
28 the Prosecution were you working at any stage during that period?

29 A. No.



1 Q. The reason I ask you see, Madam Witness, is this: I wonder  
2 if you could help me with this. During your contact with them,  
3 on occasions they gave you money, didn't they?

4 A. Yes.

10:52:51 5 Q. I wonder if we could put this up on the screen, please.  
6 The first page, first of all. Now, according to this document,  
7 in January 2004, you were being given money for transport or lost  
8 wages, and what I would like you to explain to us, please, how is  
9 it that a university student, who is not working, is being paid  
10:53:28 10 for lost wages? Can you help us with that?

11 A. I am not aware of lost wages but transport, yes, fine.

12 Q. Well, I know this is not your document, but I'm just  
13 seeking your assistance, if you can, and if you can't help us,  
14 please say so. Can you understand why you could be paid money  
10:53:57 15 for lost wages, when you were not working?

16 A. They never gave me money for lost wages, never.

17 Q. Can you understand why someone might write down that they  
18 had paid you that when in fact they hadn't?

19 A. No, no.

10:54:21 20 Q. Look at the second sheet. That is in 2004, January.  
21 According to this, in July last year, they were paying you for  
22 lost wages again but you weren't working?

23 A. Me, no.

24 Q. And you can see that there, there is no suggestion that it  
10:54:43 25 may have been for transport, it says clearly you are being paid  
26 for lost wages?

27 A. No, not me.

28 Q. Well, again, I know it's not your document, but is there  
29 any way you can help us with this? Why the Prosecution are

1 writing down on this that they are paying you for lost wages when  
2 in fact you weren't working. Can you help us?

3 A. Nobody ever gave me - in fact I have never heard about this  
4 lost wages, never.

10:55:23 5 Q. Let's look at the third sheet, shall we. August of this  
6 very year, just gone, again transport or lost wages. Can you  
7 help us with that?

8 A. Transport only.

9 Q. Because you weren't working in August of this year, were  
10:55:51 10 you?

11 A. Yes.

12 Q. "Yes" means "I wasn't working", doesn't it?

13 A. No, I was not.

14 Q. Well, if you weren't working in August, can you help as to  
10:56:09 15 why someone in the Prosecution has written down that they paid  
16 you for lost wages? Can you help us?

17 A. I don't think I have anything to say here because I don't  
18 recall them giving me any money like that or even saying  
19 something like that to me.

10:56:29 20 Q. So it means then, doesn't it, it must do, that someone has  
21 quite deliberately written down on this document something which  
22 is untrue. It must mean that, mustn't it?

23 A. Yes.

24 MR GRIFFITHS: I have nothing further.

10:56:52 25 PRESIDING JUDGE: Thank you. Mr Werner, any  
26 re-examination?

27 MR GRIFFITHS: Before I sit down Madam President, I  
28 apologise to my learned friend, could I please have this document  
29 marked for identification, please.

1 MR WERNER: Your Honour, we would just request a plain copy  
2 because there was a copy which was marked, by my learned friend,  
3 I believe, a copy.

10:57:27

4 MR GRIFFITHS: It's just highlighted. There is nothing  
5 written on it.

6 PRESIDING JUDGE: In actual fact a highlighted version was  
7 put to the witness so I see no legal problem in it being marked.  
8 This is a three page document headed "Special Court for Sierra  
9 Leone all disbursements for witness". It has various dates and  
10 it becomes MFI-5.

10:57:58

11 Mr Werner, the cross-examination is completed. Have you  
12 re-examination?

13 MR WERNER: One question, Your Honour.

14 PRESIDING JUDGE: Thank you.

10:58:25

15 RE-EXAMINATION BY MR WERNER:

16 Q. Madam Witness, you were asked, and I'm referring to  
17 LiveNote, page 38, lines 19 and 20, I believe I am on 16 font.  
18 You were asked just a few minutes ago:

19 "Q. Did you during that period encounter any RUF rebels?

10:58:48

20 A. Yes. At Magbeni, yes. They were a mixed group, all  
21 throughout our journey."

22 Madam Witness, when you said they were a mixed group, what  
23 did you mean?

24 A. I meant that RUF were there and the AFRCs were there as  
25 well, and even civilians.

10:59:13

26 Q. And when you said they were there "all throughout our  
27 journey", what did you mean when you said "all throughout our  
28 journey"?

29 A. I meant wherever we were taken to, right up to Magbeni they

1 were with us.

2 MR WERNER: Thank you. I have no further questions.

3 PRESIDING JUDGE: We have no questions of the witness.

4 That is the end of the witness's testimony, Mr Griffiths? I am

11:00:30 5 sorry, Mr Griffiths and Mr Werner.

6 MR WERNER: Yes. I can maybe - we inquired about the  
7 quality. Now, the information I'm getting is that the originals  
8 of the exhibit are with CMS in Freetown. My understanding is  
9 that we are trying to, back in the office, to have darker copies

11:00:51 10 but I do agree with your Honour, especially what I believe is  
11 MFI-3, the last name, the second or the last word is not very  
12 clear, and I was wondering whether it could be agreeable to go

13 back to private session very briefly and for me to lead the  
14 witness on simply the names and I do not believe, because of  
11:01:17 15 course we agree with the concern of my learned friends, I do not  
16 believe - I think that can be feasible for the witness, if simply  
17 we go back to establish clearly on the record the names, because  
18 I do agree that especially for one of the names it doesn't appear  
19 very clearly and I am afraid that just the darker copy we will  
11:01:37 20 get may not help.

21 MR GRIFFITHS: Madam President, my only concern is this:  
22 There is no reason whatsoever why, if the originals of these  
23 documents are available in Freetown, they can't be made available  
24 to this Court administratively without this witness having to go  
11:01:57 25 through the exercise of having to rename those individuals, and  
26 the possible consequences that might have.

27 JUDGE SEBUTINDE: Could I also add that I remember at the  
28 beginning of this trial we, as a Trial Chamber, ordered that all  
29 exhibits that will be required for this trial in The Hague, and

1 that were in the custody of Court Management in Freetown, must be  
2 remitted in original form to The Hague for the purposes of this  
3 trial. And so I don't understand when we are being given these  
4 very poor copies of what is basically a court record already.

11:02:36 5 And why we are going in these kinds of procedures to patch up  
6 something that must be done. We don't need to repeat ourselves.  
7 This is a directive to the Court Management to ensure that these  
8 exhibits are remitted to The Hague as ordered previously.

9 MR WERNER: Very well, your Honours. In that case we will  
11:03:05 10 just ensure that we do get the originals in Freetown but I would  
11 at that stage request at least the copy and at a later stage we  
12 will provide the originals.

13 PRESIDING JUDGE: I want to be clear what you are applying  
14 for.

11:03:25 15 MR GRIFFITHS: Madam President, could I interrupt briefly  
16 just to say the witness's microphone is still on.

17 MR WERNER: Your Honour, we have four documents for  
18 Prosecution marked for identification at that stage.

19 PRESIDING JUDGE: Yes, but are you saying you are going to  
11:03:43 20 seek to tender them now and at some point substitute them or are  
21 you going to defer the tender?

22 MR WERNER: Can I consult, just one second. Your Honours,  
23 the position from the Prosecution will be that we would seek to  
24 admit the copies at that stage and then later --

11:05:32 25 PRESIDING JUDGE: At a later date?

26 MR WERNER: Yes, exactly. We would request to substitute  
27 the originals.

28 PRESIDING JUDGE: Copy or original?

29 MR WERNER: We would - now the copies, because that is what

1 we have and at a later stage we would ask to substitute when we  
2 receive the originals from Freetown.

3 JUDGE SEBUTINDE: Mr Werner, what is wrong with leaving  
4 them as MFIs until you get the originals?

11:05:59 5 MR WERNER: Very well. So, in that scenario then, we will  
6 just request now MFI-1, which was the transcript, and your  
7 Honour, again, we would request, because part of it was in closed  
8 session, and we would request that to become a confidential  
9 exhibit, so it could be one exhibit with basically A and B.

11:06:31 10 Should I give to your Honours again the portion which would be in  
11 open session and the portion which would be in closed session?

12 PRESIDING JUDGE: I have a note of it here. I will first  
13 invite Mr Griffiths' reply to that application.

14 MR GRIFFITHS: I don't have any difficulties with any of  
11:06:50 15 that, Madam President.

16 PRESIDING JUDGE: I understand this is a total of a 93 page  
17 document of which 20 pages, being 19356 to 19375, which is a  
18 closed session document, and open session document was 19314 to  
19 19355 and then there was a subsequent closed session of 19376 to  
11:07:41 20 19377, is that correct, Mr Werner?

21 MR WERNER: Your Honours, the second portion which would be  
22 a confidential exhibit, the second portion will be 19378 to  
23 19406.

24 PRESIDING JUDGE: What is the next Prosecution exhibit  
11:09:05 25 number please, Madam Court Officer?

26 MS IRURA: Your Honour, it's P-205.

27 PRESIDING JUDGE: This is a transcript of evidence adduced  
28 in the hearing of the Prosecutor and Brima and others. MFI-1  
29 becomes Prosecution exhibit P-205A in the open session which -

1 and please confirm these numbers are pages 19314 to 19355 and  
2 19376 to 19377 and becomes Prosecution exhibit 205B, being the  
3 transcripts on closed session 19356 to 19375 and 19378 to 19406  
4 which part will be confidential.

11:10:13 5 [Exhibit P-205A and P-205B admitted]

6 Then the application in relation to MFI-2, 3 and 4 are  
7 deferred and I will not make any invitation for submissions on  
8 those until the matter is reopened.

9 MR GRIFFITHS: It may be that I can save time in the  
11:10:36 10 future, Madam President, by indicating that we have no opposition  
11 to it. That is on the record now.

12 PRESIDING JUDGE: To what exactly?

13 MR GRIFFITHS: To the documents being exhibited in due  
14 course.

11:10:47 15 PRESIDING JUDGE: The original or the one acknowledged?

16 MR GRIFFITHS: In their original form.

17 PRESIDING JUDGE: That brings me to the next document,  
18 Mr Griffiths.

19 MR GRIFFITHS: I ask that be exhibited please, Madam  
11:11:13 20 President.

21 MR WERNER: No objection.

22 MR GRIFFITHS: MFI-5, can I ask that be exhibited please,  
23 Madam President.

24 PRESIDING JUDGE: There is no objection to the tender and  
11:11:26 25 exhibiting of MFI-5 which was a three page document. It becomes  
26 Defence exhibit D-71.

27 [Exhibit D-71 admitted]

28 Are there any other matters? All right. May I release the  
29 witness?

1 MR WERNER: Yes, Your Honour.

2 PRESIDING JUDGE: Thank you. Madam Witness, that is the  
3 end of your evidence and we are grateful for you coming to give  
4 your evidence here in Court today. You are now at liberty to  
11:11:56 5 leave the Court and we wish you a safe journey home. Please  
6 remain where you are seated for a few moments more so that the  
7 screens may be lowered to allow you to leave the courtroom.

8 Mr Werner, may I take advantage of this short hiatus to ask  
9 about the next witness?

11:12:30 10 MR WERNER: Yes, your Honour. Can I just apply, your  
11 Honour, for us to switch seats. Ms Howarth will lead the next  
12 witness and she will be able to address your Honours.

13 PRESIDING JUDGE: Yes. Ms Howarth.

14 MS HOWARTH: Your Honour, the next witness is TF1-029. She  
11:13:43 15 will testify in Krio. She is another 92 bis witness, and she is  
16 subject to the same decision as the last witness, and that is  
17 your Honour's decision of 16 October 2008. There is an  
18 application in relation to this witness which is for rescission of  
19 protective measures. The witness is subject to the decision of 5  
11:14:16 20 July 2004, which is a decision of Trial Chamber I. She is listed  
21 in the annex that is made mention in that decision as a Category  
22 A witness, victim of sexual violence, and she is witness number  
23 five in that annex. I can certainly pass that up to your Honours  
24 if that is required.

11:14:46 25 PRESIDING JUDGE: I don't think we need the copy, thank  
26 you.

27 MS HOWARTH: I am grateful. The witness has expressed a  
28 wish to testify in open session save for the fact that she does  
29 not wish her name to be stated in public and therefore the



1 application is to rescind two measures. First, the use of a  
2 screen, and that's measure (e) in that decision and, secondly,  
3 voice distortion, and that's measure (g). It's 5 July 2004.

11:15:52 4 JUDGE SEBUTINDE: Ms Howarth, what is our Trial Chamber  
5 supposed to have done in the 16 October 2008, in relation to this  
6 witness?

7 MS HOWARTH: That's your Honours' 92 bis decision.

8 JUDGE SEBUTINDE: Okay. So that has nothing to do with the  
9 protective measures, of course?

11:16:07 10 MS HOWARTH: [Microphone not activated].

11 PRESIDING JUDGE: Yes, Ms Howarth. Counsel for the  
12 Defence, Mr Munyard.

13 MR MUNYARD: Your Honour, as I indicated yesterday, I will  
14 be dealing with this witness. We have no difficulty with the  
11:16:32 15 application to rescind. The witness was clearly covered by the 5  
16 July 2004 decision because she fell into one of the three  
17 lettered categories.

18 The only question I would raise at the moment is Ms Howarth  
19 says she will testify in Krio. She has both been interviewed in  
11:16:53 20 English before and has given evidence in a previous trial in  
21 English. So I just wonder, is the suggestion that she will  
22 testify in Krio correct or is that an error by any chance?

23 MS HOWARTH: It is correct.

24 PRESIDING JUDGE: The application to rescind the protective  
11:17:26 25 measures is granted and the witness will give her evidence  
26 without a screen as provided in order, suborder (e) and without  
27 distortion as provided in suborder (g). We will entertain an  
28 application to have the pseudonym - let me see. You are  
29 retaining the pseudonym? When you say she wants her name

1 protected you are retaining the pseudonym, is that what you mean?

2 MS HOWARTH: Yes, exactly that.

3 PRESIDING JUDGE: I see. Well, in that case we will hear  
4 an application in relation to that part of the evidence.

11:18:06 5 MS HOWARTH: Yes, your Honour. The application is simply  
6 for a short private session to elicit the name of the witness and  
7 also her date of birth, as with the last witness.

8 MR MUNYARD: That is not opposed.

9 PRESIDING JUDGE: Thank you. I will note that.

11:19:06 10 JUDGE SEBUTINDE: Ms Howarth, I don't wish to be pedantic,  
11 but really, somebody's date of birth, is that a secret issue?

12 MS HOWARTH: Your Honour, I was merely following the  
13 practice in relation to the last witness. But I have spoken to  
14 this witness about it and I am sure she will be happy for that to  
11:19:21 15 be done in open session as well.

16 WITNESS: TF1-029 [Sworn]

17 PRESIDING JUDGE: Are the Krio interpreters still in  
18 position?

19 THE INTERPRETER: Yes, your Honours.

11:20:36 20 PRESIDING JUDGE: Ms Howarth, please proceed. Will you be  
21 seeking to adduce the evidence you've referred to in private  
22 session now?

23 MS HOWARTH: Yes, your Honour.

24 PRESIDING JUDGE: Very well. For purposes of the rules and  
11:20:50 25 record the Court will go into a very brief private session to  
26 adduce matters relating to the personal details of witness. This  
27 is for the security of the witness. Please go into private  
28 session.

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[At this point in the proceedings, a portion of the transcript, page 18970, was extracted and sealed under separate cover, as the proceeding was heard in private session.]

1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 MS HOWARTH:

4 Q. What is your date of birth?

11:22:52 5 A. 22 June 1980.

6 Q. Where were you born?

7 A. In Freetown.

8 Q. To what tribe do you belong?

9 A. Temne.

11:23:01 10 Q. What religion are you?

11 A. I am a Muslim.

12 Q. What formal education have you had?

13 A. College education.

14 Q. What languages do you speak?

11:23:20 15 A. Krio, English, Temne.

16 Q. What languages do you read?

17 A. English.

18 Q. Did you testify in the case of Sesay, Prosecutor and Sesay,

19 Kallon and Gbao, on 28 November 2005?

11:23:42 20 A. Yes.

21 MS HOWARTH: Your Honour, I have a copy of the transcript.

22 I ask that be shown to my learned friend and the witness. There

23 are a total of 28 pages, and the CMS numbers of those pages run

24 from 19412 to 19440.

11:24:29 25 PRESIDING JUDGE: Are they all open session, Ms Howarth?

26 MS HOWARTH: Yes.

27 Q. Ms Witness, has that transcript been read to you in a

28 language which you understand?

29 A. Yes.

1 Q. Do you adopt it as your prior testimony?

2 A. Yes.

3 MS HOWARTH: Your Honour, I would ask that that transcript  
4 be marked for identification.

11:25:36 5 PRESIDING JUDGE: That is a 28 page document numbered 19412  
6 to 19440. It becomes MFI-4.

7 MS IRURA: Your Honour, it will be MFI-5.

8 PRESIDING JUDGE: Thank you. I have also been corrected by  
9 my learned colleague, Justice Lussick. Thank you for that.

11:26:05 10 JUDGE LUSSICK: I did point out it could also be MFI-1.  
11 That number is also vacant.

12 PRESIDING JUDGE: Indeed.

13 MS HOWARTH: Your Honour, I don't have any further  
14 questions for the witness.

11:26:26 15 PRESIDING JUDGE: Thank you. Mr Munyard.

16 MR MUNYARD: Thank you, Madam President.

17 CROSS-EXAMINATION BY MR MUNYARD:

18 Q. Good morning, Madam Witness. I'm going to ask you I hope  
19 just a few questions. Can you help us first of all: You were in  
11:26:40 20 the - you gave evidence in the RUF trial back in 2005 but before  
21 you gave evidence in that trial is it right that you were  
22 interviewed by the Prosecution on a number of occasions?

23 A. No, I don't recall.

24 PRESIDING JUDGE: Just pause, Mr Munyard. Madam Witness,  
11:27:11 25 what language are you going to speak? We understood you were  
26 giving evidence in Krio. I think I heard you reply in English.

27 THE WITNESS: It is Krio.

28 MR MUNYARD: In that case it's the only kind of Krio that I  
29 speak. It seems to be confluent with English.

1 JUDGE SEBUTINDE: Then, Madam Witness, can we request you,  
2 even though you understand the question in English, to please  
3 wait for the Krio interpretation before you answer.

4 THE WITNESS: Okay.

11:27:49

5 MR MUNYARD:

6 Q. Madam Witness, you gave your evidence at the previous trial  
7 entirely in English, didn't you?

8 A. Yes.

11:28:09

9 Q. Thank you. If you have any difficulty understanding any of  
10 my questions will you please let me know so that I can ask them  
11 in a way that will be easier for you to follow?

12 A. Okay.

11:28:30

13 Q. And as I just said, I hope I don't have very many questions  
14 for you and I don't expect to have you very long in the witness  
15 box. The only difficulty is that we are now, in about a minute,  
16 coming up to the midmorning break and so there is going to be a  
17 half hour break and then we will resume. Let me just try though,  
18 before the break, to jog your memory. We know that you gave  
19 evidence in Court in Freetown at the end of 2005 but, before

11:28:59

20 that, can you remember going to see investigators or lawyers from  
21 the Prosecution, starting off with a lady called Maxine Marcus,  
22 maybe known to you as Max. Can you remember meeting her?

23 A. Yes.

11:29:27

24 MR MUNYARD: All right. Your Honours, I am going to go  
25 into what this witness discussed with Maxine Marcus and I imagine  
26 that this would be a convenient moment to break off in those  
27 circumstances.

28 PRESIDING JUDGE: Thank you, Mr Munyard. That will be  
29 convenient. We will now take the mid-morning break. Madam

1 Witness, there's a break until 12 o'clock. Just before we  
2 adjourn, could I take an opportunity to remind the parties of an  
3 e-mail that was sent out some weeks ago explaining that on this  
4 coming Friday, at the request of the Registry for purposes of  
11:29:55 5 training of staff, we will not be sitting. That has been  
6 circulated. Please adjourn the Court until 12.

7 [Break taken at 11.30 a.m.]

8 [Upon resuming at 12.00 p.m.]

9 MS IRURA: Your Honours, we've been informed there's a  
12:00:18 10 slight smell of burning which is being investigated, but probably  
11 due to maintenance work.

12 PRESIDING JUDGE: Thank you for that. We'll keep an eye -  
13 well, not an eye exactly, but we will keep alert to it.  
14 Mr Munyard, please proceed.

12:00:36 15 MR MUNYARD: Thank you, your Honour:  
16 Q. Madam Witness, when we broke off for the mid-morning break  
17 I was just starting to ask you about an occasion when you were  
18 interviewed by somebody from the Prosecution called Maxine  
19 Marcus. Now you recall meeting her, you told us. Can you  
12:01:05 20 remember that she conducted an interview with you and she wrote  
21 down an account of everything that you were telling her?

22 A. Yes.

23 Q. Did she read it back to you afterwards and get you to sign  
24 each page to confirm that what she'd written was actually what  
12:01:23 25 you told her?

26 A. Yes.

27 Q. Thank you. And that interview was conducted in English and  
28 you don't have any difficulty with English, do you?

29 A. Yes.

1 Q. I think I've managed to ask you two questions at once  
2 there. Let me break them up.

3 PRESIDING JUDGE: And again, Madam Witness, please wait for  
4 the Krio interpretation.

12:01:49 5 MR MUNYARD:

6 Q. Maxine Marcus interviewed you in February of 2003 in  
7 English. You agree that, don't you?

8 A. Yes.

9 Q. And you were able to understand her fully, were you, in  
10 English?

11 A. Yes.

12 Q. Right. And you gave her an account of what happened when  
13 you were first abducted from your home, did you not?

14 A. Yes.

12:02:21 15 Q. When I say "from your home", I mean where you were living  
16 at the time on 22 January 1999?

17 A. It was not 27 January.

18 PRESIDING JUDGE: Mr Interpreter, counsel said 22 January.

19 MR MUNYARD:

12:02:52 20 Q. 22 January, Madam Witness?

21 A. Yes.

22 Q. I think we agree on that. Very well.

23 MS HOWARTH: I'm sorry to interrupt, but I actually have  
24 the date as the 26th, rather than the 22nd or the 27th.

12:03:07 25 PRESIDING JUDGE: Ms Howarth, counsel is putting something  
26 that is before him and if there is you consider an error you must  
27 pick it up in re-examination.

28 MS HOWARTH: Very well.

29 MR MUNYARD:



1 Q. Madam Witness, what day do you say you were abducted?

2 A. It was on 22 January.

3 Q. Thank you. So we agree on that, all right. And the  
4 account that you gave to Maxine Marcus was that you were abducted  
12:03:42 5 by a group of men who gave false names. Do you remember telling  
6 her that?

7 A. Yes.

8 Q. Thank you. That you were in your house when they came to  
9 the house and when you opened the door you saw about ten men and  
12:04:06 10 about five small boys. Do you remember telling her that?

11 A. Yes.

12 Q. I'm looking at the written account that you gave to Maxine  
13 Marcus and that's where I'm taking this from, do you understand?

14 A. Yes.

12:04:29 15 Q. And this has been supplied to us by the Prosecution, by  
16 counsel opposite. You described ten men and some small boys.  
17 About five of them you said were small boys around 18 years old.  
18 Do you remember telling her that?

19 A. Yes.

12:04:50 20 Q. Thank you. All of them wore uniforms - soldiers' uniforms.  
21 Do you remember telling her that?

22 A. Yes, I told the person that.

23 Q. Thank you. A few of them had badges saying "major" on  
24 their uniforms. Do you remember telling her that?

12:05:17 25 A. Yes.

26 Q. And you even heard some of them call the others "major"?

27 A. Yes.

28 Q. And they spoke in Krio and they said, "We are ground  
29 commanders". Do you remember telling her that?

1 A. Yes.

2 Q. Thank you. And then you also told her that these soldiers  
3 were SLA. Do you remember telling her that?

4 A. Yes.

12:06:10 5 Q. And you said that you knew that because they told you they  
6 were from Freetown and they said that, "They don't give us enough  
7 money, so that is why we joined up with the rebels from the  
8 bush". Do you remember telling her that?

9 A. Yes.

12:06:31 10 Q. And you said that they called themselves Junta 1. Do you  
11 remember telling her that?

12 A. Yes.

13 Q. And can you also remember telling Maxine Marcus, or rather  
14 describing the soldiers when you were telling her about them as  
12:07:15 15 mixed SLA and AFRC?

16 A. Yes.

17 Q. And I'm talking about the soldiers who came to your house  
18 where you were then living. This is the group who took you away  
19 from your house in the first place?

12:07:38 20 A. Yes.

21 Q. And I'm only going to ask you about the soldiers who took  
22 you from your house. I'm not going to ask you about any other  
23 groups you might have met later on, do you follow? Can I move on  
24 then to something else. At some point were you aware of ECOMOG  
12:08:05 25 attacking Calaba Town?

26 A. Yes.

27 Q. And did you see any damage caused by the ECOMOG attack on  
28 Calaba Town?

29 A. Yes.

1 Q. Would you tell the judges what you saw - what damage you  
2 saw - caused by the ECOMOG attack on Calaba Town?

3 A. The ECOMOG attacked the SLA - the retreating SLA - so they  
4 were shooting at them and they killed some on the way whilst they  
12:08:48 5 were retreating.

6 Q. Did they kill any civilians, the ECOMOG, in their attack on  
7 Calaba Town that you were aware of?

8 A. Well they killed, because whilst we were running if any  
9 civilian ran towards them they considered everybody at that time  
12:09:13 10 as rebels and so they killed.

11 PRESIDING JUDGE: Mr Munyard, the "they" here in this  
12 answer?

13 MR MUNYARD:

14 Q. By "they" do you mean ECOMOG? "They killed, because while  
12:09:29 15 we were running if any civilians ran towards them they considered  
16 everybody at that time as rebels and so they killed." I think  
17 you are talking about ECOMOG there when you use the word "they",  
18 aren't you?

19 A. Yes, it's ECOMOG.

12:09:46 20 Q. And have you any idea how many people were killed by the  
21 ECOMOG attack then?

22 A. No, I wouldn't know because I did not take a head count of  
23 the people because by then we were running.

24 Q. All right. Now, I want to ask you about someone called  
12:10:37 25 Colonel Tito. Can you remember when you were being interviewed  
26 by the Prosecution --

27 A. Yes.

28 Q. -- telling them about Colonel Tito and saying that Colonel  
29 Tito killed three nuns? Can you remember telling the Prosecution

1 that I think the second time that you were seen on that occasion  
2 by a lawyer called Paul Flynn? Can you remember telling him that  
3 Colonel Tito killed three nuns dressed in white uniform and that  
4 their bodies were buried near the kola tree?

12:11:33 5 A. I said Colonel Tito killed one nun and the other two were  
6 shot at, but they did not die.

7 Q. I know that you said that on some occasions, but can you  
8 remember being interviewed by Paul Flynn, a lawyer, on 24  
9 November 2003?

12:12:03 10 A. Yes.

11 Q. You may not remember the date, but you remember being  
12 interviewed by him?

13 A. Yes.

14 Q. And I'm very happy to show you the document, but we've got  
12:12:13 15 his notes of what he says you told him on that occasion and it  
16 says:

17 "The three women that Colonel Tito killed were in fact  
18 three nuns dressed in white uniforms. He shot them with a  
19 pistol. Their bodies were buried near the kola tree."

12:12:36 20 Now, did you tell him that on that occasion?

21 A. I told him that he killed one. The two were shot, but  
22 later they released them and they went.

23 Q. So you would say that what I'm reading from, his account of  
24 his interview with you, that he's got wrong what you told him  
12:12:57 25 there?

26 A. Yes, he got it wrong because I did not say he killed three.

27 Q. Now, you also talked about Kamajors killing people. Can  
28 you remember that?

29 A. Yes.

1 Q. That at some point were you in a group of people who were  
2 attacked by the Kamajors?

3 A. I was with people at a point in time when the ECOMOG and  
4 Kamajors attacked the mixed group in which I was.

12:13:53 5 Q. And is this right: That the Kamajors killed many civilians  
6 in that attack by them?

7 A. They killed.

8 Q. Many civilians?

9 A. Yes.

12:14:18 10 Q. All right. Another matter now that I'd like to ask you  
11 about and that is somebody called Rambo. Did you see someone  
12 called Rambo amongst the rebels?

13 A. Yes.

14 Q. And did Rambo order that any soldiers who took money from  
12:14:42 15 the civilians should be flogged?

16 A. Yes.

17 Q. So he attempted, did he, to impose some kind of discipline  
18 on the rebels under his command?

19 A. Yes.

12:15:03 20 MR MUNYARD: Yes, thank you very much, Madam Witness.

21 Those are all my questions, your Honours.

22 PRESIDING JUDGE: Thank you, Mr Munyard. Re-examination,  
23 Ms Howarth?

24 MS HOWARTH: Just one question in re-examination.

12:15:19 25 RE-EXAMINATION BY MS HOWARTH:

26 Q. I'm referring to my page 63, lines 13 and 14. Madam  
27 Witness, you said, "I was with people at a point in time when the  
28 ECOMOG and Kamajors attacked the mixed group". When you say -  
29 referred to "mixed group", who are you referring to?

1 A. That is the SLA and the RUF.

2 MS HOWARTH: That's all I have for the witness.

3 PRESIDING JUDGE: Thank you, Ms Howarth.

4 JUDGE SEBUTINDE: Madam Witness, I have one small question  
12:16:02 5 for you. You have just given an answer that you did see someone  
6 called Rambo among the rebels and that this Rambo ordered  
7 soldiers who took money from the civilians to be flogged. Now,  
8 do you have a second name for this Rambo?

9 THE WITNESS: Well, he was just being called Colonel Rambo.

10 JUDGE SEBUTINDE: And to which of the two groups did he  
11 belong, RUF or the AFRC? Do you know?

12 THE WITNESS: No, I cannot tell.

13 JUDGE SEBUTINDE: Okay, thank you.

14 PRESIDING JUDGE: Questions arising from the Court's  
12:16:52 15 questions?

16 MR MUNYARD: No, thank you.

17 MS HOWARTH: No, thank you.

18 PRESIDING JUDGE: Thank you. Ms Howarth, that appears to  
19 be the end of the witness's testimony.

12:17:06 20 MS HOWARTH: Yes, I would just ask that the transcript  
21 previously marked for identification I think as MFI-5 be tendered  
22 as an exhibit.

23 PRESIDING JUDGE: Mr Munyard?

24 MR MUNYARD: Or MFI-1. In either event, I have no  
12:17:19 25 objection.

26 PRESIDING JUDGE: Thank you. The transcript, a 28 page  
27 document numbered 19412 to 19440 becomes Prosecution exhibit  
28 P-206.

29 [Exhibit P-206 admitted]

1 If there are no further matters I will release the witness.  
2 Madam Witness, that is the end of your evidence here in court  
3 today. We thank you for coming to the court and we wish you a  
4 safe journey back. Thank you.

12:18:17 5 Ms Howarth?

6 MS HOWARTH: Your Honour, the next witness is TF1-331 and  
7 it's led by Julia Baly.

8 PRESIDING JUDGE: Thank you, Ms Howarth. What language  
9 will the witness speak, Ms Baly?

12:18:48 10 MS BALY: The next witness will testify in the Krio  
11 language. There is a preliminary issue with regard to the  
12 witness's protective measures. This witness, your Honours, has  
13 indicated that she is prepared to testify in open session. This  
14 is a situation where the Prosecution would contend that the  
12:19:07 15 witness was covered by the 5 July 2004 decision. The Prosecution  
16 would contend - we contend that she was in that decision granted  
17 a pseudonym for her testimony and a screen for her testimony.  
18 She, however, was not a witness listed in any of the annexures.  
19 She was what has been I think described as a general Category 1  
12:19:37 20 witness. So we contend - we make application for rescission.  
21 However, I do understand the issue in relation to whether the  
22 witness was ever covered.

23 PRESIDING JUDGE: When you say "rescission", that includes  
24 the pseudonym as well?

12:19:58 25 MS BALY: The pseudonym and the screen.

26 PRESIDING JUDGE: So that will be what I might call a full  
27 open session?

28 MS BALY: A full open session.

29 PRESIDING JUDGE: I know that is not the correct term

1 but --

2 MS BALY: It will suffice.

3 PRESIDING JUDGE: Mr Anyah, I note that you have moved into  
4 position and so may I take it that you have carriage of this  
12:20:20 5 witness?

6 MR ANYAH: Yes, I do, Madam President. Good afternoon,  
7 Madam President. Good afternoon, your Honours, counsels. We do  
8 not in principle have any objection to the application for  
9 rescission. However, we stand by our position on the substantive  
12:20:37 10 issue that it's sub judice by the Chamber.

11 PRESIDING JUDGE: As in other cases of this nature, where  
12 they are what has been referred to as Category 1 witnesses, we  
13 reiterate our view that the application is redundant. However,  
14 for purposes of record we will also note that the witness is  
12:21:07 15 giving evidence in open session.

16 MS BALY: Thank you.

17 JUDGE SEBUTINDE: Ms Baly, is this another of the 92 bis  
18 witnesses?

19 MS BALY: No, your Honour, it is not.

12:21:19 20 JUDGE SEBUTINDE: This is a viva voce witness.

21 MS BALY: This is a viva voce witness. I call Sarah  
22 Koroma.

23 WITNESS: SARAH KOROMA [Sworn]

24 EXAMINATION-IN-CHIEF BY MS BALY:

12:25:29 25 Q. Madam Witness, can you state your name, please?

26 A. My name?

27 Q. Yes, please.

28 A. My name?

29 Q. Madam Witness, what is your name?



- 1 A. Sarah Koroma.
- 2 MS BALY: Koroma --
- 3 THE WITNESS: Yes, yes.
- 4 MS BALY: -- is spelt correctly on the record as
- 12:25:58 5 K-O-R-O-M-A:
- 6 Q. Madam Witness, just wait until I've finished asking the
- 7 question before you answer it, okay?
- 8 A. Yes, ma'am.
- 9 Q. Do you know the date of your birth?
- 12:26:21 10 A. No, ma'am.
- 11 Q. Do you know how old you are?
- 12 A. No, ma'am.
- 13 Q. Madam Witness, whereabouts were you born?
- 14 A. Kabumba.
- 12:26:39 15 Q. Is Kabumba in Sierra Leone?
- 16 A. Yes.
- 17 MS BALY: Kabumba is spelt K-A-B-U-M-B-A:
- 18 Q. Madam Witness, is Kabumba the village in which you were
- 19 born?
- 12:27:05 20 A. It's a city.
- 21 Q. All right.
- 22 A. Yes, it's a city, Kabumba.
- 23 Q. Madam Witness, do you belong to any particular tribe?
- 24 A. I am a Limba.
- 12:27:23 25 Q. What languages do you speak?
- 26 A. Krio and Limba.
- 27 Q. What is your marital status?
- 28 A. My husband died.
- 29 Q. Did you or do you have any children?

- 1 A. Yes, ma' am.
- 2 Q. How many children do you have?
- 3 A. Six.
- 4 Q. Madam Witness, did you ever go to school?
- 12:28:06 5 A. No, ma' am.
- 6 Q. Whereabouts did you spend your childhood?
- 7 A. At Kabumba.
- 8 Q. Did you spend all of your childhood in Kabumba?
- 9 A. Yes, ma' am. Yes.
- 12:28:27 10 Q. At some stage did you leave Kabumba?
- 11 A. Ma' am? Ma' am? Yes.
- 12 Q. Where did you go to when you left Kabumba?
- 13 A. It was Freetown.
- 14 Q. When you married your husband were you living in Kabumba,
- 12:28:55 15 or Freetown?
- 16 A. I was in Freetown.
- 17 Q. When you gave birth to your children were you living in
- 18 Freetown?
- 19 A. Yes.
- 12:29:16 20 Q. On 6 January 1999, whereabouts were you living?
- 21 A. In Loko Town, Taylor Street.
- 22 Q. Madam Witness, whereabouts is Loko Town?
- 23 A. At Taylor Street up Loko Town.
- 24 Q. You said earlier that you were living in Freetown. Is Loko
- 12:29:52 25 Town in Freetown?
- 26 A. Yes. Yes, Wellington.
- 27 Q. Madam Witness, do you consider Wellington to be a part of
- 28 Freetown?
- 29 A. Yes.

1 Q. When you were at your home - I'm sorry, I withdraw that.

2 On the morning of 6 January 1999, were you at your home in Taylor  
3 Street?

4 A. No, ma'am.

12:30:28 5 Q. Where were you?

6 A. I was in the bush.

7 Q. When did you go to the bush?

8 A. At the time they came, a week after.

9 Q. When you say, "At the time they came, a week after", who  
12:31:02 10 came?

11 A. Well, the rebels.

12 Q. Whereabouts were you when the rebels came?

13 A. In Freetown.

14 Q. You've told us earlier that you had a home in Taylor  
12:31:24 15 Street. Were you at your home --

16 A. We ran and went there.

17 Q. Just can I remind you again that it's important that you  
18 wait until I finish asking the question before you answer it. Is  
19 that all right?

12:31:39 20 A. Yes, sir.

21 Q. Were you at your home when the rebels came?

22 A. No.

23 Q. Whereabouts were you when the rebels came?

24 A. When we heard about their coming we ran into the bush.

12:32:06 25 Q. Did you see these rebels?

26 A. Yes.

27 Q. You said that you heard about them coming, or their coming,  
28 and you ran into the bush. Did you run into the bush before you  
29 saw them?

1 A. Yes.

2 Q. When was it that you first saw these rebels?

3 A. Pardon me?

4 Q. When did you first see the people you have called rebels?

12:33:19 5 A. It was on 6 January.

6 Q. How many rebels did you see?

7 A. There were many.

8 JUDGE SEBUTINDE: Ms Baly, is the witness able to put a  
9 year to this 6 January, or not?

12:33:42 10 MS BALY: Early in the proceedings, your Honour, we  
11 established it was 6 January 1999:

12 Q. When you say "there were many", can you help us with just  
13 an approximate number of rebels that you saw?

14 A. Well, I wouldn't want to lie because by then I was  
12:34:16 15 tormented.

16 Q. That's fine. When the rebels came, was your husband still  
17 alive?

18 A. Yes.

19 Q. Were you with your husband when the rebels came?

12:34:36 20 A. Yes.

21 Q. And were you with any of your children when the rebels  
22 came?

23 A. Yes.

24 Q. Just so that it's clear, exactly where were you when the  
12:34:58 25 rebels first came?

26 A. I was in Wellington, Loko Town. The same place is what I  
27 am referring to.

28 Q. I want you to describe these rebels that you saw. Firstly,  
29 what were the rebels wearing?

1 A. Combat.

2 Q. When you say "combat", what do you mean?

3 A. You mean what I mean by combat?

4 Q. Yes.

12:35:56 5 A. I saw them wearing combat. That was what I saw.

6 Q. Where on their bodies were they wearing these combats?

7 A. Well, they wore combat and they had with them knives, guns,  
8 machetes.

9 Q. What are combats, Madam Witness?

12:36:29 10 A. That is a type of clothing that they wore, combat. They  
11 had on combat and that was how they referred to it as combat.

12 Q. When you first saw these rebels, what were the rebels  
13 doing?

14 A. Well, they were capturing people and they were maiming  
12:37:03 15 people.

16 Q. When you say "they were capturing people", what people were  
17 they capturing?

18 A. The civilians. They were amputating people. That was the  
19 reason why we decided to run into the bush.

12:37:30 20 Q. Madam Witness, did you see them - and this is when you  
21 first saw the rebels. Did you see them at that time amputating  
22 people?

23 A. The first day I saw them we ran away from them, because  
24 they had with them knives and machetes.

12:37:54 25 Q. Madam Witness, how did you know that first time you saw  
26 them that they had amputated people?

27 A. Well, people ran and met us whilst we were also running  
28 going to the bush and even when we got to the bush people met us  
29 there. Those who met us there they were saying, "Oh, you

1 shouldn't sit here. Let's go. Those people are coming. They  
2 are amputating people".

3 Q. When you went to the bush, did you go to the bush with  
4 anybody else?

12:38:42 5 A. The people were many and everybody was about, running for  
6 their lives.

7 Q. Did you go to the bush with your husband?

8 A. Yes.

9 Q. Did you go to the bush with your children?

12:39:02 10 A. My children and my husband, we all went to the bush.

11 Q. This bush that you went to, where is it in relation to  
12 where you were living in Wellington? How far?

13 A. About two miles.

14 Q. Amongst the people that you went to the bush with, were  
12:39:35 15 there any other relatives of yours apart from your husband and  
16 children with you?

17 A. Yes, there were some other people, but we did not know all  
18 of them. We did not know them, because by then everybody was  
19 running for his or her own life and so we wouldn't have been able  
12:40:03 20 to know them all.

21 Q. For how long did you stay in the bush?

22 A. For one week.

23 Q. Did you take any food with you to the bush?

24 A. No.

12:40:21 25 Q. During the week that you were in the bush, were you able to  
26 eat?

27 A. I was not even feeling hungry.

28 Q. Why were you not feeling hungry?

29 A. Because we were afraid for our lives.

1 Q. What happened after spending a week in the bush?

2 A. They then called that everybody should come back home and  
3 they said if people did not come back home from the bushes they  
4 would launch into the bushes and everybody there would die. So  
12:41:14 5 we decided to come back home and, when we got there, just on  
6 arriving they captured my husband and so I stayed alone.

7 Q. Just pause there for a moment. When you said, "They then  
8 called that everybody should come back home and they said if  
9 people did not come back home from the bushes they would launch

12:41:35 10 into the bushes and everybody there would die", who is the "they"  
11 who said that?

12 A. Those who came to fight, because by then they did not see  
13 anybody in the houses, they did not see people in the town, so  
14 they said everybody should come back home.

12:42:09 15 Q. And when you say, "Those who came to fight", who were those  
16 that came to fight?

17 A. The rebels.

18 Q. Did you see the rebels when they said that you should  
19 return back home? Did you see the rebels?

12:42:38 20 A. We ran away from them, but we saw them.

21 Q. Where were they when you saw them and when they said that  
22 you should come back home?

23 A. In the bushes. They chased us.

24 Q. Did you go back home?

12:43:04 25 A. On my way coming back they captured us. They captured my  
26 husband.

27 Q. Had you gone back to Wellington by the time your husband  
28 had been captured?

29 A. We were within the same Loko Town. We were running in the

1 bushes. On our way coming we did not even get home when they  
2 captured us.

3 Q. What happened to your husband when he was captured?

4 A. They hacked him to death.

12:43:59 5 Q. Did you see them hack him to death?

6 A. At that time they said we should queue up. I did not see  
7 him again.

8 JUDGE SEBUTINDE: Ms Baly, the witness did not answer your  
9 question really.

12:44:43 10 MS BALY: No, I know:

11 Q. My question just going back to your husband, Madam Witness,  
12 if you could just listen carefully to what I ask you, did you see  
13 what happened to your husband?

14 A. Yes, sir.

12:45:03 15 Q. I know this is difficult, but I'd like you to describe what  
16 happened to him?

17 A. What happened to him? They killed him. They hacked him.

18 Q. When you say, "They killed him", who do you mean?

19 A. What I mean?

12:45:32 20 Q. Who killed him?

21 A. Who killed him? The rebels.

22 Q. How did they kill him?

23 A. They hacked him with machetes and then they shot him again.

12:45:55 24 Q. How many of them - that is the rebels - hacked him with  
25 machetes and then shot him?

26 A. Well, I wouldn't want to lie because by then I was also  
27 trying to safeguard my own life.

28 Q. Madam Witness, you said earlier in your testimony that you  
29 were made to queue up. I think you used the words "queue up".



1 What do you mean by that? What do you mean by queue up?

2 A. Well they said we should queue up and sit down on the  
3 ground, so whilst we were in line they brought --

12:46:55

4 THE INTERPRETER: Your Honours, the witness used a word,  
5 "one pikin". I don't know the gender of the pikin, which is  
6 child.

7 PRESIDING JUDGE: Madam Witness, please pause. When you  
8 use the word "pikin", do you mean a boy child or a girl child?

9 THE WITNESS: A girl.

12:47:14

10 MS BALY:

11 Q. Just pause there, please. You said in your evidence, "They  
12 said we should queue up and sit down on the ground".

13 A. Yes.

14 Q. Firstly, who said you should queue up and sit down on the  
15 ground?

12:47:28

16 A. The rebels.

17 Q. Did you queue up and sit down on the ground?

18 A. Yes.

19 Q. How many people queued up and sat down on the ground?

12:47:51

20 A. I wouldn't recall the number of people because by then I  
21 was imbalanced.

22 Q. Where at this stage were your children?

23 A. I did not know where they had gone to by then because by  
24 then everybody had dispersed.

12:48:17

25 Q. Madam Witness, you referred to a child - a girl child. Did  
26 you see a girl child?

27 A. Yes.

28 Q. Where was the girl child when you saw her?

29 A. She was six years.

1 Q. Madam Witness, I'll just ask the question again. Listen  
2 carefully, please. Where was this child when you saw her?  
3 Where?

4 A. Okay. When they asked us to queue up, a woman was trying  
12:49:05 5 to escape where they queued us up and the woman had the girl  
6 child strapped on her back. When she attempted to escape she  
7 thought they did not see her, but they saw her and then they went  
8 and recaptured her and brought her back. So they took the child  
9 from her back and killed her.

12:49:30 10 Q. All right. When you say, "They took the child from her  
11 back and killed her", who did they kill?

12 A. They held [sic] the child from the woman, because by then  
13 they were scrambling over the child. So they took the child from  
14 the woman, the woman ran away and then they decided to hack the  
12:50:01 15 child to death. They said they wanted peace.

16 Q. All right. Just pause there, please. Who hacked the child  
17 to death?

18 A. The rebels.

19 Q. How did they hack the child to death? Are you able to  
12:50:35 20 answer that question?

21 A. Yes.

22 PRESIDING JUDGE: Madam Witness, did you understand the  
23 question?

24 THE WITNESS: I did not understand.

12:50:51 25 MS BALY:

26 Q. Madam Witness, what did - what was used by the rebels to  
27 hack the child to death?

28 A. A machete.

29 JUDGE SEBUTINDE: Ms Baly, was this child six years or six

1 months? I think the witness did say six years on the record.

2 MS BALY: Thank you, your Honour:

3 Q. How old --

4 A. Six years.

12:51:21 5 Q. Thank you, Madam Witness. How many rebels hacked the child  
6 to death?

7 A. At the time they were hacking the child I did not take a  
8 head count of them, because by then I was almost lifeless. I was  
9 worried about my own life.

12:51:42 10 Q. You said that, "They said they wanted peace". Who was it  
11 that said they wanted peace?

12 A. The rebels. They said - they took the child from the woman  
13 and after killing the child, hacking the child to death, they  
14 said they wanted peace and they said we should say "We want

12:52:12 15 peace".

16 Q. Did they say who you should say you wanted peace to?

17 A. Yes.

18 Q. Who were you to say you wanted peace to?

19 A. Well, after they had chopped my arm off they said I should  
12:53:00 20 go to Tejan Kabbah and to explain to him that they said they  
21 wanted peace.

22 Q. Madam Witness, after the child had been hacked to death,  
23 what happened?

24 A. They then started chopping off our hands and they said we  
12:53:29 25 should go to Tejan Kabbah and tell him that they said they want  
26 peace.

27 Q. Madam Witness, what happened to you at that time?

28 A. Well, they captured me and they chopped off my hand. They  
29 said they wanted peace. They said I should go to Tejan Kabbah

1 and tell Tejan Kabbah that they said they wanted peace. So after  
2 they had chopped off my hand, I felt giddy and I started vomiting  
3 and after some time I managed to get up. I tried to look out for  
4 a road that I could use to go, but I was feeling dizzy.

12:54:26 5 Q. Just pause there, please. When you say "they" captured you  
6 and "they" chopped off your hand, who did that?

7 A. The rebels.

8 Q. Which hand did they chop off?

9 A. They chopped it off totally. Even this other one, they  
12:54:53 10 attempted to chop it off.

11 Q. Madam Witness --

12 PRESIDING JUDGE: I saw the witness indicate by shaking her  
13 right arm and leg. Madam Witness, are you all right?

14 THE WITNESS: Sir?

12:55:31 15 PRESIDING JUDGE: Did counsel see the witness indicate and  
16 gesticulate?

17 MR ANYAH: That's acceptable to us, Madam President.

18 MS BALY: Yes:

19 Q. Madam Witness, what did they use to chop off your hand?

12:55:50 20 A. A machete.

21 MS BALY: Just for the record, your Honour, the witness's  
22 left hand has been amputated:

23 Q. Can you just show, please, the judges your left - the hand  
24 that was chopped off. The arm, thank you. For the record, it's  
12:56:13 25 the left.

26 PRESIDING JUDGE: Counsel has seen the witness --

27 THE WITNESS: And this one also, look at it.

28 PRESIDING JUDGE: And the witness has also demonstrated by  
29 holding up her right arm.

1 MS BALY: Thank you.

2 JUDGE SEBUTINDE: Ms Baly, the Court is interested in  
3 learning the injuries on the other hand, the right hand, if you  
4 could --

12:56:56 5 MS BALY: Yes, I was just about to do that.

6 MR ANYAH: I'm sorry to interrupt, but I notice from the  
7 record and I did hear Madam President say the witness has  
8 demonstrated by holding up her right arm. I think it was the  
9 left arm.

12:57:15 10 PRESIDING JUDGE: She actually held up both, Mr Anyah.

11 THE WITNESS: This one too.

12 MR ANYAH: I'm referring to the transcript at page 82,  
13 specifically lines 7 through 9, the last comments by your Honour.

14 PRESIDING JUDGE: I see. I had noted Ms Baly for the  
12:57:36 15 record had recorded the left. I will reiterate what Ms Baly has  
16 said, that the witness has demonstrated to us by holding up her  
17 left arm which is shown to be bandaged and amputated above the  
18 wrist.

19 MS BALY:

12:57:53 20 Q. Madam Witness, your hand - your right hand - you said that  
21 was also cut. Was that hand injured at that time?

22 A. Yes.

23 Q. Do you have any marks on that hand?

24 A. Yes, sir.

12:58:27 25 Q. Can you just point --

26 A. Yes.

27 Q. Can you just point out the mark that you have on your right  
28 hand?

29 PRESIDING JUDGE: Counsel will note that there is a marked

1 scar above the thumb of the right hand.

2 MR ANYAH: We agree that there is a mark in that location,  
3 Madam President.

4 MS BALY: Thank you, your Honour:

12:59:03 5 Q. Madam Witness, you said after your left hand had been  
6 chopped off and your right hand had been cut you fainted, or you  
7 fell, and you vomited I think. Is that right?

8 A. Yes, sir.

9 Q. Did you see what happened to other people who were in the  
12:59:34 10 queue?

11 A. No, sir. No, just after my hand was hacked off I was  
12 tormented and so I didn't see anything.

13 Q. When your hand was chopped off you said some words were  
14 used to you at that time. What were those words?

13:00:20 15 A. Yes.

16 Q. Do you remember the words that were used to you when your  
17 hand was chopped off?

18 A. Okay. After they had chopped off my hand and I was about  
19 to go so they called me, they said, "Come", so I thought they  
13:00:37 20 were the ones who had come to save us and they said they were to  
21 kill me because I was a bastard.

22 THE INTERPRETER: Your Honours, can the witness slow down  
23 and repeat the name of the person whom they said was her child.

24 PRESIDING JUDGE: Madam Witness, all the things that you  
13:01:05 25 are saying are being interpreted and they are being written down.

26 THE WITNESS: Yes, sir.

27 PRESIDING JUDGE: I would like you to talk more slowly to  
28 allow the interpreters to keep up with you and I want you to pick  
29 up your answer where you said, "They were to kill me because I

1 was a bastard".

2 THE WITNESS: Yes, sir.

3 PRESIDING JUDGE: Continue from there and also repeat the  
4 name of the child that you had already said.

13:01:37 5 THE WITNESS: Okay. They held me and they said they were  
6 to kill me because I was Tejan Kabbah's mother and I didn't know  
7 what to do then. I was confused and I stood there.

8 MS BALY:

9 Q. Just pause there. After your hand was chopped off you said  
13:02:04 10 you were about to go. Remember giving --

11 A. Yes. Yes, sir.

12 Q. Whereabouts were you going to go?

13 A. To the hospital.

14 Q. And you said they called you. Who called you?

13:02:20 15 A. Yes. The rebels.

16 Q. Were these the same rebels that had chopped off your hand?

17 A. Those who had chopped off my hand had left already. These  
18 were some other ones.

19 Q. And where were these other rebels when you saw them? How  
13:02:43 20 far away from you were they?

21 A. I was on my way going and they called me at Brewery.

22 Q. When you first saw these particular rebels how far from you  
23 were they?

24 A. I was on my way going, suffering from the injury. I was  
13:03:23 25 not very far from them. They saw me and they called me. They  
26 said they had a doctor with them.

27 Q. You said something about, "They called me at Brewery".  
28 Where were these rebels?

29 A. I was going to the hospital. Using the old road, I wanted

1 to go to the new road, and they were at Brewery and they called  
2 me, they said I should go, that they wanted to treat me, to give  
3 me medical treatment.

4 Q. Do you know the name of the brewery?

13:04:10 5 A. That is way it is called, Brewery, around Calaba Town going  
6 towards the new road.

7 Q. Did you go to these rebels when they called you?

8 A. Yes.

9 Q. Why did you do that?

13:04:34 10 A. Because when the man had told me that they had medicine,  
11 they were going to give me treatment after it had been hacked  
12 off, I was happy to go.

13 Q. What were these rebels doing at the brewery?

14 A. I don't know what they were doing there. They just called  
13:05:01 15 me while I was going.

16 Q. What happened when you went to these rebels?

17 A. When they called me, they held me and said I was Tejan  
18 Kabbah's mother. The man was drinking beer and when he - when he  
19 would finish a bottle he would throw the empty bottle at me and  
13:05:33 20 the other colleague said, "Please sympathise with this woman.  
21 Just look at her. Her husband has been killed and her hand has  
22 been chopped off". And he said, "I don't want to know. I don't  
23 care. She's Tejan Kabbah's mother". And the other colleague  
24 said to him, "Maybe she's just an ordinary gardener. Please  
13:05:55 25 sympathise with her".

26 Q. Madam Witness, the man who was throwing the bottle, who was  
27 he?

28 A. Rebels.

29 Q. And the colleague who had said that maybe you were just an



1 ordinary gardener, who was he?

2 A. He was a rebel, because he had a gun.

3 Q. Did he have anything else with him apart from a gun?

13:06:46

4 A. Well, that is only what I saw because they were about to  
5 go. They had just come to that place for a short while and they  
6 said they wanted to kill me.

7 Q. The man who had the bottle and who threw the bottle, did he  
8 have anything with him apart from a bottle?

13:07:16

9 A. He said he had a gun but there was no bullets in the gun so  
10 that's why he was sending the empty bottles at me. He had a  
11 knife too.

12 Q. Madam Witness, how do you know that these two men were  
13 rebels?

13:07:38

14 A. Because they had knives and guns and he used a knife to  
15 even cut me. I knew that they were rebels.

16 Q. Who used the knife to cut you?

17 A. The rebel.

18 Q. Which one? Was that the one with the bottle, or the  
19 colleague?

13:07:57

20 A. After they had chopped off my hand up at Loko Town I was  
21 going down to town was when they also captured me and they sent  
22 the bottle at me, they threw it at me. He hadn't a bullet in his  
23 gun.

24 Q. Did the bottle hit you?

13:08:23

25 A. Yes, sir. Even on my feet and he kicked me into the gutter  
26 and he hit me on my thigh.

27 Q. Did you receive any injuries from the bottle or when you  
28 were kicked?

29 A. Yes, sir.

1 Q. Whereabouts on your body were you injured?

2 A. On my feet and my thigh.

3 Q. What kind of injury did you get?

13:09:20

4 A. The scars are here. You can see the scars. And even the  
5 pain, I am suffering from the pain. But the scars are here, look  
6 at them.

7 Q. Whereabouts are the scars? Whereabouts on your body are  
8 the scars?

9 A. On my feet.

13:09:35

10 Q. Madam Witness, what happened to you after you were kicked  
11 into the gutter?

12 A. They - I was hit in the gutter. Even now I am feeling the  
13 pain. Of course the scars that I got from the bottle that was  
14 thrown at me, I still have the scars even now. The injury that I  
15 suffered from that, the scars are still visible.

13:10:05

16 Q. Did anything happen to you when you were in the gutter?

17 A. Yes.

18 Q. What happened to you?

13:10:29

19 A. At that time my hand was bleeding after it had been chopped  
20 off.

21 Q. Apart from the fact that your hand was bleeding when you  
22 were in the gutter, did anything happen to you while you were in  
23 the gutter?

24 A. Yes.

13:10:50

25 Q. What was it that happened to you while you were in the  
26 gutter?

27 A. While I was in the gutter he went and dipped his hand into  
28 my dress and took out the money that I had.

29 Q. Who was it that dipped his hand into your dress?

1 A. He dipped his hand into my underwear where I had tied the  
2 money in a piece of cloth and he cut it off.

3 Q. Who did that?

4 A. The rebels.

13:11:33 5 Q. Was it one rebel or was it more than one rebel who did  
6 that?

7 A. It was one of them who did it. I saw one.

8 Q. How much money did you have in that piece of cloth?

9 A. 50,000.

13:11:59 10 Q. What happened to the money in the piece of cloth?

11 A. Well, I don't know because after he had taken it from me he  
12 took it away.

13 JUDGE SEBUTINDE: Ms Baly, that was 50,000 what?

14 MS BALY: Yes:

13:12:25 15 Q. 50,000 --

16 A. 50,000 Leones.

17 Q. After the money had been taken from you what happened to  
18 you?

19 A. Then the other man said, "Now that you've suffered this  
13:12:45 20 much go back to where you were because where you were is a bit  
21 safer, so go back up". And he gave me 5,000 Leones to go back to  
22 where I was so I could buy drugs. So I was there for two days  
23 and on the third day I went out.

24 Q. This other man that you said gave you the 5,000 Leones, was  
13:13:10 25 he a man you'd seen before?

26 A. It was the other rebel because - because he had witnessed  
27 the other rebel doing so much wicked things to me he sympathised  
28 with me, so that's why I think he did that to me and advised me.

29 Q. And what did you do?

1 A. What I did? What do you mean?

2 Q. What did you do after he gave you the 5,000 Leones?

3 A. I went back into the bush and I lay there for two days,  
4 because I was afraid to come to town. On the third day I came to  
13:14:03 5 town to the hospital and that was what I used to buy medicines.

6 Q. What hospital did you go to?

7 A. Connaught.

8 Q. Did you receive treatment when you went to Connaught  
9 Hospital?

13:14:23 10 A. They treated me, but there was no medicine. They just  
11 wrapped up the hand.

12 Q. When you went to Connaught Hospital did you see any other  
13 patients at the hospital?

14 A. There were many.

13:14:42 15 Q. Did you notice anything about what had happened to the  
16 other people, the other patients you saw at the hospital?

17 A. Yes.

18 Q. What did you notice about them?

19 A. Okay. Some of them had amputated legs, some had bullets  
13:15:06 20 stuck in their bodies, some people had their legs chopped off.  
21 Everybody was lying on the floor. There was no place to sleep.  
22 There were no beds. With their injuries.

23 Q. For how long did you stay in the hospital?

24 A. I was there for two weeks and some days.

13:15:33 25 JUDGE SEBUTINDE: The interpreter just said something that  
26 didn't come up. He said something about their injuries.

27 Mr Interpreter, we don't know what you said.

28 THE INTERPRETER: Your Honour, the witness only added,  
29 "With their injuries".

1 MS BALY:

2 Q. Did you see your children again, Madam Witness?

3 A. My children, after they had escaped they hid at Kani kay.

13:16:18

4 Q. Whereabouts did they hide? What is the name of the place  
5 they hid?

6 A. Kani kay.

7 Q. Can you just say it one more time and please say it slowly?

8 A. Okay, sir, that is the way I talk, that is my voice. It's  
9 not that I'm annoyed.

13:16:39

10 Q. Madam Witness, thank you. The spelling for Kani kay,  
11 K-A-N-I-K-A-Y. What happened to your children, did you see them  
12 again?

13 A. Yes, sir.

14 Q. When was it that you first saw them again?

13:17:09

15 A. After everything was over.

16 Q. Madam Witness, before this happened to you were you  
17 working?

18 A. Yes, sir.

19 Q. What were you working as?

13:17:32

20 A. I was a gardener.

21 Q. And was your husband working?

22 A. A gardener. We were doing the same job.

23 Q. Madam Witness, after this happened to you have you been  
24 able to work?

13:17:58

25 A. No. How can I do it?

26 Q. How are you able to support yourself?

27 A. Well, except if somebody feels sorry for me and gives me  
28 something. Now if I want to do anything I would have to pay  
29 somebody to do that job for me and if I don't have money to pay

1 people to do anything for me then I will have to suffer the  
2 consequences.

3 Q. You say that if somebody feels sorry for you and gives you  
4 something. How do you obtain money to live?

13:18:42 5 A. No way. There is no way.

6 Q. So are you able to support your children?

7 A. Very difficult, except when my relatives come to my aid.

8 Q. Madam Witness, do you have any ongoing problems with the  
9 injuries that you received?

13:19:30 10 A. Yes, sir.

11 Q. What are those problems?

12 A. It's hurting. It's really painful. I hardly sleep. I  
13 don't have enough sleep. It's really painful. It's hurting.

14 Q. And what is it that hurts?

13:19:50 15 A. The amputated hand - arm. I even don't have appetite to  
16 eat. It's tormenting me. I don't sleep well.

17 MS BALY: Thank you. I have no further questions.

18 PRESIDING JUDGE: Thank you, Ms Baly. Mr Anyah, have you  
19 questions of the witness?

13:20:12 20 MR ANYAH: Yes, Madam President, I have a few questions on  
21 cross-examination. May I have a moment, please?

22 PRESIDING JUDGE: Yes.

23 MR ANYAH: Thank you.

24 CROSS-EXAMINATION BY MR ANYAH:

13:20:31 25 Q. Good afternoon, Madam Witness. Can you hear me, Madam  
26 Witness?

27 A. Good afternoon, sir. Yes, sir.

28 Q. I have a few questions for you and first I would like to  
29 tell you that my questions are for the purpose of me asking you

1 questions are not in any way to suggest that you did not suffer  
2 greatly in January of 1999. Do you understand that, Madam  
3 Witness?

4 A. Yes, sir. I heard you.

13:21:18 5 Q. I am not asking you questions in order to dispute the fact  
6 that you sustained injuries at the hands of the rebels. Do you  
7 understand that, Madam Witness?

8 A. Yes, sir.

9 Q. I notice today that you're testifying in Krio and --

13:21:42 10 A. Yes, sir.

11 Q. -- when the Prosecution asked you questions you indicated  
12 that your tribe or ethnicity is Limba, correct?

13 A. Yes, I am a Limba by tribe.

14 Q. Now, I'm trying to establish what your most comfortable  
13:22:08 15 language is because you did testify previously in another case  
16 before the Special Court. You testified on 22 July 2004 before  
17 another Trial Chamber, in the RUF case. Do you remember doing  
18 that, Madam Witness?

19 A. Yes, sir.

13:22:28 20 Q. And when you testified in that case it is true, is it not,  
21 that you testified in --

22 A. Yes, sir.

23 Q. -- the Limba language, yes?

24 A. It's Krio. I did not speak Limba. I spoke Krio.

13:22:46 25 Q. Well, I have a record of your evidence before the RUF Trial  
26 Chamber and the Prosecutor there, a Ms Parmar, Ms Sharan Parmar,  
27 told the Court that you would be testifying in Limba. Are you  
28 sure you did not testify using the Limba language when you  
29 testified before the RUF Trial Chamber?

1 A. It was Krio. I said I am a Limba, but I can speak Krio and  
2 I spoke Krio.

3 Q. But for our purposes you are comfortable testifying in Krio  
4 today, is that fair to say, Madam Witness?

13:23:38 5 A. Yes, sir.

6 Q. Another preliminary matter. Ms Baly, learned counsel for  
7 the Prosecutor, asked you how old you were and you were not able  
8 to tell us your age and also you were not able to give us your  
9 date of birth. Do you remember being asked those questions a few  
10 minutes ago?

13:23:58

11 A. Yes.

12 Q. Do you remember telling the Trial Chamber in the other  
13 case, the RUF trial, that you were 40 years old as of 22 July  
14 2004 when you testified?

13:24:07

15 A. Yes, sir.

16 Q. Do you stand by that account, meaning that in 2004 you were  
17 40 years of age?

18 A. Well, even that 40 years that I said, that was not - I did  
19 not say that by myself. You know, I was tormented. I was  
20 worried. I just said that.

13:24:31

21 Q. Are you saying you just told the Chamber 40 years of age  
22 because you were uncomfortable, or tormented, as you put it, when  
23 you testified before it?

24 A. You know we don't know our ages, our births are not  
25 registered. We can just estimate. We can just guess and say  
26 anything.

13:24:51

27 Q. Certainly we appreciate that, Madam Witness, but do you  
28 have siblings older or younger than yourself?

29 A. Yes, sir.



1 Q. Indeed you had a younger sister that was killed by the  
2 rebels, correct?

3 A. Yes, sir.

13:25:22

4 Q. And how old was that younger sister when she was killed, if  
5 you know?

6 A. I don't know her age. She was seven months pregnant. I  
7 don't know her age.

8 Q. She was also killed in 1999, yes?

9 A. Yes, sir.

13:25:38

10 Q. Now you've told us at some length some of the events that  
11 happened to you. One of the atrocities that you suffered, the  
12 obvious one, is the loss of your left arm, correct?

13 A. Yes, sir.

14 Q. Your husband you said was killed, true?

13:26:02

15 A. Yes, sir.

16 Q. You've just confirmed that your younger sister was killed,  
17 yes?

18 A. Yes, sir.

13:26:13

19 Q. You also confirmed that she was pregnant at the time when  
20 she was killed, yes?

21 A. Yes, sir.

22 Q. You have confirmed for us that because of the rebels and  
23 their presence in Freetown you had to hide in the bush with your  
24 family, yes?

13:26:28

25 A. Yes, sir.

26 Q. And when you came out of the bush after hiding for a week  
27 without food the same rebels made you and - well, the same rebels  
28 took custody of your husband and they made you queue up, correct?

29 A. Yes, sir.

1 Q. And that is when you witnessed them slitting open, I think  
2 you said, the stomach of a six year old child, yes?

3 A. Yes, sir.

13:27:07

4 Q. Well, perhaps you said they hacked a six year old child  
5 with a machete, yes?

6 A. Yes, sir. The child was cut - was cut in the middle.

7 Q. That was a very awful thing to witness, you would agree,  
8 yes?

9 A. Yes.

13:27:28

10 Q. And after you had fainted following the amputation of your  
11 hand or your arm you struggled and walked towards the brewery --

12 A. Yes, sir.

13 Q. -- and you encountered a group of rebels, yes?

14 A. Yes, sir.

13:27:48

15 Q. And these were the rebels who hit you with a beer bottle,  
16 yes?

17 A. Yes, sir.

18 Q. Kicked you into a gutter, true?

19 A. Yes, sir.

13:28:07

20 Q. Took 50,000 Leones from your possession, yes?

21 A. Yes, sir.

22 Q. And generally you would agree that they essentially  
23 humiliated you, yes?

24 A. Yes, sir.

13:28:25

25 Q. And when you went to Connaught Hospital you saw others who  
26 had been injured, true?

27 A. Yes, sir.

28 Q. Madam Witness, it is now a few years since January 1999 but  
29 it is true, is it not, that every day you relive the pains and

1 sufferings that you experienced in January 1999, yes?

2 A. Yes, sir.

3 Q. And your pain is particularly worse on Fridays, because  
4 your arm was amputated on a Friday. Is that fair to say?

13:29:01 5 A. Yes, sir.

6 Q. You carry with you everywhere you go the stigma of having  
7 only one arm, yes?

8 A. Yes, sir.

9 Q. Madam Witness, as you sit there now it is true, is it not,  
13:29:18 10 that you would like to see those who caused you this harm held  
11 responsible?

12 A. Yes, sir.

13 Q. When you testified before the RUF Trial Chamber in July of  
14 2004 you did so because you wanted those who were responsible for  
13:29:44 15 your injuries held responsible, yes?

16 A. Yes, sir.

17 Q. Did you understand my question, Madam Witness?

18 A. I don't understand.

19 PRESIDING JUDGE: I'm sorry to interrupt, Mr Anyah, I note  
13:30:01 20 the time. You're coming into an explanation for the witness.

21 Would this be convenient to adjourn or do you wish to --

22 MR ANYAH: Well, I'm in the Court's hands. I would prefer  
23 not to adjourn, but I have no choice, I suspect.

24 PRESIDING JUDGE: If it's only a few questions let us deal  
13:30:20 25 with that one aspect and take an extra moment or two.

26 MR ANYAH: I would need more than a question, so this would  
27 be a convenient time.

28 PRESIDING JUDGE: Very well, Mr Anyah. Madam Witness, it  
29 is now the usual lunchtime for us. We will be taking a break and

1 you also. We will coming back to court at 2.30. Do you  
2 understand?

3 THE WITNESS: Yes, sir.

4 PRESIDING JUDGE: Please adjourn court until 2.30.

13:30:43 5 [Lunch break taken at 1.30 p.m.]

6 [Upon resuming at 2.30 p.m.]

7 PRESIDING JUDGE: Good afternoon. I note some changes of  
8 appearance.

9 MS BALY: Ms Howarth has left the Prosecution Bench.

14:30:16 10 PRESIDING JUDGE: Thank you. Mr Anyah.

11 MR ANYAH: Yes, Courtenay Griffiths QC has left the Defence  
12 Bench.

13 PRESIDING JUDGE: Thank you. Please proceed with your  
14 cross-examination.

14:30:26 15 MR ANYAH: Thank you, Madam President:

16 Q. Madam Witness, before we broke for lunch I was asking you a  
17 series of questions about the different events and atrocities  
18 that were meted out to you and others you know in January 1999.  
19 Do you recall those series of questions, Madam Witness?

14:31:00 20 A. Yes, ma'am.

21 Q. Madam Witness, are you comfortable as you are seated there?

22 A. Yes, ma'am.

23 Q. Now, right before we rose for lunch I had asked you a  
24 question to the effect of whether or not you wanted to see those  
14:31:19 25 who were responsible for all your pain and suffering held  
26 accountable. That is, brought to justice. Do you recall me  
27 asking you a question to that effect?

28 A. Yes, ma'am.

29 Q. Do you understand that question, Madam Witness?

1 A. I did not understand.

2 Q. If somebody does something to you and you have the  
3 opportunity to see them punished, would you like to see them  
4 punished for what they did to you?

14:32:06 5 A. Well, I did not understand.

6 Q. That's fair enough. I will try again. You remember  
7 testifying on 22 July 2004 in the RUF trial?

8 A. Yes, ma'am.

9 Q. And of course before you went to testify, in March of that  
14:32:27 10 same year, 2004, members of the Office of the Prosecutor had met  
11 with you, correct?

12 A. Yes, ma'am.

13 Q. Indeed they met with you on 4 March 2004, correct?

14 A. Yes, ma'am.

14:32:47 15 Q. And on 4 March there was a lady by the name of Louise  
16 Taylor, yes?

17 A. Yes, ma'am.

18 Q. And there was also a man by the name of Ishmael. Do you  
19 recall that?

14:33:01 20 A. Yes, ma'am.

21 Q. And they asked you questions about your experiences in  
22 January of 1999 in Freetown, true?

23 A. Yes, ma'am.

24 Q. And you told them essentially most of what you have told us  
14:33:16 25 in court today, yes?

26 A. Yes, ma'am.

27 Q. Now, when you were giving them your account of the events  
28 of January 1999 you knew they wanted to use that information for  
29 a case in court, yes?

1 A. Yes.

2 Q. And some time later somebody asked you to come and appear  
3 before Trial Chamber I in July of that year, yes?

4 A. Yes, ma'am.

14:33:58 5 Q. And you sat across Justices who were dressed like the  
6 Justices that you are looking at today, yes?

7 A. Yes, ma'am.

8 Q. What did you understand the purpose of your giving evidence  
9 to be when you testified in the RUF trial?

14:34:26 10 A. Yes.

11 Q. Madam Witness, do you know why you went - do you know why  
12 you went to court in July 2004?

13 A. Yes.

14 Q. Can you tell us why you went to court?

14:34:47 15 A. Well, I went to the court so as to satisfy myself so that I  
16 will be able to explain to them those who disturbed us so that  
17 they will see for themselves and prosecute them.

18 Q. And those who disturbed you, you understood them to be  
19 those three men that were under trial in Freetown, yes?

14:35:21 20 A. No, I did not know.

21 Q. But do you - did you feel that they were part of the group  
22 of rebels, or related or connected to the rebels that disturbed  
23 you?

24 A. I did not understand, because those were having on combats.

14:35:47 25 Q. But if you saw the person who cut your hand, the rebel who  
26 amputated your arm, and that person was before a court, you would  
27 like to see them punished, yes?

28 A. Well, I wouldn't like that.

29 Q. Would you like to see the rebel who killed your husband

1 held accountable for what he did?

2 A. I wouldn't like that.

3 Q. And why would you not like that, Madam Witness?

14:36:36

4 A. The reason why I wouldn't like that is because if they  
5 punished him I would not get somebody to support me. I wouldn't  
6 have somebody to take care of me.

7 Q. I am not asking you whether or not you would like to see  
8 your husband, had he been alive, punished. I am asking you about  
9 the people who did the bad things to you and your husband. Do  
10 you understand the difference, Madam Witness?

14:36:53

11 A. That is what I have answered to. I would not want them to  
12 punish them, because if they had killed the man - if they had  
13 killed the man who was taking care of me, who was feeding me, I  
14 would not want them to do anything to them. I would just want  
15 the people here to help me so that they take care of me.

14:37:26

16 Q. I see. Madam Witness, before you came here to The Hague,  
17 had you ever travelled out of Sierra Leone?

18 A. No.

19 Q. And it is fair to say that this was your first time  
20 travelling in an aeroplane?

14:37:51

21 A. Yes, ma'am.

22 Q. Did they tell you why you were being brought to The Hague,  
23 Madam Witness?

24 A. No.

14:38:09

25 Q. Had you heard of Charles Taylor before you came to The  
26 Hague?

27 A. Yes.

28 Q. Can you tell us under what circumstances you heard that  
29 name, Charles Taylor, previously?

1 A. I just heard the name, Charles Taylor.

2 Q. After the war, after January 1999 and your stay at  
3 Connaught Hospital, did you continue to reside or live in  
4 Freetown?

14:38:53 5 A. Yes.

6 Q. Were you living in Freetown in March of 1996 - sorry, March  
7 of 2006?

8 A. Yes.

9 Q. In late March 2006, specifically on 29 March, did you hear  
14:39:13 10 that Charles Taylor had been arrested?

11 A. Yes.

12 Q. How did you hear that information, Mrs Witness?

13 A. When they said it.

14 Q. When who said it?

14:39:32 15 A. Well, the government. After they had amputated us and they  
16 said he had been arrested and they said that was why he was  
17 there, that was what they said.

18 PRESIDING JUDGE: I think the witness is ready to continue,  
19 Mr Anyah. Please proceed.

14:40:21 20 MR ANYAH: Thank you, Madam President:

21 Q. Madam Witness, you said, specifically your last answer was,  
22 "After they had amputated us and they said he had been arrested,  
23 they said that was why he was there. That was what they said".

24 I want to focus on these persons who said that was why he was

14:40:50 25 there. The "he" you are referring to, Madam Witness, is Charles  
26 Taylor, true?

27 A. Where?

28 Q. Are you saying to us that persons said Charles Taylor was  
29 arrested because he was responsible for amputating your hands?



1 Is that what you are trying to tell us, Madam Witness?

2 MS BALY: I object to that question. That is not a fair  
3 interpretation.

4 THE WITNESS: No, no, no.

14:41:25 5 PRESIDING JUDGE: In fact the witness has answered in the  
6 negative I think. Although I think there is some validity in  
7 your objection, the witness has answered so I will not pursue it.

8 MR ANYAH:

9 Q. Madam Witness, do you know why Charles Taylor was arrested?

14:41:52 10 A. Well, I don't know.

11 Q. Did anybody tell you why he was arrested?

12 A. Nobody told me.

13 Q. Before you came to The Hague, were you aware that there was  
14 a trial going on in Holland concerning Charles Taylor?

14:42:19 15 A. Yes.

16 Q. How did you become aware of the trial?

17 A. It was when I went to the - it was when I went to testify  
18 at first at Special Court.

19 Q. In 2004?

14:42:36 20 A. Yes, yes.

21 Q. Are you saying you were aware that there were trials going  
22 on in 2004?

23 A. Yes.

24 Q. Now, I am asking you about this trial - this case -  
14:42:55 25 concerning Charles Taylor. When did you first become aware of  
26 the fact there was a trial going on?

27 A. It was during the first trial.

28 Q. Well, the first trial concerned some other persons, not  
29 Charles Taylor. Would you agree with that, Madam Witness?

1 A. I don't know.

2 Q. That is fair enough. Madam Witness, I want to talk about  
3 the death of your husband. You told us earlier today that you  
4 and your husband and your children were hiding in the bush when  
14:43:44 5 you heard the rebels had come into the vicinity of Wellington,  
6 yes?

7 A. Yes, ma'am.

8 Q. Were your six children with you in the bush with your  
9 husband?

14:44:01 10 A. Yes, ma'am. Sorry.

11 Q. There were two other children that hid in the bush with  
12 you, yes?

13 A. Yes, ma'am.

14 Q. Those were the children of your elder sister, yes?

14:44:21 15 A. Yes, ma'am.

16 Q. And you told us this morning that the rebels, after you had  
17 spent a week in the bush, came and urged you to return to your  
18 houses, correct?

19 A. Yes, ma'am.

14:44:40 20 Q. And you said before you even made it back to your homes  
21 your husband was captured, correct?

22 A. Yes, ma'am.

23 Q. And you said that he was cut with a machete. Is that fair  
24 to say, Madam Witness?

14:45:14 25 A. Yes, ma'am.

26 Q. And the same rebels who urged you out of the bush were the  
27 ones who cut your husband with a machete, true?

28 A. Yes, ma'am.

29 Q. You said he was hacked and then he was shot, yes?

1 A. Yes, ma' am.

2 Q. Did you see your husband being hacked, Madam Witness?

3 A. Yes, ma' am.

4 Q. You saw it with your own eyes?

14:45:54 5 A. Yes, ma' am.

6 Q. Did you see him being shot, Mrs Koroma?

7 A. Yes, ma' am.

8 Q. And you saw that with your own eyes?

9 A. Yes.

14:46:08 10 Q. And I appreciate that this is difficult for you, but I have  
11 reasons for asking it. Did you see your husband die, Mrs Koroma?

12 A. Yes, ma' am.

13 Q. Can you tell us how old your husband was when he died, if  
14 you know?

14:46:33 15 A. No.

16 Q. Was he older than you, if you know?

17 A. He was older than me.

18 Q. Mrs Koroma, when the Office of the Prosecutor met with you  
19 for the first time on 4 March 2000, you made some statements and  
14:47:05 20 they wrote down what you said, and at some point they read back  
21 to you what they said - what they had written down. Do you  
22 recall them reading back to you what they had written down, Madam  
23 Witness?

24 A. Yes, ma' am.

14:47:22 25 Q. Do you recall them asking you to put your thumb on an ink  
26 pad and to affix your thumb to the pages of what they had read to  
27 you, Madam Witness?

28 A. Yes, ma' am.

29 MR ANYAH: For counsel's benefit, this is the record of

1 interview from 4 March 2003, handwritten notes, and I will first  
2 ask the witness questions and see where we go, or where we get  
3 to, and only if necessary will we seek to exhibit or display the  
4 record of interview:

14:48:06 5 Q. Madam Witness, did you tell the Prosecution when you first  
6 met with them that your husband was hit over the head with a big  
7 stone?

8 A. It was - it was not my husband, it was another man. My  
9 husband was hacked with a machete. The one who went to call us  
14:48:33 10 was the one that they sent stones at.

11 MR ANYAH: If it please your Honours, may I have the  
12 assistance of Madam Court Manager, please. I have copies for  
13 your Honours. I omitted to make an extra copy for counsel  
14 opposite, but I am assuming they have it and I think we can  
14:49:02 15 proceed with that assumption.

16 MS BALY: Yes, I do, your Honour.

17 MR ANYAH: Thank you. Madam Court Officer, if you could  
18 display the document in tab number 1 and the relevant page is  
19 page 3. It would be fair to put this on the overhead because I  
14:49:26 20 think all waivers of protective measures are in place and there  
21 should not be any concern in that regard:

22 Q. Madam Witness, these are notes from your interview with the  
23 Prosecution in March of 2003, 4 March specifically, and they are  
24 handwritten, but we can read them. They are legible enough to be  
14:49:56 25 read. On page 3 at the bottom of the page I will read from the  
26 sentence that says, "One of my aunts found me in the hospital".

27 I hope everybody has found where I am, but, Madam Court  
28 Officer, if you were to count about eight lines up from the last  
29 handwritten scribble on page 3 there is a sentence that begins,

1 "One of my aunts found me in the hospital". Perhaps you could  
2 point to it so that the witness looking at the screen can follow,  
3 but it may not be of much use because of her level of schooling.  
4 But I will read it, Madam Witness, so just listen to what I am  
14:50:56 5 reading. It reads:

6 "One of my aunts found me in the hospital and reunited me  
7 with my children and husband. Before I was amputated I saw the  
8 rebels beating my husband on his head with a big stone. It was  
9 the same rebel who amputated me. My husband died later because  
14:51:24 10 of the beating after I was released from the hospital."

11 Madam Witness, the Prosecution has you saying that your  
12 husband was beaten over the head with a big stone. Do you agree  
13 with that?

14 A. No.

14:51:42 15 Q. That is a lie, is it?

16 A. Yes.

17 Q. The Prosecution has it down that your husband died only  
18 after you had been released from the hospital. Is that correct,  
19 Madam Witness?

14:52:02 20 A. Well, I wouldn't understand that now.

21 Q. Well, did your husband die before you were taken to the  
22 hospital - released from the hospital or after you were released  
23 from the hospital?

24 A. After - after I had gone to the hospital, that was where I  
14:52:31 25 was when somebody later came and told me that he is dead.

26 Q. So when I asked you a few minutes ago whether you watched  
27 or saw your husband die and you said yes --

28 A. Yes, because that was it.

29 MR ANYAH: Your Honours, I did not follow the

1 interpretation or understand it.

2 PRESIDING JUDGE: Madam Witness, please wait until counsel  
3 finishes his question completely before you answer and --

4 THE WITNESS: Yes, sir.

14:53:11 5 PRESIDING JUDGE: Please put it again, Mr Anyah.

6 MR ANYAH:

7 Q. Madam Witness, a few minutes ago I asked you if you saw  
8 your husband die and you said yes. Do you recall me asking you  
9 that?

14:53:24 10 A. Yes.

11 Q. Now you are saying someone told you while you were in the  
12 hospital that your husband had died, yes?

13 A. No, that is a mistake.

14 Q. Which one is a mistake, Madam Witness?

14:53:46 15 A. The one that I said that someone went and told me.

16 Q. So you stand by your statement earlier today in court that  
17 you saw your husband die?

18 A. Yes. Continue.

19 Q. I have a question, though, Madam Witness. The question is  
14:54:15 20 do you stand by your statement made in court earlier today that  
21 you saw your husband die?

22 A. Yes.

23 Q. So can you explain how it is the Prosecution says or  
24 suggests you told them in March 2003 that you were reunited with  
14:54:44 25 your husband by an aunt who found you at the hospital?

26 A. No.

27 Q. So I ask you again: Did your husband die before you went  
28 into the hospital or did he die after you had been in the  
29 hospital?

1 A. Yes.

2 Q. Which of those, Madam Witness? When did he die, before or  
3 after?

4 A. Whilst I was there.

14:55:30 5 Q. He died while you were in the hospital. Is that your  
6 evidence now?

7 A. He died - he died in my presence before I went to the  
8 hospital.

9 Q. Was there ever a time you were reunited with your husband  
14:55:47 10 by an aunt who found you in the hospital?

11 A. No.

12 Q. How long did you stay in the hospital for, Madam Witness?

13 A. Two weeks.

14 Q. The Prosecution has it written down that you told them you  
14:56:14 15 stayed in the hospital for a month and two days. Did you tell  
16 them that, Madam Witness?

17 A. Yes.

18 Q. Why did you tell them you stayed in the hospital for a  
19 month and two days?

14:56:32 20 A. That was a mistake. Well, at that time, you know - you  
21 know, at that time I was actually tormented. I was overwhelmed  
22 by torment. So I just said things sometimes that came to my  
23 mind, but in that case I don't know.

24 Q. So there have been times when because of being tormented  
14:57:01 25 you have said anything that came to your mind?

26 A. Yes.

27 Q. Madam Witness --

28 A. Yes. Well, that was how I felt.

29 Q. That was how you felt when you spoke with the Prosecution

1 the first time in March of 2003. Is that what you're saying?

2 A. Ma'am?

3 MR ANYAH: Your Honours, I did not follow the  
4 interpretation.

14:57:38 5 JUDGE SEBUTINDE: I think she is asking you to repeat. It  
6 is like, "I beg your pardon".

7 THE WITNESS: Yes.

8 MR ANYAH: But I am not understanding it through the  
9 interpretation, so either one of the two is not audible enough  
14:57:50 10 for me to pick up what is being said. I can ask the question  
11 again:

12 Q. Madam Witness, my question had to do with things you said  
13 when you were tormented. I am asking you if you were tormented  
14 when you spoke with the Prosecution in March of 2003?

14:58:28 15 A. Yes, ma'am.

16 Q. Are you tormented now as you speak to this Court today, 22  
17 October 2008?

18 A. Well, no, ma'am.

19 Q. Let us look at what you told the RUF Trial Chamber  
14:58:47 20 regarding the death of your husband. Madam Court Officer, if you  
21 could please go to tab number 3, page 9. Madam Witness, there  
22 was a stenographer, someone who took down a record of what you  
23 said, before the Trial Chamber on 22 July 2004 concerning the  
24 manner in which your husband died. At line 15, page 9 - we have  
14:59:40 25 numbered the pages at the bottom right-hand corner. For  
26 counsel's benefit it will be page 49 of the RUF transcript and  
27 the page numbers for the transcripts are at the bottom of the  
28 page. And for your Honours it would be page 9 as numbered on the  
29 bottom right-hand corner of our bundle or set of documents.



1 At line 15 a question was posed to you, Madam Witness. A  
2 lawyer asked you then: "Madam Witness, you said you were all  
3 alone. What had happened to your husband?" Here is the answer  
4 you gave. Your answer was as follows:

15:00:22 5 "A. My husband, I have told you, was lined up and that he  
6 was shot in the head. They killed him in my presence. So  
7 my husband was lying there with blood all over his body.  
8 He was killed there. I never saw him again. I am going  
9 now with my pains. It was only when I was at the Connaught  
10 Hospital I was told that my husband had been killed.

11 Q. Madam Witness, who shot your husband in the head?

12 A. It was the rebels."

13 Madam Witness, you told the Trial Chamber - the RUF Trial  
14 Chamber - your husband was shot in the head. Do you recall

15:01:13 15 saying that, Madam Witness? Yes?

16 A. Yes, sir.

17 Q. You did not mention that he was hacked, did you?

18 A. Yes, sir.

19 Q. Did you understand the question I just asked that you did  
15:01:32 20 not tell that court --

21 A. I understand.

22 Q. -- that he was hacked. Madam Witness, there is no mention  
23 here of you being reunited with your husband after your stay at  
24 the hospital, is there? I am saying that you did not tell the

15:02:08 25 RUF Chamber of an aunt reuniting you with your husband after your  
26 stay at Connaught Hospital, did you?

27 A. Yes, sir.

28 Q. Madam Witness, was your husband a fighter? Was he one of  
29 the warring factions during the conflict of Sierra Leone?

1 A. No, no.

2 MR ANYAH: Madam Court Officer, shall we go to page 3 of  
3 the same transcript. For counsel's benefit it will be page 43 of  
4 the transcript. At the bottom of the page, Madam Court Officer -  
15:03:03 5 your Honours, it is page 3 and it is only two lines, lines 35 and  
6 36:

7 Q. Madam Witness, at the beginning of your evidence in the RUF  
8 case you were asked:

9 "Q. Madam Witness, are you married?

15:03:18 10 A. I am a widow; my husband was killed during the fight."

11 When you say your husband was killed during the fight --

12 A. Yes.

13 Q. -- does that mean he was a fighter, Madam Witness?

14 A. Yes - no.

15:03:36 15 Q. What does that mean?

16 A. Well, when I said it was during the fighting, it was during  
17 the war, because he was not a fighter. He was not a fighter.

18 Q. Were your children killed during the war, Madam Witness?

19 A. No, it was my sister.

15:04:10 20 Q. Well, the next question, following the one I have just  
21 read, ask you, "Madam Witness, do you have any children?", and  
22 over onto the next page you gave a response and your response  
23 was, "I don't have any children". The question goes on to say,  
24 "Did you have any children with your husband?" And they have you  
15:04:36 25 as responding, "We get - we have children with him." Question:  
26 "How old are those children?" Answer: "They are now dead, so I  
27 don't need to count the number of years."

28 Madam Witness, where your children --

29 A. Ah.

1 Q. -- killed in January 1999?

2 A. No.

3 Q. Then why did you tell the RUF Trial Chamber that you did  
4 not have children then?

15:05:09 5 A. I did not say that.

6 Q. So what I have just read is not an accurate account of what  
7 you said?

8 A. Yes.

9 Q. Did you ever tell the RUF Trial Chamber about the scar you  
15:05:40 10 have on your right hand, Madam Witness?

11 A. Yes.

12 Q. How did you sustain that injury on your right hand, Madam  
13 Witness?

14 A. The way I got this?

15:06:06 15 Q. Yes.

16 A. I did not understand.

17 Q. Was it at the same time your left hand was chopped that you  
18 had a knife wound to your right hand?

19 A. They said I should hold my hand and put it on a log and  
15:06:31 20 after they chopped this one off then the machete met my other  
21 hand. It hit my other hand here.

22 Q. And you told us of also sustaining a knife injury from the  
23 rebels you met at the brewery, yes?

24 A. No, sir, bottles.

15:06:58 25 Q. Apart from the bottle, did you tell us earlier today that  
26 one of the rebels you met at the brewery used a knife on you?

27 A. He did not use the knife on me. He held the knife. He  
28 said he was going to slit my throat, but his colleague told him  
29 not to do that. He held the knife actually, but he did not put

1 it on me.

2 Q. So you sustained no injuries from a knife from the rebels  
3 you met at the brewery, yes?

4 A. It was with bottle.

15:07:46 5 Q. Now, these rebels you have told us about, the ones who  
6 first came into Freetown that caused you to go into the bush,  
7 they were all wearing uniforms, yes?

8 A. Yes, sir.

9 Q. When you came out from the bush and they queued you or  
15:08:10 10 lined you up, those rebels who queued or lined you up were also  
11 wearing uniforms, yes?

12 A. Yes.

13 Q. And the rebel who chopped off your left arm was wearing a  
14 uniform, yes?

15:08:37 15 A. Yes, sir.

16 Q. And that was the same rebel who killed your husband,  
17 correct?

18 A. Yes, sir.

19 Q. And the rebels you met at the brewery were also dressed in  
15:08:51 20 uniform or combat as you call it, yes?

21 A. Yes, sir.

22 Q. Madam Witness, all of these rebels in uniform, you do not  
23 know whether they were RUF or AFRC, do you?

24 A. No.

15:09:23 25 Q. "No" means you have no idea to which group they belonged,  
26 correct?

27 A. Well, they were rebels in the war. I wouldn't know. They  
28 were fighting and we were running to secure our lives, so we  
29 wouldn't have stood there to know who is this or who is that.

1 MR ANYAH: May I have a moment, Madam President?

2 PRESIDING JUDGE: Yes, please do so.

3 MR ANYAH: Madam President, I have no further questions for  
4 the witness.

15:10:31 5 PRESIDING JUDGE: Thank you, Mr Anyah. Re-examination,  
6 Ms Baly?

7 MS BALY: I have no questions in re-examination.

8 PRESIDING JUDGE: Thank you.

9 JUDGE SEBUTINDE: Madam Witness, I want to ask you one  
15:11:15 10 question relating to the death of your husband. I am just a  
11 little confused because you have told us a number of versions of  
12 how he could have possibly died. Now, was your husband hacked to  
13 death with a machete, or was he shot to death with a gun, or was  
14 he hit over the head with a stone? Which was it?

15:11:50 15 THE WITNESS: He was hacked.

16 JUDGE SEBUTINDE: And did your husband die on the spot, or  
17 did he live a few days and be able to meet with you again in  
18 hospital and then die?

19 THE WITNESS: No.

15:12:24 20 JUDGE SEBUTINDE: What do you mean "No"?

21 THE WITNESS: He did not die on the same spot, but it was  
22 understood later that after he had been hacked, he died after two  
23 days - two days after that.

24 JUDGE SEBUTINDE: Thank you, Madam Witness.

15:12:51 25 PRESIDING JUDGE: Questions arising, counsel?

26 MR ANYAH: I have nothing further.

27 PRESIDING JUDGE: Ms Baly?

28 MS BALY: No, thank you, your Honour.

29 PRESIDING JUDGE: Thank you. If there are no other matters

1 I will release the witness. Madam Witness, we thank you for  
2 coming to Court to give --

3 THE INTERPRETER: Your Honours, the interpreters would want  
4 to make a correction. There was - yes, there was an area where  
15:13:28 5 the witness said that she still has a problem with her thighs.  
6 She still carried a problem with her thighs. It should actually  
7 not be thigh, but hip bone.

8 PRESIDING JUDGE: Was that in examination-in-chief,  
9 Mr Interpreter?

10 THE INTERPRETER: Yes, your Honours.

11 PRESIDING JUDGE: In the light of that, Mr Anyah, that  
12 arose, I recall part of it, and you have cross-examined following  
13 that. In the light of this is there anything you wish to ask the  
14 witness?

15 MR ANYAH: No, Madam President. Thank you.

16 PRESIDING JUDGE: Thank you. I will therefore release the  
17 witness. Madam Witness, that is the end of your evidence. You  
18 will now be free to leave the Court and we thank you for coming  
19 to court to give your evidence and we wish you a safe journey  
15:14:19 20 home.

21 THE WITNESS: Thank you very much, sir.

22 PRESIDING JUDGE: Please assist the witness. Ms Baly?

23 MS BALY: The next witness is TF1-084 to be led by  
24 Mr Bangura.

15:15:09 25 PRESIDING JUDGE: Thank you. Is this a Rule 92 bis  
26 witness? I think I do remember that number.

27 MS BALY: This is a 92 bis witness.

28 PRESIDING JUDGE: Thank you. What language, Mr Bangura? I  
29 will let you get into your seat before I start these questions.

1 MR BANGURA: Good afternoon, Madam President, your Honours,  
2 counsel opposite. Your Honours, the witness will be testifying  
3 in Krio.

4 Your Honour, this is a witness who is covered by the  
15:16:14 5 decision of 5 July 2004, and the Prosecution's position is that  
6 the witness enjoys protective measures under that decision. He  
7 testified before in the case of Prosecutor and Brima, Kamara and  
8 Kanu.

9 Your Honours, to the extent we note this Chamber's ruling  
15:16:50 10 previously on the position of witnesses who fall under the  
11 general category under that ruling, the Prosecution still  
12 maintains the view that this witness is covered by the protective  
13 measures granted therein and to the extent that such measures  
14 still obtain the Prosecution wishes to make an application for a  
15:17:16 15 rescission of those measures, having heard from the witness in  
16 meetings before today and the witness has indicated that he  
17 wishes to testify openly before this Chamber. In that regard,  
18 your Honour, I do hereby apply that those measures be rescinded.

19 PRESIDING JUDGE: For purposes of clarity and record,  
15:17:39 20 Mr Bangura, will that include that he will not pursue having a  
21 pseudonym maintained?

22 MR BANGURA: Yes, your Honour. The measures that I refer  
23 to here are a pseudonym, he was entitled to testify with a  
24 pseudonym and a screen, and I ask that those measures be  
15:18:02 25 rescinded.

26 PRESIDING JUDGE: Yes. Mr Munyard?

27 MR MUNYARD: Madam President, the Court is well aware of  
28 the Defence position on the general category of witnesses who  
29 don't fall under annexes A, B and C. We are of the view that they

1 are not covered and therefore we maintain that. However, of  
2 course, we don't object to the Prosecution's desire, as expressed  
3 by my learned friend, to have the witness give evidence  
4 completely openly and without the benefit of any application on  
15:18:35 5 their part to impose or maintain any protective measures.

6 PRESIDING JUDGE: I note the respective parties'  
7 applications and response. As I noted earlier this morning in  
8 regard to a similar application, the Court is of the view the  
9 application is redundant. However, for purposes of record we  
15:18:59 10 will note that the witness is giving his - I gather it is a  
11 gentleman - evidence in open court.

12 MR BANGURA: May the witness be called?

13 PRESIDING JUDGE: Yes, please call the witness.

14 MR BANGURA: Your Honour has already noted that this is a  
15:19:27 15 92 bis and his evidence is being presented pursuant to a decision  
16 by this Chamber dated 20 October 2008.

17 PRESIDING JUDGE: Thank you, Mr Bangura.

18 MR BANGURA: If your Honour wishes I can read out the title  
19 of that decision.

15:19:43 20 PRESIDING JUDGE: I have a feeling I remember it.

21 MR BANGURA: Thank you.

22 WITNESS: MOHAMED SAMPSON BAH [Sworn]

23 EXAMINATION-IN-CHIEF BY MR BANGURA:

24 Q. Good afternoon, Mr Witness.

15:21:25 25 A. Good afternoon, sir.

26 Q. Mr Witness, I am going to ask you a few questions and after  
27 that counsel, my colleague on the other side, will be asking you  
28 questions as well, okay?

29 A. Yes, sir.



- 1 Q. Can you tell this Court your names, please?
- 2 A. Mohamed Sampson Bah.
- 3 Q. How old are you, Mr Bah?
- 4 A. I am 55 years old.
- 15:22:13 5 Q. Where were you born?
- 6 A. I was born in the eastern part of Freetown in Sierra Leone,  
7 Kissy, at the junction of David Street and Blackhall Road.
- 8 Q. Mr Bah, let's take it again. Where exactly were you born?  
9 Just take it one step at a time.
- 15:22:45 10 A. I was born in Freetown.
- 11 Q. Which part of Freetown?
- 12 A. The eastern part of Freetown.
- 13 Q. And that is exactly where?
- 14 A. That is Kissy.
- 15:23:07 15 Q. And you have mentioned the junction of David Street and  
16 Blackhall Road?
- 17 A. Yes, 220 Blackhall Road at the junction of David Street and  
18 Blackhall Road.
- 19 Q. And let's be clear. Is it David Street?
- 15:23:33 20 A. David Street, yes. At the angle of David Street and  
21 Blackhall Road. That is where the house is located.
- 22 Q. Which ethnic group do you belong to in Sierra Leone?
- 23 A. I am a member of the Fullah tribe.
- 24 Q. Do you have a family?
- 15:24:00 25 A. Yes.
- 26 Q. Can you say what the composition of your family is?
- 27 A. My family? I have seven children and I initially had two  
28 wives, but I divorced with one, so I have just one now.
- 29 Q. What do you do for a living?

1 A. At present I am not doing anything. I depend on friends.  
2 Friends help me to survive.

3 Q. Did you used to carry out any occupation before?

4 A. Yes, before I was a businessman.

15:25:03 5 JUDGE SEBUTINDE: Mr Bangura, I am sorry, I have lost you.  
6 Before what?

7 MR BANGURA: Thank you, your Honour.

8 JUDGE SEBUTINDE: Before he divorced his wife, or  
9 something?

15:25:14 10 MR BANGURA: I think the question is not quite completed:

11 Q. Mr Witness, you said that you now - I go back. I asked you  
12 what you do for a living and you said at present you do nothing  
13 and you depend on friends. Since when did you start depending on  
14 friends for a living?

15:25:36 15 A. Well, since the time the war erupted when I was amputated.  
16 It was since then that I started depending on friends.

17 Q. And before that time what did you do for a living?

18 A. Before that time I was a businessman, but all my business  
19 items that I had, they were destroyed, so at present I do not  
15:26:12 20 have anything.

21 Q. Do you have some education?

22 A. Well, I went to school, but I stopped at the primary level,  
23 but I studied Arabic.

24 Q. When you say you went to school and you stopped at primary  
15:26:33 25 level, which school was this? Arabic school, or some other  
26 language school?

27 A. Arabic school.

28 Q. In which language did you study at primary level?

29 A. In Fullah.

1 Q. What languages do you speak?

2 A. I speak Fullah and Krio.

3 Q. Now, have you previously testified before the Special Court  
4 in any trial?

15:27:23 5 A. Yes, in Freetown. I had testified in the Special Court in  
6 Freetown.

7 Q. Am I right to say that that was in the case of the  
8 Prosecutor against Brima and Kamara and Kanu?

9 A. Yes.

15:27:46 10 Q. And is it right that you testified on 6 April 2005?

11 A. Yes.

12 Q. Have you recently had an opportunity to look at the  
13 transcript and review the transcript that was produced from your  
14 testimony that you gave in Freetown?

15:28:18 15 A. Yes, my lawyer read it out to me and he explained it to me.

16 Q. And where was this?

17 A. Here in the Hague and in Freetown as well. They read it  
18 out to me there.

19 Q. Can you explain how it was done?

15:28:40 20 A. Well, the way they did it was what I explained in the Court  
21 at that time was what they read out to me and then they explained  
22 it to me word for word.

23 Q. In which language was it read and in which language was it  
24 explained to you?

15:29:05 25 A. They read it in English and somebody translated it to me in  
26 Krio.

27 Q. Thank you. And do you wish to adopt the transcript from  
28 that trial as part of your testimony before this Court today?

29 A. Yes.

1 MR BANGURA: Your Honours, the transcript in question is,  
2 for CMS page numbering, number 20593 to 20616, 24 pages. May I  
3 have the assistance of Madam Court Manager, please.

4 Your Honour, the Prosecution wishes to apply that this  
15:31:04 5 document be marked for identification. The witness is not  
6 literate.

7 PRESIDING JUDGE: This is a 24 page document, a transcript  
8 of evidence adduced in the trial of Prosecutor v Brima and  
9 others, pages numbered 20593 to 20616. It becomes MFI-1.

15:31:45 10 MR BANGURA:

11 Q. Mr Witness, do you recall during the course of your  
12 testimony in Freetown whether any document was tendered in court  
13 by you?

14 A. Yes.

15:32:04 15 Q. Do you recall what that document was?

16 A. Yes, the document was my statement that I made at the  
17 Special Court.

18 Q. And do you wish that document to also be part of your  
19 testimony before this Court?

15:32:27 20 A. Yes.

21 MR BANGURA: Your Honours, the document in question is  
22 marked CMS page numbering 20618 through to 20625. It is eight  
23 pages. Can Madam Court Manager show it to counsel on the other  
24 side, please.

15:32:59 25 JUDGE SEBUTINDE: Mr Bangura, was this a prior exhibit or  
26 not?

27 MR BANGURA: Yes, your Honour, it was tendered as an  
28 exhibit in that trial.

29 JUDGE SEBUTINDE: Number?

1 MR BANGURA: It was exhibit D-3.

2 MR MUNYARD: D-3.

3 PRESIDING JUDGE: Just a moment. Does it have any sort of  
4 identifying mark, signature or something of that nature on it?

15:33:26 5 MR BANGURA: It does, your Honour.

6 PRESIDING JUDGE: Then I think the witness should identify  
7 it.

8 MR BANGURA:

9 Q. Mr Witness --

15:33:39 10 A. Yes, sir.

11 Q. -- just briefly look at that document, maybe leaf through  
12 the pages. Do you recognise your signature on that document  
13 anywhere?

14 A. Yes, yes. Yes, yes.

15:34:16 15 MR BANGURA: Your Honour, again respectfully I ask that the  
16 document be marked for identification.

17 PRESIDING JUDGE: Well, that is an eight page document and  
18 from where I see it is handwritten. It was originally tendered  
19 as an exhibit and entered as an exhibit D-3. It becomes MFI-5.

15:34:38 20 MR BANGURA:

21 Q. Mr Witness, after you testified before the Special Court in  
22 the case of Kamara - in the case of Brima, Kamara and Kanu, did  
23 you make other statements to the Office of the Prosecutor?

24 A. Yes.

15:35:08 25 Q. Do you recall how many statements you made after you had  
26 testified?

27 PRESIDING JUDGE: Just to be sure, this is after 6 April  
28 2005?

29 MR BANGURA: That is correct, your Honour.

1 THE WITNESS: Yes, I made another one. After we had made  
2 the first one, then the second one was as well made because I was  
3 invited to make another statement.

4 MR BANGURA:

15:35:38 5 Q. So you made two statements before to the Prosecutors - to  
6 the Office of the Prosecutor. Is that correct?

7 A. Yes, it was a continuations of the first statement I had  
8 made.

9 MR BANGURA: Thank you. Your Honours, the Prosecution  
15:35:58 10 refers to a document marked page CMS 20627 through to 20653.  
11 Both statements were annexed as one and they are 27 pages.

12 PRESIDING JUDGE: Well, if one was an exhibit in a trial,  
13 and the other was made after the trial, they couldn't really be  
14 put together, could they, or am I fully understanding you,

15:36:33 15 Mr Bangura?

16 MR BANGURA: I probably misspoke and used the word  
17 "exhibit", but they were not exhibited. We have dealt with the  
18 document, that was exhibited in the trial. These are both  
19 statements that were made after the trial, your Honour.

15:36:45 20 PRESIDING JUDGE: And you are seeking to put those - have  
21 those marked for identification?

22 MR BANGURA: Yes, that is correct, your Honour.

23 PRESIDING JUDGE: Well, let us go through the procedure.  
24 Please show them to counsel for the Defence.

15:36:56 25 MR BANGURA: Thank you.

26 JUDGE SEBUTINDE: Mr Bangura, you said they were annexed;  
27 annexed to what?

28 MR BANGURA: Your Honour, to the application that was made  
29 for this witness's testimony to be heard by the 92 bis procedure.

1           PRESIDING JUDGE: So these were the supplementary  
2 statements referred to in that application?

3           MR BANGURA: In that application, that is right, your  
4 Honour.

15:37:32 5           MR MUNYARD: Your Honours, at the front of this bundle is  
6 something called a witness ID form. It is a single page document  
7 and I am just holding it up so you can see. It is just the  
8 witness's personal details. I don't know why I haven't got a  
9 copy of it already. I am not asking for anything to be held up  
15:37:54 10 as a result of my not having it, but I wonder if we could arrange  
11 for me to have a copy of it?

12           PRESIDING JUDGE: Well, it would appear therefore, from  
13 what you say, that it was not part of the supplementary  
14 statement, if it was not part of the application - if you haven't  
15:38:09 15 seen it before.

16           MR MUNYARD: Well, I am not willing to go that far, because  
17 it is perfectly possible that in what was copied to me somebody  
18 has missed out a page, either at our end or at the other end. I  
19 just wanted to be clear what the Prosecution are putting in here  
15:38:27 20 is a typed version and a handwritten version of two additional  
21 statements. I had understood from what my learned friend was  
22 saying that it was just the handwritten version of the two  
23 statements that was going in. The reality is we have now got  
24 four statements: a typed version and a handwritten statement and  
15:38:54 25 then a typed version and another handwritten statement. I am  
26 willing to accept that everything else I have seen before.

27           JUDGE SEBUTINDE: Mr Bangura, to be clear, which of these  
28 documents was part of your 92 bis application?

29           MR BANGURA: Your Honour, all of the documents that the

1 Prosecution is now seeking to have marked for identification were  
2 part of that application. Your Honours, for --

3 PRESIDING JUDGE: If my calculation is correct, it is 27  
4 pages, Mr Bangura?

15:40:25 5 MR BANGURA: That is correct, your Honour.

6 PRESIDING JUDGE: Well, that is a 27 page document  
7 partially typed and partially handwritten, being a supplementary  
8 statements prepared in the course of the application under 92  
9 bis. It becomes MFI-6.

15:40:49 10 MR BANGURA: Thank you, your Honour.

11 MR MUNYARD: Your Honour, it is in fact two separate  
12 statements on two separate dates put together as one annex.

13 PRESIDING JUDGE: So I will amend that by saying it is  
14 partially typewritten and partially handwritten, being two  
15:41:04 15 statements which together are referred to as a supplementary  
16 statements under 92 bis.

17 MR BANGURA: That is correct, your Honour.

18 PRESIDING JUDGE: The first of those statements is dated 19  
19 March 2007 and the second is 23 May 2008.

15:41:40 20 MR BANGURA: That is correct, your Honour. Thank you, your  
21 Honour. Your Honour, for the benefit of my learned friend, I do  
22 have here a complete copy of the statements that have been marked  
23 for identification.

24 MR MUNYARD: I am very grateful. I only need the one cover  
15:42:19 25 page, and I don't care whether it is handwritten or typed, of the  
26 first supplementary statement dated 19 March 2007. If it is  
27 easier for my learned friend to give me a whole bundle I am happy  
28 to accept that. The only page I am missing is that one cover  
29 page.



1 MR BANGURA: Your Honour, given that the transcripts were  
2 actually filed confidentially, I will be asking the chamber to,  
3 when eventually we apply to have them admitted, to be kept  
4 confidentially. As well, there are two pages in the supplemental  
15:43:18 5 statements that do contain extensive information on the witness's  
6 personal details which I shall be asking the Chamber to also keep  
7 confidentially.

8 PRESIDING JUDGE: We will deal with that if and when it  
9 arises, Mr Bangura.

15:43:39 10 MR BANGURA: Thank you, your Honour. That will be all for  
11 the witness, thank you.

12 PRESIDING JUDGE: Mr Munyard?

13 MR MUNYARD: Madam President, can we deal with that now,  
14 please, because I want to ask the witness about some of his  
15:43:49 15 personal circumstances. I thought that he was giving evidence in  
16 this case completely openly.

17 PRESIDING JUDGE: Yes.

18 MR MUNYARD: And therefore, for these purposes just asking  
19 him questions, as I am about to, about his current personal  
15:44:04 20 circumstances, as I understand it there is no need to go into any  
21 kind of private or closed session. Can I be assisted on that?

22 PRESIDING JUDGE: Was the transcript in the previous trial  
23 filed confidentially? Was it a closed session?

24 MR BANGURA: It was an open session but, your Honour, let  
15:44:27 25 me just clarify it.

26 PRESIDING JUDGE: Because if it was open then there is no  
27 order of another court that we have to go behind.

28 MR BANGURA: Your Honour, let me just clarify; not that it  
29 was filed for the purposes of the 92 bis application

1 confidentially, I am not very clear.

2 PRESIDING JUDGE: Oh, I see.

3 JUDGE LUSSICK: The other thing, Mr Munyard, you are  
4 talking about sworn evidence today.

15:44:50 5 MR MUNYARD: Yes.

6 JUDGE LUSSICK: Whereas Mr Bangura is talking about a  
7 document marked confidential in a previous hearing.

8 MR MUNYARD: Yes, certainly. I think in the light of what  
9 you say, Justice Lussick, I think I am perfectly safe to proceed  
10 as I was proposing to do. I don't want to cause any anxiety on  
11 the bench opposite by the fact that I am going to ask open  
12 questions about personal details, so I will start now.

13 CROSS-EXAMINATION BY MR MUNYARD:

14 Q. Mr Bah, can you tell us first of all, you have just said  
15:45:23 15 that you --

16 PRESIDING JUDGE: Please pause, Mr Munyard. Mr Bangura is  
17 on his feet.

18 MR BANGURA: Thank you, your Honour. Your Honour, the  
19 transcripts were filed confidentially because - that is for the  
20 purposes of the 92 bis application - because they contained a  
21 statement by the witness, which has been exhibited now and which  
22 was an exhibit in that trial, and as well the cover sheet, which  
23 my learned friend was referring to just now and which I said that  
24 I would be asking this Court to keep confidentially, had all that  
15:45:37 25 information about the witness's background which was not elicited  
26 in the trial, in the AFRC case. All of that information, even  
27 though it was an open - he testified openly - but that  
28 information was not elicited as part of his testimony.

29 JUDGE SEBUTINDE: Then on what grounds do you now claim

1 confidentiality?

2 MR BANGURA: Your Honour, we simply say that it contains  
3 quite extensive detail about the witness and we think it is just  
4 not necessary for all of that detail to come out about the  
15:46:44 5 witness in open - unless counsel has some very strong reason for  
6 wanting to delve into that.

7 PRESIDING JUDGE: You have told us right at the beginning  
8 that he is rescinding any protective measures he had and that is  
9 a different - a moot question, but if he is giving his evidence  
15:47:03 10 in open court why are some parts confidential only because they  
11 refer to him? They can't - I don't see how it follows.

12 MR BANGURA: Your Honour, the position is that even when we  
13 had the witness indicating that he wishes to testify openly, your  
14 Honour, it is not to say that every bit of personal information  
15:47:29 15 about him has to be openly discussed in court and so to that  
16 extent we deem it necessary that matters to do with his - I mean  
17 so detailed about his personal background be kept confidentially.

18 PRESIDING JUDGE: Does that mean you are going to make -  
19 there is going to have to be an application for some of this to  
15:47:54 20 be adduced in a private session because if so you have not  
21 alerted us or Mr Munyard to that.

22 MR BANGURA: Your Honour, I believe counsel may be able to  
23 fashion his questions in a way that does not necessarily bring  
24 out a detail which particularly affects the witness's identity  
15:48:10 25 beyond the name and - beyond his name and I believe - his name.

26 JUDGE SEBUTINDE: Mr Bangura, I am looking at the  
27 supplemental statements that have been exhibited now, I forget  
28 the numbers, but these supplemental statements are not part of  
29 the testimony of this witness in the AFRC trial.

1 MR BANGURA: No.

2 JUDGE SEBUTINDE: And therefore, by no stretch of the  
3 imagination, do they enjoy protection. They are not privileged  
4 statements.

15:48:41 5 MR BANGURA: That is correct, your Honour.

6 JUDGE SEBUTINDE: So if you now ask the Court to even  
7 consider one of the pages privileged, under what authority do you  
8 want us to do that?

9 MR BANGURA: I do take the point, your Honour, but I just  
15:49:02 10 would like to - unless counsel considers it necessary to bring  
11 all of these facts out, I would like to --

12 JUDGE SEBUTINDE: Just answer my question, because we need  
13 to understand ourselves why a supplemental statement written or  
14 recorded in 2007 and 2008 would now be privileged before us. We  
15:49:27 15 need to understand why or how.

16 MR BANGURA: Your Honour, it is not covered by any previous  
17 decision or any order by this Court at all and I do agree that it  
18 is not privileged - it should not be privileged unless an  
19 application is made for that now and this Court so orders. So it  
15:49:45 20 is not at this stage and I take the point that it is not  
21 privileged information.

22 But what I am saying, your Honour, is that given that the  
23 witness - he has indicated that he wishes to testify openly, but  
24 we say that some of this material may not necessarily and need  
15:50:08 25 not necessarily be brought out in open session and could be  
26 properly dealt with, if counsel so wishes, in the manner in which  
27 he fashions his questions without necessarily bringing all of  
28 this out, because --

29 PRESIDING JUDGE: I don't know how strong Mr Munyard is on

1 telepathy or how he is going to work out which is which.

2 MR MUNYARD: I am quite good on telepathy, your Honour.

3 PRESIDING JUDGE: Then you must know what you are going to  
4 fashion.

15:50:37 5 JUSTICE SEBUTINDE: Mr Bangura, seriously, this is a public  
6 trial, it is an open session and the accused person has a right  
7 to a fair and public and open trial. These particular documents  
8 fall within that ambit. It is not up to you or even to the Bench  
9 to decide to pick and choose which of these unprivileged  
10 documents should not come out in the public. I think the norm is  
11 that they are public documents unless and until there is a  
12 specific court order for protection, which there isn't in this  
13 case.

14 MR BANGURA: I do recognise that fact, your Honour. It up  
15:51:20 15 to counsel to conduct his cross-examination as he wishes.

16 PRESIDING JUDGE: Mr Munyard?

17 MR MUNYARD:

18 Q. Mr Bah, I am going to ask you a few questions from over  
19 here. If I ask you something that you don't understand, will you  
15:51:35 20 let me know so that I can ask it again in a different way that  
21 might be clearer to you.

22 A. Okay.

23 Q. Thank you. You told us this afternoon that you are 55  
24 years of age and that you were born in the eastern part of  
15:51:56 25 Freetown in Kissy. Do you remember what year you were born?

26 A. Yes, I was born on 1 February 1948.

27 Q. Right. Now by my mathematics that made you 60 this year,  
28 do you agree?

29 A. No, I am 55 years.

1 Q. All right. But you were born on 1 February 1948. Is that  
2 correct?

3 A. Yes.

15:52:40

4 Q. All right. Very well. I am asking you these questions  
5 because as well as being interviewed on a number of occasions  
6 before you gave evidence in the trial in Freetown, you have also  
7 given two further statements since then and the Prosecution have  
8 put those statements before this Court. One of them is dated 19  
9 March 2007 and attached to the front of that one is something  
10 called a Witness ID Form, which means, I presume, witness  
11 identification form, and there is a series of pieces of  
12 information on that form such as your family name, your first  
13 name, your mother's name, your wife's name and so on.

15:53:13

14 And I just want to know can you remember last year when you  
15 were asked some questions and signed a statement, can you  
16 remember being asked to give some personal details to the - well,  
17 I don't know who it is. To the investigator or the lawyer who  
18 took that statement from you?

15:53:42

19 A. I don't recall. I would like you to jog your memory,  
20 because I am not actually getting the point that you are making.

15:54:16

21 Q. Certainly. I will try and jog your memory. I have now  
22 found that you were interviewed on 19 March 2007 by an  
23 investigator called Prince Sannoh and an interpreter called Janet  
24 Tommy. Do you remember being interviewed by those two people?

15:54:40

25 A. Yes.

26 Q. And do you remember before the interview presumably being  
27 asked to give them all sorts of personal details such as your  
28 name, your date of birth, your father's name and so on?

29 A. Yes, I recall.

- 1 Q. Thank you. Right. And you have given your name, according  
2 to this form, as Mohamed Bah. I don't need to at this stage ask  
3 you in great detail about the contents of that form, but is - you  
4 say that you were divorced. You originally had two wives and one  
15:55:30 5 of them has now --
- 6 A. Yes.
- 7 Q. You are now divorced from one of them. Is that right?
- 8 A. Yes.
- 9 Q. And you say you now just have the one wife. Is that right?
- 15:55:42 10 A. Yes, it is only one wife that I have now. That is correct.
- 11 Q. All right. And how long have you been married to your  
12 current wife?
- 13 A. Well, we have been together for about 10/15 years now.
- 14 Q. Yes, many men can't remember either how long they have been  
15:56:10 15 married or particularly the date on which they got married, but  
16 this wife you were married to at the time you were interviewed in  
17 March of last year. Is that correct?
- 18 A. In March last year?
- 19 Q. No, when you were interviewed in March last year you were  
15:56:28 20 already long married to this long wife that you currently have,  
21 yes?
- 22 A. Yes.
- 23 Q. Now, is her first name the same first name as your mother's  
24 name?
- 15:56:45 25 A. Yes.
- 26 Q. By chance your mother and your present wife happen to have  
27 the same first name. Is that right?
- 28 A. Yes.
- 29 Q. Right. I'm just checking what's on the form without

1 necessarily revealing names that don't have to be in the public  
2 domain.

3 A. Yes, my mother and my wife are having the same name.

4 Q. Right. Don't worry, I am moving off that.

15:57:26 5 A. Okay.

6 Q. When you were giving these details you gave your current  
7 occupation as nil and your conflict occupation as business. In  
8 other words, before the terrible events that happened to you in  
9 early 1999 you were a businessman, yes?

15:57:49 10 A. Yes, I was doing business before this thing happened to me.

11 Q. Right. And you have not been able to earn anything since  
12 this thing happened to you?

13 A. Not at all.

14 Q. Right, thank you. Well, I would like to look at some of  
15:58:14 15 what is in that statement of 19 March 2007. I will ask you first  
16 of all to see if you can did you - do you remember saying to the  
17 investigator and Ms Tommy, the interpreter, that because of what  
18 happened to you you no longer earned money as you had no  
19 employment. You have no money, no house and no job. Do you  
15:58:59 20 remember saying that to the investigators last year?

21 A. Yes, I told them that I was not earning money because I was  
22 not employed and I had no business that I was doing.

23 Q. Right. Now --

24 A. I live basically on my friends.

15:59:18 25 Q. Yes. They wrote down everything that they asked you and  
26 everything that you replied and you signed at the bottom of each  
27 page of the statement. Do you remember doing that?

28 A. Yes, I signed on all of my statements.

29 Q. Well, what name do you sign when you put your signature at



1 the bottom of a page?

2 A. I can sign "S Bah".

3 Q. And why is that?

4 A. That is usually what I sign wherever I sign.

16:00:02 5 Q. Yes, but what does the "S" stand for?

6 A. The "S", I am Sampson, so that is Mohamed Sampson Bah.

7 Q. Right. On this particular document you have signed  
8 "Mohamed Bah", or rather we see the name "Mohamed Bah". Can I  
9 just hand you my copy of that interview and can you tell us

16:00:34 10 whether that is your signature at the bottom or has somebody else  
11 put that there. Thank you, Madam Court Officer. If you look at  
12 the bottom of each page there, Mr Bah, do you see "Mohamed Bah"  
13 at the bottom of each page?

14 A. Yes, I have seen it.

16:00:56 15 Q. Is that your handwriting or somebody else's?

16 A. Well, this one it could be - uh-huh. The only difference  
17 is the "S" that is not in the middle of it, but it's my name.

18 Q. It's your name, but what I want to know is did you actually  
19 write that "Mohamed Bah" at the bottom of each page of the  
16:01:46 20 statement?

21 A. This signature, no.

22 Q. No. Well, Madam Court Officer, could you show the witness  
23 the last page which is the final part of that first statement of  
24 March 2007 which contains the declaration of truth and there is a  
16:02:15 25 box that has to be filled in with your name as the witness and  
26 then underneath that there is a space for your signature, the  
27 name and signature of the investigator and of the interpreter?

28 A. Yes.

29 Q. And your signature is "S Bah", isn't it?

1 A. Yes, I have seen the "S Bah" and then I have seen "Mohamed  
2 Bah" also. Usually the person who wrote would make that mistake,  
3 but this one, I am the one who signed this one. Where you saw "S  
4 Bah" that is my signature always.

16:02:55 5 Q. Exactly. So somebody else has filled in your name in the  
6 box where it says "Mohamed Bah" and then you have signed it in  
7 your usual way and indeed in your own handwriting "S Bah" at the  
8 bottom, is that right?

9 A. That is my handwriting myself, yes.

16:03:19 10 Q. Your handwriting is the signature only, yes?

11 A. Just the signature. I only sign.

12 Q. All right. Thank you, Madam Court Officer. I am - just to  
13 make this point even clearer, I am going to hand you a copy of  
14 the second supplementary statement, the handwritten version of  
16:03:41 15 it, and on that one do we see at the foot of each page - this is  
16 a statement dated 23 May of this year - do we see your initials  
17 "MSB" at the bottom of each page?

18 A. Yes, I have seen it.

19 Q. In that instance that is your signature, isn't it, or you  
16:04:17 20 have put those initials there, haven't you?

21 A. Yes, I have seen the "MS Bah".

22 Q. You have seen it, but is it you who put it there?

23 A. Yes.

24 Q. Thank you. At the very end, on the last page of that,  
16:04:34 25 would you like to have a look at the last page?

26 A. Yes, I have seen it. I have seen the "MS Bah" and I have  
27 seen the "Mohamed S Bah" - sorry "MS Bah". Usually I do this --

28 Q. [Overlapping speakers] Mr Bah, on that last page where it  
29 says "signature" we can see the very signature that you told us

1 you normally sign before we ever looked at these documents,  
2 namely S Bah, yes?

3 A. Yes, that S Bah, always that is how I sign.

4 Q. So these two statements were read back to you, one in May  
16:05:29 5 or March of last year and the one in the May of this year, you  
6 were asked to put your initials at the foot of each page on the  
7 one in May of this year and sign at the end, but somebody else  
8 has put your name on the foot of each page of the one in March of  
9 last year. Do we agree?

16:05:57 10 A. This MS Bah, there are times I will do it on my own like  
11 this, because the initial is part of my name.

12 Q. Yes, we understand that. If I can just have that back.

13 A. I don't know if you want to ask again.

14 Q. No, I am content with what you have told us. Thank you.  
16:06:19 15 Now, you signed the declaration at the end of these documents  
16 after the contents of the documents were read back to you, I  
17 presume, is that right?

18 A. Yes.

19 Q. Read back to you presumably so that you could make sure  
16:06:43 20 that everything they had written down they had written down  
21 correctly, yes?

22 A. Yes, they read it back to me.

23 Q. Now, if we look at the last page of the interview of March  
24 - the statement of March of 2007, you were asked a question -  
16:08:11 25 yes. Unfortunately, the pages aren't numbered at the bottom, but  
26 for the benefit of my learned friend I am looking at page 20639,  
27 the CMS numbering at the top. You are asked a question, "How  
28 were you regarded in the community by your spouse friends before  
29 these crimes were committed and how is it different now?" And

1 the answer that is recorded is, "I was in good relationship with  
2 my wife and friends, tight interaction, best of friends with  
3 family members in my community before these crimes were  
4 committed. I used to be the breadwinner in my family, but now  
16:08:56 5 that is all lost - now that all is lost I have no wife, minority  
6 friends and now regarded as a beggar in my community." Is that  
7 what you told them in March of last year, that you have no wife?  
8 A. Yes, because my wife left me. After I had this problem,  
9 she was away, and I am now with my children because of the state  
16:09:38 10 in which I was, and I am not earning anything to maintain my  
11 home, except I go to friends. It is friends who help me to  
12 maintain my home.

13 Q. Mr Bah, I asked you at the start of these questions if your  
14 wife of ten to 15 years was your wife at the time you gave this  
16:10:02 15 statement and you said yes. Do you remember saying yes?

16 A. Yes, I can recall saying yes. We were together, but no  
17 matter how you would want - how much you would want to keep  
18 somebody home, if you don't have something to keep her home to  
19 maintain her then - I am not earning anything.

16:10:35 20 Q. Mr Bah, you have told this Court before I ever asked you  
21 any questions that previously you had two wives and now you are  
22 down to one; now being --

23 A. Yes.

24 Q. -- 22nd October 2008, that is today.

16:10:55 25 A. Yes, you were talking about wives. Which of the wives are  
26 you referring to? The one - the one that I - that we divorced or  
27 the one that is around me? Which one are you referring to? I am  
28 talking about the present one, not the one that had gone.

29 Q. You told my learned friend Mr Bangura opposite that you

1 have only one wife. You told me that that wife you have been  
2 married to for - hang on a minute?

3 PRESIDING JUDGE: Mr Witness --

4 MR MUNYARD:

16:11:32 5 Q. That wife you have been married to for ten to 15 years but  
6 in March of last year you told the Prosecutors "I have no wife".  
7 First of all, which version is the truth? Do you have no wife or  
8 do you have one wife?

9 A. I have one wife.

16:11:55 10 Q. So what appears in that statement of March of 2007 is  
11 wrong, isn't it, where it says "I have no wife"? That is not  
12 true, is it?

13 A. Well, during that time that the statement was taken from me  
14 we have - there was a problem between the two of us and we  
16:12:22 15 separated, and that was why I said that.

16 Q. So why didn't you explain that when I first started asking  
17 you about this particular passage in the statement?

18 A. It is now that I have recalled it. That is why I have  
19 explained it.

16:12:45 20 Q. Also in that same statement - it is actually a series of  
21 questions and answers - you say, "I no longer earn money as  
22 before. No employment "and then later on "No money, no house, no  
23 job". Is that true? Have you earned no money at all since 1999?

24 A. How would I earn money when I am not working - when I am  
16:13:17 25 not employed? How do you expect me? What way would I earn  
26 money?

27 MR MUNYARD: Madam Court Officer, I wonder if we could put  
28 some other documents on the screen, please. I am going to hand  
29 you a number and I will just ask you to deal with one at a time,

1 to save you walking backwards and forwards:

2 Q. Now Mr Bah, do you see the first document on the screen and  
3 I am going to read it out to you because am I right in thinking  
4 that you don't read English, or do you read English?

16:14:10 5 A. I cannot read.

6 Q. I will read it out to you and if I read it wrongly in any  
7 way rest assured that I will be corrected by probably more than  
8 one person in this courtroom. I am going to read out the  
9 contents of box number 3 and, Madam Court Officer, if you could

16:14:30 10 just move the screen down a little, thank you. I have  
11 highlighted in yellow the part I am concerned with. On  
12 Wednesday, March 31, 2004, in other words before you gave  
13 evidence in the AFRC trial, you went to a meeting at the Special  
14 Court and you were paid 10,000 Leones for transport/lost wages.

16:15:01 15 Had you lost any wages by going to see the Prosecutors at the  
16 Special Court in March of 2004?

17 A. What?

18 Q. Yes or no, Mr Bah?

19 A. How could they pay me at the Special Court when I was not  
16:15:33 20 working? They gave me money for transportation fare.

21 MR MUNYARD: Madam Court Officer, if you could then put on  
22 the screen the next page that has yellow highlighting. I have  
23 given you the whole bundle. Not all the pages have yellow  
24 highlighting. Thank you:

16:15:55 25 Q. On Monday March 19th 2007, which happens to be the date  
26 that you gave the statement we have just been looking at, you  
27 were given 20,000 Leones for lost wages/transport. Had you lost  
28 any wages in March of 2007 because you went to give a statement  
29 to the Prosecutors at the Special Court? Yes or no.

1 A. No. This I want to clarify. I want to respond to this one  
2 before you go further. They gave me money for food and transport  
3 costs.

4 Q. We don't see any reference there to food. You say you got  
16:16:43 5 it for food and transport?

6 A. It was for food and transport costs that they gave the  
7 money to me.

8 Q. I think there is no more on that page, but then the next  
9 one that has got highlighted, on January 16th this year a meeting  
16:17:05 10 with the Prosecution, this time you are paid 30,000 Leones for  
11 transport and lost wages. We started with 10,000, then we went  
12 to 20,000 and now we are on 30,000 for transport and lost wages.  
13 Did you lose any wages in January this year because of going to a  
14 meeting with the Prosecution? Yes or no.

16:17:31 15 A. How could I lose wages when I wasn't working? How could I  
16 lose wages when I wasn't working? That is the question that I am  
17 asking you.

18 Q. I am here to ask rather than answer questions, Mr Bah. The  
19 next box, please, same page, thank you. On Friday, 23 May 2008,  
16:17:56 20 which is the day you went to give another statement to the  
21 Prosecution, you are paid another 30,000 Leones for  
22 transport/lost wages. The same question, please, yes or no. Had  
23 you lost any wages that day because of going to be interviewed by  
24 the Prosecution?

16:18:24 25 A. No. How could I lose any wage when I was not working?  
26 This is what I am telling you. That was not what obtained, okay?

27 Q. Now, Mr Bah, between 2004, I think it was, and 2008, these  
28 pages we have been looking at, were you always living in the same  
29 part of Freetown?

1 A. I have been at the same place even now.

2 Q. Right, thank you. And so if they were paying you just for  
3 transport, then presumably it would cost you the same amount to  
4 travel in to see the Prosecution and back home again each time.

16:19:13 5 Is that right?

6 A. Well, I don't think that I was paid. They gave me money  
7 for transportation costs and what I would use for food, because I  
8 have seven children, so I was suffering, so they gave me that.

9 That was what I used to maintain my family. From the

16:19:40 10 transportation cost and the food that they gave to me, that was  
11 what I used to maintain my family.

12 Q. Right. So how much would it cost to go from where you were  
13 living into the Special Court and then home again? How much  
14 would that cost you in transport?

16:20:01 15 A. Sometimes I would use three transports, because where I am  
16 you will not get a vehicle - a public transport - straight to the  
17 Special Court. There are times I will use three different types  
18 of transportation.

19 Q. Just give us a rough idea of --

16:20:22 20 A. In fact normally I used three different types of  
21 transportation. I used three transports, because of the traffic  
22 jam.

23 Q. Mr Bah, I don't want to cut you short, I just want to try  
24 and move on. Roughly how much would it cost, a round trip from  
16:20:39 25 home to the Special Court and back again?

26 A. Most likely I would pay around 10,000 leones.

27 Q. Right, very well. So the rest of it - the other 20,000 on  
28 these two occasions we can see on the screen - the Prosecution  
29 were giving to you for your agreeing to assist them, yes?



1 A. No, that was not what obtained.

2 Q. What were they giving it to you for, because it's three  
3 times the cost of your transport? What else were they giving it  
4 to you for?

16:21:28 5 A. I have told you. I have responded to this question. I  
6 said it was for my food and transportation cost. That was all  
7 inclusive in the money that they gave to me. I don't think I  
8 have anything further to say to you other than what I have told  
9 you already. And if you want to confuse me to say what I don't  
16:21:50 10 intend to say, no, I will not say so. I have already responded  
11 to your question. I don't think I will say anything besides what  
12 I have said already. The money was meant for food and  
13 transportation costs and that was an assistance to me for me to  
14 be able to return. They were not paying me.

16:22:07 15 Q. Mr Bah, it may be the language that I am using, but you --

16 A. No, I am hearing what you are saying and I am saying the  
17 truth here. I cannot tell you lies here.

18 PRESIDING JUDGE: Mr Witness, let counsel finish his  
19 question before you answer, please.

16:22:28 20 MR MUNYARD:

21 Q. I am not suggesting you are lying. I am suggesting that  
22 you are making it perfectly clear that the Prosecution were  
23 giving you rather more than the expenses you had actually  
24 incurred in going to see them. Now you told us that this money  
16:22:42 25 was being given to you partly for transport and partly to support  
26 your family. That's right, isn't it?

27 A. They used to give me transportation cost and even for my  
28 food. I wouldn't want you to misquote me. I told you that it  
29 was transportation cost and what they gave to me was food, that

1 is the lunch that I was supposed to have. But I used it some  
2 other way because I used it now for food at home. So I wouldn't  
3 have lunch. I would take that money home so I would have food at  
4 home. I think I have given you the correct answer and I think it  
16:23:31 5 is enough.

6 Q. Mr Bah, I am not criticising you in any way. I am simply  
7 trying to understand whether the money that you were given is a  
8 true reflection of the actual expenses you incurred or were they  
9 giving you more than the actual expenses you incurred? Do you  
16:23:51 10 understand? I am not criticising you.

11 A. No, that is what you are about to do, because even when I  
12 have tried my level best to explain you are still saying that is  
13 not it.

14 Q. Next page, please. Thank you. Now, here on 9 October this  
16:24:17 15 year you went to see the Prosecution presumably at the Special  
16 Court to talk about your journey to The Hague. Do you remember  
17 doing that?

18 A. Yes.

19 Q. And they gave you 35,000 leones for transport, lost wages  
16:24:38 20 and communication?

21 A. No, they gave that to me for transport, food and to  
22 communicate, for me to buy credit card - to buy credit for my  
23 phone so I will call them if I want to call them. Yes, yes.

24 Q. Thank you, no lost wages then. Then the next and final  
16:25:07 25 box, on 14 October, five days later, again you went to have  
26 another meeting with them to discuss travel to The Hague and this  
27 time it is made absolutely clear you are paid 20,000 leones for  
28 lost wages and transportation?

29 A. This lost wages thing is what I want you to withdraw. It

1 was not lost wages. They gave me 20,000 leones. It was for food  
2 and for - because those things are expensive.

3 MR MUNYARD: So actually I should - I am so sorry, I should  
4 have put just one other of those on the screen for the sake of  
16:26:08 5 completeness. It is the bottom box on that page, Madam Court  
6 Officer:

7 Q. Can I just show you that one. That is 6 August 2007. Now,  
8 you had already given them a statement in March of 2007 and the  
9 next time you give a statement is May of 2008. In the meantime  
16:26:34 10 you go to see them on 6 August 2007 and you get 20,000 leones  
11 there for transport/meals and it says, "Transportation to/from  
12 SCSL and meals". So when they are paying you for meals they say  
13 so on the document. Do you understand?

14 I appreciate, Mr Bah, that you can't read it, but what I am  
16:27:07 15 reading out, I hope accurately, what is written there and when  
16 they have paid you for meals they have said so in writing on the  
17 document.

18 A. Yes, it was for food. That one is correct.

19 MR MUNYARD: Thank you. Madam President, I am moving on.

16:27:29 20 PRESIDING JUDGE: If this is a convenient point we have  
21 been alerted there is only a half a minute left.

22 MR MUNYARD: Yes, it is thank you.

23 PRESIDING JUDGE: Mr Witness, it is now time for us to  
24 close for the day. We will be resuming court tomorrow morning at  
16:27:42 25 9.30. I must tell you that now that you have taken the oath to  
26 tell the truth you must not discuss your evidence with any other  
27 person until it is all finished. Do you understand? Thank you.  
28 Please adjourn Court until tomorrow at 9.30.

29 [Whereupon the hearing adjourned at 4.30 p.m.]

1 to be reconvened on Thursday, 23 October 2008  
2 at 9.30 a.m. ]  
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## I N D E X

### WITNESSES FOR THE PROSECUTION:

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### EXHIBITS:

Exhibit P-205A and P-205B admitted	18966
Exhibit D-71 admitted	18966
Exhibit P-206 admitted	18981