



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 23 OCTOBER 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Sidney Thompson

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Alain Werner
Ms Julia Baly
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Thursday, 23 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:12 5 PRESIDING JUDGE: Good morning. Mr Bangura, I note some
6 changes of appearance.

7 MR BANGURA: Good morning, Madam President. Good morning,
8 your Honours and counsel opposite. Your Honours, for the
9 Prosecution this morning Ms Brenda J Hollis, Ms Julia Baly,
09:29:39 10 myself Mohamed A Bangura, Mr Alain Werner and Ms Maja Dimitrova.
11 Thank you, your Honours.

12 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard.

13 MR MUNYARD: Good morning, Madam President, your Honours,
14 counsel opposite. For the Defence this morning myself Terry
09:29:55 15 Munyard, Morris Anyah and Piers Von Berg.

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

19 THE WITNESS: Good morning, ma'am.

09:30:16 20 PRESIDING JUDGE: I want to remind you that yesterday you
21 took the oath to tell the truth. That oath continues to be
22 binding on you and you should answer questions truthfully. Do
23 you understand?

24 THE WITNESS: Yes.

09:30:31 25 WITNESS: MOHAMED SAMPSON BAH [On former oath]

26 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

27 Q. Mr Bah, yesterday we looking at some documents that set out
28 your personal circumstances and also the money that you received
29 from the Prosecution. It's right, isn't it, that you've also

1 received quite a lot of money from the Witness and Victims
2 Section of the Court itself?

3 A. Yes, I received money, but that was just some amount of
4 money, a small amount, and that was meant for transportation fare
09:31:48 5 and food.

6 Q. That's from the Prosecution. You've also received money,
7 have you not, from the Witness and Victims Section of the Court?

8 A. Yes, I received money from them, but I'm still telling you
9 that was meant for transportation cost and food.

09:32:18 10 Q. And medical allowance and so on, medical treatment?

11 A. I don't recall that one.

12 Q. Well, I'm not going to spend any great amount of time on
13 it, but if I suggested to you that by Monday of this week you had
14 received from the Witness and Victims Section alone nearly -

09:32:52 15 close to 2 million leones since 25 June 2004 for attendance
16 allowance, transportation, medical bills and miscellaneous other
17 expenses you wouldn't dispute that, would you?

18 A. No, I wouldn't dispute that.

19 Q. Thank you. Right, I want to move on now, please, to
09:33:29 20 another issue. You gave an account - a full account to
21 Prosecution investigators back in February of 2003 which this
22 Court has a copy of and on that occasion do you agree that you
23 never mentioned hearing any of the rebels speaking with Liberian
24 accents? Would you agree with that?

09:34:02 25 A. No. I heard rebels talking as Liberians.

26 Q. Now, I don't want to confuse you in any way. What I'm
27 asking you about is not - at this stage I'm not asking you about
28 what you saw or heard, I am simply trying to understand what you
29 told the Prosecution at different stages when you've been seen by

1 them. Do you follow?

2 A. Yes, I do follow.

3 Q. Now, I have the statement in front of me, both the
4 handwritten notes taken by the investigators at the time and the
09:34:46 5 typed version of that, and the handwritten notes are signed by
6 you in your own signature "S Bah" at the foot of each page?

7 A. Yes.

8 Q. And you gave a long account then of all the things that
9 happened to you in January 1999, didn't you?

09:35:12 10 A. Yes, yes.

11 Q. The first time you were seen?

12 A. Yes, yes.

13 Q. Thank you. And there is nothing in that account about any
14 of the rebels speaking with Liberian accents. Do you agree that
09:35:27 15 you didn't say anything about rebels speaking with Liberian
16 accents when you were first seen by the Prosecution in February
17 2003?

18 A. Mm.

19 Q. Does that mean yes, you agree?

09:35:50 20 A. Yes. No. Yes.

21 Q. Right. We now have yes, no and yes. Do you agree, Mr Bah,
22 that in the first full account you gave to the Prosecution of
23 everything that happened to you, everything you saw and heard in
24 January of 1999 in Freetown, Kissy, that you never mentioned
09:36:16 25 hearing rebels speaking with Liberian accents?

26 A. The first statement that was obtained from me when they
27 came to my house, yes, I do remember that it was during the
28 second occasion when they went to me that I recalled that I met
29 with those men in the area where they were speaking Liberian

1 Language. They were in a white jeep.

2 Q. When is it that you say you first told the Prosecution
3 about these men in a white jeep speaking in the Liberian
4 language?

09:37:09 5 A. Well, I can recall that that particular expression is in my
6 story, that yes, I saw those people and they were speaking
7 Liberian language.

8 Q. Mr Bah, I don't want to confuse you in any way. May I make
9 it clear I'm not asking you at the moment what you saw and heard.

09:37:38 10 I'm asking you what you told the Prosecution you had seen and
11 heard. Do you understand the difference? I'm not asking you
12 about the story, I'm asking you about what parts of the story you
13 told the Prosecution?

14 A. Yes. I told the Prosecution, the people who went to me,
09:38:04 15 that I saw some Liberians as well who were speaking a Liberian
16 language.

17 Q. When did you first tell the Prosecution that particular
18 fact?

19 A. I don't recall.

09:38:26 20 Q. If I suggested that the first time you ever mention it is
21 late May this year, when this trial is already five months
22 running, would you agree with that?

23 A. Five, no.

24 Q. I don't want to - I think I might have confused you there.

09:38:51 25 Mr Bah, if I suggest that the first time you ever tell the
26 Prosecution anything about rebels speaking Liberian English is on
27 23 May this year would you agree with that?

28 A. 23 May this year, no.

29 Q. All right. When do you say you told the Prosecution for

1 the first time that you had heard rebels speaking Liberian?

2 A. I don't remember the date but I do know that I told them
3 that, that I saw rebels and heard them talking a Liberian
4 language.

09:39:38 5 Q. When did you arrive in The Hague? How long ago?

6 A. I think it's about four or five days, thereabouts.

7 Q. Have you seen anyone from the Prosecution in that time
8 before you came into court to give your evidence yesterday?

9 A. Yes, I saw the lawyer, my lawyer. I saw that lawyer.

09:40:26 10 Q. Which one is your lawyer?

11 A. He is on my right hand.

12 Q. Right. Is it Mr Bangura, the gentleman who was asking you
13 questions before I got up to ask you questions?

14 A. Yes.

09:40:43 15 Q. And did Mr Bangura take you through all the different
16 accounts that you have given to the Prosecution since February
17 2003 and indeed the evidence you gave in a court in Freetown in a
18 previous trial?

19 A. Yes.

09:41:02 20 Q. And did he go through line by line all the various sets of
21 interview notes and evidence that you'd given so as to help you
22 remember what you'd said previously?

23 A. Yes. Yes, they did.

24 Q. And so he will have gone through the account you gave on 23
09:41:32 25 May this year in which you mention Liberian speaking rebels in a
26 white jeep. Is that right?

27 A. Yes.

28 Q. That, I suggest, is the first time you ever mention
29 Liberian speaking rebels in any of the accounts that you gave to

1 the Prosecution or indeed any of the evidence that you gave in
2 the other trial in the Court in Freetown. Do you accept that?

3 A. No, I had said that long time ago.

4 Q. Well, I'm not going to go through your first account
09:42:24 5 because the Court has it. It's exhibit D-3, for the benefit of
6 the Court and my learned friends. There's nothing in there, in
7 February of 2003, about rebels speaking Liberian in a white jeep.
8 Then you were seen again on 31 March 2004 and on that date you
9 were seen by a lawyer called Paul Flynn. Do you remember being
09:43:05 10 seen by Mr Flynn? Four and a half years ago now, but can you
11 recall he came along and took you through your original statement
12 of February 2003? Do you remember that?

13 A. Paul Flynn?

14 Q. Yes, does that name ring any bells to you?

09:43:35 15 A. Well, I don't recall anymore.

16 MR MUNYARD: All right. I'm going to ask Madam Court
17 Officer if you'd just put this very short document on the screen:

18 Q. Now, Mr Bah, I'm going to read it out and bear in mind
19 again, please, that if I read out anything that's wrong from any
09:44:12 20 of these documents somebody in court will correct me. This is a
21 document from this Court and it's a document that's title is
22 "Interview notes". You are the person being interviewed, the
23 date is 31 March 2004, the location of the interview was at the
24 Special Court in Freetown and the language used was English and
09:44:39 25 the person who conducted the exercise with you was counsel Paul
26 Flynn. That's to say a gentleman who was a lawyer with the
27 Prosecution. And what it says here is:

28 "The witness confirmed his previous statement" - that is to
29 say the account you gave in February 2003 - "and did not wish to

1 make any alterations or alterations" - again another
2 typographical error that presumably means additions - "apart from
3 pointing out that he found his wife alive."

09:45:24 4 In other words, on 31 March 2004, a lawyer from the
5 Prosecution took you through your original account and you made
6 one alteration to it. Now, you didn't say to him then, "They've
7 missed out the fact that I heard some of these rebels in a white
8 jeep speaking in the Liberian language." Do you agree?

09:45:59 9 A. No, I don't agree because I told them right from the
10 beginning. Maybe they made a mistake, but I explained to them
11 that I saw two rebels that were Liberians.

12 Q. Two rebels that were Liberians?

13 A. Well, those rebels were speaking a Liberian language. They
14 were in a white jeep.

09:46:21 15 Q. Two rebels in number?

16 A. Yes, they were two in the jeep.

17 Q. Thank you. We'll move off from that document now, please.

18 The next time you gave an account was in February of 2005. On
19 two different dates in February 2005 you were seen by another
09:47:18 20 lawyer from the Prosecution, a lady called Sharan Parmar. Can
21 you remember Sharan Parmar?

22 A. Yes.

23 Q. I think she later on was your lawyer in court, wasn't she,
24 in the other case?

09:47:43 25 A. Yes.

26 Q. And in February 2005, on two separate dates, she took you
27 through your account and you provided additional information
28 including describing some of the rebels. Do you agree that you
29 gave her some additional information in February 2005?

1 A. Yes.

2 Q. Describing what rebels were wearing --

3 JUDGE SEBUTINDE: The witness said yes and then no.

4 Mr Interpreter, did you hear the "no"?

09:48:36 5 THE INTERPRETER: No, your Honours, he only said mmm.

6 JUDGE SEBUTINDE: Yes, but he shook his head. I saw it.

7 Perhaps you can ask it again.

8 MR MUNYARD: I'll deal with this inherently contradictory
9 answer in that case, your Honour.

09:48:52 10 JUDGE LUSSICK: Before you do, Mr Munyard, Mr Witness,
11 shaking your head and making grunting sounds is not answering a
12 question in a proper manner. If you agree say yes, if you don't
13 agree say no.

14 MR MUNYARD:

09:49:07 15 Q. And Mr Bah, can I add to that you will be able to leave
16 here more quickly if you just give a straightforward answer. Do
17 you understand? We won't need to spend so much time finding out
18 what you meant by an answer that contains both yes and no. Do
19 you agree that you gave Ms Parmar more information by way of a
09:49:34 20 description of some of the rebels that you had seen when she took
21 further accounts from you in February of 2005?

22 A. Yes.

23 Q. And do you remember telling her something about different
24 rebels that you came into contact with in January of 1999
09:50:00 25 including telling her that some of them were soldier men wearing
26 trousers and boots. Can you remember telling her that?

27 A. Yes.

28 Q. And talking about some of them having that kind of clothing
29 on but most of them having combat uniform? Do you remember

1 telling her that?

2 A. Yes.

3 Q. And you never mentioned anything on those two days in
4 February 2005 about seeing two rebels in a jeep who were speaking
09:50:43 5 the Liberian language. Do you agree?

6 A. No, I said it.

7 Q. So you told her in February of 2005, as well as having told
8 investigators previously in 2003 and 2004, is that what you're
9 saying now?

09:51:06 10 A. I told them that, yes.

11 Q. Each time you were seen you told them that?

12 A. I used to tell them that. Really, I can recall. I did.

13 Q. And do you understand that I am reading from documents that
14 are an account of your interview that have been supplied to us by
09:51:36 15 the people you see as your lawyers, they also have these
16 documents, and if I'm putting something to you about them that is
17 wrong they are duty bound to stand up and point out my error. Do
18 you understand that, Mr Bah?

19 A. I understand that, but regarding the Liberian rebels I said
09:51:59 20 that, and I know the area where I saw them.

21 Q. And you didn't mention the Liberian rebels when you gave
22 evidence in court in the previous trial, did you?

23 A. I mentioned everything that I know I had witnessed.

24 Q. Right. Well, the Court has the transcript of that evidence
09:52:37 25 and I'm not going to spend any more time on that. Now we move on
26 then - I should just make it clear, Mr Bah, that you gave that
27 evidence in April of 2005.

28 A. 2005? Well, it was according to the way the court officers
29 were visiting me. It was within that same line that I gave them

1 my statement. They did not just come like that.

2 THE INTERPRETER: Your Honours, the witness's answer is
3 really confusing. Can he kindly repeat.

09:53:23

4 PRESIDING JUDGE: Mr Witness, the interpreter is having
5 trouble understanding your clearly. Please repeat your answer.

6 THE WITNESS: The answer that I gave was that the court
7 officers who used to come and obtain statements from me, there
8 are times one of them would come and it would take a long time
9 before another one would come, but I can remember I told them
10 about the Liberian speakers.

09:53:45

11 MR MUNYARD:

12 Q. Right. When you had given your evidence in that other case
13 in 2005 did you think that that was going to be the end of your
14 involvement with the Prosecution and with the Special Court, both
15 of whom were financially assisting you and your family up to the
16 point of that other trial?

09:54:08

17 A. The Court was helping me financially? The financial
18 assistance they were giving to me was for transportation cost and
19 food whenever they would invite me.

09:54:38

20 PRESIDING JUDGE: I don't think that answers your question,
21 Mr Munyard.

22 MR MUNYARD:

23 Q. I was just going to say - are you talking about the
24 Prosecution there, that they would give you transport costs and
25 food, the items we looked at yesterday, or are you talking about
26 both the Prosecution and the Witness and Victims Section of the
27 Court?

09:54:47

28 A. Well, these are two questions in one. That's why I
29 responded that way.

1 Q. All right. Well, I will try and break them down but I'm
2 going back to the question I initially asked you: Did you think
3 after you had given evidence in the other trial that that would
4 be the end of your involvement with the Prosecution and the
09:55:23 5 Special Court and that therefore the financial assistance you
6 were getting from both would come to an end once you had given
7 your evidence in 2005?

8 A. Well, yes, because I didn't believe that I had anything to
9 do with them anymore.

09:55:48 10 Q. But in fact, Mr Bah, you continued to be supported by the
11 Special Court Witness and Victims Section and by the Prosecution
12 after you'd given evidence in 2005, didn't you?

13 A. They did not continue supporting me, except when they would
14 invite me. When they would invite me that would be the time they
09:56:22 15 would give me transportation cost and food.

16 MR MUNYARD: I wonder if Madam Court Officer would put this
17 document on the screen, please:

18 Q. Mr Bah, what this document is is it's a note from the
19 Witness and Victims Section dated Monday of this week, 20 October
09:56:58 20 2008, and it sets out only in summary form all the money that the
21 Witness and Victims Section have provided either for you or on
22 your behalf and it reads as follows: "Witness first arrived on
23 25 June 2004. To date" - and that means to Monday of this week -
24 "to date he has been paid a total of" --

09:57:40 25 A. I was not paid. I was not paid. They did not pay me.

26 Q. Mr Bah, there may be a difference in meaning between what
27 an English person asks you and your understanding of the word.
28 Let me say that this is the word that the Witness and Victims
29 Section have used. What it means is that this money has been

1 provided; either given to you directly or provided on your
2 behalf. That's all that the word "paid" means in this context.
3 Do you understand?

09:58:30 4 A. Okay. Well, this money, that money, let me respond
5 directly. Yes, they gave me money to assist my children but I
6 was not paid. Let me make that clear to you.

7 Q. All right. Witness attendance allowance, 776,000 leones;
8 transportation, 75,000 leones; medical, this is medical expenses,
9 288,000 leones. Was that for medical treatment for you yourself
10 or for members of your family or for both you and members of your
11 family?

12 A. Yes, the medical treatment for me and my family.

13 Q. And then miscellaneous, 675,200 leones. A grand total of
14 1,814,200. Now, that money has been either given to you directly
09:59:43 15 or has been expended on behalf of you or your family since June
16 of 2004 right up to the present week and that has been your sole
17 source income over these four years, hasn't it? That plus
18 whatever you've received from the Prosecution. Is that right?

19 A. Well, the money that you've mentioned here, I did not
10:00:26 20 receive that in bulk, they gave that to me in bits. I accept
21 that I received money from them, but I was not paid.

22 Q. Thank you.

23 A. Nobody would be able to pay me for this particular problem
24 that I have now.

10:00:41 25 Q. Mr Bah, we all understand that.

26 A. Do you understand that, but what you are about to bring up,
27 you are saying that I was paid, and I told you I was never paid.

28 MR MUNYARD: Thank you, Madam Court Officer. That's all I
29 need to do on that document.

1 THE WITNESS: Okay. Thank you.

2 MR MUNYARD:

3 Q. Now, let me make it quite clear: I do not accept that you
4 have ever before May of this year mentioned seeing rebels who
10:01:16 5 spoke Liberian, do you understand? I am suggesting to you that
6 this is a completely new fact that you have come out with in May
7 of this year. And that is right, isn't it; that you've never
8 said a word about Liberian speakers before May of this year?

9 A. I had said that before. Yes, before. I spoke about
10:01:49 10 Liberian rebels and I keep repeating this to you, that I said it.

11 Q. You were seen on 23 May this year by two investigators,
12 Magnus Lamin - sorry, by two people, investigator Magnus Lamin
13 and somebody called Thomas Lahun. Now you'd seen them before,
14 had you?

10:02:18 15 A. Those were the first set of people that met me at my house.

16 Q. Yes, one of them was, Thomas Lahun. The first people who
17 met you at your house in 2003 were Joseph Saffa and Thomas Lahun?

18 A. Yes.

19 Q. In May of this year you meet with Magnus Lamin. Had you
10:02:44 20 ever met him before?

21 A. Magnus Lamin? I met with him here. I met with him, yes.

22 Q. And what was it that caused you to tell the Prosecution in
23 May of this year for the first time ever, I suggest, that you
24 heard rebels speaking Liberian English during the events of
10:03:19 25 January 1999? What was it that led you to give them that
26 particular little bit of information?

27 A. That information that I gave to them was because I
28 witnessed it with my two eyes at the New Road - Shell petrol
29 station was where I saw them.

1 Q. And did it come about because you were asked, "Can you tell
2 us anything else that you can remember about the rebels?" Or did
3 it come about because somebody --

4 A. Yes.

10:03:57 5 Q. Hang on just a minute.

6 PRESIDING JUDGE: Mr Witness, you must let counsel finish
7 his questions before you answer.

8 MR MUNYARD:

9 Q. Or did it come about because somebody said to you words to
10:04:09 10 the effect, "Did you hear any of the rebels speaking Liberian
11 English?"

12 A. Nobody told me that. I was the one who told them what I
13 witnessed.

14 PRESIDING JUDGE: Mr Witness, that is not the way counsel
10:04:33 15 put the question. I'm going to ask counsel to put the question
16 again. Listen carefully, please.

17 MR MUNYARD:

18 Q. Did you give them this information about two rebels who
19 spoke Liberian English simply because they asked you if there was
10:04:47 20 anything else you could remember that you wanted to tell them, or
21 did you tell them that because you were asked a question along
22 the lines of, "Did you ever hear any rebels speaking Liberian
23 English?"

24 A. I told them. They did not ask me if I recalled anything
10:05:15 25 else. I was the one who told them that I saw Liberian rebels. I
26 can recall. In fact from the beginning I told them that - I told
27 you that I said it.

28 Q. In May of this year you tell them about these rebels on the
29 jeep. Where was this jeep? Where was it when you saw it?

1 A. At the new road. The new road was where I saw them in a
2 jeep, two of them at the petrol station. I was going straight
3 towards the petrol station when I saw them. They were not far
4 away from me when I heard them talking.

10:06:09 5 Q. What were they doing at the petrol station?

6 A. Well, I just saw them come to the petrol station. They did
7 not go there to buy any gas, they were just standing there.

8 Q. They were just standing there. Do you mean they were
9 standing in the road --

10:06:39 10 A. Yes.

11 Q. Or in the petrol station?

12 A. On the road. Like for example, look at the road this way
13 and the petrol station is just by the road, they were standing
14 there.

10:06:54 15 Q. Let me see if I understand clearly what you're saying.

16 That you saw them standing there. By that you mean they were
17 standing in the road, either near the petrol station or at the
18 petrol station. Is that what you're telling us?

19 A. They were standing near the petrol station.

10:07:16 20 THE INTERPRETER: Your Honours, can the witness clarify a
21 word he has used. It could mean standing or it could mean that
22 the car was parked.

23 MR MUNYARD: Thank you, Mr Interpreter:

24 Q. Which one is it: Were they standing themselves outside of
10:07:32 25 the vehicle or are you saying that the vehicle was parked and
26 they were in it? Which one is it?

27 A. They were in the vehicle.

28 Q. And the vehicle is parked and what else is going on on New
29 Road at this particular time?

1 A. At that particular time people were running up and down,
2 but those two men were in that jeep.

3 Q. And when you say "people were running up and down", do you
4 mean that people were running away from rebels or do you mean
10:08:16 5 that it was very busy?

6 A. People were afraid, so they were running up and down.

7 Q. Afraid of what, Mr Bah?

8 A. They were afraid because most of the rebels had weapons
9 with them.

10:08:44 10 Q. Right. And so people were presumably doing their best to
11 avoid coming anywhere near to these armed rebels, is that
12 correct?

13 A. Yes.

14 Q. The same would apply to you, would it, that you also were
10:09:04 15 anxious not to get too close to armed rebels, yes?

16 A. Yes.

17 Q. And were you like everybody else, the civilians, running
18 away or running as best you could to keep well away from these
19 armed rebels?

10:09:28 20 A. Yes, I was running to go away from them, because the ones
21 that were coming had weapons.

22 Q. And were you with other people at the time?

23 A. At that time I was the only one walking. I was the only
24 one. At that particular place where I saw the men I was the only
10:10:00 25 one running, going away.

26 Q. At this particular place you were the only one running and
27 going away. Well, who were all these other people you were
28 telling us about a minute ago, people running up and down?

29 A. I cannot tell you their names because I don't know their

1 names.

2 Q. My fault. I wasn't asking you for their names. A minute
3 ago you've got a number of other people running up and down, now
4 you've got just you running up and down. Which is it, Mr Bah?

10:10:50 5 A. When I moved away from those people we were - all of us
6 were running, because I saw other people from behind them, they
7 had weapons.

8 Q. Right. And this vehicle is parked, what, in the petrol
9 station, by the petrol station?

10:11:19 10 A. It was parked near the petrol station and when I was
11 running away it was parked there.

12 Q. And did you have to run past it to get to where you were
13 going or were you running away from the direction it was parked
14 or the place at which it was parked?

10:11:41 15 A. I was running to escape away from them, from those that
16 were coming that had weapons.

17 Q. And did that involve you running past this parked jeep?

18 A. Yes, I ran past, through the petrol station.

19 Q. And how close did you get to this jeep?

10:12:16 20 A. Well, the jeep was parked like where - like at the end of
21 the Court there and I was like here.

22 PRESIDING JUDGE: I'm not sure where you are saying is the
23 end of the Court, Mr Witness. Please indicate clearly what you
24 mean by the end of the Court.

10:12:40 25 MR MUNYARD:

26 Q. Point, if you could, with your right hand.

27 A. Up there, like at the back of that man, the man sitting
28 there.

29 PRESIDING JUDGE: The witness has indicated Mr Von Berg

1 sitting at the back of the Court close to the security officer.

2 MR MUNYARD:

3 Q. All right. So you say that you're about the distance
4 you've just described which I suppose is about --

10:13:14 5 PRESIDING JUDGE: We can have it accurately measured.

6 MR MUNYARD: Yes, I won't speculate. Thank you, Madam
7 President.

8 PRESIDING JUDGE: Madam Court Officer, if you could please
9 assist us by measuring the distance.

10:13:24 10 MR MUNYARD: We'll measure that distance now.

11 JUDGE SEBUTINDE: Mr Munyard, we wanted to have this
12 statement that you're cross-examining on in front of us, and I
13 understand there is this one copy, the one that was marked for
14 identification, and that's the one you have on your desk.

10:14:18 15 MR MUNYARD: Thank you, Justice Sebutinde. I have to say I
16 had assumed that when these documents were served on the Defence
17 and on the Court that they're served on the Court in the usual
18 way. In other words, that every member of the Court has a copy,
19 because this is a statement that is in the annex to the
10:14:42 20 Prosecution bundle.

21 JUDGE SEBUTINDE: That may be so but we are referring to
22 the one that was marked for identification and that's a special
23 one. Is that the one in your custody?

24 MR MUNYARD: Yes, it's one of the documents that were
10:15:00 25 marked for identification by my learned friend yesterday. Mine
26 is marked to some extent by me on the side, so I can put a marked
27 copy. It does have one or two comments on it. If my learned
28 friend has a clean copy I'd be very grateful.

29 MR BANGURA: I'm afraid not. Your Honours, I did provide

1 my learned friend with an extra copy yesterday. Actually, it was
2 in the sense of providing him with a cover sheet, but in the
3 process I actually handed over a whole copy and that wasn't
4 marked.

10:15:37 5 MR MUNYARD: You are quite right.

6 MS IRURA: Your Honours, the distance is 600 centimetres.

7 PRESIDING JUDGE: Thank you.

8 MR MUNYARD: I wonder, and this is relevant to the
9 witness's statement, I wonder if anybody is able to translate
10:16:17 10 that into yards.

11 JUDGE LUSSICK: Well, it's 20 feet.

12 MR MUNYARD: Thank you. Your Honours, Mr Bangura did
13 indeed give me copies of the two statements yesterday because I
14 was missing, if you recall, the front identifying page which I in
10:16:40 15 due course inserted into my bundle. What I did with the rest of
16 his clean unmarked copies I don't know. I think they're probably
17 in the bag behind me. That was the spare that he gave me. But
18 I'm sure we can put onto the screen the relevant page of the
19 statement of 23 May 2008 which was marked for identification
10:17:03 20 yesterday.

21 MS IRURA: Your Honours, my apologies. I had the wrong
22 document initially but I believe I have given the Chamber the
23 correct one.

24 JUDGE SEBUTINDE: Mr Munyard, I do apologise for having
10:17:21 25 accused you of being in custody of an MFI.

26 MR MUNYARD: No. In fact, your Honour, I hadn't understood
27 you correctly so I wasn't in any way either embarrassed or
28 offended.

29 PRESIDING JUDGE: Please proceed, Mr Munyard.

1 MR MUNYARD: Very well:

2 Q. Now, Mr Bah, you were about 20 feet away from these people
3 in this jeep. You're running as fast as you can, presumably, to
4 get away from armed rebels coming along the road from your rear,
10:17:59 5 yes?

6 A. Yes, I was running. I was running.

7 Q. And other people, we know from your earlier evidence other
8 people were doing the same as you; they were running away too,
9 yes?

10:18:23 10 A. Yes.

11 Q. And just help the Court with this: What was it that you
12 heard these people in the jeep saying?

13 A. Well, what they were saying - you know, they were speaking
14 Liberian English but I was not very - I was not as close to them
10:18:42 15 as to understand what they were saying, but they were speaking
16 Liberian English.

17 Q. How is it that you know as you run past 20 feet away, how
18 is it that you know what language they're speaking?

19 A. Well, they were talking above their voices. They were not
10:19:04 20 talking in a low voice. They were talking above their voices.

21 PRESIDING JUDGE: Mr Interpreter, what does "talking above
22 their voices" mean?

23 THE INTERPRETER: Shouting.

24 MR MUNYARD:

10:19:21 25 Q. So they were shouting as you went past, yes?

26 A. Yes, yes.

27 Q. And were they shouting at you or other people outside of
28 their jeep?

29 A. They were shouting and I heard them. They were shouting.

1 I heard them.

2 Q. Yes, but were they shouting at you or other people on the
3 street or were they shouting at each other?

10:20:05

4 A. No, they were just talking loudly generally to each other
5 and the others, they were coming from the rear.

6 Q. So they're talking to each other and to others coming from
7 the rear. Where were these others coming from the rear? How
8 close were they to the jeep with these two in it?

9 A. They were coming from across the road.

10:20:32

10 Q. These other rebels, are they? These other people are
11 rebels, are they?

12 A. The other people were civilians. They were running about
13 to cross the road and the rebels were behind them coming.

10:20:59

14 Q. No, I'm asking you about two people who you say are sitting
15 in a jeep, stationary, parked, shouting in Liberian English. You
16 have told us they were shouting - talking loudly to each other
17 and the others who were coming from the rear.

18 A. Yes. Yes, that's what I told you.

10:21:23

19 Q. So they weren't talking to each other, they were shouting
20 to the people who were coming from the rear, were they?

21 A. They were talking and they were talking loudly, so I don't
22 know whether they were shouting at the people who were coming or
23 it was on me or the other area where I was, I don't know where
24 they were shouting, but they were just shouting when the two of
25 them were standing in the jeep.

10:21:49

26 Q. Standing in the jeep? Were they standing up or sitting
27 down?

28 A. They were standing while shouting.

29 Q. Right. So it would not be right to say that these people

1 were speaking Liberian English whilst conversing amongst
2 themselves, would it?

3 A. No. It was Liberian English that they were speaking. I
4 want to make that clearly to you, that it was Liberian English
10:22:29 5 that they were speaking.

6 Q. Forget about the language. It would not be right to
7 describe these two people as simply conversing amongst
8 themselves, would it?

9 A. They were conversing to each other, but loudly.

10:22:53 10 Q. Shouting at each other?

11 A. Yes.

12 Q. Do you draw any distinction between conversing amongst
13 themselves on the one hand and shouting at each other on the
14 other hand?

10:23:08 15 A. Well, I only know that they were speaking Liberian
16 language. I don't know the difference.

17 Q. Mr Bah, in your mind is there a difference between people
18 conversing amongst themselves and people shouting at each other?

19 A. Yes, I know the difference. If I am talking to somebody -
10:23:33 20 for example, if we were talking and other people are talking to
21 each other and they are shouting, there is a difference.

22 Q. How was it that you knew that this was Liberian English
23 that they were speaking?

24 A. That is simple. The way Liberians speak and the way other
10:24:06 25 people speak, that is different. Even when we speak English, the
26 British English and the American English are different.

27 Q. How familiar were you with Liberian English as a language?

28 A. Liberian people used to come to Freetown. They used to
29 come to Freetown and when they spoke we heard them. So the

1 moment they spoke we would know that they had come from another
2 country. So I think I've answered that question clearly now to
3 you.

10:24:54 4 Q. Are you saying that you were familiar with Liberian
5 English?

6 A. Well, I can differentiate between Liberian English and
7 Krio, so when I heard them speak Liberian English that's why I
8 said so, and I think I have answered that question correctly.

9 Q. Have you ever been to Liberia?

10:25:17 10 A. I did not go to Liberia, but I was in Freetown. Whenever
11 they would come they would meet us there in Freetown.

12 Q. And you were about 20 yards, not 20 feet, away from these
13 people, weren't you?

14 A. Well, I wouldn't tell you the distance now, the exact
10:25:48 15 distance from where they were parked and where I was.

16 Q. Well, what distance did you tell the Prosecutors when you
17 were giving them this piece of information for the first time
18 in --

19 A. Well, the --

10:26:13 20 Q. May of this year?

21 A. I did not mention any distance to them.

22 Q. You didn't?

23 A. No, we did not talk about distance because they did not ask
24 me any question relating to distance. I just made an example to
10:26:26 25 them as to how far the vehicle was away from me. There was no
26 tape to measure. It was here that you have brought a tape to
27 measure the distance.

28 Q. And did you tell the Prosecutors in May of this year that
29 these two were shouting at each other?

1 A. I told them that they were talking to each other. They
2 were shouting.

3 Q. Right. And you are running away and so are other people
4 running away from armed rebels, so it was presumably quite noisy
10:27:16 5 in that street, New Road, Kissy, at this particular moment. Is
6 that right?

7 A. Well, the ones that were running on the other end, they
8 were shouting in Krio.

9 Q. Who were they? Were they the rebels or the people running
10:27:40 10 away from the rebels?

11 A. The people who were running away from them.

12 Q. They were shouting in Krio and how far were they from you?
13 You were presumably all running in the same direction to get away
14 from these rebels, is that right?

10:28:05 15 A. They were running across the road and I was on the other
16 end attempting to escape from those people, but I heard those
17 ones speaking the Liberian language.

18 Q. We'll go back to that. I'm just wanting to find out about
19 the scene that you're describing. You and a number of other
10:28:31 20 people are running away from rebels, correct?

21 A. Yes. All of us were running away. All of us were running
22 but --

23 Q. The rebels are behind you and the others who are running
24 away from them, yes?

10:28:49 25 A. I came from the other end and the other people came from
26 another end. They came from my left and I came from the right.

27 Q. Mr Bah, help us, please. You would not be running into the
28 rebels who were coming along, you would be running away from
29 them, wouldn't you?

1 A. Well, all of us were now running - running to cross the
2 road. I too was crossing to - running to cross the road to go
3 up. And about this particular vehicle that I'm talking about, it
4 was parked at the entrance, at the junction, entrance to the
10:29:32 5 petrol station.

6 Q. How far were you away from these other civilians who are
7 trying to run away from the rebels who are advancing on them?

8 A. I have explained this to you several times to this man for
9 him to understand. He has even used a tape to understand, but he
10:29:53 10 is still bringing me back to where we were.

11 PRESIDING JUDGE: Mr Witness, answer the question, please.
12 It is a different question and the question concerning the tape
13 is not concerning the civilians. Please answer the question as
14 put.

10:30:06 15 MR MUNYARD:

16 Q. Yes, Mr Witness, will you please do me the favour of
17 listening to the particular question I ask you. I have just
18 asked you, for the first time I think, how far were you from
19 these other civilians who like you are trying to run away from
10:30:28 20 the advancing rebels?

21 A. Where I was was like where you are standing to where I am
22 sitting here.

23 Q. So I am where the other civilians are, who are also running
24 away from the rebels, yes?

10:30:57 25 A. No, I have responded to that one. I said from the side
26 that the others were, those who were running - coming and I, the
27 place where the vehicle was standing, while the vehicle was
28 parked I have responded to that. I was at the place, for
29 example, where I am now and the other people were where, like

1 where you are, they were running. But I cannot tell you the
2 distance.

3 Q. Why can't you tell us the distance that you were from the
4 other people?

10:31:37 5 A. I couldn't estimate it.

6 Q. Would you please try. Was it as far as you are from me or
7 was it further than that?

8 A. You see, for me to say something, you know - and I know I
9 cannot estimate it, I know it's not possible, no, I don't want to
10:32:03 10 do that.

11 PRESIDING JUDGE: Mr Witness, you have given us an
12 estimation based on the size of this courtroom. I suggest,
13 subject to counsel, that you do that again. Mr Munyard, have you
14 any objection to that procedure?

10:32:15 15 MR MUNYARD: No, your Honour:

16 Q. How far are you away from the other civilians who you say
17 are shouting in Krio as they are running away from the advancing
18 armed rebels that you also are running away from? Use the
19 courtroom to give us an indication, if you wish.

10:32:47 20 A. Well, you see, when a crowd of people is running, some
21 people would be close to you, some others would be far away from
22 you. It was a crowd.

23 Q. Give us the closest. Give us the distance of the closest.

24 A. The one who was close to me was just like where he, the
10:33:13 25 lawyer, is standing and where I am sitting now, but all of us
26 were going in different directions.

27 Q. Right. So it was chaos, was it?

28 A. Yes, it was becoming chaotic because everybody was running
29 away.

1 Q. Yes, there was a lot of noise?

2 A. Those who were running, nobody was making any noise any
3 more because everybody was running away.

4 Q. But you've just been telling us they were shouting in Krio.

10:33:50 5 Did you remember telling us that about ten minutes ago?

6 A. Yes, I remember that. I remember telling you that people
7 were shouting but that - those who were from a far distance, not
8 the ones that were close to me, because everybody was afraid.

9 People were shouting, saying that: "Look at those people coming,
10:34:14 10 they are coming. Let us leave this place. They are coming."

11 MR MUNYARD: Does the word "pandemonium" translate into
12 Krio, Mr Interpreter?

13 THE INTERPRETER: Yes, counsel, it can only be translated
14 as confusion.

10:34:35 15 MR MUNYARD: All right:

16 Q. There was what I will call pandemonium in that street at
17 that moment, wasn't there?

18 A. The confusion was only when people were running away to
19 protect their lives.

10:34:55 20 Q. Yes, we understand that, and that is exactly what that
21 crowd of people - that crowd of civilians were doing with you as
22 well at this particular moment. Correct?

23 A. I don't understand you, sir. Please ask the question
24 again.

10:35:18 25 Q. The confusion was because people were running away to
26 protect their lives, including you. Correct?

27 A. Yes.

28 Q. And in the midst of all of this you claim that there are
29 two rebels standing in a jeep, shouting at each other in Liberian

1 English, something you managed to recall and register in the
2 middle of this confusion. Is that what you want this Court to
3 believe?

4 A. Yes.

10:36:05 5 Q. Did you tell the Prosecution, in late May this year, when
6 you come out with this story for the first time ever about this
7 confusion that was going on all around as you happened to
8 overhear the Liberian English being spoken?

9 A. I told the Prosecution that I heard those Liberians
10:36:36 10 speaking Liberian English. At that time I was running, going.

11 PRESIDING JUDGE: Mr Witness, that is not the question.
12 Listen to the question again and answer the question. Please put
13 the question again, Mr Munyard.

14 MR MUNYARD:

10:36:51 15 Q. Did you tell the Prosecution, in late May this year, when
16 you came out with this story for the first time ever about the
17 confusion that was going on all around as you happened to
18 overhear two rebels speaking Liberian English?

19 A. Yes, I told them that.

10:37:15 20 Q. Well, let us look then at the account that they have
21 recorded and that you have put your signature, you initials to at
22 the bottom of each page. Now, I'm going to read out the
23 paragraph in your statement of 23 May this year where you come up
24 with this account, what I suggest for the first time ever, and
10:37:49 25 you just tell me if this is what you think you told the
26 Prosecutors in May of this year:

27 "Witness states the only language heard being" - I will
28 just make sure I'm reading exactly what was written down. Yes.

29 "Witness states the only language heard being spoken by the

1 perpetrators was Krio language. Although heard some also
2 speaking Temne, Mende, Loko which are mainly Sierra Leone native
3 languages. Witness states that before he encountered Akim's
4 group who amputated his hand he had earlier seen an off-white
10:38:49 5 open jeep on board which were people believed to be Liberians
6 patrolling along New Road, Kissy."

7 Did you tell the Prosecutors that the vehicle was parked by
8 the garage or did you tell them that it was patrolling along New
9 Road, Kissy?

10:39:18 10 A. I did not tell them that the vehicle was patrolling. The
11 vehicle was parked.

12 Q. Right. "These people were speaking Liberian English whilst
13 conversing among themselves." Did you tell the Prosecutors that?

14 A. I told the Prosecution that, that they were speaking
10:39:45 15 Liberian English, yes.

16 Q. I'm going to try again: "These people were speaking
17 Liberian English whilst conversing among themselves." Did you
18 tell them that they were speaking Liberian English whilst
19 conversing amongst themselves?

10:40:11 20 A. Yes.

21 Q. Or shouting at each other?

22 A. I told them that I heard them speak Liberian English and
23 they were shouting. I told them that.

24 Q. You see, you did tell this Court, not half an hour ago,
10:40:29 25 that you draw a distinction between people conversing amongst
26 themselves and people shouting at each other. Do you remember
27 telling us that you drew that distinction? Do you remember that,
28 Mr Bah, that piece of evidence you gave us?

29 THE INTERPRETER: Your Honours, the witness's answer is

1 i n a u d i b l e .

2 PRESIDING JUDGE: Mr Witness, please repeat your answer and
3 speak more loudly to allow the interpreters to hear.

10:41:19

4 THE WITNESS: I do recall saying that, yes, that people
5 were running and talking, but I still recall that the Liberian
6 people - two of them were in the jeep.

7 MR MUNYARD:

10:41:36

8 Q. Mr Witness, that wasn't the question. I'm going to try it
9 one last time and then I'm going to move on. Do you remember
10 saying to these judges in the last half hour that you draw a
11 distinction between people conversing among themselves and people
12 shouting at each other? Do you remember telling us --

13 A. Yes, yes.

14 Q. -- that you draw a distinction?

10:41:56

15 A. Yes.

16 Q. Which one of those two different things do you think you
17 told the Prosecution in May of this year when you come up with
18 this Liberian English story?

10:42:27

19 A. I told them that, yes, these people were in a jeep shouting
20 in a Liberian language. I told them that.

21 Q. Shouting. All right. "The witness was born and brought up
22 in Freetown. Witness speaks Fullah, Krio and can understand and
23 speaks a bit of English." Did you tell them that?

10:43:00

24 A. Yes, I told them that I can speak Fullah, Krio and a bit of
25 English.

26 Q. "Witness has travelled to The Gambia, Senegal and Guinea."
27 Did you tell them that?

28 A. Yes.

29 Q. "Witness previously before the war entered Freetown heard

1 Liberian refugees from Liberia speaking to themselves in
2 Freetown." Did you tell them that?

3 A. Yes.

10:43:30

4 Q. So in other words, you'd never ever had a conversation with
5 someone in Liberian English, had you?

6 A. No.

7 Q. "Witness states that their language is similar to broken
8 English." Did you tell them that?

9 A. Yes, I told them that the English they were speaking was --

10:43:59

10 THE INTERPRETER: Your Honours, the witness's answer is
11 incomplete.

12 MR MUNYARD:

13 Q. Mr Witness, before you have another go at that, this is
14 something in general terms. We're not at this stage talking
15 about what you claim to have overheard. Do you agree that the
16 Prosecutors have correctly recorded in this statement you telling
17 them that their language, that's Liberian refugees' language, is
18 similar to broken English? Did you tell them that?

10:44:13

19 A. I told them that those people, the English which they
20 spoke, was mixed up. The refugees, yes, I told them that.

10:44:45

21 Q. Thank you.

22 A. Okay.

23 Q. So they have correctly recorded that. Then we go on, next
24 sentence: "The Liberians witness heard speaking were strangers
25 not known to him." Did you tell them that?

10:45:03

26 A. Yes.

27 Q. "Witness states that they were not speaking to him
28 directly, but heard the accent." Did you tell them that?

29 A. Yes, yes.

1 Q. "They were about 20 yards off from him." Did you tell them
2 that?

3 A. Yes.

4 Q. So not 20 feet, but 20 yards.

10:45:49 5 A. Well, you see, all of these things that I am talking, I
6 never mentioned anything - I never said anything about distance,
7 no. It is not in my statement.

8 Q. You never mentioned anything about distance when you were
9 telling the Prosecution about this in May. Is that what you're
10 saying? You're not going to be helped by looking to the

10:46:13 11 Prosecution lawyers, Mr Bah. Just look directly at the judges?

12 A. No, no, no, no, no. No, you say that if somebody is
13 sitting here he should not turn rightwards? So let me know that
14 so I'll be able to guide myself.

10:46:40 15 Q. Concentrate on my questions and when you answer them try
16 and answer them directly across the courtroom to the learned
17 judges. "They were about 20 yards off from him" --

18 PRESIDING JUDGE: Mr Bah, what is so funny?

19 THE WITNESS: No, nothing is funny. Nothing is funny.

10:47:05 20 It's not funny.

21 MR MUNYARD:

22 Q. Just listen to this, please, and tell me if you think that
23 the Prosecution have correctly or incorrectly recorded what you
24 told them in May. "They were about 20 yards off from him. There
10:47:24 25 were no other noises except the voices which witness heard."

26 A. Yes, I told them this.

27 Q. What about all this shouting and confusion and people
28 running for their lives?

29 A. It was not the refugees. The refugees were not running

1 away. The refugees were not running.

2 Q. Are you saying that this particular passage that we are
3 looking at relates to your previous experience of overhearing
4 Liberian refugees speaking their language, or are you saying that
10:48:18 5 this passage is describing the events in Freetown in January 1999
6 when you claim to hear Liberians shouting at each other in a
7 jeep? I don't want to be in any way unfair to you. Are you
8 saying that this part of the account, you being 20 yards off from
9 people, is your experience of overhearing Liberian English on
10:48:46 10 other occasions or another occasion?

11 A. Well, the way the people spoke their language, you know,
12 whenever you hear somebody speaking a strange language you will
13 know that this language is a strange language. And wherever you
14 are, when you hear somebody speaking a language that does not
10:49:15 15 belong to that country, you know that this person is a foreigner.

16 JUDGE SEBUTINDE: Mr Munyard, the witness said something I
17 would like him to clarify. He says it was not the refugees. The
18 refugees were not running away. They were not running.
19 Mr Witness, are you saying that the Liberians you saw in this
10:49:34 20 open jeep were refugees?

21 THE WITNESS: No, no. The refugees were different from
22 those two people that were in the jeep. The refugees were not
23 even around that area.

24 JUDGE SEBUTINDE: So which refugees were you referring to
10:49:58 25 that didn't run away?

26 THE WITNESS: Well, the refugees whom I was referring to
27 were not even close to those rebels. They were not close to
28 those rebels.

29 MR MUNYARD: Justice Sebutinde, to be fair to the witness

1 the way this account has been recorded is less than clear as to
2 which experience he's talking about here, and that's what I'm
3 trying to clarify:

10:50:37 4 Q. Mr Bah, we have an account here that's been written down by
5 Prosecution investigators who took your story in May of this
6 year, and indeed it was read back to you and you put your
7 initials at the bottom of each page. What I want to try and do
8 is to find out what this particular passage that we're now
9 looking at relates to. In this statement you describe seeing two
10:51:05 10 people, sorry, not two people, just people believed to be
11 Liberians patrolling along New Road, Kissy, and conversing
12 amongst themselves. You then go on to describe your experience -
13 sorry, the languages you can speak and your experience of hearing
14 Liberian refugees in Freetown before the war entered Freetown
10:51:34 15 speaking to themselves, and you say their language is similar to
16 broken English. The passage I'm now dealing with immediately
17 follows that and it says:

18 "The Liberians witness heard speaking were strangers not
19 known to him. Witness states they were not speaking to him
10:51:55 20 directly but heard the accent. They were about 20 yards off from
21 him. There were no other noises except the voices which witness
22 heard. Witness has no other information besides the way they
23 talk because they too are Africans."

24 Now, in those sentences there are you describing the people
10:52:19 25 in the jeep on New Road, Kissy?

26 A. The people in the jeep, they were not refugees. They were
27 not. They were just two in number. The refugees that you are
28 referring to, they were walking, talking to each other. They
29 were not talking to me directly. But if you overhear somebody

1 talking, and that person is from a different country, you would
2 know that this person is a foreigner. And the person with whom
3 you are from the same country you would know that this person
4 belongs to this country.

10:53:03 5 Q. Mr Bah, just listen to these sentences and tell me who it
6 is you're talking about, if you agree that the Prosecution have
7 correctly recorded what you said here:

8 "The Liberians witness heard speaking were strangers not
9 known to him. Witness" - that's you - "states they were not
10:53:27 10 speaking to him directly, but heard the accent. They were about
11 20 yards off from him. There were no other voices except the
12 voices which witness heard."

13 Who are you talking about in those sentences?

14 A. The refugees were going along. They had passed gone even
10:54:02 15 before I met those men in the jeep. The ones that I had met
16 before.

17 Q. So these sentences are meant to describe your previous
18 experience of overhearing Liberian English, yes? Don't worry
19 about who's going in and out of the door. Just try and listen to
10:54:32 20 the question. These sentences we've just read out, that's your
21 account of your experience of Liberian English previously, is it?

22 A. It is the experience that I got from the language they were
23 speaking, yes, because if somebody is talking you must pay some
24 attention to know what they're talking.

10:55:03 25 Q. Let me try one last time. What we have just discussed, is
26 that you telling the Prosecution how you know Liberian English or
27 is that you telling the Prosecution about the people in the jeep
28 and how close you were to them?

29 A. I am trying to explain about the people who were close to

1 the jeep, what they were talking, the shouting. I have explained
2 that. But now you're talking about refugees and the refugee
3 thing they were coming along, at that time I had not even been
4 where the rebels were and I believe what I explained was the
10:55:58 5 exact thing that I explained in the statement.

6 MR MUNYARD: I think we're in the same difficulty here as
7 we were with Rule 16; which part relates back to which earlier
8 part. I'm going to have one last attempt:

9 Q. Mr Witness, on the occasion when you told the Prosecution
10:56:21 10 about hearing people speaking Liberian in a jeep on New Road,
11 Kissy, did you mean --

12 A. Yes.

13 Q. -- to tell them then that those people were about 20 yards
14 off from you?

10:56:44 15 A. I don't recall, but I know that I told them that, yes, but
16 I did not tell them any distance.

17 Q. Or were you telling them that your experience previously of
18 hearing the Liberian language spoken was that on one occasion
19 there were people speaking to themselves, that's amongst
10:57:18 20 themselves I presume, who were strangers that you didn't know and
21 you passed by about 20 yards off from him, it says. Sorry, off
22 from them.

23 A. I would like you to ask that question again. You, the Krio
24 speaker. I would like you to ask the question again.

10:57:46 25 MR MUNYARD: All right. Well, I will try it again in
26 English, if I may:

27 Q. Is your experience of hearing Liberian English spoken
28 previous to the occasion that we're discussing in New Road,
29 Kissy, is it that on one occasion you heard Liberians speaking

1 amongst themselves about 20 yards away from you --

2 A. No, it was not only once.

3 Q. I see.

4 A. But I keep reminding you that if somebody is from a foreign
10:58:39 5 country and if he speaks you would definitely know that this
6 person is coming from a different country. Like now when you're
7 talking, you're speaking English. If somebody comes from some
8 other country and speaks another language you would know. So
9 thank you in that area.

10:59:03 10 Q. Was it made clear to you, when you gave this account in May
11 this year, that this would be of assistance to the Prosecution if
12 you could mention rebels speaking in the Liberian language?

13 A. I just explained to them what I had seen and what I heard.

14 Q. Was it made clear to you that this would be of assistance
10:59:42 15 to the Prosecution if you could mention rebels speaking in the
16 Liberian language? Was that made plain to you, that it would
17 help if you could throw in a bit of Liberian language into your
18 account of January 1999?

19 A. No, it was what I witnessed that I told them. What I saw
11:00:08 20 is what I told them. Okay.

21 Q. And if I am right, that there is no earlier record of you
22 ever having told the Prosecution about hearing rebels speaking or
23 shouting Liberian English at each other, then this must be the
24 first time you've ever mentioned it to the Prosecution, mustn't
11:00:46 25 it, May of this year?

26 A. I told them earlier on. Maybe the mistake is from them,
27 but I told them earlier on.

28 MR MUNYARD: I fear we run the risk of going around in
29 circles, and I am going to ask no more questions, thank you.

1 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Bangura,
2 re-examination?

3 MR BANGURA: Thank you, your Honour. Just a couple of
4 questions.

11:01:17 5 RE-EXAMINATION BY MR BANGURA:

6 Q. Mr Witness, just a few moments ago you were asked by
7 counsel about your previous experience with the Liberian
8 language. How many times do you recall having previously heard
9 the Liberian language spoken before this occasion that you are
11:01:39 10 describing in the statement that we're dealing with?

11 A. Twice. Twice.

12 Q. And when were those occasions?

13 A. The refugees, we - they were going and we met each other.

14 That is different from the two men in the jeep, the jeep that was
11:02:15 15 parked at the petrol station. The refugees were walking, talking
16 to each other. Yes, sir, that happened twice. Those were going
17 their own way. It was not at the same time that I saw the people
18 in the jeep. I think I made that clear to them.

19 Q. When you say it was not at the same time, are you talking
11:02:42 20 of the same date or a different date?

21 A. The refugees, that is a different date. I don't know if
22 that is indicated in the document, but that was a different date
23 that I saw them. It was not on the same day that when those
24 people were running away.

11:03:07 25 Q. And was it long time before that date, the date that people
26 were running away? Was it a long time before that when you saw
27 these refugees --

28 MR MUNYARD: A non-leading question, please. How long was
29 it --

1 THE WITNESS: It did not take that long.

2 MR BANGURA: The witness has given an answer.

3 PRESIDING JUDGE: He's answered.

4 MR BANGURA: Your Honours, that will be all for the

11:03:33 5 witness. No further questions.

6 PRESIDING JUDGE: Thank you.

7 JUDGE SEBUTINDE: Mr Witness, I wish to ask again - I wish
8 to understand your statement that you gave regarding these
9 Liberian speaking people that you saw in the jeep. When you saw

11:04:02 10 these people was this before your amputation or after you were

11 amputated?

12 THE WITNESS: No, it was before I was amputated, that was
13 when I saw them. It was not at the time that I was amputated.

14 It was before then.

11:04:22 15 JUDGE SEBUTINDE: How much time before, like a few weeks, a
16 few days, a few months before?

17 THE WITNESS: Some days away.

18 JUDGE SEBUTINDE: And in your statement it is recorded that
19 when you saw these people in the jeep you believed them to be
11:04:46 20 patrolling along New Road, Kissy. Why did you believe them to be
21 patrolling or on what do you base your belief that they were
22 patrolling New Road, Kissy?

23 THE WITNESS: Well, the way I saw the jeep parked, I
24 believed that they must have been on patrol, but at that time
11:05:13 25 they were parked.

26 JUDGE SEBUTINDE: Why did you believe that they were
27 patrolling? What was it about them that made you believe they
28 were patrolling?

29 THE WITNESS: Because they were by the main road, they were

1 parked there, and if somebody is parked by the main road that
2 will show that this person is about to move.

3 JUDGE SEBUTINDE: Yes, but why do you say they were
4 patrolling? What do you mean by patrolling?

11:05:47 5 THE WITNESS: Well, what I meant by patrol, that that
6 person was about to go.

7 JUDGE SEBUTINDE: So you mean these men were actually on
8 their own business, going about their business?

9 THE WITNESS: They were - yes, because I did not see - I
11:06:08 10 saw them talking to each other, they were whatever, but I don't
11 think --

12 JUDGE SEBUTINDE: You don't think what?

13 THE WITNESS: What I meant by patrol, you know the part of
14 the road where they were parked, that would indicate that they
11:06:34 15 were about to move, to go their way. That was why I said patrol.

16 JUDGE SEBUTINDE: So in other words, from the statement
17 it's quite possible that these men were actually - they had
18 parked their car by the petrol station and were simply going on
19 their way away from the petrol station, yes?

11:07:01 20 THE WITNESS: No. The area where they were parked, they
21 were on the main road, that was where they were parked. You
22 know, if somebody is parked and wants to be there for a long time
23 they would park away from the main road, but they were parked
24 right on the main road.

11:07:26 25 JUDGE SEBUTINDE: Well, let me ask you bluntly: Were these
26 Liberian speaking people in your view part of Akim's group or
27 not?

28 THE WITNESS: No, they were not with Akim. They were not
29 with Akim. And I cannot tell the Court now that they were with

1 Akim because at that area where they were they were not with
2 Akim. Not at all.

3 JUDGE SEBUTINDE: Do you know if they were with any group
4 that you were aware of?

11:08:07 5 THE WITNESS: No.

6 JUDGE SEBUTINDE: Thank you.

7 PRESIDING JUDGE: Questions arising?

8 MR BANGURA: No, your Honour.

9 MR MUNYARD: I do in fact have questions, if I may.

11:08:23 10 FURTHER CROSS-EXAMINATION BY MR MUNYARD:

11 Q. At page 33 on my font, line 23, Mr Witness, when I asked
12 you did you tell the Prosecutors that the vehicle was parked by
13 the garage or did you tell them it was patrolling along New Road,
14 Kissy, your answer was "I did not tell them that the vehicle was
11:08:50 15 patrolling." Justice Sebutinde has just been asking you some
16 questions about why you thought the vehicle was patrolling, but
17 you told us earlier that you never told the Prosecution that the
18 vehicle was patrolling. Which version is it, that you did tell
19 them it was patrolling or that you didn't?

11:09:25 20 A. Earlier on I told you that the vehicle was parked at the
21 petrol station on the main road. That's what I've said. I don't
22 think I went further than that.

23 Q. So you never told the Prosecution that the vehicle was
24 patrolling?

11:09:47 25 A. I don't recall any more.

26 Q. Well, earlier you said, "I did not tell them the vehicle
27 was patrolling". Are you saying, "I definitely didn't tell them"
28 or "I now can't remember what I told them"?

29 A. I told them that the vehicle was parked. I can recall

1 that.

2 Q. And you told them, did you, that the vehicle was parked by
3 the garage?

11:10:32

4 A. By the garage. It was by the petrol station that the
5 vehicle was parked. The vehicle itself was by --

6 MR MUNYARD: It's an English slip of the tongue there:

7 Q. You told them, did you, that the vehicle was parked by the
8 petrol station or gas station, yes?

11:10:57

9 A. Yes, I told them that the vehicle was parked on the main
10 road by the petrol station.

11 Q. Thank you. When the statement was read back to you why
12 didn't you point out to them that you had never said it was
13 patrolling and that you had said that it was parked by the petrol
14 station but they don't appear to have put that in your account?

11:11:24

15 A. Well, mistakes can occur everywhere. Maybe the mistake was
16 made by me or by them.

17 MR MUNYARD: Thank you.

18 PRESIDING JUDGE: Mr Bangura?

11:11:36

19 MR BANGURA: Thank you, your Honour. Your Honour, there's
20 no further questions for the witness.

21 PRESIDING JUDGE: No.

22 MR BANGURA: Your Honour, the Prosecution did invite the
23 Court to mark some documents for identification.

11:11:49

24 PRESIDING JUDGE: Yes, and I have a very helpful list
25 supplied by Madam Court Officer here before me.

26 MR BANGURA: Yes, your Honour. I wish to apply to move
27 those documents, that those documents be admitted as exhibits.

28 PRESIDING JUDGE: That's MFI-1, MFI-5 and MFI-6?

29 MR BANGURA: Correct, your Honour.

1 PRESIDING JUDGE: Mr Munyard, the group MFI-1, MFI-5 and
2 MFI-6 have been moved together. Do you wish to deal with them
3 one by one?

4 MR MUNYARD: I can deal with them collectively. There's no
11:12:19 5 objection to any of them.

6 PRESIDING JUDGE: Thank you.

7 MR BANGURA: Your Honour, further, that the pages 20627 and
8 20632, that is of MFI-6, be kept confidentially.

9 PRESIDING JUDGE: Let me get those down. 20627 --

11:12:40 10 MR BANGURA: And 20632.

11 PRESIDING JUDGE: Why is that, before I invite a response?

12 MR BANGURA: Your Honour, these two pages are cover sheets
13 actually containing personal information about the witness and
14 they go much more detailed than what has come out in evidence
11:13:02 15 from the witness's own mouth, and the Prosecution's view is that
16 these details would have the effect of revealing a lot more about
17 the witness. Granted that the witness is testifying openly and
18 did make that choice but, your Honour, the information we have on
19 those pages go far more than what normally would be adduced in
11:13:32 20 court for a witness testifying openly.

21 If your Honours wish, I can just point out some of the
22 facts contained there which we think go too deeply into the
23 witness's background; father's name, mother's name, current
24 address. Address at the time of the conflict, we have that in
11:14:02 25 open evidence, granted. I believe those are - they go much more
26 deeply than normally what would be adduced in court in respect of
27 witnesses who are testifying openly.

28 Your Honours, we do not think that asking that this piece
29 of information be kept confidentially is inconsistent with the

1 fact that he has given the Court some personal details openly.

2 JUDGE SEBUTINDE: Mr Bangura, you're still not telling the
3 judges why you want it confidentially. We understand that it
4 goes deeper and that it concerns his personal details, but you
11:14:50 5 haven't told us what is wrong with that.

6 MR BANGURA: Your Honour, the position is that the witness
7 did, before testifying, say that he wished to testify openly, but
8 that was not in itself a situation where every bit of detail
9 about himself has to come in the open and the witness did in fact
11:15:16 10 express some concern about security. It's just that he agreed to
11 testify openly before this Chamber and to that extent we consider
12 that some information about him, which may go to identify him,
13 should be kept confidential.

14 And, your Honours, I just need to point out that in his
11:15:48 15 previous testimony in the other trial, even though it was noted
16 that he testified openly, but what we have as open testimony in
17 that trial is slightly different from what we have before this
18 Chamber. In that case his name - he testified with a pseudonym
19 and behind a screen even though it is described as an open
11:16:14 20 testimony and in that regard certain aspects of his identity were
21 kept confidential.

22 PRESIDING JUDGE: Mr Munyard, you have heard this secondary
23 application.

24 MR MUNYARD: Well, your Honours will recall that I chose
11:16:34 25 not to read out the name of the witness's wife and mother. I
26 simply established from him they both had identical names. I did
27 that because I had obvious concerns about the accuracy of the
28 information here. But as we go down the list, and I won't read
29 out what hasn't been read out so far, we have his family name and

1 his first name already established; we have his father's, his
2 mother's and his wife's names, not so far established; his place
3 and date of birth already established; the age written on this
4 form that was drafted last year, as I understand it, is given as
11:17:16 5 52. I don't know who is responsible for the mathematics but
6 clearly it's wrong. His sex is noted; his nationality; his
7 ethnic origin; his religion; his current and his conflict
8 occupation are all established. Telephone says nil, so that's of
9 no interest. His current address is given, that's not been
11:17:38 10 established, but his conflict address has been established.
11 Civil status married, that's been established. Languages spoken
12 Fullah, Krio and a little English, that's been established.
13 Alternate contact, direct contact, that's irrelevant and then the
14 final two entries nil. So the only things that we haven't had in
11:17:59 15 open court already are the names of his parents and his wife and
16 his current address.

17 Now, it's a matter for the Court, in my view, if you think
18 that for some reason it would be proper not to have the three
19 people's names on the record, although frankly I can't see how
11:18:26 20 that could be of any help to anybody because the witness's own
21 name and location and date of birth are far more relevant to
22 anyone who might want to enquire about him than his mother's and
23 father's first names, and again it's a matter for the Court if
24 you think that for some reason his current address should not be
11:18:48 25 made public. I don't have a strong view one way or the other,
26 but of course in open court it would have been permissible for me
27 to ask for those details. I chose not to as a matter of
28 discretion. I don't see why somebody's mother alive or dead,
29 that their name needs to be read out if the only purpose of me

1 Looking at it was to check the accuracy of what had been
2 recorded. But that's a different matter from should this be
3 confidential. I can't see his mother's first name being a matter
4 of confidentiality.

11:19:27 5 PRESIDING JUDGE: I don't recall it being adduced in
6 evidence whether his parents were alive or --

7 MR MUNYARD: No, that was me saying we don't know.

8 PRESIDING JUDGE: It did occur to me also, Mr Munyard.

9 MR MUNYARD: Yes. But I leave it to the Court. I can't
11:19:45 10 see that there's anything in that information that is going to be
11 of great assistance to anybody who shouldn't have it.

12 PRESIDING JUDGE: Mr Witness, have you heard all that has
13 been said just now between the lawyers and the judges?

14 THE WITNESS: Yes, I've heard.

11:20:57 15 PRESIDING JUDGE: The Court has been given a sheet of paper
16 which has some details. It's called a "Witness ID Form". I
17 think you may have already seen it.

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: Is there anything on that form that you
11:21:18 20 would not want the public to hear or know of?

21 THE WITNESS: Yes, because I want to protect my life.
22 That's why I said I don't want anything here - you know, that I
23 would want the Court to protect my life, I and my family.

24 PRESIDING JUDGE: I'm asking you specifically what is on
11:21:46 25 this form, because we've heard much evidence about you and -
26 Mr Witness, is your mother alive?

27 THE WITNESS: No, my mother is dead. She died July this
28 year.

29 PRESIDING JUDGE: God rest her. Is your father alive?

1 THE WITNESS: My father too is dead.

2 MR MUNYARD: Madam President, would it help if I made it
3 clear that we don't require a witness's current address to be
4 given in evidence in England unless it's relevant to one of the
11:22:35 5 issues that the Court is to determine. In those circumstances I
6 would adopt the practice of the English courts here, that unless
7 the current address is of relevance to the issues the Court is
8 deciding then there's no need for it to be given, and I've taken
9 Mr Taylor's instructions on that and he's quite content for the
11:22:56 10 witness's current address not to be disclosed to the public.

11 JUDGE SEBUTINDE: But the statement is already pending
12 admission in its current form.

13 MR MUNYARD: Justice Sebutinde, that is why I've said it's
14 a matter for the Court. I am simply putting forward our view.

11:23:21 15 MR BANGURA: If I understand my learned friend rightly, the
16 application before the Court is for this document to be kept
17 confidentially. If I understand him rightly, the address of the
18 witness is information which they do not think should come out
19 before the Court unless it's needed. Does that mean then that
11:23:42 20 the document can be kept confidential because the address is on
21 it, or does it mean that we can have a redaction of that
22 information or information which need not come out openly and
23 leave the document in for public consumption?

24 PRESIDING JUDGE: My understanding is that there is consent
11:24:07 25 to one aspect only and that is the current address.

26 MR MUNYARD: Correct.

27 MR BANGURA: Yes, your Honour, but it forms part of the
28 document that is before the Chamber.

29 JUDGE SEBUTINDE: So you want to redact that?

1 MR BANGURA: Your Honour, we are bound by it, subject to
2 your ruling on the point, but our preference would be to have the
3 whole document kept confidentially.

4 JUDGE LUSSICK: Well, aren't we still waiting to hear from
11:24:34 5 the witness? The Presiding Judge asked the witness is there
6 anything on that form that you would not want the public to hear
7 or know of, and then explained later that - the Presiding Judge
8 explained to this witness that he was being asked specifically
9 about anything on that form. Now we still don't have any answer
11:24:54 10 to that.

11 JUDGE SEBUTINDE: Mr Witness, can you read English?

12 THE WITNESS: No.

13 JUDGE SEBUTINDE: Now is there anything on that form - any
14 detail on that piece of paper in front of you that you would not
11:25:19 15 wish the public to know?

16 MR BANGURA: Your Honour, if I may be heard, the witness
17 has indicated that he doesn't - he cannot read English and I'm
18 not sure whether he's able to --

19 JUDGE SEBUTINDE: Perhaps he can bring it back. We can
11:25:40 20 take him through. The Presiding Judge can take him through each
21 detail.

22 PRESIDING JUDGE: Mr Witness, what I'm going to do now is
23 to go through the - just what is the type of information that is
24 here. Your family name, your first name, have you any problem
11:26:07 25 with those? You've already told us those things in open court.
26 Do you agree?

27 THE WITNESS: Well, I didn't want that to happen because
28 the first time that I appeared in court in Freetown, my name was
29 not called out but here you asked me to do that and I did that,

1 but I risked my life.

2 PRESIDING JUDGE: Then we have your father's name, your
3 mother's name and your wife's name. Have you any trouble with
4 those being public?

11:26:50 5 THE WITNESS: I don't want my family's name to be in the
6 public for my security and theirs.

7 PRESIDING JUDGE: Then there is your place of birth, your
8 date of birth, your age and whether you're a man or a woman and
9 you've told us all of those things, haven't you?

11:27:12 10 THE WITNESS: Yes, I told the Court that because the Court
11 asked that I do it, but it was not anything that I wished to be
12 done.

13 PRESIDING JUDGE: Then it's your ethnic origin, your
14 religion and you've also told us those things, we know those
11:27:36 15 things.

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: Then there is your previous occupation
18 and your present occupation, you've also told us those things.

19 THE WITNESS: Yes, my previous occupation I told you.

11:27:53 20 PRESIDING JUDGE: Then there is where you are presently
21 living. What is your attitude to that?

22 THE WITNESS: My current address, I wouldn't want that to
23 be made known to the public because for my security and that of
24 the security of my family and I've told this to the Court many
11:28:18 25 times because I want protection from the Court because I know
26 what I'm talking about and whatever happens to me, if that is
27 risking my security, that would be the responsibility of the
28 Court.

29 PRESIDING JUDGE: Thank you, Mr Witness. We're clear on

1 that point. Then where you were living at the time you met this
2 trouble, you've told us that. Whether you were married or not
3 married, you have told us that. What languages you spoke, you've
4 told us that. And that is all. Do you understand those things?

11:28:49 5 THE WITNESS: Yes.

6 PRESIDING JUDGE: Thank you. I just have been alerted to
7 the fact that I think we're out of time. Counsel and the parties
8 have heard what's been said and in the light of that - we've got
9 one minute. In that case I will therefore admit as follows:

11:29:29 10 MFI-1, a transcript as already described, becomes Prosecution
11 exhibit P-207.

12 [Exhibit P-207 admitted]

13 Then the witness statement that was an exhibit in a
14 previous hearing, MFI-5, becomes Prosecution exhibit P-208.

11:29:59 15 [Exhibit P-208 admitted]

16 Then the MFI-6 contains inter alia the ID form that I have
17 gone through with the witness, and it will be admitted subject to
18 redaction of the following: The witness's current address.

19 MS IRURA: Your Honour, time is running out. We have very
11:31:01 20 few seconds left on the tape.

21 PRESIDING JUDGE: The MFI-6 as recited previously subject
22 to the witness ID form being confidential. It is confidential in
23 the light of the evidence adduced directly from the witness to do
24 with his security and those documents as a bundle become

11:31:33 25 Prosecution exhibit P-209.

26 [Exhibit P-209 admitted]

27 If there are no other matters I will discharge the witness,
28 release the witness, sorry. Mr Witness, that is the end of your
29 evidence here in court today and we thank you for coming to court

1 and giving your evidence and we wish you a safe journey home.

2 Thank you. Yes, Mr Witness?

3 THE WITNESS: I suffered --

4 MS IRURA: The tape has run out.

11:32:27 5 PRESIDING JUDGE: Yes, Mr Witness, proceed.

6 THE WITNESS: I would just like to remind the Court that
7 they know everything that I have come here to do and we know the
8 problems that we've gone through, and if somebody has gone

9 through such a thing and you come to an open place like this to
10 talk, I would like the Court to protect me and my family because
11 if anything happens to me that would endanger my life and my
12 family's that would be the responsibility of the Court, because I
13 have come here and staked a lot to the public, but whatever would
14 be the consequence I would like the Court to know that they would
11:33:01 15 be responsible because I wouldn't want to suffer twice.

16 So I thank you very much, the judges, the lawyers and the
17 man and even my own lawyer, I would like to thank everybody and I
18 also want to tell the Court that all of us who have been
19 amputated, we are no longer useful in life. It's only God who is
11:33:26 20 protecting us. We've lost a lot of things and I would like to
21 appeal to the Court to tell us how they should guide us, the
22 country, that such a thing will not be repeated in the country
23 any more.

24 Now I am talking on behalf of the others who were also
11:34:20 25 amputated and going over those terrific experiences, it's not
26 anything anybody would want to do. You know, we know what we
27 went through, how horrible they were, and coming back to say -
28 repeat them to relive those things is not anything simple. So
29 now I am asking that my family and my family's security and I are

1 in your hands. I thank you very much. That is all that I have
2 to tell you. Thank you very much.

3 PRESIDING JUDGE: Thank you, Mr Witness for reminding us of
4 these matters, and I will ask our Court Officer to speak to court
11:35:06 5 witness and victims support unit to advise you. We thank you.
6 Please adjourn court until 12.05.

7 [Break taken at 11.35 a.m.]

8 [Upon resuming at 12.05 p.m.]

9 PRESIDING JUDGE: Mr Anyah, I see you have been abandoned
12:05:49 10 by one of your colleagues.

11 MR ANYAH: Yes, Madam President. Good morning, your
12 Honours. Well, good afternoon, your Honours, good afternoon,
13 Madam President. Mr Munyard is not present. I suspect it has to
14 do with the slight modification of the time during which we had
12:06:03 15 to return, but I have carriage of the next witness for the
16 Defence, and so we are prepared to proceed.

17 PRESIDING JUDGE: Thank you. Just before we come to the
18 next witness, Ms Baly, who I presume you are going to be leading
19 in evidence, yes. Incidentally, I notice a change on your bar as
12:06:22 20 well.

21 MS BALY: Yes, Mr Bangura has left the Prosecution.

22 PRESIDING JUDGE: Thank you, Ms Baly. Madam Court Officer
23 has properly pointed out to me that if the bundle which is now
24 P-209 is put in under one Prosecution exhibit number, and part of
12:06:46 25 it will be confidential, there could be a problem in separating
26 the confidential and the public and in order to alleviate that
27 problem it is our understanding that the part that the
28 Prosecution has requested and we have granted to be confidential
29 is the witness ID form. However, there are two witness ID forms.

1 One is 20627 and the other --

2 MS HOLLIS: I believe the second one ends in 20632.

3 PRESIDING JUDGE: Thank you, Ms Hollis. That's most
4 helpful. We will therefore have the two supplementary statements
12:07:39 5 as Prosecution exhibit 209A, and the two IDs forms, that's pages
6 20627 and 20632 as Prosecution exhibit 209B, and I trust that
7 will alleviate any problem.

8 [Exhibit P-209A and P-209B admitted]

9 Ms Baly, if you would please proceed.

12:08:05 10 MS BALY: The next witness, your Honours, is TF1-098. The
11 witness will testify in the Krio language. The witness is a 92
12 bis witness by your Honours' order of yesterday. The witness has
13 indicated that he is prepared to testify in open session. We do
14 make application to rescind protective measures, being the use of
12:08:33 15 a screen while he testifies and the use of a pseudonym while he
16 testifies, which we - to the extent that your Honours find the
17 witness is protected we make that application to rescind those
18 two measures. However, your Honour, we do note that this witness
19 was a Category 1 witness in the decision of 4 July 2004. He was
12:09:02 20 not one of the witnesses who was listed in any of the annexures.

21 PRESIDING JUDGE: Mr Munyard, I note your appearance.
22 Mr Anyah, you have heard - sorry, Ms Baly, had you completed your
23 application?

24 JUDGE LUSSICK: That decision, you meant 5 July, didn't
12:09:29 25 you, 2004?

26 PRESIDING JUDGE: Mr Anyah, you've heard the application.

27 MR ANYAH: Yes, I have, Madam President. As has been our
28 position with such applications, in principle we have no
29 objection to the application for recission. We do stand by our

1 previous position in respect of this particular category of
2 witnesses that are not specifically enumerated in the decision of
3 5 July 2004.

12:10:09

4 PRESIDING JUDGE: We reiterate, as we have done on previous
5 occasions, that in the light of our previous ruling the
6 application is in fact redundant. However, for reasons of record
7 and to ensure clarity, we note that the witness is giving -
8 intending to give evidence in open session without use of a
9 screen or a pseudonym. We note also that this is a Rule 92 bis
10 witness.

12:10:34

11 MR ANYAH: Madam President, if it please your Honours.
12 Before the witness is brought in there is a slight issue I wish
13 to raise by way of reminder. I do it hesitantly but I think it
14 is appropriate to do so at this point.

12:11:00

15 When the fourth witness in the trial testified, I believe
16 it was on 14 January 2008, that witness's TF1 number is 114, the
17 witness testified in open session. The witness's name is Dennis
18 Koker. I made an application to your Honours pursuant to Rule 15
19 asking that your Honours disqualify yourselves from entertaining
20 that witness's evidence. I did ask for a copy of that transcript
21 to be printed, and I don't wish to go over it except to say that
22 when I made that application the basis upon which it was made was
23 that the witness had previously given evidence before your
24 Honours during the AFRC trial and that your Honours had found
25 that witness, in your AFRC judgment, to have been credible.

12:11:30

12:11:53

26 The witness that is coming before your Honours we maintain
27 falls in the same category as someone that has previously been
28 heard by your Honours, as someone that has previously been found,
29 expressly in your judgment, to have been credible with the only

1 distinction between both being this: This is a 92 bis witness
2 and the former witness was a regular crime base witness who
3 appeared and gave evidence both in chief and under
4 cross-examination. This witness is coming before your Honours
12:12:32 5 for only cross-examination purposes.

6 At the time I made my application your Honour Justice
7 Sebutinde, who was presiding then, and his Honour Justice Lussick
8 made inquiries of me in the sense that it was important for them
9 at that time to know whether or not we maintained the position
12:12:55 10 that the witness Dennis Koker was coming to give identical
11 evidence to what he gave during the AFRC trial and the relevant
12 portions of that exchange and the transcript - it was an open
13 session transcript from 14 January 2008 - the relevant pages are
14 pages 1214 through 1217, and I will just read a little bit of the
12:13:25 15 exchanges we had. I maintained, on page 1215 at line 3, I said:

16 "In closing, I would just say for the record we would make
17 a recurring application in respect of any other prospective
18 witness who has been found to be credible having testified before
19 in the AFRC case and who does appear before this Chamber to
12:13:53 20 testify in this case. Thank you, Madam President."

21 Then his Honour Justice Lussick, on the same page at line
22 23 said: "And one other thing, Ms Hollis, we have no idea
23 whatsoever what testimony this witness is about to give in this
24 case."

12:14:18 25 Then over to the next page the Presiding Judge, her Honour
26 Justice Sebutinde, on page 1216 said at line 12:

27 "Mr Anyah, I want you by way of reply to shed some light on
28 whether in your knowledge this witness is coming to replicate his
29 testimony in the AFRC trial or not. We need to know because, as

1 my brother said here, we have no clue what this witness is coming
2 to testify to, but perhaps you know better. Is he coming to
3 repeat his testimony in the AFRC case?"

12:14:55

4 That's the background of this observation. It is simply to
5 reinforce our continuing objection. Your Honours have ruled, and
6 we of course accept that ruling. We do feel there are slight
7 nuanced change in circumstances between the two witnesses, but I
8 register an objection again in principle in no way suggesting
9 that any of your Honours are predisposed unfavourably to
10 questions we may pose during cross-examination.

12:15:18

11 And just to perfect my observation and the record, the
12 parts of the AFRC trial that your Honours relied on this
13 witness's evidence for, the express finding of credibility is to
14 be found in paragraph 1228 on page 346. Your Honours relied on
15 the witness's evidence in paragraph 347 on pages 280 and 281 and
16 again in paragraph 1233 on page 348. Thank you, your Honours.

12:15:43

17 PRESIDING JUDGE: Response, Ms Baly?

18 MS BALY: No sufficient basis has been put before the Court
19 for your Honours to disqualify yourselves from hearing this
20 witness's evidence. Your Honour made a decision - your Honours
21 made a decision in the previous case when the witness testified.
22 You will make a decision about the witness's testimony in this
23 case when you hear his testimony in this case. You are
24 professional judges of course and you're able to make
25 professional decisions without any bias, in our submission.

12:16:36

26 One distinction that should be made is that on the previous
27 occasion when this witness testified before your Honours, for a
28 number of reasons he was never cross-examined, and your Honours
29 did make a finding that he had not been challenged. In this case

1 he is about to be cross-examined and that is a relevant
2 distinction, in our view. And in any event your Honours will
3 draw your own conclusions and apply yourselves as professional
4 judges and there has been nothing shown of sufficient merit that
12:17:22 5 would entitle the accused to have your Honours disqualify
6 yourselves.

7 PRESIDING JUDGE: Thank you, Ms Baly.

8 Mr Anyah, we wish to be clear on what exactly you are
9 seeking from the Bench.

12:18:50 10 MR ANYAH: Thank you, Madam President. I am not at this
11 time making a new application for disqualification. I am merely
12 perfecting the record as counsel is obligated to do. We made an
13 objection in a trial that has lasted now 10 months. We made the
14 objection on 14 January. That objection was ruled on. Similar
12:19:19 15 facts and circumstances have arisen. We do feel that there are
16 factual differences and procedural differences between the two
17 but in sum and substance they implicate the same primary issue,
18 so we just need to make clear that despite the slight change in
19 circumstances, for example this witness was not cross-examined
12:19:39 20 during the AFRC trial, as properly pointed out by learned counsel
21 opposite, we still maintain the same position in respect of this
22 witness as we do with any other witness that comes before your
23 Honours where there has been an express finding of credibility in
24 the AFRC trial.

12:20:00 25 I will just point out what is the primary basis for our
26 objection which is: In this particular case the evidence is
27 identical. It is the same. So the accused might be different,
28 but the import of this witness's testimony, if I were to ask only
29 one question on cross-examination, that entire transcript has

1 been, in our view, found credible by your Honours and that's what
2 they are seeking to have admitted.

3 So I just reiterate our objection and I don't in any way
4 wish to suggest that your Honours are in any way predisposed
12:20:41 5 against us vis-a-vis the questions we may ask on
6 cross-examination and how you would consider those questions and
7 the responses given.

8 JUDGE SEBUTINDE: With your permission, Madam President,
9 Mr Anyah, speaking for myself, and I'm not speaking for my
12:21:01 10 colleagues but they might agree with what I have to say, when a
11 chamber makes a finding that a witness is credible, in other
12 words believable, it's not done in the air. It's done in
13 particular circumstances.

14 Now the particular circumstances of this particular finding
12:21:20 15 in the AFRC case were such that this witness had given us a set
16 of circumstances, alluding to certain events that happened which
17 events were never cross-examined, and those are the circumstances
18 in which we found him credible and we believed his story relating
19 to those circumstances.

12:21:42 20 We now have a different set of circumstances with this
21 witness coming, wanting to adopt part of his prior testimony, but
22 us having realised that we need to hear, as it were, him being
23 cross-examined by a different Defence team in relation to a
24 different accused person. Now the story may completely change
12:22:04 25 after that. I don't see how you can then say: Oh, the judges'
26 minds are fixed because of a finding that they made in a prior
27 trial where this particular witness was never cross-examined.
28 Really I don't see how - I don't feel bound at all by my prior
29 finding because it was a finding specific to a certain set of

1 circumstances and I don't feel bound at all to abide by that in
2 this case or this trial.

3 MR ANYAH: May I reply, if your Honour please?

4 JUDGE LUSSICK: Before you do, Mr Anyah, perhaps you could
12:22:46 5 incorporate an answer to my question in your reply and it may
6 just save a bit of time if I voice it now.

7 I'm still not clear whether you're objecting to this
8 tribunal hearing this witness on the grounds that we are biased.
9 Are we facing a motion to disqualify ourselves that we should
12:23:15 10 hand down a decision on or are you merely making some comment on
11 our last finding? And the reason there remains some doubt in my
12 mind is that a few moments ago you said these words, "I will just
13 point out what is the primary basis for our objection" and then
14 later on you say, "so I just reiterate our objection." So on the
12:23:45 15 one hand it's not sounding as though you do have any objection to
16 this next witness coming on and giving evidence, on the other
17 hand you're saying we shouldn't be hearing it, you object to us
18 hearing it. So perhaps when you answer my colleague Justice
19 Sebutinde you could make that clear, please, just what are we
12:24:03 20 facing, from your submissions?

21 PRESIDING JUDGE: Mr Anyah, that was going to be my point
22 also because, as my learned colleague has correctly pointed out,
23 you said that and I would add that you said just now "this is not
24 a new application" which to my mind carries an implication that
12:24:26 25 it is a renewal of a previous application and you did indeed use
26 the word "objection" as my learned brother has correctly pointed
27 out.

28 MR ANYAH: Thank you, your Honours. I will attempt to
29 address each of your Honours in sequence. With respect to

1 Justice Sebutinde's observations, we certainly agree that the
2 circumstances are different vis-a-vis the procedural
3 circumstances, meaning that this is a 92 bis witness, meaning
4 that you have afforded us the latitude to cross-examine, meaning
12:25:08 5 that the accused are different.

6 All of that notwithstanding, and I do see reference to your
7 Honour Justice Sebutinde saying that "I don't see how you can say
8 that: Oh the judges' minds are fixed." I am not suggesting that
9 your minds are fixed. I am merely reiterating that when these
12:25:31 10 types of witnesses come before your Honours we have a standing
11 objection and I still use the word "objection" and in this sense
12 it could be translated and properly would mean an application for
13 disqualification.

14 It's not a new application. I am counting on the fact that
12:25:51 15 several months have passed since the primary application was made
16 and I am alerting your Honours to the fact that it is a
17 continuing application as in any and when these types of
18 witnesses come before your Honours we seek to remind your Honours
19 that there is this particular issue to which we have made
12:26:11 20 application or, as some would say, taken an objection.

21 With respect, your Honour Justice Sebutinde, despite the
22 procedural changes the import of the witness's evidence remains
23 the same. What the Prosecution seeks to have your Honours distil
24 from the witness's evidence are, generally speaking, crime base
12:26:33 25 issues. But your Honours have found that particular evidence to
26 be credible. You have relied on it to make findings for unlawful
27 killings. You've relied on it to make findings for terrorism.
28 You've relied on it to make findings for physical violence all in
29 the context of the AFRC case.

1 JUDGE SEBUTINDE: Because the witness was not
2 cross-examined and those were the circumstances. Perhaps you
3 will break him down in this trial with cross-examination and when
4 you do who knows what will happen.

12:27:03 5 MR ANYAH: And that is why I make it with the backdrop of
6 the objection or application made in respect of TF1-114 who was
7 cross-examined. So, irrespective of whether --

8 JUDGE LUSSICK: I'm sorry, Mr Anyah, but now you're getting
9 to the crux of it, in my opinion. You say this is a continuing
10 objection, but we made a decision on the first objection and, as
11 Ms Baly has pointed out, there are distinctions between that case
12 and this present one. So you say it's a continuing objection.
13 To me the last objection has been disposed of, decided on. Are
14 you making now another application based on the circumstances of
15 this witness?

16 MR ANYAH: Your Honour, I would propose this: In essence,
17 the import of what I'm saying would amount to a, in some
18 jurisdictions, what you would call a motion for reconsideration,
19 because I have read the part of the transcript where on 14
20 January I said we wished to make a recurring objection, and that
21 is given, if I can find the relevant page, I think that was given
22 on page 1215 of the transcript of 14 January, and I have read it
23 previously. I have said we would make a recurring application.
24 And given the passage of time I am merely reiterating that point,
25 that in respect of all of these witnesses we have a recurring
26 application.

27 To the extent your Honours wish to treat it as a motion for
28 reconsideration, or an application for a reconsideration given
29 the change in circumstances in respect of this particular

1 witness, we would of course welcome it. But I merely rose to
2 point out --

3 JUDGE LUSSICK: No, that was my point, Mr Anyah. This is a
4 different witness. We've decided on the earlier witness and
12:29:16 5 there were some distinguishing features applicable to that
6 witness that don't occur here in this current witness. So we
7 don't take it that you now could possibly be asking for us to
8 review our previous decision. That doesn't have anything to do
9 with this witness.

12:29:46 10 MR ANYAH: The nuanced difference would be - and I
11 appreciate your Honour's point and I see where the issue lies - I
12 am looking at the issue as being one and the same in sum and
13 substance because we have two witnesses, both of whom appeared
14 previously before your Honours and in respect of which findings
12:30:01 15 were made. Your Honours are making the nuanced distinction that
16 because of the change in circumstances there are different
17 circumstances and I certainly appreciate that it is certainly
18 within your prerogative to make that determination, and I can
19 easily modify my arguments to suit this nuanced distinction you
12:30:22 20 are making.

21 Should that be the case, and as it is the case that your
22 Honours find that this is a different circumstance, I would
23 initially ask for permission to speak with my client for a brief
24 moment to see if we wish to make a renewed application. I
12:30:43 25 personally do not wish to make one at this point. I was
26 operating under the assumption that it was necessary for me, as
27 counsel, to reiterate a previous application given the passage of
28 time. But if you allow me leave to consult with Mr Taylor and I
29 would see if he wishes for me to make that application.

1 PRESIDING JUDGE: Mr Anyah, you may of course and must take
2 instructions. To just add to what has already been said, I would
3 add that on 14 January there was a ruling made and that ruling
4 has not been changed by way of appeal or any other way and, in my
12:31:23 5 view, and I think possibly my learned colleagues' view, this is
6 another application. It's not an application to reconsider a
7 decision that was made in relation to the circumstances on that
8 day.

9 MR ANYAH: Am I being permitted to take instructions?

12:31:44 10 PRESIDING JUDGE: In fact, I certainly thought I clearly
11 said that, but I said you may of course and should take
12 instructions.

13 MR ANYAH: Thank you, your Honour. Thank you.

14 PRESIDING JUDGE: Excuse me, Mr Anyah, whilst I don't wish
12:33:06 15 to interrupt, if you would prefer to consult with your client in
16 private rather than within the precincts of the Court we can of
17 course accommodate that.

18 MR ANYAH: No, Madam President. We are almost concluded.

19 Madam President, thank you for the opportunity to speak
12:34:32 20 with Mr Taylor. At this point in time and in particular respect
21 to this specific witness we do not wish to make a new application
22 for disqualification pursuant to Rule 15.

23 PRESIDING JUDGE: Thank you for that indication, Mr Anyah.
24 In the circumstances, please call the witness.

12:36:21 25 WITNESS: ALPHA JALLOH [Sworn]

26 EXAMINATION-IN-CHIEF BY MS BALLY:

27 Q. Can you state your name, please, sir?

28 A. Alpha Jalloh.

29 Q. I note that's spelt correctly on the record. Mr Jalloh, do

1 you know the date of your birth?

2 A. Yes, sir.

3 Q. When were you born?

4 A. 1973.

12:37:43 5 Q. Do you know the full date or just the year?

6 A. The year. Just the year.

7 JUDGE SEBUTINDE: Mr Witness, it seems you are not waiting
8 for the interpretation. Can you please wait for the Krio
9 interpretation before you answer the question.

12:38:01 10 THE WITNESS: Okay.

11 MS BALY:

12 Q. Sir, whereabouts were you born?

13 A. Freetown.

14 Q. Do you belong to any particular tribe?

12:38:19 15 A. I'm a Fullah.

16 Q. Sir, have you had any formal education?

17 A. Yes, I went to school.

18 Q. To what year did you go to school?

19 A. I stopped at Class 6.

12:38:41 20 Q. What languages do you speak?

21 A. I can speak Krio, Fullah and Temne.

22 THE INTERPRETER: Your Honours, can the witness be kindly
23 told to speak up.

24 PRESIDING JUDGE: Mr Witness, everything you say is being
12:38:55 25 interpreted and is being written down. Therefore, the
26 interpreters must hear you clearly. Please speak more loudly so
27 they may hear you and we will have the microphone put a little
28 closer to you.

29 THE WITNESS: Okay, no problem.

1 MS BALY:

2 Q. Sir, do you speak any English?

3 A. No, I cannot speak English.

4 Q. Do you understand any English?

12:39:35 5 A. I can understand. When people speak English I can
6 understand.

7 Q. Can you read in English?

8 A. I can read.

9 Q. Can you read in English?

12:39:55 10 A. Yes.

11 Q. On 5 April 2005 did you testify in the case of the
12 Prosecutor versus Brima, Kamara and Kanu?

13 A. Yes, yes.

14 Q. And, sir, have you recently been shown a copy of the
12:40:21 15 transcript and was that transcript read to you in a language that
16 you understood?

17 A. Yes.

18 MS BALY: I will just ask that this transcript be shown
19 firstly to Mr Anyah. Thank you.

12:40:47 20 THE WITNESS: I don't understand what you mean.

21 MS BALY:

22 Q. Mr Witness, I'm just not addressing a question to you at
23 the moment. Might the transcript now be shown to the witness,
24 please. Sir, is that the transcript that you have recently been

12:41:34 25 shown and that has recently been read to you in the language that
26 you understood?

27 A. Yes.

28 Q. And, sir, do you adopt that transcript as your previous
29 testimony?

1 A. Yes.

2 MS BALY: Can I now have that document marked and for the
3 record it bears Case Management Section pages 20679 to 20697. If
4 I could have that marked for identification.

12:42:19 5 PRESIDING JUDGE: On a quick arithmetic calculation, is
6 that 20 pages, Ms Baly?

7 MS BALY: My calculation is a bit less than that, 19 pages
8 I think.

9 PRESIDING JUDGE: Okay. That is a transcript of evidence
12:42:45 10 of the witness as adduced on 5 April 2005 in the case of the
11 Prosecutor v Brima and others. It's pages 20679 to 20697 of the
12 Court transcript and it becomes MFI-1.

13 MS BALY: Thank you:

14 Q. Now, Mr Witness, on 11 May in the year 2007 did you make an
12:43:20 15 additional statement?

16 A. Yes.

17 Q. And has that statement also been recently shown to you and
18 read to you in a language that you understood?

19 A. Yes.

12:43:40 20 MS BALY: Can this document firstly be shown to Mr Anyah.
21 Thank you. Could it now be shown to the witness, please:

22 Q. Mr Witness, if you look at that statement you will see that
23 there is a typed version of the statement and a handwritten
24 version of that statement. Can you go, please, to the last page
12:44:40 25 of that bundle and you see there a typed - a handwritten page.

26 At the end of that page can you see your signature on that page?

27 A. Yes.

28 Q. That's your signature there beside the word "signature", is
29 that so, sir?

1 A. Yes.

12:45:38 2 MS BALY: Thank you. Your Honour, can I have that document
3 also marked for identification. It bears the CMS numbers 20699
4 to 20711. I should make it clear now that there are two pages in
5 that bundle that we will be asking to have marked confidentially.
6 It's the same situation as for the previous witness.

7 Now, having regard to the procedure adopted for the last
8 witness, I'm happy to at this point, if your Honours think it's
9 appropriate, to ask the witness certain questions about the
12:45:59 10 personal information on those two pages or I can defer that until
11 the time I come to tender the documents and at that point ask the
12 witness questions or your Honours can indeed adopt the course you
13 did with the previous witness.

14 PRESIDING JUDGE: It would be pertinent, Ms Baly, if
12:46:23 15 there's an objection to the confidentiality, and I do not know
16 the attitude of the Defence, so I would suggest that it be
17 deferred until we seek a response.

18 MS BALY: As your Honour pleases.

19 PRESIDING JUDGE, therefore, this is a bundle of documents
12:46:38 20 being partly handwritten and partly typed, a statement of the
21 witness, being pages 20699 to 20711, becomes MFI-5. Please
22 proceed, Ms Baly.

23 MS BALY: I have no further questions at this stage.

24 PRESIDING JUDGE: Thank you. Mr Anyah, I understand from
12:47:16 25 your previous statement that you're dealing with this witness.

26 MR ANYAH: Yes, I am, Madam President.

27 PRESIDING JUDGE: Please proceed.

28 CROSS-EXAMINATION BY MR ANYAH:

29 Q. Good afternoon, Mr Jalloh.

1 A. Good afternoon, sir.

2 Q. Mr Jalloh, you just told us you were born in the year 1973,
3 correct?

4 A. Yes.

12:47:34 5 Q. And that would make you about 26 years of age in January of
6 1999. Is that fair to say, Mr Jalloh?

7 A. 26? Yes.

8 Q. And January of 1999 was the year and the month when you
9 sustained the injury to your left arm, yes?

12:48:10 10 A. Yes.

11 Q. Mr Jalloh, it is important that you understand that by me
12 asking you questions I am not in any way suggesting that you did
13 not undergo immense suffering during the time period when you
14 sustained your injury. Do you appreciate that, Mr Jalloh?

12:48:32 15 A. I understand.

16 Q. We have also been given documents which suggest that you
17 lost family members around the time when your arm was amputated,
18 and again I just reiterate that by me asking you these questions
19 I am not in any way trying to suggest that those losses you
20 sustained did not actually happen. Do you appreciate that,

12:48:55 21 Mr Jalloh?

22 A. Yes.

23 Q. Now, Mr Jalloh, it is fair to say that the injury to your
24 arm, I'm speaking of your left arm, occurred on 18 January 1999,
12:49:14 25 yes?

26 A. That was the time they amputated my arm.

27 Q. That was the date, yes?

28 A. Yes.

29 Q. And on the day before, you and your family were in the

1 vicinity of Kissy Road in Freetown, yes?

2 A. Yes.

3 Q. And around that time, 17 January, ECOMOG was making an
4 advance into Freetown, yes?

12:50:05 5 A. Yes.

6 Q. And at some point you were in the company of your younger
7 brother, yes?

8 A. Yes, I was with my younger brother and my cousin.

9 Q. And you and your younger brother and your cousin moved to
12:50:19 10 the vicinity of 130 Kissy Road in Freetown, yes?

11 A. Yes, that was how it happened.

12 Q. And from that premises you watched as ECOMOG tried to make
13 an advance into Freetown, true?

14 A. ECOMOG was advancing from the Eastern Police towards the
12:50:47 15 Upgun area, but by then they had stopped at Savage Square and
16 during that moment the rebels had reached the area where I was
17 hiding and they took out the machine gun --

18 THE INTERPRETER: Your Honours, the last bit of the
19 witness's answer did not come clearly to the interpreter.

12:51:07 20 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
21 all of your answer clearly. Please pick up and repeat from the
22 point where you said, "they took out the machine gun." Continue
23 from there, please.

24 THE WITNESS: When the ECOMOG advanced where we were hiding
12:51:25 25 was - it was in front of that particular house that the rebels
26 had mounted their machine gun. It was during that course that we
27 decided to move to Manfred Lane.

28 MR ANYAH:

29 Q. Mr Witness, ECOMOG was not successful in its attempt to

1 move from the eastern end or east end towards the Uppun area of
2 Freetown on 17 January 1999, yes?

3 A. They did not succeed, then they retreated. They went back
4 to the Eastern Police area.

12:52:03 5 Q. And you and your younger brother and your cousin, you moved
6 from the address on Kissy Road to, as you've said, Manfred Lane
7 and that's M-A-N-F-R-E-D and you were at number 9 Manfred Lane,
8 yes?

9 A. Yes, yes.

12:52:26 10 Q. And by this time we are on 18 January 1999, true?

11 A. Yes.

12 Q. And that was when the rebels knocked on the door and
13 captured the three of you, yes?

14 A. Yes.

12:52:42 15 Q. And it was later during that day that you sustained the
16 injury that is visible to your left arm, yes?

17 A. Yes. That was the same day that they amputated me, my
18 brother and my cousin.

19 Q. Now, these rebels that you encountered from 17 through 18
12:53:06 20 January, that was not the first time in January 1999 that you had
21 encountered them, correct?

22 A. That was not the first time.

23 Q. Indeed, you had encounter them starting from 6 January
24 thereabouts in 1999, yes?

12:53:23 25 A. Yes, we were within the area where the rebels were.

26 Q. And starting from 6 January life started getting difficult.
27 You had to move from the area where you were on Young Street and
28 you went looking for your mother on Jenkins Street, yes?

29 A. Yes.

1 Q. And at some point you lost track of your mother but you
2 eventually found her, yes?

3 A. We went to Jenkins Street and my mother was not there and
4 the following morning around 8 o'clock we went to Calaba Town.

12:54:03 5 There we met my mother.

6 Q. Now that area where you lived, first on Young Street which
7 is near the Kissy Road area, the rebel commander in that area was
8 somebody named Captain Blood, yes?

9 A. Yes.

12:54:22 10 Q. At the time, you did not know that he was the rebel
11 commander but later on you heard that he was the rebel commander,
12 yes?

13 A. Exactly. That was how it happened.

14 Q. And the particular rebel who amputated your arm was

12:54:42 15 somebody called Tommy, yes?

16 A. Yes, that is it.

17 Q. Tommy belonged to the same group to which Captain Blood
18 belonged, yes?

19 A. Yes.

12:54:55 20 Q. These rebels were actually soldiers that went into the bush
21 and returned from the bush, yes?

22 A. Yes, most of them were soldiers.

23 Q. And when you say they were soldiers, you knew them to be
24 former members of the Sierra Leone Army, yes?

12:55:19 25 A. Yes.

26 Q. And these were people that before January 1996 - January
27 1999 you had seen previously in the vicinity of Freetown, yes?

28 A. Yes. Before they went to the bush we were all in Freetown,
29 so we knew most of them facially.

1 Q. Yes. Now this fellow Tommy who amputated your arm, he
2 spoke Krio, yes?

3 A. Yes.

4 Q. And he was a Sierra Leonean, correct?

12:55:59 5 A. Yes.

6 Q. Indeed, most of the rebels that you refer to in your
7 statements spoke Krio, correct?

8 A. Some spoke Krio. Some spoke the Liberian language.

9 Q. But would it be fair to say that most of them, I'm now
12:56:20 10 trying to find out what the majority of them spoke, most of them,
11 the majority of them, did in fact speak Krio?

12 A. Yes.

13 Q. The rebels, some of them wore combat uniforms, yes?

14 A. Yes.

12:56:41 15 Q. And most of them wore headbands that resembled the American
16 flag, yes?

17 A. Yes.

18 Q. And then some of them wore black T-shirts, true?

19 A. That was how it happened.

12:57:01 20 Q. And in addition to the rebels there were also others who
21 wore headbands, white headbands, yes?

22 A. Yes.

23 Q. And the rebels had among their company civilians, yes?

24 A. Yes.

12:57:18 25 Q. And both rebels and civilians would also wear white
26 headbands, correct?

27 A. They all dressed the same way.

28 Q. Are you saying that it was difficult to tell a rebel apart
29 from a civilian?

1 A. Yes.

2 Q. And are you saying that it is possible that both groups of
3 persons wore white headbands?

4 A. Yes.

12:57:50 5 Q. Now, how long had you lived in Freetown before the events
6 of January 1999?

7 A. I have lived in Freetown for quite a long time.

8 Q. Can you first of all give us an approximate number of years
9 that you lived in Freetown before January 1999?

12:58:22 10 A. I was born and bred in Freetown, so I cannot tell you
11 actually for how many years I have lived there. I have lived
12 there for a very long time.

13 Q. Is it fair to say that since your birth in 1973 through
14 January 1999 you resided primarily in Freetown?

12:58:45 15 A. I have travelled to so many areas in the country.

16 Q. But would you say that Freetown was your permanent base
17 during this period of time?

18 A. Yes, during that time I was based in Freetown, but I used
19 to travel upcountry and return.

12:59:04 20 Q. Did you ever travel out of Sierra Leone before January
21 1999?

22 A. No.

23 Q. You had never been to Liberia before January 1999?

24 A. No, I did not go there.

12:59:24 25 Q. Have you gone to Liberia since January 1999?

26 A. I have not gone there.

27 Q. You have never in your life been to Liberia, is that fair
28 to say, Mr Witness?

29 A. I have never been to Liberia.

1 Q. When you say some of the soldiers were speaking Liberian
2 language, are you telling us that you recognised the manner in
3 which they spoke to be Liberian?

4 A. Yes, because I have lived with Liberian people for quite a
13:00:00 5 long time, so I know that there is a difference between the
6 Liberian Krio and the Sierra Leonean Krio. No matter the way the
7 Liberian man speaks, when the Sierra Leonean speaks the Sierra
8 Leonean Krio you would know that there is a difference, so that
9 was how I was able to discern.

13:00:19 10 Q. So when you say they were speaking Liberian language you
11 actually mean that they were speaking Krio with a Liberian
12 accent, yes?

13 A. Yes.

14 Q. You're not referring to a completely different language,
13:00:37 15 you're referring to the same Krio, correct?

16 A. They speak Krio but there is a difference between the
17 Liberian Krio and the Sierra Leonean Krio. I mean the Liberian
18 English and the Sierra Leonean Krio.

19 Q. But it is the same Krio we are talking about, it's just a
13:00:56 20 difference in accents, is it?

21 A. Yes.

22 Q. When you say you have lived with Liberians, who
23 specifically have you lived with?

24 A. They were civilians. By then we were with them in Freetown
13:01:13 25 and I also went to Kono, I lived there for some time and I knew
26 them there. So it was since then that I was able to know the
27 difference between the Liberian English and the Sierra Leonean
28 Krio.

29 Q. So it is fair to say from your response that there were

1 Liberians residing in Freetown prior to January 1999, yes?

2 A. Yes, civilians were there who came from Liberia.

3 Q. And some of those people had lived in Freetown for many,
4 many years before January 1999, correct?

13:01:47 5 A. Yes.

6 Q. And so in your everyday life, before the events of January
7 1999, you encountered Liberians as other residents in Freetown,
8 yes?

9 A. Yes.

13:02:07 10 Q. Mr Witness, some of those former SLA or Sierra Leone Army
11 soldiers that you recognised were these Liberians we are speaking
12 of, correct?

13 A. The Sierra Leone soldiers whom I knew facially, whose names
14 I did not know, they were not Liberians.

13:02:35 15 Q. But it is fair to say, is it not, that some amongst the
16 number of soldiers you heard speaking Krio with a Liberian accent
17 were Liberians?

18 A. Yes, because I have never met them before, save that time.

19 Q. Mr Witness, have you ever heard of something called the
13:02:59 20 Special Task Force?

21 A. Special Task Force? No, I do not know about that.

22 Q. Have you ever heard of somebody called David Livingstone
23 Bropleh?

24 A. No.

13:03:31 25 Q. Have you ever heard somebody say STF?

26 A. No.

27 Q. Are you aware of the fact that the Sierra Leone Army was
28 made up of members of something called the Special Task Force in
29 January 1999?

1 A. What do you mean by Special Task Force?

2 Q. I mean a category of fighters in a particular unit that
3 were of Liberian descent fighting as part of the Sierra Leone
4 Army, are you aware of that?

13:04:06 5 A. Exactly.

6 Q. What do you mean "exactly", Mr Witness?

7 A. That was how it happened. I know about that. That was the
8 reason why I said so.

9 MR ANYAH: Madam Court Officer, could you kindly exhibit
13:04:19 10 for us Defence exhibit 26, please:

11 Q. Mr Witness, the former President of Sierra Leone, His
12 Excellency Alhaji Ahmad Tejan Kabbah gave testimony before the
13 Sierra Leone Truth and Reconciliation Commission, he gave a
14 statement, and that's what we are trying to display for you. It
13:05:14 15 is dated Tuesday, 5 August 2003, and I just want to read a few
16 paragraphs of that statement to you. Madam Court Officer, on the
17 next page there should be a subheading "Special Task Force".
18 Mr Witness, you told us you could read English a few minutes ago.
19 Is that the case? Mr Witness?

13:05:47 20 A. Yes.

21 Q. Would you prefer that I read it for you?

22 A. Yes, read.

23 Q. Do you see the paragraph that is numbered 52 beneath the
24 bold letters "Special Task Force"?

13:06:06 25 A. Yes.

26 Q. Now this is President Kabbah speaking and he writes:

27 "Another group which I came to know about much later, as
28 part of the security units utilised by the military, was the
29 Special Task Force. I was never briefed about this when I

1 assumed office as President in 1996. I knew about the existence
2 of this unit only on the day of the AFRC coup d'etat, yet the
3 army, without regard for the origin and true motive of the
4 members of this group, had used them regularly and depended on
13:06:52 5 them considerably."

6 You see President Kabbah referring to the word "origin"
7 there? Did you hear me read that, Mr Witness?

8 A. I heard you.

9 Q. Have you ever heard of the acronym ULIMO before, U-L-I-M-O,
13:07:14 10 Mr Witness?

11 A. I heard about ULIMO soldiers before.

12 Q. And do you know ULIMO soldiers to be --

13 A. I heard about them. I heard about them.

14 Q. I understood your response, I'm just trying to ask you a
13:07:33 15 follow-up question. Did you hear about ULIMO soldiers as being
16 from Liberia, Mr Witness?

17 A. Yes.

18 MR ANYAH: Madam Court Officer, could we go to paragraph
19 58, the next page. It will be paragraph 58:

13:08:01 20 Q. Mr Witness, this is again President Kabbah and I'll read it
21 for you. In paragraph 58 it says:

22 "The NPRC inherited from the APC regime the problem of
23 ULIMO, but it too never settled or attempted to settle it. All
24 it did was to insist on the dropping of the 'J' and the 'K' from
13:08:32 25 the names of the two factions and to collectively rename them
26 Special Task Force. The Special Task Force was then almost
27 incorporated into the Sierra Leone Army and they received
28 salaries, allowances and their supplies were regularly
29 replenished."

1 Mr Witness, do you remember the time of the APC - I'm
2 sorry, the NPRC government in Sierra Leone?

3 A. Yes.

4 Q. You have heard of the name Valentine Strasser before, yes?

13:09:53 5 A. Yes.

6 Q. You have heard of the name Julius Maada Bio before, yes?

7 A. Yes.

8 Q. That was the NPRC regime that took power in January of 1992
9 through March of 1996, yes?

13:10:09 10 A. Yes.

11 Q. President Kabbah is saying to the Truth and Reconciliation
12 Commission that what was known as ULIMO was turned into the
13 Special Task Force. Did you hear me read that, Mr Witness?

14 A. I heard you.

13:10:28 15 Q. The ULIMO fighters that you heard of that were Liberians,
16 you acknowledge that they joined the Sierra Leone Army, yes? Did
17 you understand the question, Mr Witness?

18 A. I did not understand.

19 Q. You have agreed that you've heard of ULIMO fighters,
20 correct?

13:10:55 21 A. Yes.

22 Q. You have agreed that you know them to have been or, rather,
23 you have heard that they were from Liberia, yes?

24 A. Yes.

13:11:06 25 Q. You have agreed that ULIMO fighters were present in Sierra
26 Leone. Correct me if I'm wrong.

27 A. Yes.

28 Q. Do you agree that some of the persons that you encountered
29 speaking Liberian language, or speaking Krio with a Liberian

1 accent in January of 1999, were ULIMO or former ULIMO fighters?

2 A. Well, I did not know whether they were ULIMO soldiers or
3 not, but all I knew is that they were Liberian soldiers.

4 Q. But those people, and the manner in which they spoke,
13:11:54 5 suggested that they had been in Sierra Leone for some time.
6 Would you agree with that?

7 A. Well, yes.

8 Q. Because somebody, if he just came from Liberia, would
9 probably not speak Krio, would probably speak something else,
13:12:14 10 yes?

11 A. Yes.

12 Q. So it is the case that part of these rebels that did this
13 harm to you, to your younger brother and to your cousin, were
14 soldiers who had been in Sierra Leone for a while, yes?

13:12:32 15 A. Yes.

16 Q. Notwithstanding that they spoke with a Liberian accent,
17 yes?

18 A. Yes.

19 Q. Indeed, you have other groups of West Africans living in
13:12:45 20 Sierra Leone, like Nigerians, yes?

21 A. Yes, yes. They were there as ECOMOG.

22 Q. Yes. But aside from ECOMOG there were other West Africans
23 that resided in Sierra Leone, like Nigerians, yes?

24 A. Yes, they were there.

13:13:08 25 Q. You had people in Sierra Leone that spoke Hausa, a Nigerian
26 language, when you grew up in Sierra Leone, yes?

27 A. Yes.

28 Q. And you've also heard of the Hausa-Fulani, have you not?

29 A. Yes.

1 Q. You yourself are a Fullah, but you're a Sierra Leonean
2 Fullah, correct?

3 A. Yes.

13:13:38

4 Q. And your brother West Africans, some of them are
5 Hausa-Fulani from Nigeria, yes?

6 A. Yes.

7 Q. So all these different ethnic groups were in Sierra Leone
8 in January of 1999, correct?

9 A. Most of them were there.

13:13:56

10 MR ANYAH: Now, Madam Court Officer, I will read the last
11 sentence in paragraph 58 and then I'll read paragraph 62 of
12 President Kabbah's statement. The last sentence in paragraph 58
13 reads: "Brigadier David Livingstone Bropleh eventually became
14 the new head of the Special Task Force."

13:14:29

15 Then paragraph 62:

16 "General Bropleh and his STF followers fled together with
17 the AFRC junta personnel when the ECOMOG-led force removed the
18 junta from Freetown in February 1998. Together they played an
19 active role in all the attacks that displaced ECOMOG and
20 government troops in such places at Koidu, Makeni, Kamakwie and
21 Lunsar. They supported the 6 January 1999 attack of Freetown.
22 On the recall of all military personnel in 2000 after the
23 granting of the amnesty in the Lomé Peace Agreement 1999 the STF
24 resurfaced with General Bropleh still at the helm of the force."

13:15:00

25 Q. Mr Witness, President Kabbah is telling the Truth and
26 Reconciliation Commission that this group, the STF, made up of
27 former ULIMO fighters, participated in the 6 January 1999
28 invasion. Do you agree with that proposition, Mr Witness?

13:15:42

29 A. I would like you to go over that question again.

1 Q. I will try and break it down. President Kabbah is speaking
2 about former ULIMO fighters and he is saying that those former
3 ULIMO fighters formed the group called the STF and that they were
4 participants in the 6 January invasion of Freetown. Now, on the
13:16:35 5 basis of what you experienced on the ground, would you agree with
6 that proposition that persons who were former members of ULIMO
7 participated in the 6 January 1999 invasion of Freetown?

8 A. Well, I did not understand that. All I knew was that
9 rebels entered Freetown. I did not know which type of rebels.
13:17:06 10 That is what I know, that rebels came into Freetown, but I did
11 not know what type of people.

12 Q. And some of them were persons who spoke with a Liberian
13 accent that had been in Sierra Leone for a while, yes?

14 A. The rebels that I understood came were Sierra Leonean
13:17:27 15 soldiers and Liberian rebels.

16 Q. Okay, that's fair enough. Mr Witness, are you currently
17 employed?

18 A. I'm not working.

19 Q. When was the last time that you held a job?

13:17:47 20 A. I was doing petty business initially when I had not got
21 this problem.

22 Q. Since you got this problem have you been able to continue
23 with your petty business?

24 A. No, because since then I have not been able to get money to
13:18:12 25 continue with my business.

26 Q. Since you testified in the former trial in Freetown on 5
27 April 2005, have you received money from the Special Court,
28 Mr Witness?

29 A. No.

1 Q. Nobody in the Special Court has ever given you money, is
2 that your evidence, Mr Witness?

3 A. They never used to give me money when I testified.

13:18:50

4 Q. Well, let me rephrase the question so perhaps it might be
5 clearer. I'm not suggesting that they gave you money at the time
6 you were testifying. I am asking you whether out of court, for
7 one reason or another, somebody from the Special Court gave you
8 money?

9 A. No.

13:19:05

10 Q. Did the Special Court or any member of the Special Court,
11 and I would include members of the Office of the Prosecutor, ever
12 spend money for your medical care?

13 A. No.

13:19:24

14 Q. Did they ever give you money for transportation when you
15 would come to meet with them for interviews, Mr Witness?

16 A. They gave me transport fare.

17 Q. Did you at any time go to the hospital for further medical
18 treatment in respect of your arm, Mr Witness?

19 A. Yes.

13:19:44

20 Q. When was that?

21 A. Well, at the time I went to testify they took me to the
22 hospital and they gave me some treatment there.

23 Q. And when you say "they" you're referring to members of the
24 Special Court?

13:20:05

25 A. Yes.

26 Q. Have they ever given you cash?

27 A. Money?

28 Q. Yes.

29 A. To go to the hospital? No.

1 Q. Not to go to the hospital, an allowance for any expenses
2 you may have, but in cash?

3 A. At any time I paid my own transportation fare to go there
4 on my return they would reimburse me.

13:20:39 5 Q. But aside from transportation fares, Mr Witness, did they
6 ever give you money for lost wages, money you could have earned
7 had you been working but that you lost because you were with
8 them?

9 A. Yes, they gave me money at the time I was with them, the
13:21:02 10 time I was spending with them. Sometimes for two or three days
11 when I was there with them, spending time with them, on my return
12 they would give me some money for the times I spent with them.

13 Q. Do you know how much you have received from the Special
14 Court since you testified in the last trial on 5 April 2005?

13:21:27 15 A. No, I don't know.

16 Q. Mr Witness, we have records that show how much has been
17 spent on you because there is a section of the Court that keeps
18 those records and I'll just give you the grand total figure that
19 I have and ask you if it sounds about right. I have a figure of
13:21:58 20 2,707,000 leones. This is the total amount that --

21 A. That has been given to me?

22 Q. No.

23 A. That has been spent on me?

24 Q. Yes, that the Court says it has sent on you. Does that
13:22:14 25 sound about right, Mr Witness?

26 A. Well, I wouldn't deny that because even in the case of the
27 transportation for me to come here, if you put all of those
28 monies together, and if they said they have spent up to that
29 amount I would not deny that.

1 Q. Now did they ever give you an allowance for attending
2 court, cash allowance?

3 A. At the times I used to go to court, for the two or three
4 days that I would go to court they would give me some allowance.

13:22:53 5 Q. And can you give us an idea of the amount of money you were
6 given in cash as allowance?

7 A. For each day I was there you mean?

8 Q. Yes, the total amount of time you went to court, how much
9 was given to you for your total attendance in court if you were
13:23:16 10 to add all of them?

11 PRESIDING JUDGE: For clarification, Mr Anyah, when you say
12 attendance in court, is this when he was giving evidence or
13 giving evidence and visiting the Office of the Prosecutor?

14 MR ANYAH: Yes, I see the distinction. I will clarify:

13:23:33 15 Q. Mr Witness, how much total - what is the total amount in
16 cash that you've been given by the Special Court for any purpose?

17 A. That I wouldn't tell. I cannot actually tell the amount of
18 money now, because if you look at it, the transportation and what
19 they used to give me, I cannot actually check that now.

13:24:00 20 MR ANYAH: Madam Court Officer, may I have your assistance,
21 please:

22 Q. Mr Witness, there is a document displayed on the screen and
23 that's a document from the Special Court's Witnesses and Victims
24 Section, and it has a number there in the middle, TF1-098 and
13:24:39 25 that is a number that those of us in court associate with you as
26 being yourself, and do you see where it says "Witness attendance
27 allowance: 1,232,000 leones". Do you see that, Mr Witness?

28 A. Yes, I see it.

29 Q. That category is suggesting that you were given an

1 allowance that amounts to that total. Do you agree with that
2 figure, Mr Witness?

3 A. The allowances that they gave to me? Is that what you
4 mean?

13:25:16 5 Q. Yes, that is what I mean.

6 A. No, it's not up to that.

7 Q. Would you agree with the category that says "medical", that
8 they have spent about 564,000 Leones on your health?

9 A. Well, I do not know how much money they paid at the
13:25:47 10 hospitals. Even before we came here we went for medical
11 examination to three different locations, but I don't know how
12 much they paid because they did not give it to me directly to be
13 paid.

14 Q. Mr Witness, if you go on Siaka Stevens in the downtown of
13:26:07 15 Freetown and you want to change US dollars into Leones it would
16 be fair to say, would it not, that one US dollar goes for about
17 3,000 Leones, yes?

18 A. Yes.

19 Q. Do you see the total figure there of 2,707,000 Leones?

13:26:30 20 A. I have seen it.

21 Q. If you divide that by 3,000 it adds up to about 902 United
22 States dollars. Are you aware of that, Mr Witness?

23 A. Well, yes.

24 Q. Are you just saying yes because you wish to agree with me
13:26:51 25 or do you agree that if you divide 2,707,000 by 3,000 it will
26 amount to about 902 US dollars?

27 A. Yes.

28 Q. Now, Mr Witness, the Court is saying by its records that
29 since 9 February 2005 it has spent about 900 and something US

1 dollars on you. Does that sound accurate to you, Mr Witness?

2 A. I wouldn't deny that.

3 MR ANYAH: May I have a moment, Madam President? Madam
4 President, I have no further questions.

13:27:38 5 PRESIDING JUDGE: Thank you, Mr Anyah. Ms Baly,
6 re-examination of the witness?

7 RE-EXAMINATION BY MS BALY:

8 Q. Mr Witness, you said in your evidence that you had lived
9 with Liberians in Freetown. My question is for how long did you
10 live with the Liberians in Freetown?
13:27:58

11 A. We did not live together in the same home, like I said.
12 But we lived in the same town, in the same Freetown, in the same
13 areas, but not in the same home.

14 Q. For how long did you live in the same areas with those
13:28:18 15 Liberians?

16 A. For quite a long period of time because at the start of the
17 war so many refugees escaped and came to Freetown, since 2002.

18 Q. And what language did you hear those Liberians speaking in?

19 A. During the time they were in Freetown some used to try and
13:28:52 20 manage to talk our Krio, but even at that, when they spoke, you
21 would know that they were from there.

22 MR ANYAH: I'm just wondering if the transcript is accurate
23 or if I misheard. The part where it says since 2002. I am
24 wondering if that is what was actually said?

13:29:12 25 MS BALY:

26 Q. Did you, Mr Witness, say that you had lived in the same
27 town since 2002 with those Liberians?

28 A. In Freetown at that time there were so many Liberians who
29 had escaped from Liberia. They were many in Freetown.

1 Q. What time are you referring to?

2 A. Since 1992. Since 1992 up to the time I got this problem.

3 Q. And when you said you lived with Liberians in Kono when you
4 visited Kono, when was that?

13:29:59 5 A. Yes. I used to go to Kono during the 1988/89, I used to go
6 to Kono and spend time there in Koidu Town.

7 Q. And what language did you hear those Liberians that you
8 encountered at that time in Kono speaking?

9 A. The reason why we understand a Liberian whilst they speak,
13:30:36 10 because when the Liberian speaks the Krio they will say "meh,
11 meh", they will also say "meh". So when that happens you are
12 quick to understand that this person indeed is a Liberian.

13 MS BALY: Thank you, I have no further questions.

14 PRESIDING JUDGE: Thank you, Ms Baly. We have no questions
13:31:05 15 of the witness, Ms Baly.

16 MS BALY: Your Honour, can I now move into evidence MFI-1
17 which is the transcript. I tender that document.

18 PRESIDING JUDGE: Mr Anyah?

19 MR ANYAH: No objection, Madam President.

13:31:18 20 PRESIDING JUDGE: Thank you. That is a transcript of
21 evidence of the witness as previously described and it becomes
22 Prosecution exhibit P-210.

23 [Exhibit P-210 admitted]

24 MS BALY: I tender MFI-5, and as I indicated earlier I'm
13:31:42 25 seeking that two pages, they being 20699 and 20704 be marked as a
26 confidential exhibit.

27 PRESIDING JUDGE: Mr Anyah, your reply to that application?

28 MR ANYAH: Yes, I would be grateful to see those pages
29 again. I do recall the first one might just be the pedigree of

1 the witness, that is his biographical information.

2 MS BALY: The pages record the same information. It's the
3 same situation as with the last witness.

13:32:19

4 PRESIDING JUDGE: Do you mean a handwritten page and a
5 typed page?

6 MS BALY: Yes, exactly, your Honour.

7 PRESIDING JUDGE: If you require some time, Mr Anyah, I
8 will release the witness, because we are technically over the
9 lunch break, but it would be very neat to dispose of this.

13:32:42

10 MR ANYAH: I think it would be appropriate to release the
11 witness.

12 PRESIDING JUDGE: Very well. Whilst you continue to look.
13 Mr Witness, that is the end of your evidence here in court today.
14 We thank you for coming to court and giving your evidence and you
15 are now free to leave the Court and we wish you a safe journey
16 home. Madam Court Officer will assist you to leave.

13:32:52

17 Yes, Mr Anyah, you're on your feet.

18 MR ANYAH: I have no objection.

13:33:28

19 PRESIDING JUDGE: To the confidentiality application in its
20 entirety?

21 MR ANYAH: Yes, Madam President.

13:33:54

22 PRESIDING JUDGE: Very well. We will admit into evidence
23 the statement of the witness. We will note that two pages, that
24 is 20699 and 20704, will be marked as confidential and we will
25 have them as Prosecution exhibit P-211A being the statements,
26 that's the handwritten and the typed statements, and 211B being
27 the two pages which are headed "Witness ID Form".

28 [Exhibit P-211A and P-211B admitted]

29 If there are no other matters we will take the lunchtime

1 adjournment and we will start again at 2.35. Please adjourn
2 court until 2.35.

3 [Lunch break taken at 1.35 p.m.]

4 [Upon resuming at 2.35 p.m.]

14:33:34 5 PRESIDING JUDGE: Good afternoon, Mr Werner.

6 MR WERNER: Good afternoon, Madam President, your Honours,
7 counsel opposite. For the Prosecution this afternoon, Brenda J
8 Hollis, Maja Dimitrova and Alain Werner.

9 PRESIDING JUDGE: Thank you, Mr Werner. I think, Mr Anyah,
14:34:04 10 your Bar is as before.

11 MR ANYAH: Yes, that is correct, Madam President. Thank
12 you.

13 PRESIDING JUDGE: Thank you. Mr Werner, please proceed.

14 MR WERNER: Thank you, Madam President. Your Honours, the
14:34:10 15 next witness for the Prosecution will be TF1-104. The reason why
16 the witness is not here is that we need to make an application
17 concerning the protective measures. This witness will be a 92
18 bis witness concordant to your decision of yesterday, I believe,
19 21 October 2008, TF1-104.

14:34:35 20 Now, the situation for this witness, as you noted in your
21 decision, this witness was covered by a decision from Trial
22 Chamber I on 11 May 2005 and this decision permitted the witness
23 to testify in closed session. Our position is that on top of
24 that permission the witness is a Category 1 in the 5 July 2004
14:35:06 25 decision. He is not listed in the annexes.

26 Now, we have spoken with this witness and this witness told
27 us that he would like to testify completely openly. So we would
28 apply to rescind the protection granted to this witness in the 11
29 May 2005 decision and to the extent that he is protected by the

1 Category 1 on the 5 July 2004 decision then we will apply as well
2 for this protection to be rescinded. That will be --

3 PRESIDING JUDGE: When you say Category A, is that those
4 persons falling under --

14:35:51 5 MR WERNER: Sorry, I said Category 1, your Honour. Yes, he
6 is not in any annexes.

7 PRESIDING JUDGE: So he is not seeking to have a pseudonym?

8 MR WERNER: No.

9 PRESIDING JUDGE: I gather it is a gentleman, from what you
14:36:07 10 have said?

11 MR WERNER: Yes.

12 PRESIDING JUDGE: Mr Munyard, Mr Anyah, I am not sure who
13 is dealing with this witness.

14 MR MUNYARD: Madam President, it's myself. Well,
14:36:18 15 obviously, the Defence position is that we are always happier for
16 witnesses to testify completely openly. We already have stated
17 our position on the decision on 11 May 2005 and we maintain that
18 - sorry, not 11 May 2005. That is the earlier one. Of the 5
19 July 2004. I don't need to repeat it. We maintain our position
14:36:51 20 and we don't object to any application that the Prosecution may
21 make, whether that application be technically redundant or not.

22 PRESIDING JUDGE: We note the application and, as has been
23 stated on similar applications earlier, we consider this
24 application redundant. However, for purposes of record, we note
14:37:16 25 that the witness TF1-104 will give his evidence in open session
26 without use of a pseudonym. Please call the witness.

27 MR WERNER: Your Honour, our application was that we
28 understand the position concerning the 2004 decision, but this
29 witness was covered as well by an 11 May 2005 decision. This

1 decision was - you made reference in your decision for this
2 witness to be 92 bis. If your Honours need it, I have here a
3 copy of the 11 May 2005 decision by Trial Chamber I permitting
4 this witness to testify in closed session, so would apply as well
14:38:05 5 for those protections to be rescinded.

6 PRESIDING JUDGE: Then again for purposes of record and
7 clarification, the witness seeks to rescind another protective
8 measure. That is the measure of giving his evidence in closed
9 session. Is that correct?

14:38:19 10 MR WERNER: Yes, Madam President.

11 PRESIDING JUDGE: And that is, I gather, also not opposed
12 and accordingly we grant that application.

13 MR WERNER: So we are calling this witness, TF1-104, Samuel
14 Radder John, as the next Prosecution witness.

14:38:38 15 JUDGE SEBUTINDE: Samuel who?

16 MR WERNER: Sorry, the name of the witness is
17 Samuel Radder, R-A-D-D-E-R, John and he will testify in English
18 and he is a Christian.

19 WITNESS: SAMUEL RADDER JOHN [Sworn]

14:39:33 20 EXAMINATION-IN-CHIEF BY MR WERNER:

21 Q. Good afternoon, Mr Witness.

22 A. Good afternoon, sir.

23 Q. Mr Witness, could you give your name to this Court?

24 A. I am Samuel Radder John.

14:40:19 25 Q. Could you spell your name for the Court?

26 A. Yes.

27 Q. S-A-M-U-E-L, Samuel, Radder, R-A-D-D-E-R and John, J-O-H-N.

28 JUDGE SEBUTINDE: Is John the surname?

29 THE WITNESS: Yes.

1 MR WERNER:

2 Q. What is your date of birth, Mr Witness?

3 A. I was born on 10 September 1968.

4 Q. And where were you born?

14:40:56 5 A. In Segbwema, Kailahun District, Njalahun Chiefdom.

6 Q. Could you spell the last name, last location that you gave?

7 A. Njalahun is N-J-A-L-U-A-H-U-N.

8 Q. Do you belong to any tribe?

9 A. Yes, I am a Mende by tribe.

14:41:33 10 Q. And which languages, Mr Witness, do you speak?

11 A. I speak Krio, Mende and English.

12 Q. And what is your level of education?

13 A. I went up to tertiary level.

14 Q. Mr Witness, do you remember testifying in Freetown in

14:42:11 15 Sierra Leone on 30 June 2005 in the case Prosecutor versus Brima,
16 Kamara and Kanu, the AFRC case? Do you remember that?

17 A. Yes.

18 MR WERNER: I would request a transcript to be shown first

19 to Mr Munyard. That is a transcript of the case Prosecutor

14:42:49 20 versus Brima, Kamara and Kanu of that day, 78 pages, CMS numbers
21 20713 to 20790:

22 Q. Mr Witness, could you look at this transcript. Was this

23 transcript read to you in a language that you can understand?

24 A. Yes.

14:43:45 25 Q. And do you adopt this transcript as your prior testimony?

26 A. Yes, I do.

27 MR WERNER: Thank you, Mr Witness. I would request, your

28 Honours, this transcript to be marked for identification and

29 again we are in a situation where part of the evidence was in

1 closed session and I have the CMS number in closed session, 20716
2 to 20790. When we will tender that document later we will ask
3 for that portion to be confidential, your Honours.

4 PRESIDING JUDGE: We will deal with that in due course,
14:44:38 5 Mr Werner. In the meantime I will mark the document. It's a
6 bundle of typewritten pages being a transcript of evidence of the
7 witness given on 30 June 2005 in the case of Prosecutor v Brima
8 and others, 78 pages between 20713 and 207970. It becomes MFI-1.
9 Any further questions for the witness?

14:45:47 10 MR WERNER: Yes.

11 PRESIDING JUDGE: Please proceed.

12 MR WERNER:

13 Q. Mr Witness, do you remember the same year, in 2005 in
14 November, on 28 November, testifying in the case Prosecutor
14:45:58 15 versus Sesay, Kallon and Gbao, the RUF case, in Freetown? Do you
16 remember that?

17 A. Yes, I remember.

18 MR WERNER: And again I would ask the transcript to be
19 first shown to Mr Munyard. Your Honours, this is a transcript of
14:46:18 20 the case Prosecutor versus Sesay, Kallon and Gbao, 28 November
21 2005, 14 pages, CMS page numbers 20791 to 20804:

22 Q. Mr Witness, was this transcript read to you in a language
23 that you could understand?

24 A. Yes.

14:47:10 25 Q. And do you adopt this transcript as your prior testimony?

26 A. Yes.

27 MR WERNER: Your Honours, I would request this transcript
28 to be marked for identification and again there was a portion in
29 closed session, CMS number 20797 to 20804, and again we will

1 Later ask for that to be confidential.

2 PRESIDING JUDGE: Then that is a bundle of documents
3 typewritten, transcript of evidence adduced in the case of
4 Prosecutor v Sesay and others on 28 November 2005 being pages
14:48:09 5 20791 to 20804. It becomes MFI-5.

6 MR WERNER:

7 Q. Now, Mr Witness, do you remember on 25 May 2007 in Freetown
8 giving a statement to an investigator of the Office of the
9 Prosecutor called Steven Niemi?

14:48:59 10 A. Yes, I do.

11 Q. And do you remember that this statement was read to you in
12 a language that you could understand? Is that correct?

13 A. Yes.

14 MR WERNER: I would request this statement to be first
14:49:13 15 shown to Mr Munyard. Your Honour, it's a four page statement, 25
16 May 2007, CMS number 20806 to 20809:

17 Q. Mr Witness, could you look at the last page of this
18 statement. There was an affirmation saying that the statement
19 was read to you in English and that the information contained in
14:50:18 20 the statement is true and correct to the best of your knowledge
21 and belief and there was a signature. Is that your signature,
22 Mr Witness?

23 A. Yes.

24 MR WERNER: Thank you. I would request these four pages to
14:50:36 25 be marked for identification, your Honours.

26 PRESIDING JUDGE: This is a four page document headed
27 "Special Court for Sierra Leone witness statement" and it shows
28 the witness ID as TF1-104. It becomes MFI-6.

29 MR WERNER: At that stage, your Honours, we tender the

1 witness.

2 PRESIDING JUDGE: Thank you, Mr Werner. Mr Munyard.

3 CROSS-EXAMINATION BY MR MUNYARD:

4 Q. Good afternoon, Mr John. I'm going to be asking you a few
14:51:26 5 questions from this side of the Court. I don't imagine that I
6 will be spending very long, but you have just been referred to a
7 statement that you made in May of last year which is mainly about
8 the fact that when you were first interviewed about these events
9 by the Office of the Prosecution back in 2003 you said that you
14:51:54 10 had heard some of the rebels speaking in what you thought to be
11 Liberian English. Do you remember that in your very first
12 statement you made reference to hearing some of the rebels speak
13 Liberian English?

14 A. Yes.

14:52:11 15 Q. And can you recall when you were seen last year, that was
16 really the main topic of the conversation that led to your giving
17 this statement on 25 May last year; the question of Liberian
18 English? DO you remember now that that was what you were dealing
19 with when you were interviewed again last year?

14:52:39 20 A. Yes.

21 Q. Very well. Now, when you were originally interviewed it
22 was in February of 2003 and you were interviewed on two separate
23 days in February 2003, on the 13th of that month and then again
24 on the 18th. The interviews took place at the Office of the
14:53:06 25 Prosecution in Freetown, presumably at the Special Court. Is
26 that right?

27 A. Yes.

28 Q. And do you remember the names of the two men who
29 interviewed you on both of those occasions?

1 A. I remembered one Mr Thomas --

2 Q. Yes.

3 A. -- and one Mr Saffa.

4 Q. That's right. Thomas Lahun and Joseph Saffa. Now that I
14:53:56 5 have given you each of their full names does that ring a further
6 bell? Am I right - as far as your memory is concerned, am I
7 right to saying that Thomas's last name was Lahun and Mr Saffa's
8 first name was Joseph?

9 A. I can't remember exactly, but I still remember the Thomas
14:54:17 10 and Saffa.

11 Q. Right. Well, that will do for my purposes. I have copies
12 of their notes of your interview on those two dates and that's
13 the names in full that appear on those interview notes. I don't
14 imagine that you would dispute the fact that Thomas's last name
14:54:37 15 is Lahun and Mr Saffa's first name is Joseph. Is that right?
16 You will accept it from me, will you, that that's their full
17 names?

18 A. Well, I don't know their full names.

19 Q. No, we understand that. I am just saying I have been given
14:54:56 20 by the Prosecution copies of the notes those two gentlemen took
21 of your interview. Will you accept from me, going on what the
22 Prosecution have told us, that that is their full names in each
23 case?

24 A. Yes.

14:55:10 25 Q. Thank you very much. Now I want to ask you a little bit
26 about your dealings with the rebels in January 1999. First of
27 all would I be right in saying that your main dealings with the
28 rebels started on 18 January 1999, some 12 days after rebels had
29 originally invaded Freetown?

1 A. No.

2 Q. Can you now remember, and tell us if you can't, but can you
3 now remember the date of your first dealings with the rebels in
4 January of 1999?

14:55:59 5 A. That was on 6 January.

6 Q. Thank you. What happened on 6 January?

7 A. That was the day they entered. In fact I was asleep when I
8 heard this loud noise, singing, then I have to - got up, get
9 outside and I heard - I saw people dancing, singing on the
10 street.

14:56:29

11 Q. Right.

12 A. So later on I heard this gun firing, shooting of guns, so I
13 was afraid, I get back home.

14 Q. Right. It's correct, isn't it, that you were working at a
15 medical institution at that time?

14:56:44

16 A. Yes.

17 Q. And between 6 January and 18 January, on occasions rebels
18 would come to that medical institution?

19 A. Yes.

14:56:58

20 Q. And I'm going to deal with that period of time in just a
21 moment, but was I right in saying that your main dealings with
22 the rebels started on 18 January, although you had seen them and
23 had some dealings with them before that date?

24 A. No, before that. Before the 18th.

14:57:19

25 Q. Yes, I'm not suggesting you had no dealings with them. I'm
26 just asking you is it right that the things that happened to you
27 at the hands of the rebels happened on the 18th and afterwards?

28 A. Come again?

29 Q. Were you wounded on 18 January?

1 A. Yes.

2 Q. Yes. Thank you. Before that your main dealings with the
3 rebels is observing them coming to and going from the medical
4 institution where you worked. Would that be right?

14:58:00 5 A. Your question is looking confusing.

6 PRESIDING JUDGE: Mr Witness, do you understand the word
7 "dealings" or would you like that clarified?

8 THE WITNESS: Yes.

9 PRESIDING JUDGE: I think it's the use of the word,

14:58:13 10 Mr Munyard.

11 MR MUNYARD: Right:

12 Q. Mr John, I'm not suggesting that you didn't see any rebels
13 before 18 January. What I do want to understand though is you
14 first see them around 6 January, but you didn't actually have any
15 conversations with them or anything of that sort on that date.

14:58:32

16 Is that correct?

17 A. No.

18 Q. Are you saying, "No, that's not correct" or are you saying,
19 "No, I didn't have any conversations with them"?

14:58:50

20 A. No, it's not correct.

21 Q. All right.

22 A. I had conversation with some of them before the 18th.

23 Q. All right. In those conversations - well, how many of them
24 did you have conversations with before the 18th?

14:59:04

25 A. I could not remember exactly, because they come in and out.

26 Q. And were these mainly soldiers coming to the hospital?

27 When I say "soldiers", I mean SLA rebels?

28 A. Yes, a mixture of them.

29 Q. Yes. When you say "a mixture of them", what do you mean by

1 "mixture"?

2 A. That is both SLA and RUF.

3 Q. Yes, all right, but was it mainly SLA that you were dealing
4 with from 6 January onwards?

14:59:41 5 A. No.

6 Q. Are you saying it was mainly RUF or are you saying it was
7 mixed?

8 A. Mixed.

9 Q. Mixed. All right. What language did the SLAs speak, on
15:00:00 10 the whole, or languages?

11 A. They speak Krio, Mende. Some speak English.

12 Q. Yes. All right. Did any of the SLAs speak Liberian
13 English?

14 A. No, I did not hear them speak Liberian English.

15:00:23 15 Q. Right. Now it's right, isn't it, that you had heard of
16 something called the Special Task Force operating in Sierra Leone
17 before these events?

18 A. Yes.

19 Q. And did you know what the Special Task Force was?

15:00:44 20 A. No.

21 Q. Were you aware - you'd heard of it. You presumably
22 appreciated that it was a military force attached to the Sierra
23 Leone Army or associated with the official government army of
24 Sierra Leone. You knew that much, didn't you?

15:01:02 25 A. No.

26 Q. So when you say you had heard of the STF, the Special Task
27 Force, what had you heard about them?

28 A. I have heard the name on many occasions. I know they are
29 militias, but I don't know if they are attached to the Sierra

1 Leone Army at that time.

2 Q. Right. Do you remember the period of the government of the
3 NPRC under Valentine Strasser --

4 A. Yes.

15:01:28 5 Q. -- for most of its existence? And do you recall that
6 Captain Strasser, the then head of government, brought in a unit
7 from Liberia, a unit of Liberian soldiers to help fight the RUF
8 during the mid-1990s?

9 A. No.

15:01:50 10 Q. You'd never heard that?

11 A. No.

12 Q. Now, you are someone who is educated to tertiary level as
13 you have told us. You are also someone who used to regularly
14 listen to the BBC and the Sierra Leone Broadcasting Service,

15:02:08 15 didn't you?

16 A. Yes.

17 Q. And did you never hear anything on the radio or read
18 anything in the newspapers about the fact that the government of
19 Captain Strasser had brought in an entire unit from Liberia to
20 help boost the Sierra Leone Army in the civil war?

15:02:21 21 A. Well, at some point in time I heard about the ULIMO
22 militias.

23 Q. Right.

24 A. Yes, but I never knew they were part of the task force.

15:02:42 25 Q. All right. What did you hear about the ULIMO militias?
26 Are you able to remember now what it was you heard about ULIMO
27 militias?

28 A. Yes, that they were fighting alongside the Sierra Leone
29 Army.

1 Q. Right. But are you saying that in your mind you hadn't
2 made a connection between ULIMO militias and the Special Task
3 Force which you were aware of as another militia of sorts
4 operating inside Sierra Leone?

15:03:21 5 A. I don't understand.

6 Q. You had heard of the Special Task Force and you knew they
7 were a militia. You'd heard of ULIMO militias working alongside
8 Sierra Leone Army, yes? You've told us both those things.

9 A. Yes.

15:03:45 10 Q. But you had never made the connection between the two. It
11 had never occurred to you that the Special Task Force may well be
12 made up of former ULIMO members?

13 A. No, I don't know about that.

14 Q. All right. Very well. Now, by January of 1999 were you
15 also aware of the fact that there were operating inside Sierra
16 Leone, alongside the rebels, Liberian mercenaries, soldiers of
17 fortune? Was that something that you were aware of?

18 A. Pardon?

19 Q. Do you know what I mean by mercenary or soldier of fortune?

15:04:29 20 A. No.

21 Q. Somebody who goes basically to fight in somebody else's war
22 for a fee. A person who will accept money, payment, to go and
23 fight in a war that doesn't strictly speaking concern them?

24 A. Okay.

15:04:46 25 Q. Are you familiar with that idea, that concept?

26 A. Yes.

27 Q. Right. Were you aware that there were Liberian mercenaries
28 fighting in the Sierra Leone civil war by January 1999?

29 A. No, I don't know.

1 Q. All right. Very well. In any event you have - I was about
2 to say "dealings" again. You have met some of the rebels between
3 6 and 18 January 1999 and you've heard them speaking all of the
4 languages you have just mentioned, have you?

15:05:28 5 A. Yes.

6 Q. Some of the RUF fighters you actually knew from before
7 January '99, didn't you?

8 A. Yes.

9 Q. Some of them were, or had been, boy soldiers that you had
10 been involved in trying to rehabilitate some years earlier?

11 A. Yes.

12 Q. And they were Sierra Leonean, yes?

13 A. Yes.

14 Q. And what language did they speak?

15:06:05 15 A. They speak Krio and Mende.

16 Q. Krio and Mende. How would you know if a Mende person was
17 Sierra Leonean or Liberian if all you knew was that they spoke
18 Mende as their mother tongue?

19 A. Pardon?

15:06:27 20 Q. If you heard someone speaking Mende, but you knew nothing
21 else about them, how would you know whether they came from Sierra
22 Leone or from Liberia?

23 A. If the person is speaking Mende?

24 Q. Yes.

15:06:46 25 A. But I knew nothing about him or her?

26 Q. Yes.

27 A. Well, sometimes the accent of the person.

28 Q. Sometimes, but not always?

29 A. Not always, yes.

1 Q. Thank you. In the statement that was taken from you on 25
2 May last year you were asked about the languages spoken in
3 Liberia and you said:

4 "I know they speak Mende, Kissi and Vai and other languages
15:07:22 5 that I don't know the names. They speak the same Mende as we
6 speak in Sierra Leone."

7 Do you remember saying that?

8 A. Yes.

9 Q. This is a statement that has been read back to you
15:07:36 10 presumably or given to you to read in the last few days. And you
11 had friends and relatives who came to Sierra Leone from Liberia
12 to visit you, didn't you?

13 A. Yes.

14 Q. And they spoke Mende when they stayed when they visited
15:08:02 15 you?

16 A. Yes.

17 Q. And that was the same Mende as you spoke in Sierra Leone.
18 Is that right?

19 A. Yes.

15:08:14 20 Q. All right. Thank you. In addition to meeting some Sierra
21 Leonean RUF former child soldiers, did you also meet, in January
22 1999, someone that you had been at school with who was now an RUF
23 rebel from Sierra Leone? Someone by the name of Sahr?

24 A. Yes, Sahr Kenesay [phon].

15:08:50 25 Q. Yes. And would it be right to say that when you had
26 conversations with these rebels, that you were presumably having
27 longer conversations with the ones that you knew already from the
28 past than rebels who were just coming into the hospital and
29 bringing people or doing whatever it is they came to the hospital

1 to do? Would that be fair to say; that your conversations would
2 have been longer with the ones you had known rather than rebels
3 which up to that time had been strangers to you?

4 A. Yes.

15:09:26 5 Q. And the rebels that you heard speaking Liberian English,
6 did you have any conversations with them yourself or is this
7 simply a question of you overhearing them?

8 A. Some of them.

9 Q. And when you spoke to them did you speak in Mende to them?

15:09:41 10 A. No, in Krio. Some in Mende, some in Krio. Those that can
11 speak Mende.

12 Q. Right. All right. Is it right also that on two occasions
13 in January 1999 you became aware of one of the commanders of the
14 rebels preventing his soldiers committing misdeeds against

15:10:13 15 members of the civilian population? If you are puzzled about
16 what I am getting to, before you answer let me put to you the two
17 specific instances. Did one of the commanders prevent some of
18 his soldiers from raping a nurse at your medical institution?

19 A. Yes.

15:10:50 20 Q. Was there another occasion when one of the commanders
21 prevented his soldiers, his rebels, from shooting at somebody?

22 A. Yes.

23 Q. Now I want to ask you about the way the rebels were
24 dressed. Did some of them have full military uniform and some of
15:11:24 25 them have no military uniform and some of them in between those
26 two?

27 A. Most of them were haphazardly dressed.

28 Q. Right.

29 A. They may have the uniform, the combat uniform, with polo

1 and sometimes they tied their head with a piece of cloth.

2 Q. Right.

3 PRESIDING JUDGE: I think I saw the witness gesticulate to
4 the lower part of his body when answering that question and
15:11:56 5 referring to combat. Is that correct, Mr Witness?

6 THE WITNESS: Yes, I mean the trousers.

7 MR MUNYARD: Right:

8 Q. We have got here "combat uniform with polo". The word that
9 has been written down is "polo". What was the word you were
15:12:15 10 meaning to say?

11 A. That is the same thing. I said they wear combat trousers
12 and sometimes ordinary cloth or polo and sometimes they tied
13 their head with a piece of cloth.

14 Q. Rightly. Can you explain for me what a polo is, is it a
15:12:38 15 pullover?

16 A. It's a shirt with a round neck.

17 Q. Right. It maybe that I'm the only person in the courtroom
18 who is not - I think I am the only one who doesn't --

19 A. It's not part of the military uniform. An ordinary
15:12:57 20 plain --

21 Q. An ordinary top?

22 A. Yes.

23 Q. All right.

24 JUDGE SEBUTINDE: It's usually a T-shirt or --

15:13:00 25 THE WITNESS: Yes.

26 JUDGE SEBUTINDE: It's a T-shirt, I think.

27 THE WITNESS: Yes.

28 MR MUNYARD:

29 Q. In other words it's something you pull over to get it on to

1 your body?

2 JUDGE SEBUTINDE: No, it's a polo. P-O-L-O. That is how
3 it is spelt.

15:13:22

4 MR MUNYARD: I don't doubt that, your Honour. I am trying
5 to understand how it is constructed.

6 JUDGE SEBUTINDE: Mr Munyard, you don't know a T-shirt?

7 THE WITNESS: It is a T-shirt with a round neck.

15:13:43

8 MR MUNYARD: Thank you very much. No, curiously I do know
9 what a T-shirt is and in fact I am getting telepathic messages I
10 think about what it actually does mean:

11 Q. It is something that you have to pull on to get it onto
12 your body, rather than like a shirt that buttons?

13 A. Yes.

15:13:53

14 Q. Thank you very much. Entirely my fault, Mr John. I wasn't
15 familiar with the term. What about the rebels who were wearing
16 full uniform. What proportion of them had full uniform?

17 A. I can't exactly tell.

15:14:22

18 Q. Would it be right to say about half of them had full
19 uniform and the rest had a haphazard form of dress or would it be
20 right to say more than half had full uniform?

21 A. I can't exactly tell the number because they come in, they
22 go out. Just like that.

23 Q. You didn't spend too much time looking at them; is that
24 what you're saying?

15:14:42

25 A. No, I spent some time in the hospital, at least every day.

26 Q. Right. One other question, please, about the language they
27 were speaking. Would it be right to say that even though some of
28 them spoke what you thought was Liberian English you couldn't be
29 sure that they were Liberians. All you could say is that they

1 seemed to be speaking Liberian English?

2 A. No, I can't say they were Liberians, but they do speak -
3 sometimes even when you speak to them Krio they answer in
4 Liberian pidgin.

15:15:30 5 MR MUNYARD: Thank you very much. I have nothing further.

6 PRESIDING JUDGE: Thank you very much. Any re-examination?

7 MR WERNER: No re-examination, your Honour.

8 PRESIDING JUDGE: Thank you. We have no questions of the
9 witness. Thank you, Mr Werner.

15:15:45 10 MR WERNER: Madam President, there were three documents
11 marked for identification and I went back to the transcript to
12 make sure that I had the MFI correct. The first one I believe
13 was MFI-1 and we would like to tender it. Again part of it is in
14 closed session, so we would propose, as we did before, for A to
15 be the open session and the B confidential be the closed session.
16 Should I give you numbers again or --

17 PRESIDING JUDGE: I have noted the closed session is 20716
18 to 20790.

19 MR WERNER: Yes, your Honour, so open session would be
15:16:39 20 20713 to 20715.

21 PRESIDING JUDGE: Mr Munyard, you have heard the
22 application. It's in two parts. One is first of all to tender
23 and second is to have part of the document confidential.

24 MR MUNYARD: Yes. I have no objection to either.

15:16:57 25 PRESIDING JUDGE: Thank you. MFI-1 will be admitted as
26 Prosecution exhibit P-212 and it will be in two parts. It will
27 be an open document for those pages 20713 to 20715. I am
28 presuming here that those may be separate pages, but please
29 correct me if that is not the case. It could be that 716 for all

1 I know is part way down.

2 MR WERNER: I do not have transcript any more.

3 PRESIDING JUDGE: Let us check this properly, please. Very
4 conveniently the open session appears to end at page 20715 and
15:18:26 5 the closed session commences at 20716 and therefore I will mark
6 the open session which ends at 20715 as Prosecution exhibit 212A
7 and the remaining pages is Prosecution exhibit P-212B.

8 [Exhibit P-212A and P-212B admitted]

9 MR WERNER: Your Honours, the part B would be confidential.

10 PRESIDING JUDGE: Yes and the part B is confidential as
11 applied for and as not objected to.

12 MR WERNER: Your Honours, the second document I believe was
13 MFI-5 and that was the 14 pages of the transcript Prosecutor
14 versus Sesay, Kallon, Gbao of 28 November 2005. Again would we
15:19:51 15 tender that document asking that the open session would be one
16 part and the confidential closed session the second part. We did
17 the breakdown, so I have the open session part which will be
18 20791 to 20796. Then the closed session from 20797 to 20804 and
19 that one we would apply to be confidential.

15:20:20 20 MR MUNYARD: I have no objection. I have no objection to
21 either of those and I note the pages again divide neatly.

22 PRESIDING JUDGE: Well, then, MFI-5 which is a bundle of
23 documents being a transcript of evidence in the case of the
24 Prosecutor v Sesay and others will become Prosecution exhibit
15:20:48 25 P-213 and those pages 20791 to 20796 are open. The remaining
26 pages being 20797 to 20804 are confidential and they will be
27 marked P-213B. The first is 213A.

28 [Exhibit P-213A and P-213A admitted]

29 MR WERNER: Finally, your Honour, we would tender MFI-6,

1 the four pages of the statement dated 25 May 2007, CMS 20806 to
2 20809.

3 MR MUNYARD: No objection.

15:21:45

4 PRESIDING JUDGE: Thank you. That is a four page document
5 being the statement of the witness headed "Special Court for
6 Sierra Leone" and under that "Witness statement" with a reference
7 to TF1-104. It becomes Prosecution exhibit P-214.

8 [Exhibit P-214 admitted]

9 If there are no others matters I will release the witness.

15:22:15

10 MR WERNER: Yes, your Honour.

11 PRESIDING JUDGE: Mr Witness, that is the end of your
12 evidence here in Court today and we thank you for coming to give
13 your evidence. You are free to leave the Court and we wish you a
14 safe journey back.

15:22:29

15 THE WITNESS: Thank you.

16 MR WERNER: Your Honours, Ms Hollis will be in charge of
17 the next witness.

18 PRESIDING JUDGE: Ms Hollis, please proceed.

15:23:12

19 MS HOLLIS: Thank you, Madam President. The next witness
20 will be TF1-085. This witness is the subject of protective
21 measures and those protective measures were granted by the RUF
22 decision dated 5 July 2004. The witness was granted Category 1A
23 protections, which included the use of a screen and pseudonym and
24 voice distortion and the witness was listed in the Category A
25 annex to that decision.

15:23:47

26 We have discussed the protective measures with this witness
27 and it is the wish of the witness that those protective measures
28 be rescinded in part. That is to say, that paragraph (a)
29 protections would be rescinded, paragraph (b) and (c) protections

1 would be rescinded except for addresses and whereabouts,
2 paragraph (d) protections would be rescinded with the
3 understanding, of course, that the protections for the prior
4 testimony would remain in place.

15:24:38 5 PRESIDING JUDGE: Is this a witness who has given evidence,
6 Ms Hollis?

7 MS HOLLIS: That is correct. Also paragraphs (e), (f) and
8 (g) would be rescinded. Paragraphs (h), (i) and (p) are not
9 applicable at this time to this witness. The other paragraphs
10 would remain in effect, that is paragraphs (j) through (o) of
11 that decision. And the witness would testify in Krio.

12 So we do make an application that the Court rescind those
13 protective measures, as I have set it forth in my submission.

14 PRESIDING JUDGE: Yes, Mr Anyah.

15:25:36 15 MR ANYAH: Yes, thank you, Madam President. I have
16 carriage of this witness for the Defence. Counsel for the
17 Prosecution is correct in saying that the witness is a Category
18 1A witness and that her TF1 number is specifically enumerated in
19 the decision of 5 July 2004, so we have no quarrel with there
15:25:58 20 being pre-existing protective measures. We also do not quarrel
21 with the application for rescission. Thank you.

22 PRESIDING JUDGE: Thank you, Mr Anyah. We note the
23 application and that it is not opposed and accordingly we grant
24 the application. For purposes of record we note that the witness
15:26:19 25 will not give evidence using voice distortion or a screen and
26 rescinds in part (a), (b) and (c) but the protections in
27 sub-orders (j) to (o) remain and (d) remains. And I think,
28 Ms Hollis, you said she did not wish to have her address made
29 public. Am I correct in that recollection?

1 MS HOLLIS: That is correct, Madam President. As to both
2 paragraphs (b) and (c), they can be rescinded except for address
3 and whereabouts.

15:27:01

4 PRESIDING JUDGE: Thank you. Those will remain therefore
5 protected. Please call the witness.

6 MS HOLLIS: The Prosecution calls TF1-085.

7 JUDGE SEBUTINDE: Is this a Rule 92 bis witness?

8 MS HOLLIS: No, Justice Sebutinde, it is not. This witness
9 will testify viva voce. We call TF1-085.

15:28:36

10 WITNESS: AKIATU THOLLEY [Sworn]

11 EXAMINATION-IN-CHIEF BY MS HOLLIS:

12 Q. Good afternoon, Madam Witness.

13 A. Yes, good afternoon, ma'am.

14 Q. How are you this afternoon?

15:30:03

15 A. Thanks be to God.

16 Q. Madam Witness, I just want to remind you that as you
17 testify your information will be translated and will be recorded.
18 So please do as you have done and speak slowly and clearly to the
19 Court.

15:30:29

20 A. Yes, I've heard you.

21 Q. Could you please tell the Court your name?

22 A. My name is Akiatu Tholley.

23 Q. And could you spell your first name for us?

24 A. Yes.

15:30:50

25 Q. Please do.

26 A. A-K-A-I-T-U.

27 Q. Madam, would spell that again. I heard it differently than
28 it was recorded. Could you spell that again for us, please?

29 A. A-K-I-A-T-U.

- 1 Q. Could you spell your last name for us?
- 2 A. Yes.
- 3 Q. Please do.
- 4 A. T-H-O-L-L-E-Y, Tholley.
- 15:31:41 5 Q. Madam Witness, can you tell us when you were born?
- 6 A. Well, I do not recall that now.
- 7 Q. Do you remember the month you were born?
- 8 A. Well, that too I do not recall now.
- 9 Q. Can you tell us where you were born?
- 15:32:00 10 A. I was born in Freetown.
- 11 Q. And do you belong to a tribe?
- 12 A. Yes.
- 13 Q. And what tribe is that?
- 14 A. I'm Temne.
- 15:32:18 15 Q. Have you had any formal education?
- 16 A. Yes.
- 17 Q. Can you tell us what that formal education has been?
- 18 A. I stopped at Form 5.
- 19 Q. And when did you receive this formal education?
- 15:32:41 20 A. 2002.
- 21 Q. Could you tell us what languages you speak?
- 22 A. I speak Temne, Krio and English.
- 23 Q. And are you able to read any languages?
- 24 A. Yes.
- 15:33:04 25 Q. What languages can you read?
- 26 A. I read English.
- 27 Q. Madam Witness, I would like to draw your attention to
- 28 January of 1999. In January of 1999 where were you living?
- 29 A. I was in Wellington.

1 Q. Do you recall anything happening in Wellington in January
2 of 1999?

3 A. Yes.

4 Q. What happened?

15:33:54 5 A. Well, I was at home when the rebels attacked Wellington.

6 Q. How did you know the rebels were attacking Wellington?

7 A. Well, by then I was going to the market when I heard people
8 shouting that the rebels were coming and that they were coming,
9 on their way they were burning down houses and that they were
10 amputating people.

15:34:27

11 Q. Do you recall what day in January you heard these things?

12 A. Yes.

13 Q. What day was that?

14 A. It was on the 5th when the rebels came.

15:34:50

15 Q. And what happened after you heard that the rebels were
16 coming and they were burning and amputating?

17 A. Well, by then I was going to the market when I heard that
18 the rebels were coming. They were setting houses on fire and
19 amputating people.

15:35:21

20 Q. And what happened after that?

21 A. At that time I ran. I went to tell my mother that the
22 rebels were coming.

23 Q. Now, at this time, who were you living with?

24 A. Well, with my mother, my sister, my brother and my cousin.

15:35:48

25 Q. Now, what happened after you went to tell your mother that
26 the rebels were coming?

27 A. Well, when I went and told my mother that the rebels were
28 coming, all of us ran into our house and we locked all the doors.

29 Q. And what happened after that?

1 A. So whilst the rebels were passing by, they heard children
2 crying in our house.

3 Q. And what happened then?

15:36:38

4 A. So they asked, saying, "Who are those in there?" and then
5 we answered, "We are".

6 Q. And did they say anything else?

7 A. Yes.

8 Q. What did they say?

15:36:55

9 A. Well, they said if we did not come outside they were going
10 to set the house on fire.

11 Q. And what happened then?

12 A. Before my mother could open the door they had already
13 broken into the door and entered.

14 Q. How many of the rebels entered at that time?

15:37:19

15 A. Well, they were many. I wouldn't recall the number - their
16 number.

17 Q. And how were they dressed?

18 A. Well, they had on a black T-shirt and on the front it had
19 the inscription "2-Pac" and they all had black jeans. Trousers.

15:37:56

20 Q. Now, when they came to the door and were telling you or
21 asking who was in there and saying if you didn't come outside
22 they were going to burn or put the house on fire, what language
23 were they speaking?

24 A. They were speaking Krio to us.

15:38:23

25 Q. These ones that came into your house, what was their
26 gender?

27 A. They were men.

28 Q. And can you tell us what their ages or age group was?

29 A. Well, they were adults. They were not small children.

1 Q. What happened after they came into your house?

2 A. When they broke into the door, the first child that they
3 saw they amputated that child.

4 Q. This child, do you know how old this child was?

15:39:15 5 A. Around three to four years.

6 Q. Now, where were you when they amputated this child?

7 A. I was inside.

8 Q. And when they amputated this child what was your reaction
9 to that?

15:39:39 10 A. Well, when they amputated the child I decided to grab my
11 brother's child and I took the child and the child and I entered
12 into the wardrobe.

13 Q. And what happened after you entered into the wardrobe?

14 A. I hid there, but they met me there and they asked me to
15:40:15 15 come outside. They took me outside.

16 Q. And who was it who took you outside?

17 A. The rebel took me outside.

18 Q. Now, you say they asked you to go outside. Did you tell
19 them no?

15:40:33 20 A. No, I did not say no.

21 Q. Why not?

22 A. Because when they took me outside they started beating me
23 up. They were kicking me. They asked me to go with them.

24 Q. Now, when you went outside, did you see anything happening
15:40:54 25 outside your house?

26 A. Yes.

27 Q. And what did you see?

28 A. I saw them killing, they were burning down houses and they
29 asked my mother that she should put her arm, they were going to

1 amputate her.

2 Q. And what happened after they asked her that she should put
3 her hands, what happened after that?

15:41:35

4 A. My mother was trying to plead with them and she was
5 reciting some areas in the Koran, so that her hand will not be
6 amputated.

7 Q. And what happened then?

15:42:00

8 A. I therefore decided not to go anywhere. I said, "If you
9 want to amputate my mother I think I will stay here. You will
10 have to amputate me too".

11 Q. And what happened after you said that?

12 A. So they started beating me up. They were dragging me.
13 They said I should go with them.

15:42:18

14 Q. Now, you say they were beating you. How many of them were
15 beating you?

16 A. Three of them.

17 Q. And what were they using to beat you with?

18 A. They used their belt and the butt of the gun.

15:42:45

19 Q. Now, you said they were dragging you away. Where did they
20 drag you to?

21 A. Well, the rebel man who beat me up, he dragged me and took
22 me under the mango tree.

23 Q. And what happened then?

15:43:10

24 A. I was there unconscious and I was oozing blood all over my
25 body.

26 Q. And what happened after you were there unconscious at the
27 mango tree?

28 A. So James was passing by with his own boys and then he said
29 they should take me with them.

1 Q. Who should take you with them?

2 A. It was James's own boys. He sent his own boys to come and
3 collect me and take me with them.

4 Q. Now, who was James?

15:43:57 5 A. Well, that was the rebel man who captured me, he was the
6 James.

7 Q. And when was it that you learned his name was James?

8 A. Well, it was after he had captured me that I knew that his
9 name was James.

15:44:21 10 Q. And how was it that you learned his name was James?

11 A. Well, after he had captured me, I was now with him. That
12 was the time he told me that his name was James.

13 Q. Now, you said that James was coming with his boys. How
14 many boys did James have?

15:44:50 15 A. Well, his boys were many. I cannot tell you their number
16 now.

17 Q. And when you say they were James's boys, what do you mean?

18 A. The boys that he had captured, the boys who were with him,
19 who used to carry his ammunition.

15:45:19 20 Q. Now, did you learn whether these boys were civilians or
21 fighters?

22 A. No.

23 Q. No, you never learned?

24 A. No.

15:45:37 25 Q. What were the ages of these boys?

26 A. Well, they were big boys. They were not children.

27 Q. Now, when James and his boys came, were there any other
28 people with James at that time?

29 A. Yes.

1 Q. And who were these other people?

2 A. His wives were with him.

3 Q. So what happened after James sent his boy to get you and
4 take you with them? What happened next?

15:46:24 5 A. So after they had taken us along with them, they gave us
6 some ammunition for us to carry for them to Allen Town.

7 Q. Now, when you were going with them, and you were leaving
8 your home going through Wellington to go to Allen Town, what did
9 you see?

15:46:48 10 A. Well, I saw them burning down houses and they were
11 capturing people and amputating them.

12 Q. And when you say "they" were doing these things, who do you
13 mean?

14 A. The rebels.

15:47:15 15 Q. You said that they gave you ammunition. You said, "They
16 gave us ammunition to carry". How many people were carrying
17 ammunition?

18 A. Well, we were many. Those of us, the civilians, that they
19 have captured.

15:47:37 20 Q. And these civilians, can you tell us the gender of these
21 civilians?

22 A. Well, it was a mixed group. Both men and women.

23 Q. Now, you said you were with James and his boys and there
24 were captured civilians. Were there any other people going with
15:48:05 25 you out of Wellington toward Allen Town?

26 A. Yes, his wives were with us. All of us went together to
27 Allen Town.

28 Q. This ammunition that you had to carry, what was the
29 ammunition packaged in? Was it loose or was it in some sort of

1 packaging?

2 A. They were in boxes.

3 Q. This box that you were carrying, was this a heavy box or a
4 light box?

15:48:50 5 A. It was a heavy box.

6 Q. Now, as you went along were any people having problems
7 carrying these heavy boxes?

8 A. Yes, but if you refused to carry it they would kill you.

9 Q. What was your physical condition at this time as you were
10 moving along with this box on your head?

11 PRESIDING JUDGE: Did the witness say it was on her head?

12 MS HOLLIS: No, Madam President, she did not:

13 Q. As you were moving along with this box of ammunition?

14 A. Well, I carried it on my head.

15:49:47 15 Q. And what was your physical condition at the time?

16 A. Well, by then my condition was not good but I was afraid
17 because if I had refused to carry it they would have killed me.

18 Q. Now, why do you say that they would have killed you if you
19 had refused to carry it?

15:50:14 20 A. Because I already saw some other people killed because they
21 refused to carry it.

22 Q. Now, as you went along to Allen Town, what did you see
23 along the way?

24 A. Well, I saw them killing people, burning down houses,
15:50:42 25 amputating people and looting people's property.

26 Q. And who did you see doing these things?

27 A. I saw the rebels doing those things.

28 Q. Now, did you reach Allen Town?

29 A. Yes.

1 Q. And what did you see when you entered Allen Town?

2 A. Well, when we got to Allen Town, we decided to drop down
3 the boxes and we told them that we were tired of carrying them.

4 Q. And who did you tell that to?

15:51:34 5 A. Well, it was James boys - James's boys, because he asked
6 them to give us the ammunition to carry.

7 Q. So how many of you put down the ammunition you were
8 carrying?

9 A. Well, we were many who dropped down the ammunition and we
15:52:00 10 told them that we were tired.

11 Q. Where were you when you put down this ammunition?

12 A. Well, when we put down those ammunition they decided that
13 they were going to kill us because we had decided to put down the
14 ammunition.

15:52:21 15 Q. And where were you when they decided to kill you?

16 A. Well, we were at Allen Town. That was where they said they
17 were going to kill us.

18 Q. Who was it who said they were going to kill you?

19 A. Well, it was James's boys who said they were going to kill
15:52:47 20 us because we decided to put down the ammunition.

21 Q. And what happened after they said they were going to kill
22 you?

23 A. Well, by then, they stripped us naked and they dropped us
24 on the ground.

15:53:09 25 Q. You said that "they stripped us naked". What was the
26 gender of the people that they stripped naked?

27 A. Yes, we, the men and women.

28 Q. And what were the ages of the people that they stripped
29 naked?

1 A. Well, they were adult women, not small children.

2 Q. You said that they had men and women stripped naked. What
3 were the ages of the men?

4 A. The men too were adult men. They were not small boys.

15:54:01 5 Q. What happened after they stripped you naked?

6 A. After we had been stripped naked and they pushed us on the
7 ground, that was exactly the time that the jet flew over us, so
8 they all decided to go and hide.

9 Q. And what did you people who had been stripped naked - what
15:54:32 10 did you do at that time?

11 A. They wanted to hack us, because we decided not to carry the
12 ammunition.

13 Q. Perhaps I'm not being clear, but listen very careful to my
14 question. Now, you said that you were stripped naked, you were
15:54:55 15 on the ground, the jets went over and that they decided to go and
16 hide. Yes?

17 A. Yes.

18 Q. When you say they decided to go and hide, who decided to go
19 and hide?

15:55:18 20 A. Well, when the jets flew over, all of us, the rebels
21 including those of us the civilians, all of us went into hiding.

22 Q. And where did you go?

23 A. Well, I went into a house and hid there.

24 Q. And what happened after you went into this house to hide?

15:55:47 25 A. Well, I met a woman in there who was Fatmata. She offered
26 me some dresses to wear.

27 Q. And could you tell us that woman's name again, please?

28 A. She was called Fatmata.

29 Q. Did you learn who this woman was?

1 A. Yes.

2 Q. And who was this woman?

3 A. James's wife.

4 Q. What happened after this woman gave you a dress?

15:56:27 5 A. Because I had been stripped naked, so she gave me some
6 dress to wear.

7 Q. And after she gave you the dress to wear, what happened?

8 A. By then James was now searching for me and he went and met
9 me there in the house.

15:56:56 10 Q. And what happened after James met you in the house?

11 A. So he collected me from there and took me to the church.

12 Q. And which church was this?

13 A. Mammy Dumbuya's church.

14 MS HOLLIS: Your Honours, I believe that is spelt M-A-M-M-Y

15:57:23 15 D-U-M-B-U-Y-A:

16 Q. Now, when he took you to this church, when you went into
17 the church what did you see?

18 A. Well, I saw them raping girls. They were beating them up
19 and they were killing some of them.

15:57:48 20 Q. Who was doing that to these girls?

21 A. The rebels.

22 Q. And how many girls were in the church at this time?

23 A. Well, there were many. I wouldn't be able now to tell the
24 number.

15:58:12 25 Q. These girls that they were raping and beating up, did you
26 know the ages of those girls?

27 A. Well, they were small girls. By then they were not even
28 adult.

29 Q. Now, let me ask you, Madam Witness, at this time had you

1 begun your menses?

2 A. No.

3 Q. Now, you said that rebels were killing girls. How were
4 they killing them?

15:58:57 5 A. Well, they were stabbing them with their bayonets that they
6 had on their guns.

7 Q. And did you know why they were stabbing these girls?

8 A. Because they refused to be raped.

9 Q. And how did you know that was why they were killing these
15:59:24 10 girls?

11 A. Because we were in the same place and I saw what was
12 happening and I heard them talking.

13 Q. How long did you stay in this church, do you remember?

14 A. Well, I do not recall.

15:59:46 15 Q. Did anything happen to you while you were in the church?

16 A. Yes.

17 Q. Can you tell the Court what happened to you?

18 A. Well, at the time we were in the church, James forced me.
19 He raped me and he damaged me.

16:00:21 20 Q. And, Madam Witness, when you say that he damaged you, can
21 you tell the judges what you mean? Madam Witness, do you need a
22 few minutes?

23 A. Yes. I want a break.

24 PRESIDING JUDGE: We will take a short adjournment and when
16:01:35 25 the witness feels less distressed, or more able to go ahead, we
26 will continue.

27 We will adjourn briefly and I will asked to be advised how
28 the witness is. If it is necessary to adjourn for the day, we
29 will do that.

1 [Break taken at 4.04 p.m.]

2 [Upon resuming at 4.17 p.m.]

3 PRESIDING JUDGE: Now, Madam Witness, are you feeling all
4 right now?

16:17:19 5 THE WITNESS: Yes.

6 PRESIDING JUDGE: If you do not, you must tell us. Please
7 proceed, Ms Hollis.

8 THE WITNESS: Okay.

9 MS HOLLIS: Thank you, Madam President:

16:17:32 10 Q. Madam Witness, I am going to continue asking you some
11 questions. Is that all right?

12 A. Yes.

13 Q. Now, before we took our break you had said that James had
14 raped you and damaged you and I ask you again: Can you tell the
16:17:56 15 judges what you mean when you say he had damaged you?

16 A. Because I refused - because I refused to have sex with him
17 he raped me and he damaged me in my vagina.

18 Q. Now, what was your condition after you he raped you and
19 damaged you in your vagina?

16:18:28 20 A. I became unconscious.

21 Q. When you regained consciousness, where were you?

22 A. Well, I found myself under a small hut where an old man
23 [sic] was.

24 Q. And did you learn why you were in that small hut with that
16:18:53 25 old woman?

26 PRESIDING JUDGE: I thought the witness said an old man. I
27 thought I heard an old man, but let us clarify.

28 MS HOLLIS:

29 Q. Madam Witness, you said you were in a small hut with

1 someone. This person in the small hut with you, was this person
2 a man or a woman?

3 A. A woman.

16:19:23

4 Q. And did you learn why you were in this small hut with this
5 woman?

6 A. Well, the old woman told me that they brought me and I was
7 bleeding by then, so she prepared some medicine for me, some
8 herbs, that helped me to stop my bleeding.

16:19:44

9 Q. And this small hut that you were in, was this small hut in
10 Allen Town or was it somewhere else?

11 A. Well, a place after Allen Town.

12 Q. So after you regained consciousness and you were in this
13 small hut with this old woman, what happened then?

14 A. So when James came, he killed the woman.

16:20:09

15 Q. Did he say why he killed the woman?

16 A. Well, he did not tell me. He just killed her and then he
17 asked me to join him to go.

18 Q. Now, you say he asked you to join him and go. Did you
19 agree to go with him?

16:20:34

20 A. Yes.

21 Q. And why did you agree to go with him?

22 A. Because if I had refused he would have killed me, so I had
23 no other option but to join him.

24 Q. And when you joined him, where did you go?

16:20:54

25 A. Well, we were on our way going to Waterloo.

26 Q. How many people were on their way going to Waterloo?

27 A. We were many. We were many going on the way. We were not
28 the only people. There were some other rebels.

29 Q. And were there other civilians as well?

1 A. Yes, other civilians were there, those who were captured,
2 they were with us. We were all going.

3 Q. How did you travel to Waterloo?

4 A. We walked to go there.

16:21:46 5 Q. And while you were going to Waterloo, did you have any
6 duties that you had to perform?

7 A. No, I did not have any duties that I had to perform.

8 Q. And the other civilians, did they have any duties to
9 perform as you walked to Waterloo?

16:22:06 10 A. Yes. They gave them ammunition and the property that they
11 had looted for them to carry on their head.

12 Q. Who gave them the ammunition and the looted property?

13 A. Well, it was the rebels who gave them to them.

14 Q. As you travelled with the rebels to Waterloo, what did you
16:22:34 15 see?

16 A. Well, I saw them burning down houses, amputating people and
17 looting more property.

18 Q. The group that you were in, as you were going to Waterloo,
19 was there any fighting along the way?

16:22:59 20 A. Well, we did not encounter fighting whilst we were going.

21 Q. Let me take you back just for a moment, just to be clear.
22 You said, "I saw them burning down houses, amputating people and
23 looting more property." Who did you see who was doing these
24 things?

16:23:21 25 A. It was the rebels whom I saw.

26 Q. This group that you were in, to your knowledge was this the
27 only group with rebels that was moving toward Waterloo?

28 A. Well, at that time it was a war situation. I just saw them
29 that they were rebels, because we were all going with them in the

1 same group.

2 Q. Now, you said that there were captured civilians in this
3 group going towards Waterloo. Were there any children among
4 these captured civilians?

16:24:10 5 A. Yes, children were there, suckling mothers were there,
6 adult men were there. There were so many other people.

7 Q. Do you recall any incident involving a child or children as
8 you moved toward Waterloo?

9 A. Yes.

16:24:32 10 Q. And what do you recall?

11 A. I recall a nursing mother whose child was crying, so they
12 decided to dig the ground and bury that child alive.

13 Q. Who decided to do that?

14 THE INTERPRETER: Your Honours, sorry. Sorry, your
16:25:01 15 Honours.

16 PRESIDING JUDGE: Please pause, Madam Witness. The
17 interpreter wishes to say something.

18 THE INTERPRETER: The interpreter had a slip of tongue.
19 "And buried that child alive".

16:25:10 20 PRESIDING JUDGE: Thank you. Maybe in the circumstances,
21 Ms Hollis, if you could ask the question again so we can get the
22 question correctly.

23 MS HOLLIS:

24 Q. Now you said, "They decided to dig the ground and bury that
16:25:26 25 child alive." Who decided to do that?

26 A. Well, the man whom I overheard calling, he sent his boys
27 that they should take the child and dig the ground and bury the
28 child alive.

29 Q. And did you learn the name of this man who said these

1 things?

2 A. Yes.

3 Q. And what was the name of that man?

4 A. Five-Five.

16:26:04 5 Q. And do you know what that man's position was in this group?

6 A. Well, he was leading the group that we went with.

7 Q. Now, when this man said that a hole should be dug and the
8 child should be buried in that hole, what happened after he said
9 that?

16:26:29 10 A. After he had said that, they dug into the ground and they
11 buried the child alive.

12 Q. If you know, where was the child's mother when this was
13 happening?

14 A. Well --

16:26:52 15 THE INTERPRETER: Your Honours, the witness's answer did
16 not come out clearly to the interpreter.

17 PRESIDING JUDGE: Madam Witness, the interpreter did not
18 hear you clearly. Could you please repeat your answer and say it
19 more loudly so that the interpreter can hear you.

16:27:14 20 THE WITNESS: Well, the mother was there when the child was
21 buried alive.

22 MS HOLLIS:

23 Q. What was the mother doing when this was happening?

24 A. Well, the mother had nothing else to do.

16:27:32 25 Q. And do you remember, did Five-Five say anything to the
26 mother?

27 A. Yes.

28 Q. What did he say?

29 A. He asked her to take the mud and put it into the child's

1 grave. And he also asked her to laugh after they had buried the
2 child.

3 Q. And did the mother do these things?

4 A. Yes.

16:28:08 5 Q. Where were you when these things were happening?

6 A. I too was close by them, so I saw the things happening and
7 I heard them talking.

8 Q. And where were the other captured civilians when this was
9 happening?

16:28:32 10 A. They too were there.

11 Q. And what was your reaction when you say this baby buried
12 alive?

13 A. I did not feel good about that. I was crying at that time.

14 MS HOLLIS: I will be moving on to a new topic. Perhaps
16:28:57 15 this would be a good time to stop.

16 PRESIDING JUDGE: Thank you, Ms Hollis. Madam Witness,
17 this is the time we finish court for the day. Normally we would
18 be having court again tomorrow, but because of special training
19 for all of our staff we are not able to have court again
16:29:15 20 tomorrow. We will not be resuming court until Monday. I did
21 remind parties in the course of the week that this had been fixed
22 quite some time ago for all of our staff members at the special
23 request of the Registry.

24 Madam Witness, you are now under oath and therefore I must
16:29:39 25 tell you that until all of your evidence is finished in the Court
26 you should not discuss your evidence with any other person. Do
27 you understand this?

28 THE WITNESS: Yes, ma'am.

29 PRESIDING JUDGE: Please adjourn Court until Monday at

1 9.30.

2 [Whereupon the hearing adjourned at 4.30 p.m.
3 to be reconvened on Monday, 27 October 2008 at
4 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

MOHAMED SAMPSON BAH	19061
CROSS-EXAMINATION BY MR MUNYARD	19061
RE-EXAMINATION BY MR BANGURA	19098
FURTHER CROSS-EXAMINATION BY MR MUNYARD	19101
ALPHA JALLOH	19123
EXAMINATION-IN-CHIEF BY MS BALY	19123
CROSS-EXAMINATION BY MR ANYAH	19127
RE-EXAMINATION BY MS BALY	19146
SAMUEL RADDER JOHN	19151
EXAMINATION-IN-CHIEF BY MR WERNER	19151
CROSS-EXAMINATION BY MR MUNYARD	19155
AKI ATU THOLLEY	19171
EXAMINATION-IN-CHIEF BY MS HOLLI S	19171

EXHIBITS:

Exhibit P-207 admitted	19110
Exhibit P-208 admitted	19110
Exhibit P-209A and P-209B admitted	19113
Exhibit P-210 admitted	19147
Exhibit P-211A and P-211B admitted	19148
Exhibit P-212A and P-212B admitted	19168
Exhibit P-213A and P-213A admitted	19168
Exhibit P-214 admitted	19169