



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 27 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:

Mr William Romans
Ms Sidney Thompson
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Ms Julia Baly
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah
Ms Jacqueline Watts

1 Monday, 27 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:29 5 PRESIDING JUDGE: Good morning. Ms Hollis?

6 MS HOLLIS: Good morning Madam President, your Honours.

7 For the Prosecution this morning are Christopher Santora, Maja
8 Dimitrova and myself Brenda J Hollis.

9 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Anyah?

09:29:51 10 MR ANYAH: Yes, good morning, Madam President. Good

11 morning, your Honours. Good morning, counsel opposite.

12 Appearing for the Defence are Courtenay Griffiths QC, myself
13 Morris Anyah and Ms Jacqueline Watts of the Bar of England and
14 Wales.

09:30:16 15 PRESIDING JUDGE: I think Ms Watts has been with us before.

16 MR ANYAH: Yes, Ms Watts has been here.

17 PRESIDING JUDGE: Thank you. If there are no other
18 matters, I will remind the witness of her oath. No. Madam
19 Witness, good morning.

09:30:24 20 THE WITNESS: Yes, ma'am.

21 PRESIDING JUDGE: On Thursday you took the oath to tell the
22 truth. That oath is still binding on you and you should answer
23 questions truthfully. Do you understand?

24 THE WITNESS: Yes, ma'am.

09:30:37 25 WITNESS: AKIATU THOLLEY [On former oath]

26 PRESIDING JUDGE: Thank you. Please proceed, Ms Hollis.

27 MS HOLLIS: Thank you, Madam President.

28 EXAMINATION-IN-CHIEF BY MS HOLLIS: [Continued]

29 Q. Good morning, Madam Witness.

1 A. Good morning, ma'am.

2 Q. May I remind you what you say is being translated and also
3 written down, so please remember to speak clearly and slowly.

4 Madam Witness, you testified last Thursday about the rebels
09:31:12 5 coming to Wellington where you lived and you testified about the
6 rebels coming to your house, amputating a little girl and then
7 taking you away from your home. Do you remember telling the
8 judges about that?

9 A. Yes, ma'am.

09:31:30 10 Q. Now when the rebels came to your house and took you away,
11 was this the first time in January 1999 that the rebels had come
12 to your home, or had they come to your home before they took you
13 away?

14 A. They had come to my house before they took me away.

09:31:52 15 Q. Can you tell the judges what happened the first time the
16 rebels came to your home in Wellington?

17 A. The first time the rebels went to our house in Wellington
18 we were in - we were in bed, my mother, my sister and my brother,
19 so when they went they asked for the owner of the house and my
09:32:18 20 mother said she was the owner of the house. The rebels said,
21 "No, that house belongs to Tejan Kabbah's girlfriend". My mother
22 said, no, she never even knew him except on television and that
23 she was the one who owned the house, not Tejan Kabbah's
24 girlfriend. They asked my mother to give them money and my
09:32:41 25 mother responded that she hadn't any money. They beat us up and
26 they forced my mother to show them where she had the money and
27 she did and they took the money and returned.

28 Q. And how much money did they take?

29 A. I cannot tell the amount of money that they took.

1 JUDGE SEBUTINDE: Ms Hollis, the time frame for this aspect
2 please?

3 MS HOLLIS: I have taken her back to January 1999, your
4 Honour, prior to her being taken from her home in January 1999:

09:33:24 5 Q. Madam Witness, these rebels who came to your home on this
6 first occasion, what were they wearing?

7 A. They had black T-shirts and black trousers and in front of
8 it there was an inscription "2Pac".

9 Q. And do you know what this inscription "2Pac" meant?

09:33:43 10 A. Well, I don't know. I only saw them wearing that T-shirt
11 when they went to our house.

12 Q. How many rebels came to your house on this first occasion?

13 A. I cannot tell you their number now, those that went to our
14 house that night.

09:34:07 15 Q. Do you remember their gender?

16 A. They were male. They were not women.

17 Q. Can you tell the Court what happened the next time the
18 rebels came to your house?

19 A. The next time that they went to our house was when they
09:34:29 20 held me. They said they were going to rape me and I pleaded with
21 them not to rape me, so they took the food that we had and they
22 took it away. That was the next time they went to our house.

23 Q. And how many rebels came to your house on this occasion?

24 A. At that time - I don't recall the time any more.

09:34:59 25 Q. Do you recall how many rebels came to your house on this
26 occasion?

27 A. At that time, it was at night that they went to the house
28 when they wanted to rape me and I pleaded with them not to rape
29 me. It was at night.

1 Q. So do you know how many of them came to your house?

2 A. They were many, those who went to our house that night.

3 Q. Do you remember what they were wearing?

09:35:37

4 A. At that night, they had on black pairs of trousers and

5 black T-shirts and they had on mufflers.

6 Q. What do you mean when you say they had on mufflers?

7 A. Something that was on their head, like a headband.

8 Q. What happened the next time the rebels came to your house?

9 A. The second time that they went to the house my mother

09:36:07

10 pleaded with one of the rebels to be with us at the house for us

11 not to be disturbed by rebels any further after that occasion.

12 Q. And this rebel that she pleaded with, what was this rebel's
13 position, if you know?

14 A. I wouldn't know.

09:36:30

15 Q. What happened after your mother pleaded with this rebel?

16 A. So when my mother pleaded with the rebel, the rebel came to
17 the house together with his boys and all of them were now at the
18 house with us.

19 Q. And when you say the rebel came with his boys, what do you
20 mean by his boys?

09:36:54

21 A. Well, that is those who they used to fight together with.

22 All of them had guns with them. They were adult men.

23 Q. Now in addition to the rebel and his boys, did anyone else
24 come to your house with these rebels?

09:37:17

25 A. Yes, together with their wives.

26 Q. And how long did the rebels and their wives stay in your
27 house?

28 A. They spent two days there.

29 Q. Now during the two days the rebels were in your house, did

1 any of the people you were there with have any contact with these
2 rebels?

3 A. It was one boy - a rebel boy - who was talking to my
4 mother.

09:37:59 5 Q. And where were you when this rebel boy was talking to your
6 mother?

7 A. I was present, but I was not listening when they were
8 discussing.

9 Q. What do you mean you weren't listening?

09:38:16 10 A. My mother was asking him some questions and he was
11 responding. I did not pay attention to them, but I was there.

12 Q. Now, you say you didn't pay attention. Do you recall
13 anything that the boy said?

14 A. Yes, I recall something that he said when my mother asked
09:38:43 15 him.

16 Q. What did he say?

17 A. My mother asked him about where he was captured and he said
18 he was captured in Kono and he said all of them had come to
19 Freetown from Kono to attack Freetown.

09:38:59 20 Q. And did he say who had captured him in Kono?

21 A. He said it was the AFRC who had captured him in Kono.

22 Q. And when he said all of them had come to Freetown, did he
23 say who he meant by all of them?

24 A. No, I did not ask him that. I only heard him say so. He
09:39:28 25 said he was among the ones who had come to Freetown to attack.
26 It was the AFRC who had captured him.

27 Q. Now, Madam Witness, also last Thursday you told the Court
28 about the rebels raping and killing girls in the Mammy Dumbuya
29 Church in Allen Town. For counsel's benefit, I am referring to

1 pages 19182 and 19183. Now, do you remember telling the judges
2 about the rebels raping these girls in that church?

3 A. Yes, ma'am.

09:40:14 4 Q. And you told the judges that you knew the rebels were
5 killing girls and that they were killing these girls because the
6 girls refused to be raped. You said you knew this because you
7 were there and saw what was happening and because you heard them
8 talking. Do you remember telling the judges that?

9 A. Yes, ma'am.

09:40:41 10 Q. Who was it you heard talking at that time?

11 A. It was the rebels whom I heard talking when the girls
12 refused to be raped.

13 Q. And what did the rebels say when the girls refused to be
14 raped?

09:40:57 15 A. Well, they said if they refused to be raped, they would
16 kill them.

17 Q. You were telling the judges at the end of the day on
18 Thursday about walking from Allen Town to Waterloo. Did you
19 eventually reach Waterloo?

09:41:19 20 A. Yes, we eventually got there.

21 Q. Do you know what date this was when you reached Waterloo?

22 A. I don't recall the date that we got to Waterloo.

23 Q. When you reached Waterloo, what did you see?

09:41:51 24 A. I saw houses on fire. I saw civilians being killed and
25 amputated.

26 Q. And who was it who was killing and amputating the civilians
27 in Waterloo?

28 A. The rebels.

29 Q. The civilians who were being killed, do you remember what

1 gender these civilians were?

2 A. Well, it was a mixed group. There were men, women and
3 children.

09:42:28

4 Q. And the civilians who were being amputated, do you remember
5 the gender of those people?

6 A. They were men and women also were there.

7 Q. While you were in Waterloo with the rebels was anybody in
8 charge?

09:42:55

9 A. When we were going to Waterloo I heard Five-Five's name
10 being called.

11 Q. What did you hear?

12 A. Well, it was Five-Five's name that I --

13 THE INTERPRETER: Your Honours, can the witness repeat her
14 answer.

09:43:08

15 PRESIDING JUDGE: Madam Witness, the interpreter needs you
16 to repeat your answer, please. You said, "Well, it was
17 Five-Five's name". Please continue from there.

18 THE WITNESS: It was Five-Five's name that I heard being
19 called while we were going to Waterloo.

09:43:30

20 MS HOLLIS:

21 Q. And when you were in Waterloo, do you know if anyone was in
22 charge in Waterloo?

23 A. Well, at that time it was - we were a mixed group. I only
24 heard Five-Five's name being called.

09:43:46

25 Q. And when you say you heard Five-Five's name being called,
26 exactly what did you hear?

27 A. Well, I heard that Five-Five was the overall boss, that he
28 was the leader of the group.

29 Q. And who was saying this?

1 A. It was the rebels who were in the jungle.

2 Q. What do you mean "the rebels who were in the jungle"?

3 A. The rebels who knew him, who had come from the bush to
4 town.

09:44:27 5 Q. When you were in Waterloo who were you with?

6 A. It was the man who captured me.

7 Q. And who was that?

8 A. Captain James.

9 Q. Now, for how long did you remain in Waterloo?

09:44:52 10 A. We spent a long time there. I cannot recall the exact
11 time.

12 Q. And why did you leave Waterloo?

13 A. At that time we were about going to Masiaka.

14 Q. Why were you going to Masiaka?

09:45:15 15 A. It was there that they were headed for. That was why we
16 went together with them.

17 Q. Who was headed there?

18 A. Five-Five.

19 Q. When you left Waterloo, where did you go from Waterloo?

09:45:37 20 A. We went to a village. I cannot recall the village's name
21 now.

22 Q. And why did you go to that village?

23 A. Well, at that time the man who captured me had an injury on
24 his foot.

09:45:59 25 Q. And what happened when you reached that village?

26 A. Well, he wanted to treat his foot. After it would have
27 been a little improved then we would go.

28 Q. Who went with you to this village?

29 A. It was James who took us, that is myself and his boys.

1 All of us were there.

2 Q. In addition to you, James and his boys, did anyone else go
3 with you to this village?

4 A. His wives too went with us.

09:46:41 5 Q. Now, where did you go after you left this village?

6 A. We went to Masiaka.

7 Q. How many of you were going to Masiaka?

8 A. We went to meet the group that had gone ahead of us, so we
9 joined the group and all of us left.

09:47:08 10 Q. And how many people were in this group going to Masiaka?

11 A. We were many in the group. I cannot tell you the number.

12 Q. And when you joined this group, do you know where Five-Five
13 was?

14 A. At that time we were going together with him.

09:47:32 15 Q. Was there any fighting along the way as you went towards
16 Masiaka?

17 A. Yes.

18 Q. And who was fighting against whom?

19 A. They were fighting against the Kamajors.

09:47:54 20 Q. Who was fighting against the Kamajors?

21 A. The rebels were fighting against the Kamajors.

22 Q. And what happened when they fought against the Kamajors?

23 A. At that time we were on our way going to Masiaka when the
24 Kamajors attacked the rebels. That was when the fighting

09:48:18 25 started.

26 Q. And what happened?

27 A. After some had been killed, some Kamajors were captured.

28 Q. You said "after some had been killed". Who was killed?

29 A. The Kamajors.

1 Q. And what happened to those who were captured?

2 A. They gave them load to carry and they brought them to where
3 we were.

4 Q. And what happened to those who were killed?

09:49:01 5 A. So, when they killed them, they took out their hearts.

6 Q. And what did they do with their hearts?

7 A. They cooked them.

8 Q. What happened after they cooked them?

9 A. All of us, the civilians, were queued up and they asked us
09:49:29 10 to the eat the hearts, forcefully.

11 Q. Who asked you to do this?

12 A. It was Five-Five who told his boys that we should do it.

13 Q. Now, you said that they asked you to eat the hearts
14 forcefully. What do you mean by "forcefully"?

09:49:53 15 A. Well, if anybody refused eating it that person would be
16 killed.

17 Q. How many of the civilians ate these hearts?

18 A. We were many.

19 Q. Did you eat some of the hearts?

09:50:18 20 A. Yes.

21 Q. Did you try to refuse?

22 A. At first I attempted refusing to eat it.

23 Q. And what happened when you attempted to refuse?

24 A. When I refused they beat me up and they said if I didn't
09:50:43 25 eat it they will kill me.

26 Q. What was your reaction to having to eat this heart?

27 A. I did not feel fine. That was terrible.

28 Q. And did you see the reactions of the other civilians who
29 had to eat the hearts?

1 A. Yes. Some people who refused were killed.

2 Q. Did you eventually reach Masiaka?

3 A. Yes.

4 Q. And what did you see when you arrived in Masiaka?

09:51:22 5 A. I did not see any fighting going on. The civilians were
6 going about their normal business.

7 Q. When you arrived in Masiaka, do you know when that was? Do
8 you know the date?

9 A. No, I don't know the date.

09:51:50 10 Q. Do you recall how long you stayed in Masiaka?

11 A. Yes, we spent a long time there.

12 Q. What happened after you arrived in Masiaka?

13 A. It was then that Issa Sesay said that was his town; no
14 rebels should loot or rape a civilian.

09:52:19 15 Q. Now, you've said Issa Sesay. Who was Issa Sesay?

16 A. We met Issa Sesay at Masiaka.

17 Q. And did you know what position Issa Sesay had?

18 A. I did not know the position he had.

19 Q. When you arrived in Masiaka, you said you stayed in Masiaka
09:52:51 20 for some time. Where did you stay in Masiaka?

21 A. I was at James's house. James who had captured me.

22 Q. And how did you get this house in Masiaka?

23 A. It was the civilians' house. The civilians were there.

24 Q. And how was James able to get this house, this civilian's
09:53:25 25 house?

26 A. Well, he met with the civilians and talked to them, for us
27 to be there.

28 Q. Now, to your knowledge, were the civilians able to say,
29 "No, you can't stay in my house"?

1 A. No, they did not refuse.

2 Q. And the other rebels, to your knowledge, where did they
3 stay in Masiaka?

09:53:59

4 A. They were in their own part and we too were in our own
5 part.

6 Q. And do you know where they were staying, where they were
7 lodging?

8 A. They too were in the houses of the civilians.

09:54:18

9 Q. And are you aware whether these civilians were able to say,
10 "No, you can't stay in my house"?

11 A. They did not refuse. They allowed them to be there.

12 Q. You said that you stayed with James in this house. Was
13 there anyone else staying with James in this house?

14 A. Yes.

09:54:39

15 Q. And who was with James in this house?

16 A. His wife was there and the boys he had. All of them were
17 there.

18 Q. You said his wife was there. Was it one wife or were there
19 more?

09:54:57

20 A. Well, it was more than one. There were many.

21 Q. Now, at this time, what was your status?

22 A. Well, I didn't have any position at that time. I was just
23 at the house.

24 Q. And what was your relationship with James at this time?

09:55:25

25 A. At that time he was - I can say he was my husband because
26 he had captured me.

27 Q. Now, did you choose to be James's wife?

28 A. No, I did not want to be his wife, but because he had
29 already captured me there was no other way I could do.

1 Q. While you were in Masiaka did you have any duties?

2 A. At the time that I was in Masiaka I had nothing to do at
3 that time.

09:56:09

4 Q. You talked about the other wives of James. Did they have
5 any duties?

6 A. Yes. At that time they used to go on the fighting.

7 Q. And do you know who they were fighting against?

8 A. Whenever they wanted to go and find food they would go and
9 loot people and they would even kill civilians in the villages.

09:56:40

10 Q. So James's wives were doing this. What were James's boys
11 doing while you were in Masiaka?

12 A. They used to go together with the women. In fact they went
13 with the women.

09:57:04

14 Q. How was it that you knew that James's wives and his boys
15 were going out to the villages and killing civilians and looting?
16 How did you know that?

17 A. Because I was with them. Whenever they returned they said
18 it and I heard them saying it.

09:57:24

19 Q. You told this Court that when you were in Allen Town, in
20 the church, that James raped you in the church. Now, after he
21 had raped you in the church did you continue to have sex, sexual
22 relations, with James?

23 A. Yes.

24 Q. Was this your choice?

09:57:43

25 A. No.

26 Q. Now, you've testified that James's wives and his boys went
27 out to villages and looted and killed. You testified there was a
28 large group of you going to Masiaka. Now, to your knowledge,
29 these other civilians that you have testified were captured, did

1 these other captured civilians have any duties while you were in
2 Masiaka?

3 A. Well, they used to carry loads. In fact when we were going
4 to Masiaka they carried loads.

09:58:30 5 Q. And while you were in Masiaka did they have any duties?

6 A. Well, I wouldn't tell for them because I was not with them.
7 We were not together when we were in Masiaka.

8 Q. In your house where you stayed, who did the domestic work
9 in that house?

09:58:55 10 A. It was the civilians.

11 Q. Which civilians?

12 A. The ones whom we had met in the house.

13 Q. Did these civilians ever refuse to do the domestic work in
14 the house?

09:59:16 15 A. No.

16 PRESIDING JUDGE: Ms Hollis, just before we proceed
17 further, I am not clear what mode of transport they used to get
18 from Wellington, Waterloo, to Masiaka.

19 MS HOLLIS:

09:59:31 20 Q. Madam Witness, you testified earlier that you walked from
21 Wellington to Allen Town and that you walked from Allen Town to
22 Waterloo. Could you please tell the judges how did you travel
23 from Waterloo to Masiaka?

24 A. We walked.

09:59:50 25 Q. And as you were travelling from Waterloo to Masiaka did the
26 captured civilians have any duties along the way?

27 A. Yes, they gave them loads to carry.

28 Q. While you were with James did you learn what James's
29 position was?

- 1 A. Yes.
- 2 Q. And what was that?
- 3 A. Well, he said he was an STF, ULIMO soldier.
- 4 Q. And did he explain to you how it was that he was with the
10:00:34 5 rebels?
- 6 A. Well, he said he was part of the Liberian war right up to
7 the time he joined the rebels.
- 8 Q. Now, did you learn anything about what position he held in
9 this group of rebels?
- 10:01:02 10 A. He was the ground commander.
- 11 Q. He was the ground commander where?
- 12 A. Masiaka.
- 13 Q. Now, were there any other commanders in Masiaka while you
14 were there?
- 10:01:19 15 A. Yes.
- 16 Q. What other commanders were in Masiaka while you were there?
- 17 A. Five-Five, Gold Teeth, Daramy, Cartel.
- 18 Q. Who was Gold Teeth?
- 19 A. He was in Masiaka. We met him there.
- 10:01:50 20 Q. Who was he?
- 21 A. He was a senior fighter.
- 22 Q. Was this the first time you had met Gold Teeth?
- 23 A. No.
- 24 Q. Where did you first meet Gold Teeth?
- 10:02:12 25 A. Well, the first time I met him was when they went to our
26 house.
- 27 Q. Went to your house where?
- 28 A. That was Wellington.
- 29 Q. And what happened when Gold Teeth went to your house?

1 A. At that time he said all of us were to go inside.

2 Q. And what happened then?

3 A. He saw a policeman there and asked the policeman if there
4 was anybody there who was related to that policeman, and he said
10:02:55 5 no.

6 Q. Now, what happened after he asked that of the policeman and
7 the policeman said no?

8 A. That was when he took him and went with him.

9 Q. Who took whom?

10:03:14 10 A. It was Gold Teeth who went with him.

11 Q. Went with who?

12 A. He took the policeman along, the policeman he had met at
13 the house, our house.

14 Q. Did you ever learn what happened to that policeman?

10:03:34 15 A. No.

16 Q. Now, you also mentioned a Daramy as a commander in Masiaka.
17 Your Honours, I believe that would be D-A-R-A-M-Y. Who was
18 Daramy?

19 A. Daramy was a rebel fighter.

10:03:57 20 Q. Was this the first time you had met Daramy?

21 A. No.

22 Q. When did you first meet Daramy?

23 A. It was the time that he went to our house. That was when I
24 saw him.

10:04:15 25 Q. Went to your house where?

26 A. Wellington.

27 Q. And what happened when Daramy went to your house at
28 Wellington?

29 A. He said he was going to burn us, while we would be in the

1 house he would set the house on fire.

2 Q. And what happened after he said that?

3 A. So we were pleading with him not to burn us while we were
4 in the house.

10:04:49 5 Q. And what happened then?

6 A. There was a soldier passing by and he overheard us pleading
7 and he came and spoke to him.

8 Q. And what happened after this soldier spoke to Daramy?

9 A. So he did not do it any more. He went together with the
10:05:14 10 soldier.

11 Q. You say that there was a soldier passing. What do you mean
12 when you say he was a soldier?

13 A. Well, he had on combat.

14 Q. And why does that mean he was a soldier to you?

10:05:35 15 A. It was because I saw him wear the military uniform. That's
16 why I said so.

17 Q. Daramy, what was he wearing?

18 A. He had on a blue T-shirt and a black pair of trousers.

19 Q. Did you know what group Daramy belonged to?

10:05:57 20 A. No, I did not know at that time.

21 Q. Did you later learn what group Daramy belonged to?

22 A. Well, at that time I came to know that he was Five-Five's
23 boy. He was under Five-Five's group.

24 Q. Now, you've also mentioned a commander in Masiaka that you
10:06:25 25 called Cartel. Who was this person?

26 A. We met him there.

27 Q. Was this the first time you had met Cartel?

28 A. Yes.

29 Q. And did you learn what group Cartel belonged to?

1 A. No.

2 Q. You've told the Court several times about Five-Five. Did
3 you know what group Five-Five belonged to?

4 A. Five-Five was the overall boss for all of them.

10:07:09 5 Q. You've mentioned Issa Sesay passing a rule in Masiaka about
6 no looting and no raping of the civilians. Do you know what
7 group Issa Sesay belonged to?

8 A. I don't know the group that he belonged to.

9 Q. You've said that James had other wives and that you stayed
10:07:42 10 with these other wives in a house in Masiaka. How were you
11 treated by these other wives of James?

12 A. They used to beat me.

13 Q. Did you learn how these women or girls became wives of
14 James?

10:08:07 15 A. Sorry?

16 Q. Did you learn how these other females had become wives of
17 James?

18 A. Well, some of them were captured and some of them were
19 brought during the fighting.

10:08:28 20 Q. What do you mean "some of them were brought during the
21 fighting"?

22 A. He had two wives who were Liberians and the other one was
23 Kono. All of them came for the fighting.

24 Q. And do you know which of these wives were captured wives?

10:08:53 25 A. Except those who were captured in Freetown.

26 Q. How many of his wives were captured in Freetown?

27 A. We were five.

28 Q. And the females from Kono, do you know how they happened to
29 become his wives?

1 A. Well, I don't know. They were already with him when I
2 joined them.

3 Q. Now, while you were in Masiaka living there, what happened
4 to you in Masiaka?

10:09:35 5 A. At that time I wanted to escape back to Freetown.

6 Q. And why did you want to escape?

7 A. Because of the punishment that they were meting out to me.
8 That was too much for me.

9 Q. The punishment who was meting out to you?

10:10:02 10 A. His wives used to beat me.

11 Q. You said that you wanted to escape? What happened?

12 A. The time I wanted to escape --

13 THE INTERPRETER: Your Honours, can the witness repeat her
14 answer indicating the gender of the person she is referring to.

10:10:28 15 PRESIDING JUDGE: Madam Witness, the interpreter needs you
16 to be clear whether it was a man or a woman that you are talking
17 about. Please pick up your answer where you said, "The time I
18 wanted to escape --", and continue from there, please.

19 THE WITNESS: The time I wanted to escape from James's
10:10:46 20 house, because the punishment was too much for me.

21 MS HOLLIS:

22 Q. And what did you do?

23 A. I did not do anything.

24 Q. You said there was a time you wanted to escape. When you
10:11:01 25 wanted to escape, what did you do?

26 A. Well, at that time I did not do anything. He poisoned the
27 food and I did not want to eat the food and so that is why I
28 wanted to escape.

29 Q. Who poisoned the food?

1 A. It was James's wife.

2 Q. And how did you learn that the food had been poisoned?

3 A. The other wife was the one who told me that I should not
4 eat the food. She said Fatmata had poisoned that food.

10:11:43 5 Q. And who was Fatmata?

6 A. James's wife.

7 Q. So what happened after they tried to poison you with the
8 food?

9 A. I did not do anything. I don't know.

10:12:03 10 Q. Madam Witness, I'm asking you what you did after you
11 learned that they had tried to poison you?

12 A. I did not eat the food and so at night I attempted to
13 escape.

14 Q. And what happened?

10:12:26 15 A. We were three, so when we were going we met one of the boys
16 and asked us where we were going.

17 Q. You said you were three. It was you and who were the other
18 two?

19 A. The other two girls were the ones I saw on the road when
10:12:49 20 the boys asked us where we were going.

21 Q. What do you mean you saw them on the road?

22 A. They too were escaping to Freetown.

23 Q. And these other two, can you tell us the ages of these
24 other two?

10:13:08 25 A. They were adults.

26 Q. And you said you were going and you met one of the boys who
27 asked us where you were going. Who was this boy that you met?

28 A. It was the rebel boy that we met on the road.

29 Q. Do you recall the age of this boy?

1 A. He was an adult.

2 Q. And what happened after you met this boy on the road and he
3 asked you where you were going?

4 A. We told him that we were going in search of food.

10:14:00 5 Q. And what happened after you told him that?

6 A. It was then he said we were telling a lie. He said we were
7 about to escape.

8 Q. What happened then?

9 A. So he held the two ladies and he tied their hands at their
10:14:27 10 backs.

11 Q. And what about you?

12 A. After he had tied them up, then he held me too and he tied
13 me up and he marked the ladies on their breasts.

14 Q. Tell the judges what you mean when you say "he marked the
10:14:48 15 ladies on their breasts"?

16 A. He used a blade and wrote "AFRC" and "RUF" on their
17 breasts.

18 Q. What kind of blade did he use?

19 A. He had the razor blade in his hand.

10:15:13 20 Q. You said he marked that on their breasts. Did he mark that
21 on their clothes, or on their skin?

22 A. He took off their shirts and wrote on their breasts - their
23 skin.

24 Q. And what happened after he used the razor blade to mark
10:15:36 25 "RUF" and "AFRC" on their breasts? What happened after that?

26 A. After he had marked them he took us back to Masiaka.

27 Q. And what happened when he took you back to Masiaka?

28 A. When he took me back, he handed me over to James and he
29 told James that I was attempting to escape.

1 Q. And what did he do with these two other females that he had
2 marked?

3 A. He did not do any other thing to them apart from the
4 marking.

10:16:14 5 Q. Do you know where he took them in Masiaka?

6 A. I do not know where he took them.

7 Q. What happened after he turned you over to James?

8 A. James held me and beat me up, saying that I had attempted
9 to escape.

10:16:40 10 Q. And what happened after that?

11 A. It was then that he prepared marijuana. He made it into a
12 coffee like and gave it to me.

13 Q. And what happened after he gave you this marijuana?

14 A. I went unconscious.

10:17:08 15 Q. And what happened after you became conscious again?

16 A. It was then he taught me how to use weapons.

17 Q. Now, you said that this marijuana made you unconscious.
18 Did it have any other effect on you?

19 A. Yes.

10:17:33 20 Q. And what was the other effect?

21 A. The other one he gave - he did it on my waist and I even
22 had abscess.

23 Q. What is this other one you are talking about?

24 A. It was the one he used on - he used a syringe to give me an
10:18:02 25 injection, so he did that through an injection.

26 Q. And did you learn what it was that he injected you with?

27 A. When I became conscious now I saw that it was cocaine.

28 Q. And what was the effect on you of this drug?

29 A. And I had a change of mind.

1 Q. Tell the judges what you mean that you had a change of
2 mind?

3 A. Well at that time I never was crying, I was never feeling
4 to go back home and so I was now brave enough to do wicked
10:18:52 5 things.

6 Q. Now after this first time that you had marijuana and
7 cocaine, did you have drugs after that time?

8 A. Yes.

9 Q. How often did you have drugs after that time?

10:19:13 10 A. He did it frequently. Whenever he was smoking he will give
11 it to me also to smoke.

12 Q. And what was it he was smoking, if you know?

13 A. It was the marijuana that he used to smoke.

14 Q. Now, you said that after he gave you these drugs he taught
10:19:35 15 you to use weapons. What kind of weapons?

16 A. One of them was an AK-47 and the other one was a pistol.

17 Q. While you were in Masiaka, were you ever sent out of
18 Masiaka on a mission?

19 A. Yes.

10:20:01 20 Q. What kind of mission were you sent on?

21 A. His boys said we should go in search of food at a village.

22 Q. How many times did you go on this kind of mission while you
23 were in Masiaka?

24 A. Once.

10:20:24 25 Q. And what happened when you went on this mission?

26 A. When we went on the mission we met the woman and her
27 children at the house.

28 Q. And what happened when you met the woman and her children
29 at the house?

1 A. After we had looted everything that they had?

2 Q. What happened after that?

3 A. The boy said I should kill the woman.

4 Q. And what happened when they told you that?

10:21:16 5 A. Initially, when he told me I refused. I said I was not
6 going to do it.

7 Q. And what happened then?

8 A. And he gave me marijuana to smoke.

9 Q. What happened after he gave you the marijuana to smoke?

10:21:35 10 MR ANYAH: Madam President, I would be grateful for some
11 foundational indications - we know she is on mission away from
12 Masiaka, but we are not sure exactly where, or at least I am not
13 - as well as the time frame this is taking place. There has been
14 testimony about prior drug use of marijuana, then cocaine, and
10:21:59 15 subsequent use after that after Masiaka. I am not particularly
16 sure where we are now.

17 PRESIDING JUDGE: Ms Hollis?

18 MS HOLLIS: I don't think that is an objection of
19 foundation. I think he is asking me to ask additional questions.

10:22:15 20 PRESIDING JUDGE: That is my interpretation also,
21 Ms Hollis. I think Mr Anyah is seeking further clarification.

22 MS HOLLIS: And of course on cross-examination he can have
23 that, but to be sure that the evidence is clear I will seek some
24 clarification:

10:22:36 25 Q. Madam Witness, this mission that you talked about, was this
26 mission performed while you were in Masiaka?

27 A. Yes, we were in Masiaka when we ran this mission.

28 Q. And can you tell us how soon was it after James had given
29 you these drugs that you went on this mission?

1 A. Well, I was in Masiaka when James gave me the drugs. It
2 was Masiaka again I was when we went on that food finding
3 mission.

4 Q. And can you tell us that James gives you the drugs and you
10:23:19 5 go on mission. How much time passes between the time James gives
6 you the drugs and the time you go on mission?

7 A. When he gave me the drugs it took about two days and we
8 went on the mission.

9 Q. Now, can you tell us what happened. You are in this
10:23:39 10 village and you have this woman and her children. What happens
11 after you were given the jamba?

12 A. When he gave me the marijuana it was then that I killed the
13 woman.

14 Q. And when they told you you should kill the woman, did they
10:24:02 15 tell you why you should kill the woman?

16 A. Yes.

17 Q. What did they tell you?

18 A. After they had told the woman to come with us and the woman
19 refused, that was the reason they told me to kill her.

10:24:23 20 Q. Now, what happened after this woman was killed?

21 A. We took her children - two of them - and we gave them the
22 load to carry and then we went back to Masiaka.

23 Q. These children that you captured, do you remember their
24 ages?

10:24:49 25 A. They were adult women.

26 JUDGE SEBUTINDE: Ms Hollis, obviously this didn't happen
27 in Masiaka.

28 MS HOLLIS: No, your Honour.

29 JUDGE SEBUTINDE: It happened somewhere else and that was

1 the question earlier asked, "Where did these killings take
2 place?"

3 MS HOLLIS: She had said it was a village that they were
4 sent to. I will ask if she knows the name of the village:

10:25:09 5 Q. Madam Witness, you have said that this mission that you
6 captured this woman and her - well, you found this woman and her
7 children in a village. Do you remember the name of this village?

8 A. I don't know the village's name.

9 Q. Do you know how far away from Masiaka this village was?

10:25:32 10 A. It was not that far.

11 Q. Madam Witness, you said that you stayed in Masiaka for some
12 time. Where did you go from Masiaka?

13 A. While we were in Masiaka was when they came and took us for
14 us to be trained.

10:25:59 15 Q. Who came and took you to be trained?

16 A. Some rebels came and held us and took us along to go and be
17 trained.

18 Q. And where did they take you to be trained?

19 A. Port Loko.

10:26:25 20 Q. What kind of training did you receive in Port Loko?

21 A. They trained us how to fight.

22 Q. Tell us exactly how they trained you to fight?

23 A. They trained us how to use guns, how to put bullets and how
24 to shoot the gun and how to hide.

10:26:55 25 Q. How many people were receiving this training?

26 A. There were some other people there even before we went.

27 Q. Can you tell us how many people were being trained with
28 you?

29 A. They were many. I cannot tell you the number.

1 Q. What was the gender of these people being trained?

2 A. It was to go and fight.

3 Q. Perhaps I wasn't clear or perhaps the translation wasn't
4 clear. What I asked you was what was the gender of the people
10:27:42 5 being trained?

6 A. They were male and female.

7 Q. Do you know the age groups of the people being trained?

8 A. There were boys, adult men and adult women.

9 Q. And when you say there were boys, do you know what age
10:28:05 10 group or groups these boys were in?

11 A. From eight years upwards.

12 Q. You've told the Court that the training was in Port Loko.
13 How did you know the training was in Port Loko?

14 A. When the rebels had held us, while we were going on the way
10:28:33 15 was when they told us that we were going to Port Loko.

16 Q. Was there anyone in charge of this training?

17 A. There was one woman who was training us.

18 Q. Do you know the name of that woman?

19 A. No.

10:29:00 20 Q. What happened after you had completed your training?

21 A. After we had completed the training they took us to a town
22 called Kurubonla to fight.

23 Q. Do you know when it was that they took you to Kurubonla to
24 fight?

10:29:20 25 A. It was after the training that we were selected to go and
26 fight.

27 Q. Do you know when it was in terms of a month or a year?

28 A. I don't remember the month.

29 Q. And how did you know that you were going to a place called

1 Kurubonla to fight?

2 A. Those whom we had met there knew the place. They were the
3 ones who said it.

10:30:05

4 Q. When you say those who we met there knew the place, who are
5 you talking about?

6 A. The rebels, those whom we met there.

7 Q. You met where?

8 A. In Kurubonla. We met them in Kurubonla.

9 Q. And what happened when you went to Kurubonla?

10:30:26

10 A. When we went, that was the time we fought and we killed
11 civilians.

12 Q. Who were you fighting against?

13 A. There were Kamajors, so we killed everybody. Even if that
14 person was a civilian, we would kill that person.

10:30:51

15 Q. Why did you kill these people who were civilians?

16 A. We did not do - they did not do anything to us. It was
17 because we had seen our colleagues killing them, that was why we
18 too killed them.

10:31:15

19 Q. You said you had seen your colleagues killing them. Who
20 did you see killing them?

21 A. The rebels with whom we went.

22 Q. When you went to Kurubonla, in addition to killing
23 civilians, and fighting Kamajors, did you do anything else?

24 A. It was then that I decided to escape to come to Lunsar.

10:31:45

25 Q. And why did you decide to escape?

26 A. Because of the wicked things that I had started doing,
27 that's why I decided to escape.

28 Q. And what did you do after you decided to escape?

29 A. Well, after I had killed, I dropped a gun and I tried

1 running away to escape.

2 Q. Where did you go?

3 A. Well, I came to the ECOMOG who were at Lunsar.

4 Q. And what happened when you came to the ECOMOG?

10:32:29 5 A. When I came there I surrendered to them.

6 Q. And what happened after you surrendered?

7 A. When I got there, they started beating me up. They thought
8 I was spy. They said I came there to spy, but I told them no.

9 Q. Who was it who was beating you up?

10:33:02 10 A. ECOMOG.

11 Q. And what happened after you told them you weren't a spy?

12 A. I told them I was captured.

13 Q. And what happened after that?

14 A. They put me in the truck and took me to the police station.

10:33:33 15 Q. What happened then when you went to the police station?

16 A. The policemen too started beating me up, but then I told
17 them, "No, I am not a rebel".

18 Q. And what happened after that?

19 A. So I announced to them my address where I was living and I
10:34:02 20 even identified my people to them.

21 Q. You said you gave them your address where you were living.
22 That was what town?

23 A. In Freetown.

24 Q. And what happened after you gave them this address?

10:34:23 25 A. They then contacted my people and my people came.

26 Q. Now, where were you when your people came?

27 A. I was at the police station, in the barracks.

28 Q. And what police station was this?

29 A. Kissy police station.

1 Q. What happened after your people came?

2 A. When my people came, it was then that they released me.

3 Q. What did you do after you were released?

4 A. They then took me to the hospital.

10:35:06 5 Q. And what treatment did you receive at the hospital?

6 A. Well, they took me to the UNICEF hospital and they
7 discharged me of the drugs that I had taken before and they gave
8 me some other treatment.

9 Q. And what was the other treatment they gave you?

10:35:29 10 A. Well, by then, when I came I came pregnant, so they aborted
11 my pregnancy and then they cleaned my womb.

12 Q. Was this the first time you had been pregnant after being
13 captured?

14 A. No.

10:36:03 15 Q. How many times had you been pregnant before this time?

16 A. Two times.

17 Q. And what happened to those pregnancies?

18 A. They all wasted.

19 Q. Explain what you mean by that.

10:36:25 20 A. I got a miscarriage.

21 MS HOLLIS: I've no further questions.

22 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Anyah?

23 MR ANYAH: Yes, I have a few questions for the witness,
24 Madam President. Thank you.

10:36:40 25 CROSS-EXAMINATION BY MR ANYAH:

26 Q. Good morning, Madam Witness.

27 A. Good morning, sir.

28 Q. I have a few questions for you and I'm trying to recall
29 what you told us on Thursday last as your date of birth. You

1 told us you were born in February and I recall you said --

2 MS HOLLIS: Your Honours, I believe she said she didn't
3 recall when she was born.

4 MR ANYAH: I recall that. I recall what she said, but she
10:37:48 5 did tell us she didn't remember the year, but I believe she did
6 give us a month:

7 Q. Madam Witness, on Thursday did you tell us you were born in
8 February?

9 A. I did not say I was born in February. I was asked when I
10:38:06 10 was born and I said that I did not recall when I was born.

11 Q. Do you recall testifying in another case before the Special
12 Court in the year 2005?

13 A. I recall that I testified at the Special Court.

14 Q. Do you recall telling the Court in that case - for
10:38:35 15 counsel's benefit this is the transcript from the prior
16 proceeding. The date of the proceeding is 6 April 2005. I am
17 referring to page 61 of that transcript. It is from the case of
18 Brima et al. Madam Witness, do you remember telling the Court in
19 that case that you were born in February and that you were 19
10:39:04 20 years of age as of the time of your testimony in that case?

21 A. I wouldn't recall.

22 Q. Well, we have a transcript from that proceeding and I will
23 read to you questions that were asked of you and the answers you
24 gave. The question was posed on line 7:

10:39:26 25 "Q. Witness, how old are you now?

26 A. 19 years.

27 Q. Do you know what your date of birth is?

28 A. I was born in February.

29 Q. How do you know that?

1 A. I saw that in my birth certificate."

2 Do you remember being asked those questions and giving
3 those responses?

4 A. No, I do not recall that now.

10:40:05 5 Q. Do you remember telling the Office of the Prosecutor in a
6 prior interview that you had with them that your birth
7 certificate was eaten up by rats?

8 A. Yes, I recall that I did say that, that rats ate up my
9 birth certificate.

10:40:29 10 Q. And this was right before you testified in the AFRC case.
11 You spoke with the Prosecution in February and March of the same
12 year, 2005, specifically on 26 and 28 February and 1, 2 and 7
13 March 2005. Here is what you told them when you spoke, and for
14 counsel's benefit the ERN number of the page in question is
10:41:02 15 00031976.

16 Your Honours, I should say that our office is assisting me
17 in preparing bundles of documents that I had hoped to have before
18 commencing cross-examination and hopefully they will be here by
19 the time of the break and I will be able to hand them to your
10:41:20 20 Honours. In the meanwhile, I suspect that counsel will be able
21 to call the attention of the Chamber if I should misstate
22 something I read to the witness.

23 Madam Witness, when you spoke with the Prosecution in
24 February and March 2005 you said that your birth date was on 28
10:41:36 25 February and that in 2005 at that time you knew you were 19 years
26 of age. You said you thought you were older, but you found your
27 birth certificate after your first interview with the
28 Prosecution, but that you no longer have your birth certificate
29 because it was eaten by rats. Do you recall telling the

1 Prosecution that in 2005, Madam Witness?

2 A. I always recall that my birth certificate was eaten by
3 rats.

10:42:17

4 Q. Madam Witness, the question was do you recall telling the
5 Prosecution what I read to you?

6 A. I always recall what I said and that was that my birth
7 certificate had been eaten up by rats. That was what I said.

10:42:47

8 Q. Is what I have read to you that you were born on February
9 28th and you were born - and that you were 19 years of age as of
10 February/March 2005, is that in error? Is it inaccurate, Madam
11 Witness?

12 A. No.

13 Q. And by your answer "No", you mean what? That that
14 information is not correct?

10:43:04

15 A. Well, what I mean is that I did say that rats ate up my
16 birth certificate. That is what I recall that I said.

10:43:33

17 Q. Well, let's assume that your memory was better in 2005 than
18 it is now. Would you agree with that assumption, Madam Witness,
19 that your ability to remember things was better three years ago
20 than it is today?

21 A. How?

22 Q. Is it fair to say that shortly after the events of 1999 you
23 could easily recall what had happened to you in the few years
24 after 1999?

10:43:58

25 A. Well, I do recall what I saw and what they did to me. I
26 recall that and I can say that.

27 Q. Well, Madam Witness, assuming what you told the Court in
28 2005 is correct, that you were 19 years of age then, that would
29 mean that in 1999 you were about 13 years of age. Is that fair

1 to say, Madam Witness?

2 A. Well, I cannot actually tell when I was born and that
3 besides I do not recall.

10:44:59

4 Q. Is it fair to say, Madam Witness, that you were a very
5 young child in 1999?

6 A. Well, by then I had not started seeing my menses.

7 Q. Yes, that was before you started menstruation. You told us
8 that on Thursday, correct?

10:45:25

9 A. Well, after the rebels had captured me and after I had been
10 virginated - deflowered, that was the time I started seeing my
11 menses.

12 Q. My focus is on your age, Madam Witness. You were a young
13 woman - a young girl - at the time all of this happened to you,
14 true?

10:45:41

15 A. By then I was small, because I had not started seeing my
16 menses.

17 Q. From the time the rebels took custody of you in late 19 -
18 well in 1999, January 1999, until the time that you made your way
19 back to Wellington, through all of the events that have happened
20 that you have testified to do you know how long a period of time
21 that was?

10:46:06

22 A. Well, I do not recall the time.

23 Q. Do you recall what month you went back to Wellington in
24 1999 after you had been taken by Colonel James?

10:46:27

25 A. I do not recall the month during which I returned to
26 Wellington.

27 Q. Was it in the same 1999?

28 A. Well, in 1999 when the rebels came I was with them.

29 Q. Yes, was it in the same 1999 that you left the rebels and

1 went back to Wellington to resume your life as you knew it
2 before?

3 A. Well at that time the month I actually returned I do not
4 recall, but I recall the month that I was captured.

10:47:19 5 Q. Well, the month that you returned was it also in 1999?

6 A. Well, I do not recall whether it was in 1999 that I escaped
7 from the rebels and that I returned back to Freetown.

8 Q. Are you saying that it could have been in the year 2000?
9 Did you understand my question, Madam Witness?

10:48:00 10 A. I did understand your question.

11 Q. I am trying to ascertain during what year you returned to
12 Freetown after having been held captive by the rebels. Could it
13 have been the year 2000, Madam Witness?

14 A. Well all I know is that I was captured in 1999, but I do
10:48:19 15 not actually recall the month that I came back to Freetown.

16 Q. Madam Witness, is it fair to say that it is difficult for
17 you to testify about all of these events that you've told us
18 about?

19 A. I didn't say that.

10:48:43 20 Q. I am asking you if it has been difficult for you to tell us
21 all that you have told us from Thursday last until day?

22 A. It's not difficult for me to tell you.

23 Q. And despite all that you have been through and all that you
24 tell us you went through at the hands of the rebels, it is fair
10:49:07 25 to say, Madam Witness, that you did not suffer any psychological
26 damage as a consequence of that, yes?

27 PRESIDING JUDGE: Madam Witness, first of all did you
28 understand the question and, secondly, are you all right?

29 THE WITNESS: I'm all right.

1 PRESIDING JUDGE: Did you understand the question that was
2 asked?

3 THE WITNESS: I did not understand.

4 MR ANYAH: I will rephrase the question:

10:50:00 5 Q. Madam Witness, you met with the Prosecution on several
6 occasions before you have testified in Court now and I want to
7 refer to two of those occasions, both taking place last year.
8 The first one you met with them on 22 March 2007, you also met
9 with them on 11 May 2007 and on both of those occasions - they
10:50:26 10 met with you on a number of occasions, at least 12, but on these
11 particular two occasions they sought to determine what impact the
12 events you experienced in 1999 had had on you. In May of last
13 year a question was asked to you to the effect of whether you
14 have lost any friendship or family relationship since the crimes
10:50:56 15 occurred, or since you carried out certain crimes. For counsel's
16 benefit it's page 1 of the handwritten notes dated 11 May 2007,
17 ERN number ending 4723. Madam Witness, your response was that
18 you had no friends before the events. You were a good house
19 girl, going nowhere. As for your family members, they embraced
10:51:32 20 you and encouraged you to forget and live a different life when
21 you returned to them. Do you recall telling the Prosecution that
22 in May of last year?

23 A. Yes, I recall that I told the person who went and asked me
24 questions.

10:51:55 25 Q. Do you remember if they asked you if you have had any
26 ongoing medical issues, or psychological issues, and how you feel
27 in your heart, and do you remember saying that when you returned
28 from the bush you had some illnesses and you had some treatments
29 but that since that time you are now all right? You feel fine,

1 yes?

2 A. I recall that I told them that.

3 Q. Your words were, "I am now all right. I now feel fine
4 because there is nothing disturbing my mind. I mingle and I am
10:52:33 5 appreciated by people". That is what you said, yes?

6 A. That was what I told them.

7 Q. Do you remember being asked how you were regarded in the
8 community by your community members before the crimes were
9 committed and how it is now different and do you remember saying,
10:52:52 10 "My community members had respect for me before and they still
11 have the same respect for me. To me, nothing has changed"? Do
12 you remember saying that, Madam Witness?

13 A. Yes, I recall that I told them that.

14 Q. And then you were also asked if there had been any problems
10:53:16 15 caused to you, or any problems you anticipate in the future, as a
16 result of the crimes, and do you remember telling the Prosecution
17 on 11 May 2007 that, "I have no problems and I am not
18 anticipating any future problems. I am a happy woman"? Did you
19 tell them that, Madam Witness?

10:53:34 20 A. Yes.

21 Q. Madam Witness, let us try and recount some of the things
22 you told us you experienced in 1999. You saw people being killed
23 in 1999, yes?

24 A. Yes, I saw people being killed.

10:54:12 25 Q. Some of the people that were killed were children, yes?

26 A. Yes, they killed children and they killed adults.

27 Q. On more than one occasion you saw children being buried
28 alive, true?

29 A. Yes.

- 1 Q. You were made to use drugs, yes?
- 2 A. Yes.
- 3 Q. You were injected with drugs, yes?
- 4 A. Yes.
- 10:54:52 5 Q. Injected with cocaine, you say, yes?
- 6 A. Yes, that was what they put into the syringe.
- 7 Q. Made to smoke marijuana, yes?
- 8 A. Yes.
- 9 Q. You were raped, yes?
- 10:55:16 10 A. Yes.
- 11 Q. You were abducted and taken away from your family, yes?
- 12 A. Yes.
- 13 Q. You say you saw people being amputated, yes?
- 14 A. Yes.
- 10:55:31 15 Q. You saw lootings, yes?
- 16 A. Yes.
- 17 Q. You saw houses being burnt, yes?
- 18 A. Yes.
- 19 Q. You were held captive by this fellow, Major or Captain
- 10:55:46 20 James, yes?
- 21 A. Yes.
- 22 Q. For a long period of time, correct?
- 23 A. Yes.
- 24 Q. James's wives on more than one occasion tried to harm you,
- 10:56:04 25 correct?
- 26 A. Yes.
- 27 Q. They tried to poison you, yes?
- 28 A. Yes.
- 29 Q. On occasion they would beat you, yes?

1 A. Yes.

2 Q. You were made to fight, yes?

3 A. Yes.

4 Q. You barely escaped having "RUF" marked on your chest, yes?

10:56:33 5 A. No. Not to --

6 Q. Sorry, go ahead, Madam Witness.

7 A. I was not the one marked. It was the other two ladies who
8 were marked, those who were trying to escape with me.

9 Q. Yes, that was my point; that you were not marked but you
10:56:54 10 came close to being marked, yes?

11 A. Well, I was only tied.

12 Q. Yes, but you were not marked but others that you were with
13 were marked, yes?

14 A. Yes, those were the ones marked.

10:57:15 15 Q. And you were made to eat human flesh, correct? Yes, Madam
16 Witness?

17 A. Yes.

18 Q. How many times were you made to eat human flesh?

19 A. Once.

10:57:34 20 Q. And on which occasion was that?

21 A. At the time we were going to Masiaka.

22 Q. Is this when you say Five-Five ordered you and others to
23 eat the flesh of Kamajors?

24 A. Yes.

10:57:56 25 Q. Madam Witness, after having gone through all of this, are
26 you telling us that these events have not had any psychological
27 effects on you?

28 A. Well, it affected me.

29 Q. You remember a few minutes ago I read what you told the

1 Prosecution in May 2007 where you said you have no problems and
2 you are not anticipating any future problems and you are a happy
3 woman?

4 A. Well, the reason why I said that was that it was because I
10:58:39 5 had now come to the hospital and they had discharged me of the
6 drugs I had taken.

7 Q. Well, you had been discharged from the hospital a long time
8 before you met with them last year, 2007, correct?

9 A. Yes.

10:59:00 10 Q. Madam Witness, about this eating of the Kamajors, did you
11 tell the Prosecution that you were made to eat human flesh on
12 three or more occasions?

13 A. Well, I recall that it was once that Five-Five ordered his
14 boys that they should force us to eat the flesh of the Kamajors.

10:59:28 15 Q. Well, before the Kamajors, was there an occasion where an
16 old woman was shot by Major James?

17 A. Yes.

18 Q. And this was a woman who had treated you after James had
19 raped you, yes?

10:59:51 20 A. Yes.

21 Q. And you were pleading for the woman's life but he shot her
22 in her forehead, yes?

23 A. Yes.

24 Q. And after he killed the woman he came with her heart and he
11:00:09 25 told you to eat it, yes?

26 A. No.

27 Q. Well, I will read to you what you told the Prosecution
28 previously. For counsel's benefit, these are the notes from the
29 interviews in the five days in early 2005, 26 and 28 February, 1,

1 2 and 7 March 2005. I will start with the page ending in ERN
2 1981 and into the page ending ERN 1982. At the bottom of the
3 page there is the caption, "Old woman shot by Major James".
4 Madam Witness, this is what the Prosecution says you told them:

11:00:53 5 "After the old woman had treated me Major James killed her.
6 Major James said that the old woman was trying to escape with me.
7 I was trying to plead for the old woman and he said he would kill
8 both of us. He pushed me away and he shot her in the forehead."

9 Over to the next page there's the title "Witness made to
11:01:27 10 eat human heart". The Prosecution says you continued by telling
11 them:

12 "In the village after Major James killed the old woman he
13 came with a human heart and told me to eat it. This was the only
14 time he asked me to do that. He said if I didn't eat it they
11:01:46 15 would punish me and so I did eat the human heart."

16 Madam Witness, separate and apart from the Kamajor
17 incident, do you agree that you told the Prosecution you ate a
18 woman heart - sorry, you ate a human heart around the time Major
19 James killed this old lady?

11:02:07 20 A. Well, what I said was that I ate the Kamajor heart after
21 they had killed them.

22 Q. I am not referring to the Kamajors, Madam Witness. I am
23 referring to the period of time when James killed the old lady
24 who treated you and made you eat a human heart?

11:02:35 25 A. No.

26 Q. Do you deny telling the Prosecution what I just read to
27 you, Madam Witness?

28 A. Well, James did not give me a woman's heart to eat. He of
29 course killed the woman after the woman had healed me.

1 Q. So you abide by your testimony that it is - or you abide by
2 your position that it is only in relation to the Kamajors that
3 you were given human flesh to eat?

4 A. Yes.

11:03:22 5 Q. Well, let me read to you another statement you gave the
6 Prosecution. This is from 2003, 21 November 2003. The ERN
7 number is 00031971. There was an investigator, Louise Taylor,
8 present. There was a trial counsel for the Prosecution named
9 Adwoa Wi afe present and here is what you told them about how many
11:03:57 10 times you were made to eat human beings.

11 A. I recall that I ate human heart just once.

12 Q. Well, I will read to you what the Prosecution has you down
13 as saying in November 2003. For counsel's benefit this is bullet
14 point number 2. It says:

11:04:23 15 "Witness cannot say with 100 per cent certainty that the
16 meat she was forced to eat was human, but on all three occasions
17 she was told it was human heart. On the first occasion Five-Five
18 passed the order to eat human heart. He said that if anyone
19 refuses to eat that they will be killed and eaten themselves.
11:04:53 20 Witness did not see the killing of the person whose heart they
21 were forced to eat. On the second and third occasions,
22 Five-Five's boys forced the civilians to eat human heart.
23 Five-Five was not there during the second and third occasion.
24 Witness does not know where he was."

11:05:13 25 Madam Witness, the Prosecution says that in November of
26 2003 you spoke of three separate episodes involving the eating of
27 human flesh. Do you agree with that?

28 A. For me, on my own part, I only ate human flesh once.

29 Q. My question was the Prosecution's notes of interviews with

1 you says that you told them there were three occasions. Do you
2 agree it was three occasions you spoke of when you spoke with the
3 Prosecution in November 2003?

4 A. Yes.

11:05:52 5 Q. How is it that they have three occasions in their record of
6 your interview and now you are speaking of only one occasion in
7 Court?

8 A. On my part it was once, but those that they had captured
9 who were with them, they were eating the human heart. But by the
11:06:17 10 time I was captured, when Five-Five gave that order, I only ate
11 human heart once.

12 Q. Madam Witness, was this a pervasive conduct among the
13 rebels that captured you? By that I mean was it typical of them
14 to eat human beings?

11:06:52 15 A. Yes.

16 Q. How often would you say, let's use a week's period for
17 example - did you see the rebels eating human beings?

18 A. Well, at any time they captured Kamajors, after killing
19 them they will cook their parts and eat it.

11:07:18 20 Q. Well, forgetting the capture of Kamajors, you told us that
21 you were amongst the group of rebels who had amongst their
22 numbers civilians, yes?

23 A. Yes.

24 Q. Were any of the civilians that were with you eaten by the
11:07:40 25 rebels?

26 A. No.

27 Q. So how many times in a week would you say you saw rebels
28 eating human beings?

29 A. Well, it was when they went and fought against the

1 Kamajors. After killing them or after capturing them they would
2 kill them and then they would cook their parts and we would see
3 them eating it.

11:08:14

4 Q. How often would they capture Kamajors in, say, a period of
5 a month?

6 A. Well, it was at the time we were trying to go to Waterloo.
7 Whilst they were trying to clear up the way for us, when they
8 fought against the Kamajors, when they killed them or captured
9 them they would kill them and cook their parts and eat it.

11:08:39

10 Q. Well, this was early in your trip as you were moving from
11 Wellington to Allen Town and then on to Waterloo, yes?

12 A. Yes.

13 Q. So you recall my question a few minutes ago whether this
14 practice of eating human beings was a common practice and you

11:08:59

15 said yes. So are you nonetheless saying that it's only in
16 connection with captured Kamajors that human beings were eaten?

17 A. Yes, it was when they captured Kamajors that they ate the
18 Kamajor hearts.

19 Q. And how many times did you see this happen?

11:09:27

20 A. Well, I saw it so many times.

21 Q. Around how many times in a week would you see this happen?

22 A. Well, I wouldn't be able to tell you the weeks.

23 Q. I don't wish to know the week in which it happened. I want
24 to know for example in an average week starting from January '99

11:09:50

25 through to the time you escaped how many times did you see the
26 rebels eat a Kamajor?

27 A. Well, many times. Not just once.

28 Q. In a week would you see them eat Kamajors about five times,
29 in a seven day period?

1 A. Yes.

2 Q. Are you answering "Yes" just to answer the question? Are
3 you sure of what you are saying?

4 A. I'm really sure, because I saw what they did. That is the
11:10:27 5 reason why I'm talking about it.

6 Q. So on average in one week about five times they would eat
7 Kamajors?

8 A. They captured so many of them. They did not just capture
9 one Kamajor.

11:10:45 10 Q. Did they eat the Kamajor meat raw, or did they cook it?

11 A. Well, they used to cook it and for the heart they used to
12 barbecue it.

13 Q. Is it fair to say that captured women were made to do the
14 cooking for the group?

11:11:09 15 A. Yes.

16 Q. Were you ever asked to cook human flesh for your rebel
17 captors?

18 A. No.

19 Q. Were other captives, young girls like yourselves, asked to
11:11:31 20 cook human flesh for the captors?

21 A. Well, I wouldn't be able to talk about that.

22 Q. Why wouldn't you be able to talk about it? You were
23 present when Kamajors were being eaten, correct?

24 A. I saw them eating them, but we were actually not all
11:12:01 25 assembled in one place. It was a fairly big place and so
26 everybody was around at his own part and area.

27 Q. Yes, but you've told us about the raping of other girls
28 that were captives like yourselves. Yes?

29 A. I saw them being raped.

1 Q. And you also had interactions with Captain James's wives,
2 yes?

3 A. Yes, I recall.

11:12:39

4 Q. So I'm asking you about events that must have happened in
5 your general vicinity, if what you tell us is correct. Did you
6 see young girls like yourselves being asked to cook human flesh
7 for the rebels?

11:13:04

8 A. Well, they were around their own area and I was also around
9 my own area. Those they captured, when they captured them they
10 took them to their own part. They were around their own area and
11 we were on our own area.

12 Q. At any time while you were held captive, did you actually
13 see a human being being cooked to be served as a meal to the
14 rebels?

11:13:24

15 A. Yes.

16 Q. Where was this?

17 A. Well, around James's own area. The boys who captured the
18 Kamajors, I saw them cook - cook that Kamajor and they were
19 eating it. They were serving. They ate it.

11:13:45

20 Q. And in which town did this take place, Madam Witness?

21 A. Well, it was a village through which we passed to go to
22 Waterloo.

23 Q. These boys of James's, you do not know to which group or
24 warring faction they belonged, correct?

11:14:17

25 A. I did not know.

26 Q. And with respect to James - this Captain James - you've
27 told us today that he was ULIMO, correct?

28 A. Yes, that was what he told me.

29 Q. He had fought in Liberia, correct?

1 A. That was what he said.

2 Q. He was also STF, yes?

3 A. Yes, that was what he said.

4 Q. And STF stands for Special Task Force, correct?

11:14:54 5 A. Well, I don't know. He did not tell me that. All he told
6 me was that he was STF.

7 Q. There was another fellow who was also an STF, this fellow
8 Colonel Jabbi, yes?

9 A. No, he did not tell me that.

11:15:22 10 Q. Have you told the Prosecution previously that Jabbi was
11 STF?

12 A. No, I do not recall to have said that.

13 Q. Do you know to which group Jabbi belonged?

14 A. He was subordinate to Five-Five. He was one of Five-Five's
11:15:49 15 boys.

16 Q. And you do not know to which group Five-Five belongs, do
17 you?

18 A. No.

19 Q. Madam Witness, were you ever captured by ECOMOG?

11:16:13 20 A. Well, I went and surrendered myself to the ECOMOG.

21 Q. Were you ever captured by Guinean soldiers?

22 A. No.

23 Q. Well let's trace your movements, if we will. You were
24 living on Industrial Road in Wellington with your aunt, who you
11:16:40 25 call your mother, in January 1999, correct?

26 A. Yes.

27 Q. In that household there was your brother, yes?

28 A. Yes.

29 Q. Two of your sisters, correct?

1 A. Yes.

2 Q. And you had a cousin by the name of Amina, yes?

3 A. Yes.

4 Q. The rebels came to the vicinity of Wellington on 6 January

11:17:14 5 1999, yes?

6 A. It was on the 5th that they went.

7 Q. But when you first noticed them in Wellington, the first
8 day that you encountered them at your home it was 6 January, yes?

9 A. It was on 5 January. That was the first day that I saw

11:17:43 10 them go to our house.

11 Q. Fair enough. Notes from your interviews with the

12 Prosecution - this is the February/March 2005 interview - have

13 you saying, "The rebels came to our house for the first time on 6

14 January, the day after they entered Wellington. They came during

11:18:06 15 the day". Do you remember telling the Prosecution that in

16 February of 2005?

17 A. I recall that I told them that it was on the 5th that they
18 entered our house when they first went there at night.

19 Q. Well, Madam Witness, the record of interview I have has you

11:18:28 20 saying that the first time the rebels came to your house was in

21 the daytime, it was on 6 January and there were four rebels. Do

22 you agree with that, Madam Witness?

23 A. I wouldn't be able to tell you the number of them, but

24 there were not four rebels who went to our house that day.

11:18:51 25 Q. How many rebels came to your house on that day?

26 A. Well, they were many. They came on board a vehicle. They
27 parked it outside and they came to the house and they were asking
28 who were those in the house.

29 Q. Well, you've given another account of this first visit by

1 the rebels in another interview with the Prosecution from 2003.
2 For counsel's benefit, this is the interview of 23 February 2003
3 and the ERN number of the relevant page ends in 5646. In
4 February 2003 you told the Prosecution of the first encounter as
11:19:41 5 follows:

6 "The rebels came to my house on January 6th at 8 p.m. I was
7 in the house at industrial area, Wellington, with my mother, my
8 sisters and [your] cousin. There were six rebels who were
9 wearing civilian clothes. They drove up in a car, but only six
11:20:03 10 were sent inside the house".

11 Do you remember telling the Prosecution that six rebels
12 came out of a car and came to your house in the evening of 6
13 January 1999?

14 A. I recall that it was on the 5th that rebels entered into
11:20:23 15 our house and they met us inside the house.

16 Q. All right. We disagree on the date in question, but let's
17 focus on what happened when the first rebels came. Did they kill
18 anybody in your household the first time they came to your
19 household?

11:20:41 20 A. No, they did not kill anybody.

21 Q. Did they rape anybody in your household the first time they
22 came?

23 A. No, they did not rape anybody.

24 Q. Did they abduct or take anybody with them as they were
11:21:00 25 leaving the first time that they came?

26 A. Yes.

27 Q. And who was that?

28 A. My cousin Aminata.

29 Q. Well, I'm looking at notes from your conversations with the

1 Prosecution about the first visit of the rebels. Are you sure it
2 was on the first visit to your home that they took your cousin
3 Amina, with them?

11:21:34 4 A. Yes, I recall that that was the first visit that they made
5 when they came and took her along.

6 Q. Now this first visit, the rebels who came you did not know
7 to which group they belonged, yes?

8 A. I did not know.

11:21:52 9 Q. A day or two after the first rebels came another group of
10 rebels came to your house, yes?

11 A. It was the following day that the rebels came again, on the
12 6th. That was the second visit that they paid to our house.

13 Q. And how many rebels came during the second visit?

11:22:18 14 A. Well during that second visit when they came it was at
15 night, so I wouldn't recall how many of them came at that
16 particular time because it was at night.

17 Q. But the fact is you do not know, as you sit there now, to
18 which group these rebels who came on the second day belonged,
19 right?

11:22:40 20 A. No, I did not know.

21 Q. Did the rebels who came on the second day rape anybody in
22 your household?

23 A. Well the second time they came they tried to rape me, but I
24 pleaded with them not to rape me.

11:22:59 25 Q. And they did not rape you after you pleaded with them,
26 right?

27 A. No, no.

28 Q. And these rebels were armed with weapons, yes?

29 A. Yes, they had arms with them. They had pistols and they

1 had machetes with them, those who came.

2 Q. Did they take anybody with them as they left your house on
3 the second day?

4 A. No, they did not take anybody with them.

11:23:30 5 Q. Did they amputate anybody's limbs when they came to your
6 house on the second day?

7 A. No.

8 Q. Rebels came to your house a third day, correct?

9 A. Well it was my mother who went and met the rebel commander
11:23:55 10 and pleaded with him so that he could come and stay with us at
11 home; he and his boys.

12 Q. And a rebel commander came and stayed in your house, yes?

13 A. Yes.

14 Q. And he had two bodyguards with him, yes?

11:24:14 15 A. Yes.

16 Q. While that commander was at your home, did he and his boys
17 rape anybody in your home?

18 A. No, they did not rape anybody.

19 Q. Did he and his boys amputate anybody's limbs while they
11:24:34 20 were in your home?

21 A. No.

22 Q. Did he and his boys make you and your family do anything
23 that you did not wish to do?

24 A. No.

11:24:54 25 Q. And as you sit there now you do not know to which group
26 this rebel and his boys belonged to, correct?

27 A. Well, there was a boy amongst them who explained to my
28 mother about the group to which he belonged.

29 Q. Yes, that was the small boy you mentioned earlier in your

1 testimony today, correct?

2 A. Yes.

3 Q. Now, you were fairly young at the time. You hadn't started
4 your menstruation period. How old do you reckon this boy was at
11:25:37 5 that time?

6 A. Let me say he was like let's say six years.

7 Q. Yes. This was a very small child, yes?

8 A. Yes, but he had a weapon. He had a pistol with him.

9 Q. A six year old boy and he had a pistol with him, is that
11:26:02 10 what you are saying?

11 A. Yes, he had a pistol and he strapped his gun around his
12 shoulder.

13 Q. The gun over his shoulder was that a pistol or was that a
14 rifle, a big gun?

11:26:25 15 A. Well, it was a big rifle. He was, in fact, dragging it on
16 the ground at the time he strapped it over his shoulder and he
17 held the pistol in his hands.

18 Q. How tall was this six year old boy? Can you indicate from
19 raising your hand as you are seated how high, or tall, he was?

11:26:46 20 A. Well he was tall, but thin, and he was fair in complexion.

21 Q. Six years of age. You know what a six year old is, right,
22 Madam Witness?

23 A. Yes, I know.

24 PRESIDING JUDGE: Mr Anyah, before you proceed the witness
11:27:06 25 did give an indication with her hand. From where she is seated
26 it was somewhere in the vicinity of her forehead that her hand
27 indication was. We have just been alerted again to the time, so
28 I would like for the purposes of record to have an estimate of
29 that height.

1 MR ANYAH: Yes, I understand. Ordinarily I would prefer to
2 have Madam Court Officer measure the height and, given the time
3 indications, perhaps we could resume with that if it please your
4 Honours?

11:27:37 5 PRESIDING JUDGE: I think that would be the practical thing
6 to do. Since the tape has now finished, we will take the
7 mid-morning adjournment and we will commence by taking that
8 measurement.

9 Madam Witness, it's now time for our mid-morning break. We
11:27:53 10 will be adjourning for half-an-hour and resuming at 12. Please
11 adjourn court until 12.

12 [Break taken at 11.30 a.m.]

13 [Upon resuming at 12.00 p.m.]

14 PRESIDING JUDGE: I note a change of appearance, Ms Hollis.

11:59:41 15 MS HOLLIS: Yes, Madam President. The Prosecution has been
16 joined by Julia Baly.

17 PRESIDING JUDGE: Thank you. Mr Anyah.

18 MR ANYAH: Yes, our composition remains unchanged, Madam
19 President.

11:59:53 20 PRESIDING JUDGE: Thank you, Mr Anyah. Would this be a
21 convenient point to ask Madam Court Officer to assist in that
22 measurement?

23 MR ANYAH: Yes, it would be, Madam President. Thank you.

24 PRESIDING JUDGE: Madam Witness, you gave us an indication
12:00:06 25 of how tall the small boy that came to your house was. Could you
26 please show that again so we can measure that.

27 THE WITNESS: Do you want me to stand up?

28 PRESIDING JUDGE: Whatever is convenient.

29 JUDGE SEBUTINDE: Madam Witness, your hand keeps moving.

1 Can you please show exactly how tall this boy was.

2 MS IRURA: Your Honour, that distance is 112 centimetres.

3 PRESIDING JUDGE: Thank you. We will record that.

4 MR ANYAH: Thank you, Madam President:

12:01:41 5 Q. Madam Witness, this boy who was as tall as you have
6 demonstrated for us was six years of age, he was a child, yes?

7 PRESIDING JUDGE: Well, it would be more fair to say that
8 was the witness's estimation, I understand, of his age. Is that
9 a definitive age or --

12:02:00 10 MR ANYAH: Well, I can rephrase it because she did say he
11 was six years of age.

12 PRESIDING JUDGE: She did? Thank you.

13 MR ANYAH:

14 Q. Madam Witness, he was essentially a child, yes?

12:02:11 15 A. Yes, he was a boy.

16 Q. What kind of gun did he have strapped across his shoulder?

17 A. I don't know the gun that he strapped across his shoulder.

18 Q. But you were trained how to assemble and dismantle guns,
19 yes?

12:02:39 20 A. Yes.

21 Q. And you do not know what type of gun it was, is that your
22 evidence?

23 A. Yes, I don't know the kind of gun he had strapped on his
24 shoulder.

12:02:59 25 Q. The gun was long enough nonetheless that it was being
26 dragged on the ground as he was walking, yes?

27 A. Yes.

28 Q. And this is the boy that you rely on in telling us the
29 groups to which these rebels belonged, yes?

1 A. That was what he told my mother, that it was the rebels who
2 captured him when he was six years old.

3 Q. And it was him for the first time that mentioned that these
4 rebels, some were RUF, yes?

12:03:38 5 A. Yes, that was what he said.

6 Q. And he was also the one that mentioned that some of them
7 were soldiers or former SLA, yes?

8 A. Well, he said some of them were RUF. They were a mixed
9 group.

12:03:58 10 Q. Before that, you and your mother and your siblings did not
11 have any idea who these rebels were or the groups to which they
12 belonged, correct?

13 A. My mother did not know, nor did I.

14 Q. Your cousin Amina, the one you told us was taken the first
12:04:24 15 day the rebels came to your house, they let her free on the
16 following day, did they not?

17 A. After she had been taken, the following day she was
18 released.

19 Q. And she came back to your house, yes?

12:04:47 20 A. Yes.

21 Q. And they released her without raping her, correct?

22 A. Yes.

23 Q. And the only bad thing, or the only noteworthy thing that
24 happened to her was that she was detained or held for 24 hours,
12:05:06 25 yes?

26 A. Well, she passed the night there.

27 Q. Do you know how old the rebel who held Amina was?

28 A. He was an adult man. He was not a small boy.

29 Q. Was Amina at any time captured or locked --

1 A. Yes.

2 Q. Was she at any other time captured or locked in a room by a
3 child rebel?

4 A. She was captured.

12:05:47 5 PRESIDING JUDGE: Mr Anyah, my recollection is that the
6 witness named her cousin as Aminata but the record recorded it as
7 Amina. Perhaps we could clarify the exact proper name.

8 MR ANYAH: In actuality I am the one who has been referring
9 to the cousin as Amina and she has said Aminata and I will

12:06:10 10 clarify:

11 Q. Madam Witness, we are speaking of the same person, are we
12 not? When I say Amina and you say Aminata it is the one and the
13 same cousin of yours, yes?

14 A. Yes, the same cousin.

12:06:22 15 Q. That was the only female cousin of yours in your household
16 at Industrial Road in Wellington in January of 1999, correct?

17 A. Yes.

18 Q. Do you remember telling the Prosecution in an interview in
19 2003 - and for counsel's benefit and the Chamber's benefit I do
20 have the bundles of documents I said we would have for

12:06:43 21 distribution to your Honours and to counsel opposite. Madam
22 Witness, we are handing out documents that contain notes from
23 interviews you had with the Office of the Prosecutor. The
24 interviews, your first one with the Prosecutor's office that we
12:07:21 25 have on record is in February of 2003 and you met with them twice
26 in February. You again met with them in November of 2003. You
27 met with them in December of 2004 and you have since met with
28 them through last week, 22 October 2008. For your Honours'
29 benefit I will be referring to a document at tab number 2,

1 paginated in the bottom right-hand corner page 2. It's a record
2 of interview from 23 February 2003. Madam Witness, a few minutes
3 ago I asked you if the rebel who captured the person I call
4 Amina, you call Aminata, was a child rebel or an adult and you
12:08:50 5 said it was an adult. I want to read to you the Prosecution's
6 record and I have a few questions from this interview. At the
7 top of the page there is a line that is the second full sentence
8 that starts with "The rebels took Amina" and I will read that.
9 It reads:

12:09:13 10 "The rebels took Amina and forced her to stay with them in
11 our house. I moved with my mother" - and it gives names - "to
12 the house of a neighbour. Amina came to the house the next day
13 where we were staying which was an unfinished house which did not
14 have an address. It was near our house. Amina was locked in a
12:09:39 15 room by a ten year old child combatant who had diamonds and
16 weapons. Amina told me that the child combatant threatened to
17 kill her if she tried to escape. She did not learn the name of
18 the commander or the child combatant. She was not raped or
19 harmed."

12:10:01 20 Madam Witness, did you tell the Prosecution that?

21 A. Yes, I do recall.

22 Q. A ten year old held your cousin hostage, yes?

23 A. Well, it was one of our cousins with whom we were in. That
24 was ten years old.

12:10:33 25 Q. That was not my question. My question is the person who
26 held Amina hostage, as recorded by the Prosecution, you told them
27 was a ten year old, correct?

28 A. Yes.

29 Q. And you based that on what Amina told you, true?

1 A. It was what she said. That's why I said so.

2 Q. How old was your cousin Amina at this time?

3 A. She is fairly big now.

4 Q. I'm not asking how old she is today. In 1999 when she was
12:11:17 5 held and held captive by this ten year old how old was she?

6 A. I cannot tell her age at that time.

7 Q. Is Amina older or younger than you?

8 A. She is older than I am.

9 Q. And it is then the case that she was senior to you or older
12:11:45 10 than you of course in 1999, yes?

11 A. Yes, she was older.

12 Q. And this ten year old who held her captive is said to have
13 held diamonds. Is that what you told the Prosecution, Madam
14 Witness?

12:12:04 15 A. Yes, that's what I explained to them.

16 Q. And from where did this story come that a ten year old had
17 diamonds?

18 A. It was at the time that the rebels were at our house and
19 she too was at our house when the rebel took her to the next
12:12:30 20 house, so when she came back was when she explained that to us.

21 Q. You yourself, did you ever see a ten year old with
22 diamonds?

23 A. No.

24 Q. During the entire time you were with the rebels did you see
12:12:47 25 anybody with diamonds?

26 A. No.

27 Q. But the point is that your cousin Amina was not harmed when
28 she was held by these rebels, yes?

29 A. Yes, that was what she said. She said nothing was done to

1 her.

2 Q. Was she at any other time captured by the same rebels?

3 A. They took her along.

12:13:33

4 Q. How far, I'm talking of the time period between the time
5 she was first taken by the ten year old and when they took her
6 away, what was the gap in time?

12:14:00

7 A. The time the rebels were at our house, it was on that day
8 that she was captured and the following day she was brought back
9 to our house. The time she was captured and the time I was
10 captured, that was the time she was taken away.

11 Q. Are you saying to us that one set of rebels took you away
12 and another set of rebels took Amina away?

13 A. Okay, that was the day that all of us were captured and
14 taken away.

12:14:21

15 Q. Was she with you when James took you to Masiaka?

16 A. No, she was not with me.

17 Q. Was she with you when you moved from Wellington to Allen
18 Town?

19 A. No, she was not with me.

12:14:39

20 Q. Do you know where she was at that time?

21 A. At that time she had been recaptured and taken elsewhere.

22 Q. And I'm assuming you did not see her as you moved from
23 Allen Town to Waterloo?

24 A. No, I did not see her.

12:15:00

25 Q. And when you left Masiaka and you went to Port Loko she was
26 not there, was she?

27 A. No, I did not see her there.

28 Q. She was also not in Lunsar, was she?

29 A. No, I did not see her there.

1 Q. When was the next time you saw your cousin Amina?

2 A. It was when I returned to Freetown. That was when I saw
3 her.

12:15:34

4 Q. And did she tell you what had happened to her when you saw
5 her next?

6 A. Well, at that time she had gone back to her place and I too
7 was now at my own place.

12:15:56

8 Q. That was not my question. You said you saw her when you
9 had returned to Freetown. My question is: Did she tell you what
10 her experiences had been during the time she was under capture?

11 A. No, I did not ask her.

12 Q. So you do not know what happened to her during the entire
13 time she was captured?

14 A. No, I don't know what happened to her.

12:16:19

15 Q. Was any cousin of yours raped in your presence, Madam
16 Witness?

17 A. No.

18 Q. Was an uncle of yours killed by the rebels in 1999?

19 A. No.

12:16:37

20 Q. Was an aunty of yours killed by the rebels in 1999?

21 A. No.

22 Q. At any time while you were captured did you witness an
23 uncle of yours being killed in your presence?

24 A. No.

12:16:56

25 Q. At any time when you were captured did you witness an aunty
26 of yours being killed in your presence?

27 A. No.

28 MR ANYAH: Madam Court Officer, can you assist me by going
29 to tab number 8 and the relevant pages, I would start on page 10

1 and move to page 11. The pages should be paginated on the bottom
2 right-hand or left-hand corner of each page. The ERN number of
3 the first page ends in 8593 and the next page, 8594:

12:17:53 4 Q. Madam Witness, on 22 March last year, 2007, the Prosecution
5 asked you questions about the impact of your experiences on you
6 and at page 10 a question was posed and you gave a response. The
7 question was:

8 "Q. Have there been any other problems caused for you or
9 any anticipated problems in the future as a result of these
10 crimes?"

11 Then on the next page, page 11, you gave an answer and you
12 can see your signature on that page, if you look at the screen in
13 front of you. Is that your signature on that page, Madam
14 Witness?

12:18:29 15 A. Yes.

16 Q. And you see the date there 22 March 2007?

17 A. Yes.

18 Q. And you see the answer that you gave at the top of the
19 page. It says:

12:18:41 20 "A. Yes, there have been other problems caused as a result
21 of this crime. The killing of my uncle and my aunty in my
22 presence by these rebels who abducted me, and the raping to death
23 of my cousin in the jungle by the rebels. All this happened in
24 my presence which in the future will cause me heart attack or
12:19:08 25 hypertension if I continue thinking of the past when we are in
26 the jungle."

27 Madam Witness, there are a number of things you say there.
28 First of all let me ask you: Did you tell the Prosecution that
29 the rebels killed your uncle in your presence?

1 A. Yes.

2 Q. Well, did it happen or did it not happen? Was an uncle of
3 yours killed in your presence by the rebels?

4 A. Well, he was not killed in my presence.

12:19:53 5 Q. Then why did you tell them he was killed in your presence?

6 A. I did not say he was killed in my presence. It was when I
7 returned that my mother told me that my uncle was killed and his
8 child was raped, his daughter was raped.

9 Q. So when the Prosecution's record says that you said it
12:20:14 10 happened in your presence, that record is not correct, yes?

11 A. I did not say in my presence. I said when I returned that
12 was what my mother explained to me and that's why I told them
13 that that was what happened.

14 Q. Yes, we understand your explanation now. I'm just asking
12:20:33 15 you whether what the paper says is a mistake, as in it is
16 inaccurate. When the Prosecution says you told them that these
17 things happened in your presence, that record of interview is in
18 error, correct?

19 A. I did not say yes. I said it did not occur in my presence.

12:20:59 20 Q. You are telling us in court now that it did not occur in
21 your presence. I want to focus on what you said out of court
22 when you spoke with the Prosecution on 22 March 2007. They say
23 on that day you told them these things happened in your presence.
24 Do you deny telling them that?

12:21:20 25 A. I am still saying it, that these things did not happen in
26 my presence.

27 Q. We understand it did not happen in your presence, that's
28 what you're telling us now. What did you tell the Prosecution
29 regarding that issue on 22 March last year? Did you say it

1 happened in your presence?

2 A. I did not say they happened in my presence. I said it was
3 when I returned that my mother explained to me. That was what I
4 explained to them when I was asked.

12:21:52 5 Q. Well, what I have just read to you makes no mention of your
6 mother telling you about these events, does it?

7 A. No.

8 Q. So you didn't tell the Prosecution you heard all of this
9 from your mother, correct?

12:22:17 10 A. It was what my mother told me that I explained to them.

11 Q. What was the name of this uncle of yours?

12 A. Right now I cannot recall his name.

13 Q. What was the name of the aunty of yours that was killed?

14 A. She was my uncle's wife.

12:22:45 15 Q. We know that. What was her name, Madam Witness?

16 A. We were not living in the same place. I don't know her
17 name.

18 Q. What was the name of the child, the cousin that was raped
19 and who died as a result of it?

12:23:14 20 A. It was those that she had at the house, my uncle's
21 children.

22 Q. What was her name? Tell us.

23 A. I wouldn't know their names, because I was not close to
24 them. I didn't visit them.

12:23:37 25 Q. And you stand by your evidence that this cousin of yours,
26 Amina, when she was released and you saw her next at no time did
27 she tell you what her experiences had been when she was a
28 captive?

29 A. No, she did not tell me anything.

1 Q. Madam Witness, I'm trying to trace the different places you
2 went to. Correct me if I'm mistaken about the sequence of your
3 movements. When Captain James, or Major James as you've referred
4 to him, abducted you and took you, they took you from Wellington
12:24:31 5 to Allen Town, yes?

6 A. Yes.

7 Q. And it was in Allen Town that you were raped by James, yes?

8 A. Yes.

9 Q. And this rape you tell us took place after you had escaped,
12:24:54 10 yes?

11 A. I don't understand.

12 Q. Well, in Allen Town you saw girls being raped inside a
13 church - Mammy Dumbuya's church. That's what you told us, yes?

14 A. Yes.

12:25:14 15 Q. And somehow you went or escaped to an old woman's house?

16 MS HOLLIS: Objection, Madam President. He's misstating
17 the evidence. The witness testified that there was an Alpha Jet
18 attack before she went to the church and everyone ran away. She
19 ran away to an old woman's house, James found her and then he
12:25:39 20 took her to the church. She never said she escaped from the
21 church.

22 MR ANYAH: Well, that's an accurate rendition. It's loose
23 use of language. I meant something happened and she managed to
24 get away from the church and I will be happy to rephrase it:

12:25:56 25 Q. Madam Witness --

26 PRESIDING JUDGE: Mr Anyah, I accept that you will rephrase
27 it, but I think Ms Hollis says that the Alpha Jet attack was
28 before the church and that is when people ran away. But, anyway,
29 you're rephrasing it. I will leave you to do that.

1 MR ANYAH: Thank you, Madam President. I appreciate the
2 point. We can clarify it:

3 Q. Madam Witness, at some point when the girls were in the
4 church and the rebels were committing these atrocities there was
12:26:28 5 an Alpha Jet attack, yes?

6 A. No.

7 Q. Well when you were in Allen Town was there an Alpha Jet
8 attack, Madam Witness?

9 A. Yes.

12:26:45 10 Q. Did that happen when you were inside the church?

11 A. No.

12 MR ANYAH: Madam Court Officer, can we go to tab 6, page 5,
13 please.

14 JUDGE SEBUTINDE: Mr Anyah and Ms Hollis, I seem to recall
12:27:18 15 on Thursday - I don't have my notes in front of me, but the
16 witness said she was raped in the church, she became unconscious
17 and when she came to she found herself in the house of this woman
18 who nursed her with herbs. She didn't run from the church.

19 MR ANYAH: That is correct.

12:27:37 20 MS HOLLIS: That is correct.

21 JUDGE SEBUTINDE: So you have both been misstating the
22 evidence.

23 MR ANYAH: That is correct, Justice Sebutinde.

24 MS HOLLIS: I never said she ran from the church.

12:27:47 25 MR ANYAH: Well I will clarify it, but the impression one
26 is left with is that everybody scattered once the jets came and I
27 will seek to clarify this:

28 Q. Madam Witness, records of interviews undertaken with you in
29 February and March 2005, the last end of that page should say

1 "killings in church". Do you see that, Madam Witness? It says:

2 "When we went inside the church the rebels stripped some
3 civilians naked and told us to lie on the floor. They said they
4 were going to kill of us with a cutlass. They didn't kill us,
12:28:29 5 because the jets came and we ran away. The rebels in the church
6 were mixed. They were Five-Five and Gold Teeth's boys."

7 Did you tell the Prosecution the jets came while you were
8 in the church and you ran away?

9 A. I told the judges that when we had put down the ammunition
12:28:56 10 they put us - we were lying on the floor. They said they were
11 going to kill us and the jets came and so I ran into a house
12 where I hid.

13 Q. Well, let me read what you told us last week. This is the
14 transcript of Thursday the 23rd, starting at page 1918, and the
12:29:24 15 question was posed on line 5:

16 "Q. What happened after they stripped you naked?

17 A. After we had been stripped naked and they pushed us on
18 the ground, that was exactly the time that the jet flew
19 over us so they all decided to go and hide."

12:29:51 20 Then the question was posed:

21 "Q. And what did you people who had been stripped naked -
22 what did you do at that time?

23 A. They wanted to hack us because we decided not to carry
24 the ammunition."

12:30:11 25 Then a few lines down there was a question on line 18:

26 "Q. When you say they decided to go and hide, who decided
27 to go and hide?

28 A. Well, when the jets flew over, all of us, the rebels,
29 including those of us the civilians, all of us went into

1 hi di ng.

2 Q. And where di d you go?

3 A. Well, I went into a house and hid there.

12:30:42

4 Q. And what happened after you went into this house to
5 hide?

6 A. Well, I met a woman in there who was Fatmata. She
7 offered me some dresses to wear."

12:31:02

8 Madam Witness, it was after you met this lady Fatmata that
9 Captain James found you and took you back to the church. Is that
10 fair to say?

11 A. That was what I said.

12 Q. And it was in the church that the rape happened, yes?

13 A. Yes, that was what happened.

12:31:39

14 Q. And then after the rape is when you met another woman who
15 assisted you by giving you tradi tional medi cine, yes?

16 A. Well when I went unconscious, when I came to that was when
17 I saw myself now in that woman's house.

18 Q. Now, Madam Witness, were you the only young girl that James
19 took as his wife from those people who were captured in Freetown?

12:32:09

20 A. I was the only one he raped.

21 Q. That was not my question. My question was of all the young
22 girls and civilians that were taken captive in the vicinity of
23 Freetown, were you the only one that he made his wife?

24 A. Yes.

12:32:29

25 Q. And you do not know what rank or posi tion James held, do
26 you?

27 A. No, at that time I did not know.

28 Q. From Allen Town - and the rape happened in Allen Town, yes?

29 A. Yes.

1 Q. From Allen Town, where did you go to?

2 A. We were going to Masiaka.

3 Q. Did you go to Masiaka before you went to Waterloo, or did
4 you go to Waterloo before you went to Masiaka?

12:33:08 5 A. Well, from Allen Town we headed to Waterloo.

6 Q. So you went to Waterloo first before Masiaka?

7 A. Yes.

8 Q. And how long did you stay in Waterloo?

9 A. I cannot tell now how long we spent there.

12:33:31 10 Q. And then from Waterloo to Masiaka, is that your evidence?

11 A. Yes.

12 Q. And you spent about two months in Masiaka, is that fair to
13 say, Madam Witness?

14 A. Well, we spent a long time there. I cannot tell you the
12:33:58 15 number of months that we spent there.

16 Q. But it was over two months? It wasn't less than two
17 months?

18 A. It was over.

19 Q. In Masiaka is where you met Issa Sesay, correct?

12:34:12 20 A. Yes.

21 Q. And in Masiaka you have told us that there was in place a
22 disciplinary structure within the rebel groups, yes?

23 A. Yes, it was in Masiaka.

24 Q. Indeed in Masiaka civilians could lodge complaints if the
12:34:37 25 rebels caused them any harm, yes? Did you understand the
26 question, Madam Witness? If somebody - if a rebel caused a
27 civilian harm in Masiaka at the time you were there, the civilian
28 could go and complain to Five-Five or Captain James, correct?

29 A. No, it was to Issa Sesay because he was the one who made

1 the law.

2 Q. Yes, but sometimes Issa Sesay would not be present and they
3 could go and complain to Five-Five? Yes?

12:35:28

4 A. Well, what I witnessed was it was Issa Sesay who ordered
5 that no rebel should rape a civilian, or loot anything.

6 Q. But complaints were also lodged with Five-Five, yes?

7 A. I don't know for others.

8 Q. Were complaints lodged to your rebel abductor, Captain
9 James?

12:35:58

10 A. Yes.

11 Q. So we have Issa Sesay as being one person civilians could
12 complain to and Captain James as being the other, yes?

13 A. Yes, for Captain James it was those whom the rebels
14 captured and if they refused to be raped they would go - if that
15 person was beaten by that rebel, the person would go and lodge
16 the complaint to Captain James.

12:36:24

17 Q. And sometimes you used to go to the police office and James
18 would explain to you exactly what was going on, how he would
19 receive these complaints, yes?

12:36:48

20 A. I don't remember.

21 MR ANYAH: Madam Court Officer, can we go to tab 6, pages
22 11 and 12:

23 Q. Madam Witness, at the bottom of that page you recount for
24 the Prosecution Issa Sesay's directive that there should be no
25 rapes or looting in Masiaka and it reads:

12:37:21

26 "All the commanders had a meeting when they arrived in
27 Masiaka. After the meeting it was announced by the town crier
28 that Issa Sesay had ordered that no rebel should rape or loot
29 from civilians. If they did they would be punished."

1 Then in the next paragraph you describe how Issa Sesay had
2 a relationship with the paramount chief in that area, how the
3 rebels thought that it was a joke at first this directive, how
4 they continued raping and looting, but that after they saw the
12:38:08 5 consequences of raping and looting they started to abide with
6 this order. Then in the last paragraph you describe how the
7 complaint process worked:

8 "Where complaints were lodged at Masiaka Sesay would be
9 informed. He would come to Masiaka or send someone to come to
12:38:30 10 Masiaka to investigate and they would come and hear rape cases."

11 Did you tell the Prosecution all of this, Madam Witness?

12 A. Yes.

13 Q. And on the following page beneath the caption "Police
14 Office", at that police station you say Five-Five was the overall
12:38:50 15 boss at the station, complainants could go directly to him.

16 Indeed they would go directly to him and then Five-Five would in
17 turn pass the complaint to Major James, yes? Correct?

18 A. Yes.

19 Q. And when Five-Five was not in Masiaka he would call James
12:39:21 20 to tell him he was going away and James would take over these
21 police office duties, correct? Is that correct?

22 A. Yes.

23 Q. Now, Madam Witness, at the time Issa Sesay gave this
24 directive do you know where Foday Sankoh was?

12:39:41 25 A. No.

26 Q. Did you hear Foday Sankoh come on the radio at any time
27 when you were in Masiaka?

28 A. Yes, I heard his voice on the radio.

29 Q. Do you know what month this was in 1999?

1 A. No, I don't recall.

2 Q. Do you remember what the radio message was?

3 A. Yes, I do remember.

4 Q. And what was that message, Madam Witness?

12:40:21 5 A. He told them to fight until they got what they wanted.

6 MR ANYAH: Well, Madam Court Officer, shall we go to page
7 18 of the same interview:

8 Q. Madam Witness, in the middle of that page it reads "Message
9 from Sankoh" and this speaks of this radio message you've just
10 told us about in Masiaka. It says, it reads:

11 "When Issa Sesay said they should stop looting and raping
12 in Masiaka Foday Sankoh hadn't said anything on the radio.
13 Sankoh ordered the rebels to stop fighting and release all the
14 captives. The rebels sent a message to Sankoh that they couldn't
15 do that until the jets stopped flying overhead. They sent him
16 this message through a radio communication when I was in Lunsar."

17 Madam Witness, did Foday Sankoh say they should stop
18 fighting or did he say they should continue fighting? Which is
19 it?

12:41:54 20 A. I heard him twice speaking. The first one he said they
21 should fight until they got what they wanted.

22 Q. And where were you when you heard that one?

23 A. On our way to Waterloo.

24 Q. And that was on your way from Allen Town to Waterloo?

12:42:16 25 A. Yes.

26 Q. And the second time you heard him, was it when you were in
27 Masiaka?

28 A. Yes, when we were in Masiaka. That was when I heard him
29 say and Issa Sesay announced all of that.

1 Q. Yes, and you don't know where Foday Sankoh was when you
2 heard this?

3 A. No, I did not know.

12:42:51

4 Q. Did you know who Foday Sankoh was at the time, given your
5 age, Madam Witness?

6 A. I used to hear that he was a rebel. That they had started
7 the war.

8 MR ANYAH: Madam Court Officer, could we please go to tab 4
9 and the last page, page 2:

12:43:35

10 Q. Madam Witness, at the bottom of that page, this is one of
11 your earlier interviews with the Prosecution, 21 November 2003,
12 it reads what you said Foday Sankoh said over the radio. It
13 reads:

12:43:48

14 "Witness explained that during the war the rebels could do
15 anything but that after Foday Sankoh had announced on the radio
16 that the jets will stop flying civilians would complain to rebel
17 police about raping or anything bad that the rebels had done.
18 Witness said that Issa Sesay would send someone to investigate
19 and would sometimes punish the perpetrator."

12:44:09

20 Do you stand by this account the Prosecution has you saying
21 in November 2003?

22 A. Yes.

23 Q. So in sum and substance, at some point Foday Sankoh said
24 that the jets will stop flying, yes?

12:44:33

25 A. Yes, that was what I heard Issa Sesay say. He said that
26 was what Foday Sankoh had said.

27 Q. Well, did you hear Foday Sankoh on the radio or is this
28 something Issa Sesay told you?

29 A. They had a communications set that they would mount up and

1 they were talking and he said it in Krio so everybody heard it.

2 Q. Who said what in Krio?

3 A. It was Issa Sesay.

4 Q. So you are speaking of a radio communication set, is it?

12:45:15 5 A. Yes.

6 Q. You did not hear Foday Sankoh over any kind of radio,

7 whether internal rebel radio or BBC, for example?

8 A. No, it was only on the rebels - the one that they had, that

9 they used to walk around with.

12:45:37 10 Q. And the first time when you were in Waterloo, or on your

11 way to Waterloo, and you said there was a radio communication by

12 Foday Sankoh saying that the rebels should fight, was that also

13 through a rebel radio transmission?

14 A. Yes, it was the set which they had. That was what they

12:46:00 15 used.

16 Q. And you did not personally hear Foday Sankoh's voice on

17 that occasion, did you?

18 A. No, because the place was crowded. I did not hear him.

19 Q. So the first time on your way to Waterloo, from Allen Town

12:46:26 20 to Waterloo, that one it was Foday Sankoh's voice that was

21 directly audible or heard over the communication radio, correct?

22 A. Well, it was what Issa Sesay said, that that was what Foday

23 Sankoh said.

24 Q. But I'm trying to understand which voice you heard over the

12:46:47 25 radio. There are two occasions. Let's start with the first one.

26 You are on your way to Waterloo from Allen Town, there is a radio

27 communication saying the rebels should continue fighting. You

28 tell us Foday Sankoh was behind that communication. Was it Foday

29 Sankoh's voice on the radio or was it Issa Sesay's voice?

1 A. Well, it was Issa Sesay's voice that I heard and he told us
2 that that was what Foday Sankoh said.

3 Q. Second time, you're now in Masiaka. You tell us that Foday
4 Sankoh spoke about or there was a communication that Foday Sankoh
12:47:28 5 had spoken about the jets and discontinuing their flights. Now
6 you heard that from Issa Sesay, yes?

7 A. Yes, that was what I heard Issa Sesay say, because he held
8 the communication set.

9 Q. Madam Witness, are you aware that in October of 1998 in
12:47:54 10 Freetown, Sierra Leone, Foday Sankoh had been convicted, found
11 guilty, of treason and sentenced to death?

12 A. Yes.

13 Q. Are you aware that Foday Sankoh was in custody until about
14 April of 1999 when he went to Lomé, Togo?

12:48:21 15 A. Well, I do not recall with regards that.

16 Q. Did you ever hear any of the rebel commanders say that
17 Foday Sankoh was in prison?

18 A. No.

19 Q. At all times when you were with the rebels did you ever
12:48:42 20 hear Foday Sankoh's voice yourself?

21 A. No.

22 Q. Did the Alpha Jets stop flying after Issa Sesay said Foday
23 Sankoh said they would stop flying?

24 A. Well, the jet stopped for some time.

12:49:05 25 Q. What do you mean "some time"? How long are we talking
26 about?

27 A. The jet stopped for three days.

28 Q. And did they continue to fly after three days?

29 A. Yes.

1 Q. From Masiaka where did you go to, Madam Witness?

2 A. Well, we went to Port Loko.

3 Q. Did you go to Lunsar first before you went to Port Loko?

4 A. No, it was when I escaped that I went to Lunsar.

12:49:55 5 Q. Did you tell the Prosecution previously that from Masiaka
6 you went to Lunsar?

7 A. No.

8 MR ANYAH: Madam Court Officer, can we go to page 14,
9 please, in tab number 6:

12:50:45 10 Q. Madam Witness, again I'm simply trying to follow your
11 movements. On this page ending ERN 1989 it says "Move to Lunsar"
12 and the first sentence says: "I can't remember when we moved
13 from Masiaka. It was when ECOMOG attacked." Then we go to the
14 middle of the page where it speaks of you being attacked by
12:51:18 15 James's wife between Masiaka and Lunsar and then at the bottom of
16 the page, second to last full paragraph says: "All those who
17 were in Masiaka when the fighting took place managed to escape
18 and we were all at Lunsar."

19 So from Masiaka did you go to Lunsar, Madam Witness?

12:51:43 20 A. No.

21 Q. Why does this page and the information from the
22 Prosecution's record suggest that you went to Lunsar from
23 Masiaka?

24 A. Well, it was at the time I escaped from Port Loko that I
12:52:04 25 went to Lunsar on my way to Freetown.

26 Q. Are you sure of that, Madam Witness?

27 A. Yes.

28 Q. If we were to turn to the next page of this same record of
29 interview we see you saying that from Lunsar you went to Makeni.

1 A. No.

2 Q. Well, ERN ending in 1990, page 15, says, in the part that's
3 captioned "fighting in Lunsar" it starts out by saying that there
4 was no fighting when you were in Lunsar and then you go down a
12:52:55 5 few lines, it says, "I stayed in Lunsar for a long time, over a
6 month, then there was an attack by Kamajors" and you see where it
7 says "move to Makeni" it says, "Major James was asked to move to
8 Makeni so I went with him. We didn't stay there for long."

9 Did you go to Makeni with Major James, Madam Witness?

12:53:23 10 A. No, I did not go to Makeni.

11 Q. It has you here as saying that Major James was training
12 captives in Makeni. Did James train captives in Makeni, Madam
13 Witness?

14 A. No.

12:53:39 15 Q. And when the interview records say that from Makeni you
16 went to Port Loko --

17 A. It was at the time we were in Masiaka that we went to Port
18 Loko.

19 Q. So when it says, "After Makeni we went to Port Loko", that
12:54:02 20 too is an error, correct?

21 A. Well, I did not go to Makeni. I went to Port Loko.

22 Q. Well, you say that in court. I'm wondering why there's a
23 difference between what the Prosecution's record has you as
24 saying out of court. Did you tell them out of court when you met
12:54:24 25 between February and March 2005 that after Makeni you went to
26 Port Loko?

27 A. It was after Lunsar that I know that I went to Port Loko.

28 Q. So you did not tell the Prosecution of going from Makeni to
29 Port Loko?

1 A. No.

2 Q. Did you ever tell the Prosecution you went to Kono to
3 fight?

4 A. No.

12:54:58 5 Q. Is there a Kono, or a place called Kono, in the vicinity of
6 Port Loko, Madam Witness?

7 A. There is a place after Port Loko that they call Kurubonla.
8 That was where we went to.

9 Q. Yes, that is what you told us earlier today when you were
12:55:23 10 asked questions by learned counsel opposite. You went from Port
11 Loko to the vicinity of Kurubonla. I'm asking you about Kono -
12 Kono District. Did you ever go to Kono to fight, Madam Witness?

13 A. No.

14 MR ANYAH: Madam Court Officer, can we go to the next page,
12:55:46 15 page 16, same interview:

16 Q. Madam Witness, this page from your interview between
17 February and March 2005 indicates that you received training for
18 two weeks in Port Loko. Do you agree with that, Madam Witness?

19 A. Well, I wouldn't be able to tell the length of time for
12:56:06 20 which we were trained in Port Loko.

21 Q. But the fact is your training - at least by this record of
22 interview and what you have told us in court today - took place
23 in Port Loko, yes?

24 A. Yes, that one happened that way.

12:56:29 25 Q. Do you see in the record of interview where it says,
26 "Witness goes to Kono to fight", Madam Witness?

27 A. I did not go to Kono to fight.

28 Q. We've heard you say that. I'm asking you if you see it
29 written down. You told us on Thursday you can read English, so

1 do you see it written down that you went to Kono to fight?

2 A. I have seen it.

3 Q. It says:

4 "After training the woman commander told us to go to Kono

12:57:06 5 to go and fight. Only the female group who had finished training
6 in Port Loko went to Kono. We took six days to reach Kono Town.
7 We walked."

8 Did you walk six days, Madam Witness, from Port Loko to
9 Kono in 1999?

12:57:27 10 A. Well, the town we went to fight was called Kurubonla.

11 Q. And not Kono?

12 A. No.

13 Q. And you see below where it says:

14 "Whilst we were fighting ECOMOG invaded Kono. Our

12:57:51 15 commander told us that ECOMOG had entered Kono and we all left
16 Kono with the things we had looted."

17 Did ECOMOG invade Kurubonla while you were there, Madam
18 Witness?

19 A. No.

12:58:09 20 Q. And you maintain you did not go to Kono?

21 A. Not at all. I did not go to Kono.

22 Q. Were you trained - besides in Port Loko were you also
23 trained in Masiaka, Madam Witness?

24 A. Yes.

12:58:29 25 Q. And how long did you receive training in Masiaka for?

26 A. They did not actually train me. It was James who just
27 showed me how to use guns like AK-47 and pistol. That was in
28 Masiaka.

29 Q. Besides the events in Kurubonla you talked about, did you

1 ever fight as a trained soldier during the war?

2 A. No.

3 Q. And in Masiaka - in Kurubonla what exactly was this fight
4 you were engaged in?

12:59:14 5 A. Well they sent us there to go and fight, to kill civilians
6 and loot property.

7 Q. Did you ever fight against another rebel group?

8 A. No.

9 Q. Did you ever kill anybody during the conflict, Madam

12:59:41 10 Witness?

11 A. Yes.

12 Q. And where did you kill the first person that you killed?

13 A. Well, the first person I killed was in Masiaka.

14 Q. And under what circumstances did you kill that person?

12:59:59 15 A. Well, it was at the time James's boys asked us to join them
16 to go in search of food.

17 Q. Was this a man, or a woman, that you killed?

18 A. A woman.

19 Q. Was it an adult, or was it a child?

13:00:20 20 A. An adult woman.

21 Q. And why did you kill that woman?

22 A. Because she refused to go with us.

23 Q. And how did you kill that woman?

24 A. I shot her.

13:00:44 25 Q. Where did you shoot her?

26 A. In her back.

27 Q. Was that the only person you killed in Masiaka?

28 A. Yes.

29 Q. In all, how many people did you kill while you were with

1 the rebels?

2 A. Well, two.

3 Q. Had you had your menses by the time you did these killings,
4 Madam Witness?

13:01:26 5 A. Yes.

6 Q. Did the killings take place in the same 1999?

7 A. Well, I do not recall the month.

8 Q. When you went --

9 PRESIDING JUDGE: Just pause, Mr Anyah, please. Madam

13:01:44 10 Witness, counsel is asking you was it in the same year of 1999.

11 He's not asking you to be precise about the month.

12 THE WITNESS: Well, it was the time the rebels captured me.

13 I do not know the month.

14 MR ANYAH:

13:02:05 15 Q. Now, I'm not asking you about the time the rebels captured
16 you. I'm asking you about the times, starting in Masiaka, where
17 you first killed. Did it happen in the same year of your
18 capture, Madam Witness?

19 A. Yes.

13:02:28 20 Q. When you went on this assignment to Kurubonla, or this
21 mission, where was James?

22 A. Well, at that time I left James in Lunsar when I left.

23 Q. And you were armed with a weapon, yes?

24 A. Yes.

13:02:51 25 Q. How many people were sent on this mission with you?

26 A. Well, we were many, those of us the civilians who had been
27 captured by them.

28 Q. But the civilians that were in your company had now been
29 trained as fighters for the rebels, yes?

1 A. Yes.

2 Q. How long did you spend in Kurubonla, Madam Witness?

3 A. Well, I wouldn't tell how long we took there.

4 Q. Did you have the chance to escape while you were in

13:03:39 5 Kurubonla, Madam Witness?

6 A. Yes.

7 Q. And did you escape?

8 A. Yes.

9 Q. And to where did you escape?

13:03:50 10 A. To Lunsar.

11 Q. And from Lunsar you went to where?

12 A. I went to the ECOMOG.

13 Q. Do you remember me asking you previously before the break
14 whether you had been captured by Guineans? Do you remember that?

13:04:17 15 A. Yes, I recall.

16 Q. And do you remember you answered "No"?

17 A. Yes, that was what I said.

18 Q. Before the final time that you were in the company of
19 ECOMOG, were you ever captured by ECOMOG?

13:04:30 20 A. Well, I went and gave in to the ECOMOG.

21 Q. When you were captured, or when you gave yourself to
22 ECOMOG, did they view you as a spy?

23 A. Yes, that was what they said.

24 Q. And the ECOMOG soldiers that you gave yourself up to, were
13:04:54 25 they Guineans?

26 A. Well I did not know whether or not they were Guineans, but
27 all I knew was that they were ECOMOG.

28 Q. At any time before the final time when you escaped and went
29 to join or went to the company of ECOMOG did you try to escape

1 from the rebels, Madam Witness?

2 A. Yes, I tried to escape once.

3 Q. And where was that? Where did you try to escape?

4 A. Well, it was at the time we were in Masiaka.

13:05:44 5 Q. And what happened when you tried to escape?

6 A. Well, three of us were trying to escape: myself and two
7 other ladies.

8 Q. And why was your escape not successful?

9 A. Because we met the rebel boys in the village, the route we
13:06:15 10 tried to take.

11 Q. This fellow James, this fellow who held you captive, have
12 you seen him since then?

13 A. I have not seen him with my eyes.

14 Q. Do you have another name for him besides James?

13:06:37 15 A. He did not have any other names except James.

16 Q. Was he Sierra Leonean, this fellow James?

17 A. Well, he was a Liberian.

18 Q. He is the STF member, yes?

19 A. Yes, that was what he said.

13:07:00 20 Q. I had asked you about the fellow Jabbi before the break and
21 I asked you whether he was also STF and you said "No". Do you
22 wish to reconsider that, Madam Witness?

23 A. Jabbi was not STF.

24 Q. Did you at any time hear James and Jabbi talk about what
13:07:19 25 they did in the STF?

26 A. No.

27 Q. But Jabbi spoke several different languages, yes?

28 A. Yes, that was what he said.

29 Q. He could also speak Mandingo, yes?

1 A. Yes.

2 Q. And Mandingo is a language that runs through many West
3 African countries, yes?

4 A. Yes.

13:07:57 5 Q. They speak it in Sierra Leone, yes?

6 A. Yes.

7 Q. They speak it in parts of Guinea, yes?

8 A. Yes.

9 Q. It goes up the coast of West Africa through Senegal and
13:08:13 10 Gambia, yes?

11 A. Yes, I want to believe so.

12 Q. Do you know, or do you wish to just believe it?

13 A. Yes, I believe that it is spoken there.

14 Q. Let me read to you what the Prosecution's record says about
13:08:38 15 Jabbi and whether or not he was STF. Madam Court Officer, this
16 is tab 6, page 3, and it's the top of the page. Madam Witness,
17 the issue is whether or not Jabbi was part of the STF and it
18 starts out:

19 "Colonel Jabbi. He was tall, black in complexion, had a
13:09:16 20 scar on his lip. He told me that he spoke many languages. The
21 man who captured me, Major James, knew Jabbi and they talked
22 together about what they did in the STF."

23 Do you agree that Jabbi was a member of the STF, Madam
24 Witness?

13:09:40 25 A. I disagree with that.

26 Q. The fact that it is written in this record of interview, is
27 that an inaccurate account of what you told the Prosecution,
28 Madam Witness?

29 A. Yes.

1 MR ANYAH: May I have a moment, Madam President?

2 PRESIDING JUDGE: Yes.

3 MR ANYAH: Thank you. I have no further questions for the
4 witness.

13:10:29 5 PRESIDING JUDGE: Thank you, Mr Anyah. Re-examination,
6 Ms Hollis?

7 MS HOLLIS: Yes, I do, Madam President.

8 RE-EXAMINATION BY MS HOLLIS:

9 Q. Madam Witness, I'm going to ask you a few questions based
13:11:02 10 on what Defence counsel has talked to you about. All right?

11 A. Yes, ma'am.

12 Q. Defence counsel was asking you questions about your date of
13 birth and he referred you to information you had given to the
14 Prosecution in February and March of 2005. Your Honours, that
13:11:29 15 would be tab 6 that you have before you now, and he referred you
16 to the first page of that information you had given in February
17 and March of 2005. Now, Defence counsel suggested to you that
18 you had given your birth date as 28 February and you had said
19 that as of the time of that interview you were 19 years old.

13:11:55 20 Now, that would be on that page under "Date of birth" for your
21 Honours' assistance. Now Defence counsel did not refer you to
22 the second sentence under that entry and the second sentence has
23 you telling the Prosecution "I can't remember the year" meaning
24 the year of your birth. Now did you tell the Prosecution that
13:12:26 25 you couldn't remember the year of your birth?

26 A. Yes.

27 Q. Do you remember the year of your birth?

28 A. No, I do not remember.

29 Q. Defence counsel also asked you some questions about what

1 you had told the Prosecution about the impact of your experiences
2 on you and he referred to information you had given the
3 Prosecution on 22 March of 2007 - for your Honours that would be
4 tab 8 - and also information that you had given the Prosecution
13:13:13 5 on 11 May of 2007, and that would be tab 9, and he read some of
6 that information back to you. Do you remember the Defence
7 counsel doing that?

8 A. Yes.

9 Q. Now, let's look for completeness at some of the other
13:13:41 10 things that were recorded on 22 March 2007 and also on 11 May.
11 If we look at tab 8, and if we look at what is marked at the
12 bottom as page 5, at the top it is 28588, it is the handwritten
13 information. Now, Madam Witness, this record indicates that you
14 were asked on 22 March of 2007, "What impact has the crime for
13:14:18 15 which you gave testimony had on you and your family?" This
16 indicates that you told the Prosecution the following: "The
17 AFRC/RUF rebels after my abduction totally destroyed my future."
18 Did you tell them that?

19 A. Yes.

13:14:47 20 Q. "I lost education. Now I am an illiterate which is a big
21 loss to my parents." Did you tell them that?

22 A. Yes.

23 Q. "Impregnated me three times in the jungle when I was not
24 matured for that." Did you tell them that?

13:15:07 25 A. Yes.

26 Q. "It will tell on me in the future during my old age. I
27 always feel committed the worst sin in the whole world by eating
28 the heart of a human being when I was in the jungle."

29 Did you tell them that?

1 A. Yes.

2 Q. Now, let's look at some of the other things that were
3 recorded that you told the Prosecution on 11 May of 2007. And if
4 we could look at what is page 4 at the bottom of tab 9. It's the
13:15:56 5 bottom of page 4 and the top is 34723. Again it is handwritten.
6 34723 of tab 9. Now, Madam Witness, it is recorded here that you
7 were asked to describe the difference this crime has made in your
8 life and that you answered: "The difference this crime made in
9 my life is that the rebels taught me how to smoke cannabis
13:16:40 10 sativa, kill human beings and drink alcohol. I have given up all
11 those habits again."

12 Did you tell the Prosecution that?

13 A. Yes.

14 Q. Then if we look at the next page, 34724 are the last digits
13:17:01 15 of the ERN, you were asked, "How is your life different now?"
16 And your answer, "I do not do bad again and I always pray to God
17 as a Muslim to forgive me for the bad things I had done before."
18 Did you tell them that?

19 A. Yes.

13:17:25 20 Q. Madam Witness, Defence counsel was also asking you some
21 questions and at one point you agreed with Defence counsel that
22 other captive girls had been raped and on my font I'm referring
23 to page 53, lines 8 to 21, and in answering the Defence counsel
24 you said, "Those who captured the girls took them to their own
13:17:55 25 area." Do you remember telling the Defence counsel that?

26 A. Yes.

27 Q. And when you say "those who captured the girls took them
28 that their own area", who was it who took these girls to their
29 own area?

1 A. It was the rebels who captured them.

2 Q. And did you know what these girls' duties were to these
3 rebels?

4 A. No, I wouldn't know.

13:18:28 5 Q. Now, Defence counsel also asked you about when you were in
6 Masiaka a complaint system that was in place there that civilians
7 could lodge complaints if rebels caused them any harm. Do you
8 remember Defence counsel asking you about that?

9 A. Yes.

13:18:50 10 Q. And in the course of his questions Defence counsel referred
11 again to information you had provided the Prosecution before and,
12 your Honours, this is at tab 6, information provided in February
13 and March of 2005. Now for completeness I would like to go to
14 some other information you gave to the Prosecution about that
13:19:20 15 information about the complaint system and about civilians
16 reporting if bad things had been done to them. I would like to
17 go to page 12 and at the top of the page, it is 31987. Now the
18 Defence counsel was asking you about complaints and on this page
19 under "Complaints of rape" they have the following information
13:20:00 20 from you:

21 "There were more than 300 abducted women and girls in
22 Masiaka. Not all of them were raped. Some were raped. I heard
23 a lot of stories. I had friends tell me they were raped. Even
24 in the house where I was staying in Masiaka there were women and
13:20:21 25 girls being raped by other rebels. Some of these girls were 14
26 or 15, some were younger than that because they didn't have
27 breasts yet."

28 Did you tell the Prosecution that?

29 A. Yes.

1 Q. Now you said after that:

2 "These women and girls never went and complained. They
3 were afraid of Major James. Some weren't able to go to the
4 office and complain because of this. At times though I would
13:20:55 5 hear some cases of raping being reported to him when I was at the
6 office."

7 Did you tell the Prosecution that?

8 THE INTERPRETER: Your Honours, could the witness be kindly
9 asked to speak up a little.

13:21:09 10 PRESIDING JUDGE: Madam Witness, the interpreter has not
11 heard you clearly. We would like you to speak louder and you
12 should also repeat your last answer, please.

13 THE WITNESS: Yes.

14 MS HOLLIS:

13:21:22 15 Q. Now, Madam Witness, there's another topic head that follows
16 that and it's "Wives' complaints of rape versus other women's
17 complaints" and here is what is recorded that you told the
18 Prosecution:

19 "If a commander or junior rebel captured a woman and raped
13:21:39 20 her he would call her his wife. When a girl or woman has been
21 forced to have sex without asking her consent I would see these
22 girls with blood, injured. That is what I mean by raping."

23 Did you tell the Prosecution that?

24 A. Yes.

13:22:02 25 Q. "The rebels raped we women who were captured by them. They
26 would tell us if we complained that we should bear it as we were
27 their wives. If we lodged a complaint they would do nothing
28 about it. They would tell us to keep calm because that person
29 was our husband."

1 Did you tell the Prosecution that?

2 A. Yes.

3 Q. Who was it who would tell you to keep calm because that
4 person was your husband?

13:22:35 5 A. Well, it was James. It was when the women will go and
6 complain to him, he would always say, "Oh, you have to bear up
7 with them. These people are your husbands".

8 Q. And did anyone else besides James say that to the women?

9 A. No.

13:23:00 10 Q. Now we also have recorded that you said: "If a woman who
11 had never been captured complained of rape then they would
12 investigate." Did you tell that to the Prosecution?

13 A. Yes.

14 Q. Now to your knowledge was James ever punished for raping
15 you?

13:23:25 16 A. No.

17 Q. And these other women captives who were told not to
18 complain, was anyone ever punished for raping them?

19 A. No.

13:23:42 20 Q. You also talked about going out on a food finding mission
21 and that on this mission you looted goods and you took those
22 goods back to Masiaka. Do you remember talking about that?

23 A. Yes.

24 Q. Now who sent you on that mission?

13:24:02 25 A. Well, it was James who told his boys that all of us should
26 go on a food finding mission.

27 Q. Were you or any of the people who went on that mission ever
28 punished for raping - excuse me, for looting?

29 A. No.

1 Q. Was James ever punished for sending you on that mission to
2 loot?

3 A. No.

13:24:41

4 Q. Now, you were also asked questions by Defence counsel about
5 the times that Foday Sankoh spoke on the radio to the rebels and
6 you were asked questions about the second time that Foday Sankoh
7 was on the radio and you agreed with Defence counsel that you
8 were in Masiaka the second time that Foday Sankoh spoke on the
9 radio. Do you remember that?

13:25:07

10 A. Yes.

11 Q. And you said, "That was when I heard him say and Issa Sesay
12 announced all of that." Now when you say that was the time Issa
13 Sesay announced all of that, what are you talking about? What
14 did he announce?

13:25:28

15 A. Well, he announced about what the rebel commander said.

16 Q. And what did he announce?

17 A. Whilst we were in Lunsar he said that the rebels should
18 release all the civilians.

13:25:58

19 Q. Now tell us again: Were you in Masiaka or Lunsar when you
20 heard this?

21 A. I was in Masiaka.

22 Q. Now, after Issa Sesay said that all of the civilians should
23 be released, were you released in Masiaka?

24 A. No, they did not release me.

13:26:21

25 Q. Did they release the other captives who were in Masiaka?

26 A. Well, I wouldn't tell whether any of them was released.

27 Q. After Issa Sesay told you about this did you notice any of
28 the civilians leaving Masiaka?

29 A. Well, I do not know about that.

1 Q. You were also asked questions about when you went to
2 Kurubonla, and I'm referring to page 92, lines 19 to 20. You
3 said, "They sent us there to kill civilians and loot property."
4 Who sent you there to kill civilians and loot property?

13:27:14 5 A. Well, it was the woman who trained us and who sent us to go
6 and fight in Kurubonla.

7 Q. Do you know what group this woman belonged to who trained
8 you and sent you there?

9 A. I do not know.

13:27:34 10 MR ANYAH: Madam President, the objection is late, but it
11 was beyond the scope of cross-examination.

12 PRESIDING JUDGE: I am inclined to agree with you,
13 Mr Anyah, but as you correctly observe it's been answered.

14 MS HOLLIS: I take it you've ruled so I won't reply to that
13:27:52 15 and I have no further questions.

16 PRESIDING JUDGE: Thank you, Ms Hollis. I was not
17 intending to cut you short.

18 MS HOLLIS: And you weren't, Madam President. I have no
19 further questions.

13:28:01 20 PRESIDING JUDGE: Thank you.

21 JUDGE SEBUTINDE: Madam Witness, I have a few questions to
22 ask. When Ms Hollis over on your right was asking you initially
23 what you saw in Waterloo you described that you saw houses
24 burning, houses on fire, civilians amputated and killed and you
13:28:33 25 also told us that it was the rebels who amputated and killed
26 civilians but you didn't tell us who burnt the houses. Do you
27 know who burnt the houses?

28 THE WITNESS: The rebels.

29 JUDGE SEBUTINDE: Thank you. Now a second question: You

1 also said, when Ms Hollis asked you initially, when you first met
2 Gold Teeth and you said when he came to your home in Wellington.
3 That's on page 17, line 23. Now could you be a little bit more
4 specific? Was this before January - 5 January 1999 or after 5
13:29:13 5 January when Gold Teeth came to your house?

6 THE WITNESS: It was on 6 January that he came to our
7 house.

8 JUDGE SEBUTINDE: Thank you. Then thirdly, you also
9 testified that you met Daramy for the first time in Wellington at
13:29:33 10 your house when he threatened to burn down your house with you
11 and your family in it. Now Daramy, did he come to your house
12 before 5 January 1999 or afterwards?

13 THE WITNESS: It was on 5 January.

14 JUDGE SEBUTINDE: Thank you. Lastly, Madam Witness, you've
13:29:58 15 stated that you spent quite a long time under captivity of the
16 rebels. Can you estimate for me was this - in terms of months or
17 years - are you able to tell how long in total you spent in
18 captivity with the rebels?

19 THE WITNESS: No, I wouldn't recall that.

13:30:21 20 JUDGE SEBUTINDE: Thank you, Madam Witness. That is all.

21 PRESIDING JUDGE: Questions arising from the Court's
22 questions, Ms Hollis?

23 MS HOLLIS: No, Madam President.

24 PRESIDING JUDGE: Thank you.

13:30:34 25 MR ANYAH: None from the Defence, Madam President.

26 PRESIDING JUDGE: Thank you, Mr Anyah. If there are no
27 other matters I will release the witness.

28 Madam Witness, that is the end of your evidence and we
29 thank you for coming to court to give your evidence. You will

1 now be free to leave and return home and we wish you a safe
2 journey home.

3 THE WITNESS: Thank you, ma'am.

4 PRESIDING JUDGE: You're welcome. Thank you. Please

13:30:58 5 adjourn Court until 2.30.

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

7 [Upon resuming at 2.32 p.m.]

8 PRESIDING JUDGE: Mr Santora, I see you are in the driving
9 seat.

14:32:29 10 MR SANTORA: Good afternoon, Madam President. Good
11 afternoon your Honours, good afternoon Defence counsel. Madam
12 President, the next witness that the Prosecution is calling is
13 TF1-227. This witness was subject of your Honour's decision
14 pursuant to 92 bis of 21 October 2008, so the Prosecution is
14:32:49 15 making this witness available for cross-examination.

16 Your Honour, prior to calling the witness, just for the
17 record, this witness was part of the July 2004 decision by Trial
18 Chamber I in the case of Prosecutor versus Sesay and others. He
19 was a Category 1 witness, so to the extent that protections
14:33:14 20 applied to this witness the Prosecution is applying to rescind
21 those measures after consultation with that witness. This is a
22 similar situation that your Honours have had in the past with
23 other witnesses who were in this Category 1 of that decision.
24 That decision was 5 July 2004.

14:33:38 25 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths?

26 MR GRIFFITHS: Our position remains the same as it has been
27 with all of these witnesses, Madam President.

28 PRESIDING JUDGE: Thank you, Mr Griffiths. We note the
29 purported application by the Prosecution. We reiterate as we

1 have done before that we consider the application is redundant.
2 However, for purposes of record we note that the witness will be
3 giving his or her evidence in open session and will be giving his
4 or her own name. That also would be --

14:34:19 5 MR SANTORA: That is correct, Madam President.

6 PRESIDING JUDGE: Thank you. Please call the witness.
7 What language will the witness speak?

8 MR SANTORA: The witness will testify in English and will
9 be swearing in on the Bible.

14:34:31 10 PRESIDING JUDGE: Thank you.

11 MR GRIFFITHS: Madam President, can I take advantage of the
12 hiatus to mention this for the assistance of those opposite: I
13 anticipate I will probably be no more than 45 minutes to an hour
14 with this witness, so if we can have another witness waiting to
14:35:12 15 come on it would save time.

16 PRESIDING JUDGE: Thank you, Mr Griffiths, that is most
17 helpful. I am sure counsel has noted that.

18 MR SANTORA: We have, your Honour, thank you.

19 WITNESS: PAUL NABIEU CONTEH [Sworn]

14:36:52 20 PRESIDING JUDGE: Mr Santora, please continue.

21 MR SANTORA: Thank you, Madam President.

22 EXAMINATION-IN-CHIEF BY MR SANTORA:

23 Q. Good afternoon, Mr Witness.

24 A. Good afternoon, sir.

14:37:09 25 Q. Mr Witness, I am going to ask you a few questions and I
26 would like you to listen to the questions and then after I ask
27 you a few questions my colleague will ask you some questions as
28 well, okay?

29 A. Yes, sir.

- 1 Q. Can you state your name for the Court?
- 2 A. My name is Paul Nabi eu Conteh.
- 3 Q. Can you spell your middle name?
- 4 A. N-A-B-I-E-U.
- 14:37:40 5 Q. And your last name was Conteh, is that correct?
- 6 A. Yes.
- 7 Q. Is that C-O-N-T-E-H?
- 8 A. Yes.
- 9 Q. When were you born, Mr Witness?
- 14:37:50 10 A. I was born on 10 February 1967.
- 11 Q. And where were you born?
- 12 A. In Freetown.
- 13 Q. And have you received any formal education?
- 14 A. Yes, sir.
- 14:38:06 15 Q. What is that? What education did you receive?
- 16 A. I received the teacher's certificate education and higher
17 teachers certificate education.
- 18 Q. Where did you receive that from?
- 19 A. In a tertiary institution.
- 14:38:24 20 Q. I am sorry, can you say that again? In what type of
21 institution?
- 22 A. It's a tertiary teachers' training institution.
- 23 Q. What are you doing right now, Mr Witness, for work?
- 24 A. I am a teacher.
- 14:38:51 25 Q. And where do you teach?
- 26 A. I am teaching at St Peter The Rock Primary School, Calaba
27 Town.
- 28 Q. Now, did you testify in the case of the Prosecutor versus
29 Brima and others at the Special Court for Sierra Leone in

1 Freetown on 11 and 12 April 2005?

2 A. Yes, sir.

3 MR SANTORA: At this point, I would ask that the transcript
4 from that proceeding be shown to Defence counsel. The transcript
14:39:34 5 is from 8, 11 and 12 April 2005 and I do note the CMS numbers of
6 this testimony go from 20811 to 20824 and then 20826 to 21026.
7 There is one page missing. It was an error by Court Management
8 and there is an errata filed with the transcript noting that they
9 omitted a page number, so the omitted page number was 20825.

14:40:37 10 JUDGE LUSSICK: Mr Santora, I have probably got my notation
11 incorrect, but did you get this witness to swear that he gave
12 evidence in the AFRC case on 11 and 12 April 2005?

13 MR SANTORA: Yes.

14 JUDGE LUSSICK: But your transcript goes from the 8th.

14:41:00 15 MR SANTORA: I will clarify that. That is my mistake:

16 Q. Mr Witness, I am just going to ask you the question: I
17 asked you about giving testimony in the case of Prosecutor versus
18 Brima and others on 11 and 12 April 2005. Did you also give
19 testimony on 8 April 2005 of that same - in that same trial?

14:41:26 20 A. The trial of the AFRC?

21 Q. Yes.

22 A. Yes.

23 Q. Okay. Now, do you see the document in front of you?

24 A. Yes, I have seen the document in front of me.

14:41:42 25 Q. Now, was this trial - was your trial testimony read to you
26 in a language that you understand?

27 A. Yes.

28 Q. And do you adopt this as your - this document in front of
29 you - as your trial testimony from the case of the Prosecutor

1 versus Brima and others?

2 A. Yes.

3 MR SANTORA: I would now ask that this be marked for
4 identification.

14:42:15 5 JUDGE SEBUTINDE: Mr Santora, did you say at line 21 from
6 your prior testimony or from your trial testimony? What did you
7 say?

8 MR SANTORA: I am a looking for the reference. I thought I
9 said trial testimony but --

14:42:29 10 JUDGE SEBUTINDE: That is what is written.

11 MR SANTORA: Okay.

12 PRESIDING JUDGE: I haven't been able to calculate quickly
13 the number of pages, but by a rough estimate it is 114 pages and
14 in any event it is a transcript of evidence given by the witness
14:42:48 15 on 8, 11 and 12 April, being pages 20811 to 20824 and 20826 to
16 21026 becomes MFI-1.

17 MR SANTORA: I am just adding up to make - I am deferring
18 to your Honour's maths, but I am just checking the page numbers
19 total myself.

14:43:13 20 PRESIDING JUDGE: I am doing it in my head, to be honest
21 with you, Mr Santora. It may not be right.

22 MR SANTORA: One moment, your Honour. Actually, the page
23 number total is 215 pages. I apologise, your Honour.

24 PRESIDING JUDGE: This errata of 20825, is that a blank
14:43:58 25 page?

26 MR SANTORA: It is not a blank page. It is actually
27 referred to as an errata by Court management. They have noted on
28 there that a page was omitted. I don't have it in front of me
29 right now but --

1 PRESIDING JUDGE: Should that be part of the record or not
2 because I haven't recited it because I understood it was --

3 MR SANTORA: It is to be submitted as part of the record.
4 It is an errata to document certificate from Court Management
14:44:25 5 stating that page 2087 - actually, I am making sure the
6 pagination is correct, that the page was omitted.

7 PRESIDING JUDGE: The main thing really is if the page has
8 got some testimony on it it should be part of the record. If it
9 is not --

14:44:49 10 MR SANTORA: There is no testimony on it.

11 PRESIDING JUDGE: -- then it doesn't need to be part of the
12 record.

13 MR SANTORA:

14 Q. Mr Witness, now did you also give a statement to the Office
14:45:06 15 of the Prosecution on 20 June 2007? Do you remember doing that?
16 I am sorry, I misspoke. I did say a statement. Did you give a
17 statement to the Office of the Prosecution on 20 June 2007.

18 A. I can't remember.

19 Q. Did you give a statement to the Office of the Prosecution
14:45:31 20 in 2007? Do you remember that?

21 A. 2007?

22 Q. Last year.

23 A. Yes.

24 Q. Okay. And did you subsequently, or after you gave that
14:45:46 25 statement did you adopt that statement?

26 A. Yes.

27 Q. In 2007?

28 A. Yes.

29 MR SANTORA: I would ask at this point --

1 JUDGE SEBUTINDE: What do you mean "adopt" the statement?

2 MR SANTORA: I am sorry, adopt the statement with - in a
3 document, signed that it was his statement and not - I should say
4 "adoption" is used twice, not in this proceeding, adopting the
14:46:14 5 statement, signing what is equivalent to an affidavit that this
6 is his statement, and a document that says this is also going to
7 be shown to the witness, and I would ask now that first this be
8 shown to counsel opposite. The CMS page numbers for this
9 document, it is nine pages, and it is 21028 to 21036 including
14:46:55 10 the statement and the signing of the statement or the adoption of
11 the statement.

12 MR GRIFFITHS: Madam President, can I just make this
13 observation: As far as I am concerned it would be totally
14 inaccurate to describe that as a statement. It is a record of
14:47:12 15 interview with the witness and it is in the form of questions and
16 answers, so it is not a statement.

17 PRESIDING JUDGE: If it is something that he has not
18 recited ad verbatim and it is questions and answers then it will
19 be a record of interview.

14:47:32 20 MR SANTORA: So noted, Madam President:

21 Q. Mr Witness, do you see the document in front of you?

22 A. Yes.

23 Q. Can you briefly look at that document? You can go ahead
24 and examine - you can examine the document briefly. That is -

14:48:34 25 Mr Witness, do you adopt that document as your prior statement
26 that you gave to the office - I am sorry, prior record of
27 interview that you gave to the Office of the Prosecution --

28 A. Yes.

29 Q. -- on 20 June 2007?

1 A. Yes.

2 Q. And on the very top of that document do you adopt the
3 document there that from 1 November 2007 affirming that this is
4 your statement you gave?

14:48:59 5 A. Yes.

6 MR SANTORA: I would ask that this document be marked for
7 identification.

8 PRESIDING JUDGE: Mr Santora, they are in effect two
9 documents because of two different dates, so unless you have
10 strong views I suggest we give them one MFI number but make them
11 an A and a B.

12 MR SANTORA: There are no strong views on that. I guess we
13 would follow what has happened in the past in this situation so
14 there is no objection to that.

14:49:55 15 PRESIDING JUDGE: Thank you. This is a bundle of
16 documents. The first is a bundle of seven pages and a back sheet
17 headed "Special Court for Sierra Leone Office of the Prosecutor
18 witness statement" and it starts with an ERN number 00037816 and
19 ends with a 00037822 and a back sheet that is an affirmation by
14:50:30 20 the witness and that is 00037823. That becomes MFI-5A. Then
21 there is a separate document headed "Special Court for Sierra
22 Leone Office of the Prosecutor adoption of statement by witness",
23 it is dated 1 November 2007 and it becomes MFI-5B.

24 MR SANTORA: At this point the Prosecution tenders the
14:51:19 25 witness.

26 PRESIDING JUDGE: Thank you. Mr Griffiths?

27 CROSS-EXAMINATION BY MR GRIFFITHS:

28 Q. Mr Conteh, I would like to be as brief as possible.

29 A. Yes, please.

1 Q. In what year did you obtain your teacher's certificate?

2 A. In 1993.

3 Q. In 1993. It follows then, doesn't it, that when the war
4 came to Sierra Leone in 1991 that you were still studying at the
14:52:06 5 time?

6 A. I did not get you clearly.

7 Q. Were you studying for your teacher's certificate in 1991
8 when the war began in Sierra Leone?

9 A. No, no, no.

14:52:41 10 Q. When did you commence your studies then for that
11 qualification?

12 A. Well, I started in 1992.

13 Q. How long did it take you, in terms of study, to obtain your
14 teaching certificate?

14:53:16 15 A. It is supposed to be three years but I did it for two
16 years.

17 Q. For two years?

18 A. Yes.

19 Q. Now, if you got the qualification in 1992, surely it must
14:53:25 20 mean that you began studying for it in 1991?

21 MR SANTORA: Objection. The qualification the witness has
22 said, he got it in 1993, not 1992.

23 PRESIDING JUDGE: That's what I was going to also note,
24 Mr Griffiths.

14:53:38 25 MR GRIFFITHS: Okay:

26 Q. So when did you begin studying for it then? Was it in '92
27 or '91?

28 A. Well, I started study for my TC in 1992.

29 Q. In 1992?

- 1 A. Yes.
- 2 Q. So the war had already commenced by then?
- 3 A. Yeah, well, the war started in 1991 in Sierra Leone.
- 4 Q. So you would have been about 25 when you began studying for
14:54:20 5 that qualification then if you were born in '67?
- 6 A. Well, unless I have to calculate it.
- 7 Q. Subtract 1967 from 1992 and, unless I am wrong, it's 25?
- 8 A. Yes.
- 9 Q. Now, help me with this: Prior to studying for that
14:54:57 10 qualification, what had you done for a living?
- 11 A. Well, I was doing - I was doing another pastoral job.
- 12 Q. Which was?
- 13 A. Which was I was working with a priest.
- 14 Q. So you were a pastor in a church?
- 14:55:34 15 A. I'm a catechist.
- 16 Q. And for how long had you been doing that?
- 17 A. Well, I have been doing this now for the past 15 years.
- 18 Q. Now, for how long had you been doing it when you decided to
19 become a teacher?
- 14:55:55 20 A. Well, it was about three years when I started to do the job
21 after I received my baptism.
- 22 Q. And you are a deeply religious person, aren't you,
23 Mr Conteh?
- 24 A. I did not get you clear, please.
- 14:56:17 25 Q. You are a deeply religious person, aren't you, Mr Conteh?
- 26 A. Yes.
- 27 Q. And you always have been?
- 28 A. I don't understand that question.
- 29 Q. Have you always been a deeply religious person?

1 A. Yes.

2 Q. Now when the war began in 1991, what did you think about
3 the aims and objectives of the RUF?

14:57:00

4 A. To my own point of view, the aims and objectives of the RUF
5 was not really good.

6 Q. So from the outset then can I take it that you were opposed
7 to them?

8 A. Will you please clarify the question again, sir.

14:57:20

9 Q. I will speak slowly in case there is some difficulty with
10 the question.

11 A. Yes.

12 Q. Can I take it then that from the outset you were opposed to
13 the RUF?

14 A. Yes.

14:57:37

15 Q. Now when the war began in 1991 you were living in Freetown,
16 weren't you?

17 A. Yes.

18 Q. And was that in Calaba Town?

19 A. No.

14:57:53

20 Q. In any event, would I be right in thinking that the first
21 occasion when you felt directly affected by developments in
22 Sierra Leone was the AFRC coup in May 1997?

23 A. Yes.

24 Q. You opposed that coup, didn't you?

14:58:22

25 A. Yes.

26 Q. In fact you publicly demonstrated against the AFRC
27 government, didn't you?

28 A. Yes.

29 Q. That was on 18 August 1997?

1 A. Yes.

2 Q. So a couple of months after they came to power you joined a
3 demonstration against - a public demonstration against them, yes?

4 A. I want you to clarify that question again, sir.

14:59:03 5 Q. On 18 August 1997 you took up a placard and went to
6 publicly demonstrate against the AFRC junta government, didn't
7 you?

8 A. I did.

9 Q. And that's because you were a supporter of President
14:59:30 10 Kabbah, weren't you?

11 A. Yes.

12 Q. And do you recall that before those elections which brought
13 Kabbah to power there had been a debate whether there should be
14 peace before elections, or elections before peace. Do you

14:59:45 15 remember that?

16 A. Yes, I can remember that.

17 Q. Which option did you favour: Peace before elections, or
18 elections before peace?

19 A. Well, I favour election before peace.

15:00:05 20 Q. And you felt that that would be fair to all potential
21 candidates in the election, did you?

22 A. That question is not clear, sir.

23 Q. You thought, did you, that elections held whilst part of
24 the country was in a state of war, you considered that to be
15:00:28 25 fair, did you?

26 A. Yes.

27 Q. I take it then that when ECOMOG forces drove the AFRC junta
28 government out of power in February 1998 you fully supported
29 that?

1 A. Yes.

2 Q. Even though ECOMOG soldiers committed crimes against the
3 Sierra Leonean population of Freetown?

15:01:17

4 A. Is that the question you are asking me or you are making a
5 statement?

6 Q. Let me ask a question then.

7 A. Yes.

15:01:30

8 Q. Were you aware that the ECOMOG soldiers in driving out the
9 AFRC government committed crimes against the people of Sierra
10 Leone?

11 A. Yes.

12 Q. And, despite that fact, you welcomed their intervention,
13 did you?

14 A. Yes.

15:01:43

15 Q. Now, what kind of crimes were you aware that they committed
16 against the Sierra Leonean population?

17 A. Which type of group are you talking about? Are you talking
18 about the junta or are you talking about the ECOMOG group? I
19 need clarification in that question.

15:02:00

20 Q. I am talking about the ECOMOG group.

21 A. The crime the ECOMOG people did to us, the Sierra Leoneans?
22 Well, for my own perspective, you see, if you violate the rule of
23 crossing certain checkpoints, when they stop at you, you refused
24 you are going to be beaten. I think I can say that is a crime
15:02:24 25 against humanity, if certain thing you have to prosecute the
26 matter to the police or any legal side.

27 Another issue of what I know is the shedding of bombs,
28 because when they were offended I think they have to retaliate.
29 This is what I saw, these things occur, and I am ready to defend

1 it.

2 Also the other crime the ECOMOG - well, I am not going to
3 blame them so much because our Sierra Leonean sisters fell in
4 love with some of them and but others were maltreated, you see.

15:03:10 5 I think these are some of the crimes I really see what they have
6 been doing to my own point of view.

7 Q. Please tell me how did the ECOMOG soldiers maltreat your
8 Sierra Leonean sisters?

9 A. Well, when you go to Jui, because if there is a conflict
15:03:33 10 between a rival issue, we are expecting them as a force, if this
11 thing occur with two sisters, I am just taking that perspective,
12 instead of treating them and manhandle them in a situation which
13 it is illegal, it is not right, I think it is their duty to make
14 a report to the police because it is a function of the police
15:04:06 15 that is responsible for that. It is not their own duty of taking
16 the law into their own hands.

17 Q. Now, during that period of AFRC junta rule, May 1997
18 through to February 1998, did you live in Freetown throughout
19 that time?

15:04:27 20 A. Between the period 1997 to - if I left Freetown to go
21 anywhere?

22 Q. I am asking were you living in Freetown throughout the
23 period of the AFRC junta rule?

24 A. Yes, I was in Freetown.

15:04:48 25 Q. Did anything happen to you during that period?

26 A. Yes, something happened to me.

27 Q. What was that?

28 A. Well, in the first instance when they took over power in
29 April - in 25 May in 1997, let's say my house which I was staying

1 at Allen Town was looted. They say I have to remove my family
2 going back to town because of certain situation. And when we
3 later on returned back they say we continue to cope up with life,
4 because that give me a lot of shock, because at that time I have
15:05:38 5 just got wedded, you see, and my properties were all destroyed
6 and they were taken away. So this is what the AFRC did to me at
7 that time.

8 Q. Was anything else done to you during that period?

9 A. Well, unless in 1999 --

15:06:07 10 Q. No, we will come to 1999 in a minute. I am talking about
11 that period of AFRC rule, May 1997 through to February 1998. Let
12 us restrict ourselves to that period.

13 A. Okay.

14 Q. Apart from the looting of your property, in that period did
15:06:26 15 anything else happen to you?

16 A. Well, I cannot remember now.

17 Q. Very well. The next event of significance is the Freetown
18 invasion in January 1999, am I right?

19 A. Yes.

15:06:46 20 Q. Now, between the ECOMOG intervention in February 1998 and
21 the Freetown invasion in January 1999 did you remain living in
22 Freetown?

23 A. Yes, I was in Freetown.

24 Q. Now there came a time, did there not, in January 1999 when
15:07:09 25 you were captured and detained by AFRC soldiers?

26 A. Yes.

27 Q. Is that right?

28 A. Yes.

29 Q. On what date did that occur?

1 A. On 23 January 1999.

2 Q. Now, the invasion, we know, had begun on 6 January.

3 Between 6 January and the 23rd when you were held, what were you
4 doing?

15:07:47 5 A. Well, between the - what I was doing at that time? Well, I
6 was still a teacher and we need to cease school because of the
7 war has come down to the city.

8 Q. But just describe for us from your perspective what was
9 happening in Freetown during those days between the 6th and the
10 23rd?

15:08:16 11 A. Well, in those days between the 6th and the 23rd Freetown
12 was - let's say looting was going on.

13 Q. Yes.

14 A. Houses were burnt down. Civilians were molested.

15:08:38 15 Q. Yes.

16 A. They were beaten.

17 Q. ECOMOG were shelling, yes?

18 A. Yes, ECOMOG was shelling.

19 Q. Indiscriminately, would you agree?

15:08:47 20 A. No, I cannot say indiscriminately because maybe they have
21 their own target point, but you see the rebels were around in
22 Freetown, especially at the site where I was. And even
23 amputation, that is the cutting of hands.

24 Q. Uh-huh.

15:09:13 25 A. These are all the instances that I saw within that period
26 of time.

27 Q. And then on 23rd you were --

28 A. Captured.

29 Q. -- captured by AFRC soldiers, is that right?

1 A. Yes.

2 Q. And they were AFRC soldiers, weren't they?

3 A. The one who captured me?

4 Q. Yes, please.

15:09:39 5 A. He was a Corporal Bastard.

6 Q. As in B-A-S-T-A-R-D?

7 A. Yes, B-A-S-T-A-R-D, yes.

8 Q. Thank you. And you were taken first to Kola Tree, weren't
9 you?

15:09:56 10 A. Yes.

11 Q. Now you didn't see any RUF at Kola Tree, did you?

12 A. Well, it was a mixed force. The AFRC armies were there,
13 but I cannot identify the RUF, but they were a mixed force.

14 Q. Now you stayed in Kola Tree for about five days, didn't
15 you?

15:10:31 16 A. Yes, I remember we stayed at Kola Tree five days.

17 Q. And help me with this: On the way to Kola Tree you saw
18 some dead bodies, didn't you?

19 A. Yes.

15:10:46 20 Q. And, indeed, you were asked about that in that interview
21 conducted with you on 20 June of last year. Do you recall that?

22 A. Make it clear again, sir.

23 Q. Well, I will make it even clearer still, Mr Conteh.

24 A. Yes.

15:11:07 25 MR GRIFFITHS: Since this is not a memory test, could the
26 witness please be shown MFI-5A.

27 PRESIDING JUDGE: Have we any spare copies of those
28 documents?

29 JUDGE SEBUTINDE: Mr Griffiths, it appears, is that the

1 only copy that the witness has? The public and the Bench don't
2 have access, unless you plan to read it out, I suppose.

3 MR GRIFFITHS: I plan to read it out, Madam President. I
4 wonder if we can put it on the screen. It might be simplest if
15:12:04 5 we do it that way. Could we put up the second - no, to put it in
6 full context let us put the first page up, please:

7 Q. What we see here, Mr Conteh, is an interview conducted by
8 way of questions and answers with you dated 20 June 2007 and let
9 us just read through the first page, shall we, in order to put
15:12:40 10 this in context:

11 "Q. Mr Paul Conteh, I would like to talk about the
12 testimony you gave at the Special Court for Sierra Leone on
13 8 April 2005. Do you recall giving that testimony?

14 A. Yes, I recall.

15:12:59 15 Q. I am going to read to you part of your testimony" - and
16 this quote is taken from your testimony:

17 "From there we went towards Kola Tree and often passing
18 through the cemetery road. So they started giving me some
19 beating, so I should not turn back. One beat me at my
15:13:18 20 back. When I passed the cemetery, I saw a corpse or bodies
21 anyway. I saw one fresh one who I think was newly killed.
22 Other bodies were along the cemetery area. I saw about
23 four bodies. They were all in civilian clothes.

24 Q. Do you remember making this statement?

15:13:43 25 A. Yes, I do.

26 Q. Tell me about the injuries you witnessed on the dead
27 bodies?

28 A. I saw gunshot wounds, they were killed by bullets.

29 They also used cutlass, also they used a special kind of

1 knife.

2 Q. Tell me about the gunshot wounds?

3 A. I knew they were gunshot wounds because I could see the
4 bullet hole in the skin. I saw some wounds on the back,
15:14:15 5 the victims were face down on the ground. I also saw some
6 bodies lying with their backs on the ground and their hands
7 were up in the air. I saw four bodies.

8 Q. Did the body lying on the front was shot from behind,
9 did you see this person get shot?

15:14:36 10 A. No, no.

11 Q. Did you hear about how this person was shot, or who was
12 responsible?

13 A. The boys who were escorting me told me that if you try
14 to escape that is what is going to happen to you. Corporal
15:14:52 15 Bastard said this to me."

16 Now, pause there. The reason why I want to deal with this
17 passage is I seek some clarification. The question you were
18 asked was: "Did you hear about how this person was shot, or who
19 was responsible?" The answer you gave was: "The boys who were
15:15:19 20 escorting me told me that if you try to escape that is what is
21 going to happen to you." My question is: Do you know who shot
22 those people whose bodies you saw by cemetery road?

23 A. It was the AFRC members - the soldiers.

24 Q. How do you know?

15:15:47 25 A. Because they occupied all that particular area and the
26 place where I was hiding it was just - it was just about 20
27 metres towards the cemetery and they were passing around the
28 place which I was hiding at that time.

29 Q. Well, let us break it down, shall we?

1 A. Yes.

2 Q. Did you witness the shooting?

3 A. I did not witness the shooting.

4 Q. When you spoke to the AFRC people that were with you, they
15:16:19 5 said, "If you try to escape that is what is going to happen to
6 you"?

7 A. Yes.

8 Q. Did any of them say to you "We shot those people"?

9 A. No, no, they did not tell me that.

15:16:32 10 Q. Did anybody say to you, "It was the AFRC who shot those
11 people"?

12 A. Nobody did. They did not tell me.

13 Q. Can I take it then that you made an assumption that it must
14 be the AFRC?

15:16:51 15 A. I am not making an assumption. I am really telling this
16 house, or this body, that it was the soldiers who did this.

17 Q. How do you know?

18 A. For the first instance when - before I was being captured I
19 saw the things what happened to me towards that same cemetery.

15:17:14 20 They have guns, they have knives, chasing at me. In fact, part
21 of the statement, I made it, see, so I really concluded that they
22 were the only people at that time who have these kind of weapons,
23 because the civilians were all - most of us were in hidings.

24 Q. So, just so that we are clear, you came to that conclusion,
15:17:41 25 but neither did you witness it, nor were you told who did it? Am
26 I right?

27 A. Yes, you are right.

28 Q. Thank you very much. From Kola Tree you then went to
29 Benguema, didn't you?

1 A. No, from Kola Tree we went back up the hills towards
2 Wilberforce.

3 Q. Thereafter, did you go to Benguema?

4 A. Yes.

15:18:14 5 Q. Whilst in Benguema a Brigadier Five-Five called a muster
6 parade, didn't he?

7 A. Yes.

8 Q. And a muster parade was an event where all civilians and
9 soldiers would gather together to be addressed by a commander?

15:18:42 10 A. Yes.

11 Q. And at that muster parade Brigadier Five-Five gave a
12 speech, did he not?

13 A. Yes, he gave a speech.

14 Q. And in that speech he first and foremost welcomed all of
15:19:00 15 you, didn't he?

16 A. Yes.

17 Q. And said that they had come to save the civilians, is that
18 right?

19 A. I can't remember that.

15:19:23 20 Q. And did he not go on to say, "There is not going to be any
21 kind of ruthless behaviour on the civilians"?

22 A. He said that.

23 Q. In fact he went further, did he not, and said that - he
24 told the abducted civilians and rebels twice during the muster
15:20:07 25 parade that you should observe certain rules such as no fighting
26 amongst yourselves, no stealing, no raping or killing, is that
27 right?

28 A. Yes.

29 Q. He went on to say that he would severely punish anyone

1 caught breaking those rules?

2 A. Yes.

3 Q. And, indeed, do you recall an occasion when one CO Snake,
4 as in the reptile, shot a female civilian in Blama and Brigadier

15:20:58 5 Five-Five said that CO Snake should be killed for that?

6 A. Yes.

7 Q. Now you stayed in Benguema for about two weeks, didn't you?

8 A. But I can't remember the exact date now, but we stayed
9 there for a long time.

15:21:24 10 Q. And from there you went to - is it Brima or Blama?

11 A. It should be Braima.

12 Q. B-R --

13 A. A-I-M-A.

14 Q. Thank you very much. From there you went to Mile 38?

15:21:44 15 A. Yes.

16 Q. Arriving in Mile 38 around about April of 1999, is that
17 right?

18 A. Yes.

19 Q. A chap called Bazzy, an AFRC soldier, was in charge at Mile
15:21:58 20 38, wasn't he?

21 A. Yes.

22 Q. And most of the soldiers there were AFRC, weren't they?

23 A. Yes.

24 Q. And you stayed there again, did you not, for about two
15:22:12 25 weeks or so?

26 A. Yes.

27 Q. Then from Mile 38 you went to Magbeni, didn't you?

28 A. Yes.

29 Q. But you were only there for a few days, is that right?

1 A. Yes, yes.

2 Q. Now in total, Mr Conteh, you spent some ten months with the
3 AFRC soldiers, didn't you?

4 A. Yes.

15:22:45 5 Q. So from January down to, what, late October 1999?

6 A. Yes.

7 Q. Now, during that time that you were with the rebels you
8 never saw or heard any big commander give orders to burn houses,
9 did you?

15:23:17 10 A. No.

11 Q. During those ten months you did not hear or see any big
12 commander give orders that women be raped, did you?

13 A. No.

14 Q. Now understand me, Mr Conteh: I am not suggesting for one
15 instance that those things did not go on; they did, didn't they?

16 A. But I am responding to the question you asked me.

17 Q. Those things did go on, didn't they?

18 A. You said according to the question that whether the
19 commander --

15:24:04 20 Q. Exactly.

21 A. You see, but all these things went on.

22 Q. I agree with you. I think we are ad idem on this; we are
23 of the same mind. Because the next question I was with going to
24 ask was this: That, yes, those things went on, but they had not
15:24:24 25 been ordered by anyone, had they?

26 A. Yes.

27 Q. You agree with me, don't you?

28 A. Yes, I agree with you.

29 Q. Thank you very much. Now would you --

1 PRESIDING JUDGE: Mr Griffiths, maybe I am being pedantic,
2 but you have put two questions in the negative and the witness
3 has answered in the negative, but I think he is agreeing with
4 you. You said, "You did not hear?" "No".

15:24:52 5 MR GRIFFITHS: Yes.

6 PRESIDING JUDGE: That is at line 18 of page 135, but I
7 think he --

8 MR GRIFFITHS: Well, let's clarify it just for the sake of
9 the record, Madam President, I fully agree:

15:25:04 10 Q. We accept those things did go on. We are agreed on that,
11 aren't we, Mr Conteh?

12 A. Yes.

13 Q. But the point is you never saw anyone ordering anyone to
14 carry out those crimes in terms of senior commanders?

15:25:23 15 A. No.

16 Q. Thank you. Now, would it be fair to say that throughout
17 that period for the most part the group you were with were
18 fleeing from ECOMOG soldiers?

19 A. Repeat the question again.

15:25:46 20 Q. For the ten months that you were with that group, would you
21 agree that for the most part you were fleeing from ECOMOG
22 soldiers?

23 A. Yes.

24 Q. Indeed from Jui, J-U-I --

15:26:01 25 A. Jui.

26 Q. You had to flee from Jui because of their greater fire
27 power, didn't you?

28 A. Yes.

29 Q. Because they bombarded your positions with artillery and

1 Alpha Jets, didn't they?

2 A. Yes.

3 Q. And indeed you heard your captors say, "Let us go. We
4 cannot win this fight"?

15:26:35 5 A. Yes.

6 Q. And would it be also right, Mr Conteh, that throughout
7 those ten months you were in something of a dilemma, weren't you,
8 because you were frightened of trying to go over to ECOMOG
9 because of potential consequences to you, is that right?

15:27:09 10 A. Repeat the question again.

11 Q. During that ten month period you were somewhat frightened
12 of trying to seek refuge with ECOMOG, weren't you?

13 A. Yes.

14 Q. Why?

15:27:27 15 A. Well, the reason is ECOMOG was the force that we trust at
16 that time and we were going there to seek refuge so that our
17 lives will be saved, because if you go to AFRC soldiers you will
18 be in problem, especially when there is crossfiring, you see. At
19 that period of time because ECOMOG had been in this country and
15:27:57 20 we see a great improvement, so that is why we were going towards
21 them so that they can help us.

22 Q. I'm sorry, I'm sure it's my fault, I am now somewhat
23 confused and so let me try and clarify this. During those ten
24 months that you were captured, did you want to go over and seek
15:28:21 25 refuge with ECOMOG?

26 A. Yes.

27 Q. Did you attempt to do so?

28 A. I attempted to do so.

29 Q. What was it that you tried to do?

- 1 A. You see, just to go to them, to the ECOMOG soldiers,
2 especially why I left in Calaba Town or Allen Town to go towards
3 Jui, maybe if we go to the ECOMOG we are going to be secure, is a
4 first instance. The other instance that I want to refer to the
15:28:59 5 Court is that at the time when we left Magbeni - Magbere going
6 towards Port Loko because the ECOMOG soldiers were there, but it
7 was not an easy task. So always I made that attempt.
- 8 Q. Very well. Now, during the time that you spent with that
9 group you noted, did you not, that the AFRC and RUF did not
15:29:29 10 really mix, and kept themselves separate?
- 11 A. Yes.
- 12 Q. In fact the RUF accused the AFRC of robbing the Bank of
13 Sierra Leone, didn't they?
- 14 A. Yes.
- 15:29:53 15 Q. And as that mixed group fled in the face of the ECOMOG
16 onslaught there was increasing tension between the AFRC and RUF,
17 wasn't there?
- 18 A. Yes.
- 19 Q. And it resulted in serious infighting between the two, did
15:30:16 20 it not?
- 21 A. Yes.
- 22 Q. For example, the RUF from Magburaka would come and loot
23 from the AFRC in Makeni, wouldn't they?
- 24 A. Yes.
- 15:30:39 25 Q. And many civilians packed their belongings and tried to
26 flee because of the fighting between the AFRC and the RUF?
- 27 A. Yes.
- 28 Q. So we are talking about serious divisions between the two
29 of them, aren't we?

1 A. Yes.

2 Q. Finally this, Mr Conteh: During those ten months that you
3 spent with that group, were you ever forced to undergo military
4 training?

15:31:23 5 A. No.

6 Q. Were you ever asked to fight?

7 A. Clarify the question again.

8 Q. Were you ever asked to fight?

9 A. Ask me to fight? No.

15:31:46 10 Q. Did you ever kill anyone?

11 A. No.

12 Q. In fact you were referred to as "pastor" during that
13 period, weren't you?

14 A. Yes.

15:32:02 15 Q. And did you hold services for them during those ten months?

16 A. I remember we held - we had three services among ourselves
17 at Braima.

18 Q. Who is "ourselves"?

19 A. Well, we are mixed, the civilians and the rebels.

15:32:32 20 Q. And you oversaw that religious celebration, did you?

21 A. Well, we all prayed together because it was a Sunday. In
22 fact at that time it was during the period of Lent. We thought
23 it fit that we need to pray with some of my students that was
24 around and other civilians who were interested in the closed

15:32:59 25 door, about five or six people, so we make service for ourselves.

26 Q. And everyone knew that you were a man of religion, didn't
27 they?

28 A. Yes, some of them knew about that.

29 MR GRIFFITHS: That is all I ask.

1 PRESIDING JUDGE: Thank you, Mr Griffiths. Re-examination,
2 Mr Santora?

3 MR SANTORA: A few questions. Just before I begin, Madam
4 President, I realise that I misstated the location of the errata
15:33:27 5 in the transcript. I said it was 20825. The actual missing page
6 and the subsequent errata filed by Court Management was 20878 and
7 I just for the record wanted to clarify that.

8 Just prior to the question I will just give counsel a
9 reference from my LiveNote which I believe is on 16 font and the
15:33:37 10 first one stems from page 119 lines 3 to 5.

11 RE-EXAMINATION BY MR SANTORA:

12 Q. Mr Witness, when the Defence counsel was asking you
13 questions you said that you were opposed to the RUF from the
14 outset. Why?

15:34:29 15 A. Repeat the question again.

16 Q. When my colleague across the room was asking you questions
17 he asked you if you were opposed to the RUF from the outset and
18 you said yes. Why were you opposed to the RUF from the outset?

19 PRESIDING JUDGE: [Microphone not activated].

15:34:52 20 MR SANTORA: The specific reference was the RUF in this
21 instance referring to from the beginning of the war.

22 PRESIDING JUDGE: Indeed. I have found my note now, thank
23 you.

24 MR SANTORA:

15:35:05 25 Q. Do you understand the question, Mr Witness?

26 A. Well, to my understanding about the question opposing
27 myself outside the RUF, well, I was not in line with the RUF at
28 the time because, you see, I would just stay apart from them.
29 That is my own understanding about the question, you see. I am

1 not going closer to the RUF, because I stayed apart from them.

2 That is my own understanding.

3 Q. Why did you stay apart?

15:35:47

4 A. Why? Because the kind of atrocity the RUF were doing,
5 these gave me the cause I don't even like to see them around my
6 sight.

15:36:13

7 Q. You also said - and the reference here, counsel, is page
8 120, lines 13 to 15, on my LiveNote. Counsel asked you about
9 whether or not you favoured peace before elections, or elections
10 before peace and you said that you favoured elections before
11 peace.

12 A. Yes.

13 Q. Why?

15:36:26

14 A. Well, my reason at that time why I favoured the election
15 before peace was because the war was diversified in certain
16 perspective that when it was reaching in Freetown and the people
17 were even debating about peace before election, election before
18 peace, they say we thought it fit that let us have this election
19 then we continue with the peace process. Because even at the
20 time when the government were trying to cease fire to see that
21 peace occur, things were going in a war situation, and they were

15:37:00

22 just imposing on certain inflation on us especially during the
23 junta time, the nine months when Freetown, we know the kind of
24 suffering some of us undergo even when during the time of the
25 August situation. So we thought it fit that let us have the
26 election. That is my own perspective that we have the election,
27 then we continue with the peace process so that the government
28 who will be in charge will work it amicable so that peace will
29 flow forever. That is my own perception about the statement.

15:37:21

1 Q. Okay. The next reference is page 121, lines 12 to 14.
2 Defence counsel when he was asking you questions about what was
3 called the intervention when ECOMOG pushed the AFRC out of
4 Freetown --

15:38:07 5 A. In February, yes.

6 Q. And you said at line 14 that you agreed that you welcomed
7 the intervention.

8 A. Yes.

9 Q. Why did you welcome the intervention?

15:38:20 10 A. Because the suppression was so much from the AFRC and
11 mainly things was not going well, smoothly, schools were closed
12 down, other business enterprises were not around. So people were
13 just sitting down idling in the society, you see, because we have
14 been harassed in our homes. So with this kind of situation when
15:38:46 15 the intervention occurred in February we are so happy, we made a
16 lot of jubilation.

17 Q. Who made a lot of jubilation?

18 A. The civilians.

19 JUDGE SEBUTINDE: I think the witness said so people were
15:38:59 20 just sitting down idling in society, not hiding in society.

21 MR SANTORA: I thought I heard that as well, but I can
22 clarify that if it is not going to be picked up on the
23 transcript:

24 Q. Did you say, Mr Witness, that people were sitting down
15:39:17 25 idling?

26 A. Yes, idling.

27 Q. Idling?

28 A. Yes.

29 Q. Okay. And finally one final question, Mr Witness. This

1 reference is page 135, line 7. Mr Witness, when Defence counsel
2 was asking you questions you said you were trying to seek refuge
3 with ECOMOG. Do you remember saying that?

4 A. Yes.

15:39:48 5 Q. And you said the reason is "ECOMOG was the force that we
6 trust at the time"?

7 A. Yes.

8 Q. Why was ECOMOG the force that you trusted at that time?

9 A. Well, ECOMOG is a - was African peacekeeping force from the
15:40:07 10 UN, and their purpose of coming here is to see that to settle
11 disputes among ourselves and to bring down peace and this type of
12 force we trust them because they are in favour of the civilians
13 and they are ready to safeguard and secure our lives.

14 MR SANTORA: There are no further questions, Madam
15:40:40 15 President.

16 PRESIDING JUDGE: Thank you, Mr Santora. We do not have
17 any questions of the witness, Mr Santora.

18 MR SANTORA: At this point the Prosecution would seek to
19 tender as exhibits the previously marked documents MFI -- I think
15:41:01 20 it was 1, 2A and 2B.

21 PRESIDING JUDGE: Actually we skipped to - it's 1 and 5.

22 MR SANTORA: I am sorry, I apologise, 1 and 5A and 5B. I
23 don't know if I can make that application in toto.

24 PRESIDING JUDGE: I will see if Defence counsel has a
15:41:20 25 response?

26 MR GRIFFITHS: There are no objections, Madam President.

27 PRESIDING JUDGE: Thank you. Then that is MFI-1 will
28 become Prosecution P-213?

29 MS IRURA: Your Honour, 215.

1 PRESIDING JUDGE: 215, Prosecution exhibit P-215 and it is
2 a bundle of documents being the transcript of evidence of the
3 witness given in the case of the Prosecutor and Brima and others
4 on 8, 11 and 12 April 2005 and I understand from you, Mr Santora,
15:42:00 5 the total pages is 215?

6 MR SANTORA: That is correct, Madam President.

7 PRESIDING JUDGE: Yes.

8 [Exhibit P-215 admitted]

9 Then we go to other bundle of documents which were marked
15:42:09 10 MFI-5A and B. That is a seven page document and a back sheet
11 which will become Prosecution exhibit P-216A and then a
12 separately dated affirmation document which will become
13 Prosecution exhibit P-216B.

14 [Exhibit P-216A and P-216B admitted]

15:42:37 15 If there are other matters I will discharge the witness -
16 release the witness.

17 Mr Witness, that is the end of your evidence and we thank
18 you for coming to court to give your evidence here today. We are
19 grateful and we wish you a safe journey home. I will ask someone
15:42:55 20 to assist you to leave the well of the Court.

21 THE WITNESS: Thank you, my Lord.

22 PRESIDING JUDGE: Mr Santora, I see you are on your feet?

23 MR SANTORA: Yes. The next witness will actually be led by
24 my colleague, Ms Julia Baly. I would make an application - it is
15:43:40 25 TF1-216 and I would just ask if we could switch positions, if
26 that is permissible?

27 PRESIDING JUDGE: Yes, of course.

28 MS BALY: Good afternoon, your Honours, and counsel
29 opposite. The next witness is TF1-216. He is to testify in the

1 Krio language. He is a viva voce witness and he has indicated
2 that he is prepared to testify in open session. He is yet
3 another witness who the Prosecution asserts was granted
4 protective measures in the 5 July 2004 decision, a Category 1
15:44:45 5 witness, but not a witness listed in any of the annexures to that
6 decision.

7 PRESIDING JUDGE: As before, counsel for the Defence,
8 Mr Anyah, it is yourself?

9 MR ANYAH: Yes. As before in these cases, in theory we do
15:45:05 10 not oppose an application for rescission, but we do stand by our
11 position in respect of witnesses that are not specifically
12 enumerated in that 5 July 2004 decision.

13 PRESIDING JUDGE: As before, we reiterate the Court's
14 attitude to these applications, that they are redundant.
15:45:31 15 However, for purposes of record, we note that the witness will
16 give his evidence in open session and I presume that includes use
17 of his own name?

18 MS BALLY: It does, your Honour.

19 PRESIDING JUDGE: Very well. If the witness can be called,
15:45:46 20 please. Are the Krio interpreters in position, please?

21 THE INTERPRETER: Yes, your Honour.

22 PRESIDING JUDGE: Good. Madam Court Officer, does the
23 witness wish to be sworn or give the solemn declaration?

24 MS IRURA: Your Honour, the witness would make a solemn
15:47:50 25 declaration.

26 PRESIDING JUDGE: Very well. Please proceed.

27 WITNESS: IBRAHIM FOFANA [Affirmed]

28 EXAMINATION-IN-CHIEF BY MS BALLY:

29 Q. Sir, what is your name?

- 1 A. My name is Ibrahim Fofana.
- 2 Q. When were you born?
- 3 A. 1942.
- 4 Q. Do you know the precise date when you were born?
- 15:49:10 5 A. Well, I don't know the date, but I know the year.
- 6 Q. Whereabouts were you born?
- 7 A. It was in the Tonkolili District.
- 8 Q. Do you belong to any particular tribe?
- 9 A. Yes, I am a Temne by tribe.
- 15:49:36 10 Q. Do you have any formal education?
- 11 A. No.
- 12 Q. What languages do you speak?
- 13 A. I can only speak Temne and Krio.
- 14 Q. Sir, whereabouts were you living in February of 1998?
- 15:50:04 15 A. I was in Kono.
- 16 Q. What was the name of the village that you were living in?
- 17 A. I was in Paema Town.
- 18 Q. At that time were you married?
- 19 A. Yes.
- 15:50:20 20 Q. Did you have any children?
- 21 A. Yes, at that time.
- 22 Q. How many children did you have?
- 23 A. I had about three children.
- 24 JUDGE SEBUTINDE: Is the name of the town correctly spelt?
- 15:50:37 25 MS BALY: Actually, it is not. P-A-E-M-A. Thank you, your
26 Honour:
- 27 Q. What were the ages of your children?
- 28 A. Well, the elder one was about 15 years and the other 18 and
29 the other one who was in Form 3 was about 19 years.

1 Q. The one who was 15, is that a boy or a girl?

2 A. A boy.

3 Q. And the 18 year old, was that a boy or a girl?

4 A. The 18 years old was a girl.

15:51:36 5 Q. And the 19 year old you say was in Form 3. Is that
6 correct?

7 A. Yes.

8 Q. Was that child a boy, or a girl?

9 A. A boy. I had two boys and a girl at that time.

15:52:02 10 Q. At that time were you working?

11 A. Well, I used to do some business. I had a shop and I had
12 people working for me.

13 Q. What kind of business were you doing?

14 A. I had a shop and I had a bar and there were some other
15:52:33 15 things that my wife used to do at that time.

16 Q. What sort of thing did you have in your shop?

17 A. I had a bar and by the bar I had some Limba people selling
18 wine for me.

19 Q. Did you have a shop that was separate to the bar?

15:53:09 20 A. No, the bar - the shop was the bar and there was an
21 adjoining to the bar where my wife used to sell some local
22 products.

23 Q. What kind of local products?

24 A. My wife used to sell petty things that we used for domestic
15:53:45 25 purposes.

26 Q. Did you do any other kind of business apart from having
27 your bar?

28 A. Yes, I used to do mining, because I had been given a lot.
29 There were boys I had who used to do the work for me.

1 Q. What were you mining?

2 A. Diamonds. They gave us lots, piece of the land.

3 Q. Whereabouts were these pieces of land?

4 A. The land, it was after the elections that they dished out
15:54:40 5 some pieces of land to some people - some young people - and I
6 was fortunate to have some part of the land.

7 Q. Who dished out these pieces of land to you?

8 A. The chief, the candidate who when he won he distributed
9 some portion of the land to tribal people. He did that according
15:55:09 10 to tribes.

11 Q. In February of 1998 did something happen in your village of
12 Paema?

13 A. Yes.

14 Q. What happened?

15:55:36 15 A. While we were in Paema in 1998 we saw a squad of soldiers.
16 When they entered the place they started harassing people. When
17 they entered initially they were saying something. They were
18 saying, "Operation Pay Yourself". And during that time they used
19 to take people's property forcefully. Whatever they wanted they
15:56:12 20 would take. It did not just stop there.

21 Q. This squad of soldiers that you saw, how many soldiers were
22 there?

23 A. They were many. I did not do a head count. They were in a
24 group.

15:56:28 25 Q. And when you say they would take people's property, what
26 kind of property would they take?

27 A. No, like for me who had a business, they will just take
28 whatever they wanted to take. If they wanted to take everything,
29 they would just take everything. It was not that we were willing

1 to give it to them. They did it forcefully.

2 Q. Was anything taken from you?

3 A. Yes, they took what they could from my house, from the
4 business that I was doing.

15:57:19 5 Q. When you say from your house, what kind of business were
6 you doing in your house?

7 A. I had a shop and I had opened a bar in the house and my
8 wife too was doing some petty trading.

9 Q. Can you remember the sort of things that were taken by this
15:57:42 10 squad of soldiers?

11 A. Well, the things were many. I cannot tell now, because at
12 that time they were in control. Some of us were just - we were
13 frightened. In fact I ran out of the place. I was afraid.

14 Q. Why were you afraid?

15:58:10 15 A. They had guns and I had witnessed what they did to people,
16 those who refused for their properties not to be taken, so I had
17 witnessed that already. I didn't want that to be done to me.

18 Q. Before I come to that, can you describe how these soldiers
19 were dressed?

15:58:41 20 A. Yes, I can describe. They had military uniforms on, what I
21 saw.

22 Q. Were you able to recognise the uniforms that they had on?

23 A. They had the uniform. Even now it is the same uniform the
24 military uses.

15:59:13 25 Q. You referred to them having guns. Are you able to describe
26 the guns they had?

27 A. They had guns. You know, I am not a soldier or an officer
28 so I cannot tell you the type of guns, but even now the soldiers
29 have the same type of guns.

1 Q. You said that you had witnessed something happen when
2 people had refused to hand over their property. What did you see
3 happen when people refused to hand over their property?

4 A. Well, whosoever did not agree to give them your property,
16:00:17 5 they will just beat you up seriously and they will take what they
6 wanted to take and they will go.

7 Q. Did you see anybody get beaten up?

8 A. Yes, I saw somebody beaten and that was why I was afraid.
9 So I just left my property there and they took whatever they
16:00:43 10 wanted to take.

11 Q. You referred earlier in your evidence to the words
12 "Operation Pay Yourself". When did you hear that phrase used?

13 A. I heard that expression from them. They used that
14 expression to my hearing.

16:01:12 15 Q. Did they say anything apart from the words "Operation Pay
16 Yourself"?

17 A. The other time they came they changed the expression.
18 There was another operation that they called Operation No Living
19 Thing and indeed where they started, right from my place, I
16:01:38 20 witnessed it.

21 Q. Just going back to the time when you say that property was
22 being taken, you said you left your house. Where did you go to
23 at that time?

24 A. Well, I moved away from the house and went to the back,
16:02:06 25 behind the house, for them to take what they wanted to take and
26 after that I would return.

27 Q. Did those soldiers stay in your village of Paema at that
28 time?

29 A. They did not base there. They would move from Sefadu and

1 go and do whatever they wanted to do and they would return.

2 Q. When you say they would move from Sefadu, where was Sefadu?

3 A. Kono. That is the city for Kono. It's a big town.

4 Q. After they would move from Sefadu, what would the soldiers
16:03:00 5 do after that?

6 A. Well, after that the last time before I left for Guinea
7 what I saw is what I can tell you.

8 Q. Sir, when the soldiers first came to Paema, how long did
9 they stay in Paema?

16:03:40 10 A. You know, when they went there to my understanding, what I
11 saw was that they did not base there for a long time.

12 Q. What happened after they left?

13 A. When they went the people started running away going to
14 Sandor, that is towards Guinea now, to go to Guinea.

16:04:15 15 Q. And what did you do?

16 A. Well, I did not move on that very day, because I wanted to
17 get some few things to go with, so I did not leave on that same
18 day, because the town is fairly big, it's a fairly big one.

19 Q. How big? How many people would you say were in the town at
16:04:41 20 that time - were living in the town at that time?

21 A. I cannot give you a correct number now, because it was a
22 fairly big town. Well over 300 houses. I will only tell you
23 about my own house or my own area, not the entire time.

24 Q. So there were about 300 houses in that town at that time,
16:05:12 25 is that so?

26 A. Well, it would be more than that even. It is a fairly big
27 town, as I have said.

28 Q. Sir, I am not asking for a precise number, but
29 approximately how many of the people who were living in Paema

1 left for Guinea?

2 A. At that time everybody was looking for a way to cross the
3 river to go across. There were many people. Everybody was
4 running for his or her life. I cannot tell you now the number of
16:05:56 5 people who crossed over to Guinea, because some people would come
6 from some other town using the same town to go and cross over to
7 Guinea, so I cannot estimate the number.

8 Q. Thank you. You said initially you stayed in the town. Did
9 something happen after that?

16:06:26 10 A. Before ever I left, before they made their last visit that
11 I moved, something happened, yes.

12 Q. What happened?

13 A. What I saw on that day that made me to move late that
14 evening, they said some things and afterwards they started
16:06:52 15 killing people.

16 Q. Firstly what did they say?

17 A. Just when they came there was a place - a hilly place - and
18 they were there when they said, "Today there will not be any
19 living thing", and that was what I heard and indeed they did it.

16:07:26 20 Q. All right. Who said that?

21 A. They said, "Operation No Living Thing". It was the
22 soldiers who came in the town.

23 Q. Were these the same soldiers that you had seen before who
24 referred to Operation Pay Yourself or were these different
16:07:46 25 soldiers?

26 A. I cannot tell you the differences, because they were in
27 groups. I would not - I cannot distinguish that those who came
28 yesterday were the same ones who came today or not, but they were
29 all soldiers.

1 Q. How were these soldiers dressed?

2 A. They had on military uniform, all of them.

3 Q. Were they carrying any arms?

4 A. Yes.

16:08:31 5 Q. Where were you when you saw these soldiers?

6 A. I was at my house, packing with my children when they came.

7 We met them by the side of the road and then the vehicle stopped.

8 I had no way to run away.

9 THE INTERPRETER: Your Honours, can the witness repeat
16:09:03 10 this.

11 PRESIDING JUDGE: Please pause, Mr Witness. The
12 interpreter has not heard you very clearly and he would like you
13 to repeat part of your answer. Please pick up where you said "I
14 had no way to run away." Continue from there.

16:09:18 15 THE WITNESS: The time that they came down from the hill I
16 had no chance to escape to go to the street and escape, so I was
17 at the house, when they went to the other side that I was able to
18 pack some few things because if they had seen me packing that
19 wouldn't have been good for me.

16:09:45 20 MS BALY:

21 Q. What did the soldiers do, if anything?

22 A. On that day that I was packing, they did something.

23 Q. What did they do?

24 A. That was the deed. That was the day they started killing
16:10:12 25 people and that was when the trouble started that I packed my
26 things together with my children to go.

27 Q. Did you see the soldiers kill anybody?

28 A. Yes. On that day they killed three people that I saw which
29 made me to pack and go.

1 Q. Did you know the three people that they killed?

2 A. Yes, I knew the three people. All of us were in the town.

3 Q. Who were the three people that they killed?

4 A. The first man that was killed close to my house was Ali

16:11:05 5 Bangali. The second one was Sori. He used to operate a

6 Caterpillar. And the third one was Pa Janneh at the other

7 street. After --

8 Q. Just stop there for a moment. The first man that you have

9 referred to as Ali Bangali, that is B-A-N-G-A-L-I, how did you

16:11:32 10 know him? What was his - what did he do?

11 A. What he was doing, all of us were in the town. He was born

12 there too.

13 Q. What did Ali Bangali work as?

14 A. On that day?

16:11:53 15 Q. Generally what did he work as?

16 A. He was a farmer and they had a big garden that was planted

17 by his father but his father had died so he was in charge.

18 MS BALY: I will just give the spelling again,

19 B-A-N-G-A-L-I:

16:12:21 20 Q. What was Ali Bangali doing when he was killed?

21 A. He was mixing some mud to make blocks to repair the house

22 that had been destroyed. That was the work he was doing on that

23 day.

24 Q. How did he come to be shot?

16:12:53 25 A. The soldier asked him for diamonds and he said he didn't

26 have diamonds, that he was making bricks to renovate their house.

27 He said, for the fact that he was making bricks to renovate his

28 house meaning he had money so he should bring money or the

29 diamonds and because he refused he was shot.

1 Q. What happened to Ali Bangali after he was shot?

2 A. He died.

3 Q. How do you know that he died?

16:13:46

4 A. After the man had been shot they went in front and we were
5 neighbours, so we came together to go and take him to bury him
6 before we could leave.

7 Q. You referred to somebody called Sori, S-O-R-I. Who was
8 Sori? What was his job at that time?

16:14:21

9 A. Sori, Sori was a Caterpillar operator. He was by the
10 market. After we had mobilised to bury the first man, they were
11 on the other side of the town and we heard a gunshot and that was
12 Sori who had been - who was killed at that time.

13 Q. Did you see him being shot?

16:14:54

14 A. We saw him lying in blood. He was shot around the market
15 area. It was after they had left that we picked the bodies and
16 we tried to bury them, because we knew them. All of us were
17 living in the same town.

18 Q. The third person who you saw killed, who was that?

19 A. That was Pa Janneh, Sori Janneh.

16:15:21

20 Q. Is that J-E-N-N-A-H, Pa Jennah?

21 A. Yes.

22 Q. How old was Pa Jennah when he was killed?

23 A. I didn't know the Pa's age. I only knew that it happened
24 in 1998. I didn't know how old he was.

16:15:55

25 Q. Was he a young man, or a middle-aged man or an old man?
26 Are you able to say?

27 A. He was a middle-aged man.

28 Q. Did he work?

29 A. He was a security for one Caterpillar. It was there that

1 they met him and killed him.

2 Q. Did you see Pa Jennah be killed?

3 A. I only saw his corpse. That was the road to go to Sandor.
4 That was the road all of us used, those of us who left the town
16:16:45 5 last.

6 Q. Were you able to bury the bodies of Ali Bangali, Sori and
7 Pa Jennah?

8 A. Oh, yes, because at that time they had done the deed and
9 they had left so we were able to bury them, because those people
16:17:15 10 were really useful to us.

11 JUDGE SEBUTINDE: Ms Baly, I don't wish to be pedantic but
12 you keep calling this man Jennah, but the witness said Janneh.

13 MS BALY: Sorry.

14 JUDGE SEBUTINDE: At least through the interpretation he
16:17:31 15 said Janneh.

16 MS BALY: Thank you, your Honour.

17 JUDGE SEBUTINDE: But I don't know. Then the spelling
18 would have to differ from what you've given us.

19 MR ANYAH: If it would please your Honours, I would also
16:17:39 20 point out Mr Santora in the AFRC trial, while leading the
21 witness, gave a different spelling for the name Janneh, than as
22 given by Ms Baly now in court, and I believe it is the same
23 person.

24 MS BALY:

16:17:54 25 Q. Can I just ask, sir, do you know how Jennah is spelt?

26 JUDGE SEBUTINDE: Mr Witness, can you spell Jennah or
27 Janneh?

28 THE WITNESS: I did not go to school.

29 MS BALY: Perhaps I can come back to that. We are just

1 obtaining the spelling from the other trial transcript:

2 Q. What did you do after those three men had been killed?

3 A. Well, after we had buried them I came to collect my people
4 and we went.

16:19:07 5 Q. When you say you came to collect your people, what people
6 did you collect?

7 A. I collected my children, my wife and the other workers and
8 crossed over to Guinea.

9 Q. Did you leave anybody in your house when you crossed over
16:19:35 10 to Guinea?

11 A. Yes, somebody was in the house, that was my aunt. Mammy
12 Isatu. She couldn't walk.

13 MS BALY: The spelling that I have is J-A-N-N-E-H. Thank
14 you:

16:20:08 15 Q. Mammy Isatu, you said she couldn't work or she couldn't - I
16 heard walk. What did you say? Was it walk or work?

17 A. She couldn't walk for any far distance. She was an old
18 woman.

19 MS BALY: The spelling for Mammy Isatu I am given is Mammy
16:20:53 20 Isatu, I-S-A-T-U:

21 Q. She remained in your house after you left for Guinea. Is
22 that correct?

23 A. Yes.

24 Q. How did you go to Guinea? By what means?

16:21:20 25 A. We walked and we crossed over to Sandor, we passed through
26 Kumba Jende and we went. We stopped at Forécariah. When we got
27 to the border we rested.

28 Q. You said you crossed over to Sandor and then you passed
29 through a place. Can you name that place again?

1 A. Kumba Jende. We passed through Kumba Jende.

2 Q. And where did you finally come to rest?

3 A. When we crossed over we walked for about two to three days
4 to Guinea and when we got to Kumba Jende that was when we rested
16:22:16 5 for some time.

6 MS BALY: I am just getting the spelling for that
7 particular place:

8 Q. How long did you stay in Guinea for?

9 A. Well, we did not spend a long time in Guinea. We were
16:22:36 10 there for about one and a half months when we returned.

11 Q. Why had you gone to Guinea in the first place?

12 A. Why we went to Guinea? We had run away. That was why we
13 went there.

14 Q. What had you run away from?

16:23:08 15 A. From the fighting, the killings that I had seen, that's why
16 I crossed over.

17 Q. When you returned, where did you return to?

18 A. We came back to the same place where we had been in Paema,
19 but we had heard some news. That was why we returned.

16:23:38 20 Q. What news did you hear that led you to return?

21 A. After we had gone we were listening to the radio when we
22 got a report that ECOMOG had overcome the fighters, so if anybody
23 had property back in Sierra Leone that person should return
24 because they could not control the thieving that was going on.

16:24:19 25 Q. What radio station were you listening to when you heard
26 that report?

27 A. It was BBC. It was the BBC radio station.

28 Q. What did you do after you heard the report?

29 A. When we heard the report on the radio we decided to return.

1 Those of us who had left our property in the bush, we decided to
2 return and that was when we had our trouble.

3 Q. When you say you had left your property in the bush,
4 whereabouts had you left your property?

16:25:16 5 A. We - whatever we were able to escape with after those men
6 had looted during Operation Pay Yourself, I dug a hole in the
7 ground in my garden and I buried some baling machines and some
8 other things that I had and we covered that with the earth. So
9 that was why we returned, for us to take them out for them not to
16:25:51 10 be destroyed. And my boys did the digging.

11 Q. And this garden that you buried your property in, was that
12 in your house back in your village of Paema or was it somewhere
13 else?

14 A. It was behind my house, because my house is at the
16:26:16 15 outskirts of the town towards the hill. There was a place where
16 everybody could fetch water. That was where my garden was. It
17 was in that bush that I hid my things.

18 Q. Did you return to your garden?

19 A. I returned to Paema to check for my property and it was at
16:26:44 20 that time that we fell in an ambush.

21 Q. Who did you return to Paema with?

22 A. We were many. Everybody was coming on his own to check on
23 his or her own property.

24 Q. Did you return with your wife?

16:27:07 25 A. Yes, together with my children.

26 Q. And you said you then fell into an ambush. What did you
27 mean by you fell into an ambush?

28 A. Yes. Well, that was the language - that was the word they
29 used to use. When we entered the town we did not see anybody.

1 It was when we had entered into the town that they all came out,
2 so we just fell into the ambush.

3 MS BALY: Your Honours, perhaps that would be an
4 appropriate time.

16:27:53 5 THE WITNESS: If we knew that they were in the town we
6 wouldn't have entered that town.

7 PRESIDING JUDGE: Yes, indeed, Ms Baly, if that's an
8 appropriate place we will now adjourn.

9 JUDGE SEBUTINDE: Ms Baly, there were two outstanding
16:28:06 10 spellings which I hope you will remember tomorrow.

11 MS BALY: I will remember.

12 JUDGE SEBUTINDE: Okay.

13 PRESIDING JUDGE: Mr Witness, it is now time for us to
14 adjourn for today. We will start again tomorrow morning at half
16:28:19 15 past 9. Now that you have taken the oath I must tell you that
16 you are not to discuss your evidence with any other person until
17 all of your evidence is finished. Do you understand this?

18 THE WITNESS: Yes, sir.

19 PRESIDING JUDGE: Very good. Please adjourn court until
16:28:35 20 tomorrow at 9.30.

21 [Whereupon the hearing adjourned at 4.30 p.m.
22 to be reconvened on Tuesday, 28 October 2008 at
23 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

AKI ATU THOLLEY	19191
EXAMINATION-IN-CHIEF BY MS HOLLIS	19191
CROSS-EXAMINATION BY MR ANYAH	19220
RE-EXAMINATION BY MS HOLLIS	19274
PAUL NABIEU CONTEH	19284
EXAMINATION-IN-CHIEF BY MR SANTORA	19284
CROSS-EXAMINATION BY MR GRIFFITHS	19290
RE-EXAMINATION BY MR SANTORA	19310
IBRAHIM FOFANA	19315
EXAMINATION-IN-CHIEF BY MS BALY	19315

EXHIBITS:

Exhibit P-215 admitted	19314
Exhibit P-216A and P-216B admitted	19314