



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

TUESDAY, 27 JANUARY 2009  
9.30 A.M.  
TRIAL

TRIAL CHAMBER II

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**Before the Judges:**

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

**For Chambers:**

Mr William Romans  
Ms Carolyn Buff  
Ms Sidney Thompson

**For the Registry:**

Ms Rachel Irura  
Mr Momodu Tarrawaliie

**For the Prosecution:**

Ms Brenda J Hollis  
Mr Mohamed A Bangura  
Mr Nicholas Koumjian  
Ms Kathryn Howarth  
Ms Ruth Mary Hackler

**For the accused Charles Ghankay  
Taylor:**

Mr Courtenay Griffiths QC  
Mr Morris Anyah  
Cllr Laveli Supuwood

1 Tuesday, 27 January 2009

2 [Closed session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

5

6 [At this point in the proceedings, a portion of

7 the transcript, pages 23592 to 23611, was

8 extracted and sealed under separate cover, as

9 the proceeding was heard in closed session.]

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1 [Open session]

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

3 PRESIDING JUDGE: This Court is now in open session and the  
4 next Prosecution witness will be TF1-062. This witness is  
10:19:41 5 subject to protective measures which were ordered by Trial  
6 Chamber I and have been confirmed by the Appeals Chamber. You're  
7 conducting the Prosecution case, Ms Howarth. Is that correct?

8 MS HOWARTH: Yes, your Honour.

9 PRESIDING JUDGE: What exactly are the protective measures  
10:20:04 10 that have been confirmed as still applying?

11 MS HOWARTH: It's use of a pseudonym and a screen. The  
12 Prosecution would ask that in relation to the first question that  
13 will be asked of the witness, that's his name, that there's a  
14 short private session for that purpose.

10:20:21 15 PRESIDING JUDGE: Thank you. For the public record, the  
16 protective measures applying to this witness will be a pseudonym  
17 and he will also be screened so that the public will not see him  
18 and also the Court will be put into private session while  
19 personal details of the witness are announced. These measures  
10:21:22 20 are necessary to protect the witness's identity and his security.

21 So, Madam Court Manager, we should bring the shutters down  
22 so that the witness can enter the Court. Yes, Ms Howarth?

23 MS HOWARTH: Yes, just for the record this witness will be  
24 testifying in Krio.

10:22:22 25 PRESIDING JUDGE: Thank you.

26 WITNESS: TF1-062 [Sworn]

27 PRESIDING JUDGE: Yes, thank you. Yes, Ms Howarth.

28 MS HOWARTH: So the Prosecution called TF1-062. This is a  
29 92 bis witness and the relevant decision is your Honours'

1 decision of 15 July 2008 and that's a decision on the Prosecution  
2 notice under Rule 92 bis related to inter alia Kenema District.  
3 I would ask that the Court go into a private session for the  
4 initial question.

10:25:46 5 PRESIDING JUDGE: Yes. For the public record this Court  
6 will briefly go into a private session now. The purpose of that  
7 is to protect the witness's identity while he gives some personal  
8 details. It means that members of the public will still be able  
9 to watch the proceedings, but won't be able to hear them.

10:26:12 10 Madam Court Manager, if you could put the Court into  
11 private session.

12  
13 [At this point in the proceedings, a portion of  
14 the transcript, page 23614, was extracted and  
10:26:19 15 sealed under separate cover, as the proceeding  
16 was heard in private session.]

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1 [Open session]

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

3 PRESIDING JUDGE: Thank you. Go ahead, Ms Howarth.

4 MS HOWARTH:

10:27:46 5 Q. Can you state your date of birth?

6 A. Yes, 20 August 1964.

7 Q. What's your place of birth?

8 A. The village is called Rogbaya.

9 Q. Can you spell that?

10:28:13 10 A. Rogbaya?

11 Q. Yes.

12 A. I cannot spell it.

13 MS HOWARTH: Perhaps I can assist the witness. The  
14 spelling that I have is R-O-G-B-Y-A:

10:28:36 15 Q. And what district is that?

16 A. It's in the Port Loko District.

17 MS HOWARTH: I've just had an indication from Her Honour  
18 that that's an incorrect spelling, so I will make sure that we  
19 get that right:

10:29:00 20 Q. Mr Witness, to which tribe do you belong?

21 A. Yes, Temne.

22 Q. And what languages do you speak?

23 A. I can speak Krio and a little bit of English.

24 Q. And what languages do you read?

10:29:27 25 A. Well, if somebody writes English I can read some of it.

26 Q. And what formal education have you had?

27 A. I promoted to Form 2 and that's where I stopped.

28 MS HOWARTH: I'm most grateful to those behind me. I've  
29 been passed the correct spelling, which is R-O-G-B-A-Y-A:

1 Q. Mr Witness, have you previously testified in the case of  
2 Prosecutor v Brima, Kamara and Kanu?

3 A. Yes.

10:30:21

4 Q. I'm going to ask that you be passed a transcript and that's  
5 the transcript in that case dated 27 June 2005. For the record,  
6 that's CMS pages 14908 to 14984 and that's a total of 76 pages  
7 and I'd be grateful if it could be shown to counsel opposite as  
8 well. Mr Witness, if you just take a quick look at that  
9 transcript. Mr Witness, has that transcript been read to you in  
10 a language which you understand?

10:31:52

11 A. Yes.

12 Q. And do you adopt it as your prior testimony?

13 A. Yes.

10:32:12

14 MS HOWARTH: Could I ask that your Honour, Mr President,  
15 mark it for identification.

16 PRESIDING JUDGE: Yes, that transcript just referred to  
17 will be marked for identification MFI-51.

18 MS IRURA: Your Honour, it would be MFI-39.

19 PRESIDING JUDGE: Yes, MFI-39.

10:32:43

20 MS HOWARTH: Your Honour, as this is a 92 bis witness there  
21 are no further questions from the Prosecution at this stage.

22 PRESIDING JUDGE: All right, thank you. Yes, Mr Griffiths.

23 CROSS-EXAMINATION BY MR GRIFFITHS:

10:33:04

24 Q. In fact you have given evidence in two previous trials,  
25 haven't you?

26 A. Yes.

27 Q. Because you gave evidence against Sam Hinga Norman, Moïni na  
28 Fofana and Allieu Kondewa, didn't you?

29 A. Yes.

1 Q. In fact that was the first occasion on which you gave  
2 evidence, wasn't it?

3 A. Yes.

4 Q. That being on 11 February 2005, do you recall that?

10:33:32 5 A. Yes.

6 Q. And then later that same year in June you gave evidence  
7 against Brima, Kamara and Kanu, yes?

8 A. Yes.

9 Q. Now in the first trial that you gave evidence you  
10 appreciated, didn't you, that you were giving evidence against  
11 individuals who had been linked with the CDF, the Kamajors? You  
12 knew that, didn't you?

13 A. The first testimony, yes, it was against the CDF and the  
14 Kamajors. The Kamajor fighters.

10:34:17 15 Q. And in the second proceedings that you gave evidence you  
16 appreciated, didn't you, that you were giving evidence against  
17 members of the AFRC?

18 A. Yes, the AFRC and the RUF.

19 Q. And tell me, in both those proceedings did you tell the  
10:34:37 20 truth?

21 A. Yes.

22 Q. Now when the war started in March 1991, where were you  
23 living?

24 A. I was in Tongo Field. That was where I grew up and there  
10:34:57 25 was where I was.

26 Q. And help us, for how long had you been living in Tongo  
27 Fields by March 1991?

28 A. Well, to my knowledge it's over 20 years.

29 Q. And during that period you had been involved in mining,

1 hadn't you?

2 A. Yes, that was the work I was doing.

3 Q. And in fact you employed about six people in that business,  
4 didn't you?

10:35:33 5 A. Yes.

6 Q. And did you work at a location called Cyborg Pit?

7 A. Yes.

8 Q. How long had you been working at Cyborg Pit?

9 A. I spent there some months, but I didn't record it. I  
10:35:58 10 cannot say it was specifically three months, or so many months or  
11 so, but I know I worked there for some months.

12 Q. Now mining at Cyborg Pit was always a dangerous business,  
13 wasn't it?

14 A. Yes.

10:36:16 15 Q. Because sometimes the sides of the pit would collapse and  
16 bury people and they would die, is that right?

17 A. That's true, yes.

18 Q. And even before the Kamajors and the CDF and the RUF  
19 arrived, mining at Cyborg Pit was very dangerous, wasn't it?

10:36:42 20 A. No, we were not mining there during the CDF Kamajor time.  
21 Civilians were not mining there and so I wouldn't say it was  
22 dangerous. No, not at all.

23 Q. Now, help me with this. You appreciate, don't you, that in  
24 March 1991 a war began in Sierra Leone?

10:37:18 25 A. Yes.

26 Q. When was the first time that you experienced fighting in  
27 Togo?

28 A. Well, we were first dislodged from Togo in 1994. That was  
29 the year that the fighting entered in Togo and we pulled out,



1 but after the soldiers captured the town we re-entered the town  
2 and the place was then safe.

3 Q. Who was it who brought fighting to Tongo in 1994?

4 A. Well, at that time it was the RUF rebels.

10:38:11 5 Q. And for how long did they remain in Tongo on that occasion?

6 A. Well I wouldn't know the exact period now, but I - it was  
7 about three to five months that I spent outside of Tongo.

8 THE INTERPRETER: Your Honours, can the witness repeat and  
9 speak slowly.

10:38:36 10 PRESIDING JUDGE: Yes, Mr Witness, you're speaking too fast  
11 for the interpreter. Could you please slow down your answers.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: You're going to have to repeat that  
14 answer, because the interpreter was not able to hear it all.

10:38:57 15 Could you perhaps ask the question again, Mr Griffiths?

16 MR GRIFFITHS: Yes, I will do:

17 Q. Who was it who brought fighting to Tongo in 1994?

18 A. Initially it was the RUF who came and attacked the SLA  
19 soldiers and the soldiers pulled out.

10:39:20 20 Q. And for how long were the RUF in occupation of Tongo in  
21 1994?

22 A. It took some period before we returned, we the civilians,  
23 to the ground.

24 Q. And help me, during that period when the RUF in 1994  
10:39:46 25 controlled Tongo was there any mining going on in Tongo?

26 A. Well I wasn't there, because we were in Kenema for over  
27 five months and so I cannot tell.

28 Q. Did you not have friends and family who remained in Tongo  
29 after you had fled in 1994?

1 A. No, 1994 all of the civilians pulled out and we came to  
2 Kenema from what I can recall.

3 Q. When you returned to Tongo after five months or so, did you  
4 see signs that the RUF had engaged in mining whilst you were  
10:40:43 5 away?

6 A. No. The time that I went there the only difference that I  
7 saw was that some of the houses that we left were burnt down, but  
8 for mining I cannot say anything about that.

9 Q. Now after about five months the RUF were driven out of  
10:41:10 10 Tongo in 1994, weren't they?

11 A. Yes, that was when we the civilians entered. We didn't see  
12 any rebels there any more. We only saw soldiers.

13 Q. Now the next time you saw armed individuals come to Tongo,  
14 was that the Kamajors, the CDF?

10:41:47 15 A. I don't understand this question.

16 Q. You've told us about the RUF coming in 1994, staying for  
17 about five months until they were driven out by the Sierra  
18 Leonean army. Is it right that the next time armed men came to  
19 Tongo it was the CDF?

10:42:15 20 A. When we returned we were there together with the SLA  
21 soldiers in the town.

22 Q. Did there come a time when the CDF came to Tongo?

23 A. Yes. When the RUF had pulled out it was the SLA who were  
24 in control together with the Kamajors, that is the CDF Kamajors.

10:42:52 25 Q. Now, when the CDF, the Kamajors, were there in 1994 they  
26 remained until 1997, didn't they?

27 A. Well, in '94 the Kamajors and the SLA soldiers were not  
28 working hand in hand. It was in '95 that the Kamajors and the  
29 SLA soldiers were working hand in hand in the town.

1 Q. Well, from 1995 the Kamajors remained until the coup - the  
2 AFRC coup in '97, didn't they?

3 A. Yes, the Kamajors were there, but the soldiers - before the  
4 coup the soldiers were dislodged, the SLA soldiers.

10:44:02 5 Q. Now whilst the Kamajors were in control of Tongo they were  
6 involved in mining, weren't they?

7 A. I got the information but I did not witness that myself.  
8 The CDF Kamajors, I did not see them mining.

9 Q. But during that time you were involved in mining, weren't  
10:44:30 10 you?

11 A. Yes.

12 Q. So that you would be able to help us as to whether or not  
13 the CDF were also involved in mining, wouldn't you?

14 A. Yes. I heard about this. Even that Cyborg Pit, people  
10:44:52 15 used to say that they were doing underground mining, but because  
16 they were not harassing civilians so I didn't have anything to do  
17 with them. I only had something to do with my own people that I  
18 was mining with, so that's why I didn't know anything.

19 Q. But tell me, didn't you have to send your own people to go  
10:45:18 20 and mine for the CDF?

21 A. Not at all.

22 JUDGE DOHERTY: Mr Griffiths, may I interrupt. I  
23 understood that the witness said, "They were not harassing  
24 civilians so I didn't have anything to do with them". I note the  
10:45:35 25 LiveNote record says they were harassing civilians.

26 MR GRIFFITHS:

27 Q. Were they harassing civilians or weren't they?

28 A. No, CDF Kamajors never harassed civilians for mining.

29 Q. They never did?

1 A. Not at all. They never did that to me, nor did I hear it  
2 from any other person.

3 Q. Did you never have to send your own workers to go and work  
4 for them for free?

10:46:15 5 A. Not at all. The CDFs, I never came across that. I never  
6 sent workers to them.

7 Q. Did they not come to you with guns and machetes and  
8 threaten you that you had to go and work for them?

9 A. The Kamajors, not at all. The CDF Kamajors, they never did  
10:46:45 10 that to me.

11 Q. Are you the witness who gave a statement to the Prosecution  
12 in October 2002?

13 A. Yes.

14 Q. And when you gave that statement to the Prosecution in  
10:47:05 15 October 2002 were you endeavouring to tell the truth?

16 A. Exactly. It was the truth that I told them.

17 Q. Because of course you're not the kind of person who would  
18 have wanted deliberately to lie to the Prosecution. You're not  
19 that kind of person, are you?

10:47:29 20 A. Yes, that's why I always speak the truth. What I hear and  
21 what I see is what I say.

22 Q. And you're still telling us, are you, that you never were  
23 forced to mine for the CDF?

24 A. Yes.

10:47:51 25 Q. You're still telling me that, are you?

26 A. Yes. They never forced me to mine, nor did they force my  
27 boys to do anything for them.

28 Q. Well, have a look at this, please. I'm only interested in  
29 the bottom of the page because there are details at the top of

1 the page which I don't want to be publicised. I'm only  
2 interested in the last nine or so lines on that page. Can we put  
3 it on the overhead but just the last nine or so lines, please?

10:48:53

4 JUDGE SEBUTINDE: Mr Griffiths, perhaps for the record you  
5 could state what the document is.

6 MR GRIFFITHS: The document is a record of an interview  
7 conducted with this witness by Corinne Dufka on 16 October 2002.

10:49:15

8 MS HOLLIS: Mr President, I rise only to suggest an  
9 abundance of caution that perhaps information which that not be  
10 revealed could simply be folded back so there will be no chance  
11 it would appear.

10:49:48

12 MR GRIFFITHS: I'm happy for that to happen. I wonder if  
13 we could fold the document like that so that the top details are  
14 obscured, please, and then put it on the overhead, please. So  
15 can we fold it back and just put the last nine lines on the  
16 overhead, please:

10:50:15

17 Q. Now, Mr Witness, I was very careful to ask you on more than  
18 one occasion whether or not you'd been forced to mine by the CDF.  
19 Let's count up nine lines from the bottom of that page and do you  
20 see it reads:

10:50:43

21 "From June 1997 the CDF took control of Cyborg and anyone  
22 mining had to mine under the control of the CDF. Sometimes they  
23 (CDF) would force civilians to mine for them. I had six people  
24 who mined for me and between June 1997 and August 1997 had to  
25 send them to mine for the CDF over ten times. Each time the CDF  
26 commander would come and tell me that day I had to send my people  
27 to mine for them. They would come with guns and machetes, so we  
28 had no choice. They only worked in the interests of their own  
29 power, they never paid us for anything for our work."

1 Now, are you the same person who told that to a white lady  
2 called Corinne Dufka back in October 2002?

3 A. Okay, I have seen the document. Even before I testified in  
4 the CDF case they took this document to me and I denied the  
10:51:49 5 content. I said I was talking about the RUF, the AFRC and the  
6 RUF. They were the ones who forced us, myself and my boys, to  
7 work for them. But the CDF Kamajors never issue any threat to my  
8 boys or myself to work for them, to do any government work for  
9 them. That was when - when this statement was read to me, at  
10:52:19 10 that time I had not even testified yet, I said I did not say so.  
11 So they underlined it. That was what I saw they did in my  
12 presence. So whenever I went for interviews they would present  
13 this document to me and I would deny the content. I told them  
14 that that was not what obtained. I said the CDF Kamajors never  
10:52:51 15 issued any threats to me. And even the testimony that I gave in  
16 the CDF case, they brought the same document to me and I said no,  
17 the CDF never did that to me. So if you yourself are bringing  
18 this same document again to me I have nothing to say but to say  
19 no, CDF never did that to me and my boys.

10:53:25 20 Q. But help me, please. As I understand it, this was the very  
21 first occasion you spoke to investigators, wasn't it?

22 A. No.

23 Q. No, no, the date of this document I've shown you is October  
24 2002, and we are led to believe it's a record of the first  
10:53:53 25 discussion with you of what you were able to tell. Don't you  
26 agree?

27 A. No.

28 Q. Do you not recall that the very first time you were asked  
29 to recall what had happened in Togo, it was a white female who

1 spoke to you?

2 A. Yes.

3 Q. Do you recall that her name was Corinne?

10:54:36

4 A. The woman, I don't recall her name because you know the way  
5 they pronounce their names, I cannot recall it.

6 Q. It's often difficult, but she was a white female, wasn't  
7 she?

8 A. Yes, yes.

10:54:52

9 Q. And would you agree with me that when you spoke to her that  
10 was the first person from the Special Court you had spoken to  
11 about what you had seen in Tongo?

12 A. Yes.

13 Q. And, according to what we know, that was in October 2002,  
14 so we're talking about seven years ago, aren't we?

10:55:20

15 A. Yes, because she was the one who recorded, because the time  
16 she was talking to me when we initially met, whatever I said she  
17 was recording it. I did not record anything. But what I told  
18 her, when they went back to me and read the statement to me, the  
19 things that I said I told them and those that I did not say and I  
20 suspected a mistake I told them because I told them I wouldn't  
21 want to go to the Court and tell lies. Things that I knew were  
22 correct were the ones that I told them I said. So when they  
23 brought this statement to me, those that I knew were not correct  
24 I told them no, this one is a mistake, and I told them the right  
25 things.

10:56:08

26 Q. When she was speaking to you she was recording what you  
27 told her, wasn't she?

28 A. Yes, because she was writing. To me when she was writing  
29 that is recording, even though the conversation that we had there

1 was no interpreter and so maybe we weren't getting each other  
2 clearly.

3 Q. But you do appreciate that what she has written down here  
4 totally contradicts what you told me, what, ten minutes or so  
10:56:49 5 ago, doesn't it?

6 A. Yes, what is written here I have denied this content. It  
7 is not only today that I have done so, even before my testimony.  
8 I don't want to tell lies because CDF was taken to the Court, or  
9 this. No, I don't want to tell lies. I want to be honest.

10:57:15 10 MS HOWARTH: I do hesitate to interrupt my learned friend,  
11 but this precise point was in fact dealt with in the AFRC trial  
12 as the witness has indicated and that's at pages 14963 of the  
13 transcript and in that case this same point --

14 MR GRIFFITHS: I'm wondering, Mr President, whether this is  
10:57:37 15 an objection, or whether this is an effort to assist the witness  
16 with his answer. Which is it?

17 MS HOWARTH: It is an objection.

18 MR GRIFFITHS: Well, could we know the nature of the  
19 objection then please.

10:57:51 20 MS HOWARTH: Perhaps if my learned friend didn't interrupt  
21 me while I was trying to make my objection then I would be able  
22 to articulate it. I'm objecting because my concern is that the  
23 Court is - it's the same concern as articulated by the Prosecutor  
24 in the AFRC trial and that's my concern that the Court may be  
10:58:08 25 misled, because if it's been --

26 PRESIDING JUDGE: Well just before you go ahead,  
27 Ms Howarth, I'd like to know what your objection is on the  
28 grounds of admissibility of that question. I wouldn't want you  
29 to offer an explanation that the witness can then adopt for



1 himself.

2 MS HOWARTH: My intention is not to go any further than the  
3 witness himself has indeed gone, but it's been put to the witness  
4 that in one statement a statement was made that the CDF forced  
10:58:45 5 civilians to mine. In the later statement, as the witness has  
6 alluded to and as he alluded in the page I referred to in the  
7 AFRC trial - in fact two later statements - he did indeed make  
8 those corrections. So in order that the Court not be misled, I  
9 think it's appropriate that if my learned friend is going to put  
10:59:06 10 the first matter then he ought also to put the later corrections  
11 to the witness as well. As I have said, that is a matter that  
12 has been raised previously and that is in the AFRC transcript at  
13 14963. So I'll leave my objection to that.

14 PRESIDING JUDGE: Thank you. Yes, Mr Griffiths.

10:59:31 15 MR GRIFFITHS: Well had I not been interrupted I would in  
16 due course have gone on to deal with the additional statement,  
17 but I don't think it precludes me from making the point:

18 Q. Mr Witness, this was the first occasion you'd spoken to the  
19 investigators, wasn't it?

10:59:56 20 A. On this paper?

21 Q. Yes.

22 A. Yes, the first time that I spoke to them when this  
23 statement was read to me I denied it.

24 Q. No, no, the very first time - the very first account you  
11:00:08 25 gave to investigators was this one, wasn't it?

26 A. No.

27 Q. Well, according to what we're being told it is and the  
28 point is this. Wouldn't you agree that the year 2002 would be  
29 much closer in time to what you saw than the year 2003, or indeed

1 the year 2009? You'd agree, wouldn't you?

2 A. I agree, but this statement I don't accept it. The  
3 Kamajors killed people in my presence, so if they had forced me  
4 to do mining for them why wouldn't I say it? That's why I'm  
11:01:05 5 saying it could be - the mistake could be the writer's, but to my  
6 opinion I don't know anything about that. I wouldn't say that  
7 the Kamajors forced me to mine. I would not say that. I saw  
8 them kill and I said that, so why wouldn't I say this if they had  
9 forced me to mine? I'm not here to tell lies. I did not make  
11:01:32 10 that statement.

11 Q. Wouldn't you agree that most people's memories tend to fade  
12 with time so that the closer to the event you give an account  
13 it's more likely to be true, isn't it?

14 A. Yes. If the one that was not the truth, maybe it was a  
11:02:03 15 mistake, I would deny it. That's why whatever I heard I will say  
16 that I heard this. The one that I witnessed myself I will say  
17 that I witnessed it, because I have taken an oath.

18 Q. I know you have. That's why I'm asking you these  
19 questions. So help us, please. Can you explain to us how it was  
11:02:28 20 that you, who had never been forced to mine by the CDF - how it  
21 is that somebody you were speaking to happened to write down the  
22 complete opposite? Can you help us as to how that happened?

23 A. Well, I don't have much idea. I know that if I'm talking  
24 and you are writing, if you read back to me what I had spoken,  
11:03:09 25 the things that I had said, if I saw it I would say, "Oh, yes,  
26 this what I said", but if I saw something that I did not say I  
27 would say, "No, I did not say this". I would deny that  
28 statement. That's why this statement, today is not the first  
29 time I am denying the contents. Even before my first testimony

1 in both trials, the RUF and the CDF, there were some documents  
2 that I had denied the contents, that I did not say so, and even  
3 when I was testifying in the CDF case when they brought this  
4 statement back to me I denied the content.

11:04:04 5 Q. So do I understand that what happened was this. When you  
6 sat down with that white lady she asked you if you'd been forced  
7 to mine by the CDF and you said "No" and she wrote down the  
8 complete opposite? Is that what happened?

9 A. Yes, because she asked me and I said that the AFRC and the  
11:04:37 10 RUF were the ones who forced me to mine. I don't know whether  
11 there was - the place she made the mistake. When I said that  
12 some people forced me to mine, that was not the CDF. It was the  
13 AFRC and the RUF. They were the ones who forced me and other  
14 people together with my workers to work. So maybe I don't know  
11:05:11 15 if it was from that statement that she made the mistake, but I  
16 know that it was the AFRC and the RUF. Even as I speak people  
17 are hearing me and they know that those are the ones who forced  
18 people to mine. The CDF never forced people to mine, not at all.  
19 I saw them kill, but I never saw them force people to mine.

11:05:31 20 Q. But you do see that the second line from the bottom reads,  
21 "When the RUF/AFRC came they had the same system"? Do you see  
22 that?

23 A. I see it clearly.

24 Q. Can you explain why it says that?

11:05:59 25 A. Well, I cannot explain and the only thing I have to say to  
26 this is that I had heard this statement before and I denied it  
27 and that's the only thing I'm still going to say. I don't know  
28 about this. It was only the AFRC and the RUF who forced me to  
29 mine.

1 Q. Tell me then, were the CDF mining at all?

2 A. I did not witness it, but I told you that I heard it. I  
3 got the information that they were doing underground mining. And  
4 I even said that in my statement, that the Cyborg Pit they were  
11:06:50 5 mining underground, but it was not exposed and they never forced  
6 anybody. It was only done from amongst themselves. It is in my  
7 statements. When the AFRC and the RUF entered it was they who  
8 made it open and that was why we, the civilians, started mining  
9 there. That's what I said in my statement and that's what I'm  
11:07:23 10 still saying. But this one is not in my statement. They asked  
11 me and I said "No". I denied it.

12 Q. Who started mining at Cyborg Pit?

13 A. The CDF, but it was undercover. At times it was at  
14 midnight that they did it, so in the morning you wouldn't see  
11:07:49 15 anybody. I would not fear to say that. In the morning when you  
16 pass there you will see - because it's an open place. You will  
17 see that people had worked there overnight, but you wouldn't see  
18 anybody in the morning.

19 Q. Now, in 2003 do you recall you were seen again and  
11:08:11 20 interviewed?

21 A. Yes, because I used to see some teams going there to  
22 interview me once in a while, but I did not recall the times that  
23 they went there, but they know.

24 MR GRIFFITHS: Can I have that sheet back, please. Can we  
11:09:08 25 put this sheet up on the screen, please.

26 JUDGE SEBUTINDE: Perhaps for the record you could state  
27 what this document is.

28 MR GRIFFITHS: This document is a further interview  
29 conducted with the witness on 7 May 2003:

1 Q. Now do you see, Mr Witness, that in 2003 you did say:  
2 "According to the witness it was the CDF who started mining  
3 at the Cyborg site. They did not force anyone to mine for them"?  
4 Do you see that? Do you see that?

11:10:08 5 A. The CDFs, yes.

6 Q. Now, what I want you to help us with is this. Can you help  
7 us how it was that your account managed to change so dramatically  
8 in the space of less than a year?

9 A. I did not change my story. What they wrote, if that was  
11:10:47 10 not what I told them, I would have to change it. But I did not  
11 say so. But if you write what I did not say, then I will tell  
12 you that I did not say so. Like here, for example, I have seen  
13 the CDF started mining at the Cyborg Pit site, but they never  
14 forced anybody to mine for them. So that was clearly indicated  
11:11:19 15 that my answer is 50 per cent correct. They said they were  
16 mining for themselves and exactly what is written here is what I  
17 said. That's what I will give account of. I think we've gone  
18 through that now.

19 Q. Could I have that back, please. Now, where were you on 25  
11:12:12 20 May 1997?

21 A. I was in Tongo Field.

22 Q. What's the importance of that date?

23 A. Well, on that day I was at a working site called Opin Yay.

24 THE INTERPRETER: Your Honours, can the witness repeat.

11:12:54 25 PRESIDING JUDGE: Mr Interpreter, what did you want the  
26 witness to repeat? His whole answer or a certain portion?

27 THE INTERPRETER: All answer. He said that he got an  
28 important - whether it was message or something, that was the --

29 PRESIDING JUDGE: Mr Witness, counsel asked you this

1 question, "What's the importance of that date?" Could you please  
2 repeat your answer.

3 THE WITNESS: Well, the importance of that day is what I am  
4 talking about now. I got important information from a Mr Gborie  
11:13:27 5 from Freetown while I was at my working site, so that made me to  
6 be anxious. That was what I got on the 25th. They said they had  
7 overthrown the government of Alhaji Ahmad Tejan Kabbah. 25th, I  
8 was at my site, Opin Yay. The working site is called Opin Yay,  
9 together with my six boys.

11:14:02 10 JUDGE SEBUTINDE: Could we have a spelling of that  
11 location. From what the interpreter says, it's not very clear  
12 what - Mr Interpreter, what did you say again?

13 THE INTERPRETER: Opin Yay.

14 MR GRIFFITHS:

11:14:12 15 Q. Is that Open Eye?

16 A. Yes.

17 Q. Thank you.

18 A. Yes.

19 THE INTERPRETER: Your Honour, the interpreter would like  
11:14:25 20 to make a comment. The interpretation is actually Open Eye, but  
21 then it's the name of the place, so that's why the interpreter  
22 did not interpret it. It's the name of a place.

23 MR GRIFFITHS:

24 Q. Now, it took some months after you heard about the coup  
11:14:49 25 before you saw the AFRC soldiers and the RUF soldiers come to  
26 Tongo. That's true, isn't it?

27 A. Yes. It took some months and I wouldn't even know if it  
28 was five or six months, but it took some long period.

29 Q. And when they arrived in Tongo was there any fighting

1 between them and the CDF?

2 A. Not at all. There was no fighting in town. I heard  
3 gunshots, gun sounds between - around the Mano Junction area, but  
4 when they got to the town I did not see anybody fighting because  
11:15:39 5 when the - when people are firing against each other then you  
6 will say I have witnessed fighting, but when they came to town I  
7 did not witness any fighting.

8 Q. Now, when they arrived there was initially some looting,  
9 wasn't there?

11:16:04 10 A. Yes. When they entered we received them well. For our own  
11 safety, we the civilians, we told them safe, safe, safe for them  
12 to be happy. But after some time I witnessed looting.

13 Q. And then Sam Bockarie arrived and put a stop to that  
14 looting, didn't he?

11:16:33 15 A. He did it, but it took some time, because the looting  
16 continued for three days, day and night, until he convened a  
17 meeting.

18 Q. But he put a stop to it, didn't he?

19 A. He minimised it because he - you know, when a boss says  
11:16:59 20 something, when he's around his men will not do it, but when he's  
21 not around they will do it undercover. That was what went on.

22 Q. But when he arrived he gathered the civilians together and  
23 told the civilians that he was going to put a stop to it, didn't  
24 he?

11:17:18 25 A. It was not on the day that they captured Tongo. It took up  
26 to three days before he invited a meeting for us the civilians.

27 Q. Now, when the AFRC/RUF arrived they had a system whereby  
28 you had to work two days of the week for them, didn't they?

29 A. Yes.

1 Q. The remainder of the week you would work for yourselves?

2 A. We were working for ourselves, but there was a condition  
3 attached to it. But at that time, you know, we had to live with  
4 the situation.

11:18:21 5 Q. Now the RUF/SLA arrived in about August. Then in January  
6 1998 they were driven out of Tongo, weren't they, by the CDF?

7 A. Yes. The CDF dislodged the AFRC and RUF.

8 Q. And that was in January 1998, wasn't it?

9 A. Yes, because you know when I - talking of these things, we  
11:19:07 10 did not record them, so we just talk about the years. Because  
11 whatever I did not get very clearly - you know, not that I don't  
12 tell lies but I don't tell many lies.

13 Q. I don't want you to tell any at all. In any event, in  
14 January 1998, when the CDF pushed the RUF out of Tongo they

11:19:28 15 massacred a lot of civilians, didn't they?

16 A. Exactly. The corpses that I saw I cannot recall the number  
17 because there were too many people that died.

18 Q. And the RUF/AFRC hadn't massacred civilians like that, had  
19 they?

11:20:03 20 A. Well, I wouldn't deny that because the reason is, at that  
21 Cyborg Pit the amount of people who have been put in there when  
22 those were shot and put into that pit, at that time the CDF was  
23 not there; it was the AFRC and the RUF. All throughout the time  
24 that we were working there, the amount of people who were killed  
11:20:36 25 and put into that pit, those that I saw, if those people were  
26 calculated that is a great number, from what I saw. That's why I  
27 said I wouldn't deny it.

28 Q. But when the CDF came you remember they lined up 20 men and  
29 four women who were Limba, Temne and Lokos and killed them in



1 cold blood, didn't they?

2 A. Yes, the women, it was not - the four women that I am sure  
3 of, it is not because they were Loko or Limba. They were killed  
4 because they were wives of soldiers. The 20 soldiers whom I saw,  
11:21:27 5 it was because they were SLA soldiers and, you know, there had  
6 been a conflict between those people so - and those that I saw -  
7 and there was one person I even knew. He was called Mr Cobra, he  
8 was a soldier. But the others, they said they were soldiers as  
9 well. And the women they said were their wives. That was the

11:21:54 10 reason the four women were killed. It was not because they were  
11 Limba or Loko, no, it was because they were married to soldiers.

12 Q. They were hacked to death in cold blood by the CDF, weren't  
13 they?

14 A. Exactly. They were hacked with machetes. I did not see  
11:22:11 15 them fire a gun. I saw machetes.

16 Q. Were you happy to see the CDF come back?

17 A. Sorry, you know, I got the question clearly but you know  
18 what happened on that day, if you ask me if I was happy I  
19 wouldn't feel good because I know what happened, I know the  
11:22:41 20 number of people that died on that day. If I recall it, you  
21 know, I will feel so bad. That's why, you know, the question -  
22 you know, the question brings bad memories to me.

23 Q. Because they killed almost a hundred people that day,  
24 didn't they, the CDF?

11:23:09 25 A. That was what I said, but I even think that it is more than  
26 that because the town was really populated. The town is more  
27 than two or three miles long. You wouldn't walk even up to two  
28 yards without seeing a corpse. But I don't know the exact number  
29 of people that died on that day, that's why I just said it could

1 be more than that.

2 Q. That was a terrible day, wasn't it, Mr Witness?

3 A. Exactly. You know, when you ask me the question I feel  
4 really bad, but there is no way I can do, I have to answer the  
11:24:28 5 question.

6 Q. And the RUF/AFRC hadn't done anything like that throughout  
7 Tongo whilst they were there, had they?

8 A. Well, I wouldn't say they did not do a thing like that  
9 because even when the two people - when the two factions met they  
11:24:55 10 would always kill and if they met I wouldn't see corpses and say  
11 it was the CDF or it was the AFRC who had killed the people. I  
12 would just say when the two forces - when the two forces  
13 encountered each other there would always be more than 100 or 200  
14 corpses and I wouldn't say this was responsible or the other  
11:25:20 15 faction was responsible. And even when the CDF pulled out when  
16 we stayed with the AFRC and the RUF I witnessed a lot of  
17 destruction.

18 Q. Did you see any child soldiers amongst the CDF?

19 A. Yes.

11:25:41 20 Q. Were there lots of them?

21 A. Well, the one I recognised who used to go to my house was  
22 called Junior.

23 Q. And he was with the CDF, was he?

24 A. No, he was AFRC, because I used to see him wear civilian  
11:26:09 25 clothes, at times combat clothes. Because they were together,  
26 the RUF from the bush and the military who were with us in the  
27 town, so the only way we could tell the difference was if you had  
28 been in the town before and you had known the soldiers before  
29 then you would know that this person is not a soldier, he must

1 have come from the bush, he must be a rebel. That's how we knew.

2 Q. Was Junior the only child soldier that you saw?

3 A. Yes. Even though there were some others, but he was the  
4 one that was close to me. He lived in the same area as I did. I  
11:26:57 5 saw some others passing around, but Junior was living around my  
6 area.

7 Q. When the RUF came to Tongo did they burn people's houses?

8 A. Yes. From that 1994 they burnt many houses.

9 Q. When they came in 1997 did they burn any houses?

11:27:30 10 A. Yes.

11 Q. And did you see that yourself?

12 A. Clearly. I saw that with my own eyes. Even though  
13 whenever they wanted to burn a house they would say this house  
14 belongs to a Kamajor, so maybe they wanted to just give a reason  
11:27:57 15 to burn that house. That was what they would always say before  
16 they would burn a house.

17 PRESIDING JUDGE: I'm thinking that might be an appropriate  
18 time, Mr Griffiths.

19 MR GRIFFITHS: Very well.

11:28:13 20 PRESIDING JUDGE: Mr Witness, we're going to take half an  
21 hour's break now and we will come back at 12 o'clock, but you  
22 just sit there and the screens will be lowered and you will be  
23 helped out of the Court. We will adjourn until 12 o'clock.

24 [Break taken at 11.30 a.m.]

11:53:22 25 [Upon resuming at 12.00 p.m.]

26 PRESIDING JUDGE: Ms Howarth.

27 MS HOWARTH: Your Honour, there is a change of appearance  
28 for the Prosecution. We are joined by Mr Nicholas Koumjian and  
29 joined for the first time by Camielle Green who is our intern and

1 for the record her name is spelt C-A-M-I-E-L-L-E and Green as in  
2 the colour.

3 PRESIDING JUDGE: Thank you, Ms Howarth. Welcome to the  
4 Court, Ms Green. Mr Griffiths.

12:02:42 5 MR GRIFFITHS:

6 Q. Just before we broke off I was asking you about the burning  
7 of houses in Tongo in 1997. Do you remember that?

8 A. Yes, sir.

9 Q. Now, just so that I get the sequence right, when the  
10 AFRC/RUF arrived in Tongo there was three days of trouble, was  
11 there?

12 A. Yes.

13 Q. And then after that things quietened down, didn't they?

14 A. Well, it was minimised. It lessened a little. It was not  
15 that --

16 PRESIDING JUDGE: Mr Interpreter, are you there?

17 THE INTERPRETER: Yes, your Honours.

18 PRESIDING JUDGE: No, we are not getting any  
19 interpretation.

12:04:08 20 THE INTERPRETER: Yes, your Honours, I think we might have  
21 touched the wrong button. Can you get me now?

22 PRESIDING JUDGE: Yes, we are hearing you now.

23 THE INTERPRETER: Okay.

24 MR GRIFFITHS:

12:04:18 25 Q. Now, during those first three days, are you saying during  
26 that time they were burning houses in Tongo?

27 A. No, I did not say that. I said they burnt houses, but it  
28 was not continuous. On that particular day they asked me  
29 whether, when they came in I saw people burning houses, I said

1 yes, but it was not continuously three days. When they came, if  
2 they wanted to burn down a house, they would always say that,  
3 "This is a Kamajor house, it is a CDF house" and they would burn  
4 that house down. That was what I saw with my eyes, but it was  
12:04:59 5 not the same day that they entered.

6 Q. So was it the second day?

7 A. It was at the time they had entered in.

8 Q. I don't want to take too much time over this so it might be  
9 quicker if I just showed you. It's a copy of an interview  
12:05:41 10 conducted with you on 26 November 2004. All I am interested in -  
11 and we can deal with this quite swiftly - is the third page of  
12 that document?

13 PRESIDING JUDGE: Is there anything that would identify the  
14 witness?

12:06:18 15 MR GRIFFITHS: Not on that page. Not on the third page:

16 Q. Now, let's just see what it says on this page, paragraph  
17 19:

18 "Looting: I saw the looting with my own eyes during these  
19 three days. I was a victim myself.

12:06:49 20 Burning: No burning took place during these three days."

21 Is that right?

22 A. Yes. I said the day they entered they did not do burning.  
23 The day they entered I did not see killing take place. Even in  
24 my statement that was what I said, but burning took place. That  
12:07:12 25 was why I said that at any time they wanted to do that they will  
26 say that, "This is a Kamajor house" and then they will burn that  
27 house down. That was what I saw.

28 Q. Where it says in this record of interview, "No burning took  
29 place during these three days", is that true or false?

1 A. Yes.

2 Q. Well --

3 PRESIDING JUDGE: Well, what does that answer mean,  
4 Mr Witness?

12:07:47 5 THE WITNESS: During the three days, I mean the day they  
6 entered no burning took place. I did not see burning taking  
7 place, it was looting that went on. But whilst they were inside  
8 already burning took place but it was not within the three days.  
9 That was why I said yes. It was not within that three days.

12:08:06 10 MR GRIFFITHS:

11 Q. Then on the same page, "Killings: I saw three dead  
12 bodies." Is that right?

13 A. Yes.

14 Q. Under "Sexual violence: I heard that people were raped, so  
12:08:26 15 in the night I would stay with my two wives." Did you yourself  
16 see anyone being raped?

17 A. Not at all. They entered my room, they took my property  
18 outside, my foam - my wives were there, my mattress, they took  
19 that one outside, my wives were there, but I did not see. I  
12:08:55 20 heard it.

21 Q. And it is right that you saw no amputations?

22 A. Not at all. I have never given such a statement to say  
23 that I saw them amputating people. Not at all.

24 Q. In fact on the next page of that record of interview you  
12:09:17 25 say precisely that at the top of the page, "I saw no amputations"  
26 and that is the truth, isn't it? That is the truth, isn't it?

27 A. I said I did not see anyone do that kind of thing in my  
28 presence.

29 MR GRIFFITHS: That is all I ask, Mr President, thank you.

1 PRESIDING JUDGE: Yes, thank you, Mr Griffiths. Any  
2 re-examination, Ms Howarth?

3 MS HOWARTH: There are a few matters in re-examination.

4 RE-EXAMINATION BY MS HOWARTH:

12:09:50 5 Q. First of all, it is at my page 29 of the transcript.  
6 Mr Witness, you were asked about mining at Cyborg Pit and at my  
7 page 29, I have it at lines 14 and 17, you say, "No, we were not  
8 mining there during the CDF Kamajor time. Civilians were not  
9 mining there."

12:10:27 10 A. Not at all. No civilians worked under the CDF. I did say  
11 it was only the AFRC and the RUF who did that government work.  
12 Normally we did two days' work for them and they would allow us  
13 work for ourselves for two days. That was how it happened, but  
14 in the case of the Kamajors, I did not work for them.

12:10:54 15 Q. Mr Witness, if I could just ask you to wait for the  
16 question and the question is: When did civilians mine at Cyborg  
17 Pit?

18 A. Since the time the AFRC and the RUF entered Togo; that was  
19 immediately after the Ahmad Tejan Kabbah's government had been  
12:11:20 20 overthrown. That was the time they went and captured Togo.  
21 They flushed the CDF out of there and that was the time they  
22 started their mining and it was throughout that period.

23 Q. And the next reference is page 30, and around that point  
24 you are asked about the time that the RUF came to Togo in 1994,  
12:11:44 25 and at my page 31, I have lines 4 and 5, you were asked:

26 "Q. Did you not have friends and family who remained in  
27 Togo after you fled in 1994?

28 A. No, 1994, all of the civilians pulled out and we came  
29 to Kenema from what I recall."

1           Why did all the civilians pull out and go to Kenema in  
2 1994?

3 A.     It was because the rebels came and attacked us, the  
4 civilians, in Tongo. That was the reason why all of us, the  
12:12:32 5 civilians, we pulled out of Tongo and we went. We were in Tongo,  
6 but it was as a result of that attack that we all left, and I did  
7 say that we pulled out for some months, so by then the soldiers  
8 and the RUF fought against one another and later we, the  
9 civilians, were recalled to return.

12:12:56 10 Q.     The next reference is around page 40. It is at that point  
11 that my learned friend refers to the additional statement with  
12 which he later deals and that statement that you were referred to  
13 was one dated 7 May 2003. Do you recall that?

14 A.     Yes.

12:13:22 15 Q.     Mr Witness, do you also recall being interviewed in about  
16 January 2005?

17 A.     Yes.

18 Q.     Now, Mr Witness, I am going to ask that the first page of  
19 an interview dated 31 January 2005 be passed to you, and I am  
12:13:40 20 going to fold down the top part to protect the identity of the  
21 witness. Mr Witness, can you see that statement in front of you?

22 A.     Yes.

23 Q.     At the top it says, "The witness made the following  
24 alterations". Do you read that?

12:14:43 25 A.     Yes.

26 Q.     And then I am just going to refer you to one sentence and  
27 that is about three lines down and it says, "The witness sent  
28 people to work for the RUF/SLA and not the CDF as recorded in his  
29 statement". Mr Witness, do you recall saying that in January



1 2005?

2 A. Yes, and that was something I denied. I said it was the  
3 SLA and the RUF who threatened me, me and my people, to go and  
4 work for them, to do government work for them, but the CDF  
12:15:27 5 Kamajors I denied. I denied since the time I had not testified.

6 MS HOWARTH: I would be grateful if the statement could be  
7 removed from the witness now, thank you:

8 Q. So the final reference is page 40, my page 47, line 11:  
9 And if you will just listen to this part of today's testimony,  
12:15:53 10 Mr Witness, line 11, the question is:

11 "Q. Now, when the AFRC/RUF arrived they had a system  
12 whereby you had to work two days of the week for them,  
13 didn't they?

14 A. Yes.

12:16:06 15 Q. The remainder of the week you would work for  
16 yourselves?

17 A. We were working for ourselves, but there was a  
18 condition attached to it, but at that time, you know, we  
19 had to live with the situation."

12:16:18 20 When you said there was a condition attached to it, what  
21 did you mean?

22 A. Thank you, Madam. A condition was that we had pressure on  
23 us because whilst we were working the combatants, the RUF and the  
24 AFRC, would go with their guns to the site. For instance, if  
12:16:45 25 they said we were doing the government job on a particular day  
26 those of them who were in the swamp at other times we would also  
27 work for them. Those of them who were working their own swamp,  
28 they will move from their own area and come and disturb us. They  
29 will ask us to pile the gravels for them. We will pile for them

1 and pile for ourselves, because at that time we had no option but  
2 to do it. We will not refuse to do it. If we refused to do it  
3 it will be a problem for us, so they would always say it is  
4 government work, and when we did it we had nothing else to rely  
12:17:27 5 on, and when we get anything from there we will hand it over to  
6 them, and whilst we were doing the job our men will go and wash  
7 their gravels for them and after doing it for them they will  
8 move, they will go. So that was the reason why I brought that  
9 point up.

12:17:46 10 Q. And finally, this same reference, you said, "We had to live  
11 with the situation." What did you mean by that?

12 A. Well, what I meant by saying that we will live with that  
13 situation was that the situation on the ground was what I was  
14 referring to because by then, even if we decided to go to

12:18:08 15 Freetown or to Kenema, those same people were in charge of the  
16 government and that was our own place where we could manage our  
17 lives with our children and our wives, so for us to get our  
18 living, so for that reason, whatsoever situation came our way we  
19 will have to live by it and we paid to them and then we get our  
12:18:30 20 own living. So that was the reason why.

21 MS HOWARTH: I don't have any further questions. I don't  
22 know if there are any questions from your Honour?

23 PRESIDING JUDGE: Thank you, Ms Howarth. No, there are no  
24 questions from the Bench. Yes, Ms Howarth?

12:18:48 25 MS HOWARTH: I just ask that the transcript be moved into  
26 evidence.

27 PRESIDING JUDGE: Thank you. Is there any objection to  
28 that, Mr Griffiths?

29 MR GRIFFITHS: None whatsoever.

1           PRESIDING JUDGE: Thank you. That transcript identified as  
2 MFI-39, to be more specific, it is a transcript from the case of  
3 the Prosecutor against Alex Tamba Brima and others, dated 27 June  
4 2005, pages 14908 to 14984, will be admitted into evidence as  
12:19:30 5 Prosecution exhibit 278.

6                                           [Exhibit P-278 admitted]

7           Yes. Well, Madam Court Attendant, if you could get the  
8 blinds lowered the witness will be able to leave the courtroom.  
9 Mr Witness, that completes your evidence. Thank you for coming  
12:20:37 10 to court and you may now leave the Court. It is safe to do so.  
11 All the blinds are down. You will now be escorted from the  
12 Court. Thank you once again.

13           THE WITNESS: Okay, thank you.

14           PRESIDING JUDGE: Are you taking the next witness,  
12:21:55 15 Ms Howarth?

16           MS HOWARTH: It is Mr Koumjian who has carriage of the next  
17 witness.

18           PRESIDING JUDGE: Mr Koumjian, yes.

19           MR KOUMJIAN: Your Honour, may I address you from the back  
12:22:06 20 row momentarily?

21           PRESIDING JUDGE: Certainly, yes.

22           MR KOUMJIAN: The next witness is a witness who has been  
23 granted closed session. I wish to address the Court about a  
24 possible change in those protective measures. This is witness  
12:22:20 25 TF1-174. We have had discussions with the witness about whether  
26 he would be willing to give at least a good part of his evidence  
27 in open session and he is agreeable, provided certain protective  
28 measures are granted. That would be pseudonym, screening, voice  
29 distortion.

1 Also this is a witness who worked with children and others  
2 and he would like, for the safety of those individuals and  
3 privacy, that if those names need to be given that he be able to  
4 give those other in private session or writing on a confidential  
12:23:04 5 document.

6 There is one other matter I would like to mention, but I  
7 have to do that in private session very briefly.

8 PRESIDING JUDGE: I see. Thank you, Mr Koumjian. The  
9 existing protective measures, what were the circumstances of  
12:23:22 10 those being granted?

11 MR KOUMJIAN: May I address that in the private session?  
12 That's part of what I have to address in private session, but I  
13 have a decision to hand up to your Honours.

14 PRESIDING JUDGE: I see. If we could have that decision,  
12:23:37 15 please.

16 MR KOUMJIAN: Your Honours, just so I'm clear, the  
17 circumstances of the granting of that order are part of what I  
18 need to address in private session in order to protect the  
19 identity of this witness.

12:24:18 20 PRESIDING JUDGE: I see I have been given four extra copies  
21 of that order. Is that for the Defence?

22 MR KOUMJIAN: Yes. Well, actually one was for me, but I  
23 think I can live without it.

24 JUDGE SEBUTINDE: Madam Court Officer, are you processing  
12:24:43 25 the private session requested by counsel?

26 MS IRURA: Your Honour, I was waiting for the Presiding  
27 Judge to indicate.

28 PRESIDING JUDGE: No, we are in public session. That's  
29 understood, isn't it, Mr Koumjian?

1 MR KOU MJIAN: Yes.

2 PRESIDING JUDGE: Yes.

3 MR KOU MJIAN: But I am requesting a private session to  
4 address this issue.

12:25:03 5 PRESIDING JUDGE: On the issue of protective measures?

6 MR KOU MJIAN: Yes, very briefly.

7 PRESIDING JUDGE: Yes, I will just read the order that has  
8 been made. Without going into details, I take it that that order  
9 made by Trial Chamber I has not yet been altered or changed in

12:25:47 10 any way?

11 MR KOU MJIAN: Correct.

12 PRESIDING JUDGE: Well, I think this would be an  
13 appropriate time to go into private session. Is that correct?

14 MR KOU MJIAN: Yes, very briefly.

12:25:58 15 PRESIDING JUDGE: To members of the public, we are briefly  
16 going into private session. What that will mean is that you will  
17 still be able to see the proceedings, but you won't be able to  
18 hear them. That precaution is being taken because some arguments  
19 will be put to the Court that may disclose the identity of the  
12:26:19 20 witness which could prove prejudicial to his security. So for a  
21 brief time we will now go into private session.

22

23 [At this point in the proceedings, a portion of  
24 the transcript, pages 23648 to 23649, was  
25 extracted and sealed under separate cover, as  
26 the proceeding was heard in private session.]

27

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29

1 [Open session]

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

3 PRESIDING JUDGE: This witness that is about to be called  
4 will be giving evidence in open court with some protective  
12:32:35 5 measures. He will be using a pseudonym, he will be screened from  
6 the public, his voice will be distorted and private sessions will  
7 be declared if and when necessary. These measures are required  
8 to protect the witness's identity and his security.

9 Now, Madam Court Manager, I just wanted to ask you about  
12:33:14 10 that voice distortion. Does that take some time to put in place?

11 MS IRURA: Your Honour, the AV booth would require 30  
12 minutes to set up voice distortion.

13 PRESIDING JUDGE: All right. Well, I don't see any way  
14 around that. We are going to have to adjourn the Court. We will  
12:33:37 15 adjourn until 1 p.m. and see whether the measures have been put  
16 in place by then.

17 [Break taken at 12.35 p.m.]

18 [Upon resuming at 1.00 p.m.]

19 THE INTERPRETER: Your Honours, the language the witness  
12:59:00 20 will be testifying in has not been made mention of.

21 WITNESS: TF1-174 [Sworn]

22 MR GRIFFITHS: There was a question from the interpreters  
23 as to the language.

24 MR KOUMJIAN: Your Honours --

12:59:36 25 PRESIDING JUDGE: Yes. Well, what language is this witness  
26 going to speak?

27 MR KOUMJIAN: Your Honour, the witness will testify in  
28 English and I would just note for the record a change of  
29 appearance in that Ms Howarth has left the Prosecution side. May

1 I proceed, your Honours, with the examination?

2 Your Honours, I would like to take the personal information  
3 from this witness in a private session. I believe that will take  
4 15 or 20 minutes.

13:00:32 5 PRESIDING JUDGE: Yes. No problem with that, is there,  
6 Mr Griffiths?

7 MR GRIFFITHS: No difficulty at all.

8 PRESIDING JUDGE: Well, members of the public, we are going  
9 to go briefly into a private session to take some personal  
10 details from this witness that may tend to identify him and thus  
11 prejudice his security.

12 What that means is that the public can see the proceedings  
13 while the private session is in force, but they won't be able to  
14 hear what is going on. This is anticipated to last about 20  
13:01:07 15 minutes. Madam Court Manager, could you put the Court into  
16 private session, please.

17

18 [At this point in the proceedings, a portion of  
19 the transcript, pages 23652 to 23661, was  
20 extracted and sealed under separate cover, as  
21 the proceeding was heard in private session.]

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1 [Open session]

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

3 PRESIDING JUDGE: Thank you. Yes, Mr Koumjian.

4 MR KOUMJIAN:

13:24:00 5 Q. Sir, can you give us a rough idea of the population of  
6 Makeni, let us say during the years 1996 to 2002?

7 A. In 1996, definitely I cannot give a clear-cut number of the  
8 population in Makeni because Makeni was actually full with people  
9 from Kono. In the - in the relief team the Kono displaced in  
10 Makeni were over 120,000, those we registered, and there were  
11 those from 91, those from Port Loko, Kambia, Port Loko, Kabala,  
12 because all of those areas were attacked, so actually I cannot  
13 give a clear-cut population at that time.

14 We only have a population of people who were displaced, but  
13:25:05 15 about '98, when there was a supply just for the Makeni people,  
16 excluding all the displaced, the four agencies that came  
17 together, which were Caritas, CARE, CRS and ACF, we made a  
18 registration of 145,000 people - about that - which we supplied.  
19 These were residents of Makeni excluding the displaced.

13:25:38 20 Q. Can you tell us what is the --

21 JUDGE SEBUTINDE: Mr Koumjian, the witness did mention a  
22 name of an institution. I don't know if that is relevant.

23 MR KOUMJIAN: It is, your Honour, but we believe that that  
24 is inevitable. The fact the organisations he worked with we were  
13:25:58 25 willing to put in open session, just the exact positions I wanted  
26 to keep in private session. Thank you:

27 Q. Sir, can you please tell us what ethnicities made up  
28 Makeni? Can you give us the approximate ethnic make-up?

29 A. The majority of people living in Makeni are the Temnes.



1 The Temnes form the majority. Then we have the Limbas. We have  
2 the Lokos, and then there are also settlers from - we have  
3 settlers who are Mendes, Fullahs, Mandingos, but the three major  
4 tribes are the Temne, Limba and the Lokos.

13:26:46 5 Q. Were there ever Lebanese living in Makeni?

6 A. There were Lebanese there.

7 Q. Did the Lebanese remain there during the war?

8 A. Shortly before the war almost all of them left. The only  
9 person I knew who was moving around with us was a young boy, one

13:27:04 10 Lebanese boy we used to call Face.

11 Q. Sir, what is the approximate distance from Makeni to  
12 Freetown?

13 A. Makeni to Freetown is exactly 115 miles.

14 Q. Can you tell us approximately how long it takes to drive in  
13:27:22 15 a good vehicle from Makeni to Freetown?

16 A. Using our NGO vehicles, most time it was two hours or very  
17 close to two hours. Most of the public vehicles it is about  
18 three hours.

19 Q. Thank you. I am moving into a different topic, but as your  
13:27:47 20 Honours please.

21 PRESIDING JUDGE: I think that is a convenient time. Thank  
22 you, Mr Koumjian. Mr Witness, we are going to adjourn now for  
23 lunch and we will resume again at 2.30. You please be seated  
24 there and you will be helped out of the Court without your  
13:28:03 25 identity being endangered. So we will adjourn the Court now.

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

27 [Upon resuming at 2.30 p.m.]

28 PRESIDING JUDGE: Go ahead, Mr Koumjian.

29 MR KOUMJIAN:

1 Q. Sir, in your earlier testimony in the private session you  
2 talked about relief work that you did. Did you come across any  
3 RUF checkpoints while doing that work?

14:32:40 4 A. We did. At one time we went to distribute food in Lunsar,  
5 in the Port Loko District and Lunsar is just about 40 miles from  
6 Makeni along the Freetown Highway. On our way back, after about  
7 five miles, we came to Foredugu and there we met a human head, it  
8 was cut off from somebody and the penis hung at one of their  
9 checkpoints.

14:33:14 10 Q. I believe the record caught what you said about a human  
11 head, but what else besides a human head did you see displayed?

12 A. With the human head there was a penis.

13 Q. First of all, sire, do you know how to spell Foredugu?

14 A. F-O-R-E-D-U-G-U.

14:33:39 15 Q. Thank you. Can you tell us approximately when this was?

16 A. It was around Christmas 1996.

17 Q. Could you determine whose checkpoint it was, what force or  
18 forces were there?

19 A. It was an RUF checkpoint.

14:34:05 20 Q. Do you recall the 1996 elections in Sierra Leone?

21 A. I do.

22 Q. Do you recall any activities of the RUF that you became  
23 aware of during that election period?

14:34:26 24 A. Up until this election period Makeni as a town was not  
25 actually attacked, but during the election period there was an  
26 attack in Tonkolili District leading to some villages very close  
27 to Makeni, one of which was Makombo. And while elections process  
28 were going on, there was the saying that if you vote for - if you  
29 vote for whatever person, your right hand with the ink, the thumb

1 with the ink will be cut off. This made a lot of people not to  
2 go to the voting centres. This happened in Makombo about  
3 three/four miles to Makeni.

4 Q. When you say this happened, what happened there?

14:35:17 5 A. The attack of the RUF in the villages close to Makeni on  
6 election day.

7 Q. Were, in fact, any body parts amputated? You said it was  
8 said that that would happened. Do you know - and if you don't  
9 know just say so - whether or not in fact any amputations

14:35:40 10 occurred?

11 A. There were reports but I did not see anybody.

12 Q. You've mentioned the name of the village Makombo. Can you  
13 spell that?

14 A. It is M-A-K-O-M-B-O.

14:36:10 15 Q. Thank you, sir. I want to take you now to the events of  
16 May 1997 after the election of the government and the events that  
17 occurred in May 1997. Do you recall what happened in Makeni at  
18 that time?

19 A. One Sunday we were in church and then the reverend father,  
14:36:29 20 while he was giving his sermon, he informed us that a new  
21 government has been formed and that the government of the time,  
22 the government of Tejan Kabbah was overthrown. And there were  
23 actually misgivings. We felt very ugly at the time because we  
24 don't want the past NPRC experience to come back to Makeni. So  
14:37:00 25 we continued praying.

26 After some times, we heard an announcement calling for the  
27 RUF to come to town and then we thought the war had come to an  
28 end. They came from around Magburaka direction, they entered  
29 through Agricultural Road, to Teko Road and then direct to

1 Teko Barracks. It is when they settled in Teko Barracks that we  
2 members of CYMA and CYWA decided to go there and when we went  
3 there we saw that the plight of children there was not  
4 encouraging. They do not have enough food to eat. They were a  
14:37:56 5 bit not encouraged by the civilians who were there or the other  
6 soldiers who were there. So we decided to ask the permission  
7 from one of their commanders who came from Makeni and he was  
8 received jubilantly. He was Colonel Isaac.

9 Q. Thank you, sir. Let me just stop you there and I want to  
14:38:24 10 go back and cover in a bit more detail or clarify a few things  
11 that you told us. Now you said that after you learned in church  
12 about the change of government you said, "We heard an  
13 announcement calling for the RUF to come to town". How did you  
14 hear that announcement?

14:38:42 15 A. It was from the BBC through our transmission radios when we  
16 heard the late Pa Foday Sankoh calling the RUF to come and join  
17 the AFRC.

18 Q. Sir, during the war how common was it for you to be  
19 listening to the radio?

14:39:02 20 A. Well, the war in Sierra Leone actually promoted a lot of  
21 people to be listening to radio, because there was no  
22 communication at the time. Especially in the north, we had no  
23 mobiles, we had no residence correspondence, so we were much more  
24 listening to radio, BBC, RFI. Those were the only channels we  
14:39:32 25 received information. So when it is about 3 o'clock, 5 o'clock,  
26 we come together in groups and listen.

27 Q. Thank you. Now you said, and I am quoting you, "They came  
28 from around Magburaka direction and they entered through  
29 Agricultural Road to Teko Road". Can you tell us what you

1 yourself specifically recall seeing about this event?

2 A. When the talk went around in Makeni that the RUF were  
3 coming that morning into Makeni, and the people started seeing  
4 them coming from Magburaka direction, we ran to the streets which  
14:40:14 5 were very close and we thought were the route they will take. So  
6 myself and some friends we came to Agricultural Road and they  
7 came there in lines of two. The children, younger ones, were in  
8 front and the bigger ones were behind. Then they walked quietly,  
9 through Agriculture Road and through Teko Road to Teko Barracks.

14:40:41 10 Q. When you say they came in lines of two, can you just  
11 explain what you mean by that?

12 A. There were two - two lines, each two people. They came  
13 that way.

14 Q. Thank you. And you said, "The children, younger ones, were  
14:41:03 15 in front". What were the ages of the people that you saw in this  
16 group of RUF that came to Makeni in 1997?

17 A. When we saw them we saw short boys - small boys - in front,  
18 but when we started to deal with them in Teko Barracks and we  
19 wanted to know their ages there were those who were in school,  
14:41:27 20 they tell us immediately their ages, and later those who were not  
21 in school we put them to - we paired them through the experience  
22 we had as teachers that this one is 11 and this one also might be  
23 11, so we put them together. They formed the majority. The  
24 younger children were about 400 in Teko Barracks. The majority  
14:41:55 25 of them were below 14/15.

26 Q. Thank you. Now, you said that a commander came. Can you  
27 tell us about the coming of this commander? Was this the same  
28 day that you saw the two lines of RUF coming down Agriculture  
29 road?

1 A. It was not the same day. He came later, about two/three  
2 days after that day, and what we saw was we saw a large crowd of  
3 people dancing and so we wanted to know why the merriment, why  
4 were people dancing, why were they masquerading in the street.

14:42:34 5 Then we heard that, "Colonel Isaac has come. The war is ended.  
6 Colonel Isaac has come. The war is ended". We went to see who  
7 this man was, because we used to hear the name but we don't know  
8 and so people wanted to know him. This is why we came in large  
9 numbers through the streets of Makeni. He marched through  
14:43:02 10 Magburaka Road, Rogbaneh Road down to the Makeni Road and came  
11 back. He came back to the Independent Square, then Station Road  
12 and then to Teko Barracks.

13 Q. You said that a large crowd of people were dancing. Who  
14 was dancing?

14:43:13 15 A. The people of Makeni. The traders and everybody was just  
16 dancing that this man has come to town and it means the war has  
17 come to an end.

18 Q. And what about Colonel Isaac?

19 A. Well, he was also dancing. He was in front.

14:43:29 20 Q. Going back for a moment to the lines, the two lines that  
21 you saw first come into Makeni where you talked about the  
22 children being in front, was anyone in that line armed, or can  
23 you tell us which were armed and which were not?

24 A. A good number of them were carrying guns and some were in  
14:43:54 25 tattered clothes. Some had half military clothes and half  
26 civilian clothes. Just that way they came into Makeni.

27 Q. I am sorry, but I didn't understand when you first  
28 described the clothes. You said some were carrying guns and some  
29 were in --

1 A. I said a good number were carrying guns and some were  
2 wearing just torn civilian clothes. Others were in military  
3 clothes. Others were just a mix. The trousers can be civilian  
4 and then the clothes is military. Others the clothes is military  
14:44:37 5 - the trousers is military and the clothes is civilian.

6 Q. Now did you yourself, sir, ever meet with Colonel Isaac?

7 A. I did. As I said, when they were already settled, after  
8 about a week with CYMA we went there and we were directed to him.  
9 We met him. We asked his permission if we could talk to the

14:45:04 10 children. We told him about our agenda, what we would like to do  
11 with the children, that we wanted to give them some helps in  
12 terms of food and in terms of interacting with them. He welcomed  
13 the idea, he appreciated us and directed us to John Karimu,  
14 adjutant of the RUF in Teko Barracks we were told. From there we

14:45:30 15 went to meet the children. With the help of John Karimu we were  
16 able to gather them in one place and we started interacting with  
17 them.

18 Q. Can you tell us in a bit of detail what you actually did -  
19 after receiving this permission what you actually did with the  
14:45:53 20 children in Teko Barracks?

21 A. Well, with John Karimu we wanted to register them. He even  
22 helped us, because among them they have what they call the SBU,  
23 Small Boys Unit or Small Girls Unit. They helped to bring them  
24 together to us, and while we were together there is a big hall -  
14:46:15 25 there is a school there, the Catholic Mission has a school there  
26 and has a big hall - and we met in that hall.

27 First, we welcomed them that they are brothers - we are  
28 brothers and we should come together. We thought the war was  
29 ended. Now that the war is ended we should all come together to

1 rebuild the country, to rebuild our towns. After that, since we  
2 had - we already had the food from Father Victor, which he gave  
3 us, we started cooking. We went there and cooked together with  
4 them, we ate together, we play games, we sing songs and we pray  
14:46:55 5 together. We even invited them to come to the church. They used  
6 to come very often and so we continued living as one people of  
7 Sierra Leone.

8 Q. Sir, you've mentioned John Karimu. Who is he? Who was he?

9 A. We were told he was the adjutant of the RUF in  
14:47:14 10 Teko Barracks.

11 Q. Do you know how to spell Karimu?

12 A. K-A-R-I-M-U.

13 Q. Thank you, sir. When you spoke to these children, did you  
14 learn how they came to be with the RUF?

14:47:35 15 A. We spoke to them in length and very frequently. Some of  
16 them told us they were captured by the RUF from Kabala, Koinadugu  
17 District, others told us they were captured from Kambia and  
18 others from towns and villages in the south and east of the  
19 country where the rebels had been attacking.

14:48:02 20 Q. Sir, when these children in Teko Barracks were not with  
21 you, do you know what they were doing there in Makeni in  
22 Teko Barracks?

23 A. Repeat this, please.

24 Q. Did the children perform any function for the RUF at that  
14:48:20 25 time?

26 A. In Teko Barracks?

27 Q. Or in the surrounding areas?

28 A. Well in Teko Barracks they were under the command of their  
29 big command of the RUF, especially that of Colonel Isaac, because



1 whatever we want to do each morning we go there. We go to greet  
2 him so he will continue to know what we were doing. Apart from  
3 what we went to do there, when we go out of Teko - well we don't  
4 exactly know what they were doing in Teko, but whenever we go  
14:48:59 5 there we perform our own function and we carry on our activities.  
6 As I said, we cook for them. After eating we would go to the  
7 field. We took footballs, other indoor games, checkers, Ludo.  
8 We play different games. When we return it's their own business  
9 until we come the next day.

14:49:21 10 Q. At that time, during the period of the AFRC regime in  
11 Makeni, these children in Teko Barracks what was their gender?

12 A. Most time they were telling us that the war is over and  
13 they have come to stay.

14 Q. Sorry, I didn't mean agenda. What was their sex?

14:49:44 15 A. They were both male and females. Young girls and young  
16 boys.

17 Q. Thank you. Did these RUF at that time, after the overthrow  
18 of the Kabbah government, call their force anything? Did they  
19 have any other name besides RUF?

14:50:04 20 A. Yeah, after some time because they had joined together with  
21 the AFRC they introduced the name which was known as the People's  
22 Army.

23 Q. We've talked about Teko Barracks. Can you just describe it  
24 a bit and where it's located?

14:50:24 25 A. Teko Barracks is in the east of Makeni. It is a military  
26 barracks set aside purposefully for the military and their  
27 families. It's about three miles from the centre of Makeni.

28 Q. Prior to the coming of the RUF to Makeni, was there any  
29 army force at Teko Barracks?

1 A. The 2nd Battalion of Sierra Leonean government was always  
2 in Teko Barracks.

3 Q. Now, sir, at some point - are you familiar with the term  
4 the intervention? Excuse me.

14:51:06 5 A. Yes.

6 Q. Can you tell us about how those events affected Makeni?  
7 When did you first become aware of an intervention that was going  
8 to affect Makeni?

9 A. We were in Makeni and most of the time we heard about what  
14:51:26 10 was coming in Freetown through people who were running from  
11 Freetown to Makeni, but then on 17 February in the evening, about  
12 5/6 o'clock, the jet came to Makeni and dropped a bomb at the  
13 police station - the police station ground. At the time that the  
14 bomb was dropped immediately wherever you go all around Makeni

14:51:56 15 the rebels started saying, "You civilians are in support of  
16 ECOMOG", and immediately that night there was heavy shooting  
17 throughout the night and looting of houses - both civilian,  
18 business people and mission houses. It started on the night of  
19 the 17th and continued until when they were flushed out of  
14:52:22 20 Makeni.

21 JUDGE SEBUTINDE: What year is this?

22 MR KOUMJIAN:

23 Q. Sir, which year? When you said 17 February, which year are  
24 you speaking of?

14:52:30 25 A. 17 February and it was 1998.

26 Q. Now you said the RUF, or the forces, started looting.  
27 There was looting of houses. Was that the first looting since  
28 the RUF had come to Makeni?

29 A. Yes.

1 Q. And can you tell us that you said the jet dropped the bomb.  
2 What kind of jet was it, do you know?

3 A. Well, it was we were told the Alpha Jet. It just came  
4 around and dropped the bomb in the police station ground and away  
14:53:04 5 it went. Then immediately this bomb - the whole of Makeni was  
6 panicked, civilians were panicked and the People's Army started  
7 saying we civilians will support the ECOMOG when they come to  
8 Makeni. There was looting, there was harassment, knocking from  
9 houses, there was raping and everything was going on evil in  
14:53:28 10 Makeni.

11 Q. You said that the RUF were saying, "You civilians will  
12 support ECOMOG". Do you know if they had any reason to say that?

13 A. Well, this is just something we were thinking of -  
14 personally I was thinking of - that when ECOMOG come they will  
14:53:49 15 challenge them and they will move them from out of Makeni.

16 Q. This period when the looting started and the other crimes  
17 that you have described, the raping et cetera, did this have any  
18 name, or does it have any name in Makeni?

19 A. In Makeni we call it the 17 day period.

14:54:06 20 Q. And so we are clear, when did the 17 day period start?

21 A. It was - it started on 17 March until 2/3 April when ECOMOG  
22 entered Makeni and they ran away into the bush.

23 JUDGE SEBUTINDE: I thought the witness earlier said on two  
24 occasions 17 February. Did he misspeak?

14:54:36 25 MR KOUMJIAN: Thank you, your Honour:

26 Q. Sir, which month did this start?

27 A. It was 17 February.

28 Q. How long did it continue for?

29 A. It continued until the night of 2 and 3 March.

1 Q. In your previous answer you said 17 March until 2/3 April?

2 A. Sorry.

3 Q. Sir, did this action - you talked about the citizens of  
4 Makeni calling this the 17 day period. Did the RUF soldiers

14:55:18 5 there give a name to this period?

6 A. We called it the 17 day period, but during this 17 days  
7 there was also what they called an Operation Pay Yourself.

8 Q. How did you learn this name, Operation Pay Yourself?

9 A. They themselves told us. Everybody in Makeni knew that it  
10 was the period of Operation Pay Yourself.

14:55:40

11 Q. Now you've mentioned looting during this period. Can you  
12 tell us in some detail what was looted?

13 A. As I said, all houses were looted everywhere. The mission  
14 was looted. The seminary was looted. The schools in Makeni,

14:56:03

15 primary, secondary and even the college, were all looted. There  
16 was rampant looting all over. So at the end of even the 17 days  
17 we had what we called the retrieval committee, when, most of the  
18 property they left in houses of other people, they used to bring  
19 them to the field so that whoever has this property will come and

14:56:25

20 identify them and they will be given to you. There was rampant  
21 looting. The bishop's vehicles in the mission were looted.

22 Q. Was your own home looted or not?

23 A. My home was also looted.

24 Q. Sir, are you aware of any sexual violence during this 17  
25 day period?

14:56:50

26 A. As I said, it was very, very rampant. And all over, when  
27 night comes, from all the houses people were shouting, raping,  
28 raping, don't rape me, don't rape me, I have been raped. Most  
29 girls - in my house, in my compound, even the girls in the

1 surrounding houses, they came to my place so that all of us will  
2 be sitting together. We pray at night that, oh, Papa God, save  
3 us from this thing that is happening in Makeni. I live in a  
4 house which we share. It is a two apartment house. I have one  
14:57:30 5 apartment with my family and the other family which was one --  
6 Q. If you are going to say the name perhaps we should write  
7 this if this is the name of a victim - that will identify a rape  
8 victim.

9 A. Okay. The house of this neighbour was attacked so  
14:57:46 10 immediately while they were there I opened my door hoping that  
11 they will come into my place any time so they will not have time  
12 to break the door again. I left it open. But, thank God, when  
13 they moved from this house in which they raped two of the  
14 daughters of the man, they went to other places without touching  
14:58:07 15 my own apartment. So we continued to live until two/three days  
16 Father Victor came to me and said, "{Redacted}, do you have a  
17 wheelbarrow?" I said yes. He said, "Well, come. Let's go.  
18 Let's go and help. Some people have been killed".

19 JUDGE DOHERTY: The witness has --

14:58:34 20 MR KOUMJIAN:

21 Q. We have plenty of time, Mr Witness, so let's take our time,  
22 Mr Witness. Thank you very much?

23 JUDGE DOHERTY: My concern is about the name.

24 MR GRIFFITHS: For my part, Mr President, I have no need to  
14:58:42 25 know the name, so unless it's directly relevant.

26 MR KOUMJIAN: Thank you.

27 PRESIDING JUDGE: Thank you, Mr Griffiths.

28 MR KOUMJIAN: The witness has indicated that the daughters  
29 of a neighbour --

1 JUDGE DOHERTY: No, I am not referring to that,  
2 Mr Koumjian. I am referring to the witness's own name.

3 MR KOUMJIAN: I'm sorry. Thank you very much. I missed  
4 that. May that be redacted, please? I would ask that it be  
14:59:26 5 redacted from the tape. It is my page 93, line 11, and the  
6 sentence begins, "So we continued to live until two/three days"  
7 and in that sentence before he says, "Do you have a wheelbarrow"  
8 the name is mentioned.

9 PRESIDING JUDGE: I see it. Thank you, Mr Koumjian. I  
14:59:40 10 make it page 94, line 7 on mine. But, Madam Court Manager, you  
11 know what we are referring to, don't you? Just the name will be  
12 redacted from the transcript.

13 JUDGE SEBUTINDE: Incidentally, Mr Koumjian, we have heard  
14 evidence of these lootings and rapings so on. Could we establish  
15:00:07 15 who was implicated in this? It has not been established.

16 MR KOUMJIAN:

17 Q. Sir, when we talk about these crimes during the 17 day  
18 period, first the looting you've already described, who were the  
19 perpetrators, if you know?

15:00:23 20 A. At this time it was the combined forces of both the RUF and  
21 AFRC, because they formed together what was known as the People's  
22 Army.

23 Q. I want to go into a little detail then about what you said  
24 happened to the neighbour's daughters. First, you said you were  
15:00:42 25 in your home. What were you doing at the time you first became  
26 aware of this violence?

27 A. On the first day I was coming from my work. As I said, it  
28 was about 5 or 6 in the evening. I passed through a friend's.  
29 We played cards together. We were playing when people heard

1 this, we heard the sound of the jet, and the jet came around  
2 Makeni. Then all of a sudden we saw what appeared like a red  
3 light and then the sound of the bomb. So we were all shouting,  
4 "Oh, Makeni has been bombed. The war has come to Makeni". From  
15:01:30 5 that both the People's Army were running helter-skelter and we  
6 were running to our places, coming together with our family, we  
7 don't know what will happen next.

8 Then in the evening there was shooting all over Makeni Town  
9 and then they started moving vehicles from Teko Barracks. They  
15:01:53 10 were holding private vehicles. They removed the drivers and took  
11 away the vehicles and started going to the Lebanese shops and  
12 loot all material, then to all houses in Makeni.

13 Q. I want to ask you where you were when you became aware that  
14 your neighbour's daughters were being assaulted.

15:02:14 15 A. I was in my house by then.

16 Q. What were you doing at that time?

17 A. We were praying together with the other young girls who  
18 came to seek refuge in my place.

19 Q. What did you see or hear that made you believe that the  
15:02:29 20 neighbour's daughters were being assaulted?

21 A. All over there was this shouting, "We are raped. We are  
22 raped. Una kam ep. Una kam ep. Please come to our aid". Then  
23 gradually they came to the apartment of this of my neighbour and  
24 then, as I said, at that time, because our door was closed, so I  
15:02:50 25 decided to open the door and left it open.

26 Q. When you say, "They came to the apartment of my neighbour",  
27 who do you mean had come?

28 A. These forces, the People's Army, AFRC or RUF.

29 Q. What did you hear or see then?

1 A. Well, there was shouting in my neighbour's apartment and  
2 then after, because we afraid to come out, we came to know in the  
3 morning that they were - the two girls were raped.

4 Q. What was the age, the ages of the girls?

15:03:24 5 A. One was about 14. The other was 15/16.

6 Q. Now, you said you heard shooting. Do you know if anyone  
7 was shot during that 17 day period?

8 A. That was the point I was trying to explain when you stopped  
9 me. When this reverend father came to - called me so that we  
10 could go out and help those people who were killed, so we started  
11 going round collecting these bodies, Magburaka Road, Rogbaneh  
12 Road at the Makeni government hospital. So at the end those we  
13 collected and buried were 13.

14 Q. Now these 13 bodies that you collected and buried, did you  
15 observe any injuries on those bodies?

16 A. They were all shot.

17 Q. Could you tell us anything about the ages or genders of the  
18 persons, the deceased?

19 A. All of them were male and most of them were in their late  
15:04:26 20 teens or early 20s.

21 Q. How did this 17 day period come to an end?

22 A. Well, the 17 day period came to an end, first we started  
23 hearing - about three/four days we started hearing the movement  
24 of the ECOMOG to the interior of Sierra Leone and Makeni. We  
15:04:49 25 heard that they were in Waterloo at some point. At some point we  
26 heard they were at 47, Masiaka. At some point we heard they were  
27 very close to Lunsar. And because of this we were thinking and  
28 praying that very soon they will come to Makeni because it is  
29 only when they come we will be free. But for some of us - mostly



1 people, we came to Our Lady of Fatima compound. It is just a  
2 very large field. We settled there. Our thinking was if these  
3 people come, they meet us here then they will know that we are  
4 not rebels, so from there they will begin to pick and choose.

15:05:34 5 So we were at the Fatima compound until when they arrived  
6 in Makeni unexpectedly at about the evening hours. About 8, 9 we  
7 heard a very large gunshot towards the entrance of Makeni and  
8 immediately we said, "Oh, Papa God, thank you. These people have  
9 come". Then immediately we started seeing the People's Army  
10 running. Dat yu de se, "Lek wi go den don kam".

11 Q. You just said a phrase in Krio. Can you translate it for  
12 us?

13 A. Say, "Brother, man, are you staying? We are not staying.  
14 This ECOMOG have come, so let's go". And they started running to  
15 the northern part of Makeni, because that is the area far from  
16 where the ECOMOG entered Makeni.

17 JUDGE SEBUTINDE: Mr Koumjian, this may sound a little  
18 pedantic, but the 13 people who died or who were buried by the  
19 witness, should we assume they were civilians?

15:06:36 20 MR KOUMJIAN: Thank you, your Honour:

21 Q. Sir, you talked about 13 male bodies that you buried. Can  
22 you tell us first of all how they were dressed?

23 A. Except the one we met at the government hospital who had  
24 some military dressing, but the rest were in civilian dressing  
15:07:00 25 and one of them was in a shop. He was shot because he was  
26 sleeping in his father's shop and while they were trying to get  
27 open the door they shot at the bolt and he was killed inside. We  
28 met him.

29 The others now - because at this time in point it was very

1 difficult. Most of them were also in civilians since they came  
2 in May. They were not so much in their old military, because  
3 even when we went to Teko we used to supply them second-hand  
4 clothing.

15:07:37 5 JUDGE SEBUTINDE: You were talking about the People's Army?

6 THE WITNESS: Yes.

7 JUDGE SEBUTINDE: When they came they also used to wear  
8 civilian clothing?

9 THE WITNESS: Yes.

15:07:48 10 MR KOU MJIAN:

11 Q. Let me ask you this, sir: Are you aware during the 17 day  
12 period until the arrival of ECOMOG, what forces were in Makeni?  
13 What armed forces are you aware of being in Makeni?

14 A. They were the People's Army.

15:08:03 15 Q. Was there any opposing force in Makeni at that time?

16 A. No. There was no opposing force until when the ECOMOG  
17 came.

18 Q. Now, you said you had received some information about these  
19 various movements you talked about of ECOMOG coming towards  
15:08:16 20 Makeni. How did you receive that information?

21 A. First, we were informed by one of the reverend fathers,  
22 because it was communicated to him by our bishop in Makeni who  
23 was in Freetown that very soon ECOMOG will come to Makeni, so we  
24 should try to be together. And it was because of that we decided  
15:08:39 25 to go to - we were going round the last two days that if you hear  
26 any big shooting, if you see these people fighting, people come  
27 to Our Lady of Fatima, we will be there. If anything should  
28 happen we will be informed. And then we were also listening to  
29 the radio because they keep on informing people where - I mean

1 the transistor radio.

2 Q. Can you give us the approximate date that ECOMOG did arrive  
3 in Makeni?

4 A. It was on the evening of 2 March.

15:09:16 5 Q. Of what year?

6 A. Of 1998.

7 Q. Sir, how was Makeni that night after ECOMOG arrived?

8 A. Well, when they came definitely from the centre where we  
9 were, we all came out because in about one hour to two hours they  
10 have almost run out of Makeni and there was peace. We came out  
11 to dance and greet these people who have come to relieve us from  
12 what was happening in Makeni.

13 Q. After the People's Army fled Makeni, did any individuals  
14 start arriving in the town?

15:09:59 15 A. Well from that time, for those 17 days, most of the elderly  
16 people in Makeni had gone to some other villages and some had  
17 travelled to Freetown. Then since ECOMOG has come and then the  
18 people ran away that evening, ECOMOG and their commanders came,  
19 there was a meeting at the chief's compound and then most of the  
15:10:26 20 elderly people also came back to Makeni.

21 Q. As time went by in the following months after the arrival  
22 of ECOMOG, did others arrive in Makeni?

23 A. When they left Makeni, they were in the surrounding  
24 villages. Some were along the Magburaka Kono Highway and we  
15:10:49 25 heard of attacks there: Makeni Kabala Highway, Makeni Kamakwie  
26 Highway and also very seldom part of the Freetown Highway. So  
27 because they were attacking in these villages, the villagers  
28 started coming to Makeni as displaced and we were going around  
29 continuously to register them. To some of the nearby villages we

1 also went and registered them and then give them relief supply.

2 Q. These villages that were attacked, just so we are clear,  
3 who was attacking the villages that you just mentioned?

15:11:32

4 A. Well up to this point in time it was the two factions, the  
5 AFRC and the RUF, because they were still together. While these  
6 people - the people who attacked, they come and they will just  
7 tell us "The People's Army".

8 Q. Sir, do you know where Gbendembu is?

9 A. I know where Gbendembu is.

15:11:49

10 Q. Can you tell us, please.

11 A. Gbendembu is situated on the Makeni Kamakwie Highway, about  
12 22 miles from Makeni.

13 Q. Did you have any reason to go to Gbendembu after the  
14 intervention during 1998?

15:12:06

15 A. We did. We did go to Gbendembu - because it was not only  
16 Gbendembu. After any village was attacked, in order to verify  
17 and see the impact that was already created through this attack,  
18 we wanted to know whether people were there, we wanted to know  
19 the kind of destruction in that place. So we went to Gbendembu  
20 also and we met and it was burnt. Not every house, it was not  
21 completely burnt, but most of the major houses - the beautiful  
22 houses - were all burnt.

15:12:28

23 Then we started receiving people into Makeni. We collect  
24 some who were - because it was around this Gbendembu. Gbendembu  
15:12:53 25 is a big - it is the headquarter town of Gbendembu Chiefdom also  
26 and very close to Gbendembu Chiefdom there is a village called  
27 Gotohun. It is where they started the amputation of people.

28 Q. First can you spell the name of that village, please?

29 A. Gotohun is G-O-T-O-H-U-N.

1 Q. What district is Gbendembu Town and Chiefdom in?

2 A. It is in the Bombali District.

3 Q. Can you tell us approximately when it was that you went to  
4 Gbendembu?

15:13:34 5 A. It was around June/July.

6 Q. Of which year?

7 A. Of 1998.

8 Q. Did you speak to the people from Gbendembu about what  
9 happened in that town?

15:13:51 10 A. At that time when we went to Gbendembu it was completely -  
11 there was nobody there. It was completely - there was nobody.

12 Then along the way, coming back to Makeni, we met some of them  
13 because this time they knew our vehicle. They knew the Caritas  
14 vehicle. They knew the mission vehicle. They started coming,

15:14:15 15 explaining their stories, and right up to the following days we  
16 came back to Makeni they started. Those who were amputated

17 started coming to the two Sisters' compounds, the Missionaries of  
18 Charity and the Sisters of St Joseph, and some were in the

19 Sisters of Charity and some were in the Sisters of St Joseph's  
20 compound. So from there again we started going there to help

15:14:40 21 them, because they needed people to help them to wash and they  
22 needed people to help them do other things.

23 Q. Now, did the people from Gbendembu tell you what happened  
24 when the town was burnt? How did that happen?

15:14:58 25 A. Well they said it was an attack, the rebels attacked there,  
26 because at this point in time there were so many attacks. There  
27 were rampant attacks from one village to the other. Today you  
28 heard about this town. Tomorrow you heard about another town.  
29 They continuously attacked throughout this period and so people

1 were continuously pouring into Makeni from the villages.

2 Q. Do you know - and if you don't just tell us - were there  
3 any killings during that attack on Gbendembu?

15:15:32

4 A. There were killings. People reported killings. Some  
5 ECOMOGs were also killed.

6 Q. Now you talked about amputations occurring in, correct me  
7 if I am wrong, Gbendembu and the neighbouring village that you  
8 spelt for us a few moments ago?

9 A. Gotohun.

15:15:51

10 Q. Can you tell us what was amputated? What body parts?

11 A. The hands were amputated and the ears.

12 Q. What happened to these people who had suffered the  
13 amputations?

15:16:10

14 A. Well, they were - they came to Makeni and these Sisters  
15 were taking care of them. They were both in St Joseph's and the  
16 Missionaries of Charity. So we also were going there to help  
17 them launder their clothes and take care, because the two Sisters  
18 both have clinics. They were doing some other things. They were  
19 there in these two compounds until when late in December there  
20 was another attack when everybody dispersed from Makeni.

15:16:31

21 Q. When you say your group went there to help them, what did  
22 you do for the amputees - your group?

23 A. Well, for these people there was enough food already  
24 provided by the Sisters. We only come there to counsel them. We  
15:16:52 25 talked to them. We help them do the - because most of them were  
26 male at the time and so the Sisters don't want to do the other  
27 jobs with them. So we go there to wash them and if they go to  
28 the toilet we help them because at this time some of them can no  
29 longer do it for themselves.

1 Q. How many amputees were there?

2 A. At St Joseph where I was mostly going there were 11, but  
3 others were also at the Sisters of Missionaries of Charity.

4 Q. Now, you talked about during the time that the People's  
15:17:42 5 Army was in Makeni going to Teko Barracks and dealing with the  
6 children that were there. What happened to those children at the  
7 time of the intervention?

8 A. During the time they were staying with us we had thought  
9 that at this time these people have come to stay but, when the  
15:17:59 10 intervention came and started on 17th again, during those 17 days  
11 we saw most of them holding guns. They were carrying guns. They  
12 were with their big ground commanders again. They were involved  
13 in the looting, moving there and there. Again, we became very  
14 much afraid of them and so we walk away. They were on their way  
15:18:23 15 and they were - none of them actually came back to us.

16 Q. Now during the period after ECOMOG arrived you said in  
17 March 1998 up until December 1998, were there any armed forces -  
18 what, if any, armed force was in Makeni during that period of  
19 time?

15:18:43 20 A. This time it was only the ECOMOG and some of those soldiers  
21 whom we call the loyal soldiers who remained with the ECOMOG,  
22 because during the junta when the ECOMOG arrived most of them ran  
23 away. A good number of the soldiers also went with them. So  
24 those who remained we used to call the loyal soldiers in Makeni  
15:19:05 25 and so they were working together with ECOMOG.

26 Q. Where were they based?

27 A. They were based at Teko Barracks.

28 Q. Now, I want to move to December 1998. In December 1998,  
29 did the war again affect Makeni?

1 A. Gravelly.

2 Q. Can you tell us the first events that made you aware of the  
3 upcoming problems?

4 A. Well, as I said, throughout the surrounding villages there  
15:19:35 5 had been attacks, but then on 18 December there was an attack at  
6 Binkolo village and this attack was so severe that people came  
7 running that night. So in Makeni we said, "Well, finally, the  
8 time has come". This was on the 18th. Then the following day  
9 attacks started happening also in Magburaka Town, which is about  
15:20:08 10 14 miles from Makeni, and again we don't know what to do because  
11 we thought that this time Makeni will not be spared and so some  
12 people even started running from Makeni to the nearby villages.  
13 Myself I leave, but nothing happens on 19, 20, 21 and we came -  
14 me myself I came and some other people came - and just that,  
15:20:35 15 well, we thought it is over. They will not come this time,  
16 because the time we expected them nothing happened. Then the  
17 missionaries held a meeting. They told - the Bishop told the  
18 people to move out of Makeni. It is not safe. So we clearly  
19 came to know that, well, if these people are moving, who have all  
15:21:03 20 the information, then Makeni will not be spared. It will surely  
21 come to attack.

22 Q. Let me just go back over your answer a little bit. I  
23 apologise for interrupting. You talked about an attack on 18  
24 December 1998 at Binkolo?

15:21:21 25 A. Binkolo.

26 Q. I just want to make sure it is spelt correctly. That is  
27 B-I-N-K-O-L-O, correct?

28 A. Correct.

29 Q. Now, where is Binkolo?



1 A. Binkolo is 7 miles away from Makeni. It is on the way to  
2 Kabala.

3 Q. What district is it in?

4 A. It is also in Bombali District.

15:21:42 5 Q. Now, the next day you said there was an attack on  
6 Magburaka. How far is Magburaka from Makeni?

7 A. Magburaka is 14 miles from Makeni. It is in Tonkolili  
8 District. It is the headquarter of Tonkolili District.

9 Q. Who did you hear was attacking these towns?

15:22:03 10 A. All this time it is the combined RUF and AFRC.

11 Q. You talked about the meeting, where the missionaries held a  
12 meeting, and you said that if these people are --

13 A. That they should leave for Freetown.

14 Q. Because of what?

15:22:24 15 A. Because of the war. Since they have been - most of the  
16 missionary members had been suffering and so this time they want  
17 to go to safer areas.

18 Q. Do you recall the approximate date of that meeting?

19 A. It was about the 3rd.

15:22:41 20 Q. The 3rd of when?

21 A. 3rd of - 23 December.

22 Q. 23 December 1998?

23 A. Sorry, it was on 20 December. 23rd is the day of attack.

24 Q. 20 December 1998?

15:22:55 25 A. 1998.

26 Q. Just so you know, sir, so that the voice distortion works  
27 we can't talk at the same time and so please allow a second or  
28 two to pass before you begin your answer after I finish to allow  
29 me to turn off my microphone. Thank you. Now, after this

1 meeting where did you go?

2 A. Well, I had nowhere to go. I came back to my compound  
3 because my family was there and the vehicles taken by these  
4 missionaries I cannot go there. Also my wife, my children and  
15:23:32 5 some dependants were with me. So I came and I told them that  
6 these people had left Makeni. Then one of my friends came to  
7 take me to Freetown, but he cannot carry us - all of us - and so  
8 I said, "Well, you can go with my wife". "No, I will not go".  
9 The wife said, "No, I will not go if you don't go". So we were  
15:24:01 10 debating who will go and who will not go. Then I told him, "Go".  
11 Thank God for me I was lucky that we didn't go, because on the  
12 way we heard he was killed.

13 Q. Where did you go?

14 A. I remained in Makeni, but instead myself, the family  
15:24:21 15 members and some of the neighbouring people we went to a bush  
16 near Mabanta village off Makeni.

17 Q. Can you spell Mabanta, please.

18 A. It is M-A-B-A-N-T-A.

19 Q. What happened there?

15:24:42 20 A. We were in Mabanta and then the day itself came on the  
21 23rd, at about 10 o'clock in the evening, when we heard a big -  
22 the sound of a big gun. And so there we started saying well,  
23 finally Makeni is doomed. And then there was continuous firing  
24 throughout from that time. We heard heavy guns, all different  
15:25:15 25 types of weapons. We were even counting there. Well, when we  
26 heard one big gunshot we said, okay, one house is gone in the  
27 bush. We were just there, very much panicked. And that  
28 continued from the 23rd until after Christmas, 26/27,  
29 announcement - we started hearing announcement from - and it was

1 the voice of the usual Makeni town crier that all civilians  
2 should come back to Makeni. If you stay in the bush, whatever  
3 meets you there, you will suffer the consequences. So some  
4 people actually started coming back to Makeni, but some of us  
15:25:58 5 were afraid because we have heard there are so many checkpoints  
6 before we reach our destinations, our houses, so we waited small  
7 to see what was happening with the other people.

8 Q. Now, you said on the 23rd you heard heavy shooting and  
9 heavy guns. Is that correct?

15:26:16 10 A. Yeah, correct.

11 Q. How long did that heavy shooting - exchange of fire go on  
12 as far as what you could hear?

13 A. I said it continued until about the 26th/27th, then it  
14 faded off small. Then the announcement came that the ECOMOG had  
15:26:31 15 been wiped out of Makeni, so people should come back to come and  
16 stay because the RUF, since they have removed ECOMOG, they will  
17 go exist with us in Makeni, so we should come out.

18 Q. Before leaving Mabanta did any other individuals come from  
19 Makeni and tell you about things going on there?

15:26:53 20 A. Yes. We were in Mabanta there, two girls, young girls of  
21 one of our relatives who also came there - but when they came  
22 they were crying. And I told my wife with one of the neighbour  
23 who was a nurse to ask why the girls were crying. They told  
24 them, who later told us, that they had been raped. So I called  
15:27:28 25 one of them said, "Is it true this thing happened to you?" She  
26 said yes. And then we asked them to stay with us. We were  
27 there, they were being taken care of by this nurse who was with  
28 us until when we all moved back to town and I took them back to  
29 their father.

1 Q. How old were these --

2 A. One was 12. The other was about 14/15.

3 Q. Please pause a little bit before you answer after my  
4 question.

15:28:02 5 JUDGE SEBUTINDE: Mr Koumjian, what would be helpful is for  
6 us not to assume the perpetrators, but where possible to  
7 establish who they were.

8 MR KOUMJIAN: Thank you, that was my next question:

9 Q. Sir, did the girls tell you who it was who had raped them?

15:28:18 10 A. Well, they simply told us the rebels in one of their  
11 checkpoints.

12 Q. Aside from civilians, did anyone else come out to Mabanta  
13 while you were there?

14 A. We were there when the announcement came on the 26th/27th  
15:28:37 15 that we should go to town, that was the time they actually  
16 started going into some of these --

17 Q. I am just stopping you, sir, because try to avoid saying  
18 "they".

19 A. Okay.

15:28:49 20 Q. If you can specify who it is. You said around the 26th or  
21 27th "they". Can you explain who you mean?

22 A. The rebels, who were the People's Army, both RUF and AFRC,  
23 some of them came to the place where we were because at this time  
24 first they came, they wanted - a vehicle was parked very close to  
15:29:15 25 the place where we were. So first they came to ask for the keys  
26 - who owned the keys to that vehicle. Nobody could answer. We  
27 told them we don't know. They demanded the keys. We don't know.  
28 We said, "We don't know who parked it". Then suddenly they  
29 turned around, they said, "Well, the two girls", the two girls of

1 one of the men we went to hide in that place, and the man came  
2 out and said, "These are my daughters, please don't carry them".

3 Q. This man, can you just tell us his occupation?

4 A. He was a driver.

15:29:51 5 Q. So let's refer to him as the driver.

6 A. Okay.

7 Q. What happened after the - first of all, how many people  
8 came out to Mabanta at that time?

9 A. There were about six of them.

15:30:02 10 Q. How were they armed, or not?

11 A. They were all armed.

12 Q. And how were they dressed?

13 A. They dressed in their half military attire.

14 Q. Were these men or women that came out?

15:30:18 15 A. There was no woman. All of them were men.

16 Q. And did you know what group they were with?

17 A. Well, they were the People's Army.

18 Q. What happened to the driver at that time?

15:30:44 19 A. When the driver came out and said, "These are my daughters,  
20 please don't take them" and they wanted to move, he held on to  
21 one of them, he was shot and died, but again they took away the  
22 children. So that made all of us to pack our little bundles and  
23 return back to town because this time we have realised that what  
24 was announced has come true, so we should go to town. We would  
15:31:07 25 rather die in the town than in the bush.

26 Q. How far away was that spot in Mabanta from Makeni?

27 A. It's about two miles.

28 Q. On what day did you go back to Makeni then?

29 A. On 28 December I left the - that morning I left to go back

1 to Makeni and back to my house. On 28 December.

2 Q. Tell us what happened when you went back to Makeni on 28  
3 December 1998?

15:31:42

4 A. Well, coming back, as we have already received the  
5 information that there were checkpoints, indeed there were  
6 checkpoints. We were searched, they let us go, the People's  
7 Army, and then I came to my house but this time my house was  
8 already occupied by People's Army. I decided to go back to a  
9 friend at Mac-Robert Street.

15:32:06

10 Q. Before we go on, I think we misunderstood you. You said,  
11 at the checkpoints you were what?

12 A. I said we were searched.

13 Q. Searched?

15:32:21

14 A. Yeah, they wanted - they said nobody should come -  
15 according to them they said nobody should come with arms, but  
16 indeed they were looking for money because for most people who  
17 had money with them they took it away.

15:32:38

18 Q. Thank you. Now, after you realised that your house was  
19 occupied by the People's Army and you decided to go and see your  
20 friend at Mac-Robert Street - first can you spell Mac-Robert,  
21 please?

22 A. It is spelt M-A-C dash R-O-B-E-R-T. Mac-Robert.

23 Q. What happened when you got to Mac-Robert Street?

15:33:00

24 A. I came to my friend who was staying at Mac-Robert and then  
25 we were there sitting, discussing about what was actually going  
26 on when we saw a vehicle loaded with some other people. It was a  
27 car. And then it stopped by the place where we were sitting,  
28 because there was also one young lady called - there was a young  
29 lady. And then they stopped, they greeted this young woman and

1 she introduced us to Issa. And so we chat small and then they  
2 left. Then from there I want to go back to my house to see  
3 whether my wife and my children were there.

4 Q. Let me stop you there. First let me remind you again to  
15:33:51 5 just take your time and speak a little more slowly and pause  
6 before you answer. Also please try to look at the judges and not  
7 me. I know it's natural for you to speak to the person that is  
8 asking you the questions. Now you said at Mac-Robert Street this  
9 woman whose name you did not call out today so far introduced you  
15:34:14 10 to Issa. Who do you mean when you say Issa?

11 A. It was Issa Sesay, one of the grand commanders of RUF.

12 Q. Where was Issa Sesay when she introduced you to him?

13 A. He was driving a car, but when he came to the point - there  
14 is a familiarity between him and this woman, so they were  
15:34:38 15 chatting. So immediately the woman hastened to introduce us to  
16 the man, Issa, and then Issa was also introduced to us but then  
17 he passed by.

18 Q. Was he alone or with anyone else?

19 A. He was with other - about six or seven of his men in that  
15:34:56 20 car.

21 Q. Remember to pause when I finish the question before you  
22 answer. After being introduced to Issa Sesay, what happened  
23 then?

24 A. Well, from there, as I said, I wanted to go back to my  
15:35:11 25 house and check for my family. On my way I have to cross the  
26 centre of Makeni which is known as Independence Square and then  
27 at Independence Square, just by there, I met a Mercedes Benz car  
28 vehicle. They stopped me and I stopped. There were about six of  
29 them dressed in black and military attires. So they asked me

1 whether I was happy about what was going on. I told them that if  
2 I were not happy I should not have been in Makeni. Then one of  
3 them pointed to a vehicle in front of them loaded with young men  
4 and young women, that very soon we will hear what will come out  
15:36:10 5 of Freetown, even the vehicle ahead was proceeding to Freetown.  
6 Then immediately there were two other vehicles coming from behind  
7 the same vehicle. And after that, when they passed, I went home.  
8 I met my wife and my children and I told them that this is not a  
9 good place for us to live.

15:36:33 10 Q. Let me stop you there and ask you some questions about what  
11 happened when you got to Independence Square. First of all,  
12 remind us, what day is this, the date?

13 A. It was on the 28th. In the evening of the 28th.

14 Q. December?

15:36:48 15 A. December.

16 Q. And you talked about six men in a Mercedes car. Were the  
17 men by the car? What was the relationship between the men and  
18 the car?

19 A. They were all rebels because they had guns, they have RPG  
15:37:06 20 and they dress in their military brown and green shirt, T-shirt.  
21 And they stopped me, as I said.

22 Q. Were they inside the car?

23 A. They were all inside the car.

24 Q. And you said they pointed to a vehicle in front. Can you  
15:37:28 25 describe that vehicle?

26 A. That vehicle was one of the ECOMOG vehicles which they  
27 captured and it was carrying a group of young men, boys and girls  
28 and they said to me they were heading for Freetown and very soon  
29 we will come to hear what will happen.



1 Q. Now you said there were two other vehicles behind. Do you  
2 mean behind --

3 A. Behind the Mercedes Benz car.

4 Q. And what kind of vehicle were those?

15:38:03 5 A. They were the same vehicles.

6 Q. Please give me just a second after I finish the question to  
7 answer.

8 A. Okay.

9 Q. Could you see whether there was anyone inside those  
15:38:16 10 vehicles?

11 A. Well, inside those vehicles there were young men and young  
12 girls. They were shouting, they are going, they are going. So I  
13 was trying to go to my house. When all of the vehicles have  
14 passed, I went straight to the house.

15:38:40 15 Q. Okay. When you say that these three vehicles were ECOMOG  
16 vehicles, were they automobiles, were they pick-up trucks? How  
17 would you describe the vehicle?

18 A. They were big trucks which the ECOMOG were using before and  
19 these were vehicles that for the ECOMOG they will have carried  
15:39:04 20 about 20-30 people. But for our situation they will even carry  
21 90-100 people.

22 Q. Approximately how full were these vehicles that you saw?

23 A. They were really full with young men and young girls.

24 Q. Could you see if any of them were armed?

15:39:28 25 A. Yes, they were armed, those who were sitting at the back  
26 door. Because there were tarpaulin, but those at the back were  
27 with guns.

28 Q. Now after you returned to Makeni did you see any other  
29 ECOMOG vehicles besides these three trucks that you've described?

1 A. Well, after that night there was also an announcement from  
2 the People's Army that the people of Makeni should go to Teko and  
3 see their might, what they have done to ECOMOG, that a good  
4 number of them have been killed. Well people went there and I  
15:40:20 5 also went there, but when I looked at the first vehicle and saw  
6 the dead bodies packed there I decided to come back home without  
7 proceeding. Some of the other friends who came later, they told  
8 me there were also other two - why I didn't go so far. I said,  
9 "No, I can't bear the sight", and so I came back. They told me  
15:40:49 10 there was other two vehicles, but I saw the one loaded with the  
11 dead bodies.

12 Q. Could you identify anything about the bodies that were in  
13 the ECOMOG truck?

14 A. Well from what they, the RUF themselves, announced in  
15:41:06 15 Makeni that they were the bodies of the ECOMOG soldiers.

16 Q. Were the bodies in uniforms?

17 A. Some of them were in uniforms.

18 Q. Before Makeni was attacked in December 1998, do you know  
19 whether or not ECOMOG or the Loyal SLAs had any armoured  
15:41:34 20 vehicles?

21 A. They had. They had many armoured vehicles, because they  
22 were going up and down.

23 Q. Did you see any of those vehicles after you came out of the  
24 bush on 28 December?

15:41:49 25 A. One was burnt very close to the compound of MCA secondary  
26 school.

27 Q. Did you see any other ECOMOG vehicles after you returned to  
28 Makeni?

29 A. A good number of them. A good number of those vehicles

1 were there being used by the People's Army. These were the  
2 vehicles that were taking them to attack Bumbuna, Kabala, Port  
3 Loko and even Freetown.

15:42:41 4 Q. Now after the People's Army took Makeni and you came back,  
5 how were the civilians treated?

6 A. From that night there was - except you were lucky, but  
7 there was rampant shooting and again like in the 17 days there  
8 was rampant raping, until when later we heard that the raping  
9 period or the shooting period should come to an end, and that  
15:43:08 10 that was their mandate that when they attack any place they have  
11 72 days, or a little more.

12 Q. 72 days?

13 A. 72 hours, or a little more, in which they were allowed to  
14 do anything. Then at about - sometimes there was also an  
15:43:30 15 announcement that the commander, Issa Sesay, had asked everybody  
16 to stop the harassment, the looting and whatever they were doing,  
17 and it was at that moment when actually the thing came to a very  
18 low scale. But before that there was looting all over and there  
19 was raping all over. They were doing everything; harassment of  
15:44:00 20 all kind and such.

21 Q. Did you see any of the raping?

22 A. Yeah, at the Mac-Robert Street where I slept that night  
23 there is a neighbouring village and apart from the fact that  
24 everybody was talking about this there is a young, young girl  
15:44:19 25 there who has a little baby. He [sic] was gang raped by some of  
26 these People's Army and the house was just closest to our - where  
27 we were sleeping. They started shouting and then we heard the  
28 shouting, but we cannot do anything until later he [sic] came out  
29 running when they had finished their thing when we saw that this

1 is the girl who was shouting and he [sic] was crying and going to  
2 some other place leaving where he [sic] was raped.

3 Q. You are saying "he was raped"?

4 A. She was raped.

15:44:56 5 Q. Who exactly - just so we are clear, who was gang raped?

6 A. It is a girl of about 14 years.

7 Q. Did you actually see any of it?

8 A. We saw them, but the place was dark and there are no  
9 lights. We see them passing, but we cannot recognise them and we  
10 knew they have their guns. They came, they passed by and then  
11 the girl came also running and shouting, crying, leaving that  
12 place to another place.

15:45:17 13 Q. Now, what happened after the 72 hours or so period? What  
14 occurred in Makeni?

15:45:41 15 A. Well in early January they summon all of us to a meeting,  
16 that all civilians should come together at the Makeni Town Hall.  
17 At the time now it is the City Hall. In that City - in that City  
18 Hall they wanted to name some members of the community who will  
19 help them to administer Makeni, and so in each they appointed a  
20 chairman and some members of the executive and we dispersed.

15:46:12 21 Then another day they also summoned a meeting and we  
22 hastily went there. In that meeting - both meetings, the first  
23 meeting I talked about and this other meeting, were chaired by MP  
24 Jalloh and he told us that at this time neither they have - we  
15:46:38 25 have elected these people into this position and they have no  
26 jails, they have no police, they have no judges. Whoever does  
27 anything that is contrary to their laws will be considered  
28 committing a sin they call the ID and that person will be shot  
29 there and then.

1 Q. When you say "the ID", do you know what that is?

2 A. They have something they call overlooking, but they were  
3 calling it ID. Overlooking means you go against the law, or  
4 different identities only. It is DI. You have different idea  
15:47:26 5 about them. You are overlooking them. They call it the DI  
6 crime. You don't obey. They give you order and you don't obey,  
7 you have committed an ADI. You have a different identity. You  
8 are not ready to live with them and so you overlook them.  
9 Therefore, you will be punished.

15:47:54 10 Q. Sir, I am going to go over your answer a little bit just  
11 for some clarifications. You said, "In early January they  
12 summoned all of us to a meeting". When you say "they", who do  
13 you mean?

14 A. Well, the meeting as I said was chaired by MP Jalloh and MP  
15:48:10 15 Jalloh was RUF.

16 Q. Now, sir, you said early January. Do you recall the  
17 approximate date?

18 A. It's on the 3rd we have this meeting.

19 Q. Thank you. Now, you said there was a second meeting. Do  
15:48:24 20 you recall approximately how long after the first you had the  
21 second?

22 A. Yeah, it's the day after. We have the first meeting like  
23 today and tomorrow we have the second meeting.

24 Q. At the second meeting, did MP Jalloh ask anything else of  
15:48:43 25 the people of Makeni?

26 A. After they have given us their basic laws and how they want  
27 us to live together and they have introduced the executive of the  
28 Makeni Town, he told us that they have lost a good number of  
29 their men, "They have been left behind" in his words, and that

1 Makeni should consider donating young boys and girls to them  
2 because they want to pursue their agenda.

3 Q. What happened after he made this request for Makeni to  
4 donate young boys and girls?

15:49:25 5 A. Well immediately after this, the following days that week,  
6 actually some people started registering young boys and girls.  
7 Others were captured, because if you walk in the street you will  
8 be captured, and then others register. We were told there were  
9 about 3,000 young men and girls who registered.

15:49:46 10 Q. When you talk about boys and girls, or young boys - young  
11 men and girls, what ages were the people that were being  
12 registered?

13 A. The registration was from 11, 12, 13, 14, 15 and above,  
14 because they said categorically that they don't want elderly  
15:50:07 15 people because we will not take command. The children will  
16 easily be commanded than elderly people.

17 Q. Do you know what happened with those who registered?

18 A. Well those that were registered, after a few days, about  
19 three, four, five days, they started the training at the  
15:50:29 20 Agricultural Road compound. It used to be the ministry of  
21 agriculture offices and when they came that is what they made  
22 their office also. The training started there and after a few  
23 days they started moving the children to Kono or Kailahun, they  
24 told us. Then I saw three vehicles, but one of their man - one  
15:50:56 25 of the men in Makeni, who was also a member of the executive,  
26 told us about 1,000 were to be taken to Kailahun.

27 Q. Okay. Sir, you said that they started the training at  
28 Agricultural Road compound. Did you actually see anyone training  
29 there?

1 A. I saw the training.

2 Q. What did you see?

3 A. I saw them. They have assembly, they are running and then  
4 from afar you can see the instructor was talking to these young  
15:51:33 5 boys, but they were running throughout the streets very close to  
6 where they had the offices, especially in the evening and early  
7 morning.

8 Q. And can you tell us the approximate ages of those you saw  
9 being trained at Agricultural Road compound?

15:51:51 10 A. Like I said they were 11, 12, 13, 14, 15 and above, but  
11 they did not want any adults.

12 Q. You indicated that you saw three vehicles. Can you explain  
13 what you saw?

14 A. It was one evening while they were carrying their - while  
15:52:14 15 they were carrying on their training and then we heard singing in  
16 the compound, because each time we heard something there,  
17 singing, shouting or shooting, we will go around to see what was  
18 happening and ask some people around to know because they seemed  
19 to be more informed because they were closer. These people were  
15:52:38 20 not - they will say whatever they want to do and so it was not a  
21 hidden secret. So we went there and myself I saw these three  
22 vehicles moving. They were singing that, "We are going. We are  
23 going. We are coming".

24 Q. Approximately when was this?

15:52:57 25 A. This was early January, about the second week to its end.  
26 Second week/third week January.

27 Q. Just so we are clear, which year?

28 A. It was 1999.

29 Q. Can you describe the vehicles? Are you talking about

1 automobiles, or what kind of vehicle?

2 A. These vehicles are still the same type of vehicles the  
3 ECOMOG were using, because at this time it is either the ECOMOG  
4 vehicle or one company [indiscernible] at Magburaka's vehicle.

15:53:30 5 They were just the vehicle they were passing around.

6 Q. Mr Witness, if I can just ask you in the interests of the  
7 transcribers who have to write down what we both say to pause a  
8 little bit after I finish the question before you begin the  
9 answer. Thank you. Now, where - in what direction did you see  
10 the vehicles going?

15:53:49

11 A. They were moving from Makeni, through Isolane [phon]  
12 Highway towards Magburaka.

13 Q. Can you describe the occupants, if any, that you saw inside  
14 the vehicle?

15:54:08

15 A. They were mostly the young boys that were registered.  
16 Young boys and girls.

17 Q. Would the ages be any different than those you described at  
18 the training?

19 A. They are the same ages.

15:54:29

20 Q. In Makeni at that time, in addition to Issa Sesay, did you  
21 see any other or were you introduced to any other RUF commanders?

22 A. { Redacted

23 }

24 MR KOU MJIAN: May we redact the sentence "My house was  
25 occupied by ..." that could identify the witness, please.

15:54:56

26 Assuming this person knows what house he occupied, my fear is  
27 that that would identify the witness.

28 PRESIDING JUDGE: The only words you want redacted are, "My  
29 house was occupied", is that right?



1 MR KOU MJIAN: Actually the only words I think we need to  
2 redact is the name of the person that occupied his house, so that  
3 it's not matched to him.

4 JUDGE DOHERTY: Is the witness not saying two names  
15:56:01 5 occupied? There is a second, { Redacted }.

6 THE WITNESS: { Redacted }.

7 MR KOU MJIAN: I think I cut him off before he completed  
8 that.

9 JUDGE DOHERTY: It's on record.

15:56:14 10 MR KOU MJIAN: Okay. So perhaps if the sentence could be  
11 redacted and I will start the question again. I am not sure  
12 where the witness was going exactly with that answer.

13 JUDGE SEBUTINDE: You asked him were there any other RUF  
14 commanders in the area and he begins to tell you the commanders,  
15:56:31 15 some of whom were in his house.

16 MR KOU MJIAN: My only concern is that the people who were  
17 in his house, that that be redacted. So I suggest that the  
18 answer be redacted and I will ask the question again and ask the  
19 witness not to indicate who was in his house.

15:56:48 20 PRESIDING JUDGE: I take it, Mr Griffiths, you don't have  
21 any problems with that?

22 MR GRIFFITHS: I don't have any difficulties with that at  
23 all.

24 PRESIDING JUDGE: Thank you. Madam Court Manager, you know  
15:57:15 25 the sentence counsel is referring to? I think there are two  
26 names in that sentence, but I will order that the whole sentence  
27 be redacted. Go ahead, Mr Koumjian.

28 MR KOU MJIAN:

29 Q. Sir, I will come back to this subject later. I want to ask

1 you during this time in early January 1999, did you continue to  
2 listen to the radio as you told us you were in earlier times?

3 A. We continuously listened to the radio, every day.

4 Q. What kind of radios did you have access to?

15:58:05 5 A. It was - we had our transistor radios and we listened to  
6 RFI programme, Radio France International. We listened to BBC  
7 mostly - especially at 5 o'clock we come together. And after -  
8 if there is something about Sierra Leone, immediately after that  
9 we scattered because few of us wanted to listen about other  
10 areas, but at that point in time every person, both literate, we  
11 all come together and we explained to them what was happening.

12 Q. Do you recall any radio broadcasts in that first week of  
13 January that you heard concerning Freetown?

14 A. I do recall during that week there were some radio  
15:59:02 15 announcements from BBC. From Father Mario we heard. From the  
16 minister of information we heard. From the fighting forces, the  
17 People's Army, we also heard what was being asked to them.

18 Q. Do you recall any broadcasts, whether you listened to the  
19 radio on 6 January?

15:59:30 20 A. I will not confirm exactly on the 6th, but about that  
21 period we listened.

22 Q. What do you recall hearing about Freetown around that time?

23 A. Well, first we heard about the attack at Waterloo and then  
24 whoever the journalist was said the rebels were descending like  
15:59:55 25 manna from heaven. And then we also heard from our minister of  
26 information who was continuously telling people to be calm, to  
27 stay in their houses, they will do everything possible to flush  
28 the rebels. But then we also heard from the rebels that they had  
29 captured Freetown and it is at that point wherein in Makeni we

1 were asked to come out and dance, and we did.

2 Q. When the rebels captured Freetown do you recall hearing any  
3 broadcasts on the radio?

16:00:36

4 A. We heard the broadcast from one Sesay who said they have  
5 captured Freetown.

16:01:05

6 MR KOU MJIAN: Your Honour, at this time I have a portion of  
7 a broadcast I would like to play. The transcript has been  
8 distributed. Just so everyone is clear, part of this was played  
9 before and is a separate exhibit, but the original portion that  
10 was played did not begin at the beginning of the broadcast. So  
11 now this tape and transcript begins with the very beginning of  
12 the programme and broadcast. So I would ask that that be played  
13 now, with your Honour's permission.

16:01:26

14 PRESIDING JUDGE: Do you remember the exhibit number,  
15 Mr Koumjian?

16:01:48

16 MR KOU MJIAN: I believe it's 262. Yes. But this is a  
17 larger portion of the broadcast. So, if your Honour wants,  
18 perhaps later when we get to admitting it it might be marked B or  
19 either next in order. Either 262B or next in order as your  
20 Honour pleases. May we play the broadcast, your Honour?

21 PRESIDING JUDGE: This track that you are going to play  
22 now, Mr Koumjian, it's part of a tape that was admitted, or it's  
23 part of a tape and another part of the tape has already been  
24 admitted but not this part. Is that correct?

16:02:30

25 MR KOU MJIAN: Let me explain in detail. The part that was  
26 admitted included only the phone call from one individual to the  
27 radio broadcaster. I am proposing to play from the beginning of  
28 the broadcast up to the end of that phone call. So what I am  
29 proposing to play is a bit longer, about three minutes longer,

1 than what was played previously in 262. The entire programme we  
2 are not planning to play because it includes other subjects not  
3 related to Sierra Leone.

4 JUDGE SEBUTINDE: It would be accurate, Mr Koumjian, to say  
16:03:14 5 this excerpt was not played, was not admitted in evidence. The  
6 thing that we are going to listen to was not admitted in  
7 evidence?

8 MR KOUMJIAN: That would be accurate. Only a portion of  
9 this, approximately the last six minutes of approximately nine  
16:03:38 10 minutes was not admitted into evidence. Your Honour, if I could  
11 explain a bit, I wanted the beginning because it does indicate  
12 the time of the broadcast and the programme.

13 PRESIDING JUDGE: Mr Griffiths, did you want to say  
14 something on this before the tape is played?

16:04:11 15 MR GRIFFITHS: No, I don't.

16 PRESIDING JUDGE: Yes, go ahead and please play the tape,  
17 Mr Koumjian.

18 [Audio tape played to the Court]

19 MR KOUMJIAN:

16:13:59 20 Q. Sir, did you recognise any part of the broadcast we just  
21 heard?

22 A. We heard this broadcast. And it was - as I said, it was  
23 after this broadcast that there was jubilation in Makeni.

24 Q. Can you describe who was jubilating in Makeni?

16:14:17 25 A. Well, we were asked by the RUF to come and rejoice because  
26 Freetown was captured and that since they have removed the ECOMOG  
27 from Makeni and what they were telling us about their might has  
28 come true, so they are now going to rule the country Sierra Leone  
29 and so we should come out, and so we were out there dancing.

1 Q. Did you yourself take part in this celebration?

2 A. Myself, I danced.

3 Q. Why?

4 A. Because everybody was dancing. If you don't dance you will  
16:14:52 5 be charged.

6 Q. Sir, from 28 December for the next weeks did you see any  
7 movement of troops of this People's Army that had captured  
8 Makeni?

9 A. Repeat.

16:15:07 10 Q. Did you see any troop movements between let's say from 28  
11 December through the next few weeks?

12 A. The People's Army, that is the RUF and the AFRC, were  
13 continuously moving, going to Kabala, to Port Loko, to Lunsar,  
14 Bumbuna and Freetown.

16:15:28 15 Q. How do you know that?

16 A. They themselves were saying it and we saw them loading in  
17 their vehicles and they will tell you, "We are going to Kabala  
18 today". They will go and come back. They tell you, "We captured  
19 this village". Other times they will come and when they were  
16:15:43 20 unable to captured any village, they come, they are silent. But  
21 they will always say that, "We are going".

22 Q. Sir, you told us in the private session about some of your  
23 work and you told us that you came across some children with the  
24 RUF. Did any of them ever tell you that they were involved in  
16:16:02 25 fighting in Freetown in January 1999?

26 A. Yes, a few of them did. They told us that they were in the  
27 fight in Freetown.

28 MR KOUMJIAN: Your Honour, could the witness be given a  
29 piece of paper to write down the names he recalls of children who

1 told him that they were involved in the fight in Freetown in  
2 January 1999.

3 PRESIDING JUDGE: Yes, if that can be arranged, please.

16:16:46

4 MR KOU MJIAN: Your Honour, while the witness is doing that,  
5 since this is a more complete broadcast, I would ask that this be  
6 given an MFI number.

7 PRESIDING JUDGE: I see the transcript you've provided us  
8 with is actually headed up "Track 1" and "Track 2", but I think  
9 we only heard track 2. Is that the case?

16:17:07

10 MR KOU MJIAN: I believe you only heard part of track 2.  
11 The entire broadcast is much longer and we have only taken an  
12 excerpt related to Sierra Leone.

13 PRESIDING JUDGE: All right. You only want marked for  
14 identification the part we've heard?

16:17:21

15 MR KOU MJIAN: Correct.

16 PRESIDING JUDGE: And the accompanying transcript?

17 MR KOU MJIAN: Yes, your Honour.

16:17:34

18 PRESIDING JUDGE: We will mark that track from Focus On  
19 Africa that the Court has just heard. I think it's identified as  
20 track 2 on 6 January 1999. We will mark the tape MFI-39A and the  
21 transcript of the tape will be marked MFI-39B.

22 MR KOU MJIAN:

16:18:27

23 Q. Sir, have you written the names that you recall of children  
24 who told you that they were involved in fighting in Freetown in  
25 January 1999?

26 A. I have.

27 MR KOU MJIAN: Your Honours, may that be put on the document  
28 display, with the admonition to the booth not to display it to  
29 the public, so perhaps we can all see that in the courtroom.

1           PRESIDING JUDGE: Thank you. Can that be arranged, Madam  
2 Court Manager?

3           MS IRURA: Your Honour, that will be effected.

4           MR GRIFFITHS: Mr President, I wonder whether it would be  
16:19:06 5 sensible for the witness to put his TF1 number and the date on  
6 that piece of paper for identification purposes.

7           PRESIDING JUDGE: Yes, that sounds --

8           MR KOUMJIAN: I have no problem with that.

9           PRESIDING JUDGE: Yes. Could you write your TF1 number and  
16:19:24 10 the date, please, Mr Witness.

11          MR KOUMJIAN: Is it safe to display that now?

12          MS IRURA: Your Honour, the booth has been informed and  
13 they will effect it.

14          MR KOUMJIAN: Will the Court Officer please place the  
16:20:40 15 document then on the ELMO:

16 Q. Mr Witness, I see four names there. I just want to ask you  
17 about the last name on the bottom. Is that the person's actual  
18 name?

19 A. I cannot remember his actual name but this was the name we  
16:21:10 20 had been using and for sure even when we meet him now this is  
21 just the name he carries right even now.

22          MR KOUMJIAN: That could be put away then. May that be  
23 given an MFI number, please?

24          PRESIDING JUDGE: Yes. That will be marked MFI-40.

16:21:59 25          MR KOUMJIAN: May that be confidential, please?

26          PRESIDING JUDGE: And marked confidential.

27          MR KOUMJIAN: Thank you, Mr President:

28 Q. Sir, following the invasion in Freetown in January 1999  
29 what forces were based in Makeni?

1 A. Majority of the RUF were in Makeni and then there were also  
2 the AFRC. Then also there was another group called STF.

3 Q. Can you give us the names, and please just the names, of  
4 any commanders that you know were present during that time or  
16:22:53 5 part of that time in the months following the January - let's say  
6 between January and April 1999?

7 A. The RUF was headed by Issa Sesay. The STF was one Liberian  
8 General Bropléh. The AFRC was headed by Brigadier Mani.

9 Q. Can you tell us the names of any other commanders that you  
16:23:21 10 recall being present or coming and going into Makeni during that  
11 period of time?

12 A. In Makeni, there was Titus and then Superman was coming and  
13 going. We were told he was small resident in Lunsar, but he used  
14 to come very frequently to Makeni and goes. It was the same for  
16:23:48 15 Gibril Massaquoi, Kallon, until finally they had some places in  
16 Makeni, but in the beginning they were going and coming.

17 There were others, but we came to know them as really time  
18 goes by but in the beginning these were the major commanders. As  
19 I said, Superman was going and coming and we were told he was a  
16:24:13 20 support to any group that goes to attack. If they cannot succeed  
21 in the attack he will follow with his group to give support.

22 Q. You made a gesture with your hands that I would describe -  
23 I don't know if your Honours saw that. Actually I don't know  
24 quite how to describe it, but you put your fists together and you  
16:24:38 25 clinched your fists. What did you mean by that?

26 A. It's an emphasis on the support he gave.

27 JUDGE SEBUTINDE: Mr Koumjian, the witness has mentioned  
28 STF, I think. I don't think he has mentioned it before. Who are  
29 they?



1 MR KOUMJIAN:

2 Q. Sir, what do you know about the STF?

3 A. We he were told and we came to realise that they were the  
4 Special Task Force from Liberia headed by General Bropleh and

16:25:04 5 General Bropleh was a Liberian.

6 Q. You mentioned Brigadier Mani. Who was he?

7 A. He was a brigadier from the Sierra Leone Army, so at this  
8 time he is one of the renegades who now heads the AFRC  
9 specifically in Makeni.

16:25:26 10 Q. Were there any other former SLAs that were commanders in  
11 Makeni at that time that you recall?

12 A. Yes, there were some of them. As I said, it was gradually  
13 that we came to know them. There was also one - somebody who  
14 most times when they call his name we thought it would have been

16:25:47 15 the leader of the AFRC, but it was not him. It was Johnny P  
16 Koroma. He was a major. Then there was one Sesay who comes  
17 often and go back and then there was Major - Captain, later  
18 Major, Michael. They were there.

19 Q. Just so we are absolutely clear, Johnny P Koroma what is  
16:26:10 20 his - you said he was a major?

21 A. He was a major. He was working together with Titus in the  
22 collection of dues from the market.

23 Q. Is that the same person as Johnny Paul Koroma, just to be  
24 clear?

16:26:23 25 A. No, he is not. This is why I said when I call his name  
26 most people think that it is Johnny Paul Koroma, but it is not  
27 Johnny Paul Koroma. This is another JPK.

28 Q. Were there any women commanders, former SLAs?

29 A. I was introduced to Krio Mammy, who was Agnes Mani [phon],

1 and another Liberian lady, Old Woman Louisa. These people were  
2 also in Makeni. There is a good number of them. There was a  
3 Massah Turay. These were members of the WACs, they explained to  
4 us, women army commanders.

16:27:08 5 Q. You've mentioned a Kallon. Who was Kallon?

6 A. It is Morris Kallon.

7 Q. Which faction did he belong to?

8 A. He is RUF.

9 Q. You've also mentioned Titus. Who was Titus?

16:27:23 10 A. Titus was the administrative director of the RUF in Makeni.

11 Q. What can you tell us about Superman besides what you've  
12 already told us?

13 A. Well as time went on in Makeni, especially after the - when  
14 people started going for this Lome, there was a little peace in  
16:27:54 15 Makeni. They asked us to form football teams, which we did, and  
16 it was one of his team which was also known - which was also  
17 known as Superman's team. He was one of the players. We meet  
18 together. We play together. He had his team, which he support,  
19 and he played for this team also.

16:28:12 20 Q. Approximately what month, or months, was that that you met  
21 Superman playing football?

22 A. That was about the end - we started forming these football  
23 teams by the end of April, leading right down to the attack in -  
24 even after the chaos they had with themselves over the  
16:28:39 25 infighting, we still continued until finally in December when

26 before until the time of disarmament, or whatever, we continued.

27 PRESIDING JUDGE: We are just about at the end of the tape,  
28 Mr Koumjian.

29 MR KOUMJIAN: Thank you.

1           PRESIDING JUDGE: Mr Witness, we are going to adjourn now  
2 until 9.30 tomorrow morning. You are still in the course of  
3 giving evidence and so I must tell you that you are ordered not  
4 to discuss this case with anybody. Is that clear?

16:29:19 5           THE WITNESS: It's clear.

6           PRESIDING JUDGE: Right, thank you.

7           THE WITNESS: Thank you.

8           PRESIDING JUDGE: Yes, we will adjourn.

9                                 [Whereupon the hearing adjourned at 4.30 p.m.  
16:29:43 10                                 to be reconvened on Wednesday, 28 January 2009  
11                                 at 9.30 a.m.]

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