

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO.: SCSL-04-15-T  
TRIAL CHAMBER I

THE PROSECUTOR  
OF THE SPECIAL COURT  
v.  
ISSA HASSAN SESAY  
MORRIS KALLON  
AUGUSTINE GBAO

THURSDAY 22 JULY 2004  
9.45 A.M.  
CONTINUED TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

For the Registry:

Ms. Maureen Edmonds  
Mr. Geoff Walker

For the Prosecution:

Ms. Lesley Taylor  
Mr. Christopher Santora  
Ms. Sharan Parmar  
Ms. Adwoa Wiafe

For the Accused Issa Sesay:

Mr. Wayne Jordash  
Ms. Sareta Ashraph

For the Accused Morris Kallon:

Mr. Raymond Brown  
Mr. Melron Nicol-Wilson

For the Accused Augustine Gbao:

Mr. John Cammegh

Court Reporters:

Ms. Roni Kerekes.  
Ms. Susan G. Humphries  
Ms. Gifty C. Harding  
Mr. Momodou Jallow

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1 [Thursday, 22 July 2004]  
2 [The Accused Sesay and Kallon entered court]  
3 [The Accused Gbao not present]  
4 [Open session]  
5 [Upon commencing at 9.45 a.m.]

6 MS. EDMONDS:

7 All persons having anything to do before this Special Court Trial Chamber draw near and give your  
8 attendance.

9 MR. PRESIDENT:

10 Yes, the session is open and Mr. Santora –

11 MR. SANTORA:

12 -- yes, Your Honour.

13 MR. PRESIDENT:

14 You want to call the witness.

15 MR. SANTORA:

16 The Prosecution is now calling witness TF1-21 –

17 MR. PRESIDENT:

18 Mr. Santora, just a minute, please. I see Mr. Jordash was first -- was faster than Mr. Brown on his  
19 feet.

20 MR. JORDASH:

21 For the first time, I think.

22 MR. PRESIDENT:

23 Yes, good.

24 MR. JORDASH:

25 I would just wish to raise something before the proceedings start today. It is a matter of great concern  
26 to the Defence and of great concern to Mr. Sesay. Yesterday following the visit to the Detention  
27 Centre of the accused's family, or families, the accused families were then taken to the old courtroom  
28 wherein a search took place of the females which involved the removal of clothes and the insertion of  
29 fingers into the vaginas of the women. Mr. Sesay and the other Accused met with the Chief of  
30 Detention, Mr. Wallace, who confirmed that he did not order that search and, in fact knew, it would  
31 seem, nothing about it. It was conducted by the Sierra Leonean staff, under whose authority we do  
32 not know. Your Honours will appreciate our concern. This issue arose approximately six or seven  
33 months ago and again the Chief of Detention, at that time Mr. Jackson, could not or did not confirm  
34 that it was not under his authority that that search had taken place.

35

36 We would respectfully submit that that search or those types of searches are wholly inappropriate in  
37 the absence -- wholly inappropriate full stop, especially without the authority of the Chief of Detention.

1 And I raise it at this stage because it is of great concern that such intimate searches have taken place  
2 without the authority of the Chief of Detention and, it would seem, without any reason whatsoever or  
3 any indication of suspicion of any contraband or other such illicit substances. This search appears to  
4 have arisen for no good reason and without the relevant and requisite authority.

5 MR. PRESIDENT:

6 Who did you say is the Head of Detention?

7 JUDGE BOUTET:

8 Mr. Barry Wallace.

9 MR. PRESIDENT:

10 Barry Wallace.

11 JUDGE BOUTET:

12 Other than you reporting this this morning to this Court, has there been any official complaint made to  
13 Mr. Wallace or any other authority? Do you know?

14 MR. JORDASH:

15 Not officially. The accused have made their various complaints and a meeting was held yesterday  
16 following the searches.

17 JUDGE BOUTET:

18 You said that took place last evening.

19 MR. JORDASH:

20 Yesterday evening, Your Honour, yes. And I learned about it this morning at approximately 8.30 and  
21 so I thought the best thing would be to raise it first thing with Your Honours. Thank you.

22 MR. PRESIDENT:

23 Thank you. Yes.

24 MR. BROWN:

25 Your Honour, I rose -- I hope the Court doesn't interpret the relative slowness of my fingers as a lack  
26 of concern about this very profound question and we invoke the protection of the Court with respect to  
27 measures that if not justified or explain, implicate a number of issues that we would wish to bring  
28 further, but quite frankly, I learned about it this morning. It is, on the face of it, quite disturbing and we  
29 quite frankly seek your assistance and protection in determining what is occurring here what its  
30 causes are and then fashioning some remedy. This is a quite serious matter.

31 MR. PRESIDENT:

32 Right. The Prosecution, do you have any comments to this, please?

33 MS. TAYLOR:

34 None at all. Your Honour, I was not aware of any of this until it was raised by my learned friends this  
35 morning. [Overlapping microphones] The Prosecution was not aware of these matters until my  
36 learned friends have just spoken.

37 [Trial Chamber confer]

1 MR. PRESIDENT:

2 Well, the Chamber has taken note of counsels' complaint and although we consider it extra-judicial in  
3 terms of our proceedings. I think we -- it could impact on our proceedings and it is in this regard that  
4 we would be asking the Registrar, whose responsibility it is to oversee the sector of detention, to look  
5 into it and to report to the Chamber as to what the results of his inquiry would be. We've taken note of  
6 it and the Registrar would be duly informed by the Court management to look into this.

7 [Trial Chamber confer]

8 MR. PRESIDENT:

9 Is that all right, Mr. Jordash?

10 MR. JORDASH:

11 Yes, thank you very much.

12 MR. PRESIDENT:

13 Mr. Brown, is that all right?

14 MR. BROWN:

15 That's why we invoked the Court's concern.

16 MR. PRESIDENT:

17 We'll come back to you in due course.

18 MR. BROWN:

19 Might I raise one ministerial matter?

20 MR. PRESIDENT:

21 Pardon me?

22 MR. BROWN:

23 One ministerial matter. With respect to the next witness, Witness 217 I have conferred with counsel  
24 and informed our learned adversaries of our intention, with the Court's permission, to allow the  
25 second accused to cross-examine first with respect to this witness, provided there is a need for  
26 cross-examination, if the Court would permit it.

27 MR. PRESIDENT:

28 We would, you know, like to proceed orderly for purposes of our records, so we would start first,  
29 second and third. Is there any particular reason why we should depart --

30 MR. BROWN:

31 Yes, Your honour. We would ask leave to have the opportunity when strategic requirements and the  
32 division of labour permit it, and we would point out that we think it may very well be in the interests of  
33 judicial economy because it may enable us to be more efficient in terms of the cross-examination to  
34 the extent that interests are in common. So we think there are both strategic reasons which I hope  
35 the Court wouldn't press me to discuss and which I probably can't.

36 And secondly, the issues of judicial economy would make it a helpful way for us to proceed and we  
37 think proceed more efficiently. We continually note and attempt to follow the Court's advice to us to

1 be expeditious consistent with our duties and we are attempting to be as efficient as we can be. And  
2 that is also a reason why I rose to bring it now rather than at some later time or in some way that  
3 might even then consume the Court's time.

4 [Trial Chamber confer]

5 MR. PRESIDENT:

6 Yes, Mr. Cammegh.

7 MR. CAMMEGH:

8 Your Honour, I strongly support Mr. Brown's comments. We three are all trial counsel of some  
9 experience and that being the case, it would be, given that this trial is likely to take a very long time  
10 indeed, be unfortunate, indeed, if Mr. Jordash who is first on the indictment, were throughout the rest  
11 of these proceedings to carry the burden of most of cross-examination and likewise, myself being third  
12 on the indictment, it would be very easy and comfortable for me to simply sit down and adopt much of  
13 the cross-examination that precedes me in the way that I've done already and that really, with fairness  
14 to both my learned friends, wouldn't be fair. And speaking personally it would rather give -- it would  
15 give me a rather unrealistically easy time which I could easily adopt. I don't really want to. I would  
16 like to play as full a part in these proceedings as my friends.

17  
18 And can I just amplify the comments about expediency or economy made by Mr. Brown. If we were  
19 able to divide up cross-examination between us insofar as if we were able to come to an agreement  
20 as to who should take each witness first, it is going to allow all three of us Defence trial counsel to  
21 prepare cross-examination in a far more expeditious way, saving time and that, I'm sure, will be  
22 reflected in the length of time taken during cross-examination in total. So I do strongly support what  
23 Mr. Brown says. I'm sure Mr. Jordash is of the same view.

24 MR. PRESIDENT:

25 Thank you.

26 [Trial Chamber confer]

27 MR. PRESIDENT:

28 Yes, Prosecution, please, would you -- what is your reaction to this?

29 MS. TAYLOR:

30 If it suits the convenience of my friends to occasionally change the order on the indictment and it suits  
31 Your Honours also, the Prosecution has no objection to that course.

32 [Trial Chamber confer]

33 MR. PRESIDENT:

34 Well, we've taken note of the request by counsel for the Defence and the observations of the  
35 Prosecution. We would -- the Chamber would want to reflect on this and to come back to counsel  
36 later on what its position is. For now and for the witness who is coming, we would work on the normal  
37 norms. We would look at it at the request by counsel and come back to you at a later stage.

1 Can the Prosecution call --

2 MR. BROWN:

3 Can I make one logistical request? Could that later stage be at the end of the direct of this witness?

4 MR. PRESIDENT:

5 We'll come back to you at a later stage, Mr. Brown, and we'll -- we're very sensitive of the importance  
6 of the issue you have raised and we'll come back to you.

7

8 Yes.

9 MR. SANTORA:

10 Your Honour, the Prosecution now wishes to call TF1-217.

11 JUDGE BOUTET:

12 This is a witness that testifies in Krio and the protective measure in this case is only the protective  
13 screen.

14 MR. SANTORA:

15 Yes, Your Honour.

16 MR. PRESIDENT:

17 TF1?

18 MR. SANTORA:

19 TF1-217.

20 MR. PRESIDENT:

21 That will be your seventh witness?

22 MR. SANTORA:

23 Yes, Your Honour.

24 MR. CAMMEGH:

25 Your Honour, I think it is number eight.

26 MR. PRESIDENT:

27 The eighth?

28 MR. SANTORA:

29 Yes, it is the eighth, sorry about that.

30 MR. PRESIDENT:

31 The eighth. Yes, okay.

32 [The witness entered court]

33 MS. EDMONDS:

34 Please repeat after me.

35 JUDGE BOUTET:

36 Mr. Technician, there is voice distortion in place and there is no such requirement.

37 [WITNESS TF1-217 sworn]

1 [Witness answered through interpretation]

2 JUDGE BOUTET:

3 Mr. Prosecutor, we'll see when you talk to the witness at the beginning to see if the system has been  
4 modified or not now.

5 MR. SANTORA:

6 So I will go ahead and proceed and see on the response.

7 JUDGE BOUTET:

8 Wait for the Presiding Judge to tell you.

9 MR. SANTORA:

10 Yes.

11 MR. PRESIDENT:

12 Yes, Prosecution you may proceed.

13 Examination by Mr. Santora:

14 MR. SANTORA:

15 Thank you, Your Honours.

16 Q. Mr. Witness, I'm going to ask you some questions. I want you to listen and if there's anything you  
17 don't understand, please say that you don't understand and I'll repeat the question. Do you  
18 understand that?

19 A. Yes, I hear.

20 Q. Mr. Witness, where were you born?

21 A. I was born in Kono.

22 Q. Do you know when you were born?

23 A. Yes. In 1958.

24 Q. Do you know how old you are?

25 A. I think I'm 47 years.

26 Q. Mr. Witness, where did you grow up?

27 A. It is in Kono.

28 Q. Have you ever lived anywhere else?

29 MR. PRESIDENT:

30 Excuse me. He said he was born in 1958?

31 MR. SANTORA:

32 Yes, Your Honour, 1958.

33 Q. Have you ever lived any where aside from Kono?

34 A. Unless when I go to Guinea and in Freetown.

35 Q. When were you living in Freetown?

36 A. I was at Xxxxx Xxxxx along Xxxxx Road

37 Q. When were you living in Freetown?



1 A. I came to Freetown from 1970.

2 Q. And how long were you living in Freetown for?

3 A. I came here for schooling from form one to form four (sic).

4 Q. Mr. Witness, what's --

5 JUDGE BOUTET:

6 Pardon me. What is the last answer? I didn't get that one. He came to Freetown for school but --

7 MR. SANTORA:

8 From form one to form four, I believe he said.

9 A. From form one to form five.

10 Q. Mr. Witness, are you married?

11 A. Yes, I have a wife.

12 Q. Is this the first time you've been married?

13 A. No, this is my second wife that I have.

14 Q. How many children do you have, Mr. Witness?

15 A. I have five children, because I'm not counting that one who has died, who made six.

16 Q. Mr. Witness, can you read and write?

17 A. Yes, I can read and write.

18 Q. Can you tell the Court what languages you can speak.

19 A. Yes. I speak Kono; I speak Temne; I speak Krio; I speak English.

20 Q. Mr. Witness, what do you do now for work?

21 A. I am doing nothing unless garden work with my wife. I'm doing garden work.

22 Q. What kind of work did you do before?

23 A. When I left school, I went to Kono. There I was a miner.

24 Q. And about how many years were you a miner for?

25 A. I mined for more than ten years.

26 Q. Where were you mining?

27 A. I was mining in Koidu Town, Tefeya, Waidaya, where we heard that there were diamonds.

28 Q. For whom were you mining for?

29 A. At first I was digging for Kasim Basma. He paid us.

30 Q. When did you stop working as a diamond miner?

31 A. From the time when the rebel entered Kono this last time.

32 Q. Why did you stop when the rebels entered Kono this last time?

33 A. The reason why I stopped was that I did not see any use or any reason when you get a gravel, it is  
34 the rebel that took it from you. That is why I stopped digging.

35 Q. Do you remember what year this was when you stopped being a diamond miner?

36 A. It was in 1997.

37 Q. Mr. Witness, where were you living in February 1998? Do you remember where you were living?

1 A. I was in Kono.

2 Q. What was happening in Kono at this time?

3 A. Really, what happened in Kono was that that we saw. When the rebels and the junta were there, they  
4 were going from house to house, knock at houses and took people's property from their hands, raped  
5 young girls, if they knock at your door and you did not open quickly, at times they stabbed people, and  
6 even myself, they took my property from my house.

7 Q. Now you just stated that when the rebels and the juntas came, that these things happened. Explain  
8 to the Court what you mean by rebels and juntas.

9 A. Yes, I can explain what happened. This is what happened. I'm explaining now. When they go  
10 midnight at people houses, they knock at people (sic) houses, they took people's property, they break  
11 the door and they took people property, raped young girls. If you do not open quickly and they  
12 manage to get into you, they stab people because they are angry because you delayed to open them  
13 (sic), to allow for them to go in. This is what they did.

14 JUDGE THOMPSON:

15 Learned counsel, I don't think the witness got the question.

16 MR. SANTORA:

17 I'm going to re-ask the question, Your Honour.

18 Q. Mr. Witness, when you say rebels, who do you mean?

19 A. Well because they had guns, they fought against their country, so that person has rebelled against his  
20 country. It is what we -- it is they that we call rebels.

21 Q. And you stated juntas, what do you mean by juntas?

22 A. Juntas were soldiers, they ceded and went to the bush, so they are the ones that we call juntas.

23 Q. You stated just now that the rebels and juntas were in Koidu; is that correct?

24 A. Yes, it is true. They were all together, they joined forces together to fight against the country.

25 Q. Explain what you mean when you say "they joined forces."

26 A. They were all together, they lived as one; this is what I mean.

27 Q. And how do you know this?

28 A. It is something that we saw and I saw it.

29 Q. Now, at this time that you were just describing, where were you living?

30 A. In Koidu Town.

31 Q. Without telling me -- without telling me a street name, can you tell me what area of Koidu you were  
32 living in?

33 A. Yes. I can tell this man where I was, but because he said I should not call the street --

34 MR. PRESIDENT:

35 Yes, you should not call the street because you are protected. We don't want to know where you  
36 were living. We don't want people to know -- don't you see the screen behind you?

37

1 MR. SANTORA:

2 Perhaps if I asked him to identify a landmark, if that's appropriate.

3 MR. PRESIDENT:

4 I want him to know that he's not supposed to -- let him understand why they don't want him to call his  
5 street, because we do not want you to be identified because you're protected. Okay?

6 MR. SANTORA:

7 Q. If you can just tell me the area of Koidu where you were living at this time?

8 A. I was in the eastern part of Koidu Town.

9 Q. During this time, did anything happen to you personally?

10 A. Yes. They took my property from my house.

11 Q. Can you explain exactly what happened?

12 A. To me, I can explain. I'm going to explain. Well, when the juntas and the rebels were in Koidu Town,  
13 when they were knocking at people's door, break doors and took people property, raped children, they  
14 stabbed people. This is the habit that they were having. It made people to be unhappy, so the  
15 wealthy people in town contributed some money and called Kamajors to pull out rebels from Koidu  
16 Town. When the Kamajors came, they entered Koidu Town, they were able to evict the rebels from  
17 Koidu Town.

18

19 The members, family members of the juntas and the rebels, the Kamajors were holding them, and in  
20 front of a soldier if you are a friend of an RUF fighter, they held you and killed you.

21 Q. Mr. Witness, before the Kamajors came into Koidu, at this time you were just describing, do you know  
22 who the commanders of the rebels and the juntas were in Koidu at this time?

23 A. Well, I know -- I knew -- I know some. One -- can I call their names?

24 Q. Yes, you can call their names.

25 A. One, I saw one Lieutenant Tee who was a member of the Sierra Leonean Army; two, I saw Komba  
26 Gbundema, he was a member of the RUF; three, I saw Captain Bai Bureh, he was a member of the  
27 RUF; four, I saw Sam Bockarie, he was a member of the RUF. These are the people that I saw.  
28 And where I was able to see Sam Bockarie, it was where we were playing football at community  
29 centre, where they killed thieves. It was there that I saw him.

30 Q. Mr. Witness, these people that you just named, how do you know that they were the commanders?

31 A. Their followers informed us, told us and they told us and we knew that they were the bosses.

32 Q. And of the people you just mentioned, do you know who was the highest boss?

33 A. No. No, because each one of them showed that he was the boss.

34 Q. You mentioned a location where you saw Sam Bockarie. Can you tell the Court where you saw the  
35 other commanders that you mentioned, starting with Lieutenant Tee?

36 A. Yes. Captain Bai Bureh I saw him in Wende du and he do something to me that is bad. Then,  
37 Komba Gbundema I saw him in mining areas; we call that area Commander Mining. It was there that

- 1 I saw him. Then, Sam Bockarie the area that I saw him it was where the thieves were killed at  
2 community centre field. It was there that I saw him.
- 3 Q. And you mentioned a Lieutenant Tee, do you remember where you saw him?
- 4 A. Yes. Where I saw him it was there that they drove us when they said that they did not want to see the  
5 civilian. It was the time that they started burning houses.
- 6 Q. Mr. Witness, you mentioned that rape was occurring at that time. How do you know this?
- 7 A. Okay. It was something that -- it was something that happened and every morning we went to the  
8 hospitals when we heard that the rebels broke people houses and we knew that damage must be  
9 done and we went to hospital and we met young women that were raped and young people -- men  
10 that were damaged. And it happened many times.
- 11 Q. Mr. Witness, during this time in Koidu, what season was it in Sierra Leone?
- 12 A. It was the dry season.
- 13 Q. Now you mentioned that the Kamajors came in at a certain point. Do you remember when they came  
14 in?
- 15 A. It was the dry season. The dry season.
- 16 Q. And how long were the Kamajors in Koidu for?
- 17 A. They spent there three weeks.
- 18 Q. Why did they leave?
- 19 A. Well, these people were for themselves. They came with a group that they said was led by Akim. It  
20 was that group that pulled them out from -- but I did not see Akim, but it was they who told me that  
21 Akim was the head, but I did not see him. That was why the Kamajors ran away.
- 22 Q. How do you know it was Akim?
- 23 A. Well, his boys were saying that.
- 24 Q. When you say "his boys," who do you mean?
- 25 A. Those who were fighting behind him.
- 26 Q. Can you tell us -- can you tell the Court how the rebels and the jun -- how the rebels were dressed?
- 27 A. Some were in military uniforms, some were in jeans and T-shirts, some they put on jean-jean. This is  
28 how they were dressed.
- 29 Q. Can you tell the Court how the juntas were dressed?
- 30 A. It was the same way of dressing, the military uniforms and jean-jeans, most places they like  
31 jean-jeans.
- 32 Q. What happened in Koidu after Akim and his troops drove the Kamajors out?
- 33 A. Well, they started burning houses so they said they did not want to see civilians. They said that it was  
34 we that brought civilians to kill their colleagues.
- 35 Q. When you said "They did not want civilians," who was saying this, specifically?
- 36 A. The rebels and the juntas.
- 37 Q. Did you personally hear them saying this?

- 1 A. Yes. It was the way that they drove.
- 2 Q. You stated that they started burning houses, can you explain exactly what you mean by that?
- 3 A. They set fire on houses and the houses were burning.
- 4 Q. And how do you know this?
- 5 A. It was something that we saw and our own house was burnt, they burnt it, and they burnt the whole
- 6 Koidu Town.
- 7 Q. After you saw the houses burning, what happened?
- 8 A. When they started, we ran away because they said they did not want to see civilians.
- 9 Q. Where did you go?
- 10 A. We did not go far away, we went to Wendedu village.
- 11 Q. Can you tell the Court where Wendedu village is in relation to Koidu?
- 12 A. It is about 2 miles from Koidu Town.
- 13 Q. Do you know which direction it is from Koidu?
- 14 A. It is in the eastern part of Koidu.
- 15 Q. Now this time you left -- when you left Koidu for Wendedu, what season was it?
- 16 A. It was in the dry season.
- 17 Q. Now, you have told the Court that you used to be a diamond miner, is there a difference in mining
- 18 between the dry season and the rainy season?
- 19 A. Yes, there is a small difference. There is a small difference between mining in the rainy season and
- 20 mining in the dry season. In some places you cannot do deep mining except those who have a lot of
- 21 money. They are the one that can do mining in-- deep mining in the dry season because they use
- 22 caterpillars. Then in the rainy season, some go to the terrace and bring terrace -- they come to a
- 23 stream and wash. This is how they mined in the rainy season. Or you go to a stream, you take gravel
- 24 from there, you can wash it. That is the difference between the dry season mining and the rainy
- 25 season mining. It is a very small -- it is just a small difference.
- 26 Q. So at this time when you left Koidu for Wendedu what type of mining was going on?
- 27 A. Well, they were not mining, that was the time we left Koidu Town.
- 28 Q. And how did you get to Wendedu?
- 29 A. We walked on foot.
- 30 Q. Who exactly went with you?
- 31 A. Myself, my children, wife and a lot of other people, plenty.
- 32 Q. Who were these other people?
- 33 A. They were civilians, all of us were civilians.
- 34 Q. And when you say plenty, can you give an approximate number of people that went with you?
- 35 A. I cannot tell. I was unable to count; we were plenty.
- 36 Q. What happened when you arrived in Wendedu?
- 37 A. Okay. When we reached Wendedu, we waited for awhile. Okay, the juntas and rebels were going --

1 they went to us, but they never did any harm to us at that time. They went to us and started drinking  
2 palm wine. What forced me to leave there with other people, one day I saw five vehicles, I saw five  
3 young girls who sat inside the vehicles, one was weeping. One among the boys, the junta boys, they  
4 captured my younger sister. They said, "This is Captain Bai Bureh's wife." They took her to Bai  
5 Bureh, then they said "Yes, this is a beautiful lady." I went to beg so that my sister could be released;  
6 they didn't agree. Then they asked me, "Your life, your sister, which of the two do you want?" Then I  
7 said "My life." Then my sister said, "Brother go." Then I left there. We packed our belongings and  
8 went away, went to Kondewakoro. We lived in those forests. We built some huts there.

9 Q. Mr. Witness, how old was your sister at this time?

10 A. At that time she was 16 years old.

11 Q. And you stated that Captain Bai Bureh was there, who was Captain Bai Bureh?

12 A. He was one of the commanders.

13 Q. And were there any other people there besides Captain Bai Bureh?

14 A. There was one Lieutenant Jalloh, fair in complexion. They went there in numbers.

15 Q. When you say "they," who do you mean exactly?

16 A. Well, the juntas and the rebels because all of them came together.

17 Q. And at this time when your sister was taken, do you remember how many juntas and rebels were  
18 there?

19 A. No, I cannot tell. And, in fact, you cannot stand and started counting them.

20 Q. You said that they came in five trucks, do you remember what kind of trucks they were?

21 A. Land Rover.

22 Q. Do you remember anything else about the trucks?

23 A. Well, only about the girls that were in the trucks and one was weeping.

24 Q. Can you tell the Court what your opinion was of the approximate age of these girls?

25 A. Well, they are not my children, but what I know they are underage girls.

26 Q. When you say "underage," what do you mean?

27 A. Well, what I meant by that, they were around or about 13, 14, 15, 16 years.

28 Q. And you stated one of the girls was crying, do you know why she was crying?

29 A. Well, by my experience I knew she was not --

30 MR. PRESIDENT:

31 Speculative, speculative.

32 MR. SANTORA:

33 I didn't -- the reason I ask is because perhaps he was close enough to know what the reason of her --

34 MR. PRESIDENT:

35 Then ask him that.

36 MR. SANTORA:

37 Yes, Your Honour.

1 Q. The girl that you mentioned was crying, how far away were you from her?

2 A. Well, it is just as the -- the distance was just like where I am sitting now to the girl just after you.

3 MR. SANTORA:

4 Let the record -- could we have the record reflect that the witness pointed to the girl just to the left of  
5 me, if I'm correct?

6 MR. PRESIDENT:

7 That would be about what distance then?

8 MR. SANTORA:

9 Can I estimate myself?

10 MR. PRESIDENT:

11 Yes, estimate that.

12 MR. SANTORA:

13 Probably something in the range of five metres, seven metres. Five metres.

14 MR. PRESIDENT:

15 Five metres.

16 MR. SANTORA:

17 Q. Mr. Witness, what happened to your sister?

18 A. Well, I did not know what happened to her except after the disarmament when I saw her.

19 Q. Mr. Witness, I'm sorry to bring you back again to the girl that you saw crying, did you speak with her?

20 A. No, nobody could ask the lady why she was crying. You will not do that at all. You can't venture to do  
21 that.

22 Q. After your sister was taken and the other girls left, what happened?

23 A. Well, we packed our luggage and we went to Kondewa, forest. It was there we lived. Kondewakoro,  
24 Kondewakoro, it was there we lived.

25 Q. Mr. Witness, can you tell the Court where Kondewakoro is in relation to Koidu Town?

26 A. Yes, it is located at the eastern part of Koidu Town. It is about 15 miles or so.

27 Q. And who went with you to Kondewakoro?

28 A. Myself, my children and my wife, and we are with other people, all of us went together.

29 Q. How many children did you have at this time going with you?

30 A. Well, there were three during that time.

31 Q. Can you tell the Court their ages?

32 A. Yes.

33 Q. Just tell me their ages.

34 A. Nineteen -- 19, 5 and 9 years.

35 [Pages 1 to 13 by Roni Kerekes]

36

37

1 [10.44 a.m.]

2 Q. When you went to Kondewakoro again, can you tell me the season at this point?

3 A. Yes. It was during the dry season. The same dry season.

4 Q. How long did you stay in Kondewakoro?

5 A. About two months.

6 Q. Why did you leave?

7 A. I don't understand your question, will you please ask again?

8 Q. You said that you stayed in Kondewakoro for about two months. Why did you leave Kondewakoro?

9 A. Why I left Kondewakoro, it was because one day I opened my radio, I tuned my radio—

10 [No interpretation]

11 MR. SANTORA:

12 No translation was coming through.

13 JUDGE BOUTET:

14 There seems to be a problem we are not [inaudible] from the left.

15 MR. SANTORA:

16 Shall I ask the question again?

17 THE INTERPRETER:

18 Yes, would the speaker speak -- please, ask the question again.

19 MR. SANTORA:

20 I will re-ask the question.

21 Q. Mr. Witness, after spending approximately two months in Kondewakoro, why did you leave?

22 A. The reason why I left there, I had a small radio, when I put it on I heard that -- early in the morning I  
23 heard that -- it was one journalist who is Dennis Smith but he has died. He said that ECOMOG troops  
24 has -- were now in Koidu Town, so we were all happy. So we packed our belongings and moved after  
25 about three days.

26 Q. When you heard this news on the radio, do you remember the radio programme you heard that on?

27 A. Yes, I tuned in the radio and I heard from the BBC that it was Eddie -- Eddie Smith who said that the  
28 ECOMOG troops have repelled the rebels from Koidu Town and they are -- they were there.

29 Q. So upon hearing this, what did you do?

30 A. After three days we packed our belongings, we moved. We walked for five days. We came to the  
31 same village, Wendedu.

32 Q. When you arrived in Wendedu what happened?

33 A. Well, we see -- we saw skeletons, bones, bodies that have rot, and the village was burnt down. We  
34 went to the house of the Chief that had been burnt, but it was there that we sat. And that morning  
35 some people said that they were going to Koidu Town. They said that ECOMOG that -- who are in  
36 Koidu are registering people. So my wife told me to go. I told her to -- that we should wait for a while,  
37 we are closer to Koidu now, we should at least have a rest, we have walked for five days.



1 Okay, we were there. Some people advanced, they went to Koidu. When they went they found the  
2 same junta and rebels in Koidu Town. They said that they went there to register. So the rebels said,  
3 "Oh, you people, you've deceived us, you do not like us. It is you, the same civilians," according to  
4 the story of the people that met us. So they killed some of the civilians, I did not see, I were-- we  
5 were in Wenedu, we were resting. Some of the people came running. What I saw, I saw one old  
6 man who was fired on the -- on the shoulder, the blood was oozing.

7  
8 Okay, they'd informed us that it was not the ECOMOG troop that were in Koidu Town, it was the bad  
9 people who were there. So we were afraid that they were going to run after the other people, so we  
10 decide to leave that town again. In that -- that's my own area, it is our mining area. So we passed  
11 through the mining tracks and reached Penduma.

12 Q. Can you explain -- say again which place you reached?

13 A. Penduma, Penduma.

14 Q. So after leaving Wenedu and going to Penduma, what happened?

15 A. We met other people there. I sat under a mango tree, at that time it was April. I will never forget that  
16 day, it was a Tuesday, but I don't know the exact date.

17 Q. How did you know it was April?

18 A. Well, I know, I know that it was April. It was that April that they amputated my hand, so I know.

19 Q. When you arrived in Penduma you said you were with other people. Who were the other people?

20 A. My three children, my wife, and a lot of other civilian people. And we met other people who sat there.  
21 So we sat, so I wanted to climb the mango tree. My -- one of my -- one of my children told me to  
22 come down. He climbed down and shook the mango tree. While we were eating the mangoes I saw  
23 one man whose hand was cut off, he came. He was coming from the direction of Tombodu. Then I  
24 said, "Eh, what happened with you?" The man said that it was Staff Allah (sic) that amputated his  
25 hand. Then I said, "Eh?" But what gave me the confidence to leave my children to accompany the  
26 man, he told me that they have gone the other direction.

27 Q. When you met the man who came from Tombodu direction and he told you what happened, what did  
28 he do?

29 A. I accompanied the man up to Small Sefadu, a quarter of a mile from Penduma.

30 Q. And [inaudible] yourself and this man, was anybody else with you?

31 A. His children, his two daughters -- the man's two daughters were with me.

32 Q. And where was your family?

33 A. I left them in Penduma.

34 Q. And how far is Small Lebanon from Penduma?

35 A. I'm sorry, how far is Small Sefadu?

36 Q. How far is Small Sefadu from Penduma?

37 A. It is just a quarter of a mile.

1 Q. So what happened then?

2 A. When I left, I left the man there with other people that I met there. So I returned back and collected  
3 my children.

4 Q. You say you returned back, where did you return back to?

5 A. Penduma. The same Penduma Town.

6 Q. Please explain to the Court what happened when you returned to Penduma.

7 A. So they have come and surrounded the village.

8 Q. When you say "they" can you tell the Court who you mean by "they" surrounded the village?

9 A. Well, they were the juntas because that group -- particular group, it is -- I know -- I knew some of the  
10 members that are in that group. So they fired at us, but they were many. And they have surrounded  
11 the village. So what I did, I drew my children and we sat down because I have seen that some people  
12 are trying to escape-- some people were trying to escape. They were firing at them. So my wife was  
13 behind, she was preparing some food. So they have -- I did not-- they have captured her. I did not  
14 know.

15 Q. When you explained that they surrounded and they were shooting at people. Can you specifically say  
16 what you saw?

17 A. Yes. I saw them firing at people who were falling down. But I did not know the amount of people that  
18 died at that time -- at that moment, because we are panic stricken.

19 Q. Why were they shooting at you?

20 A. It was the ones who were trying to escape from them that they fired.

21 Q. And the people that came back and surrounded the village, how were they dressed?

22 A. They were in jeans, some put on black jeans. It is what -- the same military fatigue and jeans that  
23 they were putting on.

24 Q. Tell the Court what happened next.

25 A. So when they captured us, they put the -- they guarded us. They said that they were waiting for their  
26 colonel. Staff Alhaji came, he looked, he point at the children and the pregnant women and suckling  
27 mothers, the suckling mothers. She(sic) put them in the same place. Then the women -- the women  
28 who were not pregnant, he put them in the same place, in the same group. Then the men, we, the  
29 men, he put us in three lines.

30 Q. You said that it was Staff Alhaji, do you know who he was?

31 A. Yes. He was a soldier. He is still in the military. He is here.

32 MR. PRESIDENT :

33 Q. You mean Alhaji?

34 A. Yes, sir.

35 Q. He is here?

36 A. Yes, sir. Yes, sir.

37

1 JUDGE BOUTET :

2 Q. You mean here? Here where? What do you mean?

3 A. He is in the military.

4 Q. You mean Sierra Leone?

5 A. Yes, in Sierra Leone.

6 MR. PRESIDENT :

7 Q. You say it's Alhaji.

8 A. Alhaji Bayo, yes, sir.

9 MR. SANTORA:

10 Q. You stated he was in the military – he's in the military. Do you mean he is in the military now?

11 A. Yes, he is the provost sergeant. He is at Wilberforce.

12 Q. But then what was he?

13 A. He was called colonel.

14 Q. Back then what group did he belong to?

15 A. He was the junta member -- he was a junta member.

16 Q. You stated that he was dividing up people into groups. Did he say anything as he was doing this?

17 A. Well, he did not say anything, he sat down. I first greeted him. I said, "Staff Alhaji, good morning."  
18 So one of his boys whose name was Junior, who came – who was born at Tombodu, slapped me.  
19 He said, "You are just -- how are you just going to greet a colonel like this?" I said I did not know that  
20 the man has had -- had been promoted. So, we are in lines, she (sic) held a staff in his hand. He was  
21 sat on a stump of a tree, a big stump of a tree. So he point at the side of the women, it was as if he  
22 was making a sign. Anyone-- one of his men who came took a woman. Those who are suckling  
23 mother and-- so in my presence some took theirs in houses. Some do it outside. They raped the  
24 women.

25 Q. Mr. Witness, where was your family at this point?

26 A. They are -- they were with me. They raped the women, including my own wife. But Staff Alhaji told  
27 me something because he is a man that I knew. He is a man that I gave ~~Xxxxx~~ ~~Xxxxx~~. So he told me  
28 that he does not know how to do this thing no -- "Now come and look how my boys can do." There  
29 are eight of his boys that raped my wife in my presence where I – in my presence, where I stood.

30 JUDGE BOUTET:

31 Did the witness say eight or A; how many?

32 A. Eight, eight.

33 MR. SANTORA:

34 Q. Did you see this happening?

35 A. Yes. It is something that happened in my presence and they forced me to look.

36 Q. Who forced you to look?

37 A. Well, it is his boys that told me to look because they all held guns.

1 Q. Who specifically was raping your wife?

2 A. I knew two of them, Junior and T. Joe, Tamba Joe. The six, I don't know them, but they asked me to  
3 count.

4 Q. They asked you to count what?

5 A. The men who raped my wife.

6 Q. So did you count?

7 A. Yes, because I did not have any power to fight them.

8 Q. Tell the Court, where were they raping your wife?

9 A. It was outside.

10 Q. Where were your children at this point?

11 A. They were sitting down where they are grouped together -- where they are placed together, but they  
12 too were looking.

13 Q. Could they see their mother being raped?

14 A. Yes.

15 Q. Did anybody say anything as they were raping your wife?

16 A. Yes, they only told me that I don't know how to do it, they knew how to do it, they were laughing, they  
17 shouted.

18 Q. When you say how to do it, what did they mean, what did they mean by that?

19 A. Well, they were trying to say that when I and my wife were in -- are in a room, we -- I don't know how  
20 to lie on top of her.

21 Q. How did they rape your wife?

22 A. They put -- some put her on the side way.

23 MR. CAMMEGH:

24 Your Honour, we have heard that his wife has been raped, we have heard how many people raped  
25 her. Do we need to know any more details?

26 JUDGE THOMPSON:

27 I was a little -- go ahead.

28 MR. SANTORA:

29 Your Honours, the sexual violence occurred -- or we are alleging it occurs in many forms and, in this  
30 particular instance -- rape occurs in various forms and, in this particular instance, we are asking to  
31 particularise what exactly was happening.

32 MR. BROWN:

33 Further to my colleague's objection, I am not sure how counsel answered the question. Is it beyond  
34 the involvement of eight men, is there something particular that we need to know or just further  
35 descriptions? I was just saying there was -- some patterns are enough without telling the Court what  
36 the pattern is. It can be satisfied, if this is probative beyond what we already know.

37

1 JUDGE THOMPSON:

2 Well, the question that occurs to me is, if the Prosecution has alleged this in their indictment and they  
3 think they need to be very thorough and comprehensive in the evidence that they want to lead, unless  
4 there is some rule making it impermissible, I think it is perfectly relevant and it is difficult to interject  
5 here and control the amount of information that the Prosecution wishes to give in support of the  
6 allegations. Unless they are infringing some rule of evidence, I would overrule the objection.

7 MR. SANTORA:

8 Q. Mr. Witness, how did they rape your wife?

9 A. Some of them , they bow her down, some of them laid her down and take the feet up. This is how they  
10 raped my wife.

11 Q. Mr. Witness, what happened after the eighth one raped your wife?

12 A. She lie down very tired. Mr. T. Joe, also called Tamba Joe, took a knife and stabbed my wife to  
13 death.

14 Q. When this happened, where were your children?

15 A. They were sitting down. They were there.

16 Q. Could they see what happened?

17 A. Yes.

18 Q. After this, what happened?

19 MR. PRESIDENT:

20 Counsel, the witness is under some stress. He is sobbing, he is crying and I think he is haunted by  
21 the event apparently. So let's give him some respite by rising for about ten minutes and let the social  
22 workers – Witness Protection Unit, please, take care to care for him. The Court will rise, please.

23 [Recess taken at 11.12 a.m.]

24 [On resuming at 11.41 a.m.]

25 MR. PRESIDENT:

26 We are resuming the session.

27 MR. PRESIDENT :

28 Mr. Witness, are you all right?

29 THE WITNESS:

30 Yes, sir.

31 MR. PRESIDENT:

32 You are better now?

33 THE WITNESS:

34 Yes, sir.

35 MR. PRESIDENT:

36 You are prepared to continue?

37

1 THE WITNESS:

2 Yes, sir.

3 MR. PRESIDENT:

4 Mr. Santora.

5 MR. SANTORA:

6 Your Honours, before I proceed I just thought to inform you that the court psychologist just spoke with  
7 us and that if he does feel a little bit sick that he should know that he can ask for a break again. And I  
8 just wanted-- perhaps you could just let him know-- we would ask you that you just let him know he  
9 can feel free, if he starts feeling faint or sick again, to ask for a quick recess.

10 MR. PRESIDENT:

11 We will follow that from the Bench.

12 MR. SANTORA:

13 Thank you, Your Honour.

14 MR. PRESIDENT:

15 He is sitting directly opposite us, we will follow that from the Bench.

16 MR. SANTORA:

17 Thank you.

18 Q. Mr. Witness, I am just going to ask you a few more questions about this incident. You mentioned that  
19 one of the people involved in this incident was named Junior. Do you know who he was?

20 A. Yes, I know Junior. Junior was born in Tombody. He is fair in complexion and he was a vigilante to  
21 the military. He was not a registered soldier in the army.

22 Q. When this incident was occurring where was Staff Alhaji?

23 A. He was sitting on the root of a big tree and he gave out the orders for it to happen.

24 Q. While it was happening, did he do anything?

25 A. I -- I -- I couldn't do anything, I was just there and I was just there at their mercy.

26 Q. Did Staff Alhaji do anything while this was happening?

27 A. The only thing that he did-- the other group that was killed was from which he pointed -- pointed to be  
28 tied. Then they were taken to one F ullah man, who was himself an amputee, but he had his  
29 amputation from a road accident. He is an amputated from the shoulder.

30

31 So those people were taken to the house of that F ullah man after they had been tied, and they were  
32 put in the house and the house was locked. So we just heard shouting and firing. And they put them  
33 in the house and set the house ablaze and they were burned.

34

35 It took a long time without hearing any shouts. The other queue, that's boy who had a bag and he  
36 called him. He said, "Empty the bag." And when he emptied the bag I saw knives and he  
37 commanded his boys to take the knives.

1 Then they took the people and took them at the back of the primary school, Penduma Primary School.  
2 They killed them there; all of them were slaughtered, some were stabbed. That I saw for myself  
3 because after my hand had been amputated, I passed the -- so our own queue -- when he reached  
4 our own queue, then he amputated the first man, and amputated the second one. He himself did the  
5 amputation then, himself, Staff Alhaji. I watched the third person and then he called me, he said,  
6 "Come." And he commanded his boys to tie me up. Then I was tied up. They tied up my feet on the  
7 tree. He said, "I'm coming to amputate both feet of yours." He said, "You will never play football here  
8 any more." I pleaded with him. But why he untied me eventually was because he saw my wristwatch.

9  
10 [Pages 14 to 21 by Susan G. Humphries]

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1 [11.45 a.m.]

2 THE WITNESS: [Continuing]

3 Then he said, "untie him," then I was untied. He said, "come here," then I went nearer him. He said,  
4 "give me the watch," but I was nerving, and it was a Seiko-Five watch. He said "give me the watch,"  
5 but I couldn't. I was nerving. Then he held on to the watch and cut off the strap. Then I was  
6 wounded. Look at the mark.

7 [Witness displays]

8

9 It's the mark that I'm having on my wrist now. Then he said, "put your" --

10 MR. PRESIDENT:

11 Where is it? I have not seen it.

12 THE WITNESS:

13 I have it here. It's a small mark, it's here, look at it.

14 JUDGE BOUTET:

15 This is on your left hand?

16 THE WITNESS:

17 Yes. Then he said, "put your hand on the floor." He said, "it is because of these watches that you  
18 wear that you go about bluffing to those women. He said, "until the end of the world you never put  
19 a -- you'll never put a wrist watch on this particular hand." I said -- and I pleaded with him, I said,  
20 "please" but he didn't adhere to my plea. Then I put the right hand to him, I put it on the ground, but  
21 as he raised up the cutlass to chop, then I threw my hand away from it. Then he hit me with the  
22 cutlass on my forehead. Look at the mark on my forehead. The mark is right on my forehead. Then  
23 blood started oozing out. Right there I knew that if I had -- that if I was unwilling to do anything he  
24 would kill me. Then I took the left hand, I put it on the ground and it was amputated. Then I said,  
25 "thank you, God, because that's the way you want me to be." Then he told my children, he said,  
26 "follow your father" because he is a man that knows my children well. And my children used to call  
27 him uncle, and his own children used to call me uncle.

28

29 Then the children were following me while I was going. When I returned to take back the hand, the  
30 amputated one, then he wounded me at my back. He said, "it is this hand that we want." He said,  
31 "go to Tejan Kabbah for him to give you a hand because he has brought ten containers load of arms.  
32 Now that you say you don't want our military rule, then go to your civilian rule."

33

34 Then we went, myself and my children . I fell.

35 MR. SANTORA:

36 Mr. Witness, let me ask you some specific questions about what you've just told us. You said that  
37 some people were brought into a house and burnt. Did you see this happen?



- 1 A. The people that -- if you point them -- the people that he pointed, they were tied. When they were put  
2 into the house and the house was locked on them, we saw the fire coming from the house and we  
3 heard the people shouting from inside the house. I know that they were burnt.
- 4 Q. When you say these were people, about how many people were put in the house?
- 5 A. About 14 to 15 people.
- 6 Q. And were these men?
- 7 A. Yes, they were men.
- 8 Q. Were there women also?
- 9 A. The women, those that were raped, some of them were killed, including my wife.
- 10 Q. Aside from your wife, what other women were killed?
- 11 A. They killed other women.
- 12 Q. Do you know about how many?
- 13 A. The corpses of the women that I saw were about six, including my wife.
- 14 Q. You said another group was taken and cut with knives, about how many were in this group?
- 15 A. I can't tell now because at that time you can't -- you can't say you will stand up and start counting. But  
16 for some of us that were queued, I can remember, we were nine -- that were amputated, we were nine  
17 in number, and some of them are still alive. They are alive, and they are here in Freetown.
- 18 Q. You said that before you were amputated two people before you were amputated, did you see them  
19 get amputated?
- 20 A. Yes.
- 21 Q. And who amputated them?
- 22 A. It was Staff Alhaji, who was a provost sergeant -- who is a provost sergeant now.
- 23 Q. And did anyone in your group get amputated after you?
- 24 A. Oh ,yes.
- 25 Q. Do you know about how many?
- 26 A. Well, after I had been amputated, after I was trying to go now, those that were amputated after me-- I  
27 know that all of us who were nine in number that were queued were all amputated. And I now know  
28 some of them that are here now; they are currently resident in Freetown.
- 29 Q. Mr. Witness, while all of these things were happening, did anyone try to stop them?
- 30 A. Nobody did that, nobody.
- 31 Q. Mr. Witness, when you were amputated, where were your children?
- 32 A. My children were sitting in front of me. Where they were put, they were sitting and they were  
33 looking -- seeing me, because they didn't hide them. They were in the open and they were seeing  
34 what was happening, what happened to their mother and what happened to their father, which  
35 happened to be me.
- 36 Q. Now, after you were amputated, what happened?
- 37 A. Then I stood up to go, then they told my children to follow me. But when I went back to take the

1 amputated hand, because I was almost unconscious, then I was stabbed again at my back. He said I  
2 should leave it, because it was the hand that they actually wanted. Because we said we didn't want  
3 the military rule, then we should go to our civilian rule with our arms amputated; that I should go to  
4 Tejan Kabbah to give me a hand because he had brought ten containers load of hands. So I went  
5 with my children. I didn't go too far then I dropped on the ground because I started loosing blood. I  
6 laid there for some time then they fired at my back, then my child said, "Father rise up let us go." I  
7 rose up. I went for some distance then I fell again. My child tried to draw me but he couldn't (sic). So  
8 for me to rise up, my child told me -- said that, "Look at them, they are coming again, father." He said,  
9 "Rise up," then I rose up. Even though I was physically weak, but I fought. So I walked to -- till we  
10 passed Small Sefadu. Just after Small Sefadu, there is a roundabout at the junction. It was there  
11 again that I fell; that is, nearer Kwakuma. It was there that ECOMOG was in control, only there.

12 Q. Mr. Witness, during these events in Penduma and during the incident where your wife was raped,  
13 what happened to the other women in that group?

14 A. They were also raped and they killed some of them.

15 Q. Did you see them being raped?

16 A. Yes, we were there, right in our presence.

17 Q. And who was raping these other women?

18 A. It was Staff Alhaji's boys.

19 Q. And you said your children were watching these events. Were there other children present as well?

20 A. Yes, there were other children present who were packed together with these pregnant women and  
21 suckling mother's.

22 Q. And did the other children see what was happening?

23 A. Yes.

24 Q. Mr. Witness you said that you arrived in Kwakuma. Can you tell us what happened then?

25 A. Well, I did not reach at Kwakuma. It was after Small Sefadu junction, it was where I fell for the third  
26 time. I couldn't any more(sic). My child did all that he could to coax me but I couldn't. So he ran  
27 away and met the ECOMOG soldiers at the checkpoint and explained to them. At that time Major  
28 Tank was there. He said, "Let us." So then he took his men and they met me lying down. It was  
29 Major Tank that rescued me.

30 Q. Mr. Witness, how did you address your wound after you were amputated?

31 A. When I was taken to Kwakuma, they took me to their hospital. It was their doctor that took care of the  
32 hand. I spent two days there. On the third day, Major Tanko told us there was no specialist doctor to  
33 take care of our hands. Then we were taken to Makeni. From Makeni they brought me to Freetown  
34 here. At that time the MSF doctors were here, so they healed me.

35 Q. Mr. Witness, I just have a few more questions for you; okay?

36 A. Okay.

37 Q. Immediately after you were amputated and had-- and left Wenedu, you said that you saw people

1 that were killed?

2 A. Yes.

3 Q. Can you explain what exactly you saw?

4 A. Yes. It was the group of people that was queued, that he ordered the boys to empty the bag of  
5 knives, were passed behind the school, at the back of the school, they were stabbed. Some were  
6 beheaded. After my hand had been amputated, we passed at the back of the school. I saw them.  
7 Some were just fighting to die; some had died already. So I saw that sight.

8 Q. And approximately how many people did you see behind the school?

9 A. I couldn't count but they were above eight.

10 Q. And were these all men?

11 A. Which one of them.

12 Q. The people --

13 A. Those that were killed?

14 Q. The people killed behind the school.

15 A. No, they were civilians that were captured together with all of us.

16 Q. And were these people behind the school men or women?

17 A. They were men.

18 Q. And immediately after you were amputated, what did you do to address your wound?

19 A. We went through the *porroh* bush, myself and the children. We met clothes there. I tried to cover the  
20 wound but it was painful because the bones were peeping out. So I was trying to cover it, but it was  
21 too painful. The veins were also peeping out. So I took out the clothes. It was only when Major  
22 Tanko rescued my life was when I was dressed -- I was taken care of. There, I was injected on my  
23 wrist.

24 Q. Mr. Witness, you said that your wife was killed in Penduma. Do you know what happened to her  
25 body?

26 A. Well, I don't know actually what happened to the corpse, but when we went there, I went there with  
27 some United Nations workers by helicopter. They asked me to show them where I was amputated  
28 and where my wife was killed. The other man was called Callus, the other man, named Atilla. He is a  
29 British. Then we went and we met the villagers at ~~Xxxxx~~. I introduced the people to them. Then  
30 ~~Xxxxx~~ came. He was the chief for the young generation. Then he said, "Here was where we buried  
31 the corpse of your wife." Then Atilla and others went and took pictures of the place, then I prayed  
32 there. So I know where the -- my wife's grave is right now because the villagers told me that that was  
33 the place that -- where -- that they buried my wife. In fact, they said it was only bones that they  
34 buried.

35 Q. Thank you, Mr. Witness.

36 MR. SANTORA:

37 We have no more questions for this witness, Your Honours.

1 JUDGE THOMPSON:

2       Learned counsel for the Defence, the witness is available for cross-examination. Who wants to  
3       begin?

4 MR. BROWN:

5       I would ask to be allowed to begin, and I believe I have the consent of all counsel.

6 JUDGE THOMPSON:

7       We have indicated, Learned Counsel Brown, that your request would -- we need some time to reflect  
8       on it. And so if we can -- we now are asking you to grant us the indulgence to proceed in the normal  
9       order and after reflection we should be able to give a considered position on this, which -- but I'm  
10       pretty sure that it's something that we want to reflect a little more on. So if we can let Mr. Jordash, if  
11       he is ready to start, begin his cross-examination.

12 MR. BROWN:

13       Thank you, Your Honour. I'm honoured when any position I have advanced is worthy of reflection.

14       Though I just respectfully want to say I do renew my application.

15 JUDGE THOMPSON:

16       It demonstrates the degree of creativity that's in fact being illustrated from that side and this side also.

17 MR. BROWN:

18       Thank you.

19 JUDGE THOMPSON:

20       Right. Yes, Mr. Jordash.

21 MR. JORDASH:

22       Could I just add my voice to that application?

23 JUDGE THOMPSON:

24       I beg your pardon?

25 MR. JORDASH:

26       Could I just add my -- I didn't put my own view across over your own in relation to the changing of the  
27       orders of questioning. Could I just --

28 JUDGE THOMPSON:

29       In other words, you are associating with Mr. Brown's application?

30 MR. JORDASH:

31       I certainly am. It certainly would take some of the workload off myself.

32 JUDGE THOMPSON:

33       Well, as I said, it's worth some consideration by the Bench and we hope we can come out with a fairly  
34       helpful response.

35 MR. JORDASH:

36       Thank you, Your Honours.

37

1 MR. BROWN:

2 May I just suggest one minor point, Your Honours, that certainly we would do our best if the Court saw  
3 fit to entertain this favour we can – we'd provide as much notice available, both to learned counsel  
4 and to the Court. We, in no way, wish to be a stumbling block to the operation of the Court.

5 JUDGE THOMPSON:

6 we appreciate the spirit of cooperation.

7 MR. BROWN:

8 Thank you.

9 Cross-examined by Mr. Jordash

10 MR. JORDASH:

11 Q. Mr. Witness, I'm just going to ask you a few questions, mainly focused on just clarifying a few details  
12 of what happened to you.

13 MR. PRESIDENT:

14 Incidentally, before you continue, I would like the records, you know -- I don't know whether the  
15 records have so reflected-- but that this witness showed -- lifted his left amputated arm and showed a  
16 mark, a scar of a wound that was inflicted when his watch was pulled off his hands by Alhaji -- Staff  
17 Alhaji. I would like that fact to be reflected on the records, please.

18 [Trial Chamber confer]

19 Again, my attention is drawn, and this is true, that he pointed to a scar on his forehead and I think he  
20 also mentioned a wound at the back also. Yes, a wound at the back, you know, where he was  
21 alleged, you know, stabbed, yes. So -- but we didn't see -- that was not shown, you know, to the  
22 Court. I don't know.

23

24 Where is -- where is the wound? You say you have a wound at the back? No, no, let him stand up,  
25 please. Stand, stand.

26 [Witness complies]

27 JUDGE BOUTET:

28 Be careful there.

29 MR. PRESIDENT:

30 Please help him. Court Management, please help him.

31 THE WITNESS:

32 Yes, that's the wound.

33 JUDGE BOUTET:

34 That's on the left-hand side of his back.

35 MR. PRESIDENT:

36 Yes. Please, let those facts be reflected on the record.

37

1 Yes, Mr. Jordash, you can go on.

2 MR. JORDASH:

3 Thank you, Your Honour.

4 MR. JORDASH:

5 Q. Mr. Witness, you've spoken about the junta being soldiers. Do you recall that?

6 A. Yes.

7 Q. And you've also spoken about the rebels as separate to the junta, the rebels being those who were  
8 fighting against the country, is that --

9 A. Yes.

10 Q. You've also spoken about junior, being a vigilante to the military.

11 A. Yes.

12 Q. And you've also spoken about these groups wearing uniforms and civilian clothes.

13 A. Yes.

14 Q. How could you tell whether somebody wearing civilian clothes was a member of the junta or a rebel or  
15 a vigilante to the military? Are you able to distinguish?

16 A. That's right. Staff Alhaji, for instance, I know him. We know that he was a soldier; he was a  
17 break-way from the military and they fought against the country. That's the point that I know about.

18 Q. So the way for you to distinguish would be from your own personal knowledge as to whether  
19 somebody -- what -- used to be in the Sierra Leonean Army; is that the way you would distinguish  
20 between the groups?

21 A. Yes.

22 Q. If you saw a man in civilian clothes who you didn't recognise from the Sierra Leonean Army, would  
23 you be able to say whether they are junta, rebels or a vigilante to the military?

24 A. Like Komba, whom I mentioned, we know -- we knew that he was a vigilante. I knew, and others --  
25 other people knew too, and even his own people in Tombodu knew. Because when this war started,  
26 the soldiers were taking vigilantes. They did not pay them, and they had no numbers. These were  
27 the people they called vigilantes and that boy was a vigilante. That made me to call him a vigilante.

28 Q. And would the vigilantes be wearing uniforms or civilian clothes, or both at times?

29 A. They do wear uniforms. During the time of the NPRC they wore uniforms.

30 Q. So for you, you were able to -- or you were able to identify the juntas and the vigilante to the military  
31 by virtue of your own personal knowledge from being in the Sierra Leonean army, but also from the fact  
32 that they were wearing military outfits; is that fair?

33 MS. TAYLOR:

34 Your Honour, I don't know that that was a fair summary of what the witness had said.

35 JUDGE THOMPSON:

36 No, not at all. In fact, I was thinking that it's a little convoluted. I think you better clarify it and simplify  
37 it --

1 MR. JORDASH:

2 Certainly.

3 JUDGE THOMPSON:

4 -- because this witness testified to specifics, and you're probably taking your questioning to a level of  
5 generalities. I think you need to watch that because after all, the witness is giving facts, not doing any  
6 kind of process of abstraction.

7 MR. JORDASH:

8 But, Your Honour, what I was seeking to do was not to summarise what he'd said, but I was seeking  
9 to elicit fresh information as to how he generally, as Your Honour has said, might judge who is who.

10 But I'll--

11 JUDGE THOMPSON:

12 No, but clearly the evidence is geared towards specifics and to take him away from the specific to the  
13 level of generality, would be a little more -- but I think you can pursue it and see how far --

14 MR. JORDASH:

15 Thank you.

16 JUDGE THOMPSON:

17 Yes.

18 MR. JORDASH:

19 Q. If -- if you, during this time you speak of, saw a group of men, some wearing uniforms and some not,  
20 were you able to distinguish whether those people were rebels or whether they were junta or whether  
21 they were vigilantes to the military? Could you distinguish?

22 A. That's why I've just told you that -- that I know some of these soldiers who broke away from the  
23 military and fought against the country. I know some of them who were vigilantes. They were born--  
24 we were born together in Kono. We grew up together in Kono, so I know them very well.

25 JUDGE THOMPSON:

26 In other words, this is the difficulty: your question was hypothetical, and the witness virtually is saying  
27 that he knew this, had known -- or his knowledge is, in fact, confined to what he actually knew in  
28 particular cases.

29 MR. JORDASH:

30 Well, I think that's sufficient for my purposes. Thank you.

31 MR. JORDASH:

32 Q. Now, from what you've told us, shortly after the junta had been expelled from Freetown in 1998, the  
33 rebels came to -- or the rebels and the junta came to Koidu town; is that correct?

34 A. Yes.

35 Q. And you've told us that they were working together at times; is that correct?

36 A. That's true.

37 Q. But from what you've told us about what happened in Penduma to your wife, that was the junta acting

1 separately; is that correct?

2 A. That's true because I know them.

3 JUDGE BOUTET:

4 Did you say not true, Mr. Witness?

5 MR. PRESIDENT:

6 Please, please, put the question again. Let's get --

7 JUDGE BOUTET:

8 I'm not sure I have the answer.

9 THE WITNESS:

10 That's true, that's true, that's true.

11 MR. PRESIDENT:

12 Just put the question again.

13 MR. JORDASH:

14 Q. Just to repeat the question so that we all understand, Mr. Witness. Sometimes the junta acted  
15 separately from the rebels, for example, in Penduma and the incident, and the death of your wife, that  
16 was the junta?

17 A. Yes, it was juntas because I know them.

18 Q. And that was commanded by Staff Alhaji who you knew from the Sierra Leone Army?

19 A. Yes, and T. Joe who was a soldier in the Sierra Leone Army.

20 Q. And Tamba Joe as well from the Sierra Leone army?

21 A. Yes.

22 Q. And also Junior, who was a vigilante to those military men?

23 A. Yes.

24 Q. Now, you knew Alhaji from the Sierra Leone Army, and knew him to be somebody who was wicked; is  
25 that correct?

26 A. That's true because he had done something wicked to me.

27 Q. Did you know him to be a bad man during the time when he was in the Sierra Leone Army before  
28 becoming part of the junta?

29 A. Yes, I knew him. I knew him as a soldier before he went to the bush.

30 Q. What kind of man did you know him to be before he went to the bush?

31 A. He was a miner. Though he was a member of the military, he was still a miner, and he was a wicked  
32 man. ~~XxxxxXxxxx~~ ~~XxxxxXxxxx~~.

33 Q. Do you know why -- or was there anything in your relationship previously with Alhaji which, to your  
34 mind, explained why he treated you so badly during the incident in ~~Xxxxx~~?

35 A. All that I know is that I used to give him ~~Xxxxx~~, ~~xxxx~~. I didn't notice anything. Maybe he knows. He  
36 knows where why he did this, I don't know. I don't know anything wrong that I did to him, and they  
37 were doing this out of wickedness, just like that, for nothing.



- 1 Q. And the junta led by Alhaji in Xxxxx were operating, is this right, as far as you could see, without a  
2 communication set or radio set?
- 3 A. No, I didn't see any such thing in their hands.
- 4 Q. But Alhaji was clearly in control of this group; yes?
- 5 A. Yes, because when they captured us they told us to wait for their colonel who was their boss. And the  
6 person whom I saw being honoured who was giving orders for them to do this was this Alhaji. He was  
7 in full control of that particular group.
- 8 Q. Thank you. Tamba Joe, did you -- had you come across him before Xxxxx or had you heard about  
9 him before?
- 10 A. I did not understand this question. I did not understand this question.
- 11 Q. Sorry, Mr. Witness. Tamba Joe, the SLA man, before you saw him in Xxxxx  
12 had you seen him or heard about him before?
- 13 A. I know him. He was born in Tombodu. I know his father. They were born in Tombodu, and I was  
14 mining in Tombodu. That's their homeland.
- 15 Q. Did you know what kind of person he was or did you -- had you formed an impression?
- 16 A. I don't know too much about him, but all that I knew about him was that he was a drunkard.
- 17 Q. Do you know whether before he joined the junta he would be seen around Tombodu begging for  
18 money?
- 19 A. I don't know that one.
- 20 Q. Thank you. I just want to ask you, if I may, about some other people who have not figured in your  
21 account. Have you heard of Brigadier Mani?
- 22 A. No.
- 23 Q. General Bropleh?
- 24 A. No.
- 25 Q. No. Saj Musa?
- 26 A. Yes. Yes, I heard of him but I didn't see him.
- 27 Q. Was he in the Sierra Leone Army; do you know?
- 28 A. Yes. Yes, that was true.
- 29 Q. Thank you. Akim Sesay, was he in the Sierra Leone Army?
- 30 A. Yes, I heard about him but I didn't see him. And what they said about him was that he was a Sierra  
31 Leonean soldier.
- 32 Q. Colonel Savage, you heard of him?
- 33 A. Yes, I used to hear about him but I never saw him and I don't know him.
- 34 Q. Did you know whether he was in the Sierra Leonean Army as well?
- 35 A. I don't know about that one. It was only when we came, when they built our camp at Aberdeen road,  
36 that's when I heard about Colonel Savage.
- 37 Q. Now, I just want to take you to the beginning of your account when the --

1 A. Okay.

2 Q. -- rebels and junta had come to Koidu Town. Now, at the beginning when they arrived you described  
3 there was looting and raping; yes?

4 A. Yes.

5 Q. Later on you described that Koidu Town was burnt, practically all of the town was burnt; yes?

6 A. Yes.

7 Q. Is the consequences of events that when the junta and the rebels arrived, over several days and  
8 weeks there was looting and raping and criminality you've described, followed by the Kamajors  
9 coming into the town, Kamajors then being pushed out, and after that, the town being burnt?

10 A. That's true. That's true.

11 Q. So do you know -- are you able to estimate how long after the junta and the rebels arrived was the  
12 town burnt?

13 MS. TAYLOR:

14 Your Honours, is that in relation to when they first arrived or after the Kamajors had been pushed out?

15 MR. JORDASH:

16 Thank you.

17 MR. JORDASH:

18 Q. But from the very beginning after the rebels had arrived-- the rebels and the junta arrived with the --  
19 following the -- their ejection from Freetown, from that time to the time when Koidu Town was burnt,  
20 are you able to give any kind of estimate as to how long between those two events?

21 A. What time are you talking about?

22 Q. You say in your statement that in late April 1998, after the AFRC had been expelled from Freetown,  
23 living with the rebels was difficult. Do you remember saying that in your statement?

24 A. Yes, that's true.

25 Q. From that time to the Kamajors entering, to after the Kamajors had gone and the town was burnt, can  
26 you estimate the time between that -- the beginning and when the town was burnt?

27 A. The Kamajors, they spent three weeks. It was when they were eating the hearts of human beings that  
28 scared us. The juntas went and reinforced themselves, including the RUF, they joint forces together  
29 and they came and pushed out the Kamajors.

30 MR. PRESIDENT:

31 Who was eating human hearts?

32 THE WITNESS:

33 The Kamajors. Yes, that happened before opera -- in fact, that was where they kept a very large pot.  
34 And one lieutenant surrendered to them, he asked them for them to take him to the side of the  
35 government, but they disagreed and they cut his throat, opened his heart -- removed his heart, and  
36 they ate it in front of us all.

37

1 Mr. Lawyer, you've just asked me a question, I've not answered yet. Now, let me answer your  
2 question. Three weeks -- the Kamajors spent three weeks; it was not long. About the fourth week the  
3 juntas and rebels entered inside and they removed the -- they removed them. From that day they  
4 started burning houses. But up to the point where they burnt all the houses, I can't tell you that one  
5 because I don't know, because we were not there any longer.

6 MR. JORDASH:

7 Thank you, Mr. Witness. Your Honours, could I just take very brief instructions from Mr. Sesay.

8 MR. PRESIDENT:

9 Yes, please, go ahead.

10 MR. JORDASH:

11 Thank you.

12 [Defence counsel and accused confer]

13 MR. JORDASH:

14 Thank you very much, Your Honours.

15

16 Sorry to keep you waiting, Mr. Witness.

17 MR. JORDASH:

18 Q. Just to complete the question here -- questioning about the burning down of Koidu, the person in  
19 command of the attack on Koidu at that time was Akim Sesay; is that correct?

20 A. I didn't see him, but that was what his boys told us. That was what his boys were saying, that it was  
21 he who caused the capture of Koidu Town.

22 Q. And Akim, as we know, is or was SLA?

23 A. That's true.

24 Q. Thank you. Now, you talked earlier about Sam Bockarie and about, I think, seeing him where the  
25 committee centre was; is that right? Did I understand you correctly?

26 A. Yes, that's correct, that's what I said.

27 Q. And you mentioned that at the committee centre was the place where they killed thieves; is that  
28 correct?

29 A. That's true.

30 Q. Now, was that thieves -- who were these thieves, do you know? Were they people from the junta,  
31 rebels or who?

32 A. That one I don't know. They only said we should go and watch how they were killing thieves.

33 Q. So a message was sent to you and other civilians to watch what happened to thieves or people who  
34 looted. Is that -- was that the message?

35 A. I was not the only person that they sent the message to. They sent it to the entire town. It was  
36 something that they announced and we went there to see.

37 Q. But you don't know who it was who was killed?

1 A. No.

2 Q. Now, you just talked about the Kamajors and how they behaved when they came into Koidu town.

3 And you said earlier that if you were a friend of an RUF fighter, the Kamajors would, during that time  
4 in Koidu town, kill you. Do you remember?

5 A. Yes.

6 Q. Now, that suggests, is this right, that some of the RUF people in the town were friendly with civilians  
7 and the Kamajors didn't like that.

8 MS. TAYLOR:

9 Your Honour, I wonder how this witness can explain what the Kamajors meant by statement --

10 THE WITNESS:

11 Yes, yes, they had friends because the ones who were willing to be with them --

12 JUDGE THOMPSON:

13 Well, it seems as if the witness is ready to answer, but I thought it was argumentative and --

14 MR. PRESIDENT:

15 It is speculative.

16 JUDGE THOMPSON:

17 -- speculative, really. And we'll sustain the objection.

18 MR. PRESIDENT:

19 You can reframe your question, Mr. Jordash.

20 MR. JORDASH:

21 Thank you.

22 MR. JORDASH:

23 Q. Were some of the RUF within Koidu Town friends with the civilians?

24 A. Yes, they had friends, the ones who were willing to be with them.

25 Q. So from what you saw, some of the rebels and some of the junta were bad to civilians, and some  
26 were not; is that correct, from what you saw?

27 A. Well, the ones who were with them know those who were good and how they were good. I don't  
28 know. Sometimes -- I was only unfortunate and that was what I know about, the misfortune that befell  
29 me.

30 MR. JORDASH:

31 Thank you, Mr. Witness. I've got nothing further.

32 MR. PRESIDENT:

33 Yes, thank you. Mr. Brown.

34 MR. BROWN:

35 Thank you, Your Honour.

36 Cross-examined by Mr. Brown.

37

1 MR. BROWN:

2 Q. Mr. Witness, just a few questions. You served--

3 A. You are welcome.

4 Q. You served in the Sierra Leone Army?

5 A. No.

6 Q. Were you -- you first met Staff Alhaji -- did you make a statement to the Prosecutors about this  
7 matter?

8 A. I don't understand this question that was just put. Just put it simpler to me so that I can understand it.

9 JUDGE BOUTET:

10 Mr. Brown, you asked -- is it about the matter being that he had been in the army or -- what's the  
11 matter? What do you mean by --

12 MR. BROWN:

13 I'm going to break it down. I had asked him broadly about the matter but let me see if I can break  
14 down my question.

15 MR. BROWN:

16 Q. Were you ever in the army?

17 A. No, no.

18 Q. When did you first meet Staff Alhaji?

19 A. It was when we were kids. We all grew up together in Koidu Town.

20 [Pages 22 to 35 by Gifty C. Harding]

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1 [12.45 p.m.]

2 Q. Did you ever talk to Prosecutors about what happen to you in Pendembu and elsewhere?

3 A. Which one is the Prosecutor?

4 Q. I put it to you that the gentleman who just asked you questions earlier on that side, I'm pointing now,  
5 with the Court's permission, is one of the Prosecutors there on that side of the room. Have you  
6 spoken to that gentleman before today?

7 A. It's a very long time. It has taken a long time when they were interviewing me. It was not even  
8 Mr. David Crane.

9 Q. David Crane, who is he?

10 A. He was just going to us. He used to talk to us about this Special Court.

11 MR. PRESIDENT:

12 David Crane, who is he?

13 THE WITNESS:

14 He said he is the chief Prosecutor I think.

15 MR. BROWN:

16 Q. Have you met David Crane?

17 A. Yes.

18 Q. When did you meet him for the first time?

19 A. About six months ago now.

20 Q. Did you meet him here at the Special Court?

21 A. No, it was at Waterloo.

22 Q. And was it a meeting between yourself and David Crane?

23 A. No, he went to talk with the community.

24 Q. He spoke to many people there at Waterloo?

25 A. Yes, and the court *barray* was full.

26 Q. Did you have a chance to talk to him after he spoke to the many people?

27 A. No.

28 Q. Did you speak to any people who work for David Crane?

29 A. Yes, a lot of them use to go to us.

30 Q. And did someone take notes one day while they spoke to you about what happened to you?

31 A. Yes.

32 Q. And after they took notes did they read the notes back to you?

33 A. No.

34 Q. So, it is fair to say that you never told Prosecutors that you were enlisted in the Sierra Leone Army in  
35 1977 and served until 1990; you never said that?

36 A. No.

37

1 MR. PRESIDENT:

2 We are happy to see you smiling. We are enjoyi ng your smile after the agony.

3 THE WITNESS:

4 Thank you , sir. No, I only mentioned that Staff Alhaji joined the military in 1977.

5 MR. BROWN:

6 Q. And did you know that at one time Alhaji was at the Wilberforce Barracks?

7 A. He is there even now. He is there.

8 Q. He is there now?

9 A. Yes.

10 Q. You mentioned Tamba Joe during your testimony?

11 A. Yes.

12 Q. And you mentioned that Tamba Joe was in the Sierra Leone Army before the events at Pendembu?

13 A. Yes.

14 Q. Did he return to the Sierra Leone Army afterwards?

15 A. That is what I'm hearing. I have not seen him yet but that is what I am hearing. It is Staff Alhaji that I  
16 have seen.

17 Q. You've seen Staff Alhaji in uniform?

18 A. Yes, when we went to the TRC court.

19 Q. Is he still retaining his [inaudible] as staff sergeant?

20 A. They said he is a provost sergeant. That was what Captain Sesay who brought him told us.

21 Q. Now, there was another man who you knew from – withdrawn. There was a man named Victor Teh  
22 in Pendembu?

23 A. It is not Victor King, Victor T eh. Yes, I know him.

24 Q. And isn't he the man who stabbed you in your back?

25 A. It was Staff Alhaji that stabbed me when I went to take the hand.

26 Q. And Teh was one of Alhaji's men?

27 A. Yes.

28 Q. And Teh has been in the Sierra Leone Army as well?

29 A. Yes, he was an MP, but he is dead now.

30 Q. An MP, you mean military police?

31 A. Yes.

32 Q. And did he return to the Sierra Leone Army after the events in Pendembu?

33 A. He has died. He died before the disarmament because I went to Tombodu and his people told me  
34 that, his own people.

35 Q. Now, whilst you were in the village of Pendembu, you heard Staff Alhaji and his men saying, "We are  
36 working for Johnny Paul and if you say you don't want him, we will kill you"?

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

1 Q. But did you hear his men say that in the village?

2 A. No.

3 Q. When you made that -- had that interview with the Prosecutors -- let me ask you if you remember  
4 saying these words or words like this: "I knew it was the SLA who did this because I recognise three  
5 of them from my SLA days, Staff Alhaji, Tamba Joe and Victor Teh. Also they identified themselves  
6 as juntas and talked about Johnny Paul. I heard one say, we are working for Johnny Paul and if you  
7 don't say you want him, we will kill you"?

8 A. No, not where I was amputated that that happened. It was at Yengema Sandor, but I did not even  
9 mention that to any prosecutor. When they were taking my statement, I did not mention that to any  
10 prosecutor.

11 Q. Did you, during the whole time you were in the village, did you ever hear any of those junta men  
12 saying Johnny Paul's name?

13 A. Yes, that was what they said.

14 Q. And what did they say about Johnny Paul?

15 A. They said he was their Pa and he was their head.

16 Q. And did they also say that they wanted a military government?

17 A. Oh, yes, they said that.

18 Q. Now, do you remember when you gave the interview to the Prosecutors they asked you about  
19 communication sets, handsets?

20 A. No.

21 Q. But you know what a handset looks like?

22 A. It is not what the securities used to hold?

23 Q. You would recognise one if you saw one?

24 A. Yes, because it's common now I can say.

25 Q. And you did not see any in the village that day?

26 A. No.

27 Q. In fact, at one point you went to Alhaji while your wife was being attacked and begged him to stop  
28 those men?

29 A. Yes, I was pleading with him. I said that I was begging.

30 Q. And he said to you, "Oh, so you know me. Your turn is coming. I'm going to kill you"?

31 A. He said that, "So you know you me." I said, "Yes Pa, I know you." Whoever knows you in this war  
32 would be the same person that would be wicked to you. So that was the wickedness that he did to  
33 me.

34 Q. And when you said you knew him, he said he would kill you?

35 A. Yes, that was what he said.

36 Q. There is a Lieutenant Jalloh, you mentioned?

37 A. Yes.



1 Q. And you also mentioned T eh?

2 A. Yes.

3 Q. Is Lieutenant T eh in the Sierra Leone Army?

4 A. He was there . I don't know whether he is still there.

5 Q. And was he there after the disarmament?

6 A. Well, I don't know and I have not been hearing of him.

7 Q. But you knew he was before?

8 A. Yes.

9 Q. And was Lieutenant Jalloh in the Sierra Leone Army?

10 A. Well, I don't know that one. Only that they were calling themself lieutenants, some others were  
11 called colonel. They were giving themselves positions. I don't know that.

12 Q. Now, you described what happened to your sister in your testimony?

13 A. Oh, yes.

14 Q. And did you say that she become the wife of who?

15 A. Well, that was what they said that this would be Captain Bai Bureh's wife and Captain Bai Bureh  
16 confirmed that it was nice. Well, I don't know whether when they took her she became his wife, but  
17 he confirmed that the girl was beautiful.

18 Q. Did you tell the Prosecutors that Lieutenant Jalloh said she was going to be his wife?

19 A. It was not Lieutenant Jalloh but Captain Bai Bureh.

20 Q. And you never saw Captain Bai Bur eh, did you?

21 A. I saw him.

22 Q. Did you see him during the time that your sister was taken?

23 A. Oh, yes. It was him that I begged.

24 Q. Let me ask you whether or not you said these words when you were talking to the Prosecutor in the  
25 interview where they took notes: "In front of me, Lieutenant Jalloh saw my sister and said, 'We are  
26 going to take this girl. She is going to be my wife.' I tried to intervene by saying he should leave but  
27 he said, 'Hey! See my face, I am Lieutenant Jalloh. If you say let me not take your sister, I will kill  
28 you.'" Did you say those words?

29 THE INTERPRETER:

30 My Lord, we are sorry but the speaker is so fast that the interpreter can't interpret well.

31 MR. PRESIDENT:

32 Mr. Brown, Mr. Brown, the interpreter says you went too fast. Take it easy so that –

33 MR. BROWN:

34 I would try to read more slowly.

35 Q. Did you say these words to the Prosecutor that interviewed you? "In front of me, Lieutenant Jalloh  
36 saw my sister and said, 'We are going to take this girl. She is going to be my wife'".

37 A. It was not Lieutenant Jalloh, it was Captain Bai Bureh. I only mentioned Lieutenant Jalloh's name

1 because he was there with him.

2 Q. You first became aware of vigilantes during the NPRC?

3 A. Yes.

4 Q. And where did you see vigilantes during NPRC?

5 A. It was in Koidu Town.

6 Q. And of the junta men who were in the village on the day you were caught, how many of them were  
7 vigilantes?

8 A. It was one I saw among them that I knew. It was Junior.

9 Q. And you say vigilantes were different from soldiers because they did not get paid and they had no  
10 card?

11 A. That was what they were telling us and that was what obtained. They were saying it.

12 MR. BROWN:

13 Your Honours, I have no further question.

14 MR. PRESIDENT:

15 That you. Mr. Cammegh.

16 Cross-examined by Mr. Cammegh:

17 MR. CAMMEGH:

18 Q. The man who did this to you, can I just be clear about his name, is Alhaji Bayor. B-A-Y-O-R. Is that  
19 correct?

20 A. Yes, it was Alhaji Bayor.

21 THE INTERPRETER:

22 O-H.

23 MR. CAMMEH:

24 O-H? B-A-Y-O-H.

25 MR. PRESIDENT:

26 B-O –

27 MR. CAMMEH:

28 B-A-Y-O-H.

29 Q. And just for the public record, Mr. Witness, he is currently a free man, is he, to your knowledge?

30 A. Well, both of us went to the TRC court. He went and pleaded. SLBS TV even covered the  
31 programme. If you want the video tape, you can contact SLBS. Then you can watch it and you will  
32 believe that it happened. So I have no alternative, then I said, "I have forgiven you."

33 Q. I'm not disputing that. You say he is currently a serving soldier at Wilberforce; is that right?

34 A. Yes, it is true. He is there.

35 Q. And he holds the rank of provost sergeant?

36 A. Yes.

37 Q. At the time this happened he was a junta man, wasn't he?

1 A. Yes.

2 Q. And he was in command of everything that you witnessed that day?

3 A. Yes.

4 MR. CAMMEGH:

5 Thank you. That's all I have for you.

6 JUDGE BOUTET:

7 Have you finished Mr. Cammegh?

8 MR. CAMMEGH:

9 I have, yes.

10 JUDGE THOMPSON:

11 Prosecution, re-examination?

12 MR. SANTORA:

13 Your Honour, I just have one question for the witness.

14 JUDGE THOMPSON:

15 Proceed then.

16 Re-examined by Mr. Santora:

17 MR. SANTORA:

18 Q. Mr. Witness, you spoke about the time when you saw Sam Bockarie and they were killing thieves.

19 Are you able to say whether the people that were being killed were civilians, juntas or rebels?

20 A. I don't know them. I just saw them lined up and their faces were covered with a bag.

21 Q. You said their face was covered with a bag?

22 A. Yes.

23 JUDGE BOUTET:

24 The face of the thieves or the ones that were dealing with them.

25 A. The ones who were alleged to be thieves.

26 MR. SANTORA:

27 That is all the questions we have for this witness, Your Honour. If permitted, may he be excused.

28 JUDGE THOMPSON:

29 Thank you.

30 Questioned by the Court:

31 JUDGE BOUTET:

32 Mr. Witness, I have one question for you. It's just for clarification purposes. In your evidence when  
33 questioned about your amputation, you talked about your children having observed that. You said,  
34 "These are everything that they were doing to me." How many -- how many -- you meant at that time  
35 three of your children and is it the children that you described by age? I'm not sure what that was now  
36 but, 19, 5 and 9. So these are the three children of yours that saw that?

37 A. Yes, those were my three children who were with me, my own three children who were with me.

1 JUDGE BOUTET:

2 They are the ones that observed you when you were being amputated?

3 A. Yes.

4 JUDGE BOUTET:

5 Thank you.

6 MR. PRESIDENT:

7 Mr. Witness, thank you very much. The Court was happy to see you smile for a change. Okay, I think  
8 we've finished with you but before we rise -- we would be resuming at 3.00 to take the ninth witness.

9 This is just a message to the Prosecution. It could well be it would be a short witness. It's difficult to  
10 say. So may be you could as well line up about two witnesses, you never know.

11 MS. TAYLOR:

12 Your Honour, what I can tell you about the witness that would be called next is witness TF1-331. That  
13 is one out of order because the witness that was meant to be called between the witness we have just  
14 heard and witness 331, which is witness 305, has indicated this morning that she wishes to testify in  
15 the Kono language, and until this morning, we had thought that it would be the Krio language, and  
16 there are no Kono interpreters available until Monday. And so we would take witness 331 this  
17 afternoon. Beyond that, I'm not sure what position the Prosecution is in, but we would do our best.

18 MR. PRESIDENT:

19 Do your best.

20 MS. TAYLOR:

21 Thank you, Your Honour.

22 MR. PRESIDENT:

23 Right. There is nobody on his feet on the side of the Defence so -- that's a good sign. We will rise  
24 and resume at 3.00. The Court rises, please.

25 [Witness withdrew]

26 [Recess taken at 1.13 p.m.]

27 [Pages 36 to 42 by Momodou Jallow]

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1 [On resuming at 3.10 p.m.]

2 [Witness entered court]

3 MR. PRESIDENT:

4 This session is open and you can swear in the witness, please.

5 [WITNESS TF1-331 sworn]

6 [Witness answers through interpretation]

7 MS. PARMAR:

8 Good afternoon, Your Honours.

9 MR. PRESIDENT:

10 Good afternoon. This is the ninth witness.

11 MS. PARMAR:

12 That's correct, Your Honour. Sharan Parmar, for the Prosecution. The Prosecution will call witness  
13 referred to on the record as TF1-331. The witness will be testifying in the language of Limba and  
14 interpretation arrangements have been made for this witness. May I proceed?

15 MR. PRESIDENT:

16 One minute, please. You said in what language?

17 MS. PARMAR:

18 The language of Limba.

19 MR. PRESIDENT :

20 Limba.

21 MS. PARMAR:

22 Yes.

23 MR. PRESIDENT:

24 Yes, Ms. Parmar, you can –

25 MS. PARMAR:

26 Thank you, Your Honour.

27 MR. PRESIDENT:

28 proceed.

29 Examiné by Ms. Parmar

30 MS. PARMAR:

31 Q. Good afternoon, madam witness?

32 A. Good afternoon.

33 Q. Madam witness, how old are you?

34 A. I am 40 years old.

35 Q. Madam witness, are you married?

36 A. I am a widow; my husband was killed during the fight.

37 Q. Madam witness, do you have any children?

1 A. I don't have any child.

2 Q. Did you have any children with your husband?

3 A. We (sic) get -- we have children with him.

4 Q. How old are those children?

5 A. They are now dead, so I don't need to count the number of years.

6 Q. Madam witness, where were you born?

7 A. I was born at **xxxx**.

8 Q. What chiefdom --

9 JUDGE BOUTET:

10 Just a second, please. I'm not sure -- I have a lot of echo in my earphones. I'm not sure what the  
11 problem is and I think you have the same problems too. It's very loud or I'm not sure if it's in the  
12 translation booth or where.

13 MS. PARMAR:

14 Your Honour, I believe it's because the Limba translation is being translated into for the Accused and  
15 into English. So there are two microphones on in the translation booth. That could be causing the  
16 problem.

17 JUDGE BOUTET:

18 Let's try it again.

19 MS. PARMAR:

20 Q. Madam witness, where were you born?

21 A. I was born at **xxxx**.

22 Q. What district is **xxxx** in?

23 A. I cannot tell.

24 Q. What chiefdom is **xxxx** in?

25 A. I was born at **xxxx**.

26 Q. Where did you spend your childhood?

27 A. I was in Freetown.

28 Q. Have you ever attended school?

29 A. I did not go to school.

30 Q. Madam witness, where did you get married to your husband who is now deceased?

31 A. **xxxx**, My Lord.

32 Q. Where did you live with your husband, madam witness?

33 A. In Freetown, My Lord.

34 Q. And did you live with your husband always in Freetown?

35 A. Yes.

36 Q. Where did you live in Freetown with your husband?

37

1 JUDGE BOUTET:

2 Does that mean that the translation "no" means yes?

3 MS. PARMAR:

4 Your Honour, I'm not familiar with Limba.

5 THE INTERPRETER:

6 My Lord, "Ndo" means yes.

7 JUDGE BOUTET:

8 Its okay, I'm just asking the question.

9 MS. PARMAR:

10 Q. Madam witness, have you always lived in Freetown when you were with your husband?

11 A. Yes.

12 Q. Madam witness, do you remember the 6th of January 1999?

13 A. Yes.

14 MR. PRESIDENT:

15 1999 you said?

16 MS. PARMAR:

17 That's correct, Your Honour.

18 Q. Where were you on January 6, 1999?

19 A. I was in town.

20 Q. Where were you in town?

21 A. I was living at Wellington.

22 Q. Do you remember the street in Wellington?

23 A. I cannot.

24 Q. Madam witness, describe what you first saw on January 6th, 1999?

25 A. In the year 1999 of January 6th, fighters came. When they came, we ran away; we were in the bush  
26 for one week. They came to us and they told us to go back to our houses, that if we do not return  
27 back, they will send a bomb there. When we came out of the bush --

28 Q. Madam witness, you said that on January 6th 1999 fighters came. What did those fighters look like?

29 A. They were rebels.

30 Q. How did you know they were rebels?

31 A. They had ammunitions with them, My Lord. They had ammunitions with them when they came.

32 Q. And what were they wearing?

33 A. They were putting on combat.

34 Q. Did you see anyone else amongst the rebels?

35 A. Because we were running I did not see most of them.

36 Q. Madam witness, where did you run to when you saw the fighters enter the town?

37 A. I hid myself around the field.

- 
- 1 Q. Where was this field?
- 2 A. In the bush.
- 3 Q. What did you see when you were running to the bush?
- 4 A. We saw people holding guns and knife.
- 5 Q. What else did you see in the town?
- 6 A. I saw rebels.
- 7 Q. What did you do when you arrived in the bush?
- 8 A. I ran to the bush ; I hid myself.
- 9 Q. Madam witness, were you with anyone else whilst you were in the bush?
- 10 A. My husband.
- 11 Q. Were you with anyone else other than your husband?
- 12 A. Yes, there were so many of them.
- 13 Q. What did you take with you into the bush?
- 14 A. I did not take anything to the bush.
- 15 Q. How long did you stay in the bush?
- 16 A. I took one week in the bush.
- 17 Q. Madam witness, how did you live in the bush for one week?
- 18 A. I was seated there. I had nothing to eat.
- 19 Q. How did you leave Wellington for the bush?
- 20 A. I walked by foot
- 21 Q. Madam witness, why did you leave the bush?
- 22 A. We were called to come back to our houses.
- 23 Q. Who told you to come back to your houses?
- 24 A. It was the rebels themselves that told us to come back to our houses.
- 25 Q. Where were these rebels?
- 26 A. They were all about the town.
- 27 Q. When you came back from the bush to town, madam witness, what did the buildings look like?
- 28 A. The houses were all burnt.
- 29 Q. How did you know they were burnt?
- 30 A. When we came back, we found out that everything was on fire.
- 31 Q. What happened to these houses, madam witness?
- 32 A. Are you asking when we were running away? When we came back, the houses were burnt and so
- 33 we were asked to line up. That was the place my husband was killed when they were lined up.
- 34 Q. Madam witness, who asked you to lined up?
- 35 A. The rebels asked us to line up.
- 36 Q. How many rebels asked you to line up?
- 37 A. They were so many, I cannot tell their number.
-



- 1 Q. How did you know, madam witness, that this group were rebels?
- 2 A. Because they had guns, they had knives, they had a lot of ammunition. So I knew they were rebels.
- 3 Q. Where did you line up?
- 4 A. In the field.
- 5 Q. Madam witness, do you remember where this field was?
- 6 A. We had lined up at Loko Town.
- 7 Q. Madam witness, describe what happened after you were forced to line up by the rebels?
- 8 A. When we were asked to line up, they cut one child about the age of six, he was cut in the middle.
- 9 When he was cut in the middle, we were all afraid. We were only seated there with the hope of God.
- 10 That was what happened to us there. They went and brought a stick, they put my hand on that stick
- 11 and then my hand was cut off. He said, "Please, bear up because the knife is not sharp." So my
- 12 hand was cut. He said, "Bear -- please, come again." So they cut my hand three time before they
- 13 could sever the hand completely.
- 14 Q. Madam witness, you have described a child who was cut in the middle.
- 15 A. Yes.
- 16 Q. Who cut the child in the middle?
- 17 A. The rebel.
- 18 Q. What was used to cut this child?
- 19 A. They use a cutlass.
- 20 Q. Why was this child cut in the middle?
- 21 A. The man who cut the child off was called Yama. He was a Loko.
- 22 Q. What did that man say, madam witness?
- 23 A. He said let us go to Tejan Kabbah and tell him we want peace.
- 24 Q. Madam witness, who did this baby belong to?
- 25 A. He belonged to a Loko woman.
- 26 Q. What happened to this Loko woman?
- 27 A. They ran after her and she ran away. She hid herself in the bush and she was lost. They could not
- 28 find her at all.
- 29 Q. Where did the baby come from?
- 30 A. The child was trying to run away. We were coming from the bush to come to the town. On our way
- 31 coming, he was caught there. So the woman was coming with the baby to town, but as soon as she
- 32 saw the rebels, she dropped the child and ran away to the bush. Then the rebels took this child, cut
- 33 her into two and said it was a sacrifice for the peace.
- 34 Q. Madam witness, I want you to talk very slowly to assist with the interpreters?
- 35 A. All right.
- 36 Q. Madam witness, you described your hand being amputated. Who cut your hand?
- 37 A. It was the rebel.

1 Q. What was used to cut your hand?

2 A. Cutlass.

3 Q. After how many strikes was your hand cut?

4 MR. PRESIDENT:

5 She said three. She has answered the question, she said three.

6 THE WITNESS: [Interpretation]

7 Three times.

8 MS. PARMAR

9 Q. Madam witness, at that point what was your hand looking like?

10 A. I only have one hand now.

11 Q. Madam witness, what else happened at the field where you were lined up.

12 MR. PRESIDENT:

13 Excused me, can -- we want to see-- we don't want her to stand up, you know, but we want to see  
14 the hand she is talking about. I would like to see the hand.

15 MS. PARMAR:

16 Q. Madam witness?

17 A. Yes.

18 Q. Can you lift your left arm?

19 [Witness complies]

20 MR. PRESIDENT:

21 For the records, the witness has lifted her left hand and it's amputated. Yes please, go ahead.

22 MS. PARMAR:

23 Q. Madam witness, what else happened at the field where you were amputated?

24 A. When my hand was cut, I went to the hospital and they saw me there again when I was going to the  
25 hospital. The said let me continue to the hospital. When I went to the hospital, they caught me again  
26 on the way. They beat me I was stoned with a bottle and that they were going to kill me. And  
27 somebody asked them and said, "What has this lady done to you?" They said I was the mother of  
28 Tejan Kabbah and so they were going to kill me. And somebody pleaded on my behalf and said,  
29 "Don't kill her. Leave her alone." He said, "This lady might not know anything about politics. She  
30 might have been a gardener. Now you've cut her hand. You've rendered her useless." That is how I  
31 am now. He said he was not going to leave me alone, he was going to kill me. They took me to one  
32 house and said let me sit there. So early in the morning, every morning let me go to the hospital, let  
33 me report at the hospital. I was kicked. I fell on the gutter. I had some money with me They took  
34 this money away from me. They said let me get out. They said let me go to Tejan Kabbah, let me go  
35 and tell Tejan Kabbah that they want peace. I slept in the bush for three days again. On the fourth  
36 day, I was able to go to the hospital. And then the hand had already got rotten. I didn't know what I  
37 was going to do. I went. When I reached at Eastern Police, I fell there. I was breathless. I was taken

1 up there, and I was taken to the Connaught Hospital. But I don't know the people who took me to the  
2 Connaught Hospital because I was unconscious. I slept there, by then there was no medicine as  
3 there were no doctors in the hospital by then until Monday. The hand had already got rotten and  
4 some part has already shifted from me. So later on, my hand was wrapped, the remaining part was  
5 wrapped. No better medicine. I was punished. There was no place to sleep; we had to lie on the  
6 floor. One day, two days, on the third day, I was able to get some medicine. That was -- this is all I  
7 suffered during January 6th.

8 Q. Madam witness, you've described a lot of things that happened to you on January 6th, let's go back to  
9 after you were amputated. How did you feel after you were amputated?

10 A. I had a lot of pains.

11 Q. And what did you do?

12 A. When my hand was cut, I fell. I was unconscious. There was nobody there by then; I was alone. For  
13 three days nobody was there, no medicine, no *chop*. Then the blood was oozing out. There was  
14 nothing I could do; I fell. I didn't know -- I don't know the people who took me to the hospital.

15 Q. Madam witness, you said you were all alone. What had happened to your husband?

16 A. My husband, I have told you, was lined up and that he was shot in the head. They killed him in my  
17 presence. So my husband was lying there with blood all over his body. He was killed there. I never  
18 saw him again. I am going now with my pains. It was only when I was at the Connaught Hospital I  
19 was told that my husband had been killed.

20 Q. Madam witness, who shot your husband in the head.

21 A. It was the rebels.

22 [Pages 43 to 49 by Momodou Jallow]

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1 [3.40 p.m]

2 Q. Madam witness, what happened to you after you fainted?

3 A. It was because of the pains I became unconscious.

4 Q. Madam witness, you described later being met by another group who then beat you.

5 A. Yes. They caught me in the field and they gave me a good beating. They beat me and they took the  
6 money that I had in my possession. I was kicked. Then I have some of these scars on my feet.

7 Q. Madam witness, how much money was taken from you?

8 A. It was 50,000.

9 Q. What was the value of this money to you, madam witness?

10 A. This was the only money I had to manage my life. I wanted to use that money to buy medicine in  
11 order to cure myself.

12 Q. Madam witness, who was the second group of people?

13 A. Those rebels again, another set of rebels.

14 Q. You described going to Connaught Hospital?

15 A. Yes.

16 Q. What did you see when you arrived at Connaught Hospital?

17 A. I saw people who were amputated, those whose hands were cut off, men, children, girls and boys.

18 Q. Where had these people been amputated?

19 A. I cannot tell. We were all gathered there. We come from different directions.

20 Q. Madam witness, how were you feeling at this time when you arrived at Connaught Hospital?

21 A. I was feeling pains. There was no food, no medicine, no dress, no clothes.

22 Q. Madam witness, how did you meet with your family later?

23 A. It was news went around that a lot of people that were in Connaught Hospital that were wounded and  
24 that parents should go to Connaught Hospital and to look around to find their parents. It was then my  
25 own parents went to Connaught and they met me there.

26 Q. Madam witness, do you know what happened to any of your other family members?

27 A. My brother was killed (sic). She was pregnant. She was seven months pregnant. Then the foot was  
28 cut off.

29 Q. Madam witness, whose foot was cut off?

30 A. It was my uncle.

31 Q. Madam witness, who told you about what happened to your uncle?

32 A. He met me at the Connaught Hospital when his foot was cut. When they were looking for them, he  
33 was taken to the Connaught Hospital and there he met me.

34 Q. Madam witness, how do you know your younger sister was killed?

35 A. My neighbours went and told me that, "your sister has been killed and let me not cry. This is what  
36 God has marked for you. Let me don't think about it so much."

37 Q. Madam witness, who had killed your sister?

1 A. The rebels.

2 Q. Madam witness, how long did it take for your arm to heal?

3 A. It was one month, two weeks.

4 Q. How do you feel now, madam witness?

5 A. Well, as of now, when it is Friday, I'll feel it up to Saturday before I get some rest. Presently this is  
6 what I'm feeling.

7 Q. Madam witness, why is it on Friday that you need a rest?

8 A. That was the time -- that is the time the hand rests `cause that was the time the hand was cut, so  
9 every Friday I feel it. After Friday then I'll be okay.

10 Q. Madam witness, how do you manage without your left hand?

11 A. Well, I pay people so that they can work for me.

12 Q. Madam witness, do you work?

13 A. I cannot now work for myself.

14 Q. Madam witness, how do you wash your clothes?

15 A. I ask people to do it for me. Some people if you ask them, they will not do it until you give them  
16 money. It is only when they're pleased if you ask them, they might do it for you, otherwise you pay  
17 them money.

18 Q. Madam witness, where do you get your money?

19 A. Eh, I try, I beg. When I beg from people and they give me, I pay.

20 MS. PARMAR:

21 May I have a moment, Your Honours?

22 MR. PRESIDENT:

23 Yes.

24 THE WITNESS: [Answered through interpretation]

25 Okay.

26 MS. PARMAR:

27 Thank you, madam witness.

28

29 Your Honours, the Prosecution have no further questions.

30 MR. PRESIDENT:

31 Counsel for -- learned counsel for the Defence, we considered your application this morning and we  
32 are favourable to proceeding the way you asked, but the rule remains that, you know, the  
33 cross-examination will remain in the order that it is traditionally done and it is only in exceptional  
34 circumstances that we would allow you to examine the way you did as the Court to. So how do you  
35 intend to proceed in these particular circumstances?

36 THE WITNESS:

37 [No interpretation]

1 MR. PRESIDENT:

2 Madam, wait. Madam witness, wait. Madam wait.

3 Is she asking for some help?

4 THE INTERPRETER:

5 No, My Lord.

6 [Trial Chamber confer]

7 MR. PRESIDENT:

8 We just want to indicate that we're not establishing a general rule. It will be on a, you know,  
9 case-to-case basis, because we are very sensitive -- we are very extraordinarily, you know, granting  
10 you leave to proceed that way, but you should understand that --

11 THE WITNESS:

12 [No interpretation]

13 MR. PRESIDENT:

14 I hope they're not translating to her. This doesn't concern to her. Yes

15 MR. BROWN:

16 We have no such request as to this witness. I wonder if it would be appropriate if Your Honours could  
17 leave to us the question, provided we give you notice, unless the Court feels that in some way we're  
18 being abusive, because we would like to be able to -- there are obviously strategic issues that are  
19 involved, and while obviously at any point we're always open to explaining to the Court, provided that  
20 we do not disrupt the proceedings or do this unduly. Can you leave it to us? Because the problem is  
21 as we plan day to day, we need to be able to know what we're doing and to know within reason the  
22 Court will have confidence that we'll follow your guidance and not be abusive.

23 MR. PRESIDENT:

24 Yes, Mr. Brown, we've noted. How do you intend to proceed?

25 MR. BROWN:

26 As to this witness, Your Honour we were going to revert to the order you had -- until this moment,  
27 Your Honour, we didn't know that we would be allowed ever to do it any other way.

28 MR. PRESIDENT:

29 Well, we told you we were going to come back to you. You were worried as to when, but we arrived  
30 back. So, Mr. Jordash, you can continue with your cross-examination of this witness.

31 MR. JORDASH:

32 Certainly.

33 Cross-examined by Mr. Jordash:

34 MR. JORDASH:

35 Q. Madam, I've only got about three or four questions for you.

36 MR. PRESIDENT:

37 Mr. Jordash, the Court has taken note of your questions always being very few and very short. This

1 said, go ahead, Mr. Jordash.

2 MR. JORDASH:

3 Thank you.

4 Q. You've told us about when the rebels first turned up on January 6th, 1999 and that they were wearing  
5 combat. Is that right?

6 A. Yes.

7 Q. You told us about how you ran to hide in the bush but then later were caught again or caught by the  
8 rebels; is that correct?

9 A. It was so.

10 Q. These rebels too were wearing combats; is that correct?

11 A. Yes.

12 Q. You were then amputated by these rebels?

13 A. Yes.

14 Q. And then made your way from that scene before being caught again by rebels; is that right?

15 A. Yes.

16 Q. And those rebels too wore uniforms; is that right?

17 A. Yes.

18 Q. Combat uniforms?

19 A. Yes.

20 Q. And those rebels you thought at first were ECOMOG; is that right?

21 A. Yes.

22 MR. PRESIDENT:

23 Would she understand what ECOMOG is really? She's just answered yes, yes. Would she  
24 understand what ECOMOG really means, given the level of her intelligence, I don't know. Can you  
25 simplify the questions, you know, for her a bit so that we are at least assured that she's giving credible  
26 answers to your questions, please.

27 MR. JORDASH:

28 Certainly, Your Honour.

29 Q. Do you understand, madam what ECOMOG-- what ECOMOG were?

30 A. No, I don't know them.

31 Q. Do you remember when you were taken by uniformed soldiers to be treated for your wound?

32 A. Yes.

33 Q. That was when you were walking from Wellington to the eastern-- on the Sunday morning; do you  
34 remember that?

35 A. Yes.

36 Q. And a group of soldiers found you and you walked with them to Connaught. Do you remember that?

37 A. They were not soldiers. Soldiers did not take me to Connaught. They were not soldiers. The one I

1 noticed we were going together with he had a wound on his head.

2 Q. Let me just ask you this, if I can. After you had been amputated, you were caught again by rebels  
3 and they were wearing uniform; is that right?

4 A. Yes, and those were the very ones that beat me.

5 Q. And there was one rebel amongst them who stopped you from being killed, who protected you; is that  
6 right?

7 A. Yes.

8 Q. And that rebel disagreed with the other rebels about the way they were wanting to treat you?

9 A. Yes, that was so.

10 Q. And because of that rebel you were able to escape?

11 A. That was so.

12 Q. Just one more question, if I can, madam, which is the man who-- the rebel who amputated your hand,  
13 was he wearing combat too?

14 A. Yes.

15 MR. JORDASH:

16 Could I just take a moment, please?

17 [Defence counsel confer]

18 MR. JORDASH:

19 Thank you. Thank you very much, madam. I have nothing further.

20 MR. PRESIDENT:

21 Mr. Brown.

22 MR. BROWN:

23 I have no questions.

24 Cross-examination by Mr. Cammegh:

25 MR. CAMMEGH:

26 Q. Madam, do you remember --

27 MR. PRESIDENT:

28 Can you wait a bit, please, Mr. Cammegh.

29 MR. CAMMEGH:

30 Certainly.

31 MR. PRESIDENT:

32 Yes, Mr. Cammegh, you can proceed.

33 MR. CAMMEGH:

34 Q. Madam, I'm going to be very brief, just one or two questions. Do you remember giving a statement or  
35 rather, being interviewed by members of the Prosecution team in March of last year?

36 A. Yes.

37 Q. And, in fact, did they -- did they take a statement from you and read it back to you.



1 A. Yes.

2 Q. And when the statement was read back to you --

3 A. Yes.

4 MR. PRESIDENT:

5 The yeses are coming too soon, too quick in succession. Let's be very short.

6 THE INTERPRETER:

7 It was the answer for: "Had it been read back to you"?

8 MR. PRESIDENT:

9 And so we should go slowly, please. Mr. Cammegh, can you go much slower than you are, please?

10 MR. CAMMEGH:

11 Fine.

12 Q. After the statement was read back to you, madam, did you place your fingerprint on the statement?

13 A. Yes.

14 Q. And did you do that in order to --

15 A. Yes.

16 Q. -- in order to acknowledge the accuracy of that statement?

17 A. Yes.

18 Q. Thank you. Now, I just want to ask you to cast your mind back to what that statement said.

19 A. What I said during that time was what I'm explaining now when they asked me. That was when we  
20 went to the field, and then rebel called us back, to come back to our houses. If we don't come back to  
21 our houses, they are going to throw some bombs in that bush. When we are coming --

22 MR. PRESIDENT:

23 Stop her, stop her.

24 THE WITNESS:

25 -- and we were caught there.

26 MR. CAMMEGH:

27 Madam, I -- [Overlapping microphones] -- yes, Your Honour.

28 JUDGE THOMPSON:

29 Don't you want to rephrase the question.

30 MR. CAMMEGH:

31 Madam, I would just like you to stop there.

32 JUDGE THOMPSON:

33 Don't you want to rephrase the question. You prefaced your question -- [Microphone not activated]

34 MR. CAMMEGH:

35 I was just trying to find a convenient moment in order to do that.

36 JUDGE THOMPSON:

37 Yes, otherwise we will probably have the examination-in-chief again.

1 MR. CAMMEGH:

2 I don't think Your Honour's microphone is on.

3 THE WITNESS:

4 Excuse me -- [Overlapping microphones]

5 JUDGE THOMPSON:

6 Otherwise we probably have the examination-in-chief over again.

7 MR. CAMMEGH:

8 I was trying to interject at the appropriate moment.

9 JUDGE THOMPSON:

10 I understand, yes. Fine.

11 MR. CAMMEGH:

12 Q. Madam, could I just ask you this question, please. In that statement you referred to the time when  
13 you were being beaten by a rebel with a bottle. Do you remember that?

14 A. Yes.

15 Q. Now, is it right that in your statement you thought that the man who was being you with a bottle was a  
16 man from ECOMOG?

17 A. I cannot tell the difference.

18 Q. Do you remember writing in your statement "They called me and I thought they were ECOMOG, so I  
19 went to them." Do you remember saying that?

20 A. Yes.

21 Q. Okay. Why did you think they were ECOMOG?

22 A. Because by then they had no knives, no guns by then. They had no knives. We thought they had  
23 come to fight for us, that was why I went there, because I thought they were ECOMOG. I thought  
24 they were calling me. I never knew they were rebels themselves.

25 Q. And these men were in combat gear, were they? Or combat clothing?

26 A. Yes.

27 Q. After you got to the Connaught Hospital, madam, did you hear any stories from other patients in the  
28 hospital about ECOMOG forces?

29 MS. TAYLOR:

30 Yes, Your Honour, I do wonder what the relevance of stories about ECOMOG is to factual issues in  
31 this trial.

32 THE WITNESS:

33 I didn't hear anything about ECOMOG in the hospital, My Lord.

34 MR. CAMMEGH:

35 Your Honour, I can very briefly explain that.

36 JUDGE THOMPSON:

37 Overruled. Wide latitude in cross-examination. Continue, counsel.

1 MR. CAMMEGH:

2 Q. I'll put it more specifically, madam.

3 A. What I said during that time?

4 Q. No, no. I'll put it in this way: Did you hear any accounts of atrocities being caused by ECOMOG  
5 forces in early January of 1999 in the Freetown area?

6 A. I cannot -- I cannot tell because by then I was suffering my own pains so I didn't know what was going  
7 on.

8 MR. CAMMEGH:

9 All right. That's all I have, madam, thank you very much.

10 MR. PRESIDENT:

11 Any re-examination?

12 MS. PARMAR:

13 Your Honours, there will be no re-examination by the Prosecution for this witness.

14 [Witness withdrew]

15 [Trial Chamber confer]

16 JUDGE THOMPSON:

17 Learned counsel for the Prosecution.

18 MS. TAYLOR:

19 Yes, Your Honour.

20 JUDGE THOMPSON:

21 Do you have another stand-by witness?

22 MS. TAYLOR:

23 I said to Your Honours that the Prosecution would do its best, and it has done so. What I have to tell  
24 you, Your Honour, is that we do not have another witness available this afternoon and as I explained  
25 immediately before the lunch break, we did, in fact, have three witnesses lined up for today. There  
26 has become a problem with the availability of translators in the Kono language for that third witness.  
27 There are some things, of course, beyond the control even of the Prosecution. I apologise to the  
28 Court for the inconvenience caused, but the Prosecution is not in a position to call a third witness  
29 today. All I can say to Your Honours is that we have done and will continue to do our best to ensure  
30 there are adequate witnesses here. We'd planned on three witnesses. We've never exceeded three  
31 witnesses in one day and a problem has occurred that is beyond our control.

32 JUDGE THOMPSON:

33 Your explanation is accepted and we certainly hope you will endeavour to make sure that we have  
34 enough witnesses around.

35 MS. TAYLOR:

36 Thank you, Your Honour. Might I inquire as to Your Honour's intention for tomorrow? I know that we  
37 have said -- you have said that there will be a ruling given and then there will be some argument in

1 relation to the point raised by my learned friend Mr. O`Shea a number of days ago and the  
2 Prosecution undertook to have witness TF1-199, that is the vidoelink witness, available for the  
3 cross-examination to be concluded. Beyond that, do Your Honours envisage hearing any evidence  
4 from witnesses or is it a ruling day, is it a Friday, if I may use the shorthand?

5 MR. PRESIDENT:

6 I like the way the tennis ball is running around the Court, between the Prosecution and the Court.  
7 Well, can you just sit down awhile?

8 MS. TAYLOR:

9 Of course, Your Honour.

10 [Trial Chamber confer]

11 JUDGE BOUTET:

12 Madam Prosecution, what you have briefly described as what will be the activities planned for  
13 tomorrow is relatively accurate except for Mr. O'Shea's possible argument. I say possible, because  
14 he said that he might, depending on the decision, our ruling tomorrow, so there may or may not be  
15 arguments, so you should be prepared accordingly.

16 MS. TAYLOR:

17 Yes, Your Honour, and --

18 JUDGE BOUTET:

19 We are aware -- we don't know any more than just what I'm stating, so...

20 MS. TAYLOR:

21 Right. And beyond the Prosecution having available TF1-199, we would not be expected to have any  
22 other witnesses available tomorrow?

23 MR. PRESIDENT :

24 No.

25 JUDGE THOMPSON:

26 No.

27 MS. TAYLOR:

28 Thank you.

29 MR PRESIDENT:

30 We stand by with your 199 and we would end with that. We're not taking on the examination of any  
31 fresh witness. We will shelve that for Monday.

32 MS. TAYLOR:

33 Thank you, Your Honour that's aids us greatly.

34 MR. PRESIDENT:

35 Well, this said, learned counsel, we'll be adjourning for today and to resume seating for the ruling and  
36 other matters that may arise from the ruling at 3.00 p.m., tomorrow at 3.00 p.m. So this said, the  
37 Court will rise and resume tomorrow at 3.00 p.m. Thank you.

1 MR. WALKER:

2 The Court will rise.

3 [Whereupon the hearing adjourned at 4.15 p.m., to be reconvened  
4 on Friday, the 23rd day of July 2004, at 3.00 p.m.]

5 [Pages 50 to 59 by Roni Kerekes]

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## C E R T I F I C A T E

We, Roni Kerekes, Susan G. Humphries, Gifty C. Harding and Momodou Jallow, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*machine writer*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

\_\_\_\_\_ Roni Kerekes

\_\_\_\_\_ Susan G. Humphries

\_\_\_\_\_ Gifty C. Harding

\_\_\_\_\_ Momodou Jallow