



Case No. SCSL-2004-15-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

TUESDAY, 2 AUGUST 2005
9.44 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsh
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Joseph F Kamara Mr Mohamed Bangura Mr Mark Wallbridge (Case Manager)
For the Principal Defender:	No appearances
For the accused Issa Sesay:	Mr AF Serry-Kamal Ms Sareta Ashraph Ms Elizabeth Shackelford Ms Ellen Rogers
For the accused Morris Kallon:	Mr Melron Nicol-Wilson Ms Rachel Irura
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF02AUG05A - CR]
2 Tuesday, 2 August 2005
3 [Open session]
4 [The three accused present]
09:43:39 5 [The witness entered Court]
6 [Upon commencing at 9.44 a.m.]
7 JUDGE THOMPSON: The Prosecution will proceed.
8 MR KAMARA: Thank you, Your Honour, Joseph F Kamara and
9 Peter Harrison for the Prosecution.
09:49:52 10 PRESIDING JUDGE: What's the language of the witness?
11 MR KAMARA: Krio, Your Honours. That is TF1-329.
12 PRESIDING JUDGE: And should be sworn on the?
13 MR KAMARA: The Bible, Your Honour.
14 WITNESS: TF1-329 [Sworn]
09:50:49 15 [The witness answered through interpreter]
16 JUDGE THOMPSON: Mr Kamara, are we correct in our counting,
17 is this the 43rd witness?
18 MR KAMARA: 42nd.
19 EXAMINED BY MR KAMARA:
09:51:00 20 Q. Good morning, Madam Witness.
21 A. Good morning.
22 Q. I shall be asking you a few questions this morning. Please
23 take your time in answering them. Their Lordships and our
24 learned friends are taking note of whatever you say.
09:51:18 25 Madam Witness, how old are you?
26 A. Forty-six.
27 Q. Could you speak up a bit, speak louder?
28 A. Okay, okay.
29 Q. Where do you live?

1 JUDGE THOMPSON: Mr Kamara, perhaps it's important that we
2 should get one thing straight. Up to yesterday afternoon when we
3 were in closed session, and now we're in open session, and this
4 was for the last witness.

09:52:44 5 PRESIDING JUDGE: The previous witness was 036.

6 [Ruling]

7 JUDGE THOMPSON: Yes, we need to give a brief ruling on
8 that. This is a ruling in respect of closed session hearing of
9 TF1-036, consistent with the general requirement that criminal
09:53:21 10 proceedings are to be held in public as provided for by Rule 78
11 of the Rules of Procedure of the Special Court for Sierra Leone,
12 but exceptionally as authorised by Rule 79(B) of the aforesaid
13 rules and having regard to the need to protect witnesses in
14 accordance with Rule 75 of the aforementioned rules, this Chamber
09:53:54 15 in response to the Prosecution's application for the testimony of
16 TF1-036 to be heard in closed session, ordered by way of an
17 exceptional procedure for the testimony of the said witness be
18 given in closed session in the interests of justice.

19 Shall we proceed.

09:54:34 20 MR KAMARA: Thank you, Your Honours.

21 Q. Madam Witness, I was about to ask you where you live
22 presently.

23 A. At Fadugu town.

24 Q. Koinadugu District?

09:54:44 25 A. Yes.

26 PRESIDING JUDGE: Can you spell out the name of the town?

27 MR KAMARA: K-O-I-N-A --

28 JUDGE THOMPSON: No, the town.

29 MR KAMARA: The town. Fadugu, F-A-D-U-G-U.

1 PRESIDING JUDGE: That's the Fadugu which we know.

2 THE INTERPRETER: Your Honours, can the witness be made to
3 come closer to the mic a bit and to speak aloud.

4 MR KAMARA:

09:55:15 5 Q. [Overlapping microphones] as 1998. Where were you in that
6 year?

7 JUDGE THOMPSON: Just a minute, Mr Kamara. The
8 interpreters are interested in having her adjust her mic. Is it
9 all right now?

09:55:36 10 THE INTERPRETER: Yes, Your Honour.

11 JUDGE THOMPSON: Let's continue.

12 MR KAMARA:

13 Q. You say in the year 1998 you lived at Fadugu?

14 A. Yes.

09:55:44 15 Q. Did anything happen in that year that you would like to
16 tell this Court?

17 A. Yes.

18 Q. What happened in 1998 at Fadugu?

19 A. In 1998 in Fadugu, April, May 22nd, on the morning of
09:56:09 20 Friday, we woke up in the morning at 7 --

21 JUDGE ITOE: [Microphone not activated]

22 MR KAMARA: 22 May.

23 THE WITNESS: We woke up.

24 MR KAMARA:

09:57:00 25 Q. On 22nd May 1998, what happened on that day?

26 A. Okay. We woke up in the morning. There is a village,
27 Kafogo.

28 MR KAMARA: The spelling, Your Honours, is K-A-F-O-K-O
29 [sic] happened at -- what about Kafogo?

1 A. Civilians were coming, running, to come to Fadugu.

2 Q. Did these civilians say anything to you or did you hear
3 them say anything?

4 A. Yes. They came running, saying the rebels have entered
09:58:09 5 Kafogo and they were coming to Fadugu.

6 Q. When you heard this information, what was your response?

7 A. We had no reply. We gathered our properties to run.

8 Q. Now you have been saying we gathered our things to run.
9 Who are these "we" you are referring to?

09:58:42 10 A. We, the civilians.

11 Q. So did you run?

12 A. Yes.

13 Q. So what happened?

14 A. We were running. We met the ECOMOG checkpoint.

09:59:24 15 Q. Madam Witness, would you tell the Court why you ran?

16 A. Yes. I run because civilians came and met us and said the
17 rebels are coming, so we run.

18 Q. So you went to the checkpoint of ECOMOG.

19 A. Well, we arrived at the ECOMOG checkpoint, the ECOMOG said
09:59:56 20 we should not run away, but with we should stay in our houses.

21 Q. You were advised by ECOMOG to stay indoors?

22 A. Yes.

23 Q. Did you comply with those instructions?

24 A. Yes, we accepted.

10:00:23 25 Q. Did anything happen thereafter?

26 A. Yes.

27 Q. What happened, tell the Court.

28 A. When we were in our houses, between three minutes to 400
29 [sic], we heard firing in the whole of the town.

1 Q. You said you returned to the house and then whilst there
2 you heard this firing?

3 JUDGE THOMPSON: There was a time scale.

4 MR KAMARA: Yes.

10:01:05 5 JUDGE THOMPSON: Between what and what?

6 MR KAMARA: Three to four minutes.

7 PRESIDING JUDGE: After they had been back to their house.

8 MR KAMARA: To the house, yes, Your Honour.

9 THE WITNESS: When we entered in our houses, when ECOMOG
10:01:14 10 said we should go into our houses, we did not return to our own
11 house, we went to somebody else's house.

12 MR KAMARA:

13 Q. I see, you returned to another house?

14 A. Yes.

10:01:34 15 Q. Not to the house where you used to live?

16 A. Yes.

17 Q. And why didn't you return to your house?

18 A. Because, why I didn't return to my house, if I say I will
19 return there, the rebels were in the area. Where the people came
10:01:43 20 from, they told us that the rebels are on their way.

21 Q. Now, you said to this Court that you heard firing. Were
22 you in a position to see those that were firing?

23 A. Okay. I didn't see those shooting, but the shooting we
24 heard, the way they were shooting, we heard them -- we heard them
10:02:20 25 using abusive languages, abusing mothers. It was the time we
26 heard that they say they have come.

27 Q. So when you heard those people identify themselves as
28 rebels and insult, did you do anything?

29 A. Yes. They are abusing the civilians --

1 THE INTERPRETER: Your Honours, the witness is going too
2 fast. We are finding it difficult to interpret.

3 JUDGE THOMPSON: All right. Mr Kamara, you try and guide
4 her as much as you can.

10:03:04 5 MR KAMARA: Certainly, Your Honour.

6 JUDGE THOMPSON: Let her slow down a bit.

7 MR KAMARA: Okay.

8 Q. Madam Witness, let's take your story slowly, okay. Now,
9 watch their Lordships' pen.

10:03:20 10 A. Okay.

11 PRESIDING JUDGE: It's not the pen, it's the interpreters
12 that are having difficulties to follow you.

13 JUDGE THOMPSON: I think you need to pace your questions a
14 bit.

10:03:29 15 MR KAMARA: Yes.

16 PRESIDING JUDGE: So I would suggest you take the witness
17 back to your last question, if you may.

18 MR KAMARA: Yes.

19 Q. Madam Witness, I did ask you a question as to if you saw
10:03:43 20 the people that were firing. You answered back that you didn't
21 see them, but you heard them saying insults and accusing you
22 people that you kept ECOMOG there.

23 A. Yes.

24 Q. What happened thereafter?

10:04:07 25 A. Okay. Where we were in the house, we opened the back door
26 to run.

27 Q. Where did you run to?

28 A. We run towards the Makeni end.

29 Q. Did anything happen on your way running?

1 A. Yes, something happened.

2 Q. Will you tell this Court what happened?

3 A. Yes. On my way running?

4 Q. Yes, carry on.

10:05:14 5 A. I went through another house together with my husband.

6 Q. Yes, Madam Witness, what happened?

7 A. When I was going through that house, then I got a shot on
8 my foot.

9 Q. You heard a gunshot and then you said you were fired at?

10:05:46 10 A. Yes.

11 Q. Did you see the person who fired at you?

12 A. Yes. When I fell down -- when he shot me and I fell down
13 and turned around I saw the person standing.

14 Q. You said you saw someone standing. Was he carrying
10:06:18 15 anything with him?

16 A. Yes, he had a gun.

17 Q. How was this person dressed?

18 A. He had long-sleeved clothes, but had a black T-shirt. He
19 had plain khaki trousers, standing.

10:07:03 20 Q. You said you were shot, what part of your body was
21 affected?

22 A. It was on my foot, look at it.

23 MR KAMARA: Your Honours, the witness is showing her leg.

24 PRESIDING JUDGE: Which?

10:07:19 25 MR KAMARA:

26 Q. Which of the legs?

27 A. It was on the left leg.

28 MR KAMARA: Your Honours, the witness is showing the upper
29 left leg, apparently showing something. I will get to that as I

1 progress.

2 PRESIDING JUDGE: Yes, it is very difficult for us to see
3 that from here. The witness is sitting behind a desk.

4 MR KAMARA: I will get to the point when I would want the
10:07:47 5 Court to take judicial notice of that.

6 PRESIDING JUDGE: Thank you.

7 MR KAMARA:

8 Q. You said you were shot and then you fell on the floor.
9 What happened to you?

10:08:00 10 A. Sir?

11 Q. What did you do?

12 A. Okay. When I fell down, I stayed there for some minutes.
13 I had another child strapped on my back.

14 Q. On your back?

10:08:15 15 A. Yes.

16 Q. How old was this child?

17 A. It was on that day he was one year old.

18 Q. So tell this Court what happened then.

19 A. Okay. I crawled and returned to the house. The house I
10:09:09 20 went through, I crawled and entered the house.

21 Q. You crawled back into the house?

22 A. Yes.

23 Q. Did anything happen whilst you were inside that house?

24 A. Yes.

10:09:32 25 Q. Could you explain to the Court what happened inside the
26 house?

27 A. Okay. Yes, when I entered the house, I sat down. I met
28 two boys under the bed hiding with one of them having a child.

29 Q. You met those two boys and you saw them in that house?

1 A. Yes.

2 Q. So what happened while you were in there?

3 A. They hid themselves and did not come out when they heard
4 the shooting. They were in hiding.

10:10:29 5 Q. You said something happened in the house. What happened
6 whilst you were there?

7 A. Yes. Okay, when I was in the house, I called my boy. I
8 said, "What's happened? Where did your father go?" He said he
9 didn't know where the father went.

10:10:51 10 Q. Witness, you said to this Court that something happened in
11 the house.

12 A. Okay, yes.

13 Q. Tell us what happened in the house.

14 A. Okay. Okay. When I was seated in the room, the rebel came
10:11:15 15 inside.

16 Q. The rebel came inside to where?

17 A. He entered the room where I was seated.

18 Q. Yes. What happened once he came in?

19 JUDGE ITOE: That's one rebel, not rebels - one, is it?

10:11:43 20 MR KAMARA:

21 Q. Did you say one?

22 A. Yes, only one entered where I was seated.

23 Q. So what happened when he came in?

24 A. When he entered --

10:11:57 25 JUDGE ITOE: Let's get things clear. I mean, when she
26 said -- did she say "a rebel" or "the rebel"? Is she referring
27 to the same?

28 MR KAMARA: I thought I heard her say "a rebel".

29 JUDGE ITOE: A rebel.

1 MR KAMARA: I will clarify that issue.

2 JUDGE ITOE: Yes, because there is the one who shot and so
3 on and so forth. Let's get that clear, please.

4 MR KAMARA:

10:12:20 5 Q. Madam Witness, you said, "a rebel came in". Is that the
6 same rebel that shot you or another one?

7 A. No, it was another person, not that same person.

8 Q. Once this other rebel came in, what happened inside the
9 house?

10:12:48 10 A. Okay. Then he entered and asked me to give him the key for
11 the drawer that is attached to the bed in the room.

12 Q. Was he carrying anything with him?

13 A. No.

14 Q. What was your response to that demand?

10:13:28 15 A. I told him I'm not the owner of the room. I was shot, that
16 was the reason why I entered in there.

17 Q. Did this rebel do anything whilst in that room?

18 A. What he told me, he said if I refuse to give him the key,
19 he will fire me.

10:14:21 20 Q. So what happened then?

21 A. Then I told him, "You've already shot the leg, so what is
22 remaining?" Then I burst into tears at that time.

23 MR KAMARA: Your Honours, I seek a break, to let the
24 witness compose herself.

10:14:59 25 JUDGE THOMPSON: We'll take a short break.

26 [Break taken at 10.10 a.m.]

27 [On resuming at 10.26 a.m.]

28 JUDGE THOMPSON: Please continue, Mr Prosecutor.

29 MR KAMARA: Madam Witness, are you okay? Do you think you

1 will be able to continue?

2 THE INTERPRETER: Your Honours, the microphone of the
3 witness. The witness's microphone.

4 MR KAMARA:

10:22:08 5 Q. We stopped at the point where you were threatened by this
6 rebel.

7 PRESIDING JUDGE: Will you go back to your question. We
8 missed half of your question.

9 MR KAMARA: All right, Your Honour.

10:22:26 10 Q. My question to you, Madam Witness was: What was your
11 response to the demand for the keys to the drawer?

12 A. I told him I'm not the owner of the room, I don't have the
13 key. That is what I told him.

14 Q. You also said something to the rebel about you being shot.
10:22:55 15 What was it you're saying? You said something about you being
16 shot.

17 A. Yes, yes.

18 Q. Will you repeat that for the Court.

19 A. I told him that I was shot on the leg, that's the reason
10:23:08 20 why I entered the room. I am not the owner of the room.

21 Q. So did he do anything thereafter?

22 A. The rebel? Yes.

23 Q. Could you please tell the Court.

24 A. Okay. There was a [indiscernible] in, a short one. He
10:23:43 25 took the board. He knock at the drawer three times, then the
26 drawer split open.

27 Q. He was able to break open the drawer with a plank of wood.
28 Now, once the drawer --

29 A. Yes.

1 Q. -- broke open, what did he do?

2 A. There was money inside there. I saw him removing the
3 money. Then he opened up his trousers and then put it inside it,
4 the trousers that was underneath that one.

10:24:47 5 Q. Having taken the money from the drawer, did he do anything
6 else?

7 A. Yes.

8 Q. What was it?

9 A. There was another box inside there.

10:25:04 10 Q. What did he do to that box?

11 A. He took the plank of board and then knock, knock at it and
12 then it split open.

13 Q. He was able to open the box. Did he do anything to the box
14 thereafter?

10:25:37 15 A. Yes. When he opened the box, he took the clothes inside
16 and removed them from it. Underneath them, he started seeing
17 jewelleries, earrings, gold.

18 Q. Could you go over again the things that were removed from
19 this box by the rebel?

10:26:10 20 A. Yes, yes.

21 Q. Tell the Court what were those things.

22 A. He took earrings, the gold earrings.

23 Q. What else?

24 A. A chain.

10:26:40 25 Q. What did he do with those?

26 A. He took them and did the same. He opened up his trousers
27 and put them inside it.

28 Q. Now, Madam Witness, where were these other three people you
29 mentioned in the room? Two other boys and yourself, where were

1 they when this was happening?

2 A. They were there. They were standing. They stood up. He
3 asked them to remain standing. They were standing there.

4 Q. Was anything said to these other boys?

10:27:50 5 A. Yes.

6 Q. What was said to them?

7 A. He first and foremost beg cigarette from them. He said
8 they should give him cigarette to smoke.

9 Q. He had a smoke. What happened then?

10:28:15 10 A. After smoking, he told the boys that they should join him.
11 Then they all joined him.

12 JUDGE THOMPSON: So they gave him the cigarette?

13 MR KAMARA: Yes, gave him the cigarette, he had a smoke and
14 then he asked that they join him.

10:28:38 15 PRESIDING JUDGE: Can you tell us the age?

16 MR KAMARA: Yes, that's what I was coming to.

17 Q. Madam Witness, do you know the age of these boys? Let's
18 start with your son. You said he was amongst them. What was the
19 age of your son at that point in time, do you remember?

10:28:58 20 A. He was eight years old.

21 Q. Are you in a position to know the ages of the other two?

22 A. They were around 20 years old.

23 Q. So these young men and your son have been asked to join the
24 rebels. What happened from that point?

10:29:42 25 A. Yes, okay. When he asked them to join them, the other
26 boys, the two boys, had not wanted to accept. They said they are
27 not going to join them.

28 Q. Yes, continue, please.

29 A. Okay. When the boys refused to go, there was the other in

1 the room. He called him in the other language.

2 Q. Who is he that called another?

3 A. It was the rebel.

4 Q. He called to someone else?

10:30:29 5 A. Yes.

6 Q. For him?

7 A. Yes, for him to come inside the room, because he asked the
8 boy to come inside the room. He refused.

9 Q. He called on another fellow rebel to join him in the room?

10:30:43 10 A. Yes.

11 Q. Because these boys had refused to go?

12 A. Yes.

13 Q. Did that other rebel come in?

14 A. Yes, he came in, yes.

10:31:09 15 Q. Now, this other rebel you've referred to, was he carrying
16 anything with him?

17 A. Yes, he had a gun.

18 Q. He came with a gun. Please tell the Court what happened
19 once this other rebel joined him with a gun.

10:31:50 20 A. When he came, he cocked his gun. Then I told the other boy
21 in Limba, I told him, I said, "If they say you should join them,
22 join them. When you go with them, you will know how to escape
23 from them. This is your birthplace. When you go, you will know
24 how to escape."

10:32:34 25 Q. You advised the boys not to resist any more, because they
26 are people from the same town?

27 A. Mm-hm.

28 Q. Did they leave with these rebels?

29 A. Yes, they came out.

1 Q. Now, what about your son?

2 A. I'm coming. Okay. When they were going out with the boys,
3 they took my boy and went with him.

4 Q. Did you say anything to them?

10:33:43 5 A. Yes.

6 Q. Yes, what was it?

7 A. I told them, "If you go with this boy, look at the way I am
8 now." Who will come with a child for me --

9 THE INTERPRETER: Sorry, Your Honours: Who will help me
10:34:14 10 with this child.

11 JUDGE ITOE: Help you with this child how?

12 MR KAMARA: There was a child when she was --

13 JUDGE ITOE: It's not you, it's the translator.

14 MR KAMARA: Yes, thank you.

10:34:15 15 JUDGE ITOE: "Who will help me with this child?" What does
16 that mean? Please, be more accurate.

17 THE INTERPRETER: She was a kind of -- it was the kind of
18 rhetoric, if you take my son away, who will help me with this
19 child?

10:34:53 20 JUDGE ITOE: What does the rhetoric mean, "Who will help me
21 with this child?" What precisely? What message are you
22 conveying in the rhetoric? I can understand her saying if she
23 stays alone in the state in which she is, who will help her? But
24 when you say, "Who will help me with this child", what do you
10:35:19 25 mean by the rhetoric?

26 JUDGE THOMPSON: Perhaps we should let the witness clarify
27 that, rather than the translators give us their own rendition of
28 it.

29 MR KAMARA: I am having problems with not hearing the

1 translation.

2 Q. Madam Witness, could you help this Court by explaining to
3 us what you meant when you said, "Who will help me with this
4 child?" Could you clarify that information for us? Could you
10:35:52 5 amplify that, explain to us?

6 JUDGE THOMPSON: It's the whole context, "If you take my
7 son away, who will help me with this child." Why not put the
8 entire thing to her, since we are having difficulties with the
9 interpretation.

10:36:05 10 MR KAMARA: Very well.

11 PRESIDING JUDGE: Not just that part.

12 MR KAMARA: That part.

13 Q. Madam Witness, let me take you back to what you said. You
14 told this rebel, on the way they picked up your son and they
10:36:16 15 wanted to take him along. And then you said, "If you take my son
16 away, who will help me with this child", referring to the other
17 one that you had. Could you explain --

18 PRESIDING JUDGE: Let the witness clarify that, please.

19 JUDGE THOMPSON: Don't speak parenthetical. Leave it to
10:36:32 20 her to help us, really. It's trite law that you're not giving
21 evidence.

22 MR KAMARA: Certainly, Your Honour. I was trying to be
23 helpful.

24 Q. Madam Witness, could you explain that situation again to
10:36:46 25 us?

26 A. Okay. The reason why I said they should not go with the
27 child, who will help me --

28 Q. Yes, explain.

29 A. Because they have shot me on the foot. I would be unable

1 to strap the child on my back and walk with it. I walk with him.

2 Q. Now, Madam Witness, did the rebels listen to your plea?

3 A. They returned the boy to sit down.

4 Q. Your son was left with you, they didn't take him along; is
10:38:03 5 that what you're saying?

6 A. Yes. Yes.

7 MR CAMMEGH: I'm sorry to interrupt. I hesitate to make an
8 objection, but I think it's time I did, with respect. My learned
9 friend is repeatedly, if I may say so, falling into the trap of

10:38:37 10 paraphrasing what the witness has just said. That was a typical
11 example, where the witness said they returned the boy to sit
12 down. My learned friend's response to that was they didn't take
13 him along, is that what you mean, or is that what you're saying?

14 Can I ask my learned friend to desist from doing that. I know
10:38:56 15 it's tempting and I know it's difficult. It is all the more
16 tempting when a witness is perhaps not as articulate as some are.
17 But can I ask him to refrain from this practice, because it may
18 become misleading if it's allowed to continue.

19 JUDGE THOMPSON: I'm of the same mind, in fact. That might
10:39:14 20 even create one of the problems that we've just had to solve.

21 MR CAMMEGH: Quite.

22 JUDGE THOMPSON: Yes, I think the objection is well
23 founded. Learned counsel, I do understand you are trying to
24 assist with clarity of the examination-in-chief and trying to
10:39:33 25 achieve as much precision as you can, but, indeed, some of our
26 best intentions can sometimes lead to complications. I would
27 kindly urge you to refrain as much as you can from that, so that
28 we don't run into this difficulty.

29 MR KAMARA: I concede the objection. Sometimes you have

1 witnesses you need to assist.

2 JUDGE THOMPSON: I understand the situation in which we
3 find ourselves.

4 MR KAMARA: Thanks.

10:40:08 5 Q. Now, Madam Witness, I pose a question to you that your son
6 was not taken along; is that so?

7 A. Yes.

8 Q. Now, did anything happen whilst you were there with your
9 son?

10:40:27 10 A. Yes.

11 Q. What happened?

12 A. When I stayed with the child? When I stayed with the
13 child, it was not too long when I heard firing. I heard fire
14 oozing somewhere.

10:41:19 15 Q. Madam Witness, let me get this clear, is it firing that you
16 heard or what is it?

17 A. Fire, was oozing somewhere.

18 JUDGE THOMPSON: Mr Translator, was the verb "heard"?

19 There was a first -- the translation was "heard firing"; you
10:41:59 20 amended it.

21 MR KAMARA: Yes, Your Honour. It is not firing, but fire.

22 JUDGE THOMPSON: The verb "heard" goes away.

23 MR KAMARA: Yes, I wasn't sure, because I heard --

24 JUDGE THOMPSON: I'm talking about the translation, because
10:42:08 25 the initial verb was "heard", H-E-A-R-D, now that you clarify
26 that it was not gunfire, but fire.

27 MR KAMARA: In the context of fire.

28 JUDGE THOMPSON: So I'm asking whether we heard the word
29 "heard".

1 PRESIDING JUDGE: Yes, I think so. She said heard fire
2 oozing so the fire was making noises.

3 JUDGE ITOE: I thought she followed it by saying she saw
4 fire somewhere.

10:42:39 5 MR KAMARA: That is where she was coming to. I was going
6 down there again.

7 JUDGE THOMPSON: So she heard fire.

8 MR KAMARA: I heard fire and I didn't want to prompt her
9 any more, so I was waiting to clarify.

10:42:53 10 Q. Madam Witness, could you help this Court by going over that
11 again? Now, you said this fire, what is it? What about this
12 fire?

13 A. What I want to say about fire, is that when I heard the
14 fire, then I told my child -- I asked my child, "Where is this
10:43:17 15 fire blazing?"

16 Q. What was the answer to that?

17 A. The boy looked through the window. There was a car parked
18 close to the house. He said that the car has been set on fire.

19 Q. Madam Witness, did you do anything after your son has said
10:44:19 20 this to you?

21 A. Yes.

22 Q. What is it?

23 A. I told him that take this child and run and go and hide in
24 that toilet.

10:44:58 25 Q. Madam Witness, where was this toilet?

26 A. The toilet was at the back of the house where I was
27 sitting. That's the toilet to the house where I was sitting.

28 Q. Will you be able to give us an estimate of the distance of
29 the toilet to where you were sitting?

1 A. It's further away a little. It's not too far.

2 Q. [Microphone not activated]

3 A. You leave the back house and go.

4 Q. It's at the back.

10:45:44 5 A. Yes, it's further a little.

6 MR KAMARA: Your Lordships, I think we have been estimating
7 that distance as 20 feet, so could it be beyond 20 feet.

8 THE WITNESS: Well, I wouldn't know what feet is, I
9 wouldn't know.

10:46:03 10 JUDGE THOMPSON: Why not keep to an approximate measure,
11 rather than beyond, just approximately what?

12 MR KAMARA: I was trying to restrict myself to the
13 evidence. She said beyond that wall. I was looking beyond the
14 20 feet, approximately.

10:46:18 15 JUDGE THOMPSON: Well, it's entirely up to you. It's just
16 that we have always been approximating?

17 MR KAMARA: Yes, approximately 20 feet will do.

18 JUDGE THOMPSON: The other side doesn't have any different
19 ideas. Mr Cammegh?

10:46:42 20 MR CAMMEGH: Your Honour, I didn't catch that.

21 JUDGE THOMPSON: Do you have any different approximation?

22 MR CAMMEGH: No.

23 JUDGE THOMPSON: You're not taking issue with this.

24 MR CAMMEGH: I'm not taking issue with that.

10:47:02 25 JUDGE THOMPSON: Proceed, counsel.

26 MR KAMARA:

27 Q. You gave this instruction to your son. What did he do?

28 A. He went there and sat down there.

29 Q. He went alone?

1 PRESIDING JUDGE: With the child.

2 MR KAMARA:

3 Q. He went with the child.

4 A. Yes.

10:47:25 5 Q. What about you? What did you do?

6 A. When my son had gone, I tried - I know that since they
7 started setting the car on fire, they will set the house on fire,
8 so I tried to crawl, came down the step. The foot was hanging
9 on. It was dragging along as I went. I crawled --

10:47:49 10 Q. Take your time, witness. Take your time.

11 A. I crawled. I crawled.

12 Q. You crawled to where?

13 A. To go and meet the boy in the toilet.

14 Q. Were you able to do that?

10:48:19 15 A. Yes.

16 Q. Madam Witness, whilst you were in that toilet, did you
17 observe anything?

18 A. Yes.

19 Q. What was your observation?

10:48:58 20 A. Okay. I was in the toilet. It was not long. When I saw
21 the house where I was that they set on fire, there was fire
22 blazing at that house.

23 Q. Was there any other observation, apart from the fire?

24 A. Yes.

10:49:36 25 Q. What is it?

26 A. As the fire was blazing, the pa who had the house was
27 hiding at the back house.

28 Q. Now, what about this pa that had the house, the owner of
29 the house, what about him?

1 A. The pa came out crying, saying, "Hey, they are burning my
2 house. They are burning my house."

3 Q. Did anything happen to this pa?

4 A. Yes.

10:50:36 5 Q. What happened to him?

6 A. So as the pa was crying, they came up on him suddenly and
7 started beating him up. They were beating him up.

8 Q. You just mentioned that they came. Who are these people
9 that you are referring to as "they".

10:51:12 10 A. The rebels. They came upon him suddenly.

11 Q. Was anything said by these rebels during this process?

12 A. Yes. They beat him up and they said they were burning down
13 his house. "Do you know how many houses we've burnt? Do you
14 know how many people we've killed?" The rebels were saying that.

10:52:02 15 Q. Hold on.

16 JUDGE THOMPSON: And, "How many people we've killed"?

17 MR KAMARA: Yes.

18 Q. Madam Witness, you've mentioned these observations. Did
19 anything happen thereafter, after the beating of the owner of the
10:52:39 20 house?

21 A. Yes.

22 Q. Tell the Court what happened?

23 A. After they have beaten the pa and taken him out, they sat
24 down there till there was a lull in the shooting.

10:53:25 25 Q. Now, Madam Witness, if I may venture to ask you: at what
26 time of the day were you shot at? Do you remember what time of
27 the day?

28 A. The hour on which I was shot? They attacked around 7.00.

29 Q. In the morning or the evening?

1 A. In the morning. That's when they attacked.

2 Q. About what time were you shot?

3 A. Well, I wouldn't know the right hour.

4 Q. You just mentioned that there was a lull in the firing.

10:54:23 5 A. It was around some minutes to one or 12. There was a lull.

6 There was no noise. I didn't hear any more noise.

7 Q. Did you have cause to leave your hiding place, that is the
8 toilet, after the lull?

9 A. Yes.

10:54:57 10 Q. How were you able to leave?

11 A. Okay, I sat down there. When there was this lull, I opened
12 the toilet and leaned on it.

13 Q. After that, were you able to get any support, any help?

14 A. Yes.

10:55:46 15 Q. What was the source of help?

16 A. I sat down there. I was leaning there. It was not long
17 when I saw my husband coming.

18 Q. You saw your husband coming?

19 A. Yes.

10:56:14 20 Q. Then what did you do?

21 A. I called him and told him I was here.

22 Q. Yes, what did your husband do?

23 A. He came and met me and told me --

24 Q. Speak to the mic, Madam Witness.

10:56:43 25 A. Okay. He came and met me and then he told me that "That
26 boy whom they had arrested had told me that they have shot you on
27 the foot, that's why I have come."

28 Q. Which boy are you referring to?

29 A. Those two boys whom they have taken outside.

1 Q. Then they informed your husband about your state?

2 A. Yes.

3 Q. Were you taken to any place?

4 A. So, my husband took me together with one Pa Kotoki. They
10:57:36 5 took me up from the toilet and brought me outside.

6 MR KAMARA: The name of the spelling is K-O-T-O-K-I.

7 Q. They took you outside?

8 A. Yes.

9 Q. Whilst outside, Madam Witness, will you tell this Court if
10:58:04 10 you were able to observe anything at that point in time?

11 A. Yes.

12 Q. What is it you observed?

13 A. Okay. The house where I was taken, where I was lying,
14 where they laid me down outside, there were three corpses there
10:58:35 15 where I was laid down.

16 Q. Were you in a position to identify those corpses?

17 A. Yes. I know them.

18 Q. Will you tell their names to the Court, if you can?

19 A. Yes.

10:59:15 20 Q. What are the names?

21 A. The one was a teacher called Kaloko.

22 MR KAMARA: K-A-L-O-K-O.

23 Q. And the other?

24 A. The other one was Kaloko's brother called Johnny.

10:59:50 25 Q. Now, you said three. Which was the third one?

26 A. Yes, the other one was a lady, Mammy Satta. Now, Madam
27 Witness --

28 JUDGE THOMPSON: The third was Mammy Satta?

29 MR KAMARA: Yes.

1 Q. Now, from there, Madam Witness, were you taken from there
2 to any place else?

3 A. Yes.

4 Q. Where was that?

11:00:46 5 A. Towards the evening, there was no bodies.

6 Q. Where were you taken to is the question.

7 A. They took me down, after the checkpoint, the last house
8 going towards Makeni.

9 Q. Madam Witness, let me ask you this: Were you able to get
11:01:48 10 any medical attention?

11 A. No, I had no medical attention at that point.

12 Q. At any other point, did you get any medical attention?

13 A. No. I spent three days there.

14 Q. After the third day, did you get any medical attention?

11:02:16 15 A. They took me to Makeni.

16 Q. Whereabouts in Makeni were you taken to?

17 A. They took me to the hospital in Makeni.

18 PRESIDING JUDGE: Was it ECOMOG that took you up to the
19 hospital?

11:02:57 20 MR KAMARA:

21 Q. Who was it that took you to the Makeni government hospital?

22 A. My husband and my younger brother.

23 Q. You said that was the third day after you were shot; is
24 that it?

11:03:25 25 A. Yes, the third day when I came to Makeni, my foot was not
26 amputated on that day.

27 Q. You've just mentioned about amputation of a foot. Are you
28 saying your foot was amputated whilst at Makeni?

29 A. No. It has been shot, but it was going bad at that time,

1 just hanging.

2 Q. So what happened at the hospital in Makeni?

3 A. When I was brought, that was when the doctor amputated it,
4 my foot.

11:04:13 5 PRESIDING JUDGE: At the hospital in Makeni?

6 MR KAMARA:

7 Q. At the hospital in Makeni?

8 A. Yes.

9 Q. Thank you, Madam Witness. Do you remember the name of this
11:04:21 10 doctor?

11 A. Yes.

12 Q. What was his name?

13 A. Dr Baker.

14 PRESIDING JUDGE: Baker?

11:04:37 15 MR KAMARA: Baker, B-A-K-E-R.

16 Q. Which foot was amputated?

17 A. The left.

18 Q. Do you wish this Court to take a look at it?

19 A. Yes.

11:05:02 20 MR KAMARA: Your Honours, the lower limb of the left leg of
21 this witness has been amputated. The Prosecution would like the
22 Court to take notice that the witness has shown that leg to the
23 Court.

24 Q. Would you like the Court to see that amputated leg?

11:05:25 25 JUDGE ITOE: Can she be assisted, please?

26 PRESIDING JUDGE: Can she get up without --

27 MR KAMARA: I think she can stand up.

28 MR CAMMEGH: Your Honours, to avoid any discomfort and any
29 unnecessary action by the witness, we accept her leg has been

1 amputated and wonder whether this is a matter that really needs
2 to be taken any further.

3 JUDGE THOMPSON: Well, to regularise the situation, the
4 Bench would like to see.

11:05:52 5 MR CAMMEGH: So be it.

6 JUDGE THOMPSON: Certainly we appreciate your position.
7 Just from an abundance of caution.

8 MR CAMMEGH: Certainly.

9 MR KAMARA: Thank you, Your Honour.

11:06:18 10 PRESIDING JUDGE: No, it appears -- [Overlapping speakers]

11 JUDGE ITOE: No, don't you worry.

12 PRESIDING JUDGE: How about you get up and we will see from
13 there.

14 JUDGE THOMPSON: Mr Prosecutor, will you help?

11:06:27 15 MR KAMARA: Yes.

16 THE WITNESS: [Indicates]

17 PRESIDING JUDGE: Just below the knee.

18 MR KAMARA:

19 Q. Thank you, Madam Witness. Sorry for the trouble.

11:07:17 20 PRESIDING JUDGE: For the record, it is left leg.

21 MR KAMARA: Yes, lower left leg.

22 PRESIDING JUDGE: Below the left knee?

23 MR KAMARA: Yes.

24 Q. Madam Witness, for how long were you at this Makeni
11:07:30 25 government hospital?

26 A. I was there for three months.

27 Q. Just to recap, in what month was it that you went there?

28 A. They took me there in May.

29 JUDGE ITOE: In May of what year?

1 MR KAMARA: 1998, your Honour.

2 THE WITNESS: Yes.

3 MR KAMARA:

11:08:33

4 Q. Now, Madam Witness, whilst at the hospital, did you hear
5 anything from other patients?

6 A. Yes.

7 Q. What was it? Tell the Court what you heard whilst at the
8 hospital.

11:09:11

9 A. Well, after they had amputated me and I had become
10 conscious, I saw one man with whom we were in Fadugu. I saw him
11 in the hospital and he said he was shot on his hand.

12 Q. Who was it who said was shot in the hand? Do you know the
13 person?

14 A. Yes. His name is Taymay. He said he was shot in the hand.

11:09:39

15 Q. Is it a he or a she?

16 A. A woman.

17 MR KAMARA: I thought I heard that the translator was
18 saying "he" all the time.

11:09:55

19 PRESIDING JUDGE: And the translator said, "I saw a man at
20 the hospital."

21 JUDGE ITOE: It's a woman?

22 MR KAMARA: It's a woman, yes.

23 JUDGE THOMPSON: Would the translators confirm.

11:10:07

24 THE INTERPRETER: Sorry, Your Honours, my colleague is
25 telling me that the witness actually said woman.

26 JUDGE THOMPSON: So you're amending it from man to woman?

27 THE INTERPRETER: Yes, Your Honours.

28 MR KAMARA: The spelling of the name, Your Lordships is
29 T-A-Y-M-A-Y, Taymay.

1 Q. Did you hear any other thing whilst there?

2 A. Yes.

3 Q. What is that?

4 A. They brought some Mortema people.

11:11:11 5 Q. What about these Mortema people?

6 A. They said they were attacked in Mortema.

7 THE INTERPRETER: Your Honours, can the mic be adjusted
8 again? We are not getting the witness clearly.

9 JUDGE THOMPSON: Can the witness be assisted?

11:12:04 10 MR KAMARA:

11 Q. Madam Witness, you just mentioned people from Mortema, they
12 said they had been attacked. Did they tell you who attacked
13 Mortema?

14 A. They said the rebels attacked Mortema.

11:12:16 15 Q. Now, what did you observe about these people from Mortema?

16 A. When I saw them, when they brought them, one woman was shot
17 on her leg.

18 Q. Yes.

19 A. The other man was shot in his mouth.

11:13:15 20 Q. Now, Madam Witness, having said that about Mortema people,
21 you were still at the hospital. Did you hear anything about
22 Fadugu?

23 A. Yes, I heard.

24 Q. What is it that you heard about Fadugu?

11:13:38 25 A. My eldest daughter came to visit me.

26 Q. At the hospital?

27 A. Yes.

28 Q. Did she say anything to you about Fadugu?

29 A. Yes.

1 Q. What is it that your daughter said?

2 A. She told me that, "Mother, I too was helped by God in that
3 attack."

4 Q. Speak to the mic.

11:14:31 5 A. Okay.

6 Q. What happened?

7 A. She said, "God helped me. They would have taken me away."

8 Q. Who was she referring to?

9 A. The rebels.

11:14:54 10 Q. Do you know the attack she referred to?

11 A. It was the first attack.

12 Q. Is that the same attack where you got your leg shot?

13 A. Yes.

14 Q. Madam Witness, can you please finish off with what she said
11:15:35 15 to you concerning that attack?

16 A. Yes.

17 Q. Tell the Court.

18 A. She told me that, "Lord helped me. They would have taken
19 me away because where we hid, they took five children away.

11:15:59 20 Where we were hiding, they took five children away."

21 Q. Did she mention, by any chance, the name of these children
22 that were taken away?

23 A. Yes, she told me.

24 Q. Are you in a position to remember those names?

11:16:37 25 A. Yes.

26 Q. Very well. Please tell the Court.

27 A. One of them was called Kotto.

28 Q. What was the gender of Kotto?

29 A. A woman.

1 Q. And you knew that Kotto before the attack?

2 A. Yes.

3 Q. What would you estimate the age of Kotto?

4 A. Well, since I was not her mother, but she was around ten
11:17:27 5 years.

6 Q. About ten years. Now, let's go to the other one. What is
7 the other name?

8 A. Ami.

9 Q. What is the gender of Ami?

11:17:45 10 A. A woman.

11 Q. You knew Ami before the attack?

12 A. Yes.

13 Q. What would you estimate her age to be?

14 A. She could be around 12.

11:18:12 15 Q. Let's go to the third one. What is the name of the third?

16 A. Kaday.

17 Q. What is the gender of Kaday?

18 A. A woman.

19 Q. What is the estimation of her age?

11:18:33 20 A. The age group, the same.

21 Q. Between ten and 12?

22 A. Yes, 12.

23 Q. And the other two, are they women?

24 A. Yes.

11:18:54 25 Q. What are their names?

26 A. Kadiatu.

27 Q. And, the last one?

28 A. Marie.

29 JUDGE ITOE: Did you say they were all the same age range?

1 MR KAMARA: Yes, Kadiatu and Marie.

2 Q. Did your daughter tell you where they were taken to?

3 A. They took them along. The rebels took them along.

4 Q. Now, Madam Witness, you told this Court that you were at
11:20:07 5 the hospital for about three months; is that right?

6 A. Yes.

7 Q. After that period, did you have cause to go back to Fadugu?

8 A. Yes.

9 Q. Do you remember the month that you left for Fadugu?

11:20:44 10 A. Yes.

11 Q. What month was it?

12 A. When I returned to Fadugu, I went there at the end
13 of August.

14 Q. Are you okay, Madam Witness? Are you all right?

11:21:09 15 A. Yes.

16 Q. Now, having gone back to Fadugu towards the end of August,
17 did anything happen in Fadugu during the period of your stay?

18 A. Yes, something happened.

19 Q. And what was that?

11:21:36 20 A. When I went in August to Fadugu, at the end of August --

21 Q. Yes, carry on.

22 A. In September --

23 Q. What happened in September?

24 A. It was attacked again.

11:22:20 25 Q. And who were these people who attacked Fadugu again?

26 A. It was the rebels again.

27 Q. Where were you at that time of the attack?

28 A. I was there. I was there in Fadugu.

29 Q. Now tell us how that attack occurred.

1 A. Okay. During that attack -- that attack took place in the
2 night, at about 2.00.

3 Q. Yes. Tell the Court what happened at about 2.00.

11:23:38

4 A. Okay. We were sleeping when we heard shooting. There was
5 shooting in the town.

6 Q. What did you do when you heard this firing?

7 A. We got up to run away.

8 Q. Were you able to run away?

9 A. I couldn't.

11:24:26

10 Q. What happened?

11 A. My husband got up and tried to strap me on his back.

12 Q. Yes. Continue, please.

13 A. He strapped me. On our way running, we went through some
14 houses -- we went through some houses and we reached another

11:25:09

15 house but there was a gutter there. He put one foot there and he
16 fell in that gutter.

17 Q. Now, you fell into this gutter while trying to escape.

18 What happened thereafter, Madam Witness?

19 A. Okay. When we fell down, he couldn't get up to strap me,

11:25:50

20 so there was a dust bin that had some bananas. So he went and
21 sat among the banana trees and he beckoned to me to go and meet
22 him in the banana trees.

23 Q. Were you able to meet him there?

24 A. Yes, I crawled and I met him among the banana trees, and we
25 sat down there.

11:26:21

26 Q. Now, Madam Witness, whilst you were at these banana trees,
27 were you able to observe anything that was going on around you?

28 A. Yes, I saw.

29 Q. What is it that you saw?

1 A. Okay. We were among these banana trees, because the banana
2 trees were in the town where the dust bin was.

3 Q. You said you saw something there. What is it that you saw?

4 A. The invectives, they were in the field using invectives and
11:27:17 5 shooting. They were saying they were rebels. The woman was
6 saying, "Teresa," and, "it is tomorrow that I'm going to
7 circumcise you."

8 Q. What is the name again of the woman?

9 A. Teresa.

11:27:53 10 Q. What did you see?

11 A. Okay. We were sitting down there. It was not too long
12 when I saw the rebels coming, and they were carrying something
13 like this cup, but it was like fire in it and they were coming.
14 There was a third house where we were seating and they torched
11:28:15 15 that house on fire.

16 Q. What happened to that house?

17 A. What happened in the house? It got burnt; they set it on
18 fire.

19 Q. What else did you see them do?

11:28:57 20 A. They went to the next house and they set it on fire.

21 Q. Now, apart from this fire that they were setting, whilst
22 you were at this plantation, did anything else happen?

23 A. Yes, something happened.

24 Q. What happened?

11:29:40 25 A. Okay. The following morning, around 5.00, I didn't hear
26 anything. The town had become quiet, it was calm.

27 Q. After this calm period, what is it that occurred?

28 A. It was morning, around 6.00, going to 7.00. We were
29 sitting down there when we saw a man coming.

1 Q. Who was this man?

2 A. This man was the speaker of the town. He was called Mamadu
3 Worreh.

4 Q. What is his name again?

11:30:48 5 A. Mamadu Worreh.

6 MR KAMARA: M-A-M-A-D-U and W-O-R-R-E-H.

7 Q. Mamadu Worreh he was the town speaker; is that so?

8 A. Yes.

9 Q. Did you speak to this Mamadu Worreh?

11:31:16 10 A. When he came, he didn't see me. He passed by. I called
11 him.

12 Q. Did Mamadu Worreh say anything to you?

13 A. Yes, he returned. He returned to me. He said, "Is this a
14 place where you've been sitting down today?" And I said, "Yes."

11:31:56 15 Q. Yes, continue.

16 A. Okay. He told me that -- he told me to sit down there, not
17 to come out, to continue to sitting down there because we did not
18 know what was happening. "I will go and check at your house."

19 Q. Did Mamadu Worreh come back after he checked your house?

11:32:33 20 A. Yes, he came back and met me.

21 Q. Did he say anything to you once he came back?

22 A. Yes. He told me something.

23 Q. What is it that he said to you?

24 A. He asked me, "Where are these sticks," the crutches that I
11:32:59 25 use to walk with.

26 Q. What was the answer?

27 A. I told him that my husband has gone out to look out for the
28 children, because they ran away with them last night.

29 Q. Did he say anything else to you?

1 A. Yes.

2 Q. Yes, Madam Witness.

3 A. He told me that when the crutches arrive, you should go
4 back into the bush, because something serious has happened in our
11:33:55 5 town today.

6 Q. Did he tell you what is that serious thing that happened?

7 A. Yes.

8 Q. Tell the Court, what is that serious thing?

9 A. Okay. He said our chief has been killed, that is the
11:34:20 10 paramount chief.

11 THE INTERPRETER: Can she say the name again. I didn't get
12 the name clearly.

13 MR KAMARA:

14 Q. What is the name of this paramount chief?

11:34:28 15 A. Alimamy Fanneh II.

16 MR KAMARA: A-L-I-M-A-M-Y F-A-N-N-E-H II, the second.
17 Alimamy Fanneh II.

18 Q. He was the paramount chief for Fadugu Town?

19 A. Yes.

11:34:50 20 JUDGE ITOE: The name, please?

21 MR KAMARA: A-L-I-M-A-M-Y. The last name is F-A-N-N-E-H,
22 the second.

23 JUDGE ITOE: Alimamy Fanneh. F?

24 MR KAMARA: F-A-N-N-E-H.

11:35:17 25 Q. Did this town speaker, Mamadu Worreh, tell you how Alimamy
26 Fanneh died?

27 A. Yes. He said -- can I talk?

28 Q. Yes, tell us what he said to you.

29 A. He said his house was burnt down, they killed him, they

1 took the mattress, set it on fire and placed it on his corpse.

2 THE WITNESS: I want to use the convenience.

3 JUDGE THOMPSON: Perhaps it's a convenient point to recess
4 for a few minutes.

11:36:07 5 [Break taken at 11.31 a.m.]

6 [RUF02AUG05-SGH]

7 [Upon resuming at 12.00 p.m.]

8 JUDGE THOMPSON: Counsel, please continue.

9 MR KAMARA: Thank you, Your Honour.

12:06:04 10 Q. Madam Witness.

11 A. Yes.

12 Q. You stopped at the point wherein you explained the
13 circumstances of the death of Alimamy Fanneh II.

14 A. Yes.

12:06:33 15 Q. From where you were hiding, did you leave that place for
16 any other places? Your hide-out, did you leave your hide-out for
17 any other place?

18 A. Yes.

19 Q. And where did you go?

12:06:36 20 A. We went to the bush. We went to the villages.

21 Q. Did you have cause to come back to town after that? To
22 Fadugu Town proper?

23 A. Yes.

24 Q. How many days thereafter?

12:07:15 25 A. We took three days in the bush.

26 Q. Madam Witness, when you came back to town to Fadugu Town
27 proper, did you hear anything about all the happenings in Fadugu?

28 A. Yes.

29 Q. Could you explain to the Court what were those happenings?

1 A. Yes.

2 Q. Yes. What is it you heard?

3 A. When we came back to town? So, there is a pa that was
4 closer to us, but he's a little bit far away. He had a stranger
12:08:25 5 woman who came from the Kabala end coming to town. So, he said
6 we will pass the night with the pa.

7 Q. Yes, what happened to that stranger woman?

8 A. During that attack that night, that woman was a stranger.
9 She was unable to pull out. She sat at the house there.

12:09:01 10 Q. You have just mentioned "pull out", will you explain to
11 this Court what you mean by pull out?

12 A. To move out, when people are running away at night.

13 Q. Did anything happen to this woman?

14 A. That woman was burnt. When the rebels put fire on the
12:09:36 15 house, the woman was burnt together with her child.

16 Q. Now, in your testimony earlier on in the Court, you said
17 you saw these rebels burning houses. Madam Witness?

18 A. Yes.

19 Q. My question to you now is: Are you in a position to tell
12:10:10 20 this Court how many houses were burnt by these rebels?

21 A. Okay. After the houses they burnt were counted, it was 150
22 houses that were burnt.

23 Q. Were you told about any other happenings?

24 A. Yes.

12:10:55 25 Q. What is that?

26 A. Yes. Okay?

27 Q. Yes, explain to the Court?

28 A. I was seated there, my younger sister is at Kabala.

29 MR KAMARA: Interpreter, can we have that again?

1 THE INTERPRETER: My younger sister is in Kabala.
2 MR KAMARA: Thank you.
3 Q. Yes, Madam Witness.
4 A. She came to visit me.
12:11:42 5 Q. Did she say anything to you?
6 A. Yes. Yes.
7 Q. What was that?
8 A. She told me, "Sister, sympathy for" --
9 THE INTERPRETER: Your Honours, can the witness go back to
12:11:49 10 what she said last.
11 MR KAMARA: Yes.
12 Q. Witness, take your time and please go back a little bit and
13 let's get what you are saying.
14 A. My younger sister came from Kabala. She came to visit me.
12:12:09 15 She told me, "Accept my sympathy for this trouble".
16 Q. Yes. Proceed.
17 A. She said, "I, too, it was God who saved me". She said,
18 "because when they attacked Kabala we ran and came through the
19 Makeni Road. We met this bus."
12:13:02 20 Q. Take your time. Take your time. Yes, you met this bus.
21 What about the bus?
22 A. We tried to board this bus.
23 THE INTERPRETER: Sorry, Your Honour, to board this bus.
24 MR KAMARA: Thank you.
12:13:33 25 PRESIDING JUDGE: It's bus, meaning bus, B-U-S.
26 MR KAMARA: B-U-S, yes. Yes, B-U-S. I noticed you picked
27 it up, Your Honour.
28 JUDGE ITOE: Oh yes, when I heard on board --
29 MR KAMARA: Yes. Thank you.

1 JUDGE ITOE: Mr Kamara, should pick up there.

2 MR KAMARA: Yes, I sensed that too.

3 Q. Yes, Madam Witness, could you --

4 A. She said, "I have blessed your child because she did not
12:14:08 5 allow us to board the bus. She told us to come down."

6 Q. Did anything happen to that bus?

7 A. They came down around by the bush.

8 Q. So, what did she say about the bus?

9 A. They were in the bush when they heard that the bus was
12:14:49 10 burnt.

11 Q. And she said this to you while you were at Fadugu?

12 A. Yes.

13 Q. Now, Madam Witness, let me try to round up with you. You
14 have already given evidence in this Court that there were two
12:15:28 15 attacks; one in May and another in September. After those two
16 attacks, did you have cause to leave Fadugu for any place else?

17 A. I continue?

18 Q. Yes, yes, please.

19 A. Yes, I had a reason to leave Fadugu.

12:16:05 20 Q. And where did you go?

21 A. I went back to Makeni.

22 Q. For how long were you at Makeni?

23 A. I came to Makeni.

24 THE INTERPRETER: Your Honours, the last bit was not very
12:16:41 25 clear.

26 MR KAMARA:

27 Q. Can we have that again, Madam Witness? For how long were
28 you in Makeni?

29 A. I came there. I was there to the end of 1998 up to the

1 beginning of 1999.

2 Q. Did you return again to Fadugu?

3 A. Yes. Yes.

4 Q. And once you returned to Fadugu, did anything happen in
12:17:37 5 that year 1999?

6 A. Yes.

7 Q. What happened?

8 A. What happened? It was the time the rebels had captured
9 Makeni.

12:17:58 10 Q. Yes.

11 A. Even in Fadugu they were there.

12 Q. You are still referring to the rebels?

13 A. Yes.

14 Q. So, now, at Fadugu, what happened?

12:18:23 15 A. Okay. A woman who was Kumba, we came to town to sell palm
16 wine.

17 Q. And what about her?

18 JUDGE ITOE: Who was that?

19 MR KAMARA: Kumba, K-U-M-B-A.

20 JUDGE ITOE: That was her name?

21 MR KAMARA: Yes.

22 Q. The name Kumba?

23 A. Yes.

24 Q. Is this a person that you know personally?

12:18:58 25 A. Yes.

26 Q. So, what happened to her?

27 A. She came to town to sell palm wine to get what to buy salt
28 with.

29 Q. Yes, carry on.

1 A. The rebel called the woman to bring the palm oil that he
2 was going to buy it. The woman went there. He took the palm
3 wine and drank it. He raped the woman there. The woman was in
4 fact a suckling mother. So --

12:19:55 5 Q. And, Madam Witness, how did you come to know this
6 information?

7 A. Kumba, Kumba is my sister-in-law. She is my husband's
8 brother's wife.

9 Q. Yes. And the question is how did you know?

12:20:36 10 A. Okay. She came crying.

11 Q. And when she came crying, did she say anything to you?

12 A. Yes.

13 Q. And what is it that she said?

14 A. Well, when she came crying then we asked her, "Kumba, what
12:21:02 15 happened?"

16 Q. Yes.

17 A. Then she said, "I've been spoilt. The rebel had raped me."

18 Q. Thank you, Madam Witness.

19 MR KAMARA: That is all for this witness. Thank you,
12:21:43 20 Madam Witness.

21 JUDGE THOMPSON: Counsel for the first accused, are you
22 ready to proceed?

23 MS ASHRAPH: I am, Your Honour. May I first introduce
24 myself? This is the first time I have spoken in court on the
12:22:04 25 record. I am Sareta Ashraph, you will have seen me at the back
26 of court for the past first year.

27 JUDGE THOMPSON: Yes, that's okay.

28 JUDGE ITOE: We had forgotten the name, you know, although
29 we are very familiar with the figure.

1 JUDGE THOMPSON: Yes.

2 MS ASHRAPH: Yes, Sareta Ashraph.

3 JUDGE ITOE: Yes, yes, Sareta Ashraph, yes.

4 MS ASHRAPH: Thank you, Your Honour.

12:22:20 5 CROSS-EXAMINED BY MS ASHRAPH:

6 Q. Madam Witness, I only have a few questions for you so I
7 hope this will be very short. Fighters first came to Fadugu in
8 fact in -- or fighters came to Fadugu in February 1998 after
9 being kicked out of Freetown; is that correct?

12:23:07 10 A. Yes, that one is correct. They came. They didn't do
11 anything, they passed by.

12 Q. And those rebels were going to Kabala; is that right?

13 A. Yes.

14 Q. And some of them settled in Fadugu at that time.

12:23:21 15 PRESIDING JUDGE: Ms Ashraph, we are taking note of the --

16 MS ASHRAPH: I am sorry.

17 JUDGE ITOE: -- of the replies we are having from your
18 cross-examination. Please, can you proceed more slowly.

19 MS ASHRAPH: I will slow down.

12:23:28 20 JUDGE ITOE: Thank you.

21 MS ASHRAPH:

22 Q. One group of fighters remained in Fadugu at that time?

23 A. Yes, they were going up and down there.

24 Q. And it was, in fact, ECOMOG that pushed them out of Fadugu
12:24:08 25 in late February 1998?

26 A. Yes.

27 Q. And after ECOMOG pushed them out, isn't it right that you
28 heard of attacks on surrounding villages?

29 PRESIDING JUDGE: Madam Witness, if you do not know the

1 answer just say, "I don't know".

2 THE WITNESS: No. No, I don't know.

3 MS ASHRAPH: Did you hear of an attack on a village of
4 Kondembaia before the attack on your village?

12:25:19 5 A. Yes, it was far away from us.

6 Q. During the attack on your village, the first attack on
7 Fadugu, the rebel that shot you, you describe him as being in a
8 long-sleeved black jersey?

9 PRESIDING JUDGE: Not quite that.

12:25:41 10 MS ASHRAPH: I am sorry. [Overlapping speakers]

11 PRESIDING JUDGE: She said, "He had the black T-shirt and
12 long-sleeved". I am not sure of the colour now, but it was a
13 black T-shirt.

14 MS ASHRAPH: I apologise, Your Honour. I will just look at
12:26:00 15 my notes.

16 PRESIDING JUDGE: He had long-sleeved shirt and a black
17 T-shirt.

18 MS ASHRAPH: That's correct, Your Honour.

19 Q. A long-sleeved shirt and a black T-shirt.

12:26:13 20 A. Yes.

21 Q. And you described him as wearing khaki trousers. When you
22 say "khaki", do you mean military-type trousers?

23 A. Well, I don't know. I saw a plain one.

24 Q. And the rebels who came to the house that you were staying
12:26:46 25 in, they were wearing military trousers, were they?

26 A. No, they didn't have a soldier -- they didn't have a
27 soldier uniform.

28 Q. Do you remember speaking to --

29 JUDGE THOMPSON: Just a minute, counsel. Slow down a bit.

1 Continue.

2 MS ASHRAPH:

3 Q. Witness, do you remember meeting with some lawyers in
4 March 2003? It is quite a long time ago.

12:27:40 5 A. Since it is quite some time now, I can't remember exactly
6 because it is quite some time now.

7 Q. They would have interviewed you in Freetown and when they
8 spoke to you it would have been in a mixture of English and Krio.

9 A. Well, I can't say exactly.

12:28:24 10 Q. Do you remember a woman called Louise Taylor speaking to
11 you from the Special Court? I know it would have been a long
12 time ago, but it would have been a fairly unusual thing I imagine
13 at that time for you.

14 A. Yes, I spoke with a white woman like yourself. She was
12:28:41 15 speaking English and I spoke Krio.

16 Q. Do you read in English, Madam Witness, at all?

17 A. No.

18 MS ASHRAPH: I do not know if that is sufficient. I would
19 like the witness's statement from March 2003 to be placed --
12:29:15 20 well, to read out sections of it to her. There is no point in
21 placing it in front of her if she won't be able to read it along
22 with me.

23 JUDGE THOMPSON: May we have the witness's statement? What
24 date is that?

12:29:35 25 MS ASHRAPH: It is 26th March 2003. It is the first
26 statement.

27 JUDGE THOMPSON: 26th March 2003.

28 MS ASHRAPH: It is the first statement from this witness.

29 JUDGE THOMPSON: And the difficulty is how do you intend to

1 proceed?

2 MS ASHRAPH: I merely wish to refresh her memory of
3 comments she made regarding the clothing her attackers were
4 wearing.

5 PRESIDING JUDGE: I take it the statement is in English?

6 MS ASHRAPH: The statement is in English, yes.

7 JUDGE THOMPSON: Yes.

8 MS ASHRAPH: But she is not able to read in any event.

9 JUDGE ITOE: But you may be able to lay a foundation. If

12:30:09 10 there was -- Maybe, there is no problem, but if you can go
11 further into laying the foundation by refreshing her memory. She
12 is admitting at least that she talked to a certain white woman.

13 MS ASHRAPH:

14 Q. When you spoke to that white woman, was it in Freetown,
12:30:20 15 Madam Witness?

16 A. Yes.

17 Q. And was there an interpreter there?

18 A. No.

19 PRESIDING JUDGE: It may be the word "interpreter".

12:30:44 20 Q. Was anyone speaking to you in Krio at that time?

21 A. No, we were alone. She was speaking in English, I was
22 speaking in Krio.

23 Q. Were you understanding this?

24 A. I do understand a bit, but some of the difficult ones I
12:31:14 25 could not understand because I am a country woman.

26 Q. That's okay. That's okay. We are only trying to see what
27 happened during this meeting you had with that white woman.

28 JUDGE THOMPSON: Is it -- you have -- it is this particular
29 area that you want to cover with her?

1 MS ASHRAPH: It is simply the parts where she describes the
2 clothing worn by her attackers on those two occasions.

3 JUDGE THOMPSON: Well, why not perhaps try and see if you
4 can jog her memory and ask her whether at the time that she spoke
12:31:43 5 to the white woman whether in fact she had said so and so and so
6 on this particular issue. It may well achieve the purpose, I
7 don't know.

8 MS ASHRAPH: I am grateful, Your Honour.

9 JUDGE THOMPSON: Just try that.

12:31:58 10 MS ASHRAPH:

11 Q. Madam Witness, when you spoke to that white woman in
12 Freetown, do you remember saying to her that, "It was a rebel in
13 a black long-sleeved T-shirt with 'home boy' written on it and
14 combat trousers," who had fired at you?

12:32:21 15 A. Well, I told her that the rebel that shot me wore
16 long-sleeved black, had a khaki trousers, which was a plain one.
17 That is what I told her.

18 Q. Thank you, Madam Witness. Do you also remember telling the
19 white woman in Freetown that the rebels that came into the house
12:32:47 20 in which you were hiding were wearing black long-sleeved t-shirts
21 and combat trousers?

22 A. Well, in my statement I told her he had black clothes and a
23 khaki trousers, plain one.

24 Q. Are these rebels that came into the house that you were
12:33:16 25 hiding in?

26 A. Yes. He shot at me. The one that shot at me that is what
27 he wore. The one that came to my house had the same on.

28 Q. Thank you, Madam Witness. You say after the shooting you
29 went and hid with your son in the toilet; that is correct?

1 A. Yes.

2 Q. And during that time, the pa who owned the house came out
3 and was lamenting that his house was being burnt?

4 A. Yes.

12:34:13 5 Q. Do you remember telling the white woman when she spoke to
6 you and took your statement that you did not witness the beating
7 of the house owner, but only heard him crying?

8 A. I was in the toilet when the pa was being beaten at the
9 back of the house.

12:34:35 10 Q. What I am suggesting to you, Madam Witness, is that you may
11 have heard him, but you did not actually see the beating.

12 A. I did not see it, but I heard it when the pa was being
13 beaten.

14 Q. Thank you. I am just going to go back a bit in time to
12:34:59 15 when ECOMOG pushed the fighters out of Fadugu in late
16 February 1998. When ECOMOG came into Fadugu in late February
17 they in fact killed many people who they accused of being rebels;
18 is that right?

19 PRESIDING JUDGE: Can you take that question again, please?
12:35:32 20 Late 1998.

21 THE WITNESS: I did not understand the question.

22 MS ASHRAPH: I will take the question again.

23 Q. When ECOMOG came into Fadugu and pushed the fighters out in
24 late February 1998, it is correct that they killed many people
12:35:46 25 who they accused of being rebels?

26 PRESIDING JUDGE: You mean ECOMOG?

27 MS ASHRAPH: ECOMOG killed, yes.

28 PRESIDING JUDGE: Okay.

29 THE WITNESS: Yes, ECOMOG did that.

1 MS ASHRAPH:

2 Q. Do you remember one specific incident?

3 JUDGE ITOE: Ms Ashraph --

4 MS ASHRAPH: I am sorry, I am going too fast. I apologise.

12:36:10 5 JUDGE ITOE: Yes.

6 MS ASHRAPH: I will stop looking at the witness and start
7 looking at Your Honours and that may solve it.

8 JUDGE ITOE: Is it people they said they were rebels or
9 they suspected to be rebels?

12:36:34 10 MS ASHRAPH: The question was people they accused of being
11 rebels.

12 JUDGE THOMPSON: And she said they did that.

13 MS ASHRAPH: Yes.

14 Q. Can you remember one specific incident of a student who was
12:36:53 15 killed by ECOMOG?

16 A. Yes.

17 Q. Can you just tell us what happened in that incident?

18 PRESIDING JUDGE: Can you say what happened?

19 THE WITNESS: This boy had come from Kabala and he was
12:37:28 20 coming to Makeni. Can I continue?

21 MS ASHRAPH:

22 Q. Please continue.

23 A. They reached at the checkpoint in Fadugu where ECOMOG was.

24 PRESIDING JUDGE: Yes?

12:38:16 25 THE WITNESS: They asked the passengers to alight, all of
26 them.

27 PRESIDING JUDGE: This is ECOMOG that asked the passengers
28 to alight.

29 THE WITNESS: Yes.

1 MS ASHRAPH:

2 Q. Then what happened, Madam Witness?

3 PRESIDING JUDGE: And then?

4 THE WITNESS: They screamed, the boys, and they arrested
12:39:10 5 the boys saying that he was a rebel.

6 JUDGE THOMPSON: Did you say boys? Translator?

7 THE INTERPRETER: The boys, the boys. He said he was a
8 rebel.

9 JUDGE THOMPSON: I am hearing from her the singular.

10 THE INTERPRETER: He is saying "Borbor them".

11 JUDGE THOMPSON: I see, okay. The boys. Okay, thanks.

12 THE WITNESS: The boys, yes.

13 MS ASHRAPH:

14 Q. What happened after the boys were arrested, Madam Witness?

12:39:45 15 A. They arrested this boy saying that he was a rebel.

16 Q. And what happened to that boy?

17 A. The boy denied that he was a rebel.

18 Q. Is it right that the boy showed the ECOMOG soldiers his ID
19 card and his books?

12:40:06 20 A. Yes.

21 Q. He showed that he was a student?

22 A. He was a student from Makeni.

23 Q. And what happened to that boy?

24 A. They refused. They killed the boy.

12:40:56 25 Q. How do you know that, Madam Witness? How do you know that
26 happened to the boy?

27 A. Okay. At that time they had not amputated my foot. When
28 he was arrested, all of us came there to the barri and they said
29 they were going to discipline the boy.

1 Q. So, you witnessed the shooting; is that correct?

2 A. They arrested him and said they were going to bathe him.
3 So they took him along and they killed him there.

4 Q. Thank you, Madam Witness. That must have been very
12:41:51 5 frightening for the civilians in Fadugu --

6 A. Yes.

7 Q. -- to see ECOMOG execute the student?

8 A. Yes, we were frightened. We were frightened. All of us
9 were frightened.

12:42:11 10 Q. It must have been especially frightening for those people
11 in Fadugu who had a reasonably friendly relationship with
12 fighters who lived there?

13 A. Yes.

14 Q. And is it not true that when the --

12:42:28 15 PRESIDING JUDGE: Slowly.

16 MS ASHRAPH: Sorry. I am sorry, Your Honour.

17 Q. And is it not correct that when the fighters were flushed
18 out in February of 1998, when ECOMOG was coming in, many
19 civilians left with the rebels because they were frightened of
12:42:56 20 what ECOMOG would do?

21 JUDGE THOMPSON: Go over that again.

22 MS ASHRAPH: Sorry, that was quite long.

23 JUDGE THOMPSON: It is quite a mouthful.

24 MS ASHRAPH: It was very long.

12:43:04 25 JUDGE THOMPSON: Yes.

26 MS ASHRAPH:

27 Q. Is it correct to say that when ECOMOG came in, civilians
28 who were friendly with the fighters left with the fighters?

29 A. Well, I wouldn't know.

1 Q. Do you know of any civilians that were --

2 JUDGE THOMPSON: Let us have that. Just a minute.

3 MS ASHRAPH: Sorry, Your Honour.

4 JUDGE THOMPSON: That when ECOMOG came in, civilians who

12:43:40 5 were friendly with the fighters leave with the fighters?

6 MS ASHRAPH: She does not know.

7 JUDGE THOMPSON: She doesn't know that. Yes.

8 JUDGE ITOE: She says she can't say. She does not know

9 that.

12:44:03 10 MS ASHRAPH: Yes.

11 JUDGE THOMPSON: Continue.

12 MS ASHRAPH: If you could just excuse me for a moment.

13 Thank you, Your Honour.

14 Q. If we just move quickly, I am almost finished

12:44:31 15 Madam Witness, to when you returned to Fadugu having come from
16 Makeni in 1999, which I believe is the second return to Fadugu,
17 you said there were fighters present in Fadugu at that time.

18 A. They were there, but they were not killing any more because
19 they were living with the civilians.

12:45:08 20 Q. Is it right that those fighters were under the command of a
21 man called Danny who was an SLA?

22 A. Yes. He was with them. He said he was the commander.

23 They were not killing, but they were with us in the town.

24 Q. Thank you, Madam Witness.

12:45:31 25 MS ASHRAPH: I have no more questions for this witness,
26 Your Honour.

27 JUDGE ITOE: Let us have the commander's name, Ms Ashraph,
28 before you sit down. Just a minute, please.

29 JUDGE THOMPSON: You said the commander was an SLA?

1 MS ASHRAPH: Yes.

2 JUDGE THOMPSON: Whose name was what?

3 MS ASHRAPH: Danny.

4 THE WITNESS: Danny, yes.

12:46:06 5 JUDGE THOMPSON: As in Danny boy?

6 MS ASHRAPH: I have no rank for that.

7 THE WITNESS: Could we hurry because the place is very
8 cold. I am beginning to be -- the place is cold for me. My
9 sides are beginning to ache of cold.

12:46:30 10 MS ASHRAPH: Very well, Madam Witness, you will be happy to
11 hear I am finished for today.

12 JUDGE THOMPSON: Thank you, counsel. Mr Nicol-Wilson, your
13 witness.

14 CROSS-EXAMINED BY MR NICOL-WILSON:

12:46:48 15 Q. Good afternoon, Madam Witness. During the first attack of
16 Fadugu, you were advised by ECOMOG not to run away; is that
17 correct?

18 A. Yes, that's what they said that we should not run away.

19 Q. But ECOMOG ran away as soon as the attack occurred?

12:47:29 20 A. Well, I think that's how it happened because the rebels
21 took over and we didn't hear of any ECOMOG.

22 Q. During the second attack --

23 JUDGE THOMPSON: Let's take it --

24 JUDGE ITOE: You are following into Ms Ashraph's trap.

12:47:48 25 JUDGE THOMPSON: Yes, right, that ECOMOG ran away. Because
26 of -- talking about rebels.

27 MR NICOL-WILSON: She said the rebels took over.

28 JUDGE THOMPSON: Yes.

29 PRESIDING JUDGE: She didn't see that.

1 MR NICOL-WILSON:

2 Q. Yes?

3 A. When I said the rebels took over I didn't see them, because
4 I knew that they took over because they shot me on my foot. It
12:48:26 5 is not ECOMOG that shot me. That's why I said they took over.

6 Q. And during the second attack again ECOMOG soldiers ran away
7 to the bush?

8 A. Well, I wouldn't know because it was at night and I was in
9 hiding. I just saw rebels setting fire. I wouldn't know about
12:49:07 10 that.

11 Q. Now, it was your daughter who told you about the five
12 children who were taken away by the rebels?

13 A. Yes. She was the girl child.

14 Q. My question is, it was your daughter who told you about the
12:49:44 15 five children who were taken away?

16 A. Yes, my daughter.

17 JUDGE ITOE: Five girls who were taken away?

18 MR NICOL-WILSON: As Your Honour pleases.

19 Q. You were not present when they were taken away?

12:50:00 20 A. I do not understand the question.

21 Q. You were not present when these five children were taken
22 away.

23 A. Yes, I was not there.

24 Q. Also, it was your sister from Kabala who told you about the
12:50:42 25 bus that was burnt down?

26 A. Yes, she told me about the bus that was burnt down.

27 Q. So, you were also not present when the bus was burnt down?

28 A. No, I was not there.

29 Q. It was Alimamy Fanneh II who told you that the paramount

1 chief had been killed?

2 PRESIDING JUDGE: Well, he was the paramount chief.

3 JUDGE ITOE: He was the paramount chief.

4 JUDGE THOMPSON: Paramount chief.

12:51:25 5 MR NICOL-WILSON: Sorry, Your Honour. Sorry, Your Honour.

6 Q. It was Mamadu Worreh who told you that the Paramount Chief
7 Alimamy Fanneh II has been killed?

8 JUDGE THOMPSON: That is the state of the evidence.

9 MR NICOL-WILSON: Yes, I just want her to just confirm.

12:51:37 10 JUDGE THOMPSON: You want to confirm it, yes.

11 MR NICOL-WILSON:

12 Q. Yes, I want the witness to confirm it?

13 A. Yes, he told me.

14 Q. You were not present when he was killed?

12:51:41 15 A. I was in the town, but I didn't see him. He told me.

16 Q. Also at the hospital at Makeni, people from Mortema told
17 you that their village was attacked?

18 A. Yes, that's what they told me.

19 Q. You were also not present when that village was attacked,
12:52:19 20 logically?

21 PRESIDING JUDGE: Well, I don't think it is -- I mean, all
22 her evidence in this respect is, "I was in the hospital and I was
23 told about it." She never testified that she saw anything. I
24 don't think it is disputed in any way, shape or form.

12:52:37 25 MR NICOL-WILSON: As Your Honour pleases.

26 JUDGE THOMPSON: And I think it is naturally recapitulating
27 the examination-in-chief.

28 JUDGE ITOE: The state of the evidence.

29 JUDGE THOMPSON: Unless you want to use it as a basis to

1 I launch some kind of, you know -- then perhaps we should not.

2 MR NICOL-WILSON: That is the exact --

3 JUDGE THOMPSON: Well, I restrain myself.

4 MR NICOL-WILSON: That's right, Your Honour.

12:52:55 5 PRESIDING JUDGE: That is right, go ahead.

6 Q. You will therefore agree with me that most of the incidents
7 you have narrated to this Court you were not present.

8 JUDGE ITOE: You say most?

9 MR KAMARA: That is it. It is too loose and

12:53:13 10 over-ambiguous.

11 JUDGE THOMPSON: Sustained.

12 JUDGE ITOE: Sustained.

13 PRESIDING JUDGE: It is certainly a bit argumentative at the
14 least.

12:53:18 15 MR NICOL-WILSON: I will re-phrase the question.

16 PRESIDING JUDGE: She was not present for all these
17 incidents you referred to -- but that --

18 JUDGE ITOE: Mr Nicol-Wilson, you have [overlapping
19 speakers]

12:53:28 20 PRESIDING JUDGE: -- possibly agreed to it, but --

21 JUDGE THOMPSON: And I would suggest that you make your
22 election --

23 MR NICOL-WILSON: As Your Honour pleases.

24 JUDGE THOMPSON: -- Whether you want to go for the entire
12:53:36 25 universe or you want to be specific again.

26 MR NICOL-WILSON:

27 Q. You will agree with me that some of the incidents you have
28 explained and narrated to this Court you were not present.

29 MR KAMARA: The objection is still on, Your Honour. He has

1 to identify what incidents. To say some and the entirety of the
2 evidence is not clear.

3 JUDGE THOMPSON: Well, the difficulty here is that he has
4 already put to the witness, recapitulating her
12:53:59 5 testimony-in-chief, specific incidents which she has confirmed
6 that she was not present. And I, myself, find it a little
7 difficult what is left for him to do, whether there is a residual
8 area which he needs now to put to her.

9 MR KAMARA: We are in the same boat, Your Honour, and what
12:54:21 10 I am expecting my learned friend to do is to identify in what --
11 in those areas that the witness is not present and to say you
12 were not present in some and then leave out the rest --

13 JUDGE THOMPSON: That is a good point. No, the point, of
14 course, is that whether it is not really a matter of inference
12:54:38 15 for the Court. From her answers so far in respect of the
16 specific episodes, the Court would draw the conclusion that the
17 testimony was not based on what she actually saw. And I am not
18 sure whether that is the purpose of the cross-examination whether
19 the question is not even superfluous.

12:55:01 20 JUDGE ITOE: But are you disputing the fact, Mr Kamara,
21 that she was not present in some of the incidents.

22 MR KAMARA: Not at all.

23 JUDGE ITOE: Because that is the inference which she has
24 drawn from the --

12:55:10 25 MR KAMARA: I will be satisfied if the Court is taking it
26 that the inference could be drawn, but there are certain
27 incidents where she was present and there are others she was not.

28 JUDGE THOMPSON: Yes, and that is the point I am finding
29 it --

1 MR KAMARA: Yes, we already know those which my learned
2 friend is referring to are compatible.

3 JUDGE THOMPSON: Well, my difficulty is whether counsel is
4 confining himself to the samples which he has already
12:55:28 5 highlighted.

6 MR KAMARA: Yes.

7 JUDGE THOMPSON: If he is confining himself to the samples
8 that he has already highlighted, then it would seem to be my own
9 view, my humble view, that indeed that is a matter of inference.

12:55:44 10 But if he is going outside the samples, then your question --
11 your objection seems to be meritorious. I don't know.

12 MR NICOL-WILSON: Your Honour, I am confining myself to the
13 samples.

14 JUDGE THOMPSON: That you have given? Well why not let
12:55:59 15 that be a matter of inference because her answers are quite
16 clear.

17 MR NICOL-WILSON: Yes, sir. That will be all for the
18 witness.

19 JUDGE THOMPSON: Thank you. Mr Cammegh, your turn.

12:56:18 20 MR CAMMEGH: I have no questions. I have no questions,
21 thank you.

22 JUDGE THOMPSON: I was in a hurry to give you your turn.

23 MR CAMMEGH: And I am in an equal hurry to say no
24 questions.

12:56:20 25 JUDGE THOMPSON: Okay, thanks.

26 MR CAMMEGH: Thank you very much.

27 PRESIDING JUDGE: Madam Witness, that completes your
28 evidence. Oh, I am sorry.

29 MR KAMARA: So, Your Honours, just one question which I may

1 guess if I am getting it wrong the Court might assist me here.

2 My learned friend in cross-examination asked about --

3 JUDGE ITOE: Which learned counsel friend, Ms Ashraph?

4 MR KAMARA: Yes.

12:56:50 5 JUDGE ITOE: Or Nicol-Wilson?

6 MR KAMARA: Ms Ashraph.

7 JUDGE ITOE: Right okay.

8 MR KAMARA: During cross-examination mentioned about Danny

9 the SLA commander. I am not sure whether we have the time frame

12:57:04 10 for which Danny commanded the rebels.

11 PRESIDING JUDGE: Yes, it was when she returned to Fadugu
12 in '99.

13 MR KAMARA: 1999?

14 JUDGE ITOE: Yes, that's it.

12:57:10 15 MR KAMARA: I am fine with that.

16 JUDGE ITOE: That's it.

17 MR KAMARA: I am fine. That is after the first and second
18 attacks. We are fine. Thank you, Your Honours.

19 PRESIDING JUDGE: So you have no more questions? No more
12:57:16 20 re-examination.

21 MR KAMARA: No.

22 PRESIDING JUDGE: Thank you. So, Madam Witness, as I was
23 saying, we have finished with your evidence and we thank you very
24 much for having come to this Court to tell us your story and we
12:57:29 25 wish you good luck. Thank you very much.

26 JUDGE THOMPSON: We will recess for lunch and we will come
27 back at 2.30 p.m.

28 [Luncheon recess taken at 12.54 p.m.]

29 [RUF02AUG05C - EKD]

[Upon resuming at 2.40 p.m.]

JUDGE THOMPSON: Mr Bangura, may we have your 43rd witness.

MR BANGURA: That's right, Your Honour.

JUDGE THOMPSON: Let's proceed then. Let the witness be

sworn.

WITNESS: TF1-215 [Sworn]

[The witness answered through interpreter]

JUDGE THOMPSON: Please remind us of the pseudonym.

MR BANGURA: Your Honours, this witness is TF1-215.

JUDGE THOMPSON: Thank you.

JUDGE ITOE: TF what?

MR BANGURA: TF1-215.

JUDGE THOMPSON: You may proceed.

EXAMINED BY MR BANGURA:

MR BANGURA:

Q. Good afternoon, Mr Witness?

A. Yes, sir. Good afternoon, sir.

JUDGE ITOE: Is he testifying in Krio?

MR BANGURA: Yes, Your Honour.

Q. Mr Witness, I'm going to ask you some questions to which you are expected to give your answers. All right?

A. Yes, sir.

Q. I will ask you to try not to speak too fast when you give your answers. Okay?

A. Yes, sir.

Q. I will start by asking you some questions about yourself, your life. Mr Witness, where were you born?

A. In the Koinadugu District, Bafodia Chiefdom.

Q. Did you say Bafodia Chiefdom?

1 A. Yes, Koinadugu District, Bafodia Chiefdom.

2 MR BANGURA: Bafodia is B-A-F-O-D-I-A. Koinadugu is

3 K-O-I-N-A-D-U-G-U.

4 Q. Can you tell this Court your age?

14:48:36 5 A. 49 years.

6 Q. Are you married?

7 A. I have two wives.

8 Q. Do you have children?

9 A. I have seven.

14:49:08 10 Q. What do you do for a living, Mr Witness?

11 A. Well, I used to manage with business, little by little. I
12 sell used clothing.

13 Q. Do you still do that business now?

14 A. No.

14:49:45 15 Q. Mr Witness, do you have some education?

16 A. Well, I did adult education.

17 Q. So are you able to read and write English?

18 A. No, I cannot, but I can write my name and I know some
19 spellings.

14:50:18 20 Q. Mr Witness, I would like to take your mind back to events
21 which occurred in this country not so long ago. Do you recall
22 that there was a war in this country not so long ago?

23 A. Yes.

24 Q. During the course of that war where were you residing?

14:51:06 25 A. I resided at Diang Chiefdom, Kondembai a Town.

26 Q. Can you repeat the answer again, Mr Witness; where were you
27 residing?

28 A. I was in Diang Chiefdom, Kondembai a village.

29 Q. Mr Witness, if I am correct is it Kondembai a village which

1 is in Diang Chiefdom? Am I right to put it that way?

2 A. Yes. It's the chiefdom headquarter, that is Kondembaia.

3 MR BANGURA: Your Honours, Kondembaia is

4 K-O-N-D-E-M-B-A-I-A and Diang is D-I-A-N-G.

14:52:21 5 JUDGE THOMPSON: Is there a D in Kondembaia? It sounds
6 like Kondembaia.

7 MR BANGURA: From the witness's lips it sounds without a D
8 but we have been spelling it in a particular way.

9 JUDGE THOMPSON: Thank you.

14:52:44 10 JUDGE ITOE: Is it Diang Chiefdom?

11 MR BANGURA: Diang Chiefdom, D-I-A-N-G.

12 Q. Mr Witness, do you recall February of 1998?

13 A. Yes.

14 Q. How do you recall this period, the month of February 1998?

14:53:19 15 A. Well, at that time we heard that they had overthrown in
16 Freetown. They said it was Johnny Paul who took over the reins
17 of power.

18 Q. Mr Witness, I would like you to again recall carefully. In
19 February of 1998 exactly what did you remember?

14:53:51 20 A. February '98 we heard that Johnny Paul had taken power and
21 when we were upcountry we did not know who the right individual
22 was.

23 Q. Mr Witness, do you know how long Johnny Paul was in power?

24 A. Well, if I have not forgotten I think it was nine months,
14:54:35 25 perhaps.

26 Q. Do you have any recollection how that rule by Johnny Paul
27 ended?

28 A. Well, the ECOMOG came and ousted them from power.

29 Q. Do you remember when ECOMOG removed Johnny Paul's

1 government from power?

2 A. Yes, it should be '98.

3 Q. Do you remember what month in 1998, Mr Witness?

4 A. Well, we in the provinces, we did not record. But it
14:56:12 5 should be around February.

6 Q. So Johnny Paul's government was removed from power by
7 ECOMOG in February of 1998; is that correct?

8 PRESIDING JUDGE: Around February '98.

9 MR BANGURA:

14:56:35 10 Q. Around February '98.

11 A. That's what I think. But normally we do not receive news
12 in the provinces quickly, but I think that is so.

13 Q. And you say Johnny Paul's government had been in power for
14 how long?

14:57:00 15 A. Well, I said nine months.

16 Q. Mr Witness, what do you recall at this time that Johnny
17 Paul -- that you said his government was removed from power by
18 ECOMOG? What do you recall -- what happened that you do recall?

19 A. Before he was removed from power, when he was in power, it
14:57:36 20 was operation --

21 THE INTERPRETER: Your Honours, would the witness please
22 repeat what he said.

23 MR BANGURA:

24 Q. Mr Witness, can you please say again what you have just
14:57:47 25 said?

26 A. At that time when they were in power, he called the rebels
27 to come from the bush. When they came to town they were called
28 the People's Army.

29 Q. Now, these people who -- you said the rebels who were in

1 the bush were called to town and they were called the People's
2 Army. What were they doing? Were they in your town at that
3 time?

14:58:49 4 A. Yes, they went up to our village. They had been setting up
5 checkpoints.

6 Q. And were they doing anything there while they were there at
7 that time?

8 A. Yes. They used to search peoples' bags and they took their
9 property from them and they said they were paying themselves.
14:59:19 10 Operation Pay Yourself. Anything that they saw in the bag, they
11 would take it.

12 Q. Now this was during the period that Johnny Paul was still
13 in power; is that correct?

14 MR CAMMEGH: Objection.

14:59:51 15 THE WITNESS: Yes. Yes, sir.

16 MR CAMMEGH: The period that we were supposedly dealing
17 with, I understood, was around February 1998.

18 JUDGE THOMPSON: Yes.

19 MR CAMMEGH: I would rather my learned friend not lead in
15:00:04 20 order to take the witness back to the period which is more
21 convenient for him. Perhaps it would be better to establish what
22 period we are talking about before leading the witness with the
23 answer.

24 JUDGE THOMPSON: Counsel?

15:00:21 25 MR BANGURA: Your Honours, I will get the witness to
26 refocus on the period but I believe the witness had said during
27 the time Johnny Paul was in power they brought the rebels from
28 the bush and they called them the People's Army. The question
29 which had preceded this was were they in your town at that time?

1 I believe we were talking of the period just before Johnny Paul
2 was removed from power, but I will get the witness to clarify.

3 JUDGE THOMPSON: I think the best thing is to be very
4 careful how you proceed given the state of the evidence now.

15:00:53 5 MR CAMMEGH: I would be grateful for that. Also can I
6 remind my learned friend that unless I am -- and I will be
7 corrected if I am wrong, but I don't think we have any disclosure
8 of anything taking place before 1998 in any event. So can I ask
9 my friend to bear that in mind as we proceed.

15:01:14 10 JUDGE THOMPSON: Right, go ahead.

11 MR BANGURA:

12 Q. Mr Witness, let us focus on the period after Johnny Paul
13 was removed. Did you notice anything in Kondembaia during that
14 time? You say you remember that he was removed some time in

15:01:33 15 February '98. Did you notice anything in Kondembaia?

16 A. When he was removed from power? Those whom removed them
17 from power, people ran away from Freetown and went to Kono area.

18 Q. When you say "people", Mr Witness, who were these people
19 that you are talking about?

15:02:08 20 A. It was the soldiers with the rebels who were the People's
21 Army, who had ammunition. These were the ones that were running
22 from Freetown to go to Kono.

23 Q. How did you know they were going to Kono or they were
24 coming from Freetown, Mr Witness?

15:02:43 25 A. Our own road was the bypass to go to Kono and this was the
26 area that they pass while they were going. They had been saying
27 it when they had been resting in our verandah.

28 Q. Witness, you have to speak a bit slower and allow Their
29 Lordships to take the answers that you give.

1 A. Yes, sir.

2 Q. Would you like to take that answer again. How did you know
3 that they were coming from Freetown and going to Kono?

4 A. They would pass through my own house. I had the first
15:03:29 5 house in the village and mostly they used to say it.

6 Q. What did you notice at this time, Mr Witness?

7 A. What?

8 Q. What did you see at this time that these -- you said these
9 people were moving from Freetown to Kono and they were passing

15:03:59 10 through your town. Describe what you saw.

11 A. They used to carry bundles on their head, they had
12 ammunition, some had uniforms, some did not have uniform.

13 Q. This group of people that you saw, Mr Witness, were they of
14 the same age -- the same ages?

15:04:37 15 A. No, sir. Some were ageable people who were around 45.
16 Some were 30, some were below.

17 Q. Can I ask you, Mr Witness, to lift your voice up a little
18 when you speak.

19 A. Okay, sir.

15:05:00 20 Q. When you say somewhere below, what ages are we looking at?

21 A. Like 10 years, 15 years they were with them. Whether they
22 were their children, or their brothers, I don't know but all of
23 them were going together.

24 Q. Did these people stay in Kondembaia?

15:05:28 25 A. Some were there, some would stay there for two days and
26 they would pass. Because during that time they had not yet come
27 nearer than when they were running. Some would come in groups of
28 6 and they would pass and go away.

29 Q. Did you notice any person among them who was a leader, who

1 was their leader?

2 A. Well, we did not understand that they had anybody that was
3 the leader, unless one night when I was lying down in my house,
4 25 vehicles passed. So I did not know the one that passed. In
15:06:32 5 the morning, it was in the morning, they sat in my verandah, they
6 were drinking, and they said that, "Oh, JP had passed during the
7 night." That was the time that I knew that they had a boss that
8 was called JP. The other one asked who it was. They said,
9 "Johnny Paul, he had passed during the night."

15:06:59 10 Q. So in the morning you learnt that this fleet of 25 vehicles
11 that passed you in the night before, had Johnny Paul -- Johnny
12 Paul was among them; is that correct?

13 A. Yes, it was vehicles, but it was in the morning time that I
14 knew that it was Johnny Paul that passed. But during the night I
15:07:25 15 did not know that.

16 Q. Mr Witness, how long did it take for these people to pass
17 through your town, Kondembaia? You said they were heading for
18 Kono. How long did it take them to go through your town?

19 A. It was nearly a month and some days. They would pass every
15:07:53 20 day. Every day and night they would pass.

21 Q. Did it get to a point where this traffic, this movement of
22 people stopped?

23 A. Yes.

24 Q. Around April and the end, that was the time that they
15:08:24 25 stopped going up -- along the Kono road?

26 JUDGE ITOE: April?

27 MR BANGURA:

28 Q. Mr Witness, April of what year?

29 A. 1998, April. They started in March until April they were

1 passed.

2 Q. Mr Witness, did anything happen after this period, after
3 these people who were coming up towards Kono had passed? Did
4 anything happen in Kondembai a?

15:09:21 5 A. They captured when they were going. They wanted to capture
6 one child so as to take their loads along, because they ask me to
7 give them my sibling to take their load along. And I spoke in my
8 language and I said that, "Don't go near that man, he wants to
9 capture you so as to take his load. Run."

15:09:49 10 Q. You have to learn to be a bit slower when you speak.

11 A. Okay.

12 Q. You want to take this point again?

13 A. Okay. He asked me to give him water to drink.

14 Q. Who asked you for water?

15:10:12 15 A. The ones that were passing, the People's Army who were
16 passing with loads and ammunition.

17 Q. Yes. Did you give him the water?

18 A. Yes, my sibling gave him the water and he said I should
19 give my sibling to him so that the child could carry his load.

15:10:47 20 Q. Did you give him the child?

21 A. When he said that word I just told the child in my
22 language, I said, "Don't go near him, run away. He wants to
23 capture you. Go away."

24 Q. What happened?

15:11:00 25 A. Child ran and went at the back, and he went in the bush and
26 he wanted to capture me so as to take the load for him.

27 Q. What happened?

28 A. I plead with him. I said, "Look at my foot, look at my
29 foot, I am suffering. It is aching. So please don't take me

1 along."

2 Q. Were you spared?

3 A. Yes, he captured one fellow that is called Yira.

4 Q. What did he do to Yira?

15:11:56 5 A. He gave him load, load to take along.

6 MR BANGURA: Your Honours, Yira is Y-I-R-A, Yira.

7 Q. Were you yourself made to subject to any such treatment by
8 these people at this time?

9 A. Pardon.

15:12:47 10 Q. Were you made to carry a load for anybody at this time?

11 MR CAMMEGH: Can I ask my friend to desist from leading
12 questions. We have heard too many today, with respect.

13 JUDGE ITOE: The objection is sustained. It is leading.

14 MR BANGURA:

15:13:08 15 Q. Were you yourself subject to any treatment by these people?

16 A. Yes.

17 Q. What did they do to you?

18 A. They gave me tyre with the ring to take along to go to
19 town. When I came from my farm, they captured me and they gave
15:13:29 20 me a load. It was a tyre.

21 Q. Where did you take the tyre to?

22 A. To the town, because we were going to the same direction.
23 When I was going to the town we just met and it was in the same
24 direction but 1 mile from the area to the town. I was the one
15:14:12 25 that took it on my head from that particular place up to the
26 town.

27 Q. Mr Witness, after these people had gone away, did anything
28 happen afterwards? Did you hear about anything afterwards?

29 A. Yes. When they all had gone, a little while we heard that

1 they had attacked Yi fin.

2 Q. When you say a little while, can you give us an idea of how
3 long it was from the time they had all gone to the time you heard
4 about the attack on Yi fin?

15:15:21 5 A. Well, I cannot remember the exact time, but it was around
6 the end of April that this thing happened, that attack.

7 MR BANGURA: Your Honours, Yi fin is Y-I-F-F-I-N [sic].

8 Q. What is the distance between Kondembai a and Yi fin, have you
9 any idea?

15:15:47 10 A. Well, it will be around 40 miles.

11 Q. So you heard about an attack on Yi fin?

12 A. Yes.

13 Q. How did you learn about this attack?

14 A. It was the man's whose two hands were chopped off in that
15:16:11 15 attack. He was the one who came to our village and he was the
16 one that explained to us, because they chopped off his two hands,
17 they cut off his brother's head. He was the one who explained to
18 us.

19 Q. Mr Witness, are you saying that somebody's two hands were
15:16:28 20 chopped off in Yi fin?

21 PRESIDING JUDGE: Ask the witness to just repeat whatever
22 he is saying slowly rather than you paraphrasing what he is
23 saying. It will be easier that way for everybody's
24 understanding.

15:16:42 25 THE WITNESS: Yes.

26 MR BANGURA: Thank you, Your Honour.

27 Q. Mr Witness, can you tell us what you have just -- explain
28 again what you have just said about the man at Yi fin, what
29 happened to him?

1 A. They chopped off his two hands and he was called Kabba
2 Jalloh and they chopped his brother on the head and the shoulder.

3 Q. How did you learn about this?

4 A. It was in my own village that he came and passed the night
15:17:17 5 when they ran away from Yifin. They were trying -- they were on
6 their way to Kabala.

7 MR BANGURA: Kabba Jalloh is K-A-B-B-A, Jalloh is
8 J-A-L-L-O-H.

9 Q. What else did you learn about Yifin, about the attack on
15:17:42 10 Yifin?

11 A. He told us that the town was burnt down. They burnt Yifin.

12 Q. After this incident, Mr Witness, did you learn about
13 anything else?

14 A. Yes. Around the evening the next day they came with
15:18:17 15 somebody who was in a hammock. He was chopped, he was hacked
16 repeatedly.

17 Q. You said "they" came, who brought this person?

18 A. It was the townspeople where this man was hacked
19 repeatedly. They put him in a hammock.

15:18:50 20 Q. Did you learn anything about what had happened?

21 A. Yes, they said they attacked that place and it was that man
22 that was hacked repeatedly and it was Kromanta village.

23 MR BANGURA: Your Honours, Kromanta is K-R-O-M-A-N-T-A.

24 Q. And whereabouts was this Kromanta village?

15:19:30 25 A. It's after you leave Yifin, when you are coming to our own
26 village.

27 Q. Did you know this person who had been injured?

28 A. It was at Kono that I came to know his name. His name was
29 Moseray Koroma.

1 MR BANGURA: Your Honours, Moseray is M-O-S-E-R-A-Y, and
2 Koroma, K-O-R-O-M-A.

3 JUDGE ITOE: M-O what?

4 MR BANGURA: M-O-S-E-R-A-Y.

15:20:31 5 Q. Was he the only person that was brought from Kromanta
6 village that day that you saw?

7 A. Yes.

8 Q. Mr Witness, let me ask you, did you at all find out or did
9 you learn about who were these people that were carrying out
10 these attacks?

15:21:00 11 A. No, I was not able to know. We only heard that there was
12 an attack, but at that time we did not know the people who did
13 that attack.

14 Q. At that stage, thank you. Did you hear about anything else
15:21:24 15 then Mr Witness after this second incident that you have just
16 talked about?

17 A. Yes.

18 Q. Go on, please.

19 A. They attacked Badela.

15:21:44 20 MR BANGURA: Badela, Your Honours, is B-A-D-A-L-A [sic].

21 Q. Whereabouts is Badela?

22 A. It is close to our village, 6 miles from where I was. From
23 Kondembai a to Badela, 6 miles.

24 Q. How did you learn about the attack on Badela?

15:22:16 25 A. They chopped one man's -- both --

26 THE INTERPRETER: Your Honours, would the witness go a
27 little bit slower?

28 MR BANGURA:

29 Q. Mr Witness, learn to speak a little bit slower, please.

1 A. Okay.

2 Q. Can you take it again? How did you learn about the
3 incident at Badela?

4 A. One man's hands were cut off in that Badela attack.

15:22:47 5 Q. Do you know who this man was?

6 A. Yes. He was called Issa Bangura.

7 MR BANGURA: Your Honours, Issa, I-S-S-A. Bangura as in
8 Bangura.

9 JUDGE ITOE: Bangura like in Bangura?

15:23:12 10 MR BANGURA: Yes, Your Honour.

11 Q. Mr Witness, did you see this person yourself, this Issa
12 Bangura?

13 A. Yes. Yes, when they were passing with him on a Honda
14 taking him to Kabala, I saw him with my own eyes. They cut his
15:23:35 15 two hands. They burnt Badela, they burnt it.

16 Q. Did you learn about anything else regarding this attack at
17 Badela?

18 A. The town was burnt.

19 Q. So what was the position in Kondembaia at this time,
15:23:59 20 Mr Witness? Badela was 6 miles away.

21 A. There was panic all over the place. Even I, that was the
22 day that we left the town and finally went into the bush.

23 Q. When you say "we left the town", who left the town? There
24 was yourself. Who else left the town?

15:24:33 25 A. Even I and my family, that was the day we left the town and
26 went into the bush.

27 Q. Did you hear about anything else after this incident at
28 Badela?

29 A. Yes. When they left Badela they did not enter Kondembaia.

1 Although we ran away from them, but they bypass. They use the
2 bush path.

3 Q. Slowly, please, slowly. Can you take that again?

4 A. Okay. When they left Badela they use a bush path to go
15:25:24 5 towards Sandia.

6 MR BANGURA: Your Honours, Sandia is S-A-N-D-E-Y-A [sic].

7 Q. Continue, please.

8 A. They captured some people on the way in a farm so as to
9 take their loads for them.

15:25:59 10 Q. Yes.

11 A. At that time one man met them there who was called Sorie
12 Kamara.

13 Q. Yes, please.

14 A. The people that were captured were in the midst of drinking
15:26:21 15 poyo.

16 Q. Mr Witness, you said they, who were "they"? Who were those
17 people that you refer to as "they"?

18 A. The ones that attacked Badela. These were the ones that
19 captured these people in their farm, which was Magba, Leniba,
15:26:44 20 with one other man that was a stranger. Three of them were
21 captured.

22 Q. Were you just calling out the names of those who were
23 captured? In your last answer were you calling out the names of
24 those who were captured?

15:27:02 25 A. Yes.

26 Q. Would you like to call out those names again please?

27 A. Magba Sesay.

28 MR BANGURA: Your Honours, it is M-A-G-B-A. S-E-S-A-Y for
29 Sesay.

1 Q. Yes, please.

2 A. With Leni ba Sesay.

3 MR BANGURA: Leni ba, Your Honours, L-E-N-I -B-A.

4 Q. Who else?

15:27:26 5 A. The other man was a stranger and I did not know his name,
6 but there were three.

7 Q. These three people were captured and what happened to them?

8 A. They were captured in order to take their loads along.

9 Q. So what happened?

15:27:50 10 A. That was the time that Sorie Kamara appeared in the fire.

11 Q. Did anything happen?

12 A. They called Sorie so that he could drink so he said no.

13 They gave him cigarette, they said he should smoke; he said no.

14 Q. Mr Witness, when you say they called Sorie to go and drink,

15:28:20 15 drink what?

16 A. It was poyo that they seized from people, the people that
17 they gave loads to take for them. This was the poyo that they
18 gave him to drink.

19 Q. Is poyo the same thing as palm wine, Mr Witness?

15:28:41 20 A. Yes, it's all white.

21 Q. Please tell us what happened to Sorie Kamara?

22 A. When Sorie wanted to return, they shot at him and he fell
23 down.

24 Q. Yes.

15:29:12 25 A. They took Sorie's blood and gave it to Magba. They asked
26 him to drink it.

27 Q. What happened next?

28 A. Then they gave loads to Magba and Sorie Bah so as to go to
29 Limbiya [as interpreted], and they went.

1 Q. Where did they have to go to with the loads, Mr Witness?

2 JUDGE ITOE: Did Magba drink the blood?

3 THE WITNESS: It was at Sandia village. Yes. He was at
4 gunpoint.

15:30:15 5 MR BANGURA:

6 Q. So what happened after this?

7 A. They went and they gave them -- they barbed -- they barbed
8 them RUF, RUF on the hair.

9 PRESIDING JUDGE: They burned them?

15:30:40 10 THE INTERPRETER: Barbed. The hairstyle, the hairstyle.
11 RUF, RUF.

12 JUDGE THOMPSON: Those were marks, were they; not shaved?

13 MR BANGURA: Your Honour, as I understand it, they were not
14 shaved, they merely styled their hair, as I understand it.

15:31:02 15 MS ASHRAPH: I'm sorry, I don't think that is what the
16 witness has said. I think the witness said --

17 THE WITNESS: They gave them a hairstyle and on that
18 hairstyle it was RUF. They did not cut the body.

19 MS ASHRAPH: I would rather the witness clarify than
15:31:23 20 counsel, thank you.

21 JUDGE THOMPSON: So what is the clarification here,
22 Mr Bangura?

23 MR BANGURA: As I understand it --

24 JUDGE THOMPSON: They shaved.

15:31:31 25 MR BANGURA: Shaved their head, that's right.

26 JUDGE THOMPSON: Shaved their head.

27 THE WITNESS: Fine.

28 JUDGE THOMPSON: And was there any inscription?

29 MR BANGURA: Yes, Your Honour, I will get the witness to

1 say that again. Counsel may not quite like me saying it.

2 JUDGE THOMPSON: Yes, that's what I was trying to clarify.

3 I was trying to get the meaning of "barbed", which I know is a
4 local kind of usage, the English being shaved. I was trying to

15:32:02 5 see whether we can harmonise that and whether there was an
6 inscription.

7 MS ASHRAPH: I'm grateful Your Honour. I thought I heard
8 the word "cut" coming from counsel, that's all.

9 JUDGE THOMPSON: No, it's B-A-R-B-E-D. It's a local usage
15:32:21 10 but I think the English equivalent would be shaved their heads.

11 JUDGE ITOE: A barber, a barbing shop.

12 MR BANGURA: I am rather surprised my learned friend says
13 she heard me say cut.

14 JUDGE THOMPSON: Cut would be different.

15:32:38 15 MR BANGURA: Indeed, Your Honour, and I do not believe I
16 uttered those words.

17 PRESIDING JUDGE: That's fine, let's proceed, please.

18 MR BANGURA: Thank you.

19 Q. Mr Witness, so this Magba and Leniba had their heads shaved
15:32:58 20 with the inscription RUF on them; is that correct?

21 A. Yes, sir.

22 Q. How did you learn about all this, Mr Witness?

23 A. Fine. When I was in the bush, I would come every morning
24 to see what had happened in town.

15:33:34 25 Q. Please go on.

26 A. I met Magba, who was explaining to the paramount chief what
27 happened to him and what they wrote on -- the inscription on his
28 head, and by then I was there.

29 Q. Did you see the inscription yourself?

1 A. Yes, sir.

2 Q. After this incident, Mr Witness, did anything else happen?

3 A. Yes. The very bush in which we hid, during the night we
4 heard firing throughout the night. There was bombardment.

15:34:57 5 Q. Where was this firing coming from? From what area, what
6 direction?

7 A. It was coming from Lengekoro village.

8 MR BANGURA: Lengekoro is L-E-K-E-N-K-O-R-O [sic].

9 THE WITNESS: I would like to use the convenience, please.

15:35:23 10 JUDGE THOMPSON: We will recess for a few minutes.

11 MR BANGURA: Thank you.

12 [Break taken at 3.30 p.m.]

13 [RUF02AUG05D - SV]

14 [Upon resuming at 3.40 p.m.]

15:46:11 15 JUDGE THOMPSON: Please continue.

16 MR BANGURA:

17 Q. Mr Witness, before we broke off you were describing an
18 incident in which you were in the bush and there was firing going
19 on not too far from you in the town or village of Lengekoro; is
15:46:34 20 that correct?

21 THE INTERPRETER: Your Honours, the witness's mic is not
22 on.

23 MR BANGURA:

24 Q. Do you agree with what I said just now, Mr Witness?

15:46:59 25 A. Yes, sir.

26 Q. Would you like to continue describing what happened that
27 evening. You said you heard firing, can you describe exactly
28 what happened?

29 A. At night by dawn.

1 Q. Aside from the sound of gunfire that you heard did you at
2 that time know what had happened in the town?

3 THE INTERPRETER: Your Honours, the witness's mic is off
4 again.

15:47:58 5 PRESIDING JUDGE: It's okay.

6 THE WITNESS: It was from one man who ran from the attack
7 who met us in the bush where we were hiding whose name was
8 Maforay.

9 MR BANGURA:

15:48:19 10 Q. Maforay, is that the correct name, Mr Witness?

11 A. Yes. That is the way we called him.

12 MR BANGURA: M-A-F-O-R-A-Y, Your Honours.

13 Q. And did you learn anything from Maforay?

14 A. Yes, Maforay told us that we should move from the bush
15:48:50 15 where we were hiding and that the place is not safe, it's not
16 safe.

17 Q. Did Maforay tell you anything about what had happened been
18 going on in Lengekoro where he came from?

19 A. He told us to move because those at Sandia have attacked
15:49:17 20 Lengekoro.

21 Q. Mr Witness, when you say "those at Sandia", who are these
22 people that you are referring to, "those"?

23 A. Well, we've already learnt that it was the RUF who were at
24 Lengekoro, they have been identified, especially with the
15:49:48 25 description on Magba's head.

26 Q. Thank you. So you would want to leave the area where you
27 were. Did you go anywhere? Did you listen to this advice? Did
28 you follow the advice?

29 A. Yes, we ran from the bush and we crossed there and went to

1 the other village and used the bypass route.

2 Q. Did anything else happen, Mr Witness, after this?

3 A. Yes, we heard about another attack after Sandia village, I
4 never went there, but what actually transpired I do not know so I
15:50:43 5 can't say anything about that attack during that time.

6 Q. Did you learn of any other attack on any other village?

7 A. Apart of back of Sandia?

8 Q. Yes, Mr Witness.

9 A. That was Kondembai a.

15:51:16 10 THE INTERPRETER: Your Honours, can the witness please
11 repeat his testimony.

12 MR BANGURA:

13 Q. Mr Witness, did you learn of any other attack in any other
14 village apart from Sandia?

15:51:40 15 A. They did not attack Sandia, I said back of Sandia but we
16 never went there but we heard about it. Because people were
17 running from there, I heard about it.

18 Q. Thank you, Mr Witness. After that incident did you hear of
19 any other attack anywhere?

15:52:00 20 A. Well, on the first -- it was on the first day they attacked
21 our village Kondembai a Town. The first day they attack our
22 village Kondembai a Town.

23 Q. Mr Witness, you say the first day. You sound like you're
24 counting from a particular period. First day of what?

15:52:39 25 A. They attack, that was the time they entered Kondembai a
26 because they were going around attacking. That is why I'm saying
27 the first day.

28 Q. What happened in Kondembai a, Mr Witness?

29 A. They chopped off Yanku's -- both hands.

1 MR BANGURA: Your Honours, Yanku is Y-A-N-K-U.

2 Q. How did you know, how did you learn about this?

3 A. Well, when they attacked the town we were in the bush and
4 bush was not too far from the town. It's 2 miles from the town
15:53:46 5 to the bush.

6 Q. Yes, go on, Mr Witness.

7 A. We heard the firing in the town, we climbed on top of the
8 hill and look down on the town and we saw the smoke.

9 Q. Yes, Mr Witness.

15:54:06 10 A. The incident took place between 10.00 to 11.00 in the
11 morning. Around 4.00 when the place was quiet we were all
12 running to come to look what actually happened, whether they have
13 burnt our house. So we came to town.

14 Q. So when you got into town what did you discover?

15:54:39 15 A. By then my house was not yet burnt but as I went further I
16 saw the man whose hands were chopped off. They were chopped off
17 on a long bench.

18 Q. Are we referring to the person you mentioned before?

19 A. Yes, Yanku Sesay.

15:55:26 20 Q. Did you notice anything else?

21 A. Yes. They started burning the town that time. They jump
22 over the street and they burn the other side.

23 Q. Are you saying that they were burning the town at that time
24 that you were there?

15:55:52 25 A. When we came we met the smoke. It never happened in my
26 presence.

27 Q. Did you observe anything else apart from the houses that
28 had been burnt and the Yanku Sesay whose hands were chopped off?

29 A. Yes. They captured three girls and they took them. The

1 two women later returned.

2 Q. So what happened to the other one?

3 A. The two women returned. Mammy Sesay [as interpreted] and
4 Yaba, they returned.

15:56:58 5 Q. [Overlapping speakers]?

6 A. In three day's time.

7 THE INTERPRETER: Your Honours, Mammy Sesay is Mammy Seray,
8 correction from the interpreter.

9 MR BANGURA:

15:57:10 10 Q. Mr Witness, would you like to call the names out again, the
11 names of those persons that were captured?

12 A. All of them or just the two that returned?

13 Q. First of all, let us know how many people were captured?

14 PRESIDING JUDGE: Three.

15:57:32 15 THE WITNESS: Those that they captured, they captured
16 Fanta.

17 MR BANGURA: Your Honours, that is as in the drink Fanta.

18 Q. Yes, please.

19 A. Madusu Sesay.

15:57:49 20 MR BANGURA: M-A-D-U-S-U.

21 THE WITNESS: And Chernor.

22 MR BANGURA: Chernor is C-H-E-R-N-O-R.

23 THE WITNESS: And Seray Conteh.

24 MR BANGURA: Seray is S-E-R-A-Y.

15:58:17 25 THE WITNESS: Five were captured on that day, but in three
26 day's time --

27 JUDGE ITOE: Seray Conteh and who?

28 MR BANGURA: Yaba, Your Honour, Y-A-B-A.

29 THE WITNESS: Seray Conteh and Yaba returned after three

1 days. Three others stayed with them until after the ceasefire
2 before we saw them. They stayed with them for over three years.

3 MR BANGURA:

15:59:10

4 Q. Mr Witness, after this attack on Kondembaia did you do
5 anything?

6 A. Well, I was still in the bush. I ran back to the bush, I
7 went back to the bush, but the elders in the town, the big men in
8 the town --

9 Q. Yes, go on.

15:59:33

10 A. -- went and reported to Kabala because by then ECOMOG was
11 based in Kabala.

12 Q. Did anything happen as a result of this report which was
13 made in Kabala?

14 A. Yes. They sent 15 ECOMOG soldiers to secure the town.

16:00:16

15 Q. Can you describe the situation in the town after these
16 soldiers, the ECOMOG soldiers, were sent to Kondembaia? Can you
17 describe what the situation became?

18 A. They were trying to invite the people to come back to the
19 town but most of them refused to come. It was not easy to
20 convince them to return.

16:01:00

21 Q. Did you yourself return?

22 A. I did not return.

23 Q. Did anything happen after this in Kondembaia?

16:01:44

24 A. Yes. In the same town, Kondembaia, by then we were in the
25 bush.

26 Q. Yes, go on, please.

27 THE INTERPRETER: Your Honours, the witness's mic is off.

28 PRESIDING JUDGE: Mr Witness, your microphone is off.

29 THE WITNESS: Okay. They asked the hunters to direct them

1 where the RUF used to bypass to come and disturb them in the
2 town.

3 MR BANGURA:

4 Q. Who did you say asked hunters to direct them, to show them?

16:02:33 5 A. The strangers that came, the ECOMOG soldiers. Because they
6 were strangers, they are not used to the terrain.

7 Q. Yes, go on, please.

8 A. By then we were trying to cultivate our farms, so it was a
9 hunter who went and told me that "Tomorrow your work will

16:03:11 10 commence", which was Thursday.

11 Q. When you say "your work", what work are you referring to?

12 A. To plough my farm, because we are doing some work whilst in
13 the bush.

14 Q. So did anything happen after this?

16:03:47 15 A. Yes. In the morning the work could not commence because
16 the hunter went and killed an animal in the bush.

17 Q. Yes, please.

18 A. So that disturbed the commencement of my work. So they
19 took the meat to come and sell in the town. So I went to

16:04:31 20 purchase Maggi and salt to get ready for my work the following
21 day.

22 Q. Where did you go to buy Maggi and salt?

23 A. In the town, because we already know that ECOMOG was in
24 town because ECOMOG was based there. So I went to buy the Maggi

16:04:57 25 and salt, because they were based there.

26 Q. Did anything happen in town while you were there?

27 A. Yes. Well, that was the day I had my own problems.

28 Q. Can you describe to this Court what happened?

29 A. Well, when I went to town I was going to enter my house,

1 but I was not allowed by the ECOMOG because they thought I was
2 somebody different.

3 Q. Could you take it slowly, Mr Witness, please?

4 A. Okay.

16:05:52 5 Q. Yes, continue, please.

6 A. When I was going to enter my house the ECOMOG refused me to
7 enter the house. They thought I was somebody different. But the
8 other people told ECOMOG that that house belongs to me, I built
9 the house. Then they allowed me to enter my house. I put my bag
10 and cutlass inside the house. I took my money to go and purchase
11 the salt and Maggi. By the time I approached where to buy this
12 salt and Maggi, and by then my house -- I have left my house
13 behind, some distance.

14 Q. Go on, please.

16:07:01 15 A. So I heard firing at the back of the banana trees, but by
16 then I thought it was, like, because the ECOMOG had just went
17 there, they were just firing for security purposes. So I thought
18 it was shots coming from ECOMOG. But the firing intensified
19 round and around the township. Then I was scared. Then I ran.

16:07:58 20 I ran towards the school compound where I knew that that was an
21 area that ECOMOG was based. By the time I reached the area I
22 didn't see any ECOMOG soldier. They were all -- all of them
23 disappeared. Then I passed round the school building to enter
24 into the bush.

16:08:46 25 Q. Yes, please.

26 A. Then I approached the people that went with the firing.
27 Then they captured me and they said, "We have come for you
28 people".

29 Q. Mr Witness, when you say "the people that went with the

1 firing", can you explain that again? What do you mean?

2 A. I have reached there, sir. I will come. Because when they
3 captured me they identified themselves to me.

4 Q. Thank you. Yes, then, go on, please.

16:09:40 5 A. They said, "We have come for you people. We are
6 Today Sankoh's rebels. So you are encouraging ECOMOG soldiers in
7 this place."

8 Q. Yes, please.

9 A. By then I was a slave. They asked me to sit on the ground
16:10:17 10 and I sat. They asked me to stand up and to carry the load for
11 them.

12 Q. Did you carry the load?

13 A. Sir?

14 Q. You said they ordered you to stand up and to carry a load
16:11:06 15 for them. Did you carry it?

16 A. Yes. They did it by force. I put it on my head. We
17 started moving to the town.

18 Q. Did anything happen after this?

19 A. Yes. They went into the school compound where ECOMOG was
16:11:38 20 based.

21 Q. Yes, go on, please.

22 A. We met there uniforms, arms and ammunitions. In fact, that
23 was where some of them took some uniforms to put on and even the
24 boots that were left by ECOMOG soldiers.

16:12:12 25 PRESIDING JUDGE: That was at the school?

26 MR BANGURA: As I understand it.

27 Q. Yes, Mr Witness.

28 A. That was where they took two boxes of ammunition, moving
29 towards the town by the cotton tree.

1 Q. Did anything happen as you were going?

2 A. They put some heavy load on the cotton tree and they asked
3 me to --

4 THE INTERPRETER: Your Honours, the last part of the
16:13:10 5 witness's testimony is not clear. Can he please repeat?

6 MR BANGURA:

7 Q. Mr Witness, can you again give your answer to this last
8 question?

9 A. Yes, sir.

16:13:24 10 Q. Did anything happen as you were going? As you went to the
11 school, these people took two boxes of ammunition and you were
12 going. Did anything happen on the way?

13 A. They captured me and when they captured me they gave me the
14 load to carry. It was under the cotton tree that they asked me
16:14:04 15 to put down the load. That was where they told me to go down
16 with them. I took off my shirt and went down with them.

17 Q. When you say "down", where was down?

18 A. That is the lower part of the town. Everywhere you have
19 the upper part and the lower part. I'm not referring to the
16:14:28 20 upper part, I'm referring to the lower part of the town.

21 Q. Thank you. So what happened?

22 A. Then they took one mattress from one house which
23 contained --

24 THE INTERPRETER: Your Honours, can the witness explain
16:14:50 25 what was contained in that mattress. I did not get that clear,
26 please.

27 MR BANGURA:

28 Q. Mr Witness, you said they took a mattress from a house
29 which contained something. What did this mattress have in it?

1 A. Okay. It had air in it. It was blown. So when it is
2 blown, it floated and it stopped, then you can lie on it. They
3 took it from the house.

4 PRESIDING JUDGE: Air mattress.

16:15:19 5 JUDGE THOMPSON: An air bed, I think.

6 MR BANGURA:

7 Q. What were you asked to do to this bed, this mattress?

8 A. They asked me to take off the tube and deflate it right in
9 front of the house, the verandah of the house.

16:15:41 10 Q. And did you do that?

11 A. Whilst doing that, then another group came from the chief's
12 compound.

13 Q. Another group of?

14 A. Of the same RUF who attacked the town.

16:16:03 15 Q. Yes. What did this group do?

16 A. Then they asked their colleagues, saying, "This man, is it
17 here that you arrested him and captured him?" Then those who
18 captured me said, "Yes, this is where we captured him and
19 arrested him".

16:16:27 20 Q. And what happened after that?

21 A. Then they ordered that I move to their group: "Let him
22 come over to our group".

23 Q. Did you go over to the other group?

24 A. I apologise. I said, "You captured me, please". But they
16:16:52 25 refused. They said, "Now, move down". I went down. When I want
26 to come closer to one of them, they said, "No, no, no. Go down,
27 go ahead, go." To realise that they want to do something to me,
28 he told his colleagues, "Please keep off from him so that you
29 will escape from bullets". I turned behind. I saw him holding a

1 pistol and he was trying to point it at me.

2 Q. Yes, Mr Witness.

3 A. At that time I couldn't run away from them. I was right in
4 the midst of them. All of them had guns. I left -- I was just
16:18:20 5 walking along because I did not know whether I was going to fall
6 on the ground and I knew that they wanted to kill me. There was
7 no way to run from them.

8 Q. Did anything happen at that point?

9 A. Yes. He cocked the gun two times, thrice. I did not know
16:18:44 10 whether there were any bullets and they said -- he ordered that I
11 be held.

12 Q. And did anything happen next?

13 A. They captured me and they kicked me on my back.

14 Q. Yes, go on, please.

16:19:15 15 A. They said, "Take him up and lay him there", so as to know
16 that they had captured other people. I did not know that except
17 when we reach up at the cotton tree and I saw my companions who
18 were laid on the ground. That was the time I knew that some
19 other people had been captured. They laid me on the ground.

16:19:51 20 Q. And did anything happen after that?

21 A. Yes. And they said that these were the ones they were
22 going to kill later, before we leave the town. Those that were
23 behind, they came and said, "Let us kill these people and let us
24 leave this town."

16:20:13 25 Q. Mr Witness, when you said "those that were behind", who
26 were those?

27 A. The same RUF. They were the same group. They were the
28 ones that were in the town. They were with us. They had
29 captured us. We were in their hands.

1 Q. Thank you. So when they said that you should be killed,
2 did anything happen?

3 A. Yes. They said, "Let us don't worry" -- their boss man
4 said, "Let us don't worry for us to kill these people. I want to
16:20:45 5 see smoke. Set fire. I want to see smoke". Their boss -- the
6 trousers of their boss man was combat. He had a white T-shirt on
7 and he had a cap. He had a pistol on his side. He shouted at
8 them to set fire.

9 Q. Were his orders carried out?

16:21:20 10 A. Yes, they went. There was one that was --
11 THE INTERPRETER: Your Honours, would he please go step by
12 step, please.

13 MR BANGURA:

14 Q. Mr Witness, can you go over that again, the last sentence,
16:21:42 15 the last words that you said?

16 A. I said when he gave an order that fire should be set, those
17 that were short, they turned the mortar, see, at the verandah.
18 And they stood on that and they started setting the houses
19 ablaze.

16:22:12 20 Q. Mr Witness, you say "those that were short". What do you
21 really mean when you say "those that were short"?

22 A. Those were the smallest, the youngest ones. Those that
23 were not that tall.

24 Q. And these ones who you are talking about, the smallest
16:23:01 25 ones, would you say that they were grown ups --

26 PRESIDING JUDGE: He said the youngest ones.

27 MR BANGURA: The youngest ones.

28 PRESIDING JUDGE: That's the word he used.

29 MR BANGURA: Thank you, Your Honour.

1 Q. Are you able to describe how old were these youngest ones
2 that you're talking about?

3 A. Well, I think you advise me to lie. Because when you see
4 people, stunted people like that, you wouldn't know whether they
16:23:32 5 were 15, 16 or 20 years of age. You wouldn't know. It's
6 difficult for me to tell you exactly their years.

7 Q. So after these orders had been given and were carried out,
8 did anything else happen?

9 A. Yes. When they went to set the fire, their boss man got
16:24:03 10 up, he took a paper from his bag.

11 Q. And what did he do?

12 A. He stood. You know, he did not sit down. He wrote. He
13 took the paper and put it on his leg and started writing.

14 Q. And what happened after that?

16:24:23 15 A. He called one man who was called -- he called him Junta 2.
16 He said Junta 2, he said, "Come and take this paper."

17 Q. Yes, go on, please.

18 A. Junta 2 took this paper, he said, "Yes, sir." He said,
19 "This shows that the men's right hand should be cut -- should be
16:24:58 20 cut off and the woman's left hand should be cut off."

21 Q. Yes. Did anything happen after that?

22 A. Yes. So we started pleading with them. Junta 2 turned and
23 said to us -- said, "Look, you think that you are blessed more
24 than those people that are lying down there." That was the time
16:25:47 25 that we saw the one who had been killed, who was a Sierra Leone
26 police, who was John Bai. We saw him. We saw his corpse. With
27 one Mohamed, who was a baker. We also saw their corpses.

28 Q. Can you take it slowly, please. When he asked -- the
29 Junta 2 asked you whether you thought you were more blessed than

1 those persons who were lying there, you turned and you saw -- who
2 were the persons you saw lying there? Take it one by one,
3 please.

16:26:29 4 A. Okay. When Junta 2 told us that if we felt that we had
5 more blesses than those people who were lying on the other side,
6 when I turned and looked at that direction that was the time that
7 I saw one Sierra Leone police who was called John Bai, his
8 corpse.

9 Q. Is it John Bai?

16:26:50 10 A. Yes.

11 MR BANGURA: B-A-I, Your Honour.

12 Q. Who else did you see?

13 A. Plus Mohamed who was a baker.

14 JUDGE ITOE: Mohamed who was?

16:27:10 15 MR BANGURA: A baker.

16 THE WITNESS: A baker. He used to bake bread.

17 MR BANGURA:

18 Q. What did you notice about Mohamed?

19 A. He was also killed.

16:27:34 20 Q. Did you notice anything else?

21 A. It was then that their bossman saw them bringing two men
22 whose hands were tied together.

23 JUDGE ITOE: I thought he referred to three corpses that he
24 saw.

16:27:48 25 MR BANGURA: Yes, Your Honour.

26 JUDGE ITOE: Now he's mentioned two.

27 MR BANGURA: He has mentioned two.

28 THE WITNESS: I am coming.

29 MR BANGURA:

1 Q. Mr Witness, you mentioned that you saw three corpses. Now
2 you have named two of them. What about the third one?

3 A. They tied up. Wait for me, I am coming. They saw them,
4 they said --

16:28:22 5 Q. Are you now getting to the third person? Is that what
6 you're trying to do?

7 A. Yes. See, I am coming to that.

8 Q. I see. Go on then, please. You saw two people being led
9 whose hands were tied?

16:28:41 10 A. They were bringing them to us where we were.

11 Q. Yes.

12 A. That was the time that their boss asked them and said, "Why
13 have you tied these people? What have they done?"

14 Q. And what was their response?

16:29:04 15 JUDGE ITOE: Who asked?

16 MR BANGURA: Their boss.

17 Q. Who was this boss that asked?

18 A. The one who had been giving orders.

19 Q. And what was their response?

16:29:34 20 A. "This was a fighter. This was the man that was fighting
21 us".

22 Q. Did anything happen?

23 A. When they said that -- when they said that --

24 THE INTERPRETER: Your Honours, would the witness go a
16:30:00 25 little bit slow.

26 MR BANGURA:

27 Q. Mr Witness, try not to go too fast. I have told you
28 before. Everything you say here is being recorded.

29 A. Okay. Okay.

1 Q. Yes. Take it again from after the boss had been told that
2 these people were trying to fight or were fighting. What did he
3 do?

4 A. He fired at the man straightaway because he fought with
16:30:28 5 them. Two shots, one on his head and on his chest.

6 Q. What did he use?

7 A. He used a pistol. He had a long pistol.

8 Q. You said there were two men brought to him. What about the
9 other one?

16:30:55 10 A. The other one, he said --

11 THE INTERPRETER: Your Honours, let him go a little bit
12 slow. Sorry.

13 MR BANGURA:

14 Q. Again what happened to the other man?

16:31:16 15 A. They cut the rope that was binding both of them.

16 Q. Was anything done to him?

17 A. Yes, but it was not in front of me. But that man, they cut
18 that man's hand and they gave him a letter. They did not do him
19 anything in front of me. At that moment we continued to plead
16:31:53 20 with Junta 2.

21 Q. You were pleading with him for what?

22 A. We were pleading with him so that he could not cut our
23 hands. So he said in order to believe -- your begging will not
24 solve the problem at all. It was that small child among us --
16:32:18 25 among you that we are going to start chopping hands.

26 Q. And so what happened?

27 A. So they took the small child whose name was Damba Koroma
28 and they chopped off his hand and he was six years of age.

29 Q. This child, was he a male or female --

1 JUDGE THOMPSON: [Microphone not activated] we're trying to
2 get the evidence and you interpose your questions even before we
3 get the answers.

4 MR BANGURA: I'm sorry about that, Your Honour.

16:32:57 5 JUDGE THOMPSON: We pleaded with them not to cut our hands
6 and they said no and then --

7 MR BANGURA: I'll get the witness --

8 JUDGE THOMPSON: -- started with the example of the little
9 boy. Let's get that, except if you don't want it on the record.

16:33:15 10 MR BANGURA: Of course I do, Your Honour.

11 Q. Mr Witness, let me take you back so that you are properly
12 recorded?

13 A. Okay, sir.

14 Q. You were saying that after you had pleaded, Junta 2 --

16:33:35 15 JUDGE THOMPSON: He said that begging would not help and he
16 went on to expound their philosophy. Go ahead.

17 MR BANGURA:

18 Q. So Mr Witness, how did they go about say showing that
19 begging would not help and that they would go ahead with the
16:33:55 20 order that had been given. How did they show it?

21 A. They said the smallest one that was captured with us, they
22 cut his hand and his name was Damba Koroma. She was a girl.

23 MR BANGURA: Your Honours, Damba is D-A-M-B-A.

24 PRESIDING JUDGE: And you say she was six years old.

16:34:23 25 THE WITNESS: Yes.

26 MR BANGURA:

27 Q. Can you describe how this was done?

28 A. Do what?

29 Q. Can you describe how they cut off Damba's hand?

1 A. Yes. They took a machete, cut her hand and put her hand in
2 the policeman's mouth. That's the policeman who was dead. They
3 put his hand in his mouth -- her hand in his mouth.

4 Q. What did they use to cut --

16:35:11 5 JUDGE THOMPSON: Which hand was this?

6 MR BANGURA: I was coming to that.

7 Q. What did they use to cut Damba's hand?

8 PRESIDING JUDGE: He just said a machete.

9 THE WITNESS: A machete. A machete.

16:35:28 10 MR BANGURA:

11 Q. And who cut Damba's hand?

12 A. That man who was called Junta 2.

13 Q. And which hand of Damba's did they cut?

14 A. It was the left hand. As long as it was a woman it was the

16:35:50 15 left hand. They had passed the order, they said women left and
16 men the right.

17 Q. After this incident with Damba did anything else happen?

18 A. They cut her mother's left hand again.

19 Q. What's her mother's name?

16:36:20 20 A. Finah Kamara.

21 MR BANGURA: Your Honours, it's F-I-N-A-H.

22 Q. Did anything else happen after that?

23 A. Then they came to us, I and my companion, where we were
24 lying down.

16:36:59 25 Q. Yes, and what happened?

26 A. So they laid my companion's hand on the ground and they
27 chopped it off.

28 Q. Now who was doing this chopping off?

29 A. The man to whom the orders were given, to man to whom they

1 gave the paper, Junta 2.

2 Q. This, your friend whose hand was chopped off, what's his
3 name?

4 A. Nfajie Koroma. It was his right hand. With the men it was
16:37:50 5 the right hand.

6 MR BANGURA: Nfajie, Your Honours is N-F-A-J-I-E.

7 Q. After Nfajie?

8 A. It was I. They had come to me, myself. They lay my hand
9 in the ground. On top of the root of a cotton tree, the cutlass

16:38:28 10 was blunt. I will take it off so that you people will see it.

11 Not the first chopping. It was not a single time. They chopped
12 it, this side. They chopped the other side. They chopped it
13 right up to last so --

14 Q. Mr Witness, if you'd like to explain it rather slowly it
16:38:53 15 would help His Lordship?

16 PRESIDING JUDGE: Mr Witness, we want to know exactly what
17 happened so take your time. We'll listen to you, please. So
18 tell us again what happened to you. You say they put your hand
19 on the route of a cotton tree?

16:39:14 20 THE WITNESS: They put my hand this way. They turned it
21 like this. You see, this one, they knocked it off with a
22 cutlass. See right up to the end. That was the time that they
23 chopped it. So they pushed, they drew my hand. The last vein on
24 this other hand was not cut off. You see, they rooted it off and
16:39:40 25 they threw me there. So that was how I raised my hand, with a
26 vein.

27 MR BANGURA:

28 Q. Thank you, Mr Witness. How many times -- how many blows
29 were you given on your hand with the cutlass?

1 A. I cannot tell. I cannot tell because I knew how I was
2 feeling that day. In fact, now that I'm talking, in fact I'm
3 recollecting, it seems as though it is happening right now.

4 PRESIDING JUDGE: Take your time. Take your time.

16:40:11 5 MR BANGURA:

6 Q. You want the Court to hear this so please take your time.

7 A. It's more than four times, five times, because the cutlass
8 was blunt. It's more than four or five times because the cutlass
9 was blunt and it was on top of the root of a cotton tree, that
10 was where they laid my hand.

16:40:28

11 MR BANGURA: Your Honours, the witness had earlier raised
12 his right hand to show the Court the --

13 PRESIDING JUDGE: And he showed with his gesture how this
14 was done.

16:40:53

15 MR BANGURA: I hope the records do reflect that.

16 PRESIDING JUDGE: Well, maybe you can just describe it
17 so -- if you want to. We've seen it. I think it is sufficient
18 to say that the witness has described to the Court.

19 MR BANGURA: The witness is better able to explain what
20 happened.

16:41:09

21 PRESIDING JUDGE: Yes.

22 MR BANGURA:

23 Q. Mr Witness, did anything else happen after this?

24 A. They said, "These hands, these hands that were chopped,
25 these were the hands that you took, you know, to vote for a
26 civilian government. You will never vote for any civilian
27 government again."

16:41:27

28 Q. Mr Witness, after you did you notice anybody else's hands
29 being chopped off again?

1 A. Yes.

2 Q. Who else?

3 A. Then they brought that pa, Sergeant-Major Forewa. He was
4 stabbed. He was stabbed before with a bayonet before they
16:42:36 5 chopped his right-hand off.

6 MR BANGURA: F-O-R-E-W-A.

7 THE WITNESS: For me, I came to know that they were
8 stabbing him when he was shouting.

9 MR BANGURA:

16:42:59 10 Q. You called him sergeant-major. Was that his usual name?

11 A. He was an old soldier. He was a retired soldier. He was a
12 retired soldier. He had been retired.

13 Q. After Sergeant-Major Forewa did you notice anything else?

14 A. They told us that we were to move. They said go away. Go
16:43:31 15 and tell them that we must go to Kabala and tell them that in
16 fact Tejan Kabbah has bought one container of hands. So go away.

17 Q. So where did you go?

18 A. They said we should go to Kabala.

19 Q. And did you go anywhere, Mr Witness?

16:43:52 20 A. We moved. We decided to move from the place so that we
21 would not stay there and lest they decide to kill us.

22 Q. And where did you go to?

23 A. When we were coming we found out that Marka had been
24 killed. We saw his corpse on the way.

16:44:18 25 Q. Who is Marka?

26 A. During that we were all with him. Marka was a gardener.

27 Q. Did you notice anything else on the way?

28 A. Yes. When we went up again, right in front of my house, in
29 the other house they killed an ECOMOG, a huge man.

1 Q. Did you notice anything else?

2 A. Yes. They killed one girl that was called Aminata. She
3 gave birth three months ago. We were all hiding in the same bush
4 with that girl. Aminata Koroma.

16:45:19 5 MR BANGURA: Your Honours, Aminata is A-M-I-N-A-T-A and,
6 for the records, Marka was M-A-R-K-A.

7 Q. Yes, Mr Witness, did you go anywhere?

8 A. Yes. I saw that my house had been set ablaze. So I -- so
9 we went along the Kabala Road.

16:46:22 10 Q. Did you get to Kabala?

11 A. Well, at that moment we entered the forest when we left the
12 town because we were thirsty, so we laid down on the ground.

13 But --

14 Q. Mr Witness, when you say "we" who are you talking about?

16:46:43 15 A. Three of us. I with my companions whose hands were chopped
16 off. We were the ones that were trying to go to Kabala. But
17 that day we were not able to go to Kabala. I, when we were lying
18 down --

19 Q. Mr Witness, if you would try to slow it down a bit, please?

16:47:02 20 A. Okay. Okay.

21 JUDGE THOMPSON: Proceed, counsel.

22 MR BANGURA: Thank you, Your Honour.

23 Q. You say you were not able to get to Kabala that day. Why?

24 A. It was too late and we had pains. So if I went my children
16:47:54 25 would have felt that I had died. So I went to the bush where I
26 left them so as to make them see what had happened.

27 Q. Were you able to get to Kabala later?

28 A. Yes, I arrived at Kabala the next day. Because they
29 chopped off my hand May, Thursday 19 around 3.30. I reached

1 Kabala on Friday.

2 JUDGE ITOE: That would be 19?

3 MR BANGURA: May 19th, he says, on a Friday.

4 JUDGE ITOE: Yes, what year?

16:48:47 5 MR BANGURA:

6 Q. Mr Witness, what year was this?

7 A. 1998, May 19th.

8 JUDGE THOMPSON: Yes, counsel.

9 MS ASHRAPH: I'm sorry to interrupt, Your Honour, but

16:49:11 10 Mr Sesay needs to go to the bathroom and he would like a recess
11 for a couple of minutes.

12 JUDGE THOMPSON: Then we'll recess for a few minutes.

13 [Break taken at 4.45 p.m.]

14 [RUF02AUG05E-SGH]

16:52:01 15 [Upon resuming at 4.48 p.m.]

16 JUDGE THOMPSON: We will continue, Mr Bangura.

17 MR BANGURA: Thank you, Your Honour.

18 Q. Mr Witness, we were at the point where you had reached
19 Kabala; is that correct?

17:02:55 20 A. Well --

21 PRESIDING JUDGE: On May 19?

22 MR BANGURA: Sorry.

23 PRESIDING JUDGE: May 19?

24 MR BANGURA: That is right, Your Honour.

17:03:10 25 JUDGE THOMPSON: Did he give a time? I thought I heard
26 3.30 p.m.

27 MR BANGURA: I am not so sure.

28 JUDGE THOMPSON: I am not sure, I just thought I had it.
29 It may well have been something else.

1 JUDGE ITOE: The 19th was the date his hand was chopped
2 off.

3 THE WITNESS: I said, I arrived in Kabala on the 20th. It
4 was May 19th that they cut my hand. I arrived in Kabala on 28th.
17:03:35 5 The 19th at 3.30 that this time they chopped off my hand.

6 JUDGE THOMPSON: We note that, yes.

7 PRESIDING JUDGE: Sorry, sorry.

8 MR BANGURA: I wasn't so sharp on that.

9 JUDGE THOMPSON: 3.30, I thought I heard that.

17:03:43 10 MR BANGURA: Thank you.

11 Q. Mr Witness, when you got to Kabala you said there were
12 three of you going and you got to Kabala. Did all three of you
13 get there together?

14 A. No, sir. Forewa --

15 JUDGE ITOE: [Overlapping speakers] Kabala again?

16 MR BANGURA: Sorry, Your Honour?

17 JUDGE ITOE: He said he arrived Kabala on what date?

18 MR BANGURA: May 20.

19 JUDGE THOMPSON: May 20.

20 JUDGE ITOE: On May 20?

21 MR BANGURA: Yes, Your Honour.

22 Q. Yes, Mr Witness.

23 A. We wanted to rest where they said we were to go, that is
24 where Sergeant-Major Forewa was not able to leave the bush. He
17:04:48 25 stayed there and that is where he died. He was not able to go to
26 Kabala.

27 Q. When you got to Kabala, Mr Witness, did you find any other
28 people there?

29 A. Yes, that was the day that I knew that they amputated some

1 other women behind us that same day.

2 Q. These other women that you came to know were amputated,
3 where were they from?

4 A. From the same town that very day, but -- the same town
17:05:48 5 where my hand was chopped off that was the town they came from.
6 But we did not understand ourselves during that day. We only
7 came to know ourselves when we get to Kabala.

8 Q. Mr Witness, did you eventually get any medical help when
9 you got Kabala?

17:06:10 10 A. I had no treatment. It took four days before getting some
11 treatment. It was a Christian organisation which was called CES
12 which sent a message to MSF in Freetown who went and collected us
13 with the helicopter.

14 Q. The organisation in Kabala is CES, you say?

17:06:58 15 A. Yes. They were on the telephone. During that time the
16 road would not be plied by vehicles.

17 Q. Where did you come to when you were brought over to
18 Freetown?

19 A. They brought us on Saturday into Freetown and they took us
17:07:27 20 to Connaught.

21 Q. And you got treatment at Connaught hospital; is that
22 correct?

23 A. Yes. Through a white woman who went and collected us. Who
24 was called Monica and Martha, they were the ones that collected
17:07:56 25 us.

26 Q. This Monica and Martha, who were they?

27 A. They were MSF volunteer workers. They were the ones
28 charged with responsibility of collecting the victims to bring
29 them to Connaught.

1 Q. Mr Witness, were you hospitalised at Connaught?

2 A. Yes, ward three.

3 Q. How long were you in hospital?

4 A. I spent thirteen days there and they sent me back to ADRA
17:09:00 5 at Waterloo. ADRA Hospital.

6 JUDGE ITOE: He spent how many days?

7 MR BANGURA: Thirteen days. And ADRA, I believe, is an
8 acronym for some organisation, but it is A-D-R-A -- A-R-D-R-A
9 [sic].

17:09:37 10 PRESIDING JUDGE: In Waterloo?

11 MR BANGURA: Yes.

12 THE WITNESS: All amputees were sent to Waterloo. It was
13 not I alone.

14 MR BANGURA:

17:09:47 15 Q. Mr Witness, during the course of your stay in hospital were
16 you able to -- did you come across any other persons from your
17 town whom you had not met before?

18 A. Yes. That attack at Lengekoro. It was at Connaught that I
19 discovered those people who had suffered during that attack.

17:10:27 20 Q. What did you discover? Who did you -- were you able to
21 know?

22 A. Those that suffered on the attack at Lengekoro, one was
23 Pa Donkeh Marah, Fatmata Marah.

24 MR BANGURA: Your Honours, Donkeh is D-O-N-K-E-H. Marah is
17:11:04 25 M-A-R-A-H.

26 Q. Yes?

27 A. Mohammed Marah and Bockarie.

28 Q. Bockarie is B-O-C-K-A-R-I-E. Mr Witness, how many of them
29 did you -- how many people did you meet at the hospital who were

1 from Lengekoro?

2 A. There were around six or seven.

3 MR BANGURA: Thank you very much, Mr Witness.

4 Your Honours, that will be all for this witness.

17:12:02 5 JUDGE THOMPSON: Thank you.

6 CROSS-EXAMINED BY MS ASHRAPH:

7 JUDGE THOMPSON: Counsel for the first accused, you'll
8 proceed.

9 MS ASHRAPH: Thank you, Your Honour.

17:12:29 10 Q. Mr Witness, I only have a few questions for you so I hope
11 not to keep you long.

12 A. Okay, all right.

13 Q. I am going to take you back to February of 1998 in

14 Kondembaia. You said at that time fighters had come out of

17:12:45 15 Freetown and were passing through Kondembaia; is that right?

16 A. Yes.

17 Q. They left Freetown with their families, didn't they?

18 A. Well, I wasn't able to identify their families because I
19 saw a lot of crowd; I did know who their brothers were, who their
17:13:13 20 sisters were.

21 Q. Did you see the fighters with their wives and their
22 children at that time?

23 A. I saw people going. I saw women. I didn't know whether
24 they were captured women, whether they were their wives. I was

17:13:30 25 not able to know. And I saw people passing and I was not used to
26 them, so I was not able to know.

27 Q. Thank you, Mr Witness. The first attack on Kondembaia
28 takes place in February of 1998; is that right?

29 A. No, no, no. What do you mean? Let me hear it properly.

1 Say it again.

2 Q. The first time the fighters came to Kondembaia was in
3 February of 1998 when they came out of Freetown.

4 A. When they just left Freetown to go?

17:14:17 5 Q. Yes.

6 A. That time it was not night. I cannot tell. Perhaps during
7 that time it may be so, but during that time they were not
8 fighting, they were just going up. I think they were not
9 fighting at that time.

17:14:38 10 Q. And the attack on Kondembaia, in which you were injured, in
11 which your hand was cut, was in May of 1998; you said 19th
12 May 1998?

13 A. May 19th, 1998; yes.

14 Q. And in between those two attacks there were also attacks on
17:15:06 15 Yifin, Kromanta village, Badela and Lengekoro. That is correct,
16 isn't it?

17 MR BANGURA: May it please Your Honours.

18 THE WITNESS: They came through the line.

19 JUDGE THOMPSON: Yes, counsel, what's your difficulty?

17:15:18 20 MR BANGURA: Yes, Your Honour. Counsel suggested to the
21 witness that the first attack was in February '98 and the witness
22 said --

23 JUDGE THOMPSON: I cannot tell whether --

24 MR BANGURA: Whether there was an attack or not. And now
17:15:28 25 counsel moves on to pose a question which more or less suggests
26 that there was a first and a second attack, which indeed --

27 JUDGE THOMPSON: Actually she did ask another question
28 which unleashed the answer that it was on 19th May 1998 that a
29 hand was chopped off. That was the question which came before

1 this one.

2 MR BANGURA: Yes, that is right.

3 JUDGE THOMPSON: So what is your difficulty?

4 MR BANGURA: My difficulty, Your Honour --

17:15:53 5 JUDGE THOMPSON: Just a minute, Witness.

6 THE WITNESS: February did not attack.

7 JUDGE THOMPSON: Just a minute. Be quiet.

8 MR BANGURA: My difficulty is that counsel is asking about
9 attacks between the two attacks.

17:16:12 10 JUDGE THOMPSON: Well, perhaps the witness should help us
11 unravel that.

12 PRESIDING JUDGE: Yes.

13 MS ASHRAPH: I can re-phrase, Your Honour. I understand
14 the point.

17:16:20 15 JUDGE THOMPSON: That is okay. Right, thank you.

16 MS ASHRAPH:

17 Q. In between seeing the rebels in February 1998 and the
18 attack on Kondembaia on 19th May --

19 JUDGE ITOE: Ms Ashraph, please go slowly so that you can
17:16:30 20 be translated, please.

21 MS ASHRAPH:

22 Q. In between February 1998 and 19th May 1998, there were
23 attacks on Yifin, Kromanta village, Badela and Lengekoro; is that
24 correct?

17:16:57 25 A. No, I want you to get me clearly. I said when they started
26 attacking us it was towards the end of April. End of April they
27 started attacking from Yifin area. And up to Kromanta, up to
28 Badela, up to the bush where they caught Pa Magba and up to
29 Sandia and up to Lengekoro and they returned and went and

1 attacked Sandia and they came and attack Kondembaia for the first
2 time. And they went and came and attacked where I myself was
3 involved which was on the 19th of May. I did not talk about
4 February attack.

17:17:45 5 Q. I am grateful for that clarification. Yifin, Kromanta
6 Village, Badela, Lengekoro and Kondembaia are all in the
7 Koinadugu District, are they?

8 A. Yes, at the highway. It was the same road to when you come
9 from Kono and we go to Kabala. This was the road that they
17:18:08 10 followed when they were wreaking this havoc.

11 Q. So, it must be correct that they were either a group or
12 groups of fighters in the area of Yifin, Badela, Lengekoro and
13 Kondembaia during April and May of 1998?

14 A. Well, well, let me get it clearly.

17:18:32 15 Q. I will simplify that. In April to May of 1998 when the
16 attacks on Yifin, Badela and Kondembaia were going on, there must
17 have been either one group or groups of fighters staying in that
18 area.

19 A. Well, first of all, I was not able to identify whether it
17:19:01 20 was one group or two groups or three groups, but it was they
21 that, when we saw description of -- the inscription on Magba's
22 head, that was the day we were able to identify the group because
23 the inscription was RUF. That is the day that I was able to
24 know. We did not know whether it was RUF or Kamajor, but the day
17:19:19 25 when they wrote RUF on Pa's Magba head, that was the day we knew
26 it was the RUF.

27 Q. Thank you. On 19th May 1998, when your hand was amputated,
28 after the amputation Junta 2 said to you, is it right, "Your hand
29 which you voted for a civilian government can no longer vote for

1 a civilian government"?

2 A. That is what they said to us. They left us and said that
3 we should go.

4 Q. Just one final question, Mr Witness. Is it right that you
17:20:10 5 spoke to a man who had escaped from the fighters or the rebels
6 groups and he had told you that SAJ Musa's group was travelling
7 from Bafodia to Kamakwie?

8 A. Well, at that time, I wasn't able to get that clearly
9 because at that time we were in pain. In fact, even to say sorry
17:20:43 10 to me, no, I would feel angry. So please understand that
11 clearly.

12 Q. I understand that, Witness. I am just asking if you have
13 any recollection at all. I understand it was a very traumatic
14 time for you, but if you have any recollection at all of whether
17:20:58 15 a man who had escaped had said to you that SAJ Musa's group was
16 in the area travelling between Bafodia to Kamakwie.

17 A. That part that you called, I was not in that part. That
18 part that you called, I was not in that part. I was on this way,
19 a different part. Bafodia and Yifin are far different areas.

17:21:22 20 Q. Do you recall a man saying that to you in the Connaught --

21 A. Yes, I can remember at Connaught I heard him saying so. I
22 was not able to answer to what he had said because if had
23 answered you would have seen it on the paper.

24 MS ASHRAPH: Thank you. Can I just take some instructions.

17:21:48 25 I have no further questions for this witness.

26 JUDGE THOMPSON: Mr Nicol-Wilson.

27 CROSS-EXAMINED BY MR NICHOL-WILSON:

28 Q. Mr Witness, the rebels who passed through Kondembai in
29 February 1998 informed you that they were going to Kono; is that

1 correct?

2 A. Yes.

3 Q. Now the road from Kondembaia to Kono is different from the
4 road from Makeni to Kono; is that not so?

17:22:37 5 A. Yes. From Makeni to Kono is a highway. Then from
6 Kondembaia to Kono it is a bush path. There the vehicle stops at
7 Yifin. It is a shortcut.

8 Q. In fact, if you are coming from Freetown you will first get
9 to Kabala before Kondembaia and then Kono.

17:23:05 10 A. We don't enter into Kono --

11 THE INTERPRETER: Your Honours, the witness is too fast.
12 Let him go a little bit slow so as to get him properly.

13 PRESIDING JUDGE: Mr Witness, please don't go too fast in
14 your answers. We need to be able to hear and understand what you
17:23:20 15 are saying. Thank you.

16 A. Okay, sir. Thank you. Sorry. When you leave Makeni to go
17 to Kono, you will not get into Kabala. You would reach Makakura
18 then you would branch 5 miles to Kabala. Then you branch on the
19 right, go to Yifin. From Yifin, Kaiama, Kono,

17:23:59 20 Q. Now, you also stayed at Kondembaia when the rebels were
21 passing through?

22 A. Yes.

23 Q. As such, you cannot tell whether they actually went to Kono
24 or stayed in other villages such as Mansofinia?

17:24:23 25 A. Well, when a certain group is going to a certain area, it
26 is not all of them that will tell you where they are going. But
27 those that were arrested on the verandah must tell you where they
28 are going.

29 Q. Now at one point in time some of the rebels stayed at

1 Kondembai a for three weeks; is that correct?

2 A. Yes. At that time, yes. But they were passing through.

3 They did not rest.

4 Q. So during this period did you hear the rebels talking about
17:25:05 5 a man called SAJ Musa?

6 A. No.

7 Q. Did the rebels talk about any commander called Junior Lion?

8 A. We didn't go close to them because we were afraid of going
9 close to them. Someone who has a gun, we were always afraid to
17:25:29 10 go near them.

11 Q. Now, were there rebels passing through Kondembai a who spoke
12 Liberian English?

13 A. No.

14 Q. In fact, you are not in a position to tell which group the
17:26:33 15 rebels belonged to at the time they were passing through
16 Kondembai a?

17 A. Not at all.

18 Q. That will be all for the witness.

19 JUDGE THOMPSON: Thank you. Mr Cammegh.

17:26:47 20 MR CAMMEGH: No questions, thank you.

21 JUDGE THOMPSON: Mr Bangura, re-examination?

22 MR BANGURA: There will be no questions in re-examination,
23 Your Honour.

24 JUDGE THOMPSON: Thank you.

17:27:12 25 PRESIDING JUDGE: Mr Witness, we thank you very much for
26 coming to give your evidence before this Court. That concludes
27 your evidence. We thank you very much and we wish you good luck.
28 Thank you.

29 THE WITNESS: Yes, sir. Thank you very much.

1 PRESIDING JUDGE: So the Court is adjourned until 9.30
2 tomorrow morning to take it where we left off yesterday with
3 cross-examination by the second accused. Court is adjourned.

4 [Whereupon the hearing adjourned at 5.25 p.m.,
5 to be reconvened on Wednesday, the 3rd day of
6 August 2005, at 9.30 am.]

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