



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

THURSDAY, 08 DECEMBER 2005  
9.47 A.M.  
TRIAL

TRIAL CHAMBER I

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Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsh Ms Samantha Davies
For the Registry:	Ms Susan Gunstone
For the Prosecution:	Mr Peter Harrison Ms Shyamala Alagendra Mr Alain Werner Mr Mark Wallbridge (Case Manager) Ms Hannah Hinton (intern)
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash
For the accused Morris Kallon:	Mr Shekou Touray Ms Rachel Irua Mr Charles Taku
For the accused Augustine Gbao:	Ms Haddijatou Kah-Jallow

1 [RUF08DEC05B - SGH]

2 Thursday, 8 December 2005

3 [Open Session]

4 [The accused Sesay and Kallon present]

09:36:35 5 [The accused Gbao not present]

6 [Upon commencing at 9.47 a.m.]

7 JUDGE THOMPSON: Mr Wallbridge, please continue with your  
8 witness.

9 WITNESS: TF1-004 [Continued]

10 EXAMINED BY MR WALLBRIDGE: [Continued]

11 Q. Good morning, Witness.

12 A. Good morning.

13 Q. Before we start this morning I will just remind you what I  
14 said yesterday to go slowly and speak in a clear voice. Just  
09:48:38 15 remember that people are recording what you are saying and there  
16 is translation going on. Just remember to listen to the  
17 questions that are asked of you. Is that okay, Witness?

18 A. Okay.

19 Q. Witness, if you remember yesterday where you had finished  
09:49:27 20 talking in this Court, you were describing what the soldiers were  
21 wearing after you had said that you had observed those soldiers  
22 returning to Bo and it was at this point that you had come out of  
23 the bush and returned to the Tikonko Junction. Can you continue,  
24 Witness, and explain what you saw there?

09:50:09 25 A. When I came back on the road, when I came from the bush  
26 where I was hiding, I saw two bags lying at the junction. One of  
27 the bags contained wheat and the other sorghum. Then I realised  
28 those were the two bags I noticed fell there when I was in the  
29 bush.

1 Q. What else did you see at the junction?

2 A. Corpses were there, so many, and so many properties  
3 scattered around there.

4 Q. Witness, can you describe the corpses for the Court?

09:51:27 5 A. Very well.

6 Q. Please continue.

7 A. The corpses I saw there, I noticed there were so many  
8 civilians amongst them. I counted them. There were even more  
9 than ten corpses there, but I was afraid. When I looked at the  
10 road leading to Bo I saw them lying there, so many of them. I  
11 decided to use the Tikonko route to go.

09:52:20

12 Q. Witness, I will just ask you to pause there. You said "so  
13 many of them lying on the route to Bo." What was lying on the  
14 route to Bo?

09:53:00

15 A. A Kamajor was among them, but the civilians were many.  
16 They were civilians.

17 Q. Did you see their injuries?

18 A. There were wounded people amongst them shouting, but they  
19 were almost at the point of death.

09:53:27

20 Q. What were their wounds?

21 A. Some had gunshot wounds. When somebody has been shot,  
22 where the bullet enters will be small, but where it gets out will  
23 be so large.

24 Q. So, Witness, you said you were afraid and took the Tikonko  
25 route. What did you do after that?

09:54:08

26 A. When I took this Tikonko route, where I left them at the  
27 place at the junction where they were lying, they were still  
28 there lying. Then I went with that same route and entered the  
29 town to enter my house.

1 Q. What did you find when you entered the town?

2 A. I saw smoke blazing from houses in all the sections. I saw  
3 corpses in the town like the ones coming from the junction going  
4 into Tikonko.

09:55:23 5 Q. How many corpses did you see?

6 A. They were many. I was unable to count them. Coming from  
7 the junction going -- coming from the junction to the town they  
8 were many.

9 Q. What did you do when you reached the town?

09:56:02 10 A. When I entered Tikonko Town from the junction to my house,  
11 there is a house on my right-hand side. When I arrived there I  
12 heard people shouting from there. I entered that house. When I  
13 entered I saw blood in the parlour like a mud. I entered the  
14 room where -- the room for the female. I saw a woman in that

09:56:47 15 room whose stomach was split open. As soon as I opened the door  
16 she shouted and said, "I want to drink water", but she was unable  
17 to stand. She was lying there, all her intestines were out lying  
18 on the floor, but she was a unable to talk -- she was still  
19 talking, rather. Beside her there were some corpses lying down  
09:57:27 20 just like you would pack bricks. The corpses, I counted them.

21 There were about ten in that single room.

22 PRESIDING JUDGE: What was that, Mr Interpreter?

23 THE INTERPRETER: Excuse me, Your Honours. Did you ask a  
24 question?

09:57:47 25 PRESIDING JUDGE: Yes, I heard something but it was not the  
26 words being spoken. I'm not sure if you were translating  
27 something or I missed something. Could you just repeat the last  
28 part. There were 10 in that single room.

29 THE INTERPRETER: Yes, there was 10 in that single room.

1 PRESIDING JUDGE: Anything after that?

2 THE INTERPRETER: No.

3 PRESIDING JUDGE: Okay.

4 MR WALLBRIDGE:

09:58:18 5 Q. Okay, Witness, you said you found 10 corpses in that room.  
6 But before that you mentioned the woman was still talking. What  
7 did she say to you?

8 A. When I entered the room she said, "I want to drink water.  
9 Give me water to drink."

09:58:57 10 Q. You said there were 10 corpses. What were their injuries,  
11 do you remember?

12 A. Yes. I saw gunshot wounds on them. Some from their backs,  
13 some were shot with guns on their heads. When they were killed  
14 they came and placed them in lines. But the other one, they  
09:59:29 15 split open her stomach. In fact, it was when she shouted that  
16 made me to enter the house.

17 Q. What did you do after this, Witness?

18 A. In that same room it was 10 people, including that one  
19 making 11. I left that room and entered another room. I saw a  
10:00:05 20 man sitting in there. He was shot in the back of his head and  
21 then the bullet came out of his forehead sitting in that room,  
22 wardrobe. His child was standing by his side.

23 That child was shot in the chest and the bullet came out  
24 from his back. Both of them were placed in one corner, but they  
25 were dead. Both of them were dead.

26 Q. Witness, what did you do after this?

27 A. I left the second room and entered the third room in that  
28 very house. I met somebody lying, but he was shot in the  
29 forehead and his head was shattered and his chest. The other one

1 was shot in the head and his chest also.

2 Q. Let's just pause there. So how many corpses were there in  
3 that room?

10:02:13

4 A. In that room there were two corpses. In the second room  
5 there were two corpses. In the third room as well there were two  
6 corpses.

7 Q. And what did you do after that?

10:02:47

8 A. I left the house I came out on the veranda and went  
9 outside. When I came out on the street I had wanted to go to my  
10 house. At the junction where the vehicles stop, I saw two men  
11 there lying dead. They too were killed. The one was shot on the  
12 side, the other was shot on the chest.

13 Q. Witness, you mentioned --

10:03:34

14 THE INTERPRETER: Yes, the witness has just said something  
15 that is not very clear. Can he please repeat it?

16 PRESIDING JUDGE: His last answer, Mr Interpreter?

17 THE INTERPRETER: The last answer, yes.

18 PRESIDING JUDGE: Mr Witness, could you repeat your last  
19 answer, if you can?

10:03:59

20 THE WITNESS: All right. I came outside going to my house,  
21 I saw two men lying down there dead. The one that was lying in  
22 the bush on the side of the road, he was shot under his side. He  
23 was lying down dead. The other one was lying down -- I wanted to  
24 go in between them. He too was shot in his chest. His two legs  
25 were broken. Then he is -- yes, his head, they took a knife and  
26 placed it under his skull and removed his skull completely. But  
27 I did know that person. Then I went past him.

10:04:33

28 Q. So, Witness, you mentioned before that you met these two  
29 corpses at a junction. Which junction is that?

1 A. When I left Tikonko Junction even in the town there is a  
2 junction where vehicles stop in Tikonko Town itself.

3 Q. What did you do after you saw these two men?

4 A. I left them lying there. I went straight to my house. I  
10:05:45 5 met my house on fire on which I was really relying. It was  
6 burning so much that I couldn't get closer to it. The larger one  
7 I had not completed. It was destroyed. It was pierced all over.  
8 The doors were removed. The house had eight rooms. And I  
9 entered it. I met my suitcase overturned with all the things in  
10:06:31 10 it inside the house. Behind the house then I saw my  
11 children's -- I saw my child's birth certificates as well.

12 Q. I will just ask you to pause there. So, Witness, you  
13 mentioned that the house was on fire and that you could not  
14 enter. You also mentioned a house that was ruined and then you  
10:07:07 15 said you entered a house. So which house was it that you  
16 entered?

17 A. I had three houses in Tikonko. The first one -- the first  
18 instance when they went they burnt one house then it remained  
19 two. The other one that was really beautiful, at this latter  
10:07:36 20 part when they went and met me at that junction they burnt that  
21 house down. This other one that I had not completed, but up to  
22 now it is still in Tikonko, it was ruined. The doors that were  
23 on it they removed them. They were piercing the zinc, the roof.  
24 It was at the back of that house that I met my suitcase  
10:07:58 25 overturned. And they set my clothing -- my clothes on fire. I  
26 am talking about my own section. My own compound.

27 Q. Thank you, Witness. So what did you do after that?

28 A. When I saw all of that I did not see any corpse at that  
29 house, so I started looking for my people; my wives and my

1 children.

2 Q. Then where did you go?

3 A. The house that they were not able to burn, it was inhabited  
4 by Limbas. It was not burnt, but I started looking in the beds.

10:09:05 5 I saw four people lying under the bed. These people are people I  
6 knew. When they saw me they shouted asking if I had gone there  
7 to kill them. Then I told them that it was the soldiers who had  
8 come and killed so many people, but that they have gone and so  
9 come out. Two men and two women. Then they came out. When they  
10:09:40 10 came out, they looked around and looked around and then they ran  
11 away.

12 Q. Witness, what did you do after they ran away?

13 A. I don't wait at all. I continued looking for my people; my  
14 wife and my children. I heard people screaming in the bush. It  
10:10:10 15 was crying to die. I thought the person was my wife. I  
16 continued doing that until I reached so many corpses, but I went  
17 past them. Then I went and entered one house. That is at the  
18 end, at the edge of the town, when I saw a woman she was dead and  
19 she was taken and placed on top of her companion. I thought she  
10:10:52 20 was my wife. When they killed -- when they killed them, they  
21 opened their stomach, her gut was hanging out. Then I entered  
22 the parlour. Then I bowed down to look at their faces. She was  
23 not my wife. Then I came out of that house. There was one  
24 primary school there called DEC. I did hear screaming there as  
10:11:25 25 well. As I was about to approach there, but then the people had  
26 died. They were lying down there. Then I left there and went  
27 down. I wanted to go to my house. There was storm at the time.

28 PRESIDING JUDGE: There was what?

29 THE WITNESS: Storm.



1 MR WALLBRIDGE:

2 Q. Witness, can you just repeat your last answer slowly?

3 A. When I left the school, when I saw those people strewn all  
4 over the place dead, I wanted to go to my house. But there was a  
10:12:20 5 heavy breeze. It was about to rain.

6 Q. What did you do after that, Witness?

7 A. I didn't get to my house. There is a palm fruit plantation  
8 by the secondary school. There was a house there that contained  
9 four rooms. I went past the secondary school and I went into  
10:12:49 10 that plantation not knowing that those people had become so  
11 scared that they had entered the bush. There was food that they  
12 had just dished. There was a radio on there, but I knew these  
13 people. When I called them out, I called them. Then I called  
14 and then I called out my own name to them. Then I told them that  
10:13:25 15 the soldiers had come to Tikonko and they had killed so many  
16 people, but that they had gone back to Bo. That if you are  
17 hearing gunshots that those gunshots were coming from Bo. That  
18 there was no soldier in Tikonko any more. So come out. And so  
19 many people came out. They came out, I do not know their number.  
10:13:53 20 Then they started asking me questions; how these people came.  
21 Then I explained to them what I saw.

22 Q. Witness, so what happened in Tikonko after that?

23 A. After that very early in the morning I returned to the  
24 town. Those corpses who were which were at that junction, my  
10:14:44 25 children too were looking out for me because they had told them  
26 that I had died. So my eldest child came running to me. Corpses  
27 were strewn all over the place. He told me where his mother was  
28 and then we went there. Then we were going to Tikonko. Then I  
29 said if they were going to kill me let them kill me, but I must

1 find the place. So every day, every morning, I will come to  
2 Tikonko the corpses were still there. The elderly people who had  
3 gone into the bush were still there in hiding saying that maybe  
4 that these people who had killed these people might come back. I  
10:15:42 5 was there when some elderly people came. The large crowd had  
6 come to town then. Whatever route you took you would find a  
7 corpse going bad.

8 Q. Mr Witness, I would just ask you to pause there. So you  
9 said some elders came to Tikonko and there was a large group of  
10:16:14 10 people gathered there. How long after the events you have  
11 described was this?

12 A. It was up to five days because they were frightened. They  
13 would not come to Tikonko, but every day I would go to Tikonko.

14 Q. Witness, what happened after the elders came?

10:16:43 15 A. When the elders came they summoned up and decided that the  
16 people were stinking in the town. That those people who -- these  
17 people who had been killed, we should summon some people so that  
18 we would bury these people. There is a large market at that  
19 junction. Then they showed us the place and said we should dig a  
10:17:13 20 grave there. I had a shovel which I brought and we dug a very  
21 big grave so that we would bury these people.

22 Q. Witness, you said you dug the grave at the market near the  
23 junction. Which junction was that?

24 A. This explanation is about Tikonko Town. I had left Tikonko  
10:17:43 25 Junction long ago. I am talking about the Tikonko park in  
26 Tikonko Town, that's what I am talking about. At the junction  
27 that's where I was standing. I was looking at the junction that  
28 leads to Bo then I saw the edge of the town on this other side.  
29 So if I saw soldiers approaching I would be able to run away.

1 That was why, even after the time when they killed those people,  
2 I would always be at that junction. My colleagues who were brave  
3 like I was, they would come and meet me there and I would explain  
4 to them what I saw.

10:18:51 5 Q. So you say you dug a grave; what happened next?

6 A. When we dug the grave there was the man who brought a  
7 bundle of zinc.

8 THE INTERPRETER: A lift, sorry, Your Honours, the  
9 interpreter's correction.

10:19:22 10 A. One zinc and we constructed something like a stretcher.  
11 And we started off where the multitude of people were killed,  
12 that's the house we went to and we placed the zinc down and we  
13 placed the shovel under this corpse which was going bad and we  
14 took it up and placed it on top of the zinc. Sometimes we placed

10:19:46 15 two of the zinc -- two of them on the zinc because they were not  
16 large enough, then we would come and deposit them in that grave.

17 On that day we buried 11 people and people became afraid, the  
18 elders. And they started returning to Bo hastily. Some of them  
19 were going to their villages. Before us, the youths who were  
10:20:25 20 brave, we didn't go. When we finished that house, those who were  
21 on the streets we would gather them too. Somebody would say,

22 "Here is somebody, here is a corpse going bad," and we would take  
23 that zinc there and the shovel. Some people would use the shovel  
24 and place them under the corpse, we would slant the zinc at that  
10:20:54 25 corpse would be placed on top of the zinc and we would deposit it  
26 in that grave. On that day --

27 Q. Sorry, Witness, I was probably cutting you off. So do you  
28 remember how many corpses were collected and deposited in the  
29 grave?

1 A. Very, very well, indeed.

2 Q. Can you tell this Court?

3 A. The first day with the elders we collected and deposited 11  
4 corpses. But they became frightened and they returned. Those  
10:22:02 5 which we discovered and buried, their number was up to nine on  
6 that very day.

7 Q. And after that day did you find and deposit more corpses?

8 A. Very, very well, indeed.

9 Q. Can you tell this Court how many?

10:22:42 10 A. In the morning I said that I saw two corpses in that house.  
11 That woman and her colleague we were unable to bring them because  
12 the distance was quite long a little. It was by the side of that  
13 house that we dug two graves and we placed them there. We placed  
14 them separately. One in one grave and the other in another grave.

10:23:15 15 And we placed stones right round and the other two were placed  
16 stones right round.

17 Q. Thank you, Witness. Did you collect more bodies after  
18 those two women?

19 A. We saw so many of them, but we were not collecting them.

10:24:05 20 Wherever we find a corpse we had a pickaxe that we were moving  
21 around with and a shovel. We would just push it if it were on  
22 the way, we would just push it away a little. Then we would take  
23 some earth and placed it on top of it. Then we went to that  
24 junction where everything started.

10:24:28 25 [RUF08DEC05B - EKD]

26 Q. Witness, if you want to get yourself a drink, feel free.

27 So, Witness, you described how you would go to the corpses and  
28 cover them with dirt. Can you tell this Court how many corpses  
29 were buried like that?

1 A. Many, many, many I can explain properly.

2 Q. Thank you, Witness. You said "many". Do you have any idea  
3 how many?

4 A. Those on which we placed earth, those whom I knew, there  
10:26:31 5 could be over 200, because we didn't bury them on the same day.  
6 When the elders returned that same week, that was some kind of a  
7 job for us, just so that we would bury those people. Had we not  
8 buried those people at the junction, no vehicle would have been  
9 able to ply that road, because they were strewn all over the  
10:27:10 10 place. So we were burying them every day.

11 Q. Witness, how many days did it take to finish burying them?

12 A. In that week alone that's the job we were doing. Somebody  
13 would leave the farmhouse and come and tell us that there is  
14 somebody out there and he would say, "Let's go there and bury  
10:27:50 15 that person", so that the bones would not disturb somebody. So  
16 we just dig a grave by the roadside and bury it. So it was not a  
17 day's job. It became a job for us just so that we would do it.

18 Q. Thank you, Witness. Now I just have a couple more  
19 questions for you. You said when you came out of town -- excuse  
10:28:49 20 me, when you came to town there was smoke blazing from all parts.  
21 You also said that your house was on fire. Can you tell this  
22 Court how many houses were burnt?

23 A. Houses which were burnt in Tikonko Town, there would be up  
24 to 500 houses. That's not a small village. It's not a small  
10:29:31 25 town, apart from the kitchen, all of them. It was the chiefdom  
26 headquarters. So on that day alone that's what they did. There  
27 was some houses, the fire would be in that house for three to  
28 five days.

29 THE INTERPRETER: Sorry, Your Honours. Correction

1 interpreter: Two to three days the fire would be in the houses.

2 MR WALLBRIDGE:

3 Q. Okay, Witness. You said yesterday that this incident  
4 occurred in June. Can you tell the Court what year in June this  
10:30:21 5 occurred?

6 A. In the year 1997.

7 Q. Witness, yesterday you said to this Court when you met the  
8 first group of soldiers at the Tikonko Junction there was three  
9 among them that you knew and you said two were born in Tikonko  
10:31:22 10 and the third one you knew at the time the soldiers were in  
11 Tikonko before the overthrow of Kabbah and he was in your house.  
12 Can you tell the Court why he was in Tikonko?

13 A. Yes.

14 Q. Please tell the Court.

10:32:14 15 A. At that time Kabbah had not been overthrown and the  
16 soldiers were in Tikonko. They were there. When you have a  
17 vacant accommodation, they would come and request that from you,  
18 saying, "Look at the people who have come to protect you. Give  
19 them accommodation." And indeed, we would give it to them, and  
10:32:50 20 that was it.

21 Q. So, Witness, was he staying at your house for that reason?

22 A. Yes.

23 MR WALLBRIDGE: Okay, thank you, Witness. I have no  
24 further questions.

10:33:44 25 PRESIDING JUDGE: Thank you. Mr Jordash for the first  
26 accused, any cross-examination?

27 MR JORDASH: Yes, please. Just a small amount.

28 CROSS-EXAMINED BY MR JORDASH:

29 Q. Good morning, Mr Witness.

1 A. Good morning.

2 Q. Were you a Kamajor, Mr Witness?

3 A. I was not a Kamajor.

4 Q. Did you associate with Kamajors just before the junta  
10:34:21 5 period?

6 A. Like what? What do you mean?

7 Q. Well, did you socialise with Kamajors?

8 A. There was no Kamajor initiation in Tikonko. So we just saw  
9 them and they said they were Kamajors.

10:35:10 10 Q. Sorry, you just saw who who said they were Kamajors?

11 A. They too said it, that they were Kamajors, that they've  
12 been initiated into the Kamajor society. The attire they had on  
13 that they wore that they were going up and down with.

14 Q. Who said and who was wearing these clothes? Who are you  
10:35:47 15 talking about, Mr Witness?

16 A. Those that were called Kamajors are the people I'm talking  
17 about.

18 Q. So did you have any Kamajors as friends prior to or during  
19 the junta period?

10:36:08 20 A. Even myself, I was captured to be initiated into the  
21 Kamajor society, but I refused. I didn't join them.

22 Q. Who captured you?

23 A. The Kamajors themselves. They will come and say, "Let's go  
24 and join."

10:36:41 25 Q. So they came to Tikonko, did they? Is that where this  
26 happened?

27 A. I was not captured. They said I should go and join the  
28 Kamajors.

29 Q. Who said?

1 A. The Kamajors that were initiated and knew me and I knew  
2 them.

3 Q. Where were these Kamajors based?

4 A. They came from the riverside. They said they came from the  
10:37:23 5 riverside.

6 Q. So were there Kamajors --

7 A. Down the river.

8 Q. Which river is this?

9 A. Around the Bonthe District. They came from there.

10:37:37 10 Q. There were Kamajors in the surrounding areas of Tikonko at  
11 around the junta period; am I right?

12 A. Yes.

13 Q. In many of the villages around Tikonko Kamajors were based;  
14 is that right?

10:38:07 15 A. No, they came from down the river, around the  
16 Bonthe District.

17 Q. How far is that from Tikonko?

18 A. It will be up to 60 miles. Tikonko is in the centre.

19 Tikonko is in the Bo District. This down the river that I'm

10:38:42 20 talking about -- this down the river that I'm talking about is in  
21 the Bonthe District.

22 Q. Well, what about in the surrounding villages; do you say  
23 there was no Kamajors there?

24 A. I want -- I will not say there were no Kamajors there,

10:39:19 25 because I was not going to those places. I will not just get up  
26 and say, "I will go there" and go there.

27 Q. Didn't Kamajors used to come from the surrounding villages  
28 into Tikonko at around the time just before the junta period?

29 A. I did see Kamajors coming there, but I didn't ask them



1 whether they were coming from those villages. What I am saying,  
2 they never initiated a Kamajor society in Tikonko. They came  
3 from down the river. Before they can -- before they arrived in  
4 Tikonko they will go through those villages. They came from  
10:40:25 5 where those societies were initiated. But for you to hear that  
6 Kamajor society was initiated in Tikonko, it didn't happen and I  
7 did not see it.

8 MR JORDASH: Sorry, I haven't told your learned legal  
9 officer about the pages. Can I just refer to page 14385 and  
10:40:52 10 14386?

11 PRESIDING JUDGE: What is this?

12 MR JORDASH: It's the testimony of this witness in the AFRC  
13 trial.

14 PRESIDING JUDGE: Can you repeat the pages, please?

10:41:06 15 MR JORDASH: 14385 and 14386. I do apologise. Whilst we  
16 are waiting for this I can ask the witness a couple of other  
17 questions. For the Prosecution, it is the 23rd June 2005  
18 transcript I will be referring to.

19 Q. Am I right that Tikonko was a chiefdom headquarter town?

10:41:41 20 JUDGE ITOE: He had said so.

21 MR JORDASH: Yes.

22 Q. Was it a large town which --

23 A. Yes.

24 Q. You didn't know everybody in the town, did you?

10:41:51 25 A. In Tikonko?

26 Q. Yes.

27 A. There I was born. How will I not know somebody there?

28 Q. Well, I suggest you didn't know everybody in Tikonko Town;  
29 is that right?

1 JUDGE ITOE: He is saying you don't know all the people  
2 living in Tikonko.

3 PRESIDING JUDGE: What's your response, Mr Witness?

4 THE WITNESS: There I was born. I will know people there  
10:42:37 5 unless otherwise you are a stranger there or little children  
6 leaving from other villages to go there. But I know all the  
7 sections in there.

8 MR JORDASH:

9 Q. Well, let's have a look at what you said in the AFRC trial,  
10:43:00 10 shall we. 23rd June 2005, do you remember giving evidence in the  
11 AFRC trial, Mr Witness?

12 A. Very well.

13 Q. Good. What I am going to read you is word for word what  
14 you said; okay? Do you understand?

10:43:23 15 A. Very well.

16 Q. Line 24:

17 "Q. Mr Witness, you know or you knew at the time probably  
18 everybody who lived at Tikonko; is that so?

19 "A. Yes. I wouldn't know all of them, because like I  
10:43:42 20 said, it's not a small town. It's a very large town. It  
21 is not like you would stand here and see" --

22 Sorry, Mr Witness.

23 PRESIDING JUDGE: Don't go too fast, Mr Jordash. He still  
24 needs to get the translation.

10:44:02 25 MR JORDASH: Sorry.

26 Q. "It's a very large town. It's not like you would stand  
27 here and see the other end. It's a chiefdom headquarter  
28 town. People who settled there, you didn't be able to know  
29 all of them."

1 So was that true, what you said in the AFRC trial?

2 A. That's the truth. That is what I'm saying.

3 Q. Reading on:

10:44:42

4 "Q. Do you know how [sic] many people at Tikonko at that  
5 time?

6 "A. Yes, yes.

7 "Q. Did you know any Kamajors that were living there?

8 "A. They were not settled there. They did come there.

9 They would come and go. They would come from the

10:45:10

10 surrounding villages but there was no base there for

11 Kamajors."

12 Was that true, Mr Witness?

13 A. That's the truth.

14 Q. Thank you. So Kamajors would then come from the

10:45:28

15 surrounding villages into Tikonko, and was this the case just  
16 before the junta period?

17 A. You said what?

18 Q. Did Kamajors come from the surrounding villages just before  
19 the junta period? Did they come into Tikonko?

10:45:58

20 A. Yes. That's the reason why when they took power, they said  
21 Kamajors were there so they were going there.

22 JUDGE ITOE: Mr Jordash, he had given a response to this  
23 question: Before the junta period Kamajors used to come to  
24 Tikonko.

10:46:38

25 MR JORDASH: From the surrounding villages.

26 JUDGE ITOE: Yes, that's so.

27 PRESIDING JUDGE: [Microphone not activated].

28 THE INTERPRETER: Your microphone, Your Honour.

29 PRESIDING JUDGE: Thank you. Are you suggesting what was

1 in the transcript is different?

2 MR JORDASH: No, maybe I am being slow, but I thought the  
3 witness had said they weren't coming from surrounding villages.  
4 That's the point I was trying to establish.

10:47:08 5 PRESIDING JUDGE: You mean here in this trial?

6 MR JORDASH: Yes.

7 PRESIDING JUDGE: Well, maybe it's not from surrounding  
8 villages, he's been saying they were coming from up-river and so  
9 on.

10:47:16 10 MR JORDASH: From 60 miles or so away and so I was trying  
11 to establish if it was surrounding villages.

12 PRESIDING JUDGE: Okay, that's fine.

13 THE WITNESS: Yes.

14 MR JORDASH:

10:47:24 15 Q. Were you captured by the Kamajors around the time or just  
16 before the junta period?

17 A. Captured like what?

18 PRESIDING JUDGE: It's only that he has changed that to say  
19 he wasn't captured.

10:47:44 20 JUDGE ITOE: Changed, yes, he used the word "captured."

21 PRESIDING JUDGE: First it came out as captured, then he  
22 says I was invited to -- asked to join them. So it is not  
23 capture in that sense.

24 JUDGE ITOE: Exactly. That is the state of the evidence,  
10:47:58 25 Mr Jordash.

26 MR JORDASH: I'm right and I'm wrong.

27 PRESIDING JUDGE: The word "captured" came out but he  
28 explained what he meant by "captured". "Captured" meaning at  
29 that time that he was asked to join them but he said he refused.

1 MR JORDASH: I accept that.

2 Q. When were you asked to join the Kamajors, Mr Witness?

3 A. During that time -- they told me so many times during the  
4 time the Kamajor activity started.

10:48:36 5 Q. Is there any reason, do you know, why they asked you in  
6 particular or were they asking lots of people?

7 A. Well, they saw me in that town that I am somebody who is  
8 responsible for others. Besides, when somebody is doing some  
9 business they always want somebody who will be giving advice to

10:49:25 10 them. When I was in Tikonko, my business was to do my business  
11 with the bush. They said if I join them I will give them a  
12 valuable advices that we give them leeway in whatever thing they  
13 were doing. That was the reason why they forced me to join them.  
14 But I refused to join them.

10:49:56 15 Q. And were they asking men around and in Tikonko, as well as  
16 yourself, to join?

17 THE INTERPRETER: Can counsel please repeat the question?  
18 The interpreter is sorry.

19 MR JORDASH:

10:50:16 20 Q. Were the Kamajors asking other men in and around Tikonko to  
21 join them to help defend against the soldiers?

22 A. Very, very well.

23 Q. And were people in and around Tikonko keen to help defend  
24 against the soldiers? Did they want to help?

10:51:12 25 A. Yes.

26 MR JORDASH: Thank you, I've got no further questions.

27 PRESIDING JUDGE: Thank you. Mr Touray for second accused?

28 MR TOURAY: Thank you, Your Honour. May I just have a few  
29 seconds?

1 PRESIDING JUDGE: Yes.

2 MR TOURAY: Good morning, Your Honours.

3 CROSS-EXAMINED BY MR TOURAY:

4 Q. Good morning, Mr Witness.

10:52:53 5 A. Good morning, Pa.

6 PRESIDING JUDGE: Mr Witness, when you are answering the  
7 question try not to touch the microphone because it makes noises  
8 and we are losing some of what you are saying. Thank you.

9 Mr Touray, sorry.

10:53:18 10 THE WITNESS: Okay.

11 MR TOURAY:

12 Q. I notice this is an open session so I will try to avoid  
13 calling certain names, but you said there were soldiers in  
14 Tikonko before the overthrow -- before the AFRC came in.

10:53:56 15 A. Yes, soldiers were there.

16 Q. And you said people pleaded with you, if you have vacant  
17 accommodation, to give them accommodation?

18 A. Yes.

19 Q. So there was some authority in the town responsible for  
10:54:39 20 that; finding accommodation for the soldiers whom you say they  
21 were there to protect you people?

22 A. There were chiefs there for that. But the soldiers  
23 themselves, if they see a place where they think they can be  
24 accommodated, they will come and ask you to give it to them. To  
10:55:20 25 come forcefully and ask you to give it to them.

26 Q. But the chiefs also played a part in finding accommodation  
27 for those soldiers?

28 A. Very well.

29 Q. So their presence in the town was well known to the

1 authorities in the town. That is, the chiefs in the town.

2 A. Yes. Which town had existed without a soldier during the  
3 time they had the power? Even the villages, they were there.

4 Q. Mr Witness, I'm talking about the period before the junta  
10:56:35 5 came into power.

6 A. Very, very well.

7 JUDGE ITOE: What is very, very well?

8 THE WITNESS: When you say "very, very well", like when the  
9 white people say "very, very well" in support of something.

10:57:15 10 JUDGE ITOE: Can learned counsel take the question again,  
11 please?

12 MR TOURAY:

13 Q. In other words, the chiefs knew that these soldiers were in  
14 town very, very well; not so?

10:57:26 15 A. Yes.

16 Q. And in fact, they were helping to find accommodation for  
17 them. That's what I am saying.

18 A. Well, that one, it was a must when soldiers were --  
19 wherever soldiers are in the town, it was a must that you find a  
10:57:53 20 place for them. Even a woman, if you have a woman, a beautiful  
21 woman, they will come to you and say, "That woman should visit us  
22 later." So it will become a concern and a must to you to do so  
23 and she will go and not come unto the next day.

24 Q. That was in 1994? That was happening in 1994?

10:58:45 25 A. Yes, from 1994. When we were in Tikonko they were based  
26 there completely.

27 Q. Now they were there to protect the citizens or the populace  
28 of Tikonko?

29 A. Well, during that time -- well, in 1994 when the war was in

1 Tikonko, the soldiers were there; didn't leave. They called  
2 them. They said Kabbah has won the election. So many of them  
3 left Tikonko. It came to some times they said they will take  
4 over that very government.

11:00:12 5 Q. Mr Witness, stop debating, just answer my question, please,  
6 then we move on. Those soldiers were --

7 A. Okay.

8 Q. -- there to protect you, the populace of the town?

9 A. That was what they said.

11:00:36 10 Q. Now have you ever heard of ULIMO soldiers fighting  
11 alongside with the SLA against the rebels around that time,  
12 around 1994?

13 A. I could remember that. Those ULIMO soldiers, it came a  
14 time they returned. They went back.

11:01:39 15 Q. They were in Tikonko, were they not?

16 A. They were there.

17 Q. Thank you. And they were there for about, roughly, very  
18 long, about two years?

19 A. I could not remember the length of the time they were  
11:02:10 20 there. I could not remember that.

21 Q. But for a very long period?

22 A. Yes.

23 Q. Thank you.

24 JUDGE ITOE: Certainly under?

11:02:29 25 MR TOURAY: For a very long period but he could not  
26 remember the time.

27 Q. And these soldiers were dressed in military fatigues, were  
28 they not? Combat?

29 A. Very, very well, that was what they wore.



1 JUDGE ITOE: Mr Touray, you mean the soldiers who were  
2 staying with --

3 MR TOURAY: Yes.

4 PRESIDING JUDGE: ULIMO soldiers.

11:03:23 5 MR TOURAY: ULIMO soldiers.

6 JUDGE ITOE: ULIMO soldiers?

7 MR TOURAY: Yes.

8 Q. And they were fighting against the RUF?

9 A. Well, I will not be able to say much about that, because  
11:03:56 10 even the ULIMO soldiers you said they came and stayed there for  
11 so long, they didn't stay so long because they went back. Those  
12 that were called --

13 Q. You've answered that. So let's move on. You've answered  
14 that. Let's move on, please.

11:04:19 15 PRESIDING JUDGE: Well, let the witness answer the  
16 question. You've asked a question, he's giving an answer,  
17 Mr Touray. You've asked the question, let him answer it.

18 MR TOURAY: He has answered that they did not stay --

19 JUDGE ITOE: Mr Touray, if you observe the witness, as you  
11:04:33 20 are observing, when he said they stayed there for too long, for a  
21 very long time, he was acceding to your suggestion. But he  
22 laughed and -- because when I sought clarification he laughed at  
23 it and he didn't appear to be very convinced with his answer.  
24 You see, we have him --

11:04:52 25 MR TOURAY: Well, we can spend the whole day here so let's  
26 carry on.

27 JUDGE ITOE: Let us do. We may. There is no problem. We  
28 are here for that.

29 MR TOURAY: Yes, Your Honour.

1 Q. So please give your answer as much as you want to. You are  
2 free to talk. Just say what you want to say.

3 A. No, I have asked that one. Let's go ahead. Ask me another  
4 question. I am prepared to answer.

11:05:38 5 Q. The question I asked you was whether in fact they were  
6 fighting against the RUF. That is, the SLA and ULIMO together  
7 were fighting against the RUF on the other side.

8 A. I wouldn't say much about that.

9 Q. So you don't know?

11:06:21 10 A. No.

11 Q. Now, in fact, one of the three men you said you recognised  
12 was somebody -- was a soldier you gave accommodation to at that  
13 time?

14 A. Yes, yes.

11:07:01 15 JUDGE ITOE: He has answered that question.

16 MR TOURAY: He has answered?

17 JUDGE ITOE: Yes, he answered it before now.

18 THE WITNESS: I have answered.

19 MR TOURAY: That is out of the three he said he recognised  
11:07:11 20 one soldier who he had earlier given accommodation to during that  
21 period.

22 PRESIDING JUDGE: Yes.

23 MR TOURAY: And I'm saying --

24 JUDGE ITOE: It is on record already.

11:07:21 25 MR TOURAY: I am saying he was part of this group of  
26 soldiers, these ULIMO soldiers. That is my suggestion.

27 PRESIDING JUDGE: Okay, but your last comment was not put  
28 to the witness yet. You were about to do that, I guess.

29 MR TOURAY: Pardon, My Lord.

1           PRESIDING JUDGE: Your last comment was not put to the  
2 witness. You were about do it, I take it. You can put it to the  
3 witness.

4           MR TOURAY:

11:07:41 5       Q.    He was one of those ULIMO soldiers, in fact, who stayed in  
6 town?

7       A.    That man, he was an SLA. Whether he was a ULIMO soldier,  
8 but the name he carried is from this country.

9       Q.    Now, without mentioning any name, would you recall the 1996  
11:08:35 10 election, general election?

11      A.    I could remember some.

12      Q.    Did you take part in that election, that is by way of  
13 voting or something?

14      A.    I voted very well.

11:09:12 15      Q.    Was it an SLPP candidate who won in that year?

16      A.    Yes.

17      Q.    So is it true that at the time the AFRC overthrew the SLPP  
18 government, the sitting member of parliament for Tikonko was an  
19 SLPP; not so?

11:09:56 20      A.    Yes.

21      Q.    Before that you will agree, would you not, that in fact  
22 Tikonko was a very strong APC seat?

23           PRESIDING JUDGE: Mr Touray, if I may just -- when you say  
24 "before that", you mean before the election or before the  
11:10:43 25 overthrow?

26           MR TOURAY: No, before the election, before the 1996  
27 election.

28      Q.    For a very long period you had an APC candidate? I don't  
29 want to call a name, but you know.

1 A. Yes.

2 Q. Thank you. Takes you a long time to answer.

3 PRESIDING JUDGE: Maybe it took a long time to translate.

4 MR TOURAY:

11:11:43 5 Q. When the junta overthrew the SLPP government, in Bo there  
6 was the secretariat of the junta, in Bo Town?

7 A. Yes.

8 Q. And about the time of the alleged incidents you have  
9 narrated, you had officials of the junta in Bo?

11:12:40 10 A. Yes, very well. They were there and I knew some of them.

11 Q. Like AF Kamara, the Secretary of State?

12 A. Very, very well.

13 Q. Like Boysie Palmer?

14 A. He was also called Fangadema [phon].

11:13:17 15 Q. That's AF Kamara?

16 A. Yes.

17 Q. And you also had Boysie Palmer, the brigade commander?

18 A. Yes.

19 Q. You also had ABK, or Kamara, who was the OC secretariat?

11:13:44 20 A. Yes.

21 PRESIDING JUDGE: What's the last name, Mr Touray?

22 MR TOURAY: ABK.

23 PRESIDING JUDGE: ABK.

24 MR TOURAY: AB Kamara.

11:13:56 25 Q. These were people you used to meet yourself?

26 A. Yes.

27 Q. Even before the alleged incident of the visit of the  
28 soldiers to Tikonko?

29 A. Yes.

1 Q. Now, by the overthrow of the SLPP government do you know  
2 what happened to the -- your sitting member of parliament then,  
3 who was an SLPP? I don't want to call his name, but you know  
4 him.

11:14:45 5 MR TOURAY: Can I? May I? Can I call the name,  
6 Your Honour?

7 PRESIDING JUDGE: Pardon.

8 MR TOURAY: I don't think there is any risk.

9 PRESIDING JUDGE: You may know, we don't know.

11:14:55 10 MR TOURAY:

11 Q. Daramy Rogers.

12 A. Well, I couldn't say much about him.

13 Q. Was he not your member of parliament?

14 JUDGE ITOE: That's the SLPP member of parliament?

11:15:33 15 MR TOURAY: That's it.

16 THE WITNESS: I couldn't recall. I don't know that.

17 MR TOURAY:

18 Q. Was Dr Sam-Kpakra not another one?

19 A. I heard those names.

11:16:02 20 JUDGE ITOE: Doctor who?

21 MR TOURAY: Sam-Kpakra.

22 JUDGE ITOE: What was he?

23 MR TOURAY: Member of parliament, SLPP also for Tikonko  
24 area. Including the Honourable Daramy Rogers.

11:16:28 25 Q. Now, do you know Joe Amara Bangali?

26 A. I know him very, very well. I know him.

27 Q. He was for a long time the APC member of parliament for  
28 that area.

29 JUDGE ITOE: Let's have the name again, please.

1 MR TOURAY: Joe Amara Bangali.

2 PRESIDING JUDGE: Can you spell that, please?

3 MR TOURAY: Joe is --

4 PRESIDING JUDGE: Not Joe.

11:16:54 5 MR TOURAY: Amara, A-M-A-R-A.

6 THE WITNESS: Yes.

7 MR TOURAY: Bangali, B-A-N-G-A-L-I-E [sic].

8 PRESIDING JUDGE: Thank you.

9 MR TOURAY:

11:17:09 10 Q. Now when the junta took over he became the minister of  
11 finance for the AFRC government, wasn't it?

12 A. Yes.

13 Q. So that was his home town?

14 A. Yes. In fact, it was in his father's house those many  
11:17:40 15 people were killed.

16 Q. Thank you. It was in his father's house that those many  
17 people were killed, an AFRC minister. Who did the killing? The  
18 Kamajors did it. Simple.

19 A. They hadn't that strength to do that. The Kamajors had no  
11:18:12 20 strength to do that. The soldiers who came from Bo did that.

21 That's the reason why I didn't run to hide. I stayed behind and  
22 observed them, that they went there to kill those people.

23 Because if I will have hidden myself, they will have said the  
24 people who killed them were Kamajors. That was the reason why I  
11:18:42 25 stood by to observe them. All what they did I saw them.

26 Q. The Kamajors did the killing. They did it, Mr Witness.

27 A. It was not the Kamajors. They didn't do it. They didn't  
28 do it.

29 PRESIDING JUDGE: So that concludes your cross-examination,

1 Mr Touray?

2 MR TOURAY: Pardon, My Lord.

3 PRESIDING JUDGE: Does that conclude your  
4 cross-examination?

11:19:15 5 MR TOURAY: That concludes it.

6 PRESIDING JUDGE: Thank you. Any cross-examination by  
7 third accused?

8 MS KAH-JALLOW: Your Honours, no cross-examination.

9 PRESIDING JUDGE: Thank you. Any re-examination?

11:19:37 10 MR WALLBRIDGE: No, Your Honour.

11 PRESIDING JUDGE: Thank you. Mr Witness, this concludes  
12 your evidence in this Court. We thank you for having come to  
13 testify and we wish you very good luck in the future. Thank you.

14 Mr Prosecutor. Mr Harrison.

11:19:57 15 THE WITNESS: All right. May the Lord bless you too.

16 PRESIDING JUDGE: Thank you very much.

17 I don't know if you have a very short witness that we could  
18 take on. If we could finish today by usual lunch-time we would  
19 appreciate it.

11:20:24 20 MR HARRISON: There is a witness that we anticipate would  
21 be roughly 30 minutes in direct examination.

22 PRESIDING JUDGE: 30?

23 MR HARRISON: Yes, 30 in direct examination, and it may  
24 even be slightly shorter than that. We also have another witness  
11:20:39 25 waiting who would be somewhat longer, and we would estimate  
26 roughly 90 minutes for the second one in direct examination.

27 PRESIDING JUDGE: In direct, yes. I think it would be  
28 prudent to say at this stage that certainly your second witness  
29 in waiting you could dispense of her or him for today and have

1 him or her for the next session. But the shorter witness we are  
2 prepared to take.

3 MR HARRISON: That person is here and the counsel is in the  
4 courtroom to deal with it if you wish. If you wish to take a  
11:21:09 5 break now or not.

6 PRESIDING JUDGE: Yes, we will take a short break now and  
7 we'll come back and we'll go on with that short witness.

8 THE INTERPRETER: Your Honours, the interpreters are sorry.  
9 Can we be informed about the language of the next witness?

11:21:23 10 MR HARRISON: The next witness will be 004 -- sorry, 008,  
11 the one that we'd originally indicated would be the next witness,  
12 And the language is Mende.

13 PRESIDING JUDGE: Thank you. Court is adjourned.

14 [Break taken at 11.22 a.m.]

11:44:10 15 [Upon resuming at 11.45 a.m.]

16 JUDGE THOMPSON: Prosecution, are we set to proceed?

17 MS ALAGENDRA: Yes, we are, Your Honour.

18 JUDGE THOMPSON: Well, let the witness be sworn.

19 WITNESS: TF1-008 [Sworn]

11:45:50 20 [The witness answered through interpretation]

21 JUDGE THOMPSON: Please begin.

22 MS ALAGENDRA: Your Honour, for the record this is the 58th  
23 witness in the trial and the 57th prosecution witness.

24 EXAMINED BY MS ALAGENDRA:

11:46:19 25 Q. Good morning, Witness.

26 A. Yes, good morning. How are you?

27 Q. Well, thank you. Witness, I have a few questions for you  
28 this morning.

29 A. Okay, just ask me, I would answer.



1 Q. I am going to ask you to try to answer the questions slowly  
2 so that the people who are trying to take down what you are  
3 saying can do so. Is that okay?

4 A. Okay.

11:46:57 5 Q. Witness, what is the date of -- what is your date of birth?

6 A. I was born in 1971.

7 Q. Where were you born, Witness?

8 A. I was born in the Tikonko Chiefdom, Bo District.

9 Q. Can you tell the Court in which area or village of Tikonko  
11:47:37 10 Chiefdom that you were born?

11 A. I was born in Sembehun 17.

12 MS ALAGENDRA: Your Honour, for the record Sembehun 17 is  
13 spelt S-E-M-B-E-H-U-N and the number 17, Your Honour; one, seven.

14 Q. Witness, where were you living in the year 1997?

11:48:18 15 A. In 1997, I was in Sembehun 17.

16 Q. Did anything happen in Sembehun 17 in 1997?

17 A. Something happened there.

18 Q. What happened, Witness?

19 A. One day we were there when troops came from Bo and they  
11:48:51 20 brought a van that had an AA.

21 Q. Witness, the troops who came in, who were they, do you  
22 know?

23 A. The troops that came, they were Mosquito's group. They  
24 were the ones that came.

11:49:24 25 [RUF08DEC05C - SV]

26 Q. Witness, who is Mosquito?

27 A. Mosquito, he's not a real mosquito; he is a human.

28 Q. Yes, but do you know who he was at that time?

29 A. Mosquito came and said that he was an RUF, that he was a

1 rebel .

2 Q. When in 1997 did Mosquito's group enter Sembehun 17?

3 A. In 1997, one month after the overthrow.

4 Q. How many people were in Mosquito's group that entered

11:50:39 5 Sembehun 17?

6 A. The group that came, I can't know the number, but they were  
7 there. They were many.

8 Q. Witness, just to take you back to the previous question.

9 You said that Mosquito's group entered Sembehun 17 one month

11:51:23 10 after the overthrow; is that correct?

11 A. Yes. After one month, that's the time they came. It was  
12 after that month, that's the time they came.

13 Q. The overthrow of who, Witness?

14 A. At that time it was Corporal Gborie who did the overthrow,

11:51:54 15 and it was not long Paul Koroma sat in the chair.

16 JUDGE THOMPSON: He didn't get your question.

17 MS ALAGENDRA: Yes, I'm going to repeat the question, Your  
18 Honour.

19 Q. Witness, can you explain again, Mosquito's group entered

11:52:16 20 Sembehun 17 one month after the overthrow of who?

21 A. At that time when Corporal Gborie did the overthrow, at  
22 that time it was not long after then Johnny Paul Koroma sat in  
23 the chair. We understood from what Johnny Paul Koroma was  
24 saying --

11:52:52 25 PRESIDING JUDGE: What's your question again, if I may?

26 MS ALAGENDRA: Your Honour, the question was after the  
27 overthrow of who, but the witness --

28 JUDGE THOMPSON: He probably is trying to get there. Once  
29 more we may be confronted with the idiosyncratic tendencies here.

1 Probably he's trying to get there, so perhaps give him a little  
2 leeway.

3 MS ALAGENDRA: Yes, Your Honour. If I may put the question  
4 back to the witness.

11:53:25 5 PRESIDING JUDGE: Yes, please.

6 MS ALAGENDRA:

7 Q. Witness, when you say "overthrow" can you explain who was  
8 overthrown?

9 A. At that time it was Tejan Kabbah who was overthrown.

11:53:47 10 Q. Mosquito's group that entered Sembehun 17, how were they  
11 dressed?

12 A. Mosquito's group that went to Sembehun, they had trousers,  
13 combat trousers, and the shirt was a civil shirt.

14 Q. Was the group armed?

11:54:25 15 A. They had guns.

16 Q. Was Mosquito armed, Witness?

17 A. He had a weapon; he had a shotgun called pistol. That's  
18 what he had.

19 Q. What happened after Mosquito's group entered Sembehun 17?

11:55:03 20 A. At that time Mosquito's group entered Sembehun 17, they  
21 went straight to a man's house called Ibrahim Kamara. He was  
22 arrested and placed on the ground.

23 Q. Who was Ibrahim Kamara?

24 A. Ibrahim Kamara was a section chief.

11:55:40 25 Q. What happened after that?

26 A. When he was placed on the floor, he had some money and they  
27 took it away from him. It was about 800,000 Leones.

28 Q. Witness, who took his money?

29 A. It was Mosquito who took his money from him.

1 Q. Did Mosquito say anything?

2 A. Before he took the money from him he called him a "fucking  
3 civilian".

11:56:50

4 Q. Witness, apart from using abusive language, did Mosquito  
5 say anything else?

6 A. What he said was -- he said that he was the one who has  
7 captured this place, that this place was under his control. He  
8 didn't say anything in my presence.

9 Q. What happened after that?

11:57:28

10 A. At that time his boys were going around the town setting  
11 houses on fire and shooting around.

12 Q. Witness, do you know how many houses they set on fire?

13 A. I do not know the number but it was more than 30. It was  
14 more than 30.

11:57:58

15 Q. What happened after Mosquito's group started shooting  
16 around?

17 A. When they were shooting around, they left and went to a  
18 man's place called Tommy Bockarie. They arrested him. He had an  
19 X Bass tape and they wanted that X Bass tape. They asked him for  
20 the tape and he refused to give it to them and he was shot.

11:58:32

21 JUDGE ITOE: What was the name of the man again?

22 MS ALAGENDRA:

23 Q. Witness, can you repeat the name of the man again who was  
24 shot?

11:58:51

25 A. Tommy Bockarie, Tommy Bockarie.

26 PRESIDING JUDGE: Do you have the spelling of that name,  
27 Madam Prosecutor?

28 MS ALAGENDRA: Your Honour, the spelling I have is Tommy  
29 Bockarie.

1 JUDGE ITOE: Is it Bockarie or Bocki? Let's get it clear.

2 THE WITNESS: Bockarie, Bockarie.

3 MS ALAGENDRA:

4 Q. Witness, what did you do after the shooting started?

11:59:37 5 A. When they started shooting around, at that time that they  
6 killed that fellow, I was afraid and I went into the bush to look  
7 for my people.

8 Q. Did you leave the bush and return to Sembehun 17 at some  
9 point after that?

12:00:16 10 A. At that time that I went into the bush, I was there when I  
11 received information there was a child who left and met us at our  
12 hiding place and said they had shot Sheriff in his belly and his  
13 guts came out, and they also shot him on his foot.

14 MS ALAGENDRA: Your Honour, I believe "Sheriff" is spelt  
12:00:51 15 S-H-E-R-I-F-F.

16 Q. What did you do when you heard this?

17 A. When I heard that I came immediately from the farmhouse and  
18 went to the place where Sheriff was shot, where the boy told us  
19 that he was, where they shot him. He was not there. I just saw  
12:01:21 20 drops of blood.

21 Q. Did you get to the place where Sheriff was?

22 A. Where Sheriff was, I went and reached there. Where he was  
23 lying by the side of the bush, there was a lot of blood  
24 underneath him, just like water would settle down underneath  
12:02:00 25 somebody. Then I took him up, but his intestines were out, but I  
26 placed -- I pushed it inside and I took a piece of cloth and tied  
27 it. Then I told him to lie down there.

28 Q. Did Sheriff tell you who shot him?

29 A. Sheriff said when I asked him that, "Sheriff, why are you

1 lying here", he said it was Mosquito's troop who had come that  
2 shot him with a gun. But where he was lying, he couldn't get up  
3 at all. So I took him and placed him by the side of the road.

12:03:03

4 Q. You said that you returned to Sembehun 17. Can you tell  
5 the Court what you saw when you returned to Sembehun 17?

6 A. When I returned to Sembehun 17, when I took Sheriff and  
7 took him to town, I saw people who had been injured and there are  
8 some people who --

12:03:29

9 THE INTERPRETER: Your Honours, the witness has used an  
10 expression that is not very clear. Can he please take it again?

11 PRESIDING JUDGE: Mr Witness, can you repeat your last  
12 answer. You said you had seen people injured and you've added  
13 something; what is it you've said, please?

12:03:51

14 THE WITNESS: When I went I saw injured people, some of  
15 them, and others who had been beaten.

16 MS ALAGENDRA:

17 Q. Witness, when you returned to Sembehun 17 was Mosquito's  
18 group still in the village?

19 A. They were still in the town, shooting around.

12:04:29

20 MS ALAGENDRA: Thank you, Witness. Your Honour, I have no  
21 further questions for the witness.

22 PRESIDING JUDGE: Thank you. Mr Jordash, any  
23 cross-examination?

24 MR JORDASH: No questions, thank you.

12:04:38

25 PRESIDING JUDGE: Mr Touray or Mr Taku, second accused?

26 MR TAKU: Just one minute, Your Honour.

27 CROSS-EXAMINED BY MR TAKU:

28 Q. Good afternoon, Witness.

29 A. Yes. Good afternoon. How do you do?

1 Q. Fine, Witness.

2 A. Thank God.

3 Q. Mr Witness, you were a Kamajor; correct?

4 A. No, I was not a Kamajor.

12:05:30 5 Q. Witness, did you make a statement to the Prosecutor, that  
6 is, did you meet one Miatta Samba from the Prosecutor's office on  
7 25 November 2002?

8 A. 2002?

9 Q. Yes.

12:06:31 10 A. I do not understand that Miatta person you're talking  
11 about.

12 Q. Did you meet a lady from the Prosecutor's office by the  
13 name Miatta Samba at the Bo Police Barracks on 25 November 2002?

14 A. 2002, yes.

12:07:09 15 Q. And did they record a statement from you?

16 A. She did write it on paper.

17 Q. Did they record a statement from you?

18 A. What I was saying they wrote, but they didn't read it out  
19 to me afterwards.

12:07:47 20 Q. The question, Witness, is that --

21 PRESIDING JUDGE: He just told you that they wrote it.

22 MR TAKU: Yes, Your Honour.

23 Q. In what language was the statement -- did you communicate  
24 with the lady from the Prosecutor's office whose name I just  
12:08:02 25 called?

26 A. I was speaking Mende.

27 Q. Do you remember whether you spoke -- the interview was in  
28 Krio?

29 A. No, it was Mende.

1 Q. But that statement that was recorded -- did you sign, did  
2 you thumbprint?

3 A. Because I am not literate they would ask you to come and  
4 sign after the statement has been taken.

12:09:05 5 Q. And did you sign it?

6 THE INTERPRETER: Your Honours, that was not audible  
7 enough.

8 MR TAKU:

9 Q. Did you sign the statement, Witness?

12:09:21 10 A. The statement that I gave? The statement that I gave, I  
11 did sign it. But they did not read it out to me. Just like  
12 you've said, what I said was what was written down.

13 Q. Witness, did Mr Christopher Santora of the Office of the  
14 Prosecutor, did he meet you again on 25 August 2005? Did you  
12:10:21 15 talk to him?

16 JUDGE THOMPSON: There's no record of him having met him  
17 once.

18 MR TAKU: Your Honour?

19 JUDGE THOMPSON: There's no record so far of the witness  
12:10:38 20 having met Mr Santora once. So when I heard did you meet him  
21 again...

22 MR TAKU: Sorry, Your Honour.

23 Q. Did you meet somebody by the name of Christopher Santora  
24 from the Office of the Prosecutor on 25 August 2005?

12:11:06 25 A. This year?

26 Q. Yes.

27 A. Repeat it for me.

28 Q. Yes, Witness.

29 A. This year?



1 Q. Yes, Witness, this year.

2 A. No. Nobody has gone to me to speak to me this year.

3 Q. So it would be incorrect, Witness, to suggest that on 25  
4 August 2005 Mr Christopher Santora from the Office of the

12:11:46 5 Prosecutor met you; is that what you're saying?

6 A. If he went -- even if he went and spoke to me, I wouldn't  
7 recall now.

8 Q. Do you know how many times anyone from the Office of the  
9 Prosecutor has spoken to you, Witness?

12:12:32 10 A. If I have not forgotten, twice.

11 Q. Can you remember the last time anybody from the Office of  
12 the Prosecutor spoke to you?

13 A. The last time they went to me -- the last time they went to  
14 me and told me that we were coming to this Court, that when they  
15 were ready they would come for us.

12:13:09

16 Q. When was that, Witness?

17 A. I can't recall the time.

18 Q. Now, Witness, you just stated that the statement that was  
19 recorded from you on 25 November 2002 -- you just told the  
20 honourable Court that it was not read to you. Is that correct?

12:13:42

21 A. No.

22 Q. Was it read to you or was not read to you?

23 JUDGE THOMPSON: [Microphone not activated] because I  
24 thought you were looking for confirmation of a previous answer.

12:14:18

25 MR TAKU: Your Honour?

26 JUDGE THOMPSON: I say you were either looking for  
27 confirmation or refutation of a previous answer, because it is on  
28 record.

29 MR TAKU: Yes, Your Honour. That's what I want him to do.

1 Q. Witness, listen again. Did you tell the honourable Court  
2 that the statement that was recorded from you on 25 November 2002  
3 at the Bo Police Barracks, did you tell Their Lordships that that  
4 statement was never read back to you?

12:15:01 5 A. When they first read it, they read it again. It was this  
6 latter one when I came, they didn't read it out to me.

7 Q. So your answer is that at one point in time it was read  
8 back to you; correct?

9 A. Yes.

12:15:27 10 JUDGE THOMPSON: So he is now saying that it was read back  
11 to me.

12 MR TAKU: Yes, Your Honour. Your Honours, page 14473. The  
13 last sentence, Your Honour.

14 Q. Witness, do you remember telling the --

12:16:00 15 JUDGE ITOE: 144 what?

16 MR TAKU: 14473, Your Honour.

17 JUDGE THOMPSON: Perhaps for an avoidance of possible  
18 confusion and complication at a later stage, which option are you  
19 proceeding on? Legal option -- what are you intending to do with  
12:16:28 20 this document?

21 MR TAKU: I'm trying to decide at this point, Your Honour  
22 [overlapping speakers].

23 JUDGE THOMPSON: What are you intending to do?

24 MR TAKU: Prior inconsistent statement, Your Honour.

12:16:38 25 JUDGE THOMPSON: So you're going under that rubric?

26 MR TAKU: Yes, Your Honour.

27 JUDGE THOMPSON: All right.

28 PRESIDING JUDGE: Then follow the procedure. If you are  
29 doing this then put that statement to him in the very language

1 that the statement is --

2 MR TAKU: Yes, Your Honour.

3 Q. Witness, did you remember telling the Prosecutor this:

4 "Kamajors were not in Sembehun at this time, and I myself  
12:17:03 5 had joined the Kamajor at that time."

6 Do you remember saying that to the Prosecutor in that  
7 statement that was read over to you?

8 A. I didn't say that, no.

9 Q. I'm putting to you, Witness --

12:17:28 10 JUDGE THOMPSON: Just a minute, counsel. Let's have the  
11 answer. I deny that I told the Prosecutor that. Is that the  
12 last line? The last sentence, is it?

13 MR TAKU: Yes, Your Honour.

14 THE WITNESS: Which one are you talking about?

12:17:55 15 MR TAKU:

16 Q. Witness, I am putting to you, Witness, that you said that  
17 to the Prosecutor because you signed the statement.

18 A. No, I didn't say that. I didn't sign it to them.

19 Q. Witness, do you know one Sergeant Sowe?

12:18:47 20 MR TAKU: Your Honours, S-O-W-E.

21 THE WITNESS: There was a soldier once called Sergeant So,  
22 not Sowe.

23 MR TAKU: Thank you, Witness.

24 Q. Was he a Sierra Leone Army officer, SLA?

12:19:44 25 A. He was a Sierra Leone soldier.

26 Q. Was he the head of the Sierra Leone Army base in Sembehun  
27 17?

28 A. Yes, at that time he was the head.

29 Q. And were the SLAs in Sembehun 17 when Mosquito's men

1 allegedly arrived?

2 A. They were there.

3 Q. And did you, Witness, at any moment take Sheriff for  
4 treatment at the SLA headquarters?

12:21:32 5 A. At that time, yes, I was the one who took him up and  
6 brought him to the headquarters.

7 Q. Witness, were the Kamajors around Sembehun 17 around the  
8 period that you've testified about?

9 A. In town they were not there because I did not see them in  
12:22:20 10 town.

11 Q. Were they around Sembehun 17?

12 A. Yes.

13 Q. Witness, when Mosquito's forces arrived -- allegedly  
14 arrived at Sembehun 17, what happened to the Sierra Leone  
12:23:05 15 soldiers who were in that location? Did they pull out?

16 A. At that time I didn't see them in town except later.

17 Q. When did you see them in town later?

18 A. At that time the shooting had started dying down. It was  
19 when they left there, that's when I saw them.

12:23:49 20 Q. At what time precisely, if you can remember?

21 A. It was around 5 o'clock.

22 Q. What date?

23 A. I can't recall the date.

24 Q. Witness, are you saying that the SLAs were not present at  
12:24:29 25 the time Mosquito's forces entered?

26 A. At that time they had pulled out. They were not there.

27 Q. Do you know where they pulled out to?

28 A. Where they pulled out and went I didn't know, but they were  
29 in hiding.

1 Q. And is it your evidence that they came back after the  
2 situation was quiet?

3 PRESIDING JUDGE: He just told you so. When the shooting  
4 ceased they came back at 5 p.m. or around 5 p.m.

12:25:39 5 MR TAKU: Just one minute, Your Honours.

6 Q. Witness, I'm putting to you, Witness, that it was the  
7 Kamajors that came and pushed the SLA out of Sembehun 17. What  
8 do you say to that?

9 A. It was not the Kamajors who pushed them out. It was not  
10 the Kamajors who came and pushed them out.

11 Q. And I'm putting to you, Witness, that Mosquito was never  
12 present in that location in June 1997. He was in Kenema.

13 JUDGE ITOE: What's the answer?

14 THE WITNESS: What did you say?

12:28:00 15 MR TAKU:

16 Q. I'm putting to you, Witness, that Mosquito was never  
17 present in that location in June 1997. What do you say to that?

18 A. Mosquito was there. He went there. I myself saw him. He  
19 went there.

12:28:43 20 Q. And, Witness, I'm putting to you that these forces that you  
21 say were Mosquito's forces were indeed the Kamajors. What do you  
22 say to that?

23 A. Mosquito's group, they were not Kamajors who went there.  
24 Those who went there, they had combats on and they had machine  
12:29:14 25 guns. It was Mosquito's group.

26 Q. And I'm putting to you, Witness, that indeed you were one  
27 of those Kamajors.

28 PRESIDING JUDGE: That he was what?

29 MR TAKU: One of these Kamajors.

1 PRESIDING JUDGE: One of those Kamajors that attacked?

2 MR TAKU: Yes, that alleged attack in that location,  
3 Your Honour.

4 THE WITNESS: No. I am not a Kamajor.

12:29:46

5 MR TAKU:

6 Q. Indeed, those were the Kamajors that attacked and pushed  
7 out the SLAs from Sembehun 17. What do you say to that?

8 A. No. I didn't see Kamajors there.

12:30:17

9 MR TAKU: Your Honours, before we finish -- one minute,  
10 Your Honour.

11 Q. Witness, and I'm putting to you, Witness, that it was only  
12 shortly before you came to testify, that is on 30th November  
13 2005, that you made another statement saying that you had never  
14 joined the Kamajors?

12:31:03

15 MR TAKU: Your Honours, let me see the page. That's an  
16 additional information provided by witness on the proofing on  
17 30th November 2005.

18 THE WITNESS: No, no, no, no, no. I had never joined the  
19 Kamajors.

12:31:18

20 PRESIDING JUDGE: We don't have that if you're referring to  
21 anything, and you have not put that to the witness either. So I  
22 don't know where you're coming from with this document now. I'm  
23 not saying you could not, but I'm saying you have not put it to  
24 the witness and I don't know what you're talking about.

12:31:36

25 JUDGE THOMPSON: Which statement are you referring to,  
26 counsel?

27 MR TAKU: Let me put it to him, Your Honours. Let me put  
28 that to him. It is "Additional Information Provided By Witness"  
29 on 30th November 2005.

1 JUDGE THOMPSON: Do we have that?

2 MR TAKU: We have a copy here, Your Honour. We don't have  
3 the page numbering.

4 MS ALAGENDRA: If I can give a page number, Your Honour.

12:32:02 5 It's 17063.

6 PRESIDING JUDGE: And what is it? It's a one page  
7 statement?

8 MS ALAGENDRA: Yes, Your Honour.

9 PRESIDING JUDGE: And what is the date?

12:32:19 10 MS ALAGENDRA: It's 30 November 2005.

11 MR TAKU: The last bit, Your Honour.

12 Q. Witness, by the way, did you meet --

13 JUDGE THOMPSON: Could you just hold on, please.

14 MR TAKU: Yes, Your Honour.

12:32:42 15 PRESIDING JUDGE: We're trying to see if we can get a copy  
16 of it for now. Yes, Mr Taku, you may proceed.

17 MR TAKU:

18 Q. Witness, you stated that you spoke to the --

19 PRESIDING JUDGE: Did he say that he did meet on 30

12:33:55 20 November? Has he admitted that?

21 MR TAKU: That's the question I want to put to him, Your  
22 Honour. I want to put that question to him, whether he made that  
23 statement.

24 PRESIDING JUDGE: Okay.

12:34:07 25 MR TAKU:

26 Q. Witness, did you, on 30th November 2005 make an additional  
27 statement, supplementary statement, to the Prosecutor? Last  
28 week?

29 A. Yes.

1 Q. You made that statement last week when you came to testify  
2 in this session; correct?

3 A. Yes.

4 Q. Would I be correct, Witness, that it was only then that you  
5 told the Prosecutor that you had never joined the Kamajors?

12:34:57 6 MR TAKU: Yes, page 17063, Your Honours, at page 2.

7 THE WITNESS: No. At first they didn't ask me about that.  
8 It was here that they asked me whether I was a Kamajor, and I am  
9 not a Kamajor.

12:35:48 10 MR TAKU: At this point, Your Honours, we will tender --

11 PRESIDING JUDGE: Have you completed your  
12 cross-examination?

13 MR TAKU: Yes, Your Honour, I want to tender it before we  
14 complete.

12:36:00 15 PRESIDING JUDGE: That's okay. What is it you want to  
16 tender?

17 MR TAKU: We'll tender page 14473, Your Honour, the last  
18 sentence. We've underlined that.

19 JUDGE THOMPSON: That is the statement made on 26th  
12:36:26 20 November 2002?

21 MR TAKU: Yes, Your Honour. We've underlined it in black,  
22 in which the witness says:

23 "Kamajors were not in Sembehun at this time and I myself  
24 had joined the Kamajor at that time."

12:37:03 25 PRESIDING JUDGE: Madam Prosecutor, you wish to see this?

26 MR TAKU: Show the Prosecutor.

27 JUDGE THOMPSON: Mr Jordash, any objection?

28 MR JORDASH: No.

29 JUDGE THOMPSON: You haven't seen the document?



1 MR JORDASH: No, but I can trust Mr Taku.

2 JUDGE THOMPSON: What about Ms Jallow? Any objection?

3 MS KAH-JALLOW: No objections, Your Honours.

4 JUDGE THOMPSON: And the Prosecution, when they finish.

12:37:39 5 MS ALAGENDRA: I have no objections, Your Honour.

6 PRESIDING JUDGE: That's okay. No objections. So we are  
7 at Exhibit 71.

8 JUDGE THOMPSON: The statement is received in evidence and  
9 marked Exhibit 71.

12:37:59 10 [Exhibit No. 71 was admitted]

11 MR TAKU: Just one last question, Your Honour, to this  
12 witness before I complete my cross-examination.

13 PRESIDING JUDGE: I thought you had completed but, anyhow.

14 MR TAKU: Yes, just one last question, Your Honour.

12:38:15 15 PRESIDING JUDGE: Go ahead.

16 MR TAKU:

17 Q. I put to you finally, Witness, that on 25th August 2005  
18 when you met the Prosecutor you did not retract the statement  
19 made --

12:38:33 20 PRESIDING JUDGE: I mean, you've already asked him the  
21 question this was the first time in this statement of 30 November  
22 that he has ever said that he was not a Kamajor.

23 MR TAKU: Yes, Your Honour.

24 PRESIDING JUDGE: So I don't know what it adds to it, but  
12:38:48 25 anyway.

26 THE WITNESS: Who me?

27 MR TAKU: We are just saying, Your Honour, that when he had  
28 another opportunity to meet the Prosecutor on 25th August 2005,  
29 he didn't retract the previous statement that he is a Kamajor.

1 JUDGE THOMPSON: Well, I think there was an answer on the  
2 record that --

3 PRESIDING JUDGE: He never made such statement --

4 JUDGE THOMPSON: Quite. You've asked him about that.

12:39:10 5 JUDGE ITOE: He said he never made a statement like that.

6 JUDGE THOMPSON: Quite, yes.

7 MR TAKU:

8 Q. I put to you, Witness, that you made that statement: that  
9 you were a Kamajor?

12:39:21 10 A. No, I didn't say that.

11 Q. In other words, are you saying, Witness, that the  
12 Prosecutor wrote down something you never said; he invented the  
13 story?

14 PRESIDING JUDGE: No, that's not what he said. He's saying  
12:39:34 15 he didn't say that.

16 JUDGE THOMPSON: That's not a fair question.

17 PRESIDING JUDGE: No arguments with the witness.

18 MR TAKU: With that, Your Honour, we'll end our  
19 cross-examination.

12:39:44 20 JUDGE THOMPSON: It's certainly not fair.

21 PRESIDING JUDGE: Madam Prosecutor, any re-examination?  
22 I'm sorry, third accused.

23 MS KAH-JALLOW: That's okay, Your Honours. I would like to  
24 ask just one or two very short questions.

12:40:01 25 CROSS-EXAMINED BY MS KAH-JALLOW:

26 Q. Mr Witness, good afternoon.

27 A. Good afternoon. How are you?

28 Q. My understanding is that you were born in Tikonko in the Bo  
29 District?

1 A. Yes.

2 Q. You resided in Sembehun, 17 District?

3 A. Yes.

4 Q. Have you lived there all your life?

12:40:44 5 A. Yes.

6 Q. So would it be correct to say that prior to the events of  
7 1997, you had never met this person that you allegedly said was  
8 called Mosquito? Shall I rephrase the question? Prior to this  
9 instance, had you ever met this person that you said introduced  
10 himself as Mosquito?

12:41:08

11 A. I've never met him before. It was only on that day.

12 Q. You cannot say here with a certainty that that person that  
13 introduced himself as Mosquito was Mosquito; is that correct,  
14 Mr Witness?

12:41:46

15 A. Myself, when he came and said he was Mosquito and I've  
16 heard about him that he was Mosquito, I would be able to accept  
17 that he was Mosquito.

18 Q. But, Mr Witness, the question is: You cannot say with a  
19 certainty that the person that introduced himself was Mosquito,  
20 because you've just told the Court that you've never met Mosquito  
21 before; you've never seen his pictures. Well, you've said you've  
22 never him before prior to that incident, the alleged incident?

12:42:08

23 A. Well, before that time I have never met him, but on that  
24 day he introduced himself as Mosquito. I am not in a position to  
25 say he was not the Mosquito.

12:42:41

26 Q. Are you saying you're not in a -- he's not or he is  
27 Mosquito. Can you clarify? Can you say that?

28 JUDGE THOMPSON: I think the state of the record is that he  
29 believed he was Mosquito.

1 JUDGE ITOE: He believed he was.

2 JUDGE THOMPSON: He believed he was Mosquito.

3 JUDGE ITOE: Yes.

4 JUDGE THOMPSON: That's what he says.

12:42:58 5 MS KAH-JALLOW: But, Your Honours, he has also said that  
6 prior to that meeting --

7 JUDGE THOMPSON: He had not.

8 MS KAH-JALLOW: -- he had never met Mosquito.

9 JUDGE THOMPSON: That's a matter for --

12:43:05 10 JUDGE ITOE: [Overlapping speakers].

11 JUDGE THOMPSON: -- for the court, logical rationalisation.  
12 But he said that somebody told him he was Mosquito and he  
13 believed that, and that's all he could do.

14 MS KAH-JALLOW:

12:43:15 15 Q. I'm putting it to you, Mr Witness, that --

16 JUDGE ITOE: Maybe, Ms Jallow, that's a matter for you to  
17 raise in submissions.

18 JUDGE THOMPSON: Quite right.

19 JUDGE ITOE: You know, it was this, it was that. But if  
12:43:24 20 you expect to get an answer, a reply that suits you in this  
21 circumstance, I can assure you you mightn't have it.

22 MS KAH-JALLOW:

23 Q. I'm putting it to you, Mr Witness, that because you were  
24 part of the Kamajors and that you were involved in the  
12:43:42 25 altercation between the Kamajor --

26 JUDGE ITOE: No, no separate them. Ask him was he part of  
27 the Kamajor.

28 PRESIDING JUDGE: Slowly.

29 MS KAH-JALLOW: Sorry.

1 Q. Were you part of the Kamajor?

2 A. No.

3 Q. You --

4 MS KAH-JALLOW: I'll leave it at that then, Your Honours.

12:44:00 5 PRESIDING JUDGE: Thank you. That completes your  
6 cross-examination?

7 MS KAH-JALLOW: Yes, it does, Your Honour.

8 PRESIDING JUDGE: Yes, Madam Prosecutor, any  
9 re-examination.

12:44:08 10 MS ALAGENDRA: Your Honour, before I decide whether or not  
11 to re-examine, I just have an issue to clarify with the Court and  
12 with Defence counsel.

13 PRESIDING JUDGE: Yes.

14 MS ALAGENDRA: The Defence counsel have referred the  
12:44:18 15 witness to the additional information of 30 November.

16 PRESIDING JUDGE: That's right.

17 MS ALAGENDRA: That's Exhibit 71. We would like the  
18 portion which Defence counsel has relied on and has referred to  
19 in questioning the witness to also be admitted into evidence.

12:44:37 20 PRESIDING JUDGE: In your re-examination are you seeking  
21 that to be done?

22 MS ALAGENDRA: Yes, I am, Your Honour. The question is I  
23 will simply be re-asking the same question which the witness has  
24 already answered, that he did meet with the Prosecution and, yes,  
12:44:53 25 he did say that he never joined the Kamajors.

26 PRESIDING JUDGE: That's the question that was put to him,  
27 anyhow.

28 JUDGE THOMPSON: Yes, that's the question.

29 MS ALAGENDRA: And that was the answer he's given.

1 JUDGE THOMPSON: Already we have Exhibit 71 and if there's  
2 something in some other document that helps us to clarify -- is  
3 it 71 that we have?

4 MS ALAGENDRA: I'm sorry, Your Honour. The Defence did not  
12:45:19 5 admit the 30 November statement. I apologise.

6 JUDGE THOMPSON: I see.

7 PRESIDING JUDGE: They just admitted the --

8 MS ALAGENDRA: The earlier, the 2002 statement.

9 PRESIDING JUDGE: That's right.

12:45:26 10 JUDGE THOMPSON: That's 71.

11 MS ALAGENDRA: Yes. I apologise, Your Honour. I'm  
12 referring to the 30 November 2005, which they referred to.

13 JUDGE THOMPSON: That's not yet admitted, that's right.

14 MS ALAGENDRA: No. So we are simply seeking that the  
12:45:38 15 portion which the Defence have referred to be admitted into  
16 evidence and whether they have any objections to it simply being  
17 underlined and submitted by the Prosecution.

18 JUDGE THOMPSON: I thought the instrumentality is again  
19 re-examination.

12:45:51 20 JUDGE ITOE: Re-examination. You should re-examine your  
21 witness.

22 JUDGE THOMPSON: On that, quite.

23 MS ALAGENDRA: Yes, Your Honour. I will proceed then.

24 JUDGE THOMPSON: Yes, quite.

12:46:02 25 RE-EXAMINED BY MS ALAGENDRA:

26 Q. Witness, you testified earlier that you met with the  
27 Prosecution on 30 November 2005, a few days ago; is that correct?

28 A. Yes.

29 Q. You also testified earlier that when you met with them on

1 30 November 2005 you stated that you had never joined the  
2 Kamajors; is that correct?

3 A. Yes.

4 Q. Thank you, Mr Witness.

12:46:50 5 MS ALAGENDRA: Your Honour, at this stage the Prosecution  
6 would seek to admit paragraph 2 into evidence, at page 10763.

7 PRESIDING JUDGE: Mr Jordash?

8 MR JORDASH: I object for the same reasons I objected  
9 yesterday.

12:47:08 10 PRESIDING JUDGE: Objection overruled. Fine. Mr Taku?

11 MR TAKU: Yes, Your Honour. My problem is with the  
12 foundation. She says that the witness admitted to them that he  
13 was not a Kamajor.

14 JUDGE ITOE: What foundation?

12:47:26 15 MR TAKU: They should link that to the statement.

16 THE WITNESS: [No interpretation]

17 PRESIDING JUDGE: Just a moment, Mr Witness, please.

18 MR TAKU: Because they say they are tendering the statement  
19 but they should be able to link what the witness told them and  
12:47:47 20 the document they intend to tender.

21 JUDGE ITOE: But the witness admitted that he was received  
22 and interviewed by the Prosecution on 30th November 2005 and that  
23 he made a statement and that, in that statement, he said that he  
24 never had joined the Kamajor movement.

12:48:04 25 MR TAKU: But Your Honours --

26 JUDGE ITOE: What other foundation would learned counsel  
27 want to --

28 PRESIDING JUDGE: [Overlapping speakers] cross-examination  
29 to the witness whether he made that statement. So I don't know

1 what - I mean, the foundation is the totality of the evidence,  
2 not only the questions that she's asked. We already have in  
3 evidence that the witness -- because you put that question to the  
4 witness.

12:48:27 5 MR TAKU: Yes, Your Honour. I read a statement --

6 JUDGE THOMPSON: And it's your cross-examination that  
7 brought this sequence which has not yet been broken. It's a  
8 continuing sequence. You put to him Exhibit 71. Right? The  
9 last line or sentence of that exhibit. Right?

12:48:49 10 MR TAKU: Yes, Your Honour.

11 JUDGE THOMPSON: And you asked him questions on that. And  
12 they now say -- and you went on further to say that he made a  
13 subsequent statement.

14 MR TAKU: Yes, Your Honour.

12:49:00 15 JUDGE THOMPSON: Which is now what they seek to tender.  
16 And you went on, also, further to say that he never retracted  
17 what had been asserted in Exhibit 71. And the chain continues.  
18 The chain continues. So where is this lack of nexus or a break  
19 in the chain?

12:49:23 20 MR TAKU: The lack of nexus is in the question asked. The  
21 question that I asked the witness was that witness states that  
22 the statement in paragraph 3 of statement dated 26th November  
23 2002 which he state that he joined the Kamajor is not correct.  
24 The witness stated that he had never joined the Kamajors. In  
12:49:46 25 other words, there's a nexus between the question I asked and the  
26 statement dated 26th November 2002.

27 JUDGE THOMPSON: So where is the break in this nexus? The  
28 logical break? The hiatus, so to speak. Because it was you who  
29 introduced that theme and the theme is continued in Exhibit 71,



1 the last sentence. Then you took the liberty of even referring  
2 to the statement that they now seek to tender.

3 MR TAKU: Yes, Your Honour.

12:50:23

4 JUDGE THOMPSON: Where the same theme is re-echoed but in a  
5 negative sense. In other words, an alleged refutation. Then now  
6 they examine on this very thing and they seek to tender the very  
7 document that you had referred to, the second one, but not  
8 tendered. So where is this break in the nexus?

12:50:45

9 MR TAKU: The break in the nexus, Your Honours, is that the  
10 exhibit tendered raises two issues. The first issue is that he  
11 made a statement saying that he was a Kamajor. The Prosecutor  
12 now wants to tender this to prove that the witness told the  
13 Prosecutor that he has never joined the Kamajors. Now, what  
14 about the second arm of the issue raised, that he made the  
15 statement at all on 26th November 2002 to the --

12:51:12

16 PRESIDING JUDGE: You have tendered that exhibit. I don't  
17 understand you. I mean, Exhibit 71 is a statement that you asked  
18 this Court to accept. And in that statement you've asked the  
19 Court to accept the statement for the purpose that on that day he  
20 has said whatever it is that he says; that Kamajors were in  
21 Sembehun at this time and I myself joined the Kamajors. You've  
22 asked the Court to admit this. This is in evidence, an exhibit,  
23 at your request.

12:51:29

24 MR TAKU: Yes, Your Honour. But the question the  
25 Prosecution did not pose is whether in the first instance this  
26 witness had made that statement at all. [Overlapping speakers]

12:51:46

27 JUDGE THOMPSON: They cannot do that because they're  
28 precluded by the rule against consistent statements. They cannot  
29 do that in examination-in-chief, they cannot do that in

1 re-examination. There is clearly a nexus and I think it's, with  
2 the greatest respect to you, lack of candour on your part to  
3 admit that there is clearly a logical nexus here.

12:52:14

4 PRESIDING JUDGE: If that is your objection, it's  
5 overruled.

6 MR TAKU: Thank you, Your Honour.

7 PRESIDING JUDGE: Ms Jallow?

8 MS KAH-JALLOW: I have no objection.

12:52:22

9 PRESIDING JUDGE: Thank you. This document is marked as  
10 Exhibit 72 and this is the last paragraph. What is it exactly?

11 MS ALAGENDRA: Yes, Your Honour, the last paragraph.

12 PRESIDING JUDGE: Last line or last paragraph?

13 MS ALAGENDRA: The last paragraph, Your Honour.

14 [Exhibit No. 72 was admitted]

12:52:40

15 PRESIDING JUDGE: Thank you. That completes your  
16 re-examination?

17 MS ALAGENDRA: Yes, Your Honour. I have no further  
18 questions.

12:52:48

19 PRESIDING JUDGE: Mr Witness, we thank you for coming.  
20 That completes your evidence in this Court and we wish you good  
21 luck. Thank you very much.

22 THE WITNESS: Okay.

23 PRESIDING JUDGE: I had indicated, Mr Harrison --

24 THE WITNESS: Okay.

12:53:02

25 PRESIDING JUDGE: Yes, you may stand up, yes.

26 MR HARRISON: I was just wanting the Court to know I've  
27 spoken to Mr Werner and I realise the Court may have other  
28 matters it has to deal with, but the estimate is roughly 60  
29 minutes in direct for the next witness.

1           PRESIDING JUDGE: We know but experience has shown that  
2 lately it's not necessarily the estimate of the Prosecution but  
3 the overall estimate is such that at times it's slipping away and  
4 we're not prepared to take another witness this afternoon,  
12:53:37 5 Mr Harrison. That's basically what I had said earlier and we'll  
6 stick by that. So please have this witness as part of the  
7 witnesses in the next session. Thank you.

8           So that completes this session of the RUF trial and I wish  
9 you all a good holiday season and a merry Christmas, because I  
12:54:01 10 don't think we're going to see you before, and happy new year as  
11 well. So hope to see you all well in the new year. Thank you  
12 very much.

13                                 [Whereupon the hearing adjourned at 12.55 p.m.  
14 to be followed by a Status Conference on  
15 Monday, the 27th day of February, 2006  
16 at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 71	49
Exhibit No. 72	58

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-004	2
EXAMINED BY MR WALLBRIDGE	2
CROSS-EXAMINED BY MR JORDASH	14
CROSS-EXAMINED BY MR TOURAY	22
WITNESS: TF1-008	32
EXAMINED BY MS ALAGENDRA	32
CROSS-EXAMINED BY MR TAKU	38
CROSS-EXAMINED BY MS KAH-JALLOW	50
RE-EXAMINED BY MS ALAGENDRA	54