

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

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

FRIDAY, 22 OCTOBER 2004

9.43 A.M.

TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Peter Harrison
Ms Boi-Tia Stevens
Mr Alain Werner
Mr Christopher Santora
Mr Bobby Gboyor (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash
Mr A.F. Serry-Kamal
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh

2 [Accused Sesay and Kallon entered court]
3 [The accused Gbao not present]
4 [Open session]
09:30:34 5 [The witness entered court]
6 [Upon commencing at 9.43 a.m.]
7 WITNESS: TF1-197 [continued]
8 [Witness answered through interpretation]
9 PRESIDING JUDGE: Good morning, learned counsel, we are
09:41:14 10 resuming our session. Ms Stevens, we rose yesterday on
11 the understanding that you were to continue with your
12 examination-in-chief this morning. You may wish to
13 proceed, please.
14 MS STEVENS: Good morning, Your Honours; good morning, members
09:41:34 15 of the Defence team; good morning, Mr Witness.
16 THE WITNESS: Good morning.
17 EXAMINED BY MS STEVENS: [Continued]
18 Q. Mr witness, when we left off yesterday, you had just
19 finished telling us about your captivity in Tombodu. I
09:42:08 20 just want to take you back a little bit to Tombodu,
21 before we move on past that area. You indicated
22 yesterday that there were many rebels in Tombodu. Can
23 you tell me how those rebels were dressed?
24 A. Okay. Tombodu -- the rebels that were there were many.
09:42:48 25 And they were well dressed and they had lot of guns in
26 their hands the time they met us. They were dressed the
27 same; some were in uniform and some were in ordinary
28 clothing.
29 Q. Mr witness, after rebels had captured you and taken you

1 to Tombodu, was that the last time ever that you were
2 captured by rebels?
3 A. well, the last captivity I suffered a lot. I went
4 through lot of punishment.
09:43:49 5 Q. when was the last time that you were captured by rebels?
6 A. well, they last abducted me in Koiduwoor.
7 Q. where is Koiduwoor - what chiefdom and what district?
8 A. well, it is between Gbense and Kamara Chiefdom. It is
9 the last town towards --
09:44:32 10 PRESIDING JUDGE: what is this town - Koidu what?
11 MS STEVENS: Koiduwoor.
12 THE WITNESS: Koiduwoor.
13 MS STEVENS:
14 Q. And were you by yourself when you were captured --
09:45:15 15 JUDGE THOMPSON: He was telling us where it was located in
16 answer to your question.
17 MS STEVENS: Mr witness, let me ask you again where --
18 JUDGE THOMPSON: [Overlapping speakers] said between Gbense
19 and -- [Overlapping speakers]
09:45:24 20 MS STEVENS: Gbense Chiefdom.
21 Q. Could you repeat your response to the question I asked as
22 to where Koiduwoor is located?
23 A. It's in Gbense.
24 Q. Is that Gbense Chiefdom?
09:45:42 25 A. Yes, it is Gbense Chiefdom. There they captured me, the
26 last captivity.
27 Q. In what district is Gbense Chiefdom?
28 A. In Kono.
29 Q. Now, the time that the rebels captured you at Koiduwoor,

1 were you by yourself?

2 A. well, the time they captured me was so fierce, because

3 they all had guns with them.

4 PRESIDING JUDGE: were you alone? was he alone? I mean, were

09:46:38 5 you alone or what? Answer the question, please.

6 THE WITNESS: At that time I was not alone. with me were old

7 women, old men, children. Some were sick.

8 MS STEVENS:

9 Q. when were you captured?

09:47:14 10 A. I was captured in the morning. At that time I was

11 swelling all over my body.

12 Q. At the time that you were captured, what were you and the

13 others with whom you were with doing?

14 A. At that time we were going towards Kwakoyima, because

09:48:10 15 there the ECOMOGs were. Because we were destroyed by

16 those people in the bush a lot.

17 Q. Were any of you armed - any of you in your group?

18 PRESIDING JUDGE: Let us get the name of the village which

19 they were going to to meet the ECOMOG.

09:48:26 20 MS STEVENS:

21 Q. Mr witness, could you repeat your answer, again, as to

22 where you were going when you were captured?

23 A. I had no gun with me. None of us had weapon with us.

24 Q. Mr witness, the judges would like to know where you were

09:48:55 25 going when you were captured.

26 A. I said we were going to Kwakoyima - at that time it was

27 in the morning - because there the ECOMOGs were based.

28 MR O'SHEA: Your Honours --

29 JUDGE THOMPSON: Yes.

1 MR O'SHEA: If I may humbly request from Ms Boi Stevens, that
2 if we have a name which is not obviously familiar to us,
3 that it be spelt out for the record and for us.
4 JUDGE THOMPSON: The point is taken.
09:49:41 5 MR O'SHEA: Thank you.
6 JUDGE THOMPSON: Do you want to try Kwakoyima?
7 MS STEVENS: Yes. I'll use the spelling that is in the
8 statement.
9 JUDGE THOMPSON: Quite right.
09:49:57 10 MS STEVENS: It is in the statement Kwakoyima. It is spelt
11 K-A-O-Q-U-I-M-A.
12 JUDGE THOMPSON: Mr O'Shea, okay, is that all right?
13 MR O'SHEA: I'm very grateful.
14 PRESIDING JUDGE: K-A-O --
09:50:18 15 JUDGE THOMPSON: K-A-O-Q-U-I-M-A.
16 PRESIDING JUDGE: I have my reserves about the accuracy of
17 that spelling.
18 MS STEVENS: That is why I specifically stated the spelling --
19 [Overlapping speakers]
09:50:37 20 PRESIDING JUDGE: Anyway, let's proceed.
21 MS STEVENS:
22 Q. Now, I had asked you if you were armed or if anyone in
23 your group was armed.
24 A. None of us had weapon with us. None of us had anything
09:51:12 25 to fight with.
26 Q. And the rebels, about how many of them were there?
27 A. Those who were there, I think they were about seven.
28 Q. And how were they dressed?
29 A. Some were in uniform, others were not in uniform.

1 Q. And did they say anything to you when you were captured?
2 PRESIDING JUDGE: When he says "others were not in uniform",
3 does he mean to say that they were dressed like civilians
4 or so?

09:52:13 5 MS STEVENS:
6 Q. The others that were not in uniforms, Mr witness, how
7 were they dressed?
8 A. Those who were in uniform were fully dressed in uniform.
9 The others who were not in uniform, had the top of the
09:52:37 10 military fatigue and their ordinary trousers, or some
11 with military uniform trousers and ordinary clothes on
12 top.
13 Q. And did the rebels say anything at all to you when you
14 were captured?

09:53:11 15 A. Yes.
16 Q. What did they say?
17 A. Well, first when we met them, they were within the bushes
18 while we are coming, especially the town where we met
19 them. As we came towards them, they "hands up" us and
09:53:42 20 shouted at us, and gathered us and asked us where we are
21 going. One man was among us who was an elderly person.
22 Then he said, "We're going to Tombodu." Then they told
23 us that whatever we have in our possession, we should
24 surrender it, especially diamonds and money. Then we
09:54:17 25 told them we had no money. At that time some had
26 property, but me and my family had nothing with us again.
27 Some had bags with them. They unloosed [sic] all the
28 property -- the loads we had. Then they took some. Then
29 they told the elderly man that they are going to kill all

1 of us. Then that man pleaded with them, begging them not
2 to kill us. Then they told that man that, "We are going
3 to kill you because you heard that there is ECOMOG
4 around, that's the reason you are moving towards this
09:55:14 5 direction." Then that man told them -- say, "No, we are
6 going to go Kwakoyima to one of your bosses."
7 Q. Mr witness, when they said to you that they were going to
8 kill you, was anyone killed?
9 A. where we were at that time -- they didn't kill anybody at
09:55:49 10 that time.
11 Q. And the property that they took from you, what kind of
12 property was taken from members in your group?
13 A. well, some of those people had new clothings, tape,
14 flask, new pants were in their possession. Big tapes
09:56:25 15 were in their hands.
16 Q. when you say "tapes", do you mean tape recorders? what
17 do you mean, "tapes"?
18 A. Yes, especially tape recorders.
19 Q. was there any other type of property that was taken from
09:57:07 20 the members in your group that you can recall?
21 A. well, it was only those items.
22 Q. And did you remain in Koiduwoor at that point?
23 A. No.
24 Q. where did you go?
09:57:43 25 A. well, they carried us -- in fact, we took the loads,
26 again, for them.
27 Q. And which loads are you referring to? where did those
28 loads come from?
29 A. The loads I'm referring to were those loads that they

1 took from our colleagues that were captured with us.
2 Q. And where did you go?
3 A. Yardu.
4 MS STEVENS: For the record I'll spell that, using the
09:58:35 5 spelling -- using the statement for consistency's sake.
6 Y-A-R-D-U.
7 Q. Now, Mr witness, how many of you went to Yardu with the
8 rebels?
9 A. We are seven.
09:59:26 10 Q. what was the gender composition of the seven of you that
11 were taken to Yardu with the rebels?
12 A. we are all men, whom they took along with them.
13 Q. what happened to the other members of your group who had
14 been captured by the rebels?
10:00:09 15 A. well, those we left behind -- went away.
16 Q. Do you know why they went away?
17 A. well, when we were captured and they gave us the load to
18 carry, we left them behind -- there we left them and we
19 went away.
10:01:04 20 Q. Now, Mr witness, please tell us what happened once you
21 arrived at Yardu.
22 A. well, when we arrived at Yardu -- before we could reach
23 Yardu, there in the junction we met another rebels again,
24 and they took us to their base. As we went with those
10:02:03 25 loads, they asked us to put them down. we put them down.
26 Then they asked one of them to go and call their boss.
27 when they call their boss, he came. They handed us over
28 onto him, saying, "These are the people we have brought."
29 Q. Mr witness, if you could just wait for a moment. On the

1 way to Yardu, you indicated that you met up with some
2 rebels. How were these rebels dressed?
3 A. Some were in plain clothing and some were in uniform.
4 Q. What kind of uniform are you referring to?
10:03:49 5 A. Soldier uniform.
6 Q. And when you arrived in Yardu, were the rebels -- the
7 ones who had captured you, were they still with you when
8 you arrived at Yardu?
9 A. Yes, they were with us.
10:04:27 10 Q. And those whom you met along the way, did they go to
11 Yardu with you as well?
12 A. No, they did not follow us, because it was almost within
13 the town now.
14 Q. The commander to whom you were handed over in Yardu, do
10:05:25 15 you know his name at all?
16 A. No.
17 Q. How was he dressed?
18 A. Well, the boss who came out had a short pair and a top --
19 the top he wore was a uniform.
10:05:51 20 Q. Now, you're referring to a military uniform?
21 A. Yes, but he had a short pair.
22 Q. Did the commander say anything to you?
23 A. Yes.
24 Q. What did he say?
10:07:09 25 A. He asked those who carried -- who brought us by saying,
26 "Where did you get these people from?" Then the people
27 told them that they brought us from Koiduwoor, because
28 according to them we said we are going to Staff Alhaji in
29 Tombodu. Then they told them that, "As long as these

1 people are say that they are going to Staff Alhaji, it
2 means you have to kill them all. Because yesterday, when
3 my men were -- my people were coming from Sandor, Staff
4 Alhaji held them along the way. He killed them all,
10:08:27 5 because he is there to kill people. So his own people
6 should be killed."

7 Q. were any of you killed -- anyone that you were with?

8 A. Yes.

9 Q. How many people were killed?

10:08:53 10 A. The six other men who were with me were killed.

11 Q. who killed them?

12 A. well, the people we met there were so many, and even
13 within them were women. All had gun with them.

14 Q. Can you tell us who killed the six men with whom you went
10:09:34 15 to Yardu?

16 A. The rebels we met there killed them.

17 Q. And what about you, Mr Witness, did anything -- did they
18 do anything to you?

19 A. well, I was amputated. Can't you see?

10:10:18 20 PRESIDING JUDGE: Let him raise his hand again, yes. For the
21 record, the witness has raised his hand.

22 THE WITNESS: Can't you see?

23 PRESIDING JUDGE: The left hand. His left hand was amputated.

24 MS STEVENS:

10:10:44 25 Q. Please tell us the sequence of the events. Were the six
26 men killed before you were --

27 MR CAMMEGH: Forgive me for interrupting. It's probably
28 entirely my misunderstanding, but I didn't quite follow
29 the reason given as to why it was decreed that these six

1 or seven should be killed. It was something to do with
2 Staff Alhaji, and their explanation that they were on the
3 way to Staff Alhaji. I didn't quite understand why that
4 should mean that this group should be killed. I wonder
10:11:23 5 if my learned friend would care just to go over that
6 ground again. It is probably just me, but I didn't
7 understand.

8 PRESIDING JUDGE: You see, they brought a charge against these
9 seven people, that they told their captors that they were
10:11:37 10 going to see Staff Alhaji.

11 MR CAMMEGH: Yes, I got that much.

12 PRESIDING JUDGE: Yes. And the commander said that, "Oh, if
13 they're going to Staff Alhaji, they should be killed,
14 because Staff Alhaji was there just killing people and
10:11:54 15 had killed some people who were coming to him," I think.
16 Is that not --

17 JUDGE BOUTET: [Microphone not activated]

18 PRESIDING JUDGE: Yes.

19 JUDGE BOUTET: Staff Alhaji had killed his own people.

10:12:08 20 PRESIDING JUDGE: Killed his own people, you know. Yes.

21 MR CAMMEGH: Well, that is what I understood it to mean. I
22 just wanted to be sure. Thank you.

23 MR JORDASH: I have just been debating the same thing with my
24 learned friend, Ms Ashraph. One interpretation we had
10:12:25 25 taken from that is that Staff Alhaji had killed somebody
26 else's men and as a revenge --

27 JUDGE BOUTET: He had killed -- [Overlapping speakers]

28 JUDGE THOMPSON: That's my understanding, quite right.

29 JUDGE BOUTET: [Overlapping speakers] -- in Yardu.

1 JUDGE THOMPSON: That's my own understanding.
2 PRESIDING JUDGE: But maybe it's prudent to go back --
3 [Overlapping speakers]
4 JUDGE THOMPSON: And this was in retribution, so to speak.
10:12:39 5 MR JORDASH: Yes, that's --
6 JUDGE THOMPSON: Fine. Except I think she should clarify it.
7 PRESIDING JUDGE: Maybe it is prudent to go back to the
8 witness for that clarification to be obtained.
9 JUDGE THOMPSON: Yes.
10:12:51 10 PRESIDING JUDGE: Yes, Ms Stevens, can you --
11 MS STEVENS: Your Honour, I was not really going to delve on
12 that point. The point -- the witness has responded to my
13 question. If learned counsels have issues they could
14 raise it up in cross-examination of the witness.
10:13:06 15 PRESIDING JUDGE: No, but they want a clarification, you know,
16 because they are following a trend that may be relevant
17 during cross-examination. So you can just clarify that
18 point.
19 JUDGE THOMPSON: And I would say that I thought I had the same
10:13:17 20 impression as Mr Jordash, that there was some kind of
21 retributive thing here, and if it is clarified it's
22 helpful. [Overlapping speakers]
23 PRESIDING JUDGE: Clearly it is retributive, anyway; that's
24 true. It was retributive.
10:13:37 25 MS STEVENS:
26 Q. Mr witness, these six men that were killed, do you know
27 why they were killed?
28 A. well, a lot of things were passed which were even before
29 they could kill those six people.

1 Q. My question to you is do you know why they were killed?
2 PRESIDING JUDGE: Take him squarely, you know, to the
3 conversation. To when he started -- you know, they were
4 presented to the commander --
10:14:20 5 MS STEVENS: I'll go back, Your Honour.
6 PRESIDING JUDGE: -- by their captors, and then there was an
7 explanation there. Just take him from there. Take him
8 back to that aspect, you know, of the scenery.
9 MS STEVENS:
10:14:40 10 Q. Mr witness, I'm going to take you back to the point at
11 which you and the other captives were presented to the
12 commander. You understand that?
13 A. Yes.
14 Q. When you were handed over to the commander, what did the
10:15:07 15 commander say?
16 A. well, when we are presented to the commander, that we are
17 going to Staff Alhaji, he said, "Fine. Staff Alhaji, the
18 other day, killed some of my people who were coming with
19 food for us. And now that his own people are going to
10:15:39 20 him, we are going to kill them too."
21 MS STEVENS: would Your Honours like me to pursue further this
22 matter?
23 PRESIDING JUDGE: No, that's all right.
24 MR CAMMEGH: Thank you very much.
10:16:01 25 PRESIDING JUDGE: I can see your learned colleagues, you know,
26 nodding in approval of what you've gotten as evidence as
27 clarification on this issue. So you may proceed. You
28 can see there was something retributive, you know, in it.
29 MS STEVENS:

1 Q. Mr witness, please tell us the sequence of events. Were
2 the six people killed before you were amputated?
3 A. well, those six people were killed first, before my hand
4 was amputated.
10:16:57 5 Q. How is it, Mr witness, that the six others were killed,
6 but you were not killed, your hand was amputated?
7 A. well, at that time, when we are asked to sit down on the
8 floor, they said they were going to -- they were going to
9 make fortune telling. They brought seven stones.
10:17:52 10 Q. what was the significance of the seven stones?
11 A. The seven stones were, according to them, to do some
12 fortune telling. According to them, if they send the
13 stone, whosoever the stone meets means you have long
14 life; and you that the stone misses, it means you are to
10:18:37 15 die. Before that we are given good beating -- before the
16 fortune telling started.
17 PRESIDING JUDGE: If the stone got you, it means you -- if the
18 stone hit you, it means you have long life.
19 MS STEVENS: Right.
10:18:57 20 JUDGE BOUTET: Isn't it the opposite? If it hits you, you
21 have a short life; it misses you, you have a long life.
22 No?
23 MS STEVENS: No. If it hits you -- [Overlapping speakers]
24 PRESIDING JUDGE: No.
10:19:08 25 JUDGE BOUTET: The other way around.
26 PRESIDING JUDGE: If it hits you.
27 JUDGE BOUTET: Okay.
28 JUDGE THOMPSON: If it hits you, you have what - a long life?
29 MS STEVENS: Yes.

1 Q. And did the stone hit you?
2 PRESIDING JUDGE: The witness appears to be under some stress.
3 Can the witness -- can somebody from the witness
4 Management Section assist him, please? He's sobbing,
10:19:58 5 he's broken down.
6 MR HARRISON: Could I ask the Court to rise for five minutes?
7 PRESIDING JUDGE: That's okay. The Court will rise for five
8 minutes to resuscitate him.
9 [Break taken at 10.26 a.m.]
10:35:31 10 [On resuming at 10.38 a.m.]
11 PRESIDING JUDGE: Mr Witness, how are you -- how are you
12 doing? Are you fine now? Are you all right?
13 THE WITNESS: Yes, of course. Because the time this happened
14 to me was terrible.
10:36:20 15 PRESIDING JUDGE: Yes, we understand. How are you feeling
16 now? Can you continue -- can we continue?
17 THE WITNESS: Yes, let's go ahead.
18 PRESIDING JUDGE: Hold yourself like a man. Tell the story;
19 it will soon be over, okay.
10:36:45 20 THE WITNESS: Yes, I'm ready and prepared. The only thing --
21 even in my lonely time, when I sit down and think about
22 what happened with me and the rest of my friends, I feel
23 so bad about it.
24 PRESIDING JUDGE: Okay, thank you. Ms Stevens, you may
10:37:10 25 proceed, please.
26 MS STEVENS:
27 Q. Mr witness, before we left off, you were telling us that
28 your hand was cut. who cut your hand?
29 A. well, it was those two groups. Because in Kono District,

1 they were the only two groups that were in Kono.
2 Q. what groups are you referring to, Mr Witness?
3 A. RUF and AFRC.
4 Q. How many people amputated your hand?
10:38:15 5 A. well, it was just one person, according to the command
6 given to them.
7 Q. what did this person who amputated your hand use to
8 amputate your hand?
9 A. Cutlass.
10:39:01 10 Q. Do you remember how many times this rebel struck at you
11 with a cutlass before your hand was cut?
12 A. Two stroke was given to my hand.
13 Q. After the second stroke, was your hand severed?
14 A. Yes. As you have seen it, so they cut it off.
10:40:17 15 Q. And before this rebel cut off your hand, did he give you
16 any medication at all?
17 A. No.
18 Q. And after your hand was amputated, did the rebels give
19 you any medication at all?
10:40:47 20 A. They didn't give me any medication. The only medication
21 was the beating.
22 JUDGE BOUTET: When you say "the beating", are you making
23 reference to the beating before you got amputated?
24 THE WITNESS: No. Before my hand could be amputated, I was
10:41:39 25 given a good beating first.
26 MS STEVENS:
27 Q. And after your hand had been amputated, did the rebels do
28 anything to you?
29 A. Yes, but I was not beaten.

1 Q. what did they do to you?
2 A. well, when they first struck my hand it was not totally
3 cut off, so the man asked me to go. The hand was still
4 there. It was while I was going, then I was called
10:43:00 5 again, and they said my hand was not completely
6 amputated. So the man who was to cut my hand was asked
7 if he should not cut my hand then he was going to be
8 killed. So it was then they finally cut my hand off.
9 Q. when your hand had been finally chopped off, did the
10:43:38 10 rebels say anything to you?
11 A. Yes.
12 Q. what did they say to you, Mr witness?
13 A. well, the only thing they did to me was they asked me to
14 go to Pa Kabbah, because he has lot of extra hands to fix
10:44:18 15 on me. They gave me paper to take it to Pa Kabbah.
16 Q. what kind of paper was given to you to take to Pa Kabbah?
17 A. At that time it was a white plain sheet. They wrote
18 something on it and they put it in my pocket.
19 Q. what did you do after that?
10:45:30 20 A. At that time I was asked to go.
21 Q. And did you go? Did you leave at that point?
22 A. Yes, I was asked to go and I started going. We met
23 another batch again -- a first batch. When I met the
24 first batch, I passed them some few yards. They saw me
10:46:13 25 and they called me to come back, because the hands that
26 had been amputated would be a bad name to them if I could
27 reach to ECOMOG. But because I heard them saying that
28 they should kill me, I ran into the bush again.
29 Q. Mr witness, just a moment. Just a moment. Mr Witness,

1 who are you referring to when you mentioned the "first
2 batch" -- you met the "first batch"?
3 A. well, it was those rebels, they had a checkpoint at the
4 road junction before entering to the town. They had a
10:48:08 5 checkpoint. It was through that checkpoint I met them.
6 Q. Please tell us the location of this checkpoint.
7 A. well, the checkpoint was at a junction. One road leading
8 to Koidu, another leading to Tombodu, another leading to
9 Kwakoyima. It was at that junction they placed the
10:49:10 10 checkpoint.
11 Q. Do you know about roughly how far that checkpoint was
12 from Koidu?
13 A. Yes.
14 Q. Roughly about how far?
10:49:35 15 A. From Maidu to Koidu either 1 mile or half a mile. It's
16 not completely -- it must be a mile.
17 Q. And after you passed that checkpoint, where did you go?
18 A. Yeah, I was looking for the road to go to Kwakoyima
19 still, because the road they brought us with, that's the
10:50:30 20 same road I took again to go.
21 Q. Did you eventually reach Kwakoyima?
22 A. Yes.
23 Q. And did you, Mr Witness, receive medical treatment for
24 your amputated hand in Kwakoyima?
10:51:30 25 A. Yes.
26 Q. Do you remember the date on which your hand was
27 amputated?
28 A. Yes.
29 Q. Please tell the Court the date on which your hand was

1 amputated?

2 A. My hand was amputated on Thursday.

3 Q. Do you remember the month and the date?

4 A. That was in April.

10:52:46 5 Q. Mr witness, how are you so sure that that was April?

6 A. Because when we arrived at Kwakoyima, the ECOMOG that was

7 based in Kwakoyima checked the date, and they that told

8 us that it was that day. Because the very day my hand

9 was amputated was the very day I reached in Kwakoyima to

10:53:26 10 ECOMOG.

11 PRESIDING JUDGE: So it would be right to say -- since he

12 doesn't have the date, it would be right to say his hand

13 was amputated on a Thursday, unless he has the precise

14 date. On a Thursday in the month of April.

10:53:48 15 MS STEVENS: Yes, and I'm going to ask him some more

16 questions.

17 PRESIDING JUDGE: Okay. Because we need to clarify this date;

18 it's left in the air here.

19 MS STEVENS: I'm pursuing that, Your Honour.

10:53:59 20 PRESIDING JUDGE: I'm not saying he would necessarily

21 remember, but if he can, that's fine.

22 MS STEVENS: I'm pursuing that.

23 Q. Mr witness, do you know which year?

24 A. Yes.

10:54:19 25 Q. which year?

26 A. well, that year it looks like -- the time they reinstated

27 Pa Kabbah, that was in '98.

28 MS STEVENS: I have no further questions.

29 THE WITNESS: The time when they brought back Pa Kabbah to be

1 reinstated.

2 MS STEVENS: Thank you, Mr Witness. I have no further
3 questions for you, but my learned friends from the
4 Defence may very well have some questions for you.

10:55:11 5 THE WITNESS: Okay.

6 PRESIDING JUDGE: Yes, Mr Jordash, you may proceed with the
7 cross-examination of this witness, please.

8 CROSS-EXAMINED BY MR JORDASH:

9 MR JORDASH: Thank you, Your Honour.

10:56:20 10 Q. Good morning, Mr Witness. I've just got --
11 A. Good morning.
12 Q. I've got very few questions. I'll be perhaps 5 or 10
13 minutes.
14 A. Okay.

10:56:32 15 Q. You've told us that your hand was amputated in April of
16 1998; that's correct?
17 A. Yes.

18 Q. Is it right that one of the reasons you'd returned to the
19 area was because you'd heard on the radio that ECOMOG
10:57:16 20 were back in Koidu Town?
21 A. I didn't understand you.
22 Q. Okay. When you were captured the last time in Koiduwoor,
23 were you returning to your village because you'd heard on
24 the radio that ECOMOG had returned to Koidu Town?

10:58:19 25 A. well, so the radio announced, but ECOMOG was not in
26 Koidu.
27 Q. How far is Kwakoyima from Koidu Town, do you know?
28 A. Yes.
29 Q. How far is it, Mr Witness?

1 A. well, for now, Koidu is joined with Kwakoyima, but before
2 that time, the distance between Koidu and Kwakoyima --
3 Kwakoyima itself is about 1 mile, like, from Tankoro
4 Police Station.

10:59:36 5 Q. And Tankoro Police Station is where -- is it in Koidu
6 town?

7 A. Yes, it's within Koidu Town, middle of Koidu.

8 PRESIDING JUDGE: So Mr Jordash, is he saying that it's about
9 a mile that separates Koidu from Kwakoyima? That's what
11:00:08 10 he's saying?

11 MR JORDASH: Your Honour, I think so.

12 PRESIDING JUDGE: Okay.

13 MR JORDASH:

14 Q. And ECOMOG, as you told us, were occupying Kwakoyima - is
11:00:18 15 that correct - at the time your hand was amputated?

16 A. Yes, they were at Kwakoyima; there I met them.

17 Q. How do you know, Mr Witness, that ECOMOG were not
18 actually inside Koidu Town at that time?

19 A. well, in my first statement I told you that I was with an
11:01:27 20 elderly person. He led the team and came from Kwakoyima,
21 and told us that ECOMOG is based in Kwakoyima, not in
22 Koidu.

23 Q. The first time you were captured, the person leading the
24 rebels was a man called Musa; is that correct?

11:03:04 25 A. Yes.

26 Q. And his superior was Staff Alhaji?

27 A. Yes.

28 Q. And you're aware that Musa used to be in the army. Are
29 you aware of that?

1 A. Yes, because the man I was staying with, he was the man
2 that came from the very area. He knew Musa very well.
3 He told me that Musa was from the army. And from his
4 look - he was wearing military uniform all along.

11:04:47 5 Q. And also - is this correct - when Musa had been in the
6 army, he had been based at Maima with Staff Alhaji?
7 A. Yes.

8 Q. You've told us how you were beaten and had your
9 belongings stolen by Musa and his men; correct?

11:05:56 10 A. Yes. They flog me, they flog my wife, seriously.
11 Q. And of those group of men, it appeared to you that Musa
12 was the leader?
13 A. Yes, he explained himself. He told me.
14 Q. But there was --

11:07:07 15 PRESIDING JUDGE: what do you say Musa was? The boss or what?
16 The boss?
17 MR JORDASH: Yes.
18 PRESIDING JUDGE: And he says Musa told him this?
19 MR JORDASH: Explained himself. whether to him or not, but to
11:07:20 20 the general group, I think.
21 Q. But when your belongings were taken, somebody -- one
22 other rebel started to argue with Musa about who should
23 keep the stolen items; is that correct?
24 A. Yes.

11:08:35 25 Q. Is it correct, therefore, that the rebel argued with his
26 boss, Musa?
27 A. Yes. It was over the property. The other man said he
28 was carrying it to his boss. Musa says he's taking it to
29 his own boss.

1 Q. Can you remember what Musa said to that?
2 A. Yes.
3 Q. What did he say?
4 A. [No interpretation]
11:09:46 5 MR JORDASH: No translation.
6 THE WITNESS: He said to me -- they said -- they've told me
7 that, "I am your leader, and because I'm your leader,
8 whatever I say you should take. Therefore, you should
9 allow me to share the stolen goods." And they asked me
11:10:02 10 out -- to go out and leave them at the -- argue over the
11 issue.
12 Q. Did you ever find out whether Musa was able to order the
13 other rebel to stay away from the stolen items?
14 A. As soon as he said so, that I should move out, I left
11:11:04 15 them, I went out. I did not know -- I don't know what
16 they did or said behind me, because I left everything
17 with them and came out.
18 Q. Thank you. Did any of those rebels ever say to you
19 anything about wanting a military government? Do you
11:12:07 20 understand the question, Mr Witness?
21 A. I didn't get you, because you are talking to me -- I
22 didn't get anything from you.
23 Q. Sorry. Did any of those rebels say to you anything about
24 themselves wanting a military government?
11:12:33 25 A. Well, they said something at the time they were
26 amputating my hand.
27 Q. Can you remember what they said?
28 A. Yes.
29 Q. Can you tell us, please?

1 A. When we reached to their boss, to whom they handed us
2 over to, he said, "You, the civilians, have said that you
3 don't want our Government, and therefore you are going to
4 kill you and take every belongings of yours."
11:13:48 5 Q. Thank you. The next time you were captured and at that
6 time you met Staff Alhaji; correct?
7 A. Yes.
8 Q. And he told you that he was going to take you to his
9 boss, who was also based in Tombodu; is that correct?
11:15:41 10 A. Yes, the one that captured me along the road.
11 Q. When you say the one who captured you along the road, are
12 you referring to someone other than Staff Alhaji?
13 A. Before coming to see Alhaji, I was captured along the
14 road, and it was then they took me to Alhaji.
11:20:23 15 [HS221004B 11.20 a.m.]
16 Q. And then after you had met Staff Alhaji, Staff Alhaji
17 ordered his men to take you to his boss man; is that
18 correct?
19 A. Yes, so he said.
11:20:28 20 Q. And his boss man was also based in Tomadu; is that
21 correct -- Tombodu -- sorry, my fault -- Tombodu.
22 A. Yes, there he was.
23 Q. And near to where he was was a pit called Savage Pit; is
24 that correct?
11:21:20 25 A. The time I first went to Tombodu and I knew that pit,
26 I never knew the name, but it was later on they told me
27 that that pit was called Savage Pit.
28 Q. And that's where you met the big boss man; is that
29 correct -- the overall boss man?

1 A. That's true.
2 MR JORDASH: Thank you, Mr Witness, I've got nothing further.
3 THE WITNESS: Again, I say thanks to you, I say thanks to the
4 Court --
11:22:05 5 PRESIDING JUDGE: No, it's not yet time. We're not yet there.
6 Two more lawyers will ask you some questions, okay?
7 THE WITNESS: Okay.
8 PRESIDING JUDGE: Mr Touray, or is it Mr Nicol-Wilson?
9 MR NICOL-WILSON: Yes, Your Honour.
11:22:26 10 CROSS-EXAMINED BY MR NICOL-WILSON
11 Q. Good morning, Mr Witness.
12 A. Good morning.
13 Q. I'm going to ask you some few questions and please answer
14 them, if you can.
11:22:49 15 A. Okay, that's not bad.
16 Q. You are a son of the Kono soil; is that correct?
17 A. Yes.
18 Q. You grew up in the Kono District?
19 A. Yes.
11:23:12 20 Q. During the war, were there other groups fighting against
21 the RUF and the AFRC?
22 A. Well, at the beginning of the war, the rebels were on top
23 of the situation -- they were fighting.
24 Q. In Kono, were the Donsos fighting against the AFRC and
11:24:01 25 the RUF?
26 PRESIDING JUDGE: I think you should take him back to your
27 question -- "Do you know how many factions were involved
28 in the fighting?"
29 MR NICOL-WILSON: Yes, Your Honour.

1 PRESIDING JUDGE: Take him back to that question. I am sure
2 he needs to be --
3 MR NICOL-WILSON: Yes, Your Honour, and I'll limit it this
4 time to Kono in particular.
11:24:22 5 Q. In Kono during the war were there other civil militia
6 groups fighting against the RUF and the AFRC?
7 A. well, what I know at the beginning of the war, it was a
8 fight between the rebels and the soldiers.
9 Q. Do you know about the Donsos?
11:25:14 10 A. well, that was in my absence -- immediately I sustain
11 this injury, I came down to Freetown. Here I was and
12 I heard there were Donsos in Kono. Where they were
13 based, how they were, I don't know.
14 Q. So the information you got when you came to Freetown is
11:25:38 15 that Donsos were operating in Kono during the war?
16 JUDGE BOUTET: That's not his evidence. That's not what he
17 said. He said he heard of that after he got to Freetown
18 to be treated, and he had not seen them when he was in
19 Kono. It's after he had departed for treatment. It
11:26:01 20 depends what you mean by "the war". Again, you use this
21 war --
22 MR NICOL-WILSON: I think I understand the witness as having
23 said he only heard about Donsos when he came to Freetown.
24 JUDGE BOUTET: That's true.
11:26:14 25 MR NICOL-WILSON: Now, my question is what was the information
26 he got about the Donsos? Was it information about them
27 operating in Kono before he came to Freetown but did not
28 know?
29 JUDGE BOUTET: Okay. Ask that question. That's not a

1 question you were asking.
2 MR NICOL-WILSON: Okay.
3 THE WITNESS: what I am telling the Court is that I don't even
4 know about them. I didn't see them while I was in Kono.
11:26:44 5 I was now here. I heard there were Donsos in Kono, but I
6 don't know how they operated. I can't tell the court
7 exactly what their operations were or where they were
8 based. I was there in Freetown. I heard it and you
9 heard it, too.
11:26:59 10 MR NICOL-WILSON:
11 Q. When you were in Kono, did you hear about the Kamajors?
12 A. well, I was here, but one thing is clear, that the
13 Kamajors you're asking about in Kono, we call them Donso.
14 It's the Kamajors that we call the Donsos. So it's the
11:27:35 15 same thing I'm saying -- I was here and I don't know what
16 was happening behind me.
17 Q. When did you join the --
18 JUDGE THOMPSON: Let me just record that a bit.
19 MR NICOL-WILSON: Yes.
11:28:06 20 JUDGE THOMPSON: Continue, learned counsel.
21 MR NICOL-WILSON:
22 Q. When did you join the SLPP Party?
23 MS STEVENS: Your Honour, before the witness answers, I don't
24 recall the witness giving evidence that he was a member
11:28:31 25 of the SLPP Party. Perhaps counsel may wish to ask
26 him --
27 JUDGE BOUTET: I don't have that recollection, either. I was
28 going to ask counsel --
29 PRESIDING JUDGE: Absolutely not.

1 MS STEVENS: [Overlapping speakers] if he's a member --
2 JUDGE THOMPSON: Counsel may wish to elicit that.
3 PRESIDING JUDGE: You may wish to, but in the proper manner.
4 MR NICOL-WILSON: Yes, Your Honour. From the cover page of
11:28:56 5 the statement given by the witness --
6 PRESIDING JUDGE: That statement is not in evidence. Let it
7 be very clear to all parties that those statements are
8 not in evidence, so do not mistake them with the
9 viva voce evidence of the witness.
11:29:14 10 MR NICOL-WILSON: As Your Honour pleases.
11 JUDGE BOUTET: This issue -- for the greater clarity of all
12 concerned, it is to be very clearly understood that these
13 statements have been filed with the Court Management, but
14 they have not been filed as pieces of evidence. And if
11:29:29 15 we do refer to them, it is when you people are making
16 reference to them. So for ease of reference and
17 understanding, we look at them, but you may not take for
18 granted that we have read them, understood them, and
19 accepted them. So this is quite different, and to say it
11:29:47 20 is in the statement, when you say that, we effectively
21 have no knowledge of them per se.
22 PRESIDING JUDGE: In fact, you should presume at all times
23 that we have not, as a Bench, read those statements -- we
24 have not read those statements.
11:30:02 25 JUDGE THOMPSON: Let me endorse that fully and absolutely.
26 JUDGE BOUTET: There might have been [inaudible], because
27 I have the feeling that there might have been some
28 misperception of this, even though I have the statements
29 behind me in some other circumstances and I do refer to

1 page numbers, because they are with Court Management, but
2 the fact that they are there shall not mean to you, and
3 you shall not understand, that they have been filed in
4 evidence and that I or my colleagues have read them. So
11:30:33 5 I read them as you move along and read them. So that's
6 why all the time we're asking you, or your colleagues,
7 please refer and please read.

8 MR NICOL-WILSON: That is understood, Your Honour.

9 JUDGE BOUTET: Thank you.

11:30:48 10 MR NICOL-WILSON:

11 Q. When were you first contacted by members of the Office of
12 the Prosecutor?

13 PRESIDING JUDGE: Learned counsel, are you satisfied with the
14 Donso/Kamajor relationship?

11:31:07 15 MR NICOL-WILSON: well, at the moment, I want to lay the
16 necessary foundation.

17 PRESIDING JUDGE: Okay.

18 MR NICOL-WILSON: And then go back to it.

19 THE WITNESS: well, Donso/Kamajor, as a Kono man says --

11:31:24 20 PRESIDING JUDGE: No, no, don't you worry.

21 THE WITNESS: Okay.

22 PRESIDING JUDGE: You were not asked to furnish a reply to
23 that comment.

24 MR NICOL-WILSON:

11:31:39 25 Q. Mr witness, do you understand English?

26 A. I'm a native; I'm coming from up country.

27 Q. When were you first contacted by members of the Office of
28 the Prosecutor?

29 A. They met me in Koidu after the war.

1 Q. Did you explain your story to members of the office of
2 the Prosecutor?
3 A. Yes.
4 Q. Was the story written down by members of that office?
11:32:50 5 A. Well, my first contact with them did not indicate that
6 I was coming to Court. It was just like somebody meeting
7 you, asking you to explain yourself, your circumstances,
8 what went wrong with you.
9 Q. Was your story written down?
11:33:12 10 A. Well, at the time I was giving my explanation, they were
11 writing it down. I didn't know what they were writing it
12 for.
13 Q. Did you tell the people who were writing your story down
14 that you are affiliated with the SLPP?
11:33:40 15 A. I'm not a politician.
16 Q. Did you tell them anything about your relationship with
17 the SLPP?
18 A. No.
19 Q. In 1998 you said that President Kabbah was removed from
11:34:15 20 office. Were you happy about that removal?
21 A. Well, at that time he was the leader, I was not happy
22 about it.
23 Q. Were groups apart from ECOMOG fighting against those who
24 had removed President Kabbah?
11:35:37 25 A. Well, before the reinstatement of Pa Kabbah, what I knew
26 was that they were fighting with ECOMOG and it was only
27 ECOMOG we knew that they were fighting with, because all
28 along we are listening to radio, we heard them, that they
29 are fighting with ECOMOG and no other group we knew.

1 Q. So while in Kono you never heard about the Kamajors
2 fighting against RUF and the AFRC -- while you were in
3 Kono?
4 A. I've told you this several times, that I was here --
11:36:20 5 I was here, I heard the news. I was not there; I never
6 knew what was happening there.
7 MR NICOL-WILSON: Your Honour, just a moment while I consult
8 with my lead counsel.
9 Q. I am putting it to you that you were a member of the
11:37:08 10 Donso group.
11 A. This man lied on me -- I don't even know how to fire a
12 gun.
13 Q. I am also putting it to you --
14 PRESIDING JUDGE: Just a minute, just a minute. With this man
11:37:36 15 who has lied on somebody -- he says he doesn't even know
16 how to fire a gun or to carry a gun.
17 MR NICOL-WILSON: Fire.
18 PRESIDING JUDGE: Fire.
19 JUDGE THOMPSON: Mr Witness, are you denying that you a member
11:38:10 20 of the Donso?
21 PRESIDING JUDGE: Yes, that's what I have.
22 JUDGE THOMPSON: We'll just have it on the record.
23 THE WITNESS: I'm not the hunter.
24 PRESIDING JUDGE: Mr Nicol-wilson, you can proceed, please.
11:38:59 25 MR NICOL-WILSON: Yes, Your Honour.
26 Q. I am also putting it to you that you were one of the
27 youths that joined the Kamajors in fighting against the
28 RUF and the AFRC in Kono.
29 A. I didn't do that -- this man is just lying on me. what

1 I know is that this man is just lying on me. Even if he
2 can go back in the village and ask my people, even the
3 native gun, I don't know how to fire it. I've never been
4 a part of it and I've never partaken in of any conflict.

11:40:00 5 MR NICOL-WILSON: Your Honour, that will be all for this
6 witness.

7 JUDGE BOUTET: [Overlapping microphones]

8 PRESIDING JUDGE: If this man were lying on him -- well,
9 that's the profession. I'm happy you're taking it with a
11:40:24 10 smile on your face. That's what it means to be a Defence
11 Counsel. Just hang on a bit -- hang on, Mr O'Shea.
12 Yes, Mr O'Shea, you may proceed, please.

13 MR O'SHEA: Your Honour, thank you. I shall be reasonably
14 brief.

11:41:35 15 CROSS-EXAMINED BY MR O'SHEA

16 Q. Mr witness, good morning.

17 A. Good morning.

18 Q. Can you tell the Court, if you know, do you know when
19 ECOMOG came to Koidu?

11:41:58 20 A. I don't know that date.

21 Q. Do you have any idea at all? You may not know any
22 specific date, but do you have any idea at all as to when
23 ECOMOG was in Koidu?

24 MS STEVENS: Your Honour -- Mr Witness, just a moment.

11:42:23 25 I think to be fair to the witness perhaps my learned
26 colleague can ask the witness if the witness knew whether
27 or not ECOMOG was in Koidu before asking the witness if
28 he knew what date ECOMOG was in Koidu. Because my
29 recollection of the witness's evidence was that he met up

1 with ECOMOG in Kwakoyima.
2 JUDGE THOMPSON: How do you respond to that?
3 MR O'SHEA: No problem at all.
4 JUDGE THOMPSON: Thank you.
11:43:03 5 MR O'SHEA:
6 Q. Do you know if ECOMOG came to Koidu?
7 A. Yes. Because the time they came, I met them there when
8 I came from the bush.
9 Q. Do you have any idea when that was?
11:43:35 10 PRESIDING JUDGE: He said he met them there when he came from
11 the bush.
12 THE WITNESS: Yes, at that time my hand had been amputated.
13 When we came, I met them there.
14 MR O'SHEA:
11:43:59 15 Q. Do you know, roughly, or at all, how long ECOMOG was in
16 Koidu?
17 A. Well, the time I came to Koidu and met them there, then
18 I left them I came down to Freetown -- I left them there.
19 Q. Can you just remind the Court when you left Koidu?
11:45:08 20 A. When those men entered into Koidu, I left there. I did
21 not return to Koidu except there is -- recently.
22 Q. Can you remind the Court, if you remember, when you left
23 Koidu?
24 A. I cannot remember the day, I cannot remember the date,
11:45:44 25 neither the month.
26 Q. Do you remember how long you were there?
27 A. What I'm saying, the time those people entered into Koidu
28 it was then I left. I cannot remember the date, neither
29 the month.

1 Q. I understand that dates and months are difficult.
2 Mr witness, I understand that dates and months are
3 difficult, but I'd like to put the question in a
4 different way from that. Do you remember how long you
11:46:43 5 yourself was in Koidu -- do you have a rough idea?
6 A. well, when my hand was amputated, I think I was in
7 Kwakoyima for two or three days and then I came down to
8 Freetown.
9 Q. Now, I would just like to clarify one issue. When you
11:47:34 10 say that you know that ECOMOG came to Koidu, are we
11 talking about Koidu Town?
12 A. well, what I'm telling you is that I never knew whether
13 they were in Koidu Town itself, but I went straight to
14 Kwakoyima. There I met them. My condition at that time
11:48:19 15 did not allow me to go to Koidu in order to know what was
16 happening in Koidu.
17 Q. So I think I have your answer, but I just want to be
18 clear. As to whether ECOMOG was in Koidu Town itself,
19 you don't know; is that your answer?
11:48:48 20 A. Yes, because I did not enter into Koidu Town. Where
21 I went is where I know something about.
22 MR O'SHEA: May I have a moment, Your Honours? I have no
23 further questions. Thank you, Mr witness.
24 PRESIDING JUDGE: Thank you.
11:49:17 25 THE WITNESS: Thanks be to God.
26 PRESIDING JUDGE: Thanks be to God indeed! Ms Stevens, any
27 re-examination of this witness?
28 MS STEVENS: None, Your Honour.
29 PRESIDING JUDGE: No re-examination?

1 MS STEVENS: No re-examination.
2 PRESIDING JUDGE: Mr Witness, thank you very much for coming
3 to testify before this Court. We wish you and your
4 family the very best and a safe journey back home. Thank
11:50:43 5 you very much. We have finished with you now, but
6 necessity may arise for us to call you back and, if that
7 necessity arises, you'll be informed. But for now you
8 can go home; we're finished with you. Have you
9 understood me?
11:51:08 10 THE WITNESS: Yes.
11 PRESIDING JUDGE: Good.
12 THE WITNESS: I also want to say something.
13 PRESIDING JUDGE: Yes, say it.
14 THE WITNESS: I must also thank you very much. May God bless
11:51:26 15 us all. My own plea is that we talk to our leaders, both
16 Muslims and Christians, for us to pray that what happened
17 in this country, let it never be repeated again, because
18 as we have volunteered ourselves to come and testify here
19 in this Court, those who did this wrong to us are our own
11:52:22 20 people. But we are here to tell the Court the truth,
21 what happened with us, and we are again praying that this
22 that happened to us, may it not be repeated again; that
23 there be peace in our own land.
24 PRESIDING JUDGE: Thank you very much. We've heard you.
11:52:38 25 That's a wish, which is shared by everybody, that this
26 never happens again. Right. We will rise -- the
27 Prosecution, we could take the next witness, but we will
28 rise for 10 minutes in order to allow the witness to
29 retire. We will resume and take the next witness. The

1 Court will rise for 10 minutes, please.
2 [The witness withdrew]
3 [Break taken at 11.54 a.m.]
4 [The witness entered Court]
11:53:29 5 [On resuming at 12.20 p.m.]
6 PRESIDING JUDGE: We are resuming the session. This is the
7 17th Prosecution witness; am I right?
8 MR WERNER: Yes, Your Honour.
9 Your Honour, before we start, I understood that the
12:19:59 10 witness, because he is taking medication, he may need to
11 go frequently to the bathroom. He just indicated now
12 that he needs to go to the bathroom.
13 PRESIDING JUDGE: He needs to go there. The Court will have
14 to rise to allow him to do that -- just for five minutes
12:20:17 15 to allow him to put himself at ease before he starts
16 testifying, and any time you feel like it, please, do not
17 hesitate to let us know; okay? The Court will rise for
18 just five minutes.
19 [Break taken at 12.21 p.m.]
12:24:00 20 [On resuming at 12.26 p.m.]
21 WITNESS: TF1-078 - sworn
22 EXAMINED BY MR WERNER
23 MR WERNER: The Prosecution is calling Prosecution TF1-078 --
24 17th witness.
12:27:22 25 PRESIDING JUDGE: Can you remind the Tribunal of your name,
26 please.
27 MR WERNER: Sure, family name is Werner, W-E-R-N-E-R, and my
28 first name is Alain.
29 JUDGE THOMPSON: Alain?

1 MR WERNER: Yes.
2 JUDGE THOMPSON: How do you pronounce it - with a "v"?
3 MR WERNER: A-L-A-I-N.
4 JUDGE THOMPSON: How do you pronounce the W-E-R-N-E-R?
12:28:01 5 MR WERNER: How we do normally, Verner [pronunciation].
6 JUDGE THOMPSON: Thanks.
7 MR WERNER:
8 Q. Good afternoon. I'm going to ask you a few questions.
9 If you may answer my questions looking directly to the
12:28:22 10 Bench. Sir, could you tell the Court where were you
11 born?
12 A. I was born in the Kono District in Koidu Town.
13 Q. Could you tell this Court how old are you, sir?
14 A. I'm a senior citizen.
12:29:06 15 PRESIDING JUDGE: You carry it right on your face.
16 MR WERNER:
17 Q. Sir, could you tell this Court what did you do --
18 PRESIDING JUDGE: No, no, we need to know - he's a senior
19 citizen, but we need to know what his age is, please.
12:29:26 20 THE WITNESS: About XX, My Lord.
21 MR WERNER:
22 Q. Could you tell this Court what did you do for a living?
23 A. Farming and mining, My Lord.
24 Q. Sir, I'm putting to you the question again. I'm not
12:30:02 25 talking about the past 10 years, I'm talking about the
26 past XX or XX or XX years. What did you do as a
27 profession?
28 A. I was in the native administration system in the XXXXXXXX
29 District under the provincial administration.

1 Q. And, as such, did you have responsibilities?
2 A. I had enormous responsibilities.
3 Q. Could you briefly describe the responsibilities without
4 being too specific, but just could you briefly describe
12:31:00 5 these responsibilities, sir?
6 A. I was in charge of xxx xxxx xxxxx xxxxxx xxxxxx xxxxxx.
7
8 JUDGE THOMPSON: Could he proceed a little slowly for us.
9 MR WERNER: Sure, sir -- Your Honour.
12:31:17 10 Q. Could you repeat the last portion of your answer?
11 A. I was in charge of xxx xxxxxxxxxxxx xx xxx xxxxxx xxxxxxxx
12 - xxxxxx District - xxxxxx xxxxxxxxxxxx or xxxxxx
13 xxxxxxxxxxxx xxxxx.
14 JUDGE BOUTET: Mr Counsel, I do understand this is a witness
12:31:41 15 who still has some protective measures applicable to him,
16 so just to let you know that the more you go into these
17 kind of details, the more it is likely to [overlapping
18 speakers] the identity.
19 MR WERNER: Your Honour, I was not intending to go further.
12:32:02 20 Q. So do you know -- when did you retire?
21 A. 19xx.
22 Q. After having retired, sir, what did you do?
23 A. I was doing mining and farming for my living.
24 Q. And where were you mining?
12:32:55 25 A. At xxxxx xxxxxxxx in the xxxxx chiefdom, My Lord.
26 PRESIDING JUDGE: Can you spell that for us, please?
27 THE WITNESS: x-x-x-x, My Lord.
28 PRESIDING JUDGE: x-x-
29 THE WITNESS: x-x-x-x.

1 PRESIDING JUDGE: X-X-X-X?
2 THE WITNESS: X-X-X-X, My Lord
3 PRESIDING JUDGE: In?
4 THE WITNESS: X-X-X-X chiefdom.
12:33:24 5 PRESIDING JUDGE: X-X-X-X?
6 THE WITNESS: X-X-X-X.
7 PRESIDING JUDGE: Of what district -- X-X-X-X?
8 THE WITNESS: X-X-X-X District -- in the X-X-X-X District, My Lord.
9 MR WERNER:
12:33:49 10 Q. Could you tell this Court how many people worked for you
11 in the mining?
12 A. At that time I employed XX, XX, XX -- the employment
13 varies according to the strength of the finance to do the
14 job.
12:34:23 15 PRESIDING JUDGE: You say you employed them. Is it to do
16 farming or mining?
17 THE WITNESS: To do mining, My Lord.
18 MR WERNER:
19 Q. Now, sir, during your life did you ever belong to any
12:34:50 20 secret societies?
21 A. Of course, My Lord.
22 Q. I'm going -- to be sure of the answer, I'm going to put
23 the question again. Were you part of secret societies?
24 A. My Lord, there are many secret societies in this country.
12:35:14 25 which one are you specifically referring to?
26 Q. Were you part of the Kamajors?
27 A. Not at all, My Lord.
28 Q. Just to be clear at that time do not refer to me as "Your
29 Lord", just to the Bench.

1 JUDGE BOUTET: We took his answer to be answers to the Bench
2 as well. That's the normal process for the witness to
3 answer "My Lord" when he's answering a question, because
4 he's answering to the Bench.

12:35:54 5 MR WERNER: I was just confused, because he was looking at me.
6 I take your point, Your Honour.

7 Q. So on 25 May 1997 the AFRC seized power in this
8 country --

9 PRESIDING JUDGE: Learned counsel, you were pursuing a line of
12:36:18 10 examination-in-chief.

11 MR WERNER: Yes, Your Honour.

12 PRESIDING JUDGE: He said he belonged to some secret
13 societies. Are you leaving it there in the air, because
14 the witness replied and said there are many secret
12:36:32 15 societies in this country.

16 MR WERNER: I take your point, Your Honour. I will pursue
17 this line.

18 PRESIDING JUDGE: And he denied that he ever belonged to the
19 Kamajor movement.

12:36:42 20 MR WERNER: Yes, Your Honour.

21 Q. So could you tell the Court which secret society did you
22 belong to, if any?

23 A. I belonged to the Boro Secret Society, My Lord.

24 PRESIDING JUDGE: Could you spell that for us?

12:37:02 25 THE WITNESS: B-O-R-O, My Lord.

26 MR WERNER:

27 Q. Now, sir, I was telling you that the AFRC seized power in
28 this country on the 25th of May 1997 via a coup d'etat.
29 Do you remember this period, sir?

1 A. Yes, I do, My Lord.
2 Q. Now, where were you at this period?
3 A. I was in Koidu Town, My Lord.
4 Q. What did you do at this period?
12:38:00 5 A. Well, I was living together with the people in the Koidu
6 community with RUF, AFRC juntas -- were all living in the
7 town at that time.
8 Q. Were you mining?
9 A. No, I stopped my mining.
12:38:27 10 Q. Why?
11 A. The security was not conducive to mining. Then the
12 financiers had fled the country -- the district, there
13 was nobody to financially support the mining, so I had to
14 drop it.
12:39:09 15 PRESIDING JUDGE: What were you mining for?
16 THE WITNESS: Mining for diamonds, My Lord.
17 MR WERNER:
18 Q. Now, when you said the security was not conducive, could
19 you elaborate a little bit more on that point, sir?
12:39:58 20 A. There's confusion in the country when a government is
21 overthrown, a military junta is in power -- at that
22 particular time there was a bit of confusion. People did
23 not -- we did not trust.
24 Q. Are you talking about the situation --
12:40:19 25 JUDGE THOMPSON: Just a minute. Let's get that.
26 MR WERNER: I apologise.
27 JUDGE THOMPSON: You said, "We do not..."
28 THE WITNESS: We do not have confidence in the new regime, and
29 so some of us abandoned our mining activities.

1 MR WERNER:
2 Q. Now, was mining still going on, or not at all, in Kono
3 District at that time?
4 A. I can't say anything about that, because the mining areas
12:41:27 5 are elaborate [sic] in the Kono District. Maybe mining
6 activities were going on in the other parts, but my own
7 mining, I had to abandon.
8 Q. Now, as far as you know, were people mining on your pit?
9 A. New pit, old pit, I knew about mine. My own mining,
12:42:16 10 I had to abandon it, because I hadn't confidence in the
11 new system.
12 Q. So just follow me. I understood what you said. My
13 question is -- I understood you were not mining yourself
14 on your pit. My question is were other people mining on
12:42:33 15 your pit?
16 A. On my pit?
17 Q. Yes.
18 A. Not at all.
19 Q. why?
12:42:40 20 A. I did not authorise them to mine it. I wasn't likely to
21 meet license-holder, so nobody could have mined my place
22 of mining without my authority.
23 Q. Sir, do you know which armed group were in Koidu Town,
24 not only just after the coup but the following month?
12:43:46 25 A. Please go over that.
26 Q. Yes, sir. Do you know which armed group -- which
27 factions were in Koidu Town the month following the coup
28 in 1997?
29 A. well, before the coup we had mixed factions.

1 Q. Sir, I'm talking about after the coup.
2 A. After the coup we had the AFRC/RUF factions.
3 Q. Now, at that time, sir -- at that time, were you able to
4 distinguish soldiers from these two factions?
12:44:52 5 A. Not at all.
6 Q. why?
7 A. Because some were in military uniform, some were in
8 civilian uniform, but they would all carry arms.
9 Q. So you were not able to say who was an RUF or was an
12:45:16 10 AFRC?
11 A. Not at all.
12 JUDGE THOMPSON: What was the question again, counsel?
13 MR WERNER: Yes, Your Honour, sir. I was asking if he told
14 this Court that there was one faction -- armed faction
12:45:29 15 which is called AFRC/RUF. My question to him was: were
16 you able to distinguish the soldiers from AFRC from the
17 soldiers from RUF?
18 MR JORDASH: That was not my understanding, and it's quite
19 important.
12:45:50 20 JUDGE BOUTET: It was not mine, either.
21 JUDGE THOMPSON: Not mine; quite right. That's why I wanted
22 the clarification. Let's cover that ground again,
23 because there are some subtle differences here.
24 JUDGE BOUTET: The question, as I had understood it to have
12:46:04 25 been, was: were you able to distinguish soldiers from
26 these factions.
27 JUDGE THOMPSON: Correct, yes.
28 JUDGE BOUTET: That's what I understood the question to have
29 been.

1 JUDGE THOMPSON: Perhaps that's not what he intended to ask,
2 because that is what I had. The previous answer, of
3 course, was that in the months following the coup there
4 were the AFRC and RUF factions in Koidu. So that was
12:46:35 5 how -- and I thought your question evolved out of that,
6 but then there needs to be some clarity here. So if you
7 can cover the ground again, that might help us.
8 MR WERNER: Can I consult just one second with learned
9 counsel?
12:46:52 10 JUDGE THOMPSON: Very well.
11 MR WERNER:
12 Q. So could you distinguish soldiers from the two
13 factions -- the factions you just described?
14 A. well, I could only know a soldier by uniform and the arm
12:47:25 15 he carries, but at that time --
16 JUDGE THOMPSON: Slowly, slowly, Mr witness. Continue then.
17 PRESIDING JUDGE: At that time --
18 THE WITNESS: Yes, at that time, My Lord, a civilian cannot go
19 in search of knowing who was AFRC and who was RUF. All
12:48:02 20 we had in the airwave was the RUF, AF -- AFRC, were now
21 one united army -- National Army. That came in the
22 airwaves from Freetown.
23 MR WERNER:
24 Q. Now, sir, could you tell this Court what the soldiers at
12:48:45 25 that time, under your understanding, were wearing?
26 A. The soldiers were wearing their military uniform.
27 Q. I'm talking about what you said to be the group AFRC/RUF.
28 A. Yeah.
29 Q. Now my question to you is: do you understand to be --

1 MR JORDASH: I am sorry to jump up, but I think we have to be
2 very careful that this witness hasn't as yet defined the
3 composition of the various groups. To then ask a
4 question which suggests that they are Sierra Leonean
12:49:28 5 soldiers is misleading, I would respectfully submit.
6 JUDGE BOUTET: I did not understand the question to
7 necessarily have been that. The question, as
8 I understood it to have been, was that both together were
9 soldiers; in other words, AFRC/RUF combined are now
12:49:47 10 soldiers. It's just to show that I agree with your
11 objection, it is far from being clear, so we need to have
12 some more specificity in those questions, because as
13 I said, my understanding is all of them became one army.
14 The witness says he heard on the airwaves they became one
12:50:09 15 united army, so if they are one united army, you can
16 assume that all of them are soldiers now, but it's not
17 clear.
18 MR JORDASH: Thank you, Your Honour.
19 JUDGE BOUTET: Mr Prosecutor, you have an objection in this
12:50:24 20 respect, and it is sustained.
21 MR WERNER: Yes, understood, Your Honour.
22 Q. Mr witness, you said that there was one united army. You
23 called it AFRC/RUF.
24 PRESIDING JUDGE: [Microphone activated] he was that specific.
12:50:42 25 Go ahead, learned counsel.
26 MR WERNER: Thank you, Your Honour.
27 Q. My question to you is we're talking about what you said
28 to be this united army. My question to you is how were
29 the soldiers of this united army dressed, if you know?

1 A. well, all of them -- some of them -- all of them were
2 wearing the same Sierra Leone military uniform, some were
3 wearing civilian clothes.
4 JUDGE THOMPSON: Slowly, please. Yes, continue.
12:51:39 5 MR WERNER:
6 Q. Continue, sir.
7 A. Yes, some were wearing -- all of them were wearing almost
8 the same uniform, some were wearing Sierra Leone army
9 uniform, some were wearing civilian clothes, but they
12:51:53 10 were all in arms.
11 Q. So to be completely clear on that point - and again we
12 are talking now about this one united army you just
13 described - were you able or not to distinguish between
14 AFRC soldiers and the RUF soldiers or not?
12:52:32 15 A. I cannot, because the announcement came from the military
16 high command in Freetown that the AFRC and the RUF were
17 now one united army -- they called it People's Army.
18 That is what they called it.
19 Q. Now, sir, in the month following the 25 May 1997 coup --
12:53:41 20 in the month following, did you see or did you hear
21 anything unusual happening in Koidu and in Kono District?
22 A. Yes, I do, My Lord.
23 Q. Could you tell this Court what did you see or what did
24 you hear?
12:54:06 25 A. On the 28th of March at 5.00 a.m. I woke up and, through
26 my radio --
27 Q. Sorry, sir, I am going to interrupt you, just to be sure
28 you understand the questions, because I think there may
29 be a misunderstanding that I want to clarify with you.

1 Just listen to me, sir -- do you need to use the
2 bathroom?
3 A. Yeah.
4 MR JORDASH: Your Honours, it may be convenient if we just
12:54:35 5 filled the time, because I do have a slight objection to
6 some of the evidence which the witness need not
7 participate in, with Your Honour's leave.
8 PRESIDING JUDGE: We will -- to put him at ease, I think we'll
9 rise and resume at 2.30. The Court will rise, please,
12:54:54 10 and resume at 2.30.
11 [Luncheon recess taken at 12.55 p.m.]
12 [Upon resuming at 2.40 p.m.]
13 [HS221004C]
14 PRESIDING JUDGE: Good afternoon, learned counsel, we are
14:38:05 15 resuming the session. Mr Werner --
16 MR WERNER: Yes, Your Honour.
17 PRESIDING JUDGE: -- you want to proceed?
18 MR WERNER: Yes, Your Honour.
19 PRESIDING JUDGE: I just wanted to say that before we rose, I
14:38:20 20 think Mr Jordash had some concerns.
21 MR JORDASH: Having spoken to my learned friends, I have no
22 concerns.
23 PRESIDING JUDGE: Okay, good. Right, thank you.
24 MR WERNER: I have spoken with Mr Jordash and I will move to
14:38:35 25 1998. I think it will to alleviate all the confusions.
26 PRESIDING JUDGE: Okay. We are not parties to the agreement,
27 but we go with it as we see it being applied. Right.
28 MR WERNER: Thank you, Your Honour.
29 PRESIDING JUDGE: Of course, we encourage consensus between

1 the parties here, where they can agree without
2 necessarily compromising the legal process, you know, we
3 would go with that. So you may proceed, please.
4 MR WERNER: Thank you, Your Honour.
14:39:13 5 Q. Good afternoon, sir.
6 A. Good afternoon.
7 Q. I would like to refer you to the month of February 1998.
8 On the 14th of February 1998 the junta was forced from
9 power by forces acting on behalf of President Kabbah. My
14:39:41 10 question to you is that do you remember the month of
11 February 1998?
12 A. Yes, I do, My Lord.
13 Q. Now, could you tell this Court what were you doing in
14 February 1998, if you can remember?
14:40:02 15 A. As far as I can remember, My Lord, February 1998 -- 1998,
16 on the 28th of that month, around 5.00 a.m., I woke up
17 and tuned my radio to listen to the morning news. From
18 5.00 a.m. to 5.30 a.m. I heard heavy bombardment from the
19 south end of the township. That continued for some time
14:40:47 20 and was followed by sporadic firing all over the town --
21 the township.
22 Q. Let me ask you that question. Where were you at that
23 time --
24 A. I beg your pardon?
14:41:23 25 Q. -- precisely.
26 A. I beg your pardon?
27 Q. Where were you at that time?
28 A. I was in my house at Hill Station.
29 Q. In which town?

1 A. Koidu Town.
2 Q. And what happened next?
3 A. That bombardment was followed by sporadic firing of AK47
4 assault rifles. I abandoned my radio, I got out of my
14:42:21 5 house, I saw people running with bundles on their heads.
6 Q. Let me interrupt you at that point. When you say
7 "people", are they civilians?
8 A. Civilians. I returned into the house and told my wife
9 that the town was -- township was under attack so we
14:43:02 10 should try to pull out.
11 Q. Did you understand at that time, sir, who was attacking
12 the town?
13 A. I never knew at that time. That was a state of
14 confusion.
14:43:41 15 Q. And what happened next?
16 A. Then we prepare our own bundle and then join the moving
17 crowds towards Kaidu Town, an outskirt of Koidu Town
18 about 2 miles - 2 to 3 miles.
19 PRESIDING JUDGE: what town was this, you say?
14:44:14 20 THE WITNESS: Kaidu, K-A-I-D-U, My Lord. In the Gbense
21 Chiefdom.
22 MR WERNER:
23 Q. Do you know what time about did you leave?
24 A. we left around 6.00 -- 6.00 to 6.30 a.m.
14:44:40 25 Q. How many of you in your group?
26 A. Fifteen, my family and dependents.
27 Q. And how many civilians were leaving? I understand it is
28 difficult to say, but just about.
29 A. When we got to Kaidu?

1 Q. No, no, leaving Koidu at that precise time.
2 A. People were many, people were many. I cannot estimate,
3 but people were many. They were in their thousands,
4 moving in different directions to escape -- to leave the
14:45:16 5 town.
6 Q. And why did you choose to go to Kaidu and not another
7 direction?
8 A. well, we went to Kaidu in the first place to see that and
9 know what was happening in the township. Our intention
14:46:03 10 was to wait and see whether the possibility was there to
11 let us return back, but that did not exist. So we
12 planned to go to Guinea border. We wanted to take a
13 bypass from Kaidu to Njagbema in the Faima Chiefdom.
14 Q. Now, you told this Court what time you left Koidu. Do
14:46:59 15 you know at what time did you arrive in Kaidu?
16 A. we left between 6.30 - 6.00 to 6.30.
17 Q. And at what time did you arrive at Kaidu?
18 A. We arrive at Kaidu about 7.00 a.m.
19 Q. At Kaidu?
14:47:17 20 A. Kaidu at 7 a.m. But we are running; that's not the normal
21 walk.
22 Q. What did you see in Kaidu?
23 A. well, in Kaidu we met another large crowd of people
24 gathered there, still waiting to know what was going on
14:47:33 25 in the township.
26 Q. Now, did you meet, in Kaidu, any combatants?
27 A. We did not meet any combatants in Kaidu at that time. We
28 are all civilians fleeing.
29 Q. Did you meet hunters?

1 A. We did not meet hunters. Hunters met us there later,
2 four of them. They were too -- they were escaping too
3 from the township there.
4 JUDGE BOUTET: You said there was four of them?
14:48:45 5 MR WERNER: Yes, sir.
6 THE WITNESS: Four of them, My Lord. One was bleeding from
7 gunshot wounds.
8 MR WERNER:
9 Q. Where did you meet them?
14:48:57 10 A. They met us at Kaidu. We did not meet them. They met us
11 at Kaidu. After fighting with the junta, they met us at
12 Kaidu, and they address us to Kaidu was not a safer
13 place, let us go further, because the juntas are taking
14 the township from them.
14:49:20 15 Q. And do you know at what time did you leave Kaidu?
16 A. Well, we left Kaidu around 2.00 to 3.00 p.m.
17 Q. The same day?
18 A. The same day. The same 24 February. That was on a
19 Saturday.
14:50:22 20 Q. You just said that was on the 24th and previously you
21 said that that was on the 28th.
22 A. 28th.
23 Q. Now, how many of -- in your group, how many left Kaidu?
24 A. We left with so many other people, but we in our group --
14:51:13 25 I could only remember we in our group, because so many
26 people left Kaidu. Some took another direction to go
27 towards the Guinea border, because there are so many
28 inlets or crossing points from Guinea to Sierra Leone in
29 that district. Some went towards Koinadugu District to

1 get into Guinea.

2 Q. where did you go?

3 A. when we left to -- we left -- [Overlapping speakers]

4 JUDGE THOMPSON: How many of them in their group?

14:51:48 5 THE WITNESS: Fifteen, My Lord.

6 JUDGE THOMPSON: Fifteen?

7 THE WITNESS: Fifteen, My Lord.

8 JUDGE THOMPSON: Yeah, thanks.

9 MR WERNER:

14:51:58 10 Q. Now, where did you go -- you and your group?

11 A. We went to -- we were intending to go to Njagbema. We

12 took a bypass road -- bypass to go to Njagbema. But when

13 we got to Madina, we met some people there. Large group

14 of -- number of civilians were there. So we decided that

14:52:23 15 we should stay and wait for some time. We stayed there

16 with them.

17 PRESIDING JUDGE: Stayed where?

18 THE WITNESS: Madina, M-A-D-I-N-A. Madina in the Gbense

19 Chieftdom. G-B-E-N-S-E.

14:52:50 20 MR WERNER:

21 Q. And how long did you stay in Madina, sir?

22 A. well, we are briefly in the town. we are living in the

23 town, but the situation started deteriorating. We had

24 attack on villages around us; then we went into the

14:53:06 25 forest. So from the town to the forest, we took 18 days

26 there.

27 Q. Just --

28 A. From the town to the forest we lived -- we went to

29 settle, took us 18 days in all.

1 Q. I would like just for now to focus on your stay in
2 Madina.
3 A. Yeah.
4 Q. And then we will talk about what happened later. But
14:53:31 5 let's just focus --
6 A. Madina.
7 Q. -- for just one moment on Madina. Do you remember on
8 that -- in Madina -- how many days did you stay in
9 Madina?
14:53:42 10 A. We are in Madina about eight days.
11 Q. Now, did you see any soldiers during these eight days in
12 Madina?
13 A. No, My Lord.
14 Q. Did you hear noise of fighting?
14:54:19 15 A. Where, in Koidu Town?
16 Q. No, from wherever. Did you hear in Madina -- when you
17 were in Madina, did you hear noise of fighting or not?
18 A. Well, we are hearing firing in Koidu Town, but I don't
19 think it was fighting, because Koidu Town was now totally
14:54:38 20 under the control of the AFRC/RUF junta.
21 Q. How do you know that?
22 A. Well, the people that fled -- followed us, and told us
23 that the town was now under the control of the RUF/AFRC
24 juntas. I'm afraid I'm pressed again.
14:54:58 25 MR WERNER: Yes, sure.
26 PRESIDING JUDGE: We'll rise for five minutes, please.
27 [Break taken at 2.48 p.m.]
28 [Upon resuming at 3.05 p.m.]
29 PRESIDING JUDGE: Yes, Mr Werner, you can proceed.

1 MR WERNER: Thank you, Your Honour.
2 Q. Sir, for some of us tried to locate this route on the
3 map, do you know how far Madina is from Kaidu? You told
4 us the distance between Koidu and Kaidu. Do know the
15:02:35 5 distance between Kaidu and Madina?
6 A. From Kaidu to Madina it's about 4 miles.
7 Q. Do you know the distance between Madina and Njagbema?
8 A. Yes, about 7 miles.
9 Q. Now, just before the break, you were telling the court
15:03:15 10 about conversation you had with people in Madina. Could
11 you tell the Court, again, what did these people tell you
12 -- the people you met in Madina.
13 A. The people I met in Madina, they all interested to know
14 what was going on in Koidu Town. And when the Kamajors
15:03:32 15 met us there by 2.00 p.m. and said that it was not a safe
16 place for us, because the town and fallen into the hands
17 of the junta, they advise us to move out of the place.
18 So we move -- we move in different directions.
19 Q. Now, did they tell you what was happening in Koidu?
15:04:02 20 A. Kamajors had met us and told us that they had lost the
21 town to the juntas; that the town was now under the
22 control of the AFRC/RUF juntas.
23 Q. Let me ask you the question again. I understand that. I
24 am asking you did they tell you about anything specific
15:04:24 25 which was happening in Koidu or not?
26 A. The Kamajors, you mean?
27 Q. Yes, the people you met in Madina.
28 A. People I met in Madina, some had left before I left Koidu
29 Town, so they cannot tell me anything that was

1 specifically happening in Koidu Town. They had left
2 before me. I came and met them there.
3 Q. And did you meet people who left after you in Madina?
4 A. People who left?
15:04:53 5 Q. In Madina, did you meet people who had left Koidu after
6 you?
7 A. I met people who had left Koidu there and other people
8 met us there - civilians.
9 Q. Okay. And the civilians -- I'm not talking about the
15:05:13 10 Kamajor, because I understood what you told me. Now I am
11 asking you about the civilians. What did -- if anything,
12 what did the civilians tell you about what was happening
13 in Koidu?
14 A. Those that met me later?
15:05:29 15 Q. Yes.
16 A. Some of them said that nobody -- no civilian was in the
17 town and there was killing going on.
18 Q. Where?
19 A. I don't know who was killing, whether the Kamajors were
15:05:39 20 killing or the soldiers were killing Kamajors. In Koidu
21 Town.
22 Q. So they didn't tell you who was responsible for the
23 killing?
24 A. Nobody did tell me that, because they were fighting a
15:06:01 25 war.
26 Q. Now, do you remember when you left Madina?
27 A. Told you we were in Madina village for about eight days
28 there. We decided to go into the forest. We went to the
29 forest and prepared a place called mansion, where we are

1 living with our families. So many other civilians were
2 in that forest along the Moinde River.
3 Q. How many people?
4 A. Everybody was in his own mansion with his family. I was
15:06:50 5 in my own mansion with my 15-member family.
6 Q. And how did you survive in this forest?
7 A. We took some food stuff along with us. After it got
8 finished, we survive on green bananas, roots like bush
9 yam and cassava.
15:07:26 10 Q. Now, were you aware of what was happening outside the
11 forest when you were in this specific forest?
12 A. Not at all.
13 Q. Did you meet civilians going from outside the forest at
14 that time?
15:08:06 15 A. Civilians were there in the forest. They only going on
16 food-finding, but they are not coming on the main road or
17 Madina again, because we had abandoned Madina.
18 Q. Now, did anything happen when you and your group - 15
19 people - were in this forest?
15:08:55 20 A. Yes, something did happen.
21 Q. Could you tell the Court what happened?
22 A. On the 17th of March, around 11.00 a.m., we are taken by
23 surprise by three armed men. One was in a military
24 uniform; the others were in civilian clothes.
15:09:32 25 Q. Do you know at what time of the day did this attack take
26 place?
27 A. Around 11.00 to 12.00 midday.
28 Q. Now, the man -- you said there was one man in uniform and
29 two men in civilian clothes. When you saw them, did you

1 know any of them?

2 A. we did not know any of them, My Lord.

3 Q. And what happened?

4 A. well, they asked us to produce all our belongings or we

15:10:44 5 face execution. We went in under escort -- we went in

6 the forest, where we had hidden our belongings, with an

7 escort, and brought all of them out in the mansion to

8 them.

9 Q. Could you be more specific on the -- you just said "our

15:11:31 10 belongings"?

11 A. Our clothes and everything, radios, watches.

12 Q. what else?

13 A. Radio, watches, canes -- my wife's canes.

14 Q. And your food?

15:11:54 15 A. And our food.

16 Q. Could you elaborate?

17 A. we had some rice, we had some palm oil, we had some

18 locally made soup, salts, Maggi, onions. They took all

19 of them away from us.

15:12:24 20 Q. Any other personal belongings?

21 A. All the personal belongings, other than those that they

22 took from us to get out our --

23 Q. You said clothes?

24 A. Clothes.

15:12:50 25 Q. were they clothes you were wearing or were they spare --

26 A. Clothes we are wearing, the clothes my wife was wearing,

27 my children. All the clothes we had.

28 Q. They took everything?

29 A. They took everything unless they want those that were on

1 us.
2 Q. So they didn't take those you were -- [indicates]
3 A. No, no.
4 Q. And what happened next?
15:13:17 5 A. well, they asked me to produce gourmet property. I said
6 what was gourmet property? They said I had diamonds and
7 dollars. I said, "No, I don't have diamonds and
8 dollars." They say well, we should lie down on our
9 bellies -- on our stomachs.
15:13:38 10 Q. And what happened next, sir?
11 A. we are beaten there mercilessly and abandoned there.
12 Q. when you say "we", who are we?
13 A. My wife, other four adults that were with me, and myself.
14 six of us. The kids, they did not beat them.
15:14:31 15 Q. what did they use to beat you?
16 A. The back of the cutlass.
17 Q. which part of your body?
18 A. Our backs.
19 Q. How long did they beat you?
15:15:00 20 A. About 30 to 40 minutes.
21 Q. How were you after the beatings?
22 A. How --
23 Q. How were you after the beatings?
24 A. well, I was in serious pain. All of us were in serious
15:15:26 25 pain.
26 Q. Before leaving -- you said they left. Before leaving,
27 did they tell you anything?
28 A. well, they said that we should move out of that area to
29 go across -- to go across to Guinea. But if they met us

1 there the other night, or the other day, they would
2 execute us, because they had order that the operation was
3 Operation No Living Thing.
4 Q. who told you that? which of the three men?
15:16:24 5 A. well, there was fairly big chap before -- man before
6 them. I don't know whether he was a soldier or RUF, but
7 they all armed. But he was ordering even the other two.
8 Q. was he the one in military clothes or was he one of the
9 two -- let me just finish. was he the one in military
15:16:47 10 clothes or was he one of the two in civilian clothes?
11 A. One of the two in the civilian clothes.
12 Q. To prevent any jumping up on the other side, I understand
13 that you said at the beginning of your testimony this
14 morning that there was one army -- for you there was one
15:17:33 15 army and the soldiers were junta soldiers. I understand
16 that, but, nevertheless, I'm going to ask you the
17 question at that point in that forest did you think that
18 one of them were RUF or AFRC or not?
19 A. I don't know. The three of them were armed, and that was
15:18:02 20 the situation, My Lord, where we just went with plain
21 clothes, RUF went with plain clothes, but they all in
22 arms. So you cannot distinguish what -- who was who.
23 JUDGE BOUTET: From your perspective, the difference was they
24 had weapons and other civilians had no weapons -- no
15:18:29 25 arms?
26 THE WITNESS: All of them had arms.
27 JUDGE BOUTET: Thank you.
28 MR WERNER:
29 Q. Now, at what time about -- at what time did this group

1 leave the forest?

2 A. They left the forest around 5.00 to 5.30 p.m.

3 Q. And then what did you and your people -- I'm talking

4 about you -- you and your people, what did you do?

15:19:10 5 A. well, we are planning to leave early in morning towards

6 the Guinea border, because they had warned us that we

7 should leave that area or for -- to go towards the Guinea

8 border. So we are planning how to travel. We had no

9 food, we are in that confusion, sleepless night. Around

15:19:29 10 10 p.m. another --

11 Q. Just a minute. Let me stop you, because I have one

12 question about -- before we pursue. Why did you stay?

13 You were just attacked by one armed group. Now, why did

14 you stay in the same area?

15:19:45 15 A. We are waiting till the next morning so that we could

16 find our way out to another area, or to start going

17 towards the Guinea border.

18 PRESIDING JUDGE: Of course, after the beating, which is

19 alleged --

15:20:04 20 THE WITNESS: Yeah.

21 PRESIDING JUDGE: -- they couldn't leave immediately.

22 MR WERNER: I am a man of the city, Your Honour, so I don't --

23 PRESIDING JUDGE: Well --

24 MR WERNER:

15:20:14 25 Q. And what happened next?

26 A. Night, around 10.00, another group came and attacked us.

27 We are tempted to run into the dark forest, but they give

28 a firing shot that we shall halt. If we don't halt, they

29 will shoot all of us.

1 PRESIDING JUDGE: At about 10 p.m.?
2 THE WITNESS: About 10.00 p.m. in the night, My Lord.
3 MR WERNER:
4 Q. How many of them?
15:20:40 5 A. They were five in number. Then we all sat down.
6 Q. How were they dressed?
7 A. They were all in civilian clothes, but they were not --
8 fortunately they were not hostile with us.
9 Q. Were they armed?
15:20:51 10 A. They were all armed.
11 Q. With which kind of weapons?
12 A. AK47 assault rifles.
13 Q. Five of them?
14 A. Five of them.
15:21:00 15 Q. I understand we can assume that the answer will be the
16 same, but, nevertheless, I would like to ask you the
17 question. Did you know if they were AFRC or RUF - the
18 second group?
19 A. I don't know, I cannot know.
15:21:32 20 Q. Did you know any of them in this second group?
21 A. I knew none of them in the second group.
22 PRESIDING JUDGE: And you say the five of them were dressed
23 like civilians?
24 THE WITNESS: Like civilians, My Lord.
15:22:09 25 MR WERNER:
26 Q. I'm sorry, I would like to come back very briefly to the
27 first group, if I may. Do you know which language the
28 first group -- and referring to the first group. You
29 told this Court there three men - two in plain clothes

1 and one with military clothes. Do you know which
2 language did they speak?

3 A. The first group spoke in clear krio language. The second
4 group likewise.

15:23:17 5 Q. Now, what did happen when this second group arrived? You
6 just said that you were fleeing and they shouted. What
7 happened after that?

8 A. Well, they advise us to report at Kaidu, where there were
9 civilians and there were military -- I mean, AFRC/RUF
15:23:37 10 juntas, with civilian there. They did not allow
11 civilians alone to live in the bushes for fear that other
12 group will go and take them for kamajors and kill them.
13 So in our best interest we should report to Kaidu to one
14 Captain Rocky.

15:23:59 15 Q. Now, you said, "They advised us." What does that mean?

16 A. They told us to report to Kaidu, to see -- to report
17 ourselves to Colonel Rocky, as we are civilians.

18 PRESIDING JUDGE: To Captain or Colonel Rocky?

19 THE WITNESS: Captain Rocky, My Lord.

15:24:29 20 PRESIDING JUDGE: To Captain Rocky, yes.

21 THE WITNESS: Captain. The next morning we brave it out. We
22 went --

23 MR WERNER: Just wait a second. We are coming to the next
24 morning.

15:24:42 25 MR CAMMEGH: Before we do, I'm sorry, I missed something. He
26 was advised to speak to Captain Rocky by who? It's my
27 fault, I temporarily wasn't listening.

28 THE WITNESS: By the second group.

29 MR CAMMEGH: Thank you.

1 PRESIDING JUDGE: Excuse me. Mr witness, please feel free to
2 draw attention when necessity arises.
3 THE WITNESS: Okay, My Lord.
4 PRESIDING JUDGE: Okay.
15:25:23 5 THE WITNESS: Yes, My Lord.
6 PRESIDING JUDGE: Please.
7 THE WITNESS: Yes, My Lord.
8 PRESIDING JUDGE: Yes. Don't hesitate at all.
9 THE WITNESS: Yes, My Lord.
15:25:28 10 PRESIDING JUDGE: Our calendar is entirely at your disposal
11 for these purposes, okay?
12 THE WITNESS: Thank you, My Lord.
13 PRESIDING JUDGE: Right.
14 MR WERNER:
15:25:39 15 Q. Now, did anyone in the second group tell you who was
16 their boss?
17 A. Cannot remember.
18 Q. Now, what happened next?
19 A. well, the next morning, the 18th, we left the forest.
15:26:10 20 Brave it out. I went with my --
21 Q. I'm just -- sorry. I'm just going to stop you at that
22 time. I was saying what happened next with -- because at
23 that point we are still with these people in the bush.
24 A. In the bush.
15:26:20 25 Q. If I'm not mistaken. So just explain to us what happened
26 with them, because they were still there?
27 A. well, after addressing us to report to the nearest base
28 where we can find RUF officers or men --
29 PRESIDING JUDGE: That is to go to Kaidu and report to Captain

1 Rocky?

2 THE WITNESS: To Kaidu and report to -- Rocky, yes.

3 PRESIDING JUDGE: Yes.

4 THE WITNESS: Civilians were based there with the RUF for

15:26:45 5 protection. They had taken from -- civilians from the

6 bushes to go and stay together with them. So we, too,

7 should go and join them.

8 MR WERNER:

9 Q. Now, could you clarify something? You just said before

15:27:13 10 that there were no distinctions or you were not able to

11 distinguish, and now you just say "RUF".

12 A. I did say RUF/AFRC, just --

13 Q. So at that precise time, did you know which group, if

14 any, Captain Rocky belonged, or you didn't know anything

15:27:43 15 about?

16 A. I did not know anything about that. They were all

17 combatants, My Lord.

18 Q. Now, what did these five men do?

19 A. well, they left us and went their way. And they strongly

15:28:03 20 warned us not to continue to stay in that jungle -- in

21 that bush.

22 Q. You said that 15 of you met this second group. How many

23 of you left the next morning?

24 A. The next morning I took my wife with one of my kids -

15:29:03 25 three of us left to come to Kaidu. The others, I left

26 them hiding in the forest still. They were having pains

27 as a result of the beating.

28 Q. Can you just elaborate a little bit more on that, because

29 it may seem strange. why three of you left and you left

1 the other 12 behind?

2 A. I told you some of them were in serious pains, as a
3 result of the beating, the next day. So I left them in
4 the bush, took them to another location, until when I get
15:29:51 5 clearance -- when I go clearance, then I will go for
6 them.

7 Q. But why didn't you stay altogether until the wounded
8 recovered?

9 A. well, it was risky, because they had wanted us to leave
15:30:08 10 that area, and I was trying to, if I could, get people
11 down to where civilians were with Captain Rocky.

12 Q. what happened next?

13 A. We went to Kaidu. I went Kaidu with my wife. She was
14 also not feeling right, but we managed to get to Kaidu.

15:30:34 15 PRESIDING JUDGE: Your wife and a child also?

16 THE WITNESS: With our child, yes.

17 PRESIDING JUDGE: One child?

18 THE WITNESS: One child.

19 MR WERNER:

15:30:48 20 Q. I was not going to ask you the question, but maybe at
21 that point it will help us clarify. How many children do
22 you have, sir?

23 A. I have 13 children, but not all of them were with us in
24 the jungle.

15:30:58 25 Q. How many of them were out with you in the jungle?

26 A. Seven of them including my nephew.

27 Q. And how many children did you leave behind?

28 A. I left six children behind.

29 PRESIDING JUDGE: That is, you left six children behind in the

1 jungle --
2 THE WITNESS: In the jungle.
3 PRESIDING JUDGE: -- when going back to Kaidu.
4 THE WITNESS: Going back to Kaidu.
15:31:36 5 PRESIDING JUDGE: Going back to Kaidu, yes.
6 THE WITNESS: With six dependents, who were helping us to
7 carry the children.
8 MR WERNER:
9 Q. So now I am confused. How many of you arrived in Kaidu?
15:31:56 10 How many of you in your group -- out of 15, how many of
11 you arrived in Kaidu?
12 A. Three.
13 JUDGE THOMPSON: I thought I had himself, his wife --
14 PRESIDING JUDGE: And one child.
15:32:36 15 JUDGE THOMPSON: And one child, yes.
16 MR WERNER:
17 Q. Now, let me ask you this question. According to you, at
18 that time -- just leaving the bush, arriving to Kaidu -
19 at that time - what were the consequences for civilian to
15:32:57 20 be found in the bush?
21 A. well, those that met us made pronouncement to us that any
22 civilian they found in the bush was an enemy -- was a
23 Kamajor.
24 Q. So --
15:33:17 25 A. They are not against civilians. There are civilians,
26 civilians should come and stay in town with them and not
27 in the bush.
28 Q. And what would happen to civilians found in the bush?
29 A. well, I cannot tell that because they had forewarned us

1 not to stay there. If they found any civilian there,
2 they would execute him. But I did not see execution take
3 place --
4 PRESIDING JUDGE: well, the witness has said, you know, that
15:33:41 5 they would be mistaken for Kamajors.
6 THE WITNESS: Yeah.
7 MR WERNER: Yes, Your Honour, understood.
8 PRESIDING JUDGE: And Kamajors were not friends to --
9 THE WITNESS: To the juntas.
15:33:49 10 PRESIDING JUDGE: -- to the juntas.
11 MR WERNER: Sure.
12 Q. I guess what I'm trying to understand is what was your
13 plan -- knowing that, what was your plan for the people
14 -- part of your family - some of them were your children
15:34:04 15 - you left behind?
16 JUDGE BOUTET: He has already explained that. I mean, he's
17 going to Kaidu to try to see if it's okay, and then his
18 family is to rejoin him over there. They are to meet
19 with Captain Rocky, because that is where the civilians
15:34:21 20 are going. So he is getting out of the forest.
21 MR WERNER: Okay.
22 JUDGE BOUTET: Am I right, Mr Witness?
23 THE WITNESS: You are right, My Lord. You are right, My Lord.
24 PRESIDING JUDGE: The other ones could not come because they
15:34:31 25 were suffering from pain, so he had to leave them behind.
26 And even the wife had pains as they are moving, but they
27 managed and got to Kaidu with their one child.
28 MR WERNER:
29 Q. So what happened then?

1 A. When we got to Kaidu, I reported myself to Captain Rocky.
2 I found so many civilians there. Some of the civilians
3 knew me before. So they went and told Captain Rocky that
4 I was not a bad person, I was not a Kamajor, I was their
15:35:00 5 father. So Captain Rocky accepted me. He called the G5
6 to put my name down, and my wife at the time, because
7 there was already several civilians coming to stay with
8 them.

9 Q. Just wait for one second.
15:35:37 10 PRESIDING JUDGE: You say the people who recognised you,
11 Mr witness, told Captain Rocky that you are not a bad man
12 and that you were not a Kamajor?

13 THE WITNESS: Yes.
14 PRESIDING JUDGE: You're not a Kamajor?
15:35:50 15 THE WITNESS: Yes, My Lord.
16 PRESIDING JUDGE: And that you were their father?
17 THE WITNESS: Yes, My Lord.

18 MR WERNER:
19 Q. Was it the first time you met Captain Rocky?
15:36:16 20 A. Yes, My Lord.
21 Q. How was he dressed?
22 A. He was dressed in civilian attire.
23 Q. Do you know which language was he speaking?
24 A. He was not speaking clear Krio or clear English. He was
15:37:01 25 speaking something like in the Liberian dialect.
26 Q. I understand, sir -- I really understand that it's a long
27 time ago. Now, would you be able to describe physically
28 Captain Rocky?
29 A. Rocky was a particularly big, young man, about 5 feet.

1 Q. when you say "young man", what does it mean? I guess
2 younger than you, but --
3 A. Young man in his thirties.
4 Q. Now, I'm sorry to come over and over on that question,
15:38:20 5 but now you met Captain Rocky, you saw him. At that time
6 did you understand if he was AFRC or RUF?
7 A. I did not.
8 MR WERNER: I understand he probably said that, but I would
9 like to clarify because I have a following question
15:39:01 10 related to that. So if you could just let me --
11 Q. which role was Captain Rocky in Kaidu?
12 A. I beg your pardon?
13 Q. which function was Captain Rocky in Kaidu?
14 A. They were just calling him Captain Rocky, Captain Rocky.
15:39:22 15 I did not know his functions, but he was an armed officer
16 with men -- his own armed group around him. He was a
17 soldier in his own right.
18 Q. was he the only officer in Kaidu or --
19 A. He had -- he had men around him and that -- some
15:39:40 20 people -- some other officers.
21 Q. Okay, so let me ask you this question. At that time,
22 that precise time when you arrived in Kaidu and you met
23 Captain Rocky, did you understand who was a Kamajor in
24 Kaidu, if any?
15:40:30 25 A. what was my concern at that moment was to get my balance
26 people from the forest, because they were -- their lives
27 were at risk, too. I told him I had left some people in
28 the bush, I want a pass. He said no, he was not
29 authorised to issue pass to civilians. But he would give

1 me some his security to take me to Major Morris Kallon.
2 He could do that. He was the only person in authority to
3 do that.
4 Q. Now, just before --
15:41:20 5 PRESIDING JUDGE: Please wait.
6 MR WERNER: Yes, Your Honour.
7 Q. Now, I just would like to come back very briefly to
8 something you just said. You talk about a G5 in Kaidu.
9 Now, what is a G5?
15:43:02 10 A. I later came to know the G5 after I had brought my
11 balance people from the jungle. The G5 people was the
12 welfare officer at Kaidu at that time.
13 PRESIDING JUDGE: Learned counsel, would pursue, you know, the
14 issue of the pass, because the witness is preoccupied by
15:43:18 15 his other people in the bush. Did he obtain the pass?
16 MR WERNER: I take your guidance, Your Honour.
17 Q. So you left, under the advice of Captain Rocky, to obtain
18 this pass, and then what happened?
19 A. He gave me armed men to accompany me to Major Kallon in
15:43:41 20 Kaidu Town.
21 Q. How many?
22 A. Three.
23 Q. How were they dressed?
24 A. They were dressed in the civilian clothes.
15:43:55 25 Q. Which kind of weapons?
26 A. AK47s.
27 [HS221004 3.46 p.m.]
28 Q. And then what happened?
29 A. We went to Major Kallon. I explained myself to him --

1 Q. Sorry, where -- where? where did you --
2 A. Koidu Town, Guinea Highway, Koeyor end.
3 Q. Could you spell "Koeyor end" for the Court?
4 A. K-O-E-Y-O-R, Guinea Highway. Koeyor, K-O-E-Y-O-R.
15:48:09 5 Q. Now, is it a village, or is it --
6 A. It's part --
7 Q. Let me just put my question and you can answer straight
8 away after. Is it a village, or is it a neighbourhood of
9 Koidu Town?
15:48:40 10 A. It's a part of Koidu Town -- just like Freetown, Lumley.
11 Q. And you said south of Koidu; correct?
12 A. That was in the east of Koidu -- the east end of Koidu.
13 Q. And then what happened?
14 A. well, after I explained myself to him, he was satisfied
15:49:21 15 with my explanation. He ordered his secretary to prepare
16 a pass for me.
17 JUDGE THOMPSON: To whom?
18 THE WITNESS: To Major Kallon, My Lord.
19 MR WERNER:
15:49:57 20 Q. Now, I understand you said that you met him in Koeyor,
21 neighbourhood of Koidu Town, east end. Now, where did
22 you meet him in Koeyor -- where?
23 A. In his house -- in his house, My Lord.
24 Q. Could you describe the house?
15:50:22 25 PRESIDING JUDGE: Please, move ahead.
26 MR WERNER:
27 Q. And then what happened?
28 A. well, he received me in a very good faith. He in fact
29 wanted me to stay around with him there, but as I'm a

1 hypertensive patient, I decided that I stay at Koeyor --
2 I mean at Kaidu, because the jet was bombarding that area
3 frequently, so they gave me the pass. That was on a
4 Friday, the 18th. I returned back to the jungle and
15:50:58 5 brought all my people to Kaidu to Major Rocky.

6 MR O'SHEA: Forgive me, there was something about jets,
7 I think. Could we have that again, please? I didn't
8 catch that.

9 MR WERNER: Sure.

15:51:20 10 Q. Could you just repeat what you just said -- the reason
11 why you didn't stay in Koidu?

12 A. I was hypertensive, and the jet was bombarding there at
13 all times. Heavy firing was still going on there. So
14 I decided to stay at the house [inaudible], and
15:51:42 15 accommodation-wise, we already had a house at Koidu
16 before the war -- Kaidu -- so we went there to occupy our
17 own house belonging to my uncle.

18 JUDGE BOUTET: In Kaidu?

19 THE WITNESS: Kaidu, My Lord.

15:52:02 20 JUDGE BOUTET: Yes, Mr witness, you want to stop now?

21 THE WITNESS: Yes, I want to stop.

22 PRESIDING JUDGE: We shall rise for five minutes, please.

23 [Break taken at 3.52 p.m.]

24 [On resuming at 4.00 p.m.]

16:02:16 25 PRESIDING JUDGE: Yes, Mr Werner, you may continue.

26 MR WERNER: Thank you, Your Honour.

27 Q. Just before the break, you told this Court that you
28 obtained the pass, went back to the bush, found your
29 people and, with them, you went all together in Kaidu;

1 correct?
2 A. Yes, My Lord.
3 Q. Now, how many --
4 PRESIDING JUDGE: So you brought the people from the jungle to
16:02:47 5 Kaidu?
6 THE WITNESS: Yes, My Lord. The balance people that were left
7 then.
8 PRESIDING JUDGE: Yes.
9 MR WERNER:
16:03:20 10 Q. Now, how many civilians were in Kaidu?
11 A. I met many civilians there. I did not count them, but
12 when we got there, Colonel Rocky called the G5 commander.
13 They think the officer was the link between civilians and
14 the military and the combatants. He called him to
16:03:44 15 register our names. They register my name and register
16 the names of my people under my name, but there are many
17 civilians there that had come out of the bush.
18 Q. I understand it's difficult, but are you able to
19 estimate, roughly?
16:04:14 20 A. About 200 to 300.
21 Q. And these civilians, were they people from Kaidu Town?
22 A. Not from Kaidu Town, from different jungles, forest areas
23 where they had been hiding and they were evacuated from
24 the bushes into Kaidu to come and base there, because the
16:04:43 25 point was, if civilians live by day alone in any
26 location, be it village or in the bush, they will be
27 taken for Kamajors and eventually executed. So it was
28 safe for the civilians to be with the combatants so that
29 they would be under that protection.

1 Q. Now, were there guards for the civilians in Kaidu?
2 A. Where ever civilians were, guards were there to protect
3 them and to prevent them from escaping to the enemy
4 zones.
16:06:02 5 Q. Could you tell the Court how many guards?
6 A. I saw many -- over 100 armed men were with us in Kaidu.
7 Q. How were they dressed?
8 A. Some were dressed in military attire, some were dressed
9 in civilian attire, so they mixed something.
16:06:35 10 Q. Now, were there checkpoints around Kaidu at that time?
11 A. There were checkpoints all around Kaidu.
12 Q. How many checkpoints?
13 A. Around Kaidu, to go to Koidu, there were about three to
14 four checkpoints, and from Kaidu to the other parts,
16:07:19 15 there were so many checkpoints.
16 Q. Who were in these checkpoints?
17 A. Armed soldiers.
18 Q. Now, we understood that you needed a pass to go from the
19 bush to anywhere else -- we understood that. Did you
16:08:03 20 need a pass as well to leave Kaidu?
21 A. Pass were not allowed at that time -- we were just in the
22 vicinity of Kaidu, not to go out of that vicinity,
23 because the war was at the heat [sic] time.
24 Q. Now, how many days did you stay in Kaidu?
16:08:59 25 A. March, April, around May --
26 Q. Sorry, just follow me. Are you able to say how many
27 days?
28 A. I'm not able -- I cannot.
29 Q. Was it a long time, or --

1 A. It was a fairly long time -- about a month.
2 Q. Now, during this month you were in Kaidu, did the
3 civilians do anything during their stay in Kaidu?
4 A. Yes, of course, civilians were used to harvest palm
16:10:03 5 fruits for the combatants to process palm oil for the
6 combatants.
7 Q. Anything else?
8 A. Yes. The young men were sent to go fishing under
9 escorts. The women as well were sent to go fishing under
16:10:43 10 escort for the officers.
11 Q. When you say "under escort", with armed men?
12 A. Armed men.
13 Q. Anything else, sir?
14 A. Any job that the junta needed to do, I mean, for the
16:12:02 15 civilians to do, they called upon -- they told the G5 to
16 call the civilians to do it.
17 Q. Now, in Kaidu you told this Court that -- I'm talking
18 about Kaidu, nowhere else -- Kaidu -- you told this Court
19 that you saw Captain Rocky. Now, did you see any other
16:13:01 20 commander officer during your stay in Kaidu?
21 A. Yes, I could remember on one occasion Major Kallon
22 visited there, and advised Major Rocky they should be
23 very much friendly with the civilians; they should not be
24 hostile with the civilians. I remember he was the only
16:13:36 25 senior officer that visited there at the time I was
26 there.
27 Q. Did he say anything else?
28 A. I don't remember. The only [inaudible] words he said
29 remember, I could remember.

1 Q. Did he say anything about what would happen if any
2 civilian tried to escape?
3 A. Oh, yes. They told us the rules and regulations of the
4 war. Civilians --
16:14:50 5 PRESIDING JUDGE: who told you about the rules and regulations
6 of the war?
7 THE WITNESS: Colonel Rocky said --
8 JUDGE THOMPSON: Is this the same person as Captain Rocky?
9 THE WITNESS: Captain Rocky, I'm sorry -- Captain Rocky, he
16:15:10 10 said the rules and regulations of the camp of the
11 civilians that were living with them are (1) you should
12 not attempt to escape; you should not communicate with
13 the enemies --
14 JUDGE THOMPSON: Slowly, slowly -- should not try to escape.
16:15:38 15 THE WITNESS: Should not communicate with the enemies; they
16 should obey all orders from the combatants; no raping; no
17 stealing. These were some of the rules and regulations
18 that are left in my head.
19 MR WERNER:
16:16:10 20 Q. And now we're talking about Captain Rocky, did Captain
21 Rocky tell you about the consequences of the behaviours
22 you've just described?
23 A. well, any person -- he said the punishment was any person
24 caught escaping would be executed -- and communicating
16:16:41 25 with the enemy would be executed. Those are the two
26 principal regulations -- no combatant should commit rape;
27 they should be executed to go out with a civilian woman.
28 JUDGE BOUTET: what's your last -- what did you say about
29 civilian women?

1 THE WITNESS: Any combatant found raping civilian could be
2 executed.
3 JUDGE BOUTET: Would be executed?
4 THE WITNESS: Yes, My Lord.
16:17:46 5 MR WERNER:
6 Q. Now, was Morris Kallon present when Captain Rocky told
7 you that?
8 A. I beg your pardon?
9 Q. You just explained to this Court what Captain Rocky told
16:18:25 10 you, and just before you mentioned a meeting where Morris
11 Kallon was present in Kaidu. So I'm just asking the
12 question was Morris Kallon --
13 MR JORDASH: Before the --
14 MR TOURAY: [Microphone not activated] being a very leading
16:18:43 15 question on something very sensitive to the Defence.
16 PRESIDING JUDGE: Sustained. Sustained.
17 MR WERNER: As Your Honour pleases.
18 Q. Was anyone else present when Captain Rocky told you that?
19 A. I don't remember. It was after Major Kallon had left.
16:19:14 20 The next morning convened the forum of civilians or
21 meeting of civilians and then laid down the rules that
22 were guiding us.
23 Q. Let me ask you one more question - and then I will move
24 forward - about this meeting where Morris Kallon was
16:20:07 25 present in Kaidu. You told this Court that Morris Kallon
26 told you to be -- told the audience that combatants
27 should be friendly with the civilians -- it's just what
28 you said.
29 A. Yes, My Lord.

1 Q. Now, did he say anything else that you can remember, or
2 not?
3 A. I cannot remember.
4 Q. Now, you told this Court that you stayed a month, if I'm
16:20:58 5 not mistaken, in Kaidu. We are going to talk about what
6 you did next. I'm just going to ask you this question:
7 when you left Kaidu, did you know if Captain Rocky had a
8 bus or not?
9 JUDGE THOMPSON: Could you repeat the question, counsel?
16:21:25 10 MR WERNER: Yes, Your Honour.
11 Q. When you left Kaidu after a month, because you told us
12 that you stayed in Kaidu a month, so I presume that you
13 left Kaidu, so when you left Kaidu, did you know who
14 was -- did you know if Captain Rocky had a bus?
16:21:52 15 A. No, My Lord.
16 Q. Now, could you tell this Court what happened when you
17 left Kaidu?
18 A. When I left --
19 MR TOURAY: Your Honour there's no evidence that this witness
16:22:12 20 has left Kaidu -- there's no such evidence.
21 MR WERNER: He said that he stayed a month. He's alive, so --
22 PRESIDING JUDGE: Objection overruled -- overruled, please.
23 Continue. Continue. He left after a month -- yes.
24 MR WERNER:
16:22:35 25 Q. So did you leave Kaidu?
26 A. Yes, we --
27 PRESIDING JUDGE: After one month he left?
28 THE WITNESS: After one month Captain Rocky was moved to
29 Wonedu.

1 JUDGE BOUTET: Where was he moved?
2 THE WITNESS: Wonedu.
3 JUDGE BOUTET: Could you spell it?
4 THE WITNESS: W-O-N-D-E-D-U, Wonedu.
16:23:02 5 PRESIDING JUDGE: To Wonedu, Wonde --
6 THE WITNESS: Wonedu.
7 PRESIDING JUDGE: W-O-N --
8 THE WITNESS: D-E-D-U. It's about a mile from Kaidu.
9 PRESIDING JUDGE: And he took you along --
16:23:18 10 THE WITNESS: He took all the civilians that were at Kaidu
11 along with him.
12 PRESIDING JUDGE: Including yourself?
13 THE WITNESS: Including myself, My Lord.
14 MR WERNER:
16:23:36 15 Q. Do you know why?
16 A. Yes, he said he had received an order from headquarters
17 in Koidu that Kaidu was very close to the war area and
18 the tendency was that a civilian could easily escape to
19 land into the hand of the enemy, so let the civilians
16:23:54 20 push a bit from that particular area.
21 Q. Now, you said an order was coming from the headquarters
22 in Koidu. Do you know who gave the order?
23 A. That's military business; I was a civilian, but he told
24 us that he received order from his bosses that he should
16:25:03 25 move with all civilians from that area -- from that point
26 to Wonedu.
27 Q. And did he mention who were his bosses?
28 A. He did not mention bosses to me. He said that order
29 directly came from Major Kallon for the safety of the

1 civilians and for the protection -- prevention of a
2 civilian escaping to fall into the hands of the enemies,
3 so he should move with the civilians to Wondedu.
4 Q. Sir, to help us to follow you, could you tell this
16:25:54 5 Court --
6 JUDGE THOMPSON: Counsel, what is the answer? Is it that the
7 order to Captain Rocky came directly from Major Kallon;
8 is that the answer?
9 MR WERNER: [Counsel nods head]
16:26:19 10 JUDGE THOMPSON: Yes. Thank you.
11 PRESIDING JUDGE: In the interests of the protection of the
12 civilians.
13 MR WERNER: Do you want me to ask him the question again.
14 JUDGE THOMPSON: [Microphone not activated]
16:26:32 15 PRESIDING JUDGE: It's my clear now -- it's clear. You can
16 move on.
17 MR WERNER:
18 Q. To help the Court to follow you, could you tell the Court
19 what is the distance, if you know, between Kaidu and
16:26:50 20 Wondedu?
21 A. I have said that. I said that --
22 JUDGE BOUTET: He's already testified to that. Let's move --
23 let's move, please.
24 MR WERNER: Yes, Your Honour.
16:26:59 25 Q. Now, what happened when you arrived in Wondedu?
26 A. Well, in Wondedu, we are living amicably with Rocky and
27 his men, his combatants there on the ground. We are all
28 living in a friendly atmosphere. It was only when the --
29 Q. I stop you there.

1 JUDGE THOMPSON: Slowly, please.
2 MR WERNER: I have some questions before you do -- wait for
3 just a while.
4 Q. How many civilians --
16:27:40 5 PRESIDING JUDGE: But he's already on record that in Wondedu
6 they lived amicably with the combatants --
7 JUDGE THOMPSON: Combatants on the ground.
8 PRESIDING JUDGE: -- with Rocky and his combatants.
9 JUDGE THOMPSON: On the ground.
16:27:52 10 MR WERNER: I'm just going to ask some other question about
11 the civilians there.
12 Q. How many civilians were in Wondedu?
13 A. We were about 300 to 400 now, because we met more
14 civilians in Wondedu. We were all put under the control
16:28:05 15 of Colonel Rocky and his men.
16 Q. Were there checkpoints around Wondedu?
17 A. There were checkpoints -- wherever we based, there were
18 checkpoints around us. While they were fighting war with
19 ECOMOG, with Kamajors or the other, so there were always
16:29:03 20 checkpoints to identify who was entering and going out.
21 Q. Now, were the civilians required to do anything in
22 Wondedu?
23 A. Yes, My Lord. When they needed palm fruits and other
24 [inaudible] at that time because the war was --
16:29:53 25 PRESIDING JUDGE: The civilians fulfilled the same role --
26 THE WITNESS: The same role --
27 PRESIDING JUDGE: -- as they were fulfilling in Kaidu?
28 THE WITNESS: -- as they fulfilled in Kaidu.
29 MR WERNER:

1 Q. So do you know someone called Yawo?
2 A. Yes, I do.
3 JUDGE THOMPSON: Please spell for us, counsel.
4 MR WERNER: Y-A-W-O.
16:30:45 5 THE WITNESS: Y-A-W-O.
6 JUDGE THOMPSON: Thank you.
7 MR WERNER:
8 Q. Was Yawo with you in Wondedu?
9 A. Yawo was with us in Wondedu, we were all civilians in
16:31:05 10 Wondedu. Her husband was a Gambian, a Mr Ngaye, who I
11 had known in Koidu Town for so many years --
12 Q. Wait, wait.
13 PRESIDING JUDGE: Was it a she?
14 MR WERNER: She's a she.
16:31:18 15 THE WITNESS: She -- she was a Nigerian.
16 JUDGE THOMPSON: She was a Nigerian?
17 THE WITNESS: Nigerian, My Lord -- she was a Nigerian. The
18 husband was a Gambian.
19 MR WERNER:
16:31:48 20 Q. Did anything happen to her in Wondedu?
21 A. Yes, My Lord.
22 Q. Would you tell this Court what happened to her in
23 Wondedu?
24 A. Well, Yawo was a Nigerian with tribal marks on her face.
16:32:48 25 Those tribal marks on her face did not go down well with
26 Colonel Rocky -- he was not comfortable with them.
27 Q. Do you know why?
28 A. I don't know -- only after the incident that I came to
29 know.

1 Q. what did you come to know of the incident?
2 A. You want me to refer to the incident?
3 Q. Yes.
4 A. We were taken by surprise one afternoon. They ordered
16:33:28 5 the execution of that woman.
6 JUDGE THOMPSON: Slowly, slowly.
7 MR WERNER:
8 Q. Carry on, sir.
9 A. They executed the woman. Then all the civilians became
16:34:11 10 sad and we met him and said, "well, captain, what is the
11 reason for doing this? we're all depending on you as our
12 saviour in this jungle. You have driven great fear in
13 us."
14 Q. Carry on, sir.
16:35:01 15 A. He apologised to us and gave his reason.
16 Q. Carry on, sir.
17 A. He said they were fighting a war with Nigerian ECOMOG
18 contingents.
19 Q. Carry on, sir.
16:36:04 20 A. He said if that woman escaped and fell in the hands of
21 the ECOMOG contingents, she would disclose that
22 particular location, or the new location. Then the
23 ECOMOG contingents could deploy the Alfa jet to bombard
24 all that area, killing all of us together with them.
16:37:38 25 Because that explanation was connected with our safety as
26 civilians, we had no choice but to accept it, and to ask
27 him kindly to give us the body to be buried.
28 Q. Did you bury the body?
29 A. Yes, they gave us the body, all with the civilians, and

1 they [inaudible] buried him -- lady.
2 PRESIDING JUDGE: You say Yawo was executed. How was she
3 executed?
4 THE WITNESS: She was shot twice.
16:38:43 5 PRESIDING JUDGE: By whom?
6 THE WITNESS: By a bodyguard of Captain Rocky.
7 MR WERNER:
8 Q. Do you know his name?
9 A. He was called Kini.
16:39:19 10 JUDGE THOMPSON: Please spell the name of the bodyguard.
11 THE WITNESS: Kini, K-I-N-I, please. That's how they called
12 him. I don't know whether he had another name.
13 JUDGE THOMPSON: That's okay.
14 PRESIDING JUDGE: Spell that again.
16:39:38 15 THE WITNESS: K-I-N-I, My Lord.
16 MR WERNER:
17 Q. Now, you said that you were frightened when you learned
18 about that execution and then, because you were
19 frightened, there was a meeting and he explained just
16:40:27 20 what you described. Now, after the explanation, what was
21 your impression of Captain Rocky?
22 A. well, I personally had started getting mixed feelings
23 about him, but he connected his action with our safety.
24 we had to put everything in prayer to the almighty God.
16:40:51 25 Q. I have just two more questions about that, and then I'm
26 going to move forward. You said that Yawo was with you
27 in the camp. Did you know Yawo before that?
28 A. I said it in my -- here that I knew her for over 20 years
29 in Koidu Town, together with her husband. Her husband

1 was called Mr Ngaye, a Gambian.
2 PRESIDING JUDGE: Yes, but you didn't tell us that you knew
3 her for the past 20 years. I didn't have that on record.
4 THE WITNESS: I'm sorry about that, My Lord.
16:42:09 5 MR WERNER:
6 Q. And where was she living?
7 A. She was living at Hill Station in a small market -- she
8 was a petty trader.
9 Q. So she had been in Sierra Leone for the past 20 years;
16:42:23 10 correct?
11 A. The past 20 years, yes.
12 Q. And that will be the last question for that portion. Did
13 she know anything about the bush in Sierra Leone -- Yawo?
14 A. I beg your pardon?
16:42:48 15 Q. Did she know anything about the bush?
16 A. The terrain, you mean?
17 Q. No, I mean the bush path in Sierra Leone, Yawo.
18 A. Not at all.
19 PRESIDING JUDGE: You may proceed. Counsel, you may proceed.
16:43:14 20 MR WERNER: Yes, Your Honour. At that point, I would require
21 the proceedings to be held in closed session, and I'm
22 going to give you just one word explanation. In our
23 submission, there --
24 PRESIDING JUDGE: No, no, if you're making an application for
16:43:29 25 closed session, then we have to move in closed session
26 for us to take your application.
27 JUDGE BOUTET: How long do you expect --
28 PRESIDING JUDGE: How long do you intend, yes.
29 MR WERNER: There will be two applications for this witness.

1 what I intend to do, even if it will require us to jump
2 ahead, I intend, for the convenience of everybody, to
3 deal with the two events in one session. So we are
4 requesting only one closed session period, and that would
16:44:07 5 last about 25 minutes.

6 JUDGE BOUTET: Mr Presiding Judge, may I? Mr Counsel, your
7 application for closed session, can that be heard in open
8 session, or that must be heard in closed session; in
9 other words, is it required that that portion be done in
16:44:29 10 closed session, or can it be done in open session?

11 MR WERNER: The substance of the testimony in closed
12 session -- that's why I'm requiring -- I understood
13 that -- we talked about that with --

14 [Trial Chamber confers]

16:44:59 15 MR WERNER: My lead counsel just told me that, if it's
16 convenient for the Court, we can just turn down the mike
17 outside and not put the curtain across. I don't know if
18 it's feasible, but if that could be done, it may be more
19 convenient and we don't need to interrupt.

16:45:31 20 [Trial Chamber confers]

21 JUDGE BOUTET: would Defence have any comments on this at this
22 particular juncture?

23 MR JORDASH: I have no objection to the closed session, if
24 it's in relation to the evidence which I think it is.
16:46:02 25 However, on the last piece of evidence concerning Yawo,
26 what I did object to was the question, "Did you know
27 somebody called Yawo?" It was effectively priming the
28 witness's memory to adduce evidence of crime. So whilst
29 I do not object to a closed session in relation to the

1 particular piece of evidence, which I understand and I've
2 discussed with my learned friends ought to be heard in
3 closed session, I have an objection to any attempt to
4 adduce it by leading a particular person's name, which
16:46:53 5 effectively would begin the evidence about the alleged
6 offence. I'm speaking very cryptically, but I think my
7 learned friend will understand what I mean, even if
8 no-one else in the Court does.

9 JUDGE BOUTET: But you're too cryptic in your comments,
16:47:13 10 because I'm missing a good part of it. You're saying
11 you're objecting to the evidence about Yawo?

12 MR JORDASH: No. What I would have objected to --

13 JUDGE BOUTET: You would have objected, but you did not.

14 MR JORDASH: I was too slow, because basically my learned
16:47:31 15 friend asked to lead what I would --

16 JUDGE THOMPSON: He was not as smart as he usually is.

17 MR JORDASH: It is Friday afternoon, Your Honour.

18 JUDGE BOUTET: I understand. So that's why you are here
19 mixing two issues together.

16:47:41 20 MR JORDASH: Once this evidence is out through the witness's
21 own mouth without being led, or the beginning of it,
22 I have no objection to then going into closed session.
23 what I do object to is going into closed session and a
24 question being asked which primes the witness's memory,
16:47:59 25 and which then leads us into evidence of alleged criminal
26 activity.

27 PRESIDING JUDGE: Wait and see.

28 JUDGE BOUTET: You see what's coming, we don't, so we'll see.
29 Please be prepared to stand up if it does happen.

1 MR JORDASH: I'll be as quick as I can.
2 MR NICOL-WILSON: Your Honour, at the moment we have no
3 objection until we hear what is the reason for the
4 application.
16:48:24 5 PRESIDING JUDGE: For the application, yes.
6 MR O'SHEA: I think we should hear the reason. I think I know
7 what it is.
8 PRESIDING JUDGE: Mr Walker, can you please -- we're going
9 into a closed session and, as has been the practice of --
16:48:49 10 MR WERNER: Your Honour, I suspect that --
11 PRESIDING JUDGE: He will wait; he will wait. As has been the
12 practice, we take applications for closed session in a
13 close session. So we're informing the gallery that we
14 are going into a closed session in order to examine an
16:49:13 15 application for a closed session which has been presented
16 by the Prosecution. So it will last, from what they say,
17 for up to 25 minutes, and we will close at 5.30, so
18 I think the gallery may well decide, you know, to leave
19 and not to come back, because it's 10 to 5 and we're
16:49:40 20 closing at 5.30. You'll soon be switched off over there,
21 anyway. Good. Can we go into a closed session, please.
22 MR WERNER: Your Honour --
23 JUDGE BOUTET: We're in a closed session, don't worry. The
24 mikes will be turned off -- not the mike but the speakers
16:50:06 25 will be turned off in the public gallery.
26 MR WERNER: It's not the point. I understood by his gesture
27 that he needs to go to the bathroom.
28 PRESIDING JUDGE: He wants to?
29 THE WITNESS: Yes, My Lord.

1 PRESIDING JUDGE: We shall rise for five minutes, please.
2 [Break taken at 4.50 p.m.]
3 [At this point in the proceedings, a portion of the
4 transcript pages 89 to 101, was extracted and sealed
5 under separate cover, as the session was heard in camera]
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C E R T I F I C A T E

We, Ella K Drury and Maureen P Dunn, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

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

Ella K Drury

Maureen P Dunn

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-197 [Continued]	1
EXAMINED BY MS STEVENS [Continued]	1
CROSS-EXAMINED BY MR JORDASH	19
CROSS-EXAMINED BY MR NICOL-WILSON	24
CROSS-EXAMINED BY MR O'SHEA	31
WITNESS: TF1-078	35
EXAMINED BY MR. WERNER	35