

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

MONDAY, 28 NOVEMBER 2005
9.38 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison MR Mohamed Bangura Mr Alain Werner Ms Shyamala Alagendra Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF28NOV05A - SV]
2 Monday, 28 November 2005
3 [Open session]
4 [The accused Sesay and Kallon present]
09:31:23 5 [The accused Gbao not present]
6 [Upon commencing at 9.38 a.m.]
7 PRESIDING JUDGE: Good morning, Mr Counsel. Good morning,
8 madam. Are we ready to proceed with the -- yes, Mr Jordash.
9 MR JORDASH: I just wanted to raise, Your Honour, my
09:41:01 10 omission which was to omit to apply to exhibit the statements
11 showing the alleged inconsistencies in the testimony of 045's
12 evidence. I thought I'd raise it now in the absence of the
13 witness who is, as Your Honours will appreciate a crime base
14 witness. I haven't had the opportunity to give the statements to
09:41:27 15 the Prosecution to check yet, but with Your Honours' leave I will
16 hand over the file forthwith to the Prosecution and then later,
17 when they've had an opportunity to see it and check it, apply to
18 exhibit it maybe later today or tomorrow. If that -- I hope that
19 finds favour with Your Honours.
09:41:48 20 PRESIDING JUDGE: And would the same apply to accused
21 number 2 and accused number 3? I know you didn't hear,
22 Mr Cammegh, but my question was: Would the same apply to accused
23 number 2 and number 3?
24 MR TAKU: Yes, Your Honour.
09:42:09 25 PRESIDING JUDGE: Because you have not sought to have those
26 portions of the statements to be admitted --
27 MR TAKU: Yes, Your Honour.
28 PRESIDING JUDGE: -- as exhibits, to my knowledge at least.
29 I think all three counsel for the three accused have done the

1 same thing. That is, questioned but not sought to have it
2 exhibited at the time.

3 MR TAKU: Yes, Your Honour.

4 PRESIDING JUDGE: Mr Cammegh.

09:42:31 5 MR CAMMEGH: I don't think I put any inconsistencies from
6 the statement to the witness so I don't think on this occasion
7 this applies to me. Well, I'm quite sure that --

8 PRESIDING JUDGE: It's your case so that's fine.

9 MR CAMMEGH: It wasn't done on Friday by me.

09:42:48 10 PRESIDING JUDGE: Mr Prosecutor.

11 MR HARRISON: We're happy to review what's going to be
12 offered to the Prosecution, but I'd just like to try to
13 re-emphasise that one of the considerations that we review prior
14 to re-examination is whether or not there's anything that the
09:43:12 15 Prosecution has to revisit under the rubric of prior inconsistent
16 statement. So on this occasion we will review what defence
17 counsel have underlined but it may be the case that the
18 Prosecution would be having to ask the Court for some opportunity
19 to re-examine the witness.

09:43:35 20 MR JORDASH: Sorry, could I briefly respond to that,
21 please?

22 PRESIDING JUDGE: Yes.

23 MR JORDASH: I would resist this adaptation which is how I
24 would see it. My learned friend can re-examine according to what
09:43:54 25 re-examination he or the Prosecution considers to be appropriate.
26 What we should be careful about is having a procedure which has
27 been laid down by Your Honours to exhibit inconsistent statements
28 but then making re-examination dependent upon that procedure.
29 Re-examination, my learned friend sits through the evidence, my

1 learned friend hears the issues being put, my learned friend can
2 re-examine according to his own decision. It is not, I would
3 respectfully submit, dependent upon a review of what we say is
4 inconsistent. It's re-examination on what he considers to be
09:44:39 5 appropriate and what needs clarification according to his
6 decision.

7 PRESIDING JUDGE: But if you don't seek to exhibit those
8 statements for that purpose, then why would they re-examine on
9 these issues if it's not exhibited?

09:44:59 10 MR JORDASH: Well, for the reason that I sought
11 clarification at the very beginning of this trial session as to
12 what happens if the statements have not been exhibited as they
13 haven't up until this trial session. Justice Thompson pointed
14 out and reassured the Defence that the burden, of course,
09:45:23 15 remained with the Prosecution. So re-examination wasn't
16 dependent then on the absence -- these statements being
17 underlined. It's not dependent now on these statements being
18 underlined. I do not suggest by underlining these statements
19 that these are the only inconsistencies in the Prosecution's case
09:45:43 20 which Your Honours should take notice of. I suggest that they
21 are inconsistencies which have been put relating to oral and
22 written testimony but not inconsistencies per se.

23 JUDGE THOMPSON: You're saying that, if I get you right,
24 the process of underlining is merely an editorial process.

09:46:05 25 MR JORDASH: Your Honour puts it succinctly, yes.

26 [Trial Chamber conferred]

27 PRESIDING JUDGE: After brief consultation on the
28 application made by counsel for the first accused, and I take it
29 by counsel for the second accused given that they are in the same

1 position, we agree that these statements may be exhibited later
2 on at the end of the day, after you've shown the portion that you
3 have dealt with in your examination-in-chief to the Prosecution
4 to ensure that these are indeed the portions that you have dealt
09:51:35 5 with, and then we'll have these documents exhibited for that
6 purpose. But we just want to indicate for the record that it
7 would be better if it is done at the time and not after. As you
8 can see it causing some difficulties to respond to the comments
9 and the application by the Prosecution. We're not prepared to
09:51:58 10 allow any re-examination but we're certainly prepared to allow,
11 like you did the last time, to produce -- I don't have a
12 recollection, I know there's four or five statements if not more
13 that have been dealt with. There might be parts and portions
14 that have been touched upon by the Defence which are in
09:52:17 15 statements one and two, but the same matter was dealt with in
16 statement four or five, which may explain or expanded on what it
17 was. We're prepared to go that way and allow you to exhibit like
18 you did the last time a statement that would be along these
19 lines, but we're not prepared to allow re-examination.

09:52:39 20 MR HARRISON: Is that going to be the practice followed
21 with subsequent witnesses after the --

22 PRESIDING JUDGE: Mr Harrison, you have heard what I've
23 said. I've just said to Mr Jordash that we hope that in the
24 future they will follow the practice to exhibit any such
09:52:56 25 statement as part of their cross-examination, not subsequent to,
26 and this is not a practice that we are trying to develop. We
27 hope that this practice will stop now, and that it will go on as
28 part of their case.

29 MR HARRISON: I'm just thinking for the very next witness

1 if Defence counsel -- [Overlapping speakers]
2 PRESIDING JUDGE: But if Defence counsel do not exhibit the
3 next time, well, they have to suffer the consequences and it will
4 not be exhibited. Are you ready to proceed with your next
09:53:28 5 witness?
6 MS ALAGENDRA: Yes, Your Honour. Your Honour, the
7 Prosecution will be calling Witness TF1-029. Your Honour, the
8 witness will testify in English. For the record, Your Honour,
9 this is the 48th witness in the trial, but it is the 47th
09:53:48 10 prosecution witness. Your Honour, for the record, this is a
11 Category A witness and we ask that the voice distortion mechanism
12 be put in place.
13 JUDGE THOMPSON: Learned counsel, would you repeat your
14 last name for us? Your last name again is?
09:55:25 15 MS ALAGENDRA: It's Alagendra, Your Honour. Would
16 Your Honours like me to spell it?
17 JUDGE THOMPSON: Is it spelt phonetically?
18 MS ALAGENDRA: It's A-L-A-G-E-N-D-R-A.
19 JUDGE THOMPSON: Thanks. May the witness be sworn, please.
09:56:46 20 WITNESS: TF1-029 [Sworn]
21 JUDGE THOMPSON: Prosecution, your witness.
22 MS ALAGENDRA: Thank you, Your Honour.
23 EXAMINED BY MS ALAGENDRA:
24 Q. Good morning, Witness.
09:57:28 25 A. Good morning, lawyer.
26 Q. Witness, I have a few questions for you this morning and I
27 ask that you go over your answers slowly so that the people who
28 are writing down what you are saying can do so.
29 A. Yes.

1 Q. Witness, when you were born?
2 A. I was born in June 22, 1980.
3 Q. And how old are you now?
4 A. I'm 25 years.
09:57:49 5 Q. Witness, where were you born?
6 A. I'm born in XXXXXX.
7 Q. What is the level of your education, Witness?
8 A. I'm XXXXXX.
9 Q. Can you tell the Court what you are studying now?
09:58:03 10 A. I'm studying [By direction of the Court, this name has been
11 redacted].
12 Q. Witness, are you married?
13 A. No.
14 Q. Where were you living in January 1999?
09:58:17 15 A. I was living at XXXXXX.
16 Q. Did anything happen to you in January 1999?
17 A. Yes.
18 Q. What happened, Witness?
19 A. I was abducted by the RUF and the SLAs.
09:58:48 20 Q. Witness, how do you know that those people who abducted you
21 were the RUF and the SLAs?
22 A. When they arrive into our place, they said that we are
23 SLAs, we are not rebel from the bush. The others said that we
24 are RUF. Then I said, "What is the reason why you say that you
09:59:03 25 are RUF?" Then a friend said that some of them chewing grass.
26 Then I said that, "Okay, these are the RUF and these are the
27 SLAs."
28 Q. Witness, at the time that you were abducted by the SLA and
29 the RUF, where were you in XXXXXX?

1 A. Industrial area.

2 Q. Who were you with at the time?

3 A. My aunt and my families.

4 Q. Can you tell the Court how many people --

09:59:31 5 JUDGE ITOE: You are running too fast, Ms Alagendra.

6 MS ALAGENDRA: I apologise, Your Honour.

7 JUDGE ITOE: Yes.

8 JUDGE THOMPSON: She said she was in the industrial area?

9 MS ALAGENDRA: Yes, Your Honour.

09:59:55 10 Q. Witness, how many people were you with at the time you were

11 abducted?

12 A. Fifty people.

13 PRESIDING JUDGE: You mean that there was 50 that were

14 abducted or you were with 50 people?

10:00:08 15 THE WITNESS: We are 50 in the house.

16 PRESIDING JUDGE: Okay, thank you.

17 MS ALAGENDRA:

18 Q. Witness, were you together with all the 50 people in one

19 house?

10:00:29 20 A. No, they run from another area and went inside to our own

21 place.

22 Q. Witness, are you able to tell the Court who was the person

23 who captured you?

24 A. Yes.

10:00:50 25 Q. Can you tell the Court, please?

26 A. He called himself XXXXXX.

27 PRESIDING JUDGE: XXXXX?

28 THE WITNESS: XXXXX.

29 PRESIDING JUDGE: Can you spell that out?

1 A. XXXXXXX.

2 JUDGE ITOE: Can you spell that again, please?

3 THE WITNESS: XXXXXX [sic].

4 JUDGE ITOE: XXXXXX.

10:01:26 5 MS ALAGENDRA:

6 Q. Witness, who is XXXXXXX?

7 A. He's SLA soldier.

8 Q. Witness, you told the Court that you were together with 50

9 other people in the house at the time. Did anything happen to

10:01:50 10 those people?

11 A. Yes.

12 Q. What happened, Witness?

13 A. They captured all of us inside the house. Then some of

14 them run away.

10:01:56 15 Q. Witness, do you remember the date when this incident took

16 place?

17 A. Yes.

18 Q. What was the date, Witness?

19 A. January XX, 19XX.

10:02:14 20 Q. Can you repeat the year again, Witness?

21 A. January XX, 19XX.

22 PRESIDING JUDGE: What was January 22, 1990? Was that when

23 she was abducted?

24 MS ALAGENDRA: The date when the incident took place, yes,

10:02:39 25 Your Honour.

26 PRESIDING JUDGE: I thought the witness had said '99.

27 THE WITNESS: '99. Yes, '99, I'm sorry.

28 MS ALAGENDRA:

29 Q. Witness, what happened after you and the other civilians

1 were captured?

2 A. We went as far as Calaba Town.

3 Q. Who did you all go with to Calaba Town?

4 A. The mixed group, the SLA and the RUF.

10:03:15 5 Q. Witness, did anything happen on the way from Wellington to

6 Calaba Town?

7 A. Yes.

8 Q. What happened, Witness?

9 A. They burnt houses and killed people on our way going to

10:03:42 10 Calaba Town.

11 Q. Who was burning houses and killing people?

12 A. The mixed group, the SLA and the RUF.

13 Q. Witness, how long did you stay in Calaba Town?

14 A. I stayed in Calaba Town at two weeks, two weeks' time.

10:04:12 15 Q. And when you were in Calaba Town for two weeks, where were

16 you staying, Witness?

17 A. Inside the house.

18 Q. Who were you staying with inside the house?

19 A. XXXXX and other XXXXXXXX cousins, with another SLAs

10:04:38 20 and RUFs, they are mixed.

21 Q. Witness, during the time that you stayed in Calaba Town for

22 two weeks, did anything happen to you?

23 A. Yes.

24 Q. What happened to you, Witness?

10:05:06 25 A. One of the ECOMOG was killed at Calaba Town. They cut off

26 his neck. Then Colonel Tito killed one of the nuns and shoot the

27 other two in their hands.

28 PRESIDING JUDGE: Can you please go back over that again,

29 please? One ECOMOG was killed?

1 MS ALAGENDRA: Your Honour, if I can ask the witness to
2 repeat.

3 PRESIDING JUDGE: Yes, please.

4 MS ALAGENDRA:

10:05:39 5 Q. Witness, can you repeat your answer about the killing of
6 the ECOMOG soldier?

7 A. Yes. One of the ECOMOG was killed at Calaba Town. Then
8 the other incident which took place, Colonel Tito killed one of
9 the nuns at Calaba Town and the other two were injuring -- shoot
10:05:59 10 them.

11 PRESIDING JUDGE: When you say "other two", you mean two
12 nuns?

13 THE WITNESS: No, they are 10 in numbers. The one was
14 killed and the two were shoot in their hands.

10:06:11 15 PRESIDING JUDGE: And when you say 10 in number you're
16 talking of nuns?

17 THE WITNESS: Yes, the nuns were 10.

18 PRESIDING JUDGE: Okay.

19 MS ALAGENDRA:

10:06:35 20 Q. Witness, you told the Court that an ECOMOG soldier was
21 killed. Who killed this ECOMOG soldier, Witness?

22 A. Well, I don't know the particular person who killed the
23 ECOMOG but the mixed group were in that area at that time. I ran
24 away inside the house.

10:06:51 25 Q. Witness, you told the Court Colonel Tito shot three nuns.
26 One was killed and two were injured. Who is Colonel Tito?

27 A. Colonel Tito is an SLA.

28 Q. Witness, did anything happen to you when you were in XXXXX
29 XXXX?

1 A. Yes.

2 Q. Can you tell the Court what happened to you?

3 A. He raped me at XXXXX.

4 Q. Who raped you, Witness?

10:07:44 5 A. XXXXX.

6 Q. And when you say "rape", Witness, can you explain what you

7 mean by that?

8 A. Yes. He take me to be his wife. He forced me to have sex

9 with me.

10:08:06 10 Q. Witness, how many times were you raped in XXXXX by

11 this person?

12 A. Ten times.

13 Q. Witness, when you say that he took you to be his wife, can

14 you explain what you mean by that?

10:08:38 15 A. Well, at that time, when they captured you that person who

16 is -- who or she when they captured that person, that person will

17 be his wife.

18 Q. How old were you, Witness, when this happened to you?

19 A. XXXXXXXX.

10:09:02 20 Q. Witness, did anything happen to the other women who were

21 abducted?

22 A. Yes.

23 Q. What happened to them, Witness?

24 A. They raped them also.

10:09:29 25 Q. Who raped them?

26 A. The mixed group, the SLAs and the RUF.

27 Q. Are you able to say how many women were raped?

28 A. Over thousands.

29 PRESIDING JUDGE: Are you saying over a thousand women were

1 raped? Is it what you're saying?

2 THE WITNESS: Yes.

3 JUDGE THOMPSON: Counsel, was that your question? I

4 thought your question was restricted to the universe of 50. Was

10:10:12 5 that what your question was restricted to?

6 MS ALAGENDRA: Your Honour, if I may just clarify.

7 JUDGE THOMPSON: Yes, quite. I thought I understood it

8 differently.

9 MS ALAGENDRA: The number 50 was in relation to the people

10:10:22 10 who were abducted from the house that she was in.

11 JUDGE THOMPSON: I see. I didn't realise you had enlarged

12 your universe, but I restrain myself.

13 MS ALAGENDRA:

14 Q. Witness, how did you know that there were other girls who

10:10:45 15 were raped by the SLA and RUF?

16 A. Well, they explained to me. They said that if they

17 abducted you they have the right to rape you and took you to be

18 their wives.

19 Q. Who told you?

10:10:57 20 A. A friend when we are discussing.

21 Q. Witness, are you able to say the age group of the SLA and

22 RUF that were in XXXXXX XXXX?

23 A. Yes.

24 Q. Proceed, Witness.

10:11:16 25 A. They are the SBUs, the little boys, and the elder ones.

26 Q. Are you able to say what was the age of the SBUs?

27 A. Thirteen. Around 13, 14, 16, at that age, the SBUs.

28 Q. Witness, where did you go to after the two weeks in XXXXXX

29 Town?

1 A. We went to Benguema.

2 Q. Can you tell the Court who were all the people that went to
3 Benguema?

4 A. The mixed group also went to Benguema, all of us.

10:12:11 5 Q. Did anything happen on the way from Calaba Town to
6 Benguema?

7 A. Yes. On our way to Benguema the Kamajors and the -- the
8 Kamajors and the ECOMOG were attacked, were attacked by the RUFs
9 and the rebels at Benguema. So they killed -- the Kamajors and
10:12:37 10 the SLAs killed so many civilians on our way going to Benguema.
11 Then the SLA and the RUF killed young babies because they don't
12 want them to cause noise on our way going to Benguema. So they
13 killed the young babies.

14 PRESIDING JUDGE: Madam Prosecutor, could you take this
10:12:58 15 over again? There seems to be some confusion at least I got in
16 the answer, but would you go back about what happened on the way,
17 please.

18 MS ALAGENDRA: Yes, Your Honour. I'll just ask the witness
19 to repeat the answer again.

10:13:13 20 PRESIDING JUDGE: Yes.

21 MS ALAGENDRA:

22 Q. Witness, can you repeat again slowly what happened on the
23 way from Calaba Town to Benguema?

24 A. On our way going to Benguema the ECOMOG and the Kamajors
10:13:22 25 were attacked by the ECOMOGs and the Kamajors. So they killed --

26 PRESIDING JUDGE: So it's the mixed group that was attacked
27 by ECOMOG and Kamajor, not the other way around?

28 THE WITNESS: The Kamajors and the SL - and the --

29 PRESIDING JUDGE: The ECOMOG.

1 THE WITNESS: -- and the ECOMOG attacked the --
2 PRESIDING JUDGE: Mixed group.
3 THE WITNESS: -- mixed group.
4 PRESIDING JUDGE: Okay. Yes, and what happened?
10:13:47 5 THE WITNESS: So they killed so many civilians.
6 PRESIDING JUDGE: Who did kill so many civilians?
7 THE WITNESS: The ECOMOG and the Kamajors killed so many
8 civilians on our way going to Benguema. Then the mixed group
9 killed young babies on our way to Benguema because they don't
10:14:08 10 want the babies to be causing noise for them.
11 MS ALAGENDRA:
12 Q. Witness, were there any more civilians captured along the
13 way from Calaba Town to Benguema?
14 A. Yes.
10:14:36 15 Q. Are you able to tell the Court about how many civilians
16 were abducted on the way?
17 A. Yes, hundred people were captured on our way to Benguema.
18 Q. Witness, what happened when you arrived in Benguema?
19 A. I was raped by XXXXX in XXXXX.
10:15:09 20 Q. How many times were you raped in XXXXXX, Witness?
21 A. XXXX times.
22 Q. Witness, were there other girls in Benguema?
23 A. Yes.
24 Q. Did anything happen to them?
10:15:42 25 A. They raped them also.
26 Q. When you say "they" who do you mean, Witness? Who raped
27 them?
28 A. The mixed group, the SLAs and the RUF.
29 Q. How do you know this?

1 A. When we are discussing, they explained to me that when they
2 captured you they would do the same thing to them.
3 PRESIDING JUDGE: When you say "they explained to me",
4 who's the "they".
10:16:15 5 THE WITNESS: The mixed group, the SLAs and the RUF.
6 PRESIDING JUDGE: So they are the ones that explained to
7 you what they would do?
8 THE WITNESS: No. The civilian, the girls, explained to me
9 that they are raped also.
10:16:39 10 PRESIDING JUDGE: Okay.
11 MS ALAGENDRA:
12 Q. Witness, did anything else happen while you were in
13 Benguema?
14 A. Yes.
10:16:43 15 Q. What happened?
16 A. Colonel Coal Boot killed one of -- one lady in Benguema.
17 PRESIDING JUDGE: What's the name of the colonel again?
18 THE WITNESS: Colonel Coal Boot.
19 PRESIDING JUDGE: Can you spell that out?
10:17:01 20 THE WITNESS: C-O-L -- Coal Boot. C-O-L-B-U-T [sic].
21 PRESIDING JUDGE: B-U-T, thank you.
22 THE WITNESS: C-O-L-B-O-T [sic], Coal Boot.
23 PRESIDING JUDGE: Yes, B-O-T?
24 THE WITNESS: Yeah.
10:17:20 25 PRESIDING JUDGE: So what did he do?
26 THE WITNESS: He killed one lady in Benguema.
27 MS ALAGENDRA:
28 Q. Witness, who is Major Coal Boot?
29 PRESIDING JUDGE: Colonel.

1 JUDGE ITOE: Colonel.
2 MS ALAGENDRA:
3 Q. Colonel Coal Boot?
4 A. Colonel Coal Boot?
10:17:52 5 Q. Yes, who is he?
6 A. He is a RU -- the mixed group. I don't know whether he is
7 SLA or RUF. Colonel Coal Boot is SLA.
8 Q. Witness, when did you leave XXXXXX?
9 A. XXXXXX.
10:18:06 10 Q. Of what year?
11 A. 19XX.
12 Q. And why did you leave XXXXXX, Witness?
13 A. Because -- I leave XXXX because I'm not having peace.
14 I always cry and disturb XXXXX. Then he said that okay, I
10:18:30 15 will leave here.
16 Q. Proceed, Witness. You were explaining why you left
17 XXXXX.
18 A. Yes. XXXXX sent me back to XXXX because I was --
19 I'm not getting you clear.
10:18:51 20 Q. The question is why did you leave XXXXX on XXXXX?
21 A. Okay. I leave XXXXX because the SLA said that they want
22 peace. If they sent us back to town, they will know that they
23 want peace. So that is the reason why we left XXXXX on the
24 XXXXX.
10:19:15 25 Q. How many people left Benguema together with you on the
26 10th?
27 A. We were XX in number.
28 Q. And where did you go to from XXXXX?
29 A. We went to Four Mile.

1 Q. Witness, what happened when you arrived at Four Mile?

2 A. The ECOMOG, they give us white cloth in our hand. Then
3 when we arrived at Four Mile, the ECOMOGs went out from the bush.
4 Then we lift up our arm -- our cloths in our hands. Then they
10:20:03 5 asked us where we came from. We say that they free us from
6 Benguema. Then they take us to their camp. When they take us to
7 their camp, then we return to Lakka the next morning.

8 Q. And what happened after you arrived at Lakka?

9 A. They sent us at UNICEF.

10:20:52 10 MS ALAGENDRA: Your Honour, I have no further questions for
11 the witness. Thank you, Witness.

12 PRESIDING JUDGE: Thank you, Madam Witness.

13 THE WITNESS: Thank you.

14 PRESIDING JUDGE: You will now be questioned by counsel for
10:21:04 15 the accused, Mr Jordash.

16 MR JORDASH: Thank you, Your Honour.

17 CROSS-EXAMINED BY MR JORDASH:

18 Q. Good morning, Madam Witness.

19 A. Good morning, sir.

10:21:29 20 Q. Just a few questions. I don't think it will take long. I
21 just want to ask you about some previous statements which the
22 Prosecution have written following interviews you had with them.

23 A. I'm not getting you clear.

24 Q. Okay. Let me simplify it. You've met the Prosecution a
10:22:02 25 number of times over the last two years; is that right?

26 A. Yes.

27 Q. And when you've met them you've told them what happened to
28 you and they've written notes about what's happened to you?

29 A. Yes, I explained to them what happened to me.

1 Q. I just want to ask you about those meetings and some of the
2 things that you've said before. Did you meet the Prosecution in
3 February of 2003?

4 A. Who is the Prosecutor? I only meet --

10:22:47 5 PRESIDING JUDGE: That's what I thought. Maybe you could
6 explain what the Prosecution is.

7 MR JORDASH:

8 Q. You're giving evidence for the Prosecution. Do you
9 understand that?

10:23:03 10 A. Yeah.

11 Q. The Prosecution are the people you've been meeting from the
12 Special Court --

13 A. Okay.

14 Q. -- who've been interested in what you have to say.

10:23:10 15 A. Yes.

16 Q. Yes. And do you remember meeting at Kissy in February
17 2003?

18 A. Yes, yes.

19 Q. And there was somebody called Maxine Marcus. Do you
10:23:28 20 remember that person?

21 A. No, I don't remember the name but I went there.

22 Q. And did you speak to them in English like you're speaking
23 to us now?

24 A. Yes.

10:23:36 25 Q. And in February 2003, that was the first time you'd told
26 the Prosecution about what happened to you?

27 A. February?

28 Q. Yes, 26th February 2003.

29 A. Yes.

1 Q. Thank you. Did you then see the Prosecution later that
2 year on 24th November 2003?
3 A. At Kissy?
4 Q. I'm not sure but it was a Paul Flynn you met. Do you
10:24:21 5 remember him? A white man?
6 A. Yes.
7 Q. And Mr Flynn took you through -- well, you went through
8 your first statement together and you made any additions you
9 wanted to make to that first statement. Do you remember that?
10:24:43 10 A. If I made any addition to the statement?
11 Q. Yes. Just try to think back to the November meeting you
12 had with Mr Flynn. Did you read through together your first
13 statement?
14 A. Yes.
10:24:59 15 Q. And then you added things to it?
16 A. Yes.
17 Q. Was the interview in English again?
18 A. Yes.
19 Q. And then you saw the Prosecution again on 27th October this
10:25:19 20 year. Do you remember that?
21 A. Yes.
22 Q. Again was the interview in English?
23 A. Yes.
24 Q. And did you go through the previous statements together and
10:25:31 25 make whatever clarifications you wanted?
26 A. Yes.
27 Q. And do you remember again meeting the Prosecution on 1st
28 November 2005, so not so long ago?
29 A. Yes.

1 Q. And again did you go through what had been said before to
2 the Prosecution?

3 A. Yes.

4 Q. Do you read English?

10:26:07 5 A. Yes.

6 MR JORDASH: Could I ask, please, that the witness be given
7 a copy of the 26th February 2003 interview? Your Honours,
8 page 1414. I just want to refresh the witness's memory.

9 Q. Madam Witness, would you just have a look at the top of the
10:27:02 10 first page. Obviously don't say anything which would reveal your
11 identity, but can you confirm that that's your name on the top of
12 the sheet?

13 A. Yes, yes.

14 Q. And would you just have a quick look through it, just a
10:27:26 15 very quick look, to see if you can identify that statement as
16 your statement?

17 A. Yes, yes.

18 Q. That looks like the one?

19 A. Yes.

10:27:45 20 Q. Okay. Now I just want to ask you about three or four parts
21 of the statement. Firstly --

22 JUDGE ITOE: Mr Jordash, I just want some clarification.
23 When she says it is her statement, is she also saying that she
24 wrote the statement? I want to be clear on this.

10:28:05 25 MR JORDASH:

26 Q. Did you write the statement or did somebody from the
27 Prosecution actually physically write it?

28 A. Yes, somebody from the prosecutor write it.

29 Q. Okay. You spoke to them, they wrote down --

1 A. Yes.

2 Q. -- what you were saying?

3 A. Yes.

4 Q. Did they read it back to you at the end --

10:28:26 5 A. Yes.

6 Q. -- to confirm that you had said what was in the statement?

7 A. Yes.

8 Q. Did you confirm? Sorry, can you say yes or no, madam?

9 A. Okay, okay. Yes.

10:28:41 10 Q. Thank you.

11 MR JORDASH: Your Honours, page 14114 [sic].

12 Q. The first page I'm interested in madam, first --

13 PRESIDING JUDGE: Why not use the typewritten version? Is

14 it the same or it's different?

10:29:04 15 MR JORDASH: My typewritten version has got 1414.

16 PRESIDING JUDGE: 14120. Well, I haven't compared. Just

17 looking at the first page, 14120 would seem to be the typed

18 version of 14114.

19 MR JORDASH: Okay. We've just numbered wrongly. I do

10:29:22 20 apologise. Your Honours, page 14120.

21 PRESIDING JUDGE: Okay. At least it's easier to read for

22 us if it is the typed version than the other one. So unless

23 you --

24 MR JORDASH: No, I thought -- we got our numbering in the

10:29:43 25 reverse. That was the problem.

26 PRESIDING JUDGE: Okay.

27 MR JORDASH:

28 Q. Madam, is it right that you said to -- looking about four

29 lines down --

1 PRESIDING JUDGE: Does she have a copy of the typed
2 statement now?
3 MR JORDASH: Yes.
4 THE WITNESS: Yes.
10:30:06 5 PRESIDING JUDGE: You're looking at the statement, fine.
6 Thank you.
7 MR JORDASH:
8 Q. You're describing, aren't you, at this stage your first
9 meetings with the rebels, and the statement four lines down says:
10:30:31 10 "We opened the door. We saw around 10 men and some small
11 boys. About five of them were small boys around 18 years
12 old. All of them wore uniforms, soldier uniforms."
13 Is that right?
14 A. Yes.
10:30:53 15 Q. Is that what you told the Prosecution?
16 A. Yes.
17 Q. And then just reading on:
18 "A few had badges of major on them. I heard them call them
19 major and those that they called major had these badges on
10:31:10 20 their arms."
21 Is that right?
22 A. Yes.
23 Q. And then the statement reads: "I only identified only one
24 major. All of them had weapons. All had guns. Some are G3 and
10:31:33 25 RPG and some had cutlass. They said, 'We are ground commanders'
26 in Krio. One man was called Cold Boot." Do you remember saying
27 those things?
28 A. Yes.
29 Q. Thank you. Now can I ask you to turn over the page,

1 please, to 14121 and you're continuing to describe the capture,
2 your capture. Just looking at the top of the page, just can you
3 confirm if this is what you told the Prosecution. Firstly, this:
4 "They had captured other people. Over 20 who were with
10:32:27 5 them when they came to our house. They were waiting
6 outside."
7 Did you say that?
8 A. Yes.
9 Q. "I didn't know them because they were from another area."
10:32:38 10 Is that correct?
11 A. Yes.
12 Q. "All of them were in civilian clothing. They were families
13 with children." Is that correct?
14 A. Yes.
10:32:52 15 Q. "Some had sisters and brothers with them. Some had their
16 own children."
17 Is that correct?
18 A. Yes.
19 Q. "I knew they had been captured because they did not wear
10:33:02 20 uniforms."
21 Is that correct?
22 A. Yes.
23 Q. Is that the way you then distinguished or told the
24 difference between the rebels and the civilians; one set wore
10:33:18 25 uniforms, one didn't?
26 A. No, they are mixed because some of them chewing grass, the
27 rebels.
28 Q. Okay. Well, is that the way you identified a --
29 A. Yeah, the rebels from the SLAs.

1 Q. That they were chewing grass?

2 A. Yes.

3 Q. Okay, thank you. Did you tell the Prosecution in February

4 2003 that the civilians had not been wearing uniforms whereas the

10:33:50 5 rebels had been wearing uniforms?

6 A. I told them that some of them were in uniform, some were

7 not.

8 PRESIDING JUDGE: You're talking of the rebels here? When

9 you say some were in uniform, some were not, are you talking of

10:34:06 10 the rebels, the RUF?

11 THE WITNESS: The mixed group. The mixed.

12 PRESIDING JUDGE: The mixed group.

13 THE WITNESS: Yes, yes.

14 PRESIDING JUDGE: So when you're talking of that you're

10:34:13 15 always talking of the mixed group.

16 THE WITNESS: Okay.

17 PRESIDING JUDGE: I'm asking you the question.

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: Yes.

10:34:19 20 MR JORDASH:

21 Q. Let's read on then. "They had bags with them"?

22 A. Yes.

23 Q. And then it says:

24 "The soldiers were SLA. I know because they said they were

10:34:31 25 from Freetown. They said they don't give us enough money

26 so that is why they joined up with the rebels from the

27 bush."

28 Is that what you told the Prosecution?

29 A. Yes.

1 Q. Were you referring then to SLAs as soldiers, but those who
2 were not SLA as rebels? Do you understand?
3 A. What?
4 Q. Were you saying that -- were you referring to soldiers as
10:35:15 5 SLA?
6 A. Yes.
7 Q. And the other rebels, RUF?
8 A. Yes.
9 Q. You referred to as rebels?
10:35:23 10 A. Yes.
11 Q. Just reading further down to the page to the second
12 paragraph.
13 "Then they took me away. Another soldier took my brother
14 XXXXX and a third soldier took XXXXXX."
10:35:48 15 There were soldiers who were taking you and your family?
16 A. Yes.
17 Q. Then reading on: "This group of soldiers split up."
18 Did the group of soldiers split up at that stage? Did you
19 tell the Prosecution that the group of soldiers split up?
10:36:17 20 A. Yes.
21 Q. And then, reading on, you went with "Major"?
22 A. Yes.
23 Q. And then reading on:
24 "The rest of the soldiers who were there. It was another
10:36:38 25 batch of soldiers who came to get Numa later" --
26 A. Yes.
27 Q. -- "after I was gone." Did you tell the Prosecution that?
28 A. Yes.
29 Q. Just turning over the page if you would, madam, please.

1 MR JORDASH: This is, Your Honours, page 14122.

2 Q. Looking at the third paragraph and I'm going to avoid any
3 names of anybody who might identify you. You then talk of a
4 mixed SLA and AFRC group?

10:37:52 5 PRESIDING JUDGE: And avoid the name mentioned there as
6 well, please.

7 MR JORDASH: Yes, I'm going to.

8 Q. And you talk:
9 "Back when we got to XXXXXX Town I saw the second batch of
10:38:04 10 mixed SLA and AFRC."
11 Do you see that?

12 A. Yes.

13 Q. And again, as you've told us a few moments ago, you
14 identified some rebels because they were chewing grass?

10:38:20 15 A. Yes.

16 Q. And because they were capturing people?

17 A. Yes.

18 Q. And the statement also says because they are bloody.

19 A. Yes.

10:38:14 20 [RUF28NOV05B-RK]

21 Q. Can you confirm that Coal Boot was SLA? I'm not looking at
22 the statement for a moment, Madam, just from your memory, if you
23 can; Coal Boot, SLA?

24 A. Yes, Coal Boot was SLA.

10:39:10 25 Q. You came across Colonel 0-Five at one point?

26 A. Yes.

27 Q. He was SLA?

28 A. Yes.

29 Q. Brigadier Five-Five?

1 A. Yes.

2 Q. SLA?

3 A. Yes.

4 Q. Major Arif, SLA?

10:39:43 5 A. Yes.

6 Q. Can you confirm that Colonel Tito was SLA?

7 A. Yes.

8 PRESIDING JUDGE: So I understand where you're going, Mr

9 Jordash, I take it that these statements are used to refresh the

10:40:10 10 memory of the witness, not for other purposes?

11 MR JORDASH: Exactly, Your Honour, yes.

12 PRESIDING JUDGE: Okay. I should have asked you at the

13 outset --

14 MR JORDASH: I did say --

10:40:16 15 PRESIDING JUDGE: If you did, fine, I didn't hear that.

16 MR JORDASH:

17 Q. Was it Colonel Tito you saw shoot three nuns?

18 A. Yes.

19 Q. It was Coal Boot who you saw kill a civilian lady?

10:40:52 20 A. Yes.

21 MR JORDASH: I've got nothing further. Thank you very

22 much, Madam.

23 THE WITNESS: Thank you.

24 PRESIDING JUDGE: Counsel for second accused. Sorry,

10:41:05 25 Mr Harrison.

26 MR HARRISON: I was given a note from Witness and Victims

27 Services and concern has been raised that I wish to convey right

28 now, and that is that the witness mentioned the name of an

29 educational institution in her direct evidence.

1 PRESIDING JUDGE: Yes, she did, yes.

2 MR HARRISON: I've been told that is a relatively small
3 institution and, because of that, we're asking the Court, if they
4 deem it appropriate, to perhaps issue some words to members of
10:41:37 5 the press, should they be present, that this witness's identity
6 is protected and not to be divulged in any way.

7 PRESIDING JUDGE: Certainly we agree this witness's
8 identity should be protected, that's why we issued protective
9 measures and any information that comes out either in direct
10:41:58 10 examination or cross-examination that could lead or would lead to
11 her identification is not to be published and if that information
12 was indeed brought into evidence, as such, that was in answer to
13 the question by the Prosecution that she had testified she was a
14 student at a specific location, so that information should not be
10:42:23 15 part of the public record. Obviously if there are members of the
16 media present, we ask you not to publish that information.

17 MR HARRISON: Thank you.

18 PRESIDING JUDGE: Madam Witness, again, I know you were
19 just answering a question at that particular moment, but we're
10:42:45 20 trying not to lead any information that would lead to the
21 disclosure of your identity. If you feel one question may be
22 doing this, please raise the issue with the Court and we'll see
23 how to make sure that your identity is indeed protected.

24 THE WITNESS: Yes.

10:43:03 25 PRESIDING JUDGE: Thank you, counsel for second accused.

26 MR TOURAY: Thank you.

27 CROSS-EXAMINED BY MR TOURAY:

28 Q. Now you spoke about Colonel O-Five. He was in uniform, was
29 he not?

1 A. Yes.

2 Q. And Brigadier Five-Five was in uniform?

3 A. Yes.

4 Q. As well as Colonel Tito?

10:43:36 5 A. Yes.

6 Q. Same thing with Colonel Rambo?

7 A. Yes.

8 Q. And also 0-Five?

9 A. Yes.

10:43:50 10 Q. You knew at some point that Rambo was the boss?

11 A. Yes.

12 Q. And those in control were, in fact, 0-Five?

13 A. Yes.

14 Q. Tito?

10:44:06 15 A. Yes.

16 Q. Five-Five?

17 A. Yes.

18 Q. They were controlling the whole bunch of soldiers?

19 A. Yes.

10:44:12 20 Q. At that time?

21 A. Yes.

22 Q. Right from Calaba Town up to Four Mile?

23 A. Yes.

24 Q. It is true, is it not, that your experience is mainly with

10:44:33 25 the SLAs?

26 A. Yes.

27 Q. Those are the people you dealt with most?

28 A. Yes.

29 MR TOURAY: No further questions.

1 PRESIDING JUDGE: Mr Cammegh?

2 MR CAMMEGH: I have no questions, thank you.

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

4 MS ALAGENDRA: No, Your Honour.

10:45:02 5 PRESIDING JUDGE: We thank you very much, Madam Witness.

6 That concludes your evidence. Just wait a few minutes until we

7 close the curtains and you'll be escorted out. Thank you very

8 much for having come to this Court.

9 THE WITNESS: Thank you, sir.

10:45:27 10 PRESIDING JUDGE: In the meantime, Mr Prosecutor, you have

11 another witness. If I'm not mistaken, you said on Friday that

12 the other witness would be about the same duration.

13 MR HARRISON: Yes, we estimate slightly longer but roughly

14 one to one and a half hours.

10:45:47 15 PRESIDING JUDGE: In total?

16 MR HARRISON: We're estimating that.

17 PRESIDING JUDGE: I mean, it's not for the Prosecution --

18 MR HARRISON: The Prosecution will be longer, probably

19 closer to an hour, just for the Prosecution.

10:46:03 20 PRESIDING JUDGE: Okay. What is the language of the next

21 witness?

22 MR BANGURA: The next witness will testify in Krio, Your

23 Honour.

24 PRESIDING JUDGE: You're doing the examination-in-chief?

10:46:16 25 MR BANGURA: Yes, Your Honour.

26 PRESIDING JUDGE: Thank you.

27 [The witness withdrew]

28 MR JORDASH: While this is happening, Your Honours, can

29 Mr Sesay use the toilet, please, while there is a change around.

1 PRESIDING JUDGE: Yes, but just wait a moment, please.
2 MR JORDASH: Certainly.
3 PRESIDING JUDGE: Mr Jordash, the answer is yes, but we'll
4 take advantage. The whole court will break and hopefully we will
10:47:36 5 take the next witness up to the lunch-time. Based on the
6 estimate, that is what we need. Court is adjourned for
7 15 minutes.
8 [Break taken at 10.47 a.m.]
9 [Upon resuming at 11.15 a.m.]
11:09:03 10 [The witness entered court]
11 PRESIDING JUDGE: Mr Prosecutor, we are ready to proceed
12 with your next witness.
13 MR BANGURA: Thank you, Your Honour.
14 PRESIDING JUDGE: Who is your next witness?
11:14:31 15 MR BANGURA: Your Honour, the witness about to testify is
16 TF1-101. He is the 49th witness; the 48th for the Prosecution.
17 Your Honours, on account of his physical condition, the
18 Prosecution has suggested to the Defence and to which they do
19 agree, that we have somebody from WVS to sit by the witness to
11:15:07 20 assist should the need arise for water or maybe adjusting the
21 headphones or the microphone.
22 PRESIDING JUDGE: But the witness is still in a condition
23 to be able to give evidence?
24 MR BANGURA: Certainly, yes, Your Honour.
11:15:21 25 PRESIDING JUDGE: What you are saying is he needs to have
26 assistance to be close to him to assist him should the need
27 arise.
28 MR BANGURA: That's right. Yes, Your Honour.
29 PRESIDING JUDGE: Yes, that is fine. Mr Jordash, do you

1 have any objections to that?

2 MR JORDASH: No objections, that would make sense.

3 MR TAKU: No objections, Your Honour.

4 PRESIDING JUDGE: Mr Cammegh, you agree as well?

11:15:43 5 MR CAMMEGH: No objection.

6 PRESIDING JUDGE: Very well, yes.

7 MR BANGURA: Thank you.

8 JUDGE THOMPSON: May the witness be sworn, please?

9 WITNESS: TF1-101 [sworn]

11:16:46 10 [The witness answered through interpreter]

11 MR BANGURA: Your Honours, the witness will testify in

12 Krio.

13 JUDGE THOMPSON: Counsel, you may begin.

14 MR BANGURA: Thank you, Your Honour.

11:16:59 15 EXAMINED BY MR BANGURA:

16 Q. Mr Witness, good morning.

17 A. Good morning.

18 Q. I will be asking you questions and I want you to give the

19 answers as best as you can; okay?

11:17:19 20 A. Yes, sir.

21 Q. And when you do answer questions, please try not to speak

22 too fast; okay?

23 A. Yes, sir.

24 Q. Mr Witness, how old are you?

11:17:35 25 A. 36 years.

26 Q. Where were you born?

27 A. I was born in XXXXXXXX.

28 Q. Is that in XXXXX District?

29 A. Yes, sir.

1 Q. What do you do for a living at present, Mr Witness?
2 A. Now, I am with my brother where he is selling. I sit to
3 the place he is selling. I sit there every day, so in the
4 evening he uses to give me something in the evening and I go
11:18:44 5 home.
6 Q. Are you able to work by yourself right now; to do work by
7 yourself?
8 A. No. Now, I am unable to do nothing for myself.
9 Q. Mr Witness, before the war --
11:18:59 10 A. Yes, sir.
11 Q. -- how did you make a living?
12 A. Initially I was a petty trader; I used to do a business.
13 Q. Do you have a family?
14 A. Yes, sir.
11:19:26 15 Q. What is the make-up of your family?
16 A. So, I have five children, my wife and myself.
17 Q. Mr Witness, I am going to ask you some questions about
18 events that happened in this country some time ago, not so long
19 ago. Now, do you recall the date the 6 January 1999?
11:20:07 20 A. Yes, sir. It was the day that the rebels cut off my hands.
21 Q. Mr Witness, if you just take the answers one --
22 A. Yes, sir.
23 Q. Where were you living at this time, 6 January 1999?
24 A. I was at XXXXXXXX.
11:20:42 25 JUDGE ITOE: Did he say it was the day the rebels cut off
26 my hand or my hands?
27 PRESIDING JUDGE: He said "my hands" and he showed both of
28 his hands.
29 MR BANGURA: He showed his hands, yes.

1 JUDGE ITOE: I didn't -- I was taking notes. So the two
2 hands.

3 MR BANGURA: Yes, that is the evidence.

4 PRESIDING JUDGE: So, Mr Witness, you had raised both of
11:21:01 5 your arms. Could you do that again so the Court can see it?

6 THE WITNESS: Yes, sir. Yes, sir. In January -- on 6
7 January the rebel entered the town.

8 MR BANGURA:

9 Q. Mr Witness --

11:21:20 10 A. Yes, sir.

11 Q. Listen carefully to the questions and give your answers to
12 the questions. Listen carefully to the questions and then give
13 your answers, okay?

14 A. Yes, sir.

11:21:34 15 Q. His Lordship wanted you to give back an answer that you had
16 given about January 6th. What did you say about January 6th
17 earlier, please?

18 A. I said January 6th was the day that the rebel entered
19 Freetown. It was that day that when they came, they cut off my
11:22:09 20 hands.

21 Q. Thank you, Mr Witness.

22 PRESIDING JUDGE: Thank you, Mr Witness.

23 MR BANGURA:

24 Q. You've already said, Mr Witness, that you're living at
11:22:20 25 XXXXX, somewhere at XXXXXX, at that time; is that correct?

26 A. Yes, sir.

27 Q. Mr Witness, would you describe to this Court just before
28 that day, the date January 6, 1999, what was the situation in
29 your area at XXXXXX where you lived just before that day?

1 A. So before January 6th we were panic-stricken in Freetown.
2 When people were say that rebels were coming. They were coming.
3 So that talk was widespread amongst us in Freetown. So we were
4 panic-stricken. During that time it was Kamajors that were
11:23:25 5 securing Freetown.

6 Q. Mr Witness, on January 6th itself, the day you say the
7 rebels came, January 6, 1999, can you describe what you saw that
8 morning?

9 A. Yes, sir. So January 6th, early in the morning when I got
11:23:55 10 up, anywhere I turned I saw rebels, everywhere. They were
11 shouting. They said, "We have come. You had said we have died.
12 We told you last time that we would come, so here we are." Some
13 of them, we saw them, they put on combat. Some were carrying
14 guns, machetes, axes, some put on civilian uniforms, some did not
11:24:27 15 even put on shoes.

16 JUDGE THOMPSON: This is too rapid, counsel.

17 MR BANGURA:

18 Q. Mr Witness, can you try not to speak too fast. I had asked
19 you earlier to give your answers in a way that would enable
11:24:39 20 everyone here to understand and to record you. So try not to
21 speak too fast.

22 PRESIDING JUDGE: If you can, take the witness back to when
23 he was describing that they said, "We come" and he was describing
24 what he saw.

11:24:50 25 MR BANGURA: Thank you, Your Honour.

26 Q. Mr Witness, you have said that that morning of January 6,
27 1999 you woke up and you saw people around, some wore combat and
28 they were saying they had come. Can you take it from there,
29 please. Go over what you had said again.

1 A. Okay, sir. So in the morning, I woke up. I saw rebels.
2 Anywhere that I turned, I saw them.
3 Q. How did you know they were rebels?
4 A. So they said it. They said, "We the rebels, had come." It
11:25:50 5 was what made me to know that they were the rebels.
6 Q. At this time were you able to move around at all in your
7 area?
8 A. No. During the time they came we were not able to go
9 anywhere. We stayed where they met us.
11:26:32 10 Q. Were you able to go out of your house at any time after
11 that?
12 A. Yes. It took about five to six days, so we moved and came
13 to XXXXX market to buy some food to eat.
14 Q. Mr Witness, when you say "we moved", who are you talking
11:27:07 15 about, yourself and who?
16 A. We that were in the area. We the civilians. We were many
17 to come to town to buy something to eat. That is why I said
18 "we".
19 Q. Thank you, Mr Witness. When you got to town did anything
11:27:34 20 happen at all? Did you observe anything in town that day you
21 went to town?
22 A. Yes, after we had bought we carried what we bought in the
23 market. We returned home. So we went until we reached Ferry
24 Junction by PWD, old road. We met they mounted a checkpoint
11:28:01 25 there.
26 Q. I will ask you again to go a bit slower, please. Your
27 answers are being recorded, please. You got to Ferry Junction
28 around PWD, you said. Please take it from there, but a bit
29 slower.

1 A. Okay.

2 Q. Continue, please.

3 A. So when we reached PWD by Ferry Junction, we met they
4 mounted a checkpoint there.

11:28:45 5 Q. Did you observe anything at that point?

6 A. Yes. So when we reached at that checkpoint we met some of
7 our colleague civilians. They sat on the ground.

8 Q. Do you know where why they were sitting on the ground?

9 A. Yes. The reason why I said I knew, when we reached they
11:29:20 10 said, "All of you who are civilians should sit down with your
11 colleagues."

12 Q. Now you just said "they said." Who said that you should
13 sit down with your colleague civilians?

14 A. So during that time it was the rebels, the SLA, that we
11:29:49 15 met. They said that, "We had come, we the rebels. So when you
16 say that we were unable to come, here we are now. See them over
17 there." We all sat on the ground.

18 Q. Did anything happen while you were sitting on the ground?

19 A. Yes, sir. Yes, sir. So when we sat, it didn't take long,
11:30:18 20 one of them came and gave command and said, "Let us make
21 sacrifice. Let us select two people." They selected those two
22 people.

23 Q. And these two people were selected from? Where were they
24 selected from?

11:30:42 25 A. Where we the civilians sat, we the ones that were told to
26 sit, it was from there they picked two people, a fair in
27 complexion and a dark in complexion man.

28 Q. Did anything happen after that?

29 A. Yes, sir. After they had been removed they said they

1 should make sacrifice. So I saw two men, they came and stabbed
2 the fair in complexion man and he fell.

3 THE INTERPRETER: Your Honour, it should be "stabbed
4 continuously."

11:31:30 5 MR BANGURA:

6 Q. Did you see him get up again?

7 A. No, sir. He did not get up. He was stabbed rapidly and
8 continuously. He took the blood and put it in a rubber bowl.

9 The one, they killed him. The black one, the black in
11:31:58 10 complexion, they shot him and he died.

11 Q. Mr Witness, after these two people had been killed did
12 anything happen?

13 A. Yes, sir. After that, they gave us -- allowed us to go.
14 We took what we bought and went away. We were going. We reached
11:32:46 15 at Saroula, we met another checkpoint.

16 MR BANGURA: Your Honours, Saroula is S-A-R-O-U-L-A.

17 Q. Where is Saroula, Mr Witness?

18 A. It is at Kissy Shell Company.

19 Q. So what happened when you got to Saroula?

11:33:15 20 A. So when we reached Saroula, we met them, the SLA, we met a
21 Kamajor and other rebels. They were arguing. But the SLA and
22 the rebels were the ones that were arguing.

23 Q. What were they arguing about?

24 A. So the argument was the SLA told the rebel that, "We did
11:33:51 25 not come for that in the city. We are not going to fight again."

26 Q. Do you know what he meant when he said, "We did not come
27 for that in the city"?

28 A. Yes, sir. During that time he was trying to tell his
29 companion that the only arrangement that they made with the

1 rebels was to bring them in the city, not to overthrow. But if
2 they say that they should overthrow, they were not going to fight
3 again until they paid them their money.

4 Q. Mr Witness, this argument about the purpose for which they
11:34:46 5 came to the city was between the SLAs and the rebels, you said;
6 is that correct?

7 A. Yes, sir.

8 Q. And one was saying that the purpose for when they came to
9 the city was not to come and overthrow; is that correct?

11:35:16 10 A. Yes, sir.

11 Q. Which group?

12 A. The SLA. It was the SLA who spoke with the rebels when we
13 met them at the checkpoint. They said that they did not come to
14 overthrow. If the rebels said that they came to overthrow, so
11:35:39 15 they were not party to that. During that time, the curfew was --

16 THE INTERPRETER: Your Honour, the witness --

17 MR BANGURA:

18 Q. Please try not to speak too fast. I have reminded you
19 several times. Whatever you say here is being recorded. Please
11:36:04 20 take it back. You were telling us about -- the argument was
21 on -- you talked about the curfew was on at 3 o'clock. Yes,
22 Mr Witness?

23 A. So during that time when we met them, we met them in that
24 argument. The SLA was speaking to the rebels that they were not
11:36:42 25 going to fight again.

26 Q. Did anything happen as they were arguing?

27 A. Yes.

28 JUDGE THOMPSON: You don't want the complete argument?

29 THE WITNESS: Yes, I heard.

1 MR BANGURA: [Overlapping speakers] I can get the witness

2 to --

3 THE WITNESS: I heard the argument.

4 MR BANGURA:

11:37:08 5 Q. Mr Witness, one group was saying they had not come into the
6 city to overthrow and the other group -- what was the other group
7 saying? The soldiers were saying -- the SLAs were saying that
8 they had not come into the city to overthrow. The agreement was
9 to come into the city. Is that what you said?

11:37:31 10 A. Yes, sir.

11 Q. What were the other group saying? The rebels, what were
12 they saying?

13 A. They said since they had come to the city, they were all
14 together, so what their leader told them to do was they should do
11:37:54 15 it. The SLA said they would not fight again until they were
16 paid.

17 Q. Thank you, Mr Witness. Did anything happen as they were
18 arguing?

19 A. Yes, sir.

11:38:19 20 Q. Please tell the Court.

21 A. So it didn't take long, one of them said, "Okay, look at
22 Captain Blood he is coming." So I saw him stand.

23 Q. You saw who?

24 A. The one they said he was Captain Blood. I said he came and
11:38:48 25 spoke to them. He said, "I beg you." He said, "I beg you.
26 Don't fight. You are all together. Don't make any argument
27 again. He talked to the SLAs who were annoyed. He said, "Your
28 money, you will get it. Stop this argument."

29 Q. At this point, Mr Witness, did you do anything? Did you go

1 anywhere?

2 A. Yes, sir. After that they allowed us to continue our
3 journey. I went right up to my house.

4 Q. Mr Witness, after this incident, you said this was five to
11:39:44 5 six days after 6th January. This was the day that you had gone
6 out to buy food -- something to eat and you got back home. Did
7 anything happen after that?

8 A. Yes, sir, so during that time when I went to my house, I
9 was there. It took some days, so I saw five rebels. They met us
11:40:18 10 at my house.

11 Q. Now these five people that you called rebels, how were you
12 able to tell that they were rebels, all five of them?

13 A. No, sir. They were not all that were rebels. The two were
14 SLAs, but it was five people that met us at my house.

11:40:48 15 Q. And did anything happen when these five people met you at
16 your house?

17 A. Yes, sir. When they went there, so they said, "Your
18 president, who is President Kabbah, when they talked about the
19 ceasefire he denied that."

11:41:16 20 Q. Mr Witness, can you clarify the point, you said, "When they
21 talked about the ceasefire he denied that." Can you make it
22 clear for the Court to understand what you are saying?

23 A. So, when those five men met us at my house they told us the
24 civilians that, "Your president, who is President Kabbah, when
11:41:49 25 they talk about ceasefire he refused." He said today, "Today, we
26 have agreed for the ceasefire. He had sent the ECOMOG to fight
27 us."

28 Q. Did they say anything else apart from that?

29 A. Yes, sir. They said, "Now, since ECOMOG had come to fight

1 us, you and we are all going to die together." That is what they
2 said.

3 Q. When they said "you", who were they talking about? Was it
4 you alone, you personally?

11:42:34 5 A. No, sir. No, sir. We the civilians, we were many. In
6 that area there were civilians. Those civilians -- those that
7 came and met us there were also there.

8 Q. Did anything happen after this, Mr Witness?

9 A. Yes, sir. After they had said that it didn't take long.
11:43:10 10 We saw one woman and one man, but the man was behind. He carried
11 a gun and he came to them.

12 Q. You said one woman and one man and you said he came to
13 them. Was it the man that came to these five people alone? Was
14 it only the man that came there?

11:43:36 15 A. No, sir. Both of them came, but the man was behind the
16 woman. The woman was before. They were coming to rebels that
17 was with us.

18 Q. And did anything happen when these two people came?

19 A. Yes, sir. When he came, he told them that you -- "We told
11:44:06 20 you to go and fight. You refused to do so. You see what is
21 happening now? Now there is Operation No Living Thing."

22 Q. Who said that?

23 A. The woman who came was the one who told us that were by us.

24 Q. Now, how would you describe this woman? What did she look
11:44:34 25 like?

26 A. So that woman was a rebel. She was not an SLA. She was a
27 rebel.

28 Q. Thank you. Now, this woman came and talked about Operation
29 No Living Thing. Did anything happen after that?

1 A. Yes, sir. After she had spoken, she returned. It wasn't
2 even five minutes. One pa was passing by. The rebel met the pa
3 standing at the veranda, he turned and shot him dead.

4 Q. When you say "one pa", what do you mean?

11:45:40 5 A. By that I mean he was a man, but he was aged, that was why
6 I said one pa.

7 Q. Thank you. Did you observe anything else after this
8 statement had been made about Operation No Living Thing?

9 A. Yes, sir. After the one that killed that old man, around
11:46:16 10 that area, I heard some gunshots and two people were killed, but
11 I did not see the very person that killed them. But I saw them
12 fell and died.

13 Q. Did anything else happen that day, Mr Witness?

14 A. Yes, sir. From that day we were panicked, shocked. They
11:46:48 15 were just talking to themselves. One would say, "I came from
16 Benguema," that is the SLA; the other would say, "I came from
17 Daru". So they used to converse amongst themselves.

18 Q. Mr Witness, do you recall the evening of that day?

19 A. Yes, sir.

11:47:19 20 Q. Do you recall anything happening that evening?

21 A. Yes, sir. So when I was inside, I left them outside. From
22 there one of -- the people I left outside he said, "Let's burn
23 this house." So they burnt the house.

24 Q. Mr Witness, when you say, "When I went inside," inside
11:47:48 25 where? You went inside where?

26 A. I entered the house -- a house where they met us. We were
27 outside, when all the things were happening. So I entered the
28 house. I entered my room.

29 Q. And what happened after that?

1 A. So I was inside the house, then they said, "Let's burn this
2 house." So I was in my room. The room that was adjacent mine, I
3 saw fire there.

4 Q. Did this fire eventually -- what did you do after that?

11:48:51 5 When you noticed fire in part of the house, what did you do?

6 A. So, when I saw the fire, I myself ran away. I left the
7 house. I went to the next house.

8 Q. And what happened to the house eventually?

9 A. So, the house where I went to a lot of civilians were
11:49:28 10 there. So we were there until the following morning.

11 Q. I was asking you, Mr Witness, about your house which you
12 had just left. Did anything happen to it?

13 A. Yes, sir. The house was completely burnt down, but I
14 wasn't there again, but I hid in a place closer to that. I was
11:49:56 15 seated there and observed that the house had completely burnt
16 down.

17 Q. What kind of house was this?

18 A. The house in which I used to live, which was burnt down it
19 was a wooden house. It was a four room -- it contained four
11:50:17 20 rooms and a parlour. That was the house that was burnt down.

21 Q. And this house, is it your house? Is this a house which
22 you own yourself?

23 A. No, sir. The house was a family house. I did not own it
24 by myself. It was a family house.

11:50:49 25 Q. Mr Witness, you've told this Court that you moved over to
26 another house where you went to hide; is that correct?

27 A. Yes, sir. Where I went to hid, it was Mr xxxxxx house.
28 That was where we hid. He was one our neighbours.

29 MR BANGURA: Your Honours, xxxxxxxx.

1 Q. Now this house where you went to hide, did you notice
2 anything about it?

3 A. Yes, sir, the house itself, it too was burnt down, but it
4 was an upstairs, but we were down the cellar where we sat.

11:51:59 5 Q. Mr Witness, apart from your house and Mr xxxxxxxx house,
6 where you went to seek refuge, do you know of any other incidents
7 of burning in your area that day?

8 A. Yes, sir. The houses that were burnt down were many. The
9 houses that surrounded our own house, those houses were burnt
11:52:32 10 down until xxxxxxxxxxxx. A lot of houses were burnt down as
11 far as Looking Town.

12 Q. Mr Witness, you went to Mr xxxxx house. Did anything
13 happen while you were there?

14 A. Yes, sir. In the morning, we were sitting where we were
11:53:08 15 hiding. We saw seven rebels who met us there.

16 Q. Are you saying, Mr Witness, that you spent the night at
17 Mr xxxxx house?

18 A. Yes, sir. When they lit our house and it was burning, that
19 time it was in the evening, so we were there. We spent -- we
11:53:39 20 slept there at the house and the following day seven rebels came
21 and met us there.

22 Q. Were you the only one who had gone to seek refuge in that
23 house?

24 A. No, sir, we were many. We had big men, women, children.
11:54:03 25 We, the men, we were plenty. It was a very big house.

26 Q. So, Mr Witness, you said the next day you saw some rebels
27 who came to the house; is that correct?

28 A. Yes, sir.

29 Q. How many of them did you see?

1 A. There were seven in number, the ones that we saw. The ones
2 that met us where we were hiding.

3 Q. Can you describe them? Can you describe how they looked
4 when they came to the house that morning?

11:54:50 5 A. Yes, sir. When they came, the one he had a pistol. They
6 referred to him as Commando. He had a pistol. The four had
7 guns. The one had an axe, the other a cutlass.

8 Q. Apart from the one whom you referred to as Commando, did
9 you know the name of any one of them -- any one of the other six?

11:55:30 10 A. The seven that met us there, I don't know their names, but
11 the five people that first met us in our house, I could call the
12 name of one of them. That is the person I knew, that was Issa
13 Conteh.

14 Q. Okay. Thank you, Mr Witness. So when these seven people
11:56:06 15 came, did you anything happen?

16 A. Yes, sir.

17 Q. Please tell the Court.

18 JUDGE ITOE: Sorry, five original people, the five who
19 originally met them, he called the name of one.

11:56:25 20 MR BANGURA: Yes, Issa Conteh.

21 JUDGE ITOE: Issa Conteh.

22 MR BANGURA: Would be I-S-S-A. Conteh is Conteh.

23 Q. Mr Witness --

24 A. Yes, sir.

11:56:44 25 Q. -- when these seven people came that morning, did anything
26 happen?

27 A. Yes, sir. While we were hiding when they arrived there,
28 one of them told his companions, he said: "Take all the young
29 men here and bring them to the junction." So on the line, on the

1 queue I was the first to be picked there.

2 Q. Do you recall how many were picked to be brought out of
3 this house?

4 A. We were 24, but we were many. The ones that they met
11:57:46 5 there, they left the old people, the women, the children. They
6 only picked 24 of us, we, the men.

7 Q. When they brought you out, where were you taken to?

8 A. So they brought us to the main road. It was where they
9 were all seated. I was the first one. They said I should stand
11:58:19 10 over there, so I stood there. So the remaining were ordered to
11 sit on the ground.

12 Q. So you are saying, Mr Witness, that you were asked to stand
13 aside, you being the first person among the lot; is that correct?

14 A. Yes, sir. I was the first person to be taken from where we
11:58:48 15 were hiding. I was the first person that was ordered to stand
16 and I was the only person standing. All the rest were ordered to
17 sit on the ground.

18 Q. So did anything happen at this point, Mr Witness?

19 A. Yes, sir. After we were there, they went and found a big
11:59:14 20 log and placed it before the house.

21 Q. And then did anything happen after that?

22 A. Yes, sir. It was there then, the one that they called
23 Commando, the one that had the pistol, he said everybody should
24 put his hand so that it could be cut off.

11:59:53 25 Q. And how did this process take off? He said everybody
26 should put their hand. Did this process take off?

27 A. So during that time when he said everybody should put his
28 hand, the one that was sitting among the other people had to talk
29 to the commando, saying, "Please don't cut my hand." He

1 continued begging the commando, but he did not accept. Then he
2 collected a big gun from one rebel then he shot him in his face
3 and killed him.

4 [RUF28NOV05C - EKD]

12:00:27 5 Q. Mr Witness, I would like you to go over what you have just
6 said again. It seems a bit unclear. You said the one who was
7 sitting among them. You have said that all the others were
8 sitting and you were the only one standing. Now at this point,
9 while you were standing and the others were sitting, the log was
12:01:01 10 there. Please tell the Court what happened.

11 A. So I was standing. The rest were sitting on the floor.
12 Before us they placed the log. I who was standing, they did not
13 begin from me. They started from the ones that were sitting on
14 the ground. It was one of them who sat before the others that
12:01:33 15 started begging. But the commando did not accept so the commando
16 collected the gun and shoot him in the face and he died.

17 Q. After this, Mr Witness, did anything happen next?

18 A. Yes, sir. The next person behind the one that had already
19 been killed, they said he should put his hand again. He started
12:02:08 20 begging again, but they did not accept. So he was shot again and
21 he died too.

22 Q. Who told him to put his hand on the log? You said "they
23 said". Who told him, who ordered him to put his hand on the log?

24 A. It was the commando. That is, the seven rebels that met
12:02:34 25 us, who took us from the house. It was their boss who said we
26 should put our hands down to be cut. So it was that Commando
27 himself alone that killed those two people.

28 Q. After this second person had been shot, Mr Witness, did
29 anything happen?

1 A. Yes, sir. Thereafter he told the next man. When he told
2 the next man, the man continued begging him again. He said, "Not
3 what you want me to do, but what I want to do to you is what I'm
4 going to do". He collected a big gun from one of the rebels. He
12:03:34 5 looked in between them and killed six of them.

6 Q. You say he collected a gun from one of the rebels and
7 looked in between them. In between who? Who is "them"?

8 JUDGE ITOE: And who collected the gun? Let's be specific.

9 THE WITNESS: It was the same rebel. The ones that -- the
12:03:57 10 seven rebels that went and met us. But he hadn't a big gun.

11 MR BANGURA:

12 Q. Mr Witness, if you would listen. Who collected the gun
13 from one of the rebels?

14 A. Their boss. The one they referred to as Commando. The one
12:04:21 15 that they called Commando was the one that collected the big gun
16 from his juniors.

17 Q. And when he collected the gun from the juniors, what did he
18 do with the gun?

19 A. That's what I have explained to you. First, he shot one in
12:04:46 20 his head and he died. And he took the gun from his junior.

21 After he had killed him he gave it to him again. That was the
22 process he used and he killed the other six people.

23 Q. Now, Mr Witness, let's be clear. We have talked about two
24 people who had been killed before already; one and then another.
12:05:09 25 Is that correct?

26 A. Yes, sir. Yes, sir.

27 Q. You were coming next to a point where the commando took a
28 gun from one of the rebels; the same gun, you said. What did he
29 do this time?

1 A. Yes, that's what I'm explaining to you. After he had
2 killed the two people, next to the second person, when he talked
3 to him and begged him, he said he wouldn't accept. So he
4 collected the gun and killed six people more in our own presence.

12:05:57 5 Q. And these six people, were they part of the bunch that was
6 sitting. Is that what you're saying?

7 A. Yes, sir. Yes, sir.

8 Q. Did anything happen after this, Mr Witness?

9 A. Yes, sir. From there, he gave the gun to the one he
12:06:36 10 collected it from. Then he said he wouldn't waste --

11 Q. Mr Witness, if I may ask you, every time you go on saying
12 "he", "he" it is difficult for the Court to know who you are
13 talking about exactly. If you wish to talk about any particular
14 person, please let the Court know the name, as far as you can.

12:06:57 15 When you say he took the gun, it is difficult for us to know
16 because we are talking of a whole bunch of people there. Is that
17 clear? So when you say he took the gun --

18 A. Yes, sir.

19 Q. -- who is "he" here?

12:07:11 20 A. Yes, sir. I said the same man. It was the commando who
21 collected the gun from his junior rebels?

22 Q. Thank you. After he had killed six people, what happened?

23 A. So from there he said he wouldn't waste his bullets again.
24 He took marijuana and wrapped it. He gave everybody to smoke.

12:07:55 25 Q. And when you say everybody, including yourselves?

26 A. I said he gave everybody, that is among the seven rebels
27 that came and met us. He, the commando, was the one that wrapped
28 and gave to everybody amongst them.

29 Q. And did anything happen after this?

1 A. Yes, sir. After he had wrapped it and they've finished
2 smoking, then he told two of them, the one that held the axe and
3 the other that held the cutlass, he said they should split open
4 everybody's head and they did that to five individuals.

12:09:03 5 Q. Who did this act that you've just talked about?

6 A. It was the commando that told the rebels that. The one
7 that held the cutlass and the other that held the axe were the
8 ones that the commando told to split open those people's heads
9 and mutilate the heads too.

12:09:50 10 Q. After these other five people had been killed, did anything
11 happen?

12 A. Yes, sir. After he had killed them, so during that time
13 then he told us to put our hands. Then we told him -- say,
14 "Please, before you cut our hands, kill us." So one rebel

12:10:26 15 amongst his junior say, "These ones want to fight us, they want
16 to fight us."

17 Q. And so did anything happen?

18 A. Yes, sir. After we've said that, he took his whistle and
19 whistled. He said, "Come and tie them up", and they came and

12:11:01 20 tied us up.

21 Q. And after you had been tied up, did anything happen?

22 A. Yes, sir. From there he ordered a small rebel, small. He
23 said he shall cut off our hands. From there, the one who held
24 the cutlass, I was the first person during that time. They untie
12:11:47 25 me, they place this left hand. It was here they gave me a heavy
26 blow with a cutlass. [Indicating].

27 Q. Mr Witness, who gave you this blow?

28 A. It was a small. The youngest of the seven people that
29 went, the rebels. The smallest of all was the one that was given

1 the command to cut off my hand. He was the very first one that
2 gave me the heavy blow with the cutlass.

3 Q. And what happened?

4 A. After he struck me once, then the commando stood up and
12:12:40 5 said, "Can't you cut off this man's hand?" Then the commando
6 took the axe from the junior rebel. It was he, the senior
7 commando, that gave me two more blows and cut off my hand
8 completely.

9 Q. And this was the left hand, you said?

12:13:08 10 A. Yes, sir. Yes, sir. It was the left hand. This one
11 [Indicating]. This was the first one that was hacked.

12 Q. What happened next?

13 A. After he had cut off this, so he placed this again and gave
14 it one heavy blow and he finished it completely.

12:13:40 15 Q. Mr Witness, when you say he gave this again, what are you
16 referring to? You finished the left hand and you say he gave
17 this. What are you referring to there?

18 A. I did not say he gave another one. I said I placed this
19 other hand again. He gave it a heavy blow and finished it
12:14:05 20 completely. It was -- the same person that they referred to as
21 Commando was the same person that did it to this other hand.

22 Q. And that's the right hand; is that correct?

23 A. Yes, sir.

24 Q. Do you remember how many times the commando struck the
12:14:24 25 right hand?

26 A. Yes, sir. The right hand, it was only one time. The left
27 one, it was twice. The one that did it initially was the junior
28 boy that came with the cutlass. He did it once.

29 MR BANGURA: Your Honours, at this point I would invite the

1 Court to -- the records to reflect the physical condition of the
2 witness.

3 PRESIDING JUDGE: I thought we had said so before, but if
4 we have failed, we note for the record that the witness has shown
12:15:08 5 both of his hands amputated.

6 MR BANGURA: Thank you, Your Honour.

7 Q. Mr Witness, do you recall what date this incident occurred?

8 A. Yes.

9 Q. What date was it?

12:15:20 10 A. Yes, sir. It was 19th January 1999. That was the day the
11 rebel cut off my hands. They initially started with this one
12 [indicating] and after that they cut off this other one.

13 Q. Mr Witness, after --

14 PRESIDING JUDGE: The witness just showed his right arm,
12:15:53 15 saying they started with this one and then he went to the other
16 arm. So that seems to be not the way he had described it before.
17 So I am not sure if he is talking of something different now.

18 MR BANGURA:

19 Q. Mr Witness, you just showed your hands to the Court. You
12:16:10 20 said they started with one and then the other. Can you just do
21 it again? Can you just show which one first and then which one
22 after that?

23 A. Yes, sir. I can show you people. [Indicating]. I said
24 this one was the first one that they cut off. The one that held
12:16:33 25 the cutlass, he struck it once and the commando gave it two blows
26 and he finished it completely. So after that, the right hand was
27 given one heavy blow, and it was totally cut off.

28 Q. Mr Witness, after your hands had been cut off, did anything
29 happen?

1 A. Yes, sir. They called one man that was sitting on the
2 ground to cut off his hand again. As the commando ordered that
3 the man should cut off his hand, then one amongst them said,
4 "Look, Rambo is coming."

12:17:36 5 Q. At that point, Mr Witness, did you notice anybody?
6 A. I did not understand your question.
7 Q. You've said that after your hands had been cut off the
8 commando then gave orders for another person to have his hands
9 cut off and, as this was being done, one of the rebels called out
12:18:02 10 and said, "Look, Rambo is coming." Is that correct?
11 A. Yes, sir. That was what he said.
12 Q. If I may ask you first, who was cutting the hands of
13 this -- who was trying to cut the hands of the civilian after
14 you?

12:18:23 15 A. The same man, the commando, and at that time one of his
16 juniors told him and said, "Look, Rambo is coming." He stopped
17 and he did not continue again.
18 Q. Did you see anybody coming yourself?
19 A. Yes, sir. After he had said so, I saw a lot of people
12:19:05 20 coming. All of them were in combat uniform. That was the ECOMOG
21 uniform. The one that they referred to as Rambo led the group.
22 There were many.
23 Q. Now this one who led the group called Rambo, did you know
24 him at all?

12:19:35 25 A. Yes, sir. During the AFRC time at Fourah Bay Road by
26 Taylor Street, he had a vehicle breakdown there. We were the
27 people that helped push that vehicle. That was the time I knew
28 him.
29 Q. Did anything happen when Rambo and his men arrived?

1 A. Yes, sir. When he arrived, he met us. All of them stood
2 and saluted him. He asked them - he said, "Eh, what have you
3 done? Is that what you've came for?"

4 Q. Did he get any answers from them?

12:20:40 5 A. No, sir. They were dumbfounded. They could say nothing.
6 They stood where they were. So Rambo became annoyed. He said,
7 oh, this was not what he came for. Say, "Look, look, these
8 people you've killed. These people you've cut off their hands.
9 Was that the purpose you came for? Now I'll punish you."

12:21:12 10 Q. After saying these words did Rambo do anything?

11 A. Yes, sir. The ones that were seated on the ground whom
12 they were about to cut off their hands, he said they should be
13 released, so he released them. From there he said -- they, in
14 fact, he held my hand. He said, "Okay, let us go to our base."

12:21:47 15 Q. Did you go to this base?

16 A. Yes, sir. He held my hand until we went up. There was one
17 church near the mental home. There was a church behind there.
18 That was where they based. We went there.

19 Q. Did anything happen at the base?

12:22:12 20 A. Yes, sir. When we went there, when we arrived, he asked
21 for a doctor. They said the doctor wasn't there. He went to
22 Calaba Town.

23 MR BANGURA: Calaba Town was spelt here before I think.
24 C-A-L-A-B-A, Calaba Town.

12:22:45 25 Q. Did he do anything after that?

26 A. Yes, sir. After that he asked for Captain Blood. He
27 said -- he said let them call Captain Blood for him. He was
28 called upon and he came.

29 Q. Now, Mr Witness, earlier in your testimony you had

1 mentioned the name Captain Blood; is that correct?

2 A. Yes, sir. Yes, sir.

3 Q. Person that you are now mentioning, is it the same person
4 as the Captain Blood whom you had mentioned previously?

12:23:39 5 A. No, sir. No, sir. The one that was by Saroula, he was a
6 young man. The one that was called to the base was an aged
7 person. He wasn't the same person.

8 Q. So what happened when Captain Blood came?

9 A. So when Captain Blood came, Rambo told him. He said, "Look
12:24:13 10 what these ones have done. They've killed people. They've cut
11 off people's hands. These ones, I'll punish them." That was
12 what he told him.

13 Q. Did he say anything to you?

14 A. Yes, sir. Yes, sir. He held me, he took some money, he
12:24:42 15 counted the money. Then he said, "Okay, look at this hundred
16 thousand. Hold it, go to the hospital. Bear up. That was what
17 God meant to happen."

18 Q. Did you then go to the hospital?

19 A. So he told two rebels to escort me. We went down to bus
12:25:15 20 stop. It was there they left me and I came down.

21 Q. Just before you left, Rambo had said that he was going to
22 punish those people who did this thing to you. Did you see him
23 punish anybody there --

24 A. Yes, sir.

12:25:41 25 Q. [Microphone not activated].

26 A. No, sir, but when we reached there they were outside and he
27 told them, "You should stand over there." Although he said he
28 was going to punish them, I did not see where he did punish them.

29 Q. Did you eventually get some assistance for your condition

1 at that time?

2 A. So the ones he told to escort me down, when they left me, I
3 went down to a place opposite Saroula. I lay down on that place
4 and eventually I slept.

12:26:45 5 MR BANGURA: Your Honours, that will be all for this
6 witness. Thank you very much, Mr Witness.

7 PRESIDING JUDGE: Thank you. Mr Jordash.

8 MR JORDASH: Can I just have a brief moment, please? I
9 just need to check something. I'm just going to take very brief
12:27:32 10 instructions, please. No questions, thank you.

11 PRESIDING JUDGE: Thank you. Counsel for second accused.

12 CROSS-EXAMINED BY MR TOURAY:

13 Q. Now, Mr Witness --

14 A. Yes, sir.

12:28:20 15 Q. Now, the unfortunate incident occurred on 19th January
16 1999, that is, what happened to you?

17 A. Yes, sir.

18 Q. Am I right to say it was around that day the rebels or the
19 groups that invaded Freetown were returning back, they were
12:28:59 20 retreating?

21 A. The time, no. The time they were retreating, it was the
22 time that we had this event.

23 Q. It was when they were retreating?

24 A. Yes, sir.

12:29:24 25 Q. And you know -- you must have heard that there was a
26 break-in of the Pademba Road prisons when they entered?

27 A. Well, that one I did not have much idea about that. I did
28 not see. I only heard about that, that it was broken. So I am
29 unable to explain about it. I heard -- I only heard about

1 Pademba Road affair.

2 Q. [Microphone not activated] was broken and you must have
3 heard that mostly all the prisoners were released as well. You
4 must have heard that?

12:30:15 5 JUDGE THOMPSON: Why must he?

6 THE WITNESS: Yes, that one, I heard about it, but I can't
7 talk about it, I did not see it.

8 MR TOURAY:

9 Q. It is correct to say that these prisoners and others were
12:30:41 10 amongst the group that were retreating?

11 A. That is what I'm trying to say. I said I am unable to talk
12 about it. I only heard about it.

13 Q. You heard about it. That's all I want to know, whether you
14 heard about it, that they were amongst the group that were
12:31:09 15 retreating?

16 PRESIDING JUDGE: That's not what he said.

17 JUDGE THOMPSON: No, that is not what he said. Let us --
18 of course, I imagine cross-examination is not to confuse but to
19 elicit evidence for the Court to be able to evaluate. Perhaps
12:31:23 20 you should put it again.

21 MR TOURAY: What I seek to put is what he heard and that is
22 permissible in this Court.

23 JUDGE THOMPSON: No, I don't have any difficulty with that.

24 JUDGE ITOE: What he said he heard so far was he heard that
12:31:40 25 the Pademba Road Prison had been broken.

26 MR TOURAY: And that prisoners were released.

27 JUDGE ITOE: And that prisoners were released. He can't
28 comment on that, he only heard.

29 MR TOURAY: I'm going further now to say that what you

1 heard, also that some of those prisoners were amongst those who
2 were retreating.

3 THE WITNESS: So I did not know about that, to say I don't
4 know.

12:32:13 5 MR TOURAY:

6 Q. Thank you. Now from what you say, Rambo --

7 JUDGE THOMPSON: Counsel, just a minute. I want to record
8 that.

9 MR TOURAY: As Your Honour pleases.

12:32:26 10 JUDGE THOMPSON: Yes. "I did not know that" -- let's have
11 it, your answer from there. "I did not know that some of" --

12 MR TOURAY: Some of these prisoners were amongst those --

13 JUDGE THOMPSON: Yes, some of the prisoners released.

14 MR TOURAY: Released, were amongst those retreating.

12:32:42 15 THE WITNESS: So I don't know about that.

16 JUDGE THOMPSON: Thank you, counsel.

17 MR TOURAY: Thank you, Your Honour.

18 Q. From what you say, this Rambo who was dressed in ECOMOG
19 uniform was in control?

12:33:03 20 A. So yes, let me say that the way they were behaving to him,
21 it is simple for you to know. Anyone anywhere we went, they
22 saluted him. And when I was there, anything that he told them,
23 they did it. That is why I say that he was the overall boss.

24 Q. Now, you know the SLAs, don't you? You've seen an SLA
12:33:47 25 before, before that incident?

26 A. Yes, sir. Yes, sir.

27 Q. Is it correct to say the uniform the SLA wore was not
28 different from the ECOMOG uniform; it's the same camouflage?

29 A. I'm not talking about uniform. The time they came, rebels

1 used to wear uniform. So they took ECOMOG uniforms, but most of
2 them I knew them. I was a perpetrator during the AFRC. Most of
3 them were in town.

4 Q. My question, Mr Witness, the SLA uniform is not different
12:34:37 5 from the ECOMOG uniform, it is all camouflage uniform?

6 PRESIDING JUDGE: Yes, but it was not quite your question,
7 Mr Touray. You say SLA uniform is the same as ECOMOG.

8 MR TOURAY: Not different from the ECOMOG; it was the same
9 camouflage.

12:34:54 10 PRESIDING JUDGE: Well, same camouflage is not the same as
11 same uniform. You may have two camouflage uniforms and both
12 camouflaged, but not necessarily the same.

13 MR TOURAY: But that is what I'm saying, they are both
14 camouflage uniforms.

12:35:07 15 Q. Both camouflage; not so?

16 A. No, no. Why I said I did not understand, the ECOMOG -- the
17 uniform of the ECOMOG is a bit different from that of the SLA.
18 But when they came, they wore both. They wore both. That was
19 why I said that I cannot say.

12:35:43 20 MR TOURAY: Thank you. No further questions.

21 PRESIDING JUDGE: Thank you, Mr Touray. Mr Cammegh.

22 MR CAMMEGH: None, thank you.

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

24 MR BANGURA: There will be no re-examination, Your Honours.

12:35:59 25 PRESIDING JUDGE: Thank you very much. Mr Witness, we
26 thank you for coming here to this Court this morning. That
27 concludes your evidence and we wish you good luck in the future.
28 Thank you very much.

29 Mr Prosecutor, while we are proceeding with allowing this

1 witness to go out of the court, what is next, if I may ask you?

2 [The witness withdrew]

3 MR HARRISON: It is TF1-104. The Court will recall this, I
4 think, is another one of the witnesses for whom a notice was
12:36:44 5 filed under Rule 92bis. So it is the Prosecution's intention
6 simply to have the transcript from the AFRC trial be admitted as
7 an exhibit in this trial. We have been informed by counsel for
8 the third accused that the third accused does not wish to
9 cross-examine the witness, but the status of the first and second
12:37:10 10 accused is unknown to the Prosecution.

11 PRESIDING JUDGE: Okay. Mr Jordash, can we ask you what is
12 your position vis-a-vis this TF1-104 Rule 92bis?

13 MR JORDASH: Yes, I would like to ask a few questions, not
14 many.

12:37:32 15 PRESIDING JUDGE: So you want to cross-examine this
16 witness?

17 MR JORDASH: Yes, please.

18 PRESIDING JUDGE: Very well.

19 MR JORDASH: I have perhaps spoken a bit out of turn. If
12:37:41 20 Your Honours would consider just before lunch having the
21 transcript filed as an exhibit and then further consideration
22 over lunch-time, I might be able to actually dispense with any
23 questions. I have to say I have been caught somewhat on the hop
24 because of the speed of this morning.

12:38:01 25 PRESIDING JUDGE: Okay, fine. I will just ask Mr Touray
26 what is his position vis-a-vis this witness as well, or Mr Taku,
27 whoever.

28 MR TAKU: We have a very brief cross-examination,
29 Your Honour.

1 PRESIDING JUDGE: But you do have?

2 MR TAKU: Yes, very brief.

3 PRESIDING JUDGE: We will proceed as has been suggested.

4 We will just take the transcript under 92bis, file it as an
12:39:09 5 exhibit. We will not call the witness now, we will just adjourn
6 to allow Defence to look at it and we'll have the witness for
7 cross-examination after the lunch break. That is the way we
8 intend to proceed, but in the meantime we will ask you to file
9 that transcript as in 92bis.

12:39:28 10 MR JORDASH: Thank you, Your Honours.

11 JUDGE ITOE: And this will be the 50th witness,
12 Mr Harrison?

13 MR HARRISON: It will be. 50th for the trial, 49th for the
14 Prosecution. This is the document that earlier today I provided
12:39:48 15 three copies to the Chamber's legal officer, one copy for
16 Mr Walker for Court Management purposes to be the exhibit itself.
17 This exhibit which is being tendered is the transcript from 30
18 June 2005.

19 PRESIDING JUDGE: You are saying this is a transcript of 30
12:40:14 20 June 2005?

21 MR HARRISON: Yes, before Trial Chamber II and it is pages
22 2 through to 78, which are being tendered as the entirety of the
23 exhibit. If I could just ask the Court that because it is in
24 closed session that it remain a confidential document.

12:40:41 25 For the purposes of cross-examination, I should draw to the
26 Court's attention that on 11 May 2005 an order was made by this
27 Chamber for the purposes of the proceedings in Trial Chamber II
28 that the witness be heard in closed session. So the date of that
29 order again is 11 May 2005. Today, we make the application that,

1 for the purpose of the cross-examination, it be done in closed
2 session.

3 PRESIDING JUDGE: Obviously because closed session decision
4 is not to be made in closed session. We will have to go into a
12:41:28 5 closed session but we understand the information provided to the
6 Court.

7 MR HARRISON: For the purpose now I have tendered and the
8 Prosecution ask that that be the next exhibit in the proceeding.

9 PRESIDING JUDGE: We will do that first, Mr Harrison. Then
12:41:39 10 we will go to the closed session aspect. Because obviously if we
11 have to allow cross-examination based on what you have suggested,
12 it should be in closed session as well. But we will mark this as
13 an exhibit first. Where are we, Mr Walker?

14 JUDGE THOMPSON: What are the relevant pages again?

12:41:59 15 PRESIDING JUDGE: It is the totality of it.

16 JUDGE THOMPSON: It is the totality of it?

17 MR HARRISON: No, it is starting at page 2 of that day
18 continuing up to page 78.

19 PRESIDING JUDGE: That's all we have, okay.

12:42:12 20 MR HARRISON: That is all you have. There were actually
21 further proceedings that day from 79 to 125 which have not been
22 included as part of the exhibit. That is because it is another
23 witness.

24 PRESIDING JUDGE: So where I say totality, it is totality
12:42:27 25 of what you have given us?

26 MR HARRISON: Yes, sorry.

27 PRESIDING JUDGE: So just for greater precision, the
28 document has been marked by Court Management as pages from 13861
29 to 13937.

1 MR HARRISON: If I can only make a suggestion, and that's
2 that 13860 be included, simply because that is the cover page
3 that tells you that it is clearly from Trial Chamber II as
4 opposed to this Court.

12:43:00 5 PRESIDING JUDGE: So the document in question, which is a
6 transcript of the evidence of witness TF1-104, given on 30 June
7 2005 in Trial Chamber II comprising the pages 13860 to 13937 is
8 marked as Exhibit 60.

9 [Exhibit No. 60 was admitted]

12:43:42 10 JUDGE ITOE: Mr Harrison, are you suggesting that 13938 has
11 no relevance for it to be included like the first page?

12 MR HARRISON: I leave that to the Court's decision. The
13 Prosecution doesn't see a need to --

14 JUDGE ITOE: If you don't see a need, I don't see any need
12:44:00 15 for it. It is your case.

16 PRESIDING JUDGE: So it is not being included in the
17 package I have described?

18 MR HARRISON: It actually was part of the package, I think,
19 before the Court.

12:44:12 20 JUDGE THOMPSON: I will discard it.

21 PRESIDING JUDGE: That's fine.

22 THE INTERPRETER: Your Honours, in which language will the
23 witness be testifying?

24 MR HARRISON: It is an English speaker.

12:44:33 25 PRESIDING JUDGE: English. English language. Mr Court
26 Officer, can we move in a closed session scenario now?

27 [At this point in the proceedings, a portion of the
28 transcript, pages 66 to 74, was extracted and sealed under
29 separate cover, as the session was heard in camera.]

1 [Open session]

2 [Ruling]

3 JUDGE THOMPSON: This a brief ruling of the Trial Chamber
4 for the purposes of the resumption of this open session.
14:55:26 5 Consistent with the general requirement that criminal trials are
6 to be held in public as mandated by Rule 78 of the Rules of
7 Procedure and Evidence of the court but that exceptionally as
8 authorised by Rule 79(a)(ii) of the said Rules and taking into
9 account the need to protect witnesses as provided for by Rule 75,
14:55:52 10 this Chamber, in response to an application by the Prosecution
11 for the whole of the cross-examination of Witness TF1-104 to be
12 heard in closed session, did grant the said application by way of
13 an exceptional procedure predicated upon an earlier order of this
14 Chamber dated 11 May 2005 authorising Trial Chamber II to hear
14:56:21 15 the testimony of this witness in closed session at the AFRC
16 trial.

17 WITNESS: TF1-097 [Sworn]

18 PRESIDING JUDGE: Before we go with this witness, just to
19 clarify the record in case it is not clear, all the evidence in
14:59:14 20 the previous trial whether it's been submitted through the
21 exhibit or otherwise, is indeed in closed session or
22 confidential. I don't think I have made it clear that the
23 transcript, if it was given in Trial Chamber II in closed
24 session, for the record, it has to be filed confidentially.
14:59:26 25 Thank you.

26 MR WALLBRIDGE: Thank you, Your Honours. I am Mr Mark
27 Wallbridge for the Prosecution.

28 EXAMINED BY MR WALLBRIDGE:

29 Q. Good afternoon, Witness.

1 JUDGE ITOE: Is it Mike or Mark?
2 THE WITNESS: Good afternoon, sir.
3 JUDGE ITOE: Is it Mike or Mark?
4 MR WALLBRIDGE: It's Mark, Your Honour. M-A-R-K.
15:00:00 5 JUDGE ITOE: Mark, St Mark.
6 MR WALLBRIDGE:
7 Q. Sorry, Witness, good afternoon.
8 A. Yes, sir, good afternoon, sir.
9 Q. I am going to ask you some questions today and other
15:00:15 10 persons present in this Court may ask you some questions. But
11 first of all I would just like to ask you to listen carefully to
12 the questions that are asked, go slowly, take your time, and tell
13 this Court what you know in a clear, strong voice. Is that okay,
14 Mr Witness?
15:00:44 15 A. I understand you. I get everything.
16 Q. Thank you. Okay, Witness, where were you born?
17 A. Where I was born? In xxxxxxxxxx.
18 Q. And how old are you?
19 A. This my 37th year.
15:01:09 20 Q. Are you married?
21 A. I have a wife and I have two children.
22 Q. What is your occupation?
23 A. I was a xxxxxxxxxxxxxx.
24 Q. What is your occupation now?
15:01:31 25 A. xxxxxxxxxx.
26 Q. What languages can you speak?
27 A. I can speak Mende, I can speak Krio.
28 Q. And what languages can you read?
29 A. I can speak Krio.

1 Q. Thank you, Witness. Now, Witness, where were you living at
2 the end of 1998?
3 A. 1998 in xxxxxxxxxxxx.
4 Q. And did anything happen in xxxxxxxx in 1998?
15:02:21 5 PRESIDING JUDGE: xxxxxxxx.
6 MR WALLBRIDGE: My spelling is xxxxxxxxxxxx.
7 PRESIDING JUDGE: Okay, thank you.
8 JUGE THOMPSON: U or O?
9 MR WALLBRIDGE: I have seen it spelt both ways.
15:02:44 10 JUGE THOMPSON: That's fine. I take judicial notice of the
11 variation.
12 MR WALLBRIDGE: I think on the UNAMSIL map it is spelt
13 xxxxxxxx.
14 JUGE THOMPSON: I've seen it xxxxxxxxxxxx.
15:02:47 15 MR WALLBRIDGE:
16 Q. Sorry, Witness. So what happened in December in xxxxxxxxxxxx?
17 A. December the 23rd --
18 Q. Yes. Go on, please.
19 A. At around three in the night I was lying down. So I was
15:03:32 20 sleeping and I scared and woke up. I woke up. I woke up and I
21 saw fire on the roof of the house. I got up and went outside.
22 When I went outside I saw nobody. I entered into my room, I took
23 my things. Took my bag, took my tape. All the money with which
24 I had been trading on, it was in my bag. The RUF attacked me.
15:04:09 25 And took everything from me. Took the bag, took the tape and put
26 it on top of the bag.
27 Q. Witness, I would just ask to you slow down.
28 A. Okay.
29 Q. So you said you went back into your house and collected

1 your things. What did you do after that?

2 A. When I took my things, I went outside.

3 Q. Then what happened after that?

4 A. I was attacked at the door.

15:04:53 5 Q. Who attacked you?

6 A. It was xxxxxxxxxxxx.

7 Q. What happened after that?

8 A. After that they said I should take the bag, I should carry

9 the bag on my head.

15:05:23 10 Q. What did you do after that?

11 A. I carried the bag on my head and went up to the hospital

12 junction.

13 Q. What happened after that?

14 A. After that, they said that if I turned I would be fired at.

15:05:56 15 Q. Who said that to you?

16 A. Captain Blood.

17 Q. Do you know what else happened in xxxxxxxx that day?

18 A. What happened? They burnt houses.

19 Q. When you say "they burnt houses", who do you mean?

15:06:24 20 A. What? I don't understand.

21 Q. You say "they burnt houses"; who do you mean by "they"?

22 A. They set fire on -- houses on fire.

23 Q. Who set the houses on fire?

24 A. I returned that they set fire on the houses. By then we

15:06:51 25 were in the bush.

26 Q. What did you do after you were in the bush?

27 A. We ran into the bush.

28 Q. What did you do after you ran into the bush?

29 A. Because they were in town.

1 Q. Okay, Witness, now when you say "they were in town",
2 whereabouts, or which town do you mean?

3 A. Right inside xxxxxxxx.

4 Q. Thank you. When you say "they were in town", who do you
15:07:38 5 mean by "they"? Which people?

6 A. Those that were in town. It was the RUF that were in the
7 town -- in the village.

8 Q. Thank you, Witness. So you were in the bush; what
9 happened? Or how long did you stay in the bush?

15:08:07 10 A. We are there up to three. We are there up to day-break,
11 six o'clock. We decided to come back but then they were in the
12 village -- in xxxxxxxx. And they leave a mark that they were coming
13 back at 2 o'clock. So we did not return at xxxxxxxxxx. We waited
14 until the place was clear and when the place became clear we
15:08:31 15 came. And when I came I went and checked with my brother. When
16 I went I did not meet him in the house.

17 Q. Just stop there for a moment, Witness. So you returned to
18 xxxxxxxx. What did you find there when you returned?

19 A. What I saw there I met corpses, civilian corpses.

15:09:26 20 Q. Do you know how many people?

21 A. Seven people.

22 Q. And what else did you find in xxxxxxxx when you returned?

23 A. What I saw there? The way I saw the condition of the town,
24 I went to the place so as to collect my brother, but I did not
15:09:46 25 see him.

26 Q. Okay. And you mentioned the seven corpses. Did you see
27 the corpses?

28 A. I saw them.

29 Q. What did you do after this?

1 A. After that we decided to return. We came into town along
2 the peninsula.
3 Q. When you say you decided to return, where did you decide to
4 return to?
15:10:36 5 A. We headed for Freetown with our people.
6 Q. How long did it take you to get to Freetown?
7 A. It took us five days.
8 Q. Where did you go when you got to Freetown?
9 A. I was in Freetown.
15:10:49 10 Q. Just for a moment, Witness, just remember not to mention
11 family names. Where did you go when you got into Freetown?
12 A. I did not understand the place well. So I went and stayed
13 in Kissy.
14 Q. What happened in Freetown?
15:11:08 15 A. January 6, 1999, around three in the morning -- night --
16 night, sorry. I was lying down and I was scared and I woke up my
17 brother.
18 Q. Mr Witness, I will just stop you there. Why were you
19 scared?
15:12:28 20 A. I was sleeping. I had intention to go out, you know, to
21 ease myself. So when I went out I saw fire.
22 Q. What happened after that, Witness?
23 A. I saw people running towards me and everybody had a bundle.
24 Q. So what happened in Freetown at that time?
15:12:56 25 A. What happened in Freetown? Wednesday the 21st.
26 Q. Witness, I will just stop you there. So you mentioned
27 before that on January 6th, 1999 you were in your house?
28 A. Yes.
29 Q. In Kissy?

1 A. Yes. We ran away.

2 Q. That's right?

3 A. We ran away and we went through Academy by Berry Street.

4 Q. Mr Witness, when you say you ran away, where were you
15:13:47 5 before you ran away?

6 A. It was in Kissy. I was in Kissy. We ran away from Kissy
7 and came to Berry Street.

8 Q. Just pause there. So why did you run away from Kissy?

9 A. Well, we were attacked. We were attacked by the RUF again.

10 Q. What happened during that attack?
15:14:26

11 A. When we ran away we arrived at PWD junction by Old Road,
12 Blackhall Road.

13 Q. And what happened there?

14 A. What happened at that point, if anything happened there
15:14:53 15 during that time we had come right up to Academy at Berry Street.

16 Q. And what is the Academy?

17 A. It's a school. It's a school compound. There we were.

18 Q. Do you know the name of the school?

19 A. That's the name of the school, Academy.

20 PRESIDING JUDGE: That's in Freetown?
15:15:30

21 THE WITNESS: It's right in Freetown by Berry Street.

22 MR WALLBRIDGE:

23 Q. What happened after your arrived at the Academy compound?

24 A. When we were there, in the morning -- at night, that was
15:15:54 25 time that we heard people crying at Pademba Road and they were
26 coming close us to and they said that they had broken Pademba
27 Road.

28 Q. How long did you stay at the Academy compound?

29 A. We were there for one week.

1 Q. What did you see while you were at the Academy compound?
2 A. We were in the compound, we saw the RUF standing opposite
3 the gates in the school compound.
4 Q. What did you see the RUF doing while you were at the
15:16:30 5 Academy compound?
6 A. When we were there they were outside in the street. I saw
7 them in the street, by the school compound in the street.
8 Q. You said they were RUF. How did you know they were RUF?
9 A. How I do know them? Because they have -- they were in
15:16:57 10 civilian clothing.
11 Q. What were they wearing?
12 A. They had civilian clothing and they said that they were
13 RUF.
14 Q. You said you were at the Academy compound for seven days.
15:17:12 15 What did you do after those seven days?
16 A. We ran away and that was the time that I told my brother
17 that I was going to return and that I should not stay here and
18 suffer and I said that I was going to return to search for my
19 sister in Kissy, so I went there.
15:17:40 20 Q. Sorry, Witness, just remember to go slowly as people are
21 trying to record what you're saying. So you told your brother
22 that you were going to return to Kissy; did you do that?
23 A. Yes.
24 Q. What happened after you decided to return to Kissy?
15:18:12 25 A. What happened? Because I had nothing to eat.
26 Q. Yes, Witness, so you returned to Kissy?
27 A. Yes, I returned to Kissy.
28 Q. What did you see on the way?
29 A. What I saw? When I reached xxxxxxxx,

1 that was the time that I was captured. They said that I was to
2 give them money and I told them that I did not have money.
3 Q. So just stop there, Witness. You said you were captured at
4 the xxxxxxxxxxxx?
15:18:48 5 A. Yes.
6 Q. Who captured you?
7 A. It was the RUF. They were the ones that captured me.
8 Q. And how did you know they were the RUF?
9 A. They did say that they were RUF.
15:19:01 10 Q. Whereabouts is the xxxxxxxxxxxx?
11 A. It's by Ferry Junction.
12 Q. And is it in Kissy?
13 A. Yes, by Kissy Road, Blackhall Road. When you enter Kissy
14 Old Road.
15:19:35 15 Q. Okay. Now you said the RUF captured you there.
16 A. Yes, they captured me.
17 Q. How many RUF were there?
18 A. I cannot lie because I wouldn't tell you what I did not
19 see. They were so many. I cannot tell the number.
15:19:57 20 Q. It's okay, Witness. So what happened after you were
21 captured?
22 A. When I was captured? They said I was to give them money.
23 They said if I do not give them money, they said they were going
24 to flog me, you see. And they flogged me. They gave me one
25 dozen on my hand.
26 Q. Who flogged you?
27 A. It was the RUF that flogged me one dozen.
28 Q. What happened after that?
29 A. That was the time that I saw -- I saw a 14-year-old having

1 a gun in his hand.
2 Q. Then what happened?
3 A. He wanted to fire at me. He wanted to fire at me with a
4 gun. The one who gave me one dozen on my hand, he said that if
15:21:04 5 he were to fire me he himself would fire him in return and kill
6 him.
7 Q. Then what happened after that?
8 A. After that --
9 JUDGE ITOE: It's not very clear. Let's get that clear.
15:21:18 10 MR WALLBRIDGE:
11 Q. Sorry, Witness, can you just please repeat what happened
12 after?
13 A. Yes. At xxxxxxxx?
14 JUDGE ITOE: The one who gave you 12. One had given him
15:21:35 15 12. Another one came and said he would fire him. So let's know
16 who is doing what, please.
17 MR WALLBRIDGE: Yes, Your Honour.
18 Q. Mr Witness, you said you were given 12?
19 A. Yes.
15:21:50 20 Q. And then, after that, a 14-year-old with a gun threatened
21 to fire you?
22 A. Yes, yes.
23 Q. And then you explained what happened next. Could you just
24 explain what happened next?
15:22:16 25 JUDGE THOMPSON: Who gave him the 12 strokes?
26 THE WITNESS: It was the RUF who gave me 12 strokes on my
27 hand. The RUF.
28 JUDGE THOMPSON: RUF men, okay. So it's not they, it's one
29 person.

1 THE WITNESS: It was one individual who gave me 12 strokes
2 on my hand.

3 JUDGE THOMPSON: And then a 14-year-old boy threatened to
4 fire him; is that what he's saying?

15:22:48 5 THE WITNESS: Yes.

6 MR WALLBRIDGE:

7 Q. Witness, if you go slowly, what happened after that, after
8 you were threatened?

9 A. After that, that was the time that the one who gave me one
15:23:17 10 dozen strokes said to the individual who had the gun who said he
11 was going to fire at me -- he said, "If you fire at him, if you
12 fire at me, I will fire at you."

13 Q. Witness, then what happened after that?

14 A. When I had been flogged and I was going I met a lot of
15:23:45 15 them. Some of them had machetes, they had axes and they had
16 sticks. So, when we had slept, the morning --

17 Q. Sorry, Witness, I will just stop you there now.

18 A. Yes.

19 Q. So after xxxxxxxx did you continue back to Kissy?

15:24:07 20 A. Yes.

21 Q. And you said that you saw people with machetes, axes and
22 sticks. Who were those people?

23 A. It was the RUF that had machetes, sticks and axes.

24 Q. Did you arrive back at Kissy?

15:24:40 25 A. Yes, I arrived there.

26 Q. What happened after that?

27 A. I slept. And they said they wanted peace.

28 Q. So who said they wanted peace?

29 A. It was the RUF who said they wanted peace.

1 Q. Did you hear them say that?

2 A. Yes, they said so.

3 Q. So what happened next.

4 A. At night we saw fire and they started setting fire on
15:25:19 5 houses. We saw smoke in the area where we were.

6 Q. What happened next?

7 A. What happened next? Around 2.00 I had finished praying in
8 the mosque, I was sitting down.

9 Q. Witness, sorry, you mentioned you started seeing fires.
15:25:56 10 Whereabouts were the fires?

11 A. In Kissy. It was in Kissy. Where I was, the area where I
12 was.

13 Q. So after you started seeing these fires what did you do
14 then?

15:26:11 15 A. It was during the night. It was during the night. I
16 wasn't able to go anywhere else because was it night.

17 Q. So you stayed at your house?

18 A. Yes.

19 Q. How long did you stay at your house?

15:26:42 20 A. Two days. The third day, that was the time I had just come
21 from praying, 2 o'clock prayers. We were seated at the veranda
22 with my sister's husband and his younger brother and some other
23 neighbours, two boys. So four of us entered the room and we sat,
24 or sat in the room -- at the veranda, sorry. So we saw one guy
15:27:28 25 coming, I did not know him. He said, "You people are sitting
26 down here." He said, "ECOMOG are coming."

27 Q. Witness, sorry. Do you know when this was?

28 A. I know. I know the time.

29 Q. Do you know the day?

1 A. Yes, yes.

2 Q. Can you tell this Court when, which day?

3 A. Yes. It was around 3.00, Wednesday.

4 Q. Do you know the date?

15:28:02 5 A. Yes, I know the date. The 21st, 1999.

6 Q. So, Witness, you mentioned someone came past and said

7 ECOMOG were coming. What did you do after that?

8 JUDGE ITOE: What month again?

9 THE WITNESS: January. January 1999, 21st, Wednesday.

15:28:23 10 MR WALLBRIDGE:

11 Q. Sorry, Witness. So you mentioned a person came past and

12 said ECOMOG were coming?

13 A. Yes.

14 Q. What did you do after that?

15:28:54 15 A. So I did not understand the place well, so we ran into the

16 house.

17 Q. What happened after that?

18 A. After that, we were inside. That was the time that I

19 pushed the window curtain. That was the time that I saw one who

15:29:23 20 wore combat. Sierra Leone soldier combats, that is what he was

21 wearing. So I told them -- I told them if we are going to be

22 safe from this in this place it is only through the help of God.

23 I said the man who went and attacked me at xxxxxx, xxxxxxxxxxxx,

24 he was the same individual that attacked me in Kissy.

15:29:51 25 Q. Witness, I will just stop you there.

26 A. Yes.

27 Q. So you entered your house and while you were at the window

28 you saw -- was it one person or more than one person in combats?

29 A. The one that entered the veranda, the one that I saw, he

1 was the one that wore the combats.

2 Q. What happened after that?

3 A. After that we were inside and I told my colleagues, I said:
4 "I cannot pass through the window." I said, "But you people are
15:30:27 5 smaller so you people can pass through the window," so the two
6 small boys escaped.

7 Q. Were there any others left inside the house?

8 A. Was it two of us that remained there. I and my sister's
9 elder brother and his younger brother. We are the ones who
15:30:51 10 were -- that remained in the house.

11 Q. I remind you again, witness, you can mention family
12 relationships but avoid names. What happened next after two
13 escaped?

14 A. We were two. I and my brother-in-law's younger brother.
15:31:25 15 Both of us were the ones that were still at home because the two
16 had already escaped. So that was the time that they said that if
17 we didn't open the door, they would set the house on fire. So I
18 turned and I told him that it was only there that we say we would
19 save our lives that is time that I opened the door.

15:31:49 20 Q. Witness, you mentioned before the man in combats coming
21 onto your veranda. Was he the man at the door asking that
22 question to enter the house?

23 A. We were inside, we were in the room in the parlour. The
24 door was locked.

15:31:57 25 Q. Then what happened?

26 A. After that he said if we didn't open the door, he would set
27 the house on fire.

28 Q. Then what did you do?

29 A. I myself, there was nothing to do. There was no way to

1 escape, so we opened the door.

2 Q. Then what happened?

3 A. He asked to me give him 400,000. I told him I did not have
4 the 400,000.

15:32:53 5 Q. Witness, just so we are clear, so who asked you for the
6 400,000?

7 A. It was xxxxxxxx that asked me to give this 400,000.

8 Q. Then what happened, Witness?

9 A. So he said -- he said he was going to cut my hand if I
15:33:06 10 didn't give him the 400,000. He said he was going to cut off my
11 hand. So both of them entered inside. One of the them entered
12 the room where my --

13 THE INTERPRETER: Your Honours, would the witness go over
14 what --

15:33:28 15 MR WALLBRIDGE:

16 Q. Just remember to slow down. People are trying to record
17 what you are saying and it is important.

18 A. Yes.

19 Q. It is important that we get your story correctly. So you
15:33:41 20 were saying that Captain Blood entered your house and demanded
21 money and there was another man with him?

22 A. Yes. Both of them entered the parlour.

23 Q. Then what happened?

24 A. So he said: "Let us leave this man. Let us let him go.
15:34:19 25 He was the man who we attacked at xxxxxxx and we took his money,"
26 and they said that if the man said anything that he was going to
27 chop off his head with the machete.

28 Q. So we've just got to get this clear, Witness. So who said
29 this?

1 A. It was xxxxxxxx who said those word.
2 Q. Other person what did he look like?
3 JUDGE ITOE: Let's get the sequence. Let's get the
4 sequence.
15:34:43 5 [Overlapping microphones]
6 JUDGE THOMPSON: Yeah, who said which words?
7 JUDGE ITOE: Who is talking?
8 JUDGE THOMPSON: There is xxxxxxxx and another man.
9 THE WITNESS: There were two.
15:34:58 10 JUDGE THOMPSON: Let's retrace that particular episode.
11 MR WALLBRIDGE:
12 Q. Okay, witness --
13 A. Yes.
14 JUDGE ITOE: The witness has given evidence up to a point
15:35:08 15 of saying that this man, xxxxxxxx, asked for 400,000. The man said
16 he did not have it and the other man suggested to xxxx that they
17 should leave him because this is same man from whom they had
18 xxxxxxxx. Up to that point, you know, it is clear,
19 so what happened there? What then did -- let's carry it on
15:35:32 20 from --
21 THE WITNESS: What happened?
22 MR WALLBRIDGE:
23 Q. Yes, Witness, I will just take this slowly. So you are in
24 the house and it was xxxxxxxx who demanded the money; is
15:35:50 25 that right?
26 A. He was the one who asked me for money.
27 Q. The other man, what did he say?
28 A. He said I was -- to let me go. He said this man would not
29 let him go.

1 Q. Just stop. So he said: "Let this man go." What happened
2 after that?

3 A. Then the man wanted to plead on my behalf. He said if the
4 man said anything, he was going to chop off his head.

15:36:33 5 Q. So who was that? Who said that?

6 A. It was xxxxxxxx that said those words.

7 Q. And he said it to the other man?

8 A. Yes.

9 JUDGE ITOE: That he would cut whose head?

15:36:41 10 MR WALLBRIDGE:

11 Q. Witness, did you hear that? So whose head?

12 A. It was his fellow RUF. He said if the man was going to
13 plead on my behalf, he was going to chop off his head.

14 Q. Thank you, Witness. So what happened after that?

15:37:19 15 A. After that the man -- the man who was -- the man whose head
16 he said he was going to chop off is the same fellow said: "I'm a
17 mercenary."

18 Q. Okay, just remember to go slowly, witness, as you are being
19 translated as well. What happened after he said he was a
15:37:36 20 mercenary?

21 A. So it was then that xxxxxxxxxxxx me and he said
22 at all costs I should give him the money and told him that I had
23 no money.

24 Q. Then what happened after that?

15:38:08 25 A. He said -- he said if I did not give him the money, at all
26 costs he was going to cut off my hand.

27 Q. Then what happened, witness?

28 A. Then he stood by the door and he started fighting with me
29 in the parlour. He took the machete and struck me on my back. I

1 fainted and I dropped on the ground.

2 Q. Witness, just before we go on, you mentioned the mercenary
3 now, but was he -- who was hitting you? Or who were you
4 struggling with?

15:38:57 5 A. It was Captain Blood who was fighting me. It was not I who
6 was fighting him.

7 PRESIDING JUDGE: We ask what is going on in the
8 interpreters' booth or somewhere?

9 THE INTERPRETER: Sorry, Your Honours, somebody rang from
15:39:29 10 outside, so I was just trying to disconnect it. Somebody rang
11 from outside.

12 PRESIDING JUDGE: [Microphone not activated].

13 MR WALLBRIDGE:

14 Q. Witness, just remember to go slowly. You said
15:40:02 15 Captain Blood was fighting with you. What happened after that?

16 PRESIDING JUDGE: He did say he was struck on his back and
17 he fell to the ground, so that is where we were.

18 JUDGE THOMPSON: [Microphone not activated]

19 THE INTERPRETER: Your Honour's mic is not on.

15:40:17 20 THE WITNESS: He took a machete and struck me on my back
21 and I fainted and I dropped on the ground.

22 JUDGE ITOE: Struck you or cut you? I know they are local
23 slangs, you know.

24 THE WITNESS: He first of all he struck me. He struck me
15:40:22 25 with the machete on the back, so I fell on the ground.

26 MR WALLBRIDGE:

27 Q. Then what happened after that, witness?

28 A. After that he chopped off my hand.

29 Q. Witness, can you just tell this Court what exactly

1 happened?

2 A. What happened with me, this is what I am saying. The man
3 had cut my hand and he told me that I was to go and see Pa Kabbah
4 because Pa Kabbah had brought a lot of hands for us.

15:41:18 5 Q. Okay, witness, I am just going to ask you who cut your
6 hand.

7 JUDGE THOMPSON: Which hand, perhaps?

8 THE WITNESS: It was ~~xxxxxx~~who cut off my hand, my
9 left hand.

15:41:32 10 [RUF28NOV05E - CR]

11 MR WALLBRIDGE:

12 Q. Witness, I'm just going to ask you, can you show the Court
13 your left arm?

14 PRESIDING JUDGE: Mr Witness, are you okay now?

15:41:54 15 THE WITNESS: See, everybody -- all everybody that is
16 sitting here sees my hand, how it is cut. See, everybody sees my
17 left hand that has been chopped off.

18 PRESIDING JUDGE: Show me.

19 MR WALLBRIDGE:

15:42:11 20 Q. Witness --

21 PRESIDING JUDGE: That's okay, Mr Witness. Can somebody
22 help the witness now, please? Sorry, Mr Witness. Shut off the
23 microphone. We will break for 10 minutes to allow the witness to
24 regain his composure.

15:42:50 25 [Break taken at 3.43 p.m.]

26 [Upon resuming at 4.32 p.m.]

27 PRESIDING JUDGE: Mr Witness, are you okay now? Can you
28 pursue and carry on with your evidence at this particular moment?

29 THE WITNESS: Yes, I can continue now.

1 PRESIDING JUDGE: We appreciate it is difficult for you and
2 if it gets too difficult, let us know and we will stop and allow
3 you to be assisted at that particular moment. So don't be
4 afraid. We do understand that to go through this experience is
16:33:40 5 not easy. Thank you. So we will just carry on at this
6 particular moment, thank you.

7 JUDGE THOMPSON: Counsel, let me just clear up one point
8 before we left off.

9 THE WITNESS: They were not afraid in order to cut off my
16:33:55 10 hand.

11 JUDGE THOMPSON: There was a piece of evidence that he was
12 giving when he said that after xxxxxxxx off his
13 hand, he told him that President Kabbah had done something. I
14 missed that part of the evidence. I thought it seemed related to
16:34:22 15 what he was trying to say.

16 MR WALLBRIDGE: Thank you, Your Honour. I will seek
17 clarification from the witness on that point.

18 JUDGE THOMPSON: Yes.

19 MR WALLBRIDGE:
16:34:35 20 Q. Mr Witness, just before the break, you mentioned that
21 Captain Blood amputated your left hand. You also mentioned
22 something about Kabbah. Can you please explain what that was?
23 A. xxxxxxx chopped off my hand and he told me that I was
24 to go to President Kabbah because he had brought a lot of hands,
16:35:11 25 you know, for you people, "Go there, he will give you hands."

26 Q. Okay, thank you, Mr Witness. Now I just remind you to go
27 slowly. What happened after that?

28 A. What happened after that? They chopped off one other boy's
29 hand. They chopped off both of his hands.

1 PRESIDING JUDGE: Are we still in the house at that moment,
2 Mr Witness?

3 THE WITNESS: I was by the toilet.

4 MR WALLBRIDGE:

16:35:46 5 Q. When you say they chopped the two hands off the other boy,
6 was that your sister's son?

7 A. It was my brother-in-law's younger brother.

8 JUDGE ITOE: Mr Wallbridge, please, it is good to phrase
9 these questions in order to avoid getting into the domain of
16:36:11 10 leading questions. You should have asked him whether he knew the
11 person whose hands were cut and who the person was rather than
12 leading him straight to that vital piece of evidence. Please,
13 you should take note of that.

14 MR WALLBRIDGE: Thank you, Your Honour.

16:36:26 15 Q. So how do you know --

16 A. Which one, the one whose hands were cut off? He was the
17 younger brother of my brother-in-law.

18 Q. And he was in the house with you at that time?

19 A. He was with me in the house. It was both of us that were
16:37:00 20 in the house.

21 Q. How do you know what happened to your younger brother?

22 PRESIDING JUDGE: It's not his younger brother, just to
23 avoid any confusion. It is the younger brother of his
24 brother-in-law.

16:37:21 25 MR WALLBRIDGE:

26 Q. Sorry, Witness.

27 MR WALLBRIDGE: Thank you, Your Honour.

28 Q. So how do you know what happened to the younger brother of
29 your brother-in-law?

1 A. The toilet and the house, it was not that far. I was in
2 the toilet. I heard a voice; he was crying.
3 Q. So you were in the toilet area. What happened after that?
4 A. That was the time that they set fire on the house.
16:37:58 5 Q. What happened after that?
6 A. After that at midnight I was in the toilet. Some rebels
7 came. The RUF came, they captured some ladies, but I don't know
8 their names. They gathered them in one house. One individual
9 raped all of them.
16:38:30 10 Q. Just pause there for a moment, Witness. How do you know
11 this happened?
12 A. The toilet on the house is not that far. I saw them. You
13 see, I saw him raping the ladies.
14 Q. What happened after that, Witness?
16:38:54 15 A. After that, I was in the toilet, then the other rebel came
16 and he said -- he asked me, "Where is the money?" I told him
17 that I had no money. I told him that it was better for him to
18 finish me at once. He said, "We have already finished with you.
19 So go away."
16:39:23 20 PRESIDING JUDGE: [Microphone not activated] to ask you
21 for the money again --
22 MR WALLBRIDGE:
23 Q. Just pause there for a moment, Witness.
24 A. It was the RUF man that asked me. It was another rebel who
16:39:35 25 asked me again. The RUF man.
26 PRESIDING JUDGE: [Microphone not activated]
27 THE WITNESS: Yeah, it was a different man, yes.
28 MR WALLBRIDGE:
29 Q. So how long were you in the toilet area?

1 A. I can remember from 2 o'clock in the morning up to
2 midnight, 12, I was there. Just check. I know from 2 to 12 and
3 check how many hours.

4 Q. After this different rebel came and asked you for money,
16:40:18 5 what happened after that?

6 A. He said he took me out and he said he was going to show me
7 a road, and he directed me. When I was going, I met some other
8 people. I did not know them because it was midnight. I wasn't
9 able to talk because it was dark. So where I was leaning on the
16:40:52 10 wall, because there was a zinc house, that's where I leaned.

11 Still, my hand was bleeding. I wanted to drink water. There was
12 no water, and there was some toilet water and that is the one
13 that I took and drank. That is how I was able to resuscitate
14 myself. So, I was standing there. You see, it was nearly two
16:41:15 15 hours, and I saw somebody pointing a torch light. God only
16 covered me where I was leaning. Still, I was bleeding, and the
17 other one came and said, "Fullah boy." He said, "Today, I want
18 to drink blood." I heard him saying those words, but I did not
19 see the man, but I heard a voice.

16:41:46 20 Q. Just pause there, Witness. Just so we are clear, this was
21 after you had left the toilet area; is that correct?

22 A. Yes. Yes.

23 Q. What did you do after that?

24 A. After the toilet, this is what I'm saying. When I left the
16:42:10 25 toilet, another rebel -- it was the other rebel who directed me
26 as to where to pass.

27 Q. Okay. Then you passed and you met this other person who
28 said he wanted to drink the blood of the Fullah boy?

29 A. Yes.

1 Q. Explain what happened after that.

2 A. What happened after that? So, the other rebel came. He
3 asked me, he said, "Okay, here is the road. Go." Where I was
4 leaning on the house made of zinc, they had torch lights on their
16:42:48 5 hands because the place was dark. Where I was standing, I was
6 covered by God where I was standing. There was -- God placed a
7 boundary between me and them. It was dark. I was seeing them,
8 but they did not see me. Then I heard one shouting and he said,
9 "Fullah boy." He said, "I, I want to drink blood. Really, I
16:43:14 10 want to drink blood, actually this night." And he told him, he
11 said, "Let's go down." Where I was leaning on the house made of
12 zinc, he did not even take one minute and I heard people
13 shouting. He said, "Oh, you are killing me. You are killing
14 me." I heard a voice, but I did not see the people because by
16:43:34 15 then my eyes were dim; I wasn't able to see clearly. So I
16 climbed up and I lay down on a mango stick and I put my head
17 under a stone. So I entered -- I saw a house made of zinc, but
18 God instructed me not to go into that house, so I went back and
19 lay on that stone. When I lay my head on the stone, it seemed as
16:44:03 20 though it was a bullet that passed through my head. So I
21 shouted. So I heard people's voices, my colleagues, they also
22 have had their hands amputated. They amputated their hands and
23 the others, they raped their sister.

24 Q. I just ask you to stop there. So when did you meet these
16:44:30 25 colleagues of yours?

26 A. It was that same night. The same day that my hand was cut
27 off, that particular night.

28 Q. What did you do with your colleagues?

29 A. What I did with them? I did not know the area. It was out

1 of the shadow that I was shouting and people said, "Who was
2 that?" I said, "It was I." I said, "It was I." Then they said,
3 "Here is a road, you know, go through this road." So I went and
4 met them. When I saw them, I also asked them. They said --

16:45:14 5 Q. Witness, I'll ask to you stop there, just so we are clear
6 again. When you say you asked them, are these the colleagues
7 that you met?

8 A. Yes, those whose hands were chopped off.

9 Q. I'll just ask you. So after you met with them, what did
16:45:34 10 you do?

11 A. What I did? I did not do anything, because my hand was
12 chopped off, so I had nothing to do.

13 Q. Witness, sorry, my apologies. I will rephrase that. Where
14 did you go?

16:45:50 15 A. Where I went? It was at Kissy, up the hills, that is,
16 coming to college.

17 Q. What happened after that?

18 A. After that we were in the bush. We spent a night there
19 until morning.

16:46:12 20 Q. And then in the morning, what did you do?

21 A. In the morning, we came to Bai Bureh Street. There we met
22 ECOMOG and they gave us a paper and they said we are to go to the
23 hospital.

24 Q. And you went to the hospital?

16:46:35 25 A. Yes.

26 Q. Witness, I'll just remind you not to mention names of
27 family members. What happened? Who did you meet at the
28 hospital?

29 A. Well, since the time that they cut off my hand, there was

1 no family. It was only the nurses and the police and the
2 soldiers, the Sierra Leone soldiers and the ECOMOG. These were
3 the people that I met in the hospital.
4 Q. Were there any other people in the clinic apart from those
16:47:26 5 people?
6 A. There are people that were damaged whose hands and feet
7 were cut.
8 Q. How many people were there that were damaged?
9 A. No, I cannot lie to you. What I saw, my own problems were
16:48:00 10 the ones that I knew.
11 Q. Thank you, Witness.
12 MR WALLBRIDGE: Your Honours, I have no more questions of
13 this witness.
14 PRESIDING JUDGE: Mr Jordash, for the first accused.
16:48:17 15 CROSS-EXAMINED BY MR JORDASH:
16 Q. Good afternoon, Mr Witness.
17 A. Yes, good afternoon.
18 Q. I do have some questions to ask you about your experiences.
19 I, too, appreciate these are not easy subjects for you. I will
16:48:45 20 try to be as quick as I can. I want to ask you about your
21 meeting with the Prosecution, first of all, in March 2003. Do
22 you remember meeting --
23 A. I didn't tell you that it was in March. I didn't say it
24 was in March. I said in December, the 23rd, on Wednesday.
16:49:20 25 JUDGE ITOE: Mr Witness.
26 THE WITNESS: Yes.
27 JUDGE ITOE: You have related that incident. That episode
28 is over. Counsel is now on a different subject. Do you
29 understand?

1 THE WITNESS: Yes, go on.
2 JUDGE ITOE: He's on a different subject.
3 THE WITNESS: Okay, carry on.
4 JUDGE ITOE: So listen to him very carefully.
16:49:49 5 MR JORDASH:
6 Q. Do you remember meeting with the Prosecution or people from
7 the Special Court in March 2003?
8 A. Yes.
9 Q. Do you remember that the meeting was in Freetown?
16:50:07 10 A. No, I wouldn't recall.
11 Q. Do you remember somebody called Corinne Dufka?
12 A. I do not understand well.
13 Q. Do you remember when you met the Prosecution or people from
14 the Special Court in March 2003 and they asked you to tell them
16:50:47 15 what had happened to you?
16 A. Yes.
17 Q. Do you remember those people writing something down,
18 writing down what you told them?
19 A. In here?
16:51:17 20 Q. In Freetown.
21 A. In Freetown? In Freetown.
22 Q. Yes.
23 A. Yes.
24 Q. They asked you about your experiences around December 23rd
16:51:38 25 in 1998.
26 A. Yes.
27 Q. Did you speak in Krio?
28 A. Yes.
29 Q. Was that interpreted into English and then from English

1 back to you into Krio?

2 A. Yes, yes.

3 Q. Did you have the statement which had been taken during --
4 let me start that again. When you'd finished, was the statement
16:52:27 5 which had been taken read to you so you understood that they'd
6 written down what you'd said?

7 A. What I explained and what I said, that's all I have
8 explained here.

9 Q. What I'm asking you is whether the people you met in March
16:52:55 10 of 2003, when they'd written down what you'd said, did they read
11 it back to you?

12 A. Yes, they read it in my presence.

13 Q. Did you then see the Prosecution again in October of this
14 year on the 21st and the 26th of October?

16:53:29 15 A. Last month, no.

16 Q. Just think carefully, Mr Witness, if you might have met
17 with some people from the Prosecution here in Freetown only a few
18 days ago, 21st and 26th October.

19 A. Except that I did come here when they went and took -- and
16:54:14 20 brought me here.

21 Q. Did they again read your statement to you and ask you for
22 comment?

23 A. Well, what happened to me, I have spoken the truth. I have
24 spoken the truth about what happened to me. I would not borrow
16:54:44 25 anything from anywhere to make additions.

26 Q. Mr Witness, I'm not making any allegations, I'm simply
27 asking if you spoke to the Prosecution on the 21st and
28 26th October and on that occasion they asked you again about your
29 statement.

1 A. Yes.

2 Q. Did you tell them if you had anything to add or change?

3 A. If I did a mistake, you can remind me.

4 Q. Did you remind the Prosecution on 21st and 26th October
16:55:59 5 2005 whether you'd made any mistakes in your first statement?

6 A. Yes, I did make mistakes. Like when I said that the man
7 was hanging the ID card around his neck, that he had the ID card
8 around his leg, that I wanted to take it, that was a mistake,
9 because he had the ID card around his head. That was my mistake.

16:56:35 10 I didn't hold on to it, but I didn't hold on to the ID card from
11 him, because at that time I was bleeding out, unable to hold on
12 to the ID card from him. When I made the statement, I didn't
13 explain that.

14 Q. Okay. What I'd like to do, if I can, Mr Witness, is just
16:57:01 15 read --

16 A. What?

17 Q. Can I just check, you don't read English, do you?

18 A. No, I didn't go to school, nor did school go through me, so
19 I can't speak English.

16:57:19 20 Q. What I'd like to do is just read part of the March 2003
21 statement you made, the first statement you made, just to see if
22 you remember making those comments to the Prosecution.

23 A. I'm listening.

24 Q. Okay.

16:57:42 25 MR JORDASH: Your Honours, page 13950, second line from the
26 beginning.

27 Q. "xxxxxxx was attacked on December 23, 1998 at 3 a.m. in the
28 morning. I was woken by a loud boom which I think must
29 have been an RPG."

1 Do you remember saying that?

2 A. Yes.

3 Q. Just reading on,.

4 "I got up and saw that a nearby house was on fire.

16:58:30 5 Everyone in the village quickly ran out and into the

6 surrounding hills."

7 Is that right? Is that what you told the Prosecution?

8 A. Yes, yes.

9 Q. If we move a few lines down the page to halfway down the

16:58:52 10 first page, the statement says, "We knew they'd already attacked

11 Waterloo and were afraid to come to us."

12 PRESIDING JUDGE: Where is this, Mr Jordash?

13 MR JORDASH: Sorry, Your Honour. It is eight lines from

14 the top of 13950, the first page of the statement.

16:59:24 15 PRESIDING JUDGE: You are still at 950. Thank you.

16 MR JORDASH: Yes.

17 Q. "We knew they'd already attacked Waterloo and were afraid

18 to come to us."

19 Do you remember saying that to the Prosecution?

16:59:46 20 A. The last talk that I said is what I am still explaining.

21 The attack that was launched in xxxxxxxx, that's when we ran away.

22 If they said that's what I said, I didn't say those words. It

23 was the attack that was launched on us at xxxxxxxx, that's what I

24 understand.

17:00:05 25 Q. Let me ask you this: The attack atxxxxxx, did that follow

26 an earlier attack by the rebels on Waterloo?

27 A. That attack, at that time, when we were attacked -- when

28 Waterloo had been attacked, we were in xxxxxx. We were asleep.

29 They were saying that they had attacked Waterloo. That's what he

1 heard. That's the information we got. At that time, xxxxxx had
2 not been attacked.

3 Q. Thank you. Do you know when Waterloo had been attacked?

4 A. No. No, I wouldn't tell lies.

17:01:00 5 Q. Okay.

6 MR JORDASH: Your Honours, page 13951.

7 Q. Is it right, Mr Witness, that the rebels who had attacked
8 xxxxxxx or who were attacking xxxxxxx met up with SAJ Musa's group?

9 A. Somebody explain to me so if I make a mistake, now that you
17:01:53 10 are reminding me -- now I have been reminded. Because, as I'm
11 sitting here, my heart is bleeding like you take a knife and stab
12 somebody's heart. Like I'm sitting now and you are reminding me,
13 now I'm beginning to recall. As I'm sitting here now, my heart
14 is bleeding.

17:02:17 15 Q. Mr Witness, I can appreciate that and I'm not making any
16 allegations against you. I'm simply trying to refresh your
17 memory, that's all I am doing at the moment. Okay?

18 A. Me, too, just as you're refreshing my memory, that's how I
19 will answer you. If I make any mistake, I will tell you that,
17:02:47 20 "Yes, that's it." But if I know that that is not what I said, I
21 wouldn't respond to you, because I know, as I'm sitting here,
22 that my heart is like when you throw acid on a piece of cloth,
23 the way it is shattered, that's how my heart is, because of what
24 they did to me.

17:03:05 25 Right now, things I was doing for myself now I can't do. I
26 have to pay people to do them for me. The hard work I was doing
27 for myself, fishing, now I have turned into a beggar. They have
28 punished me. Those who have cut my hands off, they are sitting
29 down there looking at us and we are suffering. At the moment, we

1 are suffering. Look at me, I am a young man. I am a young man.
2 Who would have known that I would be like this, 37 years. It's
3 not like I'm 50 or 60. At the moment I have my two children.
4 Who is taking care of them? Nobody. Right now, if I meet one of
17:03:44 5 you here to ask you for help, for the school fees for my
6 children, nobody would help me. So if you ask me relating to
7 whatever statement I had given, if I forgot something or I made a
8 mistake, if you read it out to me, then it is you who would
9 correct me. If you correct me, then I will be able to answer
17:04:02 10 you.
11 Q. Okay.
12 PRESIDING JUDGE: Would you go back with that question?
13 MR JORDASH: I will, thank you.
14 Q. Was it your understanding, Mr Witness, that the rebels who
17:04:19 15 attacked xxxxxxxx were later part of a group of rebels who belonged
16 to SAJ Musa?
17 A. I can't tell you. I never became a rebel, so I wouldn't
18 say that those people who were with SAJ Musa or with so and so
19 person, no. I saw the one who chopped my hand off. They called
17:04:53 20 his name and those who were walking with him called his name,
21 Captain Blood. They called his name and that is how I was able
22 to know him.
23 Q. Well, did someone who had been abducted named xxxxxxxx later
24 tell you that the rebels who abducted him from xxxxxxxx forced him
17:05:17 25 to carry SAJ Musa's dead body from xxxxxxxx?
26 A. Thank you. Thank you. Now you've refreshed my memory.
27 That's why I told you that at the moment, as I'm sitting here, my
28 heart is bleeding and now you are refreshing my memory. Yes.
29 Q. So you were told then by xxxxxxxx what I've just said?

1 A. Yes.

2 Q. Thank you.

3 A. Thank you, too.

4 Q. These same rebels entered Freetown in the early morning
17:05:59 5 hours of January 6th?

6 A. It was ~~xxxxxx~~. They were the very ones who came in
7 Freetown and attacked us at our house. They were the ones who
8 attacked Freetown.

9 Q. Okay. Did the rebels that you saw when you were in
17:06:27 10 Freetown wear combat uniforms and many red pieces of fabric tied
11 around their foreheads?

12 A. Yes, that's why I said wherever I had made a mistake,
13 that's why I am saying, right now, as I'm sitting here, as I'm
14 speaking -- no, I'm not happy from what I'm saying. That's why
17:06:54 15 I'm telling you. I'm thanking you that you are reminding me of
16 what I said, that if I had made a mistake, I would answer you.
17 All that I said, if they had made mistakes and that's why it's on
18 that paper, if I made any, I would tell you, yes, that's how it
19 happened.

17:07:13 20 Q. So the answer is yes, the rebels you saw wore combat
21 uniforms and had red pieces of fabric tied around their
22 foreheads. Is that yes?

23 A. Yes. Thank you, too.

24 Q. The rebels who caught you at Ferry Junction, did they wear
17:07:57 25 combats and have red pieces of fabric around their heads?

26 A. No, they wore combat..

27 Q. Okay. When you had been beaten and then released, did you
28 come across two other rebels, one who said if you didn't run he
29 was going to kill you?

1 A. It was the one who was carrying the gun in his hand. I
2 said the 14-year-old who had the gun in his hand told me if I do
3 not run away he would shoot me.

4 Q. And were both of those rebels dressed in combat with the
17:08:57 5 red head tie?

6 A. The area where I met them, it was by the ferry, by PWD
7 Junction. That's where I met them. They were coming from the
8 Blackhall Road end.

9 Q. Were the two rebels dressed the same way in combat and with
17:09:38 10 the red head tie?

11 A. Yes.

12 Q. When your house was attacked, do you remember one of the
13 rebels saying, "Open up or we'll set your house on fire. If we
14 were ECOMOG you will be dancing and singing, but since it's us,
17:10:36 15 when you see the Sierra Leonean soldiers you hide."

16 A. Very good. That's why I said that wherever I had made a
17 mistake whilst talking, when you read it out to me, I will be
18 able to answer you. That's what they said.

19 Q. Thank you.

17:10:57 20 PRESIDING JUDGE: So you're reading from page 13953?

21 MR JORDASH: Yes, I was, Your Honour, yes.

22 PRESIDING JUDGE: Middle of the page?

23 MR JORDASH: First three lines of the fourth paragraph.

24 Q. And that's when you met Captain Blood again?

17:11:25 25 A. Yes.

26 Q. And Captain Blood was an SLA soldier?

27 A. Yes.

28 Q. The other soldier who was with him wasn't a Sierra Leonean.
29 Is that the conclusion you reached?

1 A. Yes, that's what he said.

2 Q. Could I just ask you this, Mr Witness. Try to remember the
3 content of your statement which you gave to the Prosecution.
4 Your statement does not contain any reference to the RUF. It
17:12:35 5 only contains reference to SLA soldiers and rebels.

6 A. Because they said they were SLA and that they were RUF.
7 They said, and what I explained, if they did not write it, if you
8 put it there that I said that, that that man said he was SLA, I
9 said he was RUF. One of them, the one who was RUF, chopped my
17:13:15 10 hand off, and the one who was the soldier, the Sierra Leonean
11 soldier, was not the one who chopped my hand off. They were
12 outside. The Sierra Leonean soldiers were there, but it was the
13 RUF who chopped off my hand, xxxxxxxx.

14 Q. Well, let me just read something from your statement.

17:13:38 15 MR JORDASH: Your Honours, page 13955.

16 Q. It says:
17 "I know the rebel who cut my hand, xxxxxx, was an
18 SLA rebel because he was the one who'd commented that we,
19 the civilians, preferred ECOMOG soldiers to them, the SLA."

17:14:07 20 A. I did say that it was an RUF who cut off my hand, Captain
21 Blood. If that's what -- if that's how they wrote it, that is
22 not what I said. And I am not afraid. The person who chopped
23 off my hand, I'm not afraid to call his name, that it was so and
24 so who chopped off my hand. The man who chopped off my hand was
17:14:29 25 Captain Blood. He said he was an AFRC/RUF soldier. So if they
26 put it there that I said SLA soldier, I said RUF soldier chopped
27 off my hand.

28 Q. I just want to read you one other thing and then I've, I
29 think, finished, Mr Witness.

1 MR JORDASH: Your Honours, page 13953.

2 Q. You're describing who came to your house and you say -- the
3 statement says:

4 "They both wore full combat clothes. One had a gun and a
17:15:15 5 grenade strapped on his belt. The other --"

6 JUDGE THOMPSON: Which paragraph is this?

7 MR JORDASH: Sorry, it's the bottom paragraph -- wait a
8 minute, Mr Witness. Six lines from the bottom.

9 JUDGE THOMPSON: Right.

17:15:34 10 MR JORDASH:

11 Q. Let me just read it to you and then I'll ask you a
12 question.

13 A. Read it on.

14 Q. "One had a gun and a grenade strapped on his belt. The
17:15:45 15 other hold a cutlass. The rebel with the cutlass was an
16 SLA soldier."

17 Then just further down the page:

18 "The Sierra Leonean soldier introduced himself as Captain
19 Blood."

17:16:04 20 A. Well, I said it was RUF. I didn't tell them that it was an
21 SLA soldier. They put it like that, that's not how I explained
22 to them. If that's how they put it, but that's not what I
23 explained to them. I wouldn't talk about what I didn't see.

24 What I witnessed is what I'm talking about. If that's how they
17:16:25 25 put it and added something there, but that's not what I said and
26 that's not what I said.

27 Q. Okay. Well, my last suggestion, and I mean it with the
28 greatest of respect, Mr Witness, but I suggest you did, in March
29 of 2003, say that it was an SLA soldier.

1 A. If that's what he said, I did not say so. You're asking me
2 the question. That's what you say, that's not what I'm saying.

3 Q. Thank you very much, Mr Witness.

4 MR JORDASH: I have nothing further, Your Honour.

17:17:10 5 PRESIDING JUDGE: Mr Touray, or counsel for the second
6 accused.

7 MR TOURAY: Your Honour, we intend to adopt the
8 cross-examination of my learned friend for the first accused.

9 PRESIDING JUDGE: Thank you. I appreciate it. Mr Cammegh.

17:17:23 10 MR CAMMEGH: Nothing, thank you.

11 PRESIDING JUDGE: Mr Prosecutor, any re-examination?

12 MR WALLBRIDGE: No, Your Honour.

13 PRESIDING JUDGE: Thank you very much. Mr Witness, that
14 concludes your evidence in this Court.

17:17:37 15 THE WITNESS: Yes.

16 PRESIDING JUDGE: This concludes your evidence in this
17 Court today. We appreciate very much that you came here today to
18 tell us what happened to you. We can only wish you, with the
19 help of God, good luck in the future. Thank you very much. Wait
17:17:54 20 and somebody will help you to come out of the Court when they
21 close the curtains. Thank you again.

22 THE WITNESS: Thank you, too.

23 [The witness withdrew]

24 PRESIDING JUDGE: Mr Harrison, we don't intend to go any
17:18:56 25 later than 5.30 now. It's almost 5.30. I just want to know
26 what's in the program, if I can put it this way, and the coming
27 witnesses now.

28 MR HARRISON: Yes, the next witnesses would be TF1-169 and,
29 as the Court knows, that is the final of the Rule 92 bis notice

1 witnesses.

2 PRESIDING JUDGE: 169?

3 MR HARRISON: Yes, and we have been instructed again by the
4 third accused, that the third accused have no questions, but as
17:19:36 5 of this moment, we're not aware of the status of the first and
6 second accused. That witness would then be followed by TF1-022,
7 TF1-093, and they will all be available tomorrow. If I can just
8 advise the Court and Defence counsel that we are reviewing, as I
9 speak, how best to proceed after tomorrow. I can say, frankly
17:20:17 10 that, we've proceeded much faster than we'd anticipated. We're
11 probably two days ahead of where we thought we would be when I
12 was before the Court on Friday morning. What happened on Friday
13 was much faster than what the Prosecution had anticipated.

14 PRESIDING JUDGE: I can say for me it's good news. For
17:20:39 15 once, we're faster.

16 MR HARRISON: What the Prosecution has to do --

17 JUDGE ITOE: We're really living up to expectations or the
18 doctrine of expeditiousness.

19 MR HARRISON: The rock and the hard place now is this --

17:20:53 20 PRESIDING JUDGE: We saw it coming.

21 MR HARRISON: The hard place is, unfortunately, Mr Cammegh
22 does have certain commitments which necessitate him leaving on
23 the 2nd, Friday. The Prosecution did make some assurances to
24 Mr Cammegh that witnesses that concern his client would not be
17:21:15 25 called in his presence. Because of the pace we're going --

26 PRESIDING JUDGE: In his absence you mean?

27 MR HARRISON: Sorry, in his absence. Because of the pace
28 we're going, it may well be that the only witnesses we'll be able
29 to have testify on Monday, Tuesday and Wednesday of next week

1 would be 184 or 334. All of the other ones would probably have
2 been exhausted. Those are witnesses that I'm not sure Defence
3 counsel wanted to deal with at this point in time.

4 PRESIDING JUDGE: Which one?

17:21:53 5 MR HARRISON: 184 and the other one is 334. The other one
6 that Mr Cammegh was concerned about was 054. That's one we'll
7 try and have available on Wednesday so that Mr Cammegh will have
8 ample opportunity to question that witness should his -- in his
9 judgment, that's worthwhile. That's the information I can
17:22:25 10 provide for the Court. I am not sure how the Defence counsel
11 wishes to proceed. But as of tomorrow, the intention is to have
12 169, 022 and 093 available and on Wednesday, we would anticipate
13 having 054 available.

14 PRESIDING JUDGE: And 054, if I understand you correctly,
17:22:41 15 is one where Mr Cammegh wishes to be present?

16 MR HARRISON: Yes, we're jumping 054 up the list, because
17 we understand that Mr Cammegh may wish to question that witness.

18 PRESIDING JUDGE: That's fine.

19 MR HARRISON: We're not sure -- our understanding is that
17:22:55 20 for the bulk of the other witnesses, Mr Cammegh may not have
21 concerns.

22 JUDGE ITOE: Why don't you address -- I mean, in
23 consultation with the defence teams. Why don't you address the
24 concerns of Mr Cammegh --

17:23:13 25 MR HARRISON: [Overlapping speaker]

26 JUDGE ITOE: The concerns of Mr Cammegh, who must leave,
27 why not take his witnesses, give them some priority and release
28 them as soon as we can.

29 MR HARRISON: That's what I'm saying. That's why 054 is

1 moving up the list.

2 JUDGE THOMPSON: Perhaps we can ask Mr Cammegh if he has
3 any creative contribution to make to this.

4 MR CAMMEGH: As I understand it, the follow are to be
17:23:39 5 called in the following order: 169, 022 --

6 PRESIDING JUDGE: Wait, wait, wait. Yes. 169, yes.

7 MR CAMMEGH: This is according to Mr Harrison. I think I
8 got him correctly. 169, 022, 093. I don't anticipate --

9 JUDGE THOMPSON: And 054, perhaps.

17:24:17 10 MR CAMMEGH: Yes. Now, I don't anticipate having any
11 questions for those first three.

12 PRESIDING JUDGE: Our question to you, Mr Cammegh, is not
13 those three.

14 MR CAMMEGH: I understand.

17:24:27 15 PRESIDING JUDGE: It's post-Wednesday.

16 MR CAMMEGH: Well, I would be grateful if I could get 054
17 out of the way. What I was about to say, was if we proceed with
18 the alacrity we've done so far, those first three witnesses may
19 be finished in one, one and a half days. I leave it, really, for
17:24:46 20 Mr Harrison. I would like to deal with 054. We've got --
21 realistically, I am afraid to say I have to leave this building
22 probably by midday on Friday.

23 PRESIDING JUDGE: We're quite amenable. If the Prosecution
24 can make this witness available, even tomorrow morning --

17:25:04 25 JUDGE ITOE: Tomorrow morning, we'll take him.

26 PRESIDING JUDGE: It's on you.

27 MR CAMMEGH: Provided he's called by Thursday morning, then
28 I don't think I have a problem.

29 JUDGE ITOE: That is -- I mean, we're getting too close to

1 Friday when you must leave.

2 [overlapping speakers]

3 MR CAMMEGH: Your Honour, what I anticipate is this: If
4 054 is called, he's not going to take any more than a couple of
17:25:37 5 hours maximum in chief. My cross-examination is going to be no
6 more than an hour. I can't see it being any longer than that.
7 It is a small discrete issue concerning Mr Gbao's presence or
8 activity in Bo. My learned friends, and I think we addressed the
9 Court earlier on in the week, are all amenable or all content for
17:25:58 10 me to jump ahead in the order of cross-examination.

11 MR JORDASH: Well, 113, I was happy, I would have to look
12 at 054 first. I don't mean to jump up and disturb my learned
13 friend, but I do need to check that one.

14 MR CAMMEGH: All right. If that's the case, then perhaps
17:26:15 15 if Mr Harrison could somehow call him by Wednesday, that would be
16 better.

17 JUDGE ITOE: Thursday. You're fine with Thursday.

18 MR HARRISON: What I tried to make clear was that the
19 Prosecution agrees to do everything it can to have 054 called on
17:26:34 20 Wednesday. That was what I tried to convey.

21 PRESIDING JUDGE: We understood. I was suggesting, to be
22 on the safe side, maybe to have even that witness tomorrow.

23 MR HARRISON: The problem is the witness is not in Freetown
24 as I'm speaking.

17:26:48 25 PRESIDING JUDGE: Okay.

26 MR HARRISON: The real problem, the rock and the hard
27 place, is this --

28 PRESIDING JUDGE: Is the week after.

29 MR HARRISON: If it's the case that Mr Cammegh and his

1 client are not concerned with 184 or 334 we could, in fact, call
2 them next week. My assumption is that they would probably,
3 either one of them, are likely to take two full days.

4 PRESIDING JUDGE: I would suggest that you discuss the
17:27:23 5 matter with Mr Cammegh, explore these avenues and inform us
6 tomorrow as to what it is. Because I know we're getting close to
7 the Christmas break, but we would dearly like to use the maximum
8 court time possible next week. Having said that, we're quite
9 prepared to make any possible accommodation to Mr Cammegh, but if
17:27:47 10 we're able to move ahead with something like that then -- and if
11 that's not these two witnesses, look with Mr Cammegh and other
12 counsel as to if there is any other combination possible. As I
13 say, certainly until next Wednesday, we would like to be in
14 Court.

17:28:04 15 Thank you very much, Mr Harrison. I can only invite you,
16 Mr Cammegh, and others from the defence team, to discuss with
17 Prosecution to see what kind of accommodation is possible without
18 compromising your positions, obviously.

19 MR CAMMEGH: I will certainly do everything I can to
17:28:22 20 accommodate Mr Harrison. He's been very helpful.

21 MR TAKU: Your Honour, we handed over the inconsistencies
22 to Mr Harrison. He's reviewing them right now. As soon as he's
23 finished, we'll tender him.

24 PRESIDING JUDGE: You mean what we dealt with earlier
17:28:43 25 today. Is it the same thing, Mr Jordash?

26 MR JORDASH: Yes. In relation to the witness who has just
27 gone, I was simply going to ask if I could file the exhibits
28 first thing tomorrow morning.

29 PRESIDING JUDGE: The one that just testified?

1 MR JORDASH: The one whose just testified. What I was
2 going to do was give the file -- I have to give the file to
3 Mr Harrison in any event. Mr Harrison needs to look it over and
4 then tomorrow morning will in fact be the first time it will be
17:29:14 5 possible.

6 PRESIDING JUDGE: Mr Jordash, I just want to make it very
7 clear now that when you have a witness, before you close your
8 case for the Defence, you either move to have the statement made
9 and admitted as an exhibit or not. If you don't do it that way,
17:29:33 10 we will refuse to move that way in the future. It's getting to
11 be very confusing. I had absolutely no indication that you were
12 intending even to -- I thought you were using statements to
13 refresh the memory of the witness and this is what you did most
14 of the time. I know at the end there was a bit of a difference.
17:29:51 15 That's why I say I took it to be that way. If that had been the
16 case, maybe the Prosecution could have had some questions to ask
17 the witness.

18 It's a question of being fair to both sides here. If you
19 want to tender statements as exhibits, do it as part of your
17:30:08 20 cross-examination. Fine, we'll agree that at times, because you
21 need to underline this and you need to give it to the Prosecution
22 so they can verify what it is, it is a different issue, but your
23 motion to have that admitted as an exhibit must be done as part
24 of your cross-examination. The document may be produced later,
17:30:26 25 but you have to move for it at that time, otherwise in the
26 future, we will not. I'm just warning you.

27 JUDGE THOMPSON: Particularly in the light of the
28 flexibility which the Bench adopts in terms of these statements.
29 We adhere to the practice of flexibility of these statements. So

1 all you need to do is just to remember to get them tendered at
2 the right time.

3 PRESIDING JUDGE: But we'll give you a day, a day and a
4 half, to go through and underline this, not a problem. It's just
17:30:59 5 we want you to say. Because, as I say, the Prosecution may wish,
6 because you're doing that at that time, to ask questions. In
7 most cases they have not, but I cannot presume they will not.
8 It's just for that purpose.

9 MR JORDASH: Certainly.

17:31:15 10 PRESIDING JUDGE: I'm just making this statement,
11 Mr Jordash, so it is clear and there is no confusion in anybody's
12 mind where we stand on this issue. And it is to you and your
13 friends and colleagues from the Defence as well. This one is
14 obviously -- that's why my warning was not before, it's after you
17:31:34 15 have made your representation, so we go along with your
16 suggestion on this one.

17 MR JORDASH: Thank you.

18 JUDGE ITOE: It is the second step we are taking towards
19 the direction to the detriment, I suppose --

17:31:43 20 PRESIDING JUDGE: I hope it is not to the detriment --

21 JUDGE ITOE: Of Mr Harrison.

22 MR JORDASH: I hope you take a few more.

23 MR TOURAY: Your Honour, it is a joint exhibit for us as
24 well.

17:32:00 25 PRESIDING JUDGE: Yes, yes. We understood it to be that
26 way.

27 JUDGE ITOE: What he said about Mr Cammegh applies to all
28 of you.

29 PRESIDING JUDGE: Court is adjourned.

1 [Whereupon the hearing adjourned at 5.32 p.m.,
2 to be reconvened on Tuesday, the 29th day
3 of November 2005, at 9.30 a.m.]
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EXHIBITS:

Exhibit No. 60 65

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-029 6

EXAMINED BY MS ALAGENDRA 6

CROSS-EXAMINED BY MR JORDASH 18

CROSS-EXAMINED BY MR TOURAY 29

WITNESS: TF1-101 33

EXAMINED BY MR BANGURA 33

CROSS-EXAMINED BY MR TOURAY 58

WITNESS: TF1-104 75

CROSS-EXAMINED BY MR JORDASH 75

CROSS-EXAMINED BY MR TAKU 75

WITNESS: TF1-097 75

EXAMINED BY MR WALLBRIDGE 75

CROSS-EXAMINED BY MR JORDASH 100