



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 31 OCTOBER 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Julia Sebutinde
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawalie

For the Prosecution:

Mr Mohamed A Bangura
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:

Mr Morris Anyah
Ms Myriam Delonca

For the Office of the Principal Defender:

Mr Silas Chekera

1 Friday, 31 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:19 5 PRESIDING JUDGE: Good morning. Good morning, Mr Bangura.
6 Appearances, please.

7 MR BANGURA: Good morning, Madam President, good morning
8 your Honours and counsel opposite. For the Prosecution this
9 morning, your Honours, Mr Nicholas Koumjian, myself Mohamed A
09:31:38 10 Bangura and Ms Maja Dimitrova. Thank you, your Honours.

11 PRESIDING JUDGE: Thank you. Mr Anyah.

12 MR ANYAH: Yes, good morning, Madam President, good morning
13 your Honours, good morning counsel opposite. Appearing for the
14 Defence this morning are myself, Morris Anyah, Silas Chekera from
09:31:57 15 the Office of the Principal Defender and we have with us
16 Ms Myriam Delonca. She's called to the Bar of Leon, France.
17 Thank you, Madam President.

18 PRESIDING JUDGE: Thank you. I think we have had
19 Ms Delonca with us before. If there are no other matters I will
09:32:20 20 remind the witness of his oath? No. Good morning, Mr Witness.

21 THE WITNESS: Good morning, ma'am.

22 PRESIDING JUDGE: You recall that yesterday afternoon you
23 took the oath to tell the truth. I wish to remind you that that
24 oath is still binding on you and you must answer questions
09:32:37 25 truthfully. Do you understand?

26 THE WITNESS: Yes, ma'am.

27 WITNESS: SHEKU BAH KUYATEH [On former oath]

28 PRESIDING JUDGE: Please proceed, Mr Bangura.

29 MR BANGURA: Thank you, your Honour.

1 EXAMINATION-IN-CHIEF BY MR BANGURA: [Continued]

2 Q. Good morning, Mr Witness.

3 A. Good morning, sir.

4 Q. We shall continue with your testimony this morning.

09:32:56 5 A. All right, sir.

6 Q. You will recall that yesterday just before the break you
7 were asked - I asked you what was the reaction of the people of
8 Koidu Town when they learnt of the removal of the junta in
9 Freetown by ECOMOG. Do you recall that?

09:33:33 10 A. Yes, sir.

11 Q. Can we just take it from that point. I think you did not
12 quite finish what you were saying when I asked that question.

13 Can you take it from that point again. How did the people of
14 Koidu Town react to the news that ECOMOG had removed the AFRC

09:33:59 15 from power in Freetown?

16 A. All right, sir. The very day that we heard that ECOMOG had
17 dislodged the juntas from Freetown, on that same day the juntas
18 started looting right from the first day and the following day
19 they continued their looting spree. On the third day we

09:34:32 20 mobilised ourselves, the youth in Koidu Town, and we said, "We

21 will not sit by idling and see these people damage us. They have
22 done it once and they want to do it again". So we mobilised

23 ourselves to fight against them and we did, we the youths, and we
24 made sure that we dislodged them from the town. They left the

09:34:57 25 town, all of them, and they went. We didn't know where they were

26 went. So while we were in the town for some days we were the
27 only ones in the town, we the youths.

28 Q. Who did you drive out of the town?

29 A. The juntas and the AFRC who were there. They were the ones

1 we dislodged.

2 Q. Can we be clear when you say the junta and the AFRC. Who

3 --

4 A. The two groups were there, the AFRC and the RUF.

09:35:43 5 JUDGE SEBUTINDE: We didn't quite hear the question, but we
6 heard the answer. Obviously the question is not recorded.

7 MR BANGURA: I can go over the question again:

8 Q. You talked about the AFRC and the junta and I asked you to
9 be clear which - what do you mean? Which of these two groups?

09:36:06 10 Can you be clear about what you're saying.

11 A. Those were the groups that ECOMOG had dislodged. They were
12 the ones that went there. That is what I referred to as the
13 AFRC, because they were the ones in power when they were
14 dislodged by the ECOMOG.

09:36:29 15 Q. So after you --

16 A. The juntas were there.

17 Q. After you had driven the AFRC junta forces from Koidu, did
18 anything happen?

19 A. Yes, sir.

09:36:51 20 Q. What happened?

21 A. Then we went and invited the Kamajors from Gandorhun for
22 them to come and take care of us in the town, because we had a
23 fear that maybe the juntas would return and they would damage us
24 because we had revolted against them. So we were with the
09:37:14 25 Kamajors for one week and five days and while we were with them,
26 we were with them for one week and five days, we just saw one day
27 they got up and they left. It did not take long.

28 Q. Mr Witness, can I again ask you to go a little slower when
29 you speak.

1 A. Yes, sir.

2 JUDGE LUSSICK: Also, Mr Bangura, I'm a little puzzled how
3 the youths of the village could drive out trained soldiers. That
4 hasn't been explained.

09:37:48 5 MR BANGURA: Thank you, your Honour. I will get to that:

6 Q. You have told this Court that you, the youths, mobilised
7 yourselves and you drove out the AFRC junta forces who were in
8 Koidu Town. How did you do it? You said you fought against
9 them. What exactly did you do?

09:38:11 10 A. We drove them from out of the town. They left the town.

11 Q. But how did you go about driving them out of the town?

12 A. We had some youths among us who --

13 THE INTERPRETER: Your Honours, can the witness repeat
14 this.

09:38:36 15 PRESIDING JUDGE: Mr Witness, the interpreter is trying to
16 keep up with you. Everything you say is being interpreted and
17 written down. He has not been able to hear all your answer.
18 Please pick up where you said, "We had some youths among us
19 who --" Continue from there.

09:39:01 20 THE WITNESS: We were the youths, ma'am. After we had seen
21 that they had started the looting and doing wicked things in the
22 place, killing innocent people who had nothing to do with the
23 war, that was when we resolved that we would not sit by and see
24 them continue doing that. So we mobilised ourselves and said
09:39:28 25 whatever would be the outcome we were ready to face it, but we
26 had to drive them out of the town.

27 JUDGE SEBUTINDE: Mr Witness, we want to know how you drove
28 them out of town. They were armed and you were not. How did you
29 manage to drive them out of town?

1 THE WITNESS: Some of the youths in the town had guns and
2 so that was what we used to drive them out, because we had
3 noticed that the ECOMOG were on their way coming and they too
4 knew that the ECOMOG were on their way coming and so they were
09:40:10 5 afraid and so they left.

6 MR BANGURA:

7 Q. Mr Witness, after they left what happened?

8 A. That was the time we went and invited the Kamajors to come
9 and take care of us in the town.

09:40:28 10 Q. Where were the Kamajors before you went and called them?

11 A. They were in Gandorhun village.

12 Q. And when the Kamajors came how long did they stay?

13 A. When the Kamajors came they spent one week and five days
14 with us in the town.

09:40:53 15 Q. And what happened after that?

16 A. Two days after that time we heard gunshots in the town, so
17 we ran away from the town and we went to the nearby village in
18 Koidu Town and we hid there. While in hiding, after two days
19 those of us who were brave returned to the town. When we
09:41:21 20 returned to the town --

21 Q. Mr Witness, just before you go on further you said that two
22 days after that time "we heard gunshots in the town and so we ran
23 from the town." After you had heard news of the removal of the
24 junta in Freetown was this the first time that you heard firing
09:41:50 25 from any group from outside of the town? Was this the first
26 time?

27 A. Yes, sir. That was the first time and together with the
28 first time that the first people came.

29 Q. Okay. So you went out of the town and then you said you

1 came back after two days?

2 PRESIDING JUDGE: He didn't actually say he came back. He
3 said "those of us who were brave" came back. I don't know if the
4 witness is included in that group.

09:42:27

5 MR BANGURA:

6 Q. NOW, you said those of you who were brave. Did you
7 yourself come back? Were you one of those who came back to town
8 after two days?

9 A. Yes, sir. We came.

09:42:40

10 Q. When you came back to town what did you observe?

11 A. We observed that the groups which had come were looting and
12 they were on an operation that they referred to as Operation Pay
13 Yourself which meant that they were paying themselves.

14 Q. Do you recall what the composition of this group was?

09:43:09

15 A. Yes, sir. The leader that came with that group was this
16 boy - I have forgotten his name. Akim.

17 Q. And do you know what group he belonged to?

18 A. Akim was the one who was a member of all of the groups. He
19 was a member of the Kamajors and he left there, he went he joined
20 the RUF and he joined the AFRC, so he - at some point or the
21 other he was a member of all of the groups.

09:43:49

22 Q. How did you know this, Mr Witness?

23 A. Akim, you know, even my own brother was a soldier. He was
24 the one who explained to me how he behaved in the bush.

09:44:11

25 Q. At the time that he came to town that you've just
26 explained, what group did he belong to?

27 A. He was with the RUF, sir.

28 Q. You said that this group entered the town and they declared
29 what you call Operation Pay Yourself. What was this operation

1 about?

2 A. Those of them who came, they were looting and burning
3 houses.

4 Q. And how long did they go on for?

09:44:54 5 A. It went on for two days, sir.

6 JUDGE SEBUTINDE: Mr Bangura, how does the witness know
7 that Akim came with the RUF this time, given this is a man who
8 belonged everywhere?

9 MR BANGURA: I shall get to that, your Honour:

09:45:12 10 Q. Mr Witness, I asked you earlier which group did Akim come
11 with to Koidu Town on this occasion. You said he came with - he
12 was head of the group that came and they declared Operation Pay
13 Yourself. Now, you've said that he came with - he was with the
14 RUF this time. How did you know that he was with the RUF?

09:45:37 15 A. Well, the RUF, those were the people we understood that
16 spoke that funny language and they didn't wear uniforms. They
17 only had ordinary clothes on and they had guns.

18 Q. When you say "that funny language" what do you mean,
19 Mr Witness?

09:46:05 20 A. They spoke pidgin English.

21 Q. And had you heard that language spoken anywhere before?

22 A. Yes, sir.

23 Q. Where?

09:46:24 24 A. I had been to Liberia before and I heard them speaking that
25 language. That is their form of Krio that they speak in Liberia.

26 Q. So this group that came which Akim headed, if I understand
27 you rightly, is it that they were speaking the pidgin language
28 that you talked about, this funny language?

29 A. They spoke that pidgin English and some of them spoke Krio.

1 Q. Thank you. You said that the operation itself lasted for
2 about two days. Did anything happen after that?

3 A. Yes, sir.

4 Q. What happened?

09:47:17 5 A. After the two days we heard rampant firing from the
6 Freetown direction coming towards the Koidu Town.

7 Q. And were you able to find out what was the cause of this
8 firing?

9 A. Well, yes, sir. Initially we ran out of the town and we
09:47:49 10 spent two days. I personally spent two days out of the town and
11 I returned to take care of my house. When I returned I entered
12 my room and I locked myself in there for over four days and on
13 the fifth I went out to search for food because at that time I
14 was hungry because I hadn't anything to eat. Just when I went
09:48:15 15 out to go in search of food one boy halted me asking me where I
16 had come from and I said I was at home, but that I was hungry so
17 I had come out to go in search of food. But this boy had a
18 battery used by vehicle, and he asked me what I knew and I told
19 him that I was a fitter, and he asked if I was sure that I was a
09:48:49 20 fitter and I said yes. I said yes, I was a fitter.

21 Q. Mr Witness, at that time were you - when you say "fitter"
22 what do you mean?

23 A. Well, that is a car mechanic, somebody who repairs
24 vehicles.

09:49:09 25 Q. And at that time were you actually carrying out the trade
26 of a fitter, of a mechanic?

27 A. Yes, sir. I did a fitting job at the port authority and I
28 was in mechanical section. I did that for three years and nine
29 months so --

1 Q. So after you told this person who stopped you that you were
2 a mechanic did anything happen?

3 A. Yes, sir. Then he said he was not going to release me. He
4 said he had to take me to his boss. Then he took me to his boss.

09:50:09 5 We went to Kainkordu Road where they had all assembled, the whole
6 group. There was where I met his boss.

7 MR BANGURA: Kainkordu, K-A-I-N-K-O-R-D-U.

8 JUDGE SEBUTINDE: Mr Bangura, if you could clarify who this
9 boy was. He says, "I met one boy who halted me":

09:50:43 10 Q. Mr Witness, can you tell the Court who this boy was who
11 halted you and interrogated you about what your profession was or
12 what work you did?

13 A. Yes, sir.

14 Q. Who was this person?

09:50:56 15 A. This boy also spoke that pidgin English, sir, so I
16 concluded that he was a Liberian.

17 Q. And so you said he took you to his boss at Kainkordu Road;
18 who was his boss?

19 A. When we went his boss told me his name and he told me that
09:51:34 20 his name was CO Matthew.

21 Q. Who else did you meet apart from this boss at Kainkordu
22 Road?

23 A. They were many, the other ones that I met there. They were
24 on the main road.

09:51:52 25 Q. Do you know if the people that you met there belonged to
26 any particular group?

27 A. Yes, sir.

28 Q. Which group did they belong to?

29 A. They were the RUF. They belonged to the RUF group.

1 Q. Mr Witness, just before we move on further, you stated
2 earlier that two days after the Operation Pay Yourself ended you
3 heard gunshots from outside of the town, and I had asked you what
4 was the cause of that. You have not quite told the Court what
09:52:41 5 you found out later about who was firing into the town on that
6 occasion. Are you able to tell the Court?

7 A. Yes, sir.

8 MR ANYAH: Madam President, if your Honours please, I'm
9 looking at the record where this question was initially posed to
09:53:00 10 the witness and the witness - at least what is reflected on the
11 record is that his response was, "After the two days we heard
12 rampant firing from the Freetown direction coming towards the
13 Koidu Town." The question now posed by counsel is that he heard
14 firing from out of town. There is a difference between firing
09:53:26 15 from Freetown, all the way at one end of Sierra Leone being heard
16 in Koidu Town. I don't know if the record is in error but it
17 does reflect that the witness said before "Freetown".

18 PRESIDING JUDGE: Mr Bangura, you actually said who was
19 firing into the town, and I didn't conclude from the initial
09:53:44 20 evidence that anybody was firing into the town and Mr Anyah's
21 point is very similar.

22 MR BANGURA: Your Honour, I will get the witness to be much
23 more clearer:

24 Q. Mr Witness, you'd said that you heard firing, rampant
09:54:02 25 firing from the Freetown direction and where was this firing - do
26 you know whether this firing was directed at any particular
27 location?

28 A. The firing was - they had come from the Freetown end and
29 they were firing right into the Koidu Town, seriously.

1 Q. And did you later find out who was responsible for this
2 firing?

3 A. Yes, sir. That firing was - that firing group was led by
4 Maskita and that particular firing, the group referred to
09:54:56 5 themselves as Operation No Living Things.

6 Q. Mr Witness, you said that Mosquito or Maskita was leading
7 that group. Who do you mean when you say Maskita? Who was
8 Maskita?

9 A. Maskita was a slim man. He was the commander for that
09:55:28 10 particular group, sir.

11 Q. How did you know this?

12 A. I knew that because the time that I was with that CO
13 Matthew was the one who had - was the time he explained to me
14 that that was their commander.

09:55:49 15 Q. I mean, how did you know that Maskita was part of - was
16 leading this group that was firing towards Koidu Town from the
17 Freetown direction?

18 A. I heard that directly from CO Matthew.

19 Q. Sir, you were taken to CO Matthew and you said with him
09:56:19 20 were many others who were part of the RUF. Is that correct?

21 A. Yes, sir. They were many there, sir.

22 Q. Did anything happen when you were taken to CO Matthew?

23 A. Yes, sir. I was with CO Matthew and he led me to a vehicle
24 that had broken down. When I went there I saw a civilian who was
09:56:56 25 with him. He was a Fullah.

26 Q. What was this other civilian doing with CO Matthew?

27 A. Well, that civilian too was a car mechanic. He was the
28 first one to be with him. He had been captured in Kabala because
29 when I asked him that was what he told me, that he was captured

1 in Kabala.

2 Q. For how long did you stay with CO Matthew and his group?

3 A. I was with CO Matthew from February, March and April and in
4 April that was the time ECOMOG started approaching Kono. They

09:57:46 5 were in Njaiama Sewafe bombarding into Koidu Town.

6 Q. Who were at Njaiama Sewafe?

7 A. The ECOMOG, sir.

8 Q. Yes, and then what happened?

9 A. So when we heard this firing I saw them running up and

09:58:21 10 down. The entire town became chaotic. Those of them before now

11 who were pretending to be giants were now afraid, running up and

12 down. So at that time I was able to escape from them. So when I

13 escaped I headed towards the Kabala end in a bid to go to

14 Freetown. So on my way going --

09:58:53 15 Q. Mr Witness, did you go to this Kabala end by yourself?

16 JUDGE SEBUTINDE: Mr Bangura, before you proceed I'm a bit
17 confused myself. I'm not sure was the witness - when the witness
18 says "I managed to escape", was he under arrest?

19 MR BANGURA:

09:59:13 20 Q. Mr Witness, can you describe --

21 JUDGE SEBUTINDE: And if so by who?

22 MR BANGURA:

23 Q. Can you describe the condition under which you were with CO
24 Matthew? Were you free to leave?

09:59:29 25 A. Papa, I was a slave at that time.

26 Q. When you say you were a slave what do you mean?

27 A. Because I had a security with me that I should not move
28 without their knowledge because they had regarded me as their
29 best car mechanic, so there was nowhere for me to go away from

1 them.

2 Q. You talked about another person, you said a Fullah man who
3 was also - he was also with CO Matthew. What was his own
4 situation?

10:00:05 5 A. So when I met that Fullah man with them I did not trust him
6 himself, so I didn't care about his movement. All I cared about
7 was - you know, my family was in Freetown, so I was looking for
8 ways to escape from those people and go to Freetown. So when I
9 got the chance, that was when the ECOMOG started bombarding, that
10:00:41 10 was when I made use of the opportunity to look for a way to come
11 to Freetown.

12 Q. Mr Witness, you said that you had a security with you and
13 so you were not able to move. When you say a security, was the
14 security armed?

10:01:08 15 A. He had ammunition.

16 Q. What do you mean when you say he had ammunition?

17 A. He had a gun in his hand.

18 Q. Now earlier you said that you were stopped by a boy and he
19 interrogated you and wanted to know what work you did. How was
10:01:46 20 this encounter - what was this boy - was he carrying anything
21 when he stopped you?

22 A. Yes, sir. If he hadn't anything in his hand I would have
23 run away. It was because I saw the gun in his hand, that was why
24 I stood there and he took me to CO Matthew.

10:02:03 25 JUDGE SEBUTINDE: It would also help if we knew the
26 apparent age of this boy. Is he boy in the sense of the normal
27 grammatic sense of the word, or is he boy in some kind of other
28 way?

29 MR BANGURA: Thank you, your Honour:

1 Q. Mr Witness, you have said that you were stopped by a boy.
2 Can you describe his age. How old was he? You said a boy?

3 A. Yes, sir. I would approximate that the way I saw him he
4 could have been around 21 years old.

10:02:40 5 Q. I asked you earlier about the Fullah man who you said was
6 also with CO Matthew. Was he free to leave?

7 A. Well, at that time I did not care much about that. I don't
8 know whether he left them or not because, as I told you, the
9 moment I saw him I did not trust him because I just thought that
10:03:09 10 they were all together.

11 Q. During this period that you were with CO Matthew what was
12 going on in Koidu Town?

13 A. At that time there was rampant looting and they were
14 burning houses and mining.

10:03:30 15 Q. You said that you - when you heard the bombardment of
16 ECOMOG from Njaiama Sewafe you managed to escape, there was
17 confusion and you managed to escape. Did you leave Koidu alone?

18 A. No, sir.

19 Q. Who did you leave Koidu with?

10:03:57 20 A. Those of us who left Koidu Town were many, but those in my
21 group, we were six in number, but there were some other people
22 going in some other groups, but in my own group we were six.

23 Q. When you said "we went towards Kabala trying to find a way
24 to Freetown", did you stop anywhere, eventually?

10:04:30 25 A. Yes. We went and we got to Peyima village. When we got
26 there we heard that the soldiers were shooting in Kabala, that
27 they wanted - they were resisting, they wanted to return and that
28 none of them should surrender, and that there was even infighting
29 between them, arguing whether to return or not, so we couldn't

1 enter the town. We went into the bush and we hid there. We were
2 in --

3 Q. Mr Witness, can you pause. Let's just make sense of what
4 you've just said. You said that the soldiers were shooting in
10:05:15 5 Kabala and that they wanted - they were resisting, they wanted to
6 return and that none of them should surrender. Can you explain
7 exactly what you understood when you got to Peyima. You said the
8 soldiers were shooting in Kabala. Who were they shooting at?

9 A. The men who ran away from the scene, that brought the
10:05:44 10 information to us, they said the SLA, some of them wanted to go
11 and surrender and those who were in Kabala, whom had been
12 dislodged by ECOMOG, said nobody should surrender, all of them
13 should return to Koidu and base there to go and fight to resist
14 the ECOMOG. So that was the argument they were - that ensued
10:06:12 15 amongst them when they opened firing amongst themselves. So they
16 were shooting at each other. So then I said we should not use
17 that route, so we would be in Peyima and follow the situation.

18 Q. How long were you at Peyima?

19 A. Peyima, we were there for five days.

10:06:40 20 Q. What happened after five days?

21 A. After five days I realised that the place was lonesome and
22 I heard that ECOMOG had gone to Kokuiima, so I decided to go and
23 meet ECOMOG in Kokuiima, for them to come and assist us in Peyima,
24 so that we have a way to go to Kokuiima, all of us in a group now.

10:07:16 25 Q. Mr Witness, how far away from Koidu was Peyima where you
26 were?

27 A. It was 13 miles, from Peyima to Koidu Town.

28 Q. And let me just ask you again: About what time was this?

29 A. It was around April.

1 Q. Of what year?

2 A. 1998.

3 Q. Thank you. And did you come to Kokuima as you intended?
4 From Peyima, did you come to Kokuima?

10:08:09 5 A. Well, I tried. I walked from Peyima and I got to Small
6 Sefadu. From Small Sefadu going to Kokuima is about one and a
7 half miles. Just when I got to Small Sefadu --

8 Q. Mr Witness, just before we go on further, let's just find
9 out what the distances of these locations are in relation to

10:08:40 10 Koidu. You've told us that Peyima is 13 miles from Koidu Town.

11 Now you talk of Kokuima; how far away is Kokuima from Koidu Town?

12 A. Kokuima to Koidu Town is one and a half miles.

13 Q. Then you've also just mentioned Small Sefadu. How far away
14 was Small Sefadu from Koidu Town?

10:09:15 15 A. Small Sefadu to Koidu Town is about two and a half miles.

16 Q. Which is further away from Koidu Town? Kokuima and Small
17 Sefadu, which of the two is further away?

18 A. It is Small Sefadu that is farther to Koidu Town. When you
19 come from Small Sefadu you get to Kokuima, then from Kokuima you
10:09:48 20 go to Koidu Town.

21 Q. So you were coming from Peyima and you got to Small Sefadu.
22 Did anything happen there?

23 A. Yes. Just when I got to Small Sefadu I saw five boys
24 sitting by the road and they asked me where I was headed for and

10:10:18 25 I said I was going to Kokuima, and they asked me about my
26 mission, what I was going there to do, and I said I was going
27 there to meet with the ECOMOG and ask them to rescue us in
28 Peyima. And they told us - they told me, they said, "Friend, you
29 know, you are a gallant man. If you go there, you know, for the

1 ECOMOG they can be reasonable, but they are there with the
2 Kamajors. If you go there right now and now they've not started
3 receiving civilians yet. If you go there, they will mistake you
4 to be a bad person. So what we would advise you would be that
10:11:15 5 you should return to Peyima". They told me that they were
6 expecting the ECOMOG to go there on Monday, so when they told me
7 that - and that was on Saturday - I said that, okay, I will
8 return to talk to my men with whom we were all in the bush that
9 they were expecting the - they were expecting to go to Kokuima on
10:11:56 10 Monday to the ECOMOG.

11 Q. Mr Witness, can you give us some description of these five
12 men that you met?

13 JUDGE SEBUTINDE: Boys.

14 MR BANGURA:

10:12:09 15 Q. Five boys, I'm sorry. These five boys that you met.

16 A. Yes. All of them had on civilian clothes. All of them had
17 on civilian clothes.

18 Q. Were they carrying anything?

19 A. At that time they hadn't anything.

10:12:32 20 Q. You referred to them as boys. Can you describe their ages?

21 A. Well when I said boys, because for me anybody that I am
22 older for I would refer to that person as a boy. Some of them
23 were 21, 22 and some of them were 30, but I referred to them as
24 boys because I was older than they were.

10:12:57 25 Q. You said you then returned to Peyima to go and tell your
26 colleagues with whom you were there what you had learnt from
27 these five boys.

28 A. Yes. I was trying to return to Peyima because they had
29 told me that it was on Monday that the ECOMOG would allow

1 civilians to go to them, so I decided to return to meet my men
2 and tell them to wait until Monday so we would go to the ECOMOG.
3 So on my way going I went and I got to Peyima and I returned.
4 Just when I got to Peyima Town --

10:13:50 5 Q. Mr Witness, just before you continue you say, "On my way I
6 went and I got to Peyima and I returned". Did you return to
7 anywhere? When you got to Peyima, did you go anywhere else?

8 A. I was returning to Peyima. Just when I got there I saw
9 people running up and down, so I stood there observing to know
10:14:24 10 what had made them to run and I was surrounded by five boys and
11 they asked me where I had come from.

12 Q. Now when you say you were surrounded by five boys, can you
13 again give a description of these five boys who surrounded you
14 this time?

10:14:47 15 A. All right. These five boys who surrounded me, three of
16 them had been among the fight that I had met before along the way
17 that I met when I was going to Small Sefadu. Three of them were
18 among that group, but then the two others I did not know them. I
19 saw them just at that time. They were five.

10:15:20 20 Q. You say they surrounded you. In what manner did they
21 surround you?

22 A. Just when I got there suddenly I was surrounded and they
23 were firing. There was dust all over the place. That was the
24 way they refer to it. They dusted the place. They were all
10:15:48 25 around me. They asked me where I had come from and I said that I
26 wanted to go to Kokui ma, but I couldn't get there and so I had
27 decided to return. So amongst the five there was one who had on
28 a full combat uniform and the other one had on mufti. He had a
29 green pair of trousers and a white T-shirt. The other three whom

1 I had met at Small Sefadu, just the way they had on the civilian
2 clothes was the same civilian clothes that they had on. Just
3 when I said I had come from Kokui ma and they said, "Oh, so you
4 are the one going to invite ECOMOG and tell them that we are in
10:17:01 5 the bush".

6 Q. Mr Witness, these five boys, were they carrying anything?

7 A. Yes. The other one who had on the combat uniform had a
8 long gun that had a tube at the nozzle. That was called RPG.
9 The one who had the combat pair of trousers and white shirt, he
10:17:44 10 had a machete. The other one who had the RPG - because at that
11 time I was not the only one that they had now captured in the
12 area. We were about six whom they had captured. There was a
13 woman amongst us. So that thing that I had said that I had come
14 from Kokui ma --

10:18:17 15 Q. Mr Witness, I'm not sure whether you - you were trying to
16 say whether they were carrying anything with them and you talked
17 about one carrying an RPG and another carrying a machete and then
18 you also went back to talk about the one who was carrying an RPG.
19 I don't know whether you completed what you were saying. Was he
10:18:45 20 carrying something else?

21 A. I said the other one had a machete. It was blunt.

22 Q. Now, you said that they fired around you when they
23 surrounded you. Do you know who did the firing?

24 A. One of the men.

10:19:15 25 Q. With what did he do the firing?

26 A. He used a gun.

27 Q. So who else was carrying something of the five?

28 A. The one who had on the combat uniform he held the RPG, and
29 the other one who had just the combat pair of trousers and the

1 white T-shirt he had a machete.

2 Q. Which gun was used to fire around you?

3 A. It was an AK-47.

4 Q. So who was carrying the AK-47?

10:20:10 5 A. One of the three whom I had met at Small Sefadu.

6 Q. Thank you. You said that there were other persons who had
7 been - who were being held by these five boys and one of them was
8 a woman. Who were the others?

9 A. The others were civilians. Four civilians we were men and
10:20:43 10 the other one was a woman. I was the sixth person.

11 Q. When you told them that you had come from Kokuiima, what did
12 they say to you when you told them you had come from Kokuiima?

13 PRESIDING JUDGE: Which "they" are you referring to,
14 Mr Bangura? The civilians that were captured, or those who
10:21:00 15 surrounded him?

16 MR BANGURA: I will ask the question again, your Honour:

17 Q. You told the five boys who had captured you that you were
18 coming from Kokuiima and after you said this to them what
19 happened?

10:21:24 20 A. Then they said, "Oh, you are the one who was going to
21 invite the ECOMOG to know that we are here in the bush. Now we
22 know that you are the people who don't like us and you don't want
23 us to take over the country".

24 Q. Did anything happen after that?

10:21:46 25 A. Yes, sir. That was the time from amongst the six of us
26 that they had captured that they took me from amongst them and
27 they asked me to sit on the ground and I sat on the ground. The
28 one who held the RPG called the one with the combat pair of
29 trousers, with the T-shirt, that was when he called out his name

1 and he said, "Junior, Junior, go and look for a mortar and bring
2 it". So Junior went right round the town and he brought the
3 mortar. In fact, he was kicking the mortar while coming close to
4 me and he brought it close to me. So when Junior brought the
10:22:33 5 mortar close to me --

6 Q. Just to be clear, when you say "mortar" what do you mean?

7 A. That is something that people use to pound rice in it. It
8 is made of wood. At times they can even pound pepper in it.

9 Q. So Junior was asked to go and fetch a mortar and you said
10:23:02 10 he brought one and he was kicking it. What happened after that?

11 A. So when Junior brought the mortar, the one who had the RPG
12 said I should put my hand on that mortar. I said, "Why?", and he
13 said that if I wasted any time --

14 THE INTERPRETER: Your Honours, can the witness repeat
10:23:35 15 that.

16 PRESIDING JUDGE: Mr Witness, the interpreter has not heard
17 you clearly. Please repeat from you where you said that, "He
18 said that if I wasted any time --" Continue.

19 THE WITNESS: He said if I wasted any time he would scatter
10:24:01 20 me, he would turn me into pieces, so I should just put my hand
21 down. I put down my right hand. At that time the group was
22 passing by. Just when I put my right hand was when I heard a
23 voice from amongst the group that, "It's not the right hand that
24 we want" - sorry, the left hand. He said, "We don't want the
10:24:37 25 left hand. It is the right hand that we want".

26 MR BANGURA:

27 Q. Mr Witness, you said that you heard this voice. Well,
28 first of all you said the group was passing. What group was
29 this?

1 A. The RUF and the juntas. It was a mixed group, because
2 after they had been dislodged from Kabala that was the group
3 going towards Tombodu. They were many like ants, just like when
4 ants would be on the ground, and amongst that group there were
10:25:12 5 many people who carried loads and there were some people who were
6 in hammocks. They were being carried. It was from among that
7 group that the voice came that, "We want the right hand".

8 Q. Mr Witness, are you able to give a figure - a number - of
9 the number of people you saw moving along?

10:25:44 10 A. Mama, that one, they were many like army ants. They were
11 many. Over 300, more than that even.

12 Q. You said that they were AFRC and RUF - sorry, junta and
13 RUF, a mixed group. How did you know this?

14 A. Some of them wore SLA uniform. Those were the RUFs -
10:26:20 15 sorry, I took them to be the juntas. Some of them hadn't any
16 uniform. Some of them would have maybe a military shirt and the
17 civilian trousers, or military trousers and a civilian shirt.
18 Some of them had no uniform on. They only had on civilian
19 clothes.

10:26:47 20 Q. Mr Witness, you also mentioned that there were some people
21 who carried loads. What sort of people were these that were
22 carrying loads?

23 A. None of them wore combat, all of them wore civilian clothes
24 so I concluded that they were civilians.

10:27:11 25 Q. You said you heard somebody make the remark that it's not
26 your left hand that they want but the right. Is that correct?

27 A. Yes, sir.

28 Q. And did anything happen after that?

29 A. Yes, sir. After the man had said if I wasted any time I

1 would be turned into pieces, that was when I put down my right
2 hand and he told Junior to cut my hand, and it was at that time
3 that Junior took the machete. This hand, I put it on the mortar.
4 Junior chopped this hand more than six times before it was
10:28:07 5 finally severed and my hand fell on the ground. And I said, "Aye
6 bo, what have I done to you, a poor civilian like me?" And
7 Junior insulted my mother. He said we were cursed people, we
8 didn't know who to support but Tejan Kabbah, and because of that
9 Tejan Kabbah had ordered for a container of hands, so when that
10:28:52 10 container would eventually arrive I would be able to get a hand
11 from it.

12 Q. Did anything happen after this?

13 A. Yes, sir. So those of them who had amputated my hand, they
14 left me there and they went.

10:29:14 15 Q. What about the other people who had been captured along
16 with you - you said four men and one woman - what happened to
17 them?

18 A. When we were about to go they took all of them along with
19 them and I was left there alone. I was bleeding from my ears.

10:29:49 20 Q. Mr Witness, you said you were bleeding from your ears.
21 What happened to your ears? You said you were bleeding from your
22 ears.

23 A. My ears were cut, and even before they did that the boy who
24 held the RPG, he gesticulated to Junior, he used his head to
10:30:22 25 signal to Junior, he made it this way and like this again. Just
26 after he did that was when Junior held onto my ear and he sliced
27 it off just like when you want to slice bread with a knife. And
28 even my cheek, it was only by God's grace even that one would
29 have been sliced off.

1 Q. Mr Witness, when did the boy with the RPG motion to Junior
2 as you have demonstrated to the Court? When did he do that? At
3 what point did he motion to Junior with his head?

4 A. That was the time that he chopped off my hand. Just after
10:31:14 5 he chopped off my hand was when he motioned his head like this
6 and this, so that was when Junior held onto my ears and cut it
7 off and I even lost - I nearly lost my cheek through that.

8 MR BANGURA: Your Honours, the witness at some point moved
9 his head to the --

10:31:35 10 PRESIDING JUDGE: I noticed the witness at one point moved
11 his head to the right and then the left. On the last occasion
12 when the interpretation came "like this and this" I didn't see a
13 movement. So for purposes of record I note that the witness
14 moved his head from the right to the left. Mr Anyah, did you see
10:31:54 15 that?

16 MR ANYAH: No, but we acknowledge it, Madam President.

17 MR BANGURA:

18 Q. Mr Witness, what did you understand from this movement of
19 the head by the boy with the RPG to Junior when he moved his head
10:32:12 20 - motioned his head to the left and to the right to Junior, what
21 did you understand from that?

22 A. Well, what I understood from that later, it was when Junior
23 held my ears, he cut this one off and he cut the other one off,
24 so that was when I understood that that was the meaning of the
10:32:35 25 motioning.

26 Q. What did Junior use to cut off your ears?

27 A. It was that same blunt machete that he had used to cut off
28 my hand was the same blunt machete that he used to cut off my
29 ears.

1 Q. Which one of the ears did he cut first?

2 A. He first cut the left.

3 Q. Now, you said that they left you sitting where your hand
4 had been amputated and your ears cut off, they left you bleeding
10:33:11 5 and what happened after that?

6 A. Okay. Whilst the group was passing by, and after they had
7 cut off my ears, I saw a man - I mean a soldier that I knew
8 before because, where I was working, the mining site, we had a
9 common boundary and the wife that he had, at a point in time they
10:33:38 10 had a quarrel. I had participated in resolving their palaver at
11 a point in time and by then he was an SLA soldier. By then the
12 fighting had not started.

13 JUDGE SEBUTINDE: Please slow down with your testimony,
14 okay. Continue, but a little slower to allow the interpreter to
10:33:58 15 keep up with you.

16 THE WITNESS: Okay, ma'am.

17 MR BANGURA:

18 Q. Mr Witness, you were describing somebody you saw. You said
19 he was a soldier and he was a person you had known before. Who
10:34:11 20 was this person?

21 A. That man, they called him Staff Alhaji, and I said, "Oh,
22 Staff", that was the time he met me bleeding.

23 Q. Where was - you said he met you - where was he going or
24 where was he coming from?

10:34:44 25 A. He was on his way coming with all of those people who were
26 coming from the Kabala side with the soldiers, but he was on the
27 other side of the road walking on his own and all of the other
28 soldiers were on the other side of the road. I said, "Staff", I
29 said, "Look at what your boys have done to me." And he hissed at

1 me and he looked at me with frowned eyes and I said --

2 Q. Mr Witness, what's the sound that --

3 A. That is the hissing. That is as if he did not even want to
4 look at me.

10:35:50 5 Q. And you said that he looked at you also with --

6 A. With frown eyes, with scornful eyes. He used the word that
7 if it were him he was going to kill me straight off and he said
8 if I sit there up to the time the other group come and meet me
9 there, he said they will have to be the ones who will finish me
10 completely. So that was the time I went almost crazy.

10:36:42

11 Q. When you say you went almost crazy, what do you mean,
12 Mr Witness?

13 A. Well, I was totally tormented. I just got up and I was
14 just turning around like that. I did not even know where to go
15 to.

10:37:10

16 PRESIDING JUDGE: I noticed the witness appeared to be
17 making a movement with his hand but I could not see it clearly.
18 What was he saying when he said "I was turning round like this"?

19 MR BANGURA:

10:37:21

20 Q. Mr Witness, what happened after - you said you went crazy.
21 What exactly did you do when you said you went crazy? What
22 happened?

23 A. When the man used the word that the next group that is
24 coming from the back, if they meet me there they will finish me
25 completely, so I just got up running, for me to go and meet my
26 colleagues with whom I was hiding in the same place, to explain
27 to them what happened to me, so I was just in the bush searching
28 for them.

10:37:46

29 Q. Did you find those colleagues of yours?

1 A. I went and met them. Just when they saw me, and when they
2 saw me bleeding, all of them at first decided to run away and it
3 was later they came back and met me and they asked me what
4 happened. I said, "Oh, those big men have returned again. They
10:38:43 5 have come again. Those are the people I met on the way. They
6 are the ones who damaged me this way." So I said --

7 Q. When you said "those big men", what did you mean? They
8 asked you what happened and you said it was those big men who
9 have returned again, who were you referring to as those big men?

10:39:07 10 A. The reason why I referred to them as big men, they were the
11 people who carried guns at that time. They controlled us the way
12 they wanted. But it was - they were all, the soldiers, the RUF
13 and all the other groups, the AFRC, that was why I referred to
14 them as big men. And I said they are the ones who have damaged
10:39:36 15 me this way. So we passed the night in the bush that particular
16 day. And the following morning I told them that if it is the
17 case that they are going to kill me let them go and kill me. I
18 said, "But I am going to find my way to the ECOMOG people." So I
19 left them there and I took the same way from Peyima to go to
10:40:26 20 Kokuima.

21 Q. Did you eventually get to ECOMOG at Kokuima?

22 A. Yes, sir, I got there. When I arrived there the ECOMOG
23 gave me tetanus injection. So we were there and I saw another
24 civilian whom they had amputated. I saw two of them initially.
10:41:04 25 I went close to them and I said, "Where did you people meet those
26 people?" They too said it was at Peyima. I asked for the name
27 of one of them and he told me he was called Sulaiman Bangura and
28 I asked the other one too and he told me he was called Mohamed
29 Koroma. Then I saw two other boys. They too had been amputated.

1 I asked them too, "Where did you meet those people?" They said,
2 "At Gandorhun". I asked for their names and one of them was
3 called Kai Boima and the other was called Joseph Ngauga.

10:42:16

4 Q. Can you give us the name again of the first of the last two
5 people that you met. The second one was Joseph Ngauga, but what
6 about the first one? What was the name again?

7 A. He was called Kai Boima.

8 MR BANGURA: Your Honours, on the question of names and the
9 spellings, Boima is B-O-I-M-A:

10:42:54

10 Q. How long were you with ECOMOG at Kokui ma?

11 A. Well, we were with the ECOMOG for one week and a few days.

12 Q. And after that period did anything happen?

13 A. Yes, sir. Luckily they brought their food supply. Two
14 military vehicles brought them and on their way returning they

10:43:38

15 said, "Well, we are going to take all of you, the wounded, along
16 with us to Freetown".

17 Q. How many of you were brought to Freetown in those two
18 trucks?

10:44:00

19 A. Well, when we got to Connaught Hospital, because it was at
20 the Connaught Hospital that they took us to, when they did - when
21 they head counted us we were 56 in number. The first set of us
22 who were taken into the truck we were 56.

23 Q. Now, of this number are you able to tell whether all of you
24 were amputated - you were all victims of amputation?

10:44:34

25 A. Well, not all of us were amputated. There were some who
26 were shot at and there were some who were just hacked and there
27 were some whom they set five gallon jerry cans on fire and they
28 were dropping it into their eyes and on their bodies.

29 Q. Mr Witness, how did you know about all these different

1 forms of injury?

2 A. Well at first we were all at Kokui ma and so I saw
3 everybody, but --

10:45:44

4 JUDGE SEBUTINDE: Mr Bangura, the witness keeps mentioning
5 a place Krokui ma which appears as Kokui ma on the record. Are
6 these two different places?

7 MR BANGURA: Your Honour, I will get the witness to be very
8 clear. I would submit not, but I will get the witness to be
9 clear:

10:46:02

10 Q. Mr Witness, this place where ECOMOG was, what was the name
11 again? Let's be very clear.

12 A. It is Krokui ma.

13 Q. Is this the same place that you have mentioned before which
14 you said is about a mile and a half from Koi du Town?

10:46:24

15 A. That is the same place. That is the only place that we
16 have in Kono that is called Krokui ma. We have nowhere else that
17 is referred to by that name.

18 MR BANGURA: Your Honours, subject to my learned friend, I
19 would submit that --

10:46:42

20 JUDGE SEBUTINDE: Find out from the witness whether if this
21 is the same place sometimes called Kokui ma, or whether they are
22 different?

23 MR BANGURA:

10:46:56

24 Q. Mr Witness, have you heard the name Kokui ma as a place in
25 Kono near Koi du? Kokui ma?

26 A. It is close to Koi du. That is the only town that we refer
27 to as Krokui ma. It is maybe because of my pronunciation that you
28 are finding it difficult to understand that. We have no other
29 town in Kono District that is called Krokui ma. That is the only

1 town.

2 MR BANGURA: Your Honour, I hope that clears it up:

3 Q. So, Mr Witness, you say it might be your pronunciation, but
4 you know of a name called Kokui ma, is that correct, and that's
10:47:41 5 the only name you know of a place in Koidu? Is that correct?

6 A. That is the only place, sir.

7 MR BANGURA: Thank you. Your Honours, I invite my learned
8 friend to take a piece of this, but I would submit that what we
9 have on the record - I'm sure this name has come up before - is
10:48:10 10 the name Kokui ma and that the spelling is the spelling for the
11 name that the witness is giving us now. I stand corrected, but
12 my learned friend can say if --

13 PRESIDING JUDGE: Mr Anyah, the witness has said, "We have
14 no other town in Kono District that is called Krokui ma", and
10:48:40 15 comments on his pronunciation. Are you ad idem that there is a
16 town Kokui ma, or as the witness has pronounced it Krokui ma?

17 MR ANYAH: Madam President, it's for your Honours to
18 determine. If I had an objection I would certainly stand up. I
19 have no observations about this.

10:49:16 20 PRESIDING JUDGE: Very well.

21 MR BANGURA:

22 Q. Mr Witness, how long were you at Connaught Hospital?

23 A. Well, I wouldn't recall now, but we were there for some
24 time.

10:49:26 25 Q. You have mentioned that your hand was amputated - your
26 right hand - and that your ears were cut off by Junior. Are you
27 able to show the Court the state of your hand and your ears?

28 A. Yes, sir.

29 Q. Please indicate to the Court the arm. Your right arm. May

1 the record reflect that the witness has shown --

2 PRESIDING JUDGE: The witness has held up his right arm and
3 it is clearly severed between the wrist and the elbow. Thank
4 you, Mr Witness.

10:50:12 5 MR BANGURA:

6 Q. You also talked about your ears. Are you able to take off
7 the headphones to show the state of your ears?

8 A. Yes, sir.

9 PRESIDING JUDGE: The witness has stood up and shown to the
10:50:41 10 right that his right ear has been cut off.

11 MR BANGURA: Can he turn round and show the other side.

12 PRESIDING JUDGE: And also his left ear is cut off.

13 MR BANGURA: May I have the assistance of - thank you,
14 Mr Witness.

10:50:54 15 PRESIDING JUDGE: Mr Witness, please take a seat.

16 MR BANGURA: May I have the assistance of Madam Court
17 Manager, please. I'm going to refer to three photographs and for
18 reference these photographs are marked ERN 00039110, the second
19 one 00039114 and the third one 00039116. May the witness be
10:51:46 20 shown the first one ending 110 please:

21 Q. Mr Witness, do you see the photograph which has been shown
22 to you?

23 A. Yes, sir.

24 Q. Do you recognise the person in that photograph?

10:52:14 25 A. Yes, sir, this is me.

26 Q. Do you recall when this photograph was taken?

27 A. I recall the day it was taken, but I do not recall the
28 exact date because that is my house where the photo was taken.

29 Q. Okay, when you say your house I am not asking you where.

1 Do you recall who took the photograph?

2 A. Yes.

3 Q. Who took it?

4 A. I know the person, but I do not know the person's name.

10:53:01 5 Q. Was this person working for any particular organisation?

6 A. Yes, sir. Yes, sir.

7 Q. Which organisation?

8 A. The Special Court for Freetown.

9 Q. And do you wish the Court to have this photograph as part
10 of your evidence?

11 A. Yes, sir.

12 MR BANGURA: Your Honours, I move that this photograph be
13 marked for identification.

14 PRESIDING JUDGE: That is an A4 sized photograph which the
10:53:39 15 witness has identified as himself and it is MFI-1.

16 MR BANGURA: Can the witness be shown the photograph ending
17 in ERN 114:

18 Q. Mr Witness, do you recognise the person in this second
19 photograph?

10:54:07 20 A. Yes, sir.

21 Q. And who is that?

22 A. It's me, sir.

23 Q. Was it taken at the same time as the first photograph we
24 just looked at?

10:54:21 25 A. Yes, sir.

26 JUDGE LUSSICK: Well what time was that, Mr Bangura? I
27 know the witness has said he doesn't remember the exact date, but
28 does he remember any date, any month, any year?

29 MR BANGURA: Thank you, your Honour:

1 Q. Mr Witness, you've heard the question. Are you able to
2 give us some idea of the year, or month, or date?

3 A. It is the year that I recall.

4 Q. What year do you recall?

10:54:54 5 A. I recall 2003, or 4.

6 Q. And was this second photograph taken about the same time as
7 the first one?

8 A. It was the same day that all photographs were taken.

9 MR BANGURA: Your Honours, I move that the photograph
10:55:37 10 marked 00039114 be marked for identification.

11 PRESIDING JUDGE: This is a one page document, a
12 photograph, showing the witness's head with his right ear
13 severed. It becomes MFI-5.

14 MR BANGURA: Can the witness be shown the third photograph
10:56:07 15 ending 116:

16 Q. Is this photograph, Mr Witness, also one of those that was
17 taken on the day the other two were taken?

18 A. Yes, sir.

19 Q. And you wish this Court to have it as part of your
10:56:29 20 evidence?

21 A. Yes, sir.

22 MR BANGURA: Your Honours, I move that the photograph
23 marked 00039116 be marked for identification.

24 PRESIDING JUDGE: That's a one page document, a photograph
10:56:44 25 which the witness has identified as himself, a head showing to
26 the left side with the ear severed.

27 MR BANGURA: Thank you, Madam Court Manager:

28 Q. Mr Witness, you told this Court that before the events of
29 25 May you were employed as a security officer, I believe, or

1 security guard with a company in Kono, correct?

2 A. Yes, sir.

3 Q. After you suffered the amputation have you been able to get
4 back to any form of employment?

10:57:41 5 A. No, sir.

6 Q. Why? Have you tried and have not been able to get
7 employment?

8 PRESIDING JUDGE: First of all, that's two questions and,
9 secondly, it's leading.

10:58:00 10 MR BANGURA:

11 Q. Why?

12 A. Because my right hand which, is the useful working hand, is
13 no longer functioning.

14 Q. Can you tell the Court how being in this state has --

10:58:23 15 JUDGE LUSSICK: Just before you leave that, Mr Bangura, you
16 led evidence from this witness that he sells firewood for a
17 living. That's a form of employment. Now you're leading
18 evidence that he can't participate in any form of employment.

19 MR BANGURA: I take the point, your Honour:

10:58:40 20 Q. Apart from having to do work for yourself have you been
21 able to get employment or be employed by anyone else?

22 A. Well, since my hand was amputated I have not been working.

23 When you talk about employment, I thought it was to go and work
24 at a particular office. But to find my living I said it, I sell

10:59:12 25 wood, I and my wife. Normally it is my wife that does the better
26 part of the job in fact.

27 Q. Can you tell this Court how, if at all, being amputated has
28 affected your life, apart from not being able to get employment?

29 A. Yes, sir. This amputation has caused me to lose all my

1 plans that I had in mind, so at present I only live by the grace
2 of God and I believe that it is God that has not yet decided to
3 take my life, because when I sometimes sit down and imagine the
4 way God created me, and now I see myself in this kind of
11:00:14 5 condition, sometimes I want to die. But it is just through the
6 grace of God that God provides me my living through the wood that
7 I sell. So I do not just know what God has in plans for me. But
8 it's really not easy for me. It's really not easy.

9 MR BANGURA: Thank you, Mr Witness. Your Honours, that
11:00:39 10 will be all for the witness.

11 JUDGE SEBUTINDE: Mr Bangura, before you sit, I need some
12 clarification. The witness said, with regard to the victims in
13 Peyima, you asked him whether they were all amputated and he
14 says, at page 34, "There were some who were shot at and there
11:00:56 15 were some who were just hacked and there were some who they set
16 five gallon jerry cans on fire and they were dropping it into
17 their eyes and on their bodies." Now, one, we don't know who was
18 doing this and, secondly, we don't know if any of these people
19 died or they just were tortured or sustained injuries. Could you
11:01:20 20 please clarify?

21 MR BANGURA: Thank you, your Honour:

22 Q. Mr Witness, I asked you earlier about the 56 people that
23 were eventually moved down to Connaught Hospital from Kokuiima,
24 about whether you were all amputees and you gave me - you said
11:01:43 25 that some were, that others had suffered gunshot wounds, others
26 had been hacked. Did you learn from these people who had carried
27 out these atrocities on them?

28 A. No, sir, I did not investigate that, sir.

29 Q. And while you were in Kokuiima waiting, were these the only

1 people that were brought there or were there more than 56?

2 A. Well, at the time we came it was just those of us, the 56
3 people who had got there first, we were the first persons that
4 they took with them. But after we all - after we had now got to
11:02:38 5 Connaught they brought more people later.

6 MR BANGURA: Thank you. Your Honours, I'm not sure whether
7 that satisfies - I'm not sure whether he's competent to say what
8 happened to those who were taken to Connaught later.

9 JUDGE SEBUTINDE: Mr Bangura, we just go by the indictment
11:03:02 10 and what you pleaded. Trying to establish that.

11 MR BANGURA: Thank you. That will be all for the witness,
12 thank you.

13 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Anyah, do you
14 have questions of the witness?

11:03:12 15 MR ANYAH: Thank you, Madam President.

16 CROSS-EXAMINATION BY MR ANYAH:

17 Q. Good morning, Mr Witness.

18 A. Good morning, sir.

19 Q. I have a few questions for you. It shouldn't take too
11:03:24 20 long.

21 A. Okay, sir.

22 Q. I first want to say that it's obvious from looking at you
23 that you've sustained severe injuries as a consequence of what
24 happened in Sierra Leone in 1998 through 1999. Do you appreciate
11:03:41 25 that this is obvious to all of us? Mr Witness, can you hear me?

26 A. I heard you very well.

27 Q. Do you understand that by virtue of me asking you questions
28 I'm not trying to dispute the fact that you have suffered these
29 injuries?

1 A. Yes.

2 Q. But I do have questions for you and my questions in part
3 will be based on information you have previously given to the
4 Office of the Prosecutor. Let me start by asking you to confirm
11:04:26 5 the name of this company you worked for in 1997 when the AFRC
6 came into power. Is the name Joe Gab as in J-O-E G-A-B?

7 A. It's Joe Gab.

8 Q. Do you know how to spell the name, Mr Witness?

9 A. I told you initially that I did not go to school to high
11:04:57 10 level. I do not know that.

11 Q. This was a diamond mining company, yes?

12 A. Yes, sir.

13 Q. And before the AFRC overthrew the government of Ahmad Tejan
14 Kabbah, 25 May 1997, you were working as a security officer for
11:05:20 15 this company, yes?

16 A. Yes, sir.

17 Q. The company was based in Koidu Town, yes?

18 A. Yes, sir.

19 Q. And you told us yesterday of where you were when you heard
11:05:38 20 that the AFRC had toppled the government of President Kabbah,
21 yes?

22 A. I told you that yesterday.

23 Q. You said you were in a swamp mining for diamonds near some
24 diamond mining equipment, yes?

11:06:00 25 A. Well, that was where the company was in the swamp.

26 Q. We know where the company was; I'm asking you where you
27 were. You were in that swamp, correct?

28 A. I was in the swamp where the machines were.

29 Q. Now, from 1997 up until now, you agree that a number of

1 years have passed, at least 11 years have passed, yes?

2 A. Yes.

3 Q. And a lot of things have happened during that period of
4 time to you personally, yes?

11:06:37 5 A. Yes.

6 Q. Have you ever given testimony before the Special Court of
7 Sierra Leone before your appearance in The Hague in this case?

8 A. No.

9 Q. You first met with the Office of the Prosecutor to talk
11:06:55 10 about what happened to you on 11 September 2003, yes?

11 A. No.

12 Q. Do you remember previously meeting with the Prosecution
13 sometime in 2003?

14 A. No, I did not talk with anybody.

11:07:17 15 Q. Are you sure about that, Mr Witness? Do you remember the
16 name of a woman Corinne Dufka?

17 A. No.

18 Q. Do you remember meeting with the Prosecution in June of
19 last year, 2007?

11:07:35 20 A. I do not remember.

21 Q. Do you remember them reading a statement to you at any of
22 your meetings with the Office of the Prosecutor?

23 A. I do not remember.

24 Q. Can you write with your left hand, Mr Witness?

11:07:58 25 A. I do not know.

26 Q. Are you able to sign your name with your left hand,
27 Mr Witness?

28 A. Yes, I can manage.

29 Q. And if you saw your signature you would recognise it, yes?

1 A. Yes.

2 Q. Have you signed any documents for the Office of the
3 Prosecutor before your appearance in court?

4 A. Where is the Prosecution?

11:08:26 5 Q. The Prosecution are the people seated to your right.
6 Learned counsel Mr Bangura, who was asking you questions, belongs
7 to that office. They have an office in Freetown, Jomo-Kenyatta
8 Road in Freetown, New England, Sierra Leone, do you appreciate
9 that, Mr Witness?

11:08:53 10 A. No.

11 Q. But do you know people from the Special Court who have said
12 they are members of the Office of the Prosecutor?

13 A. No.

14 Q. While you have been here in The Hague have you met with
11:09:02 15 Mr Bangura, the lawyer who just asked you questions?

16 A. Except today that I saw him. The other time he came.

17 Q. Well, you saw him today. You also saw him yesterday in
18 court of course, yes?

19 A. Yes, sir.

11:09:17 20 Q. Before yesterday, before 30 October, did you see him
21 outside of court?

22 A. No.

23 Q. Did you meet with anybody from the same office as
24 Mr Bangura while you've been here in The Hague?

11:09:40 25 A. In this Court?

26 Q. Not inside the courtroom. I mean away from the courtroom,
27 having a meeting with somebody who says they are from the Office
28 of the Prosecutor of the Special Court?

29 A. My man, since I came here, I do not go walking around,

1 since they brought me here. From there, except that they brought
2 me to this Court. I do not know anybody around in fact.

3 MR ANYAH: All right, Mr Witness. Your Honours, may I have
4 the assistance of Madam Court Officer, please. These could be
11:10:20 5 displayed on the overhead, thank you. Madam Court Officer, could
6 we start with the document in tab number 2, the very first page,
7 please:

8 Q. Mr Witness, this is a document disclosed to the Defence by
9 the Special Court's Office of the Prosecutor. At the top of the
11:10:58 10 document it reads, "Witness acknowledgment and affirmation."

11 There are two signatures that appear on that document. The ERN
12 number is 00033621. Do you see where it says "Signature of
13 witness" there is a signature there? Is that your signature,
14 Mr Witness?

11:11:23 15 A. Yes.

16 Q. Do you see that on the right it has the date 1 June 2007?

17 A. Yes.

18 Q. At the top it reads:

19 "Under oath I swear or affirm that the information
11:11:41 20 contained in this statement is true to the best of my knowledge
21 and belief."

22 And the statement date it gives is 11 September 2003. Have
23 you heard what I read, Mr Witness?

24 A. Yes.

11:11:57 25 Q. This is saying you gave the Prosecution a statement on 11
26 September 2003, and if we were to turn to the next page of the
27 document, page 2, we will see the written account of that
28 statement given on 11 September 2003. Do you see the new
29 document in front of you, Mr Witness?

1 A. Yes.

2 Q. This is a document with your name on it, Sheku Bah Kuyateh,
3 dated 11 September 2003 prepared by the Office of the Prosecutor
4 saying that you told them all of this information that's written
11:12:37 5 down on 11 September 2003. Does this help refresh your memory
6 about meeting with them in September of 2003?

7 A. Yes.

8 MR ANYAH: Madam Court Officer, can we go to tab 3, please,
9 the first page of the document:

11:13:12 10 Q. Mr Witness, this is the same statement I just showed you
11 but this one has some written inscriptions or notations on it.
12 It's the same statement of 11 September, but this time you met
13 with them last year on 11 August 2007, and you made some
14 corrections to the statement. Do you see in the second paragraph
11:13:41 15 that somebody has written over what was SAG Musa to what appears
16 to be SAJ Musa. Do you see that, Mr Witness?

17 A. Yes.

18 Q. Was it you that wrote that; changed SAG to SAJ?

19 A. No.

11:14:09 20 Q. Do you see a signature to the right-hand corner of that
21 same sentence, some inscription and then the word or the letters
22 SAJ. Is that your signature, Mr Witness? The signature at the
23 corner of that page on the right?

24 A. I have not seen my signature there. I have not seen my
11:14:32 25 signature there at all. My signature is not there.

26 Q. Do you see at the bottom of the page, lower to the bottom,
27 it has something that appears to be a thumbprint. Do you see
28 that, Mr Witness?

29 A. Over there? A thumbprint, but it's not mine.

1 Q. Well, do you see below the thumbprint the name Sheku Bah
2 Kuyateh, Mr Witness?

3 A. Yes, I have seen Sheku Bah Kuyateh there.

11:15:11

4 Q. Do you remember having a conversation with the Prosecution
5 regarding SAJ Musa, Mr Witness?

6 A. Yes.

7 Q. Did you at any time correct the spelling of the name SAJ
8 Musa from SAG to SAJ?

9 A. Well, I do not recall.

11:15:27

10 Q. Did you ever affix your thumbprint on any documents shown
11 to by the Office of the Prosecutor outside of court?

12 A. It's because I am somebody who would like to sign the same
13 way. I did not thumbprint.

11:15:57

14 MR ANYAH: Madam Court Officer, on this same tab there is
15 the third page which ends in ERN 9107. If we could show that to
16 the witness. Thank you:

17 Q. Mr Witness, this is from the same document and in the
18 middle of the page you see thumbprints everywhere and if you look
19 you will see that they all pertain to the name Staff Alhaji Bayoh
20 and someone has tried to correct the spelling of Alhaji to
21 A-L-H-A-J-I. Did you correct the spelling of Staff Alhaji Bayoh's
22 name whenever you met with the Prosecution, Mr Witness?

11:16:28

23 A. No.

11:16:51

24 Q. And it is the case that you say these thumbprints here are
25 also not yours?

26 A. These thumbprints are not mine. They are not mine.

27 MR ANYAH: Madam Court Officer, shall we go to the last
28 page of that set:

29 Q. Mr Witness, this is a form given in connection with this

- 1 statement we've been going over. The statement is dated - well,
2 the statement is from 11 September 2003, but the corrections were
3 made on 11 August 2007. At the top it says "Adoption of
4 statement by witness". It then says or reads: "I Sheku Bah
11:17:39 5 Kuyateh affirm that the information contained in (i) statement
6 dated 11 September 2003 and identified by ERN numbers 00001053
7 through 1056" - and it says that they are true to the best of
8 your knowledge and belief - and then in the second full paragraph
9 it says that you either have personal knowledge of the facts or
11:18:07 10 the statement has been read. It says you have personal knowledge
11 of all events in the above statements. It goes on to say that
12 either you have read or you have had the statements read to you
13 in English language or translated to you in Krio. Did they read
14 you that statement on 11 August 2007 in Krio, Mr Witness?
- 11:18:33 15 A. Well, I do not recall.
- 16 Q. And do you see at the bottom of the page it says
17 "Signature/thumbprint of witness" and then on the right-hand side
18 it has the date 11 August 2007. Did you affix your thumbprint to
19 this document, Mr Witness?
- 11:18:55 20 A. I do not recall.
- 21 Q. And then do you see a signature of investigator there, a
22 signature of somebody who appears to have the last name Koroma.
23 Did you meet with somebody from the Office of the Prosecutor
24 named Koroma, Mustapha M Koroma?
- 11:19:17 25 A. I do not recall, Papa. Not even the name.
- 26 Q. Just a year ago you do not recall that, Mr Witness?
- 27 A. I do not recall, Mama.
- 28 Q. Do you recall meeting with the Prosecution here in The
29 Hague this past Sunday, 26 October 2008?

1 A. Prosecution? I do not recall. I don't even know who is
2 Prosecution.

3 Q. Well, did you meet with anybody here in The Hague on 26
4 October, this past Sunday?

11:20:05 5 A. Sunday? This Sunday?

6 Q. Yes.

7 A. I do not recall.

8 MR ANYAH: Madam Court Officer, shall we go to tab number
9 5:

11:20:35 10 Q. Mr Witness, this document was given to us by the Office of
11 the Prosecutor and it pertains to you and we know that because
12 there is a TF1 number at the top, TF1-201, which is a number that
13 has been assigned to you by the Court, and it says you made the
14 following corrections/gave additional information to your
11:21:00 15 statement dated 11 September 2003 in the course of proofing and
16 that these proofing sessions took place on 26 and 27 September of
17 this month. Did I misspeak? I think I said September. It
18 should be 26 and 27 October 2008.

19 MR BANGURA: Your Honour, I notice that my learned friend
11:21:26 20 is making reference to a document in tab number 5 and I am not
21 quite --

22 MR ANYAH: The document is displayed for everybody to see
23 and tab number 5 is with the Court Officer.

24 MR BANGURA: I note the document but when my learned friend
11:21:43 25 makes reference to a tab number 5 it's as though we have in our
26 possession documents that are tabbed and there is a tab 5. I'm
27 not sure whether there had been a distribution of material other
28 than what we provided.

29 PRESIDING JUDGE: What is the title of the document at tab

1 5, please, Mr Anyah?

2 MR ANYAH: Madam President, the document is displayed.

3 PRESIDING JUDGE: I see. This is the one that's on display
4 now?

11:22:09 5 MR ANYAH: Yes, and Madam Court Officer has a set of
6 documents and I'm just directing her by saying it's at this tab,
7 but the Prosecution did give us this document and it's displayed
8 for all to see. If I misstate something I stand to be corrected:

9 Q. Mr Witness, this document was given to us by counsel
11:22:30 10 opposite and it purports to be statements given by you to them.
11 Rather, statements made by you to them and recorded in this form,
12 made this past Sunday the 26th, and on Monday this week, 27
13 October. Did you speak to anybody about your experiences in 1998
14 in Sierra Leone this past week, Mr Witness?

11:22:58 15 A. No.

16 Q. You're absolutely sure of that, Mr Witness?

17 A. I do not recall.

18 Q. If you had met with somebody this week and you told them
19 about seeing SAJ Musa and Mosquito, is that something you would
11:23:18 20 forget, Mr Witness?

21 A. I have said it before.

22 Q. I'm not asking you if you've said it before. I'm asking
23 you if you said it to someone this week while you've been this
24 country called Holland? I mean, called the Netherlands?

11:23:38 25 A. The fact that I have said it before is what I recall, but I
26 do not recall now whether I said it to anybody now.

27 Q. Did you tell anybody this week here in Holland, this
28 country that you've been in, Mr Witness, that you saw Mosquito
29 and SAJ Musa in Koidu during the period of the AFRC rule?

1 A. That had been in my statement, but I have not told anybody.

2 Q. When you say that had been in your statement, do you mean a
3 previous statement, an old statement, yes?

4 A. The old ones that I had given.

11:24:24 5 Q. Well, let's go to paragraph 2. Did you tell anybody here
6 this week in The Hague that when the Kamajors were forced out of
7 Koidu Town that you hid in a nearby village and it was not at
8 that time you went to Peyima? Did you say that while you've been
9 here in The Hague, in Holland?

11:25:01 10 A. I said since I came here I just stay at home. I do not go
11 about walking around, from there, except that I came to court
12 here.

13 JUDGE SEBUTINDE: Mr Anyah, the document you've just
14 displayed appears to show - if, Madam Court Officer, you could
11:25:23 15 scroll it down - it's as if this witness was taken through past
16 statements.

17 MR ANYAH: Yes.

18 JUDGE SEBUTINDE: Now the questions you're putting to him
19 appear to suggest to him that he made a fresh statement and this
11:25:36 20 may be the point of confusion. Because he has on more than one
21 occasion said, "I never made any statements, new statement." But
22 it's clear from this document that they were taking him through
23 old statements. Perhaps you need to clarify that with the
24 witness. It might jog his memory.

11:25:52 25 MR ANYAH: Yes, Justice Sebutinde, I will clarify although
26 he has made the clear distinction about what he said in his first
27 statement vis-a-vis what he denies saying this week, but I
28 appreciate the distinction and I will clarify:

29 Q. Mr Witness, has anybody read to you your old statement

1 given to the Office of the Prosecutor while you have been here in
2 Holland this week?

3 A. Yes.

4 Q. Was that on Sunday this week, Mr Witness?

11:26:32 5 A. Well, it might be so.

6 Q. And did you meet with them on the Monday of this week as
7 well?

8 A. Monday? Yes.

9 Q. Did you meet with one or more than one person?

11:26:52 10 A. Just one person.

11 Q. Is that person in court today, Mr Witness?

12 A. Yes.

13 Q. And who is that person? Can you point to them and describe
14 something they're wearing?

11:27:07 15 A. Yes, it's my lawyer.

16 Q. And who is your lawyer?

17 A. It's Mr Bangura. It was Mr Bangura who read back my
18 statement to me.

19 Q. Do you remember me asking you when we started this tedious
11:27:25 20 ordeal about 15 minutes ago whether you met with Mr Bangura in
21 The Hague while you've been here? Do you remember me asking you
22 that?

23 A. That was not how you asked me. You asked whether I had met
24 with people or whether I had met with somebody and then I said
11:27:43 25 no. You did not ask me whether I met with my lawyer.

26 Q. Do you remember me asking you whether you had met with
27 I learned counsel over there, Mr Bangura, the lawyer who asked you
28 questions in court today?

29 A. You did not ask me whether I met with Mr Bangura. You had

1 not made mention of Mr Bangura's name here.

2 MR ANYAH: Madam President, I see the time. This would be
3 a convenient time to break, if it please.

11:28:15

4 PRESIDING JUDGE: Very well, Mr Anyah. Mr Witness, we are
5 now going to take our usual mid-morning break. We will be
6 returning at 12 o'clock. Please adjourn court until 12 o'clock.

7 [Break taken at 11.28 a.m.]

8 [Upon resuming at 12.00 p.m.]

9 PRESIDING JUDGE: Please proceed, Mr Anyah.

12:02:07

10 MR ANYAH: Thank you, Madam President:

11 Q. Mr Witness, right before the break you had acknowledged to
12 us that you did in fact meet with Mr Bangura while you have been
13 here in The Hague, true?

14 A. Yes, sir.

12:02:24

15 Q. And during your meetings with Mr Bangura, and it is clear
16 that you met with him on more than one occasion, right?

17 A. Yes, sir.

18 Q. And during your meetings with Mr Bangura you reviewed a
19 prior statement you gave to Mr Bangura's office, yes?

12:02:47

20 A. It was the statement that I had made before; that was what
21 he reviewed.

22 Q. And that statement that you made before was shown to you
23 when you and him spoke, yes?

24 A. Yes, sir, he showed the statement to me.

12:03:08

25 Q. And the focus or subject of your conversation in The Hague
26 were corrections or clarifications you had to make to information
27 that was contained in that statement, true?

28 A. He only read the statement back to me for me to understand
29 it clearly.

1 Q. And when he read it and something did not sound right to
2 you you made a clarification to him, yes?

3 A. It was only the statement that I had made that I clarified
4 to him.

12:03:48 5 Q. Yes, that is the point I am making. You made
6 clarifications to your previous statement given to his office,
7 true?

8 A. The statement that I had made was what he read to me. That
9 is what I told him.

12:04:11 10 MR ANYAH: Madam Court Officer, could you kindly assist me,
11 please. I will be referring to the same document we were looking
12 at before the break. It should be in tab 5 and it would be the
13 first page:

14 Q. Mr Witness, these are the notes we were given from
12:04:46 15 Mr Bangura's meetings with you this week in Holland. The first
16 paragraph says that you made a clarification to information that
17 was contained in a previous statement. I will read it for you.
18 It refers to ERN page number 00001053, line 13, and then this
19 sentence in parenthesis - sorry, with open and closed quotation
12:05:11 20 marks: "But I remember seeing Mosquito and SAJ Musa in Koidu on
21 a few occasions" and this document suggests or indicates that you
22 clarified that sentence to read that "The witness clarified that
23 he saw Mosquito and SAJ Musa in Koidu during the period of the
24 AFRC rule and not after the intervention by ECOMOG". Did you
12:05:43 25 tell Mr Bangura this week that the time you saw SAJ Musa and
26 Mosquito was during the period of the AFRC rule?

27 A. Yes, sir.

28 Q. And you told him that to clarify something he had read to
29 you, yes?

1 A. He only corrected the spellings, because the way I
2 pronounce some of the words were not proper so he corrected the
3 spellings.

12:06:24 4 Q. My question was: You gave him that new information about
5 the precise time when you recall seeing SAJ Musa and Mosquito in
6 connection with your prior statement which said you had seen SAJ
7 Musa and Mosquito after the junta period. That is right, isn't
8 it, Mr Witness?

9 A. No, sir.

12:06:45 10 Q. Well, let us look at the page with ERN 1053. Madam Court
11 Officer, that would be the document in tab 1, page 1.
12 Mr Witness, I showed you previously a witness acknowledgment and
13 affirmation that you acknowledged your signature of having
14 reviewed a statement dated 11 September 2003. This is that
12:07:28 15 statement. Now in the second full paragraph, rather sorry, the
16 third full paragraph it says that, "In February 1998 we learned
17 through the BBC that the AFRC had been driven out of Freetown by
18 ECOMOG forces. In the days that followed, hundreds of AFRC/RUF
19 soldiers started flooding into Koidu Town. They went on a
12:07:57 20 rampant looting spree. I can't be sure who the big man was, but
21 I remember seeing Mosquito and SAJ Musa in Koidu on a few
22 occasions."

23 Mr Witness, did you tell the Prosecution previously in your
24 first statement you saw SAJ Musa and Mosquito in Koidu Town after
12:08:18 25 the junta period?

26 A. No, sir.

27 Q. So what I have just read to you is something you did not
28 say?

29 A. The one that they have just read? The one - what I spoke

1 was that I saw SAJ Musa and Mosquito at the time the AFRC took
2 over when they met at this place. I don't know how it is called
3 - at the secretariat, when they convened a meeting, that was when
4 I saw Maskita and SAJ Musa.

12:08:54 5 Q. So what I have just read to you is not what you told the
6 Office of the Prosecution?

7 A. It was not after the AFRC rule. It was at the time that
8 the AFRC overthrew Tejan Kabbah, when they convened a meeting at
9 the secretariat, that was when I saw SAJ Musa and Maskita.

12:09:14 10 Q. So when this document says that you told them you saw SAJ
11 Musa and Mosquito during the junta period this document is saying
12 something that is in error, yes?

13 A. The time that I saw him was when Tejan Kabbah's government
14 was overthrown by them. That's when I saw him.

12:09:38 15 Q. We know what you claim to be the time when you saw him. I
16 am not asking you or I am not challenging you on that. I am
17 asking you what this document says you said elsewhere. Is this
18 document in error when it says you previously said you saw the
19 two of them during the junta period? I am sorry, I withdraw that
12:10:01 20 because that is not what the document says. Mr Witness, the
21 document says you told the Prosecution you saw SAJ Musa and
22 Mosquito after the AFRC was in power and had been removed from
23 Freetown by ECOMOG. Is that a lie?

24 A. Papa, I said that was the time that Tejan Kabbah was
12:10:25 25 overthrown from power. That was when I saw them.

26 PRESIDING JUDGE: Mr Witness, that is not the question
27 counsel is asking. Counsel is asking about what is written in
28 the document. Is that document - I will ask counsel again to put
29 very briefly what he is asking you. Please listen carefully.

1 MR ANYAH: Yes:

2 Q. Mr Witness, what I am asking you is this: The Prosecution
3 gave us a document of your first statement to them. The document
4 says you told them, in September of 2003, that it was in February
12:11:03 5 1998 after ECOMOG had driven out the junta from power that you
6 saw Sam Bockarie, rather, you saw Mosquito and SAJ Musa. Is that
7 a lie?

8 A. I said the time that they overthrew Tejan Kabbah was the
9 time that I saw Maskita and SAJ Musa in their meeting.

12:11:32 10 Q. So when the document - so when the document says something
11 different, that you saw SAJ Musa and Mosquito after the junta
12 period, after the AFRC had been removed from power, that document
13 is mistaken, it is in error, yes?

14 A. I don't recall saying that.

12:11:56 15 Q. Do you remember telling the Prosecution that you saw
16 Mosquito and SAJ Musa on a few occasions in Koidu Town?

17 A. It was only once that I saw them in their meeting.

18 Q. Yes, that is what you told us yesterday. You say you saw
19 them once at the secretariat. So when this document says that
12:12:21 20 you told the Prosecution you saw them on a few occasions, this
21 document does not reflect what you truly saw, yes?

22 A. I said that was the only time I saw them, that one time.

23 Q. And if somebody says you saw them more than once that would
24 be a lie, yes?

12:12:50 25 A. Well, let the person come and say it.

26 Q. The document before you says you have told the Prosecution
27 previously that you saw them more than once. Is that inaccurate?

28 A. I saw them once.

29 Q. Then the document is not accurate, yes?

1 A. What I said is what I am telling you.

2 Q. What do you have to say to what the document says?

3 A. Well, maybe it is the document that has the mistake, but
4 what I said was that I saw them only once.

12:13:37 5 Q. Mr Witness, this story of seeing Mosquito and SAJ Musa at
6 the secretariat, before you said it in court yesterday, have you
7 ever told the Office of the Prosecutor about seeing them at the
8 secretariat?

9 A. Yes, sir.

12:13:56 10 Q. When did you tell them that?

11 A. It was on that Sunday and Monday when I came here.

12 Q. And the secretariat was at Tankoro, yes?

13 A. Yes, sir.

14 Q. Where is Tankoro?

12:14:17 15 A. It is in Koidu Town.

16 Q. This reference to Sam Bockarie that you made this week - I
17 mean the reference to Mosquito that you made to Mr Bangura - is
18 that the same person you were referring to when you mentioned the
19 name Maskita this morning in court?

12:14:40 20 A. I spoke about Maskita.

21 Q. Well, there are two references here I am trying to clarify.
22 You told Mr Bangura out of court about seeing Mosquito and SAJ
23 Musa at the secretariat, yes?

24 A. Yes, sir.

12:14:59 25 Q. In court today, in speaking about hearing fire or firing
26 from the direction of Freetown into Koidu Town, you said a group
27 of rebels came into Koidu Town - Koidu Town and their boss or
28 leader was Mosquito or Maskita, something like that? Do you
29 recall telling us that this morning?

1 A. It was said by people. You know, that is why when the
2 meeting was convened at the secretariat I went there to know the
3 Maskita. They said they were the ones who were shooting so when
4 the meeting was convened I went there to actually know the
12:15:44 5 Maskita, because I didn't know him. As for SAJ Musa, I knew him
6 before.

7 Q. So the Maskita you referred to this morning is the same
8 person you saw at the secretariat in Koidu Town when you saw SAJ
9 Musa?

12:16:01 10 A. It was on the same day that I saw both of them with some
11 other commandos whom I did not know.

12 Q. Have you seen that person since that day you saw him?

13 A. From since the time I saw him at that secretariat I have
14 never seen him again.

12:16:25 15 Q. Have you seen SAJ Musa since that day?

16 A. Except when I heard about his death.

17 Q. Did you hear about what happened to this person Maskita or
18 Mosquito?

19 A. After the war they said he was dead.

12:16:50 20 Q. And it is true that since the war ended you have heard
21 stories about what happened to others who were victims of the
22 war, yes?

23 A. A lot.

24 Q. And some of the stories you have heard spoke of Operation
12:17:13 25 No Living Thing, yes?

26 A. Their stories, no. That one I witnessed myself. That was
27 not the story, I witnessed it myself.

28 Q. Did you also witness Operation Pay Yourself?

29 A. I was driven out of Kono. I saw it.

1 Q. When you spoke with the Prosecution the first time, on 11
2 September 2003, did you use the phrase "Operation Pay Yourself",
3 Mr Witness?

4 A. At that time I did not use it to them.

12:17:55 5 Q. When you met with the Prosecution the first time did you
6 use the phrase "Operation No Living Thing"?

7 A. I told them about that.

8 Q. Are you sure of that, Mr Witness?

9 A. Yes.

12:18:13 10 Q. Did you tell the Prosecution anything about this Akim and -
11 about Akim and in connection with Operation Pay Yourself?

12 A. Yes.

13 Q. Well, I stand to be corrected. Mr Bangura, learned counsel
14 opposite will correct me, but in your statement of 11 September
12:18:42 15 2003 you do mention Akim, but nowhere can it be found these
16 phrases "Operation Pay Yourself" or "Operation No Living Thing".
17 Are you aware of that, Mr Witness?

18 A. Except that the writer may have forgotten to write it, but
19 I said it.

12:19:05 20 Q. And you told us in court this morning that this person
21 Akim, and the persons he was with, they spoke funny language,
22 what you call Liberian language. Do you recall telling us that?

23 A. Yes.

24 Q. Well, your lawyer, learned counsel opposite, will correct
12:19:29 25 me if I am wrong. There is no mention of persons speaking funny
26 or speaking Liberian language in your statement of 11 September
27 2003. Are you aware of that, Mr Witness?

28 A. I am aware, yes.

29 Q. Are you aware of the fact that documents disclosed to us by

1 the Prosecution, which show that that statement was reviewed with
2 you not once but twice, first on 1 June 2007 and again on 11
3 August 2007, that at no time did you insert information about
4 hearing people speaking funny languages that were Liberian

12:20:14 5 languages. Are you aware of that, Mr Witness?

6 A. What I told you, that the boss man who arrested me was CO
7 Matthew. He was a Liberian.

8 Q. Well, I am speaking of CO Akim right now. We will come to
9 CO Matthew. CO Akim. This is the person you said led the rebels
10 who came into Koidu Town and ran off the Kamajors from the town.

12:20:42 11 This person, CO Akim, you said he and his men spoke funny and I
12 am putting it to you that not even when you met with Mr Bangura
13 here in The Hague this week did you mention that information to
14 him. Do you agree with that, Mr Witness?

12:21:04 15 A. I don't agree.

16 Q. Then can you explain why in none of your statements, not
17 even the document that we displayed previously that records your
18 interviews on 26th and 27th October, does this information appear
19 that CO Akim and his men spoke Liberian language?

12:21:35 20 A. They spoke that broken English, that pidgin English. There
21 were people among them who spoke that language.

22 Q. Well, that is what you are telling us in court. I have
23 gone through all your statements and nowhere in any of them does
24 that information appear. Can you explain that, Mr Witness?

12:21:56 25 A. I said it.

26 Q. If you said it and it is not written down, then the person
27 who took your statements forgot to write it down. Would that be
28 fair to say?

29 A. I said it.

1 Q. That was not my question. You are telling us you said
2 something. I am saying to you nowhere was it written down. The
3 failure of the Prosecution to write it down means that it is the
4 first time in court I am hearing it and others are hearing it.

12:22:37 5 Do you appreciate that, Mr Witness?

6 A. It is in my statement.

7 Q. Okay. Can you tell us which of your statements it is
8 there?

9 A. Well, it is among - it is amongst the statements that I
12:22:57 10 made.

11 Q. You just recall having said it before to the Prosecution,
12 yes?

13 A. Papa, the statement that I gave, that is what I am
14 referring to. I said it in that statement. I did not say
12:23:19 15 anything besides that.

16 Q. We will come to CO Matthew in a moment. You told us,
17 February 1998, that the rebels, after having been driven from
18 Freetown, came into Koidu Town and that is when the Kamajors
19 left, yes?

12:23:54 20 A. We had driven them out of the town even before the Kamajors
21 came. We - but afterwards that they came and drove the Kamajors
22 out, but we did not witness the driving away of the Kamajors by
23 them. I only saw the Kamajors going on their own.

24 Q. That's fair enough. Your evidence this morning was that
12:24:15 25 you heard the rebels had been driven out of the Freetown, they
26 arrived in Koidu Town and you and the youths mobilised and drove
27 them out of town, yes?

28 A. Yes, we drove them out and we invited the Kamajors.

29 Q. Now do you remember the learned justices asking you

1 questions, first it was Justice Lussick and then Justice
2 Sebutinde, about how you managed to drive out the rebels and you
3 said some of the youths were armed. Do you recall that?

4 A. Yes, there were soldier youths who were there.

12:24:59 5 Q. When you say soldier youths, were these youths organised in
6 the nature of a group?

7 A. No.

8 Q. Were these youths trained soldiers, trained fighters?

9 A. Yes, those of them - those of them who were born there who
12:25:28 10 had joined the military, when they witnessed the people's
11 property being burnt was when they said they were not going to
12 allow that any more and so they said they were going to resist.

13 Q. And when you said the youths, you spoke in the plural to
14 include yourself. You said, "We, the youths, mobilised". Do you
12:25:47 15 recall telling us that?

16 A. Yes.

17 Q. Did you engage in the fighting that drove out the rebels
18 from Koidu Town?

19 A. I was at the back. I had a stick in my hand.

12:26:09 20 Q. So you participated in the fighting that drove the rebels
21 out of Koidu Town, yes?

22 A. Yes.

23 Q. How many of you participated in this fighting?

24 A. We too were more than 300 at that time because we brought
12:26:31 25 ourselves together.

26 Q. And the rebels that you drove out of town, did these rebels
27 include SAJ Musa and Mosquito?

28 A. I did not see them at that time.

29 Q. Did you and your fellow youths take over the secretariat

1 that you mentioned yesterday?

2 A. We did not take over the secretariat. It was the town. At
3 that time there was no secretariat. At that time that meeting
4 was - had gone past. We had forgotten about that even. At that
12:27:17 5 time there was no secretariat. I did not see SAJ Musa and
6 others. It was at the time that Tejan Kabbah's government was
7 overthrown. It was at that time that they convened the meeting
8 at the secretariat. That was when I saw Maskita and SAJ Musa.

9 Q. So your evidence is when you drove the rebels out of Koidu
12:27:36 10 Town by then SAJ Musa and Maskita had left, yes?

11 A. I don't know. I don't know.

12 Q. Is it the case that there was no longer in existence a
13 secretariat in Koidu Town for the rebels at the time you drove
14 them out?

12:28:03 15 A. At the time we drove them out, that was the time they
16 overthrew Tejan Kabbah's government. That was when we drove them
17 out. After that I did not see them again.

18 Q. Well, if the time they overthrew Tejan Kabbah's government
19 is when you drove them out, that coincides with the time period
12:28:24 20 which would be the junta period when you say you saw Mosquito and
21 SAJ Musa, doesn't it?

22 A. No, what I am trying to tell you is that the time I saw
23 them at the secretariat, it was at the time just after the
24 overthrow of Tejan Kabbah and after that when they came declaring
12:28:50 25 that Operation Pay Yourself - Operation Pay Yourself - and the
26 juntas who were there, we drove them out and before - and after
27 that - after that secretariat I did not see - after that meeting
28 I did not see Maskita any more. I did not see them any more.
29 When we invited the Kamajors at that time the secretariat had

1 Long disappeared. It was in February at that time that we drove
2 the juntas from Koidu Town - after February.

3 Q. It was after February you drove them out of Koidu Town.
4 Why did you just tell us at page 69 through 70 - your answer was:
12:29:28 5 "At the time we drove them out, that was the time they overthrew
6 Tejan Kabbah's government"? Why did you tell us at the time you
7 drove them out was the time they overthrew Tejan Kabbah's
8 government which would be 25 May 1997 and now you are saying it's
9 in February 1998 that you drove them out?

12:29:49 10 MR BANGURA: I object, your Honour.

11 PRESIDING JUDGE: Yes, Mr Bangura?

12 MR BANGURA: Your Honour, the witness --

13 PRESIDING JUDGE: Just pause, Mr Witness, please.

14 MR BANGURA: I cannot immediately go back to a particular
12:30:01 15 text, but the witness had been asked prior to this question
16 several times and he had made it very clear that the time he saw
17 those two persons was during the time just after the overthrow of
18 Tejan Kabbah and that came out very clear. It's very clear on
19 the record.

12:30:18 20 MR ANYAH: With respect --

21 MR BANGURA: It is because of counsel's persistent
22 questioning of the witness on this point that the witness - I
23 would submit that he probably misspoke in this situation. I
24 would submit, your Honour --

12:30:31 25 MR ANYAH: Madam President --

26 PRESIDING JUDGE: Just pause, Mr Anyah.

27 MR BANGURA: The record clearly bears out the witness's
28 position that these people were at the secretariat in the meeting
29 at the time just after the overthrow and I think I can, with

1 time, get to --

2 PRESIDING JUDGE: Mr Bangura, what the witness intends to
3 say is one thing and what the record actually shows him saying is
4 another, but I would refer you to page 70, line 7, 8, 9, "I did
12:31:05 5 not see SAJ Musa and others. It was the time that Tejan Kabbah's
6 government was overthrown". And again later at line 18, page 69:

7 "At the time we drove them out, that was the time they
8 overthrew Tejan Kabbah's government. That was when we drove them
9 out."

12:31:21 10 So there is some, shall I put it this way, discrepancy. I
11 will not say what it is. I think counsel is entitled to clarify
12 this whole issue. So I will allow the question.

13 MR ANYAH: Thank you, Madam President:

14 Q. Mr Witness, my question is not about when you saw SAJ Musa
12:31:43 15 and Mosquito. We have passed that point. My question is when
16 you and these youths mobilised, at what time you drove out the
17 rebels. We have a record that shows - and the Presiding Justice
18 has read it, and I can point to other parts of the record - shows
19 you telling us you drove them out during the time Tejan Kabbah
12:32:01 20 was overthrown. Was it then you overthrew - was it then you
21 drove them out of Koidu Town or was it in February of 1998 you
22 drove them out?

23 A. We drove them out in February.

24 PRESIDING JUDGE: Can we have a year, please?

12:32:21 25 MR ANYAH:

26 Q. In which year, Mr Witness?

27 A. It was in 1998.

28 Q. How many casualties did the rebels sustain when you drove
29 them out?

1 A. Those people, they burnt down houses and they killed
2 innocent civilians while they were on their way going.

3 Q. That was not my question. You and some youths mobilised,
4 you held a stick, you were at the back, others held guns, you
12:32:54 5 fought with the rebels? How many rebels died?

6 A. Well, we did not fight them to kill them. We just wanted
7 them to go out of the town, because after they had looted they
8 wanted to go with the property. They did not fight. We did not
9 actually fight. So they just wanted to go with the properties
12:33:14 10 and that was what they did. It was not really a fight.

11 Q. So your evidence is that the rebels and the youths never
12 really fought. The youths just chased the rebels who ran away
13 with looted property.

14 A. It was the property that they wanted and we were against
12:33:39 15 that. They were expecting that ECOMOG was on their way and they
16 would meet them in the town and they had a fear that ECOMOG would
17 meet them in the town and we were against them taking the
18 property.

19 Q. I am not asking you what the rebels wanted, whether it was
12:33:54 20 property or not. I am not asking you whether the rebels were
21 afraid that ECOMOG was coming. I am asking you whether what
22 happened was that the rebels were carrying looted property and
23 running away as they were being chased by the youths.

24 A. I said the youths, we drove out the rebels. That's what I
12:34:24 25 know.

26 Q. And you are telling us you drove out the rebels without the
27 rebels sustaining even a single casualty? Not one rebel died
28 when you and the other youths drove them out. Is that your
29 evidence, Mr Witness?

1 A. Well, I did not see any one of them die the time we drove
2 them out, because I who had the stick was at the back and the
3 others were in front. I was always at the back, those of us who
4 had the sticks. I did not see any dead rebel.

12:35:01 5 Q. How many rebels did you and the other youths drive out of
6 the Koidu Town?

7 A. I don't know. They were many.

8 Q. Can you give us an approximate number. Was it 100, 200 or
9 300?

12:35:27 10 A. Those who were in Koidu Town itself were not up to 500.
11 They were about 200.

12 Q. So the people you drove out of town approximated about 200
13 in number?

14 A. Yes.

12:35:41 15 Q. And these were mixed group soldiers or what you would call
16 AFRC and RUF, yes?

17 A. They were a mixed group.

18 Q. Did that include the two acronyms AFRC and RUF I have just
19 mentioned?

12:36:06 20 A. They were a mixed group. They were many. A mixed group.

21 Q. What groups formed this bigger group that was mixed?

22 A. They were with those thieves, because most of them were
23 thieves. That was why we were able to drive them out. Some of
24 them were not even having guns. They just gone there to steal
12:36:40 25 people's property.

26 Q. So some of them were thieves. Were some of them RUF?

27 A. All of them were thieves. That is the way I refer to them.
28 All of them were thieves. They went there to steal people's
29 property.

1 Q. Were some of them RUF, Mr Witness?

2 A. They were all thieves.

3 PRESIDING JUDGE: Mr Witness, please answer the question.

4 The question is were some of them members of the RUF? Regardless
12:37:13 5 of whether they were thieves, were some of them members of the
6 RUF?

7 THE WITNESS: They were RUFs and the AFRC, all of them.

8 MR ANYAH:

9 Q. After you drove them out of town you said you went and
12:37:29 10 called the Kamajors to come into Koidu Town, yes?

11 A. Yes.

12 Q. And you said the Kamajors were in town for a week and five
13 days, yes?

14 A. Yes.

12:37:44 15 Q. And then another group of rebels came, yes?

16 A. Yes.

17 Q. And that was Akim and his men, yes?

18 A. No.

19 Q. Which group of rebels came after the Kamajors left?

12:38:05 20 A. It was the AFRC and RUF. They were the ones who came back.
21 They were the ones who came with the Operation No Living Thing.

22 Q. Did you and the youths mobilise again to drive out these
23 new rebels?

24 A. What? At that time we would not even dare to do that. We
12:38:34 25 could not even dare to do that.

26 Q. And what was the difference between this group of rebels
27 and the former rebels that you drove out of Koidu Town?

28 A. Well, the difference was that the first set of groups that
29 came, that is the Operation Pay Yourself, they did not damage

1 people. This other group that came, which was the Operation No
2 Living Thing, for them even chickens were not spared except
3 people who had learnt trades, like drivers or some other jobs -
4 professionals.

12:39:21 5 Q. So let us understand your evidence, Mr Witness. The first
6 group of rebels who came and instituted Operation Pay Yourself,
7 you and other youths were able to drive them out of Koidu Town,
8 yes?

9 A. They were the ones we drove out.

12:39:43 10 Q. The second group of rebels that came and implemented
11 Operation No Living Thing, you and the youths did not attempt to
12 drive them out of Koidu Town, correct?

13 A. In fact, not everybody was brave enough to go to Koidu
14 Town, so we did not even think about that.

12:40:07 15 Q. That was not my question. My question was: The second
16 group of rebels that came, that started Operation No Living
17 Thing, you and the youths did not mobilise to try and drive them
18 out of Koidu Town, correct?

19 A. We were not even brave enough to do such a thing. We did
12:40:30 20 not even think about it.

21 Q. And it is the case, Mr Witness, that the first group that
22 you drove out of town were AFRC and RUF combined and the second
23 group that came back and instituted Operation No Living Thing
24 were also AFRC and RUF, correct?

12:40:51 25 A. Yes.

26 Q. When this Operation No Living Thing was being implemented
27 in Koidu Town you said you went to hide in a bush, correct?

28 A. Yes, for the first five days I was in the bush and I
29 returned to my house and I was there.

1 Q. You came back to your house from the bush and you tell us
2 you locked yourself in your house for about four days, correct?

3 A. Yes.

12:41:33

4 Q. So you were leaving the bush which was safe to come back
5 into Koidu Town where the rebels were present undertaking
6 Operation No Living Thing. Is that your evidence, Mr Witness?

7 A. The part I was in Koidu Town was the outskirts of the town.
8 Just after that, the first operation that they declared they were
9 now in the Sukugbeh area.

12:42:03

10 PRESIDING JUDGE: Is the Sukugbeh, is that a district or a
11 place name and if so can we have a spelling, please.

12 THE WITNESS: It is a place name. It is a place name.

13 MR ANYAH: The spelling I will propose is S-U-K-U-G-B-E-H.

14 PRESIDING JUDGE: Thank you.

12:42:22

15 MR ANYAH:

16 Q. This Sukugbeh area is the same place where you say you met
17 CO Matthew, is it not?

18 A. They took me there.

12:42:36

19 Q. Well, I go back to my previous question. You are
20 suggesting to us that you left the bush to come back to your
21 house because Koidu Town was getting safer and Operation Pay
22 Yourself, rather, Operation No Living Thing was coming to an end,
23 yes?

12:43:00

24 A. It was not coming to an end. In fact, that was the time
25 they were really tense.

26 Q. Then, Mr Witness, it is the case then that you left the
27 bush, which was safe, and you were going into a tense situation
28 as you were going back to your house, correct?

29 A. I came to my house. I wanted to take care of my place.

1 Q. Your house was in Koidu Town at the same time when
2 Operation No Living Thing was taking place and you went back to
3 that environment, yes?

4 A. The part where my house was located in Kono, that was at
12:43:45 5 the outskirts of Koidu Town. They did not even go to that place.
6 They were around the Sukugbeh area. That is far from my house.

7 Q. So the area where your house was was relatively safe from
8 the rebels, correct?

9 A. At that moment it was safe; that was why I was able to be
12:44:10 10 there for five days.

11 Q. And it was when you left your house to go and find food
12 that this young boy stopped you?

13 A. Yes, that was where he halted me. Yes.

14 Q. And that is how you ended up joining CO Matthew and his
12:44:29 15 men, yes?

16 A. Yes.

17 Q. And you told us that CO Matthew and his men spoke the same
18 funny language that you believed to be Liberian, yes?

19 A. Yes.

12:44:45 20 Q. In all the time you met with the Prosecution out of court,
21 it was only when you were here in The Hague you told Mr Bangura
22 about the CO Matthew, correct?

23 A. I had said it before. I said it before.

24 Q. It was only here in The Hague this week that you mentioned
12:45:09 25 that CO Matthew and his men spoke funny language that you
26 believed to be Liberian, yes?

27 A. I had said it in my statement long ago. It is in my
28 statement.

29 Q. Well, Mr Bangura and other members of the Prosecution are

1 here in Court with us; they will correct me if I am mistaken. In
2 none of your statements, Mr Witness, not your statement of 11
3 September 2003, not when you made corrections on 1 June 2007, not
4 when you made further corrections and reviewed it on 11 August
12:45:49 5 2007 does anything about CO Matthew or his men speaking Liberian
6 language appear. Are you aware of that, Mr Witness?

7 A. Even the Special Court in Freetown knows about that. They
8 know that I said it.

9 Q. That was not my question. My question is: Are you aware
12:46:11 10 that what you are telling us you now said out of court appears in
11 none of the documents, that document, your interviews with the
12 Office of the Prosecutor?

13 A. I said it. It is there.

14 Q. And if it is not written down then they failed to write it
12:46:30 15 down. Would you agree with that?

16 A. I said it. They did not fail to write it down. It should
17 be there.

18 Q. Well, I am saying to you that it is not there. What do you
19 say to that, Mr Witness?

12:46:44 20 A. I know that it is there, because I said it.

21 Q. Have you reviewed all of your statement and heard reference
22 to CO Matthew and his men speaking Liberian languages?

23 A. I remember that I said it.

24 Q. You told us this morning that you were with CO Matthew and
12:47:07 25 his men - you said February, March and April 1998. Do you recall
26 telling us that?

27 A. Yes.

28 Q. On Sunday and Monday when you met with Mr Bangura, did you
29 tell him you were with them for one month?

1 A. I did not say that. I said I was there from February,
2 March to April.

3 MR ANYAH: Madam Court Officer, could I have your
4 assistance, please. This would be the document in tab number 5:

12:48:12 5 Q. Let me ask you a few questions before we look at the
6 document about this mechanic work you did, Mr Witness. You told
7 us that the reason your life was spared was because you were a
8 mechanic, right?

9 A. Yes.

12:48:26 10 Q. What kind of mechanic are you?

11 A. I am a motor mechanic.

12 Q. You said you worked at the mechanical section at the port
13 authority for about three years and nine months, yes?

14 A. Yes.

12:48:48 15 Q. And were you also an auto mechanic then?

16 A. Yes, auto mechanic.

17 Q. And the rebels were in need of people with such expertise,
18 yes?

19 A. Yes.

12:49:10 20 Q. And you were also a security guard in 1997 through 1998,
21 yes?

22 A. That was what took me to Kono.

23 Q. Is it fair to say that you were very fit, that is
24 physically fit, to serve as a security guard?

12:49:33 25 A. Yes, I was a security.

26 PRESIDING JUDGE: Mr Witness, the question is not if you
27 were a security, but whether you were fit. That means about your
28 health and physique.

29 THE WITNESS: Oh, yes.

1 MR ANYAH:

2 Q. Yes, indeed; when you were going in search of ECOMOG some
3 of the five men that you met referred to you as being a gallant
4 man, yes? That means a brave man.

12:50:04 5 A. Yes.

6 Q. That means you were a brave man, correct?

7 A. Because I had a fitting structure. That was why they said
8 I was gallant. By then I was strong enough.

9 Q. Yes. Your brother you said was a soldier, correct?

12:50:29 10 A. Yes, my younger brother was a soldier.

11 Q. Yes. For which group did he fight?

12 A. He did not fight for any group. Immediately when the
13 confusion started he left and he went to Freetown, so he was now
14 in Freetown.

12:50:48 15 Q. In which army was he a soldier, Mr Witness?

16 A. He was an SLA soldier.

17 Q. An SLA soldier?

18 A. Yes.

19 Q. Now, Mr Witness, did you join any of the fighting groups
12:51:09 20 when these events happened in Koidu Town?

21 A. No.

22 Q. Except for the youths that you joined to drive out the
23 rebels, did you at any time take up arms to fight?

24 A. I do not even know how to shoot a gun.

12:51:32 25 Q. Were you an associate of the Kamajors, Mr Witness?

26 A. No.

27 Q. But you knew this fellow Alhaji or Staff Alhaji Bayoh, yes?

28 A. Yes.

29 Q. Indeed you had known him since 1996, yes?

1 A. Yes.

2 Q. You are a Mandingo man, yes?

3 A. Yes.

4 Q. Staff Alhaji Bayoh is a Mandingo man, yes?

12:52:09 5 A. Yes.

6 Q. Staff Alhaji Bayoh is an SLA, right?

7 A. Yes.

8 Q. Your brother was SLA, right?

9 A. Yes.

12:52:22 10 Q. Did you at any time join any group associated with the SLA,
11 Mr Witness?

12 A. No.

13 Q. Now, back to CO Matthew. Madam Court Officer, can we go to
14 the next page at paragraph 6. Mr Witness, at the top of this

12:52:57 15 page, these are notes from your interviews here in The Hague. I
16 will read to you what it says. It says:

17 "The witness stated that he was captured by a group of

18 rebels during this period when he went out after five days

19 indoors to look for food. The rebels who captured him were

12:53:18 20 Liberian-speaking and the only reason they spared his life was

21 when during their interrogation of him he told them that he was a

22 mechanic by profession. Witness had only a little knowledge

23 about engines but knew that the rebels needed people who had such

24 skills. They spared him and took him to their boss, also

12:53:50 25 Liberian-speaking, called CO Matthew. Witness was held by this

26 group of rebels in an area of Koidu called Sukugbeh. He worked

27 for them during this time doing maintenance work on vehicle

28 engines."

29 Paragraph 7:

1 "Witness stated that he managed to escape from the group
2 after over a month, when word came that ECOMOG were on their way
3 to retake Koidu Town?"

4 Mr Witness, when it says there that you escaped after over
12:54:25 5 a month, is that referring to three months, February, March and
6 April, 1998?

7 A. I said I was with them since April - I mean February up to
8 April when ECOMOG entered. That was the time I was able to
9 escape from them.

12:54:51 10 Q. Do you see the reference there that you have or did you
11 hear me read the reference there that you had only a little
12 knowledge about engines? Did you hear me read that, Mr Witness?

13 A. I heard it, yes, yes.

14 Q. Is that accurate given that you said you were with the port
12:55:11 15 authority as a mechanic for three years, nine months?

16 A. Yes.

17 Q. So you did in fact have only a little knowledge about
18 engines. Is that your evidence?

19 A. When God wants to help somebody he will help you. You
12:55:37 20 know, this area that I saw that was broken in the engine was the
21 clutch and they did not know that it was the clutch and the
22 Fullah man who was with them, two of us did the job. But when I
23 went and saw the thing it was a simple job, but they did not know
24 and God wanted to help me. So it was the clutch that was broken,
12:55:59 25 so I identified it and I fixed it, so I was now with them. So
26 that was how God helped me.

27 Q. Yes, we appreciate your evidence that God helped you. We
28 are not challenging that. I am asking you about your knowledge
29 of engines. You have said you were a mechanic. You have said

1 you worked for the port authority for three years, nine months as
2 a mechanic. You were an auto mechanic. Why does it say here
3 that when you were allegedly captured by these Liberian speaking
4 rebels you had only a little knowledge about engines?

12:56:39 5 A. Mama, I had the experience. That was why I worked with
6 those men. How did I manage to know about clutch? A human being
7 cannot say you are qualified. It is God who tells somebody who
8 holds the qualification. It is God who approves of somebody's
9 qualification.

12:57:03 10 Q. My question is about the reference in this paragraph to you
11 only having a little knowledge about engines. Does that
12 paragraph accurately describe your knowledge of engines when you
13 were captured by these rebels?

14 A. Three years and nine months, no matter what happens I had
12:57:30 15 experience. Three years and nine months. I wouldn't say that I
16 am qualified, but I had the experience.

17 Q. You had experience. A little, a lot, somewhere in between?
18 What kind of experience did you have?

19 A. I know the job a little bit. I am in the middle. Midway.

12:57:56 20 Q. Besides this group of rebels did you ever assist as a
21 mechanic with any other of the fighting groups between 1998 and
22 1999?

23 A. When God helps, ECOMOG came around, they ran away and I too
24 escaped.

12:58:19 25 Q. I am not asking you if you escaped or not, or whether
26 ECOMOG came. I am asking you whether you served as a mechanic
27 for any other group besides this group that CO Matthew among
28 belonged to?

29 A. No. No, sir. No, sir. No.

1 Q. Did you ever mention to the Office of the Prosecutor in any
2 of your interviews this Fullah man that you encountered with CO
3 Matthew's group?

4 A. Yes, sir. Yes, sir.

12:58:52 5 Q. Well, how come does it not feature in any of your
6 statements?

7 A. Well, maybe it was the person who obtained the statement
8 that did not include that there, but I did say it.

9 Q. And do you stand by your evidence that you previously told
12:59:11 10 the Office of the Prosecutor before you came to Holland this week
11 about encountering CO Matthew and his group?

12 A. Yes.

13 Q. Do you know why it's not reflected in any of your
14 statements before your last statement from 26 and 27 October
12:59:33 15 2008?

16 A. I don't know why they did not put it there, but I know that
17 I said it.

18 Q. Mr Witness, I put it to you that you never said that before
19 this week when you came to Holland. What do you say?

12:59:51 20 A. I said it.

21 Q. I am putting it to you that the reason you are saying all
22 of this now this week is because you know whose trial you are
23 coming to testify in. What do you say?

24 A. That is not the reason. I do not have grudge for anybody.
13:00:11 25 That is not the reason. What happened to me was what I said.
26 That was why when I came here I took an oath. I swore on the
27 Koran.

28 Q. I am saying to you, Mr Witness, that because of all the
29 pain and suffering you have gone through you have come here this

1 week and started adding encounters with Liberian speaking people
2 because you want to see Mr Taylor held accountable for what
3 happened to you. What do you say, Mr Witness?

13:00:49

4 A. Mr Taylor did not do anything to me. The people who did
5 something to me were the ones I spoke about. I have never seen
6 him in person before. All the time I have seen him is in
7 photographs. I do not have any quarrels with Mr Taylor. I have
8 no palaver with Mr Taylor. Whether he brought the war to Sierra
9 Leone, I don't know. The people who did bad to me were the ones
10 I spoke about. I do not know anything about him, I have not seen
11 him before in person. It is here that I saw him. So I am not
12 talking anything like that.

13:01:09

13 Q. Yes, but what I am trying to understand, Mr Witness, is how
14 all of a sudden a few days before you come and testify before
15 this Court you start adding descriptions about encountering
16 Liberian fighters at the time you sustained your injuries. Why
17 is that the case, Mr Witness?

13:01:27

18 A. I had said that before when I made my statement. I had
19 said it before. If you look at my statement I did speak about CO
20 Matthew and I spoke about the Fullah man and I spoke about the
21 pidgin English that the men were speaking. I said all of those
22 in my statements.

13:01:49

23 Q. But, Mr Witness, why is it that they appear nowhere in
24 those statements? Why? Can you explain that? Not the Fullah
25 man, not about CO Matthew, not about people speaking Liberian
26 English.

13:02:08

27 A. I know that if it in my statement. It should be there. I
28 said it.

29 MR ANYAH: Madam Court Officer, can I have your assistance,

1 please. This would be the document in tab 1 and it will be the
2 last page, page 4. Perhaps you could also take out the last page
3 in tab 2. They should be identical, except that one has
4 corrections made on it:

13:03:16 5 Q. Mr Witness, this is your original statement given on 11
6 September 2003. The last paragraph of your statement reads:
7 "I believe the ones who did this to me were ex-SLA soldiers
8 fighting as rebels with the AFRC. I say this because their
9 commander was ex-SLA Alhaji Bayoh and because of the way I heard
13:03:42 10 them speaking Krio; they spoke Krio like people from Freetown
11 which is different from the way the bush people speak Krio."

12 Mr Witness, you told the Prosecution when you first met
13 with them the people who did this to you were ex-SLA soldiers.
14 Do you agree with that?

13:04:16 15 A. The ones who did it to me, the reason why I said that, I
16 was talking about the ones who chopped off my hand in my
17 presence. I did say that they were SLA soldiers. The reason why
18 I said about those people, it was when I had them speaking. But
19 the ones who chopped off my hands were SLA soldiers. And those
13:04:39 20 Liberians, I heard them speaking. CO Matthew was a Liberian.
21 And even the man who went and captured me, the boy, he was a
22 Liberian. But the one who chopped off my hand, he was a Sierra
23 Leonean. He was an SLA, because I heard him speaking. That was
24 what I said in my statement.

13:04:56 25 Q. In tab 2, the last page, same statement, this comes to us
26 from 1 June 2007, there is your signature and there is a
27 correction of one word "his" to "is". Is that your signature on
28 this page, Mr Witness, what we are looking at?

29 A. Yes.

1 MR ANYAH: Madam Court Officer, if we could go to tab 3,
2 the last page, this is the same statement, corrections that were
3 made on 11 August 2007, the same paragraph we are looking at:

13:05:50

4 Q. Mr Witness, can you see in the first sentence here that
5 someone has crossed out the "ex" before "SLAs" so that it just
6 remains "SLA" and the paragraph now reads:

7 "I believe the ones who did this to me were SLA soldiers
8 fighting as rebels with the AFRC. I say this because their
9 commander was SLA" - Alhaji is crossed out and you have Bayoh -
10 "because of the way I heard them speaking Krio."

13:06:21

11 Did you tell them to cross out the "ex" and leave it as
12 "SLA" alone, Mr Witness?

13 A. I do not understand you.

14 Q. Your first statement when read completely says that the
15 people who did the amputation of your arm were ex-SLA. Another
16 version of the same statement has the word "ex" crossed out and
17 leaves only "SLA" in describing the group to which these people
18 belonged. Did you make that correction, Mr Witness?

13:06:34

19 A. It was the one who chopped off my hand. Those were the
20 ones I referred to as SLA.

13:06:59

21 Q. Were they SLA or were they ex-SLA, Mr Witness?

22 A. Yes, they were ex-men who had joined the SLA. They were
23 all SLA.

24 MR ANYAH: May I have a moment, Madam President?

13:07:22

25 PRESIDING JUDGE: Yes.

26 MR ANYAH: Thank you. Madam President, I tender the
27 witness. No further questions.

28 PRESIDING JUDGE: Thank you. Mr Bangura, any
29 re-examination?

1 MR BANGURA: Thank you, your Honour. Just a couple of
2 questions.

3 RE-EXAMINATION BY MR BANGURA:

13:08:00

4 Q. Mr Witness, in answering questions put to you by my learned
5 friend on the other side about Operation No Living Thing you said
6 that - your Honours, I refer to page 76, line 4. This group that
7 came, you said that they were - you could not even attempt to
8 fight them. You said, "Even chickens were not spared". Do you
9 recall saying that?

13:08:36

10 A. Yes.

11 Q. What do you mean when you said that even chickens were not
12 spared?

13:08:55

13 A. Because the way and manner in which they came they did not
14 want to see anybody who was not ready to join them. In fact they
15 did not want to see anybody. They did not want to see anybody.

16 Q. When you said they did not want to see anybody, what did
17 they do to people they did not want to see?

18 A. They were killing and burning down houses in the town, sir.

19 Q. Did you yourself witness any act - any incident of killing?

13:09:26

20 A. Yes, sir, I saw them kill. I saw them killing. I saw them
21 burning houses too. Even our house, later they came and burnt it
22 down. They burnt it down.

23 Q. Also, when you say even your house they came and burnt it
24 down, which house are you referring to?

13:09:55

25 A. The house that my aunt built in Koidu Town.

26 Q. Mr Witness, also when counsel was asking you questions
27 about your knowledge of engines, you know, you had said that you
28 were a mechanic when you were halted by a boy who spoke in
29 Liberian English, and when counsel asked about your knowledge of

1 engines you said that you told this boy that you were a mechanic.
2 If you had not said that you were a mechanic, what would have
3 happened to you?

4 MR ANYAH: Objection.

13:10:49 5 PRESIDING JUDGE: Sorry, I was trying to say something,
6 Mr Anyah. Let me finish first and then I will invite you. I
7 think that is a speculation, Mr Bangura. Now, Mr Anyah, what was
8 your objection or intervention?

9 MR ANYAH, sorry Madam President, it was the same
13:11:04 10 observation; it called for speculation.

11 PRESIDING JUDGE: I see.

12 MR BANGURA:

13 Q. At this time, Mr Witness, your evidence before the Court
14 before now was that you were a security guard, but when you were
13:11:16 15 asked by this boy you told him that you were a mechanic. Why did
16 you tell him that you were a mechanic?

17 A. For him not to kill me, for him not to kill me, because at
18 that time they were searching out for drivers and mechanics.

19 MR BANGURA: Your Honours, that will be all for the
13:11:48 20 witness.

21 PRESIDING JUDGE: Thank you. Mr Witness, I have two
22 questions to ask you. You said in the course of your evidence -
23 counsel, I am referring now to page 9, line 1, "They spoke that
24 pidgin English and some of them spoke Krio." When you say that,
13:12:13 25 do you mean that they all spoke that pidgin English and some of
26 them also spoke Krio, or what exactly do you mean?

27 THE WITNESS: Well, some were speaking Krio and some of
28 them were speaking that broken Krio. That was the composition of
29 the group.

1 PRESIDING JUDGE: Thank you. My second question is: You
2 have referred several times to the youths who grouped and drove
3 out these AFRC/RUF people. When you say "youths" what sort of
4 age are you talking about?

13:12:55 5 THE WITNESS: Well, what I meant by youths was those were
6 men - men who were brave enough and anybody who was brave enough
7 at that time we referred to ourselves as youths. Not very small
8 boys; men like me.

9 PRESIDING JUDGE: Thank you for that clarification.
13:13:18 10 Questions arising, counsel, from the Court's questions?

11 MR ANYAH: Yes, I have a few questions.

12 FURTHER CROSS-EXAMINATION BY MR ANYAH:

13 Q. Mr Witness, this speaking of Krio, your evidence is that
14 the group that you encountered spoke broken Krio. That is what
13:13:39 15 you just told Her Honour, the Presiding Justice, yes?

16 A. Yes.

17 Q. So they were speaking Krio, but with an accent that you
18 felt was Liberian. Is that your evidence?

19 A. They heard those who were speaking the Krio the way that I
13:14:10 20 speak it now and they had those who were speaking the broken
21 Krio, the Liberian men.

22 Q. When you say Liberian men, did you conclude they were
23 Liberian because of the way their Krio sounded?

24 A. Yes.

13:14:23 25 Q. So it is the manner in which they said Krio words, yes?

26 A. It is not that. I had been to Liberia before so I know the
27 way they speak their own Krio.

28 Q. But when you see a Liberian and you see a Sierra Leonean,
29 if they didn't open their mouths, you would not know which

1 country one was from versus another, would you?

2 A. Not at all.

3 Q. And so the basis for your knowledge that they were Liberian
4 was primarily because of the way they said Krio words, yes?

13:15:10 5 A. It was their Krio that made me know that they were
6 Liberians.

7 Q. But if someone is in Sierra Leone and they speak Krio, even
8 if they spoke with an accent, it would mean that they had been in
9 Sierra Leone for some time. Would you agree, Mr Witness?

13:15:32 10 A. Papa, whosoever is in Sierra Leone, a Sierra Leonean Krio,
11 as long as you are a Sierra Leonean, that is the Sierra Leonean
12 Krio that you speak. You will not speak that broken type.

13 Q. That was not my question. My question is: For somebody
14 that you meet in Sierra Leone to be speaking Krio, whether
13:15:55 15 regular Krio or Krio with pidgin accent to it, that person must
16 have been in Sierra Leone for some time. Do you agree,
17 Mr Witness?

18 A. Papa, those people that I am speaking about they were
19 Liberians.

13:16:14 20 Q. That was not my question.

21 A. I think we will be on that today.

22 Q. Yes, we will be on that today. My question was: You have
23 told us they were speaking Krio. If someone arrives in Sierra
24 Leone today and speaks Krio they must have had exposure to Krio
13:16:32 25 before. Do you agree?

26 A. Yes, I agree with that.

27 Q. So when you meet fighting men in Sierra Leone and they are
28 speaking Krio, although their Krio is not perfect, you would
29 agree that they must have spent some time in Sierra Leone, yes?

1 A. No, no, I don't know about that.

2 Q. Is Krio a language spoken in Liberia?

3 A. They have their pidgin Krio that they speak there.

4 Q. But it is a Sierra Leonean language, is it not?

13:17:15 5 A. There is Sierra Leone Krio. Sierra Leone have their own
6 Krio.

7 Q. But these men were speaking Krio, the same language, but
8 they spoke it with a Liberian accent, yes?

9 A. It was a broken form of it. It is something like English
13:17:36 10 Krio. The Liberians speak that way.

11 Q. But whichever way you qualify it it was Krio, was it not?

12 A. Krios are different.

13 Q. It was Krio, but a different type of Krio, yes?

14 A. It is Krio, yes.

13:17:55 15 MR ANYAH: Thank you.

16 PRESIDING JUDGE: Mr Bangura, did you have questions
17 arising?

18 MR BANGURA: No, your Honour, thank you.

19 PRESIDING JUDGE: Thank you. Very well. That is the end
13:18:07 20 of the witness's testimony. Mr Bangura?

21 MR BANGURA: Thank you, your Honour. Your Honour, the
22 Prosecution move to tender documents which were marked for
23 identification - the photographs.

24 PRESIDING JUDGE: Yes. Mr Anyah, you have heard the
13:18:24 25 application by counsel?

26 MR ANYAH: Madam President, actually, I do not quarrel that
27 the photographs depict what they depict. The witness did testify
28 that they were taken in 2003 and 2004 and I have different
29 information.

1 PRESIDING JUDGE: Or 2004. He did not appear entirely
2 clear which.

13:18:58 3 MR ANYAH: Yes, which year. Yes. I have a different
4 information and a different date with documents signed by the
5 witness, but since I didn't put it to him I suppose I have waived
6 my objection. So I do not object to it.

7 PRESIDING JUDGE: Very well. In the light of that,
8 Mr Bangura, I am going to enter them as a Prosecution exhibit. I
9 have in mind to give them one number and call them A, B and C in
13:19:21 10 view of the fact they relate to one witness.

11 MR BANGURA: That would do, your Honour.

12 PRESIDING JUDGE: Very well. I think this is P-223. Is
13 that correct, Madam Court Officer?

14 MS IRURA: That is correct, your Honour.

13:19:34 15 PRESIDING JUDGE: Well, the first document will be a
16 photograph showing the witness - a full body photograph and it
17 will become Prosecution exhibit P-223A. The second, which is
18 MFI-5, is a picture of the witness's head as already described.
19 It becomes Prosecution exhibit P-223B. The third document, MFI-6,
13:20:16 20 again shows a picture of the witness's head as already described.
21 It becomes Prosecution exhibit P-223C.

22 [Exhibits P-223A to P-223C admitted]

23 If there are no other matters I will discharge the witness.

24 Mr Witness, that is the end of your evidence here in court
13:20:36 25 today. We thank you for coming to give your evidence and we wish
26 you a safe journey home. I will ask someone to assist you to
27 leave the Court. Please assist the witness.

28 Mr Bangura, I note the time. It is very close to our
29 normal time to adjourn on a Friday and I have in mind to adjourn

1 at this point, rather than go through another witness.

2 MR BANGURA: Your Honour, the Prosecution do not have any
3 comments further to make on this point and we are in your hands,
4 your Honour.

13:21:52 5 PRESIDING JUDGE: Very well.

6 MR ANYAH: We certainly do not oppose an adjournment at
7 this time. We think it is appropriate indeed, but we do seek
8 clarification from the Prosecution about who the next witness
9 would be on Monday, because I have read the pleadings filed
10 regularly and there is in my mind some questions about that.

13:22:07

11 MR BANGURA: Your Honour, the Prosecution will pass on
12 information about our next witness later on today to the Defence.

13 PRESIDING JUDGE: Well, do bear in mind, Mr Bangura, the
14 need of counsel to be ready for the next witness, so I urge you
15 to do it promptly.

13:22:30

16 MR BANGURA: We will endeavour to do so, your Honour.

17 JUDGE LUSSICK: Just as a matter of interest, Mr Bangura,
18 if we had have said bring on the next witness now, what witness
19 would that have been?

13:22:45

20 MR BANGURA: Your Honour, may I just confer? I was
21 actually not going to be taking the next witness, but may I
22 confer at this point?

23 Your Honour, the position is that there is actually no
24 witness on standby now and so there would not have been a witness
25 and that is why the Prosecution had no comments to make on the
26 invitation by Madam President to close the Court as early as now.

13:23:07

27 PRESIDING JUDGE: Well, I again then emphasise the need to
28 inform counsel for the Defence in a timely manner.

29 MR ANYAH: And, Madam President, we are most grateful for

1 that, but it would be helpful if we could know before close of
2 business today because our team is --

3 PRESIDING JUDGE: Mr Anyah, without intending to cut you
4 short, I intended it to be well before close of business today
13:23:50 5 when I said earlier that it would have to be timely.

6 MR ANYAH: Thank you, Madam President.

7 PRESIDING JUDGE: If there are no other matters, I will
8 adjourn court until Monday morning. Please adjourn court until
9 9.30 on Monday.

10 [Whereupon the hearing adjourned at 1.25 p.m.
11 to be reconvened on Monday, 3 November 2008 at
12 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

SHEKU BAH KUYATEH	19688
EXAMINATION-IN-CHIEF BY MR BANGURA	19689
CROSS-EXAMINATION BY MR ANYAH	19723
RE-EXAMINATION BY MR BANGURA	19765
FURTHER CROSS-EXAMINATION BY MR ANYAH	19767

EXHIBITS:

Exhibits P-223A to P-223C admitted	19770
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