



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 3 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 Carolyn Buff

For the Registry:

Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Mr Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Friday, 3 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:24:30 5 PRESIDING JUDGE: Good morning. Mr Werner, appearances
6 please.

7 MR WERNER: Good morning, Madam President, your Honours,
8 counsel opposite, good morning. For the Prosecution this morning
9 Nicholas Koumjian, Maja Dimitrova and myself Alain Werner.

09:28:28 10 PRESIDING JUDGE: Thank you, Mr Werner. Mr Munyard?

11 MR MUNYARD: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence are Courtenay Griffiths QC,
13 myself Terry Munyard and Morris Anyah.

14 PRESIDING JUDGE: Thank you. If there are no other matters
09:28:42 15 I will remind the witness of his oath.

16 Good morning, Mr Witness.

17 THE WITNESS: Yes, good morning.

18 PRESIDING JUDGE: I wish to remind you that the day before
19 yesterday you took the oath to tell the truth. That oath
09:28:58 20 continues to be binding on you and you should answer questions
21 truthfully. You understand?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: Thank you. Please proceed.

24 WITNESS: PATRICK SHERIFF [On former oath]

09:29:15 25 MR WERNER: Thank you, Madam President.

26 EXAMINATION-IN-CHIEF BY MR WERNER: [Cont.]

27 Q. Good morning, Mr Witness.

28 A. Yes, good morning.

29 Q. Mr Witness, on Wednesday when you spoke about the first

1 time the rebels came to Lumpa, and for my learned friend I am
2 referring to the transcript of Wednesday, page 17766, lines 8 and
3 9, you said, "I was in Lumpa on 17 December 1998 and at about 4
4 a.m. in the morning we heard some gunshots during that time".

09:29:56 5 Then when on the same day on Wednesday you told us about
6 you and your friend, Mr Kotay, meeting this rebel on the road,
7 and for my learned friend I am referring to page 17773, lines 6
8 to 8, you said, "When Mr Kotay and I were on the way, that was
9 during the war, I am basing all these statements on the event of
09:30:30 10 1998".

11 Then at the end of the day, on the same day, you told us
12 about the death of your brother. Mr Witness, and understand me I
13 do not want you to go again into the story, but I would like to
14 ask you if you know when did the death of your brother happen?

09:30:55 15 A. Are you talking about the date?

16 Q. Yes, Mr Witness.

17 A. My brother did not just die, he was killed. He was killed
18 by the rebels on 26 December.

19 Q. And do you remember the year?

09:31:29 20 A. Yes, 26 December.

21 Q. And, Mr Witness, do you remember the year?

22 A. 26 December 1998.

23 Q. Thank you, Mr Witness. Now what happened after that,
24 Mr Witness?

09:32:01 25 A. After they had killed my brother [no interpretation].

26 PRESIDING JUDGE: Please pause, Mr Witness.

27 MR WERNER: I did not get any translation.

28 PRESIDING JUDGE: No, none of us are, Mr Werner.

29 Mr Interpreter, are you in position?

1 THE INTERPRETER: Yes, your Honours.

2 PRESIDING JUDGE: We are not hearing any English
3 translation of what the witness has told us.

09:32:43

4 THE INTERPRETER: Your Honours, maybe there was a technical
5 problem but it has been solved.

6 PRESIDING JUDGE: I see.

7 MR WERNER: Could you just repeat your answer, Mr Witness.

8 PRESIDING JUDGE: I am sorry, Mr Witness, if you could
9 repeat.

09:32:52

10 THE WITNESS: After the rebels had cut off his fingers the
11 commander who led the group of six - the commander did say that
12 my brother resembled the former President Samuel K Doe of Liberia
13 and that his boss, Peleto, had sent him to take with him human
14 fingers and that is - at the time he saw this man he said he was
15 going to cut his fingers and then I said no.

09:33:40

16 MR WERNER:

17 Q. Mr Witness, sorry to interrupt you. I think we understood
18 very well what you said on Wednesday and I think it was very
19 clear for --

09:33:59

20 A. Okay, okay.

21 Q. And I apologise if you understood me to mean that I wanted
22 you to repeat your story because that was not the case. I just
23 wanted to know when that happened and you answered the question.

24 A. Okay.

09:34:12

25 Q. Now, after what you have told us on Wednesday, after that,
26 what happened after that, Mr Witness?

27 A. That was the time they shot him and we stayed and buried
28 his corpse, and after we had buried his corpse at 7 p.m. that was
29 the time Mr Kotay and I, including Samuel Conteh, we relocated to

1 somewhere else and then we went back to the bush, but to a
2 different location. We passed a night or two and then we decided
3 that a man who was called Joseph, he referred to himself as Stop
4 the War. It was that Stop the War who came and told us that his
09:35:33 5 boss, Peleto, was short of palm oil and that he was going to
6 collect us to go and process the palm oil for him.

7 And at that time, after we had moved to another location,
8 it was then that I, Mr Kotay and one John Conteh and a Pa
9 Tarawalli, we were now four in number. The man took us to the

09:36:12 10 site and that was in Mabureh Town. When we went there he said I
11 should process the palm fruits for them to get palm oil, but at
12 that time I was still feeling pain where they had hit me in my
13 private part and it was now swollen, but, however, to save my
14 life, I started doing the job. I went into the hole and I

09:37:10 15 started mashing the palm fruit. I started it at 8 in the morning
16 up to 4 o'clock p.m. That was the time that I completed, but,
17 praise to God, immediately after I had completed we saw a jet.
18 We saw a jet flying over the area and they too were afraid of
19 death and I also was afraid of death. So they left us there and
09:37:54 20 ran away. So they went to areas around the bushes. So I was
21 able to escape. After God had helped me to escape I went
22 straight to Malambay.

23 Q. Just pause there, Mr Witness. So you told us that someone
24 called Joseph Stop the War came. Now, do you remember when that
09:38:44 25 happened? Can you remember the month and the year when that -
26 when Joseph Stop the War came?

27 A. It was on 30 December 1998.

28 Q. Now, who was Joseph Stop the War, Mr Witness?

29 A. Joseph Stop the War identified himself as an SLA.

1 Q. And how was he dressed?

2 A. He was dressed in a civilian clothing and the top I have
3 been referring to, a dark one in colour, and it was written on it
4 "2Pac" and below the "2Pac" it had the inscription "All Eyez on
09:39:56 5 Me". Those were the T-shirts that they had on and that was what
6 he had on.

7 Q. And when you saw him, if anything, what did he carry?

8 A. He had a rifle, the long gun.

9 Q. Now, Mr Witness, you said that you went to this place and
09:40:24 10 you said that you had to - for them you have to get palm oil.

11 When you say "for them", for whom did you need to get palm oil?

12 A. They said I should go and mash the palm fruit, that is for
13 the rebels. If you want me to demonstrate that for you I can do
14 it. I don't know how to put it.

09:40:54 15 Q. I think we understand what that means. Now, when you went
16 in that place where you were supposed to do that, if anybody, who
17 did you see when you went there?

18 A. Well, when I went to the town where I was to process the
19 palm fruit, I met so many rebels there, but they were mixed with
09:41:25 20 civilians, but God used me where I was processing the palm fruit
21 - God used me and I was able to take a head count of some of them
22 who were present at the scene.

23 Q. And how many were you able to count?

24 A. I was able to count 30 of them. They all had different
09:42:12 25 weapons with them.

26 Q. And you told us - and you said "30 of them". Who are you
27 talking about, Mr Witness?

28 A. I am talking about the rebels. All of my statement
29 starting from the day before yesterday up to this moment, I am

1 referring to the rebels.

2 Q. And then you told us that when you went there there were
3 civilians as well. What were they doing, these civilians, if
4 anything?

09:42:51 5 A. The civilians, some were cooking. Both the men and women.
6 The women were cooking and the men were pounding the rice and
7 some went to fetch woods from the bush and some were on standby.
8 After processing the palm fruit, after mashing the palm fruit,
9 they would go for water and then turn it into the hole.

09:43:28 10 Q. And why were they doing that, the civilians, Mr Witness, if
11 you know?

12 A. Well, they were captured. You know, they used them as
13 labourers.

14 Q. And who did that?

09:43:47 15 A. The rebels.

16 Q. Now, you said that, if I am not mistaken, there was an
17 Alpha Jet and then you said, "They left us there and they ran
18 away." Who are you talking about?

19 A. I am talking about the rebels. The rebels ran away because
09:44:12 20 they too were afraid of the jet.

21 Q. Now what happened after that, Mr Witness?

22 A. After the jet had flown over us and after they had ran away
23 because they were afraid and went into the bush, I also ran as
24 far as Mal ambay area.

09:44:50 25 Q. Would you be able, Mr Witness, to help us with the spelling
26 of Mal ambay?

27 A. Yes.

28 Q. Please do so?

29 A. M-A-L-A-M-B-A-Y, Mal ambay.

1 Q. And where is Malambay, Mr Witness.

2 A. It is in the Western Area in the Koya district.

3 Q. And are you able to spell Koya?

4 A. K-O-Y-A.

09:45:41 5 Q. Now, Mr Witness, if you can remember what, if anything,
6 happened in the Western Area in January 1999?

7 A. January 1999 - on 6 January 1999 the rebels attacked the
8 city of Freetown.

9 Q. And where were you when that happened?

09:46:22 10 A. By then I was then in the Malambay area.

11 Q. Now what, if anything, can you remember happening in
12 January 1999?

13 A. Do you mean to me?

14 Q. Sorry, I should have been more precise. After the
09:46:46 15 beginning of the Freetown invasion in Freetown, what, if
16 anything, did you hear?

17 MR MUNYARD: I am sorry.

18 PRESIDING JUDGE: Yes, Mr Munyard?

19 MR MUNYARD: "What, if anything, did you hear" is so
09:47:07 20 sweeping I don't know where to begin to ask for its definition.
21 What if anything did you hear about what? From whom? In
22 relation to what?

23 MR WERNER: I am going to be more precise, your Honours:

24 Q. Mr Witness, you told us that on 6 January the rebels
09:47:36 25 attacked Freetown. Now, do you remember the date 10 January
26 1999?

27 MR MUNYARD: Madam President, we still don't know how this
28 witness knows that the rebels attacked Freetown. The implication
29 from his evidence is that he wasn't there. Did he hear about it

1 on the radio? Did somebody tell him? Did he make a trip there
2 or what? It's all profoundly lacking in foundation, all of this.

3 MR WERNER: I can clarify that, your Honours.

4 PRESIDING JUDGE: You appear to have been abandoned 6

09:48:22 5 January, but since it is on record that he had --

6 MR WERNER: I can come back to that and clarify that, your
7 Honour.

8 PRESIDING JUDGE: Yes, please do.

9 MR WERNER:

09:48:29 10 Q. Mr Witness, you told us that the rebels invaded Freetown on
11 6 January 1999. How do you know that?

12 A. 6 January 1999, when they attacked we were at Malambay and
13 we heard over the radio broadcast that the rebels had attacked
14 there.

09:48:56 15 Q. And which broadcast, if you can remember?

16 A. Over the national radio. I heard it over the SLBS.

17 Q. Now, how far away is Malambay from Waterloo, Mr Witness?

18 A. Malambay is about - it's about 25 to 30 - should I try to
19 make the distance between Malambay to Lumpa where I lived? It is
09:49:52 20 about half an hour.

21 Q. Thank you, Mr Witness. Now, do you remember the day 10
22 January 1999? Can you remember that day?

23 A. Yes.

24 Q. And, if anything, what did you hear on 10 January 1999?

09:50:16 25 A. January 1999, that was the time the rebels started burning
26 for the second time in Lumpa and Waterloo.

27 Q. And how did you learn about that?

28 A. You mean how I managed to know about that, or what do you
29 mean? I did not understand.

1 Q. Yes, precisely. That was my question.

2 A. We were at Malambay when we saw fire blazing everywhere in
3 that area and, because the distance between the two places was
4 very short, at night the place was very bright everywhere and the
09:51:16 5 following day we heard an information that so many houses in
6 Lumpa and Waterloo had been burnt down.

7 Q. And who told you that?

8 A. The civilians who manoeuvred who were in the other sections
9 around the bushes around Lumpa, they now moved and went towards
09:51:50 10 the Malambay area. They were the ones who brought the
11 information to us.

12 JUDGE SEBUTINDE: Mr Werner, there are two places where
13 fires allegedly happened, Lumpa and Waterloo, the latter of whom,
14 Waterloo, is 23 kilometres away from where the witness was. The
09:52:09 15 witness is saying he saw flames because the place was near.
16 Which place? Which of the two places?

17 MR WERNER:

18 Q. Did you understand the question, Mr Witness?

19 A. I did not understand that much.

09:52:20 20 JUDGE SEBUTINDE: My question was to you, Mr Werner, not to
21 the witness.

22 MR WERNER: I understood that. I understood that:

23 Q. Mr Witness, you told us that from the place where you were,
24 Malambay, you saw flames because the place was near. Now when
09:52:40 25 you say the place was near, which place were you talking about?

26 A. It was between Lumpa and Malambay. I said the distance was
27 not a far - was not far from Lumpa to Malambay.

28 PRESIDING JUDGE: Mr Werner, talking of distance, the
29 witness in an answer to you said 25 to 30, but I don't know if it

1 is 25 to 30 miles, kilometres or what.

2 MR WERNER: I apologise. I should have picked that up and
3 clarified:

4 Q. Mr Witness, you told us - I asked you the distance between
09:53:25 5 I believe Malambay and Waterloo and you said 25 to 30. What were
6 you talking about? 25 to 30 what?

7 A. I was talking about - I said the distance between Lumpa and
8 Malambay is about 25 to 30 - let me say 25 to 30 miles away.

9 Q. Mr Witness, how long would you take to walk from Lumpa to
09:54:28 10 Malambay? If you had to walk that distance, how long will it
11 take you approximately?

12 A. Should I talk about the distance I would think about less
13 than one hour.

14 JUDGE SEBUTINDE: I still don't understand how he knew
09:55:16 15 about the burnings in Waterloo. Please establish.

16 MR WERNER:

17 Q. So, Mr Witness, if you said that Malambay was about 25 to
18 30 miles away from Waterloo and Lumpa --

19 JUDGE SEBUTINDE: From Lumpa.

09:55:34 20 MR WERNER:

21 Q. Sorry, from Malambay to Lumpa, again, how did you learn or
22 how did you come to know that they were burning in Lumpa?

23 A. At night we saw the flaming fire that covered the town and
24 we got the information from some of our colleagues, who had moved
09:56:10 25 from Lumpa, and they said they have started burning down houses
26 again in Lumpa and Waterloo.

27 Q. And when these people told you they have started to burn
28 again houses in Lumpa and Waterloo, who were they talking about?
29 Who are "they"?

1 A. It was the rebels who had stayed in Lumpa and Waterloo. I
2 am talking about the rebels. They were doing the burning. They
3 were burning the houses.

4 Q. Now, Mr Witness, after that --

09:57:00 5 JUDGE LUSSICK: Mr Werner, just before you leave the whole
6 thing, are you happy with that answer that the witness gave? He
7 said, "The distance between Lumpa and Malambay is about 25 to 30
8 miles" and then you asked how long would it take you to walk that
9 distance and he said, "I should think less than one hour". Are
09:57:23 10 you happy with that answer?

11 MR WERNER: Your Honour, I have to admit that miles is a
12 bit unknown to me and let me just --

13 JUDGE LUSSICK: It is, let me say this: It is an
14 impossibility, isn't it?

09:57:45 15 MR WERNER: Could you just give me one second to consult.

16 PRESIDING JUDGE: You might also like to look at page 9,
17 line 23, in answer to another question about distance.

18 MR WERNER:

19 Q. Mr Witness, you told us first that you thought that it was
09:58:10 20 - the distance between Malambay and Lumpa was about 25 to 30
21 miles and then I asked you how long it will take you to walk and
22 I believe you said less than one hour. Now, Mr Witness, what are
23 you more sure about? Is it, in your mind, are you more sure
24 about the distance in miles?

09:58:37 25 MR MUNYARD: I am sorry, but we are now cross-examining the
26 witness.

27 PRESIDING JUDGE: Yes, I was about to make the same
28 observation, Mr Werner. I think --

29 THE WITNESS: Am I to answer?

1 PRESIDING JUDGE: Please wait, Mr Witness.

2 MR WERNER: I am just going to ask one question and then we
3 will move on, your Honours:

4 Q. Mr Witness, are you sure that --

09:59:20 5 MR MUNYARD: I am sorry to object again, but "Are you sure"
6 is a cross-examination point.

7 PRESIDING JUDGE: Yes.

8 MR MUNYARD: What Mr Werner is doing, by implication, is
9 impeaching the witness's earlier answers. I think that it is not
10 the duty of the Defence to assist the Prosecution in clarifying
11 their case, but at the moment we have a distance and a time to
12 travel that distance which are, by any objective standards,
13 totally contradictory. I know that my learned friend opposite
14 has been invited by the Bench to try to clarify the position but
10:00:01 15 he must do it in the proper way.

16 PRESIDING JUDGE: I agree with that observation, Mr Werner,
17 as I have noted before, and as I have also said there is also a
18 previous earlier conflicting answer.

19 MR WERNER:

10:00:31 20 Q. Mr Witness --

21 A. Yes, yes.

22 Q. -- that night you were in Malambay you told us about, could
23 you describe what you saw on that night?

24 A. I had said that whilst we were at Malambay, it was on 10
10:01:02 25 January that we saw flames of fire around the Lumpa area, because
26 the place is not far and they were burning houses there. But
27 what has confused me is that you are talking about mileage and
28 mileage, and those of us who live up country we don't talk about
29 mileage, so should I be speaking about mileage here, I am not

1 that sure, but what I am certainly sure about is that we know our
2 distance by checking the time you take to walk to that place.
3 So, we don't know about mileage, mileage, mileage. To say to
4 move from this point to that point is that distance is that
10:02:15 5 mileage, we don't know that. I am saying that the place - the
6 distance between Lumpa and Malambay is not that far, so you will
7 try and determine for yourselves. You should try and determine
8 for yourselves that, should someone walk for about 25 to 30
9 minutes to go there, but if you want me to explain anything
10:02:45 10 regarding mileage I think I will be creating doubt.

11 MR MUNYARD: Madam President, I rise because the witness
12 has said it is Mr Werner who is talking about miles. In fact, on
13 my font page 11, line 20, I think yours will be slightly
14 different, Mr Werner's question is:

10:03:08 15 "Mr Witness you told us, I asked you the distance between I
16 believe Malambay and Waterloo and you said 25 to 30. What
17 were you talking about? 25 to 30 what?

18 A. I was talking about" - this is the witness - "I was
19 talking about, I said the distance between Lumpa and
10:03:27 20 Malambay is about 25 to 30 - let me say 25 to 30 miles
21 away".

22 Mr Werner was not the person at that point who had
23 introduced the concept of mileage. It is important - it is
24 important --

10:03:46 25 MR WERNER: Your Honours, that is an argument.

26 MR MUNYARD: Hold on a moment.

27 PRESIDING JUDGE: Let him finish.

28 MR MUNYARD: It is important if this is a genuine
29 misunderstanding on the part of the witness that the witness is

1 accurate about who introduced and first used the concept of
2 mileage.

3 MR WERNER: Your Honour, I am sorry, but that is not an
4 objection. That is an argument. That could be put to the
10:04:09 5 witness in cross-examination. I mean, the witness has explained
6 something and I explained he was confused about when he was
7 talking about mileage, and that he is more comfortable explaining
8 the distance by walking. I don't see the point. There was no
9 objection.

10 PRESIDING JUDGE: It is not really an objection, I have to
11 concede that, but it is an observation about the confusion in the
12 evidence.

13 MR WERNER:

14 Q. Now, Mr Witness, do you remember the month of February
10:04:48 15 1999?

16 A. Yes.

17 Q. Now, where were you in February 1999 yourself?

18 A. In February 1999 I had started by saying that we were at -
19 I mean I was at Malambay, January 1999, when the rebels started
10:05:31 20 burning Lumpa and Waterloo for the second time.

21 Q. And can you remember where you were in February 1999?

22 A. After the burning incident?

23 Q. Can you remember in your mind the month of February 1999?

24 A. Yes.

10:05:57 25 Q. And if you can remember, where were you in February 1999?

26 A. At first I was at Malambay, and when the rebels saw that
27 the town was now empty, and that they were the only people who
28 were present there, they arranged for a local kind of
29 announcement, and by that they were moving from bush - from one

1 bush to the other saying that all those who were living in Lumpa
2 who had moved to the bush, they said they should return to Lumpa.
3 They said they had come to fight for us and we shouldn't regard
4 them as enemies. So, if they were to find out that anybody was
10:06:57 5 living in the bushes they will kill that person. That was the
6 reason why we moved from Malambay and we came back to Lumpa,
7 Manor Conner. That was where we stayed for some time.

8 Q. Please pause there, Mr Witness. First you said that when
9 the rebels saw that the town was now empty, which town are you
10:07:32 10 talking about?

11 A. Lumpa; that no civilians were present in Lumpa any more.
12 They were the only people who were parading Lumpa Town.

13 Q. And then you said that they arranged for local kind of
14 announcement; who did that, Mr Witness?

10:08:06 15 A. It was the rebels who were announcing that all of us should
16 go back to Lumpa Town, because they had come to fight for us.
17 They said we shouldn't be afraid of them and if they, the rebels,
18 found out that somebody was living in the bush and if they met
19 you there they will kill you because they would regard you as an
10:08:30 20 enemy. That was the reason why I moved to Manor Conner including
21 some other civilians.

22 Q. When you talk about a local kind of announcement, what were
23 you talking about?

24 A. Well, for instance, if I am talking to some other people
10:09:00 25 saying that everybody should go over there, everybody should go
26 over there, that is what we call a local announcement. If it was
27 a national announcement, it would have been over the radio, but
28 this was done orally. It was done orally.

29 Q. Then you said you moved to Manor Conner. Mr Witness, what

1 is Manor Conner?

2 A. Manor Conner is a section. It is a section in Lumpa.

3 Q. And you able to spell Manor Conner?

4 A. Yes. M-A-N-O-R, Manor, C-O-N-N-E-R.

10:10:12 5 Q. Now, Mr Witness, what happened if anything when you went to
6 Lumpa in that place Manor Conner?

7 A. Yes, after they had made the announcement and we had gone
8 back to Lumpa and stayed at Manor Conner there was a rebel who
9 was in charge of that section, but whilst we were in the bush he
10:10:45 10 was called Peleto. Peleto. But we never used to see him. He
11 had occupied Lumpa - no, Manor Conner, with his own group. But
12 this Peleto used to move from one area to the other, Manor
13 Conner, Cole Street, Cole Town, Water Street, he would move all
14 about, but we did not know him.

10:11:31 15 But on a certain Friday at Manor Conner Town - it was an
16 early morning on one Friday just when we had woke up I saw - I,
17 Mr Kotay and others who were sitting in the veranda, we saw this
18 man and Peleto, who was called Friday, because it was only on
19 Fridays that he used to move around killing people. He came to
10:12:18 20 our own area, that is Manor Conner, close to where we were
21 staying and we saw him came with his group. They met a man who
22 was called Mr Kai. They met him reading his Bible and he told
23 the man - he told Mr Kai that he should drop his Bible and stand
24 up. As the man stood up, he shot him with his pistol at this
10:12:56 25 time.

26 Immediately after killing him, he moved again and met a
27 Limba man eating his rice in a pot and he shot him again. And
28 after shooting him I then saw him coming towards our own area,
29 but after he had killed those people they started saying, "Oh,

1 Friday is coming. Friday is coming. Friday is coming." So I
2 told an old woman who was staying with us there in the house
3 where we were I said, "Mummy, this man who was been killing
4 people is coming", but since the old woman was unable to run the
10:14:05 5 old woman tried to enter her room and we too started advancing,
6 going further towards the bush.

7 Immediately we left the house, it did not take long, we
8 heard the first shot. We heard a gunshot and by then we too were
9 running going to tell people that the man who is called Peleto is
10:14:41 10 coming and he is killing people. So as we were running going to
11 the bush people also followed us. We all ran into the bush.

12 Q. Please pause there, Mr Witness. Now first, Mr Witness, you
13 told the Court that this man, Peleto, was moving around and you
14 gave three names of streets. You talked about cold street, Water
10:15:21 15 Street and I believe cold street?

16 A. Cole Town. Cole Town.

17 Q. Sorry, my mistake. My mistake. Would you be able to spell
18 cold street for the Court?

19 PRESIDING JUDGE: It was cold town.

10:15:37 20 MR WERNER: I have a cold street, a cold town and a Water
21 Street.

22 THE WITNESS: Cole Town, Water Street. Cole Street is
23 C-O-L-E S-T-R-E-E-T.

24 Q. And where is Cole Street, Mr Witness?

10:16:00 25 A. Cole Street shares a common boundary with Kabbah Street.

26 Q. But in which town is Cole Street situated?

27 A. It is in Lumpa.

28 Q. And then you talked about Water Street. In which town is
29 Water Street situated?

1 A. They are all in Lumpa.

2 Q. Now, what you mentioned, Cole Town, what were you talking
3 about?

10:16:48

4 A. Cole Town also is a section in Lumpa. Let me clarify this
5 a bit to you so the Court would understand. These towns were
6 named in Lumpa after the founder of the particular street. If a
7 man is called Pa Cole, for example, and he was the first one to
8 build around that area, that street will be named after him.

10:17:18

9 They will say Kabbah Street, Cole Town, just as - but they are
10 all in Lumpa. The streets would be named after the person who
11 built the first house on it.

12 Q. And then just to be completely clear, because at one point
13 you talked about in your answer Manor Conner Town and before you
14 told us that Manor Conner was a place in Lumpa.

10:17:36

15 A. Manor Conner.

16 Q. And where is Manor Conner Town?

17 A. Manor Conner is in Lumpa. It was somebody's name that was
18 used. The man was called Manor, so the street was named after
19 him, but all these names, all these streets, are in Lumpa.

10:18:03

20 Q. Now, you told us what happened on one day, on Friday. You
21 say one morning on Friday. Now, which month did that happen,
22 this incident on that Friday morning?

23 A. It's in February.

10:18:27

24 Q. And then you said that Peleto, they called him Friday. Who
25 called Peleto Friday, Mr Witness?

26 A. His colleague rebels. It was only on Fridays that he would
27 move out on his killing spree. The civilians. He would kill the
28 civilians.

29 Q. Then you said, "He came to Manor Conner." Who came to

1 Manor Conner, Mr Witness?

2 A. It was Peleto.

3 Q. And then you talk about someone called Kai. Could you
4 spell Kai for the Court?

10:19:10 5 A. K-A-I.

6 Q. And you said, "They met Kai". Who met Kai, Mr Witness?

7 A. It was Peleto and his group, the rebel group. They were
8 the ones who met Kai reading his Bible in the morning and Peleto
9 ordered that he should drop his Bible and he should get up.

10:19:41 10 Q. And then you say, "He shot him with a pistol." Who did
11 that, Mr Witness, talking about Kai?

12 A. It was Peleto. It was Peleto who shot the man, Mr Kai.

13 Q. And how did you know about that, Mr Witness?

14 A. I was at the place where we had passed the night, where we
10:20:07 15 had slept, but we - from that distance I could see the area where
16 the incident took place.

17 Q. And then, Mr Witness, you said that, "He met a Limba man."
18 Who met a Limba man?

19 MR MUNYARD: I am sorry, before we move off that earlier
10:20:30 20 issue, we haven't yet had an answer to, "How do you know about
21 that, Mr Witness?" He said, "From that distance I could see the
22 area where the incident took place." He hasn't yet told us how
23 he knows it. He has just told us that he could see the area
24 where the incident took place.

10:20:50 25 MR WERNER: I can clarify that, your Honours:

26 Q. Mr Witness, do you understand the question? How did you
27 know that Peleto, called Friday, shot Mr Kai with a pistol? How
28 do you know that?

29 A. I told the Court that where I was, where I was that

1 morning, in relation to where Mr Kai was, it is a short distance.
2 There was only a street in between and I saw - and I saw him
3 shoot him.

4 Q. And when you say, "I saw him", who did you see shoot him?

10:21:42 5 A. I saw Peleto. I am referring to Peleto. It was Peleto who
6 shot the man. I saw that with my naked eyes.

7 Q. And then you say, "He met a Limba man." Who met a Limba
8 man, Mr Witness?

9 A. It was Peleto who met the Limba man. The Limba man was
10:22:10 10 eating and he shot him. Peleto shot the man using his pistol.

11 Q. And how did you know about that, Mr Witness?

12 A. The area where I was, it's an open place. All of these
13 things happened within the same area. They are opposite areas.
14 If this place was an open area - just like between here and the
10:22:41 15 street if this place was an open place.

16 Q. So, again, how did you know that Peleto shot the Limba man?

17 A. Because I saw it. I saw Peleto - I saw Peleto having the
18 pistol in his hand and he went close to the man and he shot him.

19 Q. And then you say - later in your previous answer you said,
10:23:15 20 "I saw him coming." Who did you see coming?

21 A. It was Peleto who was coming towards us, towards our own
22 house where we were; Peleto.

23 Q. And then you said, "We started advancing and then we went
24 to the bush". Who started advancing and went to the bush?

10:23:41 25 A. It was Mr Kotay and I. We were the ones who saw Peleto
26 coming towards our direction towards the house where we were.
27 Then I told the woman that that man whom they refer to as Peleto
28 is coming, but she couldn't run, so she entered her room. We
29 were running towards the bush. On our way going was when we

1 heard a gunshot from our back, so while we were going we were
2 telling people that Peleto was coming, repeatedly. So all those
3 who we met and told, they followed us and we went into the bush
4 to hide.

10:24:43 5 Q. And how long did you stay in the bush?

6 A. The incident happened around 7 o'clock. We went into the
7 bush and we were there until 6 o'clock and we came back to town
8 at 7 that night and Mr Kotay and I we started burying - first we
9 buried Mr Kai and we buried that woman with whom we were at the
10 house.

10:25:20

11 Q. Mr Witness, who buried Mr Kai and the woman?

12 A. It was Mr Kotay and I.

13 Q. And what, if anything, happened to the Limba man who was
14 shot?

10:25:45 15 A. The Limba man who was shot, it was his relatives who buried
16 him.

17 PRESIDING JUDGE: Mr Werner, we haven't ascertained why
18 they were burying the woman. The last we heard was she was
19 trying to enter the room that she had been in. They ran away
20 et cetera.

10:26:10

21 MR WERNER: I will clarify that:

22 Q. Mr Witness, what happened to this mammy, this woman, who
23 entered the room when Peleto was coming?

24 A. Just as I am saying; as we were going to the bush - as we
10:26:25 25 were going to the bush running we heard a gunshot from behind us.
26 When we went to the bush, when we returned around 7 o'clock we
27 saw the woman was now dead. There was blood all over her.

28 Q. Now, Mr Witness, you told us about Peleto that was also
29 called Friday. Could you describe Peleto?

1 A. Yes. Peleto was fair in complexion, with an average
2 height. He is a handsome man. He is handsome.

3 Q. And you told us that you saw Peleto coming, you saw Peleto
4 shooting Kai and the Limba man. How did you know it was Peleto
10:27:39 5 who did that? Sorry, let me rephrase. How did you know that it
6 was Peleto that was that man that you saw doing that?

7 A. After Peleto had killed Mr Kai, it was people who were in
8 that area and had known him to be Peleto, as he was coming
9 towards the Limba man it was those same people who were shouting,
10:28:19 10 "Peleto is coming, Peleto is coming, Peleto is coming". It was
11 at that time that I knew him that that was the man called Peleto.
12 But I had known this name, this Peleto name, while in the bush,
13 but I did not know him in person, but it was when the killing
14 took place that I knew him because people were referring to him.
10:28:45 15 "Peleto is coming. Peleto is coming".

16 Q. Now, after what happened on that day, how long did you stay
17 in Manor Conner?

18 A. We stayed in Manor Conner - we stayed in Manor Conner up to
19 February - until the end of February. It was then that we heard
10:29:30 20 - just at the end of February, little did we know that ECOMOG was
21 coming, that they were coming to flush the rebels out. They had
22 flushed them out in Freetown so they were moving now in a group,
23 coming. At the end of February was when ECOMOG came and flushed
24 them out of Lumpa and Waterloo and on the second day the
10:30:11 25 government announced that the rebels had been flushed from around
26 the peninsula, that is the Lumpa area, and they had encamped
27 themselves in Waterloo by the police and that there was somebody
28 - if there is anybody here who knows the police station in
29 Waterloo, you would know it is by the highway, by the main road.

1 It was just opposite there that they encamped, so everybody who
2 was around that area should go to the government camp for
3 displaced people.

10:31:04 4 Q. Mr Witness, and you talked about end of February; which
5 year are you talking about?

6 A. What? 1999 is what I am referring to. 1999.

7 Q. Then you said, "They have encamped themselves in Waterloo".
8 Who you talking about?

10:31:38 9 A. The government had constructed a displaced camp for - and
10 asked that all the displaced people should go there because they
11 had flushed the rebels from Lumpa and Waterloo.

12 Q. Now, previously in your evidence, you told us about your
13 own house at Lumpa. Did you go at any time to your own house at
14 Lumpa?

10:32:05 15 A. Yes, while we were in the camp. When we were in the
16 displaced camp, that is in Waterloo by the police station, was
17 when ECOMOG said anybody who would want to go and visit his house
18 should possess a pass. Nobody should leave the camp and go to
19 his house without informing them because if anybody did that and
10:32:44 20 encountered any problem they shouldn't be blamed. So when I

21 wanted to go to my house to check at my house, I obtained a pass
22 and I went to my house. At that time you would not see anybody
23 in the town. Even to go to your house you would be afraid
24 because the town was deserted but because ECOMOG was on our side

10:33:18 25 I was able to go to my house. Unfortunately, I met my house was
26 completely burnt down and I passed round it. Everything I had
27 had been burnt down. I went to the back and I saw - I saw five
28 corpses by the side of the house. Then I was frightened. I went
29 back to the camp and I explained to the ECOMOG that that was what

1 I had seen, that when I went to my house it was burnt already and
2 I saw those corpses. So that was the complaint. Almost
3 everybody who would come back after checking at his house would
4 bring such a complaint - would bring complaints about their
10:34:19 5 houses. That was the time ECOMOG gave us the permission to be
6 going there to bury the corpses, but any time anybody would want
7 to go, that person should obtain a pass. So we formed a group.
8 We, the civilians who were in the camp, and were in that section,
9 Kabbah Street, we formed a group.

10:34:53 10 Q. Let me pause you there, Mr Witness. Now, when you are
11 talking about your section in Kabbah Street, what are you talking
12 about?

13 A. That is the place where my house is located, where the
14 rebels had dislodged us from. Just as I said just now, that
10:35:26 15 Lumpa is divided into streets or sections, and the names of the
16 streets were given after those who had founded the streets, so
17 that is how - that is where my house was located.

18 Q. Now, Mr Witness, you said that ECOMOG gave the permission
19 for the civilians to go and bury the corpses. So what, if
10:35:53 20 anything, happened after ECOMOG gave that permission?

21 A. My colleagues and I, who were in the Kabbah Street area,
22 formed a group to go and, in fact, first when I went and saw
23 those corpses, after ECOMOG had given us permission to go and
24 see, so we formed ourselves into a group to come and bury the
10:36:36 25 corpses that were lying on the ground.

26 Q. And just to be clear, Mr Witness, then the first - you
27 said, "First we went and buried the corpses". Which corpses are
28 you talking about?

29 A. It was the corpses of people that the rebels had killed

1 that were at our houses, so they would not decompose and burst.
2 That was why we used to go there and bury those corpses.

3 Q. And how many corpses were buried?

10:37:32

4 A. Well, from my area where I was at Kabbah Street together
5 with my colleagues, we buried 60 corpses.

6 Q. Mr Witness, I just have one more question for you. Is
7 there anything you would like to tell the Court about how these
8 events that you have described have affected your life?

10:38:11

9 A. I have many things, but I will just talk about the main
10 ones. The first one is because of the beating that they gave to
11 me that has affected my life so badly. I have deteriorated. I
12 am even having a disease right now because of that, except I
13 would have to be operated upon. If not, I will die.

10:38:56

14 The second one is they killed my only brother who was close
15 to me and he survived by three children. And the income - my
16 income currently is less than the problem that I have.

10:39:49

17 And the third one, my house was burnt down. Now, I am
18 renting an apartment with eight children, excluding my wife and
19 I, so all of us sum up to ten. It is just a two bedroom
20 apartment. The girls are in one room, my wife and I are in the
21 other room and the boys are all in the living room. That is the
22 situation. That is disturbing my life seriously.

10:40:23

23 Instead of progressing I am retrogressing. It's only
24 because of God, because if it were not for God I would have been
25 dead by now, because it's only when they say if God is for you
26 nobody can be against you. That is why I am alive by now.

27 MR WERNER: I have no further questions, your Honours.

28 PRESIDING JUDGE: Thank you, Mr Werner. Mr Munyard, I
29 understand you have carriage of this witness.

1 MR MUNYARD: Your Honour, that is correct.

2 THE WITNESS: Yes.

3 PRESIDING JUDGE: Yes, Mr Witness, you wish to say
4 something?

10:40:52 5 THE WITNESS: Yes, before I would be asked another set of
6 questions I would like to make some clarification. Wednesday I
7 had said here that Lumpa and Waterloo were just divided by a
8 bridge. I said that.

9 But from the questions, I don't understand - from coming
10:41:39 10 from this section that I had said that Lumpa and Waterloo I think
11 27 or something kilometres. I don't understand. But what I -
12 where I referred to kilometre in relation to - I said this
13 section, people from this section asked me. They said from
14 Freetown to Waterloo, I said it was 37 kilometres. But not Lumpa
10:42:16 15 and Waterloo. That is the only thing.

16 PRESIDING JUDGE: Thank you. Yes, please proceed,
17 Mr Munyard.

18 MR MUNYARD: Thank you, Madam President.

19 CROSS-EXAMINATION BY MR MUNYARD:

10:42:32 20 Q. Mr Sheriff, good morning.

21 A. Good morning, sir.

22 Q. I can't quite see you because of the arm of the overhead
23 projector. If you would like me to move then I will. No, you
24 stay where you are and I will move if it is easier for you. Can
10:42:48 25 I say straightaway, Mr Sheriff, that I do not dispute that
26 terrible things happened to you during the years that you have
27 been telling us about - happened to you and to your family. I am
28 going to suggest, however, that your memory of what happened is
29 confused to some degree. Do you think that your memory of events

1 may be confused because, first of all, of the awful nature of
2 what happened and, secondly, because of the passage of time?

3 A. These things happened about ten years ago, but I believe
4 that everything that I have said here are incidents that I can
10:44:00 5 still recall vividly, except if there would have to be any
6 changes or any difference from your end it could be
7 misunderstanding. Just like I was talking about Waterloo and
8 Lumpa, I said it was just a bridge that divided them, but on this
9 other side I heard or maybe I did not understand that clearly.

10:44:20 10 You said 27 or 30 something. But everything that I said here I
11 believe is the truth that I have spoken here. I can still
12 recall.

13 Q. Very well. I am going to then look at some of the evidence
14 that you have given and I am going to ask you about the accounts
10:44:40 15 that you have given to members of the Prosecution team in the
16 past. Do you remember being interviewed on a number of occasions
17 --

18 A. Yes.

19 Q. -- from the year 2003 onwards?

10:44:57 20 A. Yes.

21 Q. And no criticism of you if you can't remember the month,
22 but are you able to remember the month in 2003 when you were
23 first interviewed by the Prosecution?

24 A. Yes, yes.

10:45:16 25 Q. Do you have any recollection of when in 2003 you were first
26 interviewed by them?

27 A. I can remember what I have said.

28 Q. Right, all right. If I suggested that it was in September
29 of 2003 that you were first seen by the Prosecution, would you

1 agree with that?

2 A. I cannot remember the period.

3 Q. Can I assure you that if I get anything wrong about the
4 occasions on which the Prosecution interviewed you in the past

10:46:06 5 mor what they have recorded you telling them, that counsel

6 opposite will object and will object properly if I have misstated

7 anything. Can I give you that assurance. Then I want to ask you

8 about that first occasion. You are interviewed, from the records

9 we have been given, on 8 September 2003. At that time, when you

10:46:42 10 were first interviewed, why did you think the Prosecution were

11 taking an account from you of these things - these terrible

12 things - that happened to you and that you witnessed?

13 A. I don't quite understand.

14 Q. In late 2003 we know that the Prosecution interviewed you.

10:47:11 15 You agree with that, don't you?

16 A. They obtained statement from me.

17 Q. Yes. Why was it that they were taking a statement from
18 you?

19 A. Yes.

10:47:35 20 Q. What did you understand their purpose to be in taking a
21 statement from you in late 2003?

22 A. They took the statement from me to know what had happened
23 during the war - what I saw happen.

24 Q. And who were they prosecuting as far as you understood when
10:48:07 25 they took this statement from you in September 2003?

26 A. You mean Prosecution to go and interview me? I don't
27 understand.

28 Q. Who was it that you understood they were prosecuting when
29 they took that first account from you?

1 A. They wanted to know who had caused atrocities during the
2 war.

3 Q. Right. And as far as you were aware, were you likely to
4 give evidence in a trial some time after you gave that first
10:49:14 5 account to them at the end or the latter part of 2003?

6 A. This was my first time. They used to interview me. I saw
7 statement takers. They met me at my house to obtain statement
8 from me.

9 Q. Right. Did you expect when they took that first statement
10:49:52 10 from you that you were going to appear as a witness in a trial?

11 A. They told me that I had to give evidence.

12 Q. Evidence in court?

13 A. Yes, yes. In court, yes.

14 Q. And whose trial did you think you were going to be giving
10:50:17 15 evidence in court?

16 A. It was the trial of the rebels.

17 Q. Right. Any particular group of rebels?

18 A. It was those whom I saw invade Lumpa and Waterloo.

19 Q. Right. And which rebels were they?

10:50:52 20 A. It was the RUF rebels.

21 Q. Right. And did you become aware that at some time in the
22 year following that first interview that a trial started in
23 Freetown of a group of RUF rebel leaders?

24 A. In Freetown?

10:51:21 25 Q. Yes, in the Special Court in Freetown.

26 A. I heard about other groups.

27 Q. You mean other groups being on trial?

28 A. Yes, yes.

29 Q. Which groups did you understand were on trial in the year

1 or two following that first statement that you gave to the
2 Prosecution - the first account that you gave to the Prosecution?

3 A. I heard that they had started a trial for the Kamajors and
4 the CDF.

10:52:18 5 Q. Yes. Any other groups on trial in the year or two
6 following September 2003?

7 A. I also heard that they were trying the rebels, the rebels
8 who had committed - I heard that the rebels who had committed the
9 most atrocities.

10:53:06 10 Q. Right. And what is the name of the rebel group or groups
11 who you are now referring to?

12 A. I am referring to - I am referring mainly to the RUF
13 rebels.

14 Q. Right. Were you also aware of a trial involving people who
10:53:32 15 could either be described as SLA or AFRC rebels?

16 A. I heard that. I heard about their trial.

17 Q. Right, thank you. Now, on that first occasion when you
18 were interviewed in September 2003, did the Prosecution want to
19 know from you about all the terrible things that had either
10:54:07 20 happened to you or that you had seen?

21 A. They interviewed me in order for them to know what I had
22 witnessed or what had happened to me.

23 Q. Right. And did you tell them everything that you have told
24 this Court on Wednesday and then again today?

10:54:41 25 A. Everything I said here on Wednesday and Thursday - sorry,
26 everything that I said from that day to today I told them, except
27 - except - because except that, you know, when people talk and
28 there are two different people talking and writing, I was talking
29 and somebody else was writing. I could say something but the

1 person who was writing could not have written what I spoke, but I
2 believe that what I spoke here from Wednesday to today, if they
3 were writing it correctly, it was the same thing that I had told
4 them. If they did not write it correctly that means it is their
10:55:42 5 fault because I can still recall what happened and what I
6 witnessed.

7 Q. Right. When the person asking you the questions was
8 interviewing you on that first occasion, did he or she write down
9 and then read back to you their record of what you told them?

10:56:12 10 Did they read it back to you after - at the end of the interview?

11 A. They read some to me but, just as I said, sometimes some
12 areas, if there were any differences, if there is any difference
13 there are some times when I spoke something he wouldn't
14 understand me he wrote things that I did not say, because
10:56:46 15 sometimes he did not understand me, because just like I said in
16 this Court, where I commend this Court is Wednesday, anything
17 that I said, if they did not understand they will ask me to
18 repeat so I commend this court, so I believe that the record this
19 Court is now taking is the best because anything that I say and
10:57:13 20 they don't understand they would ask me to repeat. But somebody
21 who was writing and was not asking me, even if he did not
22 understand, he will just write maybe for time to go by, so that
23 will just be finished and he will go back.

24 Q. Mr Sheriff, I just simply want to understand one thing.

10:57:33 25 When that first interview finished, did the person who was
26 interviewing you read back their notes of the interview to you so
27 that you could correct anything they had written down wrongly, or
28 you could clarify anything, or you could add anything? Did that
29 happen?

1 A. Not in all cases. Sometimes they will meet me at my place
2 and they will conduct the interview. As I will be talking, so
3 would they be writing, but because of time insufficient, say
4 around 6, they will just pack their bags and they return. So I
10:58:22 5 don't know if there is any difference between what I said or now,
6 but if there is any I am not sure, but what I said here today
7 from 1998 to 1999 those are the correct things that happened.

8 Q. Right. Just so I can be clear, are you saying that when
9 they were interviewing you on any particular occasion if it
10:58:52 10 reached the end of the working day they would just pack up and
11 say that they would return at a later date? Is that what you are
12 saying?

13 A. The last interview that I gave to them I can recall - the
14 last interview I can recall was in September. Just after the
10:59:26 15 interview they went and typed it out. They read what was typed,
16 what they had typed, and it was consistent with what I had said.

17 Q. When you say the last interview was in September, you mean
18 the month that ended just three days ago?

19 A. What?

10:59:48 20 Q. When you talk about the last interview was in September, do
21 you mean just a couple of weeks ago or a week or so back?

22 A. Yes.

23 Q. Right. But I want to be - I want to be clear that we have
24 an accurate record of what you told them in the earlier

11:00:11 25 interviews; that is why I am asking you these questions, do you
26 understand? I am trying to find out what went on in the earlier
27 interviews when you gave the Prosecution a lot of information.
28 Now in that first interview, can you remember if the interview
29 was - the notes of interview were read back to you at the end of

1 the interview? I know it is a very long time ago and you may not
2 remember, so if you don't remember please say so.

3 A. That is what I am saying. I don't remember. The one that
4 I can recall is what I have told you.

11:01:01 5 Q. All right. Can you remember after the first interview that
6 you were interviewed again and the Prosecution went over the
7 contents of the first interview with you and you added and
8 clarified a few points. Do you remember that happening a couple
9 of months later?

11:01:25 10 A. Yes.

11 Q. So they clearly did go over the record of interview with
12 you at a later date even if they didn't on the day of the
13 interview itself, do you agree?

14 A. This last interview they were able to correct. They were
11:01:52 15 able to correct some mistakes that were in the old interviews.

16 Q. Well, we will look at the interviews in a moment. Just
17 before we turn to them, the first interview where you gave a full
18 account of everything that had happened to you and that you had
19 seen, you have told us that you told the Prosecution

11:02:20 20 investigators everything that you have told this Court. So does
21 it follow that you told them about the first occasion when you
22 were captured by rebels and beaten? Did you tell them that?

23 A. Yes.

24 Q. Did you tell them about being made to lie down with three
11:02:46 25 boys who they then shot?

26 A. Yes.

27 Q. Did you tell them about the blows that were struck to you,
28 both on your face and in your private parts?

29 A. Yes.

1 Q. Did you tell them about the demand for cigarettes and
2 5,000?

3 A. Yes.

11:03:20

4 Q. Did you tell them about the tragic events of your brother's
5 death?

6 A. Yes.

7 Q. Did you tell them about the killing of Mr Kai and the Limba
8 man and the old lady?

9 A. Yes.

11:03:38

10 Q. And you seeing them shoot both Mr Kai and the Limba man?

11 A. Yes.

12 Q. Very well. And was the interview conducted with you in a
13 language that you understood; that first interview?

14 A. It was in Krio, yes.

11:04:11

15 Q. Do you remember who it was who was interviewing you that
16 first time? I think you said it was at your house?

17 A. Yes. No. It was in my house, but I did not recall the
18 name of the statement taker.

19 Q. Does the name Alfred Sesay mean anything to you?

11:04:41

20 A. Alfred Sesay?

21 Q. Yes? Do you remember if it was him who conducted the
22 interview, or do you just not remember now?

23 A. I cannot recall. They used to meet me, but I cannot recall
24 their names because it will take some time before they would
25 come, their names.

11:05:02

26 Q. All right, don't worry about the names. Now, in your
27 evidence to us on Wednesday you told us that you were met by a
28 group of armed men and they were shouting, "We are the rebels who
29 have come." Do you remember telling us that?

1 A. Yes.

2 MR WERNER: [Microphone not activated].

3 MR MUNYARD: I can't give a reference, because I haven't
4 got a reference, I have got my own notes. But it was on

11:05:39 5 Wednesday right at the beginning of his evidence. My learned
6 friend I know has the transcript because he has been referring us
7 to it. It will be some time on witness afternoon, I would think,
8 relatively early. In fact, for the benefit of Mr Werner, what I
9 have noted the witness as saying is that, "About 9 p.m. they came
11:05:58 10 from the hillside shouting, 'We are the remembers who have
11 come'":

12 Q. And, Mr Sheriff, do you remember telling us they spoke
13 different languages, mostly Liberian? Do you remember telling us
14 that on Wednesday?

11:06:16 15 A. Yes.

16 Q. And did you tell that to the investigators in that first
17 lengthy interview back in 2003 much nearer in time to the events?

18 A. Yes, yes, I told them. Yes, I told them.

19 MR MUNYARD: And then again for Mr Werner's benefit he went
11:06:32 20 on to say, "It was a mixed form of English. I heard them say
21 they were there to burn all the thatched houses. They were
22 shouting, 'We are the rebels who have come'."

23 THE WITNESS: Yes.

24 MR MUNYARD:

11:06:46 25 Q. All right. Well, apart from the fact that they spoke, you
26 say, mostly Liberian, did they identify themselves in any way as
27 to which rebel group they belonged to?

28 A. At night, that night when they came, it was during the
29 night at 9. They just said that they were the rebels that they

1 had been talking about in their Liberian English, so they
2 identified themselves as Liberians because it was during the
3 night.

11:07:39

4 Q. Right. Did they at any time describe themselves in any
5 other way?

6 A. Yes.

7 Q. How else did they describe themselves?

11:08:14

8 A. The first man that we met at the junction, he identified
9 himself saying that he was a rebel whom I saw and who saw me
10 also.

11 Q. Right.

12 A. Then the second time that he led us to the group I saw some
13 rebels, including the boss, on their arm you had the inscription
14 "RUF". Straightaway I concluded that they were the real rebels.

11:08:46

15 Q. So from what was inscribed on their arm you identified them
16 as RUF, yes?

17 A. Yes.

18 Q. Did they ever tell you that they were RUF?

11:09:08

19 A. They identified themselves saying that they were the
20 rebels, the man that we met at the junction. And from the
21 inscription that was on their arms, that was what indicated to me
22 that they were RUF and it was tattoo. The real rebels would
23 always have that mark.

11:09:41

24 Q. We have already got that. What I am trying to find out is
25 apart from the fact that they had that mark on their arms, did
26 they ever describe - did they ever say they were RUF or did you
27 only ever see the letters tattooed on their arms?

28 A. The man who led the six people who met us and who tried to
29 kill my brother, he identified himself saying they were RUF who

1 came from Gbarnga. Gbarnga. Gbarnga or Gbanga, I don't know the
2 right name. It was Gbarnga. It is a section in - it's a town in
3 Liberia.

4 Q. Right. So there is one man who tells you that he is RUF.

11:10:35 5 Did anybody else tell you they were RUF, or did you simply draw
6 that conclusion from the tattoo on their arms?

7 A. What I am saying now, those that had seen rebels, they were
8 rebels - rebels would not be afraid of identifying themselves.

9 They said that, "We are RUF. We are RUF." And they were people
11:11:09 10 that were proud of their name. They had no secrets. They had no
11 secret in doing things.

12 Q. Right. So the rebels are saying they are RUF. Did any of
13 the rebels ever say they were anything other than the RUF?

14 A. I don't understand.

11:11:31 15 Q. Well, did any of the rebels say, "We are from" and then
16 name another group?

17 A. No.

18 Q. Are you sure about that?

19 A. The ones - those that beat me and beat and killed my
11:11:53 20 brother, they identified themselves as RUF.

21 Q. Right.

22 A. Only one - can I continue?

23 Q. Yes.

24 A. The only one that was named Joseph who went and took us to
11:12:18 25 come and work for him, he was the one that identified himself
26 saying he was SLA Stop the War.

27 Q. Right. So we have now got RUF and at least one SLA, yes?
28 Correct?

29 A. Yes, Stop the War.

1 Q. And you are saying that Joseph is the same person as Stop
2 the War, are you?

3 A. Yes.

4 Q. Are you sure about that?

11:12:49 5 A. Yes.

6 Q. Are they are not two different people?

7 A. No.

8 Q. All right. And, as you said to us on Wednesday, they were
9 mostly speaking Liberian, yes?

11:13:13 10 A. Yes.

11 Q. And that's something that you told the Prosecutors when you
12 were interviewed in 2003, is that right?

13 A. Yes. Yes, that's correct.

14 Q. And the first thing that happens to you is that you are met
11:13:33 15 by the rebels --

16 A. They beat me.

17 Q. I am coming on to that.

18 A. Okay.

19 Q. I am coming on to that, but is this right: That one of the
11:13:49 20 rebels only takes you off at first - this is the man who has got
21 the "2Pac" and "All Eyez on Me" T shirt?

22 A. Yes.

23 Q. He takes you off and he asks you for various things and
24 slaps you when you don't give them to him and then he takes you
11:14:14 25 to meet his group somewhere nearby, is that right?

26 A. Yes, yes.

27 Q. So the first time you actually meet any of the rebels you
28 just meet the one and he does those things to you before he takes
29 you to the rest of them?

1 A. Yes, yes.

2 Q. All right. So how long was he with you and asking you
3 these questions and doing these things to you before he takes you
4 to join the rest of his group?

11:14:58 5 A. It was within three to four minutes.

6 Q. And how far away are the group that he takes you to?

7 A. Just like this is the road where he came and stood, but
8 they were in a forested area. The distance is just - when he
9 opened this door and they meet the steps there they were

11:15:27 10 standing.

11 PRESIDING JUDGE: I think the witness is indicating the
12 door behind the Prosecution.

13 MR MUNYARD: Prosecuting counsel, indeed.

14 PRESIDING JUDGE: Yes and I am not sure which steps he is
11:15:38 15 referring to.

16 MR MUNYARD: I think I can put it compendiously:

17 Q. They were quite close by, were they, Mr Sheriff?

18 A. Yes, they were close, but the distance is just from here
19 and let me say - just from here, when you open that door and you
11:15:58 20 bend the curve, this curve. It is close.

21 Q. Right. Now, just dealing with the sequence of events,
22 please. You and Mr Kotay then get lashed, yes?

23 A. Yes.

24 Q. And then you get struck by this rebel with the butt of his
11:16:34 25 rifle on your private parts?

26 A. Yes.

27 Q. And then - yes?

28 A. Yes.

29 Q. Mr Sheriff, I am not going to go into any other the detail,

1 I am just trying to summarise.

2 A. Yes.

3 Q. I want to understand the order in which events happened.

4 Then you have to carry one of their wounded colleagues. We are

11:17:00 5 not going to be going to much longer before we have a break?

6 A. Yes, I and Mr Kotay. I and Mr Kotay took it.

7 Q. And after you take their wounded colleague you escape and

8 go back to the bush and then --

9 A. Yes.

11:17:27 10 Q. How long is it - it's the next day I think you told us that

11 Mr Kotay's brother comes and then the day after that your brother

12 comes, is that right? Have some water if that would help?

13 A. Let's have a little break.

14 MR MUNYARD: Are you happy to stay there and have a short

11:18:15 15 break, because in ten minutes time we will be having a half hour

16 break.

17 THE WITNESS: Okay, okay.

18 MR MUNYARD:

19 Q. Now, Mr Sheriff, it is going to be a little bit difficult I

11:18:32 20 am sure, but I am just asking you not about the events themselves

21 but the order in which they happened. After you had escaped back

22 into the bush --

23 A. Okay.

24 Q. -- either the next day or a couple of days later

11:18:49 25 Mr Kotay's brother and your brother come and find you, yes?

26 A. Samuel Kotay [sic], yes.

27 Q. And your brother also, or does he come the day after that?

28 A. Yes, yes.

29 MR WERNER: Sorry to interrupt - but for the record the

1 record the witness didn't say Samuel Kotay, he said Samuel
2 Conteh.

3 MR MUNYARD: He did.

4 THE WITNESS: Samuel Conteh.

11:19:19 5 MR MUNYARD: I am not taking any point on the name.
6 Conteh, Kotay, we know that names have variables.

7 MR WERNER: But, your Honour, there was two persons, one
8 Conteh and one Kotay. That is why it is significant.

9 MR MUNYARD: Yes, two brothers.

11:19:32 10 THE WITNESS: Yes.

11 MR WERNER: No.

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: [Microphone not activated].

14 MR MUNYARD: Yes, different spellings of the surname but he
11:19:40 15 has called him brother all the way through. I don't want to
16 labour this point. We can all use the break to look at the
17 transcripts:

18 Q. And then - and I want to get over this as quickly as I can,
19 Mr Sheriff. Then your brother is --

11:19:55 20 A. Okay.

21 Q. Then your brother is killed, yes?

22 A. Yes.

23 Q. Then the rebels go away again, yes?

24 A. Yes.

11:20:10 25 Q. You bury your brother and you and Mr Kotay, his brother --

26 A. And Samuel Conteh.

27 Q. Thank you.

28 A. Yes.

29 Q. And someone called Pa Tarawalli then go back to - you go

1 into the bush to somewhere else, yes?

2 A. When we had buried my brother, I and Mr Kotay changed our
3 location. We went and met Pa Tarawalli and John in their own
4 hiding place, yes.

11:21:02 5 Q. And John is John who?

6 A. John Conteh.

7 Q. And is he anybody's relative? I mean any of the people you
8 have already mentioned?

9 A. No, he was just a friend.

11:21:19 10 Q. All right. And it's after you meet up with them that you
11 get seized by the rebels again and taken to Mabureh Town to
12 process palm oil, is that right?

13 A. Yes.

14 Q. That is the sequence of events?

11:21:40 15 A. Yes.

16 Q. All right. And how long were you there processing palm
17 oil?

18 A. I started processing it at 8 o'clock in the morning to 4
19 o'clock p.m.

11:21:59 20 Q. So it's the one day, is it?

21 A. Yes, yes.

22 Q. And then the jets come over. Is that right?

23 A. Yes.

24 Q. And the rebels run away and you escape?

11:22:16 25 A. Yes.

26 Q. Yes. And is it - was it only because the jets came over
27 and the rebels ran away that you were able to escape?

28 A. Yes.

29 Q. Had you finished the job of processing palm oil, or was

1 there more work to be done the next day but for the jets
2 arriving? What was your understanding?

3 A. The jet met me when I had already finished.

4 Q. Right, all right. But I simply want to understand this:
11:22:57 5 Did you think that you were going to be held there in Mabureh
6 Town doing more forced labour for the rebels but for the fact
7 that the jets came and the rebels all ran away so you could
8 escape?

9 A. Yes, during that time - during that time, you see before I
11:23:22 10 could finish all my legs had peeled. So I said thanks to God
11 because of the coming of the jet.

12 Q. Or did the rebels simply release you after you had done
13 this labour for them in processing the palm oil?

14 A. No, when the jet came, that was the time that I escaped.
11:23:58 15 They also ran for their lives.

16 MR MUNYARD: Now, Madam President, I am going to turn to
17 the documents themselves. By the time we get the documents in
18 front of the witness and on the screen it is going to be close to
19 half 11. I am entirely in the Court's hands. If you want me to
11:24:16 20 ask one question I will, but if it makes more sense to the Court
21 to start and then go through.

22 PRESIDING JUDGE: Proceed on, Mr Munyard. We have two
23 minutes. Well, let's maybe get the documents distributed and
24 then take the break.

11:24:33 25 MR MUNYARD: I can promise Madam Court Officer that she
26 will have a firmer folder with which to carry the Court documents
27 by the time we resume at 12 o'clock. This one, once she opens it
28 they will all come out in a pile I'm afraid.

29 PRESIDING JUDGE: Have you a set for counsel for the

1 Prosecution?

2 MR MUNYARD: No. Again, I not I hope I am not going to be
3 asking too many questions about too many pages, so I am proposing
4 doing it as we have done before, just putting it on the screen so
11:25:04 5 everyone can see what we are looking at.

6 Can we start, please, Madam Court Officer, with tab 1, page
7 1, and this is ERN number - I will do the zeros this time only -
8 00001291. I am simply going to establish the parties here:

9 Q. Mr Sheriff, are you able to read that document on the
11:25:44 10 screen before you. I am going to read it out in any event for
11 you to confirm it, but just tell me --

12 A. My eyes are blurred.

13 Q. All right. I will read it out and --

14 JUDGE SEBUTINDE: Mr Munyard, what would help since we
11:25:55 15 don't have copies is for you to state the date of whatever this
16 document is.

17 MR MUNYARD: That is just what I am about to do, your
18 Honour.

19 JUDGE SEBUTINDE: So that it is in the record.

11:26:04 20 MR MUNYARD: Yes. That is the process I am embarking on:

21 Q. I will read it out, Mr Sheriff, and if I get anything wrong
22 somebody in the Court, probably more than one person, will
23 interrupt to correct me. Underneath the heading of "Special
24 Court for Sierra Leone" and "witness statement" it gives witness
11:26:27 25 name and it gives the name of Sheriff, Patrick and that is
26 obviously you, isn't it?

27 A. Yes.

28 Q. Below that in handwriting it says "Evidence - date
29 8/9/2003" and then if we turn please to the last page of that --

1 PRESIDING JUDGE: Just pause, Mr Munyard, because I have a
2 feeling this call is telling us we are out of time.

3 MR MUNYARD: I hope I can ask one final question. One
4 minute?

11:27:01 5 PRESIDING JUDGE: Yes, please.

6 MR MUNYARD:

7 Q. The last page, which is 1294, has the last paragraph of the
8 notes and then at the bottom it says "Prepared by Alfred Sesay",
9 do you see that?

11:27:18 10 A. Yes.

11 Q. And it has been approved by somebody with an illegible
12 signature on 15 October 2003. So do you agree that what we are
13 about to look at is the typed-up notes of the interview that took
14 place with you on 8 September 2003?

11:27:47 15 A. When you read it and I understand it I will be able to
16 accept.

17 MR MUNYARD: All right. I think that is sufficient.

18 PRESIDING JUDGE: Thank you. Mr Witness, we are now taking
19 the mid-morning break. We take a break of 30 minutes and we will
11:28:02 20 be resuming court at 12 o'clock. Please adjourn court until 12.

21 [Break taken at 11.30 a.m.]

22 [Upon resuming at 12.00 p.m.]

23 PRESIDING JUDGE: Can someone assist the witness with his
24 headphones. I note, Mr Munyard, you have a change of personnel
11:58:58 25 at your Bar.

26 MR MUNYARD: Madam President, Mr Anyah has now left us and
27 so the Defence are represented by Courtenay Griffiths QC and
28 myself, Terry Munyard.

29 PRESIDING JUDGE: Thank you. I think we are ready. Please

1 proceed.

2 MR MUNYARD:

3 Q. Mr Sheriff, are you comfortable?

4 A. Yes.

11:59:22 5 Q. I'm going to ask you to look, please, at the first
6 interview. We've established when it took place and it appears
7 that the person who interviewed you was somebody called Alfred
8 Sesay. In any event, you agree that the person who interviewed
9 you interviewed you in Krio. Now, the second tab - I'm just
11:59:59 10 dealing with the procedure, first of all. Tab 2, which will go
11 on to the screen in just a moment, is a one-page document, 45669.
12 There are two versions of this. One is 36823. It doesn't matter
13 which one. They are both the same.

14 On 26 November 2003, that is about two-and-a-half months
12:00:42 15 after that first interview, you were seen again and one person
16 who was present was called Boi-Tia Stevens, who was a lawyer.
17 Can you remember meeting that person, or not? Do you remember
18 meeting a lawyer called Boi-Tia Stevens? Don't worry if you
19 don't. I think you don't.

12:01:15 20 A. I cannot recall.

21 Q. Don't worry. In any event the language we can see is Krio,
22 and you added to your previous interview by giving a first name
23 to one of the people you'd mentioned in that interview, by
24 reversing the order of some of the events in the interview and by
12:01:38 25 adding a further detail. In other words, on 26 November 2003 do
26 you agree you were taken through the notes of the first
27 interview? Do you agree that the second time round they took you
28 through the first interview and you added and changed bits of it?

29 A. I can only recall if I should see the interview.

1 Q. Mr Sheriff, we are going to come to the interview in a
2 moment, but do you agree - I'm just asking you if you can
3 remember that about two-and-a-half months after you were
4 interviewed they saw you a second time and they went through that
12:02:30 5 interview with you, the first interview, and you changed bits of
6 it. Can you agree that that happened? I am sorry, can you
7 remember that that happened?

8 A. Yes, yes.

9 MR MUNYARD: And then, Madam Court Officer, I am going to
12:02:46 10 ask you to go to the last tab, which I don't think is numbered
11 but it is probably headed "Corrections". If you just take the
12 first page of the last tab, this should be 45665:

13 Q. These are the notes of the first interview that we are
14 going to look at in more detail in a moment, but do you remember
12:03:22 15 at the beginning of this year the prosecutors taking you through
16 the notes of the first interview and you making some changes -
17 almost entirely grammatical changes - and somebody wrote those
18 changes down and then you put your thumbprint next to that?

19 MR WERNER: Sorry, your Honours, but it was an investigator
12:03:50 20 who did that.

21 THE WITNESS: Yes.

22 MR MUNYARD: I am sorry, I said somebody wrote those
23 changes. Is Mr Werner saying it was an investigator?

24 MR WERNER: My learned friend said "the prosecutors". On
12:04:05 25 that date it was an investigator.

26 MR MUNYARD: Oh, well I regard investigators as part of the
27 Prosecution. I'm not worried about the title:

28 Q. Someone from the Prosecution took you through this, you
29 made some changes that you put your thumbprint by and we can see

1 on that page, in the right-hand margin, about three-quarters of
2 the way down the page, you've put the date 5/1/08, 5 January of
3 this year. Do you remember that? Do you remember on 5 January
4 this year that you were taken right through this interview again
12:04:44 5 and you made some changes, almost all of them grammatical? You
6 are nodding, Mr Sheriff. Unfortunately, you've got to actually
7 spell out the word "Yes"?

8 A. I can recall - I can recall the interview, but I cannot
9 recall the month.

12:05:05 10 Q. Don't worry about that. So, putting that page back into
11 the binder, do you agree that, whether or not they read the first
12 interview back to you as one might expect at the end of the
13 interview, it was certainly read back to you two-and-a-half
14 months later and some years later and you were able to put in
12:05:33 15 various corrections and qualifications? Do you agree?

16 A. Yes.

17 MR MUNYARD: We will now go back to tab 1 and I'm just
18 going to take you through a few of the points in this. May I
19 make it quite clear that this particular one is the one that
12:05:54 20 doesn't have the amendments on it. I don't believe the
21 amendments go to substance at all. If my learned friend,
22 Mr Werner, thinks they need to be brought out, I am quite happy
23 to do that:

24 Q. Now, I'm going to ask you about some of the contents of
12:06:20 25 this interview. You started off in the first paragraph by
26 telling the Prosecution that some time in 1998 rebels hit
27 Waterloo and burnt down some houses before heading for Freetown,
28 and the rebels retreated to Waterloo and were based there as a
29 result of which you and Mr Kotay fled into the nearby village of

1 Malambay where you spent about a month. Did you tell them that?

2 A. Malambay, I went there afterwards.

3 Q. Where did you say you went first of all?

4 A. First of all, we went to Mabureh bush.

12:07:24 5 Q. So when you went through this interview, why didn't you
6 point out to the Prosecution that you hadn't gone to Malambay
7 initially?

8 A. Just like I was saying before, I that I am writing and the
9 one that has been obtaining statement maybe these are two
12:07:52 10 different things, but if you understood me, what I said, Malambay
11 I went there later on.

12 Q. I'm not going to go over it again, Mr Sheriff. We know
13 that you had a number of opportunities to go through this
14 interview and I don't believe that you ever corrected that first
12:08:19 15 reference to Malambay. In the next paragraph you say on a
16 particular day, when you were returning back to Lumpa with
17 Mr Kotay, you were intercepted by a group of about 30 rebels. Do
18 you agree with that?

19 A. One rebel, yes. He stopped us on our way.

12:08:42 20 Q. Well that's the account you've given us, but do you agree
21 that you didn't mention one rebel stopping you when you were
22 interviewed by the Prosecution back in September 2003, five years
23 ago?

24 A. I said so. I told them that it was one rebel who stopped
12:09:08 25 us. He was the one who led us to the group.

26 Q. Can I just ask you this. September 2003 was much closer in
27 time to the events of January - of December 1998 and January
28 1999. Do you think that your memory of the events of December
29 '98 and January '99 will have been better in September 2003 than

1 five years later in October of 2008?

2 A. I can still recall. What I said in 2003, 2004, 2005 and
3 2008 is what I've said.

4 Q. But would you agree that your memory of events in 2003,
12:10:12 5 which is much nearer in time to - sorry, your memory in 2003,
6 which is much nearer in time to the events of late '98 and early
7 '99 would be better than your memory is now, the better part of
8 ten years later?

9 A. The one that I recall, 2008, is better off.

12:10:48 10 Q. Right. Still in the second paragraph on that first page,
11 halfway down that paragraph, "One of the rebels who gave his name
12 as Joseph called them" - that is you and Mr Kotay - "and demanded
13 cigarettes from them." You said that you didn't smoke and
14 because of that he gave you a heavy slap on your jaw. Do you
12:11:13 15 agree that you told them that?

16 A. It was the one rebel that we met at the junction, one. He
17 was the one that asked us for those things; cigarettes and the
18 5,000, which we were not - when I told him that I did not have
19 them, that was the time that he slapped me. He was the one that
12:11:36 20 led us to the rebel group.

21 Q. Right. And there is no reference in any of these
22 interviews, Mr Sheriff, to you just meeting one rebel first of
23 all. I will be corrected if I've put that wrongly, but I suggest
24 it was only when you were giving your evidence that you mentioned
12:11:58 25 meeting one rebel first of all. Do you agree that you haven't
26 mentioned the one rebel meeting you initially - until you gave
27 evidence in this Court two days ago?

28 A. No. I - right from the beginning, this was what I had been
29 saying, one rebel. He was the one that led us.

1 Q. The 5,000 that you mentioned both on Wednesday and again
2 today, 5,000 what?

3 A. 5,000, which event?

4 Q. You said:

12:12:46 5 "It was the one rebel we met at the junction, one. He was
6 the one that asked us for these things, cigarettes and the
7 5,000."

8 5,000 what?

9 A. Yes. 5,000 Leones. Leones.

12:13:01 10 Q. You've never mentioned 5,000 Leones in any of the
11 interviews you've had with the Prosecution and that, I suggest,
12 was first mentioned by you on Wednesday in the course of your
13 evidence. Do you agree you've not told them that before?

14 A. I told them - I told them about that because the beginning
12:13:30 15 of the problem is very important to me. I, who was affected by
16 the thing, could recall.

17 Q. This Joseph, this rebel, is he the same as Joseph Stop the
18 War or is he a different Joseph?

19 A. I'm talking about a different Joseph. I only came to know
12:14:06 20 about Joseph Stop the War, who was the SLA, when I was processing
21 that, those palm fruits.

22 Q. Mr Sheriff, do you think you're getting the names of the
23 rebels mixed up in your evidence? Do you think you've managed to
24 put together a rebel called Joseph --

12:14:36 25 A. No.

26 Q. -- and a rebel called Stop the War?

27 A. No. Joseph, he was the first man whom we met at the road.
28 Joseph - Joseph Stop the War, it was when he went and took us to
29 go and process the palm fruits. So they are two different

1 Josephs, not one.

2 Q. And is it this Joseph, this first one, who was the man who
3 struck you with the butt of his rifle later on?

12:15:41

4 A. Joseph, Joseph, the first one, he did not strike me with
5 the gun. He slapped me and he was - the rebel commander, when I
6 had been beaten, he was the one afterwards who struck me on my
7 privates.

12:16:18

8 Q. I'm not sure if it's only me who is confused. Are you
9 saying it was this Joseph who struck you on your privates with
10 the butt of his rifle or are you saying that was somebody else?

11 A. No. The rebel commander who said that we should be beaten,
12 when they had beaten us, I was lying down on my back, he was the
13 one that hit me on my privates, but I did not know his name.

12:16:49

14 Q. So you're saying it was the rebel commander who ordered the
15 men to give you lashes, not Joseph?

16 A. No. Yes, yes. Okay. Yes.

12:17:16

17 Q. Let me clarify the no and the yes. Are you saying that the
18 person who ordered that you and Mr Kotay be lashed is a different
19 person from Joseph who had met you and demanded the cigarettes
20 and the 5,000?

21 A. Yes, yes.

22 Q. Right.

23 A. Yes.

12:17:33

24 Q. There's no reference in this interview to the rebels
25 saying, "We are the rebels, we have come", or words to that
26 effect. "We are the rebels who have come." Did you tell the
27 Prosecution that's what they were saying when you first came
28 across them?

29 A. It was the statement takers who interviewed us and they

1 were the ones that did the recording. So, just like I have been
2 saying, if somebody was talking, and the individual who is taking
3 down notes, these are two different people.

12:18:11 4 Q. All I want to know is did you tell the interview that back
5 in 2003, that the rebels were saying, "We're the rebels who have
6 come"?

7 A. Yes. The second time when they came to burn the thatched
8 houses.

12:18:34 9 Q. Right. Next paragraph, that's the last paragraph on that
10 page:

11 "Joseph told them that it was they that had failed to tell
12 Tejan Kabbah the truth and as a result he will order" - and
13 you've altered this to "one of" on the corrected version, so I
14 will read the corrected version - "as a result he will order one
12:18:53 15 of his men to give them 150 lashes each."

16 Did you tell them that it was Joseph who ordered one of his
17 men to give them 150 lashes each?

18 A. No. It was the commander, he was the one who ordered his
19 colleague rebels. Joseph only asked for cigarettes and 5,000.
12:19:28 20 He slapped me and he was the one that led us to the group.

21 Q. Was it 150 lashes each or, as in the evidence you gave on
22 evidence you gave on Wednesday, 150 for you but 200 for Mr Kotay?

23 MR WERNER: I object, your Honour. The witness said 155.

24 MR MUNYARD: No, with great respect, he was ordered to be
12:19:54 25 lashed 150 times and --

26 THE WITNESS: [Overlapping speakers].

27 MR MUNYARD: Hold on a minute, please, Mr Sheriff. And in
28 fact, his evidence was that he was actually lashed five times in
29 addition. I have correctly stated the evidence.

1 MR WERNER: I apologise. That's correct, your Honour.

2 THE WITNESS: Yes.

3 MR MUNYARD:

4 Q. I am sorry, Mr Sheriff. Let's just go back briefly. Do
12:20:16 5 you agree that you told the Prosecution when you first gave an
6 account of all of these things that had happened to you, that the
7 rebel, here it clearly refers to Joseph, but the rebel ordered
8 that both you and Mr Kotay be lashed 150 times?

9 A. I was 150. Mr Kotay 200.

12:20:42 10 Q. Well, did you tell them that when you were first giving an
11 account of these events back in September of 2003?

12 A. Yes, yes.

13 Q. And we can have a look, if you wish, I'm not suggesting we
14 should, but we can have a look, if you wish, at the corrected
12:21:03 15 version. In fact, Madam Court Officer, if you would just put the
16 first page of the corrected version on the screen again we can
17 see what changes were made there because there were - there was
18 only one other correction made on the subsequent pages. That is
19 why I have not had that copied as such. If we have a look at the
12:21:29 20 third paragraph of the corrected version from 5 January this year
21 it says this:

22 "Joseph told the witness and Mr Kotay that it was they that
23 had failed to tell Tejan Kabbah the truth and as a result he will
24 ordered one of his men to beat the witness 150 lashes each.

12:21:55 25 Joseph commanded two of his men to give them 150 lashes", that
26 must mean each.

27 So you've got - in that first interview you've got it as an
28 order coming from Joseph and you now say it was an order that
29 came from someone else, yes? Do you think you're getting mixed

1 up as time passes?

2 A. It is not I that mixed it up. It was not I that mixed it
3 up. Joseph - Joseph was just a servant who was being sent. When
4 we came at the scene, he just herded us over. It was not he that
12:22:49 5 was giving command.

6 Q. Right. Then after that it deals with: "The two men
7 ordered them to lie down on the ground, which they did and were
8 given 155 lashes each." Did you tell them that?

9 A. Yes.

12:23:16 10 Q. That you were both given 155 lashes?

11 A. The command was I, 150. The man who beat us, he added five
12 and it summed up to 155. Joseph Kotay, they commanded the man to
13 give him 200.

14 Q. Right. Did you tell them that in September of 2003?

12:23:50 15 A. Yes, obvious. I told them.

16 Q. Over the page, please. And now, Madam Court Officer, we
17 are going back to tab 1 because apart from one small correction
18 on the next page the rest of the interview is uncorrected. This
19 is the ERN number 1292. You deal in the first paragraph with
12:24:29 20 your account of taking a wounded rebel back and then escaping
21 into the bush. I'm not going to ask you more about that except
22 that it says:

23 "He said they made good of their escape after conveying the
24 wounded and returned to their hiding place in the bush at
12:24:46 25 Malambay."

26 Did you tell them that you had gone back to Malambay
27 after --

28 A. Yes.

29 Q. But you told us a moment ago that you hadn't been in

1 Malambay at that stage, that you had been in Mabureh bush?

2 A. No. When we went to Malambay, that was the time that we
3 went and mashed the palm fruit. That was the time that I
4 escaped and went to Malambay. All this happened at Mabureh
12:25:35 5 bush.

6 Q. Mr Sheriff, you are giving them an account of events in the
7 order that they happened, are you; first this happened, then this
8 happened, then this happened and then something else happened
9 after that? Is that what you were trying to do?

12:25:49 10 A. What?

11 Q. Were you trying to tell the prosecutors - when you gave
12 this first account of all the things that happened to you, were
13 you trying to tell them the events in the order in which they
14 happened? The first thing first, the next thing second, the
12:26:05 15 thing after that third and so on?

16 A. Yes, I told them.

17 Q. Right. Now, according to your evidence, the commander
18 struck you with the butt of his rifle in your private parts
19 before you took the wounded man --

12:26:36 20 A. Yes.

21 Q. -- back and then escaped. Do you agree that there is no
22 reference here, so far in this interview, before you go - before
23 you escape and go to the bush at Malambay, there is no reference
24 to the commander striking you with the butt of his rifle in your
12:27:03 25 private parts?

26 A. What's the reference?

27 Q. There is - you haven't so far mentioned, in the paragraphs
28 we've looked at, being struck in your private parts before you
29 escape and go to the bush at Malambay. Do you agree that's not

1 here in the interview so far?

12:27:40 2 A. I, that had the problem, I recall and I still recall and I
3 still stand by my words and I say everything. It was not I that
4 was writing, but everything that happened to me it was what I
5 narrated to them. It depended on what they did, how they did it,
6 but I would never, ever forget the events that happened in my
7 life.

8 Q. The second paragraph on page 1292, please. "He said ..." -
9 this is you, "He said he knew they were SLA and RUF because they
10 themselves told them that and went further to say that they were
11 from Pademba Road Prisons". Did you tell them that?

12 A. Yes.

13 Q. So these rebels told you they were SLA and RUF and told you
14 that they had come from Pademba Road Prison, did they?

12:28:34 15 A. Joseph Stop the War, he was the one that said - he was the
16 one that said they were at Pademba Road; that he was at
17 Pademba Road.

18 Q. All right. No reference to any Liberians so far, or
19 anybody speaking Liberian English, or most of them speaking
12:28:57 20 Liberian English, is there?

21 A. Like I have been saying, the rebels who attacked Waterloo
22 were purely, purely Liberian rebels. Not I that was writing.

23 Q. Purely Liberian rebels. Earlier they were mostly, in your
24 evidence. Now they've become purely, have they?

12:29:37 25 A. No, what I meant was those who brought - who brought the
26 injury and the problems at Lumpa, they were real rebels.

27 Q. Purely Liberian, is that what you're saying?

28 A. Well, what is the difference between pure? Well, I do not
29 know. Perhaps the English language might make a distinction, but

1 I don't see any difference.

2 Q. Mr Sheriff, has somebody put you up to name these rebels as
3 Liberians, or Liberian speakers? If you don't understand "put
4 you up", I'll explain it in another way.

12:30:40 5 A. Nobody told me that these were Liberians, or Liberian
6 people, because as long as they identified themselves that they
7 were rebels and had that tattoo, "RUF rebels", so we just have to
8 take that for granted.

9 Q. I see. Before we proceed with the rest of the contents of
12:31:19 10 this interview, just tell us this. You were expecting to give
11 evidence in a trial of the rebels, weren't you, when you were
12 being interviewed back in 2003? You were expecting to have to go
13 to court and give evidence in a trial of the rebels, weren't you?

14 A. We were asked that we would have to go and testify when the
12:31:59 15 time arrived.

16 Q. Right. But you never did get asked to go and give evidence
17 in a trial of the rebels, did you?

18 A. I just had the understanding that we would have to give -
19 have to be a witness for the rebels about what happened in
12:32:34 20 Waterloo and what happened to me.

21 Q. Mr Sheriff, when did you first learn that you were likely
22 to be called as a witness in the trial of Liberian President
23 Charles Taylor?

24 A. This year.

12:32:54 25 Q. And do you agree that it is only this year that, in your
26 version of events, these rebels start to speak Liberian English?

27 A. This year? I don't understand. I don't understand the
28 language. No, I don't understand the question.

29 Q. Let me explain. It is only this year that you first say in

1 an interview with the Prosecution that these rebels were speaking
2 Liberian English, do you agree?

3 A. No, I don't agree.

4 Q. Right. We'll resume the narrative and we'll come back to
12:33:46 5 that point. Now, we'd looked at part of the second paragraph.
6 The next part of that you said:

7 "Due to the warning given them they became afraid ...",
8 that is to say a warning from the rebels presumably, "... and
9 decided to return to Lumpa and stayed in a house very close to
12:34:17 10 one Peleto, a rebel commonly called Friday. He said according to
11 the rebels Peleto derived the name Friday because he normally
12 caused atrocities on Fridays."

13 Did you tell them that?

14 A. Yes.

12:34:43 15 Q. Next paragraph, "According to the witness, Peleto is a slim
16 tall man and fair in complexion". Did you tell them that?

17 A. Yes.

18 Q. Any reason why you described him as average height in your
19 evidence today, if in fact he was tall?

12:35:05 20 A. I beg your pardon? Any reason?

21 Q. Is there any reason why in your evidence this morning you
22 said Peleto was fair, average height and handsome, if in fact he
23 was a tall man in height? Which version is the more accurate;
24 what you remembered back in 2003 or today five years later?

12:35:55 25 A. The description that I gave was a description that I made
26 so that the Court would know. At any time that I talked about
27 Peleto, I will describe him.

28 Q. I'm going to move on to the next paragraph on that page,
29 please:

1 "The witness said on Friday morning, around 7.30 to 8 a.m.,
2 he was at home when he saw Peleto went out with his men and saw
3 Peleto's junior men running towards ...", and this has been
4 amended to, "... the houses in the area where the witness lived
12:36:32 5 and told them that Peleto was on his way coming and if he met
6 anyone he will kill that person.

7 Witness said a few minutes later he saw Peleto approaching
8 their house with a pistol and some of his junior men behind. He
9 said one old woman who was at the veranda ran into her room and
12:36:57 10 he saw Peleto enter this old woman's room and he heard two shots.
11 On hearing these shots he and Mr Kotay ran into a nearby bush.

12 On their way to the bush they met one Limba man whose name
13 he could not tell eating rice and they warned him that Peleto was
14 coming, but could not pay heed so they continued running. He
12:37:25 15 said as they were running further they met one Mr Kai reading
16 Bible. They gave him the information that Peleto was coming and
17 continued their running. A few seconds later they heard gunshot.

18 In the evening of that Friday about 6 p.m. he and Mr Kotay
19 were returning home when they saw the dead bodies of Mr Kai, the
12:37:54 20 Limba man and the mother-in-law of their landlord".

21 Now, do you agree that in the account you gave to the
22 Prosecution in September 2003 you appear to be suggesting that
23 you only heard but you didn't see the gunshots that killed
24 certainly Mr Kai and the Limba man?

12:38:15 25 A. The statements were mixed up. Let me explain this, this
26 part of the story. The rebels - the rebel who was --

27 THE INTERPRETER: Your Honours, would the witness be
28 instructed to go a little bit slow.

29 PRESIDING JUDGE: Please pause, Mr Witness. The

1 interpreter is having trouble keeping up with you. We would like
2 you to speak more slowly and pick your answer up where you said,
3 "The rebel who was --" Continue from there.

12:39:04 4 THE WITNESS: The rebel who was Peleto, with his junior men
5 who were around him, it was Mr Kai initially whom they met. He
6 was reading a Bible. He said "Get up", the man got up and he
7 fired at him. Other people who had known him before they said,
8 "Peleto is coming. Peleto is coming". By then he had gone near
9 the Limba man. He met the Limba man eating his rice. He fired
12:39:44 10 at him. On our way going to our own area where we were --

11 MR MUNYARD:

12 Q. Can I just ask you to pause there for a second. Are you
13 saying that he fired at him meaning - are you saying that you saw
14 him fire at the Limba man?

12:40:04 15 A. Yes, yes, I saw him.

16 Q. So you say that you saw him shoot the Limba man and you saw
17 him shoot Mr Kai as you said this morning "with my naked eye",
18 yes?

19 A. Yes, yes.

12:40:24 20 Q. I don't want to stop you, but all I want to illustrate is
21 that previously you haven't suggested you saw these killings take
22 place, you have only suggested you heard them. Do you agree that
23 in September 2003 the record of interview suggests that you
24 didn't see them, you just heard them?

12:40:44 25 A. It was those who obtained the statements who had the
26 problems. Where I was, where Mr Kai was, where the Limba man
27 was, it was in the same area. So what happened to Mr Kai, I saw.
28 What happened to the Limba man, I also saw.

29 Q. Well, in fairness to you let us look at occasions when

1 you've reviewed that initial statement. Tab 2, page 36823. On
2 26 November 2003 you added three points to that original account,
3 the second of which is that Mr Kai was killed before the old
4 woman was killed. Do you agree you told them that?

12:41:48 5 A. They killed him before the woman.

6 Q. Right. So you have gone back and looked at this again and
7 reconsidered the account, yes?

8 A. I beg your pardon?

9 Q. You have been taken back through that first interview and
12:42:12 10 you have changed the order of one of the events in it, yes?

11 A. When they read to me the statement which they had obtained,
12 it was in the office that I objected saying no, the statement
13 that they obtained, they left something out. It was from there,
14 that was the time that I had to tell them the correct story.

12:42:53 15 Q. All right. We know from the corrections that you were
16 taken through this statement again, or this account again, on 5
17 January this year and I would like us to look, please, at tab 3.
18 It is dated 5 January this year. It's an interview of you. The
19 notes were taken by Mustafa M Koroma. It says:

12:43:34 20 "Further interview of this witness was conducted on
21 Saturday, 5 January 2008 at Manor Conner section, Lumpa,
22 Waterloo, commencing at 10.30 hours."

23 Now, we know that you were taken through that other
24 interview because we have seen some of your corrections on it on
12:43:54 25 that same date and then you added material, some of which we will
26 look at now and some of which we will look at in a moment. But
27 can we turn, please, to page 45662 in that interview of 5 January
28 of this year. Paragraph numbered 12, it's the third paragraph
29 down:

1 "Witness states that it was Peleto who killed the Limba
2 man, Mr Kai and the Landlord's mother-in-law. You knew this
3 because he saw Peleto with a pistol who entered his house and
4 shot the Landlord's mother-in-law. And the same Peleto chasing
12:44:45 5 him with the pistol passed the Limba man. Witness heard gunshot,
6 passed Mr Kai reading his Bible, heard a gunshot. When the
7 witness returned later he was told by some SLA officers that it
8 was Peleto that killed the Limba man and Mr Kai."

9 Do you agree that's what you told the Prosecution on 5
10 January this year?

11 A. When this man reviewed the statement with me we made this
12 correction, but I still repeat that it was Mr Kai who was first
13 killed and next the Limba man. And later he came to our own
14 house when we later heard that gunshot.

12:46:00 15 Q. Do you think that over the passage of time that some of the
16 detail and maybe the order of these events has got mixed up in
17 your mind?

18 A. No. Everything that happened and I saw is what I have
19 said. It might have been those who obtained the statement that
12:46:29 20 made a mistake. I have not forgotten anything. That was the
21 reason why we made this correction.

22 Q. Tab 4, please. Now, you were seen a number of times this
23 year, as recently as last week, but I'm just going to look at an
24 interview with you on 21 August this year when Mr Umaru Kamara
12:47:05 25 and Ms Alagenda were present. Can you remember meeting them in
26 August, presumably in Freetown?

27 A. Yes.

28 Q. Yes?

29 A. Yes.

1 Q. And you start off in paragraph 1 of the interview as
2 follows:

3 "Witness was living at Lumpa, Waterloo in 1998. On or
4 about 17 December 1998 Waterloo was attacked by a mixed group of
12:47:35 5 soldiers and RUF rebels."

6 Is that what you told them?

7 A. I told them that they were unknown gunmen. Because it was
8 at night and I wouldn't have been able to identify who they were
9 and it was not until when they came back the second time and they
12:48:14 10 started burning down the thatched houses that they themselves
11 identified themselves as rebels who had come. They said they are
12 the rebels who have come and they've entered.

13 Q. And did they say they were a mixed group of soldiers and
14 RUF rebels?

12:48:31 15 A. I did not talk about soldiers there, because they attacked
16 at night and I wouldn't have been able to know the composition of
17 the group. And it was only when they came the second time that
18 they identified themselves, that they were the rebels who had
19 come.

12:49:03 20 Q. So you didn't tell the Prosecution either in September
21 2003, or in August 2008, that it was a mixed group of soldiers
22 and RUF rebels. Is that what you're saying today?

23 A. I told the person that - I told them that it was a group of
24 armed men, armed men.

12:49:39 25 Q. Mr Sheriff, did you mention the word "soldiers" to the
26 Prosecution either in 2003 or all but three weeks - all but five
27 years less three weeks later in 2008? Did you mention soldiers
28 or didn't you?

29 A. I did not even make mention of anything about soldiers,

1 yes.

2 Q. Paragraph 5, please. Paragraph 5 on that same page:

3 "Witness was in the bush hiding with his friend Joseph
4 Kotay for about five days without food. On the fifth day they

12:50:26 5 decided to return to [your] house in Lumpa to collect some food.

6 "As they were heading back to Lumpa they were arrested by a mixed
7 group of soldiers and rebels, about 30 in number."

8 Did you tell them that?

9 A. One group, or one person that we met, that is the one man
12:51:03 10 that we met on the road, he told us that he was a rebel and he
11 requested from us cigarettes and 5,000 and when we refused to do
12 that he slapped me and he took us to the group.

13 Q. I just want to ask you to pause there. We know that you

14 say they've got it wrong when they say you were arrested by a
12:51:29 15 group, because you were actually arrested by one man. We've
16 dealt with that point. I'm now looking at whether or not - hold
17 on. I'm now looking at whether or not you ever told them that
18 you were arrested by a mixed group of soldiers and rebels. Did
19 you mention soldiers further down in this account?

12:51:51 20 A. No, I never talked about soldiers. Not until during the
21 last event, at the time I was mashing the palm fruit that Joseph
22 Stop the War identified himself as an SLA.

23 Q. Yes, we've got that point. Now I owe you an apology
24 because if we look at paragraph 6 on page 48268 you did - on 21

12:52:23 25 August this year, you mentioned being asked for 5,000 leones or
26 cigarettes, so about six weeks ago is the first time you
27 mentioned 5,000 leones. But why didn't you mention that earlier
28 to them?

29 A. You see, the first statement was a complicated one. Maybe

1 what I said was not written. They wrote something different. So
2 I have to deny and say the exact thing. And like I have told
3 this Court, I said the man who will be talking and the one
4 writing sometimes their understandings might be different, but -
12:53:25 5 but the statement I made, after the amendment, I think is what I
6 am saying to this Court.

7 Q. Right. Let's go back to tab 1 where we broke off. We were
8 on page 1293, which is the third page of this interview, and I'm
9 going to ask you about the contents of the second full paragraph
12:54:10 10 down starting, "After the burial":

11 "After the burial witness said he finally decided to go and
12 stay in the bush as he could not withstand the horror. Whilst in
13 the bush, one SLA" - that's to say Sierra Leone Army - "commonly
14 called Stop the War went to their hiding place with other armed
12:54:36 15 men and ordered him and two others including Pa John Conteh and
16 Pa Tarawalli to go with them to Mabureh Town, which they did."

17 Pausing there. If this man is called Joseph Stop the War,
18 why didn't you explain that to them back when you were giving
19 this account in 2003?

12:55:00 20 A. Everything I said, I have said all of them, I have told
21 them the correct story, all of it.

22 Q. Are you saying, Mr Sheriff, that in that first interview
23 you did explain that this man was called Joseph Stop the War?

24 A. Yes.

12:55:33 25 Q. Carrying on with this paragraph. So far we've seen no
26 Liberians mentioned, either Liberians or Liberians speakers, have
27 we, in this? Do you agree?

28 A. The Liberians that we are talking about were the ones who
29 attacked and they identified themselves as Liberians and they had

1 their inscriptions "RUF".

2 Q. "At Mabureh Town, he and the two others ..." - now was it
3 two others, or was it three others? How many of you were taken
4 off to Mabureh Town to process palm oil?

12:56:37 5 A. We were four.

6 Q. You told us four this morning, but in this there is only
7 three of you. Do you agree that they've only recorded you as
8 telling them about three of you?

9 A. From the statements we had reviewed I said myself,
10 Mr Kotay, Mr John and Mr Tarawalli. We were the ones that they
11 met. We went and met them in their hiding place, in their
12 hideout, and we were there when they captured us. They took us
13 to go and do that job.

14 Q. So, you are with Mr Kotay?

12:57:25 15 A. Yes.

16 Q. And John Conteh and Mr John Tarawalli?

17 A. Mr John, John Conteh and Mr Tarawalli.

18 Q. Right:

19 "At Mabureh Town, he and the two others were forced to
12:57:41 20 pound two drums of cooked palm fruits for processing oil. This
21 they did for the whole day.

22 Do you agree you told them that?

23 A. Not for two days. Oh, it was one day. It was one day.

24 Yes, it was one day.

12:57:57 25 Q. Do you agree that you told them --

26 A. We were mashing it. We started from 8 to 4. Just a day,
27 not two days.

28 Q. It doesn't say two days here, Mr Sheriff, don't worry.

29 They have recorded it correctly on the face of it.

1 A. Okay, yes.

2 Q. "At the end of the forced labour they were released and
3 they returned again to their hiding place". Did you tell them
4 you were released?

12:58:37 5 A. They did not release us. We escaped. They did not release
6 us. A rebel does not release somebody. When once they capture
7 somebody, you are a slave to them. They do not release somebody.

8 Q. Well I'll be corrected if I am wrong, but I don't think you
9 ever mentioned the jets coming over as a result of which the
10 rebels ran off and you managed to escape. Did you or did you --

11 A. It was because of the jet that we escaped.

12 MR MUNYARD: Would your Honours give me one moment? I am
13 just trying to deal with this issue in its entirety at this
14 point.

12:59:54 15 PRESIDING JUDGE: Yes.

16 MR MUNYARD:

17 Q. Yes, they've got you in September 2003 saying that you were
18 released. If we turn, please, to tab 5, 21 August this year, at
19 page 48269, paragraph 15, you are there saying - you are there
13:00:43 20 describing how palm oil is extracted:

21 "To do this there was a hole made in the ground filled with
22 the palm fruit and they had to use their feet to stamp and ground
23 the feet. At the time the witness was suffering from his injury.
24 They had to do this for eight hours none-stop and were guarded by
13:01:01 25 armed men until they finished. After that they were released by
26 the rebels, so they went back to the bush at Mabureh".

27 You see, you were telling them the same thing five years
28 later, weren't you, that you were released, not that the jets
29 came and scared the rebels off and so you escaped?

1 A. Those who know about rebels, they know very well that
2 rebels do not release somebody they capture. When once they
3 capture you, you'll serve as a labourer to them.

13:01:57 4 Q. Right. While we are on this particular page and paragraph,
5 can we look at the very next paragraph, number 16":

6 "Witness was in the bush for another two weeks. Then his
7 younger brother, called Gibril Sheriff, went to the bush to look
8 for him after the brother got the news that the rebels flogged
9 the witness".

13:02:23 10 Now according to what you told the Prosecution just six
11 weeks ago, your brother comes to look for you after you had been
12 pounding palm oil, in your evidence on Wednesday you said that
13 your brother was killed and then after that you were seized and
14 taken to pound palm oil and I asked you this morning if you were
13:02:50 15 giving events in the sequence in which they happened and you said
16 you were. Do you agree that you've got those two incidents the
17 other way around in your account six weeks ago: your brother's
18 death and you being taken to forced labour over palm oil?

19 A. No, the first incident that happened to me was the beating
13:03:21 20 and the second incident was when Mr Kotay's brother went and told
21 my brother about my being beaten up, for him to come and collect
22 me, and that resulted to the killing of my brother and that
23 amount to the second incident. The third incident was at the
24 time when Stop The War, the SLA Stop The War, collected us to go
13:03:53 25 and mash the palm fruit, so it is like the statement has been put
26 upside down, so I gave the statements according to how the events
27 occurred.

28 Q. Well, let us look at what you told them in the first
29 version of these events. Back to tab 1 where we broke off,

1 please. It is page 1293, the paragraph in the middle of the
2 page, and this is where you are talking about being forced to
3 pound two drums of palm fruits to process oil:

4 "At the end of the forced labour they were released and
13:04:41 5 they returned again to their hiding place, but before he was
6 released the witness said Stop The War gave him a goodbye by
7 hitting him with his gun butt on his pelvic girdle, right on top
8 of his private, which caused him to urinate with blood for two
9 weeks and up-to-date he is having persistent problems with his
13:05:11 10 testicles as a result of the hitting".

11 Did you tell them that?

12 A. I still suffer from the pain, but the first thing I want to
13 clarify is that - now, I want to clarify everything so that we
14 put the record straight and I will do that according to how the
13:05:38 15 individual events occurred. The things happened to me. Stop The
16 War, that is Joseph Stop the War, only came in when he came and
17 collected us to go and mash the palm fruit, but he was not the
18 one who hit me with a gun butt in my private part. I am saying
19 when the first man Joseph, that is the rebel who went and who
13:06:07 20 took us from the road and when we met him he asked us for
21 cigarettes and 5,000 and we did not have it to be given to him
22 and then he slapped me, when he slapped me he slapped me because
23 I was the man who he asked the questions and I was the one who
24 answered to the questions. He was the one who hit me, but it was
13:06:28 25 not Joseph, the one you are talking about, who hit me in my
26 private parts.

27 Q. I don't want to stop you, but you have given all this
28 evidence. All I want to know from you is do you agree that in
29 September 2003 you have this injury to your private part

1 occurring on a different occasion and caused by a different
2 person in different circumstances from the account you have given
3 in evidence?

4 A. I still suffer from the pain. I still have the pain.

13:07:06 5 Q. Nobody is here to dispute that. I just want to know do you
6 agree you gave a different version of when that occurred, who
7 struck you and the circumstances in which that incident occurred?
8 Do you agree?

9 A. No.

13:07:29 10 Q. And in the final paragraph on that page you deal there, or
11 you say, that after about two weeks in the bush you and others in
12 the bush had heard that ECOMOG had captured Waterloo and Lumpa.
13 You came out of the bush and went to a displaced camp. Then you
14 went to your house, you saw the house in ashes and five partly
13:07:52 15 decomposed bodies by the side of your house. Do you agree you
16 told them that? I am summarising it.

17 A. Yes.

18 Q. Thank you.

19 A. Yes.

13:08:03 20 Q. Over the page:

21 "The witness couldn't tell whether other commanders were
22 around, nor could he tell to who Peleto and Kallon reported to.
23 However, he said he knew Stop The War was reporting to Peleto".

24 Do you agree you said that?

13:08:20 25 A. Yes, yes, yes. No, Mr Moses Kallon was not at Manor
26 Conner. The Moses Kallon that I spoke about was around the Cole
27 Street area.

28 Q. Don't worry about Moses Kallon. I am not pursuing any
29 point about him.

1 A. Yes, ma'am. Yes, ma'am.

2 PRESIDING JUDGE: Are you speaking to - who are you
3 speaking to, Mr Witness?

4 MR MUNYARD:

13:08:55 5 Q. Are you uncomfortable, Mr Sheriff?

6 A. When I sit for a while, I feel the pain. I want to get up
7 for some time.

8 PRESIDING JUDGE: That is all right. If you are more
9 comfortable standing please do so, but try and speak into the
10 microphone. Thank you.

11 THE WITNESS: Yes, okay.

12 MR MUNYARD:

13 Q. Are you all right to continue?

14 A. Yes, yes.

13:09:32 15 Q. I'm going to try to finish. There isn't any mention in
16 this first full account you gave in September 2003 of either
17 three boys being shot on the ground next to you, or indeed any
18 mention of your brother or your brother's death. Is there any
19 reason why you didn't mention those when you were first giving an
13:10:01 20 account of everything that had happened to you?

21 A. I gave that statement to the statement taker. But when,
22 during this last moment - when Shyamala and others interviewed me
23 I did not see in the statement that I had said before about the
24 death of my brother and I objected to it.

13:10:47 25 Let me say one thing, you see. I always repeat that it is
26 difficult to carry information and that somebody who takes a
27 statement, if the person is not accurate enough, that person will
28 omit so many things. The things happened to me. I will not
29 forget, even if I lie down and sleep and you wake me up I will

1 say the same thing. But those who took the statements I do not
2 actually understand. But everything that I have said here, I'm
3 saying the truth because I have taken an oath.

13:11:33

4 THE INTERPRETER: Your Honours, that last phrase was not
5 very clear to the interpreter.

6 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
7 the last part of your answer clearly. Can you repeat it for us,
8 please.

9 THE WITNESS: The answer to what?

13:11:55

10 PRESIDING JUDGE: Where you've said - the words you said,
11 "I'm saying the truth because I've taken the oath", the
12 interpreter did not hear what you said after those words. Please
13 repeat the last thing you said.

13:12:26

14 THE WITNESS: I said the problems occurred to me, so I
15 would not forget all the incidents that happened. So it might
16 have been the statement takers that turned the statement upside
17 down. Because I believe the Bible, I respect the Bible and I
18 know that anywhere there is a Bible, if one takes an oath on the
19 Bible, and if the person goes against what you have said, the
20 person will go - the person will have a damnation problem that
21 will affect your family. So I respect the Bible and I respect
22 God. So I will never change my words that I have said before,
23 for any reason.

13:12:53

24 Q. Mr Sheriff, do you agree that even when you are trying to
25 remember events as best you can, that you may well have got very
26 mixed up about what happened and when and who was involved?

13:13:22

27 A. No.

28 MR MUNYARD: If you give me just a moment I want to make
29 sure I've not --

1 PRESIDING JUDGE: Yes, Mr Munyard.

2 MR MUNYARD: Yes. Thank you very much. Those are my
3 questions.

4 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Werner, any
13:14:00 5 re-examination?

6 MR WERNER: I have, your Honour, just one topic.

7 PRESIDING JUDGE: Certainly. Please proceed.

8 RE-EXAMINATION BY MR WERNER:

9 Q. Good afternoon, Mr Witness.

13:14:11 10 A. Good afternoon.

11 Q. Mr Witness, you were asked by counsel opposite about what
12 you have said in a previous statement about Peleto killing people
13 at Manor Conner. Do you remember?

14 A. Yes, yes, yes. Yes, that was what happened.

13:14:41 15 Q. Now, I want to take you to another statement you gave to
16 the person you described as Shyamala. For my learned friends'
17 benefits, I'm going to refer to page 00048270, paragraph 25, to
18 00048271, paragraph 28.

19 So when you met Shyamala in August of 2008 here is what you
13:15:24 20 said about Peleto killing people. Can I have the first page
21 first, 270, paragraph 25, and I'm going to read it to you. Just
22 listen, Mr Witness, if you can:

23 "The witness said that the civilians came out and were
24 staying at Manor Conner where Peleto the RUF commander was based.
13:15:59 25 Peleto had a group of rebels, but he would only go out every
26 Friday and kill civilians himself."

27 Then to the next paragraph:

28 "On a certain Friday Peleto came out and he saw a civilian
29 called Mr Kai reading his Bible. He told Mr Kai to put down the

1 Bible. Mr Kai did and Peleto shot him with his pistol."

2 Next paragraph to the next page, 27:

3 "The witness was present and he saw this happened. After
4 killing Mr Kai, he went to a house where a Limba man was sitting
13:16:36 5 outside and eating rice. Peleto shot him twice and then the
6 Limba man died."

7 And then to the next paragraph:

8 "The witness and Kotay observed Peleto approaching the
9 house. There was an old woman there with them. The witness told
13:16:55 10 the woman that Peleto was coming. Then they ran away, leaving
11 the old woman who was unable to run. They returned back some
12 time later and found the old woman lying in a pool of blood in
13 her home. They buried the three bodies."

14 Mr Witness, is it what you said to Shyamala?

13:17:25 15 A. Correct.

16 Q. And is that correct, Mr Witness?

17 A. Yes.

18 MR WERNER: I have no further questions.

19 PRESIDING JUDGE: Thank you, Mr Werner.

13:17:42 20 JUDGE SEBUTINDE: Mr Witness, the judges have a few
21 questions for you.

22 THE WITNESS: Yes.

23 JUDGE SEBUTINDE: I have a few questions for you.

24 THE WITNESS: No problem.

13:17:55 25 JUDGE SEBUTINDE: You told us that when you were at the
26 camp at Waterloo, one day you went out to Lumpa to bury 60
27 corpses. Do you remember that?

28 THE WITNESS: Yes. I was not alone. I was not alone.

29 JUDGE SEBUTINDE: I didn't suggest you were alone. Just

1 Listen to the question, please.

2 THE WITNESS: Okay.

3 JUDGE SEBUTINDE: These 60 corpses, they were corpses of
4 who?

13:18:33 5 THE WITNESS: They were civilians.

6 JUDGE SEBUTINDE: And how had they died? Who had killed
7 them, do you know?

8 THE WITNESS: The rebels killed them.

9 JUDGE SEBUTINDE: How did you know that?

13:18:47 10 THE WITNESS: Because at that time they were the only
11 people present in the town. There were no other forces present
12 there. They were the rebels who captured the town and they were
13 the only people present there.

14 JUDGE SEBUTINDE: But didn't you tell us that ECOMOG had
13:19:06 15 come also to the town?

16 THE WITNESS: Yes, afterwards.

17 JUDGE SEBUTINDE: The houses - you said that you went from
18 the camp and you found the houses in Lumpa burnt, including
19 yours, where you found these corpses around your house, five
13:19:28 20 corpses. Do you know who burnt those houses including your
21 house?

22 THE WITNESS: Yes.

23 JUDGE SEBUTINDE: Can you please tell us who burnt the
24 houses?

13:19:54 25 THE WITNESS: It was the rebels who had captured that town.
26 They were the only people present there. So they had started
27 burning the houses. So during the second incident also they
28 burnt down the houses because they were the only people there.
29 Assuming we have a scene like this: When a rat passes by, then

1 your fish gets missing, who will you blame for eating the fish?
2 You will say it's the rat.

13:20:47 3 JUDGE SEBUTINDE: Okay. These corpses, these 60 corpses
4 that you participated in burying, could you tell us whether they
5 were women, children, men or who they were? Are you able to tell
6 us, please?

7 THE WITNESS: They were men and boys. We had some - we had
8 adults and we had some boys around the ages of 18 to 20.

13:21:18 9 JUDGE SEBUTINDE: Were there any women amongst these
10 corpses?

11 THE WITNESS: No. The area where I covered, there were no
12 women. Because mostly they used women for their own selfish
13 needs. So they did not kill women just like that. They used to
14 kill more of men, because the women used to cook for them. They
13:21:51 15 used to do so many things for them that they wanted them to do
16 for them.

17 JUDGE SEBUTINDE: My last question relates to the location
18 of Waterloo with regards to Lumpa. Waterloo and Lumpa, how far
19 apart are these two place, in terms - describe it in whatever
13:22:14 20 terms you can, whether in walking distance or miles. I just want
21 to know how far in your estimation is Waterloo from Lumpa.

22 THE WITNESS: Lumpa, the distance between Lumpa and
23 Waterloo - I mean Waterloo is the district headquarters, but
24 Lumpa and Waterloo share a common boundary and that is the
13:22:46 25 bridge. There is where the motor park is. Just when you move
26 across the bridge you are in Lumpa. They share a common
27 boundary. It is the bridge that separates them. That is the
28 boundary.

29 JUDGE SEBUTINDE: Perhaps one very last question. The

1 rebels you said attacked Lumpa and killed these 60 people that
2 you buried, how were they dressed?

3 THE WITNESS: Those whom they killed?

13:23:35

4 JUDGE SEBUTINDE: The rebels that killed the 60 people, how
5 were those rebels dressed?

6 THE WITNESS: The rebels who killed the 60 people that we
7 buried, I'm saying that we saw corpses, but those who killed, I
8 did not see them. But the fact that they were the people who
9 were in that area and no other forces were present in that area,
10 they have captured the whole town, so if people were in charge of
11 a whole town and they were in control and if anything like that
12 happened we will say they were responsible.

13:24:09

13 JUDGE SEBUTINDE: Thank you, Mr Witness.

13:24:34

14 PRESIDING JUDGE: Any questions arising from the Court's
15 questions?

16 MR WERNER: None for the Prosecution.

17 MR MUNYARD: Yes, I have a question arising out of Justice
18 Sebutinde's question.

19 PRESIDING JUDGE: Thank you.

13:24:44

20 FURTHER CROSS-EXAMINATION BY MR MUNYARD:

21 Q. Mr Sheriff, just help us with this, please: You've told us
22 about ECOMOG arriving. You have also mentioned at one stage the
23 jets flying over. Were they ECOMOG jets?

24 A. Yes.

13:25:02

25 Q. Thank you. And were those jets doing anything apart from
26 flying over where you were in the bush?

27 A. In the bush, no destruction was done by the jets there.
28 They did not shoot there. The only area where the jets destroyed
29 was at the Benguema Barracks.

1 Q. Did they destroy or did they hit any other places such as
2 Waterloo or Lumpa?

3 A. No, they did not hit Lumpa and Waterloo, because the jets
4 would only hit somewhere when they saw enemies there, and the
13:26:03 5 tactics that was adopted by the rebels during that time was that
6 at daybreak they will all go indoors. There shouldn't be any
7 smoke billowing in the air. And when they were around even when
8 they wanted to cook they wouldn't cook until after 6.00 and that
9 will be the time the jet will go to take some rest and they will
13:26:34 10 be in total control by then.

11 Q. Did the ECOMOG forces attack Waterloo and Lumpa where the
12 rebels were before the rebels were driven out of those two
13 places? I don't mean by jets now, I mean by land forces or any
14 other means.

13:27:10 15 A. Where the ECOMOG fought was at Freetown - was in Freetown
16 and at Hastings. But, because they knew the weight of ECOMOG, so
17 when they realised that they couldn't confront ECOMOG there, as
18 the ECOMOG were now advancing towards them they also withdraw,
19 they were moving. And the only time the ECOMOG came to Waterloo,
13:27:48 20 and whilst they were using their weapon against them, was the
21 time they too were retreating and it was not until after two days
22 that we heard an announcement that the government had established
23 a camp around the post office area.

24 Q. So you don't know whether ECOMOG's attempts by using their
13:28:15 25 weapons against the rebels actually ended up killing any ordinary
26 civilians, do you?

27 A. No.

28 MR MUNYARD: Thank you.

29 THE WITNESS: But --

1 PRESIDING JUDGE: Before you sit down --

2 MR WERNER: The witness should be allowed to finish his
3 answer.

4 MR MUNYARD: I haven't stopped him.

13:28:41 5 PRESIDING JUDGE: I wanted to clarify something.

6 Mr Witness, were you saying something, because I cannot hear a
7 translation of what you have said. Have you finished?

8 THE WITNESS: Yes. No. When - I do not even understand
9 the name. When they asked me from this side whether I believed
10 that it was the ECOMOG who killed, I said it was when - the
11 ECOMOG and the rebels, at the time they were retreating they did
12 not have any confrontations at all because while they were
13 retreating they had seen the weight of ECOMOG so at that time, as
14 the ECOMOG was approaching they were retreating, so they did not
13:29:44 15 have any confrontation. And if they had fought at Lumpa and
16 Waterloo and if killings took place at that moment we wouldn't
17 have blamed it on just one group.

18 And I want to go further again to say, at the time the
19 ECOMOG had captured Waterloo and Lumpa, the corpses that were
13:30:09 20 there, and that was just within about three days period - so the
21 bodies had started decomposing, so we decided to bury them and
22 everybody knew that they were rebels who did it because they were
23 the ones who had captured the area.

24 MR MUNYARD: I asked the witness if he believed ECOMOG had
13:30:40 25 killed them. He said he wasn't in a position to know because if
26 ECOMOG were using their weapons against the rebels then he
27 wouldn't be in a position to know if they had been responsible
28 for any civilian deaths. I don't propose to go over that ground
29 again with him, but I think it is important that his answer

1 should properly reflect my question.

2 PRESIDING JUDGE: Mr Witness, that is the end of your
3 evidence and we thank you for coming to court and giving your
4 evidence over the last two days.

13:31:17 5 THE WITNESS: Thank you.

6 PRESIDING JUDGE: We wish you a safe journey back to your
7 home.

8 THE WITNESS: In Jesus's name.

9 PRESIDING JUDGE: It is now the time we normally adjourn
13:31:30 10 for today. We will not be going on in court this afternoon.
11 Therefore I would ask the Court to be adjourned until Monday
12 morning at 9.30.

13 [Whereupon the hearing adjourned at 1.30 p.m.,
14 to be reconvened on Monday, 6 October 2008 at
13:32:05 15 9.30 a.m.]

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I N D E X

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