



Case No. SCSL-2004-16-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
ALEX TAMBA BRIMA  
BRIMA BAZZY KAMARA  
SANTI GIE BORBOR KANU

THURSDAY, 13 JULY 2006  
2.05 P. M.  
TRIAL

TRIAL CHAMBER II

**Before the Judges:**

Richard Lussick, Presiding  
Teresa Doherty  
Julia Sebutinde

**For Chambers:**

Mr Simon Meisenberg  
Ms Evelyn Campos Sanchez

**For the Registry:**

Mr Geoff Walker

**For the Prosecution:**

Mr Karim Agha  
Mr Charles Hardaway  
Ms Shyamala Alagendra  
Mr Vincent Wagona  
Ms Majal Dimitrova (Case Manager)

**For the Principal Defender:**

No appearance

**For the accused Alex Tamba  
Brima:**

Mr Kojko Graham  
Ms Glenna Thompson  
Mr Osman Keh Kamara  
Mr Ibrahim Foday Mansaray (Legal assistant)  
Ms Rebecca Cohen (intern)

**For the accused Brima Bazy  
Kamara:**

Mr Mohamed Pa-Momo Fofana

**For the accused Santi gie Borbor  
Kanu:**

Mr Ajibola E Manly-Spain

1 [AFRC13JUL06A-RK]

2 Thursday, 13 July 2006

3 [Open session]

4 [The accused present]

14:03:36 5 Upon commencing at 2.05 p.m.]

6 PRESIDING JUDGE: I think we are missing one witness,  
7 aren't we, Mr Court Attendant?

8 [The witness entered court]

9 WITNESS: DBK-094 [Continued]

14:06:21 10 PRESIDING JUDGE: Mr Witness, I will remind that you are  
11 still on your oath to tell the truth.

12 THE WITNESS: Yes, sir.

13 PRESIDING JUDGE: Yes, Mr Hardaway.

14 CROSS-EXAMINED BY MR HARDAWAY:

14:06:33 15 MR HARDAWAY: Thank you, Your Honours. Good afternoon,  
16 Your Honour, good afternoon my learned colleagues.

17 Q. Mr Witness, good afternoon, sir.

18 A. Good afternoon, sir.

19 Q. I am going to be asking you some questions this afternoon.

14:06:44 20 I would just ask that you answer them as directly and as clearly  
21 as you can; all right?

22 A. Okay, sir.

23 Q. Thank you.

24 A. Thank you too.

14:06:58 25 Q. Mr Witness, prior to the attacks on Karina, had there been  
26 any Kamajors, CDF, Nigerians or ECOMOG protecting Karina?

27 A. No.

28 Q. In your evidence yesterday you had stated that you had  
29 heard from school children on the morning of the attack that

1 gunmen had arrived this Karina; is that correct?

2 A. Yes.

3 Q. Is that the specific term that they used, "gunmen"?

4 A. They used the word, "Pay Yourself Gunmens."

14:07:47 5 Q. And did you know what that term meant "Pay Yourself  
6 Gunman"?

7 A. Well, before the attack of Karina, we usually saw some  
8 gunmens going for jewellerys and any items needed by them. They  
9 called themself "Pay Yourself Gunmens."

14:08:20 10 Q. Were these people, who you call gunmen, were they SLA  
11 soldiers?

12 A. Well, I cannot tell the specific difference of them.

13 Q. All right. In the statement that you gave to the Defence  
14 lawyers, that is what you had mentioned that you can't tell the  
14:08:44 15 difference, they were just pay yourself gunmen?

16 A. Pardon?

17 Q. You gave a statement to the lawyers on the Defence; is that  
18 correct?

19 A. A statement about?

14:08:59 20 Q. About what you've testified to, about the attack on Karina?

21 A. Yes.

22 Q. And in that interview with them you mentioned about the  
23 gunmen; correct?

24 A. Yes, I mentioned about that.

14:09:10 25 Q. And you also mentioned about Operation Pay Yourself; is  
26 that correct?

27 A. Yes.

28 Q. Did you mention in the interview that you gave to the  
29 Defence lawyers that you could not tell the difference if they

1 were SLA soldiers or not?

2 A. Well, they didn't ask me to differentiate it and even they  
3 asked me, I do not know the difference between the SLA soldier  
4 and any other gunman.

14:09:40 5 Q. I would like to read a part of your statement to you, sir?

6 MR HARDAWAY: I don't know if the Court would like a copy  
7 of that to follow along. I will be referring to the statement a  
8 fair amount.

9 PRESIDING JUDGE: We will have a copy, Mr Hardaway.

14:09:58 10 MR HARDAWAY: Thank you, Your Honours.

11 Q. Mr Witness, just before I read further, I just again wanted  
12 one point of clarification. You said the young boys you referred  
13 to they said, "Pay Yourself Gunmen"?

14 A. Yes.

14:10:50 15 Q. This is an interview that was given by you on 25 March of  
16 this year. Your Honours, I would refer you to the second page of  
17 interview, which is listed at the bottom as page 32. In the  
18 first block, starting the 11th line down from the top, near the  
19 end, starting with the words "two of these." I will read from  
14:11:25 20 the statement, sir, then I will ask for your comments.

21 A. Okay, sir.

22 Q. "Two of these students, Yayah Kallon," spelled Y-A-Y-A-H,  
23 Kallon, K-A-L-L-O-N, "and M' Baim," that's M' B-A-I-M,  
24 "Daramy," D-A-R-A-M-Y, "who left Karina Town as early as  
14:11:56 25 6.00 a.m. for their school at Kamabai Town," K-A-M-A-B-A-I,  
26 "which is about six miles through the main highway and five  
27 miles through the bush paths, gave me the information that  
28 they saw men in military combats with guns advancing  
29 towards Karina. In fact, Yayah Kanu," Y-A-Y-A-H, Kanu,

1 K-A-N-U, "referred to them as 'Operation Pay Yourself  
2 Soldiers', because on separate occasions between 1997 and  
3 1998, soldiers of the Sierra Leone Army were in the habit  
4 of coming to Karina Town to ask for food and valuable items  
14:12:46 5 like jewellery, tape recorders, video recorders and money."

6 That is the end of my reading at this point.

7 Mr Witness, those were your words, were they not?

8 A. Yes, they were my words.

9 Q. So you did know that the Operation Pay Yourself Gunmen, as  
14:13:11 10 you refer to, were SLA soldiers?

11 A. Well, according to the statement of the boys, the exact  
12 words they tell me, they told me that particular day, that is why  
13 I say so.

14 Q. But you said that it was -- that they said "gunmen"?

14:13:27 15 A. Yes, because the soldiers are gunmen and, by then, these  
16 people are with gun again. So, of course, it has taken long  
17 time. That is why.

18 Q. Okay. So, Mr Witness, if they said soldiers, and you said  
19 gunmen, why didn't you say that in the interview, in the part  
14:14:07 20 that I just read?

21 A. Well, because it has take a long time I give a statement,  
22 so I cannot remember the actual word I said, but I can remember  
23 the type of people they are referring to.

24 Q. When it says "soldiers" in the statement, that is your  
14:14:30 25 word; is that correct?

26 A. The word from the two boys.

27 Q. So it is the word from the two boys?

28 A. Yes, sir.

29 Q. Okay. Thank you. Mr Witness, would you agree with me that

1 you were not present during the actual attack on Karina on May 8,  
2 1998?

3 A. I would not agree to that.

14:15:02 4 Q. All right. Did you personally see anyone being killed in  
5 Karina on May 8, 1998?

6 A. I saw few -- I saw some bodies --

7 Q. Mr Witness, the question is very simple: Did you see,  
8 personally, anyone being killed in Karina on May 8, 1998; yes or  
9 no?

14:15:19 10 A. No.

11 Q. Did you personally see anyone being raped in Karina on May  
12 8, 1998?

13 A. No.

14 Q. Did you personally see any buildings put to fire in Karina  
14:15:32 15 on May 8, 1998?

16 A. Yes.

17 Q. You saw people put houses on fire?

18 A. No.

19 Q. Okay. So you did not see anyone set a building on fire?

14:15:46 20 A. Really, I did not see anyone.

21 Q. Thank you. Did you personally see anyone being abducted in  
22 Karina on May 8, 1998?

23 A. No.

24 Q. Did you see anyone being mutilated in Karina on May 8,  
14:16:09 25 1998?

26 A. No.

27 Q. Did you see anyone being amputated in Karina on May 8,  
28 1998?

29 A. No.

1 Q. Since you did not personally see any of the items that I've  
2 described, which would be considered the attack on Karina, you  
3 talked to a number of people in Karina concerning the attacks of  
4 May 8, 1998, didn't you?

14:16:34 5 A. I did.

6 Q. Did any of the people you talked to in Karina tell you what  
7 the attackers were wearing?

8 A. Pardon?

9 Q. Did any of the people who you talked to in Karina tell you  
14:16:48 10 what the attackers were wearing, those who attacked Karina?

11 A. They didn't tell me anything about those who attack Karina.  
12 They just say -- they just talk about some -- about the killing  
13 and they captured soldier.

14 Q. So your answer is, no, they did not tell you what the  
14:17:14 15 attackers were wearing?

16 A. They did not tell me that.

17 Q. I would like to refer back to your statement, sir, that you  
18 gave to the Defence.

19 MR HARDAWAY: Your Honours, this would be on page 35, that  
14:17:30 20 is what is listed at the bottom. It is the third block. I will  
21 be reading the first sentence from there. With the Court's  
22 permission, I'll continue.

23 Q. This is from your statement, Mr Witness.

24 "I cannot say that such and such number of people carried  
14:17:50 25 out the attack on Karina. Those who saw the attackers said  
26 they were dressed like ECOMOG soldiers in military combat  
27 uniforms."

28 That is the conclusion of the reading, Your Honour. So, in  
29 fact, they did tell you what the attackers were wearing when they

1 attacked Karina, didn't they?

2 A. Yes, they did tell me what --

3 Q. Then, sir, then if they did tell you, why did you say that  
4 they didn't when I had asked you before?

14:18:28 5 A. I thought you asked me about if they told me on May 8,  
6 because I didn't get this information on May 8, really. That's  
7 what I [overlapping speakers].

8 Q. I will let the transcript speak for itself on that, Your  
9 Honour. You had mentioned that you had seen seven dead bodies;  
14:18:58 10 is that correct? Just so we are clear this is the day after the  
11 attack on Karina?

12 A. Yes.

13 Q. Other than the seven bodies that you have testified to  
14 seeing, do you know how many people died as a result of the  
14:19:13 15 attack on Karina?

16 A. I didn't know the amount of people.

17 Q. You said didn't know. Have you come to know how many  
18 people died on in the attack on Karina?

19 A. I just only see after the day of the attack, only seven --

14:19:26 20 Q. So your answer is --

21 A. -- but I not try to inquire about any other one again.

22 Q. Mr Witness, were there any amputations in Karina?

23 A. No.

24 Q. And if -- how do you know this?

14:19:51 25 A. Because I didn't see any amputee after the day of the  
26 attack in Karina and no-one told me about it.

27 Q. Did you ask anybody?

28 A. I did not ask anyone.

29 Q. We will get to that part in a minute, but I put it to you,



1 Mr Witness, that there were amputations in Karina on May 8 of  
2 1998; what is your response?

3 A. I did not see the amputee.

4 Q. Okay. Mr Witness, were there any rapes in Karina during  
14:20:26 5 the May 8, 1998 attacks?

6 A. I did not see anyone raped or hear about anyone raped.

7 Q. So your answer to that is "no"?

8 A. Yes.

9 Q. And how do you know that there were no rapes?

14:20:45 10 A. Because I did not get any information about that.

11 Q. Did you ask?

12 A. I did not ask again.

13 Q. I put it to you, Mr Witness, that there were rapes in  
14 Karina on May 8, 1998; do you agree or disagree?

14:21:00 15 A. I do not agree because --

16 Q. Thank you, sir. Do you know the names of any of the people  
17 that were abducted from Karina?

18 A. I can remember some names.

19 Q. What are some of the names that you are remember, sir?

14:21:30 20 A. I would not like to expose the names to the public.

21 MR HARDAWAY: At the appropriate time then, Your Honour, I  
22 would make the appropriate motion to go into closed session for  
23 that.

24 Q. You had mentioned in your testimony, sir, that the elders  
14:21:56 25 had spoken to the people who had been abducted and then escaped;  
26 is that correct?

27 A. Yes.

28 Q. Do you know where these people escaped from?

29 A. Yes.

1 Q. Where did they escape from?

2 A. From Mandaha.

3 Q. At any time did you speak directly with any of the people  
4 that had been abducted?

14:22:28 5 A. No.

6 Q. At no time during your inventory or anything did you speak  
7 with any of the people that had been abducted?

8 A. No.

9 Q. All right. You had mentioned that there had been houses  
14:22:48 10 that had been burned. Do you know who lived in those houses  
11 Karina?

12 A. I can remember some.

13 Q. All right. Did you speak to the -- those that you can  
14 remember, did you speak to them, concerning what happened?

14:23:04 15 A. No.

16 Q. Mr Witness, you said you had conducted an inventory; is  
17 that correct?

18 A. Yes.

19 Q. And part of that inventory included Karina; correct?

14:23:21 20 A. Yes.

21 Q. And you did the inventory because you wanted to know what  
22 happened; correct?

23 A. Yes.

24 Q. Do you think it is important that in order to know what  
14:23:28 25 happened that you talk to the people whose houses were burnt?

26 A. No.

27 Q. Thank you. You had mentioned in your evidence yesterday  
28 that the people who attacked Karina were rebels; do you remember  
29 that?

1 A. No.

2 Q. You don't remember that you used the term -- that you used  
3 the term "rebels" to describe those who attacked Karina?

4 A. Okay, yes, yes, rebels.

14:24:06 5 Q. All right.

6 A. I thought you said robber.

7 Q. No. Did you use any other term for them other than the  
8 term "rebels" in your statement to the Defence lawyers?

9 A. I cannot remember.

14:24:27 10 Q. All right. I would like to refer you then to your  
11 statement; hopefully, this will help that situation. Your  
12 Honour, this will be the first page of the interview. This will  
13 be page 31. I will be referring to the third paragraph and I  
14 will be reading the first sentence. This is your statement,

14:24:44 15 Mr Witness.

16 A. Okay.

17 Q. "I was earnestly preparing for the GCE O'Level (General  
18 Certification Examination Ordinary Level) when the 8 May  
19 1998, junta forces attacked Karina Town."

14:25:09 20 Did you utter those words?

21 A. I cannot remember again.

22 Q. Do you remember when you gave the interview, sir?

23 A. I cannot even remember the date I gave the interview.

24 Q. If I said to you, Saturday, March 25, 2006, would that jog  
14:25:33 25 your memory?

26 A. I cannot remember a particular date and month again.

27 Q. All right. But you do not remember saying junta forces  
28 attacked Karina Town?

29 A. I do not really remember again.

1 Q. But you remember that there were no rapes, no amputations  
2 and no abductions in Karina; you do remember that?

3 A. Yes.

14:26:19 4 Q. Okay. Mr Witness, you have stated that there were a lot of  
5 people in Karina because of the influx from the various areas, do  
6 you remember that?

7 A. Yes.

8 Q. You also testified that you don't know exactly how many  
9 people are in Karina; do you remember that?

14:26:28 10 A. I remember that, yes.

11 Q. Do you have a rough idea on May 8, 1998 how many people  
12 were in Karina?

13 A. There were too many. I cannot remember the exact or rough  
14 even, there are too many.

14:26:42 15 Q. Would it be safe to say that is over 500?

16 A. Well, it might be because by then even myself I was  
17 sleeping outside of the house, not even inside.

18 Q. So it might be over 500?

19 A. Might be about 500, but over I cannot guess.

14:27:08 20 Q. Okay, thank you. Now your religion is Islam; correct?

21 A. Yes.

22 Q. Out of the roughly 500 people that are in Karina, do you  
23 know how many are Muslim?

24 A. How many are Muslim?

14:27:27 25 Q. Yes.

26 A. The whole Karina were Muslim.

27 Q. Okay? Mr Witness, do you know how Karina Town is laid out,  
28 how it is it designed?

29 A. Yes.

1 Q. How is it laid out and designed?

2 A. Karina Town was divided into some streets. You have  
3 Sheriffula, Wari dal la, Kamarala, Fornala, Konkohdoh and the  
4 Wari dal la Highway.

14:28:02 5 Q. Okay. Now, you went through a lot of names, let's start  
6 with the first -- what was the first one you said?

7 A. Sheriffula.

8 Q. Could you spell that please, for the Court?

9 A. S-H-E-R-I-F-F-U-L-A.

14:28:21 10 Q. What was the second one that you mentioned?

11 A. Kamarala.

12 Q. Could you spell that for the Court please?

13 A. K-A-M-A-R-A-L-A

14 Q. What was the one after that?

14:28:35 15 A. Fornala.

16 Q. Could you spell that please for the court?

17 A. F-O-R-N-A-L-A.

18 Q. And the one after that?

19 A. Konkohdoh

14:28:48 20 Q. Is that one word or two words?

21 A. One word.

22 Q. Could you spell that please, for the Court?

23 A. K-O-N-K-O-H-D-O-H.

24 Q. Was there another one?

14:29:10 25 A. Foday Bundaya.

26 Q. And could you spell that?

27 A. F-O-D-A-Y B-U-N-D-A-Y-A.

28 Q. And is that all of them, sir?

29 A. Wari dal la Road.

1 Q. And could you spell Wari dalla?

2 A. A-A-R-I -D-A-L-L-A [sic].

3 Q. And that is all of them?

4 A. Yes and another one, Turayla, T-U-R-A-Y-L-A.

14:29:50 5 Q. Now, these street names that you had mentioned, do they  
6 have any particular significance?

7 A. Yes.

8 Q. What is that significance?

9 A. Turayla is by the east of Karina and the Sheriffula is by  
14:30:14 10 the south. Wari dalla Road points straight to the north, Kon  
11 Kohdoh is by the west and Fornala and Kamarala and Foday Bundaya  
12 are in the centre.

13 Q. Do you know how these particular names for these areas, as  
14 you have discussed, how they came about?

14:30:36 15 A. Yes.

16 Q. How was that?

17 A. These names follow the surname of any group settled in  
18 their own area. The Sheriffs settled in Sheriffula, the Kamara  
19 settled in Kamarala and the Konkodohs and the Kallons and so on  
14:30:55 20 and so forth.

21 Q. So you would say these would be families and clans?

22 A. Yes.

23 Q. Mr Witness, are you aware that each division of Karina, as  
24 you have testified to, has its own mosque and place of worship,  
14:31:23 25 are you aware; yes or no?

26 A. No.

27 Q. You are not aware?

28 A. Really.

29 Q. I put it to you, sir, that each area you have described

1 does have their own place of worship?

2 A. No.

3 MR HARDAWAY: If I may have the Court's indulgence for a  
4 moment, Your Honour.

14:31:44 5 PRESIDING JUDGE: Yes.

6 [Prosecution counsel conferred]

7 MR HARDAWAY: Thank you Your Honours.

8 Q. Mr Witness, you had testified at length yesterday about --

9 JUDGE DOHERTY: Not yesterday, Mr Hardaway.

14:32:09 10 MR HARDAWAY: Sorry. The day before yesterday. I thank  
11 the Bench for the correction.

12 Q. You had testified the day before yesterday that you had  
13 conducted an inventory of the area; do you remember that?

14 A. Yes.

14:32:26 15 Q. And correct me if I am wrong, this inventory took place  
16 from Karina Junction to Mandaha?

17 A. Yes.

18 Q. Why did you take such an inventory. Why did you undertake  
19 this?

14:32:44 20 A. I did to enable me to explain briefly how the attack was on  
21 May 8.

22 Q. All right. When did you take this inventory, sir.

23 A. I cannot remember the particular date or month.

24 Q. Was it in 1998?

14:33:16 25 A. Even the year, I cannot really remember, whether it is in  
26 '98 or '99 because after '98, really after the attack I did not  
27 take the inventory immediately, but I cannot really remember the  
28 particular date, month or year.

29 Q. Is May considered part of the rainy season?

1 A. The time I took the inventory?

2 Q. No, no, the month of May, is that considered the rainy  
3 season?

4 A. Yes, yes.

14:33:46 5 Q. Did you take the interview during the rainy season?

6 PRESIDING JUDGE: You mean the inventory.

7 Q. The inventory, I'm sorry, Your Honour.

8 A. If I take the inventory during the rainy season?

9 Q. Did you, yes or no?

14:34:02 10 A. No, no.

11 Q. You don't remember what year, it could have been 1999, it  
12 could have been last year?

13 A. I cannot remember the year but it was a long time.

14 Q. It was a long time ago?

14:34:16 15 A. Yes.

16 Q. Would you agree with me that it was say more than five  
17 years ago? Was it before the year 2000. Let me start there?

18 A. No, I usually did it for other people -- I even not about  
19 the inventory, but I usually did this type of sketch for other  
14:34:34 20 people, but I cannot remember the -- the exact time because --

21 Q. I'm not asking for exact times, sir, please listen to the  
22 question. It is very simple. Was it before the year 2000. It  
23 is either yes, no, or I don't know?

24 A. It might be before the year 2000.

14:34:54 25 Q. Thank you. How long did it take you to do this inventory?

26 A. I usually did it a day or two, not more than two.

27 Q. So it took no more than two days to complete your whole  
28 inventory?

29 A. Yes.



1 Q. Correct me if I am wrong. You took this inventory by going  
2 to the villages you had mentioned earlier and you talked to the  
3 people in those villages concerning their experiences; is that  
4 correct?

14:35:42 5 A. Yes.

6 Q. How did you record the information that they provided you,  
7 sir?

8 A. I did -- I record the information on rough paper before I  
9 did the clear work.

14:36:01 10 Q. By clear work what do you mean?

11 A. Before I put everything together.

12 Q. To what, I'm sorry, I did not understand?

13 A. Before I put everything together on a single sheet, I took  
14 a rough paper and take every information from every place and  
14:36:19 15 then later I put everything together in a single sheet.

16 Q. So part of that information that you would have taken would  
17 have been the town name?

18 A. Yes.

19 Q. Divided into categories and say killing, rape, amputation,  
14:36:40 20 the subject matter of that particular attack?

21 A. No, I did not go into all that. I just inquired about the  
22 burnt and the houses how they appeared after or the one that  
23 remained.

24 Q. Now, when you did this inventory -- first of all, how long  
14:37:01 25 have you had this inventory completed?

26 A. About two days.

27 Q. It took you two days to complete it. Perhaps I did not  
28 make myself clear. Once the inventory was completed, you held on  
29 to it, didn't you?

1 A. Once the inventory was completed?

2 Q. Yes.

3 A. If I did what?

4 Q. I will withdraw at that question, Your Honour and I will  
14:37:42 5 come back to it. Mr Witness, when did you first hear about the  
6 Special Court?

7 A. About the Special Court before 2002 -- I mean before 2006 I  
8 heard that they will build a Special Court. Whether they built  
9 it by then but I started hearing something about Special Court  
14:38:18 10 before 2006.

11 Q. Now, when did you hear about the mission of the Special  
12 Court?

13 A. Around 2000 -- 2004 I started to hear something about the  
14 mission of Special Court on radio.

14:38:35 15 Q. And what was your understanding of what the mission of the  
16 Special Court was?

17 A. I understand about the mission of the Special Court that  
18 they are supposed to try people that commit the greatest crime in  
19 this world -- in Sierra Leone.

14:38:56 20 Q. Would you agree with me that the attack on Karina was a  
21 crime?

22 A. Yes.

23 Q. And would you agree with me that those who committed that  
24 crime should be punished?

14:39:13 25 A. Well, everything about the one that commit the crime is  
26 with you.

27 Q. No that is not the question, sir. That is not the  
28 question. The question again is: Do you agree with me that the  
29 people, person or persons who committed the attacks on Karina on

1 May 8, 1998 should be punished? It is either yes or no?

2 A. Yes.

3 Q. Now, agreeing with me, as you have sir, did you ever

4 attempt to contact the Special Court prior to your testimony

14:39:54 5 today -- prior to your testimony of two days ago to relay the

6 information in your inventory, to tell somebody "Look, I have

7 this information, I did all of this work." Did you attempt to

8 contact anybody at the Special Court with your information?

9 A. No.

14:40:11 10 Q. Why not?

11 A. Because I didn't get any link to get anyone to contact.

12 Q. You knew where the Special Court was located; right? You

13 know where the Special Court is located?

14 A. I do not understand what you are trying to say.

14:40:39 15 Q. You know where the Special Court is physically located;  
16 correct?

17 A. Yes.

18 Q. And you made no attempt to come down from wherever you were

19 living to come to the Court to say "I have this information," did

14:40:58 20 you?

21 A. I didn't because --

22 Q. Thank you, sir. Between the time you completed your

23 inventory and your testimony two days ago, have you ever been in

24 Freetown?

14:41:28 25 A. Yes.

26 Q. Thank you. So if you were in Freetown, why didn't you come

27 to the Special Court to say, "I have this information concerning

28 the attack on Karina."

29 A. I didn't know where the Special Court is located. I know

1 the name but I do not know any part in Freetown, that is one.

2 Q. Have you used a taxi in Freetown?

3 A. Well, my longest distance is from my place to just a  
4 junction very close to there.

14:42:06 5 Q. Sir, the question is this: Have you ever used I will --  
6 [overlapping speakers]

7 MS THOMPSON: Your Honour, I object to this line of  
8 questioning and this is the reason why: During the Prosecution's  
9 evidence, the evidence led by my learned friends and on  
14:42:29 10 cross-examination, no witness -- and nothing was said by any  
11 witness that they just walked up to the Special Court and gave  
12 information, that information to the OTP was got through outreach  
13 programmes. If that is the case for the Prosecution, that is  
14 what my learned friend should be putting to the witness. Not as  
14:42:52 15 to whether he can come and volunteer evidence. That was never  
16 the evidence in this Court. It was through cross-examination  
17 that outreach programmes or certain programmes were led in  
18 certain areas in this country and people were asked to come  
19 forward with information in their locality. If my learned friend  
14:43:11 20 is going to put questions to this witness as to whether he had  
21 not come forward before, Your Honours, I would respectfully  
22 submit that he does so in line with the way this Court has heard  
23 that the OTP obtained its evidence or its witnesses.

24 PRESIDING JUDGE: What do you say to that, Mr Hardaway.

14:43:29 25 MR HARDAWAY: I would say it is irrelevant, Your Honour.  
26 It is not just -- that may have been the case, but it is not as  
27 if that a person -- "Oh, I have evidence. I don't have outreach,  
28 I guess I can't give it." It is called self-initiative, Your  
29 Honour. And I'm exploring as to whether or not he had any. I

1 can address my learned colleague's concern in that avenue as well  
2 but I do not feel, respectfully, that I should be precluded from  
3 not exploring this other line.

4 PRESIDING JUDGE: I think you have made your point, but I'm  
14:44:03 5 going to allow your questions. I do not think the witness is  
6 incapable of answering that or that it's not an admissible  
7 question, so go ahead.

8 MR HARDAWAY: Thank you.

9 MR FOFANAH: Excuse me, Your Honour. Just another point.  
14:44:17 10 Since Your Honours have allowed the question to run, I will seek  
11 further clarification as to what my learned colleague means by  
12 the Special Court since the Defence is also part of the Special  
13 Court. Probably we may -- this is a Defence witness and the  
14 Defence is also part of the Special Court.

14:44:37 15 PRESIDING JUDGE: Well, really that is a question you can  
16 re-examine on. If you want to clear that up, Mr Hardaway,  
17 explain just what part of the Special Court you are talking  
18 about.

19 MR HARDAWAY: I will, Your Honour.

14:44:51 20 Q. Mr Witness, prior to your testimony of two days ago, did  
21 you make any attempt whatsoever to contact any member of the  
22 office of the Prosecutor for the Special Court of Sierra Leone?  
23 Yes or no?

24 A. No.

14:45:17 25 Q. Did you attempt to come to the physical location of the  
26 Special Court at any time?

27 A. No.

28 Q. To speak with anyone from the office of the Prosecutor?

29 A. No.

1 Q. Even during those times when you were physically in  
2 Freetown; is that correct?

3 A. I didn't.

4 Q. Thank you. Mr Witness, I want to go into a little detail  
14:45:49 5 of the inventory itself and please correct me if I am wrong as to  
6 any of the towns -- if I have missed any towns. You went and  
7 conducted an inventory in Karina Junction; is that correct?

8 A. Yes.

9 Q. And in that you spoke with people?

14:46:10 10 A. No, I didn't speak with anyone.

11 Q. Okay. You then went to Bonoya?

12 A. Yes.

13 Q. Did you speak to anyone in Bonoya?

14 A. Yes.

14:46:24 15 Q. How many people did you speak to?

16 A. I speak to one boy.

17 Q. And do you know that boy's name?

18 A. I cannot remember the name again.

19 Q. Did you write it down on your rough notes?

14:46:33 20 A. I did not write his name.

21 Q. From there you went to Madobo?

22 A. Yes.

23 Q. And did you speak to people in Madobo?

24 A. I speak to a boy again.

14:47:04 25 Q. Mr Witness, let me backtrack a bit. In Bonoya, you said  
26 you spoke with a little boy?

27 A. A boy, not a little boy.

28 Q. How old was this boy?

29 A. I can guess, about 20 or above.

- 1 Q. And in Madobo, who did you speak with?
- 2 A. The same age ranking boy.
- 3 Q. Do you know that person's name?
- 4 A. I cannot remember the names again.
- 14:47:30 5 Q. Did you write it down on your rough sheets?
- 6 A. No, I didn't.
- 7 Q. You went to Daria for an inventory?
- 8 A. Yes.
- 9 Q. Did you speak to anyone in Daria?
- 14:47:42 10 A. I speak to a boy again about the same age.
- 11 Q. Do you know that person's name?
- 12 A. I cannot remember again.
- 13 Q. Did you write it down in your rough notes?
- 14 A. No.
- 14:47:52 15 Q. Did you write any of the names -- did you write it down on  
16 your final sheet?
- 17 A. I didn't.
- 18 Q. You went to Mayongbo?
- 19 A. Yes.
- 14:48:03 20 Q. How people did you speak to in Mayongbo?
- 21 A. Two.
- 22 Q. Who were they?
- 23 A. A youth boy and a youth girl.
- 24 Q. How old was the boy?
- 14:48:15 25 A. Both of them might be from 20 and above. Not below 20.
- 26 Q. Not below 20. Same thing for the girl?
- 27 A. Yes.
- 28 Q. Did you write their names down?
- 29 A. I did not write any names.

1 Q. Do you know their names?

2 A. I know the name of the girl, but I cannot remember the name  
3 of the boy.

4 Q. Okay. From Mayongbo you went to Karina?

14:48:49 5 A. Yes.

6 Q. How many people did you interview in Karina?

7 A. I did it myself. I go around myself and see what happened.

8 Q. No, the question was: How many people did you interview in  
9 Karina?

14:49:01 10 A. No one.

11 Q. You interviewed no one in Karina. So all the information  
12 you gave in Karina was based on your own observation?

13 A. Yes.

14 Q. Okay. From Karina you went to Kabi a?

14:49:19 15 A. Yes.

16 Q. Did you interview anyone in Kabi a?

17 A. I interviewed one man.

18 Q. How old was he?

19 A. He's just a matured man but I cannot tell the age because I  
14:49:31 20 cannot assume for him.

21 Q. Do you know the name of this man?

22 A. I cannot remember.

23 Q. Did you write the man's name down?

24 A. No.

14:49:44 25 Q. From then you went to Manyayen?

26 A. Manayayen, yes.

27 Q. Yes. You interviewed people there?

28 A. Yes.

29 Q. How many people did you interview?



- 1 A. One again.
- 2 Q. Was it a man or a woman?
- 3 A. A man.
- 4 Q. How old was this man, do you know?
- 14:50:04 5 A. An adult, a matured man.
- 6 Q. Did you get this person's name?
- 7 A. No.
- 8 Q. Did you write this person's name down?
- 9 A. No.
- 14:50:14 10 Q. From there you went to Kambia?
- 11 A. Yes.
- 12 Q. Did you interview people in Kambia?
- 13 A. I interviewed a youth boy.
- 14 Q. How old was the youth?
- 14:50:30 15 A. Above 25.
- 16 Q. Do you know this person's name?
- 17 A. No.
- 18 Q. Did you know the person's name at the time you conducted
- 19 your interview?
- 14:50:49 20 A. I cannot remember the person's name again.
- 21 Q. Did you write it down on any of your rough sheets?
- 22 A. No.
- 23 Q. Did you write any of the names so far on your final sheet?
- 24 A. No.
- 14:51:04 25 Q. From Kambia you went to Four Road?
- 26 A. Yes.
- 27 Q. And did you interview people in Four Road?
- 28 A. No.
- 29 Q. So any observations from Four Road are your own?

- 1 A. I did not observe anything, I just go ahead.
- 2 Q. From Four Road you went to Masi ba?
- 3 A. Yes.
- 4 Q. Did you do any interviews in Masi ba?
- 14:51:35 5 A. No.
- 6 Q. Did you see anything in Masi ba?
- 7 A. No.
- 8 Q. From Masi ba, you went to Mandaha?
- 9 A. Yes.
- 14:51:45 10 Q. Did you talk to anyone in Mandaha?
- 11 A. Yes.
- 12 Q. How many people did you talk to?
- 13 A. I talk directly to the town head man.
- 14 Q. Do you know that person's name?
- 14:51:56 15 A. Yes.
- 16 Q. And did you write it down on your notes?
- 17 A. No.
- 18 Q. Did you write it down on your final sheet?
- 19 A. No.
- 14:52:12 20 Q. I want to backtrack just a little bit to address my learned  
21 colleague across the isle. Any time after the attack on Karina  
22 until the time you came to testify two days ago, did you ever  
23 come into contact with any outreach programme of the Special  
24 Court of Sierra Leone?
- 14:52:29 25 A. Yes.
- 26 Q. When was that?
- 27 A. I cannot remember the actual date and month.
- 28 Q. Do you know where?
- 29 A. Yes.

1 Q. Where?

2 A. In Kari na.

3 Q. In Kari na?

4 A. Yes.

14:52:47 5 Q. Did you tell the people during that outreach programme, "I  
6 have this inventory, I have this information on the attack on  
7 Kari na"?

8 A. No.

9 Q. Thank you. Now, sir, where are the rough notes that you  
14:53:09 10 say are of your inventory. Where are they?

11 A. Well, until I look for them.

12 Q. You didn't bring them with you?

13 A. They are not with me here presently and I cannot remember  
14 if they are with me or not in Freetown here.

14:53:28 15 Q. And your final inventory, is that here?

16 A. That I'm talking about, the final it is not even the rough  
17 because the rough are not with me, but the final inventory.

18 Q. Just so I'm clear and the Court is clear, neither your  
19 final inventory nor your rough notes, are here?

14:53:48 20 A. They are not with me presently.

21 Q. So there is no way we can see them.

22 A. Well, if you want to see them until you give me another  
23 time to see them.

24 Q. I put it to you, sir, that you did no inventory as you  
14:54:08 25 testified to, and I put it to you that there are no notes. I put  
26 it to you that there is no final inventory because you did no  
27 inventory, what is your response to that?

28 MR FOFANA: Objection, to many questions in one.

29 MR HARDAWAY: I will break it up, Your Honour.

1 Q. I put it to you that you don't have your rough notes and  
2 inventory because they do not exist. What is your response?

3 A. I did not agree to that.

4 Q. I put it to you, sir, that you did no inventory from Karina  
14:54:45 5 Junction to Mandaha?

6 A. I did not agree to that. I did the inventory. I can even.

7 Q. Thank you, sir, there is no question put to you at this  
8 time?

9 MS THOMPSON: Your Honour, may I ask that the witness --  
14:55:03 10 this is not the first time it has happened. There was a question  
11 put to the witness and the witness was answering, he was in the  
12 middle of the sentence before my learned friend cut him off.  
13 That looks good in effect but the witness was in the middle of an  
14 answer. It is not an effect we're looking for, it's an answer.

14:55:16 15 PRESIDING JUDGE: There is a right of re-examination. I do  
16 agree with Ms Thompson, Mr Hardaway, you should let the witness  
17 finish his answer.

18 MR HARDAWAY:

19 Q. Mr Witness I apologise for cutting you off.

14:55:28 20 A. Okay, sir, thank you.

21 Q. I want to move on back to the attack on Karina. You had  
22 testified, two days ago, that two of the names you gave as being  
23 part of the attack on Karina were Jabbe and Adama Cut Hand; do  
24 you remember that?

14:55:56 25 A. Yes.

26 Q. And you also mentioned that Jabbe is the same person who  
27 was in Karina during Operation Pay Yourself, do you remember  
28 that?

29 A. Yes.

1 Q. If you know, is Jabbe part of the same group that deployed  
2 in Kono, Makeni, Magburaka - which is M-A-G-B-U-R-A-K-A - and  
3 other areas in 1999, as you testified to?

4 A. No.

14:56:32 5 Q. Is Adama Cut Hand part of same group that deployed in Kono,  
6 Makeni, Magburaka and the other areas in 1999?

7 A. I don't remember where they were based in 1999, two of  
8 them.

9 Q. Is Jabbe an SLA soldier?

14:56:59 10 A. I do not know whether he is a SLA soldier but I usually saw  
11 him with combat trousers at times and civil clothing on top.

12 Q. So your answer is you do not know?

13 A. Only the way I saw him is like that so I cannot  
14 differentiate whether he is or not.

14:57:21 15 Q. I would like to read a part of your statement to you sir,  
16 and ask for your comment.

17 MR HARDAWAY: Your Honour, this would be page 32 of the  
18 statement and it is the first block and from the bottom it would  
19 be seven lines from the bottom and it would start "one of".

14:57:50 20 Q. This is your statement sir. "One of the SLA soldier who was  
21 prominent in this kind of exercise was Jabbe whose other names I  
22 don't know." That is the end of the reading? So Jabbe was an  
23 SLA soldier according to your statement, wasn't he?

24 A. That is why I said I usually saw him at times, not all the  
14:58:22 25 time but some times with combat trousers and civil clothing but I  
26 cannot know whether he is an SLA soldier or a rebel, but he based  
27 in Karina before the attack of Karina during Operation Pay  
28 Yourself.

29 Q. I would like to read another part of your statement to you,

1 sir. This is the same page, Your Honour, the first sentence of  
2 the next paragraph. Your statement again, sir.

3 "In many occasions, I saw Jabbe in plain T-shirts, jeans  
4 and other clothing for the top." I will also read it  
14:58:59 5 further. "For his trousers he would put on military combat  
6 trousers."

7 Those are your word, are they not?

8 A. Yes.

9 Q. So wearing that you still did not know if he was an SLA  
14:59:18 10 soldier?

11 A. Well, because I did not interview him or try to know more  
12 about him.

13 Q. Excuse me, could you repeat that again please?

14 A. Because I did not interview him himself or trying to know  
14:59:35 15 more about him.

16 Q. But according to your statement, he is an SLA soldier and a  
17 prominent SLA soldier, according to your statement?

18 A. Well, I didn't remember if I said a prominent SLA soldier,  
19 but I believe I saw him at times with a soldier -- trousers,  
15:00:05 20 combat trousers.

21 MR HARDAWAY: With the Court's indulgence, for one moment,  
22 Your Honour. I thank the Court.

23 Q. Mr Witness, did you ever see Adama Cut Hand involved in any  
24 activities regarding Operation Pay Yourself?

15:00:47 25 A. No.

26 Q. In your evidence you refer to Adama Cut Hand as Adama  
27 soldier?

28 A. Yes.

29 Q. How do you know she was a soldier?

1 A. In Kono 1996 the points and -- show that this is Adama  
2 soldier. That is why I know her.

3 Q. That is why you know her as a soldier? She was introduced  
4 to you as a soldier?

15:01:23 5 A. Yes.

6 Q. Have you ever seen Adama Cut Hand in a military uniform?

7 A. Yes, sometimes I usually saw her with a military uniform.

8 Q. Mr Witness, do you know who led the attack on Karina on May  
9 8, 1998?

15:01:48 10 A. No.

11 Q. I put it to you, sir, that it is the three accused Alex  
12 Tamba Brima, aka Gullit, Ibrahim Bazzy Kamara, and Santi gie  
13 Borbor Kanu, aka Five-Five who led the attack on Karina on May 8,  
14 1998. What is your response?

15:02:20 15 A. I did not saw them and I did not know them personally. I  
16 just heard their names over radio.

17 Q. We will get back to that in a second.

18 MR HARDAWAY: Your Honours, at this time the rest of my  
19 cross-examination will involve certain names as brought up by my

15:02:52 20 I learned friends earlier so I would respectfully make an  
21 application under Rule 79 of the Rules of the Special Court of  
22 Sierra Leone to move into closed session.

23 PRESIDING JUDGE: Are these people protected witnesses?

24 MR HARDAWAY: We don't know, Your Honour. We don't know.

15:03:08 25 And just out of an abundance of caution. I know my learned  
26 friends had this possible issue.

27 PRESIDING JUDGE: I think the Defence were able to say that  
28 these were the people that they were concerned about were  
29 actually protected persons.

1 MS THOMPSON: Your Honour, my learned friend did mention  
2 this to me earlier and I said to him that the best way of doing  
3 it is perhaps to write on a piece of paper for the simple reason  
4 for not only the names that he want to mention, but also  
15:03:53 5 depending on the sort of questions he may want to ask of this  
6 witness, that might ultimately lead to this witness being  
7 identified. I did say to him that I don't think it was  
8 absolutely necessary for us to close the Court but he could do it  
9 by way of -- as we did before, give them a letter and beforehand  
15:04:16 10 we would write the name down and say this person is known as A  
11 and do it that way. It is just an suggestion. But we leave it  
12 entirely with the Court.

13 PRESIDING JUDGE: Thank you, Ms Thompson. I do not know  
14 what you are going ask, Mr Hardaway and I do not know the  
15:04:33 15 identity of these persons that may be identified, but can you do  
16 it by having the witness write names on paper without us having  
17 to close the Court or do you think that is running a risk of  
18 possibly identifying the witness himself?

19 MR HARDAWAY: I do not think it would risk the identifying  
15:04:57 20 the witness himself, Your Honour, but the questions I have  
21 concerning these names I'm going to most likely going to be  
22 referring to his statement in which these people either provide  
23 or not provide, as the case may be, information. And I had  
24 addressed with my learned colleague, Mr Graham, before he came in  
15:05:24 25 since he led the witness and had the statement, I expressed to  
26 him the people that I was going to be revealing in this matter  
27 and -- I do not know if he is coming to speak with me or -- I  
28 guess not. I'm in the hands of the Court I can write them down  
29 but may slow things up depending on the specific questions I'm



1 asking.

2 PRESIDING JUDGE: I'm not worried about the slowing up so  
3 much. These trials are supposed to be open to the public unless  
4 there is some good reason why they should not be and I'm just  
15:06:04 5 trying to be convinced there is some good reason to close the  
6 Court.

7 MR HARDAWAY: I do not -- since we don't know, Your Honour,  
8 if they were protected or not. This was a concern, I believe,  
9 from the other side. I was fully prepared to read the names  
15:06:22 10 openly but if there is a concern, I guess we can take the time  
11 and write the names out or have the witness write the names out,  
12 but if there is any contradiction between the names written and  
13 information that we possess on this side, I would want to  
14 confront him on that, and I do not know how that can necessarily  
15:06:48 15 be done in open session

16 [Trial Chamber conferred]

17 PRESIDING JUDGE: I think we will try getting the witness  
18 to write the names down and see where we go from there, Mr  
19 Hardaway.

15:07:26 20 MR HARDAWAY: Very well, Your Honour. At this point, Your  
21 Honour, I would ask if the witness could be provided with paper  
22 and pen.

23 PRESIDING JUDGE: Yes, Mr Court Attendant.

24 Q. Mr Witness.

15:07:56 25 A. Yes sir.

26 Q. I had asked you earlier if you knew the names of any of the  
27 people who were abducted from Karina. Do you remember that  
28 question?

29 A. Yes, sir.

1 Q. You stated that you knew some names?

2 A. Yes.

3 Q. You did not want to speak them in court?

4 A. Really, I do not want to speak them.

15:08:22 5 Q. Could you write down on the paper provided to your sir, the  
6 names of the people you know who were abducted and if you could  
7 put them in number order, say number one is this person and  
8 number two is that person. If you could take the time to do that  
9 now please, sir?

15:08:43 10 A. Yes. I can remember these few names.

11 Q. Thank you, Mr Witness, if it is possible for that to be  
12 shown to both sides?

13 PRESIDING JUDGE: Can you show the -- don't forget that has  
14 to be shown to the Defence as well.

15:13:03 15 MR HARDAWAY: If I may make a statement to my friends  
16 across the side of the aisle. I will be referring to numbers. I  
17 do not know if you want to write them down in numerical order as  
18 presented because in place of names I will be using the numbers  
19 in which he wrote next to them.

15:14:35 20 PRESIDING JUDGE: Well the Defence have seen this list. I  
21 don't know whether these names being mentioned in court is going  
22 to lead back to the identity of the witness or not. Do you  
23 have -- any Defence counsel have any fears that it might?

24 MR GRAHAM: Your Honours, we must say at this point we do  
15:14:59 25 not know the process of putting the definitive finality on the  
26 list of witnesses ongoing. As of now we do not have any one of  
27 them on our witness list but I cannot say so with absolute  
28 certainty for the future. That is what I have to say on that.

29 PRESIDING JUDGE: Thank you, Mr Graham.

1 MR FOFANAH: Excuse me, Your Honour. Just one point on  
2 that. I think the witness told the Court he did not want to  
3 mention these names in public whilst he was being cross-examined.

4 PRESIDING JUDGE: I heard that, Mr Fofanah, but I  
15:15:33 5 understood Mr Hardaway to say that he is going to refer to them  
6 by numbers.

7 MR FOFANAH: Very well.

8 PRESIDING JUDGE: Is that right, Mr Hardaway.

9 MR HARDAWAY: That is correct, Your Honour.

15:15:46 10 MS THOMPSON: Your Honour, whilst that is going on, may I  
11 just make a suggestion that since the witness has actually  
12 numbered one to seven, that he has the paper in front of him so  
13 he knows exactly which number my learned friend is referring to.  
14 I'm not sure that my learned friends would agree, but this is not  
15:16:08 15 a document made by someone else or made outside of court and then  
16 brought into court for him to refresh his memory. It is  
17 something that has just come from him now as if he was giving  
18 oral evidence.

19 MR HARDAWAY: The Prosecution has to objection, Your  
15:16:24 20 Honour.

21 PRESIDING JUDGE: My intention was to give the witness back  
22 his list. It is certainly not a test of his memory. I do not  
23 know how he will remember seven names that he has just written  
24 down by numbers.

15:18:24 25 Yes, Mr Hardaway.

26 MR HARDAWAY: Thank you, Your Honour.

27 Q. You have the list back in front of you, Mr Witness?

28 A. Yes, sir.

29 Q. Mr Witness, I want to refer you to number four on your

1 list. Do you know this person?

2 A. Yes, sir.

3 Q. And is that one of the abductees that you spoke to?

4 A. Yes.

15:19:03 5 Q. Would you agree with me, Mr, Witness, that since number  
6 four was present in Karina during the time of the attacks and was  
7 subject to the attack themself, that they would be in a better  
8 position to know more about the attack than you?

9 A. If she is part of the attack?

15:19:29 10 Q. If she suffered as a result of the attack. If she was in  
11 Karina at the time of the attack, would she be a better -- would  
12 she be in a better position to know what happened in Karina than  
13 you?

14 A. Repeat the question again.

15:19:57 15 Q. Okay. The person you have written as number four?

16 A. Yes.

17 Q. We agree that that person was one of the people abducted  
18 during the attack on Karina; yes?

19 A. Yes.

15:20:13 20 Q. And we agree that you had spoken to this person; yes?

21 A. Yes.

22 Q. Would you agree with me, yes or no that that person, number  
23 four, would be in a better position to say what happened in  
24 Karina than you?

15:20:33 25 A. Yes.

26 Q. All right. Do you know -- is this person still alive?

27 A. Yes.

28 Q. Do you know where this person lives?

29 A. Yes.

1 Q. Where does this person live, number four?

2 PRESIDING JUDGE: Isn't the whole exercise to prevent  
3 giving an identity here, Mr Hardaway?

4 MR HARDAWAY: I take the hint, Your Honour. I will address  
15:21:12 5 that.

6 Q. You know where the person lives; is that correct?

7 A. Yes.

8 Q. Could you write down where that person lives on the sheet  
9 of paper that is in front of you next to that person's name?

15:21:29 10 A. I know where she lives before I'm talking now to you. But  
11 if she is there presently or not, I cannot tell that, but I can  
12 write. Yes, I did so.

13 PRESIDING JUDGE: Mr Court Attendant, could you show that  
14 to the Defence and Prosecution, please. Do you want the witness  
15:23:56 15 to have that back or do you want to have it.

16 MR HARDAWAY: He can have it back, Your Honour. Thank you,  
17 Your Honours.

18 Q. Mr Witness, I want to go to one other final issue and that  
19 is the issue of hearing the names of the accused. You testified  
15:24:35 20 two days ago that you only heard the names of the accused over  
21 the radio; is that correct?

22 A. Yes.

23 Q. And along with the names that you were presented were the  
24 aliases Gullit and Five-Five; do you remember that?

15:24:55 25 A. I do not remember that.

26 Q. Do you remember my learned friend across the room asking if  
27 you had ever heard of the name Gullit before?

28 A. Yes.

29 Q. Okay. And you responded that you had heard it only on the

1 radi o?

2 A. Yes.

3 Q. And he also asked you if you heard the name Five-Five  
4 before; do you remember that question?

15:25:22 5 A. Yes.

6 Q. And your answer was you only heard it on the radio; is that  
7 correct.

8 A. Yes.

9 Q. Do you still have the list of the abductees in front of  
10 you, sir?

11 A. Yes.

12 Q. I would like to refer you to number two on that list. Do  
13 you know that person?

14 A. Yes.

15:25:46 15 Q. Did you ever speak to that person after that person was  
16 released from their abduction?

17 A. Well, when this person was released from the abduction, the  
18 elders were talking to them, then we get the information.

19 Q. Did you personally talk to the person you have listed as  
15:26:10 20 number two.

21 A. No, only through a majority.

22 Q. Okay. I would like to refer you back to your statement,  
23 sir. And this is on page 37. This is the second to last page of

24 the statement, Your Honours. It is the last paragraph and in  
15:26:42 25 place of the name, I will read the number and this is the last  
26 sentence.

27 This is your statement, Mr Witness. I will read it to you  
28 and then ask you some comments -- some questions. "I don't know  
29 any one by the name Five-Five or Gullit, neither have I met them

1 before. These names were mentioned to me by number two."

2 That is the end of reading. So number two did mention  
3 those names to you, Gullit ask Five-Five, did they not?

4 A. These names.

15:27:35 5 Q. The names Five-Five and Gullit?

6 A. Well, I cannot remember, but I only remember this number  
7 two mentioned the names of Jabbe and Adama.

8 Q. But in your statement you say that number two also mentions  
9 the names Five-Five and Gullit?

15:28:09 10 A. Well, I cannot remember that particular statement.

11 Q. Thank you.

12 MR HARDAWAY: Your Honour, at this time I would ask if the  
13 list as prepared by the witness be exhibited. I do not know what  
14 number this is for the Prosecution.

15:28:30 15 PRESIDING JUDGE: Yes. I think it is P86, do the Defence  
16 have anything to say about that tender?

17 MS THOMPSON: Your Honour, I'm not sure -- it is already in  
18 evidence. I think we have written down the seven names in the  
19 order as it was given. I'm not sure what the purposes of  
15:28:53 20 tendering it. As far as I can see we have all go the names on  
21 the record, as it were. Add least in our own records.

22 PRESIDING JUDGE: Yes, that is true, Ms Thompson, but there  
23 really is nothing in the Court records by way of exhibit of those  
24 names. I take it you don't object.

15:29:13 25 MS THOMPSON: No.

26 PRESIDING JUDGE: Mr Court Attendant, I think we're looking  
27 at P86 -- P100 I'm way behind. Where is the document?

28 MR HARDAWAY: It is still in front of the witness, Your  
29 Honour.

1 [Exhibit No. P100 was admitted]

2 PRESIDING JUDGE: Mr Court Attendant, I would like to read  
3 that document exhibit on to the record, if I could have it for a  
4 few moments. The list written by witness DBK-094 during his  
15:30:42 5 testimony giving seven names will be admitted as Exhibit P100.

6 Is there any need that this should be marked confidential?

7 MR HARDAWAY: No need from the Prosecution, Your Honour.

8 PRESIDING JUDGE: I do not think any of these are Defence  
9 witnesses.

15:31:10 10 MS THOMPSON: Not yet anyway, Your Honour

11 PRESIDING JUDGE: We can always make appropriate orders  
12 later, Ms Thompson, if the necessity arises.

13 MS THOMPSON: Thank you.

14 PRESIDING JUDGE: Yes, go ahead.

15:31:24 15 MR HARDAWAY: Thank you, Your Honour.

16 Q. Mr Witness, I put it to you that you did not hear the names  
17 Gullit and Five-Five for the first time on the radio, as you  
18 testified earlier. What is your response?

19 A. No.

15:31:46 20 Q. I put it to you, sir --

21 PRESIDING JUDGE: I did not understand that answer. What  
22 did you mean by no?

23 THE WITNESS: I didn't hear the names before, only by the  
24 radio, only over a radio.

15:32:08 25 JUDGE SEBUTINDE: In other words, you agree with what the  
26 lawyer has stated.

27 THE WITNESS: Like he said I have heard the names before,  
28 not only over a radio and I said, I heard the names over a radio.  
29 Only. Not by anyone I can remember again.



1 MR HARDAWAY: I can rephrase Your Honour, if that would  
2 help.

3 PRESIDING JUDGE: I'm pretty clear on what he answered.

4 MR HARDAWAY:

15:32:47 5 Q. I put it to you, Mr Witness, that the first time you heard  
6 the names Gullit and Five-Five is when you were told by number  
7 two on the list that you have provided?

8 A. Well, I cannot remember if I give that statement because it  
9 has taken a long time when I give the statement back, I cannot  
10 remember.

15:33:14

11 Q. Thank you.

12 MR HARDAWAY: Your Honours, I will let statement speak for  
13 itself.

14 MR HARDAWAY: Mr Witness, I want to thank you for your  
15 time. Your Honour, this concludes my cross-examination.

15:33:31

16 PRESIDING JUDGE: Thank you, Mr Hardaway. Any  
17 re-examination from the Defence.

18 MR GRAHAM: Yes, Your Honour there are a few questions but  
19 before I proceed to do that, as a result of the cross-examination  
20 by my learned friend on the other side and certain questions that  
21 were put to the witness, we have requested some documents that  
22 the witness prepared for us in relation to the inventory which  
23 assisted us and our investigations. We did not intend to tender  
24 that, but since his credibility, with regard to that has been put  
25 in issue, we have requested that those documents be brought  
26 before this Court and in respect of that, if we could just get a  
27 short -- I think our legal assistants have gone down to our  
28 offices to bring in those specific things that he prepared as a  
29 result of the inventory. If not I can proceed with a few

15:34:12

1 questions in the hope that by the time I complete, they probably  
2 will be back with those documents, Your Honour.

3 PRESIDING JUDGE: Go ahead with your other questions,  
4 Mr Graham.

15:34:52 5 MR GRAHAM: Grateful.

6 RE-EXAMINED BY MR GRAHAM:

7 Q. Mr Witness, good afternoon?

8 A. Good afternoon, sir.

9 Q. Mr Witness, in the course of your cross-examination by my  
15:35:05 10 I learned friend on the other side, he read to you an except from  
11 the witness statement and Your Honours, with your permission if I  
12 may refer to page 35 of the witness statement, particularly  
13 paragraph 3 and I will be making my reference from the second  
14 sentence of paragraph 3 and I read.

15:35:38 15 Mr Witness, if you may listen, it says: "Those who saw the  
16 attackers, said they were dressed like ECOMOG soldiers in  
17 military combat uniforms."

18 And I stand to be corrected in response to the question by  
19 my I learned friend as to how you got to know that you said you did  
15:36:07 20 not get that information on the day of the attack. Now I'm  
21 asking you: When did you get the information that the attackers  
22 were dressed like ECOMOG soldiers in military combat uniforms?

23 A. Well, the two boys that came back and told me about the  
24 gunmen that have arrived that early in the morning, because it  
15:36:45 25 is about 6.00 p.m. by then, the place was not too cleared. The  
26 place was so dark, so the information they gave me about the  
27 people is what I quoted them, that these two boys told me about  
28 this.

29 Q. Okay, thank you, Mr Witness. Mr Witness, I'm also going to

1 ask you how many mosques do you have in Kari na?

2 A. Only one I know about.

3 Q. Is the mosque the only place where people in Kari na can  
4 pray, Mr Wi tness?

15:37:32 5 A. Well, some people can pray in their houses, but majority  
6 goes to that parti cular mosque.

7 Q. And -- Mr Wi tness, apart from the mosque you j ust mentioned  
8 in Kari na, is there any other place in Kari na where the people of  
9 Kari na gathered to say their prayers?

15:38:13 10 MR HARDAWAY: Objecti on, Your Honour, asked and answered.

11 PRESIDING JUDGE: He said in their houses, di dn' t he.

12 MR HARDAWAY: He di d, Your Honour.

13 MR GRAHAM:

14 Q. Okay, thank you. Mr Wi tness, apart from the -- j ust a  
15:38:27 15 second, Your Honours? Mr Wi tness, do you have a prayer fi eld in  
16 Kari na?

17 A. Yes.

18 Q. Where is the prayer fi eld in Kari na, Mr Wi tness, if you  
19 know?

15:38:48 20 A. It is l ocated --

21 MR HARDAWAY: Objecti on, Your Honour. The i ssue of prayer  
22 fi elds was not raised in cross-exami nati on.

23 PRESIDING JUDGE: That di dn' t arise out of  
24 cross-exami nati on, Mr Graham.

15:39:02 25 MR GRAHAM: Your Honour, he menti oned places of worshi p in  
26 the course of hi s cross-exami nati on.

27 PRESIDING JUDGE: Is that right or di d he menti on mosques.

28 MR HARDAWAY: To be fai r, I di d say places of worshi p, Your  
29 Honour.

1 PRESIDING JUDGE: All right. In that case I will overrule  
2 the objection.

3 MR GRAHAM: I'm grateful.

4 Q. Mr Witness, if you know, can you tell this Court where the  
15:39:23 5 prayer field in Karina is located?

6 A. It is located by the north part of Karina very close to the  
7 cemetery.

8 Q. Is that the only prayer field in Karina?

9 A. Yes.

10 Q. And how often, if you know, are prayers held at the prayer  
15:39:44 11 field you just mentioned to this Court, Mr Witness?

12 A. That particular prayer field is used during the Edul Adha  
13 and Edul Fittri, the two great Muslim celebrations, just similar  
14 with Christmas.

15 Q. Mr Witness, you mentioned -- could you spell for the  
15:40:11 16 convenience of this Court the names you just mentioned?

17 A. E-D-U-L one word, A-D-H-A, the second one is E-D-U-L, one  
18 word, F-I-T-T-R-I.

19 Q. Do you know the significance of the festivals you just  
15:41:07 20 mentioned, if you know?

21 A. Edul Fittri is --

22 MR HARDAWAY: Objection, Your Honour. There was no mention  
23 in cross-examination as or related to any specific festivals.  
24 The specific thing dealt with places of worship not causes and  
15:41:26 25 functions arising there from.

26 PRESIDING JUDGE: What do you say so that, Mr Graham.

27 MR GRAHAM: Your Honour, I will move on.

28 Q. Mr Witness, do you know -- tell this Court if you know  
29 whether any prayers were taking place at the prayer field you

1 just mentioned on the day of the attack on Karina?

2 A. On the day of the attack, no prayer was taken in the  
3 praying field, only in the mosque.

4 Q. Mr Witness, can you tell this Court, if you know, whether  
15:42:19 5 each family in Karina has a prayer place?

6 A. No.

7 Q. And can you tell this Court, if you know whether --

8 JUDGE SEBUTINDE: Sorry, is that no, he doesn't know, or no  
9 each family doesn't have.

15:42:40 10 MR GRAHAM:

11 Q. Mr Witness, can you clarify, what do you mean by no?

12 A. I didn't know about any prayer place or any family, only  
13 they did it in their own house.

14 Q. Do you know whether each clan in Karina has a prayer place?

15:43:03 15 A. I didn't know about any prayer place for a separate clan,  
16 only they did it in their house.

17 Q. Mr Witness, can you tell this Court, if you know, how many  
18 times you conducted the inventory you testified about before this  
19 Court?

15:43:29 20 A. Well, I cannot remember how many times, because I did it  
21 for various people -- for different people, I mean.

22 MR GRAHAM: Your Honour, at this point I am reaching the  
23 point where I would want to refer to the work product I had  
24 mentioned earlier on that I wanted us to tender. Our legal  
15:43:58 25 assistants have gone back to the office to retrieve that. Beyond  
26 questions relating to that, I do not have any further questions  
27 in re-examination and I would humbly plead with Your Honours if  
28 it is possible for us to go into recess for a few minutes to get  
29 that.

1 PRESIDING JUDGE: Yes, Mr Hardaway.

2 MR HARDAWAY: Prior to this work product coming in, Your  
3 Honour, I do not know if the Court wish to hear argument because  
4 --.

15:45:20 5 PRESIDING JUDGE: Firstly, it has not been identified, we  
6 do not know what work product we're specifically dealing with,  
7 although I can guess but it has not been identified by the  
8 witness yet, that is one thing. Secondly, there has been no  
9 attempt to tender it. Perhaps things in their turn.

15:45:42 10 MR HARDAWAY: Understood, Your Honour.

11 PRESIDING JUDGE: But anyway, Mr Graham, it has not  
12 surfaced yet, is that right? You want a few more minutes?

13 MR GRAHAM: That is so, Your Honour. I would be grateful.

14 PRESIDING JUDGE: How long do we anticipate?

15:45:58 15 MR GRAHAM: Your Honours, if I am given the permission, I  
16 will just step out just a few minutes, just to see. I do not  
17 intend to hold the Court any further period beyond that.

18 PRESIDING JUDGE: What is your intention once you get these  
19 documents?

15:46:07 20 MR GRAHAM: Your Honours, my learned friend in the course  
21 of his cross-examination has put it in no uncertain terms to the  
22 witness that he has never produced any report or any notes  
23 relating to the inventory that he has testified to. Your  
24 Honours, we intend to produce evidence to the contrary and that  
15:46:28 25 is the essence of what we are trying to do, but I believe it goes  
26 straight to the credibility of the witness. Because the issue of  
27 the inventory is quite a substantial [indiscernible] of the  
28 testimony that we've heard before this Court, Your Honours.  
29 That is all I have to say.

1 PRESIDING JUDGE: Yes, Mr Hardaway.

2 MR HARDAWAY: Your Honour, it is -- I did make that claim,  
3 however it was very, very specific. It dealt with anything done  
4 prior to 2000, that is why that course of questioning was when he  
15:47:00 5 made it. If he sat with my learned friends across the aisle  
6 from three weeks ago, I would be opposing that because that's not  
7 what I was addressing. I was addressing any notes from before  
8 that. Now, granted I did use the word never, but as it relates  
9 to that, it related specifically in the context of his taking the  
15:47:22 10 inventory contemporaneously which we established somewhat before  
11 2000.

12 PRESIDING JUDGE: Let's continue this once we know what we  
13 are talking about. I'm not quite sure what these documents are.  
14 Let's wait until they come to court and they are identified  
15:47:38 15 before we do anything else.

16 MR HARDAWAY: As the Court pleases.

17 MR GRAHAM: Your Honours, if I may just to save the Court  
18 time. To the best of my recollection, I do not think my learned  
19 friend limited the scope of his questions to the period prior to  
15:47:54 20 2000.

21 PRESIDING JUDGE: We will check our notes on that in the  
22 break. How long are you asking for, Mr Graham. .

23 MR GRAHAM: If I may be permitted, Your Honours, I think by  
24 4.00 we should have that.

15:48:11 25 PRESIDING JUDGE: We will adjourn the Court for ten  
26 minutes.

27 [Break taken at 3.51 p.m.]

28 [Upon resuming at 4.25 p.m.]

29 PRESIDING JUDGE: Yes, Mr Graham.

1 MR GRAHAM: Your Honours, our sincere apologies for the  
2 added delay. Unfortunately the package has been sent as part of  
3 our materials to one of our expert witnesses, but we managed to  
4 get it. We are grateful for the patience of the Bench, Your  
16:20:34 5 Honour.

6 Q. Mr Witness, in the course of my questioning, I asked you a  
7 question relating to an inventory that you had taken of some of  
8 the towns leading to Karina and beyond Karina. My learned friend  
9 in his cross-examination also put to you a number of questions  
16:20:59 10 relating to what you had done in the course of your inventory.  
11 With the Court's permission, I would want to show you this  
12 document -- this piece of paper.

13 PRESIDING JUDGE: Just a minute, Mr Graham. This witness  
14 was asked some questions about documents and he gave a definite  
16:21:27 15 answer as regards the location of those documents. Are you now  
16 going to attempt to get him to change his testimony in  
17 re-examination?

18 MR GRAHAM: I'm trying to address the specific issue that  
19 was put to him by my learned friend to the effect that he had not  
16:21:46 20 done any inventory at all, neither had he prepared any notes or  
21 work product in relation to the inventory. That is what I want  
22 to address.

23 PRESIDING JUDGE: Just a minute, Mr Hardaway. My  
24 colleague -- I have the transcript here and -- the question was:

16:22:17 25 "Q. Thank you. Now, sir, where are the rough notes that  
26 you say of your inventory? Where are they?

27 "A. Well, until I look for them --

28 "Q. You didn't bring them with you?

29 "A. They are not with me here presently and I cannot



1 remember if they are with me or not in Freetown here --

2 "Q. Your final inventory is that here?

3 "A. That I'm talking about, the final is not even the  
4 rough because the rough is not with me, but the final  
16:22:54 5 inventory.

6 "Q. So I am clear and the court is clear neither your  
7 final inventory nor your rough notes are here?

8 "A. They are not with me presently.

9 "Q. So there is no way we can see them?

16:23:12 10 "A. Well, if you give me another time to see them.

11 "Q. I put to you, sir, that you did no inventory as you  
12 testified to and I put it to you that there are no  
13 inventories -- you did no inventory."

14 And he did not agree to that.

16:23:34 15 MR GRAHAM: I believe so, Your Honour. That is precisely  
16 briefly what we intend to address at this point, with your kind  
17 permission.

18 JUDGE SEBUTINDE: Mr Hardaway, you had stood up. Were you  
19 going to object to counsel showing this document to the witness?

16:23:57 20 MR HARDAWAY: Yes, Your Honour. It is the submission of  
21 the Prosecution that this document should have been submitted in  
22 chief. It was within their position. They did not do so and  
23 there is no foundation, at this point, for introducing this to  
24 the witness at this time. That is the Prosecution's objection.

16:24:25 25 MS THOMPSON: Your Honour, if I can reply to that. I will  
26 start from the bottom. The foundation can be made as to whether  
27 it should have been introduced in chief. When the document was  
28 handed to the Defence, it wasn't a document which the Defence  
29 intended to form part of the evidence of this witness. When the

1 document was looked at, it is a detailed map of places in Karina  
2 and, in fact, stand as an inventory, although not in the form  
3 that one normally see inventory. It was a map form. It was  
4 thought that since we were not familiar with Karina and we were  
16:25:09 5 going to get an expert to deal with other matters, it would aid  
6 the Defence and evidence would be led by the Defence on the basis  
7 of what we know from this document and the evidence that the  
8 witness gave. It wasn't thought that it was a document that the  
9 court ought to see.

16:25:28 10 Now, in cross-examination my learned friend has brought it  
11 up as if to say that the witness was lying, that such a document  
12 was non-existent. If the witness's credibility is going to be  
13 impeached in that way, we now see it fit that we should show  
14 that, indeed, there was such a document in existence even though,  
16:25:52 15 for obvious strategic reasons, we felt it was not something that  
16 we should bring to the Court's notice. Perhaps one should  
17 anticipate what -- normally when with you prepare your case you  
18 anticipate what will come up in cross-examination. Certainly one  
19 did not think that the witness's credibility would be tested in  
16:26:12 20 the way -- in such a way to say that, in fact, he was lying about  
21 something as basic as him having done something. That was the  
22 reason why it wasn't brought up. It is not that we didn't want  
23 to. There is nothing in it that the Court shouldn't see. It was  
24 thought it would help us in preparing our court, rather than for  
16:26:33 25 the Court.

26 PRESIDING JUDGE: Thank you, Ms Thompson.

27 You have made your objection and it has been replied to,  
28 Mr Hardaway.

29 [Trial Chamber conferred]

1 PRESIDING JUDGE: The witness's credibility was challenged  
2 and we think that in the circumstances the objection ought to be  
3 overruled and we will do so. Go ahead, Mr Graham.

4 MR GRAHAM: Very grateful, Your Honours. Your Honours,  
16:28:19 5 with your kind permission I would want to show this document.

6 JUDGE SEBUTINDE: Mr Graham, I would rather you led some  
7 foundation as to what form this inventory took place, in what  
8 form it took place before you actually reveal the contents of  
9 this document to the witness.

10 MR GRAHAM: I'm very grateful. I take the cue from the  
11 bench. Grateful.

12 Q. Mr Witness, you were -- you have, prior to coming this  
13 Court, were you contacted by any investigators from the Defence  
14 office of the Special Court?

15 A. Yes.

16 Q. And in the course did they conduct an interview?

17 A. Yes.

18 Q. And as part of the interview, did they ask you to do  
19 anything for them?

20 A. Well, the particular day of the interview, they didn't ask  
21 me to do anything for them.

22 Q. Did you give them any document?

23 A. Yes.

24 Q. Do you remember what document you gave to them, Mr Witness?

25 A. Yes.

26 Q. What document did you give to them, Mr Witness, if you can  
27 tell this Court.

28 A. It is the document about my inventory.

29 Q. And can you explain a little bit what you mean by the

1 document about your inventory, Mr Witness?

2 A. About what happened on May 8, 1998.

3 Q. And Mr Witness, do you remember the form of the document  
4 that you gave to the Defence --

16:30:51 5 A. Pardon.

6 Q. Do you remember the nature, the nature of the document that  
7 you gave to the investigators who interviewed you?

8 A. Yes.

9 Q. Can you please tell this Court the nature of the document  
16:31:04 10 that you gave to the investigators from the Defence office,  
11 Mr Witness?

12 A. The documents are two white sheets on which there is some  
13 drawings with pencils.

14 Q. And do you know who made these drawings, Mr Witness?

16:31:29 15 A. I did myself.

16 Q. And do you know when you did these drawings, Mr Witness?

17 A. I cannot remember because I did it for so many people.

18 Q. But do you remember the year that you made this document  
19 that you handed over to the Defence, Mr Witness?

16:31:50 20 A. If my memory can serve me well, the one that I gave to the  
21 Defence was in this same year, but I cannot remember the month  
22 and the date.

23 Q. And can you tell us to the best of your knowledge what is  
24 contained in that document?

16:32:13 25 JUDGE SEBUTINDE: Sorry, Mr Graham, was the answer that the  
26 inventory he drew for the Defence was drawn in 2006? Is this his  
27 answer.

28 MR GRAHAM: That is what I understand.

29 Q. Mr Witness, I'm going to ask you to clarify, Mr Witness. I

1 asked you and I will ask you again, in what year did you prepare  
2 the document that we are now talking about before this Court?

3 A. I cannot remember the particular time after the attack of  
4 1998, but I did it over and over and I cannot remember some  
16:32:53 5 years, but I did it concerning about the attack and I did it  
6 concerning about different issues.

7 Q. But I just need you to be very clear -- I'm asking you  
8 about the document that you gave to the Defence, what year?

9 PRESIDING JUDGE: Well, look here -

16:33:15 10 MR GRAHAM: He said in his earlier testimony --

11 PRESIDING JUDGE: Well, he was asked in cross-examination -  
12 unless we're talking about two different documents - he was asked  
13 in cross-examination he was asked, "When did you take this  
14 inventory?" And he couldn't remember the date or the month. He  
16:33:47 15 was asked, "Was it in 1998?" He said, "Even the year I cannot  
16 really remember whether it was in 1998 or 1999." And then it  
17 went on with a few other questions.

18 "Q. You don't remember what year, 1999 or last year?

19 "A. I cannot remember the year, but it was a long time.

16:34:18 20 "Q. It was a long time ago?

21 "A. Yes.

22 "Q. Will you agree with me that it was more than five  
23 years ago. Was it before the year 2000? Let me start  
24 there.

16:34:26 25 "A. No. I usually did it for other people. I even --  
26 not about the inventory but I usually did this type of  
27 sketch for other people, but I cannot remember the exact  
28 time because --

29 "Q. I'm not asking for exact time. Please listen to the

1 question. It is a very simple one. What is it before the  
2 year 2000? It is either yes, no, or I don't know.

3 "A. It might be before the year 2000.

4 Now, are you going to try to attempt to get him to change  
16:34:57 5 that testimony?

6 MR GRAHAM: Not at all. Your Honours, I will proceed.

7 Q. Mr Witness -- Your Honours with your --

8 JUDGE SEBUTINDE: Mr Graham, it seems to us, from the  
9 testimony of the witness, that this particular document you are  
16:36:04 10 talking about comes about as a copy of an initial document that  
11 was done many years ago and that this witness has had to  
12 reproduce for various people. This is the picture we would get.  
13 We may be wrong. We would ask you to clarify from the witness,  
14 if in fact this is the case. It seems to us that initially after  
16:36:31 15 the attack he did prepare a sketch and that over the years he has  
16 had to prepare a similar sketch for various people for various  
17 reasons, the Defence being one of those people for whom he has  
18 prepared a similar sketch. This is not an original inventory,  
19 but a copy of the original inventory that he has produced? Would  
16:36:57 20 I be right, or could you please clarify from the witness.

21 MR GRAHAM:

22 Q. Mr Witness, do you recall when you prepared this document?

23 JUDGE SEBUTINDE: What document? Precisely, Mr Graham, we  
24 don't know what document we're talking about. Are we talking  
16:37:25 25 about the one in your hand or the original inventory that he has  
26 been alluding to? Clarify, please.

27 MR GRAHAM: Your Honours, at this point I think I would  
28 want the witness, with the permission of the Court, to look at  
29 the document. Under the circumstances he would probably be in a

1 better position to answer the questions I'm asking him. With  
2 your kind permission, I would ask that this document be forwarded  
3 to the witness and my friends on the other side.

4 PRESIDING JUDGE: Yes.

16:37:54 5 MR HARDAWAY: Your Honour, I would --

6 JUDGE SEBUTINDE: Mr Graham, I do not know why you cannot  
7 ask the witness clearly the sequence of events. By showing him  
8 this document you are, in a way, leading him. You know your  
9 client's case. You know how you came by this document. All we  
10 are seeking for the record is a clarification. Is this the  
11 original inventory or is it not? It is a very simple question,  
12 sir.

13 MR GRAHAM: Very well.

14 Q. Mr Witness, the document that you gave to the Defence, can  
15 you tell this Court whether it is an original work of yours?

16 JUDGE SEBUTINDE: No, Mr Graham. That is not the issue.  
17 Even the copies are his original work. The question should be  
18 whether this document was the original inventory that he prepared  
19 after the attack, or whether this is what one of the many other  
20 copies that he has reproduced for various other people ever  
21 since.

22 MR GRAHAM: Very well. I will take a cue from the Bench.

23 Q. Mr Witness, can you tell this Court whether the document we  
24 have referred to was the -- excuse me, Your Honours, one second.

16:40:11 25 Mr Witness, we have been talking about a document the past few  
26 minutes and I'm asking you is this document is that the original  
27 inventory that you have told this Court that you conducted some  
28 time?

29 A. This document is one of the documents I used to make for

1 the others.

2 Q. So, Mr Witness, can you tell this Court if you recall when  
3 you made this document?

4 A. I cannot remember the date and month, but it might be in  
16:41:06 5 this year.

6 JUDGE SEBUTINDE: You mean 2006?

7 THE WITNESS: Yes.

8 MR GRAHAM:

9 Q. Is this document, Mr Witness, a copy of your original  
16:41:26 10 inventory which you did some time?

11 A. Yes.

12 Q. How many, if you can tell this Court, how many copies, if  
13 you know, have you made, of your original inventory?

14 A. My own personal is only one, but I made it for so many  
16:42:04 15 people, so I cannot remember how many I made and from -- I made  
16 it in different years.

17 Q. Thank you. Mr Witness, I'm going to ask you would you tell  
18 this Court whether this copy is the same as the original  
19 inventory that you did just after the attack on Karina?

16:42:45 20 A. Yes, it is the same.

21 Q. And if you recall, Mr Witness, can you tell this Court who  
22 and who have received copies of your original -- of your  
23 inventory?

24 A. This particular inventory I can recall the Defence lawyers  
16:43:17 25 from the Special Court, but the others are just civil people.

26 MR GRAHAM: Your Honours, at this point I would want to,  
27 with your kind permission, forward the document to the witness  
28 for identification.

29 PRESIDING JUDGE: Is there something you object to at this



1 stage, Mr Hardaway?

2 MR HARDAWAY: Yes, Your Honour, on two points. One, it is  
3 not clear if the document possessed by the Defence if it is a  
4 copy of a copy, if it is drawn from his head is one. And, two, I  
16:44:49 5 would argue that it is irrelevant because it does not refer to  
6 the documents which were referred to in cross-examination, which  
7 are the originals.

8 PRESIDING JUDGE: Aren't you being a bit premature. We  
9 will hear those objections in due course. We do not know even  
16:45:07 10 what the witness is going to say when he is shown the document.  
11 I think Mr Graham is trying to get the document identified as the  
12 one he has been talking about.

13 MR HARDAWAY: Understood, Your Honour.

14 PRESIDING JUDGE: Yes, Mr Court Attendant, could you show  
16:45:24 15 the document to the Prosecution and the witness, please.

16 THE WITNESS: Yes, this is my hand work.

17 PRESIDING JUDGE: Did you have a question? He has the  
18 document.

19 MR GRAHAM: Yes.

16:46:16 20 Q. Mr Witness, have you seen the document before you? Have  
21 you seen it before?

22 A. Yes.

23 Q. Can you tell -- and do you know who prepared this document,  
24 Mr Witness?

16:46:30 25 JUDGE DOHERTY: He has answered that.

26 PRESIDING JUDGE: Mr Witness, is that the document that  
27 Mr Graham has been asking you about?

28 THE WITNESS: Yes. This is one of the documents I used to  
29 prepare.

1           PRESIDING JUDGE: That is the one you said you probably  
2 prepared this year; is that right?

3           THE WITNESS: Yes, this is the one I prepared this year.

4           PRESIDING JUDGE: Go on from there.

16:46:52 5           MR GRAHAM:

6 Q.     Mr Witness, can tell this Court what is contained in that  
7 document, briefly?

8 A.     Briefly the document from the beginning to the ending it  
9 mainly contain houses burnt -- houses that are burnt down and the  
16:47:19 10 one that are repaired and the one that were not burned and in  
11 Karina I talk about -- I draw about the mass graves and where I  
12 saw the dead bodies after the attack. Only that is the main  
13 thing that contains in the map I can briefly explain about.

14 Q.     Go ahead, Mr Witness.

16:48:00 15 A.     I said I briefly draw about the houses that are in the  
16 towns, each of the town, and the one that were burnt down, the  
17 one that were repaired after and the one that were not burnt,  
18 that remained without any problem. And in Karina I talk -- I  
19 draw about the two mass graves and where I saw the dead bodies.  
16:48:35 20 That, I believe, is the main thing I can briefly explain about.

21 Because I give all the signs that [indiscernible] -- even the  
22 routes the gunmens travel from after they cross from Kamagbengbe  
23 then to Bonoya and how they travelled into Mandaha, the routes  
24 they used, how to travel in.

16:49:10 25           MR GRAHAM: Your Honour, at this point I would want, with  
26 your kind permission, for the document to be marked for  
27 identification, as we do not intend to tender that document in  
28 evidence at this point.

29           PRESIDING JUDGE: What is the point of marking it for

1 i denti fi cati on?

2 MR GRAHAM: Your Honours, we submit that down the line we  
3 expect this document to be put, hopefully, to a different use in  
4 this Court by way of having further evidence or testimony. And  
16:50:09 5 we still have use of it, if it is marked for further  
6 i denti fi cati on, but that is, of course, subject to Your Honours'  
7 pleasure. That is the submission we make.

8 JUDGE SEBUTINDE: But are you saying that if it were  
9 exhibi ted, you wou ldn' t be able to refer to it in other people' s  
16:50:27 10 testi mony?

11 MR GRAHAM: Your Honour, it's simply because also our  
12 expert witnesses would need the use of that document for --

13 JUDGE SEBUTINDE: Because we don't -- this is the author of  
14 the document. You don't want him to tender it in. Of what use  
16:50:45 15 will it be later when he is stood down when other witnesses are  
16 referring to it? What use will it be?

17 MR GRAHAM: Very well, Your Honour. Your Honours, at this  
18 point, subject to any objections from the Prosecution, we would  
19 like to tender that document in evidence.

16:51:01 20 PRESIDING JUDGE: Yes, Mr Hardaway.

21 MR HARDAWAY: The Prosecution would object, Your Honour.  
22 Several reasons. First, this item has been in the possession of  
23 the Defence for a significant period of time. It is not on their  
24 exhibit list to us. It was not disclosed to us. They've had it.  
16:51:22 25 They could have presented it to us in a timely fashion. Also  
26 there is still no clarification as to if it was done a copy of a  
27 copy or if it's done from his memory. Excuse me, one second.  
28 Also, Your Honours, the documents that were referred to by the  
29 Prosecution in cross-examination dealt with the originals and

1 this, as far as we can tell, is not the original, but the fact  
2 that it has not been disclosed, it has not been put on the list  
3 and we are not put on notice. That is the Prosecution's  
4 objecti on.

16:53:11 5 [Trial Chamber conferred]

6 JUDGE SEBUTINDE: The Bench is of the view that in  
7 cross-exami nati on counsel for the Prosecuti on raised the issue of  
8 the rough notes and -- the whereabouts of the rough notes and the  
9 original inventory. That was the issue raised in  
10 cross-exami nati on. And the answer that the witness gave then is  
11 on the record. He didn't know where they were and he required  
12 time to establish their whereabouts.

13 Now in re-examine it has become clear from the testimony of  
14 the witness that the document now on the table is not an original  
15 inventory, it is a copy of the inventory, of the original. So  
16 that leaves the questi on in cross-exami nati on unaffected. The  
17 questi on still remains, the Bench does not know were the original  
18 is at this time.

19 So the applicati on to tender this document will be denied,  
16:55:02 20 because we do not see the value of tendering it. We do not know  
21 what you are trying to prove by it. However, we will mark it for  
22 i denti fi cati on in the hope that in some -- in the future, the  
23 Defence may be able to establish the origins or the whereabouts  
24 of the original. So we will accept it and mark it for  
16:55:28 25 i denti fi cati on.

26 PRESIDING JUDGE: Mr Court Attendant, MFI, I don't know if  
27 you can give me a number there.

28 MR WALKER: Not offhand, Your Honour. I think it's  
29 probably number 2 but the original number 1 has now gone because

1 that's been exhibited.

2 PRESIDING JUDGE: I think we will mark that document MFI 1.

3 [Exhibit No. MFI 1 marked for identification]

4 PRESIDING JUDGE: Now, does that conclude the

16:56:13 5 re-examination by the Defence?

6 MR GRAHAM: Yes, Your Honour, it does. But by way of  
7 clarification, I very much reckon that Your Honours have made a  
8 ruling in respect of the objection but then again, Your Honours,  
9 the issue of the copy of the original still remains a little bit  
10 tricky, because Your Honours, when we say original the issue  
11 still remains that the witness could well have made a handdrawn  
12 copy of the original.

13 JUDGE SEBUTINDE: Mr Graham. This is your witness. You  
14 still have the floor. You could have clarified all of this in  
15 re-examination if you wished. You had two opportunities, either  
16 if examine in chief or now in re-examination. You still have  
17 that opportunity. It is up to you. If you choose to leave  
18 things as they are. You can't complain, really.

19 MR GRAHAM: I'm not complaining. That is exactly what I  
16:57:09 20 want to do. That is why I'm making the submission before the  
21 Court. That is exactly what I want to do to seek clarification  
22 from the witness in respect of the issue of the original.

23 PRESIDING JUDGE: That is why I asked if you had any more  
24 questions in re-examination.

16:57:27 25 MR GRAHAM:

26 Q. Mr Witness, you told this Court about an original of the  
27 inventory that you made some time back. Can you tell this Court  
28 how you made the document in front of you?

29 A. This particular document in front of me, I made it through

1 from the original and then I interview to make proof if I am  
2 right?

3 Q. Mr Witness, I'm asking you, this copy, did you do it by  
4 freehand by looking at the original copy?

16:58:32 5 MR HARDAWAY: Leading question, Your Honour, objection.

6 MR GRAHAM:

7 Q. Mr Witness, how did you do the document that you have in  
8 front of you?

9 A. Well, I looked through the original copy and the rough  
16:59:05 10 sketch to combine all what I was trying to talk about in this  
11 document.

12 Q. What do you mean by rough sketch, Mr Witness?

13 A. The information that I gathered to make the documents.

14 Q. Can you tell this Court whether this copy that you made,  
16:59:33 15 whether you know that it is an exact copy of the original that  
16 you have told this Court about, Mr Witness?

17 A. This particular copy, I had a copy that is only about  
18 Karina. It does not talk beyond Karina. That is the first  
19 original copy. Then the one that talk beyond Karina is the  
17:00:03 20 second original copy.

21 Q. So, Mr Witness, are you telling this Court that some of the  
22 things that you have -- let me ask -- let me rephrase, Your  
23 Honours. Do you know whether all the information that you have  
24 in the document before you is also contained in the original that  
17:00:34 25 you have spoken about?

26 A. No.

27 Q. Can you then tell this Court what is in the document before  
28 you which is not contained in the original that you have told  
29 this Court about?

1 A. Like my original copy here is in this new copy, like I talk  
2 about -- like I talk about Karina. Like in Karina we have a new  
3 health centre built there. That was not there in my original  
4 copy and a foundation of a secondary school, that is not in my  
17:01:16 5 original copy. And a court barri that is not in my original  
6 copy, something like this, I can guess.

7 Q. Mr Witness, those things that you just mentioned, the  
8 health care centre and the other things that you mentioned are  
9 they in the document before you?

17:01:44 10 A. Yes, because this building are now some image in the place,  
11 so I can just mention them for anyone that go there to know.

12 Q. Thank you.

13 MR GRAHAM: Your Honour, I don't have any further more  
14 questions for this witness. I'm grateful for the time.

17:02:09 15 PRESIDING JUDGE: Thank you, Mr Graham.

16 QUESTIONED BY THE COURT:

17 PRESIDING JUDGE:

18 Q. Mr Witness I'm a little unclear about that document in  
19 front of you. Correct me if I am wrong, please. What I'm going  
17:02:20 20 to ask you is: Does that document represent things as they are  
21 in 2006 rather than things as they were in 1998?

22 A. This document there are things that were -- there are some  
23 things that were before 2000 and 1998 and there are some things  
24 that are after 1998, like 2006, like this new things that I just  
17:03:00 25 mentioned, I add them to this document in 2006.

26 Q. I understand. So that document then contains more  
27 information than the original document would have contained?

28 A. Yes.

29 JUDGE DOHERTY:

1 Q. Mr Witness, I am still not clear where the very original  
2 document that you drew from your rough notes is.

3 A. Well, the real original -- that is why I say you can give  
4 me time, perhaps I will look for it. Whether here, if I do not  
17:03:59 5 find it here, then I go back where I can find it, but I believe  
6 there will be the original which I used to work on for other  
7 people.

8 JUDGE SEBUTINDE:

9 Q. Mr Witness, while you were preparing this document that is  
17:04:18 10 in front of you --

11 A. Okay, like as I'm just talking about [redacted], they met  
12 me there and they asked in the town if someone can help them do  
13 that, then because they know I can do that, then they asked me.

14 Q. What is [redacted]?

17:04:42 15 A. [Redacted].

16 Q. Okay, the question that I wanted to ask you, sir, is this:  
17 While you were preparing this particular document for the Defence  
18 lawyers, were you drawing it from your mind, from your head or  
19 did you have -- did you go around physically to Karina or were  
17:05:10 20 you drawing it from memory?

21 A. Well, because I know Karina very well, I can even sit down  
22 here and do some things. Then where I cannot remember and guess,  
23 I can look over and see where I can add.

24 Q. So is this how you prepared that document, you sat down and  
17:05:31 25 drew it from your head?

26 A. Yes, because I've become use to it.

27 PRESIDING JUDGE:

28 Q. Was that document prepared for the Defence lawyers or for  
29 [redacted]?



1 A. This one particular one was prepared for the Defence  
2 lawyer. The one prepared for [redacted] was a bit different.

3 PRESIDING JUDGE: Well, anything arising from our questions  
4 with the Defence?

17:06:07 5 MR GRAHAM: No, Your Honours.

6 PRESIDING JUDGE: All right. Mr Witness, that concludes  
7 your testimony. Thank you very much for coming to court and if  
8 you will just be patient while we adjourn, then you will be able  
9 to leave.

17:06:26 10 THE WITNESS: All right. But can I please ask question.

11 PRESIDING JUDGE: What do you want to ask?

12 THE WITNESS: It is concerning about this document because  
13 people know I used to draw this document in Karina so I'm afraid  
14 of my safety. I believe if it cannot be on wire or anything,  
17:07:07 15 because I'm afraid if there will be anything people will know me  
16 earlier, because even a small child knew I used to do this work.  
17 So because we have talked a lot about the document and if it  
18 cannot be over a wire or in writing is what I'm afraid of.

19 PRESIDING JUDGE: Well, the Defence, you produced the  
17:07:40 20 document. What do you now suggest?

21 MS THOMPSON: Your Honour, I'm glad you raised -- in the  
22 arguments about the document I think we kind of lost sight of  
23 that, for which I apologise sincerely, especially to the witness.  
24 Your Honour, may I ask that those bits that deal with the  
17:08:05 25 document be redacted from the record and from the public as well.  
26 Although I have never heard about it, I am made to understand  
27 that these proceedings are on television and radio sometimes and  
28 I wouldn't want it to be reported as well in the newspapers. I  
29 think it would go to identifying this witness.

1           PRESIDING JUDGE: We are a little puzzled, because even in  
2 chief, even in chief the Defence laid evidence about this  
3 document. I cannot see how at the conclusion of the witness  
4 testimony it suddenly becomes a security issue. The document  
17:09:16 5 itself can stay with the Court and it is already marked for  
6 identification and it can also be marked confidential at this  
7 stage. It seems to me as though the witness is worried about the  
8 document, not the evidence itself.

9           MS THOMPSON: I am sorry, Your Honour, I don't actually get  
17:09:43 10 everything you were saying. One of the last things I was going  
11 to do was complain about the head sets on this side. The issue  
12 is not necessarily the document. What he has raised is that this  
13 is his trade. He is known for it in that locality and he has  
14 actually mentioned an organisation which is a very major  
17:10:04 15 organisation in this country that have contracted him to do this,  
16 he has done this document for them. My fear now and the Defence  
17 share the same fear is that once he has actually mentioned that  
18 organisation now and there has been a lot of talk about this  
19 particular inventory or inventories he has done before, there is  
17:10:26 20 a chance he will be identified and if there is a small risk, Your  
21 Honour, especially as he has raised it, my humble submission  
22 would be that we would rather not take that risk. This evidence,  
23 this latter part be kept from the public. My understanding, is  
24 the examination-in-chief didn't really go to this inventory, but  
17:10:48 25 there has been a lot of discussion now about this particular  
26 document and he has gone so far as to name at least one  
27 organisation for whom he has done it for and his evidence is  
28 about a particular place. And that is my fear, Your Honour.

29           PRESIDING JUDGE: My recollection is that there was quite a

1 bit of mention in examination-in-chief as well cross-examination  
2 about the inventory and preparing information and going from town  
3 to town, et cetera, et cetera, accumulating information. Now, it  
4 is impossible to redact that. It is a little bit late to redact  
17:11:27 5 all of that. There would be no testimony left. What this  
6 witness seems concerned about is this document and possibly the  
7 mention of [redacted].

8 MS THOMPSON: Yes, Your Honour. It is the reporting of  
9 this latter stage. Anyone can conduct an inventory, but we have  
17:11:45 10 gone so far as to discuss that this inventory was reduced into a  
11 particular kind of document. He has mentioned an organisation  
12 that he has done something similar for. That is the crux of the  
13 matter. What has taken place in the last hour or so in this  
14 Court, certainly the re-examination on that particular portion of  
17:12:09 15 his evidence.

16 PRESIDING JUDGE: What exactly do you say we should redact,  
17 the whole last hour of testimony?

18 MS THOMPSON: No, Your Honour, just that bit concerning  
19 this document which we have asked to be identity, just that bit.  
17:12:30 20 I think it can be easily done from the transcript. Not  
21 everything else, but just that bit.

22 JUDGE SEBUTINDE: Would you be happy if we redacted the  
23 references to [redacted].

24 MS THOMPSON: Or, Your Honour, we can do it this way:  
17:12:49 25 Order that that evidence not be reported.

26 PRESIDING JUDGE: The problem is pinpointing the evidence  
27 we're talking about. There has been so much evidence. We have  
28 to have a starting point.

29 MS THOMPSON: Your Honour, it would be confined to the

1 re-examination and to -- from the point where the document is  
2 identified. Without looking at the transcript I cannot take  
3 [indiscernible] -- because no other topic was covered after this  
4 document was identified, and I think that would be to the end.

17:13:28 5 PRESIDING JUDGE: Excuse me one moment

6 [Trial Chamber and legal officer conferred]

7 PRESIDING JUDGE: Mistakes can be made and we do not intend  
8 to apportion blame, but we do point out that this document that  
9 has caused the present concern was produced at the insistence of  
10 the Defence and that the questions, if any questions, do in fact  
11 put this witness's security in issue, were raised by the Defence  
12 themselves in re-examination. Be that as it may, we are  
13 concerned about the security of this witness. The best we can do  
14 is the following: We order that any reference in the transcript  
15 to the company or firm by the name of [redacted] be redacted and  
16 the document marked for identification 1, will be marked  
17 confidential.

18 Mr Witness, once again, thank you for your testimony and as  
19 soon as the Court raises, you can leave.

17:18:12 20 Just one other thing, if I could ask the defence, the next  
21 witness, according to the list I have got, now is now DBK-089; is  
22 that correct?

23 MR GRAHAM: Your Honours, I believe it is DBK-089.

24 PRESIDING JUDGE: Thank you. We will rise now and  
17:18:47 25 reconvene at 9.15 tomorrow morning.

26 JUDGE SEBUTINDE: Mr Court Attendant should collect the  
27 document from the witness, please.

28 MR FOFANAH: Your Honours, is there any similar direction  
29 to members of press outside there on [redacted]?

1           PRESIDING JUDGE: I am sorry, what is that?

2           MR FOFANAH: Members of the press about reporting on  
3 [redacted], if any?

17:19:12

4           PRESIDING JUDGE: Yes, Mr Fofanah. We warn members of the  
5 press and public that references to [redacted] could endanger  
6 this witness's security, so you are not to repeat them outside  
7 this Court.

8                                 [Whereupon the hearing adjourned at 5.23 p.m.  
9                                 to be reconvened on Friday, the 14th day of  
10                                July, 2006, at 9.15 a.m.]

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**EXHIBITS:**

Exhibit No. P100	40
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