



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

FRIDAY, 8 SEPTEMBER 2006
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Mr Thomas George
Ms Advera Kamuzora

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Ms Shyamala Alagendra
Mr Vincent Wagona
Mr Sean Morrison (intern)

For the accused Alex Tamba
Brima:

Mr Kojoo Graham

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santi gie Borbor
Kanuu: Mr Ajibola E Manly-Spain

1 [AFRC08SEP06A- MD]
2 Friday, 8 September 2006
3 [Open session]
4 [The accused present]
5 [The witness entered court]
6 [Upon commencing at 9.30 a.m.]

7 PRESIDING JUDGE: Good morning. First of all, we'd like to
8 apologise for the late start this morning. We had another matter
9 that we needed to attend to first.

09:31:36 10 Now, I understand there are two new interpreters to be
11 sworn; is that correct?

12 THE INTERPRETER: Yes, Your Honour.

13 PRESIDING JUDGE: Mr Court Management, did you tell me or
14 did you not tell me there were two interpreters to be sworn?

09:31:55 15 MR GEORGE: I did, Your Honours.

16 PRESIDING JUDGE: Well, where are they? Come forward and
17 take the oath, please.

18 [Interpreters Sai o Marrah and Khadijatu Marrah - sworn]

19 PRESIDING JUDGE: Do you have a copy of the oath there?

09:33:09 20 Thank you. Welcome to the Court.

21 I understand the next Defence witness is DAB-084; is that
22 correct?

23 MR FOFANAH: Yes, Your Honours.

24 WITNESS: DAB-084 [Sworn]

09:34:32 25 [Witness answered through interpreter]

26 MR FOFANAH: Good morning, Mr Witness.

27 EXAMINED BY MR FOFANAH:

28 Q. Good morning.

29 A. Good morning.

1 Q. Mr Witness --

2 A. Yes.

3 Q. -- you were born in March 1954 at Fadugu Town, Kasunko
4 Chiefdom, Koinadugu District?

09:34:59 5 A. Yes, that is it.

6 MR FOFANAH: Kasunko, Your Honours, is K-A-S-U-N-K-O.

7 PRESIDING JUDGE: Thank you, Mr Fofanah. Could you assist
8 us with where we will find this summary?

9 MR FOFANAH: Just a moment. Number 7 on the list, as well
09:35:31 10 as number 7 on the summary. It's actually page --

11 PRESIDING JUDGE: I have it --

12 MR FOFANAH: Page 4.

13 PRESIDING JUDGE: Page 1880 of the --

14 MR FOFANAH: Of the Court record.

09:35:53 15 Q. Mr Witness, you are a Limba by tribe and a Sierra Leonean
16 by nationality?

17 A. Yes, that is it.

18 Q. You did your primary education at the district council
19 primary school, Fadugu Town?

09:36:14 20 A. Yeah, I went to school, the primary school.

21 Q. You did your secondary education in Freetown where you
22 attended the fifth form?

23 A. Yes, it is true.

24 Q. Mr Witness, you also graduated in 1989 with a teacher's
09:36:44 25 certificate?

26 A. Yes, it was in the Makeni teacher's college.

27 Q. And you are currently a teacher?

28 A. Yes, I am a teacher.

29 Q. Mr Witness, do you recall May 1997?

1 PRESIDING JUDGE: Go ahead Mr Fofanah.

2 MR FOFANAH: Thank you, Your Honours.

3 Q. Do you recall May 1997?

4 A. May 1997, except you help me, help by giving me some
09:37:33 5 information of what actually happened on that May. I cannot
6 remember the date.

7 Q. Okay. On May 25, 1997, do you know if anything happened in
8 Sierra Leone?

9 A. Yes, something happened. The government -- the government
09:37:55 10 of the day was removed from power.

11 Q. By whom?

12 A. It was the AFRC.

13 Q. And do you know what AFRC means?

14 A. I cannot tell now.

09:38:23 15 Q. Now, how did you get this news that the government was
16 removed from power by the AFRC?

17 A. Well, while I was in my village, our people who were coming
18 from Freetown, going to my village, they explained that the
19 government of the day has been removed from power and the junta
09:38:46 20 forces did that.

21 Q. Where is your village?

22 A. In Fadugu.

23 Q. Now, as a result of that news, did anything happen in your
24 village?

09:39:03 25 A. Yes, something happened. We were there, and we understood
26 that ECOMOG has pushed the junta and, where they were going, they
27 did not make us happy.

28 Q. Okay. Now, before getting to that period, I am talking
29 about the year 1997. After hearing about the overthrow of the

1 government, you said you were still at your village. Now, during
2 1997, did anything happen which you can recall?

3 A. 1997? Is that not what I said, that it was the time that
4 they overthrow the government. Wasn't that that I explained,
09:40:09 5 that they overthrew the government.

6 Q. Okay. I understand. I mean you are -- can you describe
7 the situation in your village during 1997, before the ECOMOG
8 intervention?

9 A. Yes. That year, when we heard what happened in Freetown,
09:40:39 10 we used to get shortages of things, of some commodities, like
11 petrol, kerosene, just to name a few. We had problems with that.

12 Q. And, as a result of that, did you have any cause to stay or
13 move out of your village?

14 A. Well, when relatives were coming from Freetown, the juntas
09:41:13 15 and they met us in the village, they threatened. We were not
16 able to sit down, sit in the village. We -- we found the
17 villages. I went 3 miles off. I went to a village to seek
18 refuge.

19 Q. Do you know the name of the village where you went to seek
09:41:33 20 refuge?

21 A. The village name, well, we didn't settle in a village that
22 had a name, because they would ask the name of the villages, so
23 we settled down in forests.

24 Q. Now, these people that you have referred to as juntas, how
09:41:58 25 were they dressed?

26 A. Well, as I said, they were coming from Freetown. Some went
27 within -- in uniform and some went in ordinary clothes, but they
28 all carried guns.

29 Q. Now, firstly, did this happen in 1997 or 1998?

1 A. It was in 1998. That is why, when you were talking about
2 1997, I was a little bit in doubt.

3 Q. And was this after the ECOMOG intervention in Freetown?

4 A. No. The time they went, ECOMOG was already in Freetown.

09:42:51 5 Q. Okay. So, Mr Witness, when you withdrew to these forests,
6 did you have cause to come back to your village later on?

7 A. Yes. I had to come back because when we ran away, not
8 everybody went far off. One day we heard heavy gunshots. When
9 our colleagues went and told us that ECOMOG -- ECOMOG has taken
09:43:23 10 over Fadugu, and they have pushed the juntas away.

11 Q. So who were these colleagues who went and told you that
12 ECOMOG has removed the juntas?

13 A. Well, it was a war situation. You would hardly, it was
14 difficult to see your own companion and there were extra people.
09:43:48 15 I was not able to identify them. People were coming from
16 neighbouring villages and would come to hide where other peoples
17 were hidden -- hiding, were in hiding.

18 Q. Now, before ECOMOG took over your village, the juntas
19 you've referred to, did they have any other name, those who
09:44:10 20 occupied your village?

21 A. Well, some had names. Not everybody had names, but one had
22 a name. They called him Savage. I know he was also called
23 Pass-a-die.

24 MR FOFANAH: Pass-a-die is a Krio phrase. Pass as in pass,
09:44:40 25 A-D-I-E.

26 Q. What does Pass-a-die mean, Mr Witness, if you know?

27 A. Well, in Krio, he -- only God would be able to take his
28 life, but he would not forgive anybody.

29 Q. Now, do you know if this man Savage was in charge of the

1 juntas who were present in your village?

2 A. Well, Savage, that was what we heard, that he was in charge
3 of them while we were there but even -- they were also based in
4 Kamabai. People came from Kamabai and threatened us. They
09:45:27 5 disturbed us at Fagudu. They took properties and asked for
6 things like -- things like salt, kerosene. If you don't have --
7 if you hadn't those things, you would be in trouble.

8 Q. Okay. First, let's start with the people. Who were the
9 people who came from Kamabai?

09:45:48 10 MR FOFANAH: Kamabai, we've had that before, Your Honours.

11 THE WITNESS: Savage, that was his first base. He took
12 people from there to go to disturb us at Fadugu. They called
13 him -- they called it jah-jah.

14 MR FOFANAH:

09:46:11 15 Q. Was it the process that they called jah-jah, or what do you
16 mean by jah-jah?

17 A. Jah-jah was to go and make somebody and take properties
18 from him by force.

19 MR FOFANAH: Your Honours, we've also had jah-jah before.

09:46:30 20 Q. Now, these people who came from Kamabai, how were they
21 dressed?

22 A. Well, some -- some had uniform and others had civilian
23 clothes.

24 Q. Did they carry any arms?

09:46:51 25 A. Maybe one or two will have arms.

26 Q. And did you see them yourself?

27 A. Yes. When they came, the moment they came, we run away,
28 because wherever there was danger, some people run away. You
29 can't wait for it to meet you. As they came around -- they will

1 go around the town. As we saw their behaviour -- when I saw
2 their behaviour, then I would go away with my family in the bush.

3 Q. So how many times did you have to run with your family into
4 the bush, during this period?

09:47:31 5 A. That, I cannot tell you the number of times. Because there
6 were times it could be during the day and there were times when
7 it would be in the night, when they attacked. So many, many
8 times we ran away. But there was a time when we based in the
9 bush, we had to base in the bush.

09:47:56 10 Q. Now, do you know if Savage had any deputy?

11 A. Well, I wouldn't know that.

12 Q. Okay. So, Mr Witness, let's come back now to the takeover
13 by ECOMOG. You said you came out of the bush when you heard that
14 ECOMOG has taken over your village from the juntas. Do you

09:48:25 15 recall saying that?

16 A. Yes, I said that.

17 Q. So when you came to your village, whom did you see?

18 A. Well, when I came back to my village, I met other people
19 like one of my brothers, who is already deceased, he is

09:48:51 20 Sam Kamara. I met the people and they told me that, overnight,
21 they, the people -- ECOMOG came. So we are now free. They said
22 they were now based there. Then, at that time, I saw about 30
23 dead bodies, but only that -- those 30 corpses, I would not be
24 able to tell as to who really killed them.

09:49:30 25 Q. Now, these corpses, were they corpses of armed men or
26 civilians?

27 A. As I first said, they were people -- some had uniforms and
28 some don't have, but all of them held guns. So as I came after
29 the ECOMOG intervention, at that place, I was not able to go

1 close to the corpses, because I was afraid.

2 Q. Now, did you see any ECOMOG --

3 JUDGE SEBUTINDE: Mr Fofanah, is it the corpses that had
4 the guns and were dressed partly in civilian -- the question you
09:50:09 5 asked was: How were these corpses dressed?

6 MR FOFANAH: I will put it again, Your Honour.

7 JUDGE SEBUTINDE: The answer appears to suggest someone
8 else.

9 MR FOFANAH: I will put the question again, respectfully.

09:50:20 10 Q. Now, Mr Witness, listen carefully to the question and then
11 you give an answer. Now, the corpses that you said you saw, when
12 you came back from your hiding place, did you recognise them?

13 A. No, I didn't know them at all. I couldn't recognise them.

14 Q. Do you know how they were dressed, the corpses?

09:50:44 15 A. Well, somebody's dead. You will see -- I saw them in plain
16 clothes. They were all in civilian clothes.

17 Q. Did you see any arms or ammunition by them?

18 A. No, no. I did not see. I did not see anything with them.

19 Q. Now, when you came back into the village, did you see any
09:51:16 20 ECOMOG soldier?

21 A. That is the reason why I came to town, when I was told that
22 the ECOMOG has taken over the town. They were in the court
23 barri. There they were. There, they based. I saw them.

24 Q. Did you see any vehicles in your town or village?

09:51:49 25 A. Well, I saw one of their vehicles, which had iron wheels --
26 armoured car. It had green paint.

27 Q. How many ECOMOG soldiers did you see at the court barri?

28 A. Well, they were many. I -- they had in their -- I did not
29 make up my mind to count how many there were.

1 Q. Did you stay in the village when you came back?

2 A. No, I didn't go back. I stayed in Fadugu.

3 Q. Now, how long did the ECOMOG soldiers stay in your village,
4 whilst you were there?

09:52:45 5 A. Well, the ECOMOG soldiers, they were there for about two to
6 three months. While they were there, one man came, who was Komba
7 Gbundema. He came and attacked, but the ECOMOG were not able,
8 and so they ran away. But that Komba Gbundema, he was coming
9 down to Freetown here.

09:53:17 10 Q. Gbundema?

11 A. Gbundema, Gbundema.

12 MR FOFANAH: K-O-M-B-A, Komba, and Gbundema,
13 G-B-U-N-D-A-M-A [sic].

14 Q. Now, this Komba Gbundema, we will come to him later, but
09:53:35 15 let's concentrate on ECOMOG first. You said they stayed in your
16 village for three months. Now, whilst ECOMOG -- the troops were
17 in your village. I mean, did anything happen that you can
18 recall?

19 A. Yes, something happened there. When they were -- while
09:54:02 20 they were there, they had a checkpoint on the Kabala Highway --
21 along the Kabala Highway, and that checkpoint, any vehicle that
22 went that way, they will try to identify if there was any rebel
23 or an RUF on board. Because those areas, the juntas and the
24 RUFs, they were looking out for these people. So they captured
09:54:42 25 so many people that they were soldiers, or they were rebels.

26 Q. Hold it, Mr Witness. Hold it, Mr Witness. Who was
27 capturing many people?

28 A. The ECOMOGs. The ECOMOG. The commander, I cannot remember
29 his name. His name, I cannot remember it. The commander, the

1 boss, he gave the instructions.

2 Q. So is he the boss whose names you can't recall, the
3 commander?

4 A. Yes, I couldn't remember the commander's name.

09:55:26 5 Q. So when they captured these people who were passing through
6 the highway, do you know if anything happened to them, the people
7 who were captured?

8 A. They killed them, until there was a mass grave, which one
9 NGO has already decorated. They had a mass grave there where
09:55:53 10 they were all buried.

11 Q. Who was killing these people?

12 A. Well, the commander appointed the ECOMOG soldiers.

13 Q. To do what?

14 A. To shoot these -- to shoot those people.

09:56:18 15 Q. And how do you know that?

16 A. Because, at that time, the place was calm and quiet. We
17 were all in town and when -- each time we heard that something
18 happened. And, in the morning, after doing all our usual chores,
19 we would listen to what would happen at the checkpoint. So as
09:56:39 20 soon as we heard that the vehicle has arrived, we'll go there.

21 Q. I don't quite get that. What vehicle? As soon as you
22 heard that the vehicle has arrived; what vehicle?

23 A. Commercial vehicles were plying the routes, so each time
24 the vehicles -- commercial vehicles. They would look out for
09:57:10 25 these soldiers, or rebels, in these commercial vehicles. The
26 juntas -- and the juntas.

27 Q. And were you present at any point in time when this
28 identification process was going on?

29 A. After they had identified them, and when they were taking

1 them away to shoot them, colleagues would come and -- colleagues
2 came and told us that Mr VB, that they've caught some people. I
3 would run to see where they were going to kill them.

09:57:54 4 Q. Mr Witness, be very careful not to mention names; do you
5 understand?

6 A. Mmm-hmm.

7 Q. Now, the question was -- because you have just told the
8 Court that you heard from your friends. Did you, yourself, see
9 the ECOMOG soldiers take passengers, whom they suspected to be
10 juntas or soldiers, away?

11 A. I think I've explained that.

12 Q. Yes, but did you see? You just said you heard that from
13 your friends?

14 A. I saw it.

09:58:34 15 Q. Now, on how many occasions did you see the ECOMOG soldiers
16 take suspected rebels and soldiers to be killed?

17 A. I can't remember. I can't recall the number of times that
18 it happened, but it happened.

19 Q. Now, did this happen every day, if you can recall?

09:58:59 20 A. No, it didn't every day, but it happened some of the times.

21 Q. Now, you've talked about a mass grave. Do you know how
22 many corpses were buried in that mass grave?

23 A. Well, that grave, to be sincere, I wouldn't know how many
24 corpses were buried there, because many, many people were buried
09:59:26 25 there. I can't tell the number. But they buried many, many
26 people there, and the grave is by the highway.

27 Q. Now, some of the people you saw captured by the ECOMOG
28 soldiers, could you yourself identify them as SLA, as juntas or
29 rebels?

1 A. Well, no, I wouldn't identify them, because they were
2 people who were not in our area. They were in vehicles. They
3 only went and told them that these were so-and-so people and
4 such-and-such people.

10:00:12 5 Q. So did you know any of the passengers who were killed by
6 the rebels?

7 MS ALAGENDRA: Your Honour, I think the witness wants to --

8 PRESIDING JUDGE: Yes, Mr Witness.

9 THE WITNESS: I want to ease myself. I want to ease
10 myself, please.

11 PRESIDING JUDGE: All right. Just sit there. We will have
12 to pull the curtains to protect your identity. We will go off
13 the Bench for a few minutes. Mr Court Attendant, let us know
14 when the witness is back.

10:00:46 15 [Break taken at 10.00 a.m.]

16 [Upon resuming at 10.04 a.m.]

17 MR FOFANAH:

18 Q. So Mr Witness, we stopped at somewhere when I asked you
19 whether you know any of the passengers who were killed by the
10:07:37 20 ECOMOG soldiers at the checkpoint?

21 THE INTERPRETER: Your Honours, the witness's mic is
22 switched off.

23 THE WITNESS: I said, I couldn't know anyone.

24 MR FOFANAH:

10:08:08 25 Q. Thank you. Now, do you recall the year when this incident
26 about ECOMOG soldiers killing passengers happened? Do you know
27 the year?

28 A. Yes. It was in 1989. If I can remember well.

29 Q. Did you say '89?

1 JUDGE DOHERTY: Yes, he did, Mr Fofanah.

2 MR FOFANAH:

3 Q. Now, was it after -- the period, was it after the removal
4 of the junta by ECOMOG, in your village, Fadugu?

10:09:00 5 A. Well, what I'm trying to say, it was when ECOMOG was there.
6 Whenever vehicles were passing by, ECOMOG want to identify
7 soldiers or rebels but, at that time, that had gone by.

8 Q. So was ECOMOG in your village in the year 1989?

9 A. If I can remember well, I think that is the year I can
10:09:40 10 remember so far.

11 Q. Okay, Mr Witness. Okay. So now let's come back to the
12 period when Savage and his men were in your village. Now, you
13 said when you came back and ECOMOG took over, when you came back,
14 you saw dead people, I mean. Now, apart from dead people, did
10:10:14 15 you see anything else in the village?

16 A. No. When I saw the corpses that was -- I think that was
17 the only thing that happened. From the time that ECOMOG entered
18 the place looked a bit calm and quiet.

19 Q. Now, when they were in your village, did they do anything
10:10:41 20 else, apart from harassing the civilians? I mean Savage and his
21 men?

22 A. Yes. Savage's boys were, when they would go, they would
23 ask someone for something. If the person hadn't the thing, they
24 would maltreat you, and they would even go to the extent to kill
10:11:04 25 that person, Savage's boys. Then they would take -- I think I've
26 said this before -- this thatched house -- that was the
27 harmattan. You'd always set fire to warm up themselves.

28 Q. You've not said that before. They set fire to what?

29 A. In the thatched houses, the thatched houses. That was the

1 harmattan season. They would use the fire to -- they would use
2 the thatch to warm their bodies. Then Savage would advise his
3 boys to stop what they were doing.

10:11:56 4 Q. Do you know if those thatched houses belonged to anyone in
5 your village?

6 A. Any house belongs to someone else. People had their
7 houses. We thank God even we worked -- CARE, CARE. CARE went
8 and helped us to do some renovation there.

10:12:23 9 Q. So apart from this burning and harassment, do you recall
10 any other incident in your village which was done by Savage and
11 his men?

12 A. Savage, I think all that I've said about Savage and his
13 men, those that happened. Say that they were harassing people.
14 They were asking people for things that they wanted. I can't
10:13:06 15 remember that.

16 Q. Okay, Mr Witness. Now, you've told the Court that ECOMOG
17 spent three months in your village and then they were attacked by
18 Komba Gbundema; do you remember that name?

19 A. Yes.

10:13:19 20 Q. Now, this attack by Komba Gbundema, was it after the ECOMOG
21 intervention into Freetown?

22 A. Yes. Because, you know, ECOMOG went up the country when
23 they had -- when they had dislodged the juntas here. So ECOMOG
24 was here then.

10:13:48 25 Q. Now, you said he attacked. Did you personally witness the
26 attack yourself?

27 A. Well, that was the war situation. It couldn't have been
28 possible for me to see the attack. It was the war. You would
29 get the information from elsewhere. So they said such-and-such a

1 thing would happen today. These sort of people would come today,
2 so you'd only stand by and you'd go your way.

3 PRESIDING JUDGE: Mr Witness, you could have answered that
4 question by just saying yes or no. If you're going to answer
10:14:27 5 questions in that volume, you will be in that witness box for a
6 long time.

7 MR FOFANAH:

8 Q. So please listen carefully and give very short answers to
9 the questions. Where were you when Komba Gbundema attacked

10:14:47 10 ECOMOG?

11 A. I was in the forest.

12 Q. How far was that forest from your village?

13 A. Three miles off.

14 Q. Now, after that attack, did you come back into your
10:15:05 15 village?

16 A. We came back.

17 Q. How long did you spend in the forest, before you came back?

18 A. Well, I was there for over a month.

19 Q. When you came back into your village, did you meet anyone?

10:15:27 20 A. Yes, I met people there.

21 Q. Who were the people whom you met?

22 A. Well, my relatives who were in my own compound, my
23 relatives.

24 Q. Did you see or hear about Komba Gbundema and his men in
10:15:56 25 your village?

26 A. Komba Gbundema was passing to come to Freetown, from what I
27 understood.

28 Q. So to the best of your knowledge, did Komba Gbundema and
29 his men stay in your village?

1 A. No.

2 Q. So did ECOMOG continue to stay in your village after that
3 attack?

4 A. Yes. They sent more people to come to increase their
10:16:38 5 number. ECOMOG sent some more reinforcement.

6 Q. And did that reinforcement come into your village?

7 A. Yes. It came.

8 Q. Where were you at that time?

9 A. I was in Fadugu.

10:17:03 10 Q. So was this period also after the intervention?

11 A. Yes. It was the intervention.

12 Q. So when these troops came, they settled in Fadugu; was that
13 the case?

14 A. Which ones?

10:17:26 15 Q. The reinforcement.

16 A. Yes, yes, they were settled in Fadugu.

17 Q. Do you know who was their commander?

18 A. I didn't know the name but I knew he was the commander.

19 Q. And how did you know that he was the commander?

10:17:46 20 A. Because that was the way he was called.

21 Q. So was there any other attack on Fadugu, after the Komba
22 Gbundema attack?

23 A. No.

24 Q. And whilst ECOMOG continued to stay, did anything happen,
10:18:13 25 which you can recall?

26 A. No, I can't remember because it has taken a long time now.
27 I can't remember. But I know that when ECOMOG was there, nothing
28 was happening there any more.

29 Q. Well, did ECOMOG continue to man the checkpoint on the

1 highway?

2 A. Yes.

3 Q. And was this after the intervention into Freetown?

4 A. Yes.

10:18:56 5 Q. Did you hear about any more killings at the checkpoint?

6 A. No.

7 Q. Now, apart from these names which you have mentioned, as
8 being names of rebels and junta men, Savage and Komba Gbundema,
9 did you hear about any other name?

10:19:24 10 A. No. In that far area it was only those people that I heard
11 about. No.

12 Q. Do you know what faction Komba Gbundema belonged to?

13 A. In fact, Komba Gbundema, I didn't even see him. It was
14 only when he passed that people said that was Komba Gbundema who
10:19:53 15 came and attacked the place, but I saw Savage; I know him.

16 Q. Do you know what faction Savage belonged to?

17 A. I -- yes, I understood that he was a soldier, Savage.

18 Q. You did not answer the question on Komba Gbundema. Again I
19 will ask you: Do you know if Komba Gbundema belonged to any
10:20:24 20 faction?

21 A. Well, that was a war situation. I didn't know whether he
22 joined them, but I only heard about him that he came and attacked
23 Fadugu.

24 Q. Now, finally, about the killing of passengers by ECOMOG
10:20:45 25 soldiers on the highway; was it after the period of the
26 intervention into Freetown?

27 A. Yes, it was after the intervention that ECOMOG spread into
28 the provinces.

29 Q. The question was about the killings. Answer the question

1 precisely. Was it after the intervention; the killing of
2 passengers on the checkpoint?

3 A. I think -- just ask how the Judge said it. It was not true
4 to say several things.

10:21:31 5 THE INTERPRETER: Your Honours, may the witness go over the
6 last bit?

7 MR FOFANA H:

8 Q. Can you listen carefully to the question and then just
9 answer with a yes or no. You've talked about, I mean, the
10:21:46 10 killing of passengers whom ECOMOG suspected to be either rebels
11 or soldiers on the highway, the Fadugu highway. Now, this
12 period, when they were killing these passengers, was it after the
13 ECOMOG intervention into Freetown?

14 A. Yes.

10:22:04 15 MR FOFANA H: Thank you. I have no further questions.

16 PRESIDING JUDGE: Yes. Thank you, Mr Fofanah. Anything
17 else in chief?

18 MR MANLY-SPAIN: Just a couple of questions.

19 EXAMINED BY MR MANLY-SPAIN:

10:22:18 20 Q. Mr Witness, good morning.

21 A. Good morning.

22 Q. You have used the word juntas, juntas, juntas, a number of
23 times. What do you mean by juntas?

24 A. Well, that was the name we heard for people who had
10:22:40 25 uniforms, soldier uniforms.

26 Q. Thank you, Mr Witness. Mr Witness, you spoke about Komba
27 Gbundema attacking your village. Did he do so alone?

28 A. I understood that he was not alone. There were some other
29 people, a group, his group.

1 MR MANLY-SPAIN: Thank you, Mr Witness.

2 MR GRAHAM: No questions, Your Honour.

3 PRESIDING JUDGE: Right. Thank you. Yes, go ahead.

4 MS ALAGENDRA: Thank you, Your Honour.

10:23:27 5 CROSS-EXAMINED BY MS ALAGENDRA:

6 Q. Good morning, Mr Witness.

7 A. Good morning.

8 Q. I just have a few questions for you this morning.

9 Mr Witness, Komba Gbundema, did you hear that he was an RUF?

10:23:45 10 A. Komba Gbundema. I think I've said that they did not went
11 to our place early. They went there late. I couldn't understand
12 that man, actually. I only heard his name. I heard the name
13 Komba Gbundema.

14 Q. I put it to you, witness, that Komba Gbundema was an RUF?

10:24:24 15 PRESIDING JUDGE: Well, witness, that requires an answer
16 from you. If you don't know, say so, or, if you do know, say so.

17 THE WITNESS: I think that is what I told the woman, that I
18 do not understand that. I don't understand that.

19 MS ALAGENDRA:

10:24:46 20 Q. Mr Witness, when Komba Gbundema was passing through Fadugu
21 to come into Freetown, did you hear that there was an attack on
22 Freetown after that?

23 A. Well, for that, I can't tell anything about that. Because
24 you can only say things clearly, those that you know. But did
10:25:19 25 you don't know, you don't know.

26 JUDGE SEBUTINDE: Mr Witness, when they ask you a question
27 to which the answer you don't know, you simply say, "I don't
28 know." You see.

29 THE WITNESS: No. Okay, no. No.

1 MS ALAGENDRA:

2 Q. Mr Witness, you heard news that SAJ Musa was advancing
3 towards Freetown with a large number of soldiers, didn't you?

10:25:53

4 A. Yes, yes, yes. Yes. But he did not pass through our
5 place. He passed through by foot there, going -- coming towards
6 Freetown. SAJ Musa, yes, but he did not pass through our place.

7 Q. And that was at the same time that you heard Komba Gbundema
8 was coming to Freetown?

9 A. That is it.

10:26:16

10 Q. And, Mr Witness, you are aware that the group that came
11 into Freetown at that time for the attack was a group comprising
12 of both soldiers and RUF; is that correct?

13 A. I didn't know about that because I was in the provinces. I
14 don't know.

10:26:44

15 Q. And, Mr Witness, did you hear that the man who commanded
16 the soldiers into Freetown for the attack at the time was someone
17 by the name of Gullit, who was also known as Alex Tamba Brima?

18 A. No, I don't know that. I don't know that, but I was in the
19 provinces. I only heard that they had come and attacked
20 Freetown.

10:27:14

21 Q. And you heard who had come and attacked Freetown?

22 A. Well, when we were in the provinces, we only heard that
23 they had come and attacked Freetown. We didn't know who were the
24 people that led the attack. I don't know.

10:27:41

25 MS ALAGENDRA: Thank you, Mr Witness. No further
26 questions, Your Honour.

27 PRESIDING JUDGE: Yes, thank you. Is there any
28 re-examination arising?

29 MR FOFANAH: None, Your Honours.

1 PRESIDING JUDGE: Mr Witness, thank you for coming in to
2 give evidence. You will be able to leave the Court in a few
3 moments. We will just get those curtains pulled across and you
4 will be able to go.

10:29:43

5 [The witness withdrew]

6 PRESIDING JUDGE: If I could just address the Defence for a
7 moment. We seem to have heard the same facts that came from this
8 evidence several times before, I think about three times before,
9 only in more detail than that evidence given by that particular
10 witness. I think the Defence ought to look at whether it's wise
11 to call any more witnesses to confirm the same facts, which are,
12 I think, have been proved by about three people so far, could be
13 four. I'm not making a formal order. I'm just asking you at
14 this stage to look at your witness list, and anybody who can't
15 say anything different than those previous three or four
16 witnesses doesn't seem to be worthwhile to call.

10:30:01

10:30:31

17 MR MANLY-SPAIN: As Your Honour pleases. We will work on
18 that.

19 PRESIDING JUDGE: Thank you, Mr Manly-Spain.

10:30:45

20 MR MANLY-SPAIN: We understand the position but we have
21 been pressed to bring in people as we have them. That has been
22 our problem. We don't know which one of them to drop. But we
23 will work on that and see that we are not repetitious.

24 PRESIDING JUDGE: All right. Thank you, Mr Manly-Spain.

10:31:02

25 MR FOFANAH: Yes, Your Honours. On that note, I think the
26 very last witness for this crime base will be DAB-092. Can I
27 seek your indulgence for a moment please?

28 PRESIDING JUDGE: Is that going to be the next witness, by
29 the way?

1 MR FOFANAH: Yes. This was the witness I told you about
2 who had this speech problem. But if I may seek your indulgence
3 for a moment, I just want to confer.

4 [The witness entered court]

10:31:31 5 PRESIDING JUDGE: Yes, certainly.

6 MR FOFANAH: Your Honours, I am sorry, the crime bases are
7 not the same, but for this particular crime base, Yifin, this is
8 the last witness we will be calling.

9 PRESIDING JUDGE: All right. Thank you. And what number
10:32:34 10 is this, Mr Fofanah?

11 MR FOFANAH: DAB-092.

12 JUDGE SEBUTINDE: I mean on the witness list, the
13 summaries, the summaries.

14 MR FOFANAH: Number 6, Your Honours.

10:33:12 15 PRESIDING JUDGE: Yes, Mr Hardaway.

16 MR HARDAWAY: Yes, Your Honour. In lieu of what my learned
17 friend had stated yesterday about the communication issues, I
18 couldn't help but notice that the witness came in with a pen and
19 a notebook. Before he is sworn, I would ask if we could
10:33:27 20 establish the viability of communication prior to the giving of
21 evidence, because if he cannot communicate effectively viva voce,
22 then I would humbly suggest that perhaps he not give evidence, if
23 he can't give it in a proper way.

24 PRESIDING JUDGE: All right. We'll see what it develops,
10:33:52 25 Mr Hardaway.

26 MR FOFANAH: May I, by introduction, just state that the
27 witness is literate. I mean, he can read and write.

28 PRESIDING JUDGE: Well, we're more interested at this stage
29 as to whether he can speak.

1 MR FOFANAH: As Your Honour please.

2 PRESIDING JUDGE: Yes.

3 WITNESS: DAB-092 [Sworn]

4 [Witness answered through interpreter]

10:35:00 5 JUDGE SEBUTINDE: What is the language of communication?

6 THE INTERPRETER: It's Koranko.

7 MR FOFANAH: Mr Interpreter, was that clear enough?

8 THE INTERPRETER: It was not clear enough.

9 MR FOFANAH: So, Your Honours, like I said, the witness can
10:35:28 10 read and write. I don't know if --

11 PRESIDING JUDGE: We are looking at viva voce evidence
12 here, Mr Fofanah. There is no provision in the Rules, that I
13 know of, for witnesses to read and write.

14 MR FOFANAH: If Your Honour please. If we have any
10:35:47 15 difficulties, then we may, at the appropriate time, make the
16 necessary application by motion for Rule 71 to apply and the
17 Court will look at that and the timing for a deposition.

18 MR HARDAWAY: Your Honour, though reluctant to do so, based
19 on the condition of the witness, the Prosecution would object to
10:36:20 20 this witness giving evidence. This is the fourth witness as it
21 relates to this particular crime base, and based upon the summary
22 which has been provided, it appears he will be testifying to the
23 same set of facts as the other witnesses in this crime base,
24 specifically DAB-086 and 087. So the Prosecution's belief is
10:36:46 25 that this evidence is cumulative.

26 PRESIDING JUDGE: Yes, I'll note that objection,
27 Mr Hardaway. What do you say to that, Mr Fofanah?

28 MR FOFANAH: Yes, Your Honours, like I said, the reason why
29 we considered this witness to be very crucial, notwithstanding

1 his speech defect, is that a Prosecution witness particularly
2 mentioned him and something happening to the shop that he was
3 running at the given crime base. We think he's the proper person
4 to tell the Court about the truth of what happened, regarding his
10:37:28 5 properties and regarding what happened within that crime base.

6 PRESIDING JUDGE: All right. Well, you can commence. I
7 will overrule that objection.

8 MR FOFANAH: Much obliged, Your Honour.

9 EXAMINED BY MR FOFANAH:

10:37:47 10 Q. Mr Witness, please come very close to the mic and try, as
11 much as you can, to talk as loud as possible.

12 MR FOFANAH: Your Honours, I would like to start by making
13 a short application. The witness has a nickname by which he is
14 commonly known in the crime base and, with the indulgence of the
10:38:19 15 Court, I will respectfully apply that he writes that name down,
16 which we can show to the Prosecution, and then we will make the
17 necessary application for it to be adopted by reference.

18 PRESIDING JUDGE: All right. You mean we will all be able
19 to refer to him by that name?

10:38:42 20 MR FOFANAH: Yes, Your Honour.

21 PRESIDING JUDGE: Before we get to that stage, why don't
22 you ask him a few questions to see if we are not wasting our time
23 writing anything down.

24 MR FOFANAH: Much obliged, Your Honour.

10:38:56 25 Q. Mr Witness, you were born in 1959.

26 A. Yes, sir. I was born in 1959.

27 Q. You were born in Yi fin Town, Nei ni Chiefdom,
28 Koi nadugu District.

29 A. Yes, sir, I was born there. Yi fin, Koi nadugu District.

1 Q. You have a nickname by which you are called in Yifin, but
2 don't call that name.

3 A. Yes, sir.

4 Q. Now, will you be able to write that name down, if we ask
10:39:49 5 you to?

6 A. Yes, sir. I will be able to write it.

7 MR FOFANAH: At this stage, may I respectfully request that
8 a plain sheet of paper be provided.

9 PRESIDING JUDGE: All right. Please, Mr Court Attendant.

10:41:19 10 MR FOFANAH: At this stage, Your Honours, may I
11 respectfully apply that any reference to that nickname carry the
12 letter Y, if the witness can understand.

13 PRESIDING JUDGE: Well, what's going on here, Mr Fofanah?
14 I thought you were writing the nickname down so it might be
10:41:40 15 something he could be referred to by. Now, you want a pseudonym
16 for the nickname as well as his own name?

17 MR FOFANAH: As Your Honour pleases. May I, at this stage,
18 respectfully apply that that nickname be admitted into evidence
19 and kept under seal.

10:41:59 20 PRESIDING JUDGE: But why?

21 MR FOFANAH: It is just to ensure that the witness's name
22 is not disclosed, the identity. Your Honours, the transcript
23 will not definitely know what is written on the paper. That is
24 why I'm making the application.

10:42:33 25 PRESIDING JUDGE: No, no, that's correct, Mr Fofanah. It
26 should be tendered. Any objection by the Prosecution?

27 MR HARDAWAY: No objection from the Prosecution, Your
28 Honour.

29 PRESIDING JUDGE: All right. Well, that piece of paper on

1 which this witness has written his nickname will be admitted as
2 Exhibit D25, I think; is that correct?

3 MR GEORGE: Yes, Your Honour.

4 [Exhibit No. D25 was admitted]

10:43:06 5 PRESIDING JUDGE: It will be marked confidential and under
6 seal.

7 MR FOFANAH: Thank you, Your Honour.

8 Q. Mr Witness, you are a Koranko tribe.

9 A. Yes, sir.

10:43:17 10 Q. But apart from Koranko, you also speak Madingo, Krio and
11 Temne.

12 A. Yes.

13 Q. You are married and have children.

14 A. Yes.

10:43:40 15 Q. You can read and write in English.

16 A. Yes.

17 Q. At the moment, Mr Witness, you have some epileptic
18 problems?

19 A. Yes.

10:44:28 20 Q. Now, do you recall the year 1997?

21 A. Yes.

22 Q. In 1997, where were you?

23 A. I was in Yifin, Yifin.

24 Q. Please come close to the mic and talk into the mic. Were
10:45:00 25 you alone in Yifin or were you with your family?

26 A. I was there with my relatives.

27 Q. In 1997, May, do you recall if anything happened in Sierra
28 Leone?

29 A. By then it was a wartime.

1 Q. What do you mean when you say it was wartime?

2 THE INTERPRETER: Your Honours, that is not very clear.

3 Could he kindly repeat?

4 MR FOFANAH:

10:46:00 5 Q. Please talk into the mic. Come closer to the mic and talk
6 as loud as you can. What do you mean when you say 1997 was
7 wartime?

8 A. By then it was a wartime.

9 Q. Okay. Were you doing anything in Yifin? Did you have an
10:46:30 10 occupati on?

11 A. Yes. By then I was a trader. I was having a shop.

12 Q. What kind of shop did you have?

13 A. It was a provisi on shop. Provisi on shop.

14 Q. So what kind of items were you selling, if you can recall?

10:47:18 15 THE INTERPRETER: Your Honours, that is also not clear.
16 Your Honours, may the witness go over?

17 MR FOFANAH: Can you hold it, Mr Witness.

18 PRESIDING JUDGE: Mr Witness, you will have to stop for a
19 minute. Mr Court Attendant, would it help if his microphone was
10:47:35 20 turned up to the maximum setting?

21 MR GEORGE: I will try that, Your Honour.

22 PRESIDING JUDGE: Perhaps, Mr Interpreter, you could do the
23 same with your microphone.

24 THE INTERPRETER: Yes, Your Honours. The problem we have
10:48:10 25 is not one of volume. It's articulation here.

26 PRESIDING JUDGE: I understand. Well, Mr Interpreter, it's
27 probably not necessary to tell you this, but, if you are having
28 an articulation problem, needless to say, we don't want you
29 guessing at what was said. If you can't understand what's said

1 precisely, let us know, won't you?

2 THE INTERPRETER: Yes. That's exactly what we are doing.

3 PRESIDING JUDGE: Thank you.

4 THE INTERPRETER: Thank you, too.

10:48:48 5 MR FOFANA:

6 Q. So Mr Witness, you can be as brief as you can. What kind
7 of items were you selling in the shop?

8 A. I was selling pig, pig necks, sardine, bag of salt and
9 several items.

10:49:17 10 Q. Okay. Now, did you continue to do this into the year 1998?

11 A. Yes.

12 Q. Do you recall February 1998; did anything happen in Sierra
13 Leone?

14 A. I can't remember.

10:49:48 15 Q. Okay. Whilst at Yifin, in your village, in April 1998, did
16 anything happen there?

17 A. Yes. Rebels invaded there.

18 Q. What do you mean by rebels?

19 A. The armed men.

10:50:16 20 Q. Did you see them yourself, the rebels?

21 A. I had heard a gunshot. By then I was washing.

22 Q. So where were you taking your bath, when you heard the
23 gunshot?

24 A. In the bathroom.

10:50:50 25 Q. Was that the same place where you had your shop?

26 A. Yes.

27 Q. Now, as a result of the gunshot that you heard, did
28 anything happen?

29 A. The town was ungovernable.

1 Q. Could you please come close to the mic again.

2 PRESIDING JUDGE: Well, the interpreter was saying it's not
3 a question of volume, they can hear him all right, Mr Fofanah.
4 It's his articulation they're having problems with.

10:51:28 5 MR FOFANAH: As Your Honour pleases. He will be a short
6 witness. I will try to round up.

7 Q. So what do you mean when you said the town was
8 ungovernable?

9 A. The town -- the town was in panic. We were hearing
10:51:57 10 gunshots everywhere. By then I was taking my bath. From there,
11 I came home and everybody was running here and there.

12 Q. Did you, at any point in time, leave the village when you
13 heard these gunshots?

14 A. Yes. I ran -- I ran away. I went into the forest.

10:52:33 15 Q. How far did you go?

16 A. Yes. I went -- I went far.

17 Q. Did you later come back to your village?

18 A. Yes, yes. My colleagues --

19 THE INTERPRETER: He has just called a name that is not
10:53:05 20 very clear.

21 MR FOFANAH:

22 Q. Can you say what you just said? Did you later come back to
23 your village?

24 A. Yes, I came back. Along my colleagues, called --

10:53:24 25 THE INTERPRETER: Your Honours, we got the name clearly.
26 We are just wondering if we should say the name, because he is
27 saying his friend.

28 MR FOFANAH: No, don't mention that name at all. It's not
29 necessary now.

1 Q. So you came back to your village. When you came back, did
2 you go to your shop?

3 A. Yes, I went there.

4 Q. When you went there, did anything happen?

10:53:55 5 A. I was crying when I went there. By then my shop was on
6 fire. The entire house. I was crying.

7 Q. Did you -- were you able to go into the shop?

8 A. Yeah. I could not enter but I watched through it.

9 Q. Now, how long did the fire continue?

10:54:43 10 A. About two weeks.

11 Q. Were you able to recover the items that were in your shop?

12 A. No, no. I was not able to retrieve anything.

13 Q. Why?

14 A. The fire, the fire. Everything was burnt.

10:55:14 15 Q. Now, do you know who set fire to your shop?

16 A. Yeah. The rebels.

17 Q. How did you know that?

18 A. They told me.

19 Q. Who told you that rebels set fire to your shop?

10:55:39 20 A. My colleagues.

21 Q. Now, do you know, or were you told the names of any rebels
22 who set fire to your shop?

23 A. Yes.

24 Q. As loudly as you can, can you tell us the names?

10:56:16 25 A. Born Naked. Born Naked.

26 THE INTERPRETER: We have not got the second name.

27 MR FOFANAH:

28 Q. Apart from Born Naked, who was -- what was the other name
29 that you called?

1 A. High Firing.

2 MR FOFANAH: High and firing, as in the English words.

3 Q. Apart from Born Naked and High Firing, did you hear any
4 other name?

10:56:52 5 A. Gbankuta.

6 MR FOFANAH: Gbankuta, Your Honours, is G-B-A-N-K-U-T-A.

7 Q. Was there any other name mentioned?

8 A. No, sir. No.

9 Q. Now, do you know if these rebels belonged to any group or
10:57:16 10 faction?

11 A. No, no.

12 THE INTERPRETER: I have not understood what was said.

13 MR FOFANAH:

14 Q. Now, did they tell you how these rebels were dressed, those
10:57:44 15 that burnt your shop?

16 A. Their heads were -- they tied their heads.

17 Q. Do you know what clothes they had on?

18 A. I heard it was uniform.

19 Q. What kind of uniform?

10:58:21 20 A. The soldier's uniform.

21 Q. Now --

22 JUDGE SEBUTINDE: Mr Fofanah, what does he mean by they
23 tied their heads? What does that mean?

24 MR FOFANAH: I will ask him, Your Honour.

10:58:41 25 Q. When you said the rebels tied their heads, what do you
26 mean?

27 A. I was not there but, what I understand, they tied their
28 heads with red -- red headbands.

29 Q. Now, apart from the soldier uniform which you talked about,

1 did they wear anything else?

2 A. No, no. Not to my knowledge.

3 Q. Now, were you told by your colleagues, or did you hear, as
4 to whether these rebels, High Firing, Born Naked and Gbankuta,
10:59:32 5 belonged to any armed group or faction?

6 A. No.

7 Q. Have you heard about the word "junta" before?

8 MR HARDAWAY: Objection, Your Honour. I don't believe he
9 ever used the term junta.

10:59:59 10 PRESIDING JUDGE: You are objecting to the leading, are
11 you?

12 MR HARDAWAY: Yes.

13 PRESIDING JUDGE: All right. That's not allowed,
14 Mr Fofanah.

11:00:08 15 MR FOFANAH: As Your Honour pleases. As Your Honour
16 pleases.

17 Q. Now, apart from your shop, did you notice anything else in
18 the village?

19 A. Yes.

11:00:23 20 Q. What did you see?

21 A. I saw corpses, countless. They were over hundreds.

22 Q. Do you know what happened to those corpses?

23 A. They had gunshot marks.

24 Q. And do you know who shot them?

11:01:07 25 A. Yes. The rebels. The rebels who came.

26 Q. Now, the rebels who came, do you know if anyone was in
27 control of them, in charge of them?

28 A. No.

29 Q. Mr Witness, throughout your -- throughout the war period

1 which you have referred to, and the period when this incident
2 happened in your village, did you hear the name Ibrahim Bazy
3 Kamara, as being with the rebels who came into your village?

4 A. No, no, I never heard that name.

11:02:04 5 Q. Did you see anyone who was called Ibrahim Bazy Kamara in
6 your village during this war period?

7 A. No, I don't see him.

8 Q. Did you see or hear about anyone called Tamba Brima, alias
9 Gullit, in your village during this war period?

11:02:30 10 A. No, no. It was after the war that I know their names.

11 Q. Okay. I will come to that question: Did you see or hear
12 about anyone called Santi gie Borbor Kanu, alias Five-Five, during
13 the war period?

14 A. No, no.

11:03:00 15 Q. So now, let's come to -- you said it was after the war that
16 you heard their names. What do you mean by that?

17 A. After the war, it was after, it was after the war that I
18 heard their names.

19 Q. Do you know the year when you heard their names?

11:03:47 20 A. 2002.

21 Q. Now, who told you about them?

22 THE INTERPRETER: Your Honour, that is not clear. Can he
23 kindly repeat?

24 MR FOFANAH:

11:04:07 25 Q. How did you hear about them?

26 A. It was through my colleagues.

27 Q. Who were your colleagues?

28 PRESIDING JUDGE: You want him to name them, Mr Fofanah?

29 MR FOFANAH:

1 Q. Without naming them, what do you mean when you said your
2 colleagues, without naming anyone?

3 A. My friends.

4 Q. Were they in the village with you?

11:04:51 5 A. Yes.

6 Q. Did they say anything about these names?

7 A. No, no.

8 MR FOFANAH: I have no further questions for the witness.

9 Thank you.

11:05:19 10 PRESIDING JUDGE: Thank you. Is there anything else in
11 chief?

12 MR MANLY-SPAIN: No, Your Honour.

13 PRESIDING JUDGE: Yes, Mr Hardaway.

14 MR HARDAWAY: Thank you, Your Honours.

11:05:31 15 CROSS-EXAMINED BY MR HARDAWAY:

16 Q. Mr Witness, good morning, sir?

17 A. How is your morning?

18 Q. I'm fine, sir. Thank you. I have just a few questions for
19 you. I would ask that you listen carefully and answer concisely.

11:05:50 20 A lot of times the answers can be yes, no, or I don't know; do
21 you understand, sir?

22 A. Yes, sir.

23 Q. On the day of the attack on Yifin, sir, the people who
24 attacked Yifin were dressed in military uniforms and in civilian

11:06:15 25 clothing, weren't they?

26 A. Yes. That was what I heard.

27 Q. I put it to you, sir, that the force that attacked Yifin
28 was a mixed force of RUF and SLA soldiers; what is your response?

29 A. Yes.

1 Q. Before you fled, or even at any time during the period in
2 Yi fin that you testified to, did you ever hear the term Operation
3 Pay Yourself?

4 A. Yes, I heard it. I heard it. It was written on the wall.

11:07:20 5 Q. Written on a wall where, sir?

6 A. On the house of one boy.

7 Q. And you testified, sir, that you never heard the name
8 Ibrahim Bazy Kamara, as being one of those responsible for the
9 attack on Yi fin; is that correct?

11:07:50 10 A. Ibrahim Bazy Kamara, I never heard that name.

11 Q. I put it to you, sir, that Ibrahim Bazy Kamara was the
12 commander of the force which included High Firing, Born Naked and
13 Gbankuta -- I hope I have that last one right -- that led -- that
14 committed the attack on Yi fin; what is your response, sir?

11:08:24 15 A. What I heard is what I've said.

16 Q. Thank you, sir. I thank you for your time and your
17 attention today. I have no more questions of you.

18 MR HARDAWAY: Your Honours, this concludes my
19 cross-examination.

11:08:45 20 PRESIDING JUDGE: Thank you, Mr Hardaway. Anything arising
21 in re-examination?

22 MR FOFANAH: No, none, Your Honour. Thank you.

23 PRESIDING JUDGE: Thank you. Well, Mr Witness, we would
24 like to thank you for coming in to Court today. You will be able
11:08:59 25 to leave in a few minutes now. We will just take an adjournment.

26 If you just sit there, they will pull the curtains and you will
27 be able to leave Court. Well, we'll adjourn until 25 past 11.00.

28 [The witness withdrew]

29 [Break taken at 11.10 a.m.]

1 [Upon resuming at 11.30 a.m.]

2 [The witness entered Court]

3 PRESIDING JUDGE: Yes. This is witness DAB-107; is that
4 correct? Mr Graham, are you taking this witness?

11:30:13 5 MR GRAHAM: That is so, Your Honour. The witness is
6 DAB-107, as you said.

7 PRESIDING JUDGE: Where does he come in the list?

8 MR GRAHAM: Your Honour, he comes in as number 14 on the
9 list. Your Honours, I believe he will be testifying in Kono.

11:31:04 10 THE INTERPRETER: Yes. The witness had said this morning
11 that he will be testifying in Krio.

12 JUDGE DOHERTY: Mr Graham, did you hear the interpreter?

13 MR GRAHAM: Yes, I did.

14 JUDGE DOHERTY: Could you clarify in which language this
11:31:34 15 witness will be giving evidence in?

16 MR GRAHAM: Your Honour, it will be in Krio.

17 PRESIDING JUDGE: Now, was this witness covered in the
18 original protective measures list?

19 MR GRAHAM: I don't believe so, Your Honour. I believe
11:31:51 20 it's part of the application that we filed on August 21st
21 application.

22 PRESIDING JUDGE: All right. Well, before he's sworn, we
23 will order that this witness enjoys the protective measures
24 ordered by the Trial Chamber in our decision on joint Defence
11:32:22 25 application for protective measures for Defence witnesses, dated
26 9 May 2006.

27 WITNESS: DAB-107 [Sworn]

28 [The witness answered through interpreter]

29 EXAMINED BY MR GRAHAM:

1 MR GRAHAM: Thank you, Your Honours.

2 Q. Good morning, Mr Witness.

3 A. Good morning.

4 Q. Mr Witness, you were born on August 22nd, 1946, in
11:33:31 5 Tombodu Town, isn't it?

6 A. Yes.

7 Q. And you are Kono by tribe?

8 A. Yes.

9 Q. And a Sierra Leonean by nationality, isn't it?

11:33:47 10 A. Yes.

11 Q. And that you completed your primary education in 1963?

12 A. Yes.

13 Q. And your primary school that you completed was Evangelical
14 United Brethren Primary School in Tombodu, isn't it?

11:34:14 15 A. Yes.

16 Q. And that you completed your secondary school education in
17 1968, at the Kenema secondary school, isn't it?

18 A. Yes.

19 Q. Mr Witness, as you speak, please wait for the
11:34:39 20 interpretation before you begin to give your answer to my
21 questions, please?

22 A. Okay.

23 Q. And after your secondary school education, you returned to
24 Tombodu, isn't it?

11:35:00 25 A. Yes.

26 Q. And, after that, you were sent by the Koidu Town council to
27 the Sierra Leonean selection trust to study surveys and drafting
28 in 1970, isn't it?

29 A. Yes.

1 Q. And when you completed that programme you worked at the
2 Koi du new [i ndiscernible] town council as planning officer, isn't
3 it?

4 A. Yes.

11:35:36 5 Q. And after -- you were made redundant in 1976 by the town
6 council planning -- by the town council, isn't it?

7 A. It is so.

8 Q. And that, after you were made redundant, you took up
9 appointment as a teacher at the Kono District education council

11:36:13 10 primary school for 11 years, up to 1982, isn't it?

11 A. It is so.

12 Q. And that when you retired from teaching, you returned to
13 Tombodu and took up farming at a village called Kundor, isn't it?

14 A. Yes.

11:36:39 15 MR GRAHAM: Your Honours, Kundor is spelt K-U-O-N-D-O-R
16 [sic]. Kundor.

17 Q. And then, up to today, you still are engaged in the
18 occupation of farming, isn't it?

19 A. I am still on it.

11:36:56 20 Q. And you are a member of the new Apostolic church and a lay
21 preacher there as well, isn't it?

22 A. Yes.

23 Q. And that, Mr Witness, you are married with three children,
24 isn't it?

11:37:14 25 A. Yes.

26 Q. And, Mr Witness, during the period before 1997, prior to
27 the period in 1997 that you were in Tombodu, did you hear of any
28 war going on in Sierra Leone?

29 A. Yes.

1 Q. What did you hear, Mr Witness? Please tell this Court?

2 A. I was in Tombodu at one time, and one of my relatives came
3 from Gandorhun, came and told me that rebels -- that rebels had
4 attacked Gandorhun, so it came to me.

11:38:25 5 MR GRAHAM: Your Honours, Gandorhun, we've had that before.

6 Q. Mr Witness, do you remember what year that you were told
7 about the attack on Gandorhun?

8 A. That happened between 1992 and '93. I could not remember
9 the exact date, but it was between that time.

11:38:49 10 Q. Thank you. And did you observe anything in Tombodu during
11 the time that you were told that the rebels had attacked
12 Gandorhun?

13 A. Yes.

14 Q. What did you observe during this period, Mr Witness?

11:39:08 15 Please tell this Court.

16 A. We were worried because we saw many people coming, they had
17 bundles on their heads. Some had wounds, so this made us
18 worried.

19 Q. And was this all during the period 1992/1993, as you've
11:39:28 20 said?

21 A. Yes. Well, we used to see some soldiers coming, with some
22 people tied, that they were rebel collaborators and they should,
23 in fact -- those were rebels that were captured and I would go
24 there to see them.

11:39:51 25 Q. Thank you. Mr Witness, do you remember the month of May in
26 1997?

27 A. Yes.

28 Q. And do you, Mr Witness, remember where you were in May of
29 1997?

1 A. May 1997, the 25th, we were in church when we heard the
2 announcement that a coup had taken place.

3 Q. How did you hear this announcement, Mr Witness?

4 A. A friend came -- just as we were about leaving service,
11:40:41 5 came to us and told us that, gentlemen, that a coup had taken
6 place. So we all went home and sat by a radio and listened.

7 Q. And when -- this individual you just referred to, when he
8 told you that a coup had taken place, Mr Witness, did you
9 understand what he meant by a coup?

11:41:02 10 A. Yes. That is soldiers have overthrown the government.

11 Q. Which --

12 A. That is what we understood.

13 Q. Which government had the soldiers overthrown, Mr Witness?
14 Did you know at the time?

11:41:22 15 A. It was Tejan Kabbah's government, because he was in power
16 around that time.

17 Q. And, Mr Witness, you just told this Court that you went
18 home to listen to your radio on that day. Did you hear anything
19 on the radio about the coup, Mr Witness?

11:41:39 20 A. In the first place, where I heard it, it was a friend, by
21 the time we were leaving the service. He didn't attend service
22 that day. He came as we were about leaving service. He came and
23 told us that, gentlemen, a coup had taken place. So, later, we
24 all went and sat by radio.

11:41:59 25 Q. And my question to you -- listen to my questions. My
26 question to you was: After you had been told what you just told
27 this Court by this gentleman, and you went to sit by the radio,
28 did you hear anything about the coup, apart from what your friend
29 had told you, on the radio?

1 A. Yes. It was announced. The new leader's name was
2 announced, the new leader of the coup.

3 Q. Who announced -- do you know who announced the name of the
4 new --

11:42:37 5 A. It was from the radio.

6 Q. And do you know whose name was announced as the leader of
7 the coup?

8 A. They said it was Johnny Paul Koroma.

9 Q. Thank you, Mr Witness. Mr Witness, apart from that, did
11:42:55 10 you hear anything else about the coup on the radio?

11 A. No. I heard nothing else, at that particular moment.

12 Q. And, Mr Witness, after the May 25th, 1997 coup we've just
13 spoken about, did you continue to live in Tombodu?

14 A. Yes, I was in Tombodu.

11:43:28 15 Q. And, Mr Witness, during this period, can you tell this
16 Court what life was like in Tombodu?

17 A. Well, at that time, life was normal. People came and did
18 their business during that time.

19 Q. And, during this time, did you see any individuals engaged
11:43:56 20 in any mining in Tombodu?

21 A. I did not see any people mining in Tombodu.

22 Q. Thank you. Mr Witness, do you remember anything
23 significant happening in Sierra Leone in February of 1998?

24 A. February 1998. I could remember. They said ECOMOG had
11:44:40 25 come to intervene.

26 Q. And, Mr Witness, what did you understand by ECOMOG?

27 A. Well, ECOMOG is -- ECOMOG, according to what I understood
28 it, is the West African states sat together and contributed
29 soldiers. Wherever there was a problem in the region, they will

1 send them there to keep peace.

2 Q. Thank you, Mr Witness. And, Mr Witness, after the -- and,
3 Mr Witness, who told you that they did -- who told you that there
4 had been an ECOMOG intervention in Freetown in February of 1998?

11:45:40 5 A. Well, it was a thing that was on the radio when -- which we
6 listened to.

7 Q. Thank you. Mr Witness, after the February 1998 ECOMOG
8 intervention in Freetown, did you continue to live in Tombodu,
9 after that -- after February 1998?

11:46:18 10 A. Yes, I was in Tombodu. After 1998, I was in Tombodu still.

11 Q. Thank you. And, Mr Witness, do you remember anything
12 significant happening in Tombodu after February 1998, when ECOMOG
13 intervened, in Freetown?

14 A. Yes. February 1998, in Tombodu, an attack took place,
11:47:01 15 which gave us the cause to leave Tombodu Town.

16 Q. Okay, Mr Witness. Before you continue, you've just told
17 this Court an attack took place. How do you know that an attack
18 took place?

19 A. Well, it was one afternoon. First, in the morning, we were
11:47:31 20 in the park. Then we saw people come, who were dressed in
21 uniform. They came. The old people that were in the park, they
22 contributed money and gave the money to them. And when the other
23 people heard of this and they said, we've heard soldiers come,
24 and they were giving them money. So the people who were -- the
11:47:58 25 others in the surrounding area went around so that they too could
26 get a share of that money. But by the time the other people
27 came --

28 Q. Mr Witness, please hold on a second. You've told this
29 Court you were at the park. This park, do you know whether it

1 has a name?

2 A. That park, we just call it the Tombodu parking ground.

3 Q. And this park, where was it?

4 A. In Tombodu.

11:48:35 5 Q. And you've told us that, on this day, you saw some men in a
6 uniform; what kind of uniform, Mr Witness? Can you describe that
7 to this Court?

8 A. Yes. They were in soldiers' uniform. They had their boots
9 and combat and a set. After they had come, that was all I saw.

11:49:00 10 Q. And did you see them carrying anything when they came to
11 Tombodu that day?

12 A. Some had guns. Not all of them had guns.

13 Q. And you told us that this group of men, who came in
14 uniform, gave out - I stand to be corrected - some money to the
11:49:31 15 people in Tombodu?

16 A. Yes.

17 Q. Did you, yourself, Mr Witness, see them giving out the
18 money?

19 A. Yes, because all of us, at any time the group came, all of
11:49:45 20 us would stand there and we would all watch. And we were all
21 gathered there. I saw them giving out money. They were giving
22 this money to old women and to children.

23 Q. And, Mr Witness, did you yourself receive any money, some
24 of the money that was being distributed by these men in the
11:50:03 25 uniform?

26 A. They were giving it out to old women and children.

27 Q. And, Mr Witness, these men in the uniform that you've told
28 us about, did they tell you where they were coming from?

29 A. Well, we just saw them coming from Koidu end but, when they

1 came, they just gave out the monies. And later they went back.

2 Q. And whilst -- apart from giving the money, did they do
3 anything else in Tombodu? Did they say anything to those of you
4 who had gathered there?

11:50:50 5 A. Yes. They just told us that at any time we saw a strange
6 face, let us make a security report. They will be around, and
7 that was the time they left and went back.

8 Q. Thank you. And, Mr Witness, when they left, did anything
9 happen in Tombodu after they left?

11:51:17 10 A. Yes. After they had left that morning, in the afternoon,
11 around 5.05, while we were listening to the Focus On Africa, we
12 heard gunshots all over the town.

13 Q. And do you recall from which direction of Tombodu these
14 gunshots were coming from?

11:51:51 15 A. They were coming from all over the town, because the place
16 was overcrowded. People from Koi du came, other surrounding
17 villages. All converged, and that was the place people took
18 refuge, and so the place was really overpopulated.

19 Q. And, Mr Witness, do you know why all these people you
11:52:10 20 referred to took refuge in Tombodu?

21 A. Yes, because they, too, were afraid, the attacks that were
22 happening towards the Koi du end.

23 Q. Thank you. And, Mr Witness, you heard the gunshots. Did
24 you get to know who was firing the gunshots when this attack you
11:52:36 25 referred to occurred?

26 A. I -- I wouldn't -- I was not able to find out who was
27 shooting, because gunshots were coming from all over. So I was
28 just trying to escape.

29 Q. But did you later get to hear who -- those who had carried

1 out the attack on that day, did you get to hear that later?

2 A. Now, later, after I have gone, I have gone with my family
3 from -- the village that I was going to, which is about a few
4 miles from Tombodu, while we were at that village, some people
11:53:24 5 came after we -- after us, those that last came and told us
6 that -- that the commander that had come was -- who was Superman,
7 was the one who brought these troops. And the troops, we asked
8 them, "How do you know?" Because we didn't know the difference
9 between the troops that came. They said, well, if you meet those
11:53:47 10 troops, they had red bands on their heads. The particular troop,
11 if wherever you meet with them, that will be the end of you,
12 because he was called Operation No Living Thing -- he has
13 declared an Operation No Living Thing [as interpreted].

14 Q. Okay. Thank you, Mr Witness. Before you go on,
11:54:06 15 Mr Witness, prior to the coming in of these men in uniform, and
16 the attack later on in the day, had you seen any armed men in
17 Tombodu, prior to the coming in of these people you've described
18 on that day, prior to that day?

19 A. I said those that came, not all of them had guns. Some --
11:54:43 20 a few of them had guns, about three or four. I think their --
21 only their bosses had guns. But the rest of them had -- were
22 only in their vehicles. They only came and did that kindness and
23 then they went back.

24 Q. Yes. Thank you. Mr Witness, have you heard the name
11:55:04 25 Executive Outcomes before?

26 A. Yes.

27 Q. How did you hear that name, Mr Witness?

28 A. We were in Kono. We understood that they, too, were there
29 to protect us. They were soldiers, and they were there to

1 protect us. So they used to make patrols.

2 Q. So Mr Witness -- go on.

3 A. So they used to make patrols and they would meet us in our
4 local areas. They would tell us something about it and educate
11:55:46 5 us about how to make security reports. They taught us all those
6 so, in case of anything, we were to report to them. So that is
7 how I came to know. That is how I came to understand the
8 Executive Outcomes.

9 Q. And, Mr Witness, this Executive Outcomes whom you told
11:56:05 10 us -- who told you that they were soldiers who had come to
11 protect you? Who told you that?

12 A. They, themselves, would go, and we saw them. They would
13 come and patrol.

14 Q. And these soldiers that you saw -- they come and patrol;
11:56:26 15 where? Where did they come and patrol?

16 A. They would come on patrol to Tombodu. They would ask us
17 how the situation was, and if we had seen any strange people in
18 the area. We told them. They would advise us what and what to
19 do. Then they would go back.

11:56:47 20 Q. And, Mr Witness, these soldiers, Executive Outcomes
21 soldiers, do you know whether they were Sierra Leoneans, or not?

22 A. They, too, told us that they were not Sierra Leoneans.
23 They told us that.

24 Q. And did they tell you where they were from?

11:57:11 25 A. They told us that they were coming from South Africa.

26 Q. And when they came on their patrol, did you see them
27 carrying anything, Mr Witness?

28 A. Anything like gun, or what, because they would come. They
29 had guns with them.

1 Q. Okay. Thank you, Mr Witness. Mr Witness, I will take you
2 back to -- so Mr Witness, when -- you've told us about the --
3 what you were told in respect of who led the attack, and when you
4 were told that Superman and his troops led that attack, and he
11:58:05 5 had declared Operation No Living Thing, did you understand what
6 they meant by Operation No Living Thing?

7 A. Well, what we understood by that is, if they found any
8 human being or cows, or goods, they will kill everything. That
9 was the meaning we had.

11:58:33 10 Q. Where did you hear that meaning from, Mr Witness?

11 A. In Kundor, where they told us.

12 Q. So Mr Witness, at the time that you were told this, given
13 this information about Superman and Operation No Living Thing,
14 where were you?

11:58:57 15 A. I was in Kundor, because Kundor is on the main road. As
16 soon as the attack occurred, I and my family escaped and went to
17 the village.

18 Q. Okay. Mr Witness, do you know the distance from Tombodu to
19 Kundor?

11:59:11 20 A. Yes. It's about three-and-a-half miles.

21 Q. How do you know that, Mr Witness, that the distance is
22 about 3 and a half miles from Tombodu to Kundor?

23 A. How I knew it is because from Tombodu to Koidu is 6 miles
24 and almost it's half of that journey. Half of that journey we
11:59:42 25 used to go to the village.

26 Q. Thank you, Mr Witness. And, Mr Witness, apart from what
27 they told you about Superman and Operation No Living Thing, and
28 also the fact that they had a red piece of cloth tied around
29 their heads, did they tell you anything else about Superman and

1 those who attacked Tombodu? Did you hear anything else about
2 them?

3 A. Well, that was all because we were now in hiding.

4 Q. And, Mr Witness, did you -- how long were you in hiding?

12:00:26 5 Do you know how long you were in hiding at this place in Kundor?

6 A. Well, when we went to Kundor, as soon as we got that
7 message that this particular group had come, we went into the
8 bush. We left because the village is along the main road. We
9 left and made a makeshift camp and were there for nearly one
10 month in the bush.

12:00:53

11 Q. Thank you, Mr Witness. And, Mr Witness, whilst you were
12 there, in the bush, during this period, did anything happen?

13 A. While we were in the bush, we ran out of food and one day
14 we went to look for bush yams along the hillside.

12:01:16

15 Q. Mr Witness --

16 A. But when you are around there, you see --

17 Q. But you go on, when you say "we," whom are you referring to
18 as "we," Mr Witness?

19 A. I don't understand this question.

12:01:35

20 Q. You said you ran out of food, "So we went into the bush."
21 And I'm asking you that when you say "we," who are you referring
22 to; yourself alone or yourself together with others? What do you
23 mean by "we"?

24 A. The "we" means my family and myself. We left the village
25 and went into the bush.

12:01:59

26 Q. Okay. Mr Witness -- and when you left with your family, to
27 go and -- did anything happen?

28 A. Yes. When we were in the bush, one day, we went to look
29 for bush yams. We were there and we saw smoke billowing towards

1 the village.

2 Q. Mr Witness, where was -- did you see where this smoke was
3 coming from?

4 A. Yes. I said, it was coming towards the village, where we
12:02:50 5 got -- where we went to get the bush yams. Where we went to get
6 the bush yams was a hillside, and from there you could overlook
7 the village. That is where we were when we saw the smoke
8 coming -- billowing from the village.

9 Q. What is the name of this village where the smoke was
12:03:08 10 billowing from?

11 A. Kundor.

12 Q. So Mr Witness, please continue. What did you do when you
13 saw the smoke billowing from Kundor?

14 A. When we saw that smoke, we brought the bush yams that we
12:03:31 15 had so that they would be cooking it. And we went to the
16 plantation. We were far off a little, because it would be far
17 off a little, and you will see into the village. From there, we
18 saw that our house was on fire. It was almost burnt completely.

19 Q. Did you do anything, Mr Witness, when you saw from up the
12:04:00 20 hills that your house was on fire?

21 A. Well, it was not from the hill that -- what I saw from the
22 hill was the smoke. It was when I came very close to the
23 village, now, there you could see the village. It was then -- it
24 was then that I realised that our house was burnt, not from the
12:04:30 25 hills, but close to the village. After that, we decided to leave
26 the place, because we had run out of food and we -- even if we
27 had said we are going to come back to the village, we would have
28 no place to sleep.

29 Q. Mr Witness, please be patient. The interpreters will want

1 to interpret what you are saying. So please take your time
2 whilst giving your testimony. So please go on with your
3 testimony. Just take your time.

4 A. Okay.

12:05:01 5 Q. So please continue with your account of what you did when
6 you saw that your house was almost completely burnt down.

7 A. When I saw that the house had burnt, I took my family and
8 we went to the next village, which is Bondu.

9 MR GRAHAM: Your Honours, the name of the next village
12:05:30 10 Bondu is spelt G-B-O-N-D-U? [Si c]

11 THE WITNESS: Bondu. Bondu.

12 MR GRAHAM: G-B-O-N-D-U [si c]. Bondu.

13 Q. And so did you, Mr Witness, eventually left to Bondu with
14 your family?

12:05:52 15 A. Yes. We arrived there. We were there for two days, I
16 think.

17 Q. Thank you. Mr Witness, apart from you and your family, did
18 you go to Bondu with anyone else?

19 A. Apart from my family, there was no other person. The only
12:06:17 20 thing that happened, when we went there, we met people to whom we
21 stayed -- with whom we stayed.

22 Q. You met people at where, Mr Witness?

23 A. At Bondu.

24 Q. And did anything happen whilst you were at Bondu,
12:06:37 25 Mr Witness?

26 A. Yes. When we went, we spent two days. The man with whom
27 we stayed also had another stranger with him. And one day this
28 man left and said he was going to search for food. As he was
29 coming back, he said he met with a group of fighters, and he was

1 given some load to carry to Peyema Waterside. He carried a load,
2 and on his way back he met another group and he was captured.
3 And the man said, "Well, your colleagues had sent me to go -- to
4 go with some load for them, and I'm going back to my own place."

12:07:29

5 They said the man was telling a lie and his son was amputated.
6 His left hand was amputated. So the man came bleeding and he met
7 us at Bondu. So that -- that -- I couldn't stay in the village.
8 Early next day, I left the village and took my family and left
9 the village and went to where ECOMOG was.

12:07:52

10 Q. Mr Witness, before you go on, apart from what you've just
11 told this Court, that this individual, whose arm was amputated,
12 did he tell you anything about those who amputated his arm, who
13 they were?

12:08:20

14 A. Well, he just said he met a group of men, some of whom had
15 machetes. Others had guns. Half were dressed. But it looked
16 like the men were the People's Army. He said he didn't know the
17 difference, but they were the people that amputated him, his arm.

18 Q. Mr Witness, do you -- when he said the People's Army, did
19 you understand what he meant by the People's Army, Mr Witness?

12:08:52

20 A. Yes, because there came a time when they said we should not
21 call them rebels, we should call them People's Army.

22 Q. And before I get to there, I asked -- my question was: Do
23 you know what -- do you know those who formed the People's Army?

24 A. I don't know.

12:09:21

25 Q. And who told you that you should not call them rebels but
26 People's Army?

27 A. The other civilians who were going out and coming back said
28 that was the law then, that nobody should call them rebels any
29 more.

1 Q. Thank you, Mr Witness. You said you then left Kundor to go
2 to where to where ECOMOG was but, before then, I'm going to ask
3 you, do you, Mr Witness, know whether the people's name -- the
4 People's Army, do you know whether they have any other name,
12:10:13 5 apart from the People's Army? Do you know that?

6 A. Well, the People's Army -- previously, we said rebels had
7 come. But after they had all come to town, we would say People's
8 Army.

9 Q. Okay. You said -- previously, you said that rebels had
12:10:42 10 come. During what previous period would you say that the rebels
11 had come?

12 A. That was during the time the attacks were launched in
13 Gandorhun. That was the time we were calling them rebels.

14 Q. And is this the Gandorhun -- is this in 1993/1994, as
12:11:17 15 you've told this Court, that that was the time that the attack on
16 Gandorhun took place?

17 A. Yes, that was the way we called them. Yes, that was how we
18 called them.

19 Q. Mr Witness, is the rebels -- those whom you describe as
12:11:37 20 rebels in 1993/1994, is it those same people who were now asking
21 that they be called the People's Army?

22 A. Well, I don't know whether they were the same people but I
23 think they had the same attitude.

24 Q. And, Mr Witness, when you say they have the same attitude,
12:12:05 25 what do you mean by that?

26 A. If they met you, they would ask you for money and give
27 you -- they have money, they will harass you. If they ask you to
28 give them food and you hadn't food, they would either beat you or
29 take you along with them.

1 Q. How do you know that they would do that, Mr Witness? How
2 did you get to know that that was what they would do?

3 A. Several other people told us that they were -- who said
4 that they had been captured, and those are the questions I would
12:12:48 5 ask them.

6 Q. Thank you. Mr Witness, you -- did you get to ECOMOG, after
7 you left Bondu, as you said, to seek refuge? Did you get to
8 ECOMOG?

9 A. Yes. That day I couldn't, I couldn't reach the ECOMOG,
12:13:09 10 ECOMOG's places. Something has happened along the way.

11 Q. Mr Witness, why couldn't you reach ECOMOG on that day that
12 you left Bondu?

13 A. While my friend and I, one Mohamed Koroma, were coming to
14 find out whether it was actually true, we met with some men on
12:13:34 15 the way who were dressed in civilian clothing. And those men
16 told us that, "Fellows, you are going to Kaokoyima. Don't bother
17 yourself any more. ECOMOG had come and deployed at Tombodu. So
18 let's tell our people to go back to the town here, to come back
19 to the town here." So I told my friend, I said, "Let's go and

12:13:59 20 prove it." While we were going, there was some distance between
21 my mate and I. As we were approaching Tombodu, going up to the
22 barri -- I said, I arrived at the junction. I never knew that
23 there was an ambush. I just saw people coming from the elephant
24 grass, from every angle, and I was captured. That of my friend
12:14:29 25 was lucky enough --

26 Q. Mr Witness, when you say an ambush, what do you mean by an
27 ambush?

28 A. What I understand by ambush is when you are walking along
29 the way, some people hide along the way and, when you reach their

1 direction, they would just come out surprisingly, and that is
2 what I understand by ambush.

3 Q. Thank you. And, Mr Witness, just before that, you
4 mentioned a name Mohamed. Who was Mohamed?

12:15:05 5 A. Mohamed was my colleague. He was accompanying me so that
6 we will go and find out whether that statement that I -- those
7 young men had given to us was actually true, that ECOMOG was now
8 in town.

9 Q. Thank you, Mr Witness. Mr Witness, please continue with
12:15:24 10 your account. After the ambush, did anything happen?

11 A. When they captured me, they took me up to the town, just
12 opposite the native administration cell.

13 Q. Mr Witness --

14 A. There was a big rock there. It was near that place.

12:15:46 15 Q. Mr Witness --

16 A. Yes.

17 Q. Before you go on, who -- can you tell this Court who
18 captured you after the ambush?

19 A. Those that captured me, I saw them. Some had military
12:16:12 20 shirt and the other man had a jean trousers on. That was the way
21 they were dressed, mixed up.

22 Q. And, Mr Witness, did you observe whether they were carrying
23 anything?

24 A. Yes, some had guns.

12:16:36 25 Q. So after they captured you, please continue with your
26 account of what happened after you were captured by these men you
27 have just described, Mr Witness?

28 A. When they took me to that big stone, my shirt was taken off
29 me.

1 Q. Who took off your shirt?

2 A. And they searched -- the men that captured me. Because I
3 didn't know anyone's name. My pockets were searched. They
4 didn't see any money. So -- but I had my documents, my tax
12:17:24 5 paper, my church membership card, and when they saw those, they
6 started provoking me, and so they said now they had had a pastor,
7 so, this pastor would have to pray for them. As they took off my
8 shirt, they went and locked me up in the cell.

9 JUDGE SEBUTINDE: Mr Graham, this witness mentioned that
12:17:43 10 they took him to town.

11 MR GRAHAM: Yes. I was just coming to the specific place,
12 Your Honour.

13 Q. Mr Witness, you told us that when they arrested -- they
14 captured you, sorry, they took you to a place. Can you tell this
12:17:57 15 Court exactly where you were taken to after you were captured by
16 these men you've described to this Court?

17 A. Where I was captured, from there to -- where I was
18 captured, from there to come towards the place that I was
19 stripped naked, it's about 350 yards. It was the junction going
12:18:30 20 up to the barri.

21 JUDGE SEBUTINDE: Mr Graham, I simply asked for the name of
22 the town. That is all I asked for.

23 MR GRAHAM: Yes, Your Honour. I was trying to --

24 THE WITNESS: I said, Tombodu.

12:18:43 25 MR GRAHAM: Your Honour, I was trying to get some
26 information from him leading on to specifically where it was.

27 Q. Mr Witness, you mentioned - and I stand to be corrected -
28 you mentioned that you were taken to a big rock and --

29 A. Yes.

1 Q. -- where was this big rock, Mr Witness?

2 A. The big rock is situated opposite the NSL in Tombodu.

3 Q. Thank you. And, Mr Witness, when they told you that you
4 were a pastor, did they ask you to pray for them?

12:19:26 5 PRESIDING JUDGE: He said they didn't.

6 THE WITNESS: No, they did not ask me to pray at that
7 moment. They only mocked me, that these others would not die in
8 vein, because they would have someone who would pray for them.

9 MR GRAHAM:

12:19:46 10 Q. Thank you, Mr Witness. And, Mr Witness, you -- after they
11 stripped and searched you - and I stand to be corrected - you
12 said you were locked up in a cell. Did anything happen?

13 A. Yes.

14 Q. Were you alone in the cell, Mr Witness?

12:20:04 15 A. While I was in the cell, it took some time. Then I saw
16 them brought two other men and they were also placed in the cell.

17 Q. My question was --

18 A. So that is what they were doing up till when we were up to
19 nine.

12:20:20 20 Q. Please listen to my question first. I said, at the time
21 that they stripped and searched you and put you into the cell,
22 when you went into the cell, was anyone else in the cell?

23 A. No other person was there at that moment. I was the first
24 person at that moment I was placed in the cell.

12:20:41 25 Q. Thank you. And did anyone else join you in the cell any
26 time --

27 JUDGE SEBUTINDE: He has already answered that. Let's move
28 on please. He's talked of a total of nine people including
29 himself.

1 MR GRAHAM:

2 Q. Mr Witness, these nine people --

3 A. Yes.

4 Q. -- that you said were brought to join you in the cell, did
12:21:07 5 you know, did you get to know where they were coming from?

6 A. I don't know where they came from because we were all
7 coming from different locations. We were running.

8 Q. But did you know any one of these nine people that joined
9 you in the cell?

12:21:28 10 A. No.

11 Q. And, Mr Witness, after you were joined by these nine
12 people, did anything happen whilst you were in the cell?

13 A. Yes.

14 Q. Can you please tell this Court what happened, Mr Witness?

12:21:52 15 A. While we were in the cell, then, in the afternoon, two
16 guards came and they opened the cell and they asked -- they said:
17 Who amongst you have not been to the boss, and they took us out
18 and said we should go to the boss. We went to the boss. They
19 were sitting under an orange tree. They had a small table. We
12:22:22 20 met two men there, sitting. So we were queued before those two
21 men and the guard reported about us and said --

22 Q. Sorry --

23 A. Yes.

24 Q. Before you go on, when these guards came and said they were
12:22:39 25 taking you to the boss, did they tell you who the boss was?

26 A. They did not tell us. They just said those two of you --
27 those of you who have not met with the boss you should come out,
28 so that was how we went.

29 Q. And this place that you said the guards took you to, where

1 you saw these two men sitting down, where was this place? Was it
2 also in Tombodu?

3 A. It was Tombodu that they took us.

4 Q. And please continue with your account as to what happened
12:23:19 5 when the guard took you to the boss?

6 A. When they took us out of the cell, we went and we met two
7 men sitting under an orange tree. There was a small table in
8 front of them, and the guard who was the leader reported about us
9 and said, "Boss, these two men were the men who had not come to
12:23:45 10 see you." And the man asked the guard and said, "How many people
11 are there in the cell?" And said, "They are nine there." And he
12 looked at us and the man said, "What have you come to look for?"
13 And we said, "We understood that ECOMOG was here and that's the
14 reason we came."

12:24:09 15 Q. Mr Witness, before you go on, you said the man said, "What
16 have you come here to look for?" Which man said that?

17 A. At that time I didn't know the man's name. He just spoke.

18 Q. Go on, Mr Witness, with what that man said. Continue with
19 your account, please?

12:24:32 20 A. Because after he had asked us those questions, and we
21 answered them, and we began, he told the guard that -- he said,
22 "Take them back to the cell, but I'm advising you, I'm telling
23 you that these men, 6.00 this evening, you should kill all of
24 them. But when you are killing them, don't -- you should take
12:25:03 25 them four at a time and kill them. Don't kill all of them
26 together. Kill them four at a time." As we were coming along
27 the road, the guard asked us -- he said, "This man who was asking
28 you, do you know him?" And I said, "No, I never knew him." And
29 he said, "The Savage that you used to hear about, that is the

1 Savage," and my heart jumped a beat and they went and placed us
2 back in the cell, and they said, "6.00 this evening you have to
3 be killed."

12:25:42 4 Q. Mr Witness, why did your heart jump a beat when you heard
5 the name Savage?

6 A. Because that area, we all knew that whosoever, whosoever
7 meets with Savage you will not live afterwards, so we were all
8 afraid not to ever see with that man.

9 Q. And, Mr Witness, when you say all that area, which area are
12:26:03 10 you referring to, Mr Witness?

11 A. Tombodu. Tombodu and the surrounding villages.

12 Q. And do you know the name of some of the surrounding
13 villages, Mr Witness?

14 A. Yes. Tombodu, Hermenkono, Bendu II.

12:26:26 15 Q. Mr Witness, just take your time. The Court would want to
16 hear the names of the villages. What you said, you said, can you
17 mention Herma [sic] again. Could you mention that town name
18 again, please?

19 A. I said Hermenkono.

12:26:42 20 Q. Hermenkono is spelt H-E-R-M-E-N-A-K-O-N-O [sic]. And which
21 other village, or town, can you --

22 A. Bendu II.

23 Q. Bendu II is spelt, B-E-N-D-U-T-U [sic] and then which other
24 place, village or town, apart from these two?

12:27:11 25 A. There is Kami ndu .

26 Q. Kami ndu is spelt K-A-M-I-N-D-U. Apart from Bendu II,
27 Hermenkono and Kami ndu, do you know of any other place?

28 A. Well, those are the ones that I wanted to give as examples.

29 Q. Thank you, Mr Witness. And, Mr Witness, after you were put

1 into the cell, after the meeting with Savage, did anything happen
2 after that?

3 A. Yes.

4 Q. Can you tell this Court what happened, Mr Witness?

12:28:00 5 A. We were in the cell. We were all worried and we decided to
6 pray because we had Muslims as well as Christians and we started
7 praying in the cell.

8 Q. And did anything happen during or after your prayers?

9 A. While we were praying, I would tell those of my colleagues
12:28:40 10 to -- they will lift me up -- there are some holes up in the cell
11 but I would not hold onto the bars, I'll just look and I'll see
12 outside. I will see the guards sitting on the rock looking
13 towards the door of the cell. That was what we were on and --
14 Mr Witness, hold on a second. Your Honours, please, the first
12:29:05 15 accused will want to use the restroom, please.

16 PRESIDING JUDGE: He can leave the Court.

17 MR GRAHAM: Thank you.

18 Q. And, Mr Witness, was there any reason why your cell
19 colleagues were carrying you up and down?

12:29:17 20 A. Then we put their hands on -- under my buttocks and they
21 would lift me up so I will see through, to see outside.

22 Q. And, Mr Witness, was there a reason why they would lift
23 you, for you to see outside? Why? Was there a reason why?

24 A. Yes.

12:29:42 25 Q. What was the reason why you were looking outside,
26 Mr Witness?

27 A. Because we wanted to know whether they were now ready to
28 come and kill us. So after some times, whenever we prayed, they
29 would lift me up and I would look outside whether they were ready

1 to kill us then.

2 Q. Okay. Did anything happen after you were lifted and looked
3 outside, as you've described to this Court, Mr Witness?

4 A. Yes.

12:30:17 5 Q. Please tell this Court, Mr Witness, what happened?

6 A. Well, while we were praying at the time, we heard a very
7 big, heavy sound. The cell is located near a park and that was
8 where we heard something came and fell, heard a sound, but it
9 looked as if it was those missiles that ECOMOG used to shoot out.

12:30:54 10 But where it dropped --

11 Q. Go on, Mr Witness.

12 A. Now scattered inside the cell. Then the place all go
13 quiet. So the stone was completely destroyed.

14 Q. Yes. And, Mr Witness, you just mentioned ECOMOG, it looked
12:31:18 15 as if it was ECOMOG, one of ECOMOG. How did you know that what
16 you --

17 A. We had heard the announcement that ECOMOG had deployed in
18 Koakoyi ma.

19 Q. Where did you hear this announcement from, Mr Witness?

12:31:39 20 A. This announcement came, we heard it from the radio. We
21 would hear it at any time.

22 Q. And, Mr Witness, after you heard what you believed was the
23 ECOMOG missile, did anything happen after that?

24 A. Yes.

12:32:01 25 Q. Can you please tell this Court what happened, Mr Witness?

26 A. Something dropped in the park and something else fell on
27 top of the corrugated iron of the cell. The noise that we
28 previously heard while the guards were sitting on top of the
29 stone was no longer heard and the whole place was completely

1 quiet. We were then in the cell for some nearly 45 minutes and I
2 asked my colleagues, I said lift me up again, and they lifted me
3 up and I looked through the same place that I used to look,
4 through those holes, but I didn't see any of the guards on top of
12:32:51 5 that stone. Still the place was quiet, so I put down again. I
6 told my colleagues.

7 Q. So when you saw that place and the [i ndi scerni ble] what did
8 you -- did you do anything after that?

9 A. Well, they confused because we had found out that the
12:33:17 10 guards who were there had hidden. We were then in the cell
11 praying and we heard footsteps outside.

12 Q. Before you go on, Mr Witness, how do you know that the
13 guards had hidden? How did you know that?

14 A. I was lifted up and I looked where they were sitting on the
12:33:42 15 stone and nobody was there. I looked there.

16 Q. And did anything happen after, after that?

17 A. Yes.

18 Q. Please continue with your account. You told this Court you
19 heard some footsteps. Please continue from there.

12:33:59 20 A. Then I was lifted up again. That place where the guards
21 took us, it was towards that end that we heard the footsteps
22 coming from. When I was lifted up, then I saw Savage himself
23 coming. He had that big army felt with his gun hanging on him.
24 He had a shirt on, and a military jacket on. He was coming.

12:34:34 25 Then I told him to put me down. And they did. When I was put
26 down, we heard footstep up until opposite the door of the cell,
27 and he stood there and he called out to one of the guards and he
28 asked him, he said: Have you done the job that I sent you to do?
29 Then he started asking -- but we were listening from the cell --

1 and the guard said, "CO, you -- I would not disobey you.
2 Whatever thing you tell me to do, I will do." Then he became
3 angry. Didn't -- he said, "Didn't I tell you to kill those men
4 four, four each?" And he said, "No. Maybe you said some other
12:35:23 5 person, not me. You did not tell me to do that." Then he
6 insulted the guy and he said, "Call those four men and let them
7 come out of the cell." So we, who were in the cell, nobody could
8 come closer to the door. Everybody was just going backwards, and
9 he came and opened the door of the cell. He counted --

12:35:45 10 Q. Witness --

11 A. The first four people.

12 Q. -- before you go on, when this guard addressed Savage as
13 CO, did you understand what he meant by CO?

14 A. That is the language, I don't understand it, but that is
12:36:05 15 the word that he used.

16 Q. Mr Witness, continue with your account of what happened
17 when the door to the cell was opened. Please continue.

18 A. The guard counted four people. I was the fourth person and
19 we came out. We queued before -- we queued up in the verandah of
12:36:28 20 the cell. And he, the Savage, was standing and looking at us and
21 he looked at his wristwatch. At that time, it was getting to
22 7.00. It was getting dark. He was looking all about the place.

23 On the right-hand side, where I was stripped naked, by the
24 gutter, there was a corpse, a corpse of a man, swollen, and he
12:37:05 25 told the guard. He said, "Tell these four men to take these
26 corpse and throw it into the water." We came down the steps.
27 There were papers scattered all about the place outside the door
28 of the cell, and we started picking up the papers so that we used
29 them as a kind of glove to hold the corpse. As we bowed down,

1 picking up the papers, he was standing, looking at us.

2 Q. Mr Witness, who was standing looking at you?

3 A. Savage was standing, looking at us. We went and put the
4 papers on the man's limbs and we lifted it up. We just saw the
12:38:01 5 man sitting on the ground, having the gun on him, laughing. We
6 couldn't move. We were all surprised. We were all surprised,
7 standing there, looking at him.

8 Q. Who was laughing, Mr Witness?

9 A. Savage. After he had stopped laughing and the guard asked
12:38:28 10 him, he said -- he used the same language. He said, "What has
11 happened? Why are you laughing?" He said, "I'm laughing at
12 those dead people. They are afraid of taking their colleague
13 dead person." Then we were afraid because we knew there was no
14 mercy in his eyes.

12:38:49 15 Q. And, Mr Witness, can you describe Savage to this Court?

16 A. Yes. At that time, that I saw Savage, he had a lot of
17 beards, and he was fair in complexion a little.

18 Q. Mr Witness, I understand that you mean beard, B-E-A-R-D,
19 not beards.

12:39:20 20 A. He is not a very tall man.

21 Q. And, Mr Witness, did anything happen after the laughter
22 you've described to this Court?

23 A. Yes.

24 Q. Please tell this Court what happened, Mr Witness?

12:39:37 25 A. After he had made that statement, we all looked at one
26 another, and the guard said, "Let's go." And we started going
27 down with the body. We arrived at the junction. The waterside,
28 where he said we should throw the corpse. We didn't even reach
29 there. After crossing there, he just asked us to throw the body

1 into the valley, and we just threw the body into the valley and
2 it started rolling. And we came back to the door of the cell.
3 We came back to the door of the cell, and we stood there at the
4 same place where he was, and he told the guard to put us back
12:40:16 5 into the cell, but that he was warning him --

6 Q. Mr Witness, who told the guard to put you back into the
7 cell?

8 A. Savage.

9 Q. Please continue with your account.

12:40:31 10 A. But before the guard put us into the cell, he told the
11 guard that, tomorrow morning, 6.00, if I meet these men here, you
12 will be the first person to die before I kill them. And the
13 guard then said -- and they put us into the cell again.

14 Q. So did you spend the night of that day in the cell?

12:41:01 15 A. We didn't spend the night, the rest of the night, in the
16 cell.

17 Q. Why did you not spend the rest of the night in the cell,
18 Mr Witness?

19 A. When we went into this cell, we continued the prayers. And
12:41:30 20 we were asking one another: "How could we get out of this
21 place?" As we were praying, then I stood up, and I started
22 peeping through the door of the cell. While peeping, I saw a
23 small hole towards where the staple was. I looked through that
24 hole. I didn't know when -- when the -- when we were put into
12:42:02 25 the cell, they just used some small stick and put it into the
26 staple. So I saw the staple and the sticks, so I used my finger
27 to take the stick from the staple, but I couldn't, so I came back
28 into the cell. I started passing my hand in the dark but then I
29 touched a tooth brush. This tooth brush was what I took. I

1 started shoving it through the hole pushing the stick upwards
2 shaking it little by little. But while I was doing this, these
3 of my colleagues amongst whom I was sitting, the younger one of
4 them asked me, "Brother what are you doing?" And I told him,
12:42:46 5 "Let us pray." But I didn't want all of us to go by the door
6 probably could cause some noise, so the guards would understand,
7 so we started praying back and I went there. The third time when
8 I went there, the stick shook off, the stick shook and I -- and I
9 started touching the door. I did not know the door would -- I
12:43:16 10 thought the door would open and come inside but the door opened
11 outside.

12 Q. And, Mr Witness, when the door opened outside, did you do
13 anything?

14 A. Yes, I was confused which hand I would use to take the
12:43:35 15 stick off, because I was afraid. I thought one of the guards was
16 standing by the door and he will just see us. So I came back and
17 I told my colleagues. I said, "Lift me up," and they lifted me
18 up. I looked back through the hole and no guard was around and
19 they put me down again. So I sent my left hand and took off the
12:43:57 20 stick, and I took the staple off, and I said, "I've opened the
21 cell." Some of those who had off-white shirts, they took the
22 shirts off. We ran and we came and hid in some elephant grass
23 nearer the cell. But the distance was about 300 yards off where
24 we went.

12:44:28 25 Q. Mr Witness, do you know what time of the day that you
26 managed to open that door to the cell? Do you remember what time
27 of the day it was?

28 A. At that time it was getting to 9.00. I think it was around
29 9.00 in the night.

1 Q. Thank you. In the night. And you --

2 A. About that, about 9.00 in the night, that this thing
3 happened.

4 Q. So when you walked -- how many of you walked out of the
12:45:05 5 cell, Mr Witness?

6 A. All of us; nine of us walked out of the cell.

7 Q. And after you walked out you told us you went to hide out
8 somewhere. How long did you hide out at this place?

9 A. Well, it was after we had gone and hidden in that place, it
12:45:35 10 didn't take up to ten minutes. Then the guards came to the cell
11 and they met the door of the door of the cell was open. They
12 started blaming themselves. Then they blamed each other and we
13 started -- we heard them insulting each other. We overheard them
14 as we were in hiding. This one would say you -- they started
12:45:57 15 accusing each other. You have opened the cells and the other

16 person would excuse the other. We were there until around 5.00
17 in the morning and we decided to -- and we asked ourselves, "What
18 are we going to do now?" And some of the people said they were
19 going back to their village and I said I'm going to where ECOMOG
12:46:16 20 was and we despatched in different directions. Some who came
21 from the other villages went to their villages and I found my
22 way. I went using the bush path, and I went -- I spent the rest
23 of the day in the bush. In the evening I arrived at Koakoyima.

24 Q. Koakoyima, we've heard that before. And when you arrived
12:46:38 25 at Koakoyima, did you go -- where did you go to, when you arrived
26 at Koakoyima, Mr Witness?

27 A. If someone arrives at Koakoyima, there was a place where
28 ECOMOG would go and screen you whether you were a rebel or not,
29 but they would search people. But I hadn't anything on me so I

1 hadn't even shoes, I hadn't even shoes on, so they would actually
2 know that I had escaped.

3 Q. Okay. And, Mr Witness, during the time that you were in
4 Tombodu did, and I'm referring to the period when you were
12:47:30 5 captured and taken to Tombodu by the guards who were under the
6 command of Savage, did you know -- did you hear during this
7 period whether Savage was taking instructions from anyone else?

8 A. No. They were all calling him boss. He was the boss.

9 Q. Mr Witness, you have heard -- I referred you earlier, or
12:48:06 10 mentioned the May 25th, 1997. Indeed, you mentioned that you
11 heard the May 1997 coup on the radio. Now, Mr Witness, did you
12 ever get to hear, apart from Johnny Paul Koroma that you've
13 mentioned, that any individuals or persons who were responsible
14 or part of the overthrow of the Kabbah government in May of 1997,

12:48:39 15 Mr Witness?

16 A. No, I don't know any other name.

17 Q. Mr Witness, did you hear that one Alex Tamba Brima, also
18 known as Gullit, was one of those responsible for the overthrow
19 of the Kabbah government, in May of 1997?

12:49:09 20 A. No.

21 Q. And, Mr Witness, did anyone tell you that they had heard
22 that Alex Tamba Brima, also known as Gullit, was one of those
23 responsible for the May 1997 overthrow of the Kabbah government?

24 A. No.

12:49:37 25 Q. Mr Witness, you've also -- we also spoke, you also --
26 sorry, Your Honours. You also gave testimony about your
27 knowledge of the February 1998 ECOMOG intervention in Freetown.
28 Sorry, Your Honour before, Mr Witness, you've heard before about
29 the January 6th 1999 invasion of Freetown?

1 A. Yes, we used to hear it while we were in Kono.

2 Q. How did you used to hear that, Mr Witness?

3 A. That was broadcast over the radio, because we were
4 listening to the radio, because at that time we were now in
12:50:38 5 Tombodu. There was no way to come here.

6 Q. And thank you, Mr Witness. And, Mr Witness, did you get to
7 hear -- did you yourself hear whether one Alex Tamba Brima, also
8 known as Gullit, was one of those -- Mr Witness, let me finish
9 with my question. Did you hear yourself that one Alex Tamba
12:51:09 10 Brima, also known as Gullit, was one of those responsible for
11 leading the invasion or the attack on Freetown in January of
12 1999?

13 A. No.

14 Q. Did anyone tell you that they had heard that Alex Tamba
12:51:31 15 Brima, also known as Gullit, was responsible or led the attack,
16 the January 1999 attack, on Freetown?

17 A. No.

18 Q. Mr Witness --

19 PRESIDING JUDGE: Are you starting a new topic now,
12:52:11 20 Mr Graham?

21 MR GRAHAM: Yes.

22 PRESIDING JUDGE: We will take the lunch break.

23 MR GRAHAM: I am grateful for the time.

24 PRESIDING JUDGE: All right. Mr Witness, we are going to
12:52:20 25 have a break for lunch. I have to tell you, you are not
26 permitted to discuss this case with anyone, not the case nor the
27 evidence; is that clear?

28 THE WITNESS: Okay.

29 PRESIDING JUDGE: All right. We will adjourn until 2.15.

1 [Luncheon recess taken at 12.52 p.m.]

2 [Upon resuming at 2.19 p.m.]

3 PRESIDING JUDGE: Yes, go ahead, Mr Graham.

4 MR GRAHAM: Thank you, Your Honour.

14:20:34 5 Q. Good afternoon, Mr Witness.

6 A. Yes, afternoon.

7 Q. Mr Witness --

8 A. Yes.

9 Q. -- did you, during the period of February 14th, 1998 --

14:21:07 10 between the period February 1998 to June 1998, did you know where
11 you were?

12 A. I was in the bush at that time, from February to June.

13 Q. And, during this period, did you hear that Alex Tamba
14 Brima, also known as Gullit, caused the unlawful killing of
14:21:54 15 several hundred civilians in the Kono District, particularly
16 Tombodu?

17 A. No.

18 Q. During this same period, Mr Witness, that is February 1998
19 through June 1998, did you hear that Alex Tamba Brima, also known
14:22:20 20 as Gullit, had commanded or caused the killings of several
21 hundred civilians in the Kono District, particularly Tombodu?

22 A. I don't know.

23 Q. And, Mr Witness, during this same period, that is February
24 1998 to June 1998, did you hear that one Alex Tamba Brima, also
14:22:55 25 known as Gullit, had caused an unknown number of women and girls
26 to be abducted from various locations within the Kono District,
27 including Tombodu, to be used as sex slaves and forced into
28 marriages or subjected to other forms of sexual violence?

29 A. I don't know that.

1 Q. Mr Witness, what do you mean by you don't know that?

2 A. I did not hear that, and I myself did not witness that.

3 That is why I said I don't know.

4 Q. Thank you. Mr Witness, did you hear, during this same

14:23:46 5 period, that Alex Tamba Brima, also known as Gullit, had caused

6 or commanded any individual or individuals to abduct an

7 unknown --

8 THE INTERPRETER: Can learned counsel please take it slowly

9 for the interpreter.

14:24:07 10 MR GRAHAM: Thank you. Thank you.

11 PRESIDING JUDGE: Mr Witness, if you don't understand the

12 question, you let us know, will you?

13 THE WITNESS: Okay, sir.

14 MR GRAHAM:

14:24:15 15 Q. Mr Witness, did you hear, during this period, that is

16 February 1998 and June 30th, 1998, that one Alex Tamba Brima,

17 also known as Gullit, had caused the rape of hundreds of women

18 and girls at various locations throughout the Kono District,

19 including Tombodu?

14:24:40 20 A. No.

21 Q. And did you hear whether he had caused or commanded anyone

22 to cause the rape of hundreds of women and girls in the Kono

23 District, including Tombodu?

24 A. No, I don't know.

14:25:01 25 Q. And do you know -- did you hear yourself, Mr Witness,

26 during the period February 1998 to June 30th 1998, that one Alex

27 Tamba Brima, also known as Gullit, had caused the mutilation of

28 an unknown number of civilians in various locations in the Kono

29 District, including Tombodu?

1 A. No.

2 Q. Did anyone tell you that they had heard that Alex Tamba
3 Brima caused the mutilation of an unknown number of civilians in
4 various locations in the district, including Tombodu?

14:26:00 5 A. Nobody told me that.

6 Q. Did you hear, during this same period, whether one Alex
7 Tamba Brima, also known as Gullit, had routinely conscripted or
8 enlisted boys and girls under the age of 15 -- enlisted them to
9 be engaged in active hostilities?

14:26:30 10 A. No.

11 Q. Did anyone tell you that they had heard that Alex Tamba
12 Brima, also known as Gullit, had caused or commanded anyone to
13 conscript or enlist boys and girls to actively participate in
14 active hostilities?

14:26:53 15 A. I did not hear that.

16 Q. And, Mr Witness, did you hear, during the same period, that
17 is, from February 1998, did you hear, during the period
18 from February 1998 to January 2000, that one Alex Tamba Brima,
19 also known as Gullit, had abducted hundreds of civilian men,
14:27:18 20 women and children, and took them to various locations outside
21 the district, including this abduction --

22 A. No.

23 Q. Did anyone tell you that they had heard that he had caused
24 the abductions of civilian men, women and children from Tombodu?

14:27:40 25 A. Nobody told me that.

26 Q. Mr Witness, during that period February 1998 to June 1998,
27 did you hear that one Alex Tamba Brima, also known as Gullit,
28 that he was engaged in widespread looting and burning in various
29 locations in the Kono District, particularly including Tombodu?

1 A. No.

2 Q. Did any individual or person tell you that they had heard
3 that he was engaged in widespread looting and burning in Tombodu?

4 A. Nobody told me that.

14:28:31 5 Q. Thank you. Mr Witness, finally, during the period that you
6 were in Tombodu, that you saw Savage, did you observe him using
7 any form of communication equipment?

8 A. I did not see him with any communication equipment. That
9 was my first time when they captured us, and he sentenced us.

14:29:05 10 Q. Thank you. But did anyone -- did any of the people that
11 you were with, or spoke to, did any one of them tell you that
12 they had seen Savage using any form of communication equipment,
13 Mr Witness?

14 A. He did not tell me about that because, at the time that I
14:29:28 15 saw Savage, I hadn't the opportunity to inquire about all of
16 that.

17 Q. Thank you, Mr Witness, for your time.

18 MR GRAHAM: Your Honours, I have no further questions for
19 this witness, and I'm grateful for the time.

14:29:46 20 PRESIDING JUDGE: Thank you. Anything else in chief?

21 MR FOFANAH: Yes, just a few questions for the second
22 accused.

23 EXAMINED BY MR FOFANAH:

24 Q. Mr Witness, throughout your stay in Kono, Kono District and
14:29:58 25 in Tombodu in particular, did you hear, or did anyone mention to
26 you the name Ibrahim Bazzy Kamara as being among the rebels who
27 did what you told Court about?

28 A. I don't know about Brima Bazzy. I did not hear of that
29 name, not a day. Because, at all times, after the attack had

1 happened, we were always in the bush.

2 Q. Did you see any person by that name, Ibrahim Bazzy Kamara,
3 throughout that period?

4 A. No.

14:30:47 5 MR FOFANA H: That is all for the witness, Your Honours.

6 MR MANLY-SPAIN: No questions.

7 PRESIDING JUDGE: Thank you. Yes.

8 MR WAGONA: Your Honours, I'm called Vincent Wagona. And I
9 will be taking this witness through cross-examination on behalf
14:31:09 10 of the Prosecution.

11 CROSS-EXAMINED BY MR WAGONA:

12 Q. Good afternoon, Mr Witness.

13 A. Good afternoon.

14 Q. I'm going to ask you a few questions, and, please, I ask
14:31:29 15 you to be as truthful as possible so that you can help the Court;
16 do you understand?

17 A. Okay.

18 Q. Now, you told the Court that you heard about the overthrow
19 of the government of President Kabbah; is that right?

14:32:03 20 A. Yes.

21 Q. Did you hear that that overthrow was done by soldiers of
22 the AFRC?

23 A. Yes.

24 Q. Did you hear that after the AFRC overthrow of President
14:32:36 25 Kabbah's government they started working with RUF?

26 A. I don't know that.

27 Q. You talked about the intervention of February 1998; do you
28 remember that?

29 A. Yes.

1 Q. Then you also talked about a period - you said
2 after February 1998 - when you saw people in uniform coming to
3 your village, and distributing money at Tombodu parking ground;
4 do you remember that?

14:33:39 5 A. Yes, yes.

6 Q. Were you able to know who these people were?

7 A. Those people were dressed in military uniform. After they
8 had done this, they did not shoot, they just gave out the moneys
9 and went. That's what I know.

14:34:13 10 Q. Did you get to know whether these were the Executive
11 Outcomes that you talked about, or they were ECOMOG?

12 A. No. At that time, all of us were around that place. The
13 uniforms were not the same. The Executive Outcomes' uniform on
14 the people who came were not the same.

14:34:52 15 Q. Then, finally, you talked about the attack which caused you
16 to run away now.

17 A. Yes.

18 Q. Is that a different incident from when people in army
19 uniform came and distributed money?

14:35:16 20 A. To me, I think they are different things, because when
21 these people came, they had no action. They did nothing to
22 threaten us to go. Later that evening, we do not know who were
23 on stand-by. I think they are two different things.

24 Q. But this was soon after the intervention, was it?

14:35:47 25 A. Well, I can't remember the time, if it was after.

26 Q. But the people who attacked your village which caused your
27 people to run away, these were SLAs and RUFs, weren't they?

28 A. Well, I don't know, because I don't know the distinction
29 between them.

1 Q. You said some of them had soldiers' uniform?

2 A. Yes. So --

3 Q. And others had a mixture of soldiers' uniform and civilian
4 clothes?

14:36:58 5 A. Yes.

6 Q. And they were armed with guns?

7 A. Some had guns.

8 Q. I put it to you that those people were a mixture of SLAs
9 and RUF; what do you say to that?

14:37:27 10 A. Well, I don't know the distinction between them. I just
11 saw men with mixed clothing. Some had weapons and some hadn't,
12 so I don't know the distinction between the two.

13 Q. You said that you later on went in hiding for one month.

14 A. Yes.

14:37:56 15 Q. And that, while in hiding, you saw your house in
16 Kundor Village on fire; is that right?

17 A. Yes, we were in the bush when we saw thick smoke billowing
18 towards -- from the town. Later we found out that the house had
19 been burnt.

14:38:36 20 Q. Did you later learn who was responsible for the burning of
21 your house?

22 A. I did not find anybody there any more.

23 Q. Did you learn that the people who attacked your village
24 were responsible for burning your house?

14:39:10 25 A. I can't tell, because they attacked Tombodu and I ran away
26 to the village. But the news that I heard caused me to go into
27 the bush, so I can't tell whether it was the same people who
28 burnt down my house.

29 Q. Did you later learn that houses of many other people were

1 burnt?

2 A. Yes. I saw so many houses that were burnt down in Tombodu.

3 Q. You said you then went to Bondu Village?

4 A. Yes.

14:40:11 5 Q. And while there, a man who left to go in search of food,
6 was captured and made to carry loads to Peyema?

7 A. Yes.

8 Q. Was he made to carry these loads by the same people who had
9 attacked your village?

14:40:39 10 A. From what the man explained, he said the fighters forced
11 him to carry their loads for him, so they forced him to carry
12 their loads for him -- for them, sorry.

13 Q. Did you later learn that many other people were forced by
14 those soldiers to carry loads for them?

14:41:17 15 A. Well, I don't know.

16 Q. I put it to you that many other people were forced to carry
17 loads by those soldiers; what do you say?

18 A. Well, I don't know if it were the soldiers who forced them.

19 Q. You also said that you saw a man whose hand was amputated.

14:42:04 20 A. Yes.

21 Q. Did you later learn that many other people were mutilated?

22 A. Yes, I saw some people complaining. We saw people who said
23 their hands had been chopped off, but I did not know who had cut
24 off the person's hand. It was that person who knew who had

14:42:44 25 amputated him, but I used to see people whose hands were
26 amputated.

27 Q. Then you told Court about when you yourself was captured,
28 and later met Savage; do you remember that?

29 A. Yes.

1 Q. Was Savage with many other men with him?

2 A. At the time that the guard took us to Savage, we met two of
3 them sitting in front of the table.

4 Q. And you said Savage; how was he dressed?

14:43:51 5 A. He had on his short trousers, had on a large military felt
6 hat, he had on a combat jacket; that's how he was dressed at that
7 time.

8 Q. Now, Savage was SLA, wasn't he?

9 A. I don't know.

14:44:15 10 Q. I put it to you that Savage was SLA. What do you say?

11 A. Well, I don't know the differences, because I saw him in
12 uniform and he had captured us at that time, so I did not know
13 that he was SLA or what he was.

14 Q. Did you get to know who some of his superiors were?

14:44:54 15 A. At that time, from what -- when the guards took us, he was
16 the head, because they took us to him. It was he who passed
17 sentence on us, and he checked, and everybody was answering yes,
18 sir, to him.

19 Q. Did you hear that at that time Alex Tamba Kamara -- Alex

14:45:29 20 Tamba Brima, I beg your pardon -- Alex Tamba Brima, alias Gullit,
21 was one of the superiors of Savage?

22 A. I don't know, because I did not see him.

23 Q. Did you hear that, at that time, Ibrahim Bazy Kamara was
24 one of the superiors of Savage?

14:46:02 25 A. I don't know, because I did not see other people. The man
26 whom I met was another man who was close to him.

27 Q. I put it to you that at that time --

28 A. Yes.

29 Q. -- Ibrahim Bazy Kamara was one of the superiors of Savage

1 and he was based in Kono at that time.

2 A. Well, I don't know that.

3 Q. Now, when you heard about the overthrow of President
4 Kabbah's government, you said you heard -- you were in charge; do
14:47:06 5 you remember that?

6 A. I do not understand the question.

7 Q. Do you remember you said that you were in charge when they
8 said President Kabbah's government had been overthrown; do you
9 remember that?

14:47:39 10 A. I said we were in service, we were in church, and as the
11 church -- the service was coming to an end, we heard that
12 President Kabbah's government had been overthrown from somebody.

13 Q. Yes, that's what I'm asking you about. How was that
14 communicated to you? Was it by announcement in the church?

14:48:12 15 A. It was not through an announcement in church. I said we
16 were coming out of church when somebody came and told us. He was
17 at home. He did not come to church, but he was listening to the
18 radio and when we heard the announcement, he was coming towards
19 the church, then we were coming out, then he told us of this
14:48:37 20 news, that there had been a coup.

21 Q. And then you said you then went home and sat by the radio
22 and started listening.

23 A. Yes. When the person told us that, we, too went and
24 started listening to the radio.

14:48:57 25 PRESIDING JUDGE: Mr Witness, just say yes. We've heard
26 this evidence twice now.

27 THE WITNESS: Okay. Yes.

28 MR WAGONA:

29 Q. Thank you. Now, when you listened to the radio, did you

1 hear the names of some of those people who were involved in
2 overthrowing President Kabbah's government?

3 A. When I was listening to the radio, I did not hear them call
4 out so many names. I just heard that the new head of the
14:49:41 5 government was Johnny Paul Koroma.

6 Q. Later on, did you hear any names of those people who
7 were -- some of those people who were involved in overthrowing
8 the government?

9 A. No. In fact, after I heard that, I was not listening any
14:50:03 10 more.

11 Q. Didn't you hear that one Alex Tamba Brima, alias Gullit,
12 Ibrahim Bazy Kamara, and Santiage Borbor Kanu, alias Five-Five,
13 were some of the people involved in overthrowing Kabbah's
14 government?

14:50:30 15 A. I did not hear the announcement because I -- from when we
16 first listened to the radio, I was not paying much -- any more
17 attention to the radio.

18 Q. I put it to you that those names I have mentioned to you
19 were some of the people involved in overthrowing President
14:50:59 20 Kabbah's government; what do you say?

21 A. Well, I don't know.

22 Q. Now, when did you finally come back to your village?

23 A. From when?

24 Q. From when you went into hiding until, finally, when you
14:51:42 25 were captured and you escaped. After that, when did you finally
26 get back to your village?

27 A. Well, when we escaped from the cell, we went to Koakoyima.
28 I did not return early to my village, because even in Koakoyima,
29 later, we left there. So I did not return early to my home town.

1 Q. Yes, but, did you finally go back to your village?

2 A. Yes, I finally went there in the year 2000. I was here in
3 town.

4 Q. So did you hear that many other incidents took place in
14:52:35 5 your village, following the attack which led to your escape, like
6 looting? Did you hear that there was looting of people's
7 property in your village, and in other villages in -- surrounding
8 Tombodu?

9 A. Yes, people were saying it, that they were looted and did
14:53:11 10 other things, when I returned, finally.

11 Q. Did you also hear people say that women and girls were
12 raped?

13 A. Some were saying it. But they did not tell me who and who
14 did what.

14:53:43 15 Q. Did you also hear that many people were abducted?

16 A. Yes, I heard.

17 Q. Did you also hear that many people were killed, including
18 being beheaded?

19 A. Yes, that was what people said, but they were not pointing
14:54:17 20 at anybody that this is so, and this is so, or it was this
21 person.

22 Q. Did you hear that people who were killed were thrown in a
23 pit?

24 A. Nobody told me that.

14:55:15 25 Q. Then you said you heard about the attack on Freetown,
26 in January 1999.

27 A. Yes.

28 Q. Did you hear about the names of some people who were
29 involved in that attack?

1 A. Like, what names? Because where we were -- we are, it's
2 not every time that someone would sit to listen to a radio.

3 Q. Did you hear that Alex Tamba Brima, alias Gullit, was one
4 of the -- led the attack on Freetown at that time?

14:56:21 5 A. Well, even if they made that announcement, I did not hear
6 it on the radio. I did not even come across it, nor did I hear.

7 Q. Did you hear that Santigie Borbor Kanu and Ibrahim Bazy
8 Kamara were also involved in the attack on Freetown?

9 A. No.

14:56:53 10 Q. I put it to you that those three names I have mentioned to
11 you now, those people were involved in the attack of Freetown
12 in January 1999; what do you say to that?

13 A. Well, I don't know. Even if they took part, I don't know,
14 because I did not hear. What I heard and saw is what I should
14:57:19 15 say here.

16 Q. Now, towards the end of your testimony in chief, you were
17 asked where you were from February to June 1998; do you remember
18 that?

19 A. Yes.

14:57:42 20 Q. And you said you were in the bush at that time; you
21 remember that?

22 A. Yes.

23 Q. So is it correct that from February to June 1998 you were
24 in the bush?

14:58:00 25 A. From February to June 199 --

26 Q. 1998.

27 A. Yes, I was in the bush. When we were attacked and came to
28 Koakoyima, I did not return any more.

29 Q. So which bush are you talking about? Which bush were you

1 in at this time?

2 A. When I finally reached in Koakoyima when I escaped, I did
3 not return to the village anymore. From there, we ran away to
4 some other place.

14:59:02 5 Q. Yes, but it's still not clear to me which bush you say you
6 were in all this time between February to June 1998.

7 A. Well, when I say that we escaped in April, and finally came
8 to Koakoyima, when I came to the ECOMOG, I did not return to the
9 village. From there, I came to Freetown.

14:59:46 10 Q. So what are you referring to? What do you mean by being in
11 the bush then?

12 A. I was in the bush at the time that the announcement was
13 made about Operation No Living Thing that it was on. It was from
14 there that I left the village and went into the bush. Because of
15:00:06 15 hunger in the bush, I went to Bondu. From Bondu, on my way to
16 Tombodu, it was at that time that I was captured. From when I
17 was captured until my escape, I did not return.

18 Q. But earlier on you had said you were in the bush for only
19 one month; do you remember that?

15:00:36 20 A. That was before 1997, if you check.

21 Q. Mr Witness, those are all my questions for you. Thank you
22 very much.

23 MR WAGONA: Thank you, Your Honours.

24 PRESIDING JUDGE: Thank you, Mr Wagona.

15:01:28 25 THE WITNESS: Thank you.

26 PRESIDING JUDGE: Anything in re-examination?

27 MR GRAHAM: No, Your Honours.

28 PRESIDING JUDGE: Right. Mr Witness, thank you for coming
29 to Court. You will be able to leave in a few minutes. If you

1 just have a seat, we'll pull the curtains over and then you can
2 go.

3 THE WITNESS: Okay.

4 MR GRAHAM: Your Honours, with your kind permission, the
15:02:02 5 second accused wants to use the restroom.

6 PRESIDING JUDGE: Yes, he can leave the Court.

7 MR FOFANAH: Your Honours, with your kind permission, may I
8 just make a short appeal for your consideration? Your Honours,
9 Fridays are normally Sabbath days for Muslims like us. We pray
15:02:51 10 at exactly 2.00, so it normally takes some time to come back to
11 Court. I was just going to appeal if, on Fridays, we can be
12 coming at 2.30 instead of 2.15.

13 [The witness withdrew]

14 MR FOFANAH: I had to cut short my prayers today so I could
15:03:08 15 rush to Court. Then, by the same token, we may respectfully
16 break off at 4.15. It's just for your consideration.

17 PRESIDING JUDGE: All right, Mr Fofanah. You will be able
18 to get away at 4.15 today, but leave the rest with us, and we'll
19 discuss it. You're referring to next Friday, I take it, onwards?

15:03:39 20 MR FOFANAH: Yes. I mean, today we actually came in at
21 2.15. I was just saying that since the Ramadan is coming
22 shortly, if we can break off on Fridays for lunch -- if we can
23 come back at 2.30 instead of 2.15, because we have to go for
24 prayers and prayers do not start until 2.00, and we normally take
15:04:03 25 about 10 minutes praying.

26 PRESIDING JUDGE: All right, Mr Fofanah, we'll consider
27 that.

28 MR FOFANAH: I'm grateful, Your Honour.

29 PRESIDING JUDGE: We should be having another witness

1 brought in; is that right?

2 MR GRAHAM: That is so, Your Honours. That happens to be
3 witness pseudonym number DAB-129. Your Honours, he's on page 30
4 of the common Defence witness summaries and his order 35 -- order
15:06:16 5 number 35. He will be testifying, I believe, in Krio.

6 [The witness entered court]

7 JUDGE SEBUTINDE: [Microphone not activated] are we looking
8 at a different document?

9 MR GRAHAM: Your Honour, this is the list of summaries that
15:06:57 10 was filed on the 21st.

11 MR FOFANAH: He's a final common witness.

12 PRESIDING JUDGE: What was the number again?

13 MR GRAHAM: The pseudonym or the order of the summaries?

14 PRESIDING JUDGE: The pseudonym.

15:07:28 15 MR GRAHAM: The pseudonym, Your Honour, is DAB-129.

16 PRESIDING JUDGE: Look, before we go any further -- just
17 sorry to interrupt you, Mr Graham. It has nothing to do with the
18 witness. Mr Fofanah, that proposition that you put to us doesn't
19 cause us any difficulties at all. All you will be asking for is
15:07:53 20 to come back at 2.30?

21 MR FOFANAH: On Fridays, yes.

22 PRESIDING JUDGE: And the latest you could get away in the
23 afternoon would be 4.15; is that right?

24 MR FOFANAH: It is just to cover for the 15 minutes that
15:08:06 25 we'll lose on Fridays.

26 PRESIDING JUDGE: I see. I see. You make up the 15
27 minutes in the afternoon?

28 MR FOFANAH: Yes.

29 PRESIDING JUDGE: Well, that's fine by us. The one concern

1 we might have is that it might have some interference with the
2 lunch of the accused. Would you look into that, if that's going
3 to happen at all?

15:08:32 4 MR FOFANAH: No, it won't, Your Honours, because we are
5 merely moving the lunch period from 2.15 to 2.30.

6 PRESIDING JUDGE: What's your attitude, Mr Agha?

7 MR AGHA: The Prosecution has no objection, Your Honour.

8 PRESIDING JUDGE: Consider it done, Mr Fofanah.

9 MR FOFANAH: Much grateful, Your Honour.

15:08:48 10 PRESIDING JUDGE: If for some reason we forget, please
11 remind us on the Friday, but I've got a note down here. That's
12 what will happen from now on.

13 MR FOFANAH: Thank you. Now, Mr Graham.

15:09:09 14 MR GRAHAM: Your Honour, the witness I submitted was going
15 to testify in Krio. Limba. Limba, sorry, Your Honours.

16 MR AGHA: Your Honour, may the Prosecution make a brief
17 submission before the witness starts?

18 PRESIDING JUDGE: Yes.

15:09:26 19 MR AGHA: I make this submission now because I would like
20 to let you know in advance that, unfortunately, I won't be in
21 Court on Monday. So my learned friend, Mr Hardaway, will be
22 conducting the Prosecution. It's a matter I would like to alert
23 the Bench to, and it concerns the disclosure of identifying data
24 of witnesses.

15:09:45 25 Essentially, this witness was disclosed to the Prosecution
26 on 31st August, which is only eight days ago. And I understand,
27 from my learned friend, that all the witnesses for next week,
28 from Monday, would only have been disclosed from 11 days,
29 thereafter. Now, as this Court is aware, pursuant to its own

1 orders, the Prosecution is entitled to receive the identifying
2 data within 21 days. I won't rehearse the fact as to why we need
3 this identifying data, but it is in essence to enable us to carry
4 out our investigations so that we can test the story of the
15:10:35 5 accused and his reliability as an individual.

6 PRESIDING JUDGE: Yes, we appreciate that.

7 MR AGHA: Your Honour, at the moment, we are not able to do
8 it, because we are sending missions to, let's say, Kono, or
9 Koinadugu, or far-off areas, and although we are trying to press
15:10:48 10 ahead, so far as we can, based on the content of the chief, we
11 really are not in a position to cross-examine the witnesses as
12 fully as we'd like to, especially when we receive our
13 investigating reports back indicating that we could have
14 impeached the witness, had we have had that information available
15:11:04 15 to us, which we would have had, had we had our 21 days.

16 PRESIDING JUDGE: Look, you're not talking to any unhearing
17 Bench, Mr Agha. We are quite well aware we made an order for 21
18 days disclosure and that order still stands, as far as we are
19 concerned.

15:11:29 20 MR AGHA: All that I'm alerting the Bench to now is,
21 because of the such short delay of the notice, obviously the
22 Prosecution has no objections to the chief of the witness
23 continuing, but, depending on the content of that chief, the
24 Prosecution may be seeking an adjournment lengthy enough so we
15:11:44 25 have our 21 days so that we can actually properly investigate the
26 witness, and then impeach him on material, if any is found, which
27 need be. So it is really just to alert the Chamber to that, and
28 because all the witnesses next week will fall into this category,
29 and I won't be here on the Monday, that judgment and discretion

1 will be left to Mr Hardaway and Mr Wagona.

2 PRESIDING JUDGE: All right. Of course, the actual period
3 you would need would depend on the substance of the testimony to
4 be given by the witnesses?

15:12:18 5 MR AGHA: Well, in part, it will be on the content of the
6 testimony in the summary, but also, as I mentioned earlier, part
7 of the 21 days will be to look into the reliability and the
8 actual credibility of the witness itself. But, in large part, if
9 the testimony we didn't feel was one we wanted to challenge too
10 much, we may not seek, even, an adjournment, but there may be
11 witnesses who we feel really do need that proper investigative
12 time because, otherwise, we would be prejudice.

13 PRESIDING JUDGE: All right. Does the Defence have
14 anything to say?

15:13:20 15 MR FOFANAH: Just one slight correction. It is not true
16 that this witness was disclosed on 31st August. The Court
17 ordered us to make all our final disclosures on the 21st and that
18 is what we did, so it should be 18 days from the 21st, and not
19 eight days. He was among the list that was disclosed on the
15:13:45 20 21st.

21 JUDGE SEBUTINDE: Are you saying, Mr Fofanah, that there
22 are no outstanding disclosures, as we speak?

23 MR FOFANAH: Since the 21st, Your Honour? Not to my
24 knowledge. Not to my knowledge.

15:13:58 25 MR AGHA: Just to put my learned friend on the right track,
26 and I have been discussing with him and with his colleagues, but
27 this next batch of witnesses we're going to look at were of
28 31st August 2006, and there are 13 of them, one to 13, because we
29 have exhausted, or at least the Defence have called, so far as

1 they are prepared to, the witnesses in the first 18 who are
2 disclosed. So we are now onto the next batch, which was
3 disclosed slightly later, which was actually the 31st.

4 PRESIDING JUDGE: I wonder if you're confusing the order of
15:14:36 5 call and the summary with the identifying data, Mr Fofanah? All
6 Mr Agha is saying is that the identifying data was not disclosed
7 until 31st August.

8 MR GRAHAM: Your Honour, I think he is right in that
9 regard. He seems to be referring to the identifying data which I
15:14:56 10 think was disclosed on 31st August as my learned friend
11 rightfully said. I think my learned friend Mr Fofanah was
12 referring to the summaries which were disclosed on 21st August.

13 JUDGE SEBUTINDE: Mr Graham, what is the justification for
14 the Defence doing these late disclosures of identifying data?

15:15:16 15 MR GRAHAM: Thank you, Your Honours. Your Honours, the
16 principal reason relating to why we have not been able to provide
17 some of the identifying data relating to the witnesses is that we
18 took witness statements from some of these witnesses. On our
19 follow-up visits, we realised that some of them have moved from
15:15:35 20 their locations for a variety of reasons, but we have worked
21 hard. A lot of witnesses have come in. Indeed, I believe today,
22 or if not by the close of business today or Monday, we are filing
23 all the remaining identifying data for the rest of the witnesses
24 for which we haven't disclosed identifying data. We have that
15:15:56 25 available now to disclose. Indeed, with regard to the issue of
26 identifying data that we provided to our learned friends, we did
27 that on the understanding that due to they are going to be the
28 first batch of witnesses who are going to come into Freetown.
29 Indeed, the same problems of witness movement as bedeviled our

1 efforts to get them in here, but quite apart from that, we have
2 managed to get a lot of the witnesses in the safe house, and they
3 have been coming. So these are just some of the small problems
4 that we have. But, as I said, we will be filing the full
15:16:26 5 identifying data either by today, or by latest, Monday. I think
6 we have that ready, and that will be complete for all the 60
7 witness summaries that we have. We will do that by the latest
8 Monday, for sure.

9 MR AGHA: Your Honour, if I might say, there is also an
15:16:43 10 outstanding motion on these issues. The order of call is also
11 important because if -- I mean, pursuant to the Trial Chamber's
12 earlier order of, I think, 26 April, the order call of all the
13 witnesses ought to have been provided. Now, if we have a list
14 of, say, let's say this 13 with identifying data, and they come
15:17:03 15 in all kinds of order, or even if the next 60 are disclosed, and
16 number 59 is first up, and we're told on Friday, it is very
17 difficult for us to prepare, or even to indicate to our
18 investigators which witnesses they should be looking at. This is
19 an additional problem which the Prosecution is facing, because,
15:17:20 20 until maybe 5.00 tonight, we won't know who the witnesses will
21 actually be for the following week, notwithstanding the list we
22 have. Obviously the work has to be allocated to whoever is
23 dealing with that witness.

24 [Trial Chamber conferred]

15:19:53 25 PRESIDING JUDGE: In respect of the matter just raised by
26 the Prosecution, as far as the Trial Chamber is concerned, we
27 have already made an order of disclosure of identifying data of
28 21 days before the witness testifies, and that order still stands
29 until further order. In that regard, we note that there is

1 currently a motion before the Trial Chamber on the very subject.
2 What we mean by that is that the Prosecution, on each witness in
3 which it finds itself in difficulties, is entitled to 21 days, or
4 the balance of 21 days, whichever may apply. We would expect
15:20:36 5 that the Defence will still call the witness, but, at the end of
6 the evidence-in-chief, if necessary, the Prosecution would be
7 entitled to an adjournment up to the balance of that 21 days. Is
8 that clear, Mr Agha?

9 MR AGHA: Yes. Thank you, Your Honour, for that
15:20:57 10 clarification and order, indeed.

11 PRESIDING JUDGE: If it is, in fact, necessary for the
12 Prosecution to ask for an adjournment, we would expect the
13 Defence to be in a position to call on the next witness in the
14 call order; is that clear?

15:21:20 15 MR GRAHAM: Your Honours, I believe we are in a position to
16 do that.

17 PRESIDING JUDGE: All right. It seems to us, from what
18 we've been told, that this problem will soon resolve itself in
19 view of the recent filings by the Defence. But that will be the
15:21:34 20 standing procedure until the whole thing is -- until the whole
21 list with identifying data, et cetera, has been filed.

22 MR GRAHAM: Thank you, Your Honours. In respect of that,
23 just a quick word by way of further clarification, in respect of
24 the call of the order of witnesses, Your Honours. We have tried
15:21:58 25 as much as possible to work with the Prosecution in that regard,
26 except that, Your Honours, the problem of managing these
27 witnesses when they come in has been a bit difficult. Some of
28 them come in and the next moment they tell you for reasons of
29 employment and stuff they have to leave immediately. So it has

1 actually been a very -- trying to just balance the needs and
2 expectations of the Trial Chamber, as against also trying to keep
3 the witnesses here in Freetown, but we have been trying to work
4 with our learned friends in that regard, in terms of giving them
15:22:27 5 prior information, and we will continue to do that, but we are
6 trying our possible best to keep to the order of call, except at
7 times the witnesses themselves are coming in and out, and it
8 makes it very difficult for us to go along with the call order.

9 PRESIDING JUDGE: Thank you, Mr Graham, we appreciate that.

15:22:48 10 We'll proceed with the testimony of this witness.

11 MR GRAHAM: Thank you, Your Honours.

12 WITNESS: DAB-129 [Sworn]

13 [The witness answered through interpreter]

14 PRESIDING JUDGE: Yes, go ahead.

15:23:11 15 EXAMINED BY MR GRAHAM:

16 Q. Good afternoon, Mr Witness.

17 A. Good afternoon. How do you do?

18 Q. I am fine, Mr Witness. Mr Witness, I'm going to ask of you
19 a few questions, and I expect you to answer them truthfully,
15:25:06 20 concisely and as honestly as you can. And I also want you to
21 speak as directly into the mic as you can.

22 MR GRAHAM: Your Honours, I proceed on the assumption that
23 my learned friends have no objection to us leading on
24 background --

15:25:25 25 THE WITNESS: I have heard what you are saying. I will try
26 to speak slow.

27 MR GRAHAM: Thank you.

28 Q. Mr Witness, you are about 50 years old; isn't it?

29 A. Yes.

1 Q. And I'm right in saying that you do not know your date of
2 birth?

3 A. That is so.

4 Q. And that you are illiterate as well; is that right?

15:26:06 5 A. I didn't go to school.

6 Q. And that you were born at Mabonto Village at Magburaka in
7 the Tonkolili District?

8 A. Yes, I was born there.

9 MR GRAHAM: Your Honours, I may spell Mabonto. It is spelt
15:26:21 10 M-A-B-O-N-T-O, Mabonto village. And Magburaka, Your Honours, is
11 spelt M-A-G-B-U-R-A-K-A in the Tonkolili District. Your Honours,
12 I believe we've had that before.

13 Q. Mr Witness, you speak Limba and Krio, isn't it?

14 A. Yes. I speak Limba.

15:26:53 15 Q. Thank you. And I'm right in saying you are married with
16 three children, Mr Witness, isn't it?

17 A. Yes.

18 Q. And that you grew up at Mabonto Village, isn't it?

19 A. Yes.

15:27:19 20 Q. And that you are a palm wine tapper by occupation, isn't
21 it?

22 A. Yes. I'm a palm wine tapper.

23 Q. And that also you've been in this occupation of palm wine
24 tapping for over 22 years, isn't it, Mr Witness?

15:27:40 25 A. Yes.

26 Q. Mr Witness, where do you presently -- and I'm not talking
27 about where you presently live in Freetown here with the Special
28 Court, but where do you presently live with your family?

29 A. We are at Jagbwema Fiamama.

1 MR GRAHAM: Your Honours, Jagbwema Fi ama, we've had that
2 before.

3 Q. Mr Witness, that's in the Kono District, isn't it?

4 A. Yes.

15:28:28 5 Q. Mr Witness, if you can tell this Court how long you have
6 been living at Jagbwema Fi ama in the Kono District.

7 A. Three years.

8 Q. Mr Witness, do you remember the period in May of 1997? Do
9 you remember where you were in May of 1997, Mr Witness?

15:29:15 10 A. I didn't go to school, so I would not be able to tell that.

11 Q. Thank you. Mr Witness, did you hear that some time in May
12 of 1997, that the government of President Kabbah was overthrown
13 by a group of soldiers? Did you hear that later in May of 1997?

14 A. Yes, I heard it, but I do not understand. I heard it in
15:29:53 15 Krio, but I didn't understand.

16 Q. Okay. Thank you.

17 A. When we were selling palm wine, that was the place. They
18 were talking about it.

19 Q. Thank you, Mr Witness. Mr Witness, during the period
15:30:12 20 before the Kabbah government was overthrown, do you remember
21 where you were staying, where you were living, with your family,
22 before the overthrow?

23 A. I was at Mamudu.

24 Q. Mamudu Village. And, Mr Witness, during this period that
15:30:45 25 you were in Mamudu Village, prior to the overthrow of the Kabbah
26 government, how was life like in Mamudu Village?

27 A. We were staying there when the war came, and people
28 started -- they started shooting, and we all ran away.

29 Q. Mr Witness, may I ask you to take your time patiently and

1 answer. You said you were there when the war came. What war are
2 you referring to, Mr Witness?

3 A. The war I'm talking about, this one that happened to us.
4 In the first, we were in Mamudu. There, the war met us, and we
15:31:36 5 came down. We came to Mabonto.

6 Q. Okay, Mr Witness.

7 MR GRAHAM: Your Honours, I will spell Mabonto before I
8 continue. Mabonto is spelt M-A-B-O-N-T-O. Mabonto.

9 Q. Mr Witness, whilst you were in Mamudu Village, how did you
15:31:59 10 know that the war -- how did you know that there was a war? How
11 did you know, during this period, that there was a war?

12 A. In Mamudu, we saw people coming, running towards us. We
13 saw them, and we were at the last point. When we saw people
14 coming, running, we also ran. We didn't stay there to wait.

15:32:37 15 Q. Mr Witness, did you get the opportunity to find out why
16 they were running -- the people you just referred to, why they
17 were running?

18 A. We heard gunshots.

19 Q. Did you get to know who was firing the gunshots?

15:33:10 20 A. We don't know -- we didn't know them. I did not see, but
21 we heard the gunshots, so we ran away.

22 Q. You've told this Court you didn't know who was firing the
23 gunshots, but did you know where -- did you get to know where the
24 gunshots were coming from, Mr Witness?

15:33:33 25 A. It was coming from Koidu end. We were in Mamudu. When
26 people coming from Koidu were coming towards us, we also ran. We
27 didn't wait. We ran away and came to Mabonto. That was for two
28 years, and then things were difficult within that time.

29 Q. Okay. Mr Witness, when you say "we ran," what do you mean

1 by "we"? Did you run alone?

2 A. We were many.

3 Q. Mr Witness, Mabonto Village, do you know how far it is from
4 Mamudu Village?

15:34:17 5 A. It is far. Mabonto is a Limba Town. It is far.

6 Q. Thank you. Mr Witness, did you get to Mabonto Village
7 eventually?

8 A. For what?

9 Q. I'll move on. Mr Witness, you just told this Court that
15:34:57 10 you left Mamudu and went to Mabonto and stayed there for about
11 two years. Did you ever --

12 A. When we ran -- when we ran, we went to Mabonto. There, we
13 stationed.

14 Q. You told this Court that you stayed in Mabonto for two
15:35:22 15 years. During the time that you were in Mabonto, do you remember
16 whether anything significant happened whilst you were in Mabonto
17 during the two-year period?

18 A. I didn't see anything, only to get ready to come back to
19 Kono. I didn't see anything there.

15:35:50 20 Q. So when you returned to Mamudu after two years at Mabonto,
21 did you return to Mamudu with your family?

22 MR HARDAWAY: Objection, Your Honour. Leading.

23 THE WITNESS: I went to Kono. I went to Koi du.

24 PRESIDING JUDGE: There has been an objection to leading,
15:36:11 25 Mr Graham.

26 MR GRAHAM: Yes.

27 Q. Mr Witness, please listen to me carefully. You've told
28 this court --

29 A. Okay.

1 Q. -- that you left Mamudu and went to Mabonto and then you
2 stayed in Mabonto for two years. I'm saying that, from Mabonto,
3 where did you go? After the two years in Mabonto, where did you
4 go?

15:36:35 5 A. I went to Koi du.

6 Q. Did you go to Koi du alone?

7 A. With my wife and children.

8 Q. Mr Witness, the time that you went to Kono, do you remember
9 whether it was before the Kabbah government was overthrown, or
10 was it after the Kabbah government was overthrown?

15:37:11

11 A. By then, the Kabbah government had been not overthrown when
12 I went to Kono. We were there when we heard -- when we heard
13 that --

14 THE INTERPRETER: Your Honour, may the witness repeat the
15 last bit of his answer?

15:37:43

16 MR GRAHAM:

17 Q. Mr Witness, speak loudly for the interpreters to hear, and
18 can you please repeat the last part of your question, please.

19 A. When the Kabbah government came, I was already in Kono. I
20 was selling my palm wine at the bar when this happened. That was
21 at Gbense.

15:38:05

22 Q. What happened, Mr Witness? What did you hear happened
23 during this time; can you tell this Court?

24 A. What I heard?

15:38:23

25 Q. Yes, please.

26 A. What I heard at the bar?

27 Q. Yes, please.

28 A. People were saying -- they said they have removed this man.
29 They have removed that man, but we didn't understand. They said

1 it in English. They said it in Krio. In fact, we didn't even
2 know what was happening. We were there for so long with all
3 broken hats. Then I begin to question. I said, "Where should we
4 run to?" That's what we were asking ourselves.

15:38:54 5 Q. You said you heard that that man had been removed. Do you
6 know who that man was who had been removed?

7 A. I don't know the month. I don't know the day. I didn't go
8 to school. I'm a palm wine tapper. But I heard it. I don't
9 know the date. I don't know the month. I can't -- I don't even
15:39:21 10 know the time.

11 Q. Thank you. So do you remember whether anything happened
12 after you heard that the man had been removed? Did anything
13 happen after you heard that information where you were?

14 A. When I heard it, it was not long. There was fights. When
15:39:51 15 we started fighting, we all ran again.

16 Q. Mr Witness, how did you know there was fighting?

17 A. When we saw people coming, because people were running, we
18 also -- we asked them, "What is happening?" They said, "They are
19 fighting." So we also followed them.

15:40:20 20 Q. Those who told you there was fighting, did they tell you
21 who and who was fighting?

22 A. We had no time to ask that. We were all running away.
23 When we saw people coming and they were shooting, so we all ran
24 away. We didn't wait to ask who and who was coming, who and who
15:40:48 25 were fighting. We didn't know the people who were fighting.

26 Q. Mr --

27 A. We would not wait to ask who and who were fighting; we ran
28 away.

29 Q. Thank you. Now, Mr Witness, you ran away. Where did you

1 run away to?

2 A. That was -- this is the second time. We went all the way
3 to our own place. We went to Mabonto. We went and stationed
4 there. I -- we didn't know anybody in Kono. We were only
15:41:19 5 selling our palm wine. We went back to Mabonto, our home town.

6 Q. Mr Witness, when you say, "We went back to Mabonto," whom
7 are you referring to as "we"?

8 A. We were many. We were many. When we saw people coming, we
9 were many. We are Limbas, Temnes. We all ran down. And we
15:41:45 10 heard the gunshots. We all ran away. You must not wait there to
11 ask who and who is fighting or who is coming. We all ran away.
12 When we heard the war, we all ran away.

13 Q. Mr Witness, do you remember whether this period that you
14 heard the gunshots, which led you and other individuals to run to
15:42:11 15 Mamudu Village, do you remember, at that time, was it President
16 Kabbah's government that was in power at the time?

17 MR HARDAWAY: Objection, Your Honour. He stated it was
18 after the man was overthrown [overlapping speakers] --

19 THE WITNESS: It was Kabbah during that time. It was
15:42:30 20 Kabbah during that time. But for me to tell you the date and
21 what happened or so, I would not -- I cannot be able to tell you,
22 because I didn't learn, I didn't go to school.

23 MR GRAHAM:

24 Q. Thank you. Thank you, Mr Witness. Mr Witness, when you
15:42:46 25 got back to Mabonto Village, did anything happen after you got
26 back to the Mabonto Village when you heard about the fighting and
27 shooting? Did anything happen when you got back to Mabonto
28 village?

29 A. Nothing happened again.

1 Q. During the time that you were in -- during the time that
2 you were in Mabonto Village, did you hear of any further fighting
3 or shooting?

4 A. When we went to Mabonto?

15:43:37 5 Q. Yes.

6 A. That was two days -- two months we came back.

7 THE INTERPRETER: Your Honour, let the witness speak slowly
8 this time.

9 MR GRAHAM:

15:43:48 10 Q. Mr Witness, the interpreter, as I told you, would have to
11 interpret your testimony. So please take your time. Speak
12 slowly and directly into the mic to enable them to do their work.

13 JUDGE SEBUTINDE: Can the witness repeat the testimony,
14 please? Ask him to.

15:44:04 15 MR GRAHAM: Yes, Your Honour.

16 Q. Mr Witness, can you repeat. I'd asked you earlier on, when
17 you got back to Mabonto, you heard any further shooting, you
18 heard about any further shooting and fighting?

19 MR GRAHAM: Your Honours, before he goes --

15:44:27 20 THE WITNESS: When we went back, when we came, we didn't
21 hear anything. Some days -- it took some days and week when the
22 big fight came. That was the one that attack us in our village.
23 We were not able to run. That was the time we were caught in the
24 bush. That was the big one, the last one, that they came from
15:44:52 25 this road leading to this. And the place we went to run to, I
26 didn't know there. We went towards Magburaka Road. We didn't
27 have anywhere to go.

28 MR GRAHAM: Okay. Mr Witness, hang on a second, please.
29 Please, Your Honours, the third accused wants to use the

1 restroom.

2 PRESIDING JUDGE: Yes, he can leave.

3 MR GRAHAM: Thank you.

4 Q. Mr Witness, you just told us about the big fight. What do
15:45:22 5 you mean by that?

6 A. The big fight, that was the one we were captured, where
7 they made us to suffer. That is what I call -- the other ones, I
8 didn't experience, I don't know. But the one that we were caught
9 and we were taken to the bush, and we were punished there, where
15:45:51 10 we didn't even get road to run away again. And there was no
11 chance. In fact, they came from where we were to come and, so, I
12 had no chance to run away.

13 Q. Thank you, Mr Witness. Please, take your time.

14 Mr Witness, you just told this Court about a big fight and how
15:46:11 15 you were captured. Who captured you?

16 A. Where I hid myself, I and my children, they were --

17 Q. Now, Mr Witness --

18 A. Our rice finished, and when the rice finished --

19 Q. -- my question was: Who captured you?

15:46:39 20 A. Those who caught us, I didn't know them. They only left us
21 together. We were to stay with the big man. We were waiting for
22 eight weeks.

23 Q. Now, Mr Witness, do you know the name of this big man that
24 you just referred to?

15:47:05 25 A. I know his name.

26 Q. Can you please tell this Court the name of this big man?

27 A. He was called Wi re. Banya. Colonel Banya. Banya.
28 Colonel Banya.

29 MR GRAHAM: Banya, Your Honours, I believe is spelt

1 G-B-A-N-Y-A [sic]. Banya.

2 Q. Do you, Mr Witness, recall how many people captured you?

3 A. There were eight, but when we went there -- there were
4 eight, but when we came back, I didn't know their names.

15:47:54 5 Q. Thank you, Mr Witness. And where were you when you were
6 captured? In which town or village were you when you were
7 captured?

8 A. I was in the bush. We were in the bush where I hid, me and
9 my children.

15:48:18 10 Q. My question, I was asking you which village -- you
11 mentioned Mabonto, you mentioned Mamudu. I'm asking you, where
12 were you captured?

13 A. The town is called Wendedu.

14 MR GRAHAM: Wendedu, Your Honours, is spelt,

15:48:43 15 W-E-N-D-E-N-D-U [sic]. Wendedu.

16 Q. And you said you were captured at Wendedu and taken to a
17 big man.

18 A. Yes.

19 Q. This big man called Banya, where was he when you were taken
15:49:04 20 to him? Where was he? Do you know where he was?

21 A. When I was held in the bush, I was taken to Wendedu at
22 Banya. He was a colonel.

23 Q. Thank you. Mr Witness, were you captured alone by these
24 eight men you referred to? Were you captured alone?

15:49:33 25 A. I was alone. I went there to look for cassava. After our
26 food had finished, I went there in search of cassava.

27 Q. Thank you. Mr Witness, these men you said captured you,
28 did you observe how they were dressed?

29 A. They were mixed. Some had combat trousers, and others

1 would have a combat shirt, and others had civilian clothes. I
2 cannot tell. They were all mixed up.

3 Q. Did you observe whether they were carrying any arms on
4 them?

15:50:24 5 A. Yes, yes. They had guns.

6 Q. Did you -- during the time they captured you, did you hear
7 them saying whether they belonged to any particular armed
8 faction?

9 A. We were -- they only told us, "Where you are standing, if
10 you move there, we'll kill you." And so I stood. They held me.
11 They took me to Wendedu Town where Banya was. The one that took
12 me there was Captain Toranka.

13 MR GRAHAM: Thank you. Your Honours, Toranka is spelt
14 T-O-R-A-N-K-A-H [sic]. Toranka.

15:51:16 15 Q. Mr Witness, when they took you to this big man, whom you
16 call Colonel Banya, at Wendedu, did anything happen when they
17 took you to him?

18 A. When I went, I waited for some time, and that I should
19 prepare the room. I finished preparing the room, that I should
15:51:42 20 go for cane sticks from the bush. I was given one soldier to
21 accompany me. We went. When we came, he asked me whether I can
22 climb.

23 Q. Mr Witness --

24 A. I said yes.

15:51:59 25 Q. -- hold on a minute. You've told this Court that - and I
26 stand to be corrected - that you were asked to prepare a bedroom.
27 Who asked you to do that?

28 A. It was Banya.

29 Q. Please continue with your account you were giving this

1 Court. You were telling us something about palm tapping. Please
2 continue with your account.

3 A. When we went for the cane sticks, I came, that I should go
4 and get a rope to climb. They said if I do not go and get a rope
15:52:42 5 to climb the palm tree, they'll shoot me, so I went. I went --

6 Q. Who said that to you, Mr Witness?

7 A. The soldier that was with me, the one who accompanied me.
8 He said that I should go for the cane sticks.

9 Q. Do you know the soldier's name?

15:53:06 10 A. He was called Bullet.

11 MR GRAHAM: Your Honours, Bullet, as in literally bullet.

12 Q. Please continue. After he told you that, what, if
13 anything --

14 A. When I went for the rope, when I went, there was a patrol
15:53:27 15 following us behind. We were going and we didn't even notice
16 them. I went for the cane sticks. I brought them. They
17 asked -- they thanked me. They said -- they started talking and
18 some spoke in a local language, telling me to run away. The
19 civilians, they were telling me I should run away. And then they
15:54:00 20 said, "Go and watch him." I was tied.

21 Q. Who said go and watch him, Mr Witness?

22 A. It was the head man, Banya.

23 Q. Did you understand what he meant by that statement?

24 A. To be killed.

15:54:37 25 Q. So did anything happen after you heard that statement,
26 Mr Witness?

27 A. I was tied. I was tied and they beat me.

28 Q. Mr Witness, before you go on, who tied you?

29 A. They -- all of them. All of his boys.

1 Q. And who beat you up, Mr Witness?

2 A. All of them. All the rebels. There were more than 12.

3 Q. And what did they beat you with? Do you know, Mr Witness?

4 A. Sticks. Captain Toranka, he said, "Banya, stop. If you
15:55:29 5 kill him," he said, "it's going to bad. You have to realise
6 election is coming. Now, this is a big fight, so you should not
7 kill everybody." That was -- he say, "Forgive him." I was
8 released.

9 Q. Mr Witness, before you were released, did you remember how
15:55:54 10 long you were tied up?

11 A. It was more than two hours.

12 Q. Mr Witness, did anything happen after the two hours? After
13 you were released after two hours, did anything happen?

14 A. I was to go and climb, and that I should go and --

15:56:29 15 THE INTERPRETER: Your Honour, let the witness go slowly
16 and repeat the last bit of his answer.

17 MR GRAHAM:

18 Q. Mr Witness, once again, I advise you to go slowly. Can you
19 repeat the last part of your testimony to the Court?

15:56:45 20 A. Okay.

21 Q. Please repeat it.

22 A. I was released. They said I should go to the bush and
23 climb, I should have -- I should really prepare seven palm trees.
24 So I went. I went to climb with one of the rope. It was
15:57:15 25 painful. I had to hold -- I had to hold. When I went, I started
26 to climb, but then the palm trees were unstable, so I fall. I
27 fell so many times, but, finally, I was able to climb the seven
28 palm trees and, later, I came with the palm wine.

29 Q. And did anything happen after you got the palm wine from

1 the seven trees, Mr Witness?

2 A. I slept. In the morning, I had been for three days without
3 food.

4 Q. Mr Witness, is there a reason, that you know, why you had
15:58:23 5 been without food for three days?

6 A. Because they gave orders that I should not be given food,
7 the big man gave, so what can I do?

8 Q. When you say the big man, are you referring to Banya?

9 A. That's him. That's him.

10 Q. So did anything happen? Did anything happen after the
15:58:57 11 three days that you were without food?

12 THE INTERPRETER: Your Honour, let the witness --

13 THE WITNESS: He said I should go and get palm wine. I had
14 to go. I cleaned some palm trees, and I was able to get some
15:59:32 15 palm wine, so I became his palm wine tapper. But even when I go
16 to get this palm wine, they were watching at me. I don't drink.
17 I was not allowed to drink. In the morning, they just -- in the
18 morning, it's two. In the evening also, I should come with two.

19 MR GRAHAM:

16:00:00 20 Q. Mr Witness, apart from the palm wine tapping, did you do
21 anything else, apart from tapping the palm wine, when you were
22 taken to Wenedu?

23 A. After that, I should go for rice. The place I had to go
24 for this rice was about 13 mile. That place was called
16:00:30 25 Gbamadu-Sowa.

26 MR GRAHAM: Your Honours, I'm going to spell Gbamadu-Sowa.
27 It is G-B-A-M-A-D-U-S-O-W-A. Gbamadu-Sowa, Your Honours.

28 Q. Mr Witness, how did you know it was 13 miles from Wenedu
29 to Gbamadu-Sowa?

1 A. Thirteen.

2 Q. Yes. I say, how did you know that the distance was 13
3 miles?

4 A. If you get -- if you start at 8.00, you will only reach
16:01:14 5 there at around 5.00.

6 THE INTERPRETER: My Lord, let the witness repeat the last
7 bit of his answer.

8 MR GRAHAM:

9 Q. Mr Witness, I remind you again. Please speak directly into
16:01:34 10 the -- Mr Witness, can you move forward -- your chair forward
11 just a little bit, so you can get a little bit closer to the mic?

12 A. Okay, carry on.

13 Q. When did you get to -- did anything happen when you got to
14 Gbamadu-Sowa?

16:02:03 15 A. We were pounding. Three women, three bushels. Those were
16 what you were supposed to pound. We pounded rice there all
17 day -- for the whole day, up to nighttime. We didn't have any
18 place to sleep. We were sleeping on the mortar pestles.

19 Q. Did this rice pounding take place in Gbamadu-Sowa?

16:02:55 20 A. Yes, we pounded it there.

21 Q. After pounding this rice, as you've told this Court, in
22 Gbamadu-Sowa, did you do anything with the rice?

23 A. Everybody should have -- it was measured. Everybody had
24 two bushels. They clean rice. Everyone had to carry two
16:03:22 25 bushels.

26 Q. Mr Witness, do you know how long you stayed in
27 Gbamadu-Sowa?

28 A. When we went there, we were there for two weeks.

29 Q. After two weeks, did you go anywhere else, Mr Witness?

1 A. We returned where we came from.

2 Q. Do you know what was done with the rice that you had
3 pounded at Gbamadu-Sowa?

4 A. That was the one we were eating -- they were eating.

16:04:19 5 Q. Did you take any pounded rice along with you to Wenedu?

6 JUDGE SEBUTINDE: Mr Graham, I have no idea who "they" is.

7 THE WITNESS: They cleaned rice. They cleaned rice.

8 Everybody had two batas [as interpreted]. The two batas [as
9 interpreted] would be about 160 caps.

16:04:49 10 MR GRAHAM:

11 Q. Mr Witness, you referred to --

12 A. Yes.

13 Q. -- you made a statement by saying they ate the rice, I
14 believe. Whom are you referring to as "they"?

16:05:07 15 A. Those who sent us.

16 Q. Thank you.

17 A. The big man who sent us, they eat -- they ate that rice.

18 Those were the people we were working for. Even if you come with
19 the cassava, you come with bananas, you come with potatoes,
16:05:32 20 everything you come with, it was for them.

21 Q. Mr Witness, you told us you got back to Wenedu. Did you
22 get back to Wenedu alone?

23 A. That was the place we came from. We went and looked for
24 the food. After that, we go back there. We came from Wenedu.

16:06:01 25 We went -- we went to Gbamadu-Sowa. We went and pounded this
26 rice there. When we were about to come, we had to carry them on
27 our heads. We came back to Wenedu. That was the place we were
28 based.

29 Q. Thank you. Mr Witness -- Your Honours, before I continue,

1 the first accused wants to use the restroom.

2 PRESIDING JUDGE: Is that a convenient time? I think we
3 might adjourn for the day, Mr Graham.

4 MR GRAHAM: I'm grateful for the time.

16:06:35 5 PRESIDING JUDGE: Mr Witness, we're going to --

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: -- we're going to adjourn the Court until

8 Monday morning. You will have to come back on Monday morning. I

9 have to tell you, you are not allowed to discuss this case or the

16:06:51 10 evidence with any other person while you're in the course of

11 giving evidence; is that correct?

12 THE WITNESS: Yes. I've heard. I've heard. I've heard.

13 PRESIDING JUDGE: Thank you. We'll adjourn the Court until

14 9.15 on Monday morning.

16:07:50 15 [Whereupon the hearing adjourned at 4.07 p.m.,

16 to be reconvened on Monday, the 11th day of

17 September 2006, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D25 27

WITNESSES FOR THE DEFENCE:

WITNESS: DAB-084 2

EXAMINED BY MR FOFANAH 2

EXAMINED BY MR MANLY-SPAIN 19

CROSS-EXAMINED BY MS ALAGENDRA 20

WITNESS: DAB-092 24

EXAMINED BY MR FOFANAH 25

CROSS-EXAMINED BY Mr Hardaway 35

WITNESS: DAB-107 37

EXAMINED BY MR GRAHAM 37

EXAMINED BY MR FOFANAH 74

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