



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 15 FEBRUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Mohamed A Bangura
Mr Alain Werner
Ms Shyamala Alagendra
Ms Maja Dimitrova

**For the accused Charles Ghankay
Taylor:**

Mr Terry Munyard
Mr Morris Anyah

1 Friday, 15 February 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:59 5 PRESIDING JUDGE: Good morning. I note a change of
6 appearance at the Prosecution Bar.

7 MR BANGURA: Good morning, your Honours. For the
8 Prosecution this morning are myself, Mohamed A Bangura, Shyamala
9 Alagendra and Leigh Lawrie. Thank you, your Honour.

09:29:41 10 PRESIDING JUDGE: Thank you. Mr Munyard?

11 MR MUNYARD: Good morning, Madam President. The same
12 constitution for the Defence as yesterday afternoon: myself,
13 Terry Munyard, and Morris Anyah.

14 PRESIDING JUDGE: Thank you, Mr Munyard. If there are no
09:29:56 15 other preliminary matters, I will remind the witness of his oath.
16 No. I see your light is on, Mr Bangura. I will remind the
17 witness of his oath first.

18 Mr Witness, do you recall that yesterday you swore to tell
19 the truth? That oath is still binding on you and you must answer
09:30:16 20 questions truthfully. Do you understand?

21 THE WITNESS: Yes, sir.

22 PRESIDING JUDGE: Thank you, Mr Witness. Please proceed,
23 Mr Bangura.

24 MR BANGURA: Thank you, your Honour.

09:30:30 25 WITNESS: TF1-101 [On former oath]

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

27 Q. Good morning, Mr Witness.

28 A. Yes, sir. Good morning, sir.

29 Q. We shall continue with your evidence this morning from

1 where we left off yesterday, okay?

2 A. Yes, sir.

3 Q. You will recall yesterday that I asked you - I had asked
4 you, the last question I asked you was whether you knew - whether
09:31:07 5 you had known Rambo before. Do you recall that question?

6 A. Yes, sir.

7 Q. And you were giving the Court your answer to that question
8 when we broke off, do you recall?

9 A. Yes, sir.

09:31:34 10 Q. I would like you to just say again whether you had known
11 Rambo before the day when he came and stopped the men who had
12 amputated you from doing any further acts?

13 A. I said from the AFRC time I was at Fourah Bay Road. We met
14 him with his broken - with his car that had broken down. He
09:32:37 15 asked us the civilians to push his car. We pushed his car right
16 up to Cline Town, then the car got started. While we were
17 pushing the car, one of us - one of us told us that, "This is the
18 Rambo who has the name". He said, "Ts is one of the rebel
19 leaders". That was the time I knew him.

09:33:38 20 Q. Did you know at the time which of the two groups that you
21 have been referring to in your evidence this Rambo belonged to?

22 A. Yes.

23 Q. Which group did he belong to?

24 A. He was a rebel leader.

09:34:17 25 Q. Mr Witness, you said that the - did you ever see the person
26 who amputated your hands at any time after?

27 A. Yes.

28 Q. Where did you see this person?

29 A. We were at a place where we had gone to play football at a

1 football training at 7th Battalion, Freetown. When I saw him,
2 then I went to him and I greeted him. When I greeted him then I
3 told my guys with whom I had gone there and I said, "This was the
4 guy who amputated my arms". When I told him that, his colleague
09:35:52 5 whom I met at the gate he did not say anything in response. He
6 entered the compound. Then I went and boarded the vehicle and we
7 went, but since then I have not seen him again.

8 Q. Now, you said 7th Battalion was the place where you saw
9 this person. Where is the 7th Battalion?

09:36:41 10 A. It is in Freetown at the Western Area.

11 Q. Was this - is this a particular place where people lived?

12 A. Yes, it is a military barracks.

13 Q. Now, do you recall when you saw this person at the 7th
14 Battalion?

09:37:23 15 A. Well, I cannot remember the day now.

16 Q. Was it very long after this incident had occurred?

17 A. Yes, it even took nearly up to one year.

18 Q. Now earlier in your evidence, Mr Witness, you said that
19 when Rambo came to the scene where you had been amputated he was
09:38:02 20 - sorry, when he took you to his base he said he was going to
21 punish the people who had amputated your hands. Is that correct?

22 A. Yes, sir.

23 Q. Do you know whether these people were punished?

24 A. No.

09:38:28 25 MR MUNYARD: How would he know?

26 THE WITNESS: I don't know.

27 PRESIDING JUDGE: Well, I will allow the question in view
28 of the fact that something could have happened in his presence
29 and he has answered that he didn't know.

1 MR BANGURA: Thank you, your Honour:

2 Q. Mr Witness, I asked you yesterday if you recalled the date
3 that your hands were amputated and you gave 19 January, but you
4 did not give a year. Do you recall the year?

09:39:10 5 A. 1999.

6 MR BANGURA: Your Honour, that will be all for this
7 witness.

8 PRESIDING JUDGE: Thank you, Mr Bangura.

9 Cross-examination, Mr Munyard?

09:39:25 10 MR MUNYARD: Madam President, we have no questions for this
11 witness.

12 PRESIDING JUDGE: Thank you, Mr Munyard.

13 Mr Witness, that is the end of your evidence. We are very
14 grateful that you have come to Court to give your evidence today
09:39:42 15 and we thank you. You will now be assisted to leave the Court
16 premises.

17 Ms Alagenda, I note that you are in the driving seat
18 there.

19 MS ALAGENDRA: Yes.

09:40:41 20 PRESIDING JUDGE: Will there be another witness coming?
21 There was a matter of Ms Vann's expert evidence --

22 MS ALAGENDRA: That is right.

23 PRESIDING JUDGE: -- that was the subject of discussion
24 between yourself and Defence counsel. I will ask Defence counsel
09:40:54 25 the situation.

26 MR MUNYARD: Indeed it was this morning, Madam President.
27 I spoke to my learned friend and indicated to her that we
28 objected to the four extracts from reports that the Prosecution
29 seek to put before the Court in addition to Ms Vann's report and

1 its summary. My learned friend, Ms Alagendra, was good enough to
2 let me know that the Prosecution no longer rely on the article in
3 the American Medical Association Journal, which is the - I don't
4 know exactly where it is in order of events, but it is an article
09:41:40 5 headed "Prevalence of war related sexual violence and other human
6 rights abuses among internally displaced persons in Sierra
7 Leone", and, Madam President, we can now discard that as it is no
8 longer relied upon by the Prosecution.

9 May I address the issue first of all in principle and then
09:42:02 10 in terms of practical effect. We object both in principle and
11 for practical reasons. As the Court is aware, the Prosecution
12 sought to put in - I think that is the most appropriate neutral
13 terminology, sought to put in before the Court the expert report
14 of Beth Vann and a copy of her curriculum vitae on 15 May 2007 in
09:42:40 15 a motion that they filed. The Defence - I should say that that
16 motion didn't just cover the report of Beth Vann. It covered the
17 report also of Stephen Ellis, Corinne Dufka, Ian Smillie and
18 Jessica Alexander.

19 The Defence filed a response on 29 May 2007, in which it
09:43:05 20 was said that objection was taken to the reports of Mr Ellis, Ms
21 Dufka and Mr Smillie and we required those witnesses to be
22 brought for cross-examination if the Prosecution sought to rely
23 on their reports and, as you know, that is what has happened.

24 In addition, the Defence said that they accept the reports
09:43:33 25 of and do not wish to cross-examine Alexander and Vann.
26 Accordingly, their presence in Court is not necessary.

27 Now, I emphasise that the Defence accepted their reports.
28 As you know, the report of Ms Alexander has gone in before the
29 Court, together with a short summary that was read out into the

1 public record for the benefit of the public who are following the
2 proceedings. The Prosecution did not seek at any stage to add to
3 Ms Alexander's report any additional documents referred to by
4 her, or footnoted in the course of her report.

09:44:25 5 It was only on 4 February this year - indeed looking at the
6 e-mail by which we received the indication at 1634 hours, late on
7 the afternoon of 4 February this year - that the Prosecution
8 indicated to us (and no doubt to the Court) that they sought to
9 introduce extracts of the following reports and they referred
09:44:54 10 there to the four reports of which we are now only concerned with
11 three.

12 Today being the 15th, we are in a position where it was
13 really only ten days ago at best that we were put on notice for
14 the first time since 15 May 2007 that the Prosecution sought to
09:45:18 15 put in additional material other than Ms Beth Vann's report and
16 her curriculum vitae.

17 We accepted on 29 May last year the report and the
18 curriculum vitae. We did not accept any further documents. It
19 behoves the Prosecution in our submission that, if they do seek
09:45:46 20 to rely on material to which reference has been made by a report
21 maker, that that material should be specifically referred to.

22 May I by illustration use the report of Stephen Ellis. We
23 objected to him. The Prosecution served his report, together
24 with a number of documents that he referred to in his report.
09:46:14 25 Not all - not all - of those documents were actually sought to be
26 put in by the Prosecution during the course of his evidence.

27 To take another example, slightly more controversial,
28 Corinne Dufka was called as a potential expert witness for the
29 Defence. In the Prosecution bundle that was supplied to us and

1 to the --

2 JUDGE SEBUTINDE: You didn't say "expert for the Defence",
3 did you?

4 MR MUNYARD: If I did I am having another one of those --

09:46:57 5 JUDGE SEBUTINDE: You mean Prosecution, of course.

6 MR MUNYARD: I do, your Honour. It has been an even longer
7 week than I had realised. I think the Court has the sense of
8 what I am trying to say. Thank you.

9 The Prosecution put forward in a bundle together with
09:47:18 10 Ms Dufka's report a whole series of documents only some of which
11 they sought to rely upon. One which comes to mind, to my mind,
12 that your Honours may not have even looked at - it certainly was
13 not put forward, it wasn't proffered and she was not asked to
14 comment on it - was a report from an organisation called No Peace
09:47:52 15 Without Justice. You might have seen it in the bundle. You
16 weren't taken to it. We would have had a great deal to say about
17 a report from that particular organisation.

18 But in any event we were ready to deal with the documents,
19 what I will call the supporting documents that were put in with
09:48:12 20 the witnesses to whom we objected because we had taken objection
21 to them wholesale. It was never suggested last May, or June,
22 July, August, at any of the status conferences, it was not
23 suggested until at best ten days ago that the Prosecution now
24 sought to rely on a collection of some of the supporting
09:48:39 25 documents to which Beth Vann referred in her report. It is a
26 report that has many more supporting documents and footnotes.

27 Going back to Mr Ellis by way of example, Mr Ellis in his
28 report referred to his own book as a source of authority for some
29 of the propositions that he set out in his report. It was never

1 suggested and it never could be suggested that it would therefore
2 be right for the Prosecution to tender or proffer his book on
3 Liberia just because it was referred to in his report.

09:49:25

4 And so in our submission when the Prosecution tender an
5 expert report and a further document interestingly, her
6 curriculum vitae, and I know that that is something that the
7 rules require to be put in, but when they proffer a report and it
8 is accepted by the Defence that in principle that is all that the
9 Defence has accepted and it is therefore for reasons of principle
10 that we say that is all we agreed to.

09:49:46

11 On a practical level - and I am now moving to the second
12 limb of our objection. On a practical level, to come along ten
13 days before they propose to read out a short summary and say they
14 now want in for the most part actually a handful of pages of
15 pieces of other documents that she has referred to is far too
16 late in the day. And if one looks --

09:50:10

17 PRESIDING JUDGE: I am sorry, Mr Munyard, I don't intend to
18 interrupt you, but am I to understand the summary, which
19 obviously you have seen and we have not, includes extracts of the
20 documents - the reports or documents that you are now objecting
21 to?

09:50:30

22 MR MUNYARD: I don't believe it does, no, and I see my
23 learned friend agreeing with me.

24 PRESIDING JUDGE: Very well. It is just [microphone not
25 activated].

09:50:44

26 MR MUNYARD: Yes. I am just moving on to the practical,
27 but can I also add as another element of this that we of course
28 are a new Defence team. We accepted a decision of the previous
29 Defence team on its face and on its face it accepted the report

1 and that is all, and I have to say that is the basis on which we
2 have proceeded right until ten days ago when we got this e-mail
3 saying they now wanted to put in these extracts.

09:51:25 4 Now, two of the extracts that they - or two of the reports
5 from whom they seek to put in elements, or pages, were both
6 reports that the Prosecution sought to have either judicial
7 notice taken of, or to be admitted into evidence in documentary
8 form, that is "Physicians for Human Rights Report: War related
9 violence in Sierra Leone" and the Human Rights Watch Report
09:51:59 10 "'We'll Kill You If You Cry': Sexual violence in Sierra Leone
11 Conflict", and by a decision of this Court the Prosecution
12 application to put in those two documents was rejected at an
13 earlier stage in the proceedings.

14 Now let me say straightaway it was rejected because they
09:52:20 15 weren't nearly specific enough in indicating what parts of the
16 reports they sought to rely upon, but nevertheless it is
17 significant I would submit that they are now trying yet another
18 route in for these particular reports.

19 And if I can deal with those, first of all "Physicians for
09:52:40 20 Human Rights Report 2002: War related sexual violence in Sierra
21 Leone", they seek --

22 JUDGE LUSSICK: Excuse me, Mr Munyard.

23 MR MUNYARD: Certainly, your Honour.

24 JUDGE LUSSICK: I am just wondering if we can bring this
09:52:53 25 submission down to the basics. Under rule 94 bis A what must be
26 served on you is the full statement of any expert witness report.
27 Now, I take it that you are saying that on the - when this report
28 was originally served on the previous Defence team it was not the
29 full statement and that in fact the full statement has only been

1 served on 4 February of this year?

2 MR MUNYARD: Your Honour, I wish it were as simple as that,
3 but I suspect it is not. I know that a collection of supporting
4 documents have been served in addition to the report. I can't
09:53:43 5 tell you straightaway the date when those other documents were
6 served, but as I understand it they include more than the
7 original four - now three - that the Prosecution seek to put in
8 extracts from.

9 JUDGE LUSSICK: No, but my point is that when the previous
09:54:01 10 Defence team said that they don't object to the expert report,
11 were they referring to the report minus these four additional
12 pieces of documents, or were they referring to everything that we
13 are now confronted with?

14 MR MUNYARD: The only word that you see in the Defence
09:54:21 15 response is that they accept the "report", and on that basis we
16 assumed that that was all that they had agreed to and we have
17 worked on that basis until 4 February this year; that it was the
18 report pure and simple that was being submitted by the
19 Prosecution. Indeed the Prosecution obviously worked on that
09:54:48 20 basis, with respect. Otherwise it would not have taken them
21 until 4 February to suddenly say, "We want to put in these
22 additional extracts".

23 JUDGE SEBUTINDE: Actually, Mr Munyard, I am looking at a
24 copy of the notice under rule 94 bis B filed by the Defence on 29
09:55:13 25 May and in paragraph 4 thereof, and I quote, "The Defence accept
26 the reports ..." in plural "... of and does not wish to
27 cross-examine Alexander and Vann".

28 MR MUNYARD: Your Honour is quite right and the reports
29 there refer to the reports plural of Ms Alexander and Ms Vann.

1 JUDGE SEBUTINDE: Yes.

2 MR MUNYARD: I am told now by my learned friend, Mr Anyah,
3 that the supporting materials were not served on the Defence with
4 the report in May. If that is right then that does effectively
09:55:54 5 bring an end to my argument, because what we accepted in May was
6 the report, end of story.

7 JUDGE LUSSICK: And any further documents served since then
8 would vitiate the consent given to the original report going in.

9 MR MUNYARD: They - not only would they vitiate the
09:56:14 10 consent, but any further documents one would expect the
11 Prosecution to have indicated they seek to rely upon in evidence
12 in Court and therefore you would expect them to enquire of the
13 Defence what their position was. To serve them as recently as
14 ten days ago is simply far too late, in our submission.

09:56:47 15 PRESIDING JUDGE: [Microphone not activated] your
16 submission before I invite a reply?

17 MR MUNYARD: Madam President, I was going to go into some
18 of the practical aspects, but I wonder if at this stage it is
19 necessary for me to do that. Would you prefer to hear from the
09:56:58 20 Prosecution and if you still feel it is necessary for me to deal
21 with some of the practical aspects of this then I would invite
22 the Court to say that it is proper for me to have a reply?

23 PRESIDING JUDGE: Yes, I think that sounds an expeditious
24 way of dealing with this.

09:57:11 25 MR MUNYARD: Thank you.

26 PRESIDING JUDGE: Ms Alagendra, you have heard the
27 objection.

28 MS ALAGENDRA: Yes, your Honour, I have. To my
29 understanding, it appears that the objection of the Defence is

1 firstly on the grounds of the timing on which he was notified
2 that we intended to use these exhibits. Your Honour, in relation
3 to that, your Honour, we wish to inform the Court that two of the
4 supporting materials that we intend to rely on are in fact
09:57:41 5 included in our pre-trial conference materials as potential
6 exhibits, so in terms of the Defence having the opportunity to
7 know the content of those materials we submit --

8 PRESIDING JUDGE: When you say "pre-trial materials", in
9 what way were they brought in?

09:58:01 10 MS ALAGENDRA: I think we identified them as potential
11 exhibits that the Prosecution will be seeking to admit in the
12 course of the trial.

13 PRESIDING JUDGE: What for judicial notice, or in what way?

14 MS ALAGENDRA: Your Honour, it was included in an exhibit
09:58:19 15 list that was filed pursuant to rule 73.

16 JUDGE LUSSICK: Ms Alagendra, I am sorry to interrupt the
17 Presiding Judge, but you probably heard what I said to
18 Mr Munyard. It seems to me that that doesn't get around your
19 difficulty of the fact that when you served the expert report on
09:58:41 20 the Defence those documents were not part of the report, and
21 under 94 bis A you are obliged to serve the full statement for
22 their consideration as to whether they have any objection or not.

23 MS ALAGENDRA: Your Honour, I was going to address that
24 issue on the second ground, your Honour, but I will go to that
09:59:03 25 immediately.

26 Your Honour, our interpretation of the Defence accepting
27 the report of the expert is that they accept not only the report
28 itself, but they also accept the footnotes in that report and all
29 the references in that report including supporting material. In

1 fact, your Honour, the supporting material that we seek to tender
2 in relation to this report are in fact most - for the most part
3 direct quotations from those reports which we seek to admit.

09:59:47 4 I can give your Honours an example in relation to the
5 document, "We'll Kill You If You Cry". We seek to admit, your
6 Honour, extracts from that document which was referred to in the
7 expert report in footnotes 2, 18, 21, 22, 23, 24, 33.

8 PRESIDING JUDGE: Just let me clarify. Taking footnote 2
9 as an example, it refers to two pages, pages 2 and 3. Are you
10:00:19 10 only putting in pages 2 and 3, or are you putting in the entire
11 report?

12 MS ALAGENDRA: No, your Honour, only those pages.

13 MR MUNYARD: May I make a correction here. Footnote 2
14 refers to "Physicians for Human Rights". It doesn't refer to,
10:00:38 15 "We'll Kill You If You Cry".

16 MS ALAGENDRA: I beg your pardon, your Honours. That was
17 the exhibit I was referring to, because that is the exhibit that
18 has been referred to in the other footnotes as well. 18 and 21
19 is the "Physicians for Human Rights" report.

10:00:51 20 Then on the second reporting material that we seek to
21 admit, your Honour, which is "We'll Kill You If You Cry", the
22 Human Rights Watch report, it is referred to in footnotes 15, 25
23 and 31 and what we seek to admit into evidence is only those
24 portions which has been referred to by the expert in the report.
10:01:12 25 For instance, your Honour, at footnote 15 you will see that what
26 is being said in the report - and I will just read that part,
27 your Honour - is in the Human Rights Watch report 2003,
28 "Transcripts of interviews with victims describe rebel forces
29 RUF, AFRC and the West Side Boys". In that relation, your

1 Honour, I refer to the supporting material, and we have
2 highlighted the portion which we intend to admit into evidence by
3 putting a double line on the side of it and I will read the
4 specific part of that.

10:01:59 5 PRESIDING JUDGE: Do you mean you are going to read the
6 extract into the record?

7 MS ALAGENDRA: No, I just want to give you an example of my
8 submissions that we are just quoting exactly what the expert is
9 referring to and nothing more than that.

10:02:13 10 PRESIDING JUDGE: I don't think that is really necessary.
11 You are saying you have highlighted the bit - the portion?

12 MS ALAGENDRA: Yes.

13 PRESIDING JUDGE: On taking footnote 15 as an example, you
14 have highlighted the portion on page 3?

10:02:23 15 MS ALAGENDRA: Yes, and that is all we are seeking to do,
16 your Honour. And in fact we submit that all the supporting
17 material in terms of the extracts that we would like to have
18 admitted into evidence are parts which are relevant, and in
19 relation to my learned friend's concerns which he may have for
10:02:44 20 instance to the Human Rights Watch report, which relates to the
21 testimony of Corinne Dufka, we submit that those objections will
22 not apply to this witness and in terms of what we want to do with
23 this witness is relevant.

24 PRESIDING JUDGE: Ms Alagendra, let us not confuse issues.
10:03:02 25 There is a whole series - there is a whole motion, etc. dealing
26 with Ms Dufka. Stick to this one only, please.

27 MS ALAGENDRA: Yes, your Honour. In that case, your
28 Honour, we just want to submit that the extracts we want to admit
29 into evidence are relevant in terms of this expert's report, it

1 is the supporting materials she has relied on in preparing this
2 report and if there are any issues of the weight to be attached
3 that is a matter which will be decided at the end of the trial
4 when the Court is assessing the evidence in its entirety. So, on
10:03:37 5 that basis, your Honour, we request that these exhibits be
6 admitted together with the expert report.

7 JUDGE SEBUTINDE: Ms Alagendra, two things appear clear to
8 us. (1) these documents that you now seek to admit as annexures
9 to the report were in fact not served on the Defence with the
10:06:53 10 report initially, were they?

11 MS ALAGENDRA: They were not, your Honour. We concede
12 that.

13 JUDGE SEBUTINDE: Secondly, we have been shown photocopies
14 of these annexures this morning. We found them on our desk.
10:07:05 15 The copies that we have don't indicate any highlighted areas as
16 you have just submitted. Are we wrong in assuming that actually
17 there are no highlighted areas?

18 MS ALAGENDRA: If I can just clarify that with my legal
19 officer, your Honour. Your Honour, could I just clarify with my
10:07:48 20 learned friends whether the copies of supporting materials they
21 have has a highlight by the side of the relevant extracts?

22 MR MUNYARD: No, they don't, but I don't want to at this
23 stage get too drawn into the minutiae. We are still dealing with
24 the objection in principle. If we are going to go into minutiae
10:08:09 25 there is a great deal more I want to say, and I would just refer
26 to footnote 16 for a very good example of why the principle
27 remains true in our submission. Footnote 16 refers to "WHO ...",
28 which I take to be World Health Organisation but it is not
29 spelled out, "... 2002 page 28". Nowhere up to footnote 16 has a

1 WHO report of 2002 previously been referred to. That is a good
2 example of the sort of reason why if we were going to be served
3 with extracts of reports we should have been served with them a
4 very long time ago, together with the body of the main report
10:08:53 5 itself so we knew what we were dealing with and what we were
6 consenting to.

7 PRESIDING JUDGE: There is an objection by the Defence to
8 documents referred to in a report of Ms Vann being tendered as
9 part of that report. The Defence agreed to admit the report on
10:09:47 10 29 May 2007. At that time the report only was served and the
11 report only was the subject of consent. The Prosecution now seek
12 to add a curriculum vitae and extracts that were not served at
13 the time. It is the view of the Bench that this does not conform
14 to rule 94 bis A and we uphold the objection.

10:10:09 15 MR MUNYARD: Thank you, your Honours.

16 JUDGE LUSSICK: Well it seems to me now, Ms Alagendra, that
17 in light of that decision the Prosecution has two choices. It
18 can tender the report as was consented to by the Defence, or it
19 can call the expert to be cross-examined by the Defence.

10:10:30 20 MS ALAGENDRA: Your Honour, we will opt to tender the
21 report as it was submitted, your Honour.

22 PRESIDING JUDGE: Thank you. There is now a tender,
23 Mr Munyard, of the original report which you did not object to in
24 May 2007 and I gather by implication continue not to object to.

10:10:57 25 MR MUNYARD: That is correct, your Honour.

26 PRESIDING JUDGE: The report of Beth Vann headed, "Report
27 to the Office of the Prosecutor, the Special Court for Sierra
28 Leone Conflict-Related Sexual Violence in Sierra Leone", dated 14
29 May 2007, becomes Prosecution exhibit 70 --

1 MS IRURA: P-73, your Honour.

2 PRESIDING JUDGE: P-73.

3 [Exhibit P-73 admitted]

10:11:36

4 PRESIDING JUDGE: We now move to a related but different
5 subject, which is the summary. Has that been resolved? I
6 understood from yesterday it was.

7 MR MUNYARD: We resolved it yesterday and indeed I informed
8 the Court of that.

10:11:49

9 PRESIDING JUDGE: Well, that may now be read into the
10 record.

11 MS ALAGENDRA: Thank you, your Honour. Your Honour, this
12 is a report of the Prosecution expert, Beth Vann MSW, and the
13 report is entitled, "Conflict-Related Sexual Violence in Sierra
14 Leone":

10:12:08

15 "This report is written at the request of the Office of the
16 Prosecutor of the Special Court for Sierra Leone and contains a
17 summary about war-related sexual violence that occurred in Sierra
18 Leone during the conflict from November 1996 to January 2002.

19 Sources

10:12:27

20 The sources of information and conclusions come from first
21 hand experiences working with Sierra Leonean women refugees in
22 neighbouring Guinea, internally displaced persons ... and
23 returnees in Sierra Leone; building the capacity of aid
24 organisations to address sexual violence in Sierra Leone;
25 quantitative and qualitative field research; and desk research.

10:12:44

26 Research reports published before, during, and after these first
27 hand experiences validated [Ms Vann's] information,
28 understanding, and conclusions.

29 It is estimated that approximately 64,000 internally

1 displaced women in Sierra Leone may have been victimised by
2 sexual violence committed by armed combatants. The majority of
3 these incidents occurred between 1997 and 1999 and perpetrated by
4 the RUF. This figure only accounts for IDP women; if one figures
10:13:21 5 in the hundreds of thousands of Sierra Leonean refugee women, the
6 numbers are much higher. Based on [Ms Vann's] direct experience
7 and confirmed by the results of the studies described in this
8 report, war-related sexual violence in the Sierra Leone conflict
9 occurred throughout the country, targeted civilians of all ages
10:13:40 10 and left in its wake many thousands of women and children either
11 dead or living with severe physical injuries and psychological
12 trauma.

13 Over a three-and-a-half year period from 1998 to 2002
14 [Ms Vann] spent a total of approximately 16 months in Sierra
10:13:59 15 Leone and neighbouring Guinea working directly with Sierra
16 Leonean victims of war-related sexual violence, researching
17 war-related sexual violence and working with NGOs and other
18 organisations seeking to assist victims of sexual violence. This
19 section provides an overview of these experiences.

10:14:19 20 Sierra Leonean refugees in Guinea from 1998-1999

21 In 1998, the Republic of Guinea was host to an estimated
22 500,000 refugees who fled violent conflict in neighbouring
23 Liberia and Sierra Leone ... These newly arrived refugees -
24 including many victims of war-related sexual violence - fled from
10:14:44 25 RUF and AFRC" --

26 THE INTERPRETER: Your Honours, the interpreters are asking
27 counsel to go slowly.

28 MR MUNYARD: Would the interpreters like a copy? I think
29 we have two and I am quite happy to hand ours in.

1 MS IRURA: Your Honour, they have a copy.

2 MS ALAGENDRA: I will go slower, your Honour:

3 "These newly arriving refugees - including many victims of
4 war-related sexual violence - fled from RUF and AFRC forces in
10:15:16 5 Sierra Leone from approximately March to April 1998, primarily
6 from the Kono and Kailahun Districts. Later, another group of
7 Sierra Leoneans sought refuge in Guinea from the January 1999
8 joint AFRC/RUF invasion of Freetown.

9 After the arrival of these massive numbers of people in
10:15:39 10 1998, many of whom needed extensive medical care, stories began
11 to surface of mutilations, amputations, sexual violence,
12 abductions, torture and other atrocities committed by armed
13 groups in (Kono and Kailahun) Sierra Leone, primarily the RUF and
14 AFRC. [Ms Vann] heard many of these stories firsthand from 1998
10:16:04 15 to 1999 when [she] lived and worked in Guinea.

16 Physicians for Human Rights population-based assessment,
17 2001

18 The most comprehensive population-based assessment of
19 war-related sexual violence and other abuses in Sierra Leone was
10:16:25 20 conducted over a four week period in January to February 2001 by
21 Physicians for Human Rights (PHR, an American human rights
22 organisation) with support from UNAMSIL.

23 Individual interviews were conducted with female IDP heads
24 of household who could most accurately provide information about
10:16:44 25 the experiences of the entire household during the ten year
26 period 1991 to 2001. A total of 991 females of heads of
27 household were interviewed and described the experiences of a
28 total of 9,166 people, which included themselves and those who
29 lived with them prior to their first displacement ...

1 Participants were selected using systematic random sampling
2 to ensure respondents represented 91 per cent of the registered
3 IDP population.

4 As a research team member and field supervisor for the
10:17:22 5 Physicians For Human Rights/UNAMSIL prevalence study, [Ms Vann]
6 participated in the advance planning for the field research and
7 the design and field testing of the study questionnaire. [She]
8 trained local researchers, supervised and organised their work
9 throughout the field research. [She] also participated in the
10:17:43 10 report writing and summary of findings ...

11 In 2002 [Ms Vann] returned to Sierra Leone for a total of
12 six weeks (February to March and returned for two weeks in April)
13 to provide technical assistance and training with several
14 organisations serving victims of sexual violence ...

10:18:05 15 In 2003 Human Rights Watch published a detailed report
16 about war-related sexual violence entitled 'We'll Kill You If You
17 Cry: Sexual violence in the Sierra Leone context' ... This
18 qualitative research report describes widespread, brutal and
19 severe sexual violence during the Sierra Leone conflict that is
10:18:28 20 similar to the sexual violence described in the PHR study and the
21 stories of sexual violence [Ms Vann] encountered in [her] work
22 with Sierra Leoneans ...

23 There is evidence that sexual violence against civilian
24 women and girls was used as a strategy for attacking and/or
10:18:48 25 sending a message to the 'enemy' by the RUF, AFRC, West Side Boys
26 and ex-SLA during the conflict in Sierra Leone ...

27 Sexual slavery is a common practice of combatants in some
28 conflicts, as was the case in Sierra Leone, especially among the
29 'rebel' groups (mainly RUF and AFRC) described in the PHR study

1 and Human Rights Watch report (2003). In this context 'sexual
2 slavery' involves the abduction of females - whether young girls
3 or old women - who are then forced to serve as de facto wives to
4 officers and troops. Serving as a 'wife' includes finding food,
10:19:33 5 cooking, cleaning, washing clothes, complying with forced sexual
6 relations, bearing and caring for children.

7 [Ms Vann] interviewed approximately 60 survivors/victims of
8 sexual violence during the course of [her] work in Guinea in 1998
9 to 1999 ... Girls as young as 13 and women up to age 55
10:19:56 10 described being abducted while fleeing fighting or gathering food
11 or firewood, and then raped, often repeatedly, and often by
12 several men. Some were held for only a day, others were held for
13 months before they were able to escape. All described seeing
14 many other captives who were also raped, forced to serve as
10:20:16 15 'wives' (cooking, cleaning and used for sex). Many described
16 scenes where family and community members were forced to watch
17 and/or engage in sexual abuse of their wives, sisters, daughters,
18 mothers, neighbours ...

19 As a result of the invasion of Freetown, there was a new
10:20:38 20 influx of Sierra Leonean refugees into Guinea in early 1999.

21 [Ms Vann] met with women leaders from among these refugees and
22 heard many stories of abductions and rapes, very similar to those
23 described above and also described in the Human Rights Watch
24 (2003) report and PHR reports ... All of these newly arriving
10:20:59 25 refugees [she] spoke with during this period clearly identified
26 the perpetrators of these attacks as RUF and AFRC; again, the
27 most commonly used term was 'rebels' ...

28 In the 2001 PHR prevalence study involving IDP women, 9 per
29 cent (94) of the 991 respondents reported one or more war-related

1 sexual violence experience ...

2 The majority of the incidents of sexual violence reported
3 by PHR study participants [which were 68 per cent] occurred
4 between 1997 and 1999.

10:21:37 5 Rape was reported by 84 of the 94 women reporting sexual
6 violence in the PHR study. Approximately one third of these
7 women reported experiencing gang rape, abduction, stripped of
8 clothing, forced to undress. Respondents also reported sexual
9 slavery, molestation, forced marriage and insertion of foreign
10:22:00 10 objects into the genital opening or anus. Of these acts, 40 per
11 cent were perpetrated by the RUF, 16 per cent unspecified
12 'rebels', 2 per cent AFRC, 2 per cent West Side Boys and 4 per
13 cent ex-SLA."

14 PRESIDING JUDGE: 0.4 per cent.

10:22:23 15 MS ALAGENDRA: Your Honour, I think it is a typo.

16 "By extrapolating the number of war-related sexual violence
17 incidents reported by participants in the study sample, PHR
18 estimates that approximately 64,000 Sierra Leone IDP women may
19 have suffered war-related sexual violence ...

10:22:45 20 [Ms Vann] is certain that war-related sexual violence among
21 the refugee population in Guinea was underreported due to fears
22 of stigma and rejection and the lack of assistance services.
23 Only a small proportion of victims actually came forward and
24 reported their experiences ... Victims had well-founded fears of
10:23:04 25 social stigma and rejection by husbands, potential husbands and
26 families ...

27 Perpetrators

28 Of the respondents who reported sexual violence of the PHR
29 study, 84 per cent were able to identify their attacker ...

1 Clearly the RUF was the perpetrator in the majority of
2 sexual violence incidents reported, and committed sexual violence
3 in over a half of their 'face-to-face' contacts with the female
4 civilians. Other armed groups were also identified by a small
10:23:36 5 percentage of respondents and female household members reporting
6 sexual violence ...

7 The Human Rights Watch report summarises testimony about
8 perpetrators of these abuses. Findings are similar to PHR
9 report, indicating that the RUF was identified as perpetrator in
10:23:54 10 the majority of reported cases and that commanders knew what was
11 happening. Other perpetrators identified include the CDR and
12 international peacekeepers ...

13 The Human Rights Watch and PHR reports, again, confirm [Ms
14 Vann's] direct experiences with Sierra Leoneans. The majority of
10:24:12 15 survivors/victims [she] spoke with indicated their attacker was
16 'rebel' and many specifically identified the RUF or 'junta'. A
17 relatively much smaller number of survivors/victims identified
18 the perpetrators as ex-SLA, West Side Boys, CDF, as well as
19 peacekeepers ...

10:24:34 20 A majority of the victims' stories included in the PHR
21 study, the Human Rights Watch report, and [Ms Vann's] own
22 experience described being specifically selected for a commander,
23 being raped in front of commanders, or of being abducted by a
24 number of 'soldiers' and taken to a commander.

10:24:52 25 Over one third of the PHR study respondents reporting
26 sexual violence believed their commander was aware of the attack.
27 One case example in the PHR report is a 16 year old girl from the
28 Eastern area abducted by the RUF in 1999 with her sister and
29 forced to marry her captor. She believes the commander was aware

1 of the attack: 'In the bush he was called Lt. Papay ... He said
2 they were Mosquito's group. That he was pure rebel and would
3 marry me and carry me into the bush and live with me there
4 because they are bad people and want to destroy me and even the
10:25:34 5 country' ...

6 There are serious and potentially life threatening
7 consequences to sexual violence in any context ... Health
8 consequences can include death, injury, disability, disease,
9 unwanted pregnancy and unsafe abortion, as well as chronic and
10:25:53 10 debilitating reproductive health problems ... The most
11 significant social outcome is stigma due to all societies'
12 tendency to blame the victim for rape and other sexual violence.
13 This stigma and blame results in even greater psychological and
14 emotional suffering to the survivor/victim ...

10:26:12 15 In this report [Ms Vann] described research studies and
16 direct experiences indicating that war-related rape and other
17 forms of sexual violence were committed on a widespread basis in
18 Sierra Leone ...

19 It is [her] opinion that the sexual violence could be
10:26:28 20 considered systematic in that a striking 53 per cent of
21 respondents in the PHR study reporting 'face to face' contact
22 specifically with RUF forces reported experiencing sexual
23 violence, compared to less than 6 per cent for any other
24 combatant group. This PHR finding confirms [her] experiences and
10:26:50 25 impressions from discussions with Sierra Leonean women.

26 The frequency of sexual violence and other human rights
27 abuses, especially those committed by the RUF, leads [her] to
28 also conclude that most persons including rebel commanders are
29 likely to have been aware of the crimes perpetrated by the forces

1 under their command".

2 PRESIDING JUDGE: Thank you, Ms Alagenda.

3 MR MUNYARD: Madam President, I am grateful to you for
4 drawing attention to what appears to be an error in one of the
10:27:23 5 paragraphs of the summary that has been read out. It was
6 relating to statistics concerning sexual violence. I have been
7 looking, since you drew attention to what appears there to be 0.4
8 per cent perpetrated by former Sierra Leonean Army soldiers.
9 Looking at the document, ironically one of the ones that we
10:27:50 10 objected to, looking at the document from which these figures are
11 taken there appear to be two principal omissions here: One of
12 which is the fact that the document also refers to at least some
13 incidents of sexual violence by ECOMOG forces, that is the
14 peacekeeping forces, and the statistics either in the summary
10:28:21 15 that has been read out, or indeed in the source document don't
16 appear to me to add up. So, I will simply ask the Prosecution
17 and we will, of course, co-operate with them to work out the
18 correct figures and put in an amendment in due course.

19 PRESIDING JUDGE: Thank you for that, Mr Munyard. The
10:28:44 20 arithmetic didn't work out in my mind either.

21 Ms Alagenda, Mr Bangura, you have another witness.

22 MR BANGURA: Yes, your Honour, my learned friend
23 Ms Alagenda will continue. She will be leading the next
24 witness.

10:29:08 25 PRESIDING JUDGE: Thank you, Mr Bangura. If you can call
26 that witness. What language will the witness speak?

27 MS ALAGENDRA: The witness will testify in the Krio
28 language, your Honour.

29 PRESIDING JUDGE: Madam Court Attendant, if you could bring

1 in the next witness, please, and the Krio interpreters are in
2 place?

3 THE INTERPRETER: Yes, your Honour.

10:29:40

4 MS IRURA: Your Honour, earlier we had been informed there
5 were protective measures for this witness. I don't know.

10:30:07

6 MS ALAGENDRA: Your Honour, this witness, TF1-192, was
7 subject to a protective measures order by Trial Chamber I dated 5
8 July 2004 and he fell under category 1 witness, your Honour, and
9 when he testified previously he testified with the category 1
10 protective measures, which was a screen and by using a pseudonym.
11 Your Honour, in this trial, after discussions with the witness,
12 he would like to testify in open and we would like to request
13 from the Court to rescind the previous protective measures that
14 was given to this witness by Trial Chamber I.

10:30:29

15 PRESIDING JUDGE: Thank you, Ms Alagenda. Mr Munyard?

16 MR MUNYARD: We have no objection to that.

17 PRESIDING JUDGE: By consent we note and accept that the
18 witness is rescinding the protective measures granted and the
19 matter can proceed in open session, in this case only I stress.

10:32:27

20 WITNESS: TF1-192 [Sworn]

21 EXAMINATION-IN-CHIEF BY MS ALAGENDRA:

22 Q. Good morning, witness.

23 A. Morning, good morning.

10:33:20

24 Q. Can I confirm that you are able to hear me clearly through
25 your headphones?

26 A. Yes, I am getting you clearly.

27 Q. Witness, what is your full name?

28 A. Musa Koroma.

29 Q. Do you know when you were born?

1 A. No.

2 Q. Do you know your age presently?

3 A. No.

4 Q. What is your nationality?

10:34:08 5 A. A Sierra Leonean.

6 Q. And what tribe do you hail from?

7 A. Koranko.

8 Q. Witness, have you been to school?

9 A. No.

10:34:30 10 MS ALAGENDRA: Your Honour, if I can spell the tribe name

11 for the Court it is Koranko, your Honours, it is K-O-R-A-N-K-O:

12 THE WITNESS: Okay.

13 Q. Witness, do you have children?

14 A. Yes, one.

10:34:51 15 Q. And how old is your child?

16 A. Seven.

17 Q. Where are you presently living?

18 A. I am staying in Freetown.

19 Q. Witness, do you remember the year 1998?

10:35:14 20 A. Yes.

21 Q. Do you remember the rainy season of the year 1998?

22 A. Yes.

23 Q. Where were you living during the rainy season of 1998?

24 A. Bomboafui du.

10:35:38 25 MS ALAGENDRA: Your Honour, the spelling is

26 B-A-M-B-A-F-O-I -N-D-U:

27 Q. In which chiefdom and district is Bomboafui du village

28 located?

29 A. In Kono District, Mimi yama chiefdom.

1 Q. Did you live in Bomboafuidu village throughout the rainy
2 season of 1998?

3 A. Yes, at the start of the rainy season I was in Bomboafuidu
4 Town.

10:36:25 5 JUDGE SEBUTINDE: Kindly spell the chiefdom's name, please.

6 MS ALAGENDRA: It is Mimi yama chiefdom which is
7 M-I-M-I-Y-A-M-A.

8 MR MUNYARD: Your Honour, while we are dealing with
9 spellings, in all the documentation I have been served with so
10:36:47 10 far Bomboafuidu is spelled slightly differently. I wonder if at
11 this preliminary point we can just clarify the correct spelling.
12 What we have been supplied with by the Prosecution is a spelling
13 as follows: B-O-M-B-O-A-F-U-I-D-U. I am merely raising it now,
14 because I know that some villages have very similar names to
10:37:10 15 others and I want us to be completely accurate.

16 MS ALAGENDRA: Your Honour, with reference to that I submit
17 that we would like to stick to the previous spelling that was
18 already given to the Court, which my learned friend has just
19 spelled out, B-O-M-B-O-A-F-U-I-D-U.

10:37:36 20 PRESIDING JUDGE: Very well. We will ask to have the
21 record amended accordingly.

22 MS ALAGENDRA:

23 Q. Witness, you have testified that at the start of the rainy
24 season you were in Bomboafuidu.

10:37:54 25 A. Yes.

26 Q. Did you go anywhere for the rest of the rainy season?

27 A. We went to the bush.

28 Q. Who went to the bush, witness?

29 A. We the civilians.

1 Q. The civilians who went to the bush, which village were they
2 from?

3 A. From Bomboafui du.

10:38:28

4 Q. Are you able to say roughly how many civilians went to the
5 bush with you?

6 A. Well, for that I can't say because we were all over. We
7 were not in the same place. We were at different locations, so
8 we all entered the bush.

9 Q. Why did you and the other civilians go into the bush?

10:38:57

10 A. While we were in the town a man came from a village nearby,
11 called Gbessey Sesay, and so he came, was passing by and gave us
12 a message that the rebels were approaching Bomboafui du and so
13 that gave us the cause to go to the bush.

10:39:24

14 MS ALAGENDRA: Your Honour, if I can spell the name that
15 was just given by the witness, Gbessey Sesay, which is
16 G-B-E-S-S-E-Y and Sesay is S-E-S-A-Y:

17 Q. Did Gbessey Sesay tell you who were the rebels that were
18 approaching Bomboafui du?

10:39:59

19 A. Well, at the time he was passing by we saw him, his hands
20 were amputated, so he told us the rebels were approaching
21 Bomboafui du. So when we saw the scene where his hands had been
22 amputated, because we had never seen that before, we ran to the
23 bush.

10:40:18

24 Q. Did he tell you whether it was the rebels who amputated his
25 hands who were coming to Bomboafui du?

26 A. Yes.

27 Q. Did he tell you who they were?

28 A. No, he only said the rebels amputated him, because by then
29 he was just passing by. So, because he was passing by he gave us

1 the message and said the rebels amputated him, so we too were
2 afraid and so we had to go into the bush.

3 Q. Witness, Gbessey Sesay, can you describe the amputation
4 that was done to his hand?

10:41:01 5 A. Yes.

6 Q. Please describe it?

7 A. The hands were amputated below the forearm [indicated].

8 PRESIDING JUDGE: The witness indicated the right hand at
9 just above wrist level.

10:41:22 10 JUDGE SEBUTINDE: Ms Alagendra, was this one hand or two
11 hands?

12 MS ALAGENDRA: I will clarify that with the witness.

13 THE WITNESS: It was one. It was one hand that was
14 amputated.

10:41:35 15 MS ALAGENDRA:

16 Q. Witness, when you fled to the bush with other civilians
17 from your village, how long did you stay in the bush?

18 A. We were in there for two months.

19 Q. What did you do after the two months?

10:42:00 20 A. After the two months we were in the bush they - somebody
21 went in there and said ECOMOG were approaching, passing by to go
22 to Sandia.

23 THE INTERPRETER: Your Honours, can the witness go slowly.

24 PRESIDING JUDGE: Pause please. The interpreter has to
10:42:22 25 interpret everything you say so can you speak a little more
26 slowly. Thank you.

27 THE WITNESS: Okay.

28 THE INTERPRETER: Can he repeat the last bit of his answer?

29 PRESIDING JUDGE: Please repeat your answer, Mr Witness.

1 The interpreter was not able to hear it all.

2 THE WITNESS: Well, ECOMOG, they came and gave us a
3 message.

4 MS ALAGENDRA:

10:43:02 5 Q. What message did ECOMOG give you?

6 A. They said the road leading from Small Makeni to Sandia --

7 THE INTERPRETER: The witness has mentioned a name that is
8 not clear to the interpreters.

9 PRESIDING JUDGE: What is the place name again?

10:43:27 10 THE WITNESS: Small Makeni leading to Sandia.

11 MS ALAGENDRA: Your Honour. For the record Sandia is
12 spelled S-A-N-D-I-A:

13 Q. Witness, what did ECOMOG say about the road leaving from
14 Small Makeni to Sandia?

10:44:00 15 A. They said the farmers who did the brushing place the logs
16 on the roads, so when they were passing by with their vehicles
17 the roads are blocked, so they asked us to go and clear up the
18 roads.

19 Q. When they asked you to go and clear up the roads, what did
10:44:19 20 you do?

21 A. Because of that some of us came back to the town to do that
22 work for them.

23 Q. How many of you came back to the town?

24 A. Let me say we were up to 20.

10:44:41 25 Q. And when you came into the town, what did you do?

26 A. We too went and cleared up the road until the evening.

27 Q. Where did you go to that evening?

28 A. That very evening we decided to pass the night in the town,
29 in Bomboafui du.

1 Q. Did all of you pass the night in Bomboafuidu that night?

2 A. The 20 of us that came to the town slept in Bomboafuidu.

3 Q. Where in Bomboafuidu did you sleep that night, witness?

4 A. To a friend's father's house, Sheku Mansaray.

10:45:43 5 MS ALAGENDRA: Your Honours, Sheku Mansaray is spelt
6 S-H-E-K-U and Mansaray is M-A-N-S-A-R-A-Y:

7 Q. Did anything happen while you were spending the night at
8 Sheku Mansaray's house?

9 A. Yes, yes.

10:45:59 10 Q. What happened that night?

11 A. We were sleeping together with my friend Sheku Mansaray.

12 Q. Did anything happen while you were sleeping?

13 A. Yes.

14 Q. What happened?

10:46:21 15 A. We were inside. Two men met us, one of them wearing a
16 Kamajor fitting.

17 Q. And how was the other man dressed?

18 A. He had a combat.

19 Q. What happened when these two men came to your house?

10:46:45 20 A. When they arrived they told us they are our saviors, they
21 have come to save us.

22 PRESIDING JUDGE: Just pause. Mr Interpreter, what is a
23 "fitting"?

24 THE INTERPRETER: Outfit.

10:47:02 25 PRESIDING JUDGE: Thank you.

26 MS ALAGENDRA:

27 Q. Did they tell you what they had come to save you from?

28 A. They only said they have come to save us, so --

29 Q. What happened after they said that to you?

1 A. From there they brought us out to the veranda.

2 Q. Who brought you out to the veranda?

3 A. Those two men that met us inside.

4 Q. What happened when you were brought to the veranda?

10:47:51 5 A. They brought us to a friend's father's house who was Alhaji
6 Tejan Cole.

7 MS ALAGENDRA: Your Honour, the spelling of that is
8 A-L-H-A-J-I, Tejan is T-E-J-A-N, Cole is C-O-L-E:

9 Q. Witness, when you were brought to the veranda of Alhaji

10:48:23 10 Tejan Cole's father's house, who did you see there?

11 A. We met some of our colleagues whom were all staying in the
12 village. We met some of them wearing combat outfit.

13 Q. Those that you met wearing combat outfit, who were they?

14 A. Well, at the time we couldn't say, because the two people -
10:48:55 15 two men who met us who said that they were our saviors and I saw
16 the other wearing Kamajor outfit and so we thought --

17 Q. What did you think, witness?

18 A. So we had thought it was the Kamajors because they used to
19 go there and put fire on houses and then leave the place.

10:49:24 20 Q. Who used to go and put fire on houses and leave the place?

21 A. No, it was not the house. They will put fire in the centre
22 of the town, we will dance with them and early in the morning
23 they will leave the place and go back.

24 Q. Who is "them", witness, that you are referring to?

10:49:49 25 A. That was the Kamajors.

26 Q. When you went out to the veranda of Alhaji Tejan Cole's
27 father and you saw the civilians, can you tell the Court what the
28 civilians were doing?

29 A. Well, we met civilians all sitting on the floor.

1 Q. Why were they sitting on the floor, do you know?

2 A. Well, I couldn't say. When they brought us we met them
3 sitting on the floor and then they ordered us to sit on the floor
4 as well, so we too did.

10:50:31 5 Q. Who ordered you to sit on the floor?

6 A. Those two men who brought us out.

7 Q. What was the reason that you did as they told you to do?

8 A. Well, we didn't do anything. We were inside sleeping.
9 They only entered our house and brought us out and said we should
10 sit on the floor.

10:50:54

11 Q. When they told you to sit on the floor, witness, why did
12 you comply and sit on the floor?

13 A. Well, because at the time they had guns and we were not
14 having guns. We don't know those things and so we were afraid
15 and therefore we sit on the floor.

10:51:12

16 Q. These men wearing combat and carrying guns, who were they?

17 A. I believe they were the rebels.

18 Q. What happened after you and other civilians were seated on
19 the floor?

10:51:42

20 A. Well, while sitting on the floor we were there when they
21 went and brought a Limba woman.

22 Q. Who brought a Limba woman?

23 A. That was the rebels.

24 MS ALAGENDRA: Your Honours, Limba is L-I-M-B-A:

10:52:03

25 Q. Who was this Limba woman, witness?

26 A. Well, the Limba woman I didn't get too clearly.

27 PRESIDING JUDGE: Please repeat your answer, Mr Witness.

28 THE WITNESS: I said I didn't get that clearly.

29 MS ALAGENDRA:

1 Q. I will repeat the question for you, witness. My question
2 was: Who was the Limba woman that they brought, that the rebels
3 brought?

4 A. She was a civilian. We were all in the same town.

10:52:41 5 Q. Did you know this Limba woman?

6 A. Yes, sir.

7 Q. How did you know her?

8 A. We were all in the same town. We had stayed there for a
9 long time and so I know her.

10:52:58 10 Q. How old was this Limba woman?

11 A. Well, she was aged. I can't recall her age, but she was
12 old.

13 Q. What happened when they brought this Limba woman to where
14 you were all seated?

10:53:27 15 A. When they brought the Limba woman, we were moved from
16 Alhaji Tejan Cole's veranda and taken to the veranda of the
17 chief.

18 Q. Who moved you to the chief's veranda?

19 A. It was the rebels.

10:53:49 20 Q. And who was moved to the chief's veranda?

21 A. The civilians that they brought.

22 Q. At this point, witness, were you able to see about how many
23 rebels were in Bomboafuidu village?

10:54:17 24 A. I would say roughly there were over 50. That is a rough
25 estimate.

26 Q. What happened when you were all taken to the chief's
27 veranda?

28 A. When we arrive at the veranda of the chief then they told
29 us they have a sacrifice that they want to perform for all of us.

1 Q. Who told you that?

2 A. It was the rebels.

3 Q. What did they do after they said that?

4 A. From there they told us that we should watch and see the
10:54:59 5 sacrifice that they want to perform at the chief's veranda.

6 Q. Who did they say should watch the sacrifice they were about
7 to perform?

8 A. It was the rebels who told us, the civilians, that we
9 should watch the sacrifice they were about to perform on the
10:55:24 10 veranda of the chief.

11 Q. Did they perform a sacrifice at the veranda of the chief?

12 A. Yes.

13 Q. What was the sacrifice?

14 A. So they had to arrest the woman and they laid her on the
10:55:48 15 floor.

16 Q. Who laid her on the floor?

17 A. Those are the rebels.

18 Q. How many of them were holding on to her?

19 A. Let me say there were about three because some held her on
10:56:11 20 the feet and some held her on the arms.

21 Q. What happened after that?

22 A. From there they placed a knife on her throat and they were
23 trying to cut her neck, her throat, and then the woman was
24 shouting, "Aya Allah."

10:56:41 25 Q. Witness, can you repeat what was the woman shouting?

26 A. The woman was now shouting in Limba language, "Aya Kanu,
27 Aya Kanu, Aya Kanu", until she died.

28 Q. What does "Aya Kanu" mean?

29 A. That means, "Oh God, oh God." She was shouting God until

1 she died.

2 Q. Were you and the other civilians watching the sacrifice as
3 you were told to?

4 A. Yes.

10:57:20 5 MS ALAGENDRA: Your Honour, for the record if I can spell
6 Aya Kanu, it is spelt A-Y-A and Kanu is K-A-N-U:

7 Q. Witness, why did you and the other civilians watch the
8 sacrifice when you were told to watch?

9 A. Well, we were also not happy to watch because we have never
10:57:48 10 seen that thing in our life, but when they asked us to watch and
11 they were all having guns, that was the reason why we all decided
12 to watch.

13 Q. Witness, what happened after the sacrifice was over?

14 A. After they had completed the sacrifice they held me and
10:58:13 15 then they took me to my father's veranda.

16 Q. Was it only you that was taken to your father's veranda?

17 A. No, all of us.

18 Q. What happened when you were all taken to your father's
19 veranda?

10:58:35 20 A. When we got to my father's veranda they said we should all
21 be stripped naked as we were born into the world.

22 Q. Who said that, witness?

23 A. The rebels.

24 Q. This group of rebels that were in your village, did they
10:58:56 25 have a commander?

26 A. Yes.

27 Q. Did you see him in your village?

28 A. Yes.

29 Q. Do you know his name?

1 A. No, and he was only called "Commander".

2 Q. How did you know that he was the commander of the group
3 that came to your village?

10:59:29

4 A. Well, anything they wanted to do they will always come to
5 him and then say "Commander, sir", so by that we realised that he
6 was the commander amongst them who came.

7 Q. At the time that the sacrifice of the Limba woman was
8 taking place, where was this commander?

9 A. The commander was in Alhaji Tejan Cole's father's veranda.

10:59:55

10 Q. Was he present when the sacrifice was taking place?

11 A. He was not at the place, but the place where we were, where
12 they decided to perform the sacrifice and where he was, they were
13 closer to each other.

11:00:18

14 Q. What happened after you were taken to your father's veranda
15 and you and the other civilians were told to strip naked?

16 A. After we had been - we stripped ourselves naked --

17 THE INTERPRETER: Sorry, your Honours could the witness go
18 back to that area? It was not clear to the interpreter.

11:00:46

19 PRESIDING JUDGE: Mr Witness, the interpreter asks you to
20 repeat your answer as it was not clear to him. Please repeat.

21 THE WITNESS: When they brought us to my father's veranda
22 they said we should all enjoy our lives before ever they start
23 the operation for which they came.

24 MS ALAGENDRA:

11:01:05

25 Q. Who said that, witness?

26 A. The rebels.

27 Q. Where was the commander of the rebels at this time?

28 A. Well, at that time I never knew where the commander was
29 because at that time we were under their complete control and so

1 the place where we were and where he was, there was a little bit
2 of distance in between.

3 Q. Were you able to see the commander from where you were?

11:01:51

4 A. No, at that time the place was dark. It was at night. I
5 was unable to see him clearly.

6 Q. Witness, what happened after the rebels told you that you
7 all had to enjoy yourself before they started the operation?

11:02:23

8 A. So, they started taking each man and giving to one woman
9 and they said that each man should start using the particular
10 woman.

11 Q. What do you mean by "using", witness?

12 A. They said each man should have sexual intercourse with one
13 woman.

14 Q. What happened after they said that?

11:02:51

15 A. So they started taking us one man to a woman.

16 Q. How many women and men were there at the time?

17 A. Well, at that time we were 20 in number.

18 Q. Did the women also have to strip naked?

11:03:21

19 A. Yes, we are all stripped naked as we were born into this
20 world.

21 Q. What happened after the men and women were put together?

22 A. From there there were some who had flashlights, so they
23 started flashing those lights on each pair trying to enquire
24 whether actually the men were having sex with the women.

11:03:51

25 Q. What were you doing at this time?

26 A. Well, for me, at the time they reached me the women were
27 already exhausted, so they only told me to sit down and watch.

28 Q. Did you watch what was going on?

29 A. Yes.

1 Q. Why did you watch?

2 A. Well, they gave me the orders that I should watch because I
3 never had a woman attached to me so they said I should sit down
4 and watch.

11:04:34 5 Q. Why did you not have a woman attached to you if all the
6 other civilian men did?

7 A. Well, I was the first man in the queue and they started
8 collecting the men from the back, so before they could reach me
9 the number of the women were already exhausted.

11:05:03 10 Q. Witness, when you returned back to your village from the
11 bush, did you return with any of your family members?

12 A. Yes, my sister was among the group. My elder sister.

13 Q. Where was your elder sister at the time that the men and
14 women were forced by the rebels to have sex with each other?

11:05:36 15 A. Well, she was amongst the group.

16 Q. Were all the civilians having sex with the women?

17 A. Well, it was only one boy who was closer to me that was
18 called --

19 Q. Were you going to tell the Court his name, witness?

11:06:12 20 A. Yes.

21 Q. What was his name?

22 A. Abdul Rahman Tejan Cole.

23 MS ALAGENDRA: The spelling of Abdul Rahman Tejan Cole is
24 A-B-D-U-L, next word is R-A-H-M-A-N, the next word is T-E-J-A-N
11:06:33 25 and the next word is C-O-L-E:

26 Q. Witness, what were you going to say about Abdul Rahman
27 Tejan Cole?

28 A. Well, when they came they flashed the light on Abdul Rahman
29 Tejan Cole and they realised that his private part was not

1 functioning the way it should for the particular woman they
2 wanted to attach to him.

3 Q. Do you know why his private part was not functioning?

4 A. Yes.

11:07:20 5 Q. Why?

6 A. Because during that time he was small.

7 Q. What happened when the rebels flashed their torchlight and
8 found that Abdul Rahman Tejan Cole was not able to have sex?

9 A. From there they told the woman that they are going to slice
11:07:51 10 his private so that he will never be able to have sex with a
11 woman in his life.

12 Q. Whose private did they say they were going to slash?

13 A. That was the woman.

14 Q. Who said that, witness?

11:08:19 15 A. The rebels.

16 Q. What happened after they said they were going to slash the
17 woman's private parts?

18 A. After they said that one of the rebels held a knife and
19 started slashing the woman's private parts.

11:08:45 20 Q. Where were you when this was happening?

21 A. At that time I was very close to them because I was close
22 to them.

23 Q. Where were all the other civilians, witness, that were
24 having sex?

11:09:07 25 JUDGE SEBUTINDE: Ms Alagendra, I am sorry I have to
26 interrupt. When you look at the fullness of this testimony we
27 began where the rebels were threatening the man so that he would
28 never be able to have sex with a woman in his life and now I am
29 not sure where we are. Was it the woman who was a victim, or was

1 it the man?

2 THE WITNESS: It was the woman.

3 MS ALAGENDRA: Your Honour, we clarified as to whose
4 private parts were slashed and the witness answered it was the
11:09:40 5 woman:

6 Q. Witness, where were all the civilians when the woman was
7 being slashed?

8 A. At that time we were all there.

9 Q. Were they all having sex in the same place?

11:10:08 10 A. Well, they were scattered all over.

11 Q. Could you see all of them?

12 A. No, no, only Abdul Rahman who was closer to me. He was the
13 only person I was able to see clearly.

14 Q. So how do you know that all the civilians were having
11:10:33 15 sexual intercourse with each other and that the rebels were
16 pointing their torch lights to check that they were?

17 A. Well, they had issued a command that each civilian should
18 enjoy himself before ever they started the operation, so from
19 that point --

11:11:02 20 Q. Please continue, witness.

21 A. From that point I saw that they started attaching each man
22 to a woman, each man to a woman, and then the one that was closer
23 to me I saw that they gave him a woman.

24 Q. How far away were the others from you?

11:11:27 25 A. Well, he was not actually too far. Let me just say from
26 where I am seated to the door over there [indicated]. That was
27 how they were scattered about.

28 PRESIDING JUDGE: Which door is the witness referring to?

29 MS ALAGENDRA: He is pointing to the door behind me, your

1 Honour.

2 THE WITNESS: That one over there and somewhere like the
3 one over here [indicated].

11:11:56

4 PRESIDING JUDGE: Approximately six metres. Would that be
5 agreed?

6 MS ALAGENDRA: I agree, your Honour.

7 MR MUNYARD: In rough terms, yes.

8 MS ALAGENDRA:

11:12:11

9 Q. Mr Witness, from where you were were you able to see the
10 civilians?

11 A. Well, in the case of Abdul Rahman I saw him clearly.

12 Q. Witness, what was the woman doing when they were slashing
13 her private parts?

11:12:47

14 A. Well, the woman had fainted. She was just lying down. She
15 wouldn't - she was helpless. She could not do anything on her
16 own.

17 Q. Were you able to see the kind of injuries she suffered?

18 A. Yes, because I was closer to her.

19 Q. Can you describe what you saw?

11:13:09

20 A. Well, her private parts - part was slashed. The upper part
21 of her private part was slashed.

22 Q. Did you know this woman?

23 A. Well, I never knew that woman actually.

24 Q. What happened after that, witness?

11:13:40

25 A. After that they took some of the women and took them to my
26 father's farmhouse.

27 Q. Who took the women to your father's farmhouse?

28 A. The rebels.

29 Q. By this time were the civilians still naked?

1 A. Yes.

2 Q. What happened when the women were taken to your father's
3 farmhouse?

4 A. They locked them up in the farmhouse. They took - they
11:14:29 5 will take some outside, they beat them up and then put them
6 inside again. Then the other women, they would take some out
7 again, beat them up and then put them inside again.

8 Q. How do you know that this was being done?

9 A. Well, where we were and where the farmhouse was located, it
11:14:50 10 was a very short distance.

11 Q. Where were the other civilians, witness?

12 A. At that time we were now queued up. We were with them.

13 Q. Now, how did you know that the women were being beaten up
14 inside the farmhouse?

11:15:13 15 A. Well, where we were I overheard them crying when they were
16 being beaten.

17 Q. Were they saying anything?

18 PRESIDING JUDGE: I understood the witness to say they were
19 put - they were taken out, beaten up and put in again, and then
11:15:37 20 another group were taken out and beaten up. So it was outside, I
21 understood.

22 MS ALAGENDRA: I will proceed from there, your Honour:

23 Q. Witness, was it only women that were taken to the
24 farmhouse?

11:16:03 25 A. Yes, they took them there together with some children.

26 Q. Did anything happen to the children?

27 A. Well, no.

28 Q. What was the reaction of the civilians that you were with
29 while the women and children were being beaten?

1 PRESIDING JUDGE: [Microphone not activated] nothing
2 happened to the children.

3 MS ALAGENDRA: I will rephrase the question, your Honour:

11:16:44

4 Q. What was the reaction of the civilians that you were with
5 when the women were being beaten?

6 A. Well, during that time we wouldn't do anything. We were
7 unable to do anything because we were under their control.

8 Q. Did anything happen after the women were beaten?

9 A. Yes.

11:17:11

10 Q. What happened?

11 A. Well, the other woman they took a mortar pencil and then
12 placed it into her private parts.

13 MS ALAGENDRA: Your Honour, I heard that as "mortar pestle"
14 if I can clarify that with the witness:

11:17:40

15 Q. Witness, could you repeat, what did you say was put into
16 the woman's privates?

17 A. It was a mortar pestle that they normally use to pound rice
18 with. That was the thing that they placed into her privates.

19 MS ALAGENDRA: I am not sure if it a case of pronunciation.

11:18:02

20 JUDGE SEBUTINDE: I think it is a case of that.

21 Mr Interpreter, are you not referring to a pestle, P-E-S-T-L-E?

22 THE INTERPRETER: Sure, your Honour.

23 MR MUNYARD: The witness clearly used the "word pencil",
24 but I think we all accept, from everything that has been said,
25 that it is a reference to a pestle.

11:18:22

26 MS ALAGENDRA:

27 Q. Witness, can you describe the mortar pestle? What did it
28 look like?

29 A. Yes.

1 Q. Please describe it, witness.

2 A. The width is what you mean?

3 Q. Yes, the width and the length and what it was made of?

4 A. It is a stick.

11:19:07 5 Q. And what is the width and the length, witness?

6 A. The width is like this of my arm [indicated] and then the
7 length is about my height.

8 PRESIDING JUDGE: The witness has indicated the
9 circumference of his wrist, which I would estimate to be about 6
11:19:45 10 inches in circumference. Would that be agreeable? That is 6
11 inches.

12 MR MUNYARD: Yes.

13 PRESIDING JUDGE: My learned colleague has indicated that
14 it should be bigger than that. We are agreeing on about 6 inches
11:20:14 15 in diameter, which is 15 centimetres, and the witness's height
16 would be about 5 foot 6 inches, which is 175 centimetres. Is
17 that agreeable to the parties?

18 MS ALAGENDRA: Yes, it is, your Honour.

19 MR MUNYARD: Yes.

11:20:33 20 MS ALAGENDRA:

21 Q. Witness, when you saw this woman with a mortar pestle
22 inside her private part, could you describe the condition she was
23 in and what you saw?

24 A. Yes.

11:21:01 25 Q. Please describe it, witness?

26 A. Well, the way I met the woman the next day she was lying
27 down seriously bleeding, but I didn't stand around to really
28 watch her too much because I was equally afraid.

29 Q. Did you talk to her?

1 A. No, I did not even stand there for a long time.

2 Q. Why did you not stand there for a long time?

3 A. Well, it was because of the fear that I had in me, because
4 I have never witnessed that kind of scene before and so that was
11:21:48 5 the reason why I was afraid. I moved off from there. I did not
6 stand there for long.

7 Q. Witness, you have testified that women were being brought
8 out and beaten by the rebels. What happened after that?

9 A. So, after there they gave matches to one of their men.

11:22:17 10 Q. Who gave matches to one of their men?

11 A. That is the rebels.

12 Q. What did they do with the matches?

13 A. They gave him the matches and they told him to go and light
14 fire on the hut so that the people who were in the hut would all
11:22:45 15 burn.

16 Q. Who were the people in the hut that they wanted to burn?

17 A. That was the village people, the civilians.

18 Q. Was it the same hut that the women were in?

19 A. Yes.

11:23:14 20 Q. Did rebels burn the hut with the women inside?

21 A. No.

22 Q. Why didn't they burn the hut with the women inside?

23 A. Well, the rebel who was given the matches to go and light
24 fire on the farmhouse --

11:23:45 25 Q. Please continue, witness.

26 A. So, he knew one of the women who was in that farmhouse.

27 Q. Please continue, witness.

28 A. So, when that rebel came back, because he knew one of the
29 women who was in the farmhouse he decided to destroy the stapler

1 and then he asked them all to run away.

2 PRESIDING JUDGE: I didn't understand the word "stapler",
3 Mr Interpreter. Please repeat the word, or explain what you
4 mean.

11:24:33 5 THE INTERPRETER: Staple that is normally used to close
6 doors.

7 JUDGE SEBUTINDE: Does this mean that the rebel broke down,
8 opened the door and let the women out? Is that what it means?

9 THE WITNESS: No, it was the staple that was broken, the
11:25:03 10 staple that is outside where the padlock is normally hung.

11 PRESIDING JUDGE: Mr Interpreter, the witness is using the
12 word "staple" in a Krio expression. You are required to
13 translate that into English, please do so.

14 JUDGE SEBUTINDE: Mr Interpreter, do you mean the latch?

11:25:33 15 THE INTERPRETER: Yes, your Honour.

16 MS ALAGENDRA:

17 Q. Witness, what happened after the women ran away?

18 A. So, after the women ran away the rebel brought the matches
19 back to his colleagues.

11:26:08 20 Q. Did he say anything to his colleagues?

21 A. Yes.

22 Q. What did he say?

23 A. Well, when he came back his colleagues asked him, they
24 said, "Why didn't you light fire? Why didn't you put the hut on
11:26:27 25 fire?" Then he said to them --

26 Q. What did he say, witness?

27 A. He told them that before he got there they had already
28 destroyed the latch, so he did not find anybody there, so that
29 was the reason why he returned.

1 MS ALAGENDRA: Your Honours, I am mindful of the time and I
2 am about to move into a new area with the witness.

3 PRESIDING JUDGE: Thank you, Ms Alagenda. In the
4 circumstances we will take the mid-morning break and we will
11:27:05 5 resume at 12.00. Please adjourn Court until 12.00.

6 [Break taken at 11.28 a.m.]

7 [Upon resuming at 12.00 p.m.]

8 PRESIDING JUDGE: Ms Alagenda, I just notice a variation
9 at the Prosecution bar; Mr Werner has joined you I see.

11:59:42 10 MS ALAGENDRA: That's right, your Honour.

11 PRESIDING JUDGE: I will note that and if you would proceed
12 with your examination-in-chief.

13 MS ALAGENDRA:

14 Q. Witness, we had stopped before the break when you told the
11:59:54 15 Court that the women were in the farm house and one of the rebels
16 went and reported back to his commander that they had broken the
17 latch and had run away. If you could proceed from there,
18 witness?

19 A. So from there when he came with the message that the women
12:00:28 20 had escaped from the farm house?

21 Q. What happened after that?

22 A. From there then the rebels said as long as those people had
23 escaped they would start their operations with us.

24 Q. Did you hear them saying that?

12:00:50 25 A. Yes.

26 Q. Where were the other civilians at this point?

27 A. During that time we were all in a queue. Some of the
28 rebels were standing on the right-hand side and some of them were
29 standing on the left-hand side and we were in the middle of them.

1 Q. How many civilians were in the queue?

2 A. Let me say about 20 of us.

3 Q. The rebels that were standing on either side of the
4 civilians, what were they doing?

12:01:37 5 A. They had guns, some standing on the left and some standing
6 on the right and we were in the middle of them so that no one
7 amongst us could escape.

8 Q. Witness, when the 20 civilians were in the line were you
9 still in a state of undress?

12:02:07 10 A. Yes.

11 Q. Did anything happen after that?

12 A. Yes.

13 Q. What happened?

14 A. So from there they said they were about to start their
12:02:24 15 operations with us now.

16 Q. What happened after they said that?

17 A. Then they met me because I was the first person standing in
18 the queue.

19 Q. How many rebels approached you?

12:02:46 20 A. It was two of them.

21 Q. What did they do when they came up to you?

22 A. When they came up to me they said I should stretch out my
23 right hand for them to amputate it. I had to do it, they said
24 no.

12:03:16 25 THE INTERPRETER: Correction, interpreter: "I placed my
26 left hand, they said no".

27 MS ALAGENDRA:

28 Q. Who said no?

29 A. It was the rebels.

1 Q. And what were they saying to?

2 A. Because they said my left hand is not useful. They said my
3 right hand is more useful than the other so it should be my right
4 hand.

12:03:47 5 Q. What happened after that?

6 A. From there the other held my right hand and placed it on
7 the floor.

8 Q. Who held your right hand and placed it on the floor?

9 A. That was the other rebel.

12:04:14 10 Q. Then what happened after your right hand was placed on the
11 floor?

12 A. So he had to chopped off my hand on the ground.

13 Q. Witness, you've testified that there were two rebels by you
14 at this time. Could you clarify what each one of them was doing
15 to you at the time your hand was being chopped off?

12:04:41 16 A. The other held my hand and placed it on the ground and then
17 the other one chopped it.

18 Q. What happened then?

19 THE INTERPRETER: Correction, interpreter: Instead of
12:05:12 20 "chop" it's "hacked". Can the witness be made to go over his
21 answer?

22 PRESIDING JUDGE: Mr Witness, the interpreter asks if you
23 would repeat your answer, please.

24 MS ALAGENDRA:

12:05:32 25 Q. Can you repeat your answer, witness?

26 A. So the other man - the other man held my hand and placed it
27 on the ground then the other man holding on to the machetes
28 hacked my hand.

29 Q. What happened after he hacked your hand?

1 A. After he had hacked my hand the other one said now that
2 they are hacking off our hands on the ground --

3 Q. Please proceed, witness.

4 A. He said it is strenuous for him so they had to go and look
12:06:25 5 for a mortar.

6 Q. What is a mortar, witness?

7 A. The one that is being used for pounding rice.

8 Q. What happened when he said that?

9 A. They went and brought a mortar.

12:06:49 10 Q. What happened when they brought the mortar?

11 A. When they brought the mortar?

12 Q. Yes, what happened?

13 A. They told me I should place my hand on it.

14 Q. Who told you that?

12:07:15 15 A. The rebel.

16 Q. Did you place your hand on the mortar?

17 A. Yes, then the very man told me - held my hand and then
18 placed it on the mortar and then chopped it off altogether.

19 Q. Which hand did they place on the mortar and chop off?

12:07:43 20 A. The very right hand.

21 Q. Witness, was your hand severed?

22 A. Yes, sir.

23 Q. What kind of injuries did you suffer, witness, as a result
24 of this?

12:08:12 25 A. I did not get that one clearly.

26 Q. I was asking you what kind of injuries did you suffer as a
27 result of your hand being hacked by the rebels?

28 A. I can show you the hand.

29 MS ALAGENDRA: Your Honour, with your permission.

1 Q. Witness, please show the Court your hand?

2 PRESIDING JUDGE: If the witness is willing to.

3 THE WITNESS: Can I stand? This is the hand [indicated].

4 PRESIDING JUDGE: Thank you, Mr Witness. For the record

12:09:03 5 the witness has shown his right arm badly mutilated about four
6 inches from the wrist.

7 MS ALAGENDRA: Yes, your Honour.

8 JUDGE SEBUTINDE: Ms Alagenda, we notice that the hand was
9 not chopped off as the record shows. The arm is mutilated and

12:09:34 10 deformed, but the hand is still attached to the arm.

11 MS ALAGENDRA: Yes, your Honour:

12 Q. Witness, when you testified that your hand was severed what
13 did you mean?

14 A. Well, I didn't say it was chopped off completely but the
12:09:58 15 bone got broken.

16 Q. Witness, what happened after your hand was hacked?

17 A. After they had hacked my hand they told me to move at the
18 back of my friend.

19 Q. Where was your friend standing?

12:10:28 20 A. By then I was the first person, he was the number two
21 person in the queue.

22 Q. So what did you do, witness?

23 A. I moved at the back of my friend and I was sitting.

24 Q. What happened after that?

12:10:52 25 A. There he was also told to stretch out his arm for the hand
26 to be hacked and he was hacked here [indicated].

27 Q. Could you show that again, witness? He was hacked where?

28 A. Well, it is here he was hacked [indicated]

29 PRESIDING JUDGE: For the record the witness has

1 demonstrated the top of the palm about the level of the base of
2 the thumb. Again the right hand.

3 MS ALAGENDRA:

4 Q. What happened when they chopped his hand?

12:11:47 5 A. After they had hacked his hand they asked him to place the
6 other hand.

7 Q. Did he say anything to the rebels?

8 A. Yes.

9 Q. What did he say?

12:12:01 10 A. When he was asked to place the other hand he started
11 begging them that they should - they should do it for the sake of
12 God.

13 Q. Witness, could you repeat what he said to the rebels?

14 A. He begged them that they should - they shouldn't do it,
12:12:30 15 begging them that they should do it for the sake of God.

16 PRESIDING JUDGE: Mr Interpreter, they shouldn't do it or
17 they should do it? You've said both.

18 THE INTERPRETER: Shouldn't hack his hand.

19 PRESIDING JUDGE: Should not?

12:12:47 20 THE INTERPRETER: Yes.

21 MS ALAGENDRA:

22 Q. Did the rebels respond to him?

23 A. Yes, the rebels did say something to him.

24 Q. What did they say?

12:13:06 25 A. When he pleaded with them for the sake of God, but the
26 rebels said where they are standing, they are in control of
27 there, God is in control of up.

28 Q. What happened after they said that?

29 A. From there he was hacked on his back with a machete.

- 1 Q. Who hacked him?
- 2 A. It was the rebel.
- 3 Q. Did they do anything else to him after hacking his back?
- 4 A. Yes.
- 12:14:00 5 Q. What did they do?
- 6 A. Then he was asked to place the other hand.
- 7 Q. Did he place the other hand?
- 8 A. Yes.
- 9 Q. Could you describe what happened to him after that?
- 12:14:21 10 A. He placed the other hand on the mortar and it was hacked
- 11 like mine. That was the same way his own hand was hacked.
- 12 Q. What happened after your hand and your friend's hand were
- 13 hacked?
- 14 A. When they had hacked our hands then they told us they would
- 12:14:53 15 release us but they said they would give us a message.
- 16 Q. They would give you a message for who?
- 17 A. They told us we should go to our former president who is
- 18 Tejan Kabbah.
- 19 Q. Yes, please proceed, witness.
- 12:15:17 20 A. They said we should go to our president, he will give us
- 21 false hands and foot so that we can regain our hands and foot.
- 22 Q. What happened after they gave you that message?
- 23 A. After they had given us the message we were released. We
- 24 went to the bush to look for our families.
- 12:15:49 25 Q. How long did you stay in the bush?
- 26 A. The night we were released that we went to the bush to look
- 27 for our families, it was the other day we saw our families.
- 28 MS ALAGENDRA: Your Honours, can I ask whether the word
- 29 "the other day" is a Krio word which has not been interpreted.

1 JUDGE SEBUTINDE: Mr Interpreter, what do you mean by "the
2 other day"?

3 THE INTERPRETER: The next day.

4 MS ALAGENDRA:

12:16:33 5 Q. What happened when you saw your families the next day?

6 A. Our families took us from the bush and brought us to town.

7 Q. Which town did they bring you to?

8 A. Bomboafuidu.

9 Q. Was it the same town you were in the night before?

12:17:06 10 A. It was there they brought us again.

11 Q. When you returned back to Bomboafuidu what did you see?

12 A. I saw the hands that were chopped off lying on the ground.

13 Q. How many hands did you see lying on the ground?

14 A. I couldn't say because I did not focus my attention on that

12:17:43 15 to count the hands that were lying on the ground.

16 Q. What else did you see?

17 A. From there I went to my father's farm hut.

18 Q. Yes, and what did you see there?

19 A. There I saw the woman who they placed the mortar pestle on

12:18:13 20 his private.

21 Q. What else did you see, witness?

22 PRESIDING JUDGE: Just a moment, Ms Alagenda. When you
23 say "his private" who are you talking about? Mr Interpreter, did
24 you interpret that correctly?

12:18:29 25 THE INTERPRETER: Your Honours, the witness said private.

26 JUDGE SEBUTINDE: Did the witness say his private?

27 THE INTERPRETER: Her private.

28 PRESIDING JUDGE: Please be more accurate, Mr Interpreter.

29 MS ALAGENDRA:

1 Q. Witness, what else did you see?

2 A. Well, from there we saw some men who came, the rebels.

3 Q. Witness, before the rebels came you have said you went to
4 your village and you saw amputated hands lying on the ground.

12:19:08 5 Did you see those people whose hands had been amputated?

6 A. I saw some of them.

7 Q. How many did you see?

8 A. Well, let me say I saw some of my friends like Tejan Cole
9 and his brother and another friend Mohamed Touray and Alpha

12:19:37 10 Kargbo whose two ears were chopped off and the two hands
11 amputated.

12 MS ALAGENDRA: Your Honour, for the record Alpha Kargbo is
13 A-L-P-H-A K-A-R-G-B-O.

14 Q. Witness, are you able to recall how many civilians you met
12:20:03 15 whose hands had been amputated?

16 A. Roughly it could be five because some were in the bush with
17 their families and they were coming into the village where we
18 were.

19 Q. Did they tell you the circumstances under which their hands
12:20:32 20 were amputated?

21 A. I saw the way their hands were chopped off, those that met
22 us in the village at that time.

23 Q. Witness, at the time that you were in the line when your
24 hand was chopped off, were any of these five civilians in that
12:20:59 25 same line?

26 A. Yes.

27 Q. What happened after that, witness?

28 A. So from there when the rebels met us --

29 Q. Yes?

1 A. We were asked what we are waiting for in Bomboafuidu town.

2 Q. When you went back to your village were the rebels still
3 there?

12:21:45

4 A. There they met us again. We did not meet them there. They
5 met us there.

6 Q. Was it the same group of rebels or was it now a different
7 group?

12:22:07

8 A. I only saw the combat. I didn't know whether it was the
9 same group, but when they came they asked us what we were doing
10 in the village.

11 Q. Did they say or do anything else?

12 A. They told us if - if they come back the next time and meet
13 us in the village they will kill all of us.

14 Q. Did they do anything after that?

12:22:30

15 A. Yes.

16 Q. What did they do?

17 A. There when they told us that, we told them we had sent
18 somebody to ECOMOG for them to come and pick us from the village.

19 Q. What happened after that?

12:22:55

20 A. There they said all the hands that were - that they
21 amputated and that was lying on the floor, they are taking them
22 all and then they will prepare a culture.

23 Q. Witness, what do you mean by a culture?

12:23:27

24 A. I have a sample of it. Like this is what they call culture
25 [i ndicated].

26 MS ALAGENDRA: Your Honour, for the record the witness is
27 showing a beaded chain, necklace.

28 PRESIDING JUDGE: Thank you.

29 MS ALAGENDRA:

1 Q. What did they do after that?

2 A. They collected all the amputated arms and then they left
3 and left us behind.

4 Q. Witness, at this time where was your sister?

12:24:10 5 A. My sister too was around the very village.

6 Q. Did you see her that day when you returned back to
7 Bomboafui du?

8 A. Yes.

9 Q. Can you describe the condition in which you found her?

12:24:38 10 A. Yes.

11 Q. Please proceed, witness.

12 A. He was hacked on the one hand here. The other one --

13 PRESIDING JUDGE: Mr Interpreter, who is he? The witness
14 is describing a sister. Who is he?

12:24:59 15 THE INTERPRETER: Your Honours, can the witness repeat the
16 answer.

17 PRESIDING JUDGE: Mr Witness, could you repeat your answer,
18 please.

19 THE WITNESS: My sister's hand was hacked here [indicated].

12:25:18 20 The other one here was completely chopped off.

21 MS ALAGENDRA:

22 Q. Witness, what did you and the other civilians do after the
23 rebels left Bomboafui du that morning?

24 PRESIDING JUDGE: Ms Alagenda, did the witness demonstrate
12:25:44 25 something? My view is partially obscured by that screen.

26 MS ALAGENDRA: Yes, your Honour, if I can ask the witness
27 to demonstrate it again:

28 Q. Witness, you demonstrated that your sister's left hand was
29 cut in a particular place. Could you demonstrate it for the

1 Court again, please?

2 A. The one was hacked here [indicated]. The other one was
3 chopped off.

4 PRESIDING JUDGE: The witness has demonstrated the left
12:26:11 5 hand at the upper palm, about three inches from - two inches from
6 the wrist.

7 MS ALAGENDRA:

8 Q. Witness, what did you and the other civilians do after the
9 rebels left Bomboafuidu the next morning?

12:26:41 10 A. We were there until the end of the time.

11 Q. Until the end of which time?

12 A. The end of the day. It was night.

13 Q. And what did you do when night came?

14 A. Our families took us back to the bush to sleep.

12:27:16 15 Q. What happened after that?

16 A. So the next day we came back to the town.

17 Q. Please proceed, witness.

18 A. When we came to the town our families told us that we
19 should endeavour to go to Njaiama Sewafe where the ECOMOG had
12:27:57 20 their base.

21 Q. That night when you and the other civilians went back into
22 the bush how did you treat the injuries you had all suffered?

23 A. Well, the next day when we came back to town our families
24 talked to us and then we managed, we walk on our feet until we
12:28:18 25 went to Njaiama Sewafe where the ECOMOG were based.

26 PRESIDING JUDGE: Can we have a spelling of Njaiama Sewafe,
27 please.

28 MS ALAGENDRA: Njaiama is N-J-A-I-A-M-A and Sewafe is
29 S-E-W-A-F-E:

1 Q. Witness, before you went into the town to Njaiama Sewafe
2 did you and the other civilians who had been amputated get any
3 medical assistance for your injuries?

4 A. Well, that moment we didn't get any treatment.

12:29:08 5 Q. Did anything happen on the way to Njaiama Sewafe?

6 A. Yes.

7 Q. What happened?

8 A. Well, whilst we were on our way going two men amongst us
9 were unable to cope with the pain so they died on the way.

12:29:35 10 Q. Did you reach Njaiama Sewafe?

11 A. Yes, that same day we arrived at Njaiama Sewafe.

12 Q. What happened when you and the other civilians reached
13 Njaiama Sewafe?

14 A. Well, when we reached Njaiama Sewafe we met the ECOMOG
12:30:01 15 there and then they took us from there to Makeni.

16 Q. From Makeni did you go anywhere else?

17 A. Yes, from Makeni they took us from Makeni and took us to
18 Freetown, the Connaught Hospital.

19 Q. How many of you were taken to Connaught Hospital?

12:30:27 20 A. At that time we were now 18 in number.

21 Q. How long did you stay in Connaught Hospital?

22 A. Well, I spent two months there. From there I was
23 transferred to the Waterloo camp.

24 Q. When you arrived at Connaught Hospital what kind of
12:30:55 25 treatment did you get?

26 A. Well, when we got to Connaught Hospital I was treated so
27 that my hacked hand will heal.

28 Q. Witness, during the two months that you were in Connaught
29 Hospital did you see other civilians who had suffered injuries

1 similar to yours and the civilians from your village?

2 A. Yes. One of - I had a friend with whom I was in the same
3 ward. We were divided and we were living in wards with different
4 persons.

12:31:55 5 Q. Witness, in your ward in Connaught Hospital how many other
6 people were in there?

7 A. Well, actually we were many but I can give you a rough
8 estimate. We were about 50 in the ward.

9 Q. And these 50 people, what kind of - in what condition were
12:32:21 10 they when they were in your ward in Connaught Hospital?

11 A. Well, some of them - some people's hands were amputated and
12 some their feet.

13 Q. Could you give an estimate of the age range of these people
14 that were in the same ward?

12:32:56 15 A. For that one I cannot tell. I am unable to tell their
16 ages.

17 Q. And in your ward, witness, in Connaught Hospital was it a
18 male ward or was it a mixed ward where there were men and women?

19 A. Well, in the ward the men were in a different place and the
12:33:23 20 women also were in different place.

21 Q. But were there women in your ward?

22 A. No, there were no women in my ward.

23 Q. Witness, after the two months in Connaught Hospital where
24 did you go?

12:33:52 25 A. Well, they took me to Waterloo.

26 Q. Witness, your right hand which was hacked in the incident
27 that you've just described, are you able to use your hand?

28 A. Well, no, for now I am unable to use it. I cannot use it
29 to do any hard job.

1 Q. Can you use it to eat?

2 A. No, I cannot even use it to eat because it is turned over.

3 Q. Witness, your sister, is she able to use the hand that she
4 has?

12:34:48 5 A. Well, for the other one she never used to be able to use
6 it, but after some time we had people who used to massage the
7 other hand now. For now she is managing to use it a little.

8 MS ALAGENDRA: Thank you, witness. Your Honours, I have no
9 further questions.

12:35:10 10 PRESIDING JUDGE: Thank you, Ms Alagendra.

11 Cross-examination, Mr Munyard.

12 MR MUNYARD: We have no questions of this witness, Madam
13 President.

14 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Witness, we
12:35:22 15 thank you for your evidence and for coming to court today. Your
16 evidence is now finished and you are free to leave the Court. If
17 someone will assist the witness.

18 MR MUNYARD: Madam President, during the adjournment this
19 morning between 11.30 and midday I was told by my learned friends
12:36:21 20 prosecuting that the next witness that they propose to call who I
21 will be dealing with is a witness in relation to whom there were
22 special measures. Most of those special measures he no longer
23 requires, but some he does require which will in effect involve
24 us in using only certain forms of words. I'm not going to say
12:36:46 25 anything more at the moment about that, but it won't cause us any
26 difficulty. But I understand in particular from Mr Werner who is
27 going to be taking the witness through his evidence that there
28 may be other issues that the Prosecution want to raise before he
29 gives his evidence.

1 Looking at the time now we have less than an hour, just
2 under an hour. On Monday and almost certainly at least part of
3 Tuesday another witness has to be interposed. The witness who is
4 about to be called is going - on the papers at any rate is going
12:37:22 5 to probably take quite some time because he deals with a fairly
6 extensive account of events and over a period of years. I don't
7 know what the Court's approach to the interruption of a witness's
8 evidence is, but it seems to us on the Defence side that to have
9 less than an hour of a witness's testimony interrupted then by
12:37:48 10 the weekend plus quite likely two further days does call into
11 question the flow, the continuance of his evidence and it may be
12 that the Court would feel it more appropriate not to start that
13 witness now, bearing in mind we inevitably are going to have to
14 break his evidence by a minimum of three and quite possibly four
12:38:16 15 days.

16 I raise it simply so that the Court can think about it. I
17 think there may be some other preliminaries before we can get to
18 his evidence. That's why I'm raising it now.

19 PRESIDING JUDGE: Thank you for that, Mr Munyard.
12:38:27 20 Mr Werner?

21 MR WERNER: Good afternoon. On the second point it is
22 correct, it was agreed by the parties on 6 February that TF1-150
23 would testify on Monday 18 February which is this coming Monday
24 and that any witness testifying would be interrupted. Now we are
12:38:48 25 ready to proceed and we are in your hands.

26 There was one additional matter concerning this witness I
27 would like to raise. I was informed during the break by WVS that
28 this witness has not received his courtroom briefing and I can
29 just say that this is the normal procedure for any witness who

1 has testified before your Honours to have received a courtroom
2 briefing at that stage. That's what I can say.

3 PRESIDING JUDGE: Mr Munyard also said there were some
4 preliminary matters to do with --

12:39:30 5 MR WERNER: That's correct and I can address - would you
6 like me to address those now?

7 MR MUNYARD: I don't know if we have to be in closed
8 session.

9 MR WERNER: I can deal with that I think without going to
12:39:42 10 closed session. There are protective measures ordered for this
11 witness and we have copies for your Honours and indeed this
12 witness when he came to The Hague two weeks ago informed us that
13 he wishes to testify now in open session. So according to
14 article 75(G) of the Rules of Procedure and Evidence we would
12:40:04 15 apply to rescind these prior protective measures.

16 PRESIDING JUDGE: Mr Werner, exactly what - you did say you
17 had a copy of the protective measures. Let us have a look at
18 them, please.

19 We have noted the provisions of the oral order made
12:43:39 20 [redacted] in relation to this witness. We note that the witness
21 has sought to rescind those protective measures and in accordance
22 with Rule 75 those protective measures are rescinded subject to,
23 however, any application that may arise from time to time in
24 relation to matters that could arise.

12:44:01 25 We note that the Prosecution has said that they are ready
26 to proceed with this witness and we will therefore call the
27 witness.

28 MR WERNER: Your Honours, would it be possible just to take
29 some time to have the witness have his courtroom briefing in any

1 form?

2 PRESIDING JUDGE: How long do you require?

3 MR WERNER: It's the WVS. It's not up to us. I have no
4 idea.

12:45:00 5 PRESIDING JUDGE: I will reword it. How long does this
6 normally require?

7 MR WERNER: I do not know, your Honours.

8 MR MUNYARD: Your Honour, I was being deliberately opaque
9 when I addressed you earlier and it may well be that my opacity
12:45:26 10 was wasted in the light of the terms in which you announced your
11 decision just then and I'm sorry to continue to be so opaque but
12 I wonder - I don't know how it works in this Court. I wonder if
13 it's possible for my learned friend and I have to have a quick
14 word because of something that was said by your Honour that may
12:45:50 15 need to be redacted from the public transcript.

16 PRESIDING JUDGE: If it's felt necessary I will order that
17 particular right now.

18 MR MUNYARD: It may be necessary and that's why I rose.

19 PRESIDING JUDGE: Out of an abundance of caution I will
12:46:09 20 order that the name of a particular case be redacted from the
21 record.

22 MR MUNYARD: Thank you.

23 JUDGE LUSSICK: Mr Werner, the order that was just made and
24 just announced by the Presiding Judge was made on the basis that
12:47:14 25 we were under the impression that you were going to waive the
26 courtroom briefing when you said you were ready to proceed. Now
27 I gather that you're not ready to proceed without the courtroom
28 briefing and my question is is it necessary?

29 MR WERNER: Well, I mean, we consider that every witness

1 has a courtroom briefing and - sorry, I apologise if it's my
2 mistake and I was not clear enough. When I said we are ready to
3 proceed, meaning that we are ready to proceed with the witness
4 and said that - I just told your Honours about what I was told
12:47:50 5 and yes indeed we think that it will be appropriate for this
6 witness to receive this courtroom briefing and then after that we
7 are ready to proceed.

8 JUDGE LUSSICK: I understand. Thank you.

9 PRESIDING JUDGE: In the light of this and in the fact that
12:48:14 10 we really don't know how long it is going to take to have this
11 courtroom briefing and the very short time before the lunchtime
12 adjournment I think it would be appropriate to adjourn and deal
13 with TF1-150 on Monday morning. We will adjourn and resume court
14 on Monday at 9.30. Please adjourn the Court.

12:48:38 15 [Whereupon the hearing adjourned at 12.50 p.m.
16 to be reconvened on Monday, 18 February at
17 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-101	3933
EXAMINATION-IN-CHIEF BY MR BANGURA	3933
TF1-192	3958
EXAMINATION-IN-CHIEF BY MS ALAGENDRA	3958

EXHIBITS:

Exhibit P-73 admitted	3949
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