

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO.: SCSL- 04 – 15-T
TRIAL CHAMBER I

THE PROSECUTOR
OF COURT SPECIAL
v.
ISSA HASSAN SESAY
MORRIS KALLON
AUGUSTINE GBAO

WEDNESDAY, 28 JULY 2004
9.48 A.M.
CONTINUED TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Mr. Matteo Crippa
Ms. Candice Welsch

For the Registry:

Ms. Maureen Edmonds

For the Prosecution:

Ms. Lesley Taylor
Mr. Alieu Iscandari
Mr. Bobby Gboyor (Case Manager)

For the accused Issa Hassan Sesay:

Mr. Wayne Jordash
Ms. Sareta Ashraph

For the accused Morris Kallon:

Mr. Raymond Brown
Mr. Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr. Andreas O'Shea
Mr. John Cammegh

Court Reporters:

Mr. Momodou Jallow
Ms. Roni Kerekes
Ms. Susan G. Humphries.

I N D E X

WITNESS/ES

For the Prosecution:

WITNESS TF1-253

Examined by Mr. Alieu Iscandari 3

1 Wednesday, 28 July 2004
2 [The accused Sesay and Kallon entered court]
3 [The accused Gbao not present]
4 [Open Session]
5 [Upon commencing at 9.48.a.m.]

6 MS. EDMONDS:

7 All persons having anything to do before this Special Court Trial Chamber draw near and give your
8 attendance.

9 MR. PRESIDENT:

10 We are resuming -- we are opening the session and we would call on the -- we -- yes, Mr. Brown.

11 MR. BROWN:

12 Good morning, Your Honours.

13 MR. PRESIDENT:

14 I was just going to say that we noticed a lapse, you know, in the time when we had to start, and we
15 are a bit disturbed about this.

16 MR. BROWN:

17 I believe --

18 MR. PRESIDENT:

19 We thought we were gaining time by starting at 9.30, but we instead lost time.

20 MR. BROWN:

21 I believe that that will not recur. I believe it is a matter we attended to by talking to the accused and
22 security. I believe it was a misunderstanding that will not recur.

23 MR. PRESIDENT:

24 A understanding between --

25 MR. BROWN:

26 Between the accused and security.

27 MR. PRESIDENT:

28 And security. Okay.

29 MR. BROWN:

30 The sequence in the morning has been worked out and it's going and I believe we will resume the way
31 in which it has been going, and I don't think there would be any further delays, Your Honour. And I
32 cannot speak for all persons associated with the Court, but my observations, in the back, is that the
33 matter has been addressed.

34 MR. PRESIDENT:

35 Well, we will proceed.

36 MR. BROWN:

37 I did actually have another reason, Your Honour --

1 MR. PRESIDENT:

2 Okay. Mr. Brown you can go on.

3 MR. BROWN:

4 It's a brief application concerning witness 305, the last witness yesterday. 305 was the witness who
5 was actually on the stand when we recessed for yesterday, and my application --

6 MR. PRESIDENT:

7 TF1-305?

8 MR. BROWN:

9 TF1-305.

10 MR. PRESIDENT:

11 Mr. Brown, can this application not wait 'til Friday when we normally should take motions?

12 MR. BROWN:

13 You challenge my [inaudible] and to figure out an argument why it can't wait, but in fact, I could
14 certainly make this application on Friday. I would not mislead Your Honours, but I have a burning
15 desire to do it now, but that's not just possible. I will wait until Friday.

16 JUDGE THOMPSON:

17 Well, I can [overlapping microphone] what the learned Presiding Judge, because we are concerned
18 that most of the applications which we hope would come on Fridays are coming to use up -- consume
19 much of the time that we should be using taking evidence. If they can wait, then there would be no
20 prejudice. It would be better to keep the schedule of the Court in accordance with what we declared.

21 MR. BROWN:

22 I happily accept the Court's invitation to be heard on Friday, Your Honours.

23 MR. PRESIDENT:

24 All right. Okay, thank you.

25 MR. PRESIDENT:

26 Yes, Ms. Taylor.

27 MS. TAYLOR:

28 Thank you, Your Honour. The Prosecution will now call witness TF1-253 and that witness will be led
29 in his examination by my learned --

30 MR. PRESIDENT:

31 TF1 --

32 MS. TAYLOR:

33 253, and that witness will be led in his examination-in-chief by my learned friend Mr. Iscandari.

34 MR. PRESIDENT:

35 By MR. --

36 MS. TAYLOR:

37 Iscandari.

1 MR. PRESIDENT:

2 Mr. Alieu Iscandari.

3 MS. TAYLOR:

4 That is correct Your Honour, yes.

5 [The witness entered court]

6 MR. PRESIDENT:

7 Yes, Mr. Iscandari, You can go on, please.

8 MR. ISCANDARI:

9 Good morning, Your Honours. May it please the Court, I am Mr. Alieu Iscandari on behalf of the
10 Office of the Prosecutor.

11 [WITNESS TF1-253 sworn]

12 [The witness answered through interpretation]

13 EXAMINED BY MR. ISCANDARI:

14 MR. ISCANDARI:

15 Q. Good morning, sir, Mr. Witness?

16 A. Good morning, how do you do?

17 JUDGE BOUTET:

18 Just for the record, the witness --

19 MR. PRESIDENT:

20 What language is --

21 THE INTERPRETER:

22 Temne. It is Temne, Your Honour. He is testifying in Temne, Your Honour.

23 MR. PRESIDENT:

24 You can proceed.

25 MR. ISCANDARI:

26 Thank you very much, Your Honour.

27 Q. Sir, where were you born?

28 THE INTERPRETER:

29 Would you please repeat the question?

30 MR. ISCANDARI:

31 Q. Where were you born?

32 A. I was born in Port Loko, Mafoki Chiefdom.

33 Q. Were you born in a particular village?

34 A. I was born in a particular town in Port Loko.

35 Q. Does that town have a name?

36 A. Yes, it has a name.

37 Q. Would you tell this Court the name of that town please?

1 A. Well, yes I will tell this Court the name of that town.

2 Q. Can you please tell this Court?

3 JUDGE BOUTET:

4 Mr. Prosecutor, it may be -- I see some hesitation, maybe the questions you are asking -- this witness
5 is under some protective measures, it may be part of his hesitation to tell you what the village is or is it
6 -- so, I don't know how small the village is and whether or not that may have an impact on the way he
7 is giving evidence this morning. He seemed to be concerned about these kinds of questions.

8 MR. ISCANDARI:

9 Thank you very much, Your Honour.

10 Q. Mr. Witness.

11 A. Yes.

12 Q. Is it quite okay to tell this Court the name of the village you were born in?

13 A. Well, I don't hesitate to give the name of the village in which I was born, but I am afraid of my security.

14 JUDGE BOUTET:

15 Mr. Witness, you are giving evidence behind the protective screen. Nobody other than us here can
16 see, and if questions are asked that could reveal your identity, we would make sure that does not
17 happen. If it does happen, we will try to intervene to protect you. So we are trying to do the utmost to
18 protect you so you could feel confident at this moment that you can testify and you will be protected.

19 THE WITNESS:

20 Okay, no problem. I will talk.

21 MR. ISCANDARI:

22 Q. Please tell this Court the name of the village where you were born?

23 A. At Muharma, Mafoki Chiefdom, Port Loko District.

24 Q. Do you know what month you were born?

25 A. No, I don't know the month in which I was born.

26 Q. Do you know what year you were born?

27 A. Yes, I know the year.

28 Q. Could you tell this Court what year you were born?

29 A. I was born in 1971.

30 Q. How old are you now, sir?

31 A. I am 33 years old

32 Q. Have you ever attended any formal school?

33 A. Yes, but I'm not that educated.

34 Q. What is the highest grade you attended, sir?

35 A. I stopped in class 2 and I was sent to do some farming.

36 Q. Can you read English?

37 A. No, I cannot.

-
- 1 Q. Can you write English?
- 2 A. No, I cannot.
- 3 Q. Can you speak English?
- 4 A. No, I cannot.
- 5 Q. Do you understand if the English language is spoken to you?
- 6 A. No, I cannot understand that's why I'm speaking my own language.
- 7 Q. And what language do you speak?
- 8 A. I am a Temne.
- 9 Q. Do you speak any other languages other than Temne?
- 10 A. This is the only language that I can speak.
- 11 Q. Can you count in Temne?
- 12 A. Yes, I can. That's my job.
- 13 Q. Are you married?
- 14 A. Yes, I am.
- 15 Q. How long have you been married?
- 16 A. Nine years.
- 17 Q. Do you have children?
- 18 A. I have six children.
- 19 Q. Without giving me the names of your children, can you tell this Court what their ages are?
- 20 A. Yes I can.
- 21 Q. Please, go ahead?
- 22 A. The two are nine years old.
- 23 Q. And the other four?
- 24 A. The other is four years old.
- 25 Q. And the other one?
- 26 A. The other is three years old.
- 27 Q. And the other one?
- 28 A. The other one is two years and some months.
- 29 Q. And there is one more; isn't there?
- 30 A. Still suckling, the other one is still nine months.
- 31 Q. How many of your children are male?
- 32 A. They are two.
- 33 MR. CAMMEGH:
- 34 Forgive me for interrupting, Your Honour, but there is no dispute of these facts [overlapping
- 35 microphones] my learned friend would like to leave these family matters and anything else that
- 36 appears to be introductory by nature.
- 37

1 MR. PRESIDENT:

2 We never know. Maybe he has a purpose, I don't know. Mr. Cammegh, he may have a purpose. We
3 don't want to anticipate him. I don't know.

4 MR. CAMMEGH:

5 I'm simply suggesting he leaves these matters because they are not in dispute.

6 JUDGE BOUTET:

7 Mr. Prosecutor, move ahead and leave these matters.

8 MR. ISCANDARI:

9 Thank you, your Honour.

10 Q. What is your occupation, sir?

11 A. I am a farmer and a trader.

12 Q. How long have you been a farmer?

13 A. Since I was born that was the job that I have been doing.

14 Q. How long have you been a trader?

15 A. If it were not for the war, I would have said it is 15 years since I started trading.

16 Q. And what do you sell?

17 A. I sell cigarettes, diamint, lollipops, and other assorted articles.

18 Q. Were you living in the village of your birth, Manarma, back in April of 1999?

19 A. Yes, that is the only place that I know. I have never gone anywhere else.

20 Q. Do you recall anything happening in your village in April of 1999?

21 A. Yes.

22 Q. Would you tell this Court what happened in your village in April 1999, sir?

23 A. Yes. God willing, I will tell the Court.

24 Q. Please tell the Court.

25 A. Well, *Salalahu Muhammed*, peace be on to you. We lived in Nkharma during this war and they took
26 soldiers and Gbethis to this village

27 Q. And for how long were the soldiers and Gbethis in your village, sir?

28 A. Well, they spent two months there.

29 Q. Sir, you used the word "Gbethis." Could you tell the Court what the word "Gbethis" is?

30 A. Yes.

31 Q. Okay, who is a Gbethi?

32 A. Well, he is a fighter; he has a gun.

33 Q. How would you differentiate a Gbethi from a soldier?

34 A. The soldiers have uniform. The Gbethis haven't got any uniform; they have caps and amulets.

35 Q. So, what happened next, sir?

36 A. When these Gbethis came into town-- in fact, all the other people around our village came into our
37 town because they thought that this was security living with the Gbethis and the soldiers.

- 1 Q. Please, go ahead.
- 2 A. Friday in the morning –
- 3 Q. And what month was it?
- 4 A. It was during April.
- 5 Q. So it was Friday in April; is that correct, sir?
- 6 A. Yes.
- 7 Q. And do you recall what the year was?
- 8 A. Well, because I'm a Temne – well, it was during 1999. You see, I find it very difficult because I'm a
9 Temne, but I think it was during 1999.
- 10 Q. So what happened on this Friday in April 1999?
- 11 A. So Friday early in the morning, we saw four people; they came from a village that was called Taron.
- 12 Q. How did they come from the village of Taron?
- 13 A. They passed several villages and they came panting; they were afraid.
- 14 Q. Did you say they were afraid?
- 15 A. Yes.
- 16 Q. Now, did you know why they were afraid?
- 17 A. Well, they came running. They said -- in fact, they were almost in tears when they were talking.
- 18 Q. And did you observe that, sir?
- 19 A. Yes, they met me. I was standing amongst the soldiers.
- 20 Q. And did you see them cry?
- 21 A. Yes, and of course, when you see a man with tears, that tells you that he is crying.
- 22 Q. So what happened next, sir?
- 23 A. They explain to us the reason for which they came.
- 24 Q. And what was the reason?
- 25 A. They said they came to plead with the soldiers in order to accompany them because the soldiers (sic)
26 had almost massacred all their people at Taron.
- 27 Q. Did they tell you who had massacred all their people at Taron?
- 28 A. Yes.
- 29 Q. Who did they tell you had massacred all their people at Taron?
- 30 A. They said it was the rebels.
- 31 Q. Sir, could you tell me -- give this Court a rough estimate of how far the village of Taron is from your
32 village?
- 33 A. Well, since we are Temnes, we will take roughly to be something like five miles.
- 34 Q. So tell us, from the point where these villagers had come running, and had told the soldiers and the
35 Gbethis that their village had been overrun and a lot of people had been killed by the rebels, what did
36 the soldiers and the Gbethis do next?
- 37 A. The soldiers and the Gbethis accepted to go and help them.

- 1 Q. Do you recall what time of the day this was, sir?
- 2 A. It was on Friday morning that they informed us about this.
- 3 Q. Was it before the sun came up?
- 4 A. Early in the morning.
- 5 Q. Other than those four people that you saw come running towards the village of Manarma, did you
6 observe anyone else come running towards the village of Manarma?
- 7 A. Say it again.
- 8 Q. Other than the four people that you saw come running towards the village of Manarma, did you
9 observe anyone else coming towards the village of Manarma.
- 10 A. It was only those four people that met us during that time in the morning, and they told us that the
11 others have fled into the bush, seeking refuge.
- 12 Q. So what happened next, sir?
- 13 A. And the soldiers selected some of us that were to dig graves for the people that were massacred.
- 14 Q. So did you -- were you one of those people that were selected?
- 15 A. Yes, I was one amongst those people that were selected.
- 16 Q. And what happen next?
- 17 A. They gave me a shovel and they gave shovels to my other colleagues, shovels and pickaxes so as to
18 go and dig graves for these people that were killed. We were on the way going. The soldiers and the
19 Gbethis were in the forefront. We were left behind. We went not that far. We did not even arrive in
20 the other town. Right at the middle of the journey, we heard a gunshot. A little later there were a lot
21 of gunshots, and ther e the Gbethis told us that we were to retreat because they had meet the rebels.
- 22 Q. After you were told by the Gbethis to retreat, what did you do?
- 23 A. We returned, running.
- 24 Q. Were you running fast?
- 25 A. We ran.
- 26 Q. Tell the Court how you felt running back to your village, please?
- 27 A. We ran because we were afraid. It was terrible -- the incident was terrible so we ran away.
- 28 Q. And when you ran, where did you run to?
- 29 A. We went back to Manarma.
- 30 Q. Did you stay at Manarma when you went back there?
- 31 A. When we arrived at Manarma, we left some of the Gbethis shooting, trying to defend themselves from
32 those people that attacked them.
- 33 Q. And what happened next?
- 34 A. When I arrived, I took my wife and my children and went to the next village.
- 35 Q. How many children did you travel with?
- 36 A. One child and his mother and we went to the next village where my mother and my other wife were
37 residing.

1 Q. And what is the name of that village?

2 A. It's Rokonta.

3 Q. How far is Rokonta from Manarma?

4 A. It's one mile and a half.

5 Q. And did you walk to Konta?

6 MR. PRESIDENT:

7 Is it Konta or Lokonta.

8 MR. ISCANDARI:

9 Konta.

10 THE INTERPRETER:

11 Rokonta. This is the way the Temnes call it "RoKonta." "Ro" there is prefix showing two.

12 JUDGE THOMPSON:

13 So what do you recommend to us?

14 THE INTERPRETER:

15 Rokonta. R-O-K-O-N-T-A.

16 JUDGE THOMPSON:

17 Thank you.

18 THE INTERPRETER:

19 Welcome.

20 MR. ISCANDARI:

21 Q. Did you walk to Konta?

22 A. Yes. I ran, I ran with a terrible speed.

23 Q. And why were you running with such terrible speed?

24 A. We were running away from the rebels.

25 Q. Were you afraid?

26 A. Yes, I was afraid, that was why I was running with my wife and child.

27 Q. So when you got to the village of Konta, what did you do?

28 A. I met my mother and my other wife.

29 Q. Did you have a child at the other village?

30 A. Yes.

31 Q. And what, if anything, did you tell your mother, your other wife and your child when you got to Konta?

32 A. I told them that we were to run away because the rebels had come into Manarma where we were
33 living.

34 Q. And did you tell them in what direction they should run?

35 A. Yes. We had another Temne road that -- this was the one that I recommended for them to go through
36 because it was safer.

37 Q. Were they going to a particular destination that you had recommended?

- 1 A. Yes.
- 2 Q. And do you recall the name of that destination that you had recommended?
- 3 A. Yes.
- 4 Q. And what is the name of that destination you had recommended?
- 5 A. Rolonke.
- 6 Q. And how far is Rolonke from the village of Rokonta?
- 7 A. Well, it's quite a considerable distance.
- 8 Q. Would you give this Court an estimate of how far away it was?
- 9 A. Yes. It would be something like -- it would be something like five and half miles.
- 10 Q. At what time of the day did you arrive at the village of Rokonta, if you recall?
- 11 A. Early in the morning. When we left Maharma, we went there early in the morning; directly to Konta.
- 12 Q. Was the sun up at that time?
- 13 A. Yes, it was little bit up.
- 14 Q. And after your mother, your two wives and your children left, what did you do next?
- 15 A. I stayed behind to prepare so as to take a few things with me when I would be ready to go.
- 16 Q. And what did you prepare to take with you when you were ready to go?
- 17 A. The things that I sell, the articles I have for sale, I and my brothers.
- 18 Q. How many of your brothers?
- 19 A. They were two.
- 20 Q. And what did you -- what articles did you take with you, if any?
- 21 A. I took cigarettes, Diamint, lollipop; all the things that I used to sell. These were the things that I took
- 22 along.
- 23 Q. Did you take your whole stock of cigarette s?
- 24 A. Yes, everything because we were free, so I tied most of the articles in a plastic bag.
- 25 Q. And that was all you had?
- 26 A. Yes. I had some money that I got from the sales of some of the articles.
- 27 Q. How much did you have in your possession?
- 28 A. I had 140 -- 150, 000 Leones.
- 29 Q. Was all that you had?
- 30 A. That was the one I knew, but I had some cash and other money but that I cannot tell now.
- 31 Q. So after you picked up your cigarettes and the other things that you sell, what did you do next?
- 32 A. We went to Makambisa.
- 33 Q. And how far away is Makambisa from where you had come from, Rokonta?
- 34 A. It is about a mile and quarter.
- 35 Q. Were you running towards Makambisa?
- 36 A. At that time we did not run because we wanted to go to Rubake.
- 37 Q. When you say Rubake, is there another name for that town that you call Rubake?

- 1 A. Yes.
- 2 Q. What is the English name for that town; do you know it?
- 3 A. They call it Port Loko.
- 4 Q. So it was your intention, wasn't it, to go from Rokonta to Port Loko through Makambisa; is that
- 5 correct?
- 6 A. Yes, that is the road that we passed to go to Rubake.
- 7 Q. So what happened while you were on your journey from Rokonta to Rubake through Makambisa?
- 8 A. When we arrived at the outskirts of the town --
- 9 Q. What happened when you arrived there?
- 10 A. When you ask me to talk, I would do so.
- 11 Q. Okay, sir, please tell us what happened when you got to the outskirts of the town of Makambisa?
- 12 A. So I saw some people coming in front of us.
- 13 Q. Were these people armed?
- 14 A. Yes, they had guns.
- 15 Q. When you say in front of us, would it be fair to say that you were still in the company of your two
- 16 brothers?
- 17 A. Yes, I was with them and I was in front of them; I was with my brothers.
- 18 Q. And how did you react when you saw these people coming in front of you with guns?
- 19 A. We were afraid.
- 20 Q. Why were you afraid?
- 21 A. Because we saw the guns and we did not know the people who held them.
- 22 Q. Did they speak to you?
- 23 A. They only pointed guns at us and told us to stand.
- 24 Q. What did you do?
- 25 A. We wanted to turn and run away.
- 26 Q. Did you do that?
- 27 A. As soon as we turned, we saw the others who pointed guns at us again.
- 28 Q. And what did you do next?
- 29 A. We did not have anything to do so we stood.
- 30 Q. Did you say anything to them?
- 31 A. At that time -- we did not have anything to say at that moment.
- 32 Q. These people that you met on the outskirts of Makambisa, could you describe the kind of clothes they
- 33 had?
- 34 A. Well, some of them tied cloths on their heads', other wore *polos*, civilian *polos*. Some of them put on
- 35 shirts, combat shirts.
- 36 Q. Is there anything else about the way they appeared that you could tell this court?
- 37 A. Yes.

- 1 Q. Please, do so?
- 2 A. When they had held me and my brothers, they took all the cigarettes that I had on the road.
- 3 Q. Did you give them permission to take the cigarettes from you?
- 4 A. I did not permit them to do so.
- 5 Q. So the cigarettes were taken without your consent; is that correct?
- 6 A. Yes. In fact, they snatched it from me.
- 7 Q. Did they take anything else in a similar manner from you without your consent?
- 8 A. Yes, my money. I had a bag that I tied on my heap. They took it.
- 9 Q. Was it taken away from you in a friendly manner?
- 10 A. No, he snatched it.
- 11 Q. And how did you feel when your money and your goods were snatched from you?
- 12 A. I did not – I was not happy; I felt uneasy. I felt bad.
- 13 Q. Did you complain?
- 14 A. At that time there was nobody to complain to.
- 15 Q. So what happened next after your money and your goods had been taken from you?
- 16 A. They took us where they were sitting.
- 17 Q. And when they took you where they were sitting, were you standing?
- 18 A. The children stood up.
- 19 Q. So what happened after that?
- 20 A. He asked me.
- 21 Q. What did he ask you?
- 22 A. He asked me if I knew them.
- 23 MR. PRESIDENT:
- 24 Who asked him? Who asked him? Ask him.
- 25 MR. ISCANDARI:
- 26 Q. Who asked you if you knew them?
- 27 A. Those who held me and my brothers.
- 28 Q. And when they asked you if you knew them, what was your response?
- 29 A. I said that, "I did not know you."
- 30 Q. And did they tell you who they were?
- 31 A. Yes.
- 32 Q. Who did they tell you they were?
- 33 A. They said they were rebels. They said: "We are the rebels."
- 34 Q. Did they tell you who their leader was?
- 35 A. Yes.
- 36 Q. Who did they tell you was their leader?
- 37 A. They said Superman.

1 Q. Did you at that time know who Superman was?

2 A. At the time they call his name, I did not know him.

3 Q. After they had informed you that they were rebels and that they were Superman's boys, what
4 happened next?

5 A. They tied me up.

6 Q. How did they tie you up, sir?

7 A. They passed my hands behind my back.

8 MR. ISCANDARI:

9 I would like the record to reflect that the witness has put his hands behind his back indicating the
10 manner in which he was tied.

11 Q. Please, go ahead, sir.

12 MR. PRESIDENT:

13 The evidence itself reflects it.

14 MR. ISCANDARI:

15 Q. Please, go ahead sir.

16 A. So that I show how I was tied?

17 Q. Yes. You don't have to get up. Were you tied at the --

18 A. This is how I was tied.

19 Q. Were you tied at the elbow or at the wrist?

20 MR. PRESIDENT:

21 How were you tied?

22 THE WITNESS:

23 The wrist, at the wrist and the elbow.

24 MR. ISCANDARI:

25 Q. Are those the only two places you were tied, sir?

26 A. They also tied my feet at the knees.

27 Q. Where you standing after you had been tied?

28 A. I laid down with the shoulder on the ground.

29 Q. How did you come to lay down on the ground? Did you voluntarily do that or were you pushed to the
30 ground?

31 A. I fell down.

32 Q. And what happened after you fell down, sir?

33 A. They asked me -- they asked my younger brother --

34 Q. They asked you what?

35 A. They ask my younger brothers --

36 Q. When you say "they," are you still talking about the people who had captured you and tied you?

37

[Pages 1 to 13 by Momodou Jallow]

1 [10.42 a.m.]

2 A. Those who tied me, it is they I'm talking about.

3 Q. So what did they ask you, sir?

4 A. They asked 'cause if we want peace.

5 Q. Who did they ask first, you or your brothers?

6 A. It was I that -- I was first asked.

7 Q. And what was your response?

8 A. I told them that I was a busines sman.

9 Q. And what happened next, sir?

10 A. They asked my younger brother.

11 Q. And what happened, sir?

12 A. The child was stammering

13 Q. And what happened next, sir?

14 A. He said he was to be killed because he was a Gbethi.

15 Q. And what happened?

16 A. They shot at him.

17 Q. And is this something you observed?

18 A. I was lying down and I saw all that happened.

19 Q. How far away were you from where your brother was shot?

20 MR. ISCANDARI:

21 Your Honours, for demonstrative purposes I would like to stand in front of this witness and have him
22 estimate a distance between me and him in order to show the Court how far away he was at the time
23 he saw his brother shot, if that's okay with the Court.

24 MR. PRESIDENT:

25 Let him try and estimate the distance if the estimate is relevant to you. Let him from there estimate
26 the distance. You don't need to move.

27 MR. ISCANDARI:

28 Q. Would you please tell the Court how far away you were when you saw your brother, the one who was
29 stuttering, shot?

30 A. Well, it was from here to that table where those people are sitting, where the computers are.

31 MR. PRESIDENT:

32 What distance do you give that?

33 MR. ISCANDARI:

34 May the record reflect that the witness has given a distance --

35 MR. PRESIDENT:

36 The record will reflect. As you are talking, the record is reflecting you.

37

1 MR. ISCANDARI:

2 That the witness has given an distance estimated about 12 feet.

3 JUDGE BOUTET:

4 I thought it was more than that. I would say 20 feet, more than 12.

5 MR. ISCANDARI:

6 From the table where the witness is sitting. Fair enough, I will take whatever Your Honour says.

7 Q. And when you were watching the events as they unfolded was there anything between you and your
8 brother that might have impeded your view of what happened?

9 A. There was nothing that impeded my view. I saw everything. I saw them doing the work.

10 Q. After your younger brother had been shot, what happened next?

11 A. The other one that was remaining?

12 Q. Yes.

13 A. They also shot at him.

14 Q. And did you see him get shot?

15 A. Yes, because it was too close. I saw everything.

16 Q. Did you see the person that shot him?

17 A. Yes.

18 Q. Where was the person that shot him standing in relation to him just immediately before he was shot?

19 A. It was too close. My brother was standing just by the path, too close, when they shot at him.

20 Q. Do you know what part of his body the bullet entered?

21 A. Well, it was on the side.

22 Q. Did he fall down after he was shot?

23 A. Yes, he fell down.

24 Q. Did you observe any movement from him after he fell down?

25 A. When he fell down, he started shaking. He started shaking his fingers.

26 Q. Any other part of his body shaking?

27 MR. CAMMEGH:

28 Your Honour, I'm sorry. I wonder what the relevance is? We all accept the man was shot,
29 unfortunately. We don't need to know if he was shot --

30 JUDGE THOMPSON:

31 Is that an objection?

32 MR. CAMMEGH:

33 It is really.

34 JUDGE THOMPSON:

35 Overruled.

36 MR. CAMMEGH:

37 Very well.

1 MR. ISCANDARI:

2 Q. Did you observe any other parts of your brother, who had just been shot, shaking?

3 A. Yes, the feet were shaking.

4 Q. Did you observe anything happen to your brother at this time?

5 A. When he fell down, I also know right now what happened to him or what they did to him.

6 Q. What did they do to him?

7 A. They chopped off the feet.

8 Q. Did they chop off one foot or both legs?

9 A. They chopped off both of the legs.

10 Q. Did you have any reason to believe that he was dead at the time that his legs were cut off?

11 A. Well, I did not see him shaking.

12 Q. Then what happened after that, sir?

13 A. While I was laying down, one of them came and struck me on my head.

14 Q. And as a result of your having been struck on your head, did you suffer any injuries?

15 A. Of course, I was wounded. In fact, I have the scars, the blemishes on my head.

16 Q. How many scars do you have on your head that reflect the injury you received that time?

17 A. They are on the head, two of them.

18 JUDGE BOUTET:

19 Witness, take your time, please, take your time.

20 MR. ISCANDARI:

21 Q. And then what happened after that, sir?

22 A. That one of them came and they pressed on my body the cinders of the hemp that they had been
23 smoking.

24 Q. On what part of your body did this person put out the marijuana cigarette that he had been smoking?

25 JUDGE THOMPSON:

26 Did he say that? Cinders? [Overlapping microphones]

27 MR. ISCANDARI:

28 He said the hemp.

29 JUDGE THOMPSON:

30 Oh, I see. Well, why not keep to that language.

31 MR. ISCANDARI:

32 Q. What was the name of that stuff that this man was smoking? What do you call it?

33 A. We, the Temnes, call it kthi.

34 Q. You observed one of your captors smoking kthi; is that correct?

35 A. Yes.

36 Q. And what did that person do with the kthi that he was smoking?

37 A. After smoking it for some time, at the middle he took it and put it off on my leg because by then I had

- 1 no trousers on.
- 2 Q. You didn't have no trousers on; is that your testimony?
- 3 A. They left me with only my underpants.
- 4 Q. Was that the way you came from Rokontha with just your underpants?
- 5 A. No, it was not like that, because I had three trousers on at that time.
- 6 Q. So what happened to your trousers?
- 7 A. They took all -- all my trousers on the way.
- 8 Q. Did they take your trousers after you had been captured at Makambisa?
- 9 A. In fact, they took the trousers and everything that I had, including slippers.
- 10 Q. And you were left with just your underwear?
- 11 A. That was the only thing that they left me with, my underpants.
- 12 Q. So when this captor, put out this cigarette of kthi that he was smoking on your leg, please tell the
13 Court the degree of pain that you felt, if any.
- 14 A. I had a sore on each -- in fact, the scar is right there.
- 15 Q. Did you scream?
- 16 A. Yes. I cried during the time, but you're not allowed to cry that loud.
- 17 Q. What happened after the cigarette had been put out on you, sir?
- 18 A. Then I had a wound.
- 19 Q. And what happened after that?
- 20 A. I have the scar.
- 21 Q. Okay. What happened after that? Did you observe anything from the point at which you were laying
22 down?
- 23 A. Yes.
- 24 Q. Please tell this Court what you observed.
- 25 A. I saw my stepmother being captured with her own children.
- 26 Q. Your stepmother being captured with her own children. How many children?
- 27 A. Two children.
- 28 Q. How old were they?
- 29 A. The one is 16 years old.
- 30 Q. And how old was the other one?
- 31 A. The other one was 13 years old.
- 32 Q. And did she have a baby on her back?
- 33 A. No.
- 34 Q. And what happened when you saw your stepmother with her two children being led in by the captors?
- 35 A. The one that was 16 years old, they brought him. When he saw my younger brother lying dead, he
36 held his mouth.
- 37 Q. Could you show this Court how he held his mouth?

1 A. He held it like that.

2 MR. PRESIDENT:

3 Counsel, please proceed expeditiously and avoid unnecessary details, please.

4 MR. ISCANDARI:

5 Thank you, Your Honour.

6 Q. What happened after that?

7 A. One rebel took a machete and they chopped this particular child I'm talking about on the head.

8 Q. The person that took the machete and struck him on the head, where was this person standing in
9 relation to your brother?

10 MR. ISCANDARI:

11 Your Honour, may I ask that the Court take a break? My witness is a little bit upset.

12 MR. PRESIDENT:

13 Yes, we've noticed that. I don't know if there's somebody of the social services who is -- we would
14 rise for about some ten minutes so as to allow the social services to attend to the witness who has
15 broken down and is sobbing. The Court will rise, please.

16 MS. EDMONDS:

17 All rise, please.

18 [Break taken at 10.58 a.m.]

19 [On resuming at 11.15 a.m.]

20 MR. PRESIDENT :

21 Q. Witness are you all right?

22 A. Well, I'm all right.

23 MR. PRESIDENT :

24 Q. You're feeling fine?

25 A. Yes.

26 MR. PRESIDENT :

27 Q. We can go on? Just answer the questions. Have the courage, answer the questions and just go on.

28 A. Yes. It is painful.

29 MR. PRESIDENT:

30 Please, Mr. Iscandari, you can go on.

31 MR. ISCANDARI:

32 Thank you very much, Your Honour.

33 Q. Sir, when we left off you were -- you had just testified about a 16 year old who had been hit about with
34 a machete, are you related to that person?

35 A. Yes.

36 Q. What is your relationship with that person?

37 A. We have the same father.

- 1 Q. Are you -- so would it be fair to say that it's your stepbrother?
- 2 A. Would you please repeat the question? He is my younger brother. The first one that they killed is a
3 stepbrother.
- 4 Q. Now, after he was struck with a machete, what happened to him?
- 5 A. He raised up his hands and said, "Oh, my brother, they are killing me."
- 6 Q. What did you do, if anything?
- 7 A. I had nothing to do because I was powerless. I was tied.
- 8 Q. And after he said to you, "Hey, brother, they're killing me." What happened to him next?
- 9 A. They shot at him.
- 10 Q. After they shot at him, did he die?
- 11 A. He fell down.
- 12 Q. And after he fell down, did you observe any movement from him?
- 13 A. Yes, he was shaking because life was oozing out of him.
- 14 Q. How did you feel, Mr. Witness, seeing your brother who had just been shot shaking because life was
15 oozing out of him?
- 16 A. It was very painful. In fact, the pain went right into my bones because by then I had no power, I had
17 nothing to do.
- 18 Q. What happened next, sir?
- 19 A. They told me that they were going to take my stepmother and that they were taking her somewhere in
20 order to have sex with her.
- 21 Q. And is this something you heard?
- 22 A. I heard them because it was just a few yards from where I lay.
- 23 Q. You had testified earlier that your stepmother came with two people, one who was 16 years old and
24 another one much younger; is that correct?
- 25 A. Yes. True.
- 26 Q. And was that a boy or a girl?
- 27 A. Both of them were boys.
- 28 Q. And after you had been -- it had been made known that your stepmother was going to be-- they were
29 going to have sex with your stepmother, what happened to the younger boy?
- 30 A. Well, as regards the one that was 16 years old, they had already killed him.
- 31 Q. What happened to the other one?
- 32 A. The other one, I explained to them that he was brought up in Freetown, and they started asking
33 questions where he was in Freetown.
- 34 Q. Did anything else happen to him?
- 35 A. They did not tie him. They asked him to sit and they were going to take him along where they wanted
36 to go.
- 37 Q. About how old was this boy?

- 1 A. He was 13 years old.
- 2 Q. And then your stepmother was taken somewhere, wasn't she?
- 3 A. Yes.
- 4 Q. Where was she taken in relation to where you were laying down?
- 5 A. They took her behind the house.
- 6 Q. What happened next?
- 7 A. When they took her there, during that day I wasn't able to see her.
- 8 Q. Did something else happen after that?
- 9 A. Well, it was only the other day that I saw her lying down dead.
- 10 Q. Okay. But I want you to take this Court to the point after she had been taken around the corner
- 11 behind the hut and you couldn't see her no more. What happened next, that you could see?
- 12 A. Well, I saw again one of my colleagues who used to supply me with cigarettes in cartons. He was
- 13 born around the area. His name as Saffa.
- 14 Q. And what happened to Saffa, if anything?
- 15 A. He was also frogmarched.
- 16 Q. Did anything else happen to him?
- 17 A. They came and they threw him to the ground where the other children were killed, and there they shot
- 18 at him again.
- 19 Q. Do you have any personal knowledge of whether he had died after he had been shot that time?
- 20 A. He died when they shot at him. He died. He died because we buried him.
- 21 Q. After Saffa had been shot and killed, what happened next that you observed?
- 22 A. Then again I saw them bringing my sister, my younger sister. We were of the same father.
- 23 Q. Did you observe anything peculiar about your sister?
- 24 A. They split her mouth right up to the jaw.
- 25 Q. Is it your testimony -- strike that. When you say they split her mouth right up to the jaw, what exactly
- 26 do you mean?
- 27 A. They wounded her, they wounded her mercilessly. In Temne when you say that somebody's mouth is
- 28 split right up to the jaw, that means badly split, wounded.
- 29 Q. Was she able to speak to you?
- 30 A. She couldn't speak to me.
- 31 Q. Did you observe her demeanour?
- 32 A. Well, yes. Yes, yes, I was able to identify her because we were of the same father.
- 33 MR. PRESIDENT:
- 34 You said "demeanour." Please bring down that word a bit, because your question has not been
- 35 answered.
- 36 MR. ISCANDARI:
- 37 That's correct, Your Honour. I will rephrase the question. I appreciate the Court's input in that.

1 Q. How did she look?

2 A. They split her mouth right up to the jaw.

3 Q. Did she appear to be afraid?

4 A. Terribly afraid during that time.

5 Q. Did you observe her emotionally upset?

6 MR. CAMMEGH:

7 Your Honour, forgive me.

8 A. In fact during that time she was crying.

9 MR. CAMMEGH:

10 I don't want to interrupt my learned friend, but I would be grateful if he could caution himself against
11 continued leading questions.

12 MR. PRESIDENT:

13 Yes, the point is taken. Please avoid leading questions.

14 MR. ISCANDARI:

15 Thank you very much, Your Honour.

16 MR. PRESIDENT:

17 Yes, please.

18 MR. ISCANDARI:

19 Q. And what else happened?

20 A. When -- yes, so when they were coming to the place where we were sitting, one of the rebels took her
21 child and struck her on the head.

22 Q. What did they strike her with?

23 A. It was a club.

24 Q. And was this a male child or female child?

25 MR. PRESIDENT:

26 Who did? Is it a child? I mean, when they say "struck her on the head," we want to be very precise
27 on that.

28 MR. ISCANDARI:

29 Okay, Your Honour. I'll get to that.

30 Q. And who struck this child?

31 JUDGE BOUTET:

32 Pardon me. The question that was not clear to us, was it the mother or the child that had been struck
33 on the head?

34 MR. PRESIDENT:

35 Who was struck?

36 MR. ISCANDARI:

37 Okay. I'll make that clear, Your Honour.

- 1 A. It was the child that my sister was holding. It was this child that was struck.
- 2 Q. Was this a male or female child?
- 3 A. It was a girl.
- 4 Q. How old was this child?
- 5 A. She was four years.
- 6 Q. And when she was struck, what happened next to the child?
- 7 A. The child died on the spot.
- 8 Q. Did anything else happen to your sister?
- 9 A. Yes.
- 10 Q. What else happened to your sister?
- 11 A. Where she was going, she was going, they shot her in the back.
- 12 Q. Did she have anything on her back at the time she was shot in the back?
- 13 A. Yes. She was carrying the other child on a pram and by then she was also pregnant.
- 14 Q. Was she carrying the other child on her back?
- 15 A. Certainly, yes.
- 16 Q. Do you know whether at the time she was shot whether the child that she was carrying on her back
- 17 was also shot?
- 18 MR. PRESIDENT:
- 19 What happened to the child she was carrying on her back? Please rephrase the question.
- 20 MR. ISCANDARI:
- 21 Thank you, Your Honour.
- 22 Q. What happened to the child that she was carrying on her back?
- 23 A. Well, the lady was shot in the back and when they shot her, the child and the mother died. They fell
- 24 down.
- 25 Q. Did anything else happen to her?
- 26 A. Where she fell down they went and cut her leg, right up to the thigh.
- 27 Q. And did something else happen after that?
- 28 A. They took this leg and dumped it in one of the latrine pits, one old latrine pit.
- 29 Q. What happened after that?
- 30 A. While I was lying down, I cannot express to this Court how the pain that I felt during that time. I had a
- 31 pain in my head. I also had a pain, a psychological pain for seeing my sister being killed.
- 32 Q. What else happened after that?
- 33 A. One of the rebels he came. He said, "I wanted to give you this one, so I should take him to my boss
- 34 at Manarma." They took me back to the village where I was chased?
- 35 Q. Did something else happen when you got back to the village where you were chased?
- 36 A. Yes.
- 37 Q. What happened, sir?

- 1 A. When we arrived in town, other rebels came and started slapping me. They said that I was one the
2 Gbethis.
- 3 Q. Have you -- were you a Gbethi?
- 4 A. Not at all.
- 5 Q. Have you ever been a Gbethi?
- 6 A. No, may God forbid. I was a businessman.
- 7 Q. What happened then?
- 8 A. During that time the rebel, the papers that I got, that is the receipts that I got from the -- the articles
9 that I bought, when they came and saw where I used to put the money, the bag in which I used to put
10 the money, in fact, it was this individual that I had been explaining to them that this man is not a
11 Gbethi but a businessman. We arrived in town. There were a lot of people that were killed, a lot of
12 corpses.
- 13 Q. Were you able to count them?
- 14 A. Oh, it was difficult. Those that they killed in times was so difficult. It wasn't easy for me to count
15 them.
- 16 Q. So what happened after that?
- 17 A. They took me to their bosses.
- 18 Q. Do you -- did you get to find out what the name of that boss was?
- 19 A. They called his name and I heard.
- 20 Q. And what was the name they called?
- 21 A. He that was sitting on the machine was called Johnson.
- 22 Q. When you say "machine," what do you mean?
- 23 A. I was talking about a communication set. It was there outside and they had something like a solar
24 panel outside.
- 25 Q. Did you hear Mr. Johnson speak?
- 26 A. Yes.
- 27 Q. Do you recall what language Mr. Johnson spoke in, if at all?
- 28 A. Yes. I know the difference because Mende and Temne are different.
- 29 Q. What language did Mr. Johnson speak in?
- 30 A. He spoke Mende.
- 31 Q. Did Mr. Johnson say anything to you?
- 32 A. He talked to me, but when he was talking to one Pa Sorie and another old man --
- 33 Q. What did he say?
- 34 A. Well, I met them conversing, but I did not understand what they were saying.
- 35 Q. What language were they conversing?
- 36 A. I met them conversing in Mende.
- 37 Q. What happened after that?

- 1 A. After that they asked me.
- 2 Q. What did they ask you?
- 3 A. He told me to explain to him or tell him where the Gbethis kept their ammunition and other bullets.
- 4 Q. Did you respond?
- 5 A. I told him that I did not know the place and I told him that I was a trader.
- 6 Q. Did anything else happen after that?
- 7 A. Yes.
- 8 Q. What happened after that?
- 9 A. He asked me to show him the routes from the village where we were to Port Loko.
- 10 Q. Did you respond to that request?
- 11 A. Yes, I did.
- 12 Q. What was your response to that request?
- 13 A. I showed him the line, straight line.
- 14 Q. Did he say or do anything after you had shown him the straight line to Robeke?
- 15 A. Yes.
- 16 Q. What did he say or do?
- 17 A. Well, I showed him the area wherein the soldiers were because I wanted all of us to fall into the hands
18 of the soldiers so that – because if it was a question of dying, all of us would die.
- 19 Q. What happened after that?
- 20 A. The Pa with whom I met conversing in Mende, he showed the road that I showed my mother and my
21 wife earlier on that it is the safe road that I showed my wife and mother earlier on to pass.
- 22 Q. What happened after that?
- 23 A. I told him that we should not use that way because there are a lot of streams.
- 24 Q. When you testified that you showed them the road where the soldiers were, which soldiers were you
25 testifying about?
- 26 A. During that time we had the Malians in Port Loko, we also had the Nigerian soldiers.
- 27 Q. So what happened after you had told Mr. Johnson one route and somebody else told Mr. Johnson
28 another route? What happened?
- 29 A. So he said that he did not believe what I was saying and that I was a liar.
- 30 Q. And what happened then?
- 31 A. He said that I wanted to lead them to a place where they could be killed.
- 32 Q. And what happened after that?
- 33 A. He told his colleagues that I was to be taken at the back of a house and be killed.
- 34 Q. And what happened then?
- 35 A. By then, they tied me. They tied a rope right around my waist; it was a cable. It is like one of these
36 that is on these computers. That is the one they used to tie me.
- 37 Q. And what happened?

- 1 A. They wanted to -- outside they drew the cable.
- 2 Q. When they drew the cable, what happened to you, if anything?
- 3 A. They took me at the back of the railing and I fell down.
- 4 Q. Did you feel any pain when you fell down?
- 5 A. Yes, I felt a pain, but during that time I felt that I was going die.
- 6 Q. What happened after that?
- 7 A. One of the rebels raised up a machete to strike me.
- 8 Q. And what happened after that?
- 9 A. I saw one soldier who came in combat and told him that I was not to be killed. He held his hand.
- 10 Q. Did you come to know the name of that soldier who told them that you were not to be killed?
- 11 A. He showed me the name.
- 12 Q. And what name did he show you?
- 13 A. He told him that he was called Colonel Sesay.
- 14 Q. What happened after Colonel Sesay told them not to kill you?
- 15 A. He was the one that raised me, he took me up.
- 16 Q. And what happened then?
- 17 A. He took me to the veranda.
- 18 Q. Was this the veranda of a particular house?
- 19 A. Where Johnson and the others were sitting.
- 20 Q. And what happened next?
- 21 A. Slackened, they slackened me a little bit on the hands.
- 22 Q. After they slackened your hands, did you observe anything from why you were seated?
- 23 A. I heard about something and I saw it again.
- 24 Q. What did you hear about?
- 25 A. Where I was sitting I heard, I heard some voices. I heard voices, people saying: "We're thirsty. We
26 want to drink. We want water."

27 [Pages 14 to 25 by Roni Kerekes]

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1 [11.45 a.m.]

2 MR. ISCANDARI:

3 Q. Was it a few voices or many voices?

4 A. Oh, I mean a lot of voices.

5 Q. What happened after that?

6 A. Nobody took water to them to drink.

7 Q. Did you observe anything else happen after that?

8 A. Yes, I did see something.

9 Q. What did you see?

10 A. And I saw six other people who are frogmarched and they were coming towards us.

11 Q. And what happened to those six people that you saw being frogmarched coming towards you?

12 A. They took them into the same house where these voices were coming from.

13 Q. I want you to describe for the Court how many of these people were children?

14 A. It was only the younger ones who are the boys.

15 Q. How many of them were boys?

16 A. There were two.

17 Q. And how many of them were female?

18 A. There were four.

19 Q. And what happened to these two boys and four females that you observed?

20 A. They were taken into the house where the voices had been coming from.

21 Q. And did you observe anything else happen after they had been taken into the house where the voices
22 were coming from?

23 A. Yes.

24 Q. What did you observe happen?

25 A. When they took them inside, I saw somebody through the doors and they padlocked the door.

26 Q. And what happened after you saw the door padlocked?

27 A. I also saw through the window and again they nailed the window.

28 Q. Who did you see nail the window?

29 A. It was rebels.

30 Q. And what happened after the door had been padlocked and the windows nailed? What did you
31 observe next?

32 A. Well I saw one individual, a colleague of mine who was born and brought up in the same village. He
33 was also brought frogmarched just like the others. When they reached with him outside, they shot
34 him.

35 Q. What happened next?

36 A. In the corner of the house -- in the corner -- yes -- in the corner of the house where we are staying
37 one of the individual was slaughtered to death and he was struggling to die.

1 Q. And what happened after that?

2 A. After that, the rebel that had the rope that was tied around my waist, he took me to another house. It
3 was the area wherein the hands were amputated. In fact, I met a lot of hands that have been
4 amputated. And I met also two young ladies. I also knew them. We are born in almost the same
5 village. In my presence, they chopped off their hands, both hands and they started crying. They told
6 them to go away. They drove them –

7 Q. What happened after that, sir?

8 A. For me, one of the rebels asked me to put my hand on the ground so that it could be chopped. I did
9 not think that I was going to leave that place unharmed or without dying. I told him that I wouldn't do
10 that. I told him that, "Instead of you to chop my hand and leave me with that pain," the best thing he
11 could do is to kill me so as to be at ease.

12 Q. And what happened after that?

13 A. So, the first -- the rebel that first took me to Manarma, he met us having this exchange. He said,
14 "Fellow, leave this fellow now, leave him now." He said, "This man has been punished enough." He
15 said, "Colonel Sesay had told you people not to kill him." He said, "Take him out of this place." So
16 this other individual to whom he was talking -- so he drew the cable that was tied around my waist. By
17 then it was still on me. And he started leading me as though I was a sheep. When he drew the cable
18 say -- and he started -- I started following him. So we went back and sat at the veranda. We sat in a
19 corner wherein he had two plastic rubbers.

20 Q. Do you know what was contained in those plastic rubbers, if anything?

21 A. The one by me was -- there was petrol in the one that was close to me.

22 Q. How do you know it was petrol in the rubber that was close to you?

23 A. The first one was not there, it was not corked.

24 Q. Okay, but how do you know that the one that was not corked was petrol?

25 A. When he came to take for the rubber, the plastic rubber, the rubber fell and the petrol spilled by me.
26 He changed -- he changed the cork and put another one. The one that he put was perforated. So we
27 were there up to late in the evening, around 6.00 o'clock, I saw they took this rubber, they reduced the
28 petrol in another rubber. And he was squeezing the rubber so much that the petrol had been spilling
29 he said on the house. And the other one struck a match, he said, and he lit the house.

30 Q. Which house are we talking about?

31 A. The house in which these people were.

32 Q. Are you talking about the house in which you observed the two boys and the four women taken into?

33 A. I'm talking about the same house.

34 Q. Was that the same house that you had heard people crying and asking for water?

35 A. Yes, it is.

36 Q. So what happened after the house was put on fire?

37 A. In fact, they lit -- they burnt the whole of the town.

- 1 Q. Yes, but tell us, tell this Court what happened after the house that contained the people had been put
2 on fire. What did you hear?
- 3 A. The people started crying, a lot of voices coming from different directions in this house.
- 4 Q. And what happened, sir?
- 5 A. In fact -- in fact, there was a lot of smoke, you see, we saw a lot of billows of smoke, you know,
6 coming from the house.
- 7 Q. And what happened after that?
- 8 A. So again, we went to another village that is called Makambisa towards Port Loko.
- 9 Q. What happened after that?
- 10 A. When we arrived at Makambisa we found out that the rebels that were in that place had already burnt
11 the village.
- 12 Q. Did you go somewhere else after you arrived at Makambisa?
- 13 A. Yes.
- 14 Q. Let me ask you this question: The person that spoke on your behalf, Colonel Sesay, how was he
15 dressed?
- 16 A. He had combat on.
- 17 Q. So after you had gone with the rebels back to Makambisa what happened next?
- 18 A. We went along because there was no way we could stay because the whole village was burnt.
- 19 Q. And where did you go?
- 20 A. We went to another village that is called Babura.
- 21 Q. Did you stay at Babura?
- 22 A. When we reached at Babura and they said -- what they told me, that the ECOMOG troops that were
23 brought there, when they had gone back to Port Loko, they left some bullets and they said, "You see,
24 we don't buy these, these bullets, we don't buy them." And they said, "Well, let's burn the village."
25 Again they burnt this village. By then it was night and they said, "Oh, let's go to Port Loko." I still
26 have this -- my cable around my waist. By then my hip has started swelling and it was very painful. In
27 fact, the man who was leading me didn't care. His function was just to draw and my own function was
28 to follow. We reached at the outskirts of Port Loko at the stream. When we reached the stream I
29 heard one of the rebels saying that he was going to town to check. He went. When he came back he
30 told them that -- he told his colleagues that that was the time for them to attack because all the
31 Malians were at Schlenker.
- 32 Q. And what is Schlenker?
- 33 A. Those that -- those that go to school, that is those in form one, form two, form three, form four, form
34 five and form six, these were their -- this was their school.
- 35 Q. Is it fair to say that Schlenker was a school?
- 36 A. Yes, it is the secondary school of Port Loko.
- 37 Q. What happened after that?

1 A. They went. They started shooting. The warders captured me. Among their bosses, you know, he sat
2 just by their bosses and I was by him. We started hearing gunshots. The gunshots became very
3 sporadic. While we were sitting, I saw a rebel coming, he was running. He said-- he came and
4 explained to his bosses that the Malians used a particular type of gun that is called the Shaker gun
5 and they are coming with it to shoot.

6

7 By then, the bullets were showered just like rains. Where we were sitting the bosses went into the
8 forest to some other people on the other side. By this, I mean the man that was drawing me. He
9 said, "I felt nothing more as if somebody was drawing me." I turned and I saw no-one. So I rushed
10 into the other side of the bush. I did not go toward Port Loko any more. So I went into the bush and I
11 reached a particular village that is called Roboli. So I met some of my -- members of -- some
12 members of my family. When they saw me they started crying and I also cried. And they said, "Eh,
13 why? Why are you like that?" And I explained to them that all these is as a result of the rebels, they
14 had killed all of my brothers. That was the place that they gave me trousers. They gave me a shirt
15 and I wore it. And they started comforting me. By then, I was broken-hearted.

16

17 In the morning, all the people in the village and I -- so we decided to go to Port Loko. When we
18 reached Port Loko, we went to Schlenker just by Schlenker. And we saw -- and we saw just by the
19 house that was by Schlenker we saw a lot of corpses. We saw another soldier that was in combats,
20 dead. That was just by the place where the Malians used to sit. And the machines that they used to
21 fight with are machines that are called armoured cars had smoke coming from them.

22 Q. We passed. I was taken to college.

23 Q. What college were you taken to?

24 A. The one in Port Loko.

25 Q. Do you recall the name of the college, sir?

26 A. They told me that those people that would like to advance their education.

27 Q. What happened after you got to the college?

28 A. So, the one who took me away explained to ECOMOG. They -- ECOMOG gave me medicines. They
29 gave me some that I would put on my -- the sores on my head and the one that was on my foot. And I
30 came and resided in one of the houses. Therein we slept.

31 Q. How long did you sleep there?

32 A. I slept there for a day

33 Q. After that day what happened after you woke up?

34 A. The following day our father told us -- our father told us there was no way we had to come back, you
35 know, and bury the children that had been killed.

36 Q. Did you come back?

37 A. Well, there was nothing to do and we came back.

- 1 Q. Where did you come back to?
- 2 A. We came back to Makambisa.
- 3 Q. When you came to Makambisa, what did you observe in Makambisa?
- 4 A. We buried my brothers and sisters that were killed there.
- 5 Q. On this day that you came to bury your brothers and sisters that had been killed at Makambisa, how
6 many days had passed since they had been killed?
- 7 A. Two days after.
- 8 Q. And did you just bury your brothers and sisters?
- 9 A. Yes, we dug and we buried them.
- 10 Q. Did you bury anyone else?
- 11 A. No, we couldn't because by then I was not totally healthy. So we found it -- I found it difficult not to
12 participate in the burial of those people that are killed.
- 13 Q. Did you see your stepmother?
- 14 A. Yes. In fact, I was the one that told my father that this was part wherein they took my stepmother.
- 15 Q. And did you go there to look for her?
- 16 A. Yes, we went there and we met her corpse.
- 17 Q. What did you do after you saw her corpse?
- 18 A. It was just dug -- it was just by her and we pushed the corpse into the pit and we buried it.
- 19 Q. What happened after that?
- 20 A. We went to Manarma.
- 21 Q. What did you observe when you got to Manarma?
- 22 A. So we started burying some of our uncles and our brothers, but we couldn't bury everybody because
23 people are so many that were massacred.
- 24 Q. Do you recall counting how many people you buried or how many people whose burial you were
25 involved in?
- 26 A. Well, we dug two graves and we started dumping into these graves five, five corpses in each grave
27 and I told the people that I was tired because by then I was not well. And my brother said, "Yes, it's
28 true, we cannot bury all these corpses."
- 29 Q. Did you get to -- do you recall going back to the scene of the house where the fire had engulfed those
30 people?
- 31 A. Oh yes, of course, I led my brothers there.
- 32 Q. Did you observe anything when you got there?
- 33 A. The other fellow who was with me, he also went there in search of his own member of the family. We
34 just pushed the door, the remains of the door
- 35 Q. After you pushed the remains of the door, please tell this Court what you saw.
- 36 A. We saw a lot of corpses, we saw a lot of corpses. So, in fact, all of us started crying again.
- 37 Q. Did you count the corpses that you saw?

1 A. Yes, those that were in the house, we were able to count them.

2 Q. Would you please tell this Court how many corpses you were able to count that had been in the house
3 that was burnt down?

4 A. There were 73. There were 73.

5 Q. There were 73 corpses that you found in this house that had been burnt; is that correct?

6 MR. PRESIDENT:

7 He has said so.

8 THE WITNESS:

9 Yes, that is true. He say, this is not a hearsay, I saw that with my own eyes.

10 MR. ISCANDARI:

11 Your Honour, can I have a second to confer with my co-counsel?

12 MR. PRESIDENT:

13 Yes, please go ahead, please.

14 MR. ISCANDARI:

15 Q. Mr. Witness -- Mr. Witness --

16 A. Yes.

17 Q. I want to ask you a couple of more questions.

18 A. Okay.

19 Q. After Colonel Sesay had spoken on your behalf you were sitting in the veranda; correct?

20 A. Yes, Sesay said I was not to be killed, that was the place where I was seated and I was comfortable
21 by then because of his advice.

22 Q. Did you -- were you seated at a position where you could observe Colonel Sesay and Mr. Johnson?

23 A. Yes.

24 Q. What was Mr. Johnson dressed in?

25 A. He was wearing civilian clothes.

26 Q. And did you observe Colonel Sesay speak on the communication set?

27 A. Yes.

28 Q. Would you tell this Court what you heard Colonel Sesay say over the communication set?

29 A. Johnson.

30 Q. Did you observe Colonel Sesay or Mr. Johnson speak into the communication set?

31 A. Yes.

32 Q. Who did you observe?

33 A. It was Johnson that was sitting by the set.

34 Q. Did you hear what he said when he was sitting on the set and communicating through it?

35 MR. PRESIDENT:

36 I want to get this clear, who was talking on the communication set, please? I want to get this very
37 clear. Can you go back to that, please?

1 MR. ISCANDARI:

2 Yes, Your Honour, I certainly will.

3 Q. Did you hear the judge's question? The judge wants to know who did you observe speaking on the
4 communication set.

5 A. It was Johnson. He was the one that I saw sitting there and talking.

6 Q. Did you ever see Colonel Sesay speaking into the communication set, if you recall?

7 A. Well, both of them were the leaders during that time.

8 Q. Did you hear what they said on the communication set?

9 MR. BROWN:

10 I object, that is a leading question.

11 MR. JORDASH:

12 And so do I.

13 JUDGE THOMPSON:

14 Sustained.

15 MR. ISCANDARI:

16 Q. Did they say anything on the communication set that you heard?

17 MR. BROWN:

18 It is still leading, Your Honour.

19 JUDGE THOMPSON:

20 [Inaudible] what was the question?

21 MR. ISCANDARI:

22 Did they say anything on the communication set that you heard?

23 MR. BROWN:

24 There is no foundation for the plural pronoun.

25 JUDGE THOMPSON:

26 Objection sustained.

27 THE WITNESS:

28 They talked about -- I did not understand the language in which they are talking.

29 MR. ISCANDARI:

30 I have nothing further, Your Honour. Thank you very much.

31 MR. PRESIDENT:

32 Since we would not be sitting this afternoon, we would -- we'll adjourn for cross-examination until
33 tomorrow at 9.30. Tomorrow at 9.30. So the Court will adjourn.

34 Just hold on a minute, please. Mr. Witness --

35 THE WITNESS:

36 Yes.

37

1 MR. PRESIDENT:

2 - we have not yet finished with you.

3 THE WITNESS:

4 Okay.

5 MR. PRESIDENT:

6 So you will go and you will come back here tomorrow by 9.00 o'clock so that we can continue and
7 finish with you.

8 THE WITNESS:

9 Okay.

10 MR. CAMMEGH:

11 I wonder if Your Honour would kindly --

12 THE WITNESS:

13 Yes, I understand.

14 MR. CAMMEGH:

15 - would kindly, with all due respect to this witness, give him the standard direction,. I don't think
16 anybody has mentioned it thus far in this trial, that he should not talk about his evidence to anybody
17 during the currency of his testimony. That is to say not to talk to anybody about the case overnight or
18 this afternoon.

19 JUDGE BOUTET:

20 But -- I hear what you are saying and I understand, but when you say to anybody it may be a witness
21 that needs some assistance from the social psychologist. I know what you mean, so the direction has
22 to be precise. You mean from the Prosecution, obviously that is what you intended to say, but if you
23 need some assistance this afternoon or tonight, it will be very difficult to say, "Don't talk to anybody."

24 MR. CAMMEGH:

25 There is absolutely no objection to that --

26 JUDGE BOUTET:

27 Thank you.

28 MR. CAMMEGH:

29 - it is simply the facts of the case.

30 JUDGE BOUTET:

31 Yes, yes.

32 MR. CAMMEGH:

33 Thank you.

34 MR. JORDASH:

35 [Microphones not activated] Before your Honours rise, I am mindful of the media. I just wanted to
36 state that it is not the Prosecution's case that Colonel Sesay is the accused, Mr. Sesay.

37

1 JUDGE BOUTET:

2 Well, I mean, I understand, but this is not the time to argue your case. I mean, this -- we are not in
3 control of the media, I mean, they are here, they have heard the same evidence that you have heard
4 and I have heard, so I don't think we can go any further than that.

5 MR. JORDASH:

6 No, I am simply outlining what the Prosecution case is in relation to Mr. Sesay, which isn't that he is
7 the Colonel Sesay mentioned during this witness's evidence.

8 JUDGE THOMPSON:

9 Well, I would like to intervene myself and say that at this stage, it would seem to me, to be improper
10 for the judges to be invited, even in that direction because -- and as my learned brother was trying to
11 say, we cannot control what the press will put out unless they put out things that come within the
12 prohibitory rules or regime of *sub judice* or contempt. And so, it is difficult for us to even enter into this
13 kind of debate, it would seem premature. We just heard the evidence and that kind of invitation
14 seems to indicate a preliminary examination of what the Prosecution's case is. And I don't know
15 whether we, as judges, can at this point in time even entertain that kind of observation.

16 MR. JORDASH:

17 Well --

18 MR. PRESIDENT:

19 I will say that I would add to what my learned brothers have said, it is the Prosecution that is
20 conducting its case. They best know how they should conduct their case and at this stage, I don't
21 think we want to get mixed up in --

22 JUDGE THOMPSON:

23 No. And you have not cross-examined yet, they have not even had the opportunity of re-examining
24 yet, so we are virtually in a situation in which we, as judges, have just got to listen to the evidence and
25 ensure that the rules are not violated on both sides, but as to what the Prosecution's case is now, it
26 would be difficult for us to make a preliminary determination to agree or disagree with you. All we
27 have are the Prosecution pre-trial briefs because I haven't really read those in detail.

28 MR. JORDASH:

29 Well, with the greatest of respect --

30 JUDGE THOMPSON:

31 Yes.

32 MR. JORDASH:

33 -- if the Defence are going to have to try to disprove every Sesay, which is a common name as I
34 understand it in Sierra Leone, is not the accused, then the Defence have a difficult job ahead of them.

35 JUDGE THOMPSON:

36 Well no, the point I am making is that this kind of analysis that you are entering upon is premature
37 because there has not yet been cross-examination, there hasn't even been a re-examination. All we

1 have had is the Prosecution's examination-in-chief and so what is the value of that information to us?
2 I mean, if it is an invitation to enter upon a preliminary evaluation or confirmation on -- lack of
3 confirmation as to what the Prosecution's case is, then it is premature.

4 MR. JORDASH:

5 Well, I would respectfully submit not.

6 JUDGE THOMPSON:

7 It is not.

8 MR. JORDASH:

9 If the Prosecution say --

10 JUDGE THOMPSON:

11 Yes.

12 MR. JORDASH:

13 -- that Colonel Sesay is not the accused, then Your Honours do not need to consider whether colonel
14 Sesay is the accused .

15 JUDGE THOMPSON:

16 But that is my point, we have not yet reached that stage. All we have been doing here, learned
17 counsel, is to hear the evidence and it would seem to me very much premature, if we entertain your
18 kind of invitation , to say what the Prosecution's case is or is not at this stage, based on the testimony
19 of this witness, when there has not yet been cross-examination and there has not yet been re-
20 examination. It is an invitation to us to intervene at a point in which I think it is perilous for us to do
21 that as the tribunal of fact.

22 MR. JORDASH:

23 Well, I simply thought, Your Honours, that it would assist in your evaluation and time in court in
24 relation to this witness if your Honour's understood what the Prosecution's case was in --

25 JUDGE THOMPSON:

26 [Overlapping microphones] to point, but not at this stage.

27 MR. PRESIDENT:

28 We cannot draw a conclusion on this -- on this fact --

29 JUDGE THOMPSON:

30 It is dangerous for us to do that.

31 MR. PRESIDENT:

32 -- at this stage. For us to say that the Colonel Sesay they have mentioned is not the one in court, I
33 mean --

34 JUDGE THOMPSON:

35 We don't know.

36 MR. JORDASH:

37 We do, because the Prosecution say it's not.

1 JUDGE BOUTET:

2 Yes, but Mr. Jordash --

3 JUDGE THOMPSON:

4 That is -- you see, you are dragging us into an area which I think is dangerous for us, as judges, who
5 have not really even heard your own cross-examination of this witness, not even the opportunity to the
6 Prosecution of conducting their re-examination. We cannot now draw inferences or even be led into
7 that area. It is definitely difficult. I mean, it may be a subtle kind of invitation and may have some
8 legal merit, but I don't think the jurisprudence supports this kind of intervention. I mean, what -- I don't
9 -- all I have heard is the evidence of this witness. It is not yet been tested by cross-examination, nor
10 has the re-examination been done, so I keep an open mind.

11 JUDGE BOUTET:

12 But --

13 MR. PRESIDENT:

14 And even when it is done, we would not be able to draw that conclusion even at the end of the
15 re-examination because the case is a continuous process. They are continuing with the evidence, I
16 mean, the facts will continue unfolding themselves, you know, the way the Prosecution wants them to
17 unfold themselves. So --

18 JUDGE BOUTET:

19 If I follow what you are suggesting, it would mean that every time a witness comes in and deals with
20 one of the accused, all of them, you will stand up to say, "Well this witness has only said this bear in
21 mind that he has not properly identified," or whatever. I mean, this is obviously something that you will
22 have all the opportunities to argue, I'm not saying that at the given time, but this is one witness
23 amongst many, many witnesses, from what I know, and we will have to assess this evidence in the
24 overall circumstances of the case.

25 MR. JORDASH:

26 Your Honours --

27 JUDGE THOMPSON:

28 With the greatest respect, it is a novel approach and I don't even think it is in the interest of justice,
29 having regard to the principle of equality of arms and the fact that we judges have got to listen
30 carefully to the evidence, the evidence-in-chief, the examination, the cross-examination and the re-
31 examination before we even begin to entertain some kind of evaluation of the evidence.

32 MR. JORDASH:

33 Your Honours, perhaps I have not been clear.

34 JUDGE THOMPSON:

35 All right.

36 MR. JORDASH:

37 I am not suggesting that this witness hasn't come up to proof and identified Mr. Sesay, I'm not saying

1 that.

2 JUDGE THOMPSON:

3 Well, what are you suggesting then?

4 MR. JORDASH:

5 I am saying that having spoken to my learned friend to clarify what their case is in relation to Colonel
6 Sesay, my learned friend has indicated quite kindly and fairly that Colonel Sesay, as part of their case,
7 is not the accused. It is not an identification point I am dealing with in terms of evaluating this
8 witness's evidence.

9 JUDGE THOMPSON:

10 But why invite our intervention? We--

11 MR. JORDASH:

12 Simply to assist Your Honours so that Your Honours will know that Colonel Sesay is not [overlapping
13 microphones]

14 JUDGE THOMPSON:

15 No, no, I --

16 MR. PRESIDENT:

17 Was that evidence before this Court.

18 JUDGE THOMPSON:

19 I resist that temptation to be involved. I resist it.

20 JUDGE BOUTET:

21 It is premature, this is -- I mean, you are suggesting things that it may be, indeed, that what you say is
22 true, but we are in no position to assess that at this particular time.

23 JUDGE THOMPSON:

24 What you --

25 JUDGE BOUTET:

26 I mean, if the Prosecution wants you to stand up and say, "We agree and this is not the case," that's
27 quite different. Well, I mean, we have to take the evidence the way it is.

28 JUDGE THOMPSON:

29 Yes. And what you agree with the Prosecution does not bind us at this point in time, because we
30 have listened to the evidence -- we have listened to the evidence and we are waiting for the next two
31 important stages; cross-examination and re-examination. And so, if some negotiation is going on
32 there, I don't think the judges should be invited at this point in time, if the whole thing involves
33 assessment or whether evidence -- a piece of evidence has incriminated X or Y, or A or B.

34 MR. JORDASH:

35 But I can only repeat that that is not what I am attempting to --

36 JUDGE THOMPSON:

37 To do.

1 MR. JORDASH:

2 - invite Your Honours to do.

3 JUDGE THOMPSON:

4 Yes.

5 MR. JORDASH:

6 I am simply indicating --

7 JUDGE THOMPSON:

8 To us.

9 MR. JORDASH:

10 - as is the Prosecution's obligation --

11 JUDGE THOMPSON:

12 Yes.

13 MR. JORDASH:

14 - as they have properly fulfilled it, they indicate what the case is against us and they have kindly and
15 properly indicated that their case against us, in relation to this witness, isn't that we are Colonel
16 Sesay.

17 JUDGE THOMPSON

18 Well, why should we --

19 MR. JORDASH:

20 Simply that.

21 JUDGE THOMPSON:

22 Well, why should we know at this stage?

23 MR. JORDASH:

24 Because we, the accused, have a right to know what the Prosecution case is against us, or else, if
25 Colonel Sesay is alleged, according to the Prosecution's case, to be the accused, I will cross-examine
26 and establish that it isn't. But since the Prosecution have kindly indicated that it isn't Mr. Sesay, the
27 accused, I don't need to. Those are my submissions.

28 JUDGE THOMPSON:

29 All right. All right.

30 MR. PRESIDENT:

31 Ms. Taylor?

32 MS. TAYLOR:

33 Your Honour, I was simply going to say to assist Your Honours and to assist my friend, the witness
34 that has just given evidence was not led to provide identification evidence of the first named accused
35 in this trial. It is not the Prosecution case that Colonel Sesay mentioned by the witness is the first
36 accused. This witness is not an identification case and as far as that might help Your Honours in
37 relation to this discussion and may assist my learned friend, that is what I wanted to tell you.

1 JUDGE THOMPSON:

2 I would have thought that the proper procedure here – and I insist the approach has not been – it’s
3 been too novel, the proper procedure should have been for Learned Counsel Jordash to get up and
4 say, “I have no questions under cross-examination,” but not to embark upon this kind of dialogue
5 which in fact means that the judges have got to take some kind of notice at this stage. And that is all I
6 think that should have been the proper procedure.

7 MR. JORDASH:

8 Well, I do apologise, but where I am from it would be routine to indicate to a judge what the
9 Prosecution's case is in relation to a witness to assist the judge and the jury [inaudible]

10 JUDGE THOMPSON:

11 Well the practice varies. But clearly, we would have been satisfied, had you got up when you called
12 upon to cross-examine to say, “Your Honours, I have no questions for this witness.”

13 MR. JORDASH:

14 But I do -- I do have some questions for this witness nevertheless.

15 MR. PRESIDENT:

16 He has a few questions. Mr. Jordash has a few questions.

17 JUDGE BOUTET:

18 Mr. Presiding Judge, if you will allow me just to speak to the witness again, given the comments that
19 have been made, so that we are asking from you that you are not to discuss your evidence with
20 lawyers for the Prosecution, but if you need assistance from the social workers and the Witness
21 Protection Unit, you may at any time seek their assistance.

22 THE WITNESS:

23 Yes, I do understand.

24 MR. PRESIDENT:

25 Okay, this -- you will be here tomorrow and we shall continue. Mr. Witness, you have understood?

26 THE WITNESS:

27 Yeah. Okay, okay, I do agree.

28 MR. PRESIDENT:

29 The Court will rise and resume tomorrow at 9.30. The Court rises.

30 [Whereupon the hearing adjourned at 12.36 p.m., to be reconvened on
31 Thursday, 9th day of July 2004, at 9.30 a.m.]

32

33 [Pages 26 to 39 by Susan G. Humphries]

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C E R T I F I C A T E

We, Momodou Jallow, Roni Kerekes and Susan G. Humphries, Official Court Reporter for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*machine writer*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Momodou Jallow

Roni Kerekes

Susan G. Humphries