

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

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

THURSDAY, 13 JANUARY 2004
9.45 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsch
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison
Mr Robert Braun
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Mr Ibrahim Mansaray

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph
Ms Chloe Smythe

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh.

1 Thursday, 13 January 2005

2 [The three accused not present]

3 [Open session]

4 [The witness entered court]

5 [Upon commencing at 9.45 a.m.]

6 PRESIDING JUDGE: Good morning learned counsel. We're
7 resuming our proceedings and I see the witness is already
8 on the witness stand. Mr Braun, I think you may proceed
9 with your -- continue with your examination-in-chief of
10 this witness.

11 MR BRAUN: Thank you, Your Honour.

12 PRESIDING JUDGE: Well, it is of course understood
13 that we're in open session and that we ended up with
14 everything closed yesterday. I hope we're in an open
15 session over there, the gallery. The gallery's getting
16 us? Is the gallery with us, please? Are you following
17 the proceedings? Right. Okay. So, we're in an open
18 session.

19 Yes, Mr Braun, you may proceed, please.

20 WITNESS: TF1-304 [Continued]

21 [The witness answered through interpreter]

22 EXAMINED BY MR BRAUN: [Continued]

23 MR BRAUN:

24 Q. Good morning, Mr Witness.

25 PRESIDING JUDGE: Mr Witness, how are you?

26 THE WITNESS: Thank God. Thank God.

27 PRESIDING JUDGE: How are you this morning? Are you all
28 right?

29 THE WITNESS: I thank God.

1 PRESIDING JUDGE: I didn't get the translation.
2 THE WITNESS: I thank God.
3 PRESIDING JUDGE: Oh. I thank God. Okay.
4 Mr Braun, you may proceed.
5 MR BRAUN:
6 Q. Mr Witness, are you ready to proceed?
7 A. Yes.
8 Q. I'm taking you back to the end of February 1999 when you
9 returned to xxxxxx with your family. Can you describe
10 to the Court how you were treated by the rebels when you
11 arrived in xxxxxx?
12 PRESIDING JUDGE: When you arrived in xxxxxx, don't get how
13 he was treated by the rebels. Ask him what happened, you
14 know, what happened to him when he -- let him recount his
15 experiences rather than taking him directly to how he was
16 treated by the rebels. Do you understand, Mr Braun?
17 MR BRAUN: Your Honour, I understand.
18 PRESIDING JUDGE: All right. You may proceed, please.
19 MR BRAUN:
20 Q. Mr Witness, when you came back to xxxxxx with your
21 family, what happened?
22 A. When I arrive in xxxxxx with my family, the rebels we
23 found there, at the beginning, they didn't treat us
24 badly.
25 Q. Did this change at any point of time?
26 A. Yes.
27 Q. Why did it change?
28 A. While we were there and when the rebels took all over the
29 place.

1 Q. Go on.

2 A. We did see them many times when they arrived. They will
3 bring us together, assemble us together, all civilians.

4 Q. What happened after that?

5 A. While they gathered us together, we assembled. They put
6 a gun over our head and asked us to go bring vehicles
7 from the bush, old vehicles.

8 Q. Mr Witness, can you recall --

9 PRESIDING JUDGE: No, Mr Braun, you should know that the
10 evidence is being recorded. Can you go at an acceptable
11 rate of speed.

12 MR BRAUN: Forgive me, Your Honour.

13 PRESIDING JUDGE: Okay, the last answer to your question was
14 that when they assembled them together they would do
15 what?

16 MR BRAUN:

17 Q. Mr Witness, what happened after you were assembled? Can
18 you repeat your answer, please?

19 A. When we were assembled, they would ask us to go and
20 retrieve vehicles from the bush, old vehicles.

21 JUDGE BOUTET: The witness had mentioned something about guns,
22 that "they put guns over our head." Is that correct?

23 MR BRAUN: I understood it that way, Your Honour.

24 JUDGE THOMPSON: Yes, that's what I got on the record.

25 JUDGE BOUTET: Ask the witness to confirm what he meant by
26 guns.

27 JUDGE THOMPSON: Yes.

28 MR BRAUN:

29 Q. Mr Witness, what do you mean by they put guns over your

1 head?

2 A. The rebels when they came, all of them had guns and they
3 would put guns over our heads when they commanded us to
4 go into the bush to retrieve the vehicles.

5 Q. Mr Witness, when was that?

6 A. When we had returned, at that time it was around March.

7 Q. Of which year?

8 A. 1999.

9 Q. Mr Witness, can you explain to the Court what you had to
10 do with the vehicle you just mentioned?

11 A. Yes.

12 PRESIDING JUDGE: Mr Braun, first of all they gave them an
13 order under threats of holding guns over their heads.

14 Did they execute this order from the rebels?

15 MR BRAUN: Your Honour, I just want to clarify what the order
16 exactly was before I come to that point. But I can take
17 this question first, of course.

18 MR JORDASH: The witness so far has said that the guns were
19 over the -- the rebels held the guns over them, but with
20 due respect, I don't necessarily interpret that as a
21 threat.

22 PRESIDING JUDGE: I see.

23 JUDGE THOMPSON: But the witness also said that the guns were
24 over them when they received the command to retrieve old
25 vehicles from the bush.

26 MR JORDASH: He has also used the word "when the rebels asked
27 them," so it's --

28 JUDGE THOMPSON: Yes, so the evidence is clearly -- I mean, if
29 you want to say variously, the guns were in fact a symbol

1 of sort of compelling obedience to their command. It's
2 not that they just had guns over their heads, it's in the
3 context of retrieving old vehicles from the bush. That's
4 the state of the evidence as I recall it, unless I'm
5 getting something different from what you're getting.

6 PRESIDING JUDGE: No, my learned brother, you're not getting
7 it wrong at all, because I have it on record that they
8 put guns over our heads when they commanded us to go
9 retrieve vehicles from the bush. This is, I think, the
10 state of the evidence. What Mr Jordash appears to be
11 saying is that that does not necessarily constitute a
12 threat.

13 JUDGE THOMPSON: [Microphone not activated] I wasn't talking
14 law. I was virtually saying that the evidence as I heard
15 it, unless I heard it wrongly, was that the guns over
16 their heads was in relation to the command to retrieve
17 old vehicles.

18 PRESIDING JUDGE: In fact, I went further to understand it to
19 mean a threat. For them to go, it was a command that was
20 coupled with the threat, you know, of a gun over their
21 heads.

22 MR JORDASH: Your Honour, it's a small point. It's the word
23 "threat" which I objected to.

24 PRESIDING JUDGE: No, that's all right.

25 JUDGE THOMPSON: [Microphone not activated]

26 PRESIDING JUDGE: Well, Mr Braun, you see where we are. Can
27 you clarify the situation, please.

28 MR BRAUN: Yes, Your Honour.

29 Q. Mr Witness, what happened after the rebels put the guns

1 over your heads?

2 A. They placed the guns over our heads, because they wanted
3 to threaten us to go and retrieve the vehicles from the
4 bush.

5 Q. After that, Mr Witness, did you go to the bush and did
6 you get the vehicle?

7 JUDGE THOMPSON: Why not keep the two parts separate? Why not
8 keep the two parts of your question separate?

9 MR BRAUN: Thank you, Your Honour.

10 PRESIDING JUDGE: Let me tell you, Mr Braun, that this
11 particular judge and his colleagues are very allergic to
12 double-barrelled and triple-barrelled questions. So you
13 should put across single-barrelled questions, so that we
14 move more systematically

15 MR BRAUN: Thank you.

16 Q. Mr Witness, did you go to the car, the vehicle after
17 that?

18 JUDGE THOMPSON: Did you go to the bush?

19 MR BRAUN: Your Honour, the bush didn't seem too important to
20 my understanding, so I just proceeded with my next
21 question.

22 JUDGE THOMPSON: Well, the question really is that -- the
23 records reveal that from the witness's narration, the
24 purpose of putting the guns over their heads was to get
25 them to go and retrieve old vehicles, not from space.

26 PRESIDING JUDGE: Not from the town.

27 JUDGE THOMPSON: Not from space, but from the bush, so it
28 would seem to me, therefore, to make sense of the
29 evidence that if you're asking whether the vehicles were

1 retrieved, the location seems important, unless you now
2 are revising your position. Am I clear?

3 MR BRAUN: Yes, you're clear.

4 JUDGE THOMPSON: They didn't do it so they could go and
5 retrieve abandoned vehicles from space. It is from the
6 bush.

7 MR BRAUN:

8 Q. So, Mr Witness, after you were put under gunpoint where
9 did you go next?

10 A. We went where they hid the vehicles in the bush, these
11 old vehicles. That's where we went and we retrieved
12 them.

13 Q. Where did you bring the car after that?

14 JUDGE THOMPSON: Let's not complicate. Lawyers are very fussy
15 about language. He's talking about vehicles; why not
16 stick to that? Otherwise you establish a discrepancy
17 between your question and his answer. Vehicles, vehicles
18 all the time. Now you've narrowed it down to the car.

19 MR BRAUN: I understand your point, Your Honour.

20 JUDGE THOMPSON: Thanks.

21 MR BRAUN:

22 Q. Now Mr Witness, where did you bring the vehicle after
23 that?

24 A. We took them to ~~xxxxxx~~.

25 PRESIDING JUDGE: I want to be clear in my mind. "Retrieve
26 the vehicles." Where did he retrieve the vehicles from?

27 JUDGE BOUTET: The bush.

28 MR BRAUN: Your Honour, I understood that he retrieved the car
29 from the bush.

1 PRESIDING JUDGE: He retrieved them from the bush.

2 MR BRAUN: My next question will maybe clarify this point.

3 PRESIDING JUDGE: Because I got it as far as he said that, you

4 know, you went and retrieved the vehicles, but I wasn't

5 very clear of the notes that you retrieved it from the

6 bush.

7 JUDGE THOMPSON: [Microphone not activated]

8 MR BRAUN: May I proceed, Your Honour.

9 PRESIDING JUDGE: Yes, you may proceed.

10 MR BRAUN:

11 Q. Mr Witness, how far is the distance between the location

12 where you retrieved the car and Koidu -- vehicles, sorry?

13 A. The distance between ~~xxxxxxx~~ and where we retrieved the

14 vehicles was 3 miles and the distance from Tombodu to

15 Koidu is 6 miles.

16 Q. Mr Witness, do you know a person called Colonel Twetwe?

17 A. Yes, yes.

18 PRESIDING JUDGE: May we have the spelling, please.

19 MR O'SHEA: Before we have the spelling, if I may object to

20 that question. He can ask questions which elicit who he

21 met, who he knew, et cetera. There have been previous

22 occasions when this has been done but we haven't objected

23 because it hasn't mattered, but it might matter on this

24 occasion, but if we could not simply say, "do you know a

25 person called?" And find another way of getting to that

26 point, I would be grateful.

27 JUDGE THOMPSON: Yes, sir.

28 MR HARRISON: I very much disagree with the point that is

29 being asserted by Mr O'Shea. One can ask questions that

1 direct the witness's mind to certain information. The
2 prohibition is that the question implies an answer.
3 Simply asking a person if you know Ms X is not in any way
4 a leading question. The witness has before him whether
5 or not to acknowledge any information about Ms X or a
6 complete ignorance of the existence of Ms X. That is not
7 a leading question and is not one that ought to be
8 prohibited, or the Prosecution ought not to be prohibited
9 from putting it.

10 JUDGE THOMPSON: I agree with you on the exposition of the law
11 on this. Of course, my difficulty with learned counsel's
12 objection was when he said it might elicit something. It
13 didn't sound as if you were on sure ground, because I
14 wanted to know what was the ground of this objection.
15 And when you came out with the word "might," I thought
16 that you yourself were perhaps a little diffident as to
17 whether your objection is well-grounded. Perhaps you
18 need to persuade us.

19 MR O'SHEA: I'm not at all uncertain about whether my
20 objection is unfounded. What I'm uncertain about is the
21 extent to which the question prejudices my client.

22 JUDGE THOMPSON: Grounds is really prejudicial.

23 MR O'SHEA: What I'm saying, Your Honour, is this: If you
24 have a leading question -- I'll come back to this. If
25 you have a leading question, there will be occasions when
26 Defence counsel will feel that there is the potential for
27 dispute but not be absolutely certain that the dispute is
28 there. In which case, I would still object. Now, with
29 the greatest of respect, it is a leading question because

1 it has a significant part of the answer in the question.
2 And just to illustrate how it can become extremely
3 prejudicial, what if the question was: "Do you know a
4 person called... and the name of one of the accused?"
5 Now, if that were the question, that clearly would be a
6 very prejudicial question, because you are effectively
7 inviting the witness to indicate that they know the
8 person, a very significant potential matter of dispute.

9 JUDGE THOMPSON: But that was not the question.

10 MR O'SHEA: But it makes no difference.

11 JUDGE THOMPSON: Why then make the differentiation in your
12 analysis? Why make it then? Is it a distinction without
13 a difference?

14 MR O'SHEA: Yes, it is.

15 JUDGE BOUTET: And I would add that why is -- obviously a lot
16 of answers that the witnesses may give may be prejudicial
17 to your client. So are you saying that any answer that
18 may be prejudicial cannot be asked? If I follow the same
19 logic that you're applying now, I have difficulty to
20 follow your objection. On the very last example you
21 gave, what is the difference between the two, as my
22 colleague mentioned, and why would that be prejudicial if
23 you asked, do you know Mr X, who just happened to be an
24 accused?

25 MR O'SHEA: The point is simply this: That I'm asserting that
26 this is a leading question, and if I'm right about that,
27 if a leading question is not prejudicial to me, I won't
28 object to it, but if a leading question is prejudicial to
29 me, I will object to it and have right to do so. Because

1 it's not the point that it's prejudicial; it's the point
2 that it is a question which if a matter is in dispute is
3 not permitted.

4 JUDGE THOMPSON: Yes, but clearly the question is that you're
5 not suggesting that every leading question which is
6 prejudicial or which is necessarily contentious. Or vice
7 versa.

8 JUDGE BOUTET: You've changed your approach now --

9 JUDGE THOMPSON: Quite right.

10 JUDGE BOUTET: -- to something which is quite different than
11 prejudicial. If you're saying that this particular issue
12 that has been raised by that question is a matter that is
13 clearly in dispute by the Defence, that is a different
14 area. Are you saying now that that question, as posed of
15 this witness, is a matter that is being disputed by the
16 Defence? If that is the case, we'll listen to your
17 argument on this.

18 JUDGE THOMPSON: I couldn't agree with my learned brother
19 more. Because, you see, you must let us know: Are you
20 grounding it on prejudice, allegation of prejudice or is
21 it a leading question that is in contention between the
22 parties? Because there can be leading questions that are
23 contentious, but not prejudicial. I mean, theoretically
24 speaking, and of course I need to remind you too that the
25 test is not just prejudicial, but unfairly prejudicial.
26 That is the test, because really potentially, again
27 speaking theoretically and philosophically, every alleged
28 incriminating evidence is prejudicial to an accused
29 person. Whether you lay it before the Court. I mean,

1 that's why they call it incriminating. The test is
2 unfairly prejudicial.

3 MR O'SHEA: Well, I think Judge Boutet put the nail on the
4 head, really, it's really a question of my phrasing
5 myself badly. I should perhaps stick to the classical
6 formulations. I don't want to say this is clearly a
7 matter in dispute. In answer to His Honour Judge
8 Thompson's question, I was saying that my area of
9 uncertainty was that I feel that it is a matter in
10 dispute, but I'm not sure on that yet. But it would be
11 my submission that is a sufficient ground to object to
12 the question.

13 JUDGE THOMPSON: In other words you're saying it's sufficient
14 ground to object to a question, if in the perception of
15 counsel it might be prejudicial.

16 MR O'SHEA: It might be a matter of dispute.

17 JUDGE THOMPSON: Is there any authority for this, because that
18 is inviting the Court to speculate.

19 MR O'SHEA: Well, I think the authority is known to us all and
20 the authority is if a leading question is in dispute, it
21 is not permissible.

22 JUDGE THOMPSON: Is it in dispute, then?

23 MR O'SHEA: I'm saying it is in dispute until such time as
24 we're prepared to admit it. Now, there are clearly
25 questions which can be put where I can immediately say,
26 yes, I have no problem with that. This is not one of
27 those questions, so I'm saying it is in dispute up until
28 the time that I'm sure that it's not.

29 PRESIDING JUDGE: Mr O'Shea, is the existence of the name

1 mentioned by this witness in dispute?

2 MR O'SHEA: What is in dispute is whether this witness knows
3 that person. That's what in dispute. So if I say to
4 Your Honour, "Do you know His Honour Judge Thompson," his
5 answer is in the question.

6 PRESIDING JUDGE: Well, we would overrule this objection and
7 we would ask Mr Braun to continue.

8 MR JORDASH: Your Honour.

9 PRESIDING JUDGE: No, no, we've overruled. I've pronounced on
10 this. We won't get back to that, please. If you're
11 coming back on that, we won't, because the ruling has
12 already been made, Mr Jordash. You should understand, so
13 let's proceed, please.

14 MR JORDASH: My objection was slightly different. It was to
15 the question but I would put it slightly different.

16 PRESIDING JUDGE: No, we have ruled on this and we'll please
17 proceed. Please put your question. What's the spelling
18 of that name?

19 MR BRAUN:

20 Q. Mr Witness, can you spell the name Colonel "Twetwe"?

21 A. T-W-E-T-W-E.

22 PRESIDING JUDGE: T-W-E-T-W-E. Twetwe?

23 THE WITNESS: Twetwe.

24 PRESIDING JUDGE: What's the other name?

25 THE WITNESS: Colonel Twetwe.

26 MR BRAUN:

27 Q. Mr Witness, who was he?

28 A. Colonel Twetwe who brought the rebels and ordered us, the
29 civilians, to go and retrieve the old vehicles from the

1 bush.

2 Q. Mr Witness, were you ordered to do other things?

3 MR O'SHEA: Again objection, for the record, if necessary.

4 PRESIDING JUDGE: Sustained.

5 MR HARRISON: What is the basis of the objection?

6 PRESIDING JUDGE: It is sustained, please. We don't want to
7 get into the merits,

8 MR HARRISON: Well, how should the question be changed if we
9 don't know what the basis of the objection is?

10 PRESIDING JUDGE: I suppose counsel understands. I supposes
11 counsel who is conducting the Prosecution understands.
12 Has he indicated to you that he has not understood the
13 basis of the objection?

14 MR HARRISON: I certainly don't understand and I'm speaking on
15 behalf of the Prosecution.

16 PRESIDING JUDGE: Has he indicated to you that he does not
17 understand the basis of the objection? He is conducting
18 the case.

19 MR BRAUN: Your Honour, I do not understand the basis of this
20 objection.

21 PRESIDING JUDGE: You don't understand the basis of the
22 objection.

23 MR BRAUN: No, Your Honour.

24 PRESIDING JUDGE: Mr O'Shea.

25 MR O'SHEA: Did the rebels ask you to do anything else -- did
26 the rebels order you to do anything else.

27 MR HARRISON: No, frankly, that was not the question. It was
28 "were you..." There's no mention of the rebels in the
29 question.

1 MR O'SHEA: Well, what was the question?

2 MR HARRISON: "Were you ordered to do other things?"

3 MR O'SHEA: Yes, the answer is in the question. The answer
4 would be yes or no.

5 MR HARRISON: Precisely. The answer is yes or no. It's not a
6 leading question.

7 PRESIDING JUDGE: If the answer is a yes or no, then it is a
8 leading question and we sustained that objection. Can
9 you put the question otherwise, please.

10 MR BRAUN:

11 Q. Mr Witness, what else did you do?

12 A. When we delivered the vehicles, we came back and they
13 also asked us and they placed luggages on our heads.

14 JUDGE THOMPSON: The problem seems to be a disconnect in that
15 translation. "They also asked us and placed luggages on
16 our head." That sounds to be an incomplete translation.
17 Do you understand it? "They also asked us... "

18 MR BRAUN: Your Honour, I just want to ask my next question.

19 JUDGE THOMPSON: Yes, quite right.

20 MR BRAUN:

21 Q. Mr Witness, why did they place luggages on your heads?

22 PRESIDING JUDGE: Mr Braun, please, what luggage was placed on
23 their heads? He said luggage was placed on their heads.
24 What luggage was placed on their heads, please?

25 MR BRAUN: Thank you, Your Honour.

26 Q. Mr Witness, what luggage was placed on your head?

27 A. They went to the villages and collected things from
28 civilians, coffee and rice and they brought them and
29 placed them on our heads.

- 1 Q. Who did that?
- 2 A. The rebels.
- 3 PRESIDING JUDGE: Collected coffee and what else? Can he
4 enumerate.
- 5 THE WITNESS: Coffee and rice. Rice, unhusked rice, coffee
6 and other things that they collected from the civilians.
- 7 MR BRAUN:
- 8 Q. What do you mean by "collect"?
- 9 A. These are people's property that they hid in the bush,
10 different kinds of things, machines. They would bring
11 this and place on our heads.
- 12 Q. Do you know whether the rebels paid for those goods?
- 13 A. They didn't pay for them. They didn't buy them. When
14 they went into the villages, they just opened fire and
15 they shoot and the civilians would run into the bush and
16 they would collect their property.
- 17 Q. So after that, what happened to those properties?
- 18 A. They took them and they turned them to their own.
- 19 Q. Do you know how these things were brought back to
20 Tombodu?
- 21 A. Yes.
- 22 Q. Please tell us?
- 23 A. When they went and scared the people, they will take us
24 with them and some of the civilians they would arrest,
25 they will place the luggages on our heads with guns over
26 our heads.
- 27 Q. Did anything happen if civilians refused to carry those
28 things?
- 29 A. You can't even refuse, because the way you see them, the

1 menacing way in which you see them, you never will
2 refuse.

3 Q. Can you explain this to the Court, Mr Witness?
4 A. Yes.
5 Q. Please do so.
6 A. If someone comes and asks you to do some job that you
7 don't want to do but then he has a gun pointed over your
8 head, would you refuse?

9 Q. Did you do anything else by force, Mr Witness?
10 A. Yes.
11 Q. What, Mr Witness?
12 A. We also pounded husked rice for them, we did.
13 Q. Did you do anything else, Mr Witness?
14 A. Yes.
15 Q. Please tell us.
16 A. We did mining for them, diamond mining.
17 Q. Who is "them," Mr Witness?
18 A. For the rebels.
19 Q. Can you tell this Court more about the diamond mining?
20 A. Yes.
21 Q. Do so.
22 A. When we ceased carrying the luggages and they brought the
23 mining into our town.
24 Q. Go on?
25 A. We saw one rebel commander who arrived and his name was
26 Officer Med.
27 Q. Can you spell the name for the Court, please?
28 PRESIDING JUDGE: If -- Mr Braun, if you have the spelling on
29 your record, you could help us, straight away.

- 1 MR BRAUN: Thanks, Your Honour. It's M-E-D.
- 2 PRESIDING JUDGE: M-E?
- 3 MR BRAUN: M-E-D, officer.
- 4 Q. Mr Witness, do you recall when Officer Med came to
5 Tombodu?
- 6 A. Yes.
- 7 Q. When was that?
- 8 A. It was around April.
- 9 Q. Which year, Mr Witness?
- 10 A. 1999.
- 11 Q. What happened after Officer Med came to Tombodu?
- 12 A. When he came to Tombodu, he came to Bendu II and
13 assembled all the civilians. He invited us to Bendu II.
- 14 PRESIDING JUDGE: This name is coming up now for the second
15 time. Let's have the spelling, please. Bendu II?
- 16 THE WITNESS: Bendu II.
- 17 PRESIDING JUDGE: Mr Braun, please?
- 18 MR BRAUN: It's B-E-N-D-U-T-U.
- 19 PRESIDING JUDGE: Okay.
- 20 MR BRAUN:
- 21 Q. What happened after that, Mr Witness?
- 22 A. He told us that he was sent by General Issa Sesay to come
23 and start mining in Tombodu.
- 24 Q. Do you know what group Officer Med belonged to?
- 25 A. Yes. He was RUF.
- 26 Q. What happened after that?
- 27 A. He told us to tell him where diamonds were.
- 28 Q. What happened after that?
- 29 A. We told him that we have just arrived into a town. We

- 1 don't know where diamonds are.
- 2 Q. What happened after that, Mr Witness?
- 3 A. He said, "Well since you said you don't know where the
4 diamonds are, we ourselves will look for the diamonds and
5 we will ask you to start working."
- 6 Q. So did the civilians agree to work for the rebels?
- 7 A. We refused because we told them that we didn't know where
8 the diamonds are.
- 9 Q. So what happened next?
- 10 A. After a few days he brought materials with which to mine
11 the diamonds, and in fact told us that we're going to
12 work by force.
- 13 Q. What do you mean by force, Mr Witness?
- 14 A. Well, if you're not prepared to do a particular type of
15 job and someone comes and tells you you have to do it,
16 whether you agree or not, you must do it.
- 17 [HS130105B 10.35 a.m.]
- 18 Q. So what happened next, Mr Witness?
- 19 A. When we told them we didn't want to work, he came with
20 his bodyguards -- the young men who were with him, and
21 they gathered all of us able-bodied young men in the
22 town.
- 23 Q. What happened next, Mr Witness?
- 24 A. When they gathered us together they distributed shovels
25 to every one of us, and we started mining, we started
26 digging.
- 27 Q. Where exactly were you mining?
- 28 A. Bendu II.
- 29 Q. What happened after that, Mr Witness?

- 1 A. When we started working and the work started becoming
2 very difficult, some of the young men in town started
3 hiding.
- 4 Q. Go on, Mr Witness.
- 5 A. When many of the young men started hiding, they started
6 going afar into other villages, collecting young men, and
7 they brought them.
- 8 MR BRAUN: Your Honour, I heard the witness say the word
9 "manpower", but it was not on the translation.
- 10 JUDGE BOUTET: Can the translation do it again?
- 11 THE INTERPRETER: When some of the young men started hiding
12 from Tombodu, the rebels started going afar, bringing
13 young men, able-bodied people from different villages
14 under manpower.
- 15 MR BRAUN:
- 16 Q. What do you mean by "manpower"?
- 17 PRESIDING JUDGE: "Under manpower", what does that mean
18 precisely?
- 19 MR BRAUN:
- 20 Q. Mr Witness?
- 21 A. Manpower is just like slavery, you do things that you
22 don't like to do. So they brought you and you work for
23 them even when you are not willing to do the job.
- 24 Q. Who used the word "manpower"?
- 25 A. The rebels.
- 26 Q. Mr Witness, do you know what happened to the persons that
27 were caught?
- 28 A. Yes.
- 29 PRESIDING JUDGE: I didn't get that question.

1 MR BRAUN: Your Honour, the question was: What happened to
2 the persons that were caught by the rebels? Actually,
3 the question was: Do you know what happened to those
4 persons?

5 THE WITNESS: Yes.

6 MR BRAUN:

7 Q. Please tell us?

8 A. When they caught these men they tied ropes around their
9 waist, one behind the other, and they brought them.

10 Q. Where did they bring them?

11 A. They brought them to Bendu II.

12 Q. What happened next, Mr Witness?

13 A. When they brought them, they undressed them completely.

14 Q. Do we know, Mr Witness, why those people were caught?

15 A. Yes.

16 Q. Please tell us?

17 A. They caught them to come and work for them and mine
18 diamonds for them.

19 Q. Do you know who gave the order to capture people for
20 mining?

21 A. Yes.

22 Q. Who was it?

23 A. The mining commander that was there, Officer Med, he gave
24 the orders to go and get men under manpower and bring
25 them.

26 Q. What happened after that, Mr Witness?

27 A. When these rebels brought these men, the manpower, they
28 put them in one house in Bendu II.

29 Q. Go on, Mr Witness.

- 1 A. Next morning they took them down to the mining pits to do
2 the mining.
- 3 Q. How do you know that, Mr Witness?
- 4 A. It was in my presence and it was not at night. It was
5 during the day and we were there in the town.
- 6 Q. Mr Witness, please describe the working conditions for
7 the miners?
- 8 A. When they come down to the mining area in the pits, the
9 rebels will stand up and they would all have guns, so
10 that nobody would run away.
- 11 Q. Did anything happen when a civilian became tired?
- 12 A. Yes.
- 13 Q. What happened?
- 14 A. When they brought you from afar to come and do work for
15 them, they build little sheds around. So when you got
16 tired you went into that shed and sit there so that you
17 don't run away.
- 18 Q. Did anything happen when a miner stopped working?
- 19 A. Yes.
- 20 Q. What happened?
- 21 A. If you worked and you were tired and you had a shovel in
22 your hand and you stand up to take a little bit of a
23 break, the rebels will take stones and stone you to start
24 working again.
- 25 Q. Do you know whether the civilians were paid for the
26 mining?
- 27 A. No.
- 28 Q. So you don't know?
- 29 A. They didn't pay them. When they hold you like a slave

- 1 and tie ropes around you, will you be paid? They didn't
2 pay them.
- 3 Q. Did anything happen when a civilian refused to mine for
4 the rebels?
- 5 A. You wouldn't refuse. I mean, there is gun over your
6 head. I mean, when they ask you to work, you only have
7 to work. There is no way you're going to refuse.
- 8 Q. Do you know, Mr Witness, for how long time forced mining
9 was carried out in Bendu II?
- 10 A. Yes.
- 11 Q. Please tell us.
- 12 A. It went on for about two years.
- 13 Q. Do you know how often people had to work in the mines?
- 14 A. Yes.
- 15 Q. Please tell us.
- 16 A. When they begin in the morning, they work right through
17 the day until in the evening. Even at night they
18 continued to work.
- 19 Q. Did anything happen when people became exhausted from
20 mining?
- 21 MR JORDASH: Do we know that people did become exhausted by
22 mining?
- 23 MR BRAUN: I accept that.
- 24 Q. Mr Witness, did people become exhausted while mining?
- 25 A. Yes.
- 26 Q. Do you know what happened when they became exhausted?
- 27 A. Yes.
- 28 Q. Please tell us?
- 29 A. They brought many of them, so when one batch was tired or

- 1 exhausted, they brought other batch.
- 2 Q. How long was the mining day for a civilian?
- 3 A. If they came in the morning, one batch will work until
4 midday, then they'll be replaced by another batch while
5 the others were resting in the sheds. Sheds were built
6 around the mining site.
- 7 Q. What happened to the miners when they have finished their
8 working day?
- 9 A. When they were finished working, they mixed gari for
10 them. Gari is what they eat. They'll mix the gari and
11 they'll serve it to them by spoons. You have one spoon
12 of gari and you go back to work.
- 13 Q. Do you know whether those people were allowed to go home
14 after working day?
- 15 A. When they've brought the first batch and they worked for
16 long -- I mean, they wouldn't get tired. They just
17 brought more people to assist in the working.
- 18 Q. Mr Witness, the question was: What happened if a miner
19 has finished his working day?
- 20 A. That is why I said they built sheds around the mining
21 site. When you worked and you finished working, you go
22 up into the sheds and you rest.
- 23 Q. Do you know whether those miners were free to leave their
24 sheds?
- 25 A. They never allow them to leave the sheds.
- 26 Q. Do you know how many people were forced to mine for the
27 rebels?
- 28 A. When they brought them the first day, there were many of
29 them. When we counted there were 150.

- 1 Q. Did that change at any time?
- 2 A. Yes.
- 3 Q. Please tell us?
- 4 A. When they started the mining, it wasn't any more
5 concentrated in one place; it was scattered all over the
6 place. So mining was now widespread.
- 7 Q. Do you know how many people were forced to mine when it
8 became widespread?
- 9 A. I can't tell you the exact number, but by the way I think
10 about it now, there were more than 500 people. There
11 were many people.
- 12 Q. Do you know who was in charge of the rebels in Tombodu
13 when mining was carried out?
- 14 A. Yes.
- 15 Q. Do you recall the names of the rebels in charge of
16 mining?
- 17 A. Yes.
- 18 Q. Please tell us?
- 19 A. Officer Med, CO Gebo.
- 20 Q. Can you spell that name for the Court, please?
- 21 PRESIDING JUDGE: Mr Braun, you don't have the name there?
22 You see, we move faster if it is you doing the spelling.
- 23 MR BRAUN: I know, Your Honour, but I would prefer this name
24 to be spelt by the witness.
- 25 THE WITNESS: Gebo, G-E-B-O.
- 26 MR BRAUN: Thank you, Mr Witness.
- 27 Q. Do you recall any other names, Mr Witness?
- 28 A. Yes.
- 29 Q. Please tell us?

- 1 A. Major Saw, Staff Alhaji, Colonel Lion.
- 2 Q. Lion is L-I-O-N. Do you know what group Colonel Lion
3 belonged to, Mr Witness?
- 4 A. Yes, he was RUF.
- 5 Q. Mr Witness, what happened when a civilian found a
6 diamond?
- 7 PRESIDING JUDGE: Did they find diamonds at all? That's a
8 preliminary question.
- 9 MR BRAUN: Sorry, Your Honour, forgive me.
- 10 Q. Mr Witness, do you know what happened when a civilian
11 found a diamond while mining?
- 12 PRESIDING JUDGE: Did they find diamonds at all?
- 13 MR BRAUN: Thank you for the guidance, Your Honour.
- 14 PRESIDING JUDGE: Ask him the question: In the mining did
15 they find diamonds?
- 16 MR BRAUN:
- 17 Q. Mr Witness, did civilians find diamonds while mining?
- 18 A. The civilians did the mining. When they finished raising
19 the gravels and they washed it, they never touched the
20 diamonds; they only saw them. It is the rebels that took
21 the diamonds.
- 22 PRESIDING JUDGE: So the civilians mined some diamonds; that
23 is the answer to the question.
- 24 JUDGE BOUTET: I'd like to understand a bit better this mining
25 process. What is meant in those circumstances by mining?
- 26 MR BRAUN:
- 27 Q. Mr Witness, can you please describe the mining process to
28 the Court?
- 29 A. The way the mining happened, when the civilians dug the

1 gravel out of the ground they washed the gravel. They
2 are not washing the gravels for themselves, they'll be
3 washing while some -- the rebels are standing overhead
4 with guns.

5 JUDGE BOUTET: Is this mining done underground? How is it
6 done? Mining can be done in various ways, as such. All
7 I know is they've been issued shovels and they get some
8 gravel, but I don't know the mining process. I would
9 like to understand what it is all about.

10 THE WITNESS: Let me explain.

11 MR BRAUN:

12 Q. Mr Witness, wait, I will put the question to you. Would
13 you please describe the mining site to the Court?

14 A. At the mining site we dug the earth from the surface
15 right down to the gravels. When we reached the gravels
16 we raise the gravel, we dig it out of the earth onto the
17 surface.

18 MR BRAUN: May I proceed, Your Honour?

19 A. So, Mr Witness, can you describe what happened when
20 diamond was found while mining.

21 PRESIDING JUDGE: Why don't you allow him tell his story.
22 They dig up to a certain depth and then they remove
23 gravel and bring it up to the surface.

24 JUDGE THOMPSON: Let's separate the process. Let's hear the
25 process first.

26 MR BRAUN: Thank you, Your Honour.

27 Q. Please, Mr Witness, go on describing the mining process.

28 PRESIDING JUDGE: The gravel is brought to the surface, yes?

29 THE WITNESS: When the gravel was dug out of the earth and

1 brought to the surface of the ground, they brought plants
2 that you did the washing. They even brought huge
3 machines, like Caterpillar and dragline operators, but
4 when the gravel was at the surface, they wash them using
5 the washing plants.

6 MR BRAUN:

7 Q. What is a washing plant, Mr Witness?

8 A. The washing plant is a machine that washes the gravel.
9 When the manpower lifts the gravel from the surface of
10 the ground and placed them into the machine, water is
11 poured onto it and they shook, and this is where the
12 washing goes on.

13 Q. What happened next?

14 JUDGE THOMPSON: Just a minute. So the gravel is brought to
15 the surface by some heavy equipment. Did you say like
16 the Caterpillar? Is it by hand or by heavy equipment?
17 The digging is done by heavy equipment, is that what you
18 say? Because you used the word Caterpillar.

19 MR BRAUN: May I ask the witness?

20 JUDGE THOMPSON: Yes, quite right.

21 MR BRAUN:

22 Q. Mr Witness, what was the Caterpillar used for?

23 A. The gravel was really far down into the earth, so what
24 the Caterpillar does was to remove the top earth.

25 JUDGE BOUTET: So in that process you were looking for gravel
26 and it is the gravel that is brought to this washing
27 plant; am I right?

28 THE WITNESS: There are three stages: First, the Caterpillar
29 removes the top earth; then the dragline operator comes

1 and removes more earth so that it gets closer to the
2 gravel; then the manpower - these are the men who are
3 working under force - come down into the pit and dig
4 clearly on top of the gravel, lift it up by hand onto the
5 surface of the earth.

6 JUDGE BOUTET: And from the surface then it's taken to the
7 washing plant?

8 THE WITNESS: Yes.

9 JUDGE BOUTET: How is this washing plant working? How is the
10 diamond coming in the picture? You put all the gravel in
11 the washing plant presumably.

12 THE WITNESS: When the gravel is placed into the washing
13 plant, it shakes it up and down and water is poured onto
14 the dirt so that all the dirt is removed and the bigger
15 stones are removed on top. The ones that are heavier and
16 concentrated go to the bottom, and it is this concentrate
17 that is turned over.

18 MR BRAUN:

19 Q. So Mr Witness, what happened with the concentrate?

20 A. When the concentrate is turned over -- because the
21 heavier diamonds have descended to the bottom and it is
22 turned over, they are now on top. So they pick the
23 bigger diamonds at the top.

24 Q. Who picked the diamonds, Mr Witness?

25 A. Rebels.

26 Q. What happened to those diamonds after that?

27 A. When they pick the diamonds, they give it to their boss.
28 I don't know what happens to the diamonds when they took
29 them away.

- 1 Q. Who was the boss, Mr Witness?
- 2 A. General Issa Sesay.
- 3 Q. Did you see Issa Sesay in Bendu II?
- 4 A. Yes.
- 5 Q. Do you know what Issa Sesay did in Bendu II?
- 6 A. Yes.
- 7 Q. Would you please explain to the Court?
- 8 A. When they started washing the gravels and diamonds
9 started surfacing, Issa Sesay came every day.
- 10 Q. Why did he come?
- 11 A. When they washed the gravels and they turned the
12 concentrates over and they picked the diamonds, the
13 diamonds were placed in white sheets of paper and they'll
14 give this to Issa Sesay in my presence.
- 15 Q. Who gave the diamonds to Issa Sesay, Mr Witness?
- 16 A. The officers he had on the ground, Officer Med and
17 CO Gebo. When the diamonds were picked, they are placed
18 in white sheet of paper and handed over to Issa Sesay and
19 he took it along, in our presence.
- 20 PRESIDING JUDGE: He said Officer Med and who?
- 21 MR BRAUN: CO Gebo.
- 22 THE WITNESS: CO Gebo and Major Saw.
- 23 MR BRAUN:
- 24 Q. Mr Witness, how often did you see those officers pass
25 diamonds to Issa Sesay?
- 26 A. Many, many times. So many times. I saw him many times.
- 27 Q. Mr Witness, do you recall when you saw Issa Sesay the
28 first time?
- 29 A. Yes.

1 Q. When was that?

2 A. That was in the year 2000. Up to 2000, 2001. xxxxxx saw him
3 at Bendu II many times during that period, General Issa
4 Sesay.

5 JUDGE THOMPSON: Your question was the first time he ever saw
6 him.

7 MR BRAUN:

8 Q. Mr Witness, I asked you do you recall when you saw Issa
9 Sesay the first time?

10 A. The time he hadn't yet arrived at the mines.

11 JUDGE THOMPSON: Yes, I thought that distinction should be
12 made. Whether that was the first time -- [Microphone not
13 activated]

14 MR BRAUN: Your Honour, I didn't understand you.

15 JUDGE THOMPSON: Yes, I thought that distinction could be
16 made, whether it was the first time he ever saw him or
17 whether it was the first time he saw him in the context
18 of the alleged diamond transactions. So perhaps you need
19 to be a little more specific. What are you trying to
20 elicit? The first time he ever met him or --

21 MR BRAUN: Exactly, Your Honour.

22 JUDGE THOMPSON: Fine. Go ahead, counsel.

23 MR BRAUN: Your Honour, you want me to put this question
24 again?

25 JUDGE THOMPSON: Well, it is entirely up to you what you are
26 trying to elicit. I am just saying there is a ring of
27 ambiguity here between the specific and the general.

28 MR BRAUN:

29 Q. Mr Witness, when was the first time you saw Issa Sesay?

- 1 A. The first time xxxxxx saw Issa Sesay was in Bendu II when the
2 diamond mines started. In Bendu II.
- 3 Q. Mr Witness, when did you first see Issa Sesay receive
4 diamonds?
- 5 A. xxxxxx. It was on a main highway. I mean, it was not
6 in hiding. The first time I saw him receive the diamonds
7 was in xxxxxx.
- 8 Q. Mr Witness, I asked when? When did you see Issa Sesay
9 receive diamonds the first time?
- 10 A. I saw him around April/May. There was no time for their
11 mining. I mean, I saw him around May; that's when I saw
12 him.
- 13 Q. May of what year, Mr Witness?
- 14 A. The year 2000.
- 15 Q. Mr Witness, did you see Issa Sesay do anything else in
16 Bendu II besides collecting diamonds?
- 17 A. Yes.
- 18 Q. Please go on, Mr Witness.
- 19 A. Between Bendu II and Tombodu there is a very long bridge
20 between the two villages. He brought Caterpillar and
21 they dismantled the bridge.
- 22 Q. Why did they do that?
- 23 A. They wanted to mine. It was the main highway, but they
24 broke the bridge so that they can mine there.
- 25 JUDGE THOMPSON: He said, "They broke the bridge." Who?
- 26 MR BRAUN:
- 27 Q. Mr Witness, who broke the bridge?
- 28 A. The rebels, they broke the bridge.
- 29 Q. Mr Witness, did anything happen if people did not find

1 any diamonds?

2 A. Yes.

3 Q. What happened?

4 A. When they told us to locate and tell them where diamonds
5 could be found, and we told them we didn't know, but when
6 they washed gravels and they didn't see any diamonds, all
7 of us civilians in Tombodu would be assembled and they
8 will say we are witches and wizards.

9 Q. What happened next?

10 JUDGE THOMPSON: So the evidence is that if civilians did not
11 find diamonds after washing gravel, the rebels would
12 assemble them and accuse them of witchcraft; is that it?

13 MR BRAUN: That's what I understood, Your Honour.

14 JUDGE THOMPSON: I just wanted to be clear, all right.

15 JUDGE BOUTET: I would like to hear the answer from the
16 witness, not from the -- [Overlapping speakers]

17 JUDGE THOMPSON: Yeah, is that it? There would be an
18 accusation? Can you relay that to him because that's
19 what I understand. Let him confirm it.

20 THE WITNESS: When we dig diamonds and we didn't find
21 diamonds, they will assemble us and they will accuse us
22 of witchcraft, and they will say we, the civilians, are
23 the ones that are causing them not to see diamonds.

24 JUDGE THOMPSON: Thank you.

25 JUDGE BOUTET: Mr Prosecutor, before you move on a bit
26 further, you had asked a question not long ago about -- I
27 have in my notes whether he saw Mr Sesay do anything else
28 in Bendu II, and then we went from that question to an
29 answer about the long bridge between the two villages and

1 the Caterpillar and so on and so on.

2 MR BRAUN: Your Honour, I think that the witness answered this

3 question.

4 JUDGE BOUTET: Yes, he did answer the question. He answered

5 in saying there's a long bridge between the two villages

6 and the bridge was pulled down and so on. At least I may

7 have missed something.

8 MR JORDASH: If I can assist.

9 JUDGE BOUTET: Yes.

10 MR JORDASH: What I understood the witness to have said to

11 that question was he brought -- he was in --

12 JUDGE BOUTET: He brought the Caterpillar?

13 MR JORDASH: He brought the Caterpillar.

14 JUDGE BOUTET: Okay, I might have missed that portion; thank

15 you.

16 JUDGE THOMPSON: I think it was he did say he brought a

17 Caterpillar - that is, Issa Sesay - to dismantle the

18 bridge for the purpose of mining there.

19 JUDGE BOUTET: Thank you, that clarifies my question.

20 PRESIDING JUDGE: And Mr Braun, I suppose that flowed from

21 your question that besides collecting diamonds, did

22 Mr Sesay do any other thing? That is when he brought in

23 -- he talked of the Caterpillar and so on and so forth.

24 MR BRAUN: That's correct.

25 JUDGE BOUTET: That's clarified, thank you.

26 MR BRAUN:

27 Q. So, Mr Witness, what happened after the civilians were

28 accused of being witches and wizards?

29 A. When they accused the civilians of witchcraft, by which

1 time many of the young men had actually run away, so most
2 of the people who were rounded up were the older men. So
3 they were taken into a cell called the guard room and
4 they were placed in there.

5 Q. Mr Witness, who is "they"?

6 A. The rebels. The rebels were the ones who rounded them up
7 and placed them in the cell.

8 Q. So what happened next?

9 A. They will undress them, stark naked. I was in hiding
10 behind my house. My house was very close to the
11 riverfront. So I was hiding there and I would see them.
12 So they undress them stark naked and took them down by
13 the riverside.

14 Q. What happened next, Mr Witness?

15 A. The rebels flogged these older men, they beat them up and
16 they stab them on their heads and rubbed mud on them.

17 PRESIDING JUDGE: What did they do to their heads, stabbing or
18 what? They flogged these old men and did what else?

19 THE WITNESS: They stabbed them. They were wounded on their
20 heads.

21 MR BRAUN:

22 Q. Mr Witness, do you know who ordered the rebels to do so?

23 PRESIDING JUDGE: And mud -- he mentioned mud. What happened?
24 Stabbed them on the head and what did he say about mud?

25 MR BRAUN: It was mold, Your Honour.

26 THE WITNESS: They ducked them under the water and they
27 brought them out and they rubbed mud all over them.

28 JUDGE THOMPSON: Did you say this took place by the riverside?

29 THE WITNESS: This is a swampy area and they've been doing

1 mining and all the dug out pits have stagnant water in
2 them. But the swamp went down to Nyagbema, a river.

3 JUDGE THOMPSON: Right, thank you.

4 MR BRAUN:

5 Q. Mr Witness, do we know who ordered the rebels to do so?

6 MR O'SHEA: Just a moment, please. Your Honours, we don't yet
7 know if there was an order. We don't at this point in
8 time know that there was any order?

9 JUDGE THOMPSON: Order for?

10 MR O'SHEA: We'll, we've just had a description of being
11 stabbed on the head and the question was: Do you know
12 who ordered this?

13 MR BRAUN: I accept this point, Your Honour.

14 JUDGE THOMPSON: Yes, sustained.

15 MR BRAUN:

16 Q. Mr Witness, was there an order for the rebels to do so?

17 A. Yes.

18 Q. Who gave the order, Mr Witness?

19 A. Officer Med.

20 Q. What happened next, Mr Witness?

21 A. They'll bring the old men again and they'll place them in
22 the cells. The rebels will place the old men in the cell
23 again.

24 Q. What happened next, Mr Witness?

25 A. They'll sleep there and the next morning Officer Med will
26 order them out.

27 Q. Mr Witness, what happened after that?

28 A. When they ordered these older men out and they brought
29 them out, all of us civilians were assembled and General

1 Issa Sesay came to Bendu II.

2 Q. What happened next, Mr Witness?

3 A. When the civilians were assembled the older men told Issa
4 Sesay, "Well, you said you brought your people here to
5 mine diamonds and they said we are the witches and
6 wizards. You see what they've done to us."

7 Q. What happened next, Mr Witness?

8 A. All he told them was, "Well, old men, you only have to be
9 patient and bear up with us. There is nothing we could
10 do." That was all he said.

11 I would like to ease myself.

12 THE INTERPRETER: The witness would like to ease himself.

13 PRESIDING JUDGE: The Court will rise, please, for the witness
14 to put himself at ease. Court rises, please.

15 [Break taken at 11.37 a.m.]

16 [HS130105C]

17 [On resuming at 12.01 p.m.]

18 PRESIDING JUDGE: We're resuming the session. Yes, Mr Braun.

19 MR BRAUN: Thank you.

20 Q. Mr Witness, where is Gbema [phoen]?

21 A. Gbema is a village in Kamara Chiefdom.

22 PRESIDING JUDGE: In the Kamara Chiefdom, right?

23 MR BRAUN:

24 Q. Did you know anybody who lived in Gbema?

25 A. Yes.

26 Q. Who is that?

27 A. He is called Sahr Sogbeh.

28 PRESIDING JUDGE: I'm sure the Defence is very happy with that
29 approach. They are happier with that approach than the

1 earlier approach.

2 Mr Braun.

3 MR BRAUN: May I spell the name.

4 PRESIDING JUDGE: Yes, please.

5 MR BRAUN: S-A-H-R. S-O-B-G --

6 PRESIDING JUDGE: S-A.

7 MR BRAUN: S-A-H-R. S-O-B-G --

8 PRESIDING JUDGE: Okay, let him spell it. Let your witness

9 spell it maybe.

10 MR BRAUN:

11 Q. Mr Witness, maybe you can spell the name for the Court,

12 please.

13 A. S-A-H-R, S-O-G-B-E-H.

14 Q. How do you know him?

15 A. He's a relative.

16 Q. What kind of relative?

17 A. He comes from my father's side.

18 JUDGE BOUTET: I don't think you should push that too far

19 because of the identity of the witness.

20 MR BRAUN: Thank you, Your Honour.

21 JUDGE BOUTET: Thanks.

22 MR BRAUN:

23 Q. Do you know, Mr Witness, whether Sogbeh Sahr belonged to

24 an armed group during the conflict in Sierra Leone?

25 A. No, he didn't belong to any faction.

26 Q. Did anything happen to Sogbeh?

27 A. Yes.

28 Q. Can you please tell Court what happened to Sogbeh?

29 A. Yes. Sogbeh came from Guinea to his village, Gbema.

- 1 Q. Yes.
- 2 A. At that time, civilians were returning. We had heard
3 that the Kamajors are now come towards the eastern end in
4 Nyagbema.
- 5 MR JORDASH: Sorry, could we have the spelling of the location
6 just given, please.
- 7 MR BRAUN:
- 8 Q. Mr Witness, can you just spell the name you just
9 mentioned to the Court.
- 10 JUDGE THOMPSON: Where the Kamajors were coming from. You
11 said the eastern end of where, the Kamajors? You said
12 --
- 13 THE WITNESS: The Kamajors came from towards Guinea, and they
14 came into Soa Chiefdom, and they came down into Nyagbema.
- 15 MR BRAUN:
- 16 Q. Can you please spell Nyagbema.
- 17 A. N-Y-A-G-B-E-M-A.
- 18 Q. Mr Witness, do you recall when that happened?
- 19 A. Yes.
- 20 Q. Please tell us.
- 21 A. This was around 2001 when we heard that UNAMSIL was
22 arriving. That was the time.
- 23 Q. Was it at the beginning, the middle, or the end of 2001,
24 Mr Witness?
- 25 A. Towards the end.
- 26 Q. So what happened next, Mr Witness?
- 27 A. When Sogbeh returned to his village, Gbema.
- 28 Q. Yes, Mr Witness.
- 29 A. The rebels heard about him, and they heard that a strange

1 has come -- a civilian has come from Guinea into the
2 village of Gbema. He has brought with him Kamajors.

3 Q. What happened after that?

4 A. The rebels went for Sogbeh and brought him.

5 MR JORDASH: Your Honours, I'm just raising an objection
6 because I'm curious as to what the relevance of this
7 evidence is. It's evidence, it seems, of some kind of
8 offence, if it is to be alleged as -- as given in the
9 statement that I've got, which is in late 2001, which is
10 way outside the indictment period. If it is to be an
11 alleged killing, it's way outside the terms of
12 indictment, paragraph 48, "killings in Kono District"
13 which, as I understand it, is limited to the June 1998.
14 I'm wondering why we're hearing this evidence.

15 MR HARRISON: It's evidence of the widespread and systematic
16 nature of the violence that took place which is part of
17 the indictment, part of the overall scope of the
18 indictment. Mr Jordash's point about Kono and the time
19 frame I think is right. I don't have that paragraph in
20 front of me. It is evidence as to the widespread and
21 systematic nature of the events and violence that took
22 place in Sierra Leone, and that's why it is being led.

23 MR JORDASH: Well, the Prosecution's case is that the offences
24 as alleged in the indictment were widespread or
25 systematic within the period of the indictment. That's
26 what they need to prove.

27 JUDGE THOMPSON: Yes.

28 MR JORDASH: Not that the offences were occurring outside that
29 period as -- described as widespread or systematic. If

1 they were to attempt to elicit evidence of widespread or
2 systematic crimes in 1991, I would, again, object. It's
3 outside the indictment period. We don't need to have to
4 deal, I would respectfully submit, with proof of
5 widespread or systematic outside of the indictment
6 period. It's prejudicial --

7 JUDGE THOMPSON: Let me understand you. Are you suggesting
8 that this particular piece of evidence seems to be
9 inconsistent with the temporal jurisdiction of the Court?

10 MR JORDASH: Highly inconsistent.

11 JUDGE THOMPSON: The temporal jurisdiction. So it's more
12 fundamental than the Prosecution -- or their response
13 seems to suggest.

14 MR JORDASH: I would respectfully --

15 JUDGE THOMPSON: From your perspective, it's more fundamental.

16 MR JORDASH: To prove that offences were widespread or
17 systematic in 2001 doesn't, I would suggest, prove that
18 they were widespread or systematic within the period of
19 the indictment.

20 JUDGE THOMPSON: That's what I'm trying to get with you.
21 Because in other words, they are not precluded from
22 proving that certain activities, alleged activities, were
23 widespread and systematic. They're not precluded from
24 doing that, but it must be consistent with the temporal
25 jurisdiction of Court. In other words, we cannot
26 -- whatever proof is being put forward must be in
27 conformity with the temporal jurisdiction of the Court.
28 Is that what --

29 MR JORDASH: I would certainly not object to evidence which

1 was marginally outside the period because -- the period
2 of the indictment.

3 JUDGE BOUTET: I think you're talking of something different
4 than what my colleague is raising here.

5 JUDGE THOMPSON: Yes.

6 JUDGE BOUTET: You're not talking here of the temporal
7 jurisdiction of Court. Your objection is focussed on
8 what has been alleged in the indictment.

9 JUDGE THOMPSON: All right.

10 JUDGE BOUTET: This is outside of the allegation in the
11 indictment.

12 JUDGE THOMPSON: Yes, okay.

13 JUDGE BOUTET: Am I right?

14 MR JORDASH: Your Honour, yes.

15 JUDGE THOMPSON: Then, of course, it's not as fundamental as I
16 have been trying to make it. In other words, you're
17 talking about the indictment, the allegations in the
18 indictment.

19 MR JORDASH: In that way, I would submit it's more fundamental
20 than Your Honour's question suggested because it's the
21 indictment which the Prosecution need to try to prove
22 whilst I would respectfully submit that crimes that are
23 marginally outside the indictment might assist
24 Your Honours in establishing whether the Prosecution
25 established that crimes were widespread or systematic
26 within the period of the indictment, offences or alleged
27 offences committed late 2001 is so far outside of the
28 indictment, I would respectfully submit, that it doesn't
29 assist with that question.

1 PRESIDING JUDGE: The point you're making, Mr Jordash, is that
2 even if you conceded that this particular crime was
3 committed within the framework of the widespread nature
4 of the killings, it must come within the period that is
5 alleged in the indictment, and not later. Do I
6 understand you to be saying this?

7 MR JORDASH: Within or very proximate to.

8 PRESIDING JUDGE: I don't even want to be very proximate
9 because we have to look at it if you can tolerate a
10 killing that is proximate but not within, then the logic
11 is that there is no reason why you should not accept a
12 killing that is much later in time than proximate.

13 MR JORDASH: Well, proximate is part of the context --

14 PRESIDING JUDGE: Proximate is outside. It's outside the time
15 alleged in the indictment, isn't it?

16 MR JORDASH: But it might provide - and I'm not conceding this
17 for each and every piece of evidence which comes slightly
18 outside the indictment, but I can envisage a situation
19 where crimes adduced by -- alleged crimes adduced by the
20 Prosecution, say, one or two months outside the period of
21 the indictment might assist Your Honours in establishing
22 whether crimes within the indictment were widespread or
23 systematic. But this is a crime alleged which is nearly
24 two years outside of the indictment.

25 Crimes may have been - I don't know - widespread or
26 systematic in 2001, but how does that assist Your Honours
27 in deciding whether they were widespread or systematic in
28 1999. Or I beg your pardon, 1998 which is where the
29 Prosecution allege the killings -- the accused are

1 responsible for killings in Kono.

2 JUDGE BOUTET: You're making reference here to paragraph 48 of
3 the indictment, is it?

4 MR JORDASH: Your Honour, yes.

5 JUDGE BOUTET: That's paragraph 48, yeah.

6 JUDGE THOMPSON: I am confused.

7 JUDGE BOUTET: But I would like to -- I'm reading on the -- I
8 have a copy of the indictment in front of me. And counts
9 3 to 5 make reference to unlawful killings and such. But
10 the difficulty I have here is if you -- with your
11 argument is if you look at paragraph 44, which is
12 terrorising the population and collective punishment,
13 members of the AFRC are references are referenced. I
14 won't read all of it, but suffice to say that in
15 paragraph 44, they say "committed the crimes set forth
16 below in paragraphs 45 and 82 and charged in counts 3
17 through 13." So the terrorising of the population
18 embodies more than just unlawful killings. What you're
19 talking about is the unlawful, specifically charged under
20 counts 3 to 5, more specifically in paragraph 48 is
21 unlawful killing. You're now talking here of
22 terrorising, which is count 1 and 2. Which is at least a
23 very quick reading. I have not been through all of it,
24 just glanced through it as such. It seems to be much
25 larger than 98.

26 MR JORDASH: Your Honour may well be right, but what that does
27 is simply extend the period of the indictment the
28 Prosecution needs to focus on to February 1999, which is
29 the period -- which is the latest period as indicated by

1 paragraph 52, which of course deals with Freetown and the
2 Western area. But if Your Honour was right, then the
3 period which the Prosecution ought to be concerned with
4 is a period which ends in February 1999, and I would
5 submit exactly the same, that a crime alleged, therefore,
6 late 2001 is almost two years outside of that.

7 JUDGE BOUTET: Again, as I say, I haven't looked at all of
8 them for that purpose this morning. But it does -- by
9 incorporation includes up to 82. So you're saying that
10 there's nothing in the specificity of 40 -- paragraphs 46
11 on. Or pardon me. 45 on that goes beyond 1999. That's
12 what you're saying.

13 MR JORDASH: The latest period as I understand --

14 JUDGE BOUTET: You may be right. I haven't --

15 MR JORDASH: The latest period as I understand it is January
16 2000, which is when the Prosecution say -- Your Honour,
17 before I continue this, could I apply for the witness's
18 microphone to be switched off, please.

19 JUDGE BOUTET: Yeah, I think...

20 [Trial Chamber confers]

21 MR JORDASH: Paragraph 71 deals with Kono and its mining in
22 January 2000. And my recollection of the indictment is
23 that that's the last period which the allegations are
24 concerned with.

25 JUDGE THOMPSON: Did you say 71?

26 MR JORDASH: 71, Your Honour, yes.

27 JUDGE THOMPSON: Yes. And that period covers which particular
28 dates? 14 February 1998.

29 MR JORDASH: I beg your pardon. There is -- it is extended,

1 but only in relation to counts 15 and 18 which are
2 attacks on UNAMSIL personnel.

3 JUDGE BOUTET: Yes, which goes to September 2000.

4 JUDGE THOMPSON: Yes.

5 MR JORDASH: But in terms of the allegations against ordinary
6 civilians --

7 JUDGE THOMPSON: Yes.

8 MR JORDASH: -- we are talking at the outside January 2000.

9 JUDGE BOUTET: And just to support your position, if I may in
10 this respect, in the allegations of the Prosecution at
11 paragraph 44, they have specified crimes set forth below
12 in paragraphs 45 through 82, which would exclude the
13 counts 14 to 17. They say "in counts 3 through 13."

14 MR JORDASH: Indeed.

15 JUDGE BOUTET: So the campaign to terrorise the civilian
16 population would include up to 13, but not 14 to 17. Am
17 I making sense to you?

18 MR JORDASH: Indeed, Your Honour.

19 JUDGE BOUTET: So as I say, again, it's a very, very quick
20 leafing through the indictment. I don't see any dates
21 that seem to go beyond 1999, excluding count 14 to 17.
22 So...

23 MR JORDASH: That's my understanding of this indictment.

24 JUDGE BOUTET: And therefore, your argument, if I can carry on
25 on this, is that this is way beyond -- the allegation,
26 therefore, has no relevancy to what your accused is
27 facing in this Court. That's basically what you're
28 saying.

29 MR JORDASH: Yes.

1 JUDGE BOUTET: Okay.

2 MR JORDASH: It's a difficult argument insofar as what does
3 "proximate" mean. But I think on a case-to-case basis,
4 that proximate could be judged. And I think in this
5 particular instance, nearly two years outside --

6 PRESIDING JUDGE: [Microphone not activated]

7 MR JORDASH: Indeed.

8 JUDGE THOMPSON: I think the concept of proximate in the
9 context of criminal law would be very, very elastic and
10 dangerous to apply. I would more comfortable with the
11 concept of proximate in the region of civil law,
12 particularly in the area of the law of negligence. But
13 to import it into the criminal law here can create some
14 problems for us, particularly if you're talking about an
15 indictment which is specific as to the dates --

16 MR JORDASH: Yes.

17 JUDGE THOMPSON: -- and locations. And there are no pleadings
18 like "on or about" kind of thing. Even if there is such,
19 the question of what is permissible in terms of "on or
20 about the 1st of January." So that can be the notion of
21 proximate.

22 MR JORDASH: I would certainly seek to argue to exclude any
23 evidence which is outside of the terms of the indictment.

24 PRESIDING JUDGE: Precisely. That is what I was referring to.
25 I said if you were prepared to accept the notion of
26 proximate, then you should also go the hog, accepting the
27 notion of the ultimate, you see.

28 MR JORDASH: I'm not conceding anything.

29 PRESIDING JUDGE: And indeed, like my learned brother has

1 pointed out, we're on very slippery grounds if we start,
2 you know -- if we move from the indictment that has some
3 confines and we start fishing elsewhere, you know, for
4 evidence which, like you put it, you know, may be
5 prejudicial.

6 In any event, I think our minds are not -- we're
7 just following up. We would like to hear the Prosecution
8 on this, please. And if the Prosecution would need some
9 time to reflect on this, Mr Harrison, we would be very
10 prepared to allow you to reflect on this because it's
11 quite -- we're on very major ground, on a very major
12 objection.

13 MR HARRISON: I accept Your Lordship's invitation, and I would
14 take it.

15 PRESIDING JUDGE: All right. Because it's very important, and
16 we would like to have a very concrete contribution from
17 the Prosecution in this regard so that we resolve this
18 impasse.

19 Well, this said...

20 [Trial Chamber confers]

21 JUDGE BOUTET: Mr Prosecutor, may I ask -- leaving this issue
22 aside for the time being, I'd just like to know for
23 planning purposes how much longer do you have with for
24 this witness? Are you almost finished?

25 MR HARRISON: Approximately 30 minutes is remaining.

26 JUDGE BOUTET: Okay, thank you.

27 PRESIDING JUDGE: In light of the concession which the Chamber
28 has made to the Prosecution in its reply to the issue
29 raised by learned counsel Mr Jordash, we would adjourn

1 the session. And I hope that the Prosecution would be
2 ready by 2.30 with its reply so that we can get along and
3 wrap up the examination-in-chief of this witness.

4 Court will rise, and we'll resume sitting at 2.30,
5 please.

6 [Luncheon recess taken at 12.29 p.m.]

7 [HS1300105D]

8 [On resuming at 2.46 p.m.]

9 PRESIDING JUDGE: Good afternoon, learned counsel, we are
10 resuming our session and we would invite learned counsel
11 Mr Harrison to reply to the objections that were raised
12 by learned counsel Mr Jordash before we parted this
13 earlier this afternoon.

14 MR HARRISON: We thank the court for the additional time in
15 which to consider the matter. We have weighted the
16 options available to the Prosecution. We have decided to
17 withdraw the question and to withdraw all of the
18 questions on that area and simply to move to the next
19 area with a view of trying to complete this witness today
20 so that we can move onto the next one. We estimate
21 another 15, perhaps 30 minutes in this final area,
22 separate area, from what we were pursuing before.
23 Certainly we have carried out some research, my best
24 guess it would probably consume most of the afternoon if
25 we actually were to contest this issue. The Prosecution
26 is concerned about trying to assist the Court in keeping
27 up the efficient pace that the Court expects of the
28 Prosecution and we have made that decision.

29 PRESIDING JUDGE: Right.

1 JUDGE THOMPSON: Thank you learned counsel for the
2 Prosecution. We will now have the witness come back to
3 court to continue the examination-in-chief.
4 [Witness entered court]
5 JUDGE THOMPSON: Mr Braun, you may proceed.
6 MR BRAUN: Thank you, Your Honour.
7 Q. Good afternoon, Mr Witness.
8 A. Yes.
9 Q. Mr Witness, let me take you back to the mango season of
10 the year 2000. Did you notice anything in Tombodu at
11 that time?
12 A. Yes.
13 Q. What did you notice?
14 A. At once I am aware in Tombodu we heard over the radio
15 that they have arrested United Nations peacekeepers in
16 Makeni.
17 Q. Do you know who captured the peacekeepers?
18 A. The rebels, they said it's the RUF rebels that have
19 arrested the peacekeepers.
20 Q. Mr Witness, before I proceed, can you tell the Court when
21 the mango season is?
22 A. The mango season ranges from April to May. That's around
23 the time when the mangoes begin to ripen.
24 Q. So what happened next, Mr Witness?
25 PRESIDING JUDGE: He has talked of mango season, April and
26 May. This is of what year, let us -- every year, but in
27 this particular circumstance. Was this when you heard
28 the announcement over the radio?
29 MR BRAUN: Yes, Your Honour.

1 PRESIDING JUDGE: What year was this?

2 MR BRAUN:

3 Q. What year was that, Mr Witness?

4 A. That -- at that time it was in the year 2000.

5 Q. So what happened after you heard that the peacekeepers

6 were captured by the rebels?

7 A. We were then when we saw rebels being brought into our

8 town. There was a little town there called Bendo

9 [phoen], that's where they brought the rebels.

10 Q. Who did the rebels --

11 JUDGE THOMPSON: Just a minute.

12 PRESIDING JUDGE: Just a minute, please, we were

13 cross-checking certain dates.

14 MR BRAUN: Your Honour, may I just repeat the last question?

15 PRESIDING JUDGE: Yes, yes, we missed the last question.

16 MR BRAUN:

17 Q. So, Mr Witness, once again, what happened after you heard

18 that the peacekeepers were caught by the rebels?

19 A. We were there when we saw them bringing them by truck

20 into ~~xxxxxx~~ town, Tombodu Town.

21 PRESIDING JUDGE: That is rebels bringing the captured

22 peacekeepers?

23 MR BRAUN: I just want to clarify that point, Your Honour.

24 JUDGE THOMPSON: Yes.

25 MR BRAUN:

26 Q. So, Mr Witness, who brought the peacekeepers to Tombodu?

27 A. The rebels.

28 Q. Mr Witness, can you describe to the court how the

29 peacekeepers were brought to Tombodu?

- 1 A. Yes.
- 2 Q. Please do so.
- 3 A. They brought them in trucks, in white trucks on which the
4 inscription UN was written.
- 5 Q. Do you know how many peacekeepers were brought to
6 Tombodu?
- 7 A. Yes.
- 8 Q. Please tell us.
- 9 A. They were -- they were placed in straight line and we saw
10 them all. All of us saw them. There there were 190
11 persons. They were in a straight line.
- 12 Q. How do you know there were 190, Mr Witness?
- 13 A. When they brought them, all of us civilians went down
14 there and they placed them in straight line and counted
15 all of them in our presence.
- 16 Q. Who counted the peacekeepers, Mr Witness?
- 17 A. Colonel Gassimu, CO Gassimu.
- 18 Q. That is G-A-S-S-I-M-U. Mr Witness, who is
19 Colonel Gassimu?
- 20 A. He was RUF. He was a rebel RUF. He was a commander.
- 21 Q. Mr Witness, what happened after Colonel Gassimu counted
22 the peacekeepers in Tombodu?
- 23 A. When they finished counting them, they removed all their
24 uniforms on them including their boots, and they placed
25 them inside a mosque.
- 26 Q. Do you know where this mosque is located, Mr Witness?
- 27 A. Yes.
- 28 Q. Please tell us.
- 29 A. It is there in Tombodu. It is in a suburb of Tombodu

- 1 called Bendo. Its joined to Tombodu.
- 2 Q. Mr Witness, do we know who was in charge of the rebels in
3 Tombodu when the peacekeepers were captured?
- 4 A. Yes.
- 5 Q. Would you please tell us the names?
- 6 A. The person who was there, starting from the mining period
7 that was on top of all of them, was Officer Med. He was
8 in charge.
- 9 Q. Mr Witness, what happened after the peacekeepers were
10 brought to the mosque?
- 11 A. When they brought them they undressed them and took their
12 boots off and their clothes off and they put them inside
13 the mosque. It was on the floor of the mosque where they
14 were laid, that's where they laid.
- 15 Q. Mr Witness, do you know how long the peacekeepers were in
16 Tombodu?
- 17 A. Yes.
- 18 Q. For how long, Mr Witness?
- 19 A. They were there for over a month.
- 20 Q. Mr Witness, do you know how the peacekeepers were treated
21 by the rebels?
- 22 A. Yes.
- 23 Q. Can you please describe to this court?
- 24 A. Yes.
- 25 Q. Go on.
- 26 A. When they brought them and they placed them inside the
27 mosque they didn't allow them to go out and move around.
- 28 Q. Go on, Mr Witness.
- 29 A. They didn't allow them to move around so we the

1 civilians, you know, had compassion on them. We went
2 around picking mangos, getting tubers, potatoes, and we
3 brought it up to the peacekeepers.

4 Q. Why did you do that?

5 A. Well, these are human beings and imagine we heard that
6 these people have come to assist the people so that there
7 can be peace in the country. If you see them suffering
8 you must have some compassion on them.

9 Q. What do you mean by suffering, Mr Witness?

10 A. Beside being in one place, they didn't give them enough
11 food to eat, nor did they have any nice place to lay
12 down. In fact, when we brought the foods or the mangos
13 to them they used to shout at us not to give it to them.

14 Q. Mr Witness, do we know what country those peacekeepers
15 came from?

16 A. Yes.

17 Q. Please tell us.

18 A. When they arrived, after a while we could sit down with
19 them and have discussions and some of them had it written
20 on their shirts "Zambian". So they told us also that
21 they came from Zambia, so they were Zambians.

22 Q. In which language did you speak with the peacekeepers?

23 A. Many of them spoke English very well and I also speak
24 English a little bit.

25 Q. Mr Witness, you said the peacekeepers were in Tombodu for
26 one month, for over one one month. What happened after
27 that?

28 A. We also heard on the radio around that time that these
29 peacekeepers should be released and returned. We didn't

1 know where they were to be returned, but that is what we
2 heard.

3 Q. What happened after that, Mr Witness?

4 A. We were -- we were there when they also brought more
5 vehicles and they asked each of them to go up. Sometimes
6 when some of them were climbing up the vehicles they will
7 kick them and they will beat them, these rebels.

8 Q. Who was kicked and beaten, Mr Witness?

9 A. The Commander that brought them in the trucks,
10 Colonel Gassimu, was the same commander who came back
11 with trucks to take them. So it was him and some of the
12 rebels that beat and kicked them.

13 Q. Did you see that, Mr Witness?

14 A. Yes, this happened in my presence.

15 MR BRAUN: I have no further questions for this witness.

16 JUDGE THOMPSON: Thank you. Mr Jordash.

17 MR JORDASH: Thank you, Your Honour.

18 JUDGE THOMPSON: Your witness.

19 PRESIDING JUDGE: Yes. Mr Jordash, ready?

20 MR JORDASH: I am ready.

21 PRESIDING JUDGE: Right.

22 CROSS-EXAMINED BY MR JORDASH:

23 Q. Mr Witness, I represent Mr Issa Sesay, just so you know
24 who I am. Okay?

25 A. Yes, I have seen you.

26 Q. Now, before we -- before I take you to the beginning of
27 your story, I just want to pick up on what you say about
28 Zambian peacekeepers. Now, are you quite sure that you
29 took food to the Zambian peacekeepers?

- 1 A. It was not in my absence, it was in my presence. I was
2 the foreman for the young people. Sometimes they even
3 cooked in xxxxxx residence and xxxxxx take it for them.
- 4 Q. When you say "we", who are you talking about?
- 5 A. It is us the civilians, us the civilians.
- 6 Q. Can you estimate for us how many civilians were involved
7 in taking food or preparing food and taking it to the
8 Zambian peacekeepers during the month?
- 9 A. I can't give you numbers. We were in our village and the
10 people wanted to do good. Whatever they got, they took
11 it to them. Whatever food you have, you give it to them.
- 12 Q. Was it ten civilians, 50 civilians? Can you give an
13 estimation of the number involved in this food bringing
14 operation?
- 15 A. There were many of us, but it is not everyone of us at
16 that time that could afford to have food and give it to
17 them. There were many of us. All of us did not carry
18 the foods to them at the same time. Sometimes you get
19 yours and you bring it over to them and another time
20 someone else will do the same thing.
- 21 Q. Well, was this happening every day?
- 22 A. Every day we gave them some food. Every day.
- 23 Q. In a particular day would there be ten or more people, or
24 ten or less people, or less than ten people taking food?
- 25 A. I can't give you numbers. I mean, people did what they
26 could. So, I can't give you numbers. Whatever people
27 got, that's what they gave.
- 28 PRESIDING JUDGE: Witness, Mr Witness, please. You were what
29 you were in that community and everything, from what you

1 say, happened in your presence. You saw everything that
2 happened. You cannot know how many people supplied food?
3 We are not saying you should be exact. So today you saw
4 so many supply. You know, the following day you saw so
5 many supply and things like that, we don't want you to be
6 very exact. That is it. So this is what counsel wants
7 to know, you know, from you. It is a straightforward
8 question.

9 THE WITNESS: I understand. On certain days you will have
10 five people, six people or seven people taking food for
11 them.

12 MR JORDASH:

13 Q. Thank you, Mr Witness. Now, I want to go right to the
14 beginning. Firstly, you are under the protection of the
15 Victims and Witnesses Unit at this Court; is that
16 correct?

17 A. I don't understand.

18 Q. You have been in Freetown since 10th January. Sorry, I
19 beg your pardon, since the end of September of 2004 being
20 looked after by the Victims and Witnesses Unit of this
21 Court; is that correct?

22 A. Yes.

23 Q. And during that --

24 PRESIDING JUDGE: Mr Jordash, please, let us have the -- He
25 has been in Freetown since what date?

26 MR JORDASH: 20th September; is that correct?

27 MR HARRISON: It could be put as a question for the witness.

28 I don't mean to give the evidence, but I think he may get
29 a bit different information if he actually makes that a

- 1 question.
- 2 PRESIDING JUDGE: When did he arrive in Freetown.
- 3 MR JORDASH: Thank you, Your Honour.
- 4 THE WITNESS: Those who brought us actually know, but I think
5 we were here around the 20th September.
- 6 MR JORDASH: Thank you.
- 7 Q. And is it correct, Mr Witness, that you have received
8 money from the Victims and Witnesses Unit since you
9 arrived?
- 10 A. Yes, they gave me money. I mean, they can take me away
11 from my people. When I come here they give me food,
12 money for food, they give me money for transportation and
13 they gave me money to help my people.
- 14 Q. So it is correct, is it not, that you have received
15 41,500 Leones for medical expenses? Is that correct?
- 16 A. Yes.
- 17 Q. And --
- 18 PRESIDING JUDGE: Mr Jordash, please.
- 19 MR JORDASH: Sorry, Your Honour.
- 20 PRESIDING JUDGE: How many? For medical expenses, how many?
- 21 MR JORDASH: 41,500.
- 22 PRESIDING JUDGE: 41,500.
- 23 MR JORDASH: 70,000 for clothes; is that correct?
- 24 A. Yes.
- 25 JUDGE THOMPSON: 70,000 for what?
- 26 MR JORDASH: For clothes, Your Honour.
- 27 Q. And an extra 25,500 for other things; is that correct?
- 28 A. Yes.
- 29 Q. What were those other things?

1 A. Well, if they move you from your home and they bring you
2 to a new foreign place, you might go around and there are
3 things you want to buy, you know. So, in fact, if they
4 give you transportation to move from where you are to
5 another place they give you a little bit of money to buy
6 food on the way.

7 JUDGE THOMPSON: So, how do we characterise that?

8 Miscellaneous expenses?

9 MR JORDASH: I think that's what I was trying to get at.

10 JUDGE THOMPSON: Miscellaneous, incidental expenses.

11 MR JORDASH: Well, if I can try to clarify with the witness.

12 JUDGE THOMPSON: Yes.

13 MR JORDASH:

14 Q. So some of that spent on transport; is that correct?

15 Some of that 25,500 on transport.

16 A. The transport I am talking about is the one that they
17 give me when I am moving from one town to another. So,
18 even when I move from one big town to another they give
19 me money and I have to eat some food on the way, I get
20 money for that. Even when I am here I move around, there
21 are things I will see on the street and buy that I want.

22 Q. The 25,500 I am referring to, Mr Witness, is money you
23 have had while you were in Freetown. So you haven't been
24 moving from Freetown since September to now, have you?

25 JUDGE THOMPSON: You said he moves around.

26 PRESIDING JUDGE: Mr Jordash, better get it -- better get it
27 clearly, you know, because --

28 JUDGE THOMPSON: Yes, he said when he moves around.

29 PRESIDING JUDGE: It does not appear -- he has acknowledged

- 1 the 25,000 Leones and I think, I am not very sure, what
2 he is saying is in addition to that he has to move --
- 3 JUDGE THOMPSON: Move around.
- 4 PRESIDING JUDGE: Mover around certain places.
- 5 JUDGE THOMPSON: Around town, yes.
- 6 PRESIDING JUDGE: Travelling, you know, he will be given some
7 money, you know, to pay for his transportation. Buy some
8 food and what have you.
- 9 [MULTIPLE SPEAKERS - TRANSCRIPT INCOMPLETE]
- 10 MR JORDASH: If I can clarify this then.
- 11 PRESIDING JUDGE: Please do.
- 12 JUDGE THOMPSON: Yes, yes.
- 13 PRESIDING JUDGE: Let's get it clear.
- 14 MR JORDASH:
- 15 Q. Have you moved -- since you arrived in Freetown in
16 September 2004, have you moved around Freetown on your
17 own?
- 18 A. Yes, I go visiting my people, my relatives.
- 19 Q. What else then have you spent money on since arriving in
20 Freetown?
- 21 A. I buy little things and I send them for my people, my
22 children.
- 23 Q. Is it correct you have also received about 10,000 Leones
24 a day for food?
- 25 A. For food I eat in the morning and I eat in the day time
26 and I eat in the evening.
- 27 Q. Was that paid for by the people who were looking after
28 you at the moment?
- 29 A. Yes.

1 JUDGE THOMPSON: Yes, learned counsel.

2 MR HARRISON: I would just like to ask if Mr Jordash would be
3 willing to acknowledge that when he talks about the
4 people looking after the witness what he is referring to
5 is that segment of the Witness Management Unit that is
6 under the auspices of the Registry and not under the
7 control of the OTP.

8 JUDGE THOMPSON: Perhaps. I don't know whether the learned
9 counsel for the first accused wants to clarify that, or
10 perhaps you want to reserve that for re-examination.

11 JUDGE BOUTET: I thought that it was clear because that was
12 part of your questions. It was no doubt in my mind
13 that's what --

14 PRESIDING JUDGE: He did not in any way, you know, bring the
15 OTP into the picture. I don't think so, I did not have
16 that perception at all.

17 JUDGE BOUTET: But there was a specific --

18 PRESIDING JUDGE: Unless Mr Jordash --

19 JUDGE THOMPSON: I did not sense any ambiguity there, but
20 probably counsel was acting from an abundance of caution.

21 MR JORDASH:

22 Q. Now, Mr Witness, you have told us that you are a farmer;
23 is that correct?

24 A. Yes.

25 Q. Can I ask you - and I apologise for being personal - but
26 can I ask you how much you would expect to earn doing
27 that job in a week?

28 PRESIDING JUDGE: It will be difficult as a farmer, you know,
29 for him to calculate his wages on a weekly basis.

1 (Inaudible) you think it would be.

2 MR JORDASH: If I can break it down then, Your Honours.

3 PRESIDING JUDGE: Yes, it is difficult for a peasant within
4 this context to estimate his wages per week. They are
5 not like you in England being paid weekly or bi-weekly.

6 MR JORDASH: If only, Your Honour.

7 PRESIDING JUDGE: Right. Okay.

8 MR JORDASH:

9 Q. You work as a farmer; is that correct?

10 A. Yes.

11 Q. And do you sell products or do you grow products that you
12 then use to live on? Do you understand the question?

13 A. The rice farm I make is for feeding my family, we do not
14 sell it, we eat the food from the rice, but we do have
15 cassava plantation, banana plantation and those ones we
16 harvest and sell.

17 Q. Can you estimate --

18 JUDGE THOMPSON: Just a minute, we need to have that catalogue
19 of items there. Grows rice for domestic consumption and
20 he said also that you -- let him continue the evidence.
21 You have got the first part that you --

22 PRESIDING JUDGE: Cassava.

23 JUDGE THOMPSON: You grow rice for domestic consumption. Then
24 you grow cassava.

25 THE WITNESS: We grow rice, we have cassava garden and I do
26 have coffee garden. Coffee, a large one.

27 JUDGE THOMPSON: Cassava farm, coffee farm. And the produce
28 from the cassava and the coffee farm you sell?

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: Mr Witness, just a minute. Cassava, coffee,
2 did you mention something else? I thought I heard
3 something else. Banana, yes, banana.

4 THE WITNESS: Banana, I have a banana farm.

5 JUDGE THOMPSON: Banana farm.

6 MR JORDASH:

7 Q. How often do you sell those products?

8 A. The cassava -- the cassava we sell by year. When we
9 harvest the cassava, we sell, we replant it. The coffee
10 also when I harvest I have up to three bags of coffee and
11 I sell that every year. But for the banana there is no
12 time for the banana, you can have banana during the dry
13 season or the rainy season.

14 MR JORDASH:

15 Q. Do you know how much you would make in a year from that?
16 From that trade?

17 A. In my rice farm, my swamp rice farm, because I work in
18 the swamp, I harvest a lot of rice. I harvest -- I put
19 my rice in drums, so I have sometimes more than five
20 drums. In fact, I didn't finish harvesting before coming
21 down to Freetown here.

22 Q. How much money do you think you would make from your
23 trade in total a year?

24 PRESIDING JUDGE: Why don't you take him sector by sector.
25 Rice, although he said rice it's for domestic
26 consumption, but it is changing now.

27 MR JORDASH: If the witness may be able to short cut things if
28 he knows roughly. I was trying to save some time.

29 PRESIDING JUDGE: Well, let's see how we go.

1 MR JORDASH:

2 Q. Do you know or are you able to estimate, Mr Witness, how
3 much money you would make a year from the whole of your
4 trade?

5 A. Coffee does not bear every year very well, but in good
6 years I can get 70 pounds or 100,000 pounds. 100,000
7 pounds or 70,000 pounds of --

8 Q. Pounds, is that --

9 PRESIDING JUDGE: That will be weight.

10 JUDGE BOUTET: It's not money, it's the weight of the coffee.

11 PRESIDING JUDGE: It's the weight, you see. Coffee is sold in
12 weight, you see. Yes. Coffee and cocoa. For those of
13 us who have been in France.

14 MR JORDASH:

15 Q. Mr Witness, I want to move on from this, but I want to
16 find out how much money, money, you would expect to make
17 from your trade a year. How much money?

18 A. I don't sell rice, I don't sell the rice. I sell the
19 coffee and we sell the cassava. The banana you don't
20 keep the money, I mean, you sell it in pieces, the little
21 change that comes in you use. You use that for daily
22 sustenance, but we sell the coffee and the cassava.

23 Q. After selling the coffee and cassava, how much money
24 would you expect to have a year? Okay, just pause there,
25 Mr witness, so there can be a translation?

26 A. Every year I sell my coffee. Sometimes I get 100 --
27 200,000 Leones and sometimes I sell the cassava maybe
28 40,000 Leones or 60,000 Leones. For the banana and the
29 rice, I don't sell the rice, but the banana I sell and

1 use the money on a daily basis.

2 [HS130105E 3.40 p.m.]

3 Q. So approximately 260,000 Leones a year; am I right?

4 A. What I've said I don't think he has understood. The
5 coffee does not bear constantly every year. This amount
6 of money I get sometimes; I get more sometimes, sometimes
7 I get less.

8 Q. But that would be a rough average; is that correct?

9 A. Yes, in a good harvest year.

10 Q. So do you accept then, Mr Witness, that the 770,500
11 you've received since September is approximately three
12 times what you would normally earn in a year? Do you
13 accept that, Mr Witness?

14 JUDGE THOMPSON: Are you inviting an argument? Does it not
15 follow mathematically? If he says that you must accept
16 that the estimate in terms of average of what he takes in
17 for those products in one year is 260,000, would it not
18 follow as a matter of mathematical logic allowing for
19 some errors that that would be three times?

20 MR JORDASH: Your Honour, I'll abandon the question.

21 JUDGE THOMPSON: Otherwise he might get into an argument with
22 you and then we will not know what to write down.

23 PRESIDING JUDGE: But I think he needs to be given the total
24 of what he has received, because you have been putting it
25 to him in bits and pieces. Can you put the total to him
26 from September to date?

27 MR JORDASH:

28 Q. You've received then, Mr Witness, from the Witness and
29 Victims Unit here, from September, 770,500 Leones; is

1 that correct?

2 A. I can't say for sure, because the money -- the amount you
3 have called is not the amount they gave to me in money.

4 PRESIDING JUDGE: What amount is it, Mr Jordash?

5 MR JORDASH: 770,500 Leones.

6 Q. Has the money you've received motivated you to give
7 evidence for the Prosecution?

8 A. No, that's not the reason I've come to give evidence. It
9 is not for the money. My life is more than the money.

10 Q. What is the reason that you've decided to give evidence
11 for the Prosecution?

12 A. The things that happened in my home, I didn't want them
13 to recur again. That is why I have offered to come and
14 speak up, so that the whole world can hear what happened.

15 Q. Is there anything else you'd like to happen as a result
16 of you giving evidence?

17 MR HARRISON: Well --

18 THE WITNESS: There's no other thing.

19 PRESIDING JUDGE: He has answered the question.

20 MR JORDASH:

21 Q. Your first experience with the rebels --

22 PRESIDING JUDGE: Just a minute, please.

23 MR JORDASH: Thank you.

24 Q. Your first experience with the rebels was when you
25 encountered the shooting and shortly thereafter Rambo; is
26 that correct?

27 A. The first time I heard about the rebels was way before
28 that time we heard about the rebels. But the very time I
29 came in contact with them was when we were chased out of

- 1 our town -- when Rambo was chasing us out of our town.
- 2 Q. And Rambo, you say, accused you of being a member of a
3 youth group; is that correct?
- 4 A. Yes.
- 5 Q. Just so we're clear, you'd run into the bush at this
6 point with your family; is that correct?
- 7 A. Yes.
- 8 Q. What made -- you're 43 years old, aren't you, Mr Witness?
- 9 A. When they went to ask us for ages in the year 2000, I was
10 42 years old. At this -- I was 43 years old. At this
11 moment in time 45 years old.
- 12 Q. Sorry, my mistake. So in 1998 when ~~xxxxxx~~ ~~xxxxxx~~ Rambo
13 you were 37; is that correct?
- 14 A. Yes.
- 15 Q. What was it, then, that made Rambo think that you were a
16 member of a youth group at the age of 37?
- 17 A. Any time they see a young man, when you're not a soldier
18 or a rebel, you're called a youth.
- 19 Q. You told us that before the war you were a member of a
20 youth organisation; is that correct?
- 21 A. In every one of our towns here all young men are youth.
22 As long as you are young man you are a youth.
- 23 Q. So to your mind what was he accusing you of - being a
24 youth or being a member of a military group or what?
- 25 A. I didn't belong to any fighting function. I was an
26 ordinary youth.
- 27 Q. What was your understanding of what Rambo was accusing
28 you of doing, though - being a young man or something
29 else?

- 1 A. I was not alone. I mean, if someone comes determined to
2 do something bad to all of you -- he just saw me and he
3 wanted to do me something bad, he called me a youth.
- 4 Q. What did you say to him?
- 5 A. I was under gunpoint, I didn't say anything. He asked,
6 me, "Are you a youth?" I said, "Yes, I'm a youth."
- 7 Q. You knew Staff Alhaji, didn't you, before the war?
- 8 A. Yes.
- 9 Q. Were you friends with Staff Alhaji?
- 10 A. He was not my friend. We were not doing one thing. He's
11 just like a soldier who comes to a town and goes back.
12 He came to our town and went back.
- 13 PRESIDING JUDGE: The question is did you know Staff Alhaji
14 before the war? Was that not the question? He said yes.
- 15 MR JORDASH: Yes.
- 16 PRESIDING JUDGE: Now he's saying that he only came as a
17 soldier and went. What does that mean?
- 18 MR JORDASH: I was going to follow that up, Your Honour, if I
19 may.
- 20 Q. Tell us how you met Staff Alhaji?
- 21 A. I knew him as a soldier.
- 22 Q. Tell us how you met Staff Alhaji? What was the first
23 time? What happened?
- 24 A. This particular question I don't understand.
- 25 Q. Well, have you spoken to Staff Alhaji? Did you speak to
26 Staff Alhaji before the war?
- 27 A. I didn't have any discussions with him. I didn't have
28 much time with him, but I saw him, he came to the town.
- 29 Q. How did you know his name was Staff Alhaji?

1 A. That's how they called him, Staff Alhaji. Everybody
2 called him Staff Alhaji and I hear them call him Staff
3 Alhaji. Even when I was arrested by them, they called
4 him Staff Alhaji, Alhaji Bayo.

5 Q. So is your evidence that Staff Alhaji saved your life,
6 but you do not know why he did that? Is that what you're
7 saying?

8 A. If someone save someone's life it is because God has not
9 willed it. I think it is because God had not willed it,
10 that's why I was saved.

11 PRESIDING JUDGE: Yes, witness, I agree with you that God did
12 not will it, but I would like you to focus on the
13 question put to you by counsel. Focus on that question.
14 Please, ask him the question again. We know that if God
15 does not wish that something happens to you, it doesn't
16 happen. There are other things, you know, which hang
17 around and which you need to clarify us about.

18 MR JORDASH:

19 Q. Let me try to clarify it for you, Mr Witness. I
20 understood before that you'd known Staff Alhaji and in
21 some way that had made him save your life. But you would
22 say -- would you agree with that or not?

23 A. If God save someone's life you only have to say it is
24 God, because I actually never sat down with Staff Alhaji
25 to have discussions, I did not belong to his groups, and
26 if he saved my life at that point, well, I'll only say
27 it's God that saved my life.

28 JUDGE THOMPSON: I sense that we're getting into a very
29 argumentative kind of area. Because this is something

1 that we can debate endlessly. From his perspective, he
2 is not attributing it to Staff Alhaji. He seems to have
3 a divine conviction of a divine intervention.

4 PRESIDING JUDGE: But he knew Staff Alhaji before the war.
5 Could that have contributed to his releasing him? This
6 is the issue at stake.

7 JUDGE THOMPSON: And that is why it's argumentative, because
8 we'll never get anywhere with this. In fact, even if he
9 answers, I do not know how to evaluate that as a matter
10 of fact or opinion.

11 MR JORDASH: I'm happy to move on, Your Honour.

12 JUDGE THOMPSON: Quite right. I don't know. It's highly
13 controversial. The atheist might not even take that
14 position, or the agnostic.

15 MR JORDASH:

16 Q. When you first encountered Rambo, what happened to your
17 wife and children? What happened to them?

18 A. Nothing. They went into the bush, they run away. It is
19 me who was arrested. They ran away into the bush.

20 Q. Was that because you ran more slowly or what? What's the
21 reason for that?

22 A. Where we hid our property, our belongings, was different
23 from where we slept. So I was staying where the belong
24 ings were and my children and wife were in the other
25 place. So when they heard the people coming, they just
26 run away and they found me where the things were.

27 Q. So you had no idea where your wife or children ran to; is
28 that correct?

29 A. Well, when they caught me and they had gone away, it was

1 later that I knew where they went. I didn't know at that
2 time.

3 Q. How did you find them after being released by Alhaji?

4 A. I went looking for them until I saw them.

5 Q. How long were you -- how long was it between the time you
6 were stopped by Rambo and the time you found your wife
7 and two children?

8 A. I don't understand what you've said.

9 Q. How long was it from the moment you were stopped in the
10 bush by Rambo to the time when you found your wife and
11 children -- wife and two children, having being released
12 by Alhaji?

13 A. It took me about a week before I saw them.

14 Q. Had you ever been to Fakuniya before, before you were
15 stopped by Rambo?

16 A. I had never been there before.

17 Q. Had you heard about Fakuniya before you were caught by
18 Rambo?

19 A. Yes.

20 Q. Do you know why your ~~xxxxxx~~ decided to go to
21 Fakuniya?

22 A. I don't understand.

23 Q. Do you know why your ~~xxxxxx~~ decided to go to
24 Fakuniya?

25 A. We had not planned this before. When I found my wife, I
26 was told that they had gone to Fakuniya. We hadn't
27 planned this before.

28 Q. Well, you found your wife -- I beg your pardon. You
29 found your mother-in-law later. Did you ever ask her why

- 1 she had decided to go to xxxxxx?
- 2 JUDGE THOMPSON: Or did she ever tell you why she decided to
3 go?
- 4 MR JORDASH: Did she ever tell you?
- 5 JUDGE THOMPSON: Yes, that will help rather than --
- 6 MR JORDASH:
- 7 Q. Did she ever tell you why?
- 8 A. That was wartime, people were running away from the war.
9 Most people in that region went to Fakuniya. I'm sure
10 that's why she too went there.
- 11 Q. How long had she been there when you arrived?
- 12 A. It took some time running away from the war -- running
13 away from the war. I mean, you wouldn't go straight from
14 one point to another. I mean, you move one step and you
15 take a week before you get there, you take another week,
16 you take about two weeks. It took me almost five months
17 before I got there. It was during the rainy season when
18 I arrived.
- 19 Q. How long had they been in Fakuniya when you arrived?
- 20 A. Before I know they were there, that's what I've just
21 said. It took almost about five months before I saw
22 them.
- 23 Q. Let me try again. When you arrived, your xxxxxx
24 and three children had already arrived at Fakuniya; is
25 that correct?
- 26 A. Yes.
- 27 Q. Did you find them easily in xxxxxx?
- 28 A. I didn't find them very easily.
- 29 Q. When you did find them how long had they been in

- 1 Fakuniya? Did they tell you how long they'd been there?
- 2 A. When you're looking for someone -- they were not actually
3 in Fakuniya itself, but Fakuniya is a big town and Konia
4 is adjoined to it. So xxxxxx is actually the village
5 where I found them, which is very close to Fakuniya. The
6 distance is not so long.
- 7 Q. And how long had xxxxxx been in the Fakuniya or Gbesendor
8 region when you arrived?
- 9 A. I can't tell. The only time I can tell is the length of
10 time it took me to find them. When I found them, we
11 slept in the bush and came back in the town during the
12 day, but we spent about one month before we left.
- 13 Q. Just focus on my question. Did you not, when first
14 seeing your xxxxxx and three children after five
15 months, ask them, "Where have you been? How long have
16 you been here?"
- 17 A. When they went into the bush, from the time until I found
18 them, I am sure that's how long it took them. I only
19 know about that time from the time they left me until the
20 time I found them there.
- 21 Q. So you never asked them where they'd been; is that
22 correct?
- 23 A. When you're running from the war you don't have time
24 asking these kinds of questions. I mean, you're worried
25 about life and when you see your people you're happy.
- 26 Q. But you were in xxxxxx for one month. You had plenty
27 of time to ask them what, I would suggest, was a
28 ordinary, normal question; isn't that right?
- 29 A. I couldn't ask them because I didn't even have that time.

1 I was only worried about my life.

2 Q. I do want to move on from this, Mr Witness, but you
3 were -- is your evidence -- your truthful evidence to
4 this Court that in the whole month you were in xxxxxx
5 you did not have the opportunity to ask your
6 xxxxxx or three children where it was they'd been
7 and how long they'd been in Gbesendor? You understand
8 the question?

9 A. My only worry was to see my children and when I saw them
10 I was very happy. I didn't even have time to sit down
11 and begin asking how long have you been here, so I think
12 I didn't bother.

13 Q. Is the truth, Mr Witness, that in fact you stayed with
14 Staff Alhaji and never in fact went to Fakuniya? Is that
15 really what happened?

16 A. What he's saying, he wasn't there, I was there. I have
17 seven children. What will I go and sit with Staff Alhaji
18 for? I don't even know Staff Alhaji, we never even had
19 any arrangements or discussions before. From the time we
20 were driven from our village I stopped seeing Staff
21 Alhaji, until we went back and he was with us during the
22 mining period.

23 Q. Just picking up on that, you say Staff Alhaji was in
24 Tombodu during 1999 and 2000; is that your evidence?

25 A. Try and understand me. During the time we were running
26 away that's when I left Staff Alhaji. When I come back I
27 didn't find him in Tombodu.

28 Q. But you've just told us that he was there, and you said
29 this before lunch as well, that Staff Alhaji was there

- 1 during the forced mining that you were describing. Is
2 that a truthful answer?
- 3 A. Staff Alhaji and others were in charge of the mining. He
4 was not in Tombodu Town; he was on Number 11 area, but
5 Number 11 is also in Kamara Chiefdom.
- 6 Q. When was the last time you were aware of Staff Alhaji
7 being in that chiefdom or the area of Kono?
- 8 A. I don't understand.
- 9 Q. Well, you say Staff Alhaji was there during the mining.
10 When's the last time you either saw or heard that
11 Staff Alhaji was in the Kono District?
- 12 A. He was in Number 11. He was in charge of Number 11, not
13 in Tombodu.
- 14 Q. From what date until when was Staff Alhaji in charge of
15 Number 11?
- 16 A. I didn't have any time with Staff Alhaji, he was in
17 Number 11. The person who was in charge of us was
18 Officer Med. That was who I had anything to do with.
19 Staff Alhaji was in Number 11.
- 20 Q. How do you know?
- 21 A. This is how they were distributed. The rebels would come
22 and tell us that, "Well, these are the ones that are over
23 there, Staff Alhaji is in Number 11." And Officer Med
24 himself told us that Staff Alhaji was in Number 11 and he
25 was in charge of us in Tombodu.
- 26 Q. So when did Officer Med tell you that Staff Alhaji was in
27 Number 11?
- 28 A. At the time he assembled us and introduced himself as the
29 man in charge of the mining in Tombodu, that was when he

- 1 told us that Staff Alhaji was the man in charge in Number
2 11.
- 3 Q. But you never saw him from that time or did you?
- 4 A. Him, Alhaji? When we were in Tombodu I didn't have any
5 time with Staff Alhaji. I had no time with him since
6 that time.
- 7 Q. So is this correct: You do not know if Staff Alhaji
8 remained the commander of Number 11 after the time you
9 first met Officer Med; is that correct?
- 10 A. From the time Officer Med introduced himself to us and
11 told us that Staff Alhaji was in Tombodu, Staff Alhaji
12 remained in Tombodu -- I'm sorry in Number 11. He stayed
13 in Number 11. Everybody stayed where he was in his own
14 area.
- 15 Q. Well, how long did he remain there, then?
- 16 A. He was there until mining concluded. Everybody stayed
17 where he or she was. He was there until mining
18 concluded.
- 19 Q. When was that?
- 20 A. By the time mining was going on around 2001, everybody
21 stayed where he was. Nobody went to another person's
22 location.
- 23 Q. Well, I suggest to you that Staff Alhaji left the area in
24 late 1998. Can you agree with that?
- 25 A. It's possible that he left but returned.
- 26 Q. I'm suggesting to you he didn't return; what do you say
27 to that?
- 28 A. Regarding him leaving the area in 1998?
- 29 Q. I'm suggesting he left in late 1998 and did not return to

- 1 Tombodu, Number 11 or Kono; what do you say to that?
- 2 A. I want to show him that he return, he was there.
- 3 Q. How do you know?
- 4 A. He was in Number 11 and Officer Med told us that he was
5 in Number 11 and he was there.
- 6 Q. How do you know he was still there in 2001?
- 7 A. That was his own base. All of us who were civilians knew
8 that Staff Alhaji was there. That was his own base.
- 9 Q. But how did you know that, Mr Witness? How did you know
10 that?
- 11 A. Officer Med came and told us, that is how I knew.
12 Everybody was given his own area of command.
- 13 Q. Did Officer Med tell you in 2001 that Staff Alhaji was
14 still at Number 11?
- 15 A. The time they started mining that was when Officer Med
16 told us that Staff Alhaji was in Number 11. Whether he
17 left there or he didn't leave there I don't know, but we
18 were told he was in Number 11.
- 19 Q. So you don't know -- after the point of Officer Med
20 telling you about Staff Alhaji, you don't know if he was
21 still there; is that correct?
- 22 A. Well, I didn't go where he was. I was in my own town.
- 23 Q. You don't know; is that correct?
- 24 A. I didn't go there. I couldn't know whether he was there
25 at that time.
- 26 Q. Thank you. Your return from Fakuniya involved, you say,
27 going to **xxxxxx**; is that correct?
- 28 A. I did not immediately settle in **xxxxxx** when I left
29 Fakuniya.

- 1 Q. Listen very carefully to the question, Mr Witness,
2 because I don't want to take longer with you than is
3 necessary. When you were returning from Fakuniya your
4 journey took you at some stage to Yaryah; is that
5 correct?
- 6 A. Yes.
- 7 Q. Now, is Yaryah near Kayama, K-A-Y-A-M-A?
- 8 A. Yes.
- 9 PRESIDING JUDGE: K-A?
- 10 MR JORDASH: K-A-Y-A-M-A.
- 11 Q. Which is fairly near Koidu Town; is that correct?
- 12 A. No, it's not close to Koidu. There is a long distance
13 between them.
- 14 Q. Okay. It's in Kono, though?
- 15 A. Yes.
- 16 Q. Your journey also took you through Mansofinia; is that
17 correct?
- 18 A. Yes, when we were going towards Fakuniya I went through
19 Mansofinia.
- 20 Q. And also Kondea; is that correct?
- 21 A. Yes, you leave Yadu Sandor and you go to Sandu to go to
22 Kondea. That's the route.
- 23 Q. And you came across some rebels in Yaryah, didn't you?
- 24 A. Yes, we found rebels in Yaryah. It was the rebels that
25 pulled us out of the bush and brought us to Yaryah.
- 26 Q. Did you see any rebels in Kondea or Mansofinia?
- 27 PRESIDING JUDGE: Did you see any --
- 28 MR JORDASH: Rebels in Mansofinia and/or Kondea.
- 29 THE WITNESS: When you travel you don't go along the main

1 road. We went through the bush path. We didn't see any
2 rebels along that way.

3 MR JORDASH:

4 Q. Do you know who Mr Brima is - Brima, an ex-Sierra Leone
5 Army who was involved in the junta?

6 A. Brima -- I don't know him, but I heard about him.

7 Q. Were you aware that Yaryah is Brima's hometown?

8 PRESIDING JUDGE: Brima who, Brima Mansu [phoen]?

9 MR JORDASH: No, Mr Brima, he's in the detention centre.

10 JUDGE BOUTET: AFRC.

11 MR HARRISON: Alex Tamba Brima.

12 PRESIDING JUDGE: Alex Tamba Brima.

13 MR JORDASH: I should have been clearer, I know.

14 PRESIDING JUDGE: I didn't know it was the same man.

15 MR JORDASH: No, it's my fault entirely.

16 Q. Alex Tamba Brima, part of the AFRC junta; you're aware of
17 who he is?

18 A. I was not born at Yaryah. I wasn't born at Yaryah. I
19 heard about him, I don't know him.

20 Q. Were you aware that there'd been a large movement of
21 rebels around late 1998 -- I'm suggesting this is
22 correct -- a large movement of rebels through Yaryah -- I
23 beg your pardon -- through Kondea and Mansofinia? Are
24 you aware of that?

25 A. Ever since we heard that ECOMOG have arrived we stopped
26 seeing the rebels. We didn't see them until we came back
27 and they took us out of the bush and they say, "You can"
28 -- when they removed the ECOMOG from their location, they
29 brought us back and said, "You can go home."

1 PRESIDING JUDGE: Mr Jordash, I think we can take a break at
2 this stage so that you can pursue the cross-examination
3 after the break. The Court will rise for 10 minutes,
4 please.

5 [Break taken at 4.31 p.m.]

6 [HS130105F]

7 [On resuming at 4.56 p.m.]

8 PRESIDING JUDGE: Mr Jordash, we have resumed the session.
9 You may proceed, please.

10 MR JORDASH: Your Honour, thank you.

11 Q. When you arrived in Yaryah, do you recall how many
12 civilians there were approximately?

13 A. I don't remember. I don't know.

14 Q. Well, where did you go in Yaryah?

15 PRESIDING JUDGE: He says he cannot remember the number of
16 civilians in Yaryah at the time he got there?

17 THE WITNESS: Yes.

18 MR JORDASH:

19 Q. Was there -- were you one of, say, only about ten, or was
20 there a hundred? Can you give a rough estimation?

21 A. I can't say because there were too many people. I didn't
22 count them.

23 PRESIDING JUDGE: Try. You know, save us some time.

24 MR JORDASH: Thank you.

25 PRESIDING JUDGE: Save us some time. You know, when you were
26 talking of the movement of vehicles during the mining and
27 you were able to say 150, and then you know, it rose up
28 to 500, you know, coming in and out and so on and so
29 forth. Again, you know, we don't want exact figures.

1 You were there. Just let us have an approximation, just
2 as you were approximating earlier on.

3 THE WITNESS: There were more than a hundred people.

4 MR JORDASH:

5 Q. And rebels were coming in to Yaryah from the bush having
6 been called by rebels. Is that correct?

7 A. Yes.

8 Q. Was more and more -- were more and more civilians
9 arriving as you -- sorry, let me start that again.

10 Did you see more civilians arriving when you were in
11 Yaryah to add to the hundred or so?

12 A. Yes.

13 Q. Were they from different surrounding villages?

14 A. I couldn't tell. I didn't know where they came from. I
15 just saw people coming in.

16 Q. Did you see any from Tombodu?

17 A. People from Tombodu were there, a lot of them.

18 Q. Did you speak to any?

19 A. Yes.

20 Q. Who did you speak to?

21 A. The acquaintances I knew in Tombodu, some of them were
22 there. But we were all in separate locations. But I
23 spoke to some of them.

24 Q. Can you name them.

25 A. These were my relatives and acquaintances. I can't call
26 all their names.

27 Q. Not all. Just a few. Not relatives -- I understand. We
28 don't want to hear, Mr Witness, about your relatives. We
29 can deal with that later if need be.

- 1 What acquaintances did you see and speak to?
- 2 A. I saw a lot of people. The ones I spoke to were not too
- 3 many. xxxxxxx saw Sahr Dengima, xxxxxxx saw Kai Lebbie, xxxxxxx saw
- 4 Femusu. xxxxxxx saw girls and young boys.
- 5 Q. Could you just say the names slowly, please.
- 6 A. Yes.
- 7 Q. Would you say them slowly.
- 8 A. Sahr Dengima.
- 9 Q. Yes.
- 10 A. Femusu Lebbie.
- 11 Q. Yes.
- 12 A. Kai Lebbie.
- 13 Q. Yes.
- 14 A. Yusufu.
- 15 Q. Any more?
- 16 A. Finda Lebbie. There were also children, small children
- 17 among us.
- 18 Q. Okay. Thank you.
- 19 MR JORDASH: We'll, I'll deal with the follow-on questions to
- 20 that in a closed session, if I may, at a later stage.
- 21 Q. You were given a pass, you say, by Colonel Hector. Is
- 22 that correct?
- 23 A. Yes.
- 24 Q. Were all civilians being given passes, or just you?
- 25 A. Yes.
- 26 Q. As far as you're aware, the hundred civilians or more
- 27 were all given passes to enable them to travel to their
- 28 villages. Is that correct?
- 29 A. Yes.

- 1 Q. Did you meet people later on in Tombodu, or have you met
2 people since then who were also given passes to be able
3 to travel freely to their villages?
- 4 A. Yes.
- 5 Q. What did the pass say?
- 6 A. That pass -- that pass was to enable you and prevent you
7 from being hurt by other people, to explain that you're
8 going to your home.
- 9 Q. What did it specific -- as accurately as you can, what
10 did the pass say?
- 11 A. I don't remember.
- 12 Q. What language was it written in?
- 13 A. It was written in English.
- 14 Q. Now, just moving forward to the meeting ~~xxxxxx~~ attended in
15 ~~xxxxxx~~ on the 19th of February, at that meeting - is
16 this correct - ~~xxxxxx~~ were told by the rebels that the
17 civilians should come back to their village? Is that
18 correct? Should come back to Tombodu?
- 19 A. Yes.
- 20 Q. And so you returned to try -- to your relatives. Is that
21 correct?
- 22 A. Yes.
- 23 Q. Now, you've told us that when you entered Tombodu, you
24 saw the pit known as Savage, the Savage Pit. Is that
25 correct?
- 26 A. Yes.
- 27 Q. And you appeared to be upset even remembering what you'd
28 seen of the Savage Pit. Is that correct?
- 29 A. Yes.

- 1 Q. And you were told, is it correct, that that was a pit
2 which had been used to put people who had been killed in?
3 Is that correct?
- 4 A. Yes.
- 5 Q. And you also knew at that time that in your absence from
6 Tombodu, Staff Alhaji and Savage had been killing
7 civilians in Tombodu. Is that correct?
- 8 A. No.
- 9 Q. You knew when you saw the Savage Pit that Savage had been
10 killing people in Tombodu, didn't you?
- 11 A. I didn't know.
- 12 Q. Well, you knew somebody had been killing people in
13 Tombodu in your absence. Is that correct?
- 14 A. Yes. When I arrived, they told me.
- 15 Q. When xxxxxx attended the meeting with Commander Biabia, they
16 told xxxxxx to leave the meeting and go and bring
17 people -- call people to return to Tombodu. Is that
18 correct?
- 19 A. Yes.
- 20 Q. Now, I want to just read you a sentence from a statement.
21 But before I do, I want to just tell you what the
22 statement is. Do you remember being interviewed by the
23 Prosecution in November of 2002?
- 24 A. Yes.
- 25 Q. I'm going to read from the statement, which is a
26 statement you gave to the person who interviewed you.
27 Okay?
- 28 A. Okay.
- 29 MR HARRISON: Could I just ask for --

1 JUDGE THOMPSON: Are you going to refer to -- what will be the
2 object of this?

3 MR JORDASH: I want to put a statement to him and see if he
4 accepts whether that's something he said.

5 JUDGE THOMPSON: In other words, the choice would be to
6 refresh his memory or what?

7 MR JORDASH: To refresh his memory of something he said
8 previously.

9 JUDGE THOMPSON: Are you sensing that we might have to go down
10 the road of possibly prior inconsistent statement? Or
11 no, you can't say that at this stage?

12 MR JORDASH: It's not for any inconsistency at this stage,
13 what it's for, it's to remind the witness of a particular
14 piece of evidence to have it adduced. A shortcut, if
15 Your Honours don't mind.

16 JUDGE THOMPSON: That's fine, as far as I'm concerned.

17 JUDGE BOUTET: I do have one technical problem with that. I
18 don't have any problem with refreshing the witness's
19 memory, but it's more as to the how. Obviously, you have
20 a document in front of you which is the statement that
21 the witness may have given at the time you've mentioned,
22 in November 2002. I don't know the language in which it
23 was given on the one hand. But I would suggest that the
24 best approach is to give statement to the witness, once
25 you have established he has made a statement. Give it to
26 him so he can read it to refresh his memory, and then you
27 carry on, if this is what you intend to do. But I don't
28 know if the witness for that purpose can read that
29 statement in English.

1 PRESIDING JUDGE: This is it, because he said earlier on --
2 JUDGE BOUTET: He can read some.
3 PRESIDING JUDGE: -- a little bit of English.
4 JUDGE BOUTET: So I'm --
5 MR JORDASH: Could I first of all then try to -- I might be
6 elicit the evidence without, if I cannot then I would ask
7 that the original statement be given to the witness.
8 Q. But first, could I just ask you, Mr Witness, did you tell
9 the Prosecution this: "That following the meeting with
10 Commander Biabia, they told me and some captured people
11 from Sandor Chiefdom to go into the bush and tell the
12 people to return to Tombodu."
13 So the question is this: Can you remember telling
14 the Prosecution this: "They told me and some captured
15 people from Sandor Chiefdom to go into the bush and call
16 people to return to Tombodu." Did you tell the
17 Prosecution that?
18 A. No, tell them that.
19 MR JORDASH: Could the witness please be given a copy of his
20 original statement.
21 Q. Mr Witness, is the statement in English? Did you have
22 that statement -- did you have this statement which was
23 taken from you in November 2002 read back to you, and
24 then did you sign it as your statement?
25 A. Yes.
26 Q. Right. Can you read that statement, Mr Witness? I'm
27 just asking if you're capable, if your English ability is
28 good enough to read the statement.
29 A. I'm may not be able to read it right through.

- 1 Q. Okay. Well, let me try with the bit I want you to look
2 at, Mr Witness. Can you see the second paragraph?
- 3 A. Yes.
- 4 Q. Right. If you would count five lines down the second
5 paragraph. Right, have you got that? Yeah. And go to
6 the end of that line where it says "they told me..." Do
7 you see that? Do you see that, Mr Witness? Do you see
8 that?
- 9 A. This is my statement, but they didn't tell me to go and
10 call the people that they have gone to the -- they told
11 me to go and bring my own family.
- 12 Q. Do you know why in your statement it says that they told
13 you and some captured people from Sandor Chiefdom to go
14 in the bush and call people to return to Tombody? Do you
15 know why it says that?
- 16 A. No.
- 17 Q. Okay. Let me ask you this, then: Were there any
18 captured people from Sandor Chiefdom in the meeting you
19 attended?
- 20 A. I wouldn't -- I wouldn't know. I didn't -- I had just
21 arrived. I hadn't slept yet, so the people I met there
22 were the civilians. So I really don't know.
- 23 Q. Okay. But that's not something you would say that that
24 is something that you did not tell the Prosecution when
25 they took your statement. Is that your evidence?
- 26 A. It's true. They told me to go and call my people from
27 the bush. So that's what I told them.
- 28 Q. Okay.
- 29 PRESIDING JUDGE: In that meeting. In that meeting.

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: Was everybody there from your village or
3 there were some strangers? There were some strange faces
4 in that meeting looking at --

5 THE WITNESS: There were a few strange faces. There were not
6 many of them.

7 MR JORDASH:

8 Q. Let me ask you this, please, Mr Witness: Did you know
9 where Savage was when you were at that meeting?

10 A. No, at that time I didn't know.

11 Q. Did you know where Staff Alhaji was when you attended
12 that meeting?

13 A. No.

14 Q. Did you know where the rebels who had -- who were
15 responsible for the bones and skeletons you saw in the
16 Savage Pit were?

17 A. Yes.

18 Q. Where were they?

19 A. They told me they were settled in Tombodu, but we didn't
20 find them there any more.

21 Q. So the question I want to ask you, then, Mr Witness, is
22 this: Why would you leave the safety of Yaryah and bring
23 your family to Tombodu without knowing where the likes of
24 Rambo, Staff Alhaji, Savage, or the people responsible
25 for the skeletons in the house were?

26 A. When we heard that ECOMOG had been deployed in Kono, we
27 came closer. But when we also heard they had been
28 removed, the rebels told us to come into town and it was
29 now peaceful. So that's why we all came out of the bush

1 and came to my hometown.

2 Q. What reassured you that Tombodu, the scene of these
3 killings, was safer than Yaryah?

4 PRESIDING JUDGE: Was he aware of the killings before he came
5 and discovered the Savage Pit?

6 MR JORDASH: Yes. Not before he discovered the Savage Pit,
7 but before he brought his family. Because he'd seen the
8 Savage Pit on the 19th of February.

9 PRESIDING JUDGE: But he had received assurances that it was
10 now safe. He had received some assurances that -- I
11 don't know - that it was safe. And he took them for what
12 it was. ECOMOG was now being deployed, it was now safe.
13 And -- and you remember in his earlier testimony he did
14 say that he consulted with the family members. Consulted
15 with them. There was a lot of hesitation. But after the
16 consultation, they subsequently took the decision to go
17 back. So it was with a lot of hesitation that they
18 decided to go back, and this was certainly because of the
19 assurance given to them by the rebels that -- who, to
20 quote them, were all over the place, taken possession of
21 the whole place, that Tombodu was now safe and that they
22 could come back to resettle their village.

23 I just wanted to place this, you know, in this
24 background for us to know how to proceed from there.

25 MR JORDASH: Your Honour, yes.

26 Q. When you arrived back in your village on the 26th of
27 February 1999, you've told us that you were asked by the
28 rebels to brush the village. Is that correct?

29 JUDGE THOMPSON: He was asked by the commander.

1 MR JORDASH: I've taken a note of "asked".

2 JUDGE THOMPSON: I may be wrong. But I recall the context was

3 the command, guns over our heads, orders, that kind of

4 thing. Not in that context.

5 MR JORDASH: Not when they first arrived.

6 JUDGE THOMPSON: I apologise. You may be right.

7 MR JORDASH: But I'll clarify that.

8 Q. Mr Witness, when you arrived back in the village on the

9 26th of February 1999, were you asked to brush the

10 village or were you commanded and ordered under threat to

11 brush the village?

12 A. No.

13 Q. Were you asked to brush the village?

14 A. The town was bushy, so we had to brush it, yes. Yes, we

15 brushed the town.

16 Q. And why did you do that?

17 A. It's our town. That's where we were born, and it was

18 burnt down. That's why we were brushing it.

19 Q. You said yesterday that that was at the behest of the

20 rebels. Did the rebels instruct you to brush the

21 village?

22 A. Yes, that is why they called us to come into the town, so

23 that we could brush our towns.

24 Q. Was that a threat to brush the village or a request?

25 A. We were not threatened.

26 Q. When you arrived back in the -- into Tombodu, where did

27 you -- what type of accommodation did you have? Not

28 where did you sleep, but what kind of sleeping

29 accommodation did you have?

- 1 A. We constructed -- we constructed booths, sheds, out of
2 zinc that had been burnt on the houses.
- 3 Q. You told us about the G5. Did you meet the G5 on the
4 26th of February?
- 5 A. Yes.
- 6 Q. Was it the 26th of February when the caretaker of the
7 chiefdom, Ngekia, was elected -- selected?
- 8 A. No.
- 9 Q. When was it?
- 10 A. It was over two to three weeks when the number of
11 civilians had increased, when they requested us to
12 appoint him.
- 13 Q. So the civilians kept returning over the next few weeks
14 after the 26th of February. Is that correct?
- 15 A. Yes, yes.
- 16 Q. Who lived in the 21 houses which remained?
- 17 A. Some houses, you couldn't even enter. Most of the houses
18 were occupied by the rebels.
- 19 Q. Well, for example?
- 20 A. It was like the back houses. I mean, many of the houses,
21 when they were burnt, the zinc caved in, so there was no
22 way you could get into the house.
- 23 Q. But which rebels were living in the houses?
- 24 A. The ones we found in the town.
- 25 Q. Like who?
- 26 A. CO Biabia, Colonel Junior, the rebels, the commanders,
27 the G5 commander, Sylvester Kieh. These were the ones
28 that were there, with their wives that they had.
- 29 Q. We've heard those names before. But there's 21 houses,

1 and you were in Tombodu for several years. Can you not
2 name any of the rebels who were living in those houses at
3 the time?

4 A. There were -- there were many rebels. The ones that I've
5 called, these were the main commanders and the big men
6 among the rebels. There were little guys, young men,
7 foot soldiers, also their wives. They were all in the
8 houses. I don't know any of them.

9 Q. Do you know any of them besides Commander Biabia,
10 Sylvester Kieh, and Junior?

11 A. They had very funny name. Yes, I knew some of them.

12 Q. Can you give me any examples at all?

13 A. One of them was called "Mon Ami". The other one was
14 called "War Problem." These were the names they gave
15 themselves.

16 PRESIDING JUDGE: One of them was "Mon Ami", and the other No
17 Problem or War Problem? One of them was called Mon Ami.

18 THE WITNESS: War Problem.

19 MR JORDASH:

20 Q. Anybody else?

21 A. The other one was called Dunya Banda [phoen].

22 PRESIDING JUDGE: Mention as many as you can remember. Are
23 those all you can remember?

24 THE WITNESS: There are many of them. I just have forgotten
25 many of their names. You know the commanders and their
26 junior commanders, they all had these funny names. I've
27 forgotten some of them.

28 MR JORDASH:

29 Q. You've told us earlier today that the same rebels

1 remained in the same places through the period of 1999
2 and 2000. Is that correct?

3 A. Well, that, I don't know. I can't speak clear about
4 this. I mean, I don't really understand this question.

5 Q. Well, what I'm getting at is this, Mr Witness: You say
6 that there was forced mining. The forced mining would
7 have been guarded by many of these rebels. Is that
8 correct?

9 A. Yes. It was later on that the rebels that arrived, yes.
10 It was later on.

11 Q. Sorry, what was later on?

12 A. Those who were settled in Tombodu were always there. But
13 new rebels joined them later on. Many of them came later
14 on to join the ones that were already there.

15 Q. So the ones that were already there were responsible over
16 two years or so of forcing you to - you and others - to
17 mine for diamonds. Is that correct, according to you?

18 A. No.

19 Q. Well, who was responsible, then, besides the big
20 commanders like Commander -- like Officer Med and Biabia
21 and the G5? Who was responsible for guarding you?

22 A. These are commanders, but even their bodyguards that came
23 from different places, we didn't even know them. They
24 came from all over the place, and they came as many as
25 possible.

26 Q. And you never learned their names?

27 A. I can't know their names. There are too many of them.

28 Q. Well, who was most responsible on a day-to-day basis of
29 guarding you when you were mining? Who's the one you

1 most remember?

2 A. There were many of them. I can't call their names. I
3 don't remember their names. The ones I remember are the
4 commanders.

5 PRESIDING JUDGE: The question is who was -- who do you
6 remember most as being responsible for guarding you? Who
7 do you remember most, not so many names? Who was the
8 most prominent one who was responsible for guarding you
9 for whatever you were doing?

10 THE WITNESS: These were rebels, and there were a large number
11 of them. We couldn't even ask their names. Officer Med
12 was their leader.

13 Q. Were you, Mr Witness, forced to mine? You?

14 A. Yes.

15 Q. Approximately when was the first time you were forced to
16 mine?

17 A. When the mining started in Tombodu, they started forcing
18 us to mine. We started the mining there, before they
19 started bringing in new people.

20 Q. When was that?

21 A. It was during the dry season.

22 Q. Which year?

23 A. This was in the year 2000.

24 Q. So let me just understand your evidence, if I may: You
25 were one of the first people forced to mine, and you
26 began that mining in 2000. Is that correct?

27 A. Yes.

28 Q. Okay. So you would say there was no forced mining in
29 Tombodu in 1999. Is that correct?

- 1 A. At that time, mining hadn't started yet. That was the
2 period when they were carrying the luggages that were in
3 the for -- bush.
- 4 JUDGE THOMPSON: He says there was no forced mining in Tombody
5 in the year?
- 6 MR JORDASH: 1999.
- 7 JUDGE THOMPSON: 1999.
- 8 JUDGE BOUTET: They didn't start forced mining before 2000.
- 9 JUDGE THOMPSON: That's what he's saying, yes.
- 10 JUDGE BOUTET: 1998 or 1999, but not before 2000.
- 11 MR JORDASH: Yes, I'll clarify because it's obviously very
12 important.
- 13 Q. What you observed as forced mining beginning was in 2000.
14 It's quite important this, Mr Witness; is that correct?
- 15 A. Yes, in my own presence.
- 16 Q. And was that, Mr Witness, around, you would say, April of
17 2000?
- 18 A. About that. The mining didn't have any time. That was
19 around that.
- 20 Q. Around April of 2000?
- 21 A. I can't think too well on that. But we started this
22 mining in the dry season. In fact, April found us
23 mining.
- 24 Q. Just, if you can't answer this, you can't. But would you
25 estimate that --
- 26 A. I won't be able to know the exact date, but this was in
27 the dry season.
- 28 Q. Okay. Now, just thinking about the beginning of 2000, is
29 your evidence that the forced mining began approximately

1 one or -- sorry, approximately two months into the year?

2 A. I wouldn't be able to know this.

3 Q. Okay.

4 PRESIDING JUDGE: It is the range of the dry season.

5 MR JORDASH: It's very important, Your Honour.

6 PRESIDING JUDGE: I don't know when. It's a difficult

7 question for him.

8 MR JORDASH: It is.

9 PRESIDING JUDGE: The dry season, where he said first of all

10 he started by saying it started in April. Then he said

11 no, in April they were already doing the mining, and they

12 started the mining during the dry season. It's now a

13 question of determining when the dry season stepped in.

14 He can't either, you know, that it started in the first

15 two months of 2000.

16 MR JORDASH: Your Honour, I must ask the question because the

17 indictment says --

18 PRESIDING JUDGE: I know what the indictment says.

19 JUDGE THOMPSON: We sense your direction. We know where

20 you're driving at.

21 JUDGE THOMPSON: The dry season does not coincide with the

22 calendar dry season.

23 MR JORDASH: It's a problem.

24 JUDGE THOMPSON: You don't have a calendar dry season, so if

25 you talk about the dry season, it`s from some time the

26 previous year to the beginning of the new year.

27 PRESIDING JUDGE: [Microphone not activated]

28 JUDGE THOMPSON: And we can take judicial notice of that.

29 MR JORDASH: I need to be able to -- it`s a big problem for

1 the Defence.

2 JUDGE THOMPSON: We sense the direction. We sense the purpose
3 of the question.

4 PRESIDING JUDGE: [Microphone not activated]

5 MR JORDASH: I'll move on. The witness has said he cannot --
6 Your Honour, I seek to move -- could I just briefly
7 take...

8 PRESIDING JUDGE: Yes, please.

9 [Trial Chamber confers]

10 JUDGE BOUTET: I'm being instructed about dry season. That's
11 what we're talking about.

12 PRESIDING JUDGE: I'm telling my colleague that when winter is
13 hitting them up in white man's country, we have the dry
14 season here.

15 MR JORDASH: If it helps, I've got it written down in my file
16 just in case I forget.

17 PRESIDING JUDGE: And it's chilly cold over there when we have
18 the dry season here.

19 MR JORDASH: My application would be to go into closed session
20 for approximately 10 or 15 minutes. I'd like to, if I
21 may, deal with the same area that was dealt with in
22 closed session yesterday. I cannot imagine it would take
23 longer than 15 minutes.

24 [Trial Chamber deliberates]

25 JUDGE THOMPSON: Yes, learned counsel, we are minded, in fact,
26 to adjourn at this stage and take -- let you pursue your
27 line of cross-examination in closed session tomorrow.
28 And perhaps invite your learned colleagues, if they are
29 minded to do the same, so that we can avoid this

1 shuttling between closed and open session. We also, as a
2 hint, do not intend to hear a fresh application. We need
3 to link up the earlier application for closed session in
4 examination-in-chief and see how we can, in the interests
5 of judicial economy, rather than take fresh applications
6 all the time. That would be our deposition. But let me
7 hear the Prosecution. I see he wants to get on our feet.

8 MR HARRISON: I just want to make it clear we would consent to
9 Mr Jordash`s application.

10 JUDGE THOMPSON: I beg your pardon?

11 MR HARRISON: We would consent.

12 JUDGE THOMPSON: Thank you very much.

13 PRESIDING JUDGE: Well, I suppose we know from where we shall
14 start tomorrow.

15 MR JORDASH: Your Honour, yes.

16 PRESIDING JUDGE: So Mr Jordash, did you have any other
17 observations?

18 MR JORDASH: No, thank you.

19 PRESIDING JUDGE: Right. Learned counsel, we'll have to
20 adjourn and resume tomorrow at 9.30. The Court will
21 rise, please.

22 [Whereupon the hearing adjourned at 5.53 p.m., to be
23 reconvened on Friday, the 14th day of January, 2005, at
24 9.30 a.m.]

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WITNESS FOR THE PROSECUTION

WITNESS: TF1-304 1

EXAMINED BY MR BRAUN 1

CROSS-EXAMINED BY MR JORDASH 55

C E R T I F I C A T E

We Roni Kerekes, Ella K Drury, Joanne Mankow and Susan G Humphries, Official Court Reporters 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.

_____ Roni Kerekes

_____ Ella K Drury

_____ Joanne Mankow

_____ Susan G Humphries