

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

FRI DAY, 14 JANUARY 2004
9.48 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison
Mr Robert Braun
Mr Mark Walbridge (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 Friday 14th January 2005
2 [Open session]
3 [The accused absent]
4 [Upon commencing at 9.48 a.m.]
5 PRESIDING JUDGE: Good morning, learned counsel. We are
6 resuming our session, so remember we ended up -- we
7 didn't quite wrap up our closed session yesterday, so we
8 will proceed, please.
9 JUDGE THOMPSON: Learned counsel for the first accused, the
10 Chamber's recollection is that yesterday you indicated
11 that you would like to move the Court into closed session
12 for the purpose of the next segment of your
13 cross-examination of this witness.
14 MR JORDASH: Your Honour, yes.
15 JUDGE THOMPSON: That is correct?
16 MR JORDASH: Yes, Your Honour.
17 JUDGE THOMPSON: Considering that we did, on the 12th January
18 2004, grant an application by the Prosecution to hear
19 certain portions of the testimony of this witness in
20 closed session and that the said ruling is still valid
21 and binding, we deem it expedient in the interests of
22 judicial economy to invoke the said ruling for the
23 purposes of the instant application. In other words, we
24 are dispensing with the need for a fresh application
25 followed by a fresh ruling especially as we are dealing
26 with the same witness. And perhaps for the records, the
27 rationale behind this approach is to ensure expedition in
28 this proceeding and an avoidance of unnecessary legal
29 technicalities. So, we will accordingly proceed with the

1 cross-examination of the witness and we request members
2 of the public to retire for about -- how many minutes do
3 you want them to retire?
4 MR JORDASH: Your Honour, I think 15, please.
5 JUDGE THOMPSON: Shall we say, to be on the safe side, 30
6 minutes?
7 PRESIDING JUDGE: Yes, because I was also envisaging a
8 cross-examination at this stage by learned counsel of the
9 other Defence teams. So, I think they can concert and
10 give us an idea, just for the public, I mean, for the
11 public to know when they can come back to resume the
12 proceedings.
13 MR JORDASH: I think to be on the safe side, one hour in
14 total.
15 JUDGE THOMPSON: Yes. Well, we will request the public to
16 retire for about one hour.
17 PRESIDING JUDGE: It could be less, you know, but just one
18 hour. It could be around the parameters of the court
19 within 40, 45 minutes.
20 JUDGE THOMPSON: Will the technical experts now make the
21 necessary adjustments for the purposes of closed session?
22 We will be advised as soon as we are in closed session.
23 Are we in closed session?
24 MS EDMONDS: Not yet, sir.
25 JUDGE THOMPSON: Mr Jordash, just be patient.
26 MS EDMONDS: Court is in closed session now.
27
28
29

1 [Closed Session]
2 JUDGE THOMPSON: With that assurance, Mr Jordash, you will
3 proceed.
4 MR JORDASH: I am grateful. Thank you.
5 WITNESS TF1-304
6 CROSS-EXAMINED BY MR JORDASH: [Continued]
7 Q. Good morning, Mr Witness.
8 A. A. Yes.
9 Q. I think you, two days ago, told this Court that upon
10 arrival back into Tombodu on the 26th February, around
11 that time you became -- you were elected to be the leader
12 of the young men. Is that correct?
13 MR JORDASH: I think there seems to be some technical
14 difficulties in the gallery.
15 THE WITNESS: Yes.
16 JUDGE THOMPSON: Has that been rectified? Are these the
17 monitors.
18 MR JORDASH: I think so.
19 MR HARRISON: I think I can see the monitor indicating that
20 the microphones are not working and I think they have
21 been taken.
22 PRESIDING JUDGE: They can bring them here for the time being.
23 JUDGE THOMPSON: Yes, quite right. Yes.
24 PRESIDING JUDGE: There is space here they can come and sit
25 here.
26 MS EDMONDS: Court monitors earphones are not working.
27 JUDGE THOMPSON: Yes, she is coming. Yes.
28 MR JORDASH: Your Honour, should I continue?
29 JUDGE THOMPSON: A little patience. Proceed then, counsel.

- 1 MR JORDASH: Thank you.
- 2 Q. Can you remember when that was in relation to the 26th
3 February, approximately?
- 4 JUDGE THOMPSON: What did you say he told the court?
- 5 MR JORDASH: That yes, he had been elected to be the young --
6 the leader of the young men shortly -- well around the
7 period of 26th February 1990.
- 8 JUDGE THOMPSON: Yes, okay. He confirms that, right. Yes.
- 9 MR JORDASH:
- 10 Q. Can you remember when that was following your arrival
11 back into the village on 26th February 1999?
- 12 A. Yes.
- 13 Q. When was it?
- 14 A. It was more than two weeks.
- 15 Q. So two weeks after you had arrived; is that correct?
- 16 A. It was after two weeks when I had arrived when I was
17 selected to be the leader of the young men to brush
18 around the town.
- 19 Q. Who told you or who suggested that there ought to be a
20 leader of the young men?
- 21 A. The rebels requested us, the civilians, to assemble and
22 appoint a leader for young men that can brush around the
23 town.
- 24 MR O' SHEA: Could the translation be repeated of that last
25 answer?
- 26 THE WITNESS: The rebels requested us to assemble and select a
27 young man that can be the leader of young men that will
28 brush around the town.
- 29 JUDGE THOMPSON: We are not getting the translation.

- 1 MR JORDASH: I got the translation.
- 2 PRESIDING JUDGE: I got it.
- 3 JUDGE THOMPSON: Are you?
- 4 PRESIDING JUDGE: Yes.
- 5 JUDGE THOMPSON: What about you, are you on the right channel?
- 6 MR O'SHEA: This time I got it.
- 7 JUDGE THOMPSON: Right. Okay. Yes. Continue then.
- 8 MR JORDASH: Thank you.
- 9 Q. How was this message communicated to the civilians of the
10 town?
- 11 A. We were all in the town. It was in town we were
12 assembled.
- 13 Q. Who assembled you? How did it come about that you were
14 assembled?
- 15 A. They announced to all of us in town and informed us that
16 when you return to your town it would be nice to have a
17 leader for young men that will be brushing around this
18 town and cleaning things up.
- 19 Q. Did this announcement come then before you arrived into
20 Tombodu on the 26th or was this an announcement made some
21 time in the two weeks before your election?
- 22 A. We had already arrived when the number of civilians had
23 increased.
- 24 Q. So, you have all arrived into the village, it is past the
25 26th February. How did the civilians become arranged in
26 one place? Do you understand the question?
- 27 A. I don't understand this question.
- 28 PRESIDING JUDGE:
- 29 Q. Mr Witness, Mr Witness, please, we must proceed. You

1 came to town and you say they wanted a young man to be
2 appointed as president of the youths to be cleaning the
3 town. You said - I have it on record here - you said you
4 were assembled. This was after you arrived -- was this
5 after you arrived in the town on 26th February 1999?

6 A. Yes.

7 Q. Who assembled you?

8 A. The rebels.

9 MR JORDASH:

10 Q. Did they come to your individual houses and say, "Would
11 you all assemble," or was it an announcement given over a
12 radio? How was the announcement made to each individual
13 civilian?

14 A. We had already started brushing around the town, so while
15 we were all assembled brushing, they will go and meet us
16 and announce to us that we need a leader to be selected
17 among us, the young men.

18 Q. At this stage, Mr Witness, you had been brushing around
19 the town, you and the other civilians, for two weeks; is
20 that not correct, since your arrival on 26th?

21 A. As soon as we arrived we started brushing the village. I
22 mean, we brushed the village every morning. The town was
23 very bushy, so we brushed it every morning.

24 Q. What was it explained to you -- what did the rebels
25 explain was the function of the leader of the young men?

26 A. The only job I had was to be the leader of the young men
27 while we did the brushing and the cleaning up. You see,
28 because when you are in a town and you are a young man
29 and any jobs come up you do it without scratching your

- 1 head. I think that is what they told me to do, just to
2 be the leader of the young men to do the work around the
3 town.
- 4 Q. So you were in effect the supervisor of the cleaning
5 jobs?
- 6 A. Yes.
- 7 Q. Why were you selected to do that?
- 8 A. Any town if you are a young man and there is any work
9 that is public work and you do it without grudging and
10 they knew I was born in that town and I was doing work.
11 So they decided I should be the leader of the young men.
- 12 Q. Were there not many other civilians born in that town
13 present at the town?
- 14 A. Yes, there were many other civilians.
- 15 Q. Born in that town present at the time?
- 16 A. Yes, they were there.
- 17 Q. There were many other civilians born in the town who were
18 also doing the brushing of the town at that time; is that
19 not correct?
- 20 A. Yes.
- 21 Q. So what distinguished you from them?
- 22 PRESIDING JUDGE: Mr Jordash, is that a fair question?
- 23 MR JORDASH: I think it is fair question, Your Honour, yes.
- 24 PRESIDING JUDGE: Is it a fair question?
- 25 MR JORDASH: Your Honour, yes, because it is unclear as to
26 what criteria was applied to do the selecting and that is
27 what I am trying to get at.
- 28 PRESIDING JUDGE: He has tried, you know, to explain he was
29 born there like others who were born there. He looked

- 1 like he was a willing worker who worked without
2 complaining and so they felt that he should be the
3 leader.
- 4 MR JORDASH: If I can ask a different question.
- 5 PRESIDING JUDGE: Yes, please. Please.
- 6 MR JORDASH:
- 7 Q. How did this selection procedure take place?
- 8 A. Well, they saw that I was a willing worker and in fact
9 they requested these civilians to select someone to be
10 their leader and it was the young men who actually
11 appointed me to be their leader.
- 12 Q. And so your jobs were from then on limited to arranging
13 the young men in their cleaning tasks around the town; is
14 that correct?
- 15 A. Yes.
- 16 Q. Could the witness please be given a copy of his second
17 statement dated 27th of the first 2004, please.
- 18 Thank you. Now, please have a look at that
19 statement. Mr Witness, you do read some English, don't
20 you?
- 21 JUDGE BOUTET: Ask him if he did make that statement.
- 22 MR JORDASH: I was hoping to answer that question first. But
23 did you make this statement, Mr Witness? Do you
24 recognise these as a record of what you told the
25 Prosecution?
- 26 PRESIDING JUDGE: Mr Jordash, what is the date of that
27 statement?
- 28 MR JORDASH: 27th January 2004.
- 29 PRESIDING JUDGE: 2004?

- 1 MR JORDASH: 2004, Your Honour, yes.
- 2 Q. Mr Witness, is that your statement?
- 3 A. Yes.
- 4 Q. Right. Would you have a look at the second paragraph,
5 please. The first line, "Witness: Who was an acting
6 town chief of Tombodu saw..." And then you described the
7 incident with Sahr Sogbeh. Do you see that?
- 8 A. It was -- it was Yomba Ngekia who was the acting
9 paramount chief. We had an acting paramount chief and we
10 had someone who was in charge of the town. Yomba Ngekia
11 was the acting paramount chief.
- 12 Q. Mr Witness, why have you just told us that information?
13 What I am asking you about in your statement is why it is
14 it is suggests that you told the Prosecution that you
15 were the acting town chief of Tombodu? Nothing to do
16 with the paramount chief or acting paramount chief. Did
17 you tell the Prosecution that you were the acting town
18 chief of Tombodu?
- 19 A. Yes.
- 20 Q. Well, when were you the acting town chief of Tombodu?
- 21 A. When I returned, the time at which we returned --
- 22 Q. Was that in addition to your jobs as leader of the young
23 men supervising the cleaning?
- 24 A. Yes, there was no election at that time and there were no
25 chiefs. I was the leader of the young men, so I
26 automatically became the acting town chief. There were
27 no town chiefs or no elders at the time.
- 28 Q. What did it entail being the -- Let me start that again.
29 What were your responsibilities as acting town chief of

- 1 Tombodu?
- 2 A. People can never live in a community or a town without a
3 leader. There has to be someone who leads who could be
4 asked who is here and who could delegate jobs and tasks
5 to other people.
- 6 Q. Well, that is the theory, Mr Witness, but what I am
7 asking about is what you did and what your
8 responsibilities were as acting town chief of Tombodu at
9 that time.
- 10 JUDGE THOMPSON: You want us to record the theory?
- 11 MR JORDASH: I beg your pardon.
- 12 JUDGE THOMPSON: You said you want us to record the theory?
- 13 MR JORDASH: It is an important part of my question.
- 14 JUDGE THOMPSON: Quite, I mean, he virtually has put forward a
15 theory and perhaps from that might flow the specific
16 references that people can never live in a community
17 without a leader.
- 18 MR JORDASH: Yes. Hopefully we can [inaudible] the general to
19 the specific.
- 20 JUDGE THOMPSON: Right, go ahead then.
- 21 MR JORDASH:
- 22 Q. What did you have to do as part of your responsibilities
23 as being the acting town chief of Tombodu?
- 24 A. This gentleman's question I can't answer any further. I
25 mean, if you are in a town there has to be someone who is
26 the leader.
- 27 PRESIDING JUDGE: Yes. Yes.
- 28 THE WITNESS: And that was the role I played. So I can't say
29 anything more than this.

1 PRESIDING JUDGE: Yes. Mr Witness, we agree with you. There
2 is no community, no town, that can exist without a
3 leader. We agree with you. The question is simple, as a
4 leader at the time you said there were no elders, there
5 were no chiefs. Since you had been elected the leader of
6 the youths you found yourself being the head of the town.
7 What were your duties? Just tell us your duties. We
8 know, you know, that no village can be without a chief or
9 rather, without a head, but what were your duties? Just
10 help us out and tell us what your duties were. You don't
11 need to get nervous. Keep your calm and answer the
12 questions.

13 THE WITNESS: Okay, I have understood.

14 PRESIDING JUDGE: Okay, you are getting a bit long now because
15 you have to be translated.

16 THE WITNESS: As a township, at the time there had to be
17 someone who could answer the question who is in charge
18 here. That was one of my duties to come forward and
19 answer that I am in charge. And also, if there are cases
20 to be resolved among people or conflicts, they will bring
21 them forward and we will try to see how we can resolve
22 these conflicts. These were the only duties I performed
23 as a chief or a town chief.

24 MR JORDASH:

25 Q. What about any duties in relation to the rebels? If the
26 rebels wanted, for example, to communicate a message to
27 the civilians?

28 A. If they wanted to speak to the civilians, as I was the
29 leader of the young men they will call me and say, "We

- 1 want to talk to the civilians. We want this and this to
2 happen."
- 3 Q. Did that then involve liaising with the G5?
- 4 A. The tasks of the G5 was different from what I did. He
5 came to me and asked me that this is what the rebels want
6 us to do. So his job was different and mine was
7 different.
- 8 Q. But your job involved communicating with the G5 because,
9 is this not right, you and the G5 were effectively the
10 link between the rebels and the civilians?
- 11 A. I don't understand.
- 12 Q. Well, the G5 was a link from the rebels to the civilians.
13 Do you accept that?
- 14 A. Yes.
- 15 Q. You were also a link from the civilians to the rebels.
16 Do you accept that?
- 17 A. I agree. I agree that is why the civilians appointed me
18 to be their leader. So if there is anything they will
19 ask me first.
- 20 Q. Right. So you were effectively doing the same jobs on
21 behalf of the civilians as the G5 were doing on behalf of
22 the rebels; is that not correct?
- 23 PRESIDING JUDGE: Could it be deduced?
- 24 JUDGE BOUTET: Yes, but --
- 25 MR JORDASH: Let me put it --
- 26 JUDGE BOUTET: G5 may be doing much more than just liaising.
- 27 MR JORDASH: Indeed. I accept that. I do accept that.
- 28 JUDGE THOMPSON: That it was merely a link does not
29 necessarily mean that the responsibilities will

- 1 necessarily be the same.
- 2 MR JORDASH: No, I agree with that.
- 3 JUDGE BOUTET: But to come back to your question, Mr Jordash,
4 he has answered your question, not using exactly the same
5 terms you are using, but in his previous answer he said
6 to you that, "Yes, the G5 would come to me and ask me to
7 do blah, blah." So, he has not used the term liaison,
8 but --
- 9 MR JORDASH: I will move on actually.
- 10 JUDGE BOUTET: You may wish to pursue that.
- 11 MR JORDASH:
- 12 Q. The only question I would follow up on then, Mr Witness,
13 is this, who was the G5 at that time?
- 14 A. Sylvester Kieh.
- 15 Q. And Sylvester Kieh then, will know you and will know that
16 you were the acting town chief having been elected by
17 civilians. Does that follow or not?
- 18 A. Yes.
- 19 Q. Does it also follow then --
- 20 A. I don't understand.
- 21 Q. I am coming, Mr Witness --
22 Does it also follow then that the G5 will know that you
23 were forced to mine at that time or around that time?
- 24 A. Yes.
- 25 PRESIDING JUDGE: Is it that the G5 would know?
- 26 MR JORDASH: Yes.
- 27 PRESIDING JUDGE: Or knew?
- 28 MR JORDASH: Would know. Either. That he knew at the time
29 and would know now. If I can clarify it.

- 1 PRESIDING JUDGE: Yes.
- 2 MR JORDASH:
- 3 Q. He would have been aware at that time that were you being
4 forced to mine. Is that correct?
- 5 A. Yes.
- 6 Q. Did the G5 also know that you were living in a hut that
7 you had built from, I think you said, some sort of
8 corrugated iron? Would the G5 know that?
- 9 A. Yes.
- 10 Q. Before I finish on these questions, I just want to ask
11 you about the young men who you were in charge of. Are
12 some of those young men still living in Tombodu?
- 13 A. They are there. Many of them are there. There are many
14 of them there.
- 15 PRESIDING JUDGE: They may be old men now.
- 16 THE WITNESS: They were born there, I mean, people don't grow
17 old so fast.
- 18 MR JORDASH: I am not so sure.
- 19 JUDGE BOUTET: Thank you, Mr Jordash.
- 20 PRESIDING JUDGE: Like you yourself, Mr Witness, you are doing
21 very well. You are looking very young notwithstanding
22 your age.
- 23 MR JORDASH:
- 24 Q. So, could you give us some of the names of those young
25 men who were witness to your selection and the treatment
26 of you in Tombodu in the time period that you are talking
27 about? Where we might find them?
- 28 JUDGE THOMPSON: Triple barrel.
- 29 MR JORDASH: Yes, sorry.

- 1 Q. Yes, let me start with name, please. Names of people who
2 could corroborate your story.
- 3 A. There are many of them. If you have time I will name
4 them.
- 5 Q. Just give us, say, five. The five who can corroborate
6 your election as acting town chief and the roles you
7 played as acting town chief.
- 8 JUDGE BOUTET: Mr Jordash, this is not his evidence that he
9 was elected as town chief, he was selected to be the
10 leader of the young men and because of that he became
11 their acting town chief.
- 12 JUDGE THOMPSON: I agree.
- 13 JUDGE BOUTET: Just to avoid any confusion.
- 14 JUDGE THOMPSON: Yes, indeed, he automatically assumed the
15 position of town chief by reason of him being selected to
16 be the leader of the young men. Of course, based on this
17 theory that no community can exist without a leader.
- 18 PRESIDING JUDGE: And because of that there was vacuum.
- 19 JUDGE THOMPSON: Yes, that's right.
- 20 PRESIDING JUDGE: There was a vacuum, there were no elders,
21 there were no chiefs.
- 22 JUDGE THOMPSON: No.
- 23 PRESIDING JUDGE: Later on Mr Yomba Ngeki came and was then
24 designated the paramount chief.
- 25 JUDGE THOMPSON: That is his thesis. That is his thesis of
26 his responsibilities.
- 27 PRESIDING JUDGE: [Inaudible] his evidence.
- 28 MR JORDASH: I will seek clarification.
- 29 Q. Is it right that there was no selection procedure for you

- 1 to become the acting town chief? Or was there a
2 selection procedure above and beyond the selection
3 procedure of you as a young man -- leader of the young
4 men?
- 5 A. There was no election at that time. I mean, I was just
6 appointed.
- 7 Q. So, your evidence is that you were appointed to be the
8 leader of the young men, because you held that post you
9 became automatically the acting town chief?
- 10 A. Yes, they selected me as the leader of the young men and
11 there was no other time to have another election for a
12 chief. So I automatically became the town chief.
- 13 Q. Okay. Now -- thank you. Can you give us five names,
14 please, of where they are presently? Who can confirm
15 that?
- 16 A. They are all presently in Tombodu.
- 17 Q. Can we have their names and can you spell them, please?
- 18 A. Yes.
- 19 Q. Now, please.
- 20 A. Tamba Sangba. T-A-M-B-A, S-A-N-G-B-A, Tamba Sangba.
- 21 Q. Is he living in Tombodu?
- 22 A. Yes. Aiah Karku. A-I-A-H, K-A-R-K-U. Aiah Ngeki a.
23 A-I-A-H, N-G-E-K-I-A. Aiah Pessima. A-I-A-H,
24 P-E-S-S-I-M-A. Aiah Kabba. A-I-A-H, K-A-B-B-A. These are
25 them, they are all in Tombodu presently.
- 26 Q. Thank you. Just one last thing before I finish for the
27 closed session. Looking again at your statement, would
28 you have a look at the statement at the side of you,
29 please, Mr Witness? The same paragraph --

1 JUDGE BOUTET: Mr Jordash, just for the sake of better clarity
2 for the record. I do understand that all statements, all
3 documents that you have that you referred to have a court
4 management number, so when they have been filed at the
5 top of those pages there is always a number. So in the
6 future when we want to refer to that I would appreciate
7 if you would refer to the date, yes, but also if there is
8 a number you should have that on your documents, I am
9 told.

10 MR JORDASH: Could this -- I know this is not perhaps for
11 Your Honours, but could then, when the Prosecution serve
12 the statements, if they were to go to be numbered before
13 they are sent to us that would be very useful or else we
14 have --

15 JUDGE BOUTET: I am told they have, but maybe the ones you
16 have have not.

17 MR HARRISON: I will explain the procedure later to
18 Mr Jordash, it is not quite what he thinks, but the
19 number on this one is 9694.

20 JUDGE BOUTET: Thank you.

21 MR JORDASH:

22 Q. The second paragraph, Mr Witness, the final paragraph, "W
23 was..." sorry, "Witness was beaten by rebel command for
24 failing to report this. Perpetrators were later arrested
25 and one killed by rebels." Which is a reference, it
26 seems, to the rebels taking action against other rebels
27 for killing a young man; is that correct?

28 A. Yes. Yes.

29 Q. Thank you. And just one last question. Why is it that

- 1 you did not mention to this Court, until I put the
2 statement to you, that you had been the acting town chief
3 of Tombodu? Is that something you forgot or you just
4 chose not to tell us?
- 5 A. Didn't you look into the statements?
- 6 Q. Mr Witness, you have sat there for nearly two days giving
7 evidence, not once have you mentioned that you were the
8 acting town chief of Tombodu. You have mentioned that
9 you were the head of the cleaning department, the leader
10 of the young men, but not the important post of acting
11 town chief of Tombodu, and I am just asking you why you
12 did not, given you are trying to be truthful. Tell this
13 Court about that.
- 14 A. I said the truth. That's why I said it's in the
15 statement. If you mention it, I will accept, yes.
- 16 Q. Why didn't you tell the Court yourself?
- 17 A. That is why I gave it in the statement and when they
18 asked me about what is in the statement I said yes. If
19 you hear they say chief, it is someone who is leader of
20 some people, that is the chief.
- 21 PRESIDING JUDGE: That would be good to address, Mr Jordash,
22 instead of pressing the point.
- 23 MR JORDASH: Yes, I will leave it there, Your Honour. I have
24 finished in terms of the closed session.
- 25 MR TOURAY: Your Honour, I will limit my cross-examination to
26 matters in issue during the closed session.
- 27 CROSS-EXAMINED BY MR TOURAY:
- 28 Q. Now, Mr Witness, Yomba Ngekia, who as the acting
29 paramount chief came from the ruling house; is that

- 1 correct?
- 2 A. Yes.
- 3 Q. And there are several other ruling houses in Kamara
4 Chieftdom where Tombodu is?
- 5 A. Yes.
- 6 Q. How many are there?
- 7 A. Ngekia, Sumana [phoen], Ngandi Fanya [phoen]. These are
8 the ruling houses.
- 9 PRESIDING JUDGE: Ngekia, Sumana.
- 10 THE WITNESS: Ngekia, Sumana, Ngandi Fanya.
- 11 MR TOURAY:
- 12 Q. Now, before the selection or appointment of Yomba Ngekia,
13 who was the substantive paramount chief before that?
- 14 A. The paramount -- the paramount chief that was there died,
15 so there was no paramount chief effectively.
16 Chief Fanya.
- 17 Q. Can you assist the Court in telling us when he died?
- 18 A. I can think back on to dates.
- 19 Q. Can you please tell us?
- 20 A. I remember when they told me that he died in 1999. He
21 got sick and he died. He was also running away from the
22 war. He got sick.
- 23 Q. Now, when you were all assembled at Tombodu on your
24 return in February 1999, were there members of the Fanya
25 family amongst you?
- 26 A. No, most of them had not returned.
- 27 Q. So, you are saying some of them had returned, but most of
28 them had not returned?
- 29 A. In fact, they were not there. None of them was there.

- 1 They were all either in Freetown or somewhere. In fact,
2 Yomba Ngeki a was only appointed because there was no
3 other person, because he was the only adult and elder
4 person.
- 5 Q. And, as you also rightly said, because he comes from the
6 ruling house. That is why he was elected?
- 7 A. Yes.
- 8 Q. Were there also members of the Sanya [phoen] ruling house
9 present at the time?
- 10 A. There was no election at that time. Many of us were
11 there. It was just an arrangement. They wanted to have
12 someone who is the leader at the point. So, there was no
13 election and we chose Ngeki a.
- 14 Q. I agree.
- 15 PRESIDING JUDGE: Yes, just answer the question.
- 16 MR TOURAY:
- 17 Q. Yes, but the question was, were there members of the
18 Sanya family present at the time as well?
- 19 A. Yes, there were people there. Some of them were not
20 available, some were there. But this was not a question
21 of whether someone was from a ruling house or were going
22 to vote for someone. It was just an appointment and so
23 that you can have an arrangement of the society.
- 24 Q. The question is, Mr Witness, were there members of the
25 Sanya family present some of them as well at the time?
26 That is the question.
- 27 JUDGE THOMPSON: It's a factual question really.
- 28 THE WITNESS: Those who were his supporters, they were there.
- 29 MR TOURAY:

- 1 Q. And members of his family as well? Of the Sanya family
2 ruling house?
- 3 A. Those who were the direct descendants of the ruling house
4 were not there. But those who supported him, who had
5 voted for him were there, but those from the direct
6 ruling house were not there?
- 7 Q. I accept that, yes.
- 8 [HS140105B 10.45 a.m.]
- 9 Q. And I take it as well that the supporters of the Fanya
10:45:08 10 ruling house were there as well?
- 11 PRESIDING JUDGE: If he says those who brought him were there,
12 the supporters were there.
- 13 MR TOURAY: The Fanya ruling house, the other one, they were
14 there?
- 10:45:30 15 A. Yes, they were there.
- 16 PRESIDING JUDGE: Please, let's get --
- 17 MR TOURAY: Yes, My Lord.
- 18 PRESIDING JUDGE: Let's get past the ruling families.
19 [Technical difficulty]
- 10:45:47 20 PRESIDING JUDGE: These are the three. Ngandi Fanya. So
21 there is Ngekia, Sumana, and Ngandi Fanya, the ruling
22 houses. These are the three ruling houses. Where are we
23 now? We are talking of the Sanya or the Fanya?
- 24 MR TOURAY: Let me put that question again, Your Honours.
- 10:46:09 25 Q. The members of the ruling house of the Sumanas were there
26 at the time, were they?
- 27 A. Yes.
- 28 Q. And supporters of the Fanya ruling house?
- 29 A. Yes. Yes, when I say the same ruling house, they were

1 all there. There were not many, but they were there.
2 Q. Now, in fact, these various members of these ruling
3 houses had a great influence in the selection of the
4 acting paramount chief at the time?
10:47:32 5 A. All of them hung heads together. I mean everybody was
6 there, when they hung heads together, to select the
7 person who should be the caretaker of the chiefdom.
8 Q. But they themselves did the selection?
9 A. Yes.
10:47:53 10 Q. Are you a relation of Yomba Ngeki a?
11 A. We were all born in the same town. We are not related
12 through father or mother, but we're all born in the same
13 town.
14 Q. Now, who was the acting town chief before, let me say,
10:49:03 15 during the period of the SLPP regime in 1997
16 -- 1996-1997, or before the rebels went to Kono in
17 February 1998, who was the acting town chief of Tombodu
18 at the time?
19 A. There was a town chief at that time, not an acting town
10:49:43 20 chief. And his name was Chief Babonjo.
21 PRESIDING JUDGE: He was the town chief of Tombodu?
22 MR TOURAY: Tombodu, yes, before February 1998.
23 THE WITNESS: At what time?
24 MR TOURAY:
10:50:12 25 Q. Before February 1998.
26 A. The one who was the town chief -- when we run away, even
27 the town chief Babonjo also ran away. There was nobody
28 there when we all run away.
29 JUDGE THOMPSON: Learned counsel, I think you've entangled

1 yourself. The question was -- when you put the question,
2 you were referring to 1996-1997. And now you've
3 complicated it. Now he's coming with a different answer.
4 Perhaps we should travel that road again.

10:50:57 5 MR TOURAY:
6 Q. When there was the normal regime, that is, 1996 before
7 the coup of 1997 --
8 JUDGE THOMPSON: Why not call it government.
9 MR TOURAY: Okay, the government.

10:51:10 10 Q. Who was the town chief of Tombodu?
11 A. Chief Babonjo.
12 JUDGE THOMPSON: Could you spell that for us.
13 THE WITNESS: Yes. B-A-B-O-N-J-O.
14 JUDGE THOMPSON: Thank you.

10:51:44 15 MR TOURAY:
16 Q. Did he return to the town after everything had quieted?
17 A. Yes. He returned. It didn't take too long. He died
18 just a short while ago.
19 Q. Would you assist the Court in telling the Court when he
10:52:28 20 returned.
21 A. Yes.
22 Q. Tell us, please.
23 A. He returned after disarmament, after all the guns had
24 been removed from the fighters. That's when he returned.

10:52:54 25 Q. And he took over his functions from you?
26 A. When he came -- when he came -- when he came, he thanked
27 us. He was very happy that we were able to hold the town
28 even when he was not there. We were only holding the
29 town because he the chief was not there. But when he

1 returned, he was the chief automatically. Even now that
2 he's dead, his child is the chief in his place.

3 Q. Now, Mr Witness, is it true, is it not, that no one is
4 eligible to become a town chief unless a member or some
10:54:53 5 member of his family had once assumed that position?
6 A. I can respond to this.
7 Q. Please do. --

8 PRESIDING JUDGE: I want him to go slowly so that he's
9 interpreted, you know, as he's talking. Interpreter, you
10:55:36 10 can translate him, please, what he has said so far.
11 THE WITNESS: When they say town chief, it's not a question of
12 having elections. We only wanted to have -- you do not
13 just become a town chief. You have to be voted for. But
14 this, I'm explaining to you, was just a temporary
10:56:11 15 arrangement so that people could have leadership until
16 the substantive leaders returned.
17 PRESIDING JUDGE: [Previous interpretation continues] -- the
18 question.
19 MR TOURAY:
10:56:20 20 Q. My question is you are not eligible to become a town
21 chief unless some member of your family in the past had
22 attained to that position.
23 A. Let me inform you now that this Chief Babonjo had a wife
24 who was my father's elder sister. She is still there.

10:56:57 25 PRESIDING JUDGE: You have not answered the question. It's a
26 yes or no answer.
27 Mr Witness, you cannot become a chief unless you
28 come from -- unless your father or you're a descendent of
29 somebody who has been a chief before. Is that not true?

1 MR TOURAY: Town chief.
2 PRESIDING JUDGE: Is that true or not?
3 THE WITNESS: It's true.
4 PRESIDING JUDGE: It's true, okay. That's all we want as an
10:57:30 5 answer from you.
6 MR TOURAY:
7 Q. Do you descend from a family which had once occupied the
8 position of town chief?
9 PRESIDING JUDGE: You see, learned counsel, I want us to be
10:58:16 10 fair to this witness. I want us to be fair to this
11 witness. This witness never got himself crowned as town
12 chief.
13 MR TOURAY: We know, My Lord.
14 PRESIDING JUDGE: Yes. I don't know where this question is
10:58:27 15 taking us to.
16 MR TOURAY: We only want to establish --
17 PRESIDING JUDGE: Because he never, ever said he was crowned
18 the town chief. He was -- he himself has been honest.
19 When the chief came back, they handed over everything to
10:58:46 20 him. And right now, it is even the son who is the town
21 chief. So he never had any pretensions of being the
22 chief of Tombodu. He was just an ordinary man like he
23 keeps saying. So if we can limit --
24 MR TOURAY: Your Honour, just to establish the criteria.
10:59:06 25 That`s all we`re trying to do.
26 PRESIDING JUDGE: Okay.
27 JUDGE THOMPSON: Is it for the record?
28 MR TOURAY: For the record, yes.
29 JUDGE THOMPSON: That in fact, there`s a hereditary principle.

1 MR TOURAY: Yes.

2 JUDGE BOUTET: But how is this relevant? I know it's for the
3 record, but what's the interest of the record knowing
4 this at this stage? I mean, the facts are that he was
10:59:25 5 never the town chief. He was the acting. So why are we
6 --

7 MR TOURAY: If we know what criteria was used in selecting
8 him, perhaps that will assist us in --

9 PRESIDING JUDGE: He was never selected the town chief. This
10:59:39 10 witness was never selected, you know. He said that it
11 was because he was elected the leader of the youths. And
12 in the situation where there was no chief, he found
13 himself, you know, playing the role of an acting town
14 chief also. He never asked for that, and he was not
11:00:00 15 elected to that position. So the issue of his
16 credentials does not appear to be in question here.

17 JUDGE THOMPSON: Let me get your point. It's your suggestion
18 that he was a usurper?

19 MR TOURAY: No, no.

11:00:17 20 JUDGE THOMPSON: If you are putting forward a hereditary
21 principle as the criterion, as he has agreed with you for
22 eligibility to become town chief, virtually there is a
23 clear -- there's a clear disconnect here in the sense
24 that he's virtually saying he was town chief, acting town
11:00:43 25 chief de facto. I mean, he's not excluding that he
26 wasn't acting town chief de jure, which does not seem to
27 contradict your position.

28 MR TOURAY: That's true, Your Honour.

29 JUDGE THOMPSON: The only thing is that I don't know whether

1 you're going further beyond that, because that's the
2 state of the evidence so far, to suggest that he may well
3 have been a usurper. But you're not suggesting that.
4 MR TOURAY: I'm not suggesting that.
11:01:11 5 JUDGE THOMPSON: All right. Then I understand the trend.
6 MR TOURAY: I'm not suggesting that.
7 May I continue, Your Honour.
8 PRESIDING JUDGE: But there's a further question here.
9 JUDGE BOUTET: What is the relevance here? Why do we need to
11:01:31 10 know this? He has never been the town chief, he has been
11 the acting. So whatever criteria there might be, why is
12 it relevant?
13 MR TOURAY: Your Honours, the point is why was this gentleman
14 appointed or selected the town chief, what was the reason
11:01:43 15 behind it?
16 JUDGE BOUTET: The reason behind it is he had been selected to
17 become the leader of the youth.
18 MR TOURAY: There must have been something special about him.
19 PRESIDING JUDGE: [Previous interpretation continues] --
11:01:56 20 throughout his evidence.
21 MR TOURAY: But My Lord, I'm trying to approach it from a
22 different angle at this stage.
23 JUDGE BOUTET: Yeah, but the angle of the town chief is
24 totally irrelevant because he was selected as the leader
11:02:10 25 of the young man group, and because of that he became
26 town chief. So to try to do a correlation between
27 criteria of town chief has no relevance here.
28 MR TOURAY: Your Honour, that is what I seek to refute,
29 exactly that he was quite eligible to be a town chief

1 because he had some connections with that position. That
2 is my point, and not because he was made leader of the
3 youths, therefore he automatically assumed that position.
4 JUDGE BOUTET: I'll accept that. But I'm just coaching you
11:02:45 5 that this is not --
6 MR TOURAY: I've already let the cows out of the barn.
7 JUDGE BOUTET: Go ahead. Go ahead then. I'm just trying to
8 see -- I could not follow your line of reasoning to see
9 the relevancy, and even if he had that qualification,
11:03:01 10 this is not because of that, according to the evidence,
11 that he became the acting town chief. It was simply
12 because he was the leader of the young men corps.
13 MR TOURAY: When I put my suggestion, then that becomes part
14 of the evidence, that it was because he was eligible,
11:03:16 15 that is why he was...
16 JUDGE BOUTET: Go ahead, please.
17 PRESIDING JUDGE: In fact, he's not a ambitious man. He's
18 very modest. He was trying to trace his genealogy from
19 the mother's side and so on. But, still he did not do
11:03:24 20 like others would, forward themselves and seek to conquer
21 the throne. Anyway, Mr Touray, that's your baby. Get
22 along and let's get done with the business, please.
23 MR TOURAY: I'm much obliged, Your Honour.
24 Q. So you don't have any member of your family past who had
11:03:55 25 once been a town chief, do you?
26 A. No, I've never had a relative that had been a town chief
27 before, but presently my elder brother on my father's
28 side is presently the head of the young men. He's the
29 leader of the young men.

1 Q. Your elder sister is wife to Chief Yomba Ngeki a who was
2 the acting paramount chief at the time?
3 A. This question, I didn't mention Yomba Ngeki a. I said
4 Chief Babonjo is married to my father's elder sister.
11:05:40 5 Q. All right, I'm sorry. Yes, exactly so. I suggest to you
6 that this was the reason why the -- when the civilians
7 were asked to choose an acting town chief, you were
8 chosen.
9 MR HARRISON: I didn't understand the reason.
11:06:21 10 JUDGE THOMPSON: That's not the evidence again.
11 MR TOURAY: I'm putting it to him. It's my suggestion.
12 JUDGE THOMPSON: In other words -- well, then if you're doing
13 so, you'll have to put it in stages. I mean, the
14 evidence as far as we recollect it is that there was
11:06:34 15 never a selection or election --
16 MR TOURAY: He was chosen.
17 JUDGE THOMPSON: -- for the position of town chief.
18 MR TOURAY: Yes.
19 JUDGE THOMPSON: Acting town chief. That's the state of the
11:06:45 20 record. He has been persistent on that, that he was
21 never selected. He virtually assumed the position by
22 reason of some theory that you can't have a leader -- you
23 can't have a community without a leader. And by reason
24 of the fact that he was selected as leader of the young
11:07:04 25 men, so on the question of acting town chief, there is no
26 such evidence. So to put it to him that the reason why
27 he was, using your language, selected as acting town
28 chief is to distort the evidence in my own appreciation
29 of what we -- the state of the records now.

1 If you want to suggest to him that he was elected
2 acting town chief --
3 MR TOURAY: Not elected.
4 JUDGE THOMPSON: -- you have to do that. Because your
11:07:35 5 language that I'm using, you said elected or selected. I
6 don't know.
7 MR TOURAY: Not elected. Chosen, that's what I used.
8 JUDGE THOMPSON: Chosen again is a synonym. Again, the record
9 does not state. He has not admitted he was selected,
11:07:55 10 elected, or chosen acting town chief. He filled a
11 vacuum, a de facto.
12 MR TOURAY:
13 Q. Now, my question is you were, in fact, chosen to be
14 acting town chief of Tombodu.
11:08:15 15 JUDGE BOUTET: Again, this is not the evidence. He was not
16 chosen. He assumed that role because he was the leader
17 or the chief of the young men. So if your question is
18 directed to be the chief -- it may be that he was
19 selected to become the leader of the young men. I don't
11:08:34 20 know. Maybe you can ask --
21 MR TOURAY: I'm forgetting about the question of the leader of
22 the young men. I'm concentrating on the issue of acting
23 town chief.
24 JUDGE BOUTET: Well, then, you better ask many more questions
11:08:47 25 because this is not the evidence.
26 MR TOURAY: My Lord, what comes from me becomes part of the
27 evidence. I am not bound by what has gone on before.
28 What comes from me here becomes part of the evidence. It
29 may be inconsistent with what you have, but I'm not bound

1 by what you have.

2 JUDGE THOMPSON: If you're putting an alternative theory to
3 him, you must not distort the evidence. I'm sure that
4 counsel is aware that you cannot do that, to distort the
11:09:18 5 evidence, but you're perfectly free to put your
6 alternative theory to him.

7 MR TOURAY: Yes.

8 JUDGE THOMPSON: My understanding is that he said he was not
9 elected or selected acting town chief. That's the state
11:09:32 10 of the evidence. If you have an alternative theory, put
11 it to him clearly. But don't predicate it upon the state
12 of the record, which is different and may be contraposed
13 to what you intend to do.

14 MR TOURAY: As Your Honour pleases.

11:09:57 15 Q. Now Mr Witness, my question is this, that there was in
16 fact an acting town chief of Tombodu at the time, from
17 February 26th, 1999, when the rebels took over, the
18 appointment of an acting town chief was carried out.

19 A. I can respond to this question. I can tell you that when
11:10:53 20 I was selected as the leader of the young men, and there
21 were no chiefs in the town, so -- and I was born in that
22 town, so I think if there's anything to do that the
23 chiefs had to do, I carried it out.

24 Q. Now, I put it to you that the RUF never had youth leaders
11:11:29 25 during that period, that is during the period up to
26 2000 -- only up to 1999. That is, up to 1999, the RUF
27 never had youth leaders. That is my question I'm putting
28 to you.

29 MR HARRISON: I think the question could be put fairly if it

1 were put somewhat differently. The witness has never
2 said that the youth organisation was that of the RUF. He
3 has always said it was that of the town.

4 JUDGE THOMPSON: I see the -- we're getting into some nuances
11:12:02 5 here which are very, very important clearly. And my own
6 approach is that you're entitled to put to this witness
7 whatever theories you intend to build your instructions
8 or case on. And in the process, avoid distorting the
9 state of the evidence or attributing to this witness what
11:12:26 10 he did not say. That's the only caution I would give,
11 but I think you're entitled to put your alternative
12 theories.

13 MR TOURAY: Yes.

14 JUDGE THOMPSON: I mean, after all, you know what your
11:12:40 15 instructions are. But I think the Bench should be on
16 guard not to allow you to misrepresent what the evidence
17 is from this witness.

18 MR TOURAY:

19 Q. Now, do you know one Mr JR Sandi [phoen]?

11:13:07 20 A. JR Sandi in Tombodu town?

21 Q. No, he was the district chairman of the RUF.

22 A. I don't know him. I was in my home, home, Tombodu.

23 JUDGE BOUTET: Mr Touray, what's the name again?

24 MR TOURAY: JR Sandi.

11:14:02 25 JUDGE THOMPSON: He was the district chairman of the RUF.

26 MR TOURAY: Quite right.

27 JUDGE BOUTET: Is it JF?

28 MR TOURAY: JR.

29 Q. Now, was there a youth leader appointed for the RUF party

- 1 in Tombodu town for the period after 1999 when they were
2 campaigning?
- 3 A. No, there was no youth leader for RUF party. There was
4 youth leader for SLPP party.
- 11:14:56 5 Q. Now, would you agree with me that before that, during the
6 rebel period, that is, February 28 up to 1999, that the
7 RUF only installed chiefs and acting -- acting chiefs and
8 acting town chiefs, not youth leaders?
- 9 A. What I want to tell you now, at that time there was no
11:16:24 10 politics. When they selected chiefs, there was no voting
11 or any kind of formal way of selecting chiefs. I mean,
12 they just installed people. I was only the leader of the
13 young men. When people returned, they have to have
14 someone to be a leader of the group.
- 11:16:43 15 Q. So in fact, what I'm saying is, they installed only
16 people holding such positions, chiefs, acting chiefs, and
17 acting town chiefs, with that designation.
- 18 A. That may be so, but in my case I was only selected as the
19 leader of the young men. And if I do things that are
11:17:33 20 doing the work of the chiefs, I don't think I did
21 anything wrong.
- 22 MR TOURAY: Your Honour, the answer he gives is that may be
23 so, but he was in that particular position.
- 24 Q. I put it to you that you were in fact the acting town
11:17:49 25 chief of Tombodu at the time.
- 26 A. This question, I'm not sure I'll be able to respond to
27 it. I've responded and responded, and it's still being
28 asked.
- 29 Q. Were you or were you not the acting town chief?

1 A. I was not appointed a town chief.
2 PRESIDING JUDGE: [Microphone not activated] Please, follow the
3 question. You were not appointed a town chief. Did you
4 act as the town chief?
11:18:36 5 THE WITNESS: I was not appointed a town chief, but I did do
6 the work of a chief.
7 MR TOURAY: That will be all my questions.
8 PRESIDING JUDGE: Mr Cammegh, Mr O`Shea, you think you'll take
9 about how many minutes? Three, four, five or so?
11:19:53 10 MR O`SHEA: Your Honour, when one is at the back of the bus,
11 the driver always has his finger on the automatic button
12 of the doors. I don't expect to be longer than 15
13 minutes. However, it would be convenient to me, at
14 least, if I could have a short break.
11:20:11 15 PRESIDING JUDGE: All right. You can have it, because we're
16 concerting on that. We shall break and shall resume when
17 we are ready. The Court will rise, please.
18 [Recess taken at 11.24 a.m.]
19 [On resuming at 11.49 a.m.]
11:49:19 20 PRESIDING JUDGE: We're resuming the session.
21 Yes, Mr O' Shea.
22 MR O`SHEA: Thank you, Your Honour.
23 CROSS-EXAMINED BY MR O`SHEA:
24 Q. Good morning, Mr Witness.
11:49:48 25 A. Yes.
26 Q. According to my understanding, and you can correct me if
27 I'm wrong, with regard to your position as youth leader,
28 not the position as town chief, if it was a position, but
29 your position as youth leader, that you were elected by

- 1 the people in the town? Is that right or wrong?
- 2 A. I was not voted for. No, I was not voted for.
- 3 Q. Perhaps we could look at the circumstances surrounding
- 4 that. At the time that you were appointed youth leader,
- 11:50:49 5 did the people in the town assemble in one place?
- 6 A. Yes.
- 7 Q. Would you say that most of the people who lived in
- 8 Tombodu at that time were there?
- 9 A. Yes.
- 11:51:28 10 Q. Were there also rebels present during that meeting?
- 11 A. They were around.
- 12 Q. What --
- 13 PRESIDING JUDGE: Were they present at the meeting? Not
- 14 around, were they present at the meeting?
- 11:51:55 15 THE WITNESS: They were present at the meeting.
- 16 MR O' SHEA:
- 17 Q. Do you know how many rebels were present at the meeting?
- 18 A. The person who was the G5 commander was there, and two
- 19 elderly persons of the rebels were also there.
- 11:52:25 20 Q. Once the people had assembled, how did the proceedings
- 21 begin?
- 22 A. There were no other proceeding. There was no other
- 23 proceeding. The only thing they could say was that you
- 24 have gathered. We now want a leadership from you people.
- 11:52:53 25 Q. So if I understand you correctly, the first person to
- 26 speak at this meeting was a rebel?
- 27 A. He was a rebel, yes.
- 28 Q. Was it the G5 commander?
- 29 A. Yes.

- 1 PRESIDING JUDGE: Mr O'Shea, please.
- 2 MR O'SHEA: I apologise, Your Honour. I'm going too fast.
- 3 PRESIDING JUDGE: At the meeting, the rebels spoke first, and
4 it was the G5 commander? Is that what you said?
- 11:53:48 5 MR O'SHEA: That was his answer, Your Honour.
- 6 Q. And his words, to your recollection, were "we want you to
7 people to have a leader"? Is that what you said a moment
8 ago?
- 9 A. Yes.
- 11:54:23 10 Q. Did the G5 commander say anything else?
- 11 A. He didn't say anything further. What he could say was a
12 leadership that could lead you towards cleaning the
13 township.
- 14 Q. Did he give any explanation to the people as to how the
11:54:55 15 selection should take place?
- 16 A. No further explanation was made. The only thing he could
17 say was that you need a leader to lead you people in the
18 town.
- 19 Q. So then what happened next?
- 11:55:34 20 A. The civilians all sat together and choose me to be their
21 leader, to lead them for them to clean their township.
- 22 Q. Before that meeting, did you have any particular standing
23 in the community?
- 24 A. I had no position, no standing.
- 11:56:09 25 Q. Would it be fair to say that following that meeting, it
26 was well known in Tombodu that you were the youth
27 leader -- or the men's youth leader? Sorry.
- 28 A. Yes. In the town.
- 29 Q. Would it also be fair to say -- would it also be fair to

1 say that it was well known among the rebels in Tombodu at
2 that time that you were the youth leader?

3 A. It was the rebels themselves who came up with the
4 suggestion that we should have a leader. Youth leader is
5 for political issues, but here I was just leader for the
6 young men. And that is quite different from youth
7 leadership.

8 PRESIDING JUDGE: Counsel -- Witness, counsel says after you
9 were elected, the whole community there knew you, got to
10 know that you were the youth leader. Did the rebels also
11 know that you were the youth leader? It's a simple
12 question.

13 THE WITNESS: Yes.

14 MR O' SHEA:

15 Q. If I could just take a step back for a moment, you said
16 that at the meeting, the G5 commander introduced a
17 meeting by saying that you people should have a leader.
18 Did he say anything about your functions when he spoke at
19 the beginning of the meeting?

20 A. It was us, the civilians, who sat together and decided
21 what job to do, what work to do. It is not them who told
22 us what to do.

23 MR O' SHEA: One moment, Your Honours.

24 [Defence counsel confer]

25 MR O' SHEA: Sorry, Your Honours.

26 Q. Now, you have already, of course, told this Court what
27 your function was as leader of the young men. At the
28 meeting, what was agreed among the civilians that your
29 function should be?

- 1 A. When there came to do any work, I was the leader of the
2 working team. When it is time to clean the town, I was
3 the leader. So any domestic job that comes up, I am the
4 leader. And we did that until our people returned.
- 5 Q. Yes. So that was what had been agreed at the meeting,
6 was it?
- 7 A. Yes.
- 8 Q. And you were -- you described yourself -- sorry.
9 You've described yourself at that time as "leader of
10 the young men." Does that mean that you were only leader
11 of the young men and not also leader of the young women?
- 12 A. When you become a leader, you're a leader for everyone, I
13 mean whether it's men or women, and I was leader of young
14 people.
- 15 Q. You have said that there was an acting paramount chief by
16 the name of Yomba Ngeki a. Right?
- 17 A. Yes.
- 18 Q. What was the extent of your contact with him?
- 19 A. He was the caretaker chief for the chiefdom, and I was
20 just in the town. So he was -- I was under him. I was
21 working under him.
- 22 Q. Did you have communication with him?
- 23 A. Yes, we did have communication. How could he be the head
24 of the chiefdom and I in the town and not communicate?
- 25 Q. Did he give you instructions?
- 26 A. Yes.
- 27 Q. Do you know to what extent there was communication
28 between the paramount chief and the rebels?
- 29 A. There was no other communication besides his

- 1 responsibility as caretaker paramount chief. If anything
2 comes, whether it is good or bad, he was the one with
3 whom they had direct contact with.
- 4 Q. Do you know if there was a good relationship between the
5 rebels and the paramount chief?
- 6 A. Their relationship wasn't very good.
- 7 Q. Could you expand on that.
- 8 A. The reason is if something happens that is bad in the
9 chieftom, he's the first person -- if there is beating,
10 he is the first person the rebels caught and flogged.
- 11 Q. During the course of questions from the lawyers here, you
12 indicated that --
- 13 PRESIDING JUDGE: You say he was the first person they caught
14 and flogged?
- 15 THE WITNESS: Yes. For instance, during the mining, when the
16 rebels didn't find any diamonds, he was the first person
17 they caught and they flogged.
- 18 MR O' SHEA:
- 19 Q. During the course of your evidence, when you were being
20 asked questions by the lawyers here, you indicated that
21 at some point you automatically moved into the function
22 of acting town chief. Correct?
- 23 A. Yes.
- 24 Q. But it's your position that that was not an official
25 appointment, but it happened as a matter of fact.
- 26 A. That's how it happened.
- 27 Q. Do you mean by that that at a certain point in time, your
28 functions began to expand beyond cleaning the town?
- 29 A. Yes, that's how it happened, because when I was a youth

- 1 leader, the kind of way I worked, my good work, I mean,
2 led me to assume the functions of the chief.
- 3 Q. Did you assume those functions by virtue of your own
4 decision, or did you receive any suggestion from anyone
5 else that your functions should expand?
- 6 A. I was identified as chief because I've done a good job,
7 and the chiefs were not there. So that's why I did the
8 functions of the chief. But when the chiefs came, we
9 gave them back their job.
- 10 Q. Now, when you say you were identified as chief, who
11 identified you as chief?
- 12 A. The other civilians I lived with.
- 13 [HS140105C 12.15 p.m.]
- 14 Q. So did the civilians come and speak to you and ask you to
12:11:03 15 fulfill that function?
- 16 A. Yes, they were -- the rebels asked them to identify a
17 leader and they said I would be the leader.
- 18 Q. Now, I just want to be clear about this. Earlier you
19 explained that there was a meeting at which one of the
12:12:09 20 rebels, the G5, suggested to the people that there should
21 be a leader of the young men. Now, you've just said
22 that -- in answer to my question about town chief, you've
23 just said that the rebels indicated to the people that
24 there should be a leader. Was there a second time, then,
12:12:41 25 that the rebels suggested leadership?
- 26 A. There were no two meetings. It was at the same meeting.
27 I've explained this over and over. It was at the same
28 meeting.
- 29 Q. Are you saying that it was at the same meeting that it

1 was suggested that you be leader of the young men and
2 also that your functions should expand beyond being
3 leader of the young men? Is that what you're saying?
4 A. I can't -- I don't quite understand this.

12:14:22 5 JUDGE THOMPSON: Learned counsel, perhaps we should try and --
6 is it that you're suggesting that -- I mean, perhaps
7 using a different form of words, that when you use a
8 concept of expanding, that there was a kind of -- he
9 graduated from being a youth leader to the position of
12:14:49 10 acting chief. In other words, there's a connection
11 there. Is that your theory? Because when you talk about
12 expanding your functions, I mean it seems to suggest to
13 me that what you're putting to him is that there was some
14 kind of connection in terms of being a youth leader and
12:15:12 15 graduating to that of acting town chief. Because he has
16 said that there were no two distinct meetings where he
17 was asked to -- where the civilians were asked to
18 identify a leader. If I recollect the evidence
19 correctly, it was only one meeting that they asked the
12:15:36 20 civilians to identify someone to lead them, and that
21 meeting was the one that he was later on selected as the
22 leader of the young people. Now he says young people,
23 all along he's been saying young men. But there wasn't a
24 second meeting. So what is the theory that you're
12:16:01 25 putting forward? Perhaps if you articulate it for us and
26 then it might be clearer.

27 MR O'SHEA: Well, could the witness switch his microphone off?

28 JUDGE THOMPSON: Thank you. Would we have that adjustment
29 made? Thank you, learned counsel. Go ahead.

1 MR O' SHEA: Yes, Your Honour, it is not that I have a theory
2 as such. I am trying to clear up some confusion which
3 flows from my prior questions.
4 JUDGE THOMPSON: Yes.
12:16:51 5 MR O' SHEA: I fully understand that before I stood up the
6 position was that he was elected as leader of the young
7 men. Then my understanding was, but I wasn't too clear
8 on it, that at some point in time later his functions
9 expanded beyond cleaning the town to the functions that
12:17:19 10 one would normally attribute to a town chief.
11 JUDGE THOMPSON: Correct, yes.
12 MR O' SHEA: My first series of questions dealt with his
13 function as leader of the young men. I then moved on
14 from that and moved on to his function as the town chief.
12:17:39 15 JUDGE THOMPSON: I see.
16 MR O' SHEA: And my language was designed to avoid the kinds of
17 situation that my learned friend found himself with,
18 Your Honours. I'm trying to be careful with language.
19 JUDGE THOMPSON: It is perhaps that I am trying to jump ahead,
12:17:57 20 trying to deduce that you were perhaps trying to
21 establish some interconnection. I would leave you to
22 pursue the line of cross-examination the way you best
23 think.
24 MR O' SHEA: It is just that I received an answer from the
12:18:09 25 witness just now which confused me. I don't know if it
26 confused anybody else.
27 JUDGE THOMPSON: Right, I'm satisfied.
28 MR O' SHEA: That was when I was asking about town chief and he
29 said that the people -- he said that the people had -- I

1 can't remember his exact words, but --

2 JUDGE THOMPSON: Identified.

3 MR O'SHEA: Identified. That was the line I was pursuing and
4 then he came out with his answer: The rebels said there
12:18:38 5 should be a leader. That's why I was trying to clear up
6 the confusion as to whether he was talking about another
7 occasion now.

8 JUDGE THOMPSON: Yes, well, I have the clarity from your
9 position as to what you were trying to do. Thanks.

12:19:03 10 JUDGE BOUTET: But before you go on, I would like to be
11 reassured that all of this is really relevant. I mean,
12 we've been spending hours on whether he was acting in the
13 same capacity and so on. I would like to see an end of
14 it, because I am concerned we are just losing time for
12:19:22 15 losing time. I would ask you, Mr O'Shea, to move ahead
16 as quickly as you can on this issue so we can get out of
17 this closed session and go back to the cross-examination
18 of the witness.

19 MR O'SHEA: Yes, Your Honour, I fully appreciate that. It is
12:19:39 20 just that the -- notwithstanding the fact we have spoken
21 about this subject so much, there is still some degree of
22 lack of clarity with regard to this acting position and
23 that is what I am pursuing.

24 JUDGE BOUTET: Yes, but I am not convinced it has that
12:19:58 25 relevance. I would like to be satisfied that it is
26 really relevant to the case for the Defence in this
27 respect. So whether he was acting or fully operating as
28 chief as such, is this really relevant? If it is, I have
29 no comment.

1 MR O' SHEA: Well, on this side of the Bench we have our own
2 theory as to what this man's relationship with the rebels
3 really was, and that's where this is all coming from.

4 JUDGE BOUTET: Thank you, that answers my question.

12: 20: 41 5 MR O' SHEA:
6 Q. Witness, the questions that I'm asking you now do not
7 relate to your position as leader of the young men --
8 PRESIDING JUDGE: Was he talking of young men or youths? You
9 see, in my notes I have that he was leading the youths, a
12: 21: 06 10 leader for the youths to brush the town. Then we moved
11 to young men recently and then now -- well, you brought
12 in the notion of the women. That was when the concept of
13 men came in. When it was all youths, nobody questioned
14 the gender implications, because when we talk of youths
12: 21: 30 15 it is, you know, both sexes. Anyway, just get along,
16 please. Let's see where all this takes us to.
17 MR O' SHEA: Both phrases have been used, Your Honour.
18 Q. Witness, I am not referring to your position as leader of
19 the youths. I am referring to your acting function as
12: 22: 06 20 town chief, all right? So please, bear that in mind when
21 I am asking these questions. You told the Court that
22 with regard to the functions of acting town chief you
23 were identified by the civilians?
24 A. Yes.
12: 22: 37 25 Q. What I want to you is this: Did civilians come to you
26 and make the suggestion that your functions should grow
27 beyond cleaning?
28 A. When you hear leadership, it's just leadership. If
29 you're a leader and you're doing a good job, I mean you

- 1 can go on to doing many more jobs. I mean, even a
2 chief's job can be done by you.
- 3 Q. Please listen to the question, please, Witness. Was
4 there a point in time when one or more civilians came to
12: 23: 43 5 you and suggested that you should fulfill the functions
6 which a town chief normally performs?
- 7 A. They didn't tell me that, but as soon as they appointed
8 me or selected me as the youth leader, I continued to
9 work as youth leader and doing all the kinds of jobs I
12: 24: 21 10 talked about, even as acting town chief.
- 11 Q. Right, thank you. So does this mean that you were not,
12 as you said a little earlier, identified by the civilians
13 as acting town chief?
- 14 A. I can't answer that question right now. I think when I
15 say I was made a leader of the youths, I mean, it's
16 leadership and that continued on. I don't think there's
17 any other thing I can say beyond this.
- 18 Q. I won't ask you to. I don't think we'll get there. Was
19 it immediately following the meeting that you began to
20 fulfill the functions of acting town chief or did you
21 begin to fulfill those functions later?
- 22 A. The time I was selected as the leader of the young men
23 was the time I started serving even as chief. In fact,
24 if I did the job of a chief at that time, was that
25 something bad?
- 26 JUDGE THOMPSON: Proceed, learned counsel.
- 27 MR O' SHEA: Thank you, Your Honour.
- 28 Q. Earlier, when another lawyer was asking you questions,
29 you indicated that among the functions you had as acting

- 1 town chief included resolving conflicts; correct?
- 2 A. Yes, if you become a leader, I mean you should be able to
3 resolve conflicts among people. I mean, when people have
4 problems and they bring it to me, I help them resolve
5 them.
- 6 Q. Would this include conflicts between the rebels and the
7 civilians?
- 8 A. I was not in charge of the rebels. I was in charge of
9 the civilians. If civilians had problem, they come to me
10 and we settled it; that's all.
- 11 JUDGE BOUTET: He may not have understood your question
12 correctly in this respect. He may have understood
13 conflict within the RUF rather than conflicts between
14 civilians and the RUF. I would suggest you repeat the
15 question.
- 16 MR O'SHEA: True, I hadn't seen that angle.
- 17 Q. Could you, for example, have a case where a civilian
18 would come to you and say, "I have a problem with what
19 such and such a rebel has done to me"?
- 20 A. Those kinds of cases were taken to the G5. If there is a
21 conflict between a rebel and a civilian, the G5's
22 responsibility was to be able to resolve that kind of
23 conflict.
- 24 PRESIDING JUDGE: Yes, it is the G5's responsibility,
25 Mr Witness, to resolve that type of conflict, to quote
26 you. But, acting as you were doing, as the village
27 chief, did civilians -- your civilians, your country
28 people, did they report at times to you? Did they report
29 rebel action against them at times to you directly?

1 THE WITNESS: Yes, they complained to me about problems
2 between themselves as civilians and the rebels, but when
3 that happens I took the case to the G5. I did not have
4 enough authority to be able to resolve cases between the
5 rebels and the civilians.
6 PRESIDING JUDGE: Simple as that.
7 MR O' SHEA:
8 Q. From your perception did the G5 --
9 JUDGE THOMPSON: Just a minute, counsel, let's get that down.
10 Continue, learned counsel.
11 MR O' SHEA: Thank you.
12 Q. From your perception -- you say that the G5 was called
13 Sylvester Kieh. From your perception, did Sylvester Kieh
14 respect you as a leader of the civilians?
15 A. Yes.
16 Q. So would you say that you had a good relationship with
17 Sylvester?
18 A. If he didn't do me anything bad. I wouldn't say he did
19 anything bad to me, because he was the man who was -- he
20 was the spokesman for the civilians.
21 PRESIDING JUDGE: Did you have a good relationship with
22 Sylvester Kieh?
23 THE WITNESS: Yes.
24 MR O' SHEA:
25 Q. Would you say that you had much communication with
26 Sylvester Kieh?
27 A. Yes, we had a lot of communication. Anything that
28 happened to us, we will report to him, because he
29 informed us that he was a G5, so we had a lot of

1 communication.

2 Q. What was your opinion about Sylvester Kieh as a human
3 being?

4 A. I have numbered opinions about him. I mean, no matter
5 how there might be people, there will be someone who
6 actually has sympathy for civilians, for other fellow
7 human beings.

8 PRESIDING JUDGE: And was he one of those?

9 THE WITNESS: Yes, he was a rebel and he was one of those.

10 PRESIDING JUDGE: Who had sympathies?

11 THE WITNESS: G5 commander Sylvester Kieh.

12 MR O' SHEA:

13 Q. So G5 commander Sylvester Kieh was sympathetic towards
14 civilians?

15 A. Yes.

16 Q. How would he manifest that?

17 A. Well, when we arrived he was introduced to us as a G5
18 commander, and any time we had difficulties with the
19 rebels we told him, he was able to resolve them amicably.

20 MR O' SHEA: Witness, I will come back to this subject again,
21 but for the moment I'm going to leave it there.
22 Your Honours, you'll be pleased to know that I am now
23 stepping off the bus and you can close the door. I have
24 no further questions.

25 PRESIDING JUDGE: After overstepping your bounds. That's all
26 right, that's okay; it's part of the process.

27 MR O' SHEA: I'd just like to apologise because I realised late
28 that I had actually gone outside the closed session
29 subject.

1 PRESIDING JUDGE: That's all right.

2 JUDGE THOMPSON: May we now have the necessary logistical
3 adjustment to resume in open session? Will the
4 technicians help us?

5 PRESIDING JUDGE: Mr Jordash, we need how many more minutes to
6 wrap up?

7 MR JORDASH: About one hour.

8 PRESIDING JUDGE: About one hour.

9 MR JORDASH: I think.

10 JUDGE THOMPSON: Whilst the experts are making the necessary
11 adjustments for resumption in open session, perhaps it is
12 wise that we take a break and have lunch and come back at
13 2.30. In that regard, we'll do precisely that.

14 MR JORDASH: Your Honour, yes.

15 PRESIDING JUDGE: Well, learned counsel, we shall rise for
16 lunch and resume sitting at 2.30 p.m. The Court will
17 rise please.

18 [Luncheon recess taken at 12.45 p.m.]

19 [HS140105C-2]

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1 [Upon resuming at 2.40 p.m.]
2 [Open session]
3 PRESIDING JUDGE: Learned counsel, good afternoon, we are
4 resuming our session. Mr Jordash, we are now in an open
14:40:03 5 session.
6 MR JORDASH: Thank you.
7 CROSS-EXAMINED BY MR JORDASH: [Continued]
8 MR JORDASH:
9 Q. I want to deal, Mr Witness, if I can with the forced
14:40:20 10 labour which you say went on before the forced mining
11 started in the dry season of 2000, so particularly the
12 fetching of vehicles and the carrying of stolen property.
13 Okay?
14 A. [No interpretation]
14:40:58 15 MR JORDASH: No translation. The last remark wasn't
16 translated.
17 PRESIDING JUDGE: I didn't get the translation as well.
18 JUDGE THOMPSON: Same here.
19 PRESIDING JUDGE: At least of what he said.
14:41:13 20 JUDGE THOMPSON: Is someone from the Translation Unit taking
21 care of the problem?
22 PRESIDING JUDGE: It might well be a technical problem.
23 MR WALKER: Your Honours, there's a problem with the
24 translation just at the moment. I think we may need to
14:43:05 25 rise for a few moments while they sort it out.
26 PRESIDING JUDGE: We shall rise and when you're ready you call
27 us in, please. The Court will rise, please.
28 [Break taken at 2.47 p.m.]
29 [Upon resuming at 2.55 p.m.]

1 PRESIDING JUDGE: We are resuming the session. Yes,
2 Mr Jordash, you may proceed, please.
3 MR JORDASH:
4 Q. Mr Witness, I'll start again. I want to focus, first of
14:52:19 5 all, on the forced labour that went on before the dry
6 season of 2000 when you say the forced mining began.
7 Okay?
8 A. Yes.
9 Q. You told us that you and a number of civilians were
14:52:55 10 forced to go to the bush three miles from Tombodu and
11 fetch vehicles and take them to Koidu; is that correct?
12 A. Yes.
13 Q. How many other civilians were involved with you in this
14 forced labour?
14:53:34 15 A. At times, young men who were civilians could be 25 or 20,
16 that was the way they used to treat us.
17 Q. When you spoke about this fetching of vehicles, were you
18 talking about one occasion or more than one occasion?
19 A. It was not one occasion.
14:54:18 20 Q. You talked about the one occasion happening in March of
21 1999. How many occasions after that did it happen?
22 A. It happened even twice.
23 Q. Did the second occasion involve yourself?
24 A. Yes, if they come, they collect us, say let us go for
14:55:02 25 vehicles, you can't deny them.
26 Q. Can the witness please be given a copy of his 16th of
27 November 2002 statement?
28 PRESIDING JUDGE: Mr Jordash, I'm intrigued somewhere here.
29 It's very curious. I mean, how were they conveying the

1 vehicles? I would like to know. What was the state of
2 these vehicles which you say you conveyed vehicles on two
3 occasions? How did you convey them? Please, let us
4 know. It is not easy to convey a vehicle. Were they
14:55:43 5 driving or in what state were these vehicles?

6 THE WITNESS: They were vehicles with deflated tyres, some
7 with no tyres. We pushed them on to Koidu.

8 PRESIDING JUDGE: And the vehicles belonged to who?

9 THE WITNESS: When the war came and people ran away, the
14:56:40 10 vehicles they left behind is the vehicles the rebels took
11 from them.

12 MR JORDASH:

13 Q. On both occasions the vehicles came from the bush three
14 miles from Tombodu; is that correct?

14:57:36 15 A. Those vehicles were carried away into some suburbs behind
16 houses in the bush. There they hid them from the owners.

17 Q. So the vehicles on both occasions came from the same
18 place; is that correct?

19 A. They were not brought from the same place, not from the
14:58:17 20 same place.

21 Q. Where were the vehicles brought from the second occasion?

22 A. First set were brought from Kamadu [phoen] environs and
23 the second set was brought from Bangbao [phoen] environs,
24 the bushes around those places.

14:58:49 25 Q. Could the witness please be given his statement?

26 PRESIDING JUDGE: Mr Jordash, say the first set was brought
27 from?

28 MR JORDASH: Kamadu environs.

29 PRESIDING JUDGE: Kamadu.

- 1 MR JORDASH: Kamadu. And I think the second was Bangbao
2 envi rons.
- 3 THE INTERPRETER: Bangbao.
- 4 MR JORDASH: Thank you.
- 14:59:22 5 Q. That's the 16 September 2002. It's a statement we've
6 looked at before, Mr Witness -- your statement; is that
7 right?
- 8 A. Yes.
- 9 Q. Okay, if you turn to the second page, please, first line:
14:59:51 10 "They made people carry old broken-down vehicles from
11 Tombodu to Koi du, especially Colonel Twetwe." "They made
12 people carry old broken-down vehicles from Tombodu to
13 Koi du." There isn't mention there of you being involved
14 in this forced labour. Did you tell the Prosecution that
15:00:22 15 the rebels made people carry old broken-down vehicles or
16 did you tell them that you were involved as well?
- 17 A. I told that to the Prosecution. I mean, I'm a human
18 being. When I say they told people to carry the
19 broken-down vehicles, I am part of these people. I told
15:00:59 20 them so, that's what I said.
- 21 Q. Did you also tell the Prosecution that it was not from
22 Tombodu to Koi du, as you appeared to say in the
23 statement, but it was the Kamadu envi rons and the Bangbao
24 envi rons? Do you understand my question?
- 15:01:26 25 A. Yes, I explain the same thing. I mean, these are nearby
26 villages and the bushes around Kamadu was where they hid
27 the vehicles and the ones around Bangbao was where they
28 hid the vehicles. So we brought them from Kamadu or
29 Bangbao to Tombodu, then on to Koi du, I explained that.

- 1 Q. Was the statement read back to you when you'd finished
2 it?
- 3 A. They read it to me, but that's what I said.
- 4 Q. Why didn't you say to them, then, that vehicles had come
15:02:14 5 from not Tombodu, but Kamadu and Bangbao?
- 6 A. These are villages under Tombodu. I mean, when vehicles
7 are brought from Bangbao or Kamadu, just say they from
8 Tombodu. These are villages that are under Tombodu.
- 9 Q. How long after this taking of -- carrying of vehicles did
15:03:05 10 the incident happen where you had to carry coffee and
11 rice and other items on your head?
- 12 A. All of these did not happen in one day.
- 13 Q. When did it happen?
- 14 A. It was not just vehicles. I mean, they alternated. We'd
15:03:54 15 go there and collect vehicles and other times we'd go and
16 collect personal effects for other people. I mean, not
17 just vehicles.
- 18 Q. You told us either yesterday or the day before - I think
19 the day before - that the rebels went to the villages and
15:04:21 20 collected things from the civilians, coffee and rice, for
21 example, and "placed it on our heads". Do you recall
22 giving that evidence?
- 23 A. Yes.
- 24 Q. And the properties were brought back to Tombodu; is that
15:04:47 25 right?
- 26 A. Yes.
- 27 Q. When did this happen?
- 28 A. I can't say the exact day, but, I mean, there was no time
29 on to it. The period we were there, these are the kinds

- 1 of things we did.
- 2 Q. I'm not asking for an exact date, I know it's a long time
3 ago. But you were fetching vehicles in March of 1999.
4 Can you give a rough estimation when it was you were
15:05:27 5 involved in carrying such luggages for the rebels - '99,
6 2000, 2001?
- 7 A. It was in 1999, the period we arrived, 1999.
- 8 Q. So soon after you arrived in 1999?
- 9 A. Yes, it didn't take long when we arrived when they
15:06:03 10 started asking us to go and start collecting the luggages
11 from the bush and bring them.
- 12 Q. So these luggages came from the bush then, did they?
- 13 A. Yes, these were luggages that civilians owned in the
14 villages, those who came down and settled there. So we
15:06:30 15 went there and took it and brought them.
- 16 Q. From what you've told us, the civilians started to return
17 to Tombodu in February of 1999; is that correct?
- 18 A. That's true, yes.
- 19 Q. These were civilians who had been in effect refugees,
15:07:05 20 many of them returning from Guinea; is that right?
- 21 A. Yes.
- 22 Q. Do you know where they managed to obtain this coffee and
23 rice and other items?
- 24 A. Before we ran away in the first place, these people had
15:07:44 25 harvested their coffee and they harvested their rice
26 farms. All of these things were there.
- 27 Q. All of them where - in the bush?
- 28 A. In Kamara Chiefdom. I mean, there are many villages
29 around Tombodu and Kamara Chiefdom. These were the

- 1 places where this coffee and rice were.
- 2 Q. So is your evidence then when the civilians left during
3 the 1998, they left items in the bush which they then
4 returned to pick up in February and March of 1999?
- 15:08:41 5 A. When you're running away you cannot carry all your
6 luggages you own. So those of it, the possessions they
7 left behind, were the ones that they came back and
8 collected. So these were the ones they took from them.
- 9 Q. Where did the rebels steal the items from - from the bush
15:09:10 10 or from the peoples' houses?
- 11 A. The people had returned to their homes. The luggages and
12 the personal effects that they had hidden into the bush,
13 they collected them and brought them to the houses.
14 These are the ones that the rebels took away from them.
- 15:09:42 15 Q. And you saw that, did you?
- 16 A. Yes, I saw that myself.
- 17 Q. And the people whose property had been stolen ran away
18 into the bush when the soldiers fired their guns; is that
19 correct?
- 15:10:09 20 A. Yes, they ran away into the bush when they heard the
21 gunshots.
- 22 Q. Did they ever return?
- 23 A. At that time there was no killing. I mean, they just
24 went and shot around and civilians went to the bush.
- 15:10:41 25 They captured some of them and placed the luggages on
26 their head to bring to Tombodu.
- 27 Q. What made you, with your family of five children, remain
28 in Tombodu given the way you say the rebels were
29 behaving? What reassured you you would be safe?

1 A. We actually came in the first instance to live with
2 ECOMOG, who were coming to fight for us, but when they
3 were routed, so we were told to go back to our homes and
4 sit there, and that's why we went back to our home.
15:11:49 5 There was no other place for us to go.
6 JUDGE BOUTET: Mr Jordash, if you could clarify -- I'm a bit
7 confused now there is ECOMOG in the picture. Locate it
8 in time for me.
9 MR JORDASH: Could I just very briefly take --
15:12:17 10 JUDGE BOUTET: Yes.
11 MR JORDASH:
12 Q. At this point, from what you're saying, ECOMOG were not
13 in the region; is that correct?
14 A. ECOMOG soldiers were stationed at Kwakoyima. That's
15:13:17 15 where they were.
16 Q. Didn't you try to make it to there, given how the rebels
17 were behaving? Or did you at least give it some thought?
18 A. At that time ECOMOG was no longer there, because they had
19 actually been routed and moved off. So the rebels had
15:14:00 20 occupied all over the place, so there was no place to go
21 to.
22 Q. What about Yaryah?
23 A. When we were taken to Tombodu and ECOMOG was removed, we
24 went back to Yaryah. We were in the bush when they
15:14:26 25 collected us there to come back to our home villages.
26 Q. The point I am trying to make, Mr Witness, is this:
27 You'd come from Yaryah to Tombodu only a month or so
28 before. The rebels had told you you would be safe, you
29 were not safe because they were shooting and stealing

1 property. Why did you not consider taking yourself and
2 your family back to Yaryah or trying to make it to
3 Guinea, if what you say is true?
4 A. I couldn't return to Guinea at that time.
15:15:08 5 Q. Why not?
6 A. The people were coming to us for our safety were the
7 ECOMOG, and they had been overrun by the rebels and
8 rebels had taken all over the place. There was no place
9 where they weren't, so there was no place to go. And
15:15:35 10 they told us that they were not killing anybody anymore.
11 Q. When they started to force you to mine in 2000, why did
12 you not leave?
13 A. I have explained. I said there was no other place to go
14 to. I had already brought all my family. Where could I
15:16:09 15 run to at that time? There was no place else to run to.
16 Q. What were people living on at that time? At the time of
17 March 1999 what were the ordinary civilians living on?
18 A. At that time there was so much banana around. Bananas
19 would ripen on their own and we would eat the bananas,
15:17:05 20 and the town was bushy and potatoes were grown all over
21 the place, so we ate the potato tubers. I think there
22 was enough little bits of food around so we could live on
23 bananas and potatoes.
24 Q. You gave evidence two days ago that upon the arrival of
15:17:32 25 Officer Med, who'd asked you to mine, the civilians
26 refused because they didn't know where the diamonds were.
27 MR HARRISON: I think the evidence is somewhat different. It
28 was: If the civilians didn't know where the diamonds
29 were then they would be punished.

- 1 MR JORDASH: That's not my understanding of the evidence, but
2 I can try and seek some clarification.
- 3 Q. You told us that upon the arrival of Officer Med, he
4 requested that the civilians mine for diamonds. Do you
15:18:30 5 remember saying that?
- 6 A. Yes, he came and told us to mine diamonds, but we didn't
7 know where diamonds were.
- 8 Q. And you claimed that a few days later civilians were
9 forced to mine; is that correct?
- 15:19:01 10 A. Yes.
- 11 Q. Wasn't anybody happy or willing to mine in 2000? None of
12 the civilians?
- 13 A. No.
- 14 Q. No?
- 15 JUDGE BOUTET: Mr Jordash, I am a bit concerned because now
16 you've asked a question about the beginning of mining as
17 such - Officer Med asking the civilians - and now you've
18 put that in the year 2000. My recollection is -- because
19 this is an area that let's put it at this time unclear,
20 as to whether it was 2000 or end of '99 and so on. So
21 the evidence as I recollect that from mining purposes it
22 was the dry season.
- 23 MR JORDASH: I can clarify that, Your Honour.
- 24 JUDGE BOUTET: You understand my concern?
- 25 MR JORDASH: I do, Your Honour, yes.
- 26 Q. Forced mining began a few days after Officer Med first
27 came; is that correct?
- 28 A. Yes.
- 29 Q. And you told us yesterday that forced mining began in

1 2000, the dry season of 2000; is that correct?
2 A. Yes.
3 PRESIDING JUDGE: If it is a dry season of 2000, I don't know
4 which dry season. You know, we're not very fixed on the
5 periods yesterday.
6 MR JORDASH: Yesterday he said that he wasn't sure at what
7 stage in the dry season it began, but it had certainly
8 begun by April of 2000.
9 Q. Is that correct, Mr Witness, that's what you said
10 yesterday?
11 PRESIDING JUDGE: 2000 is not the beginning of the dry season.
12 MR JORDASH: What he said was it began at the beginning of the
13 dry season of 2000 --
14 PRESIDING JUDGE: You remember the joke I made. I said when
15 it is freezing out there, you know, it's melting here.
16 We weren't very sure of the period.
17 MR JORDASH: We're not able to pin it down to the month, but
18 we are able, from what this witness said yesterday -- he
19 may want to change his mind, I don't know, but he did say
20 that the forced mining began in the dry season of 2000.
21 He wasn't sure which month, but it certainly had begun by
22 April of 2000. That was his evidence.
23 JUDGE BOUTET: I have in my notes, but it's my notes, that
24 there was no forced mining in Tombodu in 1999; that it
25 began around April 2000. And then he pursued that and he
26 stated that "we started this mining in the dry season."
27 But that's where we left it out. So whatever "dry
28 season" meant, so whether it was prior to April, after
29 April. That's why my remarks to you as to now we are

1 fixated more or less on 2000, but I'm not sure this is
2 2000 per se. I really don't know what the evidence is
3 other than what I've just described and there is a lot of
4 grey area or grey zone in this at this moment. Because
5 if it is 2000, we have some difficulties as well.

6 JUDGE THOMPSON: Because if the dry season -- if it is the dry
7 season of 2000, it is possible that we're talking about
8 the dry season commencing some time late in 1999.

9 MR JORDASH: That would be the second dry season of 1999.

10 JUDGE THOMPSON: Because the dry season is not a calendar dry
11 season.

12 MR JORDASH: No, but the dry season in 1999 would be the
13 second dry season of 1999.

14 JUDGE THOMPSON: Yes, quite right, but he didn't say the first
15 dry season.

16 MR JORDASH: No, he didn't say the dry season of 1999.

17 JUDGE THOMPSON: He said the dry season of 2000. But the
18 question is how do we compute the dry season of 2000?

19 PRESIDING JUDGE: Would it be late 2000?

20 JUDGE THOMPSON: Late 2000.

21 PRESIDING JUDGE: Which contradicts April.

22 JUDGE THOMPSON: Or early 2000.

23 MR JORDASH: For my purposes, as long as it's in 2000, I'm
24 happy to leave it there.

25 JUDGE THOMPSON: Because the dry season of 2000 would be the
26 early dry season of 2000 and there'd be a late dry season
27 of 2000.

28 MR JORDASH: Well, given that the witness has said it had
29 already begun by April of 2000.

1 JUDGE THOMPSON: So that would be the first dry season.
2 MR JORDASH: Indeed, Your Honour.
3 JUDGE THOMPSON: Which of course would not begin in 2000, as
4 far as I'm taking judicial notice.
5 MR JORDASH: The first dry season of 2000 would begin in 2000.
6 The second dry season of 1999 would --
7 JUDGE THOMPSON: No, you're thinking of -- I'm saying that the
8 dry season is not a calendar dry season. It begins in
9 one year and goes to the next year. That's what I am
10 trying to put across.
11 MR JORDASH: But it's prescribed by the year, I would
12 respectfully submit.
13 JUDGE THOMPSON: My understanding of the April 2000 dry season
14 would be a dry season that began in 1999, late 1999.
15 PRESIDING JUDGE: And the dry season --
16 JUDGE THOMPSON: October to April.
17 MR JORDASH: Could I ask that if we are to continue the
18 discussion, with all due respect could the witness's
19 microphone be --
20 JUDGE THOMPSON: Yes, quite right, because there is some
21 confusion here.
22 JUDGE BOUTET: Not the microphone, but his headphones.
23 MR JORDASH: The translation, yes, please.
24 JUDGE THOMPSON: There is confusion here, because we will take
25 judicial notice of the seasons.
26 MR HARRISON: It may be possible to abbreviate matters if I
27 was to indicate that, if it assists the Court, we will
28 address this matter on redirect if my friend does not
29 choose to clarify it in his cross-examination.

1 JUDGE THOMPSON: That is one way of approaching it. It is
2 just that we are trying to dispel a misconception that a
3 dry season in Sierra Leone is a calendar dry season. In
4 other words, that when we say 2000 we mean beginning in
5 2000. I am disputing that.

6 MR JORDASH: The evidence this witness gave was that
7 Officer Med was their leader, he was forced to mine.
8 "When mining started in Tombodu we were forced. We
9 started first before others were brought. It was the
10 rainy season of 2000. I would say in 1999 mining had not
11 started yet. That was when we were carrying luggages in
12 the bush." That is the crucial sentence, I would submit.

13 JUDGE BOUTET: What are you reading from now? That's the
14 transcript?

15 MR JORDASH: Mr Cammegh's notes. "I would say in 1999, mining
16 had not started yet."

17 JUDGE THOMPSON: The difficulty here is we will be at cross
18 purposes if we use a calendar year to try to compute the
19 dry season and the rainy season.

20 MR JORDASH: Well, I completely agree with Your Honour.

21 JUDGE THOMPSON: Right.

22 MR JORDASH: My learned assistant has also got a note saying,
23 in response to my question "You would say there was no
24 forced mining in Tombodu in 1999?", "Yes." So this
25 witness has excluded 1999. He may want to go back on
26 that, I don't know.

27 JUDGE THOMPSON: Yes, but if the witness excludes 1999, but
28 the witness says that mining did begin in the dry season
29 of 2000, April, is not excluding 1999, since the dry

1 season is not a calendar dry season.
2 JUDGE BOUTET: But he may indirectly exclude it. In other
3 words, he's giving some additional qualification to the
4 dry season.
5 JUDGE THOMPSON: Yes.
6 JUDGE BOUTET: To say this is that portion of the dry season.
7 JUDGE THOMPSON: That's the only way he can exclude it.
8 JUDGE BOUTET: That's right.
9 JUDGE THOMPSON: By saying it's only -- it's in April. But if
10 he leaves it at mere dry season of 2000, there is a ring
11 of ambiguity. If he fixes it to April 2000, then that
12 would be okay, but if he merely says the dry season of
13 2000, I am saying that he cannot exclude the first part
14 of the dry season which begins in 1999.
15 PRESIDING JUDGE: Particularly so because he said yesterday
16 that before April -- after talking of April he said no,
17 they had started mining before April. Before April.
18 MR JORDASH: Yes, in 2000.
19 PRESIDING JUDGE: Before April 2000.
20 MR JORDASH: No, in 2000. I'll try to clarify it.
21 JUDGE BOUTET: But maybe, Mr Jordash, if I can suggest you can
22 ask the witness to make a reference to the Christmas
23 period of time, which would be somewhere in the middle,
24 if we're not talking of specific dates. Maybe Christmas
25 or New Year, given that and what I have been educated
26 about the dry season, it would fit in the middle of the
27 dry season somehow.
28 JUDGE THOMPSON: Yes, it's a part of the dry season, Christmas
29 to Easter. It's all part of the dry season. Christmas

1 of the previous year to Easter of the next year. That's
2 it, that's the difficulty.

3 MR JORDASH: I'll try to clarify.

4 JUDGE BOUTET: He needs to put his earphone back on.

5 [HS140105D - 3.33 p.m.]

6 Q. Mr witness, do you recall saying yesterday that forced
7 mining had not begun in Tombodu in 1999?

8 A. Yes.

9 Q. 1999, like all years, has a dry season at the beginning,
10 a rainy season in the middle and a dry season at the end.
11 So when you say forced mining had not started in Tombodu
12 in 1999, you mean, is this what you mean, that it had not
13 started in the first dry period, the rainy period and the
14 dry period, but started in the year 2000. Is that what
15 you mean?

16 A. We started in the dry season. 1999 was over and we
17 started 2000 between, March until April that's when we
18 started.

19 Q. Right. So between March and April 2000 the forced mining
20 started in Tombodu? Is that true?

21 A. Yes.

22 Q. And it started, you say, because Officer Med had visited
23 a few days before; is that correct?

24 A. Yes.

25 Q. And that was the first time you had seen -- the first
26 time you had seen Officer Med, is that correct?

27 A. Yes.

28 Q. And you told us yesterday that Officer Med at that
29 meeting had announced the other commanders who would be

- 1 in charge of mining in other areas in Kono around
2 Tombodu; is that correct?
- 3 A. Yes.
- 4 Q. So as far as you can say there was no forced mining going
5 on anywhere else until the arrival of Officer Med. Is
6 that correct?
- 7 A. All I know about is where we were. I don't know about
8 other areas in Kono, but where we were in Tombodu that
9 was the time the forced mining started.
- 10 Q. Right. So, you cannot give any evidence to this Court
11 about any other forced mining around the Tombodu area at
12 any time before Officer Med's arrival; is that right?
- 13 A. Even if there was forced mining in other places, I didn't
14 know. What I know about is what happened in my own area
15 that's what I have just explained.
- 16 Q. Thank you, Mr Witness. And it is right, is it not,
17 Mr Witness, that Officer Med, from what you have told us,
18 was unaware of where previous mining, or if there had
19 been any, or where the diamonds might be found; is that
20 correct? I can break that question down --
- 21 JUDGE BOUTET: You mean in Tombodu or anywhere?
- 22 MR JORDASH: I will narrow the question.
- 23 Q. Officer Med was unsure where to start digging for
24 mining -- for diamonds in Tombodu, wasn't he?
- 25 A. You know the whole Tombodu area is diamond [inaudible]
26 area, there is mining going on all around in many, many
27 places. I am sure his heart just took Tombodu, that's
28 why he came to Tombodu to do the mining.
- 29 Q. Okay. You told -- you and the other civilians told

- 1 Officer Med that you didn't know where the diamonds would
2 be found and from what you have said -- is that correct?
- 3 A. That's what we told him because at that time we had no
4 intention of mining.
- 5 Q. Thank you. Now, you were one of the first conscripts,
6 you would say, to this forced mining; is that correct?
- 7 A. Yes.
- 8 Q. How many other people were amongst the first conscripts?
- 9 A. Those of us, the civilians who are young men, able-bodied
10 men, were in good number. There was a large number of us
11 in Tombodu.
- 12 Q. How many? The first conscripts, how many?
- 13 A. There were more than 30 or 40 of us.
- 14 Q. And how long were you mining for, you personally, in
15 total? Sorry, let me start that again. How long were
16 you forced to mine, you personally?
- 17 A. When we started working, they started -- after a while
18 they started bringing more people, manpower, from
19 outside, so as the manpower increased they started
20 forgetting about us. So the manpower that arrived
21 continued the mining. So we weren't there now in
22 Tombodu.
- 23 Q. How long, Mr Witness, were you forced to mine?
- 24 A. We worked for about two months. I mean, we worked from
25 around March right until April and started bringing more
26 manpower from outside, so they forgot about us and they
27 concentrated on new people that arrived.
- 28 Q. So is this right?
- 29 A. Yes.

- 1 Q. You were forced to live in the hut -- in the huts that
2 you have described; is that correct? You personally.
- 3 A. I didn't sleep there after that time because when they
4 noticed that we were not many in Tombodu they started
5 bringing more people from outside. So the huts that were
6 built were for these people that they brought from
7 outside.
- 8 Q. So you didn't have to live in any of the huts; is that
9 correct? Or you did for the first two months?
- 10 A. Because we were in Tombodu Town, so we didn't sleep in
11 the huts. We moved from the mining site back to our
12 houses in Tombodu. It was the people that they brought
13 from outside who were lodged in the huts.
- 14 Q. So what was your working day, your working day in those
15 two months?
- 16 A. If we go in a morning they will only release us in the
17 evening.
- 18 Q. So you were guarded all day; is that correct?
- 19 A. Yes.
- 20 Q. Now, I want to ask you about the visit of Officer Med.
21 Please could you be given a copy of your 16th November
22 2002 statement. Now, if you were to have a look, please,
23 at the second page again. We have just looked at the
24 section that dealt with the broken-down vehicles. I want
25 to look at line 3. The second statement -- the second
26 sentence of that line says this, "The leader that year,
27 Officer Med, Colonel Lion and General Issa Sesay came to
28 Tombodu. They wanted to show them the place for mining.
29 We said we did not know and they found places for

- 1 themselves."
- 2 A. I have seen it.
- 3 MR HARRISON: I think I just have to correct just a reading
- 4 error. "They wanted us to show."
- 5 MR JORDASH: Sorry, what did I say?
- 6 MR HARRISON: I think "to us." I think it was just inverted.
- 7 MR JORDASH: Sorry.
- 8 Q. "The Leader that year, Officer Med, Colonel Lion and
- 9 General Issa Sesay, came to Tombodu, they wanted us to
- 10 show them the place for mining. We said we did not know
- 11 and found places for themselves." And then you go on to
- 12 describe General Issa Sesay. Do you see that,
- 13 Mr Witness?
- 14 A. I have seen the place, that is why I told you that it was
- 15 Officer Med who told us that Issa Sesay had sent him to
- 16 start mining.
- 17 Q. Well, let us just focus on what it says on the piece of
- 18 paper if we could for the moment, Mr Witness. "Every
- 19 morning." Sorry, "The leader that year, Officer Med,
- 20 Colonel Lion, General Issa Sesay, came to Tombodu. They
- 21 wanted us to show them the place for mining." My point
- 22 is this, this reads as if General Issa Sesay,
- 23 Colonel Lion and Officer Med come to Tombodu together and
- 24 want you civilians to show them the place for mining. Do
- 25 you understand my point?
- 26 A. Yeah, I have seen this part, but I didn't say they all
- 27 came on the same day. I said when it was Officer Med who
- 28 told us that the leader, General Issa Sesay, has asked
- 29 him to start mining, but I didn't say that they all came

- 1 on the same day. General Issa Sesay came at a later
2 date.
- 3 Q. So you told the Prosecution, you would say, that in fact
4 the reference to General Issa Sesay was a reference to
5 him coming some time later and not at the time when
6 Officer Med first came? Is that what you are saying?
- 7 A. Yes.
- 8 Q. But they wrote it down in this way?
- 9 A. It is them who wrote it that way, but what I told them
10 that it was Officer Med who first came and told us that
11 General Issa had asked him to start mining.
- 12 Q. Do you remember, Mr Witness, that this statement was
13 given to a Ms Stevens from the Prosecution? Do you
14 remember that?
- 15 A. I remember, but maybe they forgot.
- 16 Q. Thank you. Now, I am suggesting to you, Mr Witness, that
17 what you really told the Prosecution is that Officer Med
18 and General Issa Sesay came around March April of 2000,
19 and I am suggesting what is in this statement to this
20 extent is true and you have changed your evidence. Is
21 that right? Is that right, Mr Witness?
- 22 A. Well, let me ask you, I mean, are you saying that I
23 didn't name Issa Sesay in this discussion?
- 24 Q. No, I am saying that what we have written down here is
25 what you told the Prosecution, and what the Prosecution
26 heard from you they wrote down. And that what you told
27 the Prosecution in this particular instance is true. So
28 that is a long way of saying of Officer Med and
29 Issa Sesay did come to Tombodu in around March April of

- 1 2000 and did suggest that the civilians mine.
- 2 A. I can say that because Officer Med came and told us that
3 General Issa sent him and shortly after that it wasn't
4 too long and then General Issa himself came. So why
5 can't I say that General Issa and Officer Med came around
6 March.
- 7 Q. And, importantly, both Mr Sesay and Officer Med did not
8 know about any diamond mining locations. That also, I
9 would suggest, is true. Is that right?
- 10 A. Do you want to tell me that I lied?
- 11 Q. Yes.
- 12 A. I want to tell you that I am saying the truth. I saw
13 him. I saw him. He came with a caterpillar, he came
14 with dragline operator. I can't lie.
- 15 Q. So why when the statement was read back to you saying --
16 suggesting that Officer Med come with Issa Sesay, didn't
17 you correct them and say Mr Sesay came at a later time?
- 18 A. As far as I'm concerned there is no other answer to this
19 question. What I said was that Officer Med told us that
20 Issa Sesay sent him to start mining and subsequently I
21 saw Issa Sesay in Tombodu myself. I mean, this is what I
22 saw, there is nothing else I can say.
- 23 Q. Now you described two days ago mining?
- 24 JUDGE BOUTET: Sorry, Mr Jordash, I had to clarify some issue
25 with my colleague.
- 26 MR JORDASH:
- 27 Q. You described two days ago a procedure for mining
28 involving using Caterpillars to first of all dig down to
29 the gravel. Do you recall that?

- 1 A. Yes.
- 2 Q. There is, is there not, another type of mining which
3 would involve mining without a Caterpillar and would
4 involve civilians doing all the hard work to dig down to
5 the gravel. That is correct, isn't it?
- 6 A. Where we are is very close to the big river. You need
7 Caterpillar to remove the earth on top of the gravel
8 before civilians can go down there and dig it out.
- 9 Q. Why couldn't civilians just dig it with shovels?
- 10 A. Because it was deep mining.
- 11 Q. It is right, is it not, that Mr Sesay brought the
12 Caterpillar and spare parts for the Caterpillar and
13 draglines to Tombodu to assist with the mining? Is that
14 correct?
- 15 A. He didn't bring the Caterpillar with the intention of
16 assisting the labour of the civilians, he brought it for
17 his own interests just so that he can get diamond, not to
18 make sure civilians don't toil.
- 19 Q. Now, I just want to ask you a few more questions about
20 mining. You see you have given a number of comments
21 about it and I want to ask you about them. You said that
22 mining would continue even at night; is that correct?
- 23 A. Yes.
- 24 Q. When was that?
- 25 A. It was at night, at night they would light kerosene
26 lamps, I mean.
- 27 Q. No, I know when the night is, but when did it start?
28 When were people being forced to work even at night?
- 29 A. There were three shifts; those who worked from morning to

- 1 day, they got tired, they are replaced by others who work
2 from the afternoon to night and when they get tired
3 others will work at night. There was no resting, things
4 went on continuously.
- 5 Q. So what you are describing, is this correct then, is a
6 shift from the morning to midday; is that correct?
- 7 A. Yeah, it was by shifts. People -- no one single person
8 can work from morning to morning, you have got to take a
9 break.
- 10 Q. So the shifts were from morning to midday, from midday
11 until the evening, and then through the night; is that
12 correct?
- 13 A. Yes.
- 14 Q. And when you had finished -- when a miner had finished
15 his job at midday and replaced by the next shift he would
16 go to the hut and rest; is that correct?
- 17 A. Yes, they had to go to the sheds and rest there because
18 there were guards with guns waiting there to secure them
19 not to go out.
- 20 Q. These were people from other villages, weren't they?
- 21 A. Yes.
- 22 Q. Some villages from a long way away.
- 23 A. Yes.
- 24 Q. So, wasn't it convenient to go to sleep in a shed nearby
25 and wait for your next shift rather than going all the
26 way back to your village?
- 27 A. Let me inform you, these people did not come willingly
28 and they were not working willingly, they were working by
29 force.

- 1 Q. Is it not true, Mr Witness, that in March of 2000 there
2 was a big market in Kono with trading going on in Kono.
3 Is that not true?
- 4 A. There were lots of people. There were people there.
5 Lots of people were there, I mean I can't lie about that,
6 there were lots of people.
- 7 Q. So people were trading in Kono, in Tombodu and the
8 surrounding villages at that time; is that not correct?
- 9 A. Yeah, there were a little bit of tradings going on. I
10 mean, when people came some people had oranges, others
11 had banana, you could sell the banana because people had
12 started coming into Tombodu. I mean, I can't lie about
13 that.
- 14 Q. Yes, civilians were coming in from places like Freetown,
15 places like Guinea to trade, were they not?
- 16 A. I can't say that. I mean, I would not say people came to
17 Freetown or they came from Guinea. I mean, where I was,
18 that's where I was and I saw people selling things, so I
19 didn't know where they brought them from.
- 20 Q. Were you aware of Foday Sankoh visiting Kono in January
21 2000?
- 22 A. I remember.
- 23 Q. Wasn't Kono becoming calm in the year 2000?
- 24 A. Yes, for that matter when someone does something bad for
25 a while there must be a time when he started to do
26 something good. I mean, at that time civilians were now
27 returning. Yeah, a little bit of peace was returning.
- 28 Q. How long were people kept captured in the hut? When did
29 it all end according to you?

- 1 A. It took a long time. I mean, the mining had now started,
2 I mean, and they continued -- it didn't stop any more.
3 So it took a long time in the huts.
- 4 Q. Well, can you give us an estimation from March or April
5 2000 to when?
- 6 A. This mining went on from March right until 2001. There
7 was mining going on.
- 8 Q. Forced mining?
- 9 A. Yes.
- 10 Q. Now, I suggest to you that you were never forced to mine,
11 Mr Witness. What do you say to that?
- 12 A. I want to tell you that people were forced to mine. You
13 were not there, I was there.
- 14 Q. You personally were never forced to mine, that is what I
15 am asking you at the moment, Mr Witness.
- 16 A. I want to tell you that we were forced to work and that's
17 why I am saying that you weren't there, I was there.
- 18 Q. And in fact, I would suggest to you, Mr Witness, that you
19 have never suggested that you personally were forced to
20 mine until two days ago and it is an invention which you
21 have come out with in this Court. What do you say?
- 22 A. I cannot respond to that question or accusation. All I
23 can tell you I was there and I was forced to mine and I
24 know that is what happened.
- 25 Q. Well, why don't you look through your statement and see
26 if you have told the Prosecution that before that you
27 were personally forced to mine. You can be given all
28 your statements if you want, but I can assure you that
29 there is no mention in there of you personally mining.

- 1 MR HARRISON: Frankly, that may be something we can all deal
2 with in submissions later on, but if he seriously -- -
3 MR JORDASH: I will take him through it.
4 PRESIDING JUDGE: Because the witness had said earlier on that
5 they forced people to mine and that he was part of the
6 people who were forced to mine. Those are matters for
7 submissions.
8 MR JORDASH: Well, I really want to make this point.
9 PRESIDING JUDGE: He is saying here in reply to your
10 questions, you know, that he was forced to mine. It
11 depends on the -- looking at the statements and the
12 generality of the evidence there should be a conclusion,
13 you know, drawn at one stage or the other. You know it
14 is a matter of conclusions, submissions and so on and so
15 forth having regard to the replies, you know, he has
16 given to for what it will be worth, you know, which is
17 given to your questions, you know, under
18 cross-examination that he was forced. He has even gone
19 out of his way by saying that you were not there, he was
20 there and that he was first to mine. Forget about that,
21 but we will examine all these, but I think it is a matter
22 for addresses.
23 MR JORDASH: Well, Your Honour, I just want to take him to
24 three or four places in his statement.
25 PRESIDING JUDGE: Please do. Please do.
26 MR JORDASH: It will hopefully clarify things.
27 PRESIDING JUDGE: Please do.
28 MR JORDASH:
29 Q. The statement of 16th of the 11th, 2002, Would you like

- 1 to have a look at page 2 again, please, Mr Witness?
- 2 PRESIDING JUDGE: That's that same statement?
- 3 MR JORDASH: Indeed, Your Honour, yes. Thank you.
- 4 Q. Line 2, you do say there, "They forced us to beat rice
5 for them." So you have said before that you personally
6 were forced to beat rice. Can you see that?
- 7 A. Yes.
- 8 Q. Right. Could you turn back to the statement, please.
- 9 A. I've seen that, we were forced to beat husked rice.
- 10 Q. Well, I want to take you to another section, if I may,
11 Mr Witness, I will not be long. The third paragraph,
12 which starts off with, "The rebels then engaged in
13 serious mining." Do you see that? "The rebels then
14 engaged in serious mining. They continued to bring
15 civilians from neighbouring villages and forced us to
16 give them more people to mine for them. If they asked
17 you and did not, people..." Then you went to mine by
18 force." Do you see that?
- 19 PRESIDING JUDGE: Mr Braun, please, can you sit down. Let
20 Court Management attend to whatever you are doing,
21 please.
- 22 MR JORDASH:
- 23 Q. Do you see that, Mr Witness, "They..."?
- 24 A. Yes.
- 25 Q. You don't suggest there, do you, that you were mining.
26 You suggest that other people were mining; is that not
27 correct?
- 28 A. I want you to listen to me carefully. I said when they
29 arrived they asked us to show them where there was

- 1 mining -- diamonds and we said we didn't know. And they
2 forced us to do mining for them. So, I mean, can I
3 exclude myself from the us? We were a part of the people
4 and we were asked to mine.
- 5 Q. But that is not actually what your statement appears to
6 say, Mr Witness. Let us have a look at it: "And the
7 rebels then engaged in serious mining. They continued to
8 bring civilians from neighbouring villages and forced us
9 to give them more people to mine for them. If they asked
10 you and you did not people -- then you went to mine by
11 force." Doesn't say "us", it says "they forced us to
12 give them more people." It doesn't say you, does it?
- 13 A. Let me clarify this to you. As the leader xxxxxxxxxxxxxx
14 xxxx, when they wanted something done they will ask me and
15 us to provide people, and together with the people we
16 would all go and do the work. In fact, if you didn't
17 have people to present then you, yourself, will do the
18 work alone. So, I mean, this is clear.
- 19 Q. You have told us, Mr Witness, that there were three
20 shifts which existed. Did these three shifts cover the
21 whole 24 hour period or did they cover from the morning
22 until late at night? Can you give us an indication,
23 please.
- 24 A. There was no specific time set. I mean, you only work
25 until you are tired. As soon as you are tired someone
26 comes on to take over from you. So there was no
27 particular time set for the working.
- 28 Q. Well, you have told us only five minutes ago Mr Witness
29 that there was shift from the morning until midday. That

- 1 would appear to be quite a definite period of time. Now
2 you appear to have changed --
- 3 PRESIDING JUDGE: But there is evidence earlier on that some
4 people got tired and when they noticed that they were
5 tired, they were replaced, but the shifts, you know,
6 continued. We also have it in evidence that when some
7 people manifested fatigue they were stoned. You see, we
8 have all these bits and pieces in the evidence.
- 9 MR JORDASH: Exactly, I agree.
- 10 PRESIDING JUDGE: It will take time, you know, for us to
11 really put things together.
- 12 MR JORDASH: I agree, your Honour.
- 13 PRESIDING JUDGE: Yes, you may proceed.
- 14 MR JORDASH: I won't be very much longer with this issue.
- 15 Q. Is it true what you said a moment ago, that there were
16 three shifts, one of which went from the morning until
17 midday? Is that true, Mr Witness?
- 18 A. Well, the people did work and they worked, and when you
19 are tired someone replaces you, that's what I am saying.
20 People were working from the morning and when they are
21 tired - it could be any time - they are replaced.
- 22 Q. Why did you mention midday? What has midday got to do
23 with it?
- 24 A. Well, for every wise person, I mean, you would know that
25 when someone works from morning until the sun is up, you
26 will say that is midday. I mean, there was no clock, but
27 I mean that's midday.
- 28 Q. Why did you mention three shifts?
- 29 A. Don't take us aback. I told you that people worked and

- 1 when they were tired they are replaced. Talking about
2 three shifts. I said when people were tired they are
3 replaced.
- 4 Q. Well, I am sure the record will show what it was you did
5 say, Mr Witness. How did people indicate they were
6 tired?
- 7 A. What did you say?
- 8 Q. Let me start that again. When a person was tired they
9 rested; is that correct?
- 10 A. Yes.
- 11 Q. When a person was tired somebody else took over; is that
12 correct?
- 13 A. Yes.
- 14 Q. When that person was tired they rested?
- 15 A. Yes.
- 16 Q. So a civilian would indicate that they were tired and go
17 and rest; is that correct?
- 18 A. Actually, when you are working and you're tired, there is
19 nothing to do. If you're tired, you are tired, you'll
20 only have to say, "I'm tired". Even if they are going to
21 kill, you will say, "I am tired", and when you are tired
22 someone will need to replace you.
- 23 Q. So if a worker was working for a few hours in the morning
24 - two or three hours - and was tired, they would go and
25 rest; is that correct?
- 26 A. I've said this over and over, that when people work and
27 they were tired they'll have to rest.
- 28 Q. So they chose when to rest; is that correct?
- 29 A. I mean, they were all under supervision. When you are

- 1 tired, it can be seen that this person is tired and they
2 are changed, someone else comes and do the job that you
3 were doing and you take a break.
- 4 Q. What, they chose -- the civilians chose when they wanted
5 to rest; is that correct?
- 6 A. No.
- 7 Q. Well, who decides?
- 8 A. Well, if people are tired they will just be tired and
9 they will say "I'm tired". It doesn't matter what they
10 are going to do to them, but they will say they are
11 tired. And when that tiredness is recognised someone
12 else is brought to take your place and you will go and
13 take a break.
- 14 Q. Thank you. And that could happen at any time in a
15 person's shift - after one or two hours, after ten hours;
16 is that correct?
- 17 A. I didn't count that. All I said is that when someone was
18 tired you go and rest, that's all.
- 19 Q. Now, you say that the G5 was good to civilians; is that
20 correct?
- 21 A. Yes. I mean, the G5, like I said, he was there for the
22 civilians, he spoke for civilians. I think he was a nice
23 person. Even among evil people you always have one or
24 two who has very good hearts.
- 25 Q. Well, in April, May, June 2000 and so on through 2000,
26 did you as leader -- sorry, I beg your pardon. Did you
27 speak to G5 about the conditions in the mines?
- 28 A. G5 was not in charge of the mining. The people who were
29 in charge of the mining came from outside, so we couldn't

- 1 talk to him anything about the mining.
- 2 Q. Well, who did you talk to, if anybody, in 2000?
- 3 A. About what?
- 4 Q. About -- well, according to you there are people moving
5 around Tombodu and the surrounding areas in 2000 engaged
6 in a little trade, okay? Is that true?
- 7 A. That's how it is. I mean, even during war times people
8 are there who always sell things. Even if there is war
9 people always sell things.
- 10 Q. And you're living at home, aren't you, at this time?
- 11 A. House, what do you mean house? I mean, that's my home
12 town, I live there. I was living in a shed that I
13 constructed.
- 14 Q. You're living as a free man in Kono in your constructed
15 shed, aren't you?
- 16 A. In fact, let me tell you the condition under which we
17 were, we didn't have any choice. Whether they do
18 something bad to you or something good, you only have to
19 bear up and stay. So we were there and whatever we did
20 that's where we were. That's my home.
- 21 Q. But why didn't you communicate to somebody amongst the
22 rebels that despite the fact that you and others are
23 moving freely around, there is a number of people who are
24 captured in the mines, and try to do something about
25 that?
- 26 A. I didn't have that power or authority.
- 27 Q. Did the G5 save peoples' lives?
- 28 A. When the mining started the G5 had no power over the
29 mining. We had -- our own authority was restricted to if

- 1 a rebel offended a civilian in Tombodu Town, then we
2 could bring the matter to the G5, but nothing to do with
3 mining.
- 4 Q. Really?
- 5 A. I am telling you the truth.
- 6 Q. Well, let us have a look at your statement, shall we --
7 second page of the same statement. The last paragraph:
8 "I saw Officer Med giving diamonds to General Issa about
9 five to six times." Is that what you told the
10 Prosecution - "I saw Officer Med giving diamonds to
11 General Issa about five to six times"?
- 12 A. Yes.
- 13 Q. So it is not, then, the many, many times you have told us
14 about two days, it is five or six times; is that correct?
- 15 A. I did not write this in a book. What I saw is what I've
16 just talked about.
- 17 Q. Is it five or six times or is it many, many times,
18 Mr Witness?
- 19 A. That is how we speak Kono. I mean, if you see someone
20 more than three times, you can say, "I saw him many
21 times."
- 22 Q. Do you say in Kono many, many times for more than three
23 times or is that an exaggeration?
- 24 A. Not exaggerating. I mean, what I saw is what I'm
25 explaining. If you see someone morning/evening,
26 morning/evening, morning/evening, you will say "I have
27 seen that person many times."
- 28 Q. Well, you aren't talking here about seeing General Issa
29 receiving diamonds morning/evening, morning/evening,

- 1 morning/evening. You're talking about seeing him five to
2 six times; aren't you?
- 3 A. I saw General Issa very many times, but the times I saw
4 him receive diamonds was about five or six. Those are
5 the ones I can remember. I'm explaining the things that
6 I was present at. He was given diamonds five to six
7 times, but I saw him many more times.
- 8 Q. Right. Then you go on to say, "They did not do it
9 secretly." I am looking again at the paragraph, if you
10 would.
- 11 A. No.
- 12 Q. "They did not do it secretly. I saw Gebo giving
13 General Issa diamonds," you see that? Is that what you
14 told the Prosecution?
- 15 A. Yes.
- 16 Q. "I saw Major Saw giving General Issa diamonds"; is that
17 what you told the Prosecution?
- 18 A. Yes.
- 19 Q. "I don't know what General did with the diamonds"; is
20 that what you told the Prosecution?
- 21 A. Yes, I saw him receive diamonds, but I don't know what he
22 did with them afterwards.
- 23 Q. "If people worked and they did not find any diamonds,
24 they were accused of witchcraft and beaten. The G5
25 commander saved a lot of people's lives. He was kind to
26 the civilians." Aren't you talking there about the G5
27 saving people's lives in relation to the mining?
- 28 A. Well, he spoke for civilians. When something bad is
29 happening to civilians, he could advise.

1 Q. No, the point is this, Mr Witness: That you appear to be
2 describing the actions of the G5 saving lives in relation
3 to the mining of diamonds. Is that not what this
4 paragraph is about?

5 A. Yeah, that's how it is, he spoke for people. I mean,
6 when they want to do something evil to people, he will
7 speak more them. But in terms of diamond issues, his
8 voice didn't go for.

9 Q. So he was engaged, then, in having some role with the
10 diamond mining; is that what you are saying now?

11 MR HARRISON: I think that is quite a mischaracterisation of
12 what the evidence was. He said he would speak for the
13 citizens. There is no reference whatsoever to having any
14 role in the diamond mining.

15 MR JORDASH: It was a question.

16 Q. Isn't the paragraph that we are looking at, Mr Witness,
17 suggesting that G5 saved a lot of people's lives, and
18 that refers to this paragraph which is talking about the
19 forced mining? Isn't that what this paragraph is about?

20 A. That was part of his functions, to speak on behalf of the
21 civilians. And whether he was involved in diamond mining
22 or not, I think I didn't know about that. But his
23 functions was to talk on behalf of the civilians. That's
24 the job he did and that's all I have said.

25 Q. Well, did you not tell the Prosecution that the G5
26 commander saved a lot of people's lives in relation to
27 the diamond mining? Did you tell the Prosecution that?

28 MR HARRISON: Well, no, you read the statement -- [microphone
29 not activated]

- 1 THE WITNESS: I have said this once or twice. That was his
2 own job, to talk for civilians.
- 3 JUDGE BOUTET: Aren't we getting into arguments at this
4 particular time? I think you have made your point and
5 let us keep it for the future, please.
- 6 MR JORDASH: I will move on, I beg your pardon. Could the
7 witness please be given his statement of the 27th of
8 January 2004.
- 9 Q. First paragraph -- sorry, before we move there. Is that
10 a statement you gave to the Prosecution on 27th of
11 January 2004? I think we have looked at it before
12 Mr Witness? Can you see first paragraph, and I am
13 particularly interested in the second sentence:
14 "Complaints were made to mine management about the
15 workers treatment and conditions, which were passed on to
16 Issa Sesay, but no action was taken to prevent the
17 abuses." You are referring there to mining; is that
18 correct?
- 19 [HS140105E 4.32 p.m.]
- 16:32:25 20 A. Yes.
- 21 Q. What complaints then were made to mine management about
22 the workers' treatment and conditions which were passed
23 on to Issa Sesay?
- 24 PRESIDING JUDGE: Does he say that the complaints are related
16:32:51 25 to mining?
- 26 MR JORDASH: Yes, because the sentence -- I'm sorry, I should
27 have read the first sentence to give it some context. To
28 read the first sentence: "During the mining period, Issa
29 Sesay gave instructions that any civilian who refused to

1 work in the mines should be disciplined. Complaints were
2 made to mine management about the workers' treatments and
3 conditions which were passed on to Issa Sesay, but no
4 action was taken to prevent the abuses."

16:33:18 5 Q. So, Mr Witness, did you tell the Prosecution that
6 complaints were made to mine management about the
7 workers' treatments and conditions which were passed on
8 to Issa Sesay but he took no action?
9 A. Yes, that's the truth. That's how it happened.

16:33:35 10 Q. Well, we know you didn't pass any complaints on, did you?
11 A. It is us, the civilians, all of us together went to Issa
12 Sesay and told him about these conditions in Bendu II.
13 Q. You personally spoke to Mr Sesay and told him about the
14 conditions?
16:34:13 15 A. That is why we had someone who was ahead of us, who was
16 in charge of the chiefdom, Chief Ngekia. In fact, he was
17 one of the persons who was beaten and stabbed on his
18 head.
19 Q. You haven't said that before, have you, Mr Witness?
16:34:31 20 You've said in your statement complaints were made to
21 mine --
22 PRESIDING JUDGE: Mr Jordash, can this man say everything?
23 Can this man say everything of what happened in that
24 historical chapter of what he has narrated? You see, we
16:34:47 25 are used to the expression here. The moment you keep
26 asking questions, you jog a man's memory, and he comes
27 out with things which he ordinarily, you know, you're
28 activating his memory and reminding him of certain things
29 which he lived through. He might have forgotten about

1 them. He might not even have had the intention of
2 testifying to them. But it doesn't mean that may not
3 necessarily have happened. Now you know, we are at a
4 stage where he says, that they led a delegation, you
16:35:24 5 know, to Issa Sesay in Bendu II, and that the head of the
6 delegation was Chief Ngekia, Yomba Ngekia, I think, who
7 was himself stabbed and...

8 You see, these are the things.

9 MR JORDASH: Your Honour, that might be right. His memory has
16:35:47 10 been jogged. Or it might be that he's lying, and my
11 instructions are that he is lying. And I must ask that
12 to him and be fair to him so he has a chance to deal with
13 that.

14 PRESIDING JUDGE: That's right. That's right. What I'm
16:36:00 15 saying is that at times, you know, when you ask him
16 certain questions, he gives replies on issues which he
17 may not have testified to before. When you tell him "but
18 you have not said that before," it doesn't exclude the
19 fact that he may have lived through such an experience.

16:36:21 20 MR JORDASH: Of course it doesn't. Of course it doesn't. But
21 it is evidence which I will, in due course, invite
22 Your Honours to conclude he is lying. And if I do not
23 ask him, I'll have nothing to say to Your Honours.

24 PRESIDING JUDGE: Can you please go ahead and try to conclude,
16:36:36 25 please, Mr Jordash. Please, get along. We went
26 to -- we've given you all the latitude. But please, get
27 along and let's see if we end this piece of the
28 cross-examination.

29 JUDGE BOUTET: Mr Jordash, if I may, on your question, I do

1 have some confusion. What is it that you're saying is
2 the first time he's talking about, about the fact that
3 there was a stabbing to the head or that he has spoken to
4 Sesay or what is it? I'm not sure which of the two
16:37:07 5 you're talking about.

6 MR JORDASH: Spoken to Sesay.

7 JUDGE BOUTET: Okay. I'm not sure that -- maybe that's what
8 you're aiming at, but I'd like to have a clear answer
9 than that one. Because it is not clear to me that he
16:37:21 10 himself, the witness, has spoken to Sesay, if this is
11 what you're saying that is not true.

12 MR JORDASH: I'll try to clarify that, Your Honour.

13 JUDGE THOMPSON: Perhaps you should take it all together,
14 because my own perception differs a little from my
16:37:36 15 I learned brothers. Is it that he's adding far more or he
16 said far more to the Prosecutors in the statement that he
17 has said in this Court? Is that one dimension of your
18 line of cross-inquiry?

19 MR JORDASH: There are three inconsistencies, I would submit.

16:37:58 20 JUDGE THOMPSON: Yes.

21 MR JORDASH: One is contained in this statement -- one version
22 is contained in this statement that complaints to mine
23 management made by the workers which were passed on to
24 Mr Sesay. One was five minutes ago where he said that in
16:38:16 25 effect there were no complaints made through the G5. And
26 the third version is that --

27 JUDGE THOMPSON: In which case the allegation is that he's
28 equivocating somehow.

29 MR JORDASH: Well, there are three versions of events.

1 JUDGE THOMPSON: I think, quite frankly, you're entitled to
2 highlight these which according to your instructions are
3 discrepancies for the record. It's just that I want to
4 sort of appreciate what the cross-inquiry is doing. It
16:38:48 5 seems as if it's a three-fold bullet here, and with that
6 explanation I think you're perfectly entitled to do that.
7 MR JORDASH: I'm grateful. Simply, I can wrap up fairly quick
8 on this issue.
9 Q. Mr Witness, did you make any complaints yourself
16:39:07 10 to -- directly to Mr Sesay?
11 A. No.
12 Q. Did you or anybody you're aware of make complaints to
13 mine management?
14 PRESIDING JUDGE: Mr Jordash, say the question. He did not
16:39:43 15 make any complaint personally to Mr Sesay. And the
16 second one?
17 MR JORDASH: Did he or anybody that he's aware of make a
18 complaint to the mine management?
19 PRESIDING JUDGE: To the mine?
16:39:59 20 MR JORDASH: Management.
21 PRESIDING JUDGE: Management. I see, okay.
22 MR JORDASH:
23 Q. Mr Witness. Mr Witness.
24 PRESIDING JUDGE: Mr Witness, did you make -- was any
16:40:14 25 complaint made to those who were managing the mining?
26 Those who were managing the diamond mining?
27 THE WITNESS: Those who were in charge of the mining were the
28 ones who caused the problem because Officer Mad as one of
29 them was the one who gave orders that since we haven't

1 seen diamonds and we haven't shown them where the
2 diamonds are, they should take the elders and deal with
3 them. So, I mean, these are the ones who caused the
4 problems.

16:41:13 5 MR JORDASH:

6 Q. It's an interesting answer, Mr Witness, but did you or
7 did anyone else you're aware of make complaints to those
8 who were managing the mines?

9 A. I don't understand. What is mine's management?

16:41:31 10 Q. Those in charge of the mines. Did you or anyone else
11 you're aware of make complaints to those who were
12 managing the mines?

13 A. We went to General Issa himself. We didn't go to any
14 other person. We went to General Issa Sesay.

16:42:02 15 PRESIDING JUDGE: Mr Jordash, can we conclude that -- from the
16 reply he has given, can we conclude that -- well, maybe
17 ask.

18 Why did you not report with -- make your complaints
19 to those who were in charge of the mining, those who were
16:42:21 20 supervising you for the mining? You have said that they
21 were the ones who were creating the problem. That is
22 what you said. And you said General Med -- Officer Med,
23 I`m sorry, was the one who even ordered some beatings.
24 And that if they didn't find any diamonds, he would order
16:42:51 25 beatings and so on and so forth.

26 So what was your reason for not reporting these
27 complaints or making these complaints to those who were
28 responsible for the mining, including, of course, Officer
29 Med?

1 Stop there. Translate the witness's answer.

2 THE WITNESS: Officer Med gave the orders. He was there, he
3 gave the orders for his generals to go and do what they
4 did. So, I mean, we couldn't report back to him. He was
16:43:38 5 there, he saw what happened, and he took no steps.

6 PRESIDING JUDGE: So in fact, you felt that you shouldn't
7 report to him since he was at the origin of all this. Is
8 that what you're saying?

9 THE WITNESS: Yes, we couldn't because we also had a leader.
16:44:18 10 So that's why we all got together and we went directly to
11 Issa Sesay.

12 JUDGE BOUTET: But on location where you were before Sesay
13 came, Officer Med was the mining boss. He was a manager,
14 was he?

16:44:39 15 THE WITNESS: Yes.

16 PRESIDING JUDGE: Give us a clear reply. Why did you not
17 report to Officer Med? Why didn't you report these
18 complaints to Officer Med? We want to turn another
19 chapter and conclude.

16:45:09 20 Why did you not report to Officer Med or to others
21 who were controlling the mining? You have said many
22 things, but tell us, you know, let's close that chapter
23 off and proceed, please.

24 THE WITNESS: They were the people who went around and beat
16:45:34 25 people up. I mean, they were the perpetrators. Can I go
26 around again and go complain the perpetrators to
27 themselves?

28 JUDGE THOMPSON: Learned counsel, what do you make that answer
29 to be? So that we get your -- an agreement on your

1 version.

2 MR JORDASH: He's suggesting that --

3 JUDGE THOMPSON: He's answering that, yes.

4 MR JORDASH: That the perpetrators of the abuses --

16:46:39 5 JUDGE THOMPSON: Yes.

6 MR JORDASH: -- were the --

7 JUDGE THOMPSON: Were the very people that he should have

8 complained to. And then he asked the rhetorical

9 question, how can he make complaints? So would that be

16:46:57 10 the kinder version? That's his answer.

11 MR JORDASH: I agree.

12 PRESIDING JUDGE: That is what I was going to suggest to you.

13 I just reserve myself before going back to him because I

14 was saying -- I understand him to mean that he couldn't

16:47:06 15 complain to them because they were the perpetrators. But

16 I didn't want to come up front with that. That's why I

17 went back to him. We're back to that. So may we

18 proceed, please.

19 MR JORDASH: Yes.

16:47:21 20 Q. So do you know then, Mr Witness, why your statement,

21 which you have in front of you, suggests that complaints

22 were made to the mine management about the workers which

23 were passed on to Issa Sesay? Why is it your statement

24 appears to say the opposite of what you've just told us?

16:47:59 25 PRESIDING JUDGE: Mr Witness, in that statement there, you

26 said that complaints were made to the managers of the

27 mines -- of the mining, rather, and that these complaints

28 were passed on to Issa Sesay. Is that right, Mr Jordash?

29 MR JORDASH: Yes, Your Honour, yes.

1 PRESIDING JUDGE: Is that what you said in that statement?
2 THE WITNESS: As for me, what I remember is that we ourselves
3 got up and went to Issa Sesay, and he took no action.
4 PRESIDING JUDGE: We have heard all that. You reported to
16:48:43 5 Issa Sesay. He took no action. Counsel is asking you
6 about your statement. You said in your statement that
7 all these things were reported -- it is said in your
8 statement that all these complaints were made to those in
9 charge of mining, those in charge of mining who you are
16:49:08 10 calling perpetrators, and that these complaints were
11 forwarded to Issa Sesay.
12 Mr Jordash, are we saying the same thing?
13 MR JORDASH: Your Honour, yes.
14 PRESIDING JUDGE: Yes. Is that what you said in your
16:49:20 15 statement?
16 THE WITNESS: I think the person who took down the statement
17 may have made a mistake. I didn't say that.
18 MR JORDASH:
19 JUDGE THOMPSON: I'd like to get it clear. Did you say that,
16:50:05 20 and perhaps the translation should be very helpful here,
21 that the person who took down the statement may have made
22 a mistake or did make a mistake? Has it been translated
23 to him?
24 THE INTERPRETER: Yes.
16:50:28 25 THE WITNESS: Well, I can't be sure about what to say on this
26 because what I did say and what I remember I said was
27 that it was us who got up and went to Issa Sesay to make
28 the complaints.
29 JUDGE THOMPSON: Well, the difficulty occurs -- tell the

1 witness that he has said that he did not make any
2 complaints because the persons to whom he should have
3 complained were themselves the perpetrators of the acts.
4 And now, when the statement -- or that portion of his
16:51:19 5 statement is put to him, he said that he did not say
6 that, and the person who recorded it may have made a
7 mistake. I just wanted to know whether he's prepared to
8 move beyond just "may have made" since he has denied that
9 he did not say that to the recorder.

16:51:45 10 Yes, learned counsel for the Prosecution.

11 MR HARRISON: I just wanted to clarify one thing.

12 JUDGE THOMPSON: Yes.

13 MR HARRISON: The person who recorded the statement, but I
14 think Mr Jordash will agree with me, that the statement
16:51:58 15 is quite clear in saying that the language during the
16 interview was Krio. The statement is in English. So in
17 addition to the recorder, there's also a translator.

18 JUDGE THOMPSON: Yes, yes. That is part of the equation.
19 It's just that I wanted him in the light of what I am
16:52:15 20 interpreting to be a categorical denial that he did not
21 say that he complained to the perpetrators, whether he is
22 prepared to say that the person who did record it did
23 make a mistake, or just to leave it at "may have made a
24 mistake." For me, that is critical.

16:52:52 25 And the reason I insist on this is because counsel is
26 alleging that now there is a clear denial. It's no
27 longer an equivocation. We have moved away from
28 equivocation. We have contradictory statements. And in
29 my own judicial estimation, it's one that can be true,

1 the other false; both cannot be true and false at the
2 same time. That is the reason why I am seeking the
3 clarification from the witness. Of course, if he's not
4 able to give it, that's fine. But I just thought I
16:53:33 5 should make this point for the record.

6 JUDGE BOUTET: Can I add as well for the record that - and it
7 is really for your information as well, Mr Jordash, so
8 you're not misled in this respect - up to now, you've
9 used statements to refresh the memory of the witness. We
16:53:49 10 have no evidence of these statements in Court. So if
11 you're trying now to show contradiction between his
12 evidence and what was in the statement, we don't have
13 that in evidence.

14 In other words, you either go with refreshing the
16:54:03 15 memory, or you're trying to introduce the statements to
16 show that he said something different at some other time,
17 or you're trying to introduce the statements as evidence
18 in Court. You seem to be puzzled by my comments.

19 MR JORDASH: Only because up until now the procedure we have
16:54:25 20 followed has been to simply read into the record the
21 portion of the statement.

22 JUDGE BOUTET: But the statements were eventually produced to
23 say this is that portion and that portion, and these
24 statements are marked as exhibits in those cases.

16:54:40 25 MR JORDASH: Not in our trial.

26 JUDGE THOMPSON: I would concur. The difficulty was that,
27 Mr Jordash, you began by seeking to refresh his memory.
28 It is my suggestion that we've gone beyond that now.

29 MR JORDASH: Yeah.

1 JUDGE THOMPSON: It's now merely refreshing memory now. It's
2 seeking to establish inconsistencies between testimonies
3 here or sessions here and prior statements.
4 MR JORDASH: I beg your pardon for interrupting.
16:55:09 5 JUDGE THOMPSON: Yes. Let me just finish that. And if we've
6 moved from the plane of refreshing memory, merely
7 refreshing it, to a situation where what you have
8 elicited amounts to calling in question the veracity of
9 the testimony here vis-a-vis the statements that he gave
16:55:31 10 to the Prosecutor, then we have moved to the area of
11 possible prior inconsistent statement. In which case the
12 procedure adverted to by my learned brother would come
13 into play. But you can give us your own perception of
14 the law or the procedure.
16:55:54 15 MR JORDASH: I think it's a matter of practice, and I have
16 throughout my -- throughout this trial been putting
17 inconsistencies to witnesses based on their statements,
18 and I haven't been requested by the Court to file the
19 statement as an exhibit. I mean, with General Tarnue, I
16:56:17 20 would have had to file the whole statement.
21 JUDGE BOUTET: I know there were many questions with General
22 Tarnue. I can't say. I have to go to the record. But
23 the procedure is, and it may be that in the case of
24 Tarnue, I don't have that fresh in my mind now, that he
16:56:35 25 acknowledged that what was there was inaccurate or
26 whatever it was. In other words, the contradiction that
27 existed was explained in some fashion, and therefore
28 there was no need to produce. But now, you're at the
29 stage where the witness is clearly telling you that what

1 is there is not what happened. In other words, there's a
2 clear contradiction, and you want to use that for that
3 purpose, to show that at some other time the witness has
4 said something that is clearly different than what he is
16:57:04 5 saying today in Court under oath.

6 For that purpose, I'm saying to you that you need to
7 produce that document because we do not have that in
8 evidence.

9 MR JORDASH: Well, I will happily -- I wouldn't say happily go
16:57:18 10 back through the last two months of trial and produce all
11 the statements which I've put to witnesses in
12 inconsistent statements. It's a big job. But if that's
13 Your Honours' way of proceeding, but I don't see that
14 I've done anything different to this statement than I
16:57:33 15 have been doing for the last two months.

16 JUDGE BOUTET: I cannot say. All I'm saying is if you're
17 using this as prior inconsistent statement, that's the
18 procedure we should be following. If we have not done
19 that, I don't know. I will have to check the record on
16:57:48 20 this. But I do know that in the other trial, this is the
21 standard procedure, and we've done that many, many times.

22 MR JORDASH: To be frank, I am aware of that procedure because
23 your learned legal officer informed me of it. And I was
24 expecting the Chamber to impose the same. But up until
16:58:10 25 now, nothing has been said, and so seeking to save my
26 team work --

27 JUDGE BOUTET: This is why I'm arguing with you, Mr Jordash.
28 But you'll recall that earlier in your cross-examination,
29 I asked you the question: Are you doing this to refresh

1 the memory of the witness or are you trying to...? And
2 you said no, this is to refresh the memory. So I left it
3 there at that time because that's the track you were
4 pursuing. But now you've moved on a different scenario.
16:58:39 5 I'm just mentioning that to be fair to you, so you're not
6 taken by surprise and say how come?

7 JUDGE THOMPSON: And to buttress that, the thing, of course,
8 we didn't want to pre-empt you because we didn't know
9 what kind of answers you'd get. Because if the answers
16:58:56 10 clearly show that there is a contradiction, prima facie,
11 between the testimony here and the prior inconsistent
12 statement, then it warrants the procedure of tendering
13 the statement so that we can examine the degree of
14 inconsistency, the materiality of inconsistency

16:59:20 15 -- alleged inconsistency when it comes to the time
16 because that's the procedure we've adopted. But of
17 course, in the case of refreshing memory, it's different.

18 MR JORDASH: Of course, I'm in Your Honours' hands as to what
19 procedure Your Honours want to follow. But it does
16:59:36 20 involve, and we will of course do this, but it does
21 involve going back through the last two months. Because
22 almost in all cases I've used statements as proof of
23 inconsistency, not simply to refresh a witness's mind.

24 JUDGE THOMPSON: Well, again, as I say, it depends if we look
16:59:57 25 at the records on the kind of answers that you got from
26 the witness because that is what is going to trigger the
27 procedure for tendering a document where there's a prior
28 inconsistent statement. I mean, you may have put
29 statements to the witness based on what he told the

1 interrogators. But then you find that the answer does
2 not trigger the procedure we're talking about.
3 JUDGE BOUTET: The answer in Court has to be clearly
4 inconsistent --
17:00:34 5 JUDGE THOMPSON: Inconsistent, that's what I'm saying.
6 JUDGE BOUTET: If the answer is only explaining what he said
7 before but does not contradict what he said before, we
8 don't have to go into that scenario. So that's why in
9 many of these instances we're referring to, the witness
17:00:56 10 has explained. There was no contradiction between what
11 is now here, and what was there before. There was an
12 explanation as to why the differences. Now it's quite
13 different and the prior statement is clearly inconsistent
14 with what is being said today. That's why you're
17:01:08 15 tendering that statement for that purpose. Do you follow
16 me?
17 MR JORDASH: I'm not sure, to be honest, I see the
18 distinction.
19 JUDGE BOUTET: Because there are no inconsistencies between
17:01:19 20 -- there might be differences between what the witness is
21 saying today because he's explaining why there were
22 differences, but now in the scenario that we're talking
23 about now, the witness is saying -- he's saying something
24 today that's clearly different. It's not a question of
17:01:35 25 explanation. It's clearly different. And at that stage,
26 you're asking these questions for the purpose of showing
27 that the witness today is saying something that is
28 clearly different and inconsistent with what he said
29 before. And in that scenario, if you want to use that,

1 we need to have that evidence. We don't have it. In
2 other words, we need to have the statement in evidence.
3 JUDGE THOMPSON: We have decision on this on the 16th of July
4 this year where we, in fact, clearly articulated in that
17:02:01 5 decision the procedure when it is sought to cross-examine
6 on prior inconsistent statements. And we set out clearly
7 this procedure in the case of SCSL-04-14-T, 16 July was
8 the decision. Alleged inconsistencies between
9 testimonial evidence and written statement of the
17:02:31 10 Prosecution. If you look at paragraphs 10, 11, 23, and
11 24 of that particular decision, you will see that we
12 clearly articulate the procedure that should be followed.
13 As my learned brother said, there must be, prima facie,
14 some evidence from the answers of the witness that
17:02:56 15 clearly what he has said today here contradicts
16 completely what he told the police.

17 But where he explains the alleged inconsistency, it
18 wouldn't trigger the procedure.
19 MR JORDASH: The only problem I have in understanding this is
17:03:22 20 that throughout, whatever the witness says, we maintain
21 an inconsistency. The witness, to our minds, may give an
22 explanation, but when it's inconsistent with what we
23 -- the case we are putting, it's an inconsistency, we
24 would say, and an inconsistency which needs to be
17:03:44 25 considered by the Honourable Chamber. For our mind, the
26 decisive factor is not how persuasive the witness is in
27 trying to explain away the inconsistency. To our mind is
28 what is relevant is the inconsistency, and the answer he
29 gives or she gives must be weighed by the Honourable

1 Chamber to decide who is right.

2 JUDGE THOMPSON: But how would we examine whether the
3 in-- there is an inconsistency or whether the
4 inconsistency is material or significant, and what
17:04:23 5 weight, if any, to attach to it, the evidence of the
6 witness on the witness stand, if we determine that it's a
7 material consistency, and we ask how do we proceed to
8 evaluate this if we do not have the statement made to the
9 interrogators in evidence when we come at the end of the
17:04:50 10 day to look at the evidence in its totality?

11 MR JORDASH: Well, I understand that, Your Honour. But what I
12 don't understand is why a distinction should be drawn
13 dependent upon the answer given by the witness. Because
14 the answer given by the witness is to be weighed in due
17:05:09 15 course when compared to the inconsistency alleged by the
16 Defence, whatever the witness says, I maintain the
17 inconsistency.

18 JUDGE THOMPSON: Suppose he admits that he did -- suppose that
19 he had admitted here that he did, in fact, tell the
17:05:22 20 police or the interrogators that he did not complain to
21 the mining management people? Suppose he said "I did
22 complain," virtually affirming what he said to the
23 police. Why would that be an inconsistency if he affirms
24 his answer in the witness -- in the statement?

17:05:49 25 MR JORDASH: Because I would have put it to him in response to
26 an oral answer in Court, and the inconsistency would
27 exist between that oral and the witness statement, even
28 if he adopted the written statement or rejected it.

29 JUDGE THOMPSON: Well, I mean, if he adopts it, says yes, I

1 did say that, and then he says on the witness stand, this
2 is exactly my position. He did not deny.

3 MR JORDASH: I would still in due course invite Your Honours
4 to look at the written statement, look at his oral
17:06:23 5 testimony which I had submitted is in contradiction to
6 it. Whether he'd adopted the written statement or not, I
7 would still suggest that the contradiction between the
8 oral testimony and the written statement is such that you
9 should infer that the Defence are right.

17:06:36 10 JUDGE THOMPSON: It's only when there is perceived
11 contradiction, but not when there's an admission. You
12 put the question to him and he admits.

13 MR JORDASH: There's still an inconsistency between the oral
14 testimony and the written statement.

17:06:48 15 JUDGE THOMPSON: In what sense?

16 MR JORDASH: If the witness says that the cow was blue and the
17 written statement says the cow is red, and I put to the
18 witness, "Well, you said the cow was red," and he says,
19 "Oh, yes, the cow was red," I would still say that the
17:07:05 20 fact that he couldn't maintain a consistent version of
21 events about the colour of the cow, you could infer from
22 that that he's not telling the truth.

23 JUDGE THOMPSON: That's a very interesting position. Because
24 I would have thought what you have is the inconsistency
17:07:24 25 being apparent from his answer vis-a-vis the statement
26 that he made out of Court, rather than the notion that
27 he's now saying something different. And remember that
28 he could say something different by way of an explanation
29 as long as it's not contradictory.

1 MR JORDASH: Your Honours may conclude, but the fact is that
2 it was a long time ago and the witness may have forgotten
3 the colour of the cow.
4 JUDGE THOMPSON: Precisely.
17:07:56 5 MR JORDASH: But Your Honours will still need to take our
6 position into account when deciding whether that is, in
7 fact, a reasonable explanation.
8 JUDGE BOUTET: But to come back to my preliminary observation
9 is if this is what you want to achieve, you need to put
17:08:14 10 these statements in evidence, and we don't have that.
11 And then you have to go through the procedure of
12 saying -- establishing all the preliminaries, this is a
13 statement that was made in these circumstances, it was in
14 English, in Krio, whatever it was, and it was read,
17:08:30 15 translated, I mean, all of this. And then it will be
16 marked as an exhibit and -- for the purpose of
17 establishing yes or no that that --
18 MR JORDASH: Yes, well, I will do so.
19 JUDGE THOMPSON: This is the law as we've laid it down in the
17:08:46 20 decision that I cited. In fact, we clearly relied on
21 existing authorities in the other Tribunals, and we
22 virtually even adopted the definition from Black that an
23 inconsistent statement is one which conflicts with the
24 testimony of the witness.
17:09:09 25 MR JORDASH: Your Honours --
26 JUDGE THOMPSON: That's our major premise, and there must be a
27 conflict there. It can be a patent conflict, it can be a
28 latent conflict.
29 MR JORDASH: I'm happy to do that.

1 JUDGE THOMPSON: Okay.

2 JUDGE BOUTET: Mr Prosecutor, you were up? I'm sorry.

3 MR HARRISON: I'll speak to Mr Jordash when we've adjourned.

4 JUDGE BOUTET: Okay.

17:09:48 5 MR JORDASH: It will take a few weeks, of course. But it will
6 be done, of course.

7 JUDGE BOUTET: You mean a few weeks of work for you, not for
8 the Court to sit for two weeks to listen to that.

9 MR JORDASH: No, Your Honour will be pleased it's our work.

17:10:07 10 I can wrap up relatively quickly I would have
11 thought, no more than 15 minutes, if that's of any
12 reassurance to the Court.

13 Q. We are still, Mr Witness, looking at what your statement
14 says. And I don't think we had an answer to whether you
17:10:26 15 are saying that the person who took your statement took
16 what you said to him down wrongly or he may have taken it
17 down wrongly? I think that was where we were at.

18 Are you with us, Mr Witness? Mr Witness? I know it
19 has been a long day. Are you with us?

17:11:11 20 A. I don't know if you'll give me a little bit of time so
21 that I can read this portion.

22 JUDGE BOUTET: Yes, yes. You want to read it? Take the time
23 you need to read it.

24 THE WITNESS: What I want to be translated, the evidence I
17:11:40 25 gave about us being flogged if we didn't find diamonds, I
26 haven't seen in this statement. Let me read.

27 MR JORDASH:

28 Q. Mr Witness, why don't I read it in English, and have it
29 translated to you through your headphones.

- 1 A. I am going to read it.
2 [In English] During the mining period Issa Sesay gave
3 instructions that any civilians who refused to work in
4 mines should be disciplined. Complaints were made to
17:12:23 5 mine management about the workers' treatment and
6 condition which were passed on to Issa Sesay, but no
7 action was taken to prevent the abuses. If there was a
8 reduction in manpower in the mines for any reason, Issa
9 Sesay gave instructions to go out and forcibly bring in
17:12:45 10 other workers.
- 11 Q. You have very good English, Mr Witness, if I may say so.
12 Now, having read it, you can see --
- 13 A. Yes.
- 14 Q. -- "complaints were made to mine management about the
17:13:04 15 workers' treatments and conditions which were passed on
16 to Issa Sesay but no action was taken to prevent the
17 abuses." Did you tell the Prosecution that or not?
- 18 A. What I have read is what I actually did say. What I
19 haven't seen and what I said about us being flogged when
17:13:43 20 diamonds were not found, it's not the same thing like
21 what I have just read.
- 22 Q. Mr Witness, I'd like to go home today. Complaints were
23 made to mine management about the workers' treatments and
24 conditions which were passed on to Issa Sesay, but no
17:14:00 25 action was taken to prevent the abuses. Did you tell the
26 Prosecution that? Simple question.
- 27 A. Yes, I did say that. I wasn't well guided. That's why I
28 was confused.
- 29 Q. So who were the complaints made to and by whom?

- 1 A. We did make complaints concerning the manpower, the
2 people that they brought to do the forced mining. And
3 they took no steps on that. Yes, we did make complaints.
- 4 Q. To who?
- 17:15:09 5 A. To Issa Sesay. We brought these complaints to him.
- 6 Q. What about to mine management?
- 7 A. I want you to differentiate between mines management
8 because I know about mining, and I'm not sure whether you
9 know much about mining. So we made our complaints, but I
17:15:42 10 want you to differentiate between what you think mines
11 management is.
- 12 Q. Well, Mr Witness, I don't know what mine management means
13 in this statement. It's your statement, not mine. What
14 did you mean by "mine management"? What I mean by it is
17:16:00 15 irrelevant?
- 16 A. I spoke in English. I gave my testimony in English -- in
17 Krio, I'm sorry. The word mine management was never used
18 by me. I used my words in Krio. And what I was
19 referring to was the people who were guarding and
17:16:39 20 supervising the mine's activities.
- 21 Q. So who?
- 22 A. The rebels that had guns and were guarding the people.
- 23 Q. Do you have any names?
- 24 A. There were many. I mean, I couldn't remember all their
17:17:06 25 names. There were lots of them.
- 26 Q. So you made your complaints to the very people who were
27 keeping you -- who were keeping the people guarded and
28 under slavery. Is that correct?
- 29 A. No.

1 Q. Well, were the soldiers guarding the people under
2 slavery? Were the rebels guarding the people under
3 slavery?
4 A. Yes.
17:17:51 5 Q. Were the rebels preventing the civilians from going home?
6 A. Yes.
7 Q. Were the rebels treating the civilians badly?
8 A. Yes.
9 Q. So the complaints were made to those people?
17:18:22 10 PRESIDING JUDGE: This man has said he did not make complaints
11 to these people.
12 MR JORDASH: He hasn't. He has said both. He has said both.
13 PRESIDING JUDGE: He said so.
14 MR JORDASH: He has said both.
17:18:35 15 PRESIDING JUDGE: We're getting a bit argumentative in this.
16 I don't know whether we'll get out of this impasse.
17 MR JORDASH: Well, Your Honour --
18 PRESIDING JUDGE: It's argumentative and --
19 MR JORDASH: I'll move on, but I do submit -- well, I won't
17:18:56 20 submit it.
21 JUDGE BOUTET: I think you still need to clarify. And we're
22 getting fed up with it, too. But we need to have some
23 clarification. His latest series of answers when he read
24 himself that statement in English was, and in answer to
17:19:11 25 your question was, "yes, this is what I said." And in
26 the statement it says "complaints were made to mine
27 management, and then it was passed to Sesay." So and
28 mine management, given his previous answers, meant
29 Officer Med and his people. And the mine boss, because I

1 asked the question, he says it's Officer Med. So I'm
2 confused, too, to try to see what it is that really
3 happened. Has he complained or not?

4 JUDGE THOMPSON: My approach to it is simply this, because we
17:19:42 5 have now moved away from the realm of certainty to
6 equivocation back. We're back to equivocation, and if it
7 seems as if there is no way out of this, then I would
8 think that where a witness equivocates, that would also
9 be a factor to take in final evaluation of the evidence,
17:20:04 10 the totality of the evidence. Because I see that there's
11 a move backwards and forward movement on this particular
12 issue. So I'm not going -- necessarily going to -- I
13 don't know whether any further clarification will
14 simplify the issue or make things easier. But of course,
17:20:25 15 if you wish to try, fine. But I'm satisfied that what I
16 see here is clearly moving from the plane of certainty
17 and definitiveness, or we cannot in fact, complain to
18 perpetrators, after all, they were the architects of the
19 abuses, "oh, but I did say to the police `blah, blah,
17:20:49 20 blah.`" And I'm a little intrigued by this. If you can
21 elicit some kind of clarification, that would help the
22 Chamber.

23 MR JORDASH: Your Honour, yes.

24 JUDGE THOMPSON: That's my own position.

17:21:05 25 JUDGE BOUTET: I subscribe to that, too. But let's not spend
26 another hour on that issue, please.

27 MR JORDASH: No, I want to move on.

28 Q. You say that the words you used to the person taking your
29 statement did not mean mine management. Is that what

1 you're saying?

2 A. I spoke in Krio. And I said those who were in charge of
3 the mining, those who were guarding the people were the
4 ones who went and did the things that were wrong to the
17:21:56 5 people.

6 Q. Are you talking about the rebels at the pit, or are you
7 talking about the rebels such as Officer Med? Or are you
8 talking about both when you say "the people guarding"?

9 A. All of them, all of them, they arranged these things.
17:22:38 10 And they said if you don't do this, we'll do this to you.
11 So I mean, how do you complain?

12 Q. So complaints were made, you suggested to the person
13 taking your statement -- let me just start that again.
14 When you used the Krio phrase in your statement which has
17:23:02 15 been substituted for the word "mine management," you
16 intended to mean both Officer Med, the commanders, and
17 the people at the pit doing the actual guarding. Is that
18 what you're saying?

19 A. Yes.

17:23:35 20 Q. Thank you. I think -- I hope that's clear what he has
21 now said.

22 PRESIDING JUDGE: That what? What is clear?

23 MR JORDASH: What I submit is clear is that -- could the
24 witness's translation please be turned off.

17:23:57 25 What I --

26 JUDGE THOMPSON: Turn off his mic, is it?

27 JUDGE BOUTET: It serves little purpose as the witness does
28 understand English.

29 MR JORDASH: That's true.

- 1 JUDGE THOMPSON: Quite right, yes.
- 2 MR JORDASH: Perhaps we can whisper. What is clear to me, and
3 this is -- I will rely upon this inconsistency, is on the
4 one hand, 15, 20 minutes ago, he says he doesn't and
17:24:24 5 couldn't report things to the likes of Officer Med, and
6 now he says when he told the Prosecutor in Krio his
7 version of events, he meant that he had and others had
8 reported things to Officer Med. That inconsistency in
9 due course I will seek to rely upon.
- 17:25:38 10 [Trial Chamber confers]
- 11 PRESIDING JUDGE: Yes, Mr Jordash, you may continue, please.
- 12 MR JORDASH: Thank you, Your Honour.
- 13 Two issues left.
- 14 Q. When did incident with the men being stabbed on the head
17:27:17 15 at the river take place, Mr Witness?
- 16 A. That is when the gravel had been washed, and no diamond
17 was found.
- 18 Q. When, please, if you can?
- 19 A. That was when the gravels were dug out, and they started
17:27:55 20 to wash the gravels. I mean, that's the time.
- 21 Q. 2000 or 2001?
- 22 A. The diamond mining started in 2000, and up to 2001.
- 23 Q. When did the incident take place where at the end of the
24 incident, General Issa Sesay came to Bendu II and was
17:28:21 25 spoken to by the old man? When did that take place?
- 26 A. I can't be quite sure of the exact time, but I mean, the
27 mining happened during the dry season, and in the rainy
28 season as well.
- 29 Q. Mr Witness, it's a clear question: Did it happen in 2000

- 1 or 2001, this particular incident?
- 2 A. This happened in 2000.
- 3 Q. Beginning, middle, or end?
- 4 A. From the middle going towards the end.
- 17:29:05 5 Q. When did this specific incident take place, Mr Witness?
- 6 When did this specific incident involving the stabbing on
- 7 the head, the river and General Sesay take place?
- 8 A. That's what I've just said. When the mining was going
- 9 on, it was in the rainy season.
- 17:29:36 10 Q. Listen very carefully, Mr Witness, whether in English or
- 11 Krio, whichever you think assists you most: When did the
- 12 incident --
- 13 A. It was in the dry season.
- 14 Q. Of which year?
- 17:30:15 15 A. I can say 2001, in the dry season. 2000 was over.
- 16 Q. Right. Was that the first dry season of 2001 or the
- 17 second?
- 18 A. It's the second half of the dry season, from 2000 to
- 19 2001.
- 17:30:44 20 Q. So it would be the second part of the year, the later
- 21 part of the year. Is that right, of 2001?
- 22 A. I don't want to be confused. It was between 2000 to
- 23 2001, in between there. That's when this incident took
- 24 place.
- 17:31:15 25 Q. In between 2000 and 2001. I don't understand,
- 26 Mr Witness.
- 27 A. It is around that period when the mining started in 2000.
- 28 When the rainy season came, the gravels were dug out, and
- 29 they were washing them. But to remember, I think this

1 thing actually happened towards the end of 2000, in the
2 dry season.
3 Q. Okay. Can you name the people who were stabbed on the
4 head?
17:32:15 5 A. Yes.
6 Q. Name them, please.
7 A. Yomba Ngeki a.
8 Q. Could you spell that, please.
9 A. Y-O-M-B-A N-G-E-K-I -A.
17:32:41 10 Q. Anybody else or just him?
11 A. There are others.
12 Q. Do you know their names?
13 A. Yes. Mr Menj or, Sahr Menj or.
14 Q. Could you spell that, please.
17:33:04 15 A. S-A-H-R M-E-N-J-O-R.
16 Q. Anybody else?
17 A. Mr Puj eh.
18 Q. Could you spell that, please.
19 A. P-U-J-E-H.
17:33:28 20 Q. Were these people present when Mr Sesay came and had the
21 conversation with the old man?
22 PRESIDING JUDGE: Were these the people who were stabbed?
23 MR JORDASH: These were the people who were stabbed.
24 Q. Were these people present when Mr Sesay had this
17:33:49 25 conversation with the old man?
26 A. Yes, these are the big men. They were all there.
27 Q. Do you know where we would find these people now?
28 A. Right at this moment, they're in Tombodu. They are still
29 settled there. They haven't gone anywhere.

- 1 Q. Thank you. And who was the old man who spoke to
2 Mr Sesay?
- 3 A. Mr Yomba Ngeki a. He was in charge of the whole chiefdom.
4 He was at the head of the elders who went and made a
17:34:37 5 complaint to Issa Sesay.
- 6 Q. Isn't that the same name as one of the people stabbed?
7 Is that the same person or a different person?
- 8 A. Yes, he was among. He was a chief, but he was the first
9 person to be flogged.
- 17:34:56 10 Q. Well, we're not talking about flogged, Mr Witness. We're
11 talking about being stabbed on the head. Was that the
12 person, the person we've heard was --
- 13 A. He was the first person who was abused and stabbed on the
14 head. Yes, he was among them.
- 17:35:15 15 Q. And he was also the person you say spoke to Mr Sesay to
16 complain about the treatment?
- 17 A. Yes, he was our leader. He was the chief.
- 18 Q. And you would say that Mr Sesay - is this
19 correct -- well, why don't you tell us again. What did
17:35:51 20 General Sesay say to Mr Ngeki a?
- 21 A. When they complained to him about the mistreatments, he
22 said, "Well, I'm appealing to you to hold your hearts,
23 just forget about everything and forgive them. It has
24 already happened."
- 17:36:25 25 JUDGE THOMPSON: Yes, counsel.
- 26 MR HARRISON: Your Honour, the Prosecution would like to
27 suggest that it might be a time where the witness might
28 require a break of a brief duration. It's really the
29 Prosecution's hope that the Court will agree to sit late

1 tonight to complete this witness. There are certain
2 personal reasons which require him to perhaps return to
3 his place of abode. He has stayed here longer than we
4 anticipated he would have to stay, and we are -- I've had
17:36:57 5 somewhat of an indication from Mr O'Shea that he may be
6 upwards of 40 minutes or approximately 40 minutes. I'm
7 asking the Court to take a short break to resume and
8 complete this witness in its entirety.

9 PRESIDING JUDGE: I think he is almost wrapping up. Because
17:37:16 10 we want to finish with this witness, we want to finish
11 with Mr Jordash. I appreciate the problem you're putting
12 across because the witness is really stressed. But I
13 think Mr Jordash is about rounding up.

14 MR JORDASH:

17:37:47 15 Q. How many times do you think you took food to the Zambian
16 peacekeepers, Mr Witness, you personally?

17 A. While I was there, I mean, we used to take food to them.
18 It was more than 10 or 15 times when I took food to them.

19 Q. Were they locked in at night?

17:38:27 20 A. Yes, at night, they would lock them in the mosque. They
21 were all sleeping in the mosque.

22 Q. So you were able during the day, when they were unlocked,
23 to go in to see them and take them food. Is that right?

24 A. Yes.

17:38:48 25 Q. Sorry, Mr Witness. I missed your answer.

26 A. I said we took food for them.

27 Q. And you cooked some of that food at your house. Is that
28 right?

29 A. Yes, behind my house. That's where we cooked for them,

- 1 in a large pot.
- 2 Q. So you made sure that the Zambian peacekeepers had enough
3 food. Is that correct?
- 4 A. What we were able to get was what we gave to them.
- 17:40:08 5 Q. Do you understand months, Mr Witness? Do you understand
6 the calendar, January, February, March, et cetera?
- 7 A. Yes, I understand the months.
- 8 Q. Were you forced to mine April and May of 2000?
- 9 A. You asked me this before, and I answered. It happened
17:40:58 10 like that.
- 11 Q. April and May?
- 12 A. Yes.
- 13 Q. Would you like to explain, then, how it was you were able
14 to escape that forced mining to go and take food to the
17:41:13 15 Zambians in May during the day?
- 16 A. Well, there were quite a few foodstuffs around, mangos,
17 bananas. I mean, even when we were mining, we were able
18 still to help them get food because we were in town there
19 with them.
- 17:41:52 20 Q. But you were under guard, Mr Witness, in April and May
21 2000 during the day and only allowed to go home at night
22 when the Zambian peacekeepers were locked into their
23 mosque. How did you manage to spirit yourself away and
24 cook food at your house and take it to the Zambians?
- 17:42:12 25 A. I want to tell you that I'm married, I have a wife, and I
26 have children. So the women were at home, and they did
27 this work.
- 28 Q. So it wasn't you then who took food to the Zambians. It
29 was your wife, was it? Is that what you're now saying?

- 1 A. I provided the foods. I provided the foods, and my wife
2 prepared it and took it to them. So I mean, if I
3 provided food to be prepared, is it not me giving the
4 food to the Zambians?
- 17:43:09 5 Q. Well, it's certainly not you taking the food to the
6 Zambians, which is what you've told us before, is it?
- 7 A. Sometimes I took the food myself. But many times, they
8 were allowed to move around the town. They went to my
9 house, and my wife would give them food, and the ones
17:43:45 10 that prepared it would take it to them. I mean...
- 11 Q. So the Zambians were allowed out of the mosque and
12 wandered around the village visiting your wife, did they,
13 some of them?
- 14 A. Yes, they were allowed to move around after some time.
17:44:07 15 They could move in town. They never went outside of the
16 town. They were not allowed to.
- 17 Q. So while you were being forced to mine, Zambians were
18 having tea with your wife. Is that right?
- 19 A. I didn't sleep in the mines. I didn't sleep in the
17:44:34 20 mines. The mines were very close to the town.
- 21 Q. No, the question is: "Whilst you were being forced to
22 mean, were Zambians at times having lunch and tea with
23 your wife"?
- 24 A. Only your mind has gone to that. My mind never went to
17:45:02 25 that.
- 26 JUDGE THOMPSON: [Previous interpretation continues] -- that
27 question. How germane is it really?
- 28 MR JORDASH:
- 29 Q. You told us - and I'm coming to the last few

1 questions - you told us that when you took food to the
2 Zambians, they used to shout at us - this is the rebels -
3 and told us not to give it to them. Is that right?
4 A. Yes, at the beginning, when they just had arrived. That
17:45:40 5 was what happened.
6 Q. Did anything else ever happen when you took food -- when
7 -- when your wife and others took food to the Zambians
8 and the rebels caught you or them doing it?
9 A. It's not just me and my wife. I mean, there were many
17:46:12 10 people in town who used to help the Zambians. In fact,
11 when the rebels found out that they couldn't feed the
12 Zambians, they no longer shouted at people. So they
13 allowed people to give them food.
14 Q. So all the rebels did before allowing food to be taken to
17:46:28 15 the Zambians would be to shout -- was to shout at people
16 taking them food. Is that all that happened to the
17 people who took them food?
18 PRESIDING JUDGE: At the beginning. At the beginning.
19 MR JORDASH: Yes.
17:46:44 20 Q. At the beginning when --
21 PRESIDING JUDGE: Things evolved, you know, and I think they
22 relaxed their --
23 MR JORDASH: Yes.
24 PRESIDING JUDGE: Yes.
17:46:53 25 MR JORDASH:
26 Q. But before the rebels allowed food to be taken to the
27 Zambians, the rebels used to shout at the people caught
28 taking food to the Zambians. Did anything else happen to
29 the people caught taking food --

- 1 A. They only shouted at people not to give them food at the
2 beginning. But after a while, they ceased that, and they
3 didn't argue any more or shout at anybody.
- 4 Q. So they shouted, but then let the food be taken. Is that
17:47:33 5 right?
- 6 JUDGE THOMPSON: That's all on the record.
- 7 MR JORDASH: In that case, I can move to my final question
8 which is: Can the witness be given the 8th of October
9 statement, please.
- 17:48:04 10 Q. I want you to have a look, if you would, this is a
11 statement you haven't looked at before. It's a statement
12 with your name on it. And I want you to have a look at
13 the two paragraphs there, just to confirm that's --
- 14 PRESIDING JUDGE: Mr Jordash, what's date of that statement,
17:48:24 15 please?
- 16 MR JORDASH: 8th of October 2004.
- 17 Q. Do you see that, Mr Witness? Is that your statement? Do
18 you recognise it?
- 19 A. Yes.
- 17:48:53 20 Q. Okay. First paragraph, please look at the two last
21 sentences. Would you have a look at the statement,
22 please, Mr Witness. The statement says -- well,
23 actually, let's go a bit higher in that paragraph so we
24 get the context.
- 17:49:18 25 You're talking about the -- is this right, you're talking
26 about the Zambian peacekeepers being housed at the mosque
27 in Tombodu. Yes?
- 28 A. Yes.
- 29 Q. And you say: "I saw them being beaten by the rebels.

- 1 They were not provided with enough food. Then they had
2 to go looking for food sometimes." Do you see that?
- 3 A. Yes.
- 4 Q. So we have confirmation that the Zambians were allowed to
17:49:54 5 go out looking for food. Is that right?
- 6 A. Yes. They used to beat them. In fact, they didn't allow
7 them to go out looking for food earlier. But after a
8 while, the rebels found out that they couldn't feed them,
9 so they allowed them to go foraging for food.
- 17:50:27 10 Q. Right. The particular bit I'm interested in is next:
11 "This was during the mango season, and myself and other
12 townspeople from Tombodu would bring the captured
13 Zambians some mangos for food." Is that what you told
14 the Prosecution?"
- 17:50:54 15 A. Those who were in Tombodu town, yes, they brought mangos
16 for the people.
- 17 Q. Did you tell the Prosecution "myself and other
18 townspeople from Tombodu would bring the captured
19 Zambians some mangos for food"? Did you say that?
- 17:51:16 20 A. Yes.
- 21 Q. Did you say this: "If we were caught doing this, we
22 would be punished by the rebels"? Did you tell that to
23 the Prosecution?
- 24 A. Yeah, at the beginning when the Zambians had just
17:51:42 25 arrived. If we take food for them, they'll shout at us,
26 and just this shouting at us was not something we
27 enjoyed. So that's why I said they punished us.
- 28 Q. So the only punishment was the rebels shouting at you.
29 Is that right?

1 A. Yeah, they shouted at us, and they threatened us. So I
2 mean, that is what we thought was punishment.

3 Q. Okay. Just what I would suggest was happening in Kono in
4 2000 in terms of mining is this, Mr Witness: That in
17:52:26 5 fact, the mining going on in Tombodu and other places in
6 Kono was based on a two-pile system in 2000, wasn't it?
7 One pile for the rebels, one pile for the civilians.
8 That's really what was going on in Tombodu in 2000?

9 A. I never worked two piles in Tombodu, never.

17:53:02 10 Q. Well, did anybody work two piles in Tombodu? You weren't
11 mining after April or May.

12 A. I didn't see it.

13 Q. You didn't see it at all?

14 A. Yes.

17:53:16 15 Q. What is two piles? What is a two-pile system? Do you
16 know?

17 PRESIDING JUDGE: Let's have the two-pile. How do you spell
18 that word?

19 MR JORDASH: As in --

17:53:33 20 PRESIDING JUDGE: Two pile, you mean? Two piles?

21 THE WITNESS: Two pile. Yes.

22 MR JORDASH:

23 Q. Have you heard of the two-pile system, Mr Witness?

24 A. Before we ran away from Tombodu, there was two-pile
17:54:05 25 system. Someone will have an acre, and you'll go there
26 and mine, and you'll have one bucket for yourself and one
27 bucket for the owner of the pile. But when we returned
28 and when the rebels called us from the bush, we never
29 practiced two pile in Tombodu at all.

- 1 Q. Well, my suggestion to you, Mr Witness, is that there was
2 no forced labour in Kono or Tombodu at the mines in the
3 year 2000, and what you've told us is a lie.
- 4 A. What I want to tell you is that I was there, you weren't
17:54:57 5 there. In fact, where we were, we did forced mining for
6 the rebels, but we never did two piles in Tombodu.
- 7 Q. And in fact, in 2000, mining equipment was coming from
8 Freetown because Foday Sankoh was the head of the mines
9 in that year, and it was sanctioned and authorised and
17:55:24 10 voluntary, wasn't it?
- 11 MR HARRISON: There might be four or five questions there.
- 12 MR JORDASH: Yes, I'll change that.
- 13 Q. That there may have been forced mining in 1999, but when
14 Mr Sesay arrived in March -- or I beg your pardon, in
17:55:46 15 February of 2000, that mining took place with mining
16 equipment and was based on the two-pile system. And
17 you've fabricated your evidence to implicate Mr Sesay,
18 haven't you?
- 19 A. I want to tell you that I'm telling the truth.
- 17:56:30 20 Q. And the reason you don't mention in your statement --
- 21 PRESIDING JUDGE: Answer the question. Are you giving the
22 evidence to implicate Mr Sesay for just cause? Is your
23 evidence intended to implicate Sesay? That is what
24 counsel is asking you. You have spoken the truth?
- 17:56:53 25 THE WITNESS: No, I'm not trying to implicate him. I'm only
26 saying what I saw.
- 27 MR JORDASH:
- 28 Q. And the reason you haven't said in any statement prior to
29 the one you've said today about making complaints to Issa

1 Sesay is because you didn't make any complaints to Issa
2 Sesay, and no one did at that period.
3 I'm seeing frowns from the Prosecution, so I'll rephrase
4 my question.
17:57:19 5 The reason that you've not mentioned complaints to Sesay
6 in 2000 made by you personally is because you didn't make
7 any complaints personally to Mr Sesay, did you?
8 A. That is why I said that it was not me in person who made
9 complaints to Issa Sesay. We had a leader, and he was in
17:58:00 10 charge of the chiefdom, and he complained on our behalf
11 to Issa Sesay about the wrongs.
12 MR JORDASH: I've got nothing further. Thank you.
13 PRESIDING JUDGE: Thank you, Mr Jordash. I think the day is
14 far spent. It's 6.00 and beyond.
17:58:58 15 Yes, Mr Harrison.
16 MR HARRISON: I'm under the understanding this witness is
17 quite concerned to return to his residence immediately.
18 I'm asking for leave of this Court, and I'm asking
19 Defence counsel to consent, that the Prosecution can
17:59:16 20 speak to this witness for the purpose of trying to
21 persuade to remain in Freetown for the purpose of
22 completing his evidence next week.
23 PRESIDING JUDGE: You'll speak to them with consent in the
24 presence of the Defence. Is that all right, in the
17:59:39 25 presence of the Defence, the purpose is they have to
26 persuade the witness to stay here next week.
27 MR JORDASH: I'm happy for Mr Harrison to speak to the
28 witness.
29 PRESIDING JUDGE: You're happy that he speaks to the witness?

1 MR JORDASH: Yes.

2 PRESIDING JUDGE: That`s all right. I just wanted to be fair.

3 MR TOURAY: Your Honour, as far as we are concerned, this is a
4 witness of the Court and he has not been released. He is
18:00:01 5 still testifying. And I don't think any communication
6 with -- from the Prosecution would be tolerable at this
7 stage.

8 PRESIDING JUDGE: Yes.
9 Yes, Mr Harrison.

18:00:15 10 MR HARRISON: I accept that Mr Touray takes that position, but
11 the Prosecution is left in quite a difficult predicament
12 right now. And I'm asking the Court to reconsider
13 sitting late tonight so this witness can be --

14 PRESIDING JUDGE: Sitting when?

18:00:35 15 MR HARRISON: Sitting late tonight.

16 PRESIDING JUDGE: No, we are not sitting late tonight. We
17 have other engagements with our colleagues who are coming
18 on board, who have just arrived today after a very
19 difficult flight from Brussels. We cannot sit tonight.

18:00:53 20 Mr Witness, you -- yes, Mr O'Shea, did you have --

21 MR O'SHEA: I just wanted to say that I sympathise with the
22 position of my learned friend Mr Touray and just remind
23 the Court that it is up to the Court and not the witness
24 at this stage.

18:01:15 25 PRESIDING JUDGE: I mean, that is -- I mean, I was just -- I
26 wanted to tell Mr Witness, you have been very patient.
27 You have gone through a great deal, and you have at least
28 managed to withstand it so far. But the truth of it is
29 that counsel for Mr Sesay has cross-examined you. He is

1 finished with his cross-examination. You still have
2 counsel for Mr Kallon and for Mr Gbao, two of them, who
3 are all sitting here and who have come for this case from
4 abroad who need to cross-examine you as well. So at this
18:02:07 5 stage, we cannot release you as a witness.

6 You will exercise -- you will have to -- even if you
7 have to travel to go home over the weekend, you will have
8 to be back, I'm afraid, here on Monday at 9.30. You must
9 be in this place at 9.30 in order to continue with the
18:02:31 10 cross-examination of the Defence team of Mr Kallon and
11 the Defence team of Mr Gbao. So this is the hard
12 reality. And we are not saying that you cannot go home.
13 You may, you may, you may you may go home. But if you
14 can go and come back on Sunday, fine, so that you're here
18:02:53 15 at 9.00 for us to start business at 9.30.

16 Have you understood me, Mr Witness?

17 THE WITNESS: I understand, but if you can kindly allow me a
18 short while to make a statement.

19 PRESIDING JUDGE: Yes, make a statement.

18:03:19 20 MR JORDASH: I'm sorry to leap up to my feet, but if he is to
21 make a statement --

22 JUDGE BOUTET: I can't hear what you're saying. Speak into
23 the microphone --

24 MR JORDASH: Sorry, if this witness is to make a
18:03:40 25 statement -- the audio people have gone home.

26 If this witness is to comment on the evidence
27 whatsoever --

28 PRESIDING JUDGE: Which is it? What statement do you want to
29 make, please? Mr Witness, what statement do you want to

1 make, please? Not on the evidence, you know, which
2 you're --

3 THE WITNESS: No, it has nothing to do with evidence. It is
4 about my return.

18:04:06 5 PRESIDING JUDGE: What do you want to say?

6 MR HARRISON: I think I can give some information that the
7 witness is not aware of, and it may cause him to
8 reconsider giving a statement.

9 PRESIDING JUDGE: What is it, Mr Harrison?

18:04:23 10 MR HARRISON: I have been informed that witness management
11 will have a vehicle available immediately to take you to
12 your place of residence, remain with you, and bring you
13 back.

14 THE WITNESS: That would be very good.

18:04:58 15 [Trial Chamber confers]

16 PRESIDING JUDGE: You had something to say. Please.

17 THE WITNESS: What I wanted to say, that is what they've just
18 told me because I have a lot of things to arrange in my
19 home.

18:05:14 20 PRESIDING JUDGE: Thank you very much.
21 This is the obligation for testifying in a case like
22 this. And that is why you have been kept here for so
23 long. It's a very complicated case with the liberty of
24 three citizens, you know, at stake. So you have to bear
18:05:39 25 with the Prosecution for as often as they would want to
26 have you here to give evidence.
27 Mr O'Shea, yes, please.

28 MR O'SHEA: Yes, Your Honour, I'm sorry to stretch the Court's
29 patience. There's just one other matter of procedure I

1 would like to briefly raise. During the break this
2 morning, I noticed that a person from the witness's unit
3 did go and speak to the witness. Now, I have no
4 difficulty with the idea --

18:06:14 5 PRESIDING JUDGE: Mr O'Shea, do you have any difficulty
6 raising this on Monday, please?

7 MR O'SHEA: Very well.

8 PRESIDING JUDGE: Please. Because our colleagues are waiting
9 for us at this time.

18:06:23 10 MR O'SHEA: Yes. The only reason I raised it now is because I
11 wanted the witness to be given a direction. Perhaps the
12 witness could be given a direction. I could go into
13 detail on Monday, just the normal standard direction.

14 PRESIDING JUDGE: I think that the Prosecution knows, and the
18:06:47 15 witness, you know, is here. They know that they are not
16 supposed to talk to the witness. These are just
17 directions. I mean, whoever will ensure that they are
18 respected is another matter. But I think that you can
19 raise this issue, you know, on Monday, please.

18:07:17 20 Well, learned counsel, it has been a hard-earned
21 weekend, and I wish every one of you a very enjoyable and
22 relaxed weekend. We will adjourn and resume our
23 sessions.

24 On Monday, we have the swearing-in ceremony of the
18:07:43 25 new judges of the Trial Chamber, and this ceremony is
26 billed for I think, 10.00. So we would not be sitting --
27 to be meaning to start sitting at 9.30, because we would
28 rise 30 minutes later. And the ceremony will be in this
29 hall. So I think that we can envisage starting our

1 session at about 11:30 -- at about 11:30 because the
2 swearing-in ceremony will not take a very long time. And
3 I think that by 11.30, we should have wrapped up with
4 that business.

18:08:47 5 [Trial Chamber and legal officer confer]

6 PRESIDING JUDGE: I'm being informed that it will be at 10.30.
7 So we would --

8 [Trial Chamber confers]

9 PRESIDING JUDGE: Well, we will start sitting at 12.00.

18:09:07 10 Because if we start at 10.30, 11.00, 11.30, I think 12.00
11 is an ideal time for us to start. So I suppose we are
12 agreed -- we all understand we are resuming our session
13 on Monday at 12.00. This said, the Court will rise. And
14 once more, a very happy weekend to all of you. Thank
18:09:36 15 you.

16 [Whereupon the hearing adjourned at 6.10 p.m. to be
17 reconvened on Monday, the 17th day of January, 2005, at
18 12.00 p.m.]

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1	WITNESSES FOR THE PROSECUTION:	
2	WITNESS TF1-304	3
3	CROSS-EXAMINED BY MR JORDASH	3
4	CROSS-EXAMINED BY MR TOURAY	18
5	CROSS-EXAMINED BY MR O' SHEA	34
6	CROSS-EXAMINED BY MR JORDASH	50
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