

Case No. SCSL-2004-15-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

MONDAY, 14 JANUARY 2008
9.50 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:	Benjamin Mutanga Itoe, Bankole Thompson Pierre Boutet
For Chambers:	Mr Felix Nkongho Mr Colin Smith
For the Registry:	Mr Thomas George
For the Public Defender:	Ms Claire Carlton-Hanciles
For the Prosecution:	Mr Vincent Wagona Mr Reginald Fynn
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sally Longworth
For the accused Morris Kallon:	Mr Kennedy Ogeto Mr Lansana Dumbuya
For the accused Augustine Gbao:	Mr John Cammegh Mr Scott Martin

1 [RUF14JAN08A- MD]
2 Monday, 14 January 2008
3 [Open session]
4 [The accused present]
5 [Upon commencing at 9.50 a.m.]
6 [The witness entered court]
7 WITNESS: ABU BAKAR MUSTAPHA [Continued]

8 PRESIDING JUDGE: Good morning, learned counsel. We
would
9 resume our session. Mr Jordash, you may proceed.

10:00:05 10 MR JORDASH: Thank you, Your Honour. Could I give you
the
11 information Your Honours' requested on Friday?

12 PRESIDING JUDGE: Yes.

13 MR JORDASH: Which was when the proposed exhibits had
first
14 been introduced.

10:00:19 15 PRESIDING JUDGE: That is 278 and 279?

16 MR JORDASH: Your Honour, yes. And it was on 25 October
17 2007, page 77 of the transcript. And, secondly --

18 PRESIDING JUDGE: Page what, of the transcript?

19 MR JORDASH: Page 77, line 13. And the second exhibit,
10:00:50 20 which is 279, was first introduced on 30 October 2007, page
19,
21 line 19.

witness?

22 PRESIDING JUDGE: And it was introduced by which

23 MR JORDASH: DIS-188.

24 Could I also inform Your Honours that the witness is not
10:01:33 25 feeling too bright, today and he has indicated that his heart
has

26 been beating extremely fast and certainly last week when I saw
27 him in the witness house, he was complaining about malaria,
and

28 I've indicated to him that obviously, there is no pressure to

29 continue if he is not feeling up to it, but he is going to try

1 and see how far he can get.

2 PRESIDING JUDGE: That's fine.

appears

3 MR JORDASH: I've spoken to the Prosecution, and it

4 that we could proceed if this witness cannot go on, we could

10:02:20
thought,

5 proceed with witness 252, who is a short civilian. We

6 well, I certainly thought that would be better than trying to

7 bring in 214 who is another big witness.

8 PRESIDING JUDGE: Yes.

10:02:40

9 MR JORDASH: And the Prosecution have kindly agreed with

10 that suggestion.

11 PRESIDING JUDGE: That's fine.

12 EXAMINED BY MR JORDASH: [Continued]

13 MR JORDASH:

14 Q. Good morning, Mr Witness.

10:02:46

15 A. Good morning, sir.

would

16 Q. Now, before picking up where we left off on Friday, I

17 just like to cover a few short areas which relate to your

18 previous testimony. During 1998, when you were at the Guinea

19 Highway, did you ever monitor any messages being sent through

10:03:28

20 Elevation to any other radio set?

21 A. No.

that 22 Q. Do you know whether Elevation was a radio operator at
23 time?
24 A. Yes, indeed.
10:03:56 25 Q. Whose radio operator was he, if anyones?
26 A. He was a radio operator assigned with Issa.
at 27 Q. Do you know where Elevation was during the time you were
28 Guinea Highway?
29 A. Yes, sir; he was in Pendembu.

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1 Q. Thank you. Now, I want to ask you about bodyguards. Do
2 you know if, during 1998 when you were at the Guinea Highway,
and
3 also previous to that, when you were in Koidu Town, whether
Issa
4 Sesay had any bodyguards in the Koidu area?

10:05:07 5 A. Well, I only know of Boy George, and Victor.

6 PRESIDING JUDGE: Did he have any bodyguards; yes?

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: Yes.

9 THE WITNESS: Within the Kono axis.

10:05:27 10 PRESIDING JUDGE: Yes.

11 MR JORDASH: Do you know if any of them were -- let me
12 rephrase that. Did you --

13 PRESIDING JUDGE: He was going to mention the names,

14 Mr Jordash. Unless you don't want him to mention the names.

10:05:41 15 MR JORDASH: I am very happy for him to mention the
names.

16 PRESIDING JUDGE: Yes. Very good. You can know he had
17 bodyguards who were there. He talked of Boy George.

18 MR JORDASH:

19 Q. Any --

10:05:57 20 A. Boy George and Victor.

21 Q. Do you know if they had access to any radios?

22 A. That, I cannot tell, because they were at a place called

23 Kamakwie Ground.

24 Q. Do you know what they were doing there?

10:06:24 25 A. Well, they were -- they were there as combatants.

when 26 Q. Do you know who they reported to, or took orders from,

27 they were there?

28 A. They were working with the commander there, CO Kailondo.

at 29 Q. Do you have any information at all as to whether they,

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1 that point, had anything to do with Issa Sesay?

2 A. I don't know.

3 Q. Now, you've spoken about the Black Guards reporting to
the

4 leader. Are you aware of -- no, let me rephrase that. Aside

10:07:19 5 from the Black Guards, do you know if bodyguards in general
had

6 any other role -- well, let me rephrase that. What role did

7 bodyguards, other than the Black Guards, have in the RUF; do
you

8 know?

9 A. Well, bodyguards were securing their own commanders.

10:07:51 10 Q. And so would bodyguards be present with the commanders,
or

11 not if -- when they were operating as bodyguards?

12 A. They supposed to be with their commander.

13 Q. Thank you. Would it have been possible for, say,

14 commanders, sorry commander -- combatants, would it have been

10:08:29 15 possible for combatants in, say, for example Koidu Town or the
in

16 Guinea Highway, to have been sending secret reports to people

17 Koidu -- in Kailahun, without the radio operators knowing
about

18 those secret reports; is my question clear?

19 PRESIDING JUDGE: Take it again; it's not very clear.

10:09:01 20 JUDGE BOUTET: It's not very clear to my either.

started. 21 MR JORDASH: Monday morning, it's very hard to get
22 PRESIDING JUDGE: Yes.
23 MR JORDASH:
24 Q. For example, if Boy George had wanted to send a secret
10:09:16 25 report to Issa Sesay, in 1998, would it have been possible for
26 Boy George to have sent that communication over the radio
without
27 you, the radio operators, knowing about it?
28 A. That is not possible except he move and go to the
location
29 of his boss.

where
1 Q. Right. So he has to travel physically to the place
2 Sesay would be using this example?
3 A. Well, if at all he wants to give his boss information, I
4 think that will be personal.
10:10:12 5 Q. Yes.
6 A. But if it is a military information he had to go through
7 the radio.
8 Q. Why do you say that?
9 A. Well, I think the radio is the medium that serve as a
way
10:10:38 10 of transmitting message, since we were not at the same
location.
11 It is not -- it is not possible for somebody to walk on foot
to
12 go to the other areas, in order to carry information.
13 Q. Okay. So, did you ever become aware at any stage when
you
14 were at Koidu Town, and then later on at the Guinea Highway,
of
10:11:07 15 anyone sending reports secretly or otherwise to Issa Sesay in
16 Kailahun?
17 A. I can't comment on that but, to what I would say,
through
18 the radio no, no message.
19 Q. Thank you. Moving on to another subject. Whilst you
were

10:12:02 20 at the Guinea. Sorry, let me go further back. Whilst you
were

21 at Koidu Town and at the Guinea Highway, I think you referred
22 last week to some kinds of patrols. Am I correct?

23 A. Yes, there was several patrol.

24 Q. And the patrols would involve, generally, how many
10:12:30 25 combatants -- was there a general number?

26 A. Patrol team will not exceed 30 or 40 men.

27 Q. Right. Now, what I want to ask you about is whether you
28 perceived there to be a difference, between, say the
discipline

29 imposed on combatants within Koidu Town and within the camps
in

1 the Guinea Highway as compared to, say, what happened on the
2 patrols?

3 PRESIDING JUDGE: Mr Jordash, can you take that again,
4 please?

10:13:27 5 MR JORDASH: Yes.

6 PRESIDING JUDGE: Please.

7 MR JORDASH:

8 Q. You've spoken about, for example, there being MPs
working -

9 I think certainly you said in the Guinea Highway - and what
I'm

10:13:41 10 trying to understand, and have you explain to the Court is do
you

11 know if there was a difference in terms of the type of
discipline

12 being imposed within Koidu Town itself and within camps where
the

13 RUF were living at Guinea Highway, as compared to, say, the

14 discipline which could or was imposed on these various
patrols?

10:14:11 15 Do you follow what I'm trying to get at?

16 A. Yes, sir. Yes, sir.

17 Q. Was there a difference, in your view?

18 A. Well, for patrol team, that's why we have IOs. These
are

19 people that are hardly recognised amongst us. Their

10:14:42 20 responsibility is to inform commanders on any crime, so if a

21 patrol went on and then somebody happens to do any harm to a
22 civilian, the commander will be informed without the notice of
23 who sent the report. So, I think this was the way crimes were
24 prosecuted.

10:15:17 25
was

26 Q. Are you able to shed any light on whether that system
27 effective or not, when it came to the patrols as compared to,
28 the system and whether it was effective within the camps and
29 within Koidu Town?

the

29 A. Well, within the command areas like in Koidu Town or in

1 Guinea Highway, it is better than patrol, because there you
have
2 the presence of commanders and other units that will apprehend
3 any crime. But, a patrol, sometimes it might happen that some
4 soldiers will go on doing other things to people without the
10:16:30 5 notice of the commander, or the IO that is with a group so, if
6 that happens, I think the report will not come to the
commander,
7 and the perpetrator will go free.
8 Q. Right. So, in the case of a patrol it, at the end of
the
9 day, would depend upon whether the news reached the commander
or
10:17:03 10 reached the IO?
11 A. Yes, sir.
12 Q. And would it depend upon the type of commander who led
the
13 patrol?
14 A. Yes, sir.
10:17:19 15 Q. When you say "Yes, sir" what do you mean? Can you
explain
16 that, please?
17 A. Well, sometimes you have some commanders that are
lawless.
18 Maybe there might be a crime but, if the commander do not
19 prosecute that crime, I think that will not come to the notice
of

10:17:49 20 the High Command.

21 Q. Right. Komba Gbundemba, did he ever lead any patrols?

22 A. Komba Gbundemba was a commander, controlling a large
area.

23 Q. Which area did he control?

24 A. He was controlling Yomandu axis.

10:18:25 25 Q. Do you know if he went on patrols or whether he arranged
26 and organised men from his area to go on patrols?

27 A. Yes; he was organising them.

28 PRESIDING JUDGE: So he never went himself?

29 THE WITNESS: Well, that I cannot tell much because I
was

1 not there.

Komandu

2 JUDGE BOUTET: Can you explain what you mean by the

3 axis.

4 PRESIDING JUDGE: Yomandu axis, yes.

10:19:07 5 JUDGE BOUTET: Yomandu.

6 THE WITNESS: Yomandu and its environs.

7 MR JORDASH:

if

8 Q. What does it include? Or can you name a few villages,

9 you can, in that area, so we get a picture of where it is?

10:19:23 10 A. I don't know the towns, the name of the towns but I know

11 Yomandu and I know there are several villages around Yomandu.

12 MR JORDASH: May I just briefly confer?

13 Q. Let me ask you this: Do you know if Komba Gbundemba --

you

14 well, how would you categorise him as a commander from what

10:20:17 15 saw in terms of discipline and organising disciplined patrols?

16 A. Komba Gbundemba one, is a lawless officer, and one who

17 cannot, I mean, sorry, is not submissive to -- he is not

18 submissive to leadership.

19 Q. And just to be clear -- go on sorry, I interrupted you.

10:20:58 20 A. And even though he was a brave fighter but he lacks

21 discipline.

do, 22 Q. If you don't know, I don't want you to guess but if you
with 23 see if you can assist. If Komba Gbundemba sent out a patrol
24 a particular combatant in command of that patrol, would the
10:21:32 25 combatant on that patrol report back to Komba Gbundemba or
would
26 the commander on that patrol report to someone else?
was 27 A. They were loyal to Komba Gbundemba and Komba Gbundemba
28 also loyal to Superman.
29 Q. But just in a particular example of a patrol, Komba

1 Gbundemba organises a patrol; he sends out 30 or 40 men. When
2 they come back who does the commander of that control report
to
3 when they come back?

4 A. To Komba Gbundemba because he was the commander in that
10:22:21 5 area.

6 Q. Just hypothetically, from what you observed, if Komba
7 Gbundemba wanted to report something about that patrol to
8 someone, who would he report that to?

9 A. To Superman.

10:23:01 10 Q. Thank you. Did you have anything to do with -- no, I
won't

11 ask that. Let me just pick up on another subject of Alfred
12 Brown, just very briefly. Now, you told us on Friday that he
had

13 some personal problem with Sam Bockarie and he went with
Superman

14 to the north. Do you know when that personal problem with Sam
10:23:36 15 Bockarie first began?

16 A. No, I don't know.

17 Q. Do you know what Alfred Brown was doing during the time
of
18 the junta, the AFRC junta?

19 A. He was just an adviser to the signal unit. But he was
not

10:24:09 20 operating as a radio operator.

21 Q. Do you know why?
22 A. Well, he was just playing low profile. I do not know
what
23 was his problem.
24 Q. Are you suggesting he had a problem?
10:24:29 25 A. What I know is that he was not too friendly with Sam
26 Bockarie and he was not happy, but I can't tell you the cause.
27 Q. Right. But that problem then was evident to you during
the
28 junta period. I know you don't know the reason for it but it
was
29 clear to you there was a problem?

1 A. Yes, because of his countenance.

2 Q. When you say because of his countenance, what do you
mean?

3 A. That he was not putting effort in any operation. He was
4 just -- I would say he was just playing low profile.

10:25:18 5 Q. Okay. Did you observe what his relationship with Gullit
period? 6 was? Gullit and other AFRC commanders during the junta

7 A. Well, as he went along with Superman too, I think there
8 where he become close to these guys.

9 Q. Sorry, when did he become close to these guys?

10:25:51 10 A. Well, at the time even let me say the time of the AFRC
when

11 they overthrow, when we were in town he was close to them
until

12 they retreat but he retreated along with us to Superman
Ground,

13 and later on he joined Superman for SAJ Musa's location. And
14 there where he met with Gullit and others.

10:26:29 15 Q. Do you know if there was ever any order or instruction
from

16 any commander to Alfred Brown to go and base north?

17 A. No.

18 Q. Do you have any information as to why he went with
19 Superman?

10:26:53 20 A. Pardon. What I know is that he decided to go with
Superman

21 because he don't want to work with Sam Bockarie.

22 Q. How do you know that?

23 A. Well, he kept saying that he is not happy with Sam

24 Bockarie.

10:27:32 25 Q. Did you hear him say that?

26 A. Yes.

27 Q. Now, after Superman and Alfred Brown and the other radio

28 operators had gone north, you remained at the Guinea Highway.

29 Did you ever hear any information about any men, logistics,

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1 ammunition and so on, ever moving from the Kono axis or the
2 Kailahun axis north, during 1998? I can repeat the question
if
3 you want?

4 A. Okay.

10:28:35 5 Q. Superman heads off with these various people. Do you
know
6 if there was any other movement of men, or supplies, or the
like,
7 after Superman had gone from either Kailahun or from Kono,
8 throughout 1998?

9 A. You mean taking ammunition from where to where?

10:29:10 10 Q. Well, from say, for example, Koidu to Kurubonla or
Kailahun
11 to Koidu, from Koidu to Rosos, or anywhere north, where SAJ
Musa
12 and Superman and those men were; are you aware of any movement
of
13 anything military-wise from the Koidu, from Kailahun, north?

14 A. No, no. That -- that for sure I will tell you that
there

10:29:48 15 was no movement from Koidu or Kono axis towards SAJ Musa's
16 location.

17 Q. You said for sure; can you explain to the Court why you
are
18 sure?

19 A. Yes, I know. I know because I was at the headquarter

10:30:07 20 station and if there is any movement towards SAJ Musa's
location,

21 it might be an order but that didn't happen.

22 Q. Now, you mentioned on Friday that Gullit, as far as you
23 were aware, did not have a radio set?

24 A. Of course.

10:30:37 25 Q. Did you ever hear any message at any stage from Gullit's
26 group or SAJ Musa's group to Sam Bockarie making any requests
for
27 anything during 1998?

28 A. Well, that happened the time they had captured Freetown.

29 Q. I will come to that in a minute because that, as I'm
sure

let's 1 you are aware in -- well, I won't say when I say it was but
2 just deal with that. Before the attack on Freetown, anything,
3 any radio message making any request before the attack on
4 Freetown?

10:31:27 5 A. No. There was no communication, in fact.

6 Q. Thank you.

and 7 PRESIDING JUDGE: You talked of there being no request
8 no communication; between who and who? Mr Witness?

9 THE WITNESS: I mean the AFRC group and the RUF.

10:32:05 10 PRESIDING JUDGE: Okay. Thank you.

11 MR JORDASH:

"no 12 Q. And just so we are as clear as we can be: When you say
13 communication," are you saying no communication at all or are
you

14 saying, as you've -- is the kind of communication which you
spoke

10:32:46 15 about on Friday, between the radio operators, can you just be
as
16 clear as you can about what you mean when you say "no
17 communication" on the issue of requests?

I 18 A. I mean official communication. The other communication
19 was talking about is private communications.

10:32:52 20 Q. Right.

some 21 A. Because we had people amongst us who were friendly to
22 of these guys and we had some SLAs amongst us, who were also
23 friendly to some of these guys.
24 Q. Okay.
10:33:11 25 A. So there was that kind of privileged conversation, which
26 was not permitted but it was -- it was just a secret
27 communications.
28 Q. Thank you, Mr Witness. Now, just moving on a bit.
29 Superman heads north and did he meet SAJ Musa?

1 A. Yes.

2 Q. And do you know if he worked together with SAJ Musa for
a
3 period?

4 A. Well, at first, the first week they worked together.

10:34:13 5 Q. What happened after the first week?

6 A. Well, there was an in-fight between them.

7 Q. How did you come to learn about the in-fight after that
8 first week?

9 A. I made a secret communication with my cousin, Top
Marine,
10:34:37 10 and he gave me the information.

11 Q. During that first week, when they worked together, did
you
12 become aware of any communications between Superman and Sam
13 Bockarie?

14 A. The only communication was when Sam Bockarie instructed
him
10:35:02 15 to report and he violated the order.

16 Q. Do you know, then, if you don't please don't guess, but
do
17 you know then who Superman was taking orders from in that
first
18 week, if anybody?

19 A. Well, at that time, since the violation of Mosquito's
10:35:29 20 order, he was ex-communicated and he was an independent

21 commander.

22 Q. What about before he was -- after his arrival with SAJ,
but
23 before his ex-communication, was he taking orders from
anybody,
24 as far as you are aware?

10:35:49 25 A. Well, no.

26 Q. Why do you say "no"?

27 A. I didn't receive any message from him, or neither
monitor
28 any message sending -- I mean transmitting to Mosquito's
station.

29 Q. Thank you. Now, I think where we left off on Friday,
I'm

1 sorry it's taken us a while to get there but there were a few
2 things I needed to cover. Let's return to the time when Sesay
3 arrives in Koidu and has a meeting which I think you told us
you
4 didn't attend. Are you able to tell us what Sesay, if
anything,

10:36:47 5 said at the meeting about treatment of civilians?

6 A. Yes. There was an instruction from Issa Sesay that the
7 operation is purely on military targets and he advised
everybody
8 not to venture with any civilian target or even to loot. In
9 fact, said anyone caught will be disciplined.

10:37:46 10 Q. And how did you find out this information?

11 A. Well, that was a message to all the commanders and one
of
12 the commanders that led the group that I was with, which was
13 Rambo, had discussion with the combatants before leaving. And
14 his address was that Issa instructed us not to, not to loot or
10:38:26 15 neither hit on any civilian target.

16 Q. After Koidu had been taken, were any other instructions
17 given about which was to be the next target?

18 A. Well, what I know, from Koidu Town, I was instructed to
19 move with my radio, along with Rambo, who was on the advance
10:39:23 20 team, in order to join Bai Bureh. Bai Bureh was on ambush
21 between Ngo Town and Dogboi and he had already captured

22 materials, that's ammunitions. Then we join them for further
23 advance towards Makeni.

24 Q. But was there an instruction about which towns would be
the

10:39:59 25 next target? Did you receive any instructions after Koidu
Town

26 had been captured?

27 A. Well, when we were moving, Rambo told us that we were
going

28 for Makeni.

29 Q. Was Freetown, as far as you are aware, whether through

mentioned 1 command instruction, through talk between the men, ever
2 at this stage, after the capture of Koidu Town?
3 A. No.
4 Q. Did you observe who, if anybody, remained at the
Superman
10:41:07 5 Ground, during the attack on Koidu Town and moving towards
6 Makeni?
7 A. Yes. All the women, children, and some armed men left
8 there.
9 Q. It may be obvious but I will ask the question anyway:
Do
10:41:33 10 you know why they remained there, the women and the children?
11 A. Well, because we were coming to attack Koidu Town, and
they
12 are not actively involved. They are not involved in fighting.
13 So, it is not possible to come along with them on attacks.
14 Q. During the attack on Koidu Town, and moving towards
Makeni,
10:42:08 15 were there any prisoners? Did you observe any prisoners,
16 Mr Witness, or become aware of any?
17 A. Prisoner in Koidu Town?
18 Q. Well, were any of the enemy taken prisoner, as far as
you
19 were aware, whether at Koidu Town or moving towards Makeni?
10:42:56 20 A. Yes. We captured some ECOMOG and were held as prisoners
of

21 war.

22 Q. Do you know what happened to them?

23 A. Well, that I cannot tell, but I -- I heard that they
were
24 taken to Sam Bockarie.

10:43:20 25 Q. Right. During the attacks, do you know if, from what
you
26 observed, certainly with Rambo, or what you heard, whether
Issa
27 Sesay's instructions were followed concerning how to treat
28 civilians?

29 A. Yes.

1 Q. "Yes"; could you expand, please?
2 A. Well, on the way, when we were advancing, we rescued a
lot
3 of civilians. In fact, in the ambush where Bai Bureh
4 mean captured ammunitions from the ECOMOG troops, there were a
10:44:13 5 lot of civilians who were rescued.

6 Q. What happened to these rescued civilians?
7 A. We allowed them to go to the villages, where they would
be
8 safe.

9 Q. Did you travel towards Makeni, Mr Witness?
10 PRESIDING JUDGE: When you say you allowed them to go to
11 certain villages for them to be safe, what do you mean you
12 allowed them? You just allowed them to go like that, or so?

13 THE WITNESS: We were advancing and we could not move
with
14 them, so we allowed them to go where they will save their
lives.

10:45:32 15 MR JORDASH:
16 Q. Did you hear of any civilians being killed, whether
17 intentionally or otherwise, during this attack, Mr Witness?

18 A. No. What I saw with my own eyes, all the dead bodies I
saw
19 were men in combat. That is, ECOMOG troops.

10:45:55 20 Q. Right. Now, did you travel towards Makeni, Mr Witness?

21 PRESIDING JUDGE: What you are saying is that civilians
22 were not killed?

23 THE WITNESS: No civilian.

24 JUDGE BOUTET: And when you say this, you mean in Koidu
10:46:12 25 Town, as well as on your way to Makeni, then in Makeni? So
could
26 you explain?

27 THE WITNESS: All throughout the attack, no civilian
died.

28 The attack was controlled.

29 JUDGE BOUTET: On the same subject matter, you have

1 testified as to military target and civilian target. What do
you
2 mean by civilian target and military target?

3 THE WITNESS: Well, when I say military target, these
are
4 armed men that are part of the fighting group, and civilians
are
10:46:56 5 harmless people; people without guns.

6 MR JORDASH:
7 Q. What about locations? What was considered to be a
military
8 target, in terms of locations on this attack?

9 A. Like, the ECOMOG base, the Kamajor base, these are
military
10:47:42 10 targets because they are in arm also.

11 Q. Were there any civilians in Koidu Town, do you know,
when
12 the attack took place?

13 A. In Koidu Town?

14 Q. Yes.

10:48:06 15 A. Yes. We started the attack on 16, 16 December and
16 continued the 17th.

17 Q. Maybe you misheard the question: Do you know if there
were
18 any civilians in Koidu Town at that time?

19 PRESIDING JUDGE: 16 December of what year?

10:48:30 20 THE WITNESS: 1998.

21 MR JORDASH:

22 Q. When the attack --

23 PRESIDING JUDGE: Were there civilians there? That is
what
24 counsel is asking you.

10:48:46 25 THE WITNESS: We didn't meet any civilians, since we
26 attacked on the 16th, and we could not capture on that same
day,
27 the civilians pulled out.

28 MR JORDASH:

29 Q. Did they pull out alone, or not?

1 A. Yes, the ECOMOG were engaging us in battle, whilst the
2 civilians were pulling out, and some of these civilians we met
3 them on the way.

4 Q. Did they pull out in a particular direction?

10:49:19 5 A. Some of them were heading for Makeni. We met a lot of
them
6 on the way. Even in Sewafe.

7 Q. Okay. Did you travel towards Makeni, Mr Witness?

8 A. Yes, sir.

9 Q. Did you stop anywhere?

10:49:45 10 A. Yes. When we approached Matotoka, not bush.

11 Q. Sorry?

12 A. We were advancing. The interpreter is misquoting me.

13 Okay. Then when we were advancing, I stopped at Matotoka. I
was

14 told to stop at Matotoka and resume operation with a commander
10:50:26 15 called Colonel Jungle, and I was with a radio set.

16 Q. And did you stay there?

17 A. Yes.

18 Q. And when you arrived in Matotoka, were you part of the
19 first movement of the RUF into Matotoka, or did you come after
10:51:04 20 the attack on Matotoka?

21 A. The first group had already passed and moved on to

22 Magburaka.

in

23 Q. And when you entered Matotoka, were there any civilians

24 the village?

10:51:28 25 A. No.

26 Q. Do you know where they were?

27 A. They were living at the surrounding villages.

28 Q. Did you receive any instructions about what to do

29 concerning the civilians?

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1 A. Yes. Issa Sesay instructed the commander to remove the
2 civilians from the bush, and live with them peacefully.

3 Q. Do you know if this happened?

4 A. Yes, it happens.

10:52:16 5 Q. When did the civilians start coming back?

and 6 A. Well, within a week time, we got some of them who came

told 7 stayed with us for a while and then, later on, they went and

8 their people that we were friendly so a lot of them came. The
9 chiefs and other elders, they came and gave us support.

10:52:54 10 Q. Was anything done to give the impression that you were
11 friendly?

to 12 A. Yes. We received instruction that we should allow them

13 go about their normal business, as there was no salt and some
14 other cooking condiments so we allowed them to trade.

10:53:27 15 Q. So who were the civilians at Matotoka trading with, at
this 16 point?

17 A. They were going to the governments held territories like
18 Yele, Bo and even Mile 91. They were going there buying salt,
19 food stuff and bringing them.

10:53:57 20 Q. Were there any CDF in this village, at this time or

21 Kamajors?

happy. 22 A. Yes. They were there and most of the CDFs were not
23 They were not happy with the civilians.
24 Q. Why not?
10:54:23 25 A. They said they were collaborators; that was the cause
why
26 they came and attacked Matotoka.
27 Q. When did they come to attack Matotoka?
28 A. Well, it was just after two months. I think it was in
29 1999, February.

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1 Q. What -- did the RUF respond to the attack?

2 A. Yes. At first they captured the town from us and burnt
3 down all the houses, but we repelled them and drove them back
4 their base.

10:55:09 5 Q. Where was their base?

6 A. Yele.

7 Q. Is that Y-E-L-E?

8 A. Yes, sir.

9 PRESIDING JUDGE: What is the spelling again?

10:55:22 10 MR JORDASH: Y-E-L-E, Your Honour.

11 Q. Was anything done by the RUF to protect the civilians,
12 Matotoka?

13 A. Yes. The RUF were scaring for the civilians. We make
14 we formed a formidable MP, who were vigilant monitoring all
15 civilian territories to avoid soldiers going around villages

16 order to commit any crime, so they were peaceful.

17 Q. Did Issa Sesay have anything to do with this?

18 A. Yes. Issa Sesay was the main commander controlling the
19 attacks all throughout the area.

10:56:53 20 Q. Was there an attack on Teko Barracks?

21 A. Yes. That was the group from Superman's.

that 22 Q. And where was the group which had been led by Rambo at

23 time?

24 A. They too were on the way from Magburaka to Makeni.

10:57:31 25 Q. Did Superman's group encounter Rambo's group at any
stage?

26 A. Yes, there were some friendly fire, but this didn't stay

27 long because they tried, they noticed that they were the same

28 people.

there? 29 Q. Right. After an attack on Makeni, did Superman stay

1 A. He stayed in the town for some time and later went to
2 Lunsar. Lunsar was his base.

3 Q. Now, at the time Superman made his base, do you know
where
4 the Gullit group was?

10:58:34 5 A. Gullit was in Freetown.

6 Q. And at the time when Gullit was in Freetown, do you know
7 where Issa Sesay was?

8 A. Yes. Issa Sesay was in Makeni.

9 Q. Now, at the time Issa Sesay is Makeni and Superman is in
10:59:00 10 Lunsar and Gullit is in Freetown, do you know, or did you hear
11 any information about what life was like for civilians in
Makeni?

12 A. Yes. Makeni was peaceful.

13 Q. Please explain what you mean by peaceful?

14 A. Well, the people there were being treated fine, and Issa
10:59:36 15 Sesay was doing his best to discipline combatants who had
wanted
16 to disturb civilians.

17 Q. Do you know what Issa Sesay was doing, just briefly, to
18 prevent civilians from being disturbed?

19 A. He tried to send the combatants to go ahead and he sent
for
11:00:22 20 administrative units to come in Makeni.

21 Q. Do you know if Rambo was doing anything?

in

22 A. Yes. Rambo was the commander leading attacks.

23 Q. Did he have anything to do with security for civilians,

24 Makeni?

11:00:52 25 A. He was a combatant, and he too would play a part, but he
26 was not responsible for that, anyway.

27 Q. Do you know if any combatants from the Superman group in
28 Lunsar came into Makeni?

29 A. I heard from my own cousin --

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1 Q. Which cousin?

2 A. Top Marine, that he came with a tractor.

3 Q. Who came with a tractor?

4 A. Top Marine, from Makeni. I mean from Lunsar to Makeni.

11:01:48 5 Q. What did he come with a tractor from Lunsar to Makeni to
6 do?

7 A. Well, I don't know. What he told me, he said the
tractor
8 was taken from him by Issa Sesay and he was flogged.

9 Q. Flogged by who, or on whose instruction?

11:02:23 10 A. He said Issa Sesay.

11 Q. Where were you and Top Marine when he told you this?

12 A. He told me this at the time I had gone to Kambia, where
he
13 was.

14 Q. And who was Top Marine reporting to in Kambia, please?

11:03:09 15 A. He was operating with Bai Bureh, tall Bai Bureh, who was
16 the deputy brigade commander to Komba Gbundemba.

17 Q. And where was Komba Gbundemba at this point when Top
Marine
18 is operating with Bai Bureh, in Kambia?

19 A. He was based in Kamakwie but he was going to Kambia,

11:03:47 20 Rokupr, Madina and later returned back to Kamakwie.

21 Q. Thank you. Did you observe Issa Sesay in Makeni doing

security

22 anything personally to civilians? Sorry, to ensure the

23 of civilians?

24 A. Yes. Yes, he was punishing some lawless soldiers.

11:04:27 25 Q. Did you see this?

26 A. Yes.

27 Q. What did you see him do, specifically?

28 A. Well, at the time I went to Makeni, to fetch car battery

29 for my radio, I met Issa Sesay arresting some looted materials

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1 from combatants sending -- and sending them to, sending the
2 combatants to the front lines. That is what I would explain
much 3 about.

4 Q. When you were in Matotoka did you hear about Issa Sesay
11:05:22 5 taking any personal action?

6 A. What do you mean by personal action?

7 Q. Okay. Let me ask a different question. Did you hear
when 8 you were in Matotoka about Sesay's attitude towards rape or
9 anything which indicated his attitude towards rape?

11:05:56 10 A. Well, what I know, that is by information, that Issa
Sesay

11 fired some soldiers for raping.

12 Q. What do you mean "fired some soldiers"? What does that
13 mean? Be specific, please.

14 A. Well, what I mean is that some soldiers were accused for
11:06:30 15 rape, and they were brought before Issa.

16 Q. What did he do, from what you heard?

17 A. Who?

18 Q. What did Issa Sesay do, when the soldiers were brought
19 before him?

11:06:47 20 A. That's what I mean. He fired them. But I don't know
21 actually, because I was not there; that was an information.

22 Q. Yes, it's okay to give information. But the information

somebody? 23 was that he fired them but, what does it mean to fire
24 Help us out a bit.
11:07:10 25 A. Well, that is a gunfire. That's what I mean.
firing 26 Q. I know but there's firing on somebody's finger and
did 27 in somebody's head. Can you distinguish what kind of firing
28 Issa Sesay do?
based 29 A. Well, that I can't explain. I was not there. That's

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1 on information.

2 Q. Yes, but don't be shy, Mr Witness. What did you hear
that

3 he had done? Feel free to speak freely. What did he do, from
4 the information?

11:07:59 5 A. He find out, I think he was -- we had a system of court
6 martial. You will be judged and they will find out if indeed
you
7 are really guilty.

8 Q. When he fired them -- when he fired these men, were they
9 injured or were they dead after being fired, from the
information

11:08:30 10 you received? Please speak freely, Mr Witness.

11 A. I don't want to say something that I don't know.

12 PRESIDING JUDGE: Is he not free?

13 MR JORDASH: Well, I don't know.

14 Q. If you don't know, then that's fine, but I want you to
know

11:08:50 15 that you can speak freely about what you say is the
information

16 you heard about what Issa Sesay did. There is nothing to be
17 frightened of. If you don't know, you don't know.

18 A. That was an information, and I don't know how it
happened.

19 Q. Okay. Let's leave it at that.

11:09:14 20 JUDGE BOUTET: But the information you had was -- can
you

21 repeat what the information was? He fired them or he fired at
22 them? Was he using a gun?

23 PRESIDING JUDGE: Yes.

24 JUDGE BOUTET: I mean, what do you mean to fire
somebody?

11:09:29 25 It may have different meaning.

26 THE WITNESS: Yes.

27 JUDGE BOUTET: It may mean simply that they were no more
28 part of the organisation, he fired them, and so what does that
29 mean, in your language? I mean, you are using the word he
fired

1 them.

2 THE WITNESS: That was gunfire. That's what I mean.

3 JUDGE BOUTET: He shot at them?

4 THE WITNESS: That is what they told me but I don't know
11:09:56 5 whether they die or they got wound. I don't know.

6 JUDGE BOUTET: I know, but I was just trying to ask you
to
7 explain the word fire at them. Fired them. That is what you
8 used. You meant at that time that he used a gun vis-a-vis
these
9 combatants. Whether they were injured, killed or not, you
don't

11:10:13 10 know; am I right?

11 THE WITNESS: Yes, you are correct.

12 JUDGE BOUTET: Okay. Thank you.

13 MR JORDASH:

14 Q. Did you ever hear of somebody called Sahr Quee. S-A-H-
R,
11:10:35 15 second name Q-U-E-E.

16 PRESIDING JUDGE: S-A what?

17 MR JORDASH: S-A-H-R, Your Honour.

18 Q. Did you ever hear of a man called such a thing?

19 A. Yes, sir.

11:10:55 20 Q. Do you know if Issa Sesay had anything to do with him at
21 any stage?

22 A. Yes, sir. Sahr Quee is a citizen of Kono, but he was so
23 bad to his people, so he was one time punished by Issa Sesay
24 because of harassment of civilians, and I was present.

11:11:38 25
me

25 Q. Did you ever receive information about Superman -- let
26 start that again. Did Superman's men come into Makeni during
27 early 1999? You talked about Top Marine, but did other men

from

28 the Superman group come into Makeni and encounter Sesay, do

you

29 know?

1 A. Yes, sir.

2 Q. And did you hear any information about what the attitude
of
3 those men were to Issa and Issa Sesay's activities in Makeni?

4 A. Yes. At one time I was in Matotoka, and it was around
11:13:01 5 March 1999. I heard that the group from Lunsar comprising
and
6 Superman and Gibril Massaquoi and their bodyguards, they came
7 attacked Issa Sesay.

8 Q. Okay. I will come to that in a minute. Let me just go
9 quickly through some issues relating to Freetown and the
attack

11:13:37 10 on Freetown. You were aware, as you said, that Gullit was in
11 Freetown?

12 A. Yes, sir.

13 Q. Are you aware of whether any RUF were in Freetown on
that
14 attack?

11:13:56 15 A. No. I know for sure that the RUF was occupying Lunsar
and
16 Gberi Junction when Gullit and others entered Freetown.

17 Q. Do you know if there was any communication about, before
18 the AFRC went into Freetown, towards the RUF?

19 A. Well, no communication.

11:14:44 20 Q. And you were listening from where, just so that we are
21 clear, where were you operating from at this point?

22 A. Well, from the radio I think, we listen a reporter who
23 reported that the group had captured Waterloo.

24 Q. Sorry. Let me just break this down a bit. First of
all,
11:15:12 25 where were you at the point when Gullit gets into Freetown?

26 A. I had been in Matotoka.

27 Q. Right. And you mentioned a moment ago that you heard
from
28 a reporter; where was the reporter speaking from?

29 A. Well, he was reporting on Waterloo attack.

1 Q. On a station somewhere, or personally or where he is
2 reporting?

3 A. I heard his voice on BBC. I didn't know where he was.

4 Q. Right. And the report was, just briefly?

11:16:04 5 A. That the -- because he reported on RUF.

6 Q. Saying what?

7 A. That RUF had captured Waterloo and they were coming,
like
8 mannas from heaven. Something like that.

9 Q. As far as you were aware, was that accurate reporting?

11:16:36 10 A. No. That was not the RUF group.

11 Q. Which group was it, then?

12 A. It was the AFRC group led by SAJ Musa. And Gullit was
13 deputising him.

14 Q. How do you know that?

11:17:02 15 A. Well, I got to know through some of my -- I had one
friend
16 who informed me.

17 Q. Who was that?

18 A. That was Wako Wako.

19 Q. And who was Wako Wako?

11:17:28 20 A. He was an operator with Superman.

21 Q. Do you know where he was when he sent you that
information?

22 A. He was in Makeni.

23 Q. Do you know the approximate date; are you able to say?
24 A. No, I can't remember.
11:17:53 25 Q. When was the first indication that you became aware of
from
26 the Gullit/SAJ Musa group to Mosquito?
27 A. Well, I was monitoring on the set at Matotoka when I
heard
28 Gullit contacted Mosquito's station and request for Mosquito.
29 Q. And do you know where Gullit was when he made this
contact,

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1 or when he tried to make this contact?

State

2 A. According to his statement, he said they had captured

3 House, and they need reinforcements. So he apologised to

4 Mosquito and asked Mosquito to reinforce him since they were -

-

11:19:10 5 the fighting was so heavy for them.

6 Q. And did you monitor any response from Sam Bockarie?

7 A. Sam Bockarie refused to reinforce them in Freetown.

8 Q. Did you -- sorry?

9 A. But later --

11:19:30 10 Q. Go on?

to

11 A. Later on, I think he instructed to Rambo in order to go

12 Waterloo.

information

13 Q. Did you monitor his actual response or was this

14 you discovered later?

11:19:48 15 A. This an information. I didn't monitor the response.

16 Q. Okay. The information you received later concerning Sam

17 Bockarie's refusal to reinforce, did you receive any other

18 information about the reasons for that?

19 A. What?

11:20:12 20 Q. Did you receive any information as to why Sam Bockarie

21 refused to reinforce?

22 A. Well, these group were not communicating with us and,
23 besides, they had been doing things by themselves, and they
are
24 going to Freetown to capture Freetown, all by themselves.
But,
11:20:45 25 since they failed they wanted the RUF to support them, and the
26 RUF was not too happy about that.
27 Q. And this messages --
28 JUDGE BOUTET: This last answer you gave, Mr Witness, is
it
29 your understanding or something you heard or information you

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1 obtained or it's your own --

2 THE WITNESS: I know that the AFRC were no longer
connected
3 with the RUF.

4 JUDGE BOUTET: I know, I know. But the question you
were

11:21:21 5 asked was: Do you know why Mosquito refused, and you giving
this
6 explanation, this is based on your background information,
7 knowledge of the organisation and the situation or it is
8 something you heard at the time or information you obtained at
9 the time or it is your own appreciation?

11:21:42 10 THE WITNESS: Well, yes. I conclude to say that because
I
11 know how the relationship was and the relationship was not
12 cordial.

13 PRESIDING JUDGE: So it is your conclusion? It is your
14 appraisal of the situation, not that you were told? This is
what
11:22:03 15 my colleague wants to know from you.

16 THE WITNESS: Yes, sir.

17 MR JORDASH:

18 Q. Did you speak to other members of the RUF about this
19 conclusion of yours?

11:22:23 20 A. Yes, I communicate with almost all of the operators in
RUF

and 21 every day. Even the operator that was with Komba Gbundemba
22 Rambo, that was on the advance to Waterloo, they were in
23 communication with me and even Gullit's station, in Freetown,
was 24 Elongima, who was the operator, I know him personally, so I
11:23:13 25 finding information by myself. So I talked to them and asked
and 26 them the situation. In fact, one time I spoke to Elongima,
I 27 he told me that they are in Freetown, chasing the police, and
28 told him that I said "My brother is a policeman and he's in
the 29 eastern part so, please, gentlemen, I don't want you to harm
any

1 police. I pleaded on his behalf. So that was the situation.

2 Q. And just so that we are clear: Was that communication,
and
3 any others you had with Elongima, secret or not?

4 A. Yes, it was secret, because I was monitoring, and I was
11:24:20 5 searching frequencies, and I met them talking to one another,
one

6 AFRC station to another. They were in conversation and I
7 listened while they were speaking. After they finished I
8 interrupted. I called Elongima. I said, "Oh, Elongima, I
heard

9 what you were saying. Please don't be harsh to policemen in
11:24:56 10 Freetown." I had my brother who is a police, so that's for
sure,

11 I did it.

12 Q. Do you know how long the Gullit group had been in
Freetown
13 when Gullit contacted Sam Bockarie?

14 A. It was not -- I think about two weeks.

11:25:38 15 Q. And do you know when it was you had that conversation
with
16 Elongima, how long was it after they'd entered into Freetown?

17 A. I think it was the second day, when they entered
Freetown.

18 Q. Did you at any stage monitor any messages from Issa
Sesay,

19 or his radio operators on his behalf, between Sesay and Gullit
at

11:26:19 20 any stage when Gullit's in Freetown?
21 A. No.
22 Q. Did Gullit communicate with anyone other than Sam
Bockarie
23 from the RUF side when he was in Freetown?
24 A. Only Sam Bockarie I know of.
11:26:56 25 Q. Did the AFRC in Freetown have the codes for the RUF at
this
26 time?
27 A. No.
28 Q. How were they communicating -- how was Gullit
communicating
29 with Sam Bockarie? On which frequency?

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1 A. Well, they come to our national frequency and they
2 interfere in our communications.

3 Q. Right. Did you receive any information about the AFRC,
4 when they came out of Freetown, where they went?

11:28:18
came

5 A. Yes. Some of them came and settled in Lunsar and some
6 in Makeni.

these

7 Q. And were you privy to any information concerning how
8 men behaved, generally, in Lunsar or and Makeni?

11:28:55
generals,

9 A. Yes. When they came Makeni, they were not taking orders
10 from RUF commanders. They had their own self-promoted
11 and they had a lot of boys and arms.

12 Q. Were they, the AFRC that came out of Freetown, just
13 soldiers? Were their numbers made up of only soldiers?

14 PRESIDING JUDGE: And some self-promoted generals.

11:29:29

15 THE WITNESS: No. They had a lot of civilians. Most of
16 the youths that they took from Pademba, and most of the street
17 boys, so they trained them with gun and some were having guns.
18 And these were the most lawless ones.

19 MR JORDASH:

11:29:54

20 Q. How do you know this?

time

21 A. Well, I came to Makeni and I saw their actions, at the

fight

22 I came when Superman arrested me, and that was after the in-

23 between Issa and Superman.

24 Q. Okay. Let's come, then, to -- before we come to the

11:30:24 25 in-fight, actually -- do you know what Sam Bockarie's approach

you

26 was to these men who were not taking orders from the RUF? Do

anyone

27 know if he made any comments or sent any instructions to

28 about this?

situation.

29 A. Yes. He sent a message to Issa to control the

result

1 Q. Did you monitor any messages from Issa Sesay, as a
2 of this instruction?

Sesay

3 A. You know, monitor some messages of reports from Issa
4 to Mosquito, about the disorder, the disorderly conduct of

these

11:31:36

5 AFRC boys.

--

6 Q. Could I ask you about this: Whether civilians were able
7 let me start it again. Do you know when civilians were first
8 able to travel from Makeni to Kono, in 1999?

11:32:25

9 A. I think from January we started receiving a group of
10 civilians.

11 Q. Where did you receive the group?

12 A. We were in Matotoka and it was on daily basis.

13 Q. Did they -- were they able to travel freely?

14 A. Yes. Most of them had pass from the G5 in Makeni.

11:32:54

15 Q. And do you know why they were going to Kono?

to

16 A. Most of them were citizens of Kono, and some were going
17 mine diamond.

from

18 Q. Do you know if, aside from Makeni, civilians travelled
19 other villages and town to Kono, in January 1999 and onwards?

11:33:29

20 A. Yes. Some were coming far off, like Kamakwie axis on to

21 Kono.

Thank

22 MR JORDASH: Could I just take instructions, please?

23 you.

24 Q. I just want to ask you if you know anything about the

11:35:22 25 Yengema training base. Did you hear about it operating in
early

26 1999, in Koidu, or in Kono?

27 A. Yes, I heard of that.

28 Q. Did you hear who was, if anyone, being trained there?

29 A. Yes. Some youths were going there for training.

1 Q. When you say "youths," what kind of age are you talking
2 about?

3 A. Well, we were having some 20 and above.

4 Q. And how do you know that youths were being trained
there?

11:36:21 5 A. I saw some group of youths who were in a truck and all
were

6 singing, whilst they were moving and I asked. They said they
are
7 going on training. At that time I was in Matotoka.

8 Q. Do you know how it was they came to be going training?

9 A. Well, some of these youth were happy to become part of
the

11:37:09 10 RUF, and they wanted to train.

11 Q. You say some of the youths were happy; can you explain
what
12 you mean by that?

13 A. I am talking about the ones I come across for myself.

14 Q. Right. Did you see any children go into the base?

11:37:44 15 A. No, I didn't see any child.

16 Q. Did you hear any information about any children going
into
17 the base?

18 A. That, I don't know, and I didn't see for myself.

19 Q. Did you see anybody being forced to go to the base?

11:38:07 20 A. No.

21 Q. Would you have expected to see that, from your, or hear
22 information about that, whilst you were in Matotoka, if it did
23 happen?

24 A. Well, to my own experience, all those I saw going on
11:38:40 25 training were cheerful, and seems to be happy.

26 Q. Okay.

27 MR JORDASH: Your Honours, I notice the time. I just
want
28 to ask the witness about Bunumbu, but it's a different
subject,
29 although it's a related one. And, if it helps, I'm still well
on

1 schedule to finish by 1.

2 PRESIDING JUDGE: Well, at this stage, this Chamber will
3 recess and resume in the next couple of minutes. We will
rise,
4 please.

11:39:37 5 [Break taken at 11.33 a.m.]

6 [RUF14JAN08_MD-B]

7 [Resuming at 12.07 p.m.]

8 PRESIDING JUDGE: Yes, Mr. Jordash. We understand the
9 Stenographer is not in, so we will just wait a while, and see
if
10 she hops in any time from now.

11 MR JORDASH: Maybe, Colin can step into the bridge.

12 PRESIDING JUDGE: There she is.

13 MR JORDASH:

14 Q. I have decided not to ask you about Bunumbu, Mr
15 Witness, because of some answers you gave earlier, so I will
just
16 finish up with some issues concerning Makeni and the infight,
but
17 we are almost there. Could I ask, I don't know if I'm --
okay,
18 I'll delay that. I want you to have a look at the radio
message
19 but we need to obtain a copy first. So let me ask you this:
20 Concerning the youths who were going to train, did anybody at

Was
there
12:18:21
the

21 this point in time in early 1999 -- let me start that again.
22 there a time when Kailahun was referred to as Bokina? Was
23 a time during the conflict, I mean.
24 A. Well, I think in the jungle periods.
25 Q. Right. And I think you told us the jungle period was up
26 until 1995; is that right?
27 A. 1994, 1995, to 1996.
28 Q. Okay. Do you know if at the time youths were going to
29 Yengema training base, whether there was any youths going to

1 Kailahun to be trained?

2 A. I don't know because the time I was in Matotoka, I saw
3 youths going to Kono for training. I don't know where they
were
4 going to Kailahun to.

12:19:14 5 Q. Did anyone refer to Kailahun as Bokina at that point,
6 within the RUF, that you know?

7 A. No, I don't know.

8 Q. Sorry, "no, I don't know," does that mean no they were
not
9 or you don't know?

12:19:29 10 A. I don't know if there were anybody calling that area as
11 Bokina.

12 PRESIDING JUDGE: Were you aware of any terminology,
during
13 your life in the RUF, which was like Bokina?

14 THE WITNESS: That's why I said it was in the 1994, '95,
in
12:19:54 15 the jungle periods, Kailahun was referred to be Bokina.

16 PRESIDING JUDGE: I see.

17 MR JORDASH:

18 Q. Do you know if -- you told us that there were no
children,

19 as far as you were aware, going to Yengema. Do you know if
any

12:20:16 20 children were being recruited and taken to either Kailahun or

I'm 21 Magburaka; did you receive any information about that? And
22 referring to 1999?
23 A. I didn't see any children with my own eyes.
was 24 Q. Do you know, Mr Witness, how widespread the information
12:21:03 25 concerning Issa Sesay's attitude to civilians within this
period 26 of 1999?
27 A. Well, to my own knowledge, Issa Sesay was a friend of
the 28 civilians.
29 Q. How widespread, if at all widespread, was that
information

1 in 1999?

2 A. Well, in the entire Makeni, I think if you ask any
3 civilian, they will tell you that Issa Sesay was so friendly
4 to them and was just against the combatants, who were lawless.

12:21:58 5 Q. Now, you have mentioned an infight between Superman and
his men from Lunsar. Did you know, or did you learn, what was the
6 reasons for that infight?
7

8 A. Well, I know at one time Foday Sankoh had wanted to
9 speak to Sam Bockarie and Issa. He contact them through the radio
but

12:22:35 10 their radio was off. They couldn't get them so they called
11 Superman and Gibril Massaquoi and asked, "Why is Issa and Sam
12 Bockarie not available to speak to me?" And they said, "Oh,
13 Poppay, we know what is the situation." And they said, "But
we
14 they will take care of that." And what next I heard, overnight

12:23:10 15 came in Makeni and attacked Issa but, to my understanding,
there
16 was a grudge between them. They said Issa Sesay is against
them.

17 And I think it was because of the strict or the strictness of
18 Issa Sesay's command that made these commanders to go against
19 him. And he was attacked and just, fortunately for him, he
was

12:23:52 20 able to escape the attack.

21 Q. And where were you, during this attack?

22 A. I was an operator based in Matotoka.

23 Q. And did anything happen in Matotoka? Did anybody come
into

24 Matotoka as a result of the infight?

12:24:15 25 A. Yes. The first group I saw was Issa Sesay's bodyguards.

26 They came and met me in Matotoka and told me the situation and

27 they left and secondly, I saw Issa Sesay himself. He came out
of

28 the bush where he fled. And he came to Matotoka and they gave

29 him one escort, who rode him on a bicycle to Mackaly.

1 Q. Who gave him an escort?

2 A. That was the MP. One MP assigned in Matotoka went with
3 him.

4 Q. And after he'd left and went to Mackaly, do you know if
12:25:04 5 anyone else went to Mackaly after that?

6 A. Yes. I saw, that was I think about two days ago,
7 Superman's bodyguards came and they came in a vehicle.

8 Q. You said two days ago?

9 A. Yes. Just after the attack on Makeni.

12:25:25 10 Q. Two days after?

11 A. Yes, two days after.

12 Q. Right. And they came for what reason, did you learn?

13 A. Well, they came and asked me if I saw Issa Sesay. I
said

14 no. They said, "Okay, well, we are going to find him.
Wherever

12:25:43 15 we see him we are going to kill him." And they passed and
went

16 to Mackaly. I went and opened my radio. I started contacting
17 the station in Mackaly in order to give them the information
but

18 unfortunately, the set was off, so they arrived in Mackaly and
19 attacked him there.

12:26:09 20 Q. Now, you made mention before the break about you had
been

21 arrested by Superman. What were the circumstances of that?

22 A. Well, it was just after the infight and Foday Sankoh had
23 already passed instruction that nobody should attack his
friend
24 as we are all brothers and things were now coming under
control
12:26:32 25 but at that time Superman was in charge of Makeni now,
alongside
26 the AFRC boys so I left Magburaka. At that time I was in
27 Magburaka. So I left there to go to Makeni in order to buy
some
28 salt and other things for myself and upon my arrival in Makeni
I
29 was apprehended. Superman said that I was a spy, I was sent
by

1 Mosquito and Issa in order to get him, you know. They
arrested
2 me and took me to the house, Superman's house, where I was
kept
3 under detention and he was about to kill me but I think he was
4 advised by some commanders not to kill me.

12:27:46 5 Q. And what did you do? How long were you kept in custody?
6 A. I was kept in custody for one week and after that, he
7 released me on condition. He said I should not go back to
8 Magburaka. If I attempt going back and I happened to be
caught I
9 will be killed and he had his securities right along the
10 Magburaka/Makeni highway and I saw it as dangerous for me to
12:28:16 10 go
11 so I decided to escape, to go Kambia area where my cousin was
at
12 that time. That was Top Marine.

13 Q. And do you know, you had been with Issa Sesay on the
14 attacks from Koidu Town and then based in Matotoka, do you
know
15 if there were other men who had been under the command of
12:28:51 15 Sesay
16 during those attacks in Makeni at that time?
17 A. The men I know were Rambo; Rambo was taking command from
18 Issa, but he was killed in Makeni.

19 Q. Let me try to put my question a bit more clearly. You
12:29:25 20 talked about bodyguards leaving Makeni, Issa Sesay leaving

21 Makeni. At the time of the infighting did any of Issa Sesay's
22 men remain in Makeni after he had been chased out, do you
know?

23 A. No. In fact, they were hunting for them so no one could
24 stay there.

12:29:48 25 Q. And do you know where they went, the men who had been
under

26 Issa Sesay's command?

27 A. Some settled in Magburaka and onwards to Kono.

28 Q. Okay. Do you know -- after the infighting, do you know
29 where Elevation was?

1 A. Well, after the infight, when everything had come under
2 control, at the time I went, I escaped from Makeni to
Kamakwie,
3 on my arrival at Kamakwie, I met a friend called Wako Wako,
who
4 was the operator there, and Wako Wako gave me the chance to
12:30:46 5 operate on the radio. As I get on the radio I contacted Buedu
6 station and at that time Elevation was there. I gave him the
7 information that I was attacked -- I mean I was arrested by
8 Superman, but, thank God, I've managed to get on to Kamakwie
here
9 and Superman was on the monitoring and I didn't know at that
12:31:12 10 time.

11 Q. Sorry, what was the last sentence you said?

12 A. Superman was monitoring me when I gave the information
to
13 Elevation.

14 Q. Now, I want you to have a look at one radio message,
12:31:30 15 please. Your Honours, it's page 08 -- it's Exhibit 32, and
it's
16 page 00008697. Sorry, 8696. Actually, before I ask you to
look
17 at that, could I just ask you: Do you know when if at all --
18 Mr Witness, could I just pause you there a minute. Do you
know
19 when it was, if at all, Issa Sesay --

12:32:24 20 PRESIDING JUDGE: What page is that?

21
communication

MR JORDASH: 8696, Your Honour. It's a radio

22 from 27 July 1999.

23 Q. And before I ask you about this, Mr Witness, do you know

24 when, if at all, Mr Sesay came back to take any kind of
command

12:32:42 25 in Makeni, in 1999, after the infight?

26 A. Yes, he was instructed by the leader, Foday Sankoh, to
go

27 back and take command.

28 Q. When? Do you know when, approximately?

29 A. I can't actually remember.

1999 1 Q. Do you know if it was the beginning, middle or end of
2 or after that?

was 3 A. I think that was after the signing of the peace, which
4 on 7 July 1999, and I think just after July, I think it was
12:33:44 5 around that period, August, or so.

6 Q. Okay. Now let me ask you, if I can, to look at the
7 message, which is the second message on page 8696, and it's
dated 8 27 July 1999, and it's from Smile to Brigadier Mani. Would
you 9 just read that to yourself and then go over the page to where
it 10 ends?
12:34:12 10

11 A. Well, I cannot comment more on this message.

12 Q. That's okay.

13 A. To my knowledge, I can't comment on this message more,
14 because at this period it was the time I was banned from the
15 radio by Superman, not to operate any more on his radios
12:35:16 15
around 16 that area, because he was controlling those areas, so I was
17 banned at that time. I was not operating.

18 Q. Very well.

19 A. But, to my understanding, when you say from Smile, that
12:35:32 20 it's from Foday Sankoh; he was having the code-name Smile.

21 Q. Let me ask you this question, then: Were you aware of
22 Brigadier Mani's presence in Makeni after Sesay had been
driven
23 out?

24 A. Yes, yes. He was there.

12:36:16 25 Q. You have seen a message, and there is a reference to
26 abducted women from Freetown. Are you aware of Brigadier Mani
27 and who was in Freetown with him, sorry, who was in Makeni
with
28 him? I think what I'm asking you is were you aware that there
29 were abducted women with Brigadier Mani?

1 A. Yes. I know that Brigadier Mani and most of these guys
2 from Freetown came along with women from Freetown.

3 Q. And did you ever receive any information, or from your
own
4 personal observations, that Sesay had any command over Mani?

12:37:03 5 A. Sorry?

6 Q. Any command over Mani.

7 A. No. Mani was just commanding his own RUF boys. He was
8 not, in fact, cooperating with the RUF.

9 Q. Mani was commanding his own --

12:37:24 10 A. AFRC boys.

11 Q. Right. During this period after Sesay has been driven
out,
12 were you aware, when you were visiting Makeni, as to whether
Mani
13 and Superman, and any other commander who remained, whether
they
14 had any child soldiers? Don't guess. If you know, please
say.

12:38:09 15 If you don't, don't.

16 A. Well, to my understanding, there were some little boys
with
17 these AFRC guys that came from Freetown and I saw some of
them.

18 Q. Just so we are clear: When was it you saw these boys,
19 child soldiers, with these men? When was it in Makeni you saw
12:38:23 20 that?

21 A. At the time I came to Makeni, when I was arrested by
22 Superman.

23 Q. And how long after the infighting was it when you were
24 arrested by Superman?

12:38:35 25 A. I think it was about, just after one or two months.

Sesay 26 Q. And at the time when the infighting took place, and

27 fled and his men fled, did you observe any child soldiers with
28 Sesay?

29 A. No.

Boy
the
to

1 Q. And Mr Sesay's bodyguards, you've referred to, I think
2 George and Victor, arriving in Matotoka; do you know whether
3 bodyguards Sesay had at that time were the same or different
4 the ones he had in 1998 and 1997 and 1996?

12:39:48
get

5 A. Well, these were the same bodyguards from '96, when I
6 to Giema. All the bodyguards that were with him were the same
7 bodyguards.

8 Q. Thank you. Sorry, I should have, probably to be clear,
9 have asked you about General Bropleh. Was he in Makeni after
12:40:36 10 Sesay left in 1999?

11 A. Yes, he too was there, and he was the boss for the STF.

soldiers

12 Q. And did you observe whether there were any child
13 with him left in Makeni?

him,

14 A. I don't know actually because I was not too close to
12:40:41 15 and I didn't go to his house to find out.

ask

16 Q. Fair enough. Okay, then. The last subject I want to
17 you about is the Okra Hills. Did you become aware of any men
18 basing in the Okra Hills in 1999?

19 A. Yes.

12:41:06 20 Q. Do you know where they came from, before going to base
in
21 the Okra Hills?
22 A. Yes. These were the boys in Makeni. When it came to a
23 time when the RUF could no longer compromise with the
behaviours
24 of these guys and there was an infight which took place
between
12:41:28 25 the AFRC and the RUF, so they were driven out of Makeni, so
they
26 went and formed their own base at Okra Hills and these boys
were
27 also attacking the RUF positions.
28 Q. Now, let's try to get some names. Who was it who the
RUF
29 could not compromise with and who went to base in Okra Hills?

1 A. Like, you have Gullit; we have Bazzy; we have, like,
2 Terminator. Just these names I can remember.

3 Q. Who did they take orders from, as far as you could
discern?

4 A. Well, I think they were saying that they were against
the
12:42:31 5 peace deal, as they have -- they saw themselves, left out in
the
under
6 peace deal, since their boss, Johnny Paul, is under duress,
Mosquito's
7 duress, as they said. JP had been under arrest under
were
8 command, and they want him, they want him released so they
9 not cooperating with the peace. They said they make sure they
12:43:00 10 disrupt the peace talks. That's what their motive was.

11 Q. Did you ever monitor any radio message from Sam Bockarie
12 towards these men, Bazzy and Gullit, at the time when they
were
13 at the Okra Hills?

14 A. From Mosquito to Bazzy?

12:43:24 15 Q. Yes.

16 A. No, we had no -- I mean, Mosquito had no communication
with
17 them.

18 Q. Did they have another name, these men from the Okra
Hills?
19 A. The name, the popular name was West Side Boys.

12:43:44 20 Q. Did they have any other name, beside that?
21 A. No, I didn't know any other name for them.
22 Q. Okay. Did the RUF, or any faction of the RUF, do
anything
23 about the Okra Hills and the men there?
24 A. Well, the only thing was that the RUF repelled them in
the
12:44:46 25 attacks because several times they come to attack the RUF
26 positions, even in Lunsar and around the Port Loko axis, they
27 were attacking some other towns causing havocs, and these was,
I
28 mean, this message, I mean these were in reports, several
reports
29 to Foday Sankoh, reporting the behaviours of these boys.

1 Q. Okay. I said that was the last subject but it wasn't.
2 This is the last subject. Did there come a time when you went
to
3 Kono, Mr Witness?

4 A. Yes. It was in April 2000 when I returned back from
12:45:34 5 Rokupr, that is Kambia District, I returned from Rokupr to
Kono.

6 Q. Okay. Who was in command in Kono at that point?

7 A. At that time, Issa Sesay was in command.

8 Q. Did you work when you arrived in Kono?

9 A. Well, for the few time I arrived in Kono I was not
working.

12:46:01 10 I was just staying with my brother who was mining diamond and
I
11 help him to mind his workers.

12 Q. And who was the mining commander at that point?

13 A. At that time, you have Kennedy, and also one Alpha
Fofana,
14 who died in the CDF attack on Koidu.

12:46:33 15 Q. And were civilians mining?

16 A. Yes. A lot of civilians were mining.

17 Q. Why were they mining?

18 PRESIDING JUDGE: Where do you say Kennedy was?

19 THE WITNESS: In Kono.

12:46:46 20 PRESIDING JUDGE: Yes. What was he in Kono, mining
what?

21 THE WITNESS: Diamonds.

22 PRESIDING JUDGE: Did he have a title for that? Did you
23 attribute a title to him for that?

24 THE WITNESS: As mining commander.

12:47:04 25 PRESIDING JUDGE: He was a mining commander. Yes.

26 MR JORDASH:

27 Q. Did you observe why civilians were mining? Sorry, let
me

28 rephrase that. Did you observe the mining conditions --

29 PRESIDING JUDGE: He was the RUF mining commander?

1 THE WITNESS: Yes, sir.

2 MR JORDASH:

3 Q. Did you observe the conditions of the mining, or the
4 conditions of the civilians who were mining at that point in

12:47:35 5 Kono?

6 A. Yes. When I get to the mining site, where my brother
7 mining, I got to understand that they were mining also three-
8 pile

8 system. That is --

9 Q. Go on.

12:47:53 10 A. -- one pile for the labour, which is for those who are
11 working there, the labourers, and one pile will be for the
12 expenditure, that is the man, the person that is doing the
13 spendings, the buying fuel, providing machine to bale the
water

14 and then you have the one for the security. It's the security

12:48:28 15 pile. That is meant for the RUF. As the RUF is responsible
for

16 security, then there were bound to give a part of that gravel,
17 share of the gravel, to the RUF.

18 Q. And did you have a role to play at that particular
mining

19 spot?

12:48:56 20 A. Well, at that time I was just helping my brother. My

go 21 brother, too, had some workers, who were working for him so I

gravel 22 along with them. Look after them while they were washing

23 to see if there would be any diamond.

24 Q. Were the workers civilians or fighters or both?

12:49:17 25 A. The workers, most -- some of them were fighters, some of
26 them were civilians.

27 Q. And how were they treated? The civilians, that is?

diamond, 28 A. Well, they have a condition that when they got a

29 they will sell it to my brother. He would buy it from them.

1 That is based on agreement. If the workers do not agree with
the
2 price my brother is paying, we pay them for the diamond, they
3 have to take it to a jeweller, that is diamond buyers, and
sell
4 it together and then you would have a share. The one share
will
12:50:03 5 go to the workers and the one share will remain to my brother
6 because he is responsible to feed them and do every expenses.
So
7 that was the agreement.
8 Q. And where were the miners coming from, the miners that
you
9 were working with, but also other miners in Kono, as you
12:50:21 10 observed?
11 A. Well, they came from various parts. Some from Makeni,
12 Magburaka, Kamakwie, even Kambia, wherever the RUF was
occupying.
13 Even some people came from Freetown, you know, going to the
14 diamond mining areas to dig diamonds.
12:50:43 15 Q. Thank you. Did you hear about -- actually, before I ask
16 that, which area was this, that you were working in?
17 A. You mean in Kono?
18 Q. Yes.
19 A. At Ngaia.
12:50:57 20 Q. Can you spell that, please?

the

21 A. That is N-G-A-Y-A [sic].

22 Q. And do you know if the mining conditions in Ngaia, were

23 same or different to the mining conditions elsewhere in Kono?

24 A. Well, I don't know. I will speak more about the place I

12:51:23 25 visited.

26 Q. Fair enough. Finally, did you hear about incidents with

27 the UN and the RUF in Makeni in May of 2000?

28 A. Yes, I heard of it.

29 Q. Where were you at that time?

1 A. I was in Kono.

2 Q. Do you know where Issa Sesay was at that time?

3 A. Yes, he was in Kono too.

4 Q. He was?

12:51:51 5 A. In Kono.

I've

6 MR JORDASH: Could I just take instructions? I think

you

7 finished. I have got no more questions. Thank you. Thank

others.

8 very much, Mr Witness. There will be some questions from

9 PRESIDING JUDGE: Yes, Mr Dumbuya. You may proceed with

12:53:50 10 your cross-examination of this witness.

11 MR DUMBUYA: Thank you, Your Honour.

12 CROSS-EXAMINED BY MR DUMBUYA:

13 Q. Good afternoon, Mr Witness.

14 A. Good afternoon, sir.

12:54:01 15 Q. I will be asking you some questions on behalf of Mr
Kallon.

16 If you do not understand any of my questions, then pause.

it's

17 Please, do not hesitate to say so. I will repeat it or if

18 not clear, I will try to make it clear.

19 A. Okay.

12:54:38 20 Q. Now, you remember when you testified on Friday, you
spoke

21 about the jungle period, and specifically you mentioned two
22 jungles; that is the Northern Jungle, which you said was also
23 known as Kangari Hills, and you also mentioned the Western
24 Jungle; was that right?

12:55:09 25 A. Yes, sir.

26 Q. Now, in dealing with these jungles, you indicated that
27 there were no farmings and there were no schools going on in
28 these jungles; am I right?

29 A. Yes.

were
was
heart

12:56:07

1 Q. Now, if I suggest to you that farmings and schoolings
2 not going on in the Northern Jungle specifically because this
3 an area where it was not a town, it was in the heart of the
4 jungle, it was not like a village or a town, it was in the
5 of the jungle?

6 A. Yes, of course.

7 Q. And normally, fighters would leave this jungle and would
8 attack towns surrounding the Northern Jungle?

9 A. You're right.

12:56:35

10 Q. And when they attacked these towns, normally, they would
11 attack the military targets; that is, where Kamajors and
12 government forces were?

13 A. Yes, you're correct.

12:56:59
Mile

14 Q. And in these fightings that went on, for example, like
15 places like Mackaly, Masingbi, Matotoka and Makokori, Yele,
16 91, Tongi, Gulama and Mondema, these were the villages or the
17 towns surrounding Kangari Hills; am I right?

18 A. You are correct.

in

12:57:26
side

19 Q. And normally in the fightings civilians would be caught
20 the middle and those civilians who happened to fall on your

21 would be taken for safehaven in the Kangari Hills?

22 A. Yes. Not all but some because, you know, most of them
23 flee.

24 Q. Yes. Those who find themselves within the RUF areas?

12:57:51 25 A. Yes.

26 Q. During the fighting?

27 A. Yes, sir.

28 Q. And you agree with me that you were not the only ones,
the

29 RUF were not the only ones who would normally attack the

1 government forces in this town but they, too, persistently
2 attacked the Northern Jungle, Kangari Hills. They attacked
your 3 bases persistently?

4 A. Yes, both on land and in air.

12:58:21 5 Q. And, because of that, that was why Gibril Massaquoi was
6 sent to the base to train those civilians who were there for
7 self-defence, just in case government forces attacked the
8 Northern Jungle?

9 A. Yes, but purposely, Gibril Massaquoi's mission was to
12:58:55 10 train, I mean, combatant that was called an advance training.
11 That is training combatants to be fit and also to impact the
12 ideology in them, so that they will know exactly how to behave
13 within the RUF, and also there were some civilians too, who
were 14 trained. Those who were physically fit.

12:59:26 15 Q. Okay. Thanks for that. And would I be right to suggest
to 16 you that because of these persistent attacks in this Northern
17 Jungle it wasn't possible for things like farming and
schooling 18 to be going on in the jungle?

19 A. You are right.

12:59:59 20 Q. Now, you mentioned yesterday that when these towns were
to 21 attacked food were normally taken by combatants. Now, I want

22 suggest to you that the food that were taken were those foods
23 that are normally met at the military base, clothing at the
24 military base and ammunitions at the military base.

13:00:25 25
came

PRESIDING JUDGE: Why don't you ask him where the food
26 from, if he talked of food, as he indeed did yesterday, where
did
27 this food come from?

28
29
from

MR DUMBUYA: Your Honours, I am sorry, that's why I'm
suggesting to him that those foods that he talked about came

1 the military bases. I'm suggesting to him.

You

2 PRESIDING JUDGE: All right. Okay. You are free to.

3 are in cross-examination.

4 MR DUMBUYA: As Your Honour pleases.

13:00:55 5 that

THE WITNESS: Well, I said it earlier in my statement

6 we were targeting military bases and whatever we find in that

reliant,

7 areas, all that is essential to us, as RUF who were self-

8 we don't have supply from anywhere, so, I mean, food is also

bases.

9 essential for us, so we take food along from the military

13:01:29 10 the

PRESIDING JUDGE: So all the food you acquired during

11 attacks was only retrieved from the military bases which you

12 attacked?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: And from nowhere else.

13:01:43 15 that

THE WITNESS: Well, as far as I know, there is no town

16 we attacked that civilian based without -- we don't attack

17 civilian target anyway. We attack military targets, where

from.

18 military is based, so these are the areas where we get food

19 MR DUMBUYA:

13:02:10 20 Q. Now, Mr Witness, you remember when you spoke about the
time
21 you came to the Northern Jungle, with CO Lawrence. Now, if I
am
22 right, you say so if I am not, be free to say so, was it in
1994,
23 1995 you said you came to the Kangari Hills, to the Northern
24 Jungle?
13:02:46 25 A. It was in 1994.
26 Q. 1994?
27 A. Yes.
28 Q. Am I right to say that when you came to the Kangari
Hills,
29 in 1994, Mr Morris Kallon wasn't there? You didn't meet

1 Mr Kallon there?

2 A. You are correct.

3 Q. Now, if you know, you say you know. Let me pose this
4 question: Now, you remember when you were attributing

weakness

13:03:41 5 to Superman, you -- his Lordship inquired into the subject and
6 you attributed weakness to Superman because you said he could
7 not -- he was weak in disciplining RUF combatants who

committed

8 some crimes, atrocities?

9 A. You are correct.

13:04:05 10 Q. Now, you also mentioned that at one point in time you
met

11 Mr Kallon at a muster parade; is that correct?

12 A. Yeah, you are correct. That was in Superman Ground.

13 Q. Okay. Now, would I be right if I suggest to you that
there

14 was a time, in Kono, when Mr Kallon and Superman became uneasy
13:04:52 15 bedfellows; they could not go along together?

16 A. What I know, later on, Kallon was, I mean Kallon left,
but

17 I don't know what was the problem.

18 Q. Okay, then.

19 PRESIDING JUDGE: Kallon left what? Left what?

13:05:25 20 THE WITNESS: Left Superman Ground. He left Superman
21 Ground.

22 MR DUMBUYA:

23 Q. Now, Mr Witness, in 1996, whilst you were at the Western
24 Jungle, if you know you say so, if you don't it's okay, do you
13:05:53 25 know where Mr Kallon was at the time? In 1996?

26 A. You mean 1996, when I was in Western Area?

27 Q. Yes, the Western Jungle?

28 A. Well, I think Western Area, I was not there. I wasn't
29 there at that time. I said I went to Zogoda, as I told you

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Ivory
Zogoda,

1 earlier, that when Foday Sankoh left for the peace talks in
2 Coast, Mohamed Tarawallie was called to take command in
3 and I went along with him.

4 Q. Okay.

13:06:33 5 A. Yes.

6 Q. Now, after that you say when Sankoh came back Mohamed
7 Tarawallie was missing in action, and Sam Bockarie was put in
8 charge?

9 A. Yes, sir.

13:06:46 10 Q. And, in fact, in your words, Sam Bockarie was promoted?

11 A. Yes, sir.

12 Q. At that point in time, do you know where Mr Kallon was,
13 when Sankoh came back from Ivory Coast?

14 A. I was made to understand that Kallon was in Liberia.

13:07:23 15 PRESIDING JUDGE: Mr Dumbuya, it's 1.

16 MR DUMBUYA: As Your Honours pleases.

17 PRESIDING JUDGE: We would end the proceedings here and
18 resume at 2.30.

19 The Chamber will rise, please.

13:08:47 20 [Luncheon recess taken at 1.00 p.m.]

21 [RUF14JAN08C - MD]

22 [Upon resuming at 2.45 p.m.]

23 PRESIDING JUDGE: Learned Counsel, good afternoon, Mr
24 Dumbuya.

14:54:50 25 MR DUMBUYA: Yes, Your Honour.

26 PRESIDING JUDGE: You may please proceed, if you may.

27 MR DUMBUYA: Thank you, Your Honour.

28 Q. Good afternoon, Mr Witness.

29 A. Good afternoon, sir.

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1 Q. Now, Mr Witness, we are still at the Kangari Hills and I
2 just want to ask you a few questions before we move out of
that
3 area. Now, you remember when you were led in chief you said
that

4 CO Mohamed Tarawallie, CO Lawrence, Gibril Massaquoi, and some
14:55:46 5 others left the Northern Jungle for the Western Jungle?

6 A. Yes, but CO Mohamed came from Rutile and joined Gibril
7 Massaquoi from the Northern Jungle to go and form the Western
8 Jungle.

9 Q. Now, you also indicated that when they went to the
Western
14:56:20 10 Jungle, CO Isaac Mongor and CO Georgee were left in charge of
the
11 Northern Jungle, Kangari Hills?

12 A. Yes, you are correct.

13 Q. Now, as far as you know, if you know you say so, if you
14 don't, it's not a problem, I want to suggest to you that from
14:56:53 15 that time when you left CO Isaac and CO Georgee at the
Northern

16 Jungle, Kangari Hills, they were in charge until the time the
RUF
17 joined the AFRC, in 1997?

18 A. You are right.

19 Q. Will I also be correct to say that there were RUF laws
14:57:39 20 relating to rape, harassing of civilians, lootings, within the

21 RUF?

22 A. Yes, you are correct.

23 Q. Is it right to say that those laws were followed to the
24 letter for combatants who were at the Northern Jungle?

14:58:14 25 A. Well, these were RUF laws and all commanders were
expected

26 to abide by it.

27 JUDGE BOUTET: What does that mean?

28 THE WITNESS: Well, I mean --

29 JUDGE BOUTET: The question you were asked is whether or

1 not you know they abided by the law not whether there were
laws, 2 as far as you know.

3 MR DUMBUYA: As far as you know.

4 JUDGE BOUTET: As far as you know. If you don't know,
say 5 I don't know.
14:58:42

6 THE WITNESS: No, I don't know because I was not there.

7 MR DUMBUYA:

8 Q. At the time you were there, these laws were followed?

9 A. Yes, they were followed but, as you know, there were
some 10 mistakes.
14:59:00

11 Q. I can understand that.

12 A. Well, what I mean is, you know, man is not perfect. I
13 can't deny the fact that there was no crimes at all, but there
14 was some measures put in place to, you know, discipline the
15 culprits.
14:59:31

16 Q. Thank you, Mr Witness. That's exactly what I wanted to
17 come to.

18 JUDGE BOUTET: But, Mr Witness, when you say this, this
is 19 for the period '94, '95; am I right?

14:59:47 20 THE WITNESS: You are right, sir.

21 JUDGE BOUTET: Okay, thank you.

22 MR DUMBUYA:

23 Q. And, Mr Witness, the units, like the MPs, were operating
at
24 the Northern Jungle whilst you were there and also when you
left?

15:00:01 25 A. Yes.

26 Q. And they were responsible to discipline soldiers?

27 A. Yes, sir.

28 Q. At the Northern Jungle?

29 A. You are correct.

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1 Q. Now, Mr Witness, you did indicate that there was a time
2 when the various jungles could not move. Like, for example,
the
3 Northern Jungle could not move to the west, and the north
could
4 not also move like on to Kailahun. There was a time?

15:01:01

5 A. Yes.

6 Q. And that was as a result of persistent attacks from the
7 Kamajors and the government forces so it was practically
8 impossible?

9 A. Of course.

15:01:29
AFRC

10 Q. Now, Mr Witness, you remember when the RUF joined the
11 in 1997?

12 A. Yes, sir.

13 Q. And by that time, in 1997, you had known about Morris
14 Kallon?

15:02:05

15 A. Yes, sir. I noticed Morris Kallon's presence now in
16 Freetown.

17 Q. Now, would I --

18 PRESIDING JUDGE: That is not -- I don't think that
19 provides an answer to the question.

15:02:23

20 MR DUMBUYA: As Your Honours pleases.

21 Q. I just asked whether in 1997 you had come to know Morris
22 Kallon?

23 A. Yes, sir.

24 Q. I want to suggest to you that immediately following your
15:02:55 25 arrival in Freetown, the RUF arrival, Mr Kallon was, for some
26 time, based in Makeni?

27 A. I don't really know.

28 Q. Mr Witness, are you aware that some time at about August
in
29 1997, that Mr Kallon was posted to Bo?

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1 A. Yes, I heard of it.

2 PRESIDING JUDGE: What month was that? In August 1997.

3 MR DUMBUYA: 1997.

4 Q. Now, Mr Witness, you spoke about the time of the ECOMOG
15:04:22 5 intervention into Freetown when the RUF and the AFRC pulled
out
6 of Freetown?

7 A. Yes.

8 Q. And you also informed the Court that many civilians, who
9 were labelled as collaborators, or who were friends or family
15:04:44 10 members of RUF pulled out with the RUF and AFRC?

11 A. You're right.

12 Q. Now, if you know, Mr Witness, you know, if you don't,
it's
13 okay. Now, did you, at the point in time when you were in
14 Freetown, did you get to know about the name Sheikh Musta Bah.

15:05:13 15 He was a renowned Sheikh at Fourah Bay?

16 A. Yes, I heard of him.

17 Q. And you knew at the time that he was killed?

18 A. Yes, by I think pro-government militias.

19 Q. Yes, pro-government militias. And he was killed, as you
15:05:44 20 might have been aware, was that because they said he was RUF
or
21 AFRC collaborator?

22 A. You are correct.

23 Q. And you, would I be right to say to you that it was as a
24 result of these kind of incidents that happened around
Freetown
15:06:12 25 that led many civilians to follow the RUF and the AFRC?
26 A. You are correct.
27 Q. Now, Mr Witness, there's something I just want to
clarify,
28 I hope I will be assisting the Court in this vein. You
remember
29 when my learned friend, Mr Jordash, led you yesterday in
chief,

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1 you spoke about the Guineans at Masiaka?

2 A. Yes, sir.

3 Q. Now, Mr Witness, would I be right if I suggest to you
that

4 after the coup, when the AFRC and the RUF were in Freetown,
that

15:07:13 5 even though the Guineans and the Ghanaians were part of the
6 ECOMOG forces, but they were not your enemies, in fact, they
were

7 within your territory and you were doing things in common.

8 A. You mean the Guineans?

9 Q. The Guineans.

15:07:34 10 A. You are correct.

11 Q. Yes. And at the material point in time during that
period,

12 in fact, it was the Nigerians that you regarded as the enemy
13 forces, Nigerian ECOMOG, even though there were other
countries

14 involved in ECOMOG but it was the Nigerians that you were
15:08:03 15 fighting with?

16 A. You are correct, sir.

17 Q. And that was why when you met the Guineans at Masiaka
you

18 had no confrontation?

19 A. That is right.

15:08:19 20 Q. Now, Mr Witness, remember when you testified in relation
to

and
21 Koidu, you mentioned that the Kamajors were burning the AFRC
22 RUF soldiers and their collaborators in Koidu, and that led
them
23 to flee from the town?
24 A. You're correct.
15:09:17 25 Q. Now, would I be right if I suggest to you that they were
26 not only burning the soldiers and their collaborators but they
27 also burnt down their houses, in which they lived?
28 A. Yes. We met some houses burned.
29 Q. So, will I be correct to say that even before you came
to

1 Koidu some houses had been burnt down by the Kamajors?
2 A. You are correct.
3 Q. Now, witness, will I be right if I suggest to you that
in
4 Koidu, when the AFRC/RUF went to Koidu, the civilians they had
15:10:28 5 were the civilians that were brought for their safety?
6 A. Yes, sir.
7 Q. And I also remember yesterday --
8 JUDGE BOUTET: Mr Dumbuya, did you say the civilians
they
9 brought to Koidu or from Koidu, in your question. I'm just
15:11:03 10 asking for my own part to understand your question. I am not
11 challenging the answer.
12 MR DUMBUYA: They were the civilians they brought to
Koidu.
13 JUDGE BOUTET: To Koidu?
14 MR DUMBUYA: Yes.
15:11:20 15 JUDGE BOUTET: Okay, thank you.
16 MR DUMBUYA:
17 Q. Now, Mr Witness, you talked about Superman's involvement
or
18 instructions regarding the burning of Koidu, burning of
houses?
19 A. Yes, sir.
15:11:44 20 Q. Now, would I be right if I suggest to you that, in fact,
21 Superman gave these orders to his Cobra group at the material

burning? 22 point in time, they were the ones who first started this

23 A. Which Cobra group?

24 Q. The Cobra unit, are you aware of any Cobra unit at the

15:12:18 25 material point in time, in Koidu?

26 A. You mean the ECOMOG, the ECOMOG?

27 Q. No, I'm talking about the RUF?

28 A. Yes. At first, when we entered, we saw some AFRC

soldiers 29 burning down as a revenge to the action of the CDFs.

1 Q. That was initially when you entered Koidu?

2 A. Yes.

3 Q. Now, let me put this in sequence. Now, would I be right
to
4 say there are three phases in the burning of Koidu. When the
15:13:04 5 Kamajors burnt before you entered and also when the AFRC/RUF,
who
6 were afraid of their lives when the Kamajors were burning them
7 when they fled to the bush, they came back. As a result of
8 reprisal, they also started burning, that's the second one?

9 A. Yes, sir.

10 Q. And also the third one was when Superman gave the
15:13:20 orders?

11 A. You are correct.

12 Q. And that is exactly what I am saying, that Superman had
13 some bodyguards he called the Cobra unit; are you aware of
that?

14 A. Well, I don't know much.

15:13:56 15 Q. But then you would agree with me that Superman, like you
16 said in your testimony now, Superman was, in fact, the overall
17 commander in charge of Koidu?

18 A. You are right.

19 Q. And at the material point in time he was the battle-
group
15:14:34 20 commander; Superman?

21 A. Yes, you're correct.

22 Q. And will I be correct to say all military operations in
23 Kono, when Superman was in charge, were being sent out, those
24 missions, military missions, were being sent out by Superman?

15:15:03 25 A. Yes, you are correct.

26 Q. And when Superman gives orders for such missions, no one
27 would bypass his command; he was the kind of person?

28 A. You are right.

29 Q. Now, whilst you were in Kono, you -- did you hear the

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1 name -- of course you said you heard the name Savage, and that
he
2 was at Tombodu?

3 A. You are correct.

4 Q. Now, whilst you were in Kono during this period, from
15:16:18 5 February to August 1998, did you hear at all about Kallon
killing
6 people at Tombodu?

7 A. Tombodu was occupied by Savage. I don't think Kallon
ever
8 went to Tombodu.

9 Q. Okay.

15:16:51 10 PRESIDING JUDGE: Answer the question directly.

11 THE WITNESS: No.

12 PRESIDING JUDGE: And put the question to this witness
13 again. Let him answer you directly.

14 MR DUMBUYA:

15:17:01 15 Q. Now, did you hear about Kallon killing people at Tombodu
16 from February when you went there until August 1998?

17 A. No.

18 Q. And you remember you told this Court that you used to
get
19 information from your friends, your Black Guard friends?

15:17:21 20 PRESIDING JUDGE: Within what time frame of these
killings
21 alleged against Kallon; killing people in Tombodu when?

22 MR DUMBUYA: February 1998 to August 1998.

23 Q. Now, you remember you talked about your Black Guard
24 friends?

15:17:42 25 A. You are right.

26 Q. Surely if such a thing had happened, you would have got
the information from your Black Guard friends because --

28 A. You're right.

29 Q. Now, you also mentioned about Five-Five Spot. You said
the

1 SLAs were the ones who were occupying Five-Five Spot?
2 A. You are right.
3 Q. Now, did you at all, whilst you were in Kono, you went
to
4 Kono round about February; is that correct?
15:18:44 5 A. Yes.
6 Q. Now, from that time until the time in December when you
7 re- attacked Kono and took over again, did you ever hear about
8 Kallon killing people at Five-Five Spot?
9 A. No.
15:19:11 10 Q. And during the time you were with your Black Guard
friends,
11 if such a thing had happened, it should have come to your
notice?
12 A. Of course.
13 Q. And also whilst you had become a radio operator, if such
a
14 thing had happened, surely you would have been informed?
15:19:30 15 A. Yes.
16 Q. Now, Mr Witness, you have just indicated yesterday in
17 chief, and today again, that it was Superman who gave the
orders
18 to burn Koidu. Now, what would you say if someone is to say
to
19 this Court that Kallon gave the orders to burn Koidu?
15:20:21 20 A. I will say no.

21 Q. What do you mean by no?

22 A. Yeah, because Kallon was operating under Superman,
23 Superman's command, and Superman has the last order. Kallon
24 cannot bypass his order.

15:20:40 25 Q. I understand that, Mr Witness, but as a order, you know,
26 coming from Kallon, somebody said the orders came from Kallon,
27 what would you say?

28 A. I would say no, because I was present whilst Superman
was
29 giving the command.

when
talked

1 Q. Thank you. Now, Mr Witness, you remember yesterday,
2 you were led in chief by my learned friend Mr Jordash, you
3 about Reverend Tay?

4 A. Yes, sir.

15:21:42 5 Q. And you said he was your friend?

6 A. Yes, sir.

7 Q. Now, whilst you were in Kono you had a very good rapport
8 with Reverend Tay, as a friend?

9 A. You are right.

15:22:13 10 Q. Now, Mr Witness, did Reverend Tay, did he ever tell you
11 that some -- he was about to be killed by CO Rocky, and some
of
12 the commanders had to bet for his life. They had to vote for
his
13 life, as to who wants him to be killed or not. Did he ever
tell
14 you that?

15:22:49 15 A. No, sir.

16 Q. And apart from Reverend Tay himself, did you ever get to
17 know that?

18 A. That is not possible.

19 Q. Now, when you say that is not possible, what do you
mean?

15:23:27 20 A. Well, I think there is a law in the RUF that there is,

I 21 there would be no innocent killing, and he's a man of God and
22 saw him given high respect, so I think it's not possible for
him 23 to be voted for his death.

24 Q. Okay. Let me move forward. Now, Mr Witness, you were
in

15:24:17 25 Koidu from February 1998 until the time you retreat, when the
26 ECOMOG attacked?

27 A. Yes, sir.

28 Q. And did you ever hear that Mr Kallon killed anyone for a
29 sheep, or a goat?

1 A. At Superman Ground, I think at that time I went to see
my 2 brother at Papanni Ground when I heard the information, but I
3 didn't see that with my own eyes.

4 PRESIDING JUDGE: When you heard what information?

15:25:20 5 THE WITNESS: That Superman had killed, I mean, Morris
6 Kallon had killed somebody.

7 MR DUMBUYA:

8 Q. And at the material point in time, you knew that
Superman 9 had a bodyguard who was also - I cannot remember the first
name
10:25:37 10 now - but he was also Kallon; is that not so?

11 A. Yes.

12 Q. Superman had a --

13 PRESIDING JUDGE: Had what, a bodyguard?

14 MR DUMBUYA: Yes.

15:26:17 15 Q. And also, Mr Witness, you -- is it correct to say that
16 apart from this bodyguard of Superman called Kallon, in fact,
17 there were so many other Kallons in Kono at the material point
in 18 time?

19 A. You're correct.

15:26:43 20 Q. Now, Mr Witness, would I be right to say that in Kono,
21 Koidu at the time, that radios were only given to those

22 commanders who had specific assignment and responsibilities?

23 A. Yes. Like commanders controlling battalions.

be

24 Q. Exactly. Commanders commanding battalions. And would I

15:27:53 25
point

right to say that even though you could be, at the material

had

26 in time, someone who had a specific higher rank, that if you

27 no specific responsibility at the material point in time, you

28 would not have, you would not have a radio deployed to you?

29 A. You are correct.

1 Q. Now, you would agree that, in fact, this bodyguard of
2 Superman was called Miloskie Kallon?

3 A. Yes, sir.

4 Q. Now, Mr Witness, I'm asking you this question because
you

15:28:58 5 were in Koidu at the material point in time, and you had been
in

6 the RUF for some time. Would I be right if I suggest to you
that

7 many a time in the RUF sometimes Miloskie Kallon would be
8 mistaken for Morris Kallon?

9 A. Yes, because some people don't know the difference.

15:29:28 10 Q. Thank you. Now, Mr Witness, you spoke about the bank,
the

11 bank, Koidu bank which was broken into, yesterday?

12 A. You are correct.

13 Q. Now, you have clearly indicated to the Court that it was
14 the AFRC who broke into the bank?

15:30:16 15 A. You are right.

16 Q. Now, would I be also right if I suggest to you that the
STF

17 were also in this group, the STF and the AFRC were the ones;
the

18 STF were included in that incident?

19 PRESIDING JUDGE: You need to clarify, clarify that

15:30:40 20 question. It's a bit mixed up, you know.

21 MR DUMBUYA: I am sorry.

22 PRESIDING JUDGE: The STF were involved. The AFRC were
23 involved. You --

24 MR DUMBUYA:

15:30:52 25 Q. Mr Witness, I'm sorry, I want to clear this area. Now,
26 there is no doubt, you have said, that the AFRC were involved
in
27 the bank, in the bank incident when the bank was broken into.
28 The AFRC, you said that the AFRC were responsible?
29 A. Yes, sir. You are correct.

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1 Q. Now, you know of a group who also went to Koidu who were
2 known as the STF, that is, the Special Task Force?

3 A. Both the SLAs and the STFs were one body, as the AFRC.

4 Q. Okay.

15:31:33 5 A. They were operating together.

6 Q. But the STF were also part of the AFRC, that is what you
7 are saying.

8 A. You are correct.

9 Q. And they were involved in this incident?

15:31:44 10 A. Yes, indeed.

would 11 Q. Now, now that you have said that to this Court, what
12 you say if someone is to say to this Court, that it was Kallon
13 who broke into the bank?

arresting 14 A. I will say no, because I saw Kallon moving around

15:32:12 15 those who were involved in the act.

16 Q. And that moving around you are talking about was an
17 instruction from -- was an instruction from Superman, for
Kallon 18 to assist in finding the culprits?

19 A. You are correct, sir.

15:32:37 20 MR DUMBUYA: Your Honours, I am sorry, may I consult for
a

21 few moments.

22 PRESIDING JUDGE: Please, go ahead, Mr Dumbuya.

23 MR DUMBUYA:

24 Q. Now, Mr Witness, would I be right if I suggest to you
that

15:33:15 25 all radio messages from the High Command came directly to

26 Superman in Koidu for implementation; directly to Superman?

27 A. Yes, you're correct, because Superman was having the
radio.

28 Q. Now, Mr Witness, I just want to put this to you. You
can

29 correct me, or you can agree with me, as the case may be.
Now, I

were 1 want to give you the following camps in Koidu and those who
2 in charge. You know there was Superman grounds, and Superman
was 3 in control of Superman Ground?

4 A. You are correct.

15:34:18 5 Q. And there was Yellow Mosque, which was under the command
of 6 Major Kailondo?

7 A. Exactly.

8 PRESIDING JUDGE: Yellow what?

9 MR DUMBUYA: Yellow Mosque, as in the colour yellow.

15:34:33 10 PRESIDING JUDGE: Yellow, yes.

11 MR DUMBUYA: Mosque.

12 PRESIDING JUDGE: Mosque. I see. I was looking for
13 mosque, not yellow.

14 THE WITNESS: The same place we called Kamakwie Ground.

15:34:43 15 MR DUMBUYA: Kamakwie Ground. Yellow Mosque.

16 THE WITNESS: Yes, sir.

17 PRESIDING JUDGE: Was commanded by whom?

18 MR DUMBUYA: CO Kailondo, Major Kailondo.

19 PRESIDING JUDGE: After Kamakwie Ground, where do we
move

15:35:14 20 to? What was the other ground?

21 MR DUMBUYA:

the
22 Q. Now, you also remember Wendedu village, which was under
23 command of CO Rocky?
24 A. Formally, CO Rocky was commanding there but later he was
15:35:31 25 posted to Tombodu, and Banya was in charge.
26 Q. Yes.
27 A. And that place we call there Banya Ground.
28 Q. Okay. So when, what you are saying to this Court is
that
29 when CO Rocky left he was in charge of Wendedu but when he
left

1 then Banya took over?

2 A. Yes, sir.

3 Q. And it was called Banya Grounds?

4 A. Yes, sir.

15:35:57 5 Q. And at that point Banya was in charge?

6 A. You are correct.

7 Q. Now, there was also Gandorhun Gbane, which was commanded
by

8 CO Isaac?

9 A. Is it not Woama? Yes, because Woama covers Gandorhun
15:36:52 10 Gbane. Woama was the main base, yes.

11 Q. And PC ground was under CO Konowa?

12 A. Yes, sir.

13 PRESIDING JUDGE: PC Ground?

14 THE WITNESS: Yes, Your Honour.

15:37:31 15 MR DUMBUYA: Yes, Your Honour.

16 PRESIDING JUDGE: Was commanded by who?

17 MR DUMBUYA: Was under the command of CO Konowa.

18 THE WITNESS: Konowa.

19 MR DUMBUYA:

15:37:34 20 Q. And Bumpe was under Bai Bureh?

21 A. Yes, sir.

22 Q. And these were the camps that operated in Koidu?

Bureh,
23 PRESIDING JUDGE: Which Bai Bureh? Is it small Bai
24 big Bai Bureh or whichever. There are two Bai Burehs; who
have
15:38:00 25 been distinguished by their sizes or their height.
26 THE WITNESS: Sorry, you talk about Bumpe?
27 MR DUMBUYA:
28 Q. Yes.
29 A. At this time, the time you are talking about?

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1 Q. Yes.

2 A. No ECOMOG was in control of all these areas. Bumpe,
Koidu
3 Town, we were just occupying the various villages around Koidu
4 Town.

15:38:19 5 Q. But was there a time when Bumpe was occupied by Bai
Bureh?

6 A. Yes, at the time, no. Well, that, I cannot remember.

7 Q. That's okay. Now, Mr Witness, would I be right to say
that
8 at no point in time was Mr Morris Kallon was the commander at
9 Banya Ground?

15:38:54 10 A. No.

11 Q. And I also want to suggest to you that Mr Morris Kallon
was
12 never a commander in any of these bases?

13 A. Yes, you're correct.

14 Q. Now, Mr Witness, you remember when you indicated to this
15:40:26 15 Court that Superman was at one time being based at Lunsar?

16 A. Yes, sir.

17 Q. And you said that was around early January?

18 A. Yeah, you are correct, sir.

19 Q. Now, do you know at this point in time, January of 1999
15:40:52 20 where was Mr Morris Kallon at the time?

21 A. During this time, I don't know.

22 Q. Now, Mr Witness, I want to suggest to you that from
23 February of 1998 to December 1998, before you re-attacked
Kono, I
24 want to suggest to you that during that period, Mr Kallon did
not
15:42:11 25 have a radio set on his own?
26 A. You are quite correct.
27 Q. Now, you spoke about the December 1998 attack on Kono?
28 A. Yes, sir.
29 Q. Now, during that attack, can you help us as to where
Morris

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in 1 Kallon was at the time when you attacked -- re-attacked Kono
2 December 1998?

you 3 A. Well, I didn't see him on the attack and I cannot tell
4 his location at that time.

15:43:55 5 Q. There is no problem about that. Now, Mr Witness, will I
be 6 right to say that Morris Kallon was one of those commanders
who 7 had a very good relationship with the civilians?

8 A. Yes, you are correct.

9 Q. And will I also be right to say that, in fact, Morris
15:44:47 10 Kallon was the commander that has always been accused by his
11 fellow commanders that he is favouring the civilians?

but 12 A. Yes. He is not loved among combatants and commanders
13 civilians love him.

14 Q. Civilians love him?

15:45:13 15 A. You are correct.

not 16 Q. And you would agree with me that the reason why he is
17 loved by combatants, one main reason I just want to suggest to
18 you, is that whenever a combatant commit a crime against a
19 civilian, whenever a combatant commit a crime against a
civilian,

15:45:40 20 Morris Kallon, if he has the opportunity at that material
point
21 in time, is one man that would discipline that combatant and
that
22 is one reason why he is not liked by most combatants?
23 A. You are correct.
24 Q. Now, Mr Witness, during the time you came to know
Kallon,
15:46:27 25 and during the periods that you have seen him moving around,
26 during the period you have seen Morris Kallon moving around,
have
27 you ever seen him with child combatants as bodyguards?
28 A. No.
29 Q. Mr Witness, I just want to suggest this to you, and if
you

RUF 1 know say you know, because you have been in the RUF for quite
2 some time. I want to suggest to you that many a time in the
3 Morris Kallon was not specifically given assignment because,
4 amongst commanders of the RUF, they said he is a man with bad
15:47:52 5 luck?

6 A. You are quite correct.

7 Q. And that wherever he goes, he would be attacked?

8 A. Yes, indeed.

9 Q. And would I also be correct that that is one main reason
15:48:06 10 why he had no specific responsibility in Koidu?

11 A. You are correct.

12 MR DUMBUYA: Thank you, Mr Witness. Thank you, Your
13 Honours. This is the end of my cross-examination.

14 PRESIDING JUDGE: You concluded Mr Dumbuya, by saying
that

15:49:08 15 because he was considered a man with bad luck, yes, Mr
Dumbuya,
16 you said because he was considered as somebody with bad luck,
17 this contributed to his not being given a specific assignment
in
18 Koidu.

19 MR DUMBUYA: Yes, Your Honour.

15:49:30 20 PRESIDING JUDGE: Is that how you concluded it?

21 MR DUMBUYA: Yes, Your Honour.

22 PRESIDING JUDGE: Thank you.

23 MR DUMBUYA: Thank you, Your Honour.

24 PRESIDING JUDGE: Yes, Mr Cammegh.

15:50:20 25 MR CAMMEGH: May it please Your Honour.

26 PRESIDING JUDGE: You may proceed, please.

27 MR CAMMEGH: Thank you, very much.

28 CROSS-EXAMINED BY MR CAMMEGH:

29 Q. Mr Witness, I represent Augustine Gbao in this trial.

I've

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1 got a few questions for you. I'm going to try to make it as
2 brief as I can.

3 A. Okay.

4 Q. I want to ask you in particular about the goings on in
the

15:50:41 5 Kono District in 1998, in particular, the criminal activity
that

6 was being perpetrated by members of the AFRC, such as Savage,
and

7 by criminal elements of the RUF, if I can use that phrase. I
8 think you understand the period that I'm referring to, do you?

9 A. Yes, sir.

15:51:07 10 Q. Thank you very much. I want to ask you primarily about
11 crimes committed by members of the RUF during that period. I
12 don't dispute for a moment that crimes were certainly

perpetrated
13 by Savage and other rough elements of the AFRC, but let's
stick

14 with the RUF. Would you agree with this proposition that,
within

15:51:43 15 the command structure of the RUF in Kono at that time, there
16 were, however, various individual lawless junior RUF
commanders,

17 who operated from time-to-time outside the general structure
of

18 discipline and command?

19 A. Yes, of course, because no one is perfect.

15:52:24 20 Q. Having said that, is this the case though: That so far
as
21 the leadership of the RUF was concerned, and every attempt was
22 made to ensure that law and order was maintained within the
RUF
23 ranks in Kono during that time; would that be fair?

24 A. Yes, sir.

15:52:47 25 Q. But would you agree that owing to fractured lines of
26 communication, and owing to the lawlessness of some junior RUF
27 commanders, that law and order was frequently impossible to
28 maintain?

29 A. Go over your question again, sir.

1 Q. Well, what part of that didn't you understand? Do you
want
2 me to repeat that all over again?
3 A. Yes, sir.
4 Q. Would you agree that communications between RUF
commanders
15:53:28 5 in Kono, and the High Command in Kailahun, was poor? There
were
6 broken lines of communication; would you agree?
7 A. Well, as far as I know there was communication
throughout
8 with the High Command.
9 Q. Yes, but it's right, isn't it, that communication
between
15:54:00 10 the High Command in Kailahun and for example rogue elements of
11 the RUF in Kono was poor, wasn't it?
12 A. Yes, of course.
13 Q. Right. And one of the reasons for that, I suggest, was
14 that there were, in fact, as you've told us, rogue or lawless
15:54:19 15 junior commanders within the RUF in Kono, who, from time-to-
time,
16 ran amok, out of control, committing crime; do you agree?
17 A. Yes, sir.
18 Q. And those individuals were outside, not only outside the
19 control of the High Command in Kailahun, but I suggest also
15:54:47 20 outside the chain of communication; would you agree with that?

21 A. Yes, sir.

22 Q. Okay. Thank you very much.

23 A. Yes.

24 Q. Now, you told us on Friday afternoon, and I'm referring
15:55:05 25 once again to the draft I am afraid, at page 89, so I imagine
26 this will be at page 90 of the final version, when it appears,
27 that crimes were disciplined at the Guinea Highway because,

"We

28 have MPs." Is it right that after a period of time, MPs were
29 sent to Kono from the High Command to try to sort out what was

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1 going on, to try to impose some discipline?

2 A. You're right, sir.

the

3 Q. Right. And is this the case: That Sam Bockarie, and

4 MP Commander Mohamed Jalloh, were central figures in terms of

15:56:02 5
Highway,

trying to impose some sort of discipline in the Guinea

6 in order to get on top of what was going on?

7 A. You are right, sir.

That

8 Q. But, before that action was taken, is this the case:

9 discipline, on the Guinea Highway, was a very serious problem

15:56:23 10

indeed?

11 A. Yes. As I told you earlier, that Superman is a weak

12 commander and he wasn't disciplining that much.

what

13 Q. Okay. Now, I want to ask you about reports, because

that

14 I'm suggesting to you and perhaps you will agree with me, is

15:56:45 15

the reports that were coming into Kailahun, from the Guinea

16 Highway, largely consisted of crimes which had already been

17 disciplined in Kono?

18 A. Pardon?

15:57:09 20

19 Q. I'm suggesting this: That when Kailahun received radio

20 reports of crimes being committed on the Guinea Highway, those

21 reports must have been reports about crimes which the MPs, et

22 cetera, had already disciplined in the Guinea Highway?

23 A. You're correct.

24 Q. Right. Because my, it may be a theory, but you're the
man

15:57:35 25 on the ground and you're qualified to comment on this, but my

26 suggestion is this: That until people like MPs and what have

27 you, actually went to Guinea Highway to do their job, to get

28 everything under control, there could have been no way that
the

29 High Command in Buedu would have heard about what was going on

1 because those rogue individual commanders, those lawless
2 commanders, would hardly have been reporting their actions to
3 Kailahun, would they?

4 A. Yes, sir.

15:58:08 5 Q. Do you agree with me?

6 A. Yes, sir.

7 Q. So to conclude this line of questioning, would you agree
8 that, looking at matters overall, when you talk about crimes
9 being reported by radio to the High Command in Kailahun, what

15:58:39 10 we're really talking about is crimes that took place on the
11 Guinea Highway and were disciplined by the MPs et cetera who
then
12 reported those actions to the High Command?

13 A. Yes, sir.

14 Q. In other words, this: When you say on page 89 of the
15:59:10 15 draft, or presumably page 90, at line 90, "They were reporting
to
16 their overalls, like the IDU was reporting to the IDU overall,
17 and we have the IOs," are you there saying that, in actual
fact

18 there was nothing more for the overalls, be it the IDU
overall,

19 or the MP overall or the IO overall, there was nothing more
for

15:59:47 20 them to do because what they were hearing was the result of

21 disciplinary action having taken place on the Guinea Highway?

22 A. Yes, in the form of situation report.

23 Q. Thank you very much.

24 MR CAMMEGH: That is all I have. Thank you.

16:00:57 25 PRESIDING JUDGE: Yes, Mr Wagona.

26 MR WAGONA: Yes, My Lords.

27 CROSS-EXAMINED BY MR WAGONA:

28 PRESIDING JUDGE: Yes, you may proceed, please.

29 MR WAGONA: Thank you, My Lord.

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1 Q. Good afternoon, Mr Witness.

2 A. Yes, good afternoon, sir.

3 Q. To start with, may I know how old you are now?

4 A. Well, presently, I'm next -- I mean this year April,
will
16:02:17 5 make me 32 years.

6 Q. Now --

7 PRESIDING JUDGE: April 2008 makes you 32 years?

8 THE WITNESS: April 2008, 1 April, 2008.

9 MR WAGONA:

10 Q. Now, we will start from the jungle period. Now, when
the
11 RUF left the jungles and came to Kailahun, they found
hospitals
12 existing there, did they?

13 A. You mean when the RUF left jungle and came to Kailahun?

14 Q. Yes, please.

15 A. Well, the RUF were also in the jungle. Then I am, I
16 talk
17 about my own self, when I left the jungle, I went to Kailahun.

18 Q. Okay. When you left and went to Kailahun, there were
19 already schools and hospitals there, not so?

20 A. You're correct.

16:03:46 20 Q. And these are the schools, I suggest and hospitals,
which

so? 21 the RUF took over and called RUF schools and hospitals; not

22 A. Yes, you're correct.

members 23 Q. And these are the same schools that the RUF family

24 and civilians attended; not so?

16:04:21 25 A. You're correct.

26 Q. And the same with the hospitals; not so?

27 A. Yes.

28 Q. Now, you testified that in the jungles you had

you 29 representation from units like the IOs and the Black Guards;

1 remember?

2 A. You are correct.

3 Q. And you said these units were responsible to report to
the
4 High Command if any commander was not implementing laws; not
so?

16:05:05 5 A. You are correct.

6 Q. And you also said that Sankoh had put in place a
standing
7 order against use of child soldiers?

8 A. You're right.

9 Q. And by child soldiers, you mean children under 15 years
of
16:05:29 10 age; not so?

11 A. Yes, sir.

12 Q. But you also said that at that time, Mohamed Tarawallie
13 allowed the training of children and their use as bodyguards
by
14 commanders; not so?

16:05:50 15 A. By himself.

16 Q. What about the other commanders under him?

17 A. No, he alone was having child bodyguards.

18 Q. And by then, Mohamed Tarawallie was the second in
command
19 to Sankoh who was the leader not so?

16:06:14 20 A. Yes, sir.

21 Q. And do you agree with me that through the IOs, and the
22 Black Guards, Sankoh must have known that Tarawallie was using
23 child soldiers as his bodyguards; not so?

24 A. Well, yes, and Foday Sankoh, indeed, give him, ordered
him
16:06:43 25 to desist from that.

26 Q. But he did not punish him, did he?

27 A. Well, he respect him. He cannot discipline him like
other
28 commanders. He has greater respect for him as his second in
29 command.

1 Q. Witness, I suggest to you that it was not only Mohamed
2 Tarawallie who used child soldiers as his bodyguards, all the
3 other commanders did as well. What do you say about that?

4 A. I say no to that because what I saw is what I commented
on.

16:07:37 5 Q. And I also suggest to you that this practice of use of
6 child soldiers as bodyguards by commanders continued
throughout
7 the war; what do you say about that?

8 A. No.

9 Q. I also suggest to you that children were, in fact,
trained,
16:08:07 10 armed and used in combat by the RUF throughout the war; what
do
11 you say about that?

12 A. I never saw that happen, except in 1991, '92, but since
the
13 Liberians left, there was no child combatant that we -- have
14 partaken in any combat.

16:08:34 15 Q. I also suggest to you that Sankoh, and other RUF
leaders,
16 approved of this practice, that's why Sankoh did not
discipline
17 Mohamed Tarawallie; what do you have to say about that?

18 A. No, Foday Sankoh was against that. In fact, ordered
19 Mohamed Tarawallie to desist from that.

16:09:08 20 Q. Now, coming to the junta, you say that you did not know

21 much about Supreme Council meetings; you remember saying that?

22 A. You are correct.

23 Q. I therefore suggest to you that you do not know how

24 decisions were arrived at during the time of the junta when
the

16:09:32 25 RUF worked with the AFRC; is that correct?

26 A. Well, I might not know much but I know a bit because I
was

27 staying with a High Command, which was Mike Lamin.

28 Q. But you know that the RUF was represented in the Supreme

29 Council; not so?

1 A. I don't know.

2 Q. Now, you stated that you heard about the looting of the
3 Iranian Embassy, do you remember?

4 A. Yes, sir.

16:10:21 5 Q. And you said it was Gborie and other AFRC members who
6 looted the Iranian Embassy; you remember?

7 A. Yes, sir.

8 Q. And you said you got information that Issa Sesay went
there
9 to stop the looting; you remember?

16:10:40 10 A. Yes, sir.

11 Q. Now, I suggest to you that Issa Sesay knew that Gborie
was
12 among the looters?

13 A. You mean Issa Sesay knew that Gborie was amongst the
14 looters?

16:11:03 15 Q. Yes, when he went to stop the looting?

16 A. I can't comment on that much.

17 Q. Now, did you hear that chairs were among the things
Gborie
18 and his colleagues looted from the embassy?

19 A. I didn't see the looted things myself.

16:11:33 20 Q. And are you aware that Issa Sesay was later found to be
in
21 possession of chairs looted from the embassy?

22 A. No, I didn't. I'm not aware of that.

23 Q. Witness, I suggest to you that Issa Sesay did not go to
the

24 embassy to stop the looting, he went to participate in the

16:12:00 25 looting; what do you have to say?

26 A. Well, I don't know much, as I told you earlier, it was
an

27 information I got and I was not present, so I cannot comment
much

28 on it.

29 Q. Now, you said on coming to Freetown to join the AFRC,
Issa

1 Sesay came with a group of about 50 RUF men; you remember?

2 A. Yes, sir.

3 Q. Now, do you agree that these men, the men Issa Sesay

4 brought with him, were part of the RUF manpower? They were
not

16:12:43 5 Issa Sesay's personal army?

6 A. You are right.

7 Q. You also said that as for Superman, he came with over
100
8 men from the Western Jungle?

9 A. Yes, sir.

16:13:05 10 Q. Do you agree that these men were also part of the RUF
11 manpower; they were not Superman's personal army?

12 A. Yes, sir.

13 PRESIDING JUDGE: Superman brought how many? Over 100?

14 MR WAGONA: Yes, My Lords.

16:13:28 15 Q. Now, you testified that RUF combatants were assigned at
16 Orugu Bridge alongside the AFRC soldiers; do you remember?

17 A. Yes, sir.

18 Q. Now, it's correct, isn't it, that at Orugu bridge, the
RUF
19 and the AFRC were jointly defending the AFRC government
against

16:13:54 20 ECOMOG; not so?

21 A. You are correct.

spell 22 PRESIDING JUDGE: Spell that Orugu Bridge; how do you
23 it?
24 MR WAGONA: My Lord, the spelling I have is O-R-U-G-U.
16:14:20 25 PRESIDING JUDGE: Thank you.
26 MR WAGONA:
27 Q. Now, at the intervention, you in effect withdrew from
the
28 RUF and you rejoined your family and lived a civilian life;
not
29 so?

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1 A. Where?

2 Q. When you left your -- when you left CO Lawrence, at the
3 time of the intervention, you went back to your family; not
so?

4 A. I told you that Superman, I mean CO Lawrence, left me in
16:14:53 5 town, and I was about to join my families. I had my sister,
my
6 elder brother with me.

7 Q. So, in effect, what you were trying to do was you were
8 trying to leave or to distance yourself from the RUF at that
9 point?

16:15:10 10 A. Yes. My intention was to stay.

11 Q. And that's why you were among the last RUF combatants to
12 leave Freetown?

13 A. You are right.

14 Q. And on your way to Masiaka you even spent a night at
Makolo
16:15:38 15 Junction; not so?

16 A. You are correct.

17 Q. And so by the time you got to Masiaka, all the
commanders
18 and most of the combatants were already on their way to
Makeni?

19 A. You're right.

16:15:52 20 Q. In fact, you only heard that Issa Sesay was already in
Bo;

21 not so?

22 A. Yes, but not too long enough when he came back another
23 something time. We were just few at Masiaka waiting to just eat
24 passed but we were in a corner place when we saw their vehicles
16:16:15 25 in a stop speed from -- going past Masiaka towards Makeni.
26 right Q. So if commanders did anything in Masiaka it would be
27 that you would not have been present?
28 A. Well, I would say so, but what I will say is that my
29 were presence in Masiaka, what I saw, I met lot of civilians, who

1 following the AFRC, and the Guinean troops were there too.

2 Q. Yes, but the commanders had already left; not so?

3 A. Yes, of course.

4 Q. And you said what you saw from Masiaka was that troops
were

16:17:01 5 moving in separate groups of RUF as RUF, and AFRC as AFRC?

6 A. Yes, but you cannot identify who was the AFRC and who
was

7 the RUF because everybody was in mufty.

8 Q. But I suggest to you that what happened was that
commanders

9 were moving with their bodyguards and men loyal to them; what
do

16:17:40 10 you say to that?

11 A. Well, I don't know actually, because I didn't see them.
I

12 was with a civilian group and some armed group.

13 Q. And again, when you reached Makeni, you had no contact
with

14 any commander; not so?

16:17:59 15 A. You are right.

16 Q. You actually distanced yourself from the rest of the RUF
17 combatants; while they went to Teko Barracks, you went to a
18 village behind Teko Barracks and lived like a civilian there?

19 A. You are correct.

16:18:33 20 Q. So at that point again, if the commanders did anything
with

21 the combatants, you were not part of that; not so?

22 A. If the commanders do anything with the combatants, you
23 mean?

24 Q. Yes.

16:18:47 25 A. Well, yes, of course, I was not part of the combat
group.

26 Q. Now, you say that on the way to Kono even civilians were
27 looting?

28 A. You're right.

29 Q. And these were civilians who were associated with or

1 sympathetic with the RUF, AFRC; not so?

2 A. You are correct.

3 Q. And the RUF and AFRC were also looting together with
them;

4 not so?

16:19:25 5 A. Yes. When I talk about looting, looters, that is
vehicles

6 containing looted materials got broke down on the highway and

7 then some people came across it and they started looting it

8 again. This is what I saw.

9 Q. And again, when you got to Kono, you maintained the same

16:19:57 10 attitude, you lived like a civilian; not so?

11 A. You are correct.

12 Q. So, you did not go on operations; right?

13 A. You are correct.

14 Q. You rarely attended muster parades; correct?

16:20:15 15 A. Yes, I visited muster parade, but not all the time.

16 Q. You did not go on food-finding missions; correct?

17 A. You are correct.

18 Q. You knew nothing about mining taking place at this time;

19 correct?

16:20:31 20 A. What I said is, there was some kind of washing of
gravels,

21 that is the gravels left by miners, but this was done on
selfish

to

22 interest. That is, most of the AFRC boys, RUF boys would go

23 the mining site, they would wash gravels. You know, everybody

24 was just conscious of, I mean, material wealth; that was the

16:21:07 25

case.

26 Q. You were not deployed with any battalion; correct?

Ground

27 A. Well, until when I get to Guinea Highway at Superman

28 before ever I could involve in any military operation.

29 Q. You did not go on patrols?

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1 A. From Koidu Town?

2 Q. Yes.

3 A. No.

4 Q. I am still talking of Koidu Town.

16:21:30 5 A. You are correct.

going 6 Q. But you do know that Superman and Morris Kallon were
7 on patrols at this time; not so?

they 8 A. Well, these commanders, even if there is patrol, they
go 9 wouldn't go by themselves, except their boys, they would not

16:21:56 10 and I usually see them in town.

three 11 Q. And at this time, before you got to Superman Ground, the
12 information you were getting was from Top Marine and your
13 Black Guard friends?

14 A. You are correct.

16:22:22 15 Q. And you said that during this time each commander was in
16 charge of his own men?

group, 17 A. Yes. You have lot of commanders. Some from the STF
18 the AFRC group, the RUF group, and they have men under their
19 control. So --

16:22:43 20 Q. So at this time who was in charge of the RUF men?

21 A. The Superman.

Ground? 22 Q. And this you are talking before going to Superman

23 A. Yes.

24 Q. I suggest to you that both Issa Sesay and Sam Bockarie

16:23:21 25 issued orders for the burning of Koidu; what do you have to
say

26 about that?

27 A. I will disagree with that because Issa Sesay was not

28 present in Koidu Town at that time; he has gone to Kailahun.

29 Q. I suggest to you that Issa Sesay and Bockarie issued
these

1 orders from Buedu; what do you say about that?

2 A. Well, what I would say is I disagree because Sam
Bockarie
3 was not sharing any power with anybody. He was sort of
dictator
4 who would just give his order direct and he would not consider
16:24:06 5 anybody, so he was not working with Issa, as that what you
mean.
6 Q. And I suggest to you that these instructions came over
the
7 radio and you were not a radio operator by that time; what do
you
8 have to say?

9 A. Well, I can't say much, but what I know, my Black Guard
16:24:32 10 friends were conversant with the radio and also worked with
the
11 commanders. They told me that the instruction was from
Superman,
12 and I saw him, you know, giving orders, telling people: Burn
13 down this town. We don't want ECOMOG to settle in this town.
14 That was the incident.

16:24:55 15 Q. And when he issued those orders, the other commanders
16 participated in implementing those orders; right?

17 A. Well, that I cannot tell but I saw soldiers implementing
18 his command.

19 Q. Now, according to you, when you became a radio operator,
at

16:25:27 20 that time was Issa Sesay already posted to Pendembu?
the 21 A. Yes. From Koidu Town, I mean, let me say just within
22 first week, when we entered Koidu Town, Issa Sesay left for
23 Kailahun.
24 Q. Witness, please listen to my question.
16:25:47 25 A. Yes.
was 26 Q. My question is: The time you became a radio operator,
27 Issa Sesay already in Pendembu, according to your evidence?
28 A. Yes, you are correct.
before 29 Q. And for how long did you serve as a radio operator

1 the Koidu attack of 1998?

2 A. Let me just say just from May, around sometime May,
3 throughout December, and we attacked Koidu Town, I was radio
4 operator, operating throughout from then.

16:26:45 5 you

6 Q. Now, before you became a radio operator, you say that
7 had three friends who would tell you about messages, about
8 messages; you remember?

radio

8 A. Yes, you are correct.

Issa

9 Q. And you said they did not tell you about messages by
10 Sesay?

16:27:10

11 A. No.

by

12 Q. And I suggest that you did not ask them about messages
13 Issa Sesay, did you?

tell

14 A. There is no need to ask them. Sometimes they come and
15 me what is the order of the day. And sometimes when I go to
16 muster parade for myself Superman will announce the order of
17 day and all orders came from Mosquito.

the

18 Q. Now, you spoke about radio communications by way of
19 dialogue, that is verbal conversations; you remember?

16:27:50 20

A. Yes, you are correct.

21 Q. I would suggest that such verbal conversations were not
22 recorded in the log books; not so?

23 A. Well, that, let me say anything that is verbal is not of
24 more importance than anything that dealt with the operation

must

16:28:12 25 be in a written form and must be recorded in a log book.

26 Q. So, what is your answer, because it is not clear to me?

27 A. Well --

have

28 Q. Is it correct to say that radio conversations did not
29 to be recorded in the log books?

1 A. Yes, of course.

2 Q. Now, you say that, and so, I suggest to you that your
three
4 friends, whom you say had access to the log books, could not
have
5 read therein messages concerning verbal conversations.

16:29:20 5 A. I disagree because these were Black Guards and Black
Guards
6 had the right to go to the radio room and lead the logs,
7 whatever.

8 Q. Yes.

9 A. Nothing was hidden from them.

16:29:32 10 Q. That is true.

11 A. Yes.

12 Q. That they would not read what happened by way of verbal
13 conversation because it would not be in the log book; do you
14 agree?

16:29:39 15 A. Well, yes, because verbal communication is not recorded.

16 Q. Now, you said Morris Kallon was in charge of the muster
17 parade where you were selected to train as a radio operator;
you
18 remember?

19 A. Yes, sir.

16:30:07 20 Q. Now, on that day at the muster parade, who handed over
the
21 muster parade to him?

get 22 A. Well, Superman was in charge, but he was just trying to
defend 23 men in order to send them to the combat camp, in order to
24 our location, and that was the muster parade, and he was
16:30:35 25 conducting that muster parade and after which he would give
the 26 reports to Superman.
parade. 27 Q. So, he was in charge from the start of the muster
28 It's not that he had to take over from any other person?
29 A. Yes. But Superman was the commander in charge.

1 JUDGE BOUTET: I am confused now; who is in charge of
the
2 parade now? I'm confused.

3 THE WITNESS: What I'm saying is Superman is the overall
4 boss.

16:31:08 5 JUDGE BOUTET: Yes, but who was in charge of the muster
6 parade that morning?

7 THE WITNESS: Morris Kallon.

8 JUDGE BOUTET: He was in charge of the muster parade?

9 THE WITNESS: Yes, that was in Superman Ground.

16:31:21 10 JUDGE BOUTET: Yes, but the question is not whether
11 Superman was the commander, the question was who was in charge
of
12 the muster parade that morning?

13 THE WITNESS: Yes, Morris Kallon.

14 JUDGE BOUTET: And the question was: Did he hand it
over,
16:31:35 15 the parade, to somebody else or did he take the parade from
16 somebody else? I am not sure, Mr Prosecutor.

17 MR WAGONA: My question was whether he took over from
any
18 other person and the witness has already said that he was in
19 charge from the start.

16:31:50 20 JUDGE BOUTET: But who is in charge from the start;
Kallon
21 or Superman?

22 MR WAGONA:

23 Q. Mr Witness, could you --

24 A. Please explain your question for my understanding.

16:32:05 25 Q. I was interested to know --

26 A. Yes.

27 Q. -- whether if at the time the parade started somebody
else

28 was in charge and then handed over the parade to Morris
Kallon,

29 or whether Morris Kallon was -- took charge of the parade
right

1 from the start of the parade?

2 A. He called the parade.

3 Q. Morris Kallon?

4 A. Yes, he called the parade, in order to get men to send
to
16:32:36 5 the combat camp.

6 Q. Now, which other commanders were present at the parade
on
7 that day? Superman was present, wasn't he?

8 A. Yes, of course, because he was the boss, but he was just
--

9 Q. Was Rambo present?

16:32:59 10 A. At this time Rambo was not there; Rambo came later,
after
11 Superman had left and Morris Kallon too had left. Then he
came
12 to take over.

13 Q. Is it right to say that when you operated as a radio
14 operator at Superman Ground you had access to one radio set?

You
16:33:36 15 were manning one radio set?

16 A. Yes.

17 Q. And that would be the same set you used for monitoring
and
18 also sending and receiving messages; not so?

19 A. Yes.

16:34:06 20
initial

Q. Now, messages could be sent and received after the

21 call through the national frequency?

22 A. You are correct.

23 Q. So, the first contact was through the national
frequency.

24 That is where somebody would indicate that: I want to send a

16:34:34 25 message to your station?

26 A. You are correct.

27 Q. And any time another radio operator could call and say:

I

28 want to send a message to your station; not so?

29 A. Yes.

whenever

1 Q. So I suggest that it was therefor important that
2 you were manning your radio, you would actually be tuned into
3 national frequency, to monitor for any such calls; not so?

4 A. Yes.

16:35:23 5
than

6 Q. And so I suggest that you'd actually spend more time,
7 actually most of the time monitoring the national frequency
8 you would spend monitoring messages between other operators;
9 that right?

is

10 A. Well, I comment on that. You will be monitoring and you
11 heard a call from a station and you happens to follow wherever
12 they switch, to go and listen, and if you think their message
13 not of more importance, then you go back to the national.

is

14 Q. So, I am still correct, that you would spend more time -

-

15 A. Yes, in monitoring.

16:36:19 16

17 Q. -- on the national frequency?

18 A. Yes.

19 Q. Now a monitored message was one not meant for you; just
20 listen to it; not so?

21 A. You are correct.

16:36:47 22
area;

23 Q. It would not necessarily concern your station or your

21 is that so?

22 A. Yes, of course.

23 Q. And ordinarily, the duty to record such message, it
would

24 be the operator who was receiving it, not so? Not necessarily

16:37:13 25 you who is just monitoring it; not so?

26 A. Well, when you monitor the message, if you have interest
in

27 the message, you would put it down on paper. You write it.

If

28 it is an important message you also write it in your log book

for

29 your commander's information.

1 Q. Well, I'm actually suggesting that you would not have to
2 record such a message; what do you say?

3 A. Well, for me, I record such message because if a message
is
4 transmit, I mean, a station is transmitting a message to
another
16:37:48 5 station, which is an important message, and I need to get the
6 message too, I must write that message down and show my
7 commander.

8 Q. Would the radio, would the log book indicate that such
was
9 just a monitored message?

16:38:08 10 A. Of course.

11 Q. Now, where officers operated within the same area, such
as
12 Superman Ground, I suggest that there was a tendency to use
one
13 radio set?

14 A. Yes.

16:38:27 15 Q. They would use the same set?

16 A. What do you mean?

17 Q. It was not necessary for everybody in Superman Ground,
for
18 example, every commander, to be having their own radio sets
19 there; they would have access to the same set?

16:38:43 20 PRESIDING JUDGE: Mr Wagona?

21 MR WAGONA: Yes, My Lord.

question 22 PRESIDING JUDGE: I think you will start with this

23 when we resume in the next couple of minutes.

24 MR WAGONA: Much obliged.

16:38:56 25 PRESIDING JUDGE: The Chamber will recess, please.

26 [Break taken at 4.30 p.m.]

27 [RUF14JAN08D - MD]

28 [Upon resuming at 5.10 p.m.]

29 PRESIDING JUDGE: Yes. This session is resumed.

SCSL - TRIAL CHAMBER I

1 Mr Wagona.

2 MR WAGONA: Thank you.

3 PRESIDING JUDGE: You may continue.

4 MR WAGONA: Thank you, My Lord.

17:19:26 5 Q. You have informed the Court, Mr Witness, that where
6 commanders operated in the same area, they used the same radio
7 set; is that right?

8 A. Yes.

9 Q. I suggest to you, Mr Witness, that Morris Kallon in Kono
17:19:56 10 had his own radio set but he was not using it; do you accept
11 that?

12 A. No.

13 Q. And Morris Kallon had access to Superman's radio set;
not
14 so?

17:20:16 15 A. Yes.

16 Q. You said that after Superman went to Kurubonla, radio
17 operators only exchanged welfare messages informally; do you
18 remember?

19 A. Yes, sir.

17:20:49 20 Q. I suggest to you that they also exchanged information on
21 operational matters; what do you say to that?

22 A. That is two individuals that were their friends.

but 23 Q. So, they exchanged information on operational matters

24 only with their friends?

17:21:12 25 A. Yeah. Like for myself, my cousin, I got information
for,

26 from him, pertaining their operations.

27 Q. And you said that before Superman went to join SAJ Musa
he

28 informed Sam Bockarie who allowed him to go; you remember?

29 A. Yes.

SCSL - TRIAL CHAMBER I

1 Q. Now, I suggest to you that when he arrived at SAJ Musa's
2 location, Superman's radio operator informed Sam Bockarie that
3 they had arrived there?

4 A. Well, that, I don't know.

17:22:11 5
about

6 Q. And I suggest to you that he also informed Issa Sesay
7 his arrival to SAJ Musa's location; what do you say to that?

8 A. I didn't monitor any message like that and I --

9 Q. So do you know or you don't know?

of

10 A. I don't know and I'm not sure because, for my own point

17:22:36 11

12 view, I know Superman was not friendly with Issa Sesay.

13 Q. I actually suggest to you that while Superman was in SAJ
14 Musa's location, he dialogued on the radio with Issa Sesay and
15 Sam Bockarie. What do you say about that?

17:23:12 16
brought

17 A. No. Only Sam Bockarie. At the time Sam Bockarie
18 instructed him to report and he violated the order. That
19 the separation.

you

20 PRESIDING JUDGE: The relationship between, from the
21 evidence, the relationship between Issa Sesay and Superman,

and

22 know, had degenerated to the lowest of ebbs, you can imagine

17:23:43 23

24 from what he's saying Superman couldn't -- couldn't, report to
25 Sesay because he never maybe, never accepted the authority of

22 Sesay over him, and --

23 MR WAGONA: My Lord, I accept that is what he is saying.

24 PRESIDING JUDGE: Yes, that is what he is saying.

17:24:07 25 MR WAGONA: I am putting to him --

26 PRESIDING JUDGE: That he dialogued with the two.

27 MR WAGONA: That's Sesay and Bockarie.

28 PRESIDING JUDGE: He says no, not with Sesay but with

29 Bockarie, yes.

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1 MR WAGONA:

2 Q. So is it your evidence that he did dialogue with
Bockarie?

3 A. Yes, and that was the time Sam Bockarie instructed him
to
4 report back, which he violated.

17:24:32 5 Q. And it was common for Sam Bockarie to use this kind of
6 communication, to dialogue with commanders; is that your
7 evidence?

8 A. Yes.

9 Q. And I suggest to you that the instruction to burn down
17:24:55 10 Koidu came by way of dialogue; do you accept?

11 A. No, that's -- I disagree. Because it was a
discretionary,
12 it was discretionary. Superman on the ground applied the
tactics

13 and, later on, informed Sam Bockarie. It was not by order.

14 Q. So, are you now saying that there was no instruction to
17:25:32 15 Superman to burn down Koidu?

16 A. Yes.

17 Q. So you are now saying that Superman did it on his own
and
18 only later informed Sam Bockarie; is that right?

19 A. Yes, you're correct.

17:26:12 20 Q. Witness, I suggest to you that while you were a radio
21 operator, both Top Marine and King Perry were also effectively

22 performing their duties as radio operators. Do you accept?

23 A. No.

24 Q. Now, did Top Marine and King Perry actually know that
you

17:27:01 25 became a radio operator?

26 A. Of course.

27 Q. Did Peleto know that you became a radio operator?

28 A. Yes.

29 Q. Did Reverend Tay know that you became a radio operator?

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1 A. Yes. He knows me very well.

2 Q. Witness, do you accept that you have not presented here
any message that you were involved in communicating?

3 A. Well, yes. Maybe I don't have message to present to you
17:27:51 5 but all of these guys will testify that I was a radio operator
6 and not even them, if you can find out for yourself, from
those
7 who were at Superman Ground and those who were also fortunate
to
8 be in Makeni on to Matotoka all these area, they know me very
9 well and other operators too they will testify that I was a
radio
17:28:23 10 operator.

11 Q. Witness, I actually suggest that you were never a radio
12 operator at Superman Ground. What do you have to say?

13 A. I disagree with you. And I will challenge you to find
out
14 from other sources. They will tell you better.

17:28:47 15 Q. Now, during the bank robbery in Koidu, where was Morris
16 Kallon based?

17 A. All I know he was in Koidu Town, but I don't know his
house
18 where he was based, but I saw him --

19 Q. Was he based at Guinea Highway?

17:29:17 20 A. Well, I don't really know, but I used to see him every

21 morning.

Mosquito

22 Q. And some of the robbed money was later on taken to

23 in Buedu; is that right?

the

24 A. That, I cannot tell you. I don't know where they take

17:29:42

25 money. I don't know where the money was taken to.

in

26 Q. And by that time both Issa Sesay and Sam Bockarie were

27 Buedu; is that correct?

28 A. No, because, from information I got, Sam Bockarie was in

29 Buedu alone.

1 Q. So where was Issa Sesay at that time?

2 A. All I can tell you is Issa Sesay was not there but I
know
3 his base was in Pendembu.

4 Q. Now, you said, you mentioned commanders whom you said
were

17:30:44 5 lawless in Kono. Did all these lawless commanders have child
6 soldiers with them?

7 A. Well, like the lawless one, the lawless ones I'm talking
8 about was like Komba Gbundemba, who was far away like Yomandu
and

9 I never go to Yomandu to find out whether he has child
combatant

17:31:15 10 with him but, from his operations, I got to know that he was
11 lawless.

12 Q. And you said that Superman was a weak commander on
13 discipline, who could not discipline such lawless commanders;
do

14 you remember?

17:31:39 15 A. Yes, that is why he has Morris Kallon side by him at
that
16 time who was vigilant in discipline.

17 Q. So, did Morris Kallon actually know that Superman was a
18 weak commander?

19 A. Well, yes, he supposed to know that.

17:31:57 20 Q. And was it a well-known fact?

21 A. Yes.

22 Q. Within the RUF command?

23 A. Yes, of course.

24 Q. That Superman was weak on discipline?

17:32:06 25 A. Yes, of course.

26 Q. So, did Sam Bockarie know that Superman was a weak
27 commander?

28 A. Yes.

29 Q. How about Issa Sesay; did Issa Sesay know that Superman
was

1 a weak commander?

2 A. Yes, of course.

3 Q. And were the crimes being committed by the lawless
4 commanders in Kono well-known within the RUF command?

17:32:52 5
not

A. Well, I would say there were RUF that these crimes were
6 overwhelming; there were some kind of method of discipline.

And

7 that's why we had the MPs, who were vigilant in taking actions
8 these lawless soldiers.

on

9 Q. But you know then --

17:33:34 10

JUDGE BOUTET: I am not sure I understand your answer,
11 Mr Witness. Can you explain what you mean by this?

12 THE WITNESS: What I mean, the lawless soldiers, I mean
13 combatants, were --

17:33:50 15
two

14 JUDGE BOUTET: Yes, but they were talking of lawless
15 commanders, not combatants necessarily. Maybe you mixed the
16 together, I don't know.

like

17 THE WITNESS: Yes. The commanders I'm talking about,

18 Komba Gbundemba, he was at different location, but we have the
19 securities who were reporting his actions, and there was some

17:34:13 20

kind of discipline action against him, and I think that was

21 sufficient for him to desist and actually he stopped because

22 there was an action against him.

23 JUDGE BOUTET: You know that, or you think this is what
24 happened?

17:34:39 25 THE WITNESS: Yeah, I knew this because --

26 JUDGE BOUTET: But you are talking of Komba Gbundemba
but
27 the question you had been asked were lawless commanders. So,
are
28 you saying there was only one lawless commander in the area?
29 THE WITNESS: Yes, I'm talking about Komba Gbundemba.

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1 Komba Gbundemba was one of the lawless commanders. Even
though,
2 yes, there might be another, but within my own area where I
know,
3 Komba Gbundemba is the one I know, and he was based in
Yomandu.

4 MR WAGONA:

17:35:14 5 Q. How about Savage?

6 A. Savage was not under the RUF, he was an independent man,
7 and he was even attacking RUF men.

8 Q. How about CO Rocky?

9 A. CO Rocky was an RUF.

17:35:33 10 Q. Was he a lawless commander?

11 A. Well, CO Rocky was not lawless. In fact, he went to
12 Tombodu, and he was sent there by Superman to contain the
13 situation. He, in fact, had to fight Savage, and he moved him
14 out of Tombodu.

17:36:01 15 Q. How about CO Banya, was he a lawless commander,
according
16 to you?

17 A. No. Banya was disciplined.

18 Q. So, is it your evidence that the only lawless person
was,
19 lawless commander, was Komba Gbundemba?

17:36:20 20 A. Of course.

21 Q. So, would you describe him as a notorious lawless

22 commander?

23 A. Yes, of course. That was well-known, even among the
24 civilians.

17:36:34 25 Q. So, was his conduct well-known, both among civilians and
26 among the RUF leadership?

27 A. Yes, of course.

28 PRESIDING JUDGE: Mr Wagona, I'm afraid we have to
continue

29 tomorrow, from where you have stopped, unless you have to wind
up

1 in the next five minutes?

2 MR WAGONA: No, My Lord. It's okay. I can continue
3 tomorrow. Thank you.

17:38:10
session

4 PRESIDING JUDGE: Well, learned counsel, we have come to
5 the end of the session for today, and we will resume the
6 tomorrow at 9.30.

7 The Chamber will rise, please.

p.m.,

8 [Whereupon the hearing adjourned at 5.30

9 to be reconvened on Tuesday, the 15th day of
10 January 2008 at 9.30 a.m.]

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SCSL - TRIAL CHAMBER I

WITNESSES FOR THE DEFENCE :

WITNESS: ABU BAKAR MUSTAPHA 2

EXAMINED BY MR JORDASH 3

48

CROSS-EXAMINED BY MR DUMBUYA

71

CROSS-EXAMINED BY MR CAMMEGH

75

CROSS-EXAMINED BY MR WAGONA