

THE SPECIAL COURT FOR SIERRA LEONE

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

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

WEDNESDAY, 26 JANUARY 2005
9.55 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Peter Harrison
Mr Alain Werner
Mr Christopher Dunn (intern)
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow
Mr Abdul Rahman Mansaray

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Chloe Smythe

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr John Cammegh
Mr Ben Holden

1 [HS260105A - SGH]
2 Wednesday, 26 January 2005
3 [Open session]
4 [The accused not present]
5 [Upon commencing at 9.55 a.m.]
6 PRESIDING JUDGE: Good morning learned counsel. Good morning,
7 witness, how are you this morning?
8 THE WITNESS: Yes, I'm all right, sir.
9 PRESIDING JUDGE: Good. We shall this morning proceed with
10 the cross-examination of this witness by Mr Touray for
11 the second accused person. Mr Touray, please, you may
12 proceed.
13 MR TOURAY: Thank you, Your Honour. Your Honour, before I
14 start the cross-examination of this witness, I crave the
15 indulgence of the Court to raise some issues regarding
16 what I believe is not a correct reflection of the
17 evidence in the transcripts. Then I require you to --
18 the transcript is for Tuesday, 18th January 2005 at page
19 112, lines 22, 24 and 26. 26. May I just start reading
20 from line 21? "Yes..."
21 PRESIDING JUDGE: You said lines 22, 24 and 26?
22 MR TOURAY: Yes, 22, 24 and 26. I start reading from 21.
23 "Yes, as I have just said, he heard it over the BBC radio
24 and the voice of Sankoh asking the RUF to train ... to
25 train the AFRC. Indeed as I heard from him saying the
26 AFRC was not our enemy as soldiers. That we have to
27 train them. Our enemies were only the politicians in
28 Sierra Leone. We were only enemies, so we should train
29 the AFRC." Your Honour, as far as my own notes are

1 concerned - and I think consulted other members of the
2 Defence team - I think the evidence was to join not to
3 train. To join, not to train.

4 PRESIDING JUDGE: Mr Touray, you are referring to Exhibit 16,
5 I would imagine. The radio broadcast by Foday Sankoh?

6 MR TOURAY: No, it is the evidence of the witness in court.

7 PRESIDING JUDGE: In relation to that.

8 MR TOURAY: In relation to that, yes, yes.

9 PRESIDING JUDGE: Yes, in relation to it, yes.

10 MR TOURAY: Yes, to the broadcast, yes. About a radio
11 broadcast of 28th May 1997.

12 JUDGE THOMPSON: Mr Touray, you are saying that wherever we
13 find the word "train" in the transcript, it should be
14 "join"?

15 MR TOURAY: Indeed so. Join the AFRC

16 JUDGE THOMPSON: That's your recollection of the rendition of
17 the evidence.

18 MR TOURAY: Of the evidence, yes. Then, there is another one,
19 Your Honour --

20 JUDGE BOUTET: Mr Touray, I was just saying to the judge,
21 Justice Itoe, that is what I have in my notes as well to
22 join.

23 MR TOURAY: To join, yes.

24 PRESIDING JUDGE: And I confirm this and my colleague also
25 confirmed this, join not to train. We don't have
26 training, you know, in our records.

27 MR TOURAY: Indeed so. And bound by the notes.

28 JUDGE THOMPSON: Yes, yes, yes.

29 MR HARRISON: I just want to clarify. I don't think We are

1 not bound by the note, but what we can do, if it's
2 acceptable to the Court, is that counsel this afternoon
3 could together listen to the tape, report back to the
4 Court with the changes that all counsel can agree upon,
5 and if there are some changes that we cannot agree upon
6 then the Court can actually listen to the recording and
7 determine what if any changes.

8 JUDGE THOMPSON: Let me understand what counsel is saying,
9 with respect counsel is saying that it is the -- counsel
10 is saying that it is the witness's own -- witness's own
11 viva voce statement --

12 MR HARRISON: Yes, that's what I understand.

13 JUDGE THOMPSON: -- That's actually --

14 MR HARRISON: They are nodding their head, yes.

15 JUDGE THOMPSON -- the word train appears instead of join, not
16 necessarily the tape. Is it the tape you are talking
17 about?

18 MR HARRISON: No, no, there is a tape recording of everything
19 that is said in court.

20 JUDGE THOMPSON: Quite right, yes.

21 MR HARRISON: We can listen to the tape and --

22 JUDGE THOMPSON: And harmonise it with the records, that's
23 what you are suggesting.

24 MR HARRISON: Right. And I am just suggesting as an avenue of
25 doing it, counsel may agree to everything, we could
26 report back to the Court save some time this afternoon.
27 If we cannot agree, then the Court could listen to the
28 tape recording of what has taken place in the Court, not
29 the Sankoh radio broadcast, but the tape recording and

1 then the Court can determine what changes --

2 JUDGE THOMPSON: Well that is one option. I was thinking that
3 if all the counsel had joined in their records and the
4 Prosecution has joined in the records, it would seem
5 therefore that someone had recorded inaccurately the word
6 join for train and probably that is another option.

7 PRESIDING JUDGE: Anyway, I imagine, Mr Harrison, that if
8 Mr Touray is raising these issues now, he must have
9 considered them important for purposes of his
10 cross-examination. This is what I imagine. Because he
11 has to verify these issues before he proceeds with his
12 cross-examination. That is my perception of what --

13 MR TOURAY: Indeed, Your Honour.

14 PRESIDING JUDGE: So you may proceed, Mr Touray.

15 MR TOURAY: There is another one which is, in fact, much more
16 serious. That is the transcript from Monday, 24th
17 January 2006[sic].

18 PRESIDING JUDGE: Transcript of?

19 THE WITNESS: 24th January 2005, sorry.

20 JUDGE BOUTET: I should observe for the record as well,
21 because I am looking at some of these on my computer,
22 that these transcripts that we have are unredacted. In
23 other words, this is not the final version, they have
24 been produced and given to all the parties principally
25 for their assistance, but this is not the official
26 redacted version. According to my computer here, from
27 19th January it is unredacted and in fact the last set of
28 redacted is [inaudible] of January. After that there is
29 still in the review process by those that prepared them.

1 MR TOURAY: Well, in that case, My Lord, what we received here
2 is an official copy and --

3 JUDGE BOUTET: It's a copy, as I said, this is -- even we have
4 one of Friday, 21st, but this is not the final version.
5 That is all I am saying. This is -- these are documents
6 that are produced the very same day, if you want to, but
7 they have not been redacted.

8 MR TOURAY: Indeed so, Your Honours, I think it is apt at this
9 stage to raise the issues so that amendments can be made.

10 JUDGE BOUTET: Yes, yes.

11 MR TOURAY: 24th January 2005, page 13, lines 23 -- lines 23,
12 27 and 28. I start by reading from line 17. "Answer,
13 question," line 16, "Q. Do you know what happened to
14 these hostages?" That is about the UNAMSIL hostages. 17
15 "A. They were taken to Koidu Yengema Training Base. As I
16 have stated earlier, the most senior commanders were
17 together with their artilleries. We are taken to
18 Tombodu. And other ranks and five commanders were left
19 at the Yengema Training Base." Line 22, "Q. And after
20 that, do you know what happened to them?" 23, "A. Yes,
21 they were later taken to Kallon upon the orders Sam
22 Bockarie." Kallon becomes the kidnapper at this stage.
23 25, "PRESIDING JUDGE: You say who was Sam Bockarie?"
24 26, THE WITNESS: Sam Bockarie was the Chief of Defence."
25 27, "PRESIDING JUDGE: I know, I know, who was taken to
26 Kallon?" 28, "THE WITNESS: The hostages were taken to
27 Kallon." According to our notes the reference there is
28 to Kailahun not Kallon. The effect of this is to make
29 Kallon a kidnapper.

1 PRESIDING JUDGE: You were taken to Kailahun.

2 MR TOURAY: Kailahun not to Kallon. Those are very serious
3 prejudicial statements not reflecting the evidence as far
4 as our notes are concerned.

5 [Judges confer]

6 PRESIDING JUDGE: So your contention or your argument,
7 Mr Touray, is that it should read, "They were taken to
8 Kailahun," not to Kallon?

9 MR TOURAY: [Inaudible]

10 PRESIDING JUDGE: Yes, and what else?

11 MR TOURAY: Those are the [microphone not activated]

12 PRESIDING JUDGE: Mr Cammegh.

13 MR CAMMEGH: I can't hear Your Honour, sorry.

14 PRESIDING JUDGE: My microphone was switched off, thanks for
15 reminding me. Yes.

16 MR CAMMEGH: Can I assist my learned friend? I have been
17 looking at my note and from what I can gather it is the
18 answer to the very last question in chief. And the note
19 that I have is, "senior commanders to Tombodu, rank and
20 file to Yengema. Later taken to Kailahun on the order of
21 Sam Bockarie," not to Kallon. So my note accords with
22 Mr Touray.

23 PRESIDING JUDGE: Yes, thanks, thanks for the clarification,
24 Mr Cammegh.

25 JUDGE THOMPSON: Then the Bench is of the opinion that we will
26 make the necessary verifications later on when the Court
27 has re-listened to the audio recording and make whatever
28 corrections that have been highlighted. And we think
29 this is the best way to proceed because, as Mr Touray has

1 suggested, all that alleged errors and mistakes, we can't
2 just delay the trial and try to rectify them straight
3 away. It is our -- we are advised that these are not
4 final transcripts as such. So it would seem that the
5 best way to proceed now would be for counsel to
6 cross-examine the witness, and if he considers this
7 probably one of the -- a good to proceed, to even try to
8 clarify some of these alleged inconsistencies. Because
9 after all, the witness is here to testify truthfully and
10 took an oath to do that. But that's the way we think it
11 should proceed. The corrections will be made later on.

12 MR TOURAY: Your Honour, I am saying I am bound by your notes.

13 If what you have in your notes coincides with what is
14 here, then I'm free to --

15 PRESIDING JUDGE: We shall verify all these.

16 JUDGE THOMPSON: We will verify these.

17 PRESIDING JUDGE: We shall verify all of that. And we don't
18 have time to be going back on [inaudible] it is quite an
19 important issue, we do accept. But I think the way --
20 the indications were by my learned brother, the most
21 expeditious indications, you know, we can give at the
22 moment for us to be able to proceed. And I think you
23 have a very large latitude in cross-examination and you
24 could even pursue these issues under cross-examination.

25 MR TOURAY: I will perhaps defer cross-examination on that
26 point.

27 JUDGE THOMPSON: Well, that's all right. Just to let you know
28 that this witness is here to testify truthfully. I am
29 sure that he took an oath to do that.

1 WITNESS TF1-071: [Continued]
2 CROSS-EXAMINED BY MR TOURAY:
3 Q. Good morning, Mr Witness.
4 A. Yes, boss, good morning.
5 Q. How are you? Let me say I am counsel for Morris Kallon
6 and I am going to put some questions to you. You joined
7 the RUF as a captive.
8 A. I never joined RUF with a rank.
9 Q. You were captured?
10 A. I was captured.
11 MR HARRISON: I am not sure if Mr Touray can see, but there is
12 a document in front of the witness which I think is a
13 transcript. I am not sure if he wants it to be there or
14 not.
15 MR TOURAY: It does not matter.
16 Q. And you were with them up to disarmament?
17 A. Yes.
18 Q. That is for roughly how many years from the time you
19 joined to the time you --
20 A. Well you can check from '91 up to 2001, you can see the
21 difference.
22 Q. So that would be about ten years, a decade?
23 A. Yes.
24 Q. And I'm correct to say that after almost every two years
25 you had a promotion on the average?
26 A. Not exactly every two years, but in circumstances of
27 1992, 1994 and up to 1998 and 2000 were the time I got
28 promotions from various commanders.
29 Q. Yes. Now, you were promoted in the first instance by

1 Foday Sankoh, the leader?
2 A. Yes.
3 Q. And by Sam Bockarie later on?
4 A. Yes.
5 Q. And your last promotions were by Issa Sesay?
6 A. Yes.
7 Q. xxxx xxxx xxxx xxxx?
8 A. xxxx xxxx xxxx xxxx xxxx xxxx xxxx xxxx
9 xxxx xxxx xxxx xxxx xxxx.
10 MR HARRISON: This is treading on information that may
11 disclose this witness's identity.
12 MR TOURAY: He has not disclosed it. I have not asked him to
13 disclose it.
14 MR HARRISON: I would ask, if we are going to pursue this, we
15 ought to go into closed session now.
16 PRESIDING JUDGE: xxxxx xxxx xxxx xxxx? Yes, I mean --
17 MR HARRISON: No, he explained the function he had which
18 was -- well, the more I go into this, the more obvious it
19 becomes.
20 THE WITNESS: xxxx.
21 PRESIDING JUDGE: Well, the thing is learned counsel was very
22 cautious.
23 MR TOURAY: Well, my question was innocuous, I asked him
24 whether xxxx xxxx.
25 THE WITNESS: Yes.
26 PRESIDING JUDGE: He said xxxx xxxx.
27 Q. Your last two promotions were to what grade.
28 A. Sir?
29 PRESIDING JUDGE: The two last promotions by Sesay were to

1 what grade, to what rank?

2 THE WITNESS: Issa Sesay gave me only one time promotion.

3 That was from xxxx as a xxxx.

4 MR TOURAY:

5 Q. Now, you said xxxx xxxx?

6 A. I xxxx.

7 Q. Where was that?

8 A. Koidu.

9 PRESIDING JUDGE: Learned counsel will have to be very, very

10 cautious.

11 MR TOURAY: I'm very cautious. [Overlapping speakers] There is

12 nothing revealing his identity so far.

13 PRESIDING JUDGE: It could, you know, from a distance. You

14 never know so we have to be very, very cautious.

15 MR TOURAY: As your Honour pleases.

16 Q. Would you tell us what officials were there when you

17 disarmed?

18 A. Please repeat your question.

19 Q. Who were the officials present when you disarmed?

20 A. We had so many officers, like, even the U.N. including

21 the RUF commanders were all there.

22 Q. You had the U.N. force commander, by then who was it?

23 Opande or Jetley; which one?

24 A. The first commander was not present, but he has the other

25 members who were in charge of the disarmament in Koidu.

26 PRESIDING JUDGE: You said the U.N., the RUF.

27 THE WITNESS: The U.N. were there. The brigade commander at

28 that time was Abdulai Mansaray, he was there with so many

29 other colleagues.

- 1 MR TOURAY:
- 2 Q. Do you exactly remember the dates or the month?
- 3 A. I don't want to be very precise, but I can remember at
4 the earlier stage of the disarmament in Koidu we started
5 in June.
- 6 Q. June 2000?
- 7 A. 2001, but I cannot recall the date.
- 8 Q. At the time you disarmed I take it you had instructions
9 from the then leader of the RUF to disarm?
- 10 A. We were earlier ordered to disarm.
- 11 Q. By whom?
- 12 A. At that time Issa was in charge, he gave the final
13 instructions on behalf of Corporal Sankoh.
- 14 Q. So it is correct to say that your disarming was based on
15 the orders of your superiors, of the leaders of the
16 movement?
- 17 A. Yes.
- 18 Q. Now, throughout your ten years in the movement you worked
19 -- where did you work, more or less? Just the districts?
- 20 A. First was in ~~xxxx~~ District.
- 21 MR HARRISON: Well, with respect, this is --
- 22 PRESIDING JUDGE: I disallow this question.
- 23 MR TOURAY: As Your Honour pleases.
- 24 PRESIDING JUDGE: Not in this session.
- 25 MR TOURAY: I think I will have to go to closed session later
26 perhaps.
- 27 PRESIDING JUDGE: Very good.
- 28 MR TOURAY:
- 29 Q. You have never worked with Kallon, Morris Kallon,

- 1 together?
- 2 A. Yes, as a senior commander he was just a senior commander
3 but I never directly worked with him.
- 4 Q. And the longest period -- what would you say is the
5 longest period you were in contact -- were you in contact
6 with him at all although not directly working with him?
- 7 A. Well, it's not a -- it was more or less indirect contact
8 until when he became battle group and, finally,
9 battlefield commander.
- 10 Q. There was indirect contact until he became battle group
11 and --
- 12 A. Battlefield commander, up to disarmament.
- 13 PRESIDING JUDGE: You hadn't been in direct contact with him
14 --
- 15 THE WITNESS: Yes.
- 16 PRESIDING JUDGE: Before he became --
- 17 THE WITNESS: Before he became battle group and battlefield
18 commander.
- 19 MR TOURAY: Indirect contact.
- 20 Q. Could you assist the Court by telling us the span of this
21 indirect contact?
- 22 A. Yes. What I mean by indirect contact, directly he was
23 not giving me a direct command from period of '91 up to
24 '96 or '97. Well, after he became a battle group
25 commander, 1999 up to 2001, as a battlefield commander I
26 used to have commands from him.
- 27 PRESIDING JUDGE: You say he did not directly -- he did not
28 directly command you between?
- 29 THE WITNESS: From 1991 up to the time he became battle group

1 commander.

2 PRESIDING JUDGE: In 1991?

3 THE WITNESS: Yes, up to the time he became battle group
4 commander. That was 1999, roughly.

5 PRESIDING JUDGE: You say he did not command you directly --

6 THE WITNESS: From 19 --

7 PRESIDING JUDGE: From 1999.

8 THE WITNESS: From 1991.

9 PRESIDING JUDGE: 1991, I'm sorry.

10 THE WITNESS: Yes, up to 1999.

11 JUDGE BOUTET: According to you, Mr Witness, 1999 would be the
12 time when he became the battle group commander.

13 THE WITNESS: Yes, after 1999 then -- up to 2001, that was the
14 time from battle group commander to battlefield
15 commander. I used to have command from him.

16 JUDGE BOUTET: So you would receive direct commands or orders
17 from him?

18 THE WITNESS: Yes.

19 JUDGE BOUTET: From 1999 up to --

20 THE WITNESS: Up to 2001, disarmament.

21 JUDGE BOUTET: And prior to that you never had direct orders
22 or direct relationship with Mr Kallon?

23 THE WITNESS: No.

24 MR TOURAY:

25 Q. Now, you know that I will be challenging you on the rank
26 of Morris Kallon later, but we may progress.

27 A. Okay.

28 Q. Now, did you have a rank of battlefield inspector in the
29 movement?

1 A. Yes, I heard of him at that time when --
2 Q. Did you have?
3 A. If we have battlefield inspector?
4 Q. Yes.
5 A. Yes. Morris Kallon became battlefield inspector at one
6 time.
7 Q. At one time?
8 A. Yes.
9 JUDGE BOUTET: Was that a rank or a position?
10 THE WITNESS: It was the position given to him by Issa Sesay.
11 JUDGE BOUTET: But is battlefield inspector a rank?
12 THE WITNESS: His rank?
13 JUDGE BOUTET: Yes. The question you were asked was: Was
14 there, at that time, a rank of battlefield inspector?
15 Obviously your answers seem to indicate that there was a
16 position.
17 THE WITNESS: Yeah, it was only a position given to him by
18 Issa Sesay as the battlefield inspector.
19 JUDGE BOUTET: But do you call that a rank?
20 THE WITNESS: No, it is not a rank, it is just a position or
21 an assignment.
22 MR TOURAY:
23 Q. Am I correct to say that it was in --
24 PRESIDING JUDGE: But, Mr Touray, he has said so far - I know
25 you went further but we want to have it on record - there
26 was a rank, or call it a title, of battlefield inspector
27 in the movement and he has further confirmed that it was
28 not a rank, you know, [inaudible] position . Do you want
29 to get it clearly? Who occupied this position? I mean,

1 he has given the reply but we want to complete the notes
2 here. He said it was occupied by Morris Kallon.
3 MR TOURAY: That is what he says.
4 PRESIDING JUDGE: And that it was Issa Sesay who put him
5 there.
6 MR TOURAY: Yes.
7 JUDGE THOMPSON: Let me clarify this: You also called it an
8 assignment?
9 THE WITNESS: Yes, it was an assignment, yes.
10 JUDGE THOMPSON: And you confirmed that it was -- the person
11 who assigned the position was Issa Sesay?
12 THE WITNESS: Yes, it was Issa Sesay.
13 JUDGE THOMPSON: Thank you. Proceed, learned counsel.
14 MR TOURAY:
15 Q. Now, would this be around 10th of December 1998 that
16 Morris Kallon became battlefield inspector -- 24th
17 December 1998, after the capture of Makeni?
18 A. It was rather before that. When Issa became battlefield
19 commander, that was the time he assigned Morris Kallon as
20 his battlefield inspector.
21 Q. In 1998, December 24th after the capture of --
22 PRESIDING JUDGE: Mr Touray, is your question answered? You
23 were trying to limit him to a time frame as to when your
24 client became -- he was appointed as battlefield
25 inspector.
26 MR TOURAY: Yes.
27 PRESIDING JUDGE: As you were talking you even advanced the
28 date and the witness has not -- he only said that it was
29 after Issa Sesay became the battlefield commander that he

- 1 now appointed Kallon as the battlefield inspector.
- 2 MR TOURAY: Yes, I intend to assist the Court further.
- 3 MR HARRISON: The answer actually started out "Rather before
4 that".
- 5 JUDGE THOMPSON: But then it just left it at that, but counsel
6 can continue.
- 7 MR TOURAY:
- 8 Q. Now, after the capture of Makeni in December 1998,
9 getting towards 24th of December, wasn't Sam Bockarie the
10 battlefield commander at that time?
- 11 A. Sam Bockarie was the chief of defence staff.
- 12 PRESIDING JUDGE: Was chief of defence staff when Makeni was
13 captured?
- 14 THE WITNESS: Yes, he was still chief of defence staff.
- 15 MR TOURAY:
- 16 Q. And not the battlefield commander?
- 17 A. Battlefield commander was Issa Sesay.
- 18 Q. What was Denis Mingo, Superman, at the time?
- 19 A. Before the attack Superman was still the battle group
20 commander.
- 21 Q. And you will agree with me that Morris Kallon, even with
22 the position of battlefield inspector, took instructions
23 from above, from his superiors?
- 24 A. Yes.
- 25 PRESIDING JUDGE: Mr Touray, can we have it again. That is
26 Kallon as battlefield -- what exactly?
- 27 MR TOURAY: As battlefield inspector he took instructions from
28 his superiors.
- 29 Q. It is even correct to say he has always been subordinate;

- 1 there is always somebody higher above him in the
2 movement?
- 3 A. Yes.
- 4 Q. And for the time you interacted with him, either by your
5 indirect contact or whatever, I am sure you will confirm
6 that he was a very strict disciplinarian?
- 7 A. He was a commander and a disciplinarian to the
8 combatants.
- 9 JUDGE BOUTET: Can you repeat that answer?
- 10 MR TOURAY: He was a commander and a disciplinarian to the
11 combatants.
- 12 THE WITNESS: To the combatants, that is the fighters.
- 13 PRESIDING JUDGE: Being a disciplinarian doesn't mean being
14 strict disciplinarian. That is what was the tone of your
15 question.
- 16 MR TOURAY: Well, that is what I think the answer -- he was a
17 strict disciplinarian.
- 18 THE WITNESS: Yes.
- 19 JUDGE THOMPSON: He was.
- 20 THE WITNESS: He was very strict in his commands.
- 21 PRESIDING JUDGE: He is now clear.
- 22 MR TOURAY: As Your Honour pleases.
- 23 PRESIDING JUDGE: He has even added "very".
- 24 MR TOURAY:
- 25 Q. Now, you say when you joined the movement you were taught
26 the ideology of the movement at the time you were under
27 training?
- 28 A. Is that a question?
- 29 Q. Yes.

1 A. Yes.

2 Q. And that ideology guided you throughout your stay with
3 the movement?

4 A. Yes, it was my guideline.

5 Q. Others like Morris Kallon too were taught the same
6 ideology.

7 A. I was not there when he was trained.

8 PRESIDING JUDGE: That answer is you do not know whether he
9 was taught the same ideology.

10 THE WITNESS: Yes sir.

11 MR TOURAY:

12 Q. You would agree, would you not, that in fact it is the
13 same ideology taught to any trainee of the RUF?

14 A. Yes, but with various instructors.

15 Q. Now, you were never paid by the RUF, were you?

16 A. Never. It was a self-reliant struggle.

17 Q. So the ideology was your food, was the food you lived on?

18 A. Yes.

19 Q. And so too were the others?

20 A. The same.

21 PRESIDING JUDGE: Are you saying that the ideology was the
22 food you lived on?

23 THE WITNESS: Yes, but what I usually do is I go along with my
24 ideology, the manner in which I approach the people, was
25 how I was living with the community.

26 PRESIDING JUDGE: It depends on the context of food as far as
27 your question --

28 MR TOURAY: It was using it metaphorically, Your Lordship.

29 PRESIDING JUDGE: Metaphorically?

- 1 MR TOURAY: Yes. That was the guide, that was the thing that
2 guided them, motivated them, inspired them.
- 3 JUDGE THOMPSON: Why not use that --
- 4 PRESIDING JUDGE: Use that word.
- 5 JUDGE THOMPSON: So that we don't get entangled by these
6 [Overlapping speakers].
- 7 MR TOURAY:
- 8 Q. That was the motivating force that inspired everybody in
9 the movement?
- 10 A. Yes, the ideology.
- 11 Q. The ideology, yes. Kallon was no exception?
- 12 A. No.
- 13 Q. Now, you mentioned about an incident at Kenema involving
14 a BS Massaquoi?
- 15 A. Question?
- 16 Q. Yes?
- 17 A. Yes.
- 18 Q. Now, at the time of that incident Kallon was posted in
19 Bo? At the time of the junta he was in Bo, he was not in
20 Kenema?
- 21 A. Not at all. I did not see him in Kenema.
- 22 Q. He was only then a major, in fact?
- 23 A. Yes.
- 24 Q. And, having regard to his position and distance, he could
25 not have influenced anything happening in Kenema at the
26 time?
- 27 A. Not at all. I don't know about that.
- 28 JUDGE THOMPSON: If you could preface your answer by saying
29 "not at all" and then "because" --

- 1 THE WITNESS: Morris Kallon was not in Kenema.
- 2 JUDGE THOMPSON: Yes, but then I thought the answer was that
3 you do not know.
- 4 THE WITNESS: Yes, I do not know his presence in Kenema at
5 all. That's what I mean.
- 6 JUDGE THOMPSON: I see. I thought it was that [overlapping
7 speakers]. The question put to you was that because of
8 the distance and position that he had at the time he
9 could not have influenced anything in Kenema.
- 10 THE WITNESS: Yes, that's why I said, "Not at all". He was
11 not there.
- 12 JUDGE THOMPSON: I think there is a subtle difference.
- 13 PRESIDING JUDGE: There is a difference.
- 14 JUDGE THOMPSON: There is difference because counsel is saying
15 that because of two parameters; the position he held at
16 the time --
- 17 THE WITNESS: And the distance.
- 18 JUDGE THOMPSON: -- and the distance he, Kallon, could not
19 have influenced anything in Kenema at the time. So the
20 question is: Do you know this or do you agree or do you
21 not know this?
- 22 THE WITNESS: Yes, I don't know anything about that.
- 23 JUDGE THOMPSON: Yes.
- 24 MR TOURAY:
- 25 Q. All I am saying is he was not in Kenema?
- 26 A. He was not there.
- 27 Q. So he could not have influenced anything happening at the
28 time?
- 29 A. No.

- 1 Q. And in fact Sam Bockarie was his most superior then?
- 2 A. Yes, at that time Sam Bockarie was the head of all
3 commanders in the RUF family.
- 4 Q. When you were in Kono Morris Kallon was there for a short
5 period, earlier?
- 6 A. Yes. He used to visit. What is your question?
- 7 Q. Okay, just hold on?
- 8 A. Okay.
- 9 MR HARRISON: I'm sorry?
- 10 MR TOURAY: I saw you getting up, so.
- 11 MR HARRISON: Well, I could if you wish but I'm still sitting.
- 12 PRESIDING JUDGE: Mr Harrison, he is apprehensive of
13 [inaudible].
- 14 MR TOURAY: [Overlapping speakers] I am trying very much to
15 avoid it, Your Honour.
- 16 JUDGE THOMPSON: So what was the question then?
- 17 MR TOURAY:
- 18 Q. When you got to Kono, that is retreating to Kono after
19 the fall of the junta -- when did you get there earlier,
20 what month?
- 21 A. I got in Kono somewhere around in March.
- 22 [HS260105B 10.55 a.m. - EKD]
- 23 Q. March 1998?
- 24 A. Yes, 1998.
- 25 Q. After the incident at Kenema, when you say in your
26 evidence a letter was given to you by Sam Bockarie to
27 come to town - that was around October 1997 - you passed
28 through Bo, did you?
- 29 A. That was the route.

- 1 Q. Yes, but you passed through Bo?
- 2 A. Yes.
- 3 Q. Morris Kallon was there at the time?
- 4 A. Well, I didn't know.
- 5 Q. So you did not see him -- I mean you did not visit him?
- 6 A. Never.
- 7 Q. You did not see him when you came to town?
- 8 A. Which town?
- 9 Q. Freetown.
- 10 A. I never saw Morris Kallon in Freetown.
- 11 Q. That is during the time of the junta.
- 12 JUDGE THOMPSON: Continue, counsel.
- 13 MR TOURAY: Yes, Your Honour.
- 14 Q. On arrival at Kono in March 1998, when did you first see
- 15 Morris Kallon?
- 16 A. I saw Morris Kallon the first meeting at Tankoro.
- 17 PRESIDING JUDGE: First meeting in?
- 18 THE WITNESS: Tankoro, Tankoro Police Station.
- 19 MR TOURAY:
- 20 Q. And that was the first time you knew he was in Kono?
- 21 A. Yes.
- 22 Q. You wouldn't know how he got to Kono?
- 23 A. Never.
- 24 Q. And the first Tankoro meeting was the one organised by
- 25 the senior officers of the movement?
- 26 A. Yes.
- 27 Q. And he was one of them at the time?
- 28 A. I saw him among the group.
- 29 Q. The purpose of that meeting was to put a stop to some of

- 1 the atrocities being committed by factions of the
2 fighters?
- 3 A. Yes.
- 4 Q. And according to your evidence, they were mostly SLAs?
- 5 A. Yes.
- 6 Q. Committing the atrocities?
- 7 A. Yes.
- 8 Q. Major Rocky was a major at the time?
- 9 A. He was.
- 10 Q. And so was Morris Kallon too?
- 11 A. Yes.
- 12 Q. They were in fact colleagues?
- 13 A. They are all senior officers.
- 14 Q. Now, there were more senior officers than that - you had
15 Rambo, you had Superman at the time?
- 16 A. Yeah, some other officers were there other than Morris
17 Kallon, like Colonel Isaac, Peter Vandl.
- 18 Q. Superman?
- 19 A. Superman, yes.
- 20 Q. And that was the position -- the situation, rather, at
21 the time of this Kamachendeh incident you spoke about,
22 the incident at Kamachendeh Street?
- 23 A. Kamachendeh incident, after we have gone -- pushed out of
24 Koidu in the bush, during the time of regular patrol,
25 security patrol, that was the time of the incident at
26 Kamachendeh Street.
- 27 Q. And you had all these other senior officers present at
28 the time in Kono?
- 29 A. Yes, in Kono.

- 1 Q. Far superior to Morris Kallon?
- 2 A. With the exception of Issa Sesay and JPK.
- 3 Q. Yes, they were in Kailahun.
- 4 A. They were already in Kailahun.
- 5 MR TOURAY: Is Your Honour with us? Are you with us?
- 6 PRESIDING JUDGE: I'm very much with you.
- 7 MR TOURAY:
- 8 Q. So Rocky at that time, who you said was the perpetrator
9 of the atrocity at that time, was reporting to somebody
10 more superior, not to Kallon?
- 11 A. No.
- 12 JUDGE BOUTET: Mr Touray, you're still talking of the same
13 incident now?
- 14 MR TOURAY: Yes, the Kamachendeh.
- 15 THE WITNESS: That was somewhere around in April.
- 16 MR TOURAY:
- 17 Q. Again I put it to you that there were nothing much Morris
18 Kallon could have done avert that incident even if he
19 knew about it?
- 20 A. Yes, only thing that he was -- [Overlapping speakers]
- 21 Q. There was not much -- [Overlapping speakers]
- 22 A. Nothing much, but what actually I understood between he
23 and Rocky relating to that, he was [inaudible] to
24 Kamachendeh Street, at all not. Only as colleagues.
- 25 JUDGE BOUTET: Mr Witness, can you repeat that, please?
- 26 THE WITNESS: There was no instruction as in relation as
27 command from Morris Kallon to Rocky related to
28 Kamachendeh incident.
- 29 JUDGE BOUTET: Because they were two majors?

- 1 THE WITNESS: Yeah, they were majors.
- 2 PRESIDING JUDGE: There was nothing much Kallon could do --
- 3 THE WITNESS: Yes.
- 4 PRESIDING JUDGE: -- to avert that incident?
- 5 THE WITNESS: No.
- 6 MR TOURAY:
- 7 Q. Now, the issue about the camps --
- 8 A. Camps?
- 9 Q. Yeah, camps?
- 10 A. Uh-huh.
- 11 Q. When Kono was attacked, people fled into the bush?
- 12 A. Yes, we met people in the bushes.
- 13 Q. You met people -- civilians in the bush?
- 14 A. Mm-hm.
- 15 Q. And the RUF went about getting them out of the bush to
- 16 locate them in safe zones?
- 17 A. After we have gone to Superman's Ground.
- 18 Q. Yes.
- 19 A. Yes, that was another exercise.
- 20 Q. Yes, going to the bush, getting the civilians out to
- 21 locate them into safe zones.
- 22 A. Yes.
- 23 Q. In fact, by then ECOMOG was around, then you also had
- 24 Kamajors around, then you had the Alpha jet bombing raids
- 25 going on?
- 26 A. Very good.
- 27 Q. So the real rationale behind the camps was mainly to
- 28 offer protection to the civilians?
- 29 A. That was one of the reasons.

1 Q. Okay, that's the real rationale?
2 A. Actually, it was, but those camp were established for --
3 [Overlapping speakers]
4 Q. There maybe others, but -- [Overlapping speakers]
5 MR HARRISON: The witness is allowed to give as complete
6 answer as he wishes.
7 PRESIDING JUDGE: Please, let the witness -- [Overlapping
8 speakers]
9 MR TOURAY: I'm just asking him to answer my questions.
10 MR HARRISON: The witness is allowed to continue.
11 JUDGE THOMPSON: Yes.
12 MR TOURAY: Please, let's take the cue from the Bench, please,
13 not from the Prosecution.
14 THE WITNESS: Can I go before, sir?
15 PRESIDING JUDGE: Yes, go ahead.
16 JUDGE THOMPSON: Go ahead.
17 THE WITNESS: Those camps were established as for one reason
18 for labour, means of transportation --
19 JUDGE THOMPSON: That's two?
20 THE WITNESS: Yes, that was another reason, as means of
21 transportation from between Kailahun, Kono and around.
22 JUDGE THOMPSON: Is there a third?
23 THE WITNESS: Food finding and for their own safety.
24 MR TOURAY:
25 Q. Protection?
26 A. Protection of civilians. I think those are all that I --
27 JUDGE THOMPSON: Learned counsel, you can proceed.
28 MR TOURAY: Thank you, Your Honour.
29 Q. It's correct to say these camps were just like refugee

- 1 camps?
- 2 A. Well, I can't call that refugee camp, because we were in
3 the battles.
- 4 Q. You were gathering them in safety zones?
- 5 A. We call it camps.
- 6 Q. More for refugees?
- 7 A. Not --
- 8 Q. Or displaced persons?
- 9 A. They were for civilians, whoever were captured by the
10 RUF.
- 11 Q. Now, you agree that the decision for these camps was a
12 decision from higher authorities?
- 13 A. All of the same -- all of the initial starting of the
14 war, this were the procedures. Civilians were captured
15 and kept into far distance between the battle zone and
16 somewhere kept in the buffer zones were the area for
17 camps for civilians.
- 18 Q. Yes, but my question is about Kono specifically.
- 19 A. Yeah, Kono, yes.
- 20 Q. The decision was merely from the higher authorities
21 present then?
- 22 A. Yes, this was only done within the RUF controlled areas.
- 23 Q. And it came from above?
- 24 A. Yes, always.
- 25 Q. Like?
- 26 A. We will get them from the battalion commanders, brigade
27 commanders and battlefield, battle group up to the chief
28 of defence staff.
- 29 Q. So it came from above.

1 PRESIDING JUDGE: You prefer the expression these instructions
2 to set up the camps came from above?
3 THE WITNESS: Yes.
4 MR TOURAY: He enumerated the --
5 PRESIDING JUDGE: I'm [inaudible] your -- came from above,
6 that's from superiors.
7 MR TOURAY: Yes, but he enumerated the superiors.
8 PRESIDING JUDGE: Yes, he did enumerate them. Chief of
9 defence staff, battalion commanders and what have you.
10 Yes, he did.
11 MR TOURAY:
12 Q. And Kallon was not a brigade commander, not a battalion
13 commander, he not a BGC not the BFC, was just a major at
14 the time in Kono?
15 A. Yes, you're referring at time of 1998.
16 Q. Yes, Kono?
17 A. Yes, yes.
18 PRESIDING JUDGE: At that time Kallon was still a major.
19 MR TOURAY: Yes.
20 THE WITNESS: Yeah, he was a major.
21 MR TOURAY:
22 Q. Now, the incident at Wenedu --
23 PRESIDING JUDGE: Just a minute. He was a major. Are you
24 saying that the orders to settle these camps never came
25 from him?
26 THE WITNESS: Well, as a senior -- one of the senior officers,
27 the establishment of those camps were all from all senior
28 officers.
29 MR TOURAY: With respect, My Lord, the answer of the witness

1 is the orders came from battalion commanders, brigade
2 commanders and so on and so forth. He enumerated them.
3 I said Kallon was a major, he was not a battalion
4 commander, he was not a brigade commander, he was not the
5 BGC, he was not the BFC; the answer was yes.

6 PRESIDING JUDGE: Let us proceed.

7 THE WITNESS: At that time.

8 MR TOURAY: Yes, at that time.

9 PRESIDING JUDGE: He was a major at that time?

10 THE WITNESS: Yes.

11 MR TOURAY: Yes, that's the answer of the witness.

12 Q. Regarding the Nigerian woman, I think it was at Wenedu?

13 A. Wenedu, yes.

14 Q. On the two occasions you said you met Kallon when he
15 expressed his concern about that woman being at the camp,
16 you were with Major Rocky then?

17 A. Yes.

18 Q. On the two occasions?

19 A. Yes.

20 Q. At that point it didn't occur to you, having regard to
21 your responsibility, to suggest a relocation of the woman
22 to a more safer zone?

23 MR HARRISON: There is, in the Prosecution submission, a
24 concern about whether we ought to be in closed session.
25 He has actually referred to a particular position. The
26 Court knows that the Prosecution does have a concern that
27 that information be in open session.

28 PRESIDING JUDGE: Obviously if we can avoid closed sessions we
29 should, because we will go into closed session and most

1 of what will be happening there could also be heard in an
2 open session. So, please, we wouldn't have to -- it is a
3 normal procedure for us to go to closed session, but
4 wherever we can avoid it, please, we better do, because
5 the hassle is too much.

6 JUDGE THOMPSON: But have we yet reached the threshold of the
7 harm if he leaves the question at the mere generality
8 "having regard to your responsibility" without specifying
9 --

10 MR HARRISON: Yes, I think the concern is position.

11 JUDGE THOMPSON: Yes, really. So we could rest on the mere
12 generality of the characterisation, but not anything
13 specific.

14 MR TOURAY: Yes, indeed. That was why I --

15 JUDGE THOMPSON: We probably should proceed then.

16 MR TOURAY: -- I placed it more general.

17 Q. Having regard to your responsibilities at the time, it
18 didn't occur to you to even suggest a relocation of the
19 woman to another safer zone; that's the question?

20 A. Yeah, that was not referred to me. If I was told I could
21 have done that. In fact, I was not present when the
22 incident took place.

23 JUDGE THOMPSON: The last part of your answer is that you were
24 not present when the incident took place?

25 THE WITNESS: Yes, sir.

26 MR TOURAY:

27 Q. So you are saying, in fact, Rocky did not refer the issue
28 to you?

29 A. Not at all.

- 1 Q. But on the two occasions he raised the issue with Major
2 Rocky as a colleague you were there?
- 3 A. Yes, I was present.
- 4 Q. All the information you have given about UNAMSIL was
5 based on what you were told or what you heard - you said
6 reliable information - about what happened in Makeni or
7 Magburaka. Let me finish the question. For the UNAMSIL
8 issue, you were not at Makeni nor were you at Magburaka?
- 9 A. Yes.
- 10 PRESIDING JUDGE: Which UNAMSIL issue?
- 11 MR TOURAY: The capture of the UNAMSIL.
- 12 JUDGE THOMPSON: The incident.
- 13 PRESIDING JUDGE: You mean the capture. He was not present in
14 Makeni or Magburaka.
- 15 THE WITNESS: Yes.
- 16 MR TOURAY:
- 17 Q. Your information -- your knowledge about what happened
18 there at Makeni, Magburaka was based on information given
19 to you?
- 20 A. Yes.
- 21 Q. When these hostages or these peacekeepers were taken to
22 the locations you mentioned from Makeni, you did not see
23 Kallon go there?
- 24 A. In person?
- 25 Q. In person, yes.
- 26 A. No, I didn't see him.
- 27 PRESIDING JUDGE: [Microphone not activated] when?
- 28 THE WITNESS: I only saw him after, when --
- 29 PRESIDING JUDGE: When was it?

1 MR TOURAY: When these hostages, peacekeepers were taken to
2 their own location, that is where he was.
3 THE WITNESS: Yes, in Koidu.
4 MR TOURAY: Don't mention any names.
5 Q. Did you actually talk to the peacekeepers when they
6 arrived at your location?
7 A. No.
8 Q. Did you know their nationalities or what unit they came
9 from?
10 JUDGE THOMPSON: [Microphone not activated]
11 MR TOURAY:
12 Q. Did you know their nationalities?
13 A. What I knew they were peacekeepers.
14 JUDGE THOMPSON: So you did not know their nationality?
15 THE WITNESS: They said some they came from Kenya.
16 JUDGE THOMPSON: So you did?
17 THE WITNESS: Huh?
18 JUDGE THOMPSON: Did you know their nationalities?
19 THE WITNESS: Yes, people were saying that they came from
20 Kenya.
21 MR TOURAY:
22 Q. People were saying, but you did not know?
23 A. Yes, that was the same information.
24 JUDGE THOMPSON: I heard they came from Kenya.
25 THE WITNESS: Zambia, mixed nationalities.
26 JUDGE THOMPSON: Your witness, Mr Touray.
27 MR TOURAY: Sorry, yes.
28 Q. Now, issues of disarming the RUF were merely issues for
29 -- by then, in fact, let me just say Foday Sankoh was

- 1 strongly in control as leader of the RUF?
- 2 A. During the disarmament?
- 3 Q. No, no, I mean during the time of the incident of these
4 peacekeepers.
- 5 A. Yes, he was in Freetown.
- 6 Q. He was in Freetown and very much in control of the RUF.
7 And at that time he was also a member of the Government
8 of Sierra Leone?
- 9 A. Foday Sankoh?
- 10 Q. Yes, almost with the rank of vice president?
- 11 A. Yes, but he did not give order for --
- 12 Q. Please, I've not asked you --
- 13 JUDGE THOMPSON: Didn't ask that. At that time Foday Sankoh
14 was a member of the Government of Sierra Leone?
- 15 MR TOURAY: Yes and almost in the position of vice president.
- 16 THE WITNESS: Yes, that was the agreement.
- 17 MR HARRISON: But I heard the witness about to add to that
18 answer and amplify it. I think he is entitled to do so.
- 19 MR TOURAY: I think you can ask that in re-examination if you
20 wish.
- 21 MR HARRISON: No, frankly, if a witness --
- 22 PRESIDING JUDGE: He can't give an answer to that. How could
23 he speculate -- how could he know whether Foday Sankoh
24 gave instructions to Kallon or to --
- 25 JUDGE THOMPSON: And with the greatest respect, that was not
26 the question either. It was whether he knew that he was
27 a member of the government and how does the other issue
28 of --
- 29 MR TOURAY: And was still in control of the RUF.

1 JUDGE THOMPSON: -- the RUF. That's a previous answer and
2 then followed a precise question: Was he at that time a
3 member of the government holding a position as vice
4 president? It seems so clear and specific. Why does he
5 want to amplify that?

6 MR HARRISON: I don't know, but I think the rule is that the
7 witness is entitled to.

8 JUDGE THOMPSON: But in cases where amplification or
9 elaboration may be necessary.

10 MR HARRISON: You don't know, it may be.

11 JUDGE THOMPSON: No, but in this particular case the question
12 was precise and specific. Clearly we can't have
13 witnesses just telling their stories in amplified and
14 elaborated forms, otherwise then we might as well not ask
15 questions, just tell them get up and tell your story. A
16 very specific question was put. I would have thought
17 that if there was a classic text book case of a specific
18 question requiring a specific answer, this was it. He
19 was going to add something probably in anticipation of
20 what counsel might want. So let us wait. That would be
21 my own appreciation of how we should proceed. So the
22 answer is that at the time you know that Foday Sankoh was
23 a member of the Government of Sierra Leone.

24 THE WITNESS: Yes.

25 JUDGE THOMPSON: And he held the position of vice president.

26 THE WITNESS: Yes.

27 JUDGE THOMPSON: Proceed, learned counsel.

28 MR TOURAY:

29 Q. And there were also other RUF members in the government?

1 A. Yes.

2 Q. How many of them?

3 JUDGE THOMPSON: Slowly, please.

4 PRESIDING JUDGE: Who were these members?

5 THE WITNESS: Like Peter Vandí.

6 MR TOURAY:

7 Q. Who was Minister of Lands?

8 A. He was Minister of Planning.

9 JUDGE THOMPSON: Would you let -- [Overlapping speakers] --

10 you're not giving evidence.

11 THE WITNESS: He was Deputy Minister for Housing [inaudible]

12 Planning, Peter Vandí. PS Baina, he was Deputy Minister

13 of Education.

14 JUDGE THOMPSON: Could you spell that for us?

15 THE WITNESS: PS Baina is B-A-I-N-D-A, Patrick S Baina.

16 JUDGE THOMPSON: Deputy Minister of what?

17 THE WITNESS: Of Education.

18 JUDGE THOMPSON: Yes.

19 THE WITNESS: Those were the ones I knew of then. Maybe

20 others were there, but I don't know.

21 JUDGE THOMPSON: So there were others?

22 MR TOURAY: There were others.

23 Q. You heard of Mike Lamin?

24 A. Yeah, I do not know his position at that time.

25 Q. But he was in the government?

26 A. But he was in the government. I don't know his position.

27 Q. He was trade anyway.

28 A. Okay, thank you very much.

29 PRESIDING JUDGE: Counsel is not giving evidence.

1 MR TOURAY: No, I'm not. But he said Mike Lamin was --
2 PRESIDING JUDGE: Suggest it to him. Those are things which
3 you could put to him.
4 MR TOURAY:
5 Q. Mike Lamin was Trade, is that correct?
6 A. He was, as I learned.
7 Q. And you had Dr Babai [phon]?
8 A. Yes, I heard of Babai as well. I just forgot their
9 names and --
10 Q. You also heard of Susan Lahai in the government?
11 PRESIDING JUDGE: Who?
12 MR TOURAY: Susan Lahai.
13 THE WITNESS: But I don't know their positions, so I don't
14 want to go that far.
15 PRESIDING JUDGE: Would you identify their names?
16 THE WITNESS: Sir?
17 PRESIDING JUDGE: You identify their names?
18 THE WITNESS: Yes, of course, I used to hear about their
19 names, but their positions --
20 PRESIDING JUDGE: What's the name, counsel, Susan who?
21 MR TOURAY: Susan Lahai. Then Francis Musa.
22 THE WITNESS: I don't know his position.
23 MR TOURAY:
24 Q. But he was in the government?
25 A. As I understand.
26 Q. And as you said before in your evidence, decision as to
27 whether to disarm or not came from the leader of the
28 movement?
29 A. Corporal Sankoh.

- 1 Q. Yes.
- 2 A. Yes.
- 3 Q. Finally, personally you yourself, you did not, throughout
4 your stay with the RUF, terrorise any civilian
5 population?
- 6 A. Please repeat your question.
- 7 Q. You did not terrorise any civilian population?
- 8 A. No.
- 9 Q. You did not loot?
- 10 A. No.
- 11 Q. You did not rape?
- 12 JUDGE THOMPSON: Slowly, slowly.
- 13 THE WITNESS: Never.
- 14 PRESIDING JUDGE: Loot, rape.
- 15 MR TOURAY: Did not loot, did not rape.
- 16 Q. Did not abduct any civilian?
- 17 PRESIDING JUDGE: Can you hold on, Mr Touray. It is not a
18 personal conversation between yourself and the witness.
- 19 JUDGE THOMPSON: If we don't get it right you might query the
20 authenticity of the transcripts.
- 21 MR TOURAY: As Your Honour pleases.
- 22 JUDGE THOMPSON: Did not loot, did not what?
- 23 MR TOURAY: Rape.
- 24 THE WITNESS: Rape.
- 25 MR TOURAY:
- 26 Q. And I am sure you did not abduct any civilian?
- 27 A. Well, in my capacity as --
- 28 MR HARRISON: [Overlapping speakers]
- 29 JUDGE THOMPSON: Well, that's a difficult -- don't volunteer

1 those answers.

2 PRESIDING JUDGE: Why are you volunteering answers?

3 JUDGE THOMPSON: Why? Just answer directly.

4 THE WITNESS: Okay.

5 MR TOURAY:

6 Q. Did not abduct?

7 A. Okay, I never.

8 JUDGE THOMPSON: Did not abduct.

9 MR TOURAY:

10 Q. Did not burn houses?

11 A. Never.

12 Q. There were many others like you in the movement?

13 A. Yes.

14 JUDGE THOMPSON: There were what?

15 MR TOURAY: Many others like him in the movement.

16 THE WITNESS: Yes.

17 MR TOURAY:

18 Q. Some you know, some you don't know?

19 A. No.

20 PRESIDING JUDGE: Is it that he knows some and does not know

21 others?

22 JUDGE THOMPSON: Yes, that's my difficulty here. Even though

23 he has answered the question, there is a ring of

24 ambiguity here. "There were some among others like me in

25 the movement" -- how? What?

26 PRESIDING JUDGE: Good boys.

27 MR TOURAY: Who did not loot, who did not rape.

28 JUDGE THOMPSON: We have -- that's an ellipses there.

29 MR TOURAY: Yes, that is what I'm saying. Who did not loot,

1 rape, terrorise, abduct.

2 JUDGE THOMPSON: All right, well let's have that.

3 MR TOURAY: That others in the movement.

4 JUDGE THOMPSON: Did not do those things.

5 MR TOURAY: The things that you said you did not do.

6 JUDGE THOMPSON: You agree?

7 THE WITNESS: Sir?

8 JUDGE THOMPSON: There were others like you in the movement

9 who did not do those things that you said you didn't do?

10 Is that your answer?

11 THE WITNESS: Yeah, but I cannot answer for the rest of the

12 others.

13 JUDGE THOMPSON: Well, I would have thought it was slightly

14 argumentative, but unless you want to --

15 THE WITNESS: I only answer for myself.

16 MR TOURAY:

17 Q. But you know some that were like you?

18 A. Of course.

19 JUDGE THOMPSON: Yes, it's a tricky question and the answer

20 becomes tricky.

21 PRESIDING JUDGE: He's literally confirming that there were

22 good boys like him.

23 MR TOURAY: Yeah, that's what he's saying.

24 PRESIDING JUDGE: Which would not be unusual, anyway.

25 [Overlapping speakers]. Let's face the facts.

26 MR TOURAY: Of course. That's what I'm saying.

27 Q. There were good boys like you?

28 A. Yes.

29 Q. Guided by the ideology of the movement?

1 A. True.

2 MR TOURAY: No further questions, Your Honour. I rest my case
3 there.

4 PRESIDING JUDGE: Mr Cammegh.

5 MR CAMMEGH: I think being reliably informed by
6 Mr Nicol-Wilson that there was no prospect of me having
7 to cross-examine this witness today, if Your Honours are
8 thinking of having morning break I would be very grateful
9 if we could take it now.

10 PRESIDING JUDGE: Yes, we will take one now and when we resume
11 you will start with your cross-examination.

12 MR CAMMEGH: Indeed I will.

13 PRESIDING JUDGE: And if you could conclude that would be
14 fine.

15 MR CAMMEGH: Well, I won't --

16 JUDGE THOMPSON: I didn't want an undertaking. I know
17 Mr Cammegh --

18 PRESIDING JUDGE: Is expeditious.

19 JUDGE THOMPSON: -- does with it dispatch.

20 MR CAMMEGH: I'll try to.

21 PRESIDING JUDGE: We shall rise for a couple of minutes. The
22 Court will rise.

23 [Break taken at 11.35 a.m.]

24 [Upon resuming at 12.08 p.m.]

25 PRESIDING JUDGE: We are resuming the session. Mr Cammegh, you
26 may proceed.

27 CROSS-EXAMINED BY MR CAMMEGH:

28 MR CAMMEGH: May it please Your Honour.

29 Q. Good afternoon.

1 A. Afternoon.

2 Q. Mr Witness, I represent somebody called Augustine Gbao.

3 I think you mentioned him towards the end of your
4 examination-in-chief in connection with something to do
5 with the peacekeepers. I think I will be coming on to
6 that tomorrow. What I want to do with you today, if I
7 can, is ask you a little bit about your knowledge of
8 command and control, command responsibility within the
9 RUF for the period that you have referred to in
10 particular between 1997 and 2000. All right? So that is
11 what I want to deal with you today. Just to go back over
12 your personal history within the RUF --

13 PRESIDING JUDGE: Command responsibilities from what year,
14 please?

15 MR CAMMEGH: '97 to 2000, because I think, Your Honour, that
16 that was the operative period so far as the Prosecution
17 were concerned for this witness's testimony.

18 Q. I want to do this without referring or making any
19 reference to your identity, witness, so if you can just
20 help me with that, but just to recap: You were captured
21 in 1991, you trained, you trained first of all as a
22 fighter and then you became a liaison officer for a
23 particular part of the RUF. Is that right?

24 A. You're correct.

25 Q. By virtue of your --

26 PRESIDING JUDGE: Mr Cammegh, just a minute. He trained --
27 was captured in 1991, trained as a fighter and became a
28 liaison officer?

29 MR CAMMEGH: Yes, for a particular group within the movement.

- 1 PRESIDING JUDGE: What year was this?
- 2 MR CAMMEGH: Well, that is -- that would be in the early
3 nineties, because I think he --
- 4 PRESIDING JUDGE: Please proceed.
- 5 MR CAMMEGH:
- 6 Q. I think you assumed that position in, what, about 1993/4;
7 would that be right?
- 8 A. 1993.
- 9 Q. Yeah?
- 10 A. You want me to have comment on that?
- 11 Q. No, I'm just asking you when you became the liaison
12 officer for that particular part of the RUF, was it in
13 '93?
- 14 A. Yeah, I started in '92.
- 15 Q. And between 1992 and 2000 you were personally promoted by
16 very high ranking individuals within the movement,
17 weren't you?
- 18 A. Yes.
- 19 Q. And you have told us I think the first two promotions
20 came from Foday Sankoh himself?
- 21 A. Yes.
- 22 Q. You were also promoted by Sam Bockarie?
- 23 A. Yes.
- 24 Q. And culminating I think in a promotion awarded by Issa
25 Sesay?
- 26 A. Yes.
- 27 Q. So throughout the nineties, from about 1992, it would be
28 fair, would it, for me to suggest that you were
29 developing a close association with the high ranks of the

1 RUF?

2 A. At that time, yes.

3 Q. And indeed, Mr Witness, did that continue --

4 JUDGE THOMPSON: Mr Cammegh, let us get that. From 1990 it is
5 fair to say I developed a close relationship --

6 MR CAMMEGH: "Association" was the word I used, but same
7 thing.

8 JUDGE THOMPSON: Yes, close association with the higher ranks
9 of the RUF, wasn't it?

10 PRESIDING JUDGE: [Microphone not activated] with the high
11 ranking officials of the movement.

12 MR CAMMEGH: Well, that was the meaning I was trying to
13 convey. I can't remember the precise words. I don't
14 think that is not an inaccurate representation of what I
15 said.

16 JUDGE BOUTET: Mr Cammegh, did you refer to a specific period
17 of time when you referred to close association?

18 MR CAMMEGH: Yes, implicitly from '92 when he assumed his role
19 that we're aware of until disarmament.

20 JUDGE THOMPSON: That's 2000?

21 MR CAMMEGH: No, that would be 1992 to 2000.

22 Q. And therefore, Mr Witness, you would say that you are
23 well qualified to comment on the roles of other alleged
24 high ranking members of the RUF, would you?

25 A. Yes.

26 Q. Over the last --

27 PRESIDING JUDGE: Mr Cammegh. "I am well qualified to comment
28 on the role of other high ranking members of the RUF".

29 MR CAMMEGH: Yes, over the last few months --

- 1 PRESIDING JUDGE: Mr Cammegh, we are not using a computer, a
2 laptop, like you were. We are using our Bics. Right,
3 you may proceed please.
- 4 MR CAMMEGH: I'm sorry to fall into my old habit, Your Honour.
5 I know we are pushed for time.
- 6 Q. Over the last few months, as we have heard, you have
7 assisted the Prosecution by helping prepare these charts,
8 haven't you?
- 9 A. Yes.
- 10 Q. I am not going to ask for them to be put before you
11 today, but you can confirm, please, that you have
12 prepared three charts for the command structure of the
13 RUF; '98, '99 --
- 14 PRESIDING JUDGE: Not prepared. He says he has helped the
15 Prosecution to prepare charts.
- 16 MR CAMMEGH: Yes.
- 17 PRESIDING JUDGE: On the command structure.
- 18 MR CAMMEGH: That's right.
- 19 PRESIDING JUDGE: But the question you were asking him was
20 that he has prepared. Are you going to clarify that
21 issue?
- 22 MR CAMMEGH: I'll complete the question.
- 23 Q. There are three command structure charts that you have
24 helped prepare, I believe; '98, '99 and 2000?
- 25 A. 2001.
- 26 Q. Yeah, 2000/2001.
- 27 PRESIDING JUDGE: 1998, 1999 --
- 28 MR CAMMEGH: And 2000/2001.
- 29 PRESIDING JUDGE: 2000 and 2001.

- 1 MR CAMMEGH: The 2000 and 2001 being incorporated into one
2 chart.
- 3 Q. And no doubt you took great care in what you did there?
4 A. What was your question?
- 5 Q. You took great care in what you did with those charts?
6 A. Yes.
- 7 Q. And, no doubt, relied on your intimate knowledge of the
8 RUF during that period?
9 A. Yes.
- 10 Q. Can we now move to 1997. In late '97, October or
11 November, you were required to travel from Bopolu in
12 Liberia to Kenema, weren't you?
13 A. It was.
- 14 Q. You have told us about -- I can't remember if it was two
15 or three trips, it probably doesn't matter, but some of
16 the individuals you travelled with included Morris
17 Massaquoi. Was he a leading member of the RUF at that
18 time?
19 A. He was not a leading member. He was just one of the
20 commanders?
- 21 Q. But Mike Lamin was another you travelled with, wasn't he?
22 A. Yes, Mike Lamin was the commander, overall commander.
23 Q. Overall commander of?
24 A. In Bopolu.
25 Q. Of the Bopolu --
26 A. At that time in 1997.
- 27 Q. Thank you. And I think another you travelled with was
28 Major Rocky?
29 A. Yes.

- 1 Q. You have told us about his rank already. Your
2 instructions were, in effect, to go to Kenema to liaise
3 with Sam Bockarie on one occasion; is that right?
- 4 A. Yes.
- 5 Q. And it appeared from what you said that Bockarie was of
6 the opinion that the RUF contingent in Bopolu should
7 return at once into Sierra Leone?
- 8 A. Yes.
- 9 Q. I think that there were problems, weren't there, in
10 getting the troops back into the country?
- 11 A. Yes, there were some security problems at the borders.
- 12 Q. And to circumvent those problems I think you liaised with
13 the Liberian defence minister Daniel Chea?
- 14 A. Yes, in Monrovia.
- 15 Q. Yes, which, may I suggest, further indicates how highly
16 you were trusted within the RUF at that time?
- 17 A. The defence minister or myself?
- 18 Q. What I am suggesting is that by being asked to liaise
19 with Daniel Chea you must have been a very highly
20 regarded member of the RUF yourself by that time?
- 21 A. Yes.
- 22 Q. With access to the leadership?
- 23 A. Yes.
- 24 Q. Yes. Therefore --
- 25 PRESIDING JUDGE: He was regarded as a trusted member?
- 26 MR CAMMEGH: Yes.
- 27 PRESIDING JUDGE: What was his reply? Trusted or what? Let
28 me get it. By being asked to liaise with Daniel Chea,
29 the Liberian defence minister, according to you he was

1 regarded as --

2 MR CAMMEGH: A trusted member with access --

3 PRESIDING JUDGE: As a trusted member?

4 JUDGE THOMPSON: Yes, with access to the leadership.

5 PRESIDING JUDGE: With?

6 MR CAMMEGH: Access to the leadership of the RUF.

7 Q. And so, implicit within your position, can I suggest

8 that, you must have had a pretty comprehensive knowledge

9 of who was doing what within the command structure of the

10 RUF in late '97?

11 PRESIDING JUDGE: Instead of using pretty, a good knowledge.

12 I mean, please, let's avoid words that -- let's avoid

13 pretty.

14 MR CAMMEGH: All right, I'll avoid pretty.

15 PRESIDING JUDGE: I know pretty is a nice word, but --

16 MR CAMMEGH: Well, Mr Jordash said something that wasn't.

17 PRESIDING JUDGE: I know, I was watching Mr Jordash's lips.

18 He told you something which keeps amusing you. Never

19 mind. Get over that and let's move along.

20 MR CAMMEGH: I'll try.

21 Q. Could you answer that question? I'll repeat it if you

22 like. Implicit in your position you must have had a

23 comprehensive knowledge of who was doing what within the

24 command structure of the RUF in '97?

25 A. Yes.

26 PRESIDING JUDGE: In?

27 MR CAMMEGH: 1997.

28 Q. Would that therefore include knowledge of who was doing

29 what in Kenema District?

- 1 A. Yes.
- 2 Q. At that time?
- 3 A. '97.
- 4 Q. Yes. And Kailahun District?
- 5 A. At that time, '97, yes, there were some other officers in
6 Kailahun District.
- 7 Q. And you knew what was going on?
- 8 A. Yes.
- 9 Q. And who was there?
- 10 A. We have other commander. Like, one that I met in
11 Kailahun District was this fellow, one Vandí.
- 12 Q. Peter Vandí?
- 13 A. No, he was not Peter Vandí. He was based at Daru, there
14 I met him.
- 15 Q. There is probably no need to go into detail, I just
16 wanted to know whether or not you had a good idea of what
17 was going on in various districts?
- 18 A. Of course.
- 19 Q. Thank you.
- 20 PRESIDING JUDGE: But you particularised it with Kenema
21 District.
- 22 MR CAMMEGH: I asked Kenema first of all and he agreed that he
23 did have a good knowledge. Secondly Kailahun and the
24 witness has mentioned he knew a gentleman called Vandí
25 and that he did have knowledge of what was going on
26 within the RUF in Kailahun in late '97.
- 27 Q. Security issues were clearly very important to the RUF at
28 this particular time, yes?
- 29 A. Very good.

1 Q. Can I suggest that the issue of security was probably one
2 of the uppermost concerns within the leadership?

3 A. Repeat.

4 Q. Can I suggest that the issue of security was probably one
5 of the uppermost concerns of the leadership?

6 A. Yes.

7 Q. And the upper levels of the command structure?

8 A. Yes.

9 Q. Thank you. One example of security being put into action
10 was your account of what happened to Mr BS Massaquoi in
11 late '97 in Kenema. That's one example?

12 A. Yes, that's one example.

13 Q. Without going into detail, you effectively witnessed the
14 torture and murder of Mr Massaquoi; is that right?

15 A. I witness, yes.

16 Q. And you made it quite clear that this was at the hands of
17 Sam Bockarie's securities and Sam Bockarie himself?

18 A. Yes.

19 Q. By "securities" I take it you just mean his personal
20 bodyguards?

21 A. His bodyguards, yes.

22 [HS260505C 12.30 p.m. - RK]

23 Q. And I think you also indicated that even if you wanted
24 you could not possibly have intervened in what happened?

25 A. Not at all.

26 Q. I accept that, but can you explain once more why that was
27 the case?

28 A. Yes, because Sam Bockarie himself set up his board of
29 investigators in certain mood as a commander, when he

1 used to be very much annoyed and angry. As for me,
2 I never knew the status of the allegation up to the time
3 finally when BS Massaquoi was killed. It was above my
4 knowledge, because I knew nothing about the case, so it
5 was very impossible for me to intervene and not only
6 that, there were other members already set up on the
7 investigation to go into the case.

8 Q. All right. Let's not forget, you had a particular role
9 within the RUF, didn't you?

10 A. Yes.

11 Q. In relation to people, you had a particular role?

12 A. Yes.

13 Q. And notwithstanding that role, you felt powerless to
14 intervene did you?

15 A. Yes, because I was not assigned on the case. It was
16 beyond my assignment.

17 PRESIDING JUDGE: Just limit yourself, notwithstanding that
18 role you felt powerless to intervene?

19 THE WITNESS: Yes.

20 MR CAMMEGH:

21 Q. Was Bockarie -- was it your impression that Bockarie was
22 running a sort of dictatorship in the Kenema area?

23 A. Yes.

24 Q. That he was, in effect, his own master?

25 A. He was what?

26 Q. Master?

27 A. Yes, that was his other name, Master.

28 Q. I take it the answer is yes then?

29 PRESIDING JUDGE: His other name was Master?

- 1 THE WITNESS: Master.
- 2 PRESIDING JUDGE: I don't have the reply to the question, did
3 you have the impression that he was running a
4 dictatorship?
- 5 MR CAMMEGH:
- 6 Q. Well, the answer to that was yes.
- 7 A. Yes.
- 8 Q. And if I can just develop that, it was your impression
9 that he was in effect making up his own rules as he went
10 along?
- 11 A. Not only making his own rules, but he was the topmost
12 commander.
- 13 Q. You mentioned a board of investigation, were you aware of
14 who was on that?
- 15 A. Hmm?
- 16 Q. Were you aware on who was on the board of investigation?
- 17 A. Yes, I could remember some commanders who were on the
18 board.
- 19 Q. Do you remember their names?
- 20 A. I remember one Mr Ben Kenneh was on the top of that
21 investigation in Kenema. Ben Kenneh. K-E-N-N-E-H.
- 22 PRESIDING JUDGE: You say he was the topmost?
- 23 THE WITNESS: Yeah, he was the chief investigator at that time
24 in Kenema, on that board.
- 25 MR CAMMEGH: Can I just clarify that then? Ben --
- 26 THE WITNESS: Ben Kenneh. Kenneh.
- 27 Q. Was the chief --
- 28 A. Investigator at that time in Kenema.
- 29 Q. All right. And my last question in relation to BS

1 Massaquoi is this.

2 PRESIDING JUDGE: There was Kenneh. Were there other members
3 of that board?

4 THE WITNESS: There were other guys who were there, but I
5 didn't recognise them very well. Only Ben Kenneh. I
6 knew him.

7 PRESIDING JUDGE: I see, okay.

8 MR CAMMEGH:

9 Q. The last question is this: Were you at that time made
10 aware of the names of the people serving on the board of
11 that inquiry?

12 A. No.

13 Q. Back, then, to the events of late 1997, you've told us
14 already that Bockarie told you to pass a message to those
15 in Bopolu that they should return to Sierra Leone?

16 A. Yes.

17 Q. I think that was in a letter, wasn't it?

18 A. Yes, it was a letter, as well.

19 Q. Yes. Subsequently were you asked to take a communication
20 to Freetown for Sam Bockarie?

21 A. Communication?

22 Q. Yes.

23 A. Or letter?

24 Q. Letter.

25 A. It was a letter.

26 Q. Yes, Bockarie asked you to take a letter to Freetown?

27 A. To Freetown.

28 Q. And this was a letter which was requiring the RUF forces
29 in Freetown to leave?

- 1 A. That was the content.
- 2 Q. Yes. And you were entrusted with taking that letter to
3 Freetown?
- 4 A. Yes, I and Major Rocky.
- 5 Q. I think you told us that you then remained in Freetown
6 for a month and a half -- one and a half months?
- 7 A. Yes, before February 12th, yes. Yes.
- 8 PRESIDING JUDGE: Sorry, Mr Cammegh.
- 9 MR CAMMEGH: He then remained in Freetown for one and a half
10 months, until February of 1998.
- 11 Q. And in Freetown, I think you spoke to other high ranking
12 members such as?
- 13 A. I only met with Issa Sesay before even reaching to
14 Freetown. We were able to get in contact with Mike Lamin
15 on the way from Bo to Freetown.
- 16 Q. Yes.
- 17 A. He was already informed.
- 18 Q. I think you would agree, would you, that you spoke to
19 Lamin in Freetown as well?
- 20 A. Yeah, he was already seen in Freetown on the same issue
21 through Issa Sesay.
- 22 Q. Yes. It would be right, wouldn't it, for me to suggest
23 that while you were in Freetown you were aware of the
24 names of people on the ruling junta?
- 25 A. Yes, I knew some.
- 26 Q. And you were aware of those high-ranking members of the
27 RUF in Freetown during that period?
- 28 A. Yes.
- 29 Q. We've heard the name, no need to go into them again.

- 1 A. No problem.
- 2 Q. I want now to move on to the withdrawal from Freetown,
3 February 1998, and as we all know that included
4 leadership of RUF in Freetown, the RUF loyal to Sankoh,
5 Johnny Paul Koroma, some of his men and some civilians?
- 6 A. Yes.
- 7 Q. And it is right, isn't it, that the cream of the High
8 Command fled on a speedboat?
- 9 A. Yes.
- 10 Q. JPK, Lamin, Denis Mingo?
- 11 A. Yeah.
- 12 Q. Colonel Isaac Mongor and Rambo?
- 13 A. Rambo, and the securities also cross over.
- 14 Q. Did you know any of those securities?
- 15 A. I never know most of their names.
- 16 Q. Okay. And --
- 17 PRESIDING JUDGE: Let me again have the names of those who
18 fled in the speedboats, Mingo, Superman.
- 19 THE WITNESS: Superman is the same thing as Mingo.
- 20 PRESIDING JUDGE: Alias Superman.
- 21 THE WITNESS: Yes. Mingo, alias Superman.
- 22 PRESIDING JUDGE: Okay. Yes.
- 23 MR CAMMEGH: The others in the order that I read out: JPK,
24 Lamin.
- 25 THE WITNESS: Mike Lamin.
- 26 MR CAMMEGH: Mike Lamin, Colonel Isaac Mongor.
- 27 THE WITNESS: Rambo.
- 28 MR CAMMEGH:
- 29 Q. Was there another one?

- 1 A. Rambo.
- 2 Q. Yes.
- 3 A. Liberian Rambo.
- 4 Q. That was the list, wasn't it? There was nobody else?
- 5 A. No.
- 6 Q. Thank you. In other words, the top commanders of the RUF
7 in Freetown and Johnny Paul Koroma all together on one
8 boat?
- 9 A. Yes, they boarded one speedboat.
- 10 Q. Later in February, a day or two later, you arrived in
11 Masiaka?
- 12 A. Yes.
- 13 Q. Where you meet more commanders. Junta commanders.
- 14 A. Yes. Many junta commanders were there.
- 15 Q. With their securities?
- 16 A. Yes.
- 17 Q. Those included Five-Five, O-Five?
- 18 A. Those names I only know through their names. Up to now I
19 don't even know the persons.
- 20 Q. All right, we'll leave the names then, but AFRC were
21 junta commanders?
- 22 A. Yes.
- 23 Q. The retreat was in disarray, wasn't it?
- 24 A. It was.
- 25 Q. And Superman took control of Masiaka?
- 26 A. Yes.
- 27 PRESIDING JUDGE: You say the retreat from Freetown --
- 28 MR CAMMEGH: Was in disarray. And Superman took control of
29 Masiaka.

1 Q. And it was necessary for somebody to take control, wasn't
2 it, because there was the bombing coming from the Alpha
3 Jets?

4 A. Yes, after a week spent at Masiaka was the time we start
5 experiencing air raiding.

6 Q. You agreed with me just now that over in Kenema, Sam
7 Bockarie was acting as his own master?

8 A. He was a master too. Beside Sankoh.

9 PRESIDING JUDGE: You say he was a master beside Sankoh.

10 THE WITNESS: Yes.

11 PRESIDING JUDGE: Can you explain that? Is he a master beside
12 Sankoh or besides Sankoh?

13 THE WITNESS: Sankoh was the leader and after him he was the
14 next, so he used to call himself "master".

15 Q. We mustn't forget, must we, Witness, that in late '97
16 Sankoh was in prison, wasn't he?

17 A. Yes, even though he was behind bars, he was still having
18 the leadership of the RUF.

19 Q. But from behind bars it would have been difficult for him
20 to exercise close control over Bockarie's day-to-day
21 affairs at that time.

22 A. Yes, he was still in control over RUF.

23 Q. Well, just think about it. If he was behind bars, it
24 would surely have been very difficult for him to exercise
25 control over Bockarie's daily business at that time?

26 A. Yeah, but notwithstanding he still has the leadership
27 title. That is what I'm after.

28 Q. But I think the RUF were at something of a disadvantage
29 at that time, weren't they? Because Sankoh was actually

- 1 in Nigeria in prison?
- 2 A. Yes.
- 3 Q. And communication with Sankoh was practically impossible
4 at that time, wasn't it?
- 5 A. It was not possible.
- 6 Q. Right. What I'm suggesting, and I hope it is not
7 controversial, is that at the moment Superman took
8 control in Masiaka, he became his own master for the
9 purposes of the RUF column that had come from Freetown?
- 10 A. He was already the battle group.
- 11 Q. Yes.
- 12 A. He was the battle group commander when we left Freetown.
- 13 Q. But my point is this: For the journey from Masiaka to
14 Koidu and during the events that took place during that
15 journey, he was taking orders from nobody. He was the
16 boss.
- 17 A. He was the boss. Yes.
- 18 Q. For that reason, Mr Witness, it would have been
19 impossible, wouldn't it, for any other high-ranking
20 members of the RUF in other districts like Kenema or
21 Kailahun to foresee what Superman and his force was about
22 to do?
- 23 A. It was very impossible.
- 24 Q. Thank you. And what happened was Operation Pay Yourself?
- 25 A. Operation Pay Yourself after the meeting or --
- 26 Q. No, no, that is what followed from Superman's orders, he
27 being the boss?
- 28 A. Yes, yes.
- 29 Q. You told us that when you reached Makeni, Superman

1 announced at a muster parade that the order was to go to

2 Kailahun?

3 A. Yes.

4 Q. And I think that order actually came from Sam Bockarie?

5 A. Yes, I only knew we were told by Superman that we are

6 travelling to Makeni, but in route to Kono.

7 Q. Yes.

8 A. That was what Superman told in the gathering.

9 Q. You tell us about his advanced team that had to come

10 back -- that left Makeni and had to come back for

11 reinforcements when it met opposition?

12 A. Up.

13 Q. And that you followed in the second group towards Koidu?

14 A. After the capturing of Koidu, I followed, almost I can

15 say second to the last group. I understand.

16 Q. Yes. And you told us about what you saw during your

17 journey?

18 A. Yes.

19 Q. To your knowledge, Mr Witness, who was it who ordered the

20 burning of the villages and the other atrocities that

21 took place by the advance parties?

22 A. I was not in the advance party to hear particularly from

23 someone, but in the case of battle, like fierce battle

24 where you expect infiltration of enemies, you must expect

25 such things.

26 Q. But you're quite clear, are you, that Operation Pay

27 Yourself, and the action that flowed from it between

28 Makeni and Koidu was an order from Superman?

29 A. Yes, as I said instantly from Masiaka it was not very

1 much effective but as we got in Makeni and Makeni to Kono
2 was a most effective area for Operation Pay Yourself.

3 Q. And would you agree with this, this is the point: That
4 although it was Bockarie that ordered the force to go to
5 Kailahun, nobody outside Superman's group could have been
6 aware of Operation Pay Yourself and the actions that
7 flowed from it?

8 A. Well, it was only a command that I heard. Maybe other
9 people knew from other sources but what only I know
10 I heard from Superman at that mission to the fighters.

11 Q. To put it bluntly your impression, in your senior
12 position, was that Pay Yourself was an order that came
13 from Superman, not from Bockarie?

14 A. Yes. Out on the field from the commander is what I know.
15 I don't know where the command came from, whether from
16 Issa or was from Sam Bockarie, I only heard from Denis
17 Mingo, Superman.

18 Q. Okay.

19 JUDGE BOUTET: Mr Cammegh, I would like to have one
20 clarification on this Operation Pay Yourself from the
21 witness. He says, "from Makeni to Kono, it was the most
22 effective area for Operation Pay Yourself." That is what
23 he said, but was Operation Pay Yourself also effective or
24 in place -- not effective prior to you reaching Makeni?
25 In other words, when you were moving from Masiaka to
26 Makeni, was that operation in place at that time?

27 THE WITNESS: Yes, even though it was said at Masiaka, but
28 I saw it mostly that took place from Makeni to Kono.

29 JUDGE BOUTET: So there might have been something between

1 Masiaka and Makeni but you saw in Kono.
2 THE WITNESS: Yes, what I saw, I am saying.
3 JUDGE BOUTET: Thank you.
4 MR CAMMEGH: Given the answer that you've just given, I'm not
5 going to go into the detail of what Pay Yourself meant.
6 So I'm not going to ask you about villages being burnt,
7 the looting, the abductions, hands cutting off et cetera,
8 et cetera I'm not going to ask you about that. I'm going
9 to ask about my client, who I haven't mentioned yet,
10 Augustine Gbao.
11 PRESIDING JUDGE: Do you want to start mentioning him now at
12 five minutes to one.
13 MR CAMMEGH: I don't really want to mention him at all, but
14 I'm going to just ask this question and that will be
15 sufficient.
16 PRESIDING JUDGE: Right, okay.
17 MR CAMMEGH: You've described your business in Kenema and your
18 trip to Freetown, your one and a half month stay in
19 Freetown and your trip to Koidu via Masiaka and Makeni,
20 during that time did you ever meet Augustine Gbao?
21 THE WITNESS: Up to this time I never knew Augustine Gbao.
22 Q. Thank you. And that will be it.
23 MR CAMMEGH: Your Honour, I have --
24 PRESIDING JUDGE: Let's just get the answer you want. Up to
25 this time he has said I never met Augustine Gbao.
26 MR CAMMEGH: I'll repeat the question so Your Honours can take
27 down the fullness of what the answer means, if you like.
28 Throughout his business in Kenema.
29 PRESIDING JUDGE: Just hold on. " Throughout my business in

1 Kenema --"

2 MR CAMMEGH: His journey to Freetown.

3 PRESIDING JUDGE: My journey to Freetown.

4 MR CAMMEGH: His one-and-a-half month stay in Freetown.

5 PRESIDING JUDGE: My one-and-a-half month stay in Freetown.

6 MR CAMMEGH: And the subsequent journey to Koidu via Masiaka
7 and Makeni.

8 PRESIDING JUDGE: Via Masiaka and Makeni.

9 JUDGE BOUTET: This is the first part of 1998.

10 MR CAMMEGH: Well, it's -- it bridges from the latter part,
11 say, October of 1997, which is when he first visited
12 Kenema right up until it would be April 1998.

13 PRESIDING JUDGE: Via Masiaka and Makeni, yes?

14 MR CAMMEGH: Yes.

15 PRESIDING JUDGE: I never --

16 MR CAMMEGH: I never once -- was it heard of Augustine Gbao or
17 met Augustine Gbao? Can you --

18 THE WITNESS: I never knew Augustine Gbao and I never met
19 Augustine Gbao up to 2000, 2001.

20 PRESIDING JUDGE: Up to 2001, 2000 and 2001, what happened?

21 THE WITNESS: It was only from 2000 to 2001, I came to know
22 Augustine Gbao as the chief of security of RUF.

23 MR CAMMEGH: Well, Your Honour, that was the answer I wanted
24 and can we leave the rest until tomorrow. I don't have a
25 great deal more, actually. I would estimate that the
26 maximum I will take is an hour of the Court's time
27 tomorrow morning.

28 PRESIDING JUDGE: Maximum time? That is the morning hours.

29 MR CAMMEGH: Yes. I'm sorry. I don't know if I made myself

1 clear. I will take one hour of the court's time tomorrow
2 morning, not the whole morning.

3 PRESIDING JUDGE: I see.

4 MR CAMMEGH: So I'll be finished by about 11.00 tomorrow
5 morning.

6 PRESIDING JUDGE: Okay. It's just because of lunch habits.
7 We could as well have a longer hour. But it doesn't
8 matter. We'll do that tomorrow.

9 Well, learned counsel have a nice afternoon. We
10 shall rise and resume tomorrow at 9.30.

11 [Whereupon the hearing adjourned at 1.00 p.m. to be
12 reconvened on Thursday, the 27th day of January, 2005, at
13 9.30 a.m.]

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