

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

MONDAY, 31 JANUARY 2005
9.43 A.M.
TRIAL (REDACTED)

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison
Mr Alieu Iscandari
Ms Millicent Stronge
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Mr Abdul Rahman Mansaray

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph
Ms Chloe Smythe

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr John Cammegh

1 Monday, 31 January 2005

2 [The accused Sesay and Kallon present]

3 [The accused Gbao not present]

4 [Open session]

5 [On commencing at 9.43 a.m.]

6 [HS310105 - RK]

7 PRESIDING JUDGE: Good morning, learned counsel. We're
8 resuming our proceedings and we would like to inform you
9 of the way we intend to proceed. In view of the fact
10 that we imagine that the testimony of witness number
11 TF1-141 might be lengthy, and in view the fact that we're
12 not very definite as to how long the cross-examination of
13 the present witness is going to take, the Chamber has
14 decided that we should postpone the testimony of TF1-141
15 to the next session and to conclude with the current
16 witness because we were rounding up on Friday. And if
17 we're able to go through the cross-examination of the
18 present witness by Wednesday, we may take on a short
19 witness to conclude the proceedings between Thursday and
20 Friday. Would that suit? And the name of the short
21 witness is not yet communicated to the Defence, I think
22 it is good to give them the indication and please,
23 whichever witness we're taking between Wednesday and
24 Friday, should be such a witness we should be able to be
25 through with by the time we are rising on Friday. So
26 these are the indications we wanted to give.

27 This said, we would be asking the Prosecution -- or
28 the Defence whether they received the materials which
29 constituted the core of the order we made on Friday.

1 MR JORDASH: We received them as per Your Honour's order and
2 we're grateful to the Prosecution. I've spoken to the
3 Prosecution about the issue and for the first accused
4 we've got nothing more to say. Thank you.

5 PRESIDING JUDGE: Thank you. For the second accused?

6 MR NICOL-WILSON: Yes, Your Honour. We've also received the
7 materials and we are grateful to the Prosecution.

8 PRESIDING JUDGE: Thank you. Mr Cammegh?

9 MR CAMMEGH: Your Honour, I too have received the disclosure
10 and I'm content that we proceed as normal now.

11 PRESIDING JUDGE: Right. Thank you. Thank you very much. As
12 you can imagine, we did not want the witness to be seated
13 in here before we cleared these preliminary issues,
14 because we were unsure of what the reaction of the
15 Defence would be following the disclosure. I think the
16 witness can now be brought in and -- can the witness be
17 brought in, please.

18 [The witness entered court]

19 WITNESS: TF1-015 [Continued]

20 [The witness answered through interpretation]

21 PRESIDING JUDGE: Mr Harrison, please, 141 can be discharged.

22 I imagine he must be in school or somewhere. He could be
23 discharged and be asked to go back to his family or
24 wherever he is.

25 MR HARRISON: Yes, Your Honour, I'll ensure that takes place.

26 PRESIDING JUDGE: Good morning, Mr Witness.

27 THE WITNESS: Good morning.

28 PRESIDING JUDGE: You had a nice weekend?

29 THE WITNESS: I say thanks to God.

1 JUDGE THOMPSON: Mr Iscandari, please continue.

2 MR ISCANDARI: Thank you very much, Your Honour. Good
3 morning, Your Honours, learned counsel on the Defence
4 side. Good morning.

5 EXAMINED BY MR ISCANDARI: [Continued]

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. Do you recall when we left off last Friday, we were
9 discussing about an incident between you and KS Banya,
10 Captain KS Banya. You recall your testimony on that;
11 correct, sir?

12 A. Yes.

13 Q. Now, I'm trying to refresh your recollection with where
14 we left off, then I'll start asking you some questions.
15 We were at the point where you testified that some people
16 had gone into the bush and they had come back and they
17 had informed Mr Banya that you had told them to go to the
18 bush; do you recall that?

19 A. Yes.

20 Q. Let's start off from that point. After Captain KS Banya
21 was told that you had told these people to go back to the
22 bush, what happened?

23 A. The time they told Captain Banya that I said so to them,
24 the civilians, I was by the window. I became fearful and
25 I started trembling.

26 Q. Why did you become fearful and start trembling?

27 A. Because he's a man with guns and we have not been friend
28 yet.

29 Q. What happened after you listened to the conversation of

- 1 them telling Captain Banya that?
- 2 A. He sent his soldiers to call me, his rebels.
- 3 Q. How many rebels came to call you?
- 4 A. More than two.
- 5 Q. Could you tell this Court how you were?
- 6 PRESIDING JUDGE: When he says more than two, what does that
- 7 mean? Let him be precise about how many rebels came to
- 8 call.
- 9 MR ISCANDARI: I'll clear that up.
- 10 Q. The judge wants to know whether more than two rebels came
- 11 to get you. The judge wants to know exactly how many.
- 12 Give us your best estimate.
- 13 A. If I said they were more than two, I can't remember
- 14 exactly the number of them, but they were more than,
- 15 because I was held in a forceful manner.
- 16 Q. When you say you were held in a forceful manner, could
- 17 you explain further to the Court what exactly you mean?
- 18 A. Yes.
- 19 Q. Please do so.
- 20 A. When they went to me and told me that their boss, Captain
- 21 Banya, is calling me, they brought me now in that rough
- 22 manner, with no respect.
- 23 Q. When you say they brought you in a rough manner with no
- 24 respect, tell the Court exactly how you were treated by
- 25 the people that came to get you.
- 26 A. One held me on my left hand, another on the right arm.
- 27 They started dragging me, carrying me in a hurry. That
- 28 was the reason I said there was no respect in it.
- 29 Q. So how far did they drag you?

- 1 A. The distance was not too long, but I was not able to
2 measure it. They carried me where Captain Banya's house
3 was.
- 4 Q. And when you got to where Captain Banya's house was, what
5 happened?
- 6 A. They asked me to stand out in the open.
- 7 Q. And when you stood out in the open were there other
8 people there?
- 9 A. Yes.
- 10 Q. What happened after he told you to stand out in the open?
- 11 A. Then he called for his pistol. His pistol had 12 rounds,
12 according to himself.
- 13 Q. He told you that himself?
- 14 A. So he said.
- 15 Q. And what happened after he called for his pistol?
- 16 A. He pointed it at me.
- 17 Q. Did he point it in your direction?
- 18 A. Just in front of me as the mic is before me.
- 19 Q. So would you say he was about -- how far would you say he
20 was from where he was standing to where you were
21 standing?
- 22 A. I think it could be eight feet.
- 23 Q. After he pointed the pistol at you, sir, did he say
24 anything to you?
- 25 A. Yes.
- 26 Q. What did he say?
- 27 A. He said, "You're a pastor. If I kill you here, nobody
28 will bury you. While [inaudible] it would be a blessing,
29 because you are a Godly person."

- 1 Q. What did you say in response to that, sir?
- 2 PRESIDING JUDGE: Let him take that again, "If I kill you
3 here, nobody will bury you." What was the next reply he
4 gave you?
- 5 MR ISCANDARI:
- 6 Q. After he said if "I kill you here, nobody will bury you",
7 what else did he say?
- 8 A. He said that will be a blessing to him, he and his
9 rebels.
- 10 Q. What would be a blessing to them?
- 11 A. Because I'm a Godly man.
- 12 Q. Did you say anything in response to that?
- 13 A. I didn't say anything.
- 14 Q. Could you tell this Court how you felt when Captain Banya
15 pointed his pistol at you and said these words?
- 16 A. Yes.
- 17 Q. Please do.
- 18 A. I was now thinking myself as a dead person. That was how
19 I felt now.
- 20 Q. What happened after that, sir?
- 21 A. Then he began raising his gun up and down in front of me.
22 Raising his hand up and down. When the gun's nozzle
23 reached towards my chest, I heard a shot.
- 24 Q. Did you say you heard a shot when the gun reached towards
25 your chest?
- 26 A. No, I said when he pointed a gun between my two legs. If
27 he had pointed it at my chest, would I have explained
28 what I'm explaining now?
- 29 PRESIDING JUDGE: But we heard you say chest. That is what

1 was translated, So you don't blame counsel. Maybe that
2 was not what you said, but I heard "chest". You said the
3 nozzle reached your chest, towards your chest and you
4 heard a shot. That is what I heard. Anyway.

5 THE WITNESS: He pointed it first towards me. Then began
6 raising the hand up and down. When he brought down the
7 gun towards the middle of my legs, then I heard a
8 gunshot. That's what I said.

9 MR ISCANDARI:

10 Q. And when you heard the gunshot, what did you do?

11 A. I became scared.

12 Q. Was there any conversation between you and Captain Banya
13 after that gunshot?

14 A. We had no conversation. He said a word.

15 Q. What did he say?

16 A. He said "I will kill you."

17 Q. How did you feel when he said that?

18 A. I was still not with myself.

19 Q. Was -- were there any persons within the vicinity
20 watching all this unfold?

21 A. Yes, other civilians were around. Then his own rebels,
22 his companions were there.

23 Q. Did anything happen after that?

24 A. Yes.

25 Q. Please tell this Court what happened after that?

26 A. Then he himself came down and went to me.

27 Q. Came down from where?

28 A. From the veranda of his house. He came down to the open
29 where he asked me to stand.

1 Q. And when he came to you, what did he say or do?

2 A. Then he turned round and asked his children to bring me a
3 board. They brought a board.

4 Q. When you say "his children", what exactly do you mean?

5 A. His rebels.

6 Q. Tell this Court what happened after the board was brought
7 to him?

8 A. He said I should open my mouth and I opened my mouth. He
9 shoved the board in my mouth, he turned it, began
10 knocking my teeth.

11 Q. Did you say he began knocking your teeth?

12 A. Yes.

13 Q. Tell this Court exactly how he knocked your teeth?

14 A. The pistol which he had, he turned the butt and I'm
15 showing the Court -- can you see my teeth, he knocked all
16 my teeth and broke them. Are you seeing them? All my
17 teeth within my mouth is broken. He knocked everything
18 out and broke them, both up and down all fell within my
19 mouth.

20 Q. Do you have some dentures on?

21 PRESIDING JUDGE: The record should reflect that the witness
22 indicated -- opened his mouth and indicated the teeth,
23 the openings in his mouth created by the teeth having
24 been knocked out. Please let the record reflect that.

25 MR ISCANDARI:

26 Q. Did this happen in the presence of other people?

27 PRESIDING JUDGE: He has said yes.

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: He said has yes. He said yes. Counsel,

1 proceed, please.

2 MR ISCANDARI:

3 Q. Tell the Court how you felt when that was being done to
4 you in the presence of other people?

5 A. I suffered. I was in pain. Even up to this hour I'm in
6 pain. I was distressed, because I became old when I'm
7 young. That is a big pain in my heart today. All my
8 teeth in my mouth cannot work again except I suck and
9 swallow. That is all the reason when I'm given food in
10 public I tell people I'm hungry, because I cannot chew.
11 My head will swell with me: That's how I feel right now.

12 MR ISCANDARI: I have nothing further of this witness.

13 PRESIDING JUDGE: Is that the end of your
14 examination-in-chief?

15 MR ISCANDARI: Yes, the Prosecution rests with regard to this
16 witness, Your Honour.

17 JUDGE THOMPSON: Learned counsel for the first accused, your
18 witness.

19 MR JORDASH: Thank you, Your Honour.

20 CROSS-EXAMINED BY MR JORDASH:

21 Q. Good morning, Mr Witness.

22 A. Yes, good morning.

23 Q. Just a few questions, if I can. You were captured by the
24 rebels in March of 1998; is that right?

25 A. Yes.

26 Q. And from what you've told us, you were taken to Kania
27 from where you had been first captured?

28 A. I was captured in Tongo and brought to Kania.

29 Q. And you were captured by a small group of rebels and then

1 taken to Kania and then to Koidu Town where you met a
2 larger group of rebels; is that right?

3 A. Yes, but I said we met some rebels along the road while
4 coming. Before we reached to Sunna mosque, we met rebels
5 along the road.

6 Q. At this time there were a number of small -- small groups
7 of rebels operating in the bush and in different places,
8 such as Kania; is that a good description?

9 A. What I know is that those who captured me is whom I know.
10 And those we met along the road when we were coming, they
11 are the people also I know.

12 Q. At this time is this right: Neither the bush nor towns
13 nor Koidu Town was particularly safe from rebels? Shall
14 I break that down?

15 A. Yes, yes, because when I was hidden in the bush, they
16 went and captured me from there and they brought me to
17 the town. I can say nowhere was safe again, because they
18 were everywhere.

19 Q. And were you also fearful whilst in the bush before your
20 capture by the rebels that you might be mistaken,
21 yourself, as a rebel by the Kamajors or CDF?

22 PRESIDING JUDGE: Mr Jordash.

23 MR JORDASH: Shall I break it down?

24 PRESIDING JUDGE: Yes, make it shorter for him so its easier
25 to comprehend.

26 MR JORDASH:

27 Q. Before your capture, Mr Witness, by the rebels, were you
28 fearful of being caught by the rebels?

29 A. I was fearful. That was all the reason I ran away.

1 I never wanted rebels to capture me.

2 Q. Were there also groups such as the Kamajors who were
3 operating in the area at the time that you were fearful
4 of?

5 A. Before the rebels entered the town, I said Kamajors came
6 from Kenema. They said they had come to protect Kono.
7 But when the rebels came, I didn't see any Kamajor again.
8 I can't say whether they were in the bushes.

9 Q. Was there a risk at this time or any time afterwards that
10 if you had been caught or if a civilian had been caught
11 in the bush by Kamajors they might be mistaken for
12 rebels? Was that a risk you were aware of?

13 A. Whosoever had a gun with him is not my friend. If I see
14 anybody with a gun coming toward me, I will run away.

15 PRESIDING JUDGE: Mr Jordash, that question does not appear to
16 have been answered.

17 MR JORDASH: I'll follow it up.

18 PRESIDING JUDGE: Follow it up, please.

19 MR JORDASH:

20 Q. Why would you run away from anybody with a gun,
21 Mr Witness, at that time?

22 A. Because they came to kill people and I love my life. If
23 I have any chance to run away, I will run away to go and
24 hide.

25 Q. Is this fair, Mr Witness, there was no way of knowing
26 whether somebody with a gun was going to look after you
27 or was going to treat you as the enemy?

28 A. Can you please repeat that question. I didn't get you
29 clear.

1 Q. At that time, there was no way of knowing whether
2 somebody who had a gun was somebody who was likely to
3 look after you or, in fact, treat you as their enemy; is
4 that fair?

5 JUDGE THOMPSON: Is this question not implicit in his answer
6 that whoever has a gun, is not his friend? He gave that
7 answer. It would seem as if that question would
8 conveniently be implied from that answer, because here he
9 is saying that his mind set was anyone coming towards him
10 with a gun is not his friend and he will run away. And
11 of course you are asking him to make a distinction
12 between someone who comes with a gun to protect him and
13 someone who comes with a gun not to protect him. I think
14 perhaps that answer is implied by his general mindset.
15 But you can pursue it, I'm just figuring it that way.

16 MR JORDASH: Thank you.

17 Q. There was no way to tell, was there, by simple appearance
18 whether a person dressed in ordinary clothes with a gun
19 was a friend or an enemy in those times?

20 A. The first people I saw in the first instance were people
21 with no uniform. Then I saw others again with uniform
22 on. Those with uniform captured me. Those without
23 uniform came that of my friend Aiah Abu. Person with gun
24 is not my friend, except for God.

25 Q. Would you agree that that was, for those times, a general
26 concern for all civilians without guns, from what you
27 observed?

28 A. I didn't get you.

29 Q. From what you observed, your own fear of men with -- your

1 own generalised fear of men with guns was a fear shared
2 by all civilians without guns?

3 A. I'm talking from my own point of view. I don't know the
4 feelings of other people. What I felt is what I am
5 explaining. What I say is I was fearful of people
6 holding gun.

7 Q. Well, Mr Witness, you were there and most of us in this
8 room were not. You met civilians, like yourself, didn't
9 you?

10 A. Yes, they abducted some people and brought them.

11 Q. You spoke to civilians?

12 PRESIDING JUDGE: Mr Witness, Mr Witness.

13 THE WITNESS: Yes, sir.

14 PRESIDING JUDGE: These civilians who were with you, they
15 abducted all of you together, you were all together. You
16 say you do not like guns. Did those civilians like guns,
17 those other civilians who were with you? Even though you
18 are speaking for yourself.

19 THE WITNESS: The man with whom I was speaking Aiah Abu is not
20 alive again. Why I'm saying so I know what I feel. I
21 don't know what the other man feels.

22 MR JORDASH:

23 Q. When you were hiding in the bush, Mr Witness, before
24 being taken to Kania, were you hiding with other
25 civilians, or just your family?

26 A. I was with another civilian, two of us where we were
27 hiding.

28 Q. Were you all hiding from anybody with guns?

29 A. Yes.

- 1 Q. Now, at those times -- at that time what were you eating,
2 at the time before your capture by the rebels?
- 3 A. From the beginning I told you that we are on lent season
4 and during that period we fasted and prayed. By that
5 time I was on dry fasting.
- 6 Q. You were not eating anything at all?
- 7 A. When I said dry fasting, not -- you cannot even touch
8 water. You fast during the day and night. That be used
9 to it.
- 10 Q. What about your family, were they dry fasting?
- 11 A. Which of my family? I cannot understand.
- 12 Q. Well, Mr Witness, try your wife, was she dry fasting?
- 13 A. No.
- 14 Q. What was she eating?
- 15 A. Before the war, they were eating. I buy food for them,
16 they eat. By then the war had not come yet. They used
17 to eat. When those people came, we separated from each
18 other. Until this time I have not even them.
- 19 Q. Okay. My mistake, I'm sorry. How long had you been in
20 the bush when you were captured?
- 21 A. Where I hid myself?
- 22 Q. Yes, before you were captured by the rebels.
- 23 A. I was about to take two weeks when I was captured.
- 24 Q. Had you not eaten or drunk anything in two weeks?
- 25 A. Yes, God knows, I even fast for 21 days.
- 26 Q. What without water?
- 27 A. Yes, I don't drink water and I cannot touch anything like
28 food.
- 29 Q. How long can you go, Mr Witness, without drinking water?

1 A. If I'm praying and fasting and praying with a true spirit
2 I can go 21 days.

3 Q. What were other people in the bush that you've mentioned,
4 I think, two others that were with you, what were they
5 eating?

6 JUDGE THOMPSON: Just a minute. Go ahead, counsel.

7 MR ISCANDARI: I object. It misstates the testimony of this
8 witness. This witness has testified that he was only in
9 the bush with one person.

10 MR JORDASH: I beg your pardon.

11 JUDGE THOMPSON: Sustained. Go ahead.

12 MR JORDASH:

13 Q. What was the one person that you were with eating? I'm
14 just trying to get an idea, Mr Witness, as to what people
15 did for food when in the bush. That's what my questions
16 are directed at. So the person who was with you, what
17 did they eat in the bush?

18 A. What you can tell me, he told me he was going to find
19 food. He didn't come with food in his hands. Whether he
20 eats palm nuts, banana, he take in air, that I don't
21 know. He only told me that he is going to look out for
22 food.

23 Q. What about shelter, was there any shelters in the bush?
24 Did you make any shelter or find any?

25 A. Well, I did explain in the first place that we were in a
26 sort of cave under a rock.

27 Q. Okay. Thank you. Now, moving forward to the Sunna
28 mosque, am I right in saying that's where you first met
29 Rambo?

- 1 A. Yes, I met him at Sunna mosque.
- 2 PRESIDING JUDGE: Was that the first time?
- 3 MR JORDASH: Yes, the first time.
- 4 Q. The first time that you ever met Rambo was at the Sunna
5 mosque?
- 6 A. Yes.
- 7 Q. And amongst the commanders who were there, he was the man
8 in control of the others; is that right? He was the
9 biggest commanding officer?
- 10 A. Yes, so I heard that he was the brigade commander.
- 11 Q. And from what you saw of his behaviour, he was the top
12 boss; is that right?
- 13 A. At that time he was their boss, the time that we were at
14 Sunna mosque, he was the boss there. If he was a
15 commander or somebody was there ahead of him, that
16 I never knew, but while at Sunna mosque everything was
17 directed to him and he acted as the leader.
- 18 Q. Thank you, Mr Witness. And in fact Rocky had taken you
19 to Rambo as his commanding officer; is that right?
- 20 A. He said we should go to Sunna mosque. When we arrived
21 there, he reported to Rambo that I've killed -- he have
22 killed 121 people and I'm the only survivor.
- 23 Q. So Rocky was the next in charge underneath Rambo? Was
24 that your impression?
- 25 A. My friend, I cannot answer that question. I never knew
26 their relation. I was only thinking of my own life.
- 27 Q. Well, was it Rocky who made the decision to take you to
28 Rambo, from what you saw?
- 29 A. Rocky told me -- he said we should go. Then we reached

- 1 at Sunna mosque. I then saw him make report to Rambo.
2 He said he has killed 101 people, except for this pastor.
3 That is the only thing I know.
- 4 PRESIDING JUDGE: The count of people is what? Is it 101 or
5 what?
- 6 MR JORDASH: Can I pick up on this, Your Honour, please?
- 7 PRESIDING JUDGE: Yes.
- 8 MR JORDASH:
- 9 Q. You just mentioned that Rocky told Rambo that he had
10 killed 121 people?
- 11 MR HARRISON: That's not quite what happened. There was two
12 answers. The first one was 121; the most recent one, the
13 second answer was 101.
- 14 MR JORDASH: Well, I was picking up on one answer.
- 15 JUDGE THOMPSON: Yes, you can clarify that. We had two
16 answers too, so we need to know which is which.
- 17 MR JORDASH: Exactly.
- 18 JUDGE THOMPSON: Go ahead, counsel.
- 19 MR JORDASH:
- 20 Q. Did you just say that Rocky had reported to Rambo that he
21 had killed 121 people? Did you say that a minute ago?
- 22 A. I said he reported to Rambo, who is -- Major Rocky, that
23 he killed 101 and not 21.
- 24 Q. Are you unsure about the number killed, Mr Witness?
- 25 A. Yes.
- 26 Q. So you're not sure it was 101? Or you are sure?
- 27 A. The report Rocky gave to Rambo that he killed 101 people,
28 I do believe that.
- 29 Q. Why do you believe that?

- 1 A. Because I do know that he would not lie to Rambo.
- 2 Q. How do you know that? Why do you think that?
- 3 A. Because I'm a Godly person, whatever I say is truth, and
4 therefore if somebody is talking to me I know and believe
5 he's saying the truth.
- 6 Q. Okay. Now, you were taken to Wundidu by Rocky, is that
7 right, in late April?
- 8 A. He carried me to Wundidu in April, but to say it was deep
9 into April, no.
- 10 Q. And when you -- after you'd arrived in Wundidu you told
11 us that Rocky was transferred to Tombodu; correct?
- 12 A. When we arrived at Wundidu, it took few days, it was not
13 immediate, it took few days before he could be
14 transferred to Tombodu.
- 15 Q. Were you aware at that time or did you become aware
16 subsequently that Rocky was joining Staff Alhaji in
17 Tombodu?
- 18 JUDGE THOMPSON: Repeat your question.
- 19 MR JORDASH: Was the witness aware at that time or did he
20 subsequently become aware that Rocky was going to meet
21 Staff Alhaji at Tombodu.
- 22 JUDGE THOMPSON: Thank you. Let the witness answer.
- 23 THE WITNESS: What Rocky told me, he said he had been
24 transferred to Tombodu. That was the end of it. He
25 didn't tell me that he was going to meet Staff Alhaji or
26 he was going to join any other person. That was what he
27 told me, that he had been transferred.
- 28 JUDGE THOMPSON: That is why I asked. You probably need to
29 break that question down.

- 1 MR JORDASH: I agree, thank you, Your Honour.
- 2 Q. Just so that we are clear about your involvement with the
3 rebels, you were captured in March of 1998 and stayed
4 with the rebels until what date?
- 5 A. Until the year 2000.
- 6 Q. And during that time, were you mainly based in Kono?
- 7 A. I was in Kono, but there came a time when I was taken to
8 Kailahun. But I didn't settle in Kailahun.
- 9 Q. How long did you stay in Kailahun?
- 10 A. The longest time I took there was either one or two days
11 I come back. Since one or two days again, I come back.
12 This happened thrice.
- 13 Q. So 99 per cent of your time you were in Kono during your
14 time with the rebels?
- 15 A. Yes.
- 16 Q. And you were doing your work. I'm not interested what
17 your work is, Mr Witness, but you were doing your work
18 with the rebels throughout that period; is that correct?
- 19 A. Yes, I was doing it.
- 20 Q. You knew some of the commanding rebels, is that correct,
21 during this period?
- 22 A. Yes.
- 23 Q. So you are able to give some evidence to this Court about
24 what you learned about the operations of the rebels in
25 Kono; is that correct?
- 26 A. Yes, that which I know is that what I've explained.
- 27 Q. Well, I'm going to ask you a bit more about some things
28 you haven't explained yet. One of those things is this:
29 Did you subsequently learn that Rocky had been

1 transferred to meet Staff Alhaji in Tombodu?

2 MR ISCANDARI: Your Honours, I object. This question has been
3 asked and answered by this witness.

4 PRESIDING JUDGE: Objection overruled. He can ask again.

5 This is -- he is under cross-examination. He has asked
6 it in a different perspective. The first question was:
7 Did you know that he was transferred, did he tell you
8 that he was transferred to Tombodu to meet Staff Alhaji?
9 He said no. Now the question has been framed otherwise,
10 so Mr Jordash, you may ask your question, please.

11 MR JORDASH: Thank you.

12 Q. We know that you didn't know at the time that Rocky was
13 being transferred to meet any particular individual, but
14 during your time with the rebels, did you learn that
15 Staff Alhaji was in Tombodu at the time that Rocky was
16 transferred?

17 A. I didn't say so. I said I don't know. What I know is
18 that Rocky said he had been transferred to Tombodu. I
19 was in captivity, with no right to have asked him. If
20 I would have asked him to say with whom are you going to
21 stay in Tombodu, would you not say it is with different
22 intention according to their words? So I had no power to
23 do that.

24 Q. Mr Witness, just try to listen to my question. Have you
25 ever heard of Savage?

26 A. Yes.

27 Q. What have you heard about Savage?

28 A. They said he was in Tombodu.

29 Q. When?

- 1 A. The time I was held by them but I could not remember at
2 what definite time it was.
- 3 Q. So at the time then that you were Wundidu, from what
4 you've heard Savage was in Tombodu; is that correct?
- 5 A. I heard that news from Kailahun. I didn't get it from
6 Wundidu that Savage was in Tombodu.
- 7 Q. Well, I'm not asking you as to where you got the
8 information from. I'm just asking you whether from what
9 you'd heard, Savage was in Tombodu at the time that you
10 were in Wundidu; is that right?
- 11 A. No.
- 12 Q. Okay, when did you hear Savage was in Tombodu?
- 13 A. I was in Kailahun when I heard of it, but I cannot
14 remember the exact date.
- 15 Q. What's your understanding as to --
- 16 JUDGE THOMPSON: Let's have it that he's actually saying that
17 he heard that Savage was in Tombodu when he was in
18 Kailahun, not was in Wundidu. So the answer has now
19 emerged.
- 20 MR JORDASH: Yes.
- 21 Q. Mr Witness, is your evidence to this Court that you never
22 heard about Savage in Tombodu whilst you were in Kono?
23 That that news didn't reach you in Kono?
- 24 A. No, except when I was at Kailahun. That's the reason
25 even in my explanation I didn't say anything about him.
- 26 Q. Have you ever heard of a man called Superman,
27 Denis Mingo?
- 28 A. Yes, I heard of that name.
- 29 Q. When did you hear that name?

- 1 A. I heard it from PC Ground.
- 2 Q. From where, sorry?
- 3 A. It is PC Ground, so the rebels used to call it, but the
4 actual name for the town is Meiyor.
- 5 JUDGE THOMPSON: Was your question when?
- 6 MR JORDASH: When.
- 7 JUDGE THOMPSON: Not where.
- 8 MR JORDASH: But where will suffice. I'll move on.
- 9 Q. Do you recall how you heard that information? Or do you
10 recall when you heard about Superman -- let me start that
11 again, sorry. Wasn't there a camp called Superman Camp
12 sometime in 1998 near PC Ground?
- 13 A. Yes, PC Ground is the name for that camp. That is the
14 name I know for it.
- 15 Q. Well, you've never heard of Superman Ground, Superman
16 Camp?
- 17 A. That was the time I heard of Superman Camp. Then I heard
18 of Superman himself when I was in the Superman Ground,
19 which they called PC Ground.
- 20 Q. Right, okay. When were you in PC Ground?
- 21 JUDGE THOMPSON: What are you accepting?
- 22 MR JORDASH: That he had heard about Superman Ground when he
23 was in Superman Ground -- when he was in PC Ground. PC
24 Ground is another name for --
- 25 JUDGE THOMPSON: Superman Camp.
- 26 MR JORDASH: That is how I understood his evidence.
- 27 JUDGE THOMPSON: Proceed.
- 28 MR JORDASH: Thank you.
- 29 Q. Did you ever see Superman?

1 A. I saw him only once.

2 Q. Let me just go back to a question I asked you a moment
3 ago. When were you in PC Ground?

4 A. 1998.

5 PRESIDING JUDGE: Learned counsel, since we have it on record,
6 we've all along have been calling it Superman's Ground
7 and he's now confirmed, it would appear, that PC Ground
8 is also Superman's Ground. Can we keep calling it
9 Superman's Ground, please, for purposes of consistency
10 and the tidiness of the records, please.

11 MR JORDASH: Certainly.

12 JUDGE THOMPSON: No, it's Superman's Camp. Isn't it camp?

13 MR JORDASH: I think it's known as both.

14 JUDGE THOMPSON: PC Ground, or Superman Camp. Not Superman
15 Ground.

16 MR JORDASH: Your Honour, I think Your Honour's right, yes.

17 PRESIDING JUDGE: I think, well, my recollection is Superman's
18 Ground. You know, whatever it is, that's all right.

19 MR JORDASH:

20 Q. Did you move to Superman's Camp after Wundidu?

21 A. Yes.

22 Q. Was this part of a movement of rebels out of Koidu Town
23 and a re-establishment at PC Ground -- at Superman Camp?
24 I can break that down, Mr Witness.

25 A. I didn't get you.

26 Q. Was this part of a movement of the rebels out of Koidu
27 Town because of attacks by ECOMOG?

28 A. Yes, it was the place for the rebels and it was outside
29 Koidu, while ECOMOG was in Koidu.

1 Q. Were you aware of a large movement of rebels from Koidu
2 Town to Superman Camp in April-May of 1998?

3 A. I was not following them. I cannot tell, because I was
4 in captivity. I never knew how they were moving.

5 Q. What did you -- can you explain, Mr Witness, how it was
6 that you came to leave Wundidu?

7 A. Yes. Let me explain.

8 Q. Yes, please.

9 A. The time when Captain Banya flog me and break my teeth,
10 the next day he sent us to go and find food. He said
11 I should go. When we went in search of food with some of
12 his rebels, then they measured sealed rice in a bag for
13 me which was about 175 cups and they said I should tote
14 it. Then I laughed. Then I told the other civilians,
15 I told them that these people say if you get tired of
16 doing anything, they will kill you, so if you go, tell my
17 people after the war --

18 THE INTERPRETER: Your Lordship, let the witness be slow --

19 JUDGE THOMPSON: Mr Witness, please go slowly for us, so that
20 we can have everything you're saying clearly recorded and
21 translated. All right. Proceed slowly.

22 THE WITNESS: I said, because I cannot tote this rice, because
23 50 cups -- I cannot take even 50 cups, because of the
24 pains in my head I cannot even imagine taking 175 cups,
25 so I think here I'm going to stay. And he said, "Come
26 on, pastor, let us go." Three people lifted it up and
27 put it on my head. I didn't take even a step, let's say
28 from here to the door. I was unable to breathe. Then
29 I left it to fall.

- 1 MR JORDASH: [Microphone not activated]
- 2 Q. Perhaps I should have asked my question more carefully.
3 What I'm interested in particularly is this: Was it your
4 understanding that the movement to Superman Camp was as a
5 result of an order to evacuate Koidu Town, your
6 understanding then or subsequently?
- 7 A. Yes. They moved me from Wundidu, not on my own or at my
8 own will. They said you should go to Superman Ground and
9 be praying there.
- 10 Q. Was it your understanding that Superman was in control of
11 Superman Camp, and the surrounding areas?
- 12 A. No, I didn't understand that.
- 13 Q. What did you understand then in terms of who was in
14 control of Superman Ground?
- 15 A. Colonel Rambo was in charge and he was controlling there.
- 16 Q. And can you try to be specific as to your understanding
17 of when Rambo was in control of Superman Ground.
- 18 A. The time I was captured, they took me there, I met the
19 system on. All throughout 1998 he was in charge.
- 20 Q. And in 1999 did he remain in charge?
- 21 A. While I was held in the bush with them, he was in charge.
- 22 Q. How long did you stay at Superman Ground, Mr Witness?
- 23 A. When I was captured in April 1998 up to December month,
24 it was that time they attacked Koidu and routed ECOMOG.
25 When I say the time we were in the bush, I'm saying this
26 during the time of 1998.
- 27 Q. Did you hear of Peter Vandi assuming control of Kono in
28 early 1999?
- 29 A. Yes, I heard of that name also.

- 1 Q. Did you hear of him becoming the commander in Kono
2 until -- from late December 1998 until September 1999?
- 3 A. He was a big man, but to say I knew his position, I never
4 knew the position he held until that time.
- 5 Q. But he was one -- your understanding was he was one of
6 the big commanders in Kono; is that right?
- 7 A. Yes, he was an authority. He was one of the authorities.
- 8 Q. And did you hear of a man called Martin George becoming
9 one of the authorities in September --
- 10 PRESIDING JUDGE: Did you hear of a man called Martin George?
11 Let him answer that first, before we move to the
12 functions which you intend to attribute to him.
- 13 MR JORDASH: Sorry.
- 14 Q. Did you hear of a man called Martin George in 1999?
- 15 A. Yes.
- 16 Q. Did you hear that he was one of the authorities at that
17 time?
- 18 A. Yes, in fact, he became a brigade commander in Kono.
- 19 Q. Well, I'm suggesting that in September 1999 Martin George
20 was the top commander in Kono. Can you confirm that?
- 21 A. He was an authority in Kono, but to say I knew at the
22 time, I can't say because I was not with myself.
- 23 Q. Were you aware -- you've told us that Rambo, from your
24 understanding, was the top commander at Superman Ground
25 in April 1998 or thereabouts; yes? Did you hear that?
26 Did you say that?
- 27 A. He was an authority while we were in the bush at
28 Superman's ground in 1998. He was the brigade commander.
- 29 Q. Well, you said a few minutes ago, Mr Witness, and I want

1 to be as accurate as, possible, that Colonel Rambo was in
2 charge and controlling Superman Ground? Were you
3 suggesting that he was the top man or that there was
4 somebody above him?

5 A. Kono, Kono, he was the authority.

6 Q. The top authority, as you understand it, is that what
7 you're saying?

8 A. While we were in the bush, he was the authority. He said
9 brigade commander.

10 Q. No, no. When you arrived at Superman Ground, was Rambo
11 the top commander in Kono, the top commander?

12 A. At that time -- at the time it was he I knew and it was
13 he I saw.

14 Q. Thank you. Was there a time from what you knew and what
15 you saw when that changed? Or did Rambo remain in
16 control of that area throughout 1998 and 1999?

17 A. I didn't get you clear.

18 Q. Well, you've told us that Rambo was the top commander in
19 control at Superman Ground when you went there. What I'm
20 asking is whether, as far as you are aware, that
21 situation remained the same throughout 1998 and 1999, or
22 whether it changed.

23 A. There came a time the topmost of them all, the most
24 senior of them I saw. They told me that.

25 [HS310105B 11.15 a.m. - SGH]

26 Q. Sorry, what do you mean, Mr Witness? Would you explain
27 that again?

28 A. There was a time at first I said I knew Rambo. There was
29 another time they showed me another authority. They said

- 1 all the rebels in Kono, he was their leader. Not only
2 Superman ground. He was even the war head.
- 3 Q. Well, I am not interested at the moment who was the war
4 head, I am interested in Kono. I will come to the war
5 head in a minute.
- 6 A. I'm talking of Kono.
- 7 Q. Well, who was that person?
- 8 A. They showed me General Issa, by then he was colonel, that
9 he was the battle front commander of Kono.
- 10 Q. When was that?
- 11 A. At that time we were now in Koidu.
- 12 Q. So, was that December 1998?
- 13 A. My friend, I cannot recollect that again.
- 14 Q. Well, did you meet Mr Sesay at this time?
- 15 A. Yes, I met him.
- 16 Q. What year?
- 17 A. I cannot forget that I met him in 1999. He was xxxx
18 xxxx xxxx to me. His xxxx xxxx xxxx.
- 19 Q. So this was at a time when you were living in a house in
20 Koidu town; is that right?
- 21 A. Yes, I was in the house in Koidu, a place where they call
22 ^xxxx.
- 23 Q. Were you not captured though, Mr Witness, until 2000?
- 24 A. I didn't get anything.
- 25 Q. Listen carefully, Mr Witness. Were you not captured and
26 effectively imprisoned by the rebels until 2000?
- 27 JUDGE BOUTET: I'm sorry, Mr Jordash, did you -- I missed that
28 last question, that he was captured in 2000?
- 29 MR JORDASH: Captured until 2000.

- 1 JUDGE BOUTET: He was not captured until 2000?
- 2 MR JORDASH: No, no, no, Your Honour. Could I just ask the
3 question again, I think it will become clearer?
- 4 JUDGE BOUTET: Yes.
- 5 MR JORDASH:
- 6 Q. Is it not right, Mr Witness, that you were effectively
7 captured and imprisoned by the RUF until 2000?
- 8 MR HARRISON: Well, objection. I mean, it is fair to say when
9 were you captured and secondly, how long were you in
10 prison for. But to merge the two a captive is a discrete
11 event. The term of imprisonment could be quite a lengthy
12 event.
- 13 JUDGE THOMPSON: Sustained.
- 14 MR JORDASH:
- 15 Q. When do you say you were released by the RUF or the
16 rebels, Mr Witness?
- 17 A. The day they released me at the time of the disarmament.
- 18 Q. What year?
- 19 A. Year 2000. That's what I can recollect. But they didn't
20 release me.
- 21 Q. Were you able to live in your own house before
22 disarmament or a house in Koidu Town?
- 23 A. xxxx xxxx xxxx xxxx xxxx xxxx xxxx,
24 xxxx xxxx xxxx xxxx xxxx.
- 25 Q. Well, when did you move into that house?
- 26 JUDGE BOUTET: Mr Jordash, just --
- 27 MR JORDASH: Sorry. The xxxx xxxx may reveal some
28 information about the identity of the witness. I am just
29 cautioning you, I am just saying -- I am not precluding

1 you from asking a question. I am just advising it might
2 be on soft ground.

3 MR JORDASH: Your Honour, yes.

4 JUDGE BOUTET: Having said that you may wish to proceed with
5 your question anyhow.

6 MR JORDASH: I will try it in a different way.

7 Q. How long were you at Superman ground, Mr Witness?

8 A. I cannot remember the period, but I was there until the
9 time they came and over ran ECOMOG in Koidu.

10 Q. Then did you move into Koidu Town?

11 A. Yes. We came to Koidu Town with the rebels.

12 Q. Was that in 1998 or 1999, can you remember?

13 A. It was the tail end of 1998, in December. I cannot
14 forget that. That was the time ECOMOG was overrun in
15 Koidu. In January 1999, they called us to come now to
16 Koidu town.

17 Q. In December 1998 or -- sorry, sorry, sorry. In January
18 1999?

19 PRESIDING JUDGE: They called them, who?

20 MR JORDASH:

21 Q. Who called you to come to Koidu Town, Mr Witness?

22 A. They, the rebel authorities, called us with the other
23 rebel men and women and children and civilians to come to
24 town. Koidu Town.

25 PRESIDING JUDGE: I'm not clear, the rebels and the
26 authorities and so on. Can you let us know, who called
27 you, you know, to come to town?

28 THE WITNESS: I said the rebels.

29 MR JORDASH:

1 Q. Were you then able to come to Koidu Town?

2 A. Yes.

3 Q. I am not interested in your address, where you were
4 living, Mr Witness, but did you straight away move into a
5 house in Koidu Town?

6 A. Yes.

7 Q. How was it then you were able to obtain a house,
8 Mr Witness?

9 A. The day the rebels gave me a house, they said I was a
10 pastor and therefore I should be there.

11 MR HARRISON: I realise it is not directly from Mr Jordash's
12 question, but we are having a recurring problem of
13 information being disclosed, and I think it is
14 inadvertently, which may in fact make it somewhat
15 problematic. The protection of the witness's identity
16 and -- I just this morning suggest that it may well be
17 appropriate to enter in a short closed session. It may
18 be a brief period, if Mr Jordash requires it, but there
19 has been an on-going problem, but I think it's at its
20 head right now.

21 MR JORDASH: It might be better, in terms of -- I would like
22 to go into this witness's day-to-day -- some of, not,
23 Your Honours will be pleased to know, all, some of this
24 witness's day-to-day activities. So I think it might be
25 a recurring problem.

26 JUDGE THOMPSON: So you are accepting the option put forward
27 by the Prosecution?

28 MR JORDASH: Your Honour, yes.

29 JUDGE THOMPSON: So then any such application would be at your

1 instance?

2 MR JORDASH: Yes.

3 MR HARRISON: For itself, the Prosecution would obviously
4 consent.

5 JUDGE THOMPSON: You consent to that?

6 MR HARRISON: To the application.

7 JUDGE THOMPSON: Yes, quite, quite. Does the consent mean
8 that we relax our standard practice, because we want the
9 records to reflect merely briefly in an abbreviated form
10 that you applied for a closed session hearing --

11 MR JORDASH: Your Honour --

12 JUDGE THOMPSON: -- and then we approve it --

13 MR JORDASH: It would be on exactly the same basis upon which
14 it was applied for previously. And, Your Honour, I would
15 submit it could be dealt with in an abridged way.

16 JUDGE THOMPSON: Do you want to indicate how long this would
17 be for? An estimate of --

18 MR JORDASH: It's difficult but --

19 JUDGE THOMPSON: But let's just work on the basis of
20 approximations, that's all.

21 MR JORDASH: One hour. I don't think I will be any longer
22 than that in my cross-examination in total.

23 PRESIDING JUDGE: But is there -- since we are still in open
24 session, are there no other grounds you may want to
25 explore before we come to this, or do you think that in
26 terms of your strategy you would prefer going into a
27 closed session before moving into an open session?
28 Because I am imagining there might be some grounds which
29 you may probably wish to cover during the open session in

1 which we are, and then maybe we close it up with a closed
2 session. It's usually painful moving in and out of
3 closed sessions. It's just a question, it depends on
4 your preferences, Mr Jordash.

5 MR JORDASH: I think almost all of the cross-examination from
6 henceforth should be closed. There are one or two
7 questions I can dispense with quite quickly, and then
8 everything else will be, I think, suitable for closed
9 session.

10 JUDGE BOUTET: Which means that the balance of your
11 remaining -- of your cross-examination is essentially in
12 closed session?

13 MR JORDASH: It is. I hadn't anticipated it would be, but
14 there are certain aspects that this witness has dealt
15 with that I need to go into.

16 JUDGE THOMPSON: So if you accept the preference of the Bench,
17 as put forward by the Presiding Judge, it means that you
18 want to -- how long more do you want?

19 MR JORDASH: Ten minutes, I think.

20 JUDGE THOMPSON: Ten minutes, then we can go to entertain an
21 application for closed session.

22 MR JORDASH: Your Honour, yes.

23 JUDGE THOMPSON: Right, let's proceed then.

24 PRESIDING JUDGE: Yes.

25 MR JORDASH: Thank you.

26 Q. Okay, I am going to jump around a little bit, Mr Witness,
27 just to deal with some aspects which we can deal with in
28 open session. The first is this, when you were captured
29 and taken to Wundidu, did you become aware of conflicts

1 between the members of the RUF and those who were from
2 the Sierra Leonean Army?

3 A. Yes. At the time there was there was grumbling, but I
4 did hear the AFRC saying, "Our leader is Johnny Paul."
5 But normally all meetings were held together at one
6 place.

7 Q. Meetings held together, but separate command structures;
8 would you agree with that?

9 A. I cannot understand that because I was in captivity. The
10 young soldiers, were saying, "Oh no, we for us our boss
11 is Johnny Paul." But while they were holding meetings,
12 they all come together and hold meetings together and at
13 time when they are holding this meeting I will not be
14 there. They were calling the meeting forum.

15 Q. How do you know the meetings were held together if you
16 were not there?

17 A. Those whom I know as AFRC they said we are going for
18 meeting. We are going under that buffer. Others, whom I
19 know as RUF, they also directed the same buffer to me
20 that they were going to hold meetings. So that made me
21 to know that they were holding meetings together at the
22 same time.

23 Q. So members of both groups would confide with you as to
24 their activities in relation to meetings? Don't answer
25 and reveal your occupation, Mr Witness? They would
26 confide in you, would they, When you were in captivity?

27 A. Yes, somebody tell me -- even the big ones told me that
28 and they said I should pray for them.

29 Q. Did you see Johnny Paul Koroma in Koidu in March 1998 or

1 any time in -- well, let's --

2 A. No.

3 Q. No?

4 A. As for him, I don't know him, whether he is black, white
5 or whatever, I don't know.

6 Q. Was it your understanding that when you were captured in
7 March 1998 Johnny Paul Koroma was not in Kono?

8 A. I didn't understand that. I didn't see him, I didn't
9 hear about him. Then can I even stand up to ask anybody
10 about him?

11 Q. Just returning to the issue of conflicts between the RUF
12 and the SLAs, Sierra Leonean Army personnel, were there
13 complaints from both sides about the behaviour of the
14 other?

15 A. The junior ranks did grumble, yes. Those who came for
16 prayers -- when I go through their prayer they begin to
17 grumble it to me. That is how I came to know that were
18 grumbling.

19 JUDGE THOMPSON: That is getting very close to the prohibited
20 area.

21 MR JORDASH: I think it is probably best, Your Honours, if I
22 may invite you to move into closed because it seems any
23 question can drift into --

24 JUDGE THOMPSON: Yes, quite right. Yes.

25 PRESIDING JUDGE: Yes, well, we will rise for a couple of
26 minutes and we will --

27 JUDGE THOMPSON: Yes.

28 MR TOURAY: May I just also indicate to the suggest to the
29 Bench that I will be starting my cross-examination in

1 closed session.

2 JUDGE THOMPSON: All right. Okay. You will be starting your
3 cross-examination in closed session. About how long?

4 MR TOURAY: Perhaps 15, 20 minutes.

5 JUDGE THOMPSON: Okay. So that puts us somewhere around one
6 hour 30 minutes of closed session. Learned counsel, do
7 you want to be part of that package too?

8 MR CAMMEGH: No, I am planning and anticipating on adopting
9 Mr Jordash's cross-examination.

10 JUDGE THOMPSON: Okay. All right. So in other words, if that
11 is the estimate then it means that we will have to ask
12 members of the public gallery to exercise the usual
13 patience and probably retire for about 90 minutes.

14 PRESIDING JUDGE: It is --

15 JUDGE THOMPSON: Rather optimistic, yes.

16 PRESIDING JUDGE: We may go beyond one and even in the
17 afternoon we might not be ready to receive the gallery.

18 JUDGE THOMPSON: Yes.

19 PRESIDING JUDGE: This is it. So I think the gallery may well
20 be around by about 3.30 p.m. when we would have finished
21 with Mr Jordash's cross-examination in closed session and
22 may be taken the 15 or 20 minutes of Mr Touray, because
23 we certainly cannot finish all this by 1.00 o'clock.

24 So, we will rise and I think we would advise the
25 public in the gallery to come in and check and see if we
26 are ready to receive them in here at about 3.30 p.m.. So
27 the Court will rise and we will resume in a couple of
28 minutes, please.

29 [Break taken at 11.40 a.m.]

1 [At this point in the proceedings, a portion of the
2 transcript, pages 37 to 86, was extracted and sealed
3 under separate cover, as the session was heard in
4 camera.]

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1 [Upon resuming at 12.05 p.m.]

2 [Open session]

3 THE REGISTRAR: Court's now in open session.

4 JUDGE THOMPSON: We're resuming this trial in open session now
5 to enable the witness to be further cross-examined. This
6 is, of course, in accordance with our Rules that we hear
7 these cases in public, and of course we do take the
8 exceptional measure of going into closed session in order
9 to protect the identity of this witness, having regard to
10 his position in the community and also in a particular
11 locality. But we're now back in open session.

12 MR TOURAY: Thank you, Your Honour.

13 Q. Now, Mr Witness, you were captured in the Tankoro Road in
14 the Tankoro Chiefdom?

15 A. Yes, I was arrested in the Tongoro Bush.

16 Q. Now, that is getting towards the Gandorhun Highway?

17 A. It is not even around Gandorhun Road.

18 Q. Gandorhun is in Tankoro Chiefdom?

19 A. No, I disagree.

20 Q. In what chiefdom is Gandorhun?

21 A. Gbane.

22 Q. But it's next door to Tankoro Chiefdom.

23 A. Yes, but Tankoro is joined with some other chiefdoms
24 again.

25 JUDGE THOMPSON: Continue, counsel.

26 MR TOURAY: Thank you.

27 Q. And around March 1998, it's a fact, is it not, that there
28 were several fighting factions in Kono at the time?

29 A. Is this a question, or just a statement?

1 JUDGE THOMPSON: Learned counsel, please put your questions in
2 question form.

3 MR TOURAY: I did, My Lord. I said "is it not?"

4 JUDGE THOMPSON: I didn't hear that part.

5 MR TOURAY:

6 Q. There were several fighting factions in Kono around March
7 -- February, March 1998?

8 A. I know of RUF and AFRC because at the time they overran
9 Kono, from that date, I never saw the Kamajors again. So
10 I cannot say that there were other fighting forces apart
11 from those two that I have listed. Except for ECOMOG, if
12 they are to be included, because they also had guns, then
13 I can say ECOMOG also. If you asked me to simplify or
14 identify, except I explained it this way.

15 Q. So what you seem to admit is that you had AFRC, RUF, you
16 had ECOMOG. Is that what you're saying?

17 A. Within that month, AFRC, RUF. They're the only I know.
18 ECOMOG are not coming in yet.

19 Q. Now, before the AFRC, RUF came, there were Kamajors in
20 the Kono District?

21 A. Yes, I did see them.

22 Q. And there was fighting between the AFRC-RUF to take over
23 certain parts of Kono from the Kamajors.

24 A. I cannot even know, because as soon as I heard those
25 people had come, I just ran away towards the Tongoro
26 Bush.

27 Q. So you didn't even know whether there was fighting or
28 not? Is that what you say?

29 A. Yes, I only heard gunshots, because I was not there.

1 Q. So you only heard gunshots, but you don't know whether
2 there was any fighting. That is my question?

3 A. Yes, because when they say "the killers are coming," I
4 ran away. That which I saw, that is what I'm explaining.
5 I was not there.

6 JUDGE THOMPSON: Perhaps, counsel, you can simplify things for
7 us a bit because I got your questions in such a disparate
8 manner, and the answers came in a disparate way. So if
9 you ask what is the state of the evidence, I will tell
10 you that -- I'd ask the same question. Perhaps if you
11 inject a little more clarity and precision into your
12 questions, that might help.

13 MR TOURAY: Thank you, Your Honour.

14 JUDGE THOMPSON: Yes.

15 MR TOURAY:

16 Q. Mr Witness, there were Kamajors in Kono before the
17 RUF-AFRC forces came in?

18 A. Yes, so I've said.

19 JUDGE THOMPSON: Continue.

20 MR TOURAY:

21 Q. When the AFRC-RUF forces came in, you heard gunshots?

22 A. Yes, they came with a gun firing, all together.

23 Q. So you wouldn't say whether there was any resistance put
24 up by the Kamajors?

25 A. I don't know that. That which I saw is what I will talk
26 about.

27 Q. Okay, thank you. Now, the -- my suggestion is the
28 Kamajors fled towards the Tankoro, Gbane Chiefdom going
29 towards Gandorhun, some of them.

- 1 A. I cannot say so because the area in which I was, we
2 didn't see anybody like that.
- 3 Q. You saw no fighting men?
- 4 A. Except for those who went and abducted us. But besides
5 them, we didn't see any other person who had gone with
6 him.
- 7 Q. There were also Donsos?
- 8 A. I didn't know them by then.
- 9 Q. When did you know them?
- 10 A. They said Konomokwe [phoen], the time of the disarmament.
- 11 Q. Time of the disarmament, that was the time --
- 12 JUDGE THOMPSON: Let's have that -- we're trying to record
13 that. He said he knew the Donsos at the time of the
14 disarmament. Let me get that. Right, go ahead.
- 15 MR TOURAY:
- 16 Q. So they were not a fighting force all along, before
17 disarmament?
- 18 A. For me to know that, it was during that time because I've
19 told you that I had no time with anybody with gun. I did
20 fear them. My only attention was towards my prayers. I
21 never attended their gun meetings, even if there was one.
- 22 Q. In other words, you knew -- you know nothing about the
23 fighting that took place in Kono throughout? You cannot
24 tell this Court anything reliable about that?
- 25 A. Yes, except when we heard that those people had come. We
26 ran away and went to the Tongoro bush. That's all I
27 know. Besides that, when I was captured and I was now in
28 the custody of the rebels, all that's what I know.
- 29 Q. Thank you. Now, you were with Aiah Abu at the Tongoro

- 1 bush?
- 2 A. Yes.
- 3 Q. You don't know one of the -- you said one of the two men
4 shot at him.
- 5 A. Yes. It was one amongst them that shot him.
- 6 Q. Now, you don't know that individual?
- 7 A. I don't know him.
- 8 Q. And you never came to know him throughout?
- 9 A. Yes, because there were so many. I didn't know him. And
10 even up to this moment I'm talking, I don't know him.
- 11 Q. Thank you. Now, those who took you to Kania, you don't
12 know any one of those who took you to Kania?
- 13 A. Those people, I was not familiar with them.
- 14 Q. Thank you. And up to now, you don't know any one of
15 them?
- 16 A. No. At last, the person who captured me, I can still
17 make a mark of him.
- 18 Q. But do you know his name?
- 19 A. I said I make a mark of him, and I know him. There were
20 five in number two captured me, but the very first person
21 who laid his hands on me, that I know.
- 22 Q. Yes, but first of all, let me establish: You don't know
23 the name of the one who captured you. You don't know
24 him.
- 25 A. At first, I didn't know his name. I didn't know him
26 before. Later, while I was not in their care, I came to
27 know him.
- 28 Q. Now, you don't know the name of the other four, out of
29 the five? You don't know any one of those four out of

1 the five?

2 A. No, I don't know.

3 PRESIDING JUDGE: What's the name of this one again? Give it
4 to us again.

5 MR TOURAY: I have not asked for the name.

6 JUDGE THOMPSON: He didn't ask for it.

7 PRESIDING JUDGE: He didn't ask for it. I see, okay.

8 MR TOURAY:

9 Q. Now, at the time you got to the Sunna mosque, again, at
10 that time, most of the people that were there, when you
11 were taken to the Sunna mosque, you did not know them?

12 A. Among the civilians? I didn't get you clear. Among the
13 civilians or the rebels? I didn't get you.

14 Q. Let's go first with what you call rebels. You didn't
15 know any one of them at the time you were taken to the
16 Sunna mosque?

17 A. Yes, I never knew them. The only time I came to know
18 them, and even to see a rebel, was that time.

19 Q. You did not know them then.

20 A. No.

21 Q. And is it also true to say that the civilians you
22 mentioned in your evidence, you did not know them?

23 A. I know some of them, but they are dead. I knew some men,
24 but they are dead.

25 Q. How many did you know in the group, without mentioning
26 names? Just tell me a number.

27 A. I know of two.

28 Q. Only two. Out of two hundred-and-something, you say.

29 Now, when they took you, according to your evidence,

1 to the igbaleh, you also did not know at the time the
2 bodyguards of Rocky? Even Rocky himself, you did not
3 know he was called Rocky at that time?

4 A. Yes, I didn't know anyone among them.

5 Q. Okay.

6 A. At that time.

7 Q. Now, after what you called was an execution and you went
8 back to the Sunna mosque, the combatants you met there,
9 again you did not know at that time? You met about 30
10 combatants, you say, you did not know at that time?

11 A. I didn't know anyone among them. It was only Rocky who
12 began to introduce them to me, and the officers who began
13 to show themselves to me. But I never know any one of
14 them.

15 Q. [Previous interpretation continues] --

16 A. That was what I said in the first place.

17 Q. Yes. Rocky had his bodyguards. You did not know any one
18 of those bodyguards?

19 A. At the time we were at Sunna mosque, I didn't know any
20 one of them.

21 Q. Thank you. Now, you spoke about some small boys who were
22 around at the time of the alleged security at igbaleh.
23 You did not know any one of them at that time?

24 A. I said that which concerns those rebels. You've asked me
25 if I knew them, and I said I don't know them. I never
26 know them before.

27 Q. [Previous interpretation continues] --

28 A. Not before, even at that time, did I know them. I didn't
29 know them, except when I went down to Wundidu, before I

1 could know them.

2 Q. Thank you. That's the evidence, he only came to know
3 them when he went to Wundidu. But before that, he did
4 not know them.

5 JUDGE BOUTET: You mean, he didn't know their names. Depends
6 what you mean by he didn't know them.

7 THE WITNESS: I did not know their names.

8 JUDGE BOUTET: I'm just trying to make sense of the evidence.
9 I'm trying to follow what you're saying.

10 JUDGE THOMPSON: Proceed, counsel.

11 MR TOURAY:

12 Q. Now, you really met with a lot of people at that time.

13 PRESIDING JUDGE: I want to sound a caution here. I should
14 not just -- you should not get into the culture of
15 stopping at evidence which we think, you know, suits our
16 case because I think we're here to know what the truth is
17 and not necessarily -- and of course, what is favourable
18 to clients, but we should be careful about saying, well,
19 I'm stopping here. I'm not going further. We have to be
20 very, very careful about that. You may proceed, please.

21 MR TOURAY: As Your Honour pleases, but only that be for the
22 Defence, not for the Prosecution.

23 JUDGE BOUTET: As the learned Presiding Judge has just stated,
24 we are concerned with the truth and we want to know what
25 happened, so whether it's for the Prosecution or for the
26 Defence, we want to know what happened, so obviously, it
27 is evidence that is mostly favourable to the Defence,
28 fine. We have no part in it. We want to know the truth.

29 MR TOURAY: As Your Honour pleases.

1 Q. Now, Mr Witness, they want the truth from you, the
2 Judges.

3 JUDGE THOMPSON: And learned counsel, too, wants the truth
4 from the witness.

5 MR TOURAY: In favour of my client, Your Honour.

6 JUDGE THOMPSON: I thought you were all here -- it's the
7 business that we're here for, the truth.

8 MR TOURAY: Thank you.

9 JUDGE THOMPSON: You're an officer of the Court.

10 MR TOURAY: Thank you, Your Honour. I'm just asking
11 questions.

12 JUDGE THOMPSON: Certainly I have no doubt that you, too, want
13 the truth.

14 MR TOURAY: Indeed, sir.

15 PRESIDING JUDGE: You intend to be on again for how many
16 minutes?

17 MR TOURAY: If Your Honours wants to take a break, we can take
18 it now.

19 PRESIDING JUDGE: Okay. We'll take a break. It's not
20 Your Honour. We shall rise and come back in the next
21 couple of minutes.

22 [Recess taken at 4.53 p.m.]

23 [On resuming at 5.25 p.m.]

24 PRESIDING JUDGE: We're resuming the session, Mr Touray. You
25 may proceed, please.

26 MR TOURAY:

27 Q. Mr Witness.

28 A. Yes.

29 Q. From the time of your capture up to the time you went to

1 Wundidu, you met a lot of combatants.
2 A. I did see gunmen.
3 Q. And some of these gunmen, some were dressed as civilians?
4 A. Yes.
5 JUDGE THOMPSON: Some of them were dressed like?
6 MR TOURAY: As civilians.
7 JUDGE THOMPSON: As civilians, yeah.
8 Continue, counsel.
9 MR TOURAY:
10 Q. And some wore combat uniforms.
11 A. Yes.
12 Q. And you also met a lot of civilians, as you say?
13 A. Yes.
14 Q. Now, having regard to the circumstances of your capture,
15 you may not have been in a position to identify anybody.
16 A. Tongoro Bush or Sunna mosque?
17 Q. I'm talking about generally.
18 A. I can remember somebody.
19 Q. By face?
20 A. Yes.
21 PRESIDING JUDGE: [Previous interpretation continues] --
22 Tongoro Bush and then, you know, subsequently and so on
23 and so forth.
24 MR TOURAY: Let me just abandon that. I'll abandon that.
25 PRESIDING JUDGE: You want to abandon that?
26 MR TOURAY: Yes.
27 PRESIDING JUDGE: Are you sure?
28 MR TOURAY: Positive.
29 PRESIDING JUDGE: Well, we're not against your pursuing that

1 line of cross-examination.

2 MR TOURAY: I know, Your Honour.

3 Q. You were saying that it was at Wundidu that you got to
4 know the names of some of the people at Sunna mosque.

5 A. Their names, yes, but I marked their faces.

6 [HS310105E - EKD 5.35 p.m.]

7 Q. And you were told their names?

8 A. Yes.

9 Q. Let me just put it to you that Morris Kallon was never at
10 the Sunna Mosque, he was never there. I'm putting it to
11 you?

12 A. I am telling this Court I was captured and I'm praying to
13 the Lord that he was there. Because I was told -- Rocky
14 told me his name.

15 Q. So Rocky told you his name?

16 JUDGE BOUTET: Just for the record, when you asked the
17 question to the witness you pointed to your client, did
18 you?

19 MR TOURAY: Yes.

20 JUDGE BOUTET: Because I want to make sure that the record
21 does reflect that because you asked a question and you
22 pointed to Morris Kallon behind you and asked questions
23 to the witness.

24 MR TOURAY: It is so, Your Honour, yes.

25 JUDGE BOUTET: I was writing notes when I saw a gesture by
26 you, so I just want to confirm.

27 MR TOURAY: That was by reflex, Your Honour.

28 Q. I'm further putting it to you that Morris Kallon was, at
29 that time, busy at that time at the Guinea highway

1 issuing passes to civilians?

2 A. Teacher, that time was far behind me -- the time of my
3 captivity was far behind me before they started issuing
4 passes to enter.

5 Q. I'm just putting it to you. You can deny it. You can
6 say no or yes, it is up to you. But my question is: He
7 was not there, he was at the Guinea highway issuing
8 passes to civilians?

9 PRESIDING JUDGE: You are putting it to him, it is not a
10 question.

11 MR TOURAY: Yes.

12 Q. I am putting it to you that Morris Kallon was never at
13 the Sunna Mosque, he was at the Guinea highway issuing
14 passes to civilians?

15 A. I will call you my friend, but I will tell you in God's
16 name that he was there.

17 Q. At Wundidu you had a room of your own; not so?

18 A. Yes, I was given a room.

19 Q. So you had your privacy?

20 A. I didn't understand that. I don't know what you mean by
21 privacy.

22 JUDGE THOMPSON: Counsel, you want to simplify that?

23 MR TOURAY:

24 Q. The room was exclusive to yourself?

25 A. Yes.

26 Q. Did you know that there were rules and regulations
27 governing the camps at that time, against rape, stealing
28 and other crimes?

29 A. I don't know of such laws, but if there were laws like

1 that, well, it means they violated it.

2 PRESIDING JUDGE: Witness, were there laws? Were there laws
3 prohibiting rape and other atrocities in the camps?

4 That's the first question. Don't go further. Are you
5 aware that there were laws?

6 THE WITNESS: I'm saying it for God's sake, I never knew there
7 were such laws.

8 PRESIDING JUDGE: Because you went further to say that even if
9 there were laws, they were violating them. That is why I
10 asked you to stop.

11 JUDGE THOMPSON: Proceed, learned counsel.

12 MR TOURAY:

13 Q. So you are saying definitely under oath that there were
14 no laws, rules and regulations governing the camps?

15 JUDGE THOMPSON: He said he did not know of any such laws.

16 MR TOURAY: Yeah, I'm just trying to emphasise it.

17 Q. So you are saying really under oath that you did not know
18 of any rules and regulations in the camps against
19 looting, rape, stealing?

20 A. Well, I'm not speaking for other camps, but for
21 Superman's ground and Wundidu, I never heard of such law,
22 I didn't see it being abide to.

23 JUDGE THOMPSON: Counsel, isn't there a difference really? He
24 says that he did not know of any such laws and that he
25 never heard of any such laws and your question was: Are
26 you saying that there were no laws? Isn't there a
27 difference?

28 MR TOURAY: That is what I am trying to clarify.

29 JUDGE THOMPSON: Well, twice now he has said that he did not

1 know of any such laws.

2 MR TOURAY: I'm bound by his answer.

3 JUDGE THOMPSON: Yes, but when you put it to him is he
4 saying -- which he is not, with the greatest respect. He
5 is not saying that there were no laws against rape,
6 looting, et cetera. He said he didn't know of any such
7 laws.

8 MR TOURAY: He didn't know, yes.

9 JUDGE THOMPSON: Unless you see no difference between the two.
10 I'm sure you do.

11 MR TOURAY: I see the difference, Your Honour.

12 PRESIDING JUDGE: Taking the cue from my learned colleague, if
13 you have circumstances to demonstrate the fact that he in
14 fact knew, then you can come on with questions on that
15 and show that he knew that at least there were some laws
16 in place relating to these offences in the camps, maybe
17 carrying it further to say who put the laws in place.

18 MR TOURAY: I'm satisfied with the answer.

19 PRESIDING JUDGE: You're satisfied with the answer.

20 JUDGE THOMPSON: [Overlapping speakers] quite right.

21 MR TOURAY: He didn't know.

22 Q. Now, you spoke about a child who was more or less
23 amputated, both arms and feet and [inaudible]?

24 A. Yes, the two arms and the two feet.

25 Q. Do you know whether that child was a civilian?

26 A. Yes, I can testify that because I didn't see him with a
27 gun, neither with any other weapon. He was captured as a
28 civilian and I heard him crying, telling them to leave
29 him, "Leave me. What have I done? Leave me". So that

1 made me suggest that he was a civilian.

2 Q. Was he part of the 250 civilians that were with you or
3 249 civilians that were with you?

4 A. No, he was not part of our group. Our own group was
5 among the 101 who were killed. It was later on they
6 brought him and they amputated him. So that's the reason
7 I didn't include him in the count of our own group.

8 Q. So what you're saying is he was not part of the group of
9 249 civilians?

10 A. Yes, that was the reason I didn't count him in our own
11 group.

12 Q. And then you knew, did you not, that even the small boys
13 were dressed as civilians -- small boy combatants were
14 dressed as civilians?

15 A. Yes, they were in civilian clothing, but they had gun on
16 them.

17 Q. Let me put it to you that you are not in a position to
18 say whether that child was a small boy combatant being
19 punished by his superiors?

20 JUDGE THOMPSON: Why not break the question?

21 MR TOURAY:

22 Q. Let me put it to you that you are not in a position to
23 say whether that child was a small boy soldier?

24 A. I don't want you to misinterpret my statement. What I'm
25 saying is that that small boy was not a soldier because
26 he no gun on him. Whether you are saying that he was a
27 soldier then that's okay, but to me he was not a soldier.

28 Q. Because he had no gun. That is the only reason?

29 A. Yes, he had no gun and the way he was craning and crying,

1 that demonstrated to me.

2 Q. Did you not cry, "Why are you punishing me like this"?

3 A. He said so.

4 MR TOURAY: Thank you. No further questions, Your Honour.

5 JUDGE THOMPSON: Mr Cammegh, please proceed.

6 MR CAMMEGH: Fortunately, I don't have to. I formally adopt

7 the cross-examination by my learned friend, Mr Jordash,

8 so far as Mr Gbao's position is concerned and therefore

9 ask no questions.

10 JUDGE THOMPSON: Thank you. Counsel for the Prosecution, any

11 re-examination?

12 MR ISCADARI: Thank you, Your Honour, the Prosecution has no

13 redirect of this witness.

14 JUDGE THOMPSON: Thank you.

15 PRESIDING JUDGE: We've come to the conclusion of the

16 examination of this witness much earlier than we

17 anticipated. So the indications we are giving are that

18 we will take another witness tomorrow, maybe with another

19 standby as usual, but let it be a witness whose testimony

20 would be completed both in examination-in-chief and in

21 cross-examination and re-examination possibly, if

22 possible, on Thursday, by the end of Thursday. I do not

23 know if you have concerted with the Defence on this

24 witness so that they are not taken by surprise.

25 Mr Harrison, is that --

26 MR HARRISON: No, they're all aware it is TF1-195.

27 PRESIDING JUDGE: Are the Defence teams at ease with that?

28 Can we proceed tomorrow at 9.30 with this witness?

29 Right.

1 This said, Mr Witness, we have finished with you and
2 the Tribunal and everybody thanks you for coming to
3 testify before us and to assist us to get at the truth in
4 this matter that is pending here. We thank you for
5 coming. You are, for now, discharged. You may go home,
6 that is what we mean. But a circumstance may arise when
7 the Tribunal may need you back here. If such
8 circumstances do arise you will be informed and we would
9 please expect that you would come back here to assist us
10 in one way or the other. I hope you have understood me.

11 THE WITNESS: Yes, I do understand you.

12 PRESIDING JUDGE: [Inaudible] back to your place of abode and
13 the Tribunal would be rising at this time to resume
14 sitting tomorrow at 9.30. The Court will rise, please.
15 [Whereupon the hearing adjourned at 5.55 p.m., to be
16 reconvened on Tuesday, the 1st day of February 2005, at
17 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-015	2
EXAMINED BY MR ISCANDARI	3
CROSS-EXAMINED BY MR JORDASH	9
CROSS-EXAMINED BY MR TOURAY	78