

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 3 FEBRUARY 2005
9.50 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

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

For the Principal Defender:

Ms Haddijatou Kah-Jallow

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
Ms Glenna Thompson
Mr Ben Holden

1 [HS030205A - EKD]
2 Thursday, 3 February 2005
3 [The accused Gbao not present]
4 [Open session]
09: 27: 22 5 [The witness entered court]
6 [Upon commencing at 9.50 a.m.]
7 PRESIDING JUDGE: Good morning, learned counsel. We are
8 resuming our session. Mr Jordash, you may continue,
9 please.
09: 45: 58 10 MR JORDASH: Thank you, Your Honour.
11 WITNESS: TF1-012
12 CROSS-EXAMINED BY MR JORDASH: [Continued]
13 MR JORDASH:
14 Q. Good morning, Mr Witness.
09: 46: 06 15 A. Good morning.
16 Q. You told us yesterday, Mr Witness, that at the time or a
17 week after the junta were thrown out of Freetown members
18 of that group arrived in Tombodu; is that correct?
19 A. When they were driven out of Freetown they went to
09: 46: 57 20 Tombodu.
21 Q. Is it correct that at that time you, as you told us
22 yesterday, were living in Tombodu?
23 A. Me, I was not settled in Tombodu but we used to come to
24 Tombodu.
09: 48: 08 25 Q. Yesterday you said, "At the time we were in Tombodu." So
26 where were you living at that time?
27 A. By then we are in one of our big towns, very near close
28 to Tombodu.
29 Q. What's the name, please?

- 1 A. You want me to call the name of the town?
- 2 Q. Mr Witness, just listen to my question. What is the name
3 of the town?
- 4 A. The name is xxxxxx.
- 09:49:04 5 Q. And at the time the convoy came into Tombodu, where were
6 you precisely?
- 7 A. Before the convoy could come, we were now in the bushes
8 after we've been driven out of the town. We used to be
9 in the bush, then come in the evening and sleep in the
09:49:58 10 town.
- 11 PRESIDING JUDGE: No, no, please. Answer counsel's questions.
12 When the convoy came to Tombodu, where were you?
13 Mr Witness, you'll explain things as you go along but
14 answer the --
- 09:50:29 15 THE WITNESS: When the convoy came we were in xxxxxx, when
16 they asked that it should be announced for us to come
17 from the bush to assemble ourselves at Fania's compound
18 for a meeting.
- 19 MR JORDASH:
- 09:50:49 20 Q. Let me try to understand that, Mr Witness. The night
21 before the convoy arrived where had you slept?
- 22 A. You see this, the war, there are certain places where you
23 sleep. You will not even know where you are except they
24 tell you.
- 09:51:25 25 Q. Where, Mr Witness, did you sleep the night before the
26 convoy arrived?
- 27 A. When I left Koidu, before the convoy could come I slept
28 at xxxxxx.
- 29 Q. The night before the convoy arrived you slept at xxxxxx

1 xxxxxx; is that what you're telling us?

2 A. We slept at Number 11. The next day I went to xxxxxx.

3 There where now they called us that we should come, there

4 is convoy, they want to talk to us.

09:52:38 5 Q. Right. Where was your permanent place of --

6 PRESIDING JUDGE: Mr Jordash, just a minute. He said he slept

7 at Number 11 the night before the convoy came -- before

8 the convoy arrived. xxxxxx is where, in Koi du?

9 MR JORDASH:

09:53:11 10 Q. Mr Witness?

11 A. It's between xxxxxx and Tombodu.

12 PRESIDING JUDGE: And then?

13 MR JORDASH:

14 Q. And then you went to where before going to the compound?

09:53:40 15 A. When we slept at xxxxxx, the following day we went to

16 xxxxxx. We were now at xxxxxx when they went and called us

17 that a convoy has come, they want to see us.

18 Q. Where was your permanent residence at this time -- which

19 town or village?

09:54:32 20 A. Before the war I was here in Freetown.

21 Q. And your permanent residence just before the convoy

22 arrived was where?

23 A. When we left Freetown we went to xxxxxx, but so many

24 disturbances were getting in xxxxxx, taking things from

09:55:31 25 us, harassing us, made me to move from xxxxxx to xxxxxx

26 xxxxxx. Even at xxxxxx I was not settled in the town. We

27 were there around in the bushes.

28 Q. You did say yesterday, Mr Witness, when asked by the

29 Prosecution, that you were in xxxxxx at the time the

1 AFRC and RUF were removed from Freetown; is that not now
2 correct?

3 A. When I say xxxxxx, xxxxxx is a village to xxxxxx, very
4 close to xxxxxx. xxxxxx is the big town. So when I am
09:56:39 5 talking of xxxxxx, we hid ourselves in those small
6 villages around xxxxxx.

7 Q. After the convoy had been -- let me start that again.
8 What time did the convoy arrive -- sorry, start again.
9 What time of the day did the meeting at Pa Fania's
09:57:29 10 compound take place?

11 A. It was in the morning hours.

12 Q. Where did you sleep that night following the meeting at
13 Pa Fania's compound?

14 A. After the meeting it was the time they ask us to take our
09:58:40 15 loads, that they will be going to xxxxxx. We went with
16 them as far.

17 Q. When you returned from the unsuccessful trip to Guinea,
18 where did you sleep that night?

19 A. When we went as far as to xxxxxx [phoen] we couldn't
09:59:12 20 find a way. We came back to Tombodu. It was there they
21 left us and they went to Kailahun.

22 Q. Mr Witness, you're going to have to assist us all to move
23 more swiftly by listening to the question. Where did you
24 sleep on the night you returned from the unsuccessful
09:59:35 25 trip to Guinea?

26 A. [Translation interrupted]

27 PRESIDING JUDGE: You see, this explanation, Mr Witness --
28 follow the questions very well. We don't say you cannot
29 speak but follow the questions well. You made a trip to

1 Guinea. The trip did not work. Where did you spend the
2 night after that unsuccessful trip to Guinea? Where did
3 you spend the night? That is what counsel is asking you.
4 MR HARRISON: There was an answer but we haven't heard the
10:00:40 5 translation. I wonder if we could hear that first.
6 THE WITNESS: When we left xxxxxx, we came back to Tombodu.
7 There they left us and they went to Kailahun. I slept in
8 xxxxxx.
9 MR JORDASH:
10:01:38 10 Q. When you say xxxxxx do you mean xxxxxx the town?
11 A. Yes.
12 Q. Where did you stay in xxxxxx?
13 A. We're in xxxxxx xxxxxx's [phoen] compound.
14 Q. Whose compound, could you say that again, please?
10:02:15 15 A. xxxxxx xxxxxx 's compound.
16 Q. xxxxxx xxxxxx 's compound; is that right?
17 A. It's true.
18 Q. And xxxxxxxxxxxxxx, was he a friend of yours or who was he?
19 A. He was not my friend. You see the war, there came a time
10:03:00 20 you go to certain places, you don't meet people there.
21 You meet empty houses open. You also go in there and
22 sleep there. That was what happened.
23 Q. So this was an empty house that you decided to shelter
24 in; is that right?
10:03:16 25 A. Yes, all the people who were dwellers of that house have
26 run away. We were there now. We are strangers.
27 Q. How many houses would you estimate there were in Tombodu
28 at that time?
29 A. It was more than hundred.

- 1 Q. More than 200 or less than 200?
- 2 A. It's more than that, it's a big town. It's a paramount
3 chief town.
- 4 Q. Is there about -- sorry, was there about 360 houses at
10:04:43 5 that time?
- 6 A. I did not make any census but it was a big town, a big
7 town.
- 8 Q. Can you try and give us an estimate - more than 200, more
9 than 300?
- 10:05:25 10 A. Well, I have told you that I didn't count the houses.
11 Even yourself standing, you cannot tell me that you know
12 the figure for Freetown houses now. It was a big town.
13 I cannot tell you whether it was that or this.
- 14 Q. Do you know how many houses were empty at that time
10:06:10 15 because civilians had run away?
- 16 A. Let me tell you, Tombodu was a paramount chief town. All
17 the people who were residing in Tombodu ran away. We who
18 came there, we are now strangers. At that time, even if
19 you alone want to occupy a whole building you can do that
10:07:00 20 because there was no nobody.
- 21 Q. When you say that those who came were strangers, how many
22 people were there?
- 23 A. When I say a convoy, it was a large crowd of people, over
24 3,000 people. Some were children, women, men. Some were
10:07:52 25 sleeping outdoors, some in the open and some were
26 sleeping in parlours. A large number of people were in
27 Tombodu.
- 28 Q. Let me just try to understand that answer. Are you
29 suggesting that there was 3,000 civilians in Tombodu at

- 1 that time?
- 2 A. That is just an estimation. That is just an estimation.
3 Just imagine a big town hearing gunshots, the flood of
4 people that moves from that town. It can even go up to
10:09:03 5 two miles of people moving in one direction. Some women
6 coming delivering along the road, people dying along the
7 road. It was a big crowd.
- 8 Q. Well, Mr Witness, just listen to the question. Were
9 there 3,000 civilians -- were they -- let me start this
10:09:24 10 question again. Were those 3,000 civilians living in the
11 empty houses at that time?
- 12 MR HARRISON: I think -- I just pause. It is not per se an
13 objectionable question but I think there may be some
14 confusion. The witness used the word "convoy" and the
10:09:43 15 witness may in fact be discussing a different time frame
16 from what is the intention of the question.
- 17 MR JORDASH: Thank you, Mr Harrison, I appreciate that.
- 18 Q. Mr Witness, so you understand, we're talking about the
19 night you spent at xxxxxx xxxxxx's compound. We're talking
10:10:10 20 about the time when you say all those who came were
21 strangers. Now, the night you spent at xxxxxx xxxxxx's
22 compound, were there other civilians in the town?
- 23 A. At that time it was only civilians that were in that
24 town. The soldiers were yet in Koidu.
- 10:10:49 25 Q. Just so that we are clear then, no soldiers in Tombodu on
26 the night you spent at xxxxxx xxxxxx's compound; is that
27 correct?
- 28 A. In Tombodu town there were no soldiers. The soldiers
29 were just in Bendu II. That was the reason we, the

- 1 civilians, decided to sleep in Tombodu Town.
- 2 Q. Bendu II is how far from Tombodu?
- 3 A. Is it just like from here to the road over there, the
4 line over there
- 10:11:46 5 Q. Where are you looking, Mr Witness, outside there, the
6 main line after you cross the gate?
- 7 Q. The main gate of the Special Court?
- 8 A. Yes.
- 9 Q. So the civilians chose, including yourself, to stay in
10:12:16 10 ~~xxxxxx~~ to be away from the soldiers; is that right?
- 11 A. Yes.
- 12 Q. Did you continue living at ~~xxxxxx xxxxxx~~ compound for
13 other nights?
- 14 A. It was the other day that Staff Alhaji and Savage came
10:13:04 15 over to us and said they are now in control of the whole
16 area and that we are now in their custody, while the
17 others left and went to Kailahun.
- 18 Q. How long after your first night at ~~xxxxxx xxxxxx~~ 's compound
19 was it before Staff Alhaji came and said he was in
10:13:27 20 control of the town?
- 21 A. We slept in ~~xxxxxx xxxxxx~~'s house just for one night. The
22 other night we are asked to go to the headquarters. In
23 fact, they were about to kill me, but because of the fact
24 that they kill my colleague the other day, so they
10:14:12 25 decided to spare my life.
- 26 Q. Where was the headquarters?
- 27 A. The headquarters was in Tombodu. People's house was what
28 they took to be headquarters. Using those who were good
29 people.

1 Q. So did you then sleep at the headquarters?
2 A. There we now resided. They gave me an accommodation very
3 close to headquarters, not too far from the headquarters.
4 There I was staying.
10:14:56 5 Q. In a house?
6 A. In a house.
7 Q. With who?
8 A. Me and some other civilians.
9 Q. And the names of those civilians?
10:15:20 10 MR HARRISON: There is nothing objectionable about the
11 question, I am just wondering if the witness could be
12 cautioned he doesn't --
13 THE WITNESS: I cannot remember their names.
14 MR HARRISON: -- have to name any family members.
10:15:29 15 MR JORDASH: He has just answered that he doesn't remember the
16 names.
17 Q. How long did you live with those civilians, Mr Witness?
18 A. We made a long stay there, but there came a time Savage
19 used to come and take some of them, carry them, kill
10:16:06 20 them. So it was like we are just there, nobody knew what
21 was happening the next minute.
22 Q. How long did you stay in the headquarters, Mr Witness?
23 How long did you stay?
24 A. I made a long stay. I cannot estimate how many months I
10:16:30 25 was there, but it took several months.
26 Q. Where did you go after that?
27 A. There I was now. Where can I go again?
28 Q. You told us that you stayed there for several months, you
29 can't estimate exactly how long. Where did you next move

- 1 to?
- 2 A. I went nowhere.
- 3 Q. So were you living near the headquarters in Tombodu for
4 all the rest of 1998?
- 10:17:18 5 A. We were there in their hands all along until the time
6 they came and said we should work for the government.
- 7 Q. And that was after Foday Sankoh's visit to Koidu; is that
8 right?
- 9 A. Yes.
- 10:17:53 10 Q. You told us yesterday that the rebels used you as an
11 errand boy; is that right?
- 12 A. Yes.
- 13 Q. How long were you employed as an errand boy?
- 14 A. When Pa Sankoh came and until the time there was
10:18:58 15 disarmament, all along that time I was with them. It
16 took so many time and months with them.
- 17 Q. So is this right: You were an errand boy until the time
18 that Sankoh came and after that --
- 19 PRESIDING JUDGE: From, from?
- 10:19:18 20 MR JORDASH: From?
- 21 PRESIDING JUDGE: From [inaudible] up to disarmament.
- 22 MR JORDASH: I beg your pardon, sorry. That was very sloppy
23 of me actually.
- 24 Q. So you were an errand boy after the time that Sankoh
10:19:33 25 came; is that right?
- 26 A. Yes, I was with them. I was with them doing lot of job,
27 like carrying batteries, even to go and charge batteries.
28 I was there with them doing all those errands.
- 29 Q. Just so that we are clear, Mr Witness, these started

1 after the time that Sankoh came to ask for the mining to
2 start?

3 A. I didn't get you.

4 Q. You told us that you worked as an errand boy after Sankoh
10:20:45 5 came to Koidu; is that correct?

6 A. We are working for them. Yes, that was what we are
7 doing.

8 Q. No, no, Mr Witness, listen to the question. I am not
9 asking about anyone else but you. Did you start working
10:21:12 10 as an errand boy for the rebels after Sankoh had been to
11 Koidu?

12 A. Yes.

13 Q. We know, from what you told us yesterday, that Sankoh
14 came after the Lome Peace Agreement. What were you doing
10:21:49 15 before Sankoh came to Koidu?

16 A. At that time we were just at the headquarters doing
17 normal jobs like carrying batteries for charging and
18 other works. By then, the mining has not started yet.

19 Q. So what changed when Sankoh visited? What changed for
10:22:39 20 you in terms of your employment?

21 A. When they came things were not better at all. It was
22 just I can't help because we had nowhere to do. We were
23 working with no pay and that was the conditions we were
24 living under.

10:23:22 25 Q. Were you an errand boy before Sankoh came to Koidu?

26 A. Yes.

27 Q. Were you an errand boy after Sankoh came to Koidu?

28 A. That was now the time when he came and said we should
29 start mining and that we should find money for the

- 1 government.
- 2 Q. Is that when, after this time, you started mining?
- 3 A. Yes.
- 4 Q. How long after the visit of Sankoh did you personally
- 10:24:12 5 start mining?
- 6 A. I didn't begin it. Say our bosses. We are just like
- 7 manpower.
- 8 Q. Yes, and how long after Sankoh visited were you employed
- 9 as manpower?
- 10:24:51 10 PRESIDING JUDGE: Put the question back to him. Did he start
- 11 mining? How long after Sankoh's visit did they start
- 12 mining? Manpower means --
- 13 MR JORDASH: Well, he used -- okay.
- 14 Q. How long after Sankoh came did you, Mr Witness, start
- 10:25:07 15 mining?
- 16 A. When Sankoh came and return, it was not even one week
- 17 when we started the mining.
- 18 Q. And you personally started within that week; is that your
- 19 evidence?
- 10:25:40 20 A. Don't say I started the mining. They brought the mining.
- 21 We were just used as manpower.
- 22 Q. Is that the time you were used as manpower; within a week
- 23 of Sankoh coming to Koidu?
- 24 A. Uh-huh, if you called me by that name I will answer and I
- 10:26:12 25 will be happy.
- 26 Q. Well, we're both happy now. Would you like to answer the
- 27 question? The question is: Was it within that first
- 28 week after Sankoh's visit that you were used as manpower?
- 29 A. Yes.

- 1 Q. In relation to where you -- let me start that again. Did
2 you then stay at xxxxxx xxxxxx 's compound -- sorry, at the
3 headquarters in Tombodu until and during the time you
4 were manpower?
- 10: 27: 14 5 A. When we left xxxxxx xxxxxx 's house and went to stay at the
6 headquarters, it was then we are used as manpower. Just
7 imagine when they take a load, put it on your head, even
8 if you are not able to carry it from here to there, they
9 will ask you to carry it. By then there were no vehicles
10: 27: 58 10 so they used us as manpower.
- 11 Q. So the answer is yes, you were at the HQ at the time you
12 were employed as manpower?
- 13 A. Yes.
- 14 Q. For the avoidance of doubt, manpower means you being used
10: 28: 25 15 to mine?
- 16 PRESIDING JUDGE: But, Mr Jordash, the witness has clarified
17 certain things, like loads and things like that. As
18 manpower they captured, they had no choice in the matter;
19 that is what he's saying. Are you suggesting that the
10: 28: 50 20 manpower was exclusive to mining only?
- 21 MR JORDASH: No, I am not making any suggestions whatsoever.
- 22 PRESIDING JUDGE: Okay, you may proceed, please.
- 23 MR JORDASH:
- 24 Q. When you were employed in the mines you were living at
10: 29: 05 25 the H -- near the HQ; is that right?
- 26 A. There we were, that's true.
- 27 Q. That's where you slept?
- 28 A. There I slept. When we go out for the whole day, when we
29 are returning we are being guided by soldiers. They

- 1 bring us to our dwelling places. There they kept us.
- 2 Q. During your stay near the HQ you were sharing a house
3 with other civilians; is that correct?
- 4 A. Yes, we are all civilians in that house.
- 10:30:14 5 Q. So this would be '98, '99 and 2000; is that correct?
- 6 A. That's true.
- 7 Q. Can you name any civilians you lived with during those
8 three years?
- 9 A. I don't know the name of anyone because I was in my own
10:30:44 10 trouble and I was discouraged and I had no pleasure to
11 look for other names.
- 12 Q. Let me just make sure we are clear about this. At no
13 stage throughout the three years did you ever find out
14 the name of any civilian you ever lived with. Is that
10:31:06 15 your evidence?
- 16 A. I knew only the names of their soldiers. I cannot go out
17 looking for names of a civilian who was under punishment.
- 18 Q. I am not talking about going out, Mr Witness. I am
19 talking about asking somebody who lives with you what
10:31:37 20 their name might be. Did you not at any stage ask your
21 fellow captives what their names were?
- 22 A. I didn't do it for reason that their identity may not be
23 shown to the people by a name.
- 24 Q. What do you mean the "identity"? I didn't understand
10:32:13 25 your answer. Could you repeat the answer, Mr Witness?
- 26 A. Cannot give their names.
- 27 Q. Why didn't you ask anybody you lived with what their name
28 was?
- 29 A. At that time seeing two civilians coming together even to

1 hang heads and talk, they'll cast suspicion that you want
2 to plan evil or coup against them. Either they kill one
3 of you or they punish you severely.

4 Q. Are there soldiers living in your house?
10:33:09 5 A. They didn't sleep with us but they were there guarding
6 us, and when we go out for walk they guide us back to the
7 house and make sure we are in the house and lock it, and
8 then they be around there guarding us.

9 Q. So you're locked in the house with civilians; is that
10:33:44 10 your evidence?
11 A. I'm also a civilian. Then you're asking if the locked
12 doors or not are civilians?
13 Q. No, I'm asking you whether you were locked inside the
14 house with civilians in '98, '99 and 2000?

10:34:30 15 THE INTERPRETER: Your Lordship, let the witness take his time
16 to give us the answer.
17 MR JORDASH: Break your answers down, Mr Witness.
18 PRESIDING JUDGE: Mr Witness, you don't need to get nervous or
19 angry. Keep your calm and answer the questions and
10:34:51 20 please don't be too long. Let your explanations not be
21 too long because we want to get what you are saying
22 translated. Do you understand?
23 THE WITNESS: I do understand.
24 PRESIDING JUDGE: Take your time, answer counsel's questions.
10:35:11 25 If you have the answer, you give it. If you don't have
26 the answer, you say you don't have the answer, you don't
27 know. But don't lose your calm. You understand? The
28 lawyer is just doing the job he has to do for his client.
29 Do you understand? There is no personal quarrel between

1 you and this lawyer. Do you understand?
2 THE WITNESS: Okay.
3 PRESIDING JUDGE: Don't think that there should be any quarrel
4 between you and the lawyer, okay. Mr Jordash, you may
10:35:45 5 proceed.
6 MR JORDASH: Thank you.
7 Q. Were you during '98, '99 and 2000 locked in a house at
8 the HQ at night with other civilians?
9 A. At first they were not locking -- they were not closing
10:36:13 10 doors on us, in 1998.
11 Q. But in 1999 you were locked in?
12 A. It started when the diamond mining started.
13 Q. Is it the case, Mr Witness, that you cannot give any
14 names because you weren't actually in a house with other
10:36:52 15 civilians during '98, '99, 2000?
16 A. No.
17 Q. You told us yesterday that -- and I will quote the words
18 back to you so you know what it is you said. When asked
19 what you were doing when Savage was in Tombodu, you said
10:37:44 20 this: "By then I was a farmer, but because I have been
21 captured I had nowhere to go. I was just there with them
22 doing nothing." What did you mean by that?
23 A. Which one? I didn't get you clear.
24 Q. I am reading back your words, Mr Witness. Yesterday when
10:38:22 25 asked what you were doing when Savage was in Tombodu, you
26 said this: "By then I was" --
27 MR HARRISON: I apologise for interrupting but I just wanted
28 to make clear if it is a transcript that is being read
29 from if a reference could be made to the page.

1 MR JORDASH: I beg your pardon, that is very rude of me, I
2 completely agree. Page 22 line 24.

3 Q. "By then I was a farmer, but because I have been captured
4 I had nowhere to go. I was just there with them doing
10:39:06 5 nothing again." That was an answer you gave, Mr Witness.
6 Could you just explain what you meant?

7 A. I was a farmer. In my village where I was, I was doing
8 farming. But after I have been captured by those people,
9 I was not doing my farming again, I cannot do anything
10:39:51 10 again. I was just with them.

11 Q. Is it true, Mr Witness, that you were being used as an
12 errand boy because the rebels had empathy for you?

13 A. In actual fact they had empathy for me because they
14 killed my colleague. But for the work, I really worked
10:40:30 15 for them.

16 Q. Who had empathy for you because they'd killed your
17 friend?

18 A. The soldiers who were there.

19 Q. Which soldiers?

10:40:45 20 A. They had one RUF officer who had serious empathy for us.

21 Q. What's his name?

22 A. Sylvester.

23 Q. Is that Sylvester Kieh?

24 A. Yes, he was a G5. He was in between the civilians and
10:41:28 25 the rebels. So whatever happen, we explain to him, he
26 came to our aid.

27 Q. So because Sylvester Kieh had empathy for you, you were
28 an errand boy. How did that differ to the other
29 civilians?

- 1 A. There were some who were wounded, some who have lost
2 their legs, and there were some who have even gone to
3 Guinea. But they had empathy for them all.
- 4 Q. Sorry, who had empathy for them all?
- 10:42:37 5 A. RUF.
- 6 Q. So RUF had empathy for all the civilians who were
7 injured; is that right?
- 8 A. It is so, because already they wounded them, they had
9 nothing to do with them again. Some even said, "If you
10:43:20 10 want to kill me you can kill me, but I have nothing to do
11 again."
- 12 Q. So did the RUF have empathy for those civilians who'd
13 lost friends and family at the hands of some of the
14 rebels?
- 10:43:36 15 A. There was no way again they had empathy for them, because
16 they've already done what they want to do with them.
- 17 Q. Just so we are clear then, who was it who was expressing
18 empathy?
- 19 A. That man whom I have named, Sylvester, he used to give
10:44:58 20 them food.
- 21 Q. Were there other people who were part of the rebels who
22 were empathetic like Sylvester?
- 23 A. For the other rebels, even when they see food with
24 civilian, be it banana or anything, they grab it from you
10:45:09 25 except we hide it from them.
- 26 Q. But Sylvester Kieh was doing his best to look after
27 civilians; is that fair?
- 28 A. Yes, because of the position and the place they placed
29 him as a G5, to be between the civilians and the rebels.

1 But just imagine you've burnt somebody's house, you've
2 cut his hand, then later you say you should talk to him.
3 What sense would that make?
4 Q. How far away from where you lived did Savage live,
10:46:14 5 Mr Witness?
6 A. There was no distance between us.
7 Q. Can you estimate using the length of this room or the
8 main gate of the Court?
9 A. The distance was just like from here to the last gate,
10:47:00 10 before going to the main road.
11 Q. Thank you. Do you know what Staff Biyoh was doing at the
12 moment, Mr Witness?
13 A. Staff Biyoh?
14 Q. Yes.
10:47:20 15 A. I don't know Staff Biyoh. Staff Alhaji?
16 Q. You knew him yesterday, Mr Witness. Page 8 transcript
17 line 22, I will read what you said.
18 A. What name?
19 Q. Staff Biyoh.
10:47:49 20 A. I said Staff Alhaji.
21 PRESIDING JUDGE: Have these transcripts been proofread before
22 we place a lot of reliance on this?
23 MR JORDASH: Well, I heard him say it, I remember him saying
24 it.
10:48:00 25 PRESIDING JUDGE: I am not saying the contrary. We may well
26 be picking on a witness on something that may not
27 necessarily have been on the record. That is why I think
28 it is good to have these things proofread for them to
29 appear authentic. I don't know. You may proceed, but if

1 he is saying Staff Biyoh, Staff Alhaji -- was it Staff
2 Biyoh and Staff Alhaji at the same time?
3 MR JORDASH: Yes.
4 PRESIDING JUDGE: Maybe you may wish to ask the question.
10:48:32 5 JUDGE BOUTET: What is the page?
6 MR JORDASH: Page 8 line 22. Staff Biyoh or Staff Biyoh, one
7 or the other.
8 THE WITNESS: He's called Alhaji Biyoh, they call him Staff
9 Alhaji. He has all those names. We call him again
10:48:55 10 Colonel.
11 MR JORDASH:
12 Q. Yesterday you called him Staff Biyoh.
13 JUDGE BOUTET: Biyoh, Biyoh.
14 MR JORDASH: Biyoh.
10:49:01 15 MR HARRISON: I was just going to interject earlier on. I
16 think the witness has used a name, but it may be a
17 slightly different pronunciation from that adopted by
18 Mr Jordash.
19 MR JORDASH: Let me clarify. I am talking about Staff Alhaji,
10:49:20 20 Mr Witness.
21 PRESIDING JUDGE: Let's get it down. We want to know the
22 names of this Staff Alhaji. What are his names?
23 THE WITNESS: Staff Alhaji.
24 PRESIDING JUDGE: What other name?
10:49:43 25 THE WITNESS: They call him again Colonel Biyoh.
26 MR JORDASH:
27 Q. Do you know what he's doing now, Mr Witness?
28 A. Staff Alhaji? He's in the soldier, he is in the army.
29 Q. In Freetown?

- 1 A. Yes.
- 2 Q. Have you visited him since you've been in Freetown?
- 3 A. I don't want him to see me.
- 4 Q. Did you meet him before your stay at xxxxxx xxxxxx's
10:50:54 5 compound? Before that day had you met Staff Alhaji?
- 6 A. In fact, for Staff Alhaji, since he gain employment, it
7 was like they employed him for colonel. There he has
8 been all along, even until the overthrow of the
9 government.
- 10:51:25 10 Q. So Staff Alhaji was living where before the overthrow of
11 President Kabbah's government in '97? Where was Staff
12 Alhaji living?
- 13 A. He was at Number 11.
- 14 Q. You knew him, didn't you, before these events you
10:52:00 15 describe? Before the overthrow of President Kabbah's
16 government did you know him?
- 17 A. He calls me uncle.
- 18 Q. Did he call you uncle before President Kabbah's
19 government was overthrown?
- 10:52:23 20 A. We are all involved in the campaign and during election
21 we are together, and, in fact, he was saying that SLP was
22 his party.
- 23 Q. What did he mean by calling you uncle?
- 24 A. It's because me and the mother are coming from the same
10:53:24 25 tribal line. That was the reason why he called me uncle.
- 26 MR HARRISON: There is a concern the Prosecution has with
27 respect to the witness protection measures. There has
28 been evidence elicited unintentionally which would on the
29 face of it permit at least one person to be able to

- 1 divine the identity of this witness. I am asking if the
2 Defence is wishing to continue in this area of
3 questioning if we could go into a closed session.
- 4 MR JORDASH: It would be opportune, Your Honours, with the
10:54:04 5 greatest of respect, to go into closed session, because
6 there is also a matter I want to raise with this witness
7 about previous witnesses. I wouldn't imagine it would
8 take more than 20 minutes.
- 9 PRESIDING JUDGE: [Microphone not activated]
- 10:54:48 10 MR JORDASH: Well, Your Honour, the only -- it could be done,
11 yes.
- 12 Q. I will leave the questions about Staff Alhaji until a bit
13 later on, Mr Witness. Let's move straight to, then, the
14 incident which occurred you say one week after President
10:55:30 15 Kabbah was thrown out of power, which was, as you have
16 described, a visit to Pa Fania's compound by a number of
17 rebels. You gave us yesterday a list of names who you
18 say attended -- sorry, it wasn't Pa Fania's compound, it
19 was the community centre in Koidu. Do you recall giving
10:56:06 20 evidence about the meeting at the community centre in
21 Koidu?
- 22 A. I can remember.
- 23 Q. And you told us that Superman, Colonel Gbundema, Gullit,
24 Five-Five, Issa and Mosquito were present. Do you recall
10:56:33 25 that?
- 26 A. That's true.
- 27 Q. Had you seen ever Superman before at that stage? Is that
28 the first time you saw Superman?
- 29 A. The first time I came to know Superman was when they came

1 down from the bush and he went and introduced himself to
2 us, saying, "I am Superman." He was an average height
3 man.

4 Q. Was this before the visit to the community centre at
10:57:37 5 Koidu or was it after or was it at the visit?

6 A. I knew him before going to the community meeting.

7 Q. When had you met him before?

8 A. They came out from the bush and he even went to our
9 village with his henchmen. They went as far as to our
10:58:27 10 chief, they went and talk to him.

11 Q. When was this, Mr Witness?

12 A. I said the time they came out of the bush.

13 Q. When was that, Mr Witness? Which year?

14 A. The time they came out from the bush was not too long
10:58:59 15 when they overthrow the government. I cannot think of
16 the date.

17 Q. Let's try to understand this, Mr Witness. You told us
18 yesterday that the meeting at the community centre in
19 Koidu, which involved Corporal Gborie, Mosquito and the
10:59:20 20 names we've mentioned, was less than a week after the
21 overthrow of President Kabbah's government, which was in
22 1997. Are you saying that Superman came some time before
23 the community centre visit?

24 A. When they came out from the bush we spent a good number
11:00:14 25 of days with them. In fact, people were going around
26 them touching them to see if they were superhumans. We
27 were admiring them, seeing what type of men they were.

28 Q. Mr Witness, thank you for that answer, but could you
29 answer the question. Did you meet Superman before the

- 1 visit to the community centre in Koidu less than a week
2 after the overthrow of President Kabbah in 1997? Pause
3 there, let some translation --
- 4 A. After the overthrow, he went to Kono, he went as far as
11:01:33 5 meeting our paramount chief. There I first saw him.
6 Even before that meeting at community centre you're
7 talking of.
- 8 Q. So it logically follows then, from what you have told us,
9 if it is truthful, that Superman came to visit between
11:01:50 10 the time of the overthrow of President Kabbah and the
11 visit to the community centre at Koidu; is that correct?
- 12 A. That's true. He went there before the meeting and even
13 the Lebanese were going round and saying, "Thank you, the
14 war is now over, the war is now over." And they were
11:02:33 15 telling them that, "Yes, we'll kill nobody again."
- 16 Q. So how long after you heard that President Kabbah had
17 been overthrown was it before Superman arrived in Kono?
- 18 A. After the overthrow of Pa Kabbah, it was just about three
19 days when Superman went up to Kono, telling people that
11:03:35 20 now the war is over, the war is over.
- 21 Q. Did he come with a -- on his own or with men?
- 22 A. He went with his henchmen. There were men after him,
23 running after him. He had a bodyguard also.
- 24 Q. How many men were running after him?
- 11:04:06 25 A. Eight people.
- 26 Q. Eight people plus his bodyguard or eight people in total?
- 27 A. It is the bodyguard that made up that eight people.
- 28 Q. Thank you. How long after that was the visit to the
29 community centre in Koidu by Superman and the others?

- 1 A. It was not up to a week. About three to four days when
2 we heard that Corporal Gborie had arrived.
- 3 Q. And you therefore immediately recognised Superman, having
4 seen him only several days before; is that right?
- 11:05:13 5 A. Yes.
- 6 Q. Was it the first time you'd seen Mosquito?
- 7 A. As for Mosquito, he attended school at Yengema and decide
8 that he was a security there. I knew him before even
9 joining the RUF.
- 11:05:48 10 Q. So you immediately recognised him at the community centre
11 in Koidu as well?
- 12 A. At that time he was in charge. By then Issa was a
13 junior, junior somebody. Nobody heard about him at that
14 time.
- 11:06:11 15 Q. So in 1997 Issa was a "junior, junior, nobody had heard
16 of him at that time"?
- 17 A. Yes.
- 18 Q. Thank you. And Mosquito you say was in charge of the
19 meeting -- was he in charge of the meeting at the
11:06:35 20 community centre in Koidu?
- 21 A. He was in charge of the meeting, but Corporal Gborie
22 called the Kono people to come and listen to them because
23 they have now formed the government.
- 24 Q. Just picking up on what you said about Issa, you told us
11:07:04 25 yesterday about Foday Sankoh coming to Koidu and
26 introducing Issa. Do you recall that evidence?
- 27 A. I did remember that. At that time Mosquito have now
28 gone. We heard that he has left Sierra Leone for another
29 land.

- 1 Q. So that meeting with Sankoh took place after Sam Bockarie
2 had left Sierra Leone - is that right - from what you
3 heard?
- 4 A. The time Pa Sankoh came to Koidu, by then Mosquito was no
11:08:12 5 longer in Sierra Leone. That was the time he showed and
6 introduced Issa to us.
- 7 Q. And when he introduced Issa you told us yesterday that he
8 had said, "He's not an extra somebody, he is a Sierra
9 Leonean." Do you remember saying that? Page 27 of the
11:08:37 10 transcript, line 19. "That was the time he introduced
11 Issa to us that he is not an extra somebody, he is a
12 Sierra Leonean." Do you remember that evidence?
- 13 A. He held him by his hand and showed us. He told us that,
14 "People are saying that I have brought foreigners to
11:09:19 15 fight this war," he said, "But look at this young man, he
16 is a Sierra Leonean. We met in Liberia and he is there
17 to -- he said he went to drag in Liberia."
- 18 Q. Now, Mosquito was in charge of this meeting. How did you
19 work that out?
- 11:09:56 20 JUDGE BOUTET: Which meeting are you talking about?
- 21 MR JORDASH: Sorry, the community centre in Koidu, Your
22 Honour.
- 23 JUDGE BOUTET: You just talked about a meeting. So you're
24 back to the one --
- 11:10:08 25 MR JORDASH: I am. I will make that clear.
- 26 Q. Let's go back to the community centre in Koidu,
27 Mr Witness. How could you tell that Mosquito was in
28 charge?
- 29 A. Because by that time, when Foday Sankoh was

- 1 incarceration, Mosquito was the only person giving orders
2 and people obeyed him. And whatever they did, they said
3 they were sent by Mosquito at that time.
- 4 Q. Okay, let's try to understand that. As far as you are
11:11:00 5 aware, then, in 1997 Mosquito gave the orders to the
6 various commanders in the RUF; is that right?
- 7 A. Yes, he used to give information through the radio. Even
8 BBC listened to him. What he said was what people
9 listened to.
- 11:11:39 10 Q. And Superman was there. Was he one of them in charge
11 with Mosquito?
- 12 A. By then Superman was with Mosquito, he was taking
13 directive from Mosquito. Whatever he tells him is what
14 he does.
- 11:12:09 15 Q. Was Superman next in charge after Mosquito?
- 16 A. At that time, you could tell, because they were working
17 very close to each other. So seeing them in that convoy
18 you could tell that this is next to this man.
- 19 Q. And Issa was just a junior, junior nobody at that
11:12:48 20 meeting?
- 21 A. Yes, at that time he was a junior.
- 22 Q. You told us yesterday that most of the commanders at that
23 meeting gave speeches; is that right?
- 24 A. Yes, they said something, but by then I was not
11:13:29 25 interested because I know that they were very wicked
26 people. In fact, I was standing outside, not hearing
27 what was spoken inside the meeting.
- 28 Q. So this meeting was taking place in a closed room, which
29 was the community centre; is that correct?

- 1 A. Yeah, it's a big house, an open place. They said all the
2 districts should go.
- 3 Q. All the what, sorry? Could I just ask the translation
4 to --
- 11:14:19 5 A. They said people from all the chiefdoms within the
6 district should all assemble at the community centre.
- 7 Q. You've told us that during the speeches you were not
8 interested in these wicked people so you stood outside.
9 Is that what you said?
- 11:13:40 10 [HS030205B 11.15 a.m. - RK]
- 11 A. Their first pronouncement was: "You do not want to
12 listen to us. Find your way to Guinea or else you have
13 to suffer." From that point I said, "Oh, problem has
14 come. We are going to suffer."
- 11:15:14 15 Q. Did you hear Mosquito speak?
- 16 A. Yes, he was the chairman of that meeting. You know, when
17 Pa Sankoh was not there, he was the man in charge. He
18 talked to us and Corporal Gborie.
- 19 Q. What about Superman, did he give a speech?
- 11:15:45 20 A. Superman is the man who does not talk. He is such a
21 wicked person that he doesn't talk at all.
- 22 Q. Do you recall, Mr Witness, making a statement - we
23 referred to it yesterday - dated November 2002?
- 24 A. Yes.
- 11:16:25 25 Q. I'm not sure if the statement was written in Kono first.
26 A. Which one?
27 Q. What I'm going to do is I'm going to read parts of this
28 statement to you and ask you for your remarks. Just so
29 you understand and follow me properly, this is a

1 statement which is dated November of 2002, and it has got
2 your name on it, and it is a statement which --
3 PRESIDING JUDGE: Mr Jordash, you say it's dated?
4 MR JORDASH: 16th of November 2002.
11:17:11 5 Q. And it is a statement, Mr Witness, which is supposed to
6 represent what you said to the Prosecution at that time,
7 okay?
8 A. I'm listening to you.
9 Q. Now just cast your mind back to that time --
11:17:38 10 JUDGE THOMPSON: Counsel, does he remember it? Did he say
11 that?
12 MR JORDASH: I'm going to ask him. Well, he said yesterday he
13 remembered making it, but I will remind him just so that
14 he understands.
11:17:52 15 Q. Do you remember making this statement?
16 A. Let me tell you, the time this statement was taken is so
17 long a time.
18 Q. But you remember the statement -- you remember giving the
19 statement?
11:18:12 20 A. I can remember [inaudible] statement from me.
21 JUDGE THOMPSON: [Microphone not activated] made more than one
22 statement.
23 MR JORDASH: There is a second statement in January of this
24 year and there are some notes arising from the proofing
11:18:32 25 process which took place on the 21st of January of this
26 year.
27 JUDGE THOMPSON: Well, let's concentrate on the November one
28 and see if he remembers making it.
29 MR JORDASH:

- 1 Q. Do you remember making the statement in November 2002?
2 A. Yes.
3 Q. Do you remember on the 21st of January, so I think that
4 must be about 10 days ago, being taken through that
11:19:07 5 statement to remind you of its contents?
6 MR HARRISON: I'm sorry to correct Mr Jordash, but it's 2004
7 if it's 27th of January. Is it 27th of January?
8 MR JORDASH: No, I'm looking at the proofing notes which took
9 place on the 21st January 2005.
11:19:40 10 Q. Do you remember, Mr Witness, being taken through that
11 November 2002 statement on 21st January 2005, about 10
12 days ago?
13 A. I didn't get you.
14 Q. I'll try again. Ten days ago you were taken through your
11:19:51 15 statement, the statement of November 2002; do you recall
16 that?
17 A. Yes.
18 Q. And do you recall, during that process, the statement
19 being read to you?
11:20:15 20 A. I can remember that.
21 Q. Now, do you remember this: When you were taken through
22 the statement, did you correct what you wanted to
23 correct?
24 A. No, I didn't go that far. When I give them my statement,
11:21:09 25 I knew for sure that whatever statement I've given them
26 was correct.
27 Q. Okay, that's fine. Well, let me read you a --
28 JUDGE THOMPSON: Let me just get that down.
29 JUDGE BOUTET: Maybe you should clarify how that statement was

1 done back in November; was it in Kono, in Krio, in
2 English, what have you?
3 MR JORDASH: Certainly.
4 Q. When you gave the statement in November 2002 the language
11:21:50 5 you used was Krio; is that right?
6 A. Yes.
7 Q. And there was an interpreter there who interpreted what
8 you said; is that right?
9 A. Yes.
11:22:01 10 Q. And at the end of you giving the statement --
11 JUDGE THOMPSON: Slowly, counsel.
12 MR JORDASH: I'm sorry.
13 JUDGE THOMPSON: "I gave it in Krio" and there was an
14 interpreter, you say.
11:22:33 15 MR JORDASH: Your Honour, yes.
16 Q. And the statement was read back to you by the interpreter
17 after it had been completed?
18 A. Yes.
19 Q. And it represented what you said was the truth; is that
11:22:50 20 right?
21 A. Yes.
22 Q. Obviously it was two years ago, so would you say your
23 memory was better then about some of these events than it
24 is now?
11:23:13 25 A. Yes, they were true.
26 PRESIDING JUDGE: What was true?
27 THE WITNESS: All that I've explained. Although, it is said
28 that anyone who drinks water will forget.
29 MR JORDASH:

1 Q. Quite. Let me read you a section of that statement
2 looking at page 1 of it. Listen to how the statement
3 reads, Mr Witness. You're describing the meeting in
4 Koidu with Tamba Gborie and you say, or it says: "At
11:24:49 5 that the meeting Tamba Gborie came along with several
6 people who were introduced to us as AFRC officials.
7 There was Colonel Five-Five, one Honourable Adams,
8 Colonel Gullit, Colonel Akim who was an SLA officer and
9 many others. Tamba Gborie addressed us that they were
11:25:25 10 now in power and anyone who did not like that should
11 follow Tejan Kabbah to Guinea."
12 Let me read it to you again so you know what it
13 says: "At that meeting Tamba Gborie came along with
14 several people who were introduced to us as AFRC
11:25:44 15 officials. There was Colonel Five-Five, one Honourable
16 Adams, Colonel Gullit, Colonel Akim who was an SLA
17 officer, and many others. Tamba Gborie addressed us that
18 they were now in power and anyone who did not like that
19 should follow Tejan Kabbah to Guinea."
11:26:15 20 Did you tell the Prosecution that this meeting
21 involved AFRC officials?
22 A. Yes, Corporal Gborie was a soldier. Akim was a soldier.
23 They were all officers.
24 Q. But no mention here, Mr Witness, of Mosquito --
11:26:49 25 JUDGE THOMPSON: Just a minute counsel, did he tell the
26 Prosecution that, the whole thing that you read to him.
27 MR JORDASH: I'll pick up on that. We got an answer, I think,
28 to the first sentence but not to the individual members
29 present.

1 JUDGE THOMPSON: [Microphone not activated]
2 MR JORDASH: I'll pick up on it, Your Honour.
3 JUDGE THOMPSON: Right.
4 MR JORDASH:
11:27:11 5 Q. Did you tell the Prosecution that at the meeting Tamba
6 Gborie came along with several people who were introduced
7 to you as AFRC officials?
8 A. Yes, I did say it.
9 Q. Did you tell the Prosecution there was Colonel Five-Five,
11:27:39 10 one Honourable Adams, Colonel Gullit, Colonel Akim as
11 present -- did you tell the Prosecution those people were
12 present?
13 A. I told them.
14 Q. Okay. Let's just move forward a little bit to the 21st
11:28:06 15 of January 2005. I think 12 days ago the statement was
16 read back to you. Do you remember?
17 A. Yes.
18 Q. And the notes which the person reading back to you took
19 say this, paragraph 1: "When the AFRC took over and
11:28:48 20 Tamba Gborie addressed people in Tombodu, he was
21 accompanied by Superman as well as the other individuals
22 mentioned on page 1 of his original statement."
23 Did you tell the Prosecution on the 21st of January
24 2005 that in addition to Colonel Five-Five, Honourable
11:29:11 25 Admas, Colonel Gullit, Colonel Akim, Superman was also
26 present at that meeting?
27 A. Which of the meetings are you referring to, because you
28 want to push me there and there. Show me where this
29 meeting was held.

1 Q. Well, let's take our time, Mr Witness. I wouldn't want
2 to confuse you. The meeting is at the community centre
3 in Koidu. The time is just less than a week after the
4 overthrow of President Kabbah. The people present,
11:30:09 5 according to your statement on November 2002, Colonel
6 Five-Five, Honourable Adams, Colonel Gullit, Colonel
7 Akim. The person present in addition, according to
8 you --

9 MR HARRISON: I realise that Mr Jordash is entitled to put
11:30:33 10 things the way he wishes to, but it also has to be
11 consistent with the statement. The statement actually
12 reads after the list of names, the same sentence goes on
13 and says "and many others."

14 JUDGE THOMPSON: Yes, quite. I wanted to find out whether
11:30:51 15 I learned counsel for the first accused was seeking to
16 elicit whether on 21st of January he expanded the list
17 given on 12th of November. Is that what you're trying to
18 elicit; that in fact only 12 days ago he expanded that
19 list?

11:31:13 20 MR JORDASH: Your Honour, yes.

21 JUDGE THOMPSON: Well, perhaps the best way is to --

22 MR JORDASH: Well, I am asking him specifically that he
23 expanded it only in relation to one name.

24 JUDGE THOMPSON: Good point, yes. That is what I wanted to
11:31:23 25 know. This is why I thought he got entangled about which
26 meeting. All you need to do is to focus on the very
27 meeting which is the one in issue and then to find out
28 whether he expanded the list.

29 MR HARRISON: I apologise for interrupting, but I think I have

1 to inform the Court that one of the accused has left the
2 courtroom. Sometimes the Court will take the view that
3 it is not appropriate to carry on the proceedings in the
4 absence of an accused.

11:31:55 5 PRESIDING JUDGE: But why did he leave without drawing the
6 attention of the Court? What is happening, Mr Touray?
7 That is your client. What has happened?

8 MR TOURAY: I will certainly find out, but perhaps he must
9 have been pressed to step out.

11:32:07 10 PRESIDING JUDGE: He should tell us. He doesn't just walk out
11 of the Court like that.

12 MR TOURAY: I apologise Your Honour, because he did not even
13 tell us who are here.

14 JUDGE THOMPSON: Yes, I think that matter is important and
11:32:27 15 that matter is addressed, that we address that.
16 [Overlapping speakers] I certainly agree with you.

17 PRESIDING JUDGE: We'll break please.

18 JUDGE THOMPSON: Yes, we don't want to be in a catch-22
19 situation.

11:32:47 20 [Break taken at 11.37 a.m.]
21 [On resuming at 11.52 a.m.]

22 PRESIDING JUDGE: We're resuming the session. Just a word of
23 caution to security guarding the accused persons. You
24 don't rush the accused person out of court, you know,
11:48:40 25 without drawing the attention of the Court to this.
26 I mean, everybody is human and I think if anybody is
27 pressed, including the accused persons, we should be
28 informed because we would normally rise for him to ease
29 himself. We want to put that on record. I think the

1 error came from the guards. It should not have happened,
2 because even the lawyers did not know this was happening.
3 So, Mr Jordash, please proceed.
4 MR JORDASH: I notice Mr Cammegh is not here but I'll proceed.
11:49:19 5 PRESIDING JUDGE: No, we won't wait for Mr Cammegh. He should
6 be here. Let's proceed.
7 MR JORDASH:
8 Q. We were talking, Mr Witness, about the meeting at the
9 community centre in Koidu. Do know where I'm referring
11:49:45 10 to?
11 A. Yes, community centre. Let me ask this question, there
12 were two meetings. Was it the one for Pa Sankoh or the
13 one Corporal Gborie called up?
14 Q. Corporal Gborie, okay. The one which occurred soon after
11:50:10 15 the overthrow of President Kabbah. The one in which you
16 said yesterday and today Superman and Mosquito were
17 present at. Are you following me?
18 A. They were there. I can remember.
19 Q. Well, what I'm asking you about is when you were seen by
11:50:35 20 the Prosecution on 21st of January, about 12 or 13 days
21 ago, you added the name Superman to the list of names in
22 your November 2002 statement; is that right?
23 A. Gave out names, it's true.
24 Q. You gave the additional name Superman on 21st of January
11:51:19 25 2005; was that right?
26 A. Yes.
27 Q. But you appear not to have mentioned either Mosquito or
28 Issa Sesay 12 or 13 days ago; is that right?
29 A. At what time? Maybe the person who wrote made a mistake.

1 Q. That is not the answer to my question. My question is:
2 Did you mention it, the name of Mosquito, the name of
3 Sesay, on 21st of January?
4 JUDGE THOMPSON: Why not take it singly so you can get things
11:52:09 5 simplified. One, two. Why not take it singly.
6 MR JORDASH: I understand what Your Honour is saying.
7 JUDGE THOMPSON: I mean, the witness tends to --
8 MR JORDASH: I'm not sure and I know this is --
9 JUDGE THOMPSON: It is just for expedition purposes because if
11:52:29 10 you take one thought at a time it helps him, the witness.
11 MR JORDASH: This is an intelligent witness, Your Honour, who
12 was able to give quite coherent evidence for the
13 Prosecution.
14 JUDGE THOMPSON: I'll make no judgment on that at this stage.
11:52:44 15 You can proceed along the lines you want to.
16 MR JORDASH: Your Honour, I take your guidance. Thank you.
17 Q. Did you mention to the Prosecution on 21st of January
18 2005 that Mosquito was present at the meeting at the
19 Koidu community centre?
11:53:10 20 PRESIDING JUDGE: Mr Jordash, I think the point you want to
21 make is that this witness never mentioned the name of
22 Mosquito and your client in his further statement of 21st
23 of January 2005 which was an extension of the statement
24 he made and the lists he talked about on 16th of
11:53:37 25 December.
26 MR JORDASH: Yes.
27 PRESIDING JUDGE: You put the question to him. He did not
28 mention the presence of Mosquito --
29 MR JORDASH: Your Honour, before I get to the suggestion that

1 he didn't I'd like to know what this witness says he did
2 say. He may say he did and if he says he did, I would
3 like to explore what he did say to the Prosecution.
4 PRESIDING JUDGE: All right.
11:54:05 5 MR JORDASH:
6 Q. Did you tell the Prosecution that Mosquito had been
7 present at that meeting? Did you tell the Prosecution
8 that on 21st of January 2005?
9 A. I told them, because at that time Mosquito was the man in
11:54:29 10 charge when Pa Sankoh was not there.
11 Q. Well, just tell us then, Mr Witness, what did you tell
12 the Prosecution on 21st of January 2005 about the role of
13 Mosquito at that meeting?
14 A. At that time Mosquito was the leader of RUF. That was
11:55:07 15 how we knew him.
16 Q. No, no. What did you tell the Prosecution specifically
17 on 21st of January 2005 about Mosquito at the meeting?
18 A. At that time, from that meeting he was giving order --
19 Q. No, no, no. Mr Witness --
11:55:37 20 A. -- for everything they did.
21 Q. Sorry Translator, I beg your pardon for that.
22 Mr Witness, what did you tell the Prosecution about
23 Mosquito's presence at the meeting -- what did tell them
24 13 days ago? What did you tell them?
11:55:58 25 A. Was it the community centre meeting or -- there were two
26 meetings. They came to Tombodu and held another meeting.
27 Is it that meeting also?
28 Q. Mr Witness, the meeting is the community centre at Koidu.
29 The time is you talking to the Prosecution only 12 or 13

1 days ago. What did you tell them about Mosquito's
2 presence at the meeting at Koidu at the community
3 meeting?
4 JUDGE BOUTET: With Gborie.
11:56:56 5 MR JORDASH: With Gborie. Thank you, Your Honour.
6 Q. Okay pause there.
7 A. In that meeting he clearly declared that they are now in
8 control. And that whosoever is not ready to abide with
9 them, it is time for him to follow his father Tejan
11:57:33 10 Kabbah to Guinea.
11 Q. Did you tell the Prosecution that on 21st of January
12 2005?
13 A. I did mention it, except they forgot to write it, but
14 I told them that.
11:57:54 15 Q. Okay. Thank you. Did you mention that Issa had been
16 there as a junior, junior person? Did you tell the
17 Prosecution that?
18 A. Yes, at the time Issa was a junior person. He was not
19 anything at that time. Mosquito was in charge.
11:58:27 20 Q. Did you tell the Prosecution that 12 or 13 days ago?
21 JUDGE BOUTET: May I suggest, Mr Jordash that you go way back
22 to the first time and --
23 MR JORDASH: Your Honour, yes.
24 JUDGE BOUTET: So he could follow you.
11:58:52 25 MR JORDASH: Certainly.
26 Q. The Tamba Gborie meeting, Koidu community centre, did you
27 tell the Prosecution that Issa Sesay had been present?
28 A. They were all there, but by then he was a junior rank.
29 They only call him Porvey, Porvey.

1 PRESIDING JUDGE: Did you tell the Prosecution that he was
2 there?
3 THE WITNESS: Yes, I did tell them but by then Issa was nobody
4 yet.
12:00:01 5 MR JORDASH:
6 Q. Okay. Thank you. Can I suggest to you, Mr Witness, that
7 the reason those details about Mosquito and Issa Sesay do
8 not appear in your statements is because they were not at
9 a meeting with Mr Gborie at the community centre in
12:00:21 10 Koi du?
11 A. How could you say Mosquito was not there. He was there.
12 Please don't send me backward.
13 Q. And I'm also going to suggest to you, Mr Witness, that
14 neither was Superman present in Koi du that week, because
12:00:55 15 he was firstly in the western area and then, secondly, in
16 Freetown. Is that true?
17 A. That's not true. Just after the overthrow everybody went
18 to Kono going in search of money because they knew Kono
19 was a rich place. They went to take people's money,
12:01:39 20 people's vehicles, people's belongings from them.
21 Everybody was there.
22 Q. Okay. Moving on, Mr Witness. It was the dry season of
23 1998 when you heard a call that Johnny Paul Koroma had
24 come to Tombodu; is that right?
12:02:06 25 A. Yes, the early part of the dry season.
26 Q. This was after ECOMOG had been successful in ejecting the
27 junta from Freetown; is that correct?
28 A. Yes.
29 Q. Were you summoned to Chief Fania's compound to be

1 addressed by JPK, Johnny Paul Koroma?
2 A. Yes.
3 Q. When you arrived did you see Superman?
4 A. I did see him. By then they had all moved to Kono from
12:03:16 5 Freetown.
6 Q. Did you see General Mosquito?
7 A. I saw Mosquito also.
8 Q. Rambo?
9 A. I saw Rambo also.
12:03:27 10 Q. Colonel Gbundema, Colonel Komba Gbundema, did you see
11 him?
12 A. I saw him.
13 Q. Did you see Staff Alhaji?
14 A. That one is champion SLA.
12:03:54 15 Q. And did you see Issa Sesay?
16 A. He was there as a junior member there.
17 Q. As what, sorry?
18 JUDGE BOUTET: Junior.
19 MR JORDASH:
12:04:16 20 Q. A junior member. So when you saw Issa Sesay in Kono
21 after the ejection of the junta, he appeared to you to be
22 junior to other commanders; is that right?
23 A. Yes, because Mosquito was in charge at that time.
24 Q. Was Superman still Mosquito's number 2?
12:05:03 25 A. Yes.
26 Q. Was Colonel Komba Gbundema somebody who was committing
27 crimes against civilians?
28 A. I didn't see him -- I didn't see him behaving toward
29 civilians badly at that time. I don't know his

1 character.

2 Q. At that time, though, you remember him being there?

3 A. He leans. He leans. That is the way I know him and I

4 knew that he was Komba Gbundema.

12:06:17 5 Q. And was Mosquito in control of that meeting?

6 A. Tombodu?

7 Q. Yes.

8 A. Yes, he was one of the agbabas by the president at that

9 time.

12:06:42 10 PRESIDING JUDGE: What is an agbaba?

11 MR JORDASH:

12 Q. Could you explain that, Mr Witness, please?

13 PRESIDING JUDGE: Who was this, Mr Jordash? Who is this

14 agbaba?

12:06:55 15 MR JORDASH: I think I'm as lost as Your Honour.

16 Q. I asked you if Mosquito was in control of the meeting,

17 what did you say to that?

18 A. When I say agbaba, I mean those who were in the

19 forefront, the strong men in the movement.

12:07:35 20 Q. Was that along with Superman? Does that apply to

21 Superman too?

22 A. They were alongside with Superman. Yes, they were with

23 Superman.

24 PRESIDING JUDGE: I don't think that is your question. Are

12:08:13 25 you not asking him whether Superman would also be

26 considered as an agbaba?

27 MR JORDASH: Exactly, Your Honour, yes.

28 THE WITNESS: Of course he was one of the firemen. He was an

29 agbaba. In fact, he used to kill people and drink their

1 blood.

2 MR JORDASH:

3 Q. And was Gullit also an agbaba?

4 A. Gullit was also an agbaba and the Honourable Adams was
12:09:08 5 also there. He was there seated in their vehicle.

6 Q. So would you then say that Sesay was agbaba later on at
7 the time of the meeting with Foday Sankoh?

8 A. After Mosquito have left and Pa Sankoh came now, it was
9 then that Issa also became an agbaba in the movement.

12:09:58 10 Q. Thank you. Now I want to read you again something that
11 was written from your meeting with the Prosecution 12 or
12 13 days ago. And the notes are referring -- and I'm
13 looking at paragraph 3 of the notes reflecting the
14 content of the proofing exercise.

12:10:45 15 JUDGE BOUTET: What is the page number?

16 MR JORDASH: I'm afraid I don't have the --

17 MR HARRISON: It is 10187.

18 MR JORDASH: I will rectify that over lunch, Your Honour.
19 Thank you, Mr Harrison.

12:11:03 20 Q. Back to the notes, Mr Witness. I'm going to keep doing
21 this. So there will be no surprises, it is the same
22 notes. The notes refer to this meeting at Chief Fania's
23 compound in Tombodu. It is said there: "Johnny Paul
24 Koroma himself did not speak. Other commanders with
12:11:40 25 Johnny Paul Koroma spoke, including Staff Alhaji." Now
26 we know, from what you told us yesterday, that Johnny
27 Paul Koroma was there; is that right?

28 A. He was there. That's true.

29 Q. And is it -- sorry, let me start that again. Does this

1 note taken 14 days ago on the 21st of January "Johnny
2 Paul Koroma himself did not speak" reflect what you said
3 to the Prosecution?
4 A. In fact he was seated in a car. He didn't come down, he
12:12:51 5 didn't talk. Only his spokesmen spoke to us. Others
6 were dancing on the street saying, "Our president has
7 come. In fact he was born in this town." And they were
8 dancing all around.
9 Q. And he was in a car then some distance from the compound?
12:13:19 10 A. Just imagine the distance between me and you, so it was.
11 Q. And he never got out of the car during the meeting; is
12 that right?
13 A. While he was in the car, the people came and gathered
14 around. It is a big compound, much bigger than this
12:13:54 15 building, the area where the meeting was held.
16 Q. Did Johnny Paul Koroma get out of the car during the
17 course of this meeting?
18 A. He didn't come out.
19 Q. Did he address anybody or any -- sorry, let me start that
12:14:14 20 again. Did he address any of the civilians during the
21 course of this meeting?
22 A. I didn't get you.
23 Q. Did Johnny Paul Koroma address any of the civilians
24 during the meeting at Chief Fania's compound?
12:14:57 25 A. He didn't say a word to the civilians, but his men like
26 Staff Alhaji who was the spokesman for them, because he
27 knew the people, he had been there for long, made a
28 statement and was saying that it was now their
29 government. Anyone who does not want to comply with them

- 1 should go to Guinea or else death awaits him.
- 2 Q. So somebody spoke, you say, on Johnny Paul Koroma's
3 behalf making the threat you've just described; is that
4 right?
- 12:15:44 5 A. That was true, because they want president, then they
6 take you from Freetown and go and hide you in the
7 village. That made us even baffled.
- 8 Q. Was Johnny Paul Koroma positioned within the car when the
9 six people with the voting cards were shot?
- 12:16:20 10 A. He didn't disembark. Whether because ECOMOG was trailing
11 them or not, I don't know. He was seated in the car when
12 they brought the six people and found the ID cards on
13 them. It was by then, after they had been shot, that we
14 began to hide ours that we had.
- 12:17:07 15 Q. So did Johnny Paul Koroma say anything about the six
16 civilians at that time?
- 17 A. When they brought those six men, the only thing we had,
18 we had -- they got an order that they should kill those
19 men because they voted for Tejan Kabbah.
- 12:17:53 20 Q. Did you witness Johnny Paul Koroma driving away in the
21 car?
- 22 A. Well, even though they were wicked and how rotten the
23 president may be, but they had a driver and he drove him
24 away.
- 12:18:24 25 Q. Did you see that?
- 26 A. Yes, I saw them moving. While they were moving they
27 asked us to take their loads and follow them.
- 28 Q. Okay. And that is when the trip started to Guinea; is
29 that right?

- 1 A. Yes, that was the time we headed for Guinea?
- 2 Q. Now, I want to ask you about something you said
3 yesterday, page 11 of the transcript and line 13. But
4 before I do ask you that, was Johnny Paul Koroma dressed
12:19:14 5 as a woman sitting in that car?
- 6 A. He was neatly dressed like a woman, except for somebody
7 who knows him, but it was only the -- his followers, the
8 bodyguards, that did tell us that it was Johnny Paul, but
9 it was very difficult to identify him the way he was
12:19:52 10 dressed.
- 11 Q. Other than the indication from his bodyguard, you
12 wouldn't have known it was Johnny Paul Koroma; is that
13 what you're telling us?
- 14 A. You can't recognise him. The reason was because while
12:20:13 15 they were moving towards Guinea that was the way they
16 dressed him and they are taking that route to hide him.
- 17 Q. So you're saying you could not have recognised him?
- 18 A. Except they identify him to you, because the way they
19 dressed him it was difficult to identify him.
- 12:20:35 20 Q. Did he have some sort of head shawl on?
- 21 A. The dress style was female dressing and made as if -- to
22 appear like haja. They put a veil on his head, so he was
23 dressed.
- 24 Q. Like a haja. What is a haja?
- 12:21:27 25 A. Haja, I mean women that go to Mecca, the way they dress,
26 the type of veil they put on their head, especially when
27 they want to go for prayer.
- 28 Q. Okay. Thank you. What you said yesterday, Mr Witness,
29 let me read it to you. Page 11, line 13, you were asked

1 this question:

2 Q. So at Chief Fania's compound when these events
3 were going on, which commanders actually spoke
4 to the people there.

12: 22: 13 5 A. That commander, I could not remember his name
6 now because there were many, and even Johnny
7 Paul himself spoke to us."

8 A. So I said yesterday because the way I was treated, the
9 way those people treated us in Kono, it made us go even
12: 22: 45 10 off head. I cannot remember all what they did to us.
11 These are just a few that I'm telling you.

12 Q. The question was much simpler than that, Mr Witness.
13 "Even Johnny Paul himself spoke to us" you told us
14 yesterday. Today you're saying, no, dressed like a woman
12: 23: 08 15 going to Mecca, sitting in a car, not speaking to you.
16 Which account is true?

17 A. Johnny Paul did not speak to us, as such. What he only
18 said was he was born in Tombodu. And that, in fact,
19 I doubt it greatly because if he was coming from Tombodu,
12: 23: 51 20 he wouldn't have destroyed Tombodu as he did.

21 Q. So he did speak but just to say that he was from Tombodu;
22 is that what you're saying?

23 A. Yes, he didn't go beyond that.

24 Q. Well, what did he say that to the crowd gathered? Did he
12: 24: 12 25 get out of the car? Did he say it in the car?

26 A. He was seated in the car and Staff Alhaji was beside the
27 car. He was the spokesman; he was talking. Then he came
28 out with a statement that even the president has said
29 that he hailed from this place and that we should support

1 him.

2 Q. So that was Staff Alhaji, was it, who said that?

3 A. Yes.

4 Q. Let me refer you to something you said earlier yesterday.

12:25:00 5 Page 8, line 22, referring to the same meeting at Chief
6 Fania's compound. "When we came we saw them, so many of
7 them. Mosquito, Johnny Paul himself, Superman, Rambo
8 Staff Alhaji they call him now staff Bayo. There were so
9 many. They explained to us that as for now -- in fact,
12:25:30 10 it was then Johnny Paul told us that it was a pleasure to
11 him because he's heading from Tombodu." So yesterday it
12 was Johnny Paul who said that. Today it is Staff Alhaji.
13 Which is true?

14 A. What I'm saying, the word didn't come out from Johnny
12:26:08 15 Paul himself. It was said by Staff Alhaji. Staff Alhaji
16 did not come from Tombodu, that was what Johnny Paul
17 said.

18 Q. Okay. Now, dealing with the six people you claim were
19 killed. Who ordered that the six people be shot?

12:26:54 20 A. Having brought those six people, we heard that there was
21 an order that they should kill them. And in fact Sarh
22 Quee shot that of my colleague that I'm talking of. His
23 eyes were now red. Nobody could look at him.

24 Q. Let's just rewind a little but then, Mr Witness. Did you
12:27:15 25 know that the six men were being brought to Chief Fania's
26 compound?

27 A. I did see them. In fact, when I saw that of my
28 colleague, I became confused and asked myself why have
29 they brought these people, what have they done?

- 1 Q. Where did they bring them from, do you know?
- 2 A. They were caught within Tombodu Town itself. Within
3 Tombodu.
- 4 Q. Do you know where?
- 12:28:07 5 A. I cannot indicate exactly where they caught them from.
6 We were all in the meeting. We just saw them being
7 brought. Then I became doubtful, what have these people
8 done that they brought them here now for?
- 9 Q. And so your knowledge of the six was that -- was limited
12:29:01 10 when they first appeared -- no, let me start that again.
11 All you knew when you saw the six men was that they had
12 been caught from somewhere in Tombodu; is that right?
- 13 A. Yes. They didn't bring anybody along with them while
14 they were coming to be killed there.
- 12:29:33 15 Q. All you knew when the people had been shot was that they
16 had been brought from somewhere in Tombodu; is that
17 right?
- 18 A. They caught those people in Tombodu. Even that of my
19 ~~xxxxxx~~ that I'm talking of was based in Tombodu. They
12:30:08 20 didn't bring anybody from Koi du. They caught them in
21 Tombodu.
- 22 Q. And you don't know to this day where they were found in
23 Tombodu; is that right?
- 24 A. It was later learned that they caught them between Pa
12:30:58 25 Fania's house and Kaisepo [phoen]. In fact, we thought
26 it was because they failed to come to the meeting that
27 was the reason why they were caught.
- 28 Q. What were they doing when they were caught between Pa
29 Fania's house and the other place you mentioned?

1 PRESIDING JUDGE: The name of the place -- [Microphone not
2 activated]

3 THE WITNESS: They were not doing anything, because by then
4 they were not doing any farm work. After they chased
12:31:58 5 people from their place of settlement, everybody was just
6 now in Tombodu moving up and down. They had nothing to
7 do, so they were not doing anything of privacy to
8 themselves.

9 MR JORDASH:

12:32:08 10 Q. What were the two places that they were found between?
11 A. They caught them in Tombodu, but I said it was between
12 Kaisepo's house and Pa Fania's house. In between those
13 two areas. Kaisepo?

14 JUDGE THOMPSON: [Microphone not activated]

12:32:42 15 MR JORDASH:

16 Q. And in relation to the position in Tombodu, Pa Fania's
17 house and Kaisepo's house are in the centre or where in
18 Tombodu? Where are they in Tombodu?

19 A. It is the centre of the town. In fact, any dweller in
12:33:32 20 Tombodu if he or she does not go to that place for a day,
21 he or she would not be happy. Even our rituals there we
22 perform them just within that centre.

23 Q. So just so we're clear, they were caught at the centre of
24 the town; is that right?

12:33:55 25 A. The centre of the town, because that was the centre.

26 Q. Thank you. Now, I want to read to you again your
27 statement from November 2002, page 2, bottom of the page
28 about 6 lines from the bottom. The statement is
29 referring to the incident with the six people, okay? The

- 1 statement says this: "The people I have mentioned went
2 to a checkpoint they had made upon entering the town and
3 returned with six people." "The people I have mentioned
4 went it to a checkpoint they had made upon entering the
12: 35: 04 5 town and returned with six people." Did you tell the
6 Prosecution that the six people came from a checkpoint
7 made upon entering the town?
- 8 A. What I said was that they were captured in the town.
9 There was no checkpoint. How could a civilian set up a
12: 35: 40 10 checkpoints?
- 11 Q. Well, do you know why your statement says that "The
12 people were brought from a checkpoint they had made upon
13 entering the town"? Do you know why it says that?
- 14 A. I cannot say. Maybe what I gave them was not written
12: 36: 35 15 exactly as I said it. But to my own understanding there
16 was no checkpoint no civilian could put up, mount up a
17 checkpoint.
- 18 Q. Okay. Who actually gave the order for the six to be
19 killed?
- 12: 36: 51 20 A. I said their boss, Staff Alhaji, because he was standing
21 by the vehicle. As soon as they brought those six people
22 we just heard from them that they had given an order that
23 they should kill them. That is what I know.
- 24 Q. So was it Staff Alhaji on behalf of Johnny Paul Koroma,
12: 37: 36 25 is that what you're trying to say?
- 26 A. Yes.
- 27 Q. Staff Alhaji was heard by you to say that the men should
28 be shot; is that what you're saying?
- 29 A. For me to repeat a single word all throughout, he gave

- 1 the order that they should kill the people because he was
2 in charge of Tombodu at that time.
- 3 Q. Sorry to repeat. I just want to make sure that I'm clear
4 about what you're saying, Mr Witness. Now who, if
12:38:32 5 anybody, gave the order to fetch civilians to be shot?
- 6 A. On that day, after the six men were shot, they went to
7 Kailahun. It was thereafter, after the shooting of those
8 six men that Mosquito gave the order now that they should
9 kill anybody found in the bush. That was the time Savage
12:39:25 10 started killing people.
- 11 Q. Don't worry, Mr Witness, we'll come to that. Let's just
12 stick with the six people, shall we. Was there an order
13 to fetch six people or to fetch some civilians to be
14 shot?
- 12:39:46 15 A. That very day nobody gave such an order, because when
16 that incident happened, all the civilians were scattered
17 all over. They all ran away.
- 18 Q. So nobody ordered anybody to fetch any civilians; is that
19 right?
- 12:40:07 20 A. On that very day, no. Let me not lie on them.
- 21 Q. Thank you. I want to read something else from your
22 statement, Mr Witness. Your November statement 2002,
23 page 2, seven lines from the bottom: "Johnny Paul then
24 asked us to support their government, that Alhaji Tejan
12:40:53 25 Kabbah was a foreigner. He said anyone who did not
26 support them should go to Guinea." Was it Johnny Paul
27 who said that, Mr Witness? Let me ask that a different
28 way so it is fair to you. Did you tell the Prosecution
29 that Johnny Paul asked us to support their government,

1 that Alhaji was a foreigner, that anyone who did not
2 support them should go to Guinea?
3 A. I told them that.
4 Q. When you were referring to Johnny Paul asking for
12:41:41 5 support, were you saying that Johnny Paul said that?
6 A. While he was with that big group, after relying to us
7 that he was burning Tombodu and that we should support
8 him, he didn't say anything beyond that. He said it.
9 Q. So that was the thing that Johnny Paul and the only thing
12:42:14 10 that Johnny Paul had said; right so?
11 A. That was what he said. He didn't say much.
12 JUDGE BOUTET: Mr Witness, we do not want to speak about this
13 issue now. The question is not whether you knew that
14 person or not. The question has to do with who said that
12:57:46 15 they should be killed. Who gave the order. So that is
16 the question that the lawyer is trying to ask you.
17 PRESIDING JUDGE: I'm not trying to say that you should not go
18 to the statement, but the testimony of this witness so
19 far has been consistent. I think it is a matter of
12:58:11 20 addresses, you know, when it comes to it, because he is
21 saying that he was present in -- I mean, notwithstanding
22 what you said there, what you're reading from, the
23 statement you're reading from, that he was in a car. He
24 was close and the order was given to Staff Alhaji by JPK,
12:58:33 25 you know, for them to be killed. For all it is worth, I
26 mean, that is the stating of the oral testimony, but when
27 you look at this, you know, against the statements that
28 becomes a matter, you know, for us to address, you know,
29 later on in terms of submissions as to his credibility on

1 this particular issue.

2 MR JORDASH: But unless he's asked the question as to whether
3 he did or did not tell the Prosecution that, then it is
4 left unanswered. That is the problem. I don't want to
12:59:10 5 spend a long of time on this, but I've asked the question
6 a number of times. Question is a straightforward one.
7 The witness hasn't answered it. I'm sorry, but that is
8 something out of my control.

9 PRESIDING JUDGE: Please put the question to him again. Did
12:59:33 10 he tell the Prosecution.

11 MR JORDASH: Did you tell the Prosecution, Mr Witness, that
12 Johnny Paul Koroma --

13 JUDGE BOUTET: And, Mr Jordash, again remind him that you're
14 reading now from a statement that he would have given and
12:59:43 15 it says.

16 MR JORDASH: Yes, Your Honour, thank you.

17 MR HARRISON: And if I could just invite Mr Jordash to change
18 that one word as he had done the first time, if he could
19 please.

12:59:55 20 MR JORDASH: Of course, of course.

21 Q. 14 days ago you were seen by the Prosecution. I'm
22 reading from notes which came from that meeting. Notes
23 which are said to be things you said. Are you following
24 me?

13:00:16 25 A. I'm listening. Just say it.

26 Q. Did you, as the notes say, tell the Prosecution that
27 Johnny Paul Koroma did not actually give the order for
28 six civilians, including the witness's friend, to be
29 killed. The order was given by Superman, Gullit, and

1 Savage and the witness had heard it came if from Johnny
2 Paul Koroma. Did you tell the Prosecution those things?
3 A. I didn't say so. What I said was that he gave the order.
4 Q. Who's he?
13:01:04 5 A. Johnny Paul.
6 Q. So it is Johnny Paul you heard give the order?
7 A. Yes.
8 Q. So what you said to us which seems like a lifetime ago,
9 that Johnny Paul Koroma did not speak but for a sentence,
13:01:31 10 that is not true then? He did speak quite a lot.
11 MR HARRISON: Well, with respect, there is a difference
12 between you can utter the words: Did you hear Harrison
13 say with the reference that did you actually hear
14 Harrison utter the words, but it can also mean, did
13:01:53 15 Harrison say that, was there something out there that was
16 uttered by Harrison.
17 JUDGE BOUTET: In my view, the question was quite clear, and
18 it did not lead to what you're trying to suggest.
19 MR JORDASH:
13:02:18 20 Q. Can I just simply close this section by asking you a
21 simplified version of what I just said, Mr Witness? You
22 told us earlier today that Johnny Paul Koroma had said
23 nothing except that people should leave to go to Guinea
24 and that they, the rebels, own the government. You now
13:02:54 25 say that he ordered the killing of the six civilians. Is
26 that right?
27 A. What you want me to say, I won't call it a long talk.
28 Like a big man seated, they came and showed him the thing
29 and then he said "Kill them." Is that a long statement?

1 MR JORDASH: Quite a significant one. Thank you.

2 PRESIDING JUDGE: Mr Jordash, when we resume at 2.30, are we
3 resuming in an open or closed session?

4 MR JORDASH: Open. I don't envisage any --

13:03:51 5 PRESIDING JUDGE: Because we wanted to advise the gallery if
6 it became necessary.

7 MR JORDASH: The closed session I would envisage for about 20
8 minutes at the end of the cross-examination, Your Honour.
9 If it assists, I imagine I will be another couple of
13:04:15 10 hours or so, two to three hours, to be on the safe side.

11 PRESIDING JUDGE: All right we'll rise and resume at 2.30.
12 The Court will rise, please.

13 [Luncheon recess taken at 1.08 p.m.]
14 [HS030205C - SGH]
15 [On resuming at 2.55 p.m.]

16 PRESIDING JUDGE: Good afternoon, learned counsel. We are
17 resuming the session. Mr Jordash, you may continue with
18 your cross-examination, please.

19 MR JORDASH: Thank you, Your Honour.

20 Q. Good afternoon, Mr Witness. I just want to straight away
21 refer you to your November statement again and one
22 sentence from that. Do you follow?

23 A. Yes, I'm listening.

24 Q. The sentence is referring to the meeting at Chief Fania's
25 compound and the sentence reads this, "I also now recall
26 that one Saj Musa and Colonel Komba Gbundema were there.

27 MR HARRISON: I apologise. Could I have an indication of
28 where we are?

29 MR JORDASH: I am very sorry again. Page 2, second paragraph

- 1 hal fway down the second paragraph.
- 2 JUDGE BOUTET: This is page 9841.
- 3 MR JORDASH: Thank you, Your Honour. 9841.
- 4 Q. Mr Witness, do you recall telling the Prosecution that
- 5 Saj Musa was present at the meeting at Chief Fania's
- 6 compound?
- 7 A. Yes, by then he was alive. He was there.
- 8 Q. How did you know it was Saj Musa?
- 9 A. He was a member of the MPRC formerly, and before that he
- 10 had been going to Kono. We used to see him. He was in
- 11 that government.
- 12 Q. You had seen him before this meeting at Chief Fania's
- 13 compound?
- 14 A. I used to see him before, especially when he was the
- 15 deputy to Strasser.
- 16 Q. And according to you, Saj Musa was part of the trip to
- 17 Guinea; is that right? The unsuccessful trip to Guinea.
- 18 A. Yes. There were so many.
- 19 Q. And did Saj Musa have his own men with him?
- 20 A. Yes, he had his own men.
- 21 Q. Were they under his direct command?
- 22 A. Yes, when they went they introduced him to be the
- 23 minister of mines. He had his own men behind him. He
- 24 had a command.
- 25 Q. Were they separate from Mosquito's men?
- 26 A. They were all in that same convoy.
- 27 Q. Could you see who was the senior commander, Saj Musa or
- 28 Mosquito or another?
- 29 A. At that time what I can could remember apart from Johnny

- 1 Paul one could only think of Mosquito.
- 2 Q. And did Saj Musa return to Tombodu when the broken bridge
3 had been discovered?
- 4 A. I said this earlier that all of us returned back to
5 Tombodu. There we were left and they went ahead going to
6 Kailahun.
- 7 Q. So did Saj Musa go to Kailahun?
- 8 A. SAJ Musa didn't go to Kailahun, he stayed behind at
9 Koidu. It was only Johnny Paul and Mosquito that went
10 further to Kailahun. He stayed at Koidu.
- 11 Q. Well, who was then left in terms of commanders in Kono in
12 Koidu?
- 13 A. I cannot say that because I am a civilian. There was no
14 time for me to have gone asking soldiers, "Who is the
15 commander? Who is the commander?"
- 16 Q. Let me ask the question a different way. You observed
17 some commanders going to Kailahun; is that right?
- 18 A. Yes.
- 19 Q. You observed some commanders returning to Tombodu; is
20 that right?
- 21 A. Yes.
- 22 Q. Now, who was it who went to Kailahun?
- 23 A. When the convoy went some of them returned like Staff
24 Alhaji and others. It was then they brought the order
25 that Savage should be in charge of Tombodu.
- 26 Q. Did you see Staff Alhaji return?
- 27 JUDGE BOUTET: I am not sure we got the whole translation. I
28 do not speak the language, but I heard Mosquito being
29 mentioned and it didn't come out on the translation.

- 1 MR JORDASH: Can we try that again?
- 2 JUDGE BOUTET: Because you had asked a question about Mosquito
3 and --
- 4 MR JORDASH: Indeed.
- 5 JUDGE BOUTET: -- and he did in certain parts, from what I can
6 understand.
- 7 MR JORDASH: Can we try that again.
- 8 Q. Mr Witness, did you see Staff Alhaji return to Tombodu?
9 That was the question, I think, I asked?
- 10 JUDGE BOUTET: No, the question you asked, if JPK and Mosquito
11 went to -- where did they go and then who stayed behind.
12 So these are the questions you were asking.
- 13 MR JORDASH: Okay, thank you.
- 14 Q. Can you remember what your last answer was, Mr Witness?
15 Would you like to repeat it? Okay, pause there.
- 16 A. When they went it was Staff Alhaji and Savage that left
17 behind. They said they received an order to remain
18 behind to take care of the place, because what they want
19 was their own ideology that wherever they capture
20 somebody must be there to monitor the people.
- 21 Q. What about Mosquito, what did he do?
- 22 A. Mosquito, they have gone long since to Kailahun. It took
23 a long time before they returned and that was the start
24 of the burning of houses.
- 25 Q. Did Mosquito return to burn houses?
- 26 A. His document of authority first came when they started
27 burning. Then thereafter he himself came back again and
28 went as far as Tombodu.
- 29 Q. When did Mosquito return in person to Tombodu?

- 1 A. When they went it wasn't a week. They left Johnny Paul
2 at Kailahun. Then they returned back to Kono.
- 3 Q. Right, let's try to break this down a bit. Who returned
4 to Kono with Mosquito one week later?
- 5 A. Five-five, Superman, Gullit. There were so many. Kono
6 was their money finding place now.
- 7 Q. Kono was what sorry?
- 8 A. It was a place for their money finding now because there
9 they did their mining.
- 10 Q. Okay. Now, at the time that Mosquito and Johnny Paul
11 went to Kailahun, which other commanders went with them?
- 12 A. I said so many commanders went to Kailahun with them.
13 Will I go asking them, "Which commander is going? Who is
14 going?"
- 15 Q. Saj Musa, did he stay in Kono?
- 16 A. He didn't go to Kailahun, he stayed in Koidu.
- 17 Q. How do you know he stayed Koidu?
- 18 A. After he left Tombodu, the next day he returned there.
- 19 Q. How long was he in Tombodu?
- 20 A. He came with his -- in his vehicle. He went round the
21 township and ended up at Fania's compound. Then he
22 returned back.
- 23 Q. Returned back where?
- 24 A. He returned back to Koidu. He only came to Tombodu, made
25 a survey, went round the township and went back to Koidu.
- 26 Q. And how long did he stay in Koidu as far as you are
27 aware?
- 28 A. That I cannot tell because they own the country at that
29 time.

- 1 Q. Can you give an estimate of how long he stayed in Koidu?
- 2 A. I cannot tell because I was not with him. And he has
3 SLAs as his bodyguards, these are fierce people. They
4 were killing people. So I didn't go near them.
- 5 Q. Okay, well let's pick up on that, shall we, Mr Witness?
6 Saj Musa's bodyguards were killing people where?
- 7 A. Saj Musa's people, his bodyguards.
- 8 Q. His people. Where were they -- where were they killing
9 people after Saj Musa's return from the trip to Guinea?
- 10 A. Even Savage himself was Saj Musa's follower. He was one
11 of the killers. Staff Biyo. Staff Biyo was also his
12 followers.
- 13 Q. How do you know this, Mr Witness, that Staff Biyo was
14 Saj Musa's followers?
- 15 A. Saj Musa openly said it that the time he was in the
16 government, people like Savage and others were all his
17 bodyguards.
- 18 Q. When did he say this, Saj Musa?
- 19 A. When did he say it? The time he returned when all others
20 have gone back. Like an authority he would just discuss
21 it with people why he was saying all this.
- 22 Q. So just so that we are clear, you saw Saj Musa on his
23 return from Guinea talking about his followers having
24 worked for him previously. Is that what you are saying?
- 25 A. Which set of words, which sort of followers are you
26 talking of?
- 27 Q. You have told us that Saj Musa came back to Koidu. You
28 told us, it appeared to me a few moments ago, that Saj
29 Musa then said that Staff Alhaji and Savage were his

- 1 previous followers or had worked for him previously. Is
2 that what you are saying to this Court?
- 3 A. Yes, that is what I was telling the Court. I said he
4 came and introduced them and they were drinking, he was
5 saying it.
- 6 Q. Where were they drinking, Saj Musa?
- 7 A. They were in the pack. The road leading to Bendo II.
- 8 Q. Who was he there with, Saj Musa?
- 9 A. Himself, his bodyguards, Staff Alhaji, Savage.
- 10 Q. And this was the day after the convoy to Guinea? Yes?
- 11 A. No, please don't -- please don't say me back word. I
12 have told you that when we came from Guinea, from that
13 impossible Guinea trip, the others went to Kailahun, but
14 Saj Musa stayed at Koidu. It was thereafter, the day
15 after he went to Koidu, he came back to Tombodu. That's
16 what I am telling you.
- 17 Q. And after Tombodu he went to Koidu. That's what you were
18 telling us as well. Yes?
- 19 A. Yes.
- 20 Q. Did you hear about him doing anything else in Koidu?
- 21 A. No, I didn't hear anything.
- 22 Q. Do you know who made the decision to go to Kailahun? Do
23 you know who gave the order?
- 24 A. From our own understanding it was explained that it was
25 Mosquito who planned it that they should go to Kailahun.
26 It was not the plan of even Johnny Paul, he did not want
27 to go, but that is what Mosquito said that he should go.
- 28 Q. Okay when -- you have told us that Mosquito came back
29 from Kailahun a week after they had gone; is that right?

- 1 A. When they went to Kailahun they left Johnny Paul there.
2 We didn't see him again, but all other commanders
3 returned to Kono.
- 4 Q. So did Superman return with Mosquito?
5 A. They were all in Koidu now. There they were walking.
- 6 Q. Who is them all? Can you give us the names who you
7 remember returning after a week?
8 A. Superman. This man is trying to give me a headache. I
9 said Superman and the rest. The commanders were so many.
- 10 Q. So we have Superman, we have Mosquito?
11 A. Yes.
12 Q. Five-five?
13 A. He was there.
14 Q. Gullit?
15 A. He was there.
16 Q. Anyone else?
17 A. When they say convoy, are you thinking of it to be a
18 single person?
19 Q. Mr Witness, it is my job to ask the questions and your
20 job to answer. Now, was this time when Mosquito,
21 Superman, Five-five and Gullit came back at the time when
22 the burning in Tombodu started?
23 A. That was the time when the burning started.
24 Q. And did you see Mosquito involved in that burning?
25 A. To say the truth Mosquito is an authority. We can't
26 expect him himself taking torch to torch houses. But his
27 boys were who were around him, he did send them to do so.
28 Q. Where was Mosquito then when he was sending these boys to
29 do that?

1 PRESIDING JUDGE: Mr Jordash --
2 THE WITNESS: The people did go down there every time.
3 PRESIDING JUDGE: -- we have it on record that when they
4 returned from the futile trip to Guinea, they got to
5 Tombodu and Mosquito and JPK and the rest continued to
6 Kailahun.
7 MR JORDASH: Yes.
8 PRESIDING JUDGE: And arrival in Kailahun Mosquito sent
9 instructions, you know, that they should start --
10 MR JORDASH: No, no, no.
11 PRESIDING JUDGE: -- they sent -- I mean, the commanders who
12 were left there.
13 MR JORDASH: Well, Your Honour, I am going to come to that
14 account very shortly. But the account I am dealing now
15 is with Mosquito's return to Tombodu. Return in person
16 to Tombodu.
17 PRESIDING JUDGE: What I am saying is the instructions were
18 ready and existing -- the burning -- even before Mosquito
19 killed them.
20 MR JORDASH: Your Honour, could I ask for this witness's
21 translation to be turned off because it is my --
22 PRESIDING JUDGE: You see we are going round and round and
23 round, and we don't appear to be making any progress
24 really.
25 MR JORDASH: Well, Your Honour --
26 PRESIDING JUDGE: Maybe you can find some other way of getting
27 around this so that we can progress. Let's proceed.
28 JUDGE BOUTET: To my understanding, Mr Jordash, the witness
29 has said Mosquito came back again and I think he gave

- 1 [inaudible] came back to Kono not Tombodu. So that may
2 be part of the confusion here. I mean, his evidence is
3 that he came back from Kailahun, back to where? It seems
4 to be Koidu and not Tombodu.
- 5 MR JORDASH: Your Honour, thank you.
- 6 JUDGE BOUTET: And his latest answer says that he was not
7 involved directly, but he and his own party and some of
8 his boys.
- 9 MR JORDASH: Yes. I will pick up on that. Thank you.
- 10 Q. Did you see Mosquito when he returned, Mr Witness?
- 11 A. Yes.
- 12 Q. Where did you see him?
- 13 A. At that time we were asked to carry loads to Koidu.
14 While on our way going to Koidu we crossed with Mosquito
15 in his van coming towards Tombodu, and when we came back
16 even Staff Alhaji told us that his brother came there.
- 17 Q. So did you at any stage receive Mosquito in Tombodu?
- 18 A. What I can tell you is that Tombodu was like their home.
19 There was no time Mosquito didn't come to Tombodu. Every
20 day he was there.
- 21 Q. Right. So on the return -- let me start that again.
22 Mosquito returns from Kailahun and goes to Tombodu and he
23 is there every day for how long?
- 24 A. It was over three months because there they drank palm
25 wine. The Limba people did tap palm wine for them. They
26 come there every evening to drink.
- 27 Q. So this is the meeting of Mosquito with Savage and Alhaji
28 every day in Tombodu for several months; is that right?
- 29 A. Yes, that's correct.

- 1 Q. And during that time, besides drinking palm wine, did you
2 see Mosquito walking around Tombodu?
- 3 A. Moving about on foot?
- 4 Q. Well, foot or vehicle.
- 5 A. That man is a big man. If he moved -- if he moved with
6 his car reaching Tombodu, he will just come down, take a
7 few steps to where they go down to drink their palm wine.
8 He is a big man, why should he walk on foot when he has
9 car to move it?
- 10 Q. Where was he staying, General Mosquito, during these
11 three months?
- 12 A. Mosquito was everywhere. You do hear him in Freetown,
13 Kailahun, Koidu, everywhere he moves about.
- 14 Q. No, when he stayed in Tombodu for three months, where did
15 he live?
- 16 A. Who, Mosquito? He never slept in Tombodu.
- 17 Q. Do you know where he did sleep when he was in Kono?
- 18 A. That man was a public figure now. Do you think it would
19 have been me going in search of him to know where he
20 sleeps? People will think that I want to plan something
21 against him.
- 22 Q. Now yesterday, Mr Witness, you did not mention Mosquito
23 coming back from Kailahun. And you have not mentioned it
24 in any of your previous statements. When did you recall
25 Mr Bockarie's return trip?
- 26 A. What I'm saying is that in fact you are prompting me.
27 The more you ask me questions the more revelations come
28 to me, because it is only because of the court that I'm
29 limited, but the more you are asking me so I am getting

- 1 the more information to tell you.
- 2 Q. May be I shouldn't ask you for much longer then.
- 3 JUDGE BOUTET: Now you have really got the answer you want.
- 4 PRESIDING JUDGE: We are back to our concept of jogging the
5 witness's memory, because the events were so intense so
6 many things happened that, you know, you remember this,
7 you remember that, this and that.
- 8 MR JORDASH: Well --
- 9 PRESIDING JUDGE: Once you jog his memory.
- 10 MR JORDASH: I will very surprised if anyone else remembers
11 Mosquito in Kono for three months at that time.
- 12 PRESIDING JUDGE: You hear him, he says if you ever looked for
13 where Mosquito lived in Kono, they would say he was
14 planning something against him. Which is not very far
15 from the reality at the time.
- 16 MR JORDASH: Well, if Mosquito had a twin brother.
- 17 PRESIDING JUDGE: Yes, he was a public figure. Yes.
- 18 MR JORDASH:
- 19 Q. Mr Witness, let me make it clear to you. I'm suggesting
20 that Mosquito was never in Kono during the whole of 1998.
21 And you have invented it?
- 22 A. When the intervention came, you mean Mosquito was not in
23 Kono? [No translation]
- 24 Q. I'm sorry, I didn't get translation.
- 25 A. Then, in fact, I wouldn't say anything again hence you
26 have said that Mosquito was not in Kono.
- 27 Q. I don't understand that translation.
- 28 PRESIDING JUDGE: He says, if you say Mosquito was not in Kono
29 in 1998, then he will not answer any question again.

- 1 MR JORDASH:
- 2 Q. For the avoidance of doubt as well, Mr Witness, I also
3 suggest you invented SAJ Musa's presence in Kono in 1998.
4 A complete invention I, I would suggest.
- 5 A. SAJ Musa the jungle in which he was, When he came out
6 from the jungle, he past through Tombodu, he went to
7 Masofiniya before he could come to Freetown where he
8 died.
- 9 Q. Where who died?
- 10 JUDGE BOUTET: Musa.
- 11 MR JORDASH: Musa. Okay, my fault, sorry.
- 12 Q. You told us yesterday that the four, Commander Savage,
13 Staff Alhaji, Superman and Five-Five had passed
14 instructions to burn houses. Do you recall that
15 evidence?
- 16 A. I do remember that. In fact, for instance, you go to
17 Tombodu now, you will see the houses. They have burnt
18 everything.
- 19 Q. You told us that Staff Alhaji had brought a paper with
20 the order contained upon it; Is that right?
- 21 A. That is correct. Because they said wherever they
22 captured, they must leave commanders there. That was the
23 reason they left Savage and others there.
- 24 Q. And so one week after the ill-fated trip to Guinea was
25 when the order was passed to burn Tombodu; is that your
26 evidence?
- 27 A. It is correct. That is how it happened.
- 28 Q. And the order came from Mosquito who was in Tombodu to
29 Staff Alhaji and then to his men Gullit, Savage, Rambo

- 1 and Superman.
- 2 MR HARRISON: There may just have been a slight confusion with
3 the wording of the names. I'm not sure if Mr Jordash
4 meant to say Mosquito was in Tombodu at the time that
5 order was made. But if he was, then I will just sit
6 down.
- 7 MR JORDASH:
- 8 Q. At the time of the burning in Tombodu, Mosquito was in
9 town, wasn't he, according to you?
- 10 A. I said when that of his order came, Tombodu was now a
11 slaughtering centre. When they catch people from all
12 over the area, they will bring them to Tombodu. There
13 they will kill them.
- 14 Q. And Mosquito was in town when the order was given by
15 Staff Alhaji; is that right?
- 16 A. He was in Kailahun when he sent that order. Before he
17 could come now, they started slaughtering people.
- 18 Q. So how long after that order then did take for Mosquito
19 to arrive?
- 20 A. It was only weeks, not a month.
- 21 Q. But I thought Mosquito came back a week after the trip to
22 Guinea?
- 23 A. I didn't get you.
- 24 Q. You said, Mr Witness, that Mosquito returned a week after
25 his first leaving to go to Kailahun. Now you are
26 suggesting he returns several weeks after the burning --
27 the order to burn Tombodu. Now, when did he return?
- 28 MR HARRISON: I realise Mr Jordash is allowed to put questions
29 how he sees fit, but the witness, I think, has already

1 given answers that he left Tombodu on the aborted trip or
2 unsuccessful trip to Guinea, returned, then there was a
3 subsequent trip to Kailahun and a second return. And I
4 think the question may be clear to the witness if
5 Mr Jordash is referring to a second return trip to
6 Tombodu.

7 JUDGE BOUTET: Certainly in my understanding of his question
8 it was quite clear. I don't see the confusion in that
9 question.

10 MR JORDASH: I can break it down so that the witness is clear.

11 Q. You are suggesting that Mosquito came back from Kailahun;
12 is that right?

13 A. Yes.

14 Q. Yes. You suggested a moment ago it was a week after he
15 first went to Kailahun; is that right?

16 A. We are native people, that which is not up to a month we
17 call it week. It was not up to one month.

18 Q. But you also said, Mr Witness, that when Mosquito
19 returned with the others that's when the burning started.
20 You also said that, Mr Witness, didn't you?

21 A. What I said: Before he could come, he met the order now
22 in operation. He came and met now the burning is in
23 progress.

24 Q. So he arrived when the burning was in progress; is that
25 right?

26 A. Yes.

27 Q. Right. I want to refer you to your statement again, your
28 statement of November 2002, page 3, first paragraph. The
29 first lines, and I will just paraphrase, "I cannot

1 remember the soldiers who did the shooting" -- or "I
2 cannot remember the soldiers who did the shooting of the
3 six captives brought to Fania's compound. There was
4 panic among the civilians. Johnny Paul said that they
5 had also heard that ECOMOG was coming, but they could
6 have nowhere to stay. So he ordered his men including
7 Gullit, Savage, Five-Five, Rambo, Superman, Komba
8 Gbundema to burn houses. Indeed, they took the orders
9 and burnt many houses in Tombodu." When did this happen,
10 if it happened Mr Witness?

11 A. My friend, I have told you that the time when they were
12 in Tombodu, the time when they killed those six people,
13 there was no burning of houses. But as soon as they went
14 to Kailahun, it was from Kailahun the order came that
15 they should start burning houses. I have told you this.

16 Q. You have told me that, Mr Witness, but you also appear to
17 have told the Prosecution in November of 2002 that Johnny
18 Paul ordered burning of Tombodu. Did you tell the
19 Prosecution that in 2002?

20 A. I did tell them, because they did say that people are not
21 supporting them in Tombodu and that they should burn
22 their houses. I did say so. And that order also came.

23 Q. Did you tell -- did you recall Johnny Paul ordering
24 Gullit, Savage, Five-Five, Rambo, Superman and Gbundema
25 to burn houses and then taking the orders and burning the
26 houses? Did you recall that happening when you spoke to
27 the Prosecution in 2002?

28 A. Those whose issue as we were going with it, so I'm
29 getting my memory refreshed. It did happen.

- 1 Q. Tell me, When?
- 2 A. Which one?
- 3 Q. You are not that refreshed then, witness. When did it
4 happen that Johnny Paul Koroma ordered Five-Five,
5 Superman, Rambo, Gullit, Savage, Gbundema to order -- to
6 burn houses and then subsequently burning houses? When
7 did this happen?
- 8 A. When did that happen? It happened when we returned from
9 ~~xxxxxx~~, then Superman told us that Johnny Paul had
10 ordered that they should burn houses. We then did see
11 them sprinkle petrol on houses, setting fire to them.
- 12 Q. So what you have -- what the statement says that Johnny
13 Paul said that they had also heard that ECOMOG was
14 coming, is not something that you heard?
- 15 A. He did not say it. It was his henchmen who were behind
16 him who came from Koidu while they were in Tombodu. They
17 brought the information that they have heard that ECOMOG
18 is now in Makeni and that forced them even to move faster
19 for them to go to where they went.
- 20 Q. Well, let's read on in the statement a little bit, shall
21 we? Page 3, beginning of the second paragraph. Let's
22 just read the first paragraph just so you understand it.
23 "Johnny Paul said that they had also heard that ECOMOG
24 was coming, that they could have nowhere to stay, so he
25 ordered his men, including Gullit, Savage, Five-Five,
26 Rambo, Superman Komba Gbundema to burn houses. Indeed,
27 they took the orders and burnt many houses in Tombodu.
28 There was chaos and confusion in Tombodu. Whilst this
29 havoc was going on, it was rumoured that ECOMOG was on

- 1 the way to Tombodu, so Johnny Paul was dressed in woman's
2 clothes. This was to take him out to Guinea, as I was
3 told. "
- 4 In other words, Mr Witness, you are describing this
5 order and the burning as taking place before the trip to
6 Guinea. Is that not right?
- 7 A. No. After they killed those six people they went. It
8 was on their return they began burning houses now.
- 9 Q. Well, the way it reads in the statement is that he hasn't
10 gone on a trip to Guinea, Mr Witness. You understand my
11 point?
- 12 A. What I'm saying what has happened in the past if you are
13 explaining to the people, you do remember some, you don't
14 remember some. I didn't remember that.
- 15 Q. Well, you remembered, it seemed, according to this
16 statement, that the order to burn given by Johnny Paul
17 had happened before he took the trip to Guinea. Did you
18 remember that at the time you made your statement in
19 November 2002?
- 20 A. I didn't recollect all, because it was a long period.
- 21 Q. Well, I think I will move on. You were around xxxxxxxxxxxx
22 and xxxxxx during the course of 1997; is that right?
- 23 A. Yes. Between xxxxxx and xxxxxx there xxxxxx is.
24 There I was.
- 25 Q. Yes. And during that time, the junta under the authority
26 of Gullit was in control; isn't that right?
- 27 A. Gullit?
- 28 Q. Gullit.
- 29 A. xxxxxx?

- 1 Q. Let's try it again, shall we? During 1997, I'm
2 suggesting Gullit was in control of xxxxxx, xxxxxx
3 and the surrounding areas. Can you confirm that?
4 A. The person whom I knew to be there was Staff Alhaji.
5 There was no Gullit there.
6 Q. You never saw Gullit during 1997 in those areas?
7 A. Gullit used to come there for mining, but he was not
8 stationed at xxxxxx.
9 Q. Right. So you had seen him there? Yes?
10 JUDGE BOUTET: It may be that he doesn't really understand
11 when you say in control. Maybe if you ask him if he was
12 the big man, he will understand that.
13 MR JORDASH: Sorry, I missed that.
14 JUDGE BOUTET: If you ask him if he was the big man for the
15 area, he may understand that.
16 MR JORDASH: Your Honour, yes, I agree.
17 Q. Gullit was a big man in and round xxxxxx and Tombodu
18 during the course of 1997. Is that right?
19 A. Yes, he was an authority and he had mining area there.
20 Q. Did you ever speak to him during that time?
21 A. He did not go to his mining sites because if anybody goes
22 there, they will capture you by force and give you shovel
23 to mine.
24 Q. Now, I just want to ask you a bit more about Gullit,
25 moving forward to 1998 and comments -- a comment you made
26 in your witness statement page 9843, the witness
27 statement of November 2002. This is the statement,
28 Mr Witness. "I don't personally know --" actually, let
29 me forget that one for a moment. Yes, here we go, page

1 9844, last paragraph. Same statement you made to the
2 Prosecution, Mr Witness, November 2002. This is what you
3 said: " I saw that --" sorry, let me -- you are referring
4 too previous statement -- actually, sorry, I am very
5 apologetic to be so confused. Can we go to 9843, please.
6 It makes sense only if we start here. Paragraph 1. This
7 is what you say: "I don't personally know the people
8 Gullit killed, because a lot of them were captured in the
9 surrounding villages and bushes and brought and killed.
10 Tombodu was a killing zone." Do you recall telling the
11 Prosecution that?

12 A. I didn't get you clearly. Can you please repeat?

13 Q. "I don't personally know the people Gullit killed,
14 because a lot of them were captured in the surrounding
15 villages and bushes and brought and killed. Tombodu was
16 a killing zone." Do you recall telling the Prosecution
17 that?

18 A. Yes, a lot of people were killed. They killed so many
19 people.

20 Q. And then over the page to 9844, last paragraph. This is
21 what it says, Mr Witness: "I also said in the same
22 page" - referring to the page I have just read to you -
23 "that Gullit killed many people. I saw him shoot and
24 kill one such person. I saw Gullit shoot, was one
25 Sahr Peggy of Tombodu. When he was shot, he did not die
26 instantly."

27 JUDGE BOUTET: Wait, wait for translation, because you will
28 not get an answer.

29 MR JORDASH:

1 Q. Let me start that again so it is fair to you, Witness, so
2 you can recall what is on the page. "I also said on the
3 same page that Gullit killed many people. I saw him
4 shoot and kill one such person. I saw Gullit shoot was
5 one Sahr Peggy of Tombodu. When he was shot, he did
6 not --"

7 JUDGE BOUTET: Wait for the translation.

8 MR JORDASH: Sorry.

9 Q. "When he was shot, he did not die instantly, so Gullit
10 hit him on his spinal cord with a stick. He killed him
11 because he said Peggy did not support them." Do you
12 recall telling the Prosecution that? Okay, pause there.

13 A. The man you are referring to, Peggy, was an insane
14 person. When he met them, he told them that "My friend,
15 I think these of your government is a useless
16 government." But he was the man who had a slight hunch
17 back, so on the spot they shot him. He fell down and
18 they started hitting him with sticks and gun butts at the
19 back of his neck.

20 Q. So Gullit shot him, did he?

21 A. Yes.

22 Q. You saw that, did you?

23 A. I saw it myself. You see that man, he was an insane man,
24 but he used to play with soldiers. When he met soldiers,
25 he tells them that they were foolish men. That was what
26 he had been doing. He thought those men were the same
27 people he had been playing with. After they have killed
28 him, it was later on they came to realise that he was an
29 insane person. Then they began saying: "Eh, we are

1 sorry. We didn't have killed him, we would have used him
2 to be getting us water."

3 [HS030205D 4.00 p.m. EKD]

4 Q. Just so that we're clear, Mr Witness, where were you when
15:54:47 5 you saw Gullit shoot this person, Peggy?

6 A. We're just from harvesting banana. When we came we're
7 walking over the bridge, there we met them. But at that
8 time as civilians nobody had to the guts to tell them
9 "Hey, you leave this man." They will turn against you
15:55:30 10 too.

11 Q. How far away from you did the shooting take place?

12 A. [No translation]

13 MR JORDASH: I didn't get a translation.

14 THE WITNESS: Like my position of that to the judges so the
15:56:05 15 distance was over the bridge at Bendu II.

16 MR JORDASH:

17 Q. Let me refer you now to the notes made 14 days ago.
18 Paragraph 8 on page, I think, 10188. This is what the
19 notes say, Mr Witness: "The witness retracted from his
15:56:34 20 prior statement that he saw Gullit shoot anyone himself.
21 The witness never personally saw Gullit shoot anyone. He
22 is uncertain why that was in the original statement and
23 he does not recall saying that." Did you tell the
24 Prosecution that?

15:57:13 25 A. I did tell them so, but what I'm saying whosoever doing
26 that must forget those people have a lot of story to
27 tell, even right now as I'm telling you more is coming in
28 my memory, but I can't just say it.

29 Q. But 14 days ago you told the Prosecution that you didn't

1 know how it was your original statement had recorded you
2 seeing someone shoot Gullit -- sorry, Gullit shoot
3 someone. This isn't about your memory being jogged,
4 Mr Witness. This is about your memory changing; isn't
15:58:18 5 it?

6 JUDGE THOMPSON: But learned counsel, hasn't he admitted that
7 he made that correction in his statement? Is that not
8 what he is saying now?

9 MR JORDASH: Yes.

10 JUDGE THOMPSON: So why -- you want to push it further?
15:58:37 11 MR JORDASH: Only one question if I may.

12 JUDGE THOMPSON: Continue.

13 MR JORDASH:

14 Q. Fourteen days ago you denied seeing Gullit shoot anyone.
15:58:56 15 When did you recall afresh this memory of Gullit shooting
16 somebody?

17 A. I've just reflected on it, because as I'm talking to you
18 so I'm seeing it as if it's happening before me.

19 Q. Thank you, Mr Witness. We've heard --

15:59:30 20 PRESIDING JUDGE: So what is he saying now?

21 MR JORDASH: Difficult to say, Your Honour.

22 JUDGE THOMPSON: It's not difficult -- [Overlapping speakers].

23 PRESIDING JUDGE: [Overlapping speakers]

24 JUDGE THOMPSON: I get that he's virtually saying that he
15:59:42 25 stands by the correction that he made.

26 PRESIDING JUDGE: That's right, as I understood.

27 JUDGE THOMPSON: And that, of course, his position is that I
28 mean he who drinks water forgets so virtually admitting
29 that there may have been some lapses in his memory but

1 that he's made some corrections and I don't know how far
2 you want to push that. Probably putting further doctrine
3 of the fallibility of human memory.

4 MR JORDASH: No, that is not what I would put forward.

16:00:15 5 JUDGE THOMPSON: No, but he, the witness, is virtually saying
6 that -- which seems to be a healthy development. In
7 other words, I made corrections to my November statement
8 in January and I think that is what I understand the
9 evidence to be at this stage.

16:00:34 10 MR JORDASH: I agree, and if from that I do not have a
11 submission in due course about reliability then I may as
12 well sit down.

13 JUDGE THOMPSON: No, no, what I'm saying you do have some
14 evidential basis upon which to structure down the road
16:00:52 15 some kind of legal submission, but this witness himself
16 is virtually saying "I'm a human being, I don't have an
17 infallible memory." That is what I understand him to be
18 saying.

19 MR JORDASH: That is his position, for certain. And from that
16:01:10 20 I will, of course, move on.

21 JUDGE THOMPSON: Yes.

22 MR JORDASH:

23 Q. Moving forward to Foday Sankoh's visit to Koidu, this
24 was, you've told us earlier today, after the departure of
16:01:43 25 Bockarie from Sierra Leone; is that right?

26 A. Yes.

27 Q. Do you recall how long it was after you first heard of
28 Sam Bockarie's departure from Sierra Leone?

29 A. It was less than a month and when Sankoh came he did

1 explain to us that the reason behind Mosquito's going is
2 that he refused to take his order because Mosquito says
3 he will not disarm and therefore he ask him to leave.
4 Q. And just to try to narrow you down a bit, Mr Witness,
16:03:06 5 when you say less than a month, was it more than two
6 weeks?
7 A. Yes.
8 Q. Was it more than three weeks?
9 A. It can be approximately three weeks.
16:03:34 10 Q. Thank you. And you've told us that Mr Sesay spoke about
11 the war having come to an end; is that right?
12 A. I didn't get you clearly.
13 Q. Yesterday you told us that "Issa went and spoke to us
14 that the war had come to an end, no more firing of gun."
16:04:14 15 Page 29, line 15. Do you recall giving that evidence?
16 A. Yes, Issa did say that. He told us that for several time
17 that the war is now over, no more firing, there should be
18 ceasefire now.
19 Q. This was the beginning of disarmament, can you confirm,
16:05:01 20 Mr Witness?
21 A. Disarmament was not yet begun when he went and told us
22 that there should be no more firing, there should be
23 ceasefire, and that was when Pa Sankoh carried him.
24 Q. And that was the first time you'd seen Sesay since his
16:05:45 25 visit to Pa Fania's house -- compound; is that right?
26 A. When he first went with him to community where he
27 introduced him to us, there we first saw him. In fact,
28 we are thinking him to be a big man, but on seeing him he
29 was like a small boy. We began saying, "Oh, he's a small

1 man, he's a small man."

2 Q. So two occasions you saw Sesay. One Pa Fania's compound,
3 two the next time -- can I just take brief instructions.
4 After the occasion in 1998 when you'd seen him at the
16:07:09 5 meeting, the next time you saw him was at the time
6 Foday Sankoh brought him to Koidu; is that right?
7 A. It was from that point we've actually recognised him. By
8 the time they went with that convoy he was just a small
9 young man by then.

16:08:09 10 JUDGE THOMPSON: Learned counsel, is the evidence that the
11 second time he saw him was at Pa Fania's compound?
12 MR JORDASH: It was my confused question.
13 JUDGE THOMPSON: I see, I'm a little confused myself on that
14 one.

16:08:23 15 MR JORDASH: I can leave it there. I think the evidence
16 speaks for itself.
17 JUDGE THOMPSON: Very well.
18 MR JORDASH:
19 Q. What I am interested in now, Mr Witness, is the mining.
16:08:35 20 Is it right that the mining which began after the visit
21 of Foday Sankoh was mining using Caterpillars and
22 draglines?
23 A. Having been introduced to us by his boss, therefore Issa,
24 Officer Med and Gibbo, they brought machines that we
16:09:29 25 should find money now.
26 Q. And the machines included draglines, Caterpillars; is
27 that right?
28 A. Yes, there was a dragline and a Caterpillar with bailing
29 machines.

- 1 Q. And there was also shovels and shakers; is that right?
- 2 A. Yes, shovels, shakers and kettle, kongordu.
- 3 Q. And the time of that mining was the time that the bridge
- 4 was cut between Tombodu and Bendu?
- 16:10:23 5 A. Bendu II.
- 6 Q. Bendu II; is that right?
- 7 A. Yes.
- 8 Q. That happened at the beginning of the mining involving
- 9 Sesay; is that right?
- 16:10:39 10 A. Yes.
- 11 Q. Didn't Sesay also bring food for miners?
- 12 A. He didn't bring food. We're living on bananas, gari. In
- 13 fact, if people had not planted banana, lot of people
- 14 would have died. Even they themselves, the rebels, would
- 16:11:25 15 have died. That's the reason people are now busy
- 16 planting bananas in Kono.
- 17 Q. Well, I suggest to you that he brought rice; is that not
- 18 right?
- 19 A. Rice? He brought it for whom?
- 16:11:46 20 Q. He bought it for the miners.
- 21 A. Except you ate it, but we didn't see it.
- 22 Q. Let's examine that, shall we. I'm going to refer you
- 23 back to your statement, 9844, paragraph 1. This is what
- 24 your statement says, Mr Witness -- your statement: "I
- 16:12:29 25 did not know what General Issa did with the diamonds but
- 26 he would go and return with rice, bailing machines,
- 27 shovels, shakers and other mining implements." Looks
- 28 like the rice has appeared again.
- 29 A. The rice you mentioned were brought in for their own

- 1 soldiers, not for any civilian. The only thing civilians
2 ate was banana and the gari, and even the gari they gave
3 it in serving spoons, one serving spoon to a civilian.
4 We never ate rice from them.
- 16:13:21 5 Q. So you did get gari, then, given; it wasn't just bananas?
6 A. The gari you talking of was just like a serving spoon,
7 just one. You be hungry so you can't move from there.
8 They give you in that one spoon, they pass. Even water,
9 you just sip it, they don't allow you to drink.
- 16:14:07 10 Q. Did you ever speak to Sesay directly, Mr Witness?
11 A. Yes, I did spoke with him. In fact, I was on the shaker
12 when the plant work for the whole day, the concentrate is
13 being watched. I take it when we gather the diamond. So
14 I take it, I put it in his hands.
- 16:14:47 15 Q. So your association with Sesay was simply giving him
16 diamonds; is that correct?
17 A. Well, even with his brother, Officer Med, we are very
18 close. At times one of our mothers, when she cooks, she
19 give it to officer Med, he will take it to him, they sit
16:15:53 20 under the coffee there and eat the food.
21 Q. Whose mother did that - your mother or someones else's
22 mother?
23 A. Someone else mother. My own mother died so many years
24 back.
- 16:16:24 25 Q. You mentioned yesterday that following the -- that
26 meeting with Sankoh and Sesay a small boy had asked a
27 question about the government and because of that he was
28 kept in a back boot for the whole day. Is that right?
29 A. Yes, when they came they said we should work for the

1 government. They held the meeting. And that little boy
2 asked the question, "For which sort of government?" They
3 placed him in a back boot for the whole day.
4 Q. A back boot of a car, is that?
16:17:20 5 A. Yes.
6 Q. Were you placed in the car boot?
7 A. I have told you that we were in the meeting.
8 Q. Are you sure you weren't placed in a car boot at any
9 time?
16:18:04 10 A. Come again.
11 Q. Were you ever placed in a car boot?
12 A. I was the first person to have ever been placed in a
13 motor back boot.
14 Q. When was that?
16:18:29 15 A. Very first visit of Officer Med.
16 PRESIDING JUDGE: He said he too been placed in a boot of the
17 car?
18 MR JORDASH: Yes.
19 PRESIDING JUDGE: He was the first, during the first visit of
16:19:00 20 Officer Med.
21 MR JORDASH: Yes.
22 Q. Did you ever have any other duties, Mr Witness, in
23 relation to Mr Sesay?
24 PRESIDING JUDGE: What did you do to be placed in the boot of
16:19:20 25 the car, if I may ask?
26 THE WITNESS: [Translation interrupted]
27 PRESIDING JUDGE: You're getting too long.
28 THE WITNESS: It was one day when they came with a car. They
29 met us standing, they parked the car very close to us and

1 they accused us that we have refuse to work for their
2 government. And he asked his men with guns in their
3 hands that they should place me in the car boot.
4 MR JORDASH:
16:20:35 5 Q. Aside from giving Sesay diamonds, did you have any other
6 duties in relation to him?
7 A. I used to fishing for him.
8 Q. When did you do that?
9 A. Those are the time when we are now there together. At
16:21:23 10 times when others are working on the mines, they will ask
11 me to go and do some fishing for them, especially
12 bullfrogs. They asked me to bring them bullfrogs.
13 Q. But I thought you were a supervisor on the mines,
14 Mr Witness?
16:21:40 15 A. I was a supervisor. At the same time I used to go
16 fishing with lines for them.
17 MR HARRISON: I apologise for interrupting but I wonder if
18 this might be the time Mr Jordash was considering going
19 into closed session. There is information coming out
16:22:03 20 that, although it is not unique, it may assist people in
21 understanding the identity of this witness.
22 JUDGE THOMPSON: Is counsel prepared to yield?
23 MR JORDASH: I yield.
24 JUDGE THOMPSON: Learned counsel, do you have a revised
16:23:02 25 estimate of how long or do you stand by your initial 20
26 minutes indication? Or should we, from an abundance of
27 caution, be a little more realistic and fix something
28 that more accords with the expansive nature of your
29 cross-examination thus far.

1 MR JORDASH: I think one hour and then I am finished with
2 closed -- finished in total with everything.
3 JUDGE THOMPSON: And so we have that on firm assurance?
4 MR JORDASH: Very firm.
16:23:40 5 PRESIDING JUDGE: So what you are saying, Mr Jordash, is that
6 in one hour you will have wrapped up your
7 cross-examination.
8 MR JORDASH: For everything.
9 PRESIDING JUDGE: You will wrap it up in closed session.
16:23:49 10 MR JORDASH: Yes.
11 MR TOURAY: And Your Honour, we might like to start ours in
12 closed session as well.
13 JUDGE THOMPSON: Good.
14 PRESIDING JUDGE: That's fine.
16:23:57 15 JUDGE THOMPSON: That is very cooperative.
16 PRESIDING JUDGE: Thanks for the indication.
17 JUDGE THOMPSON: What about Mr Cammegh, do you want to join
18 hands with the Bench and see how we can expedite the
19 process?
16:24:10 20 MR CAMMEGH: Yes, that's quite right, I try to. I think my
21 cross-examination will be in open session. I think it
22 will also be very brief.
23 PRESIDING JUDGE: But, Mr Cammegh, if you feel you are
24 comfortable asking some of your questions during the
16:24:38 25 closed session, you can do that. One never knows how
26 things evolve.
27 MR CAMMEGH: Indeed, and if that avails itself or if the
28 opportunity for that arises I will avail myself of it,
29 but at the moment I don't anticipate asking anything in

1 closed session and I think I can assist you further by
2 saying that by virtue of what we have heard thus far
3 today, I think I can strip my cross-examination down to
4 just one limited issue. I anticipate it won't be until
16:25:14 5 tomorrow morning but I don't think I will detain the
6 Court for too long.

7 PRESIDING JUDGE: In any event, I don't see us continuing at
8 Mr Jordash's close, unless -- we'll see, you know, how
9 much time we have left to see if we can take on
16:25:36 10 Mr Kallon's defence team for the cross-examination if
11 they would be ready to go on at that time.

12 JUDGE THOMPSON: For the records, may we briefly hear your
13 application, Mr Jordash.

14 MR JORDASH: The application --

16:25:54 15 JUDGE THOMPSON: Before you do that, let me kindly request
16 that members of the public gallery retire until tomorrow
17 morning at 9.30. Well, perhaps, shall we say 11.00 a.m.

18 MS EDMONDS: Court's in closed session now.

19 [At this point in the proceedings, a portion of the
20 transcript, pages 88 to 116, was extracted and sealed
21 under separate cover, as the session was heard in
22 camera.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-012	1
CROSS-EXAMINED BY MR JORDASH	1