

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

FRIDAY, 22 FEBRUARY 2008  
9.49 A.M.  
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,  
Bankole Thompson  
Pierre Boutet

For Chambers:

Ms Peace Malleni  
Mr Felix Nkongho  
Ms Erin Shaw

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Charles Hardaway

For the accused Issa Sesay:

Mr Wayne Jordash  
Ms Sally Longworth  
Mr Joshua Garwood

For the accused Morris Kallon:

Mr Kennedy Ogeto  
Ms Tanoo Mylvaganam

For the accused Augustine Gbao:

Mr John Cammegh

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OPEN SESSION

1 [RUF1FEB08A-DG]  
2 Friday, 22 February 2008  
3 [Open session]  
4 [The accused present]  
5 [Upon commencing at 9.49 a.m.]  
6 [The witness entered Court]  
7 WITNESS: DIS-307 [Continued]  
8 [Witness answered through interpreter]

We

9 PRESIDING JUDGE: Yes, good morning, learned counsel.  
10 are resuming the proceedings. And Mr Wagona, you may proceed  
11 with --

12 MR JORDASH: Sorry.

13 PRESIDING JUDGE: Mr Jordash is on his feet.

perhaps

14 MR JORDASH: Only because I can see the witness is  
15 cold.

16 PRESIDING JUDGE: Yes.

17 MR JORDASH: And also I'm wondering -- I'm worried.

18 PRESIDING JUDGE: Yes, he's sniffing you know.

19 MR JORDASH: Yes.

Are

20 PRESIDING JUDGE: Mr Witness, what's wrong with you?  
21 you very cold or what?

22 THE WITNESS: Cold?

23 PRESIDING JUDGE: Cold.

24 THE WITNESS: Yes, sir.

09:50:24 25 PRESIDING JUDGE: This jacket he's wearing is not the  
one

26 I'm used to seeing on them. This one looks very light.

27 MR JORDASH: Yes. And also it's colder here, around  
here

28 today than it often is.

29 PRESIDING JUDGE: So what do we do? Where is the --  
madam,

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It 1 you usually have a thicker coat, you know, for the witnesses.

he 2 is not around today? Just check. Check and see, you know, if

know? 3 can have it. Mr Witness, can you manage to continue, you

another 4 Can you manage to continue? They are going to look for

09:51:18 5 coat, you know, for you so that we can double -- double it  
with

continue? 6 that one you have on. Can we -- can we move? Can we

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: All right. Yes, Mr Wagona.

9 MR WAGONA: Yes. Thank you, My Lords.

09:51:45 10 CROSS-EXAMINED BY MR WAGONA: [Continued]

11 Q. Good morning, Mr Witness.

12 A. Yes, sir.

13 Q. We are going to continue and I am going to be asking you  
14 about the period when the mining started in Koakoyima?

09:52:16 15 PRESIDING JUDGE: Can you just wait -- wait a while  
please,

16 let him wear that first, yes. What about -- let him wear that  
17 first, Yes.

18 MR WAGONA:

19 Q. Now, at the time xxxxxxxx became mining commander, Mr  
Issa

09:54:04 20 Sesay was the deputy to Sam Bockarie, who was the leader of  
the

21 RUF; is that correct?

22 A. Yes, sir.

23 Q. Now, I would suggest to you that Sam Bockarie together  
with

24 Issa Sesay appointed xxxxxx to the position of mining  
commander;

09:54:30 25 do you accept that?

26 A. I don't know about that, sir.

27 Q. And I would also suggest to you that while xxxxx was  
28 working as mining commander, he took orders from both Sam  
29 Bockarie and Issa Sesay; is that right?

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1 A. No, sir.

2 Q. Now, when xxxxxx was coming to replace xxxxxxxx,  
3 civilians were sent from Kono to Buedu to carry loads  
consisting  
4 of the mining requirements for xxxxxxxx; not so?

09:55:46 5 A. Yes, sir. There were things that were used in mining,  
so  
6 it was the workers that had been taking them.

7 JUDGE BOUTET: Before you carry on. I'm not sure if the  
8 problem is with the interpreters. We barely hear your voice.  
We  
9 had the same problem yesterday. So I don't know if you are  
too  
09:56:06 10 far away from your microphone or your microphone is not  
working,  
11 I'm not sure. But we hear witnesses very clearly, we hear the  
12 parties very clearly but we can barely hear you.

13 THE INTERPRETER: Your Honours, I don't think there is  
any  
14 problem with the -- okay.

09:56:20 15 JUDGE BOUTET: Well, I can -- I mean, your voice is very  
16 distant.

17 MR WITNESS: And now your voice not clear now. Your  
18 Honours, I have turned the mic on.

19 JUDGE BOUTET: So I see.

09:56:34 20 MR WITNESS: Yes, Your Honours, it is regulated now.

21 JUDGE BOUTET: Okay. Now it works.

22 PRESIDING JUDGE: You're clearer now. And Mr Wagona,  
you  
23 say the tools from mining were transferred from -- were  
carried  
24 by civilians from where to where?

09:56:48 25 MR WAGONA: Civilians sent from Kono to Buedu.

26 Q. Now, during 1999 --

27 JUDGE BOUTET: Mr Wagona, I'm sorry --

28 MR WAGONA: Yes, My Lord.

29 JUDGE BOUTET: -- because of my intervention, I missed  
the

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1 answer that the witness may have given you on this side.

2 MR WAGONA: I'll ask the question again, My Lord.

3 Q. Witness, I had asked you, I had suggested that when  
xxxxxxx  
4 was coming to replace xxxx xxxxx, civilians were sent from

09:57:33 5 Kono to Buedu to carry loads consisting of the mining  
6 requirements for xxxxxx; not so?

7 A. Except when they were ready to go for their food or some  
8 other condiments like salt, Maggi and pepper.

9 Q. Yes. But is it correct that at that time that's what  
09:57:54 10 happened, that when xxxxxx was coming civilians went from Kono  
11 to Buedu to help him carry the things?

12 A. Yes, sir.

13 Q. Now, during 1999 when xxxxxxxx was mining commander, Mr  
Issa

Makeni; 14 Sesay was the RUF High Command on the ground in Kono and  
09:58:26 15 is that right?  
16 A. Initially, it was Sam Bockarie.  
17 PRESIDING JUDGE: Put the question to him again.  
18 MR WAGONA:  
19 Q. Now I'm talking about during 1999, when xxxxx had  
already  
09:58:47 20 come to Kono; wasn't Issa Sesay the RUF High Command who was  
21 present in Kono and Makeni?  
22 A. Yes, sir.  
23 Q. And is it correct that later on Mr Issa Sesay was living  
at  
24 Lebanon in Koakoyima where the mining unit was also based?  
09:59:36 25 A. Yes, sir. It was the same town.  
26 Q. What do you mean when you say it was the same time?  
27 PRESIDING JUDGE: He said is it time or town.  
28 THE WITNESS: The same town. The same town.  
29 MR WAGONA: Okay.

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stopped 1 Q. And it was Mr Issa Sesay who at one stage in 1999  
2 the mining; is that correct?

3 A. Yes, sir.

4 Q. And it was the same Mr Issa Sesay who later allowed the  
10:00:15 5 mining to continue; not so?

6 A. Yes, sir.

7 PRESIDING JUDGE: Stopped the mining in what year?

8 MR WAGONA: 1999, according to the witness, My Lord.

9 Q. Witness, I would suggest to you that from beginning of  
1999  
10:00:49 10 onwards, xxxxxx was working under the supervision of Mr Issa  
11 Sesay; is that correct?

12 A. It's correct.

13 Q. And do you agree with me that in 1999 through 2000, when  
14 Issa Sesay was based in Kono, he would have known had  
civilians  
10:01:22 15 been forced to mine for the RUF?

16 A. No, sir. If a civilian were forced to do any job he  
would  
17 go. Diamond diggers, he's forced person he would go. Diamond  
18 digger, when you first see him, he would go. He would not see  
19 the diamond. So, if you force me to work, and I am the one  
that  
10:01:49 20 I am washing the gravel, you force me, I would go. You would  
not  
21 see any diamond.

22 Q. Well, I'm not sure if I've got the answer. My question  
is:  
23 If civilians were being forced to mine for the RUF at this  
time  
24 when Mr Issa Sesay was present, he would have known, not so?

10:02:31 25 MR JORDASH: Object -- objection. It's a purely --  
well,  
26 could I ask that this not be translated to the witness.

27 PRESIDING JUDGE: Can he remove his earphones. Can they

28 remove the earphones. But there is no guarantee. Let him be  
29 taken out of the courtroom, please.

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short.

1 MR WAGONA: Well, My Lord, I can -- I can cut this  
2 I will just -- I'll move on.  
3 PRESIDING JUDGE: You want to move on?  
4 MR WAGONA: Yeah.  
10:03:09 5 PRESIDING JUDGE: Okay. All right.  
6 MR WAGONA:  
7 Q. But you would confirm, Mr Witness, that from some time  
in  
8 1999 through 2000, Mr Issa Sesay was based at Lebanon where  
the  
9 mining unit was also based?  
10:03:38 10 A. He would come and go, sir.  
11 PRESIDING JUDGE: He said based; based. He could be  
based  
12 and he could be going and coming? Was he living there from  
1999  
13 to 2000 in Lebanon, when the mining operations were going on?  
14 THE WITNESS: I used to see him at times. At times I  
would  
10:04:05 15 not see him.

16 MR WAGONA:

17 Q. And that was the same area where the mining was taking  
18 place at Koakoyima; is that correct?

19 A. Koakoyima, half mining had been going on at Koakoyima  
10:04:28 20 because he had mining going on all over Kono.

21 Q. Now, you know that Mr Issa Sesay appointed xxxxx to  
22 replace xxxxxx as mining commander, not so?

23 A. Yes, sir.

24 Q. And you know that xxxx was also called xxxxxxxx?

10:05:19 25 A. I did not know that name, sir. The name I knew of was  
26 xxxxxxx.

based 27 Q. And before xxxxxx became mining commander he had been  
28 in Kono during 1998, not so?

29 A. Yes, sir.

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mining 1 Q. And it would be correct to say that when xxxxx was  
2 commander, he attended the mining sites during mining, not so?

3 A. Yes, sir, he used to go to some mining sites.

4 Q. And it would be correct to say that xxxxx was supervised  
10:06:29 5 by Mr Issa Sesay, not so?

6 A. Supervised; it is that English that I do not understand.  
7 The English "supervise." That's what I don't understand, sir.

8 Q. But is it correct to say that when xxxxx was mining  
9 commander, he was reporting to Mr Issa Sesay?

10:07:10 10 A. During that time I did not know about it because I had  
11 already come to Bandafa, seven miles off from Koakoyima.

12 Q. So you don't know if he was reporting to Mr Issa Sesay?

13 A. I did not know.

14 Q. And I would suggest to you that when xxxxx was mining  
10:07:33 15 commander, he submitted the diamonds to Mr Issa Sesay; do you  
16 agree with that?

17 A. Well, I don't know because there was a certain time when

I

18 had six pieces of diamonds. When I went to him he gave me  
19 slippers, so I thought that it was he himself that would --

10:08:01 20 THE INTERPRETER: Your Honours, the last bit of the  
21 witness's testimony is not clear. Would he be instructed to  
22 repeat?

23 MR WAGONA:

24 Q. Witness, please repeat your answer.

10:08:17 25 A. Well, I don't know because at a certain time I took six  
26 pieces of diamonds and he gave me slippers.

27 PRESIDING JUDGE: You took six pieces to who?

28 THE WITNESS: To xxxxxx.

29 MR WAGONA:

1 Q. And xxxxxx gave you slippers?

2 A. Yes, sir.

3 Q. And so you are saying you don't know if xxxxxx was  
giving

4 diamonds to Mr Sesay?

10:08:46 5 A. I don't know.

6 Q. Witness, I put it to you that under xxxxx as mining  
do

7 commander, civilians were being forced to do the mining work;

8 you accept that?

9 A. No, sir. They had not been forcing somebody to mine.

10:09:21 10 Because if they forced you, you would leave the place and go.

11 Q. And I would put to you, also, that Mr Issa Sesay

12 participated actively in organising forced civilian labour for

13 the mining; what do you say?

14 A. I did not know about that, sir.

10:09:58 15 Q. Now, I would take it that you never worked with Officer  
Med

16 at the same place at any time regarding mining in Kono from

1998

17 to 2000; is that correct?

18 A. I did not work with him.

19 Q. And so you would not know what pertained with regard to

10:10:41 20 mining wherever Officer Med may have been stationed, not so?

21 A. Yes, sir, I don't know.

Kono,

22 Q. And you know, don't you, that during 1998 to 2000, in  
23 some RUF senior commanders had private mining being done for  
24 them; is that correct?

10:11:08 25

A. No, sir.

26 Q. What do you mean by "no"?

Vanguards

27 A. Private mining, the mining that was given to the  
28 it was from five carats downwards. It was -- but above that,  
29 they should go and sell it to the office, mine -- they should

go

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1 and sell it to the office, which was referred to as the mining  
2 office.

novel

3 JUDGE BOUTET: Mr Wagona, can you clarify that some  
4 statement in this response by the witness that is sort of

10:11:57 5

to me because he's talking here of Vanguards, and I am not  
6 getting this.

7 MR WAGONA: I will do that.

to

8 Q. Mr Witness, are you saying that Vanguards were allowed  
9 do private mining, but within certain limits?

10:12:17 10

A. The year 2000, when they had opened the mining, the

the  
sold  
11       Vanguards had a different gang. So when they went to work,  
12       little diamonds belonged to them. The bigger ones, must be  
13       to the office. That was the law.

14       Q.     And were these Vanguard, some of them, RUF senior  
10:12:51 15       commanders?

16       A.     Yes, sir.

17       Q.     Including who?

18       A.     Well, xxxxxx was a Vanguard, Rambo was a Vanguard. I  
did  
19       not know all of them.

10:13:28 20       Q.     And they were using civilians to mine for them; is that  
21       right?

22       A.     Yes, sir.

23       Q.     And I would suggest to you that the Vanguards were also  
24       forcing civilians to mine for them; do you accept that?

10:13:50 25       A.     No, sir. It was a two-pile system, sir.

26       Q.     And I would suggest, Mr Witness, that during 1998 you  
knew  
27       that Sam Bockarie was taking the diamonds to Liberia; is that  
28       correct?

29       A.     No, sir. I did not know about --

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1           PRESIDING JUDGE: "I did not know about" what?

2           THE WITNESS: I did not know about his diamond dealings.

3           PRESIDING JUDGE: The -- the question was: During 1998  
the

4           witness knew that Bockarie was taking the diamonds to Liberia.

10:14:58 5           Was that not your question?

6           MR WAGONA: That's correct.

7           PRESIDING JUDGE: Yes.

8           THE WITNESS: I did not know about that, sir.

9           MR WAGONA:

10:15:22 10          Q.     Witness, are you currently employed?

11          A.     Yes, sir.

12          MR WAGONA: My Lords, I would want to show the witness a  
13          name I have written on a piece of paper, and ask him questions  
14          based on it because of concerns about revealing his identity.

10:16:01 15          PRESIDING JUDGE: Yes, you may.

16          MR WAGONA: But I know that he cannot -- he said he  
cannot

17          read or write.

18          JUDGE BOUTET: So, maybe you can trust the Officer of  
the

19          Court to communicate to him what the name is?

10:16:18 20          MR WAGONA: Yeah.

21          PRESIDING JUDGE: But we would know, read the name on  
the

22          piece of paper anyway --

23          MR WAGONA: Yes, I have it already.

24          PRESIDING JUDGE: Because we would like to have it in  
10:16:39 25          evidence.

26 MR JORDASH: Can I see the name please, first?  
27 MR WAGONA: I have another copy.  
28 PRESIDING JUDGE: Mr Wagona, I imagine you are tendering  
29 this piece of paper?

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1 MR WAGONA: Yes, My Lord. I am applying to tender it in  
2 evidence.  
3 PRESIDING JUDGE: Mr Jordash, any objection?  
4 MR JORDASH: No, none, Your Honour.  
10:18:48 5 PRESIDING JUDGE: Mr Ogeto?  
6 MR OGETO: No objection, My Lords.  
7 PRESIDING JUDGE: Mr Cammegh?  
8 MR CAMMEGH: No objection.  
9 PRESIDING JUDGE: Yes, this paper is admitted into  
evidence  
10:19:13 10 and marked confidentially as Exhibit --  
11 MR GEORGE: 290, My Lord.  
12 PRESIDING JUDGE: 290.  
13 MR GEORGE: Yes, My Lord.  
14 [Exhibit No. 290 was admitted]  
10:19:39 15 MR WAGONA:  
16 Q. Now, Mr Witness, in your answers don't mention the name

17 that was shown to you; do you understand?

18 A. Yes, sir.

19 Q. And do you accept that during the junta and afterwards  
that

10:20:00 20 person was your personal friend?

21 A. No, sir.

22 Q. So you do not accept that he was your personal friend?

23 A. Not at all.

24 Q. But you'd accept that he gave you -- during the junta he  
10:20:36 25 gave you an armed person to help you --

26 PRESIDING JUDGE: He said he was not his personal  
friend.

27 He hasn't even identified him. I mean, if he knows the man,  
does

28 he know him?

29 MR WAGONA: Well, My Lord, I was only following on from  
his

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1 testimony.

2 PRESIDING JUDGE: I would like to know whether he knows  
--

3 he knew him. I would like to have it, you know, to know  
whether

4 he was not his personal friend, but did he know him?

10:21:01 5 MR WAGONA: I'll ask the question.

6 Q. Mr Witness, do you know the person?

7 A. I know the name.

8 PRESIDING JUDGE: Yes, yes. What does he say he knows?

9 Does he say he knows the name that appears on Exhibit 290; is

10:22:06 10 that what he is saying?

11 MR WAGONA: Well, he says he knows the name, but I was

12 asking whether he knows the person.

13 Q. Do you know the person --

14 MR JORDASH: Sorry, I think I'm a bit lost.

10:22:22 15 JUDGE BOUTET: I am too.

16 PRESIDING JUDGE: Yes.

17 JUDGE BOUTET: So are you sure that you're not confusing

18 names yourself, Mr Wagona?

19 MR WAGONA: Well, maybe the problem might be that he was

10:22:39 20 using a different name during his testimony.

21 JUDGE BOUTET: You mean a different name about that

22 particular person?

23 MR WAGONA: Yeah.

24 JUDGE BOUTET: Whose name appear on the paper?

10:22:57 25 MR WAGONA: Yes, please.

26 JUDGE BOUTET: Well, that's what I mean. I mean, if you

27 look at your documentation, that's what I see. There appears

to

28 be some confusion. So, I cannot say more. And if you look at

29 the statement that were given to you yesterday, the name that

1 appear on it on the two statements, is the name that I've seen  
on  
2 this piece of paper you just passed around. It would appear  
that  
3 the statements that were given to you were written by the same  
4 person whose name appear on the list -- on this Exhibit. You  
10:23:28 5 follow me?

6 MR WAGONA: I follow you, My Lord. I'll --

7 PRESIDING JUDGE: And his pseudonym is also the name.

8 DIS-307.

9 MR WAGONA: Well, My Lords, that may well be correct.  
But

10:23:46 10 how I would intend to proceed is to present the name that the  
11 witness used, the actual name, in his testimony. Because I  
now  
12 remember that he used -- he referred to him -- he kept  
referring  
13 to him using a different name.

14 PRESIDING JUDGE: He kept referring to who?

10:24:11 15 MR WAGONA: To the person named in the exhibit that I  
have  
16 just presented, using his other name, during his testimony in  
17 chief.

18 PRESIDING JUDGE: I think we should sort this out. Can  
the  
19 witness be taken out, please?

10:25:01 20

[The witness stood down]

21  
please?

MR JORDASH: Sorry, can Mr Sesay use the bathroom,

22  
--

PRESIDING JUDGE: Yes, he may please. Yes, checking my

23 yes, let's hear you, Mr Wagona, let's hear you on what you're  
24 trying to establish, you know, on this issue of names --

10:27:05 25

MR WAGONA: Well, My Lords, I was trying to --

26 PRESIDING JUDGE: -- because this is DIS-307?

27 MR WAGONA: Yes, My Lord.

28 PRESIDING JUDGE: This is DIS-307?

29 MR WAGONA: Yeah.

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1 PRESIDING JUDGE: And the name is what appears in

2 Exhibit 290 which has been marked confidentially.

3 MR WAGONA: Yes.

4 PRESIDING JUDGE: Yes. And well, from my record, you  
know,

10:27:29 5 the name that he gave is the same name as appears on when he  
6 started testifying, you know, on -- when he started  
testifying,

7 he was sworn, his name was given as it appears in Exhibit 290.

8 And now you've written -- Exhibit 290 has been admitted and he

9 says he identifies that name. And he now says that he was not  
10:28:09 10 friendly to him, but that he knew him. So where are we, with  
the  
11 identification of this witness?  
12 JUDGE THOMPSON: Let me --  
13 MR WAGONA: But, My Lords --  
14 JUDGE THOMPSON: Let me ask, do we have an -- do we have  
an  
10:28:20 15 alter ego here? It's a little complicated here.  
16 MR WAGONA: My Lord, I believe the witness is also  
confused  
17 about the person I'm referring to --  
18 JUDGE THOMPSON: No, but the point you are trying to  
19 establish --  
10:28:33 20 PRESIDING JUDGE: I hope they have not -- they have not  
21 helped to confuse the witness?  
22 MR WAGONA: Yeah, it's possible because of the approach  
23 that I was trying to use to avoid a closed session. It's  
24 possible that I've also confused him.  
10:28:47 25 JUDGE THOMPSON: And --  
26 PRESIDING JUDGE: But --  
27 JUDGE THOMPSON: In other words we -- we have a  
situation  
28 where you're thinking of somebody separate and distinct from  
this  
29 witness, from your last question.

1 MR WAGONA: It's possible that the witness is referring  
to 2 a different person whom I am not seeking to ask him about.

3 PRESIDING JUDGE: No, but it is you who introduced  
4 Exhibit 290.

10:29:25 5 MR WAGONA: Yeah.

6 PRESIDING JUDGE: Exhibit 290 bears a name of somebody  
who 7 happens to be DIS-307?

8 MR WAGONA: No. It's --

9 JUDGE THOMPSON: Do we have two persons -- we have  
another 10 person bearing that same name?

11 PRESIDING JUDGE: DIS-307 is this witness and he goes by  
12 that name, at least from the beginning of his testimony. That  
is 13 what we got on the records.

14 MR WAGONA: My Lord, may I see the exhibit?

10:29:56 15 PRESIDING JUDGE: Please.

16 MR WAGONA: My Lord, I now realise the mistake. I  
17 forwarded the wrong Exhibit.

18 JUDGE THOMPSON: Yes. I thought you were creating a Dr  
19 Jekyll and Mr Hyde situation.

10:30:23 20 MR WAGONA: I'm sorry, My Lord. I think they -- I would  
21 request the witness be brought in and I will apply to withdraw  
22 this Exhibit and present him with a different document that

bears

23 the correct name.

24 PRESIDING JUDGE: Of the person?

10:30:37 25 MR WAGONA: That I intend to ask him about.

26 PRESIDING JUDGE: Yes. All right. So we now know it's

a

27 mistake?

28 MR WAGONA: Yeah.

29 PRESIDING JUDGE: Let the witness be brought in, please.

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1 [The witness entered Court]

2 PRESIDING JUDGE: Yes.

3 MR WAGONA: My Lord --

4 PRESIDING JUDGE: Yes. Can you make the application to

10:32:14 5 withdraw?

6 MR WAGONA: My Lord, may I first apply to withdraw

document

7 Exhibit 290 because I now realise it's not the correct

8 that I intended to show to the witness, and I have the correct

9 document that I would want to show to the witness instead.

10:32:59 10 PRESIDING JUDGE: There is no objection from --

11 MR JORDASH: None, Your Honour.

12 MR WAGONA: Now.

13 PRESIDING JUDGE: Exhibit 290 is withdrawn and it should  
be  
14 expunged from the records. So our count is back or rather I  
10:33:29 15 think since it is expunged and withdrawn from the records and  
it  
16 should be so identified for purpose of the records, I think  
the  
17 next count for the exhibit will be Exhibit 291. So that we  
have  
18 it on record that 290 has been withdrawn?  
19 MR GEORGE: Yes, My Lord.  
10:33:48 20 PRESIDING JUDGE: Because of this procedural error.  
21 MR GEORGE: Yes, My Lord.  
22 PRESIDING JUDGE: Right.  
23 MR WAGONA: Thank you, My Lords.  
24 Q. Mr Witness, I'm sorry I showed you the wrong document  
the  
10:34:05 25 last time, so I'm going to request that the one I'm going to  
show  
26 you now, the name they whispered to you, and then you just  
take  
27 note of the name; do you understand that?  
28 PRESIDING JUDGE: Mr Wagona, you are very sure that this  
is  
29 the name you want?

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1 MR WAGONA: Yes, My Lord, I now am very sure.

2 PRESIDING JUDGE: You are now very sure that this is the  
3 name you want?

4 MR WAGONA: Yes, My Lord.

10:35:31 5 PRESIDING JUDGE: And you are tendering it?

6 MR WAGONA: And I am applying to tender it as an  
exhibit,  
7 My Lord.

8 PRESIDING JUDGE: I would imagine there's no objection?

9 MR JORDASH: None, Your Honour.

10:35:50 10 PRESIDING JUDGE: From any of the Defence teams?

11 MR OGETO: No objection, My Lords.

12 MR CAMMEGH: No, thank you.

13 PRESIDING JUDGE: The document is admitted and marked  
14 confidentially as Exhibit 291.

10:36:18 15 [Exhibit No. 291 was marked]

16 MR GEORGE: Yes, My Lord.

17 PRESIDING JUDGE: Yes.

18 MR WAGONA:

19 Q. Witness, do you accept that that person, during the  
junta

10:36:43 20 and afterwards, was your personal friend?

21 A. Yes, sir, he was my friend.

22 Q. And she is the one who gave you an armed person, which  
23 enabled you to mine during the junta, not so?

24 A. Yes, sir.

10:37:19 25 PRESIDING JUDGE: Avoid cross-examining him on what he  
has

26 admitted already in examination-in-chief, please.

27 MR WAGONA: Much obliged.

28 PRESIDING JUDGE: So that we can proceed more  
expeditiously

29 because he said so.

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1 MR WAGONA: All right, My Lord.

2 Q. And do you accept that at that time during the junta, it  
3 then became possible for you to mine without fear of being  
4 accused or arrested for illicit diamond mining, not so?

10:37:55 5 A. Repeat the question.

6 Q. I'm suggesting to you, that with the help of an armed  
7 person provided by your friend, it now became possible for you  
to

8 mine without fear that you could be arrested for IDM, illicit  
9 diamond mining?

10:38:22 10 A. Yes, sir. On that area, I want to explain a little bit.

11 Q. Okay.

12 A. Illicit mining was no more existing. NDMC had closed  
down.

13 There were plots only existing. They had divided it into  
plots.

14 So it was not to workers, per se, but for my life, to secure  
my

10:39:00 15 life.

16 Q. And to enable you to mine in what you called fertile  
17 places, not so?  
18 A. Yes, sir.  
19 Q. And do you also accept that with the help of your friend  
10:39:33 20 you had gainful employment in Kono during 1998?  
21 A. I don't understand what you mean by employment.  
22 Q. Employment in the mining unit?  
23 A. Yes, sir.  
24 Q. And you also had a lucrative self-employment mining in  
the  
10:41:03 25 junta, not so?  
26 A. Yes, sir.  
27 Q. And I would suggest that while working for the RUF you  
came  
28 to love the RUF methods of work, not so?  
29 PRESIDING JUDGE: You said he came to love the RUF?

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1 MR WAGONA:  
2 Q. Methods, methods of work?  
3 A. The mining?  
4 Q. Yeah, especially the mining methods of work, not so?  
10:41:20 5 A. Yes, sir.

6 Q. And you were a beneficiary of those methods of work, not  
7 so?

8 A. Yes, sir. Can I explain a little bit? You would mine  
for  
9 a diamond up to three months and you would not find one; six  
10:41:57 10 months, nothing. Sometimes you would work on a pit for three  
11 months before you get -- you can be able to find gravel.

12 THE INTERPRETER: Correction interpreter. Nine months  
13 before you can have gravel.

14 MR WAGONA:

10:42:19 15 Q. And while you were working for the RUF, you came to meet  
16 RUF commanders like Mr Issa Sesay, not so?

17 A. No, sir. By then I was not yet working for the RUF,  
when I  
18 came to know Mr Issa.

19 Q. So you knew Mr Issa Sesay for a long time before working  
10:42:56 20 for the RUF; is that what you are saying?

21 A. Yes. I came to know him during the intervention, before  
22 working for the RUF.

23 Q. And in Kono he was like your commander, not so?

24 A. xxxxx was my commander.

10:43:45 25 Q. Now, witness, I would put it to you that you lied when  
you  
26 testified that civilians were not forced to mine during the  
junta  
27 by the SLAs and the RUF.

28 A. I'm not telling a lie. Diamond digging is just like  
29 marriage; if you do not like the person, you would run away.  
If

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they 1 they were being forced, why were they still there? Why did

2 not run away from Kono?

3 Q. And I also say that you lied when you testified that  
4 civilians were not forced to mine for the RUF in Kono from  
1998

10:44:36 5 through 2000?

6 A. I'm not telling a lie. There is -- there is a boy by  
the

7 name of Tamba Conteh. If the Court can summon him, the -- the

8 condition in which they were living in Bombodu compared to now  
is

9 not the same.

10:45:24 10 Q. Witness, do you remember being interviewed by the Sesay  
11 Defence?

12 A. Yes, sir.

13 Q. Do you remember being interviewed on 21 February 2007?

14 A. Yes, sir.

10:45:51 15 Q. And this was in Koidu; do you remember?

16 A. Yes, sir.

17 Q. And was the interview done in Krio?

18 A. Yes, sir. There was an Interpreter present.

19 Q. And do you remember -- do you know whether what you

10:46:30 20 stated --

21 PRESIDING JUDGE: The interview was done in Krio, hmm?

22 MR WAGONA: Yes, My Lord.

23 Q. And do you remember that you were asked about different  
24 topics including where you went after the intervention in  
1998?

10:47:00 25 A. Yes, sir.

26 Q. And was what you stated put down in writing?

27 A. Yes; I saw the letter.

28 Q. And was what was recorded read back to you?

29 A. Yes, sir.

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1 MR WAGONA: My Lords, I want to read from the statement,  
2 but I have copies where I have underlined what I want to refer  
3 to. I don't know whether if it would be convenient for me to  
now  
4 provide these copies where I have underlined what I intend to  
10:48:20 5 refer to.

6 PRESIDING JUDGE: What have you underlined? What are  
you  
7 highlighting and underlining?

8 MR WAGONA: In the first statement I have highlighted.=

9 PRESIDING JUDGE: What -- what statement? The statement  
of

10:48:30 10 the 21st of February?

11 MR WAGONA: Yes, My Lord.

12 PRESIDING JUDGE: 2007?

13 MR WAGONA: Yes. I have highlighted something on page  
2.

14 JUDGE BOUTET: But which statement is this because the  
10:48:42 15 other document is also referred to as compilation of 21  
16 February 2007 as well. So is it the --

17 MR WAGONA: I'm referring first of all to the smaller  
one.

18 JUDGE BOUTET: Smaller one. Okay. So, what is it you  
are

19 intending to do with this, if I may?

10:49:01 20 MR WAGONA: I intend to read out the part I want to rely  
on

21 and then ask the witness some questions based on that.

22 PRESIDING JUDGE: If you intend to read out with a view  
to

23 using it for what purpose?

24 MR WAGONA: To establish inconsistencies between this  
10:49:25 25 statement and the compilation and ask the witness questions  
based

26 on that.

27 PRESIDING JUDGE: Inconsistency? In what is it -- when  
we

28 talk of inconsistencies, we are referring to an inconsistency  
29 between what you are underlining, you know, and the testimony

1 which he has provided in Court.

2 MR WAGONA: Yeah, that too.

3 PRESIDING JUDGE: Is that true?

4 MR WAGONA: What I have underlined -- what -- what I've  
10:50:05 5 underlined in this first statement.

6 PRESIDING JUDGE: Yes.

7 MR WAGONA: The smaller one.

8 PRESIDING JUDGE: Is it in any way inconsistent with the  
9 testimony that this witness has provided before the Court?

10:50:17 10 MR WAGONA: That's what I say, My Lords.

11 PRESIDING JUDGE: That is what you say?

12 MR WAGONA: Yeah.

13 MR JORDASH: May I --

14 JUDGE THOMPSON: That's not what I heard. I thought you  
10:50:26 15 said in fact that you were seeking to establish inconsistency  
16 between the smaller document and --

17 PRESIDING JUDGE: And the bigger one.

18 JUDGE THOMPSON: -- and I was, like the Presiding Judge  
has  
19 said, that would not seem to be the purpose of the rubric that  
we

10:50:45 20 all know about which enables a party to cross-examine, with a  
21 view to establishing prior inconsistency, must be between the  
22 out-of-court document or statement and the testimony from the  
23 witness stand. So, unless --

24 MR WAGONA: My Lord --

10:51:04 25 JUDGE THOMPSON: -- you are intending to correct  
26 yourself --  
27 MR WAGONA: Yes, I want to correct myself.  
28 PRESIDING JUDGE: And I would say --  
29 MR WAGONA: My Lord, I wish to correct myself.

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1 PRESIDING JUDGE: Yes, okay. Correct yourself, before I  
2 comment.  
3 MR WAGONA: First, I wish to correct myself.  
4 PRESIDING JUDGE: Yes.  
10:51:19 5 MR WAGONA: I will be relying on the smaller statement,  
6 with a view of establishing inconsistency with the Court  
7 testimony, but I would also want to complete the picture by  
also  
8 asking questions, some questions based on the compilation, the  
9 second statement, the bigger one.  
10:51:43 10 PRESIDING JUDGE: Based on what again? You know,  
because  
11 you cannot visit the statement, you know, without stating what  
12 you want to do. On the first statement you now say that you  
13 would like to establish a prior inconsistency of what you are  
14 underlying with the testimonial evidence of this witness.

10:52:00 15 MR WAGONA: Yeah.

intend 16 PRESIDING JUDGE: On the second, I mean, what do you

17 to do? Because I wanted to say, you know, that when we were

were 18 going through the case for the Prosecution, the statements

19 not -- they were always varying. We didn't have in-- we had

10:52:17 20 instances, many instances where the statements of witnesses

situations. 21 varied from time to time as we moved down in concern

22 They added, you know, and in some, you know, there were some

-- 23 conflicts in the statements but what we really went in for was

24 for those portions of those statements which tended, you know,

to 10:52:44 25 be inconsistent with the testimony of the witness in Court.

26 MR WAGONA: My Lords, if that is the position, I'm quite

to 27 contented with relying only on the first statement, in order

28 establish inconsistencies between that statement and the Court

29 testimony.

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1 JUDGE THOMPSON: But have you really gone through the

2 statements?

3 MR WAGONA: Yes.

4 JUDGE THOMPSON: With a fine tooth-comb to be able to  
say

10:53:14 5 what these alleged of course inconsistencies are? Because of  
6 course the law, as I understand it, what counsel may perceive  
as

7 inconsistency may not in the ultimate determination of the  
8 tribunal amount to inconsistency. And it of course may also -

-  
9 the question of whether it's material or immaterial would be a  
10:53:35 10 factor that the tribunal will consider later on. So, do you  
have

11 specific issues that you've now identified which you are  
12 alleging, and I emphasise alleging, are inconsistent with  
certain

13 portions of his testimony in Court?

14 MR WAGONA: That's correct, My Lord.

10:53:59 15 JUDGE THOMPSON: And I think if that is the case then  
16 let's -- why not take us through your -- rather than delaying  
the

17 process, if you are so sure that you do have the specifics?

18 PRESIDING JUDGE: Now you have underlined it, what do  
you

19 intend to do, having underlined it?

10:54:22 20 MR WAGONA: I intend to read it out and ask the witness  
21 some questions and tender it only for that limited purpose.

22 PRESIDING JUDGE: Yes, Mr Jordash?

23 MR JORDASH: Could I indicate that in principle we don't  
24 oppose the application, but, as Your Honours will see from the  
10:54:46 25 front page of the notes, the interview was taken at a certain  
26 time in a certain place.

27 PRESIDING JUDGE: Is it the smaller document you are

28 referring to?

29 MR JORDASH: The smaller document, yes.

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1 PRESIDING JUDGE: Yes.

2 MR JORDASH: And, in my submission, it's key that those  
3 factors are established because it may well be in the witness'  
4 mind that the timing of the interview was important and the  
place  
10:55:16 5 of the interview was important. I don't -- well I do know but  
--

6 JUDGE BOUTET: But, I thought, Mr Jordash, it had  
already  
7 been put to the witness that he was interviewed on 21 February  
--

8 PRESIDING JUDGE: Interviewed on the 21 and it was in  
9 Koidu.

10:56:13 10 JUDGE BOUTET: 2007 in Koidu, in Krio.

11 PRESIDING JUDGE: In Krio. There was a translator, an  
12 Interpreter.

13 JUDGE BOUTET: The witness has already been asked these  
14 questions by the Prosecution.

10:56:13 15 PRESIDING JUDGE: But it was read to him and that was  
it.

16 MR JORDASH: Well --

17 JUDGE BOUTET: Well, obviously these are factors that  
the

18 Court will have to take into consideration when determining  
what

19 is what so --

10:56:13 20 MR JORDASH: It's -- but there is a bit more that could  
be

21 put in terms of, as you can see there, the name of the  
22 Interpreter.

23 JUDGE BOUTET: Yes.

24 MR JORDASH: And in fact, who he was rather than from  
the

10:56:15 25 Special Court, for example, and --

26 PRESIDING JUDGE: Did the witness need to know the name  
of

27 the Interpreter? Isn't it just the interpretation that  
matters

28 to us and a reflection of the identity on the document itself?

29 MR JORDASH: Well, only that a local investigator is not  
a

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1 trained Interpreter. That was the issue I was getting at.  
2 And --

mean  
he  
10:56:41

3 PRESIDING JUDGE: A trained Interpreter -- I mean, you  
4 translating in local circumstances from Krio to English? Does  
5 need to be trained for that?

6 MR JORDASH: You probably know better than I on that.

7 PRESIDING JUDGE: No, no, no. I don't know. I'm just  
8 putting the question, because going upcountry, do you know how  
9 these Interpreters here were trained? A specialised team came  
10:56:55 10 from Rwanda, and from the ICTY, and they received an intensive  
11 training here for two months.

12 MR JORDASH: I am not doubting that.

13 PRESIDING JUDGE: These ones here. So when they go  
14 upcountry to record statements they don't need people of this  
10:57:09 15 type of expertise. I wonder if they do or is that what you  
are  
16 driving at?

17 MR JORDASH: Well, I am driving at that, yes. But I'm  
not  
18 going to make a big deal of it. Perhaps though, my learned  
19 friend could -- well, I'll leave it. If that's Your Honour's  
10:57:25 20 view.

21 PRESIDING JUDGE: Yeah. Do you have something further  
22 because I saw you consulting your client? Did he throw some  
23 light?

24 MR JORDASH: He did but I can -- if I'm permitted in due  
10:58:04 25 course deal with it in re-examination.

I  
26 JUDGE THOMPSON: Mr Jordash, I am, speaking for myself,  
27 think sufficient legal foundation has been laid down for the  
28 [indiscernible] of this --

29 PRESIDING JUDGE: But, Mr Jordash, you know that even in

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1 the conduct of a Prosecution's case, when you established all  
2 that, you know the Prosecution were given the opportunity to  
3 re-examine on this and I think you are -- you're on safe  
grounds.

4 MR JORDASH: I'll leave it there. Thank you.

10:58:35 5 PRESIDING JUDGE: That's right. I think Mr Wagona has  
6 established the grounds, you know, to visit this topic, and  
then

7 he may continue please. Mr Wagona, please.

8 MR WAGONA: Thank you, My Lords.

9 PRESIDING JUDGE: Move along.

10:58:49 10 MR WAGONA:  
11 Q. Witness, I'm going to read out a portion from your  
written  
12 interview of 21 February 2007, and for a more clear context I  
13 will start from the top of page 3. "I swear to God Kailahun  
was  
14 such a safe place during that time? "

10:59:30 15 PRESIDING JUDGE: Mr Wagona, may I get on your train  
16 please.

17 MR WAGONA: Sorry, My Lords.

18 PRESIDING JUDGE: You took off before I boarded it.

19 MR WAGONA: I'm sorry, My Lord.

10:59:40 20 PRESIDING JUDGE: May you? What -- what page is it?

21 MR WAGONA: Page 3 of the -- that small statement.

22 PRESIDING JUDGE: Yes.

23 MR WAGONA: From the top.

24 PRESIDING JUDGE: Yes.

10:59:52 25 MR WAGONA:

26 Q. "I swear to God, Kailahun was such a safe place during  
that  
27 time. It was a safehaven. It was such a surprise when I  
arrived  
28 in Kailahun. It looked like there was no war there. There  
was  
29 some business everywhere. "

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1 JUDGE THOMPSON: Can I -- is this the translation  
coming?

2 Can't you take it step-by-step?

3 MR WAGONA: Okay.

4 JUDGE THOMPSON: Yes. Can't you just take it

11:00:32 5 step-by-step since --

6 MR WAGONA: Okay, I'll --

7 JUDGE THOMPSON: -- since he can't read.

8 MR WAGONA: Thank you, My Lord.

9 Q. I will go slowly to allow the interpretation to be made  
for  
11:00:39 10 you. So I'll start again.

11 "I swear to God, Kailahun was such a safe place during  
that  
I  
12 time. It was a safehaven. It was such a surprise when  
13 arrived in Kailahun. It looked like there was no war  
14 there. There was some business everywhere. I think I  
11:01:15 15 stayed there one year and some months until Kono was  
16 recaptured by the RUF. I arrived in Kono two weeks  
after  
17 the town was recaptured. I never heard of Operation No  
18 Living Thing. I went back with my family. I was  
staying  
19 in Koakoyima by then. My house had been burnt down?"

11:02:08 20 JUDGE BOUTET: But, Mr Wagona, in fairness to the  
witness,  
21 if you are asking these questions you have to give him the  
22 heading because if I take your -- what you are putting to the  
23 witness "I swear to God Kailahun was a safe place", this is a  
24 time-frame that is listed on the previous page. Otherwise, he  
11:02:35 25 may not know what you're talking about. You -- you follow me?

26 MR WAGONA: Thank you, My Lord. Yes.

27 JUDGE BOUTET: And the same with the second part you've  
28 just read, he would say -- I would say to you it's a different  
29 time frame. So, not to confuse the witness, go by as the

1 statement is so --

2 MR WAGONA:

3 Q. Witness, what I just read to you is placed under the  
4 heading "1998 Intervention Kailahun District a safe haven"?

11:03:17 5 JUDGE THOMPSON: And --

6 JUDGE BOUTET: But -- but may I suggest that you  
complete  
7 that part before you move to the other part.

8 JUDGE THOMPSON: Why not let him respond to that first?  
9 That first part?

11:03:28 10 MR WAGONA: My Lord, which first part, I'm sorry?

11 JUDGE THOMPSON: Well, the part dealing with the 1998  
12 intervention. And it -- because it did seem to me that it's  
one  
13 particular episode. Why not deal with that and have an answer  
14 and then go to the next? That is -- as my learned colleague  
was

11:03:47 15 saying, otherwise, we compound the difficulty for the witness  
who  
16 cannot read.

17 MR WAGONA: Thank you, My Lord.

18 Q. Witness, is it correct that what I read to you earlier  
was  
19 the -- was what you said when discussing about 1998 after the  
11:04:14 20 intervention and your movement to Kailahun?

time,

recall

weeks

I

11:04:50

you.

precise

21 A. Let me explain that area a little bit for you. The  
22 the month, I can't recall, but what transpired I know. I  
23 that. But that time to tell you how many month, how many  
24 or years it took, that one I cannot tell you. Even the Court  
25 cannot say that to them.

26 Q. I understand that, that the years may be difficult for  
27 But is it correct to say that what you were discussing is what  
28 took place after the intervention?

29 JUDGE BOUTET: Well, your question should be more

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that

11:05:23

1 than that. It should be, well, isn't it what you've said at  
2 time as such, and that's it>. So, this is not to try to -- he  
3 may, if he wished, to expand on this. But what you are  
4 attempting to do is to show that at that time this is what he  
5 said. And this is what he said them is different than what he  
6 says today. That's all. So just ask him the question.

7 MR WAGONA: My Lord, that is what I intended to do.

8 JUDGE THOMPSON: Let's try and just be sure on this: If

9 you are trying to establish inconsistency ought you not to be  
11:05:41 10 meticulous as to what particular aspects of that section that  
11 you've read is inconsistent as you alleged with some parts of  
his  
12 testimony here? I mean, it's is a process --  
13 MR WAGONA: My Lords that's -- that's --  
14 JUDGE THOMPSON: It's a process which requires some kind  
of  
11:06:05 15 precise methodology.  
16 MR WAGONA: My Lords, that's what I intended to do. But  
I  
17 was only first dealing with Justice Boutet's concern that I  
18 should make the witness aware of the period.  
19 JUDGE THOMPSON: The period. Yes.  
11:06:18 20 MR WAGONA: I had not started with my -- the question I  
21 intend to put to him. I was only still --  
22 JUDGE THOMPSON: You were only busy reading the passage?  
23 MR WAGONA: I was only still trying to establish Justice  
24 Boutet's concern.  
11:06:26 25 JUSTICE THOMPSON: It's just that --  
26 MR WAGONA: But I will move to my questions now.  
27 JUDGE THOMPSON: Yes. It just sometimes seem as if the  
28 whole thing is getting a little too opaque. Go ahead. Sorry.  
29 MR WAGONA:

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1 Q. Witness, did you at that time tell the people who  
2 interviewed you indicating that after the intervention you  
stayed  
3 in Kailahun throughout 1998?

4 A. The intervention, the year it happened, I can't recall  
the  
11:07:12 5 year. I made a farm but by the time -- the time I spent  
there, I  
6 cannot tell. When I left there, I cannot even tell.

7 Q. But, did you say that I arrived in Kono two weeks after  
the  
8 town was recaptured?

9 A. I can't recall the dates, except if you force me to tell  
11:07:52 10 you, then I'd have to guess, but to say that I know the days,  
the  
11 months, or the weeks, I can't recall them.

12 Q. Well, I suggest that you told the person who interviewed  
13 you that you came back to Kono after Kono was recaptured, not  
so?

14 A. Yes, sir.

11:08:14 15 Q. And I therefore suggest that you lied to the Court when  
you  
16 claimed that you were in Kono during 1998 working with the  
mining  
17 unit?

18 A. I was in Tombodu.

19 MR WAGONA: My Lords, I'm applying to tender in the  
11:09:00 20 statement.

21 PRESIDING JUDGE: Have you established an inconsistency?

established  
22

MR WAGONA: I have established -- I feel I have

23 in consistency that I'm interested in.

24  
was

PRESIDING JUDGE: He said he was not Kono, yes, but he

11:09:16 25

in Tombodu.

26 MR WAGONA: Well, I can pursue that just to --

27 Q. And Tombodu is in Kono District, not so?

28 A. Yes, sir.

29 Q. While Buedu is in Kailahun District, not so?

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1 A. Yes, sir.

2 PRESIDING JUDGE: Yes. Geographically is -- Kono is a  
3 town, isn't it? Just as it is the name of a district, is Kono  
4 not a town?

11:11:38 5

MR WAGONA: It is a town as well, My Lords.

6 PRESIDING JUDGE: It's not clear. If the witness, you  
7 know, says that he was not in Kono but he was in Tombodu.

8 MR WAGONA: Yeah.

9 PRESIDING JUDGE: Is there no difference in that?

11:11:38 10  
it

MR WAGONA: There's a difference, that's why I followed

11 up with a question as to whether Tombodu is in Kono District,

12 which he says was the case, and I also followed it up with a  
13 question whether Buedu is in Kailahun District, and he said  
yes,  
14 Buedu is in Kailahun District.

11:12:04 15 PRESIDING JUDGE: What do you intend to do now with  
that?

16 MR WAGONA: My Lord, I'm applying to tender in this  
17 statement only for the limited purpose of establishing  
18 inconsistency as to the location of the witness, during the  
19 period 1998, in view of his testimony in Court concerning

where

11:12:42 20 he says he was during that time and where he says he was in  
his  
21 statement during the same period of time.

22 JUDGE THOMPSON: How does that actually impact upon the  
23 issues in controversy between the parties here? In other  
words,

24 how does that assist the Tribunal in reaching a position on  
the

11:13:16 25 ultimate question before the Court in terms of the  
Prosecution's

26 case? Remembering, as I said earlier on, that as far as the  
law

27 is concerned, the Court is not necessarily going to accept  
that

28 because a witness makes one statement from the witness stand  
that

29 is inconsistent with a statement that he may have made outside

1 Court, that is necessarily fatal to his -- our testimony, in  
2 terms of its probative value. That inconsistencies must be  
3 material, and I like to be persuaded as to the materiality of  
the  
4 alleged inconsistency, from your perspective. Otherwise, we  
11:14:15 5 might just have an open basket and say anything that's  
6 inconsistent even if it's minor is, in fact, can come in for  
the  
7 Courts determination. I mean, I don't necessarily take the  
view  
8 that because we've adopted a flexible policy to the  
9 administration -- admission of these documents we should just  
11:14:41 10 admit everything the moment one party alleges that there is an  
11 inconsistency. There must be some foundation on which one can  
12 apply one's mind. That's my own thinking; my random thoughts  
on  
13 that.

14 MR WAGONA: My Lord, I wish to say that I'm not making  
this  
11:15:04 15 application because of the flexibility approach that the Court  
16 has taken. But I'm making this application because the  
17 Prosecution considers it material that if a witness claims he  
was  
18 in one part of the country during a certain period, and then  
19 comes to Court and claims that during that particular period  
he  
11:15:32 20 was in a different place engaged in a different role, that  
that

-- 21 is material and goes to his credibility, which I would request

22 JUDGE THOMPSON: He cannot be at two places at the same  
23 time.

24 MR WAGONA: Yes, My Lord. Which I would ask that the  
11:15:40 25 Chamber be given an opportunity to evaluate this for the  
purpose  
26 of probative value --

27 PRESIDING JUDGE: [Indiscernible] determine the  
probative  
28 value at a later stage.

29 JUDGE THOMPSON: I will restrain myself, Mr Wagona.

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1 PRESIDING JUDGE: Right.

2 MR WAGONA: Thank you, My Lord.

3 PRESIDING JUDGE: Yes, any objection?

4 JUDGE BOUTET: Yes. If I may on this, I think, from my  
11:16:07 5 personal point of view, that credibility is also always an  
issue.

6 So if this is to credibility this is an aspect that is  
relevant

7 for this purpose. But you have to establish that this is what  
8 you are trying to show, and therefore is important to -- when  
the

9 Court will have to assess the credibility, how much weight to  
11:16:28 10 give this, of your witness, and this is very much in line with  
11 what my brother Justice Thompson has said.  
12 MR WAGONA: Yes, My Lord.  
13 JUSTICE BOUTET: Materially goes to the essence of the  
14 evidence as well as the nature of his evidence and his  
11:16:42 15 credibility, because if you don't believe the witness in whole  
or  
16 in part, then it has a very vital role to play.  
17 MR WAGONA: Yes, My Lord.  
18 JUDGE BOUTET: So, having said that, I'll leave it  
there.  
19 So it's your case.  
11:16:54 20 PRESIDING JUDGE: Yes, Mr Jordash, do you have any  
21 objection?  
22 MR JORDASH: No objection.  
23 PRESIDING JUDGE: Yes.  
24 JUDGE BOUTET: Which part, if I may, exactly, are you  
11:17:01 25 seeking to --  
26 PRESIDING JUDGE: Yes, I was going to say, you know,  
that  
27 the part which you are -- because we are not -- when we admit  
28 these statements it's not the entire statement. It is just  
the  
29 part that you are underlining. So, we want to be very sure,  
you

1 know, of the part which --

2 MR WAGONA: My Lord, it is just the part that I read out  
3 from page 3 and which I have actually underlined in the copy.

4 PRESIDING JUDGE: And you stopped -- oh, where did you  
stop

11:17:31 5 in the third paragraph? That is back to Kono at the beginning  
of

6 1999, mining under SB's command.

7 MR WAGONA: I stopped at: "My house had not been burnt  
8 down."

9 PRESIDING JUDGE: "My house had not been burnt down"?

11:17:48 10 MR WAGONA: Yes.

11 PRESIDING JUDGE: So, what follows is not a part of what  
12 you have underlined?

13 MR WAGONA: No, My Lords.

14 PRESIDING JUDGE: Mr Jordash, are you clear with what he  
is

11:18:01 15 saying? That is the first paragraph, the second paragraph and  
16 then the third paragraph up to: "My house had been burnt  
down."

17 MR JORDASH: Yes. Thank you.

18 PRESIDING JUDGE: Right. Yes, the statement -- that  
19 portion of that statement, with particular reference to

11:18:33 20 paragraphs one, two, and three, up to the sentence, "my house  
had

21 not been burnt down," is admitted in evidence and marked as

22 Exhibit 292.

23 [Exhibit No. 292 was marked]

24 MR WAGONA: And, My Lord, I have the underlined copy  
which

11:19:01 25 I can tender?

26 PRESIDING JUDGE: Yes, I think that is the one, you  
know,

27 which should be marked. The underlined one. It's the one  
which

28 should be marked.

29 MR GEORGE: Yes, My Lord.

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1 PRESIDING JUDGE: Yes.

2 MR WAGONA: My Lord, that would conclude my  
3 cross-examination.

4 Thank you, Mr Witness.

11:19:46 5 THE WITNESS: Thank you, sir.

6 PRESIDING JUDGE: Yes, Mr Jordash, any re-examination?

7 MR JORDASH: Yes, please.

8 RE-EXAMINED BY MR JORDASH:

9 Q. I'd like to just ask you some questions in  
clarification,

11:20:32 10 Mr Witness.

11 A. Okay, sir.

addition

12 PRESIDING JUDGE: Is it in relation to 292 or in  
13 to 292?

14 MR JORDASH: It's in addition. I was going to ask some  
11:20:44 15 other questions and then deal with 292.

16 PRESIDING JUDGE: Okay. All right. Okay.

17 MR JORDASH:  
18 Q. You've told us, Mr Witness, that you have some  
difficulty  
19 with years. You've told the Court to --

11:21:13 20 PRESIDING JUDGE: Let him answer that first.

21 MR JORDASH:

22 Q. Do you recall saying you had difficulty with years, just  
23 now?

24 A. Yes, sir.

11:21:21 25 Q. And when I was asking you questions two days ago about  
when

26 Issa Sesay became involved in the mining, you said two things:  
27 Both that he'd become involved in 1999 and then you later went  
28 back from that and said it was 2000, and then today -- are you  
29 with me so far?

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1 A. Yes, sir.

2 Q. So two days ago you seemed to say 1999 and then you  
3 retracted it and said 2000, and then my learned friend for the  
4 Prosecution to your left asked you today about when xxxxxx had  
11:22:32 5 fallen, I think, under Issa Sesay and suggested it was since  
or  
6 through 1999. And to that you said "yes." Are you with me so  
7 far?

8 A. Yes, sir.

9 Q. Now, given your difficulties with years, I want to move  
11:23:00 10 away from the years and just return to events, to see if  
there's  
11 any clarity which can be brought on this issue. You said to  
the  
12 Court two days ago that Sesay had become involved in the  
mining  
13 after Sankoh's visit to Kono?

14 A. Yes, sir.

11:23:28 15 Q. And what I want to clarify is whether xxxxxx fell under  
16 Sesay after that visit or before that visit?

17 A. The last part of your question? Repeat, please.

18 Q. Did Sesay supervise or command xxxxx before or after  
19 Sankoh's visit to Kono?

11:24:22 20 A. It was after.

I  
21 Q. Thank you. You also said yesterday, Mr Witness, that --  
22 don't know if this is unclear to others or just to me -- but  
you  
23 were asked by my learned friend whether armed guards were  
24 present, I think firstly during the junta period at the mining

11:26:18 25 sites, and you said yes. And you -- you were then asked  
whether

being 26 armed guards were there to ensure that the mining work was  
27 done; do you recall that?  
28 A. Yes, sir.  
clarification 29 Q. And you said yes, sir, but didn't offer any

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1 of what that meant?  
2 PRESIDING JUDGE: But why should he clarify? Why? Why  
3 should he? He said yes. That's the -- the whole answer to  
that.  
4 And this would be a continued re-examination-in-chief of your  
own  
11:26:18 5 witness. I mean, we're in re-examination and if he gave a  
clear  
6 answer to the question, I think it should rest there and  
remain  
7 the answer.  
8 MR JORDASH: Well, that's the -- my learned friend said  
9 that the armed guards were there to ensure that the mining  
work  
11:26:19 10 was being done.  
11 PRESIDING JUDGE: And he said yes.  
12 MR JORDASH: And it's the question which is ambiguous.

done? 13 PRESIDING JUDGE: To ensure that the mining was being  
14 MR JORDASH: Yes.  
11:26:29 15 PRESIDING JUDGE: What is the ambiguity in that  
question?  
16 MR JORDASH: Well, perhaps I'm going to have to ask the  
17 witness to -- I don't want to be accused of tipping the  
witness  
18 off.  
19 PRESIDING JUDGE: No. No. It's the ambiguity in the  
11:26:47 20 question that I do not --  
21 MR JORDASH: But that's what I'm planning to explain.  
22 PRESIDING JUDGE: I do not perceive.  
23 MR JORDASH: Yes --  
24 PRESIDING JUDGE: If you want the witness to go outside,  
11:26:56 25 you know, so that --  
26 JUDGE BOUTET: I must say it is not clear to me too,  
that  
27 this is proper re-examination on this issue, but I will see.  
28 JUDGE THOMPSON: And I think perhaps we should excuse  
the  
29 witness.

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will

1           PRESIDING JUDGE: Let the witness be taken out and we  
2 explore the issue further in his absence.

3                                 [The witness stood down]

4           PRESIDING JUDGE: Maybe if he takes some leave from the  
11:27:57 5 cold, he will come out stronger to come in and conclude.

6           MR JORDASH: May Mr Sesay leave the room to stretch his  
7 legs?

8           PRESIDING JUDGE: Yes, yes, please, he may.

9           MR JORDASH: He may be gone for a few minutes to stretch  
11:28:18 10 his legs.

11           PRESIDING JUDGE: That's fine. There's no problem.

12           MR JORDASH: Thank you.

13           PRESIDING JUDGE: There's no problem.

14           MR JORDASH: Let me try to explain what I see as the  
lack

11:28:40 15 of clarity. The witness, when I asked him questions, said  
that

16 the armed guards were present to prevent other strangers from  
17 taking the gravel, from stealing it. My learned friend put  
the

18 question in an ambiguous way, which reads as if he might have  
19 been suggesting that the armed guards were there to force the  
11:29:13 20 civilians to work, and that's what my learned friend will say  
his

21 answer meant. That the witness was effectively saying that  
armed

22 guards were present to continue the forced conditions.

23           PRESIDING JUDGE: I -- I agree. That is the state of  
the

24 evidence. But is that not for the judges? He's provided an  
11:29:40 25 answer to you on the same situation and has provided an answer  
to

26 the Prosecution in the same circumstances. Is it not for the  
27 judges now, you know, because it's for the judges now to  
28 determine, you know, which way to go with this. It's not a  
29 proper case or issue to be taken in re-examination because it

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chief

1 would amount, in my opinion, reopening your examination-in-  
2 and pursuing it to rebut the answers which he has provided in  
3 cross-examination by the Prosecution. Yes.

Judge

4 JUDGE THOMPSON: Let me reinforce what the Presiding

11:30:34  
a

5 is saying. Is the rule in re-examination directed at the way

if

6 question is formulated or is it directed at the answers? In  
7 other words, if the answer is ambiguous, then perhaps there  
8 arises a right to re-examine, but there's no rule which says

witnesses

9 counsel puts ambiguous questions to witnesses, if the

11:31:05  
ambiguous

10 are bright enough to answer precisely, therefore, the

would

11 question needs to be clarified under re-examination. That

position

12 be one position that I would take. And the short second

13 would be this: It's an inquiry to you, Mr Jordash. Is this a  
14 question that you could have asked in examination-in-chief?

So

11:31:31 15 two short inquiries, positions.

16 MR JORDASH: The -- the function of re-examination, or  
the

17 central function but not necessarily the only function but the

18 central function is to clarify evidence on the record, and

19 evidence on the record can be unclear for two central reasons:

11:31:52 20 One, that the question wasn't clear and therefore the witness'

21 answer is an --

22 PRESIDING JUDGE: I think I can tell you straightaway,  
Mr

23 Jordash, that the question was very clear. It's my view that

24 that question was very clear and the witness had no difficulty

11:32:11 25 providing an answer to the question.

26 MR JORDASH: Well, I'm -- I'm afraid I'm at a loss then

27 because I don't understand on the face of that question that

28 there is only one interpretation of that question. And two:  
I'm

29 looking at page 18 of the -- yesterday 's transcript, when my

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1 learned friend said, and again, this is at -- I'm sorry, I  
don't  
2 want to catch Your Honours without transcripts, but let me  
read  
3 it to you. Mr Wagona said: "And again, the armed guards were  
4 there to maintain discipline at the mining site; is that  
correct?  
11:33:01 5 Yes, sir." So what we have there is a question which could be  
to  
6 referring to discipline to prevent other armed groups coming  
that  
7 steal civilians gravel or it could be discipline to ensure  
8 the forced labour civilians behaved. So that's ambiguous, I  
9 would submit. And then it goes on: "And to ensure that the  
11:33:31 10 mining work was being done, not so? Yes, sir."  
11 And what you have there is a clear ambiguity when you  
12 looked at, in light of his previous testimony. In his  
previous  
13 testimony he made it quite clear: No forced labour, armed  
guards  
14 present to ensure that gravel wasn't stolen. Then my learned  
11:33:55 15 friend floated these -- what I would submit are ambiguous  
not  
16 questions -- instead of approaching it full-on because he may  
17 have got the answer he wanted, he put it in an ambiguous way  
18 which is: Armed guards were there to maintain discipline.  
Armed  
19 guards were there to ensure the mining work was being done.  
11:34:13 20 This Court, in my submission, cannot know from his "yes,  
previous  
21 sir," answers whether the witness was corroborating his  
22 testimony and saying: "Yes, they were there to ensure  
23 discipline, to prevent these thefts. Yes, they were there to  
24 ensure the mining work was done because without them it kept

11:34:32 25 getting disturbed by other armed groups" or as my learned  
friend  
26 will try to suggest at a later stage, the witness was  
conceding  
27 the forced labour point, and that's the difficult.  
28 And my learned friends will rely upon that and say:  
Yes,  
29 he was conceding that there was forced mining. But of course  
in

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guards  
1 other parts of his testimony, he hasn't conceded that, and he  
2 given a clear indication of what the purpose of the armed  
3 were.  
4 In my submission, it's wrong then to leave this evidence  
11:35:05 5 like this, and allow the Prosecution to make that submission,  
if  
6 indeed the witness is able to offer a clarification. Is it  
for  
7 Your Honours to infer the clarification yourself? I would  
8 submit, no. Not when the witness is here and can do that.  
And  
9 it's unfair I would submit, to the Defence, to allow this  
11:35:24 10 ambiguity to remain, for the "yes" answers to be given and  
then

11 my learned friend to say: "See, the witness conceded forced  
12 mining", when, in my submission, a few questions with this  
13 witness could clarify whether he did concede it or not.

14 JUDGE THOMPSON: I suppose also to take the -- in  
11:35:43 15 evaluating the probative value to take the evidence of this  
16 witness in its totality. In other words, not to do this kind  
of  
17 hope, half here, half there, and to look at the entire piece  
of  
18 testimony coming from this witness.

19 I mean, I can understand the point about the answer  
11:36:03 20 approach, but we would have the entire evidence before us, you  
21 see, on the whole issue of the mining, and I don't think it's  
22 going to be a kind of chess game to say, well, the answer to  
this  
23 was that. Because you indicated that you had dealt with it in  
24 examination-in-chief.

11:36:23 25 MR JORDASH: Yeah.

26 JUDGE THOMPSON: And we would, I'm sure, look at what  
the  
27 answer under examination-in-chief was, alongside what the  
28 response was when witness was cross-examined on that  
particular  
29 issue.

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I  
Presiding  
11:37:03

1 MR JORDASH: Well, Your Honour, I'm -- with what Your  
2 Honour has said, that's what I would invite Your Honour to do.  
3 suppose what perturbed me a moment ago was the learned  
4 Judge's certainty that from that single sentence it was clear  
5 what the witness meant and that perturbs me because if the  
6 Presiding Judge is clear from that --

that  
11:37:23  
be  
in  
of

7 PRESIDING JUDGE: I'm saying it is clear that it is -- I  
8 mean, there is no ambiguity in the question. I'm not saying  
9 it is clear that the evidence he has given is credible and  
10 reliable. This is what I'm saying. I mean, it's -- I want to  
11 properly understood on the record. I say I see no ambiguity  
12 that question, but I'm not saying, you know, that the evidence  
13 the reply -- or rather his response to that is credible and  
14 probative.

11:37:46  
of

15 MR JORDASH: But that's my concern. That, the question  
16 which is -- that you have an answer there which could mean one  
17 two things. And then Your Honour says: Well --

it's  
11:38:02  
the

18 PRESIDING JUDGE: I mark you, when it comes to the  
19 evaluation of his evidence, it's not just -- it's a whole --  
20 a vast compartment, you know, of all the evidence in the case.  
21 We have to look at, you know, the totality, the totality of  
22 evidence, in order to arrive at a particular conclusion. It's

evidence 23 not just on isolated incidents or isolated portions of  
24 that this Court is going to rely on, to arrive at certain  
11:38:23 25 findings, as far as the case you know is concerned.  
26 MR JORDASH: But the point I'm making is that this  
witness 27 could make Your Honours' job more easy or easier, because this  
28 witness -- Your Honours wouldn't have to sit down and ponder  
what 29 the witness meant by this if he had an opportunity to explain  
it;

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1 that's the point.  
2 JUDGE THOMPSON: But, Mr Jordash, the one position could  
be 3 that in your submission the answer is ambiguous and it well  
may 4 be speaking speculatively that in the submission of the judges  
11:38:53 5 the answer is not.

6 MR JORDASH: But we could leave it with no doubt if the  
7 witness was given an opportunity to deal with it.

8 JUDGE THOMPSON: So at the end of the day it's for us to  
9 determine, in fact, as the Presiding Judge has said, on the  
11:39:08 10 totality of the evidence where we have it clear, whether we  
have

11 a clear testimony on this issue.

12 MR JORDASH: That's --

13 JUDGE THOMPSON: Not on bits and pieces.

14 MR JORDASH: But that's my only point. We have a  
witness

11:39:16 15 who is very knowledgeable who can say what he meant. Or we  
can

16 send him away and Your Honours can sit and ponder what he  
meant.

17 But we can ask him what he meant. The problem is --

18 JUDGE BOUTET: But, Mr Jordash, I don't think the  
question

19 and answers were ambiguous. And as the Presiding Judge was  
11:39:38 20 saying, I don't think there's any ambiguity in both question  
and

21 answer. You're saying that answer alone may not -- you're not  
22 saying that in these terms -- but you say this answer must be  
23 looked at in the context of what will come out in  
24 examination-in-chief, and when you compare the two it may  
cause

11:39:56 25 ambiguity, but certainly the question is quite clear and the  
26 answer -- the question asked and the answer given were quite  
27 clear in themselves.

28 You're suggesting if there is ambiguity, as you are  
29 suggesting, is when you look at that with the evidence you  
have

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1 lead in examination-in-chief, it leaves the door to much  
2 speculation. Am I --

3 MR JORDASH: No, I'm saying the opposite. That what my  
4 learned friends will do is take this section and they'll say:  
11:40:17 5 Look, the witness conceded. What I'm suggesting is that it  
can  
6 be taken in that way, but it's rather disingenuous, or it can  
be  
7 taken in the context of the totality of the evidence and it  
8 becomes clearer.

9 What I was trying to do was stymie the Prosecution's  
11:41:00 10 attempt to reply upon it in what I would submit would be a  
11 disingenuous way by allowing the witness himself to say: It's  
12 obvious what I meant because I was referring to my earlier  
13 answers.

14 JUDGE THOMPSON: You have the ipse dixit of at least two  
of  
11:41:00 15 my -- my two brothers that they don't see the ambiguity in the  
16 answer. And I join them in saying that I don't see the  
ambiguity  
17 at this point.

18 MR JORDASH: Well, I'm going to leave it here but I can  
19 guarantee that --

11:41:10 20 PRESIDING JUDGE: Mr Wagona, can you -- what do you have  
to  
21 offer to this --

22 MR WAGONA: My Lord, I would say --

23 PRESIDING JUDGE: -- dialogue?

24 MR WAGONA: -- my questions were not ambiguous, nor were  
11:41:28 25 the answers. And I went further to put it to the witness that  
26 the civilians were being forced and he disagreed. He said no.  
27 So --

28 MR JORDASH: I can shortcut this, Your Honours, and say  
29 then, well, it's the 23rd [sic] of February today and I'm  
putting

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1 that on the record because I want to note when the Prosecution  
2 said that, and when I see their closing brief, and I see them  
3 relying upon that as the opposite, then I know I was right.  
But  
4 I'll leave it at that. And I won't --

11:41:59 5 JUDGE BOUTET: We trust you are going to do it, Mr  
Jordash.  
6 We believe you.

7 MR JORDASH: But I'll leave it at that. I do have a few  
8 more questions just to pick up on the alleged inconsistency  
with  
9 his statement, if I may.

11:42:14 10 PRESIDING JUDGE: Right. May the witness be brought  
into  
11 the courtroom, please.

noticed 12 MR JORDASH: And a couple of other things too. I  
13 the time, actually.  
14 PRESIDING JUDGE: And to assure you, you know, that's  
why I  
11:42:45 15 say that the evidence will be read. We will be examining it  
in  
16 its totality because here, you know, the witness did say that,  
17 you know, the civilians were not forced to mine. And he said,  
18 you know, mining is like a marriage; if they were forced to  
mine,  
19 why did they not run away? These are the small small pieces  
of  
11:43:14 20 evidence that when we say that we will consider all of this in  
21 its totality, we mean what we are saying. We don't take  
22 positions that lightly and we would look at the evidence in  
its  
23 totality. It's not just a small portion of it to say what the  
24 Prosecution will do with this or that. It's a clear denial  
from  
11:43:37 25 this witness that a witness -- that civilians were forced to  
26 mine. I have it here on the record. I even underlined it  
with  
27 the red.  
28 [The witness entered Court]  
29 PRESIDING JUDGE: So when we make statements here we  
know

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should 1 what we are talking about and we remain as objective as we  
2 be.

3 MR JORDASH: In no way was I suggesting otherwise. I  
was 4 simply trying to ensure that I covered the point adequately.

11:44:28 5 If I may pass out part of the transcript from yesterday,  
6 that I would like to ask the witness about a particular point  
7 where his explanation was not completed. It's page 10 of  
8 yesterday, and I hand up the transcripts. I would like to

obtain 9 permission to ask the question before I ask it. On page 10,  
it 10 was the point when Your Honour Justice Itoe --

11:45:03 11 PRESIDING JUDGE: Page 10.

12 MR JORDASH: Page 10, at line 2, and the witness was  
going 13 to say something about why it was that he was happy about  
14 contributions, and I just wondered if Your Honour would mind

if I 15 asked a question to allow the witness to finish that  
16 explanation 16 at two?

17 PRESIDING JUDGE: Yes, you may. You may.

18 MR JORDASH: Thank you.

19 Q. Do you recall yesterday, Mr Witness.

11:45:57 20 A. Yes, sir.

21 Q. When my learned friend for the Prosecution to your left  
22 asked you about whether you were unhappy that workers would  
have

do 23 to contribute piles to the strangers in Kono during the junta,  
24 you remember him asking you about that.  
11:46:22 25 A. Yes, sir.  
26 Q. Let me just read your answer which you didn't complete.  
27 And I want to know if you want to complete this answer. What  
you  
28 said was this: "Except somebody who did not want to  
understand  
29 that I -- that I'm a digger who knows about a diamond. I will

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explanation 1 not be angry because all that I wanted" and then the  
2 stopped. Would you like to finish that explanation? Why you  
3 will not be angry because all that I wanted?  
4 A. Yes, sir.  
11:47:00 5 Q. Go ahead.  
6 A. Diamond is a different society. You will remove your  
piles  
7 and gather it together. You can share it in any way, in any  
8 condition, I will work on it, and I will know what is there  
for  
9 me will be mine. He said: Let me give you five bucket. I'll  
11:47:33 10 give you the five bucket. You are not taking mine. It is  
what

11 God has marked for you in the dust that will be yours.

I 12 Q. That will be fine I think. Thank you, Mr Witness. Now,  
13 want to --

was 14 PRESIDING JUDGE: So what he was saying here is that he

11:47:58 15 not unhappy with some of these -- what did he call them? Is  
it

16 vanguards or what, who would come in?

17 MR JORDASH: Strangers.

18 PRESIDING JUDGE: Strangers, yes. Who would come in and  
19 say: Well, we want our own share and they will give them five

11:48:13 20 buckets?

21 MR JORDASH: I think it might be summed up as it's God's  
22 will [indiscernible]

it 23 PRESIDING JUDGE: Yes, that is what he is saying. And

that 24 is what he is saying now, that he was happy with it, because

11:48:28 25 was how it is, and mining diamond is a different society and  
it's

26 like give me my own part and I don't care what you have.

27 MR JORDASH:

28 Q. Now, finally, Mr Witness, I want to ask you about the  
29 interview in Koidu that the Prosecution asked you about; okay?

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1 A. Yes, sir.

2 Q. Now, I know you are not good at dates, but it was on 21  
3 February 2007, so almost to the day a year ago; do you recall  
4 that? So on the 21st you saw a man called -- do you recall

the

11:49:35 5 name of the Interpreter? The man who was interpreting?

6 A. No, sir.

7 Q. Do you recall if you were supposed to be interviewed the  
8 day after but something happened?

9 JUDGE BOUTET: Is this really from re-examination, Mr

11:49:59 10 Jordash, or you are just trying to locate him in time, or  
refocus

11 on this part, to interview him that day and nothing more, so  
12 whether he was interviewed the day after or two days after was  
13 not part of --

14 MR JORDASH: No, he wasn't interviewed -- well, what I'm  
11:50:14 15 getting at is that something happened the next day in which,  
how

16 could I say, it changed everyone's schedules or most people's  
17 schedule at the special Court. And I'm wondering if the  
18 witness --

19 JUDGE BOUTET: Yeah, we'll see what question because he

11:50:37 20 does not -- he accepts that he has given this interview on  
this

21 particular date as such. We are concerned with this interview  
22 not what happened the next day or three days after, but what  
23 happened after I have difficulty to see what may have happened  
24 after the interview may have an impact on what happened during

11:50:54 25 the interview but maybe it's something I'm missing here.

--  
26 MR JORDASH: Well, what I'm getting at is that there was

27 the interview process was supposed to go on and something

28 happened to prevent it. I'm trying not to give clues to the -

-  
29 if I could say this: Medical care in another country.

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1 JUDGE BOUTET: Go ahead. We will see.

2 MR JORDASH: Consequences thereof. Okay. I'll try with  
3 the witness.

4 Q. Did you hear of some event happening the day after this  
11:51:37 5 interview that was news in Sierra Leone on 22 February?

6 A. I cannot remember unless you tell me now.

7 Q. Were you suppose to be interviewed again after the 21st,  
8 the day after?

9 A. No, sir.

11:52:05 10 Q. All right. I'll leave that bit then but if I --

11 JUDGE BOUTET: I know what you are trying to do.

12 MR JORDASH: Okay.

13 Q. Let me ask you this --

14 PRESIDING JUDGE: Justice Boutet knows. I don't know.

11:52:22 15 MR JORDASH: I think I can get it again --

16 JUDGE BOUTET: The mention of the foreign country has  
17 triggered my recollection of that so --

18 PRESIDING JUDGE: Only Justice Thompson knows. He has  
19 triggered my memory now.

11:52:52 20 JUDGE THOMPSON: [Inaudible].

21 PRESIDING JUDGE: Yes.

22 MR JORDASH:

23 Q. I want to read -- you remember now being interviewed in  
the  
24 witness house in Freetown this month, this year?

11:52:56 25 A. Yes, sir.

26 Q. And I want to read part of that interview to you, and  
I'm  
27 looking at page 1, Your Honour, the first two lines. This is  
28 what it said: "I am very concerned about my identity being  
29 revealed because of my close connection to", and the name you

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1 whispered to Mr George over there, "that is why I was not  
2 prepared to give the whole truth during the previous  
interviews"?

3 PRESIDING JUDGE: The name in Exhibit 291.

4 MR JORDASH: 291, Your Honour, yes.

11:53:54 5 Q. Let me read -- do you remember the name you gave?  
6 A. Yes, sir.  
7 Q. Do you remember telling anyone from the Sesay team that  
you  
8 were very concerned about your identity being revealed because  
of  
9 your close connection to that man; did you say that?  
11:54:15 10 A. Yes, sir.  
11 Q. Do you remember saying this is why you were not prepared  
to  
12 give the whole truth during your previous interviews? Do you  
13 remember saying that?  
14 A. Yes, sir.  
11:54:42 15 JUDGE BOUTET: Mr Jordash, you intend to produce this  
16 statement.  
17 MR JORDASH: Yes, I was going to --  
18 JUDGE BOUTET: I say this because if you intend to, as  
you  
19 know, you have to lay some ground work about what it is, how,  
11:54:55 20 when and I know you have the when, but the how and who.  
21 PRESIDING JUDGE: This is objection you were trying to  
22 formulate a couple minutes ago. So it holds good for you as  
23 well.  
24 MR JORDASH: Point taken.  
11:55:07 25 PRESIDING JUDGE: Yes.  
26 MR JORDASH: Does Your Honour want to do that now or --  
I  
27 have Mr Cammegh grumbling at the side of me, as usual.  
28 PRESIDING JUDGE: As usual; Mr Cammegh, do you confirm  
that  
29 you always grumble at him?

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1 MR CAMMEGH: I'm grumbling at the moment. Your Honour,  
2 it's been a terribly long morning. Terribly long. I just  
want  
3 to fit --

4 PRESIDING JUDGE: The long morning, I think I agree with  
11:58:11 5 you. I agree with your grumbling. None of us have arisen  
since  
6 11 -- we should have recessed since 11.30 but we had to put  
7 certain issues to rest. That's why we are here up until now.  
8 But how long does this take you?

9 MR JORDASH: It should take you five-minutes.

11:58:11 10 PRESIDING JUDGE: Five-minutes. Yes, let's get along  
and  
11 be done with it please.

12 MR JORDASH:

13 Q. Mr Witness, do you recall being interviewed at the  
14 safehouse by a man called Jared?

11:58:14 15 A. Yes, sir.

16 Q. Would that have been on 15 and 16 February?

17 A. Yes, sir.

18 PRESIDING JUDGE: How do you spell the name please, Mr?  
19 Jordash.

11:58:14 20 MR JORDASH: J-A-R-E-D.  
21 PRESIDING JUDGE: Yes.  
22 MR JORDASH:  
23 Q. And do you recall whether there was a translator there?  
24 A. Yes, sir.  
11:58:14 25 Q. So which language did you use for the interview?  
26 A. It was Krio.  
27 Q. And did you give a full account at that point concerning  
28 your evidence? Did you give a full version of events?  
29 A. This thing has taken ten years. It is not a two days'

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1 explanation.  
2 Q. Okay. No, what I'm asking you is: Were you able to  
tell  
3 Jared what had happened to the best of your recollection?  
4 A. It has taken ten years since this thing happened. For  
let  
11:58:15 5 somebody to explain it in two days.  
6 PRESIDING JUDGE: We agree with you that it has taken  
ten  
7 years but when this statement was read to you or, rather, was  
8 recorded from you, did it reflect what you told the person who

9 recorded it?

11:58:15 10 THE WITNESS: Yes, sir.

11 PRESIDING JUDGE: As much as your memory could recollect  
of

12 the events, did it?

13 THE WITNESS: Yes, sir.

14 MR JORDASH:

11:58:24 15 Q. And you were interviewed, just so that we're clear, 15,  
16

16 and 17 February and you gave an account; is that right?

17 A. Yes, sir.

18 Q. And in that interview do you remember speaking about  
your

19 connection --

11:58:44 20 PRESIDING JUDGE: Yes?

21 MR WAGONA: My Lords, my concern is if the contents are  
22 going to be read directly to the witness, then that would be  
23 leading.

24 JUDGE BOUTET: Well, I -- you know that the procedure to  
be

11:59:02 25 followed, Mr Wagona, is if the witness could read, he would be  
26 given the copy of his own copy and be asked to read the  
27 statement. And only after that you can ask questions, and  
this

28 is indeed what you should have done with the witness as well.  
So

29 it's not a question here of taking the witness by surprise.  
If

certain

and

11:59:31  
would

1 you are asking a witness about the statement he made at a  
2 time, he is perfectly entitled to have the statement in his  
3 possession, read it and then you can ask questions. So your  
4 question that he may be -- the evidence may give him a lead  
5 it may be leading is absolutely irrelevant to this kind of a  
6 scenario. So if your objection was it might be leading I  
7 say it doesn't apply.

8 MR WAGONA: I understand that, My Lord .

9 MR JORDASH:

11:59:46 10 Q. Mr Witness, I'm not going to take you through all of the  
11 statement, just a few things in it?

12 PRESIDING JUDGE: Of course we wouldn't go through it.

13 MR JORDASH: No, absolutely not.

14 PRESIDING JUDGE: It's very bulky, otherwise Mr Cammegh  
12:00:00 15 will grumble again and more loudly this time, and I will  
support  
16 him.

17 JUDGE BOUTET: Yes, I would join in the queue.

18 PRESIDING JUDGE: And I will join him, and we will walk  
out  
19 on you to sort out your business with your witness. Yes Mr  
12:00:12 20 Jordash, please get along.

21 MR JORDASH:

22 Q. Did you -- can I -- the man whose name you gave to Mr

23 George, could I call him, for the moment, X, okay? So did you  
24 tell the interviewer, Jared, about how you'd met X many years  
ago  
12:00:41 25 in a cell at the Mortimer police station?  
26 A. Yes, sir.  
27 Q. And at this stage did you talk to Mr Jared about how X  
had  
28 stolen your money and ran away?  
29 A. Yes, sir.

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1 Q. And am I right that you had not spoken about that before  
2 the year before when you were interviewed in Koidu?  
3 A. Not at all, sir.  
4 Q. Could you tell the Court why you hadn't spoke about it  
at  
12:01:32 5 the beginning when you were first interviewed, but spoke about  
it  
6 when you came to Freetown at this time?  
7 A. Yes, sir.  
8 Q. Why did you speak about it now but not before?  
9 A. I had not spoken about that before because my mind did  
not  
12:02:07 10 reflect on it. Now that my mind has reflected to it, I am  
able

11 to explain this to the Court or to the person who took my  
12 statement.

13 Q. Okay. Let me take you to page 7 of the statement where  
you  
14 say at the second paragraph: "X sent a message to Major  
Mohamed

12:02:48 15 that I should join the mining." Did you tell that to Mr Jared  
16 when you came to Freetown this time?

17 A. Yes, sir.

18 Q. Now, further down the page, the statement --

19 JUDGE BOUTET: Mr Jordash, how far do you want to go  
with

12:03:19 20 these statements? I mean, I thought you were using statements  
21 here to try to contradict when a stand by the Prosecution has  
22 attempted to do with the statement. Now you seem to be moving  
23 much further ahead because they have asked only -- there was

one  
24 issue about statement. Now, if you are to use statements to  
say:

12:03:40 25 Well, the witness has said more than this on that particular  
26 issue and this is at page 123 fine, but now you're covering  
other  
27 issues.

28 MR JORDASH: I can -- if Your Honour goes down to the  
29 second to last paragraph on that page, there is the issue  
which

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he  
in  
the  
1 is that an explanation why the witness has at one point said  
2 didn't -- he joined at one point and now in this statement and  
3 Court he said he joined another. And if Your Honour looks at  
4 second to last paragraph --

12:04:18 5 JUDGE BOUTET: That's fine.

because  
Prosecution  
6 PRESIDING JUDGE: That's what we want to focus on,  
7 what you are doing now should be limited to what the  
8 did by introducing Exhibit 291, because exploring other issues  
9 would be expanding the inquiry and going beyond the acceptable  
10 limits of the re-examination that the Court has allowed you to  
11 conduct exceptionally as far as Exhibit 291 is concerned.

12:04:39 10

just  
12 MR JORDASH: Well, there's two more bits I'd like to put  
13 and I can do it very swiftly. I can do it very swiftly. It  
14 this and one line from the next page, and that's it.

12:05:01 15 PRESIDING JUDGE: 292, I mean to say. 292. It's  
16 Exhibit 292, not 291.

to  
17 MR JORDASH: I'm trying to go to the next -- the second  
18 last paragraph on the same page --

was  
19 JUDGE BOUTET: In fact, it should be 293. I think 293  
12:05:16 20 withdrawn. Exhibit 291 was the name. And then 29 --

21 PRESIDING JUDGE: 292 was withdrawn and it's remained on  
22 the record.

23 JUSTICE BOUTET: Yes.

24 PRESIDING JUDGE: Then it came in the name of what we're  
12:05:26 25 now referring to as Mr X came in as 291.

26 JUDGE BOUTET: 291 and the statement as 293?

27 PRESIDING JUDGE: The statement is 292.

28 MR JORDASH: Three, sorry.

29 PRESIDING JUDGE: 292.

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1 JUDGE BOUTET: 292, yeah.

2 JUDGE THOMPSON: Yes. Yes.

3 MR JORDASH: Right.

4 Q. If I can just read you another part of the statement.

12:05:50 5 Listen carefully. "I knew X wanted me to join the mining unit  
6 before I went to Bombodu. X asked me to join the mining unit.  
7 This is after the ECOMOG had driven the RUF from Kono. It  
wasn't

8 Foday or MSK, that's xxxxxx, that asked me to join the mining

9 unit, it was X. I did not want to admit this before because I

12:06:35 10 was frightened that people would know that I had been friends

11 with X. I thought that I would be arrested." Do you recall

12 saying that?

13 A. Yes, sir.

14 Q. And then one more sentence from page 8, with reference  
to  
12:07:04 15 your arrival at Bombodu, "This is after the intervention and  
16 before Koidu Town was captured." Do you recall saying that to  
17 Jared? "This is after the intervention and before Koidu Town  
was  
18 captured"; are you following me?

19 A. Yes, sir.

12:07:37 20 Q. Do you recall saying that to Jared?

21 A. Yes, sir.

22 MR JORDASH: That's it, Your Honours. May I tender -- I  
23 will underline those specific bits in the statement and will  
24 tender it as an exhibit, if I may, after the break.

12:07:53 25 PRESIDING JUDGE: Because we would have loved, you know,  
26 that you underline them and that the Prosecution sees what has  
27 been underlined before it is tendered, so you will discuss  
that.  
28 We would not pronounce on its admissibility at this point in  
time  
29 until the Prosecution has seen the extent to which it has been

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1 underlined. So it is 12 noon. We would recess for 15 minutes

2 and return to the Courtroom to continue the proceedings.

3 The Chamber will rise, please.

4 [Break taken at 12.09 p.m.]

12:35:37 5 [RUF22FEB08B - DG]

6 [Upon resuming at 12.35 a.m.]

7 MS MYLVAGANAM: My Lord, may I just explain Mr Ogeto's  
8 absence. He's ill-disposed, feeling ill and he's left the  
9 courtroom. So please forgive his absence.

12:35:51 10 PRESIDING JUDGE: [Microphone not activated]

11 MS MYLVAGANAM: I beg your pardon?

12 PRESIDING JUDGE: [Microphone not activated]

13 MS MYLVAGANAM: Yes.

14 PRESIDING JUDGE: Oh, I'm sorry my microphone was not  
on.

12:36:06 15 I was going to say that Ms Mylvaganam is there to represent  
him.

16 MS MYLVAGANAM: Indeed.

17 PRESIDING JUDGE: Very ablely so.

18 MS MYLVAGANAM: Thank you, My Lord.

19 PRESIDING JUDGE: Right. Yes, we are resuming the  
session.

12:36:16 20 Mr Jordash, have you worked out something?

21 MR JORDASH: Yes, if I could just introduce Mr Josh  
Garwood

22 who sits behind, who's just attending for a short while. He's  
23 been working on our team for a month.

24 JUDGE BOUTET: Who is that? I didn't get you, Mr  
Jordash.

12:36:40 25 MR JORDASH: Oh, sorry. His name is Joshua Garwood.

26 PRESIDING JUDGE: Joshua --

27 JUDGE BOUTET: I --

28 MR JORDASH: Your Honour couldn't see him.

29 JUDGE BOUTET: I saw nobody, so that's why I was asking.

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1 PRESIDING JUDGE: You mean Joshua?

2 MR JORDASH: Joshua Garwood, hiding behind me.

3 PRESIDING JUDGE: But he wasn't hiding in the gallery  
each

4 time he was there because I always picked him in the gallery.

12:36:59 5 MR JORDASH: He's hard to miss at most times.

6 PRESIDING JUDGE: Can you spell the surname for me  
please.

7 MR JORDASH: G-A-R-W-O-O-D.

8 PRESIDING JUDGE: So, what is Mr Garwood, on your team?

9 MR JORDASH: Well, he is for the next approximately four  
12:37:20 10 hours.

11 PRESIDING JUDGE: What is he?

12 MR JORDASH: Oh, what is he?

13 PRESIDING JUDGE: What is he on your team?

14 MR JORDASH: Well, I suppose legal consultant, but he's  
12:37:28 15 qualified. He's a member of the UK Bar.

16 PRESIDING JUDGE: Mr Garwood, you're welcome. We are  
not

17 unfamiliar with your face. You have been part of these

to 18 proceedings for a very long time, but you have been more used  
into 19 the gallery than to the courtroom itself, so you are welcome  
12:37:55 20 the courtroom, and we hope that you will bring your positive  
21 contributions to ensure that we evolve normally.

22 MR GARWOOD: Thank you.

23 PRESIDING JUDGE: You're welcome. Yes, Mr Jordash.

12:38:15 24 MR JORDASH: Yes. May I tender the statement that this  
the 25 witness made with the underlinings which have been agreed by  
26 Prosecution. It's underlined for the Court record at page 1,  
27 page 7 and page 8.

28 PRESIDING JUDGE: You say pages?

29 MR JORDASH: One, 7 and 8. Parts of each page.

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1 PRESIDING JUDGE: Yes, Mr Wagona?

2 MR WAGONA: No objection, My Lords.

3 PRESIDING JUDGE: No objection. Well, since they are in  
4 parts, I think we'll have to give them a global number with  
12:39:25 5 reference to the pages. What do you suggest? Maybe since you  
6 have given -- you referred to the portions in pages 1, 7 and  
8,

7 we may then label them accordingly, as 292A for page 1, 292B  
for 8 page 7 and 292C for page 8.

9 MR GEORGE: The next Exhibit My Lord is 293.

12:40:05 10 PRESIDING JUDGE: 293. Yes.

11 [Exhibit No. 293A was admitted]

12 [Exhibit No. 293B was admitted]

13 [Exhibit No. 293C was admitted]

14 MR JORDASH: Thank you. I've got no further questions.

12:40:28 15 PRESIDING JUDGE: 293A, B and C to correspond with the  
16 portions in pages -- respectively in pages 1, 7 and 8 of the  
17 statement. So you have no further questions for this witness.

18 Yes, Mr Witness, we've come to the end, you know, of  
your 19 testimony, and we thank you for coming to assist the Tribunal

12:41:31 20 with your evidence, particularly in the field in which you  
have 21 testified and which is quite important as far as these

22 proceedings are concerned. It's a very important subject.

23 You were in a hurry to go. I think we can now say that  
we 24 are releasing you. Again, we thank you for come asking and

12:41:57 25 exercising patience to this date to be with us. We wish you a  
26 safe journey and at least we have it on record that you are  
now 27 employed. We don't know where, but we wish you luck in your

28 present employment. Thank you. Can the witness be lead out  
29 please?

1 [The witness withdrew]

2 PRESIDING JUDGE: Mr Jordash, what's the next witness,  
3 please?

4 MR JORDASH: DIS-009, I think he is our 38th.

12:43:18 5 PRESIDING JUDGE: You say it's your 30 --

6 MR JORDASH: Thirty-sixth, I beg your pardon. 36.

7 PRESIDING JUDGE: DIS-307 was the 35th witness.

8 MR JORDASH: Sorry, yes. This is our 36th.

9 PRESIDING JUDGE: DIS-009 you say?

12:43:33 10 MR JORDASH: Yes, he will testify in Krio.

11 PRESIDING JUDGE: Is he being brought in?

12 MR GEORGE: Yes, My Lord.

13 [The witness entered court]

14 WITNESS: DIS-009 [Sworn]

12:45:54 15 [The witness answered through interpreter]

16 PRESIDING JUDGE: Yes, can you swear him in, please.

You

17 are calling the Koran; he is swearing on the Bible?

18 THE WITNESS: I swear on the Koran.

19 PRESIDING JUDGE: Mr Witness, are you a Muslim or a  
12:46:41 20 Christian?

21 THE WITNESS: I'm a Muslim.

22 PRESIDING JUDGE: He has a Koran; correct?

23 MR GEORGE: Yes, My Lord.

24 MR JORDASH: May I hand in to Your Honours the personal  
12:47:16 25 history of DIS-009. I've not had the chance to show it to the  
26 Prosecution yet, but I don't anticipate there will be a  
problem.

27 PRESIDING JUDGE: Yes, and you intend to tender this, Mr  
28 Jordash, in order to avoid going into a closed session?

29 MR JORDASH: Yes, please.

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1 PRESIDING JUDGE: Right. Yes, Mr Hardaway, is there any  
2 objection?

3 MR HARDAWAY: No objection to the tender, Your Honour,  
but  
4 just to inform the Court and the parties that when it comes  
time  
12:48:32 5 for the Prosecution's cross-examination I probably will have  
to  
6 go into closed session, based upon the information that has  
been  
7 provided. I just want to put the Court on notice.

8 PRESIDING JUDGE: We have taken note of that. Well, the  
9 document is admitted and marked confidentially as Exhibit 294.  
12:49:20 10 Yes, Mr Jordash.

11 [Exhibit No. 294 was admitted]

don't 12 MR JORDASH: I've been gestured to by Mr George and I  
13 follow.  
14 EXAMINED BY MR JORDASH:  
12:49:50 15 Q. Mr Witness, good afternoon.  
16 A. Good afternoon.  
17 Q. I've given the Court a brief summary of your identifying  
18 details, including your name and your present occupation, and  
the 19 occupation you had in 1998, and your CDF number; okay?  
12:50:27 20 A. Yes, sir.  
21 Q. Remember we're in an open session, so don't refer  
directly 22 to those details, although obviously we're going to talk about  
--  
23 A. Okay.  
24 Q. -- the CDF.  
12:50:49 25 A. Okay.  
26 Q. Now, were you a member of the CDF in 1998? Mr Witness -  
-  
27 A. Yes.  
28 Q. You are getting me?  
29 A. Clearly.

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1 Q. You were a member of the CDF in 1998?

2 A. Yes, I can recall about the CDF in 1998 in Makeni.

3 Q. Were you living in Makeni?

4 A. Yes, I was in Makeni.

12:51:37 5 PRESIDING JUDGE: The question was: Was he a member of  
the

6 CDF. He's not recalling about the CDF in 1998.

7 MR JORDASH: I think I can lead on this?

8 PRESIDING JUDGE: Yes, yes.

9 MR JORDASH:

12:51:50 10 Q. You were a member of the CDF in 1998 and you were based  
in

11 Makeni; is that right?

12 A. Yes, I was a member of the CDF in 1998 in Makeni.

13 Q. Were you also a member of the CDF in 1999?

14 A. Yes, I was still a CDF member.

12:52:18 15 Q. Can you recall when it was you became a member of the  
CDF?

16 A. It was before the rebels invaded Makeni; that was when I  
17 was initiated into the CDF.

18 Q. And are you able to say what month that was and which  
year?

19 A. I can't recall the month, but I was the [REDACTED] in  
the

12:52:55 20 CDF [REDACTED].

21 Q. Mr Witness, be careful about -- be careful about being  
too

22 specific concerning your identity. Could that be redacted,  
23 please.

24 PRESIDING JUDGE: Yes, that could be redacted from the  
12:53:16 25 records, please.

26 MR JORDASH:

27 Q. When did you start being a member of the CDF?

28 A. I can't recall the dates but when they decided to form  
the  
29 CDF in Makeni I joined the CDF in Makeni.

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1 Q. Was this before the RUF took over in Makeni?

2 A. Yes, it was before the RUF took over Makeni.

3 Q. And the year that the RUF took over in Makeni is what?

4 A. It was in December if I recall rightly, in 1998.

12:54:05 5 Q. Thank you.

6 A. Yes.

7 Q. Did you receive any training to join the CDF?

8 A. Yes, they trained us at Teko Barracks.

9 Q. And were you armed with any weapons as a member of the  
CDF  
12:54:31 10 in Makeni?

11 A. They showed us how to operate a gun but they did not  
give  
12 us weapons.

13 Q. Did you patrol with the CDF in Makeni?

14 A. Yes, we were in patrol teams for Makeni.

12:55:01 15 Q. Would you patrol with a weapon?  
single 16 A. Yes. At times, for 20 of us, they would give us a  
17 gun in Makeni.  
18 Q. Do you know why it was the CDF in Makeni were only given  
19 one gun between --  
12:55:17 20 A. Well, from our opinion, the government did not trust us;  
21 that was why they did not give us weapons.  
not 22 Q. On what basis did you conclude that the government did  
23 trust the CDF in Makeni?  
24 A. Well, before the rebel invaded in Makeni, before they  
12:55:48 25 formed the CDF, the government had asked the three regions and  
26 the Western Area to hold a conference. In the conference they  
27 should discuss about how to deal with the rebels. The Western  
28 Area made a decision to fight the rebels. The southern and  
the 29 eastern said they should fight the rebels but for the northern

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1 province I went -- I attended the conference as a poro  
2 representative at the Makeni -- technique.  
3 THE INTERPRETER: Your Honours, can the witness go  
slowly?

4 MR JORDASH:

12:56:23 5 Q. Sorry, just remember what you are saying is being  
6 translated so just remember to pause after --

7 A. Okay. Okay.

8 Q. Pause after two sentences.

9 A. Okay.

12:56:34 10 Q. Continue, please.

11 A. As I said, when we attended the conference representing  
the

12 northern province, I went there as a poro representative so we

13 decided that the rebels and the government should hold a talk

--

14 should hold talks to confer, so when they called the national

12:57:06 15 conference in Freetown, some of the representatives left  
Makeni

16 for the northern province, came to the Western Area, and they

17 passed on what we had decided and they disagreed on the  
decision.

18 They shouted on the men, the representatives, since the north

19 decided that they should hold talks with the rebels. So I'm  
sure

12:57:48 20 that was one of the reasons why the government did not trust  
us.

21 They said we were rebels.

22 Q. Now, let me take you to just before the rebels came to  
23 Makeni in December 1998.

24 A. Okay.

12:58:09 25 Q. Had you heard of Issa Sesay before then?

26 A. Yes, we heard about Issa Sesay before the rebels entered  
27 Makeni.

28 Q. How had you heard about Issa Sesay; do you recall?

the

29 A. Yes. We heard that he was a good man when we were in

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1 bush.

2 Q. When who was in the bush?

3 A. Before they came they were in the bush; that was how we  
4 used to hear about them.

12:58:55  
person

5 Q. And do you recall who you heard it from? Was it one  
6 or more than one?

7 A. We got it from different sources, different people.

8 Q. At what point did you hear about the rebels coming to  
9 Makeni, in December 1998?

12:59:25  
to

10 A. It was in December when they said they will pass through

to

11 Freetown. That was when we heard that the rebels were coming

12 Makeni.

13 Q. Where were you when you received the news?

14 A. I was in Makeni.

12:59:39

15 Q. Did you do anything?

16 A. No. I pulled out with my family members from Makeni

17 village to a town --

that 18 THE INTERPRETER: Your Honours, can the witness take

19 bit again?

13:00:00 20 MR JORDASH:

21 Q. Could you repeat your last answer, Mr Witness?

22 A. When I heard about the rebels, what I did, before they  
23 came, my family pulled out from the town to a village called  
24 Makeh.

13:00:22 25 Q. Called what; could you repeat the name please?

26 A. Makeh.

27 Q. I think that's M-A-K-E-H. Why did you do that?

28 A. Well, we were afraid of the fact that they were coming.

1998. 29 Q. Can I, for a moment, take you further back into early

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1998? 1 Had Makeni experienced the rebels coming through in early

2 A. The early part of 1998, whether we had an experience?

3 Q. Yes. I'm talking about February 1998 following the  
4 intervention of ECOMOG into Freetown and the junta being  
pushed

13:01:27 5 out. Do you recall that time?

6 A. Yes, I recall those times.

7 Q. Did the rebels come through Makeni at that time?

8 A. Well, they came from the north end towards Makeni.

9 THE INTERPRETER: Into Makeni; correction Interpreter.

13:01:57 10 MR JORDASH:

11 Q. And did they pass through Makeni and go eastwards?

12 A. Well, those of -- those whom we knew came to Makeni were  
13 based in Makeni.

14 Q. Do you recall when the junta was pushed out of Freetown?

13:02:28 15 A. Yes, I can recall those times.

16 Q. After being pushed out of Freetown, did they come  
through

17 Makeni on the way to Kono?

18 A. Yes, I saw the juntas dropping from vehicles coming from  
19 Freetown into Makeni.

13:02:48 20 Q. Let me just ask you briefly, what you experienced at  
that  
21 time?

22 THE INTERPRETER: Correction, Interpreter. I saw the  
23 juntas coming from Matotoka. That was the village the witness  
24 mentioned.

13:03:07 25 MR JORDASH:

26 Q. Where were you when the junta came through from Freetown  
to

27 Makeni on the way to Kono? Where were you at that time?

28 A. I was in Makeni.

29 Q. Were you in a house?

1 A. Yes, I was in my house.

2 Q. Did you stay in your house during your time in Makeni?

3 A. Yes, I was at my house.

4 Q. Did you come out of your house while the rebels were in  
13:03:42 5 Makeni?

6 A. Yes. When the rebels took over Makeni I pulled out for  
7 21 days. Later on I came back to Makeni and I was there with  
8 them.

9 Q. Sorry, I think we are getting confused. I want to just

--

13:04:03 10 I know I took you to December 1998, but then I wanted to go  
back.

11 A. Yes.

12 Q. I'm sure it's my fault.

13 A. Okay.

14 Q. Let's deal first of all with February 1998; okay?

13:04:22 15 A. Okay.

16 Q. Am I right that you were in your house in Makeni when  
the  
17 rebels came through in February of 1998?

18 A. Yes, they were at my house in Makeni.

19 Q. I don't know if it's the translation or me or what, but  
13:04:48 20 were you at your house? I'm not sure it's you.

21 A. 1998.

22 Q. I'm not sure, Mr Witness, it's either me or the  
translator.

Can 23 PRESIDING JUDGE: Mr Witness, can you raise your head.

24 you raise your head?

13:05:08 25 THE WITNESS: My head is raised up. I'm listening to  
what

26 you are saying.

27 PRESIDING JUDGE: No, but we want to see your face too.

28 THE WITNESS: Okay.

29 MR JORDASH:

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Makeni; 1 Q. Okay. February 1998, junta, junta coming through

2 are you with me?

3 A. I'm listening, yes.

4 Q. Were you in Makeni when the junta came through the town?

13:05:39 5 A. I was in Makeni.

6 Q. Were you at your house?

7 A. Yes, I was at my house.

8 Q. Do you recall how long the junta stayed in Makeni?

9 A. I can't tell because it was -- they were passing through

13:05:58 10 Makeni.

or 11 Q. Do you recall whether it was a matter of days or weeks

12 months?

13 A. Well, let me say weeks.

14 Q. Would you come out of your house during that time?

13:06:22 15 A. Yes, I would come out of my house.

in 16 Q. Did the junta commit any crimes, from what you observed

17 Makeni at that time?

18 A. Well, I don't know whether they did hostilities, but

they 19 didn't do anything to my family.

13:06:50 20 Q. Was there any looting?

21 A. Well, if I can recall, that was the time they went on

the 22 Operation Pay Yourself; they did loot.

23 Q. Apart from the looting, are you aware of any other

crimes 24 committed at that time?

13:07:18 25 A. No, I knew of the looting because even myself I was

looted 26 by them.

27 Q. Was there any burning or killing or any other crimes,

aside 28 from the looting?

29 A. No. In Makeni, they did not burn down any place.

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1 Q. What about other crimes? So no burning; were there any  
2 other crimes, from what you saw or heard later on?

3 A. No, I did not hear of any other crime except for the  
4 looting.

13:07:52 5 Q. Thank you.

6 MR JORDASH: I noticed the time, Your Honour. I'm going  
to  
7 take the witness back to December 1998. Can I apologise to  
the  
8 witness for jumping around?

9 THE WITNESS: Okay.

13:08:36 10 PRESIDING JUDGE: Learned counsel, I think we'll recess  
for  
11 lunch and resume the proceedings at 2.30.  
12 The Chamber will rise, please.  
13 [Luncheon recess taken at 1.09 p.m.]  
14 [RUF22FEB08C-DG]

14:43:22 15 [Upon resuming at 2.43 p.m.]

16 PRESIDING JUDGE: Good afternoon learned counsel. We'll  
17 proceed, please. Mr Jordash, may you?

18 MR JORDASH: Yes, please.

19 Q. Good afternoon, Mr Witness.

14:55:49 20 A. Good afternoon, sir.

21 Q. We just completed the issue of the intervention,  
although  
22 there is one question I'd like to ask you concerning that.  
Did  
23 you remain in Makeni after the junta had passed through for  
the  
24 remainder of the year?

14:56:26 25 A. Yes, I was in Makeni.

26 Q. Now, you've told us that the only crime you heard of was  
27 looting, but I want to ask you specifically, about whether you  
28 spoke to anyone or heard anything or were personally aware of  
any  
29 abductions?

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1 PRESIDING JUDGE: Well, the -- the evidence of this  
2 witness -- the evidence of this witness is that besides  
looting  
3 he noticed no other crime, you know.

4 MR JORDASH: I'll leave it there, Your Honours.

14:57:10 5 PRESIDING JUDGE: Has been committed. That is what is  
on  
6 the record.

7 MR JORDASH: Okay. I'll leave it there.

8 Q. Let's move forward now to December 1998. You've heard  
9 the --

14:57:26 10 A. Okay.

11 Q. You've heard the rebels are coming back; you leave  
Makeni  
12 and you go to another place; am I right?

13 A. Yes, I went to Roworeh.

14 Q. Roworeh, do you know how to spell that?

14:57:50 15 A. Roworeh, along Koakoyima.  
16 Q. I think that's R-O-W-O-R-E-H?  
17 PRESIDING JUDGE: W-O-R-E-H, Mr Jordash?  
18 MR JORDASH: Yes, but the first two letters are  
19 R-O-W-O-R-E-H. I hope. I see Justice Thompson nodding his  
head.  
14:58:22 20 JUDGE THOMPSON: You could put another R there. Doesn't  
21 matter.  
22 MR JORDASH: Thank you.  
23 Q. And did you go there alone or with others?  
24 A. I went there with other people.  
14:58:40 25 Q. Were they related to you or not?  
26 A. Well, there were men that were --  
27 THE INTERPRETER: Your Honours, would the witness be  
28 instructed to go slow?  
29 MR JORDASH:

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translation 1 Q. Take your time, Mr Witness and remember that a  
2 has to take place. So just repeat your answer, please.  
3 A. Okay. Yes, by that place we went with a lot of people.  
4 Q. Did you have any of the Makeni authorities in the group

14:59:26 5 that you went with?

Konsho. 6 A. An old man who was my old section chief he went to

7 It was about one-and-a-half miles from Roworeh Village.

8 Q. What was his name?

9 A. Pa Alimamy Koroma Ansoyillah.

15:00:03 10 Q. Did you stay in Roworeh?

11 A. I stayed there about one week.

12 Q. What did you do then?

13 A. When I ran away from Makeni I was there, and the other  
two

14 weeks I spent in the bush.

15:00:35 15 Q. Did you go anywhere after the two weeks?

16 A. Yes, sir. I would come to Makeni. That was the time  
that

17 I came to Makeni.

18 Q. Was there a reason why you came to Makeni at that time?

19 A. Because when the Pa had returned from Konsho, the  
section

15:01:02 20 chief, that was the time that he asked me to come. That was  
the

21 order that was given to us by people that had been looking  
after

22 the town, people like Issa.

23 Q. When you say Issa, who are you referring?

24 A. Well, that was what the Pa told me. He said the letter

15:01:26 25 that was sent to me in the bush it was Issa that said that I  
26 should come from the bush to the town.

27 Q. Okay. Let me try to get this a little clearer. Did you  
28 speak to Pa Alimamy K Ansoyillah?

29 A. When I came from town, when I came to the town, I went  
to

1 him, to the house. I talked with him.

2 Q. And you mentioned a letter; who had received a letter?

into

3 A. I had the letter, went to, so as to come from the bush  
4 the town.

15:02:11 5 Q. Who had you received the letter from?

6 A. I got it from the section chief; he sent one of his  
7 children into the bush to give it to me.

8 Q. And what did the letter say?

15:02:38 10 A. Well, I was not able to read but the one who read the  
letter, he said it was Pa Alimamy who asked Issa to say -- he

into

11 said that it was his own -- he wanted his own child to come  
12 the bush so that we could work together.

13 Q. So had Issa Sesay spoken to Alimamy?

14 A. Before I came both of them spoke.

15:03:09 15 Q. Were you informed of what they'd spoken about?

that

16 A. Well, when I came, the Pa said that it was Issa's Pa  
17 made me come to town, so I should go and report myself.

18 Q. The Pa, had he remained in the bush?

19 A. He was the one that came into town before me, with the  
15:03:50 20 other two people from Konsho.  
21 Q. How many people from Konsho?  
22 A. I did not see them but they told me that they had over  
200  
23 people that came with him to town.  
24 Q. And did anything happen to the Pa when he came into  
town?  
15:04:15 25 A. Yes, because the paramount chief had run away from  
Makeni  
26 town so he was made acting paramount chief for Makeni Town.  
27 Q. What did you do when you arrived in Makeni, Mr Witness?  
28 A. Well, when I came to Makeni, and as an old CDF, I came  
and  
29 reported that I was an old CDF, and they told me that I was to

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1 send the word to the ones that were in the villages, that were  
2 CDF, to come through me so that I could report to them in the  
3 office.  
4 Q. Who told you to do that?  
15:05:20 5 A. Well, it was the Pa that was in charge, like Issa.  
6 Although I was not able to see him, but there was told that so  
7 the Pa said.

with? 8 Q. Where were the CDF that you were asked to communicate

9 A. They were in the surrounding villages, in Makeni.

15:05:55 10 Q. What did you do when you were asked to do that job?

11 A. Well, I send to the people asking them to come, telling

12 them that I had come, and if they themselves heard that I had

13 come to town.

14 Q. What did you do there? How did you send to the people

to

15:06:28 15 come?

16 A. People had been escaping. They would come to town and

go

17 back to the surrounding villages. They would come to buy a

few

18 articles.

19 THE INTERPRETER: Your Honours, will the witness be

15:06:43 20 instructed to go slow?

21 MR JORDASH:

22 Q. Remember to speak for two sentences and then pause, Mr

23 Witness.

24 A. Okay.

15:07:03 25 Q. So the CDF used to come into town to buy a few articles

and

26 then leave. So, were you able to speak to those people?

27 A. Yes, I was able to talk to them.

28 Q. What did you say to them?

29 A. I told them that we had been warned to come from the

bush

1 and come to town.

2 Q. Did you say anything about the state of the town?

3 A. Well, according to the promises that were given to us, I  
4 told them.

15:07:51 5 Q. What were the promises?

6 A. They used to tell us that we should come to town and  
that  
7 nothing would be done to us.

8 Q. Were you able to observe what the security was in Makeni  
at  
9 that time, Mr Witness, when you were giving these messages to  
the

15:08:10 10 CDF?

11 A. Yes, because I also, even myself, my own security was  
safe.

12 Q. Did you observe Mr Sesay at this time in Makeni?

13 A. Well, I did not have the opportunity to see him but  
14 whosoever came, they would tell us that this is what Issa  
said.

15:08:45 15 Q. How many -- did any of the CDF return?

16 A. Yes, a lot of them returned.

17 Q. Are you able to give any approximate number?

18 A. Well, we were many in Makeni Town, we were more than  
19 hundred, but most of us that were trained in that hundred came  
to

15:09:09 20 Makeni Town, except the ones that went to Port Loko District.

21 Q. Were you operating in a particular section of Makeni?

22 A. Yes.

23 Q. How many wards in that section?

24 THE INTERPRETER: Your Honours, would the learned  
attorney

15:09:38 25 repeat the question?

26 MR JORDASH:

27 Q. How many wards in that section?

28 A. Makeni is divided into seven different wards and I had  
been

29 looking after one which is Rogbaneh ward.

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1 Q. Did anyone else, other than CDF, come from the bush into  
2 Rogbaneh?

3 A. Yes. People returned from the bush into the town.

4 Q. And from what you observed in that ward, what was the  
15:10:21 5 security like for those people who returned?

6 A. Yes. People return from the bush, they came. They say  
it

7 was to come and observe --

8 THE INTERPRETER: Your Honours, will the witness be  
asked

9 to repeat the last segment of his testimony?

15:10:50 10 MR JORDASH:

11 Q. Repeat the last sentence please, Mr Witness.  
12 A. I said people came from the bush into the town. They  
came  
13 and observed and would go and collect their families and their  
14 children to come to town.  
15:10:56 15 Q. Did you observe when they returned with their families,  
16 whether they were safe or not?  
17 A. They were safe.  
18 Q. When the CDF came into the area, would they be dealt  
with  
19 in a particular way? Was there a procedure?  
15:11:31 20 A. Yes. A lot of them had been passing through me and I  
would  
21 take them to the office where I was asked that I should report  
22 with them. They would write their names and addresses and  
they  
23 would return to their homes?  
24 Q. What happened if they were armed? Were they armed?  
15:11:58 25 A. No. CDF in Makeni did not have any arms.  
26 Q. Did Mr Sesay or anybody working with him inform you of  
the  
27 purpose of having the CDF come into town?  
28 A. Well, they did not tell me, but they said they wanted  
the  
29 town to look peaceful so that the business could continue to

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1 flourish. But they did not tell me why they needed them.

CDF 2 Q. Did or was anything said about what was expected of the

3 once they came into the town?

4 A. Well, at that time they did not expect anything of them.

15:13:10 5 Q. Do you know if the CDF, when they came into town, were

6 given any training?

7 A. Well, I do not know about that in Makeni.

8 Q. Did you ever hear of any forced training of the CDF?

9 A. No. We are all -- for the CDF we were all living as

15:13:54 10 brothers. Nobody was forced to go and train.

11 Q. Was there any volunteering of any of the CDF for any

12 activity?

13 A. Accept those that had been hurrying to go to Kono to get

14 money, but I did not hear about any voluntary work.

15:14:24 15 Q. Sorry --

16 JUDGE BOUTET: But it's not clear to me if your question

pr 17 the answers from the witness, when you are talking of

training, 18 is training for and with the CDF or the CDF training with some

19 organisation for the purposes. It's certainly ambiguous as to

15:14:34 20 both your question and the answer. So, I think I know what

you 21 are trying to get at but --

22 MR JORDASH: Certainly.

23 MR CAMMEGH: Sorry to interrupt. Could Mr Gbao attend

the 24 bathroom, please?

15:14:49 25 PRESIDING JUDGE: Yes, he may, please.

26 MR JORDASH:

27 Q. Let me try to clarify this area. When the CDF came into  
28 town --

29 A. Okay.

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1 Q. -- did they take up any occupation or were they resting,  
2 not doing anything?

3 A. Well, the time I was in Makeni, the ones that passed  
4 through me, with whom I reported in Makeni, I did not give  
them

15:15:26 5 any appointment, they did not do any work.

6 Q. And in terms of military training, did they receive any  
7 military training from anywhere?

8 A. I don't know about outside, but in Makeni, no.

9 Q. You mentioned about CDF going to Kono for money; could  
you

15:15:51 10 elaborate on that, please?

11 A. Well, Kono is the bread basket of Sierra Leone, so any  
12 young man who wanted money would go to Kono.

13 Q. It may be obvious, but so that we're clear: What would  
14 they go to Kono for? How would they get money?

15:16:20 15 A. From right in the beginning, it was from mining.  
16 Q. And were you aware of this when you arrived back in town  
17 from the bush?  
18 A. Which one?  
19 Q. The young men going to Kono for mining?  
15:16:49 20 A. Yes, I knew about that.  
market 21 Q. Staying on the subject of earning money, was there a  
returned 22 running in Makeni at this time, around the time when you  
23 from the bush?  
24 A. Yes, some business had been running in the market,  
15:17:39 25 little-by-little.  
26 Q. And in terms of market dues, do you know anything about  
27 them at this time?  
28 A. Yes, I knew about that a little.  
29 Q. What was the situation at this time?

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had 1 A. Well, the situation was a little bit peaceful so there  
2 been -- people had been paying market dues.  
market 3 Q. Who did they pay the market dues to? Who kept the

4 dues?

15:18:29 5 A. It was for the acting paramount chief.

6 Q. What would happen to the market dues kept by the acting  
7 paramount chief?

8 A. Well, it was kept for the fighters, so that they will  
not  
9 disturb people who had been selling in the market, so that  
15:18:54 10 whosoever wanted help would go and meet the Pa.

11 Q. And who would decide on the amount to give to the  
rebels?

12 A. As regards that, it was the Pa; he had been working on  
his  
13 own decision.

14 Q. Thank you.

15:19:26 15 A. Welcome.

16 Q. Do you know if there were rules operating in Makeni in  
17 terms of security at that time, crimes?

18 A. Yes, because I myself during that time I was made  
19 [REDACTED].

15:19:53 20 Q. Mr Witness --

21 A. Yes, sir.

22 Q. -- try not to mention the title because it might  
identify  
23 you; okay?

24 PRESIDING JUDGE: I think that peace of evidence can be  
15:20:11 25 redacted, you know.

26 MR JORDASH: Thank you.

27 PRESIDING JUDGE: It should be redacted, please.

28 MR JORDASH:

29 Q. Now, you told us about -- don't mention the title -- but

1 who gave you that job you just mentioned?

2 A. Okay.

3 Q. Who gave you the job?

4 A. It was within the G5.

15:20:35 by

5 Q. When you say it was within the G5, explain what you mean  
6 that?

7 A. It was a group that had been dealing with the civilians.

8 Q. And, just generally, how did you fit into that, without  
9 mentioning the title, please?

15:21:08

10 A. Well, it was from the acting paramount chief.

11 Q. And what was the activity which you were engaged in?

12 A. Well, it was just to keep law and order in town.

13 Q. Would crimes be reported?

14 A. Yes, they used to report crimes.

15:21:40

15 Q. What would you and the court do, when those reports were  
16 made?

were

17 A. Well, we were there to settle matters; that is why we  
18 there.

19 Q. Would the court you referred to come to decisions about

15:22:14 20 issues?

21 A. Yes, we decided on matters.

22 Q. What kind of matters would you decide on?

23 A. Like money-laundering, and palaver that had to do with  
24 women, we were there to settle them.

15:22:38 25 Q. What do you mean palaver to do with women?

26 A. We call name. So when somebody's been nominated by a  
lady  
27 or a women, if your husband -- if your wife were to nominate  
28 somebody, then you -- we were there to settle that problem.

29 Q. I'm not sure I -- the Judges follow that. Can you try  
and

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1 explain that in a bit more detail? What do you mean by

2 "nominate"?

3 A. I said -- I said, when somebody had an affair with  
4 somebody's wife, and this thing is revealed to the husband,

then

15:23:21 5 we were there to get it settled.

6 Q. What if a woman didn't want to be with a man; did you  
7 have  
8 anything to do with that?

8 A. Well, that's also referred to as divorce. That will  
take

9 place in court.

15:23:50 10 Q. What about if a woman was approached by a fighter she  
do 11 didn't want, or wasn't interested in, did you have anything to  
12 with that?

G5, 13 A. Yes. At that time we had been given that power, we the  
14 we had been trying out those cases.

15:24:13 15 Q. What would you do if a woman came and said: I'm being  
16 harassed by an RUF fighter and I don't like it?

17 A. We would report to the office saying that we wanted this  
18 man as a fighter to go to court.

19 Q. And what would happen then, from what you observed?

15:24:40 20 A. When we would decide it as a civilian matter.

21 Q. Would that apply to an RUF fighter?

22 A. We are not the ones that had been --

over 23 THE INTERPRETER: Your Honours, would the witness go  
24 that?

15:24:59 25 MR JORDASH:

26 Q. Repeat the last answer please, Mr Witness.

27 A. Which one?

28 Q. You said something about the G5.

29 A. Yes.

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1 Q. Something to do with fighters; what would the G5 do?  
2 A. Yes. They knew the way they would -- what they would do  
to  
3 send the man to court?  
4 Q. Did it happen that such men were sent to court, from  
what  
15:25:38 5 you observed?  
6 A. Yes, sir.  
7 Q. And did the court you were involved in have the power to  
8 send people to any form of punishment?  
9 A. No. At that time we did not have the power to punish  
15:26:13 10 somebody, but we were there to settle matters.  
11 Q. What about the G5; did they have the power to punish?  
12 A. Well, I did not know about their own power but the power  
13 that we had in court, that's what I'm talking about.  
14 Q. Okay. Did you come across someone called MP Jalloh?  
15:26:40 15 PRESIDING JUDGE: This court is referring to court,  
court,  
16 court; what is -- which is this court>.  
17 THE WITNESS: Yes, I know him.  
18 MR JORDASH: Sorry, Your Honour.  
19 PRESIDING JUDGE: He's been talking of taking people to  
15:26:56 20 court, court. What court? What court?  
21 THE WITNESS: It's a local court. A local court.  
22 MR JORDASH:  
23 Q. Could you explain a little bit more, just briefly, Mr  
24 Witness, the relationship between the G5 and the local court  
at

15:27:14 25 the time you came from the bushes?  
26 A. Well, what I understood, I understood that the acting  
27 paramount chief had been liaising with the G5, and the G5, he  
was  
28 there for the civilians. Except if a fighter was reported  
that  
29 he had done something that was bad under the court order he  
would

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1 report to the G5. But the G5 and the civilians were the ones  
2 that had been working together.

3 Q. Thank you.

4 A. You're welcome.

15:28:01 5 Q. What did MP Jalloh have to do with this?

6 A. Well, I knew him as MP Jalloh, he was an MP commander.  
He  
7 was linked to fighters.

8 Q. Did he have anything to do with issue of crimes?

9 A. Well, the crimes that I knew about, who had been  
reporting

15:28:39 10 about these crimes to Pa Koroma, who was in charge of G5, who  
had

11 not been reporting crimes to MP.

12 Q. Okay. Was there one or more than one armed group within

13 Makeni at this time?

14 A. Well, more than one anyway.

15:29:08 15 Q. One was the RUF; is that right?

16 A. Yes.

17 Q. Do you know who any of the others were?

18 A. Yes. Like the AFRC, they were also an armed group.

19 Q. Did you see how the AFRC were behaving compared to the  
RUF?

15:29:43 20 A. Yes, I saw, and I understood how they had been behaving  
in

21 Makeni Town.

22 Q. How was that; how had the AFRC been behaving?

23 A. Well, they had not been behaving well in the town.

24 PRESIDING JUDGE: Who have not been behaving well in  
town;

15:30:07 25 is it the AFRC?

26 THE WITNESS: It was the AFRC. At any time that you  
heard

27 about the AFRC everybody would be jittery.

28 MR JORDASH:

29 Q. Did you ever hear about Superman?

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1 A. Yes, I used to hear about Superman.

2 Q. Did he come into town?

3 A. From time to time he would come to town.

4 Q. How was it when he came into town?

15:30:42 5 A. At any time that he came to town, everything would go  
bad.

6 Q. Can you explain a little bit more what you mean by that?

7 A. Well, like the other time that I could recall, when he  
came

8 to kill Issa, when Issa pulled out from Makeni, see, the town  
was

9 left without law and order.

15:31:37 10 Q. Did you see Superman's fighters and the age of his  
11 fighters?

12 A. Well, Superman's fighters were under-age groups. He had  
13 little boys and they had been showing us that these were  
14 Superman's fighters.

15:31:52 15 Q. And what about Sesay's fighters; did you see them?

16 PRESIDING JUDGE: What did he say about Superman's  
17 fighters? That they were what? That they were under age?

18 MR JORDASH: Under age.

19 THE WITNESS: Most of his fighters were under-age  
fighters

15:32:02 20 who came to town.

21 MR JORDASH:

22 Q. The men you associated with Sesay, what about them?

23 A. Well, the ones that I had been seeing when we went to  
the  
24 acting paramount chief, they were elderly people.

15:32:48 25 Q. Thank you. You've just touched upon this but so we're  
26 clear: After the fight when Superman came in to try to kill  
27 Sesay, did Sesay leave Makeni?

28 A. Yes, sir, he left Makeni.  
29 PRESIDING JUDGE: Disorder, after he left. That's what  
the

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1 witness said.  
2 THE WITNESS: Yes, yes.  
3 PRESIDING JUDGE: There was an attempt on his life, he  
4 fled, and, you know, disorder, you know, installed itself in  
15:33:36 5 Makeni.  
6 THE WITNESS: Yes, sir.  
7 MR JORDASH:  
8 Q. Are you aware of how long he was gone?  
9 A. No, I cannot recall.  
15:33:36 10 Q. Was he gone for some time?  
11 A. Yes, he went for some time.  
12 Q. Do you recall him returning? I'm not asking for the  
date,  
13 but just whether you recall the fact of his return?  
14 A. Yes, I could recall he returned.  
15:34:13 15 Q. And how was life in Makeni when he returned?  
16 A. People were happy. We danced for him. We danced  
because

17 he came back to Makeni.

18 Q. Are you saying that people literally danced when he came  
19 back or are you using that as an expression of joy at his  
return

15:34:47 20 or both?

21 A. People danced; they went and welcomed him. They went to  
22 his house and they thanked him, you know, because of coming.

23 Q. Did the situation upon his return then change or was it  
as  
24 it had been when Superman was there?

15:34:59 25 A. Yes, the town changed and the whole situation came back  
to  
26 order.

27 Q. Now, during the time Sesay was there before he had been  
28 chased out, and the time when he came back, how was it for the  
29 lives of the CDF who had returned and surrendered?

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1 A. The life of the CDF was not risky to the RUF at all.

2 Q. Did you observe at any stage in this year gunships?

3 A. If the CDF had the gunship?

4 Q. Whether there were any gunships which came over Makeni  
from

15:36:09 5 anywhere?

6 A. Oh, yes, I experienced that, and we buried some of the  
7 corpses.

8 Q. Corpses of who; fighters or civilians?

9 A. The ones that were killed by the gunships, it was  
15:36:32 10 civilians.

11 Q. What would the civilians -- I'm talking about the time  
when  
12 Issa Sesay was there -- what would the civilians do when the  
13 gunships came?

14 A. Well, if I could recall when, during the time that the  
15:36:52 15 gunships came, I don't think Issa Sesay was in town anymore.

16 Q. Okay.

17 PRESIDING JUDGE: So gunships came to Makeni?

18 THE WITNESS: Yes, they came to Makeni, but I cannot  
recall  
19 whether Issa Sesay was there.

15:37:06 20 PRESIDING JUDGE: And they killed civilians?

21 THE WITNESS: Yes, it -- they killed civilians. A  
pregnant  
22 mother that was killed, we were the ones that buried her at  
the  
23 back of the axis -- at the back of --

24 THE INTERPRETER: Your Honours, would the witness --

15:37:21 25 THE WITNESS: -- at the back of the acting paramount  
chief  
26 's house. We were the ones that buried her.

27 JUDGE BOUTET: You said that Sesay was not there. Was  
it  
28 before Sesay came to town or he had left? Or can you give  
29 additional information about that?

town.

1 THE WITNESS: Yes, during that time Sesay had come to

to

2 He was not within Makeni Township. That is what I was trying

3 say.

4 MR JORDASH: I can maybe clarify this a bit more.

15:37:58 5 Q. Can you remember --

6 A. Yes.

7 Q. -- an incident involving the RUF and the UN in --

he

8 PRESIDING JUDGE: Excuse me, let's get this right. Is

was

9 saying that when the gunships came and killed civilians Sesay

15:38:12 10 not in town?

11 THE WITNESS: I cannot recall but I don't think he was  
12 there anymore, sir.

13 MR JORDASH:

14 Q. Do you recall an incident between the RUF and the UN in  
15:38:26 15 2000?

16 A. Yes, I can recall that.

17 Q. Are you able to say when the gunship came in relation to  
18 that event; how long before or how long after or at the same  
19 time?

15:38:51 20 A. Well, after the Kenyan issue, when the gunship came, he  
did

21 not --

22 MR JORDASH: Lost the translation, Mr Witness.

23 THE INTERPRETER: Yes, Your Honours, would he be  
instructed

24 to go slow?

15:39:10 25 MR JORDASH:

26 Q. Take your time. You're going to finish today I'm sure  
so

27 there's no --

28 A. I do hear.

29 Q. Go ahead.

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heard 1 A. Okay. Okay. I heard about the Kenyans, and I also

2 about the gunships, but about the Ghanian issue, and the

3 gunships, the gunships were not too much with the civilians.  
It

4 was on the highway.

15:39:42 5 Q. So, let's just try to be a bit clearer. Did the  
gunships

6 come --

7 A. Yes.

time 8 Q. -- before the incident with the Kenyans, at the same  
9 as the incident with the Kenyans or after that incident?  
15:40:07 10 A. It was after the Keynian affair.  
11 PRESIDING JUDGE: It was after the Keynian affair that  
the 12 gunships came?  
13 MR JORDASH: Yes.  
14 THE WITNESS: Yes.  
15:40:25 15 MR JORDASH:  
16 Q. Are we talking days after, weeks after, months after?  
17 A. It was within those days that the gunship came.  
18 Q. Thank you. Do you know or did you receive any news  
about 19 Mr Sesay's activities along the highway to Kono around the  
time 20 he was operating in Makeni?  
15:41:12 21 A. No, I did not know about anything about those incidents  
on 22 the highway.  
23 Q. I'm not suggesting there were incidents; I'm just asking  
if 24 you heard about how he was conducting himself along that  
highway?  
15:41:40 25 A. No, I do not know about that.  
his 26 Q. Just to complete the picture, from what you observed of  
27 presence in Makeni, how did he conduct himself, him and his  
men, 28 within Makeni?  
29 A. Well, the way he used to behave in Makeni Township, he  
had

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1 been trying to get the town to a peaceful situation.

2 MR JORDASH: Thank you. I've got no further questions,  
3 thanks.

4 THE WITNESS: Okay.

15:42:56 5 PRESIDING JUDGE: Yes, Ms --

6 MS MYLVAGANAM: No, thank you, My Lord.

7 PRESIDING JUDGE: No cross-examination?

8 MS MYLVAGANAM: No questions.

9 PRESIDING JUDGE: Thank you. Mr Cammegh?

15:43:21 10 MR CAMMEGH: Just briefly please, Your Honour.

11 CROSS-EXAMINED BY MR CAMMEGH:

12 Q. Mr Witness, I wonder if you could --

13 A. Sir.

14 Q. -- just help me with one or two questions about Makeni  
in

15:43:38 15 early 1999?

16 A. I'll try.

17 Q. I just -- could you please describe the general  
conditions

18 in Makeni from about February of 1999, February and March of  
19 1999; what was the law and order situation in Makeni during  
that

15:44:12 20 time?

21 A. When you look at the cost of living it was difficult.  
22 Q. Cost of living?  
23 A. Yeah.  
24 Q. But leaving aside the cost of living, and the  
availability  
15:44:39 25 of food stuffs and various commodities, can I ask you to focus  
on  
26 the law and order situation in Makeni at that time. Was law  
and  
27 order being properly maintained in Makeni during February,  
March  
28 of 1999 or was it in a -- well, just answer that. Was law and  
29 order being maintained properly at that time?

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during  
1 A. Yes. They had been trying to maintain law and order  
2 that time.  
3 Q. Who were trying?  
4 A. At that time the town was in the hands of the RUF.  
15:45:35 5 Q. Well, I'm going to ask you to concentrate on that period  
of  
6 approximately February, March of 1999; cast your mind back.  
7 Isn't this right: That in actual fact during that time there  
8 were problems in Makeni and it was difficult for the RUF to

9 maintain good law and order?

15:46:09 10 A. I cannot recall those problems, anyway.

11 Q. I'm not suggesting that the town was in a state of  
anarchy

12 or anything like that, but I am suggesting that there were the  
13 occasional outbursts of looting and street crime, if I can use  
14 that phrase; does that accord with your recollection?

15:46:46 15 A. Looting had been taking place, that used to happen, but  
16 there was law and order concerning that.

17 Q. I don't think we disagree. I just want you to perhaps  
give

18 us a little bit more detail on this. Would this be fair:  
That

19 as far as the RUF were concerned looting was very much against  
15:47:09 20 the law?

21 A. Yes. That was one of the laws that the RUF had been  
22 advocating for.

23 Q. And the RUF strictly imposed punishment wherever  
24 perpetrators were caught; is that not right?

15:47:45 25 A. Yes, it used to happen. People had been punished for  
that.

26 Q. Do you remember a man called Augustine Gbao?

27 A. Yes, I can recall him, sir.

28 Q. Can you help me with this: My suggestion is that in  
29 approximately March of 1999, Augustine Gbao was ordered to go  
to

1 Makeni in order to uphold law and order; am I right about  
that?

2 A. Yes, I can recall -- I can recall that he was with us in  
3 Makeni.

4 Q. And is this correct: That following Augustine Gbao's  
15:48:34 5 arrival into the town, there was a significant improvement in  
law  
6 and order throughout Makeni and its surrounding villages;  
would  
7 you agree with me?

8 A. Yes. The laws that he established, people obeyed them.

9 Q. Thank you, Mr Witness. In short, would you agree that  
his  
15:49:09 10 arrival was a success?

11 A. Yes.

12 Q. I'm sure that you are aware then that just a few weeks  
13 after he arrived, he left Makeni, he was forced to leave  
Makeni,

14 after the infight between Superman and xxxxx xxxxx on one  
15:49:33 15 side and Issa Sesay on the other; do you agree?

16 A. Well, if that was -- if that was the case I did not have  
a  
17 clear understanding about that.

18 Q. Right. Well, I'm just going to see if I can jog your  
19 memory. Is this right: That Mr Gbao was absent from Makeni  
for

15:50:02 20 quite some time before he returned to the town in  
approximately

21 October of 1999; does that accord with your recollection?

22 A. He left us for some time and he came back, but I cannot  
23 recall the date that -- the dates that you're talking about.

24 Q. That's fine. Returning to the issue of looting which I  
15:50:27 25 raised with you just now so I'm returning -- I'm sorry to jump  
February, 26 back in time. I'm returning to the period of let's say  
27 March of 1999; would it be fair for me to suggest that --

28 PRESIDING JUDGE: Mr Cammegh, just, do you know when he  
29 came back? Can you remember? If you can't remember you are  
not

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1 obliged.

2 THE WITNESS: I cannot recall.

3 PRESIDING JUDGE: You can't recall when you came back.

4 THE WITNESS: No, I cannot recall, sir.

15:50:53 5 PRESIDING JUDGE: Okay. Mr Cammegh, please go ahead.

6 MR CAMMEGH:

7 Q. If you are able to generalise to some extent, please do  
so.

8 I'm suggesting this: That in February and March of 1999, the  
RUF

9 combatants who were discovered to have been involved in  
looting

15:51:31 10 tended to be from Superman's group; would you agree?

11 A. Well, just like I've been talking, during the time when  
12 Superman was in Makeni, there was no law and order so if you  
13 suggest that, I would not deny.

14 Q. Right. And just to develop that, if I may: From your  
15:51:55 15 experience, and of course you were in a strong position I  
would  
16 suggest to make this evaluation, was it your impression that  
17 Superman wasn't really terribly interested in imposing law and  
18 order. It wasn't the topmost of his priorities; would you  
agree  
19 with that?

15:52:24 20 A. Well, Superman had not been coming to Makeni for law and  
21 order. He came to Makeni to destroy; that was all.

22 Q. I'm not here of course to represent Issa Sesay, but just  
to  
23 put matters into their correct context, would you agree that  
24 those affiliated with Issa Sesay were more likely to be  
upholding  
15:52:49 25 the law or doing their best to uphold the law at the time;  
would  
26 you agree?

27 A. Yes.

28 Q. And I'm just going to revisit this point one last time.  
29 Were you aware that when Sesay was forced out, Gbao went with

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1 him? Were you ever made aware of that?

I 2 A. Well, during that time, I was not acquainted with Gbao.

3 did not know whether he was there or not.

4 Q. But as you've said, you were aware that Mr Gbao did  
leave

15:53:34 5 at some point; yes?

6 PRESIDING JUDGE: It's already on the record.

7 MR CAMMEGH: Yes, it is, Your Honour.

8 THE WITNESS: He left at sometime.

9 PRESIDING JUDGE: And came back after some time.

15:53:43 10 THE WITNESS: He went and came back.

11 MR CAMMEGH: That will do for me, Mr Witness. Thank you

12 very much.

13 THE WITNESS: Okay. You're welcome.

14 PRESIDING JUDGE: Mr Cammegh, you are through?

15:53:54 15 MR CAMMEGH: Yes, I am.

16 PRESIDING JUDGE: Thank you. Mr Hardaway, your witness.

17 MR HARDAWAY: Thank you, Your Honour.

18 PRESIDING JUDGE: Not in the proper sense, but in a  
sense

19 it's your witness.

15:54:29 20 MR HARDAWAY: I understand, Your Honour. Thank you.

21 PRESIDING JUDGE: For these purposes.

22 MR HARDAWAY: Yes.

23 CROSS-EXAMINED BY MR HARDAWAY:

24 Q. Mr Witness, good afternoon, sir.

15:54:37 25 A. Yes, sir. Good afternoon, sir.

26 Q. I want to take you back to the early part of 1998; okay?

27 A. Okay.

28 Q. Now, as the junta passed through Makeni, after leaving

29 Freetown, they burnt buildings in Makeni, didn't they?

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burned 1 A. From Makeni, I was not aware that building was being  
2 there.

Freetown 3 Q. As the junta passed through Makeni, after leaving  
4 during the intervention, they killed people -- they killed  
15:55:21 5 civilians in Makeni as well, didn't they?

6 A. I did not see that. I did not hear about that.

hear 7 Q. Mr Witness, during your time in Makeni, did you ever  
8 of the rebels looting and burning towns and villages?

witness 9 MR JORDASH: Sorry, I'm objecting just because the

15:56:24 10 has already given an answer to half of the question and I'd  
11 respectfully suggest that if that's the case, and it is the  
case

12 that he's answered the first part, my learned friend should  
13 dissect the question and ask in relation to the second part  
which

14 has not been answered.

15:56:24 15 PRESIDING JUDGE: Yes, Mr Hardaway. I think so.

16 MR HARDAWAY: Well, I wasn't referring to Makeni, Your  
17 Honour, but I can clear it up.

18 PRESIDING JUDGE: Well, you said passing through Makeni.

19 MR HARDAWAY: Passing through Makeni very well.

15:56:24 20 PRESIDING JUDGE: Yes, through Makeni, that was the  
21 phraseology used.

22 MR HARDAWAY: Your Honour, I'll rephrase.

23 Q. Mr Witness, forget about Makeni for right now; okay?

24 A. Okay.

15:56:36 25 Q. Did you hear of the RUF looting and burning towns and  
26 villages during the course of the war?

27 A. Yes, I heard about that.

28 Q. Did you hear during the course of the war of the RUF  
29 killing and mutilating innocent civilians?

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1 A. No, I did not hear about that.

2 Q. Did you hear of the RUF using children under the age of  
3 as soldiers?

4 A. No, I did not see them with them.

15:57:27 5 JUDGE BOUTET: Mr Witness, that was not the question.  
The

6 question was not if you saw, it's whether you heard.

7 MR HARDAWAY:

8 Q. Did you hear of it, sir?

9 A. Yes, I used to hear about that, but I did not see them  
with

15:57:41 10 them.

11 Q. Now, as a member of the CDF, sir, were you involved in  
any

12 combat operations against the RUF?

13 A. No.

14 Q. Mr Witness, did you ever hear of the RUF capturing and  
15:58:10 15 killing CDF forces?

16 A. No, I did not hear about that.

17 Q. Did you ever hear of the RUF killing CDF forces as  
opposed

18 to holding them prisoner because they hated the CDF?

19 A. I did not hear about that.

15:58:47 20 Q. And based on your answer, sir, would it be correct to  
say

21 that based upon your position in the CDF, you would not know  
22 about that; is that correct?

23 A. Yes, because -- yes.

24 Q. Yes, you would not know about that; is that correct?

15:59:19 25 A. No, that is not correct, because I was at the CDF in  
that

26 Makeni. I did not do anything to them. So I wouldn't say  
27 something was done to them.

28 Q. I'm not saying that you did anything to them, sir. My  
29 question is this: Based upon your position in --

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1 A. Yes.

2 Q. -- the CDF --

3 A. Yes.

4 Q. -- would you be in a position to know if the RUF  
captured

15:59:48 5 and killed other CDF?

6 A. No, I wouldn't know.

7 Q. Now, during the course of the war, Mr Witness, did you  
hear

8 or see of the RUF raping women?

9 A. If I used to hear about that?

16:00:21 10 Q. Yes.

11 A. I used to hear about that but I did not see it with my  
12 eyes.

13 Q. During the course of the war, did you hear of the RUF  
14 forcing civilians to work for them?

16:00:43 15 A. I used to hear about that.

16 Q. Now, Mr Witness, moving forward now, you had testified  
that  
17 you had left Makeni before --

18 PRESIDING JUDGE: Let me complete the last answer. You

19 know, he used to hear that the RUF forced people to work for  
16:01:09 20 them, but you did not see it yourself, did you?  
21 THE WITNESS: Yes, I heard about that, but I did not see  
22 that.  
23 PRESIDING JUDGE: Yes, Mr Hardaway.  
24 MR HARDAWAY: Thank you, Your Honour.  
16:01:32 25 Q. Moving forward, Mr Witness. You had testified that to  
late  
26 '98, you had left Makeni before the RUF arrived in late 1998;  
is  
27 that correct?  
28 A. No. Mid-1998 I was in Makeni. The night that they  
entered  
29 that was the time that I pulled out of Makeni; December.

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1 Q. I may have misspoken. I thought I said late 1998. If I  
2 didn't, I apologise. So the night that the RUF entered  
Makeni,  
3 you left; is that correct?  
4 A. Yes, I pulled out.  
16:02:16 5 Q. And you stayed away for approximately three weeks;  
correct?  
6 A. Yes.

RUF 7 Q. And you pulled out and stayed away from Makeni when the  
8 entered because you were afraid of them; is that correct? You  
9 were afraid of what they might do?

16:02:35 10 A. Yes, I was afraid for what they might -- they would have  
11 done. That is why I pulled out.

12 Q. Now --

13 A. Because I was a member of the CDF.

14 PRESIDING JUDGE: I was going to add that.

16:02:53 15 MR HARDAWAY: Thank you, Your Honours.

16 Q. Now, it is your evidence that after three weeks you  
17 received a letter in which you were ordered to return to  
Makeni  
18 by Issa Sesay; is that correct?

19 A. Yes, it's correct.

16:03:21 20 Q. Do you always follow the orders of rebel commanders?

21 A. Yes, because we wanted peace and anything that is said,  
we  
22 would follow it.

23 Q. So let me make sure I'm clear: You leave Makeni because  
24 you're afraid of what the RUF has done, correct? Or what the  
RUF  
16:03:54 25 may do; is that correct?

26 A. Yes.

27 Q. And you had heard that the RUF had raped women; yes?

28 A. Yes.

29 Q. You heard that they killed people; yes?

1 A. At that time they had been fight with the ECOMOGs, yes,  
the  
2 gunshots.

3 Q. I'll rephrase. You heard that they killed civilians;  
yes?

4 A. When I left Makeni I did not hear that they killed  
16:04:30 5 civilians. So I only heard.

6 Q. Mr Witness, you had heard that the RUF had killed  
7 civilians, generally speaking; yes?

8 A. Yes, I heard about that.

9 Q. And you heard that they looted towns and burned  
buildings',  
16:04:51 10 yes?

11 PRESIDING JUDGE: He witnessed the looting.

12 MR HARDAWAY: He witnessed looting, yes.

13 PRESIDING JUDGE: Yes. But he denied burning.

14 MR HARDAWAY: I guess he denied seeing burning, Your  
16:05:01 15 Honour, but I just want to reaffirm that I believe at some  
point  
16 he said he heard of the RUF burning, in a general context.

17 Q. And you had heard them -- you had heard of the RUF  
burning  
18 towns and villages; yes?

19 A. Yes, I used to hear about that.

16:05:20 20 Q. So with all of the bad things that you heard the RUF do,  
21 and you leave Makeni because you're afraid the RUF will do the

your 22 same thing, you go back because you receive a letter; that's  
23 evidence?  
24 PRESIDING JUDGE: May I put this in context, Mr  
Hardaway?  
16:05:39 25 MR HARDAWAY: Very well, Your Honour.  
26 PRESIDING JUDGE: This witness said it's the Pa who  
called  
27 him, sent the son from his own hideout to his bush.  
28 MR HARDAWAY: Yes.  
29 PRESIDING JUDGE: And told him, you know, to come. I  
think

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1 it was when the son, you know, handed that letter to him. He  
2 came and he saw the Pa and it was the Pa who encouraged him to  
3 come. He did not see Issa Sesay or anybody who wrote that  
4 letter. That's the --  
16:06:10 5 MR HARDAWAY: I'm basing the line of questioning on the  
6 fact of the letter itself, Your Honour, given the fact that he  
7 said that -- the letter said he was ordered to return by Issa  
8 Sesay.  
9 PRESIDING JUDGE: Well --  
16:06:21 10 MR HARDAWAY: I'll move on.

there 11 PRESIDING JUDGE: Ordering, well, I didn't have it --  
12 was no order there. I think he said: Well, they should come  
13 back into the town and the chief -- the section chief, he has  
a 14 long name, I forget it, I have it somewhere, encouraged him to  
16:06:42 15 come so.  
16 MR HARDAWAY: I'm just using his words, Your Honour, but  
I 17 could move on.  
18 PRESIDING JUDGE: Okay. All right. It just to put  
things 19 in a proper context.  
16:06:50 20 MR HARDAWAY: I understand, Your Honour.  
21 Q. Now, you had testified that they -- that when they came  
to 22 Makeni in December of 1998, that they were going to move on to  
23 Freetown; is that correct?  
24 A. Yes, that is what we heard, before they came to Makeni.  
16:07:14 25 Q. And when you came back to Makeni after receiving this  
26 letter, it was both RUF and AFRC; is that correct?  
27 A. Yes, they were the ones that were in town.  
28 Q. Both the AFRC and the RUF were going to go to Freetown  
to 29 retake control of on the city; is that correct?

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town. 1 A. That is what I heard; they said they were coming to

2 Q. Now, Mr Witness, when you returned to Makeni, there were  
3 houses burnt in Makeni when you returned in December of 1998;  
4 isn't that correct?

16:08:15 5 A. It was in January 1999 that I returned. I did not hear  
6 that houses were burned there.

7 PRESIDING JUDGE: When you returned, did you see burnt  
8 houses? You had returned. It's not a question of --

I 9 THE WITNESS: In Makeni, I not see, sir. In Makeni, no,  
16:08:28 10 did not see any house being burned.

11 MR HARDAWAY:

12 Q. I put to you, Mr Witness, that the RUF burnt houses in  
13 Makeni in December of 1998; how do you respond?

14 A. Well, since I did not see that, I won't believe.

16:08:52 15 Q. Now, when the RUF were in Makeni in December of 1998,  
they  
16 killed and mutilated civilians, didn't they?

civilians 17 A. When I came in January 1999, I did not hear that  
18 were killed in Makeni.

19 Q. During that same time period the RUF committed rapes,  
16:09:16 20 didn't they?

21 A. I heard about that, that they raped.

Makeni 22 Q. And during this time some of the people involved in

23 at this time, referring to December '98, were children under  
the

24 age of 15; isn't that correct?

16:09:41 25 A. When I came January '99, I did not see a child combatant  
in

26 Makeni.

27 Q. Did you hear of a child combatant in Makeni during the  
28 period of December 1998, when they came in?

29 A. I heard about that but I did not see them.

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in 1 Q. You heard, Mr Witness, that in December of 1998, the RUF

2 Makeni were under the command of Issa Sesay; is that correct?

3 A. Yes, I am not in RUF. I do not know. Let me don't tell  
4 lies to you, but before they came we had been hearing about  
Foday

16:10:54 5 Sankoh. So if you talk to me about Issa it's difficult for me  
to

6 say.

7 PRESIDING JUDGE: They are talking to you about the  
command

8 of the RUF in Makeni.

9 THE WITNESS: Okay.

16:11:00 10 PRESIDING JUDGE: There is no Foday Sankoh there now, we  
11 know who Foday is to the RUF.

12 THE WITNESS: Okay. After Foday Sankoh it was Issa  
Sesay.

13 Yes, sir after Foday Sankoh it was Issa Sesay.

14 PRESIDING JUDGE: Are you sure of what you're saying at  
16:11:14 15 that time?

16 THE WITNESS: The time that they came in Makeni?

17 PRESIDING JUDGE: Yes.

18 THE WITNESS: Well, I don't know whether the ship had  
come  
19 to Issa, we just saw fighters; we did not know who the head  
was.

16:11:31 20 PRESIDING JUDGE: Okay. Answer this question which  
counsel  
21 is asking you. Mr Hardaway, can you put the question to him  
22 again.

23 MR HARDAWAY: Thank you, Your Honours. Yes.

24 Q. Mr Witness, when the RUF entered Makeni in December 1998  
16:11:49 25 they were under the command on the ground by Issa Sesay; is  
that  
26 correct?

27 A. That was why I was -- I would say that -- I wouldn't say  
28 that hundred percent that it was so, but I heard that it was  
Issa  
29 Sesay that had been heading the RUF.

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1 Q. Mr Witness, I'll ask again --

2 MR JORDASH: Objection. I think that's a very clear and  
3 detailed nuanced answer. It may not be the answer that my  
4 learned friend wants but it's quite clear he's said I can  
confirm

16:12:34 5 that but I have some doubt. There is nothing wrong with that  
6 answer.

7 PRESIDING JUDGE: Then he answered by saying he heard it  
8 was Issa Sesay who was in charge.

9 MR HARDAWAY: He said RUF generally, Your Honour. He  
would

16:12:51 10 not make it specific. I'm happy with that answer. I'm happy  
11 with that answer. I'll move on.

12 MR JORDASH: Thank you.

13 MR HARDAWAY:

14 Q. Mr Witness, are you familiar with the term called  
Operation

16:13:06 15 No Living Thing?

16 A. I've heard about Operation No Living Thing.

17 Q. It's correct that Operation No Living Thing was a plan  
by  
18 the RUF to kill and remove any opposition to it; isn't that  
19 correct?

16:13:36 20 A. Well, it could be so, because during that time it was  
time  
21 of war.

22 Q. Now, when the RUF entered Makeni in December of '98,  
that  
23 was part of Operation No Living Thing, wasn't it?

24 A. No, it was not part of that.

16:14:08 25 Q. I put it to you -- well, actually, what towns and  
villages

26 did you hear were part of Operation No Living Thing?  
27 A. It was not in the Bombali District, it was out of the  
28 Bombali District so I wouldn't know the towns.  
29 Q. Mr Witness, I put it to you that Makeni was part of

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have

helped

16:15:01

16:15:46

16:16:15

1 Operation No Living Thing; how do you respond, sir?  
2 A. I wouldn't believe that.  
3 Q. I want to move on now, Mr Witness, to when -- if I may  
4 a moment please, Your Honour?  
5 PRESIDING JUDGE: Please do.  
6 MR HARDAWAY: Thank you, Your Honours.  
7 Q. I want to move forward now to the time in which you  
8 bring in the other CDF fighters into Makeni; okay?  
9 A. Okay.  
10 Q. Now, you had mentioned in your evidence that the CDF had  
11 been warned to come in from the town; is that correct?  
12 A. Yes.  
13 Q. And that came from Issa Sesay?  
14 A. It came from the commander of the RUF.  
15 Q. And it would be correct to say --

16 PRESIDING JUDGE: Which commander of the RUF?

17 THE WITNESS: Well, during that time it was Issa Sesay  
that

18 had been commanding the RUF.

19 MR HARDAWAY: Thank you, Your Honour.

16:16:38 20 PRESIDING JUDGE: Don't thank me, it's my question.

21 Because you asked him of Issa Sesay and he said the commander,  
so

22 I wanted to know the name of the commander.

23 MR HARDAWAY: Understood, Your Honour.

24 Q. If it's true then, Mr Witness, that if the CDF had not  
come

16:16:57 25 into the town, they would have been hunted down and killed;  
isn't

26 that correct?

27 MR JORDASH: Objection. It's an invitation to  
speculate.

28 PRESIDING JUDGE: Yes, indeed, it's speculative.

29 MR HARDAWAY:

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CDF 1 Q. Mr Witness, do you know what would have happened to the

2 if they had not come into the town after having been warned to  
do

3 so?

4 A. I wouldn't have known what would have happened.

16:17:24 5 Q. Now, you had stated -- moving on further, Mr Witness --  
6 that CDF went to Kono for money and that money came from  
mining;  
7 is that correct?

8 A. Yes, you are correct, because we had been getting money  
9 from mining.

16:17:55 10 Q. I put it to you, Mr Witness, that the CDF in Makeni  
along  
11 with other civilians were forced to go to Kono to mine for the  
12 RUF; how do you respond, sir?

13 PRESIDING JUDGE: What was the first reply when the CDF  
14 went to Kono to mine?

16:18:14 15 MR HARDAWAY: Yes, for money through mining. I'll  
repeat.  
16 PRESIDING JUDGE: The second question, yes.

17 MR HARDAWAY: Yes.

18 Q. I put it to you, Mr Witness, that the CDF who came to  
19 Makeni, along with other civilians, were forced to go to Kono  
and  
20 mine for the RUF; how do you respond please?

21 A. Well, I did not hear about that.

22 Q. Now, Mr Witness, you had made mention in reference to  
23 market dues; do you remember that?

24 A. Yes, I can recall about the market dues in Makeni.

16:19:04 25 Q. Now, forgive me for asking what may seem to be a very  
26 simple question, but who paid the market dues?

27 A. It was our people who had been selling the market.

28 Q. And these market dues would ultimately go to the  
fighters;  
29 is that correct?

1 A. Yes, it went to the fighters.

2 Q. Why would the market dues go to the fighters, sir?

3 A. So as to allow our peoples to continue with their  
4 marketing.

16:19:56 5 Q. So it would be correct to say then that if the business  
6 people did not pay the market dues, the fighters would not let  
7 them operate; correct?

8 A. Well, I wouldn't know, because that did not happen.

9 Q. Could the business people refuse to pay the market dues  
if  
16:20:26 10 they wanted to?

11 A. Nobody refused because they were happy because of the  
peace  
12 that was in the township.

13 Q. I'm not asking if they did or not, Mr Witness, I'm  
asking  
14 could they refuse to pay the market dues if they so chose?

16:20:46 15 A. They wouldn't be able to because during that time there  
was  
16 law and order.

17 Q. So if they refused to pay they could not operate; is  
that

18 correct?

19 A. Not at all. They would not be able to sell anymore.

16:21:06 20 Q. Thank you, Mr Witness. I want to take you now to the  
time

21 you were talking about when Superman came in to Makeni and  
forced

22 Issa Sesay out; all right?

23 A. Okay.

24 Q. Now, when Issa Sesay returned to Makeni, Superman and  
his

16:21:48 25 troops were still there; is that correct?

26 A. No, I cannot recall that he was there anymore. He was  
not

27 there anymore.

28 Q. I put it to you, Mr Witness, that when Issa Sesay  
returned

29 to Makeni, Superman and his troops were there still there, and

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1 came under Issa Sesay's command; how do you respond to that,  
sir?

2 A. Okay.

3 Q. So you agree with me?

4 A. If so it was, then I would agree with you, but I did not

16:22:24 5 know about that.

Mr

6 PRESIDING JUDGE: You see, answer the question straight,

7 Witness.

8 THE WITNESS: I was not aware of that.

9 PRESIDING JUDGE: Then don't say okay, that is it. You  
16:22:35 10 understand? Answer the questions directly. Say you are not

it

11 aware of that. Don't say okay, that is what it is, then okay,  
12 means that. You are agreeing, you know, you are accepting his  
13 suggestion.

aware

14 THE WITNESS: I was not aware of that sir. I was not  
16:23:03 15 of that, sir.

16 PRESIDING JUDGE: Say so and limit yourself to that.

17 THE WITNESS: Okay.

18 MR HARDAWAY: May I, Your Honour?

19 PRESIDING JUDGE: Yes.

16:23:03 20 MR HARDAWAY:

21 Q. Mr Witness, you had briefly mentioned an incident  
22 concerning the RUF and the UN in 2000; do you remember that?

23 A. Yes, I can recall that.

that

24 Q. And in that incident the RUF captured UN soldiers; is  
16:23:29 25 also correct?

26 A. That is what I heard, yes.

that

27 Q. And the RUF commander at the time was Issa Sesay; is  
28 also correct?

29 A. Correct.

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1 Q. Just a couple more questions, Mr Witness. You had  
2 mentioned in February and March of 1999 there were a lack of  
3 commodities in Makeni; do you remember that?

4 A. You had a few, you are not all that correct.

16:24:09  
February

5 Q. The reason there were few commodities in Makeni in

of

6 and March of 1999 is that the fighters took the vast majority

that

7 the commodities when they entered in December of 1998; isn't

8 true?

9 A. Yes, it's true. They took a lot.

16:24:29

10 PRESIDING JUDGE: Who took a lot?

11 THE WITNESS: It was the RUF. It was the RUF. Because  
12 they are the ones that took over Makeni in 1998 and '99.

13 PRESIDING JUDGE: They took a lot of what?

14 MR HARDAWAY: Commodities, Your Honour.

16:24:50

15 PRESIDING JUDGE: Thank you.

16 MR HARDAWAY: Mr Witness, I have no further questions of  
17 you. Thank you.

18 THE WITNESS: Thank you.

19 MR HARDAWAY: Your Honours, this completes my

16:25:00

20 cross-examination.

21 PRESIDING JUDGE: Thank you.

the  
22 MR JORDASH: Sorry, can somebody assist me. I missed  
23 last question and the last answer. And I just want to be  
24 apprised of it before.  
16:25:41 25 PRESIDING JUDGE: Let him clarify.  
26 MR JORDASH: Yes, I do apologise. I was --  
27 PRESIDING JUDGE: If --  
28 MR HARDAWAY: If I can remember correctly, Your Honour,  
I  
29 believe the last question was that the commodities were taken  
by

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1 the RUF when they entered in December of 1998 and the witness  
2 agreed. That is my immediate recollection of the last  
question.

3 PRESIDING JUDGE: You first of all said -- you know, you  
4 said that commodities were rare things, were rare in Makeni.  
16:26:39 5 Then you went further to say that if they were rare it's  
because  
6 the RUF took it most of them.

7 MR HARDAWAY: I took counsel 's question literally, the  
8 last question that I asked and that was it. I should have  
9 started at the beginning of that threat. I apologise for  
that.

16:26:42 10 I thank the Court for the clarification.

11 PRESIDING JUDGE: That's okay. That's all right.

12 MR JORDASH: Thank you.

13 PRESIDING JUDGE: Yes, Mr Jordash, do you have any  
14 re-examination for this witness?

16:27:07 15 MR JORDASH: If I can just pick up on that last issue.

16 RE-EXAMINED BY MR JORDASH:

17 Q. You were asked a global question, a general question by  
my

18 learned friend about the RUF taking commodities but during  
your

19 testimony you've spoken about RUF with Superman, RUF with  
Sesay

16:27:40 20 and I wanted to ask: Are you able to say which RUF took the

21 commodities that you've referred to. If you don't know, you  
22 don't know. If you are able to say, please say?

23 A. Well, during that time I was out for three weeks, I did  
not

24 know under whose command that these people are in Makeni.

16:28:13 25 MR JORDASH: Thank you very much. I have no further

26 questions.

27 PRESIDING JUDGE: Mr Witness --

28 THE WITNESS: Yes, sir.

29 PRESIDING JUDGE: -- I think we've come to the end of  
your

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1 testimony, and we want to thank you for coming to furnish this  
2 Tribunal with your evidence and with what you know of the  
3 happenings in Makeni and elsewhere. So we thank you for  
coming  
4 and we wish you a safe journey back.

16:29:33 5 THE WITNESS: And you in God's name.

6 PRESIDING JUDGE: And we just want to let you know that  
you  
7 are now released to go home.

8 THE WITNESS: Okay.

9 PRESIDING JUDGE: Right. Can he please be assisted out  
of  
16:29:52 10 Court, please. Mr Jordash, what will be the next witness?

11 MR JORDASH: 031, Your Honour. Number 37, language  
Krio.

12 [The witness withdrew]

13 MR JORDASH: Sorry, did I say DIS-031 who is our 37th  
14 witness.

16:30:51 15 PRESIDING JUDGE: DIS-0?

16 MR JORDASH: 031. He's our 37th witness. I just  
noticed  
17 the time and the reason I arise is that I in fact have not met  
18 this witness, and I was happy to proceed, but I noticed the  
time  
19 and if it's not too inconvenient if we could rise early, then  
I  
16:31:30 20 have got a chance to at least shake the witness's hand.

21 PRESIDING JUDGE: You're inviting us to take a break?

22 MR JORDASH: Yes, please, because by the time the  
witness

could 23 comes in and is sworn, it will be time for the break. So I  
24 usefully say hi to him.  
16:31:45 25 PRESIDING JUDGE: Just say hi to him and that's all?  
26 MR JORDASH: Well, I may say a little more.  
27 JUDGE BOUTET: Yeah. It will be hi; how are you.  
28 PRESIDING JUDGE: Well, I will plant a microphone in  
your 29 pocket and --

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1 MR JORDASH: No comment.  
2 PRESIDING JUDGE: Anyway, I think we can take the break  
3 now, and yes, we will recess at this point and resume in the  
next 4 couple of minutes.  
16:32:27 5 The Chamber will rise, please.  
6 [Break taken at 4.32 p.m.]  
7 [Upon resuming at 5.19 p.m.]  
8 [The witness entered Court]  
9 WITNESS: DIS-031 [Sworn]  
17:19:50 10 [The witness answered through interpreter]  
11 PRESIDING JUDGE: Yes -- are you on the Koran. Can you

12 swear him in please.

13 Mr Jordash, you may proceed please.

14 MR JORDASH: May I tend a personal history of DIS-031,  
15 please. My learned friends have seen it and there is no  
issue.

16 PRESIDING JUDGE: He's testifying in Krio.

17 MR JORDASH: Krio, Your Honour, yes.

18 PRESIDING JUDGE: Krio. Yes, Mr Jordash has tendered a  
19 personal history for purposes of expediency. Is there any  
20 objection, Mr Fynn.

21 MR FYNN: No objection, My Lord.

22 PRESIDING JUDGE: It is admitted and marked confidential  
as

23 Exhibit 295.

24 [Exhibit No. 295 was admitted]

25 MR JORDASH: Thank you.

26 PRESIDING JUDGE: Yes, Mr Jordash.

27 MR JORDASH: Thank you.

28 EXAMINED BY MR JORDASH:

29 MR JORDASH:

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1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon, sir.

3 Q. Thank you for your patience.

4 A. Okay.

5 Q. Now I've given the Court a piece of paper with your  
6 identity -

7 A. Yes.

8 Q. -- your profession and your professional history.

9 A. Yes.

10 PRESIDING JUDGE: I've -- I've not yet located the name  
11 here.

12 MR JORDASH: Is the name not there, I do apologise.

13 PRESIDING JUDGE: I see a space up there for his  
14 profession --

15 MR JORDASH: I beg Your pardon.

16 PRESIDING JUDGE: What he is doing, his residence,  
17 [indiscernible].

18 MR JORDASH: I beg your pardon.

19 PRESIDING JUDGE: Or these are typographical errors, you  
20 know, typographical omissions, you know. I wonder if you can  
21 just indicate the name; I hope it is not somewhere in the

middle

22 paragraphs.

23 JUDGE BOUTET: I read it all, it's not there.

24 PRESIDING JUDGE: It's not there?

25 JUDGE BOUTET: No.

26 PRESIDING JUDGE: Mr Jordash.

27 MR JORDASH: Can I give it to you?

28 PRESIDING JUDGE: You can just put it at the tail-end,

29 Where he starts with where he lives and so on and so forth and

1 then -- yes, it is noted. We have the name now.

2 MR JORDASH: Thank you. So Mr Witness --

3 MR WITNESS: Yes.

4 MR JORDASH: -- just remember that what you are saying

is

5 being translated, so remember to listen for the translation

and

6 to keep --

7 MR WITNESS: Okay.

8 MR JORDASH: -- and to keep a pace whereby the

translator

9 can do his job.

10 MR WITNESS: Okay.

11 MR JORDASH: Now, I just want to ask you first of all

about

12 February, February 1998.

13 MR WITNESS: Hmm.

14 MR JORDASH: Were you aware in February 1998 of the

junta

15 being removed from Freetown?

16 MR WITNESS: Yes. I can recall that.

17 MR JORDASH: Where were you at that time?

18 MR WITNESS: I was in Makeni, in my house.

they've

19 MR JORDASH: Did you come out of your house whilst the  
20 junta still there or did you come out of your house when  
21 gone?

22 MR WITNESS: Well, at that time --

23 THE INTERPRETER: Your Honours, the witness is speaking  
24 Temne. Would he be instructed to speak Krio?

25 MR JORDASH: Mr -- Mr Witness.

26 THE WITNESS: Yes.

27 MR JORDASH: I understood that you are going to give  
28 evidence in Krio; is that right.

29 MR WITNESS: Yes, I am giving my evidence in Krio.

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1 PRESIDING JUDGE: Let's be very clear. In what language  
2 are you more comfortable to testify? Which language do you  
3 prefer? To testify in Temne or in Krio.

4 MR WITNESS: If you ask me to testify in Temne, that's  
5 better.

6 MR JORDASH: You prefer to testify in Temne, rather than  
7 Krio?

8 MR WITNESS: Yes.

9           PRESIDING JUDGE: Do we have the disposition in the  
10 translation booth?

11           INTERPRETER: Your Honours, certainly yes. Yes.

12           PRESIDING JUDGE: Okay. Can the witness now testify in  
13 Temne if he is more comfortable with that, I mean, it's -- I  
14 think it's only fair.

15           MR JORDASH: Yes, Your Honour, I'm sorry for the error.

I

16 thought --

well

17           PRESIDING JUDGE: No, it's not -- I mean, he could as

18 have testified in Krio. My learned friend is -- my colleague  
19 here is saying that he could even have opted to testify in

moon

20 Arabic. And I said well, that would have sent us to Ban Ki-

21 to look for some Arabic interpreters.

22           MR JORDASH:

23 Q.    Okay, Mr Witness?

24 A.    Yeah.

25 Q.    Temne it is.

in

26           PRESIDING JUDGE: So tell him too that he should testify

27 Temne.

28           MR JORDASH:

in

29 Q.    You told us you were in your house when the junta were

your 1 Free -- were in Makeni in February 1998. Did you remain in  
2 house whilst they were there?

3 A. I'm listening to you.

4 Q. Did you --

5 THE INTERPRETER: Your Honours, would you allow us five  
6 minutes to get ourselves arranged quickly? We want to  
transfer  
7 to the Temne booth. Because here, we are in the Krio booth.

I 8 have just three minutes.

9 PRESIDING JUDGE: Go ahead, let's see how we move, you  
10 know, if you are taking three out of the ten minutes that are  
11 left then I don't know -- anyway, we will wait for you, go  
ahead.

12 THE INTERPRETER: Your Honours, we are settled.

13 PRESIDING JUDGE: Less than three minutes. Less than a  
14 minute, you know.

15 MR JORDASH: [Indiscernible].

16 PRESIDING JUDGE: Yes, okay.

17 MR JORDASH:

18 Q. Okay, let's begin again. Mr Witness, February 1998,  
you're  
19 in your house --

17:28:41 20 A. Yes.

21 Q. -- the junta have come into town, do you come out of  
your  
22 house whilst the junta is still present?

23 A. Yes.

24 Q. And what did you see?

17:29:02 25 A. Well -- when they came to town all of us knew that they  
26 were in town. We saw them. We were all afraid.

27 Q. How was Makeni township when you saw them?

28 A. During that time we were all afraid because for us to  
see  
29 guns and for us to see a lot of cartridges, we were afraid.

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they  
1 Q. And were people stationary, the men with guns, or were  
2 moving around?

3 A. Well, old man, they were all around the town.

4 Q. And was the situation calm or was it --

17:29:52 5 PRESIDING JUDGE: Mr Jordash, you are an old man today.  
6 MR JORDASH: I feel it.  
7 PRESIDING JUDGE: Yeah.  
8 MR JORDASH:

9 Q. Was it calm, the town, or was it chaotic, what was it  
like?

17:30:04 10 What did you see?

11 A. Old man, just like what I told you, nobody was  
comfortable.

12 Everybody was afraid.

13 Q. What about the men with guns, what were they doing?

14 A. Well, during that time, I saw some of them having --  
they  
17:30:35 15 had guns on their shoulders with cartridges and you had  
16 cartridges right on their shoulder. We were all afraid. But  
17 during that time I, myself, did not see them do anything to  
us.  
18 Q. So you didn't see them do anything to you, when you say  
to  
19 us who do you --

17:31:04 20 A. Not at all. I, myself, they did not do anything to me,  
for  
21 myself.

22 Q. Did you see them do anything to other civilians when you  
23 saw them?

24 A. Well, if that happened, I did not see that with my own  
eyes  
17:31:25 25 during the initial stage.

26 Q. Did they remain in Makeni or did they leave?

27 A. Well, they were in Makeni for a while. We were with  
them.  
28 Q. And during the time -- the whole time that they were  
there  
29 before they left, did you, yourself, see them do anything to

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1 civilians?

2 A. Well, with my own eyes, I did not see that with my own  
3 eyes, I heard that some of them had been stealing their own  
4 property, but I did not see that with my own eyes.

17:32:17 5 Q. Thank you. And apart from hearing that some of them had  
6 been stealing, did you hear of anything else that they did?

7 A. Well, for myself when I had been strolling, I would go  
to  
8 the mosque, they did not do anything to me. Even when people  
9 said that they had been stealing people's property, I, myself  
did

17:32:51 10 not see them stealing property from people during that time.

11 Q. Thank you.

12 PRESIDING JUDGE: When he said during that time, you are  
13 often using that expression: They did nothing to us at that  
14 time, at first. Now it is during that time. I don't know Mr  
17:33:18 15 Jordash, you wish to clarify that.

16 THE WITNESS: I said -- I said when they came from  
Freetown

17 and came to us in Makeni, if they did anything, I did not see  
18 that.

19 MR JORDASH:

17:33:34 20 Q. Okay. So after they'd -- they left, didn't they?

21 A. Well, when they left, we knew that it was the ECOMOG  
that  
22 came and repelled them.

23 Q. And did anything happen at that time when the ECOMOG  
came

24 and repelled them?

17:34:10 25  
were

A. Well, I saw some of them running away. Some of them  
26 disbursed in different areas going into the bush. So if some  
27 went and made some destruction, I was not there and did not  
see  
28 that.

29  
suggesting

Q. Well I'm -- Mr Witness, so you're clear, I'm not

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1 they did do any destruction. I'm asking you what you saw and  
2 what you heard?

3 A. Yes.

4 Q. So, from what you've told us, you heard that there had  
been

17:34:43 5  
that

some -- let me finish Mr -- from what you told us, you heard

6 there had been some stealing, but when they'd gone did you  
hear

7 anything else besides the stealing?

8 A. I did not hear anything else.

9 Q. Thank you.

17:35:12 10

A. Welcome.

11 Q. Now, let me move you forward, Mr Witness, to December --

12 A. Hmm-mmm.

coming

13 Q. -- December of 1998. Did you hear about the rebels

14 to Makeni?

17:35:39 15 A. Yes.

16 Q. Were you in Makeni when you heard this?

17 A. I was there. I was in Makeni.

18 Q. Did you do anything when you heard it?

19 A. Well, old man, when they came it was so open, it was so

17:36:06 20 obvious because there was a lot of shooting. So we were  
afraid,

21 so we moved. I, myself, moved with my own family.

22 Q. Did you return to -- sorry. Where did you go?

23 A. When I run away, I went to a village which was called

24 Ropunthu. From Makeni to Ropunthu it's ten miles. There we  
went

17:36:37 25 and hid.

26 Q. I think that's R-O-P-U-N-T-H-U.

27 PRESIDING JUDGE: R-O-P.

28 MR JORDASH: U-N-T-H-U.

29 Q. Did there come a time, Mr Witness, when you returned to

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1 Makeni?

2 A. Yes, but during that time I did not want to return, but

3 they themselves who were the ones who came to us and said that  
4 whosoever had a house in Makeni -- see when they came to  
Makeni

17:37:17 5 they would not return to the bush. And that if --

6 Q. Okay, take your time. Sorry. Take it slowly as the  
7 translator cannot keep up?

8 A. Okay. Okay.

9 Q. So you were saying that they came?

17:37:36 10 A. I said before going -- before returning they told us  
that

11 we should return to our houses.

12 Q. Okay, pause there. So did you return to your house?

13 A. Yes, I returned to my house.

14 Q. Now, let's talk about Makeni when you returned.

17:38:00 15 A. Okay.

16 Q. Did you come to know anyone called General Bopleh?

17 A. Yes, I knew him.

18 Q. What did you know him as?

19 A. Well, they said he was their big man. I knew him very

17:38:33 20 well, General Bopleh.

21 Q. Did he have any armed men?

22 A. Yes.

23 Q. Did you hear the name Brigadier Mani?

24 A. Yes.

17:38:50 25 Q. And what did you know of him?

26 A. Well, I also knew that he was another big man.

27 Q. And when you say a big man, did he have any men himself?

28 A. Yes he had them.

29 Q. Were they armed?

1 A. Yes, we saw them with them.

2 Q. When you came back from the bushes back into Makeni, did  
3 you see or hear of anyone called Superman?

4 A. Old man, I saw him. I saw -- I heard about him and I  
saw  
17:39:50 5 him.

6 Q. And what did you hear about him and what did you see of  
7 him?

8 A. Well, that one, when he came to Makeni, when we slept,  
when  
9 we went in to our houses we would not sleep because there was  
a  
17:40:12 10 lot of tribulation, I can say.

11 Q. And what kind of tribulation was there when Superman was  
in  
12 town?

13 A. Well, in fact, the people that he had around him would  
14 molest old men as well as old women.

17:40:41 15 Q. What kind of people did he have around him?

16 A. Well, we saw people that wore uniform with him.

17 Q. Did you see the age of the people who were with him?

18 A. The ones that he had? Well, I cannot -- I did not -- I

19 cannot tell the age, but he had very little children with him.  
17:41:17 20 Q. And how did the little children with him behave?  
21 A. Old man, those -- in fact, they had a name that was  
called  
22 molest. That if you are an old man they would tell you --  
they  
23 would send you to do anything that they wanted to. See,  
remove  
24 this old man from this place, remove this old woman from this  
17:41:48 25 place. That is what I knew about them.  
26 Q. Were they, these molest, armed?  
27 A. Old man, they had them. In fact, I can say that the  
guns  
28 that they had were a sort of load for them, they could not  
even  
29 move it. They would drag it.

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1 Q. Did you know any of General Bopleh's men by name?  
2 A. Old man, I wouldn't know their names. I wouldn't know  
3 their names.  
4 Q. When you first returned to Makeni, did you at first see  
Mr  
17:43:14 5 Sesay?  
6 A. Mr Sesay, which Mr Sesay?

7 Q. Sorry. Issa Sesay.

8 A. Yes, of late, yes. I saw him.

9 Q. And did you see him do anything in Makeni?

17:43:49 10 A. Oh, when he was in Makeni, he was the one that made us  
to

11 sleep well, soundly.

12 Q. Were there any meetings when he was in Makeni?

13 A. Old man, so it was one, he bought mats and gave to  
mosques

14 and he spent his own money to churches so that -- so as to  
pray

17:44:17 15 for peace. He did that.

16 Q. And did he hold any meetings that you are aware of?

17 A. Yes.

18 Q. Did you attend that meeting or learn about what  
happened?

19 A. My old man, I went to the meetings and when he  
established

17:44:44 20 laws that nobody should steal anymore, nobody should steal  
had

21 anymore and whosoever stole would be dealt with, and when he

22 been having these meetings and offer sacrifices, I was there.

23 Q. And how did the civilians react to that? How did the

24 civilians react to Issa Sesay's proclamation of laws?

17:45:22 25 A. Oh, old man, we felt very -- we were so happy. So you

26 would sleep well because God has passed the peace through him.

27 Q. And who was Mr Sesay with when you saw him? Did you see

28 him with fighters?

29 A. Well, when he was made a big man in town he did have big

1 bodyguards.

2 Q. What do you mean big bodyguards?

3 A. He had bodyguards.

4 Q. What kind of age were they?

17:46:12 5 A. Well, I did not see any little children amongst those  
that

6 he had, but I wouldn't be able to determine the ages of the

7 people that he had but he did not have little children with  
him.

8 Q. That's fair enough. Thank you, Mr Witness.

9 A. You're welcome.

17:46:45 10 Q. Were you -- when Mr Sesay was in town, were you able to

11 attend the mosque?

12 PRESIDING JUDGE: This witness said -- this witness said

13 that --

14 THE WITNESS: Surely, yes, we were there. That was the

17:47:00 15 time we were able to sleep soundly without any problems.

16 PRESIDING JUDGE: Mr Sesay had meetings with them and he

17 made laws and offered sacrifices, did he say that?

18 MR JORDASH: Yes.

19 PRESIDING JUDGE: Yes, what sacrifices did he offer.

17:47:38 20 MR JORDASH:

21 Q. Did you hear the Honourable Judge's question, Mr  
Witness,

22 what sacrifices were made?

23 A. Well, he had an old man, he was also -- well, one could  
say

24 he was deputising for Issa.

17:47:53 25 Q. And what did this old man do in terms of sacrifices?

26 A. He was called Pa Demba, he was the one that had been  
27 offering these sacrifices, and we also went and they would  
28 slaughter sheep and goats. It was at the junction that they  
had

29 been offering these sacrifices. He was also one of them.

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1 PRESIDING JUDGE: Goats and sheep, huh.

2 THE WITNESS: Yes.

3 MR JORDASH:

4 Q. Did --

17:48:36 5 PRESIDING JUDGE: Let me have the name of the person who  
6 deputised for him.

7 MR JORDASH: Pa Demba, I think he said. D-E-M-B-A.

8 THE WITNESS: What.

9 MR JORDASH:

17:48:50 10 Q. The men you have just mentioned, did you say Pa Demba?

11 A. I said his name was Pa Demba Marrah. Demba Marrah.

relation 12 Q. M-A-R-R-A-H. Did Pa Demba Marrah do anything in  
13 to you when you got back from the bushes?  
14 A. Yes, Pa Demba Marrah, my wife died at the hospital where  
17:49:27 15 the -- which the rebels made which was called Pentagon. There  
my  
16 wife miscarried and she was not able to survive, and she died,  
17 Sallay. It was Pa Demba Marrah who called his colleagues. He  
18 brought the winding sheet and they took my wife from the  
rebels  
19 and brought her home.  
17:50:17 20 Q. You talked about life when Issa Sesay was there. Were  
you  
21 able to go to the mosque when Superman's men were in town?  
22 A. Huh, old man, it was that man that brought tribulation  
in  
23 that town. Nobody was able to because they had been shooting  
24 sporadically so you wouldn't be able to know where the  
direction  
17:50:43 25 of the cartridges. That was why we were not able to go to the  
26 mosque, so we prayed in our own houses.  
27 Q. Did Issa Sesay leave Makeni at some stage?  
28 A. Well, Pa Issa, when he was in Makeni I knew his house.  
The  
29 one who made him to leave Makeni was Superman.

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1 Q. And how long was he gone, can you remember?

2 A. Who?

3 Q. How long was Issa Sesay gone from Makeni?

4 A. I do not know whether it took up to three months, four  
17:51:36 5 months or five months, I cannot recall well, see, but he left  
and  
6 went to Magburaka because this man came to kill him as a  
7 of fact.  
8 Q. And how was life when he left?

9 A. Well, it was so difficult, life was so difficult. We  
17:52:12 10 suffered.

11 Q. When he returned -- sorry. Did he return?

12 A. Yes later, God brought him back to us, Issa.

13 Q. And did he do anything when he came back?

14 A. Well, when he came back, see, where he started he  
continued  
17:52:33 15 that and we get -- we had peace, schools reopened, the  
hospital  
16 again; some people were so audacious to go to the hospital.

17 Q. And was there when Issa Sesay was in town anywhere you  
18 could report complaints?

19 A. Oh, yes, in fact you could go to him when something  
17:53:11 20 happened to you, you could go to him. And if not you could go  
to  
21 the task force.

22 Q. Thank you. Now, finally, Mr Witness, did the gunship  
come  
23 at any time when you were in Makeni?

24 A. Oh, yes. It came, the jets.

17:53:43 25  
Makeni?

Q. Did you do anything when it came? Did you stay in

of

26 A. I was there as a matter of fact and I was in the house

27 Issa, he, himself.

28 Q. He himself what?

29 A. Yes.

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of

1 Q. Did you stay in Makeni or did you go elsewhere?

2 A. I did not go anywhere. I said that I was in the house

in

3 Pa Issa, we went there to ask him for help. During that time

4 his house when they had lit we saw the jets and we, we -- they

17:54:28 5  
went

had a snapshot of us. So everybody disbursed. So everybody

6 his own way. At the back of St Francis, there we were.

an

7 Q. Do you have a congregation, Mr Witness, in your job as

8 imam. Don't say where it is if you do. Do you have a

9 congregation?

17:55:04 10

A. Yes, I had a congregation and we had the people whom we

11 taught the Koran.

your

12 Q. And did you -- are you able to say what your view or

13 congregation's view is about Issa Sesay in Makeni in 1998 to  
14 1999? What did you observe about him as a person?

17:55:42 15 A. Old man, what Issa did for us in Makeni, if they had put  
a  
16 ballot box, honestly, it would have been filled to the brim  
and,  
17 in fact, people like me would not be able to take it, to carry  
it  
18 on their head.

19 Q. Last question, Mr Witness. Had you known Issa Sesay  
before  
17:56:04 20 --

21 A. Yes.

22 Q. -- before he came to Makeni in December 1998, had you  
known  
23 him?

24 A. See, I did not know him.

17:56:21 25 MR JORDASH: Thank you. I've got no further questions  
for  
26 the witness.

27 THE WITNESS: Okay.

28 MR JORDASH: But there will be some more questions for  
you.  
29 THE WITNESS: Okay.

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1 MS MYLVAGANAM: No questions thank you.

2 PRESIDING JUDGE: No questions. You say he did not know  
3 Issa Sesay before he met him in Makeni.

4 MR JORDASH: Yes before he met him in Makeni in  
17:56:50 5 December '98.

6 THE WITNESS: Not at all. I came to know him when he  
came  
7 to Makeni and people told me that he was the big man and what  
he  
8 did in Makeni that was the time that everybody knew him.

9 MR JORDASH: Thank you.

17:57:07 10 THE WITNESS: Welcome.

11 PRESIDING JUDGE: Ms Mylvaganam, please.

12 MS MYLVAGANAM: No thank you.

13 PRESIDING JUDGE: You wait for your turn because I might  
14 not have finished, you know, with the other counsel. When it  
17:57:21 15 comes to your turn, you know, you wait for me to ask you  
whether  
16 you have questions or not.

17 MS MYLVAGANAM: I'm so sorry.

18 PRESIDING JUDGE: Before you volunteer what your  
position  
19 is. As you can see I went back to Mr Sesay because I wasn't  
sure  
17:57:34 20 of a certain issue before you sprung on your feet.

21 Yes, Mr Cammegh.

22 MR CAMMEGH: I've got no questions thank you.

23 PRESIDING JUDGE: I see you even abandoned your  
earphones.  
24 THE WITNESS: If you have any questions just ask.

17:58:22 25 PRESIDING JUDGE: The witness is challenging you.

26 MR CAMMEGH: I'd love to take him up on the offer but at  
27 ten to six --

28 PRESIDING JUDGE: You'd better take him on.

29 MR CAMMEGH: -- on a Friday I think I'll -- no, I have  
no

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1 questions. Seriously.

2 PRESIDING JUDGE: Okay. Well, Mr Fynn, I'm afraid --  
what  
3 if you had just ten minutes of, you know, of cross-  
examination,

4 I'm sure we could go up to six provided you will close your  
17:59:11 5 cross-examination in ten minutes. I don't think it is likely  
to  
6 be the case.

7 MR FINN: Unfortunately I cannot give my word that that  
8 will be the case, My Lord.

9 PRESIDING JUDGE: Right.

17:59:22 10 MR FINN: So I'd ask that we defer.

11 PRESIDING JUDGE: We'll take -- okay.

12 THE WITNESS: I wanted to say something.

13 PRESIDING JUDGE: No. We are closing. You will say it  
on

14 Monday. Unless it is -- is he wanting to leave. Yes, Mr  
18:00:05 15 Witness, what did you want to say.

I 16 THE WITNESS: Well, what I wanted to say, I myself am  
17 responsible and my own children are there. There are so many,  
18 had left them for so long.

19 PRESIDING JUDGE: Well, you see we have to close now, Mr  
18:00:24 20 Witness. We are sorry about that. We know that you are very,  
21 very responsible person in your community and we know what --

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: -- your obligations are, but this  
lawyer 24 here --

18:00:38 25 THE WITNESS: So it is.

26 PRESIDING JUDGE: -- has some questions and he will take  
27 quite some time so maybe --

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: -- maybe if you can be assisted to go  
for

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take 1 a weekend and to come back on Sunday, fine, so that we will  
2 his testimony on Monday.

3 MR JORDASH: Could -- may I be so bold --

4 THE WITNESS: Today is Friday isn't that so? Tomorrow  
is

18:01:00 5 Saturday.

6 PRESIDING JUDGE: Mr Jordash, yes please.

7 MR JORDASH: Is it okay if I suggest that  
[indiscernible]

8 the witness knows that he'd be able to go on Monday, I think  
in

9 the normal course of events Mr Fynn would finish by the  
morning.

18:01:22 10 I hope I'm not speaking out of turn but just so the witness  
knows

11 so he can be reassured.

12 PRESIDING JUDGE: I don't see Mr Fynn taking a whole day  
13 when you have taken a very short time, you know, in your  
14 examination-in-chief. I know cross-examination tends to be

18:01:38 15 protracted but I wouldn't imagine that Mr Fynn would take up  
to

16 an hour for this witness to be released. I'm not in his  
17 strategies, you know, but Mr Witness --

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: -- I was saying that -- Mr Jordash, I  
was

18:01:59 20 saying that if he can be assisted, if he has a very urgent  
issue

21 to attend to in the village he can do that, you know, tomorrow  
22 and come back on Sunday.

23 MR JORDASH: Well I -- I hope WVS [inaudible].

24 THE WITNESS: Well, what I want -- what I want us to do  
is,

18:02:15 25 I will bare up to Monday because if I should go tomorrow --

26 PRESIDING JUDGE: Thank you very much.

27 THE WITNESS: -- I will not be able to come back.  
28 PRESIDING JUDGE: Thank you very much, Mr Witness.  
29 THE WITNESS: Okay.

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with 1 PRESIDING JUDGE: Like you've said, you have to live  
2 that, you know. We'll do everything to finish with you on  
3 Monday, huh? Unless you will say [inaudible] --

18:02:39 4 THE WITNESS: Okay, because if I should go and the  
5 responsibilities that I have, people will not allow me to come  
6 back.

7 PRESIDING JUDGE: All right. Thank you very much.

8 THE WITNESS: Okay.

18:02:49 9 PRESIDING JUDGE: So we adjourn this case to -- your  
10 testimony, we're adjourning it to Monday at 9.30. So you'll  
be 11 brought here at 9.30 and I'm sure before it is 12, we will be  
12 through with you.

13 THE WITNESS: Okay.

14 PRESIDING JUDGE: Well, learned counsel, I think we've  
come 15 to the end of our proceedings. Have a very restful weekend  
and 18:03:06

p.m.,

16 the Chamber will now rise, please.

17 [Whereupon the hearing adjourned at 6.03

18 to be reconvened on Monday, the 25th day of

19 February 2008 at 9.30 a.m.]

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EXHIBITS:

12

Exhibit No. 290

18

Exhibit No. 291

36

Exhibit No. 292

61 Exhibit No. 293A

61 Exhibit No. 293B

61 Exhibit No. 293C

63 Exhibit No. 294

111 Exhibit No. 295

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-307 2

CROSS-EXAMINED BY MR WAGONA 3

37 RE-EXAMINED BY MR JORDASH

62 WITNESS: DIS-009

63 EXAMINED BY MR JORDASH

90 CROSS-EXAMINED BY MR CAMMEGH

94 CROSS-EXAMINED BY MR HARDAWAY

109 RE-EXAMINED BY MR JORDASH

111 WITNESS: DIS-031

111 EXAMINED BY MR JORDASH