

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

MONDAY, 06 MARCH 2006
9.48 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Mark Wallbridge (Case Manager) Ms Hannah Hinton (intern)
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Ms Rachel Irura
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [RUF06MAR06A - SGH]
2 Monday, 06 March 2006
3 [Open session]
4 [The accused present]
09:35:50 5 [Upon commencing at 9.48 a.m.]
6 WITNESS: TF1-113 [Continued]
7 PRESIDING JUDGE: Yes, good morning. Yes, Mr Harrison.
8 MR HARRISON: Can the Prosecution advise the Court of two
9 very brief matters? The first is -- and defence counsel and the
09:49:29 10 Chamber's legal officer are aware of this already. But the first
11 matter is as advised at the status conference TF1-043,
12 the 24th witness on the current list, is not able to attend
13 during this session but we expect that witness to testify in the
14 following session.
09:49:48 15 PRESIDING JUDGE: Sorry, what is the number of that
16 witness?
17 MR HARRISON: TF1-043.
18 PRESIDING JUDGE: Yes. And that witness was listed to
19 testify as number 24?
09:49:58 20 MR HARRISON: Yes, that's right.
21 PRESIDING JUDGE: In this session?
22 MR HARRISON: Yes, that's right. We have also been advised
23 that the witness which is currently number ten on this session
24 witness list, which is TF1-296, that is another of the
09:50:15 25 international witnesses and that person is also not able to come
26 to Sierra Leone this session. But, again, we expect that person
27 to come in the following session.
28 PRESIDING JUDGE: You have inform the Defence?
29 MR HARRISON: Yes, they were informed last week and the

1 Chamber's legal officer was informed at the end of last week as
2 well.

3 PRESIDING JUDGE: Thank you, Mr Harrison.

4 MR HARRISON: There is one other matter if I could raise.
09:50:43 5 In our attempts to try to reduce closed sessions we have tried a
6 technique of inviting the witness to suggest to us the names of
7 place locations that they would remember throughout their
8 testimony. And what has happened is that what they can remember
9 and what they seem to be quite able to keep in the forefront of
09:51:05 10 their mind throughout their testimony is particular international
11 cities. So we have got a situation where particular witnesses
12 could testify for the majority of their witness [sic] in open.
13 If, in example of one witness, they were allowed to refer to
14 their village New York. Now, we are not trying to promote
09:51:31 15 something which could any way be seen as being offensive or
16 belittling -- demeaning the serious manner of the Court. But
17 what we can say is that in past when we tried call this city A or
18 call this city X, it works 10 per cent of the time, it works 30
19 per cent of the time. The Court knows the experience from the
09:51:56 20 courtroom itself. But by allowing the witness to pick an actual
21 place name, it seems to be the sort of thing that sticks in their
22 mind and they are able to abide by.

23 PRESIDING JUDGE: You know our views about closed session
24 and whatever we can do to avoid, but at the same time to avoid
09:52:11 25 having to go into a closed session and maintain the public nature
26 of the trial is some certainly welcome. At the same time we have
27 to be careful to maintain the proper decorum and dignity of the
28 Court. If we can balance that off, certainly if that can work --
29 Justice Thompson, you wish to --

1 JUDGE THOMPSON: Is it analogous to the pseudonym kind of
2 thing?

3 MR HARRISON: Yes, that is precisely it. I think the Court
4 is already aware that one of the problems is that locations
09:52:37 5 themselves can be sensitive for identifying identity.

6 JUDGE THOMPSON: Well, if the analogy fits well, and as the
7 Presiding Judge has said it wouldn't in any way imperil or
8 reflect adversely on the decorum of the Court there seems to be
9 merit in it for my perspective.

09:53:01 10 PRESIDING JUDGE: Let us see --

11 JUDGE ITOE: My worry is that anybody's memory can fail him
12 and I don't want to go into a decoding exercise when I am
13 supposed to be concentrating on the evidence that is presented by
14 the Court. That is my worry. Because when we get into giving
09:53:19 15 pseudonyms to local cities it could become problematic. The
16 witness himself or herself may forget what code she is dealing
17 with. The judge may. I mean, I personally may. You may and any
18 other person could. That is my worry and you may wish to
19 consider that in computising the proposals you are putting across
09:53:47 20 to us.

21 MR HARRISON: Thank you.

22 PRESIDING JUDGE: Let us try it in a simple case and we
23 will see how it works. If it is positive maybe we can pursue
24 that experience. Thank you, Mr Harrison.

09:54:09 25 When we left off on Friday Mr Jordash had essentially
26 completed his arguments on his motion and we were to go to
27 Mr O'Shea, unless he had -- I am not saying this, Mr Jordash,
28 because I want to invite you to add any more comments. I think
29 we have heard you in full, but -- yes, Mr Jordash.

1 MR JORDASH: I don't have anything really to say except
2 that I submit any motivation of a witness or potential motivation
3 ought to be allowed to be explored by counsel to assist
4 Your Honours in the final deliberations. Money in no ways sets
09:54:54 5 apart from any other type of motivation, and I would respectfully
6 submit that the Prosecution ought to go further than simply say,
7 whenever a question is asked of a witness concerning their
8 motivation vis-a-vis money, that amounts to an attack or a
9 collateral attack on the organs of the Court. Because,
09:55:18 10 respectfully, that is as far as the Prosecution have gone. They
11 have said that question is an attack. I would respectfully
12 submit the Prosecution ought explain why they say that is the
13 case. Those are my final submissions.

14 PRESIDING JUDGE: Mr O'Shea.

09:55:42 15 MR O'SHEA: I am very grateful, Your Honour. I will be
16 quite brief on this issue.

17 My submission is this: That once it is accepted by the
18 Tribunal that it is permissible for counsel to make submissions
19 in closing arguments with regard to the motivation of a witness,
09:56:05 20 then it must, as a matter of principle, be permissible for
21 counsel to put one or more questions to the witness to get the
22 witness' reaction to that assertion. Now it may be that this
23 type of issue could be viewed as a collateral matter, in which
24 case it could be said that counsel is bound by the answer of the
09:56:32 25 witness and perhaps that is where we should draw the line. But I
26 would be against the idea that counsel is totally prohibited from
27 exploring the issue at all.

28 Now, my learned friend Mr Harrison has made reference to
29 previous transcripts. Can I say immediately that in my

1 submission the fact that an objection has been sustained on a
2 previous occasion does not necessarily mean that the Court might
3 not behave differently on another occasion in another context.
4 It is a different situation from a properly reasoned decision of
09:57:16 5 the Court issued in written form. And of course, the Court
6 always has the power to review its own decisions if it is
7 appropriate to do so.

8 Now the situation with Mr Touray on that day was a quite
9 different situation in the sense that - and I mean no disrespect
09:57:45 10 to Mr Touray in saying this - but Mr Touray went in to whole
11 series of questions and it was part of Mr Touray's own
12 justification for what he was doing that he wanted to explore the
13 inducement issue with the witness.

14 What happened with Mr Jordash was a different situation, in
09:58:11 15 that the witness herself had opened up the issue by making the
16 statement that I paid my way here. And then Mr Jordash explored
17 the issue. Now, it may very well be that the witness retracted
18 and came back to a different position. But the fact remains that
19 the witness opened up the issue. That is the first difference.
09:58:30 20 And secondly, I don't think that Mr Jordash explored the issue to
21 such an extent that it could be said that he was casting any
22 aspersion on the organs of the Court.

23 And I don't deny the possibility, as put forward by
24 Judge Thompson, that there may be circumstances where these types
09:58:47 25 of questions could cast aspersions on the organs of the Court.
26 But merely to put to a witness that they have come here for the
27 wrong reasons is not in itself and per se and by itself casting
28 any aspersions on the organs of the Court.

29 Those are my submissions.

1 JUDGE ITOE: When you say, Mr O'Shea, that the witnesses,
2 because they have received some payments, have come here for the
3 wrong reasons, doesn't appear to be suggestive of the fact that
4 they probably are making up all what they are saying because of
09:59:36 5 this motivation? You see, it is a very, very delicate terrain in
6 which we are.

7 MR O'SHEA: Well as defence counsel if you are dealing with
8 a prosecution witness and you are attempting to impeach the
9 credibility of that witness, and in my submission you are
09:59:51 10 entitled to do so --

11 JUDGE ITOE: Yes, it's your entitlement.

12 MR O'SHEA: Then you are entitled to -- if you believe or
13 you have a basis for believing that something might be a
14 motivation for a witness coming to court you are entitled, in my
10:00:08 15 submission, to get the reaction of that witness. If the witness
16 comes back and says, "Well, that's not my motivation," then
17 perhaps that's as far as counsel can go. I think I can accept
18 that. But if the Court is willing to accept that we are entitled
19 to make the submission at the end of the day, then surely we are
10:00:28 20 entitled to ask at least one question to get the reaction of the
21 witness.

22 JUDGE ITOE: I won't pursue it further, because, as I say,
23 we are on very slippery ground here. Thank you.

24 JUDGE THOMPSON: But would you agree, learned counsel, that
10:00:48 25 it would be wrong in principle and probably it doesn't lie in the
26 mouths of any of us as officers of the Court, whether judges or
27 counsel or anyone, to suggest that the justice process may well
28 be in fact a process that is inducing witnesses to come here and
29 testify because of pecuniary consideration. It would seem to me

1 that any suggestion or any innuendo to that effect would suggest
2 that the process is tainted and would clearly be, whether you
3 call it a collateral attack or not, on the integrity of the
4 process. That is my concern.

10:01:45 5 Again, as the learned Justice Itoe has said, the question
6 is delicate but where do we draw the line? I mean, I am not
7 suggesting that counsel who cross-examine witnesses are not
8 entitled to put to them questions as to their motivation for
9 coming to this Court, or whether money formed part of their
10:02:10 10 motivation. My concern is that when it is suggested, or by the
11 question some implication is reasonable that the justice process
12 itself may well be in the business of inducing witnesses to come
13 here and testify because of the financial consideration. That
14 would be my own concern. Perhaps, as I say, on these matters I
10:02:42 15 am always open to being persuaded otherwise, but that is my
16 difficulty.

17 MR O'SHEA: Yes, Your Honour. I don't say that that's not
18 a legitimate concern. But what I do say is one must clearly
19 distinguish between what is in the mind of a witness and what is
10:03:05 20 the purpose and actual intentions of the organs of a process of
21 justice. It has never been suggested by Mr Jordash in the
22 questions that he was putting that the Prosecution had any kind
23 of objective or intention of attempting to induce any of their
24 witnesses, or that the victims and witnesses unit had such
10:03:27 25 intention. It is quite possible for two persons -- Your Honour
26 was making an analogy to contractual situations the other day.
27 It is quite possible for two persons to enter into a
28 relationship, one person enters into that relationship in good
29 faith and quite legitimately and the other person entering into

1 that relationship with ulterior motives. In the law of contracts
2 that would not lay fault at the door of the person who is
3 entering into a bona fide relationship.

4 JUDGE THOMPSON: But it would taint the process. It would
10:04:04 5 render the arrangement contrary to public policy. I mean, the
6 fact that once you make that determination the entire process is
7 vitiated for that kind of factor. In other words, what I was
8 suggesting in that analogy was that there may well be here a quid
9 pro quo thing and to likening the justice process to a quid pro
10:04:37 10 quo arrangement. Of course I am not suggesting that that is what
11 the question is doing directly. But indirectly, if that
12 inference is possible, aren't we entitled to be concerned?

13 MR O'SHEA: Well, of course this is not a contractual
14 relationship. This is a situation where a witness is coming to
10:04:54 15 court on the behest of the Prosecution and these are merely
16 arrangements to assist the witness coming here. Now, in my
17 submission, the fact that a witness comes here with one motive or
18 another does not create any innuendo for the justice process
19 unless there is some suggestion to that effect. If the
10:05:27 20 intentions of the Prosecution and the intentions of the witness'
21 unit are clean and clear, then the witness can have anything they
22 want in their heads and it doesn't necessarily cast any innuendo
23 on the Court. But it's a matter which, in my submission, counsel
24 is entitled to explore to some extent, at least to the extent of
10:05:45 25 establishing what is in the witness's own mind, without crossing
26 the line which Your Honour is suggesting might exist.

27 JUDGE THOMPSON: Quite right. That's the point. That's
28 the difference between us. Our difference is really not wide,
29 it's not great. It is when should a question from counsel stop

1 short of making it a possible or alternative reasonable
2 hypothesis that the justice process is being indirectly attacked.

3 MR O'SHEA: I think that's a matter of degree, Your Honour,
4 that it wouldn't be wise to define and Your Honours can look at
10:06:24 5 it from moment to moment. But my submission would be that what
6 took place the other day with Mr Jordash did not cross that line.

7 JUDGE THOMPSON: Thank you, Mr O'Shea.

8 PRESIDING JUDGE: Mr Harrison, do you wish to reply to
9 these submissions?

10:06:42 10 MR HARRISON: The only thing I was going to say is that I
11 referred to this being the third instance when this particular
12 circumstance arose. I have given to the Chamber's legal officer
13 the second time and that's the transcript from 2nd December 2005.
14 I have also provided copies to defence counsel. The photocopying
10:07:05 15 that was provided to the Court starts with page 7. That is
16 simply to give some background to the questions that were posed
17 on that particular occasion. The objection itself is rephrased
18 at page 10. You will see the first of the comments of Mr Justice
19 Thompson's ruling is at page 11, but it continues on up until
10:07:32 20 page 29 with various comments from different parties. Another
21 ruling is given by the Presiding Judge on page 29. There is
22 nothing else that I wish to draw to the Court's attention.

23 JUDGE THOMPSON: Learned counsel for the first accused, I
24 think last Friday there was this issue of both the analytical and
10:09:48 25 practical aspects of the presumption of innocence for the purpose
26 of the justice process. I think you and I engaged in some
27 dialogue on this issue. I wanted to reiterate briefly my own
28 position, because I think you left the Court feeling that perhaps
29 the Bench might have a different perspective of how the

1 presumption of innocence applies from that which you have.

2 I would like to make my own position quite clear that from
3 the analytical point of view I comprehend the presumption of
4 innocence to include three key interrelated elements. One, that
10:10:41 5 every person accused of criminal conduct shall be presumed
6 innocent until proven guilty. Two, that the burden is on the
7 Prosecution to prove the guilt of the accused. The third element
8 is that in order to convict the accused the Court must be
9 satisfied or convinced of the guilt of the accused beyond
10:11:16 10 reasonable doubt. I would like to say that the cumulative effect
11 of those three key elements is that the burden remains throughout
12 on the Prosecution and does not shift and nothing done by the
13 Defence -- or there is no requirement on the Defence to do
14 anything to diminish that burden. That would be my own
10:11:36 15 understanding of the law from the analytical perspective.

16 But from the perspective of application, I do not
17 comprehend the presumption of innocence to involve a
18 corresponding presumption as to the credibility or otherwise of
19 the Prosecution witnesses at the admission stage, at the
10:12:06 20 admission of evidence stage. I do not comprehend it. I have
21 gone through some of the learned books on the subject over this
22 weekend trying to find some support and my researches have
23 yielded no indication that there is a corresponding presumption
24 at the stage of the admission of evidence to presume anything as
10:12:31 25 to the credibility or otherwise of the witnesses who are
26 testifying for the Prosecution.

27 PRESIDING JUDGE: And I would add to that that I do not
28 share your views either as to how witness credibility may be
29 assessed once the whole of the evidence has been adduced. Not

1 only at the time of admission but at the time of making a
2 determination -- a final determination on the issues that the
3 Court has to dispose of. But you will be given ample opportunity
4 to argue that at the time when we have to decide on the key
10:13:03 5 issues that this Court has to dispose of. But I can tell you
6 that I do not share the way you have suggested that this Court
7 should proceed to assess the evidence of any particular witness.
8 That has never been my practice. It has never been a practice
9 back in my home country and doubt very much this is the practice
10:13:25 10 in the UK either. But if have case law on that, certainly at the
11 time you make your final submissions we would greatly appreciate
12 any law you can quote in this respect. But, having said that, I
13 don't want to pursue this discussion, Mr Jordash. This is a
14 secondary issue at this time.

10:13:42 15 MR JORDASH: Well, may I just make two briefs comments?

16 JUDGE ITOE: Mr Jordash, I want to be very clear. Because
17 I think what sparked off the controversy on Friday was that you
18 appeared to have suggested -- please correct me if I am wrong.
19 You appeared to have submitted that at this stage of the
10:14:02 20 proceedings the prosecution witnesses, following the burden of
21 proof that is laid on the Prosecution and following the
22 presumption, particularly the presumption of innocence, that the
23 evidence given by the prosecution witness should be considered as
24 untrue. I do not know if that was what you -- as untrue because
10:14:33 25 the evidence factors on the presumption of innocence which is a
26 legal right that they have. I think we may even consult the
27 transcripts on this, but this is what I understood. You said
28 something to this effect, that the evidence should be considered
29 as being untrue at this stage, that the Court should consider it

1 as such. Am I right in this?

2 MR JORDASH: Well, I consulted the transcripts over the
3 weekend just to have a look at what I said and if there was
4 anything I had said in the heat of the moment which I regretted.

10:15:15 5 And to make my submissions clearer, I wasn't at any stage making
6 any comment about what should be done at this stage, at the time
7 of the admission of evidence. I do not clearly expect
8 Your Honours to sit here and presume that the witnesses who are
9 here are lying. I am not making that submission.

10:15:40 10 So in terms of the admission --

11 JUDGE ITOE: Not that they are lying, that they should be
12 presumed to be. I think that is --

13 MR JORDASH: That they are presumed to be lying.

14 JUDGE ITOE: Yes.

10:15:51 15 MR JORDASH: I was not making that submission and I am not
16 making any submission about how Your Honours evaluate the
17 evidence as it is admitted at this stage.

18 What I was attempting to convey was some sort of practical
19 way which, at the time of deliberating over the evidence,
10:16:09 20 Your Honours ought to be approaching it. And perhaps I can just
21 briefly say this, that in --

22 PRESIDING JUDGE: Well, Mr Jordash, I think this is not the
23 issue this morning; it was not the issue on Friday. As I say, we
24 will give you all the time you need to expand and explore on
10:16:23 25 this.

26 MR JORDASH: But I would not want there to be a
27 misunderstanding and I do submit that it is routinely said in the
28 English courts at the time of closing and the time the defence
29 make their closing address to a jury, that the jury's starting

1 point is to assume that the story, that the version of events is
2 not correct, is not reliable, or may in fact be lies on a
3 particular piece of evidence. That is a routine speech. This is
4 the only point I was trying to make.

10:17:04 5 PRESIDING JUDGE: It may be a routine speech by the
6 Defence, but this is a substantial difference between this and
7 what you were affirming on Friday.

8 MR JORDASH: It is not --

9 PRESIDING JUDGE: Because I asked you to tell me and show
10:17:13 10 me a case where the Court and the judge instructing the jury is
11 using that kind of analysis when he is instructing the jury as to
12 how to assess credibility of witnesses. I am not suggesting that
13 the Defence may not submit this kind of argument. That is
14 perfectly quite fair for them to do this. How the Court does it
10:17:35 15 does not necessarily mean they need to follow that suggestion
16 made by the Defence. And what I am saying to you - I said
17 yesterday to you - you can find a case law where the Court, the
18 judge instructing the jury on these kind of matters as such, has
19 used that kind of formula I will be interested.

10:17:50 20 MR JORDASH: Well, some judges in England do, some don't.
21 That is what I would submit. And, in fact, the law as appears to
22 stand at the ICTY and ICTR and in I think certainly the UK is
23 that it is best not to go in to trying to define how the
24 application of the burden of proof should be defined.

10:18:11 25 PRESIDING JUDGE: I would suggest to you this is more or
26 less universal. That is when you are trying to give further
27 explanation of what reasonable doubt means, because this is the
28 issue in fact. Do you have a reasonable doubt as to this
29 essential element or as to the culpability of an accused person

1 is really what it boils down to. And I agree with you the courts
2 have been very reluctant to give an expansive definition of that.
3 On these matters we don't see differently, as such. It is just
4 the way it came out that has brought these reactions from the
10:18:46 5 Court. And it was not to be reactions against you; it is just
6 the statements you were propounding to be the law at that time
7 has raised concerns with our own appreciation as to how we
8 proceed with this, but, again, not with admission of the
9 evidence. Thank you, Mr Jordash.

10:19:08 10 We will take a short recess to look at this matter that has
11 been pursued again this morning and we will come back to give a
12 decision shortly. Thank you.

13 [Break taken at 10.20 a.m.]

14 [Upon resuming at 11.22 a.m.]

11:23:06 15 PRESIDING JUDGE: This is the ruling of the Court.

16 [Ruling]

17 Having carefully reviewed and considered the arguments
18 presented by the Prosecution and those of Mr Jordash, counsel for
19 the first accused, and the arguments of Mr O'Shea for the third
11:23:24 20 accused, we have concluded to reiterate here the decision that we
21 delivered on 2 December 2005, in the decision with the witness
22 TF1-093 when we stated that no factual or legal arguments that
23 have been put forward that would allow us to make any changes to
24 that decision. We stand by that decision and that of 11th April
11:24:03 25 2005, where Mr Justice Thompson delivered the decision on behalf
26 of the Court where he stated, at page 23 of that decision, and
27 that is a decision dealing with evidence of witness TF1-263,
28 where he stated as I say at page 23 line 10:

29 "You are entitled to enquire as to what expenses or

1 allowances he has received, but not to ask any question
2 that raises some imputations that you are in fact
3 impeaching the order of this Court or any Statute or
4 practice direction in that regard."

11:24:47 5 And in that decision the Presiding Judge added at the time:
6 "You, however, reserve your right in addresses to raise
7 this issue. When the time comes we will be open to hearing
8 arguments from the Defence on issues of motivation. They
9 are part of what the Statute requires you to do in the
11:25:05 10 defence of the rights of the accused persons."

11 So those were the decisions that were given on, as I said,
12 11th April 2005 which was followed and sustained again --
13 reiterated again in December 2005, and we stand again by this
14 decision. For that reason the objection by the Prosecution to
11:25:24 15 the question posed by Mr Jordash is sustained, and the question
16 on motivation as posed is not allowed.

17 So that concludes this objection and we shall proceed with
18 Mr Jordash.

19 MR JORDASH: I don't want to obviously delay the Court but
11:25:43 20 does that ruling -- and I would respectfully seek Your Honours'
21 guidance in this regard. Does that ruling preclude any questions
22 about a witness' motivation if it concerns any suggestion that
23 they are motivated by monies received by the Witness and Victims
24 Unit? Because I don't want to breach the order but I am unclear
11:26:15 25 whether that order means no questions are allowed or not.

26 PRESIDING JUDGE: Well, as we have stated in those
27 decisions before, questions as to how much money they have
28 received, when it was paid and all of these questions, it is not
29 the question about the money; it is the follow-up questions, like

1 the one you were asking last week about the motivation that would
2 have -- a suggestion that would have brought the witness to come
3 testify because, and the question -- I don't have the exact
4 wording of your question, Mr Jordash, but it was essentially: I
11:26:48 5 suggest to you that you came to testify because of the money you
6 received.

7 MR JORDASH: Yes.

8 PRESIDING JUDGE: That kind of a question. This is the
9 objection we have sustained to that very question, but obviously
11:27:00 10 not to the question did you receive money, how much money, and
11 how many times you have received money. And we say from that
12 moment on, once you have this, you can put them together in
13 argument to say we suggest that because. Does that clarify the
14 question for you?

11:27:17 15 MR JORDASH: It does, thank you.

16 CROSS-EXAMINED BY MR JORDASH:

17 Q. Good morning, Madam Witness.

18 A. Good morning.

19 Q. Now, you spoke last week about children being trained at a
11:28:17 20 base in the Kailahun District. Do you recall that evidence?

21 A. Yes.

22 Q. Now, I want you to be clear about what you are saying and I
23 want to deal with 1997 to 2000. What training base do you say,
24 or bases, existed in the Kailahun District from 1997 to 2000?

11:29:00 25 A. It was the RUF training base that was there.

26 PRESIDING JUDGE: Are you asking how many or which or what?

27 MR JORDASH: All of it. I would like to just explore.

28 PRESIDING JUDGE: Yes.

29 MR JORDASH:

1 Q. So from that answer we understand you are saying that there
2 was RUF training in the Kailahun District. Now what training
3 bases do you say existed 1997, 1998, 1999, 2000, if any?

4 A. I knew one base that was in Bunumbu in the Kailahun
11:29:50 5 District, Mobai section. That's where I know.

6 Q. And that training base, am I right -- well, let me ask
7 you the question. When do you say it existed?

8 A. 1997.

9 JUDGE ITOE: Bunumbu is in the Bombali -- what did you call
10 it, Madam Witness?

11 PRESIDING JUDGE: Mobai section.

12 THE WITNESS: Bunumbu, Bombali section, Kailahun District,
13 Bombali. Section.

14 MR JORDASH:

11:30:38 15 Q. You say that existed in 1997?

16 A. It was there in 1997.

17 Q. Is that when you say it began?

18 A. Repeat the question. What time are you talking about?

19 Q. Just help us out, Madam. When did it start? When did it
11:31:05 20 stop?

21 A. The training base was there in 1997. That's what I know.
22 Apart from that, I don't know anything, but it was there. They
23 were taking people there.

24 Q. So you don't know when it started and you don't know when
11:31:22 25 it stopped, but you know it existed at sometime in 1997?

26 A. It was there in 1997, 1998 it was there, but I did not know
27 when it was removed there because I never went there.

28 Q. Okay. So you don't know when it started, though, and you
29 don't know when it stopped, but it was during some of the

1 time 1997, some of the time 1998?

2 A. Yes.

3 Q. So it began during the AFRC junta period?

4 A. This one that you are talking about, yes.

11:32:19 5 Q. Did it end after the intervention by ECOMOG in Freetown?

6 A. It was still there up to the intervention. It was there.

7 It was at that time they were taking people there.

8 Q. Now was there, according to you, any other training of --

9 let me start that again. Who do you say was trained in Bunumbu?

11:33:12 10 A. They were training the RUF rebels there.

11 Q. How do you know this?

12 A. I was in Kailahun when they brought them and took them

13 there, and it was only the RUF base that was in Kailahun.

14 Q. Was it, is this right, only adults trained at Bunumbu?

11:33:44 15 A. Not just adults. I did see women taken there. They were

16 taking adults, children. Those were not up to 15 years.

17 Q. Now was there any other training of children in the

18 Kailahun District during 1997 to 2000 besides at Bunumbu?

19 A. Even if they were training them in any other place, I do

11:34:21 20 not know there. It was only Bunumbu that I know and I will talk

21 about the place that I only know about.

22 Q. I want to ask you about something that the Prosecution have

23 noted you said in November 2005.

24 MR JORDASH: Your Honours, page 16979.

11:35:21 25 Q. It is 1st to 5th November when you were interviewed, Madam.

26 And paragraph one, first sentence says "Since 1991 children" --

27 sorry, I beg your pardon, Your Honours. Let me just ask you

28 this, Madam. Do you know of any other place in the Kailahun

29 District where children were ever trained by the RUF at any stage

1 from 1991 onwards to the end of the conflict besides Bunumbu?

2 A. From 1991 they were training children in Kailahun,
3 Pendembu.

4 Q. Now I want to read you what it says from the note of

11:36:26 5 November 2005:

6 "Since 1991 children under 15 were trained by the RUF in
7 Pendembu and Kailahun town, and it continued 1997 to 1999
8 in Kailahun district."

9 So the only place -- did you tell the Prosecution that it
11:37:04 10 had continued in 1997 to 1999 in the Kailahun District?

11 A. Yes. Bunumbu is in the Kailahun District. Kailahun Town
12 is in the Kailahun District.

13 Q. Why did you say 1999 when now you say 1998?

14 A. Just now I have not mentioned 1998 here. What you asked me
11:37:34 15 is what I answered.

16 Q. You have just said 1998. You said Bunumbu existed
17 until 1998 whereas this note suggests you told the Prosecution
18 children under 15 were being trained in 1999 in the Kailahun
19 District.

11:37:59 20 A. It started from 1998 until it ended. It was still there.

21 Q. Make your mind up. Was it 1998 or 1999 when the training
22 stopped in Kailahun, according to you?

23 A. I do not know the time because 1999 I left Kailahun and
24 came to Togo, so I don't know when they finished.

11:38:25 25 Q. Did you tell the Prosecution it was in 1999 when you met
26 them in November of 2005?

27 A. I have not said that. Up to now I have not said that.

28 Q. I want to ask you about small girls and something that is
29 written down in the same note, paragraph one. It is the

1 last three lines of that sentence - sorry the last four. "They
2 were forced" -- sorry, let me start again.

3 "SGUs did domestic work for commanders' wives. They were
4 forced to work and some SGUs, who were about 14 or 15 years
11:39:45 5 old were armed and part of the RUF fighting force."
6 Did you say that?
7 A. Yes.

8 Q. "Sesay's wife Essie, who had been abducted had about 5
9 SGUs, some under 15, working for her."
11:40:13 10 Did you say that?
11 A. Yes.

12 Q. So it is your evidence that Sesay's wife had some girls
13 doing domestic chores for her; is that right?
14 A. Yes.

11:41:05 15 Q. Now I want to, and this is my last major subject for you.
16 I want to just ask you some general questions about Kailahun
17 District and what was happening there in 1998 -- sorry 1997
18 onwards. Now villagers, is this right, were living in their
19 houses, am I right, in villages around Kailahun Town?

11:41:28 20 PRESIDING JUDGE: What is your question again, Mr Jordash?
21 MR JORDASH:
22 Q. That villagers were living in their houses around Kailahun
23 Town in the various villages.
24 A. Not all. There were some which had people and there were
11:41:54 25 others where there were no people.
26 Q. Some were empty because people had left as refugees and
27 crossed over, for example, to Liberia; is that right?
28 A. Yes.
29 Q. And had gone to different areas of the country to live to

1 escape the war?

2 A. Yes.

3 Q. Now the villagers who were living at home were working,
4 trying to grow food and survive; am I right?

11:42:47 5 A. Repeat the question.

6 Q. Well, the villagers who were living at home were trying to
7 grow food and provide for their families.

8 A. Some people, in fact the whole of Kailahun District, those
9 people who were captured were those who were still there. When
11:43:10 10 they brought other people, they would take them to the empty
11 villages and the towns. Where I was, I too cultivated a farm
12 when the fighting had subsided.

13 Q. Let's just put aside for a moment captured people, because
14 you're not suggesting, are you, everybody who lived in all the
11:43:38 15 villages around Kailahun Town, 1997 onwards, was captured? You
16 have already told this Court about how people had returned to
17 Kailahun District because Mosquito had said the war was over. So
18 there were people who had come back to Kailahun Town and were
19 occupying the villages and were there willingly, weren't they?

11:44:15 20 A. After the overthrow, people started returning willingly.
21 In fact, they are the ones who went and told them the war was
22 over, the RUF, the RUF commanders who went and said that the war
23 was over, that they should return.

24 Q. Right. So villages such as Giehun, Bandajuma were occupied
11:44:34 25 by villagers who had returned home willingly?

26 A. Yes, they were there, yes.

27 Q. Nyandehun had villagers contained living in their houses,
28 having returned home to their land?

29 A. There was no house in Nyandehun. In fact, the houses were

1 destroyed. The entire Nyandehun, there was only one house there.

2 So most of the people were sleeping in the bushes, there were
3 jorbushes there.

4 Q. Okay. So there were civilians living in the bushes around
11:45:16 5 there. And what other villages - help us out - were people
6 living in, having returned home willingly?

7 A. I do not know the name of the villages. I can't name them.

8 Q. Well, you were living in the Kailahun District for several
9 years. I'm sure you can name some villages around Buedu where
11:45:45 10 you were aware civilians were living. What about the villages
11 where the alleged Kamajors had been taken from? Where had they
12 come from?

13 A. I said I can't count, I can't name them, because it was not
14 one village, there is the whole district. You can't ask me to
11:46:07 15 name all the villages there, I wouldn't know.

16 Q. Let's just start off with where you say the alleged
17 Kamajors were taken from their houses. Which villages were they?

18 A. I said I can't name them.

19 Q. Let's start then with the ones the alleged Kamajors who you
11:46:40 20 say you knew -- where did they come from? Which villages were
21 they living in before being arrested?

22 A. The villages that they came from, I wouldn't name all of
23 them because in the whole of Kailahun District they were there.
24 I wouldn't name all the -- I wouldn't know all the names of all
11:47:09 25 the villages. My own relatives were from Pendembu. That's where
26 they took them from. Apart from that, I wouldn't name another
27 town. I don't know.

28 Q. Okay, so there were civilians living in Pendembu who had
29 returned to their houses; is that right?

1 A. They were still there. If you met your house -- if you
2 went and found your house you would stay there. If you did not
3 find it, if you are going to build another one in the bush you
4 would go there.

11:47:44 5 Q. Would you agree with this: That in the Kailahun District,
6 in the villages around Kailahun Town, there were many, many
7 people living there in 1998, 1999 trying to grow food to survive?

8 A. People were there, cultivating the farm, planting cassava,
9 but I wouldn't know the names of all the villages. Never, not
11:48:16 10 today, not any day.

11 Q. Okay. There were chiefs and sub-chiefs in the outlying
12 areas of Kailahun District - am I right - in 1998/1999 dealing
13 with the civilians?

14 [RUF06MAR06B - RK]

11:48:51 15 A. Yes. There were chiefs in every town. Even as we were in
16 here, there is somebody who is head of this place.

17 Q. Yes, and the chief -- did you know a chief called Chief
18 Sellu Ensa 1? Did you know that chief?

19 THE INTERPRETER: Can learned counsel please take the name
11:49:18 20 again?

21 MR JORDASH:

22 Q. Sellu. Sellu Ensa 1, did you come across him?

23 A. Yes.

24 Q. What was he chief of in 1998?

11:49:45 25 A. He was a paramount chief and he was staying in Kailahun
26 Town.

27 Q. Thank you.

28 A. He was the RUF chief.

29 Q. And he was with other chiefs in the Kailahun District,

1 organising civilians and civil life in the villages?

2 A. When the command comes from the G5 and tells him, then he
3 would organise it. But he did not organise anything by himself.
4 Whatever he took to the other chiefs he had got from the G5. He
11:50:31 5 didn't do it all by himself.

6 Q. No, I'm not suggesting that he did all by himself. I'm
7 suggesting that the role of the chiefs in 1998/1999 in Kailahun
8 District was to try to organise the civilians so that they could
9 live in the Kailahun District. Is that a fair comment?

11:50:50 10 A. That organisation comes from the G5. Chief Sellu had no
11 organisation by himself.

12 Q. Okay, let me approach it this way. What were the chiefs
13 doing in the Kailahun District in 1998?

14 A. If there is work to do and G5 tells them to give them -- to
11:51:14 15 subscribe civilians, then they will take them to them. That is
16 what I know.

17 Q. Okay. So civilians would be working doing their own work
18 and then G5 would every so often organise civilians to work for
19 the RUF?

11:51:37 20 A. Yes.

21 Q. Now, civilians in Kailahun were growing crops and sometimes
22 exchanging them at markets in the Kailahun District; am I right?

23 A. Yes, I myself did do that. If you were able to do that you
24 can. But they had their own -- we had work to do for them.

11:52:24 25 There was manpower.

26 Q. Madam, I know you want to say things about what you say the
27 RUF did, but I just want to concentrate for the moment on what
28 civilians were also doing. So civilians were selling their
29 products, for example, at the Guinea border, were they not, the

1 Dawa market?

2 A. Yes.

3 Q. What were they selling at Dawa market?

4 A. Whatever you had, you would go and sell it. If you got
11:53:06 5 palm oil, you would go and sell. Whatever you got you go and
6 sell.

7 JUDGE ITOE: This place, the Dawa market, is where?

8 MR JORDASH: The border at Guinea.

9 Q. Is that right, Madam Witness?

11:53:15 10 MR JORDASH: Sorry, the border at Liberia. I beg your
11 pardon, my fault.

12 PRESIDING JUDGE: So it is not Guinea any more, it is
13 Liberia?

14 MR JORDASH: It's Liberia. I'm sorry.

11:53:26 15 Q. The Dawa market was at the border with Liberia; am I right,
16 madam?

17 A. I do not understand, repeat it.

18 Q. The Dawa market was at the border of Sierra Leone and
19 Liberia?

11:53:39 20 A. Yes.

21 Q. And in order to move through the Kailahun District in 1998
22 civilians would obtain passes from the G5; am I right?

23 A. Yes. Even the river that you are talking about. Wherever
24 you wanted to go they would give you pass. Whatever you had they
11:54:26 25 would enumerate on that pass.

26 Q. And the pass would allow civilians to travel through the
27 various parts of Kailahun District in order to do such things as
28 selling their products at market?

29 A. Wherever you ask to go, if you ask to go to Dawa they would

1 give you Dawa pass. In fact, the ones that we took along
2 wouldn't sell it by ourselves. They had their own people. The
3 RUF commanders had their people who were doing business. When
4 you went with your wares, you would give it to them and they
11:55:04 5 would sell it for you and give you your money. Whatever they
6 give to you is what you take. Civilians wouldn't take the wares
7 just like that to sell it by themselves. They had the control.

8 Q. Okay. So trade was then through the RUF, and as you have
9 told us the RUF then give the money to the civilians, civilians
11:55:29 10 would then return to their land and continue with their farming.

11 A. Yes. If you wanted salt, they would give it to you. If
12 you wanted Maggi, they would give it to you. If you want money,
13 when they sell for you, they would hand it over to you. But you
14 wouldn't sell it all by yourself.

11:55:54 15 Q. Thank you.

16 A. Thank you too.

17 Q. And there was also - is this right - a possibility of
18 selling products at the Guinea border as well as the Liberian
19 border in 1998/1999?

11:56:18 20 A. Yes. If they give you the pass, you would go there.

21 Q. And the pass meant that nobody would suspect that civilian
22 of being Kamajor, because the civilian would have the pass which
23 would say that they had been given permission to move or -- let
24 me put that a different way. The pass would mean that nobody
11:56:49 25 suspected the civilian of being an enemy combatant?

26 A. Yes.

27 Q. So nobody would harm the civilians if they had a pass?

28 A. No, as long as you were travelling. If you were travelling
29 and you had the pass, nobody would do anything wrong to you.

1 Q. Thank you. Were you aware of the large Bondo society in
2 Buedu and part of the Kailahun District which existed in 1999?

3 A. Bondo. You want me to come and talk about Bondo business
4 here? No, not me. I did not come here to talk about Bondo
11:57:58 5 society in this Court. It is society business, not the business
6 of the Court. If you want us to talk about that, you can call
7 the Soves there, so that we can come and talk about that. But I
8 wouldn't talk about Bondo initiation in court.

9 Q. Could you just confirm this with a simple yes or no? Did
11:58:21 10 Sam Bockarie pay the bills for the Bondo society in 1999 in the
11 Kailahun District? Yes or no will suffice and then I can move
12 on.

13 A. I said I wouldn't explain anything relating to that. I did
14 not come here to talk about Bondo initiation. We're here to talk
11:58:43 15 about the war.

16 PRESIDING JUDGE: Madam Witness, it is a very simple
17 question. If you don't know, you don't know. He is not asking a
18 question about the Bondo society.

19 THE WITNESS: I don't know.

11:58:53 20 PRESIDING JUDGE: Fine.

21 THE WITNESS: I don't know about Bondo initiation.

22 PRESIDING JUDGE: That is not the question. The question
23 was whether Sam Bockarie paid bills for people to adhere to the
24 Bondo society.

11:59:09 25 THE WITNESS: I don't know. I don't know.

26 MR JORDASH:

27 Q. Okay. Were the hospitals provided by the RUF, which you
28 told us civilians went to, did they charge any price for
29 treatment or was it free?

1 A. They were not paying money, but we, the civilians, provided
2 the money for them to buy the medicines. We were not giving
3 money. But it was the civilians who were providing the money.

4 Q. What you do mean they were providing the money?

11:59:58 5 A. Okay. They would give cocoa. If they say there was --

6 THE INTERPRETER: Your Honours, can the witness take it
7 slowly? She is using an expression that is not familiar to us.

8 MR JORDASH:

9 Q. Can you just take it back, madam. We know you speak fast.
12:00:15 10 Could you try again?

11 A. I want to answer your question properly. Please ask it
12 again.

13 Q. I asked you whether -- well, you said to the Court that
14 civilians would provide the money for the medicines and I asked
12:00:39 15 you what you meant by that.

16 A. What I mean is that we were providing the money. It was
17 civilians who were raising the money that was used to buy the
18 medicines. They were buying food with the commanders' aid. It
19 was the civilians who raised the money.

12:01:05 20 Q. So the civilians would grow crops and products, sell them
21 at the market and raise money, some of which went to pay for
22 medicines in the RUF hospitals; is that right?

23 A. Okay. You've asked the question. Please allow me to
24 explain. The reason why I said it was the civilians who were
12:01:42 25 raising the money, they would give us targets. They would give
26 us targets in the form of cocoa, coffee and palm oil. If they
27 say there is a target of cocoa or whatever of 30 bags, that is
28 what you provide. If they say you the civilians on this other
29 side, you should provide 30 bags, that's what you would provide.

1 You would take this to the river and you would sell it, then you
2 would get the money and give it to them. It was us, the
3 civilians, who were struggling. We would provide the cocoa, we
4 would provide the coffee. We the civilians did all of that work.

12:02:27 5 Q. The RUF would then provide in exchange free hospital
6 treatment, for example; is that right?

7 A. Yes, we were treating them free of course because they were
8 providing the medicines.

9 Q. And the RUF would also provide some basic food things, like
12:02:58 10 rice, in exchange for the civilians' products?

11 A. [No audible response].

12 Q. Sorry, what was that, madam?

13 A. Repeat it.

14 Q. Well, did the RUF provide RUF rice to the civilians in
12:03:32 15 exchange for such things as cocoa?

16 A. I don't know because I myself was there until the end of
17 the war, not a day did they give me rice. I was working there
18 but they never gave me rice. Even if they gave rice to
19 civilians, I don't know.

12:04:05 20 Q. Were there any schools in Kailahun District 1998/1999?

21 A. Children did go to school. I did see them go to school.

22 Q. These were schools which were, like the hospitals, arranged
23 by authorisation of RUF; am I right?

24 A. Yes, they were under the RUF.

12:04:47 25 Q. Again schools were funded by this trade you describe;
26 civilians selling products, RUF providing schools. Is that
27 right?

28 A. I myself sitting here, my children did go to that school,
29 but they did not distribute that money to me for me to give it to

1 them. I myself was buying -- I was the one buying books for my
2 children. Even if they were giving other people, I don't know.

3 Q. But the schools were organised by the RUF; is that right?

4 A. Yes, yes. Whatever happened there, the RUF did.

12:05:37 5 Q. All right. And whilst you may have bought books for your
6 children -- were your children in a big class at school? How
7 many people at the school they went to -- did they go to? Sorry,
8 how many children were in the school that they went to?

9 A. I'm not a teacher. I do not know the distinction among
12:06:06 10 children. I have no register, so I don't know.

11 Q. Well, did you take your child to school in 1998/1999?

12 A. He went all by himself because he was old enough. He was
13 almost old enough. He went all by himself. Even the children
14 that stayed with me, they went by themselves.

12:06:32 15 Q. And you obviously must have had lots of friends who were
16 also sending their children to the same school; is that right?

17 A. Many.

18 Q. Which school? Where was this school?

19 A. I do not know the name of the school. I wouldn't know
12:06:54 20 where it was now. I have forgotten.

21 Q. Was this in 1998 and 1999 when your child was going to
22 school in the Kailahun District?

23 A. Yes. Those children who were with me -- because they were
24 capturing children, when they come, they release them, I would
12:07:16 25 take some of them. So many of them were with me so they went to
26 that school.

27 Q. So there had been children who had been captured who were
28 then living in Kailahun District going to school? Would you say
29 there were many of them in that situation?

1 A. Those little children, all of them that were there they
2 were going to school, but I do not know their number. And where
3 the school was, I can't remember now.

4 Q. But would you agree with this: In the Kailahun District
12:07:53 5 there were probably hundreds of children living freely, going to
6 school like your child?

7 A. The children were in Kailahun. They were going to school.

8 Q. The RUF had a farm, didn't they, in 1998/1999 which grew
9 rice; is this right?

12:09:00 10 A. Yes.

11 Q. And what did civilians who had no land where they couldn't
12 grow food -- so they couldn't grow food, what did they do to
13 survive in the Kailahun District; do you know?

14 A. At that time that the RUF was on, there was nobody's bush.
12:09:39 15 You would work anywhere you wanted to work. Even if you built
16 that house, whoever wanted to live in that house would live in
17 there. Nobody had his own bush. Wherever you wanted to farm you
18 would farm.

19 Q. And some people chose to work for the RUF in exchange for
12:09:59 20 food, didn't they?

21 A. Yes, people were doing their own work. I myself sitting
22 down here, I was doing my own work.

23 Q. No, but what I'm suggesting is that some people worked on
24 the RUF farm in exchange for food.

12:10:30 25 A. You wouldn't say you would not go there because it was by
26 force. It was forcefully done. They would force you to go on
27 their farm. Every civilian would have to go there.

28 Q. Which farm was this then you say civilians were forced to
29 go to?

1 A. The last farm that was cultivated, they were harvesting the
2 rice when the war ended. In between Pendembu, Sogbagbehun in
3 Giehun, that's the farm I'm talking about.

4 Q. What year was that, please?

12:11:12 5 PRESIDING JUDGE: What is the question again?

6 MR JORDASH:

7 Q. What year was that?

8 A. 1999, 2001.

9 Q. 1999 and 2001 or 1999 all the way to 2001?

12:11:34 10 A. Yes, because it started in 1999, December and they ended in
11 2001.

12 Q. So let me understand this, if I can. Was that the only
13 farm that you're aware of? Was that the only RUF farm that
14 you're aware of?

12:11:57 15 A. That is the one I want to talk about.

16 Q. Well, was there any other farms at any other time from
17 1997?

18 A. This one that I'm talking about, Sogbagbehun, that is the
19 one I'm talking about. If they had another farm in 1997, this is
12:12:24 20 the one I plan to talk about and that's what I know about.

21 Q. Okay, so the only farm you know about where civilians were
22 forced to farm was this farm from 1999 to 2001 -- December 1999
23 to 2001; is that correct?

24 A. There were other farms that they had, but that's the one I
12:13:01 25 know about and that's the one I'm talking about.

26 Q. Right. So you are then, you say, aware of other farms but
27 you cannot give any details about those farms. Is that fair?

28 A. No, except this one.

29 Q. Okay.

1 A. Because those other farms, I was in the jungle when I heard
2 about them. This particular one, I was in Kailahun when they
3 cultivated it. So I can talk about it.

4 Q. Okay. I want to be crystal -- as clear as we possibly can
12:13:48 5 about this. Thinking carefully, you can say nothing, not who
6 organised, anything like that, who were the commanders of any
7 other farm except for this one which began in December 1999; is
8 that right?

9 A. I have said that all those other farms that they
12:14:29 10 cultivated, I heard about them when I was in the jungle. But
11 this particular one, I was in Kailahun when it was cultivated.
12 Hearsay and what you saw are two different things. What I saw is
13 what I'm talking about.

14 Q. Okay. Can you tell us anything about this December 1999
12:14:53 15 farm, who set it up?

16 A. Yes.

17 Q. Who set it up then?

18 A. It was a G5 commander.

19 Q. Can you name any civilians who worked on it?

12:15:19 20 A. I can't name them. I can't name civilians who worked
21 there. I don't know. But civilians worked on that farm.

22 Q. So you never spoke to any of these civilians so that you
23 could work out what their names were; is that right?

24 A. No. I have forgotten their names, but it was civilians who
12:15:56 25 cultivated that farm. I went there one day and saw the farm
26 because on that day there was no work on the farm.

27 Q. So you don't know anything about the civilians, where they
28 were from, who were their families, where they are now?

29 A. During the time that farm was cultivated, they took

1 civilians from all over the towns in that district, Jojoima,
2 Kangama, and the rest of the Kailahun District, Bomaru. They
3 took civilians from all those towns.

4 Q. But the best you can say is that some of them may have
12:16:50 5 worked on this farm. That's all you can say, isn't it; some of
6 them may have worked on the farm but you don't know who?

7 A. I said I can't recall their names because there were many
8 that used to come to that farm.

9 Q. And presumably, not being able to name them or give us any
12:17:17 10 details about them, you don't know when they began working there
11 or when they left working there, do you?

12 A. When you have cultivated a farm, as soon as you started
13 brushing the farm you will be there until you harvest it.

14 Q. But you can't say whether a particular civilian was there
12:17:49 15 until the harvest left after one day, left after one week. You
16 just don't know, do you, because you only went there for one day.

17 A. I visited there only a day, but it is on the main road when
18 you are going there.

19 Q. But the details of when they started working in a
12:18:20 20 particular case, when they stopped, what they -- their
21 relationship with the G5 was, you cannot say, can you?

22 A. What you said, you said I should name civilians that worked
23 on that farm. I said I don't know their names.

24 Q. Well, you don't know, do you, when a particular civilian at
12:18:58 25 that farm started working, when they stopped, what their
26 relationship was with the owner of the farm, you just do not know
27 that, do you?

28 A. That farm was not owned by one person. To say it is owned
29 by one person. I said it was an RUF farm. Like my own farm, I

1 knew those who were working there, but it was the agents that
2 went and took people from their villages who come with them.

3 Q. But you don't know who took them and who was being taken,
4 do you?

12:19:54 5 A. It was the G5s that went and collected people. I knew a G5
6 commander in Giehun called Joseph. He was one of those who went
7 for people. After harvesting they took all the rice to Giehun,
8 Joseph.

9 Q. But you don't know?

12:20:23 10 A. To his barn.

11 MR JORDASH: Sorry, could you repeat that, Mr interpreter?

12 THE WITNESS: To his rice barn in Giehun.

13 Q. You weren't present during the time when G5 went to collect
14 civilians, were you?

12:20:43 15 A. Those villages, I wouldn't be there, but we would be in
16 town when they come with them.

17 Q. You weren't there when the civilians went home at night or
18 later on after they had worked, were you?

19 A. They were not released at night. They always released them
12:21:14 20 during the day because they were human beings. They would not
21 release them at night. They always released them during the day.

22 Q. So collected in the morning by G5, returned home at
23 night -- sorry, returned home at the end of the day. That is
24 what you observed.

12:21:41 25 A. Yes. If you are lucky enough, you will return. If you are
26 not lucky, you will stay there for almost a week. They will not
27 allow you to leave.

28 Q. How do you know that since --

29 A. I saw it all.

1 Q. But you weren't at the farm. You weren't there when the
2 civilians were collected. Were you there when they were taken
3 home?

4 A. Whenever they come with them they would take them to the G5
12:22:19 5 office. There I saw them. Whosoever was brought to work they
6 would take that person to the G5 office.

7 Q. You weren't friends with any of them or else you would
8 remember their names; am I right?

9 A. No, I hadn't a friend among them because I was very busy.
12:22:45 10 Everybody else was busy in the RUF movement, but in the G5
11 office, whatever thing they brought there I would know about it.

12 Q. So, effectively you are presuming that they are being
13 forced to work, aren't you?

14 A. They were forced to work. They were forced. Besides the
12:23:12 15 farming even the manpower duties, they were forced to do it.
16 Even those of us who were doing the medical, who were dealing
17 with medical, we were forced to do it. Even if you hadn't wanted
18 to do it, RUF will always force you to do it.

19 Q. In exchange for schooling, medicine and other services
12:23:39 20 provided by the RUF; correct?

21 A. Please repeat.

22 Q. Well, the work that was done by the civilians in Kailahun
23 Town was in exchange for services like health and education; was
24 it not?

12:24:16 25 A. The farm was not cultivated for that. The farm that the
26 civilians cultivated was for the commanders. They ate
27 everything. Even myself sitting here I was never supplied with
28 the rice. They never gave me money. They never gave me a cup of
29 rice during the time I was with the RUF.

1 Q. But you did receive, did you not, yourself, medical
2 treatment from the RUF?

3 A. It was their responsibility to cure me because I was with
4 them and in fact, the medical issue involved I was doing it for
12:25:02 5 myself.

6 Q. Well, the RUF responsibility to provide health and
7 education and services, the civilians responsibility to provide
8 some work in the district. That was the arrangement, wasn't it?

9 A. Myself, what I saw when you go to the hospital, they will
12:25:33 10 give you medicine.

11 PRESIDING JUDGE: Mr Jordash, I think we have --

12 MR JORDASH: That is it.

13 Q. One last very small subject. When you arrived -- is this
14 right, you arrived in Giema in October 1996 when Peter Vandi was
12:26:01 15 the area commander for the Kailahun District; is that right?

16 A. I don't know that.

17 Q. You should think carefully about whether you know
18 Peter Vandi at least. Do you know him?

19 A. I know Peter Vandi, but I don't know the area where he was
12:26:39 20 commanding.

21 Q. Where were you in October 1996?

22 A. I said I don't know CO Vandi. What sort of commander he
23 was. Whether he was a commander of this or commander of that, I
24 don't know.

12:27:00 25 Q. Where were you in October of 1996?

26 A. In October 1996, during that time I was in Bunumbu. I was
27 in Bunumbu.

28 Q. Okay, let me ask you this: Wasn't Giema attacked by
29 Kamajors and continued to be attacked by Kamajors from

1 October 1996 until January 1997?

2 MR JORDASH: Can I just take instructions, please?

3 THE WITNESS: I have told this man yesterday I didn't go to
4 school. I said the Kamajors went and attacked. I don't know the
12:28:00 5 date they did that. I don't write. I was not having a calendar.
6 I was there when they used to go and attack. It was not only
7 Giema, I was in Kailahun when they attempted to attack there, in
8 Pendembu, but I did not know the dates. I did not go to school.
9 I was not taking records of that and I cannot say exactly what
12:28:25 10 happened.

11 Q. Isn't it right, madam, that up until the end of 1996 you
12 were in Peyama and as a result of Kamajor attacks you moved to
13 Giema; isn't that right?

14 A. I left Peyama before the Kamajors started attacking there.

12:29:29 15 Q. Okay. So Kamajors did attack then some point late 1996;
16 Peyama?

17 A. I was in Giema and I heard of it.

18 Q. And I suggest when you were in Giema, Peter Vandi was the
19 area commander based in Giema. Think back.

12:30:06 20 A. I want to ask Papa lawyer. I want you to tell me what you
21 call area commander, because I don't know anything about
22 military. I'm not a soldier. What do you call an area
23 commander?

24 Q. I'm suggesting Peter Vandi was the top man in Giema at that
12:30:29 25 point when you went there following the attacks by the Kamajors.
26 Whatever you want to call him, he was the top man based in Giema.

27 A. Okay. Well, I don't know about that. I knew nothing about
28 it because the only person I saw acting there was Issa because he
29 would not be in a town where somebody else would command there.

1 It was only him. He was like the second God.

2 Q. Where was he living?

3 A. He was the god. I knew no other commander, only him.

4 Q. Where was he living then in 1996?

12:31:26 5 A. In 1996, I never -- I don't know whether if he was in Giema
6 or Buedu because I was also not in Giema because it was the
7 Kamajor attack that took us from there and brought me to Bunumbu.

8 THE INTERPRETER: Your Honours, the witness went too fast.
9 Could she be asked to repeat the last bit?

12:31:53 10 PRESIDING JUDGE: Madam Witness, please do not speak too
11 fast because we were unable to translate what you have just said.
12 So could you just take it back and say it again, but slowly.

13 THE WITNESS: Let him please ask the question.

14 JUDGE ITOE: Learned counsel, what was the name of the
12:32:12 15 person you put to her as the effective commander in Giema?

16 MR JORDASH: Peter Vandí.

17 JUDGE ITOE: Peter Vandí. Thank you.

18 MR JORDASH:

19 Q. So you don't know whether Issa Sesay was in Giema or Buedu
12:32:24 20 in 1996? What else did you then go on to say, madam?

21 A. I knew of it. The area commander you are talking about, it
22 was the soldiers who worked with him. I don't know about him,
23 because he was not calling me to his house. I don't know what he
24 was doing. When I got to Giema, I do see him there, but I never
12:32:51 25 knew if he was an area commander.

26 Q. So this is it, isn't it: you don't know where Sesay lived
27 in 1996 or 1997; am I right?

28 A. In 1996. If I have said I was not recounting years. In
29 fact, that year I never knew of it. I don't know the year you

1 are talking about. If you can ask me what was happening during
2 this time, I will always explain to you but for you to say to
3 explain a particular thing within a particular year, I don't
4 know. The example I can give to say he was a commander, when we
12:33:37 5 were in Bunumbu, when we want to take some coffee to the
6 Waterside, he would give us a pass. There was a time I went to
7 him and requested that he give me a pass to take my coffee to the
8 Waterside. He refused, so I never knew if he was a commander or
9 what.

12:33:59 10 Q. So you didn't know?

11 A. I was there for the rest of the day.

12 Q. So you didn't know what kind of commander he was?

13 MR JORDASH: I have nothing further, thank you.

14 PRESIDING JUDGE: Thank you.

12:34:16 15 THE WITNESS: Issa was the commander until the end of the
16 war. He was the only person I knew amongst all the commanders,
17 that he was the most senior.

18 PRESIDING JUDGE: Thank you. Mr Touray, do you have any
19 questions in cross-examination of the witness?

12:34:34 20 MR TOURAY: Your Honour, we resist the temptation. No
21 cross.

22 PRESIDING JUDGE: Thank you. Counsel for third accused,
23 Mr Cammegh or Mr O'Shea?

24 MR O'SHEA: Mr Cammegh will be taking this witness, if you
12:34:51 25 would just give us a moment, thank you.

26 CROSS-EXAMINED BY MR CAMMEGH:

27 MR CAMMEGH: Sorry to keep Your Honours waiting.

28 Q. Madam Witness, good afternoon.

29 A. Yes. Good afternoon.

1 Q. My name is John Cammegh. I'm representing Augustine Gbao,
2 who is in court today. I have got some questions for you which
3 will probably take most of the rest of the day. I would be very
4 grateful if you could just confine yourself to answering the
12:36:19 5 question without too much discussion, because in that way we can
6 get through it as quick as possible and you can leave this Court
7 as quick as possible.

8 MR TOURAY: Your Honour, may I just ask the leave of the
9 Court for the second accused to step out?

12:36:46 10 PRESIDING JUDGE: Yes, leave is granted.

11 MR CAMMEGH:

12 Q. Can I just begin by asking you one or two questions about
13 your family. I'm not going to go back over what Mr Jordash was
14 asking you about your siblings, and what have you, that was
12:37:11 15 discussed on Friday. Can I just ask you to start with whether
16 you have any blood brothers or sisters.

17 A. Now?

18 Q. Yes, that would be fine now. Do you have any brothers
19 living who are from the same parents as you?

12:37:39 20 A. Relatives from the same mother, yes, I have two of them.

21 Q. Okay. Do you mind telling us their names?

22 MR HARRISON: [Overlapping speakers].

23 MR CAMMEGH: Forgive me, I will retract that question.

24 Q. I will just ask this question: do you have any sisters
12:38:07 25 living now? Yes or no?

26 A. Yes.

27 Q. Without giving their names, how many do you have?

28 A. Of the same mother, we're three in number. Including me,
29 three.

1 Q. All right. So you've got two sisters?

2 A. From the same mother, yes.

3 Q. Are they younger or older than you?

4 A. I'm older than them.

12:38:49 5 Q. Okay. Thank you. That is all I'm going to ask you for now
6 about your family. I might come back to it later, all right.
7 Now, I want to go over the history of your involvement with the
8 RUF and you told this Court last week that it was in 1991 that
9 you were captured and that you were captured in Pendembu?

12:39:22 10 A. Yes.

11 Q. You went on to tell us that after you were captured you
12 were taken to Mendeboima?

13 A. Yes.

14 Q. Can I indicate that I completely accept what you were
12:39:39 15 saying about that. Perhaps you can help me, though. Who was the
16 commander in Mendeboima in 1991, the RUF commander; do you
17 remember? Sorry, the question was do you remember the name of
18 the RUF commander when you were in Mendeboima?

19 A. The RUF commander that was in Mendeboima was a Gio.

12:40:11 20 Q. Agio?

21 A. Yes.

22 MR HARRISON: If I could just -- I think you are saying
23 Agio and Gio is G-I-O. If I could just remind Mr Cammegh that
24 all of this was done in closed session during the direct
12:40:40 25 examination.

26 MR CAMMEGH: I'm hoping that this won't run any risk. I'm
27 in Your Honours' hands. What I'm intending to do is just go over
28 the history of locations from the early to mid-90s and to ask
29 whether the -- I'm not aware that what I'm saying is that funny,

1 but just to ask if she can remember any of the commanding
2 officers' names. Now if that offends or there is a risk that it
3 is going to offend, then naturally I will be happy to go into
4 closed session.

12:41:16 5 PRESIDING JUDGE: Not anything that I can see from what you
6 have described, but we'll see.

7 MR CAMMEGH: Obviously if Your Honours feel I've crossed
8 the line, then --

9 PRESIDING JUDGE: Well, we'll welcome the Prosecution to
12:41:26 10 alert us.

11 MR HARRISON: There is concern for protective measures
12 because it is a sequence of events that would not have been
13 experienced by many people that raises a concern for some
14 prospect of the witness's identity being divined by others.

12:41:43 15 MR CAMMEGH: My reaction to that, whilst I understand it,
16 is, of course, that the evidence was that it was a group. The
17 witness has described the number, the sheer numbers and, indeed,
18 has indicated there were several families. But I'm in Your
19 Honours' hands.

12:41:56 20 PRESIDING JUDGE: As you know, this is always a very
21 sensitive area. We've gone into a closed session to try to
22 protect as much as possible the identity of this witness.
23 Although it was limited in time and scope, I am sympathetic to
24 what is being raised by M Harrison at this moment. If indeed by
12:42:21 25 tracking back the various phases and commanders, as such, it may
26 lead to somebody being able to identify the witness.

27 MR CAMMEGH: I suppose part of my motivation is I see for
28 once we have a packed gallery, and I don't want to disappoint
29 those who have travelled to come here.

1 PRESIDING JUDGE: But if that is the case -- presumably
2 that area that you're intending to cover with this witness will
3 be limited in time as well.

4 MR CAMMEGH: It will, very specifically.

12:42:48 5 PRESIDING JUDGE: If that is the case, maybe the best
6 solution would be to go to a closed session until maybe the
7 usual break time and come back in open session after lunch.

8 MR CAMMEGH: Very well.

9 MR JORDASH: Before we do, I don't know if Your Honours
12:43:03 10 would forgive me, but I forgot to apply to put the statements in
11 as exhibits. I am only about seven minutes late, so there is
12 some improvement. I have handed it to my learned friend sitting
13 behind Mr Harrison.

14 MR HARRISON: I don't think anyone has got it.

12:43:25 15 MR JORDASH: Sitting behind you.

16 MR HARRISON: When did this happen?

17 MR JORDASH: Just now. We couldn't do it before I
18 finished. I don't know if Mr Harrison has an objection or not?
19 Maybe he does.

12:43:44 20 PRESIDING JUDGE: Mr Harrison?

21 MR HARRISON: The Prosecution has nothing to say.

22 PRESIDING JUDGE: Are you objecting or you're not
23 objecting?

24 MR HARRISON: We have nothing to say.

12:43:53 25 PRESIDING JUDGE: I've asked a question.

26 MR HARRISON: We're taking no position. We'd understood
27 the Court to make a ruling during the last session after three of
28 these incidences that from that day forward the Court would take
29 the view that application should be made at the time the Court

1 said. If the Court wishes in this particular instance to relax
2 what was said in an earlier position or an earlier time, the
3 Prosecution takes no position one way or the other.

4 PRESIDING JUDGE: Thank you. We'll think about it and
12:44:30 5 we'll give you our decision when we come back after the lunch
6 break. Obviously the additional time will not be taken against
7 you, if that is what you're concerned.

8 MR JORDASH: Well, I suppose I'm concerned --

9 PRESIDING JUDGE: As has been mentioned, we have been quite
12:44:46 10 consistent on that, Mr Jordash, and we've given you every
11 possible opportunity in the past. If you are to file these
12 documents, it is part of your case in cross-examination and it
13 has caused a lot of confusion in previous sessions because of
14 that. We were quite adamant that this procedure was to be
12:45:05 15 followed. Now, I want to discuss with my brothers on the Bench
16 as to how we're going to deal with that. That's why I say we'll
17 give you a decision when we come back after lunch.

18 MR JORDASH: Could I just say only one thing? I appreciate
19 Your Honour's ruling, but I'm not sure what the consequences of
12:45:21 20 not having these statements filed could be. Your Honours would
21 still, I would respectfully submit, have to consider them as part
22 of Your Honours' deliberation on the credibility or otherwise of
23 the witness.

24 PRESIDING JUDGE: We will not consider a statement unless
12:45:37 25 there is any purpose for giving any consideration to a statement.
26 If we do consider a statement, it will be only those parts that
27 you claim allege inconsistency between the evidence of the
28 witness and what is or what is not contained in a statement. So
29 it is only for that purpose, otherwise we don't give any

1 consideration to the statements.

2 MR JORDASH: I hope Your Honours will.

3 JUDGE THOMPSON: It is risky, I would say, if the document
4 is not an exhibit.

12:46:07 5 MR JORDASH: Your Honours, I would still hope Your Honours
6 would still consider it.

7 JUDGE THOMPSON: The whole purpose of the procedure for
8 receiving documents in evidence under the rubric of prior
9 inconsistent statements is in fact to consider whether an alleged
12:46:27 10 inconsistency is in fact an inconsistency when we come to look at
11 the totality of the evidence in the context of that particular
12 process. If the document is not in, how is the court informed?
13 Remember it is a comparative assessment. We have the witness's
14 own testimony that is testimony inside the Court, and when we
12:46:55 15 have this document which is supposed to be an out-of-court
16 document and only becomes an in-court document by being
17 designated and received as evidence, which is simple and
18 straightforward.

19 MR JORDASH: I would hope that Your Honours would consider
12:47:12 20 the cross-examination, the portions put to a witness and the
21 answers from it.

22 JUDGE THOMPSON: Yes, quite right, alongside that, yes.

23 MR JORDASH: That's the evidence. The lack of having the
24 statement tendered, doesn't, I would respectfully submit, alter
12:47:30 25 Your Honours process of evaluation, the inconsistencies as
26 alleged [overlapping speakers].

27 JUDGE ITOE: I don't think I go with you in that argument,
28 Mr Jordash, because --

29 MR JORDASH: You do or you don't, Your Honour?

1 JUDGE ITOE: I do not go with you in this argument

2 because --

3 PRESIDING JUDGE: If it is not in evidence, it is not
4 evidence.

12:47:43 5 JUDGE ITOE: -- we have set down rules for the
6 establishment of prior inconsistencies. I don't want to get into
7 them. I don't want to deliver a lecture on this, because it
8 takes so much of our time revisiting issues which we thought had
9 been laid to rest.

12:47:58 10 MR JORDASH: If Your Honours are saying that you're not
11 going to consider inconsistencies except if the statements are
12 exhibited then the Defence have to live with that. But the
13 inconsistencies will be on the record. I would hope that
14 Your Honours will consider them. But if you won't, so be it.

12:48:15 15 PRESIDING JUDGE: Mr Cammegh, we were indicating before
16 Mr Jordash's intervention that it would be better to go into a
17 closed session for a short while to dispose of this issue.

18 MR CAMMEGH: Indeed.

19 PRESIDING JUDGE: So we will move into a closed session for
12:48:35 20 hopefully no more than 10 minutes.

21 MR CAMMEGH: I think realistically we'd better allow the
22 public gallery to leave and come back at 2.30 because it could be
23 about 15 minutes.

24 PRESIDING JUDGE: That's okay. That's fine. So we will
12:48:49 25 move into a closed session, Mr Court Officer. For the record,
26 the closed session is for the very same reason that the
27 application was granted to the Prosecution and the same reason
28 applied to the closed session for the application by Mr Jordash
29 in cross-examination.

1 [At this point in the proceedings, a portion of the
2 transcript, pages 49 to 67, was extracted and sealed under
3 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MR CAMMEGH: I have just been passed a note, Your Honour.
3 Mr Gbao is asking if he can attend the restroom briefly. I'm
4 sure I can carry on in his absence.

15:28:58 5 PRESIDING JUDGE: Yes, very well. Yes, you may. But
6 before you carry on, we had indicated before the lunch break, an
7 application by Mr Jordash, yes you may proceed -- that we would
8 give our decision after the lunch break. As we are now back in
9 the open session, we want to inform Mr Jordash that this is the
10 Court's decision not to allow the filing of those documents as
11 you didn't see fit to file them as we had indicated on many
12 occasions as part of your cross-examination and, therefore, even
13 if it is only, as you say, seven minutes, it's too late. We will
14 not allow that to be filed. So, Mr Cammegh, we are back to you.

15:29:50 15 MR CAMMEGH: Thank you.

16 Q. Madam Witness, you told the Court on Thursday
17 that Augustine Gbao was at Giema. Do you remember that?

18 A. Yes.

19 Q. What, if any, was his job in Giema; can you remember?

15:30:23 20 A. Augustine Gbao was a G5. Since I saw him during the war,
21 he was a G5. That's what they were calling him. Even if he was
22 doing another job, I did not know, but that is what I know.

23 Q. Okay. So, to be fair to you, what you're saying is that,
24 according to other people, he was G5?

15:30:50 25 A. He was a G5 in the RUF.

26 Q. Yes, but that's what other people have told you; is that
27 right?

28 A. I knew it myself.

29 Q. You knew it yourself. How did you know it personally then?

1 How did you know it yourself?

2 A. He had his own office. Wherever there was a headquarter,
3 he had his own office, G5. Whatever happened, was you go to the
4 G5 office. I was a civilian. If there was somebody who is
15:31:22 5 controlling you, you wouldn't know that person?

6 Q. Okay. You see, what I want to put to you to make
7 matters --

8 JUDGE ITOE: Mr Cammegh, I'm sorry. I missed that last
9 portion of it.

10 MR CAMMEGH: The witness was insisting that Augustine Gbao
11 was controlling the people and words to the effect --

12 PRESIDING JUDGE: Of civilians.

13 MR CAMMEGH: Of civilians, thank you. And words to the
14 effect of "I would necessarily have known who was controlling the
15:31:52 15 civilians at that time in Giema".

16 Q. I want to make my position absolutely clear, Madam. At no
17 time during the history of the Sierra Leonean conflict
18 was Augustine Gbao either a commander or even a member of G5.
19 What do you say to that?

15:32:29 20 A. He was a G5.

21 Q. I'll further suggest that when you arrived at Giema, the
22 overall commander was not Issa Sesay. It was, at that time in
23 1993, Mohamed Tarawallie. What do you say to that?

24 A. At that time that we were in Giema, Mohamed Tarawallie was
15:33:10 25 not in Giema. It was a battle group commander.

26 THE INTERPRETER: Correction, interpreter, he was a battle
27 group commander.

28 THE WITNESS: Since Issa never went to the front line, we
29 were all in the police -- whatever he did, he did in relation to

1 civilians. Issa Sesay, he was a battle group commander. He
2 wouldn't just come and stay in the area.

3 MR CAMMEGH:

4 Q. I'm not suggesting that Issa Sesay did not become commander
15:33:45 5 at Giema at some point. What I'm suggesting is that when you
6 arrived there in 1993, the commander was Mohamed Tarawallie.

7 A. That isn't how it happened. Issa Sesay was the commander.
8 Mohamed Tarawallie never became a civilian rear commander. He
9 was a battle group commander.

15:34:19 10 Q. You have just said, correct me if I'm wrong, you just said
11 that Tarawallie was above Issa Sesay; is that right, in 1993? Do
12 you agree with that?

13 A. Mohamed Tarawallie was in the war front.

14 Q. No, the question was -- well, we heard what you said. You
15:34:45 15 said that he was above Issa Sesay, but earlier on in these
16 proceedings you said around that time Issa Sesay was, to quote
17 you, God. Well, that's a contradiction in terms, isn't it?

18 A. Yes, that's how he was behaving, like a god, because
19 whatever he said, that is what happened. If he says today he's
15:35:10 20 going to beat you up until you die, then he will certainly beat
21 you up.

22 Q. I've made the point and I'll move on back
23 to Augustine Gbao. You see, I've made it plain, madam,
24 that Augustine Gbao was never in the G5. Do you know the names
15:35:35 25 of any other units, specialist units within the RUF, apart from
26 G5?

27 A. Augustine Five [as interpreted] was a G5 commander in the
28 entire RUF.

29 Q. Okay. Well you have told us about the MP. Have you ever

1 heard of the IDU?

2 A. I do not know about IDU. What I know is the G5.

3 Q. Yes. I want to be fair to you and suggest, or ask you if
4 there's a possibility that you might have mixed up Augustine
15:36:24 5 Gbao's involvement with the G5 where it was actually involvement
6 with the IDU. Do you think you could have got IDU and G5 mixed
7 up?

8 A. Augustine Gbao was a G5.

9 Q. All right. And you arrived in Giema in 1993 and you tell
15:36:57 10 us that in 1993 he was the boss of the G5 for the whole RUF; is
11 that correct?

12 A. G5, yes. He was the one I knew then.

13 Q. Was he boss of the entire G5 of the RUF in 1993 when you
14 first met him?

15:37:24 15 A. The entire RUF, he was the G5 commander, Augustine Gbao.

16 Q. Right. What rank did he hold in 1993 when you first met
17 him at Giema? Sergeant, captain, colonel; what?

18 A. I do not know the rank. I didn't know the ranks that they
19 had, but whenever we went to the G5 office, we would find him
15:37:59 20 there. He was the commander.

21 Q. You see, I'm going to suggest that he was never at Giema
22 while you were there.

23 A. I said he was there. I did see him.

24 Q. I heard what you said. This is what I'm saying on
15:38:16 25 Mr Gbao's behalf and you tell us what you think of this.

26 A. I saw it all. Ask for me to explain to you, but I saw it.

27 Q. Let me just put an alternative scenario to you and you can
28 tell us what you think. I'm suggesting this: That until
29 1996 Augustine Gbao was a training instructor without rank based,

1 first of all, at a training base in Bayama and then at Zogoda.
2 Could Mr Gbao be right about that?
3 A. If that is what he told you, then he's telling lies.
4 Nobody told me. I saw it myself.
15:39:12 5 Q. Just to complete the story, I suggest to you that Mr Gbao
6 finally was made a captain by Foday Sankoh himself in 1996 at
7 Camp Zogoda where he was appointed boss of the IDU. Could I be
8 right about that? February 1996.
9 A. I did not go to Zogoda, never. What I saw him in, it was
15:39:51 10 as G5 commander. I never went to Zogoda.
11 Q. Have you ever heard of a training base at Bayama, RUF?
12 A. Call that name properly. Bayama, I've never heard of that
13 name in Kailahun. Call it properly.
14 Q. Bayama.
15:40:14 15 A. I do not know Bayama in Kailahun District.
16 Q. What about Bayama in Kenema, which is where it was?
17 A. I do not know there.
18 Q. All right. So I suggest that the training base at Bayama
19 was scrapped in 1997 and it moved to Bunumbu in the Luawa
15:40:44 20 Chiefdom. Does that ring any bells?
21 A. I know about Bunumbu. I do not know about that Bayama that
22 you're talking about in Kailahun District. Bayama, I do not know
23 Bayama.
24 Q. Bunumbu, you said you moved to in 1997. Forgive me.
15:41:16 25 A. 1996.
26 Q. Yes, you're right, sorry. You said that you moved to
27 Bunumbu from Peyama in 1996 and you stayed there two years. Do
28 you remember that? Do you remember staying in Bunumbu?
29 A. I said I left Peyama and went to Bunumbu for two years. I

1 did not tell you that.

2 Q. Did you go to Bunumbu in 1996 or not?

3 A. I was in Bunumbu in 1996 during the overthrow, but I did
4 not leave Peyama to go there. I was in Giema and I left there
15:41:59 5 and went to Bunumbu.

6 Q. All right. I will accept that. There are two Bunumbus in
7 Kailahun District, aren't there? There is the one in the Luawa
8 Chiefdom which you have told us about, which is where you say you
9 stayed at a training base.

10 THE INTERPRETER: Can learned counsel take it slowly again,
11 please.

12 MR CAMMEGH: My fault. I'll break it down.

13 Q. I suggest there are two Bunumbus in Kailahun District. One
14 is in the Luawa Chiefdom. The other one is elsewhere and it is
15:42:34 15 where there is a secondary teachers' college; do you agree?

16 A. Bunumbu, Luawa, Bombali section, Kailahun District. That
17 is where the base was.

18 Q. And that's where you went to in 1996?

19 A. I said I was in Bunumbu in 1996, because I was in Bunumbu
15:43:07 20 when the overthrow took place.

21 Q. Yes, I want to be clear which Bunumbu. Is it the Bunumbu
22 that you have been talking about in the Luawa Chiefdom?

23 A. I'm talking about that Luawa Chiefdom. I have never gone
24 to any other Bunumbu.

15:43:24 25 Q. All right. Isn't it right though that between 1997 and
26 1998, that particular Bunumbu in the Luawa Chiefdom was a secure
27 training base for the RUF?

28 A. There was no training base that was protected. At the time
29 they took the training there, there were civilians there. I

1 myself had some rice there. In fact, we went there and thrashed
2 everything out in those two days, because that was where I did my
3 farming. After we put the rice on the bank, when they started
4 bringing the civilians after the overthrow they said we should
15:44:18 5 leave. That's what I know.

6 Q. Well, I hear what you say, but all I'm suggesting is that
7 in 1997 and 1998 Bunumbu was a no-go area for civilians. I'm
8 suggesting --

9 A. At the time that they took the base there, no civilian went
15:44:43 10 there. When they took the base there, no civilian went there.

11 Q. Right. But you tell us that you were there in 1997. So if
12 no civilian was allowed there in 1997, what were you doing there?

13 A. I did not say that I was there in 1997. I said 1996. I
14 was there when the overthrow took place.

15:45:08 15 Q. You said at page 43 of the transcript, Madam, I won't quote
16 it word for word because --

17 MR HARRISON: Can I just ask what day?

18 MR CAMMEGH: 2nd March.

19 PRESIDING JUDGE: What page?

15:45:25 20 MR CAMMEGH: 43.

21 Q. Right. Line 17 you say, "Overthrow". A bit above that,
22 actually. Line 7, Mr Harrison asked you:

23 "So I think what you had indicated was that you had been in
24 Bunumbu for one year. The second year you left."

15:46:09 25 PRESIDING JUDGE: I'm sorry, I'm trying to follow you. You
26 said page 43?

27 MR CAMMEGH: Page 43 at line 7, Your Honour.

28 PRESIDING JUDGE: I don't have the same copy that you have
29 because that's not what the transcript says.

1 MR CAMMEGH: I think I know where the confusion might be.
2 I have a draft copy that was supplied to me immediately the next
3 morning.

4 PRESIDING JUDGE: Well, there's a final copy now.

15:46:34 5 MR CAMMEGH: I haven't seen that copy, I'm afraid,
6 Your Honour.

7 PRESIDING JUDGE: Mr Harrison, you were standing up. I'm
8 assuming it was for that.

9 MR HARRISON: I was just going to say it starts on page 44
15:46:52 10 of the final version. I'm not sure that the words are any
11 different, but it's page 44 going from line 7 is I think your
12 starting point. We're not taking a position. If that's what he
13 has, that's fine, it can be put to the witness.

14 MR CAMMEGH: To paraphrase, and Mr Harrison will correct me
15:47:14 15 if I'm being unfair --

16 PRESIDING JUDGE: Can you repeat what you are reading from,
17 Mr Cammegh?

18 MR CAMMEGH: There's a question from Mr Harrison and you
19 see his name, Mr Harrison: "It's just a question I think of
15:47:28 20 trying to remember."

21 PRESIDING JUDGE: It's page 44, line 3.

22 MR CAMMEGH: Yes, I accept we're working from different
23 copies.

24 Q. Mr Harrison says,
15:47:41 25 "So I think what you'd indicated was that you had been in
26 Bunumbu for one year. The second year you left."

27 The witness says, "I said Bunumbu."

28 The Presiding Judge: "Your last question if there was any
29 particular event and she was describing the planting

1 season."

2 Mr Harrison continued, "If you could just, first of all,
3 explain what you mean by the overthrow?"

4 There the witness confirms that at the time of the
15:48:10 5 overthrow, "Overthrow I am talking about, they said JPK had
6 overthrown Tejan Kabbah."
7 Further down the page she describes rebels and SLAs coming
8 together, rebels coming to Freetown. There's the question:
9 "Q. While you were at Bunumbu who else was at Bunumbu?"
15:48:31 10 "A. Well, during the times -- during the time we were in
11 Bunumbu we were only there with the MPs, the RUF MPs.
12 "Q. Where did you go from Bunumbu?"
13 "A. When I left Bunumbu and I went to Kailahun."
14 MR CAMMEGH: Now on my page 45, so I imagine it is on Your
15:48:50 15 Honour's page 46.
16 PRESIDING JUDGE: It's page 45.
17 MR CAMMEGH: Yes, so if you look at Your Honour's page 46
18 and I apologise --
19 PRESIDING JUDGE: It's page 45.
15:48:58 20 MR CAMMEGH: Well, my page 45, I see the line --
21 PRESIDING JUDGE: The line that you're talking about reads,
22 "Then I've harvested my rice"?
23 MR CAMMEGH: No, it's after the discussion about "connap",
24 whatever that meant. Then there is the question, "Do you recall
15:49:20 25 the year that you moved to Kailahun Town?" The answer, "Yes, I
26 went to Kailahun in 1997." The point I'm trying to establish
27 with this witness is --
28 PRESIDING JUDGE: That's page 46, you're right.
29 MR CAMMEGH: I think it must be. The point I'm trying to

1 establish with this witness is that she simply left, as she
2 stated in chief, Bunumbu for Kailahun in 1997. To paraphrase the
3 angle I have been pursuing, I'm suggesting that in 1997 Bunumbu
4 was closed to civilians. Are Your Honours satisfied with that
15:50:05 5 analysis? I'm sorry that we're working from different copies,
6 but there we are. I won't be referring to the transcript too
7 much.

8 PRESIDING JUDGE: I just want to make sure that the witness
9 is not given information that may cause some confusion. That's
15:50:25 10 why I'm just -- what you have quoted up to now is what I read in
11 the transcript.

12 MR CAMMEGH: This is after lengthy analysis of the
13 transcript. I'm confident that it's --

14 PRESIDING JUDGE: The witness has already talked about
15:50:43 15 going to harvest rice at Bunumbu and after that, eventually that
16 it became a base. But there is reference to that as well in the
17 transcript. So it's just a question of making sure there is no
18 confusion as to the time.

19 MR CAMMEGH: I understand.

15:51:03 20 Q. Madam, what I'm putting to you is this: In 1997 when you
21 say you left Bunumbu for Kailahun Town, Bunumbu was an area that
22 was closed to civilians - do you agree with that - because it was
23 an important training base?

24 A. Ask him if he knows the month that they started the
15:51:33 25 training base there in 1997. When the training base started in
26 Bunumbu. Because in 1997, there are 12 months in that year.
27 Tell me the month that the training base started, if you know.

28 Q. You yourself only about three or four minutes ago told this
29 Court that Bunumbu was closed to civilians because it was a

1 training base. You just said that yourself.

2 PRESIDING JUDGE: I'm not sure that's what she said.

3 MR CAMMEGH: Well, Your Honour --

4 PRESIDING JUDGE: For a while, yes.

15:52:19 5 MR CAMMEGH: I'm quite sure she did say that, with respect.

6 Just a few minutes ago before I --

7 PRESIDING JUDGE: But you asked in 1997, 1998 -- you

8 suggested it was a secure training base. She answered to you,

9 "No, I did my farming there."

15:52:33 10 THE WITNESS: No.

11 MR CAMMEGH: What I'm trying to establish is whether she
12 was still there when it became a secure base. I'm not trying to
13 take an unfair point.

14 PRESIDING JUDGE: You're saying that the witness has
15:52:45 15 admitted, but she has not necessarily admitted there was a secure
16 base for the whole of 1997/1998. The answer she gave, as I see
17 it, when you asked that question first, she said, "No, I did my
18 farming there at the time."

19 MR CAMMEGH: My recollection is different, but I will cover
15:53:01 20 the ground again.

21 PRESIDING JUDGE: Please clarify that to avoid any
22 confusion.

23 MR CAMMEGH: Indeed.

24 Q. Madam, it's right, isn't it, that at sometime in 1997
15:53:13 25 Bunumbu became a secure RUF training base where civilians weren't
26 allowed?

27 A. 1997 they took a base there.

28 Q. Right. Were you there when they took the base there?

29 A. It was after I left, because I left in January. As soon as

1 I finished harvesting my rice, I returned to Kailahun. I left
2 there until -- it took up to three months before the base arrived
3 there.

4 Q. Okay.

15:54:04 5 MR CAMMEGH: It will be Your Honours' page 43.

6 PRESIDING JUDGE: "How long did you stay?" Is it that
7 portion, line 4?

8 MR CAMMEGH: There is a question is, "Do you remember any
9 events that happened during the time you were at Bunumbu?"

15:54:29 10 PRESIDING JUDGE: That's line 24?

11 THE WITNESS: If I did what?

12 MR CAMMEGH:

13 Q. Can I just ask you to stop, Madam.

14 MR CAMMEGH: If yours is line 24, then mine is line 24 on
15:54:40 15 page 42. It seems to me --

16 PRESIDING JUDGE: Page 43 in my case.

17 MR CAMMEGH: I think we're working on the same lines, just
18 that you're a page advanced from me.

19 PRESIDING JUDGE: Very well. Page 43, line 24.

15:54:56 20 MR CAMMEGH: Indeed.

21 Q. Let me just ask you this question, Madam, and help me, if
22 you can. Were you still in Bunumbu when the rebels arrived to
23 set up their training base?

24 A. I've told you that I left Bunumbu in December.

15:55:22 25 Q. A moment ago you just said January.

26 A. We finished harvesting the rice in December. January we
27 prepared ourselves and we left. I left there and it took up to
28 three months before they started the base there.

29 Q. You were asked this question at line 24 on Your Honours'

1 page 43 by Mr Harrison last Thursday:

2 "Do you remember any events that happened during the time
3 you were at Bunumbu?"

4 And you answered:

15:56:04 5 "Yes, we were in Bunumbu. By then we'd just started the
6 planting season. Then we saw the rebels come. They said
7 there was an overthrow."

8 Now, you have just told us that you left Bunumbu in January
9 1997; yes? Do you stand by that answer? Because I'm going to
10 suggest you've tripped yourself up here.

11 A. That day that the overthrow took place, there were people
12 on my farm planting rice.

13 Q. You told us just now that you left in January 1997 after
14 you'd harvested the rice, didn't you?

15:57:03 15 A. Yes, because I cultivated the farm in 1997. We finished
16 harvesting the rice in December and I left in January. Then I
17 went to Kailahun.

18 Q. Now, the overthrow, I suggest, Madam, didn't take place
19 in January of 1997, it took place on 25 May 1997. Do you accept
15:57:43 20 that? You are shaking your head.

21 A. I said that was the time I left Bunumbu.

22 Q. At the time of the overthrow?

23 A. At that time, that was the time I left Bunumbu for
24 Kailahun.

15:57:57 25 Q. Okay. Let's just return to your answer. It will be
26 translated for you. I'm sorry if you're getting frustrated, but
27 we need to work through this. Your answer was, "Yes, we were in
28 Bunumbu. By then, we'd just started the planting season." So
29 when you were asked by Mr Harrison about events in Bunumbu,

1 you're talking about the planting season, not the harvesting
2 season, aren't you?

3 A. I think when you plough rice you would harvest it, you
4 wouldn't abandon it there.

15:58:46 5 Q. Then you said, "Then we saw the rebels come. They said
6 there was an overthrow." Madam, the overthrow was in May, it
7 wasn't in January. You were at Bunumbu a lot longer than what
8 you're trying to have this Court believe, weren't you?

9 A. I stayed long in Bunumbu. That's why I told you a while
15:59:26 10 ago that I do not know dates, I do not know calendar, but I was
11 in Bunumbu and I did leave there.

12 [RUF06MAR06D - EKD]

13 Q. You're telling us today that you left in January 1997. I'm
14 putting to you what you told this Court last Thursday, when you
15:59:39 15 freely admit you were there at least up until May the 25th of
16 1997, in the planting season?

17 A. Well, if I had been in Bunumbu, I do not think it was a
18 crime so I would not deny that.

19 Q. I am sure it is not a crime at all. But the point is this
16:00:22 20 that you are confusing your testimony as to how long you were
21 there, aren't you? I have just pointed that out to you, I
22 suggest. You have contradicted yourself.

23 A. I said I went to Bunumbu, we were there, we planted rice,
24 we harvested the rice, then afterwards we left after I had
16:00:36 25 finished harvesting the rice.

26 Q. Yes. What I would like you to tell us is this: Were you
27 really there in 1997 at all?

28 PRESIDING JUDGE: What's the question again, Mr Cammegh?

29 MR CAMMEGH:

1 Q. Were you really there in 1997 at all?

2 A. I was there during the farming season. We planted the
3 rice, we harvested the rice. When we finished, we departed.

4 Q. Well, I suggest you have contradicted yourself as to when
16:01:11 5 you left and --

6 PRESIDING JUDGE: Let the Court appreciate --

7 MR CAMMEGH: Very well. I am going to move on. The last
8 point is this:

9 Q. Madam, you could not, in my submission, have been in
16:01:27 10 Bunumbu in 1997 because in 1997 no civilians were allowed there.

11 A. I believe I did not tell you that I was there in 1997.

12 Q. Well, that is what you said on Thursday. And I suggest
13 finally on this point is this: The only way you could have been
14 there in 1997 was if you were very close to some of the
16:02:06 15 commanders by virtue of the particular job that you were doing.

16 Don't worry, I'm going to move on to something else.

17 MR CAMMEGH: Your Honour, I don't know if you want an
18 answer to that question.

19 JUDGE ITOE: Yes, we want an answer.

16:02:58 20 THE WITNESS: Is that a question? I thought you were just
21 saying something. Repeat. I don't know -- I never knew whether
22 it was a question. That's the reason why I never responded. You
23 just said when the commanders were in the Bunumbu. How can I
24 answer that question? It was like he was making a statement.

16:03:20 25 MR CAMMEGH:

26 Q. Let me try one more time. I am suggesting this: The only
27 way you could have been in Bunumbu in 1997 would have been if you
28 were a trusted - I'm going to use this word - employee of those
29 in the RUF commander on the ground. A trusted employee.

1 A. I told you I was not in Bunumbu at that time. The time I
2 have shown to you is the time I'm standing by. It was the time I
3 left Bunumbu.

4 Q. Let me move on to something else.

16:04:14 5 MR CAMMEGH: Your Honours, I am not aware whether you
6 wanted to take a break this afternoon.

7 PRESIDING JUDGE: Yes, but normally --

8 MR CAMMEGH: I am happy to go on.

9 PRESIDING JUDGE: At 4.30.

16:04:25 10 MR CAMMEGH: Very well.

11 Q. There was a time when you went to Kailahun Town and as you
12 told us at page 46 of the transcript, you went there in 1997. Do
13 you remember, madam, and this shouldn't be controversial, that
14 you remember hearing about a meeting between Sam Bockarie and
16:04:53 15 Issa Sesay in Daru, where it was announced to the civilians that
16 the war was over and everybody was to return home. Do you
17 remember that?

18 A. Yes.

19 Q. This would have been in the early part of 1997, would it
16:05:38 20 not? Do you agree?

21 A. You said what?

22 Q. This would have been, I will be specific, in early 1997,
23 wouldn't it, that you heard the news that the war was over?

24 A. I was in Kailahun when civilians started coming and said
16:06:06 25 Mosquito said the war was over. I didn't check for the date.

26 Q. I suggest this took place in February 1997, but if you
27 don't remember the date, I won't press you on that. I certainly
28 accept that you were at Kailahun at that time. For the record, I
29 suggest it was February of 1997. You then went on to tell

1 Mr Harrison this:

2 "That after two or three weeks we saw MP commanders and G5
3 commanders arresting people from their villages and
4 bringing them back to Kailahun."

16:06:58 5 Do you agree with that?

6 A. The MP commander, G5 commander, they were the people
7 sending people to those villages to bring the people along. But
8 I didn't say they went and arrested them. They sent people to
9 capture those people to bring them, their agents.

16:07:36 10 Q. This was a very important matter, wasn't it, madam, at the
11 time?

12 A. The way I saw them doing it, it was important.

13 Q. Yes, I agree with what you're saying. I accept what you're
14 saying. Can you remember which units were involved in those
16:08:14 15 arrests?

16 A. It was the G5s who went for those people and the MPs. They
17 had their agents in those villages. They sent to them to bring
18 those people along.

19 MR CAMMEGH: Now, Your Honour, there is one question, just
16:08:57 20 one that I would like to slip in here given the reference to the
21 activities of MPs at this particular point and I expect
22 Your Honours might contemplate which question I am going to ask.
23 If I write it down, it will save us having to go into closed
24 session.

16:09:12 25 PRESIDING JUDGE: But the witness cannot read.

26 MR CAMMEGH: I'm sorry.

27 PRESIDING JUDGE: I don't think the witness can read. At
28 least that is my understanding of her evidence.

29 MR CAMMEGH: Well, I will have to go into closed session on

1 another matter at the end. I will leave it -- I will delay it

2 until then.

3 Q. Very well. Right. So it is the G5 and MP who is involved
4 in the arrest; correct?

16:09:38 5 A. Yes.

6 Q. Now, let's go on to the G5. I just want to ask you some
7 questions about the organisation of G5. I am going to suggest,
8 first of all, that it was a separate unit with its own command
9 structure within the RUF. You'd agree with that, wouldn't you?

16:10:17 10 A. It was a group -- the G5s constitute a group of people
11 dealing only with civilians. But I never knew if they were RUFs,
12 but they had RUF people among them.

13 Q. Now, I know that you have told us that Augustine Gbao was
14 the overall commander of G5, and I know you have told us that he
16:10:56 15 maintained that position from certainly 1993. You have heard me
16 suggest that you are wrong about that. What I am going to
17 suggest is that by 1996/1997, the overall commander of G5 was a
18 man called Prince Taylor. That is a correct; isn't it?

19 A. I don't know the Prince Taylor you are talking about.

16:11:39 20 Q. And I am suggesting that a man called Morie Fekai was the
21 G5 commander locally in Kailahun Town when you arrived in 1997?

22 A. He was working directly under Augustine Gbao. He was
23 working under Augustine Gbao.

24 Q. Well, I understand that you are sticking to your story
16:12:10 25 about Augustine Gbao being boss of the G5, but what I am
26 suggesting is that Morie Fekai was the G5 boss in Kailahun Town.
27 Do you agree with that?

28 A. He was working under Augustine Gbao.

29 Q. Yes, you seem bent on repeating the name Augustine Gbao --

1 PRESIDING JUDGE: Well, this is her answer. I mean, you
2 put it to her twice. She has said no to that. Fekai is working
3 for Gbao and Gbao is the boss at that time.

4 MR CAMMEGH: Your Honour, I'm sorry. She is blatantly
16:12:52 5 refusing to answer the question. The question is very simple:
6 Was Morie Fekai boss in Kailahun Town or not? I'm not interested
7 in hearing about Augustine Gbao.

8 PRESIDING JUDGE: Well, she is telling you that the boss
9 was Gbao, so I mean, that is the answer to your question.

16:13:05 10 MR CAMMEGH: With respect, Your Honour, she is not
11 specifically saying that. She is just saying that Morie Fekai
12 was working for Augustine Gbao. She is not actually attributing
13 particular roles to either of them in her answer. I refuse, with
14 respect, to speculate or draw assumptions from answers that she's
16:13:18 15 given because we have to be more forensic than that. I would be
16 grateful if I could just put the question one more time.

17 PRESIDING JUDGE: Go ahead.

18 MR CAMMEGH: Thank you.
19 Q. Forget Augustine Gbao for a moment, please. We will come
16:13:34 20 back to him. Was Morie Fekai the G5 boss for Kailahun Town in
21 1997?

22 A. I don't know that.

23 Q. Okay. I suggest that the function of the G5 was first of
24 all to screen civilians. Do you agree?

16:14:14 25 A. Okay, that was what I said.

26 Q. Because there was a lot of fear, wasn't there, in 1997/1998
27 about Kamajor infiltration into Kailahun District and that's why
28 screening was important; correct?

29 A. I don't know that, that Kamajors infiltrated their rank. I

1 never saw Kamajors there with a knife or a stick. All of us that
2 were there were civilians.

3 Q. Secondly, I suggest the G5's function was to organise
4 civilians in their normal activities during the war effort. Do
16:15:07 5 you agree with that?

6 A. Please repeat, because I didn't get the end part of it
7 clearly. Say it again for me to get clearly.

8 Q. Right. I'm suggesting that another function of the G5 was
9 to organise civilians in their day-to-day activities in support
16:15:34 10 of the war effort, in support of the welfare of the civilians as
11 a whole.

12 A. That's true. They did organise -- they did organise us for
13 ourselves and for us to give assistance to them.

14 Q. And thirdly --

16:16:18 15 A. To transport their properties.

16 Q. Because a lot of the people were pulling together, weren't
17 they, in the same cause?

18 A. Like what sort of people?

19 Q. Civilians. Civilians were working together for the same
16:16:44 20 cause?

21 A. Yes, they did tell them and whenever they were told, they
22 will do it. But a civilian will not just sit and do things on
23 his own, unless you are told to do something.

24 Q. I accept that. Thirdly, another function of the G5 was to
16:17:10 25 deal with the relations between soldiers and civilians, wasn't
26 it? It was to supervise civilian/military relations. Do you
27 agree?

28 A. Like what? To protect them or to speak on their behalf?
29 Explain the difference.

1 Q. I will give you an example. If a soldier wrongly
2 interfered with a civilian, it was the G5's job or -- yes, to
3 receive complaints from that civilian, and it was the G5's job
4 thereafter to put in progress some sort of disciplinary measure.

16:18:26 5 JUDGE ITOE: Unless you want her to repeat, I think she
6 earlier on in her evidence had stated this.

7 THE WITNESS: Yes.

8 MR CAMMEGH: I can't quite hear you.

9 JUDGE ITOE: I was saying that unless you want her to
16:18:37 10 repeat that same --

11 MR CAMMEGH: I was probably out of the room at the time,
12 but if Your Honour says that, I'm satisfied, thank you.

13 JUDGE ITOE: Was it not resolution of conflict, conflict
14 resolution between the civilians and the soldiers?

16:18:53 15 MR CAMMEGH: I am obliged for that indication.

16 Q. Now that is the G5 and you still say Augustine Gbao was
17 boss of the G5 while you were at Kailahun, do you?

18 A. Yes.

19 Q. All right. Now, I want to ask you some questions about a
16:19:13 20 unit called the IDU. That is the Internal Defence Unit. I know
21 that earlier on you told us you didn't know about the IDU, so let
22 me explain. Because, you see, it's my suggestion to you, Madam,
23 that Augustine Gbao wasn't boss of G5, he was in fact overall
24 boss of the IDU, which is a totally separate organisation.

16:19:47 25 Clearly you disagree. Okay.

26 A. I don't know about IDU. I knew him as a G5. The IDU you
27 are talking about, I don't know the meaning.

28 Q. What I am saying is the IDU is a separate unit run by
29 Augustine Gbao overall, whose chief job was to investigate

1 misconduct of both RUF soldiers and civilians, and, secondly, to
2 attempt to collect intelligence from the front line as to enemy
3 military activity. You are nodding your head. Do you recollect
4 that? Do you now recollect an IDU?

16:20:48 5 A. I know nothing about IDU. I said G5. I know nothing about
6 him being IDU.

7 Q. I want to go into more depth on the subject of the arrest
8 of these civilians.

9 PRESIDING JUDGE: For my own understanding, are you making
16:21:23 10 a difference here between -- because the witness has talked about
11 the -- she has used the word "civilians" being captured in the
12 surrounding villages. Is this what you mean by arrests or are
13 you making reference to a more specific group?

14 MR CAMMEGH: No, I am referring to the arrests of those who
16:21:43 15 became the captive Kamajors who were later shot.

16 PRESIDING JUDGE: Fine, thank you. That is what I thought
17 you meant but it was just for greater clarity for myself.

18 MR CAMMEGH: I am going to clear that up. I am not
19 referring to capturing civilians at all at this time.

16:22:00 20 PRESIDING JUDGE: Thank you.

21 MR CAMMEGH:

22 Q. Let's go on to the arrests that you have told us about.
23 First of all, Madam, can you help me with this? We are referring
24 to, on my instructions, approximately February 1998 now, which is
16:22:30 25 when those arrests, I suggest, took place. Can you tell me,
26 first of all, please, who was the MP commander of
27 Kailahun District at that time, can you remember? This is early
28 1998 and you have been living in Kailahun for some time.

29 A. The person I knew in the MP office was Joe Fatoma.

1 Q. I know that he was the MP boss in Kailahun Town. I am
2 asking you about Kailahun District. Who was his overall boss in
3 the MP? You don't know.

4 A. I never knew the district overall commander at the time.
16:23:30 5 By then everybody was dispersed in different areas. By then they
6 were in Kenema. But when we were in Kailahun, it was Joe Fatoma.
7 He was the man I knew.

8 Q. Let me see if I can help you. Do you remember the name
9 John D Aruna as being MP commander for Kailahun District? John D
16:23:53 10 Aruna.

11 A. I never knew him, because I never met him in that office as
12 MP commander.

13 Q. I am not suggesting that you might have done. I am just
14 asking whether you can recall the name. But you do remember the
16:24:10 15 name Kaitonge, don't you?

16 JUDGE ITOE: Let's finish with John Aruna.

17 MR CAMMEGH: I think she stated that she didn't know the
18 name and I am prepared to accept that.

19 Q. Madam, you do remember a man called Kaitonge, don't you?

16:24:33 20 A. I don't know Kaitonge -- a person called Kaitonge.

21 Q. Let me help you. I am suggesting that a senior SLA officer
22 was captured in Giehun by the MPs in February of 1998 and his
23 name was Kaitonge. Do you remember that?

24 A. I said I don't know him. I don't know that name. I never
16:25:20 25 heard about it.

26 MR CAMMEGH: Would Your Honours forgive me for one moment,
27 please. Forgive me, sorry.

28 Q. Do you remember hearing a story -- it may be I have got the
29 name wrong, I am just checking it. But do you remember hearing a

1 story about a senior SLA man who had been captured by RUF MPs,
2 who told the MPs that he'd defected from the SLA to the Kamajors?

3 A. I never heard that.

4 Q. What about this name: do you remember somebody called
16:27:00 5 Charles Kayoko?

6 A. I don't know a person called Charles Kayoko.

7 Q. An SLA man captured by the MPs in Giehun?

8 A. I don't know him because I was not in Giehun.

9 Q. Did you hear a story that the RUF had captured one of the
16:27:36 10 enemy who was going to give information about Kamajors
11 infiltrating the RUF heartlands in Kailahun?

12 A. I heard nothing about that.

13 Q. All right. Well, I'm not criticising you for that, Madam.
14 I am suggesting, however, that that did happen. What I am
16:28:11 15 suggesting further is this: that the man who'd been captured,
16 whose name is either Kaitonge or Kayoko, had told John D Aruna,
17 the Kailahun District MP boss, that he could identify some of the
18 spies and agents in the midst of the RUF in Kailahun in
19 February '98. That's what I'm suggesting. I anticipate you
16:29:01 20 didn't hear about that; is that right?

21 A. I was not told that. He said he explained that to John
22 Aruna. So I was not there.

23 Q. All right. So what reason were you given to believe -- why
24 did you believe that these men were being arrested by the MPs and
16:29:36 25 the G5 and taken to the cells in Kailahun? What reason were you
26 given? Why did you think these people were being arrested?

27 PRESIDING JUDGE: Do you think it is a really relevant
28 question what she thinks about that, Mr Cammegh? What purpose
29 does it serve? She says [Overlapping speakers]

1 THE WITNESS: Okay, when they came with them --

2 PRESIDING JUDGE: You're asking her to speculate as to what
3 you think may be --

4 MR CAMMEGH: Well, I am not asking her to speculate. I am
16:30:16 5 simply asking her, because obviously hearsay being admissible,
6 what reason she had been given.

7 PRESIDING JUDGE: But if she knew and she had that kind of
8 information, however it was explained, but she says she doesn't
9 even know this. She never even heard of it, so --

16:30:33 10 MR CAMMEGH: I will put the question in a neater way which
11 won't offend and I will put in this way.

12 PRESIDING JUDGE: We were to break at 4.30.

13 MR CAMMEGH: Can I just ask this one question?

14 PRESIDING JUDGE: All right.

16:30:45 15 MR CAMMEGH:

16 Q. Did anybody tell you why these people were being arrested
17 and brought to the cell in Kailahun?

18 PRESIDING JUDGE: That's better.

19 THE WITNESS: Yes. I asked Joe Fatoma, "Why have you
16:31:03 20 brought these people and detained them in the office?" He said
21 "Mosquito said they should be arrested and subsequently be
22 investigated."

23 MR CAMMEGH:

24 Q. But were you given a reason why they were arrested? I know
16:31:23 25 Mosquito ordered it, but were you told why he had ordered it?

26 A. He said they should be guarded together and be investigated
27 to know if there are Kamajors among them to be separated from
28 them.

29 MR CAMMEGH: Okay, that will do. Thank you very much.

1 THE WITNESS: That's the reason I knew.

2 MR CAMMEGH: Your Honours, that's a convenient time.

3 PRESIDING JUDGE: Yes, you still had one or two questions
4 in closed session that you were to ask. To avoid any lost time
16:31:57 5 we can either do that not now but when we came back.

6 MR CAMMEGH: I would be happy if we do it right at the end
7 of my cross-examination.

8 PRESIDING JUDGE: That's fine.

9 MR CAMMEGH: And for Your Honours' information I am quite
16:32:09 10 sure we will be going into tomorrow, but not far.

11 PRESIDING JUDGE: Court will adjourn for the recess, thank
12 you.

13 [Break taken at 4.32 p.m.]

14 [Upon resuming at 4.58 p.m.]

16:58:41 15 PRESIDING JUDGE: Yes, Mr Cammegh.

16 MR CAMMEGH: Thank you.

17 Q. I just want to go back a year or two in time now, to 1996,
18 when you were in Bunumbu, as you have told us, in the Luawa
19 Chiefdom. Madam, when you were in Bunumbu, what was your opinion
16:59:13 20 of the Kamajor fighters?

21 A. I had nothing in mind about them.

22 Q. So you didn't look on them with any particular --

23 JUDGE THOMPSON: She is virtually saying she had no opinion
24 when she was in Bunumbu.

16:59:45 25 MR CAMMEGH: I had no feeling about them, I think she said.

26 JUDGE THOMPSON: "Nothing in mind." How do we render that
27 in -- no feeling? You asked her opinion, didn't you?

28 MR CAMMEGH: I would be happy if your Honour just jotted
29 down, "I had no opinion of them one way or the other."

1 JUDGE THOMPSON: That was what you asked for.

2 MR CAMMEGH: Yes.

3 Q. If I can explore that briefly, madam. You didn't then look
4 on them with any particular fear?

17:00:25 5 A. On whom?

6 Q. Sorry, the Kamajors. Were you afraid of the Kamajors when
7 you arrived at Bunumbu in '96?

8 A. I didn't tell you that Kamajors went to Bunumbu. And since
9 the war started unto the end of the war, I never saw Kamajors.

17:00:49 10 If they went there, I was a civilian, I was almost always in the
11 bush, I never saw them.

12 Q. All right. Whenever you left Bunumbu, whether it was in
13 January '97 or later than year, when you went -- when you left
14 Bunumbu and went to Kailahun Town, did you have any particular
17:01:15 15 opinion of the Kamajors at that time?

16 A. Like what sort of thoughts?

17 Q. Well, you told us just now that in '96 when you arrived at
18 Bunumbu you had no opinion of the Kamajors. What I'm asking is
19 had your opinion of the Kamajors changed by the time you went to
17:01:43 20 live in Kailahun Town some time in 1997?

21 JUDGE THOMPSON: Had she then formed an opinion? That's
22 the point. Otherwise there are so many gaps in the steps.
23 Otherwise she takes advantage of this and then comes out with
24 some difficulty.

17:02:01 25 MR CAMMEGH: Your Honour is absolutely right.

26 JUDGE THOMPSON: Had she formed an opinion?

27 MR CAMMEGH:

28 Q. By the time you left Bunumbu for Kailahun Town at some time
29 in 1997 had you formed an opinion of the Kamajors?

1 A. I had nothing in mind because the time I was there Kamajors
2 did not go there. I didn't see Kamajors there.

3 Q. All right. The communities, the villages and the people of
4 Kailahun District are quite close, aren't they?

17:02:59 5 A. Sometimes -- in some towns they were closer but some other
6 towns they were far away.

7 Q. But people travel between towns and villages, don't they,
8 on everyday business, whether there is a war on or not?

9 A. I will not talk about some other person. If you ask me
17:03:31 10 about me, that if I used to travel, I will explain that to you.
11 Sometimes we'll be in the bush.

12 Q. But some families are very large, aren't they, and they are
13 spread about the district in various towns or villages?

14 A. So it happen. There will be some people in one town, the
17:04:07 15 others be in another town. There will be some towns where people
16 will not go to the jorbush.

17 Q. Yes. And it would be fair to say, wouldn't it, in an area
18 of widespread communities, like Kailahun District, that news
19 travels fast between communities? That would be right, wouldn't
17:04:33 20 it?

21 A. What I saw is what I've come to explain in this Court.
22 What I never saw I will not explain. All what I'm saying here is
23 what I saw.

24 Q. Rumours and news travelled fast, didn't it, from community
17:05:03 25 to community in Kailahun District during the war years?

26 JUDGE THOMPSON: From whose perspective? Western
27 perspective?

28 MR CAMMEGH: I'm talking about the inhabitants of
29 Kailahun District.

1 JUDGE THOMPSON: Why not try to replicate it in a cultural
2 perspective so that she -- because when you say "news travelled
3 fast" you seem to be, in my own appreciation, using some western
4 technological paradigm as the basis of your question. Try, I
17:05:42 5 know you're creative.

6 MR CAMMEGH:

7 Q. Word of mouth is the traditional way that information and
8 news is shared between communities in Kailahun District.
9 Wouldn't that be fair? People hear something, they tell their
17:06:04 10 friends, it goes from one person to the other?

11 A. I know nothing about somebody else's business. Whatever
12 happened, unless I go and inquire for myself, but I will not
13 listen to what people say.

14 Q. Right. So in 1996/97 you had no opinion of the Kamajors
17:06:31 15 and you weren't interested in anybody else's business in
16 Kailahun. Is that correct?

17 A. I know nothing -- I knew nothing about Kamajor business
18 there.

19 Q. Thank you. Are you able to remember any terrible events
17:07:04 20 caused by the Kamajors while you were at Bunumbu in 1996 in the
21 Kailahun District that affected a lot of people?

22 A. I never saw that.

23 Q. No, but I suggest you must have heard about something. Is
24 there one event in particular that you can remember that took
17:07:36 25 place in 1996 where the Kamajors --

26 A. Unless you explain to me to hear, but I don't know.

27 Q. All right.

28 A. I've not been able to remember.

29 Q. Let's go back to the village or the town of Mendeboima.

1 You know Mendeboima because you lived there for a while in 1991
2 to '93 I think. I might be wrong about the precise dates, but
3 you know Mendeboima, don't you, because that's where your story
4 started?

17:08:24 5 A. Yes.

6 Q. Now, I'm going to try and help you. Can you remember
7 anything happening at Mendeboima in 1996 that caused an awful lot
8 of pain for many, many people and families in Kailahun District?
9 One event in particular.

17:08:47 10 A. That is what I'm saying, unless you assist me to recall,
11 but I cannot exactly recall because it's quite some time now. I
12 didn't commit that to memory because, as you said, I was not
13 there at the time.

14 JUDGE ITOE: Why don't you put the incident to her,
17:09:06 15 Mr Cammegh.

16 MR CAMMEGH: I'm going to. I just want to test her
17 credibility because I am going to suggest she could not possibly
18 have not known about this. Sorry for the double negative.

19 Q. You have been telling this Court in great detail about the
17:09:21 20 killing of 67 people in Kailahun Town in approximately April of
21 1998, haven't you? You remember that very well, don't you? Yes
22 or no?

23 A. I said civilians were killed.

24 Q. Yes. And 200 civilians were murdered brutally by the
17:09:42 25 Kamajors at the Moa River crossing point at Mendeboima in 1996,
26 weren't they? I'm sorry if that's amusing to you, Witness.

27 A. I was not there and I never saw it. I was not there.

28 Q. You heard about it, didn't you?

29 A. I'm not a fighter.

1 Q. You heard about it, didn't you?

2 A. I said I never saw it, I never heard about it. I was not
3 there. What I saw is what I will talk about.

4 Q. I suggest you are lying to this Court when you tell us that
17:10:31 5 and I suggest you are lying to this Court when you tell this
6 Court that you don't know why suspected Kamajor infiltrators were
7 arrested in early 1998.

8 THE INTERPRETER: Your Honours, can counsel take the
9 question back.

17:10:48 10 THE WITNESS: Whatever thing that happened, if I did not
11 see it, that implies that I'm telling lies?

12 MR CAMMEGH:

13 Q. Hundreds of families, I suggest, Witness, were affected
14 terribly by what the Kamajors did at the Moa River crossing point
17:11:08 15 in 1996. Are you seriously telling this Court that you never
16 heard about it, while you were living just 15 miles away in
17 Bunumbu?

18 PRESIDING JUDGE: I would caution you not to be too
19 argumentative with the witness. You can pose a question but --
17:11:20 20 [Overlapping speakers].

21 MR CAMMEGH: [Overlapping speakers]

22 THE WITNESS: I said I never heard about it. I never saw
23 it.

24 PRESIDING JUDGE: Mr Cammegh, if you answer at the same
17:11:28 25 time the witness is answering we are going --

26 MR CAMMEGH: I know, I'm sorry.

27 PRESIDING JUDGE: I didn't hear what you were saying and I
28 suspect the record will not show what you have said either.

29 MR CAMMEGH: What I was saying, Your Honour, is it is

1 getting to be like talking to a brick wall and forgive me if I am
2 becoming frustrated.

3 PRESIDING JUDGE: Well, you may, but the witness has been
4 there for a long time too, Mr Cammegh.

17:11:49 5 MR CAMMEGH: Your Honour, I accept that but she is put
6 forward by the Prosecution as a witness of truth and it is my one
7 opportunity to --

8 PRESIDING JUDGE: Mr Cammegh, please, let's not get into
9 these kinds of arguments. I know you are trying to do your best
17:11:59 10 and please proceed.

11 JUDGE THOMPSON: And Mr Cammegh can always fine-tune his
12 method.

13 MR CAMMEGH:
14 Q. I will fine-tune it in this way, Madam Witness: I suggest
17:12:16 15 that you are clearly lying when you say you never heard about
16 what happened at Moa River crossing.

17 JUDGE ITOE: You said about how many civilians were killed?
18 Is it 200?

19 MR CAMMEGH: 200 plus killed by the Kamajors.

17:12:30 20 THE WITNESS: No.

21 MR CAMMEGH:
22 Q. Let me see if I can help you with some of the details of
23 that. In 1996, madam, what I suggest to you is a historical fact
24 is that a great number of people, almost all of them civilians,
17:12:55 25 were fleeing the Kamajors and the SLAs who had been attacking
26 them in Tongo and the surrounding areas in the Kenema District.
27 When they reached the Moa crossing point they were cornered by
28 Kamajors and slaughtered.

29 A. Was I there when it happened? I was not there. I never

1 saw it. I was not there and I never saw it. I said I was not
2 there. I never saw it.

3 PRESIDING JUDGE: Madam Witness, please listen to the
4 question. The question is not whether you saw it. You have said
17:13:47 5 you were not there, you didn't see it. Fine. But the question
6 is: Did you hear about it? Not whether you saw it. Has
7 somebody told you about it?

8 THE WITNESS: I did not hear about it. I never saw it.

9 MR CAMMEGH:
17:14:12 10 Q. So given the job that you were doing at the time of all the
11 people that you met in '96, '97, all the families that you came
12 into contact with living in Kailahun District, are you seriously
13 telling this Court that nobody ever mentioned the slaughter at
14 the Moa River crossing point in 1996? Is that your evidence to
17:14:37 15 this Court?

16 A. No, nobody told me that that number of people were killed.
17 I was not there when it happened.

18 Q. Did you hear about anybody being killed at the Moa River by
19 the Kamajors at that time?

17:15:10 20 A. I said I never heard about it. Even if it happened, but I
21 said I never heard about it.

22 Q. Well, I won't repeat my assertion to you on that. But what
23 I will suggest is that it was common knowledge not only in
24 Kenema Town, but in towns surrounding -- sorry, Kailahun Town,
17:15:37 25 but in towns surrounding Kailahun Town. Common knowledge that --

26 A. If everybody knew about it, I am saying I never saw it and
27 I don't know about it. What I knew of is what I'm explaining in
28 this Court.

29 Q. Right. What I'm putting to you is this: Is that the local

1 population within Kailahun Town and its surrounding areas were
2 very afraid in February 1998 because it was made clear by the RUF
3 higher command that there was a suspicion that dozens if not
4 hundreds of Kamajor infiltrators were among the returnees going
17:16:48 5 back to their villages. Are you saying that you didn't hear
6 about that?

7 A. The high command did not send the message to me. I didn't
8 get that. The only thing I heard was when the MP commander and
9 the others started arresting the people, he told me that Mosquito
17:17:21 10 sent for the people to be arrested.

11 Q. Don't you remember a general warning going out to the
12 population, word of mouth, that some of these Kamajor
13 infiltrators could actually be identified by the particular kind
14 of tattoos or tribal markings that they may have had on their
17:17:53 15 arms? Don't you remember that?

16 A. I was not there when that message went round. It was only
17 when they started arresting them and bringing them to the office.

18 Q. You see, what I suggest is that throughout these villages
19 and towns there was a great fear that many of those returnees had
17:18:40 20 been inducted into the Kamajor society and they were lying in
21 wait for the command to attack the civilians of Kailahun District
22 whenever the moment came. You didn't hear anything about that?

23 A. Apart from when I went and met them at the office, that
24 they've come with them to be investigated. Let me say something.
17:19:17 25 The time we were with the RUFs, whatever that does not concern
26 you, you will not interfere into it. Whatever thing that was
27 happening as long as it does not concern you, you have no right
28 to interfere into it. Because I have not wanted somebody to
29 disgrace me for what I will have to say. So what I saw is what I

1 will say. I will not listen to hearsay. So somebody will not
2 say that is what I said.

3 Q. [Overlapping speakers]. Madam, February 1998, didn't you
4 hear about the atrocities in Kenema Town perpetrated by the
17:20:03 5 advancing Kamajor forces? Is there some humour in that question?
6 If so, please tell us why. Because it's not funny, is it?

7 People being burned alive with burning tyres put around their
8 necks, do you think that's funny, in Hangha Road, Kenema Town?

9 A. I didn't go to Kenema. I said I didn't go to Kenema.
17:20:45 10 Since the war started I never left Kailahun until when I was sent
11 to Peyama. Whatever happened in Kenema, what they did to people,
12 I didn't go there. What I saw is what I will say. I didn't go
13 there.

14 Q. You have told us about the day when Sam Bockarie with about
17:21:01 15 a hundred fighters entered Kailahun Town. Didn't any of those
16 people, who'd been on the run from Kenema, tell you what the
17 Kamajors had done with the burning tyres in Kenema? Do you
18 seriously say you never heard about that?

19 A. I said I wouldn't be able to say anything about it because
17:21:31 20 I didn't see it. I can't say much about it. This is a court.
21 What you saw is what you will explain.

22 Q. So you never heard anything about Kamajor atrocities at
23 Moa River or in Kenema; is that your evidence?

24 A. I said I don't know. I am not saying they never did
17:22:03 25 something wrong there, but I said I don't know because I was not
26 there.

27 Q. And you weren't aware of a general feeling of the
28 population of Kailahun District - the civilian population - being
29 scared half to death by the fact that this Kamajor army was on

1 the advance? Didn't that come to your ears --

2 PRESIDING JUDGE: Mr Cammegh, I would like to move out of
3 there. This is at least the fifth time you are asking this
4 question in a different fashion as such. We know the answer and
17:22:31 5 the witness has told you without any doubt she doesn't know about
6 it.

7 MR CAMMEGH: Okay.

8 JUDGE ITOE: We want to be avoid be too interventionist in
9 these matters.

17:22:43 10 MR CAMMEGH: I do appreciate it.

11 JUDGE ITOE: We would like to give counsel the opportunity
12 to explore a very wide field in the course of their
13 cross-examination. But we are aware here that this Chamber has
14 come under criticism of being very tolerant with its
17:23:06 15 cross-examination and wasting time. We have that on records. We
16 don't bother about that. What bothers us is that we do what is
17 right. But there have been reports on this and we don't care in
18 any event what -- where those reports come from. That is why we
19 are pleading with you, if we can, that much as you have latitude
17:23:33 20 to defend your client, you should please endeavour to do that
21 with all reasonableness and avoid being repetitive in your
22 cross-examination.

23 JUDGE THOMPSON: Learned counsel, following what my learned
24 brother has said, I would like to go on record that I will treat
17:23:53 25 with the contempt those kind of criticisms deserve rather than
26 the inference by them in the administration of justice.

27 MR CAMMEGH: It's kind of you to indicate that,
28 Your Honour.

29 PRESIDING JUDGE: Well, having said that, we still would

1 appreciate that you move ahead, please.

2 MR CAMMEGH: Yes, I get the hint. I'm sorry, Your Honour,
3 I've got the bit between my teeth and I will move on.

4 Q. You told the Court last week, madam, that --

17:24:24 5 MR CAMMEGH: And it is at, Your Honours, page 50 and I am
6 hoping it is at line 16, although it is probably not necessary to
7 turn it up.

8 Q. You told the Court this:

9 "Joe Fatoma said that the order had come from Buedu that
17:24:47 10 Mosquito had said he should summon these people and
11 investigate them to screen them for Kamajors."

12 Do you remember saying that, that the order had come from
13 Buedu?

14 A. Yes, yes. It came from Buedu, from Mosquito. That was
17:25:09 15 what Joe Fatoma told me.

16 Q. Well, are you sure that is what Joe Fatoma told you,
17 because I'm going to suggest that at that time Mosquito hadn't
18 arrived in Buedu and therefore the message could not have come
19 from Buedu. Could I be right about that?

17:25:38 20 A. That was what Joe Fatoma told me.

21 Q. What I'm suggesting is that the order was issued over the
22 radio from Freetown as Bockarie was retreating. Is it possible
23 that that is what Fatoma told you, that it came over the radio?

24 A. That was what Joe Fatoma told me, that a message came from
17:26:23 25 Buedu that Mosquito sent a message from Buedu. If he lied, that
26 was what he told me.

27 Q. Fair enough. I accept what you say there. But what I
28 don't accept, madam, is this: You knew surely that Mosquito was
29 not in Buedu. He wasn't even in Kailahun at that time. You must

1 have known that.

2 A. I am not here to say something about Mosquito.

3 THE INTERPRETER: I was not there to investigate Mosquito's
4 movement. Correction, interpreter.

17:27:17 5 THE WITNESS: What Joe Fatoma said is what I have said.

6 MR CAMMEGH:

7 Q. I won't pursue that. I accept what you say when you say
8 that 67 infiltrators -- remove the word "infiltrators" because of
9 course the witness hasn't said that. I accept what you say when
17:27:45 10 you say that 67 people were arrested. Madam Witness, why is it,
11 though, that you use the figure 67?

12 A. They were 67, that's the reason why I said 67.

13 Q. Did you count them?

14 A. There were 67 in number.

17:28:19 15 Q. Madam, did you count them?

16 A. Yes. They were 67 in number.

17 Q. Where were they when you counted them?

18 A. They used to come to town to work. And even then, I did
19 ask them.

17:28:43 20 Q. So you counted them when they used to come to town to work,
21 did you?

22 A. Yes.

23 Q. I'm not going to mess about, madam, I'm simply going to
24 come to the point. You didn't count them at all, did you?

17:29:01 25 That's a blatant lie, I suggest. You never counted them, did
26 you? No?

27 A. What I never saw I will not explain. And what I didn't say
28 I will not talk -- if I never saw it I will say I never saw it.

29 Q. You never saw it, but you've just told us that you did.

1 You told us that you counted 67 and I'm suggesting that's a lie.

2 And it is a lie; isn't it? You just lied to the Court?

3 A. Yes.

4 Q. And I accept that you gave the Prosecution a statement on
17:29:46 5 27th March 2003 and I accept that in that statement you referred
6 to 67 prisoners. I also accept that you were spoken to again by
7 the Prosecution nearly a year later on 4th February 2004. And
8 there you referred to this: "I saw the killing of 65 people who
9 were accused of being Kamajors." Then you go on to say that
17:30:26 10 Augustine Gbao was the commander on the ground. Why is it,
11 madam, that in 2003 you are able to tell us that it is 67, but
12 less than a year later, February 2004, you have reduced the
13 figure to 65. Then you come back to this Court and you tell us
14 it is 67 again. Why is that?

17:30:53 15 A. Since I started giving my statement, I said 67 people.
16 I've not forgotten. The person who wrote it probably he wrote it
17 that way. But that was what I said.

18 Q. He did or rather she wrote it that way. It was a Miss
19 Parmar, an Indian lady. She wrote down 65 on 4th February 2004.
17:31:23 20 Why can't you keep to your story? Why do you change your story?

21 PRESIDING JUDGE: She just told you. She says that all
22 along that is what she has been saying all along. That's what
23 she said: They wrote it down but that is what not what she said.
24 That is her explanation.

17:31:37 25 MR CAMMEGH:

26 Q. Can I just say, madam, that if that is your explanation, on
27 behalf of Augustine Gbao I suggest that you are lying to this
28 Court again and you are incapable of maintaining a consistent
29 story.

1 MR CAMMEGH: Your Honours, is that a convenient moment. I
2 see it is half past five.

3 PRESIDING JUDGE: Indeed. So I take it you have not
4 completed your cross-examination?

17:31:59 5 THE WITNESS: This is not -- that man, this is not his
6 home. He was not here when this war broke out. If he was here
7 and his brother was killed, he was not going to say all what he
8 was saying. If he was here and saw all what happened in this
9 town, or to have his close relative being killed or his hands
17:32:24 10 being chopped off, he was not going to say all what he is saying.

11 MR CAMMEGH: Your Honours, I haven't finished and I do have
12 a certain amount to go. I hope Your Honours will realise that
13 this is a very important witness and of course it is the first
14 time I have been able to put instructions to a witness. So if
17:32:48 15 Your Honours will bear with me, I don't anticipate being this
16 long with anybody else this session.

17 JUDGE ITOE: Mr Cammegh, we will always bear with you. We
18 are determined, as we have always said, at all costs to ensure
19 that the rights of the accused are properly defended,
17:33:04 20 notwithstanding the accusations that are levied against this
21 Chamber.

22 MR CAMMEGH: Well, indeed. And I should say I do
23 understand Your Honours' need for brevity but if you would please
24 just bear with me with this witness.

17:33:18 25 PRESIDING JUDGE: So the Court is adjourned to 9.30
26 tomorrow morning. Thank you.

27 [Whereupon the hearing adjourned at 5.34 p.m.,
28 to be reconvened on Tuesday, the 7th day of
29 March 2006, at 9.30 a.m.]

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