

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

WEDNESDAY, 08 MARCH 2006
9.45 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 Alain Werner Mr Mark Wallbridge (Case Manager)
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [RUF08MAR06A - CR]

2 Wednesday, 08 March 2006

3 [Open session]

4 [The accused present]

09:45:53 5 [Upon commencing at 9.45 a.m.].

6 PRESIDING JUDGE: Good morning. There was an objection
7 yesterday and we were to obtain any response from the Prosecution
8 on the objection raised by both Mr Jordash and counsel for the
9 second accused.

09:46:16 10 MR HARRISON: I have prepared a brief sample of some
11 materials which I've given to the Chamber's legal officers that I
12 asked to be distributed. Defence counsel have them as well. The
13 first six pages of that is the draft transcript from yesterday
14 afternoon. On the second page of that at 116 at line 5 you will
09:46:44 15 see the objection stated, that being the first objection by
16 Mr Jordash. Then you will see at line 13 the second objection of
17 Mr Touray. And at line 16, what I understand to be an
18 independent objection by Mr O'Shea. What I propose to do is to
19 go through them in the order in which they were stated.

09:47:08 20 PRESIDING JUDGE: Very well.

21 MR HARRISON: The manner in which I'll do that, if I could
22 turn you -- I should just simply say I have attached the final
23 six pages of the transcript not because I think they are
24 relevant, because in fact they have got nothing to do with it, it
09:47:26 25 is just that one page, 116, but just so that the Court knows
26 that's the draft transcript. I'm asking you to actually turn to
27 what is the seventh page in that pamphlet and it is a proofing
28 note dated 23 March 2005. It is to paragraph 3 that the
29 Prosecution says the Court's attention ought to be drawn. That

1 paragraph reads as follows:

2 "I saw a lot of SBUs (Small Boy Units). They would often
3 be in groups of 10 to 15 children, and they all carried
4 guns. I saw them throughout Kailahun, Pendembu and Daru.
09:48:10 5 Issa Sesay, Gbao and Morris Kallon had a number of SBUs. I
6 saw Gbao with SBUs in Kailahun in 1996 and 1997. Gbao was
7 with us in Kailahun as the chief security officer. I saw
8 Sesay with SBUs in 1996, 1997 and 1998 in Buedu and
9 Kailahun."

09:48:34 10 So the Prosecution says that there was disclosure, first of
11 all, of SBUs and, secondly, that SBUs were carrying guns.

12 PRESIDING JUDGE: And this is in your proofing notes of
13 23 March 2005?

14 MR HARRISON: Yes. Unfortunately, the Court Management
09:48:53 15 number is a bit smudged, I think, but I can tell the Court that
16 the Court Management number of that document is 11240.

17 PRESIDING JUDGE: On my copy it's okay. These are
18 documents that were supplied to the Defence as part of the
19 disclosure process?

09:49:11 20 MR HARRISON: Yes, that's right. If I could just turn you
21 to the next page. In the top right-hand corner --

22 PRESIDING JUDGE: 17447.

23 MR HARRISON: Yes, that's the Court Management numbering.
24 That is a distinct proofing note. The dates from that are 19,
09:49:36 25 23, 26 November and 7 December. It is paragraph 8 which I draw
26 the Court's attention to. That is Court Management page number
27 17449. That paragraph reads as follows:

28 "Throughout 1997, 1998 and 1999 Gbao ordered civilians to
29 make a rice farm near a swamp in Ngeima. Gbao told us that

1 this farm was exclusively for the private use of Issa
2 Sesay. Still today in Ngeima the swamp is called by the
3 people 'Issa Sesay's Swamp'. I saw many of Issa Sesay's
4 bodyguards coming to Ngeima at that time to inspect the
09:50:27 5 work of the civilians."

6 I just appreciated something and I will just continue on.

7 PRESIDING JUDGE: Yes.

8 MR HARRISON:

9 "I saw Musa Vandy, aka Boys, who was a senior bodyguard of
09:50:43 10 Issa Sesay. I saw as well Moses and Abdullai Musah who
11 were both small boys and bodyguards of Issa Sesay. I knew
12 all of them, because I used to see them with Issa Sesay
13 during those years."

14 The first objection, as I understood it, was that there was
09:51:01 15 no disclosure about Small Boy Units. Alternatively, that there
16 was no disclosure of Small Boy Units having weapons and, finally,
17 that there was no disclosure that boys were beating people.

18 With respect to the third aspect, that's true. The
19 Prosecution was not aware that the witness would give that
09:51:21 20 evidence.

21 PRESIDING JUDGE: So that evidence that came out about
22 beating of people came out yesterday?

23 MR HARRISON: Yes.

24 PRESIDING JUDGE: It's new to the Prosecution as well?

09:51:45 25 MR HARRISON: Yes.

26 PRESIDING JUDGE: So there has been no disclosure of that?

27 MR HARRISON: No.

28 PRESIDING JUDGE: This is an issue that you were unaware of
29 that the witness would be speaking about.

1 MR HARRISON: That's correct.

2 JUDGE THOMPSON: What would be your submission on that one?

3 MR HARRISON: We've had this problem in the past. I think
4 what was suggested and adopted by the Court was that, because the
09:52:03 5 principle of orality prevails, whatever the witness says in
6 Court, that is ultimately -- so long as it is relevant, that is
7 admissible evidence. The Prosecution undertakes not to pursue
8 that topic and ask any further -- in fact, the Prosecution is
9 moving on to another area at this point in time, but the
09:52:22 10 Prosecution will not be pursuing that portion of evidence,
11 however, the Prosecution says that it's admissible.

12 JUDGE THOMPSON: On the principle of orality?

13 MR HARRISON: That's correct. With respect to what I
14 understood to be the second objection advanced by the second
09:52:40 15 accused, if I can just, for the benefit of the Court, as I read
16 the transcript, Mr Touray says: "Before your response, I also
17 wish to add that there is no allegation of physical violence in
18 the Kailahun District so far as the indictment is concerned."
19 That is true.

09:53:01 20 JUDGE THOMPSON: So what would be your submission on that
21 as a matter of law?

22 MR HARRISON: The answer is that counts 1 and 2 - count 1
23 and 2 being terrorising the civilian population, count 2 being
24 collective punishments - physical violence is relevant to those
09:53:18 25 two counts and those two counts are for all of Sierra Leone at
26 all times relevant to the indictment. In addition to that, were
27 counts 1 and 2 not to exist, the evidence would still be
28 admissible to demonstrate the widespread and systematic nature of
29 the crimes that the Prosecution alleges took place.

1 JUDGE THOMPSON: Thank you.

2 MR HARRISON: I understand there actually to be a third
3 objection. I know the Court only referred to the first two, but
4 Mr O'Shea --

09:53:55 5 PRESIDING JUDGE: I was not trying to ignore Mr O'Shea.

6 MR HARRISON: If I can just --

7 MR O'SHEA: Before my learned friend continues, I'm not
8 going to pursue that point, Your Honour, just to save time.

9 PRESIDING JUDGE: I thought you had made this comment to
09:54:09 10 put an emphasis on what had been said, rather than making any
11 additional argument. That's the way I read your comment to be.

12 MR O'SHEA: Your Honour was quite right. It was
13 essentially an addition to what Mr Jordash had said, but I'm not
14 going to pursue that point anyway.

09:54:27 15 PRESIDING JUDGE: Thank you very much, Mr O'Shea. Yes,
16 Mr Harrison.

17 MR HARRISON: The only point I was going to make was that
18 that evidence was given 10 minutes earlier that Mr O'Shea was
19 pointing to.

09:54:36 20 PRESIDING JUDGE: That's fine. Mr Jordash first.

21 MR JORDASH: My objection, Your Honours, was not that
22 there'd been no disclosure of allegations in general about small
23 boys. My objection was not that there'd been no disclosure of
24 small boys with guns. My objection was that there was no
09:55:03 25 disclosure about Musa Vandi, Moses and Abdulai Musa having guns.
26 That's the thrust of my objection. I can also add to that
27 objection no disclosure of their ages either, something else we
28 learnt yesterday.

29 My learned friend appears to suggest that simply disclosing

1 to the Defence a global allegation that Issa Sesay had small boys
2 with guns is sufficient disclosure for then any subsequent,
3 specific factual allegation relating to small boys and guns. If
4 that were true, then, simply, the Prosecution need do nothing
09:56:06 5 further than give us a list of global allegations: Issa Sesay
6 forced people to work in Kailahun; Issa Sesay had small boys in
7 Kailahun with guns; Issa Sesay arranged beatings of civilians in
8 Kailahun - which would, if that were correct, suffice to fulfil
9 their obligations. My learned friend's submission effectively
09:56:43 10 seeks to reduce Prosecution disclosure obligations to a simple
11 list of generalities.

12 My respectful submission is that disclosure obligations of
13 the Prosecution go much further than that. The Prosecution want
14 to rely on a factual allegation of crime, a factual allegation
09:57:06 15 which may carry a sentence well into the double figures:
16 Issa Sesay had small boys with guns at New York; these small boys
17 were under the age of 15; they were forcing people to work. That
18 allegation may carry a sentence of over 10 years. The
19 Prosecution's submission say we don't have to tell you the detail
09:57:36 20 of that allegation, we only have to say to you Issa Sesay had
21 small boys in Kailahun and they had weapons, sometime in 1996 to
22 1999. Apparently, according to the Prosecution, that is
23 sufficient. Well, how is it the Defence can prepare a defence to
24 specific factual allegations unless we know --

09:57:58 25 PRESIDING JUDGE: Let's not mix issues here. I'm trying to
26 follow your reasoning, Mr Jordash. You say the Prosecution have
27 to be disclosing. I thought they had to disclose all the
28 information they had, whatever it may be. If it goes into
29 details, obviously they have to disclose that to you. That is

1 part of their disclosure obligation. We are talking here of
2 disclosure obligation. In other words, whether the information
3 the witness has supplied to them, in whatever meetings, they had
4 the obligation to disclose. Now, if a witness, whoever it may
09:58:32 5 be, has not spoken about these particular matters more than what
6 they have disclosed, I'm just trying to follow your argument in
7 that. You appear to be arguing something more than just
8 disclosure of information that isn't in the possession and
9 control of the Prosecution. Unless I'm missing your point in
09:58:51 10 this area. I have difficulty following what you are arguing at
11 this particular moment, Mr Jordash.

12 Please, I'm not making this comment on the -- if they have
13 information, obviously they have to disclose. Now, if what
14 you're suggesting is that the Prosecution didn't do what they
09:59:10 15 were supposed to do, that is, pursue the questioning of their
16 potential witness to explore those issues, which is different, so
17 that's -- I'm just trying to understand what you're saying now
18 with the substance of your objection about the failing of
19 disclosure of information.

09:59:29 20 MR JORDASH: As I understand the Prosecution's response in
21 relation to the allegation that these particular small boys beat
22 civilians, that was something which was not in their possession.

23 PRESIDING JUDGE: True, that's what they say this morning.

24 MR JORDASH: I leave that aside. In relation to the
09:59:49 25 allegation that the small boys had weapons, they haven't said
26 that. They have said: We did disclose it, and our disclosure
27 obligations are fulfilled simply by the disclosure in
28 paragraph 3. Your Honours, page 11240. So it is not that they
29 say they didn't have the information in their possession. It is

1 that they say their disclosure obligations are fulfilled by a
2 global disclosure phrase, "I saw Bockarie" -- [Overlapping
3 speakers]

4 PRESIDING JUDGE: If it is not disclosure obligation,
10:00:27 5 that's why I'm raising these issues with you. If this is
6 information they have, they have disclosed, now what you are
7 saying is this is not sufficient -- even though this has been
8 disclosed in the way it has been disclosed, it is not sufficient
9 to allow the Prosecution to go further than what has been
10:00:43 10 disclosed. That's basically what I understand your position to
11 be.

12 MR JORDASH: Yes. The Prosecution's disclosure obligations
13 go further than just simply a generalised disclosure of small
14 boys with weapons in Kailahun.

10:00:58 15 PRESIDING JUDGE: But if they don't have the information
16 more than what you have there, how are they to disclose that?

17 MR JORDASH: They haven't said they didn't have the
18 information. They haven't said they didn't have the information
19 about the specific three boys in New York having weapons. They
10:01:11 20 haven't said that. Now, I don't know. Maybe they will say that
21 in response to what I've said. I don't know, but they haven't
22 said that so far. In any event --

23 JUDGE THOMPSON: So it is your submission that, as a matter
24 of law, the prosecutorial obligation under Rule 66 goes beyond
10:01:33 25 mere disclosure of, to use your vocabulary, global factual
26 matters, and that Rule 66 envisages that where the Prosecution
27 has in their possession specific factual details, they must, in
28 fact, provide specificity to the extent that you are canvassing
29 it. Is that what you say? Because if that's what you're saying,

1 you're saying in fact that Rule 66 ought not to be read as just
2 imposing a prosecutorial obligation of disclosure merely as to
3 generalities, if I get you rightly. Am I missing the thrust of
4 your submission?

10:02:30 5 MR JORDASH: Your Honour, the obligation on the Prosecution
6 must be to say to the accused, "This is what you are factually
7 accused of."

8 JUDGE THOMPSON: Yes, I'm trying to follow you.

9 PRESIDING JUDGE: It's a different issue.

10:02:50 10 MR JORDASH: It's not a different issue.

11 JUDGE THOMPSON: I'm trying to follow --

12 PRESIDING JUDGE: Sorry. Go ahead, Justice Thompson.

13 JUDGE THOMPSON: I'm just trying to follow the trend of
14 your thinking on this. I'm taking it to the context of Rule 66,
10:02:58 15 because that's what it poses, the disclosure obligation.

16 MR JORDASH: It is an obligation on the Prosecution to say
17 what it is the accused have done.

18 JUDGE THOMPSON: Yes, in other words, to provide
19 specificity, if it can.

10:03:14 20 MR JORDASH: It must be. No, not if it can.

21 JUDGE THOMPSON: All right, let's just drop that.

22 MR JORDASH: Sometimes it cannot, I accept that. In
23 relation to names of victims and jurisprudence suggests that in
24 those cases, because of the nature of these kind of trials, the
10:03:33 25 Prosecution do not have to disclose some of those details.

26 However, in relation to allegations which they want to pursue,
27 where the details can be obtained by due diligence --

28 PRESIDING JUDGE: This is my issue with you. What you're
29 saying is either they have the information and didn't disclose

1 it, or they failed to pursue their due diligence duty to obtain
2 all the information for the witness, and, therefore, I, for the
3 first accused am prejudiced, or the first accused is prejudiced
4 in his defence.

10:04:11 5 MR JORDASH: Yes, absolutely. If the Prosecution want to
6 accuse Mr Sesay of having small boys in New York with weapons
7 beating civilians, then it's his right to know that and it's his
8 right to know that before the witness gets in the witness box and
9 says it.

10:04:30 10 JUDGE THOMPSON: It is also his right not to just --

11 JUDGE ITOE: It throws us back to this spiral where we
12 stand with our ruling on the principle of orality. This is the
13 problem. Are you suggesting, Mr Jordash, that the Prosecution
14 must disclose everything, every detail that it is in a position,
10:04:49 15 however diligent it may be, you know, to disclose everything?

16 What if the memory of the witness, you know, who they are
17 handling stops somewhere and he does not provide the information
18 and then he comes here and gives that sort of evidence. Where do
19 we place the thrust of your submission on this issue, vis-a-vis
10:05:16 20 the principle of orality, which we have adopted here as primary
21 to establishing the case, either for the Prosecution or for the
22 Defence?

23 MR JORDASH: Well, number one, Your Honour, it's not the
24 case, as I've said, in relation to the allegation that these
10:05:36 25 three small boys have weapons that the Prosecution was not aware
26 of it. That's not what they're saying. They're saying, "We have
27 fulfilled our Prosecution obligation."

28 JUDGE ITOE: You are referring to the paragraph. You
29 referred to 11240 here where it is disclosed.

1 MR JORDASH: In relation to the principle of orality, one
2 cannot take the principle of orality and look at it only in the
3 abstract, because every principle in this Court has to be looked
4 at at all times in light of Article 17 and the need for the
10:06:14 5 accused to know the nature and cause of the case against them.

6 PRESIDING JUDGE: I suggest to you that you're mixing
7 different principles, different issues.

8 MR JORDASH: Well, it's not.

9 PRESIDING JUDGE: You're now bringing this notion and the
10:06:26 10 obligation of disclosure. Unless you satisfy me that the
11 Prosecution has not disclosed information that they had under
12 their control or possession with respect to this particular
13 witness, I fail to see your argument on this that the accused has
14 a right to know. I do not deny that and I agree entirely that
10:06:48 15 the accused has a right to know the charges against him and there
16 is an obligation upon the Prosecution to disclose information and
17 evidence that they have that relates to the first accused,
18 absolutely.

19 MR JORDASH: What I'm suggesting to the Court is that a
10:07:02 20 charge against Mr Sesay is a factual allegation of crime, and
21 their obligation is to disclose, therefore, factual allegations
22 of crime, specific factual allegations of crime. Charges are
23 not: Issa Sesay committed murders in Kailahun. That's not a
24 charge.

10:07:24 25 PRESIDING JUDGE: They do that through various pieces of
26 evidence through various witnesses, as such.

27 MR JORDASH: No, they don't do that through the witnesses.
28 They do that through notice of the their case to the accused.
29 There is ample jurisprudence which says that notice is not

1 sufficient simply by serving witness statements. It ought to be
2 disclosed earlier than that --

3 PRESIDING JUDGE: Mr Jordash, you have made many motions on
4 this. We have disposed of this motion.

10:07:54 5 MR JORDASH: Your Honour hasn't answered any of these
6 points in my motions. None of them. What Your Honours have done
7 is taken everything away from the accused in relation to Article
8 17 points raised and simply addressed the very narrow point of
9 the Bagosora test or the very narrow point of principle of
10:08:14 10 orality.

11 PRESIDING JUDGE: Well, we are not prepared to relitigate
12 this this morning.

13 MR JORDASH: It hasn't been litigated because Your Honours
14 have not answered any of the points I've raised in the motions
10:08:20 15 again and again and again. Twenty to 30 authorities from the
16 ICTY, ICTR, none of them addressed. Instead, what we have is
17 Your Honours addressing one single point: is the evidence new,
18 does it form part of the substratum of the charges? Well, I'm
19 sorry, questions like that cannot be looked at in the abstract.
10:08:37 20 They have to be looked at according to Article 17, and
21 Your Honours have refused to do so.

22 PRESIDING JUDGE: Mr Touray.

23 MR TOURAY: Your Honour, the Prosecution concedes that the
24 allegations of beatings were never disclosed and that the issue
10:09:17 25 arose ex improviso when the witness was giving evidence.
26 Nevertheless, they submit that under the principle of orality,
27 the evidence of alleged beatings and perhaps ill treatment is
28 admissible. They seek to buttress that argument with a
29 submission that the evidence could be well covered under counts 1

1 and 2 and that the evidence also seeks to adduce the widespread
2 nature of the allegations alleged.

3 My submission is first of all that first counts 1 and 2
4 should be read in relation to the counts referred to therein,
10:10:59 5 that is, paragraphs 3 to 14 of the indictment.

6 PRESIDING JUDGE: Can you repeat that again, Mr Touray?

7 MR TOURAY: Counts 1 and 2 should be read in terms of the
8 counts referred to in paragraph 44 of the indictment, of the
9 amended consolidated indictment. If I may, with your leave, read
10:11:37 10 portions of it. It says:

11 "Members of the AFRC/RUF subordinate to and/or acting in
12 contact with Issa Hassan Sesay, Morris Kallon and Augustine
13 Gbao committed the crimes set forth below in paragraphs 45
14 through 82 and charged in counts 3 through 14 as part of
10:11:58 15 the campaign to terrorise the civilian population of the
16 Republic of Sierra Leone and did terrorise that
17 population."

18 In fact, my submission is that count is relevant to counts
19 3 through to 14. In other words, what they are alleging was that
10:12:17 20 the offences alleged in those counts could be treated as part of
21 a campaign to terrorise the civilian population or/and did
22 terrorise that population. Counts 1 and 2 should not be viewed
23 in isolation. That is my submission. They cannot be viewed in
24 isolation. It is made relative to counts 3 to 14 and
10:13:01 25 particularly refers to paragraphs 45 through 82 of the
26 indictment.

27 Now, Your Honours, under the counts 3 to 5 of unlawful
28 killings, there is an allegation in paragraph 49 referring to
29 Kailahun District. Under counts 6 to 9 of sexual violence, there

1 is an allegation referring to Kailahun District in paragraph 58.
2 Under the allegation of physical violence, there is no allegation
3 there referring to Kailahun District. In fact, if I may refer
4 you specifically, there is an allegation in respect of Kenema
10:14:10 5 District in paragraph 63 regarding beatings and ill treatment of
6 a number of civilians who were in custody, paragraph 63, Kenema
7 District.

8 Now, under count 12, the use of child soldiers, that is
9 general. Count 13, abductions and forced labour, there is an
10:14:41 10 allegation in paragraph 74 referring to Kailahun District. Count
11 14, looting and burning, there is no allegation there in respect
12 of the Kailahun District. Counts 15 to 18, that is UNAMSIL.

13 So, My Lord, there is no reference, nothing in the
14 indictment, counts 3 to 14, regarding alleged beatings or ill
10:15:20 15 treatment of civilians with regard to the Kailahun District. It
16 is my submission that it is not even covered under counts 1 and 2
17 of the indictment as alleged by the Prosecution, having regard to
18 paragraph 44 of the indictment. It is my submission, therefore,
19 that the evidence has no probative value and it is of no moment
10:16:06 20 in terms of the charges proffered in this indictment. Even if it
21 has, my submission is its prejudicial value far outweighs its
22 probative value.

23 Further, My Lord, and finally, if it is not covered in the
24 indictment, the principle of orality has no part to play in it.
10:16:55 25 It is irrelevant and ought not to be admitted, with due respect.

26 JUDGE THOMPSON: If I get you rightly, put in a rather
27 encapsulated form, you're suggesting that we have here evidence
28 which has no relation at all to the indictment itself?

29 MR TOURAY: Yes.

1 JUDGE THOMPSON: In other words, here we have a piece of
2 evidence coming out in a testimony of a witness, but there's no
3 corresponding charge in the indictment. There is no correlation
4 with the indictment.

10:17:36 5 MR TOURAY: So far as the Kailahun District is concerned.

6 JUDGE THOMPSON: What I would like you to advise and
7 address me on is how does that square in with the fundamental
8 principle of legality in the context of the indictment itself
9 being the main accusatory instrument from which the tribunal
10:18:03 10 should proceed?

11 MR TOURAY: As I said, it is outside the indictment and it
12 is irrelevant. The indictment raised the agenda --

13 JUDGE THOMPSON: It is more or less referred to, the
14 indictment in this Court, as the road map, probably borrowing
10:18:21 15 terminology from diplomacy.

16 MR TOURAY: Yes.

17 JUDGE THOMPSON: And you are virtually saying that this
18 Court ought not to admit evidence for which there is no
19 correlative or corresponding charge in the indictment.

10:18:40 20 MR TOURAY: That is my submission.

21 JUDGE THOMPSON: Thanks.

22 JUDGE ITOE: Mr Touray, you do concede that counts 1 and 2
23 have a relationship between, you know -- they have a connection
24 right up to count 14?

10:19:19 25 MR TOURAY: Yes, 3 to 14.

26 JUDGE ITOE: Yes. Now, in count 14 there is an allegation
27 of looting and burning.

28 MR TOURAY: Yes.

29 JUDGE ITOE: Sorry, I'm referring to count 13. Turn to

1 count 13, abductions and forced labour. Now, here there is the
2 allegation that the accused constrained people to forced labour.
3 What definition -- if labour is not voluntary and it is forced,
4 how is forced labour achieved? That is what is troubling my
10:20:21 5 reflections on this. Labour is either voluntary or it is forced,
6 as it is here. This is a distinction here, and this is a
7 distinction which the witness made that there were constraints to
8 working. How is forced labour achieved? What would be the
9 connotation of "forced" within count 14, as far as you are
10:20:49 10 concerned?

11 MR TOURAY: Forced simply would mean restrain on the will,
12 on the voluntary will of the individual. That would be achieved
13 without beatings or without ill treatment. Merely having a gun
14 brandished at you would be forced, without beating you, without
10:21:10 15 ill treating you.

16 JUDGE ITOE: Merely?

17 MR TOURAY: Merely having a gun brandished at you may be
18 force without beating or ill treatment.

19 PRESIDING JUDGE: Would you go as well to say that if you
10:21:21 20 beat them, that is forced labour as well? The use of a gun is --

21 MR TOURAY: It is force. It depends on what connotation
22 you might put on beating. What we are saying, there is no
23 specific allegation of beating. Forced would be achieved without
24 beating or without even ill treatment. If there is constraint on
10:21:41 25 the will power. That is what I am saying.

26 JUDGE ITOE: It is considered. The point is you are saying
27 that since force was not specifically alleged here, beatings were
28 not specifically alleged here.

29 MR TOURAY: Yes.

1 JUDGE ITOE: Such evidence is irrelevant and should not
2 even be adduced?

3 MR TOURAY: Yes, and even if it has probative value, we are
4 saying its prejudicial value outweighs the probative value.

10:22:15 5 JUDGE ITOE: My problem is the force. The labour, we all
6 concede, is not voluntary. What constitutes force? What
7 elements would you read into the allegation of force into getting
8 somebody to work?

9 MR TOURAY: There is evidence before the Court already that
10:22:39 10 his people were working on the farm and then they had young boys
11 with guns who went there. What more do you need?

12 JUDGE ITOE: I'm looking at it from your own perspective
13 because we have to address [overlapping speakers] --

14 MR TOURAY: Apart from that, further than that in alleging
10:22:55 15 beatings and ill treatment, that is my submission, that is
16 adducing an allegation of physical violence which is not pleaded.

17 JUDGE ITOE: Thank you.

18 MR TOURAY: Besides, My Lord, what count 13 is, it deals
19 specifically with enslavement. That's what count 13 is about,
10:23:16 20 enslavement.

21 JUDGE ITOE: We don't want to get into the history of the
22 imagery of enslavement.

23 MR TOURAY: That is true.

24 JUDGE ITOE: We want to leave it to ourselves to the
10:23:34 25 element of force in this labour that was being used to cultivate
26 these farms.

27 PRESIDING JUDGE: Very well, we will consider these
28 applications and --

29 MR O'SHEA: Your Honour, may I just say a few words. I

1 indicated earlier that I am not pursuing a specific point I made
2 yesterday and that is true. I would, however, like to lend my
3 support to Mr Touray's argument.

4 The indictment is the central pillar upon which a trial
10:24:13 5 rests, and the accused prepares their entire defence by reference
6 to the indictment as their basic document. Mr Touray's argument
7 with regard to the prejudicial effect outweighing probative value
8 is, in my submission, an important one. This indictment is
9 already very broad in terms of the localities it refers to and in
10:24:47 10 terms of the nature of the acts it refers to. It covers almost
11 every locality in relation to almost every act that it could.
12 So, in circumstances where there would appear to be a deliberate
13 omission from the indictment in relation to a specific locality,
14 the accused is understandably going to place great reliance upon
10:25:19 15 that.

16 I can indicate that earlier on in this session this is a
17 point which Mr Gbao himself raised with Mr Cammegh as one of the
18 first communications between him and Mr Cammegh in relation to
19 one of the witness's before this Court. It indicates or
10:25:45 20 illustrates how the omission of physical violence in relation to
21 Kailahun stands out in this very broad indictment and, in my
22 submission, that is relevant when one is considering prejudicial
23 effect outweighing probative value. Of course, the Defence will
24 have limited resources. They will direct their investigations
10:26:13 25 and inquiries in accordance with the indictment. They have to.
26 They can do nothing else.

27 Linked to this, I would like to say something about what
28 the Prosecution says about widespread and systematic. One cannot
29 go too far in terms of trying to rope everything into the context

1 of widespread and systematic. This is a conflict where various
2 operations were taking place at various places at various times.
3 This is not like the situation, for example, in Rwanda where you
4 are dealing with a genocide. So the question of widespread and
10:27:06 5 systematic is very much a sort of countrywide analysis for that
6 specific conflict. The conflict in Sierra Leone, in my
7 submission, is different. It is a more chaotic conflict. So
8 when the indictment refers to a specific location or does not
9 refer to specific location, that is also relevant for the purpose
10:27:25 10 of the analysis on what one is dealing with widespread and
11 systematic. When one is looking at war crimes, for instance, in
12 Kailahun, one is looking at widespread and systematic in
13 Kailahun, or in terms of the specific operation in terms of the
14 locations where it was going at that particular time.

10:27:48 15 This is linked to the point about prejudice, because a line
16 has to be drawn somewhere for the purposes of not causing undue
17 delay in this trial, if for nothing else. In so far as
18 Your Honours have a discretion in relation to evidence, that line
19 must be drawn with regard to this argument about widespread and
10:28:12 20 systematic.

21 The last point is this with regard to His Honour Justice
22 Itoe's point about forced labour: Of course, paid labour can
23 also be accompanied by physical beatings. Physical beatings is
24 not something that is necessarily probative to the forced nature
10:28:40 25 of the labour. Forced labour can be accompanied by beatings and
26 paid labour can be accompanied by beatings. Those are all my
27 submissions.

28 PRESIDING JUDGE: Mr Harrison, you wish to respond to what
29 has now been raised by Mr O'Shea? You don't have to.

1 MR HARRISON: Justice Itoe has made the point that force
2 necessarily includes some sort of physical act.

3 PRESIDING JUDGE: Thank you. We will consider these
4 applications and we'll come back, hopefully shortly. Thank you.

10:30:27 5 [Break taken at 10.30 a.m.]

6 [RUF08MAR06B - SV]

7 [Upon resuming at 11.26 a.m.]

8 PRESIDING JUDGE: Mr Justice Thompson will deliver the
9 decision of the Court.

11:26:50 10 JUDGE THOMPSON: This is the ruling of the Court on the
11 objection taken by Defence counsel. We have considered the
12 objection of the Defence to the admissibility of the evidence in
13 respect of the alleged carrying of guns and beatings of civilians
14 by SBUs in the Kailahun District during the alleged cultivation
11:27:18 15 of RUF governmental and private farms and related facets of the
16 said objection and the supporting submissions. We have also
17 considered the Prosecution's submissions in reply.

18 We find no merit in the said objection and accordingly
19 overrule it. A written, reasoned ruling will be published and
11:27:48 20 filed in due course.

21 PRESIDING JUDGE: Officer of the Court, and with the
22 Witness Protection Unit, can you make sure that the witness is
23 brought back in to the Courtroom.

24 [The witness entered court]

11:30:48 25 PRESIDING JUDGE: Mr Prosecution, are you ready to resume
26 the examination-in-chief of your witness?

27 MR WERNER: Yes, Your Honour.

28 PRESIDING JUDGE: Please, carry on.

29 MR WERNER: Thank you.

1 WITNESS: TF1-108 [Continued]

2 [The witness answered through interpretation]

3 EXAMINED BY MR WERNER: [Continued]

4 Q. Good morning, Mr Witness. Before we proceed I would like
11:31:12 5 to remind you, as you did yesterday because, we are in open
6 session to refer to your place as New York as we did yesterday.

7 A. Okay.

8 Q. Mr Witness, you told us yesterday about the civilians of
9 New York working and delivering goods for Augustine Gbao. For
11:31:38 10 all this work, were the civilians paid?

11 A. Not in the least. We were not paid, we the civilians.

12 Q. Did the civilians from New York ever fail to produce any
13 goods for the RUF from 1996 to 1999?

14 A. No.

11:32:35 15 Q. And from 1996 to 1999 was New York the only village where
16 civilians produced goods for the RUF in Luawa District --
17 Chiefdom, sorry?

18 A. No.

19 Q. Which other villages were producing goods, Mr Witness?

11:33:11 20 A. In the Luawa Chiefdom there are 10 sections there. In
21 those 10 sections all of them do make those subscriptions and we
22 do that work, including the villages.

23 Q. And which kind of goods were produced by these other
24 villages in these other sections in Luawa Chiefdom?

11:33:56 25 A. Those same provisions which we provided in New York. It
26 was not shared that these people would provide this, these people
27 would provide this. What we provided in New York were the same
28 things that were provided in the other villages. It's not like
29 those villages would provide this and those others would provide

1 that. We all provided the same things.

2 Q. Now, were there any other goods produced by these other
3 villages that were not produced in New York?

4 A. No.

11:34:52 5 Q. Mr Witness, you told us yesterday about someone called
6 Korpomeh; do you remember?

7 A. Yes.

8 Q. Who is Korpomeh?

9 A. Korpomeh was CO Augustine Gbao's bodyguard.

11:35:16 10 Q. And do you remember him doing anything at that time?

11 A. Yes.

12 Q. What do you remember him doing?

13 A. In one year starting from 1998 to 1999 up to 2000, one day
14 Korpomeh was capturing civilians, female civilians that they
11:36:00 15 should go and fetch coffee for CO Augustine Gbao in Sandialu.

16 Q. And was coffee produced in other villages in the Luawa
17 Chiefdom at that time?

18 A. At that time that we provided coffee, now we are talking
19 about starting of '96 up to 2000. But at that time that we
11:36:49 20 provided coffee starting from 1991 up to 1995, we subscribed
21 coffee. But now that you're talking about '96 and that is what
22 you care about, apart from Sandialu Korpomeh was using -- forcing
23 female civilians. In my own village, New York, we did not
24 provide coffee.

11:37:12 25 Q. Just coming back, try to focus on my question, Mr Witness.
26 My question was you told us about Sandaru producing coffee. My
27 question was: Were there other villages from '96 to 2000 in
28 Luawa Chiefdom where civilians were forced to produce coffee?

29 A. No. That I know of, none.

1 Q. Now, did Korpomeh report to anyone?

2 A. Yes.

3 Q. To whom did he report?

4 A. Korpomeh's master was CO Augustine Gbao.

11:38:09 5 JUDGE ITOE: I thought he had said so. We're wasting time
6 again.

7 MR WERNER: I'll move on.

8 Q. Now, you told us about villages from Luawa Chiefdom
9 producing the same goods that you produced in New York and
11:38:27 10 another village producing coffee. How were these goods produced
11 by these villages delivered to the RUF?

12 A. Well, the way we delivered these things to RUF, the
13 commander who was over us, the civilians, between us and the
14 soldiers, he was the one we handed it over to Augustine Gbao, up
11:38:58 15 to the point that he was made chief security officer.

16 Q. And how far were some of these villages from Kailahun Town?

17 A. In Luawa Chiefdom it starts from the Guinean border up to
18 the Liberian border. There were people who would walk for over
19 25 miles from their villages to go to Kailahun where the RUF
11:39:40 20 headquarters was.

21 JUDGE ITOE: Who would walk for 25 miles?

22 MR WERNER: Yes, Your Honour.

23 THE WITNESS: Yes, it's more than that even.

24 MR WERNER:

11:40:06 25 Q. You explained to us how the system was working when CO Gbao
26 was in charge as a chief security officer from '97 to '99 and you
27 told us that Martin George subsequently became in charge. Did
28 things change when Martin George interacted with the civilians --

29 THE INTERPRETER: Can learned counsel please take it slowly

1 again?

2 MR WERNER: I apologise. I will.

3 Q. You told us yesterday and you explained to us the system
4 when CO Gbao was chief security officer, overall chief security
11:40:51 5 officer, from '96 to 2000, and you told the Court that
6 Martin George took the job in 2000 which was carried out by
7 Augustine Gbao. So my question is: Did things change when
8 Martin George interacted with the civilians in 2000?

9 A. It did not change. It did not change. Not in the least.

11:41:48 10 Q. Thank you. Now, Mr Witness, were the town commanders
11 themselves ever ordered by the RUF to do anything?

12 MR O'SHEA: That's a leading question, if I may say so.

13 MR WERNER: I don't think it is.

14 JUDGE ITOE: But this witness has given exhaustive evidence
11:42:24 15 on the role of the town commanders, hasn't he? He himself has
16 said that he was one and he's described in some detail the roles
17 they fulfilled.

18 MR WERNER: Yes, precisely, and I'm not asking anything
19 about that but I will rephrase the question.

11:43:01 20 Q. Were the town commanders told to do anything themselves?

21 MR O'SHEA: I'm sorry, it falls in the same category.

22 PRESIDING JUDGE: It's either objectionable because it's
23 leading or it's objectionable because we've already covered that.

24 MR WERNER: Fine.

11:43:21 25 PRESIDING JUDGE: How were you instructed; you asked this
26 question yesterday. The commander in Kailahun would tell us and
27 we would -- and so on.

28 MR WERNER: I said anything else, which precisely is -- but
29 I will ask another question.

1 Q. Do you know, Mr Witness, a town called Buedu?

2 A. Yes.

3 Q. And where is Buedu?

4 A. It's in the Kailahun District.

11:43:53 5 Q. Did you ever go to Buedu in that time, from 1996 to 2000?

6 A. Yes.

7 Q. Why did you go to Buedu?

8 A. Buedu, I went there -- I went there for up to two or three
9 times. The first instance that I went there, at the time they
11:44:31 10 were opening a radio station there, an FM radio station called

11 Radio Freedom. So the building of that radio station was built
12 at a town called Kotuma, Dodo Kotuma. So when we went -- when we
13 went to that radio station we slept in Buedu. They said we the
14 civilians should come back to Dodo and sleep there. In the
11:45:15 15 morning Mr Sam Bockarie, Mr Issa, Mr Johnny Paul would come.

16 They would come to the radio station for us to open it. That was
17 the first time I went to Buedu.

18 Q. Do you remember any other time you went to Buedu,
19 Mr Witness?

11:45:36 20 A. Yes.

21 Q. Could you tell us about that?

22 A. The other time I went to Buedu, Mr Gbao said
23 Mr Sam Bockarie had told him that strangers had come and that we
24 should go hunting. We went hunting.

11:46:09 25 Q. Who are "we," Mr Witness?

26 A. We, the civilians. So we went hunting. I was the one who
27 carried the meat on my head. Two of us. In fact, the blood was
28 oozing all over me. It was a deer. From Kailahun to Buedu, it's
29 about 17 miles. We walked on foot and we went, we took the meat

1 along --

2 JUDGE ITOE: Go slowly. Let him go slowly.

3 MR WERNER:

4 Q. Just pause, Mr Witness. Just one second.

11:46:56 5 A. Okay.

6 PRESIDING JUDGE: So you were carrying the meat over your

7 head for over 17 miles?

8 THE WITNESS: Yes, it's 17 miles.

9 PRESIDING JUDGE: And after that?

11:47:13 10 JUDGE ITOE: Just a minute. You carried it from where to

11 where? You say it was a deer. You carried it for 17 miles from

12 where to where?

13 THE WITNESS: From Kailahun to Buedu. We took it to Buedu.

14 MR WERNER:

11:47:48 15 Q. Did you see -- did anything happen in Buedu when you

16 arrived, Mr Witness?

17 A. Yes.

18 Q. What happened?

19 A. Mr Gbao followed us. Those strangers who had come to

11:48:12 20 him -- those strangers who had come to him, we saw them. Those

21 for whom we took the meat along.

22 Q. And who were those strangers, Mr Witness?

23 A. The other man was there whom they called Edward Kanneh.

24 Q. Was anyone else there you can remember, Mr Witness?

11:48:54 25 A. There was the other one whom they called Benjamin Yeaten.

26 Q. And who is Benjamin Yetin?

27 A. I don't know about him. He was not a Sierra Leonean from

28 what I saw. And that was the first time I saw him.

29 Q. Do you remember any other people there in Buedu when you

1 arrived? Any other commanders?

2 A. Yes.

3 Q. Who were they?

4 A. Sam Bockarie was there.

11:50:03 5 Q. Anyone else?

6 A. Yes, Mr Augustine Gbao was there.

7 Q. Anyone else?

8 A. Mr Superman was there.

9 Q. Anyone else?

11:50:23 10 A. Mr Issa was there.

11 Q. Were you told anything, Mr Witness, about Benjamin Yeaten's

12 presence in Buedu?

13 A. No, because we the civilians -- in fact, you wouldn't even

14 inquire about what this person has come to do. You wouldn't do

11:50:52 15 it.

16 Q. And did anything else happen when you were there in Buedu?

17 A. They said -- they asked us to return. I did not know if

18 anything else happened, but we left Buedu and returned to our

19 villages where we had come from.

11:51:23 20 Q. Now, Mr Witness, do you know a place called Pendembu in

21 Kailahun District?

22 A. Yes.

23 Q. Did you ever go to Pendembu in Kailahun District at that

24 time?

11:51:50 25 A. Yes.

26 Q. Do you remember anything which happened when you went to

27 Pendembu at that time during those years?

28 A. Yes.

29 Q. What do you remember?

1 A. At one time in the night they told -- they said we should
2 provide civilian manpower.

3 Q. Who said that, Mr Witness?

4 A. Mr Augustine Gbao.

11:52:40 5 Q. And what happened?

6 A. So we provided the manpower. Together with all of us, we
7 were placed in a cell.

8 Q. Where were you placed in a cell?

9 A. There is a house at the Kailahun turntable. That was where
11:53:06 10 the MP office was. So it was there that we were placed in a cell
11 in the night. That was where we were.

12 Q. And then what happened?

13 A. After we had been placed in that cell, a truck came from
14 the east and when it arrived some things were offloaded: Boxes,
11:53:42 15 others like sardine tins. They were very large. So we were
16 brought out of the cell and asked to take those things. Those
17 things, there was one box that was split and there were bullets
18 in it. There was some other boxes that were taken by two people
19 because they were very heavy and long. All of us carried these
11:54:31 20 things to Pendembu. From Kailahun to Pendembu is 17 miles.

21 Q. Just pause for a moment. Did anything happen on the way?

22 A. Yes.

23 Q. What happened?

24 A. One of my siblings got tired in carrying that thing. So as
11:55:22 25 we were going my colleagues told me that my sibling got tired and
26 he has been shot and he has died. But we were in front, going
27 ahead. Because the thing we were carrying was very heavy. I
28 couldn't return.

29 Q. And were you told who shot your sibling?

1 A. They said he was shot by one commando because they said my
2 brother has become tired.

3 Q. And do you know what happened when he was shot?

4 A. I did not return there because they were asking us to
11:56:21 5 hasten up. I did not return there and I did not see him again.

6 Q. And were you told anything later about him?

7 A. Yes. They said he was lying in a gutter, dead, on the
8 road.

9 Q. Now, Mr Witness, how did the civilians of New York feed
11:57:16 10 themselves during that time from 1996 to 2000?

11 A. We were feeding ourselves. We fed ourselves.

12 Q. What were you eating?

13 A. Bush yams and bananas, plantains, pumpkins and fruits.

14 Q. And did anything happen as a result of that diet?

11:58:34 15 A. Yes.

16 Q. What happened?

17 A. Some of us became ill and up to now some of us are ill.

18 Q. And when you say "some of us," could you give us some --
19 could you be more specific?

11:58:59 20 A. As I am sitting here, I am ill. Those foods that we were
21 eating, they do not look like food for humans. If that was a war
22 period, if you had not eaten it, you would die.

23 Q. And when you say "I am sick," what are you talking about?

24 A. I am sick. My sibling brought me here and I was operated
11:59:34 25 upon for hernia.

26 THE INTERPRETER: Your Honours, can he take it slowly,
27 please.

28 PRESIDING JUDGE: Mr Witness, can you repeat your last
29 answer slowly, please.

1 THE WITNESS: Okay.

2 PRESIDING JUDGE: After your evidence about you having been
3 operated for hernia what did you say? Slowly.

4 THE WITNESS: Up till now my brother brought me and I was
12:00:12 5 operated upon for hernia.

6 MR WERNER:

7 Q. Mr Witness, just pause for one second. I'm going to talk
8 about hernia in one second. Are you suffering from anything
9 else?

12:00:29 10 A. Yes. Yes, I am suffering from something else even as I am
11 sitting here.

12 Q. And what is that?

13 A. My joints are all aching even as I'm talking and my waist,
14 my waist. I am just sitting here, you are just looking at me,
12:00:54 15 but my waist is all scattered.

16 Q. And why is that?

17 A. Those things we were told to carry on our heads, the heavy
18 work that we were doing and the beating too.

19 Q. Did anyone else you know suffer from hernias from Kailahun
12:01:42 20 District, Mr Witness?

21 A. If there was anybody else who were under those people if
22 they had had hernia; is that what you're asking?

23 Q. Yes.

24 A. Yes. Even my wife, the other one that I left behind, she
12:02:20 25 too has hernia.

26 Q. Why is that?

27 A. I said the heavy work.

28 PRESIDING JUDGE: Yes, Mr Jordash.

29 MR JORDASH: I'm not sure this witness is in a position to

1 say why a person suffers from a particular medical complaint.
2 I'm not sure we've been told about whether this witness has
3 medical expertise so that he can explain why his wife got a
4 hernia.

12:02:58 5 PRESIDING JUDGE: Mr Prosecutor?

6 JUDGE ITOE: Even he himself.

7 MR HARRISON: Even he himself?

8 JUDGE ITOE: Yes.

9 MR HARRISON: And he himself?

12:03:13 10 JUDGE ITOE: He says he suffered from hernia because he
11 carried things and so on but there is no medical backup. That is
12 the thrust of Mr Jordash's objection.

13 MR HARRISON: Yes. I'm just reminding the Court that in
14 the past there has been a number of questions, for example, the
12:03:31 15 last witness where they were asked for opinions on various
16 things. We don't take objection to those questions and if the
17 Court takes the view that there ought to be a limit, we will
18 simply withdraw the question and move on.

19 JUDGE ITOE: I'm not contesting the fact that he was --

12:03:46 20 MR HARRISON: We'll withdraw the question.

21 JUDGE ITOE: I'm not contesting the fact that he was sick
22 but you can see the basis of his objection. There is no expert
23 nexus.

24 MR HARRISON: [Overlapping speakers].

12:03:59 25 JUDGE ITOE: Mr Harrison, I'm talking, please. There's no
26 expert nexus between the disease he's suffering from and the
27 beatings and the carryings. This is what is being said. So
28 that's it.

29 JUDGE THOMPSON: Let me ask the question, Mr Jordash. You

1 objected. Can he not say that he was, in fact, diagnosed for a
2 particular condition? Can somebody not say that?

3 MR JORDASH: Certainly.

4 JUDGE THOMPSON: For example, I'm sitting here now and if I
12:04:30 5 have an earache and I'm diagnosed for it, can I say that if I
6 were testifying?

7 MR JORDASH: Certainly and I don't object to that.

8 JUDGE THOMPSON: And I don't see the difficulty there if he
9 knows if he's not speaking as an expert, which he's not, but he
12:04:50 10 knows that he was diagnosed for a hernia condition, I don't see
11 why he shouldn't say that.

12 MR JORDASH: Well, I'm objecting to this witness saying
13 what the causes are for his wife's hernia.

14 JUDGE THOMPSON: Yes, perhaps that's -- yes. I think the
12:05:09 15 question of the causal relationship, but the witness can, in
16 fact, say that I was diagnosed with so and so and so.

17 MR JORDASH: I don't object to that.

18 JUDGE THOMPSON: Yes. The causal relationship might be a
19 problem, but I don't see -- go ahead.

12:05:25 20 PRESIDING JUDGE: If a doctor tells you that you have a
21 hernia because you have carried heavy loads, are you saying that
22 you cannot testify about that? That not being necessarily an
23 expert opinion, I concede this. But, I mean, if I am a patient
24 and go and see the doctor and he says you have a hernia and it's
12:05:49 25 likely because -- I tell -- obviously if he comes to the
26 conclusion a hernia may be caused by many, many factors, as such,
27 but I say I work in construction, for example, and I've lifted
28 whatever and he tells me this is probably because, are you
29 objecting to the fact that I could say that I have hernia because

1 this is what the doctor told me?

2 JUDGE THOMPSON: But there may be a difference here if it
3 is possible. I'm making a difference between where a doctor
4 tells a patient that this is the condition you're suffering from
12:06:26 5 and the patient relates that and, from the learned presiding
6 judge's own question of the causal relationship between the
7 condition that the patient is suffering from and some other
8 factor, I think there could be a problem there for the witness to
9 assert it because it is very possible that there could have been
12:06:52 10 a misdiagnosis as to the cause and the second opinion might
11 reveal something else because there may have been cases where
12 doctors have said you're suffering from so and so but the cause
13 is so and so and then another doctor comes and says yes, you're
14 suffering from that but the cause is different. That would be
12:07:16 15 the way, perhaps, I might understand the objection that there
16 could be dispute as to the causes of illness even among doctors,
17 even though they identify the condition.

18 MR JORDASH: Certainly.

19 JUDGE ITOE: I would like to add one thing. I mean, we're
12:07:38 20 living in an environment where hernia is not a strange diagnosis
21 in this area and it is not said that hernia is necessarily the
22 result of carrying heavy luggage. It could arise from other
23 independent circumstances which are not related to what this
24 witness is saying.

12:08:09 25 I am not saying in the least, Mr Witness, that your hernia
26 may not have come from this. What I'm saying is that we need to
27 be sure as to the nexus between the hernia and the luggage which
28 you say you were forced to carry. This is all I'm talking about.
29 I'm not disputing the fact, Mr Witness, that you suffered from

1 that because of what you allege while you were submitted to
2 carrying most of these things.

3 JUDGE THOMPSON: And it would be my position too that if
4 that is the pith of the objection, then it would seem to me to
12:08:54 5 have some merit because, as I say, I could think of a
6 multiplicity of different medical opinions as to causes of
7 diseases and in that kind of situation I would think that there
8 is merit in the objection from Mr Jordash that, as to the cause,
9 there could be controversy and that this witness, what he says,
12:09:23 10 cannot be final, cannot bind the Court on may be the cause of the
11 condition.

12 MR JORDASH: What my learned friend is --

13 JUDGE THOMPSON: Don't go further. It may be that in fact
14 there have been cases where people were born with hernia.

12:09:40 15 MR JORDASH: My objection is what my learned friend is
16 trying to do is elicit the evidence on page 17451, a statement of
17 attributing the suffering of hernias to a large number of people
18 for the same reason. That's my objection.

19 JUDGE THOMPSON: That's my understanding. I'm saying that
12:10:07 20 this is an area of controversy because I think there could be
21 argument as to whether there is a nexus, a causal relationship,
22 between the two.

23 MR JORDASH: Yes.

24 JUDGE THOMPSON: And it could be a situation where somebody
12:10:24 25 already suffering from hernia can have the condition aggravated
26 by that kind of thing. But that it's necessarily the cause is a
27 matter for medical dispute, and so would be any other diseases.

28 MR JORDASH: That's the pith.

29 JUDGE THOMPSON: I would certainly agree with that, but

1 that he can tell us what he's suffering from I don't think is
2 objectionable.

3 PRESIDING JUDGE: I don't think that was the objection in
4 any event. So you were not objecting to the fact that he could
12:10:56 5 say that he suffered hernia. You're saying that he couldn't say
6 what the cause of his hernia -- [indiscernible] to his wife.
7 Basically that was the question.

8 MR JORDASH: And any attempt to elicit that in relation to
9 a number of other people which is what the disclosure suggests.

10 JUDGE THOMPSON: In other words, he becomes an expert if he
11 ventures to do that. I think there's merit in the objection.

12 JUDGE ITOE: We don't even have evidence that the wife was
13 subjected to any carryings, as yet. We do not. I don't have it
14 on my records here.

12:11:28 15 PRESIDING JUDGE: Mr Prosecutor?

16 MR WERNER: We are going to move on.

17 Q. Mr Witness, listen carefully to my question, if you may.

18 A. Okay.

19 Q. From 1996 to 2000 in Kailahun District -- I'm not talking
12:11:51 20 about anything else. In 1996 to 2000 in Kailahun District did
21 you get any treatment, medical treatment?

22 A. No.

23 Q. And why didn't you get any medical treatment?

24 A. There were no medicines that I saw.

12:12:56 25 Q. Mr Witness, you told us about Sam Bockarie, alias Mosquito.
26 Did you ever see Sam Bockarie in New York?

27 A. Yes, I did know him. I just did not see him, I used to
28 know him.

29 Q. I'm going to repeat my question. Just listen carefully to

1 my question.

2 A. Okay.

3 Q. When did you see Sam Bockarie in New York?

4 A. '98, '99.

12:13:55 5 Q. What was Sam Bockarie doing in New York, Mr Witness?

6 A. Well, he went to New York to me and my people. He said he
7 wanted to mine for diamonds there.

8 Q. Did anything happen after that?

9 A. Well, yes. Me and my people agreed hastily because he was
12:14:38 10 a gunman. We did not deny it. We agreed.

11 Q. And what happened after that?

12 A. Well, they captured some civilians and they were doing the
13 mining.

14 Q. Just pause one second, Mr Witness. Who captured the
12:15:11 15 civilians?

16 A. Those commandos Sam Bockarie asked to capture civilians for
17 them to be mining for diamonds. When he was coming from Buedu to
18 New York, in that diamond area he took some civilians along.

19 Q. And how many civilians were mining in New York?

12:15:54 20 A. They were up to a hundred.

21 [RUF08MAR06C-SGH]

22 MR NICOL-WILSON: Mr Kallon would like to step out of the
23 courtroom for a few minutes.

24 PRESIDING JUDGE: Very well, leave is granted. Thank you.

12:16:08 25 MR WERNER: Thank you, Your Honour.

26 Q. How the civilians are treated in New York when they were
27 mining?

28 A. It was a forceful job. It was a job done by force.

29 Q. Did you see any other RUF commander in New York when the

1 mining was going on?

2 JUDGE ITOE: Please allow him to drink his water. He is
3 drinking some water.

4 MR WERNER:

12:17:01 5 Q. Take your time, Mr Witness, if you want. I apologise if I
6 am somehow pressing you.

7 A. Yes, ask your question.

8 Q. Thank you. Did you see any other RUF commanders in
9 New York when mining was going on?

12:17:17 10 A. Yes.

11 Q. Who did you see?

12 A. Mr Sam Bockarie was the first person who went there. In
13 the morning Colonel Momoh Rogers came. And Mr Denis Lansana.

14 Q. Did you see anyone else?

12:18:09 15 A. And Mr Gbao. And Mr Gbao.

16 Q. Now, Mr Witness, from 1997 to 2000 in Kailahun District,
17 was diamond mining going on in other places?

18 A. Yes.

19 Q. Where was it going on?

12:18:52 20 A. I am starting with New York.

21 Q. You told us about New York. Now I asked you about other
22 places.

23 A. Yes, there were other towns where diamonds was being mined.

24 Q. And do you remember the names of these other towns?

12:19:14 25 A. Yes.

26 Q. Please tell us these names.

27 A. Yandawahun.

28 Q. And what happened in Yandawahun?

29 JUDGE ITOE: [Microphone not activated]

1 THE WITNESS: They mined diamonds there too.
2 MR WERNER: Just pause one second.
3 JUDGE ITOE: Yandawa or Yandawahun?
4 THE WITNESS: Yandawahun.
12:19:50 5 MR WERNER:
6 Q. So what happened in Yandawahun?
7 A. In Yandawahun they mine for diamonds and gold there too.
8 Q. When you said they mined, who are "they," Mr Witness?
9 A. Civilians.
12:20:52 10 Q. Why were civilians mining there?
11 A. They said they were mining for RUF.
12 Q. How do you know that, Mr Witness?
13 A. They told me. I was civilian commander.
14 Q. Who told you?
12:21:23 15 A. That man who was in charge of that diamond business,
16 Mr Patrick Bangura, he told me. He was the go-between between
17 civilians and Mosquito.
18 Q. Did he tell you how the civilians were treated in
19 Yandawahun?
12:21:55 20 A. They fend -- they fended food for themselves after the
21 work, the civilians. Just as they were treating them in New York
22 it was the same way they were treating them in Yandawahun.
23 Q. Now, you told us about New York and Yandawahun. Do you
24 remember any other places in Kailahun District where mining was
12:22:20 25 going on during that time?
26 A. Yes.
27 Q. Where was it?
28 A. There is a town there called Mafindo. It is on the Guinea
29 border. In fact, they were mining on the streets.

1 Q. Who were mining, Mr Witness?

2 A. The civilians.

3 Q. Why were they mining there in Mafindo?

4 A. They said they were mining for RUF and, indeed, they were
12:23:14 5 mining for them because at that time you the civilian would not
6 dare to do your own mining.

7 Q. Do you remember any other places in Kailahun District?

8 A. Yes.

9 Q. Which place?

12:23:45 10 A. There is a town -- I didn't go there but there were
11 civilians who would hide away, they would come and tell me. The
12 place is called Jojoima in the Malema Chiefdom in Kailahun
13 District.

14 Q. And what happened there? Were you told what happened
12:24:13 15 there?

16 A. Oh, yes. Somebody's mining for diamonds, he is not having
17 food, he starves and they stop working in the afternoon so they
18 will escape and come to us towards New York. They were the ones
19 who told us.

12:24:38 20 Q. Did he tell you why people were -- why the civilians were
21 mining in Jojoima?

22 A. Yes. They said they were mining for the RUF movement.

23 Q. Now, in Jojoima and Mafindo were you told if anyone was in
24 charge for this RUF mining diamond mining?

12:25:01 25 A. Yes. In Mafindo, yes.

26 Q. So what were you told?

27 A. That person who was in charge of Mafindo diamond mining was
28 called Stanley Jusu.

29 Q. What about Jojoima?

1 A. For Jojoima, I can't talk about Jojoima because I did not
2 go there. I wouldn't like to tell lies. It was only those who
3 were escaping. I did not know who was in control of the mining
4 there.

12:26:03 5 Q. Now, Mr Witness, do you know of a village in Kailahun
6 District called Bayama?

7 A. Yes. Bayama.

8 Q. Did anything happen in Bayama from '96 to 2000 that you are
9 aware of?

12:26:26 10 A. Yes.

11 Q. So What happened?

12 A. Before I could proceed, there are two Bayamas. There is
13 one that from Kailahun to go there it is 3 miles. Then there is
14 the other Bayama where the base was, RUF training base was. It
12:27:01 15 was up to 23 -- it was up to 23 miles from Kailahun to that
16 place.

17 Q. So I am talking about the one where the training base was?

18 A. Yes. That is the 23 miles from Kailahun to there. That
19 was where the training base was, Bayama. That place is called
12:27:36 20 Bayama Lela.

21 Q. How do know that there was a training base in Bayama?

22 A. We did see the recruits.

23 Q. Who are we?

24 A. We the civilians. We the civilians were seeing them. And
12:28:12 25 there was a law that whoever goes towards Bayama you will be
26 captured and taken there for the training, so we were not going
27 that way.

28 Q. Who was responsible for that law?

29 A. It was the RUF. Those commanders who headed it. It was

1 not just one person who made the law.

2 Q. Now, Mr Witness, were there -- sorry, let me just start
3 again. Was there training going on in Kailahun District in other
4 places?

12:29:01 5 A. Yes.

6 Q. Where?

7 A. They moved the training base from Bayama. After they had
8 trained those people and sent them on the front, they moved the
9 training base from Bayama and brought it close to my home town,
12:29:32 10 close to New York. They call there Bunumbu. Bunumbu Mambabu
11 [phon].

12 Q. And when you say, "They moved the training base from Bayama
13 to Bunumbu," who are they?

14 A. The RUF training commandants.

12:30:23 15 Q. Did you know some of the civilians who were trained in
16 Bunumbu?

17 A. Yes.

18 Q. Why is that?

19 THE INTERPRETER: Can learned counsel ask the question
12:30:43 20 again?

21 MR WERNER: Yes, sorry.

22 Q. How is it that you knew some of the civilians were trained
23 in Bunumbu?

24 A. I said we were seeing the recruits with boots -- in fact,
12:31:05 25 when they moved the training base to Bunumbu we knew wherever RUF
26 had liberated, we knew that there were training bases there.
27 They were talking about it. They themselves, the RUF commanders
28 and the fighters. The fighters.

29 Q. And who were these people training in Bunumbu?

1 A. The civilians.

2 Q. Were all of the civilians trained in Bunumbu of the same
3 age group, Mr Witness?

4 A. No, some of them were older than the others. Because
12:31:59 5 everybody in the world were not born at the same time and in the
6 same year. Even if you are living in the same village, they
7 wouldn't have given birth to you on the same day. There were
8 some who were younger. Because all of us -- for all of us who
9 are not looking at us anymore, they are not considering us any
12:32:12 10 more because they say we cannot run.

11 Q. And how old are the youngest joining in Bunumbu as far as
12 you knew?

13 A. There were some of those -- there were some of those boys
14 they cannot even think. Their ages were about 8, 9.

12:32:37 15 Q. And what year was this, Mr Witness?

16 A. '97, '98, '99, up to 2000, and they moved the training base
17 to Kono. They moved it from Kailahun District to Kono District.

18 Q. Who are "they"? "They moved it"; who are "they",
19 Mr Witness?

12:33:40 20 A. RUF.

21 Q. These trainees, were they boys or girls?

22 A. Boys and girls.

23 Q. Do you know how old were the younger girls training in
24 Bunumbu?

12:34:04 25 A. Yes.

26 Q. How old were they?

27 A. I had a sibling whose age was not even up to 8 years.

28 Q. Now --

29 A. She was a girl.

1 Q. Now, Mr Witness, was anyone in charge, for the RUF, of the
2 Bunumbu training camp?
3 A. Yes.
4 Q. Who was in charge?
12:35:26 5 A. CO Jah Glory. He was in charge in Bayama training camp and
6 Bunumbu Bombali.
7 Q. Was anyone else in charge that you were aware of in
8 Bunumbu?
9 A. Yes, he had somebody next to him.
12:35:49 10 Q. Who was that?
11 A. Morris Kakwa. He was a Liberian.
12 Q. Now, Mr Witness, do you know anything about the training in
13 Bunumbu the trainees underwent?
14 JUDGE ITOE: What was the question?
12:36:29 15 MR WERNER: I will take it again.
16 Q. Do you know anything about the training the trainees
17 underwent?
18 JUDGE ITOE: Was he part of the training?
19 MR WERNER: I will re-phrase that.
12:36:43 20 Q. Mr Witness, were you told anything about the training the
21 trainees underwent?
22 A. Yes.
23 Q. What were you told?
24 A. They said they were taught how to fight, how to face battle
12:37:09 25 to go and fight.
26 Q. And who told you that?
27 A. Their masters that trained them and those who came out to
28 search for civilians to take them to the training base.
29 Q. But who told you about that? How did you know that?

1 A. They told us. The RUF boys told us.

2 Q. Did all the trainees in Bunumbu complete the training?

3 A. The ones I knew, because it was a situation where you had a
4 thousand people. Like I saw them, because --

12:38:21 5 THE INTERPRETER: Your Honours, can the witness --

6 MR WERNER:

7 Q. Please, Mr Witness, just pause. Can you take that again,
8 Mr Witness?

9 A. The ones I knew, those who were undergoing the training, I
12:38:48 10 never saw all of them going to fight and then return.

11 JUDGE THOMPSON: Was that your question?

12 MR WERNER: It wasn't.

13 JUDGE ITOE: That was not the question.

14 JUDGE THOMPSON: Yes, in fact --

12:38:54 15 MR WERNER: It was not.

16 JUDGE THOMPSON: Your question was whether he knew if all
17 the trainees completed the training.

18 MR WERNER: Yes, Your Honour.

19 JUDGE THOMPSON: Why would he or why would he not, perhaps
12:39:17 20 I put it the other way. It's a little tricky. All the trainees.
21 It sounds as if you are looking for statistical answer or
22 something.

23 MR WERNER: I am not, so I will withdraw the question.

24 Q. Mr Witness, do you know a place called Talia?

12:39:29 25 THE INTERPRETER: Sorry, Your Honours.

26 THE WITNESS: Yes.

27 MR WERNER:

28 Q. At that time did anything happen in Talia?

29 JUDGE ITOE: Where is Talia?

1 MR WERNER: Okay, sorry.

2 Q. So where is Talia, Mr Witness?

3 A. Talia is in Luawa Chiefdom.

4 Q. Did anything happen in Talia from '96 to 2000 that you can
12:40:10 5 remember?

6 A. Yes.

7 Q. What can you remember?

8 A. They went and captured civilians there forcefully.

9 Q. Who did go to Talia to do that?

12:40:45 10 A. RUF recruits. Those they said were about to complete the
11 training to go and fight, they went together with their masters
12 to capture people. To capture civilians. To take them to the
13 training base.

14 Q. Did anything else happen in Talia that you can remember?

12:41:16 15 A. Yes. People were captured in Talia to take them to the
16 training base.

17 Q. You just told us that. Do you remember anything else which
18 happened in Talia?

19 A. Yes. My younger sister, she was 6 years old. She was
12:41:50 20 staying with my aunt in Talia. To move from New York to Talia
21 was about 3 miles so the distance between us was so short. So
22 they went and captured her, together with her colleagues, and
23 they were taken to the training base in Bunumbu.

24 Q. Did anything happen after that?

12:42:18 25 A. Yes.

26 Q. What happened?

27 A. When she was taken for some time in that training, she
28 escaped from there.

29 Q. And did anything happen after her escape from the Bunumbu

1 training camp?

2 A. Yes.

3 Q. What happened?

4 A. When she escaped from that training base she came past
12:43:24 5 Talia. In the morning we met. She was going to the farm to
6 hide. I asked her why, "Where you are coming from?" She says
7 she is coming from the base. But we knew by then that whatever
8 child was captured in the town, they would take that child to the
9 training base. If that child escape from there all those
12:44:16 10 inhabitants in that town would suffer for that single person that
11 escaped.

12 Q. So did anything happen in Talia you can remember?

13 A. Yes. The town was looted and some houses were burnt. When
14 they went --

12:44:39 15 THE INTERPRETER: Sorry, Your Honours, she has called a
16 name. Can I call the name?

17 MR WERNER: Not if it is disclosing in any way the identity
18 of the witness. I'm going to ask the witness to repeat the
19 question and remind him.

12:45:03 20 Q. Mr Witness, just bear in mind that you have to be very
21 careful in what you are saying not to reveal your identity. Let
22 me ask you the question again. Did anything happen in Talia
23 after that?

24 A. Okay. So when I saw her that morning she was going to the
12:45:33 25 farm to hide. I asked her, "Why have you escaped from the
26 training base?" She said, "Uncle, I'm a small girl and they have
27 used me so much that that was the reason why I have escaped from
28 that base." "Who did that to you?" She said, "The commanders."
29 So during the day they came to Talia and looted the town and

1 burnt houses.

2 Q. And who went?

3 A. RUF.

4 Q. How do you know that?

12:46:28 5 A. From leaving Talia to New York is not much of a distance.

6 Q. I will move on. Now, Mr Witness, were you told anything
7 about what happened to the trainees once the training was over in
8 Bunumbu?

9 A. Well, if you are trained to do something you will be used
12:47:07 10 for that training. They were taught to fight. So when they are
11 trained they send them to the front line. They used to send them
12 to the front line.

13 Q. Now, Mr Witness, from 1996 to 2000 could the civilians move
14 within Kailahun District?

12:47:38 15 A. No.

16 Q. Why not?

17 A. Civilians, if you had wanted to move, unless you have a
18 pass. They will have to give you a pass to move from one town to
19 the other.

12:48:24 20 Q. Just pause, Mr Witness. Just pause.

21 A. If you don't have a pass, you don't --

22 Q. When you say they would have to give you a pass, who are
23 "they"?

24 A. The MPs and the G5s.

12:48:54 25 Q. And from the same period could the civilians go to Guinea
26 or Liberia?

27 A. The civilian, unless you were to carry property for a
28 commander to Liberia. But a civilian was not allowed to travel
29 to Liberia or Guinea on his own or even travel to come this way.

1 Q. During that period do you know anyone who tried to cross
2 the border?
3 A. Yes.
4 Q. And what happened?
12:49:51 5 A. There were people. There was a man and his wife. There
6 were about four. They had wanted to cross the river to Guinea
7 through Mafindo. Those RUF boys who were guarding the border in
8 that area arrested those people.
9 Q. Then what happened?
12:50:34 10 A. When they were arrested they came with them to Kailahun.
11 Q. Who came with them to Kailahun?
12 A. Those RUF boys who were on the Guinea/Sierra Leone border,
13 who were controlling the Guinea/Sierra Leone border.
14 Q. And did anything happen after that when they came back?
12:50:57 15 A. Yes. They were killed.
16 Q. Who were killed?
17 A. It was the RUFs that killed those civilians in Kailahun at
18 the court barri.
19 Q. When was it?
12:51:37 20 A. Beginning from 1998 to '99.
21 Q. How do you know that, Mr Witness?
22 A. We were called there to see, so that if a civilian sees
23 there you will not attempt to do that. So they did it so that
24 we, the civilians, will see there.
12:52:06 25 Q. You said "they did it." Who did it?
26 A. The RUF people.
27 Q. Now, were there any commanders present when that took
28 place?
29 A. Yes, commanders were there.

1 Q. And who were they?

2 A. Mr Augustine Gbao was there. Mr Martin George was there.
3 Mr Sam Koroma was there, and Tom Sandy. The commanders were many
4 that were there. Those are the only ones I can recall.

12:53:06 5 Q. And was one of them more senior than the other?

6 A. Yes. Where that incident occurred where those civilians
7 were killed?

8 Q. Yes.

9 A. Yes, Mr Gbao was, the way I saw it, the most senior among
12:53:46 10 them.

11 Q. How many civilians were killed on that day in Kailahun
12 Town?

13 A. They were four in number.

14 Q. Mr Witness, from 1996 to 2000, without giving me any names,
12:54:35 15 please, were you married?

16 A. Yes.

17 Q. And did you have more than one wife?

18 A. Yes.

19 Q. How many wives did you have?

12:55:02 20 A. Four of them.

21 Q. Did anything special happen to any of your wives during
22 that time?

23 A. Yes. In '98 my wife was raped. Eight men raped my wife.
24 She died in that week.

12:55:36 25 Q. Who were these men?

26 A. The RUF boys.

27 Q. Did you do anything after that?

28 A. Yes.

29 Q. What did you do?

1 A. When I left Kailahun and went to New York to see my wives,
2 it was during that time that thing happened. When I went back to
3 Kailahun I reported to Mr Gbao and Mr Sam Koroma. Mr Gbao said
4 if I was not bothered about those who were dying in the war front
12:56:27 5 then I should not be -- accept my wife being killed, then --
6 accept my wife being raped. Then nothing happened after that

7 JUDGE ITOE: That translation is not clear.

8 MR WERNER: Yes.

9 Q. Could you just repeat that, Mr Witness. Slowly, taking
12:56:49 10 your time. What happened when you reported the matter?

11 PRESIDING JUDGE: What did Gbao say to you when you
12 reported it?

13 THE WITNESS: He said if those who were dying in the war
14 front were not seen important than my wife's being raped.

12:57:13 15 MR WERNER:

16 Q. Mr Witness, do you know what happened in Freetown
17 on 14th February 1998?

18 A. Yes. Those that I can recall. I will be able to know.

19 Q. Do you know if any events happened at that date in
12:58:10 20 Freetown?

21 A. Yes. They said ECOMOG, they've removed the AFRC and the
22 RUF from Freetown.

23 JUDGE ITOE: Was he in Freetown or he just -- verify that,
24 please.

12:58:31 25 MR WERNER: Yes.

26 Q. How did you know that, Mr Witness?

27 A. I was not here. I was in my home Kailahun but we knew
28 about it.

29 JUDGE ITOE: And he said what happened?

1 MR WERNER:

2 Q. Could you just repeat what happened?

3 A. They said ECOMOG -- they said ECOMOG had removed AFRC and
4 the RUF from Freetown.

12:59:30 5 Q. In the month following that event did anything happen in
6 Kailahun District that you can remember, Mr Witness?

7 A. Yes. Mr Johnny Paul went there with a large crowd
8 following; soldiers, civilians.

9 Q. Who were these civilians, Mr Witness?

13:00:09 10 A. They said those that were captured. They said they were
11 those that were captured.

12 Q. Who said that?

13 A. We too saw it and that was what they used to say, those
14 fighting men.

13:00:33 15 Q. Just pause.

16 A. We were all there.

17 Q. Sorry.

18 PRESIDING JUDGE: So are you about to conclude that episode
19 or it's not the case?

13:00:42 20 MR WERNER: It is my last topic but I think I need maybe 10
21 or 15 minutes, so I am in your hands.

22 PRESIDING JUDGE: Very well. If you say 10 minutes. But
23 if it is to be longer than 10 minutes we will adjourn until
24 tomorrow morning.

13:01:09 25 MR WERNER: My credibility is at stake so I will endeavour.

26 JUDGE ITOE: We will hold you to your 10 minutes,
27 Mr Werner.

28 MR WERNER:

29 Q. Could you repeat what you were saying. Who were the

1 civilians who came back with JPK to Kailahun District?

2 A. They said they were captured.

3 Q. Were they men or women, Mr Witness, these captured people?

4 A. There were men and women.

13:01:52 5 Q. Now, at that time, when they came to Kailahun District with
6 JPK, did anything happen to the women you can remember?

7 MR JORDASH: Sorry to object. Maybe I have missed the
8 disclosure, but the disclosure I have about JPK's arrival in
9 Kailahun does not involve evidence about captives. Perhaps I
13:02:18 10 have missed it in the statements, but as I see the disclosure on
11 this, on page 10763, there is no disclosure about JPK arriving in
12 Kailahun with civilians who have been captured.

13 PRESIDING JUDGE: Given the objection - I am not sure if we
14 will sustain it or not, we will wait on a response - we are not
13:02:50 15 prepared to entertain this at this particular moment. We will
16 adjourn that until tomorrow morning at 9.30. Thank you. Court
17 is adjourned.

18 [Whereupon the hearing adjourned at 1.03 p.m.,
19 to be reconvened on Thursday, the 9th day of
20 March 2006, at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-108 22

EXAMINED BY MR WERNER 22