

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 7 APRIL 2005  
9.49 A.M.  
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

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:

Mr Abdul Rahman Mansaray

For the accused Issa Sesay:

Mr Wayne Jordash  
Mr AF Serry-Kamal  
Ms Sareta Ashraph  
Ms Eleanor Hutchison

For the accused Morris Kallon:

Mr Shekou Touray  
Mr Melron Nicol-Wilson  
Ms Rachel Irura  
Mr Vincent Nhemielle

For the accused Augustine Gbao:

Mr Andreas O'Shea  
Mr John Cammegh  
Mr Ben Holden

1 Thursday, 7 April 2005  
2 [Open Session]  
3 [HS070405 9.30 a.m. - AD]  
4 [The accused Sesay and Kallon entered the court]  
09:21:21 5 [The accused Gbao not present]  
6 [Upon commencing at 9.49 a.m.]  
7 PRESIDING JUDGE: Good morning, learned counsel. We are resuming our  
8 session. Before that I understand there is a new interpreter who has to be  
9 sworn in. May we fulfill that formality before we proceed, please?  
09:48:56 10 [Interpreter sworn]  
11 PRESIDING JUDGE: Good, thank you. You may take your place. We will  
12 give her some time to settle down. Can we proceed? Well, Mr Werner, you  
13 may proceed. How much time do you think you need this morning to wrap up  
14 your examination-in-chief?  
09:50:22 15 MR WERNER: Good morning, Your Honours. I hope two hours; not more  
16 than two hours.  
17 PRESIDING JUDGE: Please, we have to go methodically because it was  
18 very laborious yesterday. We have to go very, very methodically, please,  
19 and on relevant matters. We would like to avoid examination on matters  
09:50:54 20 which are not relevant to the issues because time is of the essence for our  
21 completion strategy. You may proceed, please.  
22 WITNESS: TF1-263 [Continued]  
23 EXAMINED BY MR WERNER: [Continued]  
24 [The witness answered through interpreter]  
09:51:08 25 Q. Morning, Defence counsels. Good morning, Mr Witness. Before I  
26 pursue where we left off yesterday I would like to ask you one question.  
27 Mr Witness, do you know how many mango seasons there are in Kono?  
28 PRESIDING JUDGE: Not in Switzerland.  
29 JUDGE THOMPSON: We don't seem to be having any translation.



1 MR JORDASH: I am not sure that the witness's microphone is on.  
2 JUDGE THOMPSON: Yes, there is no translation at all.  
3 MR WERNER: I will repeat the question.  
4 Q. Mr Witness, do you know how many mango seasons there are in Kono?  
09:52:43 5 A. One.  
6 MR WERNER: I got two answers.  
7 JUDGE THOMPSON: What is the answer? There seems to be some  
8 difficulty with --  
9 PRESIDING JUDGE: Mr Harrison, what is the answer?  
09:52:55 10 MR HARRISON: I don't think I should be the one giving the answer.  
11 But I think to be fair and to try to clarify this, if the Court will allow  
12 Mr Werner to put the question one more time to see if we can have a clear  
13 response from the interpreter --  
14 MR JORDASH: I heard from the left of me, "I don't know." But I  
09:53:13 15 heard from the translation booth, "One."  
16 PRESIDING JUDGE: Yes. May he put the question again to the witness,  
17 please, so we can --  
18 MR WERNER: Yes, Your Honour.  
19 Q. Mr Witness, how many mango seasons are there in Kono?  
09:53:36 20 A. The mango ripe is just one.  
21 Q. Yesterday you told us about one attack against Mongo in Koinadugu  
22 district. What happened after that?  
23 A. I did not get that question clearly.  
24 Q. I will repeat the question: Yesterday, just before we recessed, you  
09:54:34 25 told us about one attack against Mongo. What happened after this attack?  
26 A. We attacked Mongo and thereafter went back to Koinadugu.  
27 Q. And what happened after that?  
28 A. When we went to Mongo, in Krubola there they divided us into  
29 sections. Some people travelled down to Freetown.



1 PRESIDING JUDGE: Did he say they went to Koinadugu or they went back

2 to Krubola after the attack?

3 MR WERNER: I will try to clarify that.

4 PRESIDING JUDGE: Yes, please.

09:55:55 5 MR WERNER:

6 Q. Just try to listen to my question and to follow me. Just after the

7 attack against Mongo you told us you went back. Where did you go back?

8 A. We went back to Krubola.

9 JUDGE THOMPSON: So it is not Koinadugu.

09:56:21 10 PRESIDING JUDGE: It is not Koinadugu.

11 JUDGE THOMPSON: Right.

12 MR WERNER:

13 Q. After that, what happened?

14 A. We went back to Krubola; we came from Mongo to Krubola. We took

09:56:42 15 three days there. The four days, some of us were choosing to go down to

16 Freetown.

17 Q. Did anything else happen --

18 JUDGE THOMPSON: Counsel, will you go at a moderate pace because the

19 evidence clearly is not flowing smoothly. So it is of interest that if we

09:57:02 20 are going to get the record accurately, you should moderate your pace.

21 MR WERNER: Yes, Your Honour. I apologise for that.

22 PRESIDING JUDGE: It is after that some of those have chosen to come

23 to Freetown. Is that the evidence?

24 MR WERNER: Yes.

09:57:34 25 Q. What happened?

26 A. Within that three days they gathered the rebels, some of them, and

27 they were asked to come down to Freetown.

28 PRESIDING JUDGE: We have got that.

29 MR WERNER:



1 Q. Who gathered the rebels and who left for Freetown?

2 A. It was SAJ Musa who gathered them and sent them down to Freetown.

3 Q. And who else was sent to Freetown?

4 A. It was the rebels.

09:58:59 5 Q. Were there any commander?

6 A. Yes.

7 Q. Could you tell us which commander?

8 A. That day when we were coming down to Freetown it was Five-five who

9 was the commander.

09:59:43 10 Q. And what happened after that?

11 A. There they left us. After five weeks then we went up to Kabala.

12 Q. Why did you go to Kabala?

13 PRESIDING JUDGE: He did not go to Freetown, did he?

14 MR WERNER: No.

10:00:18 15 PRESIDING JUDGE: He didn't. So from Krubola after five days they

16 went to Kabala.

17 MR WERNER: I thought he said five weeks. I will ask the question

18 again.

19 Q. After these groups you just described left, how long did you stay in

10:00:38 20 Krubola?

21 A. It was after five days.

22 Q. It is my mistake; I apologise. Then what happened?

23 A. After the five days they asked us to go and attack Kabala.

24 Q. Are we agreed that it was the second time you had attacked Kabala?

10:01:16 25 Is that correct?

26 A. No. That was the first attack. That was after Krubola.

27 Q. Okay. So, in the first attack against Kabala what happened?

28 JUDGE THOMPSON: Learned counsel, are we getting the evidence

29 clearly? Is it Kabala or Krubola? We are talking about two different





1 places.

2 MR WERNER: Kabala. There was one town called "Krubola" and one town  
3 called "Kabala".

4 JUDGE THOMPSON: Yes, quite. He is talking about --

10:01:58 5 MR WERNER: Kabala.

6 JUDGE THOMPSON: Kabala. All right.

7 MR WERNER:

8 Q. So, could you tell this Court what happened?

9 A. Yes.

10:02:14 10 Q. Please do so.

11 A. That day we were assembled by SAJ Musa and Superman and moved up to  
12 Kabala and attacked there.

13 PRESIDING JUDGE: Could we have some precision? Attack them, whom?

14 MR WERNER:

10:03:13 15 Q. Who were you attacking in Kabala?

16 A. ECOMOG.

17 Q. Tell this Court what happened.

18 A. That day we went and attacked Kabala, but we were not successful. So  
19 we returned to a certain town which they call Koinadugu and there we were  
10:03:57 20 based.

21 Q. Did you participate yourself --

22 JUDGE THOMPSON: Just a minute; I want to get this clear. They  
23 received instructions to attack Kabala.

24 MR WERNER: Yes.

10:04:21 25 JUDGE THOMPSON: They did attempt to do that and it turned out to be  
26 unsuccessful.

27 MR WERNER: Yes, so they came back.

28 JUDGE THOMPSON: They came back to Koinadugu.

29 MR WERNER: Yes.



1 Q. Did you participate in this attack yourself?

2 A. Yes.

3 Q. Why did you come back to Koinadugu and not to Krubola?

4 JUDGE THOMPSON: Why not ask him why he came back to Koinadugu and  
10:05:11 5 then if he has something to tell us about Krubola he might come out with  
6 it.

7 MR WERNER: As Your Honour pleases.

8 Q. Why did you come back to Koinadugu?

9 A. Because that day we were not successful in our attack on Kabala and  
10:05:40 10 because of that we retreated back to Koinadugu. That was the reason we  
11 stayed at Koinadugu.

12 JUDGE THOMPSON: Proceed, counsel.

13 MR WERNER:

14 Q. What did you do in Koinadugu?

10:06:10 15 A. They asked us to make that a base for some time.

16 Q. Who asked you?

17 JUDGE THOMPSON: The translation is not intelligible. Would he  
18 repeat that, the translation, please?

19 A. That day, because we are not successful, they asked to stay at  
10:06:46 20 Koinadugu. And that was demanded by SAJ Musa.

21 Q. Who were based in Koinadugu?

22 A. That day we met some civilians, but seeing us they fled; they left us  
23 in the town.

24 Q. Did anything happen in Koinadugu?

10:08:05 25 A. That day they passed on instructions that all those who were at  
26 Krubola should come up to Koinadugu for us to base there.

27 JUDGE THOMPSON: Learned counsel, won't you get him to be a little  
28 specific. We are having so many vague "they passed on instructions". We  
29 need the evidence to be clear and properly evaluated. We need to get out



1 of this opaqueness in terms of who did what.

2 MR WERNER: Sure, Your Honour.

3 Q. Who gave this instruction and to whom was this instruction given?

4 A. It was SAJ Musa who sent a few of his soldiers to go and collect  
10:09:05 5 their families and the other soldiers at Krubola to come at Koinadugu.

6 JUDGE THOMPSON: Continue, counsel.

7 MR WERNER:

8 Q. Do you know someone called "Alabama"?

9 A. Yes.

10:10:00 10 Q. Did you meet Alabama in Koinadugu?

11 PRESIDING JUDGE: Counsel, can we have the spelling of that?

12 THE WITNESS: We came together with Alabama to Koinadugu.

13 PRESIDING JUDGE: The Alabama we know?

14 MR WERNER: Yes.

10:10:28 15 PRESIDING JUDGE: Right.

16 MR WERNER: Translation, please repeat the answer.

17 INTERPRETER: We came together with Alabama to Koinadugu.

18 Q. Did Alabama do anything in Koinadugu?

19 THE WITNESS: Yes.

10:10:52 20 Q. What did he do?

21 A. When we arrived at Alabama the civilians we caught at Kabala, we  
22 brought them to Koinadugu and they asked Alabama to train them. He was a  
23 trainer of civilians into combatants.

24 MR WERNER: I think I will repeat the question because I heard the  
10:11:35 25 interpretation as, "When we arrived at Alabama". I think there was a  
26 mistake. I think I will repeat the question.

27 Q. Did Alabama do anything in Koinadugu? Sorry, Mr Witness, I know you  
28 just said that, but can you repeat for the sake of clarity? Did Alabama do  
29 anything in Koinadugu?



1 A. Yes, he was a trainer of the civilians we caught.  
2 JUDGE THOMPSON: That is those captured at Koinadugu.  
3 PRESIDING JUDGE: No, in Kabala I think.  
4 MR WERNER: I am going to ask the question.  
10:12:27 5 JUDGE THOMPSON: Let us have clarity there.  
6 MR WERNER:  
7 Q. Who were the civilians you just talked about?  
8 A. Those were the civilians caught at Kabala.  
9 PRESIDING JUDGE: During the attack?  
10:12:50 10 MR WERNER:  
11 Q. During the attack?  
12 A. Yes.  
13 JUDGE BOUTET: How many civilians did you catch in Kabala during that  
14 attack?  
10:13:09 15 THE WITNESS: That day I didn't count them because we left there at  
16 night.  
17 JUDGE BOUTET: But these are civilians that were caught in the  
18 unsuccessful attack on Kabala.  
19 THE WITNESS: By then there were civilians and ECOMOG; they were all  
10:13:48 20 mixed up.  
21 JUDGE BOUTET: But these civilians that were captured, they were  
22 captured while you attacked Kabala the first time unsuccessfully.  
23 THE WITNESS: It was not within Kabala itself. The surrounding  
24 villages around Kabala, when we are reaching there we caught these  
10:14:22 25 civilians.  
26 JUDGE BOUTET: If I may, you were talking about Alabama being a  
27 trainer. Who is he other than a trainer? Is he a soldier? Where is he  
28 coming from?  
29 THE WITNESS: He was SAJ Musa's bodyguard.





1 JUDGE BOUTET: Was he a soldier?

2 THE WITNESS: By then he had a gun with him. I do not know whether  
3 he was a soldier.

4 JUDGE BOUTET: Thank you.

10:15:14 5 MR WERNER:

6 Q. After you have settled in Koinadugu, what happened? Did anything  
7 happen?

8 A. While we were now in Koinadugu training, starting and a training camp  
9 was established. It was Alabama who was in charge of that training.

10:15:59 10 Q. And what happened after that?

11 PRESIDING JUDGE: I don't know whether I got the witness rightly.  
12 Did he say that amongst the captives there were soldiers of ECOMOG or so?  
13 We did not pursue that line.

14 MR WERNER: My understanding is that in answer to a question from  
10:16:57 15 Honourable Judge Boutet he said that they attacked Kabala and in Kabala  
16 there were ECOMOG and civilians, and then he said that they captured  
17 civilians from villages around.

18 PRESIDING JUDGE: Villages around; yes, we got that. But amongst the  
19 captives, do I understand the witness to have said that there were some  
10:17:19 20 ECOMOG soldiers?

21 MR WERNER: I did not understand that. I am going to clarify that.

22 MR JORDASH: Can I assist? Our note is that the witness did say, "on  
23 the unsuccessful attack on Kabala, civilians were captured; there were  
24 civilians and ECOMOG mixed up together".

10:17:40 25 PRESIDING JUDGE: That is what he said; that is what I heard.

26 MR JORDASH: He did.

27 PRESIDING JUDGE: I just wanted to confirm that.

28 JUDGE BOUTET: That is not my understanding. He said there were  
29 civilians and ECOMOG in Kabala, but he did not say that --



1 MR WERNER: I can clarify in the one question.

2 JUDGE BOUTET: There is obviously confusion.

3 JUDGE THOMPSON: Yes, there is a need for clarification.

4 MR WERNER: Sure.

10:18:00 5 Q. At that time did you capture anyone from ECOMOG?

6 A. No.

7 MR WERNER: I will move on.

8 PRESIDING JUDGE: So during the Kabala attack you captured nobody  
9 from ECOMOG?

10:18:31 10 [No interpretation]

11 Q. What happened after?

12 MR O'SHEA: I am sorry to interrupt.

13 JUDGE THOMPSON: I am sure we are in the training camp at Kabala --

14 PRESIDING JUDGE: At Koinadugu.

10:18:59 15 JUDGE THOMPSON: At Koinadugu with Alabama in charge. That was where  
16 the evidence left off, and then there was the intervention by my learned  
17 brothers. So perhaps you need make a link between what you are going to  
18 ask now. Already we have interposed the fact that -- or the allegation  
19 that -- no-one was captured from ECOMOG the during the Kabala attack.

10:19:26 20 MR O'SHEA: I wanted to clarify that the point that His Honour Judge  
21 Thompson has just made because I did not get a translation of the question  
22 that His Honour Judge Itoe put. I just heard the word "Ah". I understand  
23 that that means "Yes", but I did not hear a translation. It is an  
24 important point, but if Your Honours are satisfied with that answer then --

10:19:45 25 JUDGE THOMPSON: The record shows just that there was an  
26 interposition of the new piece of evidence that the Kabala attack did not  
27 result in the capture of ECOMOG. I wanted counsel not just to say what  
28 happened, otherwise this witness might be confused, but to link up the last  
29 part.



1 MR O'SHEA: Indeed, I am satisfied. Thank you.

2 JUDGE THOMPSON: Perhaps at this point one would like to kindly  
3 request that the translation be a little more vigorous. It is coming out  
4 in a very feeble way. Perhaps we would be better served if we had a much  
10:20:27 5 more forthright kind of translation. Of course, I know it is difficult,  
6 but we need to try.

7 MR WERNER: Thank you, Your Honour.

8 Q. You just told us that you came back to Koinadugu with civilians and  
9 Alabama organised a training camp. And you described --

10 PRESIDING JUDGE: A training camp was organised and Alabama was in  
11 charge of that camp.

12 MR WERNER: Yes. Thank you, Your Honour.

13 Q. What happened after that?

14 A. While we were there again a meeting was called up by SAJ Musa  
10:21:41 15 instructing that we should make another attempt to attack Kabala a second  
16 time.

17 Q. Did this second attack against Kabala take place?

18 A. Yes.

19 Q. Could you describe for this Court the second attack against Kabala?

10:22:36 20 A. Yes.

21 Q. Please do so.

22 A. For the second attack they instructed that nobody should be left  
23 behind in Koinadugu; all of us should move into Kabala to make that attack.

24 Q. What do you mean by "all of us"?

10:23:15 25 A. All the rebels who have gone. There is nobody left behind.

26 Q. Who was attacked?

27 A. They said we should go and attack ECOMOG.

28 PRESIDING JUDGE: SAJ Musa said you should go and attack ECOMOG. Is  
29 that what you want to say, not "they"? They who?



1 THE WITNESS: Yes.

2 MR WERNER:

3 Q. After the instructions -- we understood the instructions -- after  
4 that, what happened?

10:24:28 5 A. After the instruction, the next day we all moved towards Kabala.

6 Q. And then what happened?

7 A. When we were about to reach Kabala there was a certain forest around  
8 Kabala. There we all camped. Then SAJ Musa gave an instruction that  
9 Superman and some of the rebels should wear white clothing for them to  
10:25:24 10 march into the town and say they have come for peace.

11 PRESIDING JUDGE: Is it SAJ Musa who said they should wear --

12 MR WERNER: He gave the order to Superman is what I understood.

13 JUDGE BOUTET: I thought it was Superman that said some should wear  
14 white clothing. Again, I would like to understand very clearly who is in  
10:26:06 15 charge. Was it Superman or SAJ Musa? Who was part of that?

16 MR WERNER:

17 Q. Who was in charge of this attack?

18 A. SAJ Musa was in charge of the attack.

19 Q. Who gave the instruction about the white clothes?

10:26:49 20 A. It was SAJ Musa; he instructed Superman that they should wear white  
21 clothes and march to the town and say they have come for peace.

22 Q. And then what happened?

23 A. That day they marched down to town while we were left behind in the  
24 forest.

10:27:31 25 Q. Who are "they"?

26 A. Superman and some of the rebels marched downtown while SAJ Musa and  
27 some of us were left behind in the forest.

28 Q. Did you stay in the forest?

29 A. Yes.





1 Q. Do you know what happened after?

2 A. Yes.

3 Q. Can you tell this Court what happened?

4 A. While we were there in the forest, it was up to 7 o'clock when SAJ  
10:29:00 5 Musa then asked us that we should launch an attack. He was the first  
6 person to fire a bomb into the township of Kabala.

7 Q. Who fired the bomb?

8 PRESIDING JUDGE: Seven in the morning or seven in the evening?

9 MR WERNER:

10:29:22 10 Q. You said 7 o'clock. Is it seven in the morning or seven in the  
11 evening?

12 A. In the evening; around the evening. It was night now.

13 JUDGE THOMPSON: And he "asked us to launch an attack".

14 MR WERNER: Yes.

10:29:48 15 JUDGE THOMPSON: We are at the stage when at 7.00 p.m. --

16 MR WERNER: I tried to clarify because I didn't understand.

17 JUDGE THOMPSON: At 7.00 p.m. it was SAJ Musa who asked them to  
18 launch an attack. Is that the evidence?

19 MR WERNER: He said someone sent bomb and I didn't understand.

10:30:04 20 JUDGE THOMPSON: That was what we were getting to. Then he -- SAJ  
21 Musa -- did something else having asked them to launch the attack. What  
22 was the something else that he did?

23 MR WERNER:

24 Q. What did SAJ Musa do?

10:30:24 25 A. While he asked us -- SAJ Musa asked us to move down into the town and  
26 launch an attack. As we got closer to the town he took the RPG bomb from  
27 one of his men and fired it into the township. Then all over there was  
28 firing now, all over the township.

29 Q. Was the attack successful?



1 A. That very night we slept in Kabala. ECOMOG was on one side. We also  
2 were on the other side.

3 Q. On the other side of what?

4 JUDGE THOMPSON: That was not your question. I accept that as a  
10:31:44 5 preface to the answer.

6 MR WERNER: I think what he tried to say was that it was partially  
7 successful.

8 JUDGE THOMPSON: No, no. We don't draw the inference on his  
9 evidence.

10:31:54 10 MR WERNER: Yes, Your Honour.

11 JUDGE THOMPSON: You asked a direct question -- was the attack  
12 successful -- and he began a narration. Unless you know that that is a  
13 preface to the answer --

14 MR WERNER: I am going to ask the question again.

10:32:04 15 Q. Try to answer my question. Was the attack successful or not?

16 A. That day it was not successful.

17 Q. Why?

18 A. We launched the attack at night. The next morning we are again  
19 repelled.

10:32:48 20 Q. And what happened after that?

21 A. When they repelled us we went back to Koinadugu the next morning.

22 Q. After you went back to Koinadugu, what happened?

23 A. When we were repelled we went back to Koinadugu. There we went and  
24 based again for some time. While we were there Alabama was doing the  
10:34:16 25 training. He was SAJ Musa's bodyguard. But it came to a time when  
26 Superman's bodyguard went and killed one of the trainees, while we were at  
27 Koinadugu.

28 Q. Did anything happen as a result of this incident?

29 A. Yes, when that incident occurred he went and reported the matter to



1 SAJ Musa. SAJ Musa came down there and saw the body lying down. Then he  
2 asked the boy who killed the other soldier. Then on answering the question  
3 he himself fired that other soldier and killed him.

4 MR WERNER: Do you want me to ask the question again?

10:36:04 5 JUDGE BOUTET: I thought the witness had said that one civilian had  
6 been killed and now he is talking about a soldier. Are we getting things  
7 that are different?

8 JUDGE THOMPSON: I thought this specific word was "trainee"; a  
9 trainee was killed.

10:36:19 10 JUDGE BOUTET: The trainee was a soldier, presumably.

11 MR WERNER: Yes.

12 Q. And what happened after that?

13 PRESIDING JUDGE: It was SAJ Musa who killed this other soldier or  
14 the rebels, I assume.

10:37:04 15 THE WITNESS: Yes.

16 JUDGE THOMPSON: Counsel, what is the state of the evidence? Is it  
17 that, having learnt the trainee had been killed by someone --

18 MR WERNER: Yes.

19 JUDGE THOMPSON: -- SAJ Musa then in turn killed this someone who  
10:37:22 20 allegedly killed the trainee?

21 MR WERNER: Exactly.

22 JUDGE THOMPSON: So that is the state of the evidence.

23 MR WERNER: Yes. I am trying to get to the consequence.

24 JUDGE THOMPSON: Proceed.

10:37:36 25 MR WERNER: Thank you, Your Honour.

26 Q. That was what happened. After that what happened?

27 A. When that incident happened -- after SAJ Musa shot the other rebel  
28 who killed the trainee -- then there was confrontation between SAJ Musa's  
29 men and Superman's men. There was an open firing between them.



1 Q. What happened after this open fire?

2 A. When the firing occurred, SAJ Musa's bodyguard, SAJ Musa himself and  
3 all those who were undergoing training ran into the bush; they ran away and  
4 left us behind.

10:39:36 5 PRESIDING JUDGE: Who ran away -- SAJ Musa?

6 MR WERNER:

7 Q. And all his men?

8 A. Yes.

9 Q. Just for the sake of clarity, did SAJ Musa at that point leave  
10:39:54 10 Koinadugu?

11 A. Yes.

12 Q. Did you stay in Koinadugu?

13 A. Yes, we were left behind. We were there until Superman came back.

14 Q. And how long did Superman stay in Koinadugu after that incident?

10:40:44 15 A. We completed almost five weeks there.

16 Q. Were you there during this five weeks?

17 A. Yes, we are there.

18 Q. Was Savage there?

19 A. Yes, he also was there.

10:41:25 20 Q. Then what happened after this five weeks?

21 A. Having spent the five weeks there, after SAJ Musa and others have  
22 gone, Superman called up a meeting of Commander Bropleh, Savage and all the  
23 other elders that were there. He called up a meeting.

24 Q. And did he say anything during this meeting?

10:42:56 25 A. During that meeting, I was not part of it because the man who  
26 captured me he went to represent us.

27 Q. And did he tell you what was said during this meeting?

28 A. Yes.

29 Q. What did he tell you?





1 A. After the meeting he came back and told us that it had been decided,  
2 and Superman had suggested, that we should leave Koinadugu and move down to  
3 Makeni.

4 Q. Did you leave Koinadugu?

10:44:20 5 A. Yes, after a while, after we had taken some time there, we left  
6 Koinadugu.

7 JUDGE THOMPSON: Your question was whether they moved to Makeni.

8 MR WERNER: No, my question was whether they had left Koinadugu.

9 JUDGE THOMPSON: Whether they left Koinadugu. I see. So he said  
10:44:48 10 they left.

11 MR WERNER: Yes.

12 JUDGE THOMPSON: After some time.

13 MR WERNER:

14 Q. After having left, where did you go first?

10:45:20 15 A. That day when we first moved, we went to one village they call  
16 "Flower" [phon].

17 JUDGE THOMPSON: Counsel, how do we spell that? You don't know.

18 MR WERNER: I can try.

19 JUDGE THOMPSON: We will just spell it phonetically.

10:45:41 20 JUDGE BOUTET: I would suggest --

21 PRESIDING JUDGE: It could well be a flowery village.

22 JUDGE THOMPSON: That is why I suggested phonetic spelling.

23 MR WERNER:

24 Q. What happened after?

10:46:12 25 A. From Flower we went down to a certain town they call Binkolo. There  
26 we launched an attack again.

27 Q. Did you participate in this attack?

28 A. Yes.

29 Q. Who was attacked?



1 A. At that time it was ECOMOG and civilians who were staying in Binkolo.  
2 JUDGE THOMPSON: They were the targets of the attack, were they?  
3 MR WERNER: Sorry, Your Honour.  
4 JUDGE THOMPSON: The civilians and ECOMOG were the targets.  
10:47:27 5 MR WERNER: Yes, Your Honour.  
6 PRESIDING JUDGE: Is that "Minkolo" or "Binkolo"?  
7 THE WITNESS: Yes, Binkolo.  
8 MR WERNER: Was there an advance team for in this attack?  
9 INTERPRETER: That question was not clearly understood, sir.  
10:47:43 10 MR WERNER: I apologise for that.  
11 Q. Was there an advance team for this attack?  
12 A. Yes, at that time Savage was appointed to move with the advance team.  
13 Q. Did anything happen during the move to Binkolo?  
14 A. Yes.  
10:48:36 15 Q. What happened?  
16 A. Yes. Savage was appointed to lead the advance team. But while they  
17 were going along the road they killed a lot of civilians as they advanced  
18 towards Binkolo.  
19 Q. Who did that?  
10:49:20 20 A. Those who were in the advance team.  
21 Q. Was the attack against Binkolo successful?  
22 A. Yes.  
23 Q. Did anything happen in Binkolo?  
24 A. Yes.  
10:49:55 25 Q. Could you tell us what happened in Binkolo?  
26 A. Yes.  
27 Q. Please tell us.  
28 A. When we arrived at Binkolo after launching the attack, Savage did  
29 declare that the town was dark and it was not clear; they could not see



1 through the town. Then he passed a command that we should bomb houses so  
2 that we can get light in the town.

3 Q. And what did you do?

4 A. We slept in there and advanced on to Makeni the next day.

10:51:04 5 Q. Just to get back to that. You said the order was given. Did  
6 anything happen after this order?

7 JUDGE THOMPSON: The order was given to burn the houses so as to  
8 illuminate the town. What happened next?

9 MR WERNER:

10:51:25 10 Q. Did anything happen after this order was given?

11 A. Having passed that commander, we started torching houses now. We  
12 have burnt houses from end to end.

13 Q. I just have one more question and then we move. Do you know someone  
14 called "Blood"?

10:52:09 15 A. Yes.

16 Q. Was he in Binkolo?

17 A. Yes, he was in Binkolo.

18 Q. Did anything happen when Blood was in Binkolo?

19 A. Yes.

10:52:26 20 Q. What happened?

21 A. When we attacked Binkolo we were attached to the man with the  
22 handsets. We were guiding him along as we went. It was that night when  
23 they sent in a message through the communication sets.

24 Q. I am going to clarify. Who was the man with the radio handset?

10:53:14 25 A. Blood.

26 Q. You talked about a message. Who sent the message?

27 A. When that night -- when he received the radio message he asked who  
28 sent the radio message. It was declared that it was General Issa who sent  
29 the radio message. So he went straight to Superman.



1 Q. Who asked about this? I am confused. You said, "he asked about the  
2 radio message". Who asked about the radio message?  
3 A. Blood asked about the radio message.  
4 JUDGE BOUTET: So, Blood had the handset at that time, and that is  
10:54:19 5 how he received the message.  
6 MR WERNER: Yes.  
7 JUDGE BOUTET: Were you there at that time?  
8 THE WITNESS: Yes, we were around him. They said we should guide  
9 him.  
10:54:32 10 JUDGE BOUTET: I am sorry, I did not get that.  
11 PRESIDING JUDGE: Guide him.  
12 MR WERNER:  
13 Q. What do you mean, "we should guide him".  
14 JUDGE THOMPSON: It is probably "G-U-A-R-D" not "G-U-I-D-E".  
10:55:01 15 MR WERNER: There is no comparison between your English and my  
16 English.  
17 JUDGE THOMPSON: I am just saying that probably what I sense is that  
18 it should be "guarded".  
19 JUDGE BOUTET: "Guarded" or "guided"?  
10:55:07 20 PRESIDING JUDGE: Let us clarify this. Let him tell us what they  
21 were doing around him.  
22 MR WERNER:  
23 Q. What was your function at that time?  
24 PRESIDING JUDGE: What were you doing around Blood?  
10:55:30 25 MR WERNER: What were you doing around Blood at that time?  
26 A. He hadn't a gun at that time; he was only carrying the handset with  
27 him. So we who had the guns with us we were asked to guard him.  
28 Q. Were you guarding Blood at that time?  
29 A. Yes, but I was not alone.





1 Q. Do you know what was the message?

2 A. Yes, it was explained to us later on.

3 Q. What was explained to you and by whom?

4 JUDGE THOMPSON: Let us have the explanation first. Otherwise we  
10:56:35 5 will --

6 MR WERNER: I apologise.

7 JUDGE THOMPSON: The message was explained to us. Yes, so let us  
8 have the message.

9 MR WERNER: Sure.

10:56:50 10 Q. What was the message?

11 A. That night, having received the phone call by Blood, we did ask who  
12 was sending the message. It is was declared that it was General Issa.  
13 Then he took the phone to Superman that night.

14 Q. Mr Witness, I swear I understand it is difficult, but just try to  
10:57:24 15 listen to my questions. You just told us, and I think we are clear about  
16 that now. What was the message? Did you know what was the message?

17 PRESIDING JUDGE: Blood then took the handset to Superman.

18 MR WERNER: Yes. But we don't know --

19 PRESIDING JUDGE: We will come to that.

10:57:54 20 THE WITNESS: Yes.

21 MR WERNER:

22 Q. Could you tell us, do you know what was the message?

23 A. Yes.

24 Q. Could you tell us?

10:58:13 25 A. Having gone to Superman with the handset, he came back and told us  
26 that the message was that General Issa had just phoned Superman telling him  
27 that they also are at Magburaka heading in for Makeni.

28 PRESIDING JUDGE: That is what Blood came and told him?

29 MR WERNER: That is Superman.



1           PRESIDING JUDGE: What?

2           MR WERNER: On the way back he told them.

3           PRESIDING JUDGE: Blood had taken this handset --

4           THE WITNESS: Yes, it was Blood who gave the message from Superman.

10:59:07 5           PRESIDING JUDGE: And Blood came back and told them?

6           MR WERNER: Exactly.

7           THE WITNESS: Yes, it was Blood.

8           MR WERNER:

9           Q. Did Blood tell you anything else about this message?

10:59:19 10           PRESIDING JUDGE: Please wait.

11           JUDGE THOMPSON: Yes, learned counsel, let us proceed a little more

12 cautiously. Blood told us that -- who had said what, that General Issa had

13 phoned Superman to say what -- because he was trying to give the message.

14           PRESIDING JUDGE: And they were in Magburaka and they were heading

11:00:04 15 towards Makeni as well.

16           JUDGE THOMPSON: Yes. He seems to be quite intent in telling how he

17 got the message, or they got the message. Can we travel back from the

18 point that the message was what Blood had told whom. Whom did Blood tell

19 that General Issa had phoned? Can we have it that way?

11:00:36 20           MR WERNER: Okay. Let us start again.

21           JUDGE THOMPSON: Because he seems to be intent on going through it

22 that way. You asked for the message but he is more concerned with telling

23 you how he got to the message and then leading to the message. I have no

24 problem with that.

11:00:58 25           MR WERNER: I will ask about the message again.

26           JUDGE THOMPSON: Quite.

27           MR WERNER:

28           Q. You heard what Honourable Judge Thompson tried to understand, so

29 could you answer the question?



1 A. I didn't get it clear.

2 JUDGE THOMPSON: In other words, you asked a question -- what was the  
3 message. But his response seems to be to emphasise how he came to learn  
4 about the message before telling us what the message is. I have no problem  
11:01:35 5 with that response. Just to go about it a little more carefully so that we  
6 don't get things mixed up.

7 MR WERNER:

8 Q. If you want, Mr Witness, let us talk about the message not the way it  
9 was -- just talk about the message. What was the message?

11:01:59 10 A. That day when Blood came back with the handsets to us, he informed us  
11 that the message was that General Issa is at Magburaka heading for Makeni.

12 Q. Did Blood tell you anything else about this message?

13 A. The other information he passed on to us was that there was a  
14 password. They showed us a password so that we could recognise ourselves  
11:03:13 15 and understand ourselves.

16 Q. What happened after that?

17 A. We spent the whole day at Binkolo. In the evening, around 6 o'clock,  
18 then we were ordered to move again towards Makeni.

19 Q. By whom?

11:04:09 20 A. That order came from Superman.

21 PRESIDING JUDGE: At what time?

22 MR WERNER: When was it?

23 PRESIDING JUDGE: At about what time?

24 MR WERNER: I am going to clarify, Your Honour.

11:04:26 25 PRESIDING JUDGE: Not the date, please; the time. Was it 6.00 p.m.

26 or --

27 MR WERNER:

28 Q. Did you say when this order was given during the day -- in the  
29 morning or in the evening?



1 A. The order was given us in the morning hours, but we left in the  
2 evening hours.

3 Q. Did anything happen on your way to Makeni?

4 A. Yes.

11:05:17 5 Q. What happened on your way to Makeni?

6 A. That day when the order came that we should move in the evening we  
7 set out to go to the Makeni, but by then I was not behind the man with the  
8 set again.

9 Q. Did anything happen?

11:06:03 10 A. At that time we were divided into two groups -- those in the advance  
11 team and those who should be in the back team.

12 Q. Who was leading the advance team?

13 A. Savage was leading the advance team.

14 Q. I will just ask the question one more time and then move on. When  
11:06:42 15 you moved to Makeni, did anything happen?

16 A. The only thing that happened was that we were behind where they were  
17 before.

18 Q. I heard the witness say something about communication. I am going to  
19 ask the question again. Did you hear any communication on your way to  
11:07:19 20 Makeni?

21 A. Yes, that was when we were entering into Makeni town.

22 Q. What did you hear?

23 A. Yes, at that time again it was General Issa who sent in a  
24 communication telling Superman the password -- the code that we should use  
11:07:54 25 to recognise ourselves.

26 Q. How do you know that? How did you hear what this communication was?

27 JUDGE THOMPSON: Just a minute while I get it down.

28 MR WERNER: Sorry; I apologise, Your Honour.

29 JUDGE THOMPSON: He sent a communication to Superman.





1 MR WERNER: Yes.

2 JUDGE THOMPSON: Indicating the code that should be used to  
3 recognise --

4 MR WERNER: Yes, to communicate with each other.

11:08:19 5 JUDGE THOMPSON: Fine; to recognise.

6 THE WITNESS: Yes.

7 JUDGE THOMPSON: Your next question was how did he come to know that.

8 MR WERNER:

9 Q. How did you happen to know that?

11:08:53 10 A. That evening, having put us into groups, they sent out people to tell  
11 us and give us the information of what the codes should be.

12 Q. Did you attack Makeni?

13 A. Yes.

14 Q. Can you tell the Court about this attack?

11:09:36 15 A. Yes.

16 Q. Please do so.

17 A. When we reached the outskirts of Makeni we were in the bushes there  
18 waiting for some time. In the evening hours, around 8 o'clock, we launched  
19 an attack.

11:10:09 20 Q. Who was the commander for the attack against Makeni?

21 A. Superman was the commander.

22 Q. Was this attack successful?

23 A. Yes.

24 Q. How long did it last?

11:11:23 25 A. It took us three days because when he entered Makeni those who came  
26 from Kono also entered Makeni.

27 Q. Who was coming from Kono?

28 A. The other rebels who came from there.

29 Q. Who was their commander?



1 A. General Issa was their commander.

2 Q. And who was attacked in Makeni?

3 A. ECOMOG; it was ECOMOG who was based at Tekko Barracks.

4 PRESIDING JUDGE: At what barracks?

11:12:23 5 MR WERNER: Tekko Barracks, Your Honour.

6 Q. Did anything happen when you were in Makeni?

7 A. Yes.

8 Q. What happened?

9 A. Having taken over ECOMOG in Makeni, we were there for three days. On

11:13:16 10 the fourth day we started looting within the township of Makeni.

11 Q. Was any order given to start looting in Makeni?

12 A. On that day there was no order given. It was just because we overran

13 the ECOMOG, then the looting started.

14 Q. You told us before about soldiers, about another group. Did you meet

11:14:39 15 soldiers from the other group?

16 INTERPRETER: The interpreter could not get the question, sir.

17 MR WERNER: I apologise; I will repeat it.

18 Q. You told us two answers ago about another group attacking Makeni. My

19 question is: Did you yourself meet soldiers from this other group?

11:15:20 20 A. Yes, it was the rebels who came from Kono end.

21 Q. Did you know any of them?

22 A. Yes.

23 Q. Did you speak with them?

24 A. Yes.

11:15:39 25 Q. Did they tell you anything?

26 A. Yes.

27 Q. What did they tell you?

28 A. Yes. It was that day I met my elder brother, whom I have lost from

29 me for some time since the beginning of the war. They came from Kono.



1 Then I asked him how were things back at home, along the road and why they  
2 were coming.

3 [HS070405B 11.15 a.m. - SV]

4 Q. What did he tell you? Sorry, did he tell you anything?

11:17:06 5 A. Yes.

6 Q. What did he tell you?

7 A. It was again that day he told me that they were in the advance team,  
8 he, my brother, they were in the advance team and the instruction given  
9 them was that they should have Operation No Living Thing as they move along  
11:17:34 10 the road towards Makeni.

11 Q. Did your brother tell you who gave this order?

12 A. Yes.

13 Q. Please tell the Court?

14 A. At that time I asked him who was their commander. He told me that  
11:18:37 15 General Issa was leading them.

16 JUDGE THOMPSON: That was not your question.

17 MR WERNER: I'm sorry.

18 JUDGE THOMPSON: Well, try because that was not your question.

19 Otherwise we come into the world of implications. Ask a direct question.

11:18:54 20 MR WERNER: I will try again, Your Honour.

21 Q. Once again, Mr Witness, I really understand that it's very difficult  
22 for you to -- everything what is happening here and it's the first time --

23 JUDGE THOMPSON: Just put the question directly again. It's a direct  
24 question.

11:19:08 25 MR WERNER: Yes.

26 Q. So I will repeat my question again. Try to answer the question. Did  
27 your brother tell you who gave the order --

28 JUDGE THOMPSON: [Microphone not activated] the order for Operation  
29 No Living Thing.



1 MR WERNER: Yes.

2 Q. So did your brother tell you who gave the order about Operation No  
3 Living Thing?

4 A. Yes.

11:19:36 5 Q. Could you tell the Court?

6 A. He said it was General Issa who gave them the order.

7 JUDGE THOMPSON: So sometimes it's worth trying again.

8 MR WERNER: I'm learning, your Honour.

9 Q. Now, just after you arrived in Makeni do you know where Superman was  
11:20:27 10 living?

11 A. Yes.

12 Q. Did you go there?

13 A. Yes.

14 Q. Did anything happen there?

11:20:49 15 A. I didn't get that question clearly.

16 Q. You just said that you went where Superman was living in Makeni just  
17 after you took over Makeni. So my question is did anything happen when you  
18 went where Superman was living?

19 A. Yes.

11:21:11 20 Q. Could you tell this Court what happened?

21 A. Yes.

22 Q. Please do so?

23 A. While at Makeni, having overrun ECOMOG, we were there for five days.  
24 Then Issa called up a meeting and said, "Okay, all those who came out from  
11:21:43 25 northern jungle should head for Lunsar again".

26 PRESIDING JUDGE: Are we not in Superman's residence?

27 MR WERNER: Yes. I will repeat the question. He didn't understand  
28 my question.

29 PRESIDING JUDGE: We're in Superman's residence. Something is





1 supposed to have happened there.

2 MR WERNER: Yes. He didn't answer my question. I will try again.

3 Q. When you went to Superman's house did you hear anything?

4 A. Yes. While he was at Makeni I went there with Wallace.

11:22:21 5 Q. Yes. And did anything happen?

6 A. Yes.

7 Q. Could you tell this Court what happened?

8 A. Yes.

9 Q. Please do so?

11:22:35 10 A. While we were -- we went to Superman's place, I and Wallace.

11 Superman and Wallace were now seated together conversing while we were on  
12 the other side of them. Then they receive a communication.

13 Q. Which communication?

14 A. Through the handsets.

11:23:19 15 Q. Did you hear or were you told about this communication? Okay, I  
16 apologise. I'll ask again.

17 JUDGE THOMPSON: Yes, you're putting the cart before the horse.

18 MR WERNER: I will ask again. I apologise.

19 Q. Did you hear about the communication?

11:23:42 20 A. Yes.

21 Q. What did you hear?

22 A. While they were conversing he asked a question, "Who is talking with  
23 me?" Then the other side said, "It is Five-Five".

24 Q. Who asked the question?

11:24:10 25 A. It was Superman.

26 Q. Did you hear anything else?

27 A. The person who was talking from the other end, we couldn't get him  
28 clearly except what he was -- Superman was saying.

29 Q. What did Superman say?



1 A. We heard Superman saying that they're asking for reinforcement and  
2 that they should send reinforcement to Freetown.

3 Q. Who is asking?

4 A. He said Five-Five was requesting.

11:25:14 5 Q. Did anything happen after that?

6 A. Having gone through that discussion, while we were going back home we  
7 met two trucks and a Land Rover along the road and General Issa was there  
8 capturing soldiers or rebels who had guns with them. Anyone they see with  
9 a gun, they capture you, put you in that truck for Freetown.

11:26:02 10 JUDGE BOUTET: Capturing soldiers where? I am confused about that  
11 now.

12 MR WERNER: I will ask the question.

13 JUDGE BOUTET: I understand there were two vehicles with  
14 General Sesay in it but he captured soldiers for Freetown, I am at a total  
11:26:19 15 loss to understand what that means.

16 MR WERNER: Yes.

17 Q. Mr Witness, you said that now Makeni had been conquered by rebel  
18 forces now. What do you mean when you just said that General Issa had  
19 captured soldiers? What do you mean?

11:26:46 20 A. When that news was received and we were coming down to go to our  
21 house now we met the two vehicles there with General Issa in it. They were  
22 capturing rebels. Any rebel with gun, they see you, they capture you, put  
23 you in that vehicle.

24 MR WERNER: Maybe there's a confusion about the word "captured".

11:27:18 25 JUDGE THOMPSON: Well, not confusion. He's narrating what he  
26 allegedly witnessed. He actually saw an event, an episode, and perhaps the  
27 important thing is to have him carefully tell us because he's giving direct  
28 evidence now and he seems to want to link it with what had transpired after  
29 he had been told that a message had been received. So I think the context



1 is there but we need to have the evidence carefully narrated because he  
2 seems to be making a connection with, having had that discussion, we met  
3 two trucks along the -- so only if he can give it carefully perhaps we'll  
4 be able to record it.

11:28:19 5 JUDGE BOUTET: But again, you see, the conversation, to my  
6 recollection of the evidence, was between Five-Five and Superman so we  
7 don't even know if General Issa was --

8 JUDGE THOMPSON: That's the difficulty. He's moved away from hearsay  
9 evidence to something that he's telling us he directly witnessed. I'm not  
11:28:35 10 having any difficulty with the link, but what I think seems to me to be  
11 important is to have this part that he actually witnessed carefully  
12 narrated.

13 MR WERNER: I think I can ask just three quick questions and have  
14 that clarified.

11:28:54 15 JUDGE THOMPSON: All right, yes.

16 MR WERNER:

17 Q. So first question: How long after the discussion between Five-Five  
18 and Superman -- how long after that did you see General Issa and the  
19 trucks?

11:29:22 20 A. It was after that radio conversation. I don't know now whether they  
21 spoke with Issa but it was just after that radio conversation.

22 Q. Yes, but can you be specific like -- can you be a little bit more  
23 specific like how long after? Are you able to tell us how long after -- to  
24 tell the Court?

11:29:55 25 A. The communication came in in the morning hours. In the evening,  
26 while we are now returning, we met now there -- taking people into the  
27 vehicles.

28 Q. You said before that General Issa was capturing soldiers. Can you  
29 just specify what did you mean by capturing soldiers?



1 A. Yes.

2 Q. Please tell us?

3 A. When I say capture what I mean, it was that any rebel they see with a  
4 gun, they hold you and put you in the truck forcefully.

11:31:13 5 Q. Do you know where did the trucks go?

6 A. Yes.

7 Q. Where did they go?

8 A. When the trucks were loaded they went and parked before Issa's house.

9 Q. And did the trucks go anywhere else after Issa's house?

11:31:55 10 A. Yes.

11 Q. Where did they go?

12 A. When they went there they began sharing guns to the rebels. They  
13 said they should head for Freetown.

14 Q. Were you in one of those trucks?

11:32:26 15 A. Yes.

16 Q. Where did you go?

17 A. We all moved together but I dropped at Lunsar.

18 Q. Why?

19 A. The reason was because previously it was said that all those who came  
11:33:08 20 from northern jungle should stop at Lunsar. And we had three trucks. The  
21 one truck stayed at Lunsar while the two trucks moved towards Freetown.

22 Q. What do you mean by northern jungle?

23 A. What I mean is that there were two jungles. We had northern jungles  
24 and those who came from Kono.

11:34:22 25 Q. Where is the northern jungle?

26 A. We had two jungles. We who came from Kabala, we were called northern  
27 jungle. And those who came from Kono, they called them Kono jungle.

28 Q. You said that before but I was trying to clarify another area at that  
29 time so I am going to ask you the question again?





1           PRESIDING JUDGE: I thought he had said that the northern jungle was  
2 for those who came from Kono. What is he saying now?

3           MR HARRISON: I think the answer is quite clear, and I hope my  
4 colleagues will agree with me, that the northern jungle is those who came  
11:35:20 5 from Kabala.

6           PRESIDING JUDGE: That is what he has said now.

7           JUDGE THOMPSON: I think before he virtually said earlier on that the  
8 term northern jungle was used to differentiate that from those who came  
9 from Kono. I think he made that kind of distinction and perhaps that's  
11:35:26 10 consistent with what he is now saying; more specifically northern jungle  
11 refers to Kabala.

12           MR WERNER:

13 Q. You said that you stopped at Lunsar, okay. People from there,  
14 because --

11:36:01 15           PRESIDING JUDGE: And the other jungle was called the Kono jungle?

16           JUDGE THOMPSON: Correct, yes. I think that's the state of the  
17 evidence.

18           JUDGE BOUTET: I thought he used as well the term eastern jungle, is  
19 it? No, just Kono jungle?

11:36:16 20           MR HARRISON: This witness has not. It may well be you've heard it  
21 from other witnesses but I don't want to tell you anything more about that.

22           PRESIDING JUDGE: And he was from what jungle? Let's get it clear.

23           MR WERNER: Yes, Your Honour. I'm going to have the question.

24 Q. So to which jungle did you belong to, if any?

11:36:49 25 A. Northern jungle.

26 Q. Did anyone give an order for the northern jungle to be based at  
27 Lunsar?

28           JUDGE THOMPSON: That's the state of the evidence. It's just that we  
29 don't know who gave that order. Because I think he did say that because



1 instructions had come, that those who were from the northern jungle should  
2 be stationed at Lunsar.

3 MR WERNER: I'll rephrase my question, My Lord.

4 JUDGE THOMPSON: That's okay.

11:37:42 5 MR WERNER:

6 Q. So who gave the order for the northern jungle to be based at Lunsar?

7 A. While yet at Makeni it was General Issa who gave the order that all  
8 people from northern jungle should stay at Lunsar.

9 Q. You talked about three trucks and you said that you stopped at  
11:38:31 10 Lunsar. Now, did any other truck carry on after Lunsar?

11 A. It was two trucks that left Lunsar now heading for Freetown.

12 PRESIDING JUDGE: He had said so.

13 MR WERNER: I just wanted to link. I was not sure if that was clear.

14 Q. Did you know anyone who was in these two trucks heading for Freetown?

11:39:14 15 A. Yes.

16 Q. Who did you know?

17 A. I had a friend who was called Rubber-Rubber.

18 Q. How old was Rubber-Rubber?

19 A. He was 19 years.

11:39:51 20 Q. Did you see again Rubber-Rubber after the two trucks left towards  
21 Freetown?

22 A. Yes, we met again.

23 Q. Did Rubber-Rubber tell you anything?

24 A. Yes.

11:40:18 25 Q. What did he tell you?

26 A. When he came back I asked him, I said, "How was the mission that you  
27 went for?" He told me that the mission was impossible. Not everybody  
28 could enter into Freetown. Only they entered.

29 Q. So did Rubber-Rubber enter into Freetown?



1 A. Yes.

2 Q. Did he tell you what he did in Freetown?

3 A. Yes.

4 Q. Could you tell this Court?

11:41:32 5 A. Yes.

6 Q. Please tell this Court?

7 A. He told me that when they came at Waterloo they by-passed Waterloo to

8 enter into Freetown but along the road they met SAJ Musa was dead.

9 MR WERNER: Your Honours, as a Swiss clerk I am almost near my

11:42:39 10 prediction and I have a final few questions which could take not more than

11 10 minutes and then I am over. Can I finish?

12 PRESIDING JUDGE: Yes, please. If it's 10 minutes we'd like to, yes.

13 MR WERNER:

14 Q. Mr Witness, have you ever heard of a place called Waterworks?

11:43:13 15 A. Yes.

16 PRESIDING JUDGE: What is the question again?

17 MR WERNER: Sorry, I will repeat the question.

18 Q. Have you ever heard of a place called Waterworks? Waterworks?

19 A. Yes.

11:43:33 20 Q. Did you live in Waterworks?

21 JUDGE THOMPSON: Do you have a spelling for that one? I'm clearly

22 sure that what I'm hearing is Waterworks, is it?

23 MR WERNER: Yes, W-A-T-E-R-W --

24 JUDGE THOMPSON: Yes, I'll take judicial notice of that.

11:44:01 25 MR WERNER:

26 Q. Did you live there?

27 A. Yes.

28 Q. Who was your -- did you have a commander?

29 A. Yes.



1 Q. Who was your commander?

2 A. It was general Bropleh at that time.

3 Q. Were there any other commanders living nearby Waterworks?

4 A. Yes.

11:44:36 5 Q. Do you know their names?

6 A. Yes.

7 Q. Please tell the Court their names?

8 A. At Waterworks we had Wallace.

9 PRESIDING JUDGE: Wallace, yes. Who else? Wallace and who else?

11:45:10 10 THE WITNESS: Black Devil.

11 PRESIDING JUDGE: Continue.

12 MR WERNER:

13 Q. Anyone else?

14 A. Those who were elders there, they are those that I have named. The

11:45:38 15 overall was General Wallace -- Bropleh.

16 Q. Are you able to tell this Court where is Waterworks?

17 A. Yes.

18 Q. Please tell this Court?

19 A. Waterworks is at Makeni.

11:46:21 20 Q. Did anything happen when you were living in Waterworks?

21 A. Yes.

22 Q. Could you tell this Court what happened?

23 A. While we were at Waterworks all the commanders left us and came down

24 to Freetown. By then they said there was a ceasefire. General Bropleh and

11:47:00 25 all the others -- Wallace and all the others came down to Freetown.

26 Q. What happened after that?

27 A. While we were there we had no commander again over us. We were there

28 on our own. One day General Issa's boys went and ransacked us. They took

29 away all our guns and the ammunitions we had, they took it away from us.





- 1 Q. Do you know where was General Issa based?
- 2 A. Yes.
- 3 Q. Where was he based?
- 4 A. He was at Makeni at that time.
- 11:48:42 5 Q. Could you be more specific? Where in Makeni?
- 6 A. Yes.
- 7 Q. Could you tell this Court where in Makeni?
- 8 A. They called the place Freetown Highway.
- 9 Q. In barracks?
- 11:49:12 10 A. By then he was not in the barracks.
- 11 Q. Did anything happen after that?
- 12 A. While we were at Makeni, it was that time UNAMSIL started deploying
- 13 in the area where we were.
- 14 Q. Do you know where did they deploy?
- 11:49:55 15 A. Yes.
- 16 Q. Where did they deploy?
- 17 A. Some were deployed at Waterworks and others at Mabanta Road.
- 18 Q. Did anything happen after that time?
- 19 A. Yes.
- 11:50:25 20 Q. What happened?
- 21 A. After they've deployed in our areas we are all now scattered. Some
- 22 of us -- some of our colleagues said they were going to Port Loko to
- 23 disarm.
- 24 Q. Okay. Did anything happen after that?
- 11:51:03 25 A. Yes.
- 26 Q. Could you tell this Court what happened?
- 27 A. Yes.
- 28 Q. Please tell this Court what happened?
- 29 A. While we were there one day again we saw them, they came with vans.



1 They came to the place where the UNAMSIL were deployed. We saw them and we  
2 ran away. We thought again they've come to raid us.

3 MR WERNER: I'm going to clarify.

4 Q. You said "they". Who did you see coming?

11:52:01 5 A. At first we heard the firing. They were coming firing. So we ran  
6 away. It was later on I came to understand who they were.

7 Q. Okay, and who were they?

8 A. It was thereafter I came and saw General Issa and his bodyguards.

9 Q. Did you see anything else?

11:52:32 10 A. Yes.

11 Q. What did you see?

12 A. We were standing there, I was hiding behind a mango tree. Then I saw  
13 them arresting all the UNAMSILs who were in their camps. They all came out  
14 with shorts on them, short trousers.

11:53:07 15 Q. Did anything happen after that?

16 A. Yes.

17 Q. What did happen?

18 A. Then I saw them put them in the trucks with the carry -- with all  
19 their belongings, their property which was there with them. They took them  
11:53:36 20 to Tekko Barracks.

21 Q. Did you see any commander?

22 A. At that time there were commanders but it was only one that I could  
23 recognise.

24 Q. Who was he?

11:54:01 25 A. General Issa. He was the one I saw.

26 PRESIDING JUDGE: So they took them to where?

27 MR WERNER: Waterworks. Sorry, Tekno Barracks. My mistake, I  
28 apologise.

29 JUDGE THOMPSON: Tekko Barracks, not Waterworks.



1 MR WERNER: Absolutely. My mistake. I apologise.

2 THE WITNESS: Tekko Barracks.

3 JUDGE THOMPSON: Did he say there were other commanders there,  
4 because I got that he said the only one he could recognise was General  
11:54:52 5 Issa.

6 MR WERNER: Yes.

7 JUDGE THOMPSON: Okay.

8 MR WERNER:

9 Q. So you said you saw General Issa. What did he do? Did he do  
11:55:03 10 anything?

11 A. He was giving the order to other rebels that they should take the  
12 belongings of these soldiers and they were taken to Tekko Barracks.

13 Q. Who were taken to Tekko Barracks; the belongings or the soldiers?

14 A. They took the peacekeeping forces and their belongings.

11:55:50 15 Q. And then what happened?

16 A. After they've taken them to Tekko Barracks, the next day I visited  
17 Tekko Barracks to my brother.

18 Q. Did you see anything?

19 A. While at Tekko Barracks searching for my brother, going around  
11:56:32 20 searching for him, then I came again across this UNAMSILs who were  
21 arrested. They were now seated on the floor.

22 Q. Did you see any other commander in Tekko Barracks at that day when  
23 you went to see your brother?

24 JUDGE THOMPSON: Slowly counsel.

11:56:54 25 MR WERNER: Sorry, Your Honour. It's my last question.

26 JUDGE THOMPSON: [Inaudible] as I searched for my brother. What did  
27 you observe? He said he observed something.

28 MR WERNER:

29 Q. Could you just repeat what did you observe?



1 JUDGE THOMPSON: As he searched for his brother.

2 MR WERNER:

3 Q. As you were searching for your brother what did you observe?

4 A. While I went to Tekko Barracks in search of my brother I was moving  
11:57:36 5 around looking out for him. Then I came again across these UNAMSILS who  
6 were arrested. They were all seated on the floor. There I saw Issa and  
7 Morris Kallon and some other elders. They, I cannot tell now who they were  
8 but they were all there.

9 Q. Did you see anything else?

11:58:09 10 A. They were there while they were awaiting trucks to convey them to  
11 Kono.

12 Q. How do you know that?

13 A. We were there when arrangements were made with the trucks which they  
14 brought for them to be taken to Kono.

11:58:37 15 Q. Did you see the trucks?

16 PRESIDING JUDGE: Who was making the arrangements?

17 MR WERNER: I will ask the question now.

18 Q. You said you were there when the arrangements were made. Who was  
19 making the arrangements?

11:59:29 20 A. While I was there the bodyguards who were around them were making  
21 arrangements for them to go and bring trucks so that they can take these  
22 people.

23 JUDGE THOMPSON: Were those the guards -- those who were guarding the  
24 UNAMSIL personnel who were making the arrangements?

12:00:00 25 MR WERNER: Yes.

26 Q. Did these soldiers or whatever you described as making the  
27 arrangements, who was their boss? Did they have a boss?

28 A. Their boss man was General Issa. He was there.

29 Q. Can you tell this Court what month or year this happened?





1 A. I cannot recall the date and the year but it was the time when they  
2 said ceasefire, when UNAMSIL started deploying.

3 MR WERNER: I have no further questions for this witness.

4 PRESIDING JUDGE: Well, learned counsel, I think we'll take a break  
12:03:07 5 and thereafter we'll resume for cross-examination by the Defence team of  
6 the first accused. The Court will rise please. The break is for 15  
7 minutes.

8 [Break taken at 12.01 p.m.]

9 [Upon resuming at 12.24 p.m.]

12:25:52 10 PRESIDING JUDGE: We're resuming the proceedings. Yes, Mr Harrison.

11 MR HARRISON: I was informed of an interpretation problem that may  
12 have taken place this morning. I think the Court may in fact remember a  
13 specific instance where a village was referred to as Flower. In fact I'm  
14 told that what was intended to be conveyed by the interpreter was Fullawah.  
12:26:20 15 And if I could spell it for you it would be F-U-L-L-A-W-A-H.

16 PRESIDING JUDGE: Fullawah.

17 MR HARRISON: To add a slightly greater level of complication, I'm  
18 told that sometimes it's spelled with one L, sometimes with two. I prefer  
19 the double L spelling.

12:26:51 20 PRESIDING JUDGE: Thanks for your research, Mr Harrison. Thanks a  
21 lot. You have put our records right, because I was likening that town to a  
22 very flowery village which had particularly sweet characteristics. Yes, Mr  
23 Jordash, you want to take the lead?

24 MR JORDASH: Yes, thank you.

12:27:26 25 CROSS-EXAMINED BY MR JORDASH:

26 Q. Mr Witness, just so you know who I am, I represent Issa Sesay. Now,  
27 before I ask you about what you've said about Mr Sesay, I just want to  
28 clarify the process you have been through with the Prosecution. In other  
29 words, I want to just work out the number of times you've seen them. Okay?



1 Are you following me?

2 JUDGE THOMPSON: Is this going to be part of the cross-examination?

3 MR JORDASH: Yes.

4 JUDGE THOMPSON: I see. Good.

12:28:18 5 MR JORDASH:

6 Q. Are you following me, Mr Witness?

7 A. Yes.

8 Q. Do you recall making a statement to the Prosecution in September of

9 2003. So in 2003, towards the end of 2003?

12:28:49 10 A. No.

11 Q. Well, do you recall having --

12 PRESIDING JUDGE: Mr Jordash, the experience we have with this

13 witness is that I think he has a very slippery memory about dates. So he

14 may be saying yes when it is no. He may be saying no when it is yes.

12:29:16 15 MR JORDASH: I can try it a different way, Your Honour.

16 PRESIDING JUDGE: Right. Okay.

17 MR JORDASH:

18 Q. Do you recall seeing the Prosecution to go through your account at

19 the end of last year?

12:29:44 20 A. Yes.

21 Q. And do you understand what October means?

22 PRESIDING JUDGE: When you say the end of last year, you mean 2004?

23 MR JORDASH: 2004, Your Honour, yes. Specifically October.

24 Q. Do you remember October? Do you understand what October means?

12:30:15 25 A. Yes.

26 Q. Now, you saw the Prosecution in October last year; is that right?

27 A. Yes.

28 Q. And you saw them on five occasions in October of last year. Do you

29 remember that?



1 A. I didn't get you clearly.

2 Q. Do you remember seeing the Prosecution five times or about five times  
3 in October last year? Mr Witness, just concentrate. Do you remember  
4 seeing the Prosecution on a number of times, I would say five times, in  
12:31:46 5 October last year?

6 A. Yes.

7 Q. And do you remember going through your statement on those occasions?

8 A. Yes.

9 Q. And is this right: That the person you talked to would go through a  
12:32:26 10 statement and ask you if you had anything else to say? Is that right?

11 A. Yes.

12 Q. And when you had something to add you told the Prosecution that extra  
13 piece of information; is that right?

14 A. I didn't get that statement clearly.

12:33:27 15 Q. When you were with the person going through your statement and you  
16 were asked if you had anything else to say did you tell the Prosecution any  
17 extra information you had to give?

18 A. No.

19 Q. Well, why don't you tell us then, Witness, what you did in October  
12:34:01 20 when you saw the Prosecution?

21 A. Well, the first statement they took from me from Kono was the same  
22 statement we went through with the Prosecution, nothing else.

23 Q. Okay, thank you. And when you went through that statement did you  
24 tell the Prosecution any extra information that came to your mind?

12:34:57 25 A. Yes.

26 Q. You also saw the Prosecution in September of last year. Do you  
27 remember that?

28 A. Yes.

29 Q. And was that the same process; going through your original statement



1 with you giving extra information if it came to your mind?

2 A. While going through my statement that they took from me from Kono we  
3 had some extras which was added to it again. Those that I forgot were  
4 added to it.

12:36:09 5 Q. Right. Thank you. And the original statement which you were working  
6 from was taken in Kono, as you say, in 2003; is that right?

7 A. Yes, but while going through it some additions were made again.

8 Q. Thank you. Were you doing your very best to be truthful?

9 A. Yes.

12:37:07 10 Q. Were you happy that you'd given what you could to the Prosecution  
11 about what you say happened?

12 A. Yes.

13 Q. Were you given --

14 PRESIDING JUDGE: There is a quarrel somewhere in the cabin. There's  
12:37:50 15 a quarrel in the cabin. It doesn't appear that --

16 THE INTERPRETER: Can you please ask the question again?

17 MR JORDASH: Certainly.

18 Q. Were you happy that you'd -- I've forgotten the question.

19 JUDGE BOUTET: That you gave whatever you could.

12:38:03 20 MR JORDASH: Thank you, Your Honour.

21 JUDGE THOMPSON: Is that an umbrella question in relation to all of  
22 the statements or specifically the last one that you were talking about?

23 MR JORDASH: Perhaps I can be more focussed in the question.

24 JUDGE THOMPSON: Yes. It would seem to be that if you are pursuing  
12:38:18 25 this extremely delicate line and for me to -- speaking for myself, it would  
26 seem as if we err on the side of specificity rather than on the side of  
27 generality because you've taken a package. So I would appreciate that.

28 MR JORDASH: Certainly, Your Honour.

29 Q. Were you happy, Mr Witness, that the information you gave to the





1 Prosecution when you saw them in 2003 and 2004 was accurate?

2 MR HARRISON: I'm not going to be getting up constantly but I just  
3 want to try and offer this as a suggestion, and it's also an objection, but  
4 if it was put as are you satisfied with the content of the information that  
12:39:08 5 you conveyed to the Prosecution there would be nothing objectionable.  
6 Whether this witness is happy or unhappy with what is uttered is totally  
7 irrelevant.

8 JUDGE THOMPSON: The objection is sustained. I think the language  
9 here needs to be reformulated.

12:39:29 10 MR JORDASH: Certainly.

11 Q. The information you gave to the Prosecution on the number of  
12 occasions I've referred to, was that information accurate?

13 A. Yes.

14 Q. Thank you. Now, Mr Witness, what's your date of birth?

12:40:13 15 A. I was born in 1984.

16 Q. What month and what date; do you know?

17 MR HARRISON: Well, for protective measures purposes I'm not sure  
18 that the day is required to assist the Defence in eliciting whatever  
19 information they want.

12:40:34 20 MR JORDASH: I'm not sure that the day would, in the whole of Sierra  
21 Leone, reveal the identity of this witness. But I'm not interested too  
22 much in the date.

23 JUDGE THOMPSON: These are preliminary matters. Is it a  
24 controversial issue?

12:40:47 25 MR JORDASH: It is.

26 JUDGE THOMPSON: In other words, the day and the month?

27 MR JORDASH: The month is. The day I can leave behind.

28 JUDGE THOMPSON: Is there any difficulty protective measures wise?

29 MR HARRISON: No, it's just the day, the specificity of the day.



1 JUDGE THOMPSON: [Inaudible] good compromise. The month, try.

2 MR JORDASH:

3 Q. What month were you born in, Mr Witness; do you know?

4 A. No.

12:41:14 5 Q. Now, I want to refer you at this stage to your statement and the  
6 cover sheet. Perhaps I could shortcut this by saying to you that the front  
7 sheet of your statement says you were born in 1983, not 1984. Is it right  
8 you were born in 1984 or is it you were born in 1983?

9 A. I didn't get you clearly, sir.

12:41:57 10 Q. Well, the statement I'm looking at of yours, the front sheet, it has  
11 a heading saying "Date of Birth" and your statement date of birth says  
12 1983. Is it right in fact that you were born in 1983 or you just don't  
13 know?

14 A. Actually my date of birth is 1983. It was an error on my side just  
12:42:43 15 now.

16 Q. Is the reality, Mr Witness, that you're not sure if it was 1983 or  
17 1984?

18 A. Yes, my date of birth is 1983.

19 Q. What month? Do you know that?

12:43:19 20 A. I don't know the month.

21 Q. Right. So when you said yesterday that in February of 1998 you were  
22 14 you may in fact have been 15; is that correct?

23 A. I didn't get that statement clearly.

24 Q. Well, try to listen to my questions, Mr Witness. If you were born in  
12:44:08 25 1983 and you don't know the month, in February 1998 you may have been 14 or  
26 15; is that right?

27 A. I didn't say that I was born in 1998.

28 PRESIDING JUDGE: [Overlapping speakers] counsel is not saying so.

29 JUDGE THOMPSON: Let me just get one thing clearly. Is this line of



1 cross-examination -- is it directed to a fact in issue or credit, just

2 credit?

3 MR JORDASH: Well, the --

4 JUDGE THOMPSON: This line of cross-examination is directed to a fact

12:45:09 5 in issue or to credit or both?

6 MR JORDASH: It's directed to the Statute of the Special Court

7 which --

8 JUDGE BOUTET: Mr Jordash, do you wish to do that in the --

9 MR JORDASH: No, this is very quick, Your Honour. I can do this --

12:45:29 10 JUDGE BOUTET: No, we could ask that the witness removes his

11 earphones [overlapping speakers].

12 JUDGE THOMPSON: Quite.

13 MR JORDASH: Yes please.

14 JUDGE THOMPSON: Can we have the witness remove his earphones. I  
12:45:43 15 just want to know whether the particular question is directed to a fact in

16 issue, cross-examination as a fact in issue, or to credit or both.

17 MR JORDASH: It's a fact in issue. Article 4 of the Statute gives

18 the Court the authority to prosecute other serious violations of

19 international humanitarian law. Article 4(C), conscripting or enlisting

12:46:17 20 children under the age of 15.

21 JUDGE THOMPSON: I wanted to be clear in my mind whether you are

22 merely saying that this witness's statement on that is not worthy of belief

23 or it's a fact in issue. It could be both.

24 MR JORDASH: What we would say is that, applying the burden and  
12:46:35 25 standard of proof, the Prosecution cannot prove that this witness was under

26 15.

27 JUDGE THOMPSON: Thank you. I just wanted to be clear on that.

28 MR JORDASH: I'll move on because it's on the record, my point.

29 JUDGE BOUTET: Well, let's make sure that the witness has his



1 earphones back on.

2 MR JORDASH: Sorry. Thank you.

3 Q. Mr Witness, I want to just ask about Wallace. Wallace had a Liberian  
4 mother; is that right?

12:47:26 5 A. Yes.

6 Q. Having spent time with Wallace --

7 PRESIDING JUDGE: Learned counsel, Liberian mother. What of his  
8 father?

9 MR JORDASH: Well, I can ask him, Your Honour.

12:47:52 10 PRESIDING JUDGE: Yes. Let's get it clear on the records.

11 MR JORDASH:

12 Q. Do you know whether Wallace's father was Liberian or not?

13 A. He didn't tell me anything about his father's background, whether he  
14 was a Liberian.

12:48:14 15 Q. Okay. Wallace spoke with a Liberian accent; is that right?

16 A. Yes.

17 Q. Wallace used to be, before you met Wallace, in the special task force  
18 part of ULIMO-K; is that right?

19 A. I was caught in the bush. I don't know whether he was in the ULIMO-K  
12:49:06 20 or not. That I don't know.

21 Q. Okay, let me ask you this then: You know that Wallace used to be  
22 with the special task force, don't you?

23 A. Yes.

24 Q. And he was under the command of General Bropleh when he was in the  
12:49:28 25 special task force; is that right?

26 A. Yes.

27 Q. The men who captured you, as you say, also spoke with Liberian  
28 accents, didn't they?

29 A. Yes.





1 Q. And their boss was Wallace; is that right?

2 A. Yes.

3 Q. They lived in Kissi Town in the same compound as Wallace; is that  
4 right?

12:50:48 5 A. While we were in Kissi Town Bropleh was not there.

6 Q. Well, I'm talking about the three men that captured you. They lived  
7 with Wallace at Kissi Town in the same compound; is that right?

8 A. Yes.

9 Q. They were friends of Wallace, weren't they?

12:51:13 10 A. They were his bodyguards.

11 Q. Wallace took direct orders from Superman - is that right - in Kissi  
12 Town?

13 A. Yes.

14 Q. Superman was also a Liberian; is that right?

12:51:54 15 A. By then I heard him speaking in a Liberian accent.

16 Q. Yes. This was a group of --

17 JUDGE THOMPSON: [Microphone not activated].

18 MR JORDASH: Sorry, Your Honour.

19 JUDGE THOMPSON: [Microphone not activated].

12:52:11 20 JUDGE BOUTET: Your question was that --

21 JUDGE THOMPSON: He heard Superman speaking with a Liberian accent.  
22 In other words saying he did not know whether he was a Liberian.

23 MR JORDASH: Yes, but that was sufficient for my purposes.

24 Q. General Bropleh, Liberian mother, regarded himself as Liberian,  
12:52:45 25 didn't he?

26 PRESIDING JUDGE: Wallace.

27 JUDGE BOUTET: Are you talking of Wallace or Bropleh?

28 PRESIDING JUDGE: It was Wallace, not General Bropleh.

29 MR JORDASH: I beg your pardon. Sorry, my mistake. Let me just



1 start that again.

2 Q. Wasn't General Bropleh also Liberian, Mr Witness?

3 A. Yes.

4 Q. Is this right, Mr Witness: Bropleh, Superman and Wallace were  
12:53:17 5 friends?

6 A. Wallace and Superman were friends. It was of late when we met  
7 Bropleh where SAJ Musa was.

8 Q. Thank you. And when you did meet Bropleh, Wallace became his  
9 bodyguard; is that right?

12:54:00 10 A. Yes.

11 Q. When you did meet Bropleh in Krubola he had been with SAJ Musa; is  
12 that right?

13 A. Yes, we met them in one town.

14 Q. But when there was an argument between SAJ Musa and Superman, Bropleh  
12:54:47 15 sided with Superman; is that right?

16 A. I didn't get that clearly.

17 Q. When there was an argument which led to SAJ Musa leaving Koinadugu  
18 Bropleh and his -- well, let's stick with Bropleh, stayed with Superman?

19 A. Bropleh and SAJ Musa had no argument.

12:55:34 20 Q. Okay, let me put it this way: When SAJ Musa's troops left Superman  
21 what did Bropleh do?

22 A. After that confusion SAJ Musa left. It was Bropleh and Superman that  
23 stayed now together.

24 Q. Do you like -- did you like Major Wallace?

12:56:42 25 A. Yes, the time I was staying with him.

26 Q. In fact, you know that Major Wallace is now a lieutenant based in  
27 Lungi; is that right?

28 A. Yes.

29 Q. And you saw him before you made your statement in 2003, didn't you,



1 in Freetown?

2 A. Yes.

3 Q. Have you seen him since then?

4 A. I do see him at times.

12:57:57 5 Q. And do you have a friendly relationship with him?

6 A. It has taken some time since I left him and since that time we've got  
7 no problem, no confusion.

8 Q. When you see him what do you talk to him about?

9 PRESIDING JUDGE: Let's get the answer clearly. Is he friendly to  
12:58:30 10 Wallace? You've given him an additional title of a major, I don't know.

11 We have not known him to be a major before now.

12 MR JORDASH: Let me clarify that. I'm importing things from my  
13 statement.

14 PRESIDING JUDGE: I'm sure we are talking of the same Wallace. Could  
12:58:50 15 he tell us whether they're friendly, you know, so that we get the answer  
16 for the records.

17 MR JORDASH: I'll leave the major alone. It only adds confusion.

18 PRESIDING JUDGE: All right.

19 MR JORDASH:

12:59:04 20 Q. You have, like you say, no confusion with Wallace. What did you talk  
21 about or what do you talk about when you see him?

22 JUDGE BOUTET: But, Mr Jordash, the question that my brother has  
23 asked you and would like to know better is you have asked the question "You  
24 had a friendly relationship with Wallace". The answer was a bit unclear,  
12:59:29 25 let's put it this way.

26 MR JORDASH: I'll clarify that.

27 Q. During your time with the rebels you had a friendly relationship with  
28 Wallace; is that right?

29 A. Yes, because I was staying with him.



1           PRESIDING JUDGE: In fact he had said so. It's on the records.  
2           JUDGE BOUTET: But your subsequent question was since then --  
3           MR JORDASH: I'm going there.  
4           Q. Since then, as you've told us, you've seen him; yes?  
13:00:12 5           A. At that time I was with him until we came to Makeni.  
6           Q. No, you saw him, as you've told us, Mr Witness, just before you gave  
7           your first statement in 2003; is that correct?  
8           PRESIDING JUDGE: In Freetown.  
9           MR JORDASH:  
13:00:32 10          Q. In Freetown; yes?  
11          A. Yes.  
12          Q. Were you friendly together, friendly with each other?  
13          A. Yes.  
14          Q. Wallace was not friendly with Issa Sesay during your time with the  
13:01:07 15          rebels, was he?  
16          A. I did see him going to him but I don't know whether they were  
17          friends.  
18          PRESIDING JUDGE: You saw Wallace going to -- to who was going to  
19          who? "I did see him going to him", who was going to who? You did see who  
13:01:40 20          going to who?  
21          THE WITNESS: It was one single day while we were moving, I and  
22          Wallace, that we met Issa Sesay and they stood and talked. Since then I  
23          didn't see them exchanging greetings between themselves.  
24          MR JORDASH:  
13:02:11 25          Q. When was this, Mr Witness?  
26          JUDGE THOMPSON: Let's have that clear. It's unclear. Your question  
27          was --  
28          MR JORDASH: That Wallace was not friendly with --  
29          JUDGE THOMPSON: Was not friendly with Issa and we get a little of a





1 wrapped up answer. Let's get it clear.

2 MR JORDASH:

3 Q. So what you're talking about, Mr Witness, is seeing Issa Sesay talk  
4 to Wallace, is that right, one on occasion?

13:02:47 5 JUDGE THOMPSON: Put your question again. You were asking whether he  
6 has any knowledge that Wallace was not friendly with Issa and try and see  
7 whether he -- I mean, he either has knowledge or does not have any  
8 knowledge. It would seem as if he wants to give us a scenario from which  
9 we may well draw some conclusion as to what his answer should be.

13:03:17 10 Cross-examination, like examination-in-chief, is based on question and  
11 answer. Let's try again.

12 MR JORDASH:

13 Q. Do you know, Mr Witness, whether Wallace was friendly with Issa  
14 Sesay?

13:03:38 15 A. Yes.

16 Q. And was he or was he not friendly with Issa Sesay?

17 A. [No interpretation].

18 MR JORDASH: No translation.

19 THE WITNESS: I can say they had friendly relationship because at one  
13:04:08 20 time I saw them talking to each other. They were standing, talking to  
21 themselves.

22 MR JORDASH:

23 Q. Okay, let me ask the same question about Superman. Did he have  
24 friendly relations with Issa Sesay; do you know?

13:04:55 25 A. Yes.

26 Q. Well, did he have friendly relationships with Issa Sesay?

27 A. I don't know whom you are referring to. I cannot understand you.

28 Q. Well, try, Mr Witness. Did Issa Sesay have friendly relationships  
29 with Superman?



1           PRESIDING JUDGE: Call him General Issa. He has always referred to  
2 him as General, I think. Is he the same -- that's what he's always used.  
3 That's the term.

4           JUDGE THOMPSON: You dispute that.

13:05:39 5           MR JORDASH: I dispute it but I will use it on the basis that it's  
6 disputed.

7 Q.    General Issa. Do you know whether he had friendly relations with  
8 Superman?

9 A.    Yes.

13:05:58 10 Q.    Would you like to tell us?

11 A.    Yes.

12 Q.    Today, please?

13 A.    While we were together in Kono I did see General Issa coming to  
14 Superman while Superman also moving to PC Ground to General Issa.

13:06:35 15 Q.    Do you have any other evidence about their relationship to give this  
16 Court, Mr Witness?

17 A.    I cannot say of any other person that's an evidence but what I saw is  
18 what I know and is what I'm telling you.

19           MR JORDASH: Okay. I note the time, Your Honours. I'm about to move  
13:07:11 20 into this subject properly.

21           PRESIDING JUDGE: Yes. I think we'll take the break. Learned  
22 counsel, the Chamber will rise and we'll resume at 2.30.

23   [Luncheon recess taken at 1.07 p.m.]

24   [HS070405C - EKD]

14:29:29 25   [Upon resuming at 2.46 p.m.]

26           PRESIDING JUDGE: [Microphone not activated]. We have been a very  
27 orderly group, haven't we? Mr Cammegh, I thought you wished to add  
28 something.

29           MR CAMMEGH: Yes, I think your forgetting something.



1 PRESIDING JUDGE: Okay.

2 JUDGE THOMPSON: Learned counsel, continue.

3 MR JORDASH: Your Honour, thank you.

4 Q. Good afternoon, Mr Witness. Before lunch you told us that General  
14:50:05 5 Issa did have friendly relations with Superman, you'd seen them at PC  
6 Ground. Do you remember that?

7 A. Yes, I saw them at Kissi Town.

8 Q. And my question to you was, well, do you have any other information  
9 about the relationship between Superman and General Issa, whether at that  
14:50:54 10 time or at any time you were with the rebels?

11 A. At the time they caught me I was there with them with Superman. I  
12 was there with them with Superman.

13 Q. Listen to the question, Mr Witness. I am asking you about your  
14 knowledge of General Issa's relationship with Superman. You have told us  
14:51:26 15 that in your view at PC Ground they were having friendly relations. I am  
16 asking you, Mr Witness, whether there is anything else you know which  
17 indicates the relationship between Sesay -- General Issa and Superman?

18 MR HARRISON: I would just like to intervene. I am just making a  
19 suggestion that, for the benefit of the interpreter and this particular  
14:52:07 20 witness, that question if it was put into perhaps a shorter form might be  
21 more adequately responded to in the eyes of the Defence.

22 There is one other point I would like to make. I don't think the  
23 witness ever actually confirmed that there was a friendly relationship.  
24 The question was put to him and he gave a description of what the  
14:52:29 25 relationship was, but I don't think he ever uttered the words they were  
26 friends.

27 JUDGE THOMPSON: The difficulty of course is that we are not going to  
28 preclude counsel from structuring his questions the way he thinks he wants  
29 to elicit the kind of answers that are consistent with the presentation of



1 his case. My own perspective is that it is a very complex area of  
2 cross-examination it would seem, in that once we get into an ordinary  
3 witness's opinion about relationships with other people, we clearly are not  
4 necessarily eliciting facts but opinions, which may be worth whatever  
14:53:24 5 they're worth. Of course there is nothing in the Rules as far as I know  
6 that precludes counsel from asking that question, but perhaps just to  
7 accommodate the Prosecution, because I am not intending to ask for an  
8 objection, because I don't think I would accommodate or the Chamber would  
9 accommodate an objection, is to see if we can simplify things a bit. But  
14:53:51 10 there is nothing impermissible in asking that question.

11 MR JORDASH: Certainly.

12 Q. Do you, Mr Witness, have any evidence or any knowledge of a conflict  
13 between Superman and General Issa?

14 PRESIDING JUDGE: Exactly. I was going to say that maybe you want to  
14:54:10 15 elicit, you know, he saw them as friends at PC Ground, did that friendship  
16 continue or was there a degeneration? I wanted to put that to you so that  
17 we move much faster. So you struck the nail on the head.

18 MR JORDASH: Thank you. Took a few tries.

19 Q. Do you understand the question, Mr Witness?

14:54:38 20 A. I don't understand.

21 Q. Do you have any knowledge of any disagreements between General Issa  
22 and Superman?

23 PRESIDING JUDGE: Disagreement or conflicts.

24 MR JORDASH: Or conflicts. Disagreement or conflicts.

14:55:12 25 PRESIDING JUDGE: Yes.

26 THE WITNESS: Yes.

27 MR JORDASH:

28 Q. Would you like to tell us about them, please?

29 A. When we are in Kissi Town, we are there, we heard that -- that letter





1 came -- while we are in Kailahun there was a letter that told us that they  
2 want to see us in Kailahun.

3 Q. Just before we go into this, Mr Witness, when did the letter come  
4 from Kailahun?

14:55:56 5 A. I do not understand.

6 Q. It is not a difficult question, Mr Witness. When did the letter come  
7 from Kailahun?

8 A. Well, when I was there it was the time that the letter came.

9 Q. When you were where, Mr Witness?

14:56:26 10 PRESIDING JUDGE: In Kissi Town.

11 THE WITNESS: I was in Kissi Town when the letter came.

12 MR JORDASH:

13 Q. Was this before you went to Kailahun or after?

14 A. We had already come -- we are already there, from Kailahun.

14:56:46 15 Q. So you'd returned from Kailahun from the training; is that right?

16 A. Yes.

17 Q. And the letter --

18 PRESIDING JUDGE: Mr Jordash, let's get it. This letter you're  
19 referring to got to them in Kissi Town after they had returned from  
14:57:10 20 Kailahun.

21 MR JORDASH: Yes.

22 PRESIDING JUDGE: At the end of their training.

23 MR JORDASH: Yes.

24 Q. Who did the letter come from?

14:57:42 25 A. That day they told us that the letter came from Mosquito.

26 Q. Who did it go to?

27 A. To General Issa.

28 Q. How did you learn about the letter?

29 A. In the town we are in, Kissi Town, they told us there.



1 Q. Who told you there?

2 A. The person I was staying with, Wallace.

3 Q. What did he tell you?

4 A. That letter came from Kailahun, that they wanted to see Superman in  
14:58:50 5 Kailahun.

6 Q. Who wanted to see Superman in Kailahun?

7 A. They said Mosquito.

8 Q. And what happened?

9 A. At that time Superman didn't want to go. He refuse to go at that  
14:59:35 10 time.

11 Q. Why did he refuse to go, do you know?

12 A. Well, I couldn't tell at that time.

13 Q. Did you ever learn why he'd refused to go?

14 A. No.

15:00:03 15 Q. Did you ever learn why Mosquito wanted him to go?

16 A. I didn't ask.

17 Q. Did anything happen after he'd refused to go?

18 A. When he refuse, something happened.

19 Q. Mr Witness, we need to hear what you have to tell us. So please try  
15:01:03 20 and tell us what happened.

21 A. When he refused to go there, we gathered all -- he gathered all the  
22 rebels and he told us to go to Tombodu.

23 Q. What was Superman's response to General Issa?

24 A. That day I didn't know -- I did not know what they talked about,  
15:02:10 25 since I didn't get that clear.

26 Q. I started off these questions, Mr Witness, by asking you about  
27 General Issa's relationship with Superman. What do you have to say about  
28 this letter as regards the relationship between General Issa and Superman?

29 A. I myself didn't see the letter. I was only told that there was a



1 letter.

2 Q. Mr Witness --

3 JUDGE BOUTET: Mr Witness, was the letter to Superman about General  
4 Issa?

15:03:10 5 THE WITNESS: The letter was sent to Superman to order General --  
6 Superman to go to Kailahun.

7 JUDGE BOUTET: I know, you have testified to that. But was that  
8 letter to Superman about problems that may have existed between Superman  
9 and General Issa, that you know?

15:03:47 10 THE WITNESS: No, at that time I didn't know whether they had any  
11 conflict.

12 PRESIDING JUDGE: But did you ever come to know that they had a  
13 conflict? Did you ever come to know that they had a conflict?

14 THE WITNESS: No, I'm not aware of that. It was only the message  
15:04:19 15 that came that they want to see Superman and one lady that was with him, to  
16 Kailahun.

17 MR JORDASH: Let's try to shortcut this. Could I refer Your Honours  
18 to the witness's statement 9812, page 9812.

19 JUDGE THOMPSON: What's the date of that statement?

15:04:54 20 MR JORDASH: The date, Your Honour, is -- the first statement, it is  
21 dated the 21st and 22nd of September 2003.

22 Q. Before we go to that statement, Mr Witness, is your truthful  
23 evidence -- one second, I'll just take a moment. Let me just refer you to  
24 the statement. You remember the statement you made in 2003, Mr Witness?

15:05:57 25 A. Yes, when they went and met me in Kono.

26 Q. Yes, and you remember going through it in 2004? Mr Witness.

27 A. Yes.

28 Q. Right. I'm going to refer you to a section of it so that you can  
29 give us perhaps some clarification. Bottom paragraph of 9812. Let me just



1 go to the paragraph before.

2 PRESIDING JUDGE: Learned counsel, you think the foundation you have  
3 laid is sufficient before you get to that stage? Do you think that the  
4 foundation has been sufficiently laid?

15:06:43 5 MR JORDASH: In terms of the statement?

6 PRESIDING JUDGE: In terms of the statement, yes.

7 JUDGE THOMPSON: I was going to ask the same question. Of course,  
8 this again depends on whichever option you're adopting here, whether you  
9 want to refresh his memory or take another line.

15:07:03 10 PRESIDING JUDGE: As a prior inconsistent statement.

11 JUDGE THOMPSON: But it would seem as if this Tribunal has always  
12 insisted on some proper legal foundation, as my learned brother the  
13 Presiding Judge has said. So that the witness is sufficiently -- there's a  
14 nexus established between the witness and the statement, whether he  
15 remembers whether it was read over to him, it was translated.

16 PRESIDING JUDGE: In fact, it is just a follow up to what you done  
17 already earlier this morning.

18 JUDGE THOMPSON: He is being translated here from Kono to English.  
19 So we don't know in what language he made that statement.

15:07:45 20 MR JORDASH: Okay, I'll do that.

21 JUDGE THOMPSON: It is not -- it's a familiar ritual and I understand  
22 the difficulty.

23 MR JORDASH:

24 Q. When you made the statement, Mr Witness, in 2003 was there somebody  
15:08:03 25 present writing down what you said?

26 A. Yes.

27 Q. Did you speak and they then wrote down what you said?

28 A. Yes.

29 Q. When you'd finished talking did the person who wrote down what you





1 said read the statement back to you?

2 A. The day they took the statement was not read to me.

3 Q. Was it read back to you in 2004, October?

4 A. Yes.

15:08:49 5 Q. And I think you told us before lunch that anything you wanted to add  
6 you added; is that right?

7 A. Yes.

8 JUDGE BOUTET: In 2004?

9 MR JORDASH: 2004.

15:09:14 10 Q. Is it also right that anything you wanted to change you changed and  
11 told the person who was with you?

12 A. He only told me that that which I have forgotten I should remember  
13 and bring them up. That was what I did.

14 Q. Okay. Were you content -- were you satisfied that the statement read  
15:09:52 15 back to you represented your account?

16 A. Yes.

17 JUDGE THOMPSON: What about the language in which he spoke to whoever  
18 wrote down the statement?

19 MR JORDASH: Certainly.

15:10:16 20 Q. Which language did you speak in when giving the statement?

21 A. I was speaking Kono.

22 Q. And did you have an interpreter?

23 A. Yes.

24 Q. When the statement was read to you in October did you have a  
15:10:42 25 translator?

26 A. Yes.

27 JUDGE BOUTET: What language was used during the subsequent  
28 interviews?

29 MR JORDASH:



1 Q. And what language did you use in the interviews in October 2004?

2 A. That day we spoke in Kono.

3 Q. And the person who was translating read the statement to you and you  
4 listened and added anything you wanted; is that right?

15:11:33 5 A. Yes.

6 MR JORDASH: I'm not sure I can go much further in proving the  
7 statement.

8 PRESIDING JUDGE: That's okay, I think it is all right.

9 JUDGE BOUTET: Not the statement per se, but presumably -- because  
15:11:55 10 you made a reference to page 9812, one of the issues is on that page  
11 presumably that you want to raise with the witness. I can see by flipping  
12 through the pages that there are many, many proofing as they call it. Just  
13 carry on with the witness just to clarify that the same process was done  
14 every single time. I don't know if the so-called proofing was done with  
15:12:19 15 the same people all the time or different players and language, whatever it  
16 is.

17 MR JORDASH: Okay.

18 Q. You've told us, Mr Witness, that you spoke Kono to a translator,  
19 statement read to you by the translator, you added what it was you wanted  
15:12:45 20 to add. That was in October 2004; yes?

21 A. When it was read to me I understood its contents.

22 Q. Was that the same process that you went through each time you saw the  
23 Prosecution in 2004?

24 A. The same process was carried out.

15:13:33 25 Q. I want to refer you, if I may, to a part of the statement made in  
26 2003. Okay? Bottom paragraph --

27 PRESIDING JUDGE: Which he confirmed in October 2004?

28 MR JORDASH: Yes.

29 PRESIDING JUDGE: You better put that --



1 MR JORDASH: And September.

2 PRESIDING JUDGE: Yes, September and in October 2004.

3 JUDGE BOUTET: So the portion you are going to put to the witness now  
4 is September 2003?

15:14:06 5 MR JORDASH: No, it is 2003, the original statement.

6 JUDGE BOUTET: Yes, that's what I mean.

7 MR JORDASH: Yes, Your Honour, yes, 9812.

8 Q. I am reading from the original statement, okay, your original  
9 statement. It says this: "The rains had just started falling heavily, so  
10 this must have been about May or June." This is referring, Mr Witness, to  
11 the time of the attack on Kono after you'd returned from Kailahun. You  
12 follow me?

13 A. Yes.

14 Q. And the last paragraph of that page says this: "About one week later  
15 there was a big palaver (fight) between Issa and Superman." Do you  
16 remember that line from your statement?

17 A. Yes.

18 Q. Do you agree with it?

19 A. Yes.

15:15:31 20 Q. I'm going to read on. "The fight was over a beautiful yellow woman,  
21 mixed Lebanese/Sierra Leonean, who was Superman's girlfriend." Do you  
22 remember that line from your statement?

23 A. Yes, so I said.

24 Q. Do you agree with that?

15:15:55 25 A. Yes.

26 Q. "Issa told Superman that Mosquito had ordered that this woman be  
27 brought to him in Kailahun and Superman refused." Is that something you  
28 remember from your statement?

29 A. Yes, I give that in my statement.



1 Q. Is it true according to you?

2 A. Yes.

3 Q. Would you like to tell us then about this fight between Issa and  
4 Superman?

15:16:33 5 A. Yes.

6 Q. Now, if you would.

7 A. That day when they asked Superman to go with his wife, he refused to  
8 go. It was in the evening, but by then there was no gunshot. Then we move  
9 from there, went to Tombodu.

15:17:07 10 JUDGE BOUTET: But the question was about the fight. Fight.

11 THE WITNESS: The palaver was a big palaver between Superman and  
12 Issa. It was only their bodyguards who wanted to go into combat.

13 MR JORDASH:

14 Q. Did they have combat?

15:17:37 15 A. No.

16 PRESIDING JUDGE: Let's follow it up methodically. Mosquito had  
17 ordered that Superman comes over to Kailahun with this woman who is  
18 supposed to be Superman's wife. Superman refuses and doesn't go.

19 MR JORDASH: Yes.

15:18:16 20 PRESIDING JUDGE: How does Sesay come in to the extent of their  
21 having a big palaver? We need this link, please.

22 MR JORDASH: You put it better than I did, Your Honour.

23 Q. Did you watch this fight, Mr Witness?

24 A. I didn't see the fight. They were on a severe palaver outside. Then  
15:18:51 25 that made us all to run away.

26 Q. So you didn't see the palaver fight -- palaver fight, but you heard  
27 it; is that right?

28 A. They were on a severe palaver downtown. We heard of it and everybody  
29 took to his hill. We thought they were going to open fire.





1 MR JORDASH: I will revisit this territory because I know  
2 Your Honours missed that.  
3 Q. You were downtown. Where was the fight?  
4 A. The town was big. They were towards the line, while we were towards  
15:19:41 5 the bush end.  
6 Q. Did you hear the fight?  
7 A. Where we were we are getting a lot of noise from the end. So that  
8 made us panic, so we all ran away.  
9 Q. What was the noise?  
15:20:02 10 A. It was over Superman's issue.  
11 Q. No, not what was it about. Was the noise gunshot?  
12 A. That day they said Superman had refused to take order, not to go to  
13 Kailahun.  
14 Q. Witness, we're going be here for a long, long time unless you listen  
15:20:36 15 to the question. Was the noise you heard gunshot?  
16 A. It was not a gunshot.  
17 Q. What was the noise?  
18 A. It was just a palaver between them two.  
19 Q. What kind of noise? Dogs barking, people shouting, women screaming.  
15:21:00 20 What kind of noise?  
21 A. It was a palaver ensued between people. They were just shouting at  
22 each other.  
23 Q. Thank you. Who was shouting?  
24 A. The position where we were, we're hearing their bodyguards talk and  
15:21:38 25 make a lot noise, making noise all over.  
26 Q. Whose bodyguards, Mr Witness?  
27 A. Superman's bodyguards and Issa's.  
28 Q. You said a moment ago, Mr Witness, that the noise had made you run  
29 away. Is that true?



1 A. Yes, we ran away, but we didn't go out of the town. We just took one  
2 part of the town while they were towards the line area.

3 Q. Who's we?

4 A. It was the rebels that were there.

15:22:39 5 Q. All the rebels in the town ran away; is that what you're saying?

6 A. No.

7 Q. Which rebels then?

8 A. We who were amongst them ran away because we're thinking that they  
9 were going to open fire on themselves. So we ran away.

15:23:21 10 Q. Who did you run away with? Who was with you?

11 A. By then I was alone.

12 Q. Did you meet other people running away?

13 A. Yes, where I went and hid myself I met other people there.

14 Q. What happened after that?

15:23:50 15 A. After the palaver has died down then we came back. It was then when  
16 Wallace explained everything to me now.

17 Q. Perhaps you would like to explain to us what Wallace explained to you  
18 then.

19 A. When I came back it was then when Wallace explained to me that order  
15:24:30 20 came from Mosquito that Superman should go with his wife to Kailahun and he  
21 refuse order. That was the reason for the palaver.

22 Q. So what happened then? What did Superman and Wallace do?

23 A. This incident happened while it was getting night. Then Superman  
24 called up a meeting and said now he's not safe where he is and therefore  
15:25:13 25 he's moving from there to Krubola. Then we move with him to Tombodu.

26 JUDGE THOMPSON: Just a minute. Is he relating what Wallace told  
27 him?

28 MR JORDASH: That wasn't clear, Your Honour.

29 JUDGE THOMPSON: I'm not sure whether he is reporting what somebody



1 else told him or he has veered into an area where he in fact is giving  
2 direct evidence.

3 MR JORDASH: Certainly, I can pick up on that, Your Honour, thank  
4 you.

15:25:42 5 Q. Did you go to the meeting?

6 A. No, it was explained to me.

7 Q. Did Wallace go to the meeting?

8 A. Yes.

9 Q. Did Wallace explain to you what was said at the meeting?

15:26:01 10 A. Yes.

11 Q. Did Wallace explain that Superman was refusing to take orders from  
12 Mosquito anymore?

13 A. Yes, he said so Superman explained to him that he will not go.

14 Q. And, in fact, did he explain to Wallace that he was going to go off  
15:26:30 15 and join another group?

16 A. That was exactly what Wallace explained to us, that he is moving from  
17 there to Krubola end.

18 Q. And he was going to do his own mission; is that right?

19 A. That was the time we moved towards Koinadugu end.

15:27:11 20 Q. And it was explained by Wallace to you, was it, that Superman was  
21 going to do his own mission away from Mosquito?

22 A. That was not explained to me. What he said was that he was moving  
23 from there towards Tombodu end.

24 Q. Was it explained to you why he was moving?

15:27:52 25 PRESIDING JUDGE: So is it that Superman was moving from there to  
26 Tombodu?

27 MR JORDASH: To --

28 PRESIDING JUDGE: Krubola?

29 MR JORDASH: Krubola.



1           PRESIDING JUDGE: To Krubola, that was what I got. To Krubola.

2           MR JORDASH: Yes.

3           PRESIDING JUDGE: Now talking of Tombodu. I mean --

4           MR JORDASH: Well, they went to Tombodu first.

15:28:13 5           PRESIDING JUDGE: Before going to Krubola?

6           MR JORDASH: Yes.

7           PRESIDING JUDGE: I see.

8           MR JORDASH:

9           Q. Was it explained to you by Wallace why Superman was going to leave

15:28:24 10          Kono?

11          A. Well, according to him he said he wants to avoid conflict. That's

12          the reason he wants to move towards Koinadugu end.

13          Q. I want to read something from your statement again, Mr Witness. Same

14          paragraph, same page, 9812: "That night Superman held a meeting in the

15:29:06 15          Kissi Town camp and asked us who wanted to come with him to Koinadugu

16          District." Is that the meeting you describe there with Superman?

17          A. Yes.

18          Q. Is it right that Superman asked you and everybody else who wanted to

19          come with him to Koinadugu?

15:29:34 20          A. Yes. That day he said whosoever wants to follow him he could, but

21          he's leaving Kono.

22          Q. So Superman then gave a choice to people there whether to stay in

23          Kono or whether to come with him to Koinadugu; is that right?

24          A. Yes.

15:30:14 25          Q. I shall read on in the same paragraph, page 9813 now: "The whole

26          base including Wallace and me decided to go with Superman." Is that right?

27          A. Yes, that was all the reason we went together.

28          Q. So you decided to go with Superman; is that right?

29          A. Yes, because I was already now in Wallace's hands and wherever





1 Wallace is going I shall go with him.

2 Q. And the whole base; is that the base of Superman's Ground? All of  
3 Superman's Ground went with Superman?

4 A. Yes, at Kissi Town, there he was.

15:31:24 5 MR HARRISON: I apologise for interrupting, but this witness has  
6 never uttered the words Superman's Ground. That is a term that Mr Jordash  
7 and the Court would be familiar with, but if he wishes to get clarification  
8 I just wanted to point that out.

9 MR JORDASH: Point taken.

15:31:42 10 Q. So the whole of Kissi Town, which you say had been under the control  
11 of Superman, chose to go with Superman; is that right?

12 A. Yes, that very night all of us went.

13 Q. Can you estimate how many men - soldiers, rebels, armed men - went  
14 with Superman?

15:32:10 15 A. I cannot tell the exact number because it was during night we left.

16 Q. Was it at least 200 men?

17 A. It was more than.

18 Q. More than 300?

19 A. That night I didn't count exact. Okay, it was more than 200.

15:32:51 20 Q. Just so we're clear, Mr Witness, when Superman presented a choice to  
21 Kissi base, of whether to stay with Mosquito and Issa Sesay, the men chose  
22 to go with Superman. Is that fair?

23 A. I didn't get that clear, sir.

24 MR HARRISON: I apologise for interrupting. There was a term "Kissi  
15:33:38 25 base" and the witness may be more familiar with "Kissi Town". I'm not sure  
26 what happens with the translation.

27 MR JORDASH: That's my fault, sorry.

28 Q. The choice Superman presented to the men at Kissi Town was to stay  
29 with Mosquito or to come with him to Koinadugu; is that right?



1 A. What he said that day was that all those who may want to go with him  
2 may follow him because he is moving out of that base that day.  
3 Q. Do you know what happened to Issa Sesay at that time?  
4 A. The time we left there I do not know what exactly happened to  
15:34:52 5 Issa Sesay.  
6 Q. Okay. Do you know of any other incident between Superman and  
7 Issa Sesay after this time?  
8 A. Well, I don't know. I cannot tell whether there was any other  
9 conflict between them the time we left. I don't know.  
15:35:37 10 Q. Let me refer you to some more notes. 9826, Your Honours.  
11 JUDGE BOUTET: Because he just said between the time they left, they  
12 left in that night, so presumably you're talking of not a timeframe so  
13 maybe --  
14 MR JORDASH: I'll rephrase that.  
15:36:00 15 JUDGE BOUTET: Rephrase that, that may elicit the answer you're  
16 looking for.  
17 MR JORDASH: Your Honour, yes.  
18 Q. From the time Superman left to go to Koinadugu to the time you left  
19 the rebels can you help this Court about any other conflict with Superman  
15:36:14 20 and General Issa?  
21 A. Yes.  
22 Q. Would you like to now?  
23 A. Yes. There was another conflict between them when we are at Makeni.  
24 By then Issa was at Makeni while Superman was at Lunsar.  
15:37:16 25 PRESIDING JUDGE: What was the nature of this conflict? Tell us.  
26 THE WITNESS: While we were at Lunsar one day Rambo came from Makeni  
27 and went and attacked Superman's house at Lunsar.  
28 MR JORDASH:  
29 Q. What happened?



1 THE INTERPRETER: My Lords, let the witness go slowly, sir.

2 PRESIDING JUDGE: Mr Witness, slow, slow down. Slow, don't go too  
3 fast. Say that again, please, say that again. Say what you have just said  
4 again.

15:38:53 5 THE WITNESS: We were at Lunsar when Rambo went and attacked  
6 Superman's house Monday.

7 PRESIDING JUDGE: How did he attack it?

8 THE WITNESS: He went to his room with firing gunshots.

9 MR JORDASH:

15:39:34 10 Q. You would say that Rambo was trying to kill Superman?

11 A. I was not on the spot, but we saw Superman coming, which run to our  
12 own end, saying that Rambo went to his house firing shots at him.

13 Q. Did he go with other rebels with firing shots?

14 A. They went with a van.

15:40:26 15 Q. We'll try to shortcut this. I'm going to read from some notes,  
16 Mr Witness, which are notes taken by the person who spoke to you in October  
17 of 2004 -- on the 8th of October 2004; okay? You understand?

18 A. Yes.

19 Q. Paragraph 84, 9826, Your Honours. This is what the notes say:

15:41:01 20 "Later I" - that's you - "left with Wallace to Makeni. There was  
21 infighting and Issa was pushed out of Makeni." Did you tell the  
22 Prosecution that there was infighting and Issa was pushed out of Makeni?

23 A. Yes, that is what I want to explain, where it started.

24 Q. Well, tell us then where it started.

15:41:36 25 A. When Rambo went and attacked Superman at Lunsar, Rambo also went  
26 round and gathered his men and decided to come down to Makeni to push out  
27 Issa from Makeni.

28 PRESIDING JUDGE: Did he say Rambo?

29 MR HARRISON: I apologise for interrupting, but I am just asking if



1 Mr Jordash would perhaps exercise some patience with the translation. I  
2 think there is a translation problem we are experiencing right now.

3 MR JORDASH: Thank you, Mr Harrison, I appreciate that, it's correct.  
4 I will temper myself.

15:42:39 5 Q. Was it Superman who attended to Makeni to push Issa out or was it  
6 Rambo?

7 A. When Rambo went and attacked him at Lunsar, there he decided - he,  
8 Superman - to come and attack Issa at Makeni also.

9 JUDGE THOMPSON: My difficulty, learned counsel, is that are you  
15:43:09 10 putting to him what he told the Prosecutors?

11 MR JORDASH: Yes.

12 JUDGE THOMPSON: Is he admitting that he did say those things to the  
13 Prosecutor?

14 MR JORDASH: I think so.

15:43:20 15 JUDGE THOMPSON: And if he did, then how are you proceeding, because  
16 I am getting a little intrigued by the process in the sense that this  
17 witness seems to be not -- I'm not quite sure whether this witness is  
18 reporting what he saw or what he was told. This is my difficulty. Because  
19 it is so important to know the nature of evidence that a witness has given,  
15:43:49 20 at least for the purposes of probative value anyway. I mean, if a witness  
21 is reporting what he heard it's different from what a witness -- when a  
22 witness actually saw the incident or the episode or the activity that he is  
23 reporting. And I am completely lost.

24 MR JORDASH: Your Honour, all will become clear I hope.

15:44:18 25 JUDGE THOMPSON: I hope so because clearly as lawyers we're familiar  
26 that witnesses prove their case or the Prosecution proves its case either  
27 by direct evidence or saw the episodes or circumstantial or hearsay, and  
28 when it comes to probative value a tribunal would want to begin to do these  
29 kinds of analysis.





1 MR JORDASH: Certainly, Your Honour.

2 Q. I want to refer you to the notes again, Mr Witness.

3 PRESIDING JUDGE: Was this man not relating a story? Was he not  
4 relating a -- I just want you to clarify us. Because he was relating a  
15:45:00 5 story on the fallout of the attack by Rambo on Superman's compound. What  
6 were these fallouts? He, Superman, decided to also go and attack Issa in  
7 Makeni, and I think that is -- is that not what he said?

8 JUDGE THOMPSON: But my difficulty is that was he reporting what  
9 someone told him or was he saying that I - this witness - actually saw  
15:45:36 10 those events?

11 MR JORDASH: Your Honour, I am coming to it.

12 JUDGE THOMPSON: That's my difficulty.

13 MR JORDASH: In the notes: "I was with this group". That's what the  
14 witness said: "I was with this group," and I'm coming to it.

15:45:52 15 JUDGE THOMPSON: Yes, that was what he told the -- yes. Well, I  
16 mean, as long as we keep those perspectives clear.

17 MR JORDASH: Your Honour, this material for my part is extremely  
18 useful so I will make it as clear as I possibly can so Your Honours can  
19 evaluate it.

15:46:03 20 JUDGE THOMPSON: I appreciate that.

21 MR JORDASH: But I understand Your Honour's frustration.

22 JUDGE BOUTET: Before you go on, Mr Jordash, you have read a portion  
23 of the proofing on page 9825. My recollection is the witness has agreed  
24 with you that this is what he said and you took it up from there. So you  
15:46:34 25 are expanding on what he has said -- would have said to whoever it was at  
26 that time. So that is where we are.

27 MR JORDASH: Exactly.

28 JUDGE BOUTET: The starting base is what he said and then you're  
29 trying to get amplify from there.



1 MR JORDASH: Get more details.

2 JUDGE BOUTET: Am I --

3 MR JORDASH: Completely correct.

4 Q. I know this might be a bit confusing for you, Mr Witness, with people  
15:47:01 5 talking about things that you don't quite follow, but let me take you back  
6 to the notes so you understand where I'm coming from. "Later I left with  
7 Wallace to Makeni. There was infighting and Issa was pushed out of  
8 Makeni." Okay? You were part of the group who pushed Issa out of Makeni,  
9 were you not?

15:47:31 10 A. I didn't get you clearly.

11 Q. Okay, I'll try again. The notes say: "Later I left with Wallace to  
12 Makeni. There was infighting and Issa was pushed out of Makeni." You have  
13 agreed that that is what you told the Prosecutor. My question is: You  
14 were part of the group who pushed Issa out of Makeni, were you not?

15:48:11 15 A. Yes, we came from Lunsar.

16 Q. Just to try to give this a timing, was this in the first dry season  
17 of 1999?

18 PRESIDING JUDGE: He said he was part of the group that flushed out  
19 Issa from Makeni?

15:48:52 20 MR JORDASH: Yes.

21 Q. This was in the first dry season of 1999, was it not?

22 A. Yes, by then we are now in Lunsar.

23 Q. By then you and Superman and Wallace were in Lunsar; is that right?

24 A. Yes.

15:49:25 25 Q. How long had you been in Lunsar, Mr Witness, at this time?

26 A. We took about two months.

27 Q. Okay. How many men did Superman go to Makeni with to push Issa out?

28 A. It was during the night. What I saw was two trucks and one van.

29 Q. Were you on one of the trucks?



1 A. Yes.

2 Q. And did you attack Issa's house?

3 A. When we reached -- we arrived at Makeni. Before attacking we divided  
4 ourselves.

15:50:39 5 Q. Into how many groups?

6 A. Into two groups.

7 Q. Where did the groups go?

8 A. It was two groups. The first group they said should go to Issa's  
9 house and the other group to Rambo's house.

15:51:19 10 Q. What was your mission, Mr Witness?

11 A. Our mission was to attack them for them to leave Makeni.

12 Q. And to kill them if you caught them; is that right?

13 A. That day no order was given for them to be killed.

14 PRESIDING JUDGE: Learned counsel, they were divided into two groups.  
15:52:08 15 One was to head to Issa's residence and the other one to Rambo's residence.

16 MR JORDASH: Yes.

17 PRESIDING JUDGE: He was in which group?

18 MR JORDASH:

19 Q. Which group were you in, Mr Witness?

15:52:24 20 A. I was in the group that was to go to Rambo's house.

21 PRESIDING JUDGE: Thank you.

22 MR JORDASH:

23 Q. Did you kill Rambo, your group?

24 A. Yes.

15:52:49 25 PRESIDING JUDGE: Killed --

26 MR JORDASH: Rambo.

27 Q. Isn't it right, Mr Witness, that the men you were with also looted  
28 properties in Makeni after killing Rambo?

29 A. From that night until daybreak there was looting.



1 Q. By Superman's men; is that right?

2 A. Yes.

3 Q. Wasn't just looting, was it, Mr Witness? Superman's men also went  
4 and raped women in Makeni having chased Issa out. It's right, isn't it?

15:54:16 5 A. I didn't witness that.

6 Q. And it wasn't just in Makeni, I suggest, that the looting and crimes  
7 against civilians took place, it was around Makeni as well that night; is  
8 that right?

9 A. Yes, while we were in Makeni that did happen around Makeni.

15:54:52 10 PRESIDING JUDGE: That's looting?

11 MR JORDASH:

12 Q. Looting and attacks on civilians; is that right?

13 A. Yes.

14 Q. Killing civilians; is that right?

15:55:07 15 A. That night I did not see whether civilians were killed.

16 Q. Well, Mr Witness, you tell us what you did see Superman's men do to  
17 civilians that night, in your own words?

18 A. That very night when that incident occurred, when we moved to  
19 Superman's house, after Superman had been killed, Rambo -- after Rambo had

15:56:06 20 been killed, Superman gave the order that we should take all the looted  
21 property from Rambo's house and that we did. From that point I did not see  
22 any civilian being killed.

23 Q. Was Superman leading your group?

24 A. Yes, he was a commander.

15:57:04 25 Q. Did you see him kill a civilian called Obomi, a civilian driver  
26 called Obomi. Did you see him do that?

27 A. No.

28 Q. Okay. Can you confirm this, Mr Witness --

29 PRESIDING JUDGE: You said the driver's name is Obomi?





1 MR JORDASH: Obomi, O-B-O-M-I.

2 Q. Can you confirm this, Mr Witness: When Issa was in Makeni before  
3 being chased out by Superman you didn't see the RUF do any bad things to  
4 people during his - Issa's - time in Makeni; is that right?

15:58:21 5 A. After the infighting when everybody return, ugly things did happen  
6 again.

7 Q. No. Before the attack on Issa, Issa was the top commander in Makeni;  
8 is that right?

9 A. Yes, at that time.

15:58:47 10 Q. And when he was the top commander in Makeni you didn't see the RUF  
11 doing any bad things to people in Makeni, did you?

12 A. By then laws were passed.

13 Q. So the answer is when Issa was the commander in Makeni before being  
14 chased out by Superman, laws were passed, civilians were not harmed; is  
15:59:25 15 that right.

16 A. I only heard that while we were at Lunsar. By then I was not in  
17 Makeni so I cannot say.

18 Q. Okay, so what did you hear then, Mr Witness? What did you hear about  
19 these laws and civilians?

16:00:07 20 A. While at Lunsar the only information we gathered was that they said  
21 there was a law that nobody should do anything bad with civilians.

22 Q. I want to refer you to your statement again, the original statement,  
23 9814 fourth paragraph down. I'm going to read from the original statement,  
24 Mr Witness, halfway through the paragraph: "Throughout the time I was in  
16:00:48 25 Makeni General Issa was the top, top commander. I didn't see the RUF do  
26 any bad things to people during that time." Is that something you told the  
27 Prosecutor?

28 [HS070405D 4.00 p.m. - AD]

29 A. The time we were there, yes.



1 Q. Was this the time just before Superman chased Issa out of Makeni that  
2 you are referring to?

3 A. The time we were there they did no wrong to civilians until the time  
4 we left and went to Lunsar, until after the infighting. Then we came back  
16:01:50 5 to Makeni.

6 Q. It was only when Superman came back to Makeni and chased Issa out  
7 that the lootings began again. Is that right?

8 A. After Issa had been chased out of Makeni there was looting again in  
9 Makeni.

16:02:27 10 JUDGE BOUTET: Mr Jordash, I am just trying to follow the timing.  
11 This paragraph you read the witness, you are saying they spent a year in  
12 Makeni. But I thought that the evidence the witness was leading now was  
13 that when they moved to Lunsar he was with Superman when they left Kissi  
14 Town and so on after there was this palaver. Are we moving into a  
16:02:54 15 different period? Have they been back? I am just trying to follow the  
16 sequence in logic, because we have left Kissi Town and we are now in  
17 Makeni.

18 MR JORDASH: I have leapt because I wanted to deal with the  
19 relationship between Issa and Superman.

16:03:12 20 JUDGE BOUTET: I understand, but this Makeni scenario is after they  
21 had left Kissi Town, is it?

22 MR JORDASH: Yes. The Makeni scenario is after the attack on Makeni,  
23 which followed the attack on Binkolo, which followed the movement from  
24 Koinadugu to Binkolo. So we are really jumping to 1999. But I will  
16:03:34 25 clarify because it is not clear.

26 Q. Let me read you the whole paragraph, Mr Witness, so you get some  
27 context. This is the paragraph: "I stayed in Makeni for about one year,  
28 until just after the problem with the UNAMSIL peacekeepers. I didn't go  
29 through the DDR program and was always under Wallace's command. Throughout



1 the time I was in Makeni, General Issa was the top top commander. I didn't  
2 see the RUF do any bad things to people during that time." My first  
3 question is this, Mr Witness: When you say you stayed in Makeni for about  
4 one year, are you including in that your time in Lunsar, or is this a  
16:04:37 5 different time?

6 A. When we came to Makeni we went to Lunsar. After the infighting when  
7 I came to Makeni, I was all throughout in Makeni.

8 Q. Okay. So, was the infighting in March/April of 1999? Can you  
9 remember?

16:05:19 10 A. I cannot remember the month.

11 Q. Okay. But what you can remember is this, is it not, witness, that  
12 when Issa was in Makeni before the infighting, you are aware that laws were  
13 passed against crimes against civilians? Is that right?

14 A. Yes, that was explained.

16:05:59 15 Q. Thank you. And the crimes against civilians began again when  
16 Superman and his men moved back into Makeni. Is that right?

17 A. When we entered from that night, there was looting, but thereafter  
18 there was no looting. But when there was peace, they made peace then, and  
19 everybody came back then everything started again. All problems started

16:06:50 20 again.

21 Q. Did you loot Makeni?

22 A. The night we attacked Makeni there was looting.

23 Q. Did you loot Makeni, Mr Witness?

24 A. Yes. I was with Wallace; he gave me some articles to carry.

16:07:25 25 Q. Did Wallace loot Makeni?

26 A. Yes, he was giving me instructions about the loot there that I should  
27 take and carry.

28 Q. Did Superman loot Makeni?

29 A. Yes.



1 Q. Can you tell us, Mr Witness, why it is you have never told us about  
2 Wallace and Superman looting Makeni until just now?

3 MR HARRISON: With respect, that is not a fair question. He hasn't  
4 been asked that.

16:08:19 5 MR JORDASH: Well, since he has come here to give his evidence --

6 MR HARRISON: The witness is only entitled to respond to those  
7 questions that are put to him. If the question is not put to him, it is  
8 not normally expected a witness will say something.

9 JUDGE THOMPSON: I would add that clearly the witness is not here  
16:08:38 10 under examination-in-chief to give evidence consistent with a previous  
11 statement -- not under examination-in-chief. You don't necessarily under  
12 examination-in-chief seek to give evidence consistent with previous  
13 statements. You can elicit inconsistent statements under  
14 cross-examination.

16:09:00 15 PRESIDING JUDGE: And he is free to expound on the statement --

16 JUDGE THOMPSON: He can expand on what he has --

17 PRESIDING JUDGE: -- he has made previously. And I think it is  
18 highly dangerous in the interests of justice, unless you want to impute a  
19 particular motive.

16:09:15 20 MR JORDASH: I do.

21 JUDGE THOMPSON: My point is that the Prosecution is not supposed  
22 necessarily to specifically put to a witness in examination-in-chief any  
23 statement consistent with his previous statement to elicit consistency.  
24 All the witness needs to do is just to give his testimony orally.

16:09:36 25 MR JORDASH: I completely agree with Your Honours. I will put my  
26 suggestion to the witness quite tightly.

27 JUDGE THOMPSON: And you are entitled to do that.

28 PRESIDING JUDGE: Fortunately he is not denying that they looted, nor  
29 is he denying the fact he transported some of the looted property. He is





1 very forthright, isn't he?

2 MR JORDASH: Well, it has taken three hours for him to say it.

3 Mr HARRISON: That is a very unfair comment to make with respect to  
4 the witness.

16:10:04 5 JUDGE THOMPSON: Quite right. I think we uphold that. My point is  
6 that it is not fair to say to a witness, "Why did you not say in the  
7 witness box consistent with what you said out of court?"

8 Mr JORDASH: I wasn't putting that --

9 JUDGE THOMPSON: That seems to be the suggestion. But you can in  
16:10:26 10 fact impeach him on inconsistency.

11 MR JORDASH: Can I ask for the witness's headphones to be taken off?

12 JUDGE THOMPSON: We can ask that his headphones be removed.

13 PRESIDING JUDGE: I guess you mean he does not understand you.

14 MR JORDASH: This is true.

16:10:51 15 JUDGE THOMPSON: I may be misunderstanding your approach, because you  
16 are saying and implication I am drawing is, "Why haven't you been  
17 consistent here?". Isn't that what you are implying?

18 MR JORDASH: No.

19 JUDGE THOMPSON: If that is not what you are implying --

16:11:08 20 Mr JORDASH: No, and I am not implying that the Prosecution should  
21 have asked him about it.

22 JUDGE THOMPSON: Yes, because they can't.

23 Mr JORDASH: What I am asking the witness is -- this is the whole  
24 point -- he is a friend; he is friendly with Mr Wallace.

16:11:23 25 JUDGE THOMPSON: Yes.

26 PRESIDING JUDGE: That we understand.

27 Mr JORDASH: He went with Superman in contrast --

28 PRESIDING JUDGE: And Wallace is a friend to Superman and so forth.  
29 We know the chain; you have established that.



1           Mr JORDASH: That is the motive, we would say, for why this witness  
2 implicates Sesay but doesn't implicate Superman and Wallace. So, when I  
3 asked the question, "Why didn't you say that?", the reason we say he didn't  
4 say it is because he is trying to protect Superman.

16:11:46 5           PRESIDING JUDGE: Mr Jordash, has he not said that now?

6           JUDGE BOUTET: He didn't say what?

7           Mr JORDASH: That Superman and Wallace looted Makeni.

8           JUDGE BOUTET: But he was never asked the question.

9           PRESIDING JUDGE: Now he is asked the question --

16:11:58 10          JUDGE THOMPSON: Quite right. He has been asked the question.

11          Mr JORDASH: Examination-in-chief --

12          JUDGE THOMPSON: Examination-in-chief is --

13          PRESIDING JUDGE: He was not asked the question in  
14 examination-in-chief.

16:12:02 15          JUDGE THOMPSON: He was not, and my point is that it is not the main  
16 purpose of examination-in-chief to ask a witness to say or make statements  
17 consistent or testify here consistent with what he said out of court.

18          There is an implication that, of course, there is an expectation that he  
19 will in fact do so, but he cannot put a question to the witness and say,  
16:12:32 20          "Is this consistent with what you said to the Prosecutor?" We don't put  
21 the burden on the Prosecution to do that. You have the burden, or you can  
22 put a question and say, "This is not consistent with what you said."

23          MR JORDASH: That is not the point I make though, Your Honour. The  
24 point I make --

16:12:52 25          JUDGE BOUTET: I do know what you are trying to achieve, Mr Jordash,  
26 but would I suggest that this is a good argument you can make in due  
27 course. But this question was not put to the witness. You are saying that  
28 maybe the Prosecution should have put that question to the witness --

29          Mr JORDASH: No.



1 JUDGE BOUTET: But he didn't have to.

2 JUDGE THOMPSON: That is what I am saying. The Prosecution --

3 PRESIDING JUDGE: The Prosecution should not --

4 JUDGE THOMPSON: The Prosecution should not have done so. They would  
16:13:14 5 be violating a rule of the examination-in-chief if they did that.

6 MR JORDASH: Your Honours, I take your point. But just to be clear,  
7 I was not suggesting that the Prosecution ask him about this aspect --

8 JUDGE BOUTET: No, but your argument was that it took him three hours  
9 to answer that question. In fairness to the witness, you only in the last  
16:13:33 10 10 minutes asked that question, did you not? And he answered you, "Yes."  
11 I know it took you three hours to get there, but --

12 MR JORDASH: Your Honours, I am happy to move on.

13 PRESIDING JUDGE: Mr Jordash, it is for your counsel who are seeking  
14 to establish a fact which is material to your defence. I think that this  
16:13:56 15 issue has been established at the right time and the answer has come at the  
16 right time. There has been to my mind, and I think to the tribunal, no  
17 three-hour delay in this reply in coming because the question has just been  
18 put to him and he has given the answer.

19 Mr JORDASH: Your Honour --

16:14:16 20 JUDGE THOMPSON: Let me ask one question. When you asked him, "Why  
21 did you not state this?", how were you expecting him to state that, through  
22 what mechanism before this Court? How should he have come out with that  
23 position that you are now asking him that did not come out? Remember the  
24 three recognised ways: Examination-in-chief, cross-examination and  
16:14:40 25 re-examination. How would he have come out with that?

26 MR JORDASH: My learned friend for the Prosecution --

27 JUDGE THOMPSON: The Prosecution should have asked it?

28 MR JORDASH: No, I am not suggesting that.

29 JUDGE THOMPSON: That is why --



1 Mr JORDASH: No.

2 JUDGE BOUTET: Are you saying he should have said so in his statement  
3 and so on to the police?

4 MR JORDASH: What I am suggesting is that my learned friend took his  
16:15:02 5 time and took him through his evidence about what happened when the rebels  
6 entered Makeni and what happened when the rebels went to Lunsar. And a  
7 number of times my learned friend asked the question, "What happened next?"  
8 Now, it may be that there is nothing in the fact that this witness omitted  
9 wrongdoing by Wallace and Superman. Maybe it is simply that he was not  
16:15:23 10 asked a direct question so he did not answer. But maybe it was because he  
11 didn't want to say it. It may be --

12 MR HARRISON: Your Honours --

13 MR JORDASH: Please, Mr Harrison. Maybe the reason he did not want  
14 to say is because he is a friend of Mr Wallace.

16:15:33 15 JUDGE BOUTET: I said to you that it is an argument that you  
16 should --

17 PRESIDING JUDGE: We will listen to you; you can count on this.

18 JUDGE THOMPSON: Let me concede that. The only thing I want to know  
19 is through what method or through what avenue should that question have  
16:15:47 20 come out before the Court?

21 MR JORDASH: It was not the question. When my learned friend for the  
22 Prosecution said, "What happened next?", this witness had a free will to  
23 say, "We looted Makeni; we were after Issa Sesay."

24 JUDGE BOUTET: But he never mentioned either that in Lunsar that  
16:16:04 25 Superman was attacked by Rambo and so on. There is many of these issues  
26 that he didn't mention. He did testify to a lot of incidents.

27 MR JORDASH: Yes.

28 JUDGE BOUTET: So, was it willfully kept aside or not? It will be  
29 for you to argue that in due course.





1 MR JORDASH: I am happy to move on.

2 PRESIDING JUDGE: I think we can leave that contention to rest.

3 Maybe we might take a break after that contention to allow Mr Jordash to

4 put himself together on how he proceeds from here.

16:16:50 5 MR JORDASH: After that palaver.

6 [Break taken at 4.16 p.m.]

7 [HS070405E - SV]

8 [Upon resuming at 4.38 p.m.]

9 PRESIDING JUDGE: Learned counsel, we are resuming the session.

16:40:14 10 Mr Jordash.

11 MR JORDASH: Thank you, Your Honour.

12 Q. You've talked to us, Mr Witness, about --

13 THE INTERPRETER: The witness's mic is off.

14 MR JORDASH: Before I begin, I spoke to the head of the translation

16:40:49 15 unit during the break and she would kindly ask that the witness and

16 ourselves pause more. I think the translators have been in all day and so

17 are pretty tired.

18 JUDGE BOUTET: Was it addressed mostly to you?

19 MR JORDASH: I can't believe that, Your Honour.

16:41:09 20 PRESIDING JUDGE: They're tired. They should present another excuse

21 and not that one. They should say that too many people talking at the same

22 time confuses them and not that they're tired.

23 MR JORDASH: I share their tiredness.

24 Q. I want to move back to Kono, if I can, Mr Witness. You've described

16:41:48 25 a meeting in which it was decided that some of you would be sent to

26 Kailahun for training. You remember that?

27 A. Yes.

28 Q. And the evidence you gave was that the people present, the commanders

29 present, at that meeting were Issa Sesay and Morris Kallon. Do you



1 remember that?

2 A. Yes.

3 Q. And you've not said that any other commanders were present. Was it  
4 only Kallon and Sesay present, according to you?

16:42:46 5 A. Well, at that time it was both of us who were there.

6 Q. Any other commanders?

7 A. They were some commanders but at that times.

8 Q. Do you know their names, the other commanders?

9 A. It was later that I knew their names.

16:43:18 10 Q. Sorry, could you repeat that please, Mr Witness?

11 A. I knew their names later.

12 Q. What were they?

13 A. There was the one whose name was Banya.

14 Q. Anyone else?

16:43:53 15 MR TOURAY: Your Honour, I heard the witness say Colonel Banya but  
16 it's not represented in the translation.

17 THE WITNESS: Colonel Banya.

18 MR JORDASH:

19 Q. Anybody else whose name you recall from that meeting? The  
16:44:19 20 commanders, I mean?

21 A. Well, in that meeting it was only those two people that I knew their  
22 names.

23 Q. Well, I want to refer you to your statement, the first statement you  
24 made in 2003. Your Honours, page 1890, the last paragraph. This is what  
16:44:52 25 the paragraph says, Mr Witness. You're referring to this meeting:

26 "The meeting took place on Monday in what I think was probably April  
27 1998. They gathered all of us in the bush in a coffee farm under the cover  
28 of the trees. They held the meeting there so the ECOMOG Alpha Jets  
29 couldn't bomb us. The RUF were afraid of ECOMOG soldiers who at that time



1 were based in Koakoyima. The meeting lasted for about two hours. There  
2 were many big men there; General Issa, Morris Kallon, General Bropleh,  
3 Superman, Colonel Banya, Lieutenant Blood and one named Five-Five."

4 Did you tell the Prosecution that Superman and General Bropleh were  
16:46:22 5 present at that meeting?

6 A. No, those two were not there.

7 Q. Listen to the question. Your statement says that Superman and  
8 General Bropleh were present at that meeting. Did you tell the Prosecution  
9 in 2003 that they were present at the meeting?

16:46:53 10 A. On that day General Bropleh was not there. That is what I said.

11 Q. Did you tell the Prosecution that Bropleh wasn't there or that he was  
12 there?

13 A. On that day, as I told them, that Bropleh was not there.

14 Q. Do you know how it is that General Bropleh is in your statement as  
16:47:29 15 being present at the meeting?

16 A. I only know the name when I was in Krubola.

17 Q. Do you know why Bropleh appears in your statement as present at the  
18 meeting? Is it because you told the Prosecution he was present?

19 A. When I said -- I did not say that he was in the PC Ground.

16:48:21 20 Q. Did you tell -- let me start this again, Mr Witness. I've just read  
21 from your statement. You understand that?

22 A. I didn't get that.

23 Q. I've just read, and I'll read again, Mr Witness, part of your  
24 statement?

16:48:53 25 A. Okay.

26 Q. Part of it: "The meeting lasted for about two hours. There were  
27 many big men there; General Issa, Morris Kallon, General Bropleh, Superman,  
28 Colonel Banya, Lieutenant Blood and one named Five-Five." I just read that  
29 from your statement, you understand that?



1 A. I know that but I didn't mention anything about Bropleh and Superman.  
2 Q. Hasn't this part of the statement been read back to you a number of  
3 times in October 2004? Let me just -- can I withdraw that question,  
4 please. Can I just make this suggestion to you, Mr Witness: That the  
16:49:59 5 reason you now miss out Bropleh and Superman is because you're trying to  
6 protect their reputations. Is that why you've missed them out of your  
7 evidence in this Court?  
8 A. I am not hiding. I am not hiding it. Whatever wrong they did I'm  
9 supposed to explain it. But what I didn't mention is what I'm saying. I  
16:50:44 10 didn't mention their name and because they were not there.  
11 Q. Do you know where Wallace was when this meeting was held?  
12 A. Yes. I left him at Kissi Town.  
13 Q. Wasn't he one of the most important commanders in Kissi Town?  
14 A. Whom are you talking about? I didn't get you clear.  
16:51:55 15 Q. Wallace?  
16 A. Yes, he was in Superman's camp.  
17 Q. Wasn't he ordered to come to the meeting, being the mission commander  
18 of Superman?  
19 MR HARRISON: I'm not sure there's any evidence that he's ever been  
16:52:25 20 referred to as a mission commander of Superman.  
21 MR JORDASH: No, there isn't but it's a suggestion.  
22 JUDGE THOMPSON: It's your characterisation.  
23 MR JORDASH: Yes, from the statement. But --  
24 JUDGE THOMPSON: Well, in the absence of any technical meaning being  
16:52:45 25 attached to mission commander perhaps we should stick to the familiar  
26 vocabulary.  
27 MR JORDASH: Well, I can ask the witness.  
28 Q. Wasn't Wallace Superman's mission commander in Kissi Town?  
29 A. No.





1 Q. Okay. I'll come back to that, Mr Witness. Now, is it right that --  
2 well, before I ask that, what were the mens' names who lived with Wallace  
3 who kidnapped you?

4 A. One was called Ali. The other was called Buya [phon]. The other was  
16:54:13 5 called Bangura.

6 PRESIDING JUDGE: After Ali.

7 MR JORDASH:

8 Q. What was the name after Ali?

9 A. Buya.

16:54:35 10 PRESIDING JUDGE: And the third?

11 THE WITNESS: Bangura.

12 PRESIDING JUDGE: Ali, Buya and Bangura?

13 THE WITNESS: Yes.

14 MR JORDASH:

16:55:03 15 Q. Did Wallace ever become one of Superman's mission commanders?

16 A. The time they captured me, I did not know whether he was a mission  
17 commander.

18 Q. And after that did he ever become one of Superman's mission  
19 commanders?

16:55:30 20 A. No, not to my knowledge.

21 Q. Well, I'm going to refer you to your statement again, Mr Witness.  
22 Your Honours, page 9813. Just for clarity's sake, Mr Witness, I'm talking,  
23 when I ask the question about whether Wallace ever became Superman's  
24 mission commander, about the whole of the time that you were with the  
16:56:00 25 rebels. So was there --

26 JUDGE THOMPSON: Pardon me, could you give the page reference again,  
27 please?

28 MR JORDASH: 9813, Your Honour.

29 Q. Isn't it right, Mr Witness, that Major Wallace -- sorry, Wallace was



1 one of Superman's mission commanders in Krubola?

2 A. Yes, at Krubola he was made mission commander.

3 Q. Thank you. What does that mean to be a mission commander, from what  
4 you understand?

16:56:45 5 A. What is my own understanding about mission commander? During the  
6 time of attack, whenever they want to attack, they will be the people they  
7 will send with rebels to go and attack. That's what I know.

8 Q. Okay. Now I want to refer to you page -- I'm sorry to leap but I'm  
9 moving to 9812. 9812, I'm looking at your statement again, Mr Witness,  
16:57:31 10 paragraph 4, and I want to move on to ask you about, very briefly, the  
11 attack on Kono after your return from Kailahun. Do you follow me?

12 A. Yes.

13 Q. Now, what you've told us -- well, let me just ask you afresh. Who  
14 was leading the attack on Kono after you returned from Kailahun?

16:58:15 15 A. For that attack Issa was the commander but that day I didn't go with  
16 them but I know Issa was the commander for that attack.

17 Q. How do you know that?

18 A. He was the most senior among them.

19 Q. So it's something that you couldn't forget, is that right, because he  
16:58:40 20 was the most senior man?

21 A. Yes. The time we were there he was passing on other orders to them.

22 Q. And did you see him passing any orders?

23 A. The time we were there when they were going to attack Koidu Town?

24 Q. Yes, did you see Issa giving orders?

16:59:28 25 A. That day, yes.

26 Q. Where were you when you saw him giving orders?

27 A. When we came we were at PC Ground. That was the time, around the  
28 evening hours when he gave the command.

29 Q. And then, as you've told us yesterday, you later learned from Ali



1 that Issa had given the order Operation No Living Thing; is that right?

2 A. Yes. Yes, it was when they were moving towards Makeni. That was the  
3 time he gave the order from Kono.

4 Q. No, no. You said yesterday that you'd spoken to your friend Ali, one  
17:00:33 5 of the ones who kidnapped you, about the operation on Koidu Town and Ali  
6 told you that Issa had given the order of Operation No Living Thing. Do  
7 you remember saying that yesterday?

8 A. Yes.

9 Q. Is that true?

17:00:56 10 A. Yes. I asked Ali. They went and came back. That's what he told me.

11 Q. Thank you. 9812, I'm going to read from your statement again.  
12 Fourth paragraph, Your Honours.

13 "The next morning I saw the new recruits and many other rebels from  
14 all three RUF camps, Kissi Town, PC Ground and Banya Ground, leaving for  
17:01:37 15 the attack. I'm not sure who the top commander was but I saw Superman  
16 leading troops. Later that afternoon I saw lots of wounded rebels being  
17 brought into the camp."

18 "I'm not sure who the top commander was but I saw Superman leading  
19 troops." Did you tell the Prosecution you were not sure who the top  
17:02:16 20 commander was?

21 A. For that day when they were moving towards Koidu those that were in  
22 the vehicle, they were the ones I talked about.

23 Q. Stick to the question, Mr Witness. Did you tell the Prosecution that  
24 you were not sure who the top commander was on the attack to Koidu Town?

17:02:59 25 A. Yes, so I said, but when Ali went and came back from the battlefield,  
26 that was the time I came to know that he was the top commander.

27 Q. So you didn't see, then, Issa Sesay giving orders to the troops. You  
28 only learned later on that he had been giving orders; is that right?

29 A. As for the order, I was there when he passed on the order. As soon



1 as we came from Kailahun we were at PC Ground. There we all gathered and  
2 he gave that order.

3 JUDGE BOUTET: By "he" do you mean General Issa?

4 THE WITNESS: Yes, he was the person who passed the order that day.

17:03:58 5 JUDGE BOUTET: And that day is just before they left for Kono?

6 THE WITNESS: Yes, he said it before they went to Koidu.

7 MR JORDASH:

8 Q. My question to you is, Mr Witness: Why did you not tell the  
9 Prosecution in 2003 that you'd seen Sesay, Issa, giving orders leading the  
17:04:37 10 troops?

11 A. I did tell them that I saw them in a vehicle going.

12 JUDGE BOUTET: Mr Jordash, looking with you at page 9812 as you  
13 directed the attention of the Court, and in that very paragraph what the  
14 witness is saying is right there. So I don't know what -- there seems to  
17:05:12 15 be some confusion now about the timing.

16 MR JORDASH: I understand. Certainly.

17 JUDGE BOUTET: So it's leading to -- because the witness clearly says  
18 in there, from what I can read, that Sesay, Issa, General Issa, gave them  
19 some orders when they came back from -- later that night or day, I'm not  
17:05:32 20 sure. Because if you read the whole paragraph it will make sense because  
21 you read only half of it.

22 MR JORDASH: Okay. Let me rephrase the question, if I can.

23 MR HARRISON: If there's just one other point of -- and I think it's  
24 just clarification. Your Honour Judge Boutet raised an issue about Kono.  
17:05:52 25 The response came back Koidu. Again this may be a sensitive area where  
26 witnesses often use Kono to refer to the district and a specific town.

27 PRESIDING JUDGE: Koidu is a town, isn't it?

28 MR JORDASH: Certainly.

29 PRESIDING JUDGE: Kono is a district.





1 MR JORDASH: Let me, if I can, just bring some clarification.

2 Q. I accept, Mr Witness, that you do say in this statement that Issa  
3 informed you that you were going to attack Kono the next morning. That's  
4 what your statement says. But your statement then goes on to say that you  
17:06:37 5 didn't know who the top commander was but you saw Superman leading troops.  
6 My question, more accurately, is this: Is it correct that you did not know  
7 who the top commander was but you saw Superman leading troops?

8 A. Having said that to us, my own understanding had been now that he was  
9 the top commander. And the next day while they were moving in a vehicle I  
17:07:35 10 saw him with them so I knew that he was the top commander.

11 Q. But you didn't tell the Prosecution that, did you, in 2003; that  
12 you'd seen Sesay moving in a vehicle and that's how you knew he was there?

13 A. I did tell them that the troops were in the vehicle and they were  
14 behind them, moving.

17:08:02 15 Q. You didn't tell them that Sesay was there, did you?

16 A. In the statement?

17 Q. Yes?

18 A. Yes, I did tell them.

19 Q. Did you tell them in 2003?

17:08:31 20 A. Yes. When they asked me to list down the people who were in the  
21 vehicle.

22 Q. Just so you're clear, Mr Witness, I accept that you did tell them in  
23 October of 2004 that Sesay participated in the attack but not until the  
24 28th of October did you tell them that. Is that correct?

17:09:17 25 A. That was not clear to me, sir.

26 Q. Well, what I'm saying to you is this: That after your statement of  
27 2003 you saw the Prosecution six more times before you remembered that  
28 Sesay participated in the attack. Six more times before your memory was  
29 triggered. Why is that?



1 A. I did tell them that he was in that vehicle. When they called me and  
2 asked me I told them that he was in the vehicle.

3 Q. And on that sixth time you don't even mention then that Sesay was in  
4 a vehicle. You mentioned he participated in the attack. No vehicle?

17:10:32 5 A. I told them that I didn't go for the attack but I saw all that went  
6 for the attack and he was in the vehicle. I told them that.

7 Q. Where were you when you saw that?

8 A. I was in Kissi Town while they were moving out.

9 Q. So they were moving from Kissi Town then, were they?

17:10:54 10 A. Yes, there they met Superman and they all went together.

11 Q. Were all the troops at Kissi Town, all the trainees who went on the  
12 attack?

13 A. No.

14 Q. Well, who was at Kissi Town then that you saw then going to attack?

17:11:28 15 A. Those who were at Kissi Town, PC Ground and Banya Ground, all of them  
16 went.

17 Q. And you saw Sesay at Kissi Town, you say? Okay. I want to refer you  
18 to some notes. 9830, Your Honours. I just want to be clear, another  
19 reason you knew that Sesay had participated was because your friend Ali  
17:11:56 20 told you. That's your evidence, isn't it?

21 A. While they were moving out even Ali came and told me that he was  
22 there.

23 Q. And it was Ali who told you about Issa Sesay giving the operation and  
24 the name Operation No Living Thing?

17:12:29 25 A. Yes, at that time.

26 Q. Well, 9830 I'm going to read from paragraph 126. This is what the  
27 notes say, Mr Witness -- are you okay?

28 A. I didn't get you.

29 Q. The notes say this: "Someone called Junior who was with me in



1 Kailahun and who participated in the attack told me that before the attack  
2 Issa Sesay told his men that it would be Operation No Living Things for  
3 this attack."

4 Did you tell the Prosecution on the 28th of October 2004 that it was  
17:13:17 5 Junior who told you that Issa Sesay had issued the order Operation No  
6 Living Thing?

7 A. Yes. That was what he told me.

8 Q. Well, was it Junior or was it Ali or are they the same?

9 A. The person who told me?

17:13:49 10 Q. Who was it?

11 A. For us to go to Koidu Town who told me? It was Ali who told me.

12 Q. No, no, Mr Witness. In the notes, 28th of October, the notes say  
13 that Junior told you about Issa Sesay issuing the order Operation No Living  
14 Thing. You've told us yesterday and today that Ali told you?

17:14:32 15 A. I didn't get that question clearly. That name was what all I had.  
16 That was the reason.

17 Q. Well, I think it was a very clear question for once. Paragraph 126,  
18 9830. These are numbers which relate to notes taken by the Prosecution  
19 about what you've said. Do you understand that?

17:14:59 20 A. Yes.

21 Q. And the notes say that someone called Junior told you. Not Ali,  
22 Junior. Was it Ali? Was it Junior? Was it neither? Was it both?

23 A. No. It's not a single person with those two names. It was Junior  
24 who told me that about Koidu attack.

17:15:29 25 Q. So it wasn't Ali, as you told us yesterday. It was Junior, was it?

26 A. Yes, it was Junior.

27 Q. Isn't the truth of the matter, Mr Witness, that in fact Issa Sesay  
28 was not present in Kono at any stage from March '98 until December '98 and  
29 you couldn't have seen him? Isn't that the truth?



1 A. Well, what I know, the time I was captured I met him there.

2 Q. Well, we'll come to that.

3 JUDGE BOUTET: Mr Jordash, the time you have just described is

4 February and March '98.

17:16:27 5 MR JORDASH: Yes, Your Honour to December '98.

6 JUDGE BOUTET: From February/March '98 to December.

7 MR JORDASH: '98. That Mr Sesay never went to Kono. Not once.

8 PRESIDING JUDGE: February '98 to December?

9 MR JORDASH: Yes.

17:17:26 10 Q. Just so you understand, Mr Witness, that's what Mr Sesay, who I

11 represent, says, through me, to you. You didn't see him in Kono because he

12 wasn't there in Kono. What do you say?

13 A. What I know, the time I was captured he was there.

14 Q. Okay. Now you say that when you arrived from Kailahun with the other

17:18:07 15 trainees the other trainees slept at PC Ground; is that right?

16 A. Yes. There we were assembled.

17 Q. What time in the day did you arrive back from Kailahun to PC Ground?

18 A. I don't remember the date and the month.

19 Q. Not the date and the month. The time of the day when you arrived

17:18:46 20 back to PC Ground with the other trainees?

21 A. It was in the evening hours.

22 Q. In the evening hours?

23 A. Yes.

24 Q. And you told us yesterday that you hid at night; is that right?

17:19:06 25 A. Yes. We reached -- we arrived there in the evening. It was in the

26 night I hid myself because I heard that we were going to attack.

27 Q. Where did you hide yourself, Mr Witness?

28 A. I left PC Ground and went to Kissi Town.

29 Q. And what time did you arrive in Kissi Ground, or how long did it take





1 you to get there?

2 A. It's not a long, long distance.

3 Q. Well, how long do you think? You arrived there early morning or in  
4 the middle of the night? When did you arrive at Kissi Ground -- Kissi  
17:19:52 5 Town, sorry?

6 A. I arrived there the same night. It is a short distance.

7 Q. Do you have a watch, Mr Witness? Do you know how to tell the time?

8 A. No.

9 Q. Was the sun coming up when you arrived at Kissi Town?

17:20:18 10 A. No.

11 Q. How many hours -- how long before the sun came up when you arrived at  
12 Kissi Town? Was it long?

13 A. The very night I left PC Ground, it was the same night I reached to  
14 Kissi Town. I didn't sleep on the way.

17:20:40 15 Q. And how did you get to Kissi Town?

16 A. It is a broad motor road, a motor line. The moment I heard that we  
17 were going to attack the next day, I ran away and came to Wallace at Kissi  
18 Town.

19 Q. Did you run all the way to Kissi Town?

17:21:13 20 A. No. I came walking.

21 Q. You walked to Kissi Town. Because I suggest that --

22 A. Yes.

23 Q. -- the walk from PC Ground to Kissi Town would have taken you all  
24 night. All night. If you'd actually done it. Isn't that right?

17:21:41 25 A. It is not a long distance.

26 PRESIDING JUDGE: PC Ground?

27 MR JORDASH: Our case is, Your Honour, that PC Ground and Kissi Town  
28 are 25 kilometres apart.

29 PRESIDING JUDGE: He's saying the distance is shorter.



1 MR JORDASH: Yes, he is. We can see it, if it assists. I don't know  
2 if this witness is able to read a map. I think Exhibit 8 is a map of -- I  
3 hope it's this map, Exhibit 8.

4 JUDGE THOMPSON: Mr Jordash, did he deny your suggestion that it  
17:23:04 5 would have been a whole night to travel?

6 MR JORDASH: I think implicitly by saying it was a short distance.  
7 It's difficult without being able to refer to distances, but --

8 JUDGE THOMPSON: Yes, apparently. Okay.

9 [Exhibit No 8 shown to witness]

17:23:26 10 MR JORDASH:

11 Q. I'm looking at the map of Sierra Leone, this side, and in boxes 4E --  
12 if we look at basically Koidu Town which is in box 4F, I think. Now, can  
13 you see Koidu Town, Mr Witness? Can you see it on the map?

14 I don't know if the learned Court Management would be able to assist.  
17:25:10 15 Can you see Koidu Town there? I don't know if you can -- perhaps what I  
16 can do is simply -- let me ask you this question, Mr Witness: PC Ground  
17 was located in Meiyor village; is that right? Sorry, I beg your pardon.  
18 Can I just take instructions, please. Your Honour, could I just take  
19 instructions?

17:26:58 20 [Defence counsel confer]

21 PRESIDING JUDGE: Do we now know where PC Ground is, in what town it  
22 is? Because it's certainly not a town.

23 MR JORDASH: No. Let me try to clarify.

24 Q. Is it right, Mr Witness, that PC Ground was just a very short  
17:27:18 25 distance from Meiyor village? Can you confirm that?

26 PRESIDING JUDGE: That's Meiyor, Meiyor village?

27 MR JORDASH: Just outside of Meiyor village, we say, PC Ground.

28 JUDGE BOUTET: And you spell it M-E-Y-O-R.

29 PRESIDING JUDGE: M-E-I-Y-O-R.



1 JUDGE BOUTET: So you are in 4F for the time being.

2 MR JORDASH: 4F, Your Honour, yes.

3 Q. Was it just outside of Meiyor village, PC Ground?

4 A. It was the very Meiyor town they called PC Ground.

17:28:05 5 Q. So PC Ground, you say, was in Meiyor village?

6 A. Yes, in the surrounding of the town and the [inaudible].

7 Q. And Kissi Town was heading towards Guinea; is that right? Do you

8 know that or not?

9 A. The Kissi Town we are talking about is towards Koidu Town. There is

17:28:47 10 a small village. After Meiyor you come to Kissi Town. That is the Kissi

11 Town I know of and that is what I'm talking of.

12 Q. Well, my point to you, Mr Witness, is that Kissi Town -- the base in

13 Kissi Town was about a day's travel and you couldn't have travelled in the

14 time you said you did, if I can put that question to you?

17:29:20 15 JUDGE THOMPSON: A day's travel how?

16 MR JORDASH: By foot, Your Honour.

17 JUDGE THOMPSON: Bush road?

18 JUDGE BOUTET: It's not on the map, on the map that we have at least.

19 MR JORDASH: We say, Your Honour, that Kissi Town is on the yellow

17:29:37 20 road coming out of Jagbwema heading through Wadu heading east --

21 JUDGE BOUTET: Yes but what I'm saying is it's not marked as such.

22 You're saying that's where it would be but the map doesn't show that.

23 MR JORDASH: Kissi Town is.

24 JUDGE BOUTET: Is it?

17:29:57 25 MR JORDASH: Which is, if Your Honours go to 4F, I think, between --

26 if Your Honours can look at Tingi Mountains.

27 JUDGE BOUTET: Tingi Mountains, yes.

28 MR JORDASH: If Your Honours go to the southeast to Komba Yende,

29 Mangadu, Kissi Town. That's where we say Kissi Town base, belonging to



1 Superman, was.

2 PRESIDING JUDGE: Were you reading from a map or from an explanatory  
3 note?

4 MR JORDASH: From my instructions.

17:30:48 5 PRESIDING JUDGE: From your instructions. But we are saying, you  
6 know, that it doesn't appear. It doesn't appear to feature on the map.

7 MR JORDASH: It does appear on the map.

8 PRESIDING JUDGE: It doesn't.

9 JUDGE BOUTET: Could you go at it again please. I have Mangadu,  
17:31:10 10 Kissi Town. That's the one you are talking about?

11 MR JORDASH: Yes, that's the one.

12 JUDGE BOUTET: Okay.

13 [HS070405F 5.30 p.m. - EKD]

14 [Trial Chamber confers]

17:32:09 15 MR JORDASH:

16 Q. Just so you're clear, Mr Witness, what I'm saying is that you're  
17 lying about this attack on Koidu and you hiding in Kissi Town?

18 A. The Kissi Town I am referring to is en route to Koidu and not to any  
19 other area. What I know they didn't give direct names to areas, but the  
17:32:56 20 Kissi Town where we were it was en route to come towards Koidu from Meiyor,  
21 towards Koidu.

22 Q. In fact yesterday, Mr Witness, you said this: That you hid upon  
23 arrival at PC Town and then came in the morning to Kissi Town. Not at  
24 night, but in the morning.

17:33:28 25 MR HARRISON: It's just a problem of sometimes it's referred to as PC  
26 Town and sometimes PC Ground. I am just concerned about the translation  
27 and perhaps it confuses the witness.

28 MR JORDASH: Let me rephrase that.

29 Q. Yesterday you told us, Mr Witness, that when you arrived in PC Town





1 from Kailahun you hid and in the morning went to Kissi Town to Wallace. Is  
2 that what you said yesterday?

3 A. No. What I said yesterday was that when we arrived at PC Ground they  
4 said we were to attack Koidu. That same evening I moved from PC Ground to  
17:34:18 5 Kissi Town to Wallace. That was what I said yesterday.

6 Q. Where did you hide in Kissi Ground? Did you hide in Kissi Town?

7 A. I hid myself from PC Ground to Kissi Town.

8 Q. And then you were lucky enough to find Wallace in Kissi Town; is that  
9 right?

17:34:48 10 A. Yes.

11 Q. Did you find him at his house?

12 A. Yes, where he was there I met him.

13 Q. I want to refer you to your statement again. 9812, Your Honours.

14 Paragraph 4:

17:35:24 15 "We, the 200 new recruits, left Kailahun with Issa a few hours after  
16 the passout. We didn't waste time. Issa said we were on our way to attack  
17 Kono. We reached Issa's camp, PC Ground, about four days later and Issa  
18 informed us that we were going to attack Kono the next morning. However,  
19 in PC Ground I ran into Wallace, who told me to stick with him."

17:36:18 20 A. I hid myself from PC Ground and went to Wallace at Kissi Town. There  
21 I was.

22 Q. Mr Witness, do you understand the need to tell the truth in this  
23 Court? Do you understand the importance of telling the truth?

24 A. Yes.

17:36:52 25 Q. Do you understand that it's very serious if you don't?

26 A. I know I've come here to tell the truth.

27 Q. Did you run into Wallace at PC Ground or did you go to Kissi Town  
28 having travelled there on foot?

29 A. He was at Kissi Town, there I went.



1 Q. Now you say when you arrived, having been kidnapped by Alie and  
2 others, that Issa Sesay was the main boss; is that right?

3 A. Where, Kissi Town? I didn't get you clear.

4 Q. Well, you're brought from Pa Hassan's house to Kissi Town; is that  
17:37:54 5 correct?

6 A. Yes, they captured me and Pa Hassan and brought us to Kissi Town.

7 PRESIDING JUDGE: The two of them were taken to Kissi Town after they  
8 were captured.

9 MR JORDASH: Yes.

17:38:14 10 Q. And what was the place that you were captured from with Pa Hassan  
11 where Pa Hassan was living?

12 A. It was around Koidu environs. There was a house, a newly built  
13 house, there we were.

14 Q. What was the place called, do you know?

17:38:37 15 A. The place was called Kwiyor.

16 Q. Kwiyor. Where were ECOMOG at this time, do you know?

17 A. By then ECOMOG have come, but they were stationed at Koakoyima  
18 towards Five-Five.

19 Q. So they were nearer to Makeni than they were to Guinea - is that  
17:39:14 20 right - ECOMOG? That's where Koakoyima is, do you understand?

21 A. Yes, somewhere at Koakoyima, somewhere towards Guinea highway end.

22 Q. So from what you have told us Pa Hassan was living with ECOMOG on one  
23 side and the rebels on the other side. So he was living, you say, between  
24 ECOMOG and the rebels. Is that your evidence?

17:40:00 25 A. Where I met him was in the bush. Around the area there was no other  
26 house there and if you look out you can't see any other houses. All was  
27 bush except for his house that was there.

28 Q. And his house was stationed, according to you, with ECOMOG on one  
29 side in Koakoyima and the rebels on the other side; is that right?



1 A. Yes.

2 Q. So in order to go to safety Pa Hassan could have just walked towards  
3 ECOMOG if what you say is true; isn't that right?

4 A. That might be so, but the time I met him he told me that there was no  
17:41:14 5 road to go to ECOMOG. He said if they see you going towards that end  
6 you'll be killed. That is what he told me.

7 Q. You see, what I'm suggesting to you, Mr Witness, is that there were  
8 no civilians between ECOMOG and the rebels. All the civilians were either  
9 with ECOMOG or with the rebels, not living in between. Do you understand  
17:41:41 10 my question? I am suggesting Pa Hassan was not living where you say he  
11 was.

12 A. I met Pa Hassan in the bush there. There was a single house there,  
13 there he was.

14 Q. And I would suggest -- well, let me not suggest, let me ask. Did you  
17:42:12 15 just voluntarily go to the rebels? Is that the truth of the matter,  
16 Mr Witness?

17 A. No, I didn't volunteer to be with them.

18 Q. But you did say when you arrived at Kissi Town Issa Sesay was the  
19 overall boss; is that correct?

17:42:46 20 A. Yes, but while we're in Kissi Town Superman was in charge of the  
21 entire place with Sesay.

22 MR JORDASH: Sorry, could you repeat that translation, please?

23 THE INTERPRETER: While we were there Superman was in charge of the  
24 whole place including Sesay.

17:43:16 25 MR JORDASH:

26 Q. Right. So when you arrived Superman was the boss of Issa Sesay; is  
27 that right?

28 A. By the time we arrived at Kissi Town, Issa Sesay was the overall  
29 boss, but yet he was there.



1 Q. Okay, let's refer you to these notes then. 9831, Your Honours,  
2 paragraph 128. I want to read you what the notes say again. Page 9831.  
3 Can I just check, Mr Witness, are you okay?  
4 A. [No translation]  
17:44:07 5 Q. I'm going to read you the notes -- are you okay, Mr Witness?  
6 A. No.  
7 PRESIDING JUDGE: Mr Witness, is anything wrong? You want to rest?  
8 THE WITNESS: Nothing wrong, sir.  
9 PRESIDING JUDGE: Can we continue?  
17:44:29 10 THE WITNESS: Yes.  
11 PRESIDING JUDGE: Are you sure?  
12 THE WITNESS: Yes.  
13 PRESIDING JUDGE: All right, okay.  
14 MR JORDASH:  
17:44:42 15 Q. Let me read paragraph 128 from the notes:  
16 "When I was brought from Pa Hassan's house to Kissi Town, I  
17 understood that there were three rebel bases: Kissi Town, PC Ground in  
18 Meiyor, and Banya Ground. When I arrived Superman was the overall boss.  
19 Later Issa became the overall boss."  
17:45:21 20 So did you tell the Prosecution that when you arrived at Kissi Town  
21 Superman was the overall boss?  
22 A. Yes, they asked me who was the leader. I told them that the town in  
23 which I was Superman was the leader.  
24 Q. Well, when was it that Issa Sesay became the overall boss?  
17:46:02 25 A. After spending a day, the next day it was then they called us and  
26 pronounced that Issa Sesay had become a general and it was then they  
27 introduced him to us as the overall boss of them all.  
28 Q. So when you arrived, though - is this right - you were told Superman  
29 was the overall boss above Issa Sesay? When you arrived.





1 A. They didn't tell us that he was the overall boss. They only said he  
2 was the commander in charge at that place. It was later on they told us  
3 that Issa Sesay had been made a general commander of them all.

4 Q. How long after you arrived were you told that?

17:47:09 5 A. We spent only a night. The following day Alie told us that -- he  
6 introduced Issa to us as the overall boss and said he was the overall  
7 commander of them all.

8 Q. And did Alie tell you then that the reason for that change was  
9 because Issa Sesay had become a general?

17:47:48 10 A. Yes, at that time. That was what he told me.

11 Q. Had Superman been a general then the day before?

12 A. At that time we met him being called colonel.

13 PRESIDING JUDGE: Who was being called colonel? Superman?

14 THE WITNESS: Superman.

17:48:23 15 MR JORDASH:

16 Q. How did you know, Mr Witness, that what Alie told you about Issa  
17 Sesay becoming a general -- how did you know that he was now the overall  
18 boss? How did you know it was true?

19 PRESIDING JUDGE: He was only told. He was told. He was told and he  
17:48:57 20 took what he was told for what he was told.

21 MR JORDASH:

22 Q. What was your evidence, Mr Witness, that what you'd been told was  
23 true?

24 A. He himself was introduced to us. We were one day seated at  
17:49:25 25 Superman's house when he was introduced to us. They appointed -- they  
26 pointed him to be the general.

27 Q. Who appointed him to be general?

28 A. Alie.

29 Q. What, so, is this right, then, Mr Witness: Alie was there with Issa



1 Sesay and said to Issa Sesay, "I'm promoting you to be a general"?

2 MR HARRISON: I think he said pointed, not appointed.

3 MR JORDASH: Thank you for the clarification.

4 Q. What did Alie say then as far as you can remember?

17:50:00 5 A. We are seated at Superman's house when they are coming. Then I ask  
6 Alie, "Who are those people coming?" Then he said, "That other man is  
7 General Issa, that is Morris Kallon and the other one is Superman."

8 Q. But how did that let you know that the situation had changed from  
9 Superman being the overall boss to Issa being the overall boss?

17:50:44 10 MR HARRISON: Objection. The witness has said that Superman was the  
11 overall boss has been put to him in the statement, but the witness made the  
12 clarification when he gave the answer that Superman was the overall boss of  
13 this camp.

14 JUDGE THOMPSON: Objection sustained.

17:51:04 15 JUDGE BOUTET: Yes, Mr Jordash, the witness has repeatedly stated  
16 that Superman was the boss at that camp.

17 PRESIDING JUDGE: At that camp where he was Superman was the boss  
18 there. The overall boss of the area was, according to him, General Sesay  
19 -- General Issa.

17:51:29 20 JUDGE BOUTET: His evidence is that the next day when he sees some --  
21 Alie points to this individual and says, "This is General Issa, he's the  
22 big boss." That is his evidence.

23 MR JORDASH: That is his evidence but if I can take him back to the  
24 notes just briefly and then I will move on.

17:51:46 25 JUDGE THOMPSON: Before you take him back to the notes, did he in his  
26 statement suggest there was a mechanism for verifying the accuracy of what  
27 he was told about who was overall boss or not?

28 MR JORDASH: No, I don't think there is.

29 JUDGE THOMPSON: Then how does he really react in terms of being



1 informed that he was overall boss by -- remember he was a captive.

2 PRESIDING JUDGE: And he was captured by that same Alie, the same  
3 Alie who is giving him the information.

4 JUDGE THOMPSON: Quite right. So how does he verify what he was told  
17:52:28 5 to be true or not? For example, suppose he is now told that the Honourable  
6 Mr Justice Benjamin Mutanga Itoe is the Presiding Judge or was appointed  
7 Presiding Judge. What does he do about that except accept it? Can he  
8 verify whether he is properly the Presiding Judge other than the empirical  
9 evidence here.

17:53:07 10 MR JORDASH: Well, it is the empirical evidence I was pursuing.

11 JUDGE THOMPSON: I see, right.

12 MR JORDASH:

13 Q. Just to take you back to your notes, just listen to them.

14 JUDGE BOUTET: So you're back to 9831?

17:53:22 15 MR JORDASH: Yes, Your Honour, 128.

16 JUDGE BOUTET: That's the paragraph that you pointed at 128.

17 MR JORDASH: Yes. I will move from this very swiftly.

18 JUDGE BOUTET: Okay, good.

19 MR JORDASH:

17:53:29 20 Q. The notes say: "When I arrived Superman was the overall boss. Later  
21 Issa Sesay became the overall boss."

22 JUDGE BOUTET: But, Mr Jordash, for better comprehension I would  
23 suggest that you start with the beginning of that paragraph. That would  
24 put it in the time frame.

17:53:50 25 MR JORDASH: Certainly.

26 Q. I will read the whole section so you understand, Mr Witness.

27 "When I was brought from Pa Hassan's house to Kissi Town I understood  
28 that there were three rebel bases: Kissi Town, PC Ground in Meiyor, and  
29 Banya Ground. When I arrived Superman was the overall boss. Later Issa



1 Sesay became the overall boss."

2 Did you say to the Prosecution when you arrived Superman was the  
3 overall boss, later Issa Sesay became the overall boss.

4 A. Those who went to obtain statement from me asked me. I told them  
17:54:59 5 that where I was Superman was the overall boss. Then the other day they  
6 introduce Issa to me as the overall general boss over them all.

7 Q. Okay. Isn't it right, Mr Witness, that during the first weeks when  
8 you were with Wallace in Kissi Town it was Superman who ordered attacks on  
9 Koidu Town?

17:55:58 10 A. No.

11 Q. Let me refer you to these notes again. 9820, Your Honours, paragraph  
12 35. I will read the note.

13 "During the first weeks when I was with Wallace in Kissi Town,  
14 Superman ordered attacks on Koidu Town. I did not participate in these  
17:56:39 15 attacks but I saw people coming back from these attacks with wounds and  
16 amputations."

17 Did you tell the Prosecution that during the first weeks when you  
18 were with Wallace in Kissi Town Superman ordered attacks on Koidu Town?

19 A. At first when we came from Kailahun it was then it was announced to  
17:57:19 20 all the commanders that every commander should announce in his own town  
21 that there should be an attack on Koidu. It was that time when Superman  
22 came and announced to us that there would be an attack on Koidu.

23 Q. Was this the attack after you'd returned from Kailahun?

24 A. Yes.

17:57:46 25 Q. At what stage did Superman announce that there'd be attack on Koidu  
26 Town?

27 A. After we came from Kailahun and I was staying with Superman, it was  
28 the other day that that announcement came up because that was his own  
29 ground, so he made the announcement to us.





1 Q. So you were staying with Superman after your return from Kailahun?

2 A. From Kailahun I went to Wallace at Kissi Town.

3 Q. Yes, and you got there, so you say, in the middle -- in the night; is  
4 that right?

17:58:46 5 A. Yes.

6 Q. And you saw Superman at Kissi Town, did you?

7 A. I didn't see him that night.

8 Q. Let me bring you back to this note, Mr Witness. "During the first  
9 weeks when I was with Wallace in Kissi Town, Superman ordered attacks on  
17:59:22 10 Koidu Town." Did you tell the Prosecution that in the first weeks Superman  
11 ordered attacks on Koidu Town?

12 MR HARRISON: The witness has had this question put to him and he has  
13 given an answer. The answer was that Superman was responsible for making  
14 the announcements as were all commanders in the various towns, and that was  
17:59:48 15 how they --

16 PRESIDING JUDGE: That there would be an attack. That there would be  
17 an attack.

18 MR JORDASH: But that is very different to what this note says and my  
19 learned friend knows it.

17:59:58 20 MR HARRISON: Yes, I accept it is different but you simply cannot  
21 keep putting the same question to a witness.

22 MR JORDASH: I put one -- the question -- sorry.

23 JUDGE THOMPSON: [Microphone not activated]

24 MR JORDASH: Your microphone, Your Honour.

18:00:15 25 JUDGE THOMPSON: What is the point that you are trying to put to the  
26 witness?

27 MR JORDASH: The point is this: That Superman, we say, was in charge  
28 of Kono.

29 JUDGE BOUTET: Kono?



1 MR JORDASH: Superman.

2 JUDGE BOUTET: Of Kono?

3 MR JORDASH: Of Kono District and Koidu Town and the environs of  
4 Koidu Town, including Superman camp, PC Ground, Meiyor village, et cetera.  
18:00:40 5 The witness appears to have said in notes Superman was the overall boss, he  
6 has given an answer to that. I am now eliciting other pieces of evidence  
7 which suggest that in fact Superman was at least ordering attacks and from  
8 that I would invite Your Honours to infer that he was commander in Kono at  
9 that time.

18:01:04 10 JUDGE THOMPSON: To show what?

11 MR JORDASH: To show that Mr Sesay wasn't.

12 JUDGE THOMPSON: I see.

13 MR JORDASH: And my learned friend has objected on the basis that I  
14 have asked a question, the witness didn't answer it and I have asked it  
18:01:21 15 again.

16 JUDGE THOMPSON: Actually, as far as --

17 MR HARRISON: My objection stands. The question was asked, it was  
18 answered, it was read out to him, the whole paragraph put to the witness  
19 and the witness responded fully.

18:01:34 20 MR JORDASH: Well, I'm sorry, but I don't accept the answer and I'm  
21 going to explore it.

22 JUDGE THOMPSON: Yes. I think if you want to develop the particular  
23 point you are entitled to do that, and I will overrule the objection and  
24 allow you to pursue it.

18:01:49 25 MR JORDASH: Thank you.

26 JUDGE THOMPSON: Without, of course, any tendency to abuse the  
27 process given here.

28 MR JORDASH: I won't.

29 MR HARRISON: Prosecution would like to ask if we could adjourn at



1 this point. It has been a very long day for the witness and I am  
2 suggesting that by 6.00 p.m., in fairness to the witness and in coherence  
3 of testimony for all parties so the truth can be found, that the  
4 Prosecution is asking that we stick to the schedule.

18:02:12 5 PRESIDING JUDGE: I am afraid we will stop when we have to stop,  
6 Mr Harrison.

7 JUDGE THOMPSON: Yes, quite.

8 MR HARRISON: There is a point in time the witness is -- [Overlapping  
9 speakers].

18:02:21 10 JUDGE THOMPSON: [Overlapping speakers]

11 PRESIDING JUDGE: Mr Harrison, please, we will stop when this  
12 Tribunal says it has to stop. We control the timing of this Tribunal.  
13 Mr Jordash, can you proceed, please.

14 MR JORDASH: Thank you.

18:02:37 15 JUDGE BOUTET: Before you do, may I ask you a question. Again, are  
16 you trying to elicit a different answer from the witness or are you asking  
17 this Court to come to some conclusion based on his answers. Because you  
18 have referred the Court and the witness to this paragraph 35 at page 9820  
19 as such, which in one way speaks for itself. You have put the question to

18:03:03 20 the witness asking the witness did you say so to the Prosecution, he said  
21 yes and then you have amplified. So I am just trying to see what it is you  
22 are trying to achieve with all of this. I am getting confused I must say  
23 with all of that.

24 JUDGE THOMPSON: As you answer my learned brother perhaps you need to  
18:03:22 25 satisfy me too how highly contentious is this particular issue and how  
26 important it is for your defence.

27 MR JORDASH: I cannot think of a more crucial issue for Kono.

28 JUDGE THOMPSON: If that is the case I don't think that we can  
29 legitimately and fairly limit your cross-examination because a witness has



1 answered the question once and therefore there is an answer which in the  
2 opinion of the Prosecution shows finality. I think you are entitled to  
3 cross-examine as vigorously and as thoroughly as you can on an issue which  
4 you consider extremely vital for your defence.

18:04:08 5 MR JORDASH: Thank you, I'll be very -- [Overlapping speakers]

6 PRESIDING JUDGE: This said, I imagine you're on an episode. As soon  
7 as you are through with this episode you should indicate to us that you are  
8 moving to a new episode. We don't want to leave the proceedings in the  
9 air. We have to come to some logical conclusion somewhere before we do  
10 rise.

18:04:32

11 MR JORDASH: Certainly.

12 PRESIDING JUDGE: So please take note of that.

13 MR JORDASH: Two or three questions on this point and I would then  
14 move to another area.

18:04:37 15 JUDGE BOUTET: Maybe to satisfy my own requirement in this respect,  
16 Mr Jordash, because I would say to you that one can order attacks and still  
17 be under the command of somebody else. I can see what issue you are  
18 pursuing to say well if you are ordering obviously you're the overall  
19 commander. But it is not clear from all of this, and I know this is what  
18:04:59 20 you are pursuing. So I would appreciate if you would clear the ambiguity  
21 if any. So if it is to be of assistance to your position because otherwise  
22 we are still left hanging over that with no answer.

23 MR JORDASH: I agree, Your Honour.

24 Q. Returning to the note, Mr Witness:

18:05:22 25 "During the first weeks when I was with Wallace in Kissi Town  
26 Superman ordered attacks on Koidu Town. I did not participate in these  
27 attacks but I saw people coming back from these attacks with wounds and  
28 amputations."

29 You spoke of an attack after you came back from Kailahun, but that





1 was not within the first weeks of your time in Kissi Town, was it?

2 A. When we came from Kissi Town we met those wounded that you're talking  
3 of.

4 Q. The note says, "During the first weeks Superman ordered attacks on  
18:06:24 5 Koidu Town." Is it correct that Superman ordered attacks on Koidu Town  
6 during the first weeks when you were with Wallace?

7 A. As soon as we came from Kailahun it was announced to us that we  
8 should go and attack Koidu Town.

9 Q. So was it Superman then who ordered the attack on Koidu Town after  
18:07:01 10 you came from Kailahun?

11 A. When we came back from Kailahun it was the same day Issa told us that  
12 we should go and attack Koidu Town. That was the time I hid myself. It  
13 was the other day I saw them gathering the people, preparing them for the  
14 attack.

18:07:36 15 Q. Do you know why your statement says -- why the notes say that  
16 Superman ordered attacks on Koidu Town in the first weeks? Concentrate on  
17 the question.

18 A. The time we came from Koidu -- I mean, from Kailahun, was the other  
19 day they told us we should attack Koidu.

18:08:07 20 Q. Mr Witness, I know you understand this question and I am going to ask  
21 it until you address your mind to it. Did you tell the Prosecution that  
22 Superman ordered attacks on Koidu Town during the first weeks with Wallace?

23 A. He said so in his own camp. There he assembled people and told them  
24 about it.

18:08:37 25 PRESIDING JUDGE: Mr Jordash, this witness is saying that when they  
26 returned from Kailahun it was on this same day that Issa told them that  
27 they were supposed to go and attack Koidu Town. I mean, that is the state  
28 of the evidence. And now he has said, you know, that Superman made the  
29 announcement of the attack only in his own section. You see, I do not



1 know, you know, see the distinction you're wanting to create and the  
2 [inaudible] that you want to raise in this in order to shift the  
3 responsibility of command from Superman -- or rather from your client to  
4 Superman. But again, these are matters which having been brought to light  
18:09:38 5 would be better addressed at an appropriate time, because it would be very,  
6 very difficult to you know -- the witness is saying just what he is saying  
7 and he has gone through these questions and given answers to this over and  
8 over again.

9 MR JORDASH: Well, he has just answered the question and I am happy  
18:09:58 10 to leave it at that.

11 PRESIDING JUDGE: Well, that's it.

12 MR JORDASH: If I may just ask one more question.

13 PRESIDING JUDGE: Please do.

14 MR JORDASH:  
18:10:07 15 Q. I want you to think very carefully about this, Mr Witness. You do  
16 appreciate that there are other witnesses who will come to court and talk  
17 about what was happening in Kono at that time with the rebels. You  
18 appreciate that?

19 PRESIDING JUDGE: How relevant is that to the evidence he has given,  
18:10:33 20 that other witnesses will come to give evidence?

21 MR JORDASH: Okay, let me cut through this.

22 JUDGE THOMPSON: Isn't that for the Prosecution? Whether other  
23 witnesses will come to testify.

24 PRESIDING JUDGE: And maybe for the Defence as well. We know that we  
18:10:51 25 shall have Defence witnesses.

26 JUDGE THOMPSON: Not for the witness. Need he know that.

27 MR JORDASH: I'm simply -- well, I'm asking if he does.

28 JUDGE THOMPSON: And to what purpose -- how will this assist the  
29 Court?



1 MR JORDASH: It may not assist the Court at this stage, but it may  
2 assist the witness in telling the truth.  
3 JUDGE THOMPSON: All right.  
4 JUDGE BOUTET: So it would assist the Court.  
18:11:12 5 MR JORDASH: So it will in the end, of course. But I will shortcut  
6 this.  
7 Q. Think carefully about your answer. It is not right, is it,  
8 Mr Witness -- let me just start that again. Isn't it right, Mr Witness --  
9 PRESIDING JUDGE: [Overlapping speakers] impeded by too many paper  
18:11:40 10 bullets.  
11 MR JORDASH: A very, very, active client.  
12 PRESIDING JUDGE: Yes, go ahead, please.  
13 MR JORDASH:  
14 Q. Mr Witness, isn't it right that the truth is this: That Meiyor  
18:11:57 15 village had a rebel camp and it was known as Superman camp? Think  
16 carefully.  
17 A. The towns I know of was PC Ground, Banya camp and Kissi Town camp.  
18 Those are the three camps I know of.  
19 MR HARRISON: I stand to be corrected but I thought prior to the  
18:12:40 20 translator's intervention the witness said Banya Ground as opposed to Banya  
21 camp.  
22 MR JORDASH:  
23 Q. Is your evidence then this, Mr Witness: That you have never heard of  
24 a camp called Superman Ground? Is that your truthful evidence?  
18:13:05 25 A. Yes, I was at Kissi Town.  
26 Q. No. Is your truthful evidence that you have never heard of a camp  
27 called Superman camp?  
28 JUDGE BOUTET: Superman camp or ground?  
29 MR JORDASH: Ground, sorry. Let me do that again.



1 Q. Just think of your answer. You say you were with the rebels around  
2 Kissi Town; yes?  
3 A. Kissi Town itself, yeah.  
4 Q. And you were there for several weeks; is that correct?  
18:13:56 5 A. Yes, for several weeks before we left there.  
6 Q. And during your time there did you ever hear of a camp called  
7 Superman --  
8 PRESIDING JUDGE: Ground.  
9 MR JORDASH:  
18:14:19 10 Q. -- Ground?  
11 PRESIDING JUDGE: He was going to miss it again.  
12 MR JORDASH: I was.  
13 Q. Did you ever hear of a ground -- camp called Superman Ground?  
14 A. No, I didn't hear that.  
18:14:43 15 MR JORDASH: I'm moving to a fresh subject, Your Honours.  
16 PRESIDING JUDGE: Since learned counsel has indicated that he is  
17 moving on new ground, we cannot embark on that now given the time. So the  
18 Court will rise and resume sitting tomorrow at 9.30. The Court will rise,  
19 please.  
18:15:44 20 [Whereupon the hearing adjourned at 6.15 p.m., to be reconvened on Friday,  
21 the 8th day of April 2005, at 9.30 a.m.]  
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WITNESSES FOR THE PROSECUTION:

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