

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

FRIDAY, 8 APRIL 2005  
10.02 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  
Ms Eleanor Hutchison

For the accused Morris Kallon:

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

For the accused Augustine Gbao:

Mr John Cammegh  
Mr Ben Holden

1 [HS080405A - SV]  
2 Friday, 8 April 2005  
3 [Open session]  
4 [The accused Gbao not present]  
10:02:30 5 [The witness entered court]  
6 [Upon commencing at 10.02 a.m.]  
7 PRESIDING JUDGE: Learned counsel, good morning. We are resuming our  
8 session and, Mr Jordash, I wonder how many more hours you have to stand on  
9 your feet in this process. I wonder for how many more hours you imagine  
10:05:39 10 you will be on your feet.  
11 MR JORDASH: A substantial part of the day, I would imagine.  
12 PRESIDING JUDGE: A substantial part of the day.  
13 MR JORDASH: But I will certainly finish today.  
14 PRESIDING JUDGE: Okay.  
10:05:50 15 JUDGE BOUTET: That's encouraging.  
16 PRESIDING JUDGE: Okay. We don't exclude surprises in these time  
17 frames anyway.  
18 MR JORDASH: Thank you.  
19 PRESIDING JUDGE: In terms of brevity. Yes, Mr Harrison.  
10:06:06 20 MR HARRISON: The Prosecution wanted to report some information to  
21 the Court this morning. Last evening after the close of the session the  
22 Prosecution was given information by the psychologist from the witness  
23 management unit who, during the lunch break yesterday, spoke with the  
24 witness as to his general well-being and in the course of that very brief  
10:06:31 25 conversation the witness made a comment about the interpretation at that  
26 time. The witness's comment was to the very general effect that the  
27 witness was concerned about the way in which his words were being  
28 interpreted.  
29 In addition to that, the Prosecution wanted to let the Court know



1 that we've also been given information by the interpretation unit that  
2 yesterday morning the prosecuting attorney, his words had to be interpreted  
3 or explained to the Sierra Leonean interpreters. There was some difficulty  
4 in understanding the questions that were being put by the Prosecution at  
10:07:23 5 the time.

6 So in fact the Prosecution never took any steps to investigate this  
7 further and we wish to assure the Court that at no time was there any  
8 attempt to discuss this with the witness to learn anything further. I've  
9 explained this to Mr Jordash and the only suggestion the Prosecution has to  
10:07:44 10 offer is that the Court itself may wish to ask the witness if there's any  
11 concerns he has. Alternatively, the Court may think it's more appropriate  
12 that Mr Jordash do that. The Prosecution sees either course of conduct as  
13 being appropriate in the circumstances.

14 [Trial Chamber confers]

10:09:15 15 JUDGE THOMPSON: Mr Witness, good morning. Is he hearing me?

16 THE INTERPRETER: Your Lordships, the witness's mic is off.

17 PRESIDING JUDGE: His microphone is not on.

18 JUDGE THOMPSON: I see. Switch it off for the time being. Switch it  
19 off again. So in fact he didn't hear the representations you made to the  
10:09:49 20 Court this morning.

21 JUDGE BOUTET: He may still even though his mic was off. His  
22 earphones may have been working but not his mic.

23 MR HARRISON: I think you'd have to ask the witness, I don't know.

24 JUDGE THOMPSON: Whether he heard what you said this morning.

10:10:03 25 MR HARRISON: Yes, I think you'd have to ask the witness if he heard.

26 JUDGE THOMPSON: Mr Witness, good morning. Did you hear what counsel  
27 for the Prosecution said just now to the Court? Was it translated to you?

28 THE WITNESS: Yes, it was translated.

29 JUDGE THOMPSON: Do you have any comments to make on that, on what



1 counsel said to the Court this morning?

2 THE WITNESS: Yeah. It was only yesterday the woman who was  
3 interpreting, she did not interpret well to me. That which was said in  
4 English was not well interpreted to me in Kono.

10:11:07 5 JUDGE THOMPSON: How many instances did this happen?

6 THE WITNESS: It started when the questioning began.

7 JUDGE THOMPSON: Well, we want to assure you from the Bench that if  
8 you have any problems with interpretation you have a right to inform us so  
9 that we can make sure that we rectify any difficulties that you have. Are  
10:12:02 10 you with us?

11 THE WITNESS: Yes, sir.

12 JUDGE THOMPSON: So any time there are problems of interpretation let  
13 the Court know and we'll make sure that we correct any mistakes and errors.

14 THE WITNESS: Yes, sir.

10:12:23 15 JUDGE THOMPSON: With that assurance, except if the Defence wants to  
16 say anything -- and perhaps here we would solicit the cooperation of the  
17 Defence and also the Prosecution. I think that any time there is some  
18 problem with the interpretation it is eminently in the interests of justice  
19 that the Bench be alerted on this so that we do not really reflect on the  
10:12:54 20 record incorrect renditions of the evidence.

21 MR JORDASH: Could I perhaps just offer this information. Yesterday  
22 at one stage Mr Sesay indicated that there was a problem with the  
23 translation and he indicated that in relation to one of the witness's  
24 answers. At that stage the interpretation changed from a female translator  
10:13:24 25 to a male translator and then the problem was resolved.

26 JUDGE THOMPSON: Yes. Perhaps we should also ask the head of the  
27 translation unit to again lend her expertise and the expertise of her staff  
28 in ensuring that we avoid situations of this nature.

29 MS EHRET: If I may quickly assure you that as soon as it got clear



1 that the female interpreter was having difficulties I exchanged her to one  
2 of the other ones.

3 JUDGE THOMPSON: Thank you for that information. It's just that we  
4 are soliciting the cooperation of everyone. These are not easy situations,  
10:14:25 5 we recognise. But I think all we can say is that we should all do the best  
6 we can to ensure the integrity of the proceedings. Thank you. Learned  
7 counsel for the first accused, your witness.

8 MR JORDASH: Your Honour, thank you.

9 WITNESS: TF1-263

10:14:42 10 CROSS-EXAMINED BY MR JORDASH: [Continued]

11 Q. Good morning, Mr Witness?

12 A. Yes.

13 Q. Just a very quick subject. You say that there were three bases in  
14 Kono. Kissi Town which was under the command of Superman; is that right?

10:15:07 15 A. Yes.

16 Q. Banya Ground under the control of Morris Kallon?

17 A. Yes.

18 Q. And PC Ground in Meiyor village under the command of General Issa?

19 A. Yes.

10:15:27 20 Q. With Issa, you say, as the overall boss?

21 A. Yes. He was the overall boss in charge of the entire camps.

22 Q. Bearing in mind that you say he was the overall boss, what makes you  
23 conclude that he was the specific boss of PC Ground?

24 A. The camps were shared amongst them. PC Ground, Issa was in charge of  
10:16:36 25 there. Banya Ground, Banya was in charge of there. And Kissi Town was  
26 with Superman. But in the overall he was in charge. Everybody had control  
27 over his own camp.

28 Q. Listen to the question, Mr Witness. We understand that you say  
29 Mr General Issa was the --



1 MR TOURAY: Excuse me. It's just a question of interpretation. I  
2 heard the interpreter say Banya Ground was controlled by Banya. Is that  
3 correct?

4 PRESIDING JUDGE: It must have been a slip of the tongue.

10:17:16 5 MR TOURAY: We want it confirmed, Your Honour.

6 PRESIDING JUDGE: I think we can let him -- Mr Interpreter, you said  
7 Banya Ground was under the control of Banya. Is that what the witness  
8 said?

9 THE INTERPRETER: Kallon, sir. Morris Kallon.

10:17:35 10 MR TOURAY: As Your Honour pleases.

11 PRESIDING JUDGE: That's why I took it for a slip of the tongue, you  
12 know. Anyway, it's okay.

13 JUDGE BOUTET: You are obviously paying a lot of attention to the  
14 translation, that's good. Thank you.

10:17:45 15 MR JORDASH:

16 Q. Let me repeat the question, Mr Witness. We understand that you say  
17 that PC Ground was under the command of General Issa. What I'm asking you  
18 is why did you conclude that it was under the command of General Issa?

19 A. The reason why I thought so, because he was the commander in charge  
10:18:24 20 of PC Ground per se.

21 Q. But what did you observe or hear which led you to come to that  
22 conclusion?

23 A. The time we came from Kailahun, it was he I met there.

24 Q. But you may have met him, so you say, at PC Ground --

10:19:12 25 A. I left him there before going to Kailahun and when I came back he was  
26 in charge.

27 Q. But how did that make you conclude that he was specifically in charge  
28 of PC Ground?

29 A. By then he was the only general in charge of that ground and all of



1 the other people were in charge of their own grounds. So that made me  
2 conclude that he was in charge of that ground.

3 Q. But you tell us that General Issa was the boss of all three bases.  
4 What I'm asking is why, simply because General Issa was at PC Ground, did  
10:20:20 5 you conclude PC Ground was his specific base?

6 A. What I'm saying, he was the commander in charge of that town.

7 Q. But he was also the commander, according to you, of all three towns.  
8 So his presence at PC Ground could be consistent with him being simply the  
9 overall commander of all three camps. Do you follow?

10:21:02 10 PRESIDING JUDGE: Learned counsel, I think we should move fast. Do  
11 you have instructions on the contrary that he was a commander of that  
12 ground? If you do you can put the question to him, because I think he is  
13 trying, as much as he has been able to, to answer this question. We're  
14 moving round and round and round. Before he went to Kailahun he left him  
10:21:32 15 there as a general. When he came back he met him there and he was the only  
16 general and so on and so forth. If there's any instruction from your  
17 client that the contrary is the case I think we better move on to that so  
18 that we move faster than we ordinarily would if we keep turning around and  
19 asking him to show why, why, why.

10:21:59 20 MR JORDASH: But why is important. It's easy if a witness --

21 JUDGE THOMPSON: Just a minute. I'm also in a state of bewilderment  
22 as my learned brother the Presiding Judge. In other words, are you trying  
23 to elicit from this witness what criteria or yardstick he used to determine  
24 who was commander of PC Ground or the other bases and how did he come to  
10:22:31 25 the conclusion that General Issa was the overall commander of the three  
26 bases?

27 MR JORDASH: No.

28 JUDGE THOMPSON: Is that not what you're trying elicit?

29 MR JORDASH: No. What I'm trying to elicit is why it was that this



1 witness concluded that the specific base PC Ground was controlled  
2 specifically by Issa Sesay.

3 JUDGE THOMPSON: Right. But of course this is -- in other words,  
4 you're not in any way concerned now about whether he was overall commander  
10:23:08 5 of the entire three sets of camps. Because the evidence is that - I'm  
6 looking at the tenor of the evidence - he virtually said that the camps  
7 were shared.

8 MR JORDASH: Well, that would make Issa Sesay the specific commander  
9 of each camp.

10:23:27 10 JUDGE THOMPSON: Of PC Ground.

11 MR JORDASH: Of each camp.

12 JUDGE THOMPSON: But he said also that he was the overall commander  
13 of the entire camp system. So I'm not sure how you are trying to  
14 desegregate, so to speak, the command role in respect of PC Ground, which  
10:23:46 15 he said he was specifically commander of, and also the overall command of  
16 the camp establishment. My difficulty is really how else would he know,  
17 other than by telling us that from his knowledge the camps were shared  
18 under three commands?

19 MR JORDASH: But that's the point.

10:24:11 20 JUDGE THOMPSON: That's my difficulty.

21 MR JORDASH: The point I'm making is this: How would this witness  
22 know that -- given Issa Sesay was the commander of all three bases, how  
23 would he know he was also the specific commander of a specific base?

24 JUDGE THOMPSON: Well, that's my difficulty.

10:24:32 25 MR JORDASH: It's the witness who makes the distinction.

26 JUDGE THOMPSON: Yes. In other words, the question is: Is it  
27 something that he would just intuit or would it depend on some empirical  
28 assessment.

29 MR JORDASH: It's very easy, I would respectfully submit, for



1 witnesses to come and say Mr Sesay was commander of X, Mr Sesay was  
2 commander of Y. It's much more difficult for witnesses to say why it is  
3 they concluded that and that's what I'm trying to --

4 JUDGE THOMPSON: I'm not in any way going to foreclose that. It's a  
10:25:08 5 legitimate inquiry. I just wanted to get the background from what he said  
6 so far in terms of what he knows; the camps were shared by among three  
7 commanders and he's named them.

8 JUDGE BOUTET: I'm concerned that this exchange was heard by the  
9 witness and that may not have been the proper -- he should have turned off  
10:25:23 10 his earphones. I'm not even sure if the witness understands English or  
11 not, that's another issue. But maybe we should clarify that for the future  
12 in case we have these kind of arguments.

13 MR JORDASH: Certainly.

14 JUDGE BOUTET: I'm saying that because, in fairness to you, obviously  
10:25:38 15 you're trying to establish some issues here and I don't think these kinds  
16 of discussions should be heard by the witness.

17 MR JORDASH: I agree, Your Honour.

18 JUDGE BOUTET: My concern is: Presumably you're moving in that  
19 direction on the question of credibility in the assessment of the overall  
10:25:58 20 picture and that's why you're moving with these types of questions. At  
21 least that's my understanding of this line of questions.

22 MR JORDASH: Yes. That's what I'm trying to --

23 JUDGE BOUTET: Okay.

24 PRESIDING JUDGE: This said, Mr Jordash, you may proceed and see what  
10:26:15 25 you can squeeze out of him.

26 MR JORDASH: I can conclude this section, I think, quite quickly.

27 JUDGE BOUTET: Because it was a short issue that you mentioned it was  
28 for.

29 PRESIDING JUDGE: Mr Jordash, we will say we lengthened it. That's



1 all right, we'll say that we lengthened it.

2 MR JORDASH: I'm grateful for the excuse.

3 Q. Can I just put this question then, Mr Witness. Is the only reason  
4 you concluded that General Issa was specifically in command of PC Ground  
10:26:49 5 because you'd seen him there before you went to Kailahun and also you saw  
6 him after Kailahun there. Is that the only reason?

7 A. Yes, he was there and he was the only authority there and in any town  
8 you, who is an authority, I think you should take control of everything  
9 there and that's the reason I said he was in charge.

10:27:25 10 Q. Was he there every day?

11 A. The time we were there he was there every day.

12 Q. So he was there every day before you went to Kailahun; is that right?

13 A. Yes. We even left him there.

14 Q. He was there for the first two weeks you were in Kissi Town; is that  
10:28:00 15 right?

16 A. Yes, he was there.

17 Q. And you saw him every day, did you?

18 A. I cannot say every day because I was not going there daily, but he  
19 used to come to Kissi Town to us.

10:28:27 20 Q. In the first two weeks can you estimate how many times you saw him?  
21 Or just let's stick with the first week. In the first week?

22 JUDGE BOUTET: In the first week you mean before the witness went to  
23 Kailahun?

24 MR JORDASH: Your Honour, yes.

10:28:46 25 Q. In the first week before your capture did you see him most days?

26 A. Yes.

27 Q. Now moving on -- before I do, did you see him most days after your  
28 return from Kailahun?

29 A. When we came from Kailahun, while we were there I did see him.



1 MR JORDASH: Is that didn't or did, Translator, please?  
2 THE INTERPRETER: I did see him.  
3 MR JORDASH:  
4 Q. Did see him. Most days?  
10:29:26 5 A. Yes, while I was there after coming from Kailahun.  
6 Q. Thank you. Now, you told us two days ago that you'd seen  
7 General Issa standing at a junction with a pistol in his hand. Do you  
8 remember describing that incident?  
9 A. Yes.  
10:29:54 10 Q. You were going with Wallace from Kissi Town to PC Ground; is that  
11 right?  
12 A. Yes.  
13 Q. And you were walking; is that right?  
14 A. Yes.  
10:30:11 15 Q. And you and Wallace walked from PC Ground to Kissi Town to fetch a  
16 bag of rice; is that right?  
17 A. Yes.  
18 Q. And did you fetch the bag of rice?  
19 A. Yes.  
10:30:34 20 Q. And you and Wallace carried the bag of rice back from PC Ground all  
21 the way to Kissi Town; is that right?  
22 A. Yes.  
23 Q. Was that a big bag of rice you were walking with?  
24 A. No, it was just half bag.  
10:31:03 25 Q. Can you indicate with your hands how big?  
26 A. The rice was full bag but when we went they shared it into two, into  
27 halves.  
28 Q. How big was the -- use your hands?  
29 A. It was fairly big.



1 Q. Thank you. And you saw General Issa and when you walked past you  
2 then heard the gunshots; is that right?

3 A. Yes.

4 Q. On your return you saw five dead bodies; is that right?

10:32:03 5 A. Yes.

6 Q. You didn't know the names of the people who were dead but, the way  
7 they were dressed, you were able to say it was the same people you'd seen  
8 held hostage previously; is that right?

9 A. Yes.

10:32:27 10 Q. Was it the fact that you recognised their trousers and shirts or  
11 what; can you remember?

12 A. Yes, while we were passing along.

13 Q. So you'd taken note of their trousers and shirts and recognised them  
14 when you returned; is that right?

10:32:57 15 A. Yes.

16 Q. Is there any reason then, Mr Witness, that you told us two days ago  
17 that these five people were naked with some wearing just underpants?

18 A. Yes. So I said that they had only underpants and they were tied.

19 Q. Well, how was it then you were able to recognise their trousers and  
10:33:44 20 shirts?

21 A. By then they had no shirt and trousers on. It was only underpants  
22 they had on and they were tied. That's how I recognised them that they  
23 were the same people.

24 Q. Sorry, it was their underpants that you recognised, not their  
10:34:09 25 trousers and shirts?

26 A. Yes, by then they were tied up there.

27 Q. Concentrate on the question, Mr Witness. Was it their underpants you  
28 recognised?

29 A. That very day they all had underpants. It was only one person who



1 was dressed in country clothes and trousers. But all the others had  
2 underpants on them.

3 Q. This incident, you say, happened in the second week of your capture  
4 by the rebels; is that right?

10:34:57 5 A. I didn't get that clearly, sir.

6 Q. You told us on Wednesday that this incident with General Issa  
7 happened in the second week of your arrest by the rebels; is that correct?

8 A. Yes. After the first week, the second week, it was then the incident  
9 happened.

10:35:34 10 Q. And just to summarise, Mr Witness, you have told us that you had been  
11 introduced to General Issa on the first day of your arrest; is that right?  
12 Or second day of your arrest?

13 A. After my arrest on the first day, it was the second day when they  
14 came there, then it was then they introduced him to me as General Issa.

10:36:16 15 Q. And that's when you learnt that General Issa was the boss even of  
16 Superman; yes?

17 A. Yes, as an overall boss over them all.

18 Q. And you told us earlier today that you'd seen Issa most days during  
19 that first week; is that right?

10:36:37 20 A. [No interpretation]

21 THE INTERPRETER: I didn't get the witness clear, sir.

22 MR JORDASH:

23 Q. Could you repeat your answer, Mr Witness, please?

24 A. What you said just now, I didn't get you.

10:37:22 25 Q. It's also true that you'd seen General Issa most days in the first  
26 week; is that right?

27 A. Yes, the day he was introduced to me.

28 PRESIDING JUDGE: Is the evidence that -- I imagine the evidence is  
29 that he was introduced to him in Kissi Town. General Issa came to Kissi



1 Town and that was where he was introduced to him.

2 MR JORDASH: Yes.

3 Q. And then you also saw him on most days in the first week of your  
4 capture; is that right?

10:38:07 5 A. Yes, he used to come there.

6 Q. Right. Thank you. Now I want to refer you to your statement of  
7 2003, page 9809, the second to last paragraph. That's 9809. I'm just  
8 going to read a section of your statement to you. I'm looking at the third  
9 paragraph, five lines from the bottom. This is what the statement says,

10:38:55 10 Mr Witness:

11 "On our way back to our camp after having gotten the bag of rice we'd  
12 come for I saw who I think were the five men we'd seen standing on the road  
13 lying face down dead next to the others. Issa and the other rebels had  
14 gone by then. I didn't" --

10:39:34 15 PRESIDING JUDGE: Issa and the other rebels.

16 MR JORDASH: Had gone by then.

17 Q. Do you recognise this as part of your statement, Mr Witness?

18 A. Yes.

19 Q. "I don't think these people were prisoners because I saw old, old men  
10:39:48 20 and women among them. Wallace later told me he wasn't happy about that  
21 killing there." Do you recognise that as part of your statement,  
22 Mr Witness?

23 A. I didn't say that they were old men. What I said was that I saw  
24 men -- five men tied up.

10:40:23 25 Q. Okay. Do you recognise the statement: "Wallace later told me he  
26 wasn't happy about that killing there"?

27 A. He told me that.

28 Q. Okay. Now this is the part I'm particularly interested in. The next  
29 paragraph starts like this:



1 "At the time I didn't know this man with the pistol was Issa.  
2 However, the next day Issa called a big meeting for all the abductees and  
3 it was then I definitely recognised the man I'd seen that day on the road  
4 as the man who was doing the talking at that meeting. I can't remember if  
10:41:37 5 he introduced himself but everyone, everyone, commented that it was Issa."

6 So do you recognise that as part of your statement?

7 A. That day when they asked me what I explain, I can even explain it  
8 now.

9 Q. Well, I'm not asking you to explain it now. What I'm asking you to  
10:42:17 10 do is consider how it is your statement suggests that you did not know who  
11 Issa was until a meeting for all the abductees after the incident with the  
12 five kidnapped people?

13 A. In the first place, I told you that when I came they asked me that --  
14 the first day they introduce Issa to me, the next day when I came, and it  
10:43:05 15 was thereafter I saw Issa and the five men tied up.

16 Q. Well, I think you know, Mr Witness, that that's not an answer to the  
17 question. The question is: Your statement suggests that at the time you  
18 saw Issa with the pistol you did not know who he was. Did you tell the  
19 Prosecution you did not know who he was?

10:43:40 20 A. They asked me and I told them that it was Issa who was there standing  
21 with his bodyguards with gun in his hand.

22 Q. Did you tell the Prosecution that you only found out it was Issa at  
23 the meeting for the abductees?

24 A. I didn't get that story.

10:44:06 25 Q. Did you tell the Prosecution that you only realised it was Issa  
26 after -- sorry, at the time of the meeting with the abductees?

27 A. I told the Prosecution -- the Prosecution that that was the third  
28 time for me to know Issa again, the time he called up that meeting.

29 Q. So what you said to the Prosecution, according to you, is that the



1 time you saw Issa at the meeting for the abductees was in fact the third  
2 time you'd seen Issa; is that right?

3 A. They asked me how many times did I see Issa. I told them that that  
4 was the third time I saw Issa, in that meeting.

10:45:31 5 Q. So the words in this statement concerning not knowing who Issa was,  
6 somebody else has put them in your statement, have they?

7 A. Well, as long as I know, what I told them is what I've explained to  
8 you.

9 Q. Okay, thank you. Isn't the truth this, Mr Witness: That you were  
10:46:11 10 never introduced to Issa Sesay at any stage?

11 A. They introduced me to him at Kissi Town.

12 Q. And you were never introduced to him as -- he was never introduced to  
13 you as a general because in fact he was a colonel at this time?

14 A. He was introduced to me as a general while we were sitting at  
10:46:56 15 Wallace's place under the mango tree.

16 Q. Now, you say you were sent to Buedu for training?

17 MR HARRISON: I apologise for interrupting but there may be a  
18 resulting problem with the translation. I think it's more familiarly known  
19 to this witness as Buedu. We may just have gone in a circle where the  
10:47:29 20 witness says I don't know.

21 MR JORDASH: I appreciate that. It was only laughing at my own  
22 pronunciation.

23 PRESIDING JUDGE: It's to show that Mr Harrison is more locally based  
24 than some people.

10:47:31 25 MR JORDASH: He lives in country, you see.

26 PRESIDING JUDGE: That's right. He's a countryside man.

27 MR JORDASH:

28 Q. You went for training in Buedu; is that right?

29 A. Yes, I went there.



1 Q. Can you help us where this training camp was in Buedu?

2 A. They called the place Buedu Training Camp.

3 Q. Are you able to assist with any landmarks or indication where the  
4 camp was?

10:48:38 5 A. We arrived there in the evening, towards the night hours. But the  
6 parts we did, they created was around the town towards the bush end. It  
7 was in the bush where the camp was.

8 Q. And was the camp a series of houses or was the camp a field? What  
9 was it? Give us a description of the camp?

10:49:19 10 A. We met booth there. They build booths.

11 Q. They build boots?

12 A. Booths.

13 MR HARRISON: I can try to help if you wish. I think they're trying  
14 to say booths, B-O-O-T-H.

10:49:46 15 MR JORDASH: Booths, I see. Thank you.

16 Q. And did you sleep in the booths or not?

17 A. Yes, that was our dwelling places.

18 Q. And the training took place outside of the booths or in a different  
19 place to where you slept?

10:50:08 20 A. There was an open place, a field like, where we did the training.

21 Q. Now, we've heard of Monica being the commander. Who else were your  
22 trainers?

23 A. She was the training commander, although she had assistants who  
24 assisted her in training us. They used to go along with us while we were  
10:50:53 25 jogging.

26 Q. Can you name any of them?

27 A. While we were there I managed to get the name of a single person.

28 Q. Who was that?

29 A. They called him Blood.



1 Q. So is this right: In two months of training in Buedu the only two  
2 commanders in the camp you can name is Monica and Blood. Is that right?

3 A. Yes. Yes, but Monica was in charge. She used to send them to get us  
4 a lot to go out for training.

10:52:00 5 Q. Were you trained on such things as the size of companies?

6 A. Yes, we were shared in companies.

7 Q. How many men in an RUF company, Mr Witness?

8 A. By then they shared us into groups of 15.

9 Q. Well, were you trained in the size of battalions?

10:52:51 10 A. I didn't go for that to check that because by then I did not know  
11 much about the rebel activities.

12 Q. Were you not trained on the camp about RUF structure such as number  
13 of men in companies, number of companies in battalions?

14 A. They did not explain that to us. Only what they did was to divide us  
10:53:22 15 into the group of 15.

16 Q. Well, you say that in your company there was only 15 persons; is that  
17 right?

18 JUDGE BOUTET: He didn't necessarily say in his company. He said he  
19 was placed in a group of 15. So whether this is a company or not, maybe  
10:53:49 20 you can ask him. But I didn't get that notion from his answer.

21 MR JORDASH: Your Honour is right.

22 PRESIDING JUDGE: They divided them in groups, 15, 15, and there was  
23 one group which had 10. He fell in a group, I think, which had 10 or so.

24 MR JORDASH:

10:54:04 25 Q. Were you divided into a company, Mr Witness?

26 A. I did not get you, sir.

27 Q. Were you, after the training, divided into a company?

28 A. After we'd been divided into a group of 15, thereafter we were again  
29 divided into subgroups.



1 Q. Well, on Wednesday, Mr Witness, you told us that there was 10 people  
2 in your company. Is that right or not?

3 A. The last time they asked me that we were 15 in our groups and they  
4 again ask me how many children were there. I said we were 10 in the group.

10:55:12 5 Q. Sorry, you're correct. I beg your pardon, Mr Witness?

6 PRESIDING JUDGE: In his own group.

7 MR JORDASH:

8 Q. Yes. What you did say was that there were 15 people in one company?

9 PRESIDING JUDGE: And 10 in his own group.

10:55:29 10 MR JORDASH: 10 of his own age group in his.

11 Q. But 15 persons in one company; is that right?

12 A. That one is not clear to me, sir.

13 Q. You told us on Wednesday that there were 15 persons in one company.  
14 Is that your evidence?

10:56:01 15 A. I didn't say 15.

16 Q. What do you say? Were you divided into a company or not?

17 A. The day we were divided into those groups I never knew whether it was  
18 a company. They didn't tell us whether it was a company. They just  
19 divided us. That is what I know.

10:56:33 20 Q. Did you have a particular -- let me start that again. Every day you  
21 would work with instructors; is that right?

22 A. Yes, those who were there.

23 Q. Every day you would work with instructors that you knew from the day  
24 before; is that not right?

10:57:10 25 A. Yes, except for a friend with whom we are all training.

26 Q. How is it you cannot name the instructors but Blood and Monica?

27 A. The way you brought the question, that was the reason I answered you  
28 so. But after the training they showed us a leader for our group.

29 Q. Well, what his name or her name?



1 A. The person whom they appointed that day was Alie. They said he was  
2 in charge of our group.

3 Q. So this is the same Alie from Kono, is it?

4 A. No. The one at Kono, we left him there.

10:58:12 5 Q. Any other instructors you can name now?

6 JUDGE BOUTET: It's not clear to me that we're talking of the same  
7 thing. The witness seemed to be saying there was one in charge of their  
8 group by the name of Alie, but he didn't say he was an instructor.

9 MR JORDASH: That's true.

10:58:33 10 JUDGE BOUTET: Just to avoid the confusion here. It may be that Alie  
11 was their group leader and he was an abductee like him, I don't know but I  
12 have that sense. So, in other words, one of them was appointed the group  
13 leader and then there were instructors over and above that. You may wish  
14 to clarify that with the witness.

10:58:52 15 MR JORDASH: I will, your Honour. Thank you.

16 Q. Was Alie the person from your age group who was appointed the  
17 commander of your group?

18 A. I didn't ask for his age but he was a little bit taller than most of  
19 us.

10:59:19 20 Q. And he was from your group of trainees; is that right?

21 A. Yes.

22 Q. Now, how many instructors do you think there were -- well, let me  
23 start that again. How many instructors did you come into contact with?

24 A. The only instructors I did see fast-fast was Monica and Alie.

11:00:02 25 PRESIDING JUDGE: But there must have been some other -- there may  
26 have been. Mr Witness, there may have been some other instructors. Even  
27 if you do not remember their names, how many more -- besides Monica and  
28 Blood, who were the other -- were there other instructors and, if there  
29 were, how many of them were there besides Monica and Blood?



1 THE WITNESS: The time we were there Mosquito used to visit us but he  
2 was not our instructor. It was only the last day when we were passing out  
3 then he went to visit us.

4 PRESIDING JUDGE: No, we are not talking of Mosquito. We've noted  
11:01:04 5 when you were being trained Mosquito was -- when he came to visit you.  
6 You've said you remember the names of Monica as a commander of the training  
7 camp, and an instructor of course as well, and then Blood. These people  
8 used to go jogging with you, from what you've said. Besides these two were  
9 there other trainers and, if so, about how many did you notice, did you  
11:01:41 10 see, when you were being trained?

11 THE WITNESS: There were most of them. They used to come there. But  
12 in the morning when they share us into our groups, they share them also in  
13 the various groups. So everybody take care of his own group.

14 PRESIDING JUDGE: You said there were many of them. They used to  
11:02:16 15 come there, you used to see them. That is why you say they used to come  
16 there. About how many used to come there besides Monica and Blood?

17 THE WITNESS: There was another man also who was called Killer.

18 PRESIDING JUDGE: And who else? I'm not saying you should mention  
19 their names. You've given us the name of Killer. Do you remember some  
11:03:17 20 other names, another name or some other names? We want to move fast with  
21 this, you see, Mr Witness.

22 THE WITNESS: I don't know any other name again besides these.

23 MR JORDASH: Thank you, Your Honour.

24 Q. You see, Mr Witness, I'm suggesting that the only names you mention  
11:03:39 25 are the names you've already mentioned from Kono and you're just making it  
26 up as you go along. Is that not right?

27 A. It is no make up story. Those who I have named were the people I  
28 knew there.

29 Q. Who was in charge of food on the camp?



1 A. A certain boy was there who was distributing food to us.  
2 Q. His name?  
3 A. He was called Mohamed.  
4 Q. Was there a doctor on the base?  
11:04:47 5 A. No.  
6 Q. How were you taught to burn houses, Mr Witness? What's the technique  
7 you were taught?  
8 PRESIDING JUDGE: He said Mohamed was not an abductee? What was the  
9 question you asked?  
11:05:10 10 MR JORDASH: The question was who was the man in charge of food  
11 distribution.  
12 PRESIDING JUDGE: Yes, he said Mohamed. Then you followed up with  
13 another question.  
14 MR JORDASH: Whether there was a doctor on the base.  
11:05:26 15 PRESIDING JUDGE: A doctor, I see. Okay.  
16 MR JORDASH:  
17 Q. You told us, Mr Witness, that you taught to burn houses. What was  
18 the specific technique you were taught?  
19 A. Every day after jogging, we come back to our base, we sit on the  
11:05:52 20 ground and Monica comes around, she writes on the floor, or on the ground,  
21 teaching us how to burn houses.  
22 Q. Tell us how do you burn a house, according to the training you had?  
23 A. What she told us was that you put fire on a mat, then you put it in a  
24 house. That was what she told us.  
11:06:31 25 Q. How long did that training take?  
26 A. We were there for one month on the training before we should jump  
27 into another month.  
28 Q. No, specifically, you told us that the training part of it included  
29 training how to burn houses. You've told us that the training to burn



1 houses involved lighting a mat, putting it into a house. Was there  
2 anything else you were taught about the technique of burning a house?

3 A. That was what she told us. Then after that she jumped into another  
4 area explaining to us how to attack a town.

11:07:45 5 Q. How do you attack a town? What was the technique you were taught?

6 A. What she told us was that when you are about to attack a town you  
7 share yourself into two groups. One group pass one way, the other group  
8 pass another way. Then you attack the town from both ends.

9 Q. Anything else you can remember about the training to attack towns?

11:08:38 10 A. Those were the instructions she used to give us, how to divide  
11 yourselves into groups.

12 Q. And that's it, is it? Is that all?

13 A. Yes, that is all.

14 Q. We know, from what you've told us, you would go jogging in the  
11:09:03 15 morning and in the evening; is that right?

16 A. Yes, we did jog.

17 Q. What else were you taught on the base?

18 A. Well, in the morning we did jog. Then when we come back we crawl on  
19 the floor and they instruct us how to use a weapon while crawling and how  
11:09:46 20 to fire.

21 Q. Anything else you were taught in the two months you were there?

22 A. They only instructed us, trained us, how to fire gun, burn houses and  
23 how to attack towns.

24 Q. Can you give us any evidence concerning the RUF ideology? Did you  
11:10:31 25 receive training in that?

26 A. In our training, what they usually tell us was that we are being  
27 trained specifically to clear Koidu.

28 Q. So you didn't receive any training in RUF ideology; is that right?

29 A. No, they didn't teach us any ideology.



1 Q. Let me make my client's position clear to you, Mr Witness. There was  
2 no training camp in Buedu. The training camp with Monica was in Bunumbu,  
3 so you couldn't have been trained in Buedu. What do you say?

4 A. Well, the time we went we met her at Buedu Training Camp. That was  
11:12:05 5 the name of the place.

6 PRESIDING JUDGE: Mr Jordash, what was the name of the other town?

7 MR JORDASH: Bunumbu in Kailahun. B-U-N-U-M-B-U.

8 PRESIDING JUDGE: Bunumbu.

9 JUDGE BOUTET: That's in Kailahun.

11:12:39 10 MR JORDASH: That's in Kailahun.

11 JUDGE BOUTET: You mean Kailahun District?

12 MR JORDASH: Kailahun District. I will just take very brief  
13 instructions.

14 [Defence counsel and accused confer]

11:13:08 15 MR JORDASH:

16 Q. And, Mr Witness, Bunumbu is approximately 14 miles from Buedu and  
17 that's where the training camp run by Monica was?

18 A. Our batch, we went straight to Buedu. We were in Buedu camp. I  
19 didn't go to Bunumbu.

11:13:40 20 Q. And my suggestion to you is, Mr Witness, that perhaps you did go to  
21 Buedu in June of 1998 with Superman and Wallace to visit Mosquito. That's  
22 why you talk of Buedu, isn't it?

23 A. The time I was with Wallace, he never told me that he went to Buedu.

24 Q. Did you go to Buedu with Superman in June of 1998 to see Mosquito?

11:14:36 25 A. No. The only time I went there was during the training period.

26 Q. Okay. Could I just refer you to some notes, the notes of your  
27 meetings with the Prosecution. Your Honours, page 9822, paragraph 49. I  
28 want to read the notes to you the same way we did yesterday, Mr Witness.  
29 In fact, I'm going to refer you to paragraph 48 first: "After my arrival



1 in Kailahun and my encounter with Mosquito I didn't see him until the day  
2 we received the weapons." Is that something you told the Prosecution?

3 A. No.

4 Q. No? Do you know why it appears in the notes of a meeting you had  
11:16:00 5 with them on the 5th of October 2004?

6 A. I told them that the day we went we were lodged somewhere and they  
7 said they were going to call Master. They went and called him and he came.  
8 He saw us. And the other time he told us that he was going to inform  
9 Monica for the training.

11:16:53 10 Q. Okay. Paragraph 49: "The weapons we received after the pass out  
11 parade were new weapons." Did you tell the Prosecution that?

12 A. Yes.

13 Q. Next line: "Before receiving the weapons we were tested and only  
14 those who could shoot received weapons. I did not receive any weapon  
11:17:23 15 because I could not shoot." Is that correct?

16 A. What I told them was that we were put in a line, we were four in a  
17 line. Those who were in front were the first person who received weapons.

18 Q. Did you tell the Prosecution that you did not receive any weapon  
19 because you could not shoot?

11:17:57 20 A. I told the Prosecution that the new guns that were brought were not  
21 given to us. They gave those who were in front of us.

22 Q. The note says that you did not receive any weapon. Did you tell the  
23 Prosecution you did not receive any weapon?

24 A. I told them that the first day I didn't get weapon, the weapons they  
11:18:40 25 brought in the vehicle.

26 Q. So did you receive a weapon?

27 A. Yes, later on I received a weapon. It was distributed to us who  
28 didn't get in the first place.

29 Q. And you carried this weapon back to Kailahun, did you?



1 MR HARRISON: I think he may have meant --  
2 JUDGE BOUTET: To Kailahun or to Kono?  
3 MR JORDASH: Sorry, to Kono. I beg your pardon. Thank you.  
4 Q. Did you carry this weapon back to Kono?  
11:19:20 5 A. Yes, with the ammunitions they distributed to us.  
6 Q. Did you carry both a weapon and ammunition or just your weapon?  
7 A. Yes, they gave us ammunitions and weapons.  
8 Q. Was the ammunition in your gun, in your weapon?  
9 A. No.  
11:19:51 10 Q. Where was it?  
11 A. They were in boxes. They said when we arrive at PC Ground they would  
12 distribute it to us.  
13 Q. So the only thing you carried back to -- you personally carried back  
14 to Kono was a weapon; is that right?  
11:20:32 15 A. I brought a weapon and ammunition which was in the box they gave us  
16 to bring to Kono.  
17 Q. So when paragraph 49 says you did not receive any weapon, you would  
18 say that's not something you told the Prosecution?  
19 A. What I told them was that the gun that were brought in the vehicle,  
11:21:15 20 the brand new weapons were not given to us. They gave us old weapons.  
21 Q. Okay. Looking at paragraph 52 of the notes, your meeting of the 8th  
22 of October 2004 with the Prosecution --  
23 JUDGE BOUTET: Same page?  
24 MR JORDASH: Same page, Your Honours.  
11:21:41 25 Q. And the note says: "The training lasted for about a month." Did you  
26 tell the Prosecution that the training lasted for about a month?  
27 A. I said two months.  
28 Q. So that's somebody else writing down the wrong time period, is it?  
29 A. I can't say because we had an interpreter. It was one lady who was



1 doing the interpretation and they were transcribing it on a computer.

2 Q. What did you do with the weapon when you reached Kono?

3 A. When we arrived at Koidu and they told us that the next day we were  
4 to attack Koidu, I hid myself with the weapon. I went to Kissi Town to  
11:23:11 5 Wallace. There I left the gun.

6 Q. So you carried the weapon all the way to Kissi Town?

7 A. Yes, to Wallace.

8 Q. Now looking at 54, just picking up on something we talked about  
9 yesterday, again the same page, Your Honours. When you were -- these are  
11:23:33 10 notes relating to the 8th of October 2004, Mr Witness. The paragraph says  
11 this: "When we arrived in Kono and reached PC Ground it was about full  
12 rainy season."

13 A. Yes, it was rainy season.

14 Q. "We were told to sleep and be ready for the attack the next morning."  
11:24:08 15 Correct?

16 A. Yes, correct. That was what they told us.

17 Q. "The same night I hid and went to Wallace's place." Correct?

18 A. Yes.

19 Q. "I did not participate in the attack." Correct?

11:24:28 20 A. Yes.

21 Q. "Superman and Morris Kallon led the attack. I saw them pushing  
22 people to move." Correct or not?

23 A. That day I saw Superman standing, then not too long I saw Issa and  
24 Morris Kallon also and they were all in a jeep now moving with the men.

11:25:14 25 Q. I understand that that's what you now want this Court to believe,  
26 Mr Witness, but on the 8th of October no mention of Issa Sesay leading any  
27 attack in Kono. You understand the point?

28 A. The time we arrived from Kailahun, he gave the instruction. He told  
29 us -- he himself told us.



1 Q. It doesn't help just to go back to what you've told us already,  
2 Mr Witness. What would help is if you would answer the question why it is  
3 you didn't tell the Prosecution on the 8th of October Issa Sesay had led or  
4 was part of the attack?

11:26:10 5 A. I told them that I saw them all going that same day.

6 Q. And you would say then, before we move on, that the Prosecution  
7 didn't write down what you'd said about Issa Sesay; is that right?

8 A. I cannot tell because what happened was that they were asking me  
9 question and I was giving them the reply. So they were writing. I cannot  
11:26:47 10 say whether they wrote it or they left it out.

11 Q. Isn't the truth this, Mr Witness: When you arrived in Kissi Town you  
12 lived with Katie, Wallace's wife, and worked on domestic chores?

13 A. Yes, when I was brought there.

14 Q. Isn't it right, Mr Witness, when you -- during your whole time in  
11:27:34 15 Kono you lived with Katie, Wallace's wife, and did domestic chores?

16 A. I was staying with them until the time we went to Kailahun and after  
17 Kailahun when I came back I was staying with them.

18 Q. Yes. And during your whole time in Kono you never went on any  
19 attack, did you?

11:28:15 20 A. Yes, I didn't go for any attack.

21 Q. When you arrived in Krubola you were staying with Katie, Wallace's  
22 wife, doing domestic chores, were you not?

23 A. Yes, I was with them again.

24 Q. So the whole five months of journey to Krubola, all you did was  
11:29:00 25 domestic chores; is that right?

26 A. Yes. I was there with them. In the morning, what I was supposed to  
27 do I did for them. When he wants to go, he asked me to go with him, I go  
28 with him.

29 Q. All you did was domestic chores, wasn't it, in Krubola?



1 A. Yeah, the time I was with him because at that time I was the only  
2 person living with him.

3 Q. Now you say that you were with the rebels in Kono because you were  
4 forced to be there, you were forced to be working for Katie; is that right?

11:30:08 5 A. Yes, it is true because by then I was not willing to stay with them  
6 because I had nowhere to go. I was a small boy by then and I had no chance  
7 to go and find my people again. So I decided to stay with them against my  
8 will.

9 Q. You say you decided to stay with them but you had nowhere else to go;  
11:30:46 10 is that right?

11 A. Yes, within myself. So I said.

12 Q. Because for you it was safer to be with Wallace and Katie than it was  
13 to be anywhere else at that time. Is that not right?

14 A. Yes, because when I was with him or with them he told me that I  
11:31:35 15 should not fear because he will make a way for me to see my people, let me  
16 not be worried so much.

17 [HS080405B 11.20 a.m. - AD]

18 Q. And you must have been reassured by that and was happy then to stay  
19 with Wallace. Is that right?

11:31:52 20 A. At that time I was not a happy boy but I had no way to do and I had  
21 nowhere to go to find my people. I was so eager to see my people than to  
22 stay with him.

23 Q. And Wallace had promised he would help you. Yes?

24 A. Yes.

11:32:30 25 Q. Thank you. Just moving on to Bunumbu. I want to shortcut things.  
26 Your Honours, page 9813, paragraph three. Your statement says this,  
27 Mr Witness: "From our base at Krubola we the rebels attacked several  
28 places." Is that right?

29 A. Yes, that is true.



1 Q. "I participated in the attacks against Mongobendugu and Kabala Town."

2 Is that correct?

3 A. Yes.

4 Q. In fact, the attack on Mongo was led by Major Wallace who was one of  
11:33:43 5 Superman's mission commanders. Is that correct?

6 A. Yes, at that time I was behind Wallace; we all went together.

7 Q. Was it Wallace leading the attack on Kabala then, with you behind  
8 him?

9 A. He was not the commander by then, but we all went together. There  
11:34:25 10 was somebody who was the commander.

11 Q. Who was that?

12 A. SAJ Musa was there; he was the overall commander.

13 Q. Was he leading the attack?

14 A. By then he was the overall commander, but they were at the back  
11:34:49 15 coming.

16 Q. So the attack on Mongo, was it led by Major Wallace, as your  
17 statement says, or not?

18 A. While we were going he was leading, so when they asked me I said he  
19 was leading.

11:35:18 20 Q. Let me just move very quickly to 9823, note paragraph 62. These are  
21 notes again of the 8th of October. The notes say this, Mr Witness: "When  
22 we attacked Kabala I was given a weapon. All the commanders participated  
23 in the attack and Superman led the attack." Is that right?

24 A. Yes. At the Kabala attack he was there; Superman was there.

11:36:05 25 Q. Did he lead the attack?

26 A. I don't know whom you are saying led the attack.

27 Mr HARRISON: I would like to indicate that there may be some  
28 confusion because in fact the witness has given evidence of two attacks on  
29 Kabala.



1 MR JORDASH: That's true. To be honest, I am happy to move on from  
2 this subject. It is not of any great significance to us.

3 Q. I apologise, I will have to go back very quickly to an issue of the  
4 movement back, Mr Witness, from Kailahun to Kono after your training.  
11:37:14 5 You've told us that at the end of the training Mosquito came for the  
6 pass-out parade. Is that right?

7 PRESIDING JUDGE: Which training?

8 MR JORDASH: The training at Kailahun, Your Honour.

9 PRESIDING JUDGE: Kailahun.

11:37:32 10 JUDGE BOUTET: [Microphone not activated]

11 MR JORDASH: In Buedu.

12 PRESIDING JUDGE: That is why I was asking which one. There was  
13 Kailahun and Buedu.

14 MR JORDASH: I am moving back. I apologise for jumping, but I missed  
11:37:49 15 something out, Mr Witness.

16 PRESIDING JUDGE: So, it was at the end of the training at Buedu that  
17 Mosquito paid them a visit.

18 MR JORDASH: Yes.

19 Q. Is that right, Mr Witness?

11:38:04 20 A. Yes, he came there while we were passing out.

21 Q. And Mosquito, is this right, told you that General Issa would wait  
22 for you in Kono? He would be there when you arrived?

23 A. Yes, that was what he told us that day. He said we will meet  
24 General Issa in PC Ground.

11:38:35 25 Q. And did you meet General Issa at PC Ground?

26 A. Yes, when we came we met him when he returned.

27 Q. Who, in fact, was the commander who brought you back to Kono?

28 A. Again we were put in a line when we are coming back. Those who  
29 carried us brought us back.



1 Q. Do you know the names of anybody who was commanding the movement  
2 back?  
3 A. Yes, those who were by our sides I can remember.  
4 Q. Any names?  
11:39:38 5 PRESIDING JUDGE: Was bringing them back from Kailahun?  
6 MR JORDASH: Yes, Your Honour.  
7 PRESIDING JUDGE: What are the names?  
8 THE WITNESS: That was to bring us from Kailahun to Koidu.  
9 PRESIDING JUDGE: Yes.  
11:39:57 10 THE WITNESS: One was called Five-Five, who was close to me.  
11 MR JORDASH:  
12 Q. Anybody else?  
13 A. The other man was again close to me was called Ojago [phon]. They  
14 brought us. They were the two people very close to me while we were  
11:40:31 15 returning. They were by our sides when we were coming.  
16 Q. And Issa Sesay was not there at the pass-out parade. Is that right?  
17 A. No, he wasn't there; I didn't see him.  
18 Q. The first time you saw him after your training had been completed was  
19 at PC Ground.  
11:40:59 20 A. Yes, I saw him after our return.  
21 Q. Let me take you again, Mr Witness, to your statement of 2003, 9812.  
22 PRESIDING JUDGE: He says Sesay was not present at the passing-out  
23 parade which --  
24 MR JORDASH: Mosquito was present.  
11:41:23 25 PRESIDING JUDGE: In Buedu.  
26 MR JORDASH: Yes, My Lord, in Buedu. Paragraph two, 9812. Let me  
27 read what your statement says: "After our training was complete, they held  
28 a pass-out parade, which was like a graduation. Both Issa and Mosquito  
29 were there." Did you tell the Prosecution in 2003 that Issa Sesay was



1 present at the pass-out parade?

2 A. I didn't say Issa was there; I said he was in Kono.

3 Q. Is that what you told the Prosecution in 2003, that Issa wasn't  
4 there, he was in Kono?

11:42:20 5 A. What I told those who went to take that statement from me in Kono was  
6 that during the passing out Mosquito was there with some other commanders.  
7 I can recognise Monica, but Issa was not there.

8 Q. Just so that I do not take any unfair point, Mr Witness, I do accept  
9 that you did say to the Prosecution in October last year that Mr Sesay was  
11:42:55 10 not there, but it was not until the 5th of October when you told the  
11 Prosecution that.

12 JUDGE BOUTET: What you are saying, Mr Jordash, is that on page 9812,  
13 paragraph two, that you have just read, the statement says the witness is  
14 making reference to Issa being in Kailahun, where the training was taking  
11:43:11 15 place.

16 MR JORDASH: Yes.

17 JUDGE BOUTET: And subsequent to that he modified that. Do you have  
18 the reference for that?

19 MR JORDASH: Yes, sir: 9822, paragraph 47.

11:43:30 20 JUDGE BOUTET: Issa Sesay was not there during the pass-out parade.

21 MR JORDASH: Yes.

22 Q. Moving back to 9812, Mr Witness, paragraph four. This is the bit I  
23 am particularly interested in: "We the 200 new recruits left Kailahun with  
24 Issa a few hours after the pass out. We didn't waste time. Issa said we  
11:44:11 25 were on our way to attack Kono." Did you tell the Prosecution that  
26 Issa Sesay had brought you to Kono, you and the other trainees?

27 A. No, I didn't tell them that.

28 Q. So somebody who took your statement put that in, did they?

29 PRESIDING JUDGE: What does he not accept telling the Prosecution?



1 MR JORDASH: That Issa Sesay had led the trainees from Kailahun to  
2 Kono. That is at the end of it.

3 PRESIDING JUDGE: That is at the end of their training.

4 MR JORDASH: Indeed, Your Honour.

11:45:27 5 Q. You see, Mr Witness -- think carefully, think very carefully -- isn't  
6 it the truth that you did tell the Prosecution that the 200 new recruits  
7 left Kailahun with Issa Sesay?

8 A. What I told them is that we met him in Kono.

9 Q. Haven't you had this statement read back to you on at least six or  
11:46:20 10 seven occasions? Mr Harrison is shaking his head. If that is not true,  
11 then I do not want to take any bad points against this witness. But as far  
12 as I am aware the proofing and what this witness has said indicates that  
13 this witness has been through his statement at least six or seven times.  
14 Isn't it true, Mr Witness, that you have gone through this evidence a  
11:46:51 15 number of times in October 2004?

16 Mr HARRISON: There is a slight difference in the questions. If  
17 Mr Jordash wishes to put the question whether it was actually read to the  
18 witness, that is fine. But there is a difference between having it read to  
19 him and going through evidence. That is a distinction.

11:47:19 20 JUDGE BOUTET: Mr Jordash, you have heard the objection.

21 MR JORDASH: Yes, My Lord. I accept that as a distinction.

22 JUDGE BOUTET: You may wish to put that to the witness anyhow.

23 MR JORDASH:

24 Q. Isn't it true, Mr Witness, that you have been with the Prosecution on  
11:47:39 25 a number of times in 2004 in which you have gone through together the  
26 content of your statement?

27 A. When I came they asked me and I told them that when we came from  
28 Kailahun we met him at PC Ground. That was what I told them.

29 Q. Have you had this section of the statement read to you in 2004: "We



1 the 200 new recruits left Kailahun with Issa"?

2 A. Yes, they read it to me but I told them that while we are coming from  
3 Kailahun -- I named the commanders that came with us, and I told them that  
4 we met Issa at PC Ground in Kono and not that he came with us.

11:49:14 5 Q. Just before I move on, Mr Witness, what you would say is, "I never  
6 told the Prosecution this in 2003." Is that right?

7 A. I didn't tell them that we all came from Kailahun.

8 Q. And in 2004 you in fact told the Prosecution that it was not true --  
9 what it says in your 2003 statement.

11:49:52 10 A. Untrue how? I did not get that clearly.

11 Q. What I am asking is your evidence -- let me start that again. You  
12 would say that you told the Prosecution that that statement wasn't true in  
13 2004.

14 A. The portion you are just reading -- I told them that he was not with  
11:50:47 15 us. He didn't come with us; we met him all Kono.

16 Q. Okay, thank you. Now is this correct, Mr Witness, that from the  
17 point of Superman leaving Kono to the time when he was attacking Makeni,  
18 you would say that Superman and SAJ Musa were operating together, planning  
19 their own operation? Would you agree with that?

11:51:49 20 A. Yes, when we met at Krubola.

21 PRESIDING JUDGE: That is, Superman and SAJ Musa were planning their  
22 own operations?

23 MR JORDASH: Yes.

24 Q. They were not, as far as you know, doing anything with Mosquito.

11:52:23 25 A. By the time we met them I cannot say whether they were doing things  
26 together because Mosquito was not within that area; he was in his own area.

27 Q. And, of course, Superman had fallen out with Mosquito as far as you  
28 are aware.

29 A. Yes, by then Superman was not in Koidu. Again, we all travel too.



1 Q. When Superman first met SAJ, SAJ did not have any ammunition or very  
2 little. Is that right?

3 A. Yes.

4 Q. And neither did Superman. Is that right?

11:53:38 5 A. Yes, he didn't go with ammunition with him.

6 Q. Right. So the ammunition that they were using for the attacks came  
7 from Mongo and other raids that they were conducting together.

8 A. Yes, the ammunition we got from Mongo was what they were using all  
9 throughout to Kabala.

11:54:24 10 MR JORDASH: Your Honours, I have just noticed the time. I am moving  
11 to a fresh subject. I am simply mindful that the witness might be a little  
12 tired. I am in Your Honours' hands, of course.

13 PRESIDING JUDGE: Yes, learned counsel. I think we will recess for  
14 15 minutes. That should give both the witness and Mr Jordash a break. We  
11:56:05 15 will rise, please.

16 [Break taken at 11.54 a.m.]

17 [Upon resuming at 12.16 p.m.]

18 PRESIDING JUDGE: We are resuming the session, Mr Jordash. Please  
19 proceed, maybe to conclude before 12 o'clock.

12:19:13 20 MR JORDASH: Um --

21 PRESIDING JUDGE: Before one, I am sorry.

22 MR JORDASH: I think I will be just over lunch, but only a half an  
23 hour after lunch. I certainly will not be taking the majority of the day,  
24 strictly speaking.

12:19:32 25 JUDGE THOMPSON: I would prefer you making a commitment.

26 MR JORDASH: I can make a commitment to finishing half an hour after  
27 lunch.

28 PRESIDING JUDGE: And I will hold you to that commitment.

29 JUDGE THOMPSON: And you make it in good faith.



1 MR JORDASH: I make it in utmost good faith.

2 JUDGE THOMPSON: All right.

3 PRESIDING JUDGE: You may proceed so that we don't lose some more  
4 seconds.

12:19:51 5 MR JORDASH:

6 Q. Mr witness, when SAJ and Superman were acting together, was SAJ the  
7 top top commander?

8 A. Yes. We met him there and he was in charge of them all.

9 Q. Even when Superman met and worked with SAJ Musa, SAJ Musa remained  
12:20:24 10 the top top commander? Is that right?

11 A. Yes, he was in charge of them all when we met, even when we were  
12 there.

13 JUDGE BOUTET: But, Mr Witness, when you say he was in charge of  
14 "them", what do you mean by "them"?

12:20:54 15 THE WITNESS: The rebels we met there and we who went there. He was  
16 in charge of us all.

17 JUDGE BOUTET: Thank you.

18 MR JORDASH:

19 Q. But there came a time when SAJ Musa left. Is that right?

12:21:17 20 A. Yes, he left us at Koinadugu.

21 Q. And I just want to deal with the incident where Alabama killed one of  
22 the trainees at Koinadugu. Firstly, were you there when Alabama killed one  
23 of the trainees, or is that something you heard about?

24 A. I was not present when he killed him.

12:22:08 25 Q. Who did you hear it from? Do you remember?

26 A. We only heard that Superman's bodyguard had killed a trainee in the  
27 training camp.

28 Q. Did you hear that on the same day it happened or later?

29 A. It was the same day when it happened.



- 1 Q. Was this big news amongst the rebels?
- 2 A. It was a spread news to us all.
- 3 Q. So many people were talking about it; is that right?
- 4 A. Yes, the day it happened.
- 12:23:07 5 Q. Did you speak to Wallace about it?
- 6 A. Yes, by then I was staying with him.
- 7 Q. And then SAJ Musa killed the soldier who had killed the trainee. Is
- 8 that right?
- 9 A. Yes, that is in there.
- 12:23:37 10 Q. And was this news which spread among the rebels?
- 11 A. Yes, it spread and that was just after when he killed the soldier and
- 12 they opened fire on themselves.
- 13 Q. When you say "they opened fire on themselves", who fired who?
- 14 A. SAJ Musa's bodyguard; it was SAJ Musa's bodyguard and Superman's
- 12:24:30 15 bodyguard who were exchanging fire.
- 16 Q. Do you know why SAJ Musa's bodyguards and Superman's bodyguards
- 17 became involved?
- 18 A. Yes, at that time.
- 19 Q. Do you know why they had a fight?
- 12:25:04 20 A. The person from whom the conflict started I know him.
- 21 Q. Which person is that?
- 22 A. It was one of Superman's bodyguards.
- 23 Q. So SAJ Musa killed one of Superman's bodyguards. Is that right?
- 24 A. Yes, because he went and killed somebody in the training camp.
- 12:25:41 25 Q. You have told us that SAJ and the bodyguards ran into the bush. Is
- 26 that right?
- 27 A. Yes, when the firing ensued, SAJ Musa, his bodyguards and the
- 28 recruits, they all fled into the bush.
- 29 Q. Superman's group, were they the strongest fighters, stronger than SAJ



1 Musa's?

2 A. That I cannot say, but it happened that SAJ Musa and his own  
3 bodyguards left and ran away.

4 Q. And did you see this fight?

12:26:53 5 A. Yes, I was there when they started firing at each other. We ran away  
6 and went to the other side of the training camp.

7 Q. And do you know what Superman's response was to SAJ leaving?

8 A. Yes.

9 Q. What was it?

12:27:31 10 A. After SAJ Musa left Superman called up a meeting of all the  
11 commanders left behind.

12 Q. And what did he say during the meeting?

13 A. That was the time he explained to the commanders that were there,  
14 especially General Bropleh, what SAJ Musa did to him.

12:28:07 15 Q. So Superman was very unhappy with SAJ. Is that right?

16 A. I did not know whether he was happy or he was unhappy, but he was  
17 very angry when he was explaining to the other commanders.

18 Q. And then Superman decided at that meeting that he would, or his men  
19 would, leave Koinadugu and move to Makeni. Is that right?

12:28:56 20 A. Yes, we were there now under preparation for us to leave for Makeni.

21 Q. This was Superman's plan, was it?

22 A. Yes, to move from there.

23 Q. Thank you. I just want to ask you again about something that's in  
24 your statement at page 9813, paragraph 4. This is what the statement of

12:29:39 25 2003 says, Mr Witness: "Then after these 3 months, SAJ and his boys  
26 announced that they were leaving Krubola and heading to Freetown where they  
27 said they wanted to reinstate the army." Is that what SAJ and his boys  
28 said they were going to do?

29 A. Yes, that happened, but they left before we had that message.



1 Q. So there was no plan then when SAJ and Superman were together to go  
2 to Freetown; that plan came later from SAJ Musa?

3 A. After the conflict, it was later we heard that he had planned to move  
4 to Freetown, and we were planning to go to Makeni.

12:31:09 5 Q. Right. Two different plans. Yes?

6 A. Before SAJ Musa left there was a plan for them to move to Makeni.  
7 But later on when he left, it was later on we heard that he had planned to  
8 move to Freetown.

9 Q. Thank you. The next sentence in this statement says this: "I  
12:31:46 10 wasn't --

11 PRESIDING JUDGE: It was later on that he heard that who planned to  
12 move to Freetown?

13 MR JORDASH: SAJ.

14 PRESIDING JUDGE: SAJ Musa.

12:31:56 15 MR JORDASH: Whereas Superman was going to Makeni.

16 Q. The next sentence reads like this, Mr Witness: "I wasn't aware of  
17 any bad feeling between Superman and SAJ." Did you tell the Prosecution in  
18 2003 that you weren't aware of any bad feeling between Superman and SAJ?

19 A. They did ask me whether there was any bad Blood between SAJ Musa and  
12:32:48 20 Superman. I said, "Well, I don't know." But I know that there was a  
21 conflict between them. It was later on SAJ Musa sent a message that he was  
22 moving down to Freetown.

23 Q. So you were aware then in 2003 that there was bad Blood between  
24 Superman and SAJ?

12:33:10 25 JUDGE THOMPSON: Are you saying that he said "conflict"?

26 MR JORDASH: Sorry, Your Honour.

27 JUDGE THOMPSON: He is saying "conflict". Isn't that what he said  
28 there? What phrase do they use in the statement?

29 MR JORDASH: "Bad feeling".



1 JUDGE THOMPSON: "Bad feeling". And his answer is that he told them  
2 he was aware of a "conflict" between them.

3 MR JORDASH: Yes, but it is not reflected in the statement.

4 JUDGE THOMPSON: Yes. He said "conflict", and they wrote "bad  
12:33:42 5 feeling".

6 PRESIDING JUDGE: "Bad feeling", "bad Blood" -- whatever.

7 JUDGE THOMPSON: Probably he is making a distinction between "bad  
8 Blood" and "conflict". It seems to me "Blood bad" would suggest what? A  
9 feud?

10 MR JORDASH: Yes.  
12:33:55

11 JUDGE THOMPSON: Which is different from a conflict, isn't it? I  
12 don't know.

13 MR JORDASH: The issue, as I see it, Your Honour, is that the  
14 statement doesn't reflect either bad Blood or conflict. In fact, quite the  
12:34:09 15 reverse, that there wasn't any bad feeling between the two men. My point  
16 is simply that if he told the Prosecution that, it is not reflected in this  
17 statement.

18 JUDGE THOMPSON: Okay.

19 MR JORDASH:

12:34:25 20 Q. Didn't you, in truth, Mr Witness, tell the Prosecution that you were  
21 not aware of any bad feeling between Superman and SAJ?

22 A. What I told them was that they had a conflict between them which came  
23 from the result of the killing of that boy who was Superman's bodyguard.

24 Q. Thank you. And part of this conflict involved Superman and Bropleh  
12:35:15 25 trying to kill SAJ Musa. Is that right?

26 A. That day that was not the plan.

27 Q. Sorry, what do you mean? You say that didn't happen, that Superman  
28 and Bropleh arranged men to attack and kill Musa?

29 Mr HARRISON: I am not familiar with this, but I am just wondering if



1 perhaps there should be some guidance that maybe timeframes are indicated  
2 to the witness when this may have happened.

3 JUDGE THOMPSON: Are you saying that would it be fair to clarify this  
4 area a bit? Are you reading from his statement still?

12:36:22 5 MR JORDASH: A different part.

6 JUDGE THOMPSON: Putting it to him.

7 MR JORDASH: I was trying to shortcut matters by --

8 JUDGE THOMPSON: Just to be very clear. If you are reading something  
9 that he might have told the Prosecutor and then seeking some explanation  
10 from him as to whether he stands by what he says, or if he does not stand  
11 by what he said, why? It would seem the better way. I am lost myself  
12 whether your subsequent question came from your reading of a statement or  
13 whether you were developing a question from his answer.

14 MR JORDASH: If I could take Your Honours to 9823, paragraph 65.  
12:37:06 15 Q. This is the note, Mr Witness, from the 8th of October again. This is  
16 what the notes say --

17 Mr HARRISON: If the witness could just know that we are talking  
18 about 2004 as well.

19 MR JORDASH: 2004. Notes of 8th of October 2004.

12:37:24 20 Q. This is what one of the notes says, Mr Witness: "When we were in  
21 Koinadugu, a bodyguard of Superman was shot by SAJ Musa and a big conflict  
22 arose with an exchange of fire." Is that right?

23 A. Yes.

24 Q. "Superman hid himself for a while and went to Kalkoia to see  
12:37:56 25 Bropleh." Is that right?

26 A. Yes.

27 Q. Superman requested men from Bropleh. Bropleh called someone called  
28 Black Devil to get men and attack Musa. Is that right?

29 A. Yes.



1 Q. Thank you. I hope that --

2 JUDGE THOMPSON: That helps me.

3 MR JORDASH:

4 Q. Now, moving on to the attack on Binkolo. When Superman and his men,  
12:38:44 5 including you, attacked Binkolo you were guarding another man called Blood  
6 who had a handset. Is that right?

7 A. Yes.

8 Q. And your job was, with others, to guard him. Is that right?

9 A. Yes, we were guarding him and he had a communications set.

10 Q. And were you stationed then behind the main attacking group  
11 protecting Blood?

12 A. Yes. We were all going ahead.

13 Q. Were you at the back of the group protecting Blood?

14 A. Yes, we were around him. He was in the middle of us.

12:40:02 15 Q. And it is because your job was to protect Blood that you say you  
16 heard a message from Issa to Superman in which Issa said he was at  
17 Magburaka heading towards Makeni. Is that right?

18 A. Yes.

19 Q. And you spent the whole day at Binkolo. And during this time were  
12:40:41 20 you occupied protecting Blood?

21 A. Yes. It was night that we arrived in Magburaka and we were there the  
22 whole day the next day.

23 Q. Protecting Blood.

24 A. Yes, we are around him.

12:41:08 25 Q. How many of you were there around him?

26 A. That day we are three around him; he was the fourth person.

27 Q. And when you entered Makeni Town, what were you doing then?

28 A. When we entered Makeni Town we are again separated.

29 Q. Against the what? Sorry, Mr Translator.



1 INTERPRETER: When we entered Makeni Town we were again separated.

2 Q. You were separate from Blood, you mean?

3 A. Yes, I was not with him again.

4 Q. What were you doing when Superman's troops entered Makeni?

12:42:17 5 A. At that time I was now with Wallace. I was with Wallace all along.

6 Q. Were you fighting?

7 A. At the time I had the gun. We were all going in.

8 Q. And were you part of the advance team or the back team?

9 A. I was in the advance team.

12:42:50 10 Q. Fighting in the advance team. Is that right?

11 A. Yes, we were there.

12 Q. Did you use your gun?

13 A. Yes.

14 Q. Again, back to your statement at 9813. The last line there reads  
12:43:54 15 this, Mr Witness -- this is 2003: "During both attacks" -- this is  
16 referring to Binkolo and Makeni -- "I was behind, carrying the ammunition.

17 MR HARRISON: With respect, that is not quite fair. Mr Jordash can  
18 certainly put the whole paragraph to the witness, but I think Mr Jordash's  
19 inference that it is referring to both Binkolo and Makeni may not in fact  
12:44:24 20 be consistent with the reading of that paragraph.

21 JUDGE THOMPSON: Will learned counsel want to look at it carefully?

22 MR JORDASH: Well, I am not sure which other attack is contained  
23 within this statement. Perhaps Mr Harrison can assist.

24 JUDGE THOMPSON: What is your objective now? You were trying to ask  
12:45:19 25 him a question to show what?

26 MR JORDASH: To show that this witness was not guarding Blood and  
27 therefore did not hear any message from Issa to Superman. Can I ask for  
28 his headphones to be removed?

29 JUDGE THOMPSON: Yes, let him remove his headphones. Would Court



1 Management help us there, please? Continue, learned counsel.

2 MR JORDASH: Communications clearly are important. We say that Sesay  
3 was not at this stage in touch with Superman, Superman did not have a radio  
4 operator called Blood, and this man, the witness, was not guarding a man  
12:46:18 5 called Blood and therefore couldn't have heard any communication from Issa  
6 to Superman. And this paragraph here --

7 PRESIDING JUDGE: So you are in fact cross-examining as to some  
8 important facts in issue.

9 MR JORDASH: Indeed.

12:46:36 10 PRESIDING JUDGE: There is a passage there in the statement of the  
11 witness which purports to do what?

12 MR JORDASH: Which purports to deal with the attacks, I would submit,  
13 on Binkolo and Makeni.

14 PRESIDING JUDGE: And to support your theory.

12:46:57 15 MR JORDASH: And this witness in this paragraph when referring to  
16 both attacks says he was behind carrying the ammunition.

17 JUDGE THOMPSON: So, what is Mr Harrison's contention in regard to  
18 that?

19 MR HARRISON: I think the context of the entire paragraph should be  
12:47:12 20 put to the witness.

21 MR JORDASH: I am happy to do that.

22 JUDGE THOMPSON: Yes, very well then, go ahead.

23 MR JORDASH:

24 Q. Let me read you the whole paragraph and see what you agree with,  
12:47:19 25 Mr Witness: "After SAJ left, Wallace told me that Superman and SAJ were  
26 still --

27 PRESIDING JUDGE: Wait, wait.

28 MR JORDASH: Sorry.

29 MR JORDASH: Thank you.



1 Q. After SAJ left -- I am reading from the 2003 statement, Mr Witness:  
2 "After SAJ left, Wallace told me that Superman and SAJ were still in  
3 contact with each other. In fact some weeks after SAJ left for Freetown, I  
4 heard a communication between SAJ and Superman. I was standing near the  
12:48:04 5 radio at that point with Wallace. I heard SAJ say that he was in Waterloo  
6 and that Superman should attack Makeni and come to join him in Waterloo."  
7 Is it true that you heard SAJ say that he was in Waterloo and to ask  
8 Superman to attack Makeni?

9 A. Yes, that was when we were in Koinadugu, where they left us.

12:48:41 10 Q. Did SAJ order Superman to attack Makeni?

11 A. That was what Wallace told me -- that SAJ sent a message to Superman  
12 that he should move to Makeni and attack Makeni.

13 Q. Did you understand this to be an order from SAJ?

14 A. Yes, and so it happened when we were there.

12:49:21 15 Q. Reading on: "The very next day we, Superman's group, left Kruboŀa on  
16 our way to Makeni." Is that true?

17 A. We came from Koinadugu.

18 Q. On your way to Makeni?

19 A. Yes.

12:49:45 20 Q. "The same day we attacked Binkolo which we'd captured by the  
21 afternoon." Is that true?

22 A. Yes.

23 Q. "Then we slept in a village call Samiabendugu." Is that right?

24 A. I did not get that portion.

12:50:13 25 Q. Sorry, that is my pronunciation. "Then we slept in a village called  
26 Samiabendugu." Is that correct?

27 A. That would have been when we left Koinadugu. There we slept.

28 Q. "There, Wallace informed me that Superman had called Issa who was  
29 around Kono, and asked him to move his troops to Makeni, which we later



1 learned Issa did." Is that right?

2 A. Issa made a call and said so.

3 Q. So, it wasn't Superman then who called Issa?

4 A. Where we were Issa made a call to ask the location of Superman.

12:51:36 5 Q. And it wasn't that Wallace informed you of that, it is the fact that  
6 you heard it because you were guarding Blood. Is that right?

7 A. Blood himself explained that to me, and Wallace also told me. Being  
8 that we were around the communications set when Blood received the message  
9 he relayed the message to us also.

12:52:23 10 Q. Then statement goes on to say: "During both attacks I was, behind  
11 carrying the ammunition." When you say "both attacks" are you referring to  
12 the Binkolo and Makeni attacks?

13 A. Yes, we attacked Binkolo and Makeni.

14 Q. When your statement says, "During both attacks I was behind, carrying  
12:52:53 15 the ammunition", is that something you told the Prosecution -- during both  
16 attacks on Binkolo and Makeni you were behind, carrying the ammunition?

17 A. It was when we were in Makeni then we started transporting  
18 ammunitions.

19 Q. So, did you know what your statement is referring to when it says  
12:53:29 20 "During both attacks I was behind, carrying the ammunition"? Which attacks  
21 is it referring to?

22 A. The two attacks I am talking of. Before we reached Binkolo we were  
23 there transporting ammunitions. But by the time we reached to Binkolo we  
24 were asked to be with Blood and not to transport ammunition again.

12:54:19 25 Q. If that is true, Mr Witness, maybe you can explain this statement  
26 then: "During both attacks I was behind, carrying the ammunition.  
27 However, I knew some of these things because Wallace was Superman's mission  
28 commander and was therefore often told a lot of things." There is nothing  
29 in this statement suggesting that you were learning about these



1 communications because you were guarding Blood. It is not in your  
2 statement, Mr Witness.

3 Mr HARRISON: Just could we qualify it is the statement of 2003.

4 MR JORDASH: Yes, the statement of 2003.

12:55:00 5 Q. Do you understand my point, Mr Witness?

6 A. When we start off from Koinadugu coming down we had loads on our  
7 heads. We had ammunition which we were transporting. While we are closing  
8 to Binkolo they gave us to Blood. We are now with Blood, moving with  
9 Blood, and he had a set with him.

12:55:50 10 JUDGE BOUTET: Mr Jordash, so I understand your line of questions,  
11 these questions are essentially directed to [inaudible] in the statement of  
12 2003. The portions that you have read to the witness are to indicate that  
13 nowhere in that portion did the witness make any reference to Blood or  
14 communication and his role vis-a-vis Blood. That is specifically what your  
12:56:18 15 line of questions is about. Am I understanding your --

16 MR JORDASH: Yes. As well, we would say that a plain reading of this  
17 statement indicates quite clearly that the witness, when referring to  
18 carrying ammunition at the back of two operations, is talking about Makeni  
19 and Binkolo. I know the witness has now given an explanation which is  
12:56:37 20 different to that, but we would say a plain reading of this --

21 JUDGE BOUTET: That was part of my question too. Are you putting to  
22 the witness, because I have not heard that question in that sense --  
23 whether or not what you have read is what the witness has said to whoever  
24 he was talking to at that time? In other words, are you trying to show  
12:56:58 25 inconsistency between his evidence and what he said to investigators during  
26 at the time?

27 MR JORDASH: Yes, I am trying to do that from the starting point of  
28 what role he was playing, guarding an operator or carrying ammunition, and  
29 thereafter to show that the communication he purports to have heard he



1       couldn't have.

2               JUDGE BOUTET: I say this because I have not heard the witness to  
3 say, "I did not say that to the investigators." In other words, what you  
4 have read the witness does not deny having said.

12:57:33 5               MR JORDASH: True.

6               JUDGE BOUTET: It may not be as complete as you suggest it ought to  
7 have been if indeed he was the bodyguard to Blood. But, that aside, I did  
8 not understand the witness to deny making that statement the way it is at  
9 that time.

12:57:48 10              MR JORDASH: I will put that for clarification, Your Honour.

11              Mr HARRISON: If I could make a further point. The Prosecution  
12 wishes to make clear that during the course of the subsequent proofing  
13 interviews statements were given by the witness, and those are recorded.  
14 Some of those statements are clearly inconsistent with the first 2003  
12:58:09 15 statement. Prosecution takes the view that where it is being alleged that  
16 there is an inconsistency in the 2003 statement, it is also fair and it is  
17 an obligation that what would be the consistency with the current oral  
18 testimony also ought to be highlighted to the Court.

19              JUDGE THOMPSON: And particularly those are embodied in subsequent  
12:58:38 20 statements.

21              MR HARRISON: Yes, that is what I am saying. In this particular  
22 context see the 20th of October 2004 proofing note at paragraph 76 clearly  
23 is this witness's evidence as you are hearing today.

24              JUDGE THOMPSON: Yes, and I would think that this is a point which  
12:58:52 25 counsel will take -- that in some subsequent statement referencing the  
26 particular issue which counsel is alleging to be inconsistent. It is in  
27 the interests of justice that the Court has the entire picture.

28              MR JORDASH: Well, Your Honour --

29              JUDGE THOMPSON: What counsel for the Prosecution is saying is that



1 if there is a subsequent statement relating to the issue which is being  
2 contended or being alleged to be inconsistent and which subsequent  
3 statement corrects or modifies that statement -- the earlier statement --  
4 the Court ought to be treated with candour in having the entire reference  
12:59:45 5 put to it. Otherwise, the Court would be invited to draw inferences one  
6 way or the other in respect of alleged prior inconsistent statements  
7 without the benefit of some other subsequent statement that was meant to  
8 remedy the inconsistency. Let me hear your response to that.

9 PRESIDING JUDGE: Particularly so, Mr Jordash, in this situation  
13:00:22 10 where in laying your foundation the witness, as far as his statements are  
11 concerned, did indicate to the Court that where it became necessary -- he  
12 has his earphones on, I guess -- he added or he subtracted. It goes to  
13 support the thesis which is advanced by my learned brothers that those  
14 statements should be read as one whole and not in isolation. Wouldn't you  
13:01:02 15 think so?

16 JUDGE BOUTET: I certainly subscribe to that. We need to have the  
17 full picture obviously. If an issue is dealt with in 2003 and then taken  
18 up after in subsequent proofing interviews about that, we need to have the  
19 full picture. Otherwise the picture is all skewed and we will never know  
13:01:21 20 what the truth is.

21 JUDGE THOMPSON: And to reinforce that, I would invite you as a  
22 matter of law, if you have alternative thesis supported by the  
23 jurisprudence, to suggest what we can do in this situation. That is our  
24 understanding of the law in the orthodox sense.

13:01:41 25 MR JORDASH: My understanding of the law is this: What I cannot do  
26 is mislead the Court. What I can do is put to a witness an inconsistency  
27 in, for example, a first statement and ask the witness specifically why he  
28 did not mention something in that statement. It is only, I would  
29 respectfully submit, when I suggest to a witness that he has never



1 mentioned but knowing full well it is mentioned in subsequent interviews  
2 that I have an obligation to make sure the Court is aware of that  
3 additional fact.

4 JUDGE THOMPSON: But don't you have a corollary obligation not to  
13:02:24 5 mislead the Court and to treat the Court with candour?

6 MR JORDASH: Absolutely, and it would be completely fulfilled if I  
7 were to ask the witness why he did not mention it in that statement at that  
8 time. If I go further and suggest he has never mentioned it then I would  
9 be into territory of misleading the Court and my obligation would be to  
13:02:45 10 highlight where in fact he had mentioned it.

11 JUDGE BOUTET: We are talking about two concepts here. We are  
12 talking about misleading and we are talking to you about having the full  
13 picture. I understand and accept your position in this respect if on day  
14 one the witness made this particular statement and you are asking the  
13:02:58 15 witness, "Isn't it true that you didn't say that on day one, but on day  
16 five you did deal with that and you left it out?". We have not read and we  
17 will not read these statements in their totality unless we are invited to  
18 do that in a proper fashion. So, the picture we have is not the complete  
19 picture on that issue, and that is what we are telling you.

13:03:20 20 MR JORDASH: No, it is not. But that, I would submit, is for the  
21 Prosecution to do in re-examining the witness to ensure that the issue is  
22 perfectly clarified. And the difficulty with Your Honour's suggestion is  
23 at what point do I suggest to a witness that he has mentioned this fact  
24 after the --

13:03:43 25 PRESIDING JUDGE: Mr Jordash, what purpose do the rules of disclosure  
26 serve if these subsequent statements, which were made, I suppose have been  
27 disclosed to you? I suppose so.

28 MR JORDASH: Yes.

29 PRESIDING JUDGE: The statements we are talking about are the



1 corrected statements of 2003. If they have been disclosed to you, would  
2 you still stand your ground that you will disregard such a disclosure which  
3 has been made to you under the forms that are required by the law?

4 JUDGE THOMPSON: [Inaudible] so that you answer both of us at the  
13:04:32 5 same time. If you give us the picture, if you use one of the statements --  
6 say the 2003 statement -- and you refer us to alleged inconsistencies with  
7 the other testimony, but there is a subsequent statement which shows some  
8 congruence or consistency between that statement and the other testimony  
9 and that statement has been disclosed to you, would you be treating the  
13:05:10 10 Court with candour if you merely highlight the one which is earlier in time  
11 and not the one which is later in time?

12 MR JORDASH: Providing I did not suggest --

13 PRESIDING JUDGE: Which has been duly communicated or disclosed to  
14 you.

13:05:29 15 MR JORDASH: Providing I didn't suggest to the Court that the witness  
16 never said it, then yes. Secondly, the difficulty with Your Honours'  
17 suggestion is that the Prosecution say about these proofing notes that they  
18 are just proofing notes, that they may in fact not be statements from the  
19 witness. They have not been reviewed or read back to the witness. In  
13:05:55 20 order to rely upon these statements, whether from the Defence or the  
21 Prosecution perspective, one has to go through the process of proving the  
22 statement and asking the witness whether in fact he made the statement and  
23 does the note reflect the statement he has made.

24 JUDGE BOUTET: But Mr Jordash you have used these proofing notes as  
13:06:09 25 such to try to prove some of your issues as well.

26 MR JORDASH: But each time I have proved them by saying, "Is that  
27 something you said to the Prosecution?" Now, if I cross-examine a witness  
28 and say, "You have never mentioned it before but you did mention it in  
29 proofing notes," then I have not proved the statement. He have may not



1 have mentioned it in the proofing notes.

2 JUDGE BOUTET: But what you are achieving? If indeed you are  
3 establishing on day one the witness has made that particular statement as  
4 such but on day five he has amplified, corrected, modified that, and what  
13:06:48 5 that modification is is very much in line with what he says today what are  
6 we left with? We are in the search of truth and you are telling us you are  
7 not concerned about the other aspect. We are much concerned about the  
8 other aspect. And if you know that, why are you just focusing on this  
9 particular issue because it serves your purpose, but not read it because it  
13:07:09 10 is true that on day one he did not say that? But when you look at the full  
11 picture he did say the totality of it on day five. Aren't we just spending  
12 time for the sake of spending time when we are in the search of truth?

13 JUDGE THOMPSON: My own contention really is that whether such a  
14 methodology as you are adopting does amount to treating the Court with  
13:07:42 15 candour because if those subsequent statements had not been disclosed to  
16 you in conformity with Rule 66 then perhaps I would say that, well, what  
17 you are suggesting is perfectly in order because you don't know of that.  
18 Of course, what I am trying to say, and what I am sure my distinguished  
19 brothers are saying, is does not the overall interest of justice require  
13:08:12 20 that in the ascertainment of the truth everything available that has been  
21 disclosed, even though the proofs are not evidence, but there is an attempt  
22 now to use them as a basis for cross-examination, ought not the Court to be  
23 apprised of the global picture?

24 MR JORDASH: The Court ought to be apprised. But that is why I would  
13:08:36 25 respectfully submit that it is the Prosecution's job to do that part of it.

26 JUDGE THOMPSON: I know you [Microphone not activated] that is why I  
27 was pushing you in that direction.

28 MR JORDASH: The difficulty is that it is a thin end of the wedge.  
29 My job, of course, is to defend Mr Sesay and the Prosecution's job is to



1 prosecute him.

2 JUDGE BOUTET: And our job is to make sure that we obtain the truth.

3 MR JORDASH: Yes, but it is not my job to bolster the witness's  
4 credibility by suggesting --

13:09:08 5 JUDGE BOUTET: I agree.

6 JUDGE THOMPSON: Good point, and this is the difficulty. I can see  
7 the point here. If it is accepted, for the sake of argument, that this is  
8 the responsibility of the Prosecution, then, of course, the only mechanism  
9 I can see would be through the examination.

13:09:27 10 MR JORDASH: Yes.

11 JUDGE THOMPSON: Then, of course, again from the state of the  
12 jurisprudence, it would seem as if there is a rule which suggests that the  
13 Prosecution may not be allowed to ask questions which tend to establish  
14 consistency between testimony and out-of-court statements. The only way I  
13:09:53 15 can see the possibility arising is if the issue arises under  
16 cross-examination. But that is the way I see it. I am having a difficulty  
17 here, but I will perhaps not pursue this further since the learned  
18 Presiding Judge was going to apply the guillotine, and I am going to  
19 concede --

13:10:19 20 PRESIDING JUDGE: No, not the guillotine. I am sure that you have  
21 heard sufficiently what the bench thinks about this particular situation  
22 and maybe having said all what we have said you may just wrap up with this  
23 and we move to a break.

24 MR JORDASH: I can leave it here at this stage. But what I would  
13:10:54 25 then seek, Your Honours, is guidance as to the method by which this should  
26 happen. Mr Harrison was quick on his feet almost as soon as I was putting  
27 the question. Now, if that is going to happen that I can put an  
28 inconsistency but immediately after I have to put the alternative then I am  
29 not going to get anywhere with cross-examination. But if Your Honours'



1 view is that I should put the later statements, then of course I agree with  
2 that, but I would need to be able put it after of course I have been able  
3 to explore the inconsistency as we see it --

4 Mr HARRISON: I see nothing wrong with that.

13:11:27 5 MR JORDASH: -- not in terms of giving the witness notice of it.

6 PRESIDING JUDGE: Mr Harrison says he sees nothing wrong with that.

7 JUDGE BOUTET: And I don't see anything wrong with it.

8 PRESIDING JUDGE: Go ahead.

9 JUDGE BOUTET: If your purpose is to show that on the first day he  
13:11:38 10 said this and this is inconsistent, I don't have any problem. But, if the  
11 witness has dealt with the same issue later on, we need to be told about  
12 that. That is the kind of thing.

13 MR JORDASH: I take Your Honours' guidance. May I pick up on this  
14 one after lunch?

13:11:48 15 PRESIDING JUDGE: Yes.

16 MR JORDASH: Can I also beg 15 minutes because this argument took 15  
17 minutes? I was watching the clock.

18 JUDGE THOMPSON: I advised you not to make a commitment.

19 PRESIDING JUDGE: I saw you coming, Mr Jordash. Learned counsel, we  
13:12:43 20 will recess for the lunch break and resume at 2.30 p.m. The Court will  
21 rise, please.

22 [Break taken at 1.10 p.m.]

23 [HS080405C - EKD]

24 [Upon resuming at 2.40 p.m.]

14:43:41 25 PRESIDING JUDGE: Learned counsel, we are resuming the session.  
26 Mr Jordash, shall we.

27 MR JORDASH: Yes, please. Thank you.

28 JUDGE BOUTET: The mic for the witness.

29 MR HARRISON: I'm sorry, I'll just get it.



1 MR JORDASH:

2 Q. I want to pick up, Mr Witness, where we left off, referring to the  
3 paragraph 9813 and the explanation as to why the statement speaks about  
4 "during both attacks I was behind carrying the ammunition." Did you tell  
14:44:47 5 the Prosecution that during both attacks you were behind carrying the  
6 ammunition?

7 A. Which of the two attacks are you talking about? I cannot understand  
8 you.

9 Q. Well, it is your statement, Mr Witness, and it says - and I have read  
14:45:16 10 the paragraph before lunch - "during" --

11 PRESIDING JUDGE: Mr Jordash.

12 MR JORDASH: Yes.

13 PRESIDING JUDGE: Can you refresh his memory.

14 MR JORDASH: Certainly.

14:45:26 15 PRESIDING JUDGE: The break must have [inaudible] any details he  
16 might have had. I think you better start again.

17 MR JORDASH: Okay.

18 Q. The paragraph reads, and just listen and you can be reminded of it,  
19 Mr Witness.

14:45:37 20 "After SAJ left, Wallace told me that Superman and SAJ were still in  
21 contact with each other. In fact, some weeks after SAJ left for Freetown I  
22 heard a communication between SAJ and Superman. I was standing near the  
23 radio set at that point with Wallace. I heard SAJ say that he was in  
24 Waterloo and that Superman should attack Makeni and come to join him in  
14:46:09 25 Waterloo. The very next day we, Superman's group left Krubola on our way  
26 to Makeni. The same day we attacked Binkolo, which we'd captured by the  
27 afternoon. Then we slept in a village called Samiabendugu. There Wallace  
28 informed me that Superman had called Issa who was around Kono and asked him  
29 to move his troops to Makeni, which we later learned Issa did. During both



1 attacks I was behind carrying the ammunition. However, I knew some of  
2 those things because Wallace was Superman's mission commander and was  
3 therefore often told a lot of things."

4 So did you tell the Prosecution that during both attacks you were  
14:47:05 5 behind carrying ammunition?

6 A. It was the time when we were coming to Binkolo. When I was behind I  
7 had ammunitions with me.

8 Q. Is that right? Which attacks, then, were these?

9 A. The attack I'm referring to is that of Makeni and Binkolo, but while  
14:47:50 10 we are coming towards Binkolo, I was behind with ammunitions on my head.  
11 While we're approaching Binkolo they ask me to be now with Blood, who was  
12 with the handsets.

13 Q. Okay. Well, concentrate on this question. Did you tell the  
14 Prosecution in 2003 that during both attacks you were behind carrying the  
14:48:18 15 ammunition?

16 A. I told them that it was during the time we are moving from Krubola to  
17 Binkolo. While we are coming from Krubola I had ammunitions with me but as  
18 we are approaching Binkolo, we are then separated and placed into groups  
19 and I was happen to find myself in Blood's group.

14:49:03 20 Q. Will you confirm this, Mr Witness: That from Krubola -- well, let me  
21 start that again. Didn't you come from Koinadugu to Binkolo according to  
22 what you've said?

23 A. Yes, we came from Koinadugu.

24 Q. And can you confirm that you came from Koinadugu to Binkolo and there  
14:49:31 25 were no attacks between those two places?

26 A. To approach Binkolo there was a town called Samiabendugu. There we  
27 are blocked first.

28 Q. What do you mean by "blocked first"?

29 A. There we offloaded all the loads we brought with us, the ammunitions,



1 and they distributed us into groups. I happen to find myself in Blood's  
2 own group who had a set with him.

3 Q. Mr Witness, you told us yesterday that when you left Koinadugu you  
4 moved and you went to one village called Flower or Fullawah. Do you  
14:50:47 5 remember giving that evidence?

6 A. Yes.

7 Q. You then said: "From Fullawah we went to a town called Binkolo and  
8 we launched an attack there." So can you confirm that there was no attacks  
9 from Koinadugu to Binkolo?

14:51:09 10 A. From Bendugu to Binkolo there was no attack. I didn't explain no  
11 attack. But when we reach at Samiabendugu there they ask us to offload all  
12 the loads that we are carrying and there they distributed the ammo to  
13 people.

14 Q. Let me just finish this point by putting this to you, Mr Witness:  
14:51:53 15 You told the Prosecution that during both attacks, referring to Makeni and  
16 Binkolo, you were behinds carrying the ammunition. That is what you told  
17 them in 2003; isn't it? Is that right?

18 A. I did not understand.

19 Q. Well, I think you did, Mr Witness. Didn't you tell the Prosecution  
14:52:38 20 that during both attacks on Makeni and Binkolo you were behind carrying the  
21 ammunition and that's why it says it in your 2003 statement; isn't it?

22 A. Yes, I did tell them that when we are coming from Koinadugu to  
23 Binkolo I was behind toting ammunitions. But when we reached to  
24 Koinadugu -- to Binkolo, they ask us to offload the loads.

14:53:27 25 JUDGE BOUTET: Mr Witness, this is not the question. The question is  
26 you were read, in part, the statement or a portion of the statement you  
27 would have given to the Prosecution in 2003. And Mr Jordash has read to  
28 you what is written now in the statement. The question is: Is it what you  
29 have said or not to the Prosecution at that time? And the statement again,



1 it says, and I will quote in part: "During both attacks" - that is in  
2 Makeni and Binkolo - "I was behind carrying the ammunition." The question  
3 is: Did you say so in those terms to the investigators or the Prosecution  
4 in 2003?

14:54:26 5 THE WITNESS: I told them that from Koinadugu to Binkolo I was  
6 carrying loads with me but not after Koinadugu -- not after Binkolo. At  
7 Binkolo they asked me to join Blood.

8 MR JORDASH:

9 Q. Okay. So you say after Binkolo -- sorry, at Binkolo, before the  
14:54:58 10 attack, you were given guns -- a gun to protect Blood; is that right?

11 A. Yes, we are now behind him, guiding him.

12 Q. This was before the attack on Binkolo?

13 A. Yes, the evening when we reached at the outskirts, there they said we  
14 should join in.

14:55:30 15 Q. I want to refer you to the notes from the 20th October 2004, 9825.  
16 This is where you mention Blood. Paragraph 76, let me read it to you:

17 "The night of the attack against Binkolo I heard communications  
18 between Issa and Superman. Issa called Superman and told him that he was  
19 on his way to Makeni. We knew that there will be an attack against Makeni  
14:56:14 20 from Koidu. We were getting messages from Issa. The guy who had the radio  
21 set was with me and he was called Blood. I was assigned as a guard for  
22 this guy. After Binkolo we were given guns to protect this guy."

23 So were you given a gun before Binkolo or after Binkolo to protect  
24 Blood?

14:56:54 25 A. Before entering into Binkolo, where we offloaded the loads and then  
26 they put us in place in groups. Then they said we should follow Blood.

27 Q. Isn't it right, Mr Witness, that in fact Superman's radio man was --  
28 please, excuse me a moment.

29 PRESIDING JUDGE: Please go and talk to him, please. Go and talk to



1 him please.

2 [Defence counsel and accused confer]

3 MR JORDASH: Sorry, I can't seem to get this information in my head  
4 on this point.

14:57:53 5 Q. Isn't it right that Superman's radio operator was not in fact called  
6 Blood, he was called Top Marine?

7 MR HARRISON: With fairness to this witness, he has never said that  
8 Superman's radio operator was Blood.

9 PRESIDING JUDGE: Mr Jordash, that is right. What Mr Harrison is  
14:58:15 10 saying is right. Because he said that Blood was carrying the radio set.  
11 Because he was manipulating and attending to this radio set he did not have  
12 a gun on him, so they were around with guns protecting him. It was never  
13 said that it was Superman's radio.

14 MR JORDASH: No, it wasn't said, but it was said that Issa was  
14:58:37 15 calling Superman on the radio held by Blood which makes him, I would have  
16 thought, Superman's radio operator.

17 MR HARRISON: No. There's radios held by many people in the field  
18 and that could be heard by numerous people throughout the area.

19 JUDGE BOUTET: There is no such evidence I would say, Mr Harrison.  
14:58:59 20 It may be that is true but there is absolutely no evidence in this respect  
21 in this case from this witness. Absolutely none.

22 PRESIDING JUDGE: When they're talking to my guards I hear everything  
23 and everybody who is transported hears all this.

24 JUDGE BOUTET: I would like again to observe that when we go into  
14:59:20 25 these kinds of comments we should ask the witness to remove his headset.

26 MR JORDASH: I agree. Although I have a feeling he understands  
27 English.

28 JUDGE BOUTET: Really? Maybe you should ask him. If he does  
29 understand English we will know for the record at least.



1 MR JORDASH:  
2 Q. Do you understand English, Mr Witness?  
3 PRESIDING JUDGE: No, no.  
4 JUDGE BOUTET: I think he does.  
14:59:43 5 MR HARRISON: No, that was translated for the witness.  
6 MR JORDASH:  
7 Q. Do you understand English, Mr Witness?  
8 A. No.  
9 Q. How did you know then yesterday that you were not getting a proper  
14:59:58 10 translation?  
11 A. Well, the way the Kono was translated to me yesterday was confusing  
12 and it was from that point I realised that the person was not a good -- was  
13 not fluent in Kono.  
14 JUDGE BOUTET: It's a fair answer.  
15:00:23 15 MR JORDASH: It's a fair answer, I have to say.  
16 PRESIDING JUDGE: Mr Jordash, that's a very fair answer, isn't it.  
17 Mr Cammegh, isn't it a fair answer.  
18 MR CAMMEGH: I didn't hear it.  
19 PRESIDING JUDGE: You deliberately did not want to hear that. Okay,  
15:00:46 20 let's proceed, please.  
21 MR JORDASH:  
22 Q. As far as you're aware was Superman receiving messages from any other  
23 radio operator but Blood?  
24 A. Except when we were now in Makeni, the radio set was not with Blood  
15:01:22 25 again. That was what I was made to understand.  
26 Q. So you say that Blood was Superman's radio operator, and only Blood,  
27 up until Makeni?  
28 A. After Binkolo I was not with him again when we entered Makeni.  
29 Q. My suggestion to you, Mr Witness, is that you have lied about Blood



1 and in fact Superman's operator was a man called Top Marine; is that right?

2 PRESIDING JUDGE: Are you suggesting that he was with Top Marine  
3 instead of Blood?

4 MR JORDASH: No, I am suggesting that he wasn't with Blood, Top  
15:02:29 5 Marine or anyone else.

6 PRESIDING JUDGE: I see.

7 THE INTERPRETER: I cannot get from the witness, sir.

8 PRESIDING JUDGE: Put it to him again so that the translation cabin  
9 can get it right, please.

15:02:38 10 MR JORDASH:

11 Q. Is it not right that in fact Superman's operator was Top Marine and  
12 not a man called Blood?

13 A. The only person I knew was Blood. That was the only person we're  
14 working with.

15:03:08 15 Q. And, in fact, on the way from Koinadugu to Makeni an Alpha Jet  
16 bombarded Superman's group and destroyed the radio set so you couldn't, I  
17 would suggest, have been with the radio set. Is that right?

18 A. I didn't say that.

19 Q. No, I'm saying that or, rather, Mr Sesay is saying that.

15:03:55 20 A. I didn't see that.

21 MR HARRISON: The evidence has been that he wasn't with Blood after  
22 Binkolo. Binkolo is between Koinadugu and Makeni.

23 JUDGE BOUTET: I know. The witness had just said a few moments ago,  
24 Mr Jordash, that he was protecting Blood until Binkolo. After Binkolo he  
15:04:13 25 was no more with Blood or protecting the head set -- not the head set but  
26 the radio set. So it is consistent with your question as well. What  
27 happened between Binkolo and Makeni about the radio equipment, in his  
28 evidence at least he says he wasn't there.

29 MR JORDASH: I will leave it. I accept that.



1 Q. Moving to Freetown -- sorry, moving to the issue of Freetown, you  
2 told us that there were discussions at Superman's house - is that correct -  
3 about supplying Freetown and the rebels who had entered Freetown? Is that  
4 right? Do you remember that?

15:05:31 5 A. I didn't talk about supply.

6 Q. What were the discussions at Superman's house about?  
7 JUDGE BOUTET: I thought he meant reinforcing rather than supply.  
8 PRESIDING JUDGE: Reinforcing with manpower.  
9 MR JORDASH: Reinforcements.

15:05:50 10 JUDGE BOUTET: Yes. Supply is different.  
11 MR JORDASH:

12 Q. Was there talk at Superman's house about reinforcements to Freetown?  
13 A. That day it was not a meeting. I went there with Wallace. We were  
14 sitting in his veranda.

15:06:18 15 Q. Where was that?  
16 A. Makeni.

17 Q. And after those discussions you told us that you met two trucks and  
18 General Issa was capturing soldiers to be taken to Freetown; yes?  
19 A. Yes. In the evening while we were returning we met him with two  
15:07:08 20 trucks and a Hilux, capturing men, putting them on board the vehicle.  
21 Q. Describe to us what you saw Mr Issa Sesay do.  
22 A. We are coming on top of the Honda when we met him at a junction with  
23 the two trucks and the Hilux. Any rebel they see with a gun, they'd seize  
24 him and they'd throw him in the truck.

15:07:51 25 Q. What was General Issa doing? Was he driving a truck, was he running  
26 after rebels? What was he doing?  
27 A. He was seated there in the Hilux while his bodyguards were running  
28 after those men with guns, chasing them, capturing them, putting them in  
29 the trucks.



- 1 Q. So you saw men leaving the two trucks and running after other rebels;  
2 is that right?
- 3 A. Yes. In fact, an incident occurred in our presence where they ran  
4 after one of the men, they went and captured him and brought him and threw  
15:09:01 5 him into the truck.
- 6 Q. So where were these chases taking place? Was this in Makeni?
- 7 A. Yes, within Makeni Town around the market area.
- 8 Q. How many people were involved in chasing the rebels to capture them?
- 9 A. We were on top of Honda. I can spot two people chasing others.
- 15:09:43 10 Q. So two people chasing rebels through Makeni; is that what you saw?
- 11 A. I saw that happening. Then while we approach the truck I saw the  
12 other people on board the truck again.
- 13 Q. And were the people who they caught struggling as they were dragged  
14 towards the trucks?
- 15:10:15 15 A. The time we met them some were grumbling in the truck, refusing to  
16 go. Then we passed off.
- 17 Q. Then you passed off you say. Where did you go?
- 18 A. We went back home to pack our belongings.
- 19 Q. Who did you go home with?
- 15:10:48 20 A. I was with Wallace while we are going home.
- 21 Q. Did you walk home?
- 22 A. We are on top of a Honda.
- 23 Q. Whose Honda was that and who was on the truck?
- 24 A. It was Wallace's Honda.
- 15:11:13 25 Q. So just you and Wallace went back to home?
- 26 A. Yes, we are on top of the Honda.
- 27 Q. Was that home in Makeni?
- 28 A. Yes, within Makeni Town.
- 29 Q. Is there any reason why you told us, then, yesterday that you went to



1 Lunsar on one of the trucks which had been used to capture rebels?

2 A. That day when we met them at the park there, we crossed them and went  
3 home to pack our things. We came back and joined them to go to Lunsar.

4 Q. So you went home to Makeni, came back and the trucks were still there  
15:12:33 5 and went to Lunsar instead; is that right?

6 A. Yes, at that time there was -- they passed a law that all those who  
7 came from Northern Jungle should head to Lunsar. It was that opportunity  
8 we used to join them to go to Lunsar.

9 Q. Really. Well, let's have a look at your 2003 statement. Before we  
15:13:33 10 do look at it, which commanders were on the trucks going to Freetown via  
11 Lunsar?

12 A. I can remember Wallace. We all went together.

13 Q. And from what you have told us one of the trucks stayed in Lunsar,  
14 two of the trucks went to Freetown; is that right?

15:14:02 15 A. Yes.

16 Q. So you and Wallace drop off at Lunsar. Who goes to Freetown that you  
17 knew?

18 A. We dropped at Lunsar. By then Colonel Rambo was there at Lunsar. He  
19 led the two trucks to Freetown. It was in the evening towards the night  
15:14:32 20 now.

21 Q. Okay. Your Honours, page 9814 paragraph 3. I will read a statement  
22 in your 2003 statement. Statement says this: "Once we'd taken Makeni I  
23 saw three trucks of reinforcements which I was told were headed for  
24 Freetown." Did you tell the Prosecution you'd seen three trucks of  
15:15:12 25 reinforcements which you were told were headed for Freetown?

26 A. Yes, I told them that I saw three trucks coming to Freetown. Then  
27 all of us came together.

28 Q. Anything else go to Freetown?

29 A. At that time it was only those two trucks which passed on to



1 Freetown.

2 Q. Just the two trucks. Let me just refer you now to another statement.

3 Your Honours, page 9816 dated the 26th of January 2004. Statement says:

4 "The witness added or clarified the following from his statement  
15:16:21 5 given on the 21st, 22nd of September 2003: On page 9 of the statement  
6 where the witness saw the three trucks heading for Freetown, the witness  
7 clarified that there were three trucks full of troops and one additional  
8 truck that was full of ammunitions that was being sent to Freetown as  
9 reinforcements for Freetown invasion."

10 Did you tell the Prosecution on the 26th of January 2004 that in fact  
11 there was three trucks full of troops and one additional truck full of  
12 ammunition? Did you?

13 A. That day I told them that it was three trucks that moved and I joined  
14 them to come down to Lunsar.

15:17:54 15 Q. So you did tell the Prosecution about that but it didn't find its way  
16 into your statement; is that right?

17 A. That which I explained to them, I explained to you is what I  
18 explained to them.

19 Q. Okay. I suggest to you you have never explained to the Prosecution  
15:18:24 20 that you saw Issa Sesay in a truck with troops capturing rebels to be sent  
21 to Freetown and that is an invention on your part. Is that right?

22 A. It's not invention on my part.

23 Q. I accept you have said that the troops that were sent to Freetown  
24 were Issa Sesay's and Superman's, because we can see that in the 2003  
15:19:18 25 statement. But at no stage, I suggest, have you ever said that you saw  
26 Issa Sesay capturing troops to be sent there. Is that right?

27 A. What I had told them was that I saw him at Makeni capturing troops to  
28 be sent to Freetown after we've come from Superman.

29 Q. How long did you live in Lunsar after arriving there with Wallace?



- 1 A. About a month. We spent a month there.
- 2 Q. Where did you go after that?
- 3 A. Went back to Makeni.
- 4 Q. Is that when you attacked Makeni to push Issa out?
- 15:20:31 5 A. It was during that infighting it was the time we went back.
- 6 Q. Right. Were you aware that Issa Sesay came back in September 1999?
- 7 I beg your pardon, October 1999.
- 8 A. I didn't get you.
- 9 Q. Were you aware that --
- 15:21:15 10 MR HARRISON: I think it's just that come back where that may have
- 11 led to confusion for the witness.
- 12 MR JORDASH: Okay, thank you.
- 13 Q. Were you aware that Issa Sesay came back to Makeni in October of
- 14 1999?
- 15:21:34 15 A. He came back there after they made reconciliation between them.
- 16 After the fighting he came back.
- 17 Q. And yesterday I referred you to a part of your statement -
- 18 Your Honours, page 9814 - and it was, just to clear up confusion if there
- 19 was it, paragraph 4. Your statement says of 2003:
- 15:22:09 20 "I stayed in Makeni for about one year until just after the problem
- 21 with the UNAMSIL peacekeepers. I didn't go to the DDR programme and was
- 22 always under Wallace's command. Throughout the time I was in Makeni
- 23 General Issa was the top top commander. I didn't see the RUF do any bad
- 24 things to people during that time."
- 15:22:35 25 So are you referring there to when General Issa returns to Makeni in
- 26 October of 1999?
- 27 A. I cannot definitely say the time or the date, but I know after the
- 28 infighting he returned back to Makeni.
- 29 Q. And when you say in your statement that General Issa -- sorry, that



1 you stayed in Makeni for about one year until just after the problem with  
2 the UNAMSIL peacekeepers and General Issa was top top commander, you're  
3 referring to approximately the period when General Issa returned and  
4 remained in Makeni through the end of 1999 onwards -- well, up to the end  
15:23:50 5 of 1999; is that right?

6 A. At that time he was there. Just after the infighting he came back.  
7 After they've decided their case, when the peacekeepers came in.

8 Q. So is this right: When Issa was chased out of Makeni General Bropleh  
9 and Superman and Brigadier Mani -- well, let me break this down. After  
15:24:25 10 Issa Sesay was chased out of Makeni General Bropleh and his men were based  
11 in Makeni; is that right?

12 A. Yeah, General Bropleh was in Makeni.

13 Q. And so was Brigadier Mani in Makeni and the surrounding villages?

14 A. There was a certain man they called Brigadier Mani, he also was  
15:24:59 15 there.

16 Q. And Superman was based around the Makeni and the Lunsar areas at that  
17 time?

18 A. Yes, while we are there -- while we were there he didn't go to  
19 Lunsar, yes. When the infighting was over he didn't go back to Lunsar.

15:25:22 20 Q. So he stayed in -- Superman then was the top commander in Makeni  
21 after Issa Sesay was chased out; is that right?

22 A. Yes. Yes, when Issa Sesay was chased out Superman was in charge  
23 there, but he was also coming attacking Makeni from Magburaka.

24 Q. Who was?

15:26:05 25 A. Issa.

26 Q. Who was he attacking?

27 A. He was attacking Superman at Makeni.

28 Q. So you say that Sesay was based in Magburaka, do you, at this time?

29 A. I cannot say whether they were based in Magburaka Town but they were



1 coming from that environs, coming towards Makeni.

2 Q. You do know, don't you, Mr Witness, that one of the first places that  
3 Sesay went after being chased out of Makeni was Magburaka. You know that,  
4 don't you?

15:26:57 5 A. It was of later I came to realise that they were based there.

6 Q. I suggest you knew it at the time because Superman and his men  
7 actually chased him to Magburaka. Isn't that right?

8 A. I cannot justify whether it was Magburaka Town itself, but they were  
9 coming from that end.

15:27:33 10 Q. Can you confirm that Gibril Massaquoi was part of the attack on Issa  
11 in Makeni?

12 A. No.

13 Q. Do you know or you don't know whether he was?

14 A. I only heard that there was a Gibril Massaquoi but I didn't see him  
15:28:11 15 come from Lunsar to attack Makeni.

16 Q. Did you see General Bropleh join in the attack on Makeni and Issa?

17 A. General Bropleh was based in Makeni. He didn't go to Lunsar, he was  
18 based in Makeni.

19 Q. And he joined in the attack on Issa Sesay, didn't he?

15:28:47 20 A. Yes. When we met him he also gave some of his men.

21 Q. And in fact, there was approximately 200 men attacking Sesay in  
22 Makeni, wasn't there?

23 A. I cannot tell you the exact number.

24 Q. Can you say that there was more than a hundred?

15:29:32 25 A. Yes, they were more than a hundred. But it was during the night we  
26 came. I cannot say -- I cannot tell you the exact number.

27 Q. But these were basically men who were loyal to Brigadier Mani --  
28 sorry, General Bropleh and Superman; is that right?

29 A. Well, I do not know, because it was during the night when we came and



1 when we came everybody was gathered all about. So I cannot say who was  
2 this, who was that, whether they were loyal or not.

3 Q. Okay. Well, can you confirm that the men that were attacking Issa  
4 Sesay chased him through Magburaka to Matotaka and then to Makali? Can you  
15:30:40 5 confirm that?

6 A. I can't say because that night I didn't go anywhere, I just stopped  
7 at Makeni.

8 Q. Didn't you hear later on how long the chase had gone?

9 A. No, nobody told me of that.

10 Q. Now, the time when Sesay returned, that was when the Military Police  
11 started to work and do a proper job stopping crimes against civilians;  
12 isn't that right?

13 A. I didn't get you.

14 Q. What I am suggesting is that when Sesay returned, that's when the  
15:31:51 15 Military Police, which were part of the RUF, actually did a job in Makeni  
16 and prevented crimes against civilians. Can you confirm that?

17 A. After the conflict was settled it was then, after he has returned,  
18 then they open an MP office in front of the market.

19 Q. And it was that MP office which employed Military Police; is that  
15:32:37 20 right?

21 A. Yes, that happened.

22 Q. And unlike the Military Police in Kono, these Military Police  
23 actually did their job and prevented crimes against civilians; do you  
24 accept that?

15:32:54 25 A. Well, that I could not say because I was not so frequent in their  
26 office.

27 Q. Let me refer you to something in your notes -- in the notes, just to  
28 see if it can trigger your memory. Page 9820 paragraph 37. This paragraph  
29 concerns Wallace and two men who you believe had raped some women in Kono,



1 just so you have a context. And then the notes say this: "I never saw the  
2 MP acting like real Military Police. I saw that only later in Makeni."  
3 Does that help you, Mr Witness, in remembering that when the Military  
4 Police office was opened in Makeni, that's when the Military Police did  
15:34:38 5 their job?

6 A. Yes, while we were in Kono they didn't perform their duties. But  
7 when we arrived at Makeni I did see them with their hand bands performing  
8 their duties as Military Police.

9 Q. And this was during the time when Sesay had returned after the  
15:35:15 10 infighting; is that right?

11 A. It was after -- it started when the fighting did not start -- when  
12 the fighting did not ensue. Even after the fighting then they came and  
13 started their job again.

14 Q. Do you mean when Sesay returned?

15:35:54 15 A. When he came back they opened their office.

16 Q. Right, thank you. And as a result of that, no houses were burnt in  
17 Makeni Town from then on, was there?

18 A. When they came back they passed the law that.

19 Q. They passed the law that?

15:36:23 20 A. That nobody burns the house, nobody does not rape any woman. That  
21 was the time they passed the law.

22 Q. That's when Sesay passed the law; isn't that right?

23 A. Yes, he passed that law.

24 Q. Thank you. And that was when Superman went to -- was based in  
15:36:56 25 Lunsar; is that right?

26 A. By then all of them were now in Makeni. That time the infighting had  
27 stopped. There was a certain man who settled their dispute between them.

28 Q. Moving to the time of when -- let me start this again. You talked  
29 two days ago about a time when you had no commander because the commanders



1 had left I think to go to Freetown. Do you remember saying that?  
2 A. Yes, after the infighting they all went.  
3 Q. Including Wallace?  
4 A. Yes, while we were in Makeni.  
15:38:17 5 Q. So you remained in Makeni without a commander; is that right?  
6 A. Yes, the place where we were at Waterworks, they just left us,  
7 abandoned us like that.  
8 Q. So you were with other boys or men who had been left just like that;  
9 is that right?  
15:38:48 10 A. Yes.  
11 Q. And you were just hanging around; is that right?  
12 A. Yes, at that time I was doing nothing. I was just there going about  
13 looking out for my people.  
14 Q. And it was at this time, wasn't it, that Issa's men came and took all  
15:39:19 15 the weapons from you, you and your other friends?  
16 A. Yes, Issa's bodyguards.  
17 Q. Because you had just been hanging around with your weapons causing  
18 trouble?  
19 A. That was not so. What they told us was that our authorities have  
15:40:04 20 surrendered and that they're going to take all the ammos and the guns from  
21 us.  
22 Q. Right, thank you. Now, final subject: Peacekeepers. You say that  
23 you saw General Issa and his men attacking the peacekeepers; is that right?  
24 A. Yes, I said so.  
15:40:53 25 Q. You were hiding behind a mango tree; is that right?  
26 A. Yes, at that time they came in with firing. I thought that they've  
27 come for us again, so we all ran away.  
28 Q. Where did you run to?  
29 A. There was a mango tree. I ran towards it and hid myself behind it.



1 Q. Was General Issa leading those troops?

2 A. Yes, he was in that vehicle which came that day.

3 Q. Did you see him get out of the vehicle?

4 A. Yes, when the firing ceased he came down. We are there standing  
15:41:51 5 looking at them.

6 Q. Was this in the morning?

7 A. In the morning.

8 Q. And you saw Issa Sesay get out of the vehicle and approach the  
9 peacekeepers?

15:42:10 10 A. Yes, they were right in their compound now.

11 Q. Did you see Issa Sesay use his gun to threaten the peacekeepers?

12 A. I didn't see him pointing gun at anybody, but he had a pistol with  
13 him.

14 Q. Did you see him -- what did you see him do?

15:42:38 15 A. I saw him and I heard him shouting at his men with whom he went,  
16 asking them to take out the peacekeepers and put them in those trucks that  
17 they were having, their armoured cars and other big trucks.

18 Q. Did you see him line up the UN people?

19 A. I didn't see him lining up them. I saw them with short trousers with  
15:43:41 20 a training vest and they were putting them into the trucks.

21 Q. Let's just try to break this down, Mr Witness. Was Issa Sesay  
22 leading the men when they first approached the peacekeepers, the UN men?

23 A. He was the only commander among them.

24 Q. Was he --

15:44:08 25 MR HARRISON: I'm sorry to interrupt but I think the problem may be a  
26 translation question. When the word "leading" is used it may mean whether  
27 or not physically in front, but sometimes in the translation it becomes  
28 commander. Physical as opposed to a position.

29 MR JORDASH: Thank you.



1 Q. Was General Issa at the front of the troops approaching the  
2 peacekeepers?

3 A. That day when they were going to the peacekeepers they came with  
4 heavy firing. That made us all panic and run away. When the firing died  
15:45:01 5 and we came, then I saw him there.

6 Q. And what did you see him doing then?

7 A. I saw him and I heard him giving command with his shouts to his men,  
8 the bodyguards he went with, asking them to take out the UN peacekeepers.  
9 They brought them out, they were in short trousers and their training  
15:45:49 10 vests. They took out all their big trucks, their ammos, the armoured cars,  
11 their food and all the items they had there. They brought everything and  
12 load everything in the truck and left with the truck.

13 Q. Before General Issa arrived had there been any RUF anywhere near the  
14 peacekeepers?

15:46:19 15 A. They were there, they were in the fence and it was fenced with barbed  
16 wires.

17 Q. So you would say that General Issa was there from the very beginning  
18 commanding the peacekeepers to come out of their barracks. Is that what  
19 you would say?

15:47:08 20 A. Yes, he gave order that they all should come out to be taken to Teko  
21 Barracks.

22 Q. And after that order you saw all the men come out and have their guns  
23 removed from them; is that right?

24 A. I was standing there. I saw them put them all on board the vehicles  
15:47:47 25 with their belongings.

26 Q. Right, with Sesay standing, watching them come out?

27 A. Yes, he was there standing. They were putting the men on board the  
28 trucks.

29 Q. Was he standing there when they were coming out, before they were put



1 on the trucks?

2 A. Yes, the trucks were in there -- the trucks came in into the fence.  
3 General Issa was there. Whenever any peacekeeper come out, they put them  
4 in the truck. Then the truck move.

15:48:31 5 Q. Thank you. Your Honours, page 9814 the last paragraph. Just reading  
6 from your 2003 statement, Mr Witness:

7 "I only know a little about the UNAMSIL peacekeeper problem. One of  
8 the UNAMSIL peacekeeper bases was near the Waterworks. One night some of  
9 the RUF came to the peacekeeper place and surrounded it. In the early  
10 morning the RUF ordered all the UN people to come out. I saw this. I  
11 don't know what nation the UN people came from. Then a few minutes later,  
12 after they'd been lined up and had all their guns taken from them, I saw  
13 Issa arrive in his van."

14 Did you tell the Prosecution that in fact you'd only seen Issa arrive  
15 after the UN people had been brought out, lined up and had all their guns  
16 taken from them?

17 A. I told them that he was there in the camp -- in the compound when the  
18 two lined them and put them in the trucks.

19 Q. So somehow the Prosecution have put into your statement something  
15:50:21 20 which you didn't say. Is that what you would ask us to conclude?

21 A. No, what I know -- what I told them was what they were to write. I  
22 don't know whether they wrote any other thing, but I cannot say so.

23 Q. Okay.

24 MR HARRISON: Just in fairness to the witness, this is the same issue  
15:50:56 25 we visited just before lunchtime. Prosecution would be saying that  
26 paragraphs 86, 87, which is the bottom two paragraphs at 9826, also deal  
27 with this issue and provide information which I think the witness was  
28 trying to convey that he did discuss this with the Prosecution.

29 MR JORDASH: If cross-examination is going to be interrupted by my



1 learned friend rowing the witness out by pointing to other aspects of the  
2 statement, then, in my respectful submission, that would be highly unfair.  
3 My learned friend did not even give me an opportunity to deal with the  
4 remainder of this statement.

15:51:41 5 JUDGE BOUTET: I agree with you. My understanding of the discussion  
6 we had this morning is that you would be pointing out discrepancy,  
7 differences, whatever it is as such, and subsequent to that you would lead  
8 to that.

9 MR JORDASH: Yes.

15:51:54 10 JUDGE BOUTET: [Overlapping speakers]

11 MR HARRISON: I apologise.

12 JUDGE BOUTET: It may have been a bit premature for the Prosecution  
13 and I agree with you.

14 MR HARRISON: I accept that it was.

15:52:07 15 JUDGE BOUTET: The object of the exercise of cross-examination is not  
16 to allow the Prosecution to try to save the witness. I agree with you.

17 MR JORDASH: In any event, I'm not sure that these paragraphs in any  
18 way answer the discrepancy between --

19 JUDGE THOMPSON: Well, in any event, you should not even go into that  
15:52:33 20 yet because we don't want that preliminary evaluation yet. I am of the  
21 school of thought that any of these alleged discrepancies should await  
22 evaluation at the proper time. What we need to do now from your  
23 perspective is to point them out.

24 MR JORDASH: I can take the witness to these but -- I will take the  
15:52:57 25 witness to these.

26 JUDGE THOMPSON: The Chamber cannot now even make a determination on  
27 whether those discrepancies are discrepancies at this stage. Certainly I  
28 would resist any invitation to do that.

29 MR JORDASH: I am not extending such an invitation, Your Honour. But



1 if my learned friend wants me to, I will take the witness to these  
2 sections. 9826 paragraph 96, this is what the notes say -- 86, I beg your  
3 pardon:

4 "During the UNAMSIL peacekeeper problem I saw Issa Sesay's group  
15:53:43 5 attacking the peacekeepers. The vehicle belonging to Issa was used. I saw  
6 Issa's men moving towards the direction of the peacekeepers and gun fire  
7 took place as they entered the compound of UNAMSIL."

8 Q. Are you following me, Mr Witness?

9 A. Yes.

15:54:19 10 Q. Do you accept -- do you say that this is true, that you saw  
11 Issa Sesay's group attacking the peacekeepers?

12 A. Yes.

13 Q. Nothing there, though, about Issa Sesay himself.

14 A. He himself was there with his bodyguards.

15:54:49 15 MR JORDASH: Your Honours, I've got no intention, unless Your Honours  
16 think otherwise, of putting the remainder of this. The discrepancy I rely  
17 upon is not dealt with, I would respectfully submit, in these paragraphs.  
18 I am not inviting Your Honours to consider the discrepancy or otherwise,  
19 but this does not in any way impact, I would respectfully submit --

15:55:12 20 JUDGE THOMPSON: On his testimony.

21 MR JORDASH: -- on the earlier discrepancies I seek to rely upon.

22 JUDGE THOMPSON: Okay.

23 MR JORDASH:

24 Q. You then came across the peacekeepers the next day, is that right,  
15:55:23 25 Mr Witness?

26 A. Yes.

27 Q. And you came across them when you were searching for your brother?

28 A. Yes.

29 Q. Where were they?



1 A. I met them at Teko Barracks.

2 Q. Were you able to wander into the barracks or not?

3 A. When I entered - they didn't block the roads to the barracks - I was  
4 going in search of my brother.

15:56:09 5 Q. But did you go in to the barracks or not?

6 A. I entered the barracks.

7 Q. Did you get to speak to the peacekeepers or the UN people?

8 A. No.

9 Q. Was the barracks not guarded by RUF soldiers?

15:56:32 10 A. They were there in charge.

11 Q. But you were able to wander in?

12 A. Yes, at that time I dressed in a civil dress, so they were not able  
13 to detect me.

14 Q. So you were able to sneak past the guards, were you, and get in to  
15:57:03 15 see the peacekeepers; is that right?

16 A. No, I didn't sneak. The gateway was open, it was free to enter.

17 Q. So there was no guards on the gate?

18 A. No, there was no guard at the gate except where they camped and there  
19 they were fenced with bodyguards.

15:57:36 20 Q. I see. So can I just ask you this: What type of vehicle was Issa  
21 Sesay using during this attack?

22 A. There was a van which I saw him using.

23 Q. What kind of van? What colour?

24 A. The van which I used to see him using had a two barrel on it.

15:58:13 25 MR JORDASH: Had what sorry, translator?

26 THE WITNESS: AA gun, AA gun.

27 MR JORDASH: One of my final questions -- can I refer Your Honours to  
28 page 9815.

29 PRESIDING JUDGE: AA. Is it anti aircraft or what?



1 MR JORDASH: I think so.

2 JUDGE BOUTET: That's a gun in the back of the van?

3 MR JORDASH: I think the consensus is he said two barrel.

4 MR HARRISON: I heard AA then two barrel.

15:58:58 5 MR JORDASH: AA, two barrel.

6 PRESIDING JUDGE: AA, two barrel?

7 JUDGE BOUTET: He used both. First he said two barrel, he then said

8 AA.

9 MR JORDASH:

15:59:08 10 Q. Now 9815, Mr Witness, 2003 statement you describe the attack on the  
11 UN people and you say this:

12 "I even heard Issa passing an order to put all the fuel inside one of  
13 the UN vehicles which was later taken away by the RUF. I was watching but  
14 didn't take part in this exercise. I never saw the peacekeepers again and  
15:59:41 15 don't really know what happened."

16 Did you tell the Prosecution in 2003 that you've never seen the UN  
17 people again after seeing the initial attack?

18 A. I told them that I did not see them again after I fruitlessly failed  
19 to see my brother in the barracks.

16:00:16 20 Q. So the Prosecution missed out the detail about you going to see the  
21 peacekeepers at Teko Barracks after they're kidnapped; is that what you  
22 would have us believe?

23 A. I cannot say they failed to write it down. What I told them was that  
24 the morning I went to the barracks to look out for my brother, when I went  
16:01:00 25 I saw them there. From that time I left the barracks I did not see them  
26 again.

27 [HS080405D 4.00 p.m. - SV]

28 Q. And you told the Prosecution that, did you?

29 A. Yes, when I was asked.



1 Q. Okay. Just a couple of points I want to pick up on. You said  
2 yesterday that your brother had told you that the order from Issa on the  
3 way from Kono to Makeni was Operation No Living Thing. Do you remember  
4 saying that?

16:01:44 5 A. Yes, I said so.

6 Q. Your Honours, page 9832, please. And you'd heard that, you said,  
7 from your brother; is that right?

8 A. Yes, when we were in Makeni.

9 Q. I am going to read to you from the notes from the 28th of October  
16:02:19 10 2004. Paragraph 134:

11 "When we were fighting to take Makeni I met some men who were with  
12 Issa Sesay in his advance from Kono to Magburaka and then Makeni. They  
13 told me that Issa Sesay told his men during this advance that it would be  
14 Operation Green Grass. That meant that only grass should remain."

16:02:47 15 So isn't it right, Mr Witness, that the first time you mentioned  
16 Operation No Living Thing in relation to the movement from Kono headed by  
17 Sesay was yesterday in this Court?

18 A. I did tell them that -- any time we met I told them that it was one  
19 of my brother who told me the message -- who gave me the information. When  
16:03:41 20 we were consulting one another, he told me that Issa gave the information  
21 that there should be no living thing except for the green grass.

22 Q. So, it was Operation No Living Thing and Operation Green Grass as  
23 well. Is that what you'd have us believe?

24 A. Operation No Living Thing.

16:04:10 25 Q. So not Operation Green Grass. You weren't told, then, that it was  
26 Operation Green Grass?

27 A. I was about to give them Operation No Living Thing but there was a  
28 slip of tongue so I called it Green Grass. Later I told them to correct it  
29 to No Living Thing.



1 Q. Well, nowhere in your statement does it say Operation No Living Thing  
2 in relation to this movement, Mr Witness. What I suggest to you is that  
3 you would say anything to try to get Mr Sesay into trouble, wouldn't you?

4 A. When we met I explained to them that one of my brother who came from  
16:05:15 5 Kono with Issa told me of this operation, that it should be Operation No  
6 Living Thing. I did tell them that.

7 PRESIDING JUDGE: They say you're saying all this because you want to  
8 get General Issa into trouble. That's why you're saying these things now.  
9 Is that not so?

16:05:35 10 MR JORDASH: That's right.

11 PRESIDING JUDGE: You never used the word Operation No Living Thing  
12 at the time. Now you are saying this because you want to get General Issa  
13 into trouble. That is what counsel is suggesting to you. It's not from  
14 me. It's counsel telling you that. Counsel representing Mr Issa, General  
16:06:08 15 Issa.

16 THE WITNESS: Not because I want to -- not because I want to give him  
17 trouble or put him into trouble. But what they did, what I saw, what I  
18 heard is what I am explaining. I'm saying this for God's sake.

19 MR JORDASH:

16:06:33 20 Q. Do you work, Mr Witness?

21 A. Yes.

22 Q. What do you do?

23 A. I'm yet an apprentice.

24 Q. Does Wallace give you money?

16:06:53 25 A. No. For quite some time now he has not given me money.

26 Q. Did he give you money after disarmament?

27 A. No.

28 Q. When did he give you money?

29 A. It was only once he gave me money when I went to visit him at Lungi.



1 That time he gave me money to pay my fare back.

2 Q. So you went intentionally to visit him at Lungi, did you?

3 A. No, I came from Freetown. It was his mother who sent me to go and  
4 collect something from him.

16:07:47 5 Q. So you're friendly with his mother too, are you?

6 A. Yes. He was shown to me.

7 Q. Do they treat you like a son?

8 A. [No interpretation]

9 PRESIDING JUDGE: You went there to collect something or to hand over  
16:08:13 10 something. Sorry, let me get it clear.

11 THE WITNESS: I went to collect something.

12 MR JORDASH:

13 Q. Do they treat you like a son, the Wallace family?

14 A. Yes, while I was staying with the mother.

16:08:30 15 Q. And now?

16 A. For now I'm not -- I'm no longer staying with them. I've seen my  
17 people. I am now staying with my people.

18 Q. I just want to pick up on one thing. I'm moving just for one  
19 question. When you were in Superman's house with Wallace, Superman  
16:09:00 20 received a communication through a handset asking for reinforcements to  
21 Freetown; is that right?

22 A. Yes. It was Wallace who went to say hi to him, so both of us went  
23 there together.

24 Q. And the communication through the handset came directly from  
16:09:28 25 Five-Five directly to Superman asking for reinforcements; is that right?

26 A. While the communication was going through I didn't get them clearly.  
27 It was thereafter he explained to Wallace that it was Five-Five who was  
28 asking for reinforcement.

29 Q. Now, I just want to put to you some parts of Mr Sesay's case and then



1 you'll be pleased to know I'm finished.

2 A. I suggest, to you, Mr Witness, that Issa Sesay was never the  
3 commander for the camps in Kono. He was never the commander for PC Ground.  
4 In fact, PC Ground was commanded by a Major Konuwa, isn't that true?

16:10:48 5 K-O-N-U-W-A. Isn't that true, Mr Witness?

6 PRESIDING JUDGE: K-O what?

7 MR JORDASH: K-O-N-U-W-A.

8 PRESIDING JUDGE: Does he have a rank?

9 MR JORDASH: Major.

16:11:09 10 JUDGE BOUTET: This is for Kissi Ground?

11 PRESIDING JUDGE: PC.

12 MR JORDASH: PC Ground.

13 JUDGE BOUTET: PC?

14 MR JORDASH: PC Ground.

16:11:25 15 Q. I suggest to you, witness --

16 PRESIDING JUDGE: Has he answered that?

17 MR JORDASH: No, he hasn't, sorry.

18 Q. Isn't it right Major Konuwa was the commander for PC Ground?

19 A. I don't know that. The person I met there was General Issa. He was  
16:11:48 20 the commander of PC Ground.

21 Q. I suggest to you, Mr Witness, that you're lying when you say you've  
22 never heard of Superman Ground. Is that right?

23 A. Well, I don't know. I never heard of any town or any camp called  
24 Superman Ground.

16:12:25 25 Q. Wallace was the special task force commander who stayed on his own  
26 ground with his special task force boys, is what I suggest to you.

27 PRESIDING JUDGE: Wallace was what?

28 MR JORDASH: The special task force commander staying on his own  
29 ground with the special task force boys, the Liberian contingent, we would



1 say.

2 Q. Is that right, Mr Witness?

3 A. When I first went there I met them all there. There was no  
4 distinction between them, whether he was what he was that. All I knew he  
16:13:26 5 was there with them and they were all working together. It was of late he  
6 told me that he was a ULIMO soldier.

7 Q. You never saw Issa Sesay in Kono at all, did you, Mr Witness?

8 A. While I was in Kono I saw -- I did see him.

9 Q. Issa Sesay only -- let me just start this again. The grounds which  
16:14:03 10 existed in Kono at the time you're talking about, I suggest, was as  
11 follows, Mr Witness: Superman Ground, the commander was Superman, and he  
12 was the overall commander of Kono. Isn't that the truth, Mr Witness?

13 A. Nobody showed him to me as an overall commander. The only town in  
14 which he was, he was the commander.

16:14:50 15 Q. There was Banya Ground and the commander of that was Lieutenant  
16 Banya; isn't that true?

17 A. I know only of Morris Kallon.

18 Q. Faima Ground commander was Captain Alpha; isn't that true?

19 PRESIDING JUDGE: Which ground?

16:15:18 20 MR JORDASH: Faima, F-A-I-M-A.

21 PRESIDING JUDGE: Was commanded by?

22 MR JORDASH: Captain Alpha.

23 JUDGE BOUTET: And all of this is in Kono District?

24 MR JORDASH: Kono District at the time the witness is talking about.

16:15:49 25 PRESIDING JUDGE: Yes. Do you know about Captain Alpha being the  
26 commander of the Faima Ground?

27 THE WITNESS: No, I didn't go to Faima. I don't know anything about  
28 Faima.

29 MR JORDASH:



1 Q. I suggest you were never trained in any camp, Mr Witness, but you  
2 were a domestic family member for Wallace. Is that true?

3 A. I went.

4 MR JORDASH: I've got nothing further. Thank you. Sorry for taking  
16:17:02 5 so long.

6 PRESIDING JUDGE: That's all right. It's in the interests of your  
7 client and we have to bear with you if and when we can in the interests of  
8 justice.

9 We will take a short break and come back for the cross-examination by  
16:17:33 10 the Defence team of the second accused. The Court will rise please.

11 [Break taken at 4.15 p.m.]

12 [Upon resuming at 4.45 p.m.]

13 PRESIDING JUDGE: We are resuming the session. We will call on the  
14 Defence team of the second accused to proceed with the cross-examination.  
16:48:01 15 I wonder if you'll be able to round up today, but at least let's get to  
16 somewhere.

17 MR NMEHIELLE: Yes, My Lord. I will be doing the cross-examination.

18 PRESIDING JUDGE: Mr Nmehielle?

19 MR NMEHIELLE: Nmehielle, N-M-E-H-I-E-L-L-E. May I proceed?

16:48:49 20 PRESIDING JUDGE: Yes please.

21 CROSS-EXAMINED BY MR NMEHIELLE:

22 MR NMEHIELLE:

23 Q. Mr Witness, I just want to use this opportunity to remind you that  
24 you are under oath and I also would urge you to speak slowly in answering  
16:49:06 25 me so that the judges will get what you're saying and the interpreters will  
26 also get what you're saying. Are you okay with that?

27 A. Yes.

28 Q. Okay. Let me just refresh your memory about --

29 PRESIDING JUDGE: Mr Nmehielle, you may remind him that you're



1 representing Morris Kallon.

2 MR NMEHIELLE: Okay. Thank you very much, My Lord.

3 Q. Also to remind you I am representing Mr Kallon and therefore I will  
4 be asking you questions in that regard. Do you understand that?

16:49:55 5 A. Yes.

6 Q. Okay. Let me try to refresh your memory a little bit. You said you  
7 were born in 1983; right?

8 A. I was born in 1984.

9 Q. If I reflect very clearly yesterday, you told this Court it was your  
16:50:34 10 mistake for saying you were born in 1984, that actually you were born in  
11 1983. Is that correct?

12 A. The person who was interpreting to me yesterday mixed up everything.  
13 That was the reason I said I was born in 1983.

14 PRESIDING JUDGE: What you're saying, Mr Nmehielle, is true. As he  
16:51:14 15 now says -- because what you're saying is very true. That is what he said,  
16 that it was his error when he said he was born in 1984 and that he was  
17 indeed born in 1983. If he now says that it was a mix up by the  
18 translation cabin, well --

19 MR NMEHIELLE: No, Your Honour, it couldn't be because we have the  
16:51:37 20 record where counsel for the first accused person asked him, "So you  
21 couldn't be sure. You could have been 14 or 15. In fact, you could have  
22 been 15 years old" and he said yes.

23 PRESIDING JUDGE: Well, proceed.

24 MR NMEHIELLE: Okay. I just want to make that clear. All right.

16:51:55 25 Q. Let me ask you a question. Do you know who Mosquito is?

26 A. Yes. The time we went to him, I saw him.

27 Q. Who is he or who was he?

28 A. When we met him he was called General Mosquito. They were calling  
29 him General Mosquito.



1 Q. Did you know his real name, because he couldn't just be Mosquito.  
2 Mosquito bites people. You know that insect, right?

3 A. It was after the war I came to realise his actual name. But during  
4 the war that was the name I knew. He was called Mosquito.

16:52:55 5 Q. What is his actual name?

6 A. They were calling him Sam Bockarie.

7 Q. Okay. Now you also knew that Mosquito was boss to Morris Kallon,  
8 Issa, Wallace, Superman, Five-Five, Blood and everybody else that you  
9 mentioned?

16:53:24 10 JUDGE THOMPSON: Let's go over that slowly, learned counsel.

11 MR NMEHIELLE: Okay. Sorry.

12 Q. I said do you also know that Mosquito was boss to Morris Kallon,  
13 General Issa, Superman, Five-Five, Blood and everybody else that you  
14 recollected some time ago?

16:53:59 15 A. The time when we visited him he was in control of them all.

16 Q. Okay. Thank you very much. Now, also in your testimony you said  
17 that you knew about three bases; PC Ground, Kissi Town and Banya Ground?

18 A. Yes, while we were at Kono.

19 Q. Did you visit all these grounds?

16:54:49 20 A. Yes. I visited them all.

21 Q. Okay. Let me take you to one of your statements yesterday or the day  
22 before.

23 PRESIDING JUDGE: What was his reply. Did he say --

24 MR NMEHIELLE: He said yes.

16:55:15 25 PRESIDING JUDGE: [Inaudible] the three grounds.

26 MR NMEHIELLE: That's right.

27 Q. The Prosecution - if I may continue - asked you the question --

28 MR HARRISON: Could I just ask for the page of the transcript we  
29 have.



1 JUDGE THOMPSON: Are you referring to his statement or to his  
2 testimony?

3 MR NMEHIELLE: I'm referring to my notes.

4 MR HARRISON: I'm sorry, I misunderstood.

16:55:35 5 JUDGE BOUTET: Learned counsel, would you refer to his testimony  
6 direct because that's his testimony.

7 MR NMEHIELLE: Yes, his testimony as recorded -- what I know as I  
8 recall his testimony.

9 JUDGE BOUTET: That was in cross-examination?

16:55:54 10 MR NMEHIELLE: It was examination-in-chief by the Prosecution.

11 JUDGE THOMPSON: Well, let's be specific.

12 MR NMEHIELLE:

13 Q. In your testimony in your examination-in-chief by the Prosecution you  
14 were asked a question if you knew who Morris Kallon was and you said you  
16:56:12 15 met him in Banya Ground. Is that what you told the Court?

16 A. Yes. He was there.

17 Q. Okay. And then the Prosecution also asked you --

18 PRESIDING JUDGE: In what grounds?

19 MR NMEHIELLE: Banya Ground.

16:56:39 20 JUDGE THOMPSON: Learned counsel, you gave the witness an injunction  
21 to speak slowly in response to your questioning. Would we apply the same  
22 injunction to you.

23 MR NMEHIELLE: Very well, sir.

24 JUDGE THOMPSON: Thanks.

16:57:06 25 MR NMEHIELLE: If I may continue?

26 JUDGE THOMPSON: You may proceed.

27 MR NMEHIELLE:

28 Q. The Prosecution asked you: Do you know anything that happened in  
29 Banya Ground and you said that one other week some rebels accompanied us to



1 Banya Ground to collect food. Was that your testimony?

2 A. I didn't say they went to escort us at Banya Ground. I said after  
3 Banya Ground.

4 Q. No, you said you went to Banya Ground to collect food. I'm not  
16:58:00 5 talking about escorting you as such?

6 A. Where we went to collect rice, it was after Banya Ground, in another  
7 village after Banya Ground and we were plenty who went.

8 Q. Well, there's no dispute as to -- because I'm following from what you  
9 got from your examination-in-chief, but if that's what you want to say  
16:58:37 10 let's go forward. You also told the Prosecution that on Banya Ground you  
11 found the other rebels taking a rest and also that you found a lot of  
12 people gathered together. Did you say that to the Prosecution?

13 A. What I said yesterday was that when -- after we'd gone and collected  
14 the food from the village which I was saying after Banya Ground, while we  
16:59:24 15 were coming those who were in front, they first entered Banya Ground and  
16 they met a corpse lying down there while we -- before we entered. That was  
17 what I said yesterday.

18 Q. You said, if I may put it correctly to you, you said you found  
19 somebody fighting on the ground to die. Did you say so?

16:59:54 20 PRESIDING JUDGE: He was fighting to die, struggling to die.

21 JUDGE THOMPSON: Quite. Struggling to die.

22 THE WITNESS: Yes. The man whom we met they've shot. My companions  
23 were gathered around him.

24 MR NMEHIELLE:

17:00:15 25 Q. Okay. And you said that you asked Junior, who was ahead of you, what  
26 happened; right?

27 A. Yes, we met them there.

28 Q. No, no, that wasn't the question. I said you asked Junior what  
29 happened?



1 A. Yes.

2 Q. And Junior told you that Morris Kallon had just shot this boy?

3 A. Yes.

4 Q. And in trying to say what other things Junior told you, you asked  
17:01:11 5 Junior, "Why did he shoot him?" Did you say that?

6 A. Yes, I did ask.

7 Q. And you said that Junior told you that the boy was given a goat to go  
8 and tie. Is that what you said?

9 A. Yes.

17:01:51 10 Q. But that he dragged the goat so hard that the goat died and therefore  
11 Morris Kallon shot him. Was that your testimony?

12 A. Yes. That was what I said yesterday.

13 Q. And now also you were asked a question whether you knew that the boy  
14 died and you answered, "Yes, I was there when he died".

17:02:45 15 A. Yes.

16 Q. Mr Witness, may I refer you to -- to this Honourable Court I'm  
17 referring to the proofs at page 9829.

18 JUDGE THOMPSON: Which particular statement is that?

19 MR NMEHIELLE: The proofs of the --

17:03:18 20 JUDGE THOMPSON: The date?

21 MR NMEHIELLE: The date, 22nd September 2004, 23rd September 2004. I  
22 think it is --

23 JUDGE BOUTET: Page 9829.

24 MR NMEHIELLE: 9829, exactly, yes.

17:03:38 25 JUDGE BOUTET: Is at the bottom or the top, which paragraph?

26 MR NMEHIELLE: Paragraph 112, Your Honour.

27 JUDGE THOMPSON: So is it 23rd October 2004.

28 JUDGE BOUTET: 23 October it says on page --

29 MR NMEHIELLE: Proofing of 23rd October 2004, particularly paragraph



1 112 and if I have the permission of the Court to read to the witness?

2 Okay, let me rephrase --

3 JUDGE THOMPSON: For what purpose?

4 MR NMEHIELLE: Let me rephrase. Let me ask the witness a further  
17:04:23 5 question.

6 Q. Mr Witness, did you make any statements to the Prosecution regarding  
7 the activities -- your activities as someone who was captured or abducted?

8 A. Yes, I told them that.

9 Q. You made a statement in 2003 and also, regarding your activities,  
17:04:59 10 they were proofed for you variously in 2004?

11 A. Yes.

12 Q. Particularly that your statement was proofed -- as a clarification of  
13 the statement you made in 2003, it was also proofed for you on October 23rd  
14 of 2004?

17:05:43 15 A. I didn't get you clearly.

16 Q. That the statements you made in 2003, particularly September 21 and  
17 22 of 2003, was proofed variously and particularly also proofed for you on  
18 October 23rd 2004?

19 A. Yes, they used to go there.

17:06:12 20 Q. No, that is not the question as to where you went. That the  
21 statement that you made was eventually clarified by you on the proofings  
22 offered by the Prosecution on October 23rd 2004?

23 JUDGE THOMPSON: Learned counsel, let's stop. Why not use language  
24 which would not get us into technical complications. You are alleging he  
17:06:49 25 made a statement in September 2004.

26 MR NMEHIELLE: That's right.

27 JUDGE THOMPSON: Is that the controlling statement?

28 MR NMEHIELLE: That's right.

29 JUDGE THOMPSON: And then he made subsequent statements.



1 MR NMEHIELLE: That's right.

2 JUDGE THOMPSON: Let's leave the purpose -- because I am suspecting  
3 here the translators might not be able to convey the idea of proofing and  
4 all that. So why not take it from the perspective and say you made a  
17:07:21 5 statement on so and so, you made a statement -- so that we can get the  
6 sequence in the familiar way that we've been doing it here.

7 MR NMEHIELLE: Thank you very much, Your Honour. When you have a  
8 professor doing the cross-examination maybe the language becomes very  
9 complicated.

17:07:45 10 JUDGE THOMPSON: Well, we all try to reach the level of those who are  
11 not professorial.

12 MR NMEHIELLE: That's right.

13 Q. Okay. You made a statement in September 2003 and you confirmed your  
14 statements in 2004?

17:07:57 15 MR HARRISON: I think if the word "interview" was used it might be  
16 easier to translate.

17 JUDGE THOMPSON: I think I agree with that and I don't think it's --  
18 probably you may be complicating things by saying confirmed. Why not just  
19 say you -- go to the facts. You made a statement in September 2003, you  
17:08:07 20 made a subsequent statement. Whether it was a confirmation or a  
21 repudiation, let's leave that. It will complicate the process.

22 MR NMEHIELLE: Okay. Thank you very much, sir.

23 Q. You made a statement in 2003 and you were interviewed later on in  
24 2004 regarding your statement?

17:08:38 25 A. Yes.

26 MR NMEHIELLE: Your Honour, I would love to refer to the subsequent  
27 interview particularly with regard to page 9829.

28 JUDGE THOMPSON: We will let you go through the usual ritual. Of  
29 course I am not going to pre-empt you as to the purpose of this exercise.



1 But whichever way you want to go and whatever objective you want to pursue,  
2 we need some kind of nexus between the statement and this particular  
3 witness as to how it was done, what procedure was adopted, whether he spoke  
4 in English or in Krio or in Kono. So if you can go through that for us.

17:09:33 5 MR NMEHIELLE: Okay. I was just taking for granted the fact that  
6 this statement was already before Your Honour.

7 JUDGE THOMPSON: No, don't do that at all, learned counsel. We don't  
8 take any of these things for granted dealing with witnesses of this level  
9 and also considering the matters they are coming to testify to.

17:09:52 10 MR NMEHIELLE: All right. Thank you, Your Honour, for the hint.

11 Q. The statements I'm referring to, you made on September 21st and 22nd  
12 to the Prosecution -- was made -- that you agreed to -- what language was  
13 it that you were interviewed on that statement of 2003?

14 A. It was in Kono.

17:10:37 15 Q. And the statements were made in Kono and interpreted for you by an  
16 interpreter?

17 JUDGE THOMPSON: Well, why not ask the question?

18 MR NMEHIELLE:

19 Q. Was the question --

17:10:50 20 JUDGE THOMPSON: Was the statement.

21 MR NMEHIELLE:

22 Q. Was the statement interpreted to you back in Kono by an interpreter?

23 A. Yes, there was a Kono person who was interpreting it.

24 MR HARRISON: I apologise for interrupting but the Prosecution just  
17:12:32 25 wanted to indicate that the Prosecution is satisfied that Mr Jordash on  
26 behalf of the first accused did go through the various statements and the  
27 Prosecution does not take the view that each subsequent accused need do so.

28 JUDGE THOMPSON: No, I don't think we will allow that in fact. We  
29 think that when we granted the order for joint trial we did indicate that



1 each of these accused persons would be also protected as if they were in  
2 fact being tried separately. In this particular situation it seems to be  
3 the opinion of all of us that indeed we would like Mr --

4 JUDGE BOUTET: I would like to defer to an extent on this.

17:13:21 5 JUDGE THOMPSON: Let me just finish. It seems to be the opinion of  
6 two members of the Bench that we would like learned counsel to go through  
7 the process again, particularly having regard to the fact that we did  
8 indicate that they would be afforded the guarantees as if they're also  
9 being tried separately. This is not a case where we want to sacrifice the  
17:13:49 10 procedural process to the concept of judicial economy.

11 MR NMEHIELLE: Your Honour, I will be guided by the Bench.

12 Q. Let me rephrase the question or begin all over again by asking you:  
13 You made a statement to the Prosecution in September 2003, didn't you?

14 A. Yes, I made a statement to the Prosecution.

17:14:23 15 Q. Where did you make that statement?

16 A. In 2003 I used to come to Freetown.

17 Q. No, the question is not whether you used to come to Freetown in 2003.  
18 I said where did you make a statement. Where? Which place?

19 A. Then I was in Freetown here.

17:14:56 20 Q. So you made the statement in Freetown, was it?

21 A. The first statement was taken in Kono.

22 Q. That is exactly what I was asking you. The first statement being the  
23 one in September 2003. So you made that statement in Kono?

24 A. Yes, the statement.

17:15:26 25 Q. And in what language did you make that statement?

26 A. It was in Kono.

27 Q. Did you have an interpreter who interpreted the statement you made as  
28 a result of the interviews you had?

29 A. Yes, there was an interpreter.



1 Q. And you agreed with the statement as interpreted to you that it was  
2 your statement?

3 JUDGE THOMPSON: Was the statement recorded and who -- what happened?

4 MR NMEHIELLE:

17:16:12 5 Q. Was the statement recorded?

6 A. It was recorded.

7 Q. Who recorded it, do you know?

8 JUDGE THOMPSON: It doesn't matter.

9 MR NMEHIELLE: Okay.

17:16:27 10 Q. Did you also later on make statements to the Prosecution in 2004 at  
11 various times?

12 JUDGE THOMPSON: Learned counsel, was that statement read over to him  
13 after it had been recorded and did he admit the statement to be true and  
14 correct?

17:16:55 15 MR NMEHIELLE:

16 Q. The question was: The interview that you had, the statement that you  
17 made in 2004 that was recorded, that you had an interpreter interpret to  
18 you, was it read over to you and it represented your statement correctly?

19 MR HARRISON: There may have been a misstatement. Did you mean to  
17:17:20 20 say 2004 or were you referring to 2003?

21 MR NMEHIELLE: It was 2003.

22 JUDGE THOMPSON: And that's why we need to take these things  
23 separately.

24 MR HARRISON: I apologise for interrupting but I was just trying to  
17:17:36 25 correct an oversight. I think you said 2004 and it may have led to further  
26 confusion.

27 MR NMEHIELLE: No, 2003.

28 Q. Let me ask the question again. The statement you made to the  
29 Prosecution in 2003, that you had an interpreter interpret to you, that was



1 recorded, was it read over to you and did it represent your statement to  
2 the Prosecution?

3 A. The time when the statement was obtained, it was later they went and  
4 read it back to me.

17:18:08 5 Q. So, in other words, it was read over to you?

6 A. Yes, it was read over.

7 Q. Okay. Let me also refer to the statement you made -- okay, let me  
8 ask the question. Did you make subsequent statements or statements you  
9 made later in 2004 over separate periods to the Prosecution?

17:18:41 10 A. Yeah, the time when I came.

11 Q. And the same was recorded, interpreted to you and read over to you?

12 MR HARRISON: Well, I will wish to point out the Prosecution when  
13 they disclosed the subsequent what are called proofing notes, the first  
14 line of it is: "The witness gave the following additional information in

17:19:03 15 the course of proofing. This material has not been reviewed with the  
16 witness or read back to him." The Prosecution makes that as a stipulation.

17 MR NMEHIELLE: Okay. Thank you for the information.

18 Q. I get that point and I won't pursue it being read over but you made  
19 the statement in 2004 and it was recorded?

17:19:37 20 A. I came and they did ask me about my former statement I made and they  
21 read it to me.

22 MR NMEHIELLE: There's a bit of confusion here. The Prosecution --

23 JUDGE BOUTET: It's because when you're talking statements as such,  
24 what appears to have happened is the statement was the foundation and

17:20:03 25 subsequent to that every time they met with him it appears they questioned  
26 him viz-a-viz to supplement that statement. So if you are talking of these  
27 interviews to be statements that may cause some confusion.

28 MR NMEHIELLE: Well, I want to accept the fact that the Prosecution  
29 has stipulated that it wasn't read over to him but that it was recorded and



1 he knows that it was recorded. I want to canvass the idea with the Bench  
2 that this was the situation and, if that was the situation, then I'll move  
3 on.

4 JUDGE THOMPSON: Well, the Prosecution has made a stipulation and of  
17:20:41 5 course the records will reflect that. But it seems to me appropriate that  
6 we should in fact stick, for consistency, to one terminology and statement,  
7 even if they were the result of an interview. I mean, there's no  
8 difficulty in saying you made a statement in September 2003 and you made  
9 another statement in October 2004. I mean, the relationship between the  
17:21:03 10 two statements will of course be established as we go along.

11 MR NMEHIELLE:

12 Q. So you acknowledge making the statement in 2004?

13 A. They asked of me whether I left anything behind that I can remember.

14 Q. And you made these statements to confirm -- well, to add to or remove  
17:21:40 15 statements you made in 2003; is that correct?

16 JUDGE THOMPSON: The evidence here so far from him is that he was  
17 asked to make -- to supply new omissions. Isn't that what he's saying?

18 MR NMEHIELLE: Well, to add or in terms of clarifying --

19 JUDGE THOMPSON: Anything he had left out I would take it to be an  
17:22:11 20 omission. I mean, you can take it to be --

21 MR NMEHIELLE:

22 Q. So you gave new statements in terms of whatever you may have left out  
23 in 2003?

24 A. No. The only thing they asked of me was that let me reflect my mind  
17:22:49 25 because the time they said I was caught I was a small boy. But now if I  
26 can remember anything that I left behind let me add it to my former  
27 statement.

28 Q. Did you do that?

29 A. Yes, while proceeding with my former statement I did add more



1 information to it.

2 Q. And that was in 2004?

3 A. Yes.

4 Q. Okay.

17:23:25 5 PRESIDING JUDGE: Mr Nmehielle, we should rise by 5.30 because we  
6 have some constraints we have to attend to. So with this in mind you may  
7 program the way you intend to proceed. I wonder if within that time frame  
8 you would be able to get into the crux of those statements. But let's see  
9 how you go, you know, because at 5.30 we would rise, please.

17:24:10 10 MR TOURAY: May I just butt in, Your Honour.

11 PRESIDING JUDGE: Just a minute, please. Yes, Mr Touray.

12 MR TOURAY: In fact, Mr Nmehielle should be travelling on Monday and  
13 so we are hoping there will be enough time for him to perhaps finish his  
14 cross-examination.

17:24:50 15 PRESIDING JUDGE: At what time is Mr --

16 MR TOURAY: He leaves at about 2.00 and should be at the airport  
17 around 12.00.

18 PRESIDING JUDGE: Well, we can start on Monday at 9.00 o'clock.

19 MR TOURAY: We'll, it's a question of his being at the heliport on  
17:25:10 20 time.

21 PRESIDING JUDGE: I don't know how much time he needs but if we  
22 started at 9.00 we should go nonstop up to 12.00. Getting to the heliport  
23 is no problem. I mean, if he has to be at the heliport at 1.00 I don't see  
24 any problem. Or do you envisage that Mr Nmehielle may not finish in three  
17:25:33 25 hours? I wouldn't think so.

26 MR TOURAY: In any case, give him a chance to.

27 MR NMEHIELLE: May I urge his Lordships to -- my flight is by 2.00  
28 p.m. I must be at the other side at 12.00, and of course the helicopter  
29 has the staggered schedule. If we begin by 9.00, hoping that if you could



1 oblige me quarter to 7.00, if the Court wouldn't mind --

2 PRESIDING JUDGE: To sit at a quarter to 7.00?

3 MR NMEHIELLE: Which is about an extra 15 minutes, I guess.

4 JUDGE BOUTET: Quarter to 6.00.

17:26:26 5 PRESIDING JUDGE: Quarter to 6.00.

6 MR NMEHIELLE: That's right. I should be able to finalise with this  
7 particular issue.

8 PRESIDING JUDGE: Go ahead then.

9 MR NMEHIELLE: This particular issue which is a most important issue  
17:26:41 10 for the accused.

11 PRESIDING JUDGE: That's okay, you can go ahead. And, please, if you  
12 can make it before a quarter -- because our appointment is at a quarter to  
13 6.00.

14 MR NMEHIELLE: Okay.

17:26:51 15 Q. Having established that you made the statements and you acknowledged  
16 that they refreshed your memory in 2004 --

17 Your Honour, drawing back to how -- what the questions I asked before  
18 we began to lead evidence -- cross-examination with regard to this  
19 statement, I want to refer to page 9829 of the statement of 2004.

17:27:26 20 PRESIDING JUDGE: 9289?

21 MR NMEHIELLE: 9829, I'm sorry. 9829, paragraph 1182. If the Court  
22 can permit me to read just that short paragraph to --

23 PRESIDING JUDGE: Please proceed.

24 JUDGE BOUTET: Before you do so, may I ask you what it is you are  
17:27:50 25 intending to do?

26 MR NMEHIELLE: I want to just pause the evidence-in-chief which the  
27 subsequent statement that is contradictory.

28 JUDGE BOUTET: That's the purpose of my question. In other words,  
29 are you trying to show that there are inconsistencies between what he may



1 have said and what he says now --

2 MR NMEHIELLE: Yes.

3 JUDGE BOUTET: -- or are you only trying to refresh his memory?

4 That's the purpose of my --

17:28:18 5 MR NMEHIELLE: No, I want to show inconsistency --

6 JUDGE BOUTET: Fine, thank you.

7 MR NMEHIELLE: -- with the statement he has made. He said, "I knew

8 one civilian" --

9 PRESIDING JUDGE: Read it to him.

17:28:26 10 MR NMEHIELLE:

11 Q. Mr Witness, did you make the following statement that I'm going to  
12 read to you:

13 "I knew one civilian who was called Johnny. He was with CO Lion in  
14 Kissi Town. One day he went to fetch water and he saw Kallon in Banya's  
17:28:50 15 Ground shooting one boy because the boy tried to tie a goat and the goat  
16 died. Johnny used to go to Banya Ground quite frequently."

17 Was that your statement?

18 [HS080405E - AD - 5.30 p.m.]

19 A. Ah, Ah. What I said -- I said I saw Johnny go to fetch water. There  
17:29:31 20 I asked for his commander's name.

21 MR NMEHIELLE:

22 Q. What did you asked his commander's name for?

23 A. I only asked him who is his commander then he said he was staying  
24 with Rambo. Then we made friends and we started discussing issues.

17:30:06 25 MR NMEHIELLE:

26 Q. No, sorry, Mr Witness, you are not answering my question.

27 PRESIDING JUDGE: Learned counsel, tie him down to that statement.  
28 Let him say whether -- we don't want any explanations. Did he make that  
29 statement or not?



1 MR NMEHIELLE:

2 Q. The question I am asking is whether you made the statement I read to  
3 you or not.

4 A. I didn't get you. Let me get it clear now.

17:30:37 5 MR NMEHIELLE:

6 Q. Let me oblige you one more time, because I have promised the Court a  
7 quarter to six. Let me read the statement back to you. Did you make the  
8 following statement: "I knew one civilian who was called Johnny. He was  
9 with CO Lion in Kissi Town. One day he went to fetch water and he saw  
17:30:58 10 Kallon in Banya's Ground shooting one boy because the boy tried to tie a  
11 goat and the goat died. Johnny used to go to Banya Ground quite  
12 frequently."? Did you make the statement, yes or no?

13 A. I didn't say so.

14 MR NMEHIELLE:

17:31:35 15 Q. I will leave that question there. Let me also move. I am moving to  
16 another issue now. You told this Court in your testimony that  
17 Morris Kallon was a commander of Banya Ground. Did you say so?

18 A. Yes.

19 Q. And why was the ground called Banya Ground? Do you know?

17:32:12 20 A. I don't know why they called it so. I met them calling it so.

21 Q. Did you know one Captain Banya?

22 A. I don't know him.

23 Q. Do you know any Colonel Banya?

24 A. I heard about him -- Colonel Banya, Colonel Banya -- but I didn't see  
17:32:47 25 him.

26 Q. You did not see Colonel Banya?

27 A. Yes, while I was there.

28 Q. Witness, when you met Morris Kallon in Banya Ground, as commander  
29 Banya Ground, do you remember the time of the year, the month of the year,



1 the season of the year?

2 PRESIDING JUDGE: Good luck to you.

3 THE WITNESS: The time we arrived there it was the rainy season. By  
4 then the mangoes had started ripening.

17:33:56 5 Q. The mangoes are ripening. Okay, this mango season is always our time  
6 here. What rank was Morris Kallon when you met him at Banya Ground?

7 A. He was called "Colonel".

8 Q. And if the mango season in this particular time is what you are  
9 referring to -- which, of course, is most agreeable that it is March and  
17:34:28 10 the year you were captured was 1998 -- I put it to you that Morris Kallon  
11 was a major in 1998. Is that right?

12 A. When I met him he was a colonel.

13 PRESIDING JUDGE: Are you saying that you know he was a colonel or  
14 they were calling him "colonel"? You have to make this distinction.

17:35:02 15 THE WITNESS: They were calling him "Colonel".

16 MR NMEHIELLE:

17 Q. And you met him in 1998 when you were captured?

18 A. Yes, when I was captured.

19 Q. You couldn't have met him being called "Colonel" because he was a  
17:35:24 20 major in 1998.

21 PRESIDING JUDGE: That is argumentative, learned counsel.

22 JUDGE BOUTET: Are you making a statement or asking a question?

23 MR NMEHIELLE: Yes.

24 PRESIDING JUDGE: That is argumentative. You leave that there.

17:35:30 25 MR NMEHIELLE: Okay.

26 Q. Now you said --

27 PRESIDING JUDGE: Many people have perceptions of ranks somewhere --  
28 colonels, lieutenant colonels and so on and so forth.

29 MR NMEHIELLE:



1 Q. And you said --

2 PRESIDING JUDGE: It depends on where he was at the time.

3 MR NMEHIELLE: Sorry.

4 Q. You said you only heard about Banya, you never saw him.

17:35:54 5 PRESIDING JUDGE: Did he see Colonel Banya? Were there two different  
6 people in your instructions?

7 MR NMEHIELLE: No, Colonel Banya is one person who was captain when  
8 he was commanding Banya Ground. That is the reason why it is called Banya  
9 Ground in the first place.

17:36:14 10 Mr HARRISON: It is certainly entitled for counsel to help the Court,  
11 but there is a question about whether or not he is starting to give  
12 evidence about the identity of a person.

13 JUDGE THOMPSON: Yes.

14 PRESIDING JUDGE: Mr Harrison's remark is pertinent.

17:36:29 15 MR NMEHIELLE: Okay.

16 PRESIDING JUDGE: We elicit this sort of evidence from the witness,  
17 if he knows.

18 MR NMEHIELLE: I will do that.

19 PRESIDING JUDGE: Or at the appropriate time it could come from the  
17:36:44 20 Defence.

21 MR NMEHIELLE: I will do that.

22 PRESIDING JUDGE: Yes.

23 MR NMEHIELLE:

24 Q. You never met a Lieutenant Banya or Colonel Banya; you never knew  
17:36:46 25 him?

26 JUDGE THOMPSON: No, that is not the state of the evidence. He says,  
27 "I do not know Captain Banya. I heard about a Colonel Banya, but I did not  
28 see him while I was there." That is the state of the evidence.

29 MR NMEHIELLE: Okay. I will take it --



1 JUDGE BOUTET: And he said "while I was there". He exclude --

2 JUDGE THOMPSON: So that is the state of the evidence, and we don't  
3 want the evidence misrepresented, albeit inadvertently.

4 MR NMEHIELLE: Inadvertently of course.

17:37:19 5 Q. I want to refer you to your statement of 2003. Page 9810, Your  
6 Honours. And if I can read to you, keeping my promise to the Court --

7 PRESIDING JUDGE: In the last paragraph?

8 MR NMEHIELLE: Yes, the last paragraph.

9 Q. You said -- let me read to you and ask you: "The meeting took place  
17:37:56 10 on a Monday in what I think was probably April 1998. They gathered all of  
11 us in the bush in a coffee farm, under the cover of the trees. They held  
12 the meeting there so the ECOMOG Alpha jets couldn't bomb us. The RUF were  
13 afraid of ECOMOG soldiers who at that time were based in Koquima. The  
14 meeting lasted for about 2 hours. There were many rebel big men there;

17:38:36 15 General Issa, Morris Kallon, General Bropley, Superman, Col Banya, Lt.  
16 Blood and one named 55." Did you make that statement?  
17 A. They asked me, but all the those names you called some of them were  
18 not there.

19 Q. I just asked you a question. Did you make the statement, yes or no?

17:39:50 20 A. I made that statement, but most of the people called there were not  
21 mentioned by me.

22 JUDGE THOMPSON: I think what he is saying is that it is not  
23 accurate. He says it is not accurate. I understand it to be that it is  
24 not accurate.

17:40:10 25 MR NMEHIELLE: Okay.

26 JUDGE THOMPSON: But that is not disputing that he made that  
27 statement.

28 MR NMEHIELLE: But this was the same statement that was read over to  
29 him in 2003.



1 Q. The statement that was read over to you in 2003 has now become  
2 inaccurate; is it?

3 JUDGE THOMPSON: Let us have the evidence that some of the names  
4 referred to there were not present at the meeting. Isn't that what the  
17:40:42 5 evidence is saying? That is what I understand him to be saying.

6 MR NMEHIELLE: Well, I mean, he could be saying that he made a  
7 statement, but the names there were not there.

8 JUDGE THOMPSON: Well, he is not denying that he made a statement to  
9 that effect, but he is virtually saying that they have included in that  
17:41:00 10 statement names that he never referred to. Isn't that the thrust of the  
11 evidence?

12 MR NMEHIELLE: That is what he said, and this is in regard to the  
13 statement that was read over to him, Your Honour, I am contending.

14 JUDGE THOMPSON: Yes. I am not being argumentative about it. I am  
17:41:11 15 just trying to record what his answer is. I am just interested in the  
16 evidence that he gives in answer to your question.

17 MR NMEHIELLE: Thank you Your Honour. I will leave that question  
18 there.

19 Q. Let me move to another question. Correct me if I am wrong, but it  
17:41:41 20 was your testimony-in-chief that after the attack of UNAMSIL they were  
21 taken to Teko Barracks and you said that you saw Morris Kallon at Teko  
22 Barracks sitting with other people. Is that correct?

23 A. Yes, that was my explanation, and I did see him.

24 Q. Okay. What was Teko Barracks used for?

17:42:16 25 A. It was Teko Barracks.

26 Q. Yes, it was Teko Barracks, but what was it used for? Is it a  
27 residential place, is it a playground, or what was it?

28 A. It had dwelling houses.

29 Q. In other words, the soldiers lived in the barracks.



1 A. Yes.

2 Q. So also it would not be unusual to see Morris Kallon in that  
3 barracks?

4 A. He was there. When I went I saw him there.

17:43:11 5 Q. Yes, you said. So it is not unusual to see a soldier in a barracks.  
6 That is what I am asking you.

7 PRESIDING JUDGE: Learned counsel, this is argumentative.

8 MR HARRISON: I think it is the end of the line if he asks --

9 PRESIDING JUDGE: You have made the point: Soldiers live in those  
17:43:28 10 barracks. Morris Kallon, you admit, is a soldier. Whether it is usual or  
11 unusual for him to live there is a matter for deduction from established  
12 and proven facts.

13 MR NMEHIELLE: Thank you, Your Honour.

14 Q. Now let me take you back to the whole issue about Banya Ground being  
17:43:54 15 commanded by Morris Kallon. I put it to you that the reason why it is  
16 called Banya Ground is because it was commanded by Captain Banya. Is that  
17 not so?

18 A. Nobody told me why that name was given to the camp.

19 PRESIDING JUDGE: That is not the answer to the question. Learned  
17:44:32 20 counsel put the question to him again.

21 MR NMEHIELLE:

22 Q. The question is that the reason why that place is called Banya Ground  
23 is because it is commanded by Captain Banya. Isn't that so?

24 A. When I arrived there I heard them call the place Banya Ground. I  
17:45:01 25 don't know whether that was because he was a lieutenant that was the reason  
26 they gave that name to the place. I don't know.

27 PRESIDING JUDGE: No, Mr Witness, the counsel is saying this: That  
28 it was called Banya Ground because it was commanded by Captain Banya. Is  
29 it captain?



1 MR NMEHIELLE: Captain Banya, yes, not lieutenant.

2 PRESIDING JUDGE: He said it was called Banya Ground because it was  
3 commanded by Captain Banya and presumably not by Morris Kallon, like you  
4 are saying. That is the crux.

17:45:39 5 JUDGE THOMPSON: That is the difficulty. Counsel needs to clarify  
6 the timeframe, because he said the time he was there it was the second  
7 accused who was commanding. Why not limit it to the timeframe? Because to  
8 me it is very possible what you are saying is true and it is very possible  
9 what he is answering is true. So why not be specific?

17:46:02 10 MR HARRISON: Your Honour, the Prosecution has a somewhat different  
11 view. We would be suggesting that putting the question "why was it called  
12 Banya Ground?", has been answered, and the answer is "I don't know." The  
13 Defence is still entitled to ask the question, "Isn't it true that Captain  
14 Banya was the commander of Banya Ground?"

17:46:28 15 JUDGE THOMPSON: Yes, that is the --

16 PRESIDING JUDGE: That is the question which he has put. He has put  
17 the question and we have understood it that way.

18 JUDGE THOMPSON: That is the variation of my own theory, that you  
19 could still have both answers in the affirmative being true. It is  
17:46:43 20 possible, and that is why counsel needs to formulate his question in such a  
21 way as to elicit what he is trying to do.

22 MR NMEHIELLE: Your Honour, I had already referred to the period  
23 whereby he was captured and then April 1998 when he said he met Colonel  
24 Kallon, who I put to him was a major in 1998, and he met Kallon as  
17:47:14 25 commander of Banya Ground as Colonel Kallon. The question I asked him was  
26 the reason why it is called Banya Ground is because it is commanded by Mr  
27 Banya as at the time he went to Banya Ground. Is it not so?

28 JUDGE THOMPSON: That puts a slightly different reflection, but he is  
29 entitled --



1 JUDGE BOUTET: But you are in cross-examination and therefore are not  
2 limited in the number of questions. But you have already asked that  
3 question, I would suggest to you, and he told you he doesn't know why. You  
4 have asked that question before, but if you want to repeat it differently,  
17:47:47 5 that is fine.

6 MR NMEHIELLE: Just to be able to keep my promise to -- I am looking  
7 at the Court --

8 PRESIDING JUDGE: That is all right. Let us clarify this issue  
9 quickly.

17:47:57 10 MR NMEHIELLE: The clarification -- Okay, let me --

11 PRESIDING JUDGE: It is for him to confirm or to deny that Banya  
12 Ground was indeed commanded by Captain Banya.

13 MR NMEHIELLE:

14 Q. That is the question I am asking you and I have asked you before.  
17:48:13 15 Let me ask you again. Banya Ground was commanded by Captain Banya and that  
16 was the reason why it was called --

17 PRESIDING JUDGE: No, no, no --

18 JUDGE THOMPSON: That is double-barreled.

19 PRESIDING JUDGE: No.

17:48:26 20 JUDGE THOMPSON: That is confusing.

21 PRESIDING JUDGE: No, it was commanded by -- let him answer that  
22 first.

23 MR NMEHIELLE:

24 Q. The ground was commanded Captain Banya. The Banya Ground was  
17:48:35 25 commanded by Captain Banya. Was it not so?

26 A. No, when I arrived there it was Morris Kallon who was the commander.

27 Q. I put it to you that the reason why it is called Banya Ground was  
28 because as at the time you arrived there in 1998 it was commanded by  
29 Captain Banya and not Colonel Morris Kallon.



1 A. Well, until the time I arrived there it was Morris Kallon I met as  
2 commander. I don't know whether there was any Banya who was commanding the  
3 place.

4 MR NMEHIELLE: Your Honour, I would like to continue this by  
17:49:43 5 tomorrow, hopefully.

6 JUDGE BOUTET: You mean Monday.

7 MR NMEHIELLE: I am sorry, on Monday. I wish tomorrow was a day. On  
8 Monday.

9 JUDGE THOMPSON: I can assure you that I will not come here.

17:49:59 10 PRESIDING JUDGE: To make us work on Saturdays, Mr Nmehielle --

11 MR NMEHIELLE: No, we serve process on Saturdays as well.

12 JUDGE THOMPSON: Even on Sundays we do it here --

13 JUDGE BOUTET: I take some --

14 MR NMEHIELLE: So we can work those days too.

17:50:01 15 PRESIDING JUDGE: No, we shouldn't.

16 JUDGE THOMPSON: For me, I stick to the traditional view that Sunday  
17 is dies non.

18 MR NMEHIELLE: Thank you Your Honour.

19 Mr HARRISON: Could I ask the Court for some guidance on a specific  
17:50:47 20 matter? There has been, because of the examination undertaken by the  
21 second accused, a revisiting of the age. Rather than having the  
22 Prosecution re-examine what is I think a controversial topic, I wonder if  
23 the Court thought it would be a worthwhile idea, if the dispute is about  
24 the interpretation, to have a report from the interpretation unit on what  
17:51:13 25 exactly transpired and whether there was an inaccuracy or not.

26 PRESIDING JUDGE: Where is she?

27 MR HARRISON: I was thinking perhaps it could be done for Monday.

28 PRESIDING JUDGE: We shall visit that topic on Monday, Mr Harrison.

29 MR NMEHIELLE: Your Honour, may I make a request?



1           PRESIDING JUDGE: Yes, Mr Nmehielle.

2           MR NMEHIELLE: In case my helicopter leaves at 9.30, may I request  
3 that lay counsel Mr Touray continues with my cross-examination?

4           PRESIDING JUDGE: The helicopters in this town, both commercial and  
17:51:49 5 otherwise, have flight schedules. They normally would leave just when the  
6 flight is about to take off. Anyway, that is a matter for your internal  
7 understanding.

8           JUDGE THOMPSON: With the proviso that he does not cover points  
9 already covered.

17:52:05 10           PRESIDING JUDGE: We did not want you to disappear so soon after you  
11 appeared before us.

12           MR NMEHIELLE: Okay, that is fine. I am sorry.

13           PRESIDING JUDGE: Well, learned counsel, I think we would have to  
14 break here and resume on Monday at 9.00 a.m., please. Court Management,  
17:52:26 15 you should take particular notice.

16           [Whereupon the hearing adjourned at 5.52 p.m., to be reconvened on  
17 Monday, the 11th of April 2005, at 9.00 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-263	5
CROSS-EXAMINED BY MR JORDASH	5
CROSS-EXAMINED BY MR NMEHIELLE	85