

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

WEDNESDAY, 13 APRIL 2005  
9.45 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:

Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison  
Ms Sharan Parmar  
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash  
Ms Eleanor Hutchison

For the accused Morris Kallon:

Mr Shekou Touray  
Mr Melron Nicol-Wilson  
Ms Rachel Irura

For the accused Augustine Gbao:

Mr Andreas O'Shea  
Mr John Cammegh  
Mr Ben Holden

1 [HS130405A - AD]

2 Wednesday, 13 April 2005

3 [The accused Gbao not present]

4 [Open session]

09:43:21 5 [Upon commencing at 9.45 a.m.]

6 PRESIDING JUDGE: Good morning learned counsel. We are resuming the  
7 proceedings.

8 Mr HARRISON: I wish to raise a brief are matter with the Court. You  
9 will recall that Exhibit No. 23, the last exhibit in these proceedings,  
09:45:21 10 which was a cover sheet from the prior witness, witness TF1-263. That is a  
11 document which the Prosecution be sealed.

12 The Court will remember that yesterday when it was actually made an  
13 exhibit, the Presiding Judge invited the prosecuting counsel to look at the  
14 document. I looked at it and I was looking to make sure there was no  
09:45:44 15 address or telephone number identifying the witness. What I completely  
16 ignored is the fact that the witness's name is at the top of the document  
17 and the names of the witness's father and mother are also on the document.  
18 Fortunately for the Prosecution and myself, Mr Walker and his colleagues in  
19 Court Management spotted that and identified that as being a problem and  
09:46:09 20 they have treated it as a confidential document. So there has been no  
21 disclosure outside of confines of the proceedings and Court Management  
22 Services.

23 Mr Walker has also pointed out that there are two options which the  
24 Court may consider. One is to have this treated as a confidential document  
09:46:29 25 or as a sealed document. The Prosecution prefers the latter course because  
26 it would allow the highest level of security for the protection of this  
27 witness'S identity.

28 PRESIDING JUDGE: Yes, Mr Jordash, that was your document.

29 MR JORDASH: I also missed the name on the document, but I have no



1 opposition to that course. It seems very sensible.

2 PRESIDING JUDGE: Okay.

3 JUDGE THOMPSON: In the light of that response to the Prosecution's  
4 request, the Chamber orders that the document be sealed.

09:47:30 5 PRESIDING JUDGE: That is Exhibit No. 23.

6 Mr HARRISON: Yes.

7 PRESIDING JUDGE: Right. Is that all, Mr Harrison?

8 MR HARRISON: Yes.

9 [The witness testified via videolink]

09:48:21 10 WITNESS: TF1-141 [Continued]

11 [The witness answered through interpretation]

12 EXAMINED BY MS PARMAR: [Continued]

13 PRESIDING JUDGE: Yes, Ms Parmar, can you proceed to conclude. Soon  
14 we hope.

09:48:29 15 MS PARMAR: Thank you, Your Honour.

16 PRESIDING JUDGE: Right. I say, "we hope", not that we are pushing  
17 you to conclude.

18 MS PARMAR: The Prosecution is approaching the conclusion. We have  
19 just a few more areas to cover.

09:48:48 20 Q. Good morning, Mr Witness.

21 A. Good morning.

22 Q. Before we begin today, I want you to remember what we did yesterday  
23 and remind you to speak very slowly. When I raise my hand, stop and wait  
24 for me to tell you to continue. Do you understand that?

09:49:24 25 A. Yes.

26 Q. Yesterday you described attending a muster parade in Buedu. At that  
27 muster parade a message was read out explaining that Povei was in charge of  
28 Buedu. Please tell the Court what happened after that muster parade, and  
29 go slowly.



1 A. After the muster parade we dispersed. Povei was the commander for  
2 some time.

3 PRESIDING JUDGE: We are not getting the translation.

4 THE INTERPRETER: Hello, can you hear me?

09:50:46 5 PRESIDING JUDGE: Yes, I am hearing you now.

6 MS PARMAR: We will have the witness repeat the answer.

7 PRESIDING JUDGE: Yes, let the witness repeat the answer, please.

8 MS PARMAR:

9 Q. Witness, can you please repeat your answer?

09:51:05 10 A. After the muster parade, all of us dispersed. Everybody went to his  
11 own house. Those who are assigned to fatigue went there and Povei was the  
12 commander for some time.

13 Q. What happened next in Buedu?

14 A. Povei was the commander for some time. Master came later -- Sam  
09:52:05 15 Bockarie. He came and he was on the ground, and during muster parade he  
16 would attend, and I didn't see Povei any longer; it was Master who was  
17 there.

18 Q. Please continue.

19 A. When Sam Bockarie came he took some time, then we saw some vehicles.  
09:53:03 20 The same kind of vehicles that we had witnessed. It was Charlie Boy who  
21 had come.

22 Q. How many vehicles did you see?

23 A. Well, this time, there were not as many as in the first case. I saw  
24 five vehicles.

09:53:59 25 Q. What was the name of this particular type of vehicle?

26 A. Darakula.

27 Q. Where in Buedu Town did you see these vehicles stopped?

28 A. When they came they stopped at Master's place. That is where they  
29 were until it was said that they should bring men to come and offload the



1 vehicle.

2 Q. What did you do when this order was given?

3 A. After they had searched for men, we were all summoned and we came and  
4 started offloading the cartons -- offloading them from the vehicles,  
09:55:59 5 putting them on our heads and carrying them. We took them to the armoury.

6 Q. How many of you offloaded these vehicles?

7 A. Well, we were many. Even those who brought us there didn't know our  
8 number. As we were brought so also did they continue bringing more people.  
9 We were many.

09:56:47 10 Q. Describe what it was that you offloaded from these vehicles.

11 A. At first there were things that were heavy. I carried these cartons  
12 three times and I did not know what the contents was. But as I took one of  
13 the cartons on my way, the hold fell from the gun; that was the part of a  
14 gun fell from my head.

09:57:37 15 Q. To clarify witness, this part of a gun that fell from your head,  
16 where did it fall from?

17 A. It was part of a gun called "hold group". That is how they called  
18 it.

19 Q. And was this gun part of the things you were carrying?

09:58:51 20 A. Yes, it was inside the carton that I was carrying. That is where it  
21 came from.

22 Q. Where was the armoury in Buedu Town?

23 A. The armour dome was just at the junction. The house was at the  
24 junction. If you are coming from the Kailahun end, it is on the right-hand  
09:59:39 25 side before you approach the junction.

26 Q. How long do it take to offload the cartons from these trucks?

27 A. Well, it didn't take long because we were many at that time.

28 Q. When you saw these trucks entering Buedu, where were they coming  
29 from?



1 A. From the Liberian border; from the Liberian end. That is where they  
2 came from.

3 Q. Do you know who these trucks belonged to?

4 A. I didn't know. The only thing was that they were the same trucks  
10:01:20 5 which came initially, and they said it was Charlie Boy who has come.

6 Q. How old were the others who were ordered to offload the cartons from  
7 these trucks?

8 A. Most of them were older ones, including us the young ones, but we  
9 were not many.

10:02:27 10 Q. Witness, while you were operating in Kailahun District did you hear  
11 of any specific names of operations?

12 A. Yes.

13 Q. Please tell the Court the names of specific operations that you heard  
14 in Kailahun District.

10:03:48 15 A. For instance, the one I spoke yesterday - Born Naked - was one of the  
16 operations. It was Sam Bockarie who had instructed it for Segbwema.

17 Q. Can you give the name of another operation?

18 A. Like Spare No Soul, which was Bunumbu, Jokibo --

19 Q. Witness, you mentioned the names of two towns. Can you please say  
10:05:10 20 the names of those two towns and spell them for us?

21 PRESIDING JUDGE: He has spelt Bunumbu before.

22 MS PARMAR:

23 Q. Can you spell the name of the second town that you mentioned?

24 A. I was talking about Jokibo and Bunumbu Teachers' College.

10:05:42 25 Q. How do you spell Jokibo?

26 A. Capital J-O-K-I-B-O.

27 Q. How did you hear about Operation Spare No Soul?

28 PRESIDING JUDGE: What was the relationship of this Spare No Soul  
29 with Bunumbu and Jokibo? What relationship was there? Let's get that



1 clear.

2 MS PARMAR:

3 Q. Witness, where was Operation Spare No Soul?

4 A. Well, the two towns that I have just spoken about: Jokibo and  
10:07:01 5 Bunumbu. There are other towns, but I can't remember their names now.

6 PRESIDING JUDGE: So, Spare No Soul was Bunumbu Teachers' College and  
7 Jokibo?

8 THE WITNESS: Yes. There were other towns which we could have  
9 captured, for instance, up to Koidu Ngeiya.

10:07:37 10 MS PARMAR:

11 Q. How did you hear about Operation Spare No Soul?

12 A. Well, Operation Spare No Soul, from the day they told you that we  
13 should go and capture up Bunumbu, that is the day they told us how we  
14 should carry out that particular operation.

10:08:49 15 Q. What was Operation Spare No Soul?

16 A. As the name implies - Operation Spare No Soul - you would not capture  
17 anybody. If you capture that person he would not live. Burn houses --

18 Q. Please continue.

19 A. Just, we burn houses. Some men would even rape.

10:10:07 20 Q. You said that you would not capture anyone. What would be done  
21 instead?

22 A. Well, they would be executed, killed.

23 Q. Who gave you the instruction for Operation Spare No Soul?

24 A. It was Povei who was at Buedu at that time.

10:11:27 25 JUDGE THOMPSON: That seems to be an indirect answer.

26 MS PARMAR: I will ask the witness to follow through, Your Honour.

27 Q. Witness, you said that you received instruction at Bunumbu. How did  
28 Povei give the instructions from Buedu?

29 MR O'SHEA: That was not the answer.



1 PRESIDING JUDGE: That wasn't it.

2 JUDGE THOMPSON: It wasn't it, and I thought you merely should have  
3 repeated your question to help us. Because you did ask a very direct  
4 question.

10:12:11 5 PRESIDING JUDGE: "Who ordered Operation Spare No Soul?" That was  
6 the question put to the witness. Can he answer? I am sure he is hearing  
7 me.

8 THE WITNESS: Well, Operation Spare No Soul was instructed by Povei,  
9 because he was at Buedu at that time as CDS.

10:12:39 10 PRESIDING JUDGE: Not because, because, because he was there. But  
11 was he the one? He was there in charge, but was he the one who ordered  
12 Operation Spare No Soul? That is the question, not because he was in  
13 charge.

14 THE WITNESS: It was Povei himself. They called his name. It was  
10:13:13 15 he, himself, who gave the instruction.

16 MS PARMAR:

17 Q. How did Povei give this instruction?

18 A. I want to believe that he did it through radio message, but it was  
19 his name. They said it was Povei who said that we should capture Bunumbu.

10:14:07 20 That was his instruction before we could capture Bunumbu.

21 Q. Who told you it was Povei who gave this instruction?

22 A. Well, the commanders. The older ones, like Lamin, Salia, Gasimu and  
23 the other commanders who are part of the mission.

24 Q. Where were you when you received this instruction from these  
10:15:22 25 commanders?

26 A. At the mission they didn't tell us who was going to instruct the  
27 mission. It was when we approached Bunumbu. I can't remember the name of  
28 the town. That is when they told us what the operation was, its name and  
29 the password.



1 Q. Describe what was done on this particular mission.

2 A. The first place that we captured was Bunumbu. That was the first  
3 town we captured, Bunumbu. Well, there was a serious exchange of firing.  
4 It was the Kamajors who were in that town at the time.

10:16:49 5 Q. Please continue.

6 A. As we were going to this exchange and firing, we were taking  
7 positions. In fact, our firing support was more than the Kamajors'. We  
8 captured the town and there was one very big truck.

9 Q. What did you do once you captured the town?

10:18:11 10 PRESIDING JUDGE: The truck, he talked of a truck. May we have  
11 finished with that, please? There was one very big truck. What happened  
12 to the very big truck?

13 THE WITNESS: It was carrying ammunition, but the tyres were all  
14 deflated.

10:18:33 15 MS PARMAR:

16 Q. What happened to the ammunition that was on this truck?

17 PRESIDING JUDGE: Whose truck was that?

18 THE WITNESS: I want to believe that it belonged to the Kamajors and  
19 ECOMOG, who had been in the town. When they had captured it they stayed  
10:19:13 20 there.

21 MS PARMAR:

22 Q. What happened to this truck that you met in Bunumbu?

23 A. Well, during the short period that we were there - we were in the  
24 town for up to two to three hours - the vehicle was still there. When we  
10:20:23 25 left for the other town, I actually did not know what happened to the  
26 truck, because we left.

27 Q. What happened in Bunumbu during those two to three hours when you  
28 were in the town?

29 A. Well, of course, there were not many houses when we came, because the



1 first street that we did to Segbwema --

2 INTERPRETER: My Lord, can he take that last answer again, please?

3 MS PARMAR:

4 Q. Can you go back to the beginning of your answer and give it to us  
10:21:38 5 again, but go very slowly?

6 A. The first street that we took to Segbwema, when we captured Bunumbu,  
7 we burnt it and it was burning when we forged ahead. This time around when  
8 we captured the place, houses were burnt when we were exchanging fire and  
9 bombs landed on some of them and the house were damaged. There were no  
10:22:21 10 houses for us to burn any more.

11 Q. What else happened during that time in Bunumbu?

12 A. Well, nothing happened, except when we were about to leave. Some  
13 people were cleaning their guns and other people were picking up things to  
14 go and fight.

10:23:32 15 Q. Besides yourself, was there anyone else in the town?

16 A. Well, no. Nobody was there. There were only civilians.

17 Q. What happened to the civilians in the town?

18 A. As you know, we had captured there on our way to Segbwema. We had a  
19 force that deployed there. The Kamajors came and attacked them and removed  
10:24:32 20 them there. So we went back there and captured the town.

21 Q. So during the second recapture of the town that you have described,  
22 what happened to the civilians in the town?

23 A. We were fighting the Kamajors, but whom they with we did not see.  
24 Civilians were not around; they were far off.

10:25:23 25 Q. You also said that Operation Spare No Soul was carried out in Jokibo.  
26 What happened in Jokibo?

27 A. Well, we went there on an offensive. We attacked the town, firing  
28 and we entered the town. We captured the town.

29 Q. What happened once you captured this town?



1 A. Well, some of the new houses that had mud blocks, we removed the  
2 tiles and we set fire on them.

3 Q. Can you repeat what was it that you removed from the house?

4 A. The mud buildings. After we have burnt the houses, when the Kamajors  
10:27:20 5 captured there, they were putting up mud building and roofed them with  
6 tiles. So when we came back we burnt down the mud buildings.

7 Q. What else happened in Jokibo once the town was captured?

8 A. We were in Jokibo, we slept there. We were there; we took some time  
9 there. Before the other group left to capture Koidu Ngeiya, and it was a  
10:28:22 10 long journey.

11 Q. Was there anyone else other than yourselves in Jokibo?

12 PRESIDING JUDGE: Let's have the name. Koidu --

13 THE WITNESS: Koidu Ngeiya.

14 MS PARMAR:

10:29:10 15 Q. Witness, can you spell Koidu Ngeiya?

16 A. No.

17 MS PARMAR: Your Honours, I understand that --

18 MR CAMMEGH: If my learned friend knows the spelling, I am happy for  
19 her to lead it.

10:29:41 20 PRESIDING JUDGE: Mr Cammegh, what did you say?

21 MR CAMMEGH: [Microphone not activated]. I am sorry, I didn't have  
22 my microphone on. Did Your Honour hear me?

23 PRESIDING JUDGE: I did. I didn't get you.

24 MR CAMMEGH: I didn't have my microphone on.

10:29:54 25 PRESIDING JUDGE: Yes.

26 MR CAMMEGH: If my learned friend knows the spelling of that  
27 particular location, I am happy for her to lead it and spell it out for us.

28 PRESIDING JUDGE: I am very happy too that you would be.

29 MS PARMAR: My understanding of the spelling of Koidu Ngeiya is



1 K-O-I-D-U, first word; second word, N-G-E-I-Y-A. But that is only the  
2 Prosecution's understanding, it is by no means --

3 PRESIDING JUDGE: Indicative or approximate, that is all right. I  
4 had already written it the way it was pronounced, for what it is worth.

10:30:35 5 MS PARMAR: Yes.

6 PRESIDING JUDGE: He said that Koidu Ngeiya was a long way off from  
7 Bunumbu. Right. Okay.

8 MS PARMAR:

9 Q. Witness, before we move on, I had asked you, besides yourself, once  
10:31:04 10 you captured Jokibo, was there anyone else there in the town?

11 A. No. Apart from the Kamajors, no.

12 Q. Do you remember what season it was when you carried out Operation  
13 Spare No Soul?

14 A. I could not remember.

10:31:59 15 Q. Was this during the time you were in Kailahun District?

16 A. Yes.

17 Q. Was that before or after you were in Buedu?

18 A. We did that operation before we went.

19 Q. Witness, you mentioned seeing Colonel Gbao in Kailahun Town. Did you  
10:33:10 20 ever see him again?

21 A. I saw Colonel Gbao when he passed Quiva to come. I don't know where  
22 he was coming from, but I saw him pass.

23 MR O'SHEA: Could the witness repeat this location please?

24 MS PARMAR: Perhaps I will ask him to clarify his response.

10:33:51 25 Q. Where was it that you saw Colonel Gbao when he was coming from Quiva?

26 A. We were at Mobai.

27 PRESIDING JUDGE: When he was coming from --

28 MS PARMAR: Quiva. Would you like a spelling of Quiva?

29 PRESIDING JUDGE: Yes, please, if you can volunteer the spelling



1 without going back to the witness.

2 MS PARMAR: It is Q-U-I-V-A, Quiva. The witness also referred to the  
3 town of Mobai. That is spelt M --

4 PRESIDING JUDGE: What happened in Mobai?

10:34:58 5 MS PARMAR: Perhaps I will first giving the spelling of Mobai, Your  
6 Honour. It is M-O-B-A-I.

7 PRESIDING JUDGE: Mobai, yes. M-O-B --

8 MS PARMAR: A-I.

9 Q. What happened when you saw Colonel Gbao in Mobai?

10:35:39 10 A. He was passing with his securities.

11 Q. How old were his securities?

12 MR O'SHEA: Have we heard anything about him having securities at  
13 this point in time?

14 PRESIDING JUDGE: He just said.

10:36:12 15 JUDGE BOUTET: He just said so.

16 MS PARMAR:

17 Q. How old were the securities you saw passing with Colonel Gbao?

18 A. I don't know their ages, but there were women, there were children.

19 There were many. I don't know really where they were from. And there were  
10:36:50 20 big brothers.

21 Q. Did you ever see Colonel Gbao again in Kailahun District?

22 A. No.

23 Q. Witness, were did you go after Buedu?

24 A. We went to Kono.

10:37:45 25 Q. Why did you go to Kono?

26 A. Well, we were going there on a mission to recapture Koidu Town.

27 Q. What was the name of this mission?

28 MR JORDASH: Did the mission have a name?

29 PRESIDING JUDGE: Did the mission have a name? Yes.



1 MS PARMAR:

2 Q. Witness, was this mission given a name?

3 A. The name of the mission was No Living Thing.

4 Q. Who was on this mission?

10:39:17 5 A. Well, this was -- there were many combatants from different  
6 battalions, different brigades. We met at Baoma to go on this mission.

7 Q. Was there anyone leading this mission?

8 A. Yes.

9 Q. Who?

10:39:57 10 A. It was Povei who was leading it from Kailahun.

11 Q. What does "No Living Thing" mean?

12 A. Just like the name implies, when you capture a town, when you see a  
13 civilian he should not live to tell the story. Even the dog should not see  
14 you and remain to tell the story.

10:40:52 15 Q. Where did you carry out No Living Thing?

16 A. Well, it was to capture Koidu Town.

17 Q. What happened in Koidu Town?

18 A. Well, before reaching Koidu Town there is a big town which is not far  
19 from Koidu Town called Gandorhun.

10:42:08 20 Q. What happened in Gandorhun?

21 A. That was the place where they shared everything and put the  
22 combatants in groups -- bulldoze -- and the last thing was to remain at the  
23 back who are to carry ammunition --

24 Q. Who carried ammunition at the back?

10:42:48 25 MR JORDASH: I am fairly sure, Your Honours, that we missed quite a  
26 lot of what this witness has just said. I heard the translator say  
27 something like "bulldoze". I suspect that we have a misconfiguration of  
28 the alleged attack.

29 MS PARMAR:



1 Q. Witness, can you please repeat your last answer very slowly? Just  
2 say two sentences and then stop, take a break and then continue.

3 A. When we reached Gandorhun we were divided into groups. We had the  
4 advance team and there was a bulldoze team in the middle, and the team that  
10:43:56 5 was to be in the rear --

6 PRESIDING JUDGE: That is okay. We divided into groups, yes. Into  
7 how many groups?

8 THE WITNESS: In three groups.

9 PRESIDING JUDGE: There was a bulldoze group?

10:44:28 10 THE WITNESS: Yes. The first group - the advance team, the bulldoze  
11 team and then the rear team.

12 PRESIDING JUDGE: The first group was the bulldoze team?

13 THE WITNESS: No. The advance group, the advance team.

14 PRESIDING JUDGE: I wondered why you called the advance team a  
10:45:12 15 bulldoze team, bulldoze group when it comes after someone has come and  
16 bulldozed. Anyway, you go ahead.

17 MR O'SHEA: Just to assist, Your Honour. I think there is a bulldoze  
18 team in the middle and --

19 PRESIDING JUDGE: I know. That is what I am saying. I am just  
10:45:32 20 saying that the bulldozer does a job, and that is it. It does the  
21 terracing and others follow. That is the logic in any event. The logic is  
22 reversed here. That is all right. It was in parenthesis. Yes, you had  
23 the advance group ahead and then the bulldoze.

24 [HS130405B 10.45 a.m. - SV]

10:46:26 25 MS PARMAR:

26 Q. What was the third group?

27 A. That was the rear team.

28 Q. What did the rear team do?

29 A. To reinforce -- for reinforcement and to take ammunition and take



1 soldiers along and then bring them back.

2 Q. Where did this ammunition come from?

3 A. The ammunition, we got them from Baoma. Went across the sea, the  
4 water, with the ammunition. I don't know really where they got them from.

10:47:52 5 Q. Where did the group go from Gandorhun?

6 A. As they went along the advance team left first. They gave them the  
7 route and they used by-pass routes and they showed the route which the  
8 bulldoze team was to take and use the by-pass. We had to -- they shared  
9 everything, where they would stop and then take the by-pass route,

10:48:25 10 everything was divided.

11 Q. You said that everything was divided. What was divided? The group?

12 A. Well, up to -- down to the ammunition were all shared.

13 Q. What happened in Koidu Town?

14 A. We went on an offensive. We entered the town and went closer to the  
10:49:27 15 town and then opened fire. The soon as they knew that we had arrived and  
16 there was a heavy exchange of fire and the firing went on heavily.

17 Q. Who were you fighting in Koidu Town?

18 A. ECOMOG.

19 Q. How long did you fight for?

10:50:08 20 A. The fight started -- it was a night combat. We fought for the whole  
21 day. We were not able to capture the town. Then we retreated. And then  
22 finally during the night combat we were able to capture the town.

23 Q. Once you captured the town where did you go next?

24 A. When we captured the town we were in the town -- we were in the town  
10:50:46 25 defending it. But in the morning they sent patrol teams, food finding  
26 teams, they sent people at the checkpoint where the public road -- on the  
27 major roads.

28 Q. Once you captured Koidu Town did anything happen to the town itself?

29 A. As Koidu Town was the town we had captured, when we captured there



1 then, the remaining houses which were just -- the remaining houses that we  
2 found there, we set them on fire unless the places were where our  
3 commanders occupied.

4 Q. Do you know why you set these houses on fire?

10:52:31 5 A. It was No Living Thing, so houses -- we had to burn some houses.  
6 Civilians who had lives would be killed.

7 Q. Was there an instruction given for No Living Thing?

8 A. Yes.

9 Q. Who had given that instruction?

10:53:45 10 A. This mission was Sam Bockarie who said we should capture Koidu Town  
11 and the most of the times the missions he gives for us to go and capture  
12 was the name usually gives this operations.

13 Q. Where was Povei at this time?

14 A. Well, he was a commander, as we were facing the [inaudible] to even  
10:55:01 15 know his location was not easy. You can only hear the instructions that CO  
16 says, but to know where he is at that time -- but, anyway, he was with us  
17 inside Koidu Town.

18 Q. Did you see any other commanders in Koidu Town?

19 A. There were many commanders. A lot of them. Some of them I don't  
10:55:51 20 even know their names.

21 Q. What were the names of those commanders that you did know that you  
22 saw in Koidu Town?

23 A. Well, the ones I know more was Povei because like Caster Blaster, a  
24 lot of that, I cannot remember their names.

10:56:26 25 Q. What was that name that you gave after Povei?

26 A. He was Caster Blaster. Major Caster Blaster.

27 Q. Once Koidu Town was captured what happened to the towns around Koidu  
28 Town?

29 A. After capturing Koidu Town we dispatched batches to go and reinforce



1 the SLAs to go and capture Makeni. They sent a message that they had  
2 captured Kabala.

3 PRESIDING JUDGE: You said they sent a message that they had captured  
4 Kabala.

10:57:56 5 MS PARMAR: That's correct, Your Honour.

6 Q. Witness, before we continue I want to take you back to once you had  
7 captured Koidu Town. Have you ever heard of a town called Tumbodu?

8 MR JORDASH: Objection. I object to this because it does amount to a  
9 leading question. Sometimes a question when asked, "Do you know Mr  
10:58:53 10 Jordash", "Do you know Mr O'Shea" without context is not a leading  
11 question, clearly; simply asking this witness whether they know this person  
12 or another. However, in the context of this examination-in-chief when  
13 we've had questions about Koidu Town, we had a leading question only a  
14 minute before as to whether -- what happened in the villages surrounding  
10:59:21 15 Koidu Town. My learned friend didn't get the answer she wanted, i.e. this  
16 witness to give evidence of atrocities in the surrounding towns, so she  
17 went directly to the specific town that she wanted this witness to speak  
18 about, Tumbodu. When one puts it altogether it's a leading question  
19 because it is suggesting to the witness that he ought to say something  
10:59:47 20 about Tumbodu. That's my objection.

21 MR O'SHEA: Your Honours, for what it's worth I strongly agree. In  
22 these circumstances this is a contentious leading question, in my  
23 submission.

24 JUDGE THOMPSON: Does counsel for the other--

11:00:05 25 MR NICOL-WILSON: Yes, Your Honour, we do support and in future when  
26 such objections are raised we would like the witness to be switched off.

27 JUDGE THOMPSON: Right, yes. Prosecution, Ms Parmar, do you have any  
28 response?

29 MR JORDASH: The witness still has his headphones on.



1 JUDGE THOMPSON: Can we have the witness switched off for the time  
2 being so that we can hear the Prosecution's response. Can the technicians  
3 do that for us. Let's proceed, counsel.

4 MR HARRISON: We'd understood the ruling that had been made by the  
11:00:43 5 Court was that place names could be put to a witness and that was not a  
6 leading question. Our proposal is simply to put the place name and if the  
7 witness says "I've heard of it", he's heard of it or he hasn't heard of it.

8 JUDGE THOMPSON: No, actually the point they're making is that --

9 MR HARRISON: No, I understand their point. What we're saying is we  
11:01:05 10 will just put the place name, have you heard of such and such a place. If  
11 they have they have, if they haven't they haven't. We understand that to  
12 be consistent with the ruling the Court has made in the past.

13 I just wanted to point out that Mr Jordash may know about something  
14 that happened in that particular town, we don't.

11:01:19 15 JUDGE THOMPSON: Yes, well the difficulty here is that --

16 MR HARRISON: But that town may well be between Koidu and another  
17 place and that's the logic. But as far as an event that took place in that  
18 town, I'm not sure that there is any that this witness knows about.

19 JUDGE THOMPSON: Why has the question been asked then?

11:01:44 20 MR HARRISON: It's A, B, C. Town A, town B, town C. You get to C by  
21 going through B.

22 JUDGE THOMPSON: That doesn't seem to -- that's not convincing.

23 MR HARRISON: That's why we're saying we'll just say have you heard  
24 of this other town and off we'll go.

11:02:02 25 JUDGE THOMPSON: What's the point of asking the question?

26 MR HARRISON: We're saying we're not going to ask that question.  
27 We're going to ask have you heard of this other town, a town called Kaima.

28 JUDGE THOMPSON: Response?

29 MR O'SHEA: "Where did you go" I think is the simple answer. Your



1 Honours, when Your Honour makes a ruling --

2 MR HARRISON: That's fine. We'll ask it that way and then --

3 JUDGE THOMPSON: Just a minute, Mr Harrison. Would you give your  
4 colleagues a chance to respond. They have given you a chance. Please  
11:02:30 5 restrain yourself.

6 MR HARRISON: We agree with that suggestion. We'll follow it.

7 JUDGE THOMPSON: Continue, learned counsel.

8 MR O'SHEA: I just wanted to say that when Your Honours make a ruling  
9 on a leading question it's in relation to that specific question and I  
11:02:42 10 don't think Your Honours are intending to make any kind of general ruling  
11 --

12 JUDGE THOMPSON: Thank you very much. That's our position. In fact,  
13 the objection seems to have been stated in such a way as to suggest that  
14 the learned counsel were not saying that it may not be possible sometimes  
11:03:00 15 to ask leading questions, but in the context in which this question is  
16 asked it may be suggestive of an answer from the witness and I think that's  
17 what the objection seems to be about.

18 PRESIDING JUDGE: That Koidu exists or, rather, that Tumbodu exists  
19 or it does not exist. Is that why it is leading? As to whether Tumbodu  
11:03:26 20 exists or it does not exist?

21 MR JORDASH: Well, I would ask Your Honours to look at, I think it's  
22 the very last page of this witness's statement -- sorry, the proofing  
23 sessions of January 10th 2005. Tumbodu is mentioned in relation to the  
24 capture of Koidu Town and there is an alleged crime there by Morris Kallon  
11:03:51 25 and that's what my learned friends were trying to get at.

26 JUDGE THOMPSON: Yes. To me it's a bit disingenuous to suggest,  
27 which Mr Harrison was saying, that this was something they don't know  
28 about, they don't know what happened at Tumbodu. If that is correct then  
29 it is clearly disingenuous to say that.



1 MR HARRISON: The answer is we think the witness is going to say it  
2 happened at another town.

3 JUDGE THOMPSON: Are you finished?

4 MR HARRISON: I'm just trying to be frank with the Court.

11:04:30 5 JUDGE THOMPSON: Well, you need to be candid, yes, quite, and let's  
6 have it. Let's have candour. Continue, Mr Jordash.

7 MR JORDASH: Well, if I understand my learned friend to be saying  
8 that the event which is said to have happened in Tumbodu as detailed in  
9 these proofing notes happened somewhere else then perhaps we ought to have  
11:04:51 10 disclosure of that new piece of information. If it's alleged that Morris  
11 Kallon committed a crime not in Tumbodu, as stated in this proofing note,  
12 but elsewhere, then we haven't had that disclosed to us.

13 JUDGE THOMPSON: But I need to be persuaded what's the point of the  
14 question if this question really was not meant to lead any evidence in  
11:05:13 15 respect of some episode that took place in Tumbodu.

16 PRESIDING JUDGE: Learned counsel, we would adjourn for a few minutes  
17 to deliberate on this issue. The Court will rise, please.

18 [Break taken at 11.09 a.m.]

19 [Upon resuming at 11.28 a.m.]

11:31:24 20 PRESIDING JUDGE: We're resuming the session. I hope the technical  
21 problems have been resolved. Honourable Justice Thompson, could you do us  
22 the favour of indicating our ruling and to issue a directive in this  
23 please.

24 JUDGE THOMPSON: This is a brief ruling of the Chamber on the Defence  
11:32:09 25 objection. After a careful deliberation by the Chamber the Chamber  
26 overrules the objection and rules that the question is permissible and can  
27 be put in its present form. Let the Prosecution proceed.

28 MS PARMAR: Thank you, Your Honours.

29 Q. Witness, have you ever heard of Tumbodu?



1 A. Yes.

2 Q. When did you hear of Tumbodu?

3 A. Well, Tumbodu is in Kono District and I am a native of Kono and I  
4 have known about Tumbodu a long time ago.

11:33:40 5 Q. Have you ever been to Tumbodu?

6 A. Yes.

7 Q. Did you ever go to Tumbodu when you were fighting?

8 A. Yes.

9 Q. When did you go to Tumbodu?

11:34:13 10 A. After we had captured Koidu Town they had sent those to go to Makeni  
11 and we were left at Koidu Town, we were on food finding patrol and that was  
12 one of the times I went to Tumbodu.

13 Q. What did you do in Tumbodu?

14 PRESIDING JUDGE: He said he went there for food finding. That is  
11:35:06 15 what he said he did there. Avoid questions which are suggestive, please.

16 MS PARMAR:

17 Q. What happened in Tumbodu when you went on food finding?

18 MR NICOL-WILSON: Objection, Your Honour.

19 JUDGE THOMPSON: Yes, learned counsel.

11:35:38 20 MR NICOL-WILSON: Did anything happen at Tumbodu.

21 PRESIDING JUDGE: Yes, did anything happen in Tumbodu. Sustained.

22 JUDGE THOMPSON: Sustained.

23 MR HARRISON: I think that was the prior question but Mr Justice Itoe  
24 gave the answer. We're suggesting that Mr Nicol-Wilson's course of action  
11:36:00 25 be pursued. That was the original intention.

26 PRESIDING JUDGE: That's all right. Did anything happen in Tumbodu.  
27 We have ruled on this. Please, let's proceed.

28 MS PARMAR:

29 Q. Witness, describe what you saw when you were in Tumbodu?



1 PRESIDING JUDGE: Did anything happen in Tumbodu?  
2 THE WITNESS: Yes.  
3 MS PARMAR:  
4 Q. What happened in Tumbodu?  
11:36:41 5 A. Well, Tumbodu, we went there. There were civilians there. So we  
6 went to attack the town. We went, we never reached the town, we started  
7 meeting civilians. As we were meeting them so we were killing a lot of  
8 them.  
9 Q. Who went with you to Tumbodu?  
11:37:38 10 PRESIDING JUDGE: Did anybody go with you to Tumbodu?  
11 THE WITNESS: Yes.  
12 PRESIDING JUDGE: Mr Witness, did anybody go with you to Tumbodu?  
13 MS PARMAR: Did Your Honour catch the response to --  
14 PRESIDING JUDGE: No, I didn't.  
11:38:28 15 MS PARMAR:  
16 Q. Can you repeat your answer, Witness, to did anyone go with you to  
17 Tumbodu?  
18 A. Yes.  
19 Q. Who went with you to Tumbodu?  
11:39:18 20 A. Well, we are combatants and we had commanders like one Morris Kallon,  
21 Bobby Nogoday [phon] and a lot of other people who were captains and  
22 lieutenants.  
23 Q. Can you repeat the name that you gave after Morris Kallon. Was it  
24 Bobby Nogoday?  
11:39:18 25 A. Yes. He was a lieutenant, Nogoday.  
26 Q. Did you see Morris Kallon in Tumbodu Town?  
27 A. Yes.  
28 MR NICOL-WILSON: Objection, Your Honour. That's a leading question.  
29 I think the question should be "Who did you see at Tumbodu" and not "Did



1 you see Morris Kallon at Tumbodu" because the foundation has not been laid.

2 PRESIDING JUDGE: But the witness has said commanders went there with  
3 us, like Morris Kallon and Bobby Nogoday who was a lieutenant.

4 MR NICOL-WILSON: No, in answer to that question he said we are  
11:40:13 5 combatants and we have commanders. He did not say whether those commanders  
6 accompanied them to Tumbodu.

7 PRESIDING JUDGE: I heard him say "went there" unless I got him  
8 wrong.

9 MR HARRISON: My note of the question is: Did anyone go with you to  
11:40:28 10 Tumbodu, at the suggestion of the Court. The answer was: We did, the  
11 combatants, and there was commanders there, Morris Kallon and then Bobby  
12 Nogoday.

13 JUDGE THOMPSON: That is the state of the evidence so far and  
14 therefore the question is -- go ahead, did you want to say --

11:40:43 15 MR O'SHEA: Sorry, Your Honour. I just wanted to ask the Prosecution  
16 to be a little bit cautious and exact about this. The witness has said  
17 that they did not reach the town. So when we're talking about Tumbodu, my  
18 impression is that at the moment we're somewhere outside the town.

19 JUDGE THOMPSON: Actually there are two approaches to this. Either  
11:41:04 20 get the Prosecution to clarify this or you reserve this for  
21 cross-examination. Does the Prosecution intend to clarify? It can be  
22 reserved for cross-examination because otherwise there will be so much  
23 editing of the evidence as we go along in terms of clarifications from the  
24 Defence which, in my own humble judicial opinion, should be reserved for  
11:41:31 25 cross-examination, as painstaking and meticulous as I anticipate it would  
26 be.

27 MR O'SHEA: I quite understand, Your Honour. I was merely trying to  
28 contextualise Mr Nicol-Wilson's objection.

29 JUDGE THOMPSON: Yes, it's just that this is a very delicate boundary



1 here. I would prefer that we reserve some of these matters for  
2 cross-examination because you clearly are confronted with a lot of material  
3 you want to put in. Go ahead.

4 MS PARMAR: Thank you, Your Honour.

11:42:10 5 Q. Witness, you had been asked did you see Morris Kallon in Tumbodu?

6 A. Yes.

7 Q. What did you see Morris Kallon do when you saw him in Tumbodu?

8 MR NICOL-WILSON: Objection, Your Honour.

9 PRESIDING JUDGE: What was the question?

11:42:39 10 MR NICOL-WILSON: What did you see Morris Kallon.

11 PRESIDING JUDGE: What did you see?

12 MR NICOL-WILSON: Yes.

13 PRESIDING JUDGE: Please put the question again.

14 JUDGE THOMPSON: What did you see Morris Kallon do.

11:42:52 15 MS PARMAR: We can rephrase the question, what was he doing.

16 JUDGE THOMPSON: Yes, you should.

17 MS PARMAR:

18 Q. What was Morris Kallon doing when you saw him in Tumbodu?

19 MR NICOL-WILSON: I object again, Your Honour. I think the question  
11:43:15 20 should be rephrased again because it's leading.

21 MR HARRISON: I'm afraid I don't understand why that one is a leading  
22 question. I understand that Mr Nicol-Wilson certainly has a right to make  
23 the objection but unless there's some explanation of what it is it's  
24 difficult for any of us to respond to it in a way that's helpful to the  
11:43:41 25 Court.

26 JUDGE THOMPSON: Yes. The objection is overruled.

27 MR NICOL-WILSON: As Your Honour pleases.

28 JUDGE THOMPSON: Continue.

29 MS PARMAR:



1 Q. What was Morris Kallon doing?

2 MR NICOL-WILSON: Your Honour, the reason why I object is because  
3 there is a presumption that he was doing something.

4 JUDGE THOMPSON: Well, quite frankly, if the evidence is to be  
11:44:09 5 understood in the totality of the narration, evidently there must be a  
6 purpose behind the alleged answer that in fact he was in Tumbodu. So if  
7 one does not allow the Prosecution to elicit what transaction took place in  
8 Tumbodu whilst Morris Kallon was there and was he part of the transaction,  
9 then of course the evidence will be led in vacuum.

11:44:49 10 I mean, this is not a search for the evidence in the abstract. It is  
11 evidence being given in the context of concrete episodes and incidents and  
12 it would seem to me that that objection if sustained would clearly impede  
13 the Prosecution's ability to lead the transactions that may well have been  
14 part of what their case is in respect of the second accused. Again, it  
11:45:27 15 would seem to me that these are appropriate candidates, to use that  
16 metaphor, for vigorous and extensive cross-examination. I will overrule  
17 the objection.

18 MR NICOL-WILSON: As Your Honour pleases.

19 JUDGE THOMPSON: Continue.

11:45:49 20 MS PARMAR:

21 Q. Witness, what was Morris Kallon doing?

22 A. Morris Kallon was with us from the time we were in Koidu Town up to  
23 the time we arrived at Tumbodu. When we were at Tumbodu we were capturing  
24 people --

11:46:22 25 JUDGE THOMPSON: Let him take it slowly. Let's take it slowly  
26 because this is an area where the Defence feels very strongly about. We  
27 need to have the evidence with great clarity.

28 MS PARMAR:

29 Q. Witness, please repeat your answer but go step by step and stop after



1 you give us two sentences. So please repeat your answer?

2 A. We left Koidu Town to go on food finding mission. We pass a lot of  
3 villages on our way to Tumbodu.

4 Q. The question was: What was Morris Kallon doing?

11:47:44 5 A. When we captured civilians, like, we were executing them.

6 Q. Where were you capturing these civilians?

7 A. Before reaching Tumbodu, the villages around.

8 Q. What did Morris Kallon do?

9 A. Well, as he was a commander he was giving very strong commands. As  
11:48:55 10 we were entering the town he gives a command on how to enter the town and  
11 when we entered the town Tumbodu Town --

12 Q. Please continue?

13 A. When we arrived to the town Tumbodu Town we captured one pregnant  
14 woman. But since we were in front, Morris Kallon was at the back with some  
11:49:40 15 other commanders --

16 Q. Please continue?

17 A. When we captured this pregnant woman amongst us some people began to  
18 argue that to say this pregnant woman had a baby boy. Some were saying a  
19 girl baby.

11:50:57 20 Q. Please continue?

21 A. After this argument some people were saying that, "Let us prove it,  
22 let us prove it", you know. And the other who said it was a boy child, he  
23 removed his bayonet from his gun and then he stabbed the woman on her  
24 chest.

11:51:44 25 Q. Please continue?

26 A. He stabbed this woman, that was the hole between the breasts and the  
27 stomach, so the woman had to fall and the other one came, he stabbed the  
28 woman and then he held his [sic] hands and her foot and split open her  
29 stomach.



1 THE INTERPRETER: My Lords, the last bit of the witness's answer is  
2 not very clear. Can he repeat it.

3 JUDGE THOMPSON: Learned counsel, please [inaudible] slowly.

4 MS PARMAR:

11:52:36 5 Q. Witness, please remember to just give two sentences and then stop.  
6 You have to go very slowly. Can you please repeat your answer from after  
7 the first person stabbed the pregnant woman in her chest?

8 PRESIDING JUDGE: Between her breast and her stomach.

9 THE WITNESS: Because the woman's stomach was big, so that opening  
11:53:27 10 between the breast and the stomach, he stabbed him [sic] there and he drew  
11 the knife, slit the woman's belly and the woman fell.

12 MS PARMAR:

13 Q. Witness, stop right there. Now what happened after the woman fell?

14 A. She was struggling. So amongst us some men went and held her by her  
11:54:35 15 left hand and some held her on the right, and her feet as well.

16 Q. Please continue slowly?

17 A. When they held her on her feet, even when she was struggling, another  
18 one came and inserted the knife and drew it. All this time that we've  
19 spent, the last batch that was behind --

11:55:53 20 Q. Witness, where was the knife inserted?

21 A. The first place was on his chest.

22 PRESIDING JUDGE: The second one. Forget about the chest. Go to the  
23 second, the second knife, the second episode. Where was the knife  
24 inserted?

11:56:27 25 THE WITNESS: Where the first knife had stopped, that's where the  
26 second one continued.

27 MS PARMAR:

28 Q. Can you say where on the woman the second knife continued?

29 A. Well, it was on his stomach because the first one had stabbed him,



1 drew the knife towards his navel and when he started it, he took it right

2 down.

3 Q. What happened after the second knife was taken down?

4 A. During all this time there was the last batch that was coming and

11:58:01 5 that was where most of the commanders were. When they reached the

6 situation worsened.

7 Q. Please continue?

8 A. When this last batch that was following came -- I cannot remember the

9 first commander's name, he started taking her guts out. Some of us

11:59:17 10 couldn't even stand the sight because we started going backwards.

11 JUDGE THOMPSON: Learned counsel, did he say that the last batch

12 comprised exclusively of the commanders or included the commanders?

13 MS PARMAR: He didn't specify, Your Honour.

14 JUDGE THOMPSON: He didn't say that, okay.

12:00:09 15 MS PARMAR: Would you like that point to be clarified?

16 JUDGE THOMPSON: Well, I just thought I didn't get that quite clear.

17 My notes reflect what you say. We can clarify it if necessary.

18 [HS130405C 12.00 p.m. - EKD]

19 MS PARMAR:

12:00:51 20 Q. Please continue, witness.

21 A. Well, when this last batch where most of the commanders were, when

22 they came, this one I do not actually know what he was getting out of the

23 guts. Then we just saw everything on the ground. Then Morris Kallon --

24 Q. Please continue.

12:01:50 25 A. Then Morris Kallon, known as Bilai Karim, he was standing there.

26 Q. Exactly where was Morris Kallon standing?

27 A. He was standing where the woman's gut -- where the baby -- where

28 after they had removed all the woman's parts in her belly, where they had

29 placed them. That was where Morris Kallon came and stood.



1 Q. What happened next?

2 A. Then they removed the child, the baby. They tore the gut that they  
3 had removed --

4 THE INTERPRETER: Can he take the last bit again? Can he take the  
12:03:47 5 last bit?

6 JUDGE THOMPSON: Counsel, guide him.

7 MS PARMAR:

8 Q. Witness, can you please repeat your answer and I will ask you again  
9 to just give two sentences and then stop. The interpreters have to take  
12:04:06 10 time to translate what you are saying. We need you to go slowly. So  
11 please repeat your answer and go slowly.

12 A. Where the woman's gut were, somebody came -- a combatant, a combatant  
13 removed his bayonet from his gun --

14 Q. Please continue.

12:04:46 15 A. He removed his bayonet from his gun and I saw him stab where they had  
16 removed the woman's gut and he threw it. Then I saw him take out something  
17 that looked like a foetus, it's very small.

18 Q. What happened next?

19 A. When he removed it and the ones who had bet, then one of them  
12:05:33 20 screamed and he slit the baby into two. It was very small.

21 PRESIDING JUDGE: One of them. Who was one of them?

22 THE WITNESS: The combatant.

23 MS PARMAR:

24 Q. Please continue, witness.

12:06:41 25 A. From there, when that was going on, after that everybody dispersed  
26 and we are in the town searching from one house to the other.

27 Q. You referred to a bet. What was this bet?

28 PRESIDING JUDGE: He referred to what?

29 MS PARMAR: A bet.



1 THE WITNESS: When we met this pregnant woman, the first thing that  
2 the first combatant said was that the woman was carrying a baby boy, and  
3 the second one said she was carrying a baby girl, so they entered into a  
4 bet.

12:08:27 5 MS PARMAR: Your Honours, just one moment, please. Pardon me,  
6 Your Honours. The Prosecution is grateful for the patience that has been  
7 extended both by Your Honours and my learned colleagues in accommodating  
8 the needs of this witness. There are no further questions from the  
9 Prosecution for direct examination.

12:09:18 10 JUDGE THOMPSON: Thank you, learned counsel.

11 PRESIDING JUDGE: The Bench considers that the examination-in-chief  
12 of this witness has been quite detailed. We thank the Prosecution for  
13 being appreciative of the patience of the Court and of the Defence in  
14 following the testimony in-chief of this witness. The Bench considers that  
12:11:31 15 in order to enable the Defence to properly present the case for the  
16 defendants, they need a pause, a break from now. So that they have an  
17 overnight reflection to be able to conduct the cross-examination in this  
18 matter. We would not ask the Defence teams to move on to the  
19 cross-examination. We would like, in the principle of fairness, to retire  
12:12:11 20 and to get ready for this tomorrow morning.

21 This is the stand of the Bench, and this said, we would be adjourning  
22 this matter to tomorrow at 9.30, when we normally should start, with the  
23 cross-examination process by the Defence team of the first accused. So,  
24 learned counsel, the Chamber will rise and will resume sitting tomorrow at  
12:12:50 25 9.30.

26 [Whereupon the hearing adjourned at 12.10 p.m., to be reconvened on  
27 Thursday, the 14th day of April 2005, at 9.30 a.m.]

28  
29



WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-141 3

EXAMINED BY MS PARMAR: 3