

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 14 APRIL 2005
9.40 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:

No appearance

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 John Cammegh
Mr Ben Holden

1 [HS140405A - EKD]
2 Thursday, 14 April 2005
3 [Open session]
4 [The accused Gbao not present]
09:34:28 5 [Upon commencing at 9.40 a.m.]
6 WITNESS: TF1-141 [Continued]
7 [The witness testified via videolink]
8 [Witness answered through interpretation]
9 PRESIDING JUDGE: Good morning, learned counsel, we are
09:43:33 10 resuming the session for the commencement of cross-examination.
11 We naturally of course would start with the Defence team of the
12 first accused. Mr Jordash, please, you may proceed.
13 MR JORDASH: Thank you, Your Honour.
14 PRESIDING JUDGE: The witness is not yet on the monitor.
09:44:07 15 Okay, he is. He is now on the monitor. Mr Witness, Mr Witness.
16 THE WITNESS: Yes.
17 PRESIDING JUDGE: The lawyers will be asking you some
18 questions. Like the Prosecution advised you, you should please
19 answer the questions slowly; don't be too fast. Do you
09:44:49 20 understand?
21 THE WITNESS: Yes.
22 PRESIDING JUDGE: Make sure you understand the question and
23 then you answer slowly so we can have you correctly on record.
24 Don't go too fast, do you understand?
09:45:17 25 THE WITNESS: Yes.
26 PRESIDING JUDGE: [Overlapping speakers] you understand the
27 question and if you do not understand the question ask that it be
28 put back to you one more time. Okay?
29 THE WITNESS: Yes.

1 PRESIDING JUDGE: Mr Jordash, please.

2 CROSS-EXAMINED BY MR JORDASH:

3 MR JORDASH: Thank you.

4 Q. Good morning, Mr Witness.

09:45:48 5 A. Good morning.

6 Q. I just want to pick up on something you said yesterday.

7 You talked about an incident in Tumbodu, do you recall that?

8 A. Yes.

9 Q. And you were talking about an attack on Tumbodu; yes?

09:46:17 10 A. Yes.

11 Q. Where did you go after Tumbodu?

12 A. I cannot remember the names of most of the villages.

13 Q. Where did you return to as your base?

14 A. Koidu Town.

09:46:51 15 Q. How long did you stay in Koidu Town?

16 A. Well, we spent a long time there, but I cannot remember how
17 many days or months.

18 Q. Try, Mr Witness. I think you can tell the difference
19 between say two days and four months, can't you?

09:47:16 20 A. I don't know, because I didn't count. I didn't know the
21 dates.

22 Q. I am not asking you for specific dates, I am asking you
23 whether you stayed for -- well, let's try to narrow it down. Was
24 it nearer to a month than it was to six months?

09:47:50 25 A. I didn't count. I don't know.

26 Q. Try and give us your best estimation, Mr Witness, how long
27 you were in Koidu Town. Was it one day?

28 A. Actually, it was more than two weeks. We spent over two
29 weeks in Koidu Town.

1 Q. More than two weeks, less than one month; is that what you
2 would say?

3 A. Yes.

4 Q. So after spending more than one -- more than two weeks but
09:48:56 5 less than one month in Koidu Town, where did you go?

6 A. We had to return back to Kailahun.

7 Q. And so did you return directly from Koidu Town to Kailahun?

8 A. Well, no, not straight in Kailahun, but we went through
9 Koidu Ngeiya, Bunumbu and through Segbwema.

09:49:55 10 Q. You told us at the beginning of when you gave evidence that
11 you'd been told during disarmament that you were 18. Do you
12 remember saying that?

13 A. Yes.

14 JUDGE BOUTET: I thought he testified that he was 18 now,
09:50:40 15 not at the time of disarmament. That's my problem.

16 MR JORDASH: Sorry, my fault. My fault completely.

17 PRESIDING JUDGE: Yes, the age was verified during
18 disarmament.

19 MR JORDASH: I accept that.

09:50:51 20 JUDGE BOUTET: I think he said 14.

21 MR JORDASH:

22 Q. Mr Witness, I'm sorry, I got something wrong then. You
23 were told during disarmament that you were 14; is that right?

24 A. Yes.

09:51:19 25 Q. Thank you. Do you recall, Mr Witness, giving a statement
26 to the Prosecution in 2003? If it helps you --

27 A. Yes.

28 Q. You were in [redacted], do you remember that?

29 A. Yes.

1 Q. With Caritas?

2 A. Yes.

3 MR HARRISON: The whereabouts of his existence and living
4 circumstances is a matter which would be protected, I think,
09:51:56 5 under the protective measures.

6 JUDGE THOMPSON: Counsel, isn't that the case, that
7 specificity here would more or less lead us towards
8 identifying --

9 MR JORDASH: Well, the location of the interview was all I
09:52:12 10 was asking him about.

11 JUDGE THOMPSON: Would that be an issue?

12 MR HARRISON: If we can go in a closed session I can tell
13 you exactly what the problem is.

14 MR JORDASH: I'm aware --

09:52:21 15 PRESIDING JUDGE: We don't need to go to closed session.

16 MR HARRISON: It is a serious problem, though.

17 MR JORDASH: I am happy to move on.

18 MR HARRISON: We would ask if that answer could be --

19 JUDGE THOMPSON: Struck.

09:52:34 20 MR HARRISON: -- amended in the transcript so that the
21 location is not identified.

22 JUDGE THOMPSON: Is not disclosed.

23 JUDGE BOUTET: But as you know, Mr Prosecutor, the fact
24 that it may be removed from the transcript will not remove the
09:52:47 25 fact that it may have been heard outside this court room.

26 MR HARRISON: Yes, and that is obviously the dilemma that
27 we always have. Every time I jump up and say there is a problem
28 it alerts it to everyone in the world.

29 JUDGE BOUTET: Yes, but we'll try to do our best.

1 MR JORDASH: I'm sorry, I hadn't appreciated the
2 significance of that.

3 JUDGE THOMPSON: We can assume that it is going to be
4 expunged from the records. We order that it be expunged.

09:53:19 5 MR JORDASH:

6 Q. Mr Witness, I am going to be asking you about that 2003
7 statement during the course of my questioning, okay?

8 A. Yes.

9 Q. Was the language during that interview English?

09:53:41 10 A. Yes.

11 Q. So you understand English fairly well, is that fair?

12 A. Well, no.

13 Q. But you were able to give your answers in the first
14 interview in 2003 in English; is that right?

09:54:06 15 A. Well, I managed but there was nobody there who could have
16 interpreted.

17 Q. Do you remember being interviewed a second time in 2003 in
18 February? Do you remember?

19 A. Yes.

09:54:38 20 Q. That time the language was Krio and English, do you
21 remember that?

22 A. Yes.

23 PRESIDING JUDGE: Mr Jordash, you're proceeding a bit too
24 fast. The second statement was when?

09:54:59 25 MR JORDASH: 23rd of February 2003.

26 PRESIDING JUDGE: Of February?

27 MR JORDASH: Yes, Your Honour.

28 PRESIDING JUDGE: Which was in Krio?

29 MR JORDASH: And English.

1 Q. Was the procedure the same on both occasions - you told
2 your story, somebody else wrote it down?

3 A. That wasn't the case of the second one. But the first one
4 was directly, I used to explain and the person wrote it down.

09:56:00 5 The second one, there was somebody who interpreted while I
6 explained and they written down.

7 PRESIDING JUDGE: Mr Jordash, why don't you start with the
8 first? I mean, it's a question of his having given it directly.
9 Was it read over to him?

09:56:17 10 MR JORDASH: Yes.

11 Q. Let's deal with the first statement, Mr Witness. You told
12 your story to a woman who was there; is that right?

13 A. Yes.

14 Q. She wrote it down; is that right?

09:56:41 15 A. Yes.

16 Q. When it was finished, she read it to you, did she?

17 A. Yes.

18 Q. To check whether what was in the statement was accurate; is
19 that right?

09:57:05 20 A. Yes.

21 Q. And anything you disagreed with you told her; is that
22 right?

23 A. Yes.

24 Q. Thank you. The second interview 2003 you were asked by --

09:57:42 25 PRESIDING JUDGE: Let's get it clearly on record. In this
26 statement, like he said, there was no interpreting going on?

27 MR JORDASH: In the second one --

28 PRESIDING JUDGE: In the first one.

29 MR JORDASH: The first one, no interpreting --

1 PRESIDING JUDGE: No interpreting going on.

2 MR JORDASH:

3 Q. The second statement you met the same woman again; is that
4 right?

09:58:20 5 A. Same woman? I did not understand.

6 Q. The same woman who'd been with you in the first interview
7 when you gave your first statement.

8 A. Okay, yes.

9 Q. And another woman or another person who spoke Krio?

09:58:51 10 A. With this same woman?

11 Q. Yes.

12 A. I couldn't remember whether there was an interpreter when I
13 was talking to her.

14 Q. You accepted, though, that you remembered the interview
09:59:13 15 being in Krio and English; is that right?

16 A. That was the case when I came to talk to this present
17 lawyer here.

18 Q. So the situation is for the second interview you cannot
19 remember whether there was somebody speaking Krio or not?

09:59:54 20 A. There was no somebody, somebody who spoke Krio. I was
21 talking to her.

22 Q. Sorry, could you repeat that, please?

23 A. The second interview, the first interview with this same
24 woman, no matter how long it was, it was with the same woman
10:00:17 25 whose name was Virginia. The second interview was with Sharan.
26 The first interview I can't remember whether there was somebody
27 who interpreted while I talked to her.

28 Q. Well, tell me if you recognise this name: Morie Lengor. I
29 suggest that person was with you in February --

1 A. Yes, I remember the name.

2 Q. Thank you. And I suggest that she was present with you in
3 February 2003, the second statement?

4 A. Yes, he was there.

10:01:00 5 PRESIDING JUDGE: What's the name again?

6 MR JORDASH: Morie Lengor, M-O-R-I-E L-E-N-G-O-R.

7 JUDGE BOUTET: Mr Jordash, your question was whether or not
8 a person was there as an interpreter for the witness in Krio, and
9 the witness says that person was there. But there is still a
10:01:30 10 lack of connection between that and the present. So he may have
11 been there just as an observer and not necessarily as an
12 interpreter.

13 MR JORDASH: I agree.

14 Q. Can you picture Morie Lengor in your mind, Mr Witness?

10:01:45 15 A. Yes, I can remember him.

16 Q. Do you remember him speaking Krio?

17 A. Yes.

18 Q. Thank you. Did you give your story in English and Krio?

19 A. I was speaking in English at that time. Morie Lengor was
10:02:16 20 only there watching me, but the woman was writing. Morie Lengor
21 did not take any part in the interview.

22 Q. Do you remember speaking Krio sometimes when you were
23 telling your story?

24 A. Well, yes.

10:02:45 25 Q. Did you use Krio to help you explain your story?

26 A. Yes.

27 Q. Were you asked to explain certain things you'd said in your
28 first statement?

29 A. I did not understand the question.

1 Q. When you were with Virginia and Morie were you asked to
2 explain certain things you'd said in your first statement?

3 A. Yes, it was Virginia and myself. I was speaking to her. I
4 was speaking Krio to her and she used to understand the Krio,
10:03:53 5 then she wrote it down.

6 Q. Did she write things down which you said to her; yes?

7 A. Yes, she was writing.

8 Q. Did you go through your first statement together?

9 A. I did not understand when you say "go through".

10:04:37 10 Q. Did you talk about the things you'd told Virginia when
11 you'd met her before.

12 A. Yes.

13 Q. And did you tell her this time - the second time - new
14 things which you remembered?

10:05:16 15 A. I cannot remember first time, second time. I want you to
16 make reference to it; I don't remember.

17 Q. Do you remember seeing the Prosecution Sharan at the end of
18 last year -- towards the end of last year?

19 A. Yes.

10:05:53 20 Q. Do you remember going through your story again with the
21 Prosecution?

22 A. Yes.

23 Q. Was the interview in Krio and in English?

24 A. Yes.

10:06:23 25 Q. Did you give extra information about your story?

26 A. I don't want you to call it extra. This information which
27 I have given, this last information that I have given, that is
28 the right one. The first one I met with, I was afraid to talk to
29 her. I had no confidence in her. I don't know what the Court

1 was. But when I had the courage and what the Court was all
2 about, I had the confidence to talk to her.

3 Q. Let's just leave it at this at the moment, Mr Witness. Did
4 you give some information to the Prosecution when you met Sharon
10:07:21 5 at the end of last year?

6 A. Yes.

7 Q. And do you remember seeing the Prosecution on three
8 separate days at the end of last year?

9 A. I have met with the Prosecution many times. I don't know
10:08:07 10 what really you are talking about, which days.

11 Q. Do you remember meeting them, then, many times at the end
12 of last year?

13 A. Yes.

14 Q. And going through your story again; is that right?

10:08:34 15 A. Yes.

16 Q. And do you remember finally in January of this year going
17 through your story again with Sharan?

18 A. Yes.

19 Q. And giving information about your story on that occasion.
10:09:20 20 Do you remember that?

21 A. Yes.

22 Q. Thank you. I want to take you back now to the first
23 statement 2003, okay?

24 A. Yes.

10:09:35 25 Q. I want to read you the first line. If you would just wait
26 there, Mr Witness.

27 MR HARRISON: I don't know if it is what the Court wishes,
28 but we have extra copies of these statements that have been
29 referred to. Part of the confusion that may arise subsequently

1 is that the witness may have said such and such a date there was
2 an interview. But unless the statement is put before the witness
3 sometimes there can be variances in answers. At any rate, the
4 copies are here.

10:12:43 5 JUDGE THOMPSON: Thanks. Learned counsel for the first
6 accused, with the background that you have laid so far it would
7 seem from the perspective of the Bench that you need to indicate
8 to us which road you are travelling. In other words, what is the
9 purpose of having laid this foundation, what kind of legal option
10:13:13 10 are you moving towards exercising?

11 MR JORDASH: Could I ask for the witness's headphones to be
12 taken off, please.

13 JUDGE THOMPSON: Yes. May we have someone remove the
14 headphones of the witness, please. In other words, we need to be
10:13:42 15 apprised as to what you intend to do, because the legal options
16 are there in the law, particularly having regard to the answers
17 given so far by this witness.

18 MR JORDASH: During the course of my cross-examination I
19 will do both: Refreshment of the witness's memory and also use
10:14:01 20 the statements as a means by which to show inconsistency.

21 JUDGE THOMPSON: In other words, both options.

22 MR JORDASH: Both options, Your Honour, yes.

23 JUDGE THOMPSON: Of course, the question now is if you are
24 going to exercise your right in regard to option one, ought we
10:14:23 25 not to, as we have done in previous cases -- previous situations,
26 ought we not to give the witness a chance to familiarise himself
27 with the statements in question?

28 MR JORDASH: I would be very content with that.

29 JUDGE THOMPSON: That would be in the interests of justice.

1 Having regard to the time he made the statement and his age at
2 the time, it would seem that the interests of justice dictate
3 that we give him that opportunity.

4 MR JORDASH: I completely agree.

10:15:01 5 JUDGE THOMPSON: Of course, that would involve -- I don't
6 intend to speculate, but we just think that we should really have
7 regard to the interests of justice here given the witness's own
8 role and position.

9 MR JORDASH: Certainly. I would want to be completely fair
10:15:19 10 to this witness and have him afforded an opportunity to look and
11 remember what is in his statement.

12 JUDGE THOMPSON: The question really is that in such a --
13 embarking upon such an exercise we need some kind of cooperation
14 of all - the Prosecution, Court Management. I think that would
10:15:44 15 be the best way to proceed.

16 MR JORDASH: I completely agree. I have got no wish to be
17 unfair to this witness.

18 JUDGE THOMPSON: In that regard, is there any intervention
19 you want to make in response to our own disposition on the Bench?

10:15:59 20 MR HARRISON: No. All I had risen to say was to advise you
21 that there are copies here. I leave it with the Court.

22 JUDGE THOMPSON: Quite right. Well, in that regard, we
23 will consult for just a minute.

24 [Trial Chamber confers]

10:18:19 25 JUDGE THOMPSON: Mr Jordash, during the course of your
26 cross-examination just a while ago, did you elicit from the
27 witness whether he signed any of the statements?

28 MR JORDASH: No, I did not.

29 PRESIDING JUDGE: [Overlapping speakers] I do not remember.

1 MR JORDASH: No, I didn't.

2 JUDGE THOMPSON: Perhaps at some point in time before we
3 announce the decision we have taken in regard to the two options
4 that you proffered, my learned brother Justice Boutet might want
10:19:01 5 to ask a couple of questions.

6 MR JORDASH: Certainly.

7 JUDGE BOUTET: As to the first statement, I would like to
8 know and that you ask the question of the witness that -- we know
9 there was nobody per se to do the interpretation from English to
10:19:20 10 Krio and vice versa, but was there -- and I say this based on the
11 fact that according to the evidence the witness would have been
12 about 16 years old at the time of the interview. Because if he
13 is 18 now, in 2003 he was likely to have been about 16. So he
14 might have been assisted, the way the evidence came out, that in
10:19:43 15 the second interview there was a person by the name of Morie that
16 was there but would appear to assist rather than do the
17 interpretation. But whatever it is, he's there, something like
18 that, for the first interview. Because you were asking
19 interpretation but you didn't ask these questions.

10:19:58 20 Secondly, one of the difficulties I have with what you are
21 proposing is you are proposing to do this cross-examination on
22 two fronts basically at the same time - to refresh memory and
23 then trying to establish inconsistency. They are not necessarily
24 incompatible but it may be very confusing. So I don't know how
10:20:23 25 you are proposing to do it, if you want to do one first and then
26 the other one after. Because, as you know, if you are going on
27 inconsistency you don't have to give the statement, you don't
28 have to read the statement, you don't have to do all of that. It
29 is for our own understanding if you are going that route it would

1 be very important that you underline very clearly this is what
2 you are intending to do, otherwise we won't know.

3 MR JORDASH: The way I intend to do it is whether
4 inconsistency or refreshment of memory, I would remind the
10:20:55 5 witness of the section in the statement. In terms of
6 contradiction, I would then highlight the contradiction. In
7 terms of the refreshment, I would try to adduce further details
8 from the original statement. But I will endeavour to make it as
9 clear as I can, Your Honours.

10:21:14 10 JUDGE BOUTET: What I don't know, either, is -- because you
11 haven't asked the question, you have asked the question whether
12 he speaks English and he has said sort of, but I don't know if he
13 reads English. So that is another issue. So even though he
14 doesn't read English maybe enough to be able to read the
10:21:34 15 statement, then technical assistance will have to be provided to
16 the witness if he is to be given the statements to read, because
17 my understanding is those statements are all written in English.

18 MR JORDASH: Yes. Should I ask him some further questions
19 then?

10:21:48 20 JUDGE BOUTET: I think you should before we move ahead.

21 MR JORDASH: Your Honour, yes.

22 JUDGE BOUTET: Thank you.

23 JUDGE THOMPSON: Can we have the witness back on the screen
24 with his headphones back on?

10:22:11 25 PRESIDING JUDGE: He's right there.

26 MR JORDASH:

27 Q. Mr Witness.

28 A. Yes.

29 Q. When you made your first statement do you remember signing

1 it when it was finished?

2 A. Yes, after I finished talking I had to sign it.

3 Q. Did you sign it to confirm that it was accurate?

4 A. Yes.

10:23:05 5 Q. Did you yourself read it?

6 A. I couldn't remember reading that statement.

7 Q. Do you remember since then reading the statement yourself?

8 A. No.

9 Q. Can you read English, Mr Witness?

10:23:40 10 A. Yes.

11 Q. The first interview, Mr Witness, was it all in English or

12 did Virginia speak some Krio?

13 A. The woman herself does not speak Krio. I spoke English to

14 her.

10:24:24 15 Q. Did you understand her?

16 A. I understood her, but there were times when I could not

17 understand. But I ask her to repeat what she said.

18 Q. Was she happy to repeat? Did she repeat it to you?

19 A. Yes.

10:24:53 20 Q. Did you then understand?

21 A. Yes.

22 Q. And then when you signed the statement you understood what

23 it said; is that right?

24 A. Yes.

10:25:19 25 Q. Is that also true of the second statement, that you signed

26 it?

27 A. I can't remember.

28 Q. Okay. Do you remember agreeing that it was accurate?

29 A. I have said earlier that I don't know the difference

1 between the first and the second. Try to differentiate the two
2 so that I could understand.

3 Q. The second statement starts like this, Mr Witness: "I have
4 been asked to explain certain issues in the statement I made
10:26:29 5 previously." Do you remember that in your second statement?

6 A. Which one is the second statement?

7 Q. I am reading from the second statement now and it starts:
8 "I have been asked to explain certain issues in the statement I
9 made previously." Does that trigger your memory for the second
10:27:11 10 statement?

11 A. I cannot remember anything. I cannot remember anything.

12 MR JORDASH: I am not sure I can take it much further at
13 this stage, Your Honours.

14 PRESIDING JUDGE: Let me ask the witness one or two
10:27:29 15 questions. During disarmament or rehabilitation or whatever you
16 say your age was verified and you were found to be 14 or so?
17 Mr Witness?

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: You say you were captured. Were you in
10:28:08 20 school when you were captured? Were you attending school when
21 you were captured?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: In what class -- at what level -- in what
24 class were you when you were captured?

10:28:35 25 THE WITNESS: Class 5 to Class 6.

26 PRESIDING JUDGE: When you say Class 5 to Class 6, would
27 that be at the primary level?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: Thank you, Mr Witness. Yes, Mr Harrison.

1 MR HARRISON: I am not sure if it is of assistance in
2 getting to the end result, but in the first statement which has a
3 date 31/1/2003 and the page number in the Court Management
4 records is 9700, if you flip to the next page, which is 9701, you
10:30:04 5 will see at the bottom of the page it says, "The interview was
6 temporarily stopped to attend to other issues at 1010 hours."
7 Then on the very next page it says, "The interview was resumed on
8 Sunday February 2nd, 2003," and, in fact, there is another person
9 whose name is indicated on the statement as being present. There
10:30:24 10 may be some confusion that the witness has when he is being asked
11 statement and then he seems to have some difficulty envisioning
12 whether you are talking about a particular day or the statement
13 as a whole. Regrettably, the first statement and the second
14 statement were spread out over different days and the witness's
10:30:45 15 own mind may be treating that as significant as separate
16 statements.

17 JUDGE THOMPSON: That contribution would seem to be
18 probably appropriate when you get together to get this witness to
19 refresh his memory and that kind of contribution will help.
10:31:03 20 Because we cannot now go into the detailed contents of the
21 statement without knowing what counsel for the first accused is
22 intending to do. So perhaps he should in fact advert his mind to
23 what you just said and see how all this can be resolved
24 preliminary before we come to substantive cross-examination.
10:31:31 25 Because certainly we are minded to grant some recess for the
26 witness to be familiarised with his statements.

27 MR JORDASH: Perhaps that would be a way of short-cutting
28 this, for the witness to have a look at the statements and
29 refresh his mind.

1 PRESIDING JUDGE: Yes, and that is why we think that we
2 would grant an hour's adjournment to enable the Prosecution and
3 Defence to concert and see how he can verify the statements and
4 to identify them and say what his stand is on these issues. Yes,
10:32:19 5 Mr Harrison.

6 MR HARRISON: I just want to make sure I understand. The
7 Prosecution has no intention of approaching this witness and
8 speaking to him in any shape or form. What we were going to do
9 was simply -- we have an extra copy of all the statements, we
10:32:33 10 would give them to Mr Walker and I think that could be as far as
11 we could go.

12 PRESIDING JUDGE: I didn't see anything wrong, you know,
13 doing it in the presence of the Defence anyway. But whatever the
14 case, the Defence and Court Management. You were not going to
10:32:49 15 see him exclusively with the statements, certainly not. It was a
16 collective effort by the Defence, Court Management and what have
17 you. In any event, we will rise for one hour for this witness
18 to --

19 MR CAMMEGH: Before Your Honours do rise, can I just add to
10:33:11 20 this. I don't know when I am going to get to my
21 cross-examination of Gbao. I suppose there is a chance it might
22 not be until Monday morning. Can I just put the Court on notice
23 that when I will be asking this witness questions, and I hope
24 that won't be for too long, but when I do, I also am going to be
10:33:33 25 asking him why it was that Gbao wasn't mentioned until I think --

26 JUDGE BOUTET: Mr Cammegh, before you carry on maybe we
27 should ask the witness to remove his headphones.

28 MR CAMMEGH: Well, yes, sorry, I thought --

29 JUDGE THOMPSON: Remove the witnesses headphones.

1 MR CAMMEGH: I am sure there is no harm done. One feature
2 of my cross-examination is going to be to explore why the name
3 Gbao wasn't referred to until October 2004 in his written
4 testimony. So I am going to ask for a similar exercise to take
10:34:10 5 place. In other words, that he has a chance to go through his
6 statement in order that he can answer that question. I don't
7 know if there is a way that this can be done now in order to
8 short --

9 PRESIDING JUDGE: No, we would like to do it at the right
10:34:27 10 time. It is better to do it when you will ask for it.

11 MR CAMMEGH: As Your Honour pleases. I am just putting the
12 Court on notice, therefore, that we may have to go through this
13 again.

14 PRESIDING JUDGE: We shan't be asking him things about
10:34:41 15 Gbao; we are not yet at Gbao's level. What you are saying is
16 right, it is true, we would grant you the leave to take that
17 course of action. There would be no problem.

18 MR CAMMEGH: I'm grateful.

19 JUDGE THOMPSON: You were thinking we might just, in the
10:34:54 20 interests of judicial economy --

21 MR CAMMEGH: Indeed.

22 JUDGE THOMPSON: That is the difficulty. We have said that
23 these accused persons are also entitled to judicial guarantees as
24 if they are being tried separately. So we would like to keep a
10:35:07 25 little sort of judicial vigilance on this kind of thing.

26 MR CAMMEGH: Of course, I understand that.

27 JUDGE THOMPSON: It is important that we do. We made that
28 one of the important aspects of our joinder decisions.

29 MR CAMMEGH: In that case, Your Honour, all I do is put the

1 Court on notice that we may require a similar, although I hope a
2 shorter, recess on Monday morning.

3 JUDGE THOMPSON: I am sure my learned brothers and I are on
4 notice of that.

10:35:33 5 PRESIDING JUDGE: If we are breaking let me make it very
6 clear it is for the witness to familiarise himself with the
7 statements, with all the statements he has made, so that he can
8 on resumption be in a position to take questions in
9 cross-examination from Mr Jordash. Is that very clear? Yes,
10:35:52 10 Mr Harrison.

11 MR HARRISON: Just so that I know what I should be handing
12 up to --

13 PRESIDING JUDGE: A lot of preemption this morning. If you
14 don't want us to rise, we could still sit here; we are not yet
10:36:04 15 tired.

16 MR HARRISON: I may be mistaken but I didn't hear any
17 reference to two statements both dated the 24th of February. If
18 they weren't mentioned should they not be given to the witness?

19 PRESIDING JUDGE: Please, they should be given. All should
10:36:21 20 be given.

21 JUDGE THOMPSON: Quite. It will save time.

22 PRESIDING JUDGE: All should be given for judicial economy
23 and for purposes of cross-examination by the Defence team of the
24 first accused. Is any other counsel on his feet? Can we now
10:36:33 25 rise for one hour? Right.

26 [Break taken at 10.35 a.m.]

27 [HS140405B - SV]

28 [Upon resuming at 11.53 a.m.]

29 PRESIDING JUDGE: Learned counsel, we are resuming the

1 session. Mr Jordash, you may wish to proceed.

2 MR JORDASH: Thank you.

3 PRESIDING JUDGE: We hope that something has been
4 achieved --

11:56:40 5 MR JORDASH: Let's hope so.

6 PRESIDING JUDGE: -- through this break. We'll verify that
7 from your examination. The witness on the monitor please. Okay.

8 MR JORDASH:

9 Q. Mr Witness, have you had a chance to read all your
11:57:06 10 statements?

11 A. Yes.

12 Q. Did you understand the statements?

13 A. Yes.

14 Q. So I can ask you questions about the statements?

11:57:23 15 A. Yes.

16 Q. The first line of your very first statement, 31st January
17 2003, reads like this --

18 PRESIDING JUDGE: Just a minute. The statement?

19 MR JORDASH: 31st of January 2003.

11:58:01 20 JUDGE BOUTET: Mr Jordash, before you move on, just for the
21 record, I understand that the witness has been given the copies
22 in English of all the statements you are about to question him
23 about.

24 MR JORDASH: Yes.

11:58:14 25 JUDGE BOUTET: Does he still have in his possession these
26 statements or he just read them and they've been taken away?

27 MR JORDASH: Your Honour, I think he still has them.

28 JUDGE BOUTET: That's okay. It's perfectly acceptable. If
29 you are to refresh his memory it's easier to refer him to line

1 25, whatever it is. I'm just asking that so we knew exactly what
2 the situation is.

3 MR JORDASH: Your Honour, yes.

4 Q. Feel free, Mr Witness, when I take you to part of your
11:58:45 5 statement to find it so that you are looking at the same material
6 as we are in court. Do you follow?

7 A. Yes.

8 Q. Now I want to take you to page 9700, the right-hand corner
9 of the page, the first statement --

11:59:18 10 PRESIDING JUDGE: 97?

11 MR JORDASH: 00, Your Honour. I'm hoping that I have the
12 right numbering.

13 Q. And the statement begins, "My name is [redacted]" -- I beg
14 your pardon, sorry. I beg your pardon, sorry. Your name is
11:59:43 15 given. I beg your pardon. Your name is given and then it says,
16 "I am 18 now". Do you see that or do you remember that?

17 A. I've seen it, yes, and I remember, yes.

18 Q. Did you tell the Prosecution you were 18 in 2003?

19 A. Yes, I said it earlier and I'm saying it again. The first
12:00:21 20 time I met with this woman, I never knew what would happen after
21 I have spoken to this woman. I had that fear in me. So I didn't
22 have any confidence to talk to her. I decided to be putting
23 things indirectly. But now that I've developed this confidence
24 I've got -- I had the confidence to talk to Sharan, who is a
12:00:47 25 lawyer presently, and I spoke to her all I knew and what happened
26 exactly.

27 Q. Well, we'll come to everything you've told Sharan but I
28 want to ask you about why you would tell the Prosecution that you
29 were 18 in 2003. Why would you tell them you were 18?

1 A. Well, as I said, I never knew who this woman was or why
2 those questions. Now I told her I was 18 because the time we
3 came to disarm we the children were removed. We had no benefit.
4 We suffered. I thought it was something like that that was
12:01:40 5 coming. So let me give an age, this age, so that I might not be
6 removed.

7 Q. But why would giving the age 18 help you not to be removed?

8 A. Well, first, when we came to disarm they said ranging from
9 18 and above you are an elderly person and that you are entitled
12:02:15 10 to -- but by then I was below 18. So what happened, we were
11 removed. We had no benefit from the DDR money. So I felt it
12 would be the same thing when this woman is talking to me. So if
13 I give my age at 18 I may not be removed out.

14 Q. So, do I understand you correctly, you told them you were
12:02:52 15 18 because people 18 and over would not be removed from the DDR
16 program? Is that what you're saying?

17 A. Yes.

18 Q. But how then if you gave the age of 18 would you benefit in
19 a way you wouldn't benefit if you were under 18?

12:03:43 20 A. Well, like me, when I came to disarm, when I was below 18,
21 I had a gun when I came to disarm. But that did not make them to
22 give me the benefit. So if you are above 18 and you've come to
23 disarm and then since you were above 18 you are entitled to all
24 the benefits.

12:04:15 25 Q. So you told them you were above 18 to receive money as one
26 of the benefits; is that right?

27 A. I felt that was the same program that was continuing
28 because I never knew actually.

29 Q. Well, what were the benefits you were hoping to get by

1 telling them you were 18?

2 A. One was like looking after me because I've lost all my
3 parents. I was living in the streets. So if I tell them that I
4 thought it would be any program like a humanitarian program.

12:05:02 5 Q. Did you think if you lied you would get more money?

6 A. It was not for money I said that. It was not money. I
7 wanted care. If I have money I don't know what to do with it.
8 It was not because of money.

9 Q. You say that at the time you were captured in 1998 you had
12:05:46 10 been attending school; is that right?

11 A. Yes.

12 Q. And how long had you been attending school when you were
13 captured?

14 A. I was in class 5 to class 6.

12:06:13 15 Q. And had you been at that school the whole year before you
16 were captured?

17 A. There I started my class 1 up to the stage I reached.

18 Q. So you went - is this right - through class 1 to 2 to 3 to
19 4 and to 5 at this school; is that right?

12:07:03 20 A. Yes.

21 Q. Now, when you were captured can you confirm that your
22 capture, according to you, was in February of 1998?

23 A. I am talking about the beginning of the year. So I cannot
24 tell you the month.

12:07:40 25 Q. Well, I'm looking again, Mr Witness, at the same page,
26 9700. After the sentence where you say, "I am 18 years old now"
27 you say, "In 1998 February I was abducted". Do you think it was
28 February, Mr Witness?

29 A. I am telling you I don't know month, I don't know dates I

1 was captured. All I know is I was captured almost at the
2 beginning of 1998.

3 Q. Okay. Thank you. And the time of your capture was when a
4 big group of rebels came into Koidu Town; is that right?

12:08:53 5 A. Yes.

6 Q. You then stayed in Opera for 14 to 15 days; is that right?

7 A. Well, approximately.

8 Q. So you understand me, Mr Witness, approximately is all I am
9 asking you for. After Opera you went to the Guinea base,

12:09:21 10 according to you?

11 PRESIDING JUDGE: He stayed in Opera for how long
12 approximately?

13 MR JORDASH: Approximately 14 to 15 days.

14 Q. You then went to the Guinea base; yes?

12:09:43 15 A. Yes.

16 Q. And you stayed there for approximately a couple of months;
17 is that right?

18 A. No.

19 Q. How long did you stay at the Guinea base?

12:10:02 20 A. We took some time there.

21 Q. See if you can help us out, Mr Witness. Are we talking
22 months, weeks?

23 A. Okay, I was not an adjutant to sit there and count how many
24 days we were taking there. I don't know.

12:10:30 25 Q. Well, let me refer you to page 9731 of your statement,
26 Mr Witness.

27 PRESIDING JUDGE: He said he was not an adjutant.

28 MR JORDASH:

29 Q. This is a statement - please feel free to look at it, Mr

1 Witness - dated the 9th --

2 PRESIDING JUDGE: Mr Jordash, you are talking to a real --

3 MR JORDASH: I think it is going to be an interesting day.

4 PRESIDING JUDGE: An interesting combatant. Whatever he
12:11:06 5 means by, "I am not an adjutant" honestly I'm lost. I don't know
6 what an adjutant does, whether an adjutant is a timekeeper or
7 what is it.

8 MR JORDASH:

9 Q. 9th of October 2004 statement, Mr Witness, please feel free
12:11:27 10 to look at it. 9731 on the top right-hand corner. Are you
11 following me, Mr Witness?

12 A. I am the master of that document, you can go ahead.

13 Q. Good. Now take your eyes to paragraph 3: "From there we
14 went to Kailahun. I first stayed at Guinea base for a couple of
12:12:01 15 months." Did you tell the Prosecution on the 9th of October 2004
16 you stayed at the Guinea base for a couple of months?

17 JUDGE THOMPSON: Could you confirm the year.

18 MR JORDASH: 2004, Your Honour.

19 JUDGE THOMPSON: Not three.

12:12:29 20 MR JORDASH: No, not three, Your Honour.

21 THE WITNESS: I don't understand.

22 MR JORDASH:

23 Q. Well, have a look at paragraph 3 where the statement says,
24 "I first stayed at Guinea base for a couple of months." Did you
12:12:54 25 tell the Prosecution you first stayed at Guinea base for a couple
26 of months?

27 A. I am saying that we spent some times there. That was what
28 I said. Since I started talking I have never talked about date
29 or months.

1 Q. Well, we're going to talk about dates and months today,
2 Mr Witness. Do you know why your statement said "Guinea base for
3 a couple of months"?

4 A. No.

12:13:29 5 Q. You've had this statement read to you. You've read it
6 yourself, haven't you?

7 A. Yes.

8 Q. Are you saying you never told anybody that you stayed at
9 Guinea base for a couple of months?

12:13:57 10 A. We were -- we stayed in Guinea base. That is all I said.

11 Q. Okay. When you were captured in Koidu Town --
12 JUDGE THOMPSON: Let's just [inaudible].
13 MR JORDASH: I beg your pardon. Sorry, Your Honour.
14 JUDGE THOMPSON: I wanted to make sure I got the answer
12:14:31 15 that he didn't put a time frame on what he told the
16 investigators.

17 MR JORDASH: Your Honour, yes.

18 Q. When you were captured at the beginning of the year by the
19 time you got to Kailahun was it the rainy season?

12:14:57 20 A. I don't know.

21 Q. Well, let me try to help you, Mr Witness, and if you can
22 try to help us. Wasn't it the rainy season when you went to
23 Bunumbu training centre, training camp?

24 A. Yes.

12:15:24 25 Q. Didn't you go to the training camp straight away, within
26 days of arriving in Kailahun?

27 A. Well, yes. When we reached Kailahun it was some time
28 before we went to the training base.

29 Q. How long?

1 A. I cannot tell how long. We stayed there as long as we were

2 there.

3 Q. Where did you stay before going to the training camp in

4 Kailahun?

12:16:39 5 A. Inside Kailahun Town.

6 Q. Did you stay there for less than a week before going to

7 Bunumbu or more than a week?

8 A. Well, it was more anyway.

9 Q. Was it more than a month or less than a month that you

12:17:10 10 remained in Kailahun Town?

11 A. We stayed long in Kailahun. I don't know month, I don't

12 know week. I am saying it again.

13 Q. Well, I'm still going to ask you questions because timing

14 is important. When you arrived in Kailahun Town was it the rainy

12:17:32 15 season or the dry season?

16 A. I cannot remember.

17 Q. How long were you at the training base, Bunumbu training

18 base?

19 A. We spent some time there.

12:18:13 20 Q. Try to concentrate, Mr Witness. You're very good on

21 details about attacks so try to be good at details on times. How

22 long do you think you were at the Guinea base -- sorry, how long

23 were you at Bunumbu training camp?

24 A. Well, we stayed there as long as we had to meet all the

12:18:48 25 trainings that they had for us. But to say I counted for all

26 this -- at least they told us we should be there for nine months,

27 but I didn't count whether it was up to nine months or it was

28 less than nine months.

29 Q. Well, was it more than four months?

1 A. I cannot say.

2 Q. Was it just a day?

3 A. It was more anyway.

4 Q. More than a week?

12:19:25 5 A. It was more than a week.

6 Q. More than a month?

7 A. Probably so.

8 Q. Okay. More than two months?

9 A. I don't know.

12:20:04 10 Q. Let me take you again to the statement, Mr Witness, page
11 9706. That's the date 31st January 2003 statement and I'm
12 looking at 9706. I'm looking at - if you count with me,
13 Mr Witness - nine lines from the top of the page. Are you with
14 me?

12:21:10 15 A. Go ahead. I'm listening.

16 Q. Well, have a look there and it says: "After I graduated my
17 nine months training." Do you see that?

18 A. I am the master of this. I said it. I didn't say after I
19 graduated from the nine month training. After I graduated from
12:21:33 20 the training. The training was for nine months.

21 Q. So were you then trained at the Bunumbu training camp for
22 nine months, according to you?

23 A. After I accomplished my training I left the base, but I
24 didn't say after I had completed my nine months training that I
12:22:03 25 was counting. I was not counting.

26 Q. Well, being the master of these statements, Mr Witness, you
27 recall the person with you, Virginia, reading the statement back
28 to you, do you not?

29 A. Oh my God. Yes, they read them to me.

1 Q. And you would have heard them say, "After I graduated my
2 nine months' training". Is there any reason why you didn't say
3 it wasn't nine months or I wasn't sure it was nine months. Do
4 you see my point, Mr Witness?

12:22:58 5 A. Well, the woman might be right because I told her we had to
6 go for nine months' training. So after the training they had to
7 take me to the battlefield. So she had to write it as after the
8 nine month training we graduated, but actually I never counted
9 whether it was nine months.

12:23:17 10 Q. Do you know what the months of the year are, Mr Witness?

11 A. If I know the months of the year?

12 Q. Yes?

13 A. When we had to graduate, you mean?

14 Q. No, just generally do you know the months of the year?

12:23:46 15 A. Yes.

16 Q. So what's the month of the year when you leave Bunumbu
17 training camp?

18 A. I think the best person to answer that will be the training
19 base adjutant. I don't know.

12:24:12 20 Q. Was it the dry season?

21 A. That I don't know.

22 Q. Well, you cannot remember, Mr Witness, whether it's raining
23 or dry when you leave the training camp?

24 A. No.

12:24:38 25 Q. You can't remember whether it was raining or dry when you
26 attacked Daru?

27 A. Well, the time we attacked Daru it was night combat and
28 there was no rain that time.

29 Q. Well, that's a good memory you have then of the weather on

1 the night-time attack on Daru. What about the morning after, was
2 it raining?

3 A. Because it was not raining does not mean it is no rain
4 season. But actually I cannot remember.

12:25:33 5 Q. Was it 1998?

6 A. I was not following up how the week was going, how the
7 months was going, how the year was going round. I don't know all
8 those things.

9 Q. When did Sam Bockarie leave Buedu?

12:26:00 10 A. Coming from Buedu to go where?

11 Q. When did he leave Buedu to go to Liberia; do you know?

12 A. I don't know.

13 Q. When did he leave to go to -- when did he leave at the time
14 that Povei was in charge of the RUF combatants?

12:26:50 15 A. Well, this happened several times. I don't know the actual
16 one you're talking about.

17 Q. Well, let me take you to page 9707, Mr Witness, and see if
18 we can remind you?

19 A. Yes.

12:27:09 20 Q. Top of the page: "Sam Bockarie left Buedu in the rainy
21 season of 1999." Do you see that?

22 A. But I think I said this again that I had no confidence when
23 I was talking to this woman. I was afraid of these people. I
24 was afraid of these people. I know who the RUF are. So I did
12:27:38 25 not say exactly what happened. It was happening but I said it in
26 the way that they would not be able to trace me.

27 Q. So you did tell the Prosecution that Sam Bockarie left
28 Buedu in the rainy season of 1999?

29 A. Well, what I was saying, how I was showing the date, close

1 to the time we wanted peace, because I was not showing the year.
2 No, I was not showing the year. I don't know.
3 Q. Concentrate on the question, Mr Witness. Did you tell the
4 Prosecution that Sam Bockarie left Buedu in the rainy season of
12:28:25 5 1999?
6 A. No.
7 Q. No?
8 A. No.
9 Q. Do you know how that got into your statement?
12:28:42 10 A. I don't know.
11 Q. Did you hear them read it back to you after that statement
12 was finished?
13 A. All what I said, all what I talk about later as I'm saying,
14 during the time close to the time we are about to get peace --
12:29:06 15 peace was far away. So if you look at it now and say the time we
16 wanted peace, this was the year, well, I don't know. I don't
17 know how it managed to get into my statement.
18 Q. Okay, look at 9708 then, Mr Witness.
19 MR HARRISON: I'm sorry to interrupt but it appears to me
12:29:26 20 that the witness is not actually looking at anything. I wonder
21 if the Court could point out to the witness that if he wishes to
22 look at the document he could.
23 JUDGE THOMPSON: Witness.
24 THE WITNESS: Yes.
12:29:43 25 JUDGE THOMPSON: Please look at the document when counsel
26 makes reference to the pages, the paragraphs and the lines and
27 give us an answer only after you have carefully looked at those
28 portions. Do you understand?
29 THE WITNESS: Yes.

1 JUDGE THOMPSON: All right. Let's proceed then.

2 MR JORDASH:

3 Q. 9708, Mr Witness, third paragraph, statement 31st of
4 January 2003. 9708, do you see it?

12:30:51 5 A. Yes.

6 Q. Third page?

7 A. I have not seen 9708.

8 PRESIDING JUDGE: I think he needs to be guided. It's a
9 very technical exercise. If he can be assisted, you know, to
12:31:20 10 locate those pages.

11 MR JORDASH: I'm happy if the --

12 MR HARRISON: Sorry, I was just going to say that
13 Mr Walker, I thought very helpfully, put the statements into
14 separate packages. So if the date could be emphasised I think
12:31:29 15 the witness would see it on the very front of the plastic folder
16 and then he could look inside for the page number.

17 PRESIDING JUDGE: I hope we are not crediting him with more
18 intelligence, you know, and initiative than he ordinarily
19 disposes in his mental capacities.

12:31:54 20 MR JORDASH: Your Honour, he reads very good English.

21 PRESIDING JUDGE: All right. I wouldn't draw that
22 conclusion as yet.

23 MR HARRISON: I'm not sure that that's true.

24 PRESIDING JUDGE: I wouldn't draw that conclusion as yet.

12:32:08 25 JUDGE THOMPSON: If there is no difficulty he could be
26 provided with someone to help him, if there's no difficulty on
27 the Defence side.

28 MR JORDASH: Not from my point of view.

29 JUDGE THOMPSON: I mean, just to facilitate the process.

1 PRESIDING JUDGE: It's like when they are sitting here
2 normally there is a Court Management which comes and helps the
3 witnesses through the pages and those who are adult witnesses --
4 people who are much older, I would say.

12:32:35 5 JUDGE THOMPSON: Is Court Management in a position to
6 delegate somebody to assist?

7 MR HARRISON: There is a person from witness and victim
8 services.

9 JUDGE THOMPSON: But that was for a different purpose.

12:32:42 10 MR HARRISON: I realise it was for a different purpose.

11 JUDGE THOMPSON: [Overlapping speakers] prepared to grant
12 to that witness some kind of multipurpose function. Quite
13 frankly I'm indifferent, as long as the process is facilitated by
14 some assistance. I mean, I find it difficult to run through the
12:33:01 15 references myself which so much more this witness. So is Court
16 Management in a position to help us or do both sides agree that
17 the person already there assisting can perform the function?

18 MR JORDASH: Providing they don't see a conflict of
19 interests in their functions.

12:33:19 20 JUDGE THOMPSON: I would rather act out of an abundance of
21 caution and ask Court Management to delegate someone to perform
22 this specific role.

23 JUDGE BOUTET: But I'm not sure the room is big enough to
24 have two persons there.

12:33:39 25 JUDGE THOMPSON: I'll wait for the reaction of that.

26 PRESIDING JUDGE: I don't know what the room looks like.

27 JUDGE THOMPSON: I'm merely assuming that this is possible,
28 but if it's not then we probably have to look for another option.

29 MR JORDASH: Should somebody ask the witness and victims

1 support?

2 JUDGE THOMPSON: Yes. At least I'm advised that there may
3 be some difficulty but we need to find a solution to it. So
4 perhaps I will just await the experts to guide us on this. It's
12:34:19 5 not a legal solution now. Is Mr Walker able to perform this role
6 without in any way --

7 MR WALKER: I can go through there, Your Honour, but if
8 anything then happens in here.

9 JUDGE THOMPSON: Quite. So, in other words, we're in a
12:34:48 10 situation where we have, shall I call it a manpower shortage.

11 MR JORDASH: Your Honour, may I suggest that the statements
12 are simply put into a file clearly marked. As long as he
13 understands numbering then he should be able to follow the
14 statements.

12:35:07 15 JUDGE BOUTET: That's true because the statements are all
16 marked with numbers at the top and they are just following the
17 sequence and the Defence counsel has been making reference to the
18 numbers at the top of the page so it is a fairly simple process.
19 So if it is put clearly to the witness that what he needs to do
12:35:22 20 is look at the top of the page for the number and when counsel
21 says page 9708 he looks at 9708. I mean, this is fairly simple.
22 The counsel for purpose of reference has not only referred to the
23 date but essentially the page number for the record. That is a
24 simple process and I think the witness should be able to follow
12:35:42 25 that.

26 So we can ask him if he has been able to -- I want to make
27 sure first that the documents he has do have those page numbers
28 which I don't know, I assume, and if he does, what he should do
29 is look at the page number at the top and then look at that

1 particular page.

2 Mr Witness, the documents you have in front of you, do they
3 have page numbers at the top on the right-hand corner of the
4 page? Could you look at them, please?

12:36:11 5 THE WITNESS: Yes.

6 JUDGE BOUTET: So are you able to follow and when the
7 counsel says to you page 9707, for example, are you able to look
8 at page 9707 and find it in the package? You seem to have many
9 packages in your hand now so that seems to be the problem now.

12:36:49 10 MR HARRISON: If I can just indicate Mr Walker showed me
11 the --

12 THE WITNESS: Well, yes. If he called the numbers, yes, I
13 could do it. But the papers are many, that's the other thing.

14 MR JORDASH: It would probably help if they went into a
12:37:05 15 single file.

16 JUDGE BOUTET: That may be the easiest way just to follow
17 by number sequence as such. That will be easier for the witness
18 to follow. So maybe, Mr Walker, if you can look at that.

19 MR WALKER: Your Honour, they're all now in a folder. If
12:39:04 20 counsel could refer to the date of the statement first and then
21 the page he should be able to follow that quite easily.

22 JUDGE THOMPSON: Thank you. Let's continue counsel.

23 MR JORDASH: Thank you.

24 Q. 31st of the 1st 2003 statement, your very first one,
12:39:31 25 Mr Witness. Are you following the statements in your file? 31st
26 of January 2003?

27 JUDGE THOMPSON: And give him the page.

28 MR JORDASH:

29 Q. Page number 9708?

1 A. Yes, I've seen it.

2 Q. Page 9708, top right-hand corner of the page?

3 A. At the top -- what I have is 9700.

4 JUDGE BOUTET: Okay, that's the first page.

12:40:05 5 THE WITNESS: The date is --

6 MR JORDASH:

7 Q. That's the first page, Mr Witness. Now go to 9708?

8 A. Okay.

9 Q. Good. Third paragraph starting with "in 1999"?

12:40:37 10 A. Yes.

11 Q. "In 1999 two days before the peace agreement was signed Sam
12 Bockarie gave instructions." Do you see that?

13 A. Yes, I'm seeing it.

14 Q. Did you give that date?

12:40:58 15 A. Just like what I have just said, close to the time that we
16 were about to achieve peace -- by the time that we were to
17 achieve peace, just close to that was 1999, but I do not know the
18 year.

19 Q. What year did you go back to Koidu on the attack led by
12:41:30 20 Povei?

21 A. I do not remember the year.

22 Q. Do you remember the month?

23 A. No.

24 Q. Do you remember whether it was dry season or rainy season?

12:41:55 25 A. I can't remember none.

26 Q. Do you remember whether it was before your attack on Daru
27 after your training or after the attack on Daru?

28 A. After we had trained we went to Daru, Segbwema, the whole
29 of Kailahun District before ever we could go to Koidu.

1 Q. When were you disarmed? What year, Mr Witness?
2 A. Well, I think it was in the year 2000, almost mid 2000.
3 Q. Right, almost mid 2000?
4 A. Yes.
12:43:03 5 Q. Was the attack on Koidu led by Povei in 2000?
6 A. No.
7 Q. Was it the year before?
8 A. Yes.
9 Q. Was it the beginning, the middle or the end of the year
12:43:31 10 before?
11 A. I don't know.
12 Q. Well, think about it, Mr Witness?
13 A. I was not an adjutant, I don't know dates.
14 Q. You don't need to be an adjutant to know approximately when
12:43:50 15 in the year an attack such as the attack on Koidu was. So was it
16 the beginning or the middle or the end of --
17 A. I was an active combatant taking part. They give
18 instructions for me to go and do something. I don't have a
19 paper, I don't have a pen, I do not look at the calendar, how
12:44:17 20 would I know the day or month or year? How would I know? You
21 want me to tell lies? I don't know.
22 Q. Can I suggest you don't know because you didn't go on the
23 attack to Koidu, Mr Witness?
24 A. Yes, it's fine because it's based on your own imagination.
12:44:36 25 I believe that I was there.
26 Q. Well, we'll come to that. The attack on Daru, what year?
27 A. I can't remember the year. It's like we're just prolonging
28 things because I can't remember the year, I can't remember dates.
29 Q. Is your honest evidence, Mr Witness, that you have no idea

1 what year you attacked Daru?

2 A. I don't know. I'm saying the truth.

3 Q. You do appreciate, don't you, Mr Witness, that you have an
4 absolute obligation to tell the truth to this Court?

12:45:43 5 A. Yes.

6 Q. And you've sworn on the Koran, have you not, to tell the
7 truth?

8 A. Yes.

9 Q. And very serious if you don't tell the truth?

12:46:01 10 A. Yes.

11 Q. So let's try again. What year did you attack Daru?

12 A. I can't remember. I would have been proud enough to show
13 the dates but if I don't know do you want me to tell lies?

14 Q. Which town did you disarm in in mid 2000?

12:46:35 15 A. Inside Daru.

16 MR JORDASH: Could I just take brief instructions.

17 [Defence counsel and accused confer]

18 MR JORDASH:

19 Q. When you disarmed in Daru what was the contingent -- where
12:47:16 20 were the contingent of soldiers from?

21 A. Well, they were Indians, Indians. And of course the one
22 that I submitted my gun to was a British. Then of course there
23 were Ghanaians as well.

24 Q. Any others you remember?

12:48:02 25 A. Well, apart from the three different soldiers that were
26 there I can't remember. The Ghanaian, the British and the
27 Indians.

28 Q. Now, where did you sleep at night after you'd left the
29 Bunumbu training centre when you were not on operations?

1 A. After we had graduated they took us to Baima. They sent us
2 to the combat camp. We spent some time there. After we had
3 attacked Daru we came back. The way some of us implemented
4 instructions, the commanders said that some of these boys should
12:48:55 5 stay with us, let them move away from the frontline to stay with
6 us. So I was in Baima.

7 Q. Away from the frontline staying with a commander?

8 A. I do not understand.

9 Q. You told us you stayed in Baima; yes?

12:49:26 10 A. Yes, later on.

11 Q. After the attack on Daru?

12 A. Yes.

13 Q. Was that your main home at that time?

14 A. Well, it was the battalion headquarters. That was the
12:49:51 15 battalion headquarters.

16 Q. Was that your main home at that time or not?

17 A. When you say home I do not understand what you mean.

18 Q. Was that where you slept at night generally at that time?

19 A. Yes, I slept in Baima Town.

12:50:20 20 Q. With who and where?

21 A. I slept with Tiger who was a battalion adjutant at Baima
22 and he was in the bush.

23 Q. How long did you stay there?

24 A. I spent some time there.

12:50:45 25 Q. Several weeks or months?

26 A. So many days, I can't remember whether it was many weeks.

27 Q. Many weeks?

28 A. Many days.

29 Q. Many days. After Baima where did you then stay?

1 A. After Baima we had the Segbwema mission so they passed it
2 to Colonel Eagle and from there he sent to all the companies
3 under the battalion, the platoons, put manpower together at Lah.
4 Q. Mr Witness, two things. Firstly, don't forget to pause
12:51:46 5 after you've spoken two sentences. You understand?
6 A. Yes. Yes.
7 Q. And, secondly, that's not the question I asked. The
8 question I asked was where did you -- I think the question I
9 asked was where did you stay after Baima? Where?
12:52:17 10 A. Segbwema.
11 Q. How long did you stay there in Segbwema?
12 A. I don't know.
13 Q. Many days, many weeks, many months?
14 A. Well, we spent some days there.
12:52:38 15 Q. Many days or some days?
16 A. We spent some days there.
17 Q. Less than a week, more than a week?
18 A. I don't know.
19 Q. Where did you go after Segbwema, to stay I mean?
12:53:07 20 A. Well, this was not a question of staying. We were not
21 going there to stay there. After Segbwema we went to Bunumbu,
22 Jokibu and then Koidu Ngeiya. I can't remember some of the towns
23 now.
24 Q. I'm not asking you about the attacks, Mr Witness. I'm
12:53:30 25 asking you about whether and where you had a permanent base.
26 Where did you return to from Segbwema, for example?
27 A. Where would we return to go? At that time I was under a
28 command. I would just go for them to execute them.
29 Q. We can argue all day if you want, Mr Witness, or you can

1 just answer the questions simply. I'd prefer if you just
2 answered the questions. Where did you stay after Segbwema if you
3 had a permanent or more permanent base?

4 A. Baima was my permanent base where my boss was, Tiger. When
12:54:26 5 we went on operations I continued, I didn't return.

6 Q. The attacks then you've told us from Daru to Segbwema
7 eventually to Koidu Ngeiya, you never returned to Baima during
8 those attacks or between the attacks?

9 A. No.

12:55:14 10 Q. And so did you ever return to Baima after the sequence of
11 attacks you've told us about?

12 A. Well, I returned to Baima but at that time they had
13 relocated the first battalion to Mobai which is the main road.
14 At that time it was not Baima, it was Mobai.

12:55:52 15 Q. Where were you staying just before the attack on Koidu led
16 by Povei?

17 A. Well, that was the time when we left Koidu Ngeiya. We were
18 just passing through Pendembu going to Buedu. We were going to
19 Buedu. I was based at Buedu.

12:56:32 20 Q. So you'd been based at Buedu and from there you set off to
21 Koidu Town; is that right?

22 A. Yes.

23 Q. And did you stay in Buedu for several days, weeks or
24 months?

12:56:59 25 A. I was there for some days.

26 Q. More than a week?

27 A. I don't know.

28 Q. So it could have been a month, it could have been less than
29 a week; is that what you're saying?

1 A. Some days.

2 Q. Well, address yourself to the question. Does some days
3 mean it could have been more than two months or does some days
4 mean it could have been two days or you just cannot say whether
12:57:42 5 it fell within those two periods?

6 A. If I tell you now that it is within two weeks and one month
7 it's like I know the number of days, that I'm trying to hide
8 something, but I don't know. I said some days. We spent some
9 days there. I was not keeping any account.

12:58:15 10 Q. So am I right then that you cannot help us as to whether
11 you were there only two days or whether you were there for two
12 months. You can't help us at all in that regard?

13 A. Well, we spent some time there but I can't remember. We
14 took some days there.

12:58:49 15 Q. So you cannot say whether you were there for six months?

16 MR HARRISON: I think the witness has given his answer on
17 several occasions here.

18 JUDGE THOMPSON: Yes. Counsel, it seems as if you are
19 intent on jogging his memory.

12:59:04 20 MR JORDASH: Well, could I ask for the witness's headphones
21 to be taken off please.

22 JUDGE THOMPSON: Please remove the witness's headphones.

23 MR JORDASH: Your Honours will appreciate that without
24 fixing these alleged crimes in time it's almost impossible to
12:59:24 25 rebut the Prosecution case in the way that we would like. The
26 Prosecution are seeking to establish that either direct
27 participation or command responsibility. Now, how are the
28 Defence to rebut the allegations if we cannot show or try to
29 establish when these events are allegedly to have happened? It's

1 impossible.

2 JUDGE THOMPSON: Well, I hope the question is not intended
3 to impede the capability of the Defence to rebut the
4 Prosecution's case or negate the Prosecution's case. It's just
13:00:09 5 that I virtually myself have written three answers which are of
6 the same purport. But of course you are perfectly entitled to
7 pursue it to a position when you think it's reasonable to bring
8 finality to it and I think it's a matter of judgment.

9 MR JORDASH: Your Honour, I will bring this to a close
13:00:33 10 before 1.00, I hope.

11 JUDGE BOUTET: You have one minute.

12 PRESIDING JUDGE: You have one minute to 1.00, I am happy
13 that you have added "I hope".

14 MR JORDASH: Another rash comment.
13:00:53 15 Q. Just so that we understand you, Mr Witness, from Bunumbu to
16 Gandorhun to Baima and then to Daru, you didn't - is this right -
17 return to Baima to stay? Is this correct?

18 A. I have not spoken about Gandorhun. I have not spoken about
19 Gandorhun.

13:01:37 20 PRESIDING JUDGE: Counsel has not spoken about Gandorhun
21 either.

22 MR JORDASH: I haven't but the witness did speak about
23 Gandorhun yesterday.

24 PRESIDING JUDGE: He said Baima. I thought you were
13:01:48 25 putting that when he left Baima did he ever go back to Baima.

26 MR JORDASH: What I can do is I can deal with the timing
27 separate to this actually. I was hoping to short-cut things,
28 but.

29 Q. So just to pick up on what you said about staying at Buedu,

1 Mr Witness, is your honest answer that you cannot say that you
2 stayed there for either six months or two days or give us any
3 assistance which is more likely to be true?

4 A. I don't want to tell lies. I don't know.

13:02:52 5 Q. Is that the same for how long you were in the training
6 camp?

7 A. I don't know.

8 Q. That the same for how long you were in the Guinea base?

9 A. No.

13:03:31 10 Q. How long were you in Gandorhun before the attack on Koidu
11 Town with Povei?

12 A. We reached Gandorhun at night and in the morning we stayed
13 there -- we slept, we passed the night there and in the morning
14 we stayed there and we was there when almost late in the

13:03:56 15 afternoon we left to capture the town.

16 Q. How long were you in Daru when you attacked it after the
17 training camp?

18 A. I don't know.

19 Q. Between six months and two days, somewhere between that?

13:04:23 20 A. It took some days.

21 Q. Nearer six months or nearer two days?

22 A. It took some days.

23 Q. Nearer six months or nearer two days, can you say?

24 A. I don't know that.

13:04:44 25 MR JORDASH: That will suffice for this section,
26 Your Honours.

27 PRESIDING JUDGE: For this section, okay. Well, learned
28 counsel, we'll recess for lunch and resume the session at 2.30.
29 The Court will rise, please.

1 [Luncheon recess taken at 1.05 p.m.]

2 [HS140405C - AD]

3 [On resuming at 2.45 p.m.]

4 PRESIDING JUDGE: Learned counsel, good afternoon. Is the
14:47:22 5 witness on the monitor.

6 MR JORDASH: Before the witness comes on the monitor, Your
7 Honour, I have handed a map of Kailahun to your learned legal
8 officer with an index
9 attached to it with certain place names highlighted. I am not
14:47:43 10 exactly sure how it can be used at this stage, except to give
11 Your Honours assistance with places when the witness refers to
12 them, and to assist myself of course.

13 PRESIDING JUDGE: Okay, that is fine. And you better treat
14 your witness as a colonel or a general. Maybe you are debasing
14:48:12 15 him as an adjutant.

16 MR JORDASH: I will certainly move on from that.

17 PRESIDING JUDGE: You will move more comfortably if you
18 give him a better -- I will quote you, Mr Jordash.

19 JUDGE BOUTET: Are these the same maps that we have already
14:48:27 20 in books, but a larger scale?

21 MR JORDASH: I think Your Honours have it in a file. Yes,
22 this is the same map.

23 JUDGE BOUTET: The same map but a bit larger.

24 MR JORDASH: It is not the same as Exhibit 7, which is the
14:48:44 25 --

26 JUDGE BOUTET: No, I am talking of these maps that we have
27 here.

28 MR JORDASH: They are the ones, simply with the places
29 names referred to highlighted. Not all of them, but the

1 principal ones that I will visit.

2 MR HARRISON: It is the UNAMSIL map just condensed.

3 MR JORDASH: I think slightly expanded.

4 MR HARRISON: Expanded, that is what I meant to say.

14:49:05 5 MR JORDASH: Yes.

6 MR HARRISON: So it is the UNAMSIL ones?

7 MR JORDASH: Yes. In relation to 15 - Buedu - it is not

8 actually for some reason on the UNAMSIL map, but we have

9 approximated it from Exhibit 7.

14:49:34 10 PRESIDING JUDGE: I see Koidu here.

11 MR JORDASH: Yes, Koidu there in the north.

12 PRESIDING JUDGE: Up here near Kono.

13 MR JORDASH: Yes.

14 PRESIDING JUDGE: I see Koidu there.

14:49:46 15 MR JORDASH: Yes. Buedu, Your Honour, I was referring in

16 relation to number 15.

17 PRESIDING JUDGE: Oh, Buedu, you say.

18 MR JORDASH: Number 15 is to indicate Buedu. Although we

19 could not find it on this map, it is approximate from Exhibit 7.

14:50:07 20 There are indexes on the back, Your Honours. All of my learned

21 friends have a copy, I think.

22 JUDGE THOMPSON: Learned counsel, may we proceed?

23 MR JORDASH: Your Honour, yes, thank you. We have not got

24 the witness yet.

14:52:04 25 JUDGE THOMPSON: Could we have the witness on the screen,

26 please?

27 MR JORDASH: Good afternoon, Mr Witness.

28 A. Good afternoon.

29 Q. You knew Sam Bockarie as General Mosquito; Is that right?

1 A. Yes.

2 Q. You know his name because when he gave promotions to
3 officers he signed his name "Sam Bockarie"; is that true?

4 A. Yes.

14:53:31 5 JUDGE BOUTET: I am sorry, did you say he signed "General
6 Sam Bockarie"?

7 MR JORDASH: No, just "Sam Bockarie".

8 Q. Did you see him, Mr Witness, signing as "General Sam
9 Bockarie" or just "Sam Bockarie"?

14:53:56 10 A. What I used to see there is just "S Bockarie".

11 Q. You saw -- let me start that again. When you were in
12 Kailahun, as you told us this morning, you were staying with
13 Tiger, Major Tiger, for some time; is that right?

14 A. I did not understand the question.

14:54:38 15 Q. When you were in Kailahun for some time you stayed with
16 Major Tiga [phon]; is that right?

17 JUDGE BOUTET: I thought he said, "I was in Baima."

18 MR JORDASH: I was just using Kailahun as the area. But to
19 be more specific --

14:54:57 20 JUDGE BOUTET: Okay.

21 MR JORDASH:

22 Q. Mr Witness, when you told us this morning that you were
23 staying at Baima, for some of the time, at least, you were with a
24 man called Tiga; is that right?

14:55:20 25 A. Yes.

26 Q. When did you first meet Tiga?

27 PRESIDING JUDGE: Can he spell that for us? Is it "Tiger"
28 or "Tiga"? Let's get it right.

29 MR JORDASH:

1 Q. Can you spell that, Mr Witness - Tiga?

2 A. Tiga. It is the same spelling.

3 PRESIDING JUDGE: I don't know it.

4 THE WITNESS: It is capital T-I-G-E-R.

14:56:02 5 PRESIDING JUDGE: Capital T-I-G-E-R - Tiger.

6 THE WITNESS: Yes.

7 MR JORDASH:

8 Q. You stayed with him in Baima. When did you first meet him?

9 A. Well, Tiga was among the first batch who captured me with

14:56:38 10 Major Akistu.

11 Q. Did you see Tiga's promotion papers signed by Sam Bockarie?

12 A. Yes, I saw the paper with Sam Bockarie's signature on it.

13 Q. Did Sam Bockarie sometimes have red eyes?

14 A. Most of -- all of the time.

14:57:53 15 Q. Do you know why?

16 A. Well, yes.

17 Q. Why?

18 A. He is a man that used to take drugs. But I -- for the

19 drugs, I have not ever seen him take drugs. But I have seen him

14:58:24 20 smoke marijuana.

21 Q. Did you see him after he had taken drugs?

22 A. Yes.

23 Q. How was he?

24 A. His face used to be blue, the eyes become red. He will

14:59:13 25 always be in front of his house in Buedu.

26 Q. What was his behaviour like?

27 A. Most of the time he behaved rudely when we were at muster

28 parade. After taking him in the house -- unless if somebody took

29 it there for him. But the way he talked it looked as if he was

1 somebody who has taken something.

2 Q. And would he then shoot people for no reason?

3 A. Actually he used to commit crime, but to me I don't call it
4 a crime.

15:00:09 5 Q. What do you call it?

6 A. I don't see it as a crime in any way. He did those things
7 for no just cause.

8 PRESIDING JUDGE: What crime did you see him commit, Mr
9 Witness?

15:00:36 10 THE WITNESS: For instance, if he says no soldiers or
11 nobody should pass this end, and we had -- that was where we used
12 to do business, that was at the Liberian border. And he says
13 nobody shall not pass at that area at that time. Then if you go
14 and pass through there and if the news reach the Master he
15:01:06 15 will --

16 THE INTERPRETER: Excuse me, excuse me. He is going too
17 fast.

18 PRESIDING JUDGE: Mr Witness, softly, softly. Go slowly.
19 Don't talk too fast. You have been told to make two statements
15:01:24 20 slowly and wait. Start again.

21 THE WITNESS: For instance, like Dawa -- it is a crossing
22 point; it is the place we used to do business with the NPFL in
23 Liberia.

24 PRESIDING JUDGE: Yes. You used to do business with the
15:02:38 25 NPFL in Dawa.

26 THE WITNESS: Yes, in Dawa. So now, that particular area
27 where we used to do business, nobody was allowed to pass there
28 and nobody was allowed to pass where we did business. If you did
29 and a report came back to him, it means, the way we will put it

1 is, you have "kuna" [phon]. If that report reaches the Master,
2 before he could talk to you he would take out his pistol and fire
3 on your foot. And that was called "dig your ten toes".

4 PRESIDING JUDGE: He will fire what?

15:04:14 5 MR HARRISON: There may be a bit of a problem with the
6 reporter being able to get this information down. There has been
7 some phonetically uttered words that may require some assistance,
8 and there has been two voices on occasion. I am not sure if the
9 second voice is loud enough for the reporter to actually make an
15:04:32 10 accurate record.

11 PRESIDING JUDGE: Take his pistol and fire where first?

12 THE WITNESS: He will fire under your ten toes; that is,
13 under your feet. Digging your ten toes, that is how they called
14 it.

15:04:52 15 MR JORDASH: We will go over this if it assists.

16 Q. Mr Witness, "digging your ten toes", is that what you are
17 saying?

18 A. Yes. And it is possible that while digging your ten toes a
19 bullet might likely catch you.

15:05:28 20 Q. You also said, Mr Witness, that the way he put it was that
21 you had "kuna". Did you say the word "kuna"?

22 A. "Kunap" [phon]. They call it kunap.

23 Q. What is kunap?

24 A. That you have left your own grounds and gone to connive
15:06:00 25 with the enemies and people who you are not supposed to mingle
26 with in the jungle.

27 Q. Okay. Can you spell kunap?

28 A. I don't know this spelling, sir.

29 PRESIDING JUDGE: Could that be a vulgar reference to

1 connive or so? There are some English words which take various
2 pronunciations in local everyday use, dialects and so on.
3 Anyway.
4 MR JORDASH:
15:06:55 5 Q. Did he have security - Sam Bockarie?
6 A. Many.
7 Q. Do you know how many, approximately?
8 A. No.
9 Q. More than 10, more than 20?
15:07:18 10 A. I don't know.
11 Q. More than two?
12 A. Yes.
13 Q. Were they always with him?
14 A. Most of the time I saw Sam Bockarie they were always about
15:07:42 15 him.
16 Q. Heavily armed?
17 A. Yes.
18 Q. Did Monica, the training camp boss, report to Sam Bockarie?
19 A. Yes.
15:08:15 20 Q. Did Sam Bockarie give orders to the brigade commanders?
21 A. Yes, he did, to the brigade commanders.
22 Q. He gave orders to Tiga?
23 JUDGE BOUTET: Tiger or Tiga?
24 MR JORDASH: Tiga.
15:09:27 25 JUDGE BOUTET: It is the same as Tiger?
26 PRESIDING JUDGE: Are you still sticking to that
27 pronunciation?
28 MR JORDASH: Same, same, Tiger.
29 JUDGE BOUTET: Okay. He used "Tiga" and he used "Tiger".

1 MR JORDASH: Did he say "Tiger"?

2 PRESIDING JUDGE: He said "Tiga" - the way he spelt it.

3 MR JORDASH: I thought the witness said --

4 Q. Do you say "Tiga" or "Tiger", Mr Witness?

15:09:53 5 A. It is "Tiger". He has a different name.

6 PRESIDING JUDGE: Let's stick to his rendition.

7 JUDGE THOMPSON: Otherwise you might get into trouble with

8 him next time.

9 MR JORDASH:

15:10:10 10 Q. Colonel Tiger took orders from Sam Bockarie.

11 A. I heard you say "Colonel". He was a battalion adjutant.

12 PRESIDING JUDGE: He is disagreeing with you.

13 JUDGE BOUTET: You are giving him a promotion. You used

14 first "major", now you are going to "colonel". But the witness's

15:10:31 15 evidence earlier was that he was an adjutant.

16 MR JORDASH: Okay.

17 Q. What was his rank - Tiga?

18 A. Then he was a captain up to the time he was deputised.

19 Then he became a major.

15:10:50 20 Q. Did Sam Bockarie give orders to Tiga?

21 A. He did not give them directly to Tiga.

22 Q. Did Sam Bockarie give an order to Tiga to attack Vahun?

23 A. It was not Tiga that Skinny gave the order to; it was to

24 the brigade commander who was based in Pendembu. He was CO

15:11:49 25 Vandie.

26 Q. Was that the order to attack Kailahun on the border of

27 Sierra Leone and Liberia?

28 A. It was Vonjuma.

29 Q. Okay. CO Vandie was Colonel Vandie.

1 A. Yes, Colonel Vandie.

2 Q. Did Sam Bockarie give orders to Brigadier Mike Lamin?

3 A. Yes.

4 JUDGE BOUTET: Who is Lamin - L-A-M-I-N?

15:12:51 5 MR JORDASH: Your Honour, yes.

6 Q. And to Colonel Gasimu?

7 A. Yes, of course.

8 PRESIDING JUDGE: And to Colonel who?

9 MR JORDASH: Gasimu.

15:13:11 10 THE WITNESS: Gasimu.

11 MR JORDASH:

12 Q. Would Sam Bockarie ask them to provide manpower for

13 operations?

14 A. Yes.

15:13:23 15 Q. Would Sam Bockarie provide trucks to go to the brigades and

16 collect manpower for operations?

17 A. The vehicles you talk about, the ones that always carry

18 ammunition, however far they are, all combatants will walk to go

19 there.

15:14:12 20 Q. Would Sam Bockarie provide trucks to go to the brigades and

21 collect men?

22 A. It was not people. The vehicles normally carried

23 ammunition, ammunition used on the missions.

24 Q. Did Sam Bockarie control those ammunitions?

15:14:58 25 A. Well, I want to believe that is a different sector. We

26 have the armourer and the armour dome, which was in charge of

27 that. But he oversaw everything.

28 Q. The Government farm in Benduma - or between Benduma and

29 Buedu - was that managed by Alimamy Kalilu?

1 A. That was the civilian. The one who was the boss of
2 civilian. The Government farm, it was controlled by civilians.
3 Q. Government farm controlled by civilians?
4 A. No. The civilians who were on the farm, the head of that
15:16:36 5 farm, those who are on that farm, is the name that you have just
6 called.
7 Q. Can you confirm, Mr Witness, the spelling of Alimamy
8 Kalilu?
9 A. Alimamy Kalilu.
15:16:58 10 Q. Can you spell that?
11 A. I don't know.
12 Q. Did he take his instruction from Sam Bockarie?
13 PRESIDING JUDGE: Alimamy Kalilu was a civilian?
14 MR JORDASH: Yes, Your Honour, I think.
15:17:26 15 THE WITNESS: Yes.
16 MR JORDASH:
17 Q. You were going to say something, Mr Witness.
18 PRESIDING JUDGE: Did he take his instruction from
19 Bockarie? That was counsel's question.
15:17:43 20 THE WITNESS: Actually, he was not taking the orders
21 directly. The combatants used to come in the morning. These
22 combatants gave orders of what to be done. They used to tell him
23 and then he would pass on the message to the civilians.
24 MR JORDASH:
15:18:05 25 Q. Could you have a look, Mr Witness, at the statement of 31st
26 of January 2003.
27 A. Say that again.
28 Q. 31st of January 2003. It is the first statement, but the
29 statement which resumed again on February the 2nd 2003. To help

1 you, Mr Witness, 9708.

2 A. Um, um. Yes, yes.

3 Q. 9708, Mr Witness. Bottom paragraph.

4 A. Yes.

15:19:15 5 Q. "In Kailahun, in Buedu, there was a large farm which we
6 called Government Farm. People worked there for no food or pay.
7 The farm was managed by Alimamy Kalilu. He was a Temne man. He
8 took his instruction from Sam Bockarie."

9 Do you see that, Mr Witness?

15:19:56 10 A. Yes, I have seen it.

11 Q. Did you tell the Prosecution he took his instruction from
12 Sam Bockarie?

13 A. What I said is what -- he was not getting it directly from
14 Sam Bockarie, but the instructions were coming from Sam Bockarie.

15:20:25 15 Q. Okay, thank you, Mr Witness. If the people on the farm did
16 not receive any food or pay, how did they eat?

17 A. Well, mostly after work in the evening, when we are coming
18 from the Liberian border after doing business, after work in the
19 evening, you see somebody going to find a snail, somebody going
15:20:56 20 to find bush yams and other things which the Government did not
21 supply. At times they give them food, those condiments. At
22 times three people to a cup.

23 Q. So the people who worked on the farm left the farm in the
24 evening and went to find food for themselves.

15:21:21 25 A. Not all of them. But I want to believe that they had that
26 arrangement, because at times when you go there you meet some in
27 the farm and others have gone to the bush to find yams. When
28 they come they all cook and eat.

29 Q. And most of them would leave the farm and stay at Benduma

1 to sleep; Is that right?

2 A. Yes.

3 Q. Just jumping forward for a minute, when you went to attack

4 Daru, Sam Bockarie came in person and delivered ammunition; is

15:22:32 5 that right?

6 A. Yes.

7 Q. Did Sam Bockarie visit before your attack on Segbwema,

8 after Daru?

9 A. He sent a message; he never visited us.

15:23:03 10 Q. What was his message?

11 A. The message was directed to the commanders to capture

12 Segbwema.

13 Q. So, did he give the message directly to Colonel Eagle.

14 A. War Eagle, yes.

15:23:31 15 Q. Was War Eagle a colonel?

16 A. Yes.

17 Q. Did Tiga answer directly to Sam Bockarie on the radio set?

18 A. Well, at times, because he was the battalion adjutant, he

19 writes message and he sends items. Sometimes he receives

15:24:14 20 messages through the radio.

21 [Trial Chamber confers]

22 MR JORDASH: So you know what is happening, Mr Witness, the

23 judges are just having a discussion.

24 JUDGE THOMPSON: Continue counsel.

15:24:57 25 MR JORDASH: Thank you, Your Honours.

26 Q. Did Tiga go personally sometimes to Buedu to report to Sam

27 Bockarie?

28 A. I don't understand when you say "personally".

29 Q. Did he go himself to report to Sam Bockarie - to Buedu?

1 A. Yes, that's true.

2 Q. To give Sam Bockarie salutation report; Is that true?

3 A. Yes.

4 Q. Salutation report was a report to explain things such as
15:25:55 5 food, logistics, arms and ammunition; true?

6 A. Yes.

7 Q. Did you travel with Tiga to Buedu to see -- let me start
8 that again. Did you travel to Buedu with Tiga when he went to
9 see Sam Bockarie?

15:26:46 10 A. I travelled with him, but it was not to see Sam Bockarie.
11 That was the time he was at Mobai. It was not to see Sam
12 Bockarie.

13 Q. Didn't you attend Buedu once a month to a forum with Sam
14 Bockarie?

15:27:22 15 A. It is not necessary that I should go. Tiga himself was
16 going, but that does not mean we were going together. From the
17 time I was with him I can't remember going to Buedu on that
18 particular forum.

19 Q. Did Tiga go to a forum with Sam Bockarie?

15:27:45 20 A. Yes.

21 Q. Where the brigade commander would report matters to Sam
22 Bockarie?

23 A. It was not only -- it could be brigade commander. It can
24 also be the brigade adjutant.

15:28:12 25 Q. So brigade commander or brigade adjutant would go to Buedu
26 every month for a forum with Sam Bockarie; True?

27 A. Yes.

28 Q. This is where the brigade commander and brigade adjutants
29 would report all matters relating to their brigade to Sam

1 Bockarie; is that true?

2 A. Before going that is what they do. They record all data
3 from the different units of the battalion and then they present
4 it.

15:29:23 5 Q. And sometimes Sam Bockarie would call emergency meetings
6 for his brigade commanders to attend in Buedu; is that right?

7 A. Yes.

8 Q. Didn't you go with Tiga everywhere; didn't you always
9 travel with Tiga to Buedu?

15:30:13 10 A. From the time when he was with him at Mobai, yes. That was
11 almost at peacetime because the ceasefire was on.

12 Q. When was peacetime, Mr Witness?

13 A. Well, I want to believe that the time we had the ceasefire.

14 Q. When was that?

15:31:02 15 A. Um, I --

16 MR JORDASH: I missed that, Mr Translator.

17 THE INTERPRETER: I don't know.

18 MR JORDASH:

19 Q. Did you witness Sam Bockarie signing documents to give to
15:31:40 20 commanders?

21 A. Which document? I don't understand.

22 Q. Any document.

23 A. I did not see where he signed it. All I know is he was
24 signing document - promotion papers. Those were the ones I was
15:32:08 25 seeing.

26 Q. Didn't Sam Bockarie sign documents instructing different
27 units to do various things?

28 A. Well, as you know, every unit in the defence, they have
29 their own commander there. When Sam Bockarie was giving

1 instructions, he was instructing the unit commander who was based
2 in the defence headquarter and he would extend it to the various
3 brigade battalion companies.

4 Q. So, Sam Bockarie had a commander based at HQ in Buedu; is
15:33:18 5 that what you are saying?

6 A. I don't understand.

7 JUDGE BOUTET: If I may, Mr Jordash, I am a bit confused
8 with his description too. Mr Witness, you said that the unit
9 commanders would be at Buedu with Sam Bockarie.

15:33:46 10 THE WITNESS: Yes.

11 JUDGE BOUTET: So, are unit commanders the same as
12 battalion commanders?

13 A. Well, no. The unit I am talking of is like the MP, which
14 is the regular police. They have it everywhere in any brigade
15:34:10 15 battalion. And you have the defence, which is Kaisuku, which is
16 the defence military police commander. So, if Sam Bockarie wants
17 to pass information to any brigade it is a chain work. He passes
18 it to Colonel Kaisuku and he would send it everywhere where they
19 have military police, battalion, company, down to platoon.

15:34:39 20 JUDGE BOUTET: And he was the commander of the military
21 police?

22 THE WITNESS: I don't understand, sir.

23 JUDGE BOUTET: The man who would send the messages around
24 was the commander of the police?

15:34:58 25 THE WITNESS: He was the overall commander for the military
26 police -- overall commander. Then for the signaller the same
27 thing existed. For the armourers, which are the G4, it is the
28 same thing.

29 JUDGE BOUTET: Thank you, Mr Witness.

1 MR JORDASH:

2 Q. Dealing with the signallers, Mr Witness, was there a
3 signaller attached to every brigade and battalion with a person
4 in charge?

15:35:52 5 A. Yes.

6 Q. And the signaller would be in charge, or was there somebody
7 in charge of the signaller?

8 A. I don't understand this question.

9 Q. Okay. A signaller was attached to every brigade; yes?

15:36:22 10 A. Yes.

11 Q. The signaller's job was to do what?

12 A. To receive and send information.

13 Q. There was an overall signal commander at defence
14 headquarters in Buedu; is that right?

15:37:00 15 A. Yes.

16 Q. The signaller at your brigade with Tiga was Staff Captain
17 Network; is that right?

18 A. Well, I would not want you to call it brigade. I was in
19 1st Battalion. Brigade you were talking about is Pendembu.

15:37:40 20 Network was with us.

21 JUDGE BOUTET: Mr Jordash, you have referred to signallers
22 at the brigade level and now you are talking about the battalion
23 level. So he is telling you that Staff Captain Network was not
24 at the brigade --

15:38:06 25 PRESIDING JUDGE: Yes.

26 JUDGE BOUTET: -- but at the battalion level with them.

27 MR JORDASH: I might be able to clear this up, Your
28 Honours.

29 Q. Mr Witness, can you turn to statement 24th of February

1 2003? Your Honours, page 9720. Have you found that, the 24th of
2 February 2003, Mr Witness?

3 A. Yes, yes, yes. I have made it.

4 Q. 9721. Turn to the second paragraph. Let's just go through
15:39:07 5 this together.

6 "As I stated before, we had signallers attached to every
7 brigade and battalions with a person in charge. But there was an
8 overall signal commander at defence headquarter at Buedu by the
9 name of Lieutenant Colonel Neto."

15:39:38 10 Do you agree with these sentences?

11 A. I am telling you about Network at 1st Battalion. Maybe you
12 are talking about another Network.

13 Q. We will come to Network in a minute. Just concentrate on
14 the question. Do you agree that there were signallers attached
15:40:04 15 to every brigade and battalions? Do you say that now?

16 A. Yes.

17 Q. Do you say that there was an overall signal commander in
18 Buedu by the name of Lieutenant Colonel Neto?

19 A. No, I am talking about Network. I never said he was the
15:40:33 20 boss. He was a senior officer.

21 Q. Can you see where it is written "There was an overall
22 signals commander at defence headquarters in Buedu by the name of
23 Lieutenant Colonel Neto"? Do you see that?

24 A. I have seen that, yes.

15:41:01 25 Q. Did you say that to the Prosecution?

26 A. Perhaps you understand that differently. I never called
27 Neto. I was not a signaller. How could I call [inaudible]?

28 Q. Did you say this then - just read on a bit further - "At my
29 brigade our signaller was Staff Captain Network"?

1 A. But it was not a brigade; it was a battalion, yes. The

2 name is true.

3 Q. Did you tell the Prosecution it was at your brigade that

4 the signaller was Staff Captain Network?

15:41:58 5 A. Network was there, but I never said brigade; I said

6 battalion.

7 Q. Is that another mistake then, you think, in your statement?

8 Something you did not say?

9 A. Yes. It must be a mistake.

15:42:18 10 Q. So you say now that Network was with your battalion; yes?

11 A. Yes, yes.

12 Q. Okay. Let's read on a bit further in this paragraph:

13 "At defence headquarters there were six personnel. I know

14 only three of them. The personnel would receive messages in code

15:42:48 15 which they in turn would write down on paper and translate it and

16 give it to Sam Bockarie directly."

17 Would the personnel receive messages in code which they

18 would write on paper and give to Sam Bockarie directly?

19 A. Yes.

15:43:20 20 Q. Let's read a bit further:

21 "Whenever he, that is Sam, wanted to send a message he

22 would instruct Gibril Massaquoi, who would write it in code and

23 send it out."

24 Did you say that sentence to the Prosecution?

15:43:49 25 A. Yes.

26 Q. Is it true then that Sam Bockarie would send messages

27 through Gibril Massaquoi?

28 A. Gibril Massaquoi -- well, I came to know it later. Most of

29 the time, because Sam Bockarie is not well learned - Gibril

1 Massaquoi is better learned - he was the one helping him.

2 Q. Let's take our time with this, Mr Witness.

3 JUDGE THOMPSON: Learned counsel, I am sorry to interrupt,
4 but I do appreciate that this must be extremely difficult in a
15:44:47 5 sense that you are trying to -- I could see here
6 cross-examination is being directed as to facts and issues as
7 well as credit sometimes, and we are sort of hovering between the
8 two. It is not always easy to keep them separate, I recognise
9 that. But also if the purpose of the cross-examination is to --

15:45:15 10 MR JORDASH: Could I ask for the witness's --

11 JUDGE THOMPSON: Yes, quite.

12 MR JORDASH: Sorry, Your Honour.

13 JUDGE THOMPSON: Thank you very much. Could we have the
14 witness remove his headphones for the time being, please?

15:45:29 15 Also you seem to be - and correct me if I am wrong - trying
16 to kill as many birds with one stone. Apparently we are also in
17 the realm of perceived or alleged inconsistencies between oral
18 testimony and also his out-of-court statements. Or haven't you
19 begun to cover that ground yet? Otherwise I am tempted to ask
15:46:09 20 why do we have this extensive reference to his statement.

21 Couldn't we just merely refresh his memory, because he is taking
22 issue with some of the passages that you are extracting from his
23 statement and reading to him? Guide me.

24 [HS140405D 3.45 p.m. - EKD.]

15:46:27 25 MR JORDASH: My overall purpose at this stage of the
26 cross-examination is to remind the witness what he said about Sam
27 Bockarie. However, as we go through, as Your Honours can see,
28 he's indicating he does not accept some of the things in his
29 statement. That of course is as new to me as it is to

1 Your Honours.

2 JUDGE THOMPSON: Yes, directly about Bockarie.

3 MR JORDASH: Directly about Bockarie.

4 JUDGE THOMPSON: As a foundation for?

15:47:07 5 MR JORDASH: As a foundation for our case which is that Sam
6 Bockarie is in control.

7 JUDGE THOMPSON: I see, yes. It is just that if you a
8 covering so many angles at the same time, perhaps it is helpful
9 for the Bench to do its own subsequent evaluation, that we know
10 which particular portion of the out of court statement that is
11 being compared to some aspects of his testimony where there is
12 some possibility of lack of consistency.

13 MR JORDASH: At the moment I am not concerned with his oral
14 testimony previous to --

15:47:54 15 JUDGE THOMPSON: All right.

16 MR JORDASH: I am more concerned with just adducing this
17 evidence.

18 JUDGE THOMPSON: All right, that clarification is helpful.

19 MR JORDASH: But we will move to inconsistencies --

15:48:02 20 JUDGE THOMPSON: And please don't take this intervention as
21 asking you to abbreviate your process.

22 MR JORDASH: I don't. I'm grateful, Your Honour.

23 JUDGE BOUTET: So your questions are more -- when you do
24 refer to the statements at this juncture it is more to refresh
15:48:17 25 his memory and try to get some amplified evidence, if I can use
26 that word, on these issues that is the role and/or functions of
27 Sam Bockarie in this process. That is what you are doing now.

28 MR JORDASH: Certainly, Your Honour, and there will be
29 aspects of this which we dispute, but in due course I will make

1 that --

2 JUDGE BOUTET: Yes, but for now that's --

3 MR JORDASH: For now, yes.

4 JUDGE BOUTET: Okay.

15:48:52 5 JUDGE THOMPSON: Can we have the witness's earphones on
6 again? Could we have the witness back on the screen. Yes, thank
7 you.

8 MR JORDASH:

9 Q. Mr Witness, I didn't quite follow what you said about
15:49:12 10 Gibril Massaquoi. I thought you said, "Gibril Massaquoi was
11 better landed, he was the one helping Sam Bockarie"?

12 A. Because he was not that literate.

13 MR JORDASH: Could you repeat that please, Mr Translator?

14 THE INTERPRETER: Because he was not that literate.

15:49:42 15 JUDGE BOUTET: [Microphone not activated].

16 MR JORDASH: I see.

17 Q. So he had Gibril Massaquoi as his --

18 JUDGE BOUTET: His writer.

19 MR JORDASH:

15:49:52 20 Q. -- as his writer and literacy help?

21 A. That's what the bossman told me.

22 Q. Which bossman?

23 A. Tiger.

24 Q. When did he tell you that?

15:50:13 25 A. Since the time we were in Mobai.

26 Q. So on a number of occasions your bossman told you that the
27 message had come from Sam Bockarie through Gibril Massaquoi?

28 A. Sam Bockarie couldn't speak good English but he had started
29 making improvements, but he knew his reason why he said that.

1 Q. No, the question is did your bossman tell you on a number
2 of occasions that Gibril Massaquoi received the messages from Sam
3 Bockarie?

4 A. Yes.

15:51:24 5 Q. Are you sure that's true, Mr Witness?

6 A. That Sam Bockarie sent message to Tiger?

7 Q. Through Gibril Massaquoi.

8 A. No, that's not it. That's not what I'm saying. Gibril
9 Massaquoi would write and give it to him. My bossman knows
15:51:55 10 because he was an authority at that time. He knows. If he had
11 not seen it he wouldn't have said it.

12 PRESIDING JUDGE: Gibril Massaquoi would write and what
13 would happen? Mr Witness?

14 THE WITNESS: He would tell him what to do. He would tell
15:52:15 15 him what to write.

16 PRESIDING JUDGE: Who?

17 THE WITNESS: Sam Bockarie. He would tell Gibril Massaquoi
18 what to write. When he has written it then he will submit it to
19 him or give it to his security and tell him to send it to the
15:52:31 20 signaller for the message to go out. If the message has to go
21 out then it will be sent out.

22 MR JORDASH:

23 Q. Did you see this happen ever?

24 A. Well, it was my bossman who saw it. He knew how Sam
15:52:57 25 Bockarie was writing messages or instructions but he had seen
26 changes that had taken place, how the grammar was, how the
27 structure was. He knew.

28 Q. Did you know where Gibril Massaquoi lived?

29 A. At that time that I'm talking about he was in Buedu.

1 Q. How do you know?

2 A. Well, I knew it through my bossman. Despite that we heard
3 Gibril Massaquoi's name through any of the combatants.

4 Q. Did you see any of Gibril Massaquoi's security?

15:53:48 5 A. No.

6 Q. Did he have any young SBUs?

7 A. I don't know.

8 Q. Did you know where his house was in Buedu?

9 A. No.

15:54:14 10 Q. Did you see his signature on documents?

11 A. No.

12 Q. Did you see his writing on the messages?

13 A. Even if I saw it I wouldn't know. The person who knew told
14 me that it was Gibril Massaquoi who was doing the writing.

15:54:46 15 Q. You talked about the muster parades where Sam Bockarie
16 would be present; is that right?

17 A. Yes.

18 Q. Would he always come to muster parades if he was in Buedu?

19 A. No, not all the time.

15:55:29 20 Q. Most of the time?

21 A. Yes.

22 Q. Would he give orders at the muster parade?

23 A. Well, if there is need for him to give orders, yes, he
24 would.

15:56:03 25 Q. Can you remember muster parades before -- between the time
26 of your training at Bunumbu and your attack on Daru?

27 THE INTERPRETER: Can the lawyer please repeat the
28 question?

29 MR JORDASH:

1 Q. Do you recall muster parades between the time of your
2 training at Bunumbu and your attack on Daru? Do you recall
3 muster parades with Sam Bockarie present?
4 A. I do not understand this question.
15:56:56 5 Q. Do you recall muster parades before the attack on Daru?
6 A. Which muster parade?
7 Q. That is what I am asking you. Do you remember muster
8 parades before Daru, before the attack on Daru?
9 A. This is the tradition that every morning we should have a
15:57:28 10 muster parade. Every morning. I don't know which one you're
11 talking about now.
12 Q. Okay. And when Sam Bockarie was present was he referred to
13 as Master?
14 A. Yes.
15:57:52 15 Q. Was he referred to as General?
16 A. Yes. He was also called Skinny.
17 Q. Thank you. Let's just rewind to when you were first
18 captured in Koidu Town. How many people were captured with you?
19 A. Plenty.
15:58:54 20 Q. How many do you think?
21 A. Three of us stayed.
22 Q. You've told us about how you were put into a vehicle at
23 Opera; yes?
24 A. Let's talk about those whom they executed, those of us who
15:59:27 25 were captured and placed in the vehicle.
26 Q. Is this right: You were captured, taken straight to the
27 vehicle?
28 A. They did not just capture me, they captured so many other
29 people and executed all of them except three of us and they put

1 us in the vehicle.

2 Q. And you sat in the vehicle for a while; is that right?

3 A. Yes.

4 Q. Where did you go after that?

16:00:05 5 A. We went to Koidu Town -- we are going to Koidu Town, right
6 in the town.

7 Q. Isn't Opera in the centre of Koidu Town?

8 A. Of course.

9 Q. So where did you go from Opera when you had been placed
16:00:26 10 into the vehicle?

11 A. Well, we went through Kainkordu Road. During that week we
12 stayed at Opera before we went to Kainkordu Road. That was the
13 road leading to Guinea Highway.

14 Q. Where did you stay that night, the first night of your
16:00:43 15 capture?

16 A. I have said that we spent some time at Opera before we
17 could go to Guinea Highway.

18 Q. Yes, so how long did you stay -- well, let me start that
19 again. So you stayed overnight for several nights in Opera; is
16:01:08 20 that right?

21 A. We spent some nights there.

22 Q. Who did you spend those --

23 PRESIDING JUDGE: Where, in Opera? Some nights in Opera?

24 THE WITNESS: Yes.

16:01:36 25 MR JORDASH:

26 Q. Did you stay with the other two who had been placed in the
27 vehicle with you?

28 A. From the place that we alighted the vehicle, that was the
29 cotton tree -- that was the first NPRC secretariat, that's where

1 I saw them. Well, I stopped seeing them at point till I met them
2 at the training base.

3 Q. Were you kept in a house for a first few days?

4 A. When we were at the place where the combatants were.

16:02:37 5 Q. And did the combatants let you out of the house in the day
6 or were you captured in the house?

7 A. We are around the compound. They told us boldly that if
8 you get away from here you'll be executed. So we just lived
9 around the compound.

16:03:01 10 Q. Who told you you'd be shot if you left the compound?

11 A. It was the combatants like Akistu and Francis and the
12 others who wanted us to be with them.

13 Q. So Akistu, did he and the others make you stay in the
14 compound for 14 to 15 days?

16:03:41 15 A. I don't know those days that you're talking about. I
16 didn't tell you 14 to 15 days.

17 Q. I think you did, Mr Witness.

18 A. I said approximately.

19 Q. And so did I, Mr Witness.

16:04:08 20 A. Well, you didn't say approximately.

21 Q. Well, listen to my question, Mr Witness.

22 MR HARRISON: In fairness it could just be lost in the
23 interpretation.

24 MR JORDASH:

16:04:20 25 Q. Did you stay -- did Akistu force you to stay at Opera in
26 the compound for approximately -- approximately -- approximately
27 14 to 15 days?

28 A. Well, they didn't force me. It was just because I wanted
29 to survive, that's why I, when they told me not to go and they

1 would execute me if I went to, that's why I stayed around.

2 Q. And then the first time when you leave is when you get
3 taken to Guinea Highway; is that right? Guinea base.

4 A. Of course.

16:05:16 5 Q. When you say "of course," what do you mean "of course"?

6 A. Yes, yes.

7 Q. You mean that you had no choice but to stay at the compound
8 - is that right - for your safety?

9 A. Yes.

16:05:32 10 Q. Thank you. When you were taken to Guinea base, did you
11 ever learn the name of the camp you were at?

12 A. That's the name I just called, Guinea base or Guinea
13 Highway.

14 Q. Was this a camp with many combatants in it?

16:06:26 15 A. Yes.

16 Q. Did you know the name of any places nearby?

17 A. Yes, yes.

18 Q. Was it at a place called Meiyor, Meiyor village?

19 A. Meiyor? The place that I knew that links to the place was
16:07:13 20 a place where mining was done, Boroma it was called. There are
21 other towns.

22 MR JORDASH: Your Honours can see that town on Exhibit 7 to
23 the north east of Koidu Town. It is not on the UNAMSIL map by
24 the looks of it.

16:08:11 25 MR HARRISON: There is a Boroma that is located about 3
26 centimetres down from the top, in the square that is in the
27 centre. But I think it is fair to say that there is probably
28 quite a few Boromas on this map.

29 MR JORDASH: That is possible, but north east of Koidu Town

1 there is a Boroma, very close to Koidu Town. I am grateful to my
2 learned friend; it is Exhibit 8 apparently.

3 Q. Did you ever hear of a man called Superman?

4 A. Yes.

16:09:47 5 Q. What did you hear about him?

6 A. I only knew that he was a commander.

7 Q. Do you know where he was a commander? Where he was a
8 commander?

9 A. He was commander for his own boys. He was an officer with
16:10:16 10 a high rank. But at that time in Koidu Town --

11 Q. Sorry, just let me understand this, Mr Witness. At the
12 time you went to Guinea base Superman was an officer in Koidu
13 Town; is that what you mean?

14 A. Yes.

16:10:48 15 Q. Do you know how many men he had in Koidu Town?

16 A. No.

17 Q. Was he in Koidu Town when you were with Akistu at the
18 Guinea base?

19 A. I don't know that.

16:11:18 20 Q. Where was Superman when you were there, from what you
21 understand?

22 A. Well, I heard about Superman, Povei, Colonel Rambo, all of
23 them were our commanders. But at that time I was not too deep in
24 the game so I didn't know much.

16:11:39 25 Q. But you stayed at the Guinea base for some time, some days;
26 yes?

27 A. Yes.

28 Q. And did you go back to Koidu Town during your time in the
29 Guinea base?

1 A. Yes.

2 Q. Did you see other rebels living in Koidu Town?

3 A. Yes.

4 Q. Who did you see in Koidu Town when you were based at Guinea
16:12:20 5 base?

6 A. I saw combatants in houses, carrying guns.

7 Q. Any commanders in Koidu Town, then, at that time, that
8 you're aware of?

9 A. Well, in Koidu Town for instance I didn't see any
16:12:44 10 commanders. But for Guinea Highway or Guinea base I saw Povei,
11 Colonel Rambo. Those were the two commanders I would be able to
12 remember, names that everybody could remember.

13 Q. So the only commanders that you can remember from the
14 Guinea base are Rambo and Povei; is that right?

16:13:07 15 A. Yes.

16 Q. And was Povei living near you then in the Guinea base?

17 A. Well, I didn't even know that he was at Guinea base.

18 Q. You didn't know he was at Guinea base?

19 A. I didn't know. When I first saw him and he was identified
16:13:47 20 to me as Povei, that was Colonel Rambo, they pointed at them and
21 I saw them. That was all.

22 Q. Where was that?

23 A. I am talking about Guinea base.

24 Q. Did you ever see him again at Guinea base?

16:14:09 25 A. No.

26 Q. How many times do you think you went to Koidu Town during
27 your time in Guinea base?

28 A. I can't remember.

29 Q. Was it more than once?

1 A. Yes, yes.

2 Q. More than ten times?

3 A. I don't know.

4 Q. More than two times?

16:14:53 5 A. I don't know.

6 Q. The more than once time -- the two times that you do
7 remember did you see people living in Koidu Town?

8 A. Yes.

9 Q. Was the town fully occupied by rebels from what you saw?

16:15:26 10 A. Well, from where -- the routes we used in the town, like
11 Turner Street and Bongo Street, those areas which we used, I saw
12 rebels there, because most of the houses had been burnt.

13 Q. I want to refer you to something you said I think maybe two
14 days ago now. You mentioned that on the food finding missions,
16:16:09 15 if they were women they would be given loot to carry. But if you
16 say you were tired you would be killed, because the rebels
17 wouldn't want the person to go and tell other people what they
18 saw or what -- well, let me read the sentence to you and start
19 this again, Mr Witness. I am looking at the transcript.

16:16:44 20 JUDGE BOUTET: Which page?

21 MR JORDASH: The transcript of the 11th of April. I don't
22 know if Your Honours have got a copy. I can leave this section,
23 actually, until the break. It is page 93 of the 11th of April.

24 Q. Before we go there, Mr Witness, were you free to walk about
16:17:30 25 the base at Guinea base?

26 A. Well, the first day that we went to Guinea base, yes, I
27 felt so somehow, because we were strolling around, got used to
28 the combatants. They trained us to cock and fire gun. When you
29 learned that you were free to go on food finding mission. Yes, I

1 was free to walk around.

2 Q. Did you at any time try to escape?

3 A. If I had attempted they would have killed me, so I didn't.

4 Q. At what stage did you first meet Tiger during your capture?

16:18:53 5 A. Tiger was the one who put me in the vehicle.

6 Q. And the other two who were with you, did he put them there

7 too?

8 A. Yes, we were three whom he put together.

9 Q. Were they male or female?

16:19:10 10 A. Small boys.

11 Q. Were you with Tiger at Guinea base?

12 A. I was with Akistu. Tiger was so engaged, I don't know.

13 When we entered Koidu Town, when I saw him, he was walking. To

14 see him was a difficult problem.

16:19:45 15 Q. Did Major -- did Tiger save your life?

16 A. Yes.

17 MR JORDASH: I will just take brief instructions.

18 PRESIDING JUDGE: Maybe we could rise here so that you can

19 take the instructions. You take the instructions fully. My

16:20:27 20 learned friend -- I said instructions, he said fully. So I hope

21 you will take the instructions fully and we will resume when we

22 are ready. The Court will rise, please.

23 [Break taken at 4.18 p.m.]

24 [Upon resuming at 4.50 p.m.]

16:50:20 25 PRESIDING JUDGE: We are resuming the session, please.

26 Mr Jordash.

27 MR JORDASH: Thank you.

28 PRESIDING JUDGE: The witness is not yet on the monitor.

29 Good.

1 MR JORDASH:

2 Q. Mr Witness, you have told us that you returned to Koidu
3 Town from Guinea Highway. Is that where you were not able -- is
4 it Koidu Town where you were unable to locate Tiger?

16:51:32 5 A. I did not understand.

6 Q. When you were at Guinea Highway did you see Tiger?

7 A. No.

8 Q. Not at all?

9 A. No.

16:51:58 10 Q. When you were at Koidu Town on your visit from Guinea base
11 -- Guinea Highway, did you see Tiger?

12 A. No.

13 Q. Did you know whether Akistu lived at Koidu Town during your
14 time at Guinea base?

16:52:36 15 A. Akistu was with us right at the Guinea base.

16 Q. Do you know whether when he captured you in Koidu Town he
17 had a house in Koidu Town?

18 A. I don't know.

19 Q. When you went -- did you go to Koidu Town from Guinea base
16:53:23 20 with Akistu?

21 A. Yes. Yes, please, I want to talk to the judges.

22 PRESIDING JUDGE: Go ahead, Mr Witness. Yes, talk to us,
23 yes.

24 THE WITNESS: Right now I'm very tired. I want us to stop
16:54:03 25 here and then continue tomorrow.

26 PRESIDING JUDGE: I think without consulting anybody -- I
27 don't mean to ignore the views of both sides of the aisle, but I
28 think it is a reasonable request, because he has been on and
29 under pressure for quite some time. If he says he's very tired I

1 think we should concede to the fact that human nature is that
2 way.

3 MR JORDASH: I agree.

4 PRESIDING JUDGE: He is a very young witness and I think he
16:55:01 5 has been under examination for a very long time. So we do
6 concede to this request and we have no option but to adjourn the
7 proceedings to tomorrow at 9.30. We are losing an hour and five
8 minutes, but I think it is worth it in the interests of the
9 efficiency of our proceedings. He may well after this not be
16:55:40 10 able to concentrate and give accurate answers to questions and
11 that could distort the records. Learned counsel, we would have
12 to adjourn and resume the session tomorrow at 9.30. The Court
13 adjourns, please.

14 [Whereupon the hearing adjourned at 4.55 p.m., to be reconvened
16:56:20 15 on Friday, the 15th day of April 2005, at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-141	2
CROSS-EXAMINED BY MR JORDASH	3