

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

FRIDAY, 15 APRIL 2005
9.47 A.M.
TRIAL

TRIAL CHAMBER I

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:	Mr Abdul Rahman Mansaray
For the accused Issa Sesay:	Mr Wayne Jordash Ms Eleanor Hutchison
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Ms Rachel Irura
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [HS150405A - AD]

2 Friday, 15 April 2005

3 [Open session]

4 [Accused Gbao not present]

5 [The witness entered court]

6 [Upon commencing at 9.47 a.m.]

7 WITNESS: TF1-141 [Continued]

8 PRESIDING JUDGE: Learned counsel, good morning. We are
9 resuming the session. Mr Jordash, you may proceed with the
09:50:36 10 cross-examination. Can we have the witness on the monitor,
11 please? Mr Witness, good morning.

12 THE WITNESS: Good morning.

13 PRESIDING JUDGE: How are you this morning?

14 THE WITNESS: I am being fine.

09:51:00 15 PRESIDING JUDGE: So you are ready to go on now?

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: I think he is looking strong. You may
18 proceed, Mr Jordash.

19 CROSS-EXAMINED BY MR JORDASH: [Continued]

09:51:15 20 MR JORDASH: Thank you Your Honour.

21 Q. Good Morning, Mr Witness.

22 A. Good morning.

23 Q. When you returned to Kailahun after the attack on ~~xxxx~~led
24 by Povay, did you remain in Kailahun until disarmament?

09:51:51 25 A. Well, I was at ~~xxxx~~, which is part of Kailahun District.

26 Q. And what were you doing in ~~xxxxx~~?

27 PRESIDING JUDGE: I am not clear about the answer he has
28 given.

29 MR JORDASH: The answer, I think, was --

1 THE WITNESS: I was in xxxx.

2 PRESIDING JUDGE: What about before disarmament? Was he at
3 Kailahun all along before disarmament?

4 MR JORDASH: I missed half of that because I had a
09:52:19 5 translation coming through.

6 PRESIDING JUDGE: I see.

7 MR JORDASH: I think the witness said he xxxx xxxxx,
8 which is in the Kailahun District.

9 JUDGE BOUTET: Yes. But your question, Mr Jordash, was it
09:52:29 10 whether he was in Kailahun District, not necessarily, or was it
11 more about a more specific location?

12 MR JORDASH: It was the Kailahun District.

13 Q. And what were you doing in xxxxxx?

14 A. I was with xxxxx.

09:52:47 15 Q. Is that xxxxxx?

16 A. Yes.

17 PRESIDING JUDGE: What was he doing in xxxxxx? He was
18 with --

19 MR JORDASH: xxxx.

09:53:03 20 Q. Did you leave Kailahun at all during that time?

21 A. I don't understand.

22 Q. Well, you are in xxxxxx, having returned from xxxxxx. You
23 remained there until disarmament. I just want to be clear. Did
24 you at any stage leave Kailahun during the period from xxxx to
09:53:55 25 disarmament?

26 A. Kailahun District, because I was in xxxxx. I was in xxxxx,
27 which is in the Kailahun District, but there was no time that I
28 left there.

29 Q. Thank you. I want to ask you, Mr Witness, about a comment

1 you made a few days ago. Your Honours, there is being prepared
2 at the moment a full transcript of the witness's evidence. They
3 should be here any minute so that Your Honours can refer to them,
4 and I apologise for the delay. At the moment, I just want to
09:54:53 5 refer to the same page that was printed off yesterday, which is
6 the 11th of April, page 93. I am referring to something you said
7 a few days ago, Mr Witness. So you understand, it was at the
8 time you are discussing what you did while staying at the Guinea
9 Highway. The comment you made was -- this is line 7: "Well,
09:56:30 10 first, when we captured the civilians, if they were women we
11 would give you some loot to carry and you walk and you get tired
12 and you say you are tired and there is nobody to carry the load,
13 we would kill you there because we wouldn't want you to go and
14 tell other people that I saw these people to this, this and
09:57:14 15 this." Do you remember that answer, Mr Witness?

16 A. Yes.

17 Q. Could I just ask you what you meant when you said, "We
18 would kill you there because we wouldn't want you to go and tell
19 other people that I saw these people to this, this and this"?

09:58:08 20 A. Well, as you know, especially when we are on xxxxxx
21 mission, if we held a civilian and we leave him it is possible
22 that he would go and tell the enemies that he saw a group of
23 combatants, they had so so weapons, so so ammunitions. That
24 would show the strength of our men, and that is one of the
09:58:33 25 reasons why we executed them.

26 Q. Okay, thank you. Now you told us yesterday that - if you
27 just give me a moment, Mr Witness. You told us yesterday,
28 Mr Witness, that you had seen Povay at the Guinea Base.

29 A. Yes.

1 Q. And you said, "When I first saw Povay they pointed to him.
2 It was at the xxxx." Do you remember that?

3 A. Yes.

4 Q. Now, I want to be clear. How did you know it was Povay?

10:00:28 5 A. Those who knew him for over four, five years they told me
6 about him and from that time when I saw him it was the same
7 Povay. There was no difference about. Even when I am seeing him
8 right now, there is no difference.

9 Q. So, is this right: When you saw him at the Guinea Base,
10:00:56 10 somebody or some people pointed him out to you, and that is how
11 you knew it was him?

12 A. Yes.

13 Q. And that was the first time you had seen him?

14 A. Yes.

10:01:38 15 Q. Thank you. So you didn't see him before getting to the
16 xxxxxxxx was the first time?

17 A. Yes. But when we were in xxxxxxx his name was really
18 moving about. His name was about, but the proper time I saw him
19 was at the Guinea Base.

10:02:09 20 Q. Right, so you didn't see him in xxxxxx, you just heard
21 his name.

22 A. Yes.

23 Q. Thank you.

24 JUDGE BOUTET: Mr Jordash, I am just trying to see in the
10:02:37 25 transcript that you referred to how this is fitting in. It seems
26 to be not clear in the picture as to what you are pursuing now.
27 How are we to relate to that? Presumably you have brought the
28 witness to talk about that for some reason.

29 MR JORDASH: The transcript question was simply

1 clarification. I thought the witness might say something else.
2 He didn't, so I moved on. I can understand it is quite
3 disjointed at the moment, but I am going to start to follow it
4 more chronologically.

10:03:22 5 PRESIDING JUDGE: For the technicians: Does the witness
6 see the accused persons on his monitor?

7 MR WALKER: I believe, Your Honour, that what he sees is
8 exactly what you see.

9 PRESIDING JUDGE: He sees the accused persons on the
10:03:43 10 monitor. Because, as he said, even the one I am seeing here - he
11 is seeing everything I am seeing here. Okay, all right.

12 MR HARRISON: Just to be clear. I think there are times
13 when perhaps there is a recess or perhaps nothing is taking
14 place, and the monitor will actually show various vistas of the
10:04:14 15 courtroom.

16 PRESIDING JUDGE: That is all right. I just want to be
17 satisfied with this because his evidence relates to the one he is
18 seeing now.

19 MR JORDASH: Could I make clear that we don't dispute that
10:04:30 20 perhaps at some stage in Kailahun this witness has seen Issa
21 Sesay; we don't dispute that.

22 PRESIDING JUDGE: I just want to be sure.

23 JUDGE BOUTET: So you are not disputing that he may know
24 the accused, but are disputing that he may not have seen him when
10:04:49 25 he says he has seen him. That is your position.

26 MR JORDASH: I will make clear, Your Honours, where we say
27 the dispute clearly lies.

28 Q. I want to ask you, Mr Witness, to turn to your statements
29 again. In particular, I want to turn to the statement of 9th of

1 October 2004. Are you there, Mr Witness?
2 A. Yes.
3 Q. Before I take you to the paragraph I am interested in, you
4 told us yesterday, or you told us previously, that you were
10:06:09 5 captured when you went to xxxxxxxx; is that right?
6 A. Yes.
7 Q. And you went to xxxxxxxxxx; is that right?
8 A. Well, I did not go to xxxxxxxx. I was just
9 passing by xxxx; I was going beyond xxxxxxxx.
10:06:50 10 Q. And on your way, when you reached xxxxxxxx, there
11 you were captured. That is what you have told us.
12 A. Yes.
13 Q. And xxxxxxxx, as you have told us, at the xxxxxxxxxx
14 xxxxxx.
10:07:12 15 A. Yes.
16 Q. Could you please turn to the first page of that 9th of
17 October statement, page 9730, in the right-hand corner?
18 A. First bit?
19 Q. The 9730 --
10:07:38 20 A. Yes. I am there right now.
21 Q. It reads like this: "The second attack I was in xxxxxxx or
22 xxxxxxxx was in xxxxxxx." At the time of your
23 capture you say you were in xxxxxxx?
24 A. Yes.
10:08:10 25 Q. Was your xxxx, who you were xxxxxxxx
26 xxxxxxxx?
27 A. By then we had xxxxxxxx.
28 Q. Did you tell the Prosecution, as this statement suggests,
29 that "xxxxxxxxx"?

1 A. No.

2 Q. Okay. Let's read on then: "It was junta time, JPK was the
3 leader. I was in xxxxxx, it was Operation Pay Yourself
4 before they attacked the town. They were the "People's Army",
10:09:14 5 the RUF and the SLA all mixed." Did you tell the Prosecution
6 that?

7 A. Yes.

8 Q. Reading on: "Admodi, a Lebanese man at Turner Street, had
9 given money to the Kamajors from Kono District to keep the town
10:09:37 10 safe. The moment they arrived, I heard fighting." Did you tell
11 the Prosecution that?

12 A. Yes.

13 Q. Reading on: "This was happening just after the
14 intervention by ECOMOG." Is that right?

10:09:57 15 A. Yes.

16 Q. "At this time, xxxxxxxx to site xxxx, my xxxx
17 xxxx to go and xxxxxxxx." Is that right?

18 A. Yes.

19 Q. "I left and heard firing, when I returned to the house
10:10:24 20 everyone had left." Is that right?

21 A. I never returned to my house.

22 Q. Did you tell the Prosecution you had returned to your
23 house, everyone had left?

24 A. I never went back to the house and I never said that.

10:10:54 25 Q. Okay. It reads on: "I went to xxxxxxxx because I
26 knew people there." Did you tell the Prosecution that?

27 JUDGE THOMPSON: Is this all part of three that you were
28 reading?

29 MR JORDASH: Yes, Your Honour.

1 JUDGE THOMPSON: The whole of paragraph three?

2 MR JORDASH: Yes.

3 JUDGE THOMPSON: Right, thanks.

4 MR JORDASH:

10:11:31 5 Q. Did you tell the Prosecution, Mr Witness, that, "I went to
6 Kaidu village because I knew people there"?

7 A. Well, no.

8 Q. Didn't you have this statement read back to you by Sharan,
9 Mr Witness?

10:11:56 10 A. Well, we used to rehearse and she used to ask me questions.
11 We used to rehearse, and I answered them. Yes, she read it to
12 me.

13 Q. So you knew your statement contained the sentence, "I went
14 to Kaidu village". Is that not right?

10:12:21 15 A. I never took note of that.

16 Q. Well, let's keep reading: "While going there, I met with
17 other people. The moment they saw me they called me to join with
18 them." Did you tell Sharan that?

19 A. Yes, I told her that.

10:12:50 20 Q. So, if you told Sharan that while going there you met other
21 people then you must have said that you went to Kaidu village; is
22 that not right?

23 PRESIDING JUDGE: Controversial conclusion, isn't it? It
24 is a controversial conclusion to draw, or inference to draw.

10:13:23 25 MR JORDASH: I would say it is, respectfully, not
26 controversial.

27 Q. Mr Witness, where were you referring to with Sharan when
28 you said "while going there"?

29 A. Well, as I left to xxxx that was my

1 intention. If at all I had xxxxx they captured me.
2 The people who I could have followed would have been neighbours.
3 There was nobody in the town around that time. But I did not
4 return to my house; they captured. That was not in my statement.

10:14:04 5 Q. Just focus on that sentence, "While going there, I met with
6 other people." Which place did you meet with other people?

7 A. I am talking about where I was captured. If you can
8 remember, what I am talking about is where I was captured. When
9 I reached the xxxx at Koakoyima then I met with other people.

10:14:43 10 They were running. They said, "You, you don't go there." This
11 is the place I am talking about. They called me and I joined
12 them. While we were coming by xxxxx Street then we had serious
13 firing.

14 Q. You are saying that you are talking about xxxxx when
10:15:00 15 you say, "while going there"; is that right?

16 A. Yes, it was xxxxx.

17 Q. Let's read on. The next paragraph, Mr Witness: "The
18 juntas then came. They were in combat, the way they dressed.
19 Since I had a friend who was a soldier --

10:15:21 20 JUDGE THOMPSON: That is paragraph four.

21 MR JORDASH: Your Honour, yes.

22 Q. "Since I had a friend who was a soldier, I could identify
23 combat." Did you tell Sharan that?

24 A. Yes.

10:15:38 25 Q. "They all had pieces of cloth tied on their head." Did you
26 tell Sharan that?

27 A. Yes.

28 Q. Let's go over the page together. "They called us, we were
29 19." Is that right?

1 A. Yes, approximately that was the answer that I gave.

2 Q. So, we have moved on to page 9731. "They moved 3 of us who
3 were all of the same age as me and we were of the same height."
4 Did you tell Sharan that?

10:16:18 5 A. Yes.

6 Q. "The women and younger girls, more than 13 of them, were
7 killed." Did you tell Sharan that?

8 A. Yes.

9 Q. "According to the junta, these people had voted SLPP." Did
10:16:39 10 you tell Sharan that?

11 A. Yes.

12 Q. "They killed them by firing arms at them." Tell Sharan
13 that?

14 A. Yes.

10:16:49 15 Q. "Only four of us were not killed - 3 boys and one small
16 girl." Did you tell Sharan that?

17 A. Yes.

18 Q. "This happened while we were in the bush near ~~xxxxx~~" Did
19 you tell Sharan that?

10:17:12 20 A. It was ~~xxxx~~. It is not ~~xxxx~~ I am talking about.

21 Q. Let's read on to the next paragraph: "We were left with
22 the women rebels, who asked us to climb onto their vehicle." Did
23 you tell Sharan that?

24 A. Yes.

10:17:41 25 Q. "They were having both juntas and rebels." Is that your
26 statement?

27 THE INTERPRETER: Could you please go over that?

28 MR JORDASH:

29 Q. "They were having both juntas and rebels." Is that what

1 you said, Mr Witness?

2 A. Yes.

3 Q. "I learned this after they captured the town from the man
4 who had captured me." Is that your statement, Mr Witness?

10:18:19 5 A. Yes.

6 Q. "His name was x". He wore half camouflage and half
7 civilian cloth with black boots." Is that right?

8 A. Yes.

9 Q. "He was a rebel, he later identified himself as such to
10:18:41 10 me." Your comment?

11 A. Yes.

12 Q. "We were behind them (the others) within the convoy." Your
13 comment to Sharan?

14 A. Yes.

10:18:58 15 Q. "The convoy was moving from Freetown and we were at the
16 back of the pack." Your comment?

17 A. Yes.

18 Q. "All of us then went to Guinea Base, a camp which was
19 alongside Kaikuntu Road inside of the extreme side of the town."

10:19:30 20 A. Yes.

21 Q. Your comment?

22 A. Yes.

23 Q. Isn't it right, Mr Witness, that you told Sharan that you
24 were captured at Kaidu Town and taken in a convoy straight to the
10:20:07 25 Guinea Base?

26 A. If you look at the information you will know that you have
27 mistaken Koidu Town for Kaidu. I was in Kaidu Town. Kaidu is
28 far from Koidu Town. What could I have been doing there at that
29 time?

1 Q. It is a very good question, Mr Witness, which I am trying
2 to ask you about, why your statement talks about Kaidu, which as
3 you have said is a long way from xxxxxx, where you now say
4 you were captured. Do you understand?

10:20:58 5 A. Well, it could be a typographical error. That is what I
6 feel.

7 Q. But one you hadn't noticed before, when Sharan rehearsed
8 these things with you.

9 MR HARRISON: We don't object to the question in general,
10:21:23 10 it is just the use of the words "rehearsed with". It is
11 certainly appropriate to put "reviewed with" or "read to". It
12 was just the use of that particular word.

13 JUDGE BOUTET: I thought the witness himself had said
14 "rehearsed".

10:21:33 15 MR JORDASH: Yes.

16 Mr HARRISON: With respect, that could well be a question
17 of the interpretation.

18 JUDGE THOMPSON: Wouldn't it be better for the witness to
19 say exactly what happened.

10:21:50 20 Mr HARRISON: Of course, it would be best for the witness
21 to say that, but the interpretation is always a question.

22 JUDGE THOMPSON: Yes. Certainly we are not at the stage of
23 interpreting.

24 Mr HARRISON: No, the interpreter. Not your
10:22:00 25 interpretation, the translation.

26 JUDGE BOUTET: I take objection to that because every time
27 there is a word that does not fit you, as such, you say it may be
28 the interpreter. Unless you challenge the capability of the
29 interpreter, that is fine. Otherwise we have to go on the record

1 with what we have. What we have is an answer given by this
2 witness that he rehearsed with Sharan; that is what we have.

3 JUDGE THOMPSON: I think it is fair to stick to the
4 interpretation unless we have any reason to challenge its
10:22:30 5 authenticity. It is difficult to do that. I think we should
6 just have the words faithfully reported from the witness's mouth.
7 The witness chose to use the word he has. I was intrigued by
8 that kind of response, but if that is what happened according to
9 the witness, that is what we should have.

10:22:53 10 MR JORDASH: I am very happy to make it very clear that I
11 am in no way suggesting Ms Parmar acted improperly.

12 JUDGE THOMPSON: No, no, no, counsel. But you were not
13 putting words into the witness's mouth; the witness was
14 volunteering what happened. I think the Prosecution needs to
10:23:04 15 give us the liberty of recording that.

16 MR JORDASH: Thank you.

17 Q. Let me just repeat that, Mr Witness. You never noticed
18 during the time that Sharan was rehearsing with you that there
19 was this typographical error.

10:23:32 20 A. Nothing like that.

21 Q. Reading on. We talked yesterday about your statement
22 saying that you were at the Guinea Base for a couple of months.
23 Actually, I can leave this. Can I just ask you to turn to the
24 statement dated the 23rd of February 2003? I don't know whether
10:24:46 25 this is a convenient time to hand out the transcripts, which I
26 will get to in due course. Sorry, I beg your pardon. Perhaps
27 that can wait. Perhaps it will be more convenient to wait until
28 I've got there. The statement of the 23rd of February 2003, page
29 9710. Are you there, Mr Witness?

1 A. Yes.

2 PRESIDING JUDGE: 23 --

3 MR JORDASH: 23rd of February 2003.

4 Q. Now, 9710. I just want to take you through this to
10:26:09 5 understand if it is accurate. Second sentence: "Like I said
6 before, the person who captured me in early 1998 in xxxxxxxx
7 was one Tiger." Is that right? Is that what you now say?

8 A. Yes.

9 Q. You go four lines down and say that, "Tiger was in charge
10:26:40 10 of the 1st Brigade based at Pendembu in the Kailahun District."
11 Is that what you said to the Prosecution?

12 A. No.

13 Q. Okay, let's move on. "Tiger had four battalions under him,
14 namely the 1st battalion", and then you go on to list the four
10:27:11 15 battalions. Look at that. Did you tell the Prosecution Tiger
16 was in charge of four battalions?

17 A. I am saying it for the second time. It was not Tiger that
18 was brigade commander; he was in the 4th battalion as adjutant.

19 Q. Okay. Let's turn over the page to 9711. And count with
10:27:54 20 me, Mr Witness: One, two, three, four, five, six, seven, eight,
21 nine, ten lines down - sorry, nine lines down. Do you see where
22 it starts, "Sometime in 1998"? Do you see that?

23 A. Yes.

24 Q. Let me read it to you: "Sometime in 1998, I saw Sam
10:28:27 25 Bockarie come to Pendembu and had a talk with Tiger after which
26 Tiger ordered that his vehicle a Nissan be fueled." Did you tell
27 the Prosecution that?

28 A. I was talking about CO Vandie.

29 Q. Sorry, in what way were you talking about CO Vandie?

1 A. He was the first brigade commander based at Pendembu.

2 Q. So you told the Prosecution that some time in 1998 you saw
3 Sam Bockarie come to Pendembu and have a talk with CO Vandt. Is
4 that what you are saying now?

10:29:25 5 A. Yes.

6 Q. After which Tiger ordered that his vehicle, a Nissan, be
7 fueled. Would say then that it was CO Vandt ordering his
8 vehicle, a Nissan, to be fueled?

9 A. Yes.

10:29:47 10 Q. "After the vehicle was fueled xxx xxxxxx asked xxxx to
11 board it together with some other security and we left." Did you
12 tell the Prosecution that after the vehicle was fueled xxxxx"
13 Tiger asked xxxxxx"?

14 A. It was not Tiger; xxxxxx. He was in xxxxx. At
10:30:22 15 that time xxxxxx as the xxxxxxxx
16 commander.

17 Q. Let me try to understand this. After Sam Bockarie came to
18 Pendembu and spoke to CO Vandt, CO Vandt ordered that his vehicle
19 be fueled; is that right?

10:30:48 20 A. Yes.

21 Q. After the vehicle was fueled, xxxxxx board it
22 together with some other security and we left." Is that what you
23 say now?

24 A. Uh-huh.

10:31:11 25 Q. "But xx did not know where xx were going initially until xxx
26 was told on the way that xxx were going to Makeni." Is that
27 right?

28 A. Yes.

29 Q. "At Makeni, xx met a lot of SLAs the Sierra Leone Army

1 personnel and we joined them." Is that what you say?

2 A. No.

3 Q. Did you tell the Prosecution that at Makeni - that you had
4 gone to Makeni and met lots of SLAs?

10:32:09 5 A. No.

6 Q. You never said that?

7 A. No.

8 Q. I will read on: "- the Sierra Leonean Army personnel and we
9 joined them." So it isn't true then that you joined SLA

10:32:34 10 personnel in Makeni.

11 A. No.

12 Q. Do you know how that got in your statement?

13 A. You are mistaking the town. As long as you have not called
14 the town I will not answer to it.

10:32:56 15 Q. Well, Mr Witness, it is not going to go away because this
16 is your statement, not mine. And your statement says that you
17 went to Makeni to join the SLAs. Do you know why it says that?

18 A. I don't know.

19 Q. Let's read on: "We were very uncomfortable because they
10:33:27 20 caused a lot of havoc and blamed it on us." Did you tell the
21 Prosecution that?

22 A. Yes.

23 Q. Tell us what you meant by that.

24 A. The SLA at that time - this West Side was on. The SLAs
10:33:53 25 were escaping from us, and when they go they cause a lot of
26 havoc. We were with the SLAs.

27 Q. Okay. Let's break that down. When were you with the SLAs?

28 A. That was right inside Segbwema. It is Povay himself who
29 scattered us and told us he had been promoted to general. It was

1 inside Segbwema. So when you call Makeni that is why I do not
2 answer.

3 Q. You can read your statement, can't you, Mr Witness? You
4 can see --

10:34:31 5 A. I am reading it, but the towns I am seeing - that is why I
6 am not answering to it. If I had wanted to continue to Makeni --

7 PRESIDING JUDGE: It is put in context now, it was in
8 Segbwema, not in Makeni. I am sure that is what he is saying.

9 MR JORDASH: I am sure that that is what he is saying, but
10:34:56 10 whether that makes --

11 PRESIDING JUDGE: [Inaudible] statement. He is listening
12 to you as well. If you say he meant the SLAs in Makeni, he says,
13 "No, I never met them Makeni; it was instead in Segbwema."

14 MR JORDASH: Yes. It is difficult.

10:35:15 15 PRESIDING JUDGE: Difficult indeed.

16 MR JORDASH: Let's look at the statement, Mr Witness. "We
17 were very uncomfortable with the SLAs because they caused a lot
18 of havoc and blamed it on us. They raided people's homes, looted
19 and killed people." You have told us that in fact that it is not
10:35:40 20 Makeni, it is Segbwema. Is that right?

21 A. This that I am reading here now is mixed up. I said some
22 of these things, but they are not in line. They were not in
23 line. I spoke some of these things, but they are not in line, Mr
24 lawyer. [Inaudible] it is not in the line.

10:36:03 25 Q. You tell us then what you meant about SLAs causing havoc in
26 Segbwema.

27 A. Well, the SLA from the time they had formed this West Side,
28 they were not accepting instructions from the Master or from the
29 commander who was on the ground.

1 Q. Where is this "West Side"? What are you referring to?

2 A. Well, that was not in the jungle where they formed - called
3 western jungle.

4 Q. And what towns are there? What is the nearest town to the
10:36:54 5 West Side?

6 A. I have never spoken about West Side since I came here, so I
7 don't know anything about it.

8 JUDGE BOUTET: I think he is talking about the group, not a
9 town.

10:37:14 10 MR JORDASH: Oh, I see; I understand.

11 JUDGE BOUTET: The western jungle group.

12 MR JORDASH: Your Honour, yes.

13 Q. Where were the West Side based, Mr Witness?

14 A. Don't know. I never went to the West Side jungle, so I
10:37:26 15 don't know.

16 Q. Let's just break this down. Firstly, where do you say the
17 SLAs were causing havoc?

18 A. Right in Segbwema. We had SLAs like Caster Blaster, who
19 was SLA. We had a lot of them and other ranks. They were SLAs.
10:37:55 20 Their brothers had formed a jungle group which they called "West
21 Side". So they were escaping from the RUF and they go to the
22 northern jungle.

23 MR JORDASH: Can I just take instructions please?

24 [Defence counsel and accused confer]

10:38:48 25 MR JORDASH: So, the SLAs were causing havoc in Segbwema;
26 is that right?

27 PRESIDING JUDGE: What sort of trouble again - killings and
28 what have you? What was the trouble?

29 MR JORDASH: Yes, I don't think he --

1 THE WITNESS: The trouble was, when we were about to go
2 they formed that group. So when they were going they resist.
3 Anyone who tries to stop them, they used that force on him while
4 they were going. Everywhere they were they were causing
10:39:28 5 troubles. They don't go for muster parades. Since then, they
6 stopped going for muster parades. Some of the things that were
7 there that we are doing, like nobody should fire gunshots. They
8 were doing a lot of other things, even with civilians.

9 JUDGE BOUTET: I think, Mr Defence Counsel, you may wish to
10:39:52 10 clarify that. I know some moments ago he said that there was
11 this West Side group that were not responding to orders from
12 Bockarie and so on. They moved away. That seems to be along the
13 same lines.

14 PRESIDING JUDGE: They are no longer taking instructions
10:40:10 15 from Master.

16 JUDGE BOUTET: You may wish to clarify that so we
17 understand a bit more.

18 MR JORDASH: I will do my best.

19 Q. Mr Witness, are you not referring to the group which was
10:40:23 20 based at Okra Hill, just outside Freetown?

21 A. All I know is that SLA and a few RUF formed the West Side
22 Boys. But I don't know jungle. When you talk of Freetown, I
23 don't know where that is.

24 Q. You don't know where Freetown is?

10:40:56 25 A. I said I don't know the part where the jungle was.

26 Q. The West Side Boys - let's make sure we are talking about
27 the same thing - the West Side Boys based at Okra Hill; is that
28 right?

29 A. So I had.

1 Q. Right. Which is not anywhere near Segbwema, is it?

2 A. It is far off from Segbwema.

3 Q. Right. Then let's return to the statement and what you are

4 saying on page 9711. You've told us that the SLAs were causing

10:41:37 5 trouble in Segbwema as well as Okra Hill. Let's deal with

6 Segbwema. When you used the word "Makeni" - when the word

7 "Makeni" is used in your statement - where are you referring to?

8 And take your time, Mr Witness.

9 A. I was talking about Segbwema.

10:42:08 10 Q. Right. Let's stick then with Segbwema; nothing about West

11 Side Boys or Okra Hills, please. Were the West Side Boys causing

12 trouble in Segbwema?

13 A. Yes.

14 Q. Were the RUF unhappy about that?

10:42:33 15 A. Not at all.

16 Q. So, looking at the statement --

17 PRESIDING JUDGE: Again, you know, this thing of causing
18 trouble, causing a lot of trouble, may we have a breakdown of the
19 trouble they caused in Segbwema, please? Let's have it there on

10:42:56 20 the record.

21 MR JORDASH: Did you hear that, Mr Witness?

22 A. Yes.

23 PRESIDING JUDGE: I know they say they never took
24 instructions from Master anymore and things like that. What was
10:43:09 25 the trouble they were causing?

26 THE WITNESS: Well, in the morning hours to go for muster
27 parade and that was the tradition. They never went. Instead,
28 they go to the small village around Segbwema - some of them -
29 they cause trouble for civilians. They beat, loot their

1 properties. The civilians come to report at Segbwema Town and
2 the chiefs also file reports to their commanders. All this has
3 angered the RUF.

4 Q. So the behaviours of the SLA in Segbwema, angered the RUF.

10:44:02 5 PRESIDING JUDGE: And the surrounding villages.

6 MR JORDASH:

7 Q. The SLAs in Segbwema and surrounding villages caused
8 trouble and angered of the RUF; is that what you are saying?

9 A. Yes.

10:44:20 10 Q. And no longer were they taking instructions from Master.

11 A. For the few time they changed, they never accepted
12 instructions, because they never stayed there for long.
13 Otherwise we would have executed them. They all escaped and went
14 to West Side.

10:44:49 15 Q. Let's read on a bit further, Mr Witness, at 9711. Find the
16 line which begins, "Shortly after that Sam Bockarie -"; can you
17 see that?"

18 A. Yes, go on.

19 Q. "Shortly after that, Sam Bockarie left Makeni for Kenema."
10:45:20 20 Did you tell the Prosecution that Sam Bockarie left Makeni for
21 Kenema?

22 A. No.

23 Q. Mr Witness, are you saying you don't know how that got into
24 your statement?

10:45:45 25 A. If you ask me what the actual thing is, I will explain.

26 Q. You see, Mr Witness, I'm going to suggest that you did tell
27 the Prosecution that, and it is because you had heard rumours
28 about things happening in Makeni and you then suggested you'd
29 been there.

1 A. I went to Makeni. I have never gone to Makeni on
2 offensive. I went to Makeni - some of these things are related
3 to what happened at Makeni after I left xxxxxx. Now, when
4 you talk about Master going to Kenema, that was the Kenema
10:46:34 5 mission. Povay was there, Morris Kallon was there, all the
6 commanders were there - Kenema mission.
7 Q. So you have never been to Makeni.
8 A. On offensive.
9 Q. You have never been on an offensive to Makeni.
10:46:56 10 A. No.
11 Q. Okay. Let me ask you to turn to statement dated 9th of
12 October 2004.
13 PRESIDING JUDGE: Mr Jordash, please feel free to consult
14 your client if the need arises.
10:47:37 15 MR JORDASH: Thank you, Your Honour.
16 PRESIDING JUDGE: Feel free, please to do that.
17 MR JORDASH: I will, thank you.
18 PRESIDING JUDGE: You are conducting the cross-examination.
19 MR JORDASH:
10:47:59 20 Q. Mr Witness, have you ever been on an offensive around
21 Makeni or in Makeni?
22 A. I went to Makeni, but it was not on offensive. They termed
23 it offensive because --
24 Q. Because what, sorry, Mr Witness?
10:48:42 25 A. Because we are the same.
26 Q. So you have never been on offensive in Makeni. Have you
27 ever been on offensive around Makeni?
28 A. Right inside Makeni; we were right at the turntable. When
29 we were given 25 minutes to leave Makeni, xxx there with

1 the --

2 THE INTERPRETER: Let the witness repeat the answer.

3 Q. Please, can you repeat the answer, Mr Witness, slowly. Can
4 you hear me, Mr Witness?

10:49:38 5 A. Ask the question again.

6 Q. The question I asked was for you to confirm that you had
7 not been on offensive in Makeni.

8 A. I went to Makeni with xxxxx.

9 Q. When did you go to Makeni with xxxxxx?

10:50:07 10 A. Almost at the time we were to get peace.

11 Q. Okay. But you told us, Mr Witness, this morning, only half
12 an hour ago, that when you returned to Kailahun, to xxxxx you
13 hadn't left there until disarmament.

14 A. I was right inside xxxxxx. These are some of the
10:50:43 15 things I did when I was in xxxxxxx, before ever I take
16 [inaudible] to go back to Kailahun. We captured Koidu Town.
17 Some people moved to enforce the SLA to capture Makeni from
18 ECOMOG. When they captured Makeni, there was conflict between
19 them.

10:51:07 20 Q. Well, Mr Witness, take your time. Are you now saying that
21 what you said yesterday about staying around the villages in
22 xxxx Town before returning to Kailahun via Bunumbu is not true?

23 A. You are bringing me back. I went to Makeni. I came back
24 to xxxxxxx before I took that move to go to Kailahun.

10:50:41 25 [HS150405B 10.50 a.m. - SV.]

26 Q. But that's not what you told us yesterday, Mr Witness. You
27 never mentioned going to Makeni yesterday?

28 A. Well, it is in my statement.

29 Q. It might be but it's not what you told us yesterday. So

1 are you now saying then after going to Tumbodu -- well, you tell
2 us, Mr Witness. After going to Tumbodu where did you go?
3 A. We came back to xxxxx. A day [inaudible], it was not
4 even up to a three hour journey.

10:52:37 5 Q. And then?
6 A. We came back to xxxx.
7 Q. And then?
8 A. We were in xxxxx for some time. Since I said conflict
9 had been which was an infighting, Superman was not taking
10:52:54 10 instruction from Sam Bockarie at that time.
11 Q. Well, let's just stick with where you went, Mr Witness.
12 xx for some time. Where did you go then?
13 A. I do not understand.
14 Q. After returning to xxxx from Tumbodu where did you go
10:53:15 15 after xxxxxx?
16 A. Well, I went to Kailahun but I went through Koindu Ngeiya,
17 Bunumbu, Jokibu, until I reached Manowa and crossed over.
18 Q. Okay. Then where did you go?
19 A. I first went to Baima where I met the A company. That was
10:53:54 20 not a battalion any longer. I traced xxxxx who was at xxxxx.
21 Q. And after xxxxx did you go anywhere then?
22 A. Well, yes.
23 Q. Where?
24 A. I was with xxxxx and he xxxxx xxxxx. I was there
10:54:17 25 with xxxxx for some time and later he joined us. And from there
26 there was this Kenema mission to go to Kenema, to capture Kenema.
27 But it was -- Mano Junction was the first place. Well, it was
28 Mano Junction but we were saying Kenema but we intended --
29 because that was where we intended to capture.

1 Q. So you never went to Makeni then after xxxxx?

2 A. How do you want me to say it? I said when I came from

3 xxxxxx I went to Makeni. After they had given us 25 minutes

4 to leave, we didn't even leave when they started shooting. You

10:55:04 5 are taking that back.

6 Q. Well, you've given us two answers, Mr Witness. From xxx

7 xxx you head through Koindu Ngeiya back to Kailahun, that's one

8 answer. The second answer is that after xxxx you go to

9 Makeni. Now which is true?

10:55:33 10 A. I think you are not listening but listen now. I was in

11 xxxx. At that time I had not yet gone to Kailahun Town,

12 Kailahun. It was not a move in fact. We were all summoned at a

13 muster parade and we went to Makeni together with Morris Kallon

14 with heavy artillery.

10:55:56 15 Q. So after xxxxxx you go to Makeni with Morris Kallon; is
16 that correct?

17 A. Yes.

18 Q. On an offensive?

19 A. No.

10:56:17 20 Q. How long did it take you to get to Makeni?

21 A. Well, about some hours before we could reach Makeni. We
22 travelled in vehicles.

23 Q. So how many hours do you think?

24 A. I said some hours.

10:56:40 25 Q. Which villages, towns did you go through?

26 A. I can't remember the names of the towns but the only thing,

27 after we had left Makeni we were first based at Magburaka, that's

28 where we rested for days. I could still remember there. But

29 when we came closer to Koidu Town we rested at Masingbi. Some

1 men went ahead while some men rested there.

2 Q. So after reaching **xxxx** you then returned to Magburaka.

3 Is that what you're saying?

4 A. Well, we spent some time in **xxxxx**, some time. Like, they
10:57:33 5 gave us 25 minutes. At that time we had not even spent 30
6 minutes. So Colonel Issac gave us 25 minutes to leave **xxxxx**.
7 We were right at the round-about.

8 Q. And you went there --

9 A. Nobody told me --

10:57:50 10 Q. And then you went to Magburaka?

11 A. Yes, we all dispersed.

12 Q. And you went there are Colonel Issac?

13 A. Brigadier Issac was with Superman, he was talking directly
14 -- he himself was talking not even to Morris Kallon. Our own
10:58:15 15 communication men intercepted it.

16 Q. So you returned to Magburaka with Superman and Brigadier
17 Issac?

18 A. Brigadier Issac and Superman had put their boys on the
19 alert to fight against us if we do not leave **xxxx** in 25
10:58:41 20 minutes.

21 Q. And so you went **xxxxxx**?

22 A. Yes, we were on our way. We were on our way. We just
23 spent some moments there.

24 Q. And after Magburaka where did you go?

10:58:57 25 A. Well, we were going to **xxxxxx**.

26 Q. So you returned --

27 A. But we stopped at Masingbi, that's what I could remember.

28 Q. So Magburaka, Masingbi back to **xxxxx**; is that what you
29 say?

1 A. Yes.

2 Q. With Brigadier Issac, Morris Kallon; is that right?

3 A. We left Brigadier Issac in Makeni together with Superman.

4 When we were returning I didn't see Morris Kallon, I didn't even

10:59:43 5 know that he was in the convoy because the manner in which we

6 left Makeni, nobody ever wanted to know about his companion.

7 Q. Didn't you tell us, Mr Witness, that you'd been to Makeni

8 with Morris Kallon during peace time or around the time of peace?

9 A. Yes. That was the second answer that I gave.

11:00:14 10 Q. Okay. So let's stick with the first.

11 JUDGE BOUTET: But just for the first so I understand, I

12 understand the evidence of the witness to have been, about

13 Makeni, that he was there for a very short time, 25 minutes or

14 something like that.

11:00:28 15 MR JORDASH: Yes.

16 JUDGE BOUTET: Then Superman and Brigadier Issac

17 essentially were a splinter group, they forced them out. So

18 that's seems to be my understanding of what it is.

19 MR JORDASH: That's my understanding too.

11:00:46 20 JUDGE BOUTET: So both RUF and SLA at that time were junta

21 but there's separation and the group that the witness is with is

22 pushed out in 25 minutes. Is it what happened, Mr Witness?

23 THE WITNESS: Well, what actually happened was that

24 Brigadier Issac was sent to go and speak to Superman but Superman

11:01:10 25 persuaded him so he stayed with him. So we came to come and talk

26 to them.

27 JUDGE BOUTET: So Brigadier Issac was with the RUF or your

28 group but in Makeni he switched to the other side.

29 THE WITNESS: No, at first before we went, because Superman

1 was not taking any instructions from any of the commanders so
2 they said we should send Brigadier Issac to go and speak to
3 Superman. Brigadier Issac was a Liberian. When he went he
4 switched. So when we went, the two of them, together with their
11:01:50 5 boys -- it was Brigadier Issac who was speaking on the radio. He
6 said he has given us 25 minutes to leave the town. We were
7 expecting him to mediate between the two groups. No sooner he
8 changed we left the town.

9 MR JORDASH:

11:02:10 10 Q. So you travelled to Makeni not on an offensive but just to
11 get there; is that right?

12 A. No.

13 Q. Well, from what you've told us you travelled to Makeni, you
14 were not on an offensive. That's what you've told us. Is that
11:02:58 15 true?

16 THE INTERPRETER: Can you please take the question again.

17 MR JORDASH:

18 Q. I'm sorry. You've told you went to Makeni after xxxx
19 xxxx, you were not on an offensive. You've just told us that.
11:03:16 20 Is it true?

21 A. Yes.

22 Q. You stayed in Makeni for 25 minutes, you were not on an
23 offensive, you left. Is that true?

24 A. It was more than 25 minutes.

11:03:35 25 Q. Let's not split timings, Mr Witness. Did you stay there
26 for a period around 25 minutes and then left to go back to xxx
27 xxx?

28 A. Well, actually it was more than 25 minutes because we were
29 there for up to 15 minutes, then they gave us 25 minutes to leave

1 the town. We left the town and we heard them shooting.

2 Q. So you stayed for 25 plus 15 minutes and then you left to
3 go back to xxxxxx; is that right?

4 A. Yes, approximately about that.

11:04:23 5 Q. And you'd gone to Makeni with Morris Kallon although Morris
6 Kallon did not return with you to xxxxxx?

7 A. I don't know.

8 Q. Was Morris --

9 A. I didn't know whether he was in the convoy. I don't know.

11:04:45 10 Q. Okay. Was Morris Kallon the leading commander to Makeni?

11 A. Yes.

12 Q. Was the second time you went to Makeni with -- the time
13 you've told us about with Morris Kallon, around peace time?

14 THE INTERPRETER: The interpreter did not understand the
11:05:19 15 question. Can you please repeat.

16 THE WITNESS: I didn't get the interpretation.

17 MR JORDASH:

18 Q. I'm coming, Mr Witness. When you arrived in Makeni with
19 Morris Kallon was that the first time you'd been to Makeni?

11:05:45 20 A. I do not understand.

21 Q. When you went to Makeni and spent 25 plus 15 minutes there,
22 was that the first time in your time with the rebels that you'd
23 been to Makeni? Yes?

24 MR JORDASH: I didn't get a translation.

11:06:18 25 THE WITNESS: Yes. I said yes.

26 MR JORDASH:

27 Q. Okay. Thank you. When was the next time you came to
28 Makeni? Was it the time of around the peace when you came again
29 with Kallon?

1 A. I don't feel that Morris Kallon ever went there, neither
2 myself. It was Colonel Severe [phon] who went there. Because at
3 that time there was this infighting so I didn't go to Makeni to
4 fight.

11:06:55 5 Q. Well, okay, Mr Witness. After you'd left to go back to
6 xxx from Makeni did you then go to Kailahun?

7 A. Well, I didn't just go and proceeded to Kailahun. I stayed
8 in xxx till a convoy was ready to go to Kailahun. That's
9 when I joined it.

11:07:24 10 Q. And then you went to Kailahun?

11 A. Yes.

12 Q. And you told us this morning that you stayed in xxxxx until
13 disarmament. Is that true?

14 A. Well, when peace was achieved we were xxxx. When we
11:07:52 15 were about to return to come to our base, about -- there was
16 supposed to have been a ceasefire in progress.

17 Q. Did you stay in xxxxx until disarmament?

18 A. Can you please repeat the question.

19 Q. Did you stay in xxxx until disarmament?

11:08:22 20 A. Yes.

21 Q. So you never returned to Makeni?

22 A. What would I go to find there. I didn't go there.

23 Q. And you never returned to the areas around Makeni?

24 A. No.

11:08:46 25 Q. Right. Please turn to the 9th of October 2004 statement.
26 Are you there, Mr Witness?

27 A. October.

28 Q. 9th of October 2004. Your Honours, page 9730. 9730 on the
29 right-hand corner, Mr Witness. Do you see that? Now turn two

1 pages to --

2 PRESIDING JUDGE: What's the date of that statement?

3 MR JORDASH: 9th of October 2004, Your Honour.

4 Q. 9732. Have you got 9732 on the right-hand corner,
11:10:26 5 Mr Witness? Are you there?

6 A. Yes.

7 Q. Bottom paragraph please. Sorry, let's go to the fifth
8 paragraph, second to last paragraph. Just have a read through
9 that paragraph to yourself, Mr Witness, where you're talking
11:10:57 10 about an incident --

11 PRESIDING JUDGE: Can you read it for us please because I
12 don't have the statement before me. Just do what you've been
13 doing, please.

14 MR JORDASH: Certainly.

11:11:16 15 Q. "From there we went to Tumbodu Town" -- have you got that
16 paragraph, Mr Witness?

17 A. Yes.

18 Q. "Morris Kallon came with us to Tumbodu town. He then
19 returned to Koidu Town and gave the command to xxx. xxxxxx
11:11:35 20 had a communication set. He would radio Morris Kallon with
21 information about people dead during battle. We continued
22 northward near the border with Guinea. We stopped where you can
23 see the border demarcation where the Koranko are. I heard people
24 speaking Koranko. We were RUF and we captured some civilians.

11:12:20 25 xxxxxx radioed Morris Kallon who gave the orders to return, so we
26 travelled on the bush road day and night. The purpose of this
27 mission was to free the area of ECOMOG. I was fighting. We
28 killed people. At Tumbodu the first person we killed was a
29 pregnant woman. Morris Kallon was there. He made everyone

1 fearful so everyone was in a bloody mood. At this time ECOMOG
2 had left for Makeni, they had crossed to Koakoyima. It was
3 raining. It was rainy season."

4 Now the next paragraph is the one I'm particularly
11:13:08 5 interested in, Mr Witness, but I wanted to give you some context.
6 "From there we went to Makeni. xxxx led the group. Issa Sesay
7 was the mission commander." Did you tell the Prosecution that
8 you'd gone to Makeni with Povay leading the group as the mission
9 commander.

11:13:38 10 A. I said "us" because I am not going to exempt myself. I was
11 part of them.

12 Q. Okay. So you're saying then here that you're referring to
13 other rebels being led by Povay and not yourself; is that right?

14 A. Yes. It was Povay who led and this was an infighting. It
11:14:14 15 was not like -- the sooner we captured Koidu Town --

16 Q. Okay. Yes, do you want to continue, Mr Witness?

17 A. Yes. The sooner we captured Koidu Town, the SLAs radioed
18 that they had almost captured Kabala so they were heading for
19 Makeni. Then Koidu Town should send the reinforcement coming
11:14:42 20 from the Kono end. So when we captured Koidu Town they
21 dispatched a batch for Makeni. xxxxxx was there as mission
22 xxxxxx. This time that I'm speaking about, Morris Kallon was
23 in Masingbi at that -- yes, was in Masingbi. Mile 91, I'm sorry.
24 Mile 91.

11:15:14 25 Q. Okay. So you didn't then go to Makeni with Issa Sesay?

26 A. The last one was to go and fight an infighting. That is
27 RUF against RUF.

28 Q. I'm not interested in the infighting at the moment,

29 Mr Witness. I'm interested in whether you went to Makeni with --

1 A. Well, I'm telling you the actual thing.

2 Q. Well, I'm asking you whether you went to Makeni in a
3 mission led by Issa Sesay. You. Did you go?

4 A. I didn't go but I was there when they left xxxx.

11:16:12 5 Q. Turn over the page, if you would please. 9733, top of the
6 page: "Sesay was the battlefield commander and the brigade
7 commander. He stayed in Makeni until Superman came and removed
8 him." Can you tell us about that?

9 A. Yes.

11:16:36 10 Q. Go on then?

11 A. What do you want me to say?

12 Q. What do you know about it?

13 A. So each time that I speak when I say "us" I do not exempt
14 myself.

11:17:03 15 Q. What do you know about Issa staying in Makeni until
16 Superman came and removed him?

17 A. You see, this first one, that is where the conflict was.
18 Because Superman -- they had conflict. I do not know where the
19 conflict came from. So they said Morris Kallon should go and
11:17:35 20 mediate. That's the time we went there.

21 Q. What's this about Issa Sesay being removed from Makeni by
22 Superman? What do you know of that?

23 A. Well, there was a grudge between the two of them, Superman,
24 Issa, Mosquito, they didn't like one another at this latter part.

11:18:10 25 No one took instruction, no one listened to the other person. So
26 Superman drove Issa away from Makeni. So before we could go
27 there, the time that I was talking about, they asked us out.

28 Q. When did Superman remove Issa Sesay?

29 A. I can't remember.

1 Q. Okay. Next paragraph: "We returned back to Koidu Town and
2 Koindu Ngeiya." Now, aren't you, if you're being truthful,
3 Mr Witness, in your statement claiming to have gone to Makeni
4 with Issa Sesay and claiming then to have returned to Koidu Town?

11:19:17 5 A. But there is nowhere here that that was said. When I said
6 "us" I didn't exempt myself, because I could remember when the
7 woman asked me that, "When you say them what do you mean?" Then
8 I said, "Us". That means we were all RUF at the time.

9 Q. Well, when you say in the second paragraph, "We returned
11:19:38 10 back to xxxx" after speaking about Issa Sesay in Makeni who
11 is we?

12 A. But it was for this woman to understand, to make a
13 difference between those whom they went and fought against, that
14 is the Superman batch, and those who came from us who among them
11:20:04 15 Issa. So when I explained and I say it this way she would
16 understand.

17 Q. So who then returned to Koidu Town from Makeni?

18 A. Those whom Superman drove away from Makeni when Superman
19 drove them out of Makeni. In fact, xxxx didn't have any shoe on
11:20:35 20 when he left Makeni.

21 Q. Okay. Let's take you to another statement, 10th of January
22 2005. It's the very last statement. I don't appear to have
23 numbering on mine.

24 MR HARRISON: 10157 on the top right.

11:21:04 25 MR JORDASH: 10157, thank you.

26 Q. Have you got that, Mr Witness? If you'd turn to 10158. Do
27 you see 10158, Mr Witness? Are you with me?

28 A. Yes.

29 Q. Second to last paragraph: "After we captured Koidu Town we

1 went to Makeni. Issa Sesay was the mission commander at Makeni.
2 There was infighting between the RUF and under Issa and Superman.
3 We were firing at each other and RUF were killed"?

4 A. This is what I just said.

11:22:14 5 Q. So when you have described "we" these are things you've
6 heard, not things you've witnessed; is that right?

7 A. I spoke about it because I went when we were going to make
8 peace and I saw what happened. Before that xxxx met us in xxx
9 xxxx and he had no shoes on and we knew how serious it was.

11:22:47 10 Q. And then the last line: "Issa gave us instructions not to
11 loot when we were in Makeni." Would you like to tell us about
12 that?

13 A. Yes.

14 Q. Did you see that?

11:23:08 15 A. I didn't see that but we received message that xxxx had
16 shot somebody on his feet who had looted somebody's property and
17 that was the cause of the conflict between himself and Superman
18 because it was alleged that it was one of Superman's boys that he
19 shot.

11:23:29 20 Q. Right. Well, let's just slow this down. You heard on the
21 radio that the cause -- or you heard that the cause of the
22 conflict with Superman and Issa in Makeni was Issa shooting one
23 of Superman's boys; is that right?

24 A. There was a grudge before that time.

11:23:53 25 Q. Okay?

26 A. That was why Superman -- if Superman could do something to
27 an authority's boy, that was as a result of a grudge that had
28 been existing.

29 Q. You received a message that Issa Sesay had shot one of

1 Superman's boys for looting in Makeni; is that right?

2 A. Who, I?

3 Q. This is what you've just said, Mr Witness. Listen to the
4 question. You've just told us that you received a message that

11:24:35 5 Issa Sesay had shot Superman's boy for looting. Is what you've
6 said just true? It is true?

7 A. It's true.

8 Q. It's true?

9 A. Yes.

11:24:56 10 Q. And then Issa had given instructions to people not to loot
11 Makeni. Is that true?

12 A. Well, this was partially between us, between all of us. It
13 was only between us that wherever they captured they were not to
14 loot there. It was because that was his homeland, that was why

11:25:24 15 they didn't want us to loot there. We were looting some other
16 places.

17 Q. Well, Mr Witness, I know you want to say lots of bad things
18 about Issa but let's just concentrate on the instructions. You
19 heard that Issa Sesay gave instructions in Makeni that rebels
11:25:41 20 should not loot; is that right?

21 A. Yes, he said that.

22 Q. And he gave instructions not to harm the civilians, didn't
23 he?

24 A. I know of looting.

11:26:01 25 Q. Well, how did you hear the message not to loot?

26 A. It was a report, you know that, that the signallers are --
27 between themselves, they do exchange information. Most of the
28 time they call one of the captains [inaudible] and they talk that
29 Makeni -- such a such a thing is happening in Makeni. Whenever

1 he talked he had a books and he'll say this is how he got the
2 message. And that was the reason, because the boy whose feet he
3 fired, that is what he said; that xxxx was instructing us to
4 capture us when -- was instructing us to loot in Koidu Town but
11:26:58 5 when we came to Makeni, because that was his birthplace, so we
6 shouldn't loot there.

7 Q. Shouldn't loot there and shouldn't cause harm to civilians.
8 Wasn't that the message?

9 A. No.

11:27:14 10 Q. Well, was the message then that you shouldn't loot but you
11 can harm civilians as long as you don't loot?

12 A. He say you shouldn't loot.

13 MR TOURAY: May it please Your Honour, the second accused
14 would want to step out of the room for a while.

11:27:54 15 PRESIDING JUDGE: We would rise, please.

16 [Break taken at 11.26 a.m.]

17 [Upon resuming at 12.02 p.m.]

18 PRESIDING JUDGE: Resuming the session, please. Mr
19 Jordash.

12:05:12 20 MR JORDASH: Yes, thank you.

21 Q. Mr Witness, I want to refer you to your statement 31st
22 January 2003. It's the first statement, I think. Sorry, no, my
23 mistake, 23rd of February 2003. Page 9712, please. 9712, I take
24 you to the second paragraph and the four lines at the end of that
12:06:42 25 paragraph: "There was also Operation Spare No Soul. In this
26 operation we cut hands, cut foot, cut ears or tongue and this was
27 under General Issa. I mean he gives the order for this
28 operation. I went on some of these in the north in Sanda and
29 around Makeni and Magburaka." That's a lie, isn't it,

1 Mr Witness?

2 A. I cannot see the place we are talking about.

3 Q. I think you've seen it, we've watched you read it.

4 MR HARRISON: Well, we don't know. The witness was
12:08:39 5 certainly looking at the statement, perhaps he could just be
6 directed to exactly where it is.

7 JUDGE THOMPSON: Give the witness a chance to again search
8 for it and read it carefully.

9 MR JORDASH: Certainly.

12:08:53 10 Q. Can you see the fourth line from the second paragraph,
11 Mr Witness?

12 JUDGE BOUTET: May I suggest, Mr Jordash, that you ask him
13 to read it.

14 MR JORDASH: Certainly.

12:09:05 15 JUDGE BOUTET: So at least start that paragraph, that
16 sentence and you'll know if he's at the right place.

17 MR JORDASH:

18 Q. Can you read the start of that sentence, Mr Witness?

19 A. The second paragraph?

12:09:16 20 Q. The fourth line from the bottom of the second paragraph.
21 Can you read the first three words? Have you got it, Mr Witness?

22 A. Yes.

23 Q. What's the first three words? Can you tell us what the
24 first three words of the sentence you're looking at say?

12:10:00 25 A. But you too were saying it on the paper.

26 Q. Well, are the first three words "there was also"?

27 A. Yes.

28 Q. "There was also Operation Spare No Soul"; yes?

29 A. Yes.

1 Q. "So there was also Operation Spare No Soul. In this
2 operation we cut hands, cut foot, cut ears or tongue." Is that
3 the right sentence we're looking at?

4 A. I have never been at a mission where we cut hands. They
12:10:50 5 don't know that type of action for the RUF.

6 Q. Mr Witness, did you tell the Prosecution that you'd gone on
7 Operation Spare No Soul with Issa Sesay --

8 A. Yes.

9 Q. -- around Makeni and Magburaka?

12:11:16 10 A. No.

11 Q. No?

12 A. No. Yes, I went on Operation Spare No Soul but it was not
13 in Makeni or Magburaka.

14 Q. Where was it then?

12:11:32 15 A. Operation Spare No Soul, we implemented it in xxxx,
16 xxxxxx and many other areas around the xxxxx

17 District.

18 Q. Think about what you've promised to do in this Court, Mr
19 Witness, on the Koran to tell the truth. You lied to the
12:12:05 20 Prosecution when you told them you'd been on Operation Spare No
21 Soul around Makeni with General Issa, didn't you? Thank you
22 carefully?

23 A. I am telling you that Operation Spare No Soul, the only
24 place we carried it out was there which is Bunumbu, Jokibu, those
12:12:34 25 are the only areas I can think about it. And most of Issac's
26 missions were carried out, it's Operation Spare No Soul. Those
27 were his talks.

28 Q. And you lied when you told the Prosecution you'd been on
29 them around Makeni, didn't you?

1 A. I have said it just now. Issa Sesay and myself have never
2 been to Makeni.

3 Q. You lied when you told the Prosecution and then they wrote
4 it in your statement. You lied, didn't you?

12:13:13 5 A. What is a lie? Operation Spare No Soul is in my statement.

6 Q. Around Makeni; that's the lie, isn't it?

7 A. It was not Operation Spare No Soul. It was -- they entered
8 there [inaudible]. I don't know. Don't put it me that was a
9 lie.

12:13:39 10 Q. What is it then?

11 A. It was true.

12 Q. What is the statement that you went on Operation Spare No
13 Soul round Makeni if it's not a lie?

14 A. I don't understand the question.

12:14:10 15 Q. Well, if the statement which we've just read that you went
16 on Operation Spare No Soul around Makeni with General Issa is not
17 a lie what is it?

18 A. I have just said that we entered Makeni. I never went
19 there on an offensive. So what are you talking about about this

12:14:40 20 Operation Spare No Soul. Operation Spare No Soul was carried in
21 Bunumbu and that is the only place I can think about.

22 Q. Is this your statement, Mr Witness? Is it your statement
23 that we've just read?

24 A. This particular operation was -- we carried it out. It was
12:15:07 25 carried out. This particular operation was carried out. It was
26 done in the extreme part of the north. It was No Living Thing.
27 But what I'm saying there, I was not there. This operation was
28 carried out.

29 MR HARRISON: There is no objection to any of the specific

1 questions that have been put by counsel for the first accused.
2 What the Prosecution rises to say to the Court is that the
3 context of the whole paragraph may in fact inform the final
4 sentence and that the context in which the final sentence --

12:16:02 5 JUDGE BOUTET: Well, before you carry on we will ask the
6 witness to remove his earphones. Thank you.

7 JUDGE THOMPSON: Right. Just repeat that for us.

8 MR HARRISON: Simply that the entire paragraph may inform
9 the final sentence and the final sentence with a reference to
12:16:22 10 "some of these in the north", the "some of these" may have been
11 the operations referred to in the first, second, third, fourth
12 and fifth paragraph before you go to the penultimate paragraph
13 where Operation Spare No Soul is specifically referred to.

14 JUDGE THOMPSON: Well, let me give you my own response to
12:16:43 15 this. Two possibilities. One, learned counsel for the first
16 accused may well concede to what you've said. Or, two, if there
17 is emerging some kind of confusion or some opaqueness about the
18 evidence as being elicited by the counsel for the first accused
19 in relation to the statements that he made to the investigators,
12:17:19 20 I think it is possible to say that can be dealt with under
21 re-examination because I think to begin to suggest to the Defence
22 how to proceed here when they are in fact observing all the rules
23 of cross-examination would be virtually for the Bench to take
24 over the case there and I don't think it's proper for us to do
12:17:48 25 that. I think it's entirely up to counsel how he intends to
26 proceed as long as it doesn't violate any of the rudimentary
27 principles of cross-examination.

28 I don't want to get into any kind of preliminary analysis
29 of what is in an out of court statement in relation to the

1 testimony here at this stage. Of course I understand that it
2 makes sense to take the entire statement in its totality, but it
3 is not for the Bench to want to suggest to counsel that that's
4 the way to proceed. It is counsel's prerogative to highlight
12:18:37 5 what he perceives to be inconsistencies. Although when I said
6 that yesterday whether we're not sure whether we're doing that or
7 whether this is a mixture of inconsistencies, credit and facts in
8 issue -- counsel said he has not come to that yet. So I think it
9 would be very difficult for us to regulate how counsel intends to
12:18:57 10 proceed unless he concedes that that's a better methodology.

11 That's my own response to it.

12 JUDGE BOUTET: And I would like to add as well that I don't
13 see why at this juncture the Court should be asked to give any
14 particular interpretation. I mean, the witness is being asked a
15 very specific question, he should answer the question. Now you
16 are asking us to do some interpretation, we may at some given
17 time but certainly not now. I know you were not objecting to the
18 questions per se, you were suggesting a way of looking at it, but
19 I'm certainly not prepared to look at it at this particular
20 juncture. In due course we will but not now.

21 Mr Jordash, just to facilitate our work to an extent, the
22 witness is saying yes, there was no Operation Spare No Soul and
23 so on. So there seems to be some disconnect. I mean, you're
24 asking questions, he's answering part of your question and not
12:19:54 25 part of your question. So maybe if you break it down and try to
26 find out in these particular sentences at the end of that
27 paragraph which is which. In other words, if he says yes to
28 Operation Spare No Soul but not to the remainder of that sentence
29 or paragraph -- well, at least so we know because you've told him

1 you're lying about it, he says no, I'm not lying because it was
2 true that there was Operation Spare No Soul. So how are we to
3 distinguish what is what when it seems to be, as a minimum,
4 fairly ambiguous in this as a result of your questions? He's
12:20:30 5 saying I'm not lying and he says why. So if you would clarify
6 that that may help at least our understanding.

7 JUDGE THOMPSON: I could say straight away that I would be
8 willing definitely, if the evidence continues to be in that kind
9 of confrontational setting between you and the witness which it
12:20:54 10 has been, denying this and not saying that kind of thing -- I
11 think it would be quite proper to reserve and let the Prosecution
12 know that they'll have the liberty under re-examination to
13 clarify as many of these things which rarely seem to put the
14 state of the record in a very difficult condition.

12:21:10 15 MR JORDASH: I've got a few more questions on this and
16 hopefully that will answer the Prosecution's concerns.

17 PRESIDING JUDGE: You see, the witness should endeavour to
18 answer the questions which are being put to him. Counsel wants
19 to know from him -- I mean, suggesting to him that he's lying if
12:21:46 20 he says that they went to Makeni on Operation Spare No Soul with
21 General Issa. It is in his statement. He is now saying that
22 they never went there and that they carried out Operation No
23 Living Soul only in xxxxx and then in xxxx. This is it.
24 What then does he say about what he has said in the statement. I
12:22:14 25 think we have to come back to that. It is important that we come
26 back to that.

27 JUDGE THOMPSON: And that's where the difficulty lies
28 because counsel for the Prosecution is suggesting that one way
29 out of this is to look at the entire statement in its totality

1 and that is where the Court is being called upon to engage in
2 some preliminary analysis on interpretation and I don't think
3 it's our role, at this stage, to do that. If the
4 cross-examination elicits evidence which puts the record in a
12:22:49 5 situation requiring some clarification at such stage it would be
6 for the Prosecution under re-examination to clarify this. I
7 would prefer to go that way than to be invited to look at the
8 totality of the statement and try to resolve alleged ambiguities
9 or inconsistencies at this stage. It cannot be right procedure.

12:23:21 10 MR JORDASH: One thing I would like to do is simply clarify
11 whether the witness made this statement. If he didn't, that's
12 the end of it, in a sense, in terms of my questions or perhaps
13 even re-examination.

14 PRESIDING JUDGE: That is what he appears to be saying. I
12:23:32 15 wouldn't want to draw that inference. I wouldn't want to draw
16 that conclusion either at this stage. Let him clarify the
17 situation. It is important.

18 MR JORDASH: I will seek that clarification.

19 JUDGE BOUTET: And again along these lines because this
12:23:43 20 morning there seemed to be some confusion. I would much
21 appreciate if you put to him did you make that statement or not.
22 If he says I didn't make that statement, well at least we'll
23 appreciate that. But you didn't get these kinds of questions so
24 directly to the witness so that may have caused some of the
12:24:04 25 responses we have had.

26 MR JORDASH: Well, my first stance was to see if he would
27 admit to not telling the truth and then I was going to move on to
28 the statement itself and why it's there. I'll do my best.

29 JUDGE BOUTET: All right. Can we have the witness with his

1 earphones on, please.

2 MR JORDASH:

3 Q. Mr Witness?

4 A. Yes.

12:24:40 5 Q. Let's return to the same statement we were looking at. The
6 last sentence says: "I went on some of these in the north in
7 Sanda and around Makeni and Magburaka." Do you see that, the
8 last sentence of the second paragraph, 9712?

9 A. I have just seen it there.

12:25:09 10 Q. Okay. Now, did you tell the Prosecution you went on some
11 operations in the north in Sanda and around Makeni and Magburaka?

12 A. No.

13 Q. Did you tell the Prosecution that you went on Operation
14 Spare No Soul in the north in Sanda and around Makeni and

12:25:45 15 Magburaka?

16 A. I only went on one Operation Spare No Soul and that was in
17 the Kailahun District. By then I was in xxxx. Then they
18 carried -- they took me along on that operation and I know about
19 that and I have said something about that. I have just said it.

12:26:17 20 Q. Okay. So --

21 A. But Issa himself was not there.

22 THE INTERPRETER: But I was not present, I'm sorry.

23 MR JORDASH:

24 Q. You were not present on the one Operation Spare No Soul
12:26:33 25 that you have just said you know about?

26 THE INTERPRETER: Could you please go over the question
27 again, counsel?

28 MR JORDASH: Certainly.

29 Q. You were not there on the single Operation Spare No Soul

1 that you know about; is that correct?

2 A. I did not understand.

3 Q. Where was the single Operation Spare No Soul you've just
4 said you were aware of?

12:27:22 5 A. It was part of the Kailahun District.

6 Q. Where?

7 A. I said about xxxxxxxx. I couldn't
8 remember some of the villages.

9 Q. But you were not on any of those operations; is that
12:27:41 10 correct?

11 A. Which one?

12 Q. Well, Mr Witness, was there one Operation Spare No Soul or
13 more than one? You've just said there was one.

14 PRESIDING JUDGE: In Bunumbu, in Jokibu and in Koindu
12:28:07 15 Ngeiya as you've mentioned, Mr Witness?

16 THE WITNESS: Yes. One from Makeni.

17 PRESIDING JUDGE: Don't go to Makeni, please. Don't go to
18 Makeni. Were you present at these operations Spare No Soul in
19 xxxxxxxx which is what you have
12:28:33 20 affirmed?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: Did you take part in those operations in
23 at least those three towns you've mentioned, Operation Spare No
24 Soul? Did you personally take part in those operations?

12:28:56 25 THE WITNESS: Yes, like in the case of xxxxx

26 xx, xxx went there as a reinforcement team. Almost the town
27 was captured but for the two towns, xx there when xx started
28 the attack until xxx captured there.

29 [HS150405C 12.30 p.m. - EKD]

1 MR JORDASH:

2 Q. Wasn't it -- well, who was it who gave the instruction
3 then?

4 A. It was Povay. He was not present on the mission.

12:30:14 5 Q. How do you know he gave that order?

6 A. One of which what was the mission's name, then it was said
7 that it was Povay who gave the instruction to capture the town.

8 Q. What was it said about the instructions?

9 A. They said that we should capture the places which I have
12:30:44 10 named and the mission's name was Spare No Soul. They gave the
11 password and every other thing.

12 Q. So you heard this over the radio or were you told it by
13 another person?

14 A. It was the commanders that told me. I was not alone. It
12:31:11 15 was -- they were addressing us at a gathering.

16 Q. So you were all positioned - the combatants - in front of
17 the commanders and then the commanders told you; is that right?

18 A. Yes.

19 Q. Just so we're clear, when do you say this was in relation
12:31:37 20 to your evidence?

21 A. Well, the time when I was explaining to this woman, she
22 asked me whether there was any other cooperation which took place
23 in any other place and I asked him that it also happened in the
24 north and that woman that was there. But because I heard of it I
12:32:07 25 know it was she herself, so I told her that such an operation was
26 also carried out in the north.

27 Q. I am not asking you that, Mr Witness. I am asking you when
28 it was you had the meeting in which you were to receive the
29 instruction Operation Spare No Soul. When was that?

1 THE INTERPRETER: Please go over that, counsel.

2 MR JORDASH: Sorry, translator.

3 Q. When was the meeting where you received the instruction to
4 go on Operation Spare No Soul?

12:32:45 5 A. I was in Segbwema. It was not a meeting, it was a radio
6 message which they send. Then they selected some manpower to
7 capture the place. Then the villages which were close to the
8 town.

9 Q. Mr Witness, you've told us it was a gathering in which a
12:33:13 10 commander told you and the combatants. Was it a gathering?

11 A. Yes, it was a gathering, but as a result of the different
12 commanders -- different commander from different platoons. We
13 came and assembled in the big town, but I can't remember the name
14 of the town. We were all gathered there. So they addressed us
12:33:35 15 before we went on the mission.

16 Q. Who addressed you?

17 A. The mission commanders.

18 Q. Who was that?

19 A. Passaway - he was a major, Colonel Gassimu, Momoh Rogers.
12:33:51 20 Most of them I can't remember now.

21 Q. Before we move off this page, 9712, can I just be clear
22 about something with you. You have never been on an offensive
23 mission to Sanda, have you?

24 A. No.

12:34:21 25 Q. You've never been on an offensive mission to Makeni, have
26 you?

27 A. No, no, no.

28 Q. And you have never been on an offensive mission to
29 Magburaka?

1 A. No.

2 Q. The gathering that you claim to have attended, was this
3 before the attack on Bunumbu or before the attack on Jokibu?
4 When was it in relation to the attacks?

12:35:08 5 A. Before we did any attack.

6 Q. And would the commander who would pass on General Issa's
7 instruction speak to you over, say, a microphone or some other
8 means to amplify the voice?

9 A. The only thing he louded his voice, but he was not using
12:35:46 10 any microphone during that time.

11 Q. But you could hear him and that's how you knew it was
12 Operation Spare No Soul? Is that the only way you knew?

13 A. Yes, he was speaking like a commander. You know how a
14 commander speaks.

12:36:05 15 Q. Okay, well, let's turn to statement 9th of October 2004,
16 shall we? 9th of October 2004.

17 A. October 9?

18 Q. Yes. Sorry, 9th of October -- yes, October 9.

19 PRESIDING JUDGE: 9th October 2000 and --

12:36:48 20 MR JORDASH: Four, Your Honour.

21 Q. Take your time, Mr Witness, there is no hurry. Can you
22 find that, 9th of October?

23 A. What is the number at the top right-hand corner?

24 Q. 9730.

12:37:18 25 JUDGE BOUTET: It's 9714 or 34?

26 MR JORDASH: 9730. Just to indicate that to the witness,
27 but I'm moving to 9734.

28 Q. So, 9730 is the top of the page, the first page of the 9th
29 of October statement. Do you have it?

1 A. Hold on, let me just -- yes.

2 Q. Turn to 9734, please.

3 A. Yes.

4 Q. First paragraph:

12:38:16 5 "I heard Operation No Living Thing by Sam Bockarie in
6 Kailahun District, like in Sandahun. I heard Operation Spare No
7 Soul under General Issa, which was the same thing as No Living
8 Thing. The instruction was if you see me you should not tell
9 your story. General Issa gave instruction that we were executing
12:38:43 10 the mission."

11 THE INTERPRETER: Let lawyer go slowly.

12 MR JORDASH: Sorry, I beg your pardon. I will start the
13 second sentence again.

14 Q. "I heard Operation Spare No Soul under General Issa, which
12:38:56 15 was the same thing as No Living Thing. The instruction was if
16 you see me you should not tell your story. General Issa gave
17 instruction that we were executing the mission. When he gives
18 command you have a copy of the radio message from General Issa.
19 We would all have a copy from the radio operator."

12:39:33 20 That's another lie; isn't it, Mr Witness?

21 A. No.

22 Q. What is it then?

23 A. Okay, let me just ask, if one hundred go on a mission, then
24 the person who is in command of you all has handled that message.
12:40:01 25 Does it not show that you all have handled that message? You
26 might understand it different, but that is how I understand it.
27 When the mission commander who gets a direction gives a direction
28 and gets this message, he delivers that message to all of us.

29 Q. You have never mentioned, Mr Witness, Operation Spare No

1 Soul in xxx or xx until two days ago. You've never said
2 before you went on Operation Spare No Soul in those towns on the
3 instruction of Issa Sesay, have you?

4 A. Well, I am saying that if at all this statement which when
12:40:57 5 the lawyer was asking me, if I did not say that, well, just
6 disqualify all what I've said. Just after Segbwema the next step
7 was Operation Spare No Soul. From there I went back to xxxxx.
8 That's what I'm saying.

9 Q. What I'm asking you, Mr Witness, is why it is you seem to
12:41:18 10 suggest -- it seems to be in your statement that you went on
11 Operation Spare No Soul around Makeni, but nowhere is it in your
12 statement that you went on Operation Spare No Soul in xx or
13 xxx. Do you understand my point?

14 A. I don't understand it.

12:41:42 15 Q. You really don't understand it, Mr Witness?

16 A. I don't understand it, because you also do not understand
17 the point I give.

18 Q. What is your point?

19 PRESIDING JUDGE: Mr Witness, Mr Witness.

12:41:59 20 THE WITNESS: Yes, My Lord.

21 PRESIDING JUDGE: Please, you have to be very polite when
22 talking to the lawyer. Very polite. Be calm, you understand.
23 Do you understand me? You should be calm --

24 THE WITNESS: Yes.

12:42:19 25 PRESIDING JUDGE: -- and you should talk politely to the
26 lawyer. Do you understand?

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: Okay. Proceed now.

29 MR JORDASH: Thank you.

1 Q. Mr Witness.
2 A. Yes.
3 Q. When you saw the Prosecution, when you were making your
4 statement, is there any reason why you didn't tell them about
12:42:43 5 these attacks Operation Spare No Soul in Bunumbu and Jokibu led
6 on the instructions of Issa Sesay?
7 A. Well, now, the woman - that was the first time she came
8 here - she understood the names differently. Most of this
9 statement, from what I said in xxxx, you will find out that
12:43:13 10 if you join with what happened in Segbwema, when actually did not
11 happen, this is what is happening. It is not in line, it is not
12 corresponding. I know what happened. I spoke about Jokibu. I
13 will never forget.
14 Q. Let's move on from that. Just before we move to Kailahun
12:44:09 15 and other incidents there, you've told us that you were in xxxx
16 from xxxxxxxx?
17 A. Yes.
18 Q. Did you enjoy xxxxx?
19 A. I was enjoying it, but it was interrupted all.
12:44:39 20 Q. When was it interrupted?
21 A. 1998.
22 Q. I want to ask you about your first statement, 31st of
23 January 2003. 9704, Mr Witness.
24 A. 9704.
12:45:16 25 Q. Yes, do you have it? Take your time, Mr Witness, there is
26 no pressure.
27 A. Yes.
28 Q. 9704, first paragraph, four lines from the bottom.
29 A. Yes.

1 Q. "I was captured three times."
2 A. Yes.
3 Q. Were you captured three times?
4 A. Well, yes. Yes, they captured me three times.
12:46:37 5 Q. So why don't you just tell us, then, when you were
6 captured?
7 A. All these other times, I will call it capture but it was
8 not capture, because I never lasted there for over a day with
9 them.
12:47:02 10 Q. Tell us then where you were captured that first time?
11 A. It was xxxxxx, the attacks that were happening before.
12 That was me and xxxxx.
13 Q. You're looking at the statement, Mr Witness. Are you
14 reminding yourself when you were captured? Do you need reminding
12:47:33 15 about when you were captured, Mr Witness?
16 A. The last one is what I'm interested in. The other ones,
17 these are past things, I've forgotten about them. Before even
18 they captured me. The last one was in 1998.
19 Q. Have a look at the statement, remind yourself what you
12:47:57 20 said. "I was captured three times. First capture was in 1997.
21 I escaped from xxxxin Kailahun District." Is that true?
22 A. It was not at xxxxx I escaped.
23 Q. Where was it then?
24 A. I cannot remember the village name, but xxxx is after
12:48:32 25 you've crossed the river and nobody will cross that river and
26 escape. This is before the villages. The village is at xxxx;
27 that is how they call that chiefdom in xxxx.
28 Q. That is interesting, but where were you first captured in
29 1997?

1 A. Well, it is the year in fact I cannot remember. I was
2 small that year. I want to believe that that was the second
3 attack at **xxxx** in 1994. If I could remember. It was not
4 '97.

12:49:13 5 Q. Okay, let's forget the year. Where were you first
6 captured?

7 A. Inside **xxxxxxx**.

8 Q. Where did you go?

9 A. In our house, right in our house, where we were. They were
12:49:32 10 shutting the house. They removed my father, they removed my
11 mother and also they removed me. It was because of us that our
12 parents were released.

13 Q. Did you tell the Prosecution that you escaped from **xxxx** in
14 Kailahun?

12:49:52 15 A. No, I did not call **xxxxx**. I cannot remember the village
16 name. Baoma is inside Kailahun. You cannot go there and then
17 you escape when you don't have [inaudible] and nothing else.

18 Q. So you never told the Prosecution that?

19 A. Yes, yes, the village name is what I cannot remember, but I
12:50:19 20 didn't call **xxxxx**.

21 Q. You escaped from Kailahun, did you?

22 A. No, I am talking about **xxx**. It is not too far in the
23 Tankoro Chiefdom.

24 Q. So where did you escape from then?

12:50:39 25 JUDGE BOUTET: Mr Jordash, he has told you three times that
26 he has escaped from **xxxxxx**. If you're talking about before,
27 he says he was captured in **xxxx**, he stayed in a house and so on.

28 MR JORDASH: I will move on.

29 Q. The second capture, where were you captured?

1 A. It was inside **xxxx**.

2 Q. Look at the statement second line from the bottom of the
3 first paragraph, Mr Witness: "I escaped from **xxxxx** after I
4 witnessed Sam Bockarie in battle in Gandorhun." Is that true?

12:51:31 5 A. You see, where I was telling you that the lines are not
6 related, it was **xxx** [as interpreted], it's just a village
7 near **xxxx**. Now you are talking about Gandor [as
8 interpreted] which is almost going to Kailahun.

9 Q. Well, pick up your statement again, please, if you wouldn't
12:51:45 10 mind, Mr Witness, because I want you to just have a look at what
11 it says about "I escaped". 9704: "I escaped from **xxx**
12 after I witnessed Sam Bockarie in battle in Gandorhun." Did you
13 tell the Prosecution that you'd escaped from **xxxxx**?

14 A. The town's name is not -- it is **xxxxx**. That is a town
12:52:21 15 near **xxxxxx**.

16 Q. Had you witnessed Sam Bockarie in battle in Gandorhun?

17 A. I never witnessed Sam Bockarie's battle in Gandorhun. He
18 does not relate to what I am saying.

19 Q. So do you know how that got in to your statement, that you
12:52:51 20 had witnessed Sam Bockarie?

21 A. No.

22 Q. Now, when you left Guinea base to go to Kailahun you told
23 us that everybody started to pack their things ready for the
24 move; is that right?

12:53:45 25 A. Yes.

26 Q. This followed a message from Kailahun to move to Kailahun;
27 is this right?

28 A. Yes.

29 Q. And so everybody started cleaning their guns and washing

1 their clothes, ready to pack to leave Guinea Highway that night;
2 yes?

3 A. Nobody laundered. They cleaned guns and took drugs and did
4 other things in preparation to face anything that we meet on the
12:54:48 5 way.

6 Q. I am reading from what you said, Mr Witness. We do have
7 transcripts.

8 MR JORDASH: I notice the time and I am moving to a new
9 sequence. If it helps Your Honours I do hope to finish today
12:55:04 10 with this witness. In fact, I am relatively sure I will.

11 JUDGE BOUTET: I hope so.

12 MR JORDASH: Yes. There are a few incidents I need to
13 visit in Kailahun.

14 PRESIDING JUDGE: So you are moving to a new episode,
12:56:28 15 Mr Jordash? You are moving on to a new episode and you prefer
16 doing that in the afternoon?

17 MR JORDASH: Yes, because I would like to hand up
18 transcripts and also make sure that the witness, if he wants one,
19 can have a transcript to see his own words.

12:56:45 20 PRESIDING JUDGE: Yes, you can hand them in. But you did
21 indicate that you preferred handing them in when you get in to
22 the episode.

23 MR JORDASH: I certainly would prefer to break now,
24 certainly.

12:56:58 25 PRESIDING JUDGE: We will look at that in the afternoon.

26 MR JORDASH: Thank you. In relation to the witness, I
27 would hope that he is given a copy but not over lunch. Only
28 after we return.

29 JUDGE BOUTET: Of the transcript?

1 MR JORDASH: Of the transcript. If he wants one. But just
2 to be clear, I wouldn't want him to have a copy during lunch for
3 him to study.

4 JUDGE THOMPSON: Your preference is when we come back from
12:57:35 5 lunch.

6 MR JORDASH: So that he can just follow rather than refresh
7 his mind as to what he said before.

8 JUDGE THOMPSON: Okay.

9 PRESIDING JUDGE: We shall rise for lunch and resume at
12:57:50 10 2.30.

11 [Luncheon recess taken at
12 12.55 p.m.] [Upon resuming at
13 2.48 p.m.]

14 PRESIDING JUDGE: Learned counsel, good afternoon. I hope
14:50:54 15 that Mr Jordash will gratify us with a long weekend, a weekend
16 that should start earlier on Friday than it ordinarily would. We
17 are calling the session to order. Mr Jordash, you made proceed.
18 Don't you bother about my plea. If I can have it I will be very
19 happy.

14:51:24 20 MR JORDASH: If I can have it I will be very happy too.
21 Can I just check that Your Honours have received the transcripts.
22 Perhaps at this stage a transcript could be given to --

23 PRESIDING JUDGE: Oh my God, they're so bulky.

24 MR JORDASH: Yes.

14:51:50 25 JUDGE BOUTET: What is it, transcript of one day, two days
26 or the whole of his evidence-in-chief?

27 MR JORDASH: Monday, Tuesday and Wednesday.

28 JUDGE BOUTET: That's the whole evidence-in-chief?

29 MR JORDASH: And some -- I think is, yes, I think I started

1 yesterday. None of the cross-examination. I won't be making --
2 I won't even make that assertion.

3 PRESIDING JUDGE: Make no promises. Just go ahead.

4 MR JORDASH: Could Court Management -- thank you. If the
14:52:27 5 witness could have a copy. Do the Prosecution have a copy?

6 MR HARRISON: For what days?

7 MR JORDASH: Monday, Tuesday, Wednesday.

8 MR HARRISON: We have a copy.

9 MR JORDASH: Great, thank you.

14:52:40 10 MR O'SHEA: While we are waiting, Your Honour, can I just
11 indicate that we may also be referring to the transcripts next
12 week and if they could be made available to the judges next
13 Monday so we don't have to recopy them.

14 PRESIDING JUDGE: That would be too expensive, copying
14:52:57 15 these same transcripts.

16 MR O'SHEA: Yes.

17 PRESIDING JUDGE: It would be too expensive.

18 JUDGE BOUTET: [Inaudible] of trees involved in this.

19 PRESIDING JUDGE: I think only international tribunals can
14:53:10 20 afford this luxury. I don't think national systems can afford
21 this. At least not the one I come from. Yes, Mr Jordash, if you
22 are ready.

23 MR JORDASH: I am just waiting for the witness. I am
24 ready, Your Honour.

14:54:01 25 PRESIDING JUDGE: I see, okay.

26 MR JORDASH:

27 Q. Good afternoon, Mr Witness.

28 A. Good afternoon.

29 Q. I just want to pick up where we left as you're preparing to

1 leave Guinea base. Isn't it right that everybody started to wash
2 their clothes to pack?

3 A. Nobody laundered.

4 Q. Do you have the transcripts in front of you that the man
14:55:00 5 from -- Mr Walker came and brought to you a minute ago?

6 A. Yes.

7 Q. If you would look at what I think would be the top of that,
8 that should be dated the 11th of April on left-hand corner, top
9 of the page. Can you see?

14:55:26 10 PRESIDING JUDGE: Can you refer to the page?

11 MR JORDASH: Yes. Pages 106 of the 11th of April.

12 Q. Do you see that, Mr Witness?

13 A. Yes.

14 Q. Have you got page 106? Right. Have you got page 106?

14:56:48 15 A. Yes.

16 Q. Just so that you understand, Mr Witness, this is a
17 transcript of the evidence you gave when Sharon was asking you
18 questions on Monday. Okay?

19 A. Yes.

14:57:11 20 Q. If you go to page 106 line 8 question to you was:

21 "Witness, what happened at Guinea Highway after this message was
22 received?" You see your answer at line 10?

23 A. Yes.

24 Q. "Everybody started cleaning his gun, people started doing
14:57:41 25 their -- wash their clothes to pack. Everybody started doing
26 this to leave Guinea Highway that particular night." Yeah?

27 A. No. I didn't say launder clothes. I said if you did that
28 and a jet appears -- in fact, nobody did that. Who was packing
29 his clothing -- I mean, packing his clothing. I didn't talk

1 about laundering.

2 Q. Just so you understand, what is recorded on here are your
3 words, okay. So you understand this. What you say is recorded
4 and then put on to this piece of paper, okay. Where it says "A"

14:58:43 5 is your words, your answer. Okay? So let me just ask you this:
6 Did everybody leave Guinea Highway that particular night?

7 A. No.

8 Q. Did you not say everybody started doing this to leave
9 Guinea Highway that particular night?

14:59:21 10 A. Well, still there was some combatants. It's not everybody
11 that went away. Some stayed. All those who were ready to leave
12 who were at the muster parade.

13 Q. Do you know whether the majority of people left Guinea
14 Highway?

14:59:42 15 A. Yes.

16 Q. And was the majority of people about, according to you,
17 200?

18 A. I don't know.

19 Q. Have you any idea of the number who left?

15:00:27 20 A. No.

21 Q. Just picture yourself where you were with the people moving
22 to Kailahun. Was there more than a hundred people?

23 THE INTERPRETER: Can he repeat the answer? There was
24 some --

15:01:01 25 THE WITNESS: Likely so.

26 MR JORDASH:

27 Q. Likely so, more than a hundred. Is that more than a
28 hundred combatants or is that the total amount, do you think?

29 A. Just for the combatants, the number exceeds that number.

1 For the civilians, I wouldn't say. There were many but I do not
2 know the actual number.

3 Q. Was there more civilians than combatants or less?

4 A. I don't know.

15:01:45 5 Q. Picture it in your mind. Did there appear to be to you
6 more combatants or more civilians or the same number?

7 A. I can't tell, because the civilians are many and when you
8 look at the combatants, wherever you turn you will see them. And
9 I didn't do a head count for me to know the exact number.

15:02:30 10 Q. Okay. You travelled through Gandorhun; is that right?

11 A. Yes.

12 Q. And then you moved across to Sandaru; is that right?

13 A. Well, we walked a lot before we could reach Sandaru. We
14 walked a lot, traversing so many villages that had been
15 destroyed, but I can't remember the names.

16 Q. You didn't go through Koindu Ngeiya, did you?

17 A. [No translation]

18 Q. Did you go to or through Koindu Ngeiya?

19 A. That's the route from Kono. You have to go through Koindu
15:03:54 20 Ngeiya.

21 Q. So you went to Koindu Ngeiya, did you?

22 JUDGE BOUTET: How do you spell that out?

23 MR JORDASH: The spelling I think -- it's on neither of the
24 maps. But the spelling is K-O-I-N-D-U G-A-I-Y-A. I think. If I
15:04:27 25 can try to seek clarification from the witness.

26 Q. Would you agree that Koindu Ngeiya is near to Gandorhun?

27 A. I don't know.

28 Q. Well, did you go through Koindu Ngeiya after Gandorhun?

29 A. Yes.

1 Q. Was it near Gandorhun?

2 A. At that time when we are going, even if the distance was
3 short, that was my first time of walking the route, I saw it like
4 a long distance.

15:05:39 5 Q. Was Koindu Ngeiya on the main road -- let me start that
6 again. Did you meet Koindu Ngeiya after you'd gone through
7 Gandorhun on the main road?

8 A. I don't know which is the main road or which is not. All I
9 know is that we passed through there and when we reached there
15:06:11 10 they said -- but before we could even reach there they said we
11 were going to pass the night there. So I don't even know the
12 routes that we used at that time.

13 Q. Did you go through Koindu Ngeiya or not?

14 A. I said that's where we passed the night.

15:06:35 15 Q. Thank you. Do you know that there is a main road from
16 Gandorhun to Bunumbu? Or I should say a main road from Gandorhun
17 to Manowa Junction. Do you know that road, Mr Witness.

18 A. I travelled with it. I travelled through it.

19 Q. You didn't travel through Bunumbu, did you, when you were
15:07:19 20 travelling down to Kailahun with JPK? Did you?

21 A. No, we didn't go through Bunumbu. Those who knew the route
22 -- the masters who knew the road, they were leading us.

23 Q. Do you know why the trip didn't go down the main road from
24 Gandorhun to Manowa Junction, near Bunumbu. That's number 13 on
15:07:58 25 Your Honours' map.

26 A. Yes.

27 Q. Why?

28 A. At that time I want to believe that there was a heavy
29 Kamajor presence in that area. So even as -- some places we went

1 to we had to wait for two to three hours before they could clear
2 the highway.

3 Q. And you say the ECOMOG -- sorry, Kamajors, were based after
4 Koindu Ngeiya?

15:08:35 5 A. That's not what I said.

6 MR HARRISON: I think I agree with the witness. He didn't
7 say anything as to where they were based, but he did say that
8 they were perhaps blocking the road or making the road not
9 passable.

15:08:48 10 JUDGE BOUTET: He had been led to believe that there was
11 down the road to Manowa Junction, so he didn't say where. You're
12 asking why didn't he go that route. He understood there was a
13 lot of Kamajors.

14 JUDGE THOMPSON: That's my recollection too.

15:09:02 15 MR JORDASH: Certainly.

16 Q. The two commanders you've mentioned on that trip -- well,
17 let me just ask you who were the commanders on that trip that you
18 remember?

19 A. The main commander was Morris Kallon.

15:09:36 20 Q. And you saw, you told us, JPK and you recognised him, I
21 think you said, from a picture; is that right?

22 PRESIDING JUDGE: Has he mentioned the commanders you
23 wanted him to mention? He mentioned Morris Kallon. I thought
24 you wanted him to mention the commanders.

15:10:01 25 MR JORDASH: I will ask him again actually.

26 Q. Any other commanders you recall on that trip beside Morris
27 Kallon?

28 A. From Guinea Highway, there were other commanders, there
29 were others, but I can't remember them. Like Chinese Pepper,

1 Sankoh Trouble. They were many, commanders were there. There
2 were artillery people.

3 JUDGE BOUTET: Mr Jordash, when you say on that trip, this
4 is the trip from Koidu Town to Kailahun?

15:10:43 5 MR JORDASH: Yes, the JPK trip.

6 JUDGE BOUTET: Yes, the JPK trip.

7 MR JORDASH: Yes.

8 Q. And you recognised JPK from a picture; is that right?

9 A. Which picture?

15:11:06 10 Q. I think you mentioned a picture.

11 PRESIDING JUDGE: He said he used to see him in pictures.

12 THE WITNESS: I said that JPK whom I saw and the JPK whom I
13 had been seeing in a picture have no difference.

14 MR JORDASH:

15:11:24 15 Q. That is what I am asking you about. What was this picture
16 you had seen. Is it a picture you had seen of JPK before seeing
17 him in person?

18 A. I first saw him before I saw his picture.

19 Q. Have you seen his picture since then?

15:11:55 20 A. I do not understand.

21 Q. You have just told us that the JPK that you saw, who you
22 had been seeing in a picture, there was no difference. Can you
23 just explain what you mean?

24 A. Well, JPK, I was seeing his face in a calendar and the
15:12:27 25 person whom I saw, who was identified to me as JPK, and the one I
26 had been seeing in a calendar or a magazine, there is no
27 difference between them.

28 Q. And you saw that picture in a magazine or calendar after
29 this trip; is that right?

1 A. Well, yes, in the latter days. Either he was an authority.
2 I'm talking about the latter days.

3 Q. When you arrived in Baoma, that's where you met Sam
4 Bockarie; is that right?

15:13:20 5 A. Yes.

6 Q. And Sam Bockarie had a muster parade in Baoma; yes?

7 A. Yes.

8 Q. And it's in Baoma that they started searching the
9 combatants for government property; is that right?

15:13:49 10 A. Yes.

11 Q. Is it right also that the convoy you were with had a very
12 heavy artillery, heavier than the one left at Guinea base?

13 A. Yes.

14 Q. And that is why you understood JPK had come, so that he
15:14:22 15 could keep being protected by heavy artillery?

16 A. That was one of the reasons.

17 Q. And Sam Bockarie -- did Sam Bockarie leave Baoma with the
18 property?

19 A. Yes.

15:15:03 20 PRESIDING JUDGE: Was the property not put in the pick-up
21 and taken to somewhere -- headquarters in Buedu?

22 MR JORDASH: I'm coming to that, Your Honour.

23 Q. Is it right that you presumed that the property was going
24 to Buedu because that's where Sam Bockarie was based?

15:15:22 25 A. Yes.

26 Q. And the government property was placed in a Hilux jeep and
27 went along with Sam Bockarie from Baoma you thought to Buedu;
28 correct?

29 A. Yes.

1 Q. And then you walked together with the other civilians to
2 **xxxx**; correct?
3 A. Yes.
4 Q. And it was at **xxxx** that you were then screened; is
15:16:41 5 that right?
6 A. Yes.
7 Q. And from **xxxx** you went to where?
8 A. **xxxxx**.
9 Q. Please turn to your statement 31st January 2003, page 9706.
15:17:38 10 A. Everything has been mixed up because you have taken me
11 here, taken me somewhere. Everything has gotten mixed up with me
12 here.
13 JUDGE BOUTET: Mr Jordash, as you may know, he has a very
14 small desk over there and he has a lot of papers.
15:17:55 15 MR JORDASH: I know.
16 Q. Put aside the transcripts, Mr Witness, that you were given
17 just a moment ago. Take your original statement. Original
18 statement 31st of January --
19 A. What is the number that is at the top right-hand corner?
15:18:38 20 Q. 9706. 9706, you see that?
21 A. Yes, yes, yes.
22 Q. Go to the top of the page and the second sentence I want to
23 read.
24 "When I was captured in February 1998 I saw Johnny Paul
15:19:20 25 Koroma and his wife in **xxxxx** and we travelled to **xxxx** on the
26 same time as them. Johnny Paul walked and his wife was in **xxx**
27 and then travelled to Buedu in the same time as them. Johnny
28 Paul walked and his wife was carried in a hammock because she
29 could not walk any more."

1 is right; I will move a bit more briskly. But it is certainly
2 our case. Just so that the Chamber understands, we would also
3 say this: That this witness did not go on the attack - the
4 re-attack - to Koidu with Mr Sesay either. We accept that he was
15:22:26 5 on attacks in Kailahun, in Daru, in '99. The rest of his
6 evidence about Koidu, it is our case that it is not true.

7 JUDGE THOMPSON: I am prepared to keep an open mind on
8 this, the reason being that at this stage I am not able to even
9 begin to go along with any kind of evaluation of the evidence and
15:22:55 10 testimonies of other witnesses as to which evidence would be
11 preferred or which would not be preferred. It may be, it may go
12 another way; we don't know.

13 MR JORDASH: Certainly.

14 JUDGE THOMPSON: With that invitation, I would like to keep
15:23:07 15 it as open and make no commitment on that. But as to other
16 witnesses who have confirmed, as you said, being in fact credible
17 as against this witness, I suspend my judgment on that.

18 MR JORDASH: I can certainly move much more briskly. I
19 take your point.

15:23:29 20 JUDGE BOUTET: That was my concern. I am certainly pleased
21 that you gave us some indication as to whys of all of these
22 questions because, as I said, when you are getting to the
23 question of why Mrs JPK - I doubt very much that that is
24 essential to your case.

15:23:41 25 MR JORDASH: Absolutely right.

26 PRESIDING JUDGE: This is the second time we have had
27 testimony that she was carried.

28 MR JORDASH: It is accepted she was carried.

29 PRESIDING JUDGE: From some previous evidence, there is no

1 doubt she was carried. Her legs were swollen and some other
2 witnesses have testified to this.

3 MR JORDASH: We don't dispute that she was carried, but
4 this witness we say heard a rumour. The reason I asked the
15:24:00 5 question was simply to see if he knew when she was started,
6 because Mr Sesay does know when it was she was started to be
7 carried. It was, I agree, an unnecessary detail.

8 PRESIDING JUDGE: Mr Sesay does know.

9 MR JORDASH: He does know; he was there.

10 JUDGE THOMPSON: I am not in any way saying that it is not
11 a relevant exploration from the point of view of your
12 cross-examination. The only things that I can't comment on are
13 any kind of preliminary evaluation as in which testimonies should
14 be preferred or not preferred at this stage.

15:24:37 15 MR JORDASH: Certainly, Your Honour. I will move more
16 briskly.

17 PRESIDING JUDGE: If Mr Jordash can avoid treading on traps
18 like this one, which was pointed out --

19 MR JORDASH: Yes, I will.

15:24:52 20 PRESIDING JUDGE: -- which tend to delay the proceedings,
21 we will be very happy. Proceed, please.

22 MR JORDASH: I will, certainly.

23 Q. Mr Witness, I refer to the paragraph.

24 PRESIDING JUDGE: 9706.

15:25:13 25 MR JORDASH: 9706, please, Mr Witness. The bit I am
26 particularly interested in is this - it is four lines from the
27 top of the page: "Upon arrival" - have you found it, Mr Witness?
28 I think your microphone isn't on.

29 A. Sorry.

1 Q. Okay. Have you found it? It is the fourth line from the
2 top, starting, "Upon arrival in Buedu early in the morning --"

3 A. Yes.

4 Q. Then it reads: "Sam Bockarie called muster parade and gave
15:26:07 5 Johnny Paul Koroma a nice house, in Buedu". My question is this,
6 Mr Witness: Did you tell the Prosecution that in fact you
7 arrived in Buedu where Sam Bockarie called a muster parade?

8 A. I was in Buedu for this muster; I was in Buedu together
9 with Mosquito just for that day, when we slept in Kailahun. Then
15:26:46 10 the other day --

11 Q. My point is this, Mr Witness: You said you went to Baoma,
12 a muster parade was held in Baoma, Sam Bockarie disappeared - you
13 thought to Buedu - with the Government property. You only
14 presumed he had gone to Buedu because that was his base, whereas
15:27:12 15 here you say you went to Buedu. Sam Bockarie called a muster
16 parade in Buedu.

17 A. I don't understand all what you are saying.

18 Q. Haven't you told us, Mr Witness, that you went Baima and
19 muster parade was held there with Sam Bockarie?

15:27:43 20 A. Not xxx, but xxxx.

21 Q. Yes, xxx. And then you walk with the rest of the
22 civilians to xxxx.

23 A. Yes.

24 Q. 9706. You are suggesting that there was a muster parade
15:28:04 25 after you had arrived in Buedu. Is that not what this sentence
26 suggests?

27 A. Yes, that is what is in the statement.

28 Q. Can you tell us what the correct position is?

29 A. Yes. JPK it was at Buedu. When we came to xxxx then

1 he passed. In fact he did not walk, and I did not see him walk.
2 So he reached Buedu. We came on an Excel together with xxxxx to
3 Buedu. We reached that very day, it was early in the morning.
4 Then xxx went and they gave him the money. At that time all
15:29:03 5 the combatants were there.

6 Q. So, you say that you arrived in xxx, walked to xxxx
7 Town. And were you then straight away taken to xxx with
8 xxxx?

9 A. Yes.

15:29:36 10 Q. Let me make it clear, Mr Witness: I suggest that you are
11 telling lies when you say you travelled with JPK. Is that not
12 true, that you are telling lies?

13 A. No.

14 Q. If you'd actually been on the trip with JPK you would have
15:30:19 15 seen Issa Sesay on that trip - not Morris Kallon, Issa Sesay.

16 A. The crowd was so large that I could not call the name
17 because I did not see him. I have come here to say the truth. I
18 did not call his name because I did not see him. The crowd and
19 the combatants were so many; there were so many combatants. And
15:30:40 20 other things happened in the back that you in front could not
21 even know. The ones --

22 Q. Just -- sorry.

23 A. The ones that I saw, those are the names that I called. So
24 if I did not see Issa why should I call his name?

15:31:02 25 Q. Well, I would suggest that if you had been on the trip you
26 would have seen him because there was only in the region of about
27 20 people on that trip, not 100 or 200.

28 A. Oh my God! I said that is what he must have said, but it
29 is a lie. Let me - approximately we were over 300 plus the

1 civilians, not only the combatants.

2 Q. Oh, you have suddenly remembered how many.

3 A. I said approximately.

4 Q. I also suggest this, Mr Witness --

15:31:49 5 PRESIDING JUDGE: Mr Jordash, you are saying there were
6 only 20 on the trip.

7 MR JORDASH: Yes.

8 PRESIDING JUDGE: That is what you are suggesting?

9 MR JORDASH: There were around 20 - approximately 20.

15:31:58 10 PRESIDING JUDGE: There were only 20 on the trip.

11 MR JORDASH: Just securities.

12 PRESIDING JUDGE: About 20 on the trip, you know, from --

13 MR JORDASH: From xxxxx.

14 PRESIDING JUDGE: Well, from Guinea Highway.

15:32:09 15 MR JORDASH: Well, we would say the trip went from xxxx

16 xxx and, in fact, JPK had left xx, and in fact the RUF

17 had left xxx, because then they went to the bases at

18 Guinea - at Guinea Highway. There was never, we would say --

19 PRESIDING JUDGE: There were only about 20 people on the
15:32:31 20 trip.

21 MR JORDASH: I can make this clear by questions to the
22 witness.

23 PRESIDING JUDGE: And the witness shouted, "My God!

24 MR JORDASH: If I can just put my case to the witness on
15:33:19 25 this point.

26 Q. This is what we say happened, Mr Witness.

27 JUDGE THOMPSON: Whilst you do that, perhaps you might want
28 to have - when he said there were 20 on the trip, 20 who,
29 comprising who? If you are putting your case, because the

1 witness actually responded approximately 300. We do not know 300
2 comprising of --

3 PRESIDING JUDGE: Civilians.

4 JUDGE THOMPSON: Quite.

15:33:53 5 MR JORDASH:

6 Q. This is why we say you're not telling the truth, Mr
7 Witness. Firstly, Koidu Town never was occupied by rebels at the
8 same time as the Guinea Base existed.

9 A. It is a lie.

15:34:25 10 Q. And in fact --

11 PRESIDING JUDGE: Please wait.

12 MR JORDASH: Sorry, sorry.

13 JUDGE BOUTET: In your description, Mr Jordash, did you say
14 it was occupied by RUF or rebels? Are you using both?

15:34:58 15 MR JORDASH: Rebels, I think is probably better. We accept
16 that at the time of the occupation of Koidu Town there was both
17 SLAs and RUF present.

18 JUDGE BOUTET: Okay.

19 PRESIDING JUDGE: You are saying that Koidu Town was not
15:35:12 20 occupied at the same time as the Guinea Highway.

21 MR JORDASH: Yes.

22 JUDGE THOMPSON: And he denies that.

23 MR JORDASH: Yes, he denies that.

24 Q. And in fact what happened was that ECOMOG attacked Koidu
15:35:47 25 Town and as a result of that attack the rebels left Koidu Town
26 and formed the bases around Guinea Highway. That is really what
27 happened, we suggest, Mr Witness. Isn't that true, or you just
28 don't know?

29 A. No, it is not true. It is not true. I am talking about

1 the time when they have just attacked Koidu Town and it was
2 because of the attack that we left Koidu Town.

3 THE INTERPRETER: Please, let the witness go a little bit
4 slower. Let him pick up the last bit.

15:36:48 5 MR JORDASH:

6 Q. Can you pick up your answer, but calmly, Mr Witness?

7 A. He is lying, because the time when Koidu Town was captured,
8 when it was captured, we were first based at xxxx. We were
9 there for some time, and because of the jet raid we had to move.

15:37:22 10 Q. Go on.

11 A. We had cause to move and settled along - at the Guinea
12 Highway. Then combatants were there in town, but they were not
13 there for the whole day. In the morning everybody would go to
14 the bush. The jet will come and raid the town. In the evening,

15:37:57 15 around six or seven, and you will see the combatants coming from
16 the bush back to the town. You will see combatants in the town.

17 If you go to town around that time you will see combatants around
18 the town.

19 Q. In fact there was not any combatants in the town when the
15:38:16 20 Guinea Highway bases were formed because Superman burnt Koidu
21 Town because ECOMOG were coming in. Is that not true, or do you
22 just not know?

23 A. Superman, well, yes. Because Koidu Town at that time we
24 used to make fire on the houses, but there were places like xx

15:39:00 25 xxxxxx --

26 Q. Go on. Sorry, Mr Witness. Just keep it slow.

27 A. Combatants were there.

28 Q. And at that time of the Guinea Highway bases, ECOMOG were
29 fully in control of Koidu Town. That is why I suggest you were

1 not there.

2 A. It is a lie.

3 Q. And if you had been on the trip to Kailahun with JPK you
4 would have also known that Koindu Ngeiya was occupied by

15:39:49 5 Kamajors. So you couldn't have gone through there.

6 A. But this is what I said: Before we reached the town, we
7 rested for two or three or four hours, and then we were ready for
8 fighting. And we had to fight before passing through the town.

9 Q. Mr Witness, are you saying that you had to fight before
15:40:23 10 passing through Koindu Ngeiya?

11 A. It was not Koindu Ngeiya - most of the villages after
12 ~~xxxx~~.

13 Q. If you were there, Mr Witness, you would have known, I
14 suggest, that the combatants had tried to attack Koindu Ngeiya
15:40:46 15 and take it from the Kamajors, but they were unable to do so.
16 You would have known that if you were there.

17 A. As long as what I have said, Koindu Ngeiya was a place we
18 passed; it remained the same, nothing changed. I am not
19 listening to them. Koindu Ngeiya, we passed through there, we
15:41:23 20 captured there. I did not go on the battle but we waited there
21 for some time. We passed the night there.

22 Q. I am suggesting you couldn't have passed the night there.

23 A. Well, fine, you who were not there. All what you are
24 saying is based on imagination. All I know is that we were
15:41:50 25 there.

26 Q. If you'd been there you would have also known that JPK met
27 Issa Sesay at Gandorhun.

28 PRESIDING JUDGE: Learned counsel, please wait.

29 Mr Witness.

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: Mr Witness.

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: I do not want you to say that the lawyer
15:42:41 5 is imagining, that it is all his imagination. The lawyer is
6 representing a client and he is acting under instructions, which
7 his client, Mr Sesay, is passing on to him. So it is not the
8 lawyer's imagination. The lawyer was not there - yes, none of us
9 was there. You were there. The instructions which learned
15:43:15 10 counsel is acting on, and on which he is basing his questions are
11 not imagined by him. He is briefed and the information is
12 supplied to him by his client. So, don't be that harsh to the
13 lawyer, to say that it is part of his imagination, that what he
14 is telling you is his imagination. Do you understand what I have
15:43:47 15 told you?

16 THE WITNESS: Yes, My Lord.

17 PRESIDING JUDGE: Okay.

18 MR JORDASH:

19 Q. Mr Witness.

15:43:57 20 A. Yes.

21 Q. I also suggest that if you had been there you would have
22 seen about 40 securities sent by Sam Bockarie come to Gandorhun
23 to meet JPK.

24 A. You see these things that happened when we walk. We had to
15:44:41 25 walk to like guerillas. They had the advance team, the bulldoze
26 team. The advance team is the one that did most of the things.
27 We were right in the middle with the civilians. So these things
28 you are saying, you may be right, but I don't know. What I know
29 is what I have said.

1 Q. You say that you were in the middle with all the other
2 civilians; is that right?

3 A. Yes.

4 Q. Surrounded by all the combatants.

15:45:15 5 A. Yes, we were there. Where we were there were combatants
6 there mixed with the civilians.

7 Q. So you were in the same place throughout the whole convoy;
8 is that right?

9 A. Yes.

15:45:34 10 PRESIDING JUDGE: But he said they were advancing like
11 guerillas. You can imagine that movement in such a formation is
12 not very easy. They don't take just one track. We have had
13 evidence here before, you know, that they normally took some
14 shortcuts in order to avoid certain eventualities. It is
15:46:03 15 difficult to imagine, but I don't imagine that the movement was
16 direct.

17 MR JORDASH: It wasn't direct. This witness, we say, is
18 telling lies. I'll move on.

19 Q. I want to deal now with Fonti Kanu. Now you have told us
15:46:39 20 about Fonti Kanu and Issa Sesay killing.

21 PRESIDING JUDGE: That is a colonel.

22 MR JORDASH: I beg your pardon.

23 PRESIDING JUDGE: Was he not a colonel - Colonel Fonti
24 Kanu?

15:46:48 25 MR JORDASH: I can tell you in a minute, Your Honour.

26 PRESIDING JUDGE: He was a colonel, I think.

27 MR JORDASH: It was --

28 PRESIDING JUDGE: The man who was caught at the Liberian
29 border.

1 MR JORDASH: Yes. I am not sure that a rank was given,
2 Your Honour.

3 PRESIDING JUDGE: He gave a rank.

4 MR JORDASH: I am sorry, you're right - Colonel Fonti Kanu.

15:47:17 5 PRESIDING JUDGE: Yes.

6 MR JORDASH:

7 Q. It was colonel, wasn't it, Fonti Kanu?

8 A. He was an SLA Colonel; a trained and qualified colonel. He
9 was not a bush colonel.

15:47:39 10 Q. And you have told us that Colonel Issa

11 PRESIDING JUDGE: He was an SLA-trained Colonel, not a bush
12 colonel.

13 MR JORDASH:

14 Q. You have told us, Mr Witness, that Colonel Issa caught
15:48:17 15 Fonti Kanu - Colonel Fonti Kanu - at the Liberian border. Is
16 that true?

17 A. No. Not true.

18 Q. What is not true about that?

19 A. Colonel Issa caught Issa at the Liberia border. I said the
15:48:34 20 NPFL soldiers caught him by the border, on crossing the border
21 and then they call.

22 Q. Yes, Okay. And after that Colonel Issa and his men
23 collected him, tied him and put him in a vehicle. True?

24 A. Yes. Yes. They tied him.

15:49:20 25 Q. Did Colonel Issa go to the border to fetch him with his men
26 personally?

27 A. That was what I heard. By then we were come from Jokibo;
28 we were just coming across the water. When we reached Pendembu
29 that was what they told us - that Povay has gone to collect

1 Fonti Kanu.

2 Q. When did you first see Fonti Kanu?

3 A. The first time I saw him was the day when he was killed.

4 Q. Where was that?

15:50:01 5 A. In xxx.

6 Q. Whereabouts?

7 A. It was at the muster parade ground that he was executed.

8 Q. And you saw him shoot and kill Fonti Kanu?

9 A. Yes.

15:50:24 10 Q. And he shot him where in the body?

11 A. Fonti Kanu turned his back. They tied him, his hands where

12 all tied together. It was on his back that he was shot.

13 Q. Okay. And then after that, did you see where Colonel Issa

14 went?

15:51:03 15 A. No.

16 Q. Do you remember when you next saw Colonel Issa again?

17 A. I cannot remember, but I saw him, but I cannot remember.

18 Q. Do you recall after the muster parade and the killing of

19 Fonti Kanu whether it was approximately within a month that you

15:51:33 20 saw him, or after that, or you cannot say?

21 A. I can't remember; I can't remember.

22 Q. Did Colonel Issa tell you or anyone at the muster parade

23 anything after he had shot Fonti Kanu? Did he say anything?

24 A. Yes.

15:52:10 25 Q. What did he say?

26 A. He said anybody who does what Fonti Kanu has done, he is

27 going to do the same thing for him. He said it in Buedu.

28 Q. And then he disappeared for the day and you did not see him

29 again for some time? Is that fair?

1 A. Yes.

2 Q. Let me ask you to turn to your statement you gave to the
3 Prosecution on 23rd of February 2003. Would you like to have a
4 look at them, Mr Witness?

15:52:56 5 A. Continue. I am tired of reading. Everything is mixed up
6 here.

7 Q. It is mixed up, you are right. But let's have a look at
8 the statement. Okay. Well, I'll read it to you.

9 A. Somebody is helping me now.

15:53:13 10 Q. Thank you.

11 A. But I say it will take some time.

12 Q. We've got time. Are you ready?

13 A. What is the number?

14 Q. 9715, paragraph two. You see that? "In my previous
15:54:19 15 statement

16 MR HARRISON: I think he indicated he did not see it.

17 MR JORDASH: I beg your pardon.

18 THE WITNESS: I have not seen it yet.

19 MR JORDASH: Sorry.

15:54:45 20 A. 9715 - is that it?

21 Q. That is it. Are you with me?

22 A. Yes.

23 Q. Second paragraph: "In my previous statement, I described
24 how Fonti Kanu the SLA major who tried to escape was killed."

15:55:16 25 A. Yes.

26 Q. "It was Issa Sesay who shot Fonti Kanu and not Sam Bockarie
27 as stated."

28 A. Yes.

29 Q. "Sam Bockarie was in France at the time. After he had

1 killed Fonti, he called up a meeting and told us that he
2 contacted Master that is Sam Bockarie also called Skinny in
3 France --"

4 A. Yes.

15:55:49 5 Q. "-- and that he was given the go ahead to kill him but he
6 had already called him before he informed him."

7 A. That was a propaganda statement made.

8 Q. What was a propaganda statement made, Mr Witness?

9 A. It could be Master didn't have any - he only used his own
15:56:19 10 discretion. That was what he told us and that is why I said it.

11 Q. That is why who told you?

12 A. It was Povay who said it.

13 Q. Povay who said what?

14 A. Povay said he was given an order from Master to do this.
15:56:47 15 He said he consulted Master.

16 Q. Here, Mr Witness, you appear to be staying that after Povay
17 had killed Fonti Kanu he then called up a meeting to tell you
18 about that. Is that not what you said to the Prosecution then?

19 A. Sorry.

15:57:06 20 Q. Do you want me to repeat what I just said?

21 A. Yes.

22 Q. Don't you appear to say in this statement that you found
23 out about Fonti because Povay called up a meeting and told you
24 that he had already killed him? Is that not what you told the
15:57:36 25 Prosecution?

26 A. Yes. He had already him killed him before he informed him.

27 Q. Before he informed you?

28 Mr HARRISON: I think he said, "Before he informed him."

29 MR JORDASH: No, this is a new question.

1 Q. Did he call up a meeting to tell you that he had contacted
2 Master to ask him for the go ahead to kill him?

3 A. It was part of the talk he told us after he had killed him.
4 That was what he was saying - after I had killed him. As he was
15:58:19 5 saying, "Gentlemen, I have informed Master," as he surely talks.
6 The Master had given him the go ahead.

7 Q. Why didn't you tell the Prosecution that you had seen Povay
8 shoot Fonti Kanu in the back? Why didn't you say that?

9 A. What did I say?

15:58:46 10 Q. Did you tell them that you had seen Povay shoot Fonti Kanu
11 in the back?

12 A. I said Povay shot Fonti Kanu, that is all.

13 Q. Did you tell them that you had seen it happen?

14 A. Yes.

15:59:09 15 Q. Let me take you to another part of your statement - 31st of
16 January 2003, page 9701.

17 A. Everything is mixed up here. We are moving from here to
18 there; everything is mixed here.

19 PRESIDING JUDGE: We have been talking of Povay. What is
16:00:08 20 the spelling of this name? Let me have the spelling of this
21 name.

22 MR JORDASH: Mr Witness

23 PRESIDING JUDGE: Let's have it correct on the record,
24 please.

16:00:20 25 MR JORDASH:

26 Q. Do you know the spelling?

27 PRESIDING JUDGE: I hope we understand is that it is
28 another name for Mr Issa Sesay. Is that?

29 MR JORDASH: According to this witness.

1 that may be interesting in due course.

2 PRESIDING JUDGE: Okay. P-O-V-A-Y?

3 MR JORDASH: Your Honour, yes.

4 JUDGE THOMPSON: I spelt it all the time like that.

16:02:57 5 PRESIDING JUDGE: I kept writing Polvay.

6 MR JORDASH: P-O-L?

7 PRESIDING JUDGE: Yes, indeed. I got to a point where I

8 had to seek clarification. Thanks. I have to correct my

9 records. And I am sure the Court records should be corrected to

16:03:12 10 reflect that spelling P-O-V-A-Y. The witness says the son

11 himself is there. So, the son has spelt his own name. So, fine.

12 MR JORDASH: Okay.

13 Q. Are you ready to go on, Mr Witness?

14 A. Yes.

16:03:37 15 Q. 9701. This is what towards the end of the paragraph says:

16 "Maada told me after Sam Bockarie had taken the other drugs the

17 last step was to smoke the marijuana. After he had taken the

18 drugs he did not joke. He did things like shoot people's legs

19 for no reason, or send people to dojo for 72 hours. This meant

16:04:20 20 you stayed in a hole underground for 72 hours. He killed a lot

21 of people like this. For example he executed Fonti Kanu, after

22 accusing him of plotting to escape to Liberia with diamonds. He,

23 Sam Bockarie then took all of Fonti Kanu's property." You told

24 the Prosecution that, didn't you?

16:05:08 25 A. It was Povay who killed Fonti Kanu. If you look at this

26 statement, the language she was using was English. She was

27 mistaking the names for other names. The towns, she was

28 mistaking them for other towns. That is the problem now.

29 Q. Okay, if it's a problem about the names of towns and the

1 names of people, let's read on to 9702: "I was present when
2 Fonti Kanu was shot. Sam Bockarie called up what we called
3 "information"." Do you see that?
4 A. Yes, I am seeing it.
16:05:57 5 Q. Is that another case of the person, the woman - Virginia -
6 getting a name mixed up?
7 A. Povay.
8 Q. So she got the name Sam Bockarie mixed up with Povay, did
9 she?
16:06:22 10 A. The name should have been Povay.
11 Q. Let's read on: "This meant he rang a bell and the order
12 was that we all assembled to be addressed. So we were all
13 gathered when Sam Bockarie told us what the allegations against
14 Fonti Kanu were." Another confusion between Sam Bockarie and
16:06:53 15 Povay. Is that right, Mr Witness? Is that right, Mr Witness?
16 A. Sam Bockarie was not there; it was Povay who was there.
17 Q. Did Virginia, who took this statement, confuse what you
18 said about Povay with Sam Bockarie?
19 A. I don't understand this question.
16:07:27 20 Q. I think you probably do. How did your statement come to
21 say that "we were all gathered when Sam Bockarie told us what the
22 allegations against Fonti Kanu were"?
23 A. I and that woman spoke a lot, and I think she was mistaking
24 the names like Morris Kallon here, [inaudible] of course was
16:07:57 25 there. Some of these names she made mistakes. She was not
26 understanding. I called the name to her but
27 Q. Let's read on Mr Witness: "He asked other senior
28 commanders what to do with Fonti Kanu."
29 JUDGE BOUTET: What page are you on?

1 MR JORDASH: I am sorry, 9702, Your Honour, first
2 paragraph.

3 PRESIDING JUDGE: 9702.

4 MR JORDASH: Your Honour, yes.

16:08:30 5 Q. Let's read that again, Mr Witness, for you: "So we were
6 all gathered when Sam Bockarie told us what the allegations
7 against Fonti Kanu were. He asked other senior commanders what
8 to do with Fonti Kanu. The commanders present were General Issa
9 Sesay, after that time, a major, Morris Kallon, Colonel Kaisuku
16:08:57 10 and Colonel Leather Boot." That's what you told the Prosecution,
11 isn't it?

12 A. Yes, I told the Prosecutor so. But during this time,
13 Morris Kallon - Mosquito - it was mistaken. Morris Kallon was
14 not there.

16:09:25 15 Q. Any other mistakes about what you told the Prosecution?

16 A. Yes, there was another mistake, like he said Kaisuku was a
17 military commander. He was not a military commander; he was a
18 military police commander. Mistakes are there.

19 Q. Let's read on: "So Sam Bockarie turned and shot Fonti Kanu
16:09:49 20 four times in the chest." Is there a mistake there?

21 A. No. But all you know is that Povay fired Fonti Kanu from
22 the back and the bullet came out of the chest. The language we
23 used here - they are all misunderstanding me. But it was very
24 little; that's all I know.

16:10:31 25 Q. Mr Witness, you were not there when Fonti Kanu was killed
26 by Sam Bockarie, were you?

27 A. It was not Sam Bockarie; it was Povay.

28 Q. In fact, it was not Sam Bockarie who killed Fonti Kanu; it
29 was a man called Dolo on the instruction of Sam Bockarie and

1 you've heard rumours and invented a story, haven't you?

2 A. Okay, let me tell you. Povay executed him. Maybe at that
3 time they had taken drugs, but he was the one who executed him so
4 he cannot remember. I was there. I was there.

16:11:33 5 MR JORDASH:

6 Q. Had you taken any drugs when you gave this information to
7 the Prosecution, so you didn't remember?

8 Mr HARRISON: Objection.

9 MR JORDASH: Let me rephrase the question. You told the
16:11:45 10 Prosecution that Sam Bockarie shot Fonti Kanu four times in the
11 chest. Think about the truth, Mr Witness. Did you tell the
12 Prosecution that?

13 A. No. I said Povay fired Fonti Kanu from the back and the
14 bullet came through the chest - from the back and the bullets
16:12:02 15 came out through the chest. He fell down and the chest was open.
16 He gave him four shot. I think that [inaudible] so I said it
17 here.

18 Q. Well, I think the other day what you said was Povay shot
19 him twice, not four times, Mr Witness. Is it four times now?

16:12:32 20 A. It first came two shots and then he gave the doctor two
21 shots. That doctor again, was he not the one who killed him,
22 whom he charged for embezzling drugs?

23 Q. Doctor Kamara was not killed at the same time at as
24 Fonti Kanu, I suggest, Mr Witness. He was killed three months
16:13:06 25 later by Sam Bockarie.

26 A. Well, who killed him?

27 Q. The same person who instructed the death of Fonti Kanu -
28 Sam Bockarie.

29 A. Well, I am saying it was a lie. It was Povay who executed

1 him. It was in the evening. I was right in xxx.

2 PRESIDING JUDGE: Mr Jordash.

3 MR JORDASH: Your Honour, yes.

4 PRESIDING JUDGE: You said it was not your client who shot
16:13:56 5 Fonti Kanu.

6 MR JORDASH: Yes.

7 PRESIDING JUDGE: And that it was not Mosquito, but that it
8 was somebody who shot on the orders of Mosquito. May we have the
9 name of that person?

16:14:11 10 MR JORDASH: It was a man called Dolo. I will just get you
11 his full name. Can I just take instructions?

12 [Defence counsel and accused confer]

13 MR JORDASH: We don't know the full name, but he was called
14 Dolo, and we say he was the security for Sam Bockarie. I beg
16:14:57 15 your pardon, security for Foday Sankoh, a Liberian vanguard.

16 PRESIDING JUDGE: He shot on instructions, according to
17 him, of Sam Bockarie.

18 MR JORDASH: Your Honour, yes.

19 JUDGE BOUTET: You have not put all of that to the witness.
16:15:39 20 You just said it was Dolo.

21 MR JORDASH:

22 Q. The real story is this, Mr Witness: Fonti Kanu was living
23 in Pendembu, very close to where Issa Sesay was living.

24 PRESIDING JUDGE: Why don't you put the crucial issue, the
16:16:06 25 crucial point to him? That is what is important. Where he lived
26 may be important, but the crucial issue is --

27 MR JORDASH: I will.

28 PRESIDING JUDGE: -- the act with which he is associated.

29 MR JORDASH:

1 Q. Fonti Kanu was killed in Pendembu by Doŀo. Sorry.

2 [Defence counsel and accused confer]

3 Yes. Mr Witness, I suggest that you weren't there, and in fact
4 Fonti Kanu was killed in Pendembu by Doŀo.

16:16:57 5 PRESIDING JUDGE: In Pendembu.

6 MR JORDASH: In P-E

7 THE WITNESS: It is a lie.

8 MR JORDASH: N-D-E-M-B-U.

9 JUDGE THOMPSON: Could you put that question again,
16:17:15 10 Mr Jordash?

11 MR JORDASH: Certainly.

12 JUDGE THOMPSON: You put a two-part question to him. You
13 said he was not there and then you put the other question about
14 who allegedly killed Fonti Kanu. Could you separate them,
16:17:26 15 because they are critical?

16 MR JORDASH: Certainly.

17 Q. I suggest, Mr Witness, that you were not there at the time
18 of Fonti Kanu's death.

19 A. I am telling you that I was there. And the reason of
16:17:45 20 saying he was killed in Pendembu, he was passed through to
21 Pendembu tied. I have not come to lie here.

22 Q. And in fact he was shot in Pendembu, not Buedu.

23 A. It is a lie. He was shot at Buedu muster parade. He was
24 executed - he was removed from the dungeon, and it was Povay who
16:18:25 25 killed him with his pistol.

26 Q. Now, Mr Witness, how many people died at Bunumbu training
27 ground, according to you?

28 A. Many.

29 Q. How many?

1 A. Many.

2 Q. Was there more than the number of people on the journey to
3 Kailahun with JPK or less?

4 A. The population that was in the training base - it was
16:19:25 5 doubled that, twice.

6 Q. But the population who you saw die when you were there, how
7 does that compare to --

8 A. They were not dying in a stretch. At times one per day,
9 two. So at the end of the training the number reduced; we were
16:19:52 10 not many. If you look at the way we came and the way we
11 graduated, the time we are falling, we are not many again.

12 Q. Turn to the first page of your 31st of January 2003
13 statement - 9700.

14 A. Yes.

16:20:24 15 Q. Second paragraph: "Then I was sent to Bunumbu Camp for
16 military training. I was xxx years old. I was trained by a
17 xxxxxxxxxxxxxxxxxxxxxx for nine
18 months. xxxxx taught us city attack, cross obstacles, crawl,
19 manouvre, firing from all positions (FFAP), how to cross a river
16:21:00 20 using a rope. Many people died in this crossing exercise because
21 of the force of the water. People also died during the firing
22 from all positions training. Boys and men died. They also
23 trained women. There were 6,000 people trained with me.

24 A. [Laughter]

16:21:24 25 Q. Why do you make that sound, Mr Witness?

26 A. I never gave people a figure like this - 6,000. That is
27 not a small population.

28 [HS150405E 4.20 p.m. - SV.]

29 Q. You see, Mr Witness, I suggest that you did and you're just

1 exaggerating when it suits and changing your evidence when it
2 suits?

3 A. There is no need for me to change my evidence. It is what
4 happened to me I'm explaining and I will not answer here on
16:22:08 5 something I did not answer and you cannot lead me.

6 Q. And I suggest to you Colonel Vandt never came to the
7 training base because he was based in Kono and never came to the
8 training base?

9 A. Who told you that? Tell that person that he is telling
16:22:34 10 lies. The first time for me to see Monkey Brown was right at the
11 training base. At that time his hands had a problem, it was in a
12 bandage. He said his hand was struck by a fragment from a jet.

13 Q. Colonel Vandt. Who is Colonel Vandt? Are you saying he's
14 the same as Monkey Brown?

16:23:10 15 A. Yes. He is Monkey Brown. Then there was one Colonel Vandt
16 who was a so-called something. That was the name issued to us.

17 MR HARRISON: I didn't get the last part of that answer,
18 I'm sorry.

19 MR JORDASH: Neither did I.

16:23:26 20 Q. Can you repeat that answer, Mr Witness, please?

21 A. As far as I know, for RUF we had two popular commanders
22 whom they called Vandt. Both of them were colonels. There was
23 Colonel Vandt Tageya and Colonel Vandt Monkey Brown, a slim
24 person, a black one. And it was Monkey Brown that I saw on that
16:23:51 25 day at the training base.

26 Q. Wasn't Monkey Brown Denis Lansana, Mr Witness?

27 A. Fine, Denis.

28 PRESIDING JUDGE: Mr Jordash, could you be rounding up so
29 that we take a short break, please.

1 MR JORDASH: I will just finish this section.

2 PRESIDING JUDGE: As soon as you're ready please let us
3 know.

4 MR JORDASH: I'll be very quick on this section.

16:24:28 5 PRESIDING JUDGE: Right.

6 MR JORDASH:

7 Q. Isn't Monkey Brown also known as Denis Lansana?

8 A. I did not know his last name but that's his name.

9 Q. And Colonel Vandt is a man called Peter Vandt, isn't that
16:24:47 10 right?

11 A. All of that is a forgery, but they were not showing his
12 real name at the jungle. Tageya was his name.

13 Q. And you've lied about Colonel Vandt and you've also lied
14 about Colonel Issa coming to give morale booster to Bunumbu,
16:25:17 15 haven't you?

16 A. It's like you want to tell lies, because I never told you
17 that CO Issa took morale booster to Bunumbu. Have I ever?

18 Q. Well, what do you say he did at Bunumbu?

19 A. Povay went as a result of the threat that was seen at
16:25:46 20 Balahun. He came to Bunumbu and it was a very short distance.

21 Povay and Mike, they took morale booster to Baima.

22 Q. So Povay never brought morale booster to Bunumbu training
23 centre, is that what you're saying?

24 A. No, no, no, no.

16:26:11 25 Q. Never brought it to Bunumbu training centre?

26 A. No. He never went with morale booster to the training
27 base.

28 Q. And he never came to the training base at all, did he?

29 A. He went there. He went there.

1 Q. What did he do?

2 A. As a result of that jet threat, he didn't go there for any
3 special purpose, he went to hide and he mistakenly used his
4 vehicle.

16:26:41 5 Q. What was he hiding from?

6 A. He was hiding away from the jets and it was day-time. If
7 he had used his car and it was seen by the jet then it would have
8 been damaged.

9 Q. So he came in his car, he hid in his car at the training
16:27:00 10 centre; is that right?

11 A. He used a bush pass. He used a bush pass.

12 Q. And so he never got out of his car but just hid in it from
13 the jet; is that right?

14 A. I said he used a bush pass to come to Bunumbu from Balahun.

16:27:30 15 Q. From where, Mr Witness?

16 A. From Balahun.

17 Q. Do you mind spelling that?

18 A. I don't know the spelling.

19 Q. Is it in Kailahun?

16:27:42 20 A. Yes, it's in Kailahun District just close to the place that
21 I'm talking about, a very short distance.

22 Q. So after he'd hidden in his car he then drove off; is that
23 right?

24 PRESIDING JUDGE: Mr Witness, he came in his car. Did he
16:28:01 25 hide in his car?

26 THE WITNESS: No. That's not what I said. I said Povay,
27 because he was hiding away from the jets, he had to leave his
28 vehicle behind at Balahun. So he walked through the bush pass to
29 Camp Lion. I didn't say he went with his car.

1 MR JORDASH:

2 Q. At Camp Lion what did he do?

3 A. When he went to Camp Lion we recognised him as an
4 authority. He talked to us.

16:28:49 5 Q. What did he say?

6 A. He just threatened us.

7 Q. That's all he did, was it?

8 A. That's all. He didn't go there for any special purpose.

9 Q. Just to come and threaten you?

16:29:08 10 A. Because the jets had threatened him, that's why he came to
11 threaten us. That's why he came to Camp Lion.

12 Q. Okay. This is the end of the section. Let me just say to
13 you, Mr Witness, you're lying and he never came to Bunumbu
14 training centre.

16:29:28 15 A. Who didn't go there?

16 Q. Well, I think you understand the question, Mr Witness?

17 A. It's like the person who told you is telling lies because
18 at that time he was taking drugs so he didn't know, he was not
19 cautious of himself. The other day he went with the morale
16:29:48 20 booster and they were all drunk and they misbehaved so there are
21 things they did they are not aware of. So now they've told you
22 and you are putting it to me that I'm telling lies. I came
23 here -- if I had come here to tell lies they would have noticed
24 it long ago.

16:30:06 25 MR JORDASH: Thank you. That finishes a particular
26 section.

27 PRESIDING JUDGE: The Court will recess for a few minutes
28 please.

29 [Break taken at 4.30 p.m.]

1 [Upon resuming at 4.55 p.m.]

2 PRESIDING JUDGE: Yes, Mr Jordash, we will resume the
3 session.

4 MR JORDASH: Thank you, Your Honours. We are in the final
16:57:31 5 straight.

6 PRESIDING JUDGE: It's like a painkiller.

7 MR JORDASH:

8 Q. Mr Witness?

9 A. Yes.

16:57:49 10 Q. Just so you know, I'm almost finished?

11 PRESIDING JUDGE: Mr Witness, you are not even smiling. He
12 says he's almost finished.

13 THE WITNESS: But this is just the beginning.

14 JUDGE BOUTET: As you can see, he has a lot of trust in
16:58:20 15 you.

16 MR JORDASH:

17 Q. Mr Witness, can I ask you to turn to 9714, date 23rd of
18 February 2003?

19 A. What's the number again?

16:59:20 20 Q. 9714. Take your time, Mr Witness. 9714?

21 A. Yes, I've seen it.

22 Q. Just the last paragraph there -- sorry, let's go to the
23 second to last paragraph, the last few lines of the second to
24 last paragraph. You can see there it says about five lines up
17:01:14 25 from the bottom of the second to last paragraph: "We were all
26 male and did exactly what xxxx ordered which he passed to me
27 first but sometimes I used my own initiative." Do you see that?

28 A. Yes.

29 Q. And then you say: "I used my own initiative like sending

1 xxxxx finding missions. This is when xxxxx is
2 not around but I would always report this to him when he came
3 back. Morris Kallon was the RUF battlefield commander." Do you
4 see that?

17:02:06 5 A. Yes, yes.

6 Q. Do you say that when you were in xxxxx Morris Kallon was
7 the RUF battlefield commander?

8 A. Well, it was not for xxxx but for the Kono area. Yes.

9 Q. What does battlefield commander mean to you, Mr Witness?

17:02:41 10 A. Well, battlefield commander is somebody -- well, almost
11 someone who gives instructions for certain places to be captured,
12 for instance, Kenema, through Sam Bockarie in the presence of
13 Morris Kallon who was using his own discretion.

14 Q. But you say then -- in this paragraph what's said is: "As
17:03:25 15 a battlefield commander he would give out instructions or orders
16 to brigade and battalion commanders". Aren't you suggesting
17 there Morris Kallon is giving instructions to brigade and
18 battalion commanders in xxx?

19 A. Yes, sometimes when the instruction comes from Sam Bockarie
17:03:56 20 who was a CDS and Morris Kallon receives it, the battlefield
21 commander, he would extend it to wherever Sam Bockarie had
22 instructed him to extend it.

23 JUDGE THOMPSON: Learned counsel, just a minute.

24 Mr Touray, do you have anything to say at this stage because the
17:04:18 25 Bench is very sensitive [overlapping speakers].

26 MR TOURAY: Yes, I would just perhaps caution my learned
27 friend to move with some --

28 JUDGE THOMPSON: Quite right, because the Bench did
29 indicate that our joinder decision did also indicate that the

1 Bench would be very sensitive to making sure that these accused
2 persons were individually protected --

3 MR TOURAY: Indeed so.

4 JUDGE THOMPSON: -- even though we're in a joint trial. I
17:04:46 5 just wanted the records to reflect the judicial vigilance we
6 intend just to -- but I am not suggesting that the questions are
7 in any way out of bounds. That is not my intervention. My
8 intervention is merely to indicate the guarantee which we gave.

9 MR JORDASH: I'll just explain something, if I may. Could
17:05:10 10 I ask for the witness's headphones to be taken off? I had
11 discussed this with my learned friend. It's our case that the
12 witness is not telling the truth about this and I adduced it
13 simply for the purposes of showing, at a later stage, an
14 inconsistency.

17:05:31 15 JUDGE THOMPSON: Yes, the only difficulty is if an answer
16 comes which tends to move along an incriminating line, we just
17 want to make sure that the judges have cautioned against that,
18 you know, providing the necessary guarantee for this witness.

19 MR JORDASH: Certainly. But, as I understand the
17:05:51 20 Prosecution case, it's their case that Mr Sesay was the
21 battlefield commander. So I've adduced it simply to show that
22 inconsistency.

23 JUDGE THOMPSON: No, I didn't intend to foreclose that
24 possibility of the cross-examination. I just wanted a
17:06:08 25 reflection -- just a response from Mr Touray.

26 MR JORDASH: Certainly. I had discussed it with him.

27 JUDGE THOMPSON: Thank you.

28 MR JORDASH: I'll make it clear though to the witness.

29 Q. Mr Witness, before I move on from this let me suggest to

1 you that Morris Kallon was not the battlefield commander at any
2 stage in '98 or '99. What do you say?

3 A. Morris Kallon was a battlefield commander during 1999 the
4 Papay made it very clear that he's looking up to him as the
17:07:17 5 battlefield commander.

6 Q. Okay. Mr Witness, you say, and I want to deal with this
7 quickly, that Charles Taylor came to visit Buedu; yes?

8 PRESIDING JUDGE: He wasn't very categorical on this
9 really, the way I understood him. A fair complexion person. He
17:07:50 10 was only told that it's Charlie Boy and so on and so forth. He
11 wanted to see him physically and to catch a glimpse of him to
12 make sure that he was the one, but by the time this happened the
13 trucks moved in a formation that did not permit him to finally
14 see the person who was supposed to have been Charlie Boy.

17:08:19 15 MR JORDASH: Certainly.

16 Q. Mr Witness, do you say Charlie Boy came to Buedu, from what
17 you understood?

18 A. Yes.

19 Q. Do you say that you saw him?

17:08:40 20 A. I saw a fair complexion person with a blue black overall
21 and I asked and they said he was Charlie Boy. They called him
22 Ghankay or Charlie Boy.

23 Q. What did Charlie Boy arrive in, what kind of vehicle?

24 A. The Darakulas, many of them. I didn't count them.

17:09:17 25 Q. Did you see Charlie Boy get out of a Darakula?

26 A. By the time we reached the junction I saw him climbing the
27 steps at Master's house. When he reached the last step he turned
28 around and waved. Then I heard people shouting, "Hey, hey, hey,
29 hey".

1 Q. Did he have a sports car?

2 A. I didn't see a sports car. All I saw were Darakulas.

3 Q. Right. Well, let's have a look at your statement very
4 quickly. The statement of 23rd February 2003. Mr Witness, we're
17:10:17 5 almost there.

6 A. What's the number again?

7 Q. It is 23rd February 2003, statement 9715. Have you got
8 that?

9 A. Yes.

17:10:52 10 Q. Bottom paragraph: "In my statement I said I saw Charles
11 Taylor who was called Charles Markactor Dagbana Ghankay Taylor.
12 He had his SSS with red berets, ~~xxxxxx~~. He
13 brought more than three trucks, military trucks, big ones. There
14 were over one thousand." Did you tell --

17:11:29 15 PRESIDING JUDGE: Over one thousand what?

16 MR JORDASH: That's what I'm going to ask.

17 Q. Did you tell the Prosecution there were over one thousand
18 trucks?

19 A. One thousand trucks, no. The only thing is that there were
17:11:54 20 many.

21 PRESIDING JUDGE: Wait. He said the only thing is that
22 there were many.

23 MR JORDASH: There were many.

24 THE WITNESS: Yes.

17:12:29 25 MR JORDASH:

26 Q. Did you not say there were over one thousand?

27 A. No, no.

28 Q. Okay. Let's turn over the page. Top of the page 9716.
29 Are you with me?

1 A. 9716.

2 Q. Yes, the next page?

3 A. Yes.

4 Q. Top of the page: "Ghankay meant somebody who is very
17:13:07 5 stubborn but he gave himself the name Markactor. Taylor is light
6 in complexion. He has a big tummy. His head is a bit long at
7 the back. He was dressed in black coat, white shirt and a
8 coloured tie. He also had black gloves on. His bobo, that is
9 his son Chucky, had a similar gloves on with an overall SS
17:13:43 10 dressing. The SS means special security." Did you tell the
11 Prosecution that Chucky had come too?

12 A. I never talked about Chucky. All I talked about was the
13 security whom I asked. If Chucky was there I didn't see him.

14 Q. Okay. Let's read on it. "Darakula vehicles and military
17:14:18 15 trucks green in colour and big. The pipe which pumps the smoke
16 is between where the driver sits and the truck of the vehicle.
17 You can hear it from afar. It's like a Daf truck but not so
18 high. Taylor's security men came in similar trucks to Buedu.
19 He, Taylor, came in black sports car." Did you see Taylor come
17:14:55 20 in a black sports car?

21 A. First of all, I didn't even know the car in which Ghankay
22 was. I just saw him climbing the steps and I was far away when I
23 spotted him.

24 Q. So this is something else in your statement not said by
17:15:16 25 you; is that right?

26 A. Well, by this -- maybe when she has asked me about the cars
27 but I don't know how this came in here.

28 Q. Okay. You've told us and suggested that Povay took over
29 from Sam Bockarie. Do you know how many times you say that

1 happened?

2 A. Well, Povay was taken over -- apart from that time he was
3 taken over from Sam Bockarie many times.

4 Q. Well, I want to refer you to your statement again. If you
17:16:42 5 could just give me a moment, please. It's a statement we haven't
6 looked at yet, 24th of February 2003, page 9718?

7 A. Page 97?

8 Q. 18. Are you there?

9 A. No. 9708?

17:18:44 10 Q. 9718, statement 24th of February 2003?

11 A. Yes.

12 Q. I just wanted to read this paragraph together: "I stated
13 before now that Issa Sesay went to Buedu in 1998 when he shot and
14 killed Fonti Kanu, an SLA major whom he said was trying to
17:19:44 15 escape." Now, my first question is did you tell the Prosecution
16 that this incident happened in 1998?

17 A. Probably so.

18 Q. "At that time Issa went to Buedu to wait for Sam Bockarie
19 while he was away in France. Issa went for a number of days but
17:20:40 20 I do not know how many. Whilst he was there he was in charge and
21 all of the commanders reported to him as they reported to Sam
22 Bockarie. Apart from the incident of Fonti Kanu I do not know
23 any other incident that happened at the time Issa was in charge
24 of Buedu." Did you tell the Prosecution that you knew of no
17:21:22 25 other incident but Fonti Kanu at the time when Issa was in
26 charge?

27 A. My head is not a computer. Sometimes when you say
28 something it could be that something had happened but at that
29 moment what I think -- what I thought about is what I told her

1 and that's exactly what I said, because my head is not a
2 computer.

3 Q. No but, Mr Witness, don't you agree it's quite a shocking
4 incident to see Fonti Kanu killed and then a doctor killed
17:22:05 5 straight afterwards? Didn't you forever connect the two in your
6 mind?

7 A. Yes.

8 Q. But you just didn't remember it at this time, is that what
9 you say, the incident with the doctor?

17:22:25 10 A. At that time my memory was not fresh. At that time I had
11 started forgetting.

12 Q. Okay. The last sentence there: "Issa Sesay visited the
13 base fast fast, that is he often went defence headquarters. I
14 saw him but I do not know what he went to do." Did you say to
17:22:56 15 the Prosecution that Issa Sesay visited the base fast fast?

16 A. This is indefinite. I am not talking about the training
17 base. It could be Buedu. I do not remember which base this is
18 talking about.

19 Q. Well, the base "Issa was in charge at Buedu", "Issa Sesay
17:23:26 20 visited the basis fast fast, that is he often went defence
21 headquarters". Where were the Defence headquarters?

22 A. At Buedu.

23 Q. So it is true then that you saw Issa go to headquarters
24 fast fast but you do not know what he went to do?

17:24:00 25 A. When I was there -- when I said a short while ago that
26 these lines do not correspond. That was defence headquarters.
27 The thing that I'm talking about is that after I had come from
28 the training base to xx that was the first battalion where we
29 were based. Here it is talking about Buedu and now it is talking

1 about base. I do not understand.

2 Q. Where were you suggesting Issa Sesay came but you didn't
3 know what he came to do?

4 A. He went to the front lines to go and monitor. He would go
17:24:44 5 to a place like Quiva and Baima and some other places that are
6 around where the front lines were.

7 Q. That's right. He was based, wasn't he, on those front
8 lines in Kailahun in 1998, wasn't he?

9 A. Who, Povay?

17:25:18 10 Q. Yes?

11 A. That man is an authority. I didn't know his actual base at
12 that time.

13 Q. Well, you've told us he was monitoring Quiva Baima; is that
14 right?

17:25:32 15 A. Yes.

16 Q. And also I suggest he was monitoring Daru and this was, I
17 suggest to you, in 1998; is that right?

18 A. ECOMOG were at Daru so he was not monitoring there at that
19 time because they would have chopped his head off. But he was
17:26:05 20 monitoring Baima.

21 Q. In 1998?

22 A. I can't remember the years.

23 Q. Well, was it after or before Fonti Kanu 's death?

24 A. This was before.

17:26:20 25 Q. Thank you. We agree on something, Mr Witness. Now, I
26 suggest to you that you're right, that ECOMOG were in Daru in
27 1998. Can we agree on that too?

28 A. Yes.

29 Q. Can we also agree that ECOMOG were at the same time in

1 control of Segbwema?

2 A. Yes.

3 Q. Bunumbu also the same time?

4 A. Yes.

17:27:23 5 Q. Manola [sic], the same time?

6 A. Yes, Manowa, the same.

7 Q. Sorry, my mistake. Bieda Jaima [phon]?

8 A. It's not clear the town you called.

9 Q. Okay. I'm happy to leave that town. Now, what I suggest

17:27:49 10 then happened -- sorry, before we move on, Jokibu also occupied

11 by ECOMOG the same time as the other towns we've just mentioned?

12 A. All I know is that there were enemies in that area. No RUF

13 was there at that time.

14 [HS150405F 5.30 p.m. - EKD]

17:27:36 15 Q. And this is at the same time that Sesay is at the front

16 lines monitoring Baima; yes?

17 A. Not just like that constant monitoring that he always went

18 to go and monitor. What he went with was a morale booster. It

19 was not all the time.

17:28:36 20 Q. I am suggesting to you now, Mr Witness, that the attack you

21 went on in Daru was in December 1998 or January 1999. Could that

22 be right?

23 A. The attack on Daru?

24 Q. Yes.

17:29:06 25 A. I can't remember the year or the month.

26 Q. Okay. But what you do remember is that around 1998 the

27 towns we've mentioned were occupied by ECOMOG; yes?

28 A. And I want to say again that December that you're talking

29 about is a lie. It's not December.

1 Q. How do you know it's not December?

2 A. Because the person who is telling me that it was December,
3 I want to tell him that he's telling lies, that it is not
4 December. This was just the beginning. If you can check the
17:29:45 5 time that they captured me almost to the beginning of 1998 and
6 the time I spent at the base, then when I came to xxx and came
7 to xxx the first time, how could that be in December? How many
8 months do we have in the year?

9 Q. Well, it could be December if you had spent 6 to 9 months
17:30:02 10 at the training base, couldn't it?

11 A. We didn't spend up to that time. And that's what they told
12 us, that's what they told us. We didn't spend up to that time.
13 When the battlefield was so hot and they need manpower, how could
14 we spend 6 months there? We didn't take up to that time.

17:30:25 15 Q. After grouping at Gandorhun on the attack to Koidu with
16 Povay, where did you go from Gandorhun?

17 A. Say where they went. I said I was supplying ammunition on
18 that route. They shared the whatnot. I was carrying ammunition,
19 bearing them. I cannot remember the towns.

17:30:59 20 Q. When you arrived near xxxxx where did you go --

21 JUDGE BOUTET: What town, sorry, Mr Jordash?

22 MR JORDASH: xxx, Your Honour.

23 Q. You left Gandorhun. Did you stop anywhere else before
24 reaching xxx?

17:31:25 25 A. I can't remember the names of the towns.

26 Q. Was there any grouping of the troops after the groupings
27 done in Gandorhun?

28 A. Yes.

29 Q. Where, do you know?

1 A. I said I can't remember the towns, the names of the towns.

2 Q. Tell us, then, how the group was divided at the time you
3 attacked Koidu Town if you were there?

4 A. It's like a city attack. They divided us into companies.

17:32:26 5 It wouldn't be that when they say company it would be the actual
6 number to complete a company. But it was shared into companies.
7 The first company which is "A" Co [phon] - that was the advance
8 team, bulldoze team and the rear team. They had a way of naming
9 them. They shared us into the routes we would take, where I
17:32:55 10 would take instructions.

11 Q. Were you with -- were you led by Issa Sesay in to Koidu
12 Town?

13 A. Povay was at the back. We just heard his voice over the
14 communications set.

17:33:11 15 Q. So where did you go when you first entered Koidu Town,
16 Mr Witness?

17 A. Well, I can't remember the villages, the names of the
18 villages. How can I call them?

19 Q. You know Koidu Town, don't you? You know where xxx is,
17:33:28 20 for example.

21 A. I know Koidu Town. xxxxxxxx.
22 But it's not in the villages.

23 Q. Where did you go when you first attacked Koidu Town, do you
24 remember?

17:33:39 25 A. We came from the xxxxxx.

26 Q. You see, Mr Witness, I suggest if you'd been on the attack
27 you would have known that the attack started from the Guinea
28 base, where you claim to have been before?

29 A. Well, where is xxxxxx?

1 Q. Where is Kwiyor, then?

2 A. I will be glad if you answer me, first.

3 Q. I don't answer questions, that's your job. I ask

4 questions. Where do you say Kwiyor is?

17:34:27 5 A. But then Kwiyor is part of the area you call Guinea base.

6 That is where Guinea base is.

7 Q. What other commanders were on the attack?

8 A. There were many. I can't remember their names.

9 Q. What did you do then at Kwiyor?

17:34:46 10 A. We captured there and burnt all the houses and killed all

11 the civilians before we went ahead.

12 Q. If you'd been on that attack, Mr Witness, you would know

13 that there was a large contingent of RUF already there -- already

14 based there. If you'd been on the attack. Do you understand?

17:35:16 15 A. Based where?

16 Q. Based in the old Guinea base, Superman Ground. A large

17 contingent of RUF.

18 A. No. You are talking about the PC Ground. But if you

19 talk -- you are talking about the PC Ground.

17:35:36 20 Q. So you have heard of PC Ground. That's the first time

21 you've mentioned it, Mr Witness. Tell us what you know about PC

22 Ground.

23 A. I don't know anything.

24 Q. What was PC Ground?

17:35:58 25 A. It was the name of a ground.

26 Q. What were the other grounds called?

27 A. Well, one such, when we were there, we called there Guinea

28 base, where we were.

29 Q. Okay. Can you tell us then what happened -- you say that

1 what happened at PC Ground was that civilians were killed?

2 A. You want to let me lie. That is not what I said. I said
3 maybe you are talking about PC Ground, but I was talking about
4 Guinea base or Kwiyor, where you said the RUF were already there.

17:36:57 5 Q. Were you aware, Mr Witness, that on the attack in Koidu
6 Town led by Povay eleven ECOMOG soldiers were captured?

7 THE INTERPRETER: Can Mr Jordash please take it slowly
8 again for the interpreter?

9 MR JORDASH: Certainly, sorry.

17:37:16 10 Q. Were you aware that on the attack in Koidu Town led by
11 Povay eleven ECOMOG prisoners of war were kept and captured?

12 A. The number is more than eleven. Some we captured who were
13 in the mango trees exchanging fire - exchanging fire - and some
14 were missing in action. So we send them to Burkina base. So
17:37:51 15 they are more than that number you are talking about.

16 Q. But Mr Witness, you have told us this was Operation No
17 Living Thing. How come these ECOMOG soldiers were not killed?

18 A. Well, even when you fight war, not everybody dies. God
19 would say somebody wouldn't die and however you look at it he
17:38:19 20 will not die. Apart from the ECOMOG there were some civilians
21 when we captured, but if God said he would not die. Only four
22 were killed and they let them go.

23 Q. That is right. You are right, Mr Witness. Because over a
24 hundred Kamajors were also captured in that attack and did not
17:38:38 25 get killed. Can you confirm that?

26 A. Over hundreds of Kamajors.

27 Q. Over 100 were not killed.

28 A. Those who died were more than those whom we captured.

29 Those who died -- those we captured, it exceeds that number, and

1 those who died were more than those whom we captured.

2 Q. And furthermore, Mr Witness, there were no civilians living
3 in Koidu Town at that point. It was occupied by ECOMOG, Kamajors
4 and loyal SLAs.

17:39:31 5 A. Who told you? Who said that? The civilians were from --
6 they were from Koakoyima. They were based with the ECOMOG.

7 Q. You're right. Civilians were in Koakoyima. But they
8 weren't in Koidu Town where you say you attacked on Operation No
9 Living Thing. I suggest, witness, you weren't there or you'd
10 have known that.

11 A. I know all of that that you're talking about. I saw it
12 all, I saw it all. Maybe they are just telling you, but I saw it
13 all myself.

14 Q. And the reason --

17:40:24 15 JUDGE BOUTET: Put it to him again.

16 MR JORDASH: Pardon?

17 JUDGE BOUTET: Put that question to him again, please. He
18 has more or less answered. I take it it is important for you.

19 MR JORDASH: Your Honour, yes.

17:40:40 20 Q. I think the question I put to you, Mr Witness, was that
21 there were no civilians in Koidu Town, there was civilians in
22 Koakoyima. And if you'd been there you would have known there
23 were no civilians in Koidu Town.

24 A. But what did I say? This Koakoyima that you're talking
17:41:10 25 about is part of Koidu Town. All those places that you're
26 talking about are part of Koidu Town. It is just a question of
27 distance.

28 Q. Well, question of distance is a big thing, Mr Witness.
29 Another reason why we suggest you weren't there, Mr Witness, is

1 because Sam Bockarie ordered attacks on Daru at the same time as
2 Issa Sesay was attacking Koidu Town. So I suggest you couldn't
3 have been on both.

4 A. That's a mere false. That's false. Mere false. I was
17:42:08 5 there. It's just because of these -- this information, at the
6 time this woman was asking me, I was not willing to talk to her.
7 That's why I did not reveal all of these things to her. All of
8 these things are still fresh in my memory. If you ask me now I
9 will tell you everything.

17:42:25 10 Q. I have almost finished asking you now. One more question
11 about this attack. When you arrived at Kwiyor or Guinea base how
12 long did you remain there before the attack on Koidu Town?

13 A. I can't remember.

14 Q. Was it two hours or was it three months? Which was it
17:43:07 15 nearest?

16 A. Don't lead me to tell lies. I can't remember.

17 Q. You can say whether it was nearer to two weeks or nearer to
18 two days, can't you?

19 A. Okay, let me tell you an answer that I'm unsure of. I
17:43:27 20 can't remember.

21 Q. You don't want to say, do you, witness, because you weren't
22 there?

23 A. No as you say.

24 Q. If you'd been there you'd know that the troops slept at
17:43:51 25 Woama, then went to Superman Ground in Meiyor village. Do you
26 recall that happening?

27 A. It's Woama that you're talking about.

28 Q. Do you recall that happening?

29 A. [No interpretation]

1 Q. Do you recall that happening?

2 A. Yes. That does not mean that you probably know everything.
3 They are just telling you and it is possible that they are not
4 telling you the truth.

17:45:01 5 Q. Well, if you remember that happening, how long did you stay
6 at Meiyor village?

7 A. Meiyor village? I don't know the village. I can't
8 remember the names of the villages. That's the problem now.

9 Q. Okay, let's move on. Final questions. I suggest,
17:45:38 10 Mr Witness, that you went on attacks to Daru and Benduma under
11 the instruction of Sam Bockarie; is that right?

12 A. Yes.

13 Q. You've told us that after Benduma you went to Baima; is
14 that right?

17:46:16 15 A. I do not understand.

16 Q. You've told us that you went from Benduma to Baima. You
17 told us that. Is it true?

18 A. That's where I went. I.

19 Q. That's who I'm talking. You say you then met Lah and
17:46:44 20 crossed the Moa to go to Manowa; yes? Is that correct?

21 A. We didn't just cross over like that.

22 Q. I am just trying to summarise to get to where I want to go,
23 okay. Crossed the xx, went to xxxx

24 A. Okay, if that is the case, okay.

17:47:11 25 Q. Good, we can agree on that then; yes?

26 A. Yes, yes.

27 Q. Then you go to Jokibu?

28 A. There are villages in between.

29 Q. Okay, we're just talking about the main places. And then

1 you go to Bunumbu; yes?

2 A. Yes, yes, yes.

3 Q. Then to Segbwema?

4 A. Yes.

17:47:43 5 Q. And then you say - is this right - what followed after this
6 was a second capture of Bunumbu when you're returning? Is that
7 right?

8 A. Whilst we were in Segbwema Kamajors were there and ECOMOG
9 came and captured -- recaptured Bunumbu.

17:48:10 10 Q. That is right. And after recapturing Bunumbu you returned
11 to recapture Bunumbu from them?

12 A. Yes.

13 Q. Yes, good. And so when you recaptured Bunumbu there were
14 no civilians in the town. It had been occupied by Kamajors,
17:48:43 15 hadn't it?

16 A. It was the enemies who were there, but most of those whom I
17 saw were Kamajors, because of the glasses that they carried.

18 Q. That's right. And you've told us on the 13th of April -
19 Wednesday - that there were only -- let me just. "We were
17:49:18 20 fighting the Kamajors, civilians were not around." That's what
21 you told us. Is that true?

22 A. I heard you call a date and days.

23 Q. Sorry?

24 A. I heard you say just now -- I heard you call a month and
17:49:43 25 then a day.

26 Q. Let me -- forget the month and the date. You've told us
27 that when you recaptured -- let's deal with Segbwema. When you
28 -- let me start all this again, Mr Witness. I'm sorry to confuse
29 myself and you.

1 You recaptured Bunumbu; yes?

2 A. Yes.

3 Q. You were fighting the Kamajors, civilians were not around?

4 A. They were present, but they were in the bushes and we were
17:50:30 5 not searching.

6 Q. You were not searching. They stayed in the bushes and you
7 didn't search and find them?

8 A. Yes, but we knew that they were in the bush, indeed.

9 Q. That's right. And then you also - is this right - went and
17:50:56 10 recaptured Jokibu? Is that right?

11 A. Yes.

12 Q. And again the Kamajors had been living there and the
13 civilians were not living there; correct?

14 A. Yes, Kamajors were there, civilians were there, but when we
17:51:28 15 attacked the town, they too jumped into the bush. But they were
16 not many anyway. But when we entered the town we didn't see any
17 civilians there.

18 Q. Can you answer this, then, Mr Witness: Do you know why
19 Mr Sesay would order Operation Spare No Soul on two villages
17:51:49 20 which had no civilians in them? Do you have any clues about
21 that?

22 A. Spare No Soul?

23 Q. Don't you say that it is those two recaptures of Bunumbu
24 and Jokibu when Sesay ordered Operation Spare No Soul?

17:52:25 25 A. He himself didn't know that civilians were not there. He
26 himself did not know. Maybe if he had known he wouldn't have
27 ordered that.

28 Q. But you knew when you arrived that there were civilians in
29 the bushes but you didn't search for them on Operation Spare No

1 Soul, did you?

2 A. Yes, we didn't search for them because we knew that the
3 Kamajors were all in the bushes and our main target was to
4 capture the town so that we based there. And when we go on food
17:53:12 5 finding mission, that's when we destabilise all the barriers that
6 they've put there.

7 MR JORDASH: Can I just take instructions, please, and then
8 I think I'm finished.

9 [Defence counsel and accused confer]

17:53:48 10 MR JORDASH: I have no further questions. Thank you very
11 much, Mr Witness.

12 PRESIDING JUDGE: Thank you very much. All said and done
13 you have managed to give us a longer weekend because we are ten
14 minutes off the hour.

17:54:09 15 MR JORDASH: It's not much but it's something.

16 PRESIDING JUDGE: It's something, sure. Yes, Mr Harrison.

17 MR HARRISON: Can I just announce to the Court and to
18 Defence counsel that with respect to the subsequent witnesses, as
19 I have already indicated, the next witness is intended to be
17:54:25 20 number TF1-362 and then we're planning on having available
21 TF1-114 and TF1-060 as the standby witnesses for Monday and
22 Tuesday. That is slightly out of the order that had previously
23 been given.

24 PRESIDING JUDGE: We'll look at the time frames. Maybe we
17:54:49 25 may take them on Monday, but we never know. I am not very
26 optimistic for Monday but let's see. Get them ready -- at least
27 one ready on Monday.

28 MR HARRISON: Yes, we'll make sure to have two here just in
29 case.

1 PRESIDING JUDGE: Well, just in case, that's right.

2 Mr Witness?

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: We are going to rise now for the weekend.

17:55:14 5 You have today, tomorrow and Sunday to rest. We hope to be
6 seeing you back here again on Monday because we have not quite
7 finished with you. Do you understand?

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: Mr Kallon's lawyers will ask you
17:55:30 10 questions and Mr Augustine Gbao's lawyers will also ask you
11 questions from Monday. So we wish you a nice weekend. We hope
12 you will be fit and strong on Monday when you come back here.
13 Well, learned counsel, we will be rising. The Chamber wishes
14 everybody a pleasant weekend, seeing you on Monday at 9.30.

17:57:03 15 We'll rise, please.

16 [Whereupon the hearing adjourned at 5.55 p.m., to be reconvened
17 on Monday, the 18th 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 2