

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

MONDAY, 18 APRIL 2005
9.43 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: Ms Maureen Edmonds

For the Prosecution: Mr Peter Harrison
Ms Sharan Parmar
Mr Mark Wallbridge(Case Manager)

For the Principal Defender: Mr Elizabeth Nahamya
Mr Abdul Rahman Mansaray

For the accused Issa Sesay: Mr Wayne Jordash
Ms Sareta Ashraph
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 [HS180405A - SV]
2 Monday, 18 April 2005
3 [Open session]
4 [The accused Gbao not present]
09:30:04 5 [Upon commencing at 9.43 a.m.]
6 PRESIDING JUDGE: Learned counsel, good morning. We are
7 resuming the session. We will be calling on the Defence team of
8 the second accused person to proceed with its cross-examination
9 of this witness. Is it Mr Touray?
09:47:16 10 MR TOURAY: Indeed, Your Honour.
11 WITNESS: TF1-141 [Continued]
12 PRESIDING JUDGE: May we have the witness on the monitor,
13 please. Mr Witness, good morning. How are you this morning?
14 MR HARRISON: I'm sorry, I don't think his microphone is
09:47:52 15 on.
16 PRESIDING JUDGE: His microphone is not on, really.
17 Mr Witness, good morning.
18 THE WITNESS: Good morning, Your Highness.
19 PRESIDING JUDGE: How are you this morning?
09:48:04 20 THE WITNESS: I'm fine.
21 PRESIDING JUDGE: How was your weekend?
22 THE WITNESS: I spent it well.
23 PRESIDING JUDGE: Okay. So you're fully prepared to go on
24 now?
09:48:18 25 THE WITNESS: Yes.
26 PRESIDING JUDGE: Now, the lawyer who will be putting
27 questions to you is Mr Kallon's lawyer.
28 THE WITNESS: Yes.
29 PRESIDING JUDGE: You finished up with Mr Sesay's lawyer.

1 Today it is the turn of Mr Kallon's lawyer. So you will answer
2 his questions.

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Mr Touray, you may proceed, please.

09:48:49 5 CROSS-EXAMINED BY MR TOURAY:

6 Q. Good morning, Mr Witness?

7 A. Good morning, sir.

8 Q. I don't intend to be long with you, if only you answer the
9 questions directly so that we can save time. Do you get me
09:49:17 10 clear?

11 A. Yes.

12 MR TOURAY: Your Honour, first of all I would like to adopt
13 the evidence regarding the statements for the purpose of
14 refreshing the witness's memory, unless if Your Honour wishes me
09:49:34 15 to go through the whole ritual again.

16 PRESIDING JUDGE: What you're saying is about laying the
17 background for relying on those statements or so?

18 MR TOURAY: Well, to refresh his memory, yes, on the
19 question of he is the maker of the statement. I understand he
09:50:03 20 did say he was the master of his statements, those were the words
21 he used.

22 JUDGE THOMPSON: Mr Touray, what precisely do you intend to
23 do? What does the process of adoption entail for your purposes?

24 MR TOURAY: Only that he is the maker of the statements, he
09:51:57 25 has not denied it, and for the purposes of refreshing his memory
26 on the contents of those documents.

27 JUDGE THOMPSON: All of the statements?

28 MR TOURAY: All of the statements that he made.

29 JUDGE THOMPSON: That's all you're adopting?

1 MR TOURAY: That's all I'm adopting, yes.

2 JUDGE THOMPSON: May I have the Prosecution's response to
3 that request and also the response following my request for
4 clarification as to what precisely adoption means. Do you have
09:52:45 5 any response?

6 MR HARRISON: I think I should just indicate that Your
7 Honour will probably recall that with the last witness
8 Mr Nmehielle who was appearing on behalf of the second accused
9 then and was carrying out the cross-examination was going through
09:53:00 10 the same process that the counsel for the first accused had gone
11 through and the Prosecution at that time made the suggestion that
12 they would not be opposed to Mr Nmehielle simply relying upon
13 that exercise that had already been done by the first accused in
14 going through the statements and whether or not the witness
09:53:21 15 agreed that they were statements uttered by him in whole or in
16 part.

17 JUDGE THOMPSON: Yes, and I took the position that indeed
18 there were certain judicial guarantees [overlapping speakers].

19 MR HARRISON: Yes, and because the Prosecution took that
09:53:36 20 position with that witness, I don't think it would be appropriate
21 to change with this witness. We maintain the same position.

22 The only other point that I wished to make was if Mr Touray
23 does wish to go through the statements I'm not sure that the
24 witness has them now and it may be something Mr Touray does want
09:53:53 25 the witness to have or does not want the witness to have.

26 JUDGE THOMPSON: In fact, my position has changed slightly
27 and I don't think that by acceding to his request to adopt the
28 evidence of the cross-examination on behalf of the first accused
29 necessarily prejudices the position that I took, just with the

1 clarification that he's given because I clearly want to know
2 precisely what he's adopting. Thank you.

3 The Prosecution's concern is whether you want the witness
4 to have all the statements there. Are we going to --

09:54:38 5 MR TOURAY: Well, at some stage of the proceedings I'll be
6 referring to them one by one.

7 JUDGE THOMPSON: Yes, and we don't know whether he has all
8 the statements. Yes, it is important that we ensure that he's in
9 possession of all the statements and also that he has easy access
09:55:03 10 to the statements to facilitate the process and to obviate some
11 of the difficulties that arose during the cross-examination on
12 behalf of the first accused.

13 MR TOURAY: Indeed, Your Honour. I'm not opposed to that.

14 JUDGE THOMPSON: Well, we will then ask that the witness be
09:55:22 15 given access to the statements. I don't know whether they're in
16 the booth there with him.

17 MS EDMONDS: Yes, they are, sir.

18 JUDGE THOMPSON: Remember during the cross-examination of
19 Mr Jordash he did complain sometime or protested that everything
09:55:45 20 seems mixed up. Can we now ensure that everything is in sequence
21 for him before we begin the exercise.

22 MR TOURAY: Yes, we shall proceed orderly from this side.

23 JUDGE THOMPSON: I have no doubt at all about that. Court
24 Management, can we have some investigation and find out whether
09:56:05 25 not only does he have the statements in there but in some tidy
26 and orderly sequence just to avoid any obstacles on the way
27 during cross-examination.

28 MR EDMONDS: Yes, he does have them all in a folder, sir.

29 JUDGE THOMPSON: Thank you very much. With that assurance

1 then I turn it over to the Presiding Judge of the court.

2 PRESIDING JUDGE: What else other than that? He can
3 continue with his cross-examination?

4 MR TOURAY: As Your Honour pleases.

09:56:42 5 JUDGE THOMPSON: I'm advised that you can proceed.

6 MR TOURAY: As Your Honour pleases.

7 Q. Mr Witness?

8 A. Yes.

9 Q. During the course of your evidence before this Court you
09:57:03 10 used certain words, "combatants", "rebels" and "civilians"?

11 A. Yes.

12 Q. Now, who were the combatants in this case?

13 A. The combatants were -- could be any one of the two
14 factions, but is a man that carries gun and fighting against an
09:57:37 15 enemy.

16 Q. So you say it could be any one of the two factions?

17 A. Yes.

18 Q. Which factions?

19 JUDGE THOMPSON: Just a minute. We need to have that. The
09:57:52 20 definition is not complete. A combatant could be any one of the
21 two factions. He said he's a man that carries gun.

22 MR TOURAY: Carries gun, yes.

23 PRESIDING JUDGE: [Microphone not activated].

24 MR TOURAY: Combatants, yes.

09:58:08 25 JUDGE BOUTET: Rebels.

26 JUDGE THOMPSON: You had three categories, didn't you? You
27 had combatants, rebels and civilians. You put those to him. He
28 admitted that he used those words and now you've asked him to
29 define combatants.

1 MR TOURAY: Yes, who were the combatants in his own
2 understanding.

3 JUDGE THOMPSON: And he says any one of the two factions,
4 he is a man that carries gun -- what was the last part of his
09:58:27 5 answer?

6 MR TOURAY: He said against the enemy.

7 Q. Would you please repeat your last answer, Mr Witness?

8 JUDGE THOMPSON: Would he repeat that last part. He's a
9 man that carries guns and what else?

09:58:38 10 THE WITNESS: Yes. I said a combatant, it can be any one
11 of the factions, by that I mean he could be an SLA or the RUF,
12 and somebody who carries a gun to fight against an enemy.

13 JUDGE THOMPSON: Thank you.

14 MR TOURAY:

09:59:08 15 Q. Now, where would you put the ECOMOG forces?

16 A. I don't know much about them but all I know the factions I
17 belonged to, the one that I referred to as combatants are the
18 ones I have defined. But for the ECOMOG I don't know. All I
19 know is that they are fighting forces and I want to believe that
09:59:39 20 they too were combatants.

21 JUDGE BOUTET: So, Mr Witness, when you have used the word
22 combatants in your evidence you meant either SLA or RUF. Is it
23 what you're saying?

24 THE WITNESS: Well, at the beginning -- I missed everything
10:00:08 25 first. At the beginning we were SLA and the RUF. I used the
26 word "combatant" to refer to both of them.

27 MR TOURAY:

28 Q. Okay. So used the word "combatants" to refer to both the
29 SLA and the RUF?

1 A. Yes.

2 Q. What about the word "rebels"?

3 A. Rebel is somebody, because of certain reasons, takes up
4 arms and rebel against his government. And the rebels, when we
10:00:59 5 were in the bush, they too were combatants. They looked
6 different but the juntas, we were the SLA, they too rebel against
7 the government because it's a general term.

8 Q. So are you using the word "rebels" conjointly to cover both
9 the SLA and RUF as well?

10:01:26 10 JUDGE BOUTET: You mean rebels?

11 MR TOURAY: Yes, rebels.

12 JUDGE BOUTET: You've used combatant. Is your question
13 combatants or rebels?

14 MR TOURAY: Rebels, yes.

10:01:46 15 THE WITNESS: The rebels, from what I know, that is the act
16 they did, the act they did, by rebelling against the government.
17 We can still call them rebels, but if you say rebel the first
18 people you think about are the RUF.

19 MR TOURAY:

10:02:03 20 Q. I'm asking you: Your use of the word "rebels", what did
21 that cover?

22 A. Just that what I have just said. Because of certain
23 reasons, because either political or any other reason, they
24 decide to take up arms. But I refer to RUF as rebels.

10:02:27 25 Q. So excluding the SLA?

26 A. Well, at the beginning I used the two words -- both words,
27 but now if you can ask me I will exclude them because I was not
28 with them. I was with the RUF rebels.

29 Q. My question is: In your evidence in this Court you used

1 the word "rebels". What did you mean by "rebels" in your
2 evidence in this Court?

3 A. Just that what I have said. I have excluded the SLA. The
4 rebel, a group of people who are trained with aids to fight
10:03:10 5 because of one or two reasons they gave you aids because they
6 explained to us their aims and objectives. A rebel is somebody
7 who takes up arms because of a certain reason and I referred to
8 the RUF as rebels. I excluded the SLA.

9 Q. Thank you. You also gave your own understanding of a
10:03:37 10 civilian as someone innocent and not carrying any gun and not
11 trained to fight; is that correct?

12 PRESIDING JUDGE: Why don't -- you proceeded so well with
13 the first two definitions, why don't you ask him what a civilian
14 is?

10:04:03 15 MR TOURAY: He's already given the definition of that in
16 his evidence so I'll just go with that.

17 JUDGE THOMPSON: You're merely recalling that.

18 MR TOURAY: Yes, I'm merely recalling it.

19 JUDGE THOMPSON: Someone innocent, not carrying a gun.
10:04:20 20 There was a third part you gave.

21 MR TOURAY: And not trained to fight.

22 JUDGE THOMPSON: And not trained to fight.

23 MR TOURAY:

24 Q. That is your understanding of a civilian; is that correct?

10:04:46 25 A. Yes.

26 Q. So when you used the word "civilians" in your evidence that
27 was the understanding you had?

28 A. Yes.

29 Q. But you had no means of determining the innocence of

1 anybody you saw during the period you were talking about. You
2 had no means of determining the innocence of any of the persons
3 you referred to as civilians in your evidence. Is that correct?

4 A. I had ways to say that the particular people whom we
10:05:33 5 captured and executed, that they were innocent.

6 Q. How did you know that they were innocent?

7 A. Well, one, it was clear. They didn't know about the
8 government when we claimed that they voted the government in and
9 because of that we should execute them. Many other ways.

10:06:00 10 Q. Did you talk to them?

11 A. Yes, we spoke to them. When we captured them, we talked to
12 them -- we brought them and talked to them just in the space of
13 two seconds, then we change and then execute them.

14 Q. So you spoke to them?

10:06:16 15 A. We used to talk to them.

16 PRESIDING JUDGE: Learned counsel, you're going too fast.
17 It's not a dialogue between you and the witness. I'm sure you
18 have an interest that your evidence is properly reflected in the
19 records.

10:06:31 20 MR TOURAY: Indeed so, Your Honour.

21 JUDGE THOMPSON: Let's go back on that because I don't have
22 the gist of the --

23 MR TOURAY: Yes.

24 Q. We were talking about innocence. You said you had a means
10:06:45 25 of determining the innocence of the people you referred to as
26 civilians. Could you please go over that again?

27 A. Well, yes. The civilians whom we captured, we normally met
28 them after driving them from their places of abode and then they
29 would settle in the bush. When we captured them we spoke to them

1 at times.

2 Q. Yes, carry on.

3 A. Okay. For instance, I could remember we've captured a
4 civilian whom we talked to. We asked them whether they voted the
10:07:31 5 SLPP in and because of that we are going to kill all of them and
6 they started pleading that in fact he doesn't know what in
7 fact -- what we were talking about. He didn't know who and who
8 were government members and had no idea about the government.
9 And then just by that we found out that they had no knowledge
10:07:55 10 about the war. So they were innocent about the war. And we were
11 not looking at that, we executed them no matter how much they
12 begged.

13 Q. Okay, but you say at times --

14 PRESIDING JUDGE: Please wait.

10:08:06 15 THE WITNESS: We executed them because of the command they
16 gave.

17 MR TOURAY:

18 Q. Now, you say "at times" so it was not always; not so? Not
19 all the time. Sometimes you may determine the innocence of the
10:09:19 20 person but sometimes you did not bother. At times?

21 A. It's due to the instructions that were given to us. Some
22 instructions were so hot that we don't take note, we don't delay
23 them.

24 Q. So you don't take note of innocence?

10:09:39 25 A. Yes.

26 PRESIDING JUDGE: Is taking note that they did not verify
27 innocence?

28 MR TOURAY: Did not verify. That is a verification. Did
29 not verify innocence.

1 Q. Is it the case as I understand it that in your case, as far
2 as your understanding is concerned, anyone that does not carry a
3 gun -- or not trained to fight, sorry, not trained to fight is a
4 civilian as well?

10:10:38 5 A. Well, in the Sierra Leonean war, the civilians were the
6 grass root people whom the lions were fighting. Like, for
7 instance, other factions -- we who had no actual military
8 training they had. They had -- they were fighting and they
9 called themselves military action group.

10:11:05 10 PRESIDING JUDGE: Mr Touray, your question is not answered.

11 MR TOURAY: It's not answered.

12 PRESIDING JUDGE: Can you put it to the witness again.

13 Mr Witness, listen carefully.

14 MR TOURAY:

10:11:12 15 Q. I said you are saying that anyone not trained to fight is a
16 civilian if he qualifies under the requirement of innocence --

17 PRESIDING JUDGE: You're taking [overlapping speakers]. It
18 is getting complex.

19 MR TOURAY: Let me put the question again.

10:11:33 20 Q. We take the third limb of your definition of your
21 understanding, not trained to fight.

22 JUDGE THOMPSON: But, counsel, isn't it a composite
23 definition?

24 MR TOURAY: Yes, it is so I am just taking that limb.

10:11:48 25 Q. How were you able to know that a particular civilian was
26 not trained to fight? That is my question.

27 PRESIDING JUDGE: Mr Harrison is on his feet.

28 MR TOURAY: I see, I'm sorry.

29 MR HARRISON: There was an answer that was given and the

1 answer that I understood was that there were a group that existed
2 that did not have military training but they were known or called
3 themselves as a military action group. That was, as I understood
4 it, an answer that was responsive to the question.

10:12:16 5 JUDGE THOMPSON: Yes, but the question was really whether
6 anyone who was not trained to fight was a civilian. Then we
7 interjected here and said that the definition given in answer to
8 counsel's question of who was a civilian was a composite one, a
9 three-limbed one, and therefore counsel should put that if he's
10:12:38 10 trying to elicit an answer in terms of the application of that
11 definition.

12 MR TOURAY: Yes, that's what I'm saying.

13 JUDGE THOMPSON: It is composite, it's not --

14 MR TOURAY: I agree.

10:12:48 15 JUDGE THOMPSON: Quite, otherwise the evidence would be
16 distorted.

17 MR TOURAY: Indeed, Your Honour.

18 Q. On the aspect of not trained to fight, were you able to
19 determine in every case whether a particular person you called a
10:13:00 20 civilian was not trained to fight?

21 A. Yes.

22 Q. How?

23 A. Okay. We captured a young man by the name of Francis. We
24 came with Francis and he told us that he was civilian. We came
10:13:29 25 with him to town. You can't imagine. They gave him a gun. He
26 doesn't know what the name of the gun. He held it but actually
27 we were training him to cock and fire, that is what we call them,
28 cock and fire. He had no military training. That temporary
29 training we gave him -- he didn't know how to operate a gun. So

1 you see.

2 Q. Yes, apart from Francis was that the experience in every
3 case?

4 A. Well, no. Like for all of the civilians whom we captured
10:14:09 5 in Koidu Town or around the villages. Take Kailahun. They took
6 us to Kailahun. This shows that none of us had any idea of
7 military training.

8 Q. So that is how you came to that conclusion, because they
9 took you people to Kailahun?

10:14:37 10 A. Well, not only when we were taken to Kailahun but when we
11 reached Kailahun we were taken to the training base. This just
12 shows that we had no idea of how to fight a war.

13 Q. Now, let us go to your age, Mr Witness?

14 A. Yes.

10:15:12 15 Q. Now, around disarmament your age was determined by
16 inspecting your teeth and having regard to your weight and
17 height, wasn't it?

18 A. Yes.

19 PRESIDING JUDGE: What is the question please, Mr Touray?

10:16:00 20 MR TOURAY: That during disarmament his age was determined
21 by reference to his teeth, weight and height.

22 Q. And there was a nurse involved in the determination; not
23 so? Took part in determining your age?

24 A. Yes, there were many nurses.

10:16:54 25 Q. Now, it is correct to say that when small boys are captured
26 you undergo screening at first in the RUF -- some screening?

27 A. Not only we but all civilians.

28 Q. All civilians captured?

29 A. Yes.

1 Q. And when you got to Kailahun also you were screened; is
2 that correct?
3 A. Yes.
4 Q. The G5s were involved in the screening?
10:18:07 5 A. Yes.
6 Q. There were combat --
7 JUDGE THOMPSON: Just a minute, counsel. Moderate your
8 pace.
9 PRESIDING JUDGE: A lot of energy collected during the
10:18:26 10 weekend by Mr Touray.
11 MR TOURAY: I want to speed up, sir.
12 JUDGE THOMPSON: Did you put to him that the GI was
13 involved?
14 MR TOURAY: G5s, yes.
10:18:37 15 Q. And there were also combat medics involved?
16 A. Yes.
17 Q. To determine fitness and other things?
18 PRESIDING JUDGE: Where? In Kailahun?
19 MR TOURAY: Kailahun, yes. Combat medics.
10:18:49 20 JUDGE BOUTET: You say to determine fitness.
21 MR TOURAY: Fitness and other aspects of -- fitness and
22 other things, yes.
23 JUDGE BOUTET: What do you mean by other things?
24 MR TOURAY: Well, age.
10:19:12 25 PRESIDING JUDGE: If you have to put in age then the
26 witness has to say whether he was examined to age.
27 MR TOURAY: Well, all right. Let's say that the combat
28 medics were involved. I am satisfied with that.
29 JUDGE THOMPSON: Were involved in what? The screening

1 process?

2 MR TOURAY: The screening process, yes.

3 JUDGE THOMPSON: But did you suggest that the screening
4 process involved the determination of age?

10:19:34 5 MR TOURAY: I have dropped that aspect of it. They were
6 involved in the screening process. I will come to the age
7 aspect.

8 JUDGE THOMPSON: Because I think the evidence was that when
9 he was taken to the training base his age was determined by
10:19:44 10 teeth, inspection of teeth [overlapping speakers].

11 PRESIDING JUDGE: No, that was during disarmament.

12 JUDGE THOMPSON: Precisely. So that is separate and
13 distinct from the screening process.

14 MR TOURAY: Yes, the screening process.

10:19:56 15 JUDGE BOUTET: But we're talking two screening processes
16 here. You're talking, Mr Touray, a screening process done by RUF
17 when they captured whoever.

18 MR TOURAY: Yes, that's so.

19 JUDGE BOUTET: In this case when he was captured at
10:20:08 20 Kailahun there is evidence in the evidence-in-chief that when
21 they got to Kailahun they were screened and now you're exploring
22 the screening.

23 MR TOURAY: Yes.

24 Q. So it involved the G5, the combat medics and the G1s,
10:20:35 25 recruitment?

26 JUDGE THOMPSON: Let me see if I can eliminate something
27 from my record. You're not suggesting that the screening process
28 at Kailahun involving the G5 involved also an assessment of age.
29 Are you suggesting that?

1 MR TOURAY: I'm not coming to that yet.

2 JUDGE THOMPSON: Well, that's what I [overlapping
3 speakers].

4 MR TOURAY: I am not coming to that yet.

10:20:47 5 JUDGE THOMPSON: Though you had included it earlier.

6 MR TOURAY: Yes.

7 JUDGE THOMPSON: Right. Just to determine fitness. Okay.

8 MR TOURAY:

9 Q. And you also the GIs involved, recruitment?

10:21:06 10 A. Well, all the branches, the G1 you talked about, they were
11 never there when we were screened and I never realised their
12 presence there.

13 Q. Did you witness any other screening apart from yours?

14 A. Well, where they screen is a big parlour. We all sat down,
10:21:36 15 whether five or 10, many of us entered the parlour. Then you'll
16 be watching while they screen others and they screened everybody
17 until they reach your own position.

18 Q. I'm saying who were those involved? What units were
19 involved in the screening? I'll suggest that --

10:21:53 20 PRESIDING JUDGE: That's another question.

21 MR TOURAY:

22 Q. I'll suggest that the G5 unit was involved, the combat
23 medics were involved and the G1, that is recruitment, were
24 involved. That is my suggestion.

25 JUDGE THOMPSON: But he has answered that the GIs were not
26 involved in the process.

27 MR TOURAY: I'm just trying to clarify that again if he did
28 not understand the question.

29 Q. What about the GIs, recruitment?

1 A. They only came in after. After the --

2 JUDGE BOUTET: After what?

3 THE WITNESS: After the screening.

4 MR TOURAY:

10:22:50 5 Q. Now, you were separated or categorised as small boys having
6 regard to your height, appearance and weight. You were
7 categorised as small boys having regard to your appearance,
8 height and weight?

9 A. Yes.

10:23:24 10 Q. Almost the same process that was used during disarmament?

11 A. Well, at first when we were disarmed, me, as for me, I was
12 not because they never had the centre where the children should
13 be. So we had to be with the elders before ever we are separated
14 from them.

10:23:57 15 Q. I'm saying, Mr Witness, that your age during disarmament
16 was determined having regard to your weight, height and your
17 teeth -- that is your dental formula, your teeth?

18 A. Yes.

19 Q. So I'm suggesting it's the same process, excluding
10:24:17 20 examining your teeth, but it's the same process that was used --

21 PRESIDING JUDGE: What process? What process was used in
22 determining your age --

23 MR TOURAY: The same indicators.

24 PRESIDING JUDGE: Excuse me. Let's be very straight. You
10:24:33 25 shouldn't compound issues. In Kailahun during the screening,
26 Mr Witness, was your age verified?

27 THE WITNESS: No, sir.

28 MR TOURAY:

29 Q. Well, if you say your age was not verified what was the

1 essence of determining your height and separating you people
2 according to height, weight and having the combat medics there?
3 What was the essence? Was it not to determine your age in fact?

4 A. No.

10:25:37 5 Q. Then what was it for?

6 A. Because they had a special unit they call SBU, none of us
7 told us that this is your age or that was your age. They only
8 separated us, they looked at our height. The screening was not
9 purposefully for age.

10:25:55 10 Q. But for what?

11 A. The screening was to know whether we don't have enemies
12 among us like the Kamajor, the ECOMOG. That was why they were
13 making some screening. They look at your body, your skin, for
14 the Kamajors then the marks on your face for Nigerians. That was
10:26:17 15 the purpose of those screenings.

16 JUDGE BOUTET: That was the essence of his
17 evidence-in-chief too when he did talk about screening at that
18 time he was talking of screening had to do with to determine
19 whether they were from the enemy or not. But that does not
10:26:38 20 preclude you from pursuing that in another direction.

21 MR TOURAY:

22 Q. Now, you were separated according to height and weight - is
23 that correct - and appearance. That is correct, isn't it?

24 A. Well, it was done at base. It was not where we are
10:27:03 25 screened.

26 Q. Okay, that was done at base. And when you say base where
27 is that?

28 A. I am talking about ~~xxxxx~~ training base.

29 Q. I'm putting it to you that in fact the essence of

1 categorising you people into -- by reference to your weight,
2 height and your appearance was to verify your age -- at least
3 some examination as to age. That is my suggestion to you. As
4 none of you could tell your age, that that was the yardstick they
10:28:08 5 took to determine your age?

6 MR HARRISON: I apologise for interrupting. I do
7 understand that this is cross-examination and I have said before
8 that I know that Mr Touray is a senior member of the bar and he
9 ought to be allowed to cross-examine as he deems to be
10:28:21 10 appropriate. The only concern we have at this stage is that what
11 you have just had is I think at least three questions.

12 PRESIDING JUDGE: Mr Harrison, please. Please. I have
13 understood where you're coming from. Mr Touray is putting it to
14 this witness and I think he's perfectly entitled to and if he's
10:28:43 15 answered the question 10 times -- I think Mr Touray is perfectly
16 entitled to putting the idea he wants to put across. It's for
17 the witness to say yes or no.

18 MR HARRISON: Well, I have no doubt of that. I'm not so
19 sure he can put three separate questions at the same time though
10:28:58 20 without allowing the witness to answer them.

21 PRESIDING JUDGE: I didn't see three questions. Anyway,
22 Mr Touray, please, can you --

23 MR TOURAY: It was one question, Your Honour.

24 PRESIDING JUDGE: Please, make your suggestions. Put it to
10:29:13 25 him the way you put it to --

26 MR TOURAY:

27 Q. Mr Witness, my suggestion to you is that when you were at
28 the training base you did not know your age, did you?

29 A. No.

1 Q. And there were many other --
2 PRESIDING JUDGE: Please wait.
3 JUDGE THOMPSON: Otherwise we get into very, very difficult
4 and complex waters and the things get compounded. Let us proceed
10:29:41 5 methodically.
6 MR TOURAY: Sorry, Your Honour.
7 JUDGE THOMPSON: You are a master of specificity and I
8 think you should maintain that reputation.
9 MR TOURAY: I try to do so, Your Honour.
10:29:52 10 JUDGE THOMPSON: It is true that when I was at -- where?
11 PRESIDING JUDGE: At the training ground.
12 JUDGE THOMPSON: I did not know my age.
13 MR TOURAY:
14 Q. And there were many others like you who did not know their
10:30:24 15 age?
16 A. Yes.
17 Q. And having regard to what you call small boys your heights
18 were different?
19 A. Yes.
10:31:07 20 Q. So was your weight?
21 A. Yes.
22 Q. And even appearance?
23 A. Yes.
24 Q. So my suggestion to you is that this exercise of making
10:31:59 25 reference to your weight, height and appearance was an exercise
26 intended to determine age. That is my suggestion?
27 A. No.
28 PRESIDING JUDGE: The exercise of verifying the height?
29 MR TOURAY: Height, weight, appearance was in fact to

1 determine age.

2 Q. So, Mr Witness, I'm putting it to you that at least both at
3 the screening point and at the training base efforts were made to
4 determine age.

10:33:41 5 A. For those who were elderly they were asking them, they knew
6 their ages. But for us, what you talk about the height or
7 weight, they never did it to us. All what they were interested
8 in was screening to see whether you are sick, then they remove
9 from you the others.

10:34:03 10 Q. Are you now saying --

11 A. The height, where I'm talking of, the weight, it was at DDR
12 camp. It was done at DDR camp. I never said it about the
13 training base where they measured height.

14 JUDGE BOUTET: I didn't get that answer.

10:34:20 15 MR TOURAY: He was saying he never said that they examined
16 height and weight at the training base, it was only at the DDR.
17 Well, we'll leave that because the evidence is there already,
18 Your Honour.

19 JUDGE BOUTET: I'm not sure the evidence is there. All he
10:34:38 20 said to you of this is that screening -- we were separated at
21 base, at the Camp Lion. That's all he said. But separated
22 was -- you brought in these notions of weight and differences and
23 so on.

24 MR TOURAY: Height, appearance.

10:34:55 25 JUDGE BOUTET: I didn't get the answer from the witness to
26 say that they were indeed separated based on these factors.

27 MR TOURAY: I think he said that.

28 JUDGE BOUTET: Well, maybe. If you did ask the question, I
29 apologise, I didn't get that answer. I didn't record the answer

1 MR TOURAY: May I put it to him again, Your Honour?

2 JUDGE BOUTET: You may certainly wish to do --

3 JUDGE THOMPSON: I recall that you actually specifically
4 asked him whether they were categorised. You used the word

10:35:20 5 "categorised" as small boys and then you said "having regard to".
6 It was your thesis.

7 MR TOURAY: Indeed, yes.

8 JUDGE THOMPSON: And then I think he accepted that.

9 MR TOURAY: Yes, he did.

10:35:32 10 JUDGE THOMPSON: So it was categorisation and I think there
11 is this notion of categorisation and separation, but I don't
12 think there was any suggestion that that categorisation involved
13 determination of age.

14 MR TOURAY: Well, that was my suggestion to him.

10:35:50 15 JUDGE THOMPSON: And that's the thesis that he is
16 completely --

17 PRESIDING JUDGE: Rejecting.

18 JUDGE BOUTET: Yes, to that he said no.

19 JUDGE THOMPSON: Yes, he's refuting that, virtually saying
10:36:35 20 it's a misconception.

21 MR TOURAY: Yes, that is what he's saying but that is our
22 case.

23 JUDGE BOUTET: But I would appreciate if you would repeat
24 the question. My learned brother says he understood it that way,
10:36:35 25 fine. I may have missed that linkage where you said to me they
26 were brought at training base, at training base they were, in his
27 words, separated. How was that achieved? Don't know except he
28 was put in a small boys unit, whether this was based on height,
29 size what have you. If you have asked the question I missed the

1 answer. So if you wouldn't mind repeating the question in this
2 respect. If not, that's fine, I'll just look at the record.

3 MR TOURAY:

4 Q. Now, Mr Witness, my question is this: You've already
10:37:14 5 admitted that steps were taken at the screening points and even
6 at the base to determine weight, to determine height and to
7 determine your appearance. Is that not so? You've already
8 agreed to that, haven't you?

9 A. I do not agree.

10:37:55 10 Q. Are you withdrawing what you said earlier on?

11 A. This -- if you look at my statement and you see that I said
12 it in my statement then you find me wrong. But what I'm saying
13 is that we never went through that process; height, weight, no.
14 They don't care about that in our base. All they cared about is
10:37:55 15 if you are sick we'll exclude you from those who go for training.
16 Finally it was done at DDR camp where we were screened. The
17 screening you're talking about, I think you got it wrong.

18 Q. Now, how were able to determine whether you were older than
19 somebody, that is your other colleagues who were small boys. In
10:39:28 20 your evidence you made reference to height and everything. Was
21 that not it?

22 A. Well, sometimes I used to know through my own weight, my
23 height -- well I cannot say because I have height more -- there
24 are some people who are short. But I cannot say because I have
10:39:54 25 more height than you it means I am older than you. So I was
26 saying that I have more xxxx than this one or this one is
27 xxxxxxx me. That is all I was saying. I never said I am
28 older than anybody because I could not measure their ages and
29 compare it to mine.

1 Q. Mr Witness, let me remind you that you have in this Court
2 in your evidence made reference to other small boys you were
3 older than you or some older than you?

4 A. Yes, I said -- I spoke about it.

10:41:22 5 Q. And the yardstick you used was because some are taller or
6 some had more weight. I remember the word "volume" was even used
7 in one case?

8 A. Yes, some I can remember. I know I'm older than them.
9 Which means for them, when you look at them you will find out
10:41:52 10 they are smaller. Some of them are smaller than us.

11 Q. And some were bigger than you, older than you?

12 A. Yes. Yes.

13 Q. And that was your own determination?

14 A. Yes.

10:42:07 15 Q. That was based on height, weight and appearance?

16 A. Yes.

17 Q. Thank you. So my suggestion is that was exactly what the
18 RUF did as well?

19 PRESIDING JUDGE: That is your own opinion. The question
10:42:37 20 cannot be answered by this witness.

21 MR TOURAY: We will address on that, Your Honour.

22 PRESIDING JUDGE: Yes, please.

23 MR TOURAY:

24 Q. Now, just as a general area, when you do capture any
10:43:09 25 village or place, at first instance, do you agree with me that
26 mopping up operations were carried out, mopping up operations?

27 A. Which one is mopping up?

28 Q. Clearing the area of enemies or enemy collaborators.

29 Immediately capturing a village or place, don't you try to clear

1 the area by way of search or anything or mopping up the area?

2 A. Well, this is a new word I'm hearing from you.

3 Q. [Overlapping microphones]?

4 A. But what I know, it depends on the type of mission.

10:44:11 5 Q. Now, Mr Witness, do you just go ahead and occupy place
6 after capture or do you ensure to see that at least there are no
7 enemy troops around?

8 A. Well, when we capture a town we make sure that we put all
9 the necessary security that we should put there which will help
10:44:45 10 secure us in the town. We send food finding mission, foot patrol
11 and many others. But that was not the way we are calling it as
12 you are calling it.

13 Q. That is not the one I'm suggesting.

14 PRESIDING JUDGE: Mr Witness, you have captured a town or a
10:45:14 15 village, do you just enter? Don't you verify around to make sure
16 that the town is safe for you to occupy?

17 THE WITNESS: Okay, yes. If that's it we do it. Usually
18 we do it. We come around the terrain, we go a far distance and
19 put some people around.

10:45:43 20 PRESIDING JUDGE: To you it's combing around?

21 MR TOURAY:

22 Q. So you combed the bush?

23 A. Yes, we combed around.

24 MR TOURAY: [Overlapping speakers] mopping up operations,
10:46:04 25 militarily.

26 THE WITNESS: All right.

27 [HS180405B 10.45 a.m. - EKD]

28 PRESIDING JUDGE: Mr Touray, you look like --

29 THE WITNESS: All right.

1 PRESIDING JUDGE: -- you're taking the posture of a
2 combatant.

3 MR TOURAY:

4 Q. This combing process is not just walking around; you go
10:46:18 5 with guns, firing guns, searching in detail?

6 A. Yes.

7 PRESIDING JUDGE: What does he do in detail?

8 MR TOURAY: Searching, firing guns, and at the same time
9 searching places around to ensure that there is no enemy around.

10:46:55 10 Q. And during this combing up process, you agree with me that
11 some are captured?

12 A. You mean civilians?

13 Q. Whoever is found around suspected to be an enemy is
14 captured?

10:47:33 15 A. Yes, in certain cases.

16 Q. Yes, in certain cases. And some are killed by mistake?

17 A. Well, yes, by a stray bullet.

18 Q. Yes.

19 MR TOURAY: The question is, Your Honour, some are killed
10:48:37 20 by mistake, he said yes, sometimes by a stray bullet.

21 Q. And some houses perhaps get burnt mistakenly also?

22 A. That is true, yes. But some houses were done
23 intentionally. You launch a burn to hit it because the enemies
24 will be in there. Some were intentional, we are doing it.

10:49:39 25 Q. Because enemies are around there, others by mistake?

26 A. Yes.

27 Q. And these captured civilians undergo screening?

28 A. Well, as I said, in certain cases. Sometimes yes. But for
29 the whole of xxxxxx I cannot remember, because we had no G5s

1 there. The order was we're not to capture any civilian.

2 Q. Could you please wait.

3 PRESIDING JUDGE: Learned counsel, we will rise for just a
4 couple of minutes. We shall be back shortly. Please.

10:52:18 5 [Break taken at 10.50 a.m.]

6 [Upon resuming at 11.00 p.m.]

7 PRESIDING JUDGE: The Chamber identified a very young
8 visitor in the gallery who ordinarily should not have been there.
9 We are disturbed about a child like that being present in
11:04:36 10 proceedings like this. His age has been verified and it is
11 confirmed that following our directives on this he was not
12 supposed to be in court. That is why we rose. I think he is out
13 of court. He was in the company, I suppose, of the father, but
14 that does not qualify him to be here. We may proceed, please.

11:05:01 15 MR TOURAY: Thank you, Your Honour. The witness is not on
16 the screen.

17 PRESIDING JUDGE: He too is --

18 JUDGE BOUTET: I thought you had been abandoned, but it is
19 really abandonment now. Not even the witness is present.

11:05:51 20 PRESIDING JUDGE: This said, I would ask the Court
21 Management to please reinforce our instructions with the Court
22 security organs for children not to be let in without proper
23 verification as to what their age is. I think there was a lapse
24 somewhere and attention of security should be drawn to this
11:06:22 25 particular visitor that we had here today, please. Mr Witness,
26 your microphone. Okay, yes.

27 MR TOURAY:

28 Q. Mr Witness, just before the break I put it to you that the
29 people captured during the combing up exercise were screened at

1 some point?

2 A. Yes.

3 Q. Am I correct to say that sometimes during these coming up
4 exercise you come across babies, young children, abandoned by

11:08:19 5 fleeing parents?

6 A. Yes.

7 Q. And you would take them into custody?

8 A. Yes.

9 Q. You were captured, as you say, at xxxx during one such
11:09:21 10 mopping exercise?

11 A. Yes.

12 Q. And you were screened at xxxx at first instance?

13 A. Nobody screened me. Those who were supposed to screen were
14 executing, so those -- for us the children, they found out that
11:10:17 15 we were just children. They found out that they had special
16 interest in us.

17 Q. Were you screened later?

18 A. That was in xxxx.

19 Q. Now, Mr Witness, you were in xxxxx when the rebels
11:11:30 20 retreated. Excuse me, could you just go over the answer you gave
21 about the people who were supposed to screen you?

22 A. Those whom they were supposed to screen, if at all they
23 were captured they would execute them. For us, the children,
24 they looked at us and they concluded that we were children and we
11:12:05 25 were not likely to have been involved in any armed conflict.

26 JUDGE BOUTET: Mr Touray, would you mind going over that
27 question and the answer again, because I really don't understand.
28 I know what your question was but the answer to me is a bit
29 confusing. I had understood that the witness had said that those

1 who were to do the screening, they had been executed, but that is
2 not quite what he is saying now. So I am confused now.

3 Mr Witness, the question was you were then to be screened
4 after you were captured -- just one moment, Mr Witness.

11:13:05 5 At the time you were captured you were to be screened but
6 you mentioned something about execution. Could you go over that
7 again, please?

8 THE WITNESS: Yes. He said that if at all when I was
9 captured if I was screened, or we were screened, and I said those
11:13:34 10 who were supposed to be screened, that is the older ones whom had
11 been suspected whether they were Kamajors or ECOMOG, when they
12 caught them they executed them right there. For us, the
13 children, they had no fear about us.

14 JUDGE BOUTET: Thank you.

11:13:55 15 JUDGE THOMPSON: Mr Touray, this followed after he had said
16 that he was not screened at **xxxxx**?

17 MR TOURAY: Yes, Your Honour.

18 Q. Now, Mr Witness, let us go back to the position in **xxxxx**
19 just before the retreat of the junta in February 1998. Do you
11:15:38 20 remember?

21 A. Where were they retreating from?

22 Q. From Freetown.

23 A. Yes.

24 Q. In **xxx** at that time, before the retreat, you know the
11:16:06 25 junta was in control, the AFRC?

26 A. Well, they were mixed. They were mixed. But the
27 soldiers - that is the SLA - they were more than the rebels
28 somehow.

29 Q. That retreated?

1 A. I do not understand this.

2 JUDGE THOMPSON: Counsel, repeat your question.

3 MR TOURAY:

4 Q. The question is they retreated. You asked where they
11:17:09 5 retreated from, I said from Freetown.

6 JUDGE THOMPSON: Learned counsel, go back on your question,
7 because I think the response "I did not understand" may well have
8 been occasioned by the way the question was formulated. What was
9 it?

11:17:30 10 MR TOURAY:

11 Q. Let me go back first. You remember the overthrow of the
12 junta in February 1998?

13 A. I can't remember the month, but I can remember the year.

14 Q. The year?

11:17:50 15 A. Yes.

16 Q. My question is before the retreat, when the AFRC were in
17 power, there were SLAs in ~~xxxxx~~ in the Kono District?

18 A. Well, soldiers and rebels were there, they were all mixed.
19 I don't know, but they were there.

11:18:35 20 Q. Before the retreat?

21 A. Yes.

22 Q. When the junta was overthrown you would agree with me that
23 the Kamajors and the civilians attacked the soldiers and the
24 rebels who were in Kono at that time?

11:19:38 25 A. They didn't only attack them. But because of what they
26 did, what they called Operation Pay Yourself, which they had
27 conducted, all of them pulled out overnight and a few who stayed,
28 the civilians said okay, we're going to take control of those who
29 stayed it. So they attacked them, cut them, beat some till they

1 died. Then later on they came with Kamajors.

2 Q. And is it correct to say tyres were even hung on some
3 soldiers and burnt alive, what they call the democracy chain
4 [phon]? On the SLAs?

11:20:38 5 A. Well, yes. And they were doing that to some civilians as
6 well who had collaborated with the juntas.

7 Q. So civilians attacking civilians, Kamajors and civilians
8 attacking the soldiers?

9 A. Well, the way you've said it, Kamajors attacking soldiers,
11:21:09 10 there was no soldier in the town upon that attack. It was people
11 who identified soldiers that they were staying in a particular
12 house, they're up the ceiling, and if the place is searched and
13 the soldier is found. But that there were soldiers at a
14 particular place where civilians were attacking, no.

11:21:35 15 MR TOURAY: Your Honour, are you clear on that?

16 Q. Can you, please, just go slowly on that answer for Your
17 Honours to at least understand what you are saying?

18 A. Yes. I said soldiers were not there -- or the rebels were
19 not there for civilians or Kamajors to launch an attack on them.
11:22:05 20 What I mean here is that they were not in a particular place.

21 But there were some who had looted, they had drunk and they were
22 intoxicated, they were hopeless. They didn't even know what they
23 were doing. They were lying in the streets. They did this
24 there, Operation Pay Yourself overnight. So in the morning
11:22:27 25 civilians went on strike, they started demonstrating. So there
26 were some who had hid in the house up the ceiling, so it were
27 civilians who were exposing them. But that they attacked a base
28 owned by soldiers, that's not true.

29 JUDGE BOUTET: I understand now. What you're saying,

1 Mr Witness, the soldiers that they have attacked were soldiers
2 that had remained behind because they were drunk or what have you
3 or they were hiding.

4 THE WITNESS: Yes. Those whom they attacked.

11:23:16 5 MR TOURAY:

6 Q. Is it correct to say some soldiers were burnt alive?

7 A. Yes.

8 Q. And that was done by civilians and the Kamajors?

9 A. Well, it was civilians who were in the majority, the
11:23:42 10 youths. But when they were doing this Operation Pay Yourself,
11 they were doing the same thing to civilians.

12 Q. So the youths were the ones doing it against the soldiers,
13 mainly the civilians?

14 A. Well, they started it and later the Kamajors supported
11:24:06 15 them.

16 Q. Thank you. Is it correct to say that some houses of people
17 alleged to have collaborated with the junta were burnt?

18 A. The civilians didn't do that. That was done by Kamajors,
19 but civilians were identifying that juntas were in this
11:25:54 20 particular house and when they loot, that was where they packed
21 the loot.

22 Q. Kamajors burnt houses of collaborators.

23 A. Some houses, some houses.

24 Q. Identified by civilians. So the soldiers left the town
11:26:55 25 because of that, of the heavy Kamajor presence and some civilian
26 resistance?

27 A. Well, just like what I said a while ago, no sooner they
28 finished with Operation Pay Yourself that was conducted in the
29 night, there was no trained and qualified soldier in xxxxxxxx.

1 All that we saw was the thieves, those who were followers of the
2 soldiers. They were not complete soldiers.

3 Q. So there were followers of the soldiers who were thieves
4 who were not complete soldiers.

11:27:41 5 JUDGE THOMPSON: Counsel, do you want to put that again?
6 What was your question? It was more or less an assertion, but
7 would you like to --

8 MR TOURAY: My assertion is not --

9 JUDGE THOMPSON: Well, the previous one was more like an
11:27:56 10 assertion and I did not get the answer to that.

11 MR TOURAY: My question was the soldiers fled, who were in
12 ~~xxxx~~ then.

13 JUDGE THOMPSON: But you said because.

14 MR TOURAY: Pardon.

11:28:01 15 JUDGE THOMPSON: You didn't just say fled, you said because
16 of and you came out with an elaboration.

17 MR TOURAY: Yes, because of the Kamajor and civilian
18 resistance.

19 JUDGE THOMPSON: Do we have an answer to that?

11:28:14 20 MR TOURAY: That was the answer he gave.

21 Q. Could you please give the answer to that?

22 A. That was not the answer. The answer that I gave was --
23 [Overlapping speakers]

24 JUDGE THOMPSON: [Overlapping speakers] moved in a
11:28:26 25 different direction. Why not put your question again if you're
26 putting that seriously to him. Because I don't know what to
27 write.

28 MR TOURAY: As Your Honour pleases.

29 Q. What happened to the soldiers when the Kamajor came and

1 there was this heavy civilian resistance against them?

2 A. Okay. I don't know how they got their own information, but
3 if you can -- like, me, if he saw any soldier at that time they
4 will tell you that Operation Pay Yourself. That was the word

11:29:11 5 they were using. When they had finished with Operation Pay
6 Yourself overnight, they didn't stay there till morning. They
7 looted vehicles, broke into people's shops, they put the loot
8 into the vehicles and went towards xxxxxx. Some vigilantes who
9 were with the SLAs, who are the one combats, they stayed in the
11:29:36 10 town because they were enjoying their loot.

11 Q. Please go slowly, slowly. Continue please with the
12 vigilantes who were with the SLAs.

13 A. Yes. Some of the vigilantes and even some soldiers, they
14 stayed in the town. But when the civilians started
11:30:20 15 demonstrating, they started identifying them and they were
16 hanging tyres on them. It took some time before the Kamajors
17 could arrive. I cannot remember now whether it was a day or two
18 days.

19 Q. Please go slowly, slowly. Judges are writing, please.
11:31:22 20 Continue please.

21 A. I said I can't remember whether it was a day or two days.
22 I can't remember how long it took for the Kamajors to arrive, but
23 it actually took some time before the Kamajors arrived. And when
24 they arrived the same thing continued, but sometimes soldiers and
11:31:40 25 civilians were identified that they were collaborating with the
26 juntas.

27 Q. Stop, please. Yes, carry on, please.

28 A. I think that's where the answer to that question stops.

29 Q. So it's correct to say at some point xxxxx was in

1 fact -- the Kamajors more or less were in **xxxxx** at some
2 point and only the Kamajors?

3 A. Yes.

4 Q. When the junta, or if you like the rebels, retreated from
11:33:38 5 Freetown after the overthrow of Johnny Paul Koroma, there were
6 Kamajors in **xxxxxxx**?

7 A. Yes.

8 Q. And I believe in some portions of your evidence you said
9 the juntas were going through Kono to go to the jungle -- wanted
11:34:35 10 to go through Kono to go to the jungle?

11 A. Yes.

12 Q. To get their way through Kono they had to fight the
13 Kamajors?

14 A. Yes.

11:35:12 15 Q. And during this fighting civilians -- some civilians lost
16 their life?

17 A. Yes.

18 Q. Houses were burnt during crossfire?

19 A. What I saw was not a cross firing. They were putting the
11:35:42 20 houses on fire. I didn't see any cross firing. I didn't see any
21 bomb being thrown on the houses. What I saw was fire being put
22 on the houses, I saw fire blazing, I saw combatants with guns.
23 The strength of the soldiers were -- the soldiers had more
24 strength than the Kamajors. So when the firing was going on,
11:36:06 25 even from a distance you would know that one side had a strength
26 than the other, so the Kamajors were running. In fact, they were
27 chasing the Kamajors. So they had no resistance till they
28 reached **xxxxx**.

29 Q. Thank you. And according to you the majority that came of

1 the juntas, there were more soldiers than rebels?

2 A. No, I'm talking about that time when you said before the
3 retreat in xxxxxxxx. There were juntas who were SLA, but the
4 SLA were many than the rebels. But this time you're talking
11:36:59 5 about, they were mixed up. Nobody could identify who was who.

6 Q. Thank you. So at the time of the retreat they were all
7 mixed up, no one could identify who is who?

8 A. Yes.

9 Q. xxxxxxx was eventually captured by the juntas?

11:37:43 10 A. Yes.

11 Q. And they carried out mopping up or combing up exercises?

12 A. Yes.

13 Q. During which some civilians were captured?

14 A. During that time few children, like myself, were captured
11:38:17 15 at that time. It was after they had captured xxxxxxx.

16 Q. Yes, thank you. And people were killed being mistaken for
17 an enemy?

18 A. Well, all that I know is --

19 PRESIDING JUDGE: Is that the state of his evidence?

11:38:51 20 MR TOURAY: I'm putting it to him, Your Honour.

21 PRESIDING JUDGE: You better do.

22 JUDGE BOUTET: Mr Touray, when you say this and you're
23 going to put this to the witness, is it during the attack on
24 xxxxxx or after the combing up?

11:39:11 25 MR TOURAY: During the mopping up operation. We'll finish
26 with the attack during the attack.

27 JUDGE BOUTET: I just want to be clear then when you're
28 talking civilians being killed.

29 MR TOURAY: Yes, it's now during the mopping up.

1 PRESIDING JUDGE: There was a mopping up operation after he
2 himself is captured, is it?
3 MR TOURAY: That was when he was captured.
4 PRESIDING JUDGE: When he was captured?
11:39:29 5 MR TOURAY: Yes, that's his evidence.
6 PRESIDING JUDGE: I don't think he has answered your
7 question.
8 MR TOURAY: Okay.
9 Q. Did you get my last question, Mr Witness?
11:40:08 10 PRESIDING JUDGE: You better put it to him again.
11 THE WITNESS: Repeat it.
12 MR TOURAY: Thank you, I'll do that.
13 Q. I'm saying during the mopping up exercise some were
14 civilians were mistakenly taken to be the enemy and they were
11:40:23 15 killed?
16 A. I didn't see that at all. All what I saw was that when
17 they started torching the houses on fire, civilians started
18 coming out and they were begging, they were appealing that they
19 should not be executed, but they were putting them under gun
11:40:47 20 fire. That was during the exchange of firing. But Kamajors had
21 almost run away from the town, so they were just doing tactical
22 movements. They were not shooting. It was the last batch that
23 were torching the houses on fire.
24 Q. Mr Witness, did you know or did you hear about a man called
11:41:40 25 Superman?
26 A. I heard of him.
27 Q. Did you know at some point that he was in control of Kono
28 at that time?
29 A. Well, during that mission it was his name that was sounding

1 loud.

2 Q. Thank you. Were you aware of any meeting called by
3 Superman and some senior officers to stop the atrocities that was
4 going on in Kono?

11:42:55 5 A. Well, no.

6 Q. You're not aware?

7 A. No.

8 Q. Did you hear about that later?

9 A. The time they called the meeting I knew of it. But because
11:43:35 10 I was not there that's why I said no. And that happened after
11 they've killed -- they have burnt all the main roads. That was
12 the time I saw the place. And by then the whole of Koidu Town
13 had been burned.

14 Q. Okay. You heard about the meeting but you didn't go there?

11:43:59 15 A. The meeting was not meant for us.

16 Q. Correct, but you heard about it?

17 A. Yes.

18 Q. Did you also hear about a man called Colonel Isaac Mongor
19 at that time?

11:44:36 20 A. I knew him to be Isaac.

21 Q. Colonel Isaac?

22 A. He was a brigadier this latter part.

23 Q. You also heard of him then in Kono; not so?

24 A. Yes.

11:44:52 25 Q. Did you also hear about a Colonel Rambo?

26 A. Yes.

27 Q. In Kono at that time; not so?

28 A. Yes.

29 Q. And it's true, is it not, that there were also very, very

1 senior SLAs in the Kono at the time?

2 A. Yes.

3 Q. And at that time did you come to know that Morris Kallon
4 was just a major?

11:46:05 5 A. All I knew at that time Morris Kallon was one of the senior
6 officers. He was one of the senior officers.

7 Q. So as a senior officer -- one of the senior officers you
8 knew that he did attend the meeting called by Superman. Did you
9 know?

11:47:18 10 A. I did not notice him attending that meeting.

11 Q. But you didn't go there?

12 A. But xxxxxxxxxx. I did not actually see him going
13 there, so I cannot say he went there.

14 Q. So you cannot say whether he went there?

11:47:42 15 A. Yes.

16 Q. And you did not know his rank at the time. Although a
17 senior officer, you did not know his rank at the time?

18 A. Well, I want us to forget about the rank. The assignment
19 is more than the rank. You could be a corporal and were made a

11:48:14 20 brigadier -- you could be made a brigade commander. So
21 assignment is more than the rank.

22 Q. Okay, just answer my question. You did not know his rank?

23 A. By then he was a major.

24 Q. Thank you, he was a major. When you were taken to xxxxxx
11:49:30 25 you were on board a vehicle; not so?

26 A. Well, they dropped us at the xxxxxx, which is inside --

27 Q. My question is were you on board a vehicle?

28 A. Well, before we could reach Opera that's what I said. The
29 xxxxxx by the xxxxxxxx, where the xxxxxxxx

1 was, that was where we dropped.

2 Q. You were on board a vehicle and taken to xxxxxx That's my
3 question.

4 A. No.

11:50:11 5 Q. Or somewhere around -- sorry. Did you walk to the point
6 where you were dropped?

7 A. Yes.

8 Q. You walked?

9 A. Yes, we walked.

11:50:30 10 Q. You were not in a vehicle?

11 A. No.

12 JUDGE BOUTET: I think you're talking of two different
13 phases. He had said they were taken to the roundabout, but --
14 [Overlapping speakers]

11:50:48 15 MR TOURAY:

16 Q. This roundabout was near what, near xxxxxx or after xxxxxx?

17 A. I want to believe that xxxxx start from there, because it
18 was near the secretariat. It was where NPRC secretariat was
19 [inaudible] roundabout. The main road leading to xxxxx, that
11:51:17 20 main road.

21 Q. Where were you taken from?

22 A. From just after that roundabout. The road leading to
23 xxxxxxx Freetown Highway. It was just a short distance
24 between --

11:51:29 25 Q. Okay, you are taken from one point to another point when
26 you are captured?

27 A. Yes, yes.

28 Q. On board a vehicle?

29 A. Yes.

1 Q. And en route you saw houses being burnt and so on and so
2 forth?
3 A. I saw houses that were burning and some were just been
4 burned.

11:52:39 5 PRESIDING JUDGE: Are you at the end of that episode?
6 MR TOURAY: Yes.
7 PRESIDING JUDGE: You are at the end of that episode?
8 MR TOURAY: Yes.
9 PRESIDING JUDGE: Can we take a short break, please?

11:52:48 10 MR TOURAY: As Your Honour pleases.
11 PRESIDING JUDGE: The Court will rise, please.
12 [Break taken at 11.50 a.m.]
13 [HS180405C - AD]
14 [On resuming at 12.15 p.m.]

12:18:32 15 PRESIDING JUDGE: We are resuming the session, Mr Touray.
16 MR TOURAY: Mr Witness, you said you alighted at a
17 roundabout xxxxxx. Now, is it correct to say that you
18 civilians were placed in one place - you were placed together in
19 one place?

12:19:25 20 A. Well, for what I know, only three of us were among the
21 whole batch who were there who were xxxxxxxxx, who were
22 civilians.
23 Q. Were there other civilians amongst you?
24 A. Well, for the one who they were supposed to be captured -
12:19:59 25 they were killed, most of them were killed. Where we were I only
26 saw three women. Three of us.
27 Q. Three women and --
28 A. Only three of us.
29 Q. -- and xxxxxxxx.

1 A. We were the only - xxxxxxxx.

2 Q. You were the only civilians - xxxxxxxx.

3 A. Well, maybe there were civilians at the back, but where we

4 were we were the only people I saw.

12:20:33 5 Q. And you saw no-one else who was a civilian, according to

6 you?

7 A. Yes.

8 Q. Now, you were newly captured. The patrol teams that left

9 Opera to look for enemies, did you go with those patrol teams?

12:21:24 10 A. When I was captured and taken to xxxx, I never left xxxxxxxx.

11 The only time I experienced was along the xxxxxx.

12 Q. Thank you. So you never left xxxxxx. So you did not know

13 what the patrol teams did.

14 A. Well, no.

12:22:18 15 Q. No. Now, who actually captured you, xxxxx or xxxxx?

16 A. Well, I will say it was the whole of that group. xxx and

17 xxxxx only came in, it is only xxxxx that I knew him. It was

18 only later on that I xxxxx xxxxx, but I knew of xxxxxxx.

19 xxxxxxx only came in when they were fighting xxxxxxxx. That

12:23:26 20 is the only time when xxxxxxxxx came in saying, "This is xxxxxxx

21 xxxxxxxx."

22 Q. So you do not know who actually captured you.

23 A. They were in the group, but the one who saved me, the one

24 who saved us, who took us from the fight when the combatants were

12:24:20 25 fighting over us, it was xxxxx. So they were quarrelling that

26 this is my boy, and then the other one said, "Let us execute them

27 and forget about them." Then xxxxxxx, "No, climb up my

28 vehicle."

29 Q. So that is how you came to know xxxxxxxxx

1 A. Yes.

2 Q. And xxxxx very good care of you.

3 A. In fact, it was not him again. Because at that time - let

4 me climb up the vehicle - by then he had joined another group; he

12:25:50 5 was now in action.

6 Q. In other words, he was not with you at xxxxxxx.

7 A. No.

8 Q. When did you see him again?

9 A. Well, right at xxxx where we plugged the civilians, with

12:26:59 10 those who they came from Makeni and Freetown, and most of them

11 were women. We were among them and they told me Tiger and other

12 men --

13 Q. You are not clear on that?

14 PRESIDING JUDGE: No.

12:27:29 15 MR TOURAY: The question is, "When did you see Akistu

16 again?"

17 A. Well, when we finally reached xxxxxxx.

18 Q. Was he with you at xxxxxxx?

19 A. Well, yes.

12:28:08 20 Q. And he took good care of you there.

21 A. Well, yes. But at that time xxxxxxxxx,

22 because he had xxxxxx. But it xxxxxxxx, the xxxxxx

23 he had called xxxxxx; I was with that xxxxxx.

24 Q. Thank you.

12:29:04 25 PRESIDING JUDGE: The xxxxxxxx name again?

26 MR TOURAY: xxxx. Can you spell that?

27 THE WITNESS: It is xxxxxxxx.

28 Q. Spell that for us, please.

29 A. xxxxxxxxxxxx.

1 Q. Thank you. Now, it is correct to say that later some
2 civilians who came from Freetown with the group that retreated
3 were also at xxxxxx.

4 A. Well, most of them were officers' wives, but because they
12:30:37 5 were in action so they were all grouped in one area. So the
6 moment they captured the town they separated those. They were
7 now moving from houses to get the loot.

8 Q. You are saying that families of the officers were with you
9 at xxxxx - the officers that retreated from Freetown, or
12:31:09 10 soldiers.

11 A. Well, I did not see them. I can't call them family because
12 most of the women that joined them to come, I don't know how to
13 call them, but they were not their real wives.

14 Q. So they came from Freetown?

12:31:28 15 A. Well, some like Bo, Kenema and the xxxxx I am talking about
16 for xxxxx. He got her from xxxxx. xxxxxx loved him because of
17 the property.

18 Q. Okay, the retreating soldiers came with relations, more or
19 less, whether male or female; not so?

12:31:59 20 A. Yes.

21 Q. Do you know how large this group was - how big the group
22 was?

23 A. Yes, yes; there were many people.

24 Q. There were many people. Including mothers, babies as well?

12:33:00 25 A. When I talk of young girls, they were all young girls. I
26 did not see anyone that has even gone to the age of giving
27 birth. They were all young girls. You never see a suckling
28 mother among them; they were all young girls.

29 Q. Where were the combatants staying around xxxxxx?

1 A. Well, places like xxxxx and then the beginning of
2 xxxxxx. Some of the streets I couldn't remember, but all
3 those areas were streets which were close to xxxx. Because the
4 main street, the houses along them were all burnt down - the main
12:34:13 5 street, most of the houses there. Unless it was a street that
6 was close to xxxxx - Dabundeh Street, Post office Road, some of
7 these areas.

8 PRESIDING JUDGE: All right.

9 MR TOURAY:

12:34:17 10 Q. Where were you staying?

11 A. Well, it was just near where xxxx came in. I cannot
12 remember, but I think it was Dabundeh Street.

13 Q. And there were no combatants staying with you.

14 A. They were with us. At that time, Koidu Town has been
12:35:02 15 captured, combatants have come back. Then those who are coming
16 around searching and coming around, searching houses, they were
17 still doing their work. But the officers were in town.

18 Q. Slowly, please. Those who were still coming around were
19 still doing their job.

12:35:33 20 A. Yes.

21 Q. Now, where were the relations of these soldiers staying at
22 that time?

23 A. They were with them in different areas.

24 Q. Thank you. Now, from xxxxx you were taken to xxxx
12:36:30 25 xxxxx; is that correct?

26 A. Yes.

27 Q. To Boroma?

28 A. No, it is not Boroma. Boroma is just one town that I could
29 remember that is around the particular place xxxxxx was. I

1 cannot remember the particular place. But Boroma, I call, is
2 just a village around.
3 Q. So where exactly were you taken to?
4 A. It is just like where you have called - xxxxxxx.
12:37:20 5 Q. There are so many places along xxxxxx; it goes up
6 xxxxxx. So where exactly?
7 A. I cannot remember where we were. That is around Koidu
8 side; I cannot remember the name. The name we used as the main
9 route we used to go to xxxxxx, I cannot remember how that
12:37:43 10 place is called.
11 Q. You cannot remember the place where you were taken to at
12 the xxxxx.
13 JUDGE BOUTET: That is not quite what he said. He doesn't
14 remember the name.
12:38:01 15 MR TOURAY: The name, yes.
16 THE WITNESS: Guinea Highway, we gave it that name. But it
17 has its actual name with the people who are calling it in those
18 days, and I cannot remember.
19 Q. You cannot remember the name?
12:38:19 20 PRESIDING JUDGE: He said the xxxxxxxx.
21 THE WITNESS: That is the way we are calling it - xxxxxx
22 Highway.
23 PRESIDING JUDGE: The real name?
24 MR TOURAY: Yes, I am sorry.
12:38:29 25 Q. There are several places along xxxxx Highway. It goes
26 right on to xxxxx. Where exactly were you taken to?
27 A. Well, the places I am talking of, I have forgotten the
28 places. What else should I call? This is the place that is
29 close to Koidu Town. Okay, you pass xxxxxxxx Road, you go to

1 Pimbi, where Kariad [phon] was. I cannot remember some of these
2 places.
3 Q. So you have now forgotten where you were taken to?
4 A. No. I still have them in my picture, but the real name of
12:39:22 5 that place I don't know.
6 Q. Is it because you were not taken there at all?
7 JUDGE THOMPSON: That what?
8 MR TOURAY: That he does not know.
9 JUDGE THOMPSON: He says he cannot remember.
12:39:46 10 MR TOURAY: No, he said he has forgotten.
11 PRESIDING JUDGE: You want to suggest to him that he was
12 not taken there at all.
13 JUDGE THOMPSON: Yes. He says he cannot remember because
14 there are so many of these places.
12:40:00 15 PRESIDING JUDGE: Better put it to him directly. If he
16 cannot remember the name, it means he was never taken to that
17 place at all. Is that what learned counsel wants to put to the
18 witness?
19 MR TOURAY: That is what I was going to say, but I will not
12:40:24 20 press the issue.
21 PRESIDING JUDGE: You won't press the issue.
22 MR TOURAY:
23 Q. Now it was on your way to this unidentified place along
24 xxxxxx Highway that you saw houses being burnt at Pimbi Lane.
12:40:51 25 A. I don't understand.
26 Q. How did you travel to this place at xxxxxx?
27 A. Well, we used the main route. Like when I said "xxxxx", we
28 used that main route by Kainkordu Road. We used the Kainkordu
29 Road --

1 PRESIDING JUDGE: How did you go there?
2 MR TOURAY: How did you go? Did you walk or go by vehicle?
3 PRESIDING JUDGE: Do you trek to the place, or you were
4 ferried there by vehicle?
12:41:20 5 THE WITNESS: We walked to that place.
6 MR TOURAY:
7 Q. And you walked on the highway.
8 A. Yes.
9 Q. And Pimbi Lane is a side road off Guinea Highway.
12:41:54 10 A. I do not get you clear.
11 Q. Pimbi Lane is a side road off Guinea Highway.
12 A. Yes.
13 PRESIDING JUDGE: What was that road again?
14 MR TOURAY: Pimbi - P-I-M-B-I.
12:42:21 15 PRESIDING JUDGE: Pimbi Road?
16 MR TOURAY: Lane.
17 PRESIDING JUDGE: It is on the Guinea Highway.
18 JUDGE THOMPSON: Side road.
19 PRESIDING JUDGE: It is a side road --
12:42:33 20 MR TOURAY: Off.
21 Q. Now, while you were at Guinea Highway, where did you stay?
22 A. We are in houses.
23 Q. With whom were you staying?
24 A. I was with xxxxxxxx.
12:43:31 25 Q. You were with xxxxx.
26 PRESIDING JUDGE: And probably with the xxxxx.
27 MR TOURAY: I'll put that Your Honour.
28 Q. And the xxxxxx, as well.
29 A. Yes.

1 PRESIDING JUDGE: I saw you coming.
2 MR TOURAY: And still you were well taken care of?
3 A. Yes.
4 Q. So there was no need for you to go on food finding mission?
12:44:31 5 A. I don't understand what you mean by that.
6 Q. Okay, I will try to make it clear.
7 PRESIDING JUDGE: Don't provoke him.
8 MR TOURAY:
9 Q. Now, there were many other commanders at Guinea Highway.
12:45:29 10 A. Yes.
11 Q. The likes of Superman.
12 JUDGE THOMPSON: What was the last part of your question?
13 MR TOURAY: The likes of Superman - like Superman.
14 PRESIDING JUDGE: Mr Witness, can you name some of the
12:46:06 15 commanders' names you can remember?
16 MR TOURAY: Your Honour, I want to enumerate them myself,
17 if you don't mind, sir.
18 Q. Like Superman?
19 PRESIDING JUDGE: Okay. I hope you will not exclude some.
12:46:24 20 MR TOURAY: I just --
21 Q. Mr Witness --
22 A. Yes.
23 Q. Like Colonel Banya?
24 A. Yes.
12:46:47 25 Q. Like Colonel Rambo?
26 A. RUF Rambo, yes.
27 Q. And some other senior SLA officers?
28 A. Yes.
29 Q. Any other one you can remember?

1 A. I did not hear Povay's name.
2 Q. Okay, any other one you can remember?
3 A. Isaac.
4 Q. Colonel Isaac, thank you. Anyone again?
12:48:09 5 A. Those are some of the ones I can remember now.
6 Q. Do you want to be given time to think?
7 A. No, we can continue, if you think so; it is not bad.
8 Q. So, as far as you can remember, those were the officers
9 that you saw - the senior commanders you saw - at Guinea Highway?
12:48:39 10 A. Some of them, yes. And some I did not see, but during the
11 mission we met with their securities.
12 Q. Like who?
13 A. Like Banya you are talking about.
14 Q. You met with Banya's securities.
12:49:10 15 A. Yes, on food-finding mission. They said these are CO
16 Banya's children, but I never saw him that time.
17 Q. Those are all the prominent ones you can recall; not so?
18 Mr HARRISON: I think that is evidence.
19 JUDGE BOUTET: Yes, that is evidence.
12:49:33 20 JUDGE THOMPSON: Counsel, aren't you straying away from
21 your question?
22 MR TOURAY: Sorry.
23 JUDGE THOMPSON: You talked about commanders.
24 MR TOURAY: Commanders, yes.
12:49:40 25 JUDGE THOMPSON: Are you widening the coop?
26 MR TOURAY: I am not widening it.
27 JUDGE THOMPSON: Now, we are moving away from commanders --
28 MR TOURAY: I am still talking about commanders, Your
29 Honour.

1 JUDGE THOMPSON: You seem to be eliciting some answer
2 relating to securities --

3 MR TOURAY: Bodyguards.

4 JUDGE THOMPSON: Securities.

12:49:50 5 MR TOURAY: He volunteered that.

6 JUDGE THOMPSON: That is the danger when you encourage the
7 witness to make a speech.

8 MR TOURAY: Yes.

9 JUDGE THOMPSON: He is here to answer questions.

12:49:57 10 MR TOURAY: Indeed, Your Honour.

11 JUDGE THOMPSON: And you are here to put questions.

12 JUDGE BOUTET: But his answer to your question was, and he
13 has repeated that twice, "These are some of them that I saw." He
14 didn't say - he never agreed with you that these were essentially
12:50:12 15 all the people. You have given him some names and those are some
16 that he remembers. There were more.

17 THE WITNESS: Yes, and Bilai Karim himself was there.
18 Because I did not hear his name. Bilai Karim was there.

19 JUDGE THOMPSON: We need to be very careful there. While
12:50:32 20 not in any way limiting your cross-examination, but it would seem
21 as if one would want you to confine yourself to questions and
22 answers.

23 MR TOURAY: Indeed.

24 JUDGE THOMPSON: Any attempt to drag this witness into
12:50:44 25 speech making would seem to be completely impermissible within
26 the scope of testimonies in Court.

27 MR TOURAY: I apologise.

28 JUDGE THOMPSON: We agree that witnesses can amplify. And,
29 of course, remember also that there are other accused persons

1 here.

2 MR TOURAY: Indeed, sir.

3 Q. Yes, Mr Witness.

4 A. Yes.

12:51:07 5 Q. What did you say?

6 A. I said I never - I did not hear you call Bilai Karim. He
7 was one of those who were there.

8 Q. Who was that?

9 A. Bilai Karim.

12:51:29 10 Q. Who was Bilai Karim?

11 A. It was Morris Kallon.

12 Q. A major?

13 A. Yes.

14 Q. Your Honour, I intend to move to another area, which might
12:52:16 15 take me some time.

16 PRESIDING JUDGE: Okay, I think you are the best judge of
17 the time that particular episode may take you, and I don't think
18 we want to break it up into bits. Learned counsel, we observe
19 the lunch break. May we rise, please? We will resume at 2.30
12:53:46 20 p.m.

21 [Lunch break taken at 12.52 p.m.]

22 [Upon resuming at 2.45 p.m.]

23 PRESIDING JUDGE: Learned counsel, good afternoon. We are
24 resuming the session. Mr Touray, you may continue, although you
14:48:08 25 don't have your vis-a-vis on the monitor yet. May we have the
26 witness on the monitor, please? Good. There you are.

27 MR TOURAY: Your Honour, I am sorry, I have instructions to
28 put two or three questions on the evidence before we left.

29 PRESIDING JUDGE: That is all right. That is perfectly all

1 right. Please, you may.

2 MR TOURAY:

3 Q. Mr Witness, good afternoon.

4 A. Good afternoon.

14:48:57 5 Q. Now Akistu was a captain, was he not?

6 A. Yes.

7 Q. And he was in the artillery unit.

8 A. Yes.

9 MR HARRISON: I apologise for interrupting Mr Touray, but
14:49:48 10 if there is a time frame that is of significance it hasn't been
11 put to the witness yet, either from the testimony prior to the
12 break or in the last two questions.

13 MR TOURAY:

14 Q. When you were at xxxxxxx, Akistu was a captain.

14:50:13 15 A. Yes.

16 Q. And he was in the artillery unit.

17 A. Yes.

18 PRESIDING JUDGE: Does that satisfy Mr Harrison?

19 Mr HARRISON: I don't think it matters whether I am
14:50:48 20 satisfied or not.

21 MR JORDASH: It does to us.

22 JUDGE THOMPSON: But we need to be certain that he is
23 satisfied. Once you raise a point of great validity --

24 PRESIDING JUDGE: We need to be certain that you are fixed
14:50:55 25 on your time frame.

26 MR TOURAY:

27 Q. When you were at xxxxx, according to your evidence,
28 you stayed with xxxxxxxxx.

29 PRESIDING JUDGE: xxxxxx, not xxxxxxx.

1 MR TOURAY: xxxx.

2 A. THE WITNESS: Yes.

3 Q. Now, you have already said there were so many commanders at

4 xxxxx at the time, including Morris Kallon.

14:51:40 5 A. Yes.

6 Q. Now, how far was your own house - did you know Morris

7 Kallon's house at the time at xxxxxxx?

8 A. Yes.

9 Q. Now, how far were you from Morris Kallon's place?

14:52:13 10 A. The distance was xxxxxx - like in the

11 neighbourhood. There are houses xxxxxx.

12 Q. Did you xxxxxx Morris Kallon's place at the time?

13 A. xxxx.

14 Q. What did you xxxxxxx there?

14:52:57 15 A. Well, xxxxxxxxxx, but I did see him

16 sitting at his house. Sometimes we were passing through.

17 Q. Okay. So, am I correct to say you do know what will be

18 happening in Morris Kallon's place - house?

19 A. No, I didn't know virtually everything.

14:54:02 20 PRESIDING JUDGE: What?

21 MR TOURAY: He said he didn't know virtually everything.

22 PRESIDING JUDGE: I am not very comfortable with that

23 answer. Can he make it clear, please?

24 MR TOURAY:

14:54:19 25 Q. Can you assist the Court a little bit by what you meant?

26 A. Well, it was not everything that was happening at Morris

27 Kallon 's house that I knew of.

28 Q. Including his private affairs?

29 A. Yes.

1 Q. But you knew his house was overcrowded at the time. There
2 were many people in his house at the time.
3 A. Yes.
4 Q. Members of his family?
14:55:16 5 A. Yes.
6 Q. Am I right to say there were over 40, if one could count?
7 A. Well, I do not know the exact number, but maybe you are
8 right.
9 Q. Now, even up to the time you were at xxxxxx you had
14:56:05 10 not been screened.
11 A. No.
12 PRESIDING JUDGE: Had xxxxx?
13 MR TOURAY: xxxx.
14 Q. And you were enjoying the hospitality of xxxxxx
14:56:37 15 xxxxxx.
16 A. This is not like a normal life that they would be xxxxxx
17 xxxxxxxx.
18 Q. xxxxxxxx of you.
19 A. No.
14:56:56 20 Q. But xxxxxxxx with you.
21 A. Yes.
22 Q. And xxxxx were well fed.
23 A. xxxxx feed me. We were doing ourselves - doing
24 food-finding missions. And sometimes when we returned, the food
14:57:52 25 that we come with, we would cook it ourselves. He was xxxxx
26 with xxxxxx.
27 Q. Are you saying xxxx never xxxxxxxx you
28 were xxxxxx?
29 A. Well, at the beginning, yes. But when we started going on

1 xxxxxxx missions, when they had given me a gun, we had been
2 xxxxxxx. So, it was xxxxxx who were doing the xxxxx. We
3 were given combatant xxxxxxxxx, so we were separate from him.
4 Q. Now, according to your evidence you were trained at xxxxxxxx
14:59:58 5 in xxxxxxxx, not so, as a combatant?
6 A. Yes.
7 Q. At xxxxxxxx you had not been trained as a fighter with
8 the RUF?
9 A. All of us were given temporary training, cook and fire and
15:00:37 10 how to take positions. These were shown to us by our friends,
11 but we never went to a training base.
12 Q. My question is: You had not been trained as an officially
13 recognised RUF combatant at the time.
14 A. Well, apart from the temporary training.
15:01:46 15 Q. Yes. You had not been trained.
16 A. Yes.
17 Q. I put it to you that you cannot have gone on any xxxxx
18 xxxxxx missions at the time.
19 A. Okay, let me tell you. Now, we had men who never went to
15:02:32 20 the xxxxx, but they fought more than those who went to the base.
21 So the reason that you are giving that I had not been trained and
22 I was not supposed to go on a xxxxxxxx mission is wrong.
23 Q. My question is: You were not competent to go on any
24 xxxxxxx mission.
15:03:11 25 Mr HARRISON: Well, a question can be put in certain ways.
26 But by asking about the witness's competence, is it the witness's
27 competence or someone else's competence? We have also had the
28 introduction of the term "officially recognised fighter".
29 JUDGE THOMPSON: It was rather convoluted. I got lost

1 myself in this.

2 MR TOURAY: Yes.

3 Q. What I am saying - my suggestion is this: That you did not
4 go on any food finding mission.

15:03:40 5 A. Many time.

6 Q. You went on your own?

7 A. On my own. Where we had commanders for me to go on my own,
8 they would give us instruction in the morning before we left. I
9 went to so many places on food finding missions. We would

15:04:33 10 capture civilians today, and if you were brave then you would
11 fight that same day.

12 Q. Who were these friends who taught you how to cock a gun?

13 A. Most of them were the Gaimas. The place is an artillery
14 ground. So the person who carried the GPMG - the chain - one of

15:05:14 15 them was xxxxx and then xxxx, who was with Akistu. He
16 was a senior man. I was not the only person; there were many.
17 In the evening, they would bring us all out and they would start
18 showing us how to dismantle a gun, showing us the parts. In
19 fact, that helped us a lot at the training base.

15:05:34 20 Q. My suggestion is that that is not true; it is a makeup.

21 A. I made it up? That is my own part of the story that I am
22 explaining to you. I would be happy if you will understand. Let
23 nobody tell you that what I am saying is a lie. It is that
24 person that is telling lies.

15:06:12 25 Q. Now, how many people did you know at xxxxxxxx
26 xxxxx?

27 A. Put it for me properly for me to understand.

28 Q. How many civilians did you actually know at xxxxxxxx?

29 A. Well, I knew some civilians, but I don't know their names.

1 Q. You don't know their names. Like how many?
2 A. Like the one I called just now - xxxxxx - was a civilian.
3 When you see him he was very, very fearful. He carried a gun.
4 He xxxxxxx who never went to a training base. He was a
15:07:27 5 follower of Akistu.
6 Q. xxxxx was a xxxxxx carrying a gun on training. Was he
7 the only one you knew?
8 A. There were others, like xxxxxx. We trained together with
9 him. I could remember his own name - xxxxxxxx
15:07:53 10 Q. Any other one?
11 A. There was xxxxx. There were xxxxxx of us.
12 Q. Any other one? I am talking about xxxnow. Any other
13 one?
14 A. We had no women among us at that time.
15:08:15 15 Q. At xxxxxxx?
16 A. I am talking about that temporary training they were giving
17 to us. There were women at xxxxxx, but I couldn't remember
18 their names. They were civilians.
19 Q. So you don't even know the name of the woman you said
15:08:50 20 Morris Kallon had as a wife.
21 A. I don't know her name.
22 Q. You don't know her name. I am putting it to you that it
23 never happened; it is your imagination.
24 JUDGE BOUTET: What happened?
15:09:40 25 MR TOURAY: That Morris Kallon at one time took one of the
26 women as his wife.
27 Mr HARRISON: What is it, never in his lifetime, or are we
28 at Guinea Base?
29 MR TOURAY: Guinea Base.

1 JUDGE BOUTET: Has the witness testified that at some given
2 time Morris Kallon took a woman as his wife?
3 PRESIDING JUDGE: Yes, he did.
4 JUDGE THOMPSON: So now you are putting it specifically to
15:10:09 5 him --
6 MR TOURAY: Yes, sir.
7 JUDGE THOMPSON: -- that it is a figment of his
8 imagination.
9 MR TOURAY: Yes, a figment of his imagination; it never
15:10:15 10 happened.
11 JUDGE THOMPSON: All right.
12 MR TOURAY:
13 Q. Do you understand that?
14 A. I am saying it is something that happened.
15:10:34 15 Q. Now, Morris Kallon was instructed to go to a bank to stop
16 the SLA from robbing that bank. Is that not so?
17 A. Yes.
18 Q. Now, that bank was never burnt down.
19 A. But I never said that so, that they burnt the bank. Have I
15:12:06 20 ever?
21 Q. No, but I wanted to say it.
22 JUDGE THOMPSON: What was the answer?
23 MR TOURAY: He said he has never said so.
24 JUDGE THOMPSON: All right, thanks.
15:13:10 25 MR TOURAY:
26 Q. When they say "Born Naked", what it means is simply remove
27 your top clothing. You have your shirt on and you remove your
28 shirt. That is what it means, really.
29 A. No, that is not what it means. It is a kind of password.

1 As the name implies, "Born Naked", if you wore any clothes - and
2 he was the first person to do it - and there are other things
3 that happened during that particular operation.

4 Q. Yes, but what do you remove, the top clothing or what?

15:14:00 5 A. Yes.

6 Q. Were you able to see any of the SLA apart from the one you
7 said you found dead at the entrance?

8 PRESIDING JUDGE: Why don't you situate him? At what
9 entrance?

15:14:46 10 MR TOURAY: The evidence is there --

11 PRESIDING JUDGE: Situate him so that he doesn't beat
12 around the bush? We want precise answers. Can you locate him?
13 When he says --

14 MR TOURAY:

15:14:59 15 Q. There was evidence at the bank; not so - after the defence?

16 PRESIDING JUDGE: You have moved from the bank, you have
17 gone to Born Naked --

18 MR TOURAY: Born Naked was the operation, sir.

19 PRESIDING JUDGE: I know. It is good to situate him
15:15:20 20 properly.

21 MR TOURAY:

22 Q. Is that not so?

23 A. What?

24 Q. Did you see any of the fleeing SLAs at the bank?

15:15:38 25 A. Apart from the ones which we saw just - apart from that one
26 we saw at the entrance, I didn't see any other ones. But the
27 footsteps when you enter into the bank, you see so many
28 footsteps.

29 [HS180405D 2.45 p.m. - SV]

1 Q. Now, some of the SLAs you saw in Koidu Town or even at
2 Guinea Highway were wearing civilian clothes; not so?

3 A. Yes, they had them.

4 Q. Now, my suggestion is that the RUF team that was operating
15:17:27 5 there at the bank with Morris Kallon had to remove their top
6 clothing as a means of identifying themselves?

7 A. And I feel that was what continued at xxx.

8 Q. We're talking about the bank operation?

9 A. But Born Naked is -- that's the tradition. Before ever we
15:18:23 10 could implement it everybody would remove his clothes. Apart
11 from the bank, I've gone to Joru and I saw the same thing --
12 Nyiama, I saw the same thing.

13 JUDGE BOUTET: But, Mr Witness, the question was quite
14 clear. At the bank, not any other operation, at the bank. The
15:18:43 15 RUF team at the bank removed their top clothing as a means of
16 identifying themselves obviously from SLA.

17 THE WITNESS: I do not agree to that. That's why I'm
18 citing that instance.

19 JUDGE THOMPSON: So he repudiates your thesis, does he,
15:19:08 20 counsel?

21 MR TOURAY: That is what he's saying.

22 JUDGE THOMPSON: He denies your thesis.

23 MR TOURAY: He denies it but that's our case.

24 Q. You know that this money was taken over to Sam Bockarie at
15:19:26 25 Buedu?

26 A. Yes.

27 Q. And it was one Colonel Kennedy that took that money?

28 A. Took it where?

29 Q. To Buedu?

1 A. Came from Koidu Town to go to Buedu?

2 Q. That's right?

3 A. Well, maybe he was the most senior man who would have made

4 sure that the money reaches there whom I knew was Bilai Karim, I

15:20:31 5 didn't know any other person.

6 Q. I'm saying it was Colonel Kennedy that took the money; is

7 that not so?

8 A. No.

9 Q. Do you know Colonel Kennedy?

15:21:22 10 A. Yes.

11 Q. Did you see him at the xxxxxxxx?

12 A. Yes, he was there and I want to believe that he was even

13 among the group that they were going with.

14 Q. Okay. Went to Buedu, you mean?

15:21:52 15 A. Yes.

16 Q. Thank you. Now let's talk about the time you say you left

17 Guinea Highway to go to xxxxxx. There were combatants in that

18 group?

19 A. Many.

15:23:04 20 Q. There were civilians?

21 A. Many.

22 Q. There were women?

23 A. Yes.

24 Q. And there were children?

15:23:19 25 A. Yes.

26 Q. Mothers with their babies? Mothers with their babies?

27 A. Yes.

28 Q. And, according to you, JPK was there?

29 A. Yes.

1 Q. His wife?
2 A. Yes.
3 Q. Loads were also carried?
4 A. Yes.
15:24:57 5 Q. Wounded soldiers?
6 A. Yes.
7 Q. And some of these civilians were families of either RUF or
8 SLA soldiers?
9 A. Some of them, yes.
15:25:36 10 Q. They also had their own luggage?
11 A. Yes.
12 Q. Now, they were all trying to get to the safe haven in
13 Kailahun?
14 A. Yes.
15:26:18 15 Q. When they got to Gandorhun they felt the presence of the
16 Kamajors; is that correct?
17 A. Yes.
18 Q. And they had to use bush paths or diversions; is that not
19 so?
15:27:19 20 A. I don't understand where you said diversion, I don't
21 understand.
22 Q. Bush paths and diversions to get away from the Kamajors
23 around the Gandorhun area?
24 A. But we passed at the middle of Gandorhun, right inside
15:27:44 25 Gandorhun.
26 Q. Yes, were there Kamajors not too far from there?
27 A. Yes, they were on the roads there.
28 Q. So in order to avoid them they had to use bush paths; is
29 that correct?

1 A. Well, during that time the main street and the bush road,
2 there was no difference because it's taken a long time since that
3 road was plied by a lorry. Like me, that was the first time to
4 pass there. So I don't know now what you are talking, what you
15:28:31 5 are saying is true, whether they were using bush road.

6 Q. They used bush road in order to avoid the Kamajors. That
7 is my question, Mr Witness?

8 A. But we met some Kamajors and sometimes we had to spend two
9 or three hours waiting so that the highway could be cleared.

15:29:05 10 Q. Certainly. So that was the safest route to take, the bush
11 paths; not so?

12 PRESIDING JUDGE: He hasn't confirmed the existence of bush
13 paths, has he?

14 MR TOURAY: Not yet.

15:29:24 15 JUDGE BOUTET: No, he said they went right into the middle
16 of Gandorhun, so if you got that. But he says too that he didn't
17 know if -- everything seemed to be in disarray at that time and
18 he didn't know if it was a bush path or not because a lorry had
19 not been there for a long time.

15:29:42 20 MR TOURAY: But he didn't say the main road is what I'm
21 saying.

22 PRESIDING JUDGE: Well, when you talk about the main road
23 of Kamajors, even the bush road we used there were Kamajors as
24 well. So at times we had to be stopped for two or three hours.

15:30:01 25 When the road is cleared then we can go ahead.

26 MR TOURAY:

27 Q. Okay. I'll accept that. Now even the wife of JPK, because
28 of the tedious journey, had swollen feet?

29 PRESIDING JUDGE: Yes, he has said so. Let's move.

1 MR TOURAY:

2 Q. Is that not so?

3 PRESIDING JUDGE: He has said so, learned counsel. Please
4 let's move ahead.

15:30:41 5 MR TOURAY: As Your Honour pleases.

6 Q. What was your position in that group? Where were you?
7 Where you in the middle, front or at the back?

8 A. I was in the middle.

9 Q. So some of these corpses, you said, lying on the road --

15:31:44 10 A. Yes.

11 Q. -- you cannot say much about them?

12 A. Well, some I saw when they were killed, when they said they
13 were tired. Some were the same story but I did not see them. We
14 only met the corpses lying there. They were discussed.

15:32:19 15 Q. Now, at some points in the journey women were allowed to
16 sleep with their husbands?

17 A. Yes.

18 Q. So family relationships were not tampered with at all?

19 JUDGE THOMPSON: Before he answers that let's get the
15:33:21 20 answer to the one that you asked first.

21 MR TOURAY: He said yes.

22 JUDGE THOMPSON: Yes, at some point in the journey women
23 were allowed to sleep with their husbands. What's the next
24 question?

15:33:53 25 MR TOURAY: That family relationships were not interfered
26 with.

27 JUDGE THOMPSON: Isn't that a very broad question? Why not
28 be specific? Why do we run into such a --

29 MR TOURAY: As Your Honour pleases.

1 PRESIDING JUDGE: Does the fact that they are allowed to
2 stay together -- [overlapping speakers]

3 JUDGE THOMPSON: It's controversial, that's why I actually
4 intervened. Quite a broad question raises controversy. Surely
15:34:22 5 you can be specific.

6 MR TOURAY: As Your Honour pleases.

7 Q. Husbands and wives were allowed to stay together?

8 A. Combatant men -- I don't understand when you talk of a man
9 and a woman.

15:34:54 10 Q. You've answered the question.

11 A. I am asking whether it was -- whether you are talking about
12 combatants.

13 JUDGE THOMPSON: That's how controversial a question can
14 be.

15:35:11 15 JUDGE BOUTET: Because in your description you have a
16 fairly detailed description of conditions imposed on women,
17 children, combatants and so on and so on. Your question was at
18 some given points in the journey women were allowed to sleep with
19 their husbands. Are you talking of every single individual there
15:35:33 20 or are you talking of combatants? That is the question the
21 witness is asking you.

22 JUDGE THOMPSON: Yes, and that is why that --

23 PRESIDING JUDGE: There is the other group which slept in
24 the cold.

15:35:53 25 MR TOURAY: Yes, the single women. They slept outside.

26 PRESIDING JUDGE: I hope you'll get to that, learned
27 counsel.

28 JUDGE THOMPSON: It is a question really of fairness
29 whether this witness is in a position to give a broad answer to

1 an extremely broad question and how much the Court will be
2 assisted by such an answer that family relationships were not
3 disturbed following from wives sleeping with their husbands.

4 MR TOURAY: I think that point is clear to me. I wouldn't
15:36:55 5 pursue it.

6 JUDGE THOMPSON: Thank you, counsel.

7 MR TOURAY: Because it is based on some evidence which is
8 more clearer.

9 JUDGE THOMPSON: Thank you very much. I didn't mean to
15:37:07 10 throw you off balance and I apologise if you felt that it
11 happened.

12 MR TOURAY: Indeed so, Your Honour. I think [inaudible]

13 PRESIDING JUDGE: He doesn't want to trample on my
14 territory.

15:37:18 15 MR TOURAY: Indeed, sir.

16 Q. Could you tell us how JPK was dressed?

17 A. He had a white gown with the mokai [phon]. He had a tarmac
18 [phon].

19 PRESIDING JUDGE: I don't know a mokai and a tarmac, you
15:37:55 20 know.

21 MR TOURAY: Mokai is some sort of slippers, Arabic
22 slippers.

23 PRESIDING JUDGE: Okay. That's JPK, is it?

24 MR TOURAY: JPK, yes.

15:38:10 25 JUDGE BOUTET: And a tarmac?

26 MR TOURAY: I don't know. Maybe it's a hat.

27 JUDGE BOUTET: Head gear, okay.

28 MR TOURAY:

29 Q. Mr Witness, what do you mean by tarmac?

1 A. His head was skinned. His head was skin.
2 MR TOURAY: Is Your Honour with us? A skinny head, they
3 call it. That's a new type of -- skin head.
4 JUDGE BOUTET: So it is to protect the head that has no
15:38:51 5 hair.
6 PRESIDING JUDGE: Like many in the hall here.
7 MR TOURAY:
8 Q. Now, he was not disguised as a woman, was he?
9 A. The group I saw him, he didn't do that. Where I saw him I
15:39:37 10 saw him as a man.
11 MR TOURAY: Your Honour, the second accused would like to
12 step out of the room for five minutes.
13 PRESIDING JUDGE: The Court will rise, please.
14 [Break taken at 3.39 p.m.]
15:41:27 15 [Upon resuming at 4.00 p.m.]
16 PRESIDING JUDGE: Mr Touray.
17 MR TOURAY: Thank you, Your Honour.
18 Q. Mr Witness, do you know the name of the bank which was
19 being robbed?
16:04:24 20 A. I don't know the name but the only thing I know it was at
21 Post Office Road inside Koidu, there the bank was located.
22 Q. Could it be the Sierra Leone Commercial Bank?
23 A. I don't know the name. I only know the location. That's
24 the location I have called.
16:04:57 25 PRESIDING JUDGE: Post Office Road?
26 THE WITNESS: Yes.
27 MR TOURAY:
28 Q. Now, in the convoy you were with xxxxx; not so?
29 A. Well, yes but at times I did not see him.

1 Q. What about the boy [redacted] you mentioned earlier with
2 whom you were staying together at xxxxxx place at the xxxxxx
3 xxxx? Was he in the convoy?
4 A. Yes, he was there.

16:06:09 5 Q. And he was called [redacted], not so?
6 A. Yes.
7 PRESIDING JUDGE: [Redacted]?
8 MR TOURAY: [Redacted].

9 Q. Is that the spelling?
16:06:33 10 A. Yeah.
11 MR HARRISON: I apologise for interrupting but there may be
12 concerns about witness protection issues if this is pursued
13 further.
14 PRESIDING JUDGE: Well, learned counsel, I hope you have
16:06:59 15 taken note of that remark and know where to draw the line.
16 MR TOURAY: I have already drawn it, Your Honour.
17 PRESIDING JUDGE: Okay.
18 MR TOURAY:

19 Q. Now you said there was a team of RUF clearing the road of
16:07:24 20 Kamajors by the time you left Gandorhun?
21 A. I said at each time after we walked for a long time
22 somewhere we might meet some [inaudible] Kamajors where we had to
23 rest and a group of combatant had to go and clear.
24 Q. Now, I put to you that Akistu was not a bodyguard of Morris
16:08:18 25 Kallon. Captain Akistu was not a bodyguard of Major Kallon?
26 A. But he was his artillery commander.
27 Q. Was he his bodyguard, that is the question?
28 A. No, but you've already said he was not his bodyguard and I
29 am telling you that he was his artillery commander. He was also

1 a senior officer.

2 Q. Okay, so he was not his bodyguard. That is the question?

3 A. Akistu was artillery commander for Morris Kallon.

4 Q. Was he his bodyguard?

16:09:21 5 A. Well, I don't know. All I know is that Morris Kallon was
6 senior for Morris Kallon and Akistu was just a little boy for
7 Morris Kallon.

8 Q. Akistu was a captain. Morris Kallon was a major. Was
9 Akistu a bodyguard of Morris Kallon. That is the question?

16:09:47 10 A. Well, let us forget about their rank. At times --
11 sometimes assignments is greater than rank. Akistu was a senior
12 officer, yes, but he was artillery.

13 Q. [Overlapping speakers]?

14 A. He was artillery to Morris Kallon.

16:10:04 15 Q. [Overlapping speakers]?

16 A. Yes, at that time in xxxxxxx.

17 JUDGE BOUTET: Are you answering yes to what question
18 exactly? When you say in xxxxx, yes to what?

19 THE WITNESS: Yes, that Akistu was security to
16:10:25 20 Morris Kallon in xxxxxxxx.

21 PRESIDING JUDGE: Yes, Mr Harrison?

22 MR HARRISON: We want to make the point that Mr Touray has
23 been asking the question using the word "bodyguard". It has
24 always been the term "securities" used in the past. That may in
16:10:57 25 fact be some source of confusion.

26 JUDGE THOMPSON: But we would have thought that this witness
27 would have been able to clarify.

28 MR TOURAY: Yes, I think that is true. In the transcript
29 it's bodyguard.

1 JUDGE THOMPSON: It's we who may not see the distinction
2 but he would be able to see it. I'm sure that he would be
3 telling us, and now he's used security, that he was security to
4 Morris Kallon. Whether these two terms are interchangeable is
16:11:31 5 another question.

6 MR TOURAY: [Inaudible] by it, Your Honour.

7 JUDGE THOMPSON: Yes. Well, I don't know. But,
8 Mr Harrison, I will let the records reflect sometimes bodyguard
9 sometimes security. Whether you may address us on that, I don't
16:11:53 10 know whether this is critical. But if it comes from the
11 witness's own mouth I don't think I should seek to interpret what
12 he means unless he volunteers that.

13 MR TOURAY:

14 Q. Now, Morris Kallon was not an artillery officer, was he?
16:12:18 15 A. No.

16 Q. Let me finally put it to you that Morris Kallon did not
17 travel with a convoy from Guinea Highway to Kailahun. He stayed
18 at Koidu?

19 A. Morris Kallon was with us. He was a man I saw myself.

16:13:38 20 Q. I will move on to Kailahun. Now it's correct to say it was
21 in Kailahun you met xxxxx?

22 A. Yes.

23 Q. And it was there xxxxxxxx handed over you and [redacted] to
24 xxxxx?

16:14:12 25 A. That was after we had done everything, we had gone to the
26 base. And me and [redacted] you are calling of, we never went to
27 the same place after we had graduated, after we have been --
28 after we had graduated.

29 Q. Mr Witness, the question is were xxxxxxxx handed over to

1 xxxxx by xxxxxx in Kailahun?

2 A. No.

3 Q. Who handed you over to xxxx?

4 A. Nobody. Like me, it was his own command.

16:15:08 5 Q. Thank you.

6 PRESIDING JUDGE: When he says for me it was his own

7 command, what does he mean to say? Mr Witness, do you mean that

8 you were under his command or so?

9 THE WITNESS: Yes. That was at Baima 1st Battalion. He

16:15:43 10 was there as battalion adjutant and we had combatant camp as

11 combatants.

12 JUDGE BOUTET: So this is after your training?

13 THE WITNESS: Yes.

14 MR TOURAY: May the witness be shown his statement of 24th

16:16:10 15 February 2003, page 9723?

16 PRESIDING JUDGE: 24th of February?

17 MR TOURAY: Yes, Your Honour.

18 PRESIDING JUDGE: 2003?

19 MR TOURAY: Yes, Your Honour.

16:16:46 20 THE WITNESS: What is the number at the top right corner?

21 MR TOURAY:

22 Q. 9723.

23 A. 9723?

24 Q. Yes.

16:17:06 25 A. Yes.

26 Q. Now, the last sentence: "The numbers to commanders were

27 not fixed as small boys would attach themselves to any commander

28 they liked." That is correct; not so?

29 A. Yes, this statement is correct.

1 Q. May I also refer you to your statement of 23rd February
2 2003, page 9714?
3 A. Page 9714?
4 Q. Yes.
16:19:11 5 A. Yes.
6 Q. Starting from line 14 from the top. Have you seen it?
7 A. Well, the lines are not numbered here.
8 Q. Start counting from the first line on the top coming
9 downwards, line 14. "I was the commander of xxxxxxx unit
16:19:52 10 xxxxx." Have you seen it?
11 A. Yes. Yes.
12 Q. That is correct; not so?
13 A. Yes.
14 JUDGE BOUTET: Mr Touray, what did you say? You read line
16:20:17 15 14 and then what was your next question?
16 MR TOURAY: That is the statement is correct.
17 JUDGE BOUTET: Sorry, I had missed it. Thank you.
18 PRESIDING JUDGE: I was a commander of?
19 MR TOURAY: xxxxxxxx unit xxxxxxx.
16:20:46 20 Q. "We were all male and did exactly what xxxxxx ordered which
21 he passed to me first". That is correct; not so?
22 A. Yes.
23 Q. "But sometimes I used my own initiative like sending the
24 xxxxxxxx food finding missions. That is when xxxxxxxx was not
16:21:30 25 around." That is correct; not so?
26 A. Yes.
27 Q. "But I would always report these to him when he came back."
28 Is that correct? You said so?
29 A. Yes.

1 Q. So Tiger in fact sent you for training?
2 A. No.
3 Q. Is it not the case that **xxxx** used to send you -- do you
4 know **xxxxxxxxx**?
16:22:18 5 A. Yes.
6 Q. And he used to send you to **xxxxxx** at Kailahun or Benduma?
7 A. Benduma, **xxxxxxxxx** was not there.
8 Q. Kailahun?
9 A. No.
16:22:43 10 Q. Where?
11 A. That should have been your question for me.
12 Q. Thank you, I'm sorry.
13 A. Well, he was just a village near Balehun, close to Balehun.
14 Q. Thank you. Do you know how to spell that?
16:23:05 15 A. No, I don't know, sir.
16 Q. What is the biggest town nearer to that village?
17 A. And the village is just close to the training base, Bunumbu
18 on the right-hand side. Then on the left, when you are standing
19 at the middle of the town, you have Balehun.
16:23:31 20 Q. Tiger used to send you there, not so?
21 A. Well, not all the time I could remember. He usually send
22 us with vehicle which was owned by Colonel Eagle.
23 Q. **xxxxxx** used to take you along on patrol to **xxxxxx**?
24 A. We were at **xxxxx**.
16:24:25 25 Q. You were at **xxxxx**. **xx** used to take you along on patrol to
26 Pendembu?
27 A. Yes, mostly at night. We go at night.
28 Q. Kailahun and its surroundings?
29 A. Well, **xx** was among one of those **xxxx** whom he trusted. He

1 always leaves xx in the house and he trusts xx so much that
2 whenever xxxx xxxxxx everything is in order.
3 Q. Thank you. He always leaves xxx in the house and whenever
4 he comes everything is in order. And xxxxxxxxxxxx to
16:25:41 5 the 1st Battalion --
6 A. Battalion xxxxxxxx.
7 Q. At xxxxx?
8 A. Yes.
9 [HS180405E-RK]
16:26:07 10 Q. He was not a fighter?
11 A. Wow, xxxxx, his body is full of bullets. That is
12 because -- because he went to school -- because went to school
13 more than any of them, but in terms of -- actually we never knew
14 him as an xxxxxxxx.
16:26:32 15 Q. But he never fought with Morris Kallon on the same ground?
16 A. xxxxx? xx was with xxxxx, but later from the time xxx went
17 to xxxx xxxx to him. xxxxx and went to the xxxxx
18 mission because we were appointed and what he said, I didn't want
19 to do it. From that time I stopped seeing xxxxx until this
16:27:03 20 disarmament.
21 Q. Stop there. So you hid and went to xxxx leaving xxxxx
22 at xxxx; is that what you're saying?
23 A. Now, what he said we should carrying the ammunition on our
24 head. We should carry the ammunition and remove it from Baima.
16:27:26 25 JUDGE THOMPSON: Counsel, where are you taking us? What
26 was your question?
27 MR TOURAY: That Tiger never fought on the same ground as
28 Morris Kallon.
29 JUDGE THOMPSON: You have probably gave him the liberty to

1 roam. Let's get to that, because I got up to a point where
2 I lost my bearing.
3 MR TOURAY:
4 Q. Witness, please answer the question, Tiger never fought
16:27:57 5 with Morris Kallon on the same ground?
6 A. No, but they have been fighting with him because he was his
7 commander. They were fighting together before.
8 Q. 1998 onwards is my date.
9 A. No, no.
16:29:07 10 JUDGE THOMPSON: Proceed, Mr Touray.
11 MR TOURAY: Yes, I'm just trying to clear something.
12 Q. Now, would you please turn to your statement of --
13 [microphone not activated]
14 THE INTERPRETER: Your Honour, the attorney's mike is not
16:29:50 15 on.
16 MR TOURAY: Sorry.
17 Q. Would you please turn to your statement of February 3rd,
18 2003?
19 A. I'm still there.
16:30:07 20 Q. All right would you turn to page 9713, the third line.
21 A. Yes.
22 Q. "I would be asked by my boss man to join the commander to
23 go on operations." Do you agree? Is that correct?
24 PRESIDING JUDGE: I did what?
16:30:59 25 THE WITNESS: Yes, yes.
26 MR TOURAY:
27 Q. "I would be asked by my boss man to join the commander and
28 to go on operations." That is correct; not so?
29 A. Yes. Yes.

1 Q. So you only joined another commander if your boss allows
2 you to do so, or orders you to do so?
3 A. Yes, for the meantime I was with him and that was the only
4 time. From xxxxxx mission he had no order that he was giving
16:31:44 5 me. In fact, he was not even seeing me.
6 Q. So you hid from him?
7 A. I didn't hide, but because of his instructions -- because
8 of the instructions if you cross that water and you are not
9 allowed to go, if you go, you will be executed.
16:32:03 10 Q. Let's go on. Now, Tiger never fought at Joru; is that
11 correct?
12 A. Yes, yes.
13 Q. He never fought at Manowa?
14 A. He never went there, it is true.
16:32:24 15 Q. He never fought at Daru?
16 A. It is a lie.
17 Q. [Previous translation continues]
18 A. Yes, yes.
19 Q. [Previous translation continues] ...already in the
16:32:40 20 statement.
21 A. The first mission we ever took for Daru, Tiger was the
22 leader. He was the leading combatant.
23 Q. [Previous translation continues] the mission about which
24 you testified to in your evidence, was Tiger -- did Tiger fight
16:33:02 25 there at Daru?
26 A. Yes, yes.
27 Q. As what?
28 A. As combatant. Even though he was the senior officer, where
29 Caster Blaster was at front line, who is Tiger not to go there

1 and Colonel Eagle, in fact, was even there.

2 Q. Would you turn to page 9713, statement of 23rd February
3 2003,

4 PRESIDING JUDGE: Is that the statement where you had
16:34:04 5 referred him to the third line?

6 MR TOURAY: Yes.

7 PRESIDING JUDGE: That is it.

8 MR TOURAY: Yes, another portion.

9 THE WITNESS: I am still there.

16:34:14 10 Q. You said -- the second paragraph, about the middle.

11 A. Yes.

12 Q. "It was after this training that I went to face the battle
13 at xxxxled by xxxxxx, but the mission was unsuccessful.

14 We got heavy casualties because most of us had only just trained
16:34:50 15 and did not even know how to fire properly. It was the child
16 combatants that mostly died in that battle. After this I was
17 sent for by xxxxx and I joined xxxxxx Units."

18 Q. Did xxxxxx fight at Daru with you?

19 A. Yes, yes, but the only thing he was based at Baima Town as
16:35:18 20 the headquarter town. So I was in the xxxxxxxx after
21 which he had to send not only him through xxxxxxxx. It was
22 approved before ever I had to come to the xxxxxx.

23 Q. Now, you said when you went to xxxx, you never came to
24 xxxxxxxx again; is that correct?

16:35:42 25 A. Yes.

26 Q. Would you please turn to page 9737 -- sorry, 9733, about
27 the 4th paragraph?

28 A. You mean this same one I'm holding?

29 Q. No, no.

1 A. What is the date?
2 Q. 9th October 2004. Have you seen it? 9th of October 2004,
3 page 9733.
4 A. Here it is written January. January is the date here.
16:37:28 5 Q. The first number on that page is 9730, 9th October 2004.
6 A. I have got 9733. I have got 9733.
7 Q. Yes, the 4th paragraph.
8 A. Yes.
9 Q. "I disarmed at Daru"; is that correct?
16:37:59 10 A. Yes.
11 Q. "I hid myself from my boss man at Daru pretending I was
12 sick."
13 A. Yes.
14 Q. "I took a little girl with me."
16:38:14 15 A. Yes.
16 Q. "I took a little girl with me."
17 A. Yes.
18 Q. "Anyone who was captured then for trying to escape would be
19 flogged."
16:38:33 20 A. Yes.
21 Q. "I will tell people at the checkpoint that I was going to
22 meet my commander"; correct?
23 A. No. I was walking with my commander who was Tiger, because
24 they all knew me for him.
16:39:08 25 Q. [Previous translation continues]
26 A. It was not Daru. It was xxxx. This was at the peace
27 time, the ceasefire and everything. That is the peace end.
28 Q. Mr Witness, did you hide yourself from your boss man xxxxxx
29 whether at xxxxx or somewhere else?

1 A. Yes. This was the time for disarmament. That was the time
2 I was going to disarm.
3 Q. And you hid yourself from your boss man xxxxxxx?
4 A. xxx.
16:39:47 5 Q. Mr Witness, I put it to you that you were all the time with
6 xxxxx. You never fought --
7 A. Yes.
8 Q. [Previous translation continues] you were with xxxx all
9 the time?
16:40:01 10 A. If I had been with xxxxx all the time, how would I have got
11 all this information? Through rumours?
12 Q. Because he was an adjutant, so you got it from him?
13 A. No, no.
14 Q. [Previous translation continues]
16:40:25 15 A. But being an xxxxxxxx does not mean you have to reveal all
16 informations to me. Being an xxxxx does not mean that
17 I should get all bits of informations he had.
18 Q. You had the opportunity to do so?
19 A. In fact, I did not stay with xxxxx for complete six months.
16:41:05 20 Q. You're personally aware --
21 MR HARRISON: I apologise, but I only interrupt because I'm
22 having a bit of a hard time hearing and I think this may be
23 reflected in the problem with the reporters as well. And I was
24 wondering if Mr Touray would be kind enough to perhaps ask the
16:41:18 25 witness to repeat if it was unclear to anyone else.
26 JUDGE THOMPSON: Yes, the questions came in such rapid
27 succession that I --
28 PRESIDING JUDGE: I even dropped my pen.
29 JUDGE THOMPSON: Mr Touray, you might want to --

1 [Overlapping microphones]

2 MR TOURAY: Where did you stop, Your Honour?

3 JUDGE THOMPSON: I'm blank --

4 PRESIDING JUDGE: Well, this was where the witness was

16:41:51 5 saying -- he asked you, in fact. He said, you know, "If I was
6 with xxxxxx all the time, where did I get all this information?"
7 Then he said it was because he supplied the -- you know, he was
8 near the battalion -- what is the term again?

9 MR TOURAY: Adjutant.

16:42:11 10 PRESIDING JUDGE: That is right. That is where he got the
11 information and he said no.

12 MR TOURAY:

13 Q. Now, Mr Witness, apart from Daru you never fought anywhere
14 you were with xxxxxx?

16:42:26 15 A. Who, you mean me?

16 Q. You?

17 A. It is funny, because with all my strengths -- now, I'll
18 consider it as provocation, or I don't know, because with all the
19 strengths I have taken this is the way you put it, but I don't
16:42:53 20 mind anyway. All I know is -- in fact, like xxxxxx, some of the
21 missions you mentioned I never knew because he himself was a
22 combatant. Maybe he took part, but I don't know. Okay, let's
23 talk about Joru again. We should have been buried then, because
24 I knew much about what happened there.

16:43:30 25 PRESIDING JUDGE: You're suggesting to him that he never
26 fought?

27 MR TOURAY: Apart from Daru he never fought anywhere. He
28 was with xxxxxx all the time.

29 PRESIDING JUDGE: Okay. Are you admitting that he fought

1 in Daru?

2 MR TOURAY: Yes.

3 PRESIDING JUDGE: Mr Witness, who --

4 THE WITNESS: Who? Myself? The thing appears funny to me,
16:43:56 5 because Daru was just the situation where ~~xxxxx~~ to the
6 fighting. It was just like that. Talking about Segbwema and
7 other areas excluding me from taking part in the fight there, why
8 not excluding me from Daru again?

9 PRESIDING JUDGE: So you say you fought in Daru and in
16:44:21 10 which other areas, Mr Witness?

11 THE WITNESS: Segbwema, Jokibu, Bunumbu all those little
12 villages. The mission came from Baima which was our battalion.
13 Again, I fought at ~~xxxxxxx~~, all these areas I have named.
14 Well, if I had not been there, every bit of thing that occurred
16:44:56 15 there, nobody would have come to tell me.

16 Q. But you really fought at Daru [Microphone not activated]

17 MR HARRISON: Sorry, Mr Touray, but your microphone is off.

18 MR TOURAY:

19 Q. If you really fought at Joru, what was the name of the SLA
16:45:31 20 what was killed on top of the armoured car?

21 A. But I started by saying that I had forgotten his name.
22 I explained exactly that I had forgotten his name, but I named
23 other SLAs that were present there, like Tolo Ineke [phon],
24 Colonel Maada [phon] who were SLA also. Just ask your client,
16:45:56 25 they will tell you or you turn it the other way around.

26 PRESIDING JUDGE: He even described to you the
27 circumstances of how that military man died in the armoured car.
28 He said he was shredded, you know, a bullet came from underneath
29 and he said it shredded him to pieces.

1 MR TOURAY:

2 Q. All right, Mr Witness, let's go on. Were you aware that
3 Sam Bockarie had a personal farm, rice farm around 1998?

4 A. Personal farm.

16:46:59 5 Q. A personal farm, rice farm.

6 A. That was where? I don't know.

7 Q. Kailahun, Kailahun district.

8 A. Where?

9 Q. Are you aware, that is the question.

16:47:20 10 A. The only one that I knew of that was the government farm,
11 but if you talk about a personal farm, that makes me doubt.

12 Q. Were you aware that JPK too had a farm when he went to
13 Buedu, rice farm?

14 A. In the case of JPK I don't know.

16:47:52 15 Q. But in the case of Sam Bockarie you know?

16 MR HARRISON: Well, that is rather unfair.

17 MR TOURAY: He says he doesn't know, so I'm just trying to
18 get a confirmation if he knew in the case of Sam Bockarie.

19 PRESIDING JUDGE: Well, he said he didn't know. He knew of
16:48:13 20 a government farm. [Overlapping microphones]

21 THE WITNESS: Because I don't know about a personal farm.

22 MR TOURAY:

23 Q. I'm putting to you that the RUF had no government farms
24 around 1998 in the Kailahun District. Those were personal farms
16:48:36 25 of either Sam Bockarie or JPK.

26 A. Those are lies, mere lies. In fact, as we were fighting,
27 nobody had to make anything that was private for himself which we
28 referred to as personal.

29 Q. Even the boss man, the master?

1 A. He himself had people that monitored him. Yes,
2 Sam Bockarie, yes. He had people that he was afraid of, like the
3 man that sits very close to you, like Povay, Morris Kallon, so
4 during that time they put it to him.

16:49:52 5 Q. Now, Mr Witness, Morris Kallon had nothing to do with
6 government farms or RUF government farms?

7 A. But I have never said that he himself involved, I have
8 never. All what I know -- all what I know is the farm where he
9 was -- the people that used to work there, you know, were through

16:50:24 10 Sam Bockarie, even the security that went there, they were sent
11 there by Sam Bockarie. So it was he who passed instruction in
12 the morning.

13 Q. Thank you.

14 A. Welcome.

16:50:38 15 Q. Yes. Mr Witness, let's go to the training base. Do you
16 know the RUF national anthem or the RUF anthem?

17 A. From the first beginning, on to the end, yes.

18 PRESIDING JUDGE: Before we go to the training base, we
19 shall raise for a few minutes.

16:52:31 20 [Recess taken at 4.50 p.m.]

21 [On resuming at 5.15 p.m.]

22 PRESIDING JUDGE: Yes, Mr Touray.

23 MR TOURAY: Thank you, Your Honour.

24 Q. Mr Witness?

17:17:39 25 A. Yes, sir.

26 Q. At the training base you say you were taught the rules and
27 regulations of the RUF?

28 A. Yes.

29 Q. And the aims and objectives of the RUF?

1 A. Yes.

2 Q. You also taught --

3 JUDGE THOMPSON: You're referring to separate instruments?

4 MR TOURAY: Yes, rules and regulations and the aims and the
17:18:23 5 objectives of the RUF.

6 Q. You were also taught the ideology of the movement?

7 A. Yes.

8 Q. What does the RUF stand for?

9 A. Well, according to what they told us at the training base,
17:19:09 10 RUF means Revolutionary United Front.

11 Q. What were the aims and objectives of the movement, as you
12 were taught?

13 A. I cannot remember now.

14 Q. What was the ideology of the movement, as you were taught?

17:19:42 15 A. I cannot remember any now. All I was interested in was --
16 that is left in my mind was to go back, as all that was --

17 THE INTERPRETER: Your Honour, the interpreter cannot get
18 some part of the witness's testimony. Would the witness please
19 be asked to repeat his testimony.

17:20:15 20 MR TOURAY:

21 Q. Mr Witness, could you please repeat.

22 A. Yes.

23 Q. Yes, you were saying. You were taught the ideology of the
24 movement, but what happened?

17:20:31 25 A. Yes. We were taught all of that. I said what I could only
26 remember now are some of the rules and regulations, the RUF
27 anthem and some of the -- some of the arms that we were taught,
28 the various parts of the arms.

29 Q. That is all you can remember?

1 A. Yes, as of now.

2 Q. But you remember that Morris Kallon had nothing to do with
3 training?

4 A. Yes, but he used to send people to train them.

17:21:39 5 Q. Was he a recruiting officer?

6 A. No, but he sent people for them to be trained.

7 Q. Now, let's talk about -- you spoke of a place called Dawa
8 by the Liberian border?

9 A. Yes.

17:22:42 10 Q. Dawa was an exchange point; not so?

11 A. A barter system.

12 Q. So you take goods and trade them off for arms?

13 A. We carried the looted property to the place. Either we
14 exchanged them for arms and ammunition or for salt, Maggie or any
17:23:19 15 other condiment.

16 Q. With whom did you make the exchange?

17 A. Well, the people I saw, they -- the people I used to see,
18 they dressed in civilian clothing, but the NPFL were guarding the
19 border.

17:23:52 20 Q. So those you exchanged goods with dressed in civilian
21 clothing; is that correct?

22 A. Yes.

23 Q. Let's talk about the recapture of Kono. Now, at the time
24 of the recapture of Kono, the only safest haven of the RUF was
17:25:08 25 the Kailahun District?

26 A. Yes.

27 Q. And those in the camps in the Kono District; is that
28 correct?

29 A. It was true that the only safest haven during that period

1 was the Kailahun District.

2 Q. And you have RUF also in some parts of the Kono Districts

3 in the camps?

4 A. I don't understand when you made mention of camps.

17:26:20 5 Q. Certain places outside Koidu Town where you had RUF.

6 A. Yes.

7 Q. Now, Kabala was under ECOMOG and the CDF at that time?

8 A. Yes.

9 Q. Makeni was under ECOMOG and the CDF?

17:27:02 10 A. Yes.

11 Q. Kenema was under ECOMOG and the CDF?

12 A. Yes.

13 Q. Even Bo was under ECOMOG and the CDF?

14 A. Yes.

17:27:31 15 Q. And also Mile 91?

16 A. Yes.

17 Q. And the Kambia District as well?

18 A. Yes.

19 Q. Thank you. Now, when your troops left Kailahun to

17:28:26 20 recapture Kono, you said you held a meeting at Baoma?

21 A. Yes.

22 Q. It was at Baoma all the various troops contributed by the

23 various battalions and the brigades assembled?

24 A. No. No.

17:29:12 25 Q. They first assembled there before they went to Gandorhun?

26 A. Yes.

27 Q. Now, which battalion did you belong to at the time?

28 A. Like what battalion?

29 Q. Which group did you belong to at the time, by the time you

1 set out to recaptured Kono?

2 A. It was the RUF.

3 Q. There were several battalions, so which one did you belong

4 to?

17:30:27 5 A. The battalion you are talking about, it was -- they sent a

6 message. They said we should send manpower. It was not the

7 entire battalion that had to go.

8 Q. Were you sent as manpower?

9 A. No.

17:31:03 10 Q. Where were you then?

11 A. I was in Buedu.

12 Q. With Tiger?

13 A. No.

14 Q. With whom?

17:31:18 15 A. I was there with somebody.

16 Q. With whom?

17 A. I was there with xxxxx

18 Q. Your xxxxx

19 A. I had a xxx.

17:31:40 20 Q. I asked was it your xxxxx?

21 A. It can be anyone's xxxxxxx.

22 PRESIDING JUDGE: Whose xxxxx was it, Mr Witness?

23 [HS180405 5.30 p.m. - AD]

24 THE WITNESS: That is the very name he has - xxxxxx

17:32:00 25 PRESIDING JUDGE: Whose xxxxx was it?

26 THE WITNESS: It was somebody at xxx - xxx. He was a

27 combatant at Buedu. That is the exact name I have called. His

28 name was xxx. He resided at xxxxx during that time.

29 Q. So you were with him?

1 A. Yes.

2 PRESIDING JUDGE: So he was a combatant.

3 MR TOURAY: That is what he says.

4 THE WITNESS: Yes.

17:32:39 5 MR TOURAY:

6 Q. So, he, **xxxx** was not sent as manpower as well.

7 A. He was among those people that were chosen to go.

8 Q. Did you go?

9 A. Yes.

17:32:55 10 Q. And you stayed to look after his place.

11 A. I don't understand.

12 Q. You stayed at Buedu to look after his place; that is,

13 **xxxxxx** place.

14 A. Did he has any place? He hadn't a place.

17:33:26 15 Q. Did you go with him?

16 A. Yes.

17 Q. Although you were not chosen and sent as manpower?

18 A. I was with him as security; I was with him as security.

19 Q. You were with him as security. What was his rank?

17:33:51 20 A. He was an **xxxx**.

21 Q. Without any **xxx**

22 A. He was a staff captain.

23 Q. Were you with him at **xxxxxx**?

24 A. Yes.

17:34:07 25 Q. Were you with him at Gandorhun?

26 A. Well, ever since we crossed over the water, we crossed over

27 the water, at that time all of us were engaged. Except, yes, in

28 **xxx**; I was with him at **xxxxxxx**

29 Q. You were with him at **xxxxxx** as his security.

1 A. Not as his security.

2 Q. But as what?

3 A. Well, during that time he was able to provide security for
4 himself. He himself had a gun.

17:34:47 5 Q. What then were you doing there, because you were not sent
6 as manpower and you were not his security?

7 A. We are transporting the ammunition. At the end of the day,
8 after we have transported everything - during the transportation
9 we had our arms and ammunition, the magazine. We used to

17:35:11 10 transport ammunition. We are just not crossing over like that.

11 Q. After transporting, you go back.

12 A. Where?

13 Q. To Buedu.

14 A. I alone returned that long, long journey.

17:35:32 15 Q. You and the others transporting --

16 A. Let's forget about that, that we return. We never
17 returned. The last ammunition we collected, I cannot recall
18 where we went with it. As we went with it there, we never turned
19 back. In fact, the entire town had security; that was all over
17:36:07 20 the town.

21 Q. Now, you mentioned about three divisions made at Gandorhun:
22 The advance team, the bulldoze and the rear team. You were not
23 part of any of those divisions.

24 A. I never charged myself to none. I was supposed to be a
17:36:40 25 member of the rear team, but it was at the back. But because we
26 were carrying ammunition --

27 Q. How were you supposed to be a member of the rear team when
28 you were not sent there as manpower?

29 A. Look, the reason that you have advanced that I was not sent

1 as manpower - the word "manpower" - even if you emerge from the
2 ground you can go and fight inasmuch as you are there to fight.
3 The only thing they required was manpower; that was what they
4 wanted.

17:37:40 5 Q. Now, do you know where the advance team went?

6 A. They were as far as - they were ahead of them, so we are
7 behind them. But the same direction.

8 Q. That was the Koidu direction.

9 A. Yes.

17:38:01 10 Q. And ECOMOG was in Koidu.

11 A. Yes.

12 Q. So all these three divisions - the advance, the bulldoze
13 and the rear - they all went to Koidu Town to attack ECOMOG.

14 A. Well, just as you have named the groups, that was the way
17:38:46 15 they entered in Koidu Town, yes.

16 Q. Were you aware of an ambush mission to cut off the supply
17 line between Kono and Masingbi; in other words, ECOMOG forces
18 coming from Makeni in order to assist ECOMOG in Koidu? Were you
19 aware of the area ambush mission to cut off that supply line?

17:39:26 20 A. Yes. Yes. Yes.

21 Q. So as to block ECOMOG assistance from Makeni.

22 A. Yes.

23 Q. Do you know that Morris Kallon was part of that ambush?

24 A. Well, I don't know because he is a commander. Sometimes
17:39:55 25 when we are very close to the target we will not see him again.

26 Yes. All that I knew was they had some SLAs that were with them.

27 Q. Were you aware that after the recapture Kono - Koidu - that
28 ambush team advanced toward Gold Town?

29 JUDGE BOUTET: Where?

1 MR TOURAY: Gold Town.
2 THE WITNESS: Yes.
3 Q. And they were met there by Rambo and others from Koidu
4 after having captured Koidu.
17:40:56 5 A. Yes.
6 Q. Are you aware Morris Kallon was also there in Gold Town?
7 PRESIDING JUDGE: In what town? Gold Town?
8 MR TOURAY: Gold Town.
9 THE WITNESS: Well, I don't know that; I don't know
17:41:15 10 whether, if at all, he was among the group.
11 Q. In other words, you did not see him throughout the event.
12 A. Yes. Until we captured Koidu Town, I did not see him.
13 Q. Thank you. Did you know or did you hear of a Colonel
14 Hector Kabila?
17:42:34 15 A. Colonel Kabila, yes.
16 Q. And also Rocky CO?
17 A. Yes.
18 Q. Did you know that they were based at Kayima by the time of
19 the capture of Kono?
17:42:58 20 PRESIDING JUDGE: Is it Rocky CO or CO Rocky.
21 MR TOURAY: It is Rocky CO.
22 PRESIDING JUDGE: Rocky CO.
23 MR TOURAY:
24 Q. Well?
17:43:21 25 A. Well, I don't know about that. All I know, when we
26 captured Koidu we never knew that we had faction there.
27 PRESIDING JUDGE: Never knew that?
28 MR TOURAY: They had factions there.
29 PRESIDING JUDGE: Factions?

1 MR TOURAY: Yes.

2 Q. You spoke about a Colonel Banya.

3 A. Yes.

4 Q. Do you know that he was based at Tumbodu?

17:44:15 5 A. Colonel Banya?

6 Q. Yes.

7 A. No.

8 Q. Do you hear of a Major TikoLo [phon]?

9 A. TikoLo, yes.

17:44:34 10 Q. Do you know that he was based at Tumbodu?

11 A. No.

12 Q. Were you aware of military and civilian settlements - that

13 is, when I say "military", RUF - at Tumbodu at about the time of

14 the recapture of Kono?

17:45:11 15 A. No.

16 Q. Were you aware of --

17 PRESIDING JUDGE: Learned counsel. I mean, "Were you",

18 "Were you". May we have at least a resume of --

19 MR TOURAY: [Inaudible].

17:45:28 20 PRESIDING JUDGE: Yes, I know or I do not know of the

21 presence of area bases in Tumbodu.

22 MR TOURAY: Tumbodu, yes.

23 Q. Superman Ground?

24 PRESIDING JUDGE: Please wait. Then there was a question

17:45:51 25 that followed the Tumbodu question.

26 MR TOURAY: Or Superman Ground.

27 PRESIDING JUDGE: Before that. Anyway.

28 JUDGE BOUTET: At the time of the recapture of Koidu.

29 PRESIDING JUDGE: Yes, at the time of the capture of Koidu.

1 JUDGE BOUTET: And the next question after that was, "Do
2 you know of the Superman Ground?"
3 MR TOURAY: Yes.
4 Q. Did you know of the existence of Superman Ground at the
17:46:23 5 time?
6 A. Yes.
7 Q. And you knew that there were civilians as well as
8 combatants there - RUF combatants?
9 A. No.
17:46:44 10 Q. Was it vacant, empty?
11 A. I only knew of combatants were there.
12 Q. Did you know of area bases at Wundidu?
13 A. Some of those town names you are calling on I cannot
14 recollect. Like the one you have just mentioned.
17:47:23 15 Q. Wundidu. Never heard of it?
16 A. I cannot recall as to whether I have heard that name.
17 MR TOURAY: Now, I want to travel some areas, but it is not
18 likely that I will finish it by six.
19 PRESIDING JUDGE: We have 15 minutes left. Are you
17:48:08 20 suggesting that you don't have any --
21 MR TOURAY: I have.
22 PRESIDING JUDGE: -- questions you can ask without getting
23 to the area of making sure that we rise at six?
24 MR TOURAY: Very well.
17:48:12 25 PRESIDING JUDGE: We have 15 minutes left and that is quite
26 some time.
27 MR TOURAY: Yes. Bear with me.
28 Q. You have heard of Colonel Gadaffi.
29 A. Yes.

1 Q. There were two Gadaffis. Which one did you hear about?
2 A. Colonel Gadaffi. Which of the Gadaffis?
3 Q. How many do you know, both of them?
4 A. I know the two of them.
17:49:21 5 Q. Where was Colonel Gadaffi at the time of the recapture of
6 Koidu? Let me say both of them. Where were they?
7 A. Like the one that I - excuse me, the first one. We went
8 and captured Segbwema. That is Colonel Gadaffi. I want to
9 believe that Colonel Gadaffi was with us in that position, by the
17:50:21 10 time we came to recapture Koidu back.
11 Q. You want to believe. You are not sure.
12 A. Well, yes, I am sure.
13 Q. Was he in the advance team?
14 A. I never knew his position.
17:50:38 15 Q. Did you see him after the recapture of Koidu?
16 A. No.
17 Q. You never saw him again until when?
18 A. I did not see him up to the time I left the jungle.
19 Q. Thank you. After the recapture of Kono, did you follow the
17:51:42 20 team - the ambush team - to Gold Town?
21 A. No.
22 Q. But you knew that after the recapture of Kono they were
23 supposed to head for Makeni.
24 A. But already - they already produced the men that were going
17:52:21 25 reinforce the people who were at the ambush at Gold Town. It was
26 not everybody who was supposed to join that mission.
27 Q. They had already selected those to reinforce the ambush
28 team at Gold Town. Have you ever been to Kayima?
29 A. Yes.

1 Q. Was it before the recapture of Koidu?

2 A. Before we recapture Koidu - I xxxxxxxxxxxxxx xxx. I
3 know it very well.

4 Q. Is that how you got to know Koidu?

17:53:40 5 A. After we recaptured Koidu Town for the second time, that
6 was the time I went there. Kayima, Tumbodu, Small Sefadu, some
7 other towns around.

8 Q. You say you did not meet Kabila there, at Kayima.

9 A. We did not meet anybody there. It was only after we have
17:54:08 10 recaptured Koidu Town that those settlements were later formed.

11 Q. Do you know the composition of the reinforcement team, the
12 team to reinforce the ambush team at Gold Town?

13 A. All I know was what was in the armament. All that I know
14 --

17:54:56 15 Q. [Inaudible]

16 THE INTERPRETER: The interpreter is sorry. The attorney
17 cannot wait for the entire responses of the witness and he takes
18 off. And therefore --

19 PRESIDING JUDGE: We agree with you.

17:55:15 20 MR TOURAY: I am very sorry. I am trying to rush.

21 JUDGE THOMPSON: It is probably the law of diminishing
22 returns.

23 PRESIDING JUDGE: Please, don't rush. Never mind, you just
24 have five minutes to get to the target. Just take it easy.

17:55:28 25 MR TOURAY:

26 Q. Can you give the answer please?

27 A. Ask your question.

28 Q. In other words, I am asking whether you know the
29 composition of the reinforcement team sent to reinforce the

1 ambush team at Gold Town.

2 A. Some of the commanders I never knew. But some of the
3 combatants I knew; some of them I knew.

4 Q. You did not know the commanders, but you knew some of the
17:56:02 5 members of the combatant team - some of the combatants, rather.
6 I would be obliged now; there is five more minutes.

7 PRESIDING JUDGE: Well, since Mr Touray has called off the
8 match, we will adjourn till tomorrow for the replay. The Court
9 will rise please.

10 [Whereupon the hearing adjourned at 5.56 p.m., to be reconvened
11 on Tuesday, the 19th 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 TOURAY 3