

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

THURSDAY, 24 APRIL 2008
9.47 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

| | |
|---------------------------------|---|
| Before the Judges: | Benjamin Mutanga Itoe, Bankole Thompson Pierre Boutet |
| For Chambers: | Mr Felix Nkongho Mr Alex Paretas |
| For the Registry: | Ms Advera Kamuzora |
| For the Prosecution: | Mr Charles Hardaway Mr Vincent Wagona Mr Reginald Fynn |
| For the accused Issa Sesay: | Mr Wayne Jordash |
| For the accused Morris Kallon: | Mr Charles Taku Mr Kennedy Ogeto Ms Lois Mbafor |
| For the accused Augustine Gbao: | Mr John Cammegh |

1 [RUF24APR08A-BP]
2 Thursday, 24 April 2008
3 [Open session]
4 [The accused present]
09:43:55 5 [Upon commencing at 9.47 a.m.]
6 [The witness entered Court]
7 WITNESS: DMK-087 [Continued]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: Good morning, learned counsel. We're
09:59:29 10 resuming the proceedings and so in resuming these proceedings
we
11 are conscious, Mr Jordash, that the Kabbah subpoena issue was
12 scheduled for today. We in fact are coming in a bit late
because
13 we had to deliberate on this before coming to start the
session.
14 So we would go on with this witness and, as we did agree, we
said
10:00:08 15 we would open -- re-open your case just for this witness, and
16 interpose him with the witnesses who were supposed to be
17 testifying for Mr Kallon at this time. And that is what we're
18 going to do this morning, but, since we are not quite ready
for
19 that now, we will go on with this witness and see what happens
in
10:00:42 20 the next couple of minutes when we would have to bring the
Kabbah

21 subpoena issue back to the table for a discussion this
morning.

22 MR JORDASH: Certainly, Your Honour.

23 PRESIDING JUDGE: Is that all right?

24 MR JORDASH: Yes, thank you.

10:00:57 25 PRESIDING JUDGE: So, Mr Ogeto, you may continue,
please.

26 MR OGETO: Thank you, My Lords. Good morning.

27 PRESIDING JUDGE: Good morning.

28 EXAMINED BY MR OGETO: [Continued]

29 MR OGETO:

1 Q. Good morning, Mr Witness. Good morning, Mr Witness, are
2 you getting me?
3 A. Yeah, good morning. How are you?
4 Q. Are you getting the translation? Now, at the beginning
of
10:01:39 5 your direct testimony you mentioned that you knew the Five-
Five
6 Spot in Koidu; do you recall that?
7 A. Yes. Yes.
8 Q. And in fact you say that at some point in time you lived
9 near the Five-Five Spot; do you recall that?
10:01:57 10 A. Yes.
11 Q. It's correct that the Five-Five Spot is within Koidu
Town;
12 am I right?
13 A. Yes.
14 Q. Now, between the period March to June 1998, did you ever
10:02:21 15 receive a report to the effect that the accused, Morris
Kallon,
16 killed three civilians at the Five-Five Spot?
17 PRESIDING JUDGE: It is between what?
18 THE WITNESS: No. No.
19 MR OGETO: Between March and June 1998.
10:02:40 20 THE WITNESS: No.
21 MR OGETO:

22 Q. Now --

23 PRESIDING JUDGE: Killed how many civilians?

24 MR OGETO: Three civilians, My Lords.

10:03:02 25 Q. Now, during this period, March to June 1998, were you
Koidu

26 receiving reports regarding the treatment of civilians from
27 Town?

28 A. Repeat that question; I did not understand your
question.

29 Q. You said that you were briefly in Koidu Town before you

1 moved to Yomandu; am I right?

2 A. Yes.

3 Q. After you moved to Yomandu, were you receiving reports
from

4 Koidu Town regarding the treatment of civilians in the town?

10:04:04 5 A. Yes, sir.

6 Q. Is it possible, Mr Witness, that Mr Kallon may have
killed

7 three civilians in Koidu Town without your knowledge?

8 A. If that happened, I would have known. I would have got
a

9 report from them. They would have told the G5 commander, who
was

10:04:42 10 the commander during that time.

11 JUDGE BOUTET: Isn't it largely speculative on the part
of

12 the witness and on your part with that kind of question and

13 answer?

14 MR OGETO: No, My Lords. This is a witness who has said

10:04:52 15 that he was receiving reports from the ground.

16 JUDGE BOUTET: But he is no more in Koidu when that is

17 taking place.

18 MR OGETO: Sorry, My Lord.

19 JUDGE BOUTET: He is no more in Koidu at the time it's

10:05:03 20 taking place.

was, 21 MR OGETO: Yeah, he was receiving reports wherever he
22 by virtue of his position within the G5.
receive 23 JUDGE BOUTET: So you are saying because he did not
24 reports that's basically your position?
10:05:14 25 MR OGETO: It's from his answer.
26 JUDGE BOUTET: From your question and the answer.
accused 27 MR OGETO: Yes, My Lords. It's unlikely that the
28 would have been involved in the killing of the three civilians
29 without his knowledge.

1 JUDGE BOUTET: That's fine.

2 JUDGE THOMPSON: I reckon it can be seen also as a
matter
3 of inference that the Court may be invited to draw.

4 MR OGETO: Yes, My Lords.

10:05:39 5 JUDGE THOMPSON: But not a matter of certainty.

6 MR OGETO: It's not really certainty, My Lords, and I'm
not
7 trying to imply that.

8 JUDGE THOMPSON: Yes, the Court might be invited to draw
9 that inference. All right.

10:05:49 10 MR OGETO: Yes, and it may also be a matter of
submissions
11 in the final analysis.

12 JUDGE THOMPSON: Yes, quite.

13 MR OGETO: Thank you, My Lords.

14 Q. Do you know Tombodu in Kono?

10:06:04 15 A. Yes; very well.

16 Q. Do you know if there was commander based in Tombodu
between
17 March and June 1998?

18 A. Yes, sir.

19 Q. Can you please give the Court the name of that
commander?

10:06:20 20 A. Yes, sir. The commander who was there during that time
was

21 Captain Savage, he was there as commander in Tombodu.

22 Q. Now during that period, March to June 1998, were you
23 receiving reports regarding the treatment of civilians from
24 Tombodu?

10:07:00 25 A. Yes.

26 Q. During that same period, March to June 1998, did you
27 receive information that the accused Morris Kallon had killed
28 civilians by burning them in a house in Tombodu?

29 A. I never heard that information.

15

SCSL - TRIAL CHAMBER I

1 Q. In the course of my questions on Tuesday you indicated
that
2 you were receiving reports from the Guinea Highway after the
RUF
3 moved from Koidu Town; do you recall that testimony?

4 A. Yes, sir.

10:08:25 5 Q. Testimony has been adduced before this Court that during
6 the period that the RUF was in Guinea Highway after they moved
7 from Koidu Town, and that is during the year 1998, civilians
were
8 forced to carry loads and those who refused to carry those
loads
9 or were unable to carry those loads were executed. Did you
10:08:54 10 receive such information?

11 A. I never heard any of those reports. Any of those type
of
12 reports and it never happened. I didn't hear about it.

13 MR OGETO: My Lords, I'm referring to the testimony of
14 witness TF1-141, 11 April 2005 at page 92.

10:09:42 15 Q. The same witness testified before this Court and said
that
16 during that period at the Guinea Highway, women civilians were
17 captured and raped and some were brought and made wives of
18 soldiers at the Guinea Highway; did you receive such
information
19 at that time?

10:10:10 20
anyway

21
that

22
given

A. I never had those type of reports during that time
because anything that would happen to civilian, I must get
informing because we care so much for civilians and we were
account of them. If it ever happened I would have known about
it.

10:10:36 25
witness

26

MR OGETO: My Lords, that again is the testimony of
TF1-141, 11 April 2005 at page 92.

27
28
as

Q. The same witness alleged that at one point in time the
accused person, Morris Kallon, took one of the captured women
his wife; did you receive that kind of information?

1 A. No, I did not have that type of information and if any
2 commander or soldier want to take a civilian, we must know
about
3 it. They will not just take the woman like that on his own.
We
4 the G5 did not know about it. If he had done it, it would
have
10:11:35 5 been a crime against him.

6 MR OGETO: Again, My Lords, that is the testimony of
7 witness TF1-141, 11 April 2005, page 93, lines 23 to 26.

8 THE INTERPRETER: Your Honours, let learned counsel
repeat
9 his statement. We have not got him properly here.

10:12:17 10 MR OGETO: I'm sorry. I said the question that I posed
to
11 the witness relates to the testimony of witness TF1-141, 11
April
12 2005, page 93, lines 23 to 26.

13 Q. At some point in time, Koidu Town was recaptured by the
14 RUF; do you recall that?

10:12:58 15 A. Yes.

16 Q. Do you recall when this recapture took place?

17 A. It was early March when that happened, when they
captured
18 Koidu.

19 Q. Sorry, I'm not talking about the first capture of Koidu.

10:13:33 20 You recall you were in Koidu between March and sometime
towards
21 the end of May 1998 when you were pushed out by the ECOMOG?
22 MR HARDAWAY: Objection, Your Honours. Leading.
23 MR OGETO: My Lords, I don't think this is disputed, but
I
24 can rephrase it.
10:14:00 25 JUDGE BOUTET: I'm with you. If it is disputed at this
26 time it's a bit late. It is indeed. It is not.
27 MR OGETO: Yeah, it's not disputed so.
28 Q. Were you pushed out of Koidu Town at some point in time?
29 A. Yes.

1 Q. When was it?

2 A. I cannot just remember when the ECOMOG pushed -- pushed
us
3 directly from Koidu Town because by then I was in Yomandu. I
4 left them at Koidu Town. But when they moved to Guinea
Highway
10:14:45 5 after they had been pushed, that was the time I knew, but to
tell
6 you the exact time, the months or the dates, I cannot but we
were
7 surely pushed out of Koidu. The ECOMOG pushed us out of
Koidu.
8 Q. For how long had you been at Yomandu when the ECOMOG
pushed
9 you out of Koidu?

10:15:05 10 A. I was in Yomandu from March to December 23, in 1998.

11 Q. So my question is: At the time the ECOMOG was pushing
the
12 RUF from Koidu Town, for how long had you been at Yomandu?

13 A. That's what I'm saying. I said from March to December
the
14 23rd in 1998 I was in Yomandu.

10:15:45 15 Q. Let me try it again. You went to Yomandu in March of
1998;
16 is that correct?

17 A. Yes. Yes, sir.

18 Q. After some time, after you left Koidu for Yomandu, the
19 ECOMOG pushed RUF from Koidu Town; am I right?

10:16:10 20 A. Yes.

21 Q. So when was it that RUF was pushed out of Koidu Town
after

22 you had gone to Yomandu?

23 A. Well, it most likely -- let me see. Within the month of

24 April when the enemy -- no. Within the month of June. I can

10:16:44 25 remember it was within the month of June. That was the time
they

26 were removed from Koidu Town, within the month of June because

we

27 spent three months in Koidu before ever they would push us
back

28 at the end of Koidu.

29 Q. So you are saying you spent three months in Koidu, not

1 Koindu?

2 A. Yes, I spent three months there. I was in Yomandu by
then.

3 They spent three months in Koidu while I was in Yomandu before
4 they were pushed.

10:17:20 5 Q. Thank you. Now, subsequently, the RUF recaptured Koidu;
do
6 you recall that?

7 A. Yes, sir.

8 Q. When was that, that Koidu was recaptured?

9 A. It was in December, when we went back to Koidu. We
10:17:46 10 captured it from ECOMOG and it was in December.

11 Q. Now, during this period, around the time that RUF
12 recaptured Koidu, did you ever receive information that
13 combatants under the command of the accused, Morris Kallon,
slit
14 open the stomach of a pregnant woman in Tombodu?

10:18:27 15 PRESIDING JUDGE: Is that the state of the evidence?

16 MR OGETO: Yes, My Lords.

17 PRESIDING JUDGE: I am not very sure that is the state
of
18 the evidence, but let's get along.

19 MR OGETO: I verified that in the morning, My Lords.
But

10:18:46 20 if I'm wrong --

21 JUDGE BOUTET: What's the reference?

is 22 MR OGETO: The reference, My Lords, is -- the reference
long 23 the testimony of 141 again, 13 April 2005, page 27. It's a
Lords, 24 narrative. I may be wrong in interpreting the facts, My
10:19:24 25 but that was my understanding of the facts that was testified
to 26 by the witness.
27 PRESIDING JUDGE: But the state of the evidence is that
stomach 28 your client may not have been there, you know, when the
29 was split and that he came in later. He came in after the

1 slitting, you know, of the stomach and the removal of the
embryo.
2 That is what I remember is on the records. I mean, the
records
3 may correct me on that, but what is -- what I know is clear in
my
4 mind, is that the evidence has not -- has not established that
he
10:20:28 5 was there when -- and that it was done under his command.
That
6 is what I know of the record, as I have it in my mind. But we
7 may continue. It will be verified.
8 MR OGETO: It will be verified, My Lords. Yes, thank
you.
9 Q. But did you receive any information that there was the
10:20:50 10 slitting of a pregnant woman in Tombodu around this period?
11 A. I did not get that information.
12 Q. During the period March to December '98, did you receive
13 information or any reports that the accused, Morris Kallon,
was
14 involved in the forcing of civilians to mine in Kono?
10:21:39 15 A. No.
16 Q. Between March and June '98, did you attend a meeting of
17 senior commanders in Koidu Town presided over by the accused,
18 Morris Kallon, during which meeting Mr Kallon ordered the
burning
19 of all houses --

10:22:14 20 PRESIDING JUDGE: Mr -- please, before you -- on the
21 mining, are we still -- is this still the evidence of TF1-141
on
22 the mining -- the forcing of civilians to mine allegations,
that
23 Kallon forced civilians to mine, was it for him or just to
mine?
24 MR OGETO: To mine.
10:22:36 25 PRESIDING JUDGE: To mine, yes.
26 MR OGETO: Yes.
27 PRESIDING JUDGE: Is this --
28 MR OGETO: It's not 141.
29 PRESIDING JUDGE: It's not 141?

SCSL - TRIAL CHAMBER I

1 MR OGETO: I don't have the reference with me but I can
2 provide it.

3 PRESIDING JUDGE: Please, provide it to us in due
course.

4 I would like to have it, please.

10:22:50 5 MR OGETO: Yes, My Lords, I'll do that. It's the
testimony

6 of witnesses 367 --

7 PRESIDING JUDGE: Is this on the mining?

8 MR OGETO: On the mining, My Lords. TF-367 and --

9 PRESIDING JUDGE: TF1-367?

10:23:20 10 MR OGETO: Yes, My Lords.

11 PRESIDING JUDGE: And?

12 MR OGETO: And 366. But I will give the exact
references.

13 PRESIDING JUDGE: The exact references.

14 MR OGETO: Yes, My Lords.

10:24:48 15 PRESIDING JUDGE: Yes, Mr Ogeto, you may continue,
please.

16 MR OGETO: Thank you, My Lords.

17 JUDGE BOUTET: Before you do, Mr Ogeto, I just take the
18 record as such about the slitting open of the pregnant woman,
the

19 evidence is not that it was Kallon. In fact, Kallon was
there,

10:25:04 20 stood by, and this is what it says at page 29. Exactly where
was

was
He
10:25:29
and

21 Morris Kallon? Then Morris Kallon known as Bilai Karim, he
22 standing there. Exactly where was he, was Kallon standing?
23 was standing where the woman gut -- woman's gut -- where the
24 baby -- where, after they had removed all the woman's parts in
25 her belly, that was where Kallon -- where Morris Kallon came
26 stood. So there is no evidence that -- at least that evidence
27 does not say he did it.

28 MR OGETO: If I gave that impression, My Lords, then I'm
29 sorry. What I said -- I thought what I said was that
combatants

I 1 and Morris Kallon slit open the stomach of a pregnant woman.

2 don't remember --

that, 3 JUDGE BOUTET: That is, that would appear to support

4 yes, but not that he did it.

10:26:03 5 PRESIDING JUDGE: Go through the entirety of the
testimony.

6 MR OGETO: Yes, My Lords.

7 PRESIDING JUDGE: So you get the true picture of what
8 happened as far as that particular incident is concerned.

9 MR OGETO: Yes. I will do that, My Lords.

10:26:16 10 PRESIDING JUDGE: Yes.

11 MR OGETO: Yes, My Lords.

12 Q. Mr Witness, I was on this issue of an alleged meeting in
13 Koidu Town, between March and June 1998, presided over by the
14 accused person Morris Kallon, where the accused gave the order
to

10:26:50 15 burn all houses in Kono and to kill civilians. Did you ever
16 attend such a meeting?

17 A. No, I never attend that type of meeting. And I did not
get

18 that kind of information that he gave orders for houses to be
19 burned in Kono and kill civilians. If it ever happened, if it

10:27:16 20 happened, I would have known.

21 MR OGETO: My Lords, that is the testimony of witness

22 TF1-366, 8 November 2005, pages 27 to 28.

23 Q. Do you know a place in Kono named Nimikoro?

24 A. Yes, sir.

10:28:08 25 Q. During the period March to December 1998, did you hear
of

26 an operation sent by Morris Kallon to Nimikoro?

27 PRESIDING JUDGE: Is it Nimikoro or Limikoro?

28 MR OGETO: Nimikoro.

29 PRESIDING JUDGE: Nimikoro?

SCSL - TRIAL CHAMBER I

1 MR OGETO: Yes, My Lords.

2 Q. Did you hear of an operation sent by Morris Kallon to
3 Nimikoro, between March and December 1998, during which
4 atrocities were committed against civilians, including
10:28:54 5 amputations of civilians?

6 A. No, that did not happen. And, in fact, I don't think if
a
7 major can give command when a brigadier is there, who was
8 Superman by then, and Kallon will give orders for such a
mission.

9 The only somebody we had to give command for a mission was
10:29:16 10 Superman, who was getting directives from Mosquito.

11 MR OGETO: My Lords, I will provide the reference for
that
12 as well. I don't have it with me right away. My Lords, with
13 your permission, if the witness can be provided with Court
14 Exhibit 346.

10:29:53 15 PRESIDING JUDGE: We'll see if it is there. He should
be
16 provided the exhibit.

17 MR OGETO: My Lords, unfortunately, I don't have copies.
18 In that case, I may put on hold the discussion of this exhibit
as
19 my assistant goes for copies. I'll go to other areas.

10:31:23 20 PRESIDING JUDGE: You don't have other copies?

Lords, 21 MR OGETO: I have only one copy, unfortunately, My
22 and it's an oversight. I didn't make copies.
23 JUDGE BOUTET: Which one is 346?
Thompson 24 MR OGETO: 346 is, yes, My Lord, My Lord Justice
10:31:40 25 has -- yes, that's the copy.
26 JUDGE BOUTET: UNICEF cover sheet?
27 MR OGETO: Yes, My Lords. I think everybody has copies.
28 PRESIDING JUDGE: You say it is what exhibit? Is it
112?
29 MR OGETO: No, it's 346, My Lords.

1 PRESIDING JUDGE: 346.

2 JUDGE THOMPSON: Is that the one with a nexus with 336

3 MS KAMUZORA: Yes, My Lords, it's the one.

4 JUDGE THOMPSON: It has a nexus with 336.

10:32:23 5 MS KAMUZORA: Yes, My Lords.

6 JUDGE THOMPSON: Very well. Because there's a numbering
7 there in a circle 112, but that's not the exhibit number.

8 MR OGETO: Yes. I remember there were two versions of
9 this.

10:32:39 10 PRESIDING JUDGE: Yes, there was a version which was
11 tendered. 336 came in first.

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: And that's the one which you tendered?

14 MR OGETO: Yes.

10:32:47 15 PRESIDING JUDGE: And you said it was disclosed to you
16 under Rule 68?

17 MR OGETO: Yes.

18 PRESIDING JUDGE: As exculpatory material. Then the
19 Prosecution came in and said that that wasn't the entire
10:32:59 20 document.

21 MR OGETO: Yes, My Lords.

22 PRESIDING JUDGE: Yes.

23 MR OGETO: So I'm relying on the subsequent one, 346.

24 PRESIDING JUDGE: Yes.

10:33:06 25 MR OGETO:

26 Q. Mr Witness, you have this document before you?

27 A. Yes, I've got it.

28 Q. Have you seen this document before coming to Court?

29 A. I had not seen it by then. I only saw it when I was
ready

SCSL - TRIAL CHAMBER I

1 to come. It was just one night, My Lord, I went there with it
2 and they asked me some questions about it. That was the only
3 time I saw it.

4 Q. Now, I want you to look at page 0025575. There's a page
10:34:15 5 that is printed there, 00025575?

6 MR HARDAWAY: Your Honours -- excuse me, Your Honour.

7 PRESIDING JUDGE: Yes, please.

8 MR HARDAWAY: The Prosecution would object to having
this

9 exhibited -- to having this exhibit presented to the witness,
10:34:54 10 given the fact that he said he hasn't seen it until -- at only
11 one time today he has no basis or foundation for commenting
upon
12 this exhibit.

13 PRESIDING JUDGE: The exhibit is already in Court. It's
14 part of Court records.

10:35:10 15 MR HARDAWAY: It's part of Court records.

16 PRESIDING JUDGE: And he has said that his lawyer showed
it
17 to him before he came to Court.

18 MR HARDAWAY: But I would submit that that would not be
19 enough of a foundation for him to testify as to the contents
of

10:35:24 20 that document since he's only seen it once. And even then it
was

foundation

21 in the context of his preparation for testimony. No

access

22 has been laid that he helped in preparation, that he had

the

23 to it before these Court proceedings and that's the basis of

24 Prosecution objection.

10:35:45 25

MR OGETO: My Lords that will be a very novel way of

26 looking at exhibits and I think my learned friend is really

27 jumping the gun because I've not even asked this witness any

28 question on the document to be able to know whether there is a

29 basis for him discussing the document. And I don't know the

1 jurisprudence of this Court to be that a witness can discuss a
2 document only if he took part in preparing that document or he
3 has seen it before coming to Court. That has not been the
4 practice of the Court and indeed, the practice of all
10:36:26 5 international tribunals.

6 JUDGE THOMPSON: At this point in time I share the view
7 that without more, the objection seems to fly in the face of
the
8 practice here. I don't -- I think it's pre-emptive because I
9 don't know what the witness will be saying and the objection
10:36:50 10 seems to go to matters of admissibility.

11 PRESIDING JUDGE: The document that is already admitted
12 anyway.

13 MR HARDAWAY: I'll withdraw it for the time being,
14 Your Honour.

10:37:08 15 PRESIDING JUDGE: The objection is overruled. Please,
you
16 may proceed with the witness.

17 MR OGETO:

18 Q. Mr Witness, are you on that page?

19 A. Yes, sir.

10:37:23 20 PRESIDING JUDGE: 25575.

21 THE WITNESS: Yes, sir.

22 MR OGETO:

look 23 Q. The document is dated 6 December '98. I want you to
the 24 at the signature on the right-hand side towards the bottom of
10:37:51 25 right-hand side of that document?
see 26 PRESIDING JUDGE: Mr Ogeto, there are two signatures I
27 on that document.
28 MR OGETO: On the right-hand side, My Lord.
29 PRESIDING JUDGE: On the right-hand side.

SCSL - TRIAL CHAMBER I

1 MR OGETO: Yes, My Lord.

2 PRESIDING JUDGE: There's a signature of a brigade
3 commander.

4 MR OGETO: Yes, My Lords.

10:38:06 5 PRESIDING JUDGE: Yes.

6 MR OGETO:

7 Q. Mr Witness, are you able to identify that signature?

me

8 A. I cannot identify the signature, but the date will make
9 know the commander who signed on this document.

10:38:31 10 Q. The commander of where?

11 A. In Koidu -- sorry, Kono.

whose

12 PRESIDING JUDGE: The question should not relate to
13 signature it was. The question should relate to who the
14 commander was at the time of the making of this document.

10:38:51 15 MR OGETO: I thought he would identify the signature, My
16 Lords but now that he has said he is not able to.

17 PRESIDING JUDGE: He says he is not able to identify and
18 that he can only identify it in terms of who was occupying the
19 office at that time.

10:39:05 20 MR OGETO: So I will go to that question now, My Lords.

21 Q. Who was occupying that position at that time?

22 A. It was CO Rambo. Rambo was in command during that time.

23 Q. Now, look at the other signature on the left-hand side.

24 Are you able to identify that one?

10:39:29 25 A. Yes, sir. This one here, it was -- it was Koroma Hindo
who

26 was the operation commander under G5 -- brigade operation

27 commander. He signed on the left-hand side.

28 Q. What was the relationship between yourself and Mr Koroma
on

29 this date, 6 of --

SCSL - TRIAL CHAMBER I

for 1 JUDGE BOUTET: You know there are protective measures
2 his identify, so.

3 MR OGETO: Sorry, My Lords.

4 JUDGE BOUTET: Sorry, I mean it's your witness.

10:40:12 5 MR OGETO:

that 6 Q. Were you superior to Koroma or was he your superior at
7 time?

8 A. No, he -- he was subordinate to me. I was the boss.

9 Q. Now looking at this document and the heading "Banya
10:40:41 10 Ground," are you able to explain to the Court what it is based
on 11 the functions that you carried out in Kono at that time?

document, 12 A. Well, I will try. Because I did not prepare this
13 operation, 13 but the way I'm seeing it, where it has to do with our
14 I'll be able to say something about it.

10:41:10 15 Q. Go ahead, please?

and 16 A. At the top it is written there the family of the imam
and 17 underneath that, after family of the imam you will see pastor
18 family. Then these two people were religious leaders so the
19 the 19 people who were behind them, the family members, these were

10:41:37 20 people. These were the imams and then these were the pastor's
21 relatives. But we are taking care of these people. As long
as
22 you are not a soldier you were a civilian, we will take care
of
23 you. If -- even if you are within your family we must have a
24 record of it because we were taking care of them. If anything
10:41:57 25 happened to them, we had to give an account of them. That was
26 why we prepared this document, to tell the people that we have
--
27 we should be seeing this family at any time we want to see
them.
28 That is what this document is trying to say. That's exactly
what
29 it is trying to say.

1 Q. While you were at Yomandu did you take part in preparing
2 similar documents?

3 A. Yes, it is the same.

4 Q. Please turn to page.

10:42:35
same?

5 JUDGE BOUTET: Mr Ogeto, what does that mean it's the

6 Is it this document that was prepared for Yomandu or a similar
7 document --

8 MR OGETO:

When

9 Q. Can you please clarify your answer? My question was:

10:42:48

10 you were in Yomandu did you take part in preparing documents
11 similar to this one?

of

12 A. Yes, sir, because any family members or family head, who
13 want to take these members to be with him, he will take care

10:43:10
him,

14 them, I will make this same document. I will write the family
15 heads leader's name. Then I write all his dependants under

the

16 as you are seeing in this document, and when I've done that,

he

17 commander, who is the brigade commander, like Komba Gbundema,

18 had to sign and then I attest the other unit commanders, then

understanding

19 they will sign also to show that there is a clear

10:43:44 20 this document that these civilians who are in the hands of
their

21 relatives, but they were under our command, we, the G5s.

22 Q. Now, please turn to page 000255 --

23 A. Sorry, call the number. Sorry, sorry, call the number.

24 Q. 00025 --

10:44:08 25 PRESIDING JUDGE: Mr Ogeto --

26 MR OGETO: Yes, My Lord.

27 PRESIDING JUDGE: -- you still have a long way to go to
28 wrap up your examination-in-chief?

29 MR OGETO: Yes, My Lords.

1 PRESIDING JUDGE: You still have a long way to go?

2 MR OGETO: Probably another hour or so.

3 PRESIDING JUDGE: Probably another hour?

4 MR OGETO: Yes.

10:44:26 5 PRESIDING JUDGE: Well, we, at this stage, would like to
6 stand down the examination-in-chief of this witness and to
take
7 on the issue I mentioned earlier on, at the time we were
resuming
8 the proceedings. So if we may, at this stage, stand this down
9 and dispose of what we have in hand now, so that we can
release
10:44:55 10 the Registrar.

11 MR OGETO: As Your Lordships please.

12 PRESIDING JUDGE: Thank you.

13 MR OGETO: Thank you.

14 PRESIDING JUDGE: So can the witness please be led out
of
10:45:05 15 Court for now. Let him be assisted out of Court for now.
16 Mr Witness, you will leave the Court now, but you'll be coming
in
17 soon. You'll be brought back here soon.

18 [The witness stood down]

19 PRESIDING JUDGE: Yes, Mr Jordash, you remember that
when

10:46:44 20 the Chamber invited you, and you did in fact close your case
on,

21 I think, Thursday, 13 March this year, we left an opening, you
22 know, on the grounds of the application that you made for
23 ex-president Kabbah to be subpoenaed for purposes of -- for
two
24 purposes: First of all, to come before you for a pre-
testimony
10:47:15 25 interview and thereafter to appear before us. We would like
to
26 know from you, because our order was very clear, and that was
27 that he should appear before you for a pre-interview testimony
28 and that it was after that that he would come to Court. But,
as
29 you would appreciate, you know, coming here to testify is at
your

1 instance. It is at the behest of your Defence team and not at
2 the behest of the Court. We've granted the application.
We've
3 issued a subpoena to Mr Kabbah, so may you update us, please,
on
4 what it is -- what the development is from your end, as the
10:48:03 5 Defence team, as the head of the Defence team that was
supposed
6 to receive this subpoenaed witness, you know, at first
instance
7 for a pre-interview, pre-testimony interview.

8 MR JORDASH: Well, I'm afraid I can assist very -- very
9 minimally. We haven't seen him. We understand he has left
the
10:48:32 10 country and has been out of the country most of the time since
Honours.
11 the closing of our case. I probably know less than Your
by
12 The information I've gathered came from the report submitted
13 the Registry to Your Honours concerning attempts made to serve
14 the subpoena.

10:48:58 15 The only additional information I've gained is from
today's
16 newspaper, which I forget the title of the newspaper, but it
17 appears to confirm that Mr Kabbah left for Guinea yesterday
and
18 that's the information I have.

19 PRESIDING JUDGE: Left Guinea?

10:49:18 20 MR JORDASH: Left to go to Guinea.

21 PRESIDING JUDGE: Oh, left to go to Guinea.

22 MR JORDASH: And that's all I know. We haven't -- I
should

23 probably enlighten the Court on this: We haven't ourselves
tried

24 to contact him directly, since we felt it was more appropriate

10:49:37 25 for the subpoena to be served and for contact to be made
through

26 the Registry, given the efforts we had made previously on a

27 personal, or on a team basis, and the lack of results obtained

28 from those efforts. So we left it in the hands of the
Registry

29 and, as I understand it, from the report the Registry have
been

1 doing what they can to serve that subpoena.

2 So I don't say that in any way to criticise the
Registry.

3 It's clear from the report that I've seen that everything has
4 been done and Mr Kabbah has declined to either sign the
document

10:50:25 5 when it was taken to his house, and declined to deal with the
6 substance of the request, and has instead left the country.

I'm
7 not suggesting he has left the country to avoid the subpoena,
but

8 I think we can safely say he hasn't --

9 PRESIDING JUDGE: Although you are mentioning it.

10:50:47 10 MR JORDASH: Well, I think it's important to mention it
11 because it's clear Mr Kabbah knows that his cooperation has
been

12 sought. It's equally clear that Mr Kabbah is a very busy and
13 significant leader in the African context. So, obviously, he
has

14 many priorities, but this priority has not been dealt with and
10:51:14 15 that's as much as I can say at this stage.

16 PRESIDING JUDGE: So what you are confirming is that --
17 well, for reasons that we now know that you've mentioned, that
18 because he has not been served, maybe, he has not been -- he
has

19 not sought to meet you for the purposes of a pre-testimony
10:51:37 20 interview; that was supposed to be the first step before

21 testimony.

22 MR JORDASH: Yes.

23 PRESIDING JUDGE: You have not seen him?

24 MR JORDASH: Not seen him nor heard from him.

10:51:47 25 PRESIDING JUDGE: Nor heard from him?

26 MR JORDASH: Nor been invited by any of his
representatives

27 to contact him.

28 PRESIDING JUDGE: Thank you.

29 As you very well know, we did, in our order, charge the

1 Registrar of this Court to ensure that the subpoena is served
2 through the appropriate Sierra Leonean authorities. I know
we've
3 received a documentation to this, but this matter was being
dealt
4 with in the open, and it was in Court, so we thought that it
is
10:52:29 5 important for the Registrar, who was charged with serving the
6 subpoena, or having the subpoena served to Mr Kabbah through
you
7 appropriate authorities, to come and give us a status report,
8 know, on what has been done so far.

9 So, Mr Registrar, that's why we thought you should come
and
10:52:54 10 assist the Court in an open session because this application
was
11 made in an open session. The subpoena was issued in an open
12 session, and even though you submitted a report we thought
that
13 you should come and inform the Court in an open session of the
14 efforts that have been made by the Registry to serve the
subpoena
10:53:18 15 on ex-president Kabbah.

16 So you may -- we are not putting you on the witness
stand
17 yet, so you can just give us a status report from where you
are
18 standing. Yes, Mr Registrar, you may proceed to update the
Court

19 on what the Registry has done.

10:53:39 20
also

THE REGISTRAR: Thank you, Your Honour. And thank you

21 for interrupting the proceedings in order to give attention to
22 this -- to this matter.

23
24
on

As you yourself indicated, and also the lead counsel for
Mr Sesay, we did provide a submission pursuant to Rule 33(B)

10:53:58 25
undertaken

17 April, which sets out all the efforts that we have

26 in order to serve the subpoena on Mr Kabbah through the
27 Sierra Leonean authorities. What I would like to do here is
28 update you on what has been happening since then, because I
29 assume --

1 PRESIDING JUDGE: On everything that is in your report
and
2 more, that may be, because this is a matter which is a matter
of
3 public interest, and we would like all the details to feature
on
4 the public records of these proceedings.

10:54:33 5 THE REGISTRAR: Okay. Thank you very much.

6 As Your Honour may recall, in the decision, the subpoena
by
7 the Chamber was ordered on 19 March, and we have since been in
8 contact with Mr Kabbah himself and his staff, and also with
the
9 office of the Attorney-General.

10:54:56 10 It was on 4 April that we went over to the
11 Attorney-General's office and provided a copy of the subpoena
in
12 order for the authorities to serve it on Mr Kabbah. We had in
13 the meantime understood that Mr Kabbah at that time, as of the
14 moment that the subpoena was issued, was not in the country;

10:55:24 15 was elsewhere in Africa and we were informed that he was to
16 return on 7 April. It was then also on 7 April that staff of
17 Court Management went over to the house of Mr Kabbah and have
18 been trying to serve the document on Mr Kabbah himself. The
19 document has been received by a person who identified himself
as

10:55:51 20 the son of Mr Kabbah. The document --
21 PRESIDING JUDGE: President Kabbah's house?
22 THE REGISTRAR: It was in President Kabbah's house; that
is
23 correct, Your Honour.
24 PRESIDING JUDGE: Yes. Please put on -- otherwise you
10:56:04 25 won't hear us properly. Yes, put them on.
26 THE REGISTRAR: Okay. And then we have been giving the
27 document to the person who identified himself as the son of
28 Mr Kabbah. The document was not being signed for but instead
it
29 was the representative of Court Management who signed the

1 document.

Court 2 PRESIDING JUDGE: Who was the representative of the
3 Management?

the 4 THE REGISTRAR: I think it was Maureen Edmonds who was
10:56:29 5 representative of Court Management.

alone, 6 PRESIDING JUDGE: And who else? She didn't go there
7 did she?

8 THE REGISTRAR: I think she was accompanied by -- by a
9 record clerk from the Court Management.

10:56:41 10 PRESIDING JUDGE: A record clerk from the Court
Management.

11 THE REGISTRAR: From the Court Management. So they went
12 together.

13 PRESIDING JUDGE: You don't have his name handy, do you?

14 THE REGISTRAR: We have it.

10:56:52 15 PRESIDING JUDGE: We would like to have it on the
records,
16 please.

lady 17 MS KAMUZORA: My Lords, if I may be of assistance, the
18 is called Yara Bisowa.

19 THE REGISTRAR: Thanks very much for that.

10:57:03 20 PRESIDING JUDGE: Yara Bisowa?

21 MS KAMUZORA: S-O-W-A.

22 PRESIDING JUDGE: All right. Yes, Mr Registrar. You
may
23 proceed.

24 THE REGISTRAR: Thank you, Your Honour. Then, as I
10:57:12 25 indicated, the Court Management has made an affidavit that has
26 been attached to the submission from myself to Your Honours on
17
27 April, and that is part of the records.

28 We have since been in daily contact with the office of
the
29 Attorney-General, and the information that we received was
that

by

matter

being

either

Mrs

the

were

10:58:42 deputy,

1 the Attorney-General was out of the country. We were received
2 the Solicitor-General who, however, preferred to have this
3 being dealt with by the Attorney-General.

4 The Attorney-General, according to our information, only
10:57:56 5 came back into the country last Tuesday. But, in order to
6 continue to show our efforts in order to have the subpoena
7 served on Mr Kabbah as soon as possible, I instructed Court
8 Management to make sure that every day one staff member,
9 the head of the office, Elaine Bola-Clarkson, or the Deputy,
10:58:27 10 Maureen Edmonds, went over to the Attorney-General's office in
11 order to show our strong commitment to have the subpoena being
12 served on Mr Kabbah as quickly as possible.

13 The Attorney-General, as I indicated, has returned to
14 country last Tuesday, and it was yesterday evening that we
15 phoned -- or that the Attorney-General himself phoned my
16 Mrs Binta Mansaray, to inform that he was indeed out of the
17 country; that he fully recognises the obligation of the
18 Government of Sierra Leone to serve the subpoena on Mr Kabbah;
19 that he will do so as quickly as possible; that he had already

10:59:05 20 been in contact with the office of Mr Kabbah, but that indeed,
as

21 also the lead counsel for Mr Sesay indicated, that Mr Kabbah
left

22 the country yesterday.

23 According to the information from the Attorney-General,

24 Mr Kabbah is to return back in the country next Saturday, 3
May

10:59:27 25 and the Attorney-General promised that upon return of Mr
Kabbah,

26 the subpoena will be served on him as soon as possible

27 thereafter.

28 That is all the information that I have for you at the

29 moment. Thank you, My Lord.

unless

let

any

11:00:01

1 PRESIDING JUDGE: Thank you very much. Unless my --
2 my colleagues -- my learned Brothers, you know, have any --
3 me put it this way: Mr Jordash, do you have any -- you've
4 listened to the Registrar. Do you have any clarifications on
5 issues that you may wish to put to him for him to edify you on
6 this issue?

7 MR JORDASH: No, thank you, Your Honour. I'm fully
8 edified.

We

11:00:22

9 PRESIDING JUDGE: Right. Well, thank you very much,
10 Mr Registrar. I think we don't have any further questions.

commend

in

taken

11:00:51
justice,

11 are looking forward to the return of President Kabbah on
12 Saturday, 3 April and -- of May, I'm sorry. I think we
13 the efforts of the Registry to maintain a permanent presence
14 the office of the Attorney-General to ensure that action is
15 on this subpoena, because it is all in the interests of
16 and we have to -- we have demonstrated our commitment to this,
17 and you are doing just what should be done and you should
18 continue with the permanent presence at the AG's office,
19 particularly after 3 May 2008.

11:01:15 20
busy

20 So we thank you for coming and I think you are a very
21 person. We will release you and ask you to return to your
22 office. Thank you.

23 THE REGISTRAR: Thank you, Your Honour.

24 PRESIDING JUDGE: Yes. So, Mr Jordash, you've heard all
11:01:57 25 that has been said, and I think we would only have to wait for
26 him to come back on 3 May.

27 MR JORDASH: Sorry to interrupt. What I was --

28 PRESIDING JUDGE: Yes, Mr Jordash, there was something
you

29 wanted to say. I didn't mean to -- you took it back. So you
can

1 initiate with us if you want to.

2 MR JORDASH: Yes, I got a glance by Justice Boutet.

3 PRESIDING JUDGE: Pardon me?

4 MR JORDASH: So I thought better of proceeding at that
11:03:36 5 point. What I was going to raise was the possibility of new
6 timetables, so that we all know the timetable that we're
working
7 towards.

8 As Your Honour rightly points out, it is also a matter
of
9 public interest, and it may be that it would assist the public
11:03:57 10 also with understanding what's going on if they knew the
11 timetable in which we were working at, but mainly it would
assist
12 our Defence team to understand the timetabling.

13 PRESIDING JUDGE: Well, the Chamber would like to bring
14 this issue to a close, even before the closure of the Kallon
11:04:26 15 Defence case; we would like to bring it to a close because we
16 don't want to carry it beyond. So since we now know that
17 Mr Kabbah would be back to his -- President Kabbah will be
back
18 to Freetown on 3 May, we want to give time to the Registry,
and
19 to President Kabbah himself, to organise himself to see you
for
11:04:57 20 the pre-interview, for the pre-testimony interview, and for us

21 thereafter to take him on as a witness.

22 MR JORDASH: Yes.

23 PRESIDING JUDGE: So we have decided to adjourn this
matter

24 to Thursday, 15 May 2008, for us to be able to take President

11:05:26 25 Kabbah's testimony. So we -- it is as you've heard -- we've

26 asked the Registry to maintain a pressure on the Attorney-
General

27 for him to be served and thereafter for us to -- we expect
that

28 if he comes on Saturday, and they are able to serve him on
Monday

29 the 5th, or Tuesday the 6th of May, we should be able to have
at

1 least a positive report, you know, back as to the status of
that 2 subpoena. So we are adjourning the matter to Thursday, 15 May
3 2008.

4 MR JORDASH: Thank you very much.

11:06:14 5 PRESIDING JUDGE: Right. I hope all the parties are so
6 advised of the date and this will be the first matter that
we'll 7 take on that morning. We will again stand down any Kallon
8 Defence business and give priority to this outstanding issue.
9 Right. Can the witness now be brought in, please?

11:06:53 10 MR OGETO: My Lords, in the meantime, if Mr Kallon can
be 11 allowed to use the bathroom?

12 PRESIDING JUDGE: Yes, yes, he may, please.

13 MR JORDASH: And could Mr Sesay also use the bathroom,
14 please?

11:07:36 15 PRESIDING JUDGE: Yes, he may, please.

16 [Witness enters Court]

17 PRESIDING JUDGE: Yes, Mr Ogeto.

18 MR OGETO: Yes, My Lords.

19 PRESIDING JUDGE: We were still on comments -- or the
11:08:28 20 testimony of the witness, as far as page 25575 was concerned.
21 That was where we -- he was trying to explain to us about the

you 22 registration of heads of families and their dependants, and
23 wanted to know from him, you know, whether he registered --
he 24 whether he prepared the same type of documents, you know, when
11:08:53 25 went to Yomandu.

26 MR OGETO: Yes, My Lords.

27 PRESIDING JUDGE: Whether he prepared the same.

28 MR OGETO: Yes, My Lords.

29 PRESIDING JUDGE: So may we continue from there, please.

1 MR OGETO: Thank you.

2 Q. Mr Witness, let's now move to the page ending with 581
on
3 that document 00025581. Have you seen that page?

4 A. Yes. Yes.

11:09:53 5 Q. Just to confirm, it's the one headed "Banya Ground" with
6 the date 5 December '98; is that correct?

7 A. Yes. Yes.

8 Q. Now, if you look at the right-hand margin of that
document,
9 there are two signatures there?

11:10:28 10 A. Yes.

11 PRESIDING JUDGE: The entire document appears to have
three
12 signatures; would that be right?

13 MR OGETO: Okay.

14 PRESIDING JUDGE: Would that be right? If you looked at
11:10:44 15 the bottom --

16 MR OGETO: Yes, My Lords.

17 PRESIDING JUDGE: -- the Major B Grounds, there is a
18 signature there, there's something like signs "SIG Captain"
19 something --

11:10:55 20 MR OGETO: Yes, there are three signatures, My Lords.

21 PRESIDING JUDGE: Yes, there are three signatures.

22 MR OGETO: Yes.

document 23 Q. I want you to look at the right-hand margin of the
24 first, Mr Witness. There's the third signature where it's
11:11:19 25 indicated "attested." "Attested", then there's a signature,
then
26 there is "Brigade G5 commander". Have you seen that?
27 A. Yes.
28 Q. Are you able to identify that signature?
29 A. The first signature under "Brigade G5 commander" is
Koroma

SCSL - TRIAL CHAMBER I

1 Hindolo. He signed it.

2 Q. That is the same Koroma that we just discussed a few
3 minutes ago; am I right?

4 A. Yes, on the operation.

11:12:05 5 Q. What about the next signature, "3rd Battalion, IDU CDR"?

6 Are you able to identify that particular signature?

7 A. I cannot identify it. I can only explain the unit.

8 Q. Which unit is that?

9 A. Internal Defence Unit under the RUF, the Internal
Defence

11:12:38 10 Unit. They are all Joint Security to G5.

11 Q. Did you know the occupant of that position in December
1998

12 at the Banya Ground --

13 PRESIDING JUDGE: [Overlapping speakers] CDR.

14 MR OGETO: Yes, My Lord.

11:13:03 15 PRESIDING JUDGE: Is that -- is it "commander"? I mean,
is

16 it CDR? I don't -- I mean, I don't want to --

17 MR OGETO: Are you able to explain what CDR means?

18 THE WITNESS: No. This is an abbreviation. I cannot
19 explain it.

11:13:27 20 JUDGE BOUTET: Before you go any further, I just want to
21 make sure I understand, Mr Witness. You said IDU unit is the

G5. 22 security unit under the G5? Or you mentioned something about

23 Can you explain that again, please, for me?

In 24 THE WITNESS: Yes. I said IDU G5 is a Joint Security.

11:13:55 25 the case of civilian issue, they will come together. If
anything

26 was happening, they will come together. The G5 -- the Joint

27 Security, they work together to investigate.

28 JUDGE BOUTET: Okay. Thank you.

29 MR OGETO:

SCSL - TRIAL CHAMBER I

1 Q. So my question was, Mr Witness: Did you know the
occupant
2 of this 3rd Battalion IDU in December '98 at the Banya Ground?
3 A. Yes, sir.
4 Q. Who was it?
11:14:30 5 A. Bangali. CO Bangali was in charge.
6 Q. Now look at the signature at the bottom of that
document.
7 A. Yes.
8 Q. Captain -- I think there's a short form of the word
9 "captain" and then there's a signature that follows. Are you
11:15:02 10 able to identify that signature?
11 A. Which one? The one at -- which part?
12 Q. At the bottom of the document, under "Major B Ground."
13 There's Major B Ground, and then there are four names. Then
14 there is "captain" then again there's the word "captain" and
11:15:35 15 there's a signature. Have you seen that?
16 A. Yes.
17 Q. Are you able to identify that signature?
18 A. No.
19 Q. Can you tell the Court, if you are able to explain what
11:15:56 20 this document is all about, based on your experience at that
21 time?
22 A. I can explain a bit about this document. The way I have

23 read it, this is when a soldier, even if he is your family
24 member, he wanted to deal with you, you would write the
11:16:25 25 civilian's name and the commander he was to stay with. In
case
26 of anything concerning that particular civilian, if anything
27 happens with that civilian you, the commander, will be
28 responsible -- you will be held responsible for it. Some of
the
29 names again we received, they were wives -- they were
soldiers'

SCSL - TRIAL CHAMBER I

1 wives. Even if your wife is a civilian and you are a soldier,
as
2 long as your wife is a civilian and she is staying with you,
her
3 responsibility was with us, and you are to write her name,
this
4 is the document I'm trying to explain. When you see the
11:17:04 5 civilian's name and the soldier's name, this is the
explanation
6 for such situation.

7 Q. Now, while you were at Yomandu, did you prepare a
similar
8 document to this?

9 A. Yes, sir, the same.

11:17:25 10 PRESIDING JUDGE: Let me get the explanation you made
again
11 on wives. You said even if they were wives of commanders or
of
12 soldiers?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: Their wives, the names had to be
11:17:46 15 indicated on the list; why? You gave a reason.

16 THE WITNESS: Very good. Yes, because, as long as your
17 wife is a civilian, we should have her name. Even if she was
18 staying with you, you are responsible for her. We must have
her
19 name for accountability, so that we must have the civilian's
name

11:18:10 20 under -- against the commander's name for accountability.
do 21 PRESIDING JUDGE: When you talk of accountability, what
22 you mean, Mr Witness?
going 23 THE WITNESS: That is the report of whatever that was
24 on, that you the commander, the overall commander.
11:18:40 25 PRESIDING JUDGE: If anything was going on like -- like
26 what? You the commander will be what? I'm just thinking of a
you 27 few phrases. If you want, you know, which you are using, if
you 28 can complete them, give us a full picture, you know, of what
29 want to say.

SCSL - TRIAL CHAMBER I

1 THE WITNESS: What I'm trying to explain about this
2 document is that, for example, the name you are seeing here
3 like --

4 PRESIDING JUDGE: I understood that. We have understood
11:19:19 5 it. You have the commander, you have the name of the people
6 staying with them.

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: Even if they were wives, their names
were
9 indicated. You've said for wives it was for purposes of
11:19:32 10 accountability, and I asked you what sort of accountability
and
11 you gave a reason, you know, what was it? Just give us an
12 explanation, a brief explanation on the issue of
accountability.

13 THE WITNESS: The civilians, the affairs of the
business,
14 we were responsible for that. We have the name of all the
11:19:58 15 civilians so that whosoever you are going to take to be with
you,
16 we will take that person's name, because we not like if
anything
17 happened -- if anything happens with that civilian, we will
take
18 the names of all those civilians, so that we know -- so that
19 there will be no mistake in any accountability. All reports
11:20:23 20 we'll be making to commanders.

21 PRESIDING JUDGE: Thank you.

22 MR OGETO:

23 Q. So when you talk about accountability, who was supposed
to
24 be accountable to who?

11:20:41 25 A. Well, as a deputy brigade G5 commander, I was
accountable
26 to the overall brigade G5 commander. I used to report to him.
27 Then you will know where to report, as another higher
commander.

28 Q. Yes, but in the context of these names that you are
29 discussing here, you are saying that you are recording even

So, 1 family members, even wives, for purposes of accountability.

2 in that context, who was accountable to who?

3 A. Okay. The person who was taking the civilian to be in
4 charge of, he would be accountable to me. But on my own side
11:21:29 5 now, to give account of this civilian, I will do that to the
6 overall G5 commander, brigade G5 commander, but you who is
taking
7 the civilian, you'll be accountable to me.

8 Q. Thank you.

9 MR OGETO: Can I have a minute, My Lords?

11:22:02 10 PRESIDING JUDGE: Yes, please.

11 JUDGE BOUTET: Mr witness, just one clarification. I'm
not
12 sure if you did say this or not, but were you in the military
13 organisation? Were you a commander? Or, I know the position
you
14 occupied but in that position, if you were in the military
11:22:25 15 structure, what was your rank, if you had any?

16 THE WITNESS: Well, at that time, I was a captain.

17 JUDGE BOUTET: At that time, you are talking the time of
18 Koidu in 1998?

19 THE WITNESS: Yes, sir.

11:22:53 20 JUDGE BOUTET: Thank you.

21 PRESIDING JUDGE: Did you rise beyond that?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: And you ended up as what?

24 THE WITNESS: A colonel.

11:23:04 25 JUDGE BOUTET: You mean a full colonel or a
26 lieutenant-colonel?

27 THE WITNESS: Lieutenant-colonel.

28 MR OGETO:

29 Q. Now this accountability, Mr Witness, if we can go back

SCSL - TRIAL CHAMBER I

the 1 briefly to that. Did it have anything to do, if at all, with
2 security of those involved?
3 A. Yes. This is very important. The accountability I'm
4 trying to --
11:23:41 5 PRESIDING JUDGE: Please don't answer that question.
It's
6 leading. Don't answer it.
7 MR OGETO: I'm sorry, My Lords.
8 PRESIDING JUDGE: Yes.
9 MR OGETO:
11:23:50 10 Q. Let's proceed to another page, Mr Witness. Five -- 592
at
11 the end?
12 A. Five what?
13 Q. 92.
14 A. Is it 2559?
11:24:44 15 PRESIDING JUDGE: 92.
16 THE WITNESS: 259 what?
17 JUDGE BOUTET: 92.
18 MR OGETO:
19 Q. 92.
11:25:08 20 A. Okay.
21 Q. It's indicated to be name of civilian women and
22 officer-in-charge. Are you able to explain to the Court what

23 this document is all about?

24 A. Yes, sir.

11:25:36 25 Q. Proceed, please.

As 26 A. This is the same way as the first one I have explained.

27 long as you can see the civilian's name against the
commander's

28 name, it means the commander was to take care of that
civilian.

29 That is the same explanation as the first one.

SCSL - TRIAL CHAMBER I

1 Q. Let's now go back to 591, the second category of names
2 there; have you seen that page first, 591?

3 A. Yes.

4 Q. There's a second category of names there, names of new
11:26:33 5 captives along Guinea Sierra Leone: Then at the right -- the
6 bottom right-hand side of the document -- there is a space
there
7 for signature, 3rd Battalion G5 commander. Have you seen
that?

8 A. Yes.

9 Q. Are you able to tell the Court what these names are all
11:27:09 10 about?

11 A. According to the heading of this document, the names of
the
12 new captives along the Guinea Highway this was the time when
the
13 civilians were retreating. When they were going to Guinea, as
14 you know when people go to Guinea, food will be very difficult
to

11:27:36 15 get so they were escaping, coming back to their area to get
food.

16 So during the time when they were coming, unfortunately they
came

17 across a soldiers, they captured them. They -- and they wrote
18 their names, the names of new captives. They left Guinea,
they

19 came back to Sierra Leone. After they had gone to Guinea so
the

11:27:58 20 patrol team that came across them captured them and brought
them.

21 The battalion -- the G5 that was in charge took down this
22 document.

23 Q. Why would these people be captured?

24 A. As you know, the Kamajors used to leave Guinea and come
to

11:28:28 25 attack us. So when we see them we just conclude that they
26 were --

27 Q. Sorry what did you say? Can you please repeat your
answer?

28 A. I said the reason why they did capture these people,
they

29 had gone to Guinea and the Kamajors who were leaving Guinea to

1 come to attack us in Guinea. So when the patrol was going on,
2 they came across these civilians. They thought that they came
to
3 collect information from us and went and told them. So when
they
4 captured them they brought them to investigate them. So that
was
11:29:03 5 the time they brought them so that their names would be
written
6 down.

7 Q. So what would happen to these civilians after the
8 investigations?

9 A. They will give them to the G5. No other person is
11:29:22 10 responsible for the affairs of the civilians. It was the G5.
If
11 they had no families among the soldiers who take care of them,
12 they will give them back to the G5. That was our
responsibility.
13 We will take care of them.

14 Q. So my question -- you spoke about investigating these
11:29:38 15 people. And my question is what would happen to these
civilians
16 after the investigations?

17 A. They will have to hand them over to us. We, the G5,
they
18 will give them back to us for us to take care of them.

19 Q. Were they free to go back to Guinea after the

11:30:03 20 investigations?

21 A. No, because one thing would not allow them is that maybe
22 after some days they have been with us, maybe the other force
23 that are in Guinea, they will say they have come to give us
24 information that we have done bad to them. So instead of that

we

11:30:24 25 will hold them and take care -- take up their responsibility
26 until we leave.

if

27 JUDGE BOUTET: But once you had done the investigation

28 you find they were Kamajors or -- what do you do with them?

do

29 You -- they are civilians but associated with Kamajors, what

1 you do with them.

2 THE WITNESS: As long as we don't see any arms on
civilians

3 hand we will not take him to be a Kamajor, as long as he
doesn't

4 have arms. But if we see they don't have anything we know you

11:31:00 5 are a civilian. However we don't have nothing to do with you.

6 We will only take care of you to make sure that your life --
you

7 have your own life.

8 JUDGE BOUTET: Yes, but what is the investigation all

9 about. I'm just trying to see why -- what do you mean by

11:31:16 10 investigation. If they have no weapons, no arms, what do you

11 investigate.

12 THE WITNESS: My Lord, you know that in a war it was not

13 only the one that is fighting with arms, it's the one that's
only

14 fighting. Somebody does not use arms but he uses his-self to

11:31:40 15 fight so that's why we're investigating them. You cannot only

16 see a civilian coming, you hold him in an enemy zone, you come

17 and just release him like that, no. You have to investigate
and

18 if the investigation was not reasonable, then we know what to

do.

19 That was why we are investigating them.

11:32:20 20 JUDGE BOUTET: Thank you.

21 MR OGETO:

22 Q. So we're through with that document, Mr Witness. If the
23 document can be taken from the witness. Witness, are you
24 familiar with the term fiti fata?

11:32:58 25 A. Yes, sir.

26 Q. Can you please tell the Court what it means?

27 A. Yes, sir. The war -- the word fiti fata, it's a Mende
28 language which -- which means anything that is plenty.

Anything

29 that is plenty. That is what fiti fata means. When things
are

1 many, you'll use it in any way you want to. That is the fata.
2 The fiti is when it is plenty. The fata is -- you use it as
you
3 want. That is what it means by fiti fata.

4 Q. Now, during the year 1998, were you aware of an
operation
11:33:51 5 in Kono referred to as Fiti Fata?

6 A. Yes, sir.

7 PRESIDING JUDGE: So what you mean to say is fiti fata
is
8 anything that is plenty, you use it. Is that what -- anything
9 that --

11:34:10 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: Is abundant, you know, you use it.

12 THE WITNESS: That's good. That's good. Yes.

13 MR OGETO:

14 Q. So my question was --

11:34:29 15 PRESIDING JUDGE: I don't want to make the comment
because

16 you're very true to the profession from which you boarded the
17 plane, you know, in which you are flying for all these years
to
18 praise, you know, your good students. You understand me.

19 THE WITNESS: Yes, My Lord.

11:34:54 20 PRESIDING JUDGE: I'm very familiar with that expression
21 and I'm sure all of us are. Yes, Mr Ogeto, you may proceed,

22 please.

23 MR OGETO: Thank you, My Lords.

24 Q. So were you familiar with an operation referred to as
11:35:10 25 Fiti Fata in 1998 in Kono?

26 A. Yes, sir. And I am one of the soldiers who were running
27 the missions.

28 Q. What was this mission all about?

29 A. The mission -- the intention was we are to remove the

SCSL - TRIAL CHAMBER I

1 ECOMOG from Kono during that time.

2 Q. When did it take place if you can recall, please?

3 A. Sometime in August, because during the rain there -- it
was
4 raining during that time. It was sometime in August.

11:36:06 5 Q. August of '98; is that correct?

6 A. Yes. Yes.

7 Q. Was this mission successful?

8 A. No, it was not successful.

9 Q. Do you recall --

11:36:31 10 PRESIDING JUDGE: Now, out of -- just out of sheer
of
11 curiosity, what was fiti and what was fata within the context
was
12 this mission -- of this ECOMOG mission? What would you say
13 fiti and what would you say was fata.

14 THE WITNESS: You see, the ammunitions were plenty.
There
15 was a lot to eat.
11:36:59

16 PRESIDING JUDGE: A lot -- a lot of food to eat.

17 THE WITNESS: There were a lot of ammunition for use.

18 PRESIDING JUDGE: Yes.

19 THE WITNESS: And there were small, small things which
11:37:23 20 somebody can make it up, yes.

21 PRESIDING JUDGE: And other military equipments, maybe.

22 THE WITNESS: Yes, everything. And even arms.

23 PRESIDING JUDGE: And vehicles as well.

24 THE WITNESS: No. There were no vehicles.

11:37:45 25 PRESIDING JUDGE: So you only took those other things
and

26 left the vehicles. That's what you're saying? Or you were
only

27 targeting the arms, the food, the ammunition, the drinks, but
not

28 the vehicles.

29 THE WITNESS: Yes, mostly those were our needs.

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: Okay. Thank you.

2 MR OGETO:

3 Q. Can you please go through your answer again, Mr Witness,
4 regarding this fiti and then fata. Describe it in the context

of

11:38:27 5 this --

6 PRESIDING JUDGE: I didn't take him to fata because I

ended

7 at fiti because that is what describe the abundance, you know,
8 the harvest, and of course, you know, after that the fata
9 followed; isn't it, Mr Ogeto.

11:38:46 10 MR OGETO: Yes, My Lords.

11 Q. Just explain it for my understanding again, Mr Witness?

12 A. As I said, fiti fata, it is a joint word but there are
13 different terms. The fiti refers to when something is in
14 abundance. Fata is the way you are using it. When something

is

11:39:12 15 plenty you use it in any way. Fiti means plenty. Fata you

abundance;

16 use -- the way you are using it, fiti is -- it is in

17 fata is the way you are using it.

18 Q. Okay. Thank you.

time

19 PRESIDING JUDGE: Thank you, because this is the first

11:39:30 20 in the proceedings, you know, that we've come into grips with

21 this fiti fata business.

22 MR OGETO: Finally.

23 PRESIDING JUDGE: I've not had a clear explanation to
24 this -- I mean before me.

11:39:43 25 MR OGETO: Me too, My Lords.

26 PRESIDING JUDGE: Yes. Okay, Mr Ogeto.

27 MR OGETO:

28 Q. So was this mission successful, Mr Witness?

29 PRESIDING JUDGE: He said it failed. The Fiti Fata
failed.

SCSL - TRIAL CHAMBER I

1 So there was no fiti and there could be no fata.

2 MR OGETO:

3 Q. Why did it fail? Why did this mission fail?

4 A. The mission's failure was due to the way the mission was
11:40:13 5 planned. The plan was not proper. And, you know, the way we
took 6 arrange that we should go on with it, it was wrong. And it
business, 7 place almost towards the night hour. During that night
8 people are afraid of it. That was why the mission was spoilt.

9 Q. How long did it take, this mission? How long did it
last?

11:40:42 10 A. Because in that mission I was wounded. I was wounded
11 seriously. I think just about two hours because it was just a
12 two hours fight.

13 Q. Who commanded this mission?

14 A. It was Brigadier Superman.

11:41:11 15 Q. Do you know where Mr Morris Kallon, the accused person
in 16 this case, was at that time during this attack?

17 A. Yes, he was with us for some time. But later I got
18 information that he was called --

19 PRESIDING JUDGE: Where was he? Was he in that mission?

11:41:37 20 That's what we want to know.

21 THE WITNESS: Yes. Yes, sir.

22 MR OGETO:

23 Q. So proceed with your explanation?

24 A. [No translation]

11:42:11 25 MR OGETO: I didn't get the translation of this, My
Lords.

26 THE WITNESS: Should I repeat.

27 MR OGETO: Please do.

28 JUDGE BOUTET: Can you do the translation.

29 THE WITNESS: I had some cold and I was taken somewhere

SCSL - TRIAL CHAMBER I

1 else to warm himself.

2 JUDGE BOUTET: Is this the answer the witness gave or
it's
3 you're saying that you have a --

4 MR OGETO:

11:42:47 5 Q. Who had some cold and was taken somewhere?

6 A. It was Major Morris Kallon during that time.

7 Q. Do you know if anything happened to Mr Kallon after this
8 operation; after it failed?

9 A. Yes, sir.

11:43:12 10 Q. Please, explain to the Court what it is that happened?

I
11 A. After the mission, during that time when I was wounded,
12 and,
13 got the understanding that they called Mr Kallon to Kailahun

14 after he had gone, they said he sabotaged the mission. The
15 report we had was that he was punished for 14 days he was

11:43:44 15 imprisoned and, from there, he was sent to Pendembu to take --
to

16 take charge of Pendembu. That was, his assignment was changed
17 from Koidu to Kailahun. That was the information I had after
18 that mission.

19 Q. Do you know who accused him of sabotaging the mission?

11:44:12 20 A. Yes, sir.

21 Q. Who was it?

accused

22 A. It was the mission commander, who was Superman, who

23 him that he has sabotaged the mission.

24 Q. And did you know who summoned him?

11:44:29 25 A. Yes, sir. It was Mosquito who called him, Sam Bockarie.

26 Q. Was it explained how he had sabotaged the mission?

27 A. Well, that one I cannot say much about it, because I was
28 not in Kailahun when the explanation went there. He only said
to

29 us that he sabotaged the mission and he was punished for that.

1 MR OGETO: My Lords, if this will be a convenient time
to
2 take the break? I'm getting into another area. But I can
3 proceed, My Lords, if the Chamber so wishes.
4 PRESIDING JUDGE: The Chamber will recess for a few
minutes
11:45:40 5 and we will rise, please.
6 [Break taken at 11.35 a.m.]
7 [RUF24APR08B-BP]
8 [Upon resuming at 12.08 p.m.]
9 PRESIDING JUDGE: Yes, Mr Ogeto.
12:19:14 10 MR OGETO: Thank you, My Lords.
11 PRESIDING JUDGE: You may continue, please.
12 MR OGETO: Thanks, My Lords.
13 Q. Mr Witness, do you recall where you were on 6 January
when
14 Freetown was attacked? 6 January 1999?
12:19:32 15 A. Yes, sir.
16 Q. Where were you, please?
17 A. I was in Makeni.
18 Q. Did you participate in the attack on Freetown?
19 A. No.
12:19:58 20 Q. Did you have any prior knowledge of this attack on
21 Freetown?

that I

22 A. No, I did not have any prior knowledge of it, except

23 heard of it.

24 Q. When did you hear of it?

12:20:20 25 A. It was after the attack.

26 Q. Who gave you the information?

27 A. I got it initially on the air.

28 Q. What do you mean by that?

29 A. Radio. From radio announcement, that they had attacked

SCSL - TRIAL CHAMBER I

1 Freetown.

2 Q. Who is it that had attacked Freetown?

3 A. The SLAs.

4 Q. Do you know if the RUF was involved in the attack on
12:21:17 5 Freetown?

6 A. No, RUF was not involved.

7 Q. Do you know where the accused person, Morris Kallon, was
8 when Freetown was attacked on 6 April -- 6 January 1999?

9 A. Yes, sir.

12:21:48 10 Q. Where was he?

11 A. He was in Magburaka.

12 Q. Now, during this period, do you know if Mr Kallon was
13 involved in any other business, other than being an officer of
14 the RUF?

12:22:21 15 A. Yes, sir.

16 Q. What kind of business?

17 A. Well, I knew Mr Kallon at that time, he made two
nightclubs

18 that I know of. He made one in Makeni, which was called

19 Supercase there, another in Magburaka, around Bo Road. That
is

12:22:56 20 what I know of.

21 PRESIDING JUDGE: And the one in Magburaka around the Bo

22 Road was called what? In Makeni it was called Supercase.

23 THE WITNESS: Supercase. The one in Magburaka, I can't
24 remember the name, but he had it there because I did not go
there

12:23:23 25 anyway.

26 PRESIDING JUDGE: Was it a nightclub too?

27 THE WITNESS: Yes. Yes, yes.

28 MR OGETO:

29 Q. Now, around this period, when Freetown was attacked, are

SCSL - TRIAL CHAMBER I

1 you able to explain to the Court the relationship between
2 civilians and the RUF in Makeni?
3 A. Yes, sir. During that time the civilians and we, the
RUF,
4 the relationship was cordial, very cordial. We were in very
12:24:09 5 peaceful atmosphere. There was no problem in Makeni.
Everybody
6 was going about their business.
7 Q. Where were you at the beginning of the year 2000?
8 A. I was in Makeni, sir.
9 Q. Where exactly were you based in Makeni?
12:24:58 10 A. I was staying at Kontas [phon] Street in Makeni.
11 Q. Did you have an office in Makeni at that time?
12 A. Yes, sir.
13 Q. Where are exactly was your office in Makeni?
14 A. During this time, except I explain a bit for you to
12:25:30 15 understand, because there were two different places. First we
16 were at agriculture, then later we moved to Independence
Square.
17 After our office, you go to the Independence Square. That was
18 the place our office was.
19 Q. Do you recall where your office was on 1 May 2000?
12:26:00 20 A. Yes, sir.
21 Q. Where was it?
22 A. Very close to Independence Square.

23 Q. Did you go to the office on 1 May 2000?

24 A. Yes, sir.

12:26:26 25 Q. Were you in the office the whole day of 1 May 2000?

26 A. Yes, sir. If we report by 8 o'clock, we be there until

27 4.30.

28 Q. So were you in the office the whole day on 1 May 2000?

29 A. Yes, sir.

SCSL - TRIAL CHAMBER I

office

1 Q. Did anything significant happen on that day in the

2 where you were?

was

3 A. Yes, it was not in the office where I was happened, but
4 something happened that I can recall on that day, 1 May. I

12:27:30 5
to

at MP office because when we come we report to the MP office

I

6 see that -- if there were any civilian problem to settle. So

and

7 was in the MP office when I saw one Ishmael Kamara. He came

8 reported that they -- they have arrested -- they have disarmed

9 five boys forcefully, the peacekeepers. By that time all the

12:28:05 10
day

other unit officers were at the MP; everybody was there. The

11 only person who were not there, Mr Kallon and Mr Issa, that

12 they were not there but the rest of the other officers were at

13 the MP when the report came.

14 Q. You've spoken of this man named Ishmael Kamara. Is that

12:28:31 15

the right pronunciation?

16 A. Yes. Yes, Ishmael Kamara.

17 Q. Who was he?

18 A. He was a soldier who was assigned to Makoth.

19 Q. What was his rank? Are you able to recall, please?

12:29:03 20

A. He was a captain.

21 Q. And what time did he bring this information?

22 A. Ishmael reported that issue at around 2.30 to 3 o'clock.

I

23 can't remember; 2.

24 Q. What did you say; you can't remember or?

12:29:32 25 A. I said I can remember 2, 2.30 to 3.

26 Q. And can you recall some of the names of the officers who
27 were present at that particular point in time?

to

28 A. Yes, I can remember few commanders who I was very close

MP

29 them, like the MP commander who was there, Colonel Duba; the

1 adviser, AS Kallon; the deputy MP commander, Vanbai; then
Jimmy,
2 he was there; Alpha Momoh was there; Colonel T was there,
Tamba
3 T. Those are the names I can remember, but most of the
4 commanders were there, almost all, apart from the two people I
12:30:48 5 have just named.
6 Q. Who was Jimmy?
7 A. Jimmy was a representative of RUF to the MILOBS.
8 Q. And Alpha Momoh?
9 A. Alpha Momoh was the adjutant. He was a secretary,
called
12:31:22 10 adjutant.
11 Q. Secretary for what?
12 A. For the whole brigade.
13 Q. What about Colonel T? Who was he?
14 A. Tamba T, he was a member of CMC at that time.
12:31:45 15 Q. What does CMC stand for?
16 A. That was a term UNAMSIL brought. I don't know what they
17 meant.
18 Q. So what happened after Ishmael brought this information?
19 A. After Ishmael had brought this information, Brigadier
12:32:16 20 Kailondo was there. So he had to -- he became annoyed about
the
21 idea. He said this was not supposed to happen. This was not

22 supposed to happen because this was not our arrangement. You
23 don't have to come and disarm people forcefully. It must be
done
24 by arrangement. He was trying to -- he became more annoyed.
So
12:32:44 25 we tried to tell him that now that this thing had happened,
try
26 to inform your authority about it. Either you send a message
to
27 the Pa, you tell the Pa that this the way things had happened
or
28 you informed General Issa about the issue. But he did not
29 accept. He was still annoyed. He was still annoyed, except
he

SCSL - TRIAL CHAMBER I

1 had to go there and see that the children they have disarmed,
he
2 have to take them from the camp by force, so I left him there
on
3 that argument. Then I went back to my office.

4 Q. What was the position of Brigadier Kailondo at that
time?

12:33:34 5 A. Ground commander for the whole area in Makeni, in that
6 district.

7 Q. You've also spoken about informing the Pa. What do you
8 mean by that? Who is Pa?

9 A. Foday Sankoh. I called Foday Sankoh the leader. We
told
12:34:01 10 him to report it to the leader.

11 JUDGE BOUTET: Mr Witness, you just mentioned something
12 about children to be disarmed by force. What do you mean by
13 this?

14 THE WITNESS: Well, according to the report that we
12:34:19 15 received, they said the UN had taken the arms from the
children
16 by force. They were not willing for disarmament and the time
17 that was the information we got, that they took the arms from
18 them by force, they took the children to the camp, and they --
19 without the knowledge of the commanders, so that was the
report

12:34:46 20 we received.

21 MR OGETO:

22 Q. What did you understand by taking the arms from children
by

23 force? Which children?

24 A. What I understood, if you are not willing to give
something

12:35:06 25 then somebody took it from force from you, that is what I mean
by

26 force.

27 Q. And who were the children?

28 A. They were RUF soldiers. They were not very -- they were
29 not very little children; they were soldiers.

1 Q. So why were they referring to them as children?

2 A. I was speaking Krio. I said children, and that was the
way
3 I mean, but they were soldiers. They were soldiers. Those
who
4 had arms.

12:35:52 5 Q. Did you get to know their ages?

6 A. They are over 25, up to 30, some of them. Some of them
7 they are over 25 to 30.

8 Q. So why were they referred to as children?

9 A. I said "our children." You as a commander, you have
12:36:23 10 somebody behind you and you give him command, or you give him
under
11 orders, you will refer to him as a child, as long as he's
12 you as a fighter. That doesn't mean they are children in real
13 terms. I'm just using that name because they were under us
and
14 we were in command. That's why I'm referring to them like
that.

12:36:52 15 Q. So what happened after this discussion in the office?

16 A. After that, it took some time. I think it was not very
17 long when Brigadier Kallon -- Brigadier Kailondo said he had
to
18 go there and took the children from there. So I was not there
19 except when I heard the firing at Makump path and that's what
I
12:37:27 20 know.

21 Q. Did you see Kailondo again on that --

22 A. Yes. No, not Kallon, Kailondo.

23 Q. So did you see him again on that day?

24 A. Yes, I saw him again with the commander who they took
from
12:37:50 25 the camp; his face was tied.

26 Q. Who was this commander that they took from the camp
whose
27 face was tied? Did you know him?

28 A. Well, his colour is like a Russian.

29 Q. Who was he with when you saw him?

1 A. He was with Brigadier Kailondo.

2 Q. Was there anybody else in their company?

3 A. Yes. When he came with the commander, he had to hand
over

4 to Jimmy. He said: Jimmy, take care of this man. He is your
12:38:45 5 family. So take him to the barracks.

6 Q. And where was this, that you saw Kailondo with this man
7 tied around the face?

8 A. At the Independence Square, around the MP office.

9 Q. What time would that have been?

10 A. About 3 o'clock; something like that. It could be 2.;
11 between 2 and 3.

12 Q. And when was the meeting then? You spoke about the
meeting

13 before Kailondo went out and later came back with this man;
when

14 was the meeting?

15 A. I have not spoken about meeting. I said we received our
12:39:38 16 report at the office. We were not at a meeting. We were just
17 there. All the commanders were at the MP office. This thing
18 happened. That does -- it was not in a meeting. I want you
to

19 understand the way I spoke.

20 Q. So what time did that happen, the discussion that was in
12:39:59 21 the office? I understand it was not a meeting. What time was
it

22 that this discussion --

23 A. The time when they brought the report, you mean?

24 Q. Yes, when Ishmael brought the report, what time was it?

12:40:20 25 A. Ishmael? Twelve o'clock to 1 o'clock. Around that
time.

26 I cannot remember now because it has taken a long time but I

27 think it was between -- around that time and the firing
occurred

28 about 3, after they talk.

29 Q. Now, the following day, 2 May 2000, did anything else

1 happen of significance that you may wish to explain to the
Court?

2 A. Yes, sir.

3 Q. Were you in the office, first of all, on 2 May 2000?

4 A. Yes. Yes, by 8 o'clock we had registered at the office.
I

12:41:18 5 was there, sir.

6 Q. So please proceed to explain to the Court what happened?

7 A. After the arrest of that commander, the next day, that
was

8 the 2nd, that time we were in the office, I saw Komba Gbundema
9 and -- with four vehicles. All were occupied by soldiers, RUF

12:41:50 10 soldiers. He came. He told us that he had received a direct

11 message from the leader, who was Pa Sankoh, that more UN

12 were leaving from Freetown to go to Makeni. But the reason
why

13 they were coming; they were not coming to bring peace; they
are

14 coming to arrest all the commanders. He said -- the leader
said

12:42:45 15 they were to go and stop those people and arrest them and
bring

16 them to Makeni. We told him that he, the Komba Gbundema, that

17 how could this be because this is peace time? How the leader

18 could send a message? There are other authorities who are
above

19 you. Why to you?

12:42:54 20 Q. Okay. Let's get some clarification. Who are you with
in
21 the office when Komba Gbundema came?
22 A. G5 commander. G5 commander.
23 Q. Who was that at that time?
24 A. What? Komba was the battalion commander in Kambia.
12:43:23 25 Q. Who was the G5 that you were with in the office?
26 A. Okay. I was with Hindolo Koroma.
27 Q. Was there anybody else in the office when Komba Gbundema
28 came?
29 A. Yes; we were many. The IDU commander was there, who was

SCSL - TRIAL CHAMBER I

were
1 Bangali. The same people I had just called in that office
2 all there. All the other officers, except the two heads, who
3 were not there, but all other officers who were in Makeni were
4 there, apart from Mr Issa and Mr Kallon. That day they were
not
12:44:06 5 there. The second day -- the first and second day they were
not
6 there. But all the other officers were there.
7 Q. And who was Komba Gbundema at that time?
8 A. Brigade commander for Kambia District.
9 Q. What time was it that he came to the office, when this
12:44:40 10 incident took place?
11 A. Komba Gbundema arrived at 4.30 to 5. That was the time
he
12 arrived.
13 Q. So what happened after he gave you this narration
regarding
14 instructions from the leader Foday Sankoh?
12:45:03 15 A. As he said this, the senior officer who was there, who
was
16 Kailondo, he again became annoyed and said that they were to
go
17 and stop. As long as it was an order from Foday Sankoh
directly,
18 they must go there and block the people. We even told them
that
19 the better thing to do is to inform General Issa because he is

12:45:30 20 heading us. You should inform him before you take further
21 action. He said no, they were going to do it. Then later the
22 Papa, he will inform him.

23 Q. So what happened after that?

24 A. They took off and went to Makoth.

12:45:53 25 Q. Did you see them again on that day?

26 A. Not on that day; the next day I saw them. That was on
the

27 3rd.

28 Q. Who did you see on the 3rd?

29 A. I saw three people: The commander who was in charge of
the

1 troop that was coming, whom they arrest at Makoth; I saw Komba
2 Gbundema; I saw Brigadier Kailondo there, Charles -- one
Charles
3 Ngebeh. He was the driver driving the vehicle in which the
man
4 was.

12:46:51 5 Q. Who was driving the vehicle in which the man was?

6 A. Charles Ngebeh. Charles Ngebeh.

7 Q. And who is this person who was in the vehicle that
Charles
8 Ngebeh was driving?

9 A. The commander of the whole troop that was coming, the
12:47:18 10 Zambians' commander.

11 Q. Did you get to know the name of this commander -- the
12 Zambian commander?

13 A. I can't recall. I knew his name, but I can't recall
now.

14 I've forgotten. I knew his name but I've forgotten.

12:47:42 15 Q. What time was it that you saw these people, including
the
16 commander, the Zambian commander?

17 A. Towards the night, around 5.30 to 6. That was the time
18 they began to enter. The commander -- we saw the vehicles
that

19 they have captured, the armoured cars, they all entered going
12:48:12 20 towards the barracks.

21 Q. And where exactly did you see them?

22 A. Right around the Independence Square, because it was at
the
23 main junction. They left Freetown, where you enter Makeni to
go
24 any other place, that is the main junction. That was the
place I
12:48:34 25 saw them.

26 Q. How many vehicles did you see?

27 A. Too much; I can't tell you the exact number. Too many.
28 Too many. It's over -- it's too many.

29 Q. Did you see the accused person Morris Kallon in that
group?

1 A. Later. After they have taken the men at the barracks, I
2 saw Mr Kallon and Mr Issa. They came because they were moving
3 together. I saw both of them. As Mr Kallon arrived, he said:
4 Oh, this thing was not supposed to happen; this thing was not
12:49:27 5 supposed to happen. Why are these people arrested, the
they 6 peacekeepers. Now that you are try for the war to be over,
they 7 would [indiscernible] they would have informed us. Why have
8 gone and arrested these people? They have spoiled the peace.
has 9 That was the first word Mr Kallon spoke. He said the peace
12:49:48 10 been spoiled. This was a very big problem. Then he and Mr
Issa 11 went into the vehicle and went towards the barracks where the
12 people went.

13 Q. Where exactly is this that you saw Mr Kallon and Mr Issa
14 Sesay?

12:50:10 15 A. Right at the roundabout, at the Independence Square.
Look 16 at the MP office, where they came and stopped their car.
Around 17 there.

18 MR OGETO: My Lords, if I could have a minute to consult
19 with my client?

12:50:30 20 PRESIDING JUDGE: Yes, please, you may.

through 21 MR OGETO: Thank you, My Lords. I want to just go
me 22 my notes to be sure that I'm through. My Lords, that brings
23 to the end of my examination of this witness. Thank you very
24 much, Mr Witness.

12:52:42 25 THE WITNESS: Thank you too.

26 PRESIDING JUDGE: Yes, Mr Jordash. Any cross-
examination?

27 MR JORDASH: Yes, please.

28 CROSS-EXAMINED BY MR JORDASH:

29 MR JORDASH:

you 1 Q. Good afternoon, Mr Witness. I represent Issa Sesay, so
2 understand who I am.
3 A. Yes, sir.
subjects, 4 Q. I've got a few questions of around three or four
12:54:22 5 and I hope I won't be more than about 30 minutes. The first
you 6 subject concerns the intervention. You told the Court that
is 7 were at the barracks in Makeni when the intervention occurred;
8 that right?
9 A. Yes, sir.
12:54:57 10 Q. And you were at the barracks with -- is this correct --
11 with SLA soldiers and some RUF soldiers?
12 A. Yes, sir.
13 PRESIDING JUDGE: Pardon me, what did you say?
14 MR JORDASH: I was suggesting that the witness was at
the 15 barracks with SLA and RUF soldiers.
16 PRESIDING JUDGE: I see.
17 MR JORDASH:
18 Q. Was the barracks at that time then a place where both
the 19 SLAs and the RUF were stationed?
12:55:41 20 A. Exactly so, sir.

21 Q. And the SLAs there were under the command of which SLA
22 commander?

him;

23 A. The brigade commander that was there, they were under
24 the SLA brigade commander. I can't recall his name now, sir.
12:56:18 25 I've forgotten his name.

SLAs

26 Q. But -- okay. There was this separation at the
27 Teko Barracks with the SLA brigade commander commanding the
28 and an RUF commander commanding the RUF; is that right?

29 A. Well, at that time, I can't be specific that there was a

1 separation because the leaders had been giving us orders that
we
2 should be taking all orders from Johnny Paul. I think it was
the
3 same command under the SLA but we were under the SLA according
to
4 the command that the leader gave to us.

12:57:05 5 Q. Okay. So not a separation, but RUF, were they under the
6 SLAs or the SLAs under the RUF?

7 A. We were under the SLAs, anyway.

8 Q. Now, are you able to be specific in terms of the timing
of
9 when the news came to Teko Barracks that ECOMOG had intervened
10 into Freetown? Did the news reach Teko Barracks on the day
12:57:49 that
11 the ECOMOG started to push the junta out of Freetown?

12 A. Are you talking about the date?

13 Q. No, not the date as such, but obviously at some point
14 ECOMOG started the push, and at some point the junta started
to

12:58:15 15 leave Freetown. Did the news of the junta starting to leave
16 Freetown reach Teko Barracks on the day that the junta started
to
17 leave?

18 A. Yes, sir, that very day we got the information.

19 Q. And was it clear to the men at Teko Barracks, under the
SLA

12:58:47 20 brigade commander, that they, to you as a group, would have to
21 abandon Teko Barracks and also leave --
22 A. Yes, it happened. When the news -- when we got the news
23 because -- before the news, the brigade commander got the news
24 first. As they got the news, they came together and came to
the
12:59:15 25 town at the Independence Square area. Yes, that was how it
26 happened.
27 Q. And so immediately on the day the news came to
28 Teko Barracks, the group at Teko Barracks moved and gathered
at
29 the Independence Square; is that correct?

1 A. Yes, sir.

2 Q. And was it at that point when the gathering took place
at

3 Teko -- at the Independence Square that the looting began?

4 A. No. No.

12:59:56 5 Q. Did the looting take place on that same day?

6 A. No.

7 Q. When did the looting begin?

8 A. The looting began at the time we saw those who have been
9 pushed out of Freetown and had entered in Makeni; as they

13:00:22 10 entered, that was the time the looting started.

11 Q. And how many days after -- or when in relation to the
12 gathering at the Independence Square did the looting begin?

13 A. The second day. The second day. As they were pushed
out

14 of Freetown, the second day we began to receive them at
Makeni.

13:00:51 15 The commanders -- the commanders came.

16 Q. Now, you talked -- I think Tuesday -- about certain
17 commanders and you mentioned Brigadier Mani, Five-Five,
Gullit,

18 Bazzy, and somebody called Adamu; do you recall?

19 A. Yes, that day I saw them.

13:01:20 20 Q. Were these the first big commanders to come to Makeni
21 having fled from Freetown?

22 A. Yes, sir. Yes, sir. In fact, all the troops were after
23 them. As they arrived we began to see the SLAs but they were
the
24 first people to reach the town, yes, sir.

13:01:45 25 Q. Were you able to tell at that time why it was the SLAs,
the
26 SLA commanders, were the ones who were able to get out of
27 Freetown before, say, the RUF commanders? Did you know the
28 reason?

29 A. I did not understand the question. Repeat.

SCSL - TRIAL CHAMBER I

1 Q. Do you know why it was it was the SLAs and their
commanders
2 who arrived at Makeni before the RUF and their commanders?
3 A. Well, that I cannot explain because I did not know the
4 location of the RUF soldiers in Freetown. I can't tell.
13:02:39 5 Q. Okay. But what you're sure about is that it was the SLA
6 commanders who arrived first?
7 A. Yes, sir.
8 Q. And, presumably, with troops who were loyal to them; is
9 that right?
13:02:58 10 A. Yes, sir.
11 Q. And it was them, then, that commenced with Operation Pay
12 Yourself?
13 A. Yes, sir; that very day.
14 Q. Are we talking about tens or hundreds of men underneath
the
13:03:27 15 SLA command at that point?
16 A. More than that. More than that. More than hundred you
are
17 talking of.
18 Q. I didn't say a hundred. If that's what was translated
to
19 you, I said hundreds. Many hundreds?
13:03:46 20 A. Yes. Yes. Yes, you are right. Yes.
21 Q. And from what you've told us, is this right: This was a

22 this acted as a catalyst for SLAs, the RUF who also were in
23 Makeni, and even civilians, to begin looting the township; is
24 that correct?

13:04:23 25 A. Well, I can't dispute that idea, but if the RUF -- RUF
were
26 part of it, they were very small. But the SLA were more than
the
27 RUF, and the looting of the civilians I accept because they
were
28 thieves. When they heard of that, they too began to loot
people;
29 that is true.

1 Q. When you say only a few RUF, is that because there were
2 only a few RUF at that time who were in Makeni who had been
3 stationed at the Teko Barracks?

4 A. No. The RUF who were at Teko Barracks at that time,
they

13:05:19 5 did not move. Those who joined the looting were those who
left

6 Freetown together with the SLA. But some of us were in Makeni
7 did not know of that operation, what really it meant by

Operation

8 Pay Yourself.

9 Q. Am I correct that at this stage, as the township

13:05:43 10 disintegrated into chaos, there were no orders coming to the
RUF

11 in Makeni -- the RUF were waiting, trying to work out what to
do

12 but without orders from senior commanders from Freetown or
13 elsewhere?

14 A. Yes, because when the thing happened our own senior

13:06:17 15 officers were in Freetown. We, who were at the barracks, that

16 was -- we were trying to wait for our senior officers to get

17 information from them, but the town was in chaos. Everybody
was

18 going about running to take their loads or to go their own

ways.

19 Q. And at this time as this occurred in Makeni, was there a

13:06:46 20 point when you received information about senior commanders of

21 the RUF arriving in Masiaka?

22 A. Masiaka, I did not get any information when the senior
23 officers got there. When this thing happened everybody was
24 trying to get away to move. As long as we started seeing the
13:07:15 25 troops entering, everybody was worried. Nobody -- nobody was
26 waiting to hear news. Everybody was trying to pack up and
27 fighting for his survival, so I didn't really ask for that.

28 Q. Were you taking orders from anyone at this time? Were
you
29 receiving orders from anyone on the ground at this time?

1 A. Yes, sir.

2 Q. And were the orders coming from someone in Makeni?

3 A. Yes, sir.

4 Q. Who was that?

13:07:55 5 A. It was Brigadier Kailondo who was there.

6 Q. Was he the most senior RUF in Makeni at that time?

7 A. Yes, sir, because the most senior one, Isaac Mongor, was
in
8 Freetown.

9 Q. So was Kailondo receiving any communication from Mongor
at
13:08:23 10 any stage in these first few days?

11 A. Yes, sir.

12 Q. Was that Kailondo receiving orders from anyone else
other
13 than Mongor, from what you're aware?

14 A. Well, it might have been the leader, but during that
time
13:08:46 15 it was Isaac Mongor who was in command.

16 Q. When you say "the leader," you mean Bockarie?

17 A. No, I mean Foday Sankoh. Bockarie was not the leader.
He
18 is a member.

19 Q. Fair enough. Now, you --

13:09:11 20 THE WITNESS: Yes, sir, would you please allow me to
visit

21 the gents?

it's

22 MR JORDASH: Good timing, I think, Mr Witness, because

23 1 o'clock.

24 PRESIDING JUDGE: We'll resume the session at 2.30. The
13:10:42 25 Chamber will rise, please.

26 [Luncheon recess taken at 1.00 p.m.]

27 [RUF24APR08C-BP]

28 [Upon resuming at 2.57 p.m.]

29 PRESIDING JUDGE: Good afternoon, learned counsel. I'm

SCSL - TRIAL CHAMBER I

1 sorry we are starting a bit later. I was involved in an
2 unscheduled meeting with the President of the Court and I was
3 just coming here when he dragged me in and he didn't release
me
4 until now and let me say we didn't finish until now. So
again,
15:09:21 5 it was all for Court business, so I'm sorry we are starting
late.
6 But, this said, I think, Mr Jordash -- yes, I was going to say
7 Mr Ogeto, but Mr Ogeto didn't look concerned, he wasn't
looking
8 up to me, so I knew that he wasn't expecting a beckon from me.
9 Right. Yes, Mr Jordash, you may continue, please.
15:09:54 10 MR JORDASH: Thank you, Your Honour.
11 Q. Good afternoon, Mr Witness.
12 A. Good afternoon.
13 Q. You said something before lunch which intrigued me.
When I
14 first asked you questions about the men in Teko Barracks, you
15:10:22 15 suggested that they were working together under an SLA brigade
16 commander. And then when we were speaking about events after
the
17 men, including yourself, had left Teko Barracks and gone to
18 Independence Square, you spoke about Kailondo receiving or
19 expecting to receive orders from Superman. Would I be right
to

15:10:53 20
everyone

20 suggest that as soon as the men left Teko Barracks and
21 was seeking to flee, that the RUF separated from the SLAs in
22 Makeni? It's a long question, I know.

23 PRESIDING JUDGE: Preceded by a small lecture.

24 THE WITNESS: Please repeat the question.

15:11:30 25

MR JORDASH:

26 Q. I'll simplify it. The men in Teko Barracks who had been
27 operating together, the RUF and the SLA, as soon as everyone
was
28 running for their lives, and I suggest they were running for
29 their lives, the group separated: RUF on the one side, SLA on

1 the other; is that correct?
2 A. Yes, that's right.
3 Q. So any agreement which had been in place in Teko
Barracks
4 between the two groups to work together broke down immediately
15:12:14 5 when the panic began?
6 A. Exactly; that was how it happened.
7 Q. With RUF associating with RUF and looking after
themselves?
8 A. Yes.
9 Q. And would I be right to suggest that even within the RUF
15:12:41 10 looking after themselves, men within the RUF were actually
11 looking after their own families and their own interest?
12 A. I don't understand the question. Please repeat it.
13 Q. Okay. I'll try a different way. You, I am jumping
ahead
14 in time a little, but you ended up going to Kabala; am I
right?
15:13:15 15 A. Yes.
16 Q. And you went to Kabala with your family; am I right?
17 A. Yes.
18 Q. And you also went with -- you mentioned an RUF that you
had
19 gone there with as well. Can you remind us of that --
Lieutenant
15:13:47 20 Casco; you went with him?

21 A. Yes.

22 Q. Was he RUF?

23 A. Yes.

24 Q. And you went there with lots of other soldiers. Were
you
15:13:55 25 going there with RUF soldiers?

26 A. I went with RUF soldiers, while I depart Makeni.

27 Q. And you -- Komba Gbundema went as well; is that right,
from
28 what you recall?

29 A. Yes; we travelled together.

1 Q. No one gave you an order to go to Kabala, did they?
2 A. I was not ordered. At that time I was not ordered, that
3 time.
4 Q. Are you able to say whether Komba Gbundema was ordered
to
15:14:34 5 go to Kabala or did he go of his own accord?
6 A. No, we were retreating to go to Kono so everybody was
using
7 a safe route to go to Kono. He was not asked by anyone to go
8 there.
9 Q. So the reality was that it was not possible to get
orders
15:15:01 10 from senior commanders above, or certainly no orders were
coming;
11 you had to, as an RUF commander or soldier, decide yourself
what
12 to do?
13 A. Exactly.
14 Q. What to do was to protect your family as quickly as
15:15:22 15 possible to get out from ECOMOG's reach?
16 A. Yes, sir. Exactly.
17 Q. And in that self-interested moment, SLAs and some RUF
took
18 advantage of the situation to obtain stolen goods from
civilians;
19 is that right?
15:15:59 20 A. Well, I cannot dispute the fact, but I was not present

21 there. Whether it took place or not, that is not to my
22 knowledge.

23 Q. Okay. But what you can confirm, though, is that the
24 structure that had been in place in Teko Barracks, whereby
senior

15:16:24 25 RUF had junior RUF under them, broke down?

26 A. Yes. During the retreat it break down, yes. There was
no
27 one to command.

28 Q. And we spoke -- you spoke before lunch about Operation
Pay

29 Yourself, and on Tuesday you talked about Operation Pay
Yourself?

1 A. Yes.

2 Q. The order coming from Freetown?

3 A. Yes, because we got the slogan from them; Operation Pay
4 Yourself.

15:17:12
specific

5 Q. Right. So we're not talking about you hearing a

6 person give an order, but by the time the SLAs emerged from
7 Freetown into Makeni, they were using that phrase Operation

Pay

8 Yourself; is that correct?

9 A. Yes, sir.

15:17:37

10 Q. And they were using it and justifying it by saying: We
11 have been thrown out of the government. We've been thrown out

of

12 the army. We have no money therefore, therefore, we can pay
13 ourselves?

14 A. Yes, that was the answer they gave.

15:18:02
were

15 Q. And am I correct that during the junta period, the RUF

receiving

16 not receiving payment anyway; it was the SLAs who were

17 a payment from Johnny Paul Koroma; is that right?

do

18 A. Yes, but I will explain a little bit, if you want me to

19 so.

15:18:33

20 Q. Go ahead.

receive

21 A. We don't get salaries like government workers who
22 salaries at the end of the month, but we were provided with a
23 token through our commanders. We get it through Johnny Paul,
24 from Johnny Paul through our commanders, during that time.

15:19:02 25 Q. So the point I'm making is this: That the SLAs had been
26 receiving a salary but the RUF had only been receiving --

27 A. Yes.

28 Q. But the RUF had only been receiving a token?

29 A. Actually, yes, sir.

1 Q. And so it was the SLAs who were particularly unhappy
about
2 that salary stopping, which made them initiate in a massive
way
3 the --
4 A. Repeat the statement.
15:19:45 5 Q. I'll leave it. I think we've explored that enough.
I'll
6 leave it. Yes.
7 PRESIDING JUDGE: Yes. How did you characterise what
the
8 RUF, you know, was receiving? The SLAs were receiving a
salary.
9 The RUF you used a term -- is it a token or --
15:20:02 10 MR JORDASH: A token, which were the witness's words.
11 PRESIDING JUDGE: Yes.
12 MR JORDASH:
13 Q. Just to clarify: A token was simply money to buy some
14 basic things like cigarettes?
15:20:21 15 A. Yes, sir. Like cigarettes, soap, that was the money
they
16 used to give to us, to buy basic things.
17 Q. Now, you were in Makeni during the time of this
operation.
18 How long did you stay in Makeni before going to Kabala?
19 A. As I came from the brigade with Brigadier Mani, I
returned

15:21:02 20 to the barracks because we were unable to put the situation
under

21 control. Then I saw a lot of troops coming from Freetown
22 entering, so the very day I took off around 4.30 to go to
Kabala.

23 Q. Okay. Now, you spoke about Mr Kallon being in Bo at the
24 time of Operation Pay Yourself, and that's because you said he
15:21:27 25 was based in Bo at the time of the intervention; is that
right?

26 A. Very correct.

27 Q. Did you hear about Mr Sesay going through Masiaka to
28 Mile 91 and to Bo himself?

29 A. I got that information. When they said there was an
attack

Mr 1 in Bo, they were going there to repel the attack, I heard that
2 Issa went through that way. I heard about that anyway.
3 Q. Thank you. Now let me move you forward, Mr Witness, to
4 Koidu. But by the time you arrived in Koidu, Johnny Paul
Koroma
15:22:37 5 had left; is that right?
6 A. Yes.
7 Q. And although -- is this right? By the time you arrived,
8 specific deployment had not been given, but there was an order
9 from Johnny Paul Koroma that the RUF and the SLAs in Kono
should
15:23:02 10 work together?
11 A. Yes, I met that order.
12 Q. But to confirm, specific deployment had not been given
at
13 that time; the specific deployments were left for Superman to
14 decide after Johnny Paul Koroma had left to go to Kailahun?
15:23:32 15 A. Please repeat this question.
16 JUDGE BOUTET: What you mean by "deployment"? I recall
17 some difficulties with that.
18 MR JORDASH:
19 Q. Okay. I think we can deal with this more simply. When
you
15:23:55 20 arrived, about two or three days later, Superman convened a
21 meeting for senior officers; correct?

22 A. Yes. Yes. He called it.

23 Q. And Superman at that meeting decided on specific
24 assignments for specific people; is that correct?

15:24:28 25 A. Exactly; yes.

26 Q. So at that meeting, as you told us, for example, Captain
27 Alpha was assigned to Gandorhun, you were assigned to Yomandu;

is

28 that right?

29 A. Yes.

SCSL - TRIAL CHAMBER I

1 Q. And from what you told us, Savage was assigned to
Tombodu?

2 A. Yes.

3 Q. So Savage was assigned to Tombodu after Johnny Paul
Koroma

4 left to go to Kailahun?

15:25:26 5 A. Yes.

6 Q. Now, were you aware of any meetings at the Tankoro
Police

7 Station after your arrival at Koidu?

8 A. I didn't know about a meeting, but I knew about a parade
9 which we were asked to be present in the morning.

15:25:56 10 Q. Right. Well, it may be that we're talking about the
same

11 thing. How long after your arrival was the parade at Tankoro
12 Police Station?

13 A. I arrived two days. The third day they called the
meeting;

14 immediately after the meeting.

15:26:23 15 Q. And at that meeting, did Superman chair?

16 A. Yes.

17 Q. And did Superman at that meeting give warnings to the
SLAs

18 to behave and stop committing crimes?

19 A. Yes, he spoke about that.

15:26:59 20 PRESIDING JUDGE: Let me be clear: Were you at that

21 meeting. You just said you were at the meeting.

At

22 THE WITNESS: Yes, we attended that meeting at night.

23 night.

24 MR JORDASH:

15:27:15 25 Q. And at that time, had Savage -- or news of any crimes by
26 Savage -- reached Superman?

answered

27 PRESIDING JUDGE: But Mr Jordash, I see -- has he

28 the other question which you put to him, and that is whether

and

29 Superman -- you remember Superman putting the SLAs on guard

1 warning them to behave themselves. What was his response to
2 that?

I'll 3 MR JORDASH: I think he said he remembered that, but
4 clarify.

15:27:54 5 PRESIDING JUDGE: Okay.

6 MR JORDASH:

7 Q. Let me maybe break this down a bit simpler. What was
8 Superman saying at that meeting?

9 A. Well, the first thing he said: Now we have been moved
by

15:28:15 10 the ECOMOG from Freetown. Now we have arrived in Kono. He
said:

11 Now I'm telling you let us don't move from Kono to Kailahun
12 because if we do that, it will be difficult to repel this
attack

13 against these people. He said: Let us hold Kono and defend
14 Kono. That was the first statement he ordered and later he
came

15:28:40 15 with this problem, saying that since we have arrived here, I'm
16 asking all the soldiers to comport themselves, to avoid all
those
17 bad things that they have been doing, so that we can repel the
18 enemies and push them back.

19 Q. Was there news at this point of any behaviour by Savage,
or

15:29:05 20 was Savage at this point still behaving?

21 A. You know, except I had to explain why Savage started
22 misbehaving, if I am permitted by the Court to do so.

23 Q. Go ahead, yes.

24 A. It was after we had investigated the bank robbery and
some

15:29:40 25 soldiers were arrested, that was what aggravated the whole
issue,

26 because they said they were trained and qualified soldiers.

Now

27 that the Peoples Army, who were civilians, so that was a
grudge

28 that existed. When Savage went to Tombodu, he refused to
accept

29 orders from the commanders; that was what brought about the
whole

1 thing.

2 Q. So the order of events was: Superman does assign Savage
to
3 Tombodu; Savage then becomes angry about the money being taken
to
4 Bockarie; Savage then refuses to take orders from Superman; is
15:30:34 5 that fair?

6 A. Exactly.

7 Q. And not only refuses to take orders from Superman, but
8 refuses to report to Superman also?

9 A. Yes. He was not going to our ground where Superman was;
he
15:30:57 10 was not going there again.

11 Q. And had Savage sufficient ammunition and weapons to
12 basically reinforce himself into Tombodu so that it was
13 militarily nigh on impossible to remove him?

14 A. Well, yes. He had a lot, but that could not stop us to
15:31:29 15 remove him if he did bad. In fact, something happened after
16 that.

17 Q. What happened after that?

18 A. After we have observed that Savage had killed a lot of
19 civilians in Tombodu by then, Superman passed an order to go
and
15:31:53 20 attack him, to drive him out to Tombodu, but in that attack I
did

Gbundema, 21 not go because I was wounded. While our commander was
22 he went to the troops but, unfortunately, Savage had to escape
23 and went to Kurubonla.
24 Q. Now, at some point -- thank you for your answer,
15:32:15 25 Mr Witness. At some point Superman organised a task force; is
26 that right?
27 A. It was not Superman arranged the task force. It was
28 Mosquito who passed the order to form the task force.
29 Q. Right. Before I continue asking, the questions about
the

on

24

I

15:33:31
What

commander

that

think I

to

15:34:25

to

1 Tankoro Police Station were regarding the evidence from 071,

2 19 January 2005, pages 47 to 53, and 21 January, page 28 and

3 January, page 12, and 24 January -- sorry, did I say page 12?

4 met page 124 to 125. So Sam Bockarie orders a task force and

5 what was the purpose of Sam Bockarie ordering a task force?

6 did it do?

7 A. It was because of the bank robbery; they formed the task

8 force for that. He even appointed Peleto as task force

9 to run the mission and arrest all those who were involved in

10 bank robbery.

11 Q. I think -- and I might be wrong about this -- but I

12 heard on Tuesday you say something like: Peleto was an IO for

13 Bockarie. Did I mishear you? Because it didn't find its way

14 the transcript?

15 A. He was a bodyguard to Sam Bockarie.

16 Q. So Peleto, Peleto was reporting, as far as you know,

17 directly to Bockarie?

18 A. Yes, sir.

19 Q. And Bockarie, did he give the order directly to Peleto

15:34:51 20 perform the boss of the task force or did that order come from
21 Bockarie through another commander, like Superman?
22 A. No. The task force that he formed, they were to take
23 direct instructions from the commander, who was Peleto.
24 Q. The point I'm making is this: Did Sam Bockarie make
direct
15:35:21 25 radio contact with Peleto, or did Sam Bockarie order Superman
and
26 Superman arranged with Peleto?
27 A. He used to send orders direct to Superman and from
Superman
28 to Peleto. But, sometimes, he gave direct instructions to
Peleto
29 without informing Superman because he was his bodyguard.

1 Q. So Peleto then had access to a radio which he used to
2 contact Sam Bockarie?

3 A. Very well.

4 Q. Your Honours, that's 071, 21 January 2005, page 103
which

15:36:13 5 deal with the suggestion Peleto was reporting to the first
6 accused. Let me just be clear about this: Peleto, as far as
you
7 know, was not reporting to Sesay; as far as you know?

8 A. No.

9 Q. Just for a moment returning to Tombodu. When Savage was
15:36:48 10 deployed there, were there any RUF deployed there? Or was he
11 there as an SLA commander on his own?

12 A. They were the only ones who were there, the SLAs.

13 Q. Your Honours, that's TF1-366, 15 November 2005, pages
109

14 to 110. I'm nearly coming to a finish, Mr Witness. I just
want

15:37:27 15 to ask you about your evidence concerning UNAMSIL and the
events

16 in May 2000. You saw Mr Sesay on 3 May in Makeni; is that
17 correct?

18 A. Yes.

19 Q. It was known, amongst all the senior men in Makeni, from
15:38:07 20 the beginning of this incident until 3 May, that Sesay was not
in

21 Makeni; am I correct?

22 A. Yes, from the 1st to the 2nd he was not there; that's
true.

23 Q. It was known because his name kept coming up in
24 conversation as someone who should be called, who could
perhaps
15:38:37 25 try to stop these events occurring; is that right?

26 A. Yes. That was the reason why some of us, we are saying
27 they must inform him, so that he could come and put the
situation
28 under control.

29 Q. And it was known, of course, that he was stationed in
Kono;

1 is that right?

2 A. Yes.

3 Q. It was known that he was working in favour of
disarmament

4 and was a strong supporter of the peace process going forward?

15:39:27 5 A. Very correct.

6 Q. But, of course, as you observed, Komba Gbundema and
others

7 claimed to have orders from Sankoh, and so they were acting

8 outside of any supposed chain of command; they were not taking

9 orders from Sesay, is what I'm saying.

15:40:02 10 A. Yes, during that movement they were not taking orders
from

11 Mr Sesay. They said they were sent by the leader, so they
were

12 not listening to Mr Sesay's order.

13 Q. Now, I don't have a problem with almost anything you've

14 said about UNAMSIL, and I don't wish to challenge you on what

15:40:29 15 you've said, but I want to suggest that you might have got the
you

16 order of some of the events of the 3rd slightly mixed up. If

17 agree, you agree; if you don't, you don't. What I suggest was

18 the order of events was this: That at some stage, Issa Sesay

19 arrived in the office, but that was before Komba Gbundema
turned

15:41:03 20 up with the men he had taken hostage; could that be possible?

the 21 A. No. I did not see that man at that moment, except on
22 3rd.
let 23 Q. Let me ask you this: Are you able to say with any --
Kallon; 24 me put it differently. You say you saw Mr Sesay with Mr
15:41:42 25 yes?
long; 26 A. Yes, because, as Mr Kallon arrived, it did not take
27 then Mr Kallon arrived.
order 28 Q. Now, that's the point I was coming to. So that's the
arrive 29 I suggest things happened in, that Mr Sesay didn't in fact

1 with Mr Kallon when he first came into Makeni?
2 A. No.
3 Q. He arrived -- was at the office and then Mr Kallon
turned
4 up from somewhere else; is that right?
15:42:18 5 A. No, Mr Kallon came first; then Mr Sesay came later. But
6 the --
7 Q. Okay. But the point --
8 A. -- the distance between the time was not long.
9 Q. -- the real point I suppose I want to make is that
15:42:44 10 wherever -- Mr Sesay had come from Kono but he didn't come
from
11 Kono with Kallon; he met Kallon in Makeni. Is that something
you
12 can confirm?
13 A. Yes.
14 MR JORDASH: Thank you very much. I've got no further
15:43:01 15 questions.
16 PRESIDING JUDGE: Yes, Mr Cammegh, your turn.
17 MR CAMMEGH: I'm not going to take my turn, Your Honour.
18 I'm not going to ask any questions, thank you.
19 PRESIDING JUDGE: Right. Thank you. Yes, Mr Hardaway.
15:43:45 20 MR HARDAWAY: Thank you, Your Honour.
21 CROSS-EXAMINED BY MR HARDAWAY:
22 Q. Good afternoon, Mr Witness.

23 A. Good afternoon, Mr Lawyer.

24 Q. I have some questions for you on behalf of the
Prosecution.

15:44:37 25 If at any time you do not understand what I'm asking, please
ask

26 me to clarify; okay?

27 A. Yes. Thank you.

28 Q. Now, during the junta period, you were at Teko Barracks;
29 correct?

SCSL - TRIAL CHAMBER I

1 A. Yes.

2 Q. And you -- it would be correct to say that you had a
3 command at Teko Barracks during this time; is that correct?

4 A. Yes.

15:45:07 5 Q. How many children were under your command at Teko
Barracks?

6 A. Firstly, you are talking of children. I don't want --

7 Q. [Overlapping speakers] Mr Witness. Just answer the
8 question and you can give an explanation.

9 A. Well, we did not have children under our control except
the
15:45:39 10 soldiers' children and their relatives.

11 Q. Thank you. Now, you had testified that in Kono
District,

12 Superman was the overall commander, and that Bazzy of the SLA
was
13 second in command; is that correct?

14 A. Yes, you are correct.

15:46:05 15 Q. And that it was Johnny Paul Koroma who put this
structure

16 in place; is that also correct?

17 A. Yes; exactly.

18 Q. The truth is, Mr Witness, that in fact Morris Kallon was
19 the overall commander in Kono, and Superman was less senior to
15:46:25 20 him; isn't that correct?

21 A. No, it is not correct.

22 Q. I want to read you a piece of testimony, Mr Witness, and
23 I'm going to ask your opinion on it, all right? Your Honours,
24 this is the testimony of TF1---

15:46:47 25 PRESIDING JUDGE: Your suggestion to the witness is that
26 Morris Kallon was Superman's --

27 MR HARDAWAY: Superior.

28 PRESIDING JUDGE: Superior in command?

29 MR HARDAWAY: Yes, in Kono.

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: In Kono?

2 MR HARDAWAY: Yes. Your Honour, the transcript I'm
3 referring to again deals with witness TF1-366 dated 8 November
4 2005, page 37. I will be reading from lines 13 to --

15:47:18 5 PRESIDING JUDGE: TF what is that?

6 MR HARDAWAY: 366. And I'll reading from lines 13 to 23
7 inclusive.

8 "Q. At this time that you were made a major was there a
9 senior commander in Kono?

15:47:41 10 "A. Yes, there was is a senior commander in Kono.

11 "Q. Who was that?

12 "A. Morris Kallon, Superman.

13 "Q. Of Morris Kallon and Superman, was one more senior
14 than the other.

15:47:58 15 "A. Yes, there was somebody.

16 "Q. Who was that.

17 "A. Morris Kallon was the most senior. He was the
18 battle-group commander.

19 How do you respond to that piece of evidence, Mr
Witness?

15:48:23 20 A. Thank you. I'm telling you now that the evidence --
that

21 statement, that evidence is wrong; it is not correct. I am

22 telling you now what I saw is what I'm going to explain. From

unit 23 the beginning, as I have told you, I was a commander in the

24 and --

15:48:39 25 PRESIDING JUDGE: Sir, answer the question directly.

26 Was -- is that testimony correct?

at 27 THE WITNESS: No, it is not correct. It is not correct

28 all.

29 MR HARDAWAY:

SCSL - TRIAL CHAMBER I

1 Q. So when I put it to you that in fact Morris Kallon was
2 senior in command to Superman in Kono, you disagree with me;
3 correct?

4 A. Yes.

15:49:07
you

5 PRESIDING JUDGE: [Overlapping speakers] disagreed with
6 he has.

7 MR HARDAWAY:

8 Q. Now, Mr Witness, you had talked about a meeting in which
9 various people were assigned to various areas; do you remember
10 that?

15:49:16

11 A. Yes.

12 Q. Now, it was during that meeting that Savage was sent to
13 Tombodu; correct?

14 A. Yes.

15:49:31

15 JUDGE BOUTET: The meetings in Kono, I suppose?

16 MR HARDAWAY: Excuse me -- I'll rephrase.

17 JUDGE BOUTET: You talk about meetings. We're presuming
18 you mean at Kono?

19 MR HARDAWAY: In Kono, yes.

15:49:44

20 Q. There was a meeting in Kono in which various people,
21 including yourself, were assigned to various areas; is that
22 correct?

23 A. I would have answered that question, but it's a bit

I 24 difficult because it was not one meeting; there were two. One
15:50:07 25 was not there. The other one is what I be able to talk about.
26 But the first employment [as interpreted] was made by Johnny
27 Paul. The second --
28 Q. Forgive me for interrupting. I'm not talking about the
29 meeting with Johnny Paul.

SCSL - TRIAL CHAMBER I

1 A. No.

2 PRESIDING JUDGE: What is it? What did he ask about the
3 meeting with Johnny Paul Koroma?

4 MR HARDAWAY: Now that was back, Your Honour, in terms
of

15:50:29 5 placing the command structure as related to the second accused
6 and Superman. I'm moving on to a different meeting now as it
7 relates to Savage's placement in Tombodu.

8 Q. There was a meeting that you attended in which Savage
was
9 assigned to Tombodu; is that correct?

15:50:49 10 A. Yes. Yes.

11 Q. And it's correct to say that at this point in time
Morris
12 Kallon was senior to Savage; isn't that correct?

13 A. Yes.

14 Q. It was also at this meeting that you were sent to
Yomandu;
15:51:13 15 is that correct?

16 A. Yes.

17 Q. And you were given a command at Yomandu; that would also
be
18 correct?

19 A. Who was -- who was giving me the command? Let me now
just

15:51:32 20 answer the command. Let me see the source of the command
first.

that 21 Q. You say you were assigned by Superman to Yomandu; is
22 correct?
23 A. Not Superman. Not Superman. Komba Gbundema.
24 Q. Komba Gbundema?
15:51:45 25 A. Yes.
26 Q. Okay.
27 A. He was the commander in Yomandu.
correct? 28 Q. Now, you had people under you in Yomandu; is that
29 A. Exactly.

many 1 Q. So in Yomandu how many children were under you -- how
2 children were under your command at Yomandu?

These 3 A. There were no children under my command at Yomandu.
4 were civilians that we met in the area. There were no
children
15:52:26 5 at Yomandu.

6 Q. All right, Mr Witness. Let's move on to your duties in
7 G5; all right?

8 A. Yes.

9 Q. Now, your evidence is that, as a G5, it was your
15:52:43 10 responsibility for the welfare of the civilians; is that
correct?

11 A. Yes, sir.

12 Q. And the reports you receive would deal with the welfare
of
13 the civilians, correct?

14 A. Yes, sir.

15:53:04 15 Q. So it would be correct to say that the G5 would not have
16 reports -- would not have reports submitted to it concerning
17 military operations; isn't that correct?

18 A. Repeat that statement. Repeat that statement.

19 Q. No reports concerning combat military operations would
be
15:53:37 20 submitted to the G5. You just dealt with civilians, correct?

21 A. Yes, you are correct. You are correct.

of 22 Q. Now, the civilians that you were looking after as part

the 23 the G5, a lot of them would be civilians who were captured by

24 RUF on the front lines; is that not correct?

15:54:04 25 A. It's not correct. The civilians that we were
controlling

the 26 at Yomandu, we met them there after the attack. They were in

27 bushes. We met them there. That was what I was trying to

28 explain. When we met them there we were taking care of them.

29 Q. Did the RUF ever bring back civilians from combat

1 operations?

2 A. Yes.

3 Q. And these civilians would then be handed over to the G5,
4 correct?

15:54:43 5 A. Yes, that was how it happened.

investigate 6 Q. And it would be standard practice for the G5 to

7 these civilians as you testified earlier; is that correct?

8 A. Yes.

posed 9 Q. And you would investigate them to make sure that they

15:55:06 10 no threat to the RUF; is that correct?

what 11 A. No, repeat. The translation is totally different from

12 I'm getting from the lawyer. Please repeat again.

were 13 Q. The reason the G5 would investigate the civilians that

pose a 14 captured by the RUF was to make sure the civilians did not

15:55:38 15 threat to the RUF; that is correct, is it not?

didn't 16 A. Not a threat to that extent, because I don't think a
17 civilian will bring any threat to a soldier because they

18 have arms. It was just a matter of security. We just want to

19 ensure that they are properly secured. It was not a threat.

15:56:05 20 Q. Now, it would be standard practice of the G5, after the

21 civilians were investigated, that they would not be allowed to
22 leave; that's correct, isn't it?

23 A. Yes, that was how it happened.

24 Q. If I may have a moment, Your Honour. Thank you. Now,
it

15:56:42 25 would also be correct that the reason they would not be
allowed

26 to leave is because the RUF was afraid that they would say
that

27 the RUF did bad things to the civilians; isn't that correct?

28 A. Very wrong.

29 Q. I put it to you, Mr Witness, that in fact you would not
let

RUF 1 the civilians leave the RUF because you were -- because the
2 was afraid that the civilians would report on the atrocities
3 committed against them?

the 4 A. It's a lie. That was not how it happened. That is not
15:57:26 5 reason.

6 Q. Now, part of the job of the G5 was to select captured
7 civilians for various assignments within the RUF and
distribute
8 them to their respective areas of deployment; isn't that
correct?

9 A. No, that's not correct. Not correct. Totally
incorrect.

15:57:59 10 Q. So if the RUF needed manpower to carry loads from one
11 location to another, how did they do it?

12 A. Let me tell you, Mr Lawyer, that's why we called
ourselves
13 guerrilla. We are independent people. We are able to do
14 ourself. It was a soldier who carried the load, not
civilians.

15:58:35 15 THE INTERPRETER: Your Honours, can the witness be
16 instructed to go slow to facilitate interpretation.

17 MR HARDAWAY:

18 Q. Slow down. As was said to you before, it's being
19 interpreted and being recorded so that everyone can hear you;
all

15:58:45 20 right?

21 A. Yeah.

22 Q. Please repeat your answer.

23 A. I said that is incorrect because we were able to carry
our
civilian
24 own load. That was why we called ourself guerrillas. A
15:59:10 25 wouldn't leave his or her own load containing the food that he
or
26 she is supposed to go and eat, then he carries our own load.
27 That is not correct, sir.

28 Q. I put it to you, sir, that it is correct that the RUF,
29 through the G5, forced civilians to carry loads for the
fighters;

1 how do you respond?

2 A. Very, very, very, very wrong. Very wrong.

3 Q. Another job of the G5 was to select captured civilians
4 suitable for training as RUF fighters; isn't that also

correct?

15:59:51 5 A. Not correct.

6 Q. I put it to you, Mr Witness, that the G5 -- one of the

G5's

7 responsibilities was in fact to select civilians for training

as

8 RUF fighters; what is your response?

9 A. Not to my knowledge. As far as I am [REDACTED], that is

16:00:19 10 not to my knowledge.

11 MR HARDAWAY: Your Honour, I would ask that that be

12 redacted. He gave his title.

13 PRESIDING JUDGE: Well, G5 commander, it depends on the

14 level.

16:00:33 15 MR HARDAWAY: He stated his level, Your Honour.

16 PRESIDING JUDGE: He did.

17 MR HARDAWAY: Yes.

18 Q. Mr Witness, do not refer to your exact position. Just

say

19 "based on my position"; okay?

16:00:48 20 A. Okay, sir.

21 Q. Don't reveal your identity. Okay, I interrupted you, so

22 please repeat your answer.

23 PRESIDING JUDGE: That disclosure of his position.

24 THE WITNESS: I said no. No. I said no.

16:01:07 25 PRESIDING JUDGE: I hope I'm clear on the record. The
his 26 mention of his position earlier on, which tended to disclose
27 identity, should please be redacted.

28 MR HARDAWAY:

29 Q. Now, Mr Witness, it's correct that you yourself forced

SCSL - TRIAL CHAMBER I

1 civilians to serve as domestic labour for you, isn't it?

2 A. That was not how it happened, sir.

3 Q. Now, you had testified that civilians would go on
4 food-finding missions; correct?

16:01:52 5 A. Yes.

6 Q. And it would be correct to say that there would be times
7 that the civilians would be accompanied by fighters on these
8 food-finding missions; isn't that also correct?

9 A. Repeat the question. I'm having problems with the
16:02:19 10 translation. Please repeat the question.

11 Q. When the civilians went on food-finding missions, there
12 would be times when they were accompanied by RUF fighters;
that's
13 correct, isn't it?

14 A. Yes.

16:02:35 15 Q. The reason the fighters would accompany the civilians
would
16 be to prevent them from escaping; isn't that correct?

17 A. No. No. No.

18 Q. So when I put it to you that the fighters were with the
19 civilians to prevent them from escaping, you would disagree
with

16:03:01 20 me?

21 A. I disagree.

with

22 Q. Now, some of the captured civilians that the G5 dealt

23 were children; is that correct?

24 A. What?

16:03:17 25 Q. You said that all civilians were handed over to the G5?

26 A. Actually.

27 Q. Some of those civilians were children; yes?

28 A. Yes, some of them were children.

29 Q. It's true that part of the assignment of the G5 was to

SCSL - TRIAL CHAMBER I

1 select suitable children for training as RUF fighters, as SBUs
2 and SGUs; isn't that also correct?

3 A. Very, very, very wrong. No.

4 Q. So when I put it to you that the G5 in fact selected
16:03:56 5 children to serve as fighters as SBUs and SGUs, you would
6 disagree with me?

7 A. I disagree. I totally disagree.

8 Q. The truth is that the RUF used children under the age of
15
9 as fighters; isn't that correct?

16:04:15 10 A. It is wrong. If you compare the arms that we are
dealing
11 with.

12 Q. Senior RUF commanders, including Morris Kallon, had SBUs
13 under their command; is that correct?

14 A. It's incorrect. Not correct.

16:04:41 15 Q. It's true that, based upon your position, that you had
SBUs
16 and SGUs under your command, isn't it?

17 A. I did not have SGU and SBU. I have children who was
sons
18 and daughters of civilians; that was my duty. It is my
19 responsibility. But they were not SGU or SBU. These were

16:05:12 20 children that belongs to the civilians, so we cannot kick them
21 out. It was my responsibility to care for them.

children

22 Q. Now, are you saying, Mr Witness, that you had the
23 of civilians under your own personal care?

24 A. Yeah, as a unit; not personal.

16:05:35 25
including

25 Q. So when I put it to you that senior commanders,
26 yourself and Morris Kallon, had SBUs under their command, you
27 disagree with me?

28 A. I am -- I totally disagree with that. If you talk about
29 SGU and SBU, you are referring to armed children, no.

SCSL - TRIAL CHAMBER I

1 Q. Now, you, senior commanders such as yourself and Morris
2 Kallon, had SBUs as bodyguards; isn't that also correct?

3 A. It is not correct; it is a wrong information.

16:06:28
disagree

4 Q. So when I put it to you that senior commanders such as
5 Morris Kallon and yourself had SBUs as bodyguards, you
6 with me?

7 A. I totally disagree; that is out.

8 Q. Now, you had also testified that you had not heard of
9 forced marriage in the RUF; do you remember that?

16:07:00

10 A. Yes, and I can clarify that.

last

11 Q. Mr Witness, who is Serray Sewa, and that's S-E-R-R-A-Y
12 name S-E-W-A?

please

13 THE INTERPRETER: Your Honours, can learned counsel
14 repeat the question. Please call the name again.

16:07:18

15 MR HARDAWAY:

16 Q. Who is Serray Sewa and it's spelled, first name
17 S-E-R-R-A-Y, last name S-E-W-A?

18 A. I don't know that individual.

16:07:41
your

19 Q. The truth of the matter is, Mr Witness, there's a Serray
20 Sewa is a woman who you personally abducted and forced to be
21 wife; isn't that correct?

22 A. Very, very, very wrong. Not correct at all. It is not
23 correct.

the

24 Q. If I may have a moment, please, Your Honour. I thank

16:08:37 25

Court. Now, Mr Witness, you had testified that Koidu was

a

26 attacked and -- well, actually, let me re -- let me backtrack

27 little. You had answered questions for counsel for Issa Sesay

28 concerning Savage's actions in Tombodu; do you remember that?

29 A. Issa Sesay?

SCSL - TRIAL CHAMBER I

1 Q. His lawyer asked you questions about Savage committing
2 atrocities in Tombodu; do you remember that?

3 A. I didn't say such -- I want you to repeat. You are
calling
4 Issa Sesay. That is complicating your question.

16:09:32 5 Q. All right. Do you remember answering questions
concerning
6 Savage misbehaving in Tombodu?

7 A. Yes.

8 Q. At the time Savage was misbehaving in Tombodu, Morris
9 Kallon was senior to Savage; correct?

16:09:57 10 A. In Tombodu?

11 Q. Generally.

12 A. In Tombodu?

13 Q. Generally.

14 A. Generally the rank of major is higher than captain.
That's
16:10:13 15 true.

16 Q. Now, you had testified that Koidu was attacked and
burned
17 in March of 1998; do you remember that?

18 A. Say what?

19 Q. You had testified that in March of 1998, Koidu was
attacked
16:10:47 20 and burned; you never said that?

said 21 A. That was not my answer. That was not what I said. I
22 in March 1990 -- first week in May I entered Koidu. By then
23 Koidu had been attacked; that was what I said.
if 24 Q. Okay. During that attack were there civilians killed,
16:11:22 25 you know?
I 26 A. I never saw corpses. For the three days I was in Kono,
27 never saw corpses.
28 Q. Were there women raped during that attack, if you know?
29 A. Wrong. It never happened.

1 Q. Do you know who led that attack on Koidu in 1998?

2 A. Yes, sir.

3 Q. Who led that attack?

4 A. It was Superman.

16:12:00 5 Q. The truth, Mr Witness, is that Morris Kallon led that
6 attack on Koidu in 1998, isn't it?

7 A. That's not correct. Morris Kallon was in Bo. He came
in
8 later.

9 Q. So when I put it to you that, in fact, it was Morris
Kallon
16:12:23 10 that led the attack, you disagree with me?

11 A. Finally, I'll disagree.

12 Q. You have given evidence concerning a bank robbery in
Koidu;
13 correct?

14 A. Yes.

16:12:42 15 Q. Morris Kallon was involved in that bank robbery in
Koidu,
16 wasn't he?

17 A. It's a lie.

18 Q. I want to read you some evidence, Mr Witness, and I'll
ask
19 for your comment. Your Honour, again this is from TF1-366,
again

16:13:04 20 dated 8 November 2005, page 31. I will read from lines 5 to
11

21 inclusive, and then from lines 17 to 22 inclusive.

22 "Q. What is the next thing that you remember seeing
23 happening?

24 "A. When we were in Kono at that meeting, after that
16:13:27 25 meeting, we were there when they broke into the bank.
In

26 fact, it was Morris Kallon who broke into the bank.

27 "Q. What bank are you talking about.

28 "A. There is a bank at the back of the Opera.
Konomanyi's

29 bank; it was Morris Kallon who broke into it."

1 Line 17.

2 "Q. Who broke into this bank?

3 "A. Morris Kallon and the STF. They were the ones who
4 broke into the bank.

16:14:03 5 "Q. When did this happen.

Town. 6 "A. At that time we were -- we were settled in Koidu

7 In fact we were deployed there. We were in the town."

8 What is your response to that evidence, Mr Witness?

9 A. Mr Lawyer, I totally -- I disagree with that statement.

16:14:25 10 It's a wrong statement.

in 11 Q. Now, so you disagree with me when I put it to you that

12 fact Morris Kallon was involved in the bank robbery in Koidu?

13 A. I disagree. I disagree.

14 Q. Now, in March of 1998 were you still at Yomandu?

16:14:49 15 A. Yes.

16 Q. And you stated that in March of 1998 you were receiving
17 reports from Patrick Jusu who was at Guinea Highway; is that
18 correct?

19 A. Exactly. Exactly.

16:15:04 20 Q. And Patrick Jusu was senior to you; is that correct?

21 A. Yes, sir.

any 22 Q. I put it to you, Mr Witness, that you did not receive

to 23 reports from Patrick Jusu; that seniors did not give reports
24 juniors; how do you respond?
16:15:23 25 A. It is wrong. It doesn't mean that the seniors don't
report
26 to juniors. You will get an information. If you are working
27 together, you'll pass on this information to corroborate that
28 information, so you wouldn't withheld that information from
your
29 junior officer simply because you are a senior officer. That
is

SCSL - TRIAL CHAMBER I

1 not right.

2 Q. Now, you had testified that you did not hear of Morris
3 Kallon killing anyone at Five-Five Spot; is that correct?

4 A. Yes.

16:16:04 5 Q. I want to read you another piece of evidence, Mr
Witness,

6 and I'll ask for your response. Your Honours --

7 A. Go ahead.

8 Q. Thank you, Mr Witness. Your Honours, this is TF1-366
9 again, the same date, 8 November 2005, page 32, lines 10 to
24?

16:16:31 10 PRESIDING JUDGE: Don't get irritated when they tell you
11 next question.

12 MR HARDAWAY: Very well, Your Honour.

13 "Q. What is the next thing you remember seeing
happening?

14 "A. Morris Kallon went to Tombodu and killed people
there.

16:16:47 15 In fact I went with him in the vehicle. I went together
16 with him in a vehicle.

17 "Q. Do you know what Five-Five is.

18 "A. Yes. I was at Five-Five. In fact I know there.

19 "Q. What is Five-Five.

16:17:03 20 "A. Five-Five is a club in Kono. It's a club that is
21 called Five-Five.

22 "Q. How far is it from Koidu?

23 "A. It's a very short distance. You would be there in
24 looking at Koidu. Something happened there.

16:17:22 25 "Q. What is it that happened there.

26 "A. Morris Kallon killed three people there. I was
27 standing with him there."

28 What is your response to that piece of evidence,

29 Mr Witness?

SCSL - TRIAL CHAMBER I

1 A. I disagree with that statement. As I said earlier on,
2 whatever obtains within the civilians' area, I must have a
3 knowledge of that. So I disagree.

4 Q. Now, Mr Witness, in answer to questions from the lawyer
for

16:18:01 5 Morris Kallon, you stated that you never received reports
6 concerning various crimes that Morris Kallon is alleged to
have
7 committed; do you remember that?

8 A. I said so, yes.

9 Q. Now, it is possible -- please listen to this question
very

16:18:30 10 carefully; all right? It is possible that you would not
receive
11 reports of atrocities committed by Morris Kallon because
12 civilians were afraid to report a senior RUF commander;
correct?

13 A. It's wrong. Nobody is above the law. That's wrong.

14 Q. Listen to the question, witness. It is possible that
you

16:19:05 15 would not receive a report concerning crimes by Morris Kallon
16 because civilians would be afraid to report a senior RUF
17 commander; isn't that possible?

18 A. It is impossible. It is not possible. Quite
impossible.

19 Q. I put it to you, Mr Witness, that not only is it
possible,

16:19:34 20 but that it is highly likely that a civilian would never
report a
21 crime against a senior RUF official; how do you respond?
22 A. Okay, let me come in.
23 PRESIDING JUDGE: Answer first.
24 THE WITNESS: No, it never happening because, apart from
16:19:58 25 civilians, there are other unit commanders who were also
26 responsible for the civilians. If the civilians refused to
27 follow the report, the other security branches will make a
report
28 against that, so it will never be hidden anyway.
29 MR HARDAWAY:

SCSL - TRIAL CHAMBER I

1 Q. I put it to you, Mr Witness, that those other security
2 units would also be afraid to file a report against an RUF
3 official who was senior to them; how do you respond to that?

4 A. Well, it may be an allegation, but it is not true. Not
16:20:37 5 true.

took

6 Q. Now, Mr Witness, you stated that the Fiti Fata mission
7 place in 1998; correct?

8 A. Yes.

9 Q. I would suggest to you that the Fiti Fata mission took
16:21:04 10 place in June of 1998; how do you respond?

11 A. It's wrong. It's wrong.

12 Q. Now, Mr Witness, where were you during the Freetown
13 invasion, in January 1999?

14 A. I was in Makeni.

16:21:32 15 Q. And did you have a command in Makeni during that time?

16 A. Repeat it again, sir.

17 Q. Did you have people under you?

18 A. Yes, sir.

under

16:21:57 20 Q. In Makeni, in January of 1999, how many children were
your command?

21 A. I had -- there were no children under our command except
22 our own children.

the 23 Q. Now, you had testified that the RUF was not involved in

24 invasion in Freetown; correct?

16:22:16 25 A. Exactly.

rearguard 26 Q. The truth is, Mr Witness, that the RUF provided a

27 when the SLA retreated after the Freetown invasion; isn't that

28 correct?

29 A. Repeat that statement.

SCSL - TRIAL CHAMBER I

correct? 1 Q. All right. January 1999, the SLA invade Freetown;

2 A. Yes.

by 3 Q. The SLA are driven out of Freetown several weeks later

4 ECOMOG in 1999; correct?

16:22:58 5 A. Yes. Yes.

6 Q. The RUF provided security for the SLA so they could
7 successfully escape Freetown in 1999; isn't that correct?

8 A. That's not correct.

protection 9 Q. So when I put it to you that the RUF served as

16:23:25 10 for the SLA, as they escaped from Freetown in 1999, you
disagree

11 with me?

12 A. I disagree with you.

13 Q. Now, if I may have one more moment, please, Your Honour.

14 Mr Witness --

16:24:13 15 A. Yes.

16 Q. -- regarding the UN incident, it's correct that in May
17 2000, Morris Kallon spoke to the KENBATT commander and told
him

48 18 that the RUF would not disarm and gave the KENBATT commander
19 hours to leave; isn't that correct?

16:24:31 20 A. That is not correct.

2000,
Makeni
also

21 Q. It is also true that, during the UN incident in May
22 that Morris Kallon abducted two UNAMSIL officers from the
23 roundabout, and took them to the Teko Barracks; isn't that
24 correct?

16:24:53 25 A. Not correct.

was
the

26 Q. And it is also true that on May 1, 2000, Morris Kallon
27 involved in the assault and capture of UNAMSIL personnel at
28 DDR centre in Makoth; isn't that also correct?
29 A. That's not correct.

1 Q. Now, you had mentioned that Morris Kallon and Issa Sesay
2 arrived on 3 March; is that correct?

3 A. Yes.

4 Q. Now, when Morris Kallon and Issa Sesay were there, Issa
16:25:33 5 Sesay was the senior commander on the ground at that point; is
6 that correct?

7 A. Yes, you are right.

8 Q. And the second in command would be Morris Kallon; isn't
9 that also correct?

16:25:47 10 A. You are correct.

11 Q. Now, it is your evidence that Issa Sesay and Morris
Kallon
12 said that the kidnapping should not have happened; is that
13 correct?

14 A. Exactly, yes. I heard that.

16:26:20 15 Q. I put it to you, Mr Witness, that in fact Issa Sesay and
16 Morris Kallon not only encouraged the kidnapping of UN
personnel
17 but were actively engaged in it; how do you respond?

18 A. I disagree with that.

19 MR HARDAWAY: One moment, please, Your Honour. Mr
Witness,

16:27:01 20 I have no further questions of you. Thank you. Your Honours,
21 this concludes my cross-examination.

22 PRESIDING JUDGE: Thank you, Mr Hardaway.

23 THE WITNESS: Thank you.

24 PRESIDING JUDGE: Mr Ogeto, any re-examination?

16:27:54 25 MR OGETO: My Lords, let me attempt one question.

26 PRESIDING JUDGE: I am happy you are using the word

27 "attempt." Attempt and see how far you will go in your
attempts.

28 RE-EXAMINED BY MR OGETO:

29 MR OGETO:

SCSL - TRIAL CHAMBER I

1 Q. Just one clarification I want to make, Mr Witness, with
2 you. When did you state the RUF moved from Koidu Town to the
3 Guinea Highway?

4 PRESIDING JUDGE: I beg your pardon?

16:28:13 5 MR HARDAWAY: Objection.

6 PRESIDING JUDGE: Yes.

7 MR OGETO: Could I explain, My Lords, why I'm asking
this
8 question?

9 PRESIDING JUDGE: Yes. I mean, how did it arise in
16:28:25 10 cross-examination?

11 MR OGETO: Well, the issue is, My Lords, it relates to
an
12 answer that the witness gave regarding where Mr Jusu was based
in
13 March of 1998. He was quite clear in his direct testimony
about

14 when the RUF moved from Koidu Town to Guinea Highway, but the
16:28:58 15 answer he gave in relation to reports that he was getting from
16 Mr Jusu, in March, seems to create some lack of clarity.

17 PRESIDING JUDGE: Is that not the purpose of
18 cross-examination? If cross-examination is intended to
impeach
19 the credibility of a witness and to the testimony that he has
20 given. So if he did that, and he proffered a response that
16:29:26
was

21 different or that is different from the one you were
expecting,
22 how do you think that that question is permissible? You have
his
23 task. It is your task to convince us and I don't think --
24 JUDGE BOUTET: Furthermore, that question was focused on
16:29:54 25 the fact that as senior commander as Jusu was, was not to send
a
26 report to senior, to junior, pardon me, so that was the
question.
27 MR OGETO: I agree, My Lords, yes, that was the question
28 but there is also the issue of the location of that senior
29 officer at that particular time, and my submission is that
it's

of 1 really not a question of credibility; it's a question of lack
2 clarity on the record.

does 3 PRESIDING JUDGE: A lack of clarity on the record; who
4 that mean? Is it -- are you trying to clarify your
16:30:28 5 evidence-in-chief now? What are you trying to do? This is
where 6 the objection is founded and --

7 JUDGE THOMPSON: Is it lack of clarity on a matter in
8 issue, a contentious issue, or is it lack of clarity on
9 credibility? Because how you deal with that is a matter for
some 10 kind of judicial and intellectual evaluation, but is it lack
16:30:51 11 of
12 clarity on a contentious issue?

Lords. 13 MR OGETO: It may not be absolutely contentious, My
14 But I think it will be important.

15 JUDGE THOMPSON: Yes. But it is -- what prejudice has
it 16 done to your side? Because remember the whole point of
17 re-examination is to try, as I usually use the metaphor, to
18 Humpty Dumpty back together again, so what kind of prejudice
or 19 damage has been done if there is a compelling necessity to
assist

and 19 the Chamber understand some difficult issue which has arisen

16:31:40 20 on which you are examining?

not 21 MR OGETO: It may be that at the present moment I may

22 be able to express the specific prejudice that has been caused

at 23 but depending on the submissions that the Prosecution may make

24 the end of the case.

16:31:53 25 JUDGE THOMPSON: But should you be allowed to go on an
questions 26 exploration, a rather speculative exploration, to put

27 in re-examination? The scope is very narrow. This is an area

law 28 which is strictly regulated by law and we all learned it at

29 school is a very narrow area.

1 PRESIDING JUDGE: And I'm sure that's why you said you
2 wanted to try.

3 MR OGETO: My Lords, I will leave it that.

4 PRESIDING JUDGE: You wanted to attempt.

16:32:19 5 MR OGETO: My Lords, I will leave it at that, My Lords.

6 PRESIDING JUDGE: That's right. Okay.

7 MR OGETO: My attempt has failed.

8 PRESIDING JUDGE: Yes, because of circumstances which
are

9 independent of your volition. So, well, I think we've come to

16:32:40 10 the end of the testimony of this witness. Mr Ogeto, this is

11 DMK-087?

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: 087.

14 MR OGETO: Yes, My Lords. And, My Lords, could Mr
Kallon

16:32:58 15 be allowed kindly to use the bathroom?

16 PRESIDING JUDGE: Yes, please, he may.

17 MR OGETO: Thank you.

18 PRESIDING JUDGE: Now, we had resumed in an open -- in a
19 public session, and this is the ruling of the Chamber in
respect

16:33:16 20 of the closed session application made by learned counsel for
the

21 second accused, Mr Ogeto, for a closed session proceeding in
this

22 case.

23 Consistent with the general requirement that criminal

78 24 proceedings are to be conducted in public, as enjoined by Rule

16:33:39 25 of the Rules of Procedure and Evidence of this Court, and
taking

26 into consideration Article 17(2) of the Statute, but

Rules, 27 exceptionally as authorised by Rule 79(A)(ii) of the said

28 and the need to protect witnesses, as provided for in Rule 75,

29 this Chamber, on the application of learned counsel for the

testimony 1 second accused, Mr Kallon, for a certain portion of the
2 of witness number DMK-087, to be held in a closed session for
3 from 10 to 15 minutes did, by way of an exceptional procedure,
4 grant the said application for reasons advanced thereof -- in
16:34:33 5 support thereof. And, after granting the application, we did
6 proceed to a closed session and then moved to an open session,
7 which is where we are at the time we are coming to the close
of 8 the testimony of this witness.

9 So, Mr Witness, we've come to the end of your testimony.
16:34:58 10 We thank you very much for coming to testify before the
Tribunal 11 and to offer your contribution to certain issues that have
come 12 under determination in this Chamber. So, again, we thank you
for 13 coming and we wish you all the best in your present duties in
14 that school which you know, and where you are now, and we wish
16:35:35 15 you a very safe journey and a happy pursuit of your career.
16 Thank you.

17 THE WITNESS: Thank you.
18 PRESIDING JUDGE: So may the witness please be assisted
out 19 of Court, please.

16:37:04 20 [The witness withdrew]

allow

21 PRESIDING JUDGE: Well, the Tribunal will recess to
22 the Kallon Defence team to call their next witness, when we do
23 resume in the next couple of minutes. We will rise, please.

24 [Break taken at 4.28 p.m.]

17:07:33 25 [RUF24APR08D-BP]

26 [Upon resuming at 5.06 p.m.]

Taku.

27 PRESIDING JUDGE: This will be the fifth witness, Mr
28 Your microphone isn't ready.

29 MR TAKU: Yes, this is the fifth witness, Your Honour.

you
1 PRESIDING JUDGE: The fifth witness, yes, okay. Yes,
2 may swear the witness in, please.
3 WITNESS: DMK-039 [Sworn]
4 [The witness answered through interpreter]
17:17:49 5 PRESIDING JUDGE: And she's DMK.
6 MR TAKU: 039, Your Honours.
7 PRESIDING JUDGE: To testify in what language?
8 MR TAKU: Krio, Your Honour.
9 PRESIDING JUDGE: Yes.
17:18:27 10 MR TAKU: May it please, Your Lordships, I will be
asking
11 for a very brief closed session with this particular witness.
12 PRESIDING JUDGE: Well, let us go into the closed
session
13 and see the reasons, because I'm getting disturbed about the
14 brief, brief, brief closed sessions, you know. Let's go into
the
17:18:52 15 closed session and listen to your application, please.
16 [At this point in the proceedings, a portion of the
17 transcript, pages 100 to 111, was extracted and sealed under
18 separate cover, as the proceeding was heard in a closed
session]
19 [Whereupon the hearing adjourned at 5.36
p.m.
17:47:22 20 to be reconvened on Friday, the 25th day of

21

April 2008 at 9.30 a.m.]

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SCSL - TRIAL CHAMBER I

WITNESSES FOR THE DEFENCE :

WITNESS: DMK-087 2

EXAMINED BY MR OGETO 2

CROSS-EXAMINED BY MR JORDASH

56

CROSS-EXAMINED BY MR HARDAWAY

75

RE-EXAMINED BY MR OGETO

94

WITNESS: DMK-039

99