

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

FRIDAY, 29 APRIL 2005
9.50 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Benjamin Mutanga Itoe, Presiding Bankole Thompson Pierre Boutet
For Chambers:	Ms Candice Welsh Mr Matteo Crippa
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Peter Harrison Mr Christopher Santora Ms Shyamala Magendra Mr Mark Wallbridge (Case Manager)
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash Ms Eleanor Hutchison
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Ms Rachel Irura
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [HS290405A - AD]
2 Friday, 29 April 2005
3 [Accused Gbao not present]
4 [Open session]
5 [The witness entered court]
6 [Upon commencing at 9.50 a.m.]
7 PRESIDING JUDGE: Learned counsel, good morning. We are
8 resuming the session. Mr Jordash, I think you were just to wrap
9 up your cross-examination this morning.
09:52:44 10 MR JORDASH: No more questions.
11 JUDGE BOUTET: Only a few more minutes.
12 MR JORDASH: No more questions.
13 JUDGE BOUTET: No more questions?
14 MR JORDASH: No.
09:52:51 15 PRESIDING JUDGE: Right, okay. Thank you. Mr Touray.
16 WITNESS: TF1-114 [Continued]
17 CROSS-EXAMINED BY MR TOURAY:
18 MR TOURAY: Thank you, Your Honour. Good morning, Mr
19 witness.
09:53:09 20 A. Good morning sir.
21 Q. Now you were initially a member of the Sierra Leone Army.
22 JUDGE BOUTET: It seems that the witness may not have the
23 translation. Mr Witness, did you hear the translation of that
24 question?
09:54:04 25 THE WITNESS: It is not that I am getting it.
26 MR TOURAY: Yes, may I repeat the question?
27 Q. You were initially a member of Sierra Leone Army.
28 A. Yes, sir.
29 Q. Which you joined in 1991; that is correct?

1 A. Yes, sir.
2 Q. What was your rank at the time?
3 A. A private soldier.
4 Q. Did you remain a private soldier throughout?
09:54:51 5 A. Yes, sir.
6 Q. Were you married then?
7 A. No, sir.
8 Q. Are you married now?
9 A. Yes, sir.
09:55:13 10 Q. Where did you get married?
11 JUDGE THOMPSON: Counsel, will you moderate your pace,
12 please?
13 MR TOURAY: Okay.
14 THE WITNESS: Kailahun.
09:55:30 15 Q. In 19XX?
16 A. 20XX.
17 JUDGE BOUTET: 20XX is when you got married?
18 MR TOURAY: Got married?
19 THE WITNESS: Yes, sir.
09:55:44 20 MR TOURAY:
21 Q. You met your wife in Kailahun.
22 A. Yes, sir; that is where I engaged her.
23 Q. Your courtship was for a very long time, wasn't it, before
24 the engagement?
09:56:09 25 A. No, sir; we just met there, sir. Yes, sir.
26 Q. Any children?
27 A. No, sir. She is pregnant.
28 Q. Congratulations.
29 A. Thank you, sir.

1 Q. Now, you remember the coup in 1997.
2 A. Yes, sir.
3 Q. You were still in the army as an SLA?
4 A. Yes, sir.
09:57:14 5 Q. And you --
6 PRESIDING JUDGE: Mr Touray.
7 MR TOURAY: Yes, Your Honour.
8 PRESIDING JUDGE: He was still in the army as an SLA. Yes?
9 MR TOURAY: Yes.
09:57:29 10 Q. Now, that was when the AFRC took over; not so? It
11 overthrew the legitimate government.
12 A. Yes, sir.
13 Q. And your mother fled to Guinea.
14 A. From 1991. My mother went to Guinea. Yes, sir.
09:57:56 15 Q. She was in Guinea --
16 A. Yes, sir.
17 Q. During the time of the NPRC?
18 PRESIDING JUDGE: Learned counsel, it looks like it is a
19 conversation between yourself and the witness.
09:58:12 20 JUDGE BOUTET: Exactly.
21 MR TOURAY: I am trying to save judicial time.
22 PRESIDING JUDGE: At your expense.
23 MR TOURAY: I realise that, Your Honour.
24 JUDGE BOUTET: Your question was that his mother fled to
09:58:25 25 Guinea at the coup in 1997, and the answer was, "No, it was since
26 1991."
27 MR TOURAY: No since, 1991.
28 A. At the beginning of the war, that was the time that my
29 mother went.

1 Q. At the beginning of the war?
2 A. Yes, sir.
3 Q. She never came back during the junta; she did not come
4 back.
09:59:03 5 A. No, sir; she came 2004.
6 Q. Now, during the time of the junta did you hear any
7 announcement from the then President in exile that all loyal
8 soldiers, SLA, should report at Lungi?
9 A. No, sir, because during that time I was in the workshop. I
10:00:03 10 was an engineer.
11 Q. In Freetown?
12 A. Yes, sir, ~~XXXX~~ -- ~~XXXX~~ workshop.
13 Q. Did you ever come to know about that announcement before
14 February 1998?
10:01:01 15 A. No, sir. I did not have quarters; I was in the workshop.
16 PRESIDING JUDGE: [Microphone not activated]
17 THE WITNESS: Yes, sir.
18 PRESIDING JUDGE: You have been working in the workshop?
19 THE WITNESS: Yes, sir. I did not have any quarter; the
10:01:21 20 quarters were not enough for us.
21 JUDGE BOUTET: But when you were working at the workshop --
22 working there and sleeping there -- are you still in the SLA at
23 that time; you are still a soldier in the SLA or not?
24 THE WITNESS: Yes, sir.
10:01:41 25 JUDGE BOUTET: You are a soldier --
26 THE WITNESS: Yes, sir.
27 JUDGE BOUTET: But your job is to ~~XXXXX~~ ~~XXXXX~~ and so on.
28 So that is what you do in the workshop at that time.
29 A. Yes, sir.

1 MR TOURAY:
2 Q. Now this workshop was at ~~XXXX XXXXXXXX~~?
3 A. Yes, sir.
4 Q. And you were not alone in the ~~XXXXXXX~~; there were other
10:02:20 5 soldiers there, other SLAs.
6 A. Yes, sir, they were there. We did not have quarters.
7 Q. Did you know Tom Carew, who was the deputy first commander
8 then?
9 A. Yes, sir.
10:02:49 10 PRESIDING JUDGE: Tom whom?
11 MR TOURAY: Tom Carew.
12 PRESIDING JUDGE: K-E-R-U?
13 MR TOURAY: C-A-R-E-W.
14 JUDGE BOUTET: He was the deputy commander?
10:03:10 15 MR TOURAY: Deputy first commander.
16 JUDGE BOUTET: Deputy first commander?
17 MR TOURAY: Yes.
18 Q. Did you know that he and so many others went over to Lungi?
19 A. Well, I only come to know that when ECOMOG drove us from
10:03:41 20 here, because I had not been paying attention to politics. My
21 own job was to work.
22 Q. So you knew that after you had been driven out in February
23 1998?
24 A. Yes, sir.
10:03:56 25 Q. And you went to Lungi in answer to the President's call.
26 A. Yes, sir.
27 Q. Now, did you also know that after the flushing out of the
28 AFRC junta in 1998 that some senior army officers surrendered at
29 Makeni to ECOMOG?

1 A. I did not know that because where I was I did not have a
2 radio on me; I did not have any communication.
3 PRESIDING JUDGE: If you do not know, you say you do not
4 know. Don't go saying you didn't have a radio --
10:05:02 5 THE WITNESS: I did not know, sir.
6 PRESIDING JUDGE: [Inaudible] about the radio. Do you
7 know? Stop answering too many questions at the same time when
8 you have only one to answer. So, he did not know that some
9 senior commanders --
10:05:27 10 MR TOURAY: SLA officers.
11 PRESIDING JUDGE: Surrendered to ECOMOG.
12 MR TOURAY: Yes, sir, at Makeni.
13 THE WITNESS: No, sir.
14 MR TOURAY:
10:05:53 15 Q. Now, did you know the late Hassan Conteh who was the first
16 commander then under the junta?
17 A. Yes, sir.
18 Q. Did you also know --
19 PRESIDING JUDGE: Hassan Conteh?
10:06:12 20 MR TOURAY: Hassan Conteh, yes.
21 PRESIDING JUDGE: C-O-N-T-E-H?
22 MR TOURAY: I believe so, yes.
23 PRESIDING JUDGE: who was what?
24 MR TOURAY: The first commander under the junta.
10:06:25 25 THE WITNESS: Yes, sir.
26 Q. Did you also know SFY Koroma, the brother of Johnny Paul
27 Koroma?
28 A. Yes, sir.
29 Q. What was his position during the junta?

1 A. Army chief of staff.
2 PRESIDING JUDGE: Army chief of staff under Koroma?
3 MR TOURAY: Yes, under Koroma.
4 PRESIDING JUDGE: During the junta period?
10:07:18 5 MR TOURAY: Yes.
6 Q. Now, did you know that these people and some others
7 surrendered to ECOMOG at Makeni?
8 A. No, sir.
9 JUDGE BOUTET: That these people, the brothers of Koroma
10:07:45 10 and Hassan Conteh --
11 MR TOURAY: And some others.
12 JUDGE BOUTET: These two -- when you say, "these people",
13 that is what you mean.
14 MR TOURAY: These two and some others.
10:07:48 15 JUDGE BOUTET: And some others?
16 MR TOURAY: Yes.
17 Q. You did not hear about it at any time?
18 A. No, sir. The time that I heard that was the time that I
19 started going to Kenema. It was during 2000 that I knew that,
10:08:13 20 between 2000 and 2001. That was the time that I knew that.
21 Q. Are you saying you knew that after they had been
22 court-martialed and executed.
23 JUDGE THOMPSON: He did not say that. Why not put that to
24 him?
10:08:50 25 MR TOURAY: I am putting it to him. That is why I said,
26 "Are you saying it?"
27 JUDGE THOMPSON: It does not seem as if one can draw that
28 conclusion from the answer.
29 MR TOURAY:

1 Q. Did you know they were tried under a court marshall?
2 A. Yes, sir, when I came to Kenema, that was the time that I
3 knew.
4 Q. And that was when you knew also that they had surrendered
10:09:16 5 to ECOMOG at one time.
6 A. I only knew when they are executed, but when they
7 surrendered I did not know. Thank you, sir.
8 Q. Now, when you were in Freetown during the junta you were
9 with Eldred Collins.
10:09:58 10 A. No, sir. I was in the workshop.
11 Q. Did you see Eldred Collins?
12 JUDGE THOMPSON: Counsel, can we please record the
13 evidence? Otherwise I cannot make sense of anything I am
14 writing.
10:10:20 15 MR TOURAY: Yes, sir.
16 JUDGE THOMPSON: When I was in Freetown I was with Edward
17 Collins.
18 MR TOURAY: Eldred, yes.
19 PRESIDING JUDGE: Is Collins, C-O-L-L-I-N-S?
10:10:45 20 MR TOURAY: Indeed, Your Honour.
21 JUDGE THOMPSON: Did he say he was at the workshop?
22 MR TOURAY: Yes, he said he was at the workshop.
23 THE WITNESS: Yes.
24 MR TOURAY:
10:10:54 25 Q. Did you know Eldred Collins then in Freetown, during the
26 junta?
27 A. No, sir.
28 Q. And you did not also know Morris Kallon during the junta
29 period.

1 A. Morris Kallon, I saw him in town; I saw him in a vehicle
2 passing.
3 Q. You didn't know him then?
4 A. I knew him before.
10:11:41 5 JUDGE THOMPSON: Was that before the junta period?
6 MR TOURAY: That is what I am going to clarify.
7 Q. When you did know him before?
8 A. At that time when he was in school at XXXX XXXXXX.
9 PRESIDING JUDGE: XXXXX?
10:12:06 10 MR TOURAY: XXXXX, X-X-X-X-X.
11 Q. In fact you both come from the same area.
12 A. Yes, sir.
13 Q. He is no stranger to you.
14 A. Yes, sir.
10:12:30 15 Q. And you knew he had a large family; not so?
16 A. Yes, sir.
17 Q. During the time of the junta, do you know where he was
18 posted to?
19 A. No, sir.
10:13:21 20 Q. You did not know that he was in fact in Bo?
21 A. I did not talk with him; I do not know, sir.
22 Q. In fact, you are saying you did not know his exact location
23 during the junta.
24 A. Yes, sir.
10:14:16 25 Q. Now, I am suggesting to you, did you know his rank in the
26 RUF movement at the time?
27 A. Yes, sir.
28 JUDGE BOUTET: What time? Is that junta time?
29 MR TOURAY: That is junta time.

1 JUDGE BOUTET: And what was the answer? I am sorry. Did
2 you say you knew or you didn't know?
3 THE WITNESS: It was later that I knew his rank.
4 MR TOURAY: At that time of the junta he did not know.
10:15:22 5 Q. When did you know his rank?
6 A. At the time I reached Kailahun.
7 Q. That was some time in 1998?
8 A. Within that time, that was the time that I knew.
9 Q. What was his rank?
10:15:42 10 A. I came to know him as a battlefield commander.
11 Q. Are you a soldier?
12 A. Yes, sir.
13 Q. You knew the rank, not the position?
14 A. He was a colonel.
10:16:13 15 Q. In 1998 -- February. So you are saying that when you were
16 in Kailahun retreating from Freetown, you got to Kailahun, and
17 Morris Kallon was in fact a colonel and a battle group commander;
18 correct? Is that what you are saying?
19 JUDGE BOUTET: Not "battle group"; I understood him to say
10:16:34 20 "battlefield".
21 MR TOURAY: Battlefield.
22 PRESIDING JUDGE: Battlefield.
23 MR TOURAY: Yes.
24 Q. Is that correct? That is what you are saying?
10:16:45 25 A. No, sir. The time that I had settled in Kailahun, that was
26 the time that I knew that. The time that I went to Kailahun, I
27 did not bother about that.
28 Q. Okay, when you went to Kailahun in ~~xxxxxxx~~ 1998, after you
29 had been flushed from Freetown, you did not know his rank; not

1 so?

2 A. I did not have time for that during that time.

3 JUDGE THOMPSON: Witness, did you know his rank at the
4 time, not whether you had time for him? Did you know his rank at
10:17:23 5 the time?

6 THE WITNESS: At that time I did not know his rank.

7 MR TOURAY:

8 Q. And you also did not know any position he held then in the
9 RUF movement.

10:17:43 10 A. Yes, sir; at that time I did not know.

11 Q. Now, you said when you had settled in Kailahun, that was
12 the time you knew his rank as battlefield commander -- his rank
13 as colonel.

14 A. Yes, sir.

10:18:37 15 Q. And he was a battlefield commander.

16 A. Yes, sir.

17 Q. Could you assist the court? What time -- around what time?

18 A. Yes, sir. At that time I had already been made XXXXXX. It was
19 the time that they had made me XXXXXXXX. Most of the XXXXXXXX
10:19:04 20 XXXXXX was in my charge; that was the time that I knew.

21 Q. When were you made XXXXX, what year?

22 A. It was the same 199X.

23 Q. You are saying in '9X Morris Kallon was a colonel and a
24 battlefield commander for the RUF. Is that correct? Is that
10:19:42 25 what you are saying?

26 A. I didn't say it was during that '9X. But I became XXXXXX in
27 199X until I left.

28 Q. The question, Mr witness, is when did you know that Morris
29 Kallon was a colonel and a battlefield commander for the RUF?

1 That is the question.

2 A. It was the end of 1998. That was the time that I knew.

3 Q. So, I still put it to you that what you are saying, in
4 1998 -- it was the latter part of 1998 -- Morris Kallon was a
10:20:35 5 colonel and battlefield commander. Is that what you are saying?

6 A. Yes, sir.

7 Q. Now, you have said you did not know Eldred Collins in
8 Freetown. Did you travel with him after the rebels -- I mean,
9 the junta -- had been flushed out in 1998? Did you travel with
10:21:21 10 him to Makeni?

11 A. No, sir.

12 Q. And were you in this convoy from Makeni to Kono?

13 A. Yes, sir.

14 Q. Were you with him?

10:21:55 15 A. I was with his driver. He was also a soldier.

16 PRESIDING JUDGE: It was between Makeni and Kono?

17 MR TOURAY: Yes, Your Honour.

18 Q. What about from Kono to Kailahun?

19 A. Yes, sir; we all travelled together. Yes, sir.

10:22:47 20 Q. [Microphone not activated]

21 A. [No interpretation]

22 Q. Did you travel with him in a vehicle with the same driver?

23 A. Yes, sir.

24 Q. That is from Kono to Kailahun, they travelled in a vehicle
10:23:26 25 with the same driver. Now, you say that at Kailahun you were
26 offered the position of being a ~~XXXXX XXXXXX XXXXXXXXX~~ by Sam
27 Bockarie.

28 A. Yes, sir, at Buedu.

29 Q. You accepted voluntarily, of course.

1 A. Yes, sir.
2 Q. You assumed the position immediately after the appointment.
3 A. Yes, sir.
4 Q. You did not undergo any training with the RUF.
10:25:44 5 A. I was trained before I went there.
6 Q. Where were you trained?
7 A. I trained at Benguema, Wilberforce -- SS camp, Freetown.
8 Q. Now, you were trained as an SLA.
9 A. Yes, sir.
10:26:42 10 Q. You did not undergo any training with the RUF --
11 JUDGE THOMPSON: Slowly, counsel, let's get the record --
12 MR TOURAY: Sorry.
13 Q. You were trained as an SLA.
14 A. Yes, sir.
10:26:57 15 Q. You did not undergo any training in the RUF.
16 A. Yes, sir; no training.
17 Q. You were not taught the RUF ideology.
18 A. No, sir.
19 Q. Now, there were -- did you know that there were standing
10:28:06 20 orders, general orders and codes of conduct based on the RUF
21 ideology?
22 A. Yes, I knew that later.
23 Q. When did you know that?
24 A. When they were carrying people to me to detention without
10:28:59 25 any documents. I would take them and carry them to Mosquito.
26 That is when Mosquito explained to me that they shouldn't just
27 give me someone to put in detention without questioning him. Any
28 detention should be accompanied by a paper, except three of us --
29 three of them, rather.

1 Q. That was the only order you knew about?
2 A. Yes, sir.
3 Q. And you say you were an adjutant, sort of administrative
4 officer, in the military police unit.
10:30:23 5 A. Yes, sir.
6 PRESIDING JUDGE: Proceed, counsel.
7 MR TOURAY:
8 Q. Now, did you know one Superman?
9 A. Yes, sir.
10:31:23 10 Q. Did you know his rank in February 1998 when you retreated?
11 A. Yes, I knew him as a colonel.
12 Q. Did you know what his position was within the movement?
13 A. No, sir.
14 Q. That is in February 1998. But you knew he was in Kono in
10:32:25 15 February 1998.
16 A. Yes, sir.
17 PRESIDING JUDGE: In February 1998?
18 MR TOURAY: Yes, when they retreated.
19 Q. Did you also know one Rambo?
10:33:09 20 A. No, sir.
21 Q. Did you also know one Isaac Mongor?
22 A. Yes, sir.
23 Q. Do you know what his rank was in February 1998 at the
24 time of retreating?
10:33:42 25 A. Colonel, sir, colonel.
26 Q. And you knew he was in Kono at that time?
27 A. Yes, sir.
28 Q. Did you know one Rocky CO?
29 A. No, sir.

1 Q. Never heard of him?
2 A. No, sir.
3 Q. Never heard of Rambo as well?
4 A. I heard about so many other Rambos. Rambo is a nickname,
10:34:40 5 but there were many. I did hear of Rambo Rambo.
6 Q. But you didn't know him?
7 A. No, sir.
8 Q. Did you know of one Komba Gbundema?
9 A. No, sir.
10:35:02 10 Q. Never heard of him?
11 A. I heard about him.
12 PRESIDING JUDGE: Heard about whom?
13 JUDGE BOUTET: Can you spell that out please?
14 MR TOURAY: K-O-M-B-A, that is the first name. The second
10:35:13 15 name is G-B-U-N-D-E-M-A, Gbundema.
16 PRESIDING JUDGE: Gbundema.
17 MR TOURAY: Yes.
18 JUDGE THOMPSON: He said he never knew him but he heard
19 about him.
10:35:33 20 MR TOURAY: He heard about him, yes.
21 JUDGE THOMPSON: So will you keep the distinction? Because
22 at some point you co-mingled them.
23 MR TOURAY: I try.
24 JUDGE THOMPSON: If you want to keep the distinction, that
10:35:43 25 is entirely up to you.
26 MR TOURAY: I will try to.
27 Q. Did you hear that all these people I have mentioned --
28 Superman. You said you never heard of Rambo, Isaac Mongor, Rocky
29 CO -- you have never heard of them -- Komba Gbundema. These

1 people were in Kono in February 1998.

2 JUDGE THOMPSON: But he said he knew Isaac Mongor.

3 MR TOURAY: Yes.

4 Q. You didn't know they were in Kono in February 1998.

10:36:20 5 A. Isaac was my neighbour in Kono. I knew of him.

6 Q. You say he was at Kono.

7 A. Yes, sir.

8 Q. Now, did you know one Hindo Koroma? Did you know him?

9 A. No, sir.

10:37:30 10 Q. Never heard of him?

11 A. No, sir.

12 PRESIDING JUDGE: Hindo Koroma?

13 MR TOURAY: H-I-N-D-O, Hindo.

14 Q. Did you also know one Saidu Kallon?

10:38:20 15 A. No, sir.

16 Q. Never heard of him?

17 A. I never heard that name -- Saidu Kallon.

18 Q. So you never knew and you never heard that Saidu Kallon was

19 the MP commander in Kono in 1998?

10:38:54 20 A. No, sir.

21 Q. You never knew and you never heard that Hindo Koroma was

22 the G5 commander in Kono in 1998?

23 A. No, sir. I don't know about Kono. At that time I was in

24 Kailahun.

10:39:46 25 Q. Thank you. You don't know about Kono, at that time you

26 were in Kailahun.

27 A. Yes, sir.

28 Q. You said you saw Morris Kallon in Freetown during the

29 junta, passing in a vehicle.

1 A. Say that again.
2 Q. You said during the junta you saw Morris Kallon in Freetown
3 passing in a vehicle.
4 A. Yes, sir.
10:41:15 5 Q. Now you have also said you did not know where he was posted
6 to at the time of the junta.
7 A. Yes, sir.
8 Q. So, I am correct to say the only time you saw him again was
9 in Kono.
10:41:42 10 A. Yes, sir; Kono and Kailahun.
11 Q. The only time you saw him again was in Kono and then
12 Kailahun. And you did not know what was happening in Kono
13 because you were in Kailahun.
14 A. Yes, sir.
10:42:22 15 Q. He was not based in Kailahun, was he?
16 A. Yes, sir.
17 Q. In Kailahun.
18 A. He was not based there; he just went visiting.
19 Q. Where were you at the Guinea Highway?
10:43:11 20 A. At a mosque on the main road. At the back of that mosque
21 on the main road. That is where I stayed. A single flat -- a
22 single flat mosque on the right-hand side, going towards Guinea.
23 Q. Where was Collins staying -- Eldred Collins?
24 A. At that time ~~xxxx xxxx xxxx xxxxxxxxxxxxxxxx~~ in Kono.
10:44:05 25 Q. This one you just described?
26 A. Yes, sir.
27 Q. Now Guinea Highway is a long stretch of road, so where
28 exactly on the Guinea Highway?
29 A. That was my first time of going to Kono, since I was born.

1 That was my first day of going to Kono. Kono is not a place I
2 understand too well.
3 Q. Thank you.
4 A. Yes, sir.
10:45:00 5 Q. Who were your neighbours?
6 A. The neighbours with whom we were together was the XXXX
7 XXXX, XXXX XXXXX's wife. Around us there was Major Isaac. Those
8 are the ones I know. The others I didn't know. Colonel Isaac.
9 Q. So you say your neighbours -- say it again for the Court to
10:45:57 10 hear you.
11 A. The neighbours whom I knew at Guinea Highway were Colonel
12 Isaac -- Colonel Isaac is the one I could remember, XXXX XXXXXXX
13 XXXX XXXXXXX XXXXX XXXXXXX XXXX XXXXX. Because his people did go
14 to us and we would go to fetch water to them because they had a
10:46:18 15 water well in their compound. But other people, I had no time
16 for them. I was not used to them.
17 Q. People like Morris Kallon, you had no time for them?
18 A. I was not in the same section with Morris Kallon.
19 Q. Thank you.
10:46:44 20 A. Yes, sir.
21 Q. So you didn't know what was happening at Morris Kallon's
22 place; not so?
23 A. I didn't have time for that at that time.
24 PRESIDING JUDGE: You did not know what was happening in
10:47:12 25 Morris Kallon's house.
26 MR TOURAY: That was his answer; he said he didn't have
27 time for that at the time.
28 PRESIDING JUDGE: That's not the answer; that is what I
29 want to suggest to him. The answer should be that he did not

1 know, not that he didn't have time for that.

2 THE WITNESS: No, sir.

3 MR TOURAY:

4 Q. Earlier on you answered that you knew that Morris Kallon
10:48:12 5 had a large family. You should know because you are from the
6 same area.

7 JUDGE BOUTET: Mr Touray, please speak up because I am
8 missing half of what you are saying.

9 MR TOURAY: I am sorry.

10:48:30 10 JUDGE BOUTET: All I have heard is, "You know that Morris
11 Kallon had a large family", and then you carried on and I didn't
12 hear what you were saying.

13 MR TOURAY: Sorry, Your Honour.

14 Q. You have already said that you knew Morris Kallon had a
10:48:47 15 large family. Yes?

16 PRESIDING JUDGE: He has.

17 THE WITNESS: Yes, sir.

18 MR TOURAY:

19 Q. Now at the time of the retreat, when the junta were flushed
10:49:01 20 out from Freetown in February 1998, Kailahun was the safest place
21 for the RUF.

22 A. Yes, sir.

23 Q. And it is true, is it not, that every RUF soldier was
24 trying to get his or her family across to Kailahun for safety?

10:49:46 25 A. Yes, sir.

26 Q. And Morris Kallon was no exception.

27 A. Well, I didn't know about that. I only knew about my own
28 people, my own immediate people with whom I went to Kailahun,
29 because we run away from Kono.

1 Q. So, what you are saying is that you don't know whether
2 Morris Kallon took his family to Kailahun. Is that what you are
3 saying?
4 A. I saw the family at Buedu. When they had settled there, I
10:50:43 5 saw them.
6 Q. Thank you. And that family included men, women and
7 children?
8 A. Yes, sir.
9 [HS290405B-RK]
10:51:13 10 Q. And the number was fairly big?
11 A. The number was above five.
12 Q. Above five.
13 JUDGE THOMPSON: Mr Touray, please continue.
14 MR TOURAY: Yes, I'm sorry.
10:52:10 15 Q. You say above five, but more than 20?
16 A. If I say that to the Court, I will be lying.
17 Q. So you don't know the number?
18 A. Yes, sir.
19 Q. [Microphone not activated] did you also know that his wife
10:52:56 20 was amongst the people that went to Kailahun?
21 A. I didn't know about that.
22 Q. You didn't know his wife?
23 JUDGE THOMPSON: Counsel, let's get the record. I don't
24 know whether you want all these answers recorded or not.
10:53:20 25 MR TOURAY: I do, I do, Your Honour.
26 JUDGE THOMPSON: Well, then, cooperate with us.
27 MR TOURAY: Indeed, I'll try to.
28 JUDGE THOMPSON: He said he didn't know his wife was among
29 them.

1 MR TOURAY: Yes.

2 Q. You didn't know the wife there?

3 A. Yes, sir.

4 Q. Now, did you know that there was -- let's talk about this
10:54:33 5 issue then. It is correct that children were sent by various
6 commanders for training and after training they were sent back --

7 JUDGE THOMPSON: Let us take one at a time.

8 MR TOURAY: Sorry, My Lord.

9 JUDGE THOMPSON: Yes.

10:54:55 10 MR TOURAY:

11 Q. Did you know that children were sent by various commander
12 for training?

13 A. Well, I was there when Morris Kallon brought a convoy to be
14 trained. By then I was in charge of the office.

10:55:13 15 Q. My question is --

16 JUDGE THOMPSON: Convoy of?

17 MR TOURAY: I don't know his answer. He has not really
18 answered my question.

19 JUDGE THOMPSON: Well, why not put it again?

10:55:41 20 MR TOURAY:

21 Q. My question is: Did you know that children were sent by
22 various commanders for training?

23 A. I didn't see that. I didn't see different commanders do
24 that.

10:56:19 25 Q. And you did not also know that after training these
26 children are sent back to their commanders, to the various
27 commanders who sent them for training?

28 JUDGE THOMPSON: Is that a fair question given the state of
29 the records? I mean, his evidence just now is he did not see

1 different commanders.

2 MR TOURAY: Okay, My Lord. We'll take that. We'll take
3 that.

4 Q. Now, let's come to this Morris Kallon taking people to
10:56:52 5 Kailahun, you said twice. At that time, according to your
6 evidence, you said he was the battlefield commander?

7 A. Yes, sir.

8 Q. And that was in what year?

9 A. That same year.

10:57:14 10 Q. That's a part of 1998?

11 A. Yes, sir.

12 Q. And he was a colonel at that time.

13 A. Yes, sir.

14 Q. My suggestion to you is that is not true.

10:57:56 15 A. No, sir. Well, I'm telling the Court that it is true,
16 because I was there.

17 JUDGE BOUTET: Mr Touray, when you say, "I'm suggesting
18 that it is not true," what, that he's a colonel or he's a
19 battlefield commander? I mean, what --

10:58:10 20 MR TOURAY: I'm going to put it to him now.

21 Q. Firstly, he was not the battlefield commander at the later
22 part of 1998?

23 A. Well, I'm telling the Court that -- I have taken an oath to
24 the Court. Whatever I say to the Court is the truth. He took
10:58:36 25 children to me, MP. Later he collected them to Koindu. He left
26 them there and came back.

27 Q. The question is one, he was -- [overlapping microphones]

28 A. Yes, sir.

29 PRESIDING JUDGE: The second suggestion?

1 MR TOURAY: First, one, he was not the battlefield
2 commander. That is what I'm telling you.
3 PRESIDING JUDGE: He says no. He denied it.
4 MR TOURAY: He has not denied it specifically.
10:59:08 5 PRESIDING JUDGE: Yes, he has. He has denied it.
6 MR TOURAY:
7 Q. Then secondly, I'm putting it to you that in fact he was
8 not a colonel then.
9 A. What I'm telling the Court that that those times when I
10:59:30 10 knew him, that was how they called him, because at that time the
11 rank -- even children could claim ranks. People didn't merit
12 ranks at that time.
13 JUDGE THOMPSON: No, counsel wants to know whether at that
14 particular point in time he was a colonel. Was he --
10:59:57 15 THE WITNESS: That time he was a colonel.
16 JUDGE THOMPSON: Okay, that's fine.
17 MR TOURAY:
18 Q. I'm also putting it to you that he was not in fact a G5
19 commander, so he was not involved in such matters?
11:00:22 20 A. I didn't say G5 commander. I said battlefield commander.
21 Q. That's what I'm saying. He was not in the G5 unit as a
22 commander and had nothing to do with civilian matters?
23 JUDGE BOUTET: But he has not testified to that.
24 PRESIDING JUDGE: The man has not testified to that.
11:00:46 25 MR TOURAY: It's my own suggestion I'm putting to him.
26 PRESIDING JUDGE: Why should you? It is not fair to your
27 client.
28 JUDGE THOMPSON: Learned counsel, we thought you were going
29 by the record. At no time did he say --

1 [Multiple speakers - transcript incomplete]

2 JUDGE BOUTET: Put it to him that you're suggesting that,
3 because that's not the way it came out.

4 MR TOURAY:

11:01:07 5 Q. Now, those involved in training the G5s, not so, those in
6 charge of civilian/military relationship, the G5?

7 JUDGE BOUTET: But again, Mr Touray, you're mixing many
8 issues here. You're saying G5 in charge of training and now
9 you're talking civilian relationship, so is G5 doing training?

11:01:30 10 MR TOURAY: No, I'm saying the units involved in training
11 generally, these units. I'm going to enumerate them.

12 JUDGE BOUTET: Okay, but go by steps. If you're mixing
13 training with relationship with civilians, the answer may be yes,
14 no, so --

11:01:47 15 MR TOURAY: Yes, I know.

16 Q. You have the G1 first of all. They're in charge for
17 recruitment; not so?

18 A. Yes, sir.

19 Q. And the G5 for civilians; not so?

11:02:20 20 A. Yes, sir.

21 Q. And the military police units; not so?

22 A. Yes, sir. Yes, sir.

23 JUDGE BOUTET: Do you mean to say that the military police
24 is part of G5?

11:02:52 25 MR TOURAY: No, it is a separate unit.

26 JUDGE BOUTET: So you're asking him if there is a unit
27 called military police?

28 MR TOURAY: Yes.

29 JUDGE BOUTET: Okay.

1 MR TOURAY:

2 Q. Now, out of these three units, recruitment, G5 for
3 civilians, then military police, which one of them or -- were
4 involved in the training of recruits?

11:03:37 5 A. I only told the court about the military police. That was
6 my own unit. Now, the military -- the way the organisation is
7 fixed, you couldn't interfere in any other person's place, but
8 what pertains, you know, what I saw they came, they brought the
9 people that these were from the training base and these we should
11:04:01 10 send them to the training base. We were sort of watchdogs for
11 the movement, so if you ask me about G5, I could not tell you
12 anything about G5 into details or G1 into details. I will only
13 tell you about the military police.

14 Q. Thank you. So you knew nothing much about the other units;
11:04:24 15 not so?

16 A. Yes, sir.

17 Q. Now, did you know one Victor Kallon?

18 A. Yes, sir.

19 Q. What was he?

11:05:02 20 A. I knew him as a major.

21 Q. I know he had a farm in Kailahun?

22 MR HARRISON: I'm sorry, I didn't hear what Mr Touray said.

23 MR TOURAY: I'm saying whether you knew if Victor Kallon
24 had a farm in Kailahun.

11:05:38 25 JUDGE BOUTET: whether he had a farm in Kailahun?

26 MR TOURAY: Farm, yes.

27 PRESIDING JUDGE: You say he was a major. Was he an SLA
28 major or RUF?

29 THE WITNESS: No, sir, RUF major.

1 MR TOURAY:
2 Q. Let me just strike that out and I'm going to another
3 question. Did you also no one major --
4 JUDGE BOUTET: So you're not pursuing the farm issue?
11:06:05 5 MR TOURAY: I'll come to that later.
6 Q. Did you also know one Major Kopoi, that is, Mohamed Kallon?
7 A. Yes, sir.
8 PRESIDING JUDGE: Mohamed Kallon?
9 MR TOURAY: Yes, Major Kopoi, Mohamed Kallon. K-O-P-O-I.
11:06:27 10 PRESIDING JUDGE: K-O-P?
11 MR TOURAY: O-I.
12 PRESIDING JUDGE: Major Kopoi, Mohamed Kallon?
13 JUDGE THOMPSON: So which is the alias?
14 MR TOURAY: The alias is Kopoi.
11:06:48 15 JUDGE THOMPSON: I see. So why not do it the proper way?
16 MR TOURAY:
17 Q. Major Mohamed Kallon, alias Kopoi?
18 A. Yes, sir.
19 Q. He was also an RUF, not so?
11:07:15 20 A. Yes, sir.
21 Q. And he was in Kailahun?
22 A. Yes, sir.
23 Q. Victor Kallon was also in Kailahun?
24 A. No, sir, in Buedu.
11:07:32 25 Q. Buedu, sorry. Did you know that Mosquito had a farm in
26 Buedu?
27 A. Yes, sir.
28 Q. Did you know that JPK had a farm in Buedu?
29 A. JPK's farm was in Kangama.

1 Q. Both were top-level officials in the movement at that time,
2 not so, both JPK and Sam Bockarie?
3 A. Yes, sir.
4 Q. I'm putting it to you that those were the only people
11:08:44 5 allowed to have private farms, no other person.
6 A. Well, I'm telling the court that all the commanders had
7 farms. Those were the farms that their immediate families lives
8 on, because there was no food supply.
9 Q. My question is:
11:09:24 10 JUDGE THOMPSON: What is your question, counsel?
11 MR TOURAY:
12 Q. That only high level profile officials, like JPK and
13 Sam Bockarie were allowed to have private farms in the movement?
14 JUDGE THOMPSON: How does he know that?
11:09:37 15 JUDGE BOUTET: That was not your question. Your question
16 was: There is only two, that is Bockarie and JPK, were allowed
17 to have farms.
18 JUDGE THOMPSON: Yes.
19 MR TOURAY: That is what I'm saying, yes.
11:09:48 20 JUDGE BOUTET: No, it is not the same thing. You said
21 "those like". Your question was very specific to those two.
22 JUDGE THOMPSON: And let me ask also, whether it is fair.
23 when you say "were allowed," what are you getting at?
24 MR TOURAY: Okay, what I'm saying is they had farms.
11:10:04 25 JUDGE THOMPSON: I mean, clearly that is different.
26 MR TOURAY: They had farms no other person was allowed to
27 have.
28 JUDGE THOMPSON: Well, it is not the same. Were allowed is
29 different from whether they actually had or not. You could be

1 allowed to do something but you could not be allowed and then you
2 are.

3 MR TOURAY: Yes, I agree, Your Honour, but there is
4 evidence already that they had.

11:10:25 5 JUDGE THOMPSON: Yes, but that is the question I saying.
6 why confuse it if that's what you're pursuing? Why inject the
7 concept of allow into it? It imports a different perception.

8 MR TOURAY: Well, I have to in the case of junior ranks.
9 They were not allowed to have private farms. Those were the only
11:10:43 10 two people that had farms.

11 JUDGE THOMPSON: Well, I'm saying that you are confusing
12 the concept of permissibility and actually possessing.

13 JUDGE BOUTET: That's right. Even in your own language,
14 Mr Touray, you are making the difference. You say only two were
11:10:59 15 allowed, that is JPK and Sam Bockarie, but others may have had
16 farms. So the fact that you are allowed, as my learned brother
17 is saying, doesn't mean -- I mean, you may break the rule and
18 have your own farm.

19 JUDGE THOMPSON: Precisely. You as lawyers here we allow
11:11:20 20 you to do certain things, but sometimes -- so you need to keep
21 the distinction if you want to keep that, and it is not fair to
22 the witness to put to him things which are of a nature "were
23 allowed" unless you can say this is peculiarly within his
24 knowledge.

11:11:35 25 MR TOURAY: Let me just close it up, Your Honour.

26 Q. Morris Kallon had no farm in Kailahun, period.

27 JUDGE BOUTET: Yes, or no, Mr Witness.

28 THE WITNESS: Morris Kallon had a farm. I went to the
29 farm - his mother was there - going towards the Dawa Road.

1 Q. What was his mother doing there?
2 A. It was rice farming.
3 Q. What was his mother doing there at the farm?
4 A. They cultivated rice, so they went to work there.
11:12:17 5 Q. They went to work there, thank you.
6 A. Yes, sir.
7 Q. When you say "they," members of the family?
8 A. Yes, sir.
9 PRESIDING JUDGE: A farm where?
11:12:27 10 THE WITNESS: Going towards the Dawa road, Dawa road.
11 MR TOURAY: You said he met the mother and members of the
12 family working there?
13 MR HARRISON: I'm not sure the witness said what Mr Touray
14 just repeated.
11:12:52 15 PRESIDING JUDGE: He said mother.
16 JUDGE BOUTET: But he also added there were other members
17 of the family and they were there to work.
18 JUDGE THOMPSON: And also it was a rice farm.
19 JUDGE BOUTET: It was not very clear, but that was said.
11:13:07 20 Please, Mr Touray, speak up.
21 MR TOURAY: Thank you, Your Honour.
22 Q. Now, finally, let me put it to you, Mr witness, that you
23 don't know anything much about the RUF movement?
24 A. Well, I'm telling the court that I didn't go there to know
11:14:12 25 about the RUF, but I went there to know what they were doing,
26 whether it was good or bad.
27 JUDGE BOUTET: What do you mean by "I went there"? Where
28 does that mean?
29 THE WITNESS: What I mean is that because I too was

1 affected by the war, it started with us, so that is why I went
2 there to know really what happened when a situation like this has
3 met us. It did not come from the north. It did not come from
4 the west. It originated from my own people. So I went to know
11:14:56 5 what is good and bad -- the good and bad thing that met our
6 people. I was not particular to know about the movement, how it
7 went. I was really eager to know about the evil that went on in
8 the movement.

9 MR TOURAY:

11:15:12 10 Q. Finally, you don't know anything much about Morris Kallon,
11 do you?

12 JUDGE BOUTET: I'm sorry, Mr Touray, I just heard the end
13 of your question.

14 MR TOURAY:

11:15:24 15 Q. That you don't know anything much about Morris Kallon?

16 A. I know about Morris Kallon. When I came in contact with
17 him, that is why I told the Court that when he came with manpower
18 for the training purposes, I did not say Issa, but Morris Kallon.
19 what faced me is what I'm saying, not to know about him, but the
11:15:46 20 part he played and which I saw, is what I'm talking about and
21 which is important to the nation. That is what I'm saying here.
22 I -- when I say knowing about him, not because we're related but
23 that is not really important, but the part I saw him play which
24 is good and bad is what I'm going to say to the Court.

11:16:08 25 MR TOURAY: That will be all for this witness, My Lord.

26 JUDGE THOMPSON: Thank you.

27 PRESIDING JUDGE: well, learned counsel, the Court will
28 recess for a few minutes. Court will rise, please.

29 [Recess taken at 11.17 a.m.]

1 [On resuming at 11.47 a.m.]

2 PRESIDING JUDGE: Yes, we're resuming the session.

3 Mr O'Shea, before we rose you were on your feet. May we hear
4 you.

11:49:24 5 MR O'SHEA: Your Honour, thank you. Good morning, sir.
6 Can you hear me?

7 PRESIDING JUDGE: Mr O'Shea, I thought -- [overlapping
8 microphones]

9 THE INTERPRETER: The witness's mic is not on.

11:49:42 10 PRESIDING JUDGE: I thought you had a preliminary
11 observation to make.

12 MR O'SHEA: That is understandable observation, Your
13 Honour.

14 PRESIDING JUDGE: Okay, this said, you may continue with
11:49:50 15 your cross-examination of this witness.

16 MR O'SHEA: Thank you, Your Honour.

17 CROSS-EXAMINED BY MR O'SHEA:

18 Q. Good morning, sir?

19 A. Good morning. Welcome, sir.

11:50:07 20 Q. Now, you were appointed military police by Sam Bockarie and
21 prior to that appointment as military police, would it be right
22 to say that you had no prior experience as a military police
23 officer?

24 A. That's why I told the Court that I was a trained man and I
11:50:34 25 came here to testify to what is material to the Court. In the
26 military I was there as ~~XXXX XXXXXX~~.

27 PRESIDING JUDGE: Mr Witness, listen very carefully to the
28 questions that are put to you by counsel. Do you understand?

29 THE WITNESS: Yes, sir.

1 PRESIDING JUDGE: Follow them carefully and answer them.
2 Don't deviate. Do you understand? As I told you, if you have an
3 explanation to make, you will be given the opportunity to make an
4 explanation, but first of all answer the questions directly. Is
11:51:11 5 that all right?

6 THE WITNESS: Yes, sir.

7 JUDGE BOUTET: Mr O'Shea, the end of the explanation given
8 by the witness I sort of overheard the witness saying something
9 about XXXXXXX. I'm not sure if I missed that.

11:51:22 10 MR O'SHEA: About what, sorry?

11 JUDGE BOUTET: XXXXXX. He says, "when I was in the
12 military," and --

13 MR O'SHEA: That is not familiar to me, Your Honour. Maybe
14 it is familiar to Your Honour.

11:51:31 15 JUDGE BOUTET: Yes, the military police it is called a
16 XXXXXXXX quite often, so I was going to ask if that was what
17 he meant.

18 MR O'SHEA: All right. Let me put the question again.

19 Q. Mr Witness, sometime in 1998 Sam Bockarie appointed you as
11:51:50 20 a military police officer; correct?

21 A. Yes, sir.

22 Q. Now, before that appointment as a military police officer,
23 did you have any experience as a military police officer?

24 A. Yes, sir.

11:52:19 25 Q. Are you saying --

26 PRESIDING JUDGE: Please, please, counsel.

27 MR O'SHEA: Sorry, Your Honour.

28 PRESIDING JUDGE: It is okay.

29 MR O'SHEA:

1 Q. Are you saying that before that appointment as a military
2 police officer, there was a previous occasion when you had been
3 appointed a military police officer; is that what you're saying?
4 A. Yes, sir.

11:53:09 5 Q. When was that?
6 A. Well, I'm telling the Court that -- that I had been a
7 XXXXXX in the military. I was working together with the
8 military police to implement laws and punish law breakers,
9 XXXXXX XXXXXX.

11:53:35 10 Q. When was that?
11 A. That was in 199X at the XXXXX camp. I was XXXXX for the XXXX
12 camp in XXXXXX.
13 Q. Did Sam Bockarie know that?
14 A. At that time we were fighting against Sam Bockarie. No

11:54:00 15 sir.
16 Q. Sorry, perhaps I didn't explain myself properly. At the
17 time that you were appointed as a military police officer in
18 199X, did Sam Bockarie know about your previous experience?
19 A. No, sir.

11:54:23 20 Q. Did you tell him?
21 A. I didn't tell him. It was because of my honesty that made
22 him appoint me as a military police.
23 Q. It would be right to say, wouldn't it, that one of your
24 duties as military police officer was to enforce the Geneva

11:54:49 25 Conventions and Protocols?
26 A. Yes, sir.
27 Q. Now, your immediate --
28 JUDGE THOMPSON: Counsel, let us record the evidence,
29 please.

1 MR O'SHEA: Sorry, Your Honour.
2 Q. Now, your immediate superior was Captain XXXXX XXXXX in 199X?
3 A. Yes, sir.
4 Q. And you reported to Captain XXXXX XXXXXX?
11:56:10 5 A. Yes, sir.
6 Q. Was it XXXXXX XXXX XXXXX -- when you were appointed in
7 199X, was it Captain XXXXX XXXXX who introduced you to your duties
8 as a military police officer?
9 A. No, sir. This happened --
11:56:49 10 PRESIDING JUDGE: No, wait.
11 MR O'SHEA:
12 Q. Can I ask you this: In 199X when you were appointed a
13 military police officer --
14 JUDGE BOUTET: Just so we don't get any confusion,
11:57:17 15 Mr O'Shea, on this, his evidence, if I'm not mistaken, he was an
16 MP adjutant responsible for administration, so if you're talking
17 of enforcement, it may lead us into some confusion, because my
18 understanding of his evidence, he was an MP adjutant doing
19 administration and paperwork. You're talking now military police
11:57:40 20 duties, as such, so his duties may have been special. You are in
21 a generic and he may be in a different, so I am raising the issue
22 so we don't get into some more confusion on this.
23 MR O'SHEA: I understand, Your Honour. It is just that --
24 JUDGE BOUTET: It is your cross-examination.
11:57:57 25 MR O'SHEA: Yes.
26 Q. When, at the time of your appointment as an MP, who was
27 that you met -- now, I'm talking about 199X, all right? who was
28 it that you met in order for you to understand what your job was?
29 A. It was Captain XXXX, XXXXX XXXXXXXX.

1 Q. All right, thank you?
2 A. Yes, sir.
3 MR O'SHEA: Your Honours, I have no further questions.
4 JUDGE BOUTET: I hope it is not my comments that made you
11:58:53 5 to stop that short.
6 MR O'SHEA: No, Your Honours, perhaps your -- not at all.
7 Not at all. When Your Honours go back to the
8 examination-in-chief, you will see why I put it in that way.
9 JUDGE BOUTET: That's okay.
11:59:08 10 PRESIDING JUDGE: We understand.
11 JUDGE THOMPSON: Mr Santora, do you wish to re-examine this
12 witness?
13 MR SANTORA: I have one question on re-direct.
14 JUDGE THOMPSON: Well then, proceed.
12:00:31 15 RE-EXAMINED BY MR SANTORA:
16 Q. Mr XXXXX, when my colleague, the second lawyer was asking
17 you questions, he asked you a question and you told him that some
18 commanders had farms in Kailahun and that Morris Kallon had a
19 farm in Kailahun and that you said you saw his family members
12:00:53 20 working on that farm. Aside from his family members, did anyone
21 else work on Kallon's farm?
22 MR TOURAY: Objection, Your Honour.
23 JUDGE THOMPSON: Grounds?
24 MR TOURAY: The ground there no ambiguity in the answer
12:01:15 25 given by the witness. It was free of doubt and it was
26 categorical that members of the family of Morris Kallon worked on
27 the farm. I don't see any reason why the Prosecution should seek
28 further elaboration on that. The evidence is quite clear. No
29 ambiguity, Your Honour.

1 JUDGE THOMPSON: Response, counsel?

2 MR SANTORA: Your Honours, the witness responded that he
3 saw family members working on the farm. He wasn't asked about
4 anything else at that point. And it is, of course, possible that
12:01:48 5 he saw family members, that there were other people, but it was
6 not asked in any further detail. It is very, very plausible that
7 there were other people working on the farm or there were not
8 other people. And that's all we're simply trying to clarify.
9 This was an area that was brought up by my learned colleague in
12:02:10 10 the cross-examination and I do think at this point it is
11 something we would like to clarify.

12 JUDGE THOMPSON: This was a matter directly rising from
13 cross-examination, you say?

14 MR SANTORA: Well, the issue was touched on in direct
12:02:22 15 examination, but specifically with regards to this farm and who
16 was working on it, it was brought up in cross-examination.

17 JUDGE THOMPSON: Yes.

18 MR SANTORA: So, yes, it came out of cross-examination.

19 PRESIDING JUDGE: Did you explore these grounds during your
12:02:47 20 examination-in-chief, I mean, the issue of Kallon and the farm
21 and those who were working on the farm? Did you during your
22 examination in chief, I mean, besides the fact that it is just
23 being mentioned now? Did you explore this issue during your
24 examination-in-chief?

12:03:03 25 MR SANTORA: The issue of Morris Kallon having a farm was
26 raised in chief, but who was working on that farm was not raised.

27 PRESIDING JUDGE: Was not raised?

28 MR SANTORA: It was raised in cross-examination, according
29 to our notes.

1 JUDGE BOUTET: That is my recollection too, yes.

2 PRESIDING JUDGE: That is why I wanted, you know, to make
3 sure, you know, that you raise not only the issue of his owning a
4 farm, but the issue of who, in fact, provided labour in the farm.

12:03:41 5 MR SANTORA: Exactly, Your Honours.

6 [Trial Chamber confers]

7 PRESIDING JUDGE: Mr Santora.

8 JUDGE THOMPSON: Mr Jordash -- sorry. After this brief
9 consultation by the Bench, we certainly will allow the question
12:05:20 10 to be put. It is clearly permissible and the objection is
11 overruled.

12 MR SANTORA: I will ask the question again.

13 JUDGE THOMPSON: Proceed, counsel.

14 Q. Mr Koker, you told my colleague earlier when he was asking
12:05:42 15 you questions that some commanders had farms in Kailahun and that
16 Morris Kallon had a farm in Kailahun and you said that you saw
17 his family members working on his farm. Aside from Mr Kallon's
18 family members, did anyone else work on that farm?

19 A. Yes, sir.

12:06:15 20 Q. Who?

21 A. I myself worked there once so that they could allow me to
22 get some vegetables. I worked there once with the idea that they
23 would help me get some vegetables to sell.

24 Q. Aside from yourself, and the family members did anyone else
12:06:59 25 work on the farm?

26 MR TOURAY: I don't see how this is re-examination. The
27 question has been put. The answer has been given. I don't see
28 what is the use of eliciting further evidence from the witness.
29 The evidence is clear. He worked there himself and that is all.

1 unless he wants to re-open the examination-in-chief again. If
2 that is the case, we should be allowed to cross-examine this
3 witness.

4 JUDGE THOMPSON: No, but the issue of the labour on the
12:07:30 5 farm came out during cross-examination.

6 MR TOURAY: It did not, with respect, Your Honour, but
7 you've given your ruling and I'm bound by your ruling, but it did
8 not.

9 JUDGE THOMPSON: The ownership of the farm was the one that
12:07:45 10 was elicited --

11 MR TOURAY: That came up under the direct examination in
12 chief. It came up.

13 JUDGE THOMPSON: In any event, we've overruled the
14 objection and I'm sure that you don't want to revisit that issue.
12:08:03 15 Counsel, can you try and wrap up this aspect of the
16 re-examination.

17 MR SANTORA: I will wrap it up as quickly as possible.

18 Q. Mr Koker.

19 A. Yes, sir.

12:08:20 20 Q. Aside from yourself, and Mr Kallon family's members, are
21 you aware of anyone else that worked on Morris Kallon's farm in
22 Kailahun?

23 A. Yes, sir. People went there to work.

24 Q. Which people?

12:08:49 25 A. Those with whom we lived in the locality.

26 JUDGE THOMPSON: Learned counsel, this is as far as we can
27 allow you to go.

28 MR SANTORA: That is as far as I intended to go.

29 JUDGE THOMPSON: Definitely not beyond that.

1 MR SANTORA: Thank you, Your Honours. That's all the
2 questions I have.

3 JUDGE THOMPSON: Right.

4 Learned counsel for the Prosecution, how do we stand in
12:10:05 5 respect of our next witness?

6 MR SANTORA: I will let my colleague.

7 MR HARRISON: Yes, there are two witnesses. The one that I
8 discussed yesterday is TF1-060, that person is available. We
9 have also ensured that the other witness I had referred to,
12:10:24 10 TF1-113, is also available. If I can just indicate to the Court
11 TF1-060 the evidence was going to be adduced by using a different
12 lawyer. That lawyer has malaria. I'm going to step into their
13 shoes and a problem that has arisen that it appears as if there
14 may be two aspects requiring a closed session for that witness.

12:10:46 15 I have a suggestion to make to Defence counsel so that we will
16 only have one closed session and it would involve the practice
17 that has been adopted in the other trial and which we've used
18 here I think once or twice and which is to put a question on
19 paper and to have the answer on paper and then to have the paper
12:11:08 20 handed to the Court and sealed. That may facilitate simply one
21 closed session for that witness.

22 JUDGE THOMPSON: So that is the witness you are proposing
23 we --

24 MR HARRISON: That is 060.

12:11:16 25 JUDGE THOMPSON: 060. That is the one you're proposing
26 that we proceed with.

27 MR HARRISON: That was the one I suggested yesterday. The
28 problem with 133 is there was a late disclosure.

29 JUDGE THOMPSON: Yes, quite right. And can we have some

1 kind of indication as to how long this witness will take in
2 examination-in-chief?

3 MR HARRISON: I will have to say it is going to be two
4 hours. Perhaps if I had more familiarity with the witness, it
12:11:46 5 would be maybe half that, but I'm stepping in the shoes of
6 another lawyer's and I am going to have to say two hours.

7 THE INTERPRETER: Your Honours, which language would the
8 witness be testifying in?

9 MR HARRISON: 060 would be testifying in English.

12:12:06 10 THE INTERPRETER: Thank you, Your Honours.

11 JUDGE THOMPSON: Mr Harrison, perhaps we should retire very
12 briefly to give you a chance to get the witness set up for --

13 MR HARRISON: Oh, I should indicate that we definitely have
14 to put the screen up.

12:14:09 15 JUDGE THOMPSON: Yes, that's what I'm saying, perhaps we
16 should allow you to do that and allow you to get all the
17 logistics for the witness's testimony, because we're minded to
18 commence straight away. Except if the Defence has any urgent
19 issues to raise, we would like to commence the
12:14:32 20 examination-in-chief straight away.

21 PRESIDING JUDGE: Mr Witness, we've -- we're through with
22 you and we thank you for coming to assist the Tribunal with the
23 evidence you have given. We have finished with you for now. You
24 can retire, but we just wanted to let you know before you leave
12:15:07 25 that necessity may arise for us to call you back here. We're not
26 saying that will be the case, no, but it could well be the case
27 that we call you back here for one reason or the other. I hope
28 that when we do call you here, you would make yourself available.
29 For now we want to thank you again for coming to assist the

1 Tribunal and to wish you all the best. Thank you very much.

2 THE WITNESS: Yes, sir, I thank the Court as well in their
3 bid to bring justice to Sierra Leone. Thank you. I say thanks
4 to the Court in its bid to bring paramount justice to
12:16:00 5 Sierra Leone.

6 PRESIDING JUDGE: We shall rise for the witness to be
7 brought in, please. The Court will rise.

8 [The witness withdrew]

9 [Recess taken at 12.15 p.m.]

12:22:36 10 [HS290405C - SV]

11 [Upon resuming at 12.25 p.m.]

12 PRESIDING JUDGE: We're resuming the session, please.

13 MR HARRISON: The next witness is TF1-060. This is the
14 31st witness. The witness advises that he's a Christian to be
12:27:26 15 sworn.

16 WITNESS: TF1-060 [Sworn]

17 EXAMINED BY MR HARRISON:

18 Q. Witness, I'd ask you to try to remember that the judges
19 will be endeavouring to keep a record and write down what it is
12:28:18 20 you're saying. So if you could bear that in mind as you're
21 giving evidence that would probably be helpful.

22 A. Yes, sir.

23 Q. Please tell the Court where you were born?

24 A. I was born at XXXXXX village, XXXX XXXXX.

12:28:41 25 Q. And where is XXXXXX?

26 A. XXXXXX is in XXXXXX section, XXXXX XXXXXX Chiefdom, Kenema
27 District, eastern region.

28 Q. Let me just pause you there. I think we'll start with
29 XXXXXXXX. My colleagues may wish to have a spelling. If I'm

1 wrong, Mr witness, you correct me, but let me take the first try
2 of spelling it. I have X-X-X-X-X-X?
3 A. Quite correct, sir.
4 Q. Let me take a try at XXXXX section. X-X-X-X-X?
12:29:30 5 A. Quite correct, sir.
6 Q. And let me take another try at XXXXX XXXXX. XXXXXX of
7 course is the first word. XXXXXX, X-X-X-X-X-X?
8 A. Correct.
9 Q. And you said that was Kenema District?
12:30:00 10 A. Yes, sir.
11 Q. And you referred also to XXXXX Fields. what does that
12 refer to?
13 A. XXXXXXXX village in XXXXX Fields. That is the area which
14 was allocated to the diamond mining company. The whole area,
12:30:27 15 XXXX XXXX. It's a land map, wide area, about eight miles
16 square. When I say XXXXX XXXXXXX, it's the area which was
17 allocated to the diamond mining. That is National Diamond Mining
18 Company.
19 Q. And when you talk about the diamond mining area, can you
12:30:58 20 explain to the Court what number of mines may have been there?
21 A. You have so many mining areas there but the main one was
22 known as XXXXX.
23 Q. And, again, just let me pause you there. You correct me if
24 I'm wrong, witness, but is XXXXX spelt XXXXX?
12:31:41 25 A. Quite correct.
26 Q. Are there towns or villages around XXXXX XXXXXXX?
27 A. Yes. Yes, sir. The township of XXXXX XXXXXXX, you have
28 concentration of towns in one place. So it's only the towns now
29 people call the XXXXX. But the whole area is known as the XXXXX

1 Fields, where the township is known as XXXXX. You have
2 concentration of towns, over 10 towns, all connected just as we
3 have Kissy, Wellington, Toke all forming what we know as
4 Freetown.

12:32:37 5 Q. I'm going to ask you to think back to May of 1997?

6 A. Yes, sir.

7 Q. Please tell the Court where you were living at that time?

8 A. In May 1997 I was living in my village XXXXX XXXXX,
9 XXXXX. XXXXX is a village within XXXX XXXXXX.

12:33:16 10 MR HARRISON: Now, as I indicated before we began, I have
11 spoken to Defence counsel and I have written down one question
12 and I'm going to ask if it could be given to the witness for the
13 witness to write down the answer. It could then be shown to
14 Defence counsel and then presented to the Court. Ultimately I
12:33:34 15 would ask that it be sealed so that we can avoid being in a
16 closed session.

17 JUDGE THOMPSON: The Court grants you leave to do that.

18 JUDGE BOUTET: Have you shown this document to the Defence
19 before?

12:35:16 20 JUDGE THOMPSON: The document will be received in evidence
21 and marked exhibit 26?

22 MR WALKER: That's correct, Your Honour.

23 JUDGE THOMPSON: And of course there will be some
24 indication at the top of the pseudonym of this witness.

12:35:29 25 MR WALKER: Yes, I'll mark it.

26 [Exhibit No. 26 was admitted]

27 MR HARRISON: And it's the Prosecution's request that that
28 exhibit be a sealed document.

29 JUDGE THOMPSON: [Microphone not activated]

1 MR HARRISON:
2 Q. Mr witness, I want you to remember that anything which you
3 think might disclose your identity should not be discussed?
4 A. All right, sir.
12:36:09 5 Q. Now, you've given us an answer on a piece of paper and I'm
6 now asking you: Did you have any other occupation?
7 A. Yes, sir.
8 Q. What was that?
9 A. I was also doing diamond mining in the same area.
12:36:33 10 Q. What was that area?
11 A. XXXXXXXX village. A swamp at XXXXXXXX village within
12 XXXXX XXXXX.
13 Q. Let me just stop you there. Again I'll try the spelling
14 and if I've got it wrong you correct me. X-X-X-X-X?
12:37:03 15 A. Quite correct, sir.
16 Q. When was it you were doing this mining?
17 PRESIDING JUDGE: XXXXXXXX village is situated where? In
18 XXXXX XXXXXXX?
19 THE WITNESS: XXXXX XXXXXXX. It's one of the villages that
12:37:26 20 the township of XXXXX XXXXX comprise of.
21 MR HARRISON:
22 Q. And when was it that you were doing the mining?
23 A. May 1997, while I was doing that first profession I was
24 also doing in connection with this mining.
12:38:29 25 Q. Are you aware of any events in Sierra Leone around the 25th
26 of May 1997?
27 A. Yes, My Lord.
28 Q. What event?
29 A. May 25th 1997 while I was in that of my first profession,

1 about 8.30 we had a radio message that SLPP government has been
2 overthrown by a government known as AFRC. That was announced.
3 Immediately we heard the announcement, my colleagues and myself,
4 we left our working place for our various homes.

12:40:05 5 Q. And after the overthrow of the SLPP government what
6 happened in Kenema?

7 A. In Kenema, while I was still at XXXXX, we heard that the
8 government has reached there and that they have established their
9 secretariat there at Kenema.

12:40:33 10 Q. Let me just stop you there.

11 PRESIDING JUDGE: Which government? The AFRC government?

12 THE WITNESS: AFRC government.

13 MR HARRISON:

14 Q. You mentioned a secretariat. What do you mean by that?

12:41:12 15 A. That was the administrative headquarter in the whole of the
16 Eastern Province for that government.

17 Q. After the overthrow of the SLPP government what happened in
18 Lower Bambara Chiefdom?

19 A. Well, in Lower Bambara Chiefdom after the overthrow of SLPP
12:42:03 20 government the Kamajors and SSD, what we know as special security
21 division police, they were in control of Lower Bambara Chiefdom.
22 No army was there. So while they were in control of Lower
23 Bambara Chiefdom the Kamajors formed a gate very close to the
24 boundary of Nongowa Chiefdom.

12:42:45 25 Q. Let me just stop you there. You say a gate was formed?

26 A. Yes.

27 Q. What do you mean by that?

28 A. Well, a gate where -- on the main road wherein they should
29 not allow the AFRC to enter Lower Bambara Chiefdom. They said

1 they did not favour that government, therefore they should not
2 allow them to enter into Lower Bambara Chiefdom.

3 Q. After 25 May 1997 did you travel outside Lower Bambara
4 Chiefdom?

12:44:24 5 A. Yes, sir. I travelled twice. In the month of June I
6 travelled to Kenema. In the month of July I travelled to Kenema
7 and back to Tongo Fields.

8 Q. Why did you go to Kenema?

9 A. I usually went to Kenema to sell diamonds.

12:45:35 10 Q. Were there any difficulties in travelling from Lower
11 Bambara Chiefdom to Kenema?

12 A. No, sir. There was no difficulty at all. Lorries were
13 free to travel to and from Kenema to Tongo Field. So passengers
14 were allowed to travel.

12:46:26 15 Q. On these trips to Kenema that you've told us about did you
16 see anything?

17 A. Yes, sir. In Kenema I saw the secretariat that was
18 established there by AFRC government.

19 PRESIDING JUDGE: Was this during your June trip or during
12:46:49 20 your July trip? You say you made two trips.

21 THE WITNESS: Yes. In both. I saw it in June and then in
22 July. No sooner they took over than they established the
23 Secretariat. In May -- May ending -- before May ending the
24 Secretariat was already established in all the provinces in this
12:47:14 25 country.

26 MR HARRISON:

27 Q. Did you see any individuals in Kenema?

28 A. Yes, My Lord. I saw the OC Secretariat one Captain Kanneh.
29 Then I also saw the SOS one Eddie Kanneh. Then I also saw

1 Sam Bockarie, alias Mosquito. Then I saw a paramount chief late
2 AM -- PC AM Farma IV.
3 Q. You've told us about trips in June and July to Kenema?
4 A. Yes, sir.
12:49:10 5 Q. I'm now asking you if anything happened in August of 1997?
6 A. Yes, My Lord. On 11th August 1997 at about three o'clock,
7 that is 3.00 p.m., I heard firing from two sides of the chiefdom;
8 one from Kenema direction and then Daru direction. Heavy firing
9 of RPGs.
12:49:52 10 Q. Let me just stop you there.
11 PRESIDING JUDGE: From the Kenema section and from the?
12 THE WITNESS: Daru. Daru.
13 MR HARRISON:
14 Q. Where were you when you heard this?
12:50:29 15 A. I was at Sandeyeima swamp near my mining place.
16 Q. Please continue and tell the Court what happened that day.
17 A. Yes, My Lord. After 30 minutes continuous firing while I
18 was in the swamp I left the swamp and then came to the village,
19 the Sandeyeima village, where I joined other people. We all
12:51:54 20 gathered together.
21 Q. Did you see anything?
22 A. Yes. When the firing has continued for two hours
23 approaching Tongo, that was about five o'clock --
24 PRESIDING JUDGE: A.m. or p.m.?
12:53:02 25 THE WITNESS: P.m. I tried to leave Sandeyeima village for
26 my village which is about ~~XXXXXX~~ miles apart, that is towards Kenema
27 where the firing is coming from. When I came about half a mile
28 to my village the firing appeared to be very close to me. So I
29 became confused. I could not continue the journey to the village

1 again. But I knew a very small road, that is a foot passage, to
2 one farm very close to the town to that of my village. So I
3 entered, follow this footpath that was going to a farm. The farm
4 was on top of a hill. I climbed up the hill and I stood there.

12:55:34 5 Q. Please tell the Court what, if anything, you saw?

6 A. Yes. Just after 20 minutes I saw a group of combatants
7 marching towards the township of Tongo led by one tall, lanky
8 person dressed from feet to head in red and had a rod in his hand
9 which appeared to be a staff.

12:56:33 10 Q. Do you know who that person was?

11 A. Well, according to my research I came to know him later as
12 Sam Bockarie, alias Mosquito. Majority of them were in combats
13 and those who were in civilian dress also wore caps, red caps.
14 They all had guns but they were firing in the air.

12:58:07 15 Q. Let me just ask you when you use the word "them" and "they"
16 who are you referring to?

17 A. These combatants.

18 Q. Can you estimate for the Court how many combatants there
19 were?

12:58:45 20 A. Later I came to know from the research that about 4,500
21 entered Tongo Field. But they did not enter one route. The one
22 that entered through from Kenema end, they said they were about
23 3,000. Then the one that entered the chiefdom through Daru end,
24 they were 1,500.

12:59:39 25 Q. These combatants that you have referred to, did they belong
26 to any group?

27 A. Yes, sir. They belonged to AFRC, that is the new
28 government that they have formed, comprising of SLA and RUF.

29 Q. Was there any fighting that day?

1 A. No. No fighting took place that day between the Kamajors
2 and the combatants. None.

3 Q. Do you know why there was no fighting?

4 A. Yeah. According to my research I came to know that the
13:00:53 5 Kamajors were lack of ammunitions. So they did not challenge
6 them.

7 MR HARRISON: Witness, I'm going to ask the Court now if
8 this is a convenient time for a break. If they feel it is, when
9 we resume I want you to remember where we have left off.

13:02:11 10 PRESIDING JUDGE: Are we are stopping? Are you continuing
11 with the evidence or you're stopping because you want to go on
12 break?

13 MR HARRISON: That's the suggestion, yes. This is a most
14 convenient place to break before the next hour.

13:02:25 15 PRESIDING JUDGE: This is the end of the episode which
16 you're leading?

17 MR HARRISON: It's about to unfold and it will unfold for
18 probably 60 minutes.

19 PRESIDING JUDGE: Well, learned counsel, we'll break off
13:03:32 20 and resume at 2.30.

21 [Luncheon recess taken at 1.02 p.m.]

22 [HS290405D - CR.]

23 [Upon resuming at 2.48p.m.]

24 PRESIDING JUDGE: Good afternoon, learned counsel. We are
14:51:20 25 resuming the session. You may proceed, please. Mr witness, good
26 afternoon, sir. Is your microphone on?

27 THE WITNESS: Yes, sir.

28 PRESIDING JUDGE: I'm not seeing the red. Yes, I'm seeing
29 it now.

1 MR HARRISON:
2 Q. I'm going to ask you to look at a map, Mr Witness. It's
3 exhibit 8, please. This is a map of Sierra Leone --
4 PRESIDING JUDGE: You said that is exhibit 8?
14:52:25 5 MR HARRISON: Correct.
6 Q. If you were to turn the map over so that you could see the
7 other side of it?
8 A. At the back?
9 Q. If you were just to flip it over. Do you see Kenema on
14:52:54 10 there?
11 A. Yes, sir, I see Kenema.
12 Q. If you have your finger on Kenema, if you can just trace it
13 down going south on the red road, then it turns into -- if
14 someone could assist me -- it's either green, yellow or orange,
14:53:11 15 the next road. It's yellow, I'm told.
16 JUDGE BOUTET: It depends where you turn.
17 MR HARRISON: I'm colour blind. I'm the one who has got
18 the problem.
19 JUDGE BOUTET: I know, I know.
14:53:21 20 MR HARRISON:
21 Q. If you keep going south and start going south-east, do you
22 come to a village that you're familiar with?
23 A. Yes, sir, by the red?
24 Q. If you keep going along the red, going south.
14:53:33 25 A. Yes, sir.
26 Q. You then run into a yellow road?
27 A. No, the red.
28 Q. Do you see Kenema?
29 A. Yes, sir, I have seen Kenema.

1 Q. Can you find your village on that map?
2 A. My village?
3 Q. Yes.
4 A. Yes, sir. Opposite XXXXX, on the right-hand side.
14:54:10 5 JUDGE BOUTET: Yes, I see.
6 THE WITNESS: And XXXXXX, then from XXXXXX, you come to
7 XXXXXX.
8 MR HARRISON:
9 Q. What direction is that from Kenema?
14:54:27 10 A. From Kenema, if you're going to my village, I think it's --
11 Q. Are you going north from Kenema towards XXXXXXX?
12 A. Yes, sir, north towards XXXXXX.
13 Q. And then just to the east of XXXXXX, there's a village
14 called XXXXXXX; is that right?
14:54:49 15 A. Yes, sir.
16 Q. And that's the village where you reside?
17 A. Yes, sir.
18 Q. And that's the village you've been telling us about this
19 morning?
14:54:56 20 A. Exactly, sir.
21 MR HARRISON: I'm not going to ask the witness to mark this
22 map for fear there may be too many marks on it at some point, but
23 I'm asking if there can be some acceptance that it's at grid
24 reference E5 on exhibit 8.
14:55:26 25 Q. I'm not going to ask you any more questions about that map,
26 so if you would like to fold it up and put it on the floor, that
27 will be fine.
28 JUDGE BOUTET: It appears, indeed, to be in E5. I don't
29 think there is any dispute on that. It is close to a sign that

1 seems to indicate an airport on that map?

2 MR HARRISON: Yes, that's correct.

3 Q. Where we left off this morning was you had told the Court
4 about seeing some combatants.

14:56:02 5 A. Yes, sir.

6 Q. And the time frame you had told us about was August 11,
7 1997?

8 A. Yes, sir.

9 Q. After seeing those combatants, what happened next?

14:56:20 10 A. Well, from that point where I was standing, I stood there
11 over 30 minutes, then the combatants were still moving towards
12 Tongo.

13 PRESIDING JUDGE: On that hill?

14 THE WITNESS: On that hill, yes, sir. So from there, I
14:56:38 15 entered the bush, I went to our hiding place, what we normally
16 call during this war in Mende sorkoihun.

17 MR HARRISON:

18 Q. I think I better stop you there. There may be some desire
19 to have that spelt. Unfortunately, I can't spell this one. Are
14:56:58 20 you able to assist the Court with the spelling?

21 A. Yes, sir. S-O-R-K-O-I-H-U-N, sorkoihun, it's a hiding
22 place in Mende.

23 PRESIDING JUDGE: S-O-R-K-O?

24 THE WITNESS: K-O-I-H-U-N, sorkoihun. There I found my
14:57:36 25 wife and children and other relatives. We slept there that
26 night. The next day, about 8 o'clock in the morning, I went to
27 look at our village ~~XXXXXXX~~ to see the condition of the you see?

28 MR HARRISON:

29 Q. I will just pause you for one moment. What did you see?

1 A. I saw all the doors and the windows widely opened in every
2 house in the town. In our own houses, we have three houses
3 together, all the doors were widely opened and the windows. When
4 I entered my room all my belongings were taken away, except the
14:59:25 5 bed and the chairs. From there, I returned to the hiding place
6 again, this sorkoihun, to my family, and explained to them the
7 condition of the entire town. This was on the 12th. So on the
8 12th and the 13th, we are in that bush.

9 PRESIDING JUDGE: On the 12th of?

15:00:33 10 THE WITNESS: August 1997. The 12th and the 13th. On the
11 14th, a young man from another sorkoihun came and told us that
12 the market was at full swing at Tongo Field; in the township of
13 Tongo, the market was running.

14 MR HARRISON:

15:01:41 15 Q. Upon being told that, what did you do?

16 A. As we were lack of salts, I decided to go into the township
17 of Tongo and get some salt, so I went there.

18 Q. Did anything happen on the way?

19 A. Yes, sir. On the way, this village where I used to mine,
15:02:08 20 this ~~XXXXXXX~~, a house was burnt there. I saw a house burnt.
21 when going to the market, ~~XXXXXX~~ is on the left. Then on the
22 right-hand side you have Tokpombu. There also a house was burnt;
23 I saw a house burnt. Tokpombu -- this is Tokpombu II.

24 Q. Let me just pause you there. For the benefit of the
15:02:53 25 reporter, I'm going to try to spell Tokpombu and if I spell it
26 wrong, these correct me.

27 A. Okay.

28 Q. T-O-M-K-P-O-M-B-U.

29 A. Yes, sir, it is correct, sir.

1 PRESIDING JUDGE: T-O?
2 THE WITNESS: Yes, sir.
3 MR HARRISON: T-O-M-K-P-O-M-B-U.
4 THE WITNESS: Some people remove the first M. It is
15:03:26 5 T-O-K-P-O-M-B-U.
6 MR HARRISON: I'm corrected.
7 THE WITNESS: T-O-K-P-O-M-B-U.
8 MR HARRISON:
9 Q. To avoid some confusion, I think you've talked about
15:03:42 10 Tokpombu II and Tokpombu I?
11 A. Yes, sir.
12 Q. What's the difference?
13 A. These are two different towns.
14 Q. Are they nearby each other?
15:03:53 15 A. Yes, they are. They have a common boundary. They are only
16 divided by a street.
17 Q. So you talked about your trip to the market, seeing two
18 burned buildings. Did you see anything else?
19 A. Yes, sir. Tokpombu I, I saw a corpse of a male near the
15:04:28 20 road.
21 Q. What did you know about that corpse?
22 A. Well, according to my research, I was told that he was
23 killed by a stray bullet when those people were entering Tongo.
24 Q. When you say "those people", to whom are you referring?
15:05:16 25 A. Combatants, those combatants: RUF to AFRC -- SLA.
26 Q. Tell the court what happened next.
27 A. So after that, after getting this sword, I returned to the
28 bush, this hiding place to my family, and left the sword there.
29 I was there the 14th, the 15th. The 16th again I came back to

1 Tokpombu to still get some salts, because that one was finished.

2 PRESIDING JUDGE: You say you were there from the?

3 THE WITNESS: The 14th. When I returned to the bush I was
4 there the 14th, the 15th, the 16th. It was the 16th again I
15:06:18 5 returned to the township of Tongo, this Tokpombu, to get -- where
6 the main market is to get salt. As I was reaching the market I
7 came across one Morrison Farma, who was a brother of the late
8 Paramount Chief AM Farma IV.

9 Q. Was anything discussed?

15:07:30 10 A. Yes, sir. He is my nephew. He told me -- he said
11 Sam Bockarie, alias Mosquito, have told him that he has had two
12 meetings, public meetings, in the township of Tongo, and all the
13 other ethnic groups have been represented, except the Mendes.

14 Q. What happened next?

15:08:32 15 A. I asked the natives of the chiefdom and the brother of the
16 late paramount chief, he was advising him that he should try and
17 get us, we the Mendes of the chiefdom, and then come and work
18 with them in the chiefdom, because we had been working with the
19 other governments: APC, for instance -- APC; NPRC and SLPP. Now
15:09:05 20 that they have taken over the Government, not only for today but
21 for tomorrow it is a duty bound on us, we the Mendes of Lower
22 Bambara, to come and work with them.

23 Q. After this meeting, what happened next?

24 A. Well, I told him -- I said, "Take this sword to my family.
15:09:57 25 I will come back." So I took the sword to my family in this
26 hiding place. So on that 16th, I didn't come back. I didn't go
27 on the 17th; the 18th I came. We see -- he saw me again and then
28 repeated the same thing and one Ibrahim also repeated the same
29 thing. He said Sam Bockarie was really -- he was really annoyed

1 with the Mendes of Lower Bambara because of hiding away --
2 running away into the bush after they have entered there, but we
3 have never been doing that to other government. Therefore, if we
4 don't go and work with them, it will be a problem for us.

15:10:55 5 Q. After hearing this, what did you do next?

6 A. I said, "well, what can we do?" He said, "well, the
7 secretariat is here." You have to have the OC secretariat, Sekou
8 Kunnateh, therefore we should go to him. At that moment when we
9 were able to gather there, about five of us, we went to the OC
15:11:53 10 secretariat in his office, one SLA Lieutenant Sekou Kunnateh.

11 Q. Just pause there for a moment.

12 PRESIDING JUDGE: SLA lieutenant?

13 THE WITNESS: Sekou Kunnateh.

14 PRESIDING JUDGE: SLA lieutenant?

15:12:31 15 THE WITNESS: Yes, sir.

16 MR HARRISON:

17 Q. Again, you can correct me if I'm wrong with this spelling,
18 Mr witness, but is Kunnateh K-U-N-N-A-T-E-H?

19 A. Yes, correct.

15:12:56 20 Q. Upon meeting Kunnateh what happened?

21 A. Now, Kunnateh told us that we are his uncles, because his
22 mother is a Mende, and then their father Madingo. He was
23 advising us in our own interest, we the indigenes of
24 Lower Bambara to come and work with them. After saying this, he
15:13:27 25 opened his drawer and then took out eight sheets of foolscap
26 papers, all full of names of the indigenes of Lower Bambara,
27 starting from paramount chief, sub chiefs and all the other main
28 important stakeholders in the chiefdom. Even I, myself, my name
29 was there when they came to my profession.

1 Q. Did Kunnateh say anything else?

2 A. Yes, sir. He told us it's good we come and walk with these
3 people. Then he advised us to come to Kenema and see our
4 paramount chief and then tell him their requests. After saying
15:15:14 5 this, we say we didn't have means of transportation to Kenema.
6 He said he would provide us with a vehicle.

7 Q. Just pause for a moment. Did you speak with anybody else?

8 A. Yes, sir, one Ibrahim who was there. Then we also -- in
9 the office he directed us to Sam Bockarie, alias Mosquito. He
15:15:54 10 said the same thing what the OC Secretariat Sekou Kunnateh told
11 us.

12 PRESIDING JUDGE: Who said Bockarie? Did you see
13 Sam Bockarie?

14 THE WITNESS: Sam Bockarie was also there. He directed us
15:16:08 15 to him. He also said the same thing to us. "So for now, we are
16 the owner of this country. If he don't come and work with us,
17 you will be finding a problem for yourselves."

18 Q. Just pause for a moment. When you talk about "we" and
19 "us", who are you referring to?

15:16:39 20 A. The Mendes, who are the indigenes of Lower Bambara
21 chiefdom.

22 Q. Was anything further said with Bockarie?

23 A. He said -- after saying this, he said, "If you don't come
24 and work with us, all these people, we are going to type these
15:17:10 25 names, send them to all the places in this country where we have
26 our men, especially the greats in the country."

27 Q. Was anything else said?

28 A. Yes. "And if any one of you whose name is on this list,
29 you happen to be caught in any of these places," he said, "We

1 will deal with you severely." He said, "The next pain that is
2 after this is to kill you. Therefore, it is better for you
3 people to come and work with us." Then I told him that we will
4 be working with you people, but I said we wanted to see our
15:18:21 5 paramount chief because he is the head of this chiefdom just as a
6 president is the head of his country; we cannot do anything
7 without his consent. I said we go there. So he agreed and then
8 gave us two days to prepare ourselves so that we can find a
9 transport for us to come to Kenema.

15:18:46 10 Q. Just pause again, please.

11 PRESIDING JUDGE: When you say "he", is it Bockarie?

12 THE WITNESS: Sam Bockarie, yes, My Lord.

13 MR HARRISON:

14 Q. Did you go to see the paramount chief?

15:19:34 15 A. Yes, My Lord. On the 20th --

16 Q. Just pause for a moment, please. Before going to see the
17 paramount chief, did you do anything?

18 A. Yes, My Lord. When he gave us this two days to prepare
19 ourselves, we decided that when we come we have to do some
15:19:53 20 briefing to our paramount chief as to what is taking place in the
21 chiefdom after the entry of this combatants in the chiefdom,
22 especially the township of Tongo. So I went around village to
23 village to try to see what has happened.

24 Q. What did you see?

15:20:23 25 A. Other places, I saw houses burnt down. Then I saw a corpse --

26 Q. Just pause for a moment.

27 A. -- of one lady by a church --

28 Q. Just pause for one moment.

29 A. Okay.

1 Q. where did you see houses burnt?
2 A. Tokpombu. Two houses were burnt at Tokpombu I.
3 Q. were there any other locations?
4 A. Bomi.
15:21:14 5 Q. what did you see there?
6 A. House burnt. Then this Sandeyeima, all the other houses
7 were there were burnt.
8 Q. Did you see any other things?
9 A. No, My Lord, except the other corpse I saw of a female by
15:21:41 10 the Church of salvation.
11 Q. where was that?
12 A. It's Tokpombu I.
13 Q. Do you know how that person died?
14 A. well, according to the investigation, they said it was a
15:22:05 15 stray bullet. Then so many houses were looted.
16 Q. Do you know by whom?
17 A. Yes, sir. It was done by the combatants: RUF to SLA.
18 Q. what happened next?
19 A. well, on the 20th now, we prepare ourselves. we came to
15:23:24 20 Sam Bockarie, six of us, including myself.
21 Q. where did you go to see Sam Bockarie?
22 A. In the secretariat; there he has his own office.
23 Q. Is this the secretariat in kenema?
24 A. No, Tongo Field. They established one at Tongo, in the
15:23:53 25 township of Tongo. Sekou Kunnateh was the OC.
26 Q. what happened when you saw Sam Bockarie?
27 A. He provided us with a vehicle; we came to Kenema on the
28 20th. we left Tongo very late. so we reached kenema at night.
29 Q. Just pause there, please. This is the point in time when

1 the Prosecution would be asking for a closed session that I
2 referred to earlier. My estimate of the time for the closed
3 session is approximately 30 to 45 minutes.

4 PRESIDING JUDGE: We have no objection to you making the
15:25:26 5 application, but I think we have to put the right infrastructure
6 in place. We would be asking the audience of the gallery to
7 vacate the gallery and for us to move into a closed session for
8 an application to be made. I'm sorry, the gallery has to leave;
9 we are moving into a closed session. We cannot estimate when we
15:25:59 10 will be through, but the Prosecution tells us it is between 30
11 and 45 minutes.

12 [At this point in the proceedings, a portion of
13 the transcript, pages 62 to 116, was extracted
14 and sealed under separate cover, as the session
15:26:04 15 was heard in camera.]

16 [Whereupon the hearing adjourned at 6.24 p.m.,
17 to be reconvened on Tuesday, the 10th day of
18 May, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 26 44

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-114 2

CROSS-EXAMINED BY MR TOURAY 2

CROSS-EXAMINED BY MR O'SHEA 32

RE-EXAMINED BY MR SANTORA 36

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EXAMINED BY MR HARRISON 42

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RE-EXAMINED BY MR HARRISON 113