



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

TUESDAY, 6 MAY 2008  
9.42 A.M.  
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,

Bankole Thompson  
Pierre Boutet

For Chambers:

Ms Peace Malleni  
Mr Felix Nkongho  
Ms Priyanka Chirimar

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Peter Harrison  
Mr Joseph Kamara

For the accused Issa Sesay:

Mr Wayne Jordash  
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Charles Taku  
Kennedy Ogeto  
Ms Lois Mbafor

For the accused Augustine Gbao:

Mr Scott Martin

1 [RUF06MAY08A-BP]

2 Tuesday, 6 May 2008

3 [Open session]

4 [The accused present]

09:31:35 5 [Upon commencing at 9.42 a.m.]

6 [The witness entered Court]

7 WITNESS: DMK-116 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, learned counsel. Good  
09:41:26 10 morning, everyone. Yes, Mr Harrison.

11 MR HARRISON: Yes, we're asking --

12 PRESIDING JUDGE: You're very smart this morning.

13 MR HARRISON: We're asking the Court's indulgence this  
14 morning. Mr Fynn who was here yesterday was going to deal  
with

09:41:49 15 this witness. He is feeling unwell and he is in the office  
but  
16 he is resting --

17 PRESIDING JUDGE: Yes.

18 MR HARRISON: -- for the moment and I'm asking the Court  
19 after a prior discussion with Mr Taku and Mr Ogeto, whether  
the

09:41:53 20 Court would indulge the Prosecution in allowing this witness  
to

21 be stood down for a couple of hours and we could then go back  
to

22 TF1-032. All that was left for that witness was the  
23 cross-examination by the Prosecution, which we're prepared to  
24 undertake, and we understand that the witness is in the back  
and  
09:42:15 25 if it's the case that the Court wishes to -- I anticipate that  
26 being less than an hour. Perhaps 40 to 60 minutes.  
27 PRESIDING JUDGE: Right.  
28 MR HARRISON: If the Court wishes, the other witness who  
is  
29 stood down is 162 and that witness is there as well. That's  
one

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wishes

1 where I believe Mr Ogeto may still have a few matters he  
2 to pursue with that witness, but in any event, as I understand  
3 it, it would not be long and that witness may be less than an  
4 hour as well and by that time we're hoping that Mr Fynn could  
09:42:53 5 come to the courtroom and would be able to conduct his  
6 cross-examination of this witness, which again we anticipate  
7 be less than an hour.

to

these

8 PRESIDING JUDGE: Well, Mr Harrison, I don't think --  
9 are health issues and those imponderables that are inborn in  
09:43:11 10 judicial procedures, I mean, Mr Fynn can only be here if he is  
11 well and I don't want to rush him if he isn't really feeling  
12 well. What is wrong with -- he is observing himself for the

rest

witness

13 of the day and I'm taking the cross-examination of this

him

14 at some other time on Thursday, I mean we don't want to force

think

09:43:36 15 to come here at all costs, no. His health is more important

16 because without it he will not be able to do the job. So I

on

17 we have no difficulties in granting your application and if --

18 even if Mr Fynn is not here today we're prepared to take him

19 on Thursday.

09:43:59 20 MR HARRISON: As it stands we're just asking it be stood  
21 down for later on today in the hope --  
22 PRESIDING JUDGE: Right, that is -- that's a sign but  
these  
23 are the sentiments of the Chamber and we would proceed -- we  
24 would ask the witness to be assisted out of Court so that I  
think  
09:44:30 25 we can take -- which witness can we take? Mr Ogeto, can we  
take  
26 162.  
27 MR OGETO: Yes, My Lords.  
28 PRESIDING JUDGE: It depends, you know. The two  
witnesses  
29 are ready. There is a witness for Mr Harrison's

1 cross-examination.

2 MR HARRISON: As I understand it they are both back  
there,

3 and what I had indicated to Mr Ogeto is that it's only the  
4 Prosecution's cross-examination that remains for 032.

09:44:46 5 PRESIDING JUDGE: Yes.

6 MR HARRISON: And because --

7 PRESIDING JUDGE: And you would prefer to conclude that.

8 MR HARRISON: My guess is that it's going to be the  
9 shortest witness.

09:44:56 10 PRESIDING JUDGE: Yes. So we will take your witness  
then

11 first. Mr Ogeto.

12 MR OGETO: Either way.

13 PRESIDING JUDGE: There's no problem.

14 MR OGETO: There's no problem.

09:45:04 15 PRESIDING JUDGE: Right.

16 [The witness stood down]

17 [The witness entered Court]

18 WITNESS: DMK-032 [Continued]

19 [The witness answered through an  
interpreter]

09:48:00 20 PRESIDING JUDGE: Yes, Mr Harrison, you can proceed.

21 Mr Witness, we would like to remind you that you are still  
bound

started

22 by the oath that was administered on you at the time you

23 testifying. We had to stand down this matter for procedural

the

24 reasons and now that the Prosecution is going to proceed with

09:48:30  
by

25 cross-examination, you are reminded that you are still bound

26 your oath; do you understand me.

27 THE WITNESS: Yes, sir.

28 PRESIDING JUDGE: Right. Yes, Mr Harrison. You may

29 proceed, please.

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1 CROSS-EXAMINED BY MR HARRISON:

2 MR HARRISON:

3 Q. I want to advise you that we're simply going to follow  
the  
4 same procedure as yesterday. If you could just listen for the  
09:48:54 5 translation and when you are giving your answer, try to  
remember  
6 that there are people who are trying to faithfully translate  
7 every word that you are uttering. So try not to speak too  
8 quickly?

9 A. Okay.

09:49:12 10 Q. And if there is any problem with hearing my voice in the  
11 Krio translation, please let the Court know as soon as it  
12 happens?

13 A. Okay.

14 Q. There is some matters that I very briefly wanted to  
09:49:40 15 understand as far as your location at various times. You had  
16 already told us that you were in Abidjan in November of 1996;  
you  
17 remember that?

18 A. Yes.

19 Q. And it wasn't completely clear, but I assume that what  
09:49:54 20 happened was that you travelled from Abidjan to Kailahun  
District  
21 some time in late 1996?

22 A. Yes.

the 23 Q. And you would have travelled to Kailahun District with

late 24 intention of being a radio operator in Kailahun District in

09:50:21 25 1996?

26 A. Yes, that is my profession in the revolution.

27 Q. And am I right in assuming that you stayed in Kailahun

28 District up until May of 1997, when the AFRC coup happened?

29 A. Yes.

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during  
of  
in

1 Q. And you've already told us about being in Freetown  
2 the coup and returning to Kono District in February or March  
3 1998. And I had understood that you spent some time in Swafay  
4 1998; is that right?

09:51:19

5 A. Yes.

6 Q. And how long did you spend in Swafay?

7 A. I was in Swafay for about two months.

8 Q. And from Swafay where did you go?

9 A. I went to Superman Ground.

09:52:00

10 Q. And how long did you stay at Superman Ground?

11 A. I was there for about three months also.

12 Q. And where did you go from Superman Ground?

13 A. We came to Kono, Koidu.

09:52:31

14 Q. Now, just be careful about -- when you're using Koidu,  
15 you're talking about you returned to the town Of Koidu?

the

16 A. Yes, because what I'm saying, whilst I was in Superman's  
17 ground and later, I came back to Koidu Town after we cleared

18 ECOMOG. So I came back to Koidu Town.

09:53:06

19 Q. And I'm going to suggest to you that this clearance of  
20 Koidu Town that you've referred to would have been the attack

on

that? 21 Koidu led by Issa Sesay in December of 1998; do you accept

22 A. Yes.

were 23 Q. And up until December of 1998, you're saying that you

24 in Superman Ground; is that right?

09:53:45 25 A. Yes, I was there.

26 Q. You've explained to us how --

said 27 PRESIDING JUDGE: Mr Harrison, he said from what? He

28 he was there from what period, from what date.

29 MR HARRISON: I'm sorry.

I  
about  
09:54:19  
that  
approximately  
why  
09:54:51  
said  
Swafay  
09:55:07  
any

1 Q. When you're referring to Superman Ground you told us --  
2 don't know that you actually put a date on it. You talked  
3 being certain months at certain locations, but are you able to  
4 say what month it was that you first went to Superman Ground?  
5 A. No, I'll not be able to tell you that now.  
6 Q. The best, as I understand it, that you can do is say  
7 after the intervention you were in Koidu Town for  
8 one or two weeks?  
9 A. Yes, when I had an assignment to go to Swafay, that was  
10 I said yes.  
11 Q. And just to try and complete this chronology, you had  
12 that you had spent, I think, approximately two months in  
13 before going to Superman Ground; is that fair?  
14 A. Yes.  
15 Q. And as far as putting any dates or months on these  
16 locations, you've done the best you can. You can't assist us  
17 further other than saying this is all 1998?  
18 A. Please repeat -- repeat. Repeat.  
19 Q. First of all, you're talking about 1998, correct?

09:55:41 20 A. Yes.

21 Q. And secondly, you are not able to assist the Court any  
22 further as to the actual months that you left for Superman  
23 Ground?

24 A. That I have said. I said I will not be able to tell you  
09:56:02 25 now the exact months.

26 Q. Yes, I understood. Thank you

27 PRESIDING JUDGE: All he has said is that he stayed in  
28 Superman Ground about three months.

29 MR HARRISON: Yes, and obviously --

1           PRESIDING JUDGE: But he cannot say when he arrived  
there.

2           MR HARRISON: Exactly.

3           PRESIDING JUDGE: Yes.

4           MR HARRISON:

09:56:23 5       Q.     Now as I understand it, you were Foday Sankoh's radio  
6           operator in Abidjan; is that fair?

7           A.     Yes.

1991;  
8       Q.     And you've told us that you agreed to join the RUF in  
9           is that correct?

09:56:43 10      A.     Yes.

11      Q.     And you said that you joined the RUF in 1991 because you  
12           believed in the ideology that you were told; is that correct?

13      A.     Yes.

14      Q.     And you were a person hand-picked by Foday Sankoh to be  
his  
09:57:09 15      radio operator; is that correct?

16      A.     That was after I had undergone my training and then the  
17           overall commander assigned me there. That was my first  
18           assignment after I had completed the training.

19      Q.     So you're a person who strongly believes in the merits  
of  
09:57:35 20      the RUF ideology, correct?

21      A.     Yes.

22 Q. And --

23 PRESIDING JUDGE: Mr Harrison, if you -- you say the

24 overall commander who assigned you to Sankoh let me, for the

09:57:53 25 records, have the name of this overall commander.

26 THE WITNESS: Nyah.

27 PRESIDING JUDGE: Who is this?

28 THE WITNESS: Nyah.

29 MR HARRISON:

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Nyah?

1 Q. Is this a person who is sometimes referred to as CO

2 A. Yes.

3 Q. And again --

4 PRESIDING JUDGE: What was his rank?

09:58:27 5 THE WITNESS: During that time he was a lieutenant.

6 PRESIDING JUDGE: Lieutenant.

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: Yes, I'm sorry.

9 MR HARRISON:

09:58:41 10 Q. For the benefit of the court reporter, correct me if I  
am

11 wrong but is the spelling of Nyah, N-Y-A-H?

12 THE WITNESS: Yes.

13 Q. And what I'm asking you, witness is --

14 PRESIDING JUDGE: And the last response he gave was that  
he

09:59:04 15 was a strong believer of the ideology of the RUF.

16 MR HARRISON:

17 Q. And that remains to be the case today doesn't it, that  
you

18 still believe that the ideology of the RUF had great merit; is

19 that fair?

09:59:33 20 A. Yes, I still believe in it because I will remain  
committed

21 to that ideology because we did not do anything that would

22 involve us in any crimes.

23 Q. So you're saying that the RUF was never involved in any  
24 kind of crimes; is that fair?

09:59:59 25 A. Are you asking if that is still the case? That is still  
my  
26 commitment. I said yes, I am still committed to the ideology  
of  
27 the RUF; not that the RUF did not do bad.

28 Q. So do you admit then that the RUF committed crimes?

29 A. Well, for that, I cannot tell which bad you are talking  
of.

1 Q. Well, I'm asking you do you admit that?

2 A. Well, if you can specify the type of bad, then I will  
know  
3 if it is done by the RUF or not, then I'll be able to know.

4 Q. No, you just tell me what bad things you know the RUF  
10:00:59 5 having committed?

6 A. As far as I was there as radio operator, I never  
witnessed  
7 any bad thing which the RUF did in my presence.

8 Q. But is it fair to say that as a radio operator you  
9 certainly heard of bad things being committed by the RUF?

10:01:31 10 A. Well, I am always with the leader, and sometimes I was  
not  
11 strictly on the various front lines. I am always with the  
12 leader. I was the operator for the leader, so I'll not be  
able  
13 to testify that I saw such-and-such a thing happening in my  
14 presence.

10:01:51 15 Q. Yes, the question was a little bit different. The  
question  
16 was: Did you hear of the RUF having committed what you've  
called  
17 bad things?

18 A. Yes, I heard it over the media -- I mean the radio; BBC.

19 Q. And what things are these that you heard of the RUF  
10:02:21 20 committing?

21 A. Well, sometimes, because I don't know, because of  
22 propaganda from the government, because while the war was  
going  
23 on sometimes they will say -- they will say it over the BBC  
that  
24 the RUF had committed rape cases in certain areas where they  
10:02:53 25 were, but as far as I was on the radio, I never got any of  
that  
26 reports to any of the radios and -- to see what BBC have said,  
so  
27 I don't know anything about that.  
28 Q. So from the entire period, from 1991 up until your  
29 disarmament, which -- was your disarmament in 2002?

1 A. Yes, I did mine on that date.

2 Q. So from 1991, up until 2002, are you seriously telling  
this  
3 Court that you never heard of any crimes committed by the RUF?  
4 PRESIDING JUDGE: Not from the BBC. Not from the BBC.  
You  
10:03:55 5 heard from the BBC?  
6 THE WITNESS: Yes, I heard from BBC.  
7 PRESIDING JUDGE: Besides the BBC.  
8 THE WITNESS: Yes. Like, certain crimes were there,  
like,  
9 if -- if a soldier tried to harass a civilian, let's say,  
these  
10:04:28 10 were civilians that were under the RUF controlled area, and  
the  
11 soldier tried to harass him or take something from him  
12 forcefully, either food or any other thing, I saw that and  
13 certain punishments, the revolution can levy any punishment on  
14 anybody who does so. That I saw it.

10:04:53 15 MR HARRISON:

16 Q. So that's a crime you didn't see -- sorry, that's a  
crime  
17 that you actually saw with your own eyes; is that right?  
18 A. Yes.  
19 Q. So you're telling this Court that even though you're a  
10:05:08 20 radio operator, your little ear glued to your radio set,  
you're

21 totally ignorant of the execution of some 65 civilians in  
22 Kailahun Town in early 1998?

23 A. Please say that again; repeat.

24 Q. Are you completely ignorant of the execution of  
10:05:50 25 approximately 65 civilians in Kailahun Town, in early 1998?

26 A. Who did the killing?

27 Q. Witness, are you ignorant of it? Am I the first one to  
28 ever tell you this?

29 A. Well, I don't know who did the killing; that's why I'm

1 asking.

2 Q. Okay. Have you ever heard of the execution of  
3 approximately 65 civilians in Kailahun Town, in early 1998?

4 A. No, I did not hear that.

10:06:37 5 JUDGE BOUTET: Maybe you should describe them to be  
6 Kamajors.

7 MR HARRISON:

8 Q. Have you ever heard of the execution of persons who were  
9 alleged to be Kamajors being executed in Kailahun Town in  
early  
10:06:53 10 1998?

11 A. No, I did not hear that.

12 Q. Again as a radio operator with your ear glued to that  
radio  
13 set, did you hear of the execution of 101 civilians at  
14 Kamachendeh Street, in approximately April or May of 1998?

10:07:34 15 A. No, I did not hear about that.

16 Q. Did you ever hear of the use of children under 15 as  
17 combatants by the RUF?

18 A. No, I never heard of that; and, strictly, the RUF was  
19 against that.

10:08:09 20 Q. Now, I've got your summary here, and I take it there are  
21 some things that you do know about. For example, your summary  
22 says that you can testify of instances of looting from Makeni

to

23 Kono in 1998; do you accept that you can do that?

24 A. Yes.

10:08:38 25 Q. You'd agree with me that that was looting carried out by  
26 the RUF as they're retreating from Freetown going to Kono?

RUF 27 A. Well, the looting was not only -- it was not only the  
28 that was engaging in looting, because I would like this Court  
to 29 know, because whilst we were in Masiaka, whilst retreating to  
go



1 towards Makeni as far as Kono, certain operations were  
declared  
2 by the former leader of the AFRC at Masiaka; it was that  
3 operation that was declared. That was the time the looting  
4 started and the looting started -- the soldiers, the SLA,  
whilst  
10:09:42 5 they are were retreating, they themselves retreated with some  
--  
6 with some men, civilians, whom we all referred to as junta 2.  
7 They were not trained as soldiers, or neither were they  
trained  
8 as RUF, but they had lived with the soldiers within that nine  
9 months of AFRC rule, so they were doing some looting at  
random.  
10:10:14 10 Soldier, junta 2s, and even civilians, they were all doing the  
11 lootings.  
12 Q. All right. What I'm suggesting to you is that the RUF  
were  
13 also doing looting and it was called Operation Pay Yourself;  
is  
14 that right?  
10:10:29 15 A. Well, the looting, because the situation was really  
chaotic  
16 whilst we were retreating, so to say everybody was doing  
17 everybody at random or, to be specific, that it was the RUF  
who  
18 did the looting, everybody was doing it whilst we were on the  
19 retreat.

10:10:58 20 Q. Yes, I understand --  
21 PRESIDING JUDGE: When you say everybody was doing it,  
what  
22 do you mean, Mr Witness.  
23 THE WITNESS: The SLAs, all fighters whose --  
24 PRESIDING JUDGE: Where do you place the RUF in this?  
10:11:16 25 We've heard of the SLAs. We've heard of the junta 2, the  
26 untrained people, who were the civilians --  
27 THE WITNESS: This is what I am saying. Whosoever that  
had  
28 a gun, whilst retreating from Masiaka to Kono, was doing the  
29 looting.

not

1           PRESIDING JUDGE: What do you mean whosoever? We were  
2 there. We didn't know who was retreating with guns. Who were  
3 those retreating with the guns?

4           THE WITNESS: That's the RUF, the SLAs and the juntas.

10:11:57

5           MR HARRISON:

6 Q.       So you'd agree with me that the RUF were carrying out  
7 looting at Masiaka; is that fair?

8 A.       Well, everybody was looting, yes.

9 Q.       And you'd agree with me that the RUF was carrying out  
10 looting as you were travelling from Masiaka to Makeni?

10:12:24

11 A.       Say that again, please.

looting

12 Q.       Do you agree with me that the RUF was carrying out  
13 as they travelled from Masiaka to Makeni?

14 A.       Yes.

10:12:59

15 Q.       Do you agree with me that the RUF carried out looting in  
16 Makeni?

arrived;

17 A.       Well, the situation in Makeni was chaotic when we

18 there was tension. Everybody was moving helter-skelter and we  
19 were trying to retreat. So to say that I was in Makeni

observing

10:13:30

20 the people looting, of course looting was going on, but to say

a

that 21 particular group did the looting, I'm in doubt to say about  
22 regarding Makeni.

for 23 Q. Witness, you're in Makeni. You told us you were there  
24 at least a week. It would have been clear to you, I'm  
10:13:59 25 suggesting, that the RUF was looting in Makeni; do you accept  
26 that?

question. 27 A. I don't know. I think I've already answered the  
28 Q. Well, witness, I'm suggesting to you that you know that  
the 29 RUF was looting in Makeni and you're just not willing to tell  
the

1 Court the truth; do you accept that?

2 A. No. This, what made me before coming -- before coming  
to  
3 this place to testify, that's why I sworn to the Bible as a  
4 Christian, what I saw is what I'm saying to this Court.

10:15:01 5 Q. And I'm putting it to you that the RUF carried on  
looting  
6 as it went from Makeni to Kono District; do you accept that?

7 A. I hope that you are just suggesting. So I wouldn't want  
it  
8 to be like a question that you put to me so as for me to  
agree.  
9 If you -- if you put the question to me, I think I can answer.

10:15:42 10 Q. Well, I'll try again, Mr Witness, and we'll see. I'm  
travelled  
11 suggesting to you that the RUF carried on looting as it  
12 from Makeni to Kono District; do you accept that?

13 A. I wouldn't be able to accept, because in Makeni I did  
not  
14 see. I was not present.

10:16:20 15 JUDGE BOUTET: Mr Witness, the question was not in  
Makeni.  
16 It's from Makeni to Kono District. That's the question so  
please  
17 answer the question. It's a very simple question to answer.  
You  
18 agree or you disagree?

19 THE WITNESS: I disagree.

10:16:38 20

MR HARRISON:

21 Q. And I'm suggesting to you --

22 PRESIDING JUDGE: Please, let me have clarification.

23 Mr Witness, I hope I got you right when you said that there  
was a

24 lot of confusion in Makeni, and that there was looting in  
Makeni.

10:16:58 25

Am I right?

26 THE WITNESS: Yes, that was what I said.

27 PRESIDING JUDGE: Who was looting in Makeni? Who were  
28 those you know were looting in Makeni?

29 THE WITNESS: Well, civilians were looting as well as  
those

1 people who had guns.

2 MR HARRISON:

3 Q. Just so that we are clear, when you say those people who  
4 had guns were looting, that would refer to members of the RUF;  
is

10:17:51 5 that fair?

6 A. Well, it was not only members of the RUF who retreated  
with  
7 guns; we had the RUF, the SLAs, and we even had some civilians  
8 who followed the RUF from Freetown.

9 Q. I think we understand that. But just to -- so that the  
10:18:24 10 record is clear -- you are agreeing that members of the RUF  
11 carried out looting in Makeni; is that fair?

12 A. Well, I've said this once, that people with guns,  
including  
13 SLAs, RUF, whilst retreating, they looted. I have said this.  
14 Then I'm still reiterating it.

10:19:11 15 Q. And I'm suggesting to you that when the RUF entered Kono  
16 District looting by the RUF continued there; do you accept  
that?

17 A. Well, that again, I wouldn't be able to say. I was not  
18 much interested in that because I was engaged in my set, and I  
19 still know that's a profession that it should be keen because  
you

10:20:00 20 have to receive and transmit messages from the commanders in  
the

different 21 RUF, so I wouldn't leave that area to go about watching  
I 22 individuals that did the looting or not. So, regarding that,  
were 23 wouldn't be able to say when we arrived in Kono that the RUF  
24 still looting.  
10:20:23 25 Q. And that's because you were such a keen and diligent  
radio 26 operator that you just could not pull yourself away from your  
27 little radio set, could you?  
28 A. Yeah, I was always by it, except otherwise, sometimes I  
29 would go to ease myself or I would go for any short programme



1 that I want to engage in.

2 MR TAKU: My Lord, I wish to raise this objection. My  
3 colleague should confine himself to the indictment. There is

no

4 allegation of looting arriving in Kono; confine himself to the  
10:21:07 5 indictment.

me

6 MR HARRISON: I haven't got the indictment in front of  
7 but we would respond, if Mr Taku is correct, that we're still  
8 entitled to show the widespread and systematic nature of

crimes,

9 and of course it's always admissible pursuant to --

10:21:42 10 PRESIDING JUDGE: Can he reply?

11 MR HARRISON: -- Rule 93 as well. I'm just checking the  
12 indictment now. The indictment talks about Kono. It's counts  
13 14, and Kono District is from the period of 14 February 1998

to

14 30 June 1998, so we disagree with the suggestion made that  
10:22:27 15 looting is not contemplated by the indictment. We say it is  
16 clearly indicated.

17 JUDGE BOUTET: I'm not sure it is clearly indicated but  
18 there are some indication.

19 MR TAKU: My Lord, may I be heard on this? If  
10:22:52 20 Your Lordships remember, during the motion of acquittal, I did  
21 indicate that with the crimes committed in various locations

my

on 22 colleague did not clearly indicate whether they were committed  
23 a widespread or systematic nature. And he knows very well,  
24 jurisprudence points that there must be indicated. The  
10:23:11 25 widespread or systematic. He had no answer for that. He has  
not  
evidence, 26 amended the indictment so for him to say just about any  
27 you know, how to show the widespread or systematic nature is  
not  
28 consistent with the indictment, with jurisprudence.  
29 PRESIDING JUDGE: Do you want us to carry on with this

1 argument? The question is asked; it's been answered. I think  
2 we'll visit the relevance of this, you know, in terms of the  
3 factual and legal findings, you know, and even in your  
4 submissions at the close of this case. I don't think we need  
to  
10:23:55 5 take a lot of time on this. I personally don't think so. I  
6 mean, you've raised the issues and we'll see, you know, how  
far  
7 the crime alleged of looting applies to all areas that are  
8 mentioned specifically in the indictment, and those that are  
9 tangentially mentioned, particularly in respect of Kono. So,  
10:24:25 10 again, we are in the domain of maybe what you may refer to as  
a  
11 defect in the indictment, but I don't think that this is an  
12 appropriate place to address it. The question has been  
visited,  
13 it has been answered. We'll leave it at that and you may  
visit  
14 it in your submissions. That's my view on this.

10:24:47 15 MR TAKU: Thank you, My Lord.

16 MR HARRISON:

17 Q. I'm not sure if there was an answer, but I suggested to  
you  
18 that --

19 PRESIDING JUDGE: He has said that he was so  
concentrated

10:25:06 20 on his radio, which requires a lot of commitment, that he  
didn't  
21 visit places to find out whether there was looting going on,  
22 being perpetrated by the RUF. I think that that is his answer  
23 and we have to live with that.

24 MR HARRISON:

10:25:25 25 Q. And I'm suggesting to you that you also know of Morris  
26 Kallon's de facto role in the command structure in Kono; is  
that  
27 fair?

28 A. Command structure? I don't understand. Would you make  
29 that clear to me a little bit?

1           PRESIDING JUDGE: I think you better simplify it for  
him.

2           MR HARRISON:

3           Q. This is what your summary says: Your summary says that  
you  
4           will testify about the RUF command structure in Kono from 1998  
to  
10:26:12 5           1999 and Kallon's de facto role; is that all a mystery to you?  
Kono,  
6           A. Yes, the command structure you are talking about in  
Court.  
7           1998 you're referring to, I'll be able to explain to the  
8           Q. Now you do know what a command structure is; you're not  
9           confused by that term?  
10:26:41 10          A. No.  
11          Q. Because you know that the RUF had a battlefield  
commander;  
12          right?  
13          A. Yes, that I know.  
14          Q. You know the RUF had a battle group commander; right?  
10:27:02 15          A. Yes.  
16          Q. You know the RUF had a battlefield inspector; right?  
17          PRESIDING JUDGE: Who was he? Battlefield commander,  
who  
18          was he, Mr Witness?  
19          THE WITNESS: The name, sir? The battlefield commander  
who

10:27:21 20 was -- who was Mohamed Tarawallie.  
21 MR HARRISON:  
22 Q. Are you talking about 1995?  
23 PRESIDING JUDGE: We're referring to 1998 and 1999.  
24 THE WITNESS: 1998 and 1999, please, sir, make this  
10:28:02 25 question clearly. The command structure you're referring to  
in  
26 1998 to 1999, please.  
27 PRESIDING JUDGE: Who was the battlefield commander in  
Kono  
28 between 1998 and 1999?  
29 THE WITNESS: It was Superman, sir.

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1 JUDGE BOUTET: So what was the position of Superman at  
the 2 time you say?

3 THE WITNESS: The battlefield commander, sir.

4 JUDGE BOUTET: So this is in '98 while you are in Kono,  
10:28:45 5 Superman is the battlefield commander; that's what you're  
saying?

6 THE WITNESS: Yes, sir.

7 MR HARRISON:

8 Q. Well, who was the battle-group commander then?

9 A. Let me make this point clear. In Kono 1998, 1999, after  
10:29:22 10 we've arrived in Kono, a command structure was set up. The  
then  
11 leader of the AFRC called a meeting of officers wherein he set  
up  
12 a command structure and left Superman as the overall  
commander.

13 He left him to take care of the entire area of Kono, and he  
left  
14 Gullit to deputise him. He made Rambo as the operational  
10:30:00 15 commander. So that was the command structure in '98; that  
what I  
16 thought obtained in Kono.

17 PRESIDING JUDGE: You say Rambo was what?

18 THE WITNESS: Operations commander.

19 MR HARRISON:

10:30:31 20 Q. So who was the battle-group commander then?

made: 21 A. Well, before he left these were the appointments he  
22 Gullit, deputised Superman. He was the one he left behind as  
23 battle-group commander.  
24 JUDGE BOUTET: So the battle-group commander is Gullit -  
-  
10:31:15 25 Gullit; that's what you're saying?  
26 THE WITNESS: He was the one that was appointed by the  
then  
27 leader of the AFRC, JPK, left behind in 1998, '99.  
28 JUDGE BOUTET: So you are saying that the battle-group  
29 commander at the time was Gullit?



1 THE WITNESS: Yes, he was the one appointed by JP to be  
in 2 charge.  
3 MR HARRISON:  
4 Q. Now, yesterday this is what -- this is a question and  
10:31:56 5 answer from counsel for Mr Sesay, and I'm going to read it to  
6 you. I realise this is an unfairness because it's a draft of  
the  
7 transcript but that's all I have and I'm reading from page 29  
of  
8 the draft of the transcript, reading from lines 1 to 6 of the  
9 draft transcript of yesterday's date. This is what it says,  
10:32:24 10 witness, and these are words recorded by the Court:  
11 "Q: And is it right that Superman was also the  
12 battle-group commander? Is that something you're aware  
of?  
13 "A: The time we came to Kono, is that the time you  
14 mean?  
10:32:46 15 "Q: Yes. He became battle-group commander when in  
Koidu  
16 Town I think; is that right.  
17 "A: Yes. They made that appointment."  
18 Do you recall being asked those questions yesterday and  
19 giving those answers?  
10:33:07 20 A. Yes.

pointing

21 Q. Witness, you're prepared to do anything to avoid

22 your finger at Issa Sesay or Morris Kallon; is that fair?

23 A. No, I wouldn't be afraid to do that. If only what you

24 asked me was what they did, I would say it.

10:33:42 25

Q. Well, the Presiding Judge asked you who was the

26 battle-group commander, and you've now given an answer to the

27 Court that it was Gullit; is that what you're now saying

today?

28 A. Yes, in Kono, in 1998.

29 Q. So the RUF was so closely integrated with the AFRC that

the

1 RUF allowed Gullit to be its battle-group commander; is that  
2 fair?

3 A. No, we are not so intimate.

4 Q. Well, that's a bit tricky to follow then. We've got old  
10:34:38 5 Mr Gullit here, the battle-group commander of the RUF, and yet  
6 you're saying it's not intimate?

7 MR OGETO: My Lords, this is getting argumentative. My  
8 learned friend can make submissions.

9 PRESIDING JUDGE: I agree. I agree. Let's settle the  
10:34:55 10 issues. These are conclusions which can be drawn, you know,  
at  
11 one stage or the other. So let's proceed, you know, with the  
12 direct questions, you know, which relate to the exercise, you  
13 know, that you are carrying out. Those comments should be  
14 avoided.

10:35:18 15 MR HARRISON:

16 Q. You know that the AFRC and the RUF were working very  
17 closely together in Kono District in 1998; is that fair?

18 A. No, they were not working closely.

19 Q. All right. Tell us who the battlefield inspector was?

10:35:55 20 A. The same year, '98/99?

21 Q. Yes, sir.

22 A. Well, the command structure that I knew was set up at  
that

23 time. I did not know about the battlefield inspector.

24 Q. So this is something that, even though you were glued to  
10:36:32 25 your radio set, you never found this out; is that what you're  
26 saying?

27 A. No, it doesn't mean that while I was glued to my radio  
set

28 I wouldn't be able to know about that, no.

29 Q. Well, do you know who the battlefield inspector was?

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1 A. I did not know in Kono.

2 Q. Did you know who the area commander was?

3 A. No, I'm not sure if such a position existed. I did not  
4 know any area commander in the RUF.

10:37:45 5 Q. Just to be clear on that point, are you saying that you  
at  
6 no time in your membership in the RUF learn of a position  
called  
7 area commander?

8 A. The interpretation did not go down well, please.

9 Q. Let me try and repeat the question. I'll see if I can  
use  
10:38:28 10 slightly different words. During your entire membership in  
the  
11 RUF, did you ever learn of a position known as an area  
commander?

12 A. If I knew a position which existed? No, I don't know,  
sir.

13 PRESIDING JUDGE: Mr Harrison, is it area commander?

14 MR HARRISON: Yes, it's area commander. And just for  
the

10:39:12 15 benefit, "area" as in geographical location.

16 THE WITNESS: No, sir.

17 PRESIDING JUDGE: Mr Witness, assist the Court. Do you  
--  
18 just let us know: Did any such position exist in the RUF, the  
19 position of area commander, anywhere in the RUF -- area

10:39:41 20 commander?

21 THE WITNESS: Yes, there existed the position of area  
22 commander in the RUF, but it existed in the Signal Unit.

23 MR HARRISON:

24 Q. So as far as you know, the only group that had an area  
10:40:07 25 commander was the signal section; is that right?

26 A. Yes.

27 Q. Now, witness, you've told us about your movement to Kono  
28 District after the intervention. Did you have a radio with  
you  
29 at the time?

1 A. I specifically did not have a radio.

2 Q. And were you travelling with another person who did have  
a  
3 radio?

4 A. Yes.

10:41:13 5 Q. And who was that person you were travelling with?

6 A. I was travelling with -- can I call the person's name  
here?

7 Q. Yes.

8 PRESIDING JUDGE: Yes, you may.

9 THE WITNESS: I was travelling with one operator whose  
name  
10:41:38 10 was Ibrahim Massaquoi.

11 MR HARRISON:

12 Q. And you're saying that Ibrahim Massaquoi took a radio  
set  
13 from Freetown to Kono District; is that correct?

14 A. Yes, he was with a set whilst we were moving.

10:42:03 15 PRESIDING JUDGE: Ibrahim Massaquoi; is he RUF or SLA?

16 THE WITNESS: He was RUF. RUF.

17 MR HARRISON:

18 Q. And of course you've told us of yourself having a radio  
set  
19 when you were moved to Sewafe; is that right?

10:42:30 20 A. Yes.

they 21 Q. And you'd agree with me that AFRCs had radio sets that  
22 took with them from Freetown to Kono District?  
23 A. Please say that again.  
took 24 Q. Do you agree with me that there were AFRC members who  
10:43:08 25 radio sets with them from Freetown to Kono District?  
they 26 A. Well, I did not concentrate on the AFRC as to whether  
27 carried radio set along with them to Kono.  
28 Q. And --  
know 29 PRESIDING JUDGE: So what you're saying is you do not



1 if they carried; that's what you are saying?

2 THE WITNESS: Yes, sir.

3 MR HARRISON:

4 Q. From your time in Freetown you knew that there were RUF  
10:43:50 5 radio operators other than yourself who had radio sets?

6 A. I did not get the question clearly.

7 Q. When you're in Freetown during the AFRC junta, there  
would  
8 have been other RUF operators than yourself who had radio  
sets?

9 A. Yes, they were there.

10:44:35 10 Q. And of course, it's one of the most important duties of  
an  
11 operator to look after their radio set; is that fair?

12 A. The operator to look after the radio set, yes.

13 Q. And you knew while you were in Freetown that there were  
RUF  
14 radio sets in Bo; is that fair?

10:45:09 15 A. While I was in Freetown if I knew that an RUF radio set  
was  
16 in Bo? Is that the question you put to me?

17 Q. Yes, sir.

18 A. Yes, I knew about that.

19 Q. You knew there was an RUF radio set in Benguema?

10:45:43 20 A. Yes.

21 Q. You knew there was one in Hastings?

22 A. Yes.

23 Q. You knew that all of these radio sets were taken to Kono  
24 District during the intervention?

10:46:04 25 A. I wouldn't be able to say if all of them were taken  
there

26 because I too was on my way to go, because the situation was  
27 tense and everybody was trying to find an outlet to move out

from

28 Freetown, so I did not concentrate or inquire or investigate

as

29 to whether they took the set to Kono.

1 Q. But you do know that there were at least three or four  
2 radio sets in Kono District when you were there; is that fair?

3 A. There were sets. We had radio sets there.

4 Q. And I know the interpretation was "sets" plural. The  
10:46:59 5 question was, I suggested to you that there was at least three  
or  
6 four of them; do you accept that?

7 A. I knew that there were sets in Kono, but the number  
you've  
8 called, that will be a suggestion from your own part. But  
what I  
9 would say there were sets there -- about two to three.

10:47:39 10 Q. I'm interested in taking you back to Abidjan very  
briefly.  
11 When you were in Abidjan, did you have any contact with Amara  
12 Essy?

13 A. Who is Amara Essy, sir?

14 Q. He was the Foreign Minister of Cote d'Ivoire at the  
time?

10:48:12 15 A. Yes, we were in contact with him, because we were in  
their  
16 country in order for us to strike a compromise with the Sierra  
17 Leone government, and I don't think that we'll be there  
without  
18 meeting with the foreign minister who had to facilitate  
19 everything.

10:48:32 20 Q. Yes. And what I'm asking is if you yourself had any

21 contact with Amara Essy?

22 A. I saw him.

23 Q. But were you a party to any conversations between Amara  
24 Essy and Foday Sankoh?

10:49:02 25 A. No.

26 Q. Now, going back to the time period of the intervention,  
the  
27 RUF pulled out of Freetown as a result of attacks by ECOMOG;  
is

28 that fair?

29 A. Yes.

1 Q. And the RUF were in fact overrun by ECOMOG; they were  
2 out-manned and outpowered; is that fair?

3 A. Yes.

4 Q. And the reason why the RUF left Freetown was to get away  
10:50:01 5 from the force of ECOMOG; is that fair?

6 A. No, not for us to run away from the ECOMOG. Because  
there  
7 was fighting between ourself when the intervention took place  
in  
8 Freetown, so we left because there were civilians here, so we  
9 decided to leave the town in order for us to save the lives of  
10:50:43 10 civilians and infrastructure within the township.

11 Q. Now, witness, I'm suggesting to you that's a little  
made-up  
12 story on your part, and that the reason the RUF left Freetown  
was

13 because they were forced out by ECOMOG; do you accept that?

14 A. Yes, we fought and we retreated, and we left Freetown  
10:51:09 15 because of the fighting.

16 PRESIDING JUDGE: It's not because of the fighting. Put  
17 the question to him again, please.

18 MR HARRISON:

19 Q. I'm suggesting to you that you made up this story of the  
10:51:21 20 RUF leaving to avoid civilian casualties and the reason you  
left  
21 was because the RUF was forced out by ECOMOG?

22 A. Yes.

23 Q. And the avoidance of civilian casualties had nothing to  
do

24 with the RUF decision; do you accept that?

10:51:46 25 PRESIDING JUDGE: He has said so. He has answered the  
26 question the way he thought he should. It's a matter for  
27 addresses.

28 MR HARRISON:

29 Q. Now, going forward to 2000, April and May of 2000, you  
knew

1 that the most senior person in the Makeni/Magburaka area was  
2 Morris Kallon; is that right?

3 A. No.

4 Q. So who are you saying was -- all right. Well, what  
10:52:31 5 position do you say Morris Kallon held in May of 2000?

6 A. I did not know any position for him.

7 Q. So again you're the radio operator with your ear to the  
8 radio all the time, and are you seriously telling this Court  
that  
9 you had no idea what position Morris Kallon held in the RUF?

10:53:08 10 INTERPRETER: Can the attorney come again? The  
interpreter  
11 did not get the question clearly.

12 MR HARRISON:

13 Q. Witness, are you seriously saying that, given your role  
as  
14 a radio operator, that in May 2000 you had no idea what Morris  
10:53:29 15 Kallon's position was in the RUF?

16 A. The position I knew of him was an adviser.

17 Q. So in May of 2000 you say that Morris Kallon was an  
18 adviser; an adviser to whom?

19 A. In the area he was in Magburaka, he was adviser to the  
10:54:07 20 commander in that area.

21 Q. All right. And who was the commander in that area?

22 A. It was Alfred.

23 Q. And does Alfred have a full name?

24 A. Alfred Touray.

10:54:35 25 Q. And what was Alfred Touray's position in the RUF?

26 A. He was only a commander in Magburaka.

27 Q. And can you tell the Court if he had an appointment?

28 A. You mean Alfred?

29 Q. Yes.

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1 A. No, I'm unable to say.

2 Q. And unless I've misunderstood your evidence, I thought  
you  
3 told us yesterday that you yourself were based in Makeni in  
May  
4 of 2000?

10:55:34 5 THE INTERPRETER: The interpreter is sorry, can the  
6 attorney come again?

7 MR HARRISON:

8 Q. Witness, were you yourself based in Makeni in May of  
2000?

9 A. Yes, I was in Makeni.

10:55:51 10 Q. So in spite of being a radio operator, and in spite of  
11 being in Makeni, you have no idea if Touray had an appointment  
in  
12 the RUF?

13 A. No, I did not know about that, sir.

14 Q. You see, witness, I am suggesting to you that you are  
10:56:25 15 simply lying repeatedly before this Court and that you know  
full

16 well that Morris Kallon was the most senior commander in the  
17 Makeni and Magburaka area in May of 2000; do you accept that?

18 A. No, I wouldn't say lies to the Court. That's why I said  
19 whatever I am saying here, I have sworn, and whatever I'm  
saying

10:56:52 20 regarding this case would be history and that all of us would

here

21 have it in Sierra Leone and the world at large, so I'm not

22 to say lies to this Court.

23 Q. Do you know that in May of 2000 Morris Kallon was a

24 brigadier?

10:57:21 25 A. No, I did not know him of that.

26 PRESIDING JUDGE: Mr Harrison, did you suggest to the

27 witness that Morris Kallon was the highest commander in Makeni

28 and Magburaka axis?

that,

29 MR HARRISON: I used the word "area". But other than

1 that's exactly what I suggested.

2 Q. I would ask if the witness could be given --

put

3 PRESIDING JUDGE: No, I have not gotten his reply. You

that

4 the question to him as to whether in 2000 he does not know

10:58:07 5 Morris Kallon was a brigadier.

6 MR HARRISON: He said he had no --

7 PRESIDING JUDGE: He had no idea.

8 MR HARRISON: He had no idea. I'm asking if Exhibit 212

9 could be put before the witness.

10:59:35 10 Q. Witness, what you have in front of you is a document  
that

the

11 was made an exhibit in this trial -- made an exhibit through

12 first accused on 30 May 2007. And if you go to the -- if you

for

13 look in the top right corner, and if you keep your eyes keen

14 the number 28054, I would ask you to turn to that page?

11:00:03 15 PRESIDING JUDGE: What exhibit is that again?

16 MR HARRISON: 212.

have

17 Q. If you turn the pages until you come to 28054 and you

You

18 to be looking in the top right corner, a handwritten number.

19 have to keep turning the pages until you come to 28054.

11:00:25 20  
please.

PRESIDING JUDGE: Can Court Management assist him,

21 MR HARRISON:

22 Q. Actually witness, I always assumed that you can read and  
23 write and you seem to be having some difficulty. Are you able  
to  
24 read -- read English?

11:00:40 25 A. I can read.

26 Q. 28054. So, just so that you're following me, in the  
very  
27 top right corner there should be a handwritten number which is  
28 28054. Do you see that in the top right corner?

29 A. Yes, I have seen that.

1 Q. Now, if you look right in the middle of that page you'll  
2 see there's a message, and it's from Brigadier Kallon to  
3 Lieutenant Colonel Alfred, subject: Instructions. Then it's  
4 dated 5 April 2000. Have you ever seen that message before?

11:01:59 5 A. No, I haven't seen it before.

6 Q. Again as a radio operator, does this refresh your memory  
7 that, in fact, Morris Kallon was a brigadier in April 2000?

8 A. No, I don't know about that because I did not know him  
to  
9 be a brigadier officially. Because whatever rank that was  
given

11:02:27 10 to anybody, it will be announced publicly and a message was  
11 transmitted. So I don't know if he was an officer.

12 Q. And you do know that Morris Kallon -- one of his call  
names  
13 over the radio would have been Sparrow; is that right?

14 A. Yes, we had the code name of Sparrow.

11:02:59 15 Q. And if you look -- stay on that same page and just look  
a  
16 little bit lower down, you'll see there's another message and  
it  
17 says: From: SSS to SP. Subject: Instructions, and then  
it's  
18 dated 5 April 2000. And as a radio operator, you know that  
when  
19 SP is used, that stands for Sparrow, correct?

11:03:29 20 A. I did not get the question clearly, please.

21 Q. Are you looking at the message on the same page just a  
22 little bit lower down?

23 A. Yes, I've seen that.

24 Q. And do you see the words "from" and then it says "SSS"?

11:03:53 25 A. Yes, I've seen it.

26 Q. And then you see the word "to" and beside that you see  
27 "SP"?

28 A. Yes, I have seen that written there, "SP".

29 Q. And as a radio operator you know that SP in a message  
like

1 this stands for Sparrow?

2 A. No. Because Sparrow was a code word in communication --

in

3 communication there were no abbreviation for the code because

the

4 name of the individual was hidden after you've given that

person

11:04:40 5 the code. So it was not realistic to put it in this way.

6 Q. All right. Well, you tell us what "SP" stands for?

7 A. No, I wouldn't be able to tell you because I was not the

8 author of it.

9 Q. All right. What about "SSS"? Do you know what that

stands

11:05:02 10 for?

11 A. Yes. SSS.

12 Q. I think you said you know what it stands for. Please

tell

13 the Court what you know?

14 A. The letters SSS stand for nothing. It is a code

11:05:37 15 expression. It is code, SSS. To say it is -- it has a

specific

16 meaning SS and S, no.

17 Q. All right. But you're looking at the sheet of paper in

18 front of you. You can see that it says "from SSS". Do you as

a

19 radio operator know who SSS might be?

11:06:16 20 A. Yes.

21 Q. All right. Tell the Court, please?

22 A. It was -- it was Issa.

23 Q. And when you say Issa, you're referring to Issa Sesay?

24 A. Yes.

11:06:43 25 Q. So you know who SSS is. And when it says "to" and you  
see

26 "SP," you -- as a radio operator do you have any idea what --  
who

27 that is?

28 MR OGETO: Asked and answered, My Lords.

29 PRESIDING JUDGE: Pardon me.



1 MR OGETO: That question was asked and answered by the  
2 witness.

3 PRESIDING JUDGE: Let him answer it again.

4 THE WITNESS: What is the question, sir?

11:07:13 5 MR HARRISON:

6 Q. I was asking you as a radio operator -- and again I'm  
7 asking you to keep your eye on that paper if it helps you --  
it

8 says "to" and then beside it says "SP." Can you assist the  
Court  
9 as to who that might be?

11:07:32 10 A. No, I wouldn't be able to tell the Court who the SP --  
the

11 meaning of the SP because it was written there "SP" and we did  
12 not have anybody whose code name was SP.

13 Q. All right. Now, I'm going to ask you to turn the pages  
so

14 that you turn to the handwritten number "28067" in that same  
11:08:19 15 exhibit. 2806 --

16 PRESIDING JUDGE: Mr Witness, if I may -- if I may ask  
17 here: Are you saying that SSS was the code name for Issa  
Sesay.

18 THE WITNESS: Yes. Yes, sir.

19 PRESIDING JUDGE: But for SP you say you do not know  
whose

11:08:33 20 code name it was.

was 21 THE WITNESS: No, we hadn't any person whose code name  
22 SP.  
23 PRESIDING JUDGE: Thank you.  
24 MR HARRISON:  
11:08:53 25 Q. So just out of curiosity, how could something like that  
doesn't 26 happen where an operator put something in a logbook that  
radio 27 mean anything to you? Is that a -- is that an error by a  
28 signaller?  
and 29 MR TAKU: Your Honour, we object. This is speculative

The  
not  
1 no evidence was ever led to -- about who kept this logbook.  
2 other one we knew was Foday Sankoh's logbook but this we do  
3 know. No actual evidence before you [overlapping speakers].

11:09:29 4 PRESIDING JUDGE: Mr Harrison, put the question again,  
5 please.

6 MR HARRISON:

7 Q. This use of SP, does that, according to your training,  
8 represent an error or a mistake by an operator?

11:09:56 9 A. No, I wouldn't know if it was an error. The person who  
10 wrote it might explain.

they  
11 Q. But as I understood the training of radio operators,  
12 were all supposed to use a standard way of operating; is that  
13 right?

14 A. Yes.

11:10:16 15 Q. And that would be the case so that if one operator went  
16 away, another one comes in, they could just carry on and  
17 understand what had taken place; is that right?

enter  
18 A. Yes, that's why when you receive a message, you will  
19 it in a logbook so that if the person who was not there, when  
he  
11:10:46 20 came, he will go through the logbook and will know the  
messages

21 that have been entered into the logbook.

22 Q. And people would have been trained to use names or call  
23 signs; is that right?

24 A. Please say that again.

11:11:06 25 Q. The operators would have been trained to use names or  
call

26 signs in the logbook?

27 A. Yes.

"SP" 28 Q. And so it would have been an error by someone to put

that 29 in the logbook because it doesn't mean anything to you; is

1 fair?

2 A. To me it has no meaning. And I wouldn't say the person  
3 made an error because probably he might have a meaning for  
this

4 SP.

11:11:48 5 PRESIDING JUDGE: I think we can allow that matter to  
rest

6 there.

7 MR HARRISON:

8 Q. You've turned to 28067? You've got the right page?

9 A. Yes. Yes.

11:12:02 10 Q. If you look in the middle of that page, you'll see that  
11 there's a message and it begins, "To" and it says "the  
leader,"  
12 and from -- or it actually uses the letters FM and then it  
says

13 "Brig Kallon." Do you see that?

14 A. Yes, I see it.

11:12:31 15 Q. And just below you see the subject, situation report?

16 A. Yes, I've seen that. That is written there.

17 Q. And you see that it's dated 3 May 2000. You see that?

18 A. Yes, I've seen that there.

19 Q. All right. Now, I'm suggesting to you that this is a  
11:12:58 20 message from Brigadier Morris Kallon to Foday Sankoh; do you  
21 accept that?

on

22 A. Well, I wouldn't agree with you. I did not monitor that

23 the note to know --

24 PRESIDING JUDGE: No, just answer -- looking at that

11:13:20 25 document as it is, you are looking at the document. We're not

or

26 asking you to confirm whether you sent it or you received it

27 you knew. Would that document be a message to the leader from

28 Brigadier Kallon.

29 THE WITNESS: That's what the address indicates here.

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1 MR HARRISON:

2 Q. And you were actually shown a slightly different version  
of  
3 this message yesterday in what was Exhibit 34. But I'm going  
to

4 read this one to you -- or a good portion of it -- and ask you  
11:14:18 5 some questions. Please follow along on the document as I'm  
6 reading. The message says, "The main thing that sprang the  
7 fighting from Makeni to Magburaka is because of the following  
8 reasons. When our men reached at Makump DDR camp, the UN

MILOBS

9 arrested them and forcefully disarmed them without reason."  
11:14:53 10 You're familiar with that statement, aren't you?

11 A. I only knew about these which, as I said yesterday about  
12 Kailondo, when he entered the radio room with the content of  
this

13 paragraph you've read, and he was grumbling and he was -- he  
14 wasn't having a shirt on and he grumbled that the UN MILOBS  
had

11:15:31 15 been forcefully -- had forcefully arrested -- I mean disarmed  
16 some RUF fighters. I saw him. He entered the office and he  
was  
17 grumbling.

18 Q. Now, witness, I think yesterday --

19 MR JORDASH: Sorry, could Mr Sesay use the bathroom,  
11:15:51 20 please? I apologise for interrupting.

21 PRESIDING JUDGE: Yes, he may. He may, please.

22 Mr Harrison.

23 MR HARRISON:

24 Q. I think yesterday you were shown Exhibit 34 which was a  
11:16:02 25 similar message and you said that you were familiar with that  
26 message; wasn't that correct?

27 A. Yes, the message which I had here yesterday, I knew of  
it  
28 very well.

29 Q. All right. Well, let's just continue on with this one.  
It



our  
at

1 says: "They gave the remarks that they are to be in the camp  
2 men. Sir, when the report reached us, Colonel Gbao proceeded  
3 the scene to know the cause upon his arrival. They were in to  
4 arrest Colonel Gbao." Are you familiar with that part of the  
5 message?

11:17:03

of

6 JUDGE BOUTET: Mr Witness, can you answer the question?  
7 The question was very simple: Are you familiar with that part  
8 the message? That's all.

11:17:56

9 THE WITNESS: If I knew about this message? Is that the  
10 question, sir?

11 MR HARRISON:

12 Q. Yes, about that part that I just read out to you.

13 PRESIDING JUDGE: Can you read it to him again.

14 MR HARRISON:

in

11:18:20

15 Q. Mr Witness, am I helping you by reading it out or am I  
16 reading distracting your thoughts as you are trying to read?

17 A. Well, let me read it.

you

18 Q. Well, it's just that one sentence, sir, that I'm asking  
19 to look at. I don't want you to confuse yourself. What it

says

11:18:38

at

20 is: "Sir, when the report reached us, Colonel Gbao proceeded

21 the scene to know the cause upon his arrival. They were in to  
22 arrest Colonel Gbao." Are you familiar with that part of the  
23 message?

24 A. Well, this information contained in this particular  
11:19:11 25 sentence, I came to know about some such a thing from  
Kailondo.

26 He came to the office later and grumbled about it.

27 Q. All right. But witness, you had told us yesterday that  
you  
28 had seen a very similar message from Exhibit 34, and that you  
29 were aware of its contents; isn't that right?

1 A. Yes, I knew of it and I transmitted it from Kailondo.

2 Q. All right. Now if you just read on, and bearing in mind  
3 that this is a message from Brigadier Kallon to the leader, it  
4 then says: "When I also went there for them to hand over the

11:20:09  
fire

5 arrested men, including their weapons, they opened sporadic

6 on us without reason." Are you familiar with that part of the  
7 message, witness?

message

8 A. I got the information. This whole message -- this

9 was similar to a message which I received from Kailondo and

11:20:41

10 transmitted it to the leader. So all this information, the

11 content of this message, I got all the information in this

me

12 message from Kailondo at the radio office in a message he gave

13 to transmit to the leader.

14 Q. Witness, I'm suggesting to you that you're lying to the

11:20:59  
who

15 Court. That this message is clear that it was Morris Kallon

16 went to the camp, and not Kailondo, and you're lying about

17 Kailondo to protect Kallon; do you accept that?

that

18 MR TAKU: Your Honour, I will object. The message say

was

19 Brigadier Kallon, but he is saying that it is clear that it

11:21:20

20 Morris Kallon. I mean referring to the message.

21                   PRESIDING JUDGE: He is suggesting it to him. It's for  
him  
22                   to say, you know. That's a suggestion. He is putting it to  
him.  
23                   It's for him to provide a response, you know, to that. A  
24                   suggestion is not a conclusion. It's for him to -- yes, can  
you  
11:21:45 25                   make your suggestion, please, Mr Harrison?

26                   MR HARRISON:

27                   Q.       First of all, witness, Kailondo is dead, isn't he?

28                   A.       I don't -- I don't know about that, sir.

29                   Q.       Look, I'm suggesting to you you are lying about the dead

1 man Kailondo and that --

2 PRESIDING JUDGE: You asked that he is lying about?

3 MR HARRISON: That he is lying about Kailondo.

4 Q. And that it was Morris Kallon who went --

11:22:20 5 PRESIDING JUDGE: Are you lying about Kailondo?

6 THE WITNESS: No, I wouldn't lie against him.

7 MR HARRISON:

who

8 Q. And as this radio message indicates, it's Morris Kallon

9 went to the DDR camp; do you accept that?

11:22:46 10 A. No, it was not he who went there.

went

11 Q. But just to be clear about this: You yourself never

12 to the DDR camp?

13 A. No, I did not go there.

14 Q. And all you're trying to tell this Court is information  
11:23:10 15 that was passed on to you by others, either face-to-face, or  
by

16 reading radio messages; is that right?

17 A. The commander who was at the place, Kailondo, he brought  
18 this information to the radio office so that I could transmit  
it

19 to the leader.

11:23:34 20 Q. Exactly. And I'm telling you or putting it to you that

21 this message makes clear that what you sent to the leader was

that? 22 that Morris Kallon had gone to the DDR camp; do you accept

23 A. No, I can't recall that I've ever sent any message like  
24 that.

11:24:07 25 PRESIDING JUDGE: Mr Witness, let me get you right: Are  
for 26 you saying that it is Kailondo who brought this information  
27 you to transmit it to the leader? Is that what you've said?

28 THE WITNESS: Yes, sir.

29 PRESIDING JUDGE: Thank you.

1 MR HARRISON:

Perry

2 Q. Now I'm going to suggest to you, witness, that King

3 was in Makeni at the time Morris Kallon and Augustine Gbao

4 attacked the DDR camp; do you accept that?

11:24:56 5 A. No, I did not see him there.

6 Q. And I'm putting it to you that you lied to the Court

7 yesterday when you said that King Perry was at the DDR camp in

8 Port Loko at that time; do you accept that?

11:25:26 10 Superman

9 A. No, I wouldn't say lies. King Perry was Superman's

10 operator. He had lived with him and he was so well to

was

11 that they used to move up and down whilst he was -- whilst he

12 with the radio, so he was close, very close to Superman. So

13 Superman initially made a symbolic disarmament to show the

14 willingness and the commitment to -- during the disarmament

11:25:48 15 others

15 process at Port Loko. So Superman will not disarm leaving

together.

16 behind especially the operators. So all of them did it

17 Q. Right. Well, I'm suggesting to you that you are simply

disarmament

18 speculating as to whether King Perry was in Port Loko

19 camp. You have no knowledge, do you?

11:26:20 20 A. No, I wouldn't speculate. He was there.

21 Q. Were you in Port Loko?

that

22 A. No, I was not there. But the men who disarmed during

23 time, when Super went with them to disarm, their names were

24 transmitted. They transmitted their names to the leader and I

11:26:40 25

monitored that, and King Perry was part of that group.

glued

26 Q. So this is another time when you had your little ear

27 to the radio set and picked up this message?

28 MR OGETO: That's an unfair comment, My Lords, "Little

29 ear".



1 PRESIDING JUDGE: Yes, please, no comments, please.

2 MR HARRISON:

King

3 Q. I'm putting it to you that you're lying repeatedly.

whatsoever

4 Perry was there in Makeni and you had no information

11:27:12

5 that he was in Port Loko?

it

6 A. No, I wouldn't lie to the Court at all, and I would say

Court

7 repeatedly that I would not make up my mind to lie to this

8 that King Perry was at the Port Loko DDR camp.

the

11:27:35

9 Q. Right. So are you seriously telling this Court that it

10 comes as a shock to you to see "Brigadier Kallon" written in

11 message book?

has

12 PRESIDING JUDGE: That issue is -- he has -- I think he

13 provided, you know, an answer to this. Let's move on.

14 MR HARRISON:

of

11:28:01

15 Q. All right. If you were looking in the message book and

16 expected to see -- looking for a message from Morris Kallon --

17 what would you be looking for? What rank would he be in May

18 2000?

Officially

19 A. Well, early 1999, he was a lieutenant-colonel.

11:28:28 20 that's what I knew of him.

21 Q. And in 2000?

22 A. He continued to carry that rank as lieutenant-colonel.

23 Q. So as far as you know, Morris Kallon was never a  
brigadier?

24 A. No, I did not know the rank of a brigadier for him.

11:28:53 25 Q. All right. What rank did Sesay have in 2000 --

26 PRESIDING JUDGE: Mr Harrison, please. Yes. Mr  
Witness,

27 is it you who sent -- who transmitted this message to the

28 leader -- this message from the leader -- I mean to the leader

29 from Brigadier Kallon? Was it you who transmitted it to the

1 leader?

2 THE WITNESS: I don't understand.

3 PRESIDING JUDGE: I understand you to be saying that --

I

4 mean, because you have earlier said that it was Kailondo who

11:29:43 5 brought the information on this message for you to transmit to

6 the leader.

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: Do I understand you to mean that it is

9 you who transmitted this message to the leader?

11:29:58 10 THE WITNESS: This one? The one from Brigadier Kallon,

the

11 sir? No, I was not the one that transmitted it. I was not

12 one that transmitted it. I only transmitted a message from

13 Kailondo.

14 MR OGETO: My Lords, if I may be of little assistance;

11:30:19 15 there are two messages.

16 PRESIDING JUDGE: Yes, I know there are two messages,

17 Exhibit 34 and Exhibit 212.

18 MR OGETO: Yes. The testimony of this witness is that -

-

19 PRESIDING JUDGE: That is why I'm asking the question.

I

11:30:31 20 wanted to be very clear on this.

21 MR OGETO: Yes, My Lords.

22 PRESIDING JUDGE: Yes.

23 MR OGETO: Thank you, My Lords.

24 MR HARRISON:

11:30:38 25 Q. What was the rank of Sesay in 2000?

26 A. The official rank I knew of him was colonel.

27 Q. So in 2000, Issa Sesay is a colonel?

28 A. Official rank I knew of him he was colonel.

29 Q. You're using the word "official rank" and sometimes  
people

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1 would jump to the conclusion that there may be an unofficial  
2 rank. Are you trying to give us that impression that there  
was  
3 an unofficial rank?

4 A. Well, I don't know about an unofficial rank, but the  
rank  
11:31:31 5 which was given to him by the leader that I knew of was  
colonel.

6 Q. And in 2000, what was Sesay's appointment?

7 A. Please say that again.

8 Q. In 2000 what was Sesay's appointment?

9 A. Well, he was there as a commander in charge who was in  
11:32:23 10 Kono, senior officer in charge.

11 Q. So I think I can finish in less than five minutes here,  
but  
12 I just want to give you the chance to clarify your answer.

Are  
13 you saying that all that you can say about Sesay in 2000 is  
that  
14 he was a senior officer in Kono?

11:32:53 15 PRESIDING JUDGE: A senior officer and a commander in  
16 charge of Kono; is that what you are saying.

17 THE WITNESS: Yes.

18 MR HARRISON:

19 Q. But only of Kono District?

11:33:10 20 A. That's the place I knew of.

21 Q. And who would have been the commander in charge then of  
22 Kailahun District?

23 A. They had battalions, companies in Kailahun District and  
all  
24 these battalions and companies had officers who took care of  
the  
11:33:50 25 battalions and companies.

26 Q. And these people in Kailahun District, did they -- were  
27 they under Sesay, or not?

28 A. Well, that they were subordinate to him? I don't  
29 understand. Please make that area very clear. To say that  
they

1 were under him, please, make it clear.

2 Q. Were they subordinate to him?

3 A. Well, yes.

4 Q. And was everyone in the RUF subordinate to Sesay?

11:34:52 5 A. No, not everybody.

6 Q. All right. Well, who wasn't?

You

7 PRESIDING JUDGE: Mr Witness, who wasn't? Who wasn't?

8 said not everyone. Who wasn't? Who was not subordinate to

9 Sesay.

11:35:37 10 THE WITNESS: Well, overall we were under the leader, so  
in

11 any area where a commander was there, the combatant were to

12 report to the commander that was there, the battalion to the

13 company. The commander that was there he will report to that

14 commander and the commander in turn will report to the leader.

11:36:08 15 MR HARRISON:

16 Q. And when you talk about the leader, are you talking  
about

17 Sankoh?

18 A. Yes.

19 Q. So are -- is what you're trying to tell the Court that  
no

11:36:21 20 one reported to Sesay; they all reported to Sankoh? Is that  
what

21 you want to say?

can 22 A. The area in which we were, as I've said earlier, they

23 report to him.

24 Q. Well, witness, I had asked you who was it who did not  
11:36:43 25 report to Sesay; do you remember that?

26 A. Yes, I can recall that he ask --

27 PRESIDING JUDGE: I was looking forward to receiving an  
28 answer to that question. I don't have an answer in my notes  
to

29 that question.



1 MR HARRISON:

2 Q. We're just having a hard time following what you're  
trying  
3 to explain to the Court. Would you like to try to explain --

4 PRESIDING JUDGE: Because you said it was not everyone  
who  
11:37:14 5 was subordinate to Sesay. Then the question came, "Who  
wasn't?"

6 Who was not subordinate to Sesay?

7 THE WITNESS: Like, the other soldiers who were outside  
8 Kono, they had the commanders they reported to, like in  
Makeni  
9 they had a commander they reported to who was Kailondo. In  
11:37:44 10 Magburaka they had a commander they reported to. So on and so  
11 forth.

12 JUDGE BOUTET: But Mr Witness you just answered before  
that  
13 in Kailahun when you were asked the question they reported --  
14 they were under Sesay. They reported to Sesay. I'm trying to  
11:38:01 15 understand what you're trying to say here.

16 MR JORDASH: Your Honour, may I just -- of course I'm  
not  
17 objecting to the cross-examination but I think there's a  
18 confusion here with certain terms. We are moving between the  
19 terms subordinate, the term report, the term order. And they  
11:38:24 20 mean quite different things legally and factually, I would

21 suggest.

very

22 JUDGE BOUTET: I don't agree with you. I think it is

and

23 simple language, under an subordinate and under the command

24 reporting to.

11:38:37 25

MR JORDASH: Reporting to does not necessarily mean --

I

26 JUDGE BOUTET: I think the witness is capable of this.

27 don't see any difficulty with these terms.

28 MR JORDASH: In due course I may well say that somebody

29 reported.

1 JUDGE BOUTET: Fine.

2 MR JORDASH: But that didn't mean they were subordinate  
in  
3 terms of effective control pursuant to command responsibility.  
4 So there is a distinction between the reporting and effective  
11:38:58 5 control.

6 JUDGE BOUTET: Well, in any event that was the precision  
7 was given by the Prosecutor, that he was asked the witness if  
8 they were subordinate to Sesay. Subordinate and he said yes  
in  
9 Kailahun District, so that's why I'm asking the question.

11:39:12 10 MR JORDASH: Then we move to a suggestion that the  
witness  
11 had said that these people in Kailahun reported to Sesay,  
which  
12 is -- we move from subordinate to reporting to. And I think,  
I'm  
13 just making the point that maybe the witness is getting  
confused  
14 between those because at this time in 2000 there is -- it is  
our  
11:39:36 15 case there is a --

16 JUDGE BOUTET: [Overlapping speakers]

17 PRESIDING JUDGE: To you there is a distinction between  
18 subordination and reporting. Being subordinate and reporting  
to.  
19 There is a distinction.

11:39:47 20 MR JORDASH: There may well be especially in 2000 and in  
21 1999 in the RUF. That's [overlapping speakers]  
22 JUDGE BOUTET: I think the witness is capable of giving  
23 these explanations. If that is the case, it is confusing to  
him,  
24 well, we will ask him: What do you mean by reporting,  
11:40:06 25 Mr Witness? Mr Witness, I've asked you the question: What do  
26 you mean by reporting to Sesay.  
27 THE WITNESS: By report I mean any message like -- like  
28 when something had happened in an area, it was he that they  
would  
29 inform. If they needed anything, like for instance, food or  
any

1 other thing in their area of operation, they will send a  
message  
2 to him. And that he will send that thing to them.

3 JUDGE BOUTET: Because as you said he was in charge of  
that  
4 area. He was the senior officer.

11:40:53 5 THE WITNESS: Yes.

6 MR HARRISON:

7 Q. So was Sesay the senior officer for everyone in the RUF?

8 A. He was one of the senior officers.

9 Q. Were there people -- who was Sesay subordinate to?

11:41:20 10 A. Which year? He was subordinate to the leader.

11 Q. Anyone else?

12 A. No, I'm unable to recall any other person.

13 Q. And in 1999 who was Sesay subordinate to?

14 A. Which year, please?

11:42:11 15 Q. 1999?

16 A. He was subordinate to Mosquito.

17 Q. Anyone else?

18 A. And the leader.

19 Q. And in 2000 I'm suggesting to you that the only person

11:42:35 20 Morris Kallon was subordinate to was Issa Sesay; do you accept  
21 that?

22 A. No, I disagree.

23 Q. And that everyone --

24 PRESIDING JUDGE: Take that again. The only person  
Morris

11:42:54 25 Kallon was subordinate to was Issa Sesay? Is that what you.

26 MR HARRISON: In 2000.

27 PRESIDING JUDGE: Yes, in 2000.

28 MR HARRISON:

29 Q. So you'd agree with me that there was a battle-group

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1 commander in 2000 for the RUF; is that fair?

2 A. No, I did not know of that.

3 Q. Well, witness, I'm suggesting to you that you're lying  
4 throughout these proceedings to avoid implicating in any way

11:43:32 5 Morris Kallon; do you accept that?

6 A. No, I'm not saying lies. I wouldn't lie.

7 Q. And if you really were listening to the radio, you, like  
8 everyone else, would have known that Morris Kallon was a  
9 battle-group commander of the RUF; do you accept that?

11:44:04 10 A. I was listening to the radio, but I never heard about  
that.

11 Q. I'm still staying in 2000. Was there a battlefield  
12 inspector?

13 A. I don't know about that.

14 Q. There's no further questions.

11:44:56 15 PRESIDING JUDGE: So he does not know that Morris Kallon  
16 was a battlefield inspector in the year 2000? Is that, is  
that

17 the response?

18 MR HARRISON: No, the question was if he knew who the  
19 battlefield inspector was and he has no idea.

11:45:15 20 PRESIDING JUDGE: He has no idea?

21 MR HARRISON: There was no reference to Morris Kallon in  
22 the question.





1 asked you to send to the leader -- it is clearly in the form  
2 Makeni station -- that's from Makeni the station is recorded.  
3 Now, this exhibit that is before you, that the Prosecutor  
showed  
4 you, does it indicate the station from which it is sent, the  
one  
11:46:21 5 before you this morning?  
6 A. No, it did not show any station.  
7 JUDGE BOUTET: You mean Exhibit 212?  
8 MR TAKU: Yes.  
9 JUDGE BOUTET: So there is no confusion. So when you  
say  
11:46:37 10 this exhibit this morning you are now making reference to  
11 Exhibit 212?  
12 MR TAKU: Yes, sir. Thank you, My Lord. My Lord, that  
is  
13 all for the witness.  
14 PRESIDING JUDGE: Well, Mr Witness, we --  
11:47:38 15 THE WITNESS: Yes, sir.  
16 PRESIDING JUDGE: -- are through with your testimony.  
We  
17 thank you for coming to assist the Tribunal with your  
knowledge  
18 of the facts in this case, and what you are able to testify  
to,  
19 and again we thank you for coming and we wish you a safe  
journey

11:48:02 20 back to your place of abode. Okay? So you are discharged and  
21 you may go back home and create one more place in Zulu for  
22 Mr Martin and Mr Cammegh. Well, we will recess for a few  
minutes  
23 and resume very shortly. The Chamber will rise, please.  
24 [Break taken at 11.50 a.m.]  
12:12:20 25 [RUF06MAY08B-BP]  
26 [Upon resuming at 12.21 p.m.]  
27 [The witness entered Court]  
28 PRESIDING JUDGE: This is DMK-162.  
29 MR OGETO: Yes, My Lords. This is the witness who was

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1 stood down for the documents.

2 PRESIDING JUDGE: Yes, yes, okay.

3 MR OGETO: Yes, My Lords.

4 PRESIDING JUDGE: It's the tenth witness?

12:21:00 5 MR OGETO: Yes, My Lords.

6 WITNESS: DMK-162 [Continued]

7 EXAMINED BY MR OGETO: [Continued]

8 PRESIDING JUDGE: Yes, Mr Ogeto, you may --

9 MR OGETO: My Lord, I would request that the witness be

12:21:46 10 given this book which we got from him.

11 PRESIDING JUDGE: And that we've been given our copies.

12 MR OGETO: The copies, yes, My Lords. They were made by

13 the Registry yesterday.

14 PRESIDING JUDGE: Yes. The copies are already distributed

12:21:59 15 to the parties?

16 MR OGETO: The parties have copies.

17 PRESIDING JUDGE: Right. Okay. I have an extra one here.

18 MR OGETO: Please, give him also these handwritten loose

19 papers.

12:22:37 20 Q. Mr Witness, I want you to look at the book that you brought

21 before the Court yesterday. Can you please tell the Court what

22 that book is all about. Forget about the loose papers for the  
23 moment.

24 A. Yes.

12:23:08 25 Q. What is it all about? Please explain.

26 A. For example, the ones you've seen, the papers removed,  
that  
27 is my personal information.

28 Q. Mr Witness, get that book. Hold it, please. Is that  
the

29 book that you brought before the Court yesterday?

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1 A. Oh, yes. Yes. Yes. This is the book.

2 Q. Forget about the loose papers, please, for the moment.

3 Just keep them aside. Where did you get that book from?

4 A. I went and collected it from my village.

12:24:01 5 Q. What is inside that book?

6 A. Well, this book contained my personal information, radio  
7 communications that we were trying to read over as well as the  
8 messages that are contained in it.

9 Q. When was the information in that book recorded?

12:24:36 10 A. Do you mean the message? Or which of the information  
are

11 you referring to?

12 Q. Are you able to explain when you recorded all the  
13 information in that book?

14 A. Yes. For some I will be able to recall the year when I  
12:25:00 15 received the message.

16 Q. Just open the book, please, the first page. There is --  
17 there is a communication introduction and then there are some  
18 explanations on the first page. That is continued on to the  
19 second, third, and fourth pages. Have you seen that?

12:25:44 20 A. Oh, yes, I've seen that.

21 Q. When did you write this information? Are you able to  
22 recall?

23 A. Yes, I can still recall the time I wrote this  
information.

24 Q. When was it?

12:26:11 25 A. That was the time after we have gone through the  
26 disarmament, the book was with me and I was trying to get rid  
of  
27 certain information pertaining signals. Then I be reading it  
28 through.

29 PRESIDING JUDGE: I don't follow.

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1 MR OGETO:

information

2 Q. When did you record -- when did you write this  
3 on the first four pages in that book?

series

12:26:59  
this

4 A. Do you mean the communication introduction? Because  
5 of information are contained in this book and, for example,

to

6 communication introduction, I have been -- I wrote that ever  
7 since and I cannot recall exactly when I did it. I'm unable  
8 recall.

12:27:19

9 Q. So for that particular one you are unable to recall when  
10 you recorded it; is that your testimony?

introduction.

11 A. Yes, the first paper, which is communication

12 Q. Look at the second information. It starts with Mohamed  
13 Ibrahim. It's got a date of 22 October 2001. Have you seen  
14 that?

12:27:58

15 A. Yes, I have seen that.

16 Q. Does that date imply that that is when you recorded this  
17 information?

of

18 A. Well, I recorded this information before ever I got rid  
19 this, because this pertain my personal information.

12:28:30

20 Q. Did you record it on 22 October 2001?

21 A. Yes, I recorded it in 2001.

22 JUDGE BOUTET: What is it you recorded in 2001? Because  
on

23 that page you have information about 2003, so what is it you  
have

24 recorded in October 2001? Only the first two paragraphs?

12:29:08 25 THE WITNESS: Yes. Like, the one you can see now at the  
26 top, that's my personal --

27 THE INTERPRETER: Can the witness come a little bit  
slower

28 for the interpretation.

29 MR OGETO:



1 Q. Can you please repeat what you say?

2 JUDGE THOMPSON: Learned counsel --

3 MR OGETO: Yes, My Lord.

4 JUDGE THOMPSON: -- what was the point of producing this  
12:30:07 5 document? I recall from the proceedings here that there is a  
6 subsidiary document to which this relates --

7 MR OGETO: Yes, My Lords.

8 JUDGE THOMPSON: And in terms of the evidence you are  
9 trying to elicit, what is the object of the exercise? Perhaps  
if

12:30:25 10 we know precisely what you are trying to elicit from the  
witness,

11 it may well be that a different methodology in terms of  
12 questioning him may be appropriate, because as I browse  
through

13 the fifth page here, there's some personal details relating to  
14 births and that kind of thing.

12:30:54 15 MR OGETO: Yes, My Lords.

16 JUDGE THOMPSON: Which evidently would seem perhaps not  
17 germane to these proceedings, and that's why I make this  
inquiry,

18 and perhaps you should be able to -- to move a little more  
19 confidently, rather than let the witness take control of the  
12:31:18 20 proceedings. That's my own observation and that's all I need  
to

21 say.

to 22 MR OGETO: My Lords, the reason why I was doing this was  
23 lay some basis and some understanding on the authorship of the  
24 information in this book. But I do agree that it may not be  
12:31:42 25 working. I could straightaway go to the relevant messages for  
26 purposes of these proceedings. I can do that straightaway, My  
27 Lords.

the 28 JUDGE THOMPSON: Yes, it's just not to get -- I mean,  
29 problem of multiplying issues may well arise here.

1 MR OGETO: Yes.

2 JUDGE THOMPSON: Because I'm just guessing wildly that  
not  
3 everything here may well be germane to your -- for the  
purposes  
4 of your defence.

12:32:08 5 MR OGETO: Your guess is quite accurate, My Lords.

6 JUDGE THOMPSON: Right.

7 MR OGETO: Yes.

8 Q. Now, Mr Witness, I want you to --

9 PRESIDING JUDGE: Because really, what brought us here,  
or  
12:32:22 10 what took us to the exercise of the witness going to fetch  
this  
11 document was Exhibits 357A and 357B.

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: That was the purpose.

14 MR OGETO: Yes.

12:32:48 15 PRESIDING JUDGE: We wanted to find out from him, you  
know,  
16 where -- because he said it was a copy. 357A and 357B, you  
know,  
17 were copies from a particular document.

18 MR OGETO: Yes, My Lord.

19 PRESIDING JUDGE: I understand him very well at that  
time.

12:33:03 20 MR OGETO: Quite right.

21 Q. Look at the loose papers that you have with you -- the  
22 loose papers. There are two messages there; am I right?

23 A. Yes, you are correct.

24 Q. Look at the first message.

12:33:52 25 A. Yes, I've got it.

the 26 Q. Is it contained in the book? Are you able to look at

27 book and see whether the first message on the loose papers is

They 28 contained in the book? Look at page 6. Count the pages.

29 are not indicated -- the pages are not written, but just count

1

1 to 6 and look at page 6.

2 A. Yes, this message is in here.

3 Q. Look at the second message on the loose papers. Are you  
4 able to find it in the book? Try and look at page 8, please.

12:35:40 5 A. Yes, this message is here, sir.

6 Q. So it's your testimony that you transferred these  
messages

7 from the book to the handwritten loose papers; am I correct?

8 A. Yes, sir; you are correct, sir.

9 Q. And you stated that you did that at the time when the  
12:36:37 10 female lawyer from the Kallon Defence team came to interview  
you;

11 am I correct as well?

12 A. Yes, sir, you are correct, sir.

13 MR OGETO: My Lords, I'll pray that I tender the book  
and

14 with the handwritten loose papers as the next exhibit in these  
12:36:55 15 proceedings.

16 PRESIDING JUDGE: Yes. Mr Harrison.

17 MR HARRISON: The Prosecution draws to the Court's  
18 attention that we now know that this matter -- or that this  
19 document, the loose paper, and the existence of the book were  
12:37:31 20 known to the Defence for an unknown period of time, but it  
21 certainly wasn't just a day or so ago that they surfaced. The  
22 disclosure of them was, of course, as was indicated last week,

the  
know  
12:37:54  
the  
would  
and

23 something that happened the day before -- the evening before  
24 person testified. So there's quite a gap in time. We don't  
25 how much time. We don't know if it's weeks, months or half a  
26 year that has gone by since these documents were known or in  
27 possession of the Defence, and their notification that they  
28 be used as exhibits and, on that basis, the Prosecution raises  
29 the objection that due diligence has not been complied with

1 that they are not admissible.

ask 2 We would also draw the Court's attention, and we would

to 3 Mr Ogeto and Mr Taku to review this themselves, but it appears

4 the Prosecution that Exhibit 357A, the first message, is

12:38:36 5 partially reproduced in that book but not the whole message.  
It

6 appears to be pages torn out of that book, and one of the  
pages

7 appears to be the very first portion of this message 357A. So  
we

8 do concede that certain words do exist in the book that form  
the

9 latter part of 357A, but the first half of 357A is not in what  
12:39:05 10 we're calling the book.

11 PRESIDING JUDGE: Yes, Mr Ogeto.

12 MR OGETO: My Lords, regarding the second point, we  
agree

13 with our colleague that the first message -- part of the first  
14 message is missing -- but it's quite clear when one looks at  
the

12:39:39 15 book that there are pages that are missing. Some of them have  
16 been cut out and that was going to be my next question of the  
17 witness. So that really doesn't affect the admissibility of  
this

18 document as an exhibit. But we agree that parts of that  
message

19 is missing. But quite clearly there's a page that has been  
12:40:07 20 plucked out of that book which may have contained the missing  
21 part of that message.

I 22           Regarding the first point, as I said quite clearly when  
23 made my submissions on these document last week, it was only  
24 during the interview of this witness -- my interview of this  
12:40:30 25 witness -- that I learned of these particular messages. When  
the  
26 witness was examined in Court further, he disclosed that he  
had  
27 actually given information regarding these documents to  
another  
28 member of the Kallon Defence team, who has since left the  
team.  
29 So the position remains the same. We were not aware of these



1 documents, and if we were aware of the documents, we would  
have  
2 disclosed them to the Prosecution in time.  
3 PRESIDING JUDGE: Yes. Mr Harrison, that was the -- I  
4 think that is what happened last time. That's what -- if we  
even  
12:41:29 5 went to the exercise of asking him to bring this book, it is  
6 because we wanted to find out what the book was all about and  
we  
7 also noted, you know, that Mr Ogeto -- well, did not -- was  
not  
8 disputing the fact that the witness had disclosed this  
document  
9 to an earlier -- to a member of the team, you know, at an  
earlier  
12:41:51 10 period, you know, during his first contact with members of the  
11 Kallon team, but that he -- he, you know, as counsel coming  
into  
12 the case, was coming to grips with that document, you know,  
for  
13 the very first time, and I think that that sort of influenced  
the  
14 Court somehow to be lenient, you though, somewhere, you know,  
as  
12:42:16 15 to admit the documents as we did admit them in as 357A and  
357B.  
16 So -- but the point is when -- what is -- what is worrying is  
17 that -- I mean, I don't know where you stand on this, you  
know,

18 on this particular issue.

19 MR HARRISON: No, the submissions were made last time  
and

12:42:40 20 Court made a ruling which we fully accept and that seems to be  
21 the end of the matter. I would simply be drawing to the  
Court's

22 attention, or trying to, a distinction that could potentially  
be

23 made between knowledge of possession by, for example, I don't  
24 know perhaps Mr Taku had knowledge of this document for a  
lengthy

12:43:00 25 period of time.

26 PRESIDING JUDGE: Mr Taku is here. I don't know.

27 MR HARRISON: But I -- I was just -- I wasn't meaning to  
28 create -- I'm not trying to create a Pandora's box here. The  
29 point is if Mr Ogeto says he doesn't know, that's the end of  
the

1 matter. We accept that. Is there any residuary issue if the  
2 Defence team was in possession of a document for six months or  
3 eight months and doesn't do anything, that's the residuary  
issue.

4 But we're quite content to live with the Tribunal's ruling  
12:43:58 5 previously. The concern we really have is about how can we  
treat  
6 357A now.

7 PRESIDING JUDGE: And B.

8 MR HARRISON: Knowing that --

9 PRESIDING JUDGE: 357A, I'm sorry.

12:43:58 10 MR HARRISON: Knowing that the book that it was  
supposedly

--  
11 copied out of, that page has been ripped out with half of the  
12 half of the message. So we've got something that's created  
13 recently. The witness -- the exhibit speaks for itself.

Pages

14 have been ripped out.

12:44:16 15 PRESIDING JUDGE: Yes. And how it happens, nobody  
knows.

16 I mean, it's only the person who was the custodian of the  
17 document who can provide an explanation as to who ripped the  
18 document, you know, the paper out of the exhibit.

19 JUDGE THOMPSON: But again, once more you indicated that  
12:44:37 20 you probably -- you're not trying to create a kind of  
roadblock

of 21 here. But again we are in the familiar terrain where issues  
22 this nature, in a national common system, would clearly go to  
bound 23 admissibility but we're now in an area where we have set a  
consistency 24 rules, flexibility is the guide. In the interests of  
12:45:07 25 and fairness, doctrine of fundamental fairness, ought the  
Court  
- 26 not to adopt the same approach consistently, let this matter -  
27 these issues of alleged serious irregularities, go to the  
for 28 question of the weight when the time comes? Because speaking  
-- 29 myself, I am troubled by the fact that we have documents here

I 1 the copies purporting to resemble the original, but not quite.  
2 mean, I could speak judicially from that perspective. So the  
3 question is should we really factor this into the  
admissibility 4 question or should we consistently keep this on hold and when  
it 5 comes to evaluating the entire document, we factor that  
12:46:03 6 observation. That's the way I look at it.  
important 7 MR HARRISON: Yes, that's an approach that we don't  
quarrel 8 with.  
9 PRESIDING JUDGE: Yes, Mr Ogeto.  
12:46:25 10 MR OGETO:  
11 Q. Mr Witness still on --  
12 PRESIDING JUDGE: You see why we are intrigued, I mean  
the 13 missing part of that document, you know, is what is  
intriguing. 14 I mean, can we have an explanation for that from your witness.  
12:46:38 15 MR OGETO: I also saw this book for the first time  
16 yesterday, My Lords.  
17 JUDGE BOUTET: Yeah but the witness --  
18 MR OGETO: Yes, that's -- that's the question I'm going  
to 19 ask him.

12:46:49 20 PRESIDING JUDGE: Yes, yes, yes. That's what we're  
saying,

21 you know.

22 MR OGETO:

23 Q. Mr Witness?

24 PRESIDING JUDGE: Mr Ogeto was not there. We are not  
12:46:57 25 asking hem to provide an explanation. Let the witness.

26 MR OGETO:

27 Q. Mr Witness, look at that book, there are several pages  
28 missing from that book. Look at it. Some of them have been  
very

29 carefully cut out; am I right?

removed

there

paper I

12:47:47

going

12:48:08

personal

12:49:01

to

I

12:49:10

1 A. What I've explained to you, the paper that's been  
2 there, contained my personal information. But the message  
3 contained herein that I'm trying to explain, I don't think  
4 is any missing line there which doesn't concern with this  
5 have here. There is no message that has been removed. For  
6 instance, examples. This entire part will merit as an  
7 introduction for signallers and you will see a paper in the  
8 middle that identifies that this book -- this part did not go  
9 join into any information. Here is the situation. Before  
10 to my own personal information, I don't think if I removed any  
11 paper that affected the message. That did not happen.  
12 Q. When did you cut out these papers that contained  
13 information?  
14 A. This? I was not with the opinion that I'll keep this  
15 document. I only kept the document because of the zeal given  
16 me by this female lawyer. That made me to keep the document.  
17 had not wanted to keep it because I was afraid.  
18 Q. So when did you remove the information -- the personal  
19 information in that book?  
20 A. Ever since. Ever since. Not now. Ever since. Ever

I 21 since. The time I returned to my village. That was the time  
22 removed the papers, because most of the documents were scanned  
23 through by my brothers and for security purposes I was trying  
24 to -- to remove some papers there containing my personal -- my  
12:49:39 25 personal business so that people will not know anything about  
26 that. That was what entreated me to remove some of the  
papers.  
27 Q. Can you recall the year when you removed that  
information?  
28 PRESIDING JUDGE: Which should be the year that you  
29 returned to your village, as you say.



I'm

1 THE WITNESS: Yes, I can still recall. From 2001, if

2 not mistaken.

3 MR OGETO:

4 Q. Did you remove the personal information all at once? Or

12:50:39 5 you did it gradually?

6 A. Yes, I took my time and I did it so that I will not do

7 anything that will destroy some of the information contained

in

8 the book. Because the one that I removed contained my

personal

9 information.

12:50:48 10 MR OGETO: My Lord, I don't wish to pursue these

documents

11 any more.

12 JUDGE BOUTET: But I would like to know from your

witness.

13 MR OGETO: Yes, My Lords.

14 JUDGE BOUTET: Where this is coming from. I mean he has

12:50:59 15 this book, this is his personal book but where is all of this

16 coming from? And I look at it, it would appear to me that

even

17 from between 357A, whatever it is, and you look at what seems

to

18 be a recopy but not exact recopy. So, I mean, is this a

recopy

19 of something else? Because these apparently copy of messages.

12:51:28 20 Where are these? He kept those in this notebook but he copied  
21 that from something presumably.  
22 MR OGETO: But last time, My Lords, he said he copied  
from 23 the logbook.  
24 JUDGE BOUTET: Yeah but which logbook? As I say how was  
12:51:43 25 this copied? I just compare what you have here with what you  
26 have produced as 357.  
27 MR OGETO: Yes, My Lords.  
28 JUDGE BOUTET: And some words are missing and the copy  
is 29 not the same exactly. So if it was copied it was not copied

said 1 word-for-word. There's been some changes. So that's why I  
you 2 if what you are producing here either under 357 or this book,  
3 want to produce this morning, I would like to know because at  
we 4 some given time we'll have to determine what weight, if any,  
12:52:17 5 are to give to these documents.

that 6 MR OGETO: My Lords, unless -- my submission will be  
7 unless there are really fundamental differences between the  
two 8 documents, that shouldn't be a very big issue because we're  
not 9 talking about photocopying.

12:52:31 10 JUDGE THOMPSON: But the difficulty, let me interrupt  
here, 11 is to be able, for the Tribunal to be able to determine  
whether 12 the differences, alleged differences, are fundamental,  
material, 13 or minor. We need to be clear as to what precisely is the  
14 purport. In other words, what particular aspect in terms of  
your 15 case are you inviting this Chamber to factor in these  
12:52:57 16 documents  
-- 17 when we come to examine the totality of the evidence. Because  
and speaking for myself, I seem not to be able to follow quite

18 clearly where we are going. In other words, there is some  
19 penumbra of uncertainty as to what aspect you are trying to --  
to  
12:53:33 20 educate us on in terms of your Defence.

21 MR OGETO: As a matter of fact, My Lords.

22 JUDGE THOMPSON: It's also -- I'm very sensitive to the  
23 fact that we don't want you to disclose everything here. But  
you  
24 can give us some guideposts. I don't have these legal  
guideposts

12:53:51 25 clearly.

26 MR OGETO: Let me give a hint, My Lords. We are not  
really  
27 interested in the substance in those messages. That is not  
our  
28 interest. The reason why we tendered these exhibits at the  
29 initial stage was to show that this witness, at some point in

1 time, was a radio operator at a particular point in time  
2 somewhere in Sierra Leone. So we're not relying on any --  
3 anything substantive in these documents.

4 JUDGE THOMPSON: Speaking for myself that is very  
helpful.

12:54:22 5 That was the hiatus in my thinking.

6 JUDGE BOUTET: That's okay, I have no comment.

7 MR OGETO: And that's why I say I don't want to pursue  
8 these documents any more.

9 PRESIDING JUDGE: So what you are saying is the main  
12:54:38 10 purpose of your seeking the admission and obtaining the  
admission  
11 of exhibits 357A and 357B, was only to establish the fact that  
12 DMK-162 was a radio operator at a particular point in time.

13 MR OGETO: Yes, My Lords and that he monitored messages.

14 PRESIDING JUDGE: He monitored messages.

12:55:00 15 MR OGETO: Yes, My Lords.

16 PRESIDING JUDGE: You are not relying on any substance.

17 MR OGETO: No substance.

18 PRESIDING JUDGE: In those messages for purposes of the  
19 defence of your client.

12:55:09 20 MR OGETO: Not specifically, My Lords. And the reason  
why

21 we went into this elaborate procedure for the witness to go  
back

22 and get the originals is because of the allegations -- certain  
23 allegations that were made by the Prosecution regarding the  
loose  
24 papers. Otherwise, I would not have pursued it any further.

12:55:30 25 JUDGE THOMPSON: Yes. In other words, that he is a  
radio  
26 operator properly so-called.

27 MR OGETO: Yes, My Lords, because I anticipate that the  
28 Prosecution may want to discredit the witness in one way or  
the  
29 other, and I was simply trying to be pre-emptive.

1 JUDGE THOMPSON: I'll restrain myself.

2 MR OGETO: Thank you, My Lords. My Lords, I'll move to  
the  
3 next document.

4 PRESIDING JUDGE: Please, you wait. You better wait.  
So

12:57:25 5 you are still tendering the document? You are still tendering  
6 it, are you?

7 MR OGETO: Yes, My Lords. I will tender just to be  
8 abundantly cautious.

9 PRESIDING JUDGE: Yes.

12:57:38 10 MR OGETO: I will tender all the three -- the two  
11 documents -- because there's the book and then there's the  
12 handwritten loose papers.

13 PRESIDING JUDGE: Are you thinking that -- I mean, 36 --  
do

14 you have any doubts in your mind that it is not sufficiently  
12:58:00 15 established up to this point in time with 357A and 357B that  
he

16 was indeed a radio operator at a particular point in time?  
What

17 I'm asking is: Do we need any further evidence? I mean, we  
were

18 worried about this. We thought you needed it in order to use  
it

19 as a substance -- as some material on which you were grounding  
12:58:30 20 one aspect of the defence of your client, you know. You were

21 trying to use the contents of those messages to -- to  
22 substantiate a defence that you are raising for your client.

If

23 the defence that you are raising for your client is only to  
24 establish that he was at a particular point in time a radio  
12:58:53 25 operator --

26 MR OGETO: Yes.

27 PRESIDING JUDGE: -- would you think that we still would  
28 need a further exhibit? You know, like this one? I mean, I  
29 don't mind. I'm just putting the question to you because I

don't



1 think we would have any particular problem, you know,  
2 admitting --

3 MR OGETO: On my part I will have no problem. I don't  
know  
4 what the position of the Prosecution will be in view of some  
12:59:19 5 allegation that they made regarding the preparation of the  
loose  
6 papers. They stated that these papers were probably  
manufactured  
7 in Zulu.

8 PRESIDING JUDGE: Well, Mr Ogeto, you are tendering that  
9 book?

13:00:35 10 MR OGETO: Yes, My Lords.

11 PRESIDING JUDGE: And of course Mr Harrison had raised -  
-  
12 had made his observations and raised the objection he thought  
he  
13 should raise on this. It is the position of the Chamber,  
given

14 its policy of an extensive admissibility of documents under  
13:01:22 15 Rule 89(C), to admit the book that has been presented by this  
16 witness. It is accordingly admitted and marked as exhibit?

17 MS KAMUZORA: 366, My Lord.

18 PRESIDING JUDGE: 36?

19 MS KAMUZORA: 6.

13:01:39 20 PRESIDING JUDGE: 366?

21 MS KAMUZORA: Yes, My Lord.

22 PRESIDING JUDGE: What of the loose -- including the  
loose

23 papers?

24 MR TAKU: Yes, for completeness of the record.

13:02:03 25 PRESIDING JUDGE: For completeness of the records.

26 MR OGETO: Yes, My Lords.

27 PRESIDING JUDGE: So it is admitted, including the loose

28 papers, and marked as Exhibit 366.

29 [Exhibit No. 366 was admitted]

SCSL - TRIAL CHAMBER I

1           PRESIDING JUDGE:  Would this be all?  Is this the end of  
2   your examination-in-chief?

have

3           MR OGETO:  No, I thought we were taking the break.  I  
4   one more document, My Lords.

13:02:52 5           PRESIDING JUDGE:  You have one more document?

6           MR OGETO:  I could proceed, yes.

7           PRESIDING JUDGE:  Pardon me?

8           MR OGETO:  I could proceed.  I'll take like five minutes  
9   and then I'm finished.

13:02:59 10          PRESIDING JUDGE:  Five minutes, Mr Ogeto, five minutes,  
I'm

11   not very sure.  You'll continue in the afternoon, please.

12          MR OGETO:  Yes, My Lord.  Thank you.

13          PRESIDING JUDGE:  I see Mr Martin is laughing.  He is  
14   smiling at you because he doesn't trust you.

13:03:16 15          MR OGETO:  No, it's Cammegh who doesn't trust me.

16          PRESIDING JUDGE:  The Chamber will recess for lunch and  
17   resume the proceedings at 2.30.

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

19                           [RUF06MAY08C-BP]

14:26:39 20                           [Upon resuming at 2.39 p.m.]

21          PRESIDING JUDGE:  Yes, Mr Ogeto.

22          MR OGETO:  Yes, good afternoon, My Lords.

23                   PRESIDING JUDGE: Good afternoon.

24                   MR OGETO:

14:38:33 25       Q.     Good afternoon, Mr Witness?

26       A.     Good afternoon, sir.

27                   PRESIDING JUDGE: You have your five minutes.

28                   MR OGETO: Yes, thank you, My Lords.

29       Q.     I have one document here, Mr Witness?

SCSL - TRIAL CHAMBER I

1           PRESIDING JUDGE: Mr Martin is the timekeeper -- will be  
2 your timekeeper.

3           MR OGETO: If Court Management can hand over this  
document  
4 to the witness which has been disclosed to the Prosecution and  
14:38:58 5 the other parties.

6 Q. Mr Witness, with you is a document entitled at the top  
on  
7 page 1, "Restricted." Look at page 1, please -- page 1 of  
that  
8 document. It's entitled "Restricted." Have you seen it?

9 A. Yes, I've seen it.

14:39:42 10 Q. Have you seen that document before coming to Court?

11 A. Yes, I saw it before coming here.

12 Q. When did you first see this document?

13 A. This document is a document I have seen ever since.

14 Q. What do you mean by "ever since"? Can you try to be  
more  
14:40:20 15 specific, please?

16 A. Let me say it's a document that I've seen from during  
'94,  
17 '95, and I know of it.

18 Q. Do you know about this specific document?

19 A. Yes; the way I see it, I know of it.

14:40:50 20 Q. How do you know of it?

21 A. Well, I handed over these documents.

22 PRESIDING JUDGE: You had what?

23 MR OGETO: He said he handed over this document.

24 Q. Handed it over to who?

14:41:13 25 A. I handed it over to the female that I mentioned. These  
are

26 the documents she collected from me.

27 Q. Where did you get this document from?

28 A. Within the RUF movement.

29 Q. Who gave it to you within the RUF movement?

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members 1 A. It's a document that I had to circulate to all unit  
2 and commanders.

3 Q. Where were you at that time when you received this  
4 document?

14:42:08 5 A. Like I said, '94, some of the statements fall within  
'94.

6 By then I was in Zogoda and in '95 I was as far as the Western  
7 Area.

your 8 Q. And you say you gave it out to other people; is that  
9 testimony?

14:42:33 10 A. Yes, it's a document that was issued to unit members and  
11 commanders.

it's 12 Q. Look at page 1 of that document, at the bottom, where  
13 written "Aims of RUF." Have you seen that?

14 A. Yes, I've seen it.

14:43:04 15 Q. Are you able to comment on that part of the document?

of 16 A. Yes, I will explain a little bit to you. Like, the aims  
and 17 RUF, this purely -- this is purely what RUF was working on,

18 these are the ideologies of the RUF which they had within the  
19 movement. So that's a little one I will explain to you about

14:43:35 20 that.

page

21 Q. And look at page 4 of that document, at the bottom of

22 4 where it's written "The Eight Codes of Conduct."

23 A. Yes, I've seen it too.

24 Q. Are you able to comment on that part of the document?

14:44:12 25  
eight

A. Oh, yes, I will explain a little bit too. Like, the

I'm

26 codes of conduct, these eight codes of conduct are the ones

27 trying to explain to you. We embarked on this even in the

the

28 training base and I'm sure these eight codes of conduct were

29 ones we used within the RUF all this time.



tendered 1 MR OGETO: My Lords, I apply that this document be  
2 as the next exhibit in these proceedings.

3 PRESIDING JUDGE: Yes. The letter you are tendering, is  
4 that an English document?

14:45:34 5 MR OGETO: Yes, My Lords.

6 PRESIDING JUDGE: Yes, Mr Harrison?

7 MR HARRISON: No objection.

8 MR JORDASH: No objection.

9 MR MARTIN: No objection.

14:46:19 10 PRESIDING JUDGE: The document is admitted and marked as  
11 Exhibit 367.

12 MS KAMUZORA: Yes, My Lord.

13 [Exhibit No. 367 was admitted]

14 MR OGETO: Thank you, My Lords. I have no further  
15 questions.

vigilant. 16 PRESIDING JUDGE: Mr Scott Martin, you were not

17 MR MARTIN: In fact it was just over six-and-a-half  
18 minutes.

19 PRESIDING JUDGE: That's why I say, you didn't monitor.  
14:46:59 20 You are not a good court monitor. Yes, Mr Jordash.

21 CROSS-EXAMINED BY MR JORDASH:

22 MR JORDASH: Thank you.

23 Q. Good afternoon, Mr Witness.

24 A. Yeah, good afternoon.

14:47:39 25 Q. I represent Issa Sesay, so I'll ask you a few questions  
on

26 his behalf.

27 A. Welcome.

28 Q. During the junta period you were deployed at the

29 Grafton/Regent route under Komba Gbundema; that's right, isn't

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1 it?

2 A. Yes, I was with Komba Gbundema at Grafton; you are  
correct.

3 Q. And in that region, the Grafton/Regent region, were men  
who

4 had previously been together at the Western Jungle; is that  
14:48:46 5 right?

6 A. Yes, you are quite correct.

7 Q. These were men who were loyal to Superman; is that  
right?

8 A. Yes, you are correct.

9 Q. Were there several hundred of Superman's men at the  
14:49:04 10 Grafton/Regent Area?

11 A. Yes.

12 Q. There was also, is this right, men from the Western  
Jungle

13 deployed at Hastings at the same time?

14 A. Yes, you are correct.

14:49:31 15 Q. And these two numbered several hundred; is that correct?

16 A. Repeat once more your question. I didn't get that quite  
17 clear.

18 Q. Were there several hundred of Superman's men deployed at  
19 Hastings at the same time as those deployed at the Grafton  
area?

14:50:06 20 A. Yes, the same soldiers who left Western Jungle were the  
21 same ones as were deployed at Hastings.

from 22 Q. And just to complete the picture, several hundred men  
23 the Western Jungle were also deployed at Allen Town; is that  
24 right?  
14:50:34 25 A. Like I gave you the figure -- the figure that we came  
with,  
26 what I know is our own number is went to Grafton. That is  
what  
27 I'm referring to. And the number of people who went to  
Grafton  
28 was the number I gave to you, 100 men.  
29 Q. Was there a similar number of men, though, at the  
Hastings

1 area?

2 A. I can't tell you the exact number at Hastings area. The  
3 total amount I have given to you that I counted and I know. I  
4 operated with that.

14:51:14 5 Q. Okay. Now, Komba Gbundema, as you've told us, reported  
to  
6 Superman; is that right?

7 A. Yes, My Lord, you are correct.

8 Q. And Komba Gbundema was -- if I use the term the right-  
hand  
9 man of Superman -- would you know what I mean by that?

14:51:47 10 A. Yes, but what I'm telling you, he was loyal to him.

11 Q. Yeah. He was if not the most trusted aide of Superman,  
one  
12 of the most trusted aides of Superman; is that right?

13 A. From what I know, he thought that he was loyal to him.  
If

14 he was not loyal to him, he couldn't have given him

14:52:16 15 responsibilities to carry.

16 Q. Okay. It was, then, Superman who gave those  
17 responsibilities to Gbundema upon Superman's arrival at the  
18 Freetown area at the beginning of the junta period; is that  
19 correct?

14:52:39 20 A. Yes, the man gave him the responsibility.

21 Q. And it was to Superman that Komba Gbundema went to  
obtain

Grafton 22 instructions or orders concerning the men deployed at the  
23 area; is that right?  
24 A. Repeat once more; I didn't get the question.  
14:53:13 25 Q. Komba Gbundema would go to Superman to receive  
instructions  
26 and orders concerning issues relating to the men deployed at  
27 Grafton?  
28 A. Well, he transmitted -- he sent message, so got it from  
the  
29 message. That is what I will be able to tell you. But going  
to

1 him personally to meet him, I can't tell you much but we  
received  
2 messages from Superman.  
3 Q. Fair enough. So if Komba Gbundema had a problem, if he  
4 wanted to obtain supplies or ammunition or needed advice on  
what  
14:53:58 5 to do with the men at Grafton, he would get on to the radio  
and  
6 contact Superman; is that right?  
7 A. He will just go over the media. He will prepare a  
message.  
8 That is why every commander had crack that I would call  
adjutant.  
9 They will prepare the message and give it to us  
[indiscernible]  
14:54:26 10 and I will transmit it.  
11 Q. To Superman?  
12 A. Yes, to Superman.  
13 Q. And are you able to confirm this: That Superman  
reported  
14 effectively to two people during the junta period; one was  
14:54:47 15 Sam Bockarie, and the second was Johnny Paul Koroma?  
16 A. The one I know about, as far as RUF is concerned, we had  
no  
17 two commanders at the same time. Superman directly reported  
to  
18 Sam Bockarie.  
19 Q. But did not the army chief of staff, SL Williams, pass

14:55:24 20 Johnny Paul Koroma's orders at times to Superman?  
21 A. Not to my knowledge at all.  
22 Q. Okay. Did you hear about a dispute between Sam Bockarie  
23 and Superman concerning Superman embezzling or stealing 9  
million  
24 leones which Johnny Paul Koroma had given him to give to  
14:56:11 25 Sam Bockarie?  
26 A. Well, I don't have any details on that.  
27 Q. Did you hear about it even if you don't have details of  
it?  
28 A. I can't tell you exactly. I don't want to give you any  
29 false information.



just 1 Q. Well, I'm not asking you to give details. I'm asking  
2 if you heard about this, even in the vaguest of terms?  
3 A. I never heard of it.  
4 Q. Okay. In your duties with Komba Gbundema, did Komba  
14:57:17 5 Gbundema contact Sam Bockarie directly at any stage during the  
6 junta period, or did Komba Gbundema limit his radio  
7 communications to Superman only?  
8 A. Like I stated, we worked on a channel. Komba Gbundema's  
9 information I channelled through Superman. Why Superman was  
14:57:51 10 channelling to Sam Bockarie, I don't know.  
11 Q. Sorry, what don't you know? It didn't come across  
clearly 12 to me. What don't you -- sorry, you don't know if Superman  
13 contacted Sam Bockarie? What is it you don't know?  
14 A. Yes, I can't tell you. I can't say anything on that.  
14:58:27 15 Q. Okay. Let me take you to the intervention. Did you  
cross 16 at Tombo with other fleeing junta?  
17 A. Yes, yes, I crossed at Tombo. I crossed with others.  
18 Q. This was the only route out of Freetown; is that right  
for 19 the fleeing junta?  
14:59:08 20 A. Yeah, by that time when we were pulling out that was the  
21 only route from Freetown.

22 Q. And the way it worked was that the junta would arrive at  
23 the waterside and have to pay the owners of boats to take them  
24 across; is that right?

14:59:42 25 A. Me, but our own batch did not pay. Maybe they did, but  
our

26 own batch did not pay.

27 Q. Okay. So the boats themselves though were small speed  
28 boats and fishing boats; is that right?

29 A. Yeah, the one we used to cross only takes six people at  
a

1 time.

2 Q. So the boats were not big enough to put vehicles on  
them;  
3 is that right?

4 A. No vehicle did not get on to the waterside.

15:00:27 5 Q. And there was, is this right, barely enough boats to  
enable  
6 people to take their families across with them. People were  
7 struggling to find boats big enough for their families and  
8 friends; is that right?

9 A. Well, our own batch where we got to, we only met one  
boat

15:00:59 10 and we did not struggle. When we got there, we met everybody  
has  
11 crossed over, so we just took the boats and then we crossed  
over  
12 with our families.

13 Q. And you were crossing, as were the others, with families  
14 and friends. You didn't observe anyone being forced to go  
15:01:20 15 across, did you?

16 A. We did not force anybody and I did not see anybody who  
was  
17 forced to go across, because at that time everybody was  
rushing  
18 to cross because everybody was willing to go.

19 Q. And when you arrived at Fogbo, who were you with? Were  
you

15:01:58 20 anywhere near Komba Gbundema at this point?

21 A. No, I was not with Komba Gbundema.

22 Q. Were you with any RUFs or were you simply with your  
family?

23 A. I was with RUF, more especially the ones who came from  
the

24 Western Jungle.

15:02:26 25 Q. So had the -- you had chosen men from the Western Jungle  
to

26 move across with, had you? These were effectively your  
friends

27 who you had chosen to cross the river with and chose to travel  
to

28 Makeni with or to Masiaka first; is that right?

29 A. No, My Lord. I did not force anybody. I did not ask

1 anybody. But when you look at the association and you see  
2 everybody was trying to go, you too follow up. Anyway, we did  
3 not force anybody to go with us.

4 Q. Sorry, I wasn't suggesting you did force anyone. Just  
so

15:03:13 5 you're clear, I think you didn't get my question clearly. My  
6 question was this: That you were not crossing the river or  
the  
7 route from Tombo to Fogbo as part of a military structure; you  
8 were crossing with friends and family; friends from the  
Western  
9 Jungle and your own family; is that right?

15:03:41 10 A. Yes, we crossed over with them.

11 Q. And when you got to Fogbo, you stayed with the same  
friends  
12 and family as you made your way to Masiaka; is that right?

13 A. The first thing, in fact, Fogbo I don't understand  
Fogbo.

14 I don't understand Fogbo at all. Only that when we crossed,  
we

15:04:11 15 used some routes until we got onto the highway. But I don't  
16 understand Fogbo in any way.

17 Q. Okay. Well, let's forget Fogbo. I'm talking about when  
18 you went from Tombo to Masiaka. The point I'm making is this:  
19 That you were not receiving any orders from anyone; you were

15:04:32 20 simply making your way with friends and family seeking --  
seeking

21 to escape from ECOMOG; is that right?

22 A. Oh, yes, I was not dealing with any instructions from  
23 anybody. Everybody was fighting to withdraw safely and go to

a

24 safety area. I think by that time you wouldn't even bother to  
15:04:58 25 pass comment to anybody and he stand by to watch you.

26 Q. So hundreds, if not thousands of you, moving in these  
27 family and friend units made your way to Masiaka; is that

right?

28 A. In fact when we got to the highway the population was so  
29 high and because we met some other people who were there too

1 going. The highway was packed full as everybody was trying to  
2 withdraw. Civilian soldiers [indiscernible].

3 Q. I think you told us that you'd stayed in, is this right,  
4 Masiaka for a short time. Was it just a night?

15:05:45 5 A. I did not even sleep there. As I got there, I spent, if  
6 I'm not mistaken, two or three hours, I left Masiaka.

7 Q. Would you have been one of the first people -- one of  
the  
8 first fleeing junta into Masiaka? Or when you arrived there  
was  
9 it already full of combatants and their families and friends?

15:06:13 10 A. Well, our own batch, almost our own batch there were not  
11 many people behind us. We met so many people at Masiaka.

12 Q. And at the time you arrived, there was a general  
confusion  
13 and general questioning amongst the group as to where everyone  
14 should go; is that what you experienced?

15:06:46 15 A. There was no question like that at all. If it does  
exist,  
16 I didn't realise that because when you come your brother will  
17 tell you that everybody was heading towards Makeni/Port Loko.  
18 Wherever you go you will meet this information. In fact, I  
don't  
19 even have the interest to ask. As long as I knew where to go.

15:07:10 20 Q. Okay, so Masiaka was a place where -- it was a safety  
zone

is 21 where it was clear that everyone was going to move to Makeni;

22 that what you're saying?

23 A. Please repeat that area. I didn't get it clear.

travelled 24 Q. So everyone in Masiaka was there and the news had

15:07:38 25 amongst the group that everyone was moving towards Makeni?

we 26 A. If I tell you anything pertaining that, the time while

27 were planning to leave, there was no time for you to go and

28 investigate. All that one was concerned with was to escape to

a 29 safety zone. I never inquired.



1 Q. Okay. So what you're saying is there's no orders and  
2 there's no instructions. There's simply: Let's get to  
Makeni.  
3 It's even further away from Freetown. Is that fair?  
4 A. Yes, because everybody was trying to run away because  
the  
15:08:32 5 threat was too much in Freetown. So everybody was looking for  
a  
6 safe zone.  
7 Q. And so Masiaka, would you with agree with this, was  
8 relatively calm with the hundreds of combatants moving through  
on  
9 the way to Makeni?  
15:08:57 10 A. Well, when I arrived in Masiaka there was no problem.  
And  
11 from the time I arrived at Masiaka until Makeni, there were no  
12 problems.  
13 Q. And -- but somewhere between Masiaka and Makeni the mass  
of  
14 combatants decided that they were going to, for some reason or  
15:09:30 15 another, start looting property; is that something you  
observed?  
16 A. I can't say much about that. In fact, I didn't see  
17 anything on my way while going. I didn't see anything like  
18 looting.  
19 Q. When you arrived in Makeni, was the town full of  
15:09:57 20 combatants?

21 A. Not only combatants; you have both civilians and  
22 combatants.

23 Q. Was some of those civilians and some of those combatants  
24 looting property in Makeni?

15:10:23 25 A. I can't tell because Makeni -- when I entered Makeni, I  
26 didn't sleep. I didn't sleep midtown. I found my way down  
27 towards Magburaka so what obtains within the township I could  
not  
28 say anything about that.

29 Q. Okay. Let me ask you this then: You didn't receive any

1 orders from any RUF commander to engage in Operation Pay  
2 Yourself? It wasn't a specific order, was there?

3 A. I never heard about that. I was not given an order like  
4 that.

15:11:07 5 Q. And in fact, actually, you didn't receive any orders  
from  
6 Masiaka to Makeni. There was no communication from senior  
7 commanders at all; do you agree with that?

8 A. Yes, you are correct. I myself, I had a radio  
9 communication set. Everything was entered. But there was no  
15:11:32 10 time to put on the radio. Everybody was looking for a safe  
zone,  
11 as I said earlier, so there was nothing like communication in  
12 Masiaka, Makeni, by the time we arrived there, because there  
was  
13 threats from air raid. The threat was paramount.

14 JUDGE BOUTET: Mr Witness, the question you were asked  
with  
15:11:56 15 reference to Operation Pay Yourself was if there were orders,  
and  
16 your answer is -- you said there were no orders. But did you  
17 hear about operation if there was no orders? You knew that  
18 operation while you were on your way from Masiaka, Makeni,  
19 Magburaka?

15:12:19 20 THE WITNESS: Well, My Lord, as I have told the Court, I  
21 never received that order. I didn't get that instruction from

received 22 anybody. If it does happen, I can't tell. But I never

23 that instruction, neither the message.

24 JUDGE BOUTET: Thank you.

15:12:40 25 MR JORDASH:

26 Q. Did you hear SLA commanders or RUF commanders using the  
27 term -- discussing the term?

that 28 A. I can't tell anyway. As I told you, I didn't receive

29 instruction; I have no knowledge on that.

1 Q. You mentioned something a moment ago about the air jet.  
Is  
2 it right that the air jet, or the jet, appeared around the  
time  
3 that the majority of the junta were arriving in Masiaka; is  
that  
4 right?

15:13:29 5 A. Yes, yes. I myself -- what happened, I didn't wasted  
any  
6 time at Masiaka. It's because of the jet raid. As I entered  
the  
7 jet arrived so I found it very difficult to stay, so I had to  
8 move.

15:13:50 9 Q. And in a sense this was the major problem with  
set  
10 communication, that communication men like yourself could not  
junta;  
11 up your radios because the air jet was bombing the fleeing  
12 is that fair?

13 A. Yes, it's fair. And secondly, I found out that my  
security  
14 was not guaranteed to put up the communication set because  
15 putting up a communication set need proper security.

15:14:23 16 Q. That's right. Because it's part of radio communication  
likely  
17 protocol, if you like, not to set up radio sets where it's  
18 to get damaged because they are a valuable commodity; is that  
19 right?

15:14:51 20 A. Yes, repeat. Please repeat. Repeat your question once  
21 more.

22 Q. Well, it was your duty as a radio operator to make sure  
23 that your radio set was not damaged; is that right?

24 A. Yes, that was the problem we were experiencing. Without  
15:15:16 25 proper security you, as a radio operator, should not put on  
the  
26 radio.

27 Q. Right. And of course, if there's an air jet or there  
are  
28 enemy troops nearby, then you don't stop and put up a radio  
set  
29 which could take up to 15 to 30 minutes to set up; am I right

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1 about that?

2 A. My Lord, I will only put on a radio set if I know there  
is  
3 security protection. Without security protection I will not  
put  
4 up a radio set.

15:15:53 5 Q. So basically, you were without access to your radio set  
6 until you arrived in Kono because it wasn't safe for you, as a  
7 radio operator, to stop and set it up; is that right?

8 A. Yes, you are correct.

9 Q. It is possible to set up a radio set on the back of a  
15:16:21 10 truck, isn't it? But again, am I right that you couldn't set  
it  
11 up on the back of a truck on the way to Kono because there  
were  
12 Kamajor ambushes on the way?

13 A. Yes. Apart from that, we will never set up a radio set  
on  
14 a vehicle. I am not used to that. I've never done that.

15:16:46 15 Q. My mistake. Apologies --

16 JUDGE BOUTET: Mr Witness, on radio sets, were all radio  
17 sets functioning in a station only? In other words, they were  
18 not radio sets you would carry on your back?

19 THE WITNESS: Not at all. The radio set I was using was  
15:17:14 20 Yaesu. You use a very big car battery to put it on and by  
then

21 we were using a vehicle car battery.

radio

22 JUDGE BOUTET: So [indiscernible] did you have those

23 sets that you carry on your back and you can communicate with

24 handset?

15:17:36 25

THE WITNESS: We didn't have those type of radios. The

26 type of radios that you are referring to I know them, but we

27 didn't have them. We didn't have access to them. Only the

SLA

28 had access to those that you are referring to.

29 JUDGE BOUTET: Thank you.



1 MR JORDASH:

2 Q. And on the journey to Kono, you may not be able to  
assist

3 with this, but did you see any SLAs operating their radio  
sets?

4 A. On my way while retreating to Kono? Is that what you  
are

15:18:18 5 referring to? No, no, no, no, I can't tell if they were doing  
6 that. I can't tell. You know, the SLA are the brigade but we  
7 didn't have a brigade at all, so I can't tell you.

8 Q. Did you meet an SLA radio man called Achie in Kono after  
9 the intervention?

15:18:45 10 A. You mean Achie or Asi? Achie? Yes, I know Achie.

11 Q. And did Achie ever tell you that what had happened was  
that

12 the SLA radio operators had taken their radio sets to  
13 Teko Barracks in Makeni for safekeeping during the  
intervention?

14 A. No, not at all; he never told me that. And he was a  
good

15:19:16 15 friend to me. We were moving together, but he never told me  
16 that.

17 Q. But you never saw any evidence of the SLAs making use of  
18 radio sets on the way to Kono? Never saw it or never heard of  
19 it?

15:19:40 20 A. I never saw it; I never heard about it.

arrival,

21 Q. Thank you. Now, let me take you to Kono. On your  
22 you spend a week operating with Superman's radio set; is that  
23 right?

24 A. Yes, yes; you are correct.

15:20:13 25 Q. And there was at this point in these -- let's just deal  
26 with this first week, but I suggest this situation existed for  
27 several weeks --

Kono,

28 JUDGE BOUTET: Mr Jordash, you are the first week in  
29 is that what you said? I just missed that first part.

1 MR JORDASH: The first week in Kono the witness was  
2 operating with Superman's --

3 JUDGE BOUTET: When he was there? The first week of his  
4 operations in Kono?

15:20:27 5 MR JORDASH: Yes, exactly.

6 JUDGE BOUTET: Okay, thank you.

7 MR JORDASH:

radio

8 Q. The situation was that there was only one operating  
9 set?

15:20:42 10 A. Yes. The time we arrived there and for the first week  
that

11 I was there, there was only one radio set.

12 Q. Right. And that set was under the command of Superman  
and

13 there was a number of operators, including Top Marine and King  
14 Perry; is that right?

15:21:14 15 A. Yes, yes.

16 Q. Did you hear or did you attend any meeting that Johnny  
Paul  
17 Koroma had before he went to Kailahun?

18 A. Yes, I heard about that meeting, but on that particular  
19 day, I was --

15:21:42 20 THE INTERPRETER: Your Honours, can the witness please  
be

21 instructed to speak slowly, and let him go back on the last

22 segment of his testimony.

23 MR JORDASH:

24 Q. Can you speak slowly and just repeat your last answer,  
15:21:53 25 please?

26 A. I was in Kono. I heard about the meeting. By then I  
was  
27 on duty. I didn't go to attend the meeting. But after the  
28 meeting I learned from my colleagues what obtains during the  
29 meeting.

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was 1 Q. And what obtained, I suggest, was this: That Superman  
2 put in charge of Kono; is that right?

3 A. Oh, yes.

second 4 Q. And I think it was said that Bazzy Kamara should be  
15:22:35 5 in charge of Kono; is that correct?

6 A. Which one? Please say again.

7 Q. Bazzy Kamara, SLA?

8 A. Yes, he was deputy to Super.

that 9 Q. And nothing else of any great importance happened at  
15:22:59 10 meeting; is that correct, from what you heard?

very 11 A. Well, all I heard was on the command structure. I was  
12 much concerned with the command structure. Apart from the  
13 command structure, I did not inquire further. The most  
important

14 thing to me was the command structure, because the time we  
15:23:25 15 arrived there, everybody was doubtful.

16 Q. Yeah. And what was said at the meeting was that there  
17 should be a cooperation between the RUF and the SLA. So where  
18 there was an RUF commander in a place there would be an SLA  
19 deputy; where there was an SLA commander there should be an

RUF

15:23:46 20 deputy. That was the general instruction which Johnny Paul

21 Koroma suggested at the meeting?

22 A. Yes, that was one of the messages. He appointed a  
23 commander, a commander who was going to be in charge of the  
24 entire Kono District, so, as I initially said, that was the  
15:24:13 25 command structure.

26 Q. And I think it was left to Superman after Johnny Paul  
27 Koroma had left to then give out specific deployments; is that  
28 right?

29 A. Yes.

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1 Q. At a series of later meetings chaired by Superman?  
2 A. I did not attend any other meeting. Since I left Kono  
to  
3 join Komba Gbundema I never attended any other meeting.  
4 Q. I think we're misunderstanding each other. I'm  
suggesting  
15:25:00 5 that after Johnny Paul Koroma left, Superman had a meeting or  
6 maybe more than one meeting whereby he identified which  
commander  
7 should go to which area -- the deployments?  
8 A. Yes. What I knew, he called on my commander that he  
9 assigned me to, that was what I was trying to tell you. If  
there  
15:25:33 10 was any other meeting at that time, maybe I have already left  
11 with my commander to go to Yomandu.  
12 Q. Oh, I see. So after Johnny Paul Koroma had left, then  
13 Superman called up Komba Gbundema and told him he should go to  
14 Yomandu; is that right?  
15:25:49 15 PRESIDING JUDGE: That has been his evidence.  
16 THE WITNESS: Yes, he shall go and take over Yomandu.  
17 PRESIDING JUDGE: Johnny Paul Koroma made the first  
18 appointment, the top ones, and then Superman stayed back and  
now  
19 started deploying those who remained, Komba and the rest of  
them  
15:26:14 20 to Yomandu, and he was ventilating them in the various command

21 positions.

22 MR JORDASH: I was simply wanting to make sure of the  
23 timing. Because I mean there's a number of references to this  
24 happening.

15:26:31 25 PRESIDING JUDGE: Yes.

26 MR JORDASH: At an earlier time. If I can leave it as  
27 blank as that.

28 PRESIDING JUDGE: Well, if you want to clarify the  
timing,  
29 that's fine.



Paul 1 MR JORDASH: It's sufficient now. It's after Johnny  
2 Koroma has left.  
3 Q. Now, just going back to Johnny Paul Koroma's meeting, at  
4 the time of Johnny Paul Koroma's meeting, the junta forces,  
both  
15:27:00 5 RUF and SLA, had moved into the houses in Koidu Town and were  
6 occupying them; is that right?  
7 A. Ah, yes, I can't tell because the time we went to Koidu  
8 Town, everybody was afraid to enter into houses because there  
was  
9 constant jet raids. So everybody was frightened, so not  
15:27:27 10 everybody was brave enough to sleep in a house.  
11 Q. Not everyone, but there were lots of houses occupied by  
12 junta soldiers; is that correct?  
13 A. Oh, yes maybe there were houses occupied by them but  
what  
14 I'm trying to explain, even the commander that I was with,  
where  
15:28:00 15 we were, we used to sleep on sponges outside in the parlour,  
so  
16 if people were sleeping in houses I can't tell.  
17 Q. Sleeping outside the houses but occupying the houses  
during  
18 the day leaving their belongings in the houses; is that right?  
19 A. No. The time I met him in Kono Town when I met him  
15:28:23 20 initially.

21 Q. When you met who?

22 A. When I met -- because Komba Gbundema entered Koidu Town  
23 before I did. So where I met him, I stayed with him. Then

I'll

24 come to work to Superman, then back. Then where we were, we

used

15:28:46 25 to sleep on sponges outside.

26 Q. But did the various combatants leave their belongings in  
27 the house, some of them slept in the house, some of them slept  
28 outside for safety reasons. Is that as it was?

29 A. My Lord, I can't say much about that.

you  
meeting?

1 Q. All right. Let me ask a different question then. Did  
2 observe any burning of houses after Johnny Paul Koroma's

did

3 A. Well, I have no idea about that. As I said earlier, I  
4 not spend one to two weeks. I spent only a week in Kono so

15:29:37

5 during the time I was in Kono I didn't experience any burning.

two

6 Q. Okay. So let me just deal with the day of Johnny Paul  
7 Koroma's meeting, the day after, and the day after that. So  
8 days after Johnny Paul Koroma's meeting, did you observe any  
9 burning in Koidu Town?

15:29:58

10 A. Well, I can't tell. I did not observe that, during that  
11 time I did not observe that, yeah.

answer,

12 Q. Are you able to confirm that -- thank you for your

hear

13 Mr Witness. Would you also confirm this: That you did not

burn

14 from anyone that Johnny Paul Koroma had given any orders to

15:30:43

15 Koidu Town at that meeting?

he

16 A. At all. In fact, he did not give any instruction. If

have

17 had given any instruction [indiscernible] that one, he would

18 got that one through a written message. RUF generally, we did

19 not believe in any verbal message.

15:30:49 20 Q. Sorry, could I have that translation again, please?

21 A. If he give any instruction pertaining that we would have  
22 received that through messages or written because RUF did not  
23 believe in verbal messages. All important message must be  
24 documentary.

15:31:23 25 Q. And even after Johnny Paul Koroma had left to go to  
26 Kailahun, there was no burning of Koidu Town until the RUF  
were  
27 pushed out to Guinea Highway; would you confirm that? When --

28 A. In fact, I was not there when RUF were pushed out of  
Koidu  
29 Town. By then I was along the Guinea --

1 THE INTERPRETER: Your Honours, can the witness be  
2 instructed to go over the last sentence.

3 MR JORDASH:

4 Q. Could you go over the last part of your answer, please?

15:32:04 5 A. During the time I was, I can't say anything about that  
6 because the time I was there, there was no burning. I left  
the  
7 town and joined Komba Gbundema for Yomandu, so I can't say  
much  
8 about Koidu Town anyway.

9 Q. Yeah but you would have heard, wouldn't you, if there  
was  
10 burning after [overlapping speakers]?

11 A. Yes. Yes.

12 MR JORDASH: [Overlapping speakers] I'm referring to  
13 TF1-366, 8 November 2005, pages 25 to 29 and also --

14 PRESIDING JUDGE: 8 December.

15:32:56 15 MR JORDASH: 8 November --

16 PRESIDING JUDGE: 8 November.

17 MR JORDASH: -- 2005, TF1-366, pages 25 to 30 and also -

18 PRESIDING JUDGE: Mr Jordash, November what year.

19 MR JORDASH: 2005.

15:33:12 20 PRESIDING JUDGE: 2005, thank you.

21 MR JORDASH: And also 14 November 2005, TF1-366, pages

22 to 26.

23 MR OGETO: My Lords, could Mr Kallon be allowed to use  
the

24 bathroom?

15:33:32 25 PRESIDING JUDGE: Yes, please.

26 MR JORDASH:

27 Q. I'll put it directly to you, Mr Witness. A witness in  
this

28 Court claimed that Issa Sesay had given orders -- well, first  
of

29 all, that Johnny Paul Koroma had given orders to burn Koidu  
Town;

1 and secondly, that Issa Sesay had given Morris Kallon  
2 instructions to burn Koidu Town. And you would confirm that  
you 3 didn't receive that order or those orders -- confirm that?  
4 A. Yes, I never received such an order and I've never heard  
15:34:22 5 myself about such an order.  
6 Q. And you can confirm that you never saw any evidence of  
7 Koidu Town being burnt around the time Johnny Paul Koroma was  
8 leaving to Kailahun and in the weeks after that; would you  
agree 9 with that?  
15:34:47 10 A. My Lord, I can only talk about the time I was in Kono,  
but 11 after I have left Koidu, I can't say much about Koidu.  
12 Q. Fair enough. Would you agree with this: That in the  
week 13 you were working for Superman, Sam Bockarie spoke directly to  
14 Superman through the radio set?  
15:35:08 15 A. Yes, the time I was there, once in a while they will  
have 16 messages sent to them. But that was all.  
17 Q. And Sam Bockarie was concerned to ensure a number of  
18 things: Mainly protection of Kono from ECOMOG; is that right?  
19 A. Say again. Please say again.  
15:35:37 20 Q. I'm saying that Sam Bockarie was concerned to ensure,

protected 21 through his dialogue with Superman, that Kono remained

22 from attacks by ECOMOG?

week 23 A. My Lord, I can only give you information between the

accurate 24 that I was in Kono. Apart from that, I can't give you

15:36:13 25 information about it.

26 Q. Fair enough. I'm only at the moment interested in that

to 27 week, and I'm suggesting that -- well, let me put it directly

28 you: The only person you heard from from Kailahun was

that 29 Sam Bockarie, who was keen to communicate with Superman; is



1 right?

2 A. Oh, yes.

3 Q. And Superman was there taking orders from one man and  
one  
4 man only, which was Sam Bockarie; do you agree with that?

15:36:49 5 A. Yes, it was only Sam Bockarie that he would accept  
6 instructions from.

7 Q. You say he was the only man he would accept instructions  
8 from. Did Superman regard himself as basically out of the --  
any  
9 command hierarchy at that time except that he would take  
orders

15:37:19 10 from Sam Bockarie [overlapping speakers]?

11 A. I have not understood what you are saying. Please go  
over  
12 your question.

13 Q. Was Superman -- let me try a different way. Superman  
was a  
14 battle-group commander, was he, at this point?

15:37:40 15 A. Yes, I heard this said. He was a battle-group  
commander.

16 Q. And in terms of the RUF hierarchy, he should have  
17 theoretically reported to and taken orders from the  
battlefield  
18 commander in the theory of the RUF; is that right?

19 A. Well, it has to be documented, but I only heard about  
it.

15:38:13 20 I never saw the document myself.

21 Q. All right. But in fact, Superman refused to take orders  
22 from anyone but Sam Bockarie; is that what you observed when  
you  
23 were working with him as his radio operator?

24 A. Yes, Superman --

15:38:30 25 PRESIDING JUDGE: Mr Witness [Overlapping speakers]  
answer

26 the question, it has to be documented. I mean, if Superman

27 battle-group commander, ordinarily if there was one he should  
be

28 taking instructions from the battlefield commander in the

29 ordinary course of things.

1 THE WITNESS: Yes, maybe his own administration was that  
2 way. He only received instruction from Sam Bockarie.

3 PRESIDING JUDGE: [Overlapping speakers] things. He  
4 should, shouldn't he.

15:39:10 5 THE WITNESS: Yes.

6 MR JORDASH:

7 Q. But in fact, when you were a radio operator, it was  
8 Mosquito, Sam Bockarie, who was the only person who passed  
orders  
9 to Superman; is that correct?

15:39:32 10 A. Yes.

11 Q. Now, there came a time after this week you went to  
Yomandu  
12 with Mr Gbundema, and am I right that Komba Gbundema had some  
13 form of battalion at Yomandu; is that right?

14 A. I didn't heard. But he was a battalion commander. He  
had  
15 a company.

16 Q. Okay. That company was made up of men from the Western  
17 Jungle, ones who had been with him at Grafton; is that right?

18 A. Yes, 100 per cent of them.

19 Q. All of whom, as we know from your earlier evidence, were  
15:40:29 20 loyal to Superman?

21 A. He said what?

Komba 22 Q. It doesn't matter. I'll ask a different question.

23 Gbundema reported directly to Superman from Yomandu?

reported 24 A. Yes. Yes, yes. Yes, what I knew, Komba Gbundema

15:40:54 25 directly to Superman and all the messages that I transmitted  
were

26 addressed directly to Superman.

27 Q. Did Komba Gbundema communicate during the four to five

28 months you were there with Sam Bockarie directly? Or did

29 Sam Bockarie simply communicate with Superman?

SCSL - TRIAL CHAMBER I

1 A. All I knew was Komba Gbundema communicated with Superman  
2 once. But I never experience Komba Gbundema speaking to  
3 Sam Bockarie through radio dialogue.

4 Q. Okay. What about sending messages? Put aside dialogue  
and  
15:41:45 5 speaking; what about sending messages? Did Komba Gbundema  
send  
6 any messages to Sam Bockarie or Sam Bockarie to Komba  
Gbundema?  
7 A. No, no, no, no. Komba Gbundema will always use the  
right  
8 channel. He always reported directly to Superman and Superman  
9 will report to Sam Bockarie.

15:42:11 10 Q. Now, Komba Gbundema -- sorry, let me start that again.  
11 Yomandu was a front line, wasn't it?

12 A. Yes, yes. It was a front line for Koidu Town.

13 Q. And to that extent, Komba Gbundema was his own boss in  
an  
14 important area; he decided what went on in Yomandu?

15:42:47 15 A. Collectively, yes. But, individually, he cannot decide.  
16 He will do that collectively with the senior authorities.

17 Q. But it was -- it was Komba Gbundema who would organise  
18 food-finding missions from Yomandu; is that right?

19 A. Yes, yes, of course. Of course he organised food  
finding.

15:43:20 20 Q. And it was Superman -- Komba Gbundema who would decide  
on

21 how civilians were treated within the Yomandu area; is that  
22 right?

23 A. That was not for him to decide, because, as I said, all  
24 unit commanders were there. We had a G5 who was responsible

for

15:44:04 25 civilians. All civilian issues were directed to him. That  
was

26 not Komba Gbundema's domain.

27 Q. And field commanders reported to Komba Gbundema; is that  
28 right?

29 A. Yes, they reported to him directly as a commander.

1 Q. Thank you. Did Komba Gbundema report any crimes to  
2 Superman, from what you recall, in your four to five months in  
3 Yomandu?

What

4 A. Crimes like what? Because we had a series of crimes.

15:44:40

5 type of crimes are you referring to? Can you give an example?

6 PRESIDING JUDGE: Any one. Any one.

7 MR JORDASH:

that

8 Q. Anything. Is that something that -- is that something

9 Komba Gbundema would report to Superman? Or is that something

15:44:53

10 that Komba Gbundema would purport to deal with himself?

never

11 A. Well, as far as I was working with Komba Gbundema, we

12 came across any serious crime in that area. All messages were

problem

13 based on military operations. We never came across any

14 with anybody within the area.

15:45:23

15 Q. So -- but the point I'm making is this: That you're a

right?

16 radio operator and your duties are in the radio room; am I

17 A. Yes, I was always with my radio.

18 Q. So if we look at the facts, the fact is then that the

19 answer to my question: Did Komba Gbundema report any crimes

15:45:48

20 through the radio, you would say: No, I didn't receive those

21 reports; is that right?

22 A. Yeah, but I didn't receive that report because, if such  
23 report was there, it would have been documented. But I never  
24 documented anything like that since I was there.

15:46:16 25 Q. But Komba Gbundema would ask you to pass messages to  
26 Sam Bockarie but they would be purely military in terms of  
27 military requirements rather than issues concerning any crimes  
28 against civilians; is that fair?

29 A. Komba Gbundema would only report -- as I said earlier --

he



1 would only report activities to Superman.

military 2 Q. Yeah, okay. I think that -- but activities of a  
3 nature rather than crimes against civilians, for example?

4 A. Military activities; crime-based is not Komba Gbundema's  
15:47:13 5 responsibility. We have the G5 personnel who is responsible  
for 6 that.

7 Q. But the G5 reported to Komba Gbundema, as you told us;  
is 8 that not right?

9 A. Yes. Well, that is his own office. I will not  
interfere 10 with the G5's office, because all offices were reporting  
15:47:32 11 to Komba Gbundema. Maybe it is included in his report. I  
monthly can't 12 tell.

13 Q. Okay. But as far as you're concerned, as a radio  
operator, 14 you were not receiving the reports from either the unit  
15 commanders or from Komba Gbundema?  
15:47:52

16 A. I never received message from Komba Gbundema at all.

17 Q. Okay. Thank you. Or the unit commanders?

18 A. Even the unit commander, never. If the unit commander  
had 19 a private message, then I can assist him if it is on personal,

15:48:27 20 but I will not assist any unit commander on passing messages  
21 anywhere.

Do 22 Q. Thank you. Okay. Just coming to a close, Mr Witness.

23 you know anything about Top Marine and King Perry going for a  
24 meeting in Buedu in 1998?

15:48:46 25 A. I know both King Perry and Top Marine.

26 Q. Do you know anything about them going to Buedu for a  
27 meeting with Sam Bockarie and Superman?

tell. 28 A. Well, I can't tell. Maybe if they went there, I can  
29 I can't confirm that.

1 Q. Fair enough. If you don't know, you don't know. Do you  
2 know anything about Alfred Brown going to join Gullit, having  
3 escaped from the RUF in Koidu?

4 A. No, I don't know.

15:49:35 SAJ

5 Q. Do you know anything about Komba Gbundema going to join  
6 Musa?

never

7 A. Komba Gbundema never joined SAJ Musa on his own. He  
8 joined SAJ Musa.

15:50:00

9 Q. Right. So Komba Gbundema went with Superman; is that  
10 right?

11 A. Yes, he went with Superman.

12 Q. From what you observed, he left with Superman; they  
13 travelled together?

14 A. Yes, they travelled to Kurubonla.

15:50:15 travelled

15 Q. Can I just ask you how are you so sure that they  
16 together?

17 A. You mean Komba Gbundema and Superman?

18 Q. Yes, exactly.

19 A. Oh, yes. Both of them travelled together the same day.

15:50:40

20 Q. How do you know? I'm not disputing it --

21 A. By then I was in Yomandu and while I was in Yomandu that

with  
22 was the road that leads to Kurubonla and I was there working  
23 a man as a radio operator, so whatever movement he want to  
take,  
24 he must have discussed it with me.  
15:51:06 25 Q. So Komba Gbundema discussed leaving Yomandu to go to  
26 Kurubonla with you?  
27 A. He did not discuss it with me alone. After he had  
received  
28 the instruction from Superman, then he discuss it -- he  
discuss  
29 it with me later. Then the following day they went.

1 Q. Did they say -- did Komba Gbundema say why -- or what  
was  
2 behind the instruction? Why was Superman going north?

3 A. Well, he didn't tell me about that. He only told me  
that  
4 Superman received an instruction that both of them should  
travel.

15:52:00 5 Q. And then Superman came through Yomandu which was on the  
way  
6 towards Kurubonla and then they set off together?

7 A. Yes, yes; they moved together.

8 MR JORDASH: I'm referring to the evidence of TF1-361,  
but  
9 there's many pages of it, but it relates to 11 -- sorry, it

15:52:28 10 doesn't. It relates to 18 July 2005 -- actually, it's a  
number  
11 of days; 18, 12 July, 19 July.

12 Q. I've got no further questions. Thank you very much,  
13 Mr Witness.

14 A. Yeah, thank you very much, sir.

15:53:37 15 PRESIDING JUDGE: Mr Scott Martin, any --

16 MR MARTIN: There's no questions, thank you.

17 PRESIDING JUDGE: No questions. Yes, Mr Harrison, any  
18 questions?

19 MR HARRISON: Yes.

15:54:25 20 PRESIDING JUDGE: I wasn't expecting a "no" as an  
answer.

21 Yes, you may proceed, please, Mr Harrison.

22 CROSS-EXAMINED BY MR HARRISON:

23 MR HARRISON:

24 Q. When you were talking about Komba Gbundema leaving  
Yomandu,

15:54:38 25 what happened to you when Gbundema left?

26 PRESIDING JUDGE: What happened to him where?

27 MR HARRISON: When Gbundema left.

28 THE WITNESS: Well, I did not experience anything. When  
29 Komba Gbundema left, I had a different commander but, apart  
from

1 that, nothing happened to me.

2 MR HARRISON:

3 Q. So you remained in Yomandu?

4 A. Yes, I was in Yomandu.

15:55:13 5 Q. And did you stay there until December of 1998?

6 A. Yes, as I pulled out from Freetown in '98, that is  
7 February. After we've arrived in Kono I spent a week. Then I  
8 was in Yomandu with Komba Gbundema until December, when I left  
9 Yomandu.

15:55:41 10 Q. And in December of 1998 when you leave, where did you  
go?

11 A. After I left there, by then, we've got rid of Koidu  
Town.

12 I went -- I came back to Koidu Town and took up an assignment.

13 Q. And for how long did you remain in Koidu Town?

14 A. I was in Koidu Town until the disarmament took place.

15:56:20 15 Q. Now, I'm very briefly going to take you back to the  
exhibit

16 that was the last one tendered today, which is numbered 367,  
and

17 I would ask if that could be given to the witness.

18 MR JORDASH: Can Mr Sesay use the bathroom, please?

19 PRESIDING JUDGE: Yes, he may, please.

15:57:56 20 MR HARRISON:

21 Q. Now if you turn to page 3, again at the top of the page  
it

side, 22 should be stating the word "Restricted". On the left-hand  
23 the first numeral should be 7. And if you go down four lines,  
24 you should see a heading called "Demotions". Do you see that?  
15:58:35 25 A. Yes, yes. I've seen it.  
26 Q. All right. So you've got a heading "Demotions" and then  
27 right under that you'll see what appears to be Roman numeral  
(i),  
28 capital A, and it says "Staff captain Papa demoted to the rank  
of  
29 sergeant." Do you see that?



Yes,

1 A. Just wait. Just wait. Let me check. Number (i)A.

2 I've seen it.

3 Q. And you see where it talks about Staff Captain Papa?

4 A. Oh, yes. I've seen it.

15:59:14  
to

5 Q. All right. So what I'm wanting to draw your attention

6 is what's under (ii)A and that says, "Captain Rocky CO also

27

7 demoted to the rank of second-lieutenant assigned to C/S54 on

8 February 1995"; do you see that?

9 A. Yes, yes, I've seen it.

15:59:44

10 Q. So there you have a person being demoted from captain to

11 second-lieutenant; do you agree with me so far?

12 A. Yes, yes, I agree with you.

is

13 Q. And you agree with me that the reason for his demotion

14 made clear in the next line, where it says "Charges: Unlawful

16:00:07

15 executions of innocent civilians." Do you agree with that?

16 A. Yes, yes, I've seen it.

17 Q. So you'd agree with me that the RUF punishment for

from

18 executing innocent civilians was to be demoted in this case

19 captain to second-lieutenant; do you accept that?

16:00:35

20 A. It was not only demotion. The little idea I have is not

21 only demotion because, firstly, these crimes, if somebody  
commits  
22 such a crime, they were sent for ideology training. It's  
because  
23 they lack ideology so you are to be sent to an ideology base  
to  
24 be trained, and your rank will be reduced because we had no  
gaol  
16:01:13 25 to gaol people. That was the action the old man was taking;  
that  
26 is the leader.  
27 Q. All right. Fair enough. And if you look under number  
(v)  
28 A, you'll see Captain Vandi, former overall MP, demoted and  
29 assigned as IDU, including his staff. Did you see that?

1 A. Yes, yes, I've seen it.

2 Q. And do you agree with me that the reason given for the  
3 demotion is because Captain Vandi allowed civilians to escape;  
do  
4 you accept that?

16:02:03 5 A. Yes, I've seen the area.

6 Q. And I take it you agree with me that the RUF had and  
held  
7 civilians as captives; do you accept that?

8 A. No, no, no, no, we didn't have civilians as captives.  
RUF  
9 didn't have at all as captives. In fact, that was one thing I

16:02:45 10 want you to realise or to understand; RUF didn't capture  
people.

11 We gave ideology to them. If you are willing, then you join  
us;  
12 if you are not willing then you leave us. RUF was not  
embarking

13 on captivity, capturing civilians; that was not the idea.

14 Q. So you're telling the Court that the RUF never captured  
15 anyone; is that what you're trying to say?

16:03:08

16 A. Oh, yes, that is what I'm trying to say. That was not  
our  
17 mission. For example, you wouldn't be giving arms and  
18 ammunition, then when you go you start to capture civilians.  
19 Civilians were not RUF's target, so I see no use why RUF

should

16:03:35 20 capture civilians.

21 Q. So when you were fighting with the RUF, and you would go  
on

22 a mission, I take it you would see civilians in that area that  
23 was being attacked by the RUF; is that fair?

24 A. Without an enemy, RUF will never go there to start  
firing.

16:04:10 25 In fact, if you do that, that will be a waste of material. If  
you

26 you happen to do that, that's going to be a serious problem  
never

27 have to answer because it's a waste of material. RUF had  
28 embarked on such ventures.

29 Q. All right. Fair enough. And I take it you would say  
that

1 the RUF was never using children under the age of 15 as  
2 combatants?

3 A. Not at all; we never used them. You know, RUF, we had  
some  
4 brothers who got married early in 1991, '92, so imagine if  
16:05:01 5 someone is married during that time, and you had a child  
6 especially a boy child, these are the people that we normally  
7 travel with and people would say, on seeing them, that RUF are  
8 capturing civilian. Most of them are relatives. For example,  
if  
9 you attack a town, you meet civilians, most of them are  
homeless.

16:05:25 10 They had nobody to take care of them. It is our  
responsibility  
11 to care for them. After the people are ready, then you'll  
give  
12 them back to them. It is included in our messages because  
they  
13 refer to them as child combatants but they were with us as a  
14 family. They were not were with us to fight a war.

16:05:49 15 Q. So what you remember happening is children being taken  
into  
16 the care and protection of members of the RUF; is that fair?

17 A. It was not a protection for the members of RUF. It was  
18 because if you meet between five, six and seven years pupil  
and  
19 these were deserted by their parents, so if you leave them  
there

16:06:24 20 it means you were not fighting for the masses, so it was our  
used 21 responsibility to take great care of them. That was what we  
22 to do.  
23 Q. And just going back to the earlier example I read to you  
24 about Captain Rocky?  
16:06:50 25 A. Yes.  
for 26 Q. This instance where he is demoted to second-lieutenant  
27 executing innocent civilians, this is something that you would  
document; 28 have known about as being the person who possessed this  
29 right?

that

answer

16:07:48  
to

1 A. Yes. This issue of Rocky CO, I will not delve much on  
2 because the distance between myself and Rocky CO, I can't say  
3 much about it, but the few that I had ideas about is the  
4 that I've provided for you.

16:08:27

5 Q. But, as I understand it, this document that you've given  
6 us would have been a document that would have been given to a  
7 large number of members of the RUF?

8 A. Yes.

9 Q. And you would have received this document -- is it 1996?

10 A. '95, '96 upwards.

11 Q. And I'm just curious as to why you received this. This  
12 appears to be a training document about the RUF. Why are you  
13 getting it in 1995 and '96 if you joined up in '91?

16:09:06  
that

14 A. Well, like, how you have treated it, because during that  
15 time 1995, RUF had an ideology base. So during this ideology  
16 base what we were trying to achieve from the ideology base,  
17 is --

18 THE INTERPRETER: Your Honours, can the witness be  
19 instructed to speak slowly to facilitate interpretation.

16:09:27

20 MR HARRISON:

21 Q. Witness, just pause. Just pause. The interpreters are

22 asking you to try to speak slower so that they can accurately  
23 interpret your words. Now, I think we were prevented from  
24 getting the interpretation from early on, and if you can just  
try  
16:09:53 25 to remember that the Court's interested in what you have to  
say,  
26 but you can't say it too quickly because, if you do, the  
27 interpreters won't be able to keep up with you; do you  
28 understand?  
29 A. Yeah.

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mind

1 Q. Are you able to give your answer again, but bearing in  
2 try to do it a little bit more slowly?

3 A. Yes, repeat your question.

16:10:38  
through

4 Q. Well, I had been asking you about this document, and the  
5 curious observation that seemed to appear was that you go  
6 training -- or you join up in 1991, and this document seems to  
7 about '95 or '96. Why are you getting it in '95 or '96?

be

'94,

16:11:20  
see

8 A. Yes, you see, in 1995 -- from '91 to '95 we saw that the  
9 ideology was not in everybody at the same time. So in 1995,

down,

or a

the

16:11:48

10 '95, after we had started seeing some problems like where you  
11 those charges, the RUF leader who was Foday Sankoh, he sat  
12 he organised and said whosoever, whether you are a commander  
13 recruit, you should go to the training base so that you can  
14 achieve something which should be in you. Immediately after  
15 training base, he distributed these papers. He said we should  
16 study over. That was how we manage to get those documents in  
17 '95.

training

18 Q. All right. So in a nutshell you were sent to the  
19 base for some further training; is that right?

16:12:09 20 A. Yes, which they send to the training base -- the  
ideology  
21 training bases and then you can also go for ideology.  
22 Q. Now, if we jump ahead into 2000 and let's take us to May  
of  
23 2000, who was the battlefield commander of the RUF then?  
24 A. When? That is from what?  
16:12:46 25 Q. May of 2000?  
26 A. Umm, it was Superman.  
27 Q. And who was the battle-group commander in May 2000?  
28 PRESIDING JUDGE: What was the first question? Battle  
29 group or battlefield.

1 MR HARRISON: First question was battlefield.

2 PRESIDING JUDGE: Battlefield. Okay.

3 THE WITNESS: Battlefield officer, as far as I know, it  
was  
4 Kailondo.

16:13:20 5 MR HARRISON:

6 Q. Witness, just try to -- I'll ask you the questions again  
7 and try to listen as carefully as you can. The first question  
I  
8 had asked you was in May of 2000, who was the RUF battlefield  
9 commander?

16:13:45 10 A. In the year 2000 you mean?

11 PRESIDING JUDGE: Yes, battlefield first.

12 JUDGE BOUTET: In May of the year 2000.

13 THE WITNESS: Umm, it was only the battle group but the  
14 battlefield -- who was battlefield commander by then, it was  
only  
16:14:09 15 Kailondo we knew was the battlefield commander.

16 MR HARRISON:

17 Q. And who was the battle-group commander in May of 2000?

18 A. It was Superman all along, and since he was not demoted  
and  
19 given to another person.

16:14:38 20 Q. So by May of 2000, Superman had not gone off to disarm  
at  
21 Port Loko?

22 A. He had gone, but when he went, they did not take the  
23 responsibility for him. He was still operating as a battle-  
group  
24 commander.

16:15:03 25 Q. And who was the battlefield inspector in May of 2000?

26 A. Well, during that time we didn't have at that time. We  
did  
27 not get somebody for that.

28 Q. And are you familiar with the use of the term area  
29 commander within the RUF?

1 A. Yeah, repeat again. I did not get that area.

2 Q. Are you familiar with the term or the appointment or  
3 assignment of area commander within the RUF?

4 A. No. No, no. I didn't know any other area commander in  
the  
16:16:06 5 RUF.

6 Q. So the --

7 PRESIDING JUDGE: He says about the term, the term, are  
you  
8 familiar with the term area commander in the RUF.

9 THE WITNESS: No, no.

16:16:21 10 MR HARRISON:

11 Q. And what about in 1999? Who was the battlefield  
commander  
12 of the RUF?

13 A. Well, from '99 to 2000, as I've told you, it was  
Superman  
14 who had headed that position. In fact, from the time we left  
16:16:46 15 Freetown, all the way, it was -- that position was held by  
16 Superman.

17 Q. There may be some difficulties here witness. I thought  
you  
18 told us earlier that Superman was a battle-group commander; is  
19 that not correct?

16:17:33 20 A. No. He said battle-group commander was Superman.

21 Battlefield commander it was Kailondo, so I answered the

22 question.

23 PRESIDING JUDGE: You were saying that the battle-group  
24 commander was Superman. The battlefield was Kailondo. Now

you

16:17:33 25 are saying that the battlefield commander was Superman.

26 THE WITNESS: We are still on the battle-group  
commander.

27 I said the battle-group commander from 1998 -- in 1998 before  
we

28 pulled out, it was Superman who was holding that position. We

29 are still on battlefield commander, sir.

1 MR HARRISON:

2 Q. All right. Just try and listen again. I'm asking you  
3 about battlefield commander. Have you got that?

4 A. Yes, I've got that.

16:18:06 5 Q. The question was: Who was the battlefield commander in  
6 1999?

7 A. Kailondo. Lieutenant-Colonel Kailondo.

8 Q. So still staying in 1999, who was the battle-group  
9 commander?

16:18:34 10 A. He was still heading that position.

11 Q. Witness, in 1999 who with was the battle-group  
commander?

12 A. It was Superman.

13 Q. Now --

14 JUDGE BOUTET: If I may, Mr Prosecutor, I would just  
like

16:19:16 15 to know from you, Mr Witness, is -- was Superman, as the  
16 battlefield commander, the boss of Kailondo.

17 THE WITNESS: Yes, he was boss for Kailondo.

18 JUDGE BOUTET: So Kailondo, as a battlefield commander,  
his

19 boss was Superman who was a battle-group commander; that's  
what

16:19:44 20 you're saying.

21 THE WITNESS: Ah, yes. Because Superman was heading

22 everybody in Koidu Town, he was in charge.

23 MR HARRISON:

your

24 Q. Witness, I had asked you about 2000 and 1999. I think

16:20:11

25 answer may show some confusion. Because as I understand it,

in

26 you've already agreed that in 1999 and 2000, Superman was not

27 Kono District; is that not true?

28 A. He was there within the RUF means and nobody took that

29 promotion from him. I did not see anybody elected as

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position 1 battle-group commander. He headed that -- he held that  
2 even when he left Kono and went all the way to Kabala axis, he  
3 was still operating as battle-group commander. His assignment  
4 was not changed at all.

16:21:02 5 Q. So if he's the battle-group commander and Kailondo was  
6 battlefield commander, what assignment did Issa Sesay have?  
7 A. Well, I will not be able to know more about Issa Sesay  
8 because we have not been together. I was in my own errand. I  
9 was about in my own errand.

16:21:29 10 Q. Witness, I'm putting it to you that you're lying about  
Sesay 11 this. That as a radio man you would have known that Issa  
12 was a battlefield commander for the RUF; do you accept that?  
13 A. I don't know. It never happened. I did not know  
whether 14 battle group or battlefield commander and I don't have any  
16:21:53 15 appointment letter for that.  
16 Q. Tell us this: Did you learn of the story of Issa Sesay  
17 going to Monrovia and losing diamonds there?  
18 A. I am only getting that information now. This is my  
first 19 time of getting such information.  
16:22:24 20 Q. So this must come as a real shock to you, does it, that  
I'm 21 telling you that Issa Sesay --

22 A. Oh, yes. This is my first time I'm getting this  
23 information from here.

travelled

16:22:43

24 Q. Well, let me suggest it to you, that Issa Sesay  
25 to Monrovia in the first few months of 1998 and may have lost  
26 diamonds there. Are you aware of that?

getting

27 A. I never knew about that. This is my first time I'm  
28 this information.

29 Q. Witness, I'm putting it to you that you're simply lying

known 1 about this as well; that this is something that was widely  
2 within the RUF and if you were a radio commander you certainly  
3 would have been aware of that; do you accept that?

that 4 A. If it happened, I would have known. But I never got  
16:23:36 5 information pertaining to that.

6 PRESIDING JUDGE: So since you did not know, it did not  
7 happen; is that what you're saying.

8 THE WITNESS: Oh, yes. According to my own  
understanding.

9 MR HARRISON:

16:24:11 10 Q. Now, I was listening to --

11 PRESIDING JUDGE: Why do you say that if it happened you  
12 would have known.

13 THE WITNESS: Because Issa Sesay, everybody knows that  
14 within the RUF he was not a small man. Neither he hides -- I  
16:24:33 15 mean, wherever Issa Sesay is, two or three person would have  
16 known about him. So, even for information, if that had  
happened

I 17 I would have got it from his own companions. It is only today  
18 am getting this type of information.

19 PRESIDING JUDGE: Yes, Mr Harrison, you may continue.

16:25:09 20 MR HARRISON:

21 Q. Again as a radio person I'm suggesting to you that you

22 would have known about an execution of 101 civilians on  
23 Kamachendeh Street in Koidu in the first part of 1998; do you  
24 accept that?

16:25:40 25 A. Well, even that, I did not have an idea on that.

26 Q. Witness, how far is Yomandu from Koidu Town?

27 A. It is about 12 miles.

28 Q. You had a radio station in Yomandu?

29 A. Yes.

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Guinea 1 Q. And there were radios operating in Superman Ground,  
2 Highway?  
3 A. Yes, I knew Superman had a radio.  
4 Q. I'm putting it to you that with your close physical  
16:26:37 5 proximity to Koidu, and the fact that you're on a radio, that  
you  
6 must have known of that execution of 101 civilians on  
Kamachendeh  
7 Street; do you accept that?  
8 A. I don't believe, and I'm not sure of that, and I don't  
9 accept that because nothing like that would happen, even if  
where  
16:26:59 10 we would not have got it from radio messages, or would not  
have  
11 got it from punishment, but I never got that type of  
information  
12 either from the messages or from a colleague. I did not get  
that  
13 type of information.  
14 Q. Well, witness, a person the Prosecution says played a  
role  
16:27:22 15 in that execution of 101 civilians was Captain Rocky CO, the  
16 first name I drew your attention to in this exhibit; are you  
17 aware of that name?  
18 THE INTERPRETER: Your Honour, let the lawyer take the  
19 question again. It was not too clear.

16:27:48 20

MR HARRISON:

21 Q. You certainly know who Captain Rocky CO is, don't you?

22 A. Yes, I know Captain Rocky CO.

23 Q. And you know that he was in Kono District in the early  
part  
24 of 1998, don't you?

16:28:08 25 A. Yes, he was in Kono District.

26 Q. And does it assist your memory if I suggest to you that  
it  
27 was Rocky CO who was one of the participants in the execution  
of  
28 that 101 civilians on Kamachendeh Street?

29 A. Well, I will not deny you but I don't know much about it

1 and I don't have any idea about this.

2 Q. Again as a member of the RUF since 1991, and a radio  
3 operator, I'm going to put it to you that you're aware of the  
4 execution of approximately 65 civilians in Kailahun Town in  
16:29:00 5 February of 1998; are you aware of that?

6 A. No, I don't know about that, because my operation never  
7 went to Kailahun. I did not get any report on that.

8 Q. Now --

9 PRESIDING JUDGE: Can you refer to them as Kamajors?

16:29:27 10 MR HARRISON: Yes, I was just about to do that.

11 Q. I'm going to put it to you with slightly different  
words.

12 That in Kailahun Town, again in February of 1998,  
approximately

13 65 persons who were alleged to be Kamajors were executed; are  
you

14 aware of that?

16:29:49 15 A. My Lord, I don't have any idea on that. I did not have  
any

16 idea on that and I cannot tell you any story about that.

17 Q. You talked about being in the Western Area and, at that  
18 time when you were in the Western Area in Freetown, you were  
19 working under Komba Gbundema?

16:30:46 20 A. No, in Western Area I was not working under Komba  
Gbundema.

21 At first I was working under Zeno, Mohamed Tarawallie.

22 Q. Now, I think that's maybe Western Jungle, is that right,  
23 that you're talking about?

Western

24 A. Yes, yes, Western Jungle. Yes, Western Jungle and

16:31:15 25 Area, they are the same.

26 PRESIDING JUDGE: Are they the same? Western Jungle and  
27 the Western Area we were told earlier on by another witness  
28 that --

29 MR HARRISON: Unfortunately, Western Area actually  
connotes



set 1 a lawful definition of a certain jurisdiction geographically  
2 up by the government of Sierra Leone.

3 JUDGE THOMPSON: May I take judicial notice of that?

4 MR HARRISON:

16:31:37 5 Q. But leave that aside for a moment, what I was really  
trying

6 to get at is, when you were in the Freetown area, you're under  
7 Komba Gbundema; is that right?

8 A. Yeah, I was with Komba Gbundema.

9 Q. And before that you had been working with Superman?

16:32:06 10 A. Well, I was working with Komba Gbundema while Komba  
under 11 Gbundema was working directly with Superman, but I was not  
12 two command. I was under a single command.

13 Q. And do you agree with me that during that time you were  
14 with Gbundema you were a loyal member of the RUF?

16:32:31 15 A. Oh, yes.

16 Q. And you've always been a loyal member of the RUF?

17 A. Yes.

of 18 Q. And you'd agree with me that Gbundema was a loyal member  
19 the RUF?

16:32:53 20 A. Yes, Gbundema was also loyal to the RUF.

21 Q. And by being loyal to the RUF, that means taking orders

right?

22 from the chain of command, no matter who they are; is that

him,

23 A. No. From that moment I knew of him, when I was with

24 he was only getting command from one person who was Superman.

16:33:25

25 Q. Just listen again.

your

26 PRESIDING JUDGE: Mr Witness, remove your hands from

it

27 mouth like that. We want to see your mouth talking. Yes, put

28 down.

29 THE WITNESS: It is for this thing.

1 MR HARRISON:

2 Q. The suggestion that I was putting to you was that, being  
a 3 loyal member of the RUF meant taking command from the chain of  
4 command, no matter who the person was?

16:34:08 5 A. No, no, no, no, I was not working like that. The  
command I 6 took, I took it from the one I was working with. The one I  
was 7 working with directly whose command gives me -- I fell under  
it 8 because I was working directly with HIM.

9 Q. And what you're saying is that was your chain of  
command?

16:34:41 10 A. Yes. If at all like I was working with Komba Gbundema,  
and 11 Komba Gbundema was changed automatically and they had brought  
in 12 any other commander I would fall under the same -- the other  
13 commander. I will be loyal to the new commander that would be  
14 given to me.

16:34:57 15 Q. And that's the way the RUF worked. It had a chain of  
16 command and people followed that chain of command; correct?

17 A. Oh, yes, we had a chain of command.

18 Q. See, now, what I'm going to put to you is that when you  
19 were in Freetown during the junta, Issa Sesay was Bockarie 's  
16:35:27 20 deputy in Freetown, and the head of the chain of command in

21 Freetown; do you accept that?

22 A. I did not get your statement clearly.

23 Q. I'm suggesting to you that during the AFRC junta, Issa

24 Sesay was Bockarie's deputy --

16:35:59 25 PRESIDING JUDGE: Stop there. Stop there, Mr Harrison.

26 Yes, answer that.

27 THE WITNESS: If --

28 PRESIDING JUDGE: [Indiscernible].

29 THE WITNESS: If Bockarie was deputy to who? I still

did

1 not get that statement. That area, I don't understand that of  
2 your statement.

3 PRESIDING JUDGE: [Indiscernible] that is what his  
4 suggestion was to you: Was that the case or was that not the  
16:36:26 5 case?

6 THE WITNESS: Oh, well, I cannot confirm that. I don't  
7 know.

8 MR HARRISON:  
9 Q. Let me complete the suggestion to you, witness. I'm  
16:36:42 10 suggesting to you --

11 PRESIDING JUDGE: So you cannot confirm that Issa was  
12 Bockarie's deputy in Freetown? You cannot confirm that?

13 THE WITNESS: In the first thing, Issa was not assigned  
to  
14 Freetown. Who was assigned to Freetown purely whom I knew it  
was

16:37:02 15 Superman. It was Superman as far as I know. So if Issa came  
and  
16 took up any other assignment in Freetown, well, I don't know.  
I  
17 cannot tell.

18 MR HARRISON:  
19 Q. Now, I was going to ask you some questions about  
exhibits

16:37:48 20 357A and B?

21 PRESIDING JUDGE: Mr Harrison, may we -- may we pause a

we  
22 while here, please: We'll continue with the two exhibits when  
23 do resume in the next couple of minutes. We'll rise, please.  
24 [Break taken at 4.40 p.m. ]  
17:01:51 25 [RUF06MAY08D-BP]  
26 [Upon resuming at 5.07 p.m.]  
27 PRESIDING JUDGE: Yes, Mr Harrison, you may proceed,  
28 please.  
29 MR HARRISON:

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1 Q. Witness, do you know who, in the year 2000, would have  
been  
2 known as Brigadier Kallon?

3 A. I don't know.

4 Q. I'm going to suggest to you that that would have been  
17:06:51 5 Brigadier Morris Kallon; do you accept that?

6 A. I will not accept that because I don't know.

7 Q. In the year 2000, do you know what Morris Kallon's  
8 assignment was?

9 A. I knew his position and his rank. I don't know his  
17:07:30 10 assignment.

11 Q. All right. Well, tell us what you mean by position and  
12 rank, please?

13 A. I knew his rank; that was what I meant.

14 Q. All right. Well, please tell us what his rank was?

17:07:49 15 A. He was a colonel.

16 Q. And as far as his assignment was, are you able to assist  
17 the Court in any way --

18 PRESIDING JUDGE: Are you saying that he was a colonel  
in  
19 2002?

17:08:07 20 THE WITNESS: Yes, yes; as you've asked me.

21 MR HARRISON:

22 Q. Just so that there's no ambiguity, witness, I think I  
had

you 23 asked you if you knew the rank in the year 2000; is that what

24 understood?

17:08:37 25 A. Yes, that was what I understood. He had no other title  
26 that I knew of; that was the only rank he had. He had no  
27 position. So this is what he carried, I don't know about  
that.

28 Q. Well, I've been looking at what has become Exhibit 366.  
29 That's this book that you brought to the Court; do you  
understand

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1 me?

2 A. Yeah, yeah.

3 Q. And, as I look through it, I see that in one part of the  
4 book I count 13 pages having been torn out; are you aware of  
17:09:23 5 that?

6 A. Yes, I explained earlier on. Those papers that were cut  
7 off, they contain my personal affairs, all the things that  
8 happened to me during the war, when I disarmed, things that I  
did  
9 and went through. So that in order that my family members  
will

17:09:45 10 not interfere into it I removed it. Even the one that was in  
it,  
11 I had plans to destroy it. Since everything had finished I  
had  
12 no plans to keep them so that was what I explained. I removed  
13 them not in any -- with any bad intention but for my own  
safety,  
14 that was why I removed them.

17:10:04 15 Q. Well, if you're removing it for your own safety, I'm  
16 suggesting to you that those pages indicated crimes that you  
17 yourself had committed; do you accept that?

18 MR TAKU: Your Honour, we object to this question.

19 PRESIDING JUDGE: No, it is not -- you cannot object to  
it.

17:10:21 20 He is suggesting it to him. It is for him to say whatever he  
has

21 to. Yes.

22 MR TAKU: Your Honours, may I give my reasons,  
23 Your Honours?

24 PRESIDING JUDGE: No, no, no, it's overruled. We don't  
17:10:31 25 want to -- he is suggesting it to him. It's for the witness  
to  
26 say "yes," you know, or "no." I think it's a question of  
looking  
27 at the credibility, you know, of the witness. It's a normal  
28 question in cross-examination. Please put the question to the  
29 witness.

1 MR HARRISON:

2 Q. Witness, you've said that you removed these pages for  
your  
3 safety, and I'm suggesting to you that you removed them for  
your  
4 safety because you were concerned that they showed crimes that  
17:11:04 5 you had committed; do you accept that?

6 A. No, My Lord, not for that. Not for that at all.

7 Q. Now, immediately after these 13 pages that have been  
torn  
8 out, there's a page that has a heading "22 November 2001"  
which  
9 seems to provide information about certain individuals; you're  
17:11:38 10 aware of that?

11 A. Which one? Because the book is with you, I can't tell  
now.  
12 Which one are you referring to?

13 Q. I don't want to utter the names, witness, but there  
appears  
14 to be, the very first one appears to be a person who has a  
name  
17:12:00 15 the same as yours, and then it refers to their date of birth?

16 A. Oh, yes, yes. That's my son.

17 Q. And what I'm going to suggest to you, witness, is that  
18 after that page, again there's two pages that have been torn  
out  
19 of this book; do you accept that?

17:12:22 20 A. Yes, this is what I'm saying. I removed those papers  
from  
21 that book with no other intention just for my own safety.  
That  
22 was why I removed it. It was based on communication. It  
wasn't  
23 a message, the first paragraph you are seeing. It's not a  
24 message. It was based on communication. The one that was a  
17:12:50 25 message I received, it's on the first paper.  
26 Q. And what I'm going to suggest to you is that this page  
that  
27 has a heading of "22 October 2001", and all of the subsequent  
28 pages, all of the later pages, appear to have been written  
with  
29 the same pen; do you accept that?

all  
or  
the  
17:13:37  
to  
ended.  
17:14:12  
question  
2001."  
17:14:57  
17:39:58

1 A. It's a blue pen. The blue pen is what we used to write  
2 the messages that are there. There was nothing there like red  
3 black. We used a blue pen. So I wrote them with a blue pen.  
4 Q. So what I'm suggesting to you is that on this page with  
5 heading "22 October 2001" there are some notations which refer  
6 persons dying in 2003; do you accept that?  
7 A. Oh, yes, yes, yes. Like the other messages about our  
8 chief; when we lost our chief, that was when the war was  
9 Q. I apologise. I'll let you respond. But just so that  
10 everyone in the courtroom is following, I prefaced the  
11 by referring to the page that has the heading "22 October  
12 And on that page that has that heading, again you'd already  
13 indicated in response to the very first entry that that person  
14 was your son, and you were recording a date of birth; are you  
15 following me?  
16 A. Yes, yes.  
17 Q. Now what I'm suggesting to you is that on that same page  
18 you've also written down the deaths of certain people, those  
19 deaths taking place in 2003; do you accept that?  
20 A. Yes, they are my family members. They are my parents.

out 21 Those are my parents whom I lost. Some are there, you find  
took 22 that even recently. And even the leader, it's all there. I  
you 23 all the jottings down.  
17:39:59 24 Q. That's correct. When you say the leader being there,  
25 are referring to Corporal Sankoh, correct?  
26 A. Yes. Yes, that's correct.  
at 27 Q. And again what I'm suggesting to you is that on looking  
28 this book it appears as if all of those entries, the ones from  
29 2001, the ones from 2003 --

1           PRESIDING JUDGE: Is it appearing? Are you putting it  
to           2           him?

3           MR HARRISON: Yes, I'm going to be putting it to him.

4           PRESIDING JUDGE: Yes, because we don't want to  
speculate

17:39:59 5           on this. Put your thesis to him and let him respond; not that  
6           "it appears."

7           MR HARRISON:

8           Q. I'm putting it to you that the same pen was used to  
record  
9           all of these dates and events; do you accept that?

17:40:00 10          A. No, I disagree. Only that that's the general name I  
used.

11          I used the blue pen, but not the same pen. They are written  
with  
12          all those Informations.

13          Q. What I'm suggesting, witness, is that this whole book is  
a  
14          fabrication that you made up; do you accept that?

17:40:00 15          A. Make up in what sense? I don't get that quite. I want  
you  
16          to please explain it to me.

17          Q. You invented it to try to come to Court to assist the  
18          accused?

19          A. No, no, no. In fact, even the Court -- before this  
Court

17:40:00 20 was established, that book was with me. And even the WPS who  
21 went with me to collect this book, I did not go into my  
bedroom  
22 without them. We went into the bedroom. I took it and gave  
it  
23 to them. I do not move a -- I don't move a step without them.  
I  
24 went with them. We entered together.

17:40:00 25 Q. And this page that has the heading "22 October 2001," if  
26 you turn it over there's two -- sorry, there's three more  
pages  
27 that have been ripped out; do you accept that?  
28 A. Yes, that is the same information follow up to -- follow  
up  
29 to that 22 something -- 22/10 about the birthday of my son.  
It's



message.

1 a follow-up to that statement. It's different from the

aware

2 The beginning of the message is where you will see. I said  
3 whoever has been in the RUF knows about that message. He will  
4 tell you more about it. No operator -- every operator is

17:40:01

5 of that message.

starts

6 Q. And then what the Defence had marked as Exhibit 357A

that

7 at the very top of the next page, but you'll agree with me

8 the preceding page has been torn out; do you accept that?

17:40:02

9 A. No, no, no, no, no, I won't agree. The one you've seen,  
10 the deaths you've seen, I don't think if any other message is

you'll

11 followed by that. And if you find out I'm going to go --

book.

12 never see any other message or any sort of message in that

13 When you go through, you read through, it has -- it has no

14 shortage. I don't need -- I don't think we record a paper and

17:40:02

15 join it with another writing.

shown

16 MR TAKU: Your Honours, we apply that the witness be

17 what my colleague is talking about.

18 PRESIDING JUDGE: It is only fair.

19 MR HARRISON: Yes, I was just about to do that --

17:40:02 20           PRESIDING JUDGE: [Overlapping speakers] you've got to  
have

21           the document there.

22           MR HARRISON: I was just about to do that. I would ask  
if

23           this be shown to the witness open as it is.

24           THE WITNESS: What is wrong with the document?

17:40:02 25           MR HARRISON:

26           Q.     Looking on the right side -- the right page.

27           A.     Yes.

28           Q.     Top of the right page; do you see it?

29           A.     But don't go far. This message is a continuation of  
this

It's 1 particular message. Just read it. You'll get the context.  
2 a continuation for this particular 25 July 1999 message.

3 Q. All right --

4 A. It's a continuation.

17:40:03 5 Q. Then I'm going to show you what is your handwritten  
version 6 of what you supposedly copied out of that book.

7 MR HARRISON: Madam clerk, could you please show this to  
8 the witness.

9 THE WITNESS: Yes, I received it.

17:40:03 10 MR HARRISON:

that 11 Q. Now, look at that. Look at the top message. Witness,  
12 has absolutely nothing to do with this fabricated story you've  
that 13 just made up about a continuation from the preceding page in  
14 book. Look at the book; compare them.

17:40:03 15 A. What's wrong with the paragraph? The messages are all  
the 16 same. This particular message, this is the continuation.  
This 17 message is the continuation.

18 Q. Read it --

19 A. But these are only two messages.

17:40:04 20 Q. Witness, what is on that book on the right page starts  
with

21 the words, "Security is provided for all relief organisation."

22 Do you see that in Exhibit 366, the book?

23 A. Yes, but it means you did a mistake. This message is a

24 continuation of the response, "Security is provided for all

17:40:04 25 relief organisations." This message is a continuation to that

26 message before you get to the other paragraph.

27 Q. All right. Read what you copied on that piece of paper

28 there, the very first message. It has absolutely nothing to

do

29 with that respond.

1 A. Which of the answers?  
2 Q. Read that, witness. Read the loose papers in your  
hands.  
3 A. I know --  
4 PRESIDING JUDGE: Witness --  
17:40:04 5 THE WITNESS: I know --  
6 PRESIDING JUDGE: Witness, there is nothing  
confrontational  
7 about this. I don't think there should be anything  
8 confrontational about this. Take your time. Look at those  
9 papers --  
17:40:04 10 THE WITNESS: Yeah.  
11 PRESIDING JUDGE: -- and provide responses, you know, to  
12 the questions. Look at the papers very carefully. Don't get  
--  
13 THE WITNESS: Yes, My Lord.  
14 PRESIDING JUDGE: -- agitated.  
17:40:04 15 THE WITNESS: Yes, My Lord. I think the area this  
lawyer  
16 is trying to refer to, I don't understand. There are two  
17 messages on this paper, and this one contains five messages.  
So  
18 I really do not understand what he is trying to arrive at.  
19 Except he will come and show it to me where he has a doubt, I  
17:40:05 20 will clear it for him. But this message is a continuation,  
and

21 when you read the message you will really know that it's a  
22 continuation to that message.

23 MR HARRISON:

24 Q. Well, I'll read it to you, witness, and we'll see the  
17:40:05 25 answer to that.

26 A. Okay.

27 Q. What you say --

28 A. Which one, answer to this message?

29 Q. All right. I'll start out with Exhibit 357A, that loose

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short 1 paper that you have in your hand now, okay? The very first  
2 message, witness.  
3 A. Is that to "All commanders RUF"? Is that what you're  
4 referring to?  
17:40:06 5 Q. The leader.  
6 A. Yeah, you can read it.  
7 Q. This is what you wrote down and gave to --  
8 A. Here is the message also.  
9 Q. All right. We'll get to that, witness. What you wrote  
17:40:06 10 down is the following words, "By my directive, you are to  
ensure  
11 that maximum security is provided for all relief  
organisation.  
12 I don't want to hear any story about looting of relief  
13 organisation or harassing them. Absolute discipline and good  
14 conduct are called for." Did I read that correctly? Do you  
have  
17:40:07 15 any comment?  
16 A. Yes. Yeah, you read it well, but let me tell you one  
17 thing. This message is a continuation for this particular  
18 message. After we did these, we followed up with this. After  
we  
19 received this, here is the hour for this message, and this  
half  
17:40:07 20 one is a continuation to this.

see 21 Q. But witness, if you look in the book yourself, you'll  
has 22 that you tore the page out between those two pages. The page  
23 been torn out; you can see it.  
24 A. No, no, no. I won't tear the paper and you see the  
dates.  
17:40:07 25 Just watch the dates. The dates go serially. If I remove any  
the 26 paper, the dates would have not go like -- be the same with  
27 others.  
28 Q. Witness, pick up the book.  
29 A. Yes.



1 Q. Look at that opening. The page has been torn out; you  
can  
2 see it.

3 A. This area you're referring to, this is not a time. It's  
4 referring  
not now. This area and other -- the other areas you're

17:40:07 5 to, they are not --

6 PRESIDING JUDGE: Listen, look at the page which the  
lawyer  
7 is showing you.

8 THE WITNESS: I've seen it. I've seen this is the  
place.

9 PRESIDING JUDGE: Yes, Mr Harrison, what do you want --

17:40:08 10 MR HARRISON:

11 Q. You can see the remnants of the page that you tore out.

12 A. What I'm telling you, these things that are in this  
paper  
13 were personal to me. They were personal Informations to me.  
14 This message where it followed on, look at it. You will see  
it's

17:40:08 15 just after the other date. Just after one date you get to  
16 another date. So if I remove this message, you want to see a  
17 space, there will be a space. And even the pen itself will  
18 testify to that. The pen itself will testify.

19 Q. Yes, well, that would be interesting to hear the pen.  
Let

17:40:08 20 me just try to deal with this exhibit so that it's completed,  
all  
21 right?  
22 JUDGE BOUTET: Maybe for my own edification on this,  
23 Mr Witness, on Exhibit 357A and B, the message you were  
looking  
24 at, the one that you just read -- that was read, "By my  
directive  
17:40:08 25 you are to ensure that maximum security," you have that  
message  
26 in front of you -- that looseleaf page in front of you?  
27 THE WITNESS: I have the message.  
28 JUDGE BOUTET: I'm reading from now --  
29 PRESIDING JUDGE: [Indiscernible].

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1 JUDGE BOUTET: It reads, "By my directive, you are to  
2 ensure," the message that the lawyer just read to you.

3 JUDGE THOMPSON: He doesn't have the looseleaf there.

4 MR HARRISON: I can see that he is looking at the book.

17:40:09 5 JUDGE BOUTET: No, no, not the book. Not the book --

6 PRESIDING JUDGE: It's the loose pages --

7 JUDGE THOMPSON: I said look at the looseleaf.

8 THE WITNESS: I have seen the loose papers.

9 JUDGE BOUTET: Yes. In those loose papers that message  
17:40:09 10 that you read that starts by -- "By my directive you are to  
11 ensure"; do you have that message in front of you?

12 THE WITNESS: I have it in front of me. I'm seeing it.

13 JUDGE BOUTET: What's the date of that message?

14 THE WITNESS: The 7th.

17:40:10 15 JUDGE BOUTET: 7/08/99. Where is that message in the  
book

16 now? 7/08/99 with that "from the leader to all commander,  
17 directive"; where is it in the book?

18 THE WITNESS: I'm looking for it.

19 JUDGE BOUTET: Well, you were saying what you have at  
the

17:40:10 20 top of the page is what follows from the page before. The  
page

21 before in your book is 25 July '99.

22 THE WITNESS: I have 25 July. I have the same date as

23 you've got. I have 25 July. Full complements of the  
statements.

24 It's different.

17:40:10 25 JUDGE BOUTET: What is on top of the next page, which  
26 starts with "Security is provided for all relief" is the -- is  
27 what's started on the previous page. But the previous page is  
25  
28 July and the message you have copied here is 7 August. I just  
29 would like to know where you got that message of 7 August in  
your

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1 book.

2 THE WITNESS: Well, this is the original book. I think  
at  
3 the time the woman met me who asked me to write this -- this,  
it  
4 is there the where the whole thing started. But this book  
will

17:40:11 5 tell you about this message. When the woman met me --

6 JUDGE BOUTET: Is it in the book? That's what I'm  
asking  
7 you. The message of 7 August '99 that is called, "Directive  
from  
8 the leader to all commanders," where is it?

9 THE WITNESS: All the messages are in this book.

17:40:11 10 JUDGE BOUTET: Where is it in that book? That's what  
I'm  
11 asking you: Where? I cannot find it.

12 MR TAKU: Your Honours, if I may assist?

13 PRESIDING JUDGE: Yes.

14 MR TAKU: Unfortunately, Mr Kennedy has gone to see the  
17:40:11 15 doctor. Earlier today he explained that that page where the  
16 introduction to the message is is missing, but that the  
substance  
17 is found here where you find security to --

18 JUDGE BOUTET: No, Mr Taku, I regret -- I have asked a  
very  
19 precise question. The witness is capable of answering that

17:40:11 20 question. He does not need your assistance for that. It's  
21 fairly clear, fairly simple, and we'll see what he says to  
that.  
22 All I'm asking is to it find in the book that message. He  
says  
23 it's in the book. I'm just asking him to tell me where it is.  
I  
24 cannot find it. I'm just asking for his assistance.

17:40:12 25 MR TAKU: Well, but it's evident to everyone that it's  
not  
26 there, and Mr Kennedy gave an explanation to --

27 JUDGE BOUTET: Well, it's not evident to the witness.  
The  
28 witness says the opposite.

29 PRESIDING JUDGE: Yes. Mr Harrison, I think in all

1 fairness -- I know that Mr Taku and Mr Ogeto are representing  
2 this client, but it is Mr Ogeto's witness. I am minded to ask  
3 you to suspend your cross-examination on these documents; for  
us  
4 to revisit this on Thursday, when Mr Ogeto will be here.

Because

17:40:13 5 he was the one who was responsible for the coming in of these  
6 documents, and I would imagine that he would follow you and  
the  
7 witness in this cross-examination so as to determine whether  
he  
8 will re-examine this witness or not and on what subject he  
would

9 like to re-examine this witness, including, of course, the  
17:40:13 10 controversy in which we are about exhibits 357A and -- 367A  
and  
11 367 -- or, rather, 357A and 357B.

12 So I think I -- I am sure, you know, my colleagues agree  
13 with me, that we would suspend this exercise and resume the  
14 cross-examination by you of this witness on Thursday at 9.30.

17:40:13 15 Not just from where you stopped; maybe from the beginning so  
that

16 Mr Ogeto follows it and knows how to strategise on his  
17 re-examination, should need arise, of this witness.

18 Well, learned counsel, the Chamber will rise and we will  
19 resume our session at 9.30 on Thursday. We will rise, please.

17:40:13 20  
p.m.

[Whereupon the hearing adjourned at 5.38

21

to be reconvened on Thursday, the 8th day of

22

May 2008 at 9.30 a.m.]

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EXHIBITS:

65 Exhibit No. 366

69 Exhibit No. 367

WITNESSES FOR THE DEFENCE:

WITNESS: DMK-116 2

WITNESS: DMK-032 4

CROSS-EXAMINED BY MR HARRISON 5

48 RE-EXAMINED BY MR TAKU

50 WITNESS: DMK-162

50 EXAMINED BY MR OGETO

95 CROSS-EXAMINED BY MR HARRISON