

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

Friday, 13 MAY 2005
9.51 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Benjamin Mutanga Itoe, Presiding Bankole Thompson Pierre Boutet
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	Ms Simone Monasebian
For the accused Issa Sesay:	Mr Wayne Jordash Ms Eleanor Hutchison. Ms Elizabeth Shackelford
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Ms Rachel Irura Mr Charles Taku
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [HS130505A - CR]

2 Friday, 13 May 2005

3 [Open session]

4 [Upon commencing at 9.51 a.m.]

09:54:33 5 WITNESS: TF1-125 [Continued]

6 PRESIDING JUDGE: Learned counsel, good morning. We're
7 resuming the session. Mr Witness, good morning.

8 THE WITNESS: Good morning.

9 PRESIDING JUDGE: There is an open session. Maybe that has
09:54:45 10 made a very good suit for us to get some cash out of the
11 manufacturers of the seat. Unfortunately, we have a plethora of
12 advocates who can take care of this for us in any international
13 tribunal. So Judge Boutet, don't you worry, you are very well
14 protected here in the event of an incident. Mr May we proceed,
09:55:31 15 please. Jordash, you are cross-examining this witness this
16 morning?

17 MR JORDASH: Yes. I would like to make an application
18 firstly to go into closed session, only for, I would have
19 thought, no more than 20 minutes. I know the usual practice is
09:55:45 20 to go into closed session in order to make the application, but
21 it's suffice to say at this stage the application relates to
22 identity.

23 PRESIDING JUDGE: Since we have down some set procedures
24 for this process, I'm afraid we have to abide by them. We'll
09:56:23 25 have to go into closed session. Maybe you will have more to say
26 on it when we move into a closed session.

27 MR HARRISON: I will just advise the Court now the
28 Prosecution will be consenting. I just wish to advise the Court
29 of that now.

1 JUDGE BOUTET: You mean you're not objecting?

2 MR HARRISON: No, I mean we consent.

3 PRESIDING JUDGE: To the application for closed session?

4 MR HARRISON: Yes.

09:57:48 5 [Trail Chamber confers]

6 JUDGE THOMPSON: Mr Jordash, we're minded to, in fact,
7 follow the standard practice. You indicated you would not be
8 more than about 20 minutes.

9 MR JORDASH: Yes.

09:59:39 10 JUDGE THOMPSON: Then we would, in fact, require the public
11 gallery to retire at this stage for about 20 minutes. We'll ask
12 the technicians to adjust the technology so that we are in closed
13 session and advise us accordingly.

14 MR WALKER: Your Honour, the Court is now in closed
10:02:25 15 session.

16 [At this point in the proceedings, a portion of
17 the transcript, pages 4 to 38, was extracted
18 and sealed under separate cover, as the session
19 was heard in camera.]

20

21

22

23

24

25

26

27

28

29

1 [HS130505D-JM]

2 [Open Session]

3 [On resuming at 12.06 p.m.]

4 JUDGE THOMPSON: We're back in open session. The reasoned
12:07:50 5 ruling will be delivered in due course in respect of that. We'll
6 now proceed to the further cross-examination of this witness by
7 counsel for the first accused.

8 MR JORDASH: Thank you.

9 FURTHER CROSS-EXAMINED BY MR JORDASH:

12:08:07 10 Q. Mr Witness, so you understand --

11 MR HARRISON: Sorry, if Mr Jordash could be just kind
12 enough to remind the witness that --

13 MR JORDASH: I was about to, yes.

14 PRESIDING JUDGE: Yes, Mr Witness, we're now back to an
12:08:21 15 open hearing, an open session. So please, the protection of your
16 identity is now in place. And that was what counsel was
17 explaining to you before we came to the end of your testimony at
18 closed session. So you better be very careful about that and
19 make no mistakes about the measures that have been afforded to
12:08:49 20 you. Thank you.

21 MR JORDASH:

22 Q. You're aware, Mr Witness, that the coup by the
23 junta -- sorry, the coup by Johnny Paul Koroma took place on the
24 25th of May 1997.

12:09:17 25 A. True.

26 Q. Are you aware that Eddie Kanneh took instructions from
27 Johnny Paul Koroma during the junta period?

28 A. I believe so.

29 Q. And is this right, that Eddie Kanneh was already within

1 Kenema before the 25th of May 1997? He was already there as a
2 Sierra Leonean Army official?

3 PRESIDING JUDGE: That is before the coup?

4 MR JORDASH: Before the coup.

12:10:28 5 THE WITNESS: No.

6 MR JORDASH:

7 Q. No, okay. That's my mistake actually. Can I ask you this
8 instead: Was Eddie Kanneh the first sign of the -- the first
9 sign of the new regime as ruled by Johnny Paul Koroma? Was he
12:11:02 10 the first sign in Kenema?

11 A. I cannot get you clearly.

12 Q. Okay. Let me try to be clearer. Johnny Paul Koroma came
13 into power in Freetown. Did he send, as far as you're aware,
14 Eddie Kanneh first of all to Kenema to establish the beginnings
12:11:26 15 of his regime there?

16 A. What I can remember was Eddie Kanneh went to Kenema as the
17 secretary of state east to represent Johnny Paul Koroma as head
18 of state.

19 Q. Right. And presumably, this was after the 25th of May?

12:12:13 20 A. True.

21 Q. True. Do you recall when --

22 PRESIDING JUDGE: Please, please, please.

23 MR JORDASH: Sorry.

24 Q. Do you recall when Eddie Kanneh arrived in Kenema after the
12:12:43 25 25th of May?

26 A. I cannot recall the specific date.

27 Q. Roughly. Can you give us an estimate in days or weeks
28 after the 25th of May?

29 A. I really cannot remember.

1 Q. You are not able to estimate whether it was weeks or days?

2 A. I cannot remember. I don't want to tell lies.

3 Q. When did -- when did you notice that a new regime was in
4 town in Kenema?

12:13:44 5 A. I noticed that the new regime was in town when I saw a lot
6 of RUF combatants come to town.

7 Q. Did you ever hear a radio announcement on the 28th of May
8 by Foday Sankoh telling the RUF to join the Johnny Paul Koroma
9 regime in Freetown?

12:14:37 10 A. I heard that kind of announcement, but I cannot remember
11 the exact date.

12 Q. Right. But you heard Foday Sankoh?

13 A. Yes.

14 Q. Thank you. And would it be right, then, that after the
12:15:13 15 Foday Sankoh order to the RUF, the RUF then arrived several days
16 later or weeks later in Kenema?

17 A. Within the same week really, just within one week. It was
18 not several weeks.

19 Q. Right. So you say within a week after the Foday Sankoh
12:15:39 20 order on the radio, the RUF arrived?

21 A. As soon as the announcement was made, the next day or two
22 we started seeing RUF combatants on board vehicles arrive.
23 Because, initially they were in the district, but far away from
24 Kenema. So when the announcement was made, they all came to
12:16:04 25 town.

26 Q. Let me ask you to look at your statement of the 30th of
27 January 2003. It should be on your desk. You're looking at the
28 second statement. It should be numbered 10902 on the right-hand
29 corner, first page, first paragraph, four lines from the bottom

1 of the first paragraph. "Within that same week, a large number
2 of RUF combatants headed by Sam Bockarie came to Kenema and
3 joined the soldiers that were already there." Do you see that?

4 A. Yes, that is true.

12:16:51 5 Q. Is it true that there were soldiers already there under the
6 authority of Johnny Paul Koroma when Sam Bockarie joined?

7 A. Soldiers were there before the overthrow of President Tejan
8 Kabbah. They were there on a regular military duties.

9 Q. Yes. But --

12:17:15 10 A. There was a brigade.

11 Q. But did this brigade then align themselves as far as you're
12 aware --

13 A. It was an amalgamation of the two. They embraced the
14 combatants, RUF combatants, as they came.

12:17:30 15 Q. Right. So there was no fighting as such when Sam Bockarie
16 hit town; the soldiers there were already in support of JPK?

17 A. The RUF came to town jubilantly. There was no fighting.

18 Q. Okay. So on that basis, would you estimate that the RUF
19 came to town within about seven days after the 25th of May?

12:18:03 20 A. Yes, within a week. They wasted no time.

21 Q. Within a week after the announcement by Foday Sankoh?

22 A. Yes.

23 Q. Right. I'm just going to ask you again about your memory
24 of Bunny Wailer, because you told us yesterday that the shooting
12:18:44 25 of Bunny Wailer took place three days after the revolution. So
26 is it possible that, in fact, the shooting of Bunny Wailer took
27 place before the arrival of the RUF?

28 A. No, it took place after the arrival of the RUF.

29 Q. You do recall saying it took place three days after the

1 revolution, the shooting of Bunny Wailer?

2 A. I may not have been accurate. What I am saying is within
3 the same week, Foday Sankoh announced that the RUF should join
4 the soldiers, and they came to town.

12:19:32 5 Q. Let me just --

6 A. There were already in town before Bunny Wailer and the
7 others were arrested.

8 Q. You stand by this, don't you? You stand by the fact that
9 Bunny Wailer was shot three days after the revolution. Do you
12:19:48 10 stand by that evidence you gave us yesterday?

11 A. I am talking about within the same week. I don't want to
12 be specific. Within the same week.

13 Q. Do you recall the evidence that you said Bunny Wailer was
14 shot three days after the revolution? Do you stand by that
12:20:03 15 evidence?

16 A. It could have been an estimation. But the operation was
17 within the range of a week.

18 Q. Well, is the three days right or not?

19 A. Actually, it took place within the week. I could not
12:20:24 20 exactly remember the number of days, but it happened at the time
21 the RUF came to town. They were already in town.

22 Q. And Bunny Wailer -- was there evidence that he had been
23 wearing military fatigues?

24 A. I saw him with military fatigue.

12:20:45 25 Q. Right.

26 A. I cannot tell because I did not see him at the time he was
27 arrested within the house.

28 Q. Right.

29 A. But at the time he was brought to the station, he was

1 wearing military fatigue.

2 Q. And the other three men?

3 A. The other three men were not arrested at the scene of
4 crime.

12:21:10 5 Q. Were they wearing military fatigues?

6 A. They were not arrested at the scene of crime. They were
7 arrested while in their houses, so they were in plainclothes.

8 Q. Right. Did they have military fatigues in their possession
9 at their homes?

12:21:25 10 A. I did not see any military fatigues with them. They were
11 only identified by the man wearing military fatigue.

12 Q. Do you know where he got the military fatigues from?

13 A. I cannot tell.

14 Q. Okay. He wasn't SLA, though, Bunny Wailer?

12:22:47 15 A. Bunny Wailer was a civilian.

16 Q. Right. Thank you. Now, I want to ask you to look at
17 Exhibit 28, please. And I want to ask you about several of the
18 entries. Before I do -- no, sorry. Let's turn to page 22,
19 please.

12:23:41 20 A. Okay, page 22.

21 JUDGE BOUTET: Page 22 of Exhibit 28?

22 MR JORDASH: Exhibit 28, page 22, right-hand corner.

23 Q. I'm looking, Mr Witness, at the entry number 19 on the
24 left-hand corner. "David Lahai, Number 17 Hindowa Street,

12:24:20 25 Kenema, arrived in the office and reported that on the 5th of
26 January 1998 at about 11.40 p.m., a gang of armed men surrounded
27 the house at the above address, damaged the doors, and entered
28 the rooms, stole therein various articles including one Yamaha
29 100 with registration number" -- the number is unimportant for

1 this purpose.

2 This would appear to be a civilian reporting the theft of
3 property by armed men? True?

4 A. True.

12:25:01 5 Q. Thank you. And further down to the bottom, number 23,
6 Lansana, I think, Kiama of something company -- sorry, would you
7 say that again?

8 A. Lansana Koroma.

9 Q. Would you say that again?

12:25:39 10 A. Lansana Koroma.

11 Q. Lansana Koroma of -- is that Kregs Company?

12 JUDGE BOUTET: Maybe you can look at the original. It
13 would be simpler.

14 MR JORDASH: I think it might be.

12:25:57 15 JUDGE BOUTET: A copy of which --

16 MR JORDASH: Perhaps I could work from the original.

17 Q. "Lansana Kiama of Kregs Company, Kenema, arrested and
18 brought in one Mohamed Daboh of Tongo and reported that the
19 latter had collected 10 bushes uphand rice, 12 bushes swamp
12:26:35 20 rice" --

21 A. Eight bushels of ground nut.

22 Q. "And 36 cups of maize which belonged to the company. And
23 he has converted some to his own use and benefit. Value to
24 follow." Do you see that?

12:26:51 25 A. Yes, I've seen it.

26 Q. So this again was, is this right, a civilian who worked for
27 Kregs Company reporting the theft of items. Is that correct?

28 A. It's true.

29 Q. And if we then turn, if you would, Mr Witness, to page 30.

1 PRESIDING JUDGE: Page 22, there are two entries you have
2 referred to?
3 MR JORDASH: Yes.
4 PRESIDING JUDGE: 19 and 23?
12:27:36 5 MR JORDASH: Yes, Your Honour. Yes.
6 PRESIDING JUDGE: Would that be right?
7 MR JORDASH: That's right, Your Honour.
8 PRESIDING JUDGE: Now you're moving to page?
9 MR JORDASH: 30. I should have probably said the date.
12:28:11 10 The date of that was the 18th of January 1998, the two entries.
11 MR HARRISON: I'm sorry, I think it's the 16th. Maybe it
12 will be clearer on the original.
13 PRESIDING JUDGE: 16th of?
14 MR JORDASH: 16th of January 1998.
12:28:27 15 Q. Is that right, Mr Witness?
16 A. It should be the 16th, because the next page is 17th.
17 Q. Number 30, is this right, it's Saturday, the 17th of
18 January 1998.
19 A. Hold on, 17th.
12:28:44 20 Q. Yeah.
21 A. 17th. 17th.
22 Q. And I'm interested in --
23 A. 30 is 17th.
24 Q. 17th.
12:28:48 25 A. It's a continuation of --
26 PRESIDING JUDGE: We are on what page, I'm lost?
27 MR JORDASH: 30. 3-0, Your Honour.
28 PRESIDING JUDGE: I wrote 13. 30, okay. 30, that's right.
29 And what entry, please?

1 MR JORDASH: Entry number 21.

2 Q. Is this right, Mr Witness, entry number 21 at 12.30, 22nd
3 entry of the day?

4 A. 22nd there is referring to the cross-reference.

12:29:30 5 Q. I beg your pardon. So it refers to a previous reference.

6 A. A succeeding reference.

7 Q. Got you. I can see that. "One Abdul Tarawallie of Number

8 50 Circular Road, Kenema, arrived in the office and reported that

9 sometime in November 1997 whilst at Tongo Field with one lady

12:29:55 10 called Porshell, who was based at Tongolah, Tongo Field, she

11 forcefully seized his Robin Three truck's water-pump machine,

12 valued the sum of 520.000 Leones which the latter had

13 fraudulently converted same to her own use and benefit."

14 A. True.

12:30:24 15 Q. DSI Kamara informed.

16 A. JPO Crime.

17 Q. Okay, let's just leave it at that for the moment. Is this,

18 then, by the looks of it a civilian arriving from Tongo Field to

19 report about the theft of a water-pump machine?

12:30:52 20 A. That is what is --

21 Q. This is what's there. The water-pump machine at Tongo

22 Field presumably was something to do with diamond mining.

23 A. True.

24 Q. So is this then a civilian coming from the mining fields at

12:31:06 25 Tongo Field to report a theft by another civilian of

26 diamond-mining equipment?

27 A. That is stated therein.

28 Q. So civilians were free to come and report incidences from

29 the diamond mines?

1 A. Anybody has the right to make any report.

2 Q. Thank you. And we can see there that relates to something
3 which happened in November 1997, and they're coming to report it
4 in January of 1998. Is that correct?

12:31:44 5 A. Something happened in November 1997.

6 Q. Yeah?

7 A. And coming to report --

8 Q. It in January 1998?

9 A. -- January 1998. Well, it is true.

12:31:58 10 Q. Looks that way.

11 A. True.

12 Q. Right, thank you. Let's move on if we can to
13 entry -- sorry, page number --

14 A. If I can say something, civilians were there at Tongo Field
12:32:14 15 together with combatants. If something had happened at Tongo
16 Field in 1997 and the civilian could not get the opportunity to
17 come to Kenema to make a report, maybe after he has -- any time
18 he has a chance, we can come and make a report.

19 Q. Okay, thank you. Thank you very much. Page 37.

12:33:30 20 Entry -- sorry, page 38.

21 Sorry, my mistake. At the bottom of page 37, looking at
22 entry 6, 7.45, Saturday, the 17th of January 1998 --

23 PRESIDING JUDGE: Looking at entry number?

24 MR JORDASH: Six, Your Honour.

12:33:55 25 JUDGE BOUTET: Six at the bottom, Mr Jordash, is Sunday, 18
26 January, in the middle of the page.

27 THE WITNESS: The entry is on Sunday.

28 MR JORDASH: It is. I beg your pardon. I'm trying to work
29 from both books.

1 Q. We have reference there to - number 6 - to activities going
2 on. I won't go into them. But I will turn over the page. The
3 shift there -- at the top of the page 38, entry number 6, "The
4 shift lectured on criminal law to rape." So a lecture was given,
12:34:33 5 it seems, is this right, on criminal law which applied to rape?
6 Is that what that refers to?

7 A. Yes, yes, because the entry actually is referring to the
8 parade. At 0745 every day, the personnel --

9 Q. Personnel were lectured on the law which applied to rape?

12:35:00 10 A. Yes.

11 Q. Personnel were lectured on that?

12 A. Yes.

13 Q. And presumably were expected to use that information in
14 their duties?

12:35:08 15 A. Well, let me just make it clear. This entry is referring
16 to the parade. At 0745 hours every day at any police station in
17 this country, be it a CID, General Duties, personnel will be
18 paraded for duty. And during the parade, they give briefings and
19 give lectures.

12:35:35 20 Q. So is it right, then, that in Kenema in 1997, 1998, that
21 the police would have been receiving this kind of lecture on
22 criminal offences?

23 A. Yes, every day. Every day.

24 Q. And they would be expected to use that to investigate and
12:35:56 25 prosecute crimes?

26 A. True.

27 Q. Yeah, thank you. We see there just below this as well, if
28 I can just refer to this, "one suspect in custody for fraudulent
29 conversions." That's referring to obviously a suspect in

1 custody. But fraudulent conversion, is that the same as theft of
2 property and use by the thief?

3 A. No, fraudulent conversion is slightly different from theft,
4 from larceny, even though it is under the Larceny Act. It has to
12:36:43 5 do with the misappropriation of property entrusted to you by some
6 other person for a specific purpose, either for purpose of
7 delivery or for purpose of safekeeping.

8 Q. Right. So this basically would be a civilian reporting
9 effectively the fraudulent conversion of their property by
12:37:03 10 another civilian?

11 A. Yes, entrusted property to some other civilian for a
12 specific purpose, and the civilian converted it to his own use or
13 benefit.

14 Q. Thank you. Could we turn to page 34, please. Sorry, 44.
12:37:34 15 Entry number 17. The date is Monday, the 19th --

16 PRESIDING JUDGE: Page?

17 MR JORDASH: 44.

18 PRESIDING JUDGE: 44, yes. Entry number?

19 MR JORDASH: 17, referring to item -- entry number 12,
12:37:56 20 Monday, the 19th of January 1998.

21 Q. Mr Witness, is that right?

22 PRESIDING JUDGE: Entry number 12?

23 MR JORDASH: Entry number 17 but referring to entry
24 number 12.

12:38:10 25 THE WITNESS: The entry is referring to the 12th entry
26 above.

27 MR JORDASH: Yeah.

28 Q. This is the Monday, the 19th of January 1998?

29 A. Yes. The 19th of January.

1 Q. Just to read the entry, Reference SD 12 above with
2 complaint D-something 367. "I returned to the office from scene
3 where no breakage was discovered, but the armed men forced the
4 tenants to open the main door leading to the parlour of four
12:38:49 5 rooms wherein the thieves entered and made away with different
6 items from different occupants. No exhibit brought in as yet."

7 So does this then refer to civilians -- a civilian coming
8 to the office to report armed men looting property from their
9 house?

12:39:19 10 A. Please, there are three entries here. If you look at entry
11 number 12 and the cross-reference column, you have entry number
12 11.

13 Q. Mm-hmm.

14 A. Now, go to entry number 11 and read, and you find out the
12:39:34 15 entry which states "Hassan Jalloh of Number 10 of Williams
16 Street, Kenema, arrived in and reported that on today's date,
17 19/1/1998, at about 0326 hours, armed men dressed in military
18 fatigues broke and entered this compound or residence and made
19 away with various articles."

12:40:13 20 So the entry is -- entry number 11 is related to entry
21 number 12.

22 [HS130505E 12.40 p.m. - SV]

23 Q. Right?

24 A. So it reads -- number 12 reads: "Reference S/D 11" that is
12:40:26 25 11th entry "of above with the complainant, sergeant 20871 and I
26 left the office for Olu Williams Street on inquiry". Then if you
27 look at it again, on entry number 12 there is -- in the
28 cross-reference column the succeeding entry related to that entry
29 is number 17. So we come down to 17.

1 Q. Okay. That's the one I've just read?

2 A. Okay, yeah.

3 Q. This is the complainant in the office describing the armed
4 men forcing the tenants to open the main door?

12:41:07 5 A. Yes.

6 Q. So civilians reporting misbehaviour by armed men?

7 A. Yes, crime by armed men.

8 Q. Thereafter investigated?

9 A. Yes. They were investigated and most of them referred to
12:41:25 10 the military.

11 Q. Thanks.

12 A. Because before prosecuting any soldier we have to inform
13 their authority.

14 Q. And can you remember if those armed were found? Were the
12:41:47 15 armed men found - do you know - that these entries refer to?

16 A. I cannot tell the outcome of the investigation.

17 Q. Okay, but armed men were prosecuted at some stages by the
18 police?

19 A. Well, some armed men I can still remember were prosecuted
12:42:12 20 by the police with the consent of the military authority.

21 Q. Right. Thank you. Okay, reading on, page 45, please?

22 A. Yes, I have it here.

23 Q. Entry number 20?

24 A. Okay, I have it.

12:42:44 25 Q. This is Monday the 19th of January 1998, yes?

26 A. True.

27 PRESIDING JUDGE: Page?

28 MR JORDASH: Page 45, Your Honour.

29 PRESIDING JUDGE: Entry number?

1 MR JORDASH: 20.
2 PRESIDING JUDGE: Date.
3 MR JORDASH: Date 19th of January 1998.
4 Q. "James Sankoh of number 15 Kia Samba Terence, Kenema
12:43:27 5 arrived in the office and reported that on Sunday during the
6 afternoon" something "armed men dressed in combat took his
7 vehicle tyre 750SXD"?
8 A. Please don't omit the last name there for my protection.
9 Q. Sorry?
12:43:55 10 A. Don't call out the last name.
11 Q. Okay, fine. But this then is a civilian reporting the
12 theft of property by armed men?
13 A. Yes. You see this diary was -- these entries were made and
14 the time -- a lot of armed men in town and they have somewhere
12:44:23 15 their own excesses.
16 Q. Okay. Thank you. Page 46, please. Number 30, entry
17 number 30, Monday the 19th of January 1998: "Arum Marks Kanu of"
18 something "2"?
19 A. Of [inaudible]
12:45:04 20 Q. What is that, sorry, Mr Witness?
21 A. Of Cemetery Road.
22 Q. "Of Cemetery Road, Kenema brought in one baby child and
23 reported that on Wednesday 14th of January 1998 she found the
24 said child in Tongo Field whilst going towards" -- do you know
12:45:22 25 what that says? Something area. Dondama [phon]?
26 A. Dondama area.
27 Q. Do you know Dondama area?
28 A. The spelling is not clear really.
29 Q. Do you know an area which sounds like that near Tongo

1 Fields?

2 A. The entry is not clear but it must be an area around Tongo
3 Field because Tongo is clearly stated there.

4 Q. So this again is a civilian coming from the Tongo Field to
12:45:58 5 report the discovery of a baby child. A civilian coming from
6 Tongo Fields?

7 A. True, yes. True.

8 Q. To the office?

9 A. True.

12:46:11 10 Q. Thank you.

11 A. And brought along the said found child.

12 Q. Yes, thank you. Page 47, please. Let's have a look at
13 entry number 36. The date is the 19th of January 1998; is this
14 right?

12:46:49 15 A. Which page?

16 Q. Sorry, page 47.

17 A. Which is the entry?

18 Q. Entry number 36.

19 A. Okay.

12:46:58 20 Q. It reads like this: "One Alie Kamara of number 13"?

21 A. Humonya Avenue. There's a street in Kenema called Humonya
22 Avenue.

23 Q. Sorry, could you say that a bit louder?

24 A. Humonya Avenue. Humonya Avenue

12:47:19 25 Q. Could you spell it?

26 A. H-U-M-O-N-Y-A. Humonya.

27 Q. That's a street in Kenema?

28 A. Yes. It's the name of a street in Kenema, an avenue.

29 Q. And it says: "One Alie Kamara of" then the address "Kenema

1 arrested and brought in Obai Turay and Amara Koroma of the same
2 address and reported that some time in January 1998 the latter
3 stole a piece of diamond from him at Tongo Field. Value to
4 follow"?

12:48:01 5 A. Yes, that's true.

6 Q. So do you recall this report or not?

7 A. I can recall this particular report.

8 Q. Was this a civilian reporting the theft of his diamonds by
9 another two civilians?

12:48:16 10 A. Yes, that is true. I can remember vividly.

11 Q. And that occurred, as we can see, in January 1998?

12 A. Yes, that is true.

13 Q. Do you know if the diamond was ever found and returned to
14 Mr Kamara?

12:48:32 15 A. True.

16 Q. It was. It was found?

17 A. It was found. The matter was commonly -- when we
18 investigate diamond cases we do so in collaboration with the
19 Ministry of Mines. In fact, the diamond was retrieved from the
12:48:47 20 thieves at -- from the receiver at the Ministry of Mines by the
21 mining engineer.

22 Q. Right.

23 A. And handed over to complainant.

24 Q. And was it given back to the civilian?

12:48:59 25 A. Yes.

26 Q. Who no doubt was --

27 A. Normally -- I can still remember the particular incidence.
28 This particular incidence I can remember.

29 Q. Is there anything else you can remember about it?

1 A. Yes. The diamond was recovered and given back and the
2 owner of it was compensated by the -- normally in cases of
3 diamond theft whosoever is the receiver should compensate the
4 owner when the diamond is recovered by the police. That's what
12:49:27 5 they do.

6 Q. No doubt the civilian was very happy to have his diamond
7 back?

8 A. Well, the Ministry of Mines has the authority. We only
9 investigate and prosecute with their authority.

12:49:41 10 Q. Right. You prosecuted on behalf of the authority?

11 A. Yes. They should give us the go ahead to prosecute.

12 Q. Right. And you were given the go ahead in this instance?

13 A. No, we were not given the go ahead. When diamond was
14 recovered they settled the matter between the two parties.

12:49:58 15 Q. Right. So diamond returned; everyone happy?

16 A. Well, it made whosoever owns the diamond happy.

17 Q. Well, wasn't that Mr Kamara?

18 A. Yes. [Indiscernible] Kamara, I can remember. The mining
19 engineer.

12:50:17 20 Q. Thank you. Page 57, please. Entry number 44. Date - is
21 this right - 20th of January 1998?

22 A. 20th of January 1998, yes.

23 Q. Entry 44, writing very difficult to read: "One" --

24 A. "One Abue" --

12:51:02 25 JUDGE BOUTET: What's the page, Mr Jordash?

26 MR JORDASH: Sorry, I should have said, 57.

27 THE WITNESS: Page 57. "One Abue Daguna of number 26

28 Massaquoi Street, Kenema arrived in the office and reported that

29 on 20th January 1998 at about 4.30 p.m. he was bitten by a dog

1 along Circular Road, Kenema. Thereby he suspected that one Satta
2 on the same street owns the dog".

3 MR JORDASH:

4 Q. Right. So - is this right - civilians were free to report
12:51:44 5 even relatively minor things such as a dog biting them?

6 A. A dog bite is not a minor thing.

7 JUDGE THOMPSON: You probably can get argumentative on that
8 one.

9 MR JORDASH: No, it depends --

12:52:01 10 THE WITNESS: If you are bitten by a rabies dog you can
11 even die.

12 JUDGE THOMPSON: Quite right. I mean, we don't want to.

13 MR JORDASH: No, I accept that.

14 JUDGE THOMPSON: Do, please. It's too controversial.

12:52:09 15 MR JORDASH: I accept that.

16 Q. Do you know if the dog was ever found?

17 A. Well, normally in a situation of that nature we don't go in
18 for the dog. We go in for the owner of the dog because whosoever
19 owns the dog is supposed to have a licence and the licence, we
12:52:29 20 dictate certain conditionalities. If you don't comply then you
21 can be brought before the law.

22 Q. Thank you. Okay, moving on. Page 69, please?

23 A. 69.

24 Q. Yes. I just want to deal with this very, very swiftly.

12:53:29 25 Entry number 31, 22nd January 1998. Have you seen that?

26 A. Yes I've seen it. "Fatmata Koroma of number 8 Combema
27 Road, Kenema arrested and brought" --

28 PRESIDING JUDGE: [Microphone not activated] page number.

29 MR JORDASH: 31.

1 THE WITNESS: 31. "Fatmata Koroma of number 8 Combema
2 Road, Kenema arrested and brought in Sullay Kabia, Kodaitu
3 Fofanah, Fatmata Turay and Isatu Kolokoh and Kodaitu Conteh all
4 of Kenema Town and reported that on the 21st of January 1998 at
12:54:17 5 about 4.30 p.m. at Manowa Street, market area, thief or thieves
6 stole from her the sum of 260,000 leones in a black plastic bag
7 and she thereby suspected the above-mentioned people"
8 [inaudible].

9 Q. Okay. I think I can move on a bit more swiftly. It was
12:54:56 10 clearly - is this right - an everyday occurrence of civilians
11 coming in to report crimes and incidents of noteworthiness to the
12 police?

13 A. You see, the situation in this country is so that everybody
14 has a right to make a report, even if the person is crazy. We
12:55:16 15 receive report from anybody regardless your status in the
16 society.

17 Q. Okay. Thank you.

18 MR JORDASH: I'm just trying to shortcut this a bit because
19 I'm going to ask for the whole diary to be exhibited, so rather
12:56:03 20 than going through every --

21 JUDGE BOUTET: It's already an exhibit.

22 JUDGE THOMPSON: It is in evidence as Exhibit 28.

23 MR JORDASH: Of course it is.

24 PRESIDING JUDGE: [Microphone not activated]

12:56:08 25 JUDGE BOUTET: May I suggest, Mr Jordash, if you have other
26 entries reference civilians you just highlight them but don't
27 have them read by the witness because after it while it gets --

28 MR JORDASH: Certainly.

29 JUDGE BOUTET: So just go to the page, the entry, and ask

1 if these are civilians and let's move from there.

2 MR JORDASH: Thank you, I will.

3 Q. Page 87 then, Mr Witness. Mr Witness, I want to try to
4 save some time and just move relatively quickly. If you could
12:56:44 5 read the entries to yourself when I point them out and just
6 confirm the question when I ask or not?

7 A. Okay, okay. I know that.

8 Q. Entry number, I think, 4. See that?

9 A. Yeah.

12:57:04 10 Q. Date Sunday 25th of January 1998. Towards the bottom of
11 the page reference to "suspect in custody for larceny"?

12 A. Yes.

13 Q. This is a diary which would also report the holding of
14 suspects for larceny; yes?

12:57:29 15 A. Yes. These are parade -- the entry here is referring to
16 the parade. Whenever we parade shift in the morning at 0745
17 hours we indicate the people, the personnel on duty and persons
18 in custody and major incidents that occurred during the previous
19 day.

12:57:56 20 Q. Okay. Thank you. Page 103, please. Entry number 29, date
21 the 27th of January 1998?

22 A. Okay, let me read this.

23 Q. This is a reference, is it not, to somebody obtaining an
24 overdraft illegally, basically?

12:58:37 25 A. Okay, I've read it.

26 Q. Is that right? This is an entry of somebody obtaining an
27 illegal overdraft?

28 A. Yes, from a bank.

29 Q. So the banks were operating fairly normally at this time?

1 A. Well, you see, in Kenema as long as you were there in your
2 own capacity performing your official duties you should continue
3 performing your official duties. If you fail to go to work you
4 can be brought by the combatants.

12:59:13 5 Q. Okay, thank you.

6 A. So whether like it or not, you have to work. Otherwise it
7 would not be in your own best interests.

8 Q. Well, presumably people did like to work and earn money to
9 live?

12:59:29 10 A. You see, if you are operating a public kind of function, if
11 you deprive those people who are in authority by refusing to go
12 to work you can be brought to justice and the military regime was
13 a kind of decree.

14 Q. Okay. Thank you. Page 111, please. Entry number 43.

13:00:15 15 A. Okay.

16 Q. Reference to two people leaving the office --

17 PRESIDING JUDGE: Mr Jordash, what page?

18 MR JORDASH: Page 111, Your Honour.

19 PRESIDING JUDGE: Entry number?

13:00:30 20 MR JORDASH: 43.

21 PRESIDING JUDGE: Date?

22 MR JORDASH: 28th of January 1998.

23 Q. Mr Witness, is this a reference to two people leaving the
24 office --

13:00:47 25 A. To the secretariat, AFRC secretariat.

26 Q. In respect of --

27 A. In respect of Kamajor suspects.

28 Q. This was some type of investigation into Kamajor suspects?

29 A. Yeah, the same suspects yesterday that we deliberated on.

1 Q. Okay. Page 151, please. Entry number 20. Is this right:
2 This is a man who is reporting on the 2nd of February that he'd
3 been threatened by his wife?

4 A. Okay, yes, that is what he stated therein.

13:02:08 5 Q. So is it right that people were not -- civilians were not
6 frightened of coming to the police station to report even matters
7 -- domestic matters?

8 A. Actually we -- according to the nature of our job, we are
9 there to receive reports from anybody.

13:02:33 10 Q. Exactly.

11 A. Whether the person is crazy.

12 Q. And I think we can see on page 153 --

13 JUDGE THOMPSON: The question was whether civilians were
14 frightened to come and report.

13:02:48 15 THE WITNESS: No.

16 JUDGE THOMPSON: I mean, that was the question.

17 THE WITNESS: Civilians were not frightened by the police.
18 We were there receiving reports from anybody.

19 JUDGE THOMPSON: No. Put your question again.

13:02:57 20 THE WITNESS: Yes, put the question again.

21 JUDGE THOMPSON: You referred to that entry and invited him
22 to answer whether, from the basis of that entry, civilians were
23 not frightened to come and make a report.

24 MR JORDASH: Yes.

13:03:19 25 JUDGE THOMPSON: Time frame?

26 MR JORDASH: During this period.

27 JUDGE THOMPSON: Well, let him answer it.

28 MR JORDASH:

29 Q. During this period civilians were not frightened of coming

1 to report offences to the police station?

2 JUDGE THOMPSON: Do you know that?

3 THE WITNESS: Yes, they were not frightened.

4 JUDGE THOMPSON: Thank you.

13:03:52 5 MR JORDASH: I think that will suffice for my purposes at
6 the moment.

7 Q. We don't have with us, Mr Witness, a diary for 1997. Do
8 you know what happened to them? Well, first of all, I should ask
9 were there diaries for 1997?

13:04:21 10 A. Okay, let me explain a bit. At the intervention time,
11 because the Kamajors felt we stayed to work, they were annoyed.
12 When they came they ransacked the offices. Most documents were
13 removed. We've got some diaries -- we were able to lay down --
14 at the time we were told by ECOMOG to report for duty and clean
13:05:03 15 up the station.

16 Q. Mr Witness, let me just ask you this: Did similar books
17 exist at one point in 1997?

18 A. A lot of books. A lot of books.

19 Q. Books where --

13:05:14 20 A. Books, yes. Most of these books were only used maybe for a
21 month, or sometimes even less than a month depending on the rate
22 of the reports.

23 Q. Of course. So what we see here for January and part of
24 February was - is this right - typical of the books which existed
13:05:36 25 through '97?

26 A. Yes.

27 Q. This is --

28 A. Is a continuation.

29 MR JORDASH: Thank you. That's the end of --

1 JUDGE BOUTET: It's January '98, not '97.
2 THE WITNESS: It is January '98.
3 MR JORDASH: I beg your pardon. Let me just clarify that.
4 JUDGE BOUTET: No, you didn't say that, you just said
13:05:55 5 January, February, but there might have been some misconception.
6 MR JORDASH: Thank you.
7 THE WITNESS: This diary is '98 diary and not '97 diary.
8 MR JORDASH:
9 Q. Yes, but diaries like this existed for 1997?
13:06:05 10 A. Yes. For even now it continues. The same thing continues.
11 Q. Right. And you think that the Kamajors when they came in,
12 angry at what they saw as cooperation with the junta, ransacked
13 the office?
14 A. Ransacked the office.
13:06:18 15 Q. And took the books?
16 A. Some diaries were burned, some were retrieved by the police
17 after the crisis.
18 Q. But if we'd seen the 1997 diaries they would have looked
19 pretty much like these?
13:06:31 20 A. Very similar and they are there. They are there. Some are
21 there.
22 Q. Some are where?
23 A. Some diaries are at the CID, because whenever a diary is
24 finished we hand it over to the high branch writer, the exhibit
13:06:45 25 clerk, and it is there in his custody. It remains there until --
26 indefinitely.
27 Q. And is it right to say that the security situation towards
28 the time of the removal of the junta was getting more chaotic?
29 A. Yes, precarious. Precarious, to be precise.

1 Q. So this would have been the more chaotic time of the junta
2 in Kenema?

3 A. Well, when you say chaotic, you cannot write these entries
4 in a chaotic situation. It is only when -- we don't operate when
13:07:22 5 there is chaos. When there is firing we run away from the
6 station and we only return when there is normalcy.

7 MR JORDASH: That's fine. Thank you very much. I haven't
8 quite finished but I notice the time and I'm moving on to another
9 subject.

13:08:52 10 PRESIDING JUDGE: Learned counsel, I think we have to rise
11 here. As I said, we are not sitting this afternoon. We will
12 resume the session on Monday at 9.30. The Court will rise,
13 please.

14 [Whereupon the hearing adjourned at 1.07 p.m.,
13:09:43 15 to be reconvened on Monday, the 16th day of May
16 2005, at 9.30 a.m.]

17
18
19
20
21
22
23
24
25
26
27
28
29

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-125	2
CROSS-EXAMINED BY MR JORDASH	5
EXAMINED BY MR TAKU	32
FURTHER CROSS-EXAMINED BY MR JORDASH	39