



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

MONDAY, 9 JUNE 2008
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Benjamin Mutanga Itoe, Presiding Bankole Thompson Pierre Boutet
For Chambers:	Mr Felix Nkongho Ms Hannah Heineken Ms Becky Emory
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Charles Hardaway Mr Vincent Wagana Mr Joseph Kamara
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Mr Jared Kneitel
For the accused Morris Kallon:	Mr Kennedy Ogeto Ms Lois Mbafor
For the accused Augustine Gbao:	Mr John Cammegh Mr Scott Martin

1 [RUF09JUNE08A-BP]
2 Monday, 9 June 2008
3 [Open session]
4 [The accused present]
5 [Upon commencing at 9.40 a.m.]
6 [The witness entered Court]
7 WITNESS: DAG-080 [Continued]

8 PRESIDING JUDGE: Learned counsel, good morning. We're
9 resuming the session and Mr Cammegh.

10 MR CAMMEGH: Yes, Your Honour.

11 PRESIDING JUDGE: This is one of your witnesses, isn't he?

12 MR CAMMEGH: That's right, and he is being cross-examined
13 by Mr Jordash at the moment.

14 PRESIDING JUDGE: I see. Okay. All right. Sorry, I lost
15 track of where we are. I'm sorry. I thought it was looking new
16 to me this morning, so -- yes.

17 JUDGE BOUTET: So, Mr Jordash, you'd said you were -- that
18 if you were granted some time it may shorten your
19 cross-examination; have we been successful?

20 MR JORDASH: Absolutely.

21 PRESIDING JUDGE: And there mightn't even be any?

22 MR JORDASH: One thing; slightly successful.

23 JUDGE BOUTET: We would have been surprised, indeed.

24 MR JORDASH: I've only got about ten minutes though, so
25 fairly successful.

26 JUDGE BOUTET: Mr Jordash, 10 minutes or real?

27 MR JORDASH: I think it's [indiscernible] Mr Hardaway 10
28 minutes.

29 CROSS-EXAMINED BY MR JORDASH:

1 MR JORDASH:

2 Q. Good morning, Mr Witness.

3 A. Good morning.

4 Q. I ask questions on behalf of Mr Sesay, and I don't have
5 many. I want to ask you really about the High Command first,
6 then about area commanders, and finally about -- something about
7 child soldiers. So the first subject then is the issue of High
8 Command. Now, I've read the transcript of your evidence from
9 Friday, and it appears to me that you used the phrase "High
10 Command" in two different ways. Is it right that you first
11 described High Command as including the leader, battlefield
12 commander, the battle group commander, and the military adviser?

13 A. Yes.

14 Q. And then later on in your testimony you used the phrase
15 "High Command" referring to a person, the leader?

16 A. Yes.

17 Q. Would I be right that the theory was how it should have
18 worked in the RUF was that there was a High Command consisting of
19 a number of people, including battlefield, battle group and
20 adviser; that was how it should work?

21 A. Yes.

22 Q. But in Kailahun, for example, in 1998 and 1999, well, I
23 should say perhaps the RUF when Sam Bockarie was a leader after
24 Sankoh had been imprisoned in Nigeria, Sam Bockarie assumed such
25 powers that he became the High Command?

26 A. Yes.

27 Q. And it was his autocratic exercise of his power as the
28 leader which effectively made him the High Command pushing
29 everyone, battlefield, battle group, military adviser, if you

1 I like, away from the centre of power; does that make sense?

2 A. Yes.

3 Q. So, for example, Gbao, for example, should have reported to
4 battle group and battlefield and military adviser as well as the
5 leader Bockarie, but Gbao reported only to Bockarie?

6 A. Yes.

7 Q. Similarly, Superman based in Kono in 1998, battle group
8 commander reporting directly to Bockarie, the leader?

9 A. Yes.

10 JUDGE BOUTET: Sorry, Mr Jordash, did you say Superman in
11 '98?

12 MR JORDASH: '90 --

13 JUDGE BOUTET: It was '98?

14 MR JORDASH: Yes, Your Honour, yes, from Kono.

15 Q. And Bockarie insisted on direct report -- he insisted on
16 this power; was that your experience of Bockarie?

17 A. That -- pardon?

18 Q. That he would insist on receiving the reports even if the
19 reports were bypassing what should have happened?

20 A. Yes, he insist.

21 Q. Would you also agree with this, that Superman reporting
22 directly to Bockarie in 1998 from Kono, Gbao reporting to
23 Bockarie in Kailahun, would it have made any sense to you -- no,
24 let me try this a different way. Am I correct that Prince Taylor
25 the overall G5 also reported directly to Bockarie?

26 A. Yes.

27 Q. And Jabbati the overall S4 also reported directly to
28 Bockarie?

29 A. Yes.

1 Q. Did you observe whether these overall unit commanders
2 reported directly to Bockarie because also it made the system
3 more efficient? Does that make sense? Let me put it like this:
4 Prince Taylor was in Buedu wasn't he?

5 A. Yes.

6 Q. In 1998?

7 A. Yes.

8 Q. Would it have made sense for him to report to Sesay in
9 Pendembu?

10 A. No.

11 Q. Or did Prince ever report to the battle group commander,
12 Superman, in Kono?

13 A. No.

14 Q. No. So Prince Taylor reported to Sam Bockarie because
15 Sam Bockarie was the top man?

16 A. Yes.

17 Q. But also because Prince Taylor was there near Sam Bockarie?

18 A. Yes.

19 Q. And similarly with the role of an area commander, am I
20 correct that the IDU would report to the area commander. This
21 was the theory?

22 A. The?

23 Q. IDU?

24 A. Overall?

25 Q. No, the IDU unit commanders or agents -- sorry, the IDU
26 agents would they report to their area commander?

27 A. Well they just give him report -- they -- they -- they --
28 copy him.

29 Q. They copy the area commander?

1 A. Yes.

2 Q. And then the agents would send the reports up their chain
3 to the?

4 A. High Command to the overall.

5 Q. To the overall?

6 A. Yeah, by chain.

7 Q. Let me just make sure I understand that. If you're in a
8 unit, an IDU agent?

9 A. Um-hmm.

10 Q. In Kailahun?

11 A. Um-hmm.

12 Q. You would pass your report to your immediate superior in
13 the IDU unit?

14 A. Um-hmm.

15 Q. Until eventually the report reached the IDU overall?

16 A. Yes.

17 Q. And then IDU overall in Kailahun, Gbao, reporting to
18 Bockarie?

19 A. Bockarie, yes.

20 JUDGE BOUTET: Mr Jordash, before you go any further, when
21 you say agent because the witness has talked about IDU -- IDU
22 company commander, IDU battalion commander, IDU of all sorts, so
23 when you say agent, what do you mean.

24 MR JORDASH: Right.

25 JUDGE BOUTET: So I can understand his evidence properly
26 given his evidence-in-chief.

27 MR JORDASH: Certainly.

28 Q. I was using IDU agent to mean those IDU personnel in the
29 various military formations. So for example, an IDU agent could

1 be a company IDU officer?

2 A. Yes.

3 Q. An IDU agent could be a battalion IDU officer?

4 A. Um-hmm.

5 Q. Is that how you understand the term IDU agent. That they
6 are members of the various military groupings?

7 A. When we say IDU agent, the company IDU agent, in the
8 company there were four IDUs. Four IDUs. In each company.

9 Q. Yes.

10 A. And among the four IDUs they were having the IDU company
11 commander. So the others were agents to the IDU company
12 commander. They reported directly to him.

13 Q. Okay. So would you still refer to the IDU company
14 commander as an agent -- an agent of the --

15 A. Of the battalion.

16 Q. Got you.

17 A. Battalion IDU commander.

18 Q. So agents are subordinate?

19 A. Subordinate exactly so.

20 Q. In the various companies and?

21 A. Battalions, exactly.

22 Q. And brigades?

23 A. And brigades, yes, exactly.

24 Q. So the system then of IDU and the effectiveness of the IDU
25 operation in a particular area depends on ultimately the person
26 in the position of area commander, the top man in the area?

27 A. Yes.

28 Q. And if the top man in the area like Bockarie chooses not to
29 act on reports, the system comes it a halt at that point?

1 A. Exactly so.

2 Q. And whatever -- and however effective the detection and
3 reporting of crimes, if the top man chooses to ignore it, crimes
4 remain unpunished?

5 A. Exactly so.

6 Q. And is that the way it worked in Kono as well in 1998 from
7 what you observed?

8 A. Well, I was not in Kono actually.

9 Q. Okay. Fair enough. But from what you understood the
10 system was the same. The reporting from IDU and IO and --

11 A. Of course.

12 Q. -- so on went up the chain to the area commander or the
13 de facto area commander which would have been Superman?

14 A. Of course. In Kono.

15 Q. If Superman, like Bockarie, refused to do anything, the
16 system came to a halt?

17 A. Of course.

18 MR JORDASH: Could I just take a moment, please. Sorry.

19 Q. Let me just ask this if I can. Sesay was, is this right,
20 for a large part of 1998, the majority of 1998, in Pendembu?

21 JUDGE BOUTET: Sesay was what.

22 MR JORDASH: In Pendembu.

23 Q. This is after the intervention Sesay ends up in Pendembu
24 and stays there through the year until he goes to Kono in
25 December 1998?

26 JUDGE BOUTET: You're asking him the question or you're --
27 is this a question.

28 MR JORDASH: Well, it's a question.

29 JUDGE BOUTET: I don't know if the witness may not know at

1 all. I'm not sure what it is you're trying to achieve here
2 Mr Jordash.

3 MR JORDASH: Well it's a statement in a question form.

4 JUDGE BOUTET: All right. I'm just trying to understand
5 what you are trying to do.

6 MR JORDASH:

7 Q. Let me ask it in a more interrogative fashion. Mr Sesay
8 was in Kailahun in 1998 after the intervention, was he not?

9 A. Kailahun?

10 Q. Yes. Not Kailahun Town, the district?

11 A. Okay, the district yes.

12 Q. Did he go to Pendembu at some point?

13 A. Yes.

14 Q. And from there was he looking after the front lines at
15 Kiva and Mobai and Bai ma?

16 A. Yes.

17 Q. And was he reporting to Bockarie.

18 A. Yes.

19 Q. Was he on punishment in Pendembu?

20 A. Yes.

21 Q. Do you know if he Sesay travelled to the front lines or did
22 he remain stationed in Pendembu?

23 A. Well, he remained stationed in Pendembu as far as I know.

24 Q. As far as you know he relied upon reports coming from?

25 A. The front lines.

26 Q. From the front lines?

27 A. Yes.

28 Q. Would you agree that Pendembu was stable and a relatively
29 peaceful place?

1 A. Yes.

2 Q. And would you agree that Bockarie would travel around
3 Kailahun District in 1998 checking on various --

4 A. Yes.

5 Q. -- front lines and so on?

6 A. Yes, yes.

7 Q. And would you agree that Bockarie had bodyguards some of
8 whom looked a little young?

9 A. He was having bodyguards, yes.

10 Q. Would you agree that there was a general prohibition
11 against child soldiers in Kailahun?

12 PRESIDING JUDGE: Mr Jordash, does that answer your
13 question? You did ask him whether he had bodyguards who looked a
14 little bit young. He said he had bodyguards. But.

15 MR JORDASH: We didn't get that but I was going to approach
16 it in a different way.

17 PRESIDING JUDGE: Okay. All right.

18 MR JORDASH:

19 Q. Would you agree that there was a prohibition on the use of
20 child soldiers in Kailahun, a general prohibition?

21 A. Yes.

22 Q. It was known amongst the rank and file in Kailahun you
23 should not use child soldiers?

24 A. The rank and file of Kailahun?

25 Q. Yes.

26 A. Should not use child soldiers?

27 Q. Should not use child soldiers.

28 A. Yes.

29 Q. Bockarie did sometimes?

1 A. He did. He was having them.

2 Q. But others did not?

3 A. Others did not, yes.

4 Q. And of course, Bockarie using soldiers who were children
5 was out of the authority of everyone else?

6 A. Yes.

7 Q. And it wasn't that Bockarie sent them to the front line;
8 it's that he had them around him?

9 A. Yes. Sometimes they stay with their wives.

10 Q. Yes. And it wasn't that he used them every day. It was
11 that they would be around him as children doing domestic chores
12 who would sometimes be asked to carry his gun?

13 MR KAMARA: My Lord, I'm sorry to interject at this point
14 but I want to reiterate the comment of Justice Boutet that the
15 commentary like cross-examination I'm getting confused. Learned
16 counsel is making commentary on the evidence and then posing it
17 as a question and the witness is just saying yes yes yes without
18 even knowing what the question is. I'm trying to figure out what
19 the question is and my objection is in the line of
20 cross-examination being the form of commentary on the evidence.
21 [Indiscernible] my learned friend be specific and pose, as he
22 suggested at the point, interrogatory type of questions to the
23 witness but making a comment on the evidence and then clearly
24 suggesting by way of the tonation of a voice it's a question I'm
25 a bit confused.

26 MR JORDASH: Equally I'm confused by the objection which
27 appears to be saying that I cannot draw an inference from the
28 evidence and put the inference to the witness and ask him if he
29 agrees or disagrees. It's an objection which is based on an

1 objectionable premise which is that the witness is lying and
2 looking to me for cues to know how to answer. The witness is an
3 intelligent man. He can dispute or accept my suggestions and
4 there's no limit on the cross-examination. I can use whatever
5 information I choose and the witness can dispute or reject that
6 comment and that intonation if he chooses. I've never heard such
7 an objection to cross-examination.

8 JUDGE THOMPSON: I myself do not think that the methodology
9 is necessarily flawed; it's just that because, clearly, you are
10 trying to elicit from the witness certain inferences of fact
11 which you think can be drawn, and which I believe are within the
12 competence of the witness. It's just that the -- when it comes
13 out like that it comes out like a thesis and then the answer to
14 the -- comes like a thesis too.

15 It's a question of how you are phrasing it, not the subject
16 matter. I have no difficulty with the subject matter that you
17 are testing the witness's credibility or knowledge of. It's just
18 somehow that one gets the impression here that theses, or
19 propositions, are being put to him and they are slightly
20 suggestive; I think that's the impression.

21 In other words it's open to two possible interpretations,
22 that they are slightly suggestive, but in terms of, clearly, your
23 right to examine him and put propositions to him, particularly
24 the propositions of fact as you're trying to get him to draw
25 inferences of fact, which he can do, you know, I don't have the
26 difficulty with that. My difficulty is that whether the
27 propositions themselves are suggestive of the answer. I think
28 we're at the borderline here.

29 MR JORDASH: Well, they are supposed to be suggestive of

1 the answer --

2 JUDGE THOMPSON: Well, if they are subjective, how do you
3 draw the line between the rule against impermissibility of
4 suggestive questions to witnesses and also -- well, perhaps I
5 should revise that, and you're in cross-examination.

6 MR JORDASH: Yes. They are supposed to be extremely
7 suggestive.

8 JUDGE THOMPSON: Yes.

9 MR JORDASH: I've never met this witness.

10 JUDGE THOMPSON: Yes.

11 MR JORDASH: I don't know what is he going to say.

12 JUDGE THOMPSON: Yes.

13 MR JORDASH: He is perfectly able to say "I don't accept
14 that."

15 JUDGE BOUTET: Maybe.

16 JUDGE THOMPSON: I revise my position. I revise my
17 position. This is cross-examination and -- no, I don't think I
18 find this objectionable, speaking for myself.

19 MR JORDASH: Thank you.

20 JUDGE BOUTET: Because the objection was based on my
21 comment. My comment has to do with my understanding of what's
22 happening, as such. Are you reciting the evidence and is the
23 witness asked to comment or is he asked to answer a question? So
24 that was my comment, as such, but at the time, whether or not it
25 still applies, I won't say but it's --

26 JUDGE THOMPSON: And that's the --

27 JUDGE BOUTET: I am sorry, so we are able to understand
28 what's going on because if at some given time we have to
29 appreciate the evidence, give it weight and so on, so that was

1 the purpose of my observation so -- and I understand you're in
2 cross-examination. You may be successful, maybe you won't, but
3 you know as well that the weight to be attached may defer
4 depending as to how, so that's basically what I'm trying -- but
5 the most important aspect I need to understand what it is is this
6 a question and the witness is just asked to observe or is he
7 asked to comment? I mean, that was my comment.

8 JUDGE THOMPSON: And from that perspective I think my
9 approach clearly is that I was under the impression that you were
10 in fact examining in chief and, if you were, it would be clearly
11 objectionable from my own perspective, that those propositions
12 that you are putting to him, to draw inferences of fact from, are
13 clearly suggestive.

14 MR JORDASH: Yes.

15 JUDGE THOMPSON: But I backtrack.

16 MR JORDASH: Yes. Thank you. And I think we've moved on
17 from, the point of Justice Boutet's query, which I understand
18 related to whether I was taking the witness through his own
19 testimony and asking him to then go further with inferences, and
20 I understood Your Honour's objection, query, to be that and I had
21 no issue with that query at all. But I do have an issue with the
22 last series -- the objection to the last series of questions
23 which were not based on anything the witness had said insofar as
24 there had been no facts elicited about Bockarie and his use of
25 child soldiers.

26 The witness had said on Friday that the leadership had
27 approved of child combatants, and I was dealing with that
28 proposition, and I was taking him through what we say was the
29 case, that Bockarie had, the witness has confirmed this, I'm not

1 giving anything away, that Bockarie had children around him and
2 sometimes he would give them his gun to carry and the witness
3 said "yes, yes, yes." We were not surprised by the answers. The
4 Prosecution didn't like them but they nevertheless were proper
5 questions and proper answers.

6 JUDGE THOMPSON: It's just that the Prosecution slightly
7 shifted ground away from concurring in what the Honourable
8 Justice Boutet said and introduced a little -- a new element that
9 triggered my response.

10 MR JORDASH: Yes.

11 JUDGE THOMPSON: But I certainly backtrack on that.

12 MR JORDASH: Yes. Well, I'll leave it at that, but I
13 understand from my learned friend's objection that he doesn't
14 like the answers, but we haven't liked some of their answers
15 either, so we're in the same position.

16 PRESIDING JUDGE: I think what we're saying in fact is that
17 you're in cross-examination, yes. But what we want to make sure
18 does not happen is that questions which are put, you know, are
19 proceeded by something like a lecture, you know.

20 MR JORDASH: Yes, I understand.

21 PRESIDING JUDGE: Like a lecture, which places us in an
22 irregular position even if you are in cross-examination, you
23 know, we should not get to that. This is -- I think this is what
24 I would have to say in this debate.

25 MR JORDASH: No, I understand.

26 PRESIDING JUDGE: This is what I perceive as the
27 irregularity; that's all. I think we may proceed.

28 MR JORDASH: Okay.

29 Q. I've only got two or three questions left, Mr Witness. And

1 simply this: That the term "SBU" was a term generally applied to
2 children in the RUF territory; is that correct?

3 A. Well, not all children.

4 Q. No.

5 A. It refers to children who were trained as -- well, who went
6 to the base for training, because we are having children within
7 the RUF, but they were not called SBUs. It was only those who
8 were attached to the military side, they were called SBUs.

9 Q. Which year are we talking about?

10 A. 1996, when Sam Bockarie was in control.

11 Q. And which base then operated in 1996?

12 A. Pardon?

13 Q. Which was the base in 1996?

14 A. We were having Baima, we are having Bunumbu.

15 Q. Well, Bunumbu started in 1997, didn't it? Sorry, 1998?

16 A. 1998, yes, we were having them.

17 Q. Did you ever go to the base?

18 A. Myself?

19 Q. Yes.

20 A. 1998?

21 Q. Yes.

22 A. No.

23 Q. Did you know someone called Foday Bockarie?

24 A. Foday?

25 Q. Bockarie, in 1998? If you didn't, just say you didn't.

26 A. I don't know.

27 Q. Did you know of a school in Bunumbu?

28 A. Yes.

29 Q. Teaching children --

1 A. Yes.

2 Q. -- ordinary schooling subjects?

3 A. Yes.

4 Q. Could I suggest that whatever happened at Baima, there were
5 not children at Bunumbu being trained militarily?

6 A. At all.

7 Q. You agree with that?

8 A. Yes.

9 Q. Was it your information that children were being trained at
10 Baima in 1996?

11 A. I was trained?

12 Q. No, no, not you. You mentioned about children being
13 trained at a base. Was the training you were referring to
14 training at Baima, in 1996?

15 A. Baima?

16 Q. Yes. Just listen to my question. You just mentioned that
17 SBUs was a term given to children who had been trained?

18 A. Yes.

19 Q. And then I asked you at which base and you said Baima and
20 Bunumbu?

21 A. Yes.

22 Q. You just confirmed that there were no children trained at
23 Bunumbu, so I'm asking you were there children trained at Baima
24 in 1996?

25 A. Yes.

26 Q. Right. Okay. So, that's the distinction you draw?

27 A. Yes.

28 Q. 1996, children had been trained at Baima base?

29 A. Yes.

1 Q. And then they stopped in 1997 onwards?

2 A. Yes.

3 Q. But those children who had been trained at Baima, and
4 before that, remained with their title as SBU?

5 MR KAMARA: My Lord, I'm sorry to get up again. It doesn't
6 appear as if it is the evidence that the training stopped in
7 1997. I do not get that from the evidence but if my learned
8 friend is suggesting that it stopped in 1997, then let that be
9 clear, but it is not what the witness said.

10 MR JORDASH: If my learned friend knew the evidence he
11 would know that there wasn't a training base in 1997, and that's
12 the evidence I'm dealing with, and I don't need to go further
13 than that with this witness because I've got other evidence which
14 I'll rely upon in due course. Baima was the base in 1996, and
15 I'm just establishing what I want to establish, not what my
16 learned friend wants me to establish. But let me clarify that so
17 we can keep my learned friend Mr Kamara happy.

18 Q. You mentioned Baima and you mentioned 1996?

19 A. Um-hmm.

20 Q. Would you answer this: Did the training of children stop
21 in 1996?

22 A. In 1996, yes.

23 Q. And --

24 PRESIDING JUDGE: In Baima?

25 MR JORDASH: Yes.

26 Q. And then, of course, by the end of 1996, early 1997,
27 through 1997, is it your understanding that there was no training
28 of children?

29 A. No training in 1997.

1 Q. And, in fact, of course, from May 1997 military activities
2 practically stopped as everyone tried to work towards peace?

3 A. Yes.

4 Q. Because of the --

5 A. Overthrow.

6 Q. The AFRC overthrow.

7 A. The AFRC, yes.

8 Q. And then we had -- do you know when Baima closed the base?

9 A. Well, just after 1996, the training was on until 1996.

10 1997 it was closed.

11 Q. Right. Do you know when in 1997?

12 A. The early days of 1997, before the overthrow.

13 Q. Okay. And then there was no base in RUF occupied territory
14 until the opening of Bunumbu sometime around?

15 A. 1998.

16 Q. Yeah, after the intervention?

17 A. Yes.

18 Q. And at that point a school is opened next to the Bunumbu
19 training base?

20 A. Yes.

21 Q. And just returning to how I started this topic, despite the
22 prohibition on the use of child soldiers, Bockarie would use his
23 home help, if you like, to carry weapons for him at times?

24 A. Yes, at times, yes.

25 MR JORDASH: Thank you. No further questions.

26 PRESIDING JUDGE: Thank you, Mr Jordash. Mr Ogeto, any
27 questions?

28 MR OGETO: No questions, My Lord.

29 PRESIDING JUDGE: Thank you.

1 CROSS-EXAMINED BY MR WAGONA:

2 PRESIDING JUDGE: Yes, Mr Wagona, you may proceed, please.

3 MR WAGONA: Thank you.

4 Q. Good morning, Mr Witness.

5 A. Good morning.

6 Q. So the school that opened at Bunumbu, that was for training
7 SBUs; not so?

8 A. Not at all.

9 Q. Whom was it training?

10 A. They were training the other little boys who were not part
11 of the military training; there were other children who were not
12 SBUs.

13 Q. So it was meant for military training for other children
14 who were not SBUs?

15 A. No, not military training; they were going to normal
16 schooling.

17 Q. So why was this school in the training base?

18 A. It was not in the training base; it was at Bunumbu.
19 Bunumbu Town. It was a town. The training base was at a
20 separate area. Then, we were having the school within the town.
21 It was in the town.

22 Q. But you know that the school was next to the training base?

23 A. It was not next to the training base. The school was far
24 away from the training base but living in the same township.

25 Q. But you know that the same staff who worked in the school
26 also worked in the training base?

27 A. It was never possible. The training instructors were
28 different than the teachers.

29 Q. But you know that they were receiving training -- they were

1 receiving training in RUF ideology?

2 A. They were never receiving training in RUF ideology. They
3 were purely receiving training in education.

4 Q. But you know that they were also doing exercises?

5 A. They were not doing exercises. They were school boys and
6 school girls.

7 Q. But you know that that school closed at the same time as
8 the -- as the training base closed?

9 A. It never closed at the same time when the training base
10 closed. It closed when the AFRC took over the government and
11 everybody rushed to come because it was peace time.

12 Q. Now, when Issa Sesay was in Pendembu in 1998, he was in
13 charge of front-line operations in Pendembu, not so?

14 A. Yes, he oversees front-line operations in Pendembu, under
15 punishment.

16 Q. And he was overseeing all the front-line operations in
17 Kailahun District at that time?

18 A. Not in Kailahun District; just in Pendembu.

19 Q. Yes, but that was where the front line was?

20 A. There were other front lines beyond Pendembu, within the
21 same Kailahun District, but he was not overseeing them; he was
22 only responsible for the one in Pendembu.

23 Q. And you know that Pendembu is near Kono?

24 A. Pendembu is not near Kono. It's far away from Kono. It's
25 a far distance from Kono.

26 Q. But you know that he was also overseeing front-line
27 operations in Kono?

28 A. He was not overseeing front-line operations in Kono.
29 Superman was overseeing front-line operations in Kono.

1 Q. Now, you know that Augustine Gbao was a Vanguard; not so?

2 A. Of course.

3 Q. And what you understood was that Vanguards were trained to
4 come to Sierra Leone and fight for RUF; not so?

5 A. According to my understanding, yes.

6 Q. And so you would have observed that some Vanguards played
7 an important role in RUF battles; not so?

8 A. Yes.

9 Q. And while other Vanguards served in important units like
10 G5, IO, MP, IDU; not so?

11 A. Yes.

12 Q. And you say that from 1994 to 1996 Augustine Gbao was the
13 border patrol commander; do you remember?

14 A. I didn't say from 1994 to 1996. I said he became a border
15 patrol commander in 1994.

16 Q. And served up to when?

17 A. And then later, in 1995, some part of late 1995, he became
18 assistant secretary to Foday Sankoh, the CIC, and within the same
19 1995, as I told you, he went to the Baima training base. He was
20 sent there as an instructor in preaching the RUF ideology and,
21 thereafter, I told you, in 1996, he was called upon at Zogoda,
22 where I was also called upon, and it was that time he was
23 appointed IDU overall commander.

24 Q. And for him to assume those positions, he would have been a
25 person who was loyal to Foday Sankoh; not so?

26 A. Of course. We were all loyal to him.

27 Q. And what was Augustine Gbao's job as border patrol
28 commander?

29 A. His job as border patrol commander was to check at the

1 borderline for the infiltration of enemies.

2 Q. And he would have had RUF combatants working with him on
3 that assignment; not so?

4 A. Yes, he was having commanders, boys.

5 Q. He was having what?

6 A. He was having boys under his assignment. There were RUF
7 soldiers working with him.

8 Q. Who were under his command; not so?

9 A. Yes.

10 Q. Now, even before 1996, units like IO, MP, IDU, G5 existed
11 in the RUF; not so?

12 A. Yes.

13 Q. And throughout the war these units were very important for
14 the RUF war effort; not so?

15 A. Yes.

16 Q. So it was not only the fighting forces at the front line,
17 but also these units that contributed greatly to the RUF war; not
18 so?

19 A. Yes, in line of security, yes.

20 Q. And these units worked closely with each other; not so?

21 A. Yes.

22 Q. And, in fact, the Joint Security Board of Investigation
23 included all these units; G5, IO, IDU, MP; not so?

24 A. Yes.

25 Q. And it would have happened at times that a person who was
26 working, for example, in the IO could be redeployed in the MP or
27 IDU?

28 A. It was not possible.

29 Q. Didn't you yourself actually work in the IDU at one time?

1 A. Not at all.

2 Q. But you would accept that the work of these units G5, I0,
3 IDU, MP involved recording information and writing reports?

4 A. Of course.

5 Q. And these security units were led by people who were
6 educated; not so?

7 A. Yes.

8 Q. So, for example, you yourself was an educated person?

9 A. Yes.

10 Q. Mohamed Jalloh of the MP unit was educated?

11 A. No, Major Jalloh was not in charge of the MP unit.

12 Q. He worked in the MP unit?

13 A. He worked in the MP but he was not an overall.

14 Q. And he was an educated person?

15 A. He was, of course.

16 Q. And Augustine Gbao in the IDU was an educated person?

17 A. Yes.

18 Q. So there was a tendency in the RUF to deploy the educated
19 members of the RUF in these security units; not so?

20 A. As heads.

21 Q. Well, even personnel, because they had to go to the field,
22 record the information and write reports?

23 A. Yes, we are having some local personnel. People -- we are
24 having some people who cannot write, but we use them; especially
25 within the I0 unit we use them. They cannot write but they were
26 very useful. They will go, they observe, they come, they tell
27 us.

28 Q. But you had said the RUF combatants referred to people who
29 worked in these units as the people of books and pens?

1 A. I said the heads. The heads. Some agents were not people
2 with book and pen. Some agents.

3 Q. But you would accept that throughout the war, in these
4 units, they regularly submitted reports to their commanders?

5 A. Yes.

6 Q. And they also regularly submitted reports to the overall
7 unit commanders?

8 A. Who?

9 Q. The respective units?

10 A. The respective units sent their reports to their overall
11 commanders.

12 Q. Yes, and this is what I'm saying. And this was done on a
13 regular basis?

14 A. Monthly basis.

15 Q. And these reports would either be in writing or
16 communicated through radio?

17 A. In writing. Only on the urgent, during urgent matters,
18 then they can communicate through radio, when it needs urgent --
19 to be addressed urgently. When the matter needs urgent address
20 then they will report through radio.

21 Q. And throughout the war in these units they took orders from
22 their commanders; not so?

23 A. They took?

24 Q. Orders from their respective commanders?

25 A. The units?

26 Q. Yes.

27 A. Yes.

28 Q. And even before 1996, each of the units G5, IO, IDU, MP,
29 had an overall unit commander, even before 1996?

1 A. No, no. It was in 1996 that the idea of overall came in.

2 Q. But you would accept that each of the overall unit
3 commanders had command over people working under him within the
4 unit?

5 A. Yes.

6 Q. And each overall unit commander would issue orders to
7 subordinates under him in that unit?

8 A. They were giving instructions. They issue instructions.
9 The overall unit commanders give instructions. They don't give
10 orders; they give instructions. There's a difference between
11 order and instruction.

12 JUDGE BOUTET: What is the difference?

13 THE WITNESS: Instructions -- orders are always given by
14 the High Command, Mosquito. He gives orders.

15 PRESIDING JUDGE: In ordinary English; I mean, are we
16 interpreting that within the context of the RUF or in the --

17 THE WITNESS: The context of the RUF.

18 PRESIDING JUDGE: -- ordinary English. You should not then
19 be categorical to say there is a difference, you know, between
20 orders and instructions.

21 JUDGE BOUTET: So are you saying that only Bockarie could
22 give orders?

23 THE WITNESS: Yes.

24 JUDGE BOUTET: So an area commander could not give orders.

25 THE WITNESS: He gives instructions.

26 JUDGE BOUTET: So anybody below the CIC, as you call it,
27 would not give orders and could not give orders?

28 THE WITNESS: At all.

29 JUDGE BOUTET: He could only give instructions?

1 THE WITNESS: Yes.

2 MR WAGONA; .

3 Q. So, according to you, if instructions were coming from the
4 leader they were called orders?

5 A. Orders.

6 Q. Now, before Augustine Gbao became overall security
7 commander, that position did not exist before; is that correct?

8 A. Correct.

9 Q. Now, do you accept that overall IDU commander, and overall
10 security commander, were two assignments?

11 A. They were not two -- they were of course, yes, they were
12 two assignments; two titles.

13 Q. And do you accept that, as overall security commander,
14 Augustine Gbao had additional responsibilities more than the
15 other unit commanders?

16 A. He hadn't additional responsibility. It was just a title
17 given to him by the CIC, Foday Sankoh.

18 Q. And you say that as overall security commander, he was
19 meant to oversee the operations of the other -- of the security
20 unit?

21 A. Yeah, to make sure that they are functioning.

22 Q. And I would suggest to you that that was the added
23 responsibility; what do you say about that?

24 A. Okay.

25 Q. What do you say about that?

26 A. Well, as far as I'm concerned, it was -- it was not an
27 added responsibility; he was appointed. It was a title given to
28 him by the CIC.

29 Q. In order for him to oversee the operations of all the

1 security units?

2 A. Yes.

3 Q. And is it your evidence that, when Augustine Gbao went to
4 Makeni in 1999, he exercised his authority as overall security
5 commander and ensured law and order?

6 A. Yes.

7 Q. And Augustine Gbao would have been able to succeed in this,
8 in maintaining law and order in Makeni, by ensuring that the
9 security units performed their duties well; not so?

10 A. Yes.

11 Q. And I would put it to you that, as overall security
12 commander, Augustine Gbao was entitled to receive reports from
13 the G5, IO and MP units; do you accept that?

14 A. I cannot accept it; that was not what was happening.

15 Q. But do you accept that all the units, the security units,
16 had a duty to submit reports to Augustine Gbao, as overall
17 security commander?

18 A. I cannot accept it.

19 Q. But do you accept that, indeed, these units were submitting
20 reports to Augustine Gbao, as overall security commander?

21 A. I will not accept it. They were never -- they never -- we
22 never reported to Augustine Gbao.

23 Q. So is it your evidence that it was throughout the period,
24 when Augustine Gbao served as overall security commander, no
25 reports were submitted to him from the G5, IO or MP?

26 A. At all.

27 Q. And this would have been the case from 1996 through 2001?

28 A. 2000, yes.

29 Q. But you know that during 1999 and 2000 Augustine Gbao was

1 based in Makeni ?

2 A. He was there. He was in Makeni .

3 Q. And he was still the RUF overall security commander?

4 A. Yes.

5 MR WAGONA: My Lords, with leave of the Court I will show
6 the witness Exhibit 378 and I have copies.

7 Q. Witness, have you seen the document?

8 A. I have seen it.

9 Q. Do you see that it is addressed to the overall security
10 commander in Makeni ?

11 A. Yes.

12 Q. And it is from the Military Police office, Makeni ?

13 A. Yes.

14 Q. And it is a report of fraudulent conversion against
15 somebody?

16 A. Yes.

17 Q. And you will see there's a date where the stamp is of 30
18 March 1999?

19 A. Yes.

20 Q. And you will see that it has brief facts, then summary of
21 the fact, then it has findings, and it has a recommendation which
22 says, "Mr Ibrahim M Sesay is guilty of the offence of fraudulent
23 conversion. In view of this, I therefore recommend that suspect
24 be released after concrete argument between Mr Dixon and
25 Mr Ibrahim M Sesay is met. Report submitted for your view and
26 advice." Do you see that it is signed and under the signature
27 there is MP investigator. Do you see that?

28 A. Yeah.

29 Q. And at the bottom where it says approved there is HQMP

1 commander?

2 A. Yes.

3 Q. And it is copied to BFC. Do you know what that stands for?

4 A. Yes.

5 Q. What does it stand for?

6 A. Battle front commander.

7 Q. And battle what?

8 A. Battle front commander.

9 Q. Not battlefield?

10 A. It's the same, the same word: Battlefield/battle front.

11 PRESIDING JUDGE: We are used to battlefield.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: Maybe that's why counsel is confused.

14 THE WITNESS: Okay.

15 PRESIDING JUDGE: And I too.

16 THE WITNESS: Okay.

17 MR WAGONA:

18 Q. And it also copied to BGC. What does that stand for?

19 A. Battle group.

20 Q. It is also copied to BF -- BFI. Do you know what that
21 stands for?

22 A. I don't know that BFI. I don't know. I don't know what
23 that means.

24 Q. But do you accept that?

25 MR CAMMEGH: Excuse me, it actually says BF1.

26 PRESIDING JUDGE: Yes, it looked like 1. BF1.

27 MR WAGONA: Okay.

28 Q. Now, do you accept that this was --

29 PRESIDING JUDGE: Mr Witness, BF1. It's not BFI this time

1 it's BF1. Are you familiar with.

2 THE WITNESS: I'm not familiar with BF1. I don't know what
3 the person means by BF1, I don't know.

4 PRESIDING JUDGE: You are not familiar with BFI.

5 THE WITNESS: Not at all. Only familiar with BFC and not
6 BFI. I don't know.

7 PRESIDING JUDGE: That's okay. That's all right.

8 MR WAGONA:

9 Q. Okay. Do you accept that this document shows that it was
10 coming from the MP to the overall security commander?

11 A. As I'm -- as I'm seeing it in present of me.

12 MR CAMMEGH: Can I just refer my learned friend to one
13 thing.

14 PRESIDING JUDGE: Mr Wagona, may you sit down, please.

15 MR CAMMEGH: There is a list of people alongside the
16 letters cc. One notices that there is a tick alongside the top
17 most acronym BFC. None of the other names have ticks. Whatever
18 the relevance of that I think it's only right that that should be
19 on the record.

20 PRESIDING JUDGE: Well, I don't know. But normally -- I
21 don't know whether this was the case but in administrative
22 practice this copy was destined I suppose to the BFC. And I'm
23 sure this is a copy which they must have obtained. The one which
24 went to the BGC must have had the tick on it, you know,
25 [i ndi scerni bl e] the BGC.

26 MR CAMMEGH: Perhaps --

27 PRESIDING JUDGE: I'm just i magi ni ng.

28 MR CAMMEGH: I just wonder whether -- Your Honour may well
29 be right. Your Honour may well be right in that this is a

1 document that was in effect lifted from the BFC's personal
2 records. That may well be right.

3 JUDGE BOUTET: But I don't know why you say for the record
4 this is a document that is in evidence. It's an exhibit.

5 MR CAMMEGH: Well, Your Honour, on the record my learned
6 friend has just listed a number of people cc'ed. He hadn't asked
7 the witness the relevance of the tick next to BFC. It may well
8 be that this is a document taken from the BFC. It might also be
9 that this is a proforma.

10 JUDGE BOUTET: He is in cross-examination. Certainly in
11 re-examination if it is a matter that is important you can
12 clarify that issue. I don't see why you are raising that as an
13 objection at this particular moment.

14 MR CAMMEGH: Well I think context is very important, with
15 respect.

16 JUDGE BOUTET: Yeah, well, as I say if it is important you
17 can put it to the witness in re-examination if appropriate.

18 MR CAMMEGH: Well, very well.

19 MR WAGONA: My Lords, with leave of Court I would like to
20 show the witness Exhibit 379.

21 Q. Witness, have you seen the document?

22 A. I have seen it.

23 Q. Do you see that it has an address, 2nd Brigade headquarter.
24 Agriculture Road, Makeni?

25 A. Yes.

26 Q. Do you see that it's from the intelligence security branch?

27 A. Yes.

28 Q. And it is to overall security commander?

29 A. Yes.

1 Q. Subject, information malpractices still prevail among
2 personnel s. Do you see that?

3 A. Yes.

4 Q. And it has a date 20 February 1999; do you see that?

5 A. Yes.

6 Q. Do you see that it ends with a suggestion which says, "The
7 office is therefore suggesting that these personnels that do take
8 the chance to abandon the camp are to be dealt with and
9 redeployed at the same ground. In this case, this will actually
10 give cause to the other personnel to desert the ground also. In
11 the case of the raping, the said soldier, Black, is to call upon
12 for investigation." Do you see that?

13 A. Yes.

14 Q. And you see that it ends by saying, "Faithfully submitted"
15 and under that it has "approved by" and there's a signature and
16 under that there is "overall IO, signed for." Do you see that?

17 A. Yes.

18 Q. And do you see that it's on the next page it is again
19 copied to BFC, BFI and BGC?

20 A. Yes.

21 Q. Among others; do you see that?

22 A. Yes.

23 Q. It is also copied to the HQ commander and also to the IDU
24 unit; do you see that?

25 A. Yes.

26 Q. Now, do you accept that this document shows that it was
27 coming from the IO unit to the overall security commander?

28 A. I want to deny this document.

29 Q. Could you first answer the question please?

1 A. No, I will not accept this document the IO -- from the IO.

2 Q. Well, you are saying it did not come from the IO?

3 A. Well I'm not saying it is not coming from the IO.

4 According to the document here they said IO unit. What I'm
5 saying here is I should be - I should be aware of any IO document
6 as far as RUF is concerned. But to -- for this particular
7 document it was never to my knowledge, so I don't know. I cannot
8 comment much on this because as long as it was not to my
9 knowledge, then I think it was not a proper document really.

10 Q. Witness, I would put it to you that as overall security
11 commander, Augustine Gbao was in command of the G5, the IO, IDU
12 and MP units; what do you say about that?

13 A. I will never accept it. I will never.

14 Q. I would also put it to you that as overall security
15 commander, Augustine Gbao could issue orders to the other overall
16 unit commanders?

17 A. It was never possible.

18 Q. But do you accept that in the position of overall security
19 commander, within the RUF hierarchy, Augustine Gbao was
20 subordinate only to the leader, the battlefield commander and the
21 battle group commander?

22 A. No. He was even subordinate to even the other officers
23 like the area commander. He was subordinate to the area
24 commander. The area commander had command over Augustine Gbao as
25 far as the RUF structure was concerned.

26 Q. So as far as you are concerned, he was subordinate to the
27 leader, battlefield commander, battle group commander, and the
28 area commander?

29 A. Military adviser likewise.

1 Q. But you know that in 1997 and 1998 Augustine Gbao was based
2 in Kailahun Town?

3 A. 1997, yes.

4 Q. And at that time he would have been the highest RUF officer
5 present in Kailahun Town?

6 A. No, no, no, he was not the highest ranking officer. We
7 were having the area commander there. The area commander was the
8 highest ranking officer.

9 Q. But you know that Augustine Gbao was the chairman of the
10 Joint Security Board?

11 A. I do.

12 Q. Of investigations?

13 A. I do.

14 Q. And you had said that the joint security panel of
15 investigations handled serious cases like rape, innocent killing
16 and looting; you remember that?

17 A. I do.

18 Q. But when you were listing, when you were listing categories
19 of serious and minor cases, you remember you included forced
20 labour among the serious cases; you remember that?

21 A. Yes.

22 Q. So do I take it that a case of using forced labour was one
23 that qualified to go to the joint security panel?

24 A. Yes.

25 Q. Now, in the position that you held, did you ever become
26 aware of any joint security panel of investigations being set up
27 for cases of forced labour?

28 A. Yes.

29 Q. Where was that?

1 A. Gi ema. Gi ema.

2 Q. When was that?

3 A. Mmm?

4 Q. When? When was that?

5 A. That was in 1996.

6 Q. And the complaint -- what was the complaint?

7 A. That a soldier used some civilians to work on his farm.

8 Q. So do you accept that, in Kailahun, soldiers were using
9 civilians to work on their farms?

10 A. Well, some renegades were doing that, and they were put
11 under punishment.

12 Q. And do you accept that this practice of using civilians to
13 work on farms is something that went on right from '96 up to even
14 '99 it was going on?

15 A. No, no, no.

16 Q. Now, was forcing women to be wives of RUF combatants and
17 commanders also regarded as an offence?

18 A. If you are caught, yes. But nobody was forcing. But if
19 you were caught forcing.

20 Q. So nobody was ever caught?

21 A. Forcing human.

22 PRESIDING JUDGE: That's not the question. The question is
23 -- put the question to him again. Let him answer the question.

24 MR WAGONA:

25 Q. Was forcing of women to become wives of RUF commanders or
26 combatants regarded as an offence?

27 A. Yes, it was regarded as an offence if you were caught.

28 Q. And you are saying that nobody was ever caught?

29 A. At all.

1 Q. And why was that?

2 A. Why was?

3 Q. Why was it that nobody was ever caught?

4 A. Because nobody was brought to the joint security for such a
5 crime.

6 PRESIDING JUDGE: Is that a fair question to the witness,
7 Mr Wagona?

8 MR WAGONA: I was using it as a basis for --

9 PRESIDING JUDGE: Nobody was caught. Nobody was caught.

10 MR WAGONA: I was using it as a basis for asking another
11 question.

12 PRESIDING JUDGE: If they were smart, and they alluded his
13 vigilance, what would you expect him to do?

14 MR WAGONA:

15 Q. So you would, however, confirm that you are not aware of
16 any joint security panel of investigations ever dealing with
17 cases of this nature?

18 A. At all.

19 Q. But if at all it happened, was that a type of case which
20 qualified to go to the joint security panel of investigations?

21 A. If the order is being given. If it happens and the order
22 being given by the High Command Mosquito, then it will go to the
23 joint security panel.

24 Q. Now --

25 PRESIDING JUDGE: Is it Mosquito who determined where it
26 should go?

27 THE WITNESS: Yes, sir.

28 MR WAGONA:

29 Q. Now, you had said that the case --

1 PRESIDING JUDGE: So just let me get this clear. An
2 offence is committed. Is it Mosquito -- is the report made to
3 Mosquito and then he sets up the machinery of the JSBI?

4 THE WITNESS: Yes, sir.

5 MR WAGONA:

6 Q. Now, you had said that the case of forced labour that you
7 were aware of, that happened in 1996?

8 A. Yes.

9 Q. And it was dealt with by the joint security?

10 A. Security, yes.

11 Q. Are you aware of any other cases after --

12 A. No.

13 Q. -- 1996?

14 A. No. No.

15 Q. So would I be right to say that, after 1996, there was no
16 incident of a joint security panel of investigations ever
17 handling cases of forced labour?

18 A. Yes.

19 Q. But would you have -- sorry.

20 A. Um-hmm.

21 PRESIDING JUDGE: Mr Witness, are you sure you're ready?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: Are you all right?

24 THE WITNESS: Yes, sir.

25 MR WAGONA:

26 Q. But in the case -- in the cases of forced labour, forcing
27 women to be wives were happening, you would have expected those
28 to be included in IDU reports?

29 A. My own report.

1 Q. I was asking about IDU?

2 A. Well, I don't know. I was dealing with IO.

3 Q. But you would have expected them also to be included in IO
4 reports?

5 A. IO reports.

6 Q. Yes.

7 A. Yes, IO. I was dealing with IO. I don't want to comment
8 much on IDU.

9 Q. Okay. Can you answer the question then for IO. In case
10 such things were happening, would you have expected them to be
11 included in IO reports?

12 A. Of course.

13 Q. But, of course, the RUF High Command did not consider it an
14 offence to use child soldiers; is that correct?

15 A. The?

16 Q. High Command.

17 A. Mosquito?

18 Q. Yes.

19 A. Yes.

20 Q. So you would not have expected him to punish anybody in the
21 RUF for using child soldiers; is that correct?

22 A. He was -- well, not everybody was using child soldiers. He
23 was using the child soldiers. He was the user of the child
24 soldiers, not everybody. He was using.

25 Q. You said he was using?

26 A. Yes, he was using.

27 Q. Would I be correct to say that you would not have expected
28 him to punish anybody else, even if that person were to use child
29 soldiers?

1 A. If there was somebody using child soldiers?

2 Q. Yes, would you have expected Sam Bockarie to punish them?

3 A. No.

4 Q. And so you would not be aware of anybody in the RUF who was
5 ever punished for allegedly using child soldiers?

6 A. At all, because it was just the High Command, Sam Bockarie,
7 who was in use of the child soldiers, so how could somebody be
8 punished or alleged for that? Not at all.

9 Q. Now, is it correct that serious cases handled by the Joint
10 Security Board of Investigations were referred to Augustine Gbao,
11 in his capacity as the chairman?

12 A. Pardon?

13 Q. Is it correct that serious cases handled by the Joint
14 Security Board of Investigations were always referred to
15 Augustine Gbao, in his capacity as chairman?

16 A. Yes, from the High Command, Mosquito.

17 Q. How about from the joint security investigation panel?

18 A. He can only be -- he can only be issued the report after
19 the whole investigation. He received the final report, then he
20 send it to the High Command.

21 Q. So he would receive the report from the panel?

22 A. From the panel, yes.

23 Q. And I would suggest to you that when he received the report
24 from the panel, then he would be the one to advise and instruct
25 on the type of punishment to be given?

26 A. He doesn't. He doesn't advise, neither instruct, on the
27 type of punishment. The joint security recommends punishment.
28 They send it to the -- to him. Then he send it to the High
29 Command, which is the High Command Mosquito, who would say: Yes,

1 this punishment that has been given or recommended by the Joint
2 Security Board should be implemented or not. That one was left
3 with Mosquito, but he doesn't. And whatever the -- the joint
4 security panel says is final. He doesn't have to say no to it.
5 He has no right.

6 Q. So what comes from the joint security --

7 PRESIDING JUDGE: And he made no comment on the report?

8 THE WITNESS: And he made no comment.

9 MR WAGONA:

10 Q. So you would not have expected Augustine Gbao to make any
11 writing at all of his own, concerning cases handled by the joint
12 security panel?

13 A. All he does was to go through. After going through, he
14 sign, finish, because all other joint security we sign. The MP
15 we sign; the IDU overall we sign; the G5 overall we sign; the IO
16 overall we sign. Then, he, as the chairman, will give the final
17 signature. Then he send it to the High Command, Mosquito, for
18 his own orders.

19 Q. And was that how it operated throughout, as far as you are
20 concerned?

21 A. Throughout.

22 Q. My Lords, with leave of Court, I wish to show the witness
23 Exhibit 380. Witness, have you seen the document?

24 A. Yes.

25 Q. Do you see that it's a handwritten document?

26 A. Yes.

27 Q. And do you see that it's from Colonel Augustine Gbao?

28 A. Yes.

29 Q. Overall security commander?

1 A. Yes.

2 Q. To the joint security investigation panel?

3 A. Yes.

4 Q. And it is dated 13 January 2000?

5 A. Yes.

6 Q. And the subject is "death warrant"?

7 A. Yes.

8 Q. And it says, "Alusine Kamara who through comfortable lie
9 caused the unnecessary death of one Madam Aminata Bangura at
10 Sewafe. According to him Alusine Kamara alleged to have given
11 four-and-a-half carat diamonds to Aminata Bangura for
12 safekeeping." And it says, "After careful and thorough
13 investigation into the alleged diamond case, the panel is able to
14 understand that he Alusine Kamara gave the said 4-and-a-half
15 carats to one Alhaji Musa Maraka of Bamba Karayema. In this
16 regard suspect Alusine Kamara is found guilty of killing his own
17 wife Aminata Bangura and therefore he, Alusine Kamara, is hereby
18 sentenced to death by firing squad. No bail after this
19 sentence." And it is signed Colonel Augustine Gbao, overall
20 security commander. Do you see that?

21 A. Yes, I do.

22 Q. Do you see that this was a document showing that it was
23 from Augustine Gbao to the joint security panel of investigations
24 regarding what type of punishment to be given?

25 A. Yes, but again I want us to look at this area: There is an
26 error here I want us to look at. That is where it says: After
27 careful and thorough investigation into the alleged diamond case,
28 the panel, that is the joint security panel don't forget, is able
29 to understand that he, Alusine Kamara, gave the said

1 four-and-a-half carat to one Alhaji Musa of Bamba. In this
2 regard suspect Alusine Kamara is found guilty of killing his own
3 wife and I want you to understand that this may not only be --
4 this may not only be from Augustine Gbao, or Augustine Gbao alone
5 did not pass this order. This death warrant. I was not there
6 but I want to believe if ever he did it, it must have been done
7 by the recommendation of the joint security. That is one. And
8 as I told you earlier on, within the RUF when you are found
9 guilty of killing either a civilian, RUF soldier, your punishment
10 is death warrant. You have to be executed openly by firing
11 squad. As long as you have been found guilty through thorough --
12 thorough investigation. If you are found guilty, they just have
13 to -- to -- to implement that particular punishment on you. If I
14 were, in fact, in that particular -- or within that particular
15 panel of investigation, that would have been the order or the --
16 the recommendation I would have given. If even I were to write
17 this type of document, I would have written almost the same
18 because Alusine Kamara went against the -- the ideology of the --
19 one of the serious ideology of the RUF. That is innocent
20 killing. And here according to the document he killed his own
21 wife and he was not having that right. So the punishment was
22 just death -- death by firing squad and I want to believe this
23 document was from Augustine Gbao through the joint investigation.
24 What he received from the panel. That is what it said the joint
25 investigation panel. What he received from the joint security
26 panel is what he has also recommended, that it should happen. So
27 that's what I want the Court to believe, that even myself sitting
28 here if I were there I would have given the same recommendation
29 because that was what was going on. When you kill, they will

1 kill you. That one was definite and nothing will come out of it.

2 When you kill innocently found guilty, they will execute you.

3 Q. Okay. You had testified that from 1996 to 2000 the RUF had
4 renegades who caused problems by molesting civilians, raping,
5 burning houses and looting from civilians. Do you remember that?

6 A. I do.

7 Q. So these people you call renegades were actually RUF
8 members?

9 A. Yes, soldiers.

10 Q. Who were not following the law?

11 A. Yes.

12 Q. And from 1996 to 2000, you would have had 10 agents
13 throughout RUF territory?

14 A. Yes.

15 Q. And as you had said earlier, you were in daily contact with
16 your agents through radio. Do you remember you said that?

17 A. I didn't say through radio. I didn't say through radio.

18 Q. But you said you were in --

19 A. I said they report to me weekly.

20 Q. Okay. But you know that there were radios throughout RUF
21 territory?

22 A. Not throughout RUF territory.

23 Q. But you know that there were radios in Kono District in
24 1998?

25 A. In Kono.

26 Q. Yes.

27 A. Yes.

28 Q. And you know that there was also a radio in Pendembu in
29 1998?

1 A. Yes.

2 Q. And I believe it was through your regular reports from the
3 IO agents that you learned about the crimes by the RUF renegades?

4 A. Yes.

5 Q. And during 1998 you would have received similar reports
6 that RUF renegades were committing crimes in Kono District; is
7 that right?

8 A. No. No. In Kono District there was fighting going on, and
9 it was a risk -- communication, in fact, was cut off and as far
10 as the IO reports were concerned, they used to carry these
11 report. It was on document. The people in the field were not
12 used to send message through the radios. They write their
13 report. They take it to Kailahun. Very unfortunately, Kono was
14 under fighting. The war was going on in Kono so communication
15 was totally cut off. So -- so -- so it means I was not receiving
16 any report from IOs based in Kono because of the fighting that
17 was going on there and the people didn't move from Kono to
18 Kailahun. It was very risky by then.

19 Q. So you are giving two reasons: One reason was that it was
20 difficult to use radio communication?

21 A. Yes, by the field agents.

22 Q. And the other reason is that it was difficult to move?

23 A. To move. Communication was therefore cut off.

24 Q. But for the other areas like Pendembu communication was
25 okay through radio -- and even bringing physical reports?

26 A. Yes, they used to bring physical report. The agents, I
27 want you to understand, the agents do not use communication
28 through radio. They use physical report. It is only the overall
29 like me, IO, I use communication. I have the right.

1 Q. So who do you communicate?

2 A. To the leader. The High Command.

3 Q. Okay.

4 JUDGE BOUTET: Before you move on, Mr Witness, you said you
5 had no reports from IO from Kono. No reports from field agents
6 in '98. Does that --

7 THE WITNESS: Yes.

8 JUDGE BOUTET: -- does that mean the whole of 98? You say
9 '98. So from the whole of twelve months you did not get any --
10 any report of any nature from your field agents in Kono. In Kono
11 what do you mean by Kono? Do you mean Kono District or Koidu
12 Town; what do you mean.

13 THE WITNESS: I mean the whole of Kono District during 1998
14 when there was that grumbling over Kono for the RUF to gain Kono.
15 It was only after when Kono was under the control, the full
16 control of the RUF, that I started receiving reports from the IOs
17 based in Kono District.

18 JUDGE BOUTET: So when is this, in '98 or.

19 THE WITNESS: 98. Later part of 98. The ending part of
20 1998.

21 JUDGE BOUTET: What is the end or later part of 1998 to
22 you.

23 THE WITNESS: To me it was like within November to
24 December.

25 JUDGE BOUTET: Thank you.

26 MR WAGONA:

27 Q. Witness, I would put it to you that you are lying, that you
28 had earlier stated that you were in regular contact with your
29 field agents through radio communication; what do you say about

1 that?

2 A. I will say no to it.

3 Q. Okay. When you started receiving reports then, did you
4 then learn that in 1998 RUF renegades had been committing crimes
5 in Kono?

6 A. In their reports?

7 Q. Yes.

8 A. Yes. And in their report they told me they were -- when I
9 asked them they told me they were reporting those -- they were
10 issuing their reports to the commander in charge by then who was
11 Superman, Denis Mingo. Said they were issuing their reports to
12 him.

13 Q. But did you learn that the RUF had been committing crimes
14 like raping, killing innocently, looting, and so on, in Kono
15 District later on as you said?

16 A. Later on.

17 Q. Yes.

18 A. There were looting going on. There was innocent killing
19 going on. That is why, in fact, you have one of these documents
20 here.

21 PRESIDING JUDGE: Looting and innocent killing by who.

22 THE WITNESS: By the RUF.

23 MR WAGONA:

24 Q. And even raping?

25 A. No, I don't know of raping.

26 Q. But you would have also started receiving reports that the
27 RUF were forcing civilians to mine diamonds in Kono?

28 A. I didn't receive reports about mining.

29 Q. Was that throughout?

1 A. Throughout. I didn't receive reports about.

2 Q. Up to the end of the war?

3 A. Up to the end of the war I didn't receive reports
4 concerning that.

5 Q. But you would have known in your position that
6 Augustine Gbao was one of those who had women who he had forced
7 to marry him; what do you say about that?

8 A. I will deny that. I know Augustine Gbao for having one
9 wife. Only one, Hawa. By the name of Hawa.

10 MR CAMMEGH: I'm sorry to rise to my feet so the late but
11 there is an objection to that question. I really am, with
12 respect, getting tired of blind allegations being put to this
13 witness where there is no evidential foundation. It's
14 unprofessional, it's unfair and it should be stopped. If
15 Mr Wagona has a piece of evidence where it was said that
16 Augustine Gbao actually forced someone to marry him, then let him
17 put it. It's quite wrong to proceed down this line. I
18 appreciate that the witness has batted back just about every
19 question Mr Wagona has put to him today and maybe Mr Wagona is
20 getting a bit frustrated but this really is no way to go on. I
21 really have to protest at this in the way that I did the other
22 day.

23 MR OGETO: I'm sorry My Lords, could Mr Kallon use the rest
24 room, please?

25 PRESIDING JUDGE: Yes, he may, please.

26 JUDGE BOUTET: So what -- are you objecting to the question
27 or not.

28 MR CAMMEGH: Well I am, Your Honour.

29

1 JUDGE BOUTET: And what's the basis.

2 MR CAMMEGH: Well counsel is not allowed.

3 JUDGE BOUTET: Yeah, but it's his cross-examination, he's
4 certainly allowed to challenge the credibility of a witness.

5 MR CAMMEGH: Well then let me talk about counsel's ethics.

6 JUDGE BOUTET: No no no. I don't want to have a lecture,
7 I'm just asking you to me and tell the Chamber what is the basis
8 of you --

9 MR CAMMEGH: It's an objection.

10 JUDGE BOUTET: Please, we cannot speak together because it
11 cannot be recorded, so let me finish and after that you can
12 address the Bench. I was asking you what's the basis of your
13 objection. I'm not asking you to lecture about ethics, I'm just
14 asking you if there is an objection in law and what is it and
15 then we will dispose of it.

16 MR CAMMEGH: An assertion cannot be made to a witness
17 unless there is an evidential foundation. There is no evidential
18 foundation in this case for Mr Gbao forcing anybody to marry him,
19 and on that basis the question is wrong it's unfair and it
20 shouldn't be allowed. If there is evidential foundation, then
21 fine, let's hear it. But to the best of my recollection, and I'm
22 fairly au fait with the facts on this now, that allegation was
23 never made. It's exactly the same as a counsel putting or saying
24 to a witness: I put it to you that X happened when there is no
25 evidence that X has ever happened. You can't do that. You can
26 ask the question: Is it true that -- or did Augustine Gbao ever
27 ask anyone -- force someone to marry him, there's nothing wrong
28 with that but to actually come -- address the matter as if there
29 is a factual allegation that's providing a basis, is wrong.

1 JUDGE BOUTET: So your objection is not on the subject
2 matter it's in the manner that the question is asked of the
3 witness.

4 MR CAMMEGH: Yes because it's misleading the witness.
5 Inferentially it misleads the witness and it misleads the Court
6 into some blind assumption that such an allegation has been made,
7 and I repeat to the best of my recollection --

8 JUDGE THOMPSON: But counsel, suppose I respond by saying
9 isn't that too restrictive an approach for cross-examination.
10 Can he say did you beat your wife last night? Can he do that.

11 MR CAMMEGH: Yes, he can, because he is asking the
12 question. He's not --

13 JUDGE THOMPSON: Can he say that, if he is testing
14 credibility; did you beat your wife last night?

15 MR CAMMEGH: He can, because he is asking a question. He
16 is not saying: You beat your wife last night. That would be
17 objectionable unless he has a statement to say, from the wife, to
18 say: Oh, the man beat me last night. There's nothing wrong with
19 asking the question: Did you beat your wife last night? Nothing
20 wrong with that at all. It's an inquiry.

21 JUDGE THOMPSON: Yes.

22 MR CAMMEGH: And it has to be an inquiry because there
23 isn't an evidential foundation for it. If there's an evidential
24 foundation, the assertion is quite proper. No evidential
25 foundation, counsel can go no further than simply asking the
26 question.

27 JUDGE THOMPSON: And that question could be testing
28 credibility: Did you beat your wife last night?

29 MR CAMMEGH: Counsel can use it for whatever purpose he

1 chooses. There's nothing wrong with the way that question is
2 put, but what I object to is -- and it's happened time and time
3 again -- what I object to is where counsel make assertions in
4 circumstances where there is no evidence to support that
5 assertion; that is wrong. That is why I use the word "ethics"
6 because it is unethical to do that. It misrepresents or it
7 creates an impression that such an allegation has been made.
8 And, of course, the real mischief of that is that I keep
9 repeating: We've been in a case for four years, not everybody
10 can remember clearly and, therefore, one has to exercise even
11 more caution as to representing what has been said on a previous
12 occasion by a previous witness. One has to be very very careful.

13 JUDGE THOMPSON: I do follow that but can that question not
14 be put merely to test his credibility on other matters?

15 MR CAMMEGH: Not in terms of an assertion, Your Honour.
16 No, with great respect.

17 JUDGE BOUTET: So, you're not objecting to the nature of
18 the question.

19 MR CAMMEGH: No.

20 JUDGE BOUTET: It's the manner of, and you're saying
21 because the way it's put to the witness there's an assertion that
22 there is some foundation, and this is, you say this is wrong.
23 However, if it was worded in a way: Did you do or did you know
24 or are you aware --

25 MR CAMMEGH: Nothing wrong with that. Nothing wrong with
26 that, but what I would prefer, maybe Mr Wagona is going to get up
27 with a piece of information that I've completely missed, and try
28 and make a fool out of me, he may well do that, but even if he
29 does, and I honestly cannot remember an allegation of forced

1 marriage against Mr Gbao, but even if there was, the Prosecution
2 are surely under a duty to actually put the fact, not just, you
3 know, ask a generic or wide open question but say: Did witness
4 50 -- sorry, I won't refer to a witness, but did you know X, the
5 victim? It's true, isn't it, that Mr Gbao forced her to marry
6 him? Then the witness has full disclosure, if you like. He has
7 got the context. He knows what's being put and he can answer it.
8 But, in the absence of a foundation, please, could counsel
9 restrict themselves to making an inquiry and putting it in terms
10 of a question; then there's no objection.

11 JUDGE BOUTET: Mr Wagona, do you have any comments on this?
12 You've heard the objection.

13 MR WAGONA: Yes, My Lord. Of course, it is possible that
14 counsel has chosen to have a selective recollection of the
15 evidence, as far as his client is concerned. The reality is that
16 TF1-108, TF1-366, testified implicating Gbao in having forced
17 wives.

18 JUDGE BOUTET: Well, you don't have to go into the details,
19 because the witness is listening to this. But you have your
20 answer, Mr Cammegh.

21 MR CAMMEGH: Well, I --

22 JUDGE BOUTET: I had some vague recollection that this
23 matter had been discussed but, as you say, it's four years in the
24 process, so I didn't have the clear recollection of that vague
25 piece of evidence, but that the issue of Gbao's relationship with
26 women, as such, was raised. What, how much and to what extent, I
27 don't know. I don't have a recollection.

28 MR CAMMEGH: Well, can I just say this: Firstly, I'm
29 disappointed with Mr Wagona's language, and suggesting I have a

1 selective memory. Be that as it may, let the allegation --

2 PRESIDING JUDGE: Would you have preferred him to say that
3 maybe you didn't have the recollection of the totality of the
4 evidence?

5 MR CAMMEGH: Well, that would be a little more --

6 PRESIDING JUDGE: More polite.

7 MR CAMMEGH: I think so, yes. I could probably use a
8 different word but I think Your Honour's word is probably a
9 better one.

10 PRESIDING JUDGE: Right.

11 MR CAMMEGH: Let the allegation be put and then let the
12 witness be able to comment on it. The indictment period
13 stretches five years. It stretches, I don't know, is it seven
14 districts of Sierra Leone? Let the witness be fully appraised --
15 appraised of what the allegation is and then be asked to comment
16 on it. Otherwise, I mean, his answer is surely worthless
17 whichever way he goes "yes" or "no."

18 JUDGE BOUTET: But that does not make it impermissible.
19 It's a question of weight. It's for the Court to appreciate
20 that --

21 MR CAMMEGH: It doesn't make it impermissible, Your Honour
22 is absolutely right, but --

23 JUDGE BOUTET: Yes. But, I mean, you can ask your question
24 provided it's within the framework of legality, as such. I mean,
25 if they decide to word their question that way, and it has
26 absolutely no real meaning, as such, well, we'll give it no real
27 meaning.

28 MR CAMMEGH: Well, as -- obviously it's my job to try and
29 restrict. We were talking about that the other day. But,

1 Your Honour, I hear what Your Honour says, and Your Honour is
2 absolutely right. I'm simply stating my preference which is, and
3 I would have thought this would be the Court's preference as
4 well, in terms of specifics and clarity, the answer that he gives
5 will surely have more weight, and more weight for the Defence
6 possibly, if he is able to comment on a specific pair of
7 allegations. If there were references to forced marriage I've
8 honestly forgotten them and I --

9 JUDGE THOMPSON: You can be sure that I'm tuned to that
10 wavelength.

11 MR CAMMEGH: Well, thank you. It's not a case of selective
12 memory at all. Let the allegation be put properly, then let the
13 witness answer it, and take matters from there.

14 PRESIDING JUDGE: But having the allegation has been put,
15 that's where we are. The allegation has been put clearly. I
16 think we should carry on. We should carry on, Mr Wagona. Please
17 put the question to this witness, please.

18 MR WAGONA: Thank you, My Lords.

19 Q. Witness, I would put it to you that Mr Augustine Gbao was
20 one of those who had wives who he had forced to marry him?

21 A. And I will also tell you that --

22 PRESIDING JUDGE: Mr Wagona --

23 THE WITNESS: -- it's not true.

24 PRESIDING JUDGE: Mr Wagona, please take your question
25 again, please.

26 MR WAGONA:

27 Q. Witness, the question is: I put it to you that
28 Mr Augustine Gbao was one of those who had wives who he had
29 forced to marry him; what do you say about that?

1 A. I will say that what you are saying is not true. I know of
2 Mr Augustine Gbao having only one wife, by the name of Hawa.

3 Q. Witness, I'm going to read to you what you said on 6 June
4 2008, from the transcript of that day, at page 41, starting from
5 line 7, up to line 11?

6 PRESIDING JUDGE: Page what is that?

7 MR WAGONA: Page 41.

8 PRESIDING JUDGE: Lines?

9 MR WAGONA: Lines 7 to 11.

10 PRESIDING JUDGE: Yes.

11 MR WAGONA:

12 Q. "Question: Thank you. Can you describe how regularly you
13 were in contact with your field agents?

14 Answer: Well, almost every day.

15 Question: And how would you maintain contact?

16 Answer: Through radio."

17 So it is true, isn't it, that you were in regular contact
18 with your agents through radio; not so?

19 A. Through radio, yes.

20 Q. And I'm saying that this would have been the case even in
21 1998, for Kono?

22 A. No, you were -- you may not -- you are not right to say
23 that because, as I told you, maybe even -- even if there were IOs
24 in Kono during 1998, they were just mere fighters. Mind you,
25 they were just mere fighters, they didn't act in their capacity
26 as security. It was only after, when Kono was in the full
27 control of the RUF, that was the time the IOs security branch was
28 formed. But, if they were there, they were just fighters and
29 reporting directly to the commander on the ground, who was

1 Superman, and not me, as I told you earlier.

2 Q. And, witness, I'm putting it to you that Augustine Gbao was
3 one of those who used child soldiers under 15 years of age?

4 A. I will categorically deny that.

5 Q. But you would accept that there were others, apart from
6 Sam Bockarie and Superman, who used child soldiers?

7 A. I will again deny that.

8 PRESIDING JUDGE: Not even the renegades, those you
9 referred to as renegades?

10 THE WITNESS: Not even the renegades.

11 JUDGE BOUTET: And is it you deny that there were no others
12 that -- so do you agree that Superman used child soldiers?

13 THE WITNESS: Superman and Sam Bockarie.

14 JUDGE BOUTET: They were the only two?

15 THE WITNESS: They were the only two.

16 MR WAGONA:

17 Q. And, witness, I would suggest that in the position you
18 held, you would have known that in 1998, in Pendembu, children
19 were fighting together with the RUF?

20 A. Children were fighting together with the RUF?

21 Q. Yes, please.

22 A. No, I don't know. I don't know.

23 Q. Now, you had mentioned a case where Augustine Gbao was
24 molested by Sam Bockarie for delaying to investigate a case of
25 looting; do you remember?

26 A. Yes.

27 Q. And was that a case against an RUF combatant?

28 A. Looting?

29 Q. Yes.

1 A. Yes, it was part of the ideology that nobody should loot.

2 Q. Well, what I'm asking you: Was it an RUF combatant who had
3 looted in this case?

4 A. Yes.

5 Q. And where did that happen?

6 A. I told you; I said Giema.

7 PRESIDING JUDGE: Mr Wagona, I just wanted to say here that
8 the Chamber intends to continue, you know, the proceedings up to
9 about 12, because of certain commitments that we have, and I
10 think I would be preferring to cater to Mr Cammegh, I don't know,
11 if you -- of course if anybody wants to put himself at ease,
12 there's no problem about that. The Chamber will accommodate
13 those needs, please.

14 MR CAMMEGH: Can I -- this might be a good opportunity for
15 me to say this.

16 PRESIDING JUDGE: Yes.

17 MR CAMMEGH: I've got a witness waiting outside and she
18 will -- she will probably take the rest of the day but, if she
19 doesn't, my second witness unfortunately went AWOL yesterday.
20 Nothing sinister. Apparently he went back to Makeni to get some
21 more trousers, and didn't tell anybody, and consequently -- and
22 I've not heard that he is back. So we only have the one witness
23 ready today and I just wanted to alert the Court to that because
24 it might mean that we would have to finish half an hour or so
25 early but it won't be any more than that. I think it's only
26 right that I should tell the Court. But can I just inquire if
27 Your Honour wants to sit until 12 does that mean that there's
28 going to be an extended lunch break or --

29 PRESIDING JUDGE: Well, no, not necessarily. We'll resume

1 our session at 2.30.

2 MR CAMMEGH: Thank you.

3 PRESIDING JUDGE: We'll resume our session at 2.30.

4 MR CAMMEGH: Well, in that case, I don't think I'm going to
5 have any difficulties with witnesses today then. Thank you.

6 PRESIDING JUDGE: Okay.

7 MR WAGONA:

8 Q. And when did that case happen?

9 A. Can you repeat?

10 Q. When did the case of looting, that Augustine Gbao was
11 handling, when did it happen?

12 A. I told you I said in Giema.

13 Q. Yes but I'm asking you when?

14 A. 1996.

15 Q. And you had said that Augustine Gbao was a person who was
16 slow in investigating cases; is that your evidence?

17 A. Yes. Slow in the sense he always want to find out the
18 truth. He doesn't want to rush. And, therefore, for justice to
19 prevail one has to take his or her own time in investigating
20 matters. You need not to rush with it. If you rush you will not
21 get the fact, so you have to take your own time, as you people
22 are also doing here, so that was the same thing Augustine Gbao
23 used to do.

24 Q. Well, I'm suggesting to you that he was just deliberately
25 slow because he did not want to do his work properly?

26 A. I want to tell you that he was not slow. He was doing his
27 right job and that was the right way to do the job.

28 Q. Okay. You have testified that ID was organised in such a
29 way that there was company IDU commander, battalion IDU

1 commander, brigade IDU commander?

2 A. District IDU, brigade IDU.

3 Q. Okay. Now, were the other units, G5, IO and MP, organised
4 in the same way?

5 A. No, no, no, there were differences. Like, the IO, I can
6 talk of, I know. I was just having the company IO commander. I
7 have my brigade IO and battalion IO. I have my brigade. I don't
8 have district. You see the difference?

9 Q. Okay. But the reporting system would have been similar?

10 A. Similar, of course.

11 Q. From the bottom to the top?

12 A. From the bottom to the top, yes.

13 Q. Now, according to you, an area commander was above?

14 A. Overall.

15 Q. Overall unit commander?

16 A. Yes.

17 Q. So were the IO agents known to the area commander?

18 A. Yes. Yes.

19 Q. So the identities of IO agents were known to the area
20 commander?

21 A. Yes.

22 Q. Now you spoke about the weekly reports from IDU agents at
23 the front line?

24 A. Um-hmm.

25 Q. And these are the type of reports that would be submitted
26 through the IDU commanders at different levels up to the overall
27 IDU commander; not so?

28 A. Which reports?

29 Q. The reports from IDU agents at the front line?

1 A. Um-hmm.

2 Q. Were those the reports that would be forwarded through the
3 different commanders, IDU commanders, at the different levels up
4 to the overall IDU commander?

5 A. Of course, yes.

6 Q. And these reports would make a mention of the crimes
7 committed in the front lines; not so?

8 A. Of course, yes.

9 JUDGE BOUTET: Which reports are you talking about? IDU
10 reports or IO reports?

11 MR WAGONA: Yes, IDU reports.

12 JUDGE BOUTET: IDU reports?

13 MR WAGONA: Yes.

14 Q. And these reports would recommend concerning crime; they
15 would recommend that the combatants alleged to have committed
16 those crimes should be investigated; not so?

17 A. Yes.

18 Q. And in some cases these reports would also suggest a
19 punishment?

20 A. Yes.

21 Q. Now, you were a person who served in the RUF from beginning
22 to end?

23 A. Of course.

24 Q. Do you accept that?

25 A. Yes.

26 Q. And that would have been because you were very loyal to the
27 RUF; not so?

28 A. Well, that would have just been not because I was only
29 loyal, just because I -- I --

1 PRESIDING JUDGE: This witness has given two reasons why he
2 remained in the RUF.

3 THE WITNESS: Yeah.

4 PRESIDING JUDGE: You know, let's not visit that. We may
5 go on. We have him on record already on this.

6 MR WAGONA: My Lord, I thought that was the other witness.
7 I thought it might be the other witness.

8 PRESIDING JUDGE: Even this one.

9 MR WAGONA: I'm much obliged.

10 Q. And both you and Augustine Gbao served in the same
11 security?

12 A. Not in the same security; he was IDU.

13 Q. In the security unit?

14 A. Um-hmm, okay.

15 Q. But you would have been loyal to him as overall security
16 commander?

17 A. No, I was not loyal to him as overall security commander.
18 He was overall, I was overall. We were having the same
19 appointment. We are operating on the same level. So there was
20 no need for me to be loyal to him or to even accept orders from
21 him. He has his own different branch; I have my own different
22 branch; and I do report to the High Command and he does report to
23 the High Command so no need.

24 Q. Yes, okay. But at least you said you became his close
25 friend?

26 A. Yes, yeah. That's human nature. He is my friend.

27 Q. Okay. So you would like to see him freed from this case?

28 A. Of course. Why not?

29 Q. Okay. Thank you very much.

1 A. Thank you.

2 MR WAGONA: My Lords, that will be all.

3 PRESIDING JUDGE: Yes, Mr Cammegh, any re-examination?

4 MR CAMMEGH: Just this, if I may?

5 RE-EXAMINED BY MR CAMMEGH:

6 Q. Mr Witness, you were shown three documents this morning;
7 for the record, Exhibits 378, 379 and then 380, which was the
8 death warrant. Mr Witness, have you ever seen these document
9 before today?

10 A. I've never seen these documents.

11 Q. And had you discussed these documents with anybody before
12 today?

13 A. Not at all.

14 Q. Thank you very much.

15 MR CAMMEGH: Your Honours, that will be all from me, unless
16 Your Honours have any questions.

17 PRESIDING JUDGE: No. I don't have any coming from me.

18 Yes, Mr Witness, we are through with your testimony. We
19 thank you for coming and for sharing your knowledge of the events
20 during the civil war with the Tribunal. Again, we thank you for
21 coming, and we wish you all the best in the pursuit of your -- of
22 the activities you have now. So we wish you all the best. You
23 are released.

24 THE WITNESS: Thank you.

25 PRESIDING JUDGE: Yes. Can you sit down first. Sit down
26 there first.

27 [The witness withdrew]

28 PRESIDING JUDGE: Yes, can the next witness be brought in,
29 Mr Cammegh, so that we start.

1 MR CAMMEGH: I don't see any WVS representative in the
2 Court.

3 PRESIDING JUDGE: I thought -- they are always lost around
4 the corner there. Probably they are there.

5 MR CAMMEGH: There's nobody here at the moment.

6 PRESIDING JUDGE: Well, let's wait for them. They will
7 soon come, I'm sure.

8 [The witness enters Court]

9 PRESIDING JUDGE: Mr Cammegh, this is DIS?

10 MR CAMMEGH: DAG.

11 PRESIDING JUDGE: DAG, I'm sorry.

12 MR CAMMEGH: DAG-101.

13 PRESIDING JUDGE: 101.

14 MR CAMMEGH: Yes.

15 PRESIDING JUDGE: All right. Can you swear her in, please.

16 WITNESS: DAG-101 [Sworn]

17 PRESIDING JUDGE: Mr Cammegh, the witness is testifying in
18 English?

19 MR CAMMEGH: She is, Your Honour, yes.

20 PRESIDING JUDGE: Yes.

21 EXAMINED BY MR CAMMEGH:

22 MR CAMMEGH:

23 Q. Madam Witness, good morning.

24 A. Good morning.

25 Q. I think it's been explained already to you that you are
26 subject to protective measures in this case, which means that you
27 have the benefit of anonymity. Your name will not be mentioned,
28 nor will your face be shown on the television set. The public
29 gallery will not see you. But, for records purposes, I'm going

1 to hand you a piece of paper now, and I would ask you to fill in,
2 against name, age, position during the war, that is the
3 occupation that you had during the war, your current occupation,
4 and other. Where it says "other" I would like you to state to
5 whom you were married during the war; all right? And during your
6 evidence, to protect your identity, you may wish to refer to that
7 man's name. But if you do, please don't refer to him as your
8 husband; is that clear?

9 A. Clear.

10 Q. Thank you. I'm going to ask Mr George to give you the
11 piece of paper and for you to fill in the details, please.

12 PRESIDING JUDGE: I think we would have even preferred to
13 keep the name of the husband, you know, under some seal. She
14 should not -- once it is on that paper --

15 MR CAMMEGH: Well, I'm grateful for Your Honour --

16 PRESIDING JUDGE: Once it is on that paper she should be
17 advised not to mention the name because even if she doesn't say:
18 It's my husband, you know, it will be known. If he comes in
19 following the admonition you've given to her, which is in open
20 session --

21 MR CAMMEGH: Yes.

22 Q. If that be the case, Madam Witness, when you write your
23 husband's name on that paper can you also, next to that, write
24 the position that he held during the war, and then if we need to
25 talk about him during evidence, just mention his position and not
26 his name; okay?

27 A. Pardon? I no get you clear.

28 Q. When you write down the name of your husband on that piece
29 of paper --

1 A. Yeah.

2 Q. Can you also indicate the position that he held during the
3 war; okay?

4 A. Um-hmm.

5 Q. While you're giving your evidence, don't refer to his name;
6 simply refer to him in his position or in his capacity; okay?

7 A. Okay.

8 Q. Is that all right?

9 A. Yeah, thank you.

10 PRESIDING JUDGE: Mr Cammegh, I imagine you are tendering
11 the document?

12 MR CAMMEGH: Yes please, Your Honour, and, as Your Honour
13 suggested, I would invite Your Honours to place that under seal.

14 JUDGE BOUTET: You mean confidential?

15 PRESIDING JUDGE: There's no objection.

16 MR WAGONA: No objection.

17 MR CAMMEGH: I'm not so good with the nomenclature, I'm
18 afraid.

19 PRESIDING JUDGE: Mr Jordash, no objection? Mr Ogeto, no
20 objection. I'm representing Mr Jordash; taking no objection.

21 MR JORDASH: Thank you very much.

22 PRESIDING JUDGE: The document is admitted in evidence and
23 marked confidentially as exhibit -- is it 383?

24 MR GEORGE: Yes, My Lord.

25 [Exhibit No. 383 was admitted]

26 PRESIDING JUDGE: Yes, Mr Cammegh, you may proceed please.

27 MR CAMMEGH: Thank you, Your Honour.

28 Q. Madam Witness, we only have a few minutes. I think we're
29 going to be rising in about ten minutes' time. So, can I just

1 begin by -- with some advice. You and I have met before and of
2 course you do have a tendency to talk very fast, and for quite a
3 long period of time. Can I ask you please not to talk too fast
4 and, when giving your evidence, try and take a break every couple
5 of sentences because Their Honours may want to write down what
6 you are saying, my learned friends across the room, but most of
7 all there's a typist over there, a stenographer, who is typing
8 everything you say and if you do go too fast then I'm going to
9 have to keep butting in and stopping you. I don't want to do
10 that. So try to remember that, all right?

11 A. Okay.

12 Q. Okay. Now, I just want to begin, please, by asking you
13 where you were and what you were doing when you first encountered
14 the war in Sierra Leone?

15 A. I was Bunumbu. I was a final year student doing my TC at
16 the college in Bunumbu when the war came.

17 Q. "TC," what is that?

18 A. That's the teachers certificate programme.

19 Q. Okay. Now, without going into too much detail please, what
20 happened on the day that you met the war?

21 A. When the rebels were coming to Bunumbu, when we got the
22 information, we moved to a village called Mangama, and I had some
23 of my lecturers and college workers, we all moved to that village
24 with a lot of civilians. So we were in that village when Bunumbu
25 was captured.

26 Q. Whereabouts is Mangama in relation to other towns? Can you
27 tell us where Mangama is?

28 A. Mangama was between Tongo, Bunumbu and Kenema.

29 Q. And in which district was Mangama?

1 A. Mangama was in Kenema District.

2 Q. All right. While you were at Mangama you say you were
3 confronted with the war. Did anything in particular happen
4 there?

5 PRESIDING JUDGE: Mr Cammegh, if I may, what can you -- can
6 you locate us on the time frame, please?

7 MR CAMMEGH: Yes, I'm sorry, I should have done that.

8 Q. Which year are we talking about, Madam Witness? Which
9 year?

10 A. Which year? 1991.

11 Q. Can you remember the month?

12 A. When I encountered the war?

13 Q. Mmm.

14 A. That was in early May 1991.

15 Q. Okay.

16 A. I want to believe it, yeah.

17 Q. Okay. Now, going back to Mangama, did anything in
18 particular happen on that day?

19 A. In Mangama?

20 Q. Yes.

21 A. When we were in Mangama, I was with those of my colleagues,
22 I mean my lecturers and that's security, and few others I know.
23 The security Lansana, I think he first came in contact with these
24 rebels, and he went and informed us that these people who have
25 come, the rebels, do not do anything wrong to civilians and they
26 have in fact asked him to go and collect his people, so that they
27 can come from the bush and come and stay in the town.

28 Q. Thank you. Just pause there for a second. Just wait a
29 moment. Now, you just told us that Lansana had made contact with

1 some rebels; who were these rebels?

2 A. The -- the fighters. He came and got in touch with them
3 first, so he went and gave us this information, that they have
4 sent him to go and collect us.

5 Q. Where did the rebels come or the fighters come from?

6 A. The fighters came from Liberia.

7 Q. And did they have any particular -- were they part of any
8 particular movement, these fighters?

9 A. Movement?

10 Q. Who did they say they were?

11 A. They said they were the special forces who have come to
12 fight here.

13 Q. From where?

14 A. From Liberia.

15 Q. Right. So you told the Court just now that, according to
16 Lansana, the fighters had told Lansana to come and get you and
17 say that everything would be fine?

18 A. Yeah.

19 Q. My words, I know --

20 A. Yeah.

21 Q. -- but what happened next?

22 A. So we followed Lansana, in one large group of the
23 civilians, we followed Lansana to Bunumbu Town.

24 Q. Yes.

25 A. So when we came to Bunumbu Town, Lansana took us to the
26 commander that was in charge of all of them in that area, CO
27 Kennedy, and --

28 Q. Just pause for a moment. Did CO Kennedy have a house?

29 A. Yes, he was living in one of the quarters of the college.

1 Q. Okay. And --

2 A. Where the principal was staying, Bockarie --

3 PRESIDING JUDGE: I hope that Kennedy is not here.

4 MR CAMMEGH: Well, we don't know for sure. He will have to
5 enlighten us later.

6 Q. Now, did you meet Kennedy?

7 A. Yes. We -- we came to Kennedy's house, and he even gave us
8 food to eat, and he talked to us that they have come to fight for
9 us. They have come to free us. And they are not looking for any
10 civilian. They will not do any harm to any civilian.

11 Q. Okay.

12 A. That they are looking for the big men of the government,
13 the then APC.

14 Q. Thank you. Just. Stop there.

15 A. All right.

16 Q. They said that they hadn't come to fight you but they had
17 come to free you?

18 A. Yeah.

19 Q. To free you from what? Did Kennedy say?

20 A. According to them, they said, well, the governance we are
21 under was not too honest with us. We never had freedom of
22 speech. We had a lot of problems. The country, the difficulties
23 were too much, and so they said because of bad governance and
24 mismanagement of government funds, so we were suffering, so they
25 have come to free us.

26 Q. And I'm sorry, in which town was this, where you met
27 Kennedy?

28 A. When I met Kennedy?

29 Q. Yes.

1 A. Well --

2 Q. Which town was that?

3 A. Bunumbu Town.

4 Q. Bunumbu.

5 A. Bunumbu Town. We came to Bunumbu Town with Lansana.

6 Q. Okay. Did you stay Bunumbu Town?

7 A. Yes. So after CO Kennedy talked to us, he addressed us, we
8 were allocated to empty houses in Bunumbu.

9 Q. Right.

10 A. And food was put there for us and we were living there.

11 Q. Okay. You say that some of the houses were empty; where
12 had the inhabitants of those houses gone?

13 A. The houses s-- what happened the houses were empty?

14 Q. Yes, why were they empty?

15 A. Because when they said the rebels were coming, even
16 ourselves, we run to Mangama. Most people fled from the towns
17 and went to the villages to -- to secure themselves. That is why
18 most of the houses were empty in the town.

19 Q. And how were the fighters behaving themselves?

20 A. So when we -- we are now in Bunumbu. The combatants moved
21 to -- were moving to the surrounding villages in search of these
22 civilians so they were --

23 PRESIDING JUDGE: Mr Cammegh --

24 MR CAMMEGH: Yes, I see the time.

25 PRESIDING JUDGE: Yes, please. We would like to stop there
26 for the morning, but we will resume the session at 2.30. And we
27 may, if it becomes necessary, continue with the proceedings up to
28 6 p.m. today, so please come with that eventuality in mind. We
29 would rise and resume the session at 2.30, please.

1 [Luncheon break taken at 12.03 p.m.]

2 [RUF09JUNE08B-BP]

3 [Upon resuming at 2.40 p.m.]

4 JUDGE BOUTET: Where is your witness, Mr Cammegh?

5 MR CAMMEGH: I've asked for her to be taken out,
6 Your Honour. There's something I -- there's some procedural or
7 administrative matters that I have to raise, and I'm raising them
8 now in order that the Court is given the maximum notice.

9 Your Honour, I think I -- Your Honours, I think I mentioned
10 late last week that the Gbao Defence --

11 PRESIDING JUDGE: Does this relate to the motion you
12 announced?

13 MR CAMMEGH: Indirectly, yes.

14 PRESIDING JUDGE: If it does, then you should file it in
15 writing. We are not prepared to take it orally. We want to see
16 it in writing first, before we can consider as to whether we will
17 take it orally.

18 MR CAMMEGH: No, Your Honour, can I explain, please.

19 PRESIDING JUDGE: No, no, no. I mean, we have to continue.
20 Let the witness come in here and we'll continue with the
21 proceedings.

22 MR CAMMEGH: Your Honour --

23 PRESIDING JUDGE: File the motion. I mean, it is good for
24 you to understand the way the Court functions.

25 MR CAMMEGH: But Your Honour hasn't heard what I'm going to
26 say.

27 PRESIDING JUDGE: No, no, no, you say it is indirectly
28 related to that. I don't want to go there and ordinarily we
29 would have had the witness here.

1 MR CAMMEGH: I'm asking for an adjournment.

2 PRESIDING JUDGE: But you took hold of the holdings and you
3 sent the witness out because you have something to say. No. You
4 said you were going --

5 MR CAMMEGH: I'm asking for an adjournment.

6 PRESIDING JUDGE: -- you put us on notice that you had a
7 very crucial motion which you wanted to file.

8 MR CAMMEGH: Yes.

9 PRESIDING JUDGE: Which you wanted to present orally. The
10 Chamber took the view that it should be done in writing.

11 MR CAMMEGH: Yes.

12 PRESIDING JUDGE: And that if it becomes necessary to hear
13 you orally on that motion, we would --

14 MR CAMMEGH: It's got nothing to do with the merits.

15 PRESIDING JUDGE: -- we would consider that. Now, if we
16 are going there orally, when it should first of all come to us in
17 writing, then I'm afraid we are not prepared to go there.

18 MR CAMMEGH: But, Your Honour, I'm not discussing the
19 merits of the motion. I'm discussing something --

20 PRESIDING JUDGE: Mr Cammegh, I am very firm on this. Very
21 very firm on this. Very firm.

22 MR CAMMEGH: Yes.

23 PRESIDING JUDGE: The witness, we have to go on with this
24 witness and you'll file your motion in writing and then --

25 MR CAMMEGH: No, Your Honour --

26 PRESIDING JUDGE: -- in the course of discussing your
27 motion you want to --

28 MR CAMMEGH: But Your Honour doesn't know what I'm going to
29 say.

1 PRESIDING JUDGE: No, no. If you're in the course of
2 discussing your motion you want to bring up whatever, let us see
3 it in writing first.

4 MR CAMMEGH: But, Your Honour, I'm trying to ask for an
5 adjournment.

6 PRESIDING JUDGE: Why an adjournment? The witness is here.

7 MR CAMMEGH: No, no, for tomorrow. Your Honour, I can't --

8 PRESIDING JUDGE: An adjournment, I mean, let us finish
9 with this witness and then you can ask for your adjournment,
10 Mr Cammegh. Please, understand this: I mean, let us finish with
11 the witness and then you can ask for an adjournment for whatever
12 reasons. We would hear the application at the --

13 MR CAMMEGH: I'm just trying to be polite, Your Honour.
14 I'm just trying to be reasonable. I'm just trying to act in a
15 professional manner. But if Your Honour wants the witness back
16 in, I shall say what I have to say at the end of the day; that's
17 all right.

18 PRESIDING JUDGE: Right. The witness should come in.
19 That's the preference of the Chamber.

20 MR CAMMEGH: Your Honour, I have to say this; I really do
21 have to say this: I'm starting to feel very disturbed by the way
22 in which Your Honour has been addressing me in the last few days,
23 and I have to put this on record. I'll say no more.

24 PRESIDING JUDGE: You should have to listen to what the
25 Court says and go by what the Court says. That is all I want
26 from you and that is what professionally we want from you as
27 counsel in the Bar.

28 MR CAMMEGH: Well, with respect, Your Honour, what I would
29 like from you as a judge is to be reasonable, and just to hear

1 when I have a perfectly reasonable point to make.

2 PRESIDING JUDGE: You'll make it, you will make it, but let
3 us finish with the witness. It's important for us to finish with
4 the witness.

5 MR CAMMEGH: Well, I repeat the observation I just made.
6 I'm very disturbed with the way that Your Honour has begun to
7 address me in this Court, in front of a packed courtroom, over
8 the last few days.

9 PRESIDING JUDGE: Packed courtroom? Well --

10 MR CAMMEGH: Well, it's on the record, Your Honour. It's
11 on the record.

12 PRESIDING JUDGE: Packed courtroom; that's fine.

13 MR CAMMEGH: I think Your Honour has behaved in a way
14 which, frankly, I'm quite shocked by, amongst others.

15 [The witness entered Court]

16 PRESIDING JUDGE: May we proceed with the witness, please.

17 MR CAMMEGH:

18 Q. Madam Witness, sorry for the delay. Can we go back to the
19 early years of the war. And, in particular, I think where we
20 left off you were living in Bunumbu; is that right?

21 A. Yes.

22 Q. Okay. Now, once again this afternoon, please remember what
23 I advised you to do. Just don't talk too fast; all right? And
24 if I put my hand up like that, can you just pause?

25 A. Okay.

26 Q. Okay. Now, I think where we left off you were talking
27 about the behaviour of the RUF rebels outside the town?

28 A. Yeah.

29 Q. While you were living in Bunumbu?

1 A. Um-hmm.

2 Q. And I'm sorry if I'm repeating the question, because I
3 honestly can't remember where we left off, but could you once
4 again please describe what was happening in the bush around
5 Bunumbu, and how the rebels were behaving?

6 A. When we were in Bunumbu the fighters, the rebels started
7 going around the surrounding villages.

8 Q. Yes.

9 A. In search of the civilians. They were collecting the
10 civilians from the bush, the surrounding villages and bringing
11 them to the town. And, during this exercise, we were hearing of
12 raping and some other human right violences against the
13 civilians.

14 Q. Now, you mentioned earlier on that at the beginning of the
15 war, when you first met the war, that the fighters were Liberian?

16 A. Yes.

17 Q. You're talking about fighters raping here and misbehaving;
18 what nationality are the fighters in this particular instance?

19 A. These were still the Liberians. It was the Liberians.

20 Q. Okay. At this time did you meet Augustine Gbao?

21 A. Yeah.

22 Q. How did you come to meet Augustine Gbao?

23 A. After a week stay in Bunumbu, Mr Gbao came to Bunumbu;
24 Augustine Gbao came to Bunumbu.

25 Q. Right.

26 A. He introduced himself to us, the civilians. He was passing
27 around, talking to us the civilians, and he told us that he was
28 responsible for defending we, the civilians.

29 Q. Right.

1 A. So if ever we are disturbed by any combatant, we should
2 carry our report to him.

3 Q. Okay. Just pause there for a moment. Remember it might be
4 a good idea if you look at Their Honours. They are writing so
5 just give them a chance; all right?

6 A. Okay. Okay.

7 JUDGE BOUTET: So, Mr Cammegh, what time is this that the
8 witness said that Gbao came around? Did she say?

9 MR CAMMEGH: She didn't and I'll ask her that now.

10 JUDGE BOUTET: Sorry.

11 MR CAMMEGH:

12 Q. Madam Witness, you heard the comment from His Honour Judge
13 Boutet. Can you give us an approximate date as to when you first
14 met Augustine Gbao?

15 A. This was sometimes in May. I cannot remember exactly the
16 right date.

17 Q. And the year?

18 A. Day -- '91. 1991.

19 Q. Okay. Now, I cut you off while you were giving your answer
20 just now, so is there anything more you would like to say about
21 Augustine Gbao at that particular time?

22 A. So Gbao was talking to -- he talked to us and after which
23 he -- he spent four days with us in Bunumbu and he decided going
24 back to check and Pendembu and other areas but he promised coming
25 back to us in Bunumbu.

26 Q. Okay. Now, I want to take you forward a couple of weeks.
27 After you had been in Bunumbu for a couple of weeks did anything
28 happen that you remember?

29 A. Yeah, after taking two weeks in Bunumbu, on 27 May - that's

1 a remarkable date in my life - the government soldiers started
2 launching the long range missile to Bunumbu and the commander --

3 PRESIDING JUDGE: Madam, 27 May of what year, please? 27
4 May of what year.

5 THE WITNESS: 1991.

6 PRESIDING JUDGE: 1991.

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: Yes.

9 THE WITNESS: So they were launching and these missiles
10 were dropping right around Bunumbu in Bunumbu Town. So the whole
11 place was upside down and the commander told the fighters to
12 evacuate us from Bunumbu. So that night we moved from Bunumbu
13 and travelled through Manowa and crossed and we were brought to
14 Pendembu and we arrived at Pendembu on 28 May 1991.

15 MR CAMMEGH:

16 Q. Thank you. Just wait for a moment. When you arrived in
17 Pendembu, can you remember meeting anybody in particular?

18 A. When I -- when we arrived at Pendembu I met my elder
19 brother there, [REDACTED] --

20 Q. I think at this moment we ought to ask you to write that
21 down?

22 PRESIDING JUDGE: Let the name [REDACTED] be redacted
23 please from the record.

24 MR CAMMEGH:

25 Q. Mr George is going to give you a piece of paper. Write the
26 name down and then we'll take it from there. Let's just wait a
27 moment?

28 A. Okay. [REDACTED] --

29 PRESIDING JUDGE: Don't call the name, madam, please.

1 JUDGE BOUTET: Turn her microphone off.

2 MR CAMMEGH:

3 Q. Madam Witness, please don't forget what I said before the
4 break. Do not mention anyone who might reveal your -- which
5 might reveal your identity, okay? If you mention your brother or
6 your husband or anyone close to you, you can write it down.
7 Don't say it out loud. All right? Thank you.

8 PRESIDING JUDGE: Yes, what about this name? In what
9 context is it coming in.

10 MR CAMMEGH: This is the gentleman who the witness met in
11 Pendembu.

12 PRESIDING JUDGE: In Pendembu, okay.

13 MR JORDASH: And I think she has said.

14 PRESIDING JUDGE: It's the brother or so.

15 MR CAMMEGH:

16 Q. Yes, elder brother?

17 A. Yeah.

18 Q. Is that right?

19 A. Yeah, my elder brother.

20 Q. Okay.

21 MR CAMMEGH: Perhaps that could be made a confidential
22 exhibit, please, Your Honour.

23 PRESIDING JUDGE: Any objection to this? Have you been
24 shown the.

25 MR WAGONA: Yes, no objection.

26 PRESIDING JUDGE: There's no objection.

27 MR WAGONA: Thank you.

28 PRESIDING JUDGE: I imagine there is none from either
29 Mr Jordash or from Mr Ogeto.

1 MR JORDASH: No, thanks.

2 MR OGETO: No objection.

3 PRESIDING JUDGE: The paper is admitted and marked
4 confidentially as Exhibit 2 --

5 MR GEORGE: 384.

6 PRESIDING JUDGE: 384, I'm sorry. 384.

7 [Exhibit No. 384 was admitted]

8 PRESIDING JUDGE: Yes, please.

9 MR CAMMEGH:

10 Q. Right. So you met a gentleman in Pendembu?

11 A. Yeah.

12 Q. Did he say anything to you that you recall?

13 A. Yeah. He -- he talked to me. He encouraged me to join the
14 G2 office since he knew I had some idea of typing and being a
15 student in college, he encouraged me -- he really talked to me as
16 a brother to join the office so that I will be helping in typing
17 most of the works.

18 PRESIDING JUDGE: The G2 office you said.

19 THE WITNESS: Yes, sir.

20 MR CAMMEGH:

21 Q. The G2 office of what?

22 A. Mmm?

23 Q. The G2 office of what? Of what organisation?

24 A. Of RUF.

25 Q. Just wait a moment. What kind of documents were you asked
26 to type after you took up that job?

27 A. I was typing classes, investigation reports, statements.

28 Those were some of the documents that I was typing.

29 Q. I should have asked you, madam, what was the G2? What kind

1 of work did the G2 do?

2 A. The -- pardon?

3 Q. What kind of work did the G2 do? What was its function?

4 A. The G2? The G2 was responsible for defending the civilians
5 from the soldiers.

6 Q. Okay?

7 A. Yeah.

8 Q. I understand that's what it was responsible for. But I
9 mean can you describe the type of work that would go on within
10 the G2?

11 A. The G2 where they were giving passes to civilians so that
12 they will know where they are going, whether they are back. They
13 were checking their movements. They were -- if ever they were
14 disturbed by these combatants, the G2 will come in and they will
15 investigate the matter and make sure that necessary actions are
16 being taken to stop them from disturbing these civilians. These
17 were some of the functions the G2 was performing.

18 Q. Thank you. And once again can we go back to dates. Can
19 you give us an idea of the date when you took up that job? First
20 of all the year?

21 A. To the year? It was in 1991.

22 Q. Okay?

23 A. I think some times around June.

24 Q. Thank you. Did you ever --

25 PRESIDING JUDGE: Mr Cammegh.

26 MR CAMMEGH: Yes.

27 PRESIDING JUDGE: I think the sooner we can wrap up with
28 the pre-indictment period, you know, the better.

29 MR CAMMEGH: Yeah. Your Honour, I can assure you I won't

1 be very much longer on pre '96.

2 PRESIDING JUDGE: Right. Okay.

3 MR CAMMEGH: A lot quicker than I was with the last
4 witness.

5 PRESIDING JUDGE: Right.

6 MR CAMMEGH:

7 Q. Did you know Foday Sankoh in 1991? Did you meet Sankoh?

8 A. Yeah.

9 Q. Just briefly please, can you tell us how you met him and
10 what happened after you met him?

11 A. Well, we were in Pendembu and while working with the office
12 now, Foday Sankoh came, the leader, and he talked to us and later
13 he gave an order that all of us who were working in the security
14 office should go on the base.

15 Q. Right.

16 A. At Manowa to be trained for self-defence in the movement.

17 Q. Okay. And did you go to Manowa base?

18 A. Yeah.

19 Q. And did you train there?

20 A. Yeah, we trained there. We were there for about two
21 months.

22 Q. Okay. Just pause there. I just want to move quickly now
23 towards 1996. But before I do, after you passed out of Manowa
24 training camp or whatever it was called, where did you go?

25 A. Well, I came back to Pendembu and continued working there
26 up to 1993, when that mass retreat came and we were sent into the
27 bush.

28 Q. Okay.

29 PRESIDING JUDGE: Madam Witness, you say your training was

1 mainly for self-defence or so.

2 THE WITNESS: Yes.

3 PRESIDING JUDGE: What was your training in Manowa.

4 THE WITNESS: Pardon?

5 PRESIDING JUDGE: You say your training in Manowa was based
6 on what.

7 THE WITNESS: On self-defence.

8 PRESIDING JUDGE: Self-defence.

9 THE WITNESS: Yeah.

10 PRESIDING JUDGE: Is what you are saying that you were not
11 trained as a fighter.

12 THE WITNESS: Pardon?

13 PRESIDING JUDGE: Are you saying that you were not trained
14 as a fighter; you were only trained on how to defend yourself.

15 THE WITNESS: Yeah.

16 MR CAMMEGH:

17 Q. Let me ask you this question following on from his Honour's
18 question: Did you ever -- were you ever a front line fighter?

19 A. No.

20 Q. All right?

21 A. No.

22 Q. We'll come on to the job that you subsequently did in a
23 moment. But you just told the Court that after the mass retreat
24 in 1993 you found yourself somewhere else. Where was that?

25 A. When we had the mass retreat, we went -- we were in the
26 village around there called Kwiki.

27 Q. Yeah.

28 A. We spend some time there and later moved to Giema.

29 Q. Okay?

1 A. And it was in Giema that we settled down and in fact there
2 was when I was appointed the [REDACTED].

3 PRESIDING JUDGE: Don't mention that, madam. You
4 understand. Can that be redacted please because the identity of
5 this witness is under protection, you know. So please remove the
6 position she held during the war which forms part of the
7 confidential exhibit, please. Let that mention be redacted from
8 the records, please.

9 MR CAMMEGH:

10 Q. Madam Witness, please don't mention your title. Just refer
11 to it as my job from now on, okay?

12 A. Okay.

13 Q. Thank you. Let me just clear this up. When were you
14 appointed in that job?

15 A. I was appointed in that job in -- in 1996.

16 Q. Where were you when you were appointed?

17 A. I was in Giema.

18 Q. I want to ask you now about the WACs movement in the RUF.
19 W-A-C-S. What was a WAC?

20 A. A WAC was women in armed conflict.

21 Q. Okay. And what particular role would a WAC perform in the
22 RUF during the war?

23 A. One particular role?

24 Q. Well, perhaps you could describe the role that a WAC would
25 generally perform?

26 A. Well, some of the WACs were IDUs. Some were combatants.
27 And some were -- although some were mostly assisting the brothers
28 taking care of them in the combat camps by preparing food for
29 them and other aids they can keep.

1 Q. Just answer this question yes or no, if you don't mind.

2 Was there an overall WACs commander, yes or no?

3 A. Yes.

4 Q. Okay. How many overall WACs commanders were there between
5 1996 and the end of the war?

6 A. We had one overall IDU -- I mean, WACs commander, who was
7 working with the WACs in general and we had the IDU WACs
8 commander who was working with the IDU WACs.

9 Q. Right. Just wait there. You say that within the WACs
10 there were the IDU WACs?

11 A. Yes.

12 Q. Yes. The IDU, as we know, is a security unit?

13 A. Yes.

14 Q. Within the RUF?

15 A. Yes.

16 Q. There are other units within the RUF?

17 A. Yeah.

18 Q. G5, MP?

19 A. Um-hmm.

20 Q. IO, Black Guards, et cetera, et cetera?

21 A. Yeah.

22 Q. Did any other unit contain WACs?

23 A. No, only IDU and the WACs Unit.

24 Q. You just told us that there was at the top an overall WACs
25 commander?

26 A. Yeah.

27 Q. But you also said that within the WACs there was an overall
28 IDU WACs commander; yes? Have I got you right? Is that right?

29 A. Yeah.

1 Q. Okay. Who was the immediate commander of the IDU WACs?
2 Don't mention any -- well, I think you can mention the name in
3 this circumstance, in this instance?

4 A. Okay. I --

5 Q. Don't mention any -- just mention the name and nothing
6 else, please.

7 A. [REDACTED].

8 Q. No, not your name. Who --

9 PRESIDING JUDGE: Oh, my God.

10 MR CAMMEGH:

11 Q. I know you're trying very hard.

12 PRESIDING JUDGE: Can that be redacted, please. Redact
13 that name, please.

14 MR CAMMEGH:

15 Q. I know you're doing your best and, honestly, we're not
16 making fun of you; it is actually quite funny.

17 JUDGE BOUTET: It's your question that is confusing for the
18 witness, so it's --

19 PRESIDING JUDGE: It's your question.

20 JUDGE BOUTET: -- I know.

21 MR CAMMEGH: I'm surprised by the answer. I think the
22 question was who was -- anyway.

23 JUDGE BOUTET: Yeah, but maybe you could frame your
24 questions differently.

25 MR CAMMEGH: I will try again, yes.

26 Q. Name the person who the IDU WACs commander would be
27 directly reporting to?

28 A. Go over the question.

29 PRESIDING JUDGE: Or maybe the boss so --

- 1 MR CAMMEGH:
- 2 Q. I'm going to try --
- 3 A. The commander, the IDU WACs commander was reporting to.
- 4 Q. Yes. What's the name of that person?
- 5 A. Francis Musa.
- 6 Q. Right, thank you. What was Francis Musa's position?
- 7 A. He was the district IDU commander.
- 8 Q. Thank you. And in which district was he operating?
- 9 A. Kailahun District.
- 10 Q. Okay. So was he your immediate boss?
- 11 A. Yeah, he was my immediate boss.
- 12 Q. Okay. Thank you. Can we now return to -- I'm going to
- 13 come back to WACs and IDU, I'm afraid, in a short time, but can
- 14 we go back to Mr Gbao?
- 15 A. Um-hmm.
- 16 Q. You told us that you first met him in Bunumbu in 1991. As
- 17 the years progressed, did you come to know what job he had?
- 18 A. Who, Gbao?
- 19 Q. Yeah.
- 20 A. Yeah. When we came to Pendembu and settled there, Gbao was
- 21 assistant secretary to the leader, Foday Sankoh, in Kailahun.
- 22 Q. Are you able to tell us the period, the years between which
- 23 Augustine Gbao held that position?
- 24 A. He held that position -- I cannot remember the date
- 25 exactly.
- 26 Q. All right. That's all right. After -- no. Did he hold a
- 27 different position later on?
- 28 A. Yes.
- 29 Q. Do you know what that was?

1 A. From there, he was later sent to Baima base by the leader,
2 as the ideology instructor. He was teaching the ideology of the
3 RUF to the trainees.

4 Q. All right.

5 A. Yeah.

6 Q. Are you able to help us as to the year in which he was
7 performing that job?

8 A. He was on the base by 1995.

9 Q. Okay.

10 A. Yeah, he was on the base.

11 Q. Did you go anywhere in particular in 1996?

12 A. In 1996 he was called upon --

13 Q. No --

14 A. -- by the --

15 Q. Carry on. Sorry, carry on. Carry on?

16 A. He was called upon by the leader and he was appointed the
17 overall IDU commander.

18 Q. And where was that?

19 A. That was in Zogoda.

20 Q. Okay. Did you ever go to Zogoda?

21 A. Yes.

22 Q. In which year?

23 A. I went there in '96.

24 Q. All right. Very quickly, madam, can you tell us where you
25 were based between your time in Zogoda in '96 and the beginning
26 of 2000?

27 A. And the beginning of 2000?

28 Q. Yeah.

29 A. From which year?

1 Q. From '96. Just go back to when you were in Zogoda. Where
2 were you based between that time and the beginning of 2000?

3 A. When I went to Zogoda I was later sent to Pujehun. From
4 there, I came back to Giema and I moved from there. I went to
5 Fandu.

6 Q. Can you spell that for us, please. Fandu?

7 A. F-A-N-D-U.

8 Q. Okay. Thank you. And after Fandu --

9 A. Yeah.

10 Q. -- where were you?

11 A. after Fandu I briefly came to Freetown, during the AFRC
12 time, .

13 Q. All right.

14 A. Yes.

15 Q. How long?

16 A. I came to Freetown for some time, and I went back and I
17 came to Freetown again during the Lome Peace Accord in 1999.

18 Q. All right.

19 A. I came to Freetown and I was --

20 Q. Stop there. You've just said that after -- you said you
21 were in Freetown for some time during the AFRC period?

22 A. Yeah.

23 Q. And then you said you went back?

24 A. Yes.

25 Q. Where did you go back to?

26 A. I went back to Fandu.

27 Q. Which district is Fandu in?

28 A. Kailahun. I went back to Kailahun; Kailahun District.

29 Q. And did you base there until you went back to Freetown in

1 '99?

2 A. Yes.

3 Q. And how long did you stay in Freetown when you returned at
4 around the time of the Lome Peace Accord in '99?

5 A. Well, I spent two months.

6 Q. Um-hmm.

7 A. And the third month, that was in May.

8 Q. Of which year?

9 A. Mmm?

10 Q. Of which year?

11 A. 2000.

12 Q. Okay. Well, I think we can stop there.

13 A. Okay.

14 Q. So were you in Freetown until May of 2000?

15 A. Yeah.

16 Q. Right. That's fine. Right. Let's go back to the WACs.
17 Where were -- where could the WACs be found? Where were they
18 deployed?

19 A. The WACs were deployed in the companies, battalions and
20 even the liberated zones, where we called the rear, where the
21 civilians were staying. They were deployed all over.

22 Q. Okay. Can we just refer to IDU now, not WACs IDU or IDU
23 WACs -- I'll ask you about that in a second. What was the IDU
24 and what did it do?

25 A. The?

26 Q. The IDU.

27 A. The IDUs?

28 Q. Yeah.

29 A. The IDUs WACs were actually defending the civilians. They

1 were defending the civilians from these combatants. They monitor
2 them, they give reports, they investigate matters. Just all to
3 secure the civilians.

4 Q. Was there any difference between an IDU WAC and an IDU
5 agent -- a male IDU agent -- in terms of the job that they did?

6 A. Well, they were all the same.

7 Q. Okay.

8 A. Yeah.

9 Q. Right.

10 A. They were all agents of the unit. It's only because the
11 female were called the WACs.

12 Q. Okay. Now, let's talk specifically about IDU WACs?

13 A. Um-hmm.

14 Q. You've told us already that the only unit that a WAC would
15 -- the only security unit that a WAC would be part of was the
16 IDU; is that right?

17 A. Yeah.

18 Q. Okay. You've just mentioned companies?

19 A. Um-hmm.

20 Q. And battalions?

21 A. Um-hmm.

22 Q. Looking at companies, how many IDU WACs would one normally
23 find in a company of RUF soldiers?

24 A. Yeah, there were about 25 to 30.

25 Q. Right. And these IDU WACs were they -- were they doing the
26 same job as an IDU?

27 A. Yes, they were doing the same function.

28 Q. Earlier on you mentioned that some WACs would be cooking
29 and cleaning and things like that. Would an IDU WAC ever be

1 employed as a cook or a cleaner within the RUF?

2 A. They -- no, it was the general WACs. Those are the WACs
3 were responsible for these other functions.

4 JUDGE BOUTET: Madam Witness, did you say there were 25 to
5 30 WACs, IDU WACs?

6 THE WITNESS: Yeah.

7 JUDGE BOUTET: In one company?

8 THE WITNESS: Yeah.

9 JUDGE BOUTET: So how many WACs in a battalion then, IDU
10 WACs? So all when you are talking of WACs, IDU WACs, you are
11 talking of women?

12 THE WITNESS: Yeah.

13 JUDGE BOUTET: All the time?

14 THE WITNESS: Yes.

15 JUDGE BOUTET: There's no men in the WACs?

16 THE WITNESS: Mm-mm.

17 MR CAMMEGH:

18 Q. I can't remember if I have asked this very obvious question
19 or not: What does WACs stand for?

20 PRESIDING JUDGE: You have.

21 JUDGE BOUTET: Yes, you did.

22 MR CAMMEGH: Oh, I see.

23 PRESIDING JUDGE: It was answered a long time ago.

24 MR CAMMEGH: Okay. Thank you. I couldn't remember.

25 PRESIDING JUDGE: It is "Women In Armed Conflict."

26 MR CAMMEGH: Yes, thank you, Your Honour.

27 Q. Now, you have told us that you were an IDU WAC. Did IDU
28 WACs have partners, husbands?

29 A. Yeah. These IDUs, in fact, some IDU WACs were assigned to

1 these combatants. They were living with these combatants as
2 partners, wives, and so on. They were living with them at the
3 front lines as well as the rear, as we were calling them.

4 Q. Okay. I want to return now to the role of the IDU WACs
5 commander. You've told us that there was an IDU WACS commander?

6 A. Yeah.

7 PRESIDING JUDGE: Madam, who assigned them?

8 MR CAMMEGH:

9 Q. Who assigned the IDU WACS commander? Who nominated the IDU
10 WACs commander?

11 PRESIDING JUDGE: Who assigned them, you know, as wives and
12 so on to the combatants?

13 THE WITNESS: Pardon?

14 PRESIDING JUDGE: You said that some of these WACs were
15 assigned to some combatants -- to combatants as wives; did you
16 say that?

17 THE WITNESS: The WACs? The IDU WACs?

18 PRESIDING JUDGE: Yes.

19 THE WITNESS: Well, some, yes, they were with them because
20 since you are in partnership --

21 PRESIDING JUDGE: No, no, please, you know, let's get it
22 right, you know.

23 THE WITNESS: Yeah.

24 PRESIDING JUDGE: Some IDU WACs were assigned to combatants
25 as wives and they lived with them. That's what you said, is it?

26 THE WITNESS: They would already -- that's what I want to
27 clarify.

28 PRESIDING JUDGE: Okay. All right.

29 THE WITNESS: These WACs, some were already with partners

1 to these combatants, and so if they are their wives and they are
2 entitled to IDU, then they have to stay with their partners.

3 JUDGE BOUTET: So you mean to say that these WACs would go
4 with their partners or husband at the front lines.

5 THE WITNESS: Yes.

6 JUDGE BOUTET: If the husband is a combatant, a fighter at
7 the front lines, they go to the front lines.

8 THE WITNESS: Yes.

9 JUDGE BOUTET: So they go to the front line because their
10 husband has been sent to the front line.

11 THE WITNESS: Yeah, but they will not go to the real front
12 lines. When they go they will leave them in the combat camps.
13 They will leave them there at the site they were staying to
14 prepare and where they make food and other things, so the WACs
15 will stay there and they will -- when they are ready they will go
16 for their fighting.

17 MR CAMMEGH: Does Your Honour want me to clarify anything
18 else on that issue?

19 PRESIDING JUDGE: No, that's fine.

20 MR CAMMEGH:

21 Q. Now, again I'm reminding you of what I said to you. Be
22 careful. You told us that between '96 and the end of the war
23 there was an IDU WACs commander; correct?

24 A. Mmm?

25 Q. Between 1996 and 2000 there was an IDU WACs commander; is
26 that right?

27 A. Yeah.

28 Q. Okay. We don't want to know who that was?

29 A. Okay.

1 Q. What we do want to know is what the IDU WACs commander did.
2 What was she responsible for?

3 PRESIDING JUDGE: Mr Cammegh, is there anything wrong, you
4 know, in knowing the name of the WACs commander, provided it
5 doesn't concern she herself? All right. Okay. All right. Yes,
6 that's okay.

7 MR CAMMEGH:

8 Q. Could you go ahead then and just tell the Court what --

9 PRESIDING JUDGE: And don't mention of the name of the WACs
10 commander, okay, madam?

11 THE WITNESS: Okay.

12 MR CAMMEGH:

13 Q. So what did she do? What was her job?

14 A. The WACs commander was responsible for defending the
15 civilians from the combatants and he was -- the WACs commander
16 was also responsible for receiving all reports from different,
17 different areas where the WACs were assigned. She was
18 responsible for receiving all these reports. And when she
19 received these reports, she will compile the reports and pass it
20 on to her immediate commander for onwards transmission. The
21 WACs --

22 Q. Wait there. Wait there. I'm going to ask you about who
23 reported to who in a moment, but would an IDU, a man in the IDU,
24 ever report to the IDU WACs commander?

25 A. Pardon?

26 Q. Would an IDU ever report to an IDU WACs commander?

27 A. The WACs, the IDU WACs will report to the WACs commander.

28 Q. So it was women IDU only, was it, who reported to the
29 commander?

1 A. Yes, report to the WACs IDU commander.

2 Q. Right. What would those reports usually -- well, no, I'll
3 put it this way: Give us some typical examples of what these
4 reports would contain; what sort of information?

5 A. Well, they contained -- some reports contained
6 investigation reports.

7 Q. Into what? Investigation into what?

8 A. Into crimes committed. They will send their reports.

9 Q. Crimes against what law?

10 A. Against RUF law, rules and regulations.

11 Q. All right. Now can we just talk about the RUF rules and
12 regulations for a moment. What, according to RUF rules and
13 regulations, were crimes? I mean, give us some examples of the
14 crimes that you're referring to, please?

15 A. Crimes were raping.

16 Q. Yes.

17 A. Burning of houses.

18 Q. Yeah.

19 A. Looting, harassment of civilians, violation of orders from
20 your commanders.

21 Q. Um-hmm.

22 A. Et cetera. These were some of the crimes committed.
23 Innocent killing.

24 Q. Okay.

25 A. Yeah.

26 Q. What about minor infractions; minor law breaking? Would
27 minor law breaking go into reports and go up to the IDU WAC
28 commander?

29 A. If the minor offence is going to be reported to the IDU --

1 Q. To the IDU WACs commander?

2 A. WACs commander. Well, the IDUs -- the IDU WACs commanders
3 or subcommanders that were assigned to various areas, when minor
4 offences were committed, these offences will be investigated by
5 the subcommanders in their areas.

6 Q. Subcommanders of what?

7 A. Yes, of the WACs.

8 Q. Okay.

9 A. Or even the men of IDU.

10 Q. Okay.

11 A. Yeah. So, after the investigation, they would compile the
12 reports and then they would make their recommendations and they
13 will submit the report to the area commander of that particular
14 area. If it's company, they will submit it to the company
15 commander.

16 Q. Okay. Let me stop you there, because I don't want you to
17 run away with yourself. I'm asking you about minor issues here,
18 not serious crimes, about minor offences?

19 A. Yeah.

20 Q. All right.

21 A. Yeah. Yes, that's what I am still on.

22 Q. You're on that?

23 A. Yeah.

24 Q. All right. That's fine.

25 A. So these, when these minor issues are reported to these
26 area commanders in their different areas --

27 Q. Yes.

28 A. -- these issues will be addressed by the commanders.

29 Q. Which commanders, madam?

1 A. The area commander.

2 Q. All right. Thank you.

3 A. In any particular area.

4 Q. Okay.

5 A. So after the addressing of the issue, the IDU, whether WACs
6 or the agent, the men, will write the report and send it to the
7 head office, CO Gbao's office, for recordkeeping because that
8 one, the minor crimes will be dealt with at the area level
9 wherever the crime is committed, so the report will only be sent
10 to the office for record purposes or referencing.

11 JUDGE BOUTET: What is a minor offence, madam?

12 THE WITNESS: Mmm?

13 JUDGE BOUTET: What is a minor offence or a minor crime
14 according to your laws?

15 THE WITNESS: Minor crimes, like harassing civilians;
16 violating order, when you are asked by your commander or
17 whosoever to do something and you fail to do that; insulting
18 people. These were all minor crimes.

19 JUDGE BOUTET: Is stealing a minor crime?

20 THE WITNESS: Mmm?

21 JUDGE BOUTET: Stealing.

22 THE WITNESS: Stealing? Stealing was not a minor crime.

23 MR CAMMEGH:

24 Q. If I can just return to the notion of stealing. Just so
25 we're completely clear, if I stole a bottle of water, would that
26 be classed as a minor crime or a serious crime?

27 A. Well, stealing in general was really put into two forms.

28 Q. Okay.

29 A. Because it will depend on the gravity of stealing that the

1 offence will be major or will be minor.

2 Q. All right.

3 A. It depends on the gravity of the act.

4 Q. And if it was a major -- if I stole 100 bottles of water,
5 what would the procedure then be?

6 A. Mmm?

7 Q. Well, you've talked about minor offences being dealt with
8 by the local area commander?

9 A. Um-hmm.

10 Q. And a report about action taken eventually finding its way
11 to Mr Gbao after the event?

12 A. Yeah.

13 Q. That's minor crimes, yes? That's what you told us. What
14 we would like to know about is what happens if it's a major
15 crime? So if I stole 100 bottles of water, would that be seen as
16 a minor or a major crime?

17 A. 100?

18 Q. Yeah.

19 A. I think it will go to major.

20 Q. All right. Can you remind the Court then what would the
21 process be if someone were accused of a major crime like stealing
22 100 bottles of water? Who would be reported to then?

23 A. The major crimes as well, when these major crimes are
24 committed in different areas, different, because all these people
25 were assigned to these different areas, the IDUs and so on, MPs.
26 So if a particular major crime is committed in a particular area
27 the -- the IDU there will investigate the matter.

28 Q. Can I just stop you a moment. I think all this talk of
29 water has drawn a reaction from Mr Gbao who would like to attend

1 the bathroom, please?

2 PRESIDING JUDGE: He may, please.

3 MR CAMMEGH:

4 Q. Right. So the IDU perform an investigation?

5 A. Yeah.

6 Q. What happens next?

7 A. So the IDU there will do the investigation, and when they
8 do the investigation, they will compile their report. With the
9 consent of the area commander at that particular area, they will
10 send the report directly to the head office, to the district IDU
11 commander.

12 Q. Now stop there. Stop there. You're talking about the IDU.
13 You're talking about the male IDU officers here, aren't you?

14 A. Um-hmm.

15 Q. Yes. Was there any difference in the method that a WAC IDU
16 would operate? Would she report to the same individual after her
17 investigation?

18 A. Um-hmm. After the investigation --

19 Q. Yes.

20 A. -- if it is the WACs --

21 Q. Yes.

22 A. -- if it is the WACs that is assigned to that particular
23 area, after she has done her investigation, she will directly
24 send the report to [REDACTED].

25 Q. Yes. Madam Witness, please, I'm sorry, can we redact that?

26 PRESIDING JUDGE: Please, let it be redacted.

27 MR CAMMEGH:

28 Q. I'm trying so hard to ask you to be very, very careful
29 about identity.

1 A. Oh, God.

2 Q. Madam Witness, it's not your fault. It's not your fault.
3 But just -- it's all right, don't worry. Who -- just tell us the
4 rank or the position of the person to whom a WAC investigator in
5 the WAC IDU would send her report to, once she has done her
6 investigation?

7 A. Okay. When the IDU, the WAC IDU does her investigation --

8 PRESIDING JUDGE: She will send it to the overall boss?

9 THE WITNESS: She will send -- no, she will send the report
10 to --

11 MR CAMMEGH:

12 Q. To what person, please?

13 A. To the IDU WAC commander.

14 Q. Thank you.

15 A. In the -- okay.

16 PRESIDING JUDGE: That's fine.

17 MR CAMMEGH:

18 Q. And --

19 A. And --

20 Q. -- let's go back to the IDU now because --

21 JUDGE BOUTET: Before you get there, Mr Cammegh, because I
22 want to clarify an issue that the witness has mentioned. Madam,
23 you mentioned that the area -- area where the WACS IDU is
24 assigned. So would you, so I understand the system, have in the
25 same front-line area, a male IDU and a WAC IDU working in the
26 same area? Or they have different areas to cover? You
27 understand me? You have said --

28 THE WITNESS: Um-hmm.

29 JUDGE BOUTET: -- the WAC IDU will report to -- through the

1 system.

2 THE WITNESS: Um-hmm.

3 JUDGE BOUTET: But could also an IDU agent also report on
4 the same issue and who would determine how it works?

5 THE WITNESS: Yeah, it depends. If in a particular area it
6 is the WACs that is there, then she has to do the reporting.

7 JUDGE BOUTET: So it means that -- please please please, if
8 you say that area it means that then there are no IDU agent there
9 it's only the WACs IDU. Is that what you mean? Can you have a
10 WACs IDU and an IDU agent at the same place?

11 THE WITNESS: Yes, there -- there -- there will be agents.

12 JUDGE BOUTET: So they are working together.

13 THE WITNESS: Yes.

14 JUDGE BOUTET: Okay. Okay. So who is deciding who is
15 reporting the same -- the problem.

16 THE WITNESS: Who is?

17 JUDGE BOUTET: Who is reporting? How is it decided that
18 this investigation will be done by the WACs and this one will be
19 done by the IDU agent.

20 THE WITNESS: No. What happened, these agents were
21 supporters to the subcommander that will be in the area. The
22 area will be a large area and you will have agents deployed in
23 the other areas. So they will report directly to that commander
24 that is there. The area IDU commander that is there. So they
25 report to that commander and the commander will send the report
26 to the immediate commander in the headquarter.

27 JUDGE BOUTET: Thank you, madam.

28 MR CAMMEGH:

29 Q. Was -- were there particular crimes that would be -- that

1 were seen to be better handled or better investigated by a WAC
2 IDU rather than an IDU?

3 A. Mmm?

4 Q. Was it -- was it felt within the IDU generally that some
5 crimes should perhaps -- it was more appropriate that certain
6 crimes should be investigated by a WAC IDU rather than an IDU?

7 A. Well, no. Among -- even the WACs as well as the -- the men
8 in IDU as well as the women, they were all performing the same
9 role.

10 Q. All right.

11 A. So it will only be a coincidence if a commander is sending
12 in an area being a WAC, a woman.

13 Q. Right.

14 A. Or it can be a man. Men can be assigned women, you know.

15 Q. Right.

16 A. So that was the kind of thing. They were all performing
17 the same function.

18 Q. Okay. You've told us that minor offences would generally
19 be dealt with by the area commander and he would, after the
20 event, send a report to Augustine Gbao. Can we now move on to
21 what happened in relation to serious investigations. So let's
22 now move on to things like rape and innocent killing and serious
23 looting and things like that, okay?

24 A. Um-hmm.

25 Q. Can you tell the Court, please, how the investigation would
26 proceed for a serious crime?

27 A. For that one.

28 Q. Yes.

29 A. If such a crime is committed in the area, the -- the -- the

1 -- the criminal will be invited by the MP and put under custody,
2 and then the IDU will carry out the investigation. When the
3 investigation is being carried out, be it the female IDU or the
4 male, when the investigation is being carried out, the report has
5 to be compiled.

6 Q. Yes.

7 A. With recommendations from these people. From there, they
8 will inform the area commander, that's the combatant's commander.

9 Q. Yes.

10 A. After that, they will have to send the report to the -- if
11 it's a man, they will send the report directly to the district
12 commander.

13 Q. And that was who?

14 A. Francis Musa.

15 Q. Okay?

16 A. Am I right?

17 Q. Yes.

18 A. Okay. I'm afraid now calling names. Okay. So it was sent
19 to him. And he will view the report and make sure that the
20 investigation was properly done and he in turn will send the
21 report to the overall IDU commander?

22 Q. And who was that?

23 A. It's Augustine Gbao.

24 Q. Okay.

25 A. He will send the report to him.

26 Q. Right. Remember we're talking about serious offences?

27 A. Yes, serious offences.

28 Q. So what would Gbao do with the report at that stage?

29 A. Augustine Gbao will receive the report and he as the

1 overall .

2 Q. Yes.

3 A. Will again view the report and make sure that the different
4 branches did their functions correctly. And after that, Gbao
5 hasn't got anything. He had no right to alter anything on that
6 document.

7 Q. Right. Stop stop stop there. Sorry, I don't want to be
8 rude but we need to take this in stages. You just said that
9 Gbao's job was to make sure that all the -- I forget the word you
10 used. Was it -- sorry, Your Honours, I don't want to lead and
11 the witness used a word and I honestly can't remember what it was
12 but I'm looking for help.

13 JUDGE THOMPSON: Steps.

14 MR CAMMEGH: It referred to certain individuals and I don't
15 want to call the word -- was it branches? Thank you.

16 Q. You just said that Gbao's job was to ensure that all
17 branches did their job properly?

18 THE WITNESS: Yes.

19 Q. What are you talking about? Can you -- what branches?

20 A. Yeah, because like the MPU by then the MPU was involved
21 because the MPU has to take care of the criminals. He bring
22 them, he keep them under custody while the investigation is going
23 on and the IDU will do the investigation, so he will view the
24 report and see that the work is well done by these people and
25 then -- and then he will in turn send the report to the high in
26 command. That's Sam Bockarie, Mosquito.

27 Q. And what would Bockarie do?

28 A. Bockarie? He was the high in command. He has all the
29 decision. So when this report has been sent to him he can

1 sometimes take his decision whether --

2 Q. A decision on what? What do you mean by that?

3 A. He will take his decision and send instructions if the
4 punishment that is to be left -- if that criminal was found
5 guilty, if he was alleged to punishment then he will give the
6 green light. He will give the order then the punishment will be
7 left on the criminal.

8 Q. How would Bockarie's decision be passed down? How would
9 that take place?

10 A. He will -- he will -- he will send his instruction -- his
11 order to the commander Gbao for the MPs to carry out the
12 punishment.

13 Q. Was Gbao in a position where he could order the MP to do
14 something?

15 A. Gbao had no -- no order for MP, neither any other unit.
16 Only IDU Gbao was having control over. Gbao had no order on his
17 own.

18 Q. So you're saying that once Bockarie had made a decision on
19 a certain case --

20 A. Um-hmm.

21 Q. -- he would pass his decision down to Gbao?

22 A. He will sent his order.

23 Q. His order?

24 A. That's such-and-such punishment will be left on so-so
25 criminal.

26 Q. And then Gbao would do what with that order?

27 A. He passed the message to the MPs.

28 Q. Okay.

29 A. Because they were responsible for the punishments.

1 Q. Okay. I want to ask you about Joint Security Board of
2 Investigation?

3 A. Yes.

4 Q. All right? I'm going to call it JSBI because it's easier
5 that way. Do you know about JSBI?

6 A. Yes.

7 Q. What was a Joint Security Board investigation?

8 A. This was a joint body formed to investigate major crimes in
9 the RUF.

10 Q. Okay. Now, so far in your evidence you've talked about the
11 process for minor offences and you've talked about serious
12 crimes, and I think the difference -- if I may summarise just so
13 we can orientate ourselves, if my friends object I'll stop, but I
14 think, I think you told us that for minor offences the matter
15 would end with the area commander. He would take his own
16 decision and probably inform Gbao after the event. For serious
17 offences, you've said that the IDU would conduct an
18 investigation, reach its conclusion, report to Francis Musa, the
19 deputy -- what was his role again sorry? Did you say the
20 district RUF commander?

21 A. Yes, yes.

22 Q. He would pass it to Gbao, who would ensure that everything
23 had been done properly?

24 A. Yes.

25 Q. Gbao would pass that up to Bockarie who would make a
26 decision who would tell Gbao what has to be done?

27 A. Yes.

28 Q. Right. You now used the word major crime and you've said
29 that joint security boards would be instituted in respect of

1 major crimes?

2 A. Yeah.

3 Q. Is that correct?

4 A. Yeah.

5 Q. What's the difference between a serious crime and what you
6 call a major crime that would go to the JSBI?

7 A. Serious crimes and major crimes?

8 Q. Yes?

9 A. I think it is almost the same. Serious crimes, major
10 crimes, I don't know.

11 PRESIDING JUDGE: Mr Cammegh, is that a fair question to
12 ask this witness.

13 MR CAMMEGH: It's probably not.

14 THE WITNESS: I don't understand it.

15 MR CAMMEGH: I'm going to come - I'm going to come at it
16 from a different direction. I'm going to go back to where I --
17 the way I started and just ask you, please -- well I'll ask you
18 this: Why was a Joint Security Board set up.

19 THE WITNESS: The Joint Security Board was set up to
20 investigate major crimes, yes, so that transparency can take
21 place.

22 Q. Sorry, what was the word you just used? I didn't hear you.
23 So that what can take place?

24 A. Transparency.

25 JUDGE BOUTET: Transparency.

26 MR CAMMEGH: Sorry, thank you.

27 Q. What do you mean by transparency?

28 A. What I mean by that because first IDU was wholly and solely
29 doing investigation of crimes. So when the joint security came

1 up, representatives were drawn from all other units and they will
2 all sit down together to investigate the major crimes and
3 everybody will see and know exactly what is going on or what has
4 happened. So everybody will have the clear mind and clear
5 understanding of whatever matter is up.

6 Q. Did you ever serve on a Joint Security Board yourself?

7 A. Mmm?

8 Q. Did you ever serve on a Joint Security Board yourself?

9 A. Yeah.

10 Q. Can you remember what crime that was in respect of?

11 A. The crime?

12 Q. Yes.

13 A. Yeah, I -- I witnessed an innocent killing matter in Giema
14 and the matter was investigated and we found the doer -- we found
15 him guilty of the crime and the information was sent to the
16 leader, by then Foday Sankoh, and the punishment was left on the
17 doer.

18 Q. Okay. Very quickly, please --

19 PRESIDING JUDGE: What was the punishment, madam.

20 THE WITNESS: Mmm?

21 PRESIDING JUDGE: What was the punishment.

22 THE WITNESS: The punishment? Execution.

23 MR CAMMEGH:

24 Q. Very, very quickly, madam: Which units were represented on
25 a JSBI?

26 A. We had the IDU.

27 Q. Um-hmm?

28 A. The MP, the G5, the IO, the Black Guards.

29 Q. Okay.

1 A. These were the units that send in representatives to form
2 that board.

3 Q. Once the board had reached a conclusion, would it report
4 that conclusion to anybody in particular?

5 A. When -- what?

6 Q. When a Joint Security Board had reached a conclusion, when
7 it made its finding or recommendation?

8 A. Yeah.

9 Q. Would it report that recommendation to anybody?

10 A. Yes, that report was given to the overall commander, the --
11 Mr Gbao.

12 Q. Right. The overall what, commander? What was his full
13 title?

14 A. He was the overall security commander. That was the title
15 given to him.

16 Q. Now I want to get this absolutely straight. The overall
17 security commander was -- you just said it was the title?

18 A. Yeah.

19 Q. I'm just trying to put the question in the correct way.

20 A. Um-hmm.

21 Q. What was the function of the overall security commander?

22 A. The overall security commander, after the whole
23 investigation, they compile the reports with recommendations.
24 They will pass it on to the overall security commander.

25 Q. But what was his -- what was the overall security
26 commander's job, precisely?

27 A. He was to look at the report.

28 Q. Yes.

29 A. To make sure he only -- he was only to check the report and

1 make sure that the various various various units did the
2 investigation correctly, and then he will pass the report to the
3 high in command, and he will have to take his decision.

4 Q. Okay. I want to stay on the responsibilities of the
5 overall security commander for a moment, if I may. You've just
6 said that he was responsible to ensure that -- again I'm sorry I
7 forgot your precise words but the impression I got, and I will be
8 objected to if I got this wrong, was that his responsibility was
9 to ensure that the investigation had been --

10 A. That the joint security carried out the investigation
11 correctly.

12 Q. Thank you. Did the overall security commander have any
13 other function at all within the RUF?

14 A. Within the RUF? Yes, that was the security commander, he
15 was the overall for defending all the civilians in the movement.

16 Q. Did the overall security commander have -- have the power
17 to issue orders to any of the units?

18 A. No. All the other units that were operating in the joint
19 security, they all had their overall commanders, so he was --

20 Q. Could you just wait a moment. I'm sorry to cut you off but
21 we need to take this very carefully. Did the overall security
22 commander have the power to issue orders to any of the overall
23 unit commanders?

24 A. No. No. No.

25 Q. Okay. When I asked you just now about what his -- whether
26 he had any other responsibilities than overseeing the correctness
27 of the Joint Security Board procedure, you said yes, the joint
28 security commander was responsible for the -- the security
29 generally of the civilians, I think that's what you said?

1 A. Um-hmm.

2 Q. How would the overall security commander perform that job?
3 I mean, what exactly was he -- was he observing?

4 A. On the investigation channel, when these reports are given
5 to him, he checks these reports.

6 Q. Yes.

7 A. After checking the reports, making sure that the Joint
8 Security Board has done the investigation correctly, or properly,
9 then he will submit the report to the high in command.

10 Q. Okay. I'm with you so far, but I just want to know whether
11 the overall security commander had any other specific role or
12 function, other than overseeing the Joint Security Board's
13 procedure?

14 A. Yes. He -- that's what I was saying. He was still taking
15 care of the civilians. He was responsible for defending the
16 civilians.

17 Q. And how would he -- you've said that he couldn't issue
18 orders to any of the unit commanders. How then could he do that?
19 How was he able to demonstrate his responsibility for the
20 civilians?

21 A. For the civilians?

22 Q. Mmm.

23 A. Well, that's why he had his agents deployed all over, even
24 in the rear, as we were calling it, where the civilians were
25 basing. He had his agents there who were sending informations or
26 reports on happenings all around the zone. So if there is any
27 problem anywhere, and the report is sent in the office, Gbao will
28 make sure that that issue is being investigated and --

29 Q. Stop there. What agents? What were these agents?

1 A. The IDUs.

2 Q. Right. Okay. Now, I'm very anxious, Madam Witness, that
3 we deal separately with Gbao as overall IDU commander and overall
4 security commander; all right? Let's go back now to overall
5 security -- -

6 JUDGE BOUTET: Well, maybe in the mind of the witness it's
7 the same thing. I don't know.

8 MR CAMMEGH: Well, exactly. I'm not going to comment but
9 I'm glad Your Honour said that. I'm grateful for that
10 observation.

11 Q. I want you to focus, please, on Gbao as the overall
12 security commander; okay? So let's go back to Joint Security
13 Boards?

14 A. Um-hmm.

15 Q. You've just told us that he would oversee the
16 recommendation of the Joint Security Board?

17 A. Um-hmm.

18 Q. He would ensure that the procedure had been followed?

19 A. Um-hmm.

20 Q. And then he would send up the recommendation once he was
21 happy with the procedure to the High Command?

22 A. Yes.

23 Q. My first question is this: When Gbao received a
24 recommendation from the board was he able to amend it or change
25 it in any way?

26 A. No. Gbao has no right to change anything on any document.

27 Q. Okay.

28 A. When these investigations are done and these recommend,
29 like the Joint Security Board, when they do the investigation,

1 after all that, the leader of the district, the MP overall, they
2 will all sit together and discuss and compile their
3 recommendations, and these recommendations are matching with the
4 rules and regulations of the RUF.

5 Q. Okay.

6 A. So Gbao has no right to change any recommendation.

7 Q. Okay. Let's move ahead then. He passes the recommendation
8 up to the High Command?

9 A. High Command --

10 Q. Who--

11 A. -- Sam Bockarie. Sam Bockarie. He will send the report to
12 Sam Bockarie because he was in command since that time up to
13 1999, Sam Bockarie was in command.

14 Q. What does Sam Bockarie do?

15 A. Sam Bockarie will look at the report and he has the final
16 say. If -- he will send instruction to Gbao, his order to Gbao,
17 to be passed on to the MPs to levy the punishment required to the
18 person who committed the crime.

19 Q. So, basically, the process, in terms of punishment, is
20 similar to that that you described in relation to serious crimes
21 just a few minutes ago?

22 A. Yeah.

23 Q. A question I forgot to ask you: You mentioned that there
24 would be unit representatives sitting on a board. You've told us
25 that the board would send its report to Augustine Gbao. Did the
26 unit representative sitting on the board themselves report to
27 anybody?

28 A. Yes. These unit representatives, that's where, in fact, I
29 mentioned transparency. These unit representatives, after the

1 investigation, they will all sit down and write their individual
2 reports to their unit commanders.

3 Q. Okay.

4 A. Yeah.

5 MR CAMMEGH: Would Your Honours please just give me a
6 moment? I find myself a little bit disorganised, for a moment.

7 PRESIDING JUDGE: At the moment.

8 MR CAMMEGH: Thank you. I am just trying to see if I can
9 cut something out.

10 PRESIDING JUDGE: Maybe your client will advise you on
11 whether you've cut something out.

12 MR CAMMEGH: Well, I'm sorry about this, Your Honour. This
13 is entirely my fault.

14 PRESIDING JUDGE: No, it's okay. It's okay.

15 MR CAMMEGH:

16 Q. Yes. Where would Joint Security Boards take place, as far
17 as you were aware?

18 A. Well, it was taking place at Giema.

19 Q. Were you aware of them ever taking place anywhere else
20 within Kailahun District?

21 A. Yes, it also operated in Kailahun.

22 Q. Right. I think we can move away now from the structure of
23 WACs IDU, IDU and investigation and Joint Security Board. I want
24 to ask you, please, about the command structure of the RUF
25 itself. Dealing with the war years between 1996 and 2000, Madam
26 Witness, was Augustine Gbao a significant figure or not, within
27 the command structure of the RUF?

28 A. Augustine -- Augustine Gbao was insignificant because, in
29 the command structure of RUF, you have the first position; that's

1 the leader. And the second position; the battle group. Then you
2 will have the battlefield, and the adviser, and besides that --

3 Q. Sorry to interrupt. You said the adviser. What, who is --
4 what's the adviser? What does that mean?

5 A. Well, there was an adviser to the leader.

6 Q. And who was that?

7 A. Mmm?

8 Q. Who was that?

9 A. That was Pa Kallon.

10 Q. When was he the adviser to the leader?

11 A. Mmm?

12 Q. When was Pa Kallon the adviser to the leader?

13 A. Since '92, as my memory would serve me.

14 Q. Until when?

15 A. Until 19 --

16 PRESIDING JUDGE: You say from what year, madam?

17 THE WITNESS: Mmm?

18 PRESIDING JUDGE: From what year was he adviser?

19 THE WITNESS: From '92.

20 PRESIDING JUDGE: Up to what year?

21 THE WITNESS: Up -- up to '97.

22 MR CAMMEGH:

23 Q. Did you ever hear of a man called Mike Lamin?

24 A. Yes.

25 Q. What was his position?

26 A. Mike Lamin was the combatant adviser.

27 Q. Okay. And roughly during which years was he combatant
28 adviser?

29 A. From '97 up to 2000.

1 MR CAMMEGH: Your Honour, I think for the avoidance of any
2 doubt whatsoever, if I may be allowed to say this: There is no
3 suggestion whatsoever that Pa Kallon is Morris Kallon.

4 PRESIDING JUDGE: No.

5 MR CAMMEGH: I just want to make that clear.

6 PRESIDING JUDGE: We don't understand that that way. We've
7 come by Pa Kallon, you know, as an RUF adviser, you know, earlier
8 on in the proceedings.

9 MR CAMMEGH: Yes. Well, I just -- I'm grateful. I just
10 wanted to make that doubly clear.

11 THE WITNESS: So --

12 MR CAMMEGH:

13 Q. Yes, carry on.

14 A. So besides that we had a lot of senior officers. We had
15 like Sam Bockarie, Peter Vandj, Isaac Mingo, Denis Mingo, which
16 -- who they were calling Superman and --

17 Q. Just stop there. What role or what were their -- what was
18 the title of Superman or Peter Vandj, what title? What function
19 did they perform? What were they known as?

20 A. These were all Vanguards.

21 Q. Yes.

22 A. They were senior officers.

23 Q. I understand that, but, in the field, what were they known
24 as?

25 A. They were commanders. They were fighters.

26 Q. You say they were commanders?

27 A. Yes.

28 Q. What kind of commander?

29 A. Well, they were the Vanguards. They were the senior

1 officers of the movement.

2 Q. Right. You mentioned in your evidence earlier on that --
3 in relation to a minor offence, an IDU would report to an area
4 commander?

5 A. Um-hmm.

6 Q. Okay. Were Superman and Peter Vandi area commanders?

7 A. Yeah, Peter became area commander.

8 Q. Right.

9 A. Of course for Superman later he was away from here. I
10 didn't know exactly what was his title. It's [i ndi scerni ble].

11 Q. Was Augustine Gbao as overall IDU commander and overall
12 security commander -- was he on the same level in the hierarchy
13 as an area commander? Which came higher, area commander or
14 overall unit commander?

15 A. The area commander, because when somebody is the area
16 commander in any area all others fall under the -- that area
17 commander.

18 Q. Right. Was Augustine Gbao ever a member of any other unit,
19 this is between '96 and 2000, any other unit apart from the IDU?

20 A. No.

21 Q. Okay.

22 A. Gbao was never MP, neither G5. He was not assigned to any
23 other unit.

24 Q. I want to spend --

25 A. From '96 upwards.

26 Q. I want to spend a little time on his general reputation,
27 and I mean a little time. I don't want to dwell on this. First,
28 were you aware -- did he ever carry a gun to your knowledge?

29 A. No. Augustine Gbao never carried gun because he was not a

1 combatant. Never carried.

2 Q. He was not a combatant. Were you ever aware of him being
3 engaged on the front line?

4 A. No.

5 Q. Or working on the front line?

6 A. No.

7 Q. Did he have bodyguards at any stage during the war?

8 A. Yes, he had four bodyguards to my own knowledge.

9 Q. When --

10 A. And these bodyguards were all above 21 years.

11 Q. Can you remember their names?

12 A. No, I cannot remember their names clearly now. It's a long
13 time.

14 Q. When did you see him with four bodyguards? Can you roughly
15 remember the year?

16 A. Well, this securities he had them but normally Gbao was not
17 walking along with these securities. These securities were only
18 assigned to him, but he cared less about them. He never walked
19 alone. Gbao usually walked alone. He trusts his ideology and so
20 he never had much belief in going going going behind him. He was
21 always moving along, leaving the securities about their own
22 business because these were combatants.

23 Q. What was his -- well, first of all let's deal with the
24 civilians. What was his reputation with the civilians?

25 A. Gbao had cordial relationship with the civilians. The
26 civilians were happy with him because he was defending them,
27 making them feel happy living a normal life, so the civilians
28 were very, very happy with him. They loved him much.

29 Q. Can you think of any examples or any incidents that support

1 the contention that he was popular with civilians?

2 A. Yeah. On many occasions, in fact, when we were staying at
3 Giema, these civilians were so board enough getting their little
4 foods they can even prefer coming to give it to Gbao willingly.
5 Although he can sometimes reject this food but just to make sign
6 of appreciation to Gbao they pay him visits, they keep his
7 company and all the rest of it. He was -- the civilians were
8 really appreciative to his [i ndi scernible].

9 Q. Between 1996 and 2000, can you remember where Gbao was
10 based or where Gbao was living?

11 A. 19?

12 Q. Between about '96 -- let's make it simple because I think
13 you said in '97 you went -- from the time of the junta, the AFRC,
14 to the end of the war?

15 A. Yeah.

16 Q. No, until 1999 can you remember where Gbao was living?

17 A. From 2007 Gbao came to Makeni .

18 Q. I'm not really interested in what happened last year?

19 THE WITNESS: Mmm.

20 Q. Let's go back. Let's go back to 1997?

21 A. Um-hmm.

22 Q. If you're -- let me make this clear. If you're not sure
23 say so and I'll move on?

24 A. Okay.

25 Q. But from the time of the AFRC junta where was Gbao living?

26 A. Before that intervention Gbao was at Sandiaru, yeah.

27 Q. After the intervention?

28 A. Yeah.

29 Q. Do you remember where he was?

1 A. After the intervention no, I left him there and moved to
2 town.

3 Q. All right. Okay. I'll move on and I want to ask about his
4 reputation with the RUF fighters and the RUF military commanders.
5 Can you tell us briefly about that, please?

6 A. Well, Gbao's relationship with his colleague Vanguard, s,
7 well, openly sometimes they were [indiscernible] sort of mockery,
8 they were saying that Gbao is not a fighter, Gbao never go to the
9 front lines. About the combatant, these children, they were not
10 too happy because Gbao was not giving them chance to do what they
11 feel like doing with the civilians, so they were not too happy
12 with Gbao. These combatant soldier boys.

13 Q. Can you think of any --

14 A. But of course with his colleague Vanguard, s, that's why I
15 say I don't know whether it was a sort of mockery, but I never
16 saw because like Sam Bockarie, most of them were saying it
17 openly, but I never saw them do anything with Gbao.

18 Q. Saying, saying what openly?

19 A. Saying that Gbao do not fight. Gbao do not go to the front
20 line to fight. Gbao is a coward and so on. These sort of
21 things.

22 Q. Okay. I think I'll leave that issue there. Can I move on
23 to the subject of child soldiers. You were quick to state that
24 Mr Gbao's securities were above the age of 21. Did you ever see
25 Augustine Gbao with anybody below the age of -- well, below the
26 age of 16?

27 A. No, Gbao -- Gbao I never saw him with any soldier below
28 that age.

29 Q. I should be clear. I'm talking about child combatants.

1 Did you ever see him with child combatants?

2 A. No, I never saw him with child combatants because even
3 those -- the ones that were assigned to him, he normally go about
4 his business leaving them on their own.

5 Q. He had?

6 A. So he was always alone.

7 Q. Who was assigned to him? What? What was that? What did
8 you just say?

9 A. I was just saying that I said even those boys who were
10 assigned to him, he never carried them along.

11 Q. What boys were assigned to him? What do you mean?

12 A. The securities he was having.

13 Q. Yes.

14 A. The four bodyguards. That's what I'm talking about. I was
15 just making reference.

16 Q. Right. Well, can you be clear, please, because when you
17 talk about boys can you be clear about their ages?

18 A. Yeah. That's the 21 years, securities he had.

19 Q. Did you ever hear of child combatants being used in the
20 RUF?

21 A. Yes, I heard of child combatants. Well, some --

22 Q. Go on.

23 A. I go ahead.

24 Q. What was your attitude to the use of child combatants?
25 What did you think about that?

26 A. The child combatants?

27 Q. Mmm?

28 A. Well, the child combatants were there. These --

29 Q. No, Madam Witness my question is: What was your attitude

1 to the use of child combatants?

2 A. Well, we never had power on our own, but we were not really
3 too happy about this child combatant issue. But we had no power.

4 Q. What was Augustine Gbao's attitude to child combatants?

5 A. He was not happy about that. He was strongly against that
6 and was even telling these boys who were having these child
7 combatants but they never adhered to him.

8 Q. They never what?

9 A. They never adhered to him, they never listened to him.

10 PRESIDING JUDGE: Adhered. Adhered.

11 THE WITNESS: [Indiscernible] had the children.

12 MR CAMMEGH: I'm sorry Your Honour, I didn't -- you might
13 have caught it better, I couldn't hear if it was hear or --

14 PRESIDING JUDGE: Adhered.

15 THE WITNESS: Adhered.

16 MR CAMMEGH: Adhered.

17 PRESIDING JUDGE: Adhered. Because they never listened to
18 him anyway.

19 JUDGE BOUTET: Madam, who are these people you say telling
20 those people. What do you mean by those people? About child
21 combatants, you said Gbao would tell them, they wouldn't listen.
22 He would tell those people. What do you mean? Can you be more
23 explicit as to --

24 THE WITNESS: These child combatants, most of our
25 combatants were having these children. These children, they were
26 having them really -- these children were not really fighters as
27 such. But they were just using them as a sort of morale booster,
28 they are having them holding their guns behind them. They feel
29 big, they feel they are big men, you know. So it was -- some of

1 the combatants that I was referring to.

2 MR CAMMEGH:

3 Q. When you said we had no power over them, what did you mean?

4 A. Yeah, because as an IDU and my responsibility, if I had
5 power that I would have put a stop to it. But although it was my
6 duty, but I had no power to stop it. So it was going on even
7 though I was not pleased over it but it was going on.

8 Q. I want to ask you about forced marriage. There are
9 allegations of forced marriage in the war?

10 MR WAGONA: Objection.

11 MR CAMMEGH: I'll put it another way. I'll ask you this.

12 PRESIDING JUDGE: Mr Cammegh, if I may.

13 MR CAMMEGH: Yes.

14 PRESIDING JUDGE: Mr Wagona, what's the basis of your
15 objection?

16 MR WAGONA: Well, the objection was pre-emptive but what
17 Mr Cammegh had so far stated was that there were allegations. In
18 other words, suggesting to the witness that there have been such
19 allegations I don't know where. But that is the objection.

20 PRESIDING JUDGE: But you admit that you were pre-emptive.

21 MR WAGONA: Yes.

22 PRESIDING JUDGE: Because I couldn't quite see what was
23 wrong with the question the way it was put anyway. Yes,
24 Mr Cammegh.

25 MR CAMMEGH: I'll deal with it differently anyway. I don't
26 mind. It's not -- it's not contentious.

27 Q. Were you ever aware of Augustine Gbao being asked to
28 investigate allegations of forced marriage?

29 A. You're asking me?

1 Q. Yes, I am.

2 A. Yeah, like, my -- as far as my memory could serve me, when
3 the -- those days IDU was purely in charge of investigation.
4 When the civilians were captured from the front lines, they were
5 brought directly to our office for investigation. We have to
6 screen them. We crosscheck them, if there was no bad person
7 amongst them and they will be turned over to G5 for settling.
8 During that time --

9 Q. Stop ma'am. Sorry, did you just say we had to screen them?
10 Is that what you said?

11 A. Yes, yes we screen them.

12 Q. Don't go too fast.

13 A. Okay.

14 Q. Carry on?

15 A. We screen them and we will have them for settlement.
16 During that time these combatants, when they capture the
17 civilians bringing them, before coming with them they would have
18 engaged them all in their minds and telling them: This is my own
19 wife. This is my own wife. This is my own wife, before
20 reporting with them to the office, so when they brought these
21 civilians, they will tell us that these are their women, so we
22 WOULD just screen them and leave them. They have to take them
23 along and CO Augustine most times was standing against that, and
24 he has to defend the civilians from these combatants and set them
25 free.

26 MR CAMMEGH: Again, would Your Honours please just give me
27 a moment, because I might be able to curtail the rest of my --
28 the examination-in-chief. I'm sorry. Yes, Madam Witness, those
29 are all the questions I have for you. Please stay there. There

1 will be some more from my learned friends; all right? Thank you
2 very much.

3 PRESIDING JUDGE: Mr Jordash, your turn.

4 MR JORDASH: Thank you.

5 CROSS-EXAMINED BY MR JORDASH:

6 MR JORDASH: Could I ask that the witness please be given
7 Exhibit 273. I've got copies here.

8 Q. I want to --

9 PRESIDING JUDGE: Mr Jordash, did you say Exhibit 273?

10 MR JORDASH: Yes, Your Honour.

11 Q. Madam Witness, good afternoon. I ask questions on behalf
12 of Mr Issa Sesay.

13 A. Um-hmm.

14 Q. I don't think I'll be very long, but I want to ask you
15 about some of the things you've just said. First of all, I want
16 to ask you about WACs, and some of the functions of WACs and some
17 of the history of WACs, and I want to see if you can help to
18 throw some light on this manual. So if you just have a quick
19 look at the book that's been put in front of you, you'll see from
20 the front page it purports to be an ideology book. Before I ask
21 you to dive into it, could I just ask you this: In your role --
22 and please don't mention it -- obviously the ideology was central
23 to your functions; is that right? The ideology of the RUF was
24 central to your functions?

25 A. The ideology of RUF. Well, yes, partly was -- it was
26 partly dealt with in our functions.

27 Q. Partly it was there? Sorry, I didn't catch what you said.
28 Partly was there --

29 A. Yes, it was partly the -- part of the ideology was dealt

1 with in our functions.

2 PRESIDING JUDGE: No, that's not the question, madam. The
3 ideology was central to your functions; the ideology of the RUF.

4 THE WITNESS: Um-hmm.

5 PRESIDING JUDGE: That it was central to your function. It
6 was important to your functions.

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: Mr Jordash, have I translated you
9 properly?

10 MR JORDASH: Yes, Your Honour, yes.

11 Q. In a way, it was the starting point of your functions. You
12 were investigating based on the definition of crimes according to
13 the ideology; is that right? Is that correct?

14 A. Yes.

15 Q. This ideology book, would you just have a look at it and
16 tell the Court whether you've seen it before. And if you have
17 not seen it before, whether you recognise the type of ideology
18 described within it?

19 A. Which book?

20 Q. The book that is in front of you?

21 A. This booklet?

22 Q. Yes.

23 A. If I have seen it before?

24 Q. Have you seen it before, do you think?

25 A. No.

26 Q. Well, just make sure. Have a quick look through it. I
27 don't know if it's -- this is a convenient way of doing this but
28 I notice it's the usual time for a break. I would like to ask
29 her --

1 PRESIDING JUDGE: Just to give her time to --

2 MR JORDASH: To have a look at it.

3 PRESIDING JUDGE: -- have a look at it. All right. We
4 will rise for 15 minutes.

5 MR JORDASH: I'm grateful, thank you.

6 PRESIDING JUDGE: The Chamber will rise please.

7 [Break taken at 4.39 p.m.]

8 [RUF09JUNE08C-BP]

9 [Upon resuming at 4.51 p.m.]

10 PRESIDING JUDGE: Mr Jordash, yes.

11 MR JORDASH: Thank you.

12 PRESIDING JUDGE: You may proceed, please.

13 MR JORDASH: May I first request that Mr Sesay be granted
14 permission to leave? He is not feeling well and fears he might
15 have the onset of malaria, and would like to be excused for the
16 remainder of the day.

17 PRESIDING JUDGE: That's okay. That's all right. That's
18 no problem.

19 MR JORDASH: Thank you.

20 Q. Madam Witness, let's proceed. Did you have the opportunity
21 to look through the book? Sorry, go ahead. Did you have an
22 opportunity to look through the book?

23 A. Yeah, I've glanced through.

24 Q. Okay. Do you recognise some of the content?

25 A. Yeah.

26 Q. Do you still think you haven't seen the book before? I'm
27 not suggesting you have, it's just an open-ended inquiry to see
28 where we are with this book, whether you've seen it or not?

29 A. Well, this particular one, no.

1 Q. You haven't seen?

2 A. But of course the content -- most of the content I'm
3 familiar with and I was taught of.

4 PRESIDING JUDGE: But you have not seen Exhibit 273 before?
5 You have not seen that book?

6 THE WITNESS: Mmm-mmm.

7 MR JORDASH:

8 Q. Okay. Well, let me ask you about some of the contents
9 since you recognise some of it. Can I ask you to turn, please,
10 to, if you look at the right-hand corner, you'll see page
11 numbers, and I want you to find page 15. I would refer to the
12 Court page numbering but it's been cutoff, I'm afraid. Page 15.
13 I'm afraid the photocopying is not too great, but I think that's
14 because the original is quite light.

15 A. 15? 15 where?

16 Q. 15 on the right-hand side; do you see?

17 A. Are they numbered from 1? The numbering system?

18 Q. Yes.

19 A. Let me understand.

20 Q. Well, if you go to the one -- go one, two, three, four
21 pages in?

22 A. Okay, up to 15, yes.

23 Q. No, no. Go four pages in. Just follow me. One, two,
24 three, four. Do you see that page there has a 1 on the
25 right-hand top corner; do you see that? Right-hand top corner?
26 Can you see a 1 there?

27 A. Yeah.

28 Q. Can you see -- no, not that number. Just a bit lower.

29 A. Okay; yes.

- 1 Q. Can you see --
- 2 A. Okay, yes.
- 3 Q. Go forward in the book and find a 15?
- 4 A. Okay. Um-hmm. 15.
- 5 Q. Do you see that?
- 6 A. Yeah.
- 7 Q. Do you see one-third of the way down the title "Pillars Of
8 Revolution"? Are we on the same page? Madam Witness, just
9 listen to my direction and question. Do you see one-third of the
10 way down the page, one-third from the top, "Pillars of
11 Revolution"?
- 12 A. Yes.
- 13 Q. Right. Now I want you to go down to the last title on the
14 page, "The Functions of the units".
- 15 A. Um-hmm.
- 16 Q. Now, I've got the original so I'll help you with the
17 letters there. And I want to ask you if you can confirm these
18 descriptions. Okay? Number one, G5, "This unit is responsible
19 for coordination of affairs between all soldiers and civilians in
20 the battalion." Do you agree that that was the known function
21 within the ideology of the G5?
- 22 A. G5. Yes.
- 23 Q. Okay. And let me just take you -- let me try to shortcut
24 this. We've got the functions of the unit as the title?
- 25 A. Um-hmm.
- 26 Q. And the units listed are as follows, and tell me if you
27 agree, that these were units within the RUF. G5, you agree?
- 28 A. Yes.
- 29 Q. IDU or G2?

- 1 A. Yes.
- 2 Q. I O?
- 3 A. Yes.
- 4 Q. G4?
- 5 A. Yes.
- 6 Q. Motor pool , logistics; do you see that?
- 7 A. Yes.
- 8 Q. Do you recognise that as a title?
- 9 A. Yes.
- 10 JUDGE BOUTET: What's that last one? Multi --
- 11 MR JORDASH: Sorry, motor pool logistics.
- 12 Q. If I can read it because I know that the scanned copy is
- 13 not clear. "This office is" -- this is what it says against
- 14 motor pool logistics?
- 15 A. Um-hmm.
- 16 Q. "This office is responsible for all machines and
- 17 maintenance of all vehicle and logistics, is responsible in the
- 18 battalion." Do you recognise that as a unit?
- 19 A. Yes, I recognise it as a unit.
- 20 Q. Okay. Over the page. "Signal SSB. This office is
- 21 responsible for all communications." That was another unit which
- 22 was within the ideology of the RUF?
- 23 A. Yes.
- 24 Q. And then number 7, MP, again?
- 25 A. Um-hmm.
- 26 Q. You recognise that as a unit?
- 27 A. Yes, MP was a unit.
- 28 Q. 8, army agricultural unit; do you see that?
- 29 A. Yes, agricultural is there.

1 Q. And you know that to be a functioning unit within the RUF?

2 A. Um-hmm.

3 Q. And then we get down to WACs?

4 A. Um-hmm.

5 Q. And it's defined here as "Women army congregation, all
6 women in the army are soldiers." You see that?

7 A. Um-hmm.

8 Q. I'll come back to that in a minute. And then we finish up
9 on S4. That was a functioning unit you recognise in the RUF?

10 A. Yes.

11 Q. Now, am I correct that these were the functioning units
12 within the RUF, from 1 to 10?

13 A. Yes.

14 Q. These were the way in which the men and women of the RUF
15 were organised into groups and these groups formed the backbone
16 of the RUF?

17 A. Yes.

18 Q. Now it mentions there WACs, all women in the army are
19 soldiers, and if you go over the page?

20 A. The next page?

21 Q. Yes. Actually, I'm afraid it's not come out clearly at all
22 but the next page, page 17 on the right-hand corner?

23 A. Yes.

24 Q. At the bottom, it should say, the very last entry on the
25 bottom, which I'm afraid is not clear. It's number 3, "WACs
26 commanders are to be given full military respect as they are also
27 soldiers." You won't be able to see that. But if everyone would
28 trust me that that's what it says on the original, I can pass it
29 around if that assists. Madam Witness, just raise your eyes a

1 moment. Did you hear what I said the book said? You can't see
2 it because the printing is not clear.

3 A. Mmm, the printing is not clear.

4 Q. Yeah. Well, just let me read it to you again. Don't look
5 at the book. There's no point at this point. "WACs commanders
6 are to be given all" -- sorry -- "to be given full military
7 respect as they are also soldiers." Can I ask you this question:
8 Was there -- I've read you two entries in this book where there's
9 a statement that all women are -- or WACs commanders are to be
10 given respect as soldiers or all women in the army are soldiers.
11 Was there an issue about women not being -- women in the RUF not
12 being respected as soldiers?

13 A. Reasons for the women not being respected as soldiers?

14 Q. Well, I'm just asking -- the first question is: Was there
15 a bit of a problem within the RUF that women who were in the RUF
16 were not being respected as soldiers?

17 A. Well, not all of the women. Some of these women were not
18 respected actually, because they were not really performing well
19 what they were expected to perform, especially in the general
20 WACs unit, I mean, so, for that reason, they were not fully given
21 the respect they are due. The other reason is maybe partnership,
22 because most of these WACs s were wives to these men, so they
23 just take them on that line as women to them, so they were not
24 really given the respect due to them, according to the military.

25 Q. Right. I mean, like, for example, what you've told us,
26 Gbao wasn't respected because he didn't go to fight. Was that an
27 issue with the WACs because the WACs were not going to the front
28 line to fight; that was one of the issues?

29 A. Yeah, most of the WACs were not going to the front line to

1 fight.

2 Q. Most of the WACs, is this right, were --

3 A. Yes.

4 Q. -- doing what?

5 A. Mmm?

6 Q. What were they doing? We know what the WACs in the IDU
7 were doing but what about [indiscernible]?

8 A. Well, most of the WACs were assisting the brothers in
9 cooking for them in combat camps and even in the rear doing --
10 assisting them in other -- some other domestic affairs, you know.

11 Q. Right. Okay. So most of the WACs were doing domestic
12 tasks?

13 A. Yes.

14 Q. Some, like you, were doing the investigation?

15 A. Yeah.

16 Q. Does that pretty much sum up what the WACs were doing
17 domestic or --

18 A. And not only that. Some were -- were fighting. Some were
19 fighters. The WACs, some were fighters.

20 Q. In 1998, where were WACs fighting?

21 A. Mmm?

22 Q. In 1998, where were any of the WACs fighting?

23 A. In 1998?

24 Q. Yes. Focus on, for example, Kailahun post-intervention.
25 Were any WACs fighting there?

26 A. Yeah, some WACs were in the front lines.

27 Q. Whereabouts?

28 A. Like what -- in 1998, that's ECOMOG intervention.

29 Q. Yes. After the ECOMOG intervention?

1 A. I don't think much fighting went to Kailahun.

2 Q. Right. Okay. So let's just stay with Kailahun. WACs in
3 Kailahun were basically doing domestic duties; would that be --

4 A. Yes.

5 Q. And the WACs in Kailahun were based in the combat camps
6 helping the men when they returned from the actual front lines?

7 A. Yes. And even those who were fighters were as well at the
8 front lines and in the combat camps. The only thing, they will
9 fight when they feel like. They were not much pressed to go for
10 fighting.

11 Q. The WACs?

12 A. Yes. They were given that freedom of choice. They do when
13 they want to.

14 Q. Right. So the combat camps in the front lines in Kailahun
15 were where the domestic -- the domestic tasks were done largely
16 for the men who returned from the front line?

17 A. Yeah.

18 Q. And am I correct that that's where some children were as
19 well, in the combat camps?

20 A. Some what?

21 Q. Children?

22 A. Children?

23 Q. Yes.

24 A. Yeah. Yeah, some of these children were there.

25 Q. Doing domestic tasks?

26 A. SBU, yes, doing the domestic tasks.

27 Q. You said SBUs. The SBUs were in the combat camps doing
28 domestic tasks?

29 A. Yes.

1 Q. Is that right?

2 A. Mmm.

3 Q. You'll have to say "yes"?

4 A. Yes.

5 Q. You don't have to say "yes," but you can't just nod?

6 A. Yes.

7 Q. And you've told us that Gbao was against the use of child
8 combatants; is that right?

9 A. Yeah.

10 Q. There was a -- well, let me ask this question: You've seen
11 from the units in this ideology book that there's no unit
12 described as a Small Boys Unit. Am I right that there wasn't
13 such a unit in the same way as there was an S4 or a G5 or an IDU?
14 There wasn't a group of young boys who ran around in a unit
15 with --

16 A. Um-hmm.

17 Q. -- functions?

18 A. That's what I was even trying to explain, when they asked
19 me about these child combatants issue. I said these children
20 were just with their big brothers, you know, helping them
21 carrying their loads. They send them, they this and that. They
22 were not actually combatants, as such.

23 Q. Right. I'll come --

24 A. Yeah.

25 Q. I'm grateful for the clarification, but I want to -- I'll
26 come to that in a moment but I want to ask you first of all to
27 consider the question: We've gone through the ten units?

28 A. Yes.

29 Q. There's no mention of a Small Boys Unit?

- 1 A. Um-hmm.
- 2 Q. Forming a separate unit within the RUF?
- 3 A. Um-hmm.
- 4 Q. Can I suggest to you that's because there wasn't a Small
5 Boys Unit as a unit; is that right?
- 6 A. Um-hmm.
- 7 Q. Is that right or not?
- 8 A. You -- you -- you are right. You are right. Because this
9 was not actually a unit that was formed that was functioning. It
10 was just a sort of children behind these people.
- 11 Q. Right.
- 12 A. It was not a functionable unit that was there that these
13 children fight and do so. No, it was not actually a functionable
14 unit of itself.
- 15 Q. Have you seen other ideology books like this book, in your
16 time with the RUF, or have you seen written down any ideology
17 similar to this?
- 18 A. Yeah, there are some topics here I saw before this time.
- 19 Q. So would you confirm that you've never seen in any book in
20 any piece -- on any piece of paper -- a list of units with the SB
21 units listed there with particular functions? Can you confirm
22 that?
- 23 A. Well, I -- I never come across such a document, actually.
- 24 Q. Right.
- 25 A. Stating the Small Boy Units and their functions.
- 26 Q. Yes. Okay. So, let's move on to then what you have said
27 about children. You talk about them following commanders or
28 following RUF fighters around; yeah?
- 29 A. Um-hmm.

1 Q. And you appeared to be saying that there was the ideology
2 you were not supposed to use child combatants. Some of the
3 soldiers allowed them to hang around with them and disobeyed that
4 ideology; is that right?

5 A. Yes.

6 Q. Gbao was against that?

7 A. Of course.

8 Q. And the RUF as a group was against that; am I right, or
9 not?

10 A. The?

11 Q. The RUF ideology was against that?

12 A. Yes.

13 Q. But --

14 PRESIDING JUDGE: Against what?

15 MR JORDASH: The use of child soldiers.

16 PRESIDING JUDGE: Okay.

17 MR JORDASH:

18 Q. Am I right?

19 A. Yeah.

20 Q. Now, forgive me, you were based where in 1998? Which?

21 A. 1998 I went to Giema, then went to Fandu.

22 Q. To where, sorry?

23 A. Fandu.

24 Q. Fandu. Which district is that in?

25 A. Kailahun District.

26 Q. Now, in Kailahun, there were lots of children in the
27 district in 1998, were there not?

28 A. There were.

29 Q. There was also a few schools; is that right?

1 A. Yeah.

2 Q. And children were attending those schools; is that correct?

3 A. Yeah. Yeah.

4 Q. And other children not attending school were either within
5 combatants' families; is that correct?

6 A. Under what family?

7 Q. With combatants and their families?

8 A. Yes, yes, yes.

9 Q. And would be generally carrying out domestic tasks?

10 A. Yeah.

11 Q. Is that correct?

12 A. Yeah.

13 Q. Now, what you observed was some renegade commanders, or
14 renegade soldiers, allowing the children to get too close to the
15 guns; is that right? Does that make sense to you?

16 PRESIDING JUDGE: Allowing the children to get too close to
17 the guns?

18 MR JORDASH: Yes.

19 PRESIDING JUDGE: That's a suggestion to the witness?

20 MR JORDASH: Yes, I'll break it down. It's not meant to --
21 it's meant to convey an idea but let me define it more carefully.

22 JUDGE BOUTET: Maybe you should define "renegade" as well
23 because I am not sure the witness understands what you mean by
24 this; it -- the term has been used but not, to my knowledge, by
25 this witness.

26 MR JORDASH:

27 Q. Would you agree with this proposition?

28 A. Mmm.

29 Q. That most of the members of the Kailahun RUF understood

1 that they shouldn't use the children as combatants, and didn't
2 use the children as combatants; is that fair or not?

3 A. Repeat your question. Go over it, please.

4 Q. Okay. I'm suggesting that within Kailahun in 1998 --

5 A. Um-hmm.

6 Q. -- most of the combatants and commanders understood the
7 prohibition --

8 A. Um-hmm.

9 Q. -- on the use of child combatants --

10 A. Um-hmm.

11 Q. -- and kept them where they should be, either at school or
12 doing domestic tasks?

13 A. Um-hmm.

14 Q. Do you accept that?

15 A. Um-hmm.

16 PRESIDING JUDGE: Has she answered?

17 MR JORDASH: No, not yet.

18 Q. Madam Witness, please try to -- I would like to finish as
19 soon as possible. I'm sure you would, so please --

20 A. If that was right what they were doing?

21 Q. No. Okay, let me try --

22 A. Is that a question?

23 Q. Okay. Let's you and I both focus and concentrate; okay?

24 A. Um-hmm.

25 Q. Most of the children in Kailahun in 1998 --

26 A. Um-hmm.

27 Q. -- were at home --

28 A. Um-hmm.

29 Q. -- or at school; is that right?

1 A. Well, some were in schools and some were at home.

2 PRESIDING JUDGE: The question is most -- the lawyer is
3 asking to know from you --

4 THE WITNESS: Yeah.

5 PRESIDING JUDGE: -- he says most of the children in
6 Kailahun were either in school or at home.

7 THE WITNESS: Um-hmm.

8 PRESIDING JUDGE: He talked of most. You are using another
9 word; you say "some" and so on. You better place the Tribunal in
10 the proper perspective and let's know what you want to tell us on
11 this.

12 THE WITNESS: That's what I -- what I was trying to say is
13 that the children, some were going to school and some were not
14 going to school.

15 MR JORDASH:

16 Q. Yes, we understand that.

17 A. Yeah.

18 Q. What I'm trying to do is trying to find out what exactly
19 you saw in relation to children, and what they were doing, so
20 let's close the book, so we can focus --

21 A. What the children were doing?

22 Q. Let's focus on my question.

23 A. Yes.

24 Q. Let me try and approach it in a different way.

25 A. Yes. Put it --

26 Q. We're dealing with post-intervention Kailahun; okay?

27 A. Um-hmm.

28 Q. There were various front lines, were there not, in Kailahun
29 in 1998? That was a question which you might want to answer.

- 1 There were various front lines in Kailahun post-intervention
2 1998, were there not?
- 3 A. Front lines?
- 4 Q. Are you trying to help the Court, Madam Witness?
- 5 A. Yeah.
- 6 Q. Yeah?
- 7 A. Yeah, but I've not really got you clear.
- 8 Q. Let's try again.
- 9 A. That's the problem, yeah.
- 10 Q. Well, listen, if you would?
- 11 A. Yeah.
- 12 Q. After the intervention --
- 13 A. Um-hmm.
- 14 Q. -- in 1998 --
- 15 A. Um-hmm.
- 16 Q. -- in Kailahun, there were front lines, were there not?
- 17 A. Well, there were front lines. There were defensive front
18 lines.
- 19 Q. There were defensive front lines, were there not?
- 20 A. Yeah, there were.
- 21 Q. There was not much fighting?
- 22 A. Mmm, there was not much fighting.
- 23 Q. The front lines were at Baima, Kuiuva, Mobai; is that right?
- 24 A. Um-hmm.
- 25 Q. And they were facing barracks at Daru, were they not?
- 26 A. Well, yeah, they were on defensive for Daru.
- 27 Q. Yeah. And weeks would go by with not a shot being fired;
28 is that right?
- 29 A. Mmm?

- 1 Q. Weeks would go by without any fighting, just defensive
2 positions?
- 3 A. Yeah.
- 4 Q. Yeah?
- 5 A. Yes.
- 6 Q. Were there any other front lines in Kailahun?
- 7 A. In Kailahun?
- 8 Q. In 1998?
- 9 A. Well, no -- no other front lines.
- 10 Q. Right. So when we -- go on.
- 11 A. Except -- well, that was not front line; that was only
12 security.
- 13 Q. Where is that? Where were you going to say?
- 14 A. I was just thinking of the border areas --
- 15 Q. Like what?
- 16 A. -- of neighbouring countries.
- 17 Q. All right. Well, let's forget --
- 18 A. Those were the front lines.
- 19 Q. So there was RUF stationed at the borders with Liberia?
- 20 A. Yeah.
- 21 Q. And Guinea?
- 22 A. Yeah.
- 23 Q. Okay. They were on defensive too?
- 24 A. Yeah.
- 25 Q. And, again, there would be weeks without any shots being
26 fired?
- 27 A. Nothing.
- 28 Q. Nothing. So from that starting point, there was what;
29 fighting at the front lines once every three, four weeks?

1 A. In 1998?

2 Q. Yes.

3 A. There was not much --

4 Q. Less than that?

5 A. There was not really attack; no fighting was, no, I think
6 once.

7 Q. Right.

8 A. I think that's only the time when they -- the UN came to
9 collect those people. I think those were the only -- that was
10 the only time but no fighting took place in '98 at that time.

11 Q. And was that the same in 1999? Even less fighting in 1999,
12 I suggest?

13 A. Yeah.

14 Q. Yes. So combatants at the front lines had a relatively
15 lazy existence; is that fair enough?

16 A. If they were firing?

17 Q. No. They had a relatively lazy existence, just sitting
18 around?

19 A. Yes, yes, they had leisure time.

20 Q. Yeah. Now, let's return to the issue of child combatants.
21 There was little fighting, so the children were not fighting; am
22 I right?

23 A. Yes.

24 Q. Okay. I'm just dealing with Kailahun. I'm not interested
25 in Kono or other places at this moment. So --

26 PRESIDING JUDGE: Mr Jordash, which children are you
27 referring to? When you say the children were not fighting --

28 MR JORDASH: The children of Kailahun.

29 PRESIDING JUDGE: The children of Kailahun.

1 MR JORDASH: Yes.

2 Q. So you agree with that: The children of Kailahun were not
3 fighting because there was little fighting?

4 A. Mmm.

5 Q. Right. So the children you observed following commanders
6 were moving around the district, if you like, patrolling around;
7 is that right?

8 A. Mmm.

9 Q. What doing? Anything? Or just following the RUF soldiers?

10 A. Well, most of these children were helping the combatants
11 carrying their loads; they can be with them. Some were just
12 holding their arms behind them.

13 Q. Okay.

14 A. These were just -- those common assistance was what they
15 were giving to them.

16 Q. Okay. So it was primarily then doing the kind of domestic
17 tasks that they would do?

18 A. Yeah.

19 Q. At the home?

20 A. Yes.

21 Q. But, walking around, moving around the district, doing
22 those tasks, carrying things for them?

23 A. Yes.

24 Q. And that carrying could, with the commanders who failed to
25 obey the prohibition, involve carrying their gun as well. Let me
26 simplify that.

27 A. Yes, simplify.

28 Q. Okay. They would carry domestic type of items and, with
29 some commanders, they would carry their guns; is that right?

1 A. You see, the combatants, not really the commanders, the
2 combatants were using these children for this carrying.

3 Q. Right. Okay. Well, that's an important distinction you
4 make, so the RUF fighters --

5 A. Yeah.

6 Q. -- were disobeying the ideology and using the child or
7 children to carry their guns?

8 A. Yeah.

9 Q. Not to carry them to use them, but to carry them because
10 the soldiers were lazy?

11 A. Yeah. Well, they only wanted to feel big because, having a
12 bodyguard, you know, it means they are, by then, they felt too
13 big, so this was just the kind of thing.

14 Q. Right.

15 A. They were feeling big, having a bodyguard, you know, behind
16 them, they feel they are big.

17 Q. Okay. So it was a kind of, like you said, I think morale
18 booster for the junior ranks to feel important; is that right?

19 A. Mmm?

20 Q. It was used by the junior ranks --

21 A. Yeah.

22 Q. -- to make them feel important?

23 A. Yeah.

24 Q. To give them the bodyguards which they were not entitled
25 to?

26 A. They were not entitled to it, so they were just creating
27 personal things.

28 Q. Yes. I mean, were not in fact carrying out the functions
29 of a bodyguard because they were in Kailahun where it was safe?

1 A. Yeah, it was safe.

2 Q. Yes. So it was a kind of make-believe pretence for the
3 junior ranks?

4 A. Sorry?

5 Q. It was a kind of pretence, a play of junior ranks boosting
6 their egos?

7 A. Yeah.

8 Q. Yes. And you mentioned that this wasn't the commanders.
9 Am I right that this was not in the view of commanders because
10 the likes of Gbao prohibited it; is that right?

11 A. Yeah.

12 Q. Okay. Now a different subject if I can. You mentioned
13 about --

14 PRESIDING JUDGE: But if they were just carrying guns for
15 their big ones, why was it seen as a wrongful deed, a wrongful
16 action? Why was it?

17 THE WITNESS: Sorry?

18 PRESIDING JUDGE: In fact, my question is more directed to
19 Mr Jordash?

20 THE WITNESS: Oh, okay.

21 MR JORDASH: I'm not sure I can answer it, Your Honour, but
22 I can ask the witness the question.

23 PRESIDING JUDGE: Well, that's the question I'm asking
24 because --

25 MR JORDASH: I'm not sure -- well, I think I would be
26 giving evidence if I --

27 PRESIDING JUDGE: No, no. I mean, I want to see -- because
28 they have said, you know, that they were doing this not in the
29 view, you know, of the senior commanders. If what they were

1 doing was just, you know, helping them to carry their luggage and
2 their guns, then what was wrong with it, for them to be afraid of
3 these senior commanders?

4 MR JORDASH: If I can answer it this way. That if my
5 12-year-old niece picked up an AK-47, I think I would be pretty
6 concerned even if they were just holding it so perhaps that was
7 what was in the minds of the rank and file, that they ought not
8 to let senior commanders see their children carrying such
9 instruments. I don't know.

10 PRESIDING JUDGE: Well, let's get along.

11 MR JORDASH:

12 Q. Why don't you answer that question. Why were the junior
13 members of the RUF concerned about not letting the commanders see
14 them with children carrying weapons. Why would they care?

15 A. Why they were what?

16 Q. Why did the junior RUF --

17 A. Mmm-hmm.

18 Q. -- why did they care -- why were they concerned about the
19 commanders seeing them with children carrying their weapons?

20 A. That is clear -- I've not got you clear.

21 Q. Okay. You, yourself, made the distinction that junior
22 fighters would -- or some of them would allow their children to
23 carry their weapons, yeah?

24 A. Mmm.

25 Q. But not the commanders. Are you with me so far?

26 A. Yeah.

27 Q. And then you agreed that they would -- the junior fighters
28 would do this out of sight from the commanders. Are you with me?

29 A. Yes, I'm with you. Go ahead.

1 Q. Why would they do it out of the sight of the commanders?

2 A. Out of the sight of the commanders?

3 Q. Yes.

4 A. Well, sometimes -- sometimes the commanders were seeing
5 them with these children [indiscernible], but for the purpose
6 they were using them was not to -- not to really take it to much
7 consideration.

8 Q. Okay. So what you're saying is that there wasn't a huge
9 concern if a child was seen just holding -- there wasn't a huge
10 concern that children could carry the weapon; is that right? Is
11 that what we should take your answer to mean?

12 A. There was not what?

13 Q. Was there a concern? Were the junior commanders concerned
14 if the commanders saw them allowing their children to hold their
15 weapons?

16 A. At the -- at the -- well, at the rear, since there was no
17 fighting they saw that they were just helping their brothers.
18 They were not much looking at that too bad.

19 Q. Fair enough. That's -- don't worry about your answer.
20 That's what we're trying to understand.

21 A. Mmm-hmm.

22 Q. So there was no -- there wasn't really much concern about
23 that. Am I right though that there would have been a concern if
24 those children had been taken to the front line?

25 A. Mmm-hmm.

26 Q. Yes or no?

27 A. Yes.

28 Q. There would have been a concern?

29 A. Yeah.

1 Q. Okay. But within Kailahun it was a safety zone?

2 A. Yeah.

3 Q. So it was - is this right - seen as another kind of
4 domestic chore?

5 A. Yeah.

6 Q. For their carers? Yes or no?

7 A. Yeah.

8 Q. Okay. I think that might answer Your Honour's query.

9 PRESIDING JUDGE: Yes. Yes.

10 MR JORDASH:

11 Q. Okay. Take a drink, Madam Witness. Now, the last subject
12 and then thankfully for you and I, I can sit down. You mentioned
13 about women being -- women being brought back from the front
14 line; you recall that? Now, I want you to -- and you also
15 mentioned about the men who brought them back, some of them
16 claiming to be married to the women and then Mr Gbao being
17 against that and setting the women free. Do you recall that?

18 A. Yeah.

19 Q. Are you feeling sleepy, Madam Witness?

20 A. No, I'm getting you. Go ahead. I'm getting you.

21 PRESIDING JUDGE: She doesn't give me the impression she is
22 sleeping.

23 MR JORDASH: I expect she --

24 PRESIDING JUDGE: She looks very much alive.

25 MR JORDASH: I would like to see if I can change that.

26 PRESIDING JUDGE: And attentive.

27 MR JORDASH:

28 Q. Okay. So I want to make sure that we are dealing in the
29 concrete here. The facts.

1 A. Yeah.

2 Q. From -- where were you at the time of the Abidjan Peace
3 Accord? November 1996?

4 A. In Giema.

5 Q. In Giema. And there was a ceasefire at that point, wasn't
6 there, for several months?

7 A. Um-hmm.

8 Q. Am I right?

9 A. Yeah.

10 Q. So there was no fighting going on from November 1996
11 through into early 1997; am I right? You're going to have to
12 speak because what you say is recorded?

13 A. Um-hmm.

14 Q. So am I right there was a ceasefire?

15 A. Yeah.

16 Q. So there were no civilians being brought into Kailahun at
17 that point during the ceasefire; is that right?

18 A. Um-hmm.

19 Q. Please can you answer madam, don't just nod. I can see
20 you; others can't?

21 A. I'm with you. Go ahead.

22 Q. So please --

23 A. I'm with you.

24 Q. Yes or no, just answer verbally. So there's -- are there
25 civilians being brought into Kailahun during the ceasefire or is
26 everyone on defensive positions?

27 A. They were on defensive but before that ceasefire this was
28 what I was trying to explain. Before the ceasefire that's the
29 time civilians were brought in, when the fighting was going on.

1 The civilians were brought in.

2 Q. You've just cut out about ten of my questions so I'm
3 grateful for the answer. You're talking about a time before the
4 Abidjan Peace Accord?

5 A. Um-hmm.

6 Q. When there was fighting and civilians would be brought for
7 their safety into the rear zone?

8 A. Yeah.

9 Q. And some indisciplined soldiers would abuse women before
10 they came back to the rear zone?

11 A. Um-hmm.

12 Q. Is that right?

13 A. Yeah.

14 Q. And the likes of Gbao and the senior commanders who obeyed
15 the ideology were against that; is that right?

16 A. Um-hmm.

17 Q. Say yes or no, madam?

18 A. Yeah.

19 Q. And would you take action against those soldiers when they
20 came back; yes or no?

21 A. Yeah.

22 Q. Now, after the ceasefire, through 1997 and onwards,
23 civilians were not being brought into Kailahun; am I correct?

24 A. After 1997?

25 Q. Let me shortcut this.

26 A. Um-hmm. Um-hmm.

27 Q. What you're talking about is pre-Abidjan Peace Accord.
28 You're not talking about civilians being brought into Kailahun
29 after that time?

- 1 A. Um-hmm.
- 2 Q. Is that right?
- 3 A. Um-hmm.
- 4 Q. Yes or no?
- 5 A. Civilians were not brought after the peace accord?
- 6 Q. Well, for example, during the junta period there's no
7 fighting, is there, in Kailahun?
- 8 A. Um-hmm.
- 9 Q. Am I right?
- 10 A. Um-hmm. Yes. Yes.
- 11 Q. No fighting?
- 12 A. Um-hmm.
- 13 Q. So no civilians were being brought in during the junta
14 period?
- 15 A. During the AFRC time that's what you are calling the junta
16 time.
- 17 Q. Yes.
- 18 A. At that time, in fact, I came briefly in town.
- 19 Q. Okay. So you were not in Kailahun?
- 20 A. Um-hmm.
- 21 Q. Okay. Fair enough. 1998 we know there's very little
22 fighting so again am I correct that in 1998 civilians were not
23 being brought in to Kailahun -- they were not being brought away
24 from the fighting into Kailahun; am I right?
- 25 A. Wait. Wait. That was an example I showed and it's not
26 only quoting directly the time you are quoting, it was just an
27 example and no specific time was not given. This was a time when
28 the war was on and civilians were coming in and the instances he
29 was freeing the people, that was just an example.

- 1 Q. Yeah, an example.
- 2 A. So don't specify to a particular date of interval where
3 there was a ceasefire.
- 4 Q. Well --
- 5 A. I want you to really [indiscernible].
- 6 Q. Let me worry about the questions and you worry about the
7 answer, okay?
- 8 A. Yeah.
- 9 Q. 1997 -- sorry, 1998?
- 10 A. Um-hmm.
- 11 Q. You've already told us there was very little fighting and
12 am I correct about this, that there were not -- the fighting that
13 there was, was not in civilian occupied areas. They were in
14 buffer zones between ECOMOG and RUF?
- 15 A. Mmm.
- 16 Q. On the front lines in Kailahun; is that right?
- 17 A. Mmm.
- 18 Q. Yes or no, Madam Witness?
- 19 A. Yes.
- 20 Q. That was 1998?
- 21 A. Um-hmm.
- 22 Q. Yes or no?
- 23 A. Yes.
- 24 Q. And then in 1999 --
- 25 A. Um-hmm.
- 26 Q. -- the same thing but even less fighting because we had the
27 ceasefire and the peace accord, yes?
- 28 A. Mmm, the Kamajor fighting took place.
- 29 Q. Where did the Kamajor fighting take place in 1999?

1 A. Not in '99. Well dating, I'm not too good at dating that's
2 why I don't state dates.

3 Q. Okay.

4 A. I only tell you of events I know and I see, like the times
5 I was telling you the time we were in Giema up to 1996 and so on
6 when the fighting was on and the civilians, they were bringing
7 them and this is the time I was just trying to give it as an
8 example when Gbao tried to free these women from forced marriage
9 to these soldiers. That was just a example.

10 Q. Okay. So you don't --

11 A. Um-hmm.

12 Q. -- let me ask this then.

13 A. So go ahead because like in 1997 during that peace accord I
14 briefly came to Freetown.

15 Q. Okay let me stop you there Madam Witness.

16 A. Yeah.

17 Q. Listen. You don't have any other examples of women being
18 brought in to be forced to be married after that period of
19 fighting in 1996, do you?

20 A. Mmm?

21 Q. I think I might leave it there, Your Honours. I think
22 that's sufficient for my purposes.

23 A. No, put it clear. Put the question clear so that I will
24 understand. You know, this is my language too, it's language too
25 you are speaking, that's why I'm speaking and [i ndi scerni ble]
26 this is your own first language, this is my second one, so you
27 have to let me understand properly.

28 Q. Fair enough.

29 A. Thank you.

1 Q. Help me out though --

2 A. Yeah, it's language too. It's not my mother tongue.

3 PRESIDING JUDGE: Madam Witness.

4 THE WITNESS: Yes.

5 PRESIDING JUDGE: Madam witness.

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: You are speaking very well.

8 THE WITNESS: Really.

9 PRESIDING JUDGE: Your English is very, very clear. It's
10 very good English.

11 THE WITNESS: Thank you.

12 PRESIDING JUDGE: Okay.

13 THE WITNESS: Yeah.

14 PRESIDING JUDGE: Yes. That's a compliment I'm giving you.

15 THE WITNESS: Thank you.

16 PRESIDING JUDGE: You're doing very well even though it may
17 be your third, fourth or even fifth language.

18 THE WITNESS: Okay.

19 PRESIDING JUDGE: Yes.

20 THE WITNESS: Yeah.

21 PRESIDING JUDGE: That's what goes more to your credit
22 because notwithstanding your other languages, you know, you
23 manage this one very well as well.

24 THE WITNESS: Thank you.

25 PRESIDING JUDGE: And I'm sure your lawyer appreciates
26 that.

27 THE WITNESS: Yes.

28 MR JORDASH: How am I doing.

29 PRESIDING JUDGE: Pardon me.

1 MR JORDASH: How am I doing.

2 PRESIDING JUDGE: You're doing well, very well indeed.

3 You're doing very well.

4 MR JORDASH: Thank you. Okay, let's just clear this up.

5 PRESIDING JUDGE: You remember Mr Cammegh announced to us
6 that his witnesses are very fluent in English and we are going to
7 see them and I think he is right. His witnesses have been doing
8 very well.

9 JUDGE BOUTET: I thought you were finished, Mr Jordash.
10 You've changed your mind.

11 PRESIDING JUDGE: It's the witness who was encouraging
12 Mr Jordash.

13 MR JORDASH: The witness is insisting and who am I to
14 refuse.

15 JUDGE BOUTET: You don't have to insist. We're not
16 insisting, I can tell you that.

17 MR JORDASH: I'll try once and then I'll sit down.

18 PRESIDING JUDGE: Right.

19 MR JORDASH:

20 Q. The example you gave from 1996, would you agree with this:
21 That the necessity of bringing civilians into Kailahun stopped
22 around the time of the Abidjan Peace Accord? It's okay to say
23 you don't know if you don't know?

24 A. What I am remembering, you know, during that ceasefire some
25 civilians were still coming in. Some were even coming to look
26 out for their children, their relatives and so on, so I cannot
27 just say everything stopped and no civilians were coming in
28 because it was ceasefire, yeah.

29 Q. Okay. They were coming in to look for safety and/or their

1 families?

2 A. The other families.

3 Q. Yes. Okay. I'll leave it there. Thank you.

4 A. Thank you.

5 MR JORDASH: No more questions, thank you.

6 PRESIDING JUDGE: Yes, Mr Ogeto?

7 MR OGETO: No questions, thank you, My Lord.

8 PRESIDING JUDGE: No questions?

9 MR OGETO: Yes.

10 PRESIDING JUDGE: Thank you. Mr Wagona, it's your turn
11 now.

12 MR WAGONA: Yes, thank you.

13 PRESIDING JUDGE: Yes.

14 CROSS-EXAMINED BY MR WAGONA:

15 MR WAGONA:

16 Q. Madam Witness, do you recall that after the intervention
17 the RUF came into Kailahun with civilians?

18 A. Yes.

19 Q. And those civilians included women; they also came along
20 with women?

21 A. Um-hmm.

22 Q. Is that correct?

23 A. Yeah.

24 Q. And also after the intervention, in places like Pendembu,
25 they were a front-line area; Kui va, Mobai was a front-line area;
26 do you remember?

27 A. Yeah.

28 Q. And also at that time civilians, including women, were
29 being brought from the front line to Kailahun; not so? Is that

1 correct?

2 A. Civilians were brought from those front lines to Kailahun?

3 Is that what you are saying?

4 Q. Yes, during 1998, from the front line in Pendembu?

5 A. That -- 1998.

6 Q. Yes, 1998, after the intervention?

7 A. The ECOMOG intervention?

8 Q. Yes. That is, during that year 1999, there were front
9 lines in Pendembu like Kui va, Mobai, and what I'm saying to you
10 is that women were being brought from those front lines into
11 Kailahun; do you accept that?

12 A. Well, that's what I'm looking at. We're looking at Kui va,
13 but Kui va has its own surrounding; it has villages and other
14 areas where they kept their own civilians and so on so --

15 Q. So are you saying that they were not being brought to
16 Kailahun?

17 A. Well, that is not much to my knowledge anyway. I don't
18 know.

19 Q. So you don't know?

20 A. Mmm.

21 Q. But where were you in 1998?

22 A. I went -- I went to Giema; I went to Fandu; I said it. I
23 went to Fandu; I was to Fandu.

24 Q. Now, is it correct that when Augustine Gbao was overall IDU
25 commander, he was issuing orders from members of the IDU? He was
26 issuing members -- orders to the members of the IDU?

27 A. Augustine Gbao, when he was the overall IDU commander, he
28 was giving instructions to we, the IDU members.

29 Q. And that would have included the district IDU commander,

- 1 Francis Musa; not so?
- 2 A. Um-hmm.
- 3 Q. Now, these units the G5, IO, IDU and MP --
- 4 A. Yes.
- 5 Q. -- worked closely together in their functions; not so?
- 6 A. Um-hmm.
- 7 Q. Is that "yes" or "no"?
- 8 A. They were what?
- 9 Q. They were working closely together?
- 10 A. Yes, of course, because everybody was working in the same
- 11 direction or working for the same goal. Everybody was working
- 12 for the movement.
- 13 Q. But all these were security units?
- 14 A. Yes, they were all separate, separate units, having their
- 15 own functions.
- 16 Q. I'm saying they were all security units?
- 17 A. Mmm?
- 18 Q. They were all security units?
- 19 A. All.
- 20 Q. In line with security?
- 21 A. Security units.
- 22 Q. Yes, please.
- 23 A. The joint security.
- 24 Q. Those units --
- 25 A. Um-hmm.
- 26 Q. -- were in the category of security units; not so?
- 27 A. Mmm.
- 28 Q. What's the answer?
- 29 A. Well, these units were all having their own functions. The

1 only time they joined that's on -- that's Joint Security
2 Investigation Board that was formed by representatives from all
3 these units. They meet to investigate major crimes, but they all
4 have their own roles, they have their overall commanders, they
5 have their own functions.

6 Q. But you know that Augustine Gbao was the chairman of the
7 Joint Security Board of Investigations?

8 A. Yes.

9 Q. Now, you had stated that the role of the IDU was to defend
10 civilians from combatants?

11 A. Um-hmm.

12 Q. Why did civilians need to be defended against combatants?

13 A. Thank you. Because these combatants, they mostly try to
14 take advantage on these civilians, feeling that they are fighting
15 for these people and so on and so forth. So sometimes they tend
16 to molest them, they tend to do things out of the way with them.
17 So, for this reason, the IDU was there in between them all over
18 monitoring the activities of these people, for the day-to-day
19 movement of these people, so that the civilians will be in their
20 free and peaceful atmosphere, without no disturbance from these
21 combatants.

22 Q. And is it also correct that combatants tended to commit
23 crimes against civilians?

24 A. They what?

25 Q. The combatants --

26 A. Mmm.

27 Q. -- there was a tendency among combatants to commit crime
28 against civilians?

29 A. Yes, of course.

1 Q. And this was from 1996 to 2000; is that correct?

2 A. Um-hmm.

3 Q. What's the answer?

4 A. All, all throughout.

5 Q. Now, you said that when a Joint Security Board of
6 Investigations --

7 A. Um-hmm.

8 Q. -- did investigations, they would forward the report to
9 Gbao so that he can establish whether a Joint Security Board
10 panel has done its work well?

11 A. Yes.

12 Q. Now, if, if Gbao decided that the work was not well done,
13 what could he do?

14 A. Well, in most cases he never came across such situation
15 because that's why we were having the district IDU, so when these
16 investigations were done, the report has to be viewed and well
17 checked by the district IDU commander before it is passed on to
18 Gbao, so he never came across such thing, to my knowledge.

19 Q. So, in checking whether they had done their work properly,
20 Augustine Gbao was entitled to criticise their work; do you
21 accept that?

22 A. Mmm?

23 Q. I would suggest to you that in order for him to check and
24 find out whether they had done their work properly --

25 A. Um-hmm.

26 Q. -- Augustine Gbao was entitled to criticise what they had
27 done; do you accept that?

28 A. Well, that's what I'm saying. All that was done to my
29 knowledge, because all investigations that were going on has to

1 pass through the district IDU commander, and they have to check
2 it and, in fact, that's why we were trained on this reporting
3 system and investigation. So I think in most investigations that
4 were done, to my knowledge, were all correct because since they
5 were sent to high in command and they accepted them.

6 Q. But I would suggest to you --

7 A. So there was nothing like that, to my knowledge, so I would
8 not really say anything on that like that because, if ever such
9 happened then I will know what will be the repercussion, but I
10 never experienced that.

11 Q. But I would suggest to you that he had the power to
12 challenge what they had done; what do you say about that?

13 A. But it never happened, and he never challenged any, so I
14 don't know.

15 Q. And he could even change --

16 A. He couldn't change anything. Nothing. He never ever did
17 any changes of -- on any of the documents that was prepared and
18 forwarded to him.

19 Q. Now, did you hear about anything called people's court?

20 A. Yes.

21 Q. Was it the same as the Joint Security Board panel of
22 investigations?

23 A. No. There were, that one, it was not the same as the joint
24 security, because that one involved some civilians, yeah. And I
25 want to believe it's just a seven-man committee settle --
26 investigate major crimes, so it was not the same as the joint
27 security.

28 Q. Now, when you say that Augustine Gbao was insignificant in
29 the RUF hierarchy?

1 A. Um-hmm.

2 Q. Is it because you are comparing him with the leader,
3 battlefield commander, and battle group commander?

4 A. Well, what I was trying to say was that, in the RUF command
5 structure, we had the leaders who were there. We had a lot of
6 seniors who were backing up that.

7 Q. But you had one leader; not so?

8 A. Yes, one leader.

9 Q. And you had one battlefield commander; not so?

10 A. Yes. Yes.

11 Q. And you had one battle group commander?

12 A. Yeah.

13 Q. And you had one overall security commander; not so?

14 A. Yeah.

15 Q. But, as for the others, there would have been more than one
16 area commander, for example; is that correct?

17 A. The -- the other people?

18 Q. Area commanders were more than one?

19 A. Yeah. Yeah. The area commander, yeah, we have -- the zone
20 was divided into areas, battalion company, so we had area
21 commanders.

22 Q. And overall unit commanders were also more than one?

23 A. Yes, we have MP overall; we had IDU; IO overall and so on.

24 Q. But you know that Augustine Gbao was also a Vanguard?

25 A. Yes, I knew -- I know he was a Vanguard.

26 Q. And you knew that Vanguards had been trained to come and
27 fight the war for the RUF; not so?

28 A. Yeah, the Vanguards came. These were the senior people.

29 But in between them we had -- we had other people playing the

1 different different -- they were not all on the front line as
2 combatants, because like Gbao, I think he was trained on that
3 line. He was trained at a security and he was --

4 PRESIDING JUDGE: Madam, can you please limit yourself to
5 the question. Learned counsel, can you put the question to the
6 witness again, please. Madam, limit yourself to the question,
7 please.

8 MR WAGONA:

9 Q. Witness, the question was: You know that Augustine Gbao
10 was -- well the question was --

11 PRESIDING JUDGE: She has answered that Augustine Gbao was
12 a Vanguard. She knew that.

13 MR WAGONA:

14 Q. You knew that Vanguards were the people who were trained in
15 Liberia to come and fight the war for the RUF. You know that?

16 A. I know Gbao as a security --

17 Q. I'm asking you about --

18 A. -- and not a fighter. I know Gbao.

19 PRESIDING JUDGE: Madam, please.

20 THE WITNESS: Yeah.

21 PRESIDING JUDGE: Listen to the question again. Put it to
22 her again, please.

23 MR WAGONA:

24 Q. Madam Witness, the question is this: You know that
25 Vanguards were the people who were trained in Liberia by
26 Foday Sankoh to come and fight the war in Sierra Leone?

27 PRESIDING JUDGE: That is the question, madam.

28 THE WITNESS: Yes.

29 MR WAGONA:

1 Q. And the Vanguard's were very important people in the RUF;
2 not so? Is that correct?

3 A. Yes.

4 Q. And they were highly respected by the RUF combatants; do
5 you accept that?

6 A. In that vein you -- the respect was given due to your
7 performance. Since we are in war, the combatants, commanders
8 were mostly respected.

9 Q. But Superman was not a Vanguard; do you accept that?

10 A. Superman?

11 Q. Was not a Vanguard?

12 A. I don't know.

13 Q. Now?

14 PRESIDING JUDGE: Mr Wagona, I'm afraid we have to call it
15 a day here. It's past 6 and you will pursue the rest of your
16 questions tomorrow.

17 MR WAGONA: Thank you, My Lords.

18 PRESIDING JUDGE: Yes, Mr Cammegh.

19 MR CAMMEGH: Can I as a matter of courtesy inform the Court
20 that tomorrow the Gbao Defence team are going to be in
21 difficulties with witnesses. There are two or three reasons for
22 that which unfortunately have combined on the same day. I don't
23 for a moment want to enter into any discussion of a motion that I
24 think should have been filed by now. But if Your Honours care to
25 look at the relief which is sought at the end of that motion
26 before you come into Court tomorrow, it will make my job a little
27 bit easier to explain one of the reasons why I will be compelled
28 to ask for an adjournment tomorrow morning.

29 PRESIDING JUDGE: Fair enough.

1 MR CAMMEGH: For the whole day, yes. Can I add this to
2 assuage any fears. The Gbao case will not take a great deal
3 longer. The date of 24 June is in no way jeopardised.

4 PRESIDING JUDGE: Thank you. When we resume tomorrow, we
5 would look at the issues, you know, which you're raising about
6 your inability to provide -- Mr Cammegh, I'm talking to you.

7 MR CAMMEGH: Sorry, Your Honour, yes. Would Your Honour --
8 I'm terribly sorry, I missed that.

9 PRESIDING JUDGE: No, that's okay. What I'm saying is you
10 will -- when we resume tomorrow, you know, maybe we would have
11 gone -- would have gone through the motion which you filed and
12 we'll be able to explore the reasons, you know, why you would be
13 in difficulties with witnesses tomorrow.

14 MR CAMMEGH: Well the motion might, might give -- shed some
15 light on one of the reasons but I'm afraid I have -- well, there
16 are witness difficulties as well which I must say have been out
17 of our control. But I will give you chapter and verse on that
18 tomorrow morning as Your Honours wish.

19 PRESIDING JUDGE: Right. Madam Witness, you'll still have
20 to come here tomorrow so that we can conclude your testimony.
21 Hopefully tomorrow.

22 THE WITNESS: Okay.

23 PRESIDING JUDGE: Right.

24 THE WITNESS: Yeah. Thank you.

25 PRESIDING JUDGE: The Chamber will rise, please.

26 [Whereupon the hearing adjourned at 6.07 p.m.
27 to be reconvened on Tuesday, the 10th day of
28 June 2008 at 9.30 a.m.]

29

EXHIBITS:

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