

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

TUESDAY, 20 JUNE 2006  
9.45 A.M.  
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Benjamin Mutanga Itoe Pierre Boutet
For Chambers:	Ms Candice Welsch Ms Divya Prasad
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Ms Wendy Van Tongeren Ms Shyamala Alagendra Ms Amira Hudroge (intern)
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Mr Jared Kneitel
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr Andreas O'Shea

1 [rUF20JUN06A - EKD]  
2 Tuesday, 20 June 2006  
3 [Open session]  
4 [The accused present]  
09:33:51 5 [Upon commencing at 9.45 a.m.]  
6 PRESIDING JUDGE: Good morning, learned counsel. This is  
7 the eighth trial session of the RUF case. May I have  
8 representations, please. For the Prosecution?  
9 MS VAN TONGEREN: Yes, Your Honour. My name is Wendy Van  
09:41:10 10 Tongeren.  
11 MS ALAGENDRA: Your Honours, Shyamala Alagendra.  
12 PRESIDING JUDGE: Thank you. For the first accused?  
13 MR JORDASH: Myself Wayne Jordash and Jared Kneitel.  
14 PRESIDING JUDGE: Thank you. For the second accused?  
09:41:22 15 MR TOURAY: Sheku Touray and Melrose Nicol-Wilson for the  
16 second accused..  
17 PRESIDING JUDGE: For the third accused?  
18 MR O'SHEA: Your Honour, I am Andreas O'Shea,  
19 court-appointed counsel for Augustine Gbao.  
09:41:37 20 PRESIDING JUDGE: Thank you.  
21 JUDGE ITOE: You have already taken cognizance of your  
22 status.  
23 MR O'SHEA: My client may insist upon it.  
24 PRESIDING JUDGE: Learned counsel, yesterday at the status  
09:41:48 25 conference, in response to an inquiry from the Bench, the  
26 Prosecution disclosed that it will endeavour to close its case  
27 that end of this eighth trial session. Whether that is to be  
28 interpreted as a statement of intention or a commitment, I call  
29 upon both sides to deploy their utmost professional endeavours



1 towards the achievement of this objective since it is our  
2 collective mandate to ensure a fair and expeditious trial of the  
3 accused persons.

4 On that note, I reckon that the Prosecution is ready to  
09:42:28 5 proceed. If I am right, would they please call their next  
6 witness. Intervention?

7 MR JORDASH: I beg your pardon. I wanted to simply put on  
8 record that when Mr Sesay came in this morning he was sweating  
9 quite heavily, and complaining of pain which relates to this  
09:42:49 10 unremoved bullet. I wanted that on the record at this stage.

11 PRESIDING JUDGE: Well, it is on record, you having said  
12 it.

13 MR JORDASH: Thank you.

14 PRESIDING JUDGE: Of course, this is without prejudice to  
09:43:01 15 what I said at the status conference yesterday about the need for  
16 the Registrar to intensify his efforts in the direction of  
17 providing any necessary medical attention.

18 MR JORDASH: Thank you.

19 PRESIDING JUDGE: Prosecution, will you call your next  
09:43:21 20 witness.

21 MS ALAGENDRA: Yes, Your Honour. The next witness is  
22 TF1-042.

23 PRESIDING JUDGE: In what language will this witness be  
24 testifying?

09:43:29 25 MS ALAGENDRA: He'll testify in English, Your Honour.

26 PRESIDING JUDGE: Correct me. We are advised that this  
27 witness will not be swearing on the Bible.

28 MS ALAGENDRA: That's right, Your Honour.

29 PRESIDING JUDGE: He will not be swearing on the Koran.



1 MS ALAGENDRA: No, Your Honour.  
2 PRESIDING JUDGE: Nor on the Torah.  
3 MS ALAGENDRA: No, Your Honour. The witness is --  
4 PRESIDING JUDGE: In that regard then, he will rather make  
09:43:52 5 a solemn declaration.  
6 MS ALAGENDRA: That's right, Your Honour.  
7 PRESIDING JUDGE: We can proceed with that.  
8 WITNESS: GANESE JAGANATHAN [Affirmed]  
9 PRESIDING JUDGE: In terms of the count, this is witness  
09:44:31 10 number?  
11 MS ALAGENDRA: This is the 74th witness for the trial, but  
12 the 73rd Prosecution witness.  
13 PRESIDING JUDGE: Correct, thank you. You may proceed.  
14 MS ALAGENDRA: Thank you, Your Honour.  
09:44:57 15 EXAMINED BY MS ALAGENDRA:  
16 Q. Good morning, witness.  
17 A. Good morning.  
18 Q. Witness, could you please state your full name for the  
19 Court?  
09:45:04 20 A. I am Major Ganese Jaganathan.  
21 Q. Witness, I am going to ask you to spell that for the Court,  
22 please?  
23 A. Ganese is spelt as G-A-N-A-S-E. Jaganathan,  
24 J-A-G-A-N-A-T-H-A-N.  
09:45:31 25 JUDGE ITOE: Is it T-H or D-H?  
26 THE WITNESS: T, tango.  
27 JUDGE ITOE: D, Daniel.  
28 JUDGE BOUTET: Tango - T.  
29 THE WITNESS: Yes, Your Honour.



1 MR O'SHEA: May I just ask, is the first name spelt the  
2 family name?  
3 PRESIDING JUDGE: Yes. I wanted to inquire, which is the  
4 family name.  
09:45:53 5 MS ALAGENDRA: I will ask the witness, Your Honour.  
6 Q. Witness, could you please clarify which is your family  
7 name?  
8 A. My family name is Jaganathan, Your Honour. My first name  
9 is Ganese.  
09:46:05 10 PRESIDING JUDGE: So we reverse it. Thanks.  
11 MS ALAGENDRA:  
12 Q. Witness, what is your date of birth?  
13 A. I was born on 3rd October 1958, Your Honour.  
14 Q. And where were you born, witness?  
09:46:26 15 A. I was born in Kuala Lumpur, Malaysia.  
16 Q. Witness, where do you currently reside?  
17 A. I currently reside in Kuala Lumpur Malaysia, Your Honour.  
18 Q. What is your current occupation, please?  
19 A. I'm a serving member of the Malaysian armed forces,  
09:47:02 20 Your Honour.  
21 Q. How long have you been serving in the Malaysian armed  
22 forces?  
23 A. This is my 27th year of service, Your Honour.  
24 Q. Witness, what is your current rank in the Malaysian armed  
09:47:30 25 forces?  
26 A. My current rank is major, Your Honour.  
27 Q. Have you ever served in a United Nations peacekeeping  
28 mission?  
29 A. Yes, Your Honour.





1 Q. How many such missions have you served in?  
2 A. Only one, Your Honour.  
3 Q. In which missions, Witness, have you served?  
4 A. I have served with the United Nations mission in  
09:48:13 5 Sierra Leone.  
6 Q. In what capacity did you serve the United Nations mission  
7 in Sierra Leone?  
8 A. I served as United Nations military observer, Your Honour.  
9 Q. Witness, when were you assigned to serve with the United  
09:48:47 10 Nations mission in Sierra Leone?  
11 A. I served from 26th July 1999 to 26th July 2000,  
12 Your Honour.  
13 Q. Witness, during this time, 26th July 1999 to 2000, July,  
14 where were you based in Sierra Leone?  
09:49:15 15 A. I was based in Kenema and also in Makeni, Your Honour.  
16 Q. Witness, how long were you based in Kenema?  
17 A. For about six months, Your Honour.  
18 Q. How long did you serve in Makeni, Witness?  
19 A. From February 22nd, 2000 to 1st May, 2000, Your Honour.  
09:50:02 20 JUDGE ITOE: From February 22nd?  
21 THE WITNESS: 2000, Your Honour.  
22 JUDGE ITOE: To?  
23 THE WITNESS: 1st May, 2000, Your Honour.  
24 JUDGE ITOE: Thank you.  
09:50:16 25 JUDGE BOUTET: This is Makeni?  
26 THE WITNESS: Makeni, Your Honour.  
27 JUDGE BOUTET: Thank you.  
28 MS ALAGENDRA:  
29 Q. What were your responsibilities as a military observer for



1 the United Nations based in Makeni?

2 A. My core functions as a military observer was to carry out  
3 disarmament and demobilisation. Besides that, we were also  
4 carrying out liaison duties, patrolling and escorting NGOs,  
09:50:46 5 Your Honour.

6 Q. Witness, could you clarify for which groups you were  
7 involved in the disarmament and demobilisation of?

8 A. I was involved with the disarmament and demobilisation of  
9 the CDF, the AFRC and also the RUF and SLA, Your Honour.

09:51:42 10 Q. Witness, could you explain briefly the procedure of  
11 disarmament and demobilisation of these groups?

12 A. Yes, Your Honour. When we talk about disarmament,  
13 basically a disarmament camp, or sometimes also known as the  
14 reception centre, is set up. During disarmament, combatants from  
09:52:14 15 all warring factions come up on voluntary basis and hand over  
16 their weapons to the peacekeepers and military observers on duty  
17 at the disarmament camp. Reception of the weapons is carried out  
18 by the peacekeepers, where the weapon is collected and  
19 subsequently the ammunition is also taken by them. Upon making  
09:52:47 20 safe the weapon, they are then brought to the military observers  
21 on duty, where we basically will fill up a standard NCDDR form or  
22 National Committee on Disarmament Demobilisation and  
23 Reintegration form, and once that form --

24 PRESIDING JUDGE: Repeat that?

09:53:08 25 JUDGE BOUTET: What is the name of that form again, please?

26 PRESIDING JUDGE: And do it slowly, please.

27 THE WITNESS: NCDDR, National Committee on Disarmament,  
28 Demobilisation and Reintegration. When the combatant is brought  
29 to the military observers on duty at the disarmament camp, we



1 fill up the standard form in three copies. The yellow copy of  
2 the disarmament form is handed to the now ex-combatant as proof  
3 that he has carried out the disarmament. Once that is completed,  
4 they are then taken to the demobilisation camp. Now, these  
09:54:08 5 ex-combatants now are put on UN trucks and led by military  
6 observers with the protection of the peacekeepers to the  
7 demobilisation camp. On arrival at the demobilisation camp, the  
8 military observers at the demobilisation camp will receive them.  
9 The military observers will collect the yellow copy of the  
09:54:43 10 disarmament form and subsequently they are -- they are brought to  
11 the demobilisation camp to fill up another form, which is called  
12 a demobilisation form. Once we have already filled up all the  
13 documentation part of it, we then hand over these ex-combatants  
14 to the NCDDR officials who are at the camp, and they will then  
09:55:17 15 take on - and a medical screening and further documentation is  
16 done, after which they take on the job. So we have completed our  
17 job as military observers at the demobilisation camp.

18 JUDGE BOUTET: Who are what you referred to as NCDDR  
19 officials?

09:55:38 20 THE WITNESS: NCDDR officials are government officials  
21 appointed by the government of Sierra Leone, Your Honour.

22 MR O'SHEA: Your Honour, there is something I missed. The  
23 witness mentioned medical screening and?

24 PRESIDING JUDGE: Yes. Will you repeat that part for us,  
09:56:00 25 the part dealing with medical screening.

26 THE WITNESS: Okay, Your Honour. At the demobilisation  
27 camp, as I said, after we, as military observers, have documented  
28 them using the demobilisation form, we then hand over these  
29 ex-combatants to the NCDDR people where they have medical



1 screening. Representatives will go through the ex-combatants,  
2 they have any injured, or whether any bullet marks, or whether  
3 they require any medical attention.

4 PRESIDING JUDGE: Thank you.

09:56:41 5 JUDGE BOUTET: This medical examination is conducted by the  
6 NCDDR officials?

7 THE WITNESS: Yes, Your Honour.

8 PRESIDING JUDGE: Continue, counsel.

9 MS ALAGENDRA: Thank you, Your Honour.

09:57:00 10 Q. Witness, what were the age groups of the combatants that  
11 were involved in this process of disarmament and demobilisation?

12 A. In fact, we were responsible for both child combatants and  
13 adult, and age group ranged from 10 right up to an adult.

14 Q. Witness, how did you come to know the ages of the  
09:57:35 15 combatants?

16 A. In fact, Your Honour, the forms that I mentioned earlier,  
17 disarmament form and demobilisation form, there is a column where  
18 we are requested to fill, and that is the age group, Your Honour.

19 MR O'SHEA: Unless I'm mistaken, this area of the age of  
09:57:57 20 those who were processed is not something which was discussed in  
21 this witness statement, unless I'm corrected by my learned  
22 friend.

23 PRESIDING JUDGE: Are you registering an objection,  
24 counsel?

09:58:10 25 MR O'SHEA: I'm registering an objection subject to an  
26 inquiry. It is my understanding that this is an area which has  
27 not been disclosed, the area of this witness giving testimony on  
28 the age groups of those who were demobilised.

29 PRESIDING JUDGE: Perhaps we should let counsel reply





1 quickly to the inquiry.

2 MS ALAGENDRA: Yes, Your Honour. The Prosecution did  
3 disclose a book entitled "21 Days", in which the witness has  
4 stated this matter. We, in fact, I think, directed counsel to  
09:58:46 5 particular pages by way of letter.

6 PRESIDING JUDGE: Can I have a response from counsel on  
7 that?

8 MR O'SHEA: As far as I am concerned, Your Honour, that's  
9 not notice that this witness is going to testify on that matter,  
09:58:57 10 unless the Prosecution specifically indicates that he is going to  
11 testify on the contents of his book.

12 PRESIDING JUDGE: Just a minute, let me hear Mr Jordash.  
13 What's your position?

14 MR JORDASH: May I just add my voice to that, and also note  
09:59:12 15 that the book, whilst it has been disclosed, we have not been  
16 told why it has been disclosed. Is it an exhibit, is it to be  
17 disclosed pursuant to 92bis? We don't know.

18 PRESIDING JUDGE: How did it come to you?

19 MR JORDASH: It was disclosed by the Prosecution.

09:59:30 20 PRESIDING JUDGE: As part of what?

21 MR JORDASH: As part of --

22 JUDGE BOUTET: Their disclosure obligation, I would  
23 imagine.

24 PRESIDING JUDGE: I want to know how did it come? Did it  
09:59:39 25 come in a package, incorporating what other material?

26 MR JORDASH: I think it came about two or three weeks ago.  
27 I think about three weeks ago, and was served with a note to the  
28 effect that this is the book the witness has written, without an  
29 indication as to whether the Prosecution intended it to be an



1 exhibit.

2 PRESIDING JUDGE: No nexus to any statement that had been  
3 disclosed to you?

4 MR JORDASH: To be completely fair, the Prosecution then -  
10:00:22 5 I think a week or so after that - indicated that during this  
6 witness's testimony, he would refer to certain portions of the  
7 book.

8 PRESIDING JUDGE: Right.

9 MR JORDASH: But that doesn't, in my submission, get over  
10:00:33 10 the issue as to --

11 PRESIDING JUDGE: No, let's deal with the factual aspect,  
12 first, before we get to the question of whether you have a  
13 factual basis upon which to ground an objection. In other words,  
14 you did receive a copy of the book?

10:00:48 15 MR JORDASH: Yes.

16 PRESIDING JUDGE: With an accompanying notification that it  
17 will be used as part of his testimony?

18 MR JORDASH: Yes.

19 PRESIDING JUDGE: That a matter of fact.

10:00:57 20 MR JORDASH: That is a matter of fact.

21 PRESIDING JUDGE: Do you confirm that?

22 MS ALAGENDRA: Yes, I do.

23 PRESIDING JUDGE: Was that precisely what happened?

24 MS ALAGENDRA: Yes.

10:01:07 25 PRESIDING JUDGE: Mr O'Shea, how does that response relate  
26 to your position? You are the one who sought an inquiry. You  
27 wanted the question answered.

28 MR O'SHEA: I do object because --

29 PRESIDING JUDGE: No, no, wait. Let's take things step by



1 step. Does that answer, that response, satisfy you in terms of  
2 what actually happened, that there was a disclosure?

3 MR O'SHEA: It satisfies that there was --

4 PRESIDING JUDGE: A disclosure to the Defence?

10:01:39 5 MR O'SHEA: A disclosure of --

6 PRESIDING JUDGE: Because that is the point. You say you  
7 were not sure whether this was disclosed. Now you have an answer  
8 from the Prosecution that it was in fact disclosed, and a nexus  
9 was established. So now let's move to stage two: What is your  
10:01:56 10 objection?

11 MR O'SHEA: My objection is this, Your Honour: The  
12 standard practice that we have in these proceedings, which is  
13 well understood by all parties, is that when a witness statement  
14 is disclosed, it is disclosed with the purpose of providing to  
10:02:14 15 the Defence notice of what the witness is going to say in the  
16 witness box. We all understand that. However, if the  
17 Prosecution disclose a book of which the witness is an author,  
18 unless the Prosecution specifically indicate that the contents of  
19 that book is going to form the contents of the witness 's  
10:02:43 20 testimony that, in my submission, is not notice to us that the  
21 witness is going to discuss the contents of his book.

22 PRESIDING JUDGE: That's precisely what she said; there was  
23 some notice to you that certain portions of that book will in  
24 fact form part of his testimony. How is that a breach of the  
10:03:05 25 Rules?

26 MR O'SHEA: Just a moment, Your Honour, with Your Honour's  
27 leave.

28 PRESIDING JUDGE: How does that constitute a breach of the  
29 Rules in terms of notice to the Defence? In other words, there



1 is no intention to tender the entire document, because I don't  
2 understand that to be the Prosecution's position, but there was a  
3 reference. Unless one is getting the facts completely distorted  
4 here, wasn't there a disclosure in fact as part of the statement?

10:03:52 5 MR O'SHEA: There was a disclosure in fact that that  
6 disclosure was --

7 PRESIDING JUDGE: But there was no disclosure in law.

8 MR O'SHEA: That that disclosure was -- no, I accept that  
9 there was disclosure in law.

10:04:04 10 PRESIDING JUDGE: Well, then, how is Rule 66 breached? I  
11 am minded to overrule this objection because, quite frankly, I  
12 think it would be slightly disingenuous to contend very  
13 forcefully that there was no disclosure in fact and in law.  
14 Because I think the remedy here would be some vigorous

10:04:23 15 cross-examination based on your instructions, but I quite frankly  
16 think that it is a stretch, a legal stretch to suggest that there  
17 has not been disclosure in fact and in law, here.

18 MR O'SHEA: Well, if Your Honour takes that forcefully,  
19 then I will retract but my basic position is that there is  
10:04:51 20 distinction between disclosure and notice, and disclosure is the  
21 mechanism by which notice is given.

22 PRESIDING JUDGE: Counsel, I clearly would not want to  
23 pursue that this morning. This would be one of the cases where I  
24 would say clearly that this objection is clearly without merit  
10:05:07 25 and I overrule it. Let's proceed.

26 MS ALAGENDRA: Very well, Your Honour.

27 Q. Witness, how did you know the ages of the combatants that  
28 came to disarm and demobilise?

29 A. In fact, during the disarmament exercise, as I mentioned





1 earlier, we go through the questionnaires in the form that we had  
2 to fill. So when we inquire, when we come to the age group, the  
3 combatants themselves inform us of their age.

4 Q. Witness, could you explain briefly the process by which the  
10:06:02 5 child combatants were disarmed and demobilised?

6 JUDGE ITOE: Mr Witness, even witnesses, even ex-combatants  
7 of 10 years old, who were 10 years old, were able to relate their  
8 ages to you?

9 THE WITNESS: Yes, Your Honour.

10:06:20 10 JUDGE ITOE: As young as that?

11 THE WITNESS: Yes, Your Honour. We asked them, they were  
12 children, so I was involved in one of the exercises with the  
13 children while I served in Makeni. So when we asked them their  
14 age group, they did tell us that they were around that age. So  
10:06:35 15 as and when they inform us, we just fill it up.

16 JUDGE BOUTET: You are talking of groups; was this done in  
17 a group session type of meeting with them or it was one-on-one?

18 THE WITNESS: Your Honour, in fact in Makeni, the RUF at  
19 that time released some child combatants, so they were actually  
10:07:04 20 put in a school and we, as military observers, went over to do  
21 the disarmament process. So they were all in a group, but they  
22 are brought to us one after another, Your Honour.

23 JUDGE BOUTET: Thank you.

24 MS ALAGENDRA:

10:07:27 25 Q. Witness, could you explain what happened after the child  
26 combatants disarmed; where did they go?

27 A. In fact, after we had carried out the disarmament process,  
28 but in this exercise none of the child combatants had any  
29 weapons, but we still had to fill up disarmament form. And



1 subsequently, they were taken over by Caritas to Freetown,  
2 Your Honour.  
3 Q. Witness, how many military observers were stationed at the  
4 Makeni disarmament camp?  
10:08:21 5 A. We had about 23 UNMOs, Your Honour.  
6 Q. Could you name some of the military observers that were  
7 stationed together with you?  
8 A. Yes, Your Honour.  
9 Q. Please proceed, Witness.  
10:08:50 10 A. My team leader was Lieutenant-Colonel JJB Poraj Wilczynski.  
11 Q. Witness, I'm going to ask you to spell these names for the  
12 Court, please.  
13 A. Yes.  
14 Q. First name, please?  
10:09:06 15 A. Initial, J-J-B. Poraj, spelt as P-O-R-A-J.  
16 W-I-L-C-Z-Y-N-S-K-I, from UK. Next one Lieutenant-Colonel JB  
17 Mendy.  
18 Q. Could you spell that please, Witness?  
19 A. Mendy, spelt as M-E-N-D-Y, from Gambia. Next one,  
10:10:00 20 Commander Knup - I spell as K-N-U-P; Gjellesdad,  
21 G-J-E-L-L-E-S-D-A-D - from Norway.  
22 JUDGE ITOE: Spell that name again, please.  
23 THE WITNESS: Knup or Gjellesdad?  
24 JUDGE ITOE: Gjellesdad, yes.  
10:10:32 25 THE WITNESS: G-J-E-L-L-E-S-D-A-D. Major Phil Ashby.  
26 Phil, I spell P-H-I-L; A-S-H-B-Y, Ashby.  
27 PRESIDING JUDGE: And he's from?  
28 THE WITNESS: He's from UK, Your Honour. I remember one  
29 other officer, Captain Julius, J-U-L-I-U-S, from Indonesia. Next



1 one, Major Gokul, Gokul spelt as G-O-K-U-L, from Nepal. And  
2 Major Salahuedin, I spell Salahuedin, S-A-L-A-H-U-E-D-I-N, from  
3 Bangladesh. And many others, I can't recall the names,  
4 Your Honour.

10:12:19 5 MS ALAGENDRA:

6 Q. Thank you, Witness. Witness, did anything happen at the  
7 disarmament camp in Makeni in April of 2000?

8 A. Yes, Your Honour. In fact, we officially carried out the  
9 DDR in Makeni on 17th April 2000, and on the very first day we  
10:12:50 10 set up the tentages at the disarmament camp.

11 JUDGE ITOE: 17th of?

12 THE WITNESS: April 2000, Your Honour. On the very first  
13 day of the disarmament exercise in Makeni, a group of rebels,  
14 armed rebels, 25 to 30 of them, came in a truck led by  
10:13:26 15 Colonel Augustine Gbao in his own vehicle.

16 Q. Witness, who is Colonel Augustine Gbao?

17 A. During my time, Colonel Augustine Gbao was the RUF overall  
18 security commander in Makeni, Your Honour.

19 Q. Witness, what happened when Colonel Augustine Gbao arrived  
10:14:18 20 with 25 to 30 armed rebels? Please continue, what happened then?

21 A. I was at the reception centre then, on that particular day,  
22 and the armed combatants in the truck jumped out and formed up an  
23 extended line facing the disarmament camp. And Colonel Gbao,  
24 with a few armed combatants, stormed into the disarmament camp  
10:14:47 25 and threatened us to dismantle all the tentages, otherwise he'll  
26 burn them with us in it.

27 Q. Witness, was this the first time --

28 MR O'SHEA: I'm sorry, Your Honours, I have another  
29 inquiry.



1           PRESIDING JUDGE: Proceed, counsel.

2           MR O'SHEA: This evidence in relation to Colonel Gbao on  
3 17th April is unfamiliar to me. My perusal of the statements  
4 deals with contact between this witness and Mr Gbao on 1st May  
10:15:51 5 2000. But this instance on 17th April is unfamiliar to me.  
6 Again, may I make an inquiry, am I wrong? There is a lot of  
7 material here. But, as far as I remember, there is nothing about  
8 this in the statements.

9           PRESIDING JUDGE: Quite rightly, you can make an inquiry  
10:16:09 10 and, of course, without prejudice to your ability to formulate an  
11 objection, depending on what the answer is. Learned counsel from  
12 the Prosecution, what is your response? He says it is unfamiliar  
13 to him. I am sure he uses the word unfamiliar advisedly.

14           MS ALAGENDRA: I can assist counsel, Your Honour. I am  
10:16:30 15 referring to additional information provided by witness TF1-042,  
16 which is, I think, court record page 20492 and, more  
17 specifically, I am referring to paragraph 2, Your Honour.

18           MR O'SHEA: My learned friend is correct. I missed that.

19           PRESIDING JUDGE: Right, thank you. Let's proceed.

10:17:10 20           MS ALAGENDRA:

21           Q.    Witness, was this the first time that you're meeting  
22 Colonel Augustine Gbao?

23           A.    In person, yes, Your Honour.

24           Q.    Witness, when did you come to know that the person referred  
10:17:38 25 to was Augustine Gbao?

26           A.    In fact, the very first day I reported to my Makeni team  
27 site, I was taken on an orientation of the town by one of my  
28 military observers, and as we passed the town, Colonel Gbao was  
29 standing with a few of his colleagues. That military observer,





1 teammate of mine, pointed me out that he was

2 Colonel Augustine Gbao.

3 Q. Witness, were any RUF disarmed in April of 2000?

4 A. Yes, Your Honour.

10:18:35 5 Q. Could you explain to the Court when and how many, please?

6 A. On 27th April 2000, we had disarmed two RUF combatants and,

7 subsequently, the following day, 28th April 2000, we disarmed

8 another eight of them, Your Honour.

9 Q. Witness, how did these 10 RUF men come to be disarmed?

10:19:33 10 A. The first two that we disarmed on 27th April 2000 actually

11 brought their weapons wrapped in a blanket to the disarmament

12 camp. On the 28th, the following day, another eight also

13 reported to the disarmament camp for disarmament, Your Honour.

14 Q. Witness, were you present on the two occasions when the ten

10:20:13 15 RUF men were disarmed?

16 A. No, Your Honour.

17 JUDGE ITOE: Were you present on any? If not on the two,

18 were you present on any; either on the 27th or the 28th?

19 THE WITNESS: I was not present at the reception centre or

10:20:31 20 disarmament camp.

21 JUDGE ITOE: When these 10 men were disarmed?

22 THE WITNESS: No, I was not present.

23 JUDGE ITOE: Right, thank you.

24 MS ALAGENDRA:

10:20:44 25 Q. Witness, how did you know, then, the details of how these

26 10 men came to be disarmed?

27 A. Your Honour, in fact, I was appointed the acting team

28 leader on 20th April 2000, and when my team leader Colonel

29 Wilczynski went back for vacation to UK, so I was looking up the



1 team side as acting team leader, so I was, at all times, at the  
2 operation centre, and as and when the rebels are disarmed, my  
3 military observers will report to me. That is how I get  
4 information, and we keep a copy of the records, Your Honour.

10:21:35 5 Q. Witness, these ten RUF men that disarmed, were they then  
6 sent for demobilisation?

7 A. No, Your Honour.

8 Q. Do you know why?

9 A. Yes, Your Honour. In fact, the complete process is, after  
10:21:48 10 disarmament, you are supposed to go for demobilisation. So when  
11 we explained to these ex-combatants now, the ten of them, they  
12 refused to go for demobilisation because they say they will come  
13 later when their local commanders advised them to go. So that  
14 was their option. So we just stopped short of disarmament only,  
10:22:09 15 Your Honour.

16 Q. Witness, did you subsequently see any of the ten RUF men  
17 that had been disarmed?

18 A. Yes, Your Honour. In fact, on 30th April, six of the ten  
19 we had disarmed reported to the Makeni MILOB team site, and they  
10:23:01 20 demanded for their money. So, in this case, I would explain to  
21 the Court, Your Honour, that every weapon that is disarmed and if  
22 an ex-combatant goes through the demobilisation process, US \$300  
23 paid in local currency is due to them. So though we had already  
24 explained to this to them earlier at the disarmament company --

10:23:29 25 JUDGE ITOE: How much money is involved, please?

26 THE WITNESS: US \$300. Though we had already explained to  
27 them that they would only qualify for it if they go through the  
28 complete process, they said they will not want to go through the  
29 whole process until their local commanders advised them. But



1 suddenly six of the ten came up to the team site on 30th April  
2 and demanded for their money, and they were very aggressive. I  
3 met them at the entrance to my team site, and I spoke to them and  
4 explained the whole procedures, to which these disarmed rebels  
10:24:08 5 said that they were not explained. So, I said if you still  
6 insist on your money, you must complete the process of  
7 demobilisation, then you will be entitled for your payments, to  
8 which they agreed to come the following day, Your Honour.

9 MS ALAGENDRA:

10:24:38 10 Q. Did you have any other encounters with the RUF again after  
11 30th April 2000?

12 A. Yes, Your Honour. It was on the following day, on 1st May,  
13 as I mentioned, these ten ex-combatants now reported to the  
14 disarmament camp and, subsequently, my military observers on duty  
10:25:00 15 there put them on the lay-out procedures, which means to say they  
16 were put on the UN truck with the peacekeepers escorting them and  
17 led by a team of military observers to the demobilisation camp.  
18 When they had completed the demobilisation process, my observers  
19 had returned to the team site. Later, when I received a call  
10:25:33 20 saying that a group of armed RUF combatants, about 30 to 40 of  
21 them, here again led by Colonel Augustine Gbao, were proceeding  
22 towards the demobilisation camp, and this information was  
23 reported to me by Major Phil Ashby, who was still manning the  
24 disarmament camp. As I was still at the operations room of my  
10:26:07 25 team site, my team leader, Colonel Wilczynski, was already in  
26 Freetown and he called me over the radio set to brief him briefly  
27 of what had happened during his ten days of absence. In point  
28 form, I told him the activities that we carried out, and  
29 eventually I told him about this latest information that I had



1 received, to which he wanted to know exactly what was happening  
2 at the demobilisation camp at that time. I reported back to him,  
3 saying that my first transmission to the peacekeepers went  
4 through, but, unfortunately, my subsequent calls were not being  
10:27:01 5 responded. But he still wanted to know so that he could properly  
6 brief the chief military observer in Freetown. So since he  
7 wanted to know the actual information, I suggested that I  
8 personally go on the ground and come back to him within an hour.

9 Q. Witness, did you proceed to the demobilisation camp after  
10:27:34 10 this?

11 A. Yes, Your Honour. I proceeded with another military  
12 observer, Major Salahuedin, to the demobilisation camp, and that  
13 is when I had my contact with the RUF combatants there.

14 Q. Witness, what did you see when you arrived at the  
10:28:01 15 demobilisation camp?

16 A. Your Honour, when I arrived at the demobilisation camp, I  
17 noticed that camp was surrounded by RUF combatants, armed RUF  
18 combatants, and Colonel Gbao was standing along the main road  
19 facing the demobilisation camp. He was shirtless, holding a  
10:28:24 20 liquor -- almost empty liquor bottle in his left hand, and with  
21 bloodshot eyes and I pushed him --

22 JUDGE ITOE: And with what?

23 THE WITNESS: He was a holding a --

24 JUDGE ITOE: Liquor, yes.

10:28:42 25 THE WITNESS: And almost bloodshot eyes, red eyes.

26 PRESIDING JUDGE: There were three things you noticed about  
27 him. He was shirtless?

28 THE WITNESS: Yes, Your Honour.

29 PRESIDING JUDGE: Holding a liquor bottle?





1 THE WITNESS: Yes, Your Honour.

2 PRESIDING JUDGE: And then he had bloodshot eyes?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Thanks.

10:29:21 5 MS ALAGENDRA:

6 Q. Witness, about how many rebels had surrounded the  
7 demobilisation camp?

8 A. I would say about 30 to 40 armed RUF rebels, Your Honour.

9 Q. Are you able to tell the Court what they were armed with?

10:29:36 10 A. Yes, Your Honour. They were with assorted arms. I noticed  
11 there were RPGs, there were AK47s, M3 rifles.

12 Q. Did you do anything witness, when you got there?

13 A. Yes, Your Honour. As my colleague was at the wheels, I  
14 told him to drop me where Colonel Gbao was standing, and I told  
10:30:05 15 him to drive into the demobilisation camp. I approached

16 Colonel Gbao and asked him what was the problem. Because it was  
17 a dangerous situation because the UN peacekeepers were armed and  
18 his men were also armed. I asked him, and when I inquired what  
19 his problems were, he then told me, "Give me back my five men and

10:30:37 20 their weapons, otherwise I will not move an inch from here,"

21 Your Honour.

22 Q. Witness, with where was Major Salahuedin at this time when  
23 you were talking to Augustine Gbao?

24 A. In fact, he was inside the demobilisation camp with the  
10:31:04 25 peacekeepers, Your Honour.

26 Q. What happened after you spoke to Augustine Gbao?

27 A. I tried negotiating with him, but all my efforts were  
28 futile. During that time, the second in command of the Kenema  
29 battalion, Major Bosco Odhiambo was passing towards the direction



1 of Makeni.

2 Q. Witness, I'm going to ask you to spell that name for the  
3 Court, please?

4 A. Bosco, B-O-S-C-O. Odhiambo, O-D-H-I-A-M-B-O, Your Honour.

10:31:52 5 JUDGE BOUTET: Can you run that again? Not Bosco, the  
6 other.

7 THE WITNESS: O-D-H-I-A-M-B-O, Your Honour.

8 JUDGE BOUTET: Thank you.

9 MS ALAGENDRA:

10:32:12 10 Q. Just proceed, witness. You were saying Major

11 Bosco Odhiambo was coming the direction towards Makeni.

12 A. Yes, Your Honour. So when he noticed me standing and  
13 talking to Colonel Gbao, he approached me and asked me what the  
14 problem was. So, again, I told him about Colonel Gbao's demands  
10:32:30 15 and then he tried to talk to him. His efforts were also futile,  
16 and eventually he told him that he will go back and call his  
17 commanding officer to come back and try and dissolve this  
18 problem, and he asked me to stand back until his commanding  
19 officer arrived Your Honour.

10:32:55 20 Q. What did you do after that, witness?

21 A. So when Major Bosco left, I knew that my efforts were going  
22 nowhere. I excused myself from Colonel Gbao and walked towards  
23 my colleague, who was waiting at the demobilisation camp,  
24 Your Honour.

10:33:24 25 JUDGE ITOE: You mean Major Salahuedin?

26 THE WITNESS: Yes, Your Honour.

27 MS ALAGENDRA:

28 Q. Witness, did anything happen when you entered the  
29 demobilisation camp and you were with your colleague, Major



1 Salahuedin?

2 A. Yes, Your Honour. I was probably talking to him for a few  
3 minutes and, suddenly, a Mercedes Benz, pink colour Mercedes  
4 Benz, sped from the direction of Makeni towards the

10:34:00 5 demobilisation camp and stopped abruptly at the entrance.

6 JUDGE ITOE: Mercedes Benz of what colour?

7 THE WITNESS: Pink colour, Your Honour.

8 MS ALAGENDRA:

9 Q. Witness, at this time, were you or Major Salahuedin armed?

10:34:30 10 A. No, Your Honour, as military observers we are unarmed,  
11 Your Honour.

12 Q. Witness, what happened after the pink Mercedes Benz arrived  
13 at the demobilisation camp?

14 A. All of a sudden, when the vehicle stopped, I saw the door  
10:34:48 15 swung open and a burst of automatic fire came out, rang out from  
16 that vehicle. Occupants alighted, and Brigadier Morris Kallon  
17 rushed towards the direction where I and Major Salahuedin were  
18 standing next to our vehicle, Your Honour.

19 Q. Who is Brigadier Morris Kallon?

10:35:23 20 A. At that time, Your Honour, he was the fifth brigade  
21 commander of RUF based in Magburaka.

22 Q. Witness, do you know who was firing from inside the pink  
23 Mercedes Benz?

24 A. I did not see, Your Honour, but it came out from one of the  
10:35:47 25 armed combatants who was seated at the rear of the car.

26 Q. How do you know that the person you were referring to was  
27 Brigadier Morris Kallon of the RUF?

28 A. At that particular moment, I did not know him because I had  
29 never seen him before. But later when other colleagues joined



1 me, one Major Maroa told me that it was him, Your Honour.

2 Q. Can you spell Major Maroa?

3 A. Maroa is spelt M-A-R-O-A.

4 Q. Who is Major Maroa, witness?

10:36:36 5 A. He was the OC, A Company, Kenyan Battalion 5, Your Honour.

6 Q. Witness, what happened after Brigadier Morris Kallon came  
7 to where you were?

8 A. He assaulted my colleague, Major Salahuedin, twice, and on  
9 one occasion he tried to stab him with a bayonet affixed to the  
10:37:11 10 rifle, Your Honour.

11 Q. Witness, when you say assaulted, what do you mean? What  
12 did he do, Witness?

13 A. He punched Major Salahuedin on the face, Your Honour.

14 Q. What happened after Morris Kallon tried to stab  
10:37:47 15 Major Salahuedin and assaulted him?

16 A. In fact, Your Honour, Brigadier Kallon was so aggressive  
17 that even the UN peacekeepers found it difficult to stop him from  
18 assaulting the military observer. Eventually the peacekeepers  
19 there took Major Salahuedin and hid him at the platoon base,  
10:38:15 20 about 50 to 100 metres away from that location, Your Honour.

21 Q. Did he say anything at this point, witness, Morris Kallon?

22 A. Yes, Your Honour. When he assaulted Major Salahuedin, he  
23 just shouted, "White man, I'll kill you."

24 Q. Witness, did Morris Kallon and his men do anything after  
10:39:00 25 Major Salahuedin went to hide?

26 A. Yes, Your Honour. In fact, he went looking for Major  
27 Salahuedin at the platoon base, and when he could not find him,  
28 he then turned around, looked in my direction, and with his  
29 fingers pointing in my direction he shouted, "You," and ordered





1 his men to arrest me, Your Honour.

2 Q. Witness, the men that came with Morris Kallon, could you  
3 tell the Court what they were armed with, please?

4 A. The ones who came in the pink Mercedes, I saw them carrying  
10:39:54 5 AK47, Your Honour.

6 Q. When Morris Kallon pointed at you and told his men to  
7 arrest you, were these orders executed?

8 A. Yes, Your Honour. That is when my ordeal started.

9 Q. What happened, witness?

10:40:23 10 A. A group of armed combatants who had already surrounded me,  
11 hit me with rifle butts and, subsequently, there were punches and  
12 kicks thrown at me. Eventually when it stopped, one of the  
13 rebels pulled out a pistol and put it on my head and said, "You  
14 are a dead man," Your Honour.

10:41:01 15 Q. What happened after that, witness?

16 A. I was then subsequently dragged out of the demobilisation  
17 camp and taken to the pink Mercedes Benz, which was now facing in  
18 the direction of Makeni, Your Honour.

19 Q. Please proceed, witness. What happened after that?

10:41:34 20 A. As I approached the pink Mercedes Benz, I saw Colonel Gbao  
21 now all of a sudden sobered up, and he was now holding an AK47.  
22 I tried telling him, to explain why I was here and what were my  
23 intentions, to which he just throws and stood statue-like.  
24 Subsequently, I was pushed into the rear seat of the pink  
10:42:07 25 Mercedes and two escorts, one armed with an RPG and another with  
26 an AK47, sat on both of my sides. Brigadier Kallon sat in the  
27 front passenger seat and told his men to move on, Your Honour.

28 JUDGE ITOE: Who told his men to move on?

29 THE WITNESS: Brigadier Kallon, Your Honour.



1 MS ALAGENDRA:

2 Q. Witness, when you were travelling in the car with Morris  
3 Kallon and the other rebels, did Morris Kallon say or do anything  
4 to you?

10:43:15 5 A. Yes, Your Honour.

6 MR TOURAY: Sorry, Your Honour. I will perhaps just  
7 implore my learned friend not to ask leading questions at this  
8 stage because she is almost inviting the witness to say what she  
9 wants him to say.

10:43:32 10 PRESIDING JUDGE: In other words, you suggest the questions  
11 are prompting in nature?

12 MR TOURAY: Yes, indeed.

13 JUDGE THOMPSON: What was the question again, let's hear  
14 that.

10:43:42 15 MS ALAGENDRA: The question was: whether, when they were  
16 in the vehicle, Morris Kallon said or did anything.

17 PRESIDING JUDGE: Right, did anything happen. Continue.  
18 Did anything happen? Proceed counsel.

19 MS ALAGENDRA:

10:43:52 20 Q. Witness, if I can just rephrase the question. When you  
21 were in the car with Morris Kallon, travelling, did anything  
22 happen?

23 A. Yes, Your Honour. In fact, he was now holding a dagger in  
24 his hand, and he turned around and told me, "I'm going to kill  
10:44:09 25 you today, bury your body in Sierra Leone, and you will not have  
26 time to say goodbye to your family," Your Honour.

27 Q. Witness, where were you taken to?

28 A. We drove for few kilometres and we stopped at a small  
29 village. Brigadier Kallon then ordered me to get down from the



1 car and stand under the tree, Your Honour.

2 Q. Witness, do you know the name of the village where you  
3 stopped?

4 A. Yes, Your Honour. I believe the name of the village is  
10:45:08 5 Makump. Spelled M-A-K-U-M-P, Your Honour.

6 PRESIDING JUDGE: You said he told you to get out of the  
7 car and do what.

8 THE WITNESS: Stand under a tree, Your Honour.

9 PRESIDING JUDGE: Thank you. Continue, counsel.

10:45:31 10 MS ALAGENDRA:

11 Q. Witness, what happened after that, after you were asked to  
12 stand under the tree?

13 A. General Kallon then threatened me, harassed me, and at the  
14 same time he was blaming UNAMSIL and me for everything that had  
10:45:48 15 happened, Your Honour.

16 Q. What happened after that?

17 A. While I was still with him, a truck passed by in the  
18 direction from Makeni towards Magburaka, a cargo truck. He told  
19 his men to stop the truck.

10:46:23 20 Q. When you say "he," who do you mean?

21 A. Brigadier Kallon, Your Honour. So when the rebels shouted  
22 to the truck driver to stop, the truck driver proceeded. And the  
23 next thing I heard Brigadier Kallon telling his men to open fire,  
24 Your Honour.

10:46:54 25 Q. What happened after that, witness?

26 A. His rebels opened fire and the truck eventually stopped.  
27 They all ran towards the truck, leaving one guard, armed guard,  
28 to look after me. They asked all the passengers on the truck to  
29 get down, and including the driver, they went into a bush nearby.



1 Subsequently, within a few minutes, they came out and the truck  
2 was allowed to move on, Your Honour.

3 Q. What happened after that, witness?

4 A. They came back to where I was and again he started  
10:47:41 5 harassing me. And at the same time a Land Rover, with UN  
6 peacekeepers, was approaching towards the direction where I was  
7 standing, that is, from demobilisation camp towards Makeni  
8 direction. And when he saw the Land Rover, he again ordered his  
9 men to open fire at the vehicle, Your Honour.

10:48:09 10 Q. Witness, when you say "he," who do you mean?

11 A. I am referring to General Kallon, Your Honour. And when  
12 the rebels opened fire, the driver of the Land Rover put on the  
13 left indicator light, showing that he's about to stop. And they  
14 stopped about 20 metres from where I was standing under the tree,  
10:48:39 15 Your Honour.

16 Q. Witness, what happened after the Land Rover stopped?

17 A. A few of the rebels who were with me then rushed towards  
18 the direction of the Land Rover and they went to the rear and  
19 tried to disarm the two UN peacekeepers of their weapons, who  
10:49:04 20 were seated at the back. And they were also trying to pull away  
21 the helmet and the flack jacket worn by them. But these  
22 peacekeepers did not give it away and, subsequently, they were  
23 all asked to get down from the vehicle and again with the rebels  
24 trying to disarm them, and they were brought to where I was  
10:49:25 25 standing, Your Honour.

26 Q. Witness, how many people were in the Land Rover that was  
27 stopped?

28 A. There were four occupants, Your Honour.

29 Q. Are you able to tell the Court who they were?





1 A. Yes. The OC A Company, Major Maroa, and then his driver  
2 and two other military personnels of the Kenyan battalion, Your  
3 Honour.

4 Q. Witness, what happened after that?

10:50:18 5 A. They joined me under the tree, and now there were already  
6 five of us being harassed by General Kallon. And all of a sudden  
7 he, General Kallon, asked me to sit in the Mercedes again,  
8 leaving behind the four peacekeepers with a few escorts to look  
9 after them. This time around, only one escort, armed escort, sat  
10:50:44 10 with me in the rear and General Kallon sat in the front and we  
11 proceeded towards the direction of Makeni, Your Honour.

12 Q. Witness, did anything happen on the way to Makeni?

13 A. Yes, Your Honour. We passed by two RUF checkpoints and  
14 General Kallon shouted out to his men, "Stop all UN vehicles."  
10:51:16 15 And at the same time he still threatened me that he was going to  
16 kill me and bury my body in Sierra Leone.

17 Q. Witness, where were you taken to?

18 A. From there I was taken straight to Teko Barracks,  
19 Your Honour, in Makeni.

10:51:42 20 Q. What was Teko Barracks, witness?

21 A. At that time Teko Barracks was the RUF camp in Makeni,  
22 Your Honour.

23 Q. Witness, what happened when you reached Teko Barracks?

24 A. As we entered the camp I met one Colonel Jimmy,  
10:52:24 25 Lieutenant-Colonel Jimmy, walking with another colleague of his  
26 inside the camp. I knew Lieutenant-Colonel Jimmy because he was  
27 the RUF cease-fire monitoring committee member of the Northern  
28 Province, Your Honour. And I told General Kallon that I know  
29 Colonel Jimmy, to which he kept quiet and, as we reached where



1 Colonel Jimmy was walking with his friend, he stopped and asked  
2 Colonel Jimmy to join us, Your Honour.

3 Q. Witness, did anything happen while you were at the  
4 communication centre at Teko Barracks?

10:53:27 5 A. Yes, Your Honour. At the communication centre all of them  
6 got down from the vehicle and General Kallon told me to remain  
7 seated. And I noticed that he walked to the communication centre  
8 and he picked up the receiver, and he spoke into the receiver and  
9 said, "The UN have seriously attacked our position and taken five  
10:54:01 10 of our men and their weapons, but I have one," probably referring  
11 to me, Your Honour. Then again he went on the air and he said,  
12 "All stations, red alert, red alert, red alert," Your Honour.

13 Q. Witness, did you see Major Maroa and the three other Kenyan  
14 peacekeepers again?

10:54:45 15 A. In fact, yes, Your Honour. Whilst I was still at the  
16 communication centre Major Maroa and the three soldiers came with  
17 the Land Rover, escorted by Colonel Augustine Gbao, and I noticed  
18 that Major Maroa was bleeding from his mouth and the other three  
19 soldiers were limping. And I also noticed Colonel Gbao opening  
10:55:12 20 the boot of his car and taking out three rifles, Your Honour.

21 Q. Witness, did you know why Major Maroa and the three  
22 peacekeepers who were -- Major Maroa was bleeding from the mouth  
23 and three peacekeepers were limping -- did you know what happened  
24 to them?

10:55:42 25 A. Yes, Your Honour. In fact, as they joined me later, I  
26 asked them what had actually happened and he explained to me that  
27 they were stopped by a truckload of armed RUF combatants while  
28 they were proceeding towards the demobilisation camp to reinforce  
29 their troops. They were stopped and eventually they were



1     disarmed and assaulted by this group of 60 to 70 armed RUF  
2     combatants, Your Honour.

3     Q.     Witness, what happened after Major Maroa and the three  
4     Kenyan peacekeepers were brought to Teko Barracks?

10:56:32 5     A.     We were subsequently taken to an adjacent building next to  
6     the communication centre, and we were held there temporarily,  
7     Your Honour.

8     Q.     What happened after that, witness?

9     A.     While we were seated there two of my colleagues,  
10:56:53 10     Lieutenant-Colonel JB Mendy and Commander I Knup Gjellesdad came  
11     looking for us. And they too were detained by the RUF and  
12     brought to where we were seated, Your Honour.

13     Q.     What happened after that, witness?

14     A.     We spent some time at that building and when it was dark we  
10:57:35 15     were moved to the RUF administrative centre, and subsequently to  
16     another building where we were put into a small room and held by  
17     the RUF, Your Honour.

18     Q.     Witness, how many of you in total were taken to the small  
19     room and kept there?

10:58:12 20     A.     On 1st May, we were a total of seven, Your Honour.

21     Q.     Witness, can you describe the room that the seven of you  
22     were kept in?

23     A.     Yes, Your Honour. It was sort of a maid's quarters, a  
24     bungalow, and we were taken to a very small room measuring about  
10:58:47 25     two to three metres. And I believe it was -- it could have been  
26     a maid's room, Your Honour.

27     Q.     How were you treated that night, witness?

28     A.     We were not given any food or water and we were basically  
29     harassed by the RUF.



1 Q. What happened the next day?

2 A. The next morning, very early in the morning, around seven  
3 or so, Major Bosco Odhiambo and three other peacekeepers came  
4 looking for us at the Teko Barracks, and in fact they were  
10:59:47 5 brought by the rebels and shown exactly where we were being kept.  
6 And, when the door was opened, these four soldiers were pushed in  
7 to where we were being confined and, subsequently, they too were  
8 taken as hostages, Your Honour.

9 Q. Does it mean there were now eleven of you in the room,  
11:00:16 10 witness?

11 A. You're right, Your Honour.

12 Q. Your Honour, just to clarify, what was the exact date at  
13 this time now?

14 A. It was 2nd May 2000, Your Honour.

11:00:31 15 Q. What happened after that?

16 A. We were actually trying to catch up on what was  
17 happening --

18 JUDGE ITOE: 2nd May, 2002?

19 THE WITNESS: Yes, Your Honour.

11:00:46 20 MS ALAGENDRA:

21 Q. Witness, can you repeat --

22 JUDGE BOUTET: Was it 2002 or 2000?

23 THE WITNESS: Sorry, 2000, Your Honour.

24 JUDGE BOUTET: 2000.

11:01:14 25 THE WITNESS: 2000, sorry.

26 PRESIDING JUDGE: Proceed, counsel.

27 MS ALAGENDRA: I'm just waiting for him to have some water,  
28 Your Honour.

29 Q. Witness, what happened after that?





1 A. We were trying to catch up on information of what was  
2 happening the outside so I spoke to Major Bosco Odhiambo and he  
3 told me the situation was quite -- pretty bad, because the town  
4 was practically empty, and more RUF had reinforced and all shops  
11:02:01 5 were closed. He even told me, Major Maroa -- sorry, Major Bosco  
6 even told me that their camp and their company locations were  
7 already encircled by the RUF combatants, and they were prevented  
8 from moving out of the camp area, Your Honour.

9 Q. What happened after that, witness?

11:02:25 10 A. While we were talking, there was a commotion outside --  
11 within the RUF barracks, and I noticed that a large number of  
12 armed RUF combatants had gathered, and there were also ladies,  
13 and, subsequently, a truck came, they boarded the truck and they  
14 left the camp. Later, another truck came, again, they boarded  
11:02:59 15 the truck and they left the camp.

16 Q. Who is "they," witness?

17 A. The RUF combatants. After some time, I heard six loud  
18 explosions and we believed that they were actually attacking the  
19 demobilisation camp. It was confirmed, because later they came  
11:03:28 20 back to the camp and, this time, a crowd had further gathered  
21 again. This time, a few of the rebels walked to where we were  
22 being held, and they picked out myself, Commander Gjellesdad,  
23 Colonel Mendy and Major Odhiambo, and instructed us to follow  
24 them to where the crowd had gathered. As we reached that  
11:04:01 25 location, I noticed two dead RUF combatants covered in  
26 blood-stained blankets and one injured RUF combatant where he was  
27 shot through the wrist. Sorry, the elbow, and it was swollen,  
28 Your Honour.

29 Q. Witness, did you know what had happened to these RUF



1 combatants who you saw dead and injured?

2 A. Yes, Your Honour. In fact, one of the RUF combatants told  
3 us that, "Your men have killed our people," and the same time he  
4 said that, "Some of your men are also killed and some injured  
11:04:59 5 have been taken to the hospital." So we believed that they had  
6 attacked and there was a fire-fight, Your Honour.

7 Q. What happened after that, witness?

8 A. We were forced to stand behind the dead and the injured as  
9 they wanted to take a photograph of us with their comrades who  
11:05:26 10 were dead and injured. After the photographing session, we were  
11 then taken back to our confinement, Your Honour.

12 Q. Witness, did you know why they wanted to take your  
13 photograph, together with the dead and injured combatants?

14 A. Someone was saying that they wanted evidence, Your Honour.

11:05:54 15 Q. Evidence of --

16 A. That the UN have observed that their men have been killed  
17 by the UN, Your Honour.

18 Q. Did anything happen later that night?

19 A. Yes, Your Honour. It was around midnight when we heard a  
11:06:29 20 vehicle coming to where we were being held, and all of a sudden  
21 somebody kicked open the door where we were being held, and  
22 someone with a torch, flashlight, shined it to the nearest  
23 peacekeeper who was next to the door and he just said, "You,  
24 out," and he was out they just closed the door behind him.

11:07:01 25 Q. What happened after he was taken out?

26 A. After some time, we heard some moaning and crying and, all  
27 of a sudden, there was no more noise. Within a few minutes they  
28 came back and did the same thing, and this time they dragged  
29 another peacekeeper nearest the door, and it was the same modus



1 operandi and, again, moaning and crying was heard and,  
2 subsequently, I was the seventh to be called out, and only then I  
3 knew exactly what was happening, Your Honour.

4 JUDGE BOUTET: Did you say you were the seventh to come  
11:07:38 5 out?

6 THE WITNESS: Yes, Your Honour.

7 JUDGE BOUTET: So the procedure you are describing was  
8 taking place for six before you were called out?

9 THE WITNESS: Yes, Your Honour.

11:07:46 10 JUDGE BOUTET: You saw or heard and observed the same  
11 process?

12 THE WITNESS: I saw; I was there, Your Honour.

13 JUDGE BOUTET: I mean before you.

14 THE WITNESS: Yes, all the six. It was the same modus  
11:07:59 15 operandi, Your Honour.

16 MS ALAGENDRA:

17 Q. Witness, how many of you from the room were taken out in  
18 this way?

19 A. In fact, all eleven of us, Your Honour.

11:08:13 20 Q. What happened to you when you were taken out?

21 A. I was taken to one of the rooms in the house and, as we  
22 reached that room, somebody just pushed me inside and, suddenly,  
23 another bigger flashlight was shined on my face, and all I heard  
24 was, "Remove everything." So I took out everything, my boots and  
11:08:41 25 jacket and everything, except my undergarments, Your Honour.

26 Q. What happened after that?

27 A. When I finished that, someone slapped me at the back and I  
28 went sprawling and, subsequently, somebody stepped on my back and  
29 pulled both my arms backwards and tied me up with ropes,



1 Your Honour.

2 Q. Witness, could you describe how you were tied again,  
3 please? How were you tied?

4 A. I was tied with wires with my arms pulled backwards, just  
11:09:18 5 above the elbows, Your Honour.

6 Q. Were you the only one that was tied?

7 A. No, Your Honour. All eleven of us were tied similarly.

8 Q. Witness, do you know what happened to the others that were  
9 taken out of the room?

11:09:41 10 A. In fact, when I came, the other six were already on the  
11 floor, on their sides. Some were already moaning in pain,  
12 probably because it was tied tightly. At the same time, the  
13 others who came after me were also similarly dealt with,  
14 Your Honour.

11:10:07 15 Q. Witness, could you describe how they were dressed when you  
16 saw them lying?

17 A. Just with their underwears.

18 JUDGE ITOE: Just with what?

19 THE WITNESS: Underwears.

11:10:29 20 MS ALAGENDRA:

21 Q. Witness, what happened after you and the ten others were  
22 tied up?

23 A. Then someone shouted, "Okay, everybody get up and move  
24 out." So we moved out and somebody opened the rear seat door and  
11:10:50 25 five of us moved in, and I was one of them, seated on the rear  
26 seat.

27 Q. What vehicle was this, Witness?

28 A. This vehicle was UN vehicle which I had actually driven to  
29 the demobilisation camp one day earlier, Your Honour. The other





1 six --

2 Q. What type of vehicle was this, witness?

3 A. It's a Toyota Four Runner, Your Honour, UN military  
4 observer vehicle.

11:11:20 5 Q. Please proceed, witness.

6 A. The other six were just put into the boot and just with the  
7 hazard lights on. We were not told where we were being taken but  
8 they just drove out, Your Honour.

9 Q. Witness, who else was with you in the vehicle besides the  
11:11:51 10 UN peacekeepers and the military observers?

11 A. The RUF combatants who were driving in command of the  
12 vehicle and two other armed escorts, Your Honour.

13 Q. Where were you taken to, Witness, from Teko Barracks?

14 A. From Teko Barracks, I went back the same direction I was  
11:12:24 15 brought in the day earlier and we passed the demobilisation camp,  
16 Your Honour.

17 Q. What did you see, Witness, when you passed the  
18 demobilisation camp?

19 A. When I passed the demobilisation camp, I saw three-tonne  
11:12:44 20 truck with flat tyres, facing the direction of Makeni, and with  
21 no occupants inside. As we went further, I did not see the  
22 demobilisation camp at all, and even the peacekeepers who were  
23 guarding the camp. We then proceeded towards in the direction of  
24 east to a place called Matotoka, Your Honour.

11:13:15 25 Q. Witness, could you spell that for the Court, please?

26 A. Matotoka is I spelt M-A-T-O-T-O-K-A, Your Honour.

27 Q. Did anything happen at Matotoka?

28 A. Yes, Your Honour. We stopped along some bushes in Matotoka  
29 area, and a group of rebels were waiting to receive us there,



1 Your Honour.

2 Q. Witness, who was this group of rebels that were waiting to  
3 receive you? Did you know any of them?

4 A. It was dark. I don't identify any. But the man who was in  
11:14:11 5 charge introduced himself as Major Robert, but my colleagues who  
6 were with me -- in fact Major Odhiambo knew him and he whispered  
7 to me that he was Brigadier General Issa Sesay, Your Honour.

8 Q. Witness, you said he introduced himself as Major Robert.  
9 Could you spell that for the Court, please?

11:14:47 10 A. Robert, R-O-B-E-R-T, Your Honour.

11 Q. Witness, what happened after you met Issa Sesay?

12 A. In fact, the five of us got down and he instructed the  
13 rebels to untie us. But the other six were still in the boot.  
14 Then he became aggressive and he picked on Commander Gjellesdad,  
11:15:30 15 saying that, "You white man bring all problems to Africa." At  
16 one instant he even threw the can of stout that he was drinking,  
17 that hit Commander Gjellesdad on his chest. And subsequently the  
18 other six were taken down and he told us that we'll be taken to a  
19 farm where all our belongings will be returned. We didn't  
11:16:04 20 understand what he meant by farm.

21 We were then asked to board another vehicle, another  
22 commandeered vehicle from the Kenyan battalion, Land Rover, and  
23 before we left they brought out another nine peacekeepers from  
24 the bush, who were similarly devoid of their uniforms, but their  
11:16:33 25 hands tied to the front. Before they boarded the vehicle they  
26 were released and now there were about 20 of us in the Land  
27 Rover, proceeding to our next destination, Your Honour.

28 Q. Witness, did Issa Sesay say anything else before you board  
29 into the vehicle?



1 A. Yes, at one instance he even got very angry and he said,  
2 "We have just received report that thousands of UN troops are  
3 being sent towards Lunsar location." And he said, "Our men are  
4 ready for them. Send in your men."

11:17:34 5 Q. Witness, do you know if there was in fact UN peacekeepers  
6 coming from Lunsar, whether it was true?

7 A. No, at that time I didn't know anything, Your Honour,  
8 because I was totally out of touch. But I found out later that  
9 yes, the UN had already deployed the Zambians to reinforce the  
11:17:52 10 Kenyans who were trapped in Makeni, Your Honour.

11 Q. Witness, you testified that nine other Kenyan peacekeepers  
12 were brought out from a nearby bush?

13 A. Yes, Your Honour.

14 Q. Did you know any of them?

11:18:15 15 A. Yes, I identified one of them as Major Rono - I spell  
16 R-O-N-O - as OC of B Company KENBATT 5, Your Honour.

17 Q. Witness, what happened after the 20 of you were boarded  
18 into the vehicle? Where were you taken to?

19 A. We left Matotoka and proceeded eastwards to a town called  
11:18:56 20 Masingbi, Your Honour.

21 Q. Could you spell that for the Court, please, Masingbi?

22 A. M-A-S-I-N-G-B-E [sic], Your Honour.

23 Q. Where did you go to from there, witness?

24 A. From Masingbi, we proceeded out of the town area and we  
11:19:34 25 drove for about a kilometre or so from the settlement area and  
26 another truck followed behind the Land Rover. They stopped and  
27 they told us to get down from the Land Rover and jump onto the  
28 truck, which we obeyed, Your Honour.

29 Q. Who is "they," witness; who told you to get on the truck?



1 A. One of the rebel commanders. I cannot identify the name, I  
2 do not know.

3 Q. What happened after the 20 of you were boarded on that  
4 truck?

11:20:17 5 A. When the 20 of us had boarded, then they covered us up with  
6 the canvass, and then they positioned four armed escorts, one on  
7 every corner of the truck, and we drove on after that.

8 Q. Witness, did anything happen while you were driving in the  
9 truck?

11:20:44 10 A. Yes, Your Honour. In fact, as we proceeded the truck was  
11 very recklessly driven. There came a point where the truck went  
12 off the tracks, and all of a sudden there was a tap and the  
13 vehicle came to an abrupt stop. And all of us were thrown out of  
14 the vehicle and we landed in a crater. It was a very chaotic

11:21:17 15 situation, where some of them were injured, and we even pulled  
16 out all those who were in the water, Your Honour.

17 Q. Witness, can you tell the Court who was injured and what  
18 was the injury?

19 A. In fact, when we had pulled out everyone, there were about  
11:21:40 20 ten casualties. The most severe were Lieutenant-Colonel Mendy,  
21 who had a fractured leg, and he was bleeding profusely; and one  
22 UN peacekeeper had a fractured collarbone; Commander Gjellesdad  
23 had a very severe back injury; and one rebel himself had a  
24 twisted ankle. And the others were still -- because they hit the

11:22:13 25 tailboard and were thrown out, so they were all suffering from  
26 back injuries, Your Honour.

27 Q. What happened after that, witness?

28 A. This rebel commander who was escorting us sent one of his  
29 soldiers to the nearby village, and about ten civilians came





1 running, running towards the accident site. They carried away  
2 those seriously injured people and the rest of us were asked to  
3 walk for another 500 metres, where they said that another truck  
4 will pick us up to proceed on with the -- to the next  
11:22:58 5 destination, Your Honour.

6 Q. And did the truck come and pick you up, witness?

7 A. Yes, Your Honour. About an hour later another truck came  
8 and we proceeded to our -- the next destination. It was not too  
9 far from where the accident took place. And as we reached that  
11:23:24 10 location we noticed our earlier comrades who were taken away at  
11 that location, Your Honour.

12 PRESIDING JUDGE: Counsel, it is our custom to recess at  
13 11.30 and I reckon this would be a convenient point at which we  
14 can --

11:23:44 15 MS ALAGENDRA: Just one last question on this.

16 PRESIDING JUDGE: Okay, you are granted the indulgence. Go  
17 ahead.

18 MS ALAGENDRA: Thank you.

19 Q. Witness, what was the name of this destination that you  
11:23:57 20 reached?

21 A. I noticed a signboard as we entered. It was written  
22 Camp 11 Small Sefadu.

23 Q. Could you spell Small Sefadu for the Court?

24 A. Small, S-M-A-L-L, Small. Sefadu, S-E-F-A-D-U, Your Honour.

11:24:12 25 MS ALAGENDRA: Thank you, witness. Your Honour, this is a  
26 convenient time to stop.

27 PRESIDING JUDGE: We'll recess.

28 [Break taken at 11.30 a.m.]

29 [RUF20JUN06B - CR]



1 [Upon resuming at 11.56 a.m.]

2 PRESIDING JUDGE: Counsel, you may proceed.

3 MS ALAGENDRA: Thank you, Your Honour.

4 Q. Witness, I'm going to take you back a little bit to clarify  
11:56:32 5 some issues.

6 A. Yes.

7 Q. Witness, you testified that you were taken by a truck; you  
8 were removed from a Land Rover after Masingbi and loaded into a  
9 truck, and from there you were driven. Witness, who was driving  
11:56:50 10 that truck?

11 A. One of the RUF combatants, Your Honour.

12 Q. Apart from the 20 of you UN peacekeepers and military  
13 observers, was there anyone else in the truck with you?

14 A. Yes, Your Honour. Besides the driver, there was a  
11:57:12 15 commander of the vehicle, another co-passenger with him, and they  
16 had four other armed escorts at the back of the truck,  
17 Your Honour.

18 Q. Who were they, witness?

19 A. They were all RUF combatants, Your Honour.

11:57:38 20 Q. Witness, you testified that Colonel Mendy had fractured his  
21 leg. Can you describe to the Court, witness, what did you see  
22 happened to his leg?

23 A. In fact, Your Honour, when we fell into the crater, he was  
24 just next to me and screaming, "My leg, my leg." He couldn't  
11:57:57 25 balance himself in the water, so I pulled him up, putting my two  
26 arms under his armpit, and I told another peacekeeper to pull up  
27 his leg. When they lifted his left leg, I saw it was already  
28 fractured and the ankle was dangling with a bone protruding out  
29 and bleeding profusely, Your Honour.



1 Q. Witness, you testified earlier that there were nine Kenyan  
2 peacekeepers that were brought out from the bush and one of them  
3 you recognised as Major Rono; is that correct?  
4 A. Yes, Your Honour.

11:58:46 5 Q. You testified they had their hands tied behind them?  
6 A. No, to the front, Your Honour.  
7 JUDGE BOUTET: This is the ten peacekeepers who joined you  
8 who had their hands tied in front of them, is it?  
9 THE WITNESS: Can you repeat that, Your Honour?

11:59:03 10 MS ALAGENDRA: Nine.  
11 JUDGE BOUTET: Nine? These were the nine peacekeepers that  
12 joined you later.  
13 THE WITNESS: Yes, Your Honour.  
14 JUDGE BOUTET: Who were tied in a different way?

11:59:09 15 THE WITNESS: Yes, Your Honour.  
16 MS ALAGENDRA:  
17 Q. Witness, can you describe for the Court how they were  
18 dressed?  
19 A. They were similarly devoid of their uniform, except that  
11:59:18 20 they were still in their underwears and with their hands tied to  
21 the front, Your Honour.  
22 Q. Witness, you testified you were taken to a place called  
23 Camp 11, Small Sefadu?  
24 A. Yes, Your Honour.

11:59:44 25 Q. Together with the 19 others who were with you?  
26 A. Yes, Your Honour.  
27 Q. Witness, can you tell the Court, at this stage, how were  
28 you and the others dressed?  
29 A. We were still in our underwears. At this stage, it was all



1 mud-stained, Your Honour.

2 Q. Witness, you testified you were taken to a place called  
3 Camp 11, Small Sefadu?

4 A. Yes, Your Honour.

12:00:37 5 Q. Can you describe for the Court what was in Small Sefadu?

6 A. In Camp 11, Small Sefadu, there were about six or seven  
7 barracks which were all destroyed, and in very bad dilapidated  
8 condition, but one of the barracks was actually repaired and that  
9 was a place that we were being detained, Your Honour.

12:01:26 10 Q. Witness, what happened when you arrived at Small Sefadu?

11 A. As I said earlier, the civilian peacekeepers, three of  
12 them, and that rebel with the twisted ankle were already at the  
13 camp. There were many people - some were armed, some were not -  
14 at the camp, Your Honour.

12:01:52 15 Q. Who are these people you're referring to, witness, who were  
16 armed and not armed?

17 A. Some of them, the unarmed ones, were basically like  
18 civilians who were like local village doctors who were there to  
19 treat us, Your Honour.

12:02:09 20 Q. Who were the people that were armed at Small Sefadu?

21 A. Those armed were all RUF combatants, Your Honour,

22 Q. Witness, at this stage, were you or the other peacekeepers  
23 and military observers armed?

24 A. None of us were armed, Your Honour.

12:02:53 25 Q. Witness, how long were you and the 19 others kept at Small  
26 Sefadu?

27 A. We stayed a total of 18 days, but not all of us were kept  
28 for 18 days, because they started releasing us by batches. I was  
29 there the total 18 days because I was released the last,





1 Your Honour.

2 Q. Witness, what date exactly did you arrive at Small Sefadu?

3 A. Released on 3rd May 2000, Your Honour.

4 Q. Witness, during the time that you and the other hostages  
12:03:40 5 were at Small Sefadu, how were you treated?

6 A. We were constantly harassed by armed RUF combatants who  
7 visited us from various locations. We hardly had any food and  
8 occasionally we were given five tins of rice, where we had to  
9 cook for ourselves and feed ourselves. Other than that, we were  
12:04:17 10 also taken on -- occasionally in two or three days --

11 JUDGE ITOE: Did you say five tins of rice?

12 THE WITNESS: Yes, Your Honour.

13 JUDGE ITOE: Tin, meaning what?

14 THE WITNESS: Just a milk tin size, metal tins of rice.

12:04:35 15 JUDGE ITOE: I see.

16 THE WITNESS: As I was saying, occasionally, once in two or  
17 three days time, we were taken to a nearby river point, escorted  
18 by armed guards in a single file, to wash ourselves, Your Honour.

19 MS ALAGENDRA:

12:05:12 20 Q. Witness, the five tins of rice you were given, who was it  
21 for?

22 A. For the 20 of us, Your Honour.

23 Q. Witness, were you free to leave Small Sefadu at any point?

24 A. No, Your Honour. We were watched over 24 hours by these  
12:05:39 25 armed guards.

26 Q. What about when you were at Teko Barracks, witness, were  
27 you free to leave?

28 A. No, Your Honour.

29 Q. Why not?



1 A. We were constantly being guarded by the armed RUF  
2 combatants, Your Honour.

3 Q. Witness, what was the condition of your health during the  
4 time that you were detained?

12:06:12 5 A. I eventually succumbed to malaria, because I was not taking  
6 my preventives, Your Honour. Besides me, Major Odhiambo also  
7 suffered from malaria, Your Honour.

8 Q. How long did you and the group that you were with remain at  
9 Camp Sefadu?

12:06:40 10 A. As I was saying, when we arrived on 3rd May, there were 20  
11 of us. Subsequently, on 12th May 2000, the rebels released 15 of  
12 the hostages. Subsequently, they released Colonel Mendy on 18th  
13 May 2000, and the last group which I belonged to with three  
14 others were released on 20th May 2000, Your Honour.

12:07:35 15 Q. Witness, the 15 that were released on the 12th, who were  
16 they?

17 A. All 15 were Kenyan peacekeepers, Your Honour.

18 Q. Do you know where they were taken to?

19 A. They just told us that they're going to take them to a  
12:07:48 20 neutral ground to be freed, Your Honour.

21 Q. You said on 18th May Colonel Mendy was released?

22 A. Yes, Your Honour.

23 Q. Would you tell the Court why he was released?

24 A. In fact, Colonel Mendy's fractured leg was getting from bad  
12:08:15 25 to worse, and every time the wound was cleaned, it became more  
26 pungent. Eventually, the OC of the detention camp, Major Alhaji  
27 Bayo, came one evening and told us he was going to be taken to  
28 the hospital for treatment, Your Honour.

29 Q. Witness, when did you leave Camp 11?



1 A. I left on 20th May 2000 with three others, your Honour.

2 Q. Could you name the three others for the Court, please?

3 A. Yes, Your Honour. One of them was Commander Knup

4 Gjellesdad from Norway; Major Bosco Odhiambo from Kenya; Corporal

12:09:16 5 Steven Moragie [phon], also from Kenya; and myself, Your Honour.

6 Q. How did you come to leave Camp 11 on 20th May?

7 A. A rebel commander came to the camp and asked me how many of

8 us were left behind. I told him that there were four, including

9 me. All he said was, "Pick up your personal belongings and jump

12:09:47 10 into the truck." The person who spoke to me was one RUF

11 commander called CO Med, Your Honour.

12 Q. Was he alone, witness, when he came and spoke to you?

13 A. He spoke to me -- when he spoke to me he was alone, but he

14 had other escorts with him, Your Honour.

12:10:32 15 Q. Witness, can you describe the truck that you and the three

16 others got into?

17 A. It was a Zambian UN pick-up truck, Your Honour.

18 Q. What happened after that, please?

19 A. We were taken by road and we passed through Koidu Town.

12:11:10 20 Subsequently, we stopped at a house that was being renovated. At

21 that place, two armed escorts guarded us at the house. CO Med

22 and his other escorts turned back towards the direction of Koidu,

23 Your Honour.

24 Q. What happened after that?

12:11:44 25 A. I asked one of the two armed escorts who were guarding us

26 what we were waiting for. Then he told me that we were waiting

27 for other peacekeepers and that we will eventually be taken to

28 Kailahun for release, Your Honour.

29 Q. Did the other peacekeepers arrive?



1 A. Yes, Your Honour.

2 Q. How many of them, witness; how many peacekeepers arrived?

3 A. There were a total of 52 Zambian peacekeepers who arrived

4 in two Land Rovers, Your Honour. They were actually escorted by

12:12:41 5 a few armed RUF rebels and commanded by one CO Lion, Your Honour.

6 JUDGE ITOE: You said there were how many - 52 or 42 -

7 Zambian --

8 THE WITNESS: Fifty-two Zambian peacekeepers, Your Honour.

9 MS ALAGENDRA:

12:13:11 10 Q. Witness, you said they were escorted by one RUF and one

11 commander named CO Lion.

12 A. Yes, Your Honour.

13 Q. Can you spell that for the Court, please?

14 A. Lion I spell L-I-O-N.

12:13:35 15 Q. Witness, what was the condition of the 52 Zambians when you

16 saw them?

17 A. Very pathetic, Your Honour.

18 Q. Could you describe what you saw, please?

19 A. They were not wearing any footwear. Some of them were just

12:13:48 20 in their inner vests, and some were wearing long pants, some with

21 shorts. The condition was they all looked very thin and they

22 were sweating and smelling quite badly, Your Honour.

23 Q. Did you know how long they had been with the RUF?

24 A. I asked one of them. They told me that they had been held

12:14:25 25 captive for about 18 days, Your Honour.

26 Q. Witness, from there did you proceed to Kailahun?

27 A. Yes, Your Honour. Two of us -- from my group there were

28 four. Two of us jumped into the front Land Rover and another two

29 to the rear, and we proceeded to a river point from where the





1 vehicle could not cross the river. Subsequently, we were ferried  
2 across by a canoe and a boat in two sorties. By the time we  
3 reached the far bank, it was already dusk, Your Honour.

4 Q. Witness, what was the date that you arrived at Kailahun?

12:15:31 5 A. We arrived on 20th May 2000, Your Honour.

6 Q. In total, how many military observers and peacekeepers were  
7 there in Kailahun --

8 JUDGE ITOE: You arrived on 20th May?

9 THE WITNESS: Yes, Your Honour.

12:15:50 10 MS ALAGENDRA:

11 Q. I will just repeat the question. In total, how many  
12 military observers and UN peacekeepers were in Kailahun?

13 A. There were a total of 84 first, of which only two were  
14 military observers. There was me and Commander Colonel

12:16:12 15 Gjellesdad. The rest were all peacekeepers from either Kenya or  
16 Zambia, Your Honour.

17 Q. Where were you taken to, witness, in Kailahun, the 84 of  
18 you?

19 A. Myself, Commander Gjellesdad and Major Odhiambo were  
12:16:40 20 invited to stay at a RUF rebel commander's house in Kailahun.

21 The rest of the soldiers were taken to the rear, where there was  
22 a community hall, Your Honour.

23 Q. Do you know the name of the rebel commander in whose house  
24 you were staying?

12:17:00 25 A. I cannot recall his name, Your Honour.

26 Q. Witness, when you remained at the house in Kailahun, did  
27 any of the rebels speak to you or say anything?

28 A. Yes, there was one rebel by the name of Bockarie, an RUF  
29 combatant. He told us that he was one of them who was escorting



1 us from Matotoka to Small Sefadu when the accident occurred,

2 Your Honour.

3 Q. Did anybody else say anything to you?

4 A. Yeah. As I said, while we were waiting for the Zambians to  
12:17:54 5 arrive and when they arrived, CO Lion, when he entered the house  
6 and saw us, he said, "You are all fortunate to still be alive  
7 because of Charles Taylor, otherwise you all are dead meat,"

8 Your Honour.

9 Q. Witness, how long did you remain at this house of this  
12:18:27 10 rebel commander in Kailahun?

11 A. Just overnight, Your Honour. The next morning we were  
12 asked to join the other soldiers at the community hall,

13 Your Honour.

14 Q. What happened after that?

12:18:40 15 A. Late in the afternoon, they asked us to move to a football  
16 field, where they said that a helicopter will come to transport  
17 us to Monrovia, Liberia, Your Honour.

18 Q. What date was this, witness, at the football field?

19 A. This was 21st May 2000, Your Honour.

12:19:04 20 Q. Witness, when you were waiting for the helicopter at the  
21 football field, did you see any of the UN vehicles there?

22 A. Yes. I saw one UN gypsy vehicle passing by where we were  
23 seated, Your Honour.

24 Q. This UN gypsy vehicle, were you able to identify to which  
12:19:45 25 contingent this belonged to?

26 A. Yes, in fact, the UN gypsy vehicle belonged to the Indian  
27 battalion, Your Honour.

28 Q. Did you recognise who was driving that vehicle?

29 A. Yes, Your Honour. Brigadier Issa Sesay, Your Honour.



1 Q. What happened while you were waiting at the football field  
2 for the helicopter to arrive?

3 A. As I said, the gypsy vehicle passed by as the helicopter  
4 was approaching the football field, and as the helicopter landed,  
12:20:34 5 two black uniform personnel and the pilots alighted. The local  
6 commander and this black uniform personnel went to meet up with  
7 Brigadier Issa Sesay, and then they hugged each other and they  
8 were shaking hands, Your Honour.

9 Q. Witness, these two men with black uniforms, did they have  
12:21:05 10 any markings on their uniform?

11 A. I noticed that they were putting on some logo with the  
12 words ATU or Anti-Terrorist Unit was also written, Your Honour.

13 Q. Did you know where they were from?

14 JUDGE ITOE: AB?

12:21:27 15 THE WITNESS: ATU, Your Honour. Alpha, tango, uniform.

16 MS ALAGENDRA:

17 Q. Did you know what ATU stood for?

18 A. Yes, Anti-Terrorist Unit, Your Honour.

19 JUDGE BOUTET: Was that written on their uniform as well?

12:21:41 20 THE WITNESS: Yes, Your Honour.

21 JUDGE BOUTET: So it was ATU and --

22 THE WITNESS: And the writings.

23 MS ALAGENDRA:

24 Q. Did you know where these two men were from?

12:21:53 25 A. Yes, Your Honour. They were from Liberia.

26 Q. What happened after the helicopter arrived?

27 A. The helicopter actually brought two cartons of uniform,  
28 brand new uniforms, desert camouflaged uniforms. At that  
29 football field, they issued us this uniform, to put it on, and



1 they transported us in two sorties, Your Honour, to Monrovia.

2 Q. How long were you in Monrovia?

3 A. Just that same day, Your Honour, on the 21st.

4 Q. Where did you go to after that?

12:22:56 5 A. After that, UN Charlie 130 arrived that evening and we were  
6 transported back to Lungi International Airport, Your Honour.

7 Q. Witness, you have testified that when you were in Makump  
8 you were made to stand under a tree and you were harassed by  
9 Morris Kallon. What do you mean by "harassed," witness; can you  
12:23:30 10 explain to us?

11 MR TOURAY: I think the evidence is Brigadier Kallon or  
12 General Kallon. I think, not Morris Kallon.

13 PRESIDING JUDGE: Yes, what's your response?

14 MS ALAGENDRA: I will clarify that with the witness,  
12:23:48 15 Your Honour.

16 PRESIDING JUDGE: Go ahead.

17 MS ALAGENDRA:

18 Q. Witness, when you refer to Brigadier Kallon, do you know  
19 his full name?

12:23:54 20 A. Yes, Your Honour. Morris Kallon.

21 Q. Witness, could you explain to the Court what you mean by  
22 you were harassed by Brigadier Kallon?

23 A. What I mean by being harassed was he was blaming the UN and  
24 me for causing all this trouble, Your Honour.

12:24:15 25 Q. What trouble, witness; did he tell you?

26 A. He didn't say. Whatever had happened at the  
27 demobilisation, we were the cause of it.

28 Q. Witness, you have also testified subsequently, at Camp 11,  
29 you were harassed by armed RUF. What do you mean by that?





1 A. As I said, there were many RUF armed personnel from nearby  
2 location. They used to come and visit us at the detention camp.  
3 Every time they come, they threaten us with their weapons and  
4 they used to point their weapons at us and tell that it is  
12:25:07 5 because of us that this whole thing has blown up. Words to that  
6 effect, Your Honour.

7 Q. Do you know what they meant by "this whole thing has blown  
8 up"?

9 A. Well, I believe that the trouble that escalated,  
12:25:25 10 Your Honour.

11 Q. Do you know what trouble they are talking about, witness?

12 A. Because of the fire-fight, that fight between RUF and UN  
13 personnels, Your Honour.

14 Q. Witness, you've testified that you saw Issa Sesay driving a  
12:25:49 15 vehicle belonging to the peacekeepers from India. Do you know if  
16 anything at all happened to the Indian battalion?

17 A. Not at that particular moment, but after I was released I  
18 found out that they had actually encircled two companies of  
19 Indian battalion in Kailahun and they were being held for about  
12:26:10 20 75 days, Your Honour.

21 Q. Do you know if there were any casualties amongst the Indian  
22 battalion?

23 A. Yes, on the --

24 MR JORDASH: That's a leading question.

12:26:26 25 MS ALAGENDRA: I will rephrase the question, Your Honour.

26 PRESIDING JUDGE: Go ahead, counsel.

27 MS ALAGENDRA:

28 Q. Witness, do you know if anything happened to the Indian  
29 battalion apart from being encircled?



1 A. Yes. In fact, my Indian colleagues who were with me in  
2 Freetown then told me that the Indians broke out from  
3 encirclement, and in their breakout one Indian soldier was killed  
4 and a few were wounded, Your Honour.

12:27:01 5 Q. Were you told how many were killed?

6 A. Yes. One, Your Honour.

7 Q. Witness, you testified that when you were being taken from  
8 Teko Barracks towards Matotoka, the demobilisation camp was not  
9 there?

12:27:32 10 A. Yes, Your Honour.

11 Q. What happened to the demobilisation camp, did you come to  
12 know?

13 A. Yes, Your Honour. I later found out it was ransacked and  
14 eventually burned down, Your Honour.

12:27:49 15 Q. Witness, you testified that you travelled back from  
16 Monrovia to Sierra Leone on 21st May 2000. For how long did you  
17 remain in Sierra Leone after that?

18 A. From 21st May I remained in Sierra Leone until I completed  
19 my tour mission and left Sierra Leone on 27th July 2000,

12:28:14 20 Your Honour.

21 MS ALAGENDRA: Thank you, witness. I have no further  
22 questions.

23 PRESIDING JUDGE: Mr Jordash, you want to commence your  
24 cross-examination?

12:28:27 25 MR JORDASH: Thank you, Your Honour.

26 CROSS-EXAMINED BY MR JORDASH:

27 Q. Good afternoon, Mr Witness.

28 A. Good afternoon.

29 Q. So you understand who I am, I represent Mr Issa Sesay.



1 Before I begin, could I just say to you that we accept you were

2 held at Small Sefadu.

3 A. Yes.

4 Q. We accept that you were released through some kind of

12:29:04 5 discussion with Charles Taylor. So you understand what I am and

6 I am not disputing.

7 JUDGE ITOE: Charles Taylor, what are you not disputing,

8 that he had a discussion about what?

9 MR JORDASH: Well, that the witness and other peacekeepers

12:29:22 10 were released through some kind of discussion or involvement,

11 perhaps that's the better way to put it, with Charles Taylor.

12 JUDGE ITOE: Thank you.

13 MR JORDASH:

14 Q. Now, you were working in Makeni from February 22nd till

12:29:45 15 1st May 2000; is that right?

16 A. Correct, Your Honour.

17 Q. Now, were you, on a daily basis, in Makeni during that

18 period?

19 A. Yes, Your Honour, except for when I am on compensatory time

12:30:04 20 off.

21 Q. Which, during that period, was?

22 A. No, in the UN, if you serve 30 days, you are entitled to

23 six months of CTO. So during that time we travelled back --

24 JUDGE BOUTET: Six days.

12:30:25 25 THE WITNESS: Six days. So we travelled back to Freetown

26 for R and R, Your Honour.

27 MR JORDASH:

28 Q. So for the period 22nd February to 1st May, just taking a

29 quick calculation, you would have been in Makeni on a daily basis



1 for around eight or nine weeks?

2 A. About that, Your Honour.

3 Q. Taking away your periods of rest?

4 A. I only went back once, Your Honour.

12:30:55 5 Q. Right. For how long?

6 A. For six days.

7 Q. For six days. Were you, when carrying out your core

8 functions in Makeni, patrolling around Makeni Town?

9 A. Yes, Your Honour.

12:31:11 10 Q. Were you also patrolling around the outskirts of Makeni

11 Town?

12 A. Yes, Your Honour.

13 Q. Were you also speaking to the local RUF present in the town

14 and the outskirts of the town?

12:31:32 15 A. Yes, Your Honour.

16 Q. Were you aware, during this period, of places which had

17 already been disarmed in Sierra Leone?

18 A. Ongoing, yes, Your Honour.

19 Q. Yes. Were you aware of Foday Sankoh and his leadership of

12:32:17 20 the RUF?

21 A. Yes, Your Honour.

22 Q. Were you aware that Foday Sankoh was directing and

23 initiating the disarmament of the RUF?

24 A. Yes, Your Honour.

12:32:34 25 Q. Were you aware that part of UNAMSIL's mandate was to

26 provide escorts to Foday Sankoh to enable him to travel through

27 the country with some kind of security?

28 A. I'm not aware of that.

29 Q. Were you aware of Commander Jetley being in direct contact





1 with Foday Sankoh during this period?

2 A. At team site level, we only do team site duties,  
3 Your Honour.

4 Q. Sorry, could you repeat that?

12:33:41 5 A. At team site level, as military observers, we only do team  
6 site duties. So, at higher levels, we are not aware of that.

7 Q. But during your time in Sierra Leone before May of 2000,  
8 were you not aware that decisions about how disarmament would  
9 take place were decided, in part at least, by direct contact

12:34:11 10 between Commander Jetley, Foday Sankoh and the Government of  
11 Sierra Leone?

12 A. I'm aware of that.

13 Q. Were you aware that when a particular area was expected to  
14 begin disarmament, Foday Sankoh would travel to that area to  
12:34:43 15 provide some kind of symbol of it?

16 A. I remember on one occasion at Daru, yes, he was there,  
17 Your Honour.

18 Q. Do you know when that was?

19 A. When I was serving in Kenema, before 22nd February 2000,  
12:35:02 20 Your Honour. I believe it was around November/December of 1999.

21 Q. Thank you. Were you aware that Foday Sankoh had also  
22 travelled at around that time to a place near Daru called  
23 Segbwema?

24 A. Yes, Your Honour.

12:35:25 25 Q. Where he had, again, provided, if you like, a symbol of the  
26 beginning of the disarmament in that area?

27 A. Yes, Your Honour.

28 Q. Am I right that when he travelled to those areas, there  
29 would be high-level UNAMSIL who also travelled to those areas?



1 A. I'm not aware of that because I was not involved in it,

2 Your Honour.

3 Q. Okay. Were you aware that UNAMSIL, during the period that

4 you were working in Makeni, would obtain permission from Foday

12:36:16 5 Sankoh to be able to travel into RUF-occupied territory?

6 A. Yes, Your Honour.

7 Q. Were you aware that the roadblocks in that territory were

8 then subject to Foday Sankoh's authority?

9 A. I believe so, Your Honour.

12:36:40 10 Q. Were you aware that at some roadblocks a letter from Foday

11 Sankoh would be required to be able to pass through there?

12 A. We experienced that, Your Honour.

13 Q. At no stage, and I think this follows from your evidence,

14 during the period you were in Makeni before your detention did

12:37:22 15 you see Mr Sesay?

16 A. No, Your Honour.

17 Q. Am I right that you, nor anyone you -- well, let me stick

18 with you. You didn't have any contact through the telephone or

19 radio with Mr Sesay?

12:37:41 20 A. No, Your Honour.

21 Q. Just dealing generally with Makeni and what was happening

22 there --

23 JUDGE BOUTET: Sorry, Mr Jordash. What period of time are

24 you talking about? You referred to the time he was detained, was

12:38:05 25 it?

26 MR JORDASH: From the 22nd of 2000 to 1st May 2000 when the

27 witness was working in Makeni.

28 JUDGE BOUTET: Thank you.

29 MR JORDASH:



1 Q. Did you understand my question as to --

2 A. Yes.

3 Q. Sticking with the same period, Makeni, at that time, was

4 slowly becoming, shall we say, a town where ordinary civilian

12:38:37 5 activities could take place?

6 A. I will agree with you, Your Honour.

7 Q. For example, schools had opened in Makeni.

8 A. Yes.

9 Q. Although it was under RUF control, you were aware that

12:39:06 10 Makeni had a system of investigating crimes and punishing crimes?

11 A. Yes, Your Honour.

12 Q. You were aware that there was a prison in Makeni?

13 A. Yes, Your Honour.

14 Q. And military police belonging to the RUF?

12:39:43 15 A. Yes, Your Honour.

16 Q. There was also a hospital in Makeni; is that right?

17 A. Yes, Your Honour.

18 Q. Admittedly, not a very well resourced hospital, but,

19 nevertheless, people attended there for treatment?

12:40:03 20 A. Yes, Your Honour.

21 Q. When I say people, I mean civilians as well as combatants?

22 A. Yes, through my experience, Your Honour.

23 Q. I want to deal with something a little bit off the subject,

24 but something which I think you can help the Court with. Am I

12:40:38 25 right that around this time, sticking with the same time period,

26 you were aware of conflicts between the RUF and the ex-SLAs?

27 A. Yes, Your Honour.

28 Q. Prior to when the DDR were supposed to have begun in

29 Makeni, 17th April, you became aware of a problem between the RUF



1 and the AFRC near Kabala?

2 A. Yes, Your Honour.

3 JUDGE ITOE: Where?

4 MR JORDASH: Kabala, near Kabala.

12:41:38 5 Q. And the Makeni team, led my Colonel - you will forgive my  
6 pronunciation - Wilczynski --

7 A. Wilczynski.

8 Q. -- was given the task of handling the situation up north?

9 A. Yes, Your Honour.

12:41:54 10 Q. On the AFRC side, the commander was a Colonel Savage?

11 A. Yes, Your Honour.

12 Q. Colonel Savage agreed to disarm to UNAMSIL.

13 A. Yes, Your Honour.

14 Q. Essentially because he had run out of ammunition fighting  
12:42:28 15 the RUF.

16 A. Yes, Your Honour.

17 Q. At that stage, the RUF were seeking to put Savage and his  
18 crew under control.

19 A. Yes, Your Honour.

12:42:56 20 Q. When the RUF, who had been fighting Savage and his crew,  
21 learned of Savage's intention to disarm, they agreed to a  
22 cease-fire.

23 A. Yes, Your Honour.

24 Q. And agreed to provide safe passage for Savage and his AFRC  
12:43:14 25 crew out of the territory.

26 A. You're right, Your Honour.

27 Q. It's right to say that the local RUF commanders were  
28 somewhat relieved that they'd got rid of Savage out of their  
29 territory?





1 A. You're right, Your Honour.

2 Q. Am I right that there was a specific disarmament exercise  
3 in the SLA camp in Kabala?

4 A. Yes, Your Honour.

12:43:57 5 Q. About 300 AFRC/SLA combatants - totalling more than 300 -  
6 turned up for disarmament.

7 A. Yes, Your Honour.

8 Q. Whilst these various 300 or so claimed to be combatants, it  
9 was difficult to ascertain whether, in fact, they were combatants  
12:44:40 10 or whether, in fact, they were simply local criminals taking  
11 advantage of the situation.

12 A. You're right, Your Honour.

13 Q. And the end of this, Savage and his AFRC crew, was that a  
14 UN helicopter flew Savage and his family from Kabala to Lungi.

12:45:09 15 A. Yes, Your Honour.

16 Q. For his safety.

17 A. Yes.

18 Q. Now returning to the main subject, am I right that when you  
19 travelled to Matotoka when you had been detained by the RUF,  
12:46:01 20 there was just one vehicle in your convoy?

21 A. Yes, Your Honour.

22 Q. With the people you described present in the vehicle?

23 A. Yes, sir.

24 Q. Now dealing with the context of your arrest and detention  
12:46:23 25 by the RUF, you had become aware, am I right, that there was some  
26 tension in the RUF itself as to the commencement of disarmament?

27 A. Yes, sir.

28 Q. Some RUF wanted to disarm, some didn't?

29 A. Yes, sir.



1 Q. Were you aware at the time of your detention what Foday  
2 Sankoh's position was in Makeni?

3 A. Yes, Your Honour. In Makeni?

4 Q. In Makeni?

12:47:20 5 A. In fact, in Makeni, I know that he was still free in  
6 Freetown, Your Honour.

7 Q. Yes. Were you aware whether he'd sent any message, whether  
8 to Jetley, whether to RUF, concerning what he thought should be  
9 the commencement date in Makeni?

12:47:42 10 A. That I'm not aware of.

11 Q. Okay. Was your experience, after you'd been released and  
12 returned to Sierra Leone, that those tensions remained; some RUF  
13 wanting to disarm, some not?

14 A. I'm not sure of that.

12:48:10 15 Q. Well, let me put it a different way. When you returned to  
16 Sierra Leone, it couldn't be the case that all the RUF were happy  
17 to disarm at that stage?

18 A. In fact, from the very start, we knew that some RUF were  
19 keen to disarm and some were not, Your Honour.

12:48:34 20 Q. Thank you. Did you inform other officials about your  
21 concerns about getting the process of disarmament right, given  
22 these tensions between different parties in the RUF?

23 A. Yes, we do send out situation reports and we report daily  
24 to the headquarters. Looking at the situation in Makeni, in  
12:49:34 25 fact, our assessment was that they were not ready for disarmament  
26 as yet, Your Honour.

27 Q. Would you agree with this: Throughout the process of  
28 disarmament in Sierra Leone, there was a general fragmentation  
29 with some groups of rebels in a particular part of the country



1 resisting disarmament, whereas some groups were being quite

2 enthusiastic about disarmament?

3 A. Yes, Your Honour.

4 Q. In some places, the rebels were so resistant that even

12:50:52 5 letters produced by Foday Sankoh, effectively ordering them to

6 abide, were ineffective?

7 A. Yes, Your Honour.

8 Q. This kind of resistance led, at times, to stand-offs

9 between UNAMSIL and RUF?

12:51:15 10 A. Yes.

11 Q. Would you agree the situation became even more complex when

12 you take into account the AFRC and the SLA who also had their own

13 positions when it came to dealing with disarmament?

14 A. Yes.

12:51:33 15 Q. Those groups answering to a different structure which ended

16 up with Johnny Paul Koroma in Freetown?

17 A. Yes.

18 MR JORDASH: I notice the time, Your Honour. I am about to

19 move to something a bit more factual, if I can put it that way.

12:52:07 20 PRESIDING JUDGE: I think we will now break for lunch. We

21 will resume at 2.30 p.m..

22 [Luncheon recess taken at 12.58 p.m.]

23 [RUF20JUN06C - EKD]

24 [Upon resuming at 2.50 p.m.]

14:45:05 25 PRESIDING JUDGE: Mr Jordash, you'll continue with your

26 cross-examination, please.

27 MR JORDASH: Thank you, Your Honour.

28 Q. Good afternoon, Mr Witness.

29 A. Good afternoon.



1 Q. I just want to pick up on a couple of things we were  
2 dealing with before the luncheon break. Am I correct that some  
3 of the RUF concerns you observed before your detention were  
4 concerns about double-dealing with regards to the Lome Peace  
14:45:40 5 Accord?

6 A. That's what we understand, Your Honour.

7 Q. And concerns that there was a different pace of  
8 demobilisation being imposed on the RUF rather than the SLA, or  
9 rather than the government of Sierra Leone troops?

14:45:59 10 A. Can you rephrase the question?

11 Q. Yes, sorry, that is a little complicated.

12 PRESIDING JUDGE: Put them singularly rather than in  
13 aggregation so we can get the evidence.

14 MR JORDASH: Certainly.

14:46:13 15 Q. If I can put my question much simpler than I just did:  
16 Part of the concerns which you observed being held by the RUF  
17 were that the SLAs were not being demobilised along with the  
18 other factions to the conflict?

19 A. This was their complaint, Your Honour.

14:46:50 20 Q. Would you agree with this, Mr Witness: That after the  
21 events had unfolded and the analysis of what had gone wrong took  
22 place amongst UNAMSIL personnel --

23 JUDGE BOUTET: Events; you make reference to what exactly?

24 MR JORDASH: The detention -- the taking of UNAMSIL troops  
14:47:19 25 hostage.

26 Q. Once that had happened and UNAMSIL troops had been  
27 released, there was a post-analysis of the events. Would you  
28 agree that it was felt amongst UNAMSIL --

29 JUDGE ITOE: Was there a post-analysis, to begin with, of





1 events? Was there a post-analysis, before you move to the next  
2 step.

3 MR JORDASH: Certainly.

4 Q. Was there a post-analysis of the events amongst UNAMSIL  
14:48:01 5 troops, including those like yourself who were held and others in  
6 the higher echelons of UNAMSIL?

7 A. I'm not aware of that.

8 Q. Let me ask you this, then: Was it the view of some that  
9 the difficulties which existed as regards the demobilisation of  
14:48:30 10 the RUF in Makeni, that UNAMSIL should have been given more time  
11 to resolve some of these difficulties before the disarmament had  
12 begun?

13 A. That is only our assessment. But we go according to the  
14 UNAMSIL headquarter's orders, Your Honour.

14:48:58 15 Q. Sorry, I missed that last answer.

16 JUDGE BOUTET: When you say your own assessment, you mean  
17 our your own personal assessment?

18 THE WITNESS: No, Your Honour. It is the team site where I  
19 said --

14:49:09 20 JUDGE BOUTET: At the team site?

21 THE WITNESS: Yes.

22 JUDGE BOUTET: So your team on the ground, as such, that is  
23 the way you viewed it?

24 THE WITNESS: Yes, Your Honour.

14:49:16 25 JUDGE BOUTET: But it was not the view of UNAMSIL  
26 headquarters?

27 THE WITNESS: No, Your Honour.

28 MR JORDASH:

29 Q. So your team site view was that there should have been more



1 work with the local RUF to resolve the suspicions held by the  
2 local RUF; is that fair?

3 A. No, I will not agree with that, Your Honour. They had, at  
4 a headquarter level, the government and the responsible  
14:49:51 5 authorities, they had already come to a conclusion that DDR will  
6 be launched simultaneously in four locations, beginning 17th  
7 April, and it was effected accordingly. So, as military  
8 observers in Makeni, we just went with the orders given to us,  
9 Your Honour.

14:50:18 10 Q. Am I right, Mr Witness, that in other places, UNAMSIL  
11 had -- let me start that again. In other places, disarmament had  
12 been commenced in a public way, with the full participation of  
13 the high command, Foday Sankoh; whereas the events which appear  
14 to have triggered off the detentions in Makeni concerned  
14:50:57 15 disarmament of the lower ranks without that input from the high  
16 command, Foday Sankoh.

17 A. From what I know, as I mentioned earlier in my evidence,  
18 that the location at Daru and Segbwema, where the RUF were  
19 strong, had already commenced, Your Honour.

14:51:27 20 Q. Yes, with the travelling of Foday Sankoh to those areas as  
21 a public sign of his commitment to that commencement?

22 A. He was there for that disarmament process, Your Honour.

23 Q. Whereas in Makeni, the process took a different turn?

24 PRESIDING JUDGE: Counsel, are you trying to elicit  
14:51:49 25 evidence to the effect that it may well have been the perception  
26 of those who allegedly might have taken UN personnel hostage that  
27 there was something fundamentally wrong with the way the  
28 disarmament process had proceeded; that is what you are trying to  
29 do?



1 MR JORDASH: Yes.

2 PRESIDING JUDGE: In other words, that is the theory you  
3 are putting to the witness?

4 MR JORDASH: Yes.

14:52:17 5 PRESIDING JUDGE: In other words, is he aware that this --  
6 or did this kind of theory, from your perspective, emerge from  
7 their own analysis or assessment?

8 MR JORDASH: Yes.

9 PRESIDING JUDGE: This is what you trying to do?

14:52:30 10 MR JORDASH: Yes.

11 PRESIDING JUDGE: Put it in a less complicated fashion,  
12 because I tried to merely decipher your question to be able to  
13 understand what is the purpose behind it, and I understand the  
14 purpose.

14:52:53 15 MR JORDASH:

16 Q. I suspect you followed that conversation perfectly.

17 A. Yes.

18 Q. Would you agree with my suggestion?

19 A. There was no such ruling, Your Honour, that Foday Sankoh  
14:53:03 20 had to be there prior to the disarmament.

21 Q. Clearly disarmament, the process, was a delicate one,  
22 requiring not just collaboration but co-operation and agreement;  
23 you agree?

24 A. Yes, Your Honour. But even the other warring factions,  
14:53:24 25 they did not have any of the leaders coming down for the  
26 launching of the disarmament and demobilisation.

27 Q. Did you hear that Foday Sankoh had also attended Fadugu  
28 Town to commence disarmament?

29 A. I'm not aware of that, Your Honour.



1 Q. What about Lunsar, Foday Sankoh attending there; did you

2 hear that?

3 A. I'm not aware of that also.

4 Q. Let me put my position more clearly. I suggest there was a  
14:54:10 5 view which remains to this day in UNAMSIL that there was an error  
6 made by UNAMSIL in beginning the Makeni disarmament in the way it  
7 began, that is, to a certain extent, undercover. Could you  
8 accept that; there is that view amongst some?

9 A. I'm not sure about it.

14:54:39 10 Q. Because you did give evidence that the RUF rank and file  
11 who disarmed did so whilst hiding their weapons in blankets; is  
12 that right?

13 A. Yes, the first disarmament.

14 Q. They were seeking to hide their engagement with the process  
14:54:58 15 from the higher commands; is that right?

16 A. I would say you're right, Your Honour.

17 Q. That triggered off a certain reaction from the higher  
18 command, from what you have said?

19 A. Not from that exercise on 27th April or 28th April 2000.

14:55:16 20 Q. Well, by 2nd May it triggered off a reaction?

21 A. 1st May, yes.

22 Q. I am suggesting there are those in UNAMSIL who see that as  
23 an error and what should have been done was it should have been  
24 done, if at all at that stage, with full cooperation with the  
14:55:38 25 higher ranks; do you accept that?

26 A. No, I would not accept that.

27 Q. You wouldn't accept that, okay.

28 JUDGE BOUTET: I was going to question you by what you mean  
29 by some had the view at UNAMSIL. UNAMSIL for a while had, I





1 don't know, 15,000, 25,000 people. What do you mean by the view,  
2 the leadership, the commanders? It is such a vague concept you  
3 are putting, trying just to see. Anyhow, the witness does not  
4 agree with you.

14:56:08 5 MR JORDASH: I can make it clearer.

6 Q. Adeniji, you know who he is?

7 A. Sorry. Say again.

8 Q. Adeniji, he was the SRSB soon after this incident?

9 A. The Nigerian --

14:56:21 10 Q. Yes.

11 A. Yes, SRSB.

12 Q. Are you aware that his view was that this was an error?

13 A. I'm not sure, really.

14 Q. Are you aware of a UNAMSIL headquarters Board of Inquiry  
14:56:47 15 report that came out late 2000, an inquiry into these events?

16 A. No, Your Honour.

17 Q. We have gone as far as we can with that. Let's move on.  
18 Would you agree with this, then? Peacekeeping troops in and  
19 around Makeni were lacking in logistic support?

14:57:34 20 A. Yes, Your Honour.

21 Q. Some of them were deployed without sufficient transport  
22 support?

23 A. Yes, Your Honour.

24 Q. And radio communication?

14:57:47 25 A. Yes, Your Honour.

26 Q. And without sufficient training? Some of the troops --

27 A. Yes, sir.

28 Q. -- didn't have the right training? Yes, thank you. Some  
29 of the peacekeepers, this was their very first time operating in



1 a conflict/post-conflict environment; is that right?

2 A. Well, I personally was one of them.

3 Q. Yes. Am I right that the events you described started off,  
4 as you observed, as some kind of spontaneous abduction of  
14:58:57 5 peacekeepers? Could you agree with that? Is that the way you  
6 observed it?

7 A. From my personal point of view, I think it was spontaneous,  
8 Your Honour.

9 Q. From this spontaneity, suddenly events took on a -- well,  
14:59:23 10 events boiled over, if you like, to something more serious?  
11 Sorry, could you speak to the microphone?

12 A. Yes, Your Honour.

13 Q. Thank you. Quite quickly, events escalated to a stand-off  
14 between RUF and UNAMSIL; a military stand-off, I mean?

14:59:51 15 A. Yes, Your Honour.

16 Q. I am moving to 1st May. So by middle to late of 1st May,  
17 what you have is a situation which, to those who do not know how  
18 it began, it looks like a military fight between two parties?

19 A. I would presume so, Your Honour.

15:00:15 20 Q. Yes, with deaths on both sides?

21 A. Yes, Your Honour.

22 Q. From the events you have described, from the abduction, to  
23 deaths, to suddenly checkpoints being told to stop the UN.

24 A. Yes.

15:00:39 25 Q. And from that, a message being sent out to RUF through the  
26 country that, in fact, the peacekeepers have turned into  
27 combatants? That was the message?

28 A. I believe so, Your Honour.

29 Q. Obviously to those who were not subject to or privy to the



1 localised events, the message they heard was "We have a different  
2 combative situation." We have another, if you like, party to the  
3 conflict?

4 A. It sounded very much like that.

15:01:25 5 Q. Yes. Soon after that, rebels came flooding into Makeni.

6 A. Yes, Your Honour.

7 Q. Expecting a fight with the UNAMSIL.

8 A. Probably.

9 Q. Clearly from what you've said, there was different views  
15:01:49 10 being held by different people in the RUF; some quite content to  
11 fight, some regretting what was happening. Do you agree with  
12 that?

13 A. Yes, sir.

14 Q. Colonel Jimmy, who you met after you'd been taken hostage,  
15:02:13 15 was not happy with the events; is that right?

16 A. He did not say or react to it, Your Honour. He didn't  
17 speak at all.

18 Q. Let me try to remind you. Didn't Colonel Jimmy visit you  
19 in detention?

15:02:35 20 A. Yes.

21 Q. Didn't you tell him what had happened?

22 A. Yes, I did tell him.

23 Q. Didn't he seem unhappy about the incident?

24 A. What I told him was the rebels had actually taken away our  
15:02:46 25 personal belongings. To that he was not happy, Your Honour.

26 Q. Did he promise to return all your cash and valuables?

27 A. That's what he told us, Your Honours.

28 Q. He was able to return with some of them?

29 A. Yes.



1 Q. The point I am making is that not all the rebels were keen

2 to take on the UNAMSIL?

3 A. I believe so, Your Honour.

4 Q. Thank you.

15:03:26 5 JUDGE ITOE: Not all the rebels were keen on -- is it

6 harming or what?

7 MR JORDASH: Were keen on --

8 PRESIDING JUDGE: Did you say "take on"?

9 MR JORDASH: Taking on the UNAMSIL.

15:03:45 10 PRESIDING JUDGE: Of course, in this particular area of

11 your cross-examination, we are more or less eliciting opinions or

12 impressions from the witness, aren't we? Because you building up

13 a scenario for him, and what we get are his answers. Some of it,

14 yes, others, I believe so, or a combination of factual and

15:04:06 15 opinion evidence. I mean, it would seem so.

16 MR JORDASH: I hope beliefs based on observable facts.

17 PRESIDING JUDGE: Quite right. I'm not in fact disputing

18 that. I am just saying in terms of pure facts as distinct from

19 mixed fact and opinion, you build up a scenario here which is

15:04:26 20 based on your instructions and your own interpretation, and he

21 seems to respond, some of it, favourably. I just want to be

22 clear in my head as to what we are doing here.

23 MR JORDASH: Yes.

24 Q. Just stepping out from the sequence for a moment,

15:04:43 25 Mr Witness, did you subsequently hear that A Company, around the

26 time of your detention in Makeni, had left Lunsar on the way to

27 Makeni to provide support?

28 A. No, Your Honour.

29 Q. You didn't hear anything about that?





1 A. No.

2 Q. Okay. I'll leave that. Moving forward to your meeting  
3 with this man who was identified as Issa Sesay.

4 A. Yes, Your Honour.

15:05:28 5 Q. Am I correct that, once you reached Matotoka, you then  
6 observed this man who was identified as Mr Sesay?

7 A. Yes, Your Honour.

8 Q. It was dark?

9 A. Yes, Your Honour.

15:05:57 10 Q. This man who was identified as Mr Sesay offered cigarettes  
11 to some of the peacekeepers; is that right?

12 A. You're right, Your Honour.

13 Q. This man who was identified as Mr Sesay offered some cans  
14 of beer as well to some of the peacekeepers.

15:06:25 15 A. To some of the peacekeepers, yes.

16 Q. This man identified as Mr Sesay didn't fire any guns or  
17 anything at this --

18 A. No.

19 Q. But he did say, and I want you to think carefully as to  
15:06:52 20 whether he spoke to Mr Mendy, said to him words to the effect of,  
21 "You are going to be moved to my town for safe custody." Do you  
22 remember that?

23 A. I didn't hear that.

24 Q. Didn't hear that. Perhaps you didn't hear this either --

15:07:20 25 PRESIDING JUDGE: The answer presupposes that he did speak  
26 to Colonel Mendy.

27 MR JORDASH: Yes.

28 Q. Did you hear this man, identified as Mr Sesay, also speak  
29 to Mr Mendy and say that he would speak to the peacekeepers'



1 authorities and, once that had been done, they would -- you  
2 would, the peacekeepers, return home?

3 A. I didn't hear that, Your Honour.

4 Q. Okay. Words to the effect of, "Let me deal with your  
15:07:59 5 authorities and then you'll be sent home." You didn't hear that?

6 A. I didn't hear that too.

7 Q. You were, though, told by this man that you would be taken  
8 to a farm where your personal items and uniform would be  
9 returned?

15:08:30 10 A. Yes, Your Honour.

11 Q. This man also ensured that you were all untied?

12 A. Yes, Your Honour.

13 Q. Just so we are clear about what was said in relation to  
14 force, this man essentially said if the UN wanted a fight, his  
15:09:02 15 men would be ready?

16 A. No, Your Honour.

17 Q. No. What was it you say he said?

18 A. He said that he has just heard from his people at Lunsar  
19 that the UN is sending thousands of troops, and that his troops  
15:09:16 20 were ready for them, Your Honour.

21 Q. So what was said, as far as you remember, was the RUF would  
22 be ready to fight if it was correct that the UNAMSIL were coming  
23 to fight?

24 A. Yes, Your Honour.

15:09:33 25 Q. Thank you. Following the unfortunate accident in the  
26 truck, Mr Mendy was taken to another location for medical care by  
27 the civilians?

28 A. Yes, Your Honour.

29 JUDGE BOUTET: This was much later, though, isn't it?



1 MR JORDASH: This was after the truck had then left the man  
2 said to be Mr Sesay.

3 JUDGE BOUTET: But you put to the witness that following  
4 the accident Colonel Mendy was taken to another location. You  
15:10:21 5 mean to say that -- I thought that they were all taken to the  
6 same location. It was once they were at that other location that  
7 he was then taken because of the seriousness of his injury at  
8 that time. I mean, I just want to make sure that we understand  
9 we are talking of the same thing.

15:10:42 10 MR JORDASH: I think I may have misunderstood. May I seek  
11 clarification from the witness?

12 JUDGE BOUTET: Yes.

13 MR JORDASH:

14 Q. At what stage did Colonel Mendy get taken off by the  
15:10:48 15 civilians for medical treatment? Was it directly at the crash  
16 site or after you arrived at Small Sefadu?

17 A. Immediately after the accident, when we pulled him out of  
18 the crater, Your Honour.

19 Q. Thank you. At this scene of the crash, am I correct that a  
15:11:20 20 few villagers passed through and one of the rebels paid the  
21 civilian 500 leones for some raw tapioca?

22 A. Yes, Your Honour.

23 Q. And the tapioca was distributed to all the peacekeepers and  
24 the rebels to eat?

15:11:47 25 A. Yes, Your Honour.

26 Q. Who was the rebel who bought the tapioca, did you get the  
27 name?

28 A. I can't remember his name.

29 Q. Did you get the impression that these commanders who took



1 you to Small Sefadu were operating on the orders of the man who  
2 was said to be Mr Sesay?  
3 A. I'm not sure whether they were obeying to orders from the  
4 man by the name of Sesay, but I believe that they were obeying  
15:12:26 5 orders from some superior commander.  
6 Q. Right. Moving on to Small Sefadu. When you arrived there,  
7 you again met Colonel Mendy; is that right?  
8 A. Yes, Your Honour.  
9 Q. He was being attended to by civilians?  
15:12:58 10 A. Yes, Your Honour.  
11 Q. Did you meet a man called Dr Kamara?  
12 A. Yes, Your Honour.  
13 Q. Who apologised about the accident.  
14 A. Yes, Your Honour.  
15:13:10 15 Q. And offered to treat you and provide you with food and  
16 clothes.  
17 A. You're right, Your Honour.  
18 Q. And said that village doctors would attend to you and  
19 ensure your health.  
15:13:29 20 A. Yes, Your Honour.  
21 Q. These village doctors were working alongside the local RUF.  
22 A. Yes, Your Honour.  
23 Q. The local RUF ensured that the village doctors could attend  
24 to you.  
15:13:40 25 A. Yes, Your Honour.  
26 Q. I am just taking you through what happened, but I don't  
27 want to suggest -- well, I'm not suggesting this was a walk in  
28 the park. I acknowledged at the beginning, and I hope you  
29 understood my position, that this must have been a frightening





1 incident. I don't seek to detract from that.

2 A. Yes, Your Honour.

3 Q. But I do want to just go through a few of the details about  
4 what happened. The camp that you were staying in was quite noisy  
15:14:25 5 with rebels shouting instructions to one another.

6 A. Yes, Your Honour.

7 Q. An hour or so after you arrived, rebels brought you some  
8 food.

9 A. You're right, Your Honour.

15:14:37 10 Q. Some loaves of bread.

11 A. Yes, Your Honour.

12 Q. Some cans of sardines and some canned soft drinks.

13 A. Yes, Your Honour.

14 Q. Insufficient, perhaps, for 20 hungry hostages, but no doubt  
15:14:52 15 quite welcome.

16 A. Yes, Your Honour.

17 Q. You then met - is this right - Major Alhaji Bayo, who was  
18 the commander of the camp?

19 A. Yes, Your Honour.

15:15:19 20 Q. Am I right that you were provided with a room to stay?

21 A. Yes, Your Honour.

22 Q. As was Major Odhiambo and Major Maroa.

23 A. Yes, Your Honour.

24 Q. Major Rono and two Kenyans captains occupied a third room.

15:15:35 25 A. Yes, Your Honour.

26 Q. You shared with the Norwegian commander.

27 A. Yes, Your Honour.

28 Q. Gjellesdad?

29 A. Gjellesdad.



1 Q. The rebels returned soon thereafter with clothing and foot  
2 wear.  
3 A. You're right, Your Honour.  
4 Q. Which were gratefully accepted by yourselves.  
15:16:06 5 A. Yes, Your Honour.  
6 Q. That night you were given an early dinner of rice and  
7 goat's intestines.  
8 A. Yes, Your Honour.  
9 Q. Did you notice that this was similar to the food that was  
15:16:32 10 being eaten by the rebels?  
11 A. I presume so, Your Honour.  
12 Q. Was it the next day after your arrival? So I think this  
13 must be the 4th?  
14 A. You're right, Your Honour.  
15:16:55 15 Q. Some Gambian diamond dealers from Koidu came to speak to  
16 Colonel Mendy?  
17 A. You're right, Your Honour.  
18 Q. Did you learn that they were engaged in private diamond  
19 mining in Koidu?  
15:17:12 20 A. We were just told that they were Gambian diamond dealers  
21 from Koidu.  
22 Q. No doubt Colonel Mendy was somewhat happy to meet them?  
23 A. Of course, Your Honour.  
24 Q. Am I right, then, that over the next few days you received  
15:17:36 25 such things as rice from the rebels?  
26 A. Yes, Your Honour.  
27 Q. Making the best of a difficult situation, you also sat some  
28 evenings and drank with the rebels.  
29 A. Yes, Your Honour.



1 Q. And you had your first experience of Sierra Leonean poyo.  
2 A. Yes, Your Honour.  
3 Q. That is like some sort of alcoholic spirit, is it?  
4 A. Fermented alcohol, Your Honour.  
15:18:09 5 Q. You also had an experience of Major Bayo getting  
6 intoxicated on poyo.  
7 A. Yes, Your Honour.  
8 Q. And somewhat ranting about the corruption of the  
9 government.  
15:18:30 10 A. Yes, Your Honour.  
11 Q. The fact that the likes of President Kabbah enjoyed wealth  
12 whilst the rest of the country struggled in poverty.  
13 A. Not specifically President Kabbah, but people in the town  
14 area, Your Honour.  
15:18:54 15 Q. And people in the country had to make do with no water or  
16 electricity.  
17 JUDGE ITOE: Who was saying all this?  
18 MR JORDASH: Major Bayo.  
19 JUDGE BOUTET: Who's he?  
15:19:09 20 THE WITNESS: He was the officer commanding of the  
21 detention camp where we were being held, Your Honour - in charge  
22 of the detention camp.  
23 JUDGE BOUTET: The RUF commander?  
24 THE WITNESS: Yes, Your Honour.  
15:19:28 25 MR JORDASH:  
26 Q. He described that Foday Sankoh had began this revolution in  
27 1991 to eradicate corruption and injustice.  
28 A. That's what he told us, Your Honour.  
29 Q. And tried to secure free medical services and free



1 education.

2 A. Yes, Your Honour.

3 Q. Colonel Mendy received or continued to receive medical care  
4 through his detention; is that right?

15:20:05 5 A. Not proper, but, yes, he did get treatment.

6 Q. From the local village doctors?

7 A. Yes.

8 Q. You ate rice, palm oil and peppers and mangoes and other  
9 fruits.

15:20:24 10 A. Yes, Your Honour.

11 Q. And Major Bayo and the other RUF present shared their  
12 cigarettes with you during your detention.

13 A. Occasionally, Your Honour.

14 Q. Yourselves and the Kenyan soldiers would join the rebels  
15 for a drink in the evenings, some of the evenings, anyway.

15:20:48 16 A. You're right, Your Honour.

17 Q. Did they ever mention to you that they had been told to  
18 keep your secure, to keep you safe?

19 A. They did not say that, Your Honour.

15:21:16 20 Q. Clearly, you didn't know at this stage what your fate was  
21 going to be?

22 A. You're right, Your Honour.

23 Q. But you were kept safe and secure, were you not?

24 A. Yes, Your Honour.

15:21:26 25 Q. Thank you. Some of the villagers brought you fruit to eat  
26 as well; is that right?

27 A. Yes, Your Honour.

28 Q. You were also, as we have heard, taken for baths every  
29 couple of days or so?





1 A. Yes, Your Honour.

2 Q. Thank you. Sorry, I have nearly finished. Were you told  
3 later on that two injured Kenyan peacekeepers had been taken to  
4 the hospital by the RUF?

15:23:22 5 A. In Kailahun, yes, Your Honour.

6 Q. Were you told that was on the instruction of Mr Sesay?

7 A. No, Your Honour. I was just told that some injured UN  
8 personnel had been taken to the hospital.

9 Q. Did you ever speak to Colonel Ngondi?

15:24:14 10 A. When exactly, Your Honour?

11 Q. At any time around this period, whether after your release  
12 or before?

13 A. The time I was taken as hostage from 1st May to 21st May, I  
14 did not speak to him. But prior to that I had spoken to him  
15 while we were working in the mission area. Also after I was  
16 released I did speak to him too, at Freetown headquarters,  
17 Your Honour.

18 Q. Did he tell you, after you'd been released, that around  
19 3rd May he'd received a message from an RUF soldier saying that  
15:24:58 20 Foday Sankoh had called for a cease-fire?

21 A. No, he did not mention that.

22 Q. He didn't mention it, okay. Do you recall in fact being  
23 taken to Foya? Do you recall being taken there, because I  
24 suggest you were actually released from Foya? Could that be  
15:25:36 25 right?

26 A. I don't think so, Your Honour.

27 Q. You weren't familiar with Kailahun, were you?

28 A. I have been to Kailahun once, Your Honour.

29 Q. Before your detention?



1 A. Yes, Your Honour. I went as liaison officer with the CMO,  
2 chief military observer.

3 Q. Can I suggest something else? That if you saw Mr Sesay in  
4 a vehicle, then, the vehicle he was in was in fact a Nissan  
15:26:16 5 Patrol and not a commandeered Indian peacekeepers vehicle?

6 A. I saw him personally in the UN gypsy vehicle, Your Honour.

7 Q. And it was a Nissan Patrol, I would suggest, that had been  
8 bought for him by Foday Sankoh. Could that be right?

9 A. No, Your Honour, because I saw him while waiting for the  
15:26:44 10 helicopter. He was driving the UN gypsy vehicle.

11 MR JORDASH: Could I just take instructions, please? Thank  
12 you very much, Mr Witness. I have got nothing further. Thank  
13 you, Your Honours.

14 THE WITNESS: Thank you, Your Honour.

15:27:23 15 PRESIDING JUDGE: Thank you, Mr Jordash. Mr Sheku Touray,  
16 your witness.

17 MR TOURAY: Thank you, Your Honour. May I be given some  
18 few minutes to just have --

19 CROSS-EXAMINED BY MR TOURAY:

15:27:49 20 Q. Good afternoon, Mr Witness.

21 A. Good afternoon, Your Honour.

22 Q. You said you arrived at Makeni on -- what date was it?

23 A. 22nd February 2000, Your Honour.

24 Q. 22nd February 2000. And then you stayed up to 1st May when  
15:28:17 25 this alleged incident happened?

26 A. Yes, Your Honour.

27 Q. And in Makeni did you know who the local commander was?

28 A. Yes, as I mentioned the RUF overall security commander was  
29 Colonel Augustine Gbao.



1 Q. But did you know who the local commander was, the RUF local  
2 commander? Gbao may have been the overall security commander,  
3 but did you know who the local commander was?

4 A. No.

15:28:50 5 Q. Did you hear of any Brigadier Kailondo, who was the ground  
6 commander?

7 A. No, Your Honour.

8 MR O'SHEA: I'm terribly sorry to interrupt, but if Mr Gbao  
9 could go to the restroom I'd be grateful.

15:29:13 10 PRESIDING JUDGE: We grant him leave to do that.

11 MR TOURAY:

12 Q. Did you know of one Brigadier Kailondo, who was in fact the  
13 ground commander for Makeni?

14 A. I never met him, Your Honour.

15:29:28 15 Q. You never met him.

16 A. Yes.

17 Q. Did you hear the name?

18 A. No, Your Honour.

19 Q. Your never heard the name.

15:29:35 20 PRESIDING JUDGE: Counsel, you will have to take it at a  
21 measured pace. If you go at this helter-skelter pace, we can't  
22 have your evidence recorded.

23 MR TOURAY: Much obliged, Your Honour.

24 PRESIDING JUDGE: So go back to Kailondo.

15:29:48 25 MR TOURAY:

26 Q. The ground commander, Major Kailondo, you never heard of  
27 him?

28 A. No, Your Honour.

29 Q. The military police commander, the MP commander, did you



1 know who he was?

2 A. No, Your Honour.

3 Q. You never heard of a Colonel AS Kallon?

4 A. KS Kallon, Your Honour.

15:30:17 5 Q. AS Kallon.

6 A. No, Your Honour.

7 Q. Never?

8 A. No.

9 JUDGE ITOE: Is it AS or KS?

15:30:33 10 MR TOURAY: AS.

11 Q. And you know, at least with your experience with the  
12 military, matters of arrests are within the purview of the  
13 military police?

14 A. Yes, Your Honour.

15:31:00 15 Q. In your evidence you said Brigadier Kallon was commander of  
16 the -- or brigadier of the 4th Brigade stationed at Magburaka?

17 A. Yes, Your Honour.

18 Q. That is a separate area of competence from Makeni?

19 A. Yeah, out of our area of operation, Your Honour.

15:31:34 20 Q. Indeed so. And Magburaka had their own set of reception  
21 centre as well as their own DDR camp?

22 A. Yes, Your Honour.

23 Q. Makeni had theirs. Your own area of operation had yours?

24 A. Yes, Your Honour.

15:31:57 25 Q. Different personnel?

26 A. Different personnel, Your Honour.

27 Q. And this incident you said happened on the 1st -- or the  
28 fracas with some of the RUF combatants was at the DDR camp in  
29 Makeni?





1 A. Yes, Your Honour.

2 Q. Not in Magburaka?

3 A. Not Magburaka.

4 Q. Yes. You never used to visit Magburaka?

15:32:46 5 A. Yes, I have been to Magburaka.

6 Q. Did you during the -- between the 1st -- 28th of -- what

7 did you say?

8 A. 22nd February.

9 Q. February to 1st May?

15:33:00 10 A. 1st May.

11 Q. Did you visit Magburaka?

12 A. Yes, Your Honour.

13 Q. Did you meet Brigadier Kallon?

14 A. I've never seen him.

15:33:10 15 Q. You've never seen him?

16 JUDGE ITOE: Never seen who?

17 MR TOURAY: Brigadier Kallon.

18 JUDGE ITOE: He had never seen who?

19 MR TOURAY: Brigadier Kallon.

15:33:23 20 JUDGE ITOE: Brigadier Kallon?

21 MR TOURAY: Yes.

22 Q. You never saw Brigadier Kallon in Magburaka?

23 A. Yes, Your Honour.

24 Q. You never saw him in Makeni?

15:33:50 25 A. Yes, Your Honour.

26 Q. And in fact, your information that the person who attacked

27 you or arrested you was Brigadier Kallon came from Maroa.

28 Somebody gave you that -- Maroa gave you that information?

29 A. Yes, Major Maroa.



1 Q. And this was at Teko Barracks, when you had met there at  
2 Teko Barracks?  
3 A. Yes, Your Honour.  
4 Q. After the incident?  
15:34:44 5 A. After the incident.  
6 Q. The Mercedes Benz vehicle you said Brigadier Kallon came  
7 with came from the direction of Makeni?  
8 A. Yes, you're right.  
9 Q. Not from Magburaka?  
15:35:09 10 A. No.  
11 Q. When you were taken, allegedly by Brigadier Kallon, you  
12 were taken to Teko Barracks in Makeni, not to Magburaka?  
13 A. You're right.  
14 Q. So really, to be honest with you, Mr Witness, apart from  
15:36:00 15 what Maroa may have told you, there is no way you can really say  
16 it was really Morris -- I mean, Brigadier Kallon that arrested  
17 you?  
18 A. You're right.  
19 Q. In fact, now that you know that there was this MP  
15:36:52 20 Commander AS Kallon, and there was this ground commander in  
21 Makeni, Brigadier Kailondo, there may have been some confusion.  
22 It is possible?  
23 MS ALAGENDRA: Your Honour, if I can just object to this  
24 question. I believe the witness said he did not know.  
15:37:11 25 PRESIDING JUDGE: Yes, I thought it was a misrepresentation  
26 of the evidence, maybe inadvertent on the part of counsel for the  
27 second accused. I have just pleaded that it may well have  
28 been -- your misrepresentation of the evidence may well have been  
29 inadvertent. There was no acknowledgment of knowledge of --



1 JUDGE ITOE: Existence even.

2 PRESIDING JUDGE: -- AS Kallon. So to string together that  
3 piece of evidence with your thesis is a clear misrepresentation  
4 of the position.

15:37:48 5 MR TOURAY: I accept.

6 PRESIDING JUDGE: You can put forward your thesis without  
7 misrepresenting the evidence. The objection is upheld.

8 MR TOURAY:

9 Q. Let me put it to you definitely whether you know or not,  
15:38:01 10 that AS Kallon was the military police commander in Makeni at the  
11 time?

12 A. I was not aware.

13 Q. You were not aware. And let me also put it to you that  
14 Kailondo, Brigadier Kailondo, was the ground commander at Makeni  
15:38:17 15 at that time?

16 A. I was not aware of that.

17 Q. Let me also put it to you that these are the persons who  
18 may have been responsible for maintaining any order or disorder  
19 at the camp at Makeni, not Brigadier Kallon from Magburaka.

15:38:40 20 PRESIDING JUDGE: Do you know that?

21 THE WITNESS: Normally the military --

22 PRESIDING JUDGE: Do you know that these were the persons  
23 who were responsible?

24 MR TOURAY: He is answering the question, Your Honour.

15:38:50 25 THE WITNESS: Yes.

26 PRESIDING JUDGE: That's what I am trying to clarify lest  
27 we get into more intricacies. We are searching for the truth.

28 MR TOURAY: He has given his answer now. Normally in the  
29 military situation --



1 PRESIDING JUDGE: That's okay, counsel. Continue.

2 THE WITNESS: Your Honour, I was not aware of the two names  
3 that he mentioned. I have never seen them.

4 PRESIDING JUDGE: Quite right. I thought you had said that  
15:39:08 5 over and over again.

6 THE WITNESS: Yes, Your Honour.

7 MR TOURAY:

8 Q. But normally in the military operation you wouldn't have  
9 some interference from one area of operation to another?

15:39:14 10 A. But then, Your Honour, it is a formal military, yes.

11 Q. Yes.

12 A. But whether this is a formal military or not we are talking  
13 about --

14 PRESIDING JUDGE: And we will not get into that, it is  
15:39:23 15 argumentative. Let's move on, counsel.

16 MR TOURAY: As Your Honour pleases. No further questions.

17 Q. I will only put it to you finally that, in fact, it was  
18 AS Kallon that was involved in the fracas at Makeni DDR camp, not  
19 Brigadier Kallon.

15:39:40 20 JUDGE BOUTET: Do you agree with that or not?

21 THE WITNESS: No, I don't agree, Your Honour.

22 MR TOURAY: That will be all for this witness.

23 PRESIDING JUDGE: Thank you, counsel. Professor O'Shea,  
24 would you like to proceed.

15:39:54 25 MR O'SHEA: Your Honour, may I invite the Court to take a  
26 short recess.

27 PRESIDING JUDGE: Grounds?

28 MR O'SHEA: I know that the Court will be taking a recess  
29 very soon and --





1           PRESIDING JUDGE: In other words, you are asking us to  
2 adopt an exceptional procedure, so persuade us.

3           MR O'SHEA: I am asking the Court to adjourn a little early  
4 because I need to go to the restroom.

15:40:15 5           PRESIDING JUDGE: Right. We will take a short recess on  
6 those grounds.

7                               [Break taken at 3.46 p.m.]

8                               [Upon resuming at 4.00 p.m.]

9           PRESIDING JUDGE: Professor O'Shea, you will begin.

15:53:47 10          MR O'SHEA: Your Honour, thank you very much. Your Honour,  
11 before I do begin, may I indicate to the Court that I started  
12 receiving some instructions from Mr Gbao. While that's a happy  
13 situation for me, it's not necessarily a happy situation for the  
14 Court, to the extent that there may come a point when I run --

15:54:04 15          JUDGE ITOE: Speak into the microphone, please.

16          MR O'SHEA: I'm sorry, Your Honour. I was saying that it's  
17 a happy situation for me that I'm receiving some instructions  
18 from Mr Gbao, but not necessarily for the Court, to the extent  
19 that there may come a point when I may need to ask for the  
15:54:32 20          Court's indulgence. However, I'm happy to proceed for the moment  
21 and see how it goes, on the basis of the preparation that I have.  
22 To be frank with the Court, I don't have sufficient instructions  
23 on this witness as things stand at the moment, but it may be that  
24 I may be able to proceed. If I run into difficulties, I  
15:54:54 25          understand there is another witness we could start in chief, if  
26 it came to it.

27          PRESIDING JUDGE: Let's make do with what you have for the  
28 time being. Who knows, something might happen that could just  
29 mitigate your difficulty. Of course, if something happens that



1       aggravates it, the Court will have the capacity to be able to  
2       find some option.

3               MR O'SHEA: Yes.

4               PRESIDING JUDGE: Some solution.

15:55:21 5               MR O'SHEA: I will take it as far as I can. Thank you,  
6       Your Honour.

7               PRESIDING JUDGE: Yes. Go ahead.

8                               CROSS-EXAMINED BY MR O'SHEA:

9       Q.       Good afternoon, Major. My name is Andreas O'Shea and I  
15:55:35 10       represent Mr Augustine Gbao, who is the third accused in this  
11       trial.

12       A.       Good afternoon, Your Honour.

13       Q.       I'm counsel, so you don't need to refer to me as  
14       Your Honour. Your Honours are sitting on the Bench.

15:55:52 15               JUDGE BOUTET: But his answer is directed to the Court, not  
16       to you.

17               JUDGE ITOE: Yes, it is directed to the Court, to the  
18       Bench; not to you.

19               PRESIDING JUDGE: That is the common law tradition.

15:56:24 20               MR O'SHEA:

21       Q.       Major, if I may ask you, before you came to Sierra Leone  
22       you presumably had some briefing on the concept of peacekeeping,  
23       and during the course of your professional activities in Sierra  
24       Leone you would have become familiar with the nature of  
15:56:36 25       peacekeeping and what peacekeepers are supposed to do and what  
26       they're not supposed to do.

27               JUDGE ITOE: Before he came? Before. Before. Start from  
28       there.

29               PRESIDING JUDGE: Yes, perhaps it's the best thing to do.



1 JUDGE ITOE: Before he came, before you arrived in Sierra  
2 Leone. Ask him whether he had -- I'm sure that's what you want  
3 from the witness -- did he have any briefing on the concepts of  
4 peacekeeping in Kuala Lumpur, for instance, before he came?

15:57:03 5 PRESIDING JUDGE: Yes, let's take it as the learned Justice  
6 said. Let's take it step by step. The concept first and then  
7 the later on.

8 MR O'SHEA: Your Honours, I heard everything both  
9 Your Honours were saying, but I'm not sure everyone did, because  
15:57:17 10 it was not coming through the microphone.

11 PRESIDING JUDGE: Yes. I will let Justice Itoe repeat the  
12 position. Go ahead.

13 JUDGE ITOE: No, please, go ahead.

14 PRESIDING JUDGE: In other words, it makes it easier for  
15:57:36 15 the records that you take these concepts separately. You began  
16 with a concept. You wanted to know whether, prior to coming to  
17 Sierra Leone, he had some familiarity or briefing with the  
18 concept. Why not let us have the answer to that before you come  
19 in with the next question, which relates to some slightly  
15:58:02 20 different matter that you were putting forward. That's what we  
21 were asking for, that's all.

22 MR O'SHEA: Yes, if Your Honour pleases. There is some  
23 difficulty with the microphone. But let's see how things  
24 proceed.

15:58:24 25 Q. Before you came to Sierra Leone did you have some briefing  
26 or training in the concept of peacekeeping?

27 A. Yes, Your Honour. In fact, I attended a United Nations  
28 military observer course for five weeks in my country,  
29 Your Honour.



1 Q. Yes. And also, when you were conducting your professional  
2 activities in Sierra Leone, you became more familiar with the  
3 concept and its practical application?

4 A. Yes, Your Honour.

15:58:53 5 Q. And would it be fair to say that, in terms of the UN  
6 mandate in Sierra Leone, as you were to execute it, the concept  
7 of peacekeeping would involve, first of all, attempting to  
8 inspire trust and confidence, both between the combating parties  
9 and also between the combating parties and the UN?

15:59:28 10 A. Yes, Your Honour.

11 Q. And during the course of your training, were you  
12 familiarised with the provisions of the Lome accord?

13 A. Yes, Your Honour. In fact, I had to write a country brief  
14 of UNAMSIL prior to coming to the mission, Your Honour.

15:59:49 15 Q. You would accept that it is one of the basic principles in  
16 the preamble to the Lome accord to inspire trust and confidence  
17 in parties?

18 A. Yes, Your Honour.

19 Q. Would you also accept that the concept of peacekeeping  
16:00:13 20 within the UN context also involves the fundamental concept of  
21 impartiality?

22 A. Definitely, Your Honour.

23 Q. And would that mean that UN peacekeepers must be seen by  
24 all parties to the conflict to be impartial if a peacekeeping  
16:00:38 25 mission is to be successful?

26 A. You're right, Your Honour.

27 Q. Now, is it correct that prior to 1st May 2000 it was  
28 believed by those responsible for the DDR process that the RUF  
29 were not aware of the disarmament of the ten combatants on 27th





1 and 28th April?

2 A. I believe so, Your Honour.

3 Q. Would it also be right that the disarmament process in  
4 Makeni was meant to start on 17th April?

16:01:58 5 A. Yes, Your Honour.

6 Q. It did not start - is that correct - on 17th April?

7 A. No, you're wrong, Your Honour. It started on 17th April  
8 2000. We had already set up everything, only that the combatants  
9 did not turn up until 27th April 2000, Your Honour.

16:02:17 10 Q. Is it correct that there had been warnings from leadership  
11 within the RUF not to begin the disarmament process around that  
12 time?

13 A. This was what was told by potential RUF combatants who  
14 wanted to disarm, Your Honour.

16:02:52 15 Q. Are you here referring to the ten combatants?

16 A. No. There were others who turned up to the disarmament  
17 camp and, while we were on duty, they did tell us that,  
18 Your Honour.

19 Q. So they told you that they had received warnings not to  
16:03:21 20 disarm from their commanders?

21 A. In Makeni, yes.

22 Q. Is it not correct that the RUF had also issued such  
23 warnings to individuals within the DDR program; that is to say,  
24 the individuals running the DDR program?

16:03:51 25 A. No, Your Honour.

26 Q. Are you sure about that?

27 A. They did not tell us that they were not to disarm, not from  
28 the officials. This is what we received from the potential  
29 ex-combatants, combatants who came up to us at the various camps,



1 Your Honour.

2 Q. But the RUF leadership, as far as you know, were not aware  
3 that that process was going on at that particular time in  
4 relation to those particular combatants?

16:04:28 5 A. Can you rephrase your question?

6 Q. Would it be correct to say that, as far as you know, the  
7 RUF leadership were not aware of the fact that there were  
8 individuals coming to disarm at that time?

9 A. I agree with you, Your Honour.

16:05:09 10 Q. Would you accept that there were some peacekeepers who were  
11 reluctant to proceed with the DDR program without the full  
12 consent and knowledge of the RUF leadership?

13 A. No, Your Honour. What I can say here is, as I mentioned  
14 earlier, we do send our assessment to our headquarters, so within  
16:05:48 15 that context, even some of the military observers were not happy  
16 with it, that the DDR should commence. But then, as I said,  
17 being a military observer we just obeyed command from our higher  
18 authorities, Your Honour.

19 Q. I understand that, as military personnel, it is your duty  
16:06:24 20 to obey orders; that's understood. However, you have indicated  
21 that some of the peacekeepers were not happy. Can you explain  
22 that?

23 A. As I said, in Makeni team site we had about 23 military  
24 observers, and some were of the opinion that the RUF were not  
16:06:57 25 prepared for disarmament. So though we had informed our  
26 headquarters through our assessment that they were not actually  
27 ready for disarmament, but that was up to the headquarters to  
28 make the decision. So headquarters told us that the RUF  
29 hierarchy in Freetown and UNAMSIL have already agreed to the set



1 date and we had to carry on as per the schedule. That's what we  
2 did, Your Honour.

3 Q. Notwithstanding those orders, were you one of those  
4 individuals who personally felt that the RUF were not ready to  
16:07:40 5 disarm?

6 A. I personally -- no, Your Honour.

7 Q. But you were aware of the fact that the leadership of the  
8 RUF had what they saw as serious concerns regarding  
9 implementation of certain provisions of the Lome accord?

16:08:23 10 A. That was their complaint, Your Honour.

11 Q. Was it part of their complaint that the Lome accord should  
12 be fully implemented?

13 A. Yes, Your Honour.

14 Q. Was it also part of their complaint that posts which had  
16:09:17 15 been promised to the RUF should be accorded to them?

16 A. Yes, Your Honour.

17 Q. You've already told Mr Jordash, I think, that there was  
18 also concern with regard to simultaneous disarmament of the SLA?

19 A. Yes, Your Honour.

16:09:41 20 Q. When you were doing your peacekeeping training, apart from  
21 the Lome accord, did you also familiarise yourself with the  
22 national legislation of Sierra Leone meant to implement its  
23 provisions?

24 A. No, Your Honour.

16:10:29 25 Q. Have you heard that there is a specific tradition in the  
26 Sierra Leonean law that disarmament could only take place in  
27 circumstances where UNOMSIL, as it then was, had SLA arms under  
28 strict observation? Have you heard about that?

29 A. No, Your Honour.



1 Q. Is that not something which was mentioned as part and  
2 parcel of the concerns of the RUF leadership?

3 A. I'm not aware of that, Your Honour.

4 Q. How did you personally come to know of the concerns of the  
16:11:27 5 RUF leadership with regard to disarmament?

6 A. In fact, we in the military at the Makeni team site, we do  
7 have daily briefings and all that. So whatever transpires at the  
8 headquarters, team leaders are informed of it, and, during the  
9 debrief, these things are mentioned to us by the team leader.

16:11:55 10 Q. So, is it possible, for example, that with regard to the  
11 issue of the disarmament of the SLA, that that issue may have  
12 been summarised without going into the specific details of what  
13 RUF leadership were saying?

14 A. I cannot recall that.

16:12:13 15 Q. Was it part of the concern of the RUF that SLA weapons  
16 should be removed from the SLA?

17 A. In fact, not only the SLA. Both parties had the same  
18 problems, Your Honour.

19 Q. In a way you've already answered this, but if I can be more  
16:13:09 20 express about it, would it be correct to say that the ten RUF  
21 personnel who disarmed, who were the source of this controversy,  
22 disarmed secretly?

23 A. That's incorrect, Your Honour. Because our disarmament  
24 camp and demobilising camp was agreed upon by all warring  
16:13:34 25 factions, and we were in the open. So they have to come to us,  
26 in a public area, to disarm and demobilise. That's what we did,  
27 Your Honour. Nothing was done secretly.

28 Q. Well, were the RUF leadership informed, or was anyone in  
29 the RUF informed that these ten RUF were to be disarmed?





1 A. No, we don't require to inform anyone, because it is open  
2 and it's voluntary basis. Any combatant can walk into the  
3 disarmament camp. We don't have to report to them to say that  
4 ten of their men are going to come to disarm, Your Honour.

16:14:21 5 JUDGE BOUTET: Was this part of a process? What was the  
6 process, maybe if you can tell us? Once any combatant, RUF/SLA,  
7 would come to you, you would just do the process as you describe  
8 it and that's all; you don't inform anybody?

9 THE WITNESS: We inform our headquarters, Your Honour, at  
16:14:40 10 Freetown, UNOMSIL headquarters, but not to the warring factions.

11 JUDGE BOUTET: Combatants?

12 THE WITNESS: Yes.

13 MR O'SHEA:

14 Q. Who makes the decision whether to start disarmament in a  
16:14:54 15 particular area, or whether to proceed with disarmament? Who  
16 would be responsible for making that decision?

17 A. As I said, Your Honour, in our context, we receive  
18 instruction from the chief military observer and that is always  
19 agreed upon at Freetown, where all the leaders of the various  
16:15:15 20 factions agree to set dates. That then comes down and we prepare  
21 well in advance, Your Honour.

22 Q. You said a moment ago that you received briefings from the  
23 RUF?

24 A. Yes, Your Honour.

16:15:39 25 Q. So, presumably, those who had the power to decide whether  
26 to proceed with disarmament at any particular point in time must  
27 have been aware of those concerns?

28 A. I believe so, Your Honour. Because we sent out assessment  
29 daily situation reports to our headquarters. The higher



1 authorities are fully aware of it, Your Honour.

2 Q. At the outset of my questions, when we were talking about  
3 the concept of peacekeeping, we discussed the importance of the  
4 perception of impartiality and maintaining trust and confidence.

16:16:21 5 A. Yes, Your Honour.

6 Q. Surely those responsible for the disarmament process have a  
7 discretion as to whether disarmament should proceed in particular  
8 cases at particular times.

9 A. That is beyond our functions. We just report to our  
16:16:47 10 headquarters and it's up to the headquarters and the various  
11 parties concerned to make a decision, Your Honour.

12 Q. Why is it you believe that some of these men among the ten  
13 handed their arms inside blankets?

14 A. This is just my personal opinion. Because Makeni is an RUF  
16:17:26 15 stronghold, and what we were told is the local commanders had  
16 instructed them not to disarm until further orders. So, if these  
17 two RUF combatants had just walked in with their weapons straight  
18 to the disarmament camp, I'm sure there would be many other RUF  
19 combatants who would have noticed it. Maybe they were frightened  
16:17:51 20 for their lives, that is why they hid the weapon and brought it  
21 straight to the disarmament camp, Your Honour.

22 Q. Did the peacekeepers who were facilitating the disarmament  
23 of these ten men cooperate with them in their wish not to be  
24 spotted by the RUF?

16:18:15 25 A. No, Your Honour.

26 Q. Is it your suggestion that all the secrecy was on the side  
27 of the various individuals, and there was no cooperation in that  
28 whatsoever from the UN?

29 A. No, we did not, Your Honour.



1 Q. What was your particular function within this process, your  
2 personal, particular function?

3 A. As I said, prior to 20th April 2000 I was a logistic  
4 officer for the Makeni team site. Our core function was to carry  
16:19:07 5 out disarmament and demobilisation. Now, after my team leader  
6 went on vacation for ten days, I was then nominated as the acting  
7 team leader and I took on the responsibility of the team leader,  
8 from 21st to 1st May. So my responsibilities during that period  
9 when my team leader was away was acting team leader, Your Honour.

16:19:38 10 Q. As acting team leader, did you not feel there might be a  
11 problem in retaining the trust and confidence of the RUF if there  
12 were men coming forward with guns hidden in blankets clearly  
13 trying to hide from their superiors?

14 A. Well, we were only responsible within our disarmament camp.  
16:20:03 15 So how they come in for disarmament doesn't make any difference  
16 to us. The only thing is that when they come, the weapons must  
17 be serviceable and they should bring along the ammunition. So,  
18 in this case, they brought their weapons and ammunition, and the  
19 weapon was serviceable and we just accepted them.

16:20:29 20 Q. Are you saying that once the procedures had been laid down,  
21 you saw it as your function to implement those procedures and not  
22 to concern yourself about any perceptions that might arise out of  
23 individual circumstances?

24 A. Yes, Your Honour.

16:20:48 25 Q. When you were doing your training and briefing, prior to  
26 coming to Sierra Leone, you've mentioned that you were trained in  
27 the provisions of the Lome accord. To what extent would you say  
28 that you were properly briefed on the RUF itself as an  
29 organisation, and in particular its modus operandi and its likely



1 reactions to types of behaviour?

2 A. If I may correct you, Your Honour. When I said -- when I  
3 was doing the United Nations military observer course, we do not  
4 talk of specific Lome Peace Agreement or any other agreement,  
16:21:47 5 because we do not know what mission we will be sent to. So when  
6 I was assigned to Sierra Leone, UNAMSIL, then I was only asked to  
7 do a country brief and, in particular, the mandates of the  
8 mission, not to speak about any warring faction in particular, in  
9 detail.

16:22:15 10 Q. How long was that course?

11 A. It was a five-week course, Your Honour.

12 Q. Apart from that course, which it would appear, from what  
13 you have just said, is of a fairly general nature, were you given  
14 any specific training with regard to the nature of the RUF as an  
16:22:30 15 organisation and individuals before you came to Sierra Leone?

16 A. No, Your Honour.

17 Q. When you arrived in Sierra Leone, to what extent were you  
18 briefed on the political realities on the ground?

19 A. In fact, when we arrived in the mission area, we were just  
16:23:01 20 given a security briefing by the operations officer. Basically,  
21 they just told us about the deployment of UN troops and also the  
22 various warring faction area of responsibility. That's all,  
23 Your Honour.

24 Q. That was it?

16:23:18 25 A. Yes.

26 Q. Were you given briefing on the geography, the nature of the  
27 terrain you would have to be dealing with?

28 A. No, Your Honour.

29 Q. And nothing about the expectations or political behaviour





1 of the RUF as an organisation?

2 A. No, Your Honour.

3 Q. In maintaining trust and confidence with the rebel  
4 movement, is that not a handicap?

16:23:59 5 A. Say again, Your Honour.

6 Q. If you come to a country for a peacekeeping mission and  
7 you're not trained as to the peculiarities of the particular  
8 organisations that are in combat, is that not a handicap to your  
9 mission?

16:24:17 10 JUDGE BOUTET: Isn't that getting a bit argumentive with  
11 the witness. You may suggest to him it maybe. I don't see where  
12 you are going with this, though.

13 MR O'SHEA: As Your Honour pleases.

14 PRESIDING JUDGE: Perhaps you might want to explore that  
16:24:28 15 further after the break. We'll take a break and come back.

16 [Break taken at 4.30 p.m.]

17 [Upon resuming at 4.55 p.m.]

18 PRESIDING JUDGE: Professor O'Shea, we can continue the  
19 cross-examination. I don't know whether you have any commitment  
16:50:08 20 to make on the timing, because we wind up at 5.30. If you don't  
21 see yourself in any position to do that, I don't want to press  
22 you. I was merely thinking that if you had any commitment as to  
23 how long your cross-examination would last, it would help the  
24 Court to just rationalise its timing for this afternoon, getting  
16:50:41 25 into tomorrow morning.

26 MR O'SHEA: My position, Your Honour, is that if I finish  
27 today, it won't be to finish the entire cross-examination, as  
28 I've explained. In terms of how far I can still go without the  
29 necessary instructions, not much further. Given that we've only



1 got half an hour left, it's going to be difficult for me to be  
2 precise on it.

3 JUDGE ITOE: Professor O'Shea, I think we have all the  
4 cards on the table and I think your client needs to understand  
16:51:22 5 that he must give you instructions in order to enable you to  
6 properly assume the responsibility of defending him, and that if  
7 he does not give you instructions, I do not think that this  
8 Chamber would go on indefinitely to be taken hostage by a  
9 situation which he may well have created himself. This is an  
16:51:54 10 advice which I'm passing to you, for your client, for him to  
11 properly -- because it is in his interest, in Mr Gbao's interests  
12 that he properly instructs you, because if he doesn't, it might  
13 prejudice the conduct of his defence. All of us are witnesses to  
14 the bullets and the sheets of paper that pass between Mr Sesay  
16:52:24 15 and Mr Jordash. There is this constant consultation between  
16 counsel and his client, and I think it is helping Mr Jordash in  
17 the conduct of the defence of his client. If Mr Gbao does not  
18 see it that way, then I think that it's unfortunate. I hope that  
19 he will take this advice from you and react positively so that he  
16:52:58 20 can be seen to be properly defended by his defence team.

21 MR O'SHEA: I think that's a good comment, Your Honour. I  
22 appreciate the fact that you've made it. To be fair to Mr Gbao,  
23 he has begun to give me instructions. So we're on a positive  
24 curve.

16:53:22 25 JUDGE BOUTET: He has to accept the consequences of his own  
26 decisions as well. The Court, to take the words of my brother  
27 Justice Itoe, is not to be held hostage to a scenario where an  
28 accused refuses to co-operate with you. We are quite sympathetic  
29 to your position, but if Mr Gbao is not prepared to assist you,



1 he will have to live with his own decision and the consequences  
2 of his own decision. Having said that, there was half an hour of  
3 break, and if you are to seek instructions, you could have  
4 received some instruction from him during that just passed half  
16:53:57 5 hour.

6 PRESIDING JUDGE: Let me put it in a global context. This  
7 is all being said in the context of the commitment of the  
8 Prosecution to close their case this trial session. I did call  
9 upon both sides this morning to ensure that we give some kind of  
16:54:16 10 efficacy to that commitment. So what has been said from the  
11 Bench is meant, also, to ensure expedition and fairness in the  
12 trial. This means that we would plead with counsel to be as  
13 economical in cross-examination as possible, and  
14 examination-in-chief; cover the real core issues and leave the  
16:54:48 15 peripheral matters just to the wind, so to speak.

16 MR O'SHEA: Your Honour, thank you. I hope that  
17 Your Honour does not feel I have covered peripheral matters.

18 PRESIDING JUDGE: No. Of course, we lawyers make these  
19 familiar distinctions between core issues, peripheral issues,  
16:55:09 20 tangential issues, that is what I am saying. Not in any  
21 derogatory sense.

22 MR O'SHEA: No, of course.

23 JUDGE ITOE: What you are covering, Mr O'Shea, is the core  
24 issues.

16:55:16 25 PRESIDING JUDGE: Quite right.

26 JUDGE ITOE: It's very important to what happened on the  
27 ground, so that's very far from --

28 PRESIDING JUDGE: Yes, it is just that sometimes issues are  
29 collateral, but they may not be of the same magnitude as the core



1 issues. That's all right. Continue then.

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

3 Q. Major, when you were answering questions to Mr Jordash,  
4 Mr Jordash put to you that there had been other disarmament  
16:55:52 5 processes in other places where Mr Sankoh had been present.

6 A. Yes, Your Honour.

7 Q. You accepted that you knew of, I think, two of those  
8 places.

9 A. Yes.

16:56:21 10 Q. Would you accept that in terms of the places where  
11 disarmament had taken place, there were no more than three or  
12 four?

13 A. Is it where Mr Foday Sankoh was present, Your Honour?

14 Q. Well, putting aside the issue of whether Mr Foday Sankoh  
16:56:37 15 was present, because we have already heard your answer as to  
16 which places you know him to have been present, or heard of him  
17 to be present. Putting that issue aside, would you accept that  
18 there were only, prior to 1st May, or rather prior to 27th April  
19 I should say, there were only three, or at the most four other  
16:57:01 20 places where disarmament had taken place?

21 A. Yes, Your Honour.

22 JUDGE BOUTET: Professor O'Shea, I thought the witness had  
23 testified that the whole of the DDR program was to target four  
24 locations at the time, and three were -- and they were starting  
16:57:26 25 up the fourth.

26 MR O'SHEA: Yes, I suppose he answered that question in  
27 that way. I hadn't seen that.

28 JUDGE BOUTET: That's my recollection of his evidence in  
29 this respect.





1 MR O'SHEA: I just wanted to clarify that essentially that  
2 there were few places which had been disarmed prior to this  
3 incident on 1st May, to show the significance of the presence of  
4 Sankoh.

16:57:51 5 JUDGE BOUTET: That's fine. Thank you.

6 MR O'SHEA:

7 Q. Also in answer to Mr Jordash's questions, when he asked you  
8 if you were aware of a board of inquiry report into the May  
9 1st incident, you said you were not.

16:58:17 10 A. Yes, Your Honour.

11 Q. I would just like to explore that a moment, because to some  
12 extent it's a surprising answer. You wrote a book about your  
13 experiences in Sierra Leone.

14 A. Yes, Your Honour.

16:58:32 15 Q. When you wrote that book, apart from relying on your own  
16 experiences, which were, of course, extensive, did you also speak  
17 to colleagues and look into other things that you hadn't known at  
18 the time?

19 A. Yes, Your Honour. In fact, I was doing some research to  
16:58:58 20 complete my book.

21 Q. During the course of those inquiries, you never heard of a  
22 board of inquiry report into the alleged hostage taking incident?

23 A. The question posed by the defence counsel earlier was about  
24 the inquiry report, but I had already left Sierra Leone on  
16:59:22 25 July 27th, Your Honour.

26 Q. Yes.

27 A. The report came out very much later. I was not here when  
28 the report came out.

29 Q. So you are aware of the existence of a report?



1 A. Of course. As I said, after I left this country I did some  
2 research and I was aware of this report later.

3 Q. Were you approached to give a statement to this board of  
4 inquiry?

16:59:45 5 A. Yes. All victims were required to give a statement, and I  
6 was one of them.

7 Q. So you did give a statement --

8 A. I gave a statement, yes.

9 Q. -- essentially saying similar things to what you've said  
17:00:03 10 today?

11 A. Yes, Your Honour.

12 Q. Now, there is a gentlemen who has been mentioned in the  
13 context of the May 1st incident, Colonel Ngondi, a Kenyan?

14 A. Yes, Your Honour.

17:00:30 15 Q. You have already stated you did have contact with him  
16 during the course of your mission?

17 A. Yes, Your Honour.

18 Q. Can you be a little bit more specific as to what the  
19 relationship between you and Colonel Ngondi was?

17:00:43 20 A. Yes, Your Honour. Lieutenant-Colonel Ngondi was the  
21 commanding officer of KENBATT 5. KENBATT 5 was responsible for  
22 the Makeni area of responsibility. Now, we were military  
23 observers for Makeni area of responsibility. So, when I took  
24 over the helm of acting team leader, then I had to communicate  
17:01:09 25 with Colonel Ngondi on all issues on disarmament and  
26 demobilisation, that is how I had personal contact with him,  
27 Your Honour.

28 Q. Yes. Would it be fair to say there was significant  
29 interaction between you and Colonel Ngondi on issues of



1 disarmament?

2 A. Yes, Your Honour.

3 Q. Can I put it to you that when Colonel Ngondi gave evidence  
4 before this board of inquiry, he had indicated that in his view  
17:01:45 5 further negotiations were necessary before the disarmament  
6 proceeded?

7 A. I disagree, Your Honour. I would like to quote one  
8 incident.

9 Q. Do you disagree that he had made that statement to the  
17:02:00 10 board of inquiry?

11 A. I am not sure what he meant, because I gave my statement.  
12 What he gave in his statement, I would not know, Your Honour.

13 Q. All right. Had he ever said that to you? Had he ever  
14 expressed a concern of that nature to you?

17:02:14 15 A. No, Your Honour.

16 Q. You said something during the course of your  
17 examination-in-chief at the beginning of your testimony which I  
18 would just like to take up briefly. When you were asked for your  
19 length of service in Sierra Leone, you said, "I served until  
17:02:49 20 1st May 2000."

21 A. That's incorrect, Your Honour. In Makeni until 1st May.

22 Q. Yes.

23 A. But as far as the mission is concerned, I served until 27th  
24 July 2000, Your Honour.

17:03:08 25 Q. Very well. So you accept that while you were under the  
26 custody of the RUF, post 1st May, you were still a serving  
27 soldier?

28 A. Yes, Your Honour.

29 Q. You accept that you were not a civilian?



1 A. Yes, Your Honour.

2 Q. Now, when you were responding to questions from Mr Jordash,  
3 you accepted that there had been actual fighting, gun fighting,  
4 between UN peacekeepers and RUF?

17:04:03 5 A. Yes, Your Honour.

6 Q. I think you accepted that from the standpoint of the RUF,  
7 the UN peacekeepers may have been seen as enemy combatants.

8 A. Can you rephrase your question, Your Honour?

9 Q. I think you accept that, from the standpoint of the RUF,  
17:04:34 10 the UN peacekeepers may have been seen as enemy combatants,  
11 whether that was correct or not?

12 A. I'm not sure of that, Your Honour.

13 Q. Now, you are a soldier and you have some knowledge of the  
14 military capacity of the UN peacekeepers, as the RUF would have  
17:05:00 15 had some knowledge, but perhaps not as much as you?

16 A. Yes, Your Honour.

17 Q. Now, if the RUF had perceived the UN peacekeepers as enemy  
18 combatants, from a military standpoint, would it be fair to say  
19 that the RUF would not stand a great chance if they were to  
17:05:30 20 simply to enter into open armed conflict?

21 JUDGE BOUTET: Aren't we moving in an area now that is  
22 beyond the evidence for this witness. Aren't you asking for  
23 opinion evidence of this witness on hypothetical scenarios that  
24 were not in existence.

17:05:49 25 MR O'SHEA: I accept that I'm entering into a realm which  
26 falls outside his examination-in-chief, Your Honour.

27 JUDGE BOUTET: I'm not talking about his  
28 examination-in-chief. That is not my concern. The concern is  
29 that you are asking the witness to express opinions on matters





1 for which the witness has not been qualified. I say to you, it  
2 is the domain of an expert witness.

3 MR O'SHEA: I'm not treating him as an expert.

4 JUDGE BOUTET: I know, but you are still asking questions  
17:06:19 5 of that nature.

6 MR O'SHEA: With respect, Your Honour, I'm asking questions  
7 based on his own knowledge and observations in his position as a  
8 military officer and a military peacekeeper.

9 PRESIDING JUDGE: Isn't there the difficulty that you are  
17:06:35 10 trying to -- even though the witness is not listed as an expert  
11 witness, you are probably trying to elicit an opinion from a fact  
12 witness, so to speak. Isn't that what you are trying to do? A  
13 non-expert fact witness.

14 MR O'SHEA: I will try to achieve the same objective  
17:06:53 15 through attempting to establish his factual observations.

16 PRESIDING JUDGE: I don't know of any statutory provision  
17 under the Rules which authorises the eliciting opinion evidence  
18 from a witness who is a non-expert fact witness. The general  
19 trend is not to do that, although exceptional, it is possible. I  
17:07:23 20 would join Judge Boutet in resisting --

21 MR O'SHEA: I will restrain myself and try to stick to  
22 factual observation. Although it is quite difficult with what  
23 I'm trying to do, but I will try to do so.

24 PRESIDING JUDGE: It doesn't fall within 89(C). Go ahead.

17:07:48 25 MR O'SHEA:

26 Q. Let me begin this way: Would you, in your position in  
27 2000, have had some awareness and knowledge of the military  
28 capability of UN peacekeepers and their ability to get  
29 reinforcements, if required?



1 A. Yes, Your Honour.

2 Q. As a military observer, in May 2000, would you have had  
3 some knowledge of the military strength and capacity of the RUF?

4 A. Yes, Your Honour.

17:08:43 5 Q. Was the military strength and capacity of the UNAMSIL  
6 peacekeepers, taking into account their ability to get  
7 reinforcements, strong enough to cause significant damage to the  
8 RUF if open combat were to arise?

9 A. Not when the peacekeepers with UNAMSIL were there, because  
17:09:13 10 they were basically very lightly armed, Your Honour.

11 Q. At the time, the UN mandate had slightly altered, had it  
12 not, as to what UN peacekeepers could and could not do from what  
13 it was previously?

14 A. In what sense, Your Honour?

17:09:34 15 Q. In the sense of the extent to which you could use force?

16 A. Yes, that's what we were told, Your Honour.

17 Q. You were in a position to use force if necessary; is that  
18 correct?

19 MS ALAGENDRA: Your Honour, I just stand up to clarify that  
17:09:54 20 this witness was a military observer; he was not a peacekeeper.

21 JUDGE BOUTET: Indeed. Mr O'Shea, because the witness has,  
22 in his evidence, clearly delineated what was the peacekeeper and  
23 what was military observer as such. He was there as the team  
24 leader or I think he may have been for the military observer. He  
17:10:14 25 is not a peacekeeper in the true sense at the time.

26 MR O'SHEA: Yes, I appreciate that observation and I don't  
27 say --

28 JUDGE ITOE: And even the peacekeepers, you know, from what  
29 the witness has said, had a very limited combat capacity because



1 they were lightly armed and they were not there for combat,  
2 anyway, primarily not for combat.

3 MR O'SHEA: I accept that, and my questions are directed to  
4 this witness as a military observer, and directing to what his  
17:10:47 5 observations are with regard to the military situation on the  
6 ground, rather than as a peacekeeper. But I accept the  
7 observation that he's not a peacekeeper.

8 JUDGE ITOE: Because we don't really know who was stronger  
9 on the ground at that material time. One has a temptation to  
17:11:07 10 feel that they may not have even been as strong as other units,  
11 you know, on the ground, at that material time.

12 MR O'SHEA: Well, this is what I'm exploring.

13 JUDGE ITOE: Because they were not fully prepared, you  
14 know. They did not have the full combat disposition when they  
17:11:30 15 were in the field. It was a peacekeeping exercise. That  
16 accounts for the light way with which they were armed, from what  
17 he himself is saying.

18 MR O'SHEA: Yes, indeed. I need to go beyond that.

19 Mr President, may I take instructions for one moment?

17:11:50 20 PRESIDING JUDGE: To avoid a conflict of nonclamentures, I  
21 prefer Presiding Judge. There is a President of the Court. He  
22 would not like to know that he has a rival here. Go ahead.

23 MR O'SHEA: Very well. Sorry, Your Honour.

24 Q. Now, when you say that the UN peacekeepers were lightly  
17:13:02 25 armed, can we try and put that in context? Did the UN have tanks  
26 available?

27 A. They were not tanks, they were just armoured personnel  
28 carriers; light weapons, Your Honour.

29 JUDGE BOUTET: Normally, in peacekeeping missions, they



1 rarely have tanks, because they are peacekeeping missions.

2 MR O'SHEA:

3 Q. All right. Coming back to the UN mandate, I put it to you  
4 that the UN mandate had slightly altered from its previous state  
17:13:36 5 with regard to the extent to which the peacekeepers could use  
6 force.

7 A. Yes.

8 Q. Would you like to explain that?

9 A. Yes. Under peacekeeping, it is under Chapter 6, and in  
17:13:53 10 Sierra Leone then, they used to call it as Chapter 6 and a half,  
11 so they had the rules and rules of engagement. Rules of  
12 engagement were very simple that if your life, or civilian life,  
13 was threatened then you will open fire.

14 Q. Yes.

17:14:09 15 A. That is all, Your Honour.

16 Q. Now, at that time, was it anticipated that that situation  
17 could arise?

18 A. Nobody thought that that kind of situation would arise,  
19 Your Honour.

17:14:29 20 Q. But when the military is preparing for a peacekeeping  
21 exercise, they presumably try to be prepared for every  
22 eventuality, do they not?

23 A. Yes, but then the UN Security Council has only said that it  
24 is going to be a peacekeeping mission --

17:14:50 25 Q. Yes.

26 A. -- so the mandate says it is a peacekeeping mission.

27 Q. Yes, I accept that, but you've just told the Court that  
28 under this new mandate you could use force if required?

29 A. Every mission has the rules of engagement, Your Honour.





1 Q. Right.

2 A. So there was nothing different with UNAMSIL.

3 Q. And the rules of engagement of this mission stated that you  
4 could use force if required?

17:15:21 5 A. Yes, if your life or a civilian life were threatened.

6 PRESIDING JUDGE: Could we clarify this? Is the formula  
7 "if required" or "if your life was in danger"? Because "if  
8 required" would, in my view, import quite an infinite variety of  
9 situations. What is it, Mr Witness? What was the slight

17:15:47 10 modification of the mandate?

11 THE WITNESS: Your Honour, in fact, we, as military  
12 observers, as I said, we are unarmed --

13 PRESIDING JUDGE: Yes.

14 THE WITNESS: -- so we do not get rules of engagement.

17:15:55 15 PRESIDING JUDGE: Right.

16 THE WITNESS: So the peacekeepers were given the rules of  
17 engagement which was apparently stipulated that if your life, or  
18 a civilian's life, was threatened then you open fire.

19 PRESIDING JUDGE: Yes. And that's what I was trying to  
17:16:12 20 make the point, that the formula was not "if required" which I,  
21 as I was saying to counsel, would import an infinite variety of  
22 circumstances. Because if your life was in danger, or the life  
23 of a civilian was threatened, is that what you say?

24 THE WITNESS: Yes, Your Honour.

17:16:31 25 PRESIDING JUDGE: That's your final position on that?  
26 Counsel, are you with me?

27 MR O'SHEA: Absolutely, Your Honour.

28 PRESIDING JUDGE: Okay. Let's proceed then.

29 JUDGE BOUTET: I would like to understand a bit more. Are



1 you saying that the mandate of the mission was changed, or the  
2 peacekeeping mission was changed?

3 THE WITNESS: No, Your Honour, not the mandate, the rules  
4 of engagement which was given to the peacekeepers.

17:16:52 5 JUDGE BOUTET: Yes, but was that a peacekeeping mission  
6 under Chapter 6 at the time?

7 THE WITNESS: Yes, Your Honour.

8 JUDGE BOUTET: So you were still acting under Chapter 6,  
9 not Chapter 7?

17:17:02 10 THE WITNESS: No.

11 JUDGE BOUTET: So the rules of engagement had to do with  
12 self-defence?

13 THE WITNESS: Self-defence.

14 JUDGE BOUTET: So, self-defence of people under your  
17:17:10 15 protection as well.

16 THE WITNESS: Yes.

17 JUDGE BOUTET: That's what it meant.

18 THE WITNESS: Yes.

19 JUDGE BOUTET: Nothing more than that.

17:17:13 20 THE WITNESS: No. Yes.

21 MR O'SHEA: But my point, Your Honour, was that the mandate  
22 had changed from UNOMSIL to an exclusive observer mission to a  
23 peacekeeping mission where self-defence --

24 PRESIDING JUDGE: No, that's not in issue. I think what's  
17:17:26 25 in issue between the Bench and you was the formula if required,  
26 which I thought was your own, more or less, interjection into it.  
27 And if that's the case, then it broadens the categories.

28 MR O'SHEA: Yes.

29 Q. Now, those in command within the UN framework, who are



1 planning these missions, if they know that they are operating  
2 under Chapter 6, and you are in a position to use force if the  
3 life of a civilian or the life of a peacekeeper is in danger,  
4 presumably, those commanders would plan the necessary logistics  
17:18:18 5 of what would happen if that were to occur. Am I wrong about  
6 that?

7 A. But from my observation, the peacekeeping troops that were  
8 there were lightly armed, except with the exception of armoured  
9 personnel carriers with light arms for protection. Nothing more  
17:18:33 10 than that, Your Honour.

11 Q. From your observation, what was the capacity of the UN  
12 peacekeepers to get substantial reinforcements, if it became  
13 necessary?

14 A. I must state here that I was only a military observer, but  
17:19:04 15 this, whatever I am giving is my personal opinion. So, as far as  
16 Makeni was concerned, as I mentioned earlier, when the troops  
17 were encircled, so the UN has -- had the capacity of reinforcing  
18 the Zambian battalion. So that is why I say they had the  
19 capacity to reinforce peacekeeping battalions, Your Honour.

17:19:48 20 Q. Would you accept from the way in which matters proceeded on  
21 1st May, and thereafter, that from the conduct of the RUF  
22 commanders and troops, the taking captive of yourself and others  
23 looked very much like a reprisal?

24 A. That's incorrect, Your Honour. Because, why I say that is  
17:20:25 25 because I can speak here in the Court that when all this  
26 happened, not a single bullet was fired by the UN peacekeepers  
27 who were demobilising [indiscernible]. The fire was by the RUF  
28 personnel until the time I was taken.

29 Q. Yes, but we know, from the answers you have already given,



1 that the RUF were not happy with the fact that their men had been  
2 disarmed without their consent and without conditions, as they  
3 saw it, under the Lome Accord being properly implemented. We  
4 know that that's the case. So without entering into any kind of  
17:21:10 5 legal definition of "reprisal," from a military perspective, did  
6 it not look like the RUF actions were in direct response to the  
7 secret disarmaments, as they saw it?

8 A. I disagree, Your Honour. I will not agree with you when  
9 you say "secret disarmament," because I have already explained to  
17:21:40 10 the Court earlier it was in the public area and it is open to all  
11 warring factions, not only RUF. Even if an AFRC person had  
12 walked into the disarmament camp on that particular day, we would  
13 have disarmed him. So I think it is incorrect by you saying it  
14 is secret disarmament.

17:21:55 15 Q. All right. But I did say "as perceived by the RUF," not by  
16 yourself.

17 A. Yes, they may have perceived. That is -- they are entitled  
18 to their opinion.

19 Q. And you accept, don't you, that they had that perception?

17:22:15 20 A. Probably so, Your Honour.

21 Q. And you inter-reacted with various RUF commanders; you've  
22 given evidence about that this morning?

23 A. Yes, Your Honour.

24 Q. You saw their behaviour; you were in front of these men.

17:22:31 25 A. Yes, Your Honour.

26 Q. Did it look to you as though they were acting in response  
27 to the fact that their men had been disarmed without their  
28 consent?

29 A. I believe so, Your Honour.





1 MR O'SHEA: Can I stop there, Your Honours?

2 PRESIDING JUDGE: In other words, you are saying that's a  
3 convenient point? You are more or less closing that chapter, or  
4 you want to start a new area?

17:23:19 5 MR O'SHEA: Yes.

6 PRESIDING JUDGE: Then perhaps it's appropriate that we  
7 should, seeing as it's just one minute before 17:30, we could  
8 just adjourn our proceedings to tomorrow morning at 9.30 a.m..

9 MR O'SHEA: Thank you.

17:24:08 10 [Whereupon the hearing adjourned at 5.29 p.m.,  
11 to be reconvened on Wednesday, the 21st day  
12 of June 2006, at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

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