

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

MONDAY, 26 JUNE 2006
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Mr Matteo Crippa Ms Divya Prasad
For the Registry:	Ms Maureen Edmonds Mr Thomas George
For the Prosecution:	Mr Peter Harrison Ms Wendy Van Tongeren Ms Shyamala Alagendra
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Ms Marisa Leaf
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr Andreas O'Shea

1 [26JUN06A - MD]
2 Monday, 26 June 2006
3 [The accused present]
4 [The witness entered court]
5 [Closed session]
6 [Upon commencing at 9.45 a.m.]
7 [Witness answered through interpreter]
8 WITNESS: TF1-367 [Continued]
9 [The witness answered through interpreter].

09:35:26 10 [At this point in the proceedings, a portion of the
11 transcript, pages 2 to 75, was extracted and sealed under
12 separate cover, as the session was heard in camera.]

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1 [Open session]

2 [Upon resuming at 3.53 p.m.]

3 [The witness entered court]

4 PRESIDING JUDGE: Before we start, we need a brief ruling.

15:47:41 5 We are now in public session, so I will give that brief ruling
6 and then we'll go ahead with this witness.

7 This is the ruling of the Chamber in respect of the closed
8 session application by the Prosecution in respect of the
9 testimony of witness TF1-367. Consistent with the general
15:48:05 10 requirement that criminal proceedings are to be held in public as
11 mandated by Rule 78 of the Rules of Procedure and Evidence of
12 this Court, and taking cognizance of Article 17(2) of the Statute
13 of the Court, but exceptionally as authorised by Rule 79(A)(ii)
14 of the said Rules, and the need to protect witnesses as provided
15:48:32 15 for in Rule 75, this Chamber on the application of the
16 Prosecution for the entire testimony of witness TF1-367 to be
17 heard in closed session did by way of an exceptional procedure
18 grant the said application on the grounds advanced by the
19 Prosecution.

15:49:01 20 Prosecution, what language is this witness going to be
21 testifying in?

22 MS VAN TONGEREN: In English, Your Honour.

23 PRESIDING JUDGE: In English. Let the witness be sworn,
24 please.

15:49:15 25 JUDGE ITOE: What is the pseudonym of the witness, please.

26 MS VAN TONGEREN: TF1-044.

27 WITNESS: TF1-044 [Sworn]

28 PRESIDING JUDGE: If my counting is right, this is PW 76
29 testifying.

1 MS VAN TONGEREN: Yes, it is the 75th Prosecution witness.

2 PRESIDING JUDGE: Yes, 76th testifying. Let's proceed
3 then.

4 EXAMINED BY MS VAN TONGEREN:

15:50:17 5 Q. Mr Witness, please provide your full name to the Court,
6 starting with your surname and spelling the same.

7 A. My Lord, I am Mr Mendy, M-E-N-D-Y.

8 Q. And your first name?

9 A. J-O-S-E-P-H.

15:50:50 10 Q. Mr Witness, you have come to court today to describe for
11 the Court incidents that occurred in Sierra Leone in the year of
12 2000; is that correct?

13 A. Yes, My Lord.

14 Q. And in a moment I will ask you questions that allow you to
15:51:05 15 provide a narrative of the incident or incidents, but could you
16 provide, please, contextually a sentence or two that describes
17 what it is that you will be telling the Court about this
18 afternoon?

19 A. My Lord, this afternoon I am here to inform the Court that
15:51:38 20 I was deployed in Makeni as a military observer in the year 2000,
21 February.

22 Q. Before, again, we start into the details of your evidence,
23 I wonder if you could tell the Court when it was that you first
24 arrived in Sierra Leone in 2000?

15:52:07 25 JUDGE ITOE: Let's have his nationality, can we, please.

26 MS VAN TONGEREN:

27 Q. What is your nationality?

28 A. My Lord, I am a Gambian.

29 Q. Mr Witness, when did you first arrive in Sierra Leone in

1 2000?

2 A. I arrived in Sierra Leone on 16th January 2000 from The
3 Gambia.

4 Q. Having arrived here, where was your eventual posting in
15:52:43 5 Sierra Leone?

6 A. I was posted in Makeni in February 2000.

7 Q. When did you eventually leave Sierra Leone?

8 A. I left Sierra Leone in January 2001.

9 Q. By way of personal background, sir, can you confirm for the
15:53:16 10 record, please, that you were born on 20th February 1950?

11 A. My Lord, that is correct.

12 Q. And, as you have indicated to the Court, you are from
13 Gambia?

14 A. Yes, My Lord.

15:53:29 15 JUDGE ITOE: Date of birth, please? What is the date of
16 birth again?

17 THE WITNESS: 20th February 1950.

18 MS VAN TONGEREN:

19 Q. And you're a married man with eight children?

15:53:43 20 A. Yes, My Lord.

21 Q. You are giving your evidence today in English, but I
22 understand you also speak Krio?

23 A. Yes, My Lord.

24 Q. With what military organisation did you find yourself
15:54:30 25 attending in Sierra Leone in the year 2000?

26 A. I was posted here as a military observer.

27 Q. And were you part of the military in Gambia?

28 A. Come again.

29 Q. Were you a member of the military in Gambia?

1 A. Yes, My Lord.

2 Q. And did you hold the rank of lieutenant-colonel?

3 A. Yes, My Lord.

4 Q. When you came to Sierra Leone as a military observer were
15:55:12 5 there others who came with you, besides yourself?

6 A. Yes, My Lord.

7 Q. And how many were there?

8 A. We were 20 in number.

9 Q. What did you understand to be the mandate of your mission
15:55:39 10 before you attended in Sierra Leone?

11 A. My mission in Sierra Leone, as we were told during our
12 seminar in The Gambia in the same year, 2000, we were told to
13 come over to Sierra Leone for peacekeeping as military observers,
14 that we are not going to be armed with any arms and ammunitions,
15:56:37 15 that we are also not even allowed to move about with any knife
16 whatever while on patrol.

17 Q. You indicated in your evidence that you attended a seminar
18 or -- I don't recall the word you used, but was there training
19 that you attended in Gambia before you came to Sierra Leone?

15:57:18 20 A. Yes, My Lord.

21 Q. How long was that training?

22 A. It was just a two-week seminar.

23 Q. And who provided that training to you, what organisation?

24 A. The UN organised that training.

15:57:35 25 Q. Upon arrival in Sierra Leone, did you receive further
26 training?

27 A. Yes, we also -- we almost repeated the same training that
28 we did in The Gambia.

29 Q. How long was that training?

1 A. That was just about two weeks.

2 Q. Is it then your evidence that you proceeded to Makeni?

3 A. Yes, My Lord.

4 Q. How many others went with you to Makeni at that point?

15:58:30 5 A. On behalf of The Gambia, I was there with [indiscernible]

6 two Gambian soldiers.

7 Q. And what about other military observers from various

8 nationalities?

9 A. In total the number went up to 20, if I have not forgotten.

15:59:02 10 JUDGE BOUTET: This is 20 in Makeni?

11 THE WITNESS: Yes, My Lord.

12 JUDGE BOUTET: In Makeni?

13 THE WITNESS: Yes, My Lord.

14 JUDGE BOUTET: Thank you.

15:59:16 15 MS VAN TONGEREN:

16 Q. Who did you understand to be the commander of the military

17 observers in Sierra Leone?

18 A. Brigadier-General Isaac, a Zambian.

19 Q. Can you spell that for us, please, his surname?

15:59:42 20 A. I-S-A-A-C, Isaac.

21 Q. Isaac?

22 A. Yes.

23 Q. Brigadier-General Isaac, was he in Makeni or somewhere

24 else?

16:00:05 25 A. He was at Freetown in the headquarters in Mammy Yoko.

26 Q. At any time did you see him in Makeni when you were there?

27 A. No, My Lord.

28 Q. Besides the military observers in Makeni, were there also

29 UN peacekeepers there?

1 A. Yes, My Lord, we have the KENBATT also posted there.

2 Q. And it was your understanding that the KENBATT was an
3 organisation where individuals from Kenya were represented?

4 A. From Kenya, yes, My Lord.

16:01:17 5 Q. When you arrived in Makeni in February of 2000, what was
6 your understanding as to who had control of Makeni?

7 A. When I was there in February 2000 I was made to understand
8 that General Issa Sesay was in charge.

9 Q. And he was in charge of what organisation?

16:02:02 10 A. Of the Revolutionary United Front, briefly called RUF.

11 Q. Did you also know it as RUF?

12 A. Yes, My Lord.

13 Q. As part of your mandate, was there a process that enabled
14 you to assist to stabilise matters in Makeni?

16:02:37 15 A. Yes, My Lord.

16 Q. Could you describe that for the Court, please?

17 A. When we were in Makeni a Ceasefire Monitoring Committee was
18 set up. And with this Ceasefire Monitoring Committee we have
19 representatives from our side, the MILOBS, the KENBATT, the RUF,
16:03:32 20 the CDF and a representative from the -- I would call him the
21 paramount chief, because he was elderly and he sent a civilian to
22 represent him.

23 Q. What was the mandate of the CMC or the Ceasefire Monitoring
24 Committee as you knew it?

16:04:01 25 A. The Ceasefire Monitoring Committee was set up to link us -
26 when I say us, I mean the MILOBS, the KENBATT, the RUF, the CDF -
27 to come together. We discuss matters concerning any conflict
28 they have between them, that is the RUF and the CDF.

29 Q. Did you play any role in establishing the CMC?

1 A. My only role I played on this was that I attended three of
2 the meetings. Two were held at the KENBATT headquarters in
3 Sierra Leone in Makeni, and there was the third one held in our
4 team site in Makeni at Looking Town.

16:05:28 5 Q. When did those meetings take place?
6 JUDGE ITOE: You said the third was held where?
7 THE WITNESS: In Makeni. These three meetings were held in
8 Makeni.
9 JUDGE ITOE: Two were held in Makeni at the KENBATT.

16:05:44 10 THE WITNESS: Yes, sir.
11 JUDGE ITOE: And the third one was held in Makeni, but
12 where?
13 THE WITNESS: In Looking Town.
14 MS VAN TONGEREN:

16:06:02 15 Q. Looking Town?
16 A. Yes, L-O-O-K-I-N-G T-O-W-N.

17 Q. The three meetings that you attended, when did those take
18 place?
19 A. These started in March 2000.

16:06:28 20 Q. How frequently were the meetings?
21 A. Most of the time, My Lord, the meetings are held
22 fortnightly.

23 Q. Are you aware who actually established the idea and the
24 meetings for the CMC?
16:06:51 25 A. My Lord, the committee -- the Ceasefire Monitoring
26 Committee, this was established in the Lome agreement accord.
27 Our purpose that that was why it was onto us, because we were in
28 Makeni to have a committee like that, where parties would send in
29 their representatives in order for us to jot down the meetings,

1 the minutes of the meetings, and see if we can thrash out their
2 differences.

3 Q. From whom did you receive your instructions about your
4 involvement in the committee?

16:07:56 5 A. From Lieutenant Joseph Poraj -- Lieutenant-Colonel Joseph
6 Poraj.

7 Q. Is his name spelt P-O-R-A-J?

8 A. Well, the spelling is -- really, I cannot spell it out
9 right now.

16:08:17 10 Q. Thank you. At the meetings that you attended, what do you
11 recall about the number of RUF representatives who attended?

12 A. Most of the time they come in twos. CDF, one at times.
13 We, the MILOBS, I'll be there with Lieutenant-Colonel Joseph
14 Poraj. And the KENBATT would also have their colonel in the team
16:09:01 15 with his clerk, his adjutant.

16 Q. What can you say, witness, if anything, about the identity
17 of the persons who attended on behalf of the RUF to these
18 meetings?

19 A. Most of the time on behalf of the RUF I do see Colonel
16:09:41 20 Jimmy.

21 Q. Colonel Jimmy?

22 A. Yes, for the RUF. The others, I'm sorry I cannot remember
23 their names because it has taken some time now, six years ago.

24 Q. And besides the CMC what other establishments or processes
16:10:26 25 had been developed to assist you in your mandate in Makeni?

26 A. Apart from the CMC, we had a reception camp and a DDR camp;
27 a disarmament, demobilisation and reintegration camp.

28 Q. So DDR you are saying was an acronym that was initials for
29 disarmament, demobilisation, reintegration?

1 A. With the reception camp, that is the first stage.

2 Q. And the second stage?

3 A. That's the DDR camp.

4 Q. What happened at the first stage?

16:11:29 5 A. When the reception camp was opened on April 17th, 2000, to
6 our surprise we found ourselves being surrounded by the armed RUF
7 rebels.

8 PRESIDING JUDGE: When you say "we," could you be a little
9 more specific?

16:12:21 10 MS VAN TONGEREN: I would actually prefer if the witness
11 would continue describing the process.

12 PRESIDING JUDGE: That's all right. That's fine. Found
13 ourselves surrounded by --

14 THE WITNESS: I am saying we, My Lord, because we are being
16:12:38 15 comprised of the MILOBS and the KENBATTs.

16 PRESIDING JUDGE: Because I thought your CMC comprised more
17 than the MILOBS and the KENBATT and that was why I wanted the
18 distinction. Thank you.

19 MS VAN TONGEREN:

16:12:54 20 Q. Mr Witness, I am making an important note to go back to
21 this point of what happened on April 17th, but I would like to go
22 back to your description of the process for disarmament. First
23 of all, perhaps we could do it this way, what was your job in
24 this process?

16:13:15 25 A. With the reception centre, we, the MILOBS, would be there
26 waiting for any RUF combatant who comes into surrender and get
27 back to normal life. He or she would bring, most of the time,
28 their arms and ammunitions. The guns would be noted down, what
29 type of a gun it is. The ammunitions, too, would be noted down

1 to know the number of ammunitions and the type of ammunitions.
2 And most of the time, we pushed the KENBATT to do the
3 registration. We do the registration too, but they are more
4 specialised on that area and that is why we are there with them,
16:14:26 5 they would take note and be handling the arms and ammunitions.

6 MR O'SHEA: Did the witness say they would be handling the
7 arms and ammunitions?

8 PRESIDING JUDGE: He said that, yes.

9 MS VAN TONGEREN:

16:14:49 10 Q. By that you meant the KENBATT?

11 A. The KENBATT, yes.

12 Q. What was the next stage of the process?

13 A. After the registration we would advise, if it is not too
14 late for them, to come the following day and be driven to the DDR
16:15:18 15 camp.

16 Q. So that was a service that you provided to drive them to
17 the DDR camp?

18 A. Yes, My Lord.

19 Q. And what would happen at the DDR camp?

16:15:37 20 A. At the DDR camp, too, we used to have our own staff there,
21 the MILOBS, representing the MILOBS, who would also take note of
22 the number of people that came and then push them on -- after
23 registering them, push them to the NCDDR staff, who'd finally do
24 their process.

16:16:37 25 Q. You have indicated to the Court that this camp opened on
26 April 17th, 2000?

27 A. Yes, My Lord.

28 Q. And you were present there that day, were you?

29 A. I was present at the reception centre. When Colonel Gbao

1 came with his armed men and surrounded us, and said he's
2 objecting to the disarmament.

3 Q. Mr Witness, describe what it was that transpired on that
4 date, April 17th?

16:17:34 5 A. On this very blessed day, My Lord, when we were surrounded
6 by the RUF military people --

7 PRESIDING JUDGE: Did I hear him say blessed day?

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: Thank you. Continue.

16:18:06 10 THE WITNESS: When Colonel Gbao came and stood on the
11 highway, very close to the reception centre, Lieutenant-Colonel
12 Joseph went, met him, negotiated with him to withdraw his men and
13 leave us to go ahead with the process.

14 MR O'SHEA: Sorry, can I just have that last bit again, if
16:18:50 15 I may.

16 PRESIDING JUDGE: Witness, could you repeat that part
17 again, the last segment of your evidence so far.

18 THE WITNESS: I said --

19 PRESIDING JUDGE: Negotiated with him.

16:19:00 20 THE WITNESS: With Colonel Gbao to withdraw his men as we
21 were surrounded.

22 PRESIDING JUDGE: And leave you to proceed with the
23 process.

24 THE WITNESS: To proceed with the process.

16:19:20 25 MS VAN TONGEREN:

26 Q. Mr Witness, were you present for this and able to hear the
27 exchange?

28 A. It wasn't too far and I knew for sure that he came
29 purposely to reject the disarmament.

1 Q. What did you see of Augustine Gbao and what did you
2 actually see him do?
3 A. He led his troop, as I would say, all came in to surround
4 us. I'm confirming this because if he had not involved himself
16:20:18 5 in coming with these armed men, he would not have been at the
6 scene at that time, at that point in time.
7 Q. How would you describe the behaviour of Mr Gbao?
8 A. Well, he was really very harsh.
9 Q. And how long did the episode last?
16:20:53 10 A. It took about ten minutes.
11 JUDGE BOUTET: Did you say ten minutes?
12 THE WITNESS: Yes, My Lord.
13 MS VAN TONGEREN:
14 Q. And how did it end?
16:21:09 15 A. They finally withdrew.
16 Q. The person that you described as Gbao, that you saw on
17 April 17th, had you seen him before that date?
18 A. Yes, My Lord.
19 Q. So when you saw him on April 17th, were you able to
16:21:41 20 recognise him or not?
21 A. Yes, I was able to recognise him, My Lord.
22 Q. Were you familiar where Mr Gbao's office was?
23 A. Yes, My Lord. His office used to be in the location they
24 call agriculture.
16:22:12 25 Q. And what did you understand his position to be?
26 A. I was made to understand, My Lord, that he was the man in
27 charge of their intelligence.
28 Q. In charge of intelligence for what group?
29 A. For the RUF.

1 Q. What were the circumstances of any previous meetings or
2 encounters or viewings you may have had of Gbao before you saw
3 him on April 17th?

4 A. At one time -- let me come in. Most of the time we
16:23:12 5 patrolled the town to assess the security situation in Makeni.
6 And in some of these times I do see him with his, according to
7 the name given to his under age military officers, SB, they call
8 them the SB, the small boys. These are people under ten or are
9 under 15 years most of the time.

16:24:09 10 Q. I am sorry, I didn't understand that. What was the
11 association with the SBs and Gbao?

12 A. The SBs are their -- I use the term boys, I don't know
13 whether -- I'm sorry for anything. These are children who they
14 use and they arm them, they carry guns as well.

16:24:41 15 Q. And is it your evidence that there is an association with
16 Gbao and the SBs?

17 A. I do see him with them.

18 JUDGE ITOE: You do, did you say?

19 THE WITNESS: I say I do see Colonel Gbao with his SB boys.

16:25:00 20 JUDGE BOUTET: Why is it you did mention when talking of
21 Gbao of talking of small boys?

22 THE WITNESS: They use the word SB, meaning they are small
23 boys. These are the children under 15 years who are under their
24 care and they carry arms as well.

16:25:34 25 MS VAN TONGEREN:

26 Q. Mr Witness, I would just like to clarify, I asked the
27 question of the circumstances where you had seen Gbao before
28 April 17th, and you gave a response in relation to the SBs. I am
29 just wondering if you could clarify that for us, please?

1 A. I never knew of the word SBs. It was during my stay in
2 Makeni that I got to know this word. And when I asked what it
3 really meant, I was told that the SBs are referred to -- they are
4 boys that are under 15 years and are armed.

16:27:07 5 Q. When you saw small boys in the presence of Gbao, what were
6 the circumstances of that that you were able to observe?

7 A. I saw him talking to them. That is on the highway from
8 Makeni, going to Magburaka -- towards Magburaka. They were on
9 foot. I do not know actually what he was telling them, because I
16:27:44 10 was on board the vehicle.

11 PRESIDING JUDGE: Perhaps, counsel, we will take a break,
12 come back and let you explore further that aspect if you want to.

13 MS VAN TONGEREN: Thank you, Your Honour.

14 PRESIDING JUDGE: We'll take a break.

16:28:10 15 [Break taken at 4.35 p.m.]

16 [RUF26JUN06F - CR.]

17 [Upon resuming at 5.03 p.m.]

18 PRESIDING JUDGE: Counsel please continue.

19 MS VAN TONGEREN: Thank you, Your Honour.

16:57:11 20 Q. Mr Witness, I'd like you to think back to the dates before
21 April 17th, 2000, when you were on military patrol and you saw
22 Gbao and the children. Firstly, was this something that you saw
23 on one occasion, or more than one occasion?

24 A. I saw him on more than one occasion, My Lord.

16:57:34 25 Q. To the best of your ability, please, sir, could you
26 describe for the Court how the children appeared to you? By
27 that, for example, how were they dressed?

28 A. Sometimes they're in plain-clothes, sometimes they're in
29 uniforms.

1 Q. Were you able to recognise the uniforms?

2 A. These are military-type uniforms; yes, I do.

3 Q. What can you say about whether or not the children were
4 carrying anything?

16:58:12 5 A. A gun can easily be identified, My Lord. If you see a gun,
6 you would know it is not a club, not a stick, but a gun that can
7 easily --

8 Q. Is it your evidence that they were carrying a gun?

9 MR O'SHEA: Please, he hasn't said it yet so --

16:58:34 10 PRESIDING JUDGE: Objection sustained.

11 MS VAN TONGEREN:

12 Q. What, if anything, were the children carrying?

13 A. Sometimes they don't carry anything, sometimes you see them
14 carrying their guns, their AK-47.

16:58:54 15 Q. How many would you see at a given time?

16 A. You mean --

17 Q. With Gbao? Would there be one or more than one?

18 A. No, no, more than two, three. More than three most of the
19 time.

16:59:14 20 Q. Would there be other adults present besides Gbao?

21 A. Sometimes other adults used to be present.

22 Q. Did you identify who those adults were?

23 A. No, My Lord.

24 Q. What about, can you tell the Court whether or not --

16:59:31 25 PRESIDING JUDGE: Slow down, counsel. Slow down.

26 MS VAN TONGEREN: Sorry.

27 PRESIDING JUDGE: Right. Continue.

28 MS VAN TONGEREN:

29 Q. Can you tell the Court whether or not the adults, in the

1 presence of the children, were uniformed or not?

2 A. In all the times that I saw Gbao with the children, or the
3 adults with the children, they are never in uniform.

4 Q. In a moment I'm going to ask you a question about the ages
17:00:17 5 of the children but, before that, I'm just going to ask a few
6 foundational questions. When you were in Makeni at this time,
7 were you 50 years old?

8 A. You are asking me whether I was 50 years old?

9 Q. Yes.

17:00:34 10 A. Yes, I was.

11 Q. You indicated to the Court that you were a father of
12 children.

13 A. Yes, I said so.

14 Q. How many children did you have at that time?

17:00:42 15 A. Eight children, My Lord.

16 Q. What were their ages --

17 JUDGE ITOE: At that time you had eight children?

18 THE WITNESS: Yes.

19 JUDGE ITOE: Or you have eight children or you had eight
17:00:52 20 children at that time?

21 THE WITNESS: At that time.

22 JUDGE ITOE: At that time you had eight children?

23 THE WITNESS: Yes, My Lord.

24 MS VAN TONGEREN:

17:01:08 25 Q. I apologise, this may be a difficult mathematical question
26 to process, but what was the range of ages of your children at
27 that time?

28 A. My first born was between three and four. Three and four.
29 Two three and four, because my last born is now about 14 years.

1 Q. What is the age of your first born now?

2 A. My first born now is 30 years.

3 Q. That's 3-0?

4 A. 3-0, yes, My Lord.

17:01:58 5 Q. Mr Witness, from what you were able to see of the children
6 who were with Gbao, what were their ages, as far as you could
7 estimate?

8 A. I said prior to this that they were under 15, to my
9 estimation, My Lord.

17:02:50 10 PRESIDING JUDGE: Proceed, counsel.

11 MS VAN TONGEREN: Thank you.

12 Q. Witness, I'm going to proceed to a different subject area.

13 A. Yes, My Lord.

14 Q. Did you become familiar with other senior commanders of the
17:03:04 15 RUF when you were at Makeni?

16 A. Yes, My Lord.

17 Q. And who were those?

18 A. I'm familiar with General Issa Sesay, Brigadier Morris
19 Kallon, Colonel Jimmy and Colonel Gbao.

17:03:36 20 Q. Mr Witness, of the information you received and the
21 dealings that you had with these gentlemen, what was your
22 understanding in terms of the chain of command, or the hierarchy?

23 A. Can you repeat your question, My Lord.

24 Q. Yes. From the information you received, or from your
17:04:04 25 dealings with these gentlemen, what was your understanding of the
26 chain of command? In other words, who was the most senior?

27 A. Yes, thank you, My Lord. The most senior was General Issa
28 Sesay. Then, according to the intelligence gathered, you have
29 Brigadier Morris Kallon, Colonel Gbao, yes.

1 Q. Sorry, have you finished your answer?

2 A. I believe I'm finished.

3 MS VAN TONGEREN: All right. Thank you.

4 JUDGE ITOE: What of Colonel Jimmy?

17:04:55 5 THE WITNESS: Yes. Colonel Jimmy is also part of the
6 hierarchy, but I do not know whether Colonel Gbao is senior to
7 him or he's senior to Colonel Jimmy.

8 MS VAN TONGEREN:

9 Q. In the early part of 2000, did you have occasion to meet
17:05:26 10 with Mr Sesay?

11 A. Yes, My Lord.

12 Q. What were the circumstances of that?

13 A. Most of the time when the troops are being blocked, as
14 they're moving from point A to B, headquarters in Freetown would
17:05:58 15 send us the message to go and meet General Issa Sesay because,
16 when they are at point A moving to point B, the combatants at
17 point B would ask them of a document they would want them to
18 pass, a document which they should collect from General Issa
19 Sesay.

17:06:44 20 Q. Mr Witness, when you speak of troops going to point A and
21 B, what troops are you speaking of?

22 A. I am talking of the infantry, the military observers. The
23 military observers in different locations.

24 Q. So you're talking about people who are part of your
17:07:12 25 organisation, or the group that you were with?

26 A. They are under UNAMSIL.

27 Q. Having received messages, then, from Freetown, did you play
28 a role in getting a document or not?

29 A. Not much of getting a document, My Lord. I would drive to

1 Teko Barracks to general Issa Sesay's residence. There I would
2 ask for General Issa Sesay because, in his residence, you have
3 some of his combatants that are armed. As I said earlier on, on
4 this, there are these boys under 15 years would tell me he is
17:08:29 5 out. But he, General Issa for himself, while in his room, would
6 see you outside, but you couldn't see inside and, for my sake, I
7 believe every time he hears of my voice he comes out and meet me.
8 I would explain to him that we -- troop A wants to move to point
9 B and they are being blocked at my headquarters. They have asked
17:09:31 10 me to come and negotiate with you so that you can talk to your
11 men for their release to proceed. He would assure me that he
12 would do it. And, to be candid, the moment I get back to my team
13 site, under a period of 20 or 30 minutes, the headquarters would
14 send us a message to say they have been released; they have been
17:10:17 15 allowed to pass.

16 Q. Your meetings in this regard, were they always at Teko
17 Barracks?

18 A. Teko Barracks, yes, My Lord.

19 Q. Was it always a meeting that required the permission of
17:10:45 20 Sesay?

21 A. Yes, My Lord.

22 Q. Earlier in your evidence you described that you speak Krio.

23 A. Yes.

24 Q. What, if anything, can you say, Mr Witness, about the
17:11:07 25 extent to which you were able to use your ability to speak Krio
26 in your communications with the RUF officers?

27 A. Well, for us Gambians, we also speak Krio, because some
28 Gambians originated from Sierra Leone here. That's why -- and we
29 co-mingle and this enabled me to speak Krio.

1 Q. So when you met with Sesay, for example, did you speak Krio
2 with him?
3 A. No, My Lord, I speak English with him.
4 Q. What about with Colonel Jimmy?
17:12:08 5 A. Jimmy would speak English, My Lord.
6 Q. Were there members of the RUF that you did speak Krio with?
7 A. Yes. There are some that I speak Krio with.
8 Q. I would like you to move forward, please, witness to an
9 event where Kallon attended at the --
17:12:52 10 JUDGE ITOE: You don't need to make such introductions. It
11 is unconventional, I would imagine, because it could even be very
12 suggestive and it could amount to a leading question or educating
13 the witness on what he has to say. I think you should change
14 your tactics that way because it's not good to give the witness a
17:13:22 15 lecture before you start putting questions to him. I think it is
16 against the procedure that we are applying here.
17 MS VAN TONGEREN: Thank you, Your Honour.
18 Q. Do you recall the day of the last part of April in 2000?
19 A. Yes, My Lord.
17:13:36 20 Q. Did anything happen on that day?
21 A. On 28th April, I was at the DDR camp with Major Moller --
22 JUDGE BOUTET: What's the name of the major, I'm sorry, Mr
23 Witness?
24 THE WITNESS: Major Moller, M-O-L-L-E-R.
17:14:26 25 JUDGE BOUTET: Thank you. Sorry, Madam Prosecutor.
26 MS VAN TONGEREN:
27 Q. Continue, please, witness.
28 A. I was just at the DDR camp to check on the work going on by
29 the KENBATT as they were there to make their tents for the

1 ex-combatants that have surrendered. On this very day, Brigadier
2 Morris Kallon came there with others. He complimented all. And
3 I heard him say that the Kenyans would pull down the tents within
4 72 hours.

17:15:59 5 Q. Mr Witness, I apologise, but I didn't hear precisely the
6 words that you say that Kallon said. Would you repeat those,
7 please?

8 A. I said when he came to the DDR camp on that very 28th day,
9 after complimenting us, the people who were present at the time,
17:16:32 10 I heard him say that the Kenyans would pull down their tents that
11 are being made for the ex-combatants within 72 hours.

12 Q. Did you yourself formulate an interpretation of what he
13 said?

14 A. I understood his language, but I never took it clear
17:16:59 15 because he was smiling. He never showed any frowned face.

16 Q. How did that encounter end that day?

17 A. That was all for that day. I went home. Then on 1st May
18 2000 I was responsible with Major Moller and Major Salahuedin --

19 Q. That's Moller and what's the second one?

17:18:00 20 A. Salahuedin.

21 Q. Are you able to spell that?

22 A. S-A-L-L-U-D-I-N [sic], something like that.

23 Q. Continue, please.

24 A. We were responsible for the assessment of the security
17:18:22 25 situation on that day in Makeni. And at the same time, I was
26 responsible to escort the ex-combatants that have been registered
27 to the DDR camp. Moller was posted at the DDR camp while Major
28 Salahuedin became my driver on that very day. Then at about
29 08:40 in the morning hours, Monday, I left for the reception

1 centre with Major Salahuedin to see if the ex-combatants who have
2 been registered are there for them to board the Kenyan KENBATT
3 truck to the DDR. Unfortunately, on arrival, I did not see
4 anybody.

17:20:22 5 I told Major Salahuedin to drive me to the DDR camp to
6 check if Major Moller was also there. I drove to the DDR camp.
7 I found Major Moller there. Then I asked him if General Issa was
8 there too. He replied to the negative. The KENBATT trucks were
9 there, so I told Major Moller that I was going back to the
17:21:34 10 reception centre to see if the ex-combatants have reported there
11 so that we would escort them to the DDR camp.

12 Q. Before you continue, I'm just going to ask a question. You
13 call them ex-combatants. Now, were you familiar, or had you
14 received information relating to these people that gave you some
17:22:15 15 expectation?

16 A. These are people we have registered prior to this very day,
17 the day before this very day.

18 Q. Tell us about that.

19 A. Ten of them.

17:22:29 20 Q. Right. Can you take us to that part of the narrative when
21 they came and had registered the previous day, or days? What do
22 you know of that?

23 A. Well, it was too late. We registered them and it was too
24 late. We advised them to go home and report the following day,
17:22:55 25 which was -- they reported on -- excuse me, My Lord. They
26 reported on Saturday. We asked them to report on Monday, because
27 Sunday, normally, we don't work.

28 Q. Would it be appropriate for your narrative now to go back
29 to May 1st?

1 A. Yes.

2 Q. Continue then, please.

3 A. So as I returned to the reception camp, finally I saw them
4 boarding the KENBATT truck. I took the lead to clear the RUF
17:23:47 5 checkpoint. We passed through without any problem up to the DDR
6 camp. They alighted from the vehicle, reported to Moller to
7 confirm his records, then to the NCDDR.

8 MR O'SHEA: Sorry, that was a little fast for me. Forgive
9 me.

17:24:29 10 MS VAN TONGEREN:

11 Q. Perhaps at the point where you --

12 PRESIDING JUDGE: Did you want something repeated?

13 MR O'SHEA: I got to they alighted from the vehicle and
14 then I got a bit lost.

17:24:41 15 PRESIDING JUDGE: Counsel, would you take the counsel
16 through that part again.

17 MS VAN TONGEREN:

18 Q. Mr Witness, what transpired after the ex-combatants
19 alighted from the vehicle?

17:24:53 20 A. I said they reported to Major Moller to confirm the number
21 of the ex-combatants. Of which, after registering them, he would
22 push them on to the NCDDR staff who would then continue with
23 their process. What I told Major Moller, that after his work let
24 him just go back to our team site in Looking Town in Makeni.

17:26:01 25 Because I was somehow sceptical about the whole situation. I use
26 the word sceptical in the sense that on 17th April, being the
27 opening of both the reception centre and the DDR camp, we were
28 surprisingly surrounded by the RUF and combatants, led by Colonel
29 Gbao. I then left for the team site with my driver, Major

1 Salahuedin, yes.

2 Q. I'm just going to stop you there.

3 MS VAN TONGEREN: Your Honour, I notice the time. If it is
4 appropriate for the Court to adjourn at this time --

17:27:10 5 PRESIDING JUDGE: You are closing a particular episode?

6 MS VAN TONGEREN: Yes.

7 PRESIDING JUDGE: Right, we will adjourn the Court to
8 tomorrow morning, resume at 9.30.

9 [Whereupon the hearing adjourned at 5.34 p.m.,
17:27:56 10 to be reconvened on Tuesday, the 27th day
11 of June 2006, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 107 4

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-367 2

CROSS-EXAMINED BY MR TOURAY 5

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