

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

TUESDAY, 27 JUNE 2006
9.44 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:	Ms Wendy Van Tongeren Mr Alain Werner Ms Shyamala Alagendra
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Ms Chantal Refahi 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 [RUF27JUN06A - SV]
2 Tuesday, 27 June 2006
3 [Open session]
4 [The accused present]
09:39:43 5 [Upon commencing at 9.44 a.m.]
6 WITNESS: TF1-044 [Continued]
7 MR O'SHEA: I apologise, Your Honour, I had a sudden need.
8 PRESIDING JUDGE: Accepted. My learned Prosecutor, your
9 witness.
09:40:23 10 MS VAN TONGEREN: Thank you, Your Honour.
11 EXAMINED BY MS VAN TONGEREN: [Continued]
12 Q. Good morning, Mr Witness.
13 A. Good morning, My Lord.
14 Q. Yesterday we left your testimony where you had been at the
09:40:39 15 DDR camp and you spoke to a Major Moller telling him to leave the
16 team site, or leave for the team site when he was finished with
17 the ex-combatants. Do you recall that evidence?
18 A. Yes, My Lord.
19 Q. And I understand then you left the DDR camp yourself, did
09:40:56 20 you?
21 A. Yes, I did, My Lord.
22 Q. And with whom did you leave?
23 A. Major Salahuedin, My Lord.
24 Q. And you were in a vehicle?
09:41:07 25 A. Yes, My Lord.
26 Q. And the major was driving, was he?
27 A. Yes, My Lord.
28 Q. Where did you go?
29 A. We went to the team site, My Lord.

1 Q. When you use the term "team site," what specifically do you
2 mean?

3 A. Can you repeat that, My Lord.

4 Q. When you use the term, the description, "team site," what
09:41:21 5 do you mean?

6 A. I mean the base where we are at Looking Town in Makeni.

7 Q. And what is located there?

8 A. There we have our office and our residence as well.

9 Q. Thank you.

09:41:37 10 JUDGE BOUTET: You have your office and what, I'm sorry?

11 THE WITNESS: In Looking Town we have two buildings; one
12 is -- part of it is used for the office and the other for
13 [indiscernible] purposes. The other side of the building in the
14 same building. Then the other side of the building too, the
09:41:56 15 other building, the second building we had there, we also
16 occupied that building, that site.

17 JUDGE BOUTET: The "we" is the --

18 THE WITNESS: We, the MILOBS, I mean.

19 JUDGE BOUTET: The military observers?

09:42:05 20 THE WITNESS: The military observers, My Lord.

21 JUDGE BOUTET: Thank you.

22 MS VAN TONGEREN:

23 Q. Is it your evidence, Mr Witness, that Major Salahuedin
24 actually drove you to the team site?

09:42:15 25 A. Yes, My Lord.

26 Q. And describe for the Court when you actually left Major
27 Salahuedin?

28 A. After leaving the DDR camp we went to the team site in
29 Looking Town where we are based. I went to my room to relax,

1 expecting that by 4 p.m. we'd go in town to check on the security
2 situation.

3 Q. Now can I just ask: What time was it then that you last
4 saw Major Salahuedin?

09:42:51 5 A. Major Salahuedin, I last saw Major Salahuedin when we
6 arrived in our team site at about some minutes to 12 or after 12
7 in the afternoon.

8 Q. All right. Then what happened?

9 A. As I told you previously, as I told My Lord previously that
09:43:19 10 I was in my room relaxing waiting until around 4 p.m. then we
11 would go round to check on the security situation. Then at about
12 3 or 4 p.m. Major Knut was the duty officer in our ops room.

13 Q. Before you continue, Major Knut, do you understand that to
14 be K-N-U-T?

09:43:52 15 A. Yes.

16 Q. And is that a surname or a given name?

17 A. It's a surname.

18 Q. And does he have another name as well?

19 A. Gilstad [phon], yes. Yes, something Gilstad but I'm not
09:44:02 20 very familiar with that name.

21 Q. All right. Gilstad is the other name?

22 A. Yes, yes.

23 Q. Continue; what happened?

24 A. While I was in my room, this was between 3 and 4 p.m. the
09:44:20 25 same day, I heard a knock. I opened the door and saw Major Knut
26 who said he came in to inform me that headquarters had requested
27 me to go and check on Major Ganese and Major Salahuedin because
28 there was shooting at the DDR camp, and that since they left they
29 never returned. I was about to go by myself alone, using the UN

1 actual Nissan. Major Knut told me that he would join me, that it
2 was not safe for me to go alone. So I started wondering where to
3 start my inquiries. I told him it's better we start -- we go to
4 the agriculture where I used to find Colonel Gbao and if found he
09:46:01 5 might be in a position to tell us of Major Ganese and Major
6 Salahuedin's whereabouts.

7 Q. All right. I'm just going to ask you one or two questions
8 before you continue.

9 A. Yes.

09:46:11 10 Q. Were you familiar with Major Ganese before having been
11 having described the situation by Knut?

12 A. Yes.

13 Q. You know who that man is?

14 A. Yes, that face I know him. We were in the same team site.

09:46:23 15 Q. All right.

16 A. He was a MILOB as well.

17 Q. And before you -- in making your decision about what to do,
18 having received that information, what was your understanding of
19 what was going on from the information you received from Knut?

09:46:49 20 A. Knut told me that they heard gunshots around the DDR camp
21 and that was why Major Ganese and Major Salahuedin went to check
22 what was happening at the DDR camp area. They were then, since
23 then, not seen back to our base site, our team site.

24 Q. Thank you. Having contemplated the issue then, what did
09:47:31 25 you do?

26 A. Going by the instructions given from the headquarters in
27 Freetown, I left with Major Knut to the agriculture area where I
28 thought I would find Colonel Gbao for assistance, and, on
29 arriving there, I found the place was quiet. I alighted from the

1 vehicle and I saw a man in plain clothes standing about 20 metres
2 away from my position and he was leaning on the wall. I raised
3 my left hand as a signal for him to come closer so that I would
4 know, hear from him and know of Colonel Gbao's whereabouts. And
09:48:47 5 suddenly I saw one of the RUF combatants in uniform, armed with a
6 rifle, AK-47. He came to me and asked what I needed. I
7 explained myself to him and he too -- he advised me to check at
8 the task force office. Their task force office, the RUF task
9 force office, which was situated just close to the roundabout in
09:49:28 10 Makeni Town.

11 Q. What distance was the task force office to the agriculture
12 office where you had expected to see Gbao?

13 A. I cannot say exactly but it's about half a kilometre.

14 Q. Continue then. What happened?

09:49:53 15 A. We drove to the task force office. On reaching around the
16 roundabout we found over 50 people, both male and female, some in
17 uniform, armed with their guns, and then I asked Major Knut to
18 find a place to park. As he parked the vehicle, and I alighted,
19 when he too alighted, one of their combatants under 18 in uniform
09:50:57 20 snatched his walkie-talkie. And Brigadier Kallon told him to
21 hand over the vehicle keys to them.

22 Q. What happened then?

23 A. I met Brigadier Morris Kallon and told him that I was there
24 for an assistance because two of my majors, Major Ganese and
09:51:40 25 Major Salahuedin, since they left our team site in the afternoon,
26 they never returned back to base. Morris Kallon told me he has
27 no idea. He then asked me why were our men - according to him, I
28 am repeating as he told me - why our men opened fire on their
29 men. I told him we, the MILOBS, military observers, were never

1 armed and I do not expect any military observer to go and open
2 fire without arms.

3 And he said, "Why are you people disarming our men?" I
4 said, "The disarmament process doesn't start with us. This is
09:53:14 5 from the top. It is the government of this country, the UNAMSIL
6 and the RUF top officials who discuss about the matter and ask us
7 to go ahead with the problem." I told him the identification,
8 the location of both the reception centre and the DDR camp is
9 known to them, that we are just there to receive any volunteer
09:54:09 10 from their side who comes in to register in order to surrender
11 and get back to normal life, and that we do not go after any of
12 their militants in their houses either to convince them to come
13 and surrender or disarm themselves.

14 Then he told me, "But this white man is not going." The
09:55:00 15 white man he was referring to was Major Knut. He was the only
16 white man I went with to their task force office. Then he said
17 he is going to be held captive and told me, for myself, I can go
18 back to my team site; he has no problem against me. I told him I
19 cannot go back to my team site. If I go, what would I tell my
09:55:49 20 authorities. I came here purposely in search of two of my
21 majors, hoping to get assistance from him, and now that Major
22 Knut is also going to be held captive, I am not going anywhere,
23 let them hold me captive as well.

24 We were there. At first he said he was going to give us a
09:56:33 25 driver to drive us to Teko Barracks under escort by his men.
26 Afterwards he changed his mind and said, "Okay, I will hand over
27 the key back -- the keys back to Major Knut. He will drive, but
28 my men will escort you." They were in uniform and armed. They
29 drove us to Teko Barracks and in Teko Barracks there I saw

1 Colonel Jimmy.

2 Q. Before you continue, in the conversation that you had with
3 Morris Kallon, the things that you had said to him about UNAMSIL
4 and the DDR, were those things true?

09:57:44 5 A. They were true, My Lord.

6 Q. And can you confirm for us whether or not this person
7 Kallon was the same person who had come to the DDR camp on
8 April 28th?

9 A. Yes. He was the one that came with a smiling face and
09:58:23 10 told -- and I heard him saying, "The tents that you've made for
11 the ex-combatants will be pulled down within 72 hours."

12 Q. And the people that were with Kallon at that particular
13 location, I wonder if you could give us more of a description of
14 who those people were?

09:58:54 15 A. These were -- you mean the people he came with?

16 Q. Yes.

17 A. These were all RUF militants.

18 JUDGE BOUTET: Are we on 28th April now, or back to --

19 MS VAN TONGEREN: Yes.

09:59:09 20 THE WITNESS: This is on 28th.

21 MS VAN TONGEREN:

22 Q. No, I'm talking about -- sorry, I confused you.

23 A. Okay.

24 JUDGE BOUTET: You confused me too.

09:59:22 25 MS VAN TONGEREN:

26 Q. I'm talking about when you were with Knut on May 1st at the
27 task force office.

28 A. Okay.

29 Q. The people that were with Kallon at the task force office,

1 please give us a description of those people?

2 A. As I told you previously, that the people I found there
3 were all RUF members. Some were in uniform, armed, and some were
4 in plain clothes. Over 50 of them. Some were seated, some were
10:00:05 5 standing. Morris Kallon was seated in the centre.

6 Q. Now, in terms of the detention of Major Knut, was there any
7 communication between Kallon and Knut regarding his detention
8 the?

9 A. The only thing I know and I heard of Brigadier Morris
10:00:35 10 telling him is that, "It is you, the whites, that sold us the
11 arms and ammunitions that we used to kill our brothers and
12 sisters. So you are not going to be released."

13 Q. And you've indicated in your evidence that the race of
14 Major Knut was white; is that correct?

10:01:04 15 A. Yes

16 Q. And, for the record, you're not white. You are black; is
17 that right?

18 A. I am black.

19 Q. And what transpired next?

10:01:18 20 A. When we got to Teko Barracks we met Colonel Jimmy. The
21 combatants that escorted us took us to Jimmy, I met Jimmy. And I
22 told Jimmy plainly -- because when he saw me, Colonel Jimmy was,
23 to my understanding, he looked surprising, because he told me,
24 "Colonel Mendy, what are you doing here? Why you here?"

10:01:58 25 Q. Had anyone actually communicated to you before you got to
26 Teko Barracks where you were to go or not?

27 A. That I cannot remember.

28 Q. All right. Continue then with your meeting with Colonel
29 Jimmy.

1 A. I told Major Knut, "Give me the keys." I handed them over
2 to Colonel Jimmy, as advised by Brigadier Morris Kallon.
3 Q. Had others come with you to Teko besides Knut?
4 A. We were the only two, escorted by the RUF militant.
10:02:52 5 Q. And describe the RUF; how many were there and whether or
6 not they were armed?
7 A. They were armed, they were in uniform.
8 Q. And how many were there?
9 A. There were about five or more.
10:03:12 10 Q. And how many vehicles went from --
11 A. No, no, only one while you were under escort, because they
12 used our own vehicle.
13 Q. All right. Continue.
14 A. There then I asked Colonel Jimmy if he knows of Major
10:03:40 15 Ganese's whereabouts and Major Salahuedin. He turned round and
16 told me, "Check over there, you'll find Major Ganese." I went to
17 Major Ganese. He, too, was surprised to see me in Teko Barracks.
18 He also asked why I was there. I told him I ought to be there.
19 As I am the senior in the team site so far, Lieutenant-Colonel
10:04:25 20 Poraj is on leave, it's he on CTO, Colonel Joseph Poraj, I have
21 been instructed to come and negotiate with the rebel leaders here
22 to know your whereabouts, whether dead or alive. And
23 unfortunately we were held captive and brought to Teko Barracks.
24 Q. And from your observation what was the state of liberty of
10:05:01 25 Ganese?
26 A. Well, Ganese was somehow confused because probably what he
27 saw, according to his explanation to me after some time, he told
28 me he couldn't tell much of Major Salahuedin because he was
29 assaulted by Brigadier Morris Kallon.

1 Q. Who was assaulted?

2 A. Salahuedin.

3 Q. And this is something that Ganese is telling you, is it?

4 A. Yes. And he said in fact he was almost shot, him, Major
10:05:47 5 Salahuedin, by the RUF militant. That it was the KENBATT -
6 that's the Kenyan soldiers - that sealed him and took him away
7 from the site of the RUF.

8 Q. Took who away? Took Ganese or Salahuedin away?

9 A. Salahuedin. Salahuedin. For Ganese, he told me he was
10:06:20 10 taken to Teko Barracks. According to him, he was also secured by
11 Colonel Gbao.

12 Q. Describe the location where you and Ganese were at Teko
13 Barracks?

14 A. In Teko Barracks, you mean where we were detained?

10:06:52 15 Q. Yes.

16 A. We were taken to a building and asked to get inside the
17 room there, one of the rooms. We sat down. No sooner I saw
18 some -- by then I was there with Major Knut, Major Ganese. No
19 sooner other Kenyan soldiers also came in, they were also held
10:07:32 20 captive. In all we were three MILOBS, 14 Kenyans, making 17 in
21 number.

22 Q. Describe the facility in which the 17 of you were?

23 A. When we were in that room, they provided us with a
24 mattress - two mattresses - to use it, and the following day they
10:08:10 25 brought us food and water. That was on Tuesday, 2nd.

26 Q. Do you know Major Marro?

27 A. Major Marro?

28 Q. Marro.

29 A. Marro is one of the Kenyan majors. Yes, I know him.

1 Q. Did you see him on May 1st?

2 A. Was it on May 1st? I'm not too certain whether or on the
3 1st or 2nd, he also was held captive or not.

4 Q. Did you have a conversation with him?

10:08:59 5 A. I had a conversation with him.

6 Q. Tell us about that.

7 A. And he told me -- because I asked, "How did this thing
8 happen?" He said well, when these ex-combatants were there,
9 while they were in the process, the RUF militants went there and
10:09:21 10 Gbao was there, Brigadier Morris Kallon was there and that,
11 according to him, Brigadier Morris Kallon first opened fire on
12 them. I couldn't go further to discuss much about it because of
13 the situation where we were.

14 Q. What do you mean by that?

10:09:57 15 A. Well, we were being guarded and probably if they hear our
16 conversation, that may -- we may be killed. Who knows what could
17 happen to us.

18 Q. What happened next? I think you had taken us to May 2nd?

19 A. Yes. May 2nd while we were in the room, I think this may
10:10:28 20 have been around - I'm not too sure of the time - Colonel Jimmy
21 sent in one of his militants and asked us to go with two others
22 or three of the seniors that were held captive. So Major Knut,
23 Marro and myself, I believe. I think we were three. We went to
24 where he wanted us to meet him. We went after some distance. We
10:11:03 25 found him standing close to a building. Then we saw two dead
26 bodies on the ground. Colonel Jimmy told us, "So you see what
27 your people have done? They've killed two of our men." I
28 repeated - I told Colonel Jimmy bringing us to this scene is of
29 no use, because we are held captive, we are never armed. You've

1 brought us here to do what? He said he wanted us to stand beside
2 the corpses and be photographed. There then Major Knut told him
3 that is really against the Geneva Convention. I told Major Knut
4 our liberty has been seized, it's better we go by their orders or
10:12:18 5 instructions. Then he asked us to go back to the same room where
6 we were, that he was going to send for a photograph. After some
7 minutes he called us back. We went to the same place, found the
8 bodies on the ground. He was there with his militants, armed,
9 and he asked the photographer to snap us as we were asked to
10:13:10 10 stand close to the two corpses. When we were snapped, he asked
11 us to go back to our room, the same room where we were detained,
12 and he gave orders in our presence to his militants to go and
13 bury the two corpses, those two RUF militants that were killed.

14 Q. To go and what?

10:13:43 15 A. Bury them.

16 Q. Bury them. Thank you.

17 JUDGE ITOE: Who was to go and bury them?

18 THE WITNESS: He asked his own militants, the RUF
19 militants, to go and bury them.

10:14:04 20 MS VAN TONGEREN:

21 Q. Now, did you go back to that room where you had been
22 detained?

23 A. Yes, yes, yes.

24 Q. Were there still the 17 of you, or was it a different
10:14:13 25 number?

26 A. Yes, 17.

27 Q. Did that change at any time or not?

28 A. I cannot remember it being changed. Then on the same day,
29 at about 11 p.m., one of the militants, the RUF militants, came

1 in and said they were going to interrogate us one after the
2 other, that the interrogation would be in the next room beside
3 us. They started calling one after -- coming for us one after
4 the other, one after the other, until it came to my turn. I was
10:15:31 5 escorted to the room. To my surprise, they told me, "Strip off
6 your uniforms." There I found those who were there before me
7 flat on the ground screaming, crying of pain, because their hands
8 were bound behind their backs. I stripped off my clothes, shoes,
9 and everything, except my singlet and underwear that was left
10:16:16 10 with me. They also bound my hands behind me. When they finished
11 that exercise, they started binding two. One would sit -- I'm
12 just giving you an example for a better understanding, My Lord.
13 As I'm sitting here, they bound my hands behind my back, bind
14 somebody else, then as I'm facing My Lord there, the one who also
10:16:55 15 would be facing towards there, and then they would use another
16 rope to bind it again in between.

17 MS VAN TONGEREN: For the record, the witness is
18 demonstrating putting both his hands behind his back to the --
19 Q. Is it your hands are at the small of your back?

10:17:14 20 A. I do not get you properly.

21 MS VAN TONGEREN: The witness was demonstrating that his
22 hands were behind his back and they were not particularly bent,
23 probably touching around the small of his back or lower, for the
24 record.

10:17:42 25 Q. What happened then, Witness?

26 A. They used electric wires to bind our hands, and this has
27 caused severe wounds to some of our -- well, I would just say
28 almost to all, especially Major Knut, because the wire cut the
29 skin and get that into the body. After all that exercise, they

1 left us there. After about 30 minutes or so, we heard vehicle
2 sounds coming closer to the building and no sooner somebody came,
3 opened the door and said, "Get up. Come out." One of the RUF
4 militants.

10:18:40 5 Q. Just to have this clear in everyone's mind, are we still
6 talking about May 2nd now? Did this happen on May 2nd?

7 A. May 2nd, yes, My Lord.

8 Q. What time of day was it that you were told to get out,
9 then?

10:18:58 10 A. This must have been some minutes after 11 p.m. to 12.00 or
11 so.

12 Q. Mr Witness, please continue then. What happened next?

13 A. They came in, opened the door and asked us to get out of
14 the room. We got out of the room. They untie the wire that made
10:19:28 15 the link between the two of us, push us inside the UN Nissan
16 truck. Some were sitting on the other guy -- you sit on top of
17 your colleague. Some were put in the boot. They locked the
18 vehicle and drove off, followed by the other vehicles of their
19 own that were there.

10:20:23 20 Q. You've indicated that the vehicle was a UN truck?

21 A. Yes, it was.

22 Q. When the vehicle was driven, by whom was it driven?

23 A. By a member of the RUF soldiers.

24 Q. Describe for the Court the process in having you board the
10:20:44 25 truck. Were there RUF assisting in doing that?

26 A. Yes, they were assisting in doing that because you cannot
27 easily board a vehicle like that whilst your hands were bound
28 behind you. It wasn't easy.

29 Q. Were these RUF armed or not?

1 A. Those who were helping us, I cannot tell because the place
2 was dark. The place was dark.

3 Q. Thank you. What happened next?

4 A. So they drove off, followed by other vehicles that they
10:21:29 5 were using. We travelled for quite a long distance. That was
6 the first time I have been to that area since my stay in Makeni.
7 At a point they stopped all vehicles, help us to alight from the
8 vehicles, lined us up. Then, all of a sudden, I heard a gunshot
9 in the air. Then I heard somebody saying, "You are now in my
10:22:21 10 area. I can kill all of you and nothing would come out of it,
11 but because of reasons well known to me I will save your lives."
12 Then he passed an instruction for them to untie the wires that
13 were used to tie our hands. They did and asked us to board Land
14 Rovers --

10:23:15 15 PRESIDING JUDGE: Before you continue, it was it merely a
16 voice you heard?

17 THE WITNESS: A voice, yes.

18 PRESIDING JUDGE: Just a voice?

19 THE WITNESS: From the group that -- yes, My Lord. From
10:23:28 20 the RUF militants that were there.

21 PRESIDING JUDGE: Right. Thank you.

22 JUDGE BOUTET: But when you say from the militants that
23 were there, you mean the --

24 THE WITNESS: RUF.

10:23:41 25 JUDGE BOUTET: The RUF militants.

26 THE WITNESS: Yes, My Lord.

27 JUDGE BOUTET: But are you talking of different militants
28 that joined in at that time or those were the ones that were
29 escorting you and taking you?

1 THE WITNESS: It was the RUF militants that were escorting

2 us.

3 JUDGE BOUTET: So it's one of those that was escorting you

4 that would have said at that time you are now in my area.

10:24:02 5 THE WITNESS: Yes, My Lord.

6 JUDGE BOUTET: So that person was with you already on the

7 way to that area.

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: And why I asked the question was that you

10:24:10 10 merely said this was a voice, like a mystery voice or something.

11 THE WITNESS: No, it was from a member of the --

12 PRESIDING JUDGE: I see.

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: Probably getting a little side-tracked.

10:24:27 15 Thank you.

16 THE WITNESS: Thank you, too, My Lord.

17 JUDGE ITOE: And this voice, it came in at about what time?

18 You say it was dark. At about what time do you estimate?

19 THE WITNESS: My Lord, this must have been in the early

10:24:44 20 hours after midnight.

21 PRESIDING JUDGE: Continue, counsel.

22 MS VAN TONGEREN:

23 Q. I wonder if you could give us a description of what, if

24 anything, you were able to see at all?

10:25:08 25 A. Yes. When we boarded the Land Rover, the Land Rover had

26 three areas, it's an open Land Rover belonging to the Kenyan

27 UNAMSIL. I was sitting -- because it's three rows. It's three

28 rows. You have the middle and then the sides. If you stand

29 facing the Land Rover at the back, I was on the left side -- to

1 the edge of the left side of the Land Rover. Then the place was
2 dark though --

3 JUDGE ITOE: Sorry, the Land Rover belongs to who?
4 UNAMSIL?

10:26:10 5 THE WITNESS: To UNAMSIL, yes, My Lord.

6 JUDGE ITOE: Thank you.

7 THE WITNESS: Then one of the RUF members came forward
8 close to the Land Rover, behind there, facing Major Knut, telling
9 him, "You whites made us to" -- "you whites sold us the arms and
10:26:39 10 ammunitions," rather, "which we used to kill our brothers and
11 sisters." In an angry tone. By then he had a can, whether soft
12 drink or what I do not know, which he was drinking. He used that
13 very can and struck Major Knut on his chest. But with all that
14 Major Knut kept quiet.

10:27:19 15 Q. Where was Major Knut when the can struck his chest?

16 A. He was already seated.

17 JUDGE ITOE: Major Knut was what of was nationality?

18 THE WITNESS: He's Scandinavian. I don't know which of the
19 countries. I cannot remember, My Lord.

10:27:45 20 MS VAN TONGEREN:

21 Q. How would you describe his race then, the colour of his
22 skin?

23 A. He's a white. He's a white man, My Lord.

24 JUDGE ITOE: Are there black Scandinavians except those who
10:27:58 25 [indiscernible] or seek asylum?

26 THE WITNESS: I'm sorry, no, My Lord. He was the only
27 white.

28 MS VAN TONGEREN:

29 Q. Then what happened?

1 A. Then afterwards, when he did that to Major Knut, he tapped
2 my right shoulder and said --

3 Q. Who tapped? Who tapped?

4 A. The very person who was talking to Major Knut from the RUF
10:28:31 5 members. He tapped my right shoulder and said, "My Gambian
6 friend, feel free, go to my area. I'm going to deal with your
7 authorities, after which we will come for you and send you home."
8 It was from there I suspected that it was General Issa Sesay.

9 Q. And what was it about that situation or activity that
10:29:11 10 allows you to suspect that it was General Sesay?

11 A. The way and manner he talks. He stammers at times, but he
12 controls the way and manner he talks. That was why, to be frank,
13 My Lord, with all the request I have been going for from him, he
14 was really helpful and that I tend to believe that must have
10:29:52 15 created that rapport between the two of us.

16 Q. Right. So, to understand your evidence, are you saying
17 that it was his voice or the manner of speech?

18 A. Yes, My Lord. He's the ground commander, he's the overall
19 boss, he's the general there and I don't think in his presence
10:30:17 20 one would talk while he is there. He should be the one to say
21 everything.

22 Q. Okay. What can you say to the Court, if anything, about
23 what opportunity you had to actually see the man?

24 A. He was very close to me. He was very, very close to me.
10:30:41 25 Just like here and the bottle here.

26 Q. So, for the record how many feet or metres would that be?

27 A. Well, he rested his hands on the Land Rover like that.
28 Very close. I said just like that. Would I say -- calculation
29 may send me out of the line.

1 Q. All right.

2 MS VAN TONGEREN: For the record I wonder if counsel could
3 agree that it's approximately three feet.

4 THE WITNESS: Three feet? No, no.

10:31:17 5 JUDGE BOUTET: Less than that.

6 THE WITNESS: Less than that. Less than that because as I
7 am saying here, you will just lean on the Land Rover and I am the
8 last person on the left flank here.

9 MS VAN TONGEREN: Thank you.

10:31:32 10 JUDGE BOUTET: It's less than two feet, according to you?

11 THE WITNESS: It's less than that.

12 JUDGE ITOE: It should be about a foot.

13 THE WITNESS: About that.

14 JUDGE ITOE: Look at the size of the front of a Land Rover.

10:31:47 15 THE WITNESS: Because he rested his hands on the Land Rover
16 like that, tapped my shoulder, so.

17 JUDGE BOUTET: Mr Witness, so I understand what you are
18 saying --

19 PRESIDING JUDGE: So we settle for one foot?

10:32:02 20 THE WITNESS: I would agree with you, My Lord.

21 JUDGE BOUTET: When this is happening, where is that person
22 in relation to you? Is he behind you, on your side, facing you?
23 I'm trying to understand. I know you're saying that he put his
24 hands on the side of the Land Rover, but when he's talking to
10:32:19 25 you.

26 THE WITNESS: Just beside --

27 JUDGE BOUTET: He's facing you?

28 THE WITNESS: Facing me.

29 JUDGE BOUTET: He's facing you.

1 THE WITNESS: Yes.

2 JUDGE BOUTET: Okay, thank you.

3 MS VAN TONGEREN:

4 Q. And what is your evidence, if any, about whether or not you
10:32:38 5 actually looked in the direction of the man?

6 A. With that distance between me and him it is crystal clear
7 that, knowing the person, even if it is dark, you can easily
8 identify him, just a foot or so.

9 Q. What is your evidence then as to whether or not you were
10:33:03 10 able to identify him by sight?

11 A. The general's word he used on me, saying "my Gambian
12 friend." Really when I go to meet him for any other purpose
13 like, as I explained yesterday, he listens to me very carefully
14 and he honours his word. That's the way I believe I can explain
10:33:32 15 it.

16 JUDGE BOUTET: You mean to say that you had met him before?

17 THE WITNESS: Yes, My Lord.

18 JUDGE BOUTET: As part of your work.

19 THE WITNESS: Yes, My Lord.

10:33:38 20 JUDGE BOUTET: And on those occasions he would speak to you
21 in those terms "my Gambian friend." Is this an expression he
22 would use with you? Is that what you are saying?

23 THE WITNESS: He doesn't use it, but when I meet him while
24 he we are complimenting each other, he would hold my hand,
10:33:55 25 shaking it for long of which I would beg his permission to say:
26 "My General, excuse me, I am here for a purpose. This is my
27 problem, could you please help." Then he said: "Okay, within 30
28 minutes, 25 or 30 minutes it would be sorted out," and so it
29 would be. Yes.

1 PRESIDING JUDGE: But was my Gambian friend a familiar
2 salutation whenever you had contact with him or was it --

3 THE WITNESS: It was not a familiar something, but the
4 dialect probably must have shown him that I am [overlapping
10:34:37 5 speakers] because we are the only two Gambians there.

6 PRESIDING JUDGE: Because you're using it as an identifying
7 factor?

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: All right.

10:34:51 10 MS VAN TONGEREN:

11 Q. I asked a question which respectfully, sir, I don't think
12 you quite answered and it is in connection to looking at this man
13 and whether or not you were actually able to see anything about
14 his appearance. What is your response to that?

10:35:08 15 A. I was able to identify him as General Issa, My Lord.

16 Q. What happened then?

17 A. So they drove us again after boarding us and everything.
18 We went until at about dawn. We got near to a village. They
19 stopped the vehicle, went into one of the buildings nearby and
10:36:10 20 brought in three Zambian soldiers, boarded them and we moved
21 again for a while. We stopped. By then the sun has already
22 arisen. By then people had started coming out of their houses,
23 starting moving about. No sooner a truck came in, they alighted
24 us and asked us to jump on board a truck.

10:36:56 25 Q. And by "us," again just to clarify, that's the MILOBS and
26 the peacekeepers?

27 A. Excuse me.

28 Q. When you say they alighted and they told you to get on the
29 truck, the you you are referring to is the --

1 A. We, the captives. We the people who are being held
2 hostage.

3 Q. And how many were there at this point?

4 A. At this point we were 20 in number.

10:37:29 5 Q. The area where you were at this particular time, was it
6 familiar to you?

7 A. Never ever, My Lord. I have never been to that area
8 before.

9 Q. And did you load the truck or did you get on the truck?

10:37:47 10 A. Yeah, we boarded the truck.

11 Q. And what happened then?

12 A. Before they drove us -- before they left the point where we
13 were stationed and we were already boarded the vehicle, we had
14 about four or more of the RUF militants in uniform, all armed.

10:38:21 15 Then they used a tarpaulin or canvas to cover us, maybe for us
16 not to be seen by the people that were there, started coming out,
17 going on their business. With four of their RUF soldiers on
18 board, armed, they covered us and the driver drove us while the
19 one or two was also in the front cab with the driver.

10:39:05 20 MR JORDASH: I just wanted to know if Mr Sesay could use
21 the restroom, please.

22 PRESIDING JUDGE: Leave is granted.

23 MR JORDASH: Thank you.

24 PRESIDING JUDGE: We continue.

10:39:21 25 JUDGE ITOE: You talked of somebody sitting in front of the
26 truck.

27 THE WITNESS: Yes, I said either one or two of the rebels,
28 the RUF rebels.

29 JUDGE ITOE: Okay, sitting in front.

1 THE WITNESS: In the front of the cab, close to the driver,
2 yes.

3 MS VAN TONGEREN:

4 Q. And where were you in the truck?

10:39:43 5 A. We were behind. It was an open truck.

6 Q. Okay. Well, but I would like some more precision, if you
7 could. Were you in the middle or by a side or near the end?

8 A. Inside the truck there was a spare wheel of the same
9 vehicle which I can fully remember because I think I was trying
10:40:10 10 to squeeze myself to be well seated, but I couldn't so I had to
11 sit in between the thighs of Major Ganese.

12 Q. And where was that spare wheel?

13 A. On board the vehicle.

14 Q. I understand that. Was it at the side or the back or the
10:40:33 15 front?

16 A. No, at the back, in the centre of the --

17 Q. Okay. What happened then?

18 A. They drove off and the driver was driving very rough, the
19 potholes -- because by then it has started drizzling before we
10:41:00 20 were covered. He was driving very roughly, in a speedy manner.
21 And at one time he probably missed the road and jammed on a
22 bridge whereby we finally found ourselves in the water. The
23 vehicle's battery loosened from its position, rolled over and
24 struck on my left leg. It got broken.

10:41:45 25 MR O'SHEA: Was that the battery?

26 THE WITNESS: The vehicle's battery.

27 PRESIDING JUDGE: Battery, he said.

28 MS VAN TONGEREN:

29 Q. All right. Describe what predicament you found yourself in

1 then at that point.

2 A. It was really serious. Because I can swim, I think that
3 was what actually helped me. When I felt my left leg was
4 completely broken I swam for some distance. I raised my hand and
10:42:21 5 told my fellow military observers that I have a broken leg. The
6 water there was almost covered with blood due to my broken leg.
7 They came in to rescue me out of the water, my fellow colleagues,
8 because -- took me out of the water to the other bank.

9 [RUF27JUN06B - MD]

10:43:02 10 Q. What was the situation of the lighting at that time; was it
11 still dark?

12 A. No, no, no. This was -- I cannot guess what time,
13 actually, but I was in pain at the time, but the sun was already
14 up.

10:43:21 15 Q. It being daylight then, did you have an opportunity to
16 actually look at the injury of your leg when you were on the
17 bank?

18 A. Why not? Of course My Lord.

19 Q. Can you describe for the Court, please, what you did
10:43:35 20 observe?

21 A. When I was taken to the other side of the bank, my broken
22 leg was pumping blood like a loose tap of water. I was thirsty.
23 I asked, because the RUF rebels who were escorting us, two of
24 them were beside me then. I asked them for water. They told me
10:44:03 25 we cannot give any water here, you see, because of your bleeding,
26 that water is polluted with blood, and the nearest village from
27 this point is about a kilometre. They told me the only thing to
28 do is to take you to that village. So, three of these RUF
29 militants came to support me, and bag me one after the other.

1 You bag me. For this is when you feel tired. You will pass me
2 to the other one. I took this leg. Because it was already
3 broken, I had to hold the foot, put it on this side, hold it
4 there, because if --

10:45:04 5 JUDGE BOUTET: Mr Witness, I could see you showing
6 something on your left leg.

7 THE WITNESS: Yes, My Lord.

8 JUDGE BOUTET: I don't think my brother judges can see you.
9 Yes, yes, you can stand up, for sure.

10:45:22 10 THE WITNESS: See, My Lord?

11 JUDGE BOUTET: So you are now showing your left leg.

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: The records will reflect that.

14 JUDGE ITOE: I don't think Defence counsel saw.

10:45:37 15 PRESIDING JUDGE: Let counsel see that. Show it to the
16 other side.

17 JUDGE BOUTET: Step forward. You were showing when you
18 were giving your evidence that you took your foot from that, so
19 could you repeat that?

10:45:53 20 THE WITNESS: Yes, the [inaudible].

21 JUDGE BOUTET: Yes, thank you.

22 THE WITNESS: They told me they were taking me to the
23 nearest village, which is about a kilometre or more, and I cannot
24 walk. The only thing they would do is to bag me, one after the
10:46:15 25 other. So when they started bagging me, one after the other,
26 when they move, the broken leg would be dangling, and the bone
27 would pierce my flesh. So all I did was to hold this leg, grab
28 it here with my hand and move.

29 JUDGE BOUTET: Okay. Thank you.

1 MS VAN TONGEREN:

2 Q. Right, so --

3 PRESIDING JUDGE: Let the records reflect that
4 demonstration.

10:46:44 5 MS VAN TONGEREN: For the record, the witness stood and
6 pulled up his lower pant to show the leg from beneath the knee.
7 For the holding, he demonstrated with his hand holding both the
8 shin at one point and also the ankle area, or the heel.

9 PRESIDING JUDGE: Thank you.

10:47:10 10 THE WITNESS: On our way to the village where they said
11 they were going to take me, one of the RUF combatants who was
12 among the people helping me, he told his colleagues to stop. He
13 went into the bush, cut a - similarly elephant grass-type. He
14 peel off the hard part of it, and asked me to be chewing it if it
10:47:47 15 has some water-type something. He said "Don't chew it all. Use
16 it as an aid to solve your thirst for water. You will be chewing
17 it bit by bit so that would ease the tense of your thirst." So I
18 did until we got to the village.

19 Q. Were there any of your colleagues who were part of that
10:48:23 20 journey, or was it only RUF?

21 A. Only RUF.

22 Q. Can you describe your medical state at that point; how were
23 you feeling?

24 A. I felt very badly because before -- when this thing
10:48:42 25 happened, they said they were going for their doctor. It took an
26 hour before the doctor came. At least where I was seated, at
27 that place, my leg, the blood flow until it had this blood clot,
28 something. At least every three, four, five minutes I would
29 request for water to drink until the man they went for came.

1 When he came, they were trying to draw the broken leg to replace
2 the bone, which they found very difficult. All they did was to
3 cut some of these sticks, put it around my leg and bandage it. I
4 was given an injection at that instance.

10:50:08 5 So they took me to where my fellow MILOBS, military
6 observers, were camped and left me there. Since then, I suffered
7 much pain. If I drink water, I will vomit. If I eat anything, I
8 will vomit. At times I don't eat for three days. Before the
9 doctor came in to strip off the bandage, the room where I was
10:51:02 10 with my fellow MILOBS, I know they only endured with me, but it
11 was very hard to leave them because of this tension. The other
12 of -- the condition of the leg was smelling very badly.

13 Now, when he came until he loosened the bandage, the flesh
14 part of it was completely decomposed. He used Dettol to clean
10:51:53 15 the leg, strapped it again. But before he comes on the second
16 turn, it would take time, four days or more. Afterwards, you
17 could see worms coming out of the wound because of the
18 decomposition, I believe.

19 JUDGE BOUTET: Where are you at that particular moment,
10:52:32 20 Mr Witness?

21 THE WITNESS: I was in and out of the centre where they
22 detained all of us.

23 MS VAN TONGEREN:

24 Q. So how many people were there with you of the peacekeepers,
10:52:48 25 or the military observers?

26 A. For the military observers, we were only three: Major
27 Ganese, Major Knut and myself. Then you have the Zambian
28 soldiers, and the Kenyans were there, too.

29 Q. What was the status of all of you at that point in terms of

1 your detention? Were you still being held captive or not?

2 A. We were being held captive.

3 Q. And --

4 A. Because --

10:53:33 5 Q. Continue.

6 PRESIDING JUDGE: I observed you were trying to grab a
7 glass of water. Do have some. Go ahead.

8 THE WITNESS: Thank you, My Lord.

9 PRESIDING JUDGE: Can somebody lend a hand?

10:53:55 10 THE WITNESS: It's okay.

11 PRESIDING JUDGE: It's okay. These bottles are sealed so
12 hard these days.

13 THE WITNESS: Thank you, My Lord. When we were under the
14 veranda, on that very day, because there we found RUF combatants
10:54:48 15 there, some were in uniform, some were not in uniform, and you
16 have there, one of their majors there as well. I heard a comment
17 from one of their SB boys, who I would use the term the child
18 combatants -- he said in Krio, "We will kill them all, especially
19 this white man here." That is to say, they would kill us all,
10:55:31 20 especially the white man. So I turned around. I was lying on
21 the bed helpless. I couldn't be on my feet. I turned around and
22 said to him, "My brother, save me life. Forget about this white
23 man here. I am the immediate boss." Okay, let me come back to
24 proper [indiscernible].

10:56:11 25 PRESIDING JUDGE: Did you want to speak in Krio to him?

26 THE WITNESS: Krio, yes.

27 PRESIDING JUDGE: Well, why not? After all, if that is
28 what you did. You spoke in Krio.

29 THE WITNESS: In Krio, with them, yes. I said, [Speaks

1 Krio] They were in the --

2 PRESIDING JUDGE: You can translate that, if you want to.

3 THE WITNESS: After -- I will come to that after if you
4 allow me to.

10:56:33 5 PRESIDING JUDGE: Right.

6 THE WITNESS: They were all the [indiscernible] boss. Then
7 they were surprised to hear me speak Krio, I believe. And I
8 said, [Speaks Krio]. I told them, [Speaks Krio]. Then anyway,
9 the game is over. No-one will do nothing any more. Now, what I
10:57:19 10 was trying to say here is, while we were there, and I was on my

11 bed, unable to stand, unable to sit because of the pain, I heard
12 one of their child combatants saying, "We will kill them all,
13 especially this white man." And I turned to them and said,
14 "Please don't. These people, I am their immediate boss. Spare

10:57:54 15 our life, or his life, because of me." They were surprised to
16 hear me saying so, and they turned to me and said, "Where did you
17 learn to speak Krio?" I said, "I am from The Gambia." And,
18 again, they asked, "The Gambia. From where?" I said, "From West
19 Africa." That my wife is even an Aku she speaks Krio and in

10:58:27 20 Gambia we speak Krio as well. So then they said, "Okay, if that
21 is the case, no problem. Feel free." I think that was -- since
22 then -- maybe in my absence, but since then, nothing. Nobody was
23 tortured in my presence there.

24 MS VAN TONGEREN:

10:58:56 25 Q. At that particular location, what type of building were you
26 in?

27 A. It's just a security building, a cement building in the
28 bush close to the mining area, diamond mining area. There you
29 could still see some of the equipment they used, but it seems

1 that they have been there for long.

2 Q. Okay. What can you describe, or what are you able to
3 describe in terms of that building and the surrounding area, in
4 terms of the presence of the RUF?

10:59:39 5 A. I believe that building has been occupied purposely, to
6 make it a settlement and hold them to be doing their mining in
7 the area. Because every morning, to be fair with my conscience,
8 every morning when they got up, most of the time, if they are
9 stepping out, I mean the child militants, if they are stepping
11:00:19 10 out with their senior militants, they would come to me and say in
11 Krio, [Speaks Krio]. That is, "We are sorry, we are going to the
12 mining area." I would say, "Okay. Thank you."

13 Q. What can you say whether or not there was a presence of
14 vehicles; trucks or other vehicles?

11:00:46 15 A. No, I can't. I cannot even see any trucks or any other
16 vehicle there since.

17 Q. How long did you stay at that particular location?

18 A. In that particular location, I was there for almost two
19 weeks and, within these two weeks, an old man came to that very
11:01:26 20 building where we were detained and told the RUF militants that
21 he was looking -- he got an information that a Gambian is
22 detained here and had an accident, that he wants to see this
23 particular Gambian. They pointed him to me. He came to me and
24 spoke -- he greeted me in Madinka. I responded. He asked me of
11:02:07 25 many places in The Gambia.

26 JUDGE ITOE: He greeted you in Madingo?

27 THE WITNESS: Yes, My Lord.

28 JUDGE ITOE: You speak Madingo?

29 THE WITNESS: I do, My Lord. He asked me of many prominent

1 people in The Gambia, whether I know them. I responded to the
2 positive. Again, he asked if I do speak Wolof. I said, "Yes, I
3 do." So there then he told me now that he is satisfied that I am
4 a Gambian, he is going back to the village to meet his fellow
11:03:00 5 Gambian community in there, in Kono. So that they would make a
6 contribution to provide me with medication, and some cash for --
7 to buy me food and whatever I want to eat. This he did. How I
8 came to know about this thing was that the doctor that was
9 attending me came to tell me, "One of your Gambian member brought
11:03:43 10 in some medication for you and we are now moving you to our own
11 clinic in the village where you" --

12 MR O'SHEA: Sorry. Who said that, please?

13 PRESIDING JUDGE: The doctor? The doctor did repeat that?

14 THE WITNESS: Yes, the doctor. He is called Dr Kamara.

11:04:04 15 MS VAN TONGEREN:

16 Q. Kamara?

17 A. Dr Kamara. So he took me to their hospital.

18 Q. May I ask: How did you get to the hospital?

19 A. They brought a vehicle. The RUF brought a vehicle.

11:04:25 20 Q. When was this; do you know the date by then?

21 A. No. That time, I was between life and death, to be candid.

22 Q. How many RUF were there in the vehicle for the transport;
23 do you recall?

24 A. This I cannot recall.

11:04:46 25 Q. Were there any civilians or other persons in the vehicle
26 besides the RUF?

27 A. No, only the RUF.

28 Q. Do you recall whether --

29 A. Well, I do not know if the doctor is part of the RUF

1 because when I was there, after a few days, as he was talking, he
2 himself told me - Kamara told me - that he's been trapped.
3 Because when this -- when the RUF started their fighting, he has
4 no passage. He has nowhere to go, that his family is in
11:05:23 5 Freetown. He has no way to pass. He can't walk on foot to go.
6 He was held because he was posted there as a doctor, to attend to
7 the people. By then there was nothing like the civil war between
8 them.

9 Q. So take us to the clinic now.

11:05:47 10 A. Yes.

11 Q. You are transported to the clinic.

12 A. Now, when I was in this clinic, he uses the same medicine
13 that they bought for me, the Gambian community bought for me, and
14 his wife was doing the cooking for me. There then I was able to
11:06:11 15 eat bit by bit. But I did find it difficult, even to have a
16 little food to swallow.

17 Q. What was the condition of your leg at that time?

18 A. It was very bad. With all that, very bad. What he finally
19 did was, one day he came and said, "My brother, you are in a
11:06:50 20 critical condition. I will do my best to see if I can get in
21 touch with General Issa Sesay for you to be evacuated from this
22 position." This he tried until, fortunately, one day in the
23 morning, early in the morning, I just saw an RUF vehicle came and
24 parked. He came and said, "They are evacuating you from this
11:07:27 25 hospital as from today."

26 Q. How long had you been at the clinic before that happened?

27 A. Almost a week. Because from the one time I was evacuated
28 from the hospital, I got to Freetown on 28th May. May 28th.

29 Q. At the clinic, was there the presence of RUF military or

1 not?

2 A. I cannot say for certain because I was in pain. I have not
3 seen anybody in uniform there, in military uniform, to say this
4 is this, or this is that. I saw them in plain clothes, were
11:08:28 5 there or not, I cannot tell.

6 JUDGE ITOE:

7 Q. You said you arrived in Freetown. When did you arrive in
8 Freetown?

9 THE WITNESS: Yes, I am coming to that, My Lord.

11:08:38 10 JUDGE ITOE: You said on the 28th or so?

11 THE WITNESS: Of May. Yes, My Lord. What happened was
12 when they came for me very early in the morning --

13 MS VAN TONGEREN:

14 Q. Who is "they"?

11:08:54 15 A. The RUF with their vehicle, they boarded me on board that
16 vehicle, which was a Land Rover, I believe. They drove for quite
17 a long time and we got to the bank of a stream. They put me on
18 board a canoe, with either one or two Zambians. In time, I can't
19 fully remember. They paddled this canoe across the stream to the
11:09:41 20 other bank where a UN vehicle was parked, waiting for me. When
21 we got there, they put me on board the vehicle, together with
22 these two Zambians. And this RUF driver drove us off with this
23 UN vehicle to a location where we finally found a helicopter
24 waiting.

11:10:18 25 Q. Were there markings on the helicopter that allowed you to
26 identify it?

27 A. Excuse me?

28 Q. Were there markings on the helicopter that allowed you to
29 identify it?

1 A. My Lord, at that juncture, I told you prior to this thing
2 that I was between life and death. I never knew of my condition.
3 I only know of the movements here and there. And then, when we
4 boarded this helicopter, it took off. Then in the evening, maybe
11:11:01 5 around 8.00 or so, I found that we were in Liberia. I could
6 remember, I know -- I could remember seeing Charles Taylor
7 himself with many other UNAMSIL high ranking officers. They
8 roster me and there was a doctor that gave me some tablets to
9 drink. And then I was taken to another helicopter that was also
11:12:05 10 waiting. The pilot was a Philippean which later took off to
11 Freetown. And finally, I found myself inside a hospital. And it
12 was afterwards I knew that I was in Freetown in Choithram
13 Hospital.

14 Q. And were you aware at that time or did you become
11:12:53 15 knowledgeable later as to what date that was that you arrived in
16 Freetown?

17 A. Yes, I came to know about that through the records.
18 Through the records. Because the doctor that attended me came in
19 to check of my condition. Normally, you have, how do you call
11:13:16 20 it, where they place their documents to check on patients that
21 has a record, date of arrival, medicine and medical ailments they
22 give to the patient. I was able to check.

23 Q. What date did you arrive in Freetown?

24 A. That is why I said this was on 28th May 2000.

11:13:52 25 Q. From your own perspective, Mr Witness, when was it that you
26 appreciated and felt that you were no longer being captive by the
27 RUF in this situation?

28 A. When I found myself in Choithram Hospital. In there I was
29 visited by Brigadier-General Isaac who was in charge of the

1 military observers. And Choithram then was also occupied by the
2 UN doctors.

3 Q. In terms of the extent of your injury perhaps you could
4 describe for us, firstly, how long the medical experts found it
11:14:52 5 necessary to keep you in hospital before you were released?

6 A. On the very day I arrived at Choithram Hospital, The Gambia
7 High Commissioner to Freetown, Mr Crispin Johnson, he came and
8 sat beside my bed to -- where I was lying and told us of my
9 condition. Then, by then, if I talk to you once, and you don't
11:15:32 10 hear what I was saying, that would be the end. I would turn my
11 face to the other side of the bed because of pain, the voice was
12 completely dull. He asked of my needs. I said, maybe anything
13 that is light, that can help me to get my strength or so, that is
14 okay. I don't need too much of eating. Then he said, "Now, I
11:16:06 15 have asked the doctor of your condition." He secretly told me
16 the doctor is anticipating to amputate your leg and that he has
17 given an option that the leg is in a very worse condition, but he
18 has to study it for two days. If there is no improvement he
19 would amputate the leg.

11:16:40 20 I told him we will leave everything to the Almighty God.
21 He knows best. The doctor is Dr Samir. He is an Indian. When
22 he came around to finally check on the improvement of the leg,
23 that is after attending it because split open the leg from -- may
24 I stand up to show you?

11:17:10 25 PRESIDING JUDGE: Yes, go ahead.

26 THE WITNESS: Because on the very day --

27 JUDGE ITOE: Come this way, please.

28 JUDGE BOUTET: Come at the front.

29 THE WITNESS: He started from here down to open both sides

1 to clean it to satisfaction [indicating].

2 JUDGE BOUTET: So the big scar tissue we see on your leg is
3 where it was opened by the doctor at the time to clean it?

4 THE WITNESS: Yes, that's right. When he came around to
11:17:50 5 check to see if he could amputate it or not, he found some
6 improvement in it. Then he told Mr Crispin Johnson, the Gambian
7 High Commissioner in Freetown, that they are making three
8 choices, either to send me to South Africa, Dakar or Gambia, but
9 he wants to know where I am going to choose. I told him it is
11:18:33 10 better you take me to South Africa. Senegal and Gambia, they are
11 closely related, intermarried and all. If I am there, relatives
12 will come and surround, unless if they make a barricade that
13 allow people to come and visit me. They are coming to see me
14 cry, that may [indiscernible]. I said no. To South Africa, I
11:18:58 15 would agree.

16 Then the following day too he came again and said to the
17 High Commissioner, well, as it is, I think we have contacted the
18 doctors in Senegal and that they have a qualified doctor there in
19 a Clinique De La Madeleine in Dakar who has agreed to take care
11:19:29 20 of my condition. A flight was chartered I don't know how and I
21 was escorted by two doctors, two Indian doctors, direct to
22 Senegal on 7th June 2000. There I had -- I remained there for
23 six good months, two weeks before I was discharged.

24 Q. Did you undergo surgery?

11:20:11 25 A. I did, I did.

26 Q. Once, or more than once?

27 A. More than once. More than once, because if I had had the
28 x-rays here with me I would have shown you how it was handled.
29 They have certain screws that they used.

1 PRESIDING JUDGE: Stand, go ahead.

2 THE WITNESS: They had certain screws that they used, screw
3 it through the bone into here, here and here. And there is a bar
4 that is controlling these screws.

11:20:56 5 JUDGE BOUTET: What is it controlling? I didn't hear the
6 last part, Mr Witness?

7 THE WITNESS: Screws.

8 PRESIDING JUDGE: What controls the screws?

9 MS VAN TONGEREN: A bar?

11:21:03 10 JUDGE BOUTET: You said there are screws and then something
11 that is holding --

12 THE WITNESS: These are the medical --

13 PRESIDING JUDGE: The bars.

14 JUDGE BOUTET: Bar. Okay. That's fine.

11:21:12 15 THE WITNESS: Which was used. And I have been with it for
16 five good months.

17 PRESIDING JUDGE: To keep the bones in place.

18 THE WITNESS: Yes, to keep the bones in place.

19 JUDGE ITOE: Have those screws been removed?

11:21:24 20 THE WITNESS: Yes, it was afterwards removed..

21 MS VAN TONGEREN:

22 Q. And what was your condition upon release?

23 A. Upon release they provided me with a ticket to report back
24 to UNAMSIL headquarters in Freetown. The first day I left for
11:21:59 25 the airport I was unfortunate to find that the flight that should
26 have taken me to Abidjan, Freetown had a technical fault. I
27 spent the night there. The following day I was also flown to
28 Abidjan where I was told I would pick up another flight to
29 Freetown, to no avail also. I spent the night in Abidjan. Then

1 the third day was the time that I came over to Freetown.

2 Q. When you were released from the hospital, before you made
3 that trip, how were you feeling? How did your leg feel and your
4 general health?

11:22:43 5 A. I was a bit better. And, you know --

6 JUDGE ITOE: How is it now?

7 THE WITNESS: It's a bit okay, My Lord, but it comes -- the
8 wound would heal for a while, afterwards it would come up again.
9 I cannot tell whether -- I don't know what. I don't know.

11:23:12 10 MS VAN TONGEREN:

11 Q. Today when you demonstrated showing your leg there was
12 actually what appeared to be a bandage on your leg; is that true?

13 A. It is true, because since my -- when I was repatriated to
14 The Gambia in January 2001, why the delay in Freetown was that
11:23:35 15 when I returned to Freetown I was taken back to Choithram

16 Hospital for further check up with the same doctor, Dr Samir.

17 PRESIDING JUDGE: Has there been any suggestion of any
18 rehabilitative surgery again, further rehabilitative surgery?

19 THE WITNESS: My Lord, yes. When I went back to The Gambia
11:24:00 20 in 2001, because of the my condition, if I go to walk I find it
21 difficult to, because I was advised not to sit too long, not to
22 stand too long, not to lie down too long, and this is still
23 affecting me. If I sit too long the leg would start to swell up.
24 If I lie down too long it will strain. So it was just like that.

11:24:26 25 So I reported to the Royal Victoria Hospital in Banjul. I was
26 attended by one of the Cuban doctors and he prescribed some
27 medicines for me and then recommended that a board should sit
28 over my wound. Whatever language they used to diagnose, examine,
29 I don't know what, over this thing and that was done. A

1 recommendation was made for an external treatment, that I should
2 be sent somewhere to be treated. And with all these too, all
3 those relevant documents, I sent through my office to UN
4 headquarters in New York for disability compensation and to take
11:25:39 5 care of my recommended external treatment and so forth. But
6 since then, nothing. I do everything by myself. I buy the
7 medicines. Everything I do by myself.

8 JUDGE BOUTET: Mr Witness, I noted that when you were
9 identified you did not identify you as being in the military. Is
11:26:04 10 it that you are not in the military any more.

11 THE WITNESS: I am no more in the military.

12 JUDGE BOUTET: Because of your injury?

13 THE WITNESS: Because of my injury. This is the advantage
14 and that made me to go off on voluntary retirement since 2002.
11:26:25 15 PRESIDING JUDGE: Madam Prosecutor.

16 MS VAN TONGEREN: Yes.

17 PRESIDING JUDGE: I do not intend to apply the guillotine
18 but we will take the usual break now and come back and have you
19 continue your examination-in-chief.

11:26:42 20 MS VAN TONGEREN: Thank you, Your Honours.

21 PRESIDING JUDGE: The Court will recess.

22 [Break taken at 11.34 a.m.]

23 [Upon resuming at 12.03 p.m.]

24 PRESIDING JUDGE: Madam Prosecutor, let's continue.

11:58:16 25 MS VAN TONGEREN:

26 Q. Mr Witness, in your evidence-in-chief yesterday you spoke
27 of a meeting with Colonel Gbao; do you recall that?

28 A. A meeting with Colonel Gbao?

29 Q. A time that you saw Colonel Gbao?

1 A. If I am fully aware of what I said, yesterday.

2 PRESIDING JUDGE: Why not jog his memory a little, on the
3 record.

4 MS VAN TONGEREN:

11:58:59 5 Q. You recall describing an incident on April 7th where Gbao
6 came to the reception centre?

7 JUDGE ITOE: Reception centre, yes.

8 THE WITNESS: Yes.

9 MS VAN TONGEREN: Thank you.

11:59:12 10 Q. Had you actually seen Colonel Gbao before that date, on
11 April 17th?

12 MR O'SHEA: Please don't lead.

13 PRESIDING JUDGE: I beg your pardon?

14 MR O'SHEA: I was asking that my learned friend don't lead.

11:59:26 15 PRESIDING JUDGE: Right, counsel. Yes.

16 MS VAN TONGEREN:

17 Q. Can you tell the Court, please, whether or not you had seen
18 Colonel Gbao before April 17th?

19 A. Yes, My Lord.

11:59:37 20 Q. And how many times had you seen him, if you recall?

21 A. I cannot count the number of times that I used to see him.
22 I know, as I was deployed in Makeni, and it is our area, we go
23 out on security assessment, most of the time when we go out we do
24 see him.

12:00:07 25 Q. All right. Is there, from what you recall of the
26 appearance of Colonel Gbao when you saw him in the year 2000, was
27 there anything about him that you, yourself, considered
28 distinctive in any way?

29 A. Well, apart from the explanation I gave about him

1 yesterday, in the Court here, My Lord, I know for one thing that
2 he has a strong voice in the RUF because most of the time I see
3 him move with this militant?

4 Q. Mr Witness, I'm going to ask you to very carefully take on
12:00:57 5 the task of looking around the courtroom and telling us whether
6 or not you see the same Colonel Augustine Gbao in the courtroom.
7 Now I appreciate that there are over 20 people in the courtroom,
8 and if it's required that you stand up, with permission from the
9 Court, you may well be entitled to do that.

12:01:20 10 A. If I am --

11 PRESIDING JUDGE: You have my leave. Right. You can stand
12 and do the survey.

13 THE WITNESS: Colonel Gbao is sitting second from the left.

14 MS VAN TONGEREN:

12:01:33 15 Q. And what is he wearing, Mr Witness?

16 A. He has almost a pink like shirt, like me.

17 Q. Sorry, the colour of the shirt?

18 A. Yes. He has something by his neck.

19 MS VAN TONGEREN: Your Honour has the indication?

12:01:54 20 PRESIDING JUDGE: The witness identifies Colonel Gbao, the
21 third accused.

22 MS VAN TONGEREN:

23 Q. Mr Witness, in your evidence as well you described that you
24 had seen at times a Brigadier Morris Kallon?

12:02:11 25 A. Yes, My Lord.

26 Q. And similarly, you had seen him on May 1st, at the task
27 force office; you described that in your evidence?

28 A. Yes, My Lord.

29 Q. And had you seen Brigadier Morris Kallon before May 1st?

1 A. Yes, My Lord.

2 Q. As part of your duties?

3 A. Yes, My Lord.

4 Q. How frequently would you have seen him, sir?

12:02:42 5 A. Most of the time, if I go to meet General Issa Sesay, I
6 would find him there. Sometimes I also see him in town, yes. I
7 cannot count the number of times I saw him in Makeni but I --

8 Q. And sir, when you think back to that early part of 2000
9 when you saw Brigadier Morris Kallon, do you have any memory of
12:03:13 10 anything of a particular distinctive nature of his appearance?

11 A. For Morris Kallon, to be candid, he has never shown me any
12 front face. All the time, most of the time I meet him he used to
13 be very nice to me.

14 Q. All right. That's your answer. I'm going to ask you to
12:03:45 15 engage in the same exercise, please, sir, with leave of the
16 Court, if you require to stand, to look very carefully around the
17 entirety of the courtroom and determine whether or not Brigadier
18 Morris Kallon is in the courtroom.

19 PRESIDING JUDGE: Leave is grant.

12:04:04 20 THE WITNESS: Morris Kallon is the fourth person from the
21 right, in blue.

22 MS VAN TONGEREN:

23 Q. Perhaps you should point to him.

24

12:04:16 25 A. I said the fourth from the right. One, two, three, four,
26 five.

27 Q. Thank you. And he is wearing blue, you think?

28 A. Blue shirt.

29 MS VAN TONGEREN: Your Honour --

1 PRESIDING JUDGE: The witness identifies the second

2 accused.

3 Q. Mr Witness, turning to General Sesay, again, this is a

4 gentleman who you have described to have been a man that you saw

12:04:50 5 from time to time during your duties in Makeni; is that right?

6 A. Yes, My Lord.

7 Q. I'm going to ask of you respectfully, sir, to engage in the

8 same exercise and again, with leave of his Honour, to look

9 carefully throughout the courtroom and see whether or not

12:05:11 10 General Sesay is in the courtroom.

11 PRESIDING JUDGE: Leave granted.

12 THE WITNESS: He is the second man on the right, in a

13 pink/red shirt.

14 MS VAN TONGEREN: Your Honour has the indication?

12:05:28 15 PRESIDING JUDGE: Yes. Witness identifies the first

16 accused.

17 MS VAN TONGEREN: Thank you, Your Honour, those are the

18 questions of the Prosecution.

19 PRESIDING JUDGE: Right. Mr Jordash, you may proceed with
12:05:44 20 your cross-examination on behalf of the first accused.

21 MR JORDASH: Thank you, Your Honour.

22 CROSS-EXAMINED BY MR JORDASH:

23 Q. Good afternoon, Mr Witness.

24 A. Good afternoon, My Lord.

12:05:57 25 Q. I represent Mr Sesay, so you understand who I am. And,

26 Mr Sesay, you've identified as the man who isn't Mr Kallon, who

27 isn't Mr Gbao, who is sitting between two Special Court guards;

28 is that right?

29 A. The man in the pink/red.

1 Q. Between the two Special Court guards?

2 A. Two -- on the right.

3 Q. Yes. Thanks. Now, so you understand where I am coming
4 from, on behalf of Mr Sesay, we don't dispute that you were
12:06:36 5 detained by the RUF and taken to Kono; okay?

6 A. Yes, My Lord.

7 Q. And we clearly do not dispute that you broke your leg.

8 A. Yes, My Lord.

9 Q. And that, am I right, was as a result of some careless
12:06:53 10 driving?

11 A. That is part of it, My Lord.

12 Q. Well, it was the careless driving and then a battery fell
13 on your leg?

14 A. Yes, My Lord.

12:07:03 15 Q. Thank you. I don't know if anybody else is having this
16 strange echo in the back of my headphones which I have had all
17 morning which has been fine while I have been --

18 PRESIDING JUDGE: No, I am having some, not a strange echo,
19 but a kind of distant malfunctioning.

12:07:21 20 MR JORDASH: That's what I mean.

21 PRESIDING JUDGE: And I -- but it's not of an intensity to
22 be that disruptive.

23 MR JORDASH: I can carry on but if it --

24 PRESIDING JUDGE: Yes. But if it becomes intense we will
12:07:33 25 ask the experts to adjust or remedy the deficiency.

26 MR JORDASH: Certainly. If it could be looked at after
27 lunch because although I can continue I would rather not with --

28 PRESIDING JUDGE: Yes. Well, I would say the same, really.
29 Would the experts make sure that they diagnose what has been

1 afflicting us, even though not to any great intensity at this
2 point. We will proceed.

3 MR JORDASH: Thank you.

4 Q. I want to take you straight to the place where you met the
12:08:09 5 man you said was Mr Issa, or General Issa, when you were being
6 taken to -- well taken at that stage away from Makeni. The man
7 you recognised as Mr General Issa immediately untied you and made
8 you more comfortable; is that correct?

9 A. He passed the order. That is correct.

12:08:40 10 Q. And he told you that you were to go to his town?

11 A. That is correct, My Lord.

12 Q. And his town turned out to be Kono?

13 A. Yes, My Lord.

14 Q. And you were to be taken to his town Kono --

12:09:01 15 PRESIDING JUDGE: I would urge you to just decelerate a
16 little bit.

17 MR JORDASH: Sorry, Your Honour, sorry.

18 PRESIDING JUDGE: Because we need the evidence. I mean,
19 this is cross-examination; important, I am sure. All right.

12:09:23 20 Continue then.

21 MR JORDASH: Thank you.

22 Q. And you were to go to his town, Kono, so that you would be
23 safe; that's what he said, wasn't it?

24 A. Well, I am being apprehended and detained, taken as a
12:09:43 25 captive.

26 Q. Is that what he said. That you would go to -- that you
27 should go to his town to be safe?

28 A. That we would be taken to his town, to be -- to remain
29 there, whilst he would go and meet with, deal with our

1 authorities.

2 Q. Did he not -- you would go to his town?

3 A. Yeah.

4 Q. To be safe?

12:09:59 5 A. That is more or less the same, yes.

6 Q. To be safe?

7 A. Yes.

8 Q. Yes. Thank you. Did he not say that you should go to that

9 town to be safe and he was going to save your lives?

12:10:11 10 A. He said so.

11 Q. Thank you. And that you, his Gambian friend, was free to

12 go to his area, Kono?

13 A. Not free. My liberty was seized, My Lord.

14 Q. But he said that though, didn't he?

12:10:28 15 A. He said --

16 Q. You were welcome to go to his area?

17 PRESIDING JUDGE: There is going to develop a dialogue here

18 which may not make it easy for us to write the evidence.

19 MR JORDASH: Sorry, Your Honour.

12:09:08 20 PRESIDING JUDGE: Because we know that as judges we will

21 depend on the transcript but we just want to follow you as

22 methodically as I can. All right. Continue.

23 MR JORDASH:

24 Q. The words he used, you were detained, I don't dispute that.

12:10:59 25 A. Yes.

26 Q. The words he used though indicated to you he was welcoming

27 you to his area?

28 A. Yes, My Lords.

29 Q. And that he indicated to you that what he had to do was

1 speak to your authorities and then you could go home?

2 A. He said he was going to deal with my authorities after he
3 would come for us and send us home.

4 Q. Yes. And as you told us before the break, when you'd met
12:11:47 5 him before, and we will deal with that shortly, you'd found him
6 to be a man of his word?

7 A. That is true, My Lord.

8 Q. And so, notwithstanding how frightened you must have been,
9 you must have been reassured that a man, who you had experience
12:12:09 10 of sticking to his word, had reassured you you would go home?

11 A. Well, the assurance of going home was a statement made. It
12 could have, it could not have been.

13 Q. Yes.

14 A. But he said he would talk -- deal with my authorities and
12:12:31 15 then come for us, come for us and take us -- send us home.

16 Q. And in due course your authorities were dealt with and you
17 went home?

18 A. Excuse me, can you repeat that?

19 Q. In due course your authorities were dealt with, as you have
12:12:56 20 said, and you went home?

21 A. I cannot confirm whether he had dealt with my authorities
22 or not, My Lord.

23 Q. Did you hear him, when he had said these things to you,
24 give orders to that effect to his men at the scene, that is, that
12:13:17 25 they should take you to his town, Kono, and keep you safe?

26 A. He said so at the scene, when we stopped.

27 Q. Did you hear him say that to his men?

28 A. No. He told me personally.

29 Q. Yes, I know he did --

1 A. -- but I did -- I do not know if he told his people to take
2 me down there and keep me safe. That, I cannot confirm.

3 Q. Okay.

4 PRESIDING JUDGE: Yes, counsel.

12:14:01 5 MR JORDASH:

6 Q. This man who you recognised to be Mr Sesay did not try to
7 disguise himself from you, did he?

8 A. On what day?

9 Q. We are staying with the same period when you've been
12:14:28 10 stopped and you are speaking to General Sesay; he didn't attempt
11 to disguise himself from you?

12 A. Well, the place was a bit dark. I cannot say whether he
13 was -- he attempted to disguise himself or not.

14 Q. Well --

12:14:43 15 A. But I know through his voice. I don't think, if he had
16 wanted to disguise himself, he would have tapped my shoulder to
17 say "my Gambian friend."

18 Q. Exactly. Could I suggest that if that was Mr Sesay, and so
19 that the Court understands, Mr Sesay doesn't dispute it but he
12:15:12 20 cannot remember this particular incident, but it's consistent
21 with what his intentions were at that time. Now, isn't it right
22 that you met Mr Sesay, or the man you said was Mr Sesay, at that
23 place? You came upon Mr Sesay at that place?

24 [RUF27JUN06C - EKD]

12:15:41 25 A. Which place are you referring to?

26 Q. The place where you stopped and spoke to General Sesay.
27 That's where you met him, I suggest.

28 A. Where? Which of these places are you referring to?

29 Q. Where these conversations took place. Where Mr Sesay

1 indicated to you that you would be going home. Let's stick with
2 that place.

3 JUDGE BOUTET: Mr Jordash, is it the same place where,
4 according to the witness, that person would have told you, "My
12:16:10 5 Gambian friend," and touched him on the shoulder? That's the
6 place you are talking about?

7 MR JORDASH: That's the place.

8 Q. I am sticking with that place, Mr Witness, okay?

9 A. Okay. So you say - what is your question?

12:16:21 10 Q. Sorry?

11 A. Repeat your question.

12 Q. I want you to think carefully about your answer. Isn't it
13 right that when you alighted from the vehicle, that's when you
14 came upon General Issa Sesay; that's where you met him?

12:16:53 15 A. That's where I knew he was with him and he tapped my
16 shoulder.

17 Q. What I am suggesting is that the convoy drove from Makeni,
18 you met Mr Sesay where the convoy stopped.

19 A. I cannot confirm where that was the place I met him,
12:17:13 20 whether he joined the convoy or not. I know he was with his
21 militants, with his RUF members.

22 Q. So the reality is you don't know whether he travelled with
23 the convoy or whether he was at the scene where you stopped?

24 A. I cannot confirm if he travelled with the convoy, but I
12:17:35 25 came to know that he was within the group of his RUF members at
26 the scene where we stopped.

27 Q. Right. It may prove to be quite important, but you do not
28 know from where he came at the point when you saw him?

29 A. Definite. That is quite right.

1 Q. Thank you. Could I suggest, Mr Witness, that you actually
2 hadn't met Mr Sesay before this occasion.

3 A. My Lord, I do not expect myself to come and sit before you
4 and be telling -- be giving --

12:18:41 5 PRESIDING JUDGE: Just agree or disagree. That's all.

6 THE WITNESS: Well, that is not the only time I met him. I
7 met him on several occasions before this.

8 MR JORDASH:

9 Q. When you gave your evidence before the break, the first
12:18:54 10 thing you said about your meeting with Mr Sesay when the convoy
11 stopped was that you suspected it was Mr Sesay.

12 A. Yes.

13 Q. But given you'd seen him, I think -- did you say you'd seen
14 him on many occasions before this?

12:19:13 15 PRESIDING JUDGE: He said several occasions before the
16 time. Actually, you are trying to -- you are putting to him that
17 he had not seen Mr Sesay prior to the time of the gentle tapping
18 on the shoulder and the salutation, "My Gambian friend."

19 MR JORDASH: Yes.

12:19:34 20 PRESIDING JUDGE: Is that what you're putting to him?

21 MR JORDASH: Yes.

22 PRESIDING JUDGE: And his response is -- what is your
23 response to that? That you had not met him before that gentle
24 tap on the shoulder and the salutation, "My Gambian friend."

12:19:49 25 THE WITNESS: Yes, that's what I told him. I told him I
26 cannot tell whether he was in the convoy or not.

27 PRESIDING JUDGE: But that is different. It is a question
28 of meeting him. I had your answer saying you had met him on
29 several occasions prior to that. Is that your final answer on

1 that?

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: Learned counsel, that's what he's saying.

4 MR JORDASH: That's what he's saying.

12:20:11 5 Q. You had met him on several occasions or many occasions; how
6 would you categorise it?

7 A. I said several occasions.

8 Q. How many times do you think you'd met him before that?

9 A. Well, I cannot remember. I cannot give you a definite --

12:20:26 10 Q. I am not asking for a definite. An approximation.

11 A. More than three times.

12 Q. More than three times?

13 A. Yes.

14 Q. So less than ten times?

12:20:37 15 A. Less --

16 Q. Less than five times?

17 A. Less than five times, if you take it that way.

18 Q. I don't want to take it any way. I want to hear what you
19 have to say.

12:20:50 20 A. I told you I met him several times. I never counted the
21 number of times I met him.

22 Q. But if it is three times, it is not difficult to count, is
23 it?

24 A. I told you I was already a dead man when I had this
12:21:04 25 incident. This is six years back, and it wouldn't be easy for me
26 to carry all these things in my head with the pain I have all the
27 time.

28 PRESIDING JUDGE: Is several problematic for you? I can
29 agree with you that you can press him, but is several

1 problematic? I thought that leaves a little broad kind of thing,
2 saying, well, not once, not twice, but more than whatever, on a
3 range of one to ten.

4 MR JORDASH: If the witness is able to be more accurate,
12:21:39 5 I'd prefer that.

6 Q. Around three times?

7 A. Yes.

8 Q. Around three.

9 A. Let's say around four times.

12:21:58 10 Q. Around four times?

11 A. Yes.

12 Q. Okay. Do you remember meeting the Prosecution on a number
13 of occasions, Mr Witness, to give them your account of what
14 happened to you?

12:22:17 15 A. You mean --

16 Q. Well, when you met, for example -- do you remember meeting
17 Louise Taylor?

18 A. I never met Louise Taylor.

19 Q. I beg your pardon. Do you remember having a phone
12:22:31 20 interview with Louise Taylor?

21 A. Yes, I did.

22 Q. That was on --

23 MR JORDASH: Your Honours, page 21020.

24 Q. You had a telephone interview with Louise Taylor on 23rd
12:22:48 25 February 2003 and 27th February 2003; is that correct?

26 A. That is correct, My Lord.

27 PRESIDING JUDGE: What is the page reference again,
28 counsel?

29 MR JORDASH: 21020.

1 Q. During that telephone interview, you gave your account of
2 what had happened to you during your detention by the RUF rebels?
3 A. That is true, My Lord.
4 Q. Am I right that that was your second, if you like, official
12:23:35 5 statement to some kind of authority, because you'd given, also, a
6 statement to the UNAMSIL Headquarters Board of Inquiry?
7 A. That is correct.
8 Q. On 22nd June 2001?
9 A. That is correct.
12:24:02 10 Q. You then came to -- well, I am not actually sure where this
11 happened, but you then gave a further interview to the
12 Prosecution, taking place on 27th, 28th March and 5th April 2006,
13 this year?
14 A. That is correct.
12:24:24 15 Q. Let me read, if I can, what you said to --
16 PRESIDING JUDGE: Is it premature to ask what your options
17 are? Are you in a position to indicate now?
18 MR JORDASH: Yes, it is not refreshing.
19 PRESIDING JUDGE: Not refreshing?
12:24:56 20 MR JORDASH: No.
21 PRESIDING JUDGE: So it is option two?
22 MR JORDASH: It is option 2.
23 PRESIDING JUDGE: Prior inconsistent --
24 MR JORDASH: I can make that much clearer to the witness,
12:25:02 25 actually.
26 PRESIDING JUDGE: All right.
27 MR JORDASH:
28 Q. I am suggesting, Mr Witness, that General Sesay, if it was
29 him, did not say to you, "My Gambian friend."

1 A. That is what he told me, My Lord.

2 Q. Okay. Let us have a look at what you first told the
3 UNAMSIL Board of Inquiry.

4 PRESIDING JUDGE: Are you satisfied you have established
12:25:29 5 enough of a proper legal foundation? This was a phone interview.
6 You can do that.

7 MR JORDASH: I can do it a bit more accurately.

8 PRESIDING JUDGE: The ritual is not much.

9 JUDGE BOUTET: I would appreciate, as well, Mr Jordash, if
12:25:45 10 I may, that if you do go that route, that you confirm with the
11 witness whether it may be that they had indeed read that
12 statement afterwards, because, presumably, you will be asking the
13 Court in those circumstances to attach either no value or full
14 value to whatever it is, whichever position you take. I say
12:26:08 15 this, because it is important to us to understand the whole of
16 the circumstances of the taking of the statement, whatever it may
17 be. It is not to try to cause you any harm. It is just that, as
18 you will appreciate, if the witness has -- I don't know in this
19 case -- if this is the case or not, but if the witness is giving
12:26:27 20 a statement some time, then he's never seen a statement, other
21 than to say, "I spoke to them. I never read it afterwards,"
22 well, then, the value of that statement would be different than
23 if the witness has read and was given the time to adjust, add or
24 delete, or whatever. It is in that sense I'm putting it to you.

12:26:46 25 MR JORDASH: Your Honour, yes.

26 JUDGE BOUTET: I don't want to intervene in the way you do
27 your work.

28 MR JORDASH: I appreciate Your Honour's intervention.

29 Q. When you gave the statement to the UNAMSIL Board of

1 Inquiry, how did you give the statement? Did you write the
2 statement yourself or did you relate the facts and somebody else
3 recorded those facts?

4 A. I wrote the statement by myself.

12:27:18 5 Q. Did you type it up yourself?

6 A. No, I gave it to a colleague to type it for me.

7 Q. Did you have an opportunity to check the typed?

8 A. I checked but -- I checked and read over it, yes, I did.

9 Q. Thank you. Let me just take you to paragraph 9 of the
12:27:43 10 statement "Journey to Kono." Your Honours, page 21017. "After
11 hours of driving along" --

12 JUDGE BOUTET: If you wait, Mr Jordash. Again, the page
13 has been cut off at the top. I don't have that number. What is
14 the six or seven digit number you have on that page?

12:28:15 15 MR JORDASH: R0003814.

16 JUDGE BOUTET: Thank you, I've got this.

17 MS VAN TONGEREN: I stand, Your Honour. I am just
18 wondering, and I appreciate that I may not be familiar with the
19 procedure, but I am anticipating that Mr Jordash will be reading
12:28:40 20 something that might be quite lengthy. I suggest it may be
21 helpful if the witness has a copy of the statement in front of
22 him.

23 PRESIDING JUDGE: Yes, that is precisely the --

24 MR JORDASH: Well, I --

12:28:57 25 PRESIDING JUDGE: Let Mr Jordash respond.

26 MR JORDASH: Well, it is option two, so I don't have to.

27 PRESIDING JUDGE: Yes, quite right. It is option two.

28 JUDGE BOUTET: Except you have to be careful. Presumably
29 there will be one or two or more sentences that you will be

1 asking the witness if he agrees or disagrees; if this is what he
2 said, or something like that.

3 MR JORDASH: In this instance, I'm quite happy to give the
4 witness this statement and have him look at this portion. I
12:29:32 5 don't think --

6 PRESIDING JUDGE: You don't think he can be prejudiced by
7 that?

8 MR JORDASH: I don't, and if it makes my friend more
9 comfortable --

10 JUDGE ITOE: Particularly where he claims authorship of the
11 statement. I don't see anything wrong with him having the
12 statement, for him to reassure himself.

13 PRESIDING JUDGE: And that would be within the spirit of
14 our decision on the procedure for cross-examination, prior
12:29:54 15 inconsistent statement. I don't see any difficulty. We can let
16 the witness look at it, have a copy of it.

17 MR JORDASH: Certainly, although the point is quite short.
18 Maybe I can shortcut this quite considerably by asking the
19 witness if he --

12:30:13 20 JUDGE BOUTET: Well, maybe --

21 PRESIDING JUDGE: Right, let's proceed then.

22 MR JORDASH:
23 Q. The point I am going to put to you, Mr Witness, is that in
24 your statement to the UNAMSIL Board of Inquiry, there is no
12:30:24 25 mention of General Sesay referring to you as his Gambian friend.
26 That is the point I wanted to make. If you would prefer to see
27 the statement to confirm, you are quite welcome to it, but you
28 might be able to do it off the top of your head?

29 A. If that portion of the statement is not in that -- is not

1 in record, as I told the Lordship here that after my release I
2 took time to write these things, but, you know, I cannot just
3 remember everything at the same time.

4 Q. Okay. So --

12:31:04 5 A. I may skip it, but I know that was what he told me.

6 Q. Well, this is what it says, and this I think is your only
7 reference to Sesay in the whole statement to the -- sorry, it's
8 not. It is one of two references to Sesay in the statement. It
9 says:

12:31:38 10 "After hours of driving along this bushy rough road, we
11 came to a halt. Then came General Issa Ceesay, who ordered
12 his men to alight us from the vehicle. All of us came out
13 and he ordered his men to untie us. He took out his pistol
14 and fired in the air. At this juncture he told us that we
12:32:06 15 were at a boundary in his territory and; that he could kill
16 all of us without question: but he had to spare our
17 lives."

18 Do you recall those sentences?

19 A. Yes, My Lord.

12:32:18 20 Q. And you stand by them as accurate?

21 A. Yes, My Lord.

22 Q. "He then told us to join his men and move to his town for
23 safe custody, and he would call us to go home when he was
24 ready."

12:32:34 25 Again, do you recall that?

26 A. Yes, My Lord.

27 Q. Accurate, as you recall?

28 A. Yes.

29 Q. There is no reference there to you having personal

1 knowledge of Sesay in the sense of being familiar with him
2 because you'd met him. Do you accept that?

3 A. I am familiar with him. I --

4 Q. Do you accept that --

12:32:55 5 PRESIDING JUDGE: Counsel, let's take it on two levels.

6 That would follow from -- because your inquiry here focuses on
7 whether Sesay ever referred to him as, "My Gambian friend."

8 MR JORDASH: Yes.

9 PRESIDING JUDGE: Isn't that what you are saying is not in
12:33:18 10 the statement. That's the first one. Now then I think you have
11 shifted ground a bit -- and correct me if I am wrong. You are
12 now saying that what you have read does not reflect any kind of
13 personal familiarity or acquaintance with Sesay.

14 MR JORDASH: Yes.

12:33:40 15 PRESIDING JUDGE: So are we done with the one about
16 reference of the salutation "My Gambian friend," or are you
17 putting altogether now?

18 MR JORDASH: I was putting the general --

19 PRESIDING JUDGE: Well, the specific first. The particular
12:33:54 20 before the universal. We just want tidiness, because you are
21 going to invite the Court to draw a conclusion of prior
22 inconsistency and therefore specificity is so important here.

23 MR JORDASH: Certainly.

24 PRESIDING JUDGE: So that we are assisted as much as we can
12:34:12 25 be.

26 MR JORDASH: Certainly.

27 Q. Do you accept, Mr Witness, that there is no reference to
28 this salutation, "My Gambian friend," in your statement to the
29 UNAMSIL Board of Inquiry?

1 A. I did not -- if it is not in record, it means I have
2 forgotten it completely.

3 Q. All right. Thank you.

4 PRESIDING JUDGE: Then we move on to the next level.

12:34:36 5 MR JORDASH: Certainly, Your Honour.

6 Q. The only other mention in your statement is at the first
7 page, Your Honours page 21015, where it says this at paragraph 2.
8 For Your Honours, if the page number is off, it is R0003812, the
9 very first page. It's paragraph 2 and you're talking about 1st
10 May 2000 and it says there, five lines into paragraph 2:

11 "I enquired from Major Moller if General Issa Ceesay ...
12 was there or due to come. He told me he had no idea. I
13 was skeptical about certain movements going on in the DDR
14 camp."

12:35:03 15 I know that is out of context, but do you recall saying
16 that?

17 A. I did say that.

18 Q. At the time you gave your statement to the UNAMSIL Board of
19 Inquiry, November 27th, 2000, do you accept you made no reference
12:35:47 20 to being personally familiar with Mr Sesay?

21 A. I don't understand the type of reference you mean, but I
22 said all I know of Sesay.

23 Q. No, no. I am asking you about the statement. Do you
24 accept from me -- and if I'm wrong my learned friend from your
12:36:05 25 left will correct me. But can you accept from me that you made
26 no reference to being personally familiar with Mr Sesay in 2000
27 when you gave your statement to the UNAMSIL Board of Inquiry?

28 A. I think you're misleading me. I cannot understand --

29 Q. I hope I'm not misleading you and I'm sorry if it seems

1 that way.

2 A. Because I told the Court here that -- I have explained to
3 the Court what transpired between me and General Issa Sesay.

4 JUDGE ITOE: Mr Witness, I think what counsel wants you to
12:36:51 5 confirm is that in making the statement --

6 THE WITNESS: Yes, My Lord.

7 JUDGE ITOE: -- you did not bring out this notion of
8 familiarity with Sesay, which you have testified to in this
9 Court.

12:37:05 10 THE WITNESS: Okay.

11 JUDGE ITOE: Is that true or is it false? That would be
12 true, is it?

13 THE WITNESS: Yes, My Lord.

14 JUDGE ITOE: It is true?

12:37:12 15 THE WITNESS: Yes, My Lord.

16 JUDGE ITOE: But you have an explanation to that. That is
17 what you are attempting to make. So I think you should answer
18 counsel's question first and then you can come in with the
19 explanation you have to offer. Do you understand?

12:37:25 20 THE WITNESS: I do, My Lords.

21 PRESIDING JUDGE: So now what is your final answer, then?

22 THE WITNESS: My final answer in that is that, according to
23 his question, I do not have that in the records, but familiarity
24 is there between me and General Issa Sesay.

12:37:41 25 PRESIDING JUDGE: Even though you did not make it --

26 THE WITNESS: Make it in the records.

27 PRESIDING JUDGE: -- in the statement?

28 THE WITNESS: In the statement.

29 PRESIDING JUDGE: You didn't reflect it there?

1 THE WITNESS: Yes, My Lord.

2 MR JORDASH:

3 Q. Then just moving to your statement to the Prosecution,
4 Louise Taylor, on February 28th, 2003. Did you speak English
12:38:09 5 during that interview?

6 A. We spoke English.

7 Q. And you were asked by Louise Taylor to give as much detail
8 as you could about what had happened to you?

9 A. That I told Mrs Taylor?

12:38:27 10 Q. Yes.

11 A. I explained my condition to her, yes, I did.

12 Q. And you explained the facts of what you -- what happened to
13 you?

14 A. Yes, I did.

12:38:39 15 Q. Yes. Could I suggest to you -- well, let's deal with the
16 paragraph which deals with you being stopped and speaking to
17 Issa Sesay and it says this -- Your Honours, page 21021. Just
18 dealing with what was said by Mr Sesay --

19 JUDGE ITOE: What paragraph?

12:39:29 20 MR JORDASH: It's the fourth paragraph, the fourth complete
21 paragraph. There are the top two lines I miss out of that count,
22 so it is the last paragraph and it is seven lines down:

23 "He" - this is Issa Sesay - "ordered his men to untie
24 everyone and told them: 'You have killed many of my men.

12:39:59 25 I could have killed all of you and nobody could question
26 me.' They were loaded into the Kenyan Land Rover and taken
27 to Kono."

28 Q. So can you accept from me you make no mention then when
29 speaking to Louise Taylor that you had personal, familiar

1 knowledge of Mr Sesay prior to this stop?

2 A. I told you I have familiar --

3 Q. I am going to come on to question you about your actual
4 familiarity with him. I am interested in what was said in the
12:40:35 5 statement. It's not a trick question and the Honourable judges
6 will make of it what they will, but I am asking you about the
7 statement. Can you accept you made no reference in 2003 to
8 Louise Taylor suggesting that Mr Sesay had made this salutation,
9 "My Gambian friend"?

12:41:04 10 A. If that is not there, that could be true, but --

11 Q. Thank you. Do you also accept this, Mr Witness --

12 MS VAN TONGEREN: I believe that, respectfully, the witness
13 was interrupted and in fact I think he said a "but" and was going
14 to finish that sentence before my friend rose.

12:41:20 15 MR JORDASH: I'm sorry.

16 PRESIDING JUDGE: That's okay, quite. Complete your
17 sentence. Did you have something to add, witness? Perhaps we
18 should put the question again.

19 MR JORDASH:

12:41:37 20 Q. My apologies. I didn't mean to be rude, Mr Witness. I am
21 sorry to interrupt you. Do you accept that in the statement to
22 Louise Taylor in totality you make no mention of knowing Mr Sesay
23 or having personal contact with him?

24 A. My Lord, I was answering Mrs Taylor according to questions
12:42:11 25 imposed on me. If it focused on the General Issa Sesay I would
26 say something I know of General Issa Sesay. So in the absence of
27 that, no, there was no question about General Issa Sesay, that
28 was why I --

29 JUDGE ITOE: Then, Mr Witness, your answer to counsel's

1 question is no, there is no such reference.

2 THE WITNESS: Okay, thank you, My Lord.

3 JUDGE ITOE: Isn't it? That is what you mean to say.

4 THE WITNESS: Yes, My Lord.

12:42:34 5 MR JORDASH:

6 Q. At the top of this page - Your Honours, 21021 - there is
7 reference to Issa Sesay and it says, "Issa Sesay was the head of
8 the RUF."

9 A. Yes, I said so.

12:42:49 10 Q. So you didn't take that opportunity to say, "I knew him,
11 I'd met him on several occasions"?

12 A. No, I did not do that, My Lord.

13 Q. I am suggesting to you, and this is what Mr Sesay suggests,
14 that he had never met you before?

12:43:07 15 A. Well, I do not know.

16 Q. And the first time in fact --

17 JUDGE ITOE: Sorry. You say Sesay says you have never met
18 him before?

19 MR JORDASH: Yes, our case is --

12:43:21 20 JUDGE ITOE: And what is your reply to that?

21 THE WITNESS: If he says so, it is not true because he met
22 me before and if he says so, maybe he is defending himself. But
23 he met me before.

24 MR JORDASH:

12:43:35 25 Q. Well, you don't mention to the Prosecution, do you, until
26 March and April of 2006 this year?

27 A. I was not questioned about him, yes. That was why it was
28 not mentioned.

29 Q. Well, okay. Do you accept that the first time you

1 mentioned him was in March and April of this year? The first
2 time you mention having met Mr Sesay?

3 A. Yes.

4 Q. I will return to that in relation to a different subject,
12:44:18 5 but I want to just continue your journey to Kono. The
6 Gambians -- well, before I ask about the Gambians --

7 PRESIDING JUDGE: Counsel, are we still on the document?

8 MR JORDASH: No.

9 PRESIDING JUDGE: You are done with that.

12:44:36 10 MR JORDASH: Yes, but I am going to return to the issue of
11 the facts of when this witness said he did and did not meet.

12 PRESIDING JUDGE: But I am asking whether you are done with
13 the alleged prior inconsistent statement.

14 MR JORDASH: For now, yes.

12:44:48 15 JUDGE ITOE: So can we put this document away for now?

16 PRESIDING JUDGE: Can we put this aside?

17 MR JORDASH: Don't put it too far.

18 JUDGE BOUTET: But you are not pursuing this, I guess.

19 PRESIDING JUDGE: I just wanted to know whether in fact you
12:44:59 20 have covered in respect of the two or three issues that you
21 highlighted.

22 MR JORDASH: I hope I have established when it was the
23 witness first mentioned that he had familiar or personal
24 knowledge of Mr Sesay.

12:45:14 25 PRESIDING JUDGE: Yes. In other words, we no longer
26 covering prior inconsistency in respect of these matters.

27 MR JORDASH: Precisely, although we will return to that.

28 PRESIDING JUDGE: Before you do that, on the specific points, the
29 "My good Gambian friend" salutation, in the light of his answer

1 what is the perceived inconsistency there, the alleged
2 inconsistency? Because if I recall his answer, he said he forgot
3 it. His answer was that he forgot it.

4 MR JORDASH: I think I might have been slightly unfair,
12:45:57 5 because in paragraph 9 of the additional notes, 21026, there is
6 reference to "My Gambian friend."

7 PRESIDING JUDGE: That's it. That is why I wanted to be
8 satisfied that what may well have begun as alleged or perceived
9 inconsistencies may now, in the light of some of his answers, be
12:46:18 10 no longer perceived inconsistencies. It may. I am just asking
11 you. You have now agreed that a "My good Gambian friend"
12 salutation is no longer an inconsistency in the light of his
13 testimony.

14 MR JORDASH: I don't mean to complicate the issue, but the
12:46:42 15 issue really isn't has the witness been inconsistent. The issue
16 is can Your Honours be satisfied as to whether the Prosecution
17 have proven this familiarity, given --

18 PRESIDING JUDGE: But the rubric we are dealing with for
19 the specific purpose of the statement that he made to the
12:47:02 20 Prosecution and the answers that he gave here is the prior
21 inconsistency.

22 MR JORDASH: This is the difficulty. Because it is not,
23 strictly speaking, an inconsistency that I --

24 JUDGE BOUTET: It is not.

12:47:15 25 PRESIDING JUDGE: That's what I want --

26 JUDGE BOUTET: He has spoken that in his statement.

27 PRESIDING JUDGE: That is what I want to be guided on. The
28 Bench needs to be guided on that.

29 MR JORDASH: When Your Honours limit the issue to either

1 memory-refreshing or inconsistent statement, there is a whole
2 gamut of credibility issues that arise.

3 PRESIDING JUDGE: I concede that. We are not in any way --

4 MR JORDASH: That's the point.

12:47:37 5 PRESIDING JUDGE: Counsel, don't get us wrong. We are not
6 foreclosing those possibilities. They are clear legal
7 possibilities. What we are trying to do is to be as faithful in
8 our own application of the law. The whole concept of prior
9 consistency is simply that something has been said here under

12:47:58 10 oath which is inconsistent with something stated to the
11 Prosecution. That is the neat issue. I am saying that you
12 highlighted specifically, and clearly in this matter really, you
13 can argue with me on it, you are hoisted by your own petard. You
14 are saying that my client did not call you my good Gambian friend
12:48:29 15 and that is not reflected in your statement to the Prosecution.

16 And he says, well, if it is not, I may have forgotten. But now
17 you tell me that somewhere in that statement is in fact the
18 alleged salutation "My good Gambian friend."

19 MR JORDASH: But it affects my position not a jot, with the
12:48:52 20 greatest respect.

21 PRESIDING JUDGE: We are saying it affects us because the
22 judges are called upon to make a determination that there is
23 prior inconsistency.

24 MR JORDASH: I won't ask you to make a --

12:49:01 25 PRESIDING JUDGE: I see, fine.

26 MR JORDASH: I will ask you to say is it in -- because
27 obviously if somebody misses out something in a statement and
28 then later on includes it in a later statement, it has a greater
29 or lesser --

1 PRESIDING JUDGE: All right.

2 JUDGE BOUTET: It is a different issue, Mr Jordash.

3 MR JORDASH: It is not a different issue.

4 JUDGE BOUTET: It goes to credibility, I concede this and
12:49:22 5 we will hear you on this.

6 MR JORDASH: I am not sure what I am being criticised
7 about.

8 PRESIDING JUDGE: You are not being criticised about
9 anything. We want you to assure us that we have the raw
12:49:34 10 materials here to be able to make a determination on this
11 specific thing, "My good Gambian friend" and the evidence that
12 whether there was an inconsistency or not.

13 MR JORDASH: If the witness hadn't included it in his later
14 statement, the additional notes --

12:50:02 15 PRESIDING JUDGE: There would have been; is that what you
16 are saying?

17 MR JORDASH: Well, there would have been a greater one,
18 because it wouldn't have existed in any previous statement at
19 all. The fact that it exists in one statement out of three --

12:50:16 20 JUDGE BOUTET: I think you are trying to split hairs on
21 this, because prior inconsistent statement is a fairly definite
22 issue, as such. It is not in a statement in this case, let's
23 take it that it is not.

24 PRESIDING JUDGE: With all due respect to learned counsel,
12:50:31 25 it is a circumscribed area, it is strictly circumscribed. And
26 you seek now to enlarge the universal discourse and that is the
27 point we are making. We are virtually saying you have all the
28 other variations available to you to tell us that the evidence is
29 worthless or no weight should be attached to it, but under the

1 prior inconsistency thing it is very strict and narrow.

2 MR JORDASH: If I understand Your Honours, I can agree with
3 Your Honours and I am happy to agree with Your Honours.

4 PRESIDING JUDGE: I will just rest.

12:51:03 5 JUDGE BOUTET: It is the same with me, Mr Jordash. It is
6 simply that we are trying to follow your trend and what you are
7 trying to establish and that is why we ask you the question.

8 What is it you are trying to establish with those statements, as
9 such? Which is fair to us and to you. But once you say this is
12:51:18 10 what I want to establish, the mere fact that they may not have
11 been in the true sense as such, does not preclude you from using
12 these arguments in the future to say you should not because.

13 MR JORDASH: This wouldn't arise but that I had to place
14 what I was doing into one of two categories.

12:51:32 15 PRESIDING JUDGE: Well, no, because what we're saying is
16 that --

17 MR JORDASH: I wouldn't call this an inconsistent
18 statement. I would call it a credibility issue.

19 PRESIDING JUDGE: What we are saying is that clearly you
12:51:42 20 could abandon that option but there is another option which in
21 fact relates to the same thing but under a different rubric.

22 MR JORDASH: But we don't have a third option.

23 JUDGE BOUTET: Well, credibility, let's -- [Overlapping
24 speakers]

12:51:50 25 MR JORDASH: There is a thing I would like to put from the
26 paragraph.

27 PRESIDING JUDGE: At this particular point perhaps we
28 should take our lunch-break and come back and let you explore
29 this as fully as you can. As I say, we were just trying to be

1 certain that we are on sure ground in terms of whether the raw
2 materials are there. In any event, the Court will adjourn for a
3 lunch-break and we will come back at 2.30 p.m.

4 [Luncheon recess taken at 1.00 p.m.]

14:30:13 5 [Upon resuming at 2.55 p.m.]

6 PRESIDING JUDGE: Counsel, we apologise for the late start
7 of this afternoon session. The Chamber was in an urgent
8 consultation with the President of the Court. We'll proceed.

9 MR JORDASH:

14:50:54 10 Q. Afternoon, Mr Witness.

11 A. Afternoon, My Lord.

12 Q. Just returning to the statement we were talking about this
13 morning - Your Honours, page 21026, paragraph 9 - these are notes
14 taken from the March and April meeting 2006. I just want to read
14:51:32 15 you two sentences. It is the bottom four lines of paragraph 9.

16 JUDGE BOUTET: This is, pardon me, the proofing? The
17 latest?

18 MR JORDASH: The proofing notes.

19 PRESIDING JUDGE: Yes.

14:51:47 20 JUDGE BOUTET: In '06.

21 MR JORDASH: 21026.

22 Q. This is referring to the man who you say you recognised as
23 Mr Sesay.

24 "He then tapped my right shoulder and said to me, 'My
14:52:10 25 Gambian friend, feel free to go to my area, let me deal
26 with your authorities'."

27 So that is what you told the Prosecution; correct?

28 A. Yes.

29 Q. And then it says this: "At that time I understood that he

1 was Sesay."

2 A. [Indiscernible]

3 Q. Did you put it in that way, that you understood that it
4 was Mr Sesay?

14:52:36 5 A. Yes, I did.

6 Q. Because it is -- maybe I am picking on language -- but that
7 sounds less that you recognised him, more that you understood
8 through circumstances it was him.

9 A. It was him.

14:52:52 10 Q. But you did use the word "understood" when you spoke to the
11 Prosecution?

12 A. I said it was then I knew very well it was Mr --
13 General Sesay.

14 Q. So didn't you say, though, "At that time I understood that
14:53:10 15 he was Sesay"?

16 A. Yes, I said so, My Lord.

17 Q. Those words are yours?

18 A. They are mine.

19 Q. Okay, thank you. Let's move on. Just returning to your
14:53:26 20 arrival in Kono where you were detained, is it right that you
21 were kept in a house and it was the only house occupied by the
22 rebels in the area?

23 A. That was the only house I saw, yes.

24 Q. Does that mean, then, there were no other houses or no
14:53:51 25 other houses occupied by rebels?

26 A. What I mean by that is that was the only building where we
27 were detained that I know is a building that has about three or
28 four rooms, I can remember fully. I have not seen any other
29 building, apart from that building where we were --

1 Q. Okay. So you were kept in the -- well, in a sense, the
2 best shelter in that area, the only house?

3 A. That's the only house, My Lord.

4 Q. Thank you.

14:54:27 5 JUDGE BOUTET: If it's [indiscernible] best, so the only
6 one, so --

7 MR JORDASH: Sounds like the best to me.

8 JUDGE BOUTET: Well, maybe.

9 MR JORDASH:

14:54:40 10 Q. The rebels allowed these Gambians you told us about to come
11 and visit you; is that correct?

12 A. I cannot tell for certain, because I just saw him -- the
13 old man just came to me, that Gambian I mentioned of here in
14 court.

14:54:56 15 Q. Yes.

16 A. He just came in. I don't know how he sought his permission
17 to get through to where we were detained. I don't know.

18 Q. But he was a civilian, wasn't he?

19 A. He was.

14:55:05 20 Q. And he was actually a diamond miner; is that correct?

21 A. I cannot tell. That is not correct.

22 Q. But in any event, he went back to other civilians --

23 JUDGE ITOE: What is incorrect? That he was not a diamond
24 miner?

14:55:20 25 THE WITNESS: Yes, because I cannot prove it, My Lord.

26 MR JORDASH: He doesn't know.

27 Q. But he went back to other civilian Gambians in the area to
28 help to raise some money for you?

29 A. I was only informed that he raised some money. I never

1 knew whether he met Gambians or not.

2 Q. Did you understand that he raised that money from
3 civilians, though?

4 A. I understand that he raised that money from Gambians.

14:55:52 5 Q. Okay. And then somehow he was allowed to come and bring
6 you some better food than had initially been supplied to you?

7 A. Well, he didn't bring it directly to me, My Lord, but he
8 passed it through to the doctor handling my condition.

9 Q. Right. Thank you. Just dealing with this clinic that you
14:56:25 10 went to, did you notice while you were there that were about ten
11 nurses also working at the clinic?

12 A. I cannot remember. I do not know actually.

13 Q. Okay. You said before lunch that you hadn't -- sorry, let
14 me start that again. You said before lunch that you were not
14:56:52 15 able to tell if there were RUF rebels, I think you said or
16 implied, in the clinic? You couldn't tell.

17 A. Yes, yes, in the clinic. Because I couldn't tell. I
18 couldn't tell.

19 Q. It appeared to you like it was a civilian clinic?

14:57:12 20 A. I would just take for granted because I not seen anybody
21 there in uniform taking care of me.

22 Q. Right. And can you confirm this: That this place where it
23 didn't appear or you couldn't tell whether there was rebels did
24 have civilians visiting it?

14:57:30 25 A. In that, I cannot remember.

26 Q. There must have been - think carefully if you can --

27 A. The only person I can remember that used to come there is
28 the wife of the -- is the doctor's wife, when she comes in to
29 bring my food. That's all I can remember.

1 Q. Were you in a separate room from other patients in the
2 clinic?
3 A. Exactly.
4 Q. Right. Okay. And you were attended to by Dr Kamara and
14:57:59 5 anyone else?
6 A. Only Dr Kamara.
7 Q. Only Dr Kamara?
8 A. Yes.
9 Q. Dr Kamara was the head of the clinic?
14:58:06 10 A. I presume so.
11 Q. And you received treatment from Dr Kamara which included --
12 am I right -- some kind of antibiotics?
13 A. That could be; I cannot fully remember. I knew I was being
14 give -- supplied with medicine and so forth that I --
14:58:35 15 Q. Did you get the impression that Dr Kamara was doing
16 everything he could within the resources he had to treat you
17 well?
18 A. Yes.
19 Q. Thank you. I just want to move backwards in your evidence,
14:59:01 20 please, to around and before the time when you were detained for
21 just one question, if I could, which is this: No, I won't ask
22 that question. You spoke yesterday about - and I will try to
23 quote the words.
24 MR JORDASH: Your Honour, there are transcripts being
14:59:58 25 brought up as we speak, and I am sorry that they haven't arrived.
26 JUDGE BOUTET: This is of yesterday's evidence?
27 MR JORDASH: Yesterday's evidence.
28 Q. I am returning to the issue of your asserted contact with
29 Issa Sesay prior to these events, prior to the detention, okay.

1 You told us yesterday that you attended Teko Barracks to see
2 General Issa Sesay. And you told us that you went there to try
3 to have troops who had been blocked at roadblocks allowed free
4 passage through the roadblocks?

15:01:08 5 A. I said so, yes.

6 Q. The words you used yesterday --

7 MR JORDASH: I am looking at page 93 of the draft
8 transcript, which I think will be 94 of the final, I think. I
9 will try and do it without. I do apologise, Your Honours, about
10 this.

15:01:30

11 JUDGE BOUTET: You are looking at page 93, you say?

12 MR JORDASH: 93 of the draft. I think it should be 94 of
13 the final.

14 Q. You said this -- see if you remember this, Mr Witness, and
15 hopefully we will get -- hopefully you will. You said,

15:01:46

16 "And to be candid, the moment I get back to my team site,
17 under a period of 20 or 30 minutes, the headquarters would send
18 us a message to say they had been released, they have been
19 allowed to pass."

15:02:12 20 A. That is true.

21 Q. So where were your headquarters -- how far were they from
22 Teko Barracks?

23 A. When I talk of my headquarters, I mean the UNAMSIL
24 headquarters in Freetown here in Mammy Yoko.

15:02:31 25 JUDGE BOUTET: The witness had explained that the
26 negotiation for the clearance was done by headquarters, not by
27 him.

28 MR JORDASH: Sorry, Your Honour.

29 JUDGE BOUTET: Negotiation for passage was done by

1 headquarters.

2 MR JORDASH: I am not disputing that.

3 JUDGE BOUTET: That is why he is explaining he got the
4 message from his headquarters that --

15:02:53 5 MR JORDASH: I see, I understand the point.

6 Q. So is this the way it would happen, then: You went to see
7 General Issa Sesay; somehow, from the time when you left, Sesay
8 had radioed to the checkpoint; checkpoint had then been released,
9 allowing the troops to go through; troops somehow contacted

15:03:21 10 Freetown; Freetown contacted you to say all was well at
11 checkpoint?

12 A. As I said according to what you have just said, when I get
13 back to my team site from Teko Barracks, after meeting General
14 Issa Sesay, when he gives me his word, when I get to my team

15:03:49 15 site, within the period of time I have explained to this Court
16 here, it comes exactly what he told me over his [indiscernible].
17 So it means he has done his job to contact his people to release
18 the troops to pass.

19 Q. How do you know he's done the job? How did you know he had
15:04:17 20 done the job? How did you know he had done the job?

21 A. Through the message I received from UNAMSIL headquarters in
22 Freetown here. Otherwise they would come back to me to say these
23 people are still being blocked.

24 Q. So the headquarters in Freetown would tell you which
15:04:41 25 checkpoint was blocked initially - is that right - and ask you to
26 go to Teko Barracks to see Sesay?

27 A. Yes, they would do so.

28 Q. And then somehow, whether Sesay sent out soldiers or
29 whether he telephoned or whether he radioed, somehow --

1 A. That I cannot tell.

2 Q. You don't know he managed --

3 A. I don't know how he managed to contact his people, My Lord.

4 Q. You don't know how he released the checkpoint?

15:05:15 5 A. I don't know, My Lord.

6 Q. And this happened how many times, you say?

7 A. About three times, I believe.

8 Q. That was your only experience of Sesay before your

9 detention?

15:05:31 10 A. Yes, My Lord.

11 Q. I want to ask you about something you said to the

12 Prosecution. Your Honours, page 21024. Did it happen so quickly

13 each time? Was it the case by the time you got back somehow

14 within 20 or 30 minutes he'd managed to have the checkpoint

15:06:22 15 released? Do you see the point? Of the three times, it was such

16 that you would arrive back to your base and within 20 or 30

17 minutes each time --

18 A. And they informed that [overlapping speakers]; yes,

19 My Lord.

15:06:41 20 Q. -- somehow it happened?

21 A. Yes.

22 Q. 21024 paragraph 4. This is what the notes say, Mr Witness:

23 "Between February and" -- this is about five lines into the

24 paragraph.

15:07:03 25 "Between February and the end of April 2000 I went twice to

26 Teko Barracks where I met Sesay and Kallon. The purpose of

27 my visits was to negotiate the release of Peacekeepers."

28 Did you tell the Prosecution it was twice you'd gone to

29 Teko Barracks?

1 A. I cannot fully remember whether I told him that or not, but
2 what I'm saying is here --

3 Q. No, no. I am interested in what you said in March and
4 April of this year.

15:07:38 5 A. If it is in there, then it is.

6 Q. So you did say twice, at that point you said twice you'd
7 been to Teko Barracks?

8 A. Twice, okay, okay.

9 Q. Reading on:

15:07:49 10 "The purpose of my visits was to negotiate the release of
11 Peacekeepers who were held at checkpoints on the way out of
12 Makeni TOWN."

13 A. To Makeni Town?

14 Q. The way -- sorry. "To negotiate the release of
15:08:03 15 peacekeepers who were held at checkpoints on the way out Makeni
16 town."

17 A. No, no, no, I never said so. What I -- excuse me, My Lord.
18 What I said was if headquarters sends in a message to inform us
19 to contact General Issa Sesay because the blockage on the
15:08:27 20 movement of the troops from point A to point B, is what I said,
21 and when I meet him he would give me his word and before, if I
22 get my base within 20, 30 minutes, they'll call back to tell me
23 that the troops had been released.

24 Q. I suggest that you did tell the Prosecution what it says
15:08:51 25 here, which is that you went to negotiate the release of
26 peacekeepers who were held at the checkpoints on the way out of
27 Makeni Town. Okay. You say not. Let's move on. It then says
28 this:

29 "The RUF soldiers did not want to let the UN Peacekeepers

1 travel without a pass signed by Sesay. Each time I
2 obtained a pass from him and the UN Peacekeepers could go."
3 A. What I said, My Lord, what I said was when they are being
4 blocked at point A to point B, if they are moving from point A to
15:09:35 5 point B his militants would ask UNAMSIL personnel to produce a
6 document from General Issa Sesay to enable them to pass through.
7 Q. Well, this, the note, arising from your interview with the
8 Prosecution says "each time I obtained the pass from him"?
9 A. Each time I obtained the pass from him. Each time I go
15:10:07 10 to seek -- for him to talk to his people to release our -- the
11 movement of the troops. This is what I was referring to.
12 Q. I suggest the reason -- there is an inconsistency and the
13 reason for that inconsistency is because you had never met
14 Mr Sesay?
15:10:25 15 A. I met Mr Sesay personally.
16 Q. And I suggest to you that he didn't live at Teko Barracks,
17 he was living in his town, Kono?
18 A. I used to meet him in Teko Barracks, My Lord.
19 Q. So you didn't say then, "each time I obtained a pass from
15:10:45 20 him"? That's not what you said?
21 A. That I would take pass from him.
22 Q. Yes, you didn't say that?
23 A. I don't understand what you mean by this pass again,
24 because I have explained in detail about this.
15:10:58 25 Q. Let's move on, then. Is it your case -- let me start that
26 again. I suggest that the only passes which were required at
27 times to get through checkpoints were those passes given by
28 Foday Sankoh?
29 A. No, My Lord. During my deployment in Makeni --

1 Q. Sorry, Mr Witness, please go on.

2 A. During my deployment in Makeni, any time the movement had a
3 problem in their own movements from point A to point B, having
4 been blocked, they would call our office and I would go. If
15:11:50 5 these were to be done by Foday Sankoh, then I don't think my
6 immediate authorisation in headquarters would need to talk to me
7 to go and negotiate these things --

8 [RUF27JUN06E - RK]

9 Q. Sorry, they wouldn't want you to?

15:12:18 10 A. They wouldn't bother me because by then Foday Sankoh was in
11 Freetown and the headquarters -- UNAMSIL headquarters is in
12 Freetown.

13 Q. The way I suggest it happened was this: That Sankoh had a
14 radio contact with Commander Jetley and other high ranking UN
15:12:27 15 personnel. Can you confirm that?

16 A. That I cannot tell, My Lord.

17 Q. And how it would happen would be that he would contact
18 commanders on the ground on Makeni?

19 A. That I cannot confirm.

15:12:38 20 Q. Okay. Well, it's not right, is it, that Issa Sesay
21 provided passes to get through checkpoints?

22 A. Well, I am always asked to meet General Issa Sesay.

23 Q. Did you ever see a pass which he had --

24 A. I have never seen one.

15:12:55 25 Q. Never seen, and you have never been told about letters
26 signed by Sesay?

27 A. No. I was only told about these things when they radioed
28 me from headquarters, UNAMSIL headquarters, here. That Issa --
29 combatants at that point in question are requesting a document

1 that has been signed from Mr Sesay before they would be released.
2 And where would they get that? Mr Sesay is in Makeni, they are
3 probably in western or northern part. How can that be?
4 Q. Just let me try to understand what you're saying. Are you
15:13:42 5 suggesting checkpoints asked for letters signed by Sesay or not?
6 A. This is the way it is transmitted to me. I don't know
7 whether letters are being written or not, but all I used to be
8 told is they are being blocked by the RUF rebels at checkpoints
9 because they always demand an authentic document which they
15:14:06 10 should produce being signed by General Issa Sesay.
11 Q. You passed through checkpoints, didn't you, in your job?
12 Did you pass through checkpoints?
13 A. I do.
14 Q. Did you ever have a letter signed by Sesay?
15:14:21 15 A. No, I have never encountered such a problem.
16 Q. How many checkpoints did you go through during February and
17 March 2000?
18 A. Unnumbered. I cannot tell, it's so many. So many.
19 Q. Every day?
15:14:33 20 A. Not every day.
21 Q. Every week? Every week?
22 A. Yes, every week, because we -- excuse me, My Lord.
23 Q. Sorry.
24 A. I passed through checkpoints because I go out to assist the
15:14:51 25 security situations within my area of responsibility.
26 Q. So several times a week you would go through checkpoints?
27 A. I would say yes.
28 Q. Yes, and never have you --
29 A. I have never had such a problem.

1 Q. And you never had to have a letter from Sesay?
2 A. No, no.
3 MR O'SHEA: I apologise for interrupting. May Mr Gbao be
4 excused for a few minutes?
15:15:17 5 PRESIDING JUDGE: Leave is granted.
6 MR JORDASH:
7 Q. And I suggest that your colleagues never had to have
8 letters signed by Sesay either?
9 A. My colleagues like?
15:15:28 10 Q. Well, other MILOBS, other peacekeepers, they never had to
11 have letters to get through checkpoints signed by Sesay.
12 A. In our area of responsibility, no.
13 Q. No, you didn't experience that at all?
14 A. Not at all.
15:15:43 15 MR JORDASH: Could I ask Your Honours to turn to page
16 21021, please. This is a statement you made on the phone
17 February 28th, 2003 and it says this --
18 PRESIDING JUDGE: Paragraph?
19 MR JORDASH: Top incomplete paragraph from the page before.
15:16:03 20 PRESIDING JUDGE: Right.
21 MR JORDASH: 21021.
22 Q. "Issa Sesay was the head of the RUF. He knew this as RUF
23 had checkpoints always asked for letters signed by Issa
24 Sesay before allowing vehicles to pass." [sic]
15:16:23 25 A. Can you repeat that again.
26 Q. Certainly.
27 " Issa Sesay was the head of the RUF. He knew this as RUF
28 at checkpoints always asked for letters signed by Issa
29 Sesay before allowing vehicles to pass."

1 A. Not in our area of responsibility, I'm telling you.

2 Q. You suggest that's what you told Louise Taylor though when
3 you were interviewed on the phone in February 2003?

4 A. That depends on the area she asked. But not in my area of
15:16:55 5 responsibility.

6 Q. Let me be clear about this, your area of responsibility was
7 Makeni?

8 A. Yes, exactly.

9 Q. Thank you.

15:17:05 10 JUDGE BOUTET: Maybe the witness has not understood that
11 what you were quoting was from this phone interview. You
12 addressed us to the page, but the witness has no page in front of
13 him.

14 MR JORDASH:

15:17:14 15 Q. Sorry, Mr Witness, I don't want to mislead you, but what I
16 was reading from was a statement arising from your telephone
17 interview with Louise Taylor. Did you follow that?

18 A. Okay.

19 Q. And you appear to have said there, or it is certainly noted
15:17:33 20 here --

21 JUDGE BOUTET: Mr Witness, when Mr Jordash reads "he," it
22 means you. So you're the one speaking to Ms Taylor.

23 THE WITNESS: Thank you, My Lord.

24 MR JORDASH:

15:17:45 25 Q. And it says you knew Issa Sesay was the head of the RUF
26 because RUF at checkpoints always asked for letters signed by
27 Issa Sesay before allowing vehicles to pass?

28 A. I said so.

29 Q. You said so?

1 A. Yes.

2 Q. Did that apply then to Kono where he was based, but not to
3 Makeni?

4 A. I have never been to Kono apart from the time I was taken
15:18:11 5 captive to get to that area.

6 Q. If you weren't referring to Makeni, where were you
7 referring to?

8 A. Excuse me?

9 Q. If you were not referring to your sphere of operation in
15:18:23 10 Makeni where were you referring to?

11 A. I am referring to areas like Kenema and others not in our
12 area of responsibility.

13 Q. Could Kono have been in your mind?

14 A. Could be.

15:18:36 15 Q. Yes, because I suggest Mr Sesay was living in Kono at this
16 time.

17 A. It could be, but I knew -- I was told he used to be in Teko
18 Barracks and when I go to check on him I do find him in Teko
19 Barracks. So I would presume he was living in Teko Barracks.

15:18:59 20 Q. You presumed?

21 A. That is where I used to find him.

22 Q. You found him there twice?

23 A. Yes.

24 Q. And when you were stopped -- when you were detained, the
15:19:04 25 man you said was Mr Sesay also said something along the lines of
26 you were on the boundary of his territory. Does that ring a
27 bell?

28 A. Yes.

29 Q. The boundary of his territory, i.e. Kono, I would suggest.

1 A. Yes, yes. He said, "You are getting to my area. You are
2 going to my area."
3 Q. Yes, "You are coming into my area"?
4 A. Yes.
15:19:34 5 Q. Thank you. But you were patrolling every day in Makeni,
6 were you not?
7 A. Not every day actually, because I was alone.
8 Q. Many days a week you were patrolling in Makeni?
9 A. Maybe twice a week or so.
15:20:04 10 Q. Right. You'd attend meetings in Makeni with members of the
11 RUF?
12 A. That is only the CMC meetings, Ceasefire Monitoring
13 Committee.
14 Q. You had never seen Mr Sesay at any of those meetings or on
15:20:25 15 those patrols?
16 A. I have never seen him in any of those meetings.
17 Q. Thank you. Or on those patrols?
18 A. For patrols, I once met him along Lunsar Road. By then we
19 were coming down to UNAMSIL headquarters. That is when I was
15:20:53 20 just newly posted there.
21 Q. Let me just refer you again to the Louise Taylor interview.
22 MR JORDASH: Your Honours, page 21020, paragraph 4.
23 Q. It is dealing, at this stage, Mr Witness, with 1st May
24 2000. It says this:
15:21:22 25 "On the same day at about 3.30 p.m., Major Knut informed
26 Mendy that there was shooting at the Makeni DDR camp."
27 Does that ring a bell as to what you told Louise Taylor?
28 A. As to what Major Knut told me.
29 Q. Yes. I'll read on:

1 "Knut also informed Mendy that Ganase and Salahuddin had
2 gone to the DDR camp to investigate and that UNAMSIL HQ had
3 been informed?"
4 A. Yes.
15:22:04 5 Q. That's what you told Ms Taylor?
6 A. Yes, because I came to know that through Major Knut. He
7 was the duty officer then. When he came in to wake me up, that
8 was the time he furnished me with this information.
9 Q. "Knut informed Mendy that UNAMSIL HQ wanted Mendy to go to
15:22:29 10 talk with the RUF High Command."
11 Is that correct?
12 A. Yes.
13 Q. "The senior commanders were based at their Task Force
14 office which was located in the centre of Makeni at the
15:22:41 15 roundabout."
16 A. The task force, yes.
17 Q. But you told Louise Taylor that; that the senior commanders
18 were based at their task force office?
19 A. On that particular day when I went there to negotiate with
15:23:01 20 them, because I went to Colonel Gbao, of course I did not find
21 him, and I was referred to their task force. I went there and I
22 found Brigadier Morris Kallon there.
23 Q. Let's read on, if that is your explanation. "Mendy said
24 that the" -- could I just have a pause, please. The paragraph
15:23:45 25 reads like this:
26 "Mendy said that the senior commanders consisted of Col.
27 Gbao who was responsible for intelligence gathering."
28 Is that something you said to Louise Taylor?
29 A. Yes, yes, yes.

1 Q. "Morris Kallon who was second in command"?

2 A. Yes.

3 Q. Something you said. "And Colonel Jimmy was the officer in
4 charge of the Teko Barracks"?

15:24:05 5 A. At the time, yes.

6 Q. Why didn't you say Issa Sesay was in charge of Teko
7 Barracks, since according to you now --

8 MS VAN TONGEREN: I object, My Lords. Only from the
9 context that if one continues with that particular paragraph
10 there is a relevant addition there and, in fairness to the
11 witness, I believe that the matter should be presented to him
12 within that context.

13 PRESIDING JUDGE: Yes.

14 JUDGE BOUTET: I think, in fairness, you should add the
15:24:36 15 next line too.

16 PRESIDING JUDGE: Quite right. We have actually in the
17 past cautioned against this idea of sort of segmented sentences,
18 particularly when the entire meaning of a particular sentence can
19 be gathered from the entire sentence rather than from just parts
15:25:01 20 of the sentence. Perhaps it would assist the Court if we adopt
21 that procedure. I'm not sure whether the process of discovering
22 the truth would be advanced if we just adopt the way that you
23 proceed.

24 MR JORDASH: This paragraph --

15:25:29 25 PRESIDING JUDGE: Is it so difficult?

26 MR JORDASH: What I'm interested in is why this witness,
27 and I don't think it is dependant upon the next sentence -- why
28 this statement says that Colonel Jimmy was the officer in charge
29 of Teko Barracks when we have not heard that at all during this

1 witness's evidence.

2 PRESIDING JUDGE: What's so difficult from gathering the
3 meaning of a particular sentence from the entire context of the
4 paragraph?

15:25:55 5 MR JORDASH: Because the entire context of the paragraph
6 doesn't impact on whether this witness said Colonel Jimmy was in
7 charge of Teko Barracks.

8 PRESIDING JUDGE: Sometimes it may not, but in this
9 particular case it's being contended. Isn't that what you're
10 doing, and that is why the issue is not as simple. Therefore,
11 perhaps, we should hear argument on it. I am prepared to. I
12 would like the witness to -- we can have argument on it.

13 MR JORDASH: No, no, I'm happy to put the whole paragraph.

14 PRESIDING JUDGE: Because I think it's a controversial
15:26:27 15 question. Otherwise, why do we have paragraphs sometimes in
16 reports? Because they're meant to contain matters or sub-themes
17 that all hang together.

18 MR JORDASH: All hang together, but why do we have
19 sentences within paragraphs, for the same reason?

15:26:45 20 PRESIDING JUDGE: I could argue with you ad infinitum that,
21 indeed, that's the same thing.

22 MR JORDASH: I'd rather just accede to the Prosecution's
23 objection, even though [overlapping speakers].

24 PRESIDING JUDGE: Quite. Well, quite frankly, counsel,
15:26:55 25 that's why I said these are controversial issues, different
26 schools of thought.

27 MR JORDASH: I'm happy to read the whole paragraph.

28 PRESIDING JUDGE: Right. Go ahead.

29 MR JORDASH:

1 Q. Let me start again, Mr Witness.

2 "Mendy said that senior commanders consisted of Col. Gbao
3 who was responsible for intelligence gathering; MK who was
4 the 2IC and Col. Jimmy was the officer in charge of Teko
15:27:23 5 Barracks. Issa Sesay was the head of the RUF."

6 JUDGE BOUTET: I don't want to take issue with your
7 language, but 2IC does not necessarily mean in charge. I comment
8 simply because of the language used in that sentence, as such.
9 If I follow what you are saying, I could say that Colonel Kallon

15:27:47 10 was 2IC; Colonel Jimmy was in charge. That is an abbreviation
11 there. It could be in charge or it could be in command.

12 MR JORDASH: I'm grateful for that point. It's one I wish
13 I'd spotted myself.

14 Q. Morris Kallon was the 2IC, it says. Did you tell Ms Taylor
15:28:07 15 that Morris Kallon was the 2IC?

16 A. If it is in there then that is what I said because he is
17 number two to General Issa Sesay.

18 Q. And, "Colonel Jimmy was the officer in charge of Teko
19 Barracks. Issa Sesay was the head of the RUF."

15:28:23 20 A. I told Taylor that Colonel Jimmy was in charge of Teko
21 Barracks because when I met Brigadier Morris Kallon, before our
22 detention, he said Major Knut is going to be detained until I
23 went to the extent of telling him if he cannot be released, I,
24 too, will have to stay because if I go to my team site, I would
15:28:54 25 not have anything to tell my authorities. And I have
26 [indiscernible]. Then he said, "Go to Teko Barracks." Colonel
27 Jimmy is there.

28 Q. So at the time, then, of your detention, you understood the
29 man in charge of Teko Barracks was?

1 A. Colonel Jimmy because he was the one I was asked to go and
2 report to.

3 Q. Thank you. That's fine. So whatever had been the
4 situation before with Sesay in Teko Barracks, as you understood
15:29:32 5 it, on the day of your detention no longer that was the case, it
6 was Colonel Jimmy?

7 A. It depends on the decentralisation of the administration.
8 I don't know how it went about, because I was not told that
9 Colonel Jimmy was there as the man in charge. If I go there, I
15:29:52 10 report to him.

11 Q. Thank you. That will do for my purposes. You talked about
12 small boys, and this is my last subject, Mr Witness. You, I
13 think, on three occasions referred to small boys: With Gbao at
14 Teko Barracks, at Sesay's house and later on in Kono. I think on
15:30:29 15 each occasion you said they were under 15?

16 A. Said most of them were under 15. I was referring to the
17 child -- to the child combatants.

18 Q. How can you be so certain so that you can always say under
19 15? Why would you say that?

15:30:51 20 A. With me experience in life, if I look at a child under 15,
21 I can estimate, I can tell to say, "This child is under 15,"
22 through my experience in life.

23 Q. Well, they must have looked particularly under 15 to be
24 confident they weren't around 14 or 15, for example.

15:31:20 25 A. For who?

26 Q. Well, what I'm saying is that you were very confident that
27 they're under 15, which suggests that they must have looked quite
28 a bit under 15 for you to be so confident?

29 A. Yes.

1 Q. So they must have looked, then, around, what, 12 or 13 to
2 be sure they weren't, say, 14 or 15? Are you following my
3 reasoning?

4 A. Because I cannot give their exact age, that is why I said
15:31:48 5 under 15. That I cannot tell you specifically.

6 Q. So there was no doubt in your mind that they were
7 sufficiently under 15 for you to be sure they were under 15? Are
8 you with me?

9 A. I know they were under 15. Some of them were under 15, I
15:32:10 10 told you.

11 Q. Would you say, then, these clearly under-15 boys were
12 running around Makeni with various commanders at this time?

13 A. They would have been with their own families.

14 Q. What do you mean?

15:32:22 15 A. Most of these child militants, I used to find, when asked,
16 they will tell you -- if you ask of their parents, they will tell
17 you, "My father is dead. I am with the RUF. I don't know their
18 whereabouts."

19 Q. How many, then, in your day, weekly patrols would you see
15:32:47 20 around Makeni, these well under-15 young boys?

21 A. There are special areas of concern where, normally, we go
22 into patrol. And if found there, you would know exactly these
23 are not people that are under their own parents. That is why I
24 am telling you this.

15:33:21 25 Q. Are you saying that on a day when you would go patrolling,
26 you would see these under-15 boys on a regular basis around
27 Makeni at this time?

28 A. Not all the time.

29 Q. Frequently?

1 A. Not frequently.

2 Q. Not frequently. Rarely?

3 A. Some can leave their homes and go out to play football.

4 That you can understand that they are under their own parents.

15:33:51 5 Q. Isn't it the case, Mr Witness, that February/March 2000 and

6 April 2000, Makeni was a safe zone where rebels were not carrying

7 weapons? Isn't that the case?

8 A. That is not the case.

9 Q. It's not the case, is it --

15:34:15 10 A. There is a [indiscernible].

11 Q. It's not the case it, that these boys who you saw playing

12 football and the like were all carrying AK-47s?

13 A. They are different from those carrying AK-47s.

14 Q. Well, how many did you see carrying AK-47s?

15:34:31 15 A. I am living in Looking Town just beside the highway to --

16 if you are going to -- entering Makeni Town, or if you are going

17 to Lunsar area towards Freetown, I see them with my naked eyes

18 handling the AK-47.

19 Q. These would have been, according to you, 12/13-year-olds

15:34:55 20 carrying AK-47s; is that what you're saying?

21 A. I said under 15.

22 Q. Yes, but clearly --

23 A. For some -- let me comment. For some, you will even find

24 that the butt of the AK-47 is being cut.

15:35:12 25 Q. So you would say you saw under 15s dragging AK-47s as they

26 walked around different places in Makeni in this period before

27 your detention; is that your evidence?

28 A. If you say in different places. I cannot be everywhere. I

29 said where I live, they do pass there.

1 Q. You told us yesterday that some of them even had uniforms,
2 military uniforms?

3 A. Yes.

4 Q. Is your evidence that you would see children of around 13,
15:35:54 5 14 with military uniforms on with AK-47s around Makeni; is that
6 your evidence?

7 A. I don't get you properly.

8 Q. Are you suggesting that, around this time in Makeni, you
9 would see sometimes 13-year-olds, for example, dressed in
15:36:12 10 military uniform with their own AK-47?

11 A. With AK-47.

12 Q. With their own uniforms?

13 A. With uniforms.

14 Q. What, military uniforms,

15:36:25 15 A. Military uniforms.

16 Q. Camouflaged trousers?

17 A. With the camouflage.

18 Q. With military vests?

19 A. Sometimes with military, if they have them. Sometimes
15:36:30 20 under the camouflaged trousers with the T-shirt, a plain T-shirt.

21 Q. Have you ever seen that in any other part of the world;
22 military uniforms for 13-year-olds?

23 A. I have seen that. I was in Liberia in 1992 under ECOMOG
24 for this problem in Liberia. I was there for six months.

15:36:53 25 Q. Did you inquire as to where these 13-year-olds got these
26 uniforms from?

27 A. They would tell me they had been issued to them by their
28 immediate bosses, those who are handling them.

29 Q. Do you know where they got them from?

1 A. I don't go further to ask all that. The moment they tell
2 you they are their bosses, they are the people, you know
3 obviously those are the people in charge.

4 Q. You accept, don't you, if what you're saying is the truth,
15:37:26 5 it is quite unusual to have children as young as 13 and 12 with
6 military uniforms. It is almost exceptional in the world; is it
7 not?

8 A. You have pushed me to disclose -- to say more on that.
9 When I went to Gbarnga -- this was in 1992 when I was there under
15:37:49 10 ECOMOG. I went to Gbarnga, I spent the night there. In the very
11 building that I spent the night, I interviewed a child militant.
12 I asked of his age. He told me he was under 15. And I asked --
13 he was in uniform and was carrying a gun. I said, "Why are you
14 carrying a gun and why are you in uniform?" All he told me was -
15:38:15 15 excuse me to say it - all he told me was Mr Taylor said when you
16 fought and won the war, we will be taken to America for further
17 studies.

18 Q. What is the youngest child you then saw with a military
19 uniform on in Makeni?

15:38:34 20 A. I said the ones I saw are under 15.

21 Q. Yes. Under 15 could be anything from one to 14?

22 A. From 12 to 14.

23 Q. You saw 12-year-olds with military uniforms? Is that the
24 truth, Mr Witness?

15:38:50 25 A. That is the truth, the whole truth.

26 Q. You see, I suggest, if that had been the case, you would
27 have mentioned that to the Prosecution at some stage in your
28 interviews over the last two, three years. You have never said
29 you saw small boys in uniforms?

1 A. Explanation goes -- you can explain in detail, depending on
2 the question imposed on you.

3 Q. I suggest if you had seen them in uniforms, it was
4 something so striking to see a 13-year-old in a full military
15:39:27 5 uniform you would have remembered it and told the Prosecution
6 earlier.

7 A. I experienced this in Liberia, so I did not bother.

8 Q. I suggest, in fact, not only did you not go to Teko
9 Barracks to see Sesay, but you certainly didn't see any small
15:39:44 10 boys there with any weapons, or as his guards, did you? Think
11 about the truth.

12 A. I saw them and I am not here to tell lies, My Lord.

13 Q. I suggest the reason you have constantly emphasised under
14 15 is because you know that's what these accused are charged
15:40:04 15 with; having soldiers under 15?

16 A. I am not the type of a person and I am not in a position to
17 come before the Court and be telling lies.

18 MR JORDASH: May I just have a moment, please?

19 Q. Are you aware, Mr Witness, that -- he was a colonel, I
15:40:30 20 think. Colonel Ganese, are you aware of him?

21 A. We were in the same team site.

22 Q. Major, sorry. Are you aware that he gave evidence in this
23 Court, Major Ganese?

24 A. [Indiscernible].

15:40:46 25 Q. Are you aware that he gave evidence in this Court?

26 A. Nobody told me.

27 Q. Right. Well, I'm telling you. He's given evidence about
28 these events, okay.

29 A. I don't know.

1 Q. Let me just ask you to think about your answer, Mr Witness.
2 It is not right, is it, that you saw small boys in Kono who were
3 guarding you?

4 A. In Kono?

15:41:10 5 Q. In Kono. They weren't guarding you - small boys in Kono,
6 were they?

7 A. To guard me?

8 Q. The question is: They were not guarding you in Kono, were
9 they, small boys?

15:41:22 10 A. I said in the building that we were detained, we found the
11 RUF militants there and I saw these child militants there, is all
12 I said. Whether they were there, I found them there, I cannot
13 prove that they were there to guard me. I found them there.

14 Q. Did they have weapon?

15:41:51 15 A. They have weapons.

16 Q. I suggested you are lying about that, Mr Witness?

17 A. I am saying the truth.

18 MR JORDASH: May I just take instructions, please?

19 PRESIDING JUDGE: Leave granted.

15:42:04 20 [Defence counsel and second accused conferred]

21 MR JORDASH: I have got nothing further. Thank you very
22 much, Mr Witness.

23 PRESIDING JUDGE: Thank you, Mr Jordash.

24 MR JORDASH: I do want to exhibit the inconsistent
15:42:27 25 statements that we relied on.

26 PRESIDING JUDGE: Specifically which ones?

27 MR JORDASH: We haven't as yet had the chance to properly
28 mark-up the copy. It is difficult to do it as we go along,
29 obviously because it's --

1 PRESIDING JUDGE: Well, we will --

2 MR JORDASH: We will do it, Your Honour. Sorry to
3 interrupt.

4 PRESIDING JUDGE: Do you want to take a break, a short
15:42:49 5 break to get it done?

6 MR JORDASH: Well, Your Honour, I would be happy to do it
7 while the next --

8 PRESIDING JUDGE: Because I would certainly opt for the
9 procedure of having you effectively close your cross-examination
15:43:00 10 after you have had any documents tendered, so as to preserve the
11 right of the Prosecution to re-examine if they want to do that
12 but, before I continue, I would like to hear the Prosecution.
13 Were you going to suggest something? Sit down, Mr Jordash, for a
14 time.

15:43:23 15 MS VAN TONGEREN: I was, My Lord. However, it is on an
16 unrelated matter so if you wanted to deal with this matter, I
17 just wanted to speak to the logistics and the order of the
18 witnesses that are in --

19 PRESIDING JUDGE: That is all right. You have my leave to
15:43:37 20 do that.

21 MS VAN TONGEREN: Right. Thank you. As Your Honour is
22 well aware, we are in an open session so there has been
23 discussion with counsel about a shift in the order of witnesses.

24 PRESIDING JUDGE: Yes.

15:43:50 25 MS VAN TONGEREN: And we were anticipating that the next
26 witness will be Alfred Sesay who will be in open session,
27 followed by TF1-334 which will be, we anticipate, in closed
28 session.

29 PRESIDING JUDGE: So we are jumping TF1-334, in other

1 words, taking that out of sequence because the open session of
2 Alfred Sesay.

3 MS VAN TONGEREN: Yes. These are matters that have been
4 discussed with my friends.

15:44:19 5 PRESIDING JUDGE: And they are agreeing?

6 MS VAN TONGEREN: They are in agreement, yes.

7 JUDGE BOUTET: Alfred Sesay is the next one and then it's
8 334?

9 MS VAN TONGEREN: Yes, Your Honour.

15:44:31 10 PRESIDING JUDGE: Alfred Sesay was actually number three in
11 your line-up for this week, so we're going to take him out of
12 sequence, bringing him up to number two; is that what you are
13 saying? Is that what you say?

14 MS VAN TONGEREN: I apologise, Your Honour, I do not know
15:44:46 15 that list.

16 PRESIDING JUDGE: The list Mr Harrison gave us last week,
17 the line-up was one, Mende; two, 334; three, Alfred Sesay; four,
18 TF1-117 and then TF1-041. I did ask him whether in fact he was
19 going to stick to that list. He said, "Yes, we don't have any
15:45:16 20 intention." I said, "But you can't be so sure. There might be
21 unpredictable circumstances." Now of course you have suggested a
22 variation.

23 MS VAN TONGEREN: Yes.

24 PRESIDING JUDGE: Which is perfectly acceptable to us if
15:45:30 25 that is convenient for the Defence. If they don't have any
26 problem with that.

27 MS VAN TONGEREN: Clearly Your Honour is cross-examining
28 the wrong person --

29 PRESIDING JUDGE: No, I didn't mean to put you on the spot.

1 MS VAN TONGEREN: But my friends --

2 JUDGE BOUTET: But you are Prosecution as well so --

3 PRESIDING JUDGE: No. It's just that I wrote it down as
4 carefully as I could, and I remember putting it to Mr Harrison
15:45:49 5 whether he was going to keep to that sequence, and he said "We
6 are perfectly okay. That's the way we would go." But I said,
7 "Don't be so certain." But so we note Alfred Sesay, you say,
8 will come as the next witness; is that what you say?

9 MS VAN TONGEREN: That is what we are asking the Court.

10 PRESIDING JUDGE: Gentlemen of the Defence, are you
11 comfortable with taking out Alfred Sesay out of turn?

12 MR JORDASH: Yes, Your Honour.

13 PRESIDING JUDGE: Mr Touray?

14 MR TOURAY: Indeed, Your Honour.

15 PRESIDING JUDGE: And Mr O'Shea?

16 MR O'SHEA: Yes.

17 PRESIDING JUDGE: Very well. Then, yes, I was saying,
18 Mr Jordash, that perhaps we should give you five minutes to tidy
19 up this. How many documents do you intend to have exhibited?

15:46:29 20 JUDGE ITOE: To assist, he may need more, more time than
21 five minutes.

22 PRESIDING JUDGE: Well, I would --

23 MR JORDASH: Well, I would invite the Court not to adjourn
24 and whilst the counsel for second accused are cross-examining --

15:46:43 25 PRESIDING JUDGE: Well, I will make the concession that
26 perhaps we need to let you have some more time and go on to
27 second accused now.

28 MR JORDASH: Yes, thank you. That would be --

29 PRESIDING JUDGE: I will do that but usually, as I say, one

1 would prefer that everything gets tidied up.

2 MR JORDASH: The difficulty is, and this is a difficulty
3 which may arise --

4 PRESIDING JUDGE: From time to time.

15:47:04 5 MR JORDASH: -- with greater --

6 PRESIDING JUDGE: Frequency.

7 MR JORDASH: -- impact with witnesses such as 334 whose
8 statements number about four, five A4 files, that to have
9 somebody in Court always marking up inconsistencies --

15:47:11 10 PRESIDING JUDGE: Yes.

11 MR JORDASH: -- or to do it when I am on my feet is quite
12 difficult.

13 PRESIDING JUDGE: I understand. It is just that perhaps
14 sometimes we -- again, my idea was that I was suggesting

15:47:25 15 something which accords with your notion of the doctrine of
16 expedience, expedition.

17 MR JORDASH: Yes, I'm grateful for the time. Thank you
18 very much.

19 PRESIDING JUDGE: Right. Okay. We can have now Mr Touray.

15:47:41 20 MR JORDASH: Can Mr Sesay go to the toilet, sorry?

21 PRESIDING JUDGE: Leave is granted. Mr Touray, you can
22 proceed with your cross-examination now.

23 CROSS-EXAMINED BY MR TOURAY:

24 Q. Good afternoon, Mr Witness.

15:48:02 25 A. Good afternoon, My Lord.

26 JUDGE ITOE: Mr Touray does not need the lectern? It means
27 maybe he will be on for just about ten minutes or so?

28 MR TOURAY: I did not use it yesterday so --

29 JUDGE ITOE: I see. Okay.

1 MR TOURAY:

2 Q. Now, Mr Witness, there were about 20 of you MILOBS at the
3 Makeni team site?

4 A. Yes, My Lord.

15:48:35 5 Q. And your leader was Lieutenant Poraj --

6 A. Yes, My Lord.

7 Q. -- Wilczynski.

8 A. Yes, My Lord.

9 Q. You remember you had a Major Phil Ashby?

15:48:47 10 A. Yes, My Lord.

11 Q. Was he senior to you?

12 A. He was not, My Lord.

13 Q. He was a British MILOB?

14 A. He was, My Lord.

15:49:03 15 Q. You knew he wrote a book about his experiences at Makeni?

16 A. I never know about that, My Lord.

17 Q. Entitled "Escape" --

18 JUDGE BOUTET: Slowly, slowly, Mr Touray.

19 PRESIDING JUDGE: Yes, counsel.

15:49:15 20 MR TOURAY:

21 Q. Entitled "Escape from Sierra Leone," something like that?
22 You've never heard about it?

23 A. I never heard about it.

24 Q. "Escape from Sierra Leone" by Phil Ashby? You had another
15:49:29 25 colleague, Ganese Jaganathan?

26 A. Yes, My Lord. Major.

27 Q. Yes. You also know he wrote a book 21 days about his
28 experience in Makeni on this very episode you are testifying
29 about.

1 A. No, My Lord.

2 Q. You don't know. You don't have any intention of writing a
3 book, do you?

4 A. I am thinking of my health, My Lord. Yes, I don't have --

15:50:14 5 Q. You are thinking of one?

6 A. My health.

7 Q. Oh, your health?

8 A. Yes, my own health.

9 Q. And you have plans travelling abroad for treatment after
15:50:23 10 this?

11 A. If I am provided with the fund, yes.

12 Q. Are you looking out for a source?

13 A. Not actually, because --

14 Q. Or you would want one?

15:50:36 15 A. I'm expecting government to take care of that instead.

16 Q. And even the Special Court perhaps?

17 A. Of well, if possible.

18 Q. If possible; thank you. No promises as yet?

19 A. As to?

15:51:09 20 Q. Well, the Special Court taking you out for treatment?

21 A. I've never demanded such.

22 Q. No, no promises as yet?

23 A. I have not discussed it with them.

24 Q. Okay. Now was Ganese Jaganathan senior to you?

15:51:45 25 A. Senior to me?

26 Q. Yes. As a MILOB.

27 A. I cannot -- he was not senior to me. Let me cut it short.

28 [Indiscernible] he was not senior to me.

29 Q. Okay. Now, when Wilczynski, that is Poraj, was leaving on

1 vacation, Ganese was put in charge as acting team leader?
2 A. Through his own discussion, yes.
3 Q. Yes. And he was in charge at the time of the episode you
4 are describing now, this incident with the RUF. He was acting
15:52:30 5 team leader then?
6 A. He was acting team leader then.
7 Q. Yes.
8 A. [Indiscernible].
9 Q. Now, who was next in command?
15:52:52 10 A. I cannot tell exactly because I was taking my -- I was
11 bringing -- I brought up this --
12 Q. You cannot tell exactly, that is the point?
13 A. Okay, okay.
14 Q. Yes. Even your own structure you did not know who was next
15:53:06 15 in command?
16 A. If taken by rank --
17 Q. Yes.
18 A. -- I should be number 2.
19 Q. Yes, but you did not --
15:53:11 20 JUDGE ITOE: [Overlapping speakers] after Poraj.
21 THE WITNESS: Yes.
22 JUDGE ITOE: After Poraj.
23 THE WITNESS: Yes, after, after Poraj.
24 JUDGE ITOE: Yes.
15:53:24 25 MR TOURAY:
26 Q. What was your number, as an OM?
27 A. Number, for whose number, me?
28 Q. Yes.
29 JUDGE BOUTET: What was the question again, Mr Touray?

1 MR TOURAY: His number as a MILOB within the Makeni team.
2 Q. You all had numbers, didn't you?
3 A. Well, apart from the UN numbers.
4 Q. Yes, you had dispositions. Didn't you have dispositions?
15:53:48 5 A. We do, we do have numbers. I cannot clearly remember what
6 number I was given.
7 JUDGE BOUTET: Mr Touray, please let the witness answer the
8 question.
9 MR TOURAY: Yes, all right.
15:54:00 10 JUDGE BOUTET: You keep asking a question and talking at
11 the same time. I mean, how can we make sense of what is going
12 on?
13 MR TOURAY: I am sorry, Your Honour.
14 PRESIDING JUDGE: Put the question again and give him time
15:54:13 15 to answer. Which number are you talking about?
16 MR TOURAY:
17 Q. Did you have disposition numbers within the team, like OM
18 1, OM 2, OM 3?
19 A. We do have.
15:54:40 20 Q. Yes.
21 PRESIDING JUDGE: Continue, counsel.
22 MR TOURAY: Okay, My Lord.
23 Q. So you don't know your own number?
24 A. I said I cannot remember, not I don't --
15:54:46 25 Q. You cannot remember?
26 A. Yes.
27 PRESIDING JUDGE: You call it disposition number?
28 MR TOURAY: Well, that is what they call it, dispositions,
29 yes.

1 PRESIDING JUDGE: Yes, but that is your instruction, isn't
2 it?
3 MR TOURAY: The position. Sorry, My Lord.
4 PRESIDING JUDGE: Well, you better be very careful because
15:55:03 5 I thought it was not --
6 MR TOURAY: The position. The position.
7 JUDGE BOUTET: Yes. Position number in the structure of
8 the MILOBS.
9 MR TOURAY: Of The MILOBS.
15:55:05 10 JUDGE BOUTET: That's what you are talking about.
11 MR TOURAY: Yes, that's what I'm talking about.
12 JUDGE BOUTET: Okay. I couldn't follow you either. So I
13 didn't understand what you meant by that. You mean the position
14 that the witness occupied at the time he was with MILOBS in
15:55:21 15 [indiscernible].
16 MR TOURAY: Yes.
17 PRESIDING JUDGE: That's right.
18 JUDGE BOUTET: How was your position referred to,
19 Mr Witness, in your own structure, as MILOBS? Was it MILOBS 1,
15:55:31 20 MILOBS 2 or whatever it was, I'm not sure how you called them.
21 THE WITNESS: Well, you know, as you rightly said, we are
22 being numbered. One, maybe if we are 20 then it is 1 to 20.
23 That is why I cannot remember what my number was.
24 PRESIDING JUDGE: Right. That's a fair answer. Let's
15:55:51 25 proceed, counsel.
26 MR TOURAY:
27 Q. Okay. Let's not belabour that point but I'm putting it to
28 you that Major Ashby was number 3 and you were number 4?
29 A. That could be, but I cannot remember.

1 JUDGE ITOE: But he was a major and you were a

2 lieutenant-colonel?

3 THE WITNESS: Lieutenant-colonel, yes.

4 JUDGE ITOE: So there is some anomaly in that numbering if
15:56:19 5 the UN respects military hierarchy and the ranks that go with it,
6 if that were the case.

7 MR TOURAY: In that case, may I refer His Honours to the
8 Board of Inquiry documents.

9 PRESIDING JUDGE: Let's get the answer first, what did he
15:56:52 10 say to your question that Major Ashby was number three and he was
11 number four. You put those to him. You said you cannot
12 remember?

13 THE WITNESS: I said I cannot remember.

14 PRESIDING JUDGE: Very well, right. And then you say you
15:57:02 15 want to enlighten the Court on something, which is what exhibit?

16 JUDGE BOUTET: It is not an exhibit.

17 MR TOURAY: It is disclosed.

18 PRESIDING JUDGE: It is not an exhibit, is it?

19 MR TOURAY: Yes, it is disclosed the board of the inquiry
15:57:14 20 reports.

21 JUDGE BOUTET: But it is not an exhibit, Mr Touray. It is
22 not in evidence.

23 MR TOURAY: It is not, but I'm just referring to the Court
24 to it. I do not have extra copies here, but I'm supposed to have
15:57:25 25 some for the Court, but we are constrained by circumstances. We
26 are told we do not have any papers to print our documents.

27 PRESIDING JUDGE: How can you refer to the content if in
28 evidence? You can use it as a basis of your cross-examination
29 without directly referencing it.

1 MR TOURAY: I don't know whether Court Management could

2 assist us.

3 PRESIDING JUDGE: I don't know. How bulky is that

4 document?

15:57:57 5 MR TOURAY: Just two pages relevant here, pages 20895,

6 20894, 20893.

7 PRESIDING JUDGE: Is the Prosecution able to assist us?

8 MS VAN TONGEREN: Firstly, there are a number of inquiry

9 reports so I do not know precisely which report my friend is

15:58:27 10 referring to. I do not know the subject matters. There was a

11 report in connection to the issues relating specifically to

12 Mr Mendy and another one that is much more voluminous that dealt

13 with property loss, for example.

14 PRESIDING JUDGE: Counsel, can you provide better

15:58:47 15 particulars on that?

16 MR O'SHEA: I can assist, Your Honour.

17 PRESIDING JUDGE: You can?

18 MR O'SHEA: It is 00019.

19 JUDGE BOUTET: What is 00019?

15:59:07 20 MR O'SHEA: It is just that my learned friend indicated

21 that there was two reports, but she was not sure which one is

22 was. There is one which is 00022 and the other one is 00019.

23 That should help my learned friend for the Prosecution.

24 PRESIDING JUDGE: But it is also on the basis that counsel

15:59:23 25 for the second accused could be specific as to what he wants.

26 What is the purpose of evidence that you -- the question that you

27 are putting to this witness now? Is it to refresh his memory?

28 He answered that he cannot remember that the Major Ashby was

29 number three and that he was number four. What is your next

1 step?

2 MR TOURAY: Your Honour, we will proceed. Let's not
3 belabour the point. We will proceed.

4 PRESIDING JUDGE: Well, we are not in any way restraining
15:59:53 5 you. It is just --

6 MR TOURAY: We were concerned about the structure of the
7 MILOBS at Makeni and his position within that structure.

8 PRESIDING JUDGE: Now his answer is that he cannot remember
9 his position number and that of Major Ashby. Very well let's
16:00:13 10 move on.

11 MR TOURAY: Yes, My Lord.

12 JUDGE BOUTET: But, Mr Touray, you suggested to the
13 witnesses that Major Ashby was number three. He does not dispute
14 that. He says it may be the case.

16:00:24 15 MR TOURAY: Well, he says he disputes it.

16 PRESIDING JUDGE: He does not. He does not even dispute
17 that his own number was number three. I cannot remember.

18 JUDGE BOUTET: Yes.

19 MR TOURAY: Oh, he says he cannot remember.

16:00:29 20 PRESIDING JUDGE: That is what I have. I do not know what
21 you have.

22 MR TOURAY: As Your Honour pleases. We will move on.

23 PRESIDING JUDGE: Yes, let's make some progress, counsel.

24 MR TOURAY: We are indeed making some, Your Honour.

16:00:45 25 Q. Now, your knowledge about the command structure of the RUF
26 was obtained by what you said was intelligence gathering?

27 A. Yes, My Lord.

28 Q. Intelligence gathering by whom?

29 A. Well, My Lord, I beg permission not to [indiscernible] I do

1 not know. But this is --

2 Q. No, by your unit or what?

3 A. By our unit, yes.

4 Q. Okay. Now, you got to Makeni sometime in 2000?

16:01:51 5 A. Yes, My Lord.

6 Q. When you got there you didn't carry out any courtesy call

7 to familiarise yourself with RUF officers in command and in

8 control on the ground?

9 A. I did not.

16:02:16 10 Q. You did not?

11 A. Yes.

12 Q. Okay.

13 PRESIDING JUDGE: Yes, counsel.

14 MR TOURAY:

16:02:41 15 Q. So apart from attending CMC meetings, that is the Ceasefire

16 Monitoring Committee meetings and patrolling for security check

17 ups, you had no other means of contact with RUF officials?

18 A. I had.

19 Q. Let us break it down; at CMC meetings you met some RUF

16:03:19 20 officials, Colonel Jimmy and others?

21 A. Yes, My Lord.

22 Q. When you were patrolling, did you meet some RUF officials?

23 A. I met -- I do meet some, yes.

24 Q. You did meet some?

16:03:41 25 A. Yes.

26 Q. Who did you meet?

27 A. I have met Colonel Gbao, Morris Kallon, yes --

28 Q. Those are the only ones you met?

29 PRESIDING JUDGE: Let him finish. Continue if you have

1 some more.

2 THE WITNESS: Colonel Jimmy and others I could not remember
3 their names.

4 PRESIDING JUDGE: Colonel Jimmy and others whose names you
16:04:18 5 cannot remember.

6 Continue counsel.

7 MR TOURAY:

8 Q. Now, your area of operation was Makeni?

9 A. Yes, My Lord.

16:04:28 10 Q. Did it interest you to find out who was the ground
11 commander of the RUF for Makeni?

12 A. I did. That was why I said it was through intelligence
13 gathering that I came to know about the structures.

14 Q. You did. Who was the ground commander of Makeni?

16:04:53 15 MS VAN TONGEREN: Again, I object. It seems to be an
16 unfortunate interruption that takes place --

17 PRESIDING JUDGE: Just a minute. Sit down, please. What
18 is the intervention for?

19 MS VAN TONGEREN: It is in connection with this particular
16:05:03 20 exchange where the Prosecution respectfully suggests that the
21 witness is being interrupted and being entitled to give the
22 completion of his answer.

23 PRESIDING JUDGE: We will take care of that. Thanks.
24 Learned counsel, because -- continue, please.

16:05:20 25 MR TOURAY:

26 Q. Did you get to know who was the ground commander in Makeni?

27 A. I was made to understand that Colonel Sesay is the general
28 followed by Brigadier Morris Kallon, then you have Colonel Gbao,
29 Jimmy and others.

1 Q. Mr Witness, you are talking about the RUF command
2 structure. I'm talking about the ground commander at Makeni, who
3 was at Makeni at the time around February 2000?
4 A. I'm telling you these people who I met, I just met them, I
16:06:24 5 know them and I felt these are the people are on the ground.
6 Q. Oh, you felt those are the people.
7 A. Yes, these are the people on the ground in Makeni.
8 Q. Did you also get to know who was the military police
9 commander in Makeni at that time?
16:06:50 10 A. I did not inquire about that.
11 Q. Thank you. Your intelligence gathering did not help you in
12 that regard?
13 A. It could appear, but I could not remember.
14 Q. You never heard of a Colonel-Brigadier Kailondo, who was, I
16:07:25 15 suggest, the ground commander for the RUF in Makeni Town at the
16 time?
17 A. I heard of Kailondo, but I did not know he was the ground
18 commander. I would have mentioned him in my statement.
19 Q. Did you have any business to do with him?
16:07:55 20 A. No, My Lord.
21 Q. No. Now, did you hear of Colonel AS Kallon, that is
22 Sylvester Kallon, who was the military police commander at
23 Makeni?
24 A. I only know of Morris Kallon. Any other Kallon I don't.
16:08:34 25 Q. Again, your intelligence --
26 JUDGE ITOE: That is AS Kallon?
27 MR TOURAY: Yes.
28 Q. Again, your intelligence report did not give that you
29 information?

1 A. I said I cannot remember. We have all the people on the
2 ground, but I cannot remember all their names. If I were in
3 Makeni and left Makeni healthily, I would have had all these
4 things with me.

16:09:00 5 Q. Mr Witness, did you have anything to do with the military
6 police commander AS Kallon?

7 A. I said I do not know him. I only know of Morris Kallon.
8 AS Kallon I do not know him.

9 PRESIDING JUDGE: Yes.

16:09:28 10 MR TOURAY:

11 Q. Did you also get to know who was the task force commander
12 in Makeni?

13 A. The task force commander in Makeni I said we had all these
14 records, but I forgot, six years today --

16:10:01 15 JUDGE ITOE: You want to suggest his name to him, go ahead.

16 MR TOURAY:

17 Q. Yes. You never heard of a Colonel Abraham Dugbe?

18 A. I am not used to that name. I never heard of it.

19 JUDGE ITOE: Dugbe?

16:10:20 20 MR TOURAY: Yeah, I think it is D-U-G-B-E, task force
21 commander.

22 JUDGE ITOE: He was task force Commander in Makeni?

23 MR TOURAY: Makeni Town, yes.

24 Q. You never had any business to do with him.

16:10:41 25 PRESIDING JUDGE: No, he never heard of him.

26 MR TOURAY:

27 Q. Yes, I'm saying had no business to do with the task force
28 commander in Makeni town?

29 A. I never had a cause to discuss any matter with him. The

1 people I mentioned here, are the people I was dealing with.

2 Q. Your area of control or responsibility didn't extend to
3 Magburaka?

4 A. Magburaka, no, no. They have their own team.

16:11:36 5 Q. Did you, through your intelligence report, get to know
6 there was a 4th Brigade deployment of the RUF at Magburaka at the
7 time?

8 A. I did not bother to ask because it was not my area of
9 concern, no.

16:12:10 10 Q. Magburaka had their own MILOBS team quite separate from
11 yours?

12 A. Yes, My Lord.

13 Q. They had their own DDC camp and reception centre quite
14 separate from you at Makeni?

16:12:26 15 A. Their own DDR camp, no, I cannot -- the only DDR camp I
16 know is the one I have mentioned here in court.

17 Q. So you do not know there was a DDR camp in Magburaka
18 separate from Makeni?

19 A. I was taking care of my area.

16:12:44 20 Q. You did not know?

21 A. That is it. I said I was taking care of my area. I do not
22 have to intrude.

23 Q. Did you know that Morris Kallon was commanding the 4th
24 Brigade at Magburaka and was based there in fact?

16:13:11 25 PRESIDING JUDGE: The purpose of cross-examination is not
26 to embarrass. The witness actually said he did not anything
27 about --

28 MR TOURAY: I'm putting my question, My Lord.

29 PRESIDING JUDGE: I'm reminding you. Counsel, will you

1 keep quiet when I'm speaking.

2 MR TOURAY: I'm sorry.

3 PRESIDING JUDGE: The witness said he was not concerned
4 about it. He didn't know about that area. That was not his area
16:13:37 5 of responsibility. He was concerned. He knows about his own
6 area of responsibility and if you keep probing the negative, an
7 area that he does not know, you would raise insinuations as if he
8 should have known. In my view, that would seem as though you are
9 trying to embarrass him because of lack of knowledge of another
16:14:07 10 area which was not his responsibility. I do not think you should
11 press that because there is no value.

12 MR TOURAY: The evidence I'm trying to elicit relates to
13 my --

14 PRESIDING JUDGE: Your instructions, but your instructions
16:14:22 15 must also be put in a manner that the Rules permit. He says "I
16 do not know anything about Magburaka." He knew there, but that
17 is all.

18 MR TOURAY: This was from my instructions, Your Honour. I
19 think I have to put a question as to the whereabouts of my client
16:14:40 20 at that time.

21 PRESIDING JUDGE: All right. I will restrain myself.
22 Continue, counsel. I just warn you about not trying to present
23 the witness in a bad light in terms of lack of knowledge. It is
24 better to admit lack of knowledge than to admit knowledge which,
16:14:59 25 in fact, is not based on any factual foundation.

26 Go ahead.

27 MR TOURAY: As Your Honour pleases.

28 Q. Mr Witness, did you know that Morris Kallon was, in fact,
29 based in Magburaka at the time and was heading the 4th Brigade of

1 the RUF in Magburaka?

2 A. I did not know.

3 Q. You did not know. Now, on the occasions you said you
4 met -- you went to Teko to have clearance for some of your

16:16:02 5 peacekeepers crossing checkpoints, you only had cause to speak to
6 the officer you went to and that was Issa, according to you?

7 A. Yes, because I was directed to him. I will compliment him
8 if I find him there. I was directed to General Issa.

9 Q. And you never had cause to speak Morris Kallon?

16:16:32 10 A. No, I do greet him. That is how it was and ask for General
11 Issa.

12 Q. You greet Morris Kallon and ask for General Issa?

13 A. Yes.

14 Q. That is at General Issa's house in Teko, Teko Barracks?

16:17:07 15 A. Yes, My Lord.

16 Q. And Issa would be inside the house, Morris Kallon would be
17 outside and tell you he is not in, as you said?

18 A. I did not go direct to Morris Kallon. Most of the time I
19 find them playing draught [indiscernible] on the other side. I

16:17:39 20 just go straight towards the veranda, greet and then ask for
21 General Issa.

22 Q. Who do you greet?

23 A. The RUF members, the people I found on the veranda.

24 Q. In variably on two or three occasions that you went there
16:18:01 25 you said that Morris Kallon was there on the veranda?

26 A. Not at the veranda, just beside the building, yes, in an
27 open space.

28 Q. Doing what?

29 A. Most of the time playing draught with his colleagues.

1 Q. On the two occasions you said you went there, would you
2 remember what time of the day you went?
3 A. The one I can fully remember to be around between 4.00 and
4 5.00 p.m.
16:18:58 5 Q. The other one you cannot remember exactly?
6 A. I cannot remember specifically.
7 Q. And on both occasions, but you remember you found them
8 playing draught?
9 A. Both of them.
16:19:16 10 Q. How many of them did you find at the veranda, at that time,
11 let us say the first visit?
12 A. I did not count. I cannot tell.
13 Q. Many? Tell us roughly.
14 A. There were many.
16:19:28 15 Q. Yes, roughly, how many?
16 A. Roughly, five, six, seven.
17 Q. Five, six, seven?
18 A. Yes.
19 Q. That is also true on the second occasion?
16:19:44 20 A. Yes, My Lord.
21 Q. And the same faces?
22 A. I cannot confirm if it was the same faces because I cannot
23 tell who and who was there.
24 Q. The only permanent one you saw was Morris Kallon on both
16:19:58 25 occasions?
26 A. I used to see him there.
27 Q. And your greeting was general to everybody there?
28 A. It was general.
29 Q. Not particularly to Morris Kallon?

1 A. No.

2 Q. Who answered, in particular, on the first occasion when you
3 asked for General Issa?

4 A. I said the child militants I found on the veranda was the
16:20:48 5 one who told me he was there. I cannot tell you specifically
6 this is the person that said he was not there.

7 Q. On the second occasion the child combatant spoke to you?

8 A. Yes.

9 Q. So the only business you had with Morris Kallon was just a
16:21:10 10 general greeting?

11 A. That was all, apart from the place where they questioned.

12 Q. Yes, that was all on those two occasions.

13 PRESIDING JUDGE: Proceed, counsel.

14 MR TOURAY:

16:21:47 15 Q. You say you never had cause to go to Magburaka at any time?

16 A. I did not say so.

17 Q. Did you ever have cause to go there, to Magburaka?

18 A. Yes, My Lord.

19 Q. When?

16:22:08 20 A. We had certain goods that we were to receive from Magburaka
21 brought in by the helicopter, so we went there to receive them.

22 Q. That was when, February, March?

23 A. Between March, April.

24 Q. March, April. In going to some other area of
16:22:38 25 responsibility, did you announce your presence to the officer on
26 the ground there at Magburaka?

27 A. We do.

28 Q. Now, at that point, who was the one you spoke to?

29 A. I cannot remember.

1 Q. You cannot remember?

2 A. It's too long. It is quite a time.

3 Q. And it would not have been Morris Kallon?

4 A. No. The ones I spoke to are the same MILOBS as I was.

16:23:24 5 They were the same MILOBS as I was?

6 Q. So you never spoke to any RUF official in Magburaka, who
7 was in charge of Magburaka?

8 A. I never spoke to anyone.

9 Q. The MILOBS you found there at Magburaka was there one
16:23:51 10 Hamzh?

11 A. One?

12 Q. Hamzh.

13 A. There could be, but I could not remember.

14 Q. Who was the one that you spoke to?

16:24:00 15 PRESIDING JUDGE: Let him have a drink.

16 MR TOURAY: Yes.

17 THE WITNESS: We have our -- I have my fellow Gambian who
18 was there.

19 MR TOURAY:

16:24:16 20 Q. What was his name?

21 JUDGE ITOE: What was the name learned counsel suggested?

22 MR TOURAY: I suggested one -- I think I said Hamzh.

23 JUDGE ITOE: Hamzh, yes.

24 MR TOURAY: Yes, Lieutenant-Colonel Hamzh.

16:24:41 25 JUDGE BOUTET: Hamzh, H-A-M --

26 MR TOURAY: H-A-M-Z-H.

27 Q. You said there was a fellow Gambian there?

28 A. Yes.

29 Q. What was his name?

1 A. Colonel Jamanka [phon].

2 Q. Jamanka or Januba?

3 A. Jamanka.

4 PRESIDING JUDGE: Learned counsel, perhaps we could have

16:25:27 5 our 4.30 break now. I'm sure you would appreciate it.

6 MR TOURAY: I'm quite comfortable.

7 PRESIDING JUDGE: I know. You look it.

8 JUDGE ITOE: I'm sure you need it.

9 PRESIDING JUDGE: We will take a break.

16:25:41 10 MR TOURAY: Thank you.

11 [Break taken at 4.32 p.m.]

12 [RUF27JUN06F - CR]

13 [Upon resuming at 5.02 p.m.]

14 PRESIDING JUDGE: Learned counsel, your witness.

16:56:05 15 MR TOURAY: Thank you, Your Honour.

16 Q. Mr Witness, just before the break, you spoke about meeting

17 a captain, a Jamanka, who was a MILOB at Magburaka.

18 A. Yes, My Lord.

19 Q. By the time you went there to collect something.

16:56:18 20 A. Yes, My Lord.

21 Q. How long did it take you at Magburaka? How long did you

22 stay?

23 A. Well, I cannot tell actually how long I stayed because we

24 were just waiting for the helicopter to land and collect the

16:56:36 25 materials.

26 Q. It was a day's visit?

27 A. It was official. Let's just say it is a visit. It is an

28 official matter.

29 Q. A day's official patrol, or what?

1 A. I went there purposely to collect certain materials from
2 the headquarters which was due to be brought in by the
3 helicopter, so it was an official matter.

4 Q. Yes. But you went just for a day, that's my question.

16:57:06 5 A. Not for a day, just a few hours.

6 Q. And you don't know whether clearance was obtained from the
7 RUF officials in Magburaka for that visit?

8 A. Clearance like?

9 Q. Well, permission to move to another area of control.

16:57:33 10 A. Well, I don't think there was anything like that, because
11 we do communicate with the people in Magburaka.

12 JUDGE ITOE: When you say you communicated with people in
13 Magburaka, besides the MILOBS?

14 THE WITNESS: The MILOBS, I am referring to, yes.

16:58:03 15 JUDGE ITOE: MILOBS, you are referring to the MILOBS?

16 THE WITNESS: To the MILOBS, My Lord.

17 JUDGE ITOE: Not to the RUF?

18 THE WITNESS: No, no, My Lord, to the MILOBS, My Lord.

19 MR TOURAY:

16:58:10 20 Q. So, whilst there, you never even had any information about
21 the RUF set-up in Magburaka?

22 A. I didn't do that, My Lord.

23 Q. Now, is it your evidence that Morris Kallon was based at
24 Teko Barracks in Makeni?

16:58:48 25 A. I would say he was based in Makeni, My Lord.

26 Q. And to be precise, from what period? February 2000 to the
27 day of this incident, May 1st, 2000, he was based in Makeni?

28 A. I found him there up to the time of my incident.

29 Q. Now, I'm putting it to you that that is completely untrue,

1 that Morris Kallon was based in Magburaka and was heading the 4th
2 Brigade of the RUF in Magburaka.

3 A. My Lord, all I said here about Morris Kallon, I know he was
4 based in Makeni. That is all I know of him.

17:00:03 5 Q. Okay. Now, on 27th April, did you take part in disarming
6 two RUF combatants?

7 A. I cannot remember, actually.

8 Q. What can't you remember? That is you taking part or the
9 disarming of the two RUFs; which one you don't remember?

17:01:03 10 A. I said I have been to the DDR camp either on the 27th or on
11 the 28th. That's what I said, because we were just on the
12 patrol, not on -- with the team that was also responsible to
13 go -- to be in the reception centre or this. We were on the
14 patrol.

17:01:27 15 Q. So you're saying on 27th April, or 28th April, you were on
16 patrol at the DDR camp in Makeni?

17 A. Yes, My Lord.

18 Q. Now, you have an idea whether two RUF combatants were
19 disarmed on 27th April?

17:01:50 20 A. I cannot remember, My Lord.

21 Q. You also have an idea whether ten other RUF combatants
22 turned up on 28th April and eight were disarmed?

23 A. I have no idea because the --

24 Q. You also have an idea if ever there was any disarmaments of
17:03:08 25 those people it was done secretly.

26 A. I have no idea about any disarmament being done secretly.
27 The only ten I know were those that were disarmed at the
28 reception centre.

29 Q. Did you, as MILOBS, observe national public holidays?

1 A. We do.

2 Q. Did you know that 27th April was a national public holiday
3 in 2000?

4 A. It could be, but I cannot remember.

17:04:03 5 Q. And you also cannot remember precisely when you say
6 Morris Kallon went to the DDR camp, whether it was the 27th or
7 the 28th?

8 A. I said it was between the 27th or the 28th.

9 Q. It was between the 27th or the 28th. I put it to you that
17:04:54 10 you are mixing things up; Morris Kallon never went to the DDR
11 camp at Makeni on the 27th or the 28th of April.

12 A. I said I saw him between the 27th and the 28th. Either the
13 27th or the 28th. These days I can't remember which of these
14 days.

17:05:13 15 Q. I'm saying no [indiscernible].

16 A. I saw him at the DDR camp.

17 PRESIDING JUDGE: Please comply with the finality rule.
18 You can't get beyond that.

19 MR TOURAY: As Your Honour pleases.

17:05:23 20 Q. I'm saying, putting to you that Morris Kallon was at the
21 DDR camp at Magburaka on 17th April 2000?

22 A. He could be there, but, on 17th April, I was at the
23 reception centre.

24 Q. So you are not denying it, where he was --

17:05:53 25 JUDGE BOUTET: You were at the reception centre in Makeni?

26 THE WITNESS: In Makeni, in Makeni, yes, My Lord.

27 MR TOURAY: It will be there at the DDR.

28 Q. And I'm putting it to you further that at the time he went
29 there on 17th April, it was in response to a message he received

1 from the leader of the RUF, Foday Sankoh, on the 16th; that is,
2 the previous day, 16th April 2000.

3 A. I don't know about --

4 JUDGE BOUTET: How the witness can respond to that? I
17:06:31 5 mean, what does it help? Even though it is your position, I
6 mean, how the witness can testify to that?

7 MR TOURAY: We have to put our case, Your Honour.

8 JUDGE BOUTET: No, but I mean, it has to have some logic to
9 the evidence of this witness. Yes, you can put your case, but
17:06:43 10 has the witness -- do you have any evidence that this witness has
11 any contact with the leader of the RUF? I mean, what's the
12 relevancy? I mean, your case has to come somewhere connected to
13 what the witness is testifying about.

14 MR TOURAY: Your Honour, with due respect, it is not
17:06:56 15 everything that this witness is supposed to know about my case
16 but I'm saying --

17 JUDGE BOUTET: Well, why do you put it to this witness?

18 MR TOURAY: I'm supposed to put my case so that the Court
19 would know what line we're taking, as based on his evidence.

17:07:06 20 JUDGE BOUTET: I disagree with you because, I mean, if it
21 is not relevant to the evidence of this witness, how can this
22 witness testify to this?

23 MR TOURAY: But, Your Honour, it is very relevant. It is
24 relevant to the point that he's saying Morris Kallon was at the
17:07:18 25 DDR camp on the 28th. We are saying he was was there on the
26 17th.

27 JUDGE BOUTET: No, that's not what the witness has said.
28 The witness has said he's never been -- he does not know how
29 Magburaka was working. You said the DDR camp in Magburaka. The

1 witness is not aware of that.

2 MR TOURAY: Yes.

3 JUDGE BOUTET: He has not been -- he has been there only on
4 one occasion to get some material.

17:07:39 5 MR TOURAY: I will ask the [indiscernible].

6 PRESIDING JUDGE: Does counsel, and consistent with what my
7 learned brother is saying, that you cannot test a witness's
8 credibility on what he does not know. You test him on what he
9 knows which in fact is -- may well, in fact, be, in a way,
17:08:12 10 involving or incriminating your client, allegedly. I mean, how
11 do you test his credibility on matters that he says are not
12 peculiarly within his knowledge? I mean, the whole purpose of
13 your cross-examination is to --

14 MR TOURAY: Your Honour, I am not -- this is not testing
17:08:33 15 credibility; this is putting my case.

16 PRESIDING JUDGE: Going to credit?

17 MR TOURAY: Putting my case.

18 PRESIDING JUDGE: In other words, this is going to the
19 issues.

17:08:40 20 MR TOURAY: Your Honour, I was prefacing my case. Yes,
21 prefacing my case, as opposed to the Prosecution's case.

22 PRESIDING JUDGE: I see.

23 MR TOURAY: I mean, I have to put it.

24 PRESIDING JUDGE: In other words, you are trying to rebut
17:08:49 25 Prosecution's evidence?

26 MR TOURAY: Indeed so.

27 PRESIDING JUDGE: Allegedly incriminating your client.

28 MR TOURAY: Indeed so, Your Honour.

29 PRESIDING JUDGE: Well, perhaps the way the question was

1 put did not leave that impression, because we will not tell you
2 that you don't have the right to do that. The only thing I think
3 we're complaining about is that if a witness says, "I do not know
4 this, it's not within my knowledge," how do you press a witness
17:09:13 5 beyond that? In other words, I can't testify to it.

6 JUDGE BOUTET: On that, Mr Presiding Judge, this is
7 essentially my comments. I mean, if the witness has said to you,
8 "I don't know nothing about that." Even though you would put
9 your case, he is not aware of that. I mean, how further ahead is
17:09:34 10 your case with something that is absolutely of no knowledge to
11 this witness?

12 MR TOURAY: At least, Your Honour --

13 JUDGE BOUTET: I'm not saying you cannot put your case.

14 MR TOURAY: -- at least I can be permitted to say this is
17:09:43 15 our case, what do you say? My case is: Morris Kallon was at the
16 DDR camp on the 17th, not on the 28th. What do you say to that?
17 I can still say so.

18 PRESIDING JUDGE: No, but that is perfectly legitimate when
19 he alleges that Morris Kallon was at the DDR camp on
17:10:01 20 such-and-such date and you say, "No, he wasn't there on that
21 date. He was there on another time."

22 MR TOURAY: Fine. He was there --

23 PRESIDING JUDGE: That is perfectly legitimate.

24 MR TOURAY: Further in response to a message he received
17:10:12 25 from his leader. I can still do that.

26 PRESIDING JUDGE: Yes, but when he says, "I don't even know
27 whether he was there," or, "I don't know whether he was there,"
28 why do you press him beyond that, having actually put to him that
29 your client was not there and he says, "I don't know." What do

1 we achieve? Let's proceed. I don't want you to get the
2 impression that we're trying to impede or handicap your
3 cross-examination, but we ought to control the cross-examination
4 so that it becomes relevant. Continue, counsel.

17:11:03 5 MR TOURAY: As Your Honour pleases.

6 Q. Let us go now to 1st May. According to your evidence, you
7 said you went in search of Ganese and -- what was the other one?

8 A. Salahuedin. Major Salahuedin.

9 Q. And then you went to the agricultural centre in search of
17:11:41 10 Colonel Gbao?

11 A. Yes, My Lord.

12 Q. Then you were directed to go to the task force office?

13 A. Yes, My Lord.

14 Q. Which was at the centre of Makeni Town?

17:11:57 15 A. Yes, My Lord.

16 Q. There you said you met somebody who was Brigadier Morris
17 Kallon who spoke to you?

18 A. Yes, My Lord.

19 Q. Did you enter the task force office, or were you just
17:12:26 20 outside the task force office?

21 A. Just outside the task force office where I found him.

22 Q. So you did not enter the office?

23 A. No, My Lord.

24 Q. Do you know that within the same area you have the military
17:12:45 25 police office, around the same centre of the town?

26 A. That could be, but I do not know.

27 Q. You don't know?

28 A. I don't know.

29 Q. You said you spoke to a gentleman whom you identified as

1 Morris Kallon?

2 A. Yes, My Lord.

3 Q. Now, how many of them were standing outside when you got
4 there?

17:13:40 5 A. I cannot tell you the number, My Lord.

6 Q. Were there many?

7 A. There were many.

8 Q. Say, like --

9 A. I said some were sitting down, some were standing up. I
17:13:52 10 cannot tell you how many were sitting down and how many were
11 standing up. I said the people I found there were approximately
12 50 or more.

13 Q. 50 or more?

14 A. Yes, My Lord, that's what I said.

17:14:05 15 Q. So how come you directed your attention to this particular
16 man?

17 A. I could not see Morris -- Colonel Gbao, and as one of the
18 RUF members who just came out from the crowd with his AK-47, he
19 was the one that directed me to the task force office where, if I
17:14:35 20 go, I might find Colonel Gbao. Now, when I got there, and I saw
21 Morris Kallon, I said -- let me just go to Morris Kallon, because
22 he was in the centre, he surrounded. I went directly to him.

23 Q. I would like you to just describe the scene to me. You
24 went, you found 50 people around outside, standing outside. Now,
17:15:05 25 how come your attention was directed to this particular person
26 you said was Morris Kallon?

27 A. I know him particularly. I know him facially, and I knew
28 he was number two, a brigadier to -- he's the second in command
29 to Issa Sesay. So I went direct to him.

1 Q. When did you know that he was second in command?

2 A. I told you before that we had a list of a chain of command
3 and through my intelligence gathering, too, I came to know about
4 that, through communicating with the RUF militants.

17:15:51 5 Q. Mr Witness, I'm putting it to you that, in fact, you never
6 spoke to Morris Kallon that day. It was not Morris Kallon you
7 spoke to.

8 A. My Lord --

9 Q. That is the truth.

17:16:02 10 A. My Lord, the truth is I spoke to Morris Kallon on that very
11 day, at that very point in time.

12 Q. And that was the last time you saw this individual you said
13 was Morris Kallon? You never saw him again?

14 A. Yes, My Lord.

17:16:33 15 JUDGE ITOE: He says yes. Why not? What's the answer?

16 MR TOURAY: Yes, My Lord.

17 JUDGE ITOE: Is it yes, and why not?

18 MR TOURAY: Yes, My Lord.

19 THE WITNESS: I said that was the last time I saw him.

17:16:46 20 JUDGE ITOE: Morris Kallon?

21 THE WITNESS: Yes, My Lord, apart from sitting here.

22 JUDGE BOUTET: Apart from where?

23 THE WITNESS: This present case here. What I'm trying to
24 put across is when I met him at the task force, explained my

17:17:03 25 purpose there --

26 JUDGE ITOE: [Indiscernible].

27 THE WITNESS: Yes, and we were held captive, taken to Teko
28 Barracks. That was the end. Because when I had the accident
29 over there, I never have access to meet any of them any more.

1 JUDGE BOUTET: Okay. So, in fact, the question was, and
2 again, you never saw Morris Kallon after --
3 THE WITNESS: After that, yes, My Lord.
4 JUDGE ITOE: Until now that --
17:17:29 5 THE WITNESS: Until now.
6 JUDGE BOUTET: Until now, in court today?
7 THE WITNESS: Yes, My Lord.
8 JUDGE BOUTET: Okay.
9 MR TOURAY:
17:17:41 10 Q. Now, when, according to you, you were asked to go to
11 Teko --
12 A. Yes, My Lord.
13 Q. -- you offered yourself to go with Knut Gjellesdad?
14 A. I would say yes to that.
17:18:24 15 Q. Yes, you offered to go.
16 A. In the sense that he said Knut is a white man and he's not
17 going to be released. I explained to him that if Knut -- Major
18 Knut cannot be released, I see no reason why I should also be
19 left behind, because I cannot just go -- what am I going to tell
17:18:50 20 my authorities over there when I'm being asked? I said if you
21 are to detain him, detain me, too.
22 Q. So you offered yourself to be detained; that's what I'm
23 saying.
24 A. Through pressure.
17:19:06 25 JUDGE BOUTET: Mr Witness, you said that Knut was to be
26 released. You meant to say that he was meant to be detained or
27 released? Knut.
28 THE WITNESS: Knut?
29 JUDGE BOUTET: Knut, yes.

1 THE WITNESS: I told him if he is not out to release
2 Major Knut, I see no reason why I should also be released.
3 JUDGE BOUTET: Okay. Thank you.
4 MR TOURAY: May the witness be shown his statement
17:19:57 5 of November 27th, 2000, please?
6 PRESIDING JUDGE: And you're --
7 MR TOURAY: At this stage to refresh.
8 PRESIDING JUDGE: Right.
9 JUDGE ITOE: We are at 5.25.
17:20:21 10 MR TOURAY: After this last one.
11 PRESIDING JUDGE: Yes, okay.
12 MR TOURAY: This is the last question.
13 JUDGE BOUTET: Mr Touray, this is the one by --
14 MR TOURAY: The board of inquiry statement.
17:20:50 15 JUDGE BOUTET: His statement to the board of inquiry?
16 MR TOURAY: Yes, the one he prepared himself. I refer
17 Your Honours to page 21016, paragraph 5.
18 JUDGE BOUTET: Starting with Brigadier Kallon?
19 MR TOURAY: Yes.
17:21:09 20 Q. Are you with me, Mr Witness?
21 A. 21?
22 Q. 016.
23 JUDGE BOUTET: At the top, Mr Witness.
24 THE WITNESS: 21016.
17:21:20 25 MR TOURAY:
26 Q. Paragraph 5.
27 A. Yes.
28 Q. Where you said:
29 "Brigadier Morris Kallon then told me that they did not

1 need me, that they were only interested in dealing with
2 'White people'."

3 That's what you said?

4 A. Yes, I said so.

17:21:48 5 Q. "But because I was already there with a 'White person'
6 there was no way he could release me."
7 That is correct; you said so?

8 A. Yes.

9 Q. "If he was to detain or deal with a white Major Knut."
17:22:07 10 And then you said:
11 "I told him that I was the Acting Team leader."
12 A. Yes.

13 Q. "I could not allow him to release me whilst detaining Major
14 Knut."
17:22:18 15 A. Yes.

16 Q. "And he told me to report to Tecko Barracks under escort."
17 A. Yes.

18 Q. So that, in fact, is correct, isn't it? This is what he
19 said? It's correct?

17:22:28 20 A. Yes.

21 Q. That is what happened.

22 A. That is what happened, yes.

23 Q. So I put it to you you only once went on escort to Teko
24 Barracks.

17:22:36 25 A. If I had gone on escort to Teko Barracks, I would not have
26 been escorted by the RUF rebels.

27 Q. I'm further putting it to you that the escort was provided
28 only for your security to Teko Barracks.

29 A. That is not correct, My Lord.

1 Q. Because the situation was getting volatile, so you needed

2 an escort.

3 A. I never needed an escort, My Lord.

4 PRESIDING JUDGE: Well, perhaps we don't want the situation
17:23:29 5 to get volatile.

6 JUDGE ITOE: He's closing his cross-examination.

7 PRESIDING JUDGE: How long would that be tomorrow morning?

8 Do you want to give us an estimate? Not anything exact.

9 MR TOURAY: I have to think about that.

17:23:45 10 PRESIDING JUDGE: No, I don't want to press you, but think
11 about it.

12 MR TOURAY: I will, Your Honour, and perhaps when I come
13 tomorrow.

14 PRESIDING JUDGE: Counsel for the first accused, are you
17:24:02 15 ready to proceed with your -- have you done the necessary
16 highlighting, or you want to leave it until --

17 MR JORDASH: It's been done and agreed. I think the
18 Prosecution still have it.

19 PRESIDING JUDGE: Is the Prosecution -- have you been able
17:24:15 20 to peruse the documents?

21 MS VAN TONGEREN: Yes, we have, thank you, Your Honour.

22 PRESIDING JUDGE: What's your position on it in terms of
23 counsel is seeking to have the document -- is it one document or
24 two documents?

17:24:27 25 MR JORDASH: It's one.

26 PRESIDING JUDGE: One document received in evidence.

27 MS VAN TONGEREN: Precisely. I understand the purpose it
28 is being tendered as an exhibit and we have no opposition to
29 that.

1 PRESIDING JUDGE: For the limited purpose of prior
2 inconsistency. Right. You have no objection. What about
3 counsel for the second accused? You haven't studied it? Well,
4 shall we leave this to tomorrow morning and see if we can tidy it
17:25:00 5 up first thing in the morning to give everybody a chance. And
6 the same for Professor O'Shea, you'd like to look at it?

7 MR O'SHEA: Yes, thank you.

8 PRESIDING JUDGE: So we can have everything tidied up in
9 the morning.

17:25:11 10 MR JORDASH: Yes, thank you.

11 PRESIDING JUDGE: Mr Jordash, we will not remind you. I
12 hope you can have some kind of aide-memoire.

13 JUDGE ITOE: If he forgets, I will not remind him.

14 JUDGE BOUTET: Mr Jordash, can you tell me which statement
17:25:23 15 it is you're tendering?

16 PRESIDING JUDGE: The date?

17 JUDGE BOUTET: Is it the one to Cordwell? It's the
18 proofing? Which one?

19 PRESIDING JUDGE: This is the one to Mandy Cordwell? It's
17:25:38 20 the controlling statement, isn't it?

21 MS VAN TONGEREN: It's the additional information
22 statement - proofing.

23 PRESIDING JUDGE: That's the proofing statement?

24 MS VAN TONGEREN: Yes.

17:25:43 25 MR JORDASH: Yes.

26 PRESIDING JUDGE: Well, whichever. When we come, we will
27 describe it appropriately.

28 MR JORDASH: Thank you.

29 PRESIDING JUDGE: Madam Prosecutor, you want to confirm

1 that tomorrow we'll have available Alfred Sesay as your next
2 witness?

3 MS VAN TONGEREN: Yes, Your Honour, we shall do that.

4 PRESIDING JUDGE: Then you also want to indicate in what --
17:26:11 5 you confirm that he will be testifying in open session? You also
6 confirm that?

7 MS VAN TONGEREN: Yes.

8 PRESIDING JUDGE: Do you want to tell us in what language
9 he'll be testifying tomorrow?

17:26:19 10 MS VAN TONGEREN: It's English, Your Honour.

11 PRESIDING JUDGE: So there will be no question of
12 translation facilities. Then you will have a standby witness,
13 TF1-334; am I right?

14 MS VAN TONGEREN: We will, Your Honour.

17:26:33 15 PRESIDING JUDGE: So in case there needs to be any
16 variation in your work plan, we would interpose, or just bring in
17 334?

18 MS VAN TONGEREN: We were prepared for that contingency,
19 Your Honour.

17:26:49 20 PRESIDING JUDGE: Right. Thanks. And the Defence, you are
21 perfectly comfortable with the arrangement?

22 MR JORDASH: Perfectly.

23 PRESIDING JUDGE: On that note, we will adjourn the Court
24 to tomorrow to 9.30 a.m..

17:27:23 25 [Whereupon the hearing adjourned at 5.34 p.m.,
26 to be reconvened on Wednesday, the 28th day
27 of June, 2006, at 9.30 a.m.]

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29

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-044	2
EXAMINED BY MS VAN TONGEREN	2
CROSS-EXAMINED BY MR JORDASH	44
CROSS-EXAMINED BY MR TOURAY	100