

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

WEDNESDAY, 28 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
For the Registry:	Ms Maureen Edmonds Mr Thomas George
For the Prosecution:	Mr Peter Harrison Ms Wendy Van Tongeren Mr Alain Werner Ms Shyamala Alagendra Ms Amira Hudroge (intern)
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr Andreas O'Shea

1 [RUF28JUN06A - MD]  
2 Wednesday, 28 June 2006  
3 [The accused present]  
4 [Open session]  
09:21:29 5 [Upon commencing at 9.44 a.m.]  
6 WITNESS: JOSEPH MENDY [Continued]  
7 PRESIDING JUDGE: Good morning, learned counsel. Good  
8 morning, Mr Witness.  
9 THE WITNESS: Good morning, My Lord.  
09:38:26 10 PRESIDING JUDGE: I reckon that our first priority this  
11 morning -- counsel, may I have your attention? Is there some  
12 disarray there?  
13 MR JORDASH: There shouldn't be.  
14 PRESIDING JUDGE: No, quite.  
09:38:39 15 MR JORDASH: Sorry, Your Honour.  
16 PRESIDING JUDGE: I reckon that our first priority this  
17 morning is to complete the cross-examination on behalf of the  
18 second accused and then proceed to tie up loose ends in respect  
19 of the cross-examination on behalf of the first accused; in  
09:38:59 20 other words, formally closing that, and then we move on, before  
21 we take cross-examination on behalf of the third accused. Is  
22 that our plan this morning? Let's proceed then. Mr Touray, is  
23 there any preliminary thing you wanted to raise?  
24 MR TOURAY: No, not at all, Your Honour.  
09:39:21 25 PRESIDING JUDGE: I actually saw a flurry of consultation  
26 going on there.  
27 MR JORDASH: May I just very briefly consult with  
28 Mr Touray, then?  
29 PRESIDING JUDGE: You have my leave, yes.



1 MR JORDASH: Thank you. Thank you.

2 PRESIDING JUDGE: You are welcome. Let's proceed,  
3 Mr Touray. I am wondering, but you did indicate before we closed  
4 yesterday that you probably have about half-an-hour to wind up.

09:39:54 5 MR TOURAY: And perhaps less.

6 PRESIDING JUDGE: Well, I have always taken you at your  
7 word. Continue.

8 CROSS-EXAMINED BY MR TOURAY: [Continued].

9 Q. Good morning, Your Honours. Good morning, Mr Witness?

09:40:07 10 A. Good morning, My Lord.

11 Q. Yesterday we left off at the point where you arrived at the  
12 task force office at Makeni roundabout?

13 A. Yes, My Lord.

14 Q. And you said you met somebody whom you identified as Morris  
09:40:24 15 Kallon?

16 A. Yes, My Lord.

17 Q. Now, it's true you inquired from that gentleman you said  
18 was Kallon about the whereabouts of Ganese; that is, whether he  
19 knew the whereabouts of Ganese and others?

09:40:39 20 A. From Kallon you mean?

21 Q. Yes, from the man you said was Kallon?

22 A. Yes, I know Morris, Brigadier Morris Kallon, and I went  
23 directly to him to inquire about my two majors.

24 Q. Your two majors. And then he told you he had no idea about  
09:40:58 25 their whereabouts?

26 A. Yes, My Lord.

27 Q. Yes. Now, I believe from there you went to Teko Barracks  
28 under Sesay, under some escort?

29 A. Through his command, yes.



1 Q. And there you found a Colonel Jimmy?

2 A. Yes, My Lord.

3 Q. And this Colonel Jimmy you had known before because you  
4 interacted with him at the CMC meetings?

09:42:00 5 A. That is true, My Lord.

6 Q. And the keys of the vehicle, your vehicle, were voluntarily  
7 handed over by you to him?

8 A. As I was instructed by Morris Kallon, yes.

9 JUDGE ITOE: As you were instructed by Morris Kallon.

09:42:35 10 THE WITNESS: To hand over the keys on arrival at the -- at  
11 Teko Barracks.

12 JUDGE ITOE: Yes.

13 JUDGE BOUTET: So was it voluntary you did that?

14 THE WITNESS: Not voluntary.

09:42:43 15 JUDGE BOUTET: As per instructions. The question to you  
16 was --

17 THE WITNESS: It's not voluntarily because I was under  
18 the --

19 JUDGE BOUTET: The question was you voluntarily --

09:42:52 20 THE WITNESS: I did not do that voluntarily.

21 MR TOURAY:

22 Q. Now Kallon was not present at the moment you were handing  
23 over the keys, was he there?

24 A. He was not there.

09:43:04 25 Q. Yes, all right. And no-one forced you at that moment, on  
26 arrival, to hand over keys; you did it on your own?

27 A. I said, I was instructed by Morris --

28 Q. Okay, based on --

29 A. On the instructions to --



1           PRESIDING JUDGE: Counsel, counsel, let the witness finish.

2           MR TOURAY: Sorry, Your Honour, sorry.

3           PRESIDING JUDGE: We don't want a confrontation  
4 [indiscernible]. Continue, witness.

09:43:48 5           THE WITNESS: Brigadier Morris Kallon, after, as he was to  
6 board on board the vehicle, and with his armed militants, to  
7 escort us to the -- to Teko Barracks, where he said Jimmy is, or  
8 was, he said: "When you are there hand over the keys of the  
9 vehicle to Colonel Jimmy" and that I did.

09:44:12 10          Q.     Okay.

11          A.     In the presence of the -- his militants that escorted us.

12          Q.     Yes. My question is: Without anything more done or said  
13 by anybody on arrival, you handed over the keys?

14          A.     Yes, My Lord. Exactly, sir.

09:44:27 15          Q.     Yes.

16          A.     Through instructions, sir.

17          Q.     Yes. Now, it was Colonel Jimmy who, in fact, showed you  
18 where Ganese was, or your two majors were?

19          A.     It was Colonel Jimmy that showed me where Ganese was.

09:45:05 20          Q.     Yes.

21          A.     But then, I did not see Salahuedin there.

22          Q.     Yes. And you asked to see Ganese?

23          A.     Yes, I asked for Ganese.

24          Q.     And you went in to meet Ganese where he was without  
09:45:51 25 anything more said or done by anybody else?

26          A.     When Jimmy told me, showed me Ganese, he said: "That is  
27 Ganese, you can go and meet him." So I went to meet Colonel  
28 Ganese.

29          PRESIDING JUDGE: Yes, Mr Touray.



1 MR TOURAY: At this stage may I request that the witness be  
2 shown his proofings of 5th April 2006.  
3 PRESIDING JUDGE: For what purpose?  
4 MR TOURAY: Refresh.  
09:46:59 5 PRESIDING JUDGE: Court room officers, could you help.  
6 MR TOURAY:  
7 Q. Now, may I please ask you to turn to paragraph 7 of that  
8 statement or proofings. That is page 21025.  
9 PRESIDING JUDGE: Has he acknowledged it?  
09:48:14 10 MR TOURAY: I think that had been done yesterday.  
11 PRESIDING JUDGE: Oh, he did. Yesterday. That is okay.  
12 Right. Fine. Go ahead. Which page?  
13 MR TOURAY: 21025.  
14 Q. Starting from the third line is referring to your  
09:48:49 15 conversation with Ganese at Teko Barracks. Now, it's correct you  
16 told the Prosecution that Ganese also told me that Gbao saved his  
17 own life as he spoke with his men and told them to take Ganese to  
18 Teko Barracks?  
19 A. Yes, My Lord.  
09:49:27 20 Q. And that was the truth?  
21 PRESIDING JUDGE: Which paragraph is that?  
22 MR TOURAY: Paragraph 7, page 21025.  
23 PRESIDING JUDGE: He admits he told the Prosecution that?  
24 MR TOURAY: Yes.  
09:49:38 25 Q. So, in fact, what you said there, or what you understood,  
26 Ganese was telling you was that it was Gbao who told his men to  
27 take Ganese to Teko Barracks?  
28 A. Yes, My Lord.  
29 Q. In order to save his life?



1 A. [Indiscernible].  
2 Q. Now, whilst there, again, you were fortunate to see  
3 Major Marro?  
4 PRESIDING JUDGE: Can we take back the document?  
09:50:50 5 MR TOURAY: Yes, I have finished with it.  
6 PRESIDING JUDGE: Right. Courtroom officer, please  
7 retrieve the document.  
8 MR TOURAY:  
9 Q. Whilst there, you were fortunate to see Major Marro, again  
09:51:14 10 you were looking out for?  
11 A. I never said I was looking for Major Marro.  
12 Q. Okay.  
13 A. I said, I was looking for Ganese and Salahuedin.  
14 Q. And Salahuedin?  
09:51:30 15 A. Yes, My Lord.  
16 JUDGE ITOE: Well, did you see Major Marro there?  
17 THE WITNESS: Yes, My Lord.  
18 MR TOURAY: [Indiscernible].  
19 Q. Major Marro was a Kenyan peacekeeper?  
09:51:53 20 A. He was.  
21 Q. And you said he told you Kallon started the whole thing by  
22 firing at the DDR camp?  
23 A. Yes, My Lord.  
24 Q. And when he said Kallon, you understood that to be Morris  
09:52:47 25 Kallon?  
26 A. Yes, My Lord.  
27 Q. Now, you took part in the UNAMSIL board of inquiry on these  
28 events by making a statement?  
29 A. I made a statement --



1 JUDGE ITOE: That's [indiscernible]. Did he take part in  
2 the inquiry?

3 MR TOURAY: In the inquiry.

4 THE WITNESS: I did not take part in the inquiry. By then  
09:53:35 5 I was admitted in the hospital.

6 JUDGE BOUTET: Maybe you should clarify what you mean,  
7 Mr Touray, by take part. If the witness, by giving a statement,  
8 is taking part, maybe --

9 MR TOURAY:

09:53:46 10 Q. Did you make a statement or were you asked to send a  
11 statement to the board of inquiry that was held to inquire into  
12 these events?

13 A. What happened was, as I was admitted at the Choithram  
14 Hospital, from there to -- from there to [indiscernible] in  
09:54:05 15 Dakar. After being discharged, I came back to UNAMSIL ground. I  
16 took the initiative of making my own statement to explain to my  
17 authorities what exactly happened, what I can say about it. That  
18 was why I made a statement and made a copy to authorities  
19 concerned.

09:54:33 20 Q. So you don't know whether this Major Marro ever made a  
21 statement to the board of inquiry?

22 A. No, My Lord.

23 Q. Finally, I put it to you that the only reason why you say  
24 the man you saw at the task force office was Brigadier Morris  
09:54:54 25 Kallon, and the man you said Major Marro spoke to you about  
26 Kallon, Major Marro spoke to you about - you understood as being  
27 Morris Kallon - was because your intelligence report disclosed to  
28 you that Brigadier Morris Kallon was the second in command to  
29 General Issa in the RUF. That is the only reason.



1 A. That is not the case.

2 MS VAN TONGEREN: I respectfully suggest that that compound  
3 question be broken down. It's too complex.

4 PRESIDING JUDGE: Yes.

09:55:39 5 MR TOURAY: I was trying to save time. I will do that.

6 PRESIDING JUDGE: It still can be confusing.

7 MR TOURAY: Yes.

8 Q. Now the only reason why you said you involved - let me put  
9 it this way - Brigadier Kallon in this whole issue was because  
09:55:54 10 you knew, according to your intelligence report, that he was the  
11 second in command?

12 A. That was not the case, sir, because I have nothing --

13 MR TOURAY: No further questions.

14 THE WITNESS: -- against him.

09:56:05 15 PRESIDING JUDGE: Well, let him answer.

16 JUDGE BOUTET: Let the witness complete his answer, Mr  
17 Touray. He was still speaking with his answer. Please.

18 MR TOURAY: I thought he has answered the question.

19 PRESIDING JUDGE: No, he has not, and conduct like that can  
09:56:17 20 be --

21 MR TOURAY: I'm sorry

22 PRESIDING JUDGE: -- misinterpreted as disruptive.

23 MR TOURAY: I don't intend to be.

24 PRESIDING JUDGE: No, I'm sure you never would like to be.  
09:56:24 25 Right. Let us have your answer, Mr Witness.

26 THE WITNESS: My Lord, can you repeat the question again?

27 PRESIDING JUDGE: Counsel, repeat your question.

28 MR TOURAY:

29 Q. Now, the only reason why you involved Brigadier Morris



1 Kallon in these events is because, according to your intelligence  
2 reports, you knew that he was the second in command, as you say,  
3 in the RUF?

4 PRESIDING JUDGE: Right. Pause, counsel. Answer?

09:56:51 5 THE WITNESS: My Lord, that is not the case.

6 PRESIDING JUDGE: Right.

7 THE WITNESS: I never liked to involve him in anything.

8 PRESIDING JUDGE: Yes, okay.

9 MR TOURAY: No further questions.

09:57:04 10 PRESIDING JUDGE: Thank you. May we now proceed to bring  
11 finality to your part of the exercise.

12 MR JORDASH: Yes, please. I've given my learned friends  
13 from the Defence an opportunity to see, and they agree with the  
14 underlining, and there is no objection.

09:57:29 15 PRESIDING JUDGE: Counsel from second accused, is that  
16 correct?

17 MR TOURAY: No, objection, yes.

18 PRESIDING JUDGE: Is that a correct reflection?

19 MR O'SHEA: Mr Jordash is correct.

09:57:37 20 PRESIDING JUDGE: Right. Prosecution, what is your  
21 position?

22 MS VAN TONGEREN: No objection, thank you, Your Honour.

23 PRESIDING JUDGE: Fine. So we are going to receive in  
24 evidence a document entitled, or described as what?

09:57:52 25 MR JORDASH: It's additional information provided by  
26 witness TF1-044, pages 2102 --

27 PRESIDING JUDGE: What is the date of the document?

28 MR JORDASH: Date, 27th, 28th March and 5th April 2006.

29 JUDGE ITOE: Witness?



1 MR JORDASH: TF1-044.

2 JUDGE ITOE: The date?

3 MR JORDASH: 27th and 28th March, and 5th April 2006.

4 PRESIDING JUDGE: Yes, and the respective pages?

09:58:28 5 MR JORDASH: 21023 to the end of the document, 21028. The

6 underlining is in relation to page 21024.

7 JUDGE BOUTET: More specifically, what?

8 MR JORDASH: Paragraph 4, the last two sentences.

9 JUDGE BOUTET: "The purpose of my visit"? No?

09:59:03 10 MR JORDASH: "The RUF soldiers did not want," all the way

11 to "could go."

12 PRESIDING JUDGE: This is to show alleged prior

13 inconsistency?

14 MR JORDASH: Yes.

09:59:17 15 PRESIDING JUDGE: Between that statement and the oral

16 testimony here?

17 MR JORDASH: Exactly.

18 PRESIDING JUDGE: Do sit down. Anything else? The

19 document will be received in evidence and marked.

10:00:23 20 [Exhibit No. 108 was admitted]

21 PRESIDING JUDGE: Let there be some identifying mark on the

22 top page to link this document with the witness.

23 PRESIDING JUDGE: Professor O'Shea, your turn.

24 MR O'SHEA: I am grateful, Your Honour thank you.

10:01:12 25 CROSS-EXAMINED BY MR O'SHEA:

26 Q. Good morning, Mr Mendy?

27 A. Good morning, My Lord.

28 Q. My name is Andreas O'Shea. I represent Augustine Gbao, so

29 I will be asking you some questions on his behalf. I fully



1 understand that you've had a traumatic and very frustrating  
2 experience.  
3 A. Yes, My Lord.  
4 Q. In particular, with your leg, which has taken many years to  
10:01:41 5 heal?  
6 A. Yes, My Lord.  
7 Q. And I'm sorry, for that.  
8 A. Thank you.  
9 Q. Now, at the time that you were assigned to the mission in  
10:01:55 10 Sierra Leone, you were a lieutenant-colonel; is that right?  
11 A. Yes.  
12 Q. In terms of your MILOB team, who was above you? You had  
13 Colonel Poraj, Joe Poraj.  
14 A. Yes, he was the immediate boss.  
10:02:30 15 Q. He was the immediate boss to you?  
16 A. Yes.  
17 JUDGE ITOE: Was Poraj a full colonel?  
18 THE WITNESS: He's a lieutenant-colonel, but a senior --  
19 JUDGE ITOE: A senior lieutenant-colonel in the hierarchy?  
10:02:38 20 THE WITNESS: Yes, My Lord.  
21 MR O'SHEA:  
22 Q. And he was a British MILOB?  
23 A. Yes, My Lord.  
24 Q. Was he the most senior person present on 17th April?  
10:02:48 25 A. He was, My Lord.  
26 Q. Was he generally the most senior person present at the  
27 reception centre?  
28 A. Yes, My Lord.  
29 Q. In terms of those who were present --



1 JUDGE ITOE: Mr O'Shea, you are going too fast. I am  
2 sorry, the evidence is not being recorded.

3 MR O'SHEA: I am sorry, Your Honour.

4 JUDGE ITOE: Right.

10:03:27 5 MR O'SHEA:

6 Q. In terms of the DDR camp and the reception centre together,  
7 was Colonel Joe Poraj the most senior person in the whole  
8 complex, as it were?

9 A. Yes, My Lord.

10:03:43 10 Q. Then above him was Isaac; is that right? But Isaac was at  
11 the HQ?

12 A. He's a brigadier-general. He's in charge of the military  
13 observers at the headquarters, based at the headquarters in  
14 Freetown.

10:04:09 15 Q. Now, at the headquarters, apart from Brigadier Isaac, who  
16 else was there with Isaac dealing with the responsibility under  
17 the MILOBS?

18 A. I cannot fully remember the name of the third person or so.

19 Q. How many individuals are we talking about?

10:04:30 20 A. You said that, after Isaac, who. I said I don't remember  
21 who.

22 Q. All right. At the headquarters, how many individuals were  
23 responsible for the mandate of the MILOBS?

24 A. I could not tell you that, My Lord.

10:04:51 25 Q. Did you know that at the time?

26 A. I don't know exactly how many are responsible. I only know  
27 of the immediate who is Brigadier-General Isaac.

28 Q. Now, in terms of decisions regarding disarmament, those  
29 decisions fell within the mandate of the MILOBS as opposed to



1 KENBATT; would that be correct?

2 A. I can explain to you what I know about the MILOBS. This  
3 thing is been arranged at the top level which is beyond my  
4 knowledge. I cannot say anything about that.

10:05:39 5 Q. Completely beyond your knowledge?

6 A. Yes, I only know of Brigadier-General Isaac.

7 Q. So, all decisions regarding disarmament were taken at the  
8 headquarters?

9 A. It is a joint -- it is the government, UNAMSIL -- the  
10:06:00 10 government, UNAMSIL, and the RUF. Yes.

11 JUDGE ITOE: And the leaders of the factions. RUF.

12 THE WITNESS: Yes, the RUF.

13 JUDGE ITOE: Yes.

14 MR O'SHEA:

10:06:26 15 Q. Now, I understand that there was obviously co-operation  
16 between the various parties, including the UN, on decision-making  
17 because the Lome Accord required it. But in terms of the  
18 internal operation of UNAMSIL --

19 JUDGE ITOE: Can he answer that first?

10:06:43 20 PRESIDING JUDGE: Yes.

21 MR O'SHEA: I thought we had an answer.

22 JUDGE ITOE: Let him, since you have put the question to  
23 him.

24 MR O'SHEA: No, I was repeating his answer.

10:06:53 25 PRESIDING JUDGE: Is that so?

26 MR O'SHEA: Yes, I was repeating his answer and following  
27 it with a question. But, if Your Honour pleases.

28 PRESIDING JUDGE: No, it sounded as if this was a compound  
29 or conjunctive question flowing, but you can clarify.



1 JUDGE ITOE: It is true. He had said it before, he had.  
2 These consultations were a component of the Lome Accord.  
3 MR O'SHEA: I was simply summarising what he had just said  
4 in order to move on to my next question.  
10:07:25 5 PRESIDING JUDGE: Okay. Proceed counsel then.  
6 MR O'SHEA:  
7 Q. In terms of the internal operation of UNAMSIL and the  
8 question of disarmament, internal decision-making; do you  
9 understand what I mean by that?  
10:07:38 10 A. Yes.  
11 Q. Is it correct that all of those decisions were taken at  
12 headquarters as opposed to at your level?  
13 A. At headquarters first, yes, and then down to us.  
14 Q. Did you take any part in decision-making?  
10:07:55 15 A. I never took any part in decision-making.  
16 Q. Did Colonel Joe take part --  
17 A. Colonel?  
18 Q. -- in decision-making?  
19 JUDGE ITOE: Mr O'Shea.  
10:08:06 20 THE WITNESS: Colonel who?  
21 MR O'SHEA: I am sorry, Your Honour.  
22 PRESIDING JUDGE: You say you didn't take part in  
23 decision-making?  
24 THE WITNESS: No, My Lord, I did not take part.  
10:08:26 25 PRESIDING JUDGE: Right. The next question was?  
26 MR O'SHEA:  
27 Q. Did Colonel Joe take any part in decision-making?  
28 A. That I don't confirm, My Lord. I don't know.  
29 Q. Very well.



1 JUDGE ITOE: When you say Colonel Joe, you mean Poraj. Let  
2 us have consistent names. Is it Joe Poraj?

3 MR O'SHEA: Yes.

4 PRESIDING JUDGE: Let's stick to Poraj, because Poraj is  
10:08:45 5 the last name.

6 MR O'SHEA: Very well.

7 PRESIDING JUDGE: It's to avoid confusion on the record.

8 MR O'SHEA: Very well.

9 PRESIDING JUDGE: There are so many personalities in what  
10:08:56 10 was this alleged situation.

11 MR O'SHEA: Yes. He could be any Joe.

12 PRESIDING JUDGE: Yes.

13 MR O'SHEA:

14 Q. Now, you've described your specific role as to monitor the  
10:09:19 15 activities of the RUF; is that correct?

16 A. This thing is not a one-sided road. I can be assigned to  
17 check the security situations, of RUF within Makeni today. Next  
18 day, tomorrow, they had somebody take it over. It's not  
19 delegated to me alone.

10:09:57 20 PRESIDING JUDGE: Perhaps counsel can rephrase that to  
21 elicit -- because I think I understand the thrust of the  
22 question. But apparently you might want to try and rephrase it,  
23 if that is necessary.

24 MR O'SHEA:

10:10:13 25 Q. Did you tell the Prosecution that it was your duty to  
26 observe the activities of the rebels?

27 A. I never said so today.

28 Q. Listen to the question, please, Mr Witness.

29 A. Yes.



1 Q. Did you tell the Prosecution that it was your duty to  
2 observe the activities of the rebels?  
3 A. On which date, please?  
4 Q. On 27th, 28th March or 5th April. I'm not sure which of  
10:10:50 5 those dates, but on one of those dates.  
6 A. If you'd had fallen on to that day that I'm assigned to  
7 assess the security situations in Makeni, then it is so. But if  
8 not, no.  
9 PRESIDING JUDGE: Counsel, let me help here.  
10:11:04 10 MR O'SHEA: Very well, Your Honour.  
11 PRESIDING JUDGE: The "you" here, is it you in the singular  
12 or you in the plural?  
13 MR O'SHEA: In the singular.  
14 PRESIDING JUDGE: Right.  
10:11:16 15 MR O'SHEA:  
16 Q. Witness, just listen to the question carefully and we will  
17 take it slowly, all right. On 27th, 28th March and 5th  
18 April 2006, you sat down with the Prosecution and you were  
19 interviewed by the Prosecution; do you accept that?  
10:11:38 20 A. Yes.  
21 Q. You have made a statement as a result, or a statement has  
22 been taken down by the Prosecution as a result of those meetings.  
23 A. This year?  
24 Q. This year.  
10:11:54 25 A. Yes.  
26 Q. Yes. During those meetings, you told the Prosecution that  
27 it was your duty to observe the activities of the rebels. Do you  
28 accept that or you don't accept that?  
29 A. On that date, yes.



1 Q. You did say that?

2 A. Yes, I did say that.

3 Q. Is it true?

4 A. It is.

10:12:14 5 Q. Right. Now, when you said the rebels, what did you mean?

6 A. I mean the RUF militants.

7 Q. Thank you. Now, when you were in Sierra Leone, and you

8 were in Makeni, and you were stationed at the reception centre,

9 or you were moving around Makeni, were you in uniform?

10:13:01 10 A. Yes, My Lord.

11 Q. Your duties in terms of the reception centre were conducted

12 in close co-operation with KENBATT; is that correct?

13 A. That is correct.

14 Q. KENBATT and the MILOBS essentially had one single mandate,

10:13:51 15 which was to facilitate disarmament, in terms of the operation of

16 the reception centre?

17 A. That is correct.

18 Q. Each would be conducting specific tasks within that joint

19 mandate?

10:14:13 20 A. Excuse me. When you say specific tasks, what do you

21 actually mean?

22 Q. Well, the MILOBS would have their specific tasks and

23 KENBATT would have their specific tasks within the joint mandate,

24 the reception centre?

10:14:30 25 A. Yes.

26 Q. Yes. You have explained - sorry. You have explained to

27 the Court that, before coming to Sierra Leone, you had some

28 training in The Gambia?

29 A. Yes, My Lord.



1 Q. What did that training involve?

2 A. It involved peacekeeping.

3 Q. What do you understand by peacekeeping?

4 A. With that, it is because I was selected to come and join  
10:15:15 5 the UN peacekeepers here in Sierra Leone from The Gambia, we had  
6 a workshop on that, as I explained previously.

7 Q. I see.

8 A. That we are to come over here, and help in the disarmament  
9 process. We will not be armed. We will not carry anything that  
10:15:39 10 is harmful.

11 Q. You are not answering the question, Mr Witness. What do  
12 you understand by peacekeeping?

13 A. As the peacekeeper, you are out there to make sure that the  
14 warring factions, you go and mediate between the warring  
10:16:01 15 factions, in case of any uprising. And, in the event of  
16 disarmament, you also play a role, filling the forms and all  
17 these things.

18 Q. All right. Were you trained in the particularities of the  
19 RUF during this training seminar?

10:16:44 20 A. No, My Lord.

21 Q. Were you trained in the terrain of Sierra Leone during this  
22 seminar?

23 A. No, My Lord.

24 Q. Were you trained with respect to anything with regard to  
10:17:01 25 the activities of the RUF during the seminar?

26 A. No, we only had a workshop on how to go about -- when we  
27 come here in Sierra Leone about this RUF conflict.

28 Q. Well, I think --

29 PRESIDING JUDGE: When you say that [overlapping speakers].



1 JUDGE BOUTET: Can you repeat that? I am not sure I  
2 understand what you mean by this, Mr Witness. You were asked if  
3 you were trained about Sierra Leone and the activities of the  
4 parties.

10:17:41 5 THE WITNESS: My Lord, it's not a question of being  
6 trained. It was a workshop on, when we are on the ground here,  
7 how to go about our movements -- on this RUF conflict in the  
8 country.

9 MR O'SHEA:

10:17:59 10 Q. Now, you see you said --

11 PRESIDING JUDGE: Before you go on, I was a little puzzled,  
12 a little intrigued myself.

13 MR O'SHEA: Indeed.

14 PRESIDING JUDGE: When you said were you trained in the  
10:18:09 15 activities of the RUF, what did you mean?

16 MR O'SHEA: Well, I was using the phraseology of the  
17 witness when he described to the Prosecution what his role was in  
18 Sierra Leone.

19 PRESIDING JUDGE: But I'm more concerned with the  
10:18:26 20 activities of the RUF in your question. What did you have in  
21 mind? You probably might help me.

22 MR O'SHEA: Yes. Well as I say, I was adopting his own  
23 terminology.

24 PRESIDING JUDGE: I will acquiesce in that.

10:18:44 25 MR O'SHEA: But I agree, there is some clarification to be  
26 done.

27 PRESIDING JUDGE: Yes, quite.

28 JUDGE ITOE: Mr Witness, you have mentioned this before,  
29 but how long did this training in The Gambia last? Did you say



1 it was two weeks or so.

2 THE WITNESS: Yes. I said the workshop took us only two  
3 weeks.

4 JUDGE ITOE: Two weeks?

10:19:05 5 THE WITNESS: Yes, My Lord.

6 Q. And on that same question, was that the only form of  
7 training that you received in The Gambia, that two-week workshop?

8 A. That was the only.

9 Q. Yes. You see, at the moment, I and perhaps the Court, are  
10:19:20 10 a little unclear as to exactly what you were taught during this  
11 workshop. Am I to understand your evidence that you were told  
12 nothing about the RUF during this workshop; is that right?

13 A. I was told something about the RUF because it's part of the  
14 warring factions in -- here in Sierra Leone.

10:19:43 15 Q. So, what was the nature of what you learned during this  
16 workshop? What were you being prepared for?

17 A. To make peace. That's all. We are here just to -- as a  
18 mediator between the two warring factions in case they have a  
19 conflict.

10:20:03 20 Q. During this workshop, were you told about the command  
21 structure of the RUF?

22 A. No, no, no. No, My Lord.

23 Q. During this workshop, were you told about the leadership of  
24 the RUF; who they were, how they operated?

10:20:18 25 A. We were only told that Foday Sankoh was the leader.

26 Q. That's all you were told about the leadership?

27 A. About the leadership, as I can remember.

28 Q. So you were not given any information about other leaders  
29 within the RUF at this workshop?



1 A. There could be but I cannot fully remember.

2 Q. Were you told how the RUF operated on the ground?

3 A. I was not told.

4 Q. Were you told about the geography of Bombali?

10:21:04 5 A. I'm just hearing it from you. It's not in my knowledge.

6 Q. And then when you arrived in Sierra Leone -- I apologise.

7 And then when you arrived in Sierra Leone --

8 JUDGE ITOE: Just one moment, if I mention, Mr O'Shea --

9 MR O'SHEA: Yes.

10:21:36 10 JUDGE ITOE: Would Bombali be the district in which he was

11 deployed?

12 MR O'SHEA: Well, that's right, Your Honour. It might be

13 interesting to ask the witness in fact. I would like to ask the

14 witness.

10:21:47 15 JUDGE ITOE: He says he is hearing of Bombali for the first

16 time here.

17 MR O'SHEA: Indeed. I'd like to ask the witness --

18 JUDGE ITOE: Would you expect him to give you an accurate

19 reply to that question?

10:21:59 20 MR O'SHEA: I was surprised by that statement, and I think

21 it would be useful to ask the witness.

22 JUDGE ITOE: Well, you asked him whether he was, the word

23 "trained" on the geography of Bombali.

24 MR O'SHEA: Yes.

10:22:11 25 JUDGE ITOE: Yes. And he said he is hearing on Bombali --

26 MR O'SHEA: Yes.

27 JUDGE ITOE: -- for the first time.

28 MR O'SHEA: Let me ask him about that.

29 JUDGE ITOE: That just quite intrigued me.



1 MR O'SHEA: It intrigued me too, Your Honour.  
2 JUDGE ITOE: Yes.  
3 MR O'SHEA:  
4 Q. Mr Witness, let me ask you this: What did you mean when  
10:22:25 5 you said to me "I'm hearing of this for the first time from you"?  
6 A. I don't know what you mean by Bombali. Are you talking of  
7 Bob Marley or Bombali? I don't know. So it's --  
8 Q. Okay.  
9 A. I don't know.  
10:22:37 10 Q. So have you not heard of Bombali?  
11 A. Could be but I cannot remember what Bombali is.  
12 MR O'SHEA: I am happy to leave the intrigue at that point,  
13 Your Honours.  
14 Q. So you arrive in Sierra Leone and, according to your  
10:23:15 15 evidence, you receive some further training; is that correct?  
16 A. Just an orientation.  
17 Q. Just an orientation. So what do you mean by "orientation"?  
18 A. That is, we have been told that when we are deployed in the  
19 provinces how to behave, how to go about our job, and all these  
10:23:52 20 that is all we trained about.  
21 Q. Were you told during your orientation how the RUF behaves?  
22 A. No.  
23 Q. Were you told anything about the command structure of the  
24 RUF during this orientation?  
10:24:11 25 A. No, no, no.  
26 MR O'SHEA: Sorry, Your Honour, there is a bit of confusion  
27 as to who the instruction was for.  
28 MR JORDASH: Can Mr Sesay use the bathroom, please?  
29 PRESIDING JUDGE: Leave is granted.



1 MR JORDASH: Thank you, Your Honour.

2 PRESIDING JUDGE: You are welcome. Proceed, counsel.

3 MR O'SHEA: I apologise for that, Mr Witness.

4 Q. Now, were you told during this orientation about the  
10:25:07 5 history of the negotiations between the RUF and UNAMSIL?

6 A. I told you we were briefly told how to go about our  
7 movements.

8 PRESIDING JUDGE: No, answer that question specifically.

9 JUDGE ITOE: Yes, it's a simple --

10:25:25 10 PRESIDING JUDGE: It's a specific question.

11 JUDGE ITOE: It's a specific question.

12 PRESIDING JUDGE: It's focused in history.

13 JUDGE ITOE: So yes, or no.

14 PRESIDING JUDGE: Yes, quite. It's not a complicated  
10:25:34 15 question.

16 THE WITNESS: Okay.

17 PRESIDING JUDGE: Counsel, put it again.

18 MR O'SHEA: Thank you, Your Honour.

19 PRESIDING JUDGE: And stay simple as you are.

10:25:38 20 THE WITNESS: Okay.

21 MR O'SHEA:

22 Q. Were you told about the history of the negotiations between  
23 the RUF and UNAMSIL?

24 A. No.

10:25:56 25 Q. And would it be correct to say before you embarked upon  
26 your job, the two-week seminar in The Gambia, and this  
27 orientation which you've just described, was the totality of your  
28 training and preparation for this task?

29 A. For the task? What task?



1 Q. For your mission.

2 A. Yes.

3 Q. Thank you. So you were to embark upon monitoring the  
4 activities of the RUF, essentially knowing very little, or  
10:26:41 5 nothing about --

6 PRESIDING JUDGE: No, just a minute. Let's have that  
7 first --

8 MR O'SHEA: Sorry.

9 PRESIDING JUDGE: He's answered your question that there  
10:26:47 10 were only two components in terms of his training for the task.

11 MR O'SHEA: Yes.

12 PRESIDING JUDGE: The seminar in The Gambia and the  
13 orientation in Sierra Leone.

14 MR O'SHEA: Yes, Your Honour.

10:27:00 15 PRESIDING JUDGE: And then your next question is?

16 MR O'SHEA:

17 Q. So you were to embark upon a mission of monitoring the  
18 activities of the RUF with little or no understanding of who the  
19 RUF were, or how they operated?

10:27:28 20 A. That is not the case. With the description of the  
21 assignment given, you will know obviously what to look for.

22 PRESIDING JUDGE: Yes, that's not -- listen to the question  
23 carefully.

24 THE WITNESS: Okay.

10:27:44 25 PRESIDING JUDGE: Put it. It requires your response in  
26 terms of whether you accept it or not. Go ahead, counsel.

27 MR O'SHEA: Thank you, Your Honour.

28 PRESIDING JUDGE: Yes.

29 MR O'SHEA:



1 Q. So you were to embark upon a mission of monitoring the  
2 activities of the RUF in Makeni with little or no knowledge of  
3 who the RUF were or how they operated?

4 A. No, you cannot operate without any knowledge of what to  
10:28:14 5 look for, really. You have to have knowledge.

6 Q. Well, did you, or did you not when you commenced your  
7 mission, have knowledge about how the RUF operated?

8 A. We have knowledge of --

9 Q. You personally?

10:28:30 10 A. -- we have knowledge of their movements. That's all.

11 Q. You personally, Mr Witness, when you began your mission in  
12 Makeni, you had not received training on how the RUF operated.  
13 That has been your evidence; correct?

14 A. If it is so, then it is correct.

10:28:58 15 Q. Well, is it so? That's what you told us a moment ago.

16 A. If I have said so, then that is it.

17 Q. So does it not follow that you did not have --

18 PRESIDING JUDGE: I thought you were going to put it as an  
19 inference.

10:29:15 20 MR O'SHEA: Yes.

21 PRESIDING JUDGE: Yes.

22 MR O'SHEA:

23 Q. Does it not follow that you had little or no knowledge of  
24 how the RUF operated if you were not trained in it?

10:29:22 25 PRESIDING JUDGE: And that is the way it is. What would be  
26 your response to that inference?

27 THE WITNESS: I have little knowledge on the way, the  
28 manner they operate.

29 MR O'SHEA:



1 Q. Thank you, Mr Witness.

2 JUDGE ITOE: If I may. Mr Witness, how long did the  
3 briefing in Freetown last, the briefing which you said you  
4 received in Freetown; how long did this last?

10:29:54 5 THE WITNESS: It was just about two weeks, My Lord,  
6 because --

7 JUDGE ITOE: About two weeks?

8 THE WITNESS: About two weeks.

9 JUDGE ITOE: The briefing in Freetown?

10:30:01 10 THE WITNESS: Yes, My Lord.

11 JUDGE BOUTET: But I remember yesterday you testified that  
12 that briefing in Freetown was substantially not different than  
13 what you had received in The Gambia; am I right? The two weeks'  
14 training or briefing you had in Sierra Leone with UNAMSIL was not  
10:30:16 15 different than the one you had already received in The Gambia?

16 THE WITNESS: The only difference there then, My Lord, is  
17 that we were, after -- before we left, during the orientation,  
18 that we will have to comport ourselves while we are out in the  
19 provinces.

10:30:35 20 JUDGE BOUTET: So the difference between what you had  
21 received before and what you got here is, over here they talked  
22 to you about how to behave and what to do in the provinces, which  
23 you didn't have before; that's the only difference?

24 THE WITNESS: That's the only difference.

10:30:51 25 PRESIDING JUDGE: For an avoidance of doubt, his answer is  
26 that he agrees with your inference, that he had little knowledge  
27 about the activities of the RUF, is it?

28 MR O'SHEA: That's my understanding, Your Honour. Yes.

29 PRESIDING JUDGE: Yes, or how they operated, whatever it



1 was.

2 MR O'SHEA: Yes.

3 PRESIDING JUDGE: However you describe that.

4 MR O'SHEA: Yes.

10:31:17 5 PRESIDING JUDGE: Okay.

6 JUDGE ITOE: So we are taking little knowledge and not no

7 knowledge?

8 PRESIDING JUDGE: Yes, little knowledge, quite.

9 JUDGE ITOE: Because I see your question has two

10:31:25 10 components.

11 PRESIDING JUDGE: Quite right.

12 MR O'SHEA: I am giving some latitude to the witness.

13 PRESIDING JUDGE: Quite.

14 MR O'SHEA: On the basis that presumably he knew that there

10:31:33 15 was a term RUF; he knew there was a man called Sankoh.

16 PRESIDING JUDGE: Yes.

17 JUDGE ITOE: So he had little knowledge.

18 PRESIDING JUDGE: Little.

19 MR O'SHEA: Yes.

10:31:41 20 JUDGE ITOE: And not no knowledge at all.

21 MR O'SHEA: I haven't asserted that, Your Honour.

22 JUDGE ITOE: That was a component of your question anyway.

23 MR O'SHEA: Well, I said little --

24 JUDGE ITOE: Little or no knowledge at all. That is how

10:31:50 25 you put the question.

26 PRESIDING JUDGE: You accepted little.

27 MR O'SHEA: I put that as an expression meaning very

28 little.

29 JUDGE ITOE: Yes.



1 PRESIDING JUDGE: Minimum. Okay.

2 MR O'SHEA: The witness was, of course, free to say "I had  
3 no knowledge" but that wasn't his answer.

4 PRESIDING JUDGE: That's okay. Let's proceed.

10:32:16 5 MR O'SHEA:

6 Q. So apart from monitoring the activities of the RUF, what  
7 would you describe were your other duties?

8 A. The disarmament process.

9 JUDGE ITOE: You had said assisting in filling forms  
10:32:35 10 [indiscernible].

11 THE WITNESS: Yes [indiscernible] then filling forms, so  
12 it's disarmament.

13 JUDGE ITOE: Unless you have some other function you  
14 fulfilled there.

10:32:45 15 THE WITNESS: I didn't. That's all.

16 MR O'SHEA:

17 Q. And what would you say was your coring -- your core  
18 activity?

19 A. No, no, no, there was not specific something we did.

10:32:56 20 Q. Okay. So sometimes you would be involved in filling forms  
21 at the reception centre and sometimes you would be involved in  
22 monitoring the activities of the RUF?

23 A. Or sometimes I am really off, been given off to relax and  
24 so on.

10:33:12 25 Q. Right. And how much time would you be given off to relax?

26 A. Depends on the number of days you work. I mean, if you  
27 work for a week or a fortnight, you would be given -- or a  
28 month -- you would be given three days off.

29 Q. Right. And, in terms of your role of monitoring the



1 activities of the RUF, what did you do?

2 A. Well, I do go out to assess the security situations. I  
3 do -- I also helped in the filling of the disarmament forms.

4 Q. Yes, forget about the filling of the disarmament forms for  
10:33:54 5 a moment --

6 A. Yes, so that's all.

7 Q. We are talking about your monitoring of the RUF activities,  
8 so let's focus on that for a moment.

9 A. Can you repeat that?

10:34:03 10 Q. You would go about to assess the security situation, so do  
11 you mean by that that you would drive around in a vehicle  
12 observing what was happening around the town; is that what you  
13 mean?

14 A. Exactly.

10:34:43 15 Q. Did this monitoring process also involve you entering into  
16 dialogue with RUF that you would see about the place?

17 A. In which place?

18 Q. Makeni. You are driving around Makeni?

19 A. Makeni is my area of responsibility.

10:35:05 20 Q. You are driving around Makeni?

21 A. I don't know what you mean.

22 PRESIDING JUDGE: Witness, listen to the question  
23 carefully. Put it again.

24 MR O'SHEA:

10:35:12 25 Q. You are driving around Makeni monitoring the security  
26 situation. Does that activity involve getting out of your  
27 vehicle and talking to RUF who you happen to see about the place?

28 A. No, no, no.

29 Q. Does it involve getting out of your vehicle and having



1 discussions with small boys that you see about the place?

2 A. Small boys like?

3 Q. Come on, Mr Witness, please try and assist me a little  
4 here; all right? You've given evidence that you have seen on

10:35:56 5 various occasions small boys in Makeni; correct?

6 A. Okay.

7 Q. Right. You've just told the Court that you used to drive  
8 around in a vehicle monitoring the security situation?

9 A. Correct.

10:36:09 10 Q. I asked you if that involved you getting out of your  
11 vehicle and having discussions with RUF who you might have seen.  
12 You said no. Now I'm asking you: Did it involve getting out of  
13 your vehicle and speaking to small boys you may have seen?

14 A. I would not go out to speak with small boys, when I am out  
10:36:34 15 to monitor the security situations. By that I mean to see the  
16 stability of the entire area that I am covering. That it's  
17 secure, where there is no problem or there is a problem, that's  
18 it.

19 PRESIDING JUDGE: And counsel, perhaps again, it may well  
10:36:54 20 be my own focus here; this element of speaking to small boys,  
21 were you suggesting that it would have been part of the  
22 monitoring process or could have been some incidental -- I am not  
23 sure.

24 MR O'SHEA: I am getting the information out of the  
10:37:16 25 witness.

26 PRESIDING JUDGE: All right.

27 MR O'SHEA: Because it will lead up to something else  
28 later.

29 PRESIDING JUDGE: All right. Thanks. Witness, please



1 listen to the question carefully. It's quite clear to me except  
2 for this point that I made, so let counsel put it again.

3 MR O'SHEA: All right. I thought he had given an answer to  
4 that but I will put it again.

10:37:36 5 Q. When you were in your vehicle monitoring the activities, or  
6 the security situation, if you saw small boys about the place,  
7 would you get out of your vehicle and speak to them?

8 A. If there is a need I would get out of the vehicle and speak  
9 to them, as I used to do if I see elderly people, or these RUF  
10:37:58 10 members whom I am acquainted to, I will stop and talk to them.

11 Q. Well, I just asked you a minute ago whether you did  
12 sometimes get out of your vehicle and speak to members of the RUF  
13 and you said no?

14 A. See, it seems to me that that question is somehow vague to  
10:38:23 15 me because speak to the RUF on what grounds? If I know somebody,  
16 I -- if I see somebody that I am used to I will stop, have a chat  
17 with him. I know what to ask and ask the situation in the --  
18 within my area of responsibility.

19 Q. All right. So if we go back a bit, to what I asked  
10:38:45 20 initially. When you were monitoring the security situation, if  
21 you saw RUF on the road, and you happened to know them, you would  
22 get out of the vehicle and you would speak to them?

23 A. Yes, that's exactly.

24 Q. Right. Thank you. And are you saying that there were also  
10:39:04 25 occasions when you got out of the vehicle and spoke to small  
26 boys?

27 A. Yes.

28 Q. Can you remember any of those occasions?

29 A. I cannot fully remember but I know because I am living,



1 living in my team site, we have some boys there whom we are --  
2 who come to me to chat every now and then. If I am in there, if  
3 I am going in town and I am not in a haste, see them moving  
4 together, I will just stop and ask them where they came from.

10:39:42 5 MR O'SHEA: Your Honour, my client would like to use the  
6 bathroom. Could we adjourn for a few minutes?

7 PRESIDING JUDGE: You want him to stay for the rest, for  
8 this part of the cross-examination?

9 MR O'SHEA: It's my preference that when I am on my feet he  
10:39:56 10 is here. Not always when I am on my feet but certainly when I am  
11 dealing with this evidence.

12 PRESIDING JUDGE: Right. We will grant leave and we will  
13 take a quick, short break. Right.

14 MR O'SHEA: Thank you.

10:40:08 15 [Break taken at 10.47 a.m.]

16 [RUF28JUN06B - EKD]

17 [Upon resuming at 10.56 a.m.]

18 PRESIDING JUDGE: Let's continue, Professor O'Shea.

19 MR O'SHEA: Thank you.

10:51:21 20 Q. Now, you mentioned that while you were driving around,  
21 there would be occasions you'd get out of your vehicle in order  
22 to speak to people within the RUF who you knew?

23 A. Yes, My Lord.

24 Q. Would that happen on a regular basis?

10:51:47 25 A. Yes, My Lord.

26 Q. Just to get some idea of how your mission operated, would  
27 you drive around on a daily basis?

28 A. Not daily basis.

29 Q. How often would you drive around?



1 A. It depends on the -- my turn of tour of duty. If I am on  
2 duty, I will go around, provided I am to go around. It depends  
3 on what I am assigned to.

4 Q. Just to give us some idea, how many days a week would you  
10:52:21 5 find yourself assessing the security situation in Makeni?

6 A. Sometimes once, or at times a fortnight. Or once a  
7 fortnight.

8 Q. Once a fortnight?

9 A. Sometimes once a week or sometimes once a fortnight,  
10:52:38 10 because I wasn't alone in the office.

11 JUDGE BOUTET: Mr O'Shea, it is all very interesting but I  
12 would like to know how relevant it is to the situation at hand.

13 MR O'SHEA: You are about to find out, Your Honour.

14 JUDGE BOUTET: Thank you.

10:52:52 15 MR O'SHEA:

16 Q. And these small boys that you would speak to, do you know  
17 any of their names?

18 A. No, My Lord.

19 Q. Why not?

10:53:07 20 A. I don't know.

21 Q. And these people within the RUF that you knew, do you know  
22 their names?

23 A. I cannot remember all of their names.

24 Q. Can you remember any of their names?

10:53:21 25 A. I fully remember the ones I have mentioned in court here.

26 Q. So the names that you remember are Issa Sesay, Morris  
27 Kallon, Augustine Gbao and Colonel Jimmy?

28 A. Those are the ones I can remember now.

29 Q. And that is all?



1 A. So far.

2 Q. And when you say that you would get out of your vehicle and  
3 speak to people in the RUF that you knew, are you talking about  
4 Issa Sesay, Morris Kallon and Augustine Gbao?

10:54:01 5 A. Not --

6 Q. Were those people you chatted to that you knew?

7 JUDGE ITOE: I didn't understand his reply to be oriented  
8 that way. He talked to certain people, not necessarily with  
9 these. That is my understanding. But --

10:54:15 10 MR O'SHEA: My question to the witness was --

11 JUDGE ITOE: May I finish, Mr O'Shea?

12 MR O'SHEA: Yes, Your Honour.

13 JUDGE ITOE: I understood him to mean that he talked to  
14 certain people, but cannot remember their names. Not necessarily  
10:54:30 15 the group you are mentioning. You may proceed now.

16 MR O'SHEA: Yes. My understanding was that I put to the  
17 witness that he got out of the vehicle and spoke to certain  
18 people. Did he remember any of the names of the people that he  
19 knew that he spoke to, and he said, "The ones that I've mentioned  
10:54:50 20 in court."

21 Q. So you don't remember any of the names of any of the people  
22 you say you knew but you spoke to in the town?

23 A. I cannot remember all their names, that's why I mentioned  
24 the ones I know.

10:55:14 25 Q. Do you know that there were a number, quite a number of  
26 senior commanders in the RUF who had interaction with UN  
27 personnel in Makeni? Are you aware of that?

28 A. That could be true.

29 Q. Well, are you aware of it? Not could it be true. Are you



1 aware of it?

2 A. I am aware that some do talk -- come to us and we do meet  
3 some of them. So more or less the same.

4 JUDGE ITOE: But, Mr Witness, it does not answer the  
10:55:59 5 question. You have mentioned three people: Issa, Gbao and  
6 Kallon. You know them, you met them.

7 THE WITNESS: Yes.

8 JUDGE ITOE: Counsel wants to know whether outside these  
9 you also met other commanders, whether you knew that there were  
10:56:18 10 other commanders.

11 THE WITNESS: Yes, I do know that there were other  
12 commanders, My Lord.

13 JUDGE ITOE: You knew there were other commanders --

14 THE WITNESS: Yes, My Lord.

10:56:27 15 JUDGE ITOE: -- outside these three?

16 THE WITNESS: Yes, My Lord.

17 JUDGE ITOE: Do you remember their names?

18 THE WITNESS: I don't remember their names.

19 MR O'SHEA:

10:56:35 20 Q. Did you interact with other commanders other than  
21 Issa Sesay, Morris Kallon and Augustine Gbao?

22 A. Yes, My Lord, I do.

23 Q. Do you remember -- let me try and jog your memory. Do you  
24 remember Colonel Carew?

10:56:51 25 A. Colonel?

26 Q. Carew.

27 A. No, I cannot remember.

28 Q. Do you remember Colonel Jabba?

29 A. Jabba. No, I cannot remember.



1 Q. Do you remember Colonel Hassan Sesay?  
2 A. I cannot remember.  
3 Q. Do you remember Commander Alpha Momoh?  
4 A. I cannot remember.  
10:57:26 5 Q. Do you remember Colonel Abdul Razak Kamara?  
6 A. I cannot remember.  
7 Q. Do you remember Colonel Agnes Mani?  
8 A. I cannot remember that.  
9 JUDGE ITOE: Abdul Razak who?  
10:57:40 10 MR O'SHEA: Kamara. And the next one is Agnes Mani.  
11 JUDGE ITOE: Was she a colonel as well?  
12 MR O'SHEA: Yes, Your Honour.  
13 Q. Do you remember Colonel John Peters?  
14 A. I cannot remember.  
10:58:00 15 Q. Do you remember Colonel Toby?  
16 A. I cannot remember.  
17 Q. Do you remember Colonel Hindu Koroma?  
18 A. I cannot remember.  
19 Q. Do you remember Colonel JK Bangali?  
10:58:19 20 A. I cannot remember.  
21 Q. Do you remember Colonel Mohamed Jalloh?  
22 A. I cannot remember.  
23 PRESIDING JUDGE: Is it your instruction that we exhaust  
24 categories?  
10:58:30 25 MR O'SHEA: I want to, Your Honour. I want to. This is --  
26 PRESIDING JUDGE: For good purpose.  
27 MR O'SHEA: It's for good purpose.  
28 PRESIDING JUDGE: Right, okay.  
29 JUDGE BOUTET: He does not remember any of these names.



1 MR O'SHEA: That is the point, Your Honour. It is a  
2 significant point. Let me complete the exercise and Your Honour  
3 will see why.

4 PRESIDING JUDGE: Continue, counsel.

10:58:55 5 MR O'SHEA:

6 Q. Do you know Colonel Bandora?

7 A. I cannot remember.

8 Q. Can I put it to you that all of these individuals were in  
9 fairly regular contact with the MILOBS of which you were part?

10:59:05 10 A. That could be, but I said I cannot remember.

11 PRESIDING JUDGE: Let's have that. I agree that all these  
12 colonels could have been in regular contact with the MILOBS.

13 THE WITNESS: But I cannot remember.

14 MR O'SHEA:

10:59:30 15 Q. Well, isn't it strange that you as a MILOB, who had the  
16 duty to observe the activities of the RUF, with all of these  
17 commanders being based in Makeni having interaction the MILOBS,  
18 the only three or the only four names that you remember are the  
19 three accused in this case and Colonel Jimmy? Isn't that rather  
10:59:52 20 strange?

21 A. It is not strange.

22 Q. I put it to you that it is very strange and I put it to you  
23 that you are a little bit overzealous in your recognition of the  
24 three accused, and that, in fact, you are right; you knew very  
11:00:14 25 little about the RUF when you arrived in Sierra Leone.

26 PRESIDING JUDGE: That sounds like a lecture.

27 JUDGE BOUTET: Why is this argument for the witness? Keep  
28 that for arguments.

29 PRESIDING JUDGE: Even if those questions are quite on



1 target, why not put them separately and don't string them  
2 together to develop the thesis. Let him answer that.

3 MR O'SHEA: All right.

4 PRESIDING JUDGE: And let's go back to he says it is not  
11:00:43 5 strange that he could have --

6 MR O'SHEA: Well, I have that answer. I am happy with  
7 that.

8 PRESIDING JUDGE: Take them singly.

9 JUDGE ITOE: Unless you want to say that he is wrong in his  
11:01:04 10 recognition of these people. He is not just being overzealous.  
11 Is it that the overzealousness has made him to make a mistaken  
12 identity of those he has identified?

13 MR O'SHEA: I prefer to reserve that to later.

14 JUDGE ITOE: That's why we feel that most of these things  
11:01:26 15 are better in addresses, because you have got to a point where I  
16 think you have established that he has recognised three and you  
17 have named a series of others who you say were there. And you  
18 have asked a pertinent question: How could you have  
19 recognised -- seen just these three and not others who you say  
11:01:46 20 may have been there whilst you were there? Is that not your  
21 case?

22 MR O'SHEA: I am glad it has come across clearly.

23 PRESIDING JUDGE: It is also important you lay any kind of  
24 evidential foundation for whatever addresses you might want to  
11:02:01 25 mount and invite the kind of inferences you want drawn. So it is  
26 important that his answers come, it is just that I suggest we  
27 take them singly and we see the clearer picture, rather than  
28 stringing them together.

29 MR O'SHEA: Exactly, I am grateful, Your Honour. And also



1 to establish foundation for questions I'm going to ask later.

2 PRESIDING JUDGE: That's right, yes.

3 MR O'SHEA: Thank you.

4 Q. My suggestion to you, Mr Witness, is that, in addition to  
11:02:41 5 knowing very little about the RUF generally, you in fact knew  
6 very little about these three accused as well?

7 A. Well, I know them, My Lord.

8 PRESIDING JUDGE: Counsel said you know very little about  
9 the RUF. Do you agree with that?

11:03:06 10 THE WITNESS: Yes, yes, I said so.

11 PRESIDING JUDGE: That you knew very little --

12 THE WITNESS: About them.

13 PRESIDING JUDGE: -- about them. So you accept his thesis?

14 THE WITNESS: Yes.

11:03:16 15 MR O'SHEA:

16 Q. You accept you know very little about the accused?

17 A. Very little about them.

18 JUDGE ITOE: You say you know very little about the  
19 accused?

11:03:26 20 THE WITNESS: About the accused.

21 MR O'SHEA: That's his answer.

22 JUDGE ITOE: That's what you said?

23 THE WITNESS: Yes.

24 PRESIDING JUDGE: And your previous answer is that you knew  
11:03:34 25 very little about the RUF?

26 THE WITNESS: Yes, that was the answer I gave.

27 MR O'SHEA:

28 Q. May I ask you this: Do you remember when you had your very  
29 first contact with investigators or other individuals from the



1 Prosecution?

2 A. If I remembered what? Excuse me, can you come back to  
3 that?

4 Q. Do you remember when you had your very first contact with  
11:04:15 5 anybody from the Special Court for Sierra Leone?

6 A. I can remember that.

7 Q. When was that?

8 A. It was in 2003.

9 Q. In 2003. Do you remember which month?

11:04:39 10 A. That would be either March or April.

11 Q. March or April. Is it possible that it was March 2003?

12 A. It could be.

13 MR O'SHEA: I would just like to take a very quick  
14 instruction, with Your Honours' permission.

11:05:01 15 PRESIDING JUDGE: Leave is granted.

16 MR O'SHEA:

17 Q. Do you remember who you met?

18 A. Where?

19 Q. Mr Witness, please.

11:05:33 20 A. I said I spoke to -- in the year 2003 I spoke to a  
21 prosecutor on the phone.

22 Q. Yes. Do you remember who that was?

23 A. That was Mr Taylor.

24 MS VAN TONGEREN: If I might interject.

11:05:51 25 PRESIDING JUDGE: Yes, counsel.

26 MS VAN TONGEREN: My friend obviously has the statement in  
27 front of him that he is embarking upon to ask the witness  
28 questions about, and I note the date on --

29 MR O'SHEA: I'm sorry, I must intervene here.



1 PRESIDING JUDGE: Why?

2 MR O'SHEA: I must intervene here because my learned friend  
3 is pre-empting what I am doing and helping the witness by doing  
4 so.

11:06:17 5 PRESIDING JUDGE: Is that an objection? Are you making an  
6 objection?

7 MS VAN TONGEREN: The objection of the Prosecution is that  
8 my friend suggested a particular date to the --

9 JUDGE ITOE: Your learned friend. My learned friend.

11:06:31 10 MS VAN TONGEREN: Suggested a particular date to the  
11 witness that the Prosecution says that we respectfully suggest  
12 that he --

13 PRESIDING JUDGE: Is a different?

14 MS VAN TONGEREN: Yes.

11:06:41 15 PRESIDING JUDGE: In other words, that there is a  
16 misrepresentation, probably inadvertent.

17 MS VAN TONGEREN: It could quite be inadvertent, I am just  
18 offering that as a caution.

19 PRESIDING JUDGE: I would not take it as a ground but let  
11:06:57 20 me have your response.

21 MR O'SHEA: I'm sorry, Your Honour, but I think this is  
22 wrong.

23 PRESIDING JUDGE: What is wrong, the procedure?

24 MR O'SHEA: My learned friend cannot stand up, make a  
11:07:06 25 pre-emption of what I am about to do. I am not doing anything  
26 with the statements, and I did not put a date to this witness.  
27 This witness said 2003. There may be many reasons and I have a  
28 reason in mind.

29 PRESIDING JUDGE: And, indeed, counsel was in fact making



1 an assumption which may not have any valid basis, you are saying.

2 MR O'SHEA: I do.

3 PRESIDING JUDGE: That you may not have been reading from a  
4 statement.

11:07:35 5 MR O'SHEA: I do. And to make suggestions like mistake on  
6 the basis of that assumption is unnecessarily helping the  
7 witness. I am in the middle of my cross-examination. I would  
8 caution my learned friend against that.

9 PRESIDING JUDGE: You are not reading from a statement, are  
11:07:50 10 you?

11 MR O'SHEA: No.

12 PRESIDING JUDGE: Then I will allow you to proceed.

13 MR O'SHEA: Thank you.

14 PRESIDING JUDGE: But in terms of methodology I would like  
11:07:58 15 to say in situations of this nature, since no one is engaged here  
16 in trying to trick witnesses, which cross-examination is not  
17 about - of course testing their credibility does not allow for  
18 tricking them - where you can assist the Court in the process of  
19 discovering the truth, put specifics to him that he can remember.

11:08:20 20 Isn't it better than trying to say do you remember so and so and  
21 so, or did you visit the Court on such and such date? That kind  
22 of approach may suggest a memory exercise but we are not here for  
23 that.

24 MR O'SHEA: Don't misunderstand me, Your Honour. I am not  
11:08:43 25 involved in any kind of memory exercise. I am involved in  
26 something quite different.

27 PRESIDING JUDGE: All right. You can proceed, counsel.

28 MR O'SHEA: Thank you, Your Honour.

29 Q. So, Mr Witness, you remember speaking to somebody on the



1 phone in March or April of 2003, and you think that that person  
2 is Mr Taylor [sic]?

3 MS VAN TONGEREN: Again, I have the statement in front of  
4 me and I am concerned about the date that is being proposed.

11:09:16 5 PRESIDING JUDGE: Well, counsel has assured us that he is  
6 not reading from a statement or is not putting a statement to the  
7 witness. It may well be that your position is a little  
8 pre-emptive. If he were reading from a statement and putting the  
9 questions from the statement, then the position you are taking  
11:09:42 10 would be quite appropriate, that indeed there is a

11 misrepresentation here, or something is being put to the witness  
12 which in fact is not the case. My difficulty now is to  
13 understand whether counsel's cross-examination at this point is  
14 based on a statement or some material that he may well have  
11:10:08 15 prepared. That is my difficulty.

16 JUDGE BOUTET: If I may, Mr Presiding Judge, I have some  
17 difficulties too because you're making reference to discussion  
18 the witness would have had with Ms Taylor. Are we talking of  
19 something different than what has been discussed up to now?

11:10:28 20 MR O'SHEA: Yes, Your Honour. I resent the intervention of  
21 my learned friend. I am on my feet, I am cross-examining this  
22 witness --

23 JUDGE ITOE: Please, don't resent.

24 MR O'SHEA: Well, I have to.

11:10:44 25 JUDGE ITOE: Don't resent. Object and be as --

26 MR O'SHEA: I expect a certain level of caution on the part  
27 of my learned friend as well. She can see what I am doing.  
28 Nothing to do with the statement. I'm sorry if that is her  
29 assumption.



1 JUDGE ITOE: I understand, but don't resent. Try and be as  
2 judicial in your objections as you can and as far as that can be  
3 possible. Resent is too hard a word in the circumstances.

4 PRESIDING JUDGE: If this is something that really is going  
11:11:14 5 to trigger off some kind of legal ruling, can I ask that we  
6 excuse the witness for just about three, four minutes.

7 MR O'SHEA: Well what's -- [Overlapping speakers]

8 PRESIDING JUDGE: I think we need to take care of the  
9 thing, as Justice Itoe has suggested, in a way we can resolve it  
11:11:41 10 for our own purposes. Because I am taking the view, accepting  
11 your word, that you are not reading from a statement, and  
12 therefore the position being taken here would seem to be  
13 premature. But she seems to insist and she probably may have  
14 some authority to support her. So perhaps we can have the  
11:12:00 15 witness escorted out for about five minutes. Victims and witness  
16 unit, please help us.

17 [The witness stood down]

18 PRESIDING JUDGE: Counsel for the Prosecution, what is your  
19 position precisely?

11:13:16 20 MS VAN TONGEREN: Thank you, Your Honour. My recollection  
21 of the line of questioning, it started with when was your first  
22 contact with the Special Court of Sierra Leone, and the response  
23 was in 2003. I believe the witness was then asked what month and  
24 the witness responded March or April. And my friend asked could  
11:13:39 25 it have been March 2003, and the witness responded, I think, in  
26 the affirmative. Then my friend is suggesting and using the date  
27 in the last question, referring again to March/April.

28 Now, the statement that I have, and I believe also in the  
29 evidence of the witness, that he actually did use the word or the



1 name of Taylor. So we are talking about the phone interview of  
2 Taylor, presumably.

3 The concern of the Prosecution is that the date on the  
4 statement that I have is 23rd and 27th February 2003, and I have  
11:14:21 5 some concern that in any event that this is an exercise -- is it  
6 an exercise in terms of challenging this witness witness's memory  
7 of when he provided that statement, and I have concerns about the  
8 question specifically could it have been March 2003, when in fact  
9 the statement is dated February 2003 and I raise it for that  
11:14:43 10 caution.

11 PRESIDING JUDGE: Clearly this is something that could not  
12 be taken care of under re-examination? I pose that question to  
13 you because in terms of methodology, when there are issues that  
14 arise in cross-examination which more or less in a way tend to  
11:15:07 15 create ambiguities or confusion or inconsistency, then of course  
16 the rubric of re-examination allows this kind of clearing up if  
17 the Prosecution feels that they are prejudiced by the answers  
18 given to the witness under cross-examination.

19 MS VAN TONGEREN: Clearly, Your Honour, there are matters  
11:15:26 20 that can be reserved for cross-examination.

21 PRESIDING JUDGE: Re-examination.

22 MS VAN TONGEREN: For re-examination. However, in  
23 circumstances where documents are being referred to ultimately,  
24 and there appears to be a discrepancy in the date or something of  
11:15:41 25 that matter, counsel chose to stand at this particular point.

26 PRESIDING JUDGE: It is just that we will have to have you  
27 formulate an objection to see which particular rule of  
28 impermissibility has been infringed. But let me hear --

29 JUDGE ITOE: Learned counsel for the Prosecution, even if



1 the statement you have is dated February, the witness is now  
2 saying that he spoke to somebody in the Special Court, Mr Taylor  
3 [sic], in April, or rather in March. In the month of March or  
4 April 2003. That is the evidence he has given here under  
11:16:29 5 cross-examination, and, like the Presiding Judge has mentioned,  
6 these are matters which if you consider there is a discrepancy  
7 should be visited during re-examination, even if it were clearly  
8 understood that this statement was made not in February, but in  
9 March or April 2003.

11:16:54 10 MS VAN TONGEREN: I appreciate the comments of Your Honour  
11 and I have to admit that the particular concern was when my  
12 friend suggested could it have been March 2003? That is  
13 tantamount to a representation by my friend that it is a date  
14 other than February and it is at that juncture that I stood.

11:17:16 15 PRESIDING JUDGE: The difficulty, as I say, would be at the  
16 end of the day if you are taking an objection is to formulate an  
17 objection citing to the Court the rule which you in fact has not  
18 been -- [Overlapping speakers]

19 JUDGE ITOE: Mr O'Shea, can you sit down, please. She  
11:17:30 20 shall soon be finished.

21 PRESIDING JUDGE: -- the rule of impermissibility. But we  
22 can come to that; I hope we don't. Having now heard from the  
23 Bench, two of us seem to in a general way take the view that the  
24 machinery of re-examination can take care of this kind of  
11:17:48 25 concern. But we will just hear you briefly and then ask if there  
26 is anything new that you have to add to what you have said, ask  
27 Mr O'Shea to respond quickly.

28 MS VAN TONGEREN: Yes. Your Honour, the Prosecution is  
29 absolutely cognizant of the respect that must be demonstrated



1 during cross-examination by my learned friend. It is one of the  
2 reasons why in the standing that I attempted to articulate what  
3 the Prosecution's concerns were without communicating to the  
4 witness and to reserve the pathway in terms of what my friend may  
11:18:33 5 have intended and not interfering with that. I very much respect  
6 the path of cross-examination.

7 PRESIDING JUDGE: And also the rules of impermissibility.  
8 Right, okay. Professor O'Shea.

9 MR O'SHEA: Thank you for that last comment. The reason I  
11:18:52 10 said could have been March was because the witness said March or  
11 April. So I just wanted to establish from the witness that it  
12 could have been March as opposed to April within the parameters  
13 of his own answer.

14 Now, I think Your Honour hit the ball on the head right at  
11:19:15 15 the beginning. My learned friend's objection was pre-emptive.  
16 She does not know what I was going to do. Every question that I  
17 had asked up until that point was a permissible question. She  
18 has no grounds for saying otherwise. And as far as I can see has  
19 not submitted any legitimate ground for an objection to any  
11:19:37 20 question I have put so far. And I think that counsel must wait  
21 until a question is impermissible before they jump to their feet  
22 because it is interfering with my cross-examination.

23 PRESIDING JUDGE: Counsel, you are quite senior in this  
24 profession, and quite experienced. Impatience is not a mark of  
11:19:57 25 lawyers and judges. We are trained to listen carefully and to  
26 respond appropriately. I don't think there is any deliberate  
27 attempt to derail your cross-examination. Counsel thought she  
28 had a concern and a right.

29 MR O'SHEA: I was afraid it was beginning to have an impact



1 and in those circumstances I think counsel has to express their  
2 concern in a strong manner sometimes.

3 PRESIDING JUDGE: But not in a way suggesting as if one is  
4 really trying to do something which savours a bad faith.

11:20:32 5 JUDGE BOUTET: I, for one, can see some reason why the  
6 Prosecution would have concern at this stage and raise that  
7 objection. The statement that has been given is in February 2003  
8 and the witness has testified to that as well. Maybe you are now  
9 leading to something different and you said I am not using the  
11:20:51 10 statement. Well, the witness has testified that he has had a  
11 conversation with Ms Taylor in 2003 and the record shows it was  
12 February 2003. Maybe you are leading to an issue that maybe the  
13 witness has talked to Ms Taylor on other occasions. Maybe that  
14 is what you are doing.

11:21:10 15 It is not that clear to me that it is totally unfounded and  
16 it is simply done to derail your cross-examination. I disagree  
17 with this. I think it was a fair assumption on the part of the  
18 Prosecution to stand up at that time to raise that concern. That  
19 you reacted that way, it may be, it would derail your  
11:21:29 20 cross-examination. But I don't think that, because one -- you  
21 may do the same to the other side as well and your intent is not  
22 to derail, but because you have legitimate concerns. I know you  
23 reacted with some vigour to the objection, but I think it was  
24 overreacting in those circumstances, although I understand what  
11:21:55 25 you were trying to achieve, but this is the way the Rules are.

26 PRESIDING JUDGE: We will let you proceed, counsel, and I  
27 think you should be allowed to continue along the path that you  
28 have started.

29 MR O'SHEA: Yes.



1           PRESIDING JUDGE: This is our view. We will call the  
2 witness back. Perhaps this is an appropriate point at which we  
3 can take the morning break and give you some time to recharge  
4 your batteries and come back. We'll take the morning break.

11:22:43 5                               [Break taken at 11.29 a.m.]

6                               [Upon resuming at 12.00 p.m.]

7           PRESIDING JUDGE: Professor O'Shea, your witness.

8           MR O'SHEA: I'm most grateful, Your Honour.

9           Q.    Mr Mendy, I want to make it clear to you, and to my learned  
11:54:26 10 friend, that my objective is not to test your memory in asking  
11 these questions about 2003. Did you have a telephone  
12 conversation with Ms Taylor in February -- at the end of February  
13 2003, as well as the one you say you think was in March, or did  
14 you only have one telephone conversation?

11:54:53 15           A.    I could remember having two telephone conversations in 2003  
16 with Taylor.

17           Q.    Is it the position that you remember one of those telephone  
18 conversations being in March or April, or you're not sure?

19           A.    Not sure.

11:55:12 20           Q.    Is it possible that you had a telephone conversation in  
21 February?

22           A.    I can't remember the month actually.

23           Q.    All right. But you think you had two, right, or you did  
24 have two?

11:55:25 25           A.    Yes.

26           Q.    You did have two conversations?

27           A.    Yes.

28           Q.    And you think it was in March or April, but it could have  
29 been in February?



1 A. It could have been in March or April 2003.

2 JUDGE BOUTET: Mr O'Shea, I am sorry, I may have missed --  
3 Mr Witness, are you saying you may have had two conversations  
4 with Ms Taylor? This is what you are saying?

11:55:52 5 THE WITNESS: Yes, My Lord.

6 JUDGE BOUTET: And these conversations could have been in  
7 March or April?

8 THE WITNESS: Yes, My Lord.

9 JUDGE BOUTET: You not sure about the month?

11:55:58 10 THE WITNESS: Yes.

11 MR O'SHEA: I think the witness is certain that he had two  
12 conversations but he is not sure of the month.

13 JUDGE BOUTET: As to when?

14 MR O'SHEA: Yes.

11:56:08 15 JUDGE ITOE: And one doesn't know whether one was in  
16 February and the other was either in March or April 2003. I  
17 don't know. We need a clarification on this.

18 MR O'SHEA:

19 Q. Were those two telephone conversations close together in  
11:56:24 20 time?

21 A. Anyway, I don't think it is more than a month or two in  
22 between.

23 Q. Right. Is it one of those telephone conversations that you  
24 remember having in March or April, or both of them?

11:56:49 25 A. Both of them.

26 Q. All right. When you had that telephone conversation with  
27 Ms Taylor, was it Ms Taylor who mentioned the name Gbao or was it  
28 you who mentioned the name Gbao?

29 A. I could remember mentioning Mr Gbao, Colonel Gbao,



1 according to the question posed to me.

2 Q. You said you had two telephone conversations. Was one an  
3 informal conversation and the other an interview?

4 A. I cannot remember what all this was about, whether  
11:57:41 5 interview or informal conversation.

6 Q. Well, if you can't remember, you can't remember, but please  
7 try. This is not so long ago and this is your initial contact  
8 with the Court. Were you interviewed the first time you spoke to  
9 the Prosecution or the second time you spoke to the Prosecution?

11:58:04 10 A. It's an interview. It's an interview.

11 Q. So you were interviewed the first time you spoke to the  
12 Prosecution?

13 A. Both times. Both the first and the second time.

14 Q. All right. You have just told the Court that you remember  
11:58:28 15 having two telephone conversations with Ms Taylor. Right?

16 A. Right.

17 Q. I appreciate that you are not very clear on dates. No  
18 problem with that. What I am asking you is the very first time  
19 you spoke to Ms Taylor -- the very first time you spoke to  
11:58:57 20 Ms Taylor on the telephone, was that an introductory

21 conversation, or did she interview you during that first  
22 conversation, that first contact that you had?

23 A. I cannot fully remember whether it was in the interview or  
24 conversation. I know we discussed about the Makeni affairs, that  
11:59:23 25 was all.

26 Q. Right. Did you ask Ms Taylor who had given your name to  
27 her?

28 A. No, I didn't.

29 Q. Did she tell you?



1 A. She told me it's from the Special Court in Sierra Leone,  
2 UN Special Court in Sierra Leone.  
3 Q. She presumably told you that she was from the UN  
4 Special Court. Did she also tell you that it was the UN  
12:00:03 5 Special Court --  
6 A. UN Special Court.  
7 Q. -- that gave your name?  
8 A. No, she didn't. I cannot remember.  
9 JUDGE BOUTET: You cannot remember or -- Mr Witness, what  
12:00:15 10 was your last answer?  
11 THE WITNESS: I said I cannot remember.  
12 MR O'SHEA:  
13 Q. Do you know who it was who gave your name to Ms Taylor?  
14 A. I don't know.  
12:00:33 15 Q. Are you aware of the fact that Colonel Poraj now works for  
16 the Special Court? Are you aware of that?  
17 A. I saw him here.  
18 JUDGE ITOE: You said -- what was the answer; that you saw  
19 him here?  
12:01:08 20 THE WITNESS: I saw him within the complex, I mean.  
21 MR O'SHEA:  
22 Q. Have you had any --  
23 JUDGE ITOE: But you have not answered the question. You  
24 saw him in this compound. Are you aware that he is working with  
12:01:29 25 the Special Court?  
26 THE WITNESS: Yes, My Lord.  
27 MR O'SHEA:  
28 Q. Have you spoken to Colonel Poraj while you've been in  
29 Sierra Leone on this trip?



1 A. I did not.

2 Q. You said you saw him?

3 A. I saw him.

4 Q. In what circumstances?

12:01:59 5 A. I saw him in the security gate when entering the  
6 [indiscernible].

7 Q. Quite. You didn't go and greet him?

8 A. I greet him with the -- on the -- beside the road.

9 Q. So you did meet him?

12:02:19 10 A. I met him, yes, because I complimented him.

11 Q. So you spoke --

12 A. Or we complimented each other.

13 Q. So you did speak to him?

14 A. Yes, that's part of speaking.

12:02:30 15 Q. And in 2003 were you in communication with him?

16 A. Never, no.

17 Q. Are you aware of the fact that, subsequent to your  
18 interview with Ms Taylor, Mr Gbao was arrested? Do you know  
19 that?

12:02:58 20 A. I do not know.

21 Q. Have you had any conversations, either on the telephone, or  
22 by email, or personally, with Major Ganese in the last three  
23 weeks?

24 A. I last -- no, no, that hasn't happened, because I last saw  
12:03:44 25 Ganese when we were detained at Kono. That was the last time I  
26 saw him.

27 Q. All right.

28 JUDGE BOUTET: But the question was not when you saw him;  
29 it was whether or not you had any communication of any type.



1 THE WITNESS: No, no, no. I told him I had no  
2 communication with him at any time. Last time I communicated  
3 with him was just when we were jointly detained over there in  
4 Kono, in the year 2000.

12:04:22 5 MR O'SHEA:

6 Q. Have you ever seen any documents with questions to Major  
7 Ganese and answers from him?

8 A. No, My Lord.

9 Q. Do you have any knowledge of anybody within the MILOBS  
12:05:05 10 encouraging the Special Court to indict Mr Gbao?

11 A. No idea.

12 Q. Are you quite sure about that?

13 A. I am sure about that.

14 JUDGE ITOE: I would prefer not the Special Court, but the  
12:05:39 15 Prosecutor, because the Special Court does not indict people.

16 MR O'SHEA: Very well, Your Honour.

17 JUDGE ITOE: Yes. I would prefer, you know, that he was  
18 not aware, you know, that the MILOBS were encouraged or  
19 encouraged the Prosecutor to indict Gbao at the Special Court.

12:06:02 20 MR O'SHEA: Very well, Your Honour.

21 JUDGE ITOE: Okay.

22 MR O'SHEA: All right.

23 Q. Coming back to Sierra Leone in the year 2000, when you say  
24 that it was part of your function to assess the security  
12:06:40 25 situation in Makeni, would you report your assessment to your  
26 headquarters in Freetown?

27 A. No.

28 Q. Would you report your assessment to anybody?

29 A. I would submit my report to my immediate boss within the



1 team site.

2 Q. Which is Colonel Poraj?

3 A. Exactly.

4 Q. When did you first become aware that the RUF had concerns  
12:07:38 5 about the disarmament process in 2000?

6 A. This was during our workshop we were told about this, and  
7 it is, according to them, it is an agreement, that Lome agreement  
8 that they signed.

9 Q. Okay. Now, I just want to be sure that you are listening  
12:08:12 10 to the question --

11 JUDGE ITOE: Was your question answered?

12 MR O'SHEA: It may have been. I am just trying to --

13 JUDGE ITOE: I am not very sure it has been answered.

14 MR O'SHEA:

12:08:28 15 Q. The question is this: When did you very first become aware  
16 that the RUF had concerns about the disarmament process? Do you  
17 understand that question?

18 A. I do.

19 Q. And is your answer: I first became aware of those concerns  
12:08:54 20 during the workshop?

21 A. Yes.

22 Q. Is this the workshop in Gambia?

23 A. Not in Gambia; in Sierra Leone.

24 Q. Okay. What were you told --

12:09:09 25 JUDGE ITOE: That was a workshop in?

26 THE WITNESS: In Gambia and Sierra Leone. This is not --  
27 is the workshop in Gambia. I said we had this workshop in The  
28 Gambia about this UN peacekeeping and also when we came here too,  
29 we had [indiscernible].



1 JUDGE ITOE: The question is specific.

2 THE WITNESS: Okay. In Gambia.

3 JUDGE ITOE: It is in relation to the concerns of the RUF  
4 about disarmament. When did you first become aware of this; was  
12:09:39 5 it in Gambia?

6 THE WITNESS: In Gambia.

7 JUDGE ITOE: I see.

8 THE WITNESS: In Gambia.

9 JUDGE ITOE: In Gambia?

12:09:46 10 THE WITNESS: Yes, My Lord.

11 JUDGE ITOE: So you knew that the RUF had concerns about  
12 disarmament right from your briefing in Gambia?

13 THE WITNESS: Yes, exactly, My Lord.

14 JUDGE ITOE: Thank you.

12:09:57 15 MR O'SHEA:

16 Q. What were you told during that workshop about RUF concerns?

17 A. That they were laying off their arms and were to come and  
18 do the disarmament process.

19 Q. Listen to the question, Mr Witness. You've just said the  
12:10:14 20 first time you learnt that the RUF had concerns about the  
21 disarmament process was during a workshop in Gambia. So the next  
22 question is: What were you told in Gambia about the RUF  
23 concerns? Nothing else.

24 A. Nothing. I told you the -- that's the answer I gave you  
12:10:40 25 and nothing else.

26 JUDGE BOUTET: But you, Mr Witness, you're saying when you  
27 were asked a question, that you were first made aware of concerns  
28 the RUF had about disarmament, not how they were to proceed, but  
29 the disarmament itself. So what were these concerns that you



1 were told about? You said you were told about that at the  
2 workshop in The Gambia and over here in Sierra Leone when you  
3 came over. What were these concerns that were expressed to you  
4 that they had, if any?

12:11:12 5 THE WITNESS: The concerns I had, I was told that some were  
6 to give up their arms, or some were not [indiscernible] but they  
7 are all likely to agree into one term and lay off arms, and  
8 [indiscernible] commander helping in the disarmament process.

9 JUDGE BOUTET: And that was the question you were being  
12:11:36 10 asked so --

11 THE WITNESS: Maybe, excuse me, My Lord. Maybe I did not  
12 get him well, this is why.

13 JUDGE BOUTET: Mr O'Shea, I'm sorry. I don't want to  
14 interfere with your cross-examination.

12:11:49 15 MR O'SHEA: No, thank you, Your Honour.

16 Q. Mr Witness, I think you are an intelligent man and when the  
17 Prosecution were asking you questions I think you understood them  
18 very clearly, and I think you understand my questions.

19 PRESIDING JUDGE: I don't think you should make that  
12:12:03 20 reflection.

21 MR O'SHEA: All right, Your Honour.

22 PRESIDING JUDGE: That is not the purpose of  
23 cross-examination.

24 MR O'SHEA: No, but I am trying to encourage the witness  
12:12:11 25 to --

26 PRESIDING JUDGE: Sometimes the questions can, the way they  
27 are formulated, can leave open different possibilities, but I  
28 don't want to go into that. All you need to do is to keep trying  
29 to simplify things. We speak in a peculiar language as lawyers,



1 or we do things, and not everybody is familiar with our own kind  
2 of typology, linguistic typology.

3 MR O'SHEA: Yes, I accept that, Your Honour. But I think  
4 we are dealing with more than that here.

12:12:39 5 Q. All right. So you were told during the workshop in Gambia  
6 that the RUF were unlikely to want to disarm; is that what you  
7 are saying?

8 A. That is what I said, that they are likely to disarm. And  
9 if they've disarmed then we are going to help the disarmament  
12:12:57 10 process.

11 PRESIDING JUDGE: But witness, get back. Counsel is asking  
12 you what you learnt about the alleged concerns of the RUF about  
13 disarmament. I mean, this is not whether you had concerns or  
14 what briefing you had had about disarmament. Whether you heard  
12:13:24 15 in the orientation process, either in The Gambia or in  
16 Sierra Leone, that the RUF - and I take it here you mean the RUF  
17 leadership - had concerns about the disarmament. In other words,  
18 counsel wants to know what were you told those concerns were? In  
19 other words, concerns which the RUF had. I think that is what  
12:14:01 20 counsel wants to know. Have I represented it correctly?

21 MR O'SHEA: Yes, Your Honour. Thank you.

22 THE WITNESS: I think I said earlier --

23 PRESIDING JUDGE: In other words -- is the question clear?  
24 In other words, if we don't use "concerns," we can use another  
12:14:21 25 word. That the RUF leadership were not happy --

26 JUDGE ITOE: Were against.

27 PRESIDING JUDGE: Were not happy about a disarmament. What  
28 did you hear as to that.

29 THE WITNESS: Exactly. Thank you, My Lord. I was told



1 that they were not happy about the disarmament, but they would in  
2 the long run agree with and would go ahead with disarmament.

3 MR O'SHEA:

4 Q. Were you told that their agreement was important to the  
12:15:27 5 success of disarmament?

6 A. It was; I was told.

7 Q. And then you've described some personal participation on a  
8 body called the Ceasefire Monitoring Committee?

9 A. Yes, My Lord.

12:15:53 10 Q. Which you have explained originates from the Lome Accord?

11 A. Yes, My Lord.

12 Q. And you have explained that Ceasefire Monitoring Committee  
13 was put in place in Makeni?

14 A. We have a committee, yes.

12:16:11 15 Q. And you are aware that the ceasefire committee in Makeni  
16 was not the only such committee in the country?

17 A. I know that of Makeni.

18 Q. You don't know that there were others in the country?

19 A. I was only concerned about Makeni, where I was.

12:16:37 20 PRESIDING JUDGE: No, witness, leave the concern. Did you  
21 or did you not know that there were other ceasefire monitoring  
22 committees in other parts of the country than Makeni?  
23 Straightforward, uncomplicated question. It is not what you were  
24 concerned about. Okay, your knowledge may be circumscribed.

12:17:01 25 THE WITNESS: My Lord, this is why I said I know we had one  
26 in Makeni. For other areas I do not know.

27 PRESIDING JUDGE: It is when you carry on with concerns,  
28 counsel is not asking what your obsessions or your preoccupations  
29 are. Did you know or did you not know?



1 THE WITNESS: Thank you, My Lord.

2 PRESIDING JUDGE: Go ahead.

3 MR O'SHEA:

4 Q. Can you answer that question, please? Did you know or did  
12:17:25 5 you not know that there were ceasefire monitoring committees in  
6 other parts of the country?

7 A. I didn't know that there are other ceasefire committees in  
8 other parts of the country, except that within my area of  
9 concern, my area of responsibility.

12:17:49 10 Q. Did you know that there was also a body created under the  
11 Lome Accord called the Ceasefire Monitoring Commission?

12 A. I told you previously that it emanated from there.

13 Q. What do you mean by "emanated"?

14 A. This is where they signed the peace accord, the Lome  
12:18:10 15 agreement.

16 Q. Are you saying it emanated from the Ceasefire Monitoring  
17 Commission?

18 A. I am saying that it is government, UNAMSIL and RUF.

19 Q. I will put the question again. Are you aware that there  
12:18:24 20 was another body called the Ceasefire Monitoring Commission?

21 A. Yes.

22 Q. Yes, you were?

23 A. Yes.

24 Q. And you are aware that that was a national committee?

12:18:49 25 A. Yes.

26 Q. What was --

27 PRESIDING JUDGE: Counsel, you yourself need to be precise.

28 If you are calling that a commission, stick to commission.

29 Because we already have committee.



1 MR O'SHEA: Sorry.

2 PRESIDING JUDGE: Otherwise you compound the problem.

3 MR O'SHEA: Absolutely. I used the word "committee,"  
4 did I?

12:19:08 5 PRESIDING JUDGE: You said this was a national body, the  
6 commission.

7 MR O'SHEA: Yes.

8 Q. What was the composition of the Ceasefire Monitoring  
9 Commission?

12:19:22 10 A. In my area of responsibility?

11 Q. Well, it couldn't be in your area of responsibility,  
12 because it was a national body. You just accepted that.

13 A. The body we have in Makeni is a sub-body, because the -- at  
14 the hierarchy --

12:19:44 15 Q. Fine. What was the composition of the Ceasefire  
16 Monitoring --

17 PRESIDING JUDGE: The best thing to do is to ask him  
18 whether he knew the composition of this national body you have  
19 talked about. We have moved away from the CMC from Makeni and of  
12:19:58 20 course he has admitted lack of knowledge of CMCs in other parts  
21 of the country. You are now on the level of the commission. Why  
22 not ask him, first of all, whether he knows the composition.

23 MR O'SHEA:

24 Q. Do you know the composition of the Ceasefire Monitoring  
12:20:18 25 Commission?

26 A. I know that it is government, UNAMSIL and RUF that signed  
27 this agreement.

28 PRESIDING JUDGE: No, witness, don't move away -- leave  
29 those.



1 THE WITNESS: Okay.

2 PRESIDING JUDGE: You get the whole thing entangled.

3 Counsel wants to know whether this national body that you have

4 agreed was called a Ceasefire Monitoring Commission, whether you

12:20:45 5 know who comprised that body. Who were the members?

6 THE WITNESS: No, I don't know.

7 PRESIDING JUDGE: Not who signed the agreement?

8 THE WITNESS: I don't know the members.

9 PRESIDING JUDGE: Let's move on, counsel.

12:21:02 10 MR O'SHEA:

11 Q. Isn't that an important part of the process, witness, that

12 Ceasefire Monitoring Commission?

13 A. [Indiscernible].

14 Q. So why is it that you don't know the composition?

12:21:18 15 A. I just don't know.

16 Q. You have explained to this Court that one of the parties on

17 this Ceasefire Monitoring Committee in Makeni was the CDF?

18 A. One of them, yes.

19 Q. And I think you said - you can correct me if I am wrong -

12:21:49 20 that there would usually be one representative of the CDF who

21 would come to meetings of the CMC?

22 A. That is true.

23 Q. Was that one representative always the same person or did

24 it differ?

12:22:08 25 A. Sometimes they sent in the same person, sometimes they

26 change.

27 Q. Was this person, this representative of the CDF, when he or

28 she came to the CMC meetings, were they free to walk around

29 Makeni?



1 A. Yes.

2 Q. Were they armed?

3 A. Never armed.

4 Q. Did they have bodyguards?

12:22:48 5 A. I've not seen any bodyguards, no.

6 Q. You've told the Court that you would see what you described

7 as SBs around Makeni who were armed?

8 A. Yes.

9 Q. And that you would see RUF who were armed?

12:23:23 10 A. Yes.

11 Q. If there is a person from the CDF walking around Makeni

12 unarmed and there are RUF walking around with guns, is that not a

13 security risk?

14 A. I cannot identify whether the unarmed one is for CDF or the

12:24:04 15 armed one is for any other security, so I don't know.

16 Q. With respect, Mr Witness, the answers you have just given

17 me suggest otherwise. You have said that the representative of

18 the CDF, coming to the CMC meeting, would walk around Makeni

19 freely without arms. You have said that.

12:24:31 20 JUDGE ITOE: And without bodyguards.

21 MR O'SHEA:

22 Q. Do you accept that you said that five minutes ago?

23 A. Without bodyguards, yes, I said --

24 Q. And without arms?

12:24:43 25 A. Yes, yes.

26 Q. So you can't claim not to know that there was a CDF person

27 walking around without arms, can you, because you just said it?

28 A. Yes, I said that but I can not difference it.

29 Q. So try to answer my question again. If there is a



1 person -- if you are aware that there is a person from the CDF  
2 walking around Makeni, unarmed and without bodyguards, but there  
3 are RUF walking around with arms, is that a security risk?

4 A. It is not a security risk to my understanding.

12:25:17 5 Q. Why not?

6 A. Because nothing went wrong.

7 Q. Did you understand that the CDF and the RUF were enemies?

8 A. I cannot say whether they're enemies. I know these are two  
9 warring factions.

12:25:38 10 Q. Did you understand that they were warring factions on  
11 opposite sides of the conflict?

12 A. Yes, I know.

13 Q. And it was part of your job to assess the security  
14 situation in Makeni?

12:25:56 15 A. You are right.

16 Q. So I would suggest to you that common sense would suggest  
17 that an unarmed CDF, walking around Makeni, among armed RUF, is a  
18 security concern. Can I make that suggestion to you?

19 A. It could be a security concern, but so far there is no  
12:26:25 20 kills. So I don't think there is anything wrong with that.

21 Q. Is it a matter that you ever raised at the CMC or to your  
22 immediate boss?

23 A. Whether I ever raised?

24 Q. You said it could be a security concern that an unarmed CDF  
12:26:46 25 was walking around among armed RUF, but that nothing ever  
26 happened. But since there was the potential there, did you ever  
27 discuss it with Colonel Poraj?

28 A. No. No, My Lord.

29 [RUF28 JUN06C - CR]



1 Q. Did you ever raise it at the CMC, in the meetings you had  
2 attended?

3 JUDGE ITOE: But the witness, refer to the witness, has  
4 said that it was not a concern to him because nothing happened.

12:27:27 5 So, if nothing happened, was there a concern for him to raise it  
6 in a meeting? This is the question.

7 MR O'SHEA: Well, he has admitted that it could be a  
8 security risk.

9 JUDGE ITOE: He said it could be. It could be. But that  
12:27:43 10 nothing ever happened.

11 MR O'SHEA: Well, I --

12 JUDGE ITOE: So there was no concern, if nothing ever  
13 happened, according to what he is saying.

14 MR O'SHEA: Respectfully, Your Honour, if this man is going  
12:27:55 15 around Makeni, assessing the security of Makeni, he is not to  
16 wait until something happens before --

17 JUDGE ITOE: I have made my comments. You may go on.

18 MR O'SHEA: Thank you.

19 JUDGE ITOE: I'm not taking any arguments with you. I've  
12:28:07 20 made the comments which I should make as a judge in this Chamber.

21 MR O'SHEA: I have no difficulty with that, Your Honour.

22 Q. Well, I suggest to you, that if you were doing your job  
23 properly as a MILOB assessing the security situation in Makeni,  
24 that was the kind of matter that you would have raised with  
12:28:41 25 somebody?

26 A. This is why we have the CMC body in Makeni.

27 Q. Indeed.

28 A. Okay. So if they have their problems and we meet together,  
29 the UNAMSIL, RUF, CDF, they have their own grievances to voice



1 out. We jot them down and advise them how to go about things  
2 that this would be pursued further. That's it, so, I think that  
3 was the cause of the creation of that committee.

4 Q. Right.

12:29:23 5 JUDGE BOUTET: Mr O'Shea, may I again be reassured that  
6 this is absolutely relevant to your cross-examination? The fact  
7 that -- I'm not saying it is the case -- but even if they have  
8 fully assessed, fully done their job, what does that -- how is  
9 this relevant with what we're dealing with here?

12:29:38 10 MR O'SHEA: It is very relevant, Your Honour, and I would  
11 appreciate it if I could just finish this line of questioning to  
12 get to the end of it. I do have a purpose, but, if I explain it  
13 to Your Honour now, I'll ruin it.

14 JUDGE BOUTET: That's okay.

12:29:56 15 MR O'SHEA:

16 Q. Are you suggesting that the representative of the CDF, on  
17 the CMC, never raised as a concern the fact that he or she was  
18 moving around Makeni unarmed, but that there were armed RUF about  
19 the place; are you suggesting that that concern was never raised  
12:30:27 20 by the CDF?

21 A. Not in my presence.

22 Q. And are you suggesting that the concern was never raised by  
23 the CDF that they were moving around Makeni unarmed and without  
24 bodyguards, but there were small boys moving around with arms,  
12:30:52 25 with AK-47s; that concern was never raised on CMC, as far as you  
26 know?

27 A. Not in my presence, My Lord.

28 Q. And I agree with you, and I suggest to you, that the reason  
29 why that concern was never raised is because the RUF were not



1 moving around Makeni armed and small boys were not moving around  
2 Makeni armed?  
3 PRESIDING JUDGE: Just put it separately first.  
4 MR O'SHEA: Very well, Your Honour.  
12:31:25 5 PRESIDING JUDGE: Let him answer the first part.  
6 MR O'SHEA:  
7 Q. I suggest to you that RUF combatants were not moving around  
8 armed during this period?  
9 A. They do move around and during my stay here in Makeni. Not  
12:31:47 10 all, some of them.  
11 Q. How many of them?  
12 A. Some of them. I cannot count. I cannot tell you how many.  
13 Q. Most of them; few of them?  
14 PRESIDING JUDGE: Give him time. He wants a drink of  
12:31:56 15 water.  
16 MR O'SHEA: I am sorry, Your Honour, yes.  
17 Q. Take your time, Mr Mendy.  
18 A. Thank you, My Lord.  
19 PRESIDING JUDGE: Proceed, counsel.  
12:32:28 20 MR O'SHEA: Thank you, Your Honour.  
21 Q. And, Mr Mendy, just to try and get a little bit of detail  
22 here; among the RUF that you would see moving around Makeni what  
23 proportion, in your assessment, were armed during this period?  
24 A. My Lord, Makeni, as I understood, and as I see it, is  
12:33:04 25 dominated by the RUF.  
26 Q. Can you answer the question, please?  
27 A. So I cannot tell you how many people --  
28 PRESIDING JUDGE: Let him answer. He's prefacing his  
29 answer.



1 MR O'SHEA: All right.

2 PRESIDING JUDGE: I'm sure you would be interested in what  
3 follows.

4 MR O'SHEA: Let's see, Your Honour. Thank you.

12:33:26 5 PRESIDING JUDGE: Continue, witness. Makeni is --

6 THE WITNESS: Dominated by the RUF.

7 PRESIDING JUDGE: Yes.

8 THE WITNESS: It is obvious that if they are moving either  
9 to their checkpoints you see them armed. At their checkpoints,  
12:33:37 10 you found them armed.

11 MR O'SHEA:

12 Q. You're not answering the question, Mr Witness. Of the RUF  
13 that you saw moving around Makeni what proportion would you say  
14 were armed? Just answer the question.

12:33:48 15 A. I cannot tell you.

16 Q. That would seem to suggest you have a very vague  
17 recollection, would it not?

18 A. I cannot tell you.

19 Q. Do you have a very vague recollection of what you saw  
12:34:03 20 during that period?

21 A. I don't go out to count how many people are armed and  
22 moving out.

23 Q. I didn't ask you for a number.

24 A. So this is it. I don't know. I said it is predominantly  
12:34:15 25 dominated by the RUF.

26 Q. I did not ask you for a number. I just asked you to give  
27 an idea as to the proportion. Now, do you accept that your  
28 recollection -- sorry, can Your Honour just give me one moment?  
29 My learned friend's handwriting leaves something to be desired.



1           PRESIDING JUDGE: Leave granted. When you say how many,  
2 would you guide him on and see if -- because how many, of course,  
3 literally means numerical computation.

4           MR O'SHEA: Yes.

12:35:06 5           PRESIDING JUDGE: But why not probably go in terms of if he  
6 cannot remember numbers, you can talk about proportion in another  
7 sense.

8           MR O'SHEA: Yes.

9           PRESIDING JUDGE: Small, large, or whatever. I don't --

12:35:19 10          MR O'SHEA: I can deal with this is another way. Quite.  
11 But there is one question I would like to ask first.

12 Q.    Mr Mendy, would you accept, would you accept that your  
13 recollection of what was happening in Makeni during that period,  
14 your recollection today, is very vague? Would you accept that?

12:35:44 15 A.    I would accept that. This is what you said [indiscernible].

16 Q.    So do you think you have a detailed recollection of what  
17 you saw in Makeni in 2000? Do you think that?

18 A.    Yes.

19 Q.    Right, so please try and help the Court. When you were  
12:36:02 20 going around Makeni and observing, you would see RUF around the  
21 place. You have accepted that not all of the RUF that you saw  
22 were armed. So some were armed and some were not armed. Now,  
23 the ones who were armed, are we talking about people who were  
24 moving out of Makeni, moving in Makeni, or people who are  
12:36:34 25 moving -- or just moving around the town?

26 A.    We didn't -- we didn't wait in Makeni.

27 Q.    So it's your assertion that there were some RUF combatants  
28 who would move around the centre of Makeni armed?

29 A.    Yes.



1 Q. Now, is that more than half of the combatants that you  
2 would see around the town, or less than half, in your estimation?  
3 A. Less than. It's less.  
4 Q. Is it less than or more than a third of those you that  
12:37:17 5 would see around the town?  
6 A. As I cannot count to know how many, I'm saying -- this is  
7 why I brought in this idea of -- this is -- Makeni it is the  
8 centre for the RUF SBs.  
9 Q. We've heard that. Of the SBs you saw around the town, was  
12:37:53 10 it more or less than half of the SBs that you saw, that you  
11 observed, who were armed?  
12 A. I used to see only a few of them. Only a few.  
13 Q. Does that mean that you only saw a few SBs; is that what  
14 you are saying, or are you saying, "I only saw a few SBs who were  
12:38:18 15 armed"? Which is it?  
16 A. Yes, a few SBs who were armed.  
17 Q. And you would go around about once a fortnight; is that  
18 what you said? In your vehicle?  
19 A. I said it depends, yes.  
12:38:42 20 Q. And you were on mission, before your captivity, you were on  
21 mission for about three months; is that right?  
22 A. About three months, for February to April. About three  
23 months.  
24 Q. So you did a security assessment around the town  
12:39:02 25 approximately six times in total?  
26 A. About four times or so.  
27 Q. About four times or so. And you have a detailed  
28 recollection of what you saw during those four times?  
29 A. I can remember some.



1 Q. So on the first of those four times that you did your  
2 security assessment, approximate how many SBs -- and I'm using  
3 your term, SBs -- approximate how many SBs you saw armed the  
4 first time you did a security assessment?

12:39:50 5 A. The first time I saw these SBs was only once.

6 Q. Sorry, I didn't understand that, Mr Witness.

7 A. I saw only one.

8 Q. All right. I do understand now. The first time you went  
9 around the town on a security assessment you only saw one SB that  
10 was armed?

12:40:14 10  
11 A. Yes, My Lord.

12 Q. And the second time that you went around Makeni doing a  
13 security assessment, how many SBs did you see on the second  
14 occasion that were armed?

12:40:45 15 A. I cannot remember.

16 Q. So there was nothing striking that day?

17 A. I cannot remember.

18 Q. What about the third time?

19 A. I cannot remember.

12:40:56 20 Q. And the fourth time?

21 A. I said I cannot remember. I'm not counting.

22 Q. So it would be fair to say in terms of what you remember  
23 today, from your security assessment-monitoring activities in  
24 Makeni, you can only clearly remember seeing one SB with a gun?

12:41:44 25 A. If you're coming to that portion, I would say no.

26 Q. Let's try and work through this. You've admitted that  
27 there are four occasions when you have gone on security  
28 assessments in the town. You remember the first occasion clearly  
29 and you remember seeing one SB with a gun.



1 A. Yes.

2 Q. Then with regard to the other three times that you went  
3 around, you don't remember what the situation was with regard to  
4 SBs with guns; is that correct or not correct?

12:42:36 5 A. I cannot remember what your suggestion was with SBs  
6 carrying guns. Then, yes. I don't remember.

7 Q. Does it not logically follow, from everything you've just  
8 said, in terms of your clear memory of events, you only have one  
9 clear recollection of an SB with a gun today?

12:43:08 10 A. I said no, My Lord.

11 Q. So what's with these other clear recollections, then?  
12 Let's have them.

13 A. I told -- I explained to the Court here that if I go out to  
14 extend the message sent from the headquarters about these  
12:43:27 15 movements of troops, I don't find some of these in General Issa's  
16 residence. I said so here. And you want me to give you a  
17 number, which I cannot.

18 Q. All right. You remember what you remember, that's fine.

19 A. That's it. Thank you, sir. Thank you, My Lord.

12:43:52 20 Q. So when you talk about SBs with guns, you are not talking  
21 about what you saw when you were going around the town in your  
22 vehicle on your security assessments? You are talking about  
23 other occasions; is that your evidence?

24 A. No, it's inclusive.

12:44:18 25 Q. There is only so far one can go. All right, let's talk  
26 about 17th April. Before we talk about 17th April, let's talk  
27 about 16th April. Do you know that on 16th April Colonel Jetley  
28 spoke on the international airwaves?

29 A. I cannot remember if he does.



1 Q. Do you know Colonel --

2 A. I don't know -- yes. Colonel?

3 Q. Do you know Colonel Jetley? Do you know the name?

4 A. Colonel Jetley?

12:45:09 5 Q. Yes. Have I got the name wrong?

6 PRESIDING JUDGE: Jetley?

7 JUDGE ITOE: Jetley was not a general?

8 THE WITNESS: Jetley was a general.

9 MR O'SHEA: I've got the rank wrong.

12:45:24 10 Q. So you know him?

11 A. Yes. He was the general in charge.

12 Q. Are you aware of the fact that General Jetley had made an

13 announcement that, if necessary, the RUF would be disarmed

14 forcefully?

12:45:43 15 A. I cannot remember that. I don't know about that.

16 Q. Now on 17th April, you have described an incident at the

17 reception centre in Makeni.

18 JUDGE ITOE: Do you have the date of this announcement?

19 MR O'SHEA: 16th April, Your Honour.

12:46:13 20 JUDGE ITOE: That was when the announcement came, that if

21 it became necessary, the RUF would be disarmed by force?

22 MR O'SHEA: Yes.

23 PRESIDING JUDGE: And the witness denies any knowledge of

24 that.

12:46:24 25 MR O'SHEA: He denies any knowledge of it, Your Honour.

26 Q. You have described to the Court an incident that took place

27 on 17th April at the reception centre.

28 A. Yes.

29 Q. You say that Colonel Gbao came to the reception centre and



1 that you were or the MILOBS and the KENBATT were surrounded by  
2 RUF combatants.  
3 A. That is correct.  
4 Q. Now, immediately before that incident took place, what were  
12:47:18 5 you doing?  
6 A. I was at the reception centre. That was the very day it  
7 was officially opened.  
8 Q. I accept that, but what were you doing?  
9 A. I said I was at the reception centre, waiting, waiting,  
12:47:39 10 waiting --  
11 Q. I didn't ask you where you were. I asked you what you were  
12 doing?  
13 A. -- waiting, waiting to see who would come to surrender his  
14 arms.  
12:47:47 15 Q. So is it your evidence that you were standing somewhere?  
16 PRESIDING JUDGE: What he's saying: he was on duty.  
17 MR O'SHEA: I want more than that, Your Honour.  
18 PRESIDING JUDGE: Go ahead.  
19 MR O'SHEA:  
12:47:58 20 Q. Were you standing somewhere and waiting; essentially  
21 waiting and doing nothing?  
22 A. I was there on duty waiting for those who would come to  
23 surrender.  
24 Q. You were not doing anything, just waiting?  
12:48:13 25 A. Just waiting.  
26 Q. All right. Were you sitting down or standing up?  
27 A. I was sitting down.  
28 Q. Where exactly were you located?  
29 A. We have our own table and chairs where we occupy under the



1 building.

2 Q. Now, we've already had another witness whose described some  
3 of the structures. Were you underneath a tarpaulin?

4 A. No.

12:48:49 5 Q. Were you inside any kind of construction?

6 A. I was inside a building.

7 Q. You were inside a building?

8 A. Yes, not a tarpaulin.

9 Q. Is that building made of brick?

12:49:02 10 A. Yes.

11 Q. So you were in an office and you're sitting down.

12 A. Exactly.

13 Q. And just waiting, not doing any paperwork?

14 A. I wasn't doing anything, waiting for who was coming to

12:49:23 15 surrender.

16 Q. All right. Then how did you come to know that there were  
17 combatants surrounding the reception centre?

18 A. I saw them.

19 Q. Through the window?

12:49:41 20 A. And other sides. Through the window and other sides. It  
21 was not in a closed something. You could see all over.

22 Q. All right. So it's not that somebody drew it to your  
23 attention? Did someone draw it to your attention and say, "Oh,  
24 look. Look what's happening outside." Did that happen?

12:50:09 25 A. No, no, no.

26 Q. So you just suddenly noticed yourself?

27 A. Yes, I noticed it by myself.

28 Q. In this office in which you were, how many points of view  
29 were there?



1 A. How many?

2 Q. In this office where you were, what opportunities for  
3 seeing outside were there within the office?

4 A. There's an outlet - the doors were open, okay, and behind  
12:50:52 5 you have holes where you can look and see what is happening  
6 behind you. You can see people and all these things.

7 Q. Now, you're sitting down in your office looking forward.  
8 Is there a view outside in front of you, or is the view outside  
9 behind you?

12:51:13 10 A. If you sit where -- if you were in my position at the time,  
11 you would view the surrounding area. You would see the  
12 surrounding area. If people are passing, you see them.  
13 [Indiscernible]. If you come behind too, you'll see them.

14 Q. Is your desk facing the door or the window?

12:51:36 15 A. I was in the middle. I will see anywhere I wish to look  
16 and see what is happening there. This is just in an open area,  
17 so the building is in an open area, no obstruction somewhere.

18 Q. So you're sitting in your office, and you see outside at a  
19 certain point in time RUF combatants?

12:52:07 20 A. Yes.

21 Q. What do you do?

22 A. What do I do? I only alerted my colleagues.

23 Q. How many --

24 A. That there's some movement by the RUF militants around.

12:52:26 25 Q. Are these colleagues sitting in the same --

26 A. Some sort of [indiscernible] we did -- the KENBATT were  
27 also out there with their tents as we jointly worked. So, we  
28 also saw the movements of the RUF militants.

29 Q. So are these colleagues sitting with you in this office



1 space you're referring to?

2 A. Where?

3 Q. You just said, "I saw these RUF combatants and I told my  
4 colleagues." You just said that.

12:53:01 5 A. Yes, I said so. When I saw, I said, "Look what is  
6 happening." They also turned around to see what movement was  
7 going on.

8 JUDGE ITOE: He said he alerted his colleagues as to the  
9 movement he had observed outside?

12:53:13 10 MR O'SHEA: Yes.

11 Q. Having alerted your colleagues, what did you do then?

12 A. Nothing. My immediate post was there and then Colonel Gbao  
13 was also on the -- not far from -- just on the highway there.

14 Q. You did not leave your office?

12:53:33 15 A. I did not.

16 Q. How far was your office away from the highway?

17 A. Not more than -- under 15 metres.

18 Q. Under 15 metres?

19 A. Yes.

12:53:58 20 Q. Was there discussion going on within your office about what  
21 was happening as it was going on?

22 A. When this thing happened, my immediate boss, Colonel  
23 Joseph, went and met Colonel Gbao and they discussed over the  
24 matter.

12:54:23 25 PRESIDING JUDGE: How much more time do you think you need  
26 to bring this particular segment of your cross-examination to a  
27 conclusion? Is it something that you might be exploring --

28 MR O'SHEA: A long time, Your Honour. This is the central  
29 part of the Gbao evidence.



1           PRESIDING JUDGE: I see. Taking that into account, I think  
2 we need to adjourn this Court to tomorrow morning at 9.30 a.m..

3           MR O'SHEA: Yes, thank you.

4           PRESIDING JUDGE: Perhaps we also would want to, by  
12:55:02 5 tomorrow morning when we can, just have an idea how long more,  
6 considering we have a work plan involving another witness, which  
7 would be in open session, Alfred Sesay, followed by a standby.  
8 We had quite an ambitious work plan. I hope we can achieve  
9 significant progress.

12:55:25 10           MR O'SHEA: I will do my best, Your Honour. I initially  
11 intended this cross-examination to be three hours. That  
12 estimation has gone right out the window because of the nature of  
13 the --

14           PRESIDING JUDGE: Yes, we're familiar with the nuances and  
12:55:41 15 the difficulties, but let's do the best we can.

16           MR O'SHEA: Thank you.

17                                 [Whereupon the hearing adjourned at 1.02 p.m.,  
18 to be reconvened on Thursday, the 28th day  
19 of June 2006, at 9.30 a.m.]

20

21

22

23

24

25

26

27

28

29



EXHIBITS:

Exhibit No. 108 11

WITNESSES FOR THE PROSECUTION:

WITNESS: JOSEPH MENDY 2

CROSS-EXAMINED BY MR TOURAY 3

CROSS-EXAMINED BY MR O'SHEA 11