

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

FRIDAY, 8 JULY 2005
9.54 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsh Mr Matteo Crippa
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Ms Suzanne Mattler (intern) Mr Mark Wallbridge (Case Manager)
For the Principal Defender:	No appearances
For the accused Issa Sesay:	Mr Wayne Jordash Ms Elizabeth Shackelford Ms Ellen Rogers
For the accused Morris Kallon:	Mr Melron Nicol-Wilson Ms Rachel Irura Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh Mr Ben Holden

1 Friday, 8 July 2005
2 [RUF080705A - AD]
3 [Open session]
4 [The accused Sesay and Kallon present]
5 [The accused Gbao not present]
6 [Upon commencing at 9.54 a.m.]
7 WITNESS: TF1-122 [Continued]
8 PRESIDING JUDGE: Good morning, counsel. Good morning,
9 Mr Witness.
09:55:29 10 THE WITNESS: Good morning.
11 JUDGE THOMPSON: Mr Jordash, will you continue your
12 cross-examination of the witness.
13 MR JORDASH: Your Honour, thank you.
14 CROSS-EXAMINED BY MR JORDASH: [Continued]
09:55:43 15 Q. Morning, Mr Witness.
16 A. Morning.
17 Q. You told us yesterday that Issa Sesay was staying at
18 30 Hangha Road.
19 A. 31 Hangha road.
09:56:08 20 Q. I beg your pardon, 31.
21 A. Yes.
22 Q. You saw him there regularly?
23 A. Yes.
24 Q. And he was staying there with fighters?
09:56:22 25 A. Yes.
26 Q. Including small boys?
27 A. Yes.
28 Q. And those fighters would hang around the secretariat.
29 A. Around 31 Hangha Road.

1 Q. In the street?
2 A. In the street, yes.
3 Q. Armed and dangerous?
4 A. Yes.
09:56:45 5 Q. Controlling themselves? Or out of control, is that a
6 better way to put it?
7 A. Sometimes I just see them in the street harassing people.
8 Q. Sometimes or often?
9 A. Very often.
09:57:07 10 Q. Very often?
11 A. Yes.
12 Q. Harassing passers-by and civilians?
13 A. Yes.
14 Q. Were they all armed with weapons?
09:57:27 15 A. Some were armed and some were not.
16 Q. And you would see these fighters there when you walk past
17 and through Hangha Road?
18 A. Yes.
19 Q. Would you say every day?
09:57:43 20 A. Yes, I would say every day.
21 Q. You described -- I want to have a look at what you say
22 about this flag trick.
23 A. Yeah.
24 JUDGE ITOE: About what, Mr Jordash?
09:58:10 25 MR JORDASH: The flag trick.
26 JUDGE ITOE: Okay.
27 MR JORDASH:
28 Q. Before I ask about the flag trick can I ask you about this:
29 The secretariat remained at the same place through the junta

1 period.
2 A. Yes.
3 Q. This was well known throughout Kenema?
4 A. Throughout the entire Kenema township.
09:58:53 5 Q. It was well known that the hierarchy of the administration
6 were based there?
7 A. Yes.
8 Q. It was well known that the hierarchy was Bockarie and
9 Eddie Kanneh?
09:59:17 10 A. Yes.
11 Q. And both were, as you would have it, criminals.
12 A. I cannot just say criminal but they were barbarians.
13 Q. Barbarians?
14 A. Yes.
09:59:41 15 JUDGE THOMPSON: Just a minute.
16 MR JORDASH: Sorry, I beg your pardon.
17 JUDGE THOMPSON: The answer is not just criminals but
18 barbarians.
19 THE WITNESS: Yes.
10:00:02 20 JUDGE THOMPSON: Thank you, counsel.
21 MR JORDASH: Thank you.
22 Q. And well known that Sesay's boys, fighters would linger
23 around the secretariat harassing civilians?
24 A. They hang around their own building, that is 31 Hangha
10:00:30 25 Road, Kenema, which is within the same vicinity. It's just about
26 a stone's throw.
27 Q. Use the length of this room to indicate, if you would, the
28 distance.
29 A. Just a stone's throw.

1 Q. Well, your stone throw may be different from mine. Can you
2 indicated by this room, please?
3 A. Well, I can say from this Court building to the exit to the
4 main gate here.
10:00:56 5 Q. Right, so perhaps 100 to 150 yard?
6 A. It is not up to 150 yards.
7 Q. About 100 metres?
8 A. About 100 yards.
9 Q. Thank you. It was well known that they were there?
10:01:19 10 A. Yes.
11 Q. And the secretariat itself, did Bockarie have fighters
12 there, outside?
13 A. Yes.
14 Q. Guarding the place?
10:01:39 15 A. They use the secretariat as the sort of administrative
16 building where civilians go and seek for redress. They are
17 always there, day in and day out, always.
18 JUDGE ITOE: The question is not answered. I thought you
19 were referring to fighters being around the secretariat all the
10:02:06 20 time.
21 MR JORDASH: Yes.
22 PRESIDING JUDGE: Guarding.
23 JUDGE ITOE: Guarding, yes.
24 THE WITNESS: Yes, always, day and night.
10:02:17 25 MR JORDASH:
26 Q. And the description of Sesay's fighters, is that a
27 description which would apply to the guards around the
28 secretariat?
29 A. Well, these were all the same people, they operated

1 together, yes.

2 Q. Would they harass civilians too, then?

3 A. Yes.

4 Q. Now the flag incident, or the flag trick. The flag trick,
10:02:55 5 according to you, was, as you told us, something that happened
6 every day?

7 A. Yes.

8 Q. And was designed, was it not, according to you, to make
9 somebody stop, at which point the fighters in the street would
10:03:24 10 then seize them, take them to the secretariat, loot them and
11 harass them?

12 A. Yes, that is correct.

13 Q. And this happened throughout the junta period?

14 A. Throughout.

10:03:54 15 Q. Do you know why -- let me restart. Isn't it right that if
16 this were true within a few days of this happening this news of
17 the dangers around the secretariat would have spread around
18 Kenema?

19 A. The entire Kenema township know about it very well.

10:04:30 20 Q. But yet civilians continued every day to walk and fall
21 victim to the flag trick; is that your evidence?

22 A. That is how they were operating every day.

23 Q. That is not the question. You say that Sesay's fighters,
24 the guards around the secretariat, were notorious around Kenema
10:04:56 25 and yet is it your evidence that civilians continued throughout
26 the junta period to fall victim to the flag trick?

27 A. Because they change this time intermittently. Sometimes
28 these do it 8.00, some time 9.00, sometimes 7.00. Our own time
29 here is 6.00. So they always trick the civilians, always.

1 Q. So the way in which the junta were able to continue the
2 trick was, you would say, by changing the time of the trick?

3 A. Exactly.

4 Q. So civilians one day having heard that the flag trick was
10:05:50 5 played at 8.00 would turn up say at 11.00, thinking they would be
6 safe and perhaps the flag trick had changed to 11.00; is that
7 your evidence?

8 A. They changed the time intermittently. Sometimes they do it
9 at 7.00, sometimes 8.00, sometimes 9.00, just like that. Just
10:06:15 10 for them to catch people and extort the money from them.

11 JUDGE ITOE: Listen to counsel's question very carefully.
12 Can you put the question to him again, please? Listen to his
13 question very carefully.

14 MR JORDASH:

10:06:30 15 Q. Let me try to make it more simple. Civilians having heard
16 the flag trick was being played at 8.00, for example, would
17 change their time to go to the secretariat to avoid the flag
18 trick, but the junta would then intermittently change the time so
19 as to catch the civilians out again.

10:06:56 20 A. Yes, that's correct.

21 Q. This went on every day, for the whole junta period?

22 A. Yes, every day.

23 Q. Why did civilians, from what you observed, continue to even
24 come to the secretariat knowing that any day they could find
10:07:13 25 themselves looted and harassed by the fighters around the
26 secretariat?

27 A. They were not necessarily going to the secretariat. But
28 that is a strategic position where people pass to go to the
29 market, to go to town.

1 Q. It was the only road to town? It was the only road to
2 market, past the secretariat?
3 A. There are so many roads but that was the major road which
4 people used daily.
10:07:43 5 Q. But there were other routes by which people could go to the
6 market?
7 A. Of course.
8 Q. And yet, your evidence is that people continued
9 nevertheless to go past the secretariat.
10:07:55 10 A. Yes, that is a very busy street in Kenema, Hangha Road.
11 Q. That's the point though, isn't it? I am suggesting that
12 what you're saying about this can't be true, or else civilians
13 would not have continued going past the secretariat. Why risk
14 life and limb when there are other routes? Do you understand my
10:08:19 15 point?
16 A. I understand your point.
17 Q. Do you have an explanation why they'd risk life and limb
18 when there are other routes?
19 A. Kenema is a very big town and Hangha Road is very busy
10:08:27 20 street, so people use that route every day to go to work, to go
21 to the market.
22 Q. Why, from what you observed?
23 A. It is because they change the time. Sometimes they let
24 people go after 8.00 or after 9.00.
10:08:44 25 Q. I want to refer you -- before I do, do you know why the
26 junta even bothered with the flag trick? You have armed guards,
27 versus civilians; do you know why the junta didn't simply say to
28 the civilians, "Stop, or I will shoot you." Why did they play
29 the flag trick; do you know?

1 A. Put the question again.

2 Q. If I have a gun and you don't, presumably I can make you
3 stop. Why do I need a flag trick? Why did the junta use the
4 flag trick?

10:09:32 5 A. Yeah, because they wanted to extort money from people so
6 that they can go to the market and buy. And you see them doing
7 that every day in Kenema.

8 Q. So why not just point the gun and say, "Give me your
9 money"?

10:09:42 10 A. I don't know.

11 Q. Why go through the elaborate flag trick?

12 A. It is to extort money from people. They will say you have
13 broken the law.

14 Q. They can say that without raising a flag, can't they?

10:10:00 15 A. That is their business.

16 Q. Let me refer, please, to your evidence, which you gave I
17 think it was in the Court next door in the AFRC trial, okay?

18 A. Yes.

19 MR JORDASH: Could the witness please be given his
10:10:26 20 transcript?

21 [Document shown to witness]

22 MR JORDASH: Thank you.

23 Q. Mr witness, you understand, don't you, that your evidence
24 is recorded.

10:11:12 25 A. I understand.

26 Q. What has been handed to you is a transcript of that
27 evidence?

28 A. Okay.

29 Q. Could I ask you, please, to turn to 24th of June, I think

1 it is all the 24th of June, page 10. The numbering is on the top
2 right-hand corner.

3 A. Yes.

4 Q. Line 15, sorry, line 12. A is your answer, Q is the
10:12:14 5 question of the lawyer.

6 "A. Normally we put up our flag up at 6.00 am in the
7 morning?"

8 "Q. who are 'we'?"

9 "A. we, Sierran Leonean national flag is supposed to go
10:12:29 10 up at 6.00 a.m. and we put it down 6.00 p.m.

11 "Q. Every day?"

12 "A. Every day. But the AFRC juntas and the RUF rebels
13 set a trap with out national flag.

14 "Q. Can you explain what you mean?"

10:12:44 15 "A. Sometimes they put the flag up at 8.00 or 9.00."
16 Then turn to page 12, please. Sorry, let's go to page 11,
17 line 28. "So, each time the flag is going up" -- this is your
18 answer Mr witness, are you with me, page 11?

19 A. Okay.

10:13:30 20 Q. Line 28 at the bottom.

21 A. Yes.

22 Q. Take your time, Mr witness. There's no --

23 A. Line 28.

24 Q. Yes, at the bottom.

10:13:48 25 "A. Each time the flag is going up and people are moving
26 in the street they get arrested.

27 "Q. who are 'they', witness?"

28 "A. Take you to their secretariat."

29 Question, Mr witness. I am on page 12 now.

1 A. Page 12.
2 Q. Line 3.
3 "Q. Mr witness, sorry to interrupt you, but just you say
4 'they get you'; who are 'they'?"
10:14:12 5 "A. The AFRC juntas and the RUF rebels.
6 "Q. Carry on.
7 "A. They take you to their secretariat, remove everything
8 that you have on you and if you resist, they beat you and
9 lock you up. And they do this continuously. So at one
10 point in time --
11 "Q. Did you see that happening?
12 "A. On several occasion. They do it continuously."
13 You cannot say, can you, Mr witness, that this flag trick
14 happened every day and you didn't say that in the trial of the
10:14:55 15 AFRC. You said sometimes they put the flag up, on several
16 occasions you saw it happening?
17 A. They do it every day.
18 Q. You say that now, you say it happened every day now, but I
19 am suggesting that what you have done is, perhaps you have
10:15:20 20 developed from a single incident to this every day theory now you
21 put forward in this Court?
22 PRESIDING JUDGE: I will draw your attention, Mr Jordash,
23 to the answer of the witnesses at line 11. "On several
24 occasion", and then he added "continuously".
10:15:38 25 MR JORDASH: That is different to every day.
26 PRESIDING JUDGE: Maybe you can ask him that question. You
27 only used the first part, "on several occasions", he had
28 qualified the several occasion in his answer in the other trial.
29 MR JORDASH: Perhaps I can ask the witness to turn to page

1 16.

2 PRESIDING JUDGE: 16.

3 MR JORDASH: Page 16, which may cast a bit more light on
4 this.

10:16:04 5 Q. And we're still talking about the flag incident. Answer,
6 line 2.

7 "A. This is the usual habit. They always do it. I cannot
8 approximate but they always do it."

9 Is it right that you cannot approximate?

10:16:43 10 A. Yes, because they do it every day.

11 Q. You see, I am suggesting that the first time you have ever
12 suggested that they did it every day was yesterday in this
13 courtroom and what you have done, you have, like much of your
14 evidence, you've exaggerated it.

10:17:05 15 A. It is no exaggeration. It is something they do very open,
16 they don't hide. Entire Kenema township knows about that.

17 MR JORDASH: Just give me a moment, please. Could I ask
18 that the witness be given all of his statement please, the
19 statement and all the interview notes? To be clear, the 30th of
10:18:26 20 January.

21 JUDGE ITOE: Why not one by one so he that doesn't get
22 confused in sorting them out. Do you think it's a better
23 methodology.

24 MR JORDASH: I understand the point. Can I ask that he be
10:18:46 25 given the 25th of May proofing notes, and also the 25th of
26 November proofing notes? Now, have a look please, Mr witness, at
27 25th of November proofing notes and page 10925, paragraph five.
28 You describe an incident there where Morris Kallon you say
29 intervened to help a woman. You see that? That's what is

1 described in the notes; do you see that?

2 A. Yeah.

3 Q. "For instance, one time when some soldiers were putting up
4 the national flag they saw a woman passing by. The soldiers, one
10:20:33 5 named Junior, the others I don't remember, stopped her and took
6 her money. Kallon saw this and intervened to help the woman."
7 Do you see that?

8 A. Yeah.

9 Q. Now, that, Mr witness, I suggest was the first time you
10:21:05 10 described an incident to the Prosecution, in fact to anybody,
11 about a flag in Kenema during the junta period. Did you describe
12 that incident to the Prosecution on 24th of November?

13 A. Yes.

14 Q. Can I ask you to turn now, please, to the proofing notes of
10:21:36 15 15 March, sorry, 26th of May.

16 JUDGE ITOE: What date was that?

17 MR JORDASH: The 26th of May and I think that should be
18 10933.

19 Mr HARRISON: If it is 26th of May 2005 then it would start
10:22:04 20 at 12137.

21 MR JORDASH: Thank you. 12138, please.

22 Q. The 26th of May, paragraph four, page 12138. "One day a
23 woman was going to the market to buy food in the morning and did
24 not stop when the junta soldiers raised the Sierran Leonean flag
10:22:26 25 in the secretariat. She was assaulted by a 12-year-old child
26 soldier called Junior. The woman panicked and was arrested and
27 taken to the secretariat. There they started to steal her
28 jewelry and all her money. I tried to assist the woman and I was
29 beaten up, my back was injured and I was locked up for two

1 hours."

2 Now up until you gave evidence in the Court next door, they
3 were the two flag incidents you described. When you get next
4 door, you describe things happening continuously. By the time
10:23:19 5 you arrive in this Court they are happening every day. When did
6 you first describe these things happening every day, the flag
7 trick, I mean?

8 A. This happened every day.

9 Q. We know that is what you say now. When did you first say
10:23:42 10 that to somebody? Was it yesterday?

11 A. I have said that on several occasions that it happens in
12 Kenema every day.

13 Q. To whom have you said that, before yesterday?

14 A. I have said so in my statement.

10:24:07 15 Q. You haven't, Mr witness. If you want to have a look at
16 them, you can, but you haven't.

17 A. This thing always happens. It happens every day during the
18 period. The people are alive there, they can testify.

19 Q. Why didn't you say that to the Prosecution before
10:24:27 20 yesterday, if it's true?

21 A. If it is true? Huh.

22 Q. Let's move on then. You have described the incident where
23 you were beaten up having come to the assistance of the women
24 yesterday as involving Issa's boys. Do you remember that?

10:25:07 25 A. No, not Issa's boys. This happened at the secretariat,
26 that is 14 Hangha Road, Kenema.

27 Q. So the incident in which you intervened to protect the
28 woman did not involve Issa's boys.

29 A. At all. 14 Hangha Road, Kenema.

1 Q. Fine, thank you. But you did describe yesterday that it
2 was AFRC and RUF, do you remember that?.

3 A. Yes.

4 Q. Look at paragraph four of the 26th of May proofing notes.
10:26:02 5 I will move on from that, that is a bad point.

6 PRESIDING JUDGE: You are not pursuing that question.

7 MR JORDASH: No, thank you.

8 Q. Now Mr Witness, I am going to move on from this subject,
9 but I suggest to you that if anything of this kind did happen
10:26:42 10 then it was a single incident which is closer to the incident in
11 which -- it was a single incident and you have altered your
12 evidence to exaggerate to make it as bad as you can for the
13 accused who sit behind me.

14 A. No, it is the truth of the situation. The entire Kenema
10:27:10 15 township knows about that. They do that continuously.

16 PRESIDING JUDGE: Mr Jordash, when you say, "this is a
17 single incident", what's the "this"? Is "this" being beaten up?
18 Or is "this" the flag? What is the "this" referring to.

19 MR JORDASH: That if there was an incident --

10:27:23 20 JUDGE ITOE: If at all.

21 MR JORDASH: If at all, there was a flag incident, it was a
22 one-off and this witness has simply --

23 PRESIDING JUDGE: The flag incident, you mean by this
24 raising the flag up and down at different times?

10:27:38 25 MR JORDASH: Yes.

26 PRESIDING JUDGE: Okay.

27 JUDGE ITOE: Let us get the witnesses response to this
28 again.

29 MR JORDASH: Certainly.

1 JUDGE ITOE: Mr witness, counsel has said that if at all,
2 the flag trick incident occurred, if it all it occurred, it only
3 occurred once and that you are exaggerating when you say it was a
4 daily occurrence.

10:28:14 5 THE WITNESS: That is no exaggeration, it happens every
6 day. The entire Kenema township knows about that very well.
7 Even the child knows about it.

8 MR JORDASH:

9 Q. I notice, Mr Witness, that the description you give of the
10:28:40 10 incident where you say Kallon intervened and the description you
11 give of when you were beaten up, having tried to intervened, both
12 involved a man called Junior or a person called Junior. Is that
13 because you are describing the same incident?

14 A. No.

10:29:02 15 Q. These just happen to be two incidents and by coincidence
16 they both involve somebody called Junior?

17 A. A very notorious rebel.

18 Q. Is this the same man though?

19 A. Yes, he and others.

10:29:19 20 Q. Well, let's stick with him. The same Junior in both
21 incidents?

22 A. Yes.

23 Q. It was just the one incident, wasn't it?

24 A. I only know him as Junior, that is all.

10:29:31 25 Q. Okay, now --

26 PRESIDING JUDGE: Mr Jordash, is that a question that it is
27 one single incident?

28 MR JORDASH: It was a question.

29 PRESIDING JUDGE: It was a question?

1 MR JORDASH: Yeah.

2 PRESIDING JUDGE: Can you answer that question, Mr Witness,
3 please?

4 Q. The two incidents which you describe involving Junior,
10:29:53 5 that's the one incident you have exaggerated from, isn't it.

6 A. No, that is two separate incidents and this happens every
7 day.

8 Q. Now you described yesterday an incident on Khobe Street.

9 A. Maxwell Khobe Street.

10:30:26 10 Q. And you were sitting in your office when you saw a group of
11 RUF rebels marching a Kamajor or --

12 A. A poor farmer not a Kamajor.

13 Q. Marching a poor farmer. What was his name?

14 A. I don't know his name.

10:30:40 15 JUDGE ITOE: They were marching a poor farmer and they were
16 chanting and saying that they caught a Kamajor; is that not what
17 you said?

18 THE WITNESS: Yes.

19 MR JORDASH:

10:30:53 20 Q. What was his name?

21 A. I don't know his name.

22 Q. You never found out his name?

23 A. I tried but no one could help.

24 Q. This must have been hot news in Kenema, hot off the press?

10:31:12 25 A. Of course.

26 Q. Yes. You were a xxxx officer with 50-odd xxxx officers
27 under your supervision?

28 A. Yeah.

29 Q. Not one of them could find out the name of this poor

1 farmer?
2 A. We tried but no one could help.
3 Q. Did you leave your office straight away?
4 A. Almost, yes.
10:31:39 5 Q. Did you see them leading him down the street when you
6 emerge from your office?
7 A. Yes.
8 Q. How close were you?
9 A. Well, about 100 yards.
10:31:56 10 Q. Who was leading him?
11 A. The RUF boys.
12 Q. What were their names?
13 A. I don't know their names.
14 Q. Did you investigate this?
10:32:09 15 A. Investigate what?
16 Q. This offence.
17 A. No, you have no time to investigate it.
18 Q. Did you see the RUF boys again who were part of this?
19 A. Yes.
10:32:25 20 Q. You didn't inquire that their names were?
21 A. If you try to force issue you be shot down --
22 Q. Not forcing an issue.
23 A. -- so you need to be careful.
24 Q. You cannot name any of the people involved?
10:32:44 25 A. Yes, I can identify them if I see them.
26 Q. Did none of the family of this poor farmer come looking for
27 him later to find out what happened to their family member?
28 A. Nobody came up.
29 Q. Nobody came to the xxxxxx?

1 A. At all.

2 Q. Do you know if anybody told the family what happened to
3 him?

4 A. I don't know, people were terrified, they were afraid.
10:33:26 5 They hardly come out in the street.

6 Q. Didn't you become curious and start to chase them?

7 A. Yes, I became curious and chased them because I wanted to
8 know what was happening.

9 Q. Why didn't you find out what was happening?

10:33:45 10 A. I try, but it is difficult. That time is not easy.

11 Q. Did you speak to them?

12 A. To whom?

13 Q. The people who were doing the crime.

14 A. Yes, I asked Mosquito why.

10:34:00 15 Q. Did you see Mosquito shoot him?

16 A. I didn't see him shoot him.

17 Q. But you saw him die?

18 A. Who?

19 Q. The man.

10:34:14 20 A. Yes, I saw him struggling to die and saw Mosquito with his
21 pistol, boasting that he must do away with all the Kamajors. He
22 gave order to drag the man and place him in a hole.

23 Q. So you saw him killed?

24 A. Who?

10:34:35 25 Q. This poor farmer.

26 A. I met him struggling to die. He was having a gunshot wound
27 in his head and his stomach.

28 Q. Is it right that the only killing you saw throughout the
29 whole of the junta period was the killing of Bonnie Wailer and

1 the two men with him?
2 A. Yes, you are correct.
3 Q. And we can presume, can we not, that you were active in
4 Kenema Town throughout the whole junta period?
10:35:17 5 A. Very much active, yes.
6 Q. Thank you. Is it correct that civilians came to the police
7 station and reported alleged offences against them?
8 A. Every day.
9 Q. And civilians were committing offences against other
10:35:59 10 civilians?
11 A. Yes.
12 Q. And civilians came to the xxxxxx to report offences
13 by armed men too, didn't they?
14 A. Yes.
10:36:16 15 Q. Civilians were not worried about reporting armed men who
16 might belong to the AFRC or RUF?
17 A. They do report as well.
18 Q. And action was taken, was it not?
19 A. No proper action.
10:36:35 20 Q. Civilians reported the looting of their property to the
21 police station, didn't they?
22 A. Yeah.
23 Q. I ask you to turn to page 91 -- I ask the witness to have a
24 copy of the evidence from next door, please. Just have a look
10:37:41 25 please, if you would, at page 91, line 18, please. Mr witness,
26 this is a question: "Mr witness, you have told this Court about
27 several lootings and killings et cetera by AFRC juntas and RUF.
28 Can you, Mr witness, tell us whether there were reports against
29 civilians looting? Your answer: "The report we received on

1 looting is all the time involved the AFRC junta and the RUF
2 rebels. We didn't get any reports of civilians looting
3 property." So, that answer is not correct, is it?
4 A. That answer is correct, that civilians were looting
10:38:47 5 property. We didn't get that kind of report.
6 Q. You didn't?
7 A. But the rebels and the AFRC were reportedly looting
8 properties belonging to civilians.
9 Q. So we are talking about the same thing. What do you say is
10:39:07 10 "looting", or how do you define looting?
11 A. You forcefully take somebody's property away, that is
12 looting. It is a man taking civilians' property by force, take
13 it away.
14 Q. So, are you suggesting to the Court that you never got any
10:39:26 15 reports of civilians looting property?
16 A. Civilians.
17 Q. Yes.
18 A. No.
19 Q. Okay, let's have a look at the xxxxxx diary. Could I have
10:39:35 20 the witness be given Exhibit No. 28?
21 MR HARRISON: I don't know whether it is helpful to the
22 Court, but we have extra copies of that exhibit if anyone
23 requires an extra copy.
24 [Exhibit No. 28 shown to witness]
10:40:13 25 PRESIDING JUDGE: Read on.
26 MR JORDASH: Do Your Honours have copies?
27 PRESIDING JUDGE: It is in our exhibit binder, so we have
28 it already.
29 MR JORDASH:

1 Q. Could I ask you, Mr Witness, to turn to page 47 of the
2 diary?
3 A. Yep.
4 Q. I am looking at photocopies, so please excuse me if I
10:41:14 5 struggle to read. 1350, can you see that at the top?
6 A. On page 47?
7 Q. 47.
8 A. Yes, I have seen page 47.
9 Q. Can you see there the fourth line down? I think this
10:41:41 10 relates, does it not -- have a look -- to the 19th of January
11 1998?
12 A. Yes.
13 Q. Entry, which I think is the 35, or number 35 at the side.
14 PRESIDING JUDGE: It is 19 January you are talking about?
10:42:10 15 MR JORDASH: Your Honour, yes. The date is on page 46.
16 PRESIDING JUDGE: Yes. What is the page?
17 MR JORDASH: 47.
18 PRESIDING JUDGE: Entry number, you say?
19 MR JORDASH: The number 35.
10:42:31 20 PRESIDING JUDGE: Yes, in the left margin?
21 MR JORDASH: Yes.
22 Q. Do you see that, Mr Witness? Is this the arrest of
23 Abu Samma for the offence of larceny against another?
24 A. Yes, I have seen it.
10:42:51 25 Q. Larceny was reported to the police station?
26 A. Yes.
27 Q. Civilians stealing from other civilians?
28 A. Yes.
29 Q. You don't define that as looting?

1 A. It already has its own offence, which is larceny.
2 Q. Is it right that civilians came to report assaults against
3 their persons by other civilians?
4 A. Yes.
10:43:57 5 Q. Alleged sexual offences by other civilians?
6 A. Yes.
7 Q. Assaults in general by other civilians?
8 A. Yes.
9 Q. Fraud?
10:44:17 10 A. Yes.
11 Q. By other civilians?
12 A. Of course.
13 Q. Anything else reported by the civilians against other
14 civilians?
10:44:36 15 A. Whatever crime, they report whatever crime committed
16 against the offended civilians.
17 Q. Whatever crime?
18 A. Yes.
19 Q. Thank you. Is it right that during the junta period you
10:44:57 20 only witnessed, yourself, one burning of a house?
21 A. One?
22 Q. One burning.
23 A. No.
24 Q. No?
10:45:18 25 A. Series of houses were burnt there in Kenema and I visited
26 all those areas, and I met those houses on fire. Some of the
27 perpetrators were there; I saw them all.
28 Q. You described yesterday the burning of an alleged kamajor's
29 house at Mambu Street.

1 A. That's just one incident.

2 Q. Can you ask you, please, to turn to the interview notes of
3 the 25th of November. Sorry to keep darting around, but I think
4 you do have them in front of you. Your Honours, page 10926,
10:46:20 5 paragraph 17: "There was a certain house burnt on Blama Road,
6 because it was supposedly hosting Kamajors initiations. Nobody
7 was killed because the owner had a warning and everyone fled.
8 There was a fight at the house because there actually were
9 Kamajors in the house. The house was eventually burnt, but there
10:46:48 10 was a battle. This was the only burning I saw with my own eyes."
11 Do those words reflect what you told the Prosecution on the 25th
12 of November?

13 A. I saw a lot of the burning.

14 Q. I am not asking you that; I am asking you whether these
10:47:11 15 words reflect what you told the Prosecution on 25th of November.

16 A. This was not the only burning I saw.

17 Q. That is not the question. Is this what you told the
18 Prosecution on the 25th of November?

19 A. This was the only burning.

10:47:28 20 Q. Listen to the question, Mr Witness.

21 A. No.

22 Q. You didn't tell this to the Prosecution on the 25th of
23 November?

24 A. That this was the only burning I saw, no.

10:47:34 25 Q. You never said that?

26 A. No. I saw a lot of burning of houses in Kenema. And I
27 always meet the perpetrators standing right there.

28 Q. Whose house was burnt, according to you, that you saw in
29 Kenema besides the burning at Mambu Street?

1 A. Brima Kpaka's house was burnt down at Duwoa Street, Kenema.
2 I went and met the AFRC boys who burnt the house down.
3 BS Massaquoi's two houses were burnt down along Jenneh Street,
4 Kenema. I also went and met them there. BS Massaquoi's house
10:48:10 5 was --
6 JUDGE THOMPSON: Please, please. You say you saw Brima
7 Kpaka's house. Which was the first you mentioned?
8 THE WITNESS: Brima Kpaka's house at Duwoa Street, Kenema.
9 JUDGE THOMPSON: What street?
10:48:37 10 THE WITNESS: Duwoa Street, Kenema.
11 JUDGE THOMPSON: Can you spell it?
12 THE WITNESS: Duwoa, D-U-W-O-A, Duwoa street.
13 JUDGE ITOE: Yes?
14 THE WITNESS: BS Massaquoi's house was burnt down along
10:49:00 15 Jenneh Street, Kenema. I went and met --
16 JUDGE ITOE: Massaquoi's house?
17 THE WITNESS: Yes. Along Jenneh Street, Kenema;
18 J-E-N-N-E-H.
19 JUDGE ITOE: Yes.
10:49:14 20 THE WITNESS: BS Massaquoi's house was burnt at Wamann Abu
21 Road, Kenema. I also went and met all the perpetrators there.
22 The house was on fire.
23 JUDGE ITOE: What street?
24 THE WITNESS: Wamann Abu Street, Kenema.
10:49:30 25 JUDGE ITOE: Spell it please.
26 THE WITNESS: W-A-M-A-N-N, Wamann; Abu, A-B-U.
27 MR JORDASH:
28 Q. Let me ask you this, Mr Witness.
29 A. Yes.

1 Q. You have been taken through these notes. I am sorry; I beg
2 your pardon. Do you know how the line, "This was the only
3 burning I saw with my own eyes", got into your statement, or got
4 into these notes?

10:50:25 5 A. That was not my statements. I saw these burnings; I visit
6 the same --

7 Q. Were you comfortable --

8 A. I meet the perpetrators at the same -- I meet the house on
9 fire.

10:50:34 10 Q. Were you comfortable with the interview process on the 25th
11 of November with Mr Braun and Chris Dunn? Were you comfortable
12 with the communication between you and them?

13 A. Repeat the question.

14 Q. Were you comfortable with the interview process and the
10:51:07 15 communication between you and the Prosecutors on the 25th of
16 November? That is where these notes are from.

17 A. To who? To where? I am not getting question quite clear.

18 Q. Okay, let me repeat it. On the 25th of November you saw
19 the Prosecution. These notes come from that meeting. What I am
10:51:32 20 asking you -- I am trying to discover how it is the notes say
21 that this was "the only burning I saw with my own eyes",
22 referring to Blama Road. Are you with me so far? I am trying to
23 work out whether there was something about the interview which
24 made them write down something you hadn't said.

10:51:50 25 A. I don't know, but I saw a lot of burning and visited all
26 those areas.

27 Q. Do you know about an incident where RUF fighters went to
28 the Bondo bush?

29 A. Yes, I know that very well.

1 Q. And they shouldn't have been there?
2 A. What?
3 Q. They shouldn't have gone there, because it was a place
4 where men shouldn't go.
10:52:26 5 A. At all.
6 Q. It was a women's society bush?
7 A. Yes.
8 Q. And Sam Bockarie disciplined those RUF fighters; are you
9 aware of that?
10:52:39 10 A. Of course, yes.
11 Q. Thank you.
12 I am just going to take brief instructions, if I may.
13 Let me refer you, if I can, back to the paragraph about
14 Blama Road just to check whether anything else is inaccurate
10:54:02 15 about this paragraph. Is it right that --
16 PRESIDING JUDGE: Just to make sure we are talking about
17 the same paragraph. You are talking again of 10926, paragraph
18 17.
19 MR JORDASH: Yes.
10:54:13 20 Q. Is it right that a certain house was burnt down on Blama
21 Road because it was supposedly hosting Kamajors initiations?
22 A. That is correct, yes.
23 Q. It is right that there was a fight at the house because
24 there were actually Kamajors in the house?
10:54:34 25 A. There was a fight, yes.
26 Q. Because there were actually Kamajors in the house?
27 A. They were there; I used to visit them there, yes.
28 Q. Yes. And there was a battle and the houses was burnt?
29 A. Yes.

1 Q. The rest of the paragraph is correct, is it, just to be
2 sure?

3 A. I only disagree with the last sentence: "This was the only
4 burning I saw with my eyes." I saw say lot of burning and I
10:55:22 5 visit all the areas.

6 Q. I think we have got that message.

7 A. And I met all the perpetrators standing there. I know all
8 of them.

9 Q. Okay, thank you. It was the owner of Blama house who had
10:55:37 10 the Mercedes which Akim kept, was it?

11 A. No, that is from Mambu Street.

12 Q. You have said, Mr witness, that there was no evidence of BS
13 Massaquoi's involvement with the Kamajors. You couldn't find
14 any.

10:55:58 15 A. At all, no evidence.

16 Q. Right. Let me refer you to the xxxxx again, please.

17 A. Okay.

18 Q. Exhibit No. 28, page 34.

19 PRESIDING JUDGE: which number on the --

10:56:25 20 MR JORDASH: 34, entry number 50.

21 PRESIDING JUDGE: I know, but the Court Management number
22 at the top of the page there.

23 MR JORDASH: 0008474.

24 MR HARRISON: No, I am sorry, that is an incorrect number.

10:56:43 25 That is a number attributed by the OTP. If there is a Court
26 Management number, it is in the top right corner.

27 MR JORDASH: I don't think there is a Court Management
28 number.

29 PRESIDING JUDGE: I think there is, but we will see. This

1 is Exhibit No. 28 we are still talking about?

2 MR JORDASH: Your Honour, yes.

3 PRESIDING JUDGE: I have 28 but don't have numbers. What
4 is your page again?

10:57:24 5 MR JORDASH: 34, Your Honour.

6 PRESIDING JUDGE: Which is 17th of January? That is what
7 it is?

8 MR JORDASH: Yes, Saturday, 17th of January 1998.

9 Q. Do you see that, Mr Witness?

10:57:43 10 A. I have seen it, yes.

11 Q. Right. I am not interested in the names of police
12 officers, but the entry number 50 on the left column: "I
13 returned to the office with" -- these are two police officers; is
14 that right?

10:58:04 15 A. Yes.

16 Q. "From BS Massaquoi's residence and No. 3 Jenneh Road,
17 Kenema, where a search was conducted upon a warrant. In the
18 process of search, two expired pistol licences were discovered,
19 three letters and a list of contributors towards the Kamajors'
20 initiation were also discovered." Is that your entry?

21 A. My entry?

22 Q. Did you write this?

23 A. No, I never.

24 Q. But a police officer wrote this?

10:58:45 25 A. Yes.

26 Q. So, you don't perceive this to be evidence of some kind of
27 association with Kamajors, or were you aware of this?

28 A. I was aware. If you want me to explain that, I will

29 explain it to this Court. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

1 xxxThat was the man who defected from the xxxxxxxxxx
2 to the RUF, claiming that he is the younger brother to
3 Mosquito. So, he emanated all these things.

4 Q. But, he didn't write this, though, did he? Because "I
10:59:29 5 returned with Mr X and 5604 returned from" -- this is someone
6 else writing it.

7 A. This man was trying to manufacture evidence against
8 BS Massaquoi.

9 Q. This isn't 5604.

10:59:42 10 A. So he go all out to do all kinds of rubbish. we didn't
11 even treat it seriously at that time, because he was lying.

12 Q. This is not 5604 writing, though, is it? It is somebody
13 else.

14 A. He went out of the team; he used to play all these games.

10:59:56 15 Q. Concentrate on the question. "I returned to the office
16 Mr X and 5604." This is someone else writing it, isn't it?

17 A. Yes, and I know the man who wrote that entry.

18 Q. On the face of this entry, the person who wrote it appears
19 to accept that a list of contributors towards Kamajors'
11:00:21 20 initiations was found at BS Massaquoi's house.

21 JUDGE THOMPSON: Can we have his own version of it? You
22 are asking him to interpret that from the way it is written, and
23 he, having knowledge of it himself, wants to give you the other
24 version. Shouldn't the Court be interested in hearing why he is
11:00:39 25 not agreeing with your theory?

26 MR JORDASH: Of course.

27 JUDGE THOMPSON: Shall we hear that?

28 THE WITNESS: 5604 is the younger brother of Mosquito and
29 he defected from the police and joined the rebels. The man who

1 made that entry, 35, he was also part of them. So, therefore, we
2 didn't treat it seriously. They were just lying, trying to
3 manufacture evidence against BS Massaquoi and others.

4 MR JORDASH:

11:01:09 5 Q. Can I ask the witness, please, to look at his first
6 statement, 30th of January 2003?

7 A. These guys were all juntas.

8 Q. You looked at that yesterday, so you have already confirm
9 it's yours.

11:01:39 10 A. Yes, it's mine.

11 Q. This is page 10920, third line down: "I warned my
12 personnel not to be engaged active in political activities but to
13 remain as watchdogs." Correct?

14 A. Yes, correct, yes.

11:02:06 15 Q. xxx
16 that he was the brother of Mosquito, the rest heeded to my
17 advice."

18 A. Of course, yes.

19 Q. well, who is this man now suddenly materialised who is also
11:02:25 20 a police officer who wrote this entry who didn't also heed to
21 your advice? who is it?

22 A. well, some of them were not very active; they never took
23 gun. But because of their involvement, it was clear to us that
24 they are supporting the junta.

11:02:42 25 Q. who was that man?

26 A. His number is there, 35.

27 Q. what is his name?

28 A. His number is there, 35.

29 Q. what is his name?

1 A. Foday.
2 Q. Foday who?
3 A. Foday Kamara, DPC 35.
4 JUDGE ITOE: Was that the man who made the entry?
11:03:00 5 THE WITNESS: That was the man who made this entry. He was
6 supporting them secretly. But he never took arms.
7 Q. Can you spell his name?
8 A. Foday Kamara is F-O-D-A-Y; Kamara, K-A-M-A-R-A.
9 Q. Do you know where he is now?
11:03:18 10 A. Yes.
11 Q. Where is he?
12 A. He is working; he is still a member of the force.
13 Q. Where?
14 A. I don't really want to disclose his location anyway for
11:03:23 15 security reasons.
16 Q. Why don't you write it down? We have an investigator who
17 can go and find him.
18 A. I never wrote it down. He himself made that entry.
19 Q. Why don't you write his name and location down for us so
11:03:34 20 that we can go speak to him to see if he was a RUF collaborator?
21 A. I don't want to go that far.
22 Q. Why not? You have accused a man of being an RUF
23 collaborator, why don't you give us his name and location so we
24 can speak to him?
11:04:03 25 A. He was working in Kono, Kono police station; he is working
26 there right now.
27 Q. Is there more than one police station in the Kono? Yes?
28 A. There is another one police station in Kono.
29 Q. Which one is he at?

1 A. When you get to Kono you ask for him and they will trace
2 him.
3 Q. You want to assist this Court with the truth, don't you?
4 A. Yes.
11:04:24 5 Q. So why don't you let us know where he is so we can ask him
6 if what you say is true?
7 A. This man was transferred to Kono police station.
8 Q. Which police station.
9 A. Mortema Police Station, Kono.
11:04:38 10 Q. Thank you very much. Is he likely to be there now?
11 A. He is there right now; he is working there.
12 Q. And he is not likely to be moving anywhere?
13 MR HARRISON: well --
14 MR JORDASH:
11:04:46 15 Q. He is not likely to be going anywhere?
16 JUDGE ITOE: How is he responsible for his movements,
17 Mr Jordash?
18 MR JORDASH: I don't know. Maybe he --
19 JUDGE ITOE: He is not the police boss.
11:05:01 20 MR JORDASH: As far as he can say -- he can say whether he
21 knows --
22 JUDGE ITOE: No, no. It is unfair to put these questions
23 to the witness. I think it is unfair. He does not control the
24 police force. He can't account for -- he maybe transferred today
11:05:13 25 and he is gone. You may go tomorrow and find that the man is
26 gone already.
27 MR JORDASH:
28 Q. As far as you are aware, you haven't heard that he is to be
29 transferred anywhere else?

1 A. At all, he is still in Kono.
2 Q. Right. Thank you, moving on. Whilst we are on this
3 statement, can I ask you about BS Massaquoi? You told us
4 yesterday that you discovered BS Massaquoi's body, yes? On the
11:06:04 5 Sunday there was a widespread rumour that BS Massaquoi had been
6 killed.
7 A. Yes.
8 Q. People of Kenema were pulling out of Kenema township.
9 A. Yes.
11:06:17 10 Q. You went to the brigade headquarters.
11 A. Yes.
12 Q. You went to the Guinea Base?
13 A. Yes.
14 Q. Then to?
11:06:34 15 A. A stream called Lambayai.
16 Q. Lambayai.
17 A. Yes.
18 Q. Why did you go to the Guinea Base to look for BS Massaquoi?
19 A. I have to because these guys occupy all those areas.
11:06:46 20 Q. Which guys?
21 A. The AFRC and the RUF rebels. They occupy all those areas.
22 It is a very big area at the government reservation.
23 Q. Why did you go to the small stream?
24 A. Why did I go to the small stream?
11:07:02 25 Q. Yes.
26 A. I was searching for BS Massaquoi and others.
27 Q. Why go there?
28 A. I want to confirm --
29 Q. Why there?

1 A. I want to confirm whether they are dead or alive.
2 Q. Why go to the stream?
3 A. I said I wanted to confirm whether they are dead or alive.
4 Q. What made you think they were at the stream?
11:07:21 5 A. I was just moving around looking for them.
6 Q. You say you found BS Massaquoi and Andrew Quee.
7 A. Yes.
8 Q. And was it four others?
9 A. Yes.
11:07:17 10 [RUF080705B - CR.]
11 Q. Can I ask you to look at page 10922. It's the statement of
12 the interview we've just looked at, which is dated 30 January
13 2003.
14 A. You mean my transcript from next door?
11:07:50 15 Q. No, your statement. I think you might have it in your hand
16 now. It's the one we looked at with the comment about Tarawalay
17 taking up arms; your very first statement.
18 A. Page?
19 Q. Page 10922, the last page.
11:08:12 20 A. Okay. I've seen it.
21 Q. The last paragraph about four lines down: "I went to
22 Lambayai otherwise known as Doorwailah and saw his corpse" - that
23 is BS Massaquoi - "lying among several other corpses with cement
24 blocks placed on his head." Do you see that?
11:08:44 25 A. Yes.
26 Q. You didn't mention there finding Andrew Quee in the same
27 place. Andrew Quee was, as you said, prominent in Kenema; was he
28 not?
29 A. He was.

1 Q. Did you just forget about finding Andrew Quee at that
2 point?
3 A. I saw BS Massaquoi, Andrew Quee and others.
4 Q. You didn't tell the Prosecution that in November --
11:09:16 5 A. Okay, I agree, I agree, but I did see him.
6 Q. I suggest you didn't see BS Massaquoi or Andrew Quee dead?
7 A. Clearly. I saw them clearly. That is why I went in search
8 of them.
9 Q. Now, you told us yesterday that - is this right - when the
11:09:56 10 kamajors were advancing on Kenema, coming to attack the junta,
11 the junta launched an operation called No Living Thing. Do you
12 recall saying that yesterday?
13 A. Yes.
14 Q. And for the rest of the day there was looting and burning;
11:10:24 15 is that right?
16 A. Yes.
17 Q. I think that's what you said yesterday.
18 A. Yes.
19 Q. Please, could you turn to the notes of 25 November 2004?
11:10:52 20 It is page 10924, Mr witness.
21 A. 10924?
22 Q. Yes. Do you have it?
23 A. Yes.
24 Q. Paragraph 8.
11:11:33 25 A. 10925?
26 Q. 10925, yes.
27 A. okay.
28 Q. The notes reflect that the kamajors were driving out the
29 junta; do you see that in paragraph 8?

1 A. Yes.

2 Q. It said there, "At this time, there was systematic looting.
3 In fact, my house was completely looted. It was empty when I
4 returned." Do you see that?

11:12:05 5 A. Yes.

6 Q. Is that correct?

7 A. Yes.

8 Q. Paragraph 9, "So when soldiers rebels pulled out of Kenema,
9 they looted everything, food, from NGO warehouses: vehicles,
11:12:20 10 food from stores."

11 A. Yes.

12 Q. Then paragraph 10, "We pulled out of Kenema in 1998,
13 because we heard about Operation Pay Yourself." Then reading
14 further down the paragraph, "We heard about this and fled to save
11:12:42 15 our lives, but our properties were all looted when we returned."

16 A. Yes.

17 Q. You have not, I suggest, mentioned Operation No Living
18 Thing before. The first time you mentioned it was yesterday in
19 this Court. The operation you mentioned was Operation Pay
11:13:06 20 Yourself.

21 A. Yes, there is Operation Pay Yourself and Operation No
22 Living Thing.

23 Q. You didn't tell the Prosecution about Operation No Living
24 Thing, though, did you?

11:13:15 25 A. Perhaps it might be a mistake. But there were two
26 operations: Operation No Living Thing and Operation Pay
27 Yourself.

28 Q. Separate days?

29 A. Yes.

1 Q. Did you just forget about Operation No Living Thing?
2 A. Yes, it might be a mistake.
3 Q. It's a big thing, isn't it, Operation No Living Thing?
4 A. It's a very big thing, yes.
11:13:32 5 Q. Very big thing. You must have been petrified; no?
6 A. Of course, it's a very big thing. Operation No Living
7 Thing was very dangerous.
8 Q. Were you frightened?
9 A. Pardon?
11:13:45 10 Q. Were you frightened? Very, very, very frightened?
11 A. I was not.
12 Q. You weren't?
13 A. I was not.
14 Q. You also didn't mention, did you, that you were in your
11:13:54 15 house when AFRC junta turned up to loot your house and you
16 managed to escape, as you said yesterday, with your little
17 family.
18 A. Yes.
19 Q. You mentioned that?
11:14:01 20 A. Yes.
21 Q. When did you mention that to the Prosecution? See, I
22 suggest nowhere in your notes is that mentioned.
23 A. Okay, but I mention it now to this Court.
24 Q. But that's a big thing, too, isn't it? You run for your
11:14:21 25 lives from a house.
26 A. Yeah.
27 Q. And you don't mention it to the Prosecution, but you
28 mentioned it in the Court yesterday.
29 A. Well, the things are so many that I cannot mention

1 everything, so I just pick out the most important things.

2 Q. Operation No Living Thing and your family being attacked in
3 your own house were not the most important things?

4 A. It was important, that's why I mentioned it.

11:14:42 5 MR HARRISON: I don't think it was a question of his being
6 attacked in his own house. He's never said that.

7 MR JORDASH:

8 Q. Well, your family's house being attacked while you were in
9 it was not one of the most important things?

11:14:54 10 A. That's why I mentioned it.

11 Q. Yesterday, you mean, for the first time?

12 A. I did mention that in my statement.

13 Q. Well, you can have a look, but it's not in there.

14 A. It's supposed to --

11:15:05 15 MR HARRISON: Paragraph 10, isn't that the reference you
16 were trying to draw to the witness's attention, the final
17 paragraph about his house being looted, or the properties?

18 MR JORDASH:

19 Q. "Our properties were all looted when we returned." There
11:15:21 20 is nowhere mentioned in these notes, Mr Witness, you had to flee
21 your house from looters, it having been attacked by looters.
22 That's the point I'm making.

23 JUDGE THOMPSON: He's agreed and he has given an
24 explanation.

11:15:33 25 MR JORDASH: I'll move on.

26 JUDGE THOMPSON: Yes, he's certainly agreed.

27 MR JORDASH:

28 Q. Can I suggest it's because you're exaggerating, again.

29 A. There is no need for me to exaggerate.

1 Q. Okay, we'll see about whether you have, in relation to Mr
2 Sesay. You've told this Court, having sworn on the Bible, that
3 you saw Sesay many times in Kenema, and his fighters; yes?
4 A. Yes.
11:16:09 5 Q. Have a look at the 25 November 2004 notes, please, page
6 10924. Have you got them in front of you?
7 A. No.
8 Q. Would you like to take them up? I think they were on your
9 desk. Page 10924.
11:16:43 10 A. Okay.
11 Q. Paragraph 2, "I saw Issa Sesay in Kenema only on two
12 occasions." Who said that?
13 A. Yes, that was my first statement, but later on I recollect
14 I made a dishonest statement that I saw him on several occasions.
11:17:14 15 Q. Mr witness, you've told this Court how Sesay's boys, how
16 Sesay was living at Hangha Road, you went there every day.
17 A. Yes.
18 Q. How do you make the mistake of saying that you only saw him
19 in Kenema on two occasions when you first talk about Sesay?
11:17:39 20 A. Well, it never occurred to me earlier. When I recollected,
21 that's why I made the additional statement, that I saw him on
22 several occasions.
23 Q. So you'd forgotten, had you, at this time, that Sesay lived
24 at Hangha Road?
11:17:55 25 A. When I recollected, yes, I made a statement.
26 Q. Had you forgotten he lived at Hangha Road in November 2004?
27 A. A lot of things were on my mind, so I must make a mistake.
28 Q. So you'd forgotten?
29 A. I must make a mistake. I'm a human being.

1 Q. Had you forgotten?
2 A. No, I saw him several occasions.
3 Q. No, had you forgotten?
4 A. Forgotten about what?
11:18:19 5 Q. Had you seen him at Hangha Road when you spoke to the
6 Prosecution in November 2004. Had you forgotten at that time?
7 A. Yes, at that time.
8 Q. You'd forgotten it?
9 A. Yes.
11:18:28 10 Q. Let's read on: "At that time he was in charge of
11 operations. Whenever there were operations anywhere in the
12 country, Mosquito would send him." Yesterday, 6.00, Thursday,
13 you told this Court Mosquito was in charge of operations. Did
14 you tell the Prosecution in November that Issa Sesay was in
11:18:53 15 charge of operations?
16 A. Which paragraph is that?
17 Q. Same paragraph, paragraph 2. "At that time he was in
18 charge of operations. Whenever there were operations anywhere in
19 the country, Mosquito would send him." Which is true? Well,
11:19:13 20 before I ask that question, did you tell the Prosecution that
21 Issa Sesay was in charge of operations?
22 A. Yes.
23 Q. Was, as you told us yesterday, and I recorded the time,
24 6.00pm, Thursday, yesterday, Mosquito was in charge of
11:19:34 25 operations. Now, according to what you said in November 2004,
26 Issa Sesay was in charge of operations. Which is true?
27 A. Mosquito could be in charge and dedicate the task to his
28 subcommanders.
29 Q. So Issa Sesay then, unlike what paragraph 2 says, was not

1 in charge of operations?
2 A. Sometimes he lead the operation himself.
3 Q. Who does?
4 A. Issa Sesay, under the command of Mosquito.
11:20:06 5 Q. But he wasn't in charge of operations, though, was he?
6 Mosquito was.
7 A. Mosquito was in charge, but sometimes he leads, that's what
8 I'm saying.
9 Q. That's not what this note says. You understand my point,
11:20:19 10 though?
11 A. I understand your point.
12 Q. Okay, let's move on, then. "So Issa Sesay was constantly
13 travelling the country. I know that Issa Sesay was in charge of
14 operations, because people don't hide their identity here."
11:20:32 15 A. Yes.
16 Q. Did you say that?
17 A. Yes.
18 Q. Paragraph 3 and paragraph 4, these are the descriptions you
19 gave of Sesay: "The first time I saw Sesay and Mosquito, they
11:21:01 20 were holding a meeting at the forestry canteen in Kenema." Then
21 the notes go on to describe a meeting. Well, the notes go on to
22 describe events around the meeting. Paragraph 4: "The second
23 time I saw Issa Sesay was at the brigade headquarters in Kenema."
24 Did you tell the Prosecution you had seen Sesay in Kenema
11:21:34 25 twice, once at the forestry canteen in Kenema? Did you tell the
26 Prosecution that?
27 A. Yes, I did.
28 Q. And did you tell them the second time you had seen him was
29 at the brigade headquarters in Kenema?

1 A. Yes, I did.

2 Q. Did you, in your account of those two times, suggest at any
3 time you had spoken to him?

4 A. To whom?

11:21:58 5 Q. To Issa Sesay.

6 A. To Issa Sesay?

7 Q. Yes.

8 A. No.

9 Q. You had a clear recollection at that time, didn't you, of
11:22:12 10 only seeing Sesay twice and a clear recollection of those two
11 occasions?

12 A. Yes.

13 Q. And not once during your relating of those two occasions
14 did it occur to you that, in fact, he'd been living at
11:22:32 15 Hangha Road and his boys had been harassing people around the
16 house?

17 A. Well, when I returned from Freetown, that was at the early
18 stage of the revolution, it was the time they held that meeting
19 at forestry canteen. I saw him there once and I did see him at
11:22:55 20 the brigade headquarters. After that, I started seeing him at 31
21 Hangha Road, Kenema, with his boys.

22 Q. This is what you say now?

23 A. Yes.

24 Q. It didn't occur to you in November?

11:23:10 25 A. At all.

26 Q. No, at all.

27 A. I must make a mistake.

28 Q. Yes, must. What operations did Sesay lead? We can see
29 from paragraph 2 he would just stand in front of cars and command

1 people - not much of an operation. which operation did he lead?
2 A. Sometimes they go to Tongo Field; they go from village to
3 village.
4 Q. You saw that, did you?
11:23:50 5 A. Yes.
6 Q. You forgot about that as well in November, did you, the
7 specifics of operations?
8 A. I cannot keep everything up head at the same time. I must
9 make a mistake. As we progress, I recollect and I will make a
11:24:15 10 statement.
11 Q. It's lies, Mr witness, isn't it? Lies. You've made it up.
12 A. There is no need. You know I was telling the truth.
13 There's no need for me to tell lies.
14 Q. You said you were telling the truth in November.
11:24:33 15 A. You must make a mistake.
16 Q. well, let's go on, shall we.
17 A. When you have so many other things on your mind, you must
18 make a mistake.
19 Q. Let's take a look at paragraph 25 of these notes, shall we?
11:24:56 20 PRESIDING JUDGE: which notes?
21 MR JORDASH: 10924, the 25 November notes, paragraph 25.
22 10928 is the page with paragraph 25.
23 Q. "Both times I saw Issa Sesay in Kenema, there were small
24 boys with him." Again, you repeat that you'd only seen him
11:25:24 25 twice; do you accept that? Do you accept that you said that a
26 third time?
27 A. Yes.
28 Q. Yes? Did it not trigger your mind when you spoke of these
29 small boys that, in fact, almost every day you had seen Sesay's

1 small boys outside of Hangha Road?
2 A. Yes.
3 Q. Did it not occur to you when you made this remark that
4 you'd seen Sesay twice with small boys, that, in fact, you'd seen
11:25:52 5 small boys every day during the junta period?
6 A. You see, you must make a mistake. As you progress, you
7 recollect, and you make a statement.
8 Q. I want to ask you about the incident you've described
9 involving Issa Sesay and the CPO and the commissioner.
11:26:37 10 A. Yes.
11 Q. That's something you didn't tell the Prosecution about
12 until 26th May 2005; is that right?
13 A. Yes, you're correct, yes.
14 Q. Something else you forgot in November?
11:26:52 15 A. Yes, you must make a mistake.
16 Q. So the arrest of the chief police officer, the arrest of
17 the Commissioner Kenneh, forgotten completely by you in November?
18 A. Yes.
19 Q. You remembered in May 2005?
11:27:07 20 A. Yes.
21 Q. Seven years later?
22 A. Yes.
23 Q. Was it not big news when the commissioner and the CPO was
24 arrested?
11:27:16 25 A. It was very big news. There was also some other big news
26 that I have not mentioned to this honourable Court. But I have
27 it in my mind, so if the Court permits me, I can still reveal
28 some big operations that were done by these guys.
29 Q. I'd just like to talk about this one, if you don't mind.

1 Q. Just one question before we go into the alleged incident
2 with the CPO and the commissioner. Who was the owner of the
3 house at Mambu Road which you say was burnt?
4 A. Mambu Street?
11:50:47 5 Q. Mambu Street, sorry?
6 A. That was one Pa Mansaray.
7 Q. Are you sure it wasn't Kayima -- Brima?
8 A. The house on Mambu Street belonged to Pa Mansaray. I know
9 him very well.
11:51:12 10 Q. Right, the incident with CPO and commissioner. AKK, Abdul
11 Karim Koroma, a police officer working in the traffic department;
12 is that correct?
13 A. Yes, at that time.
14 Q. When did this incident occur?
11:51:51 15 A. The early stage of the revolution.
16 Q. Which month?
17 A. That was supposed to be June.
18 Q. You say he had a quarrel with one of his colleagues?
19 A. Yes.
11:52:14 20 Q. Were you there?
21 A. No, that was what I was made to understand.
22 Q. What was the quarrel about?
23 A. I don't know. I was not there when that quarrel took
24 place.
11:52:23 25 Q. Who told you about the quarrel?
26 A. Some of our colleagues were there.
27 Q. Who?
28 A. Like Mr Mansaray, the NCO crime was there that time.
29 Q. Anyone else?

1 A. Several others were there.
2 Q. Who? You understand why I'm asking you the questions?
3 what you say is one thing. What Mr Sesay says is another, and we
4 want the details so we can investigate this. So who else was
11:53:09 5 there and who told you about it?
6 A. Well, my office -- from my office to the traffic department
7 is walking distance, so I can't say who and who exactly were
8 there.
9 Q. Did you know AKK?
11:53:31 10 A. Yes.
11 Q. Did you know him well?
12 A. Yes.
13 Q. At the time of the incident, how well had you known him?
14 A. Before that incident?
11:53:44 15 Q. Yes. How long?
16 A. I've worked with that man ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ for
17 about two years.
18 Q. How long did you know him -- do you still know him?
19 A. Yes.
11:53:57 20 Q. Did you speak to him after about the incident?
21 A. Yes.
22 Q. Did he not tell you what the quarrel was about?
23 A. He told me.
24 Q. What was it about?
11:54:09 25 A. He told me he was beaten up by his colleague.
26 Q. That's what ended up in the quarrel. What made the fight,
27 the beating up develop? What caused it?
28 A. I don't know, I was not there.
29 Q. But you spoke to AKK.

1 A. Yeah. He said there was a quarrel between himself and his
2 colleague.
3 Q. That's it?
4 A. So which resulted in a fight, so his colleague beat him up.
11:54:31 5 Q. Okay. You don't know the nature of the quarrel, then?
6 A. At all.
7 Q. You don't know the colleague's name?
8 A. At all.
9 Q. Did AKK not tell you the colleague's name?
11:54:46 10 A. I really know the particular colleague, but I've forgotten
11 his name, because it was a very long time ago.
12 Q. This was big news, no - big news?
13 A. There was a lot of big news, not only this.
14 Q. Who beat who up then? Was it AKK who beat the colleague,
11:55:13 15 or the colleague --
16 A. AKK said he was beaten up by one of his colleagues.
17 Q. Any signs of that?
18 A. Well, that is what he told me.
19 Q. Any signs on his person that he'd been beaten up?
11:55:26 20 A. Well, I did not actually have a close look at him at that
21 time.
22 Q. Well, how long --
23 A. But it was confirmed by some colleagues that indeed he was
24 beaten up.
11:55:36 25 Q. We'll come to that. When did you see AKK after this
26 incident?
27 A. Immediately after he has been beaten up.
28 Q. Right.
29 A. He came to our office.

1 Q. On the same day?
2 A. Yes.
3 Q. Now, the day --
4 A. That very morning he came to our office.
11:55:53 5 Q. To complain?
6 A. Well, yes.
7 Q. Now, did you see AKK that week afterwards?
8 A. Yes.
9 Q. Any signs on him that he'd been beaten up?
11:56:06 10 A. Well, I didn't actually have a close look at him.
11 Q. Right. You couldn't see anything on his person which
12 indicated he'd been hit?
13 A. I didn't have a close watch at him, but, indeed, some of
14 our colleagues confirmed that he was beaten up.
11:56:29 15 Q. So the answer is no, you didn't see any signs?
16 A. Well, I didn't look for signs, anyway. I don't want to
17 lie.
18 Q. I'm not asking did you look, did you see any?
19 A. I didn't see.
11:56:43 20 Q. Thank you. Now, you said yesterday that AKK then
21 disappeared?
22 A. Yes.
23 Q. After a while he came in with Issa Sesay?
24 A. Yes.
11:56:55 25 Q. When you say "after a while", how long after?
26 A. He was in our office trying to make a report on the
27 incident, and I was busy doing some other work, so after some
28 time I didn't see him again.
29 Q. Did Issa Sesay turn up on the same day this happened?

1 A. That same day.
2 Q. The same day, okay. Now, the quarrel then takes place in
3 the morning, does it?
4 A. Yes.
11:57:33 5 Q. Do you know what time, thereabouts, it took place?
6 A. About 9.30 a.m. to 10.00.
7 Q. 9.30 to 10.00, AKK then comes into your office at about
8 what time?
9 A. About 10.00.
11:57:52 10 Q. He's in your office for how long?
11 A. Just about 15 minutes.
12 Q. Then he disappears for a while?
13 A. Yes.
14 Q. When did Sesay turn up with AKK?
11:58:09 15 A. Around 11.00.
16 Q. Around 11.00 Sesay turns up. Were the CPO and the
17 commissioner in their office at that time?
18 A. They were there, yes.
19 Q. Had they been there all morning?
11:58:28 20 A. Yes, they were there.
21 Q. They'd been there all morning?
22 A. Yes.
23 Q. Who does Sesay turn up with?
24 A. With AKK and some of his men.
11:58:48 25 Q. Can you remember how many and whom?
26 A. No, I cannot remember.
27 Q. You don't know?
28 A. At all.
29 Q. You said yesterday, "After some while, the men came outside

1 with Kenneh and CPO."
2 A. That's correct, yes.
3 Q. So Sesay is turning up at 11.00; what time is he leaving?
4 A. I think roughly about 15 or 20 minutes.
11:59:20 5 Q. So sometime around half past 11.00 he leaves with --
6 A. Okay.
7 Q. Where does he go, do you know?
8 A. No, I do not know.
9 Q. You never heard where he went?
11:59:35 10 A. At all.
11 Q. You never spoke to the CPO or commissioner about where they
12 went?
13 A. Well, I did not.
14 Q. You never spoke to anybody who had spoken to the CPO or
11:59:50 15 commissioner?
16 A. Some senior police officer told us that the CPO and the
17 commissioner were taken away by Issa and his men and they were
18 humiliated.
19 Q. Yes, we know that.
12:00:06 20 A. That was my information.
21 Q. Is this a fair summary of what you can tell this Court: a
22 quarrel; a man and a nameless man; taken somewhere; kept
23 somewhere - that's it. Is that it? Any other details?
24 A. That's the only information I had.
12:00:25 25 Q. Now, if it's true, it was about a personal issue, anyway,
26 wasn't it?
27 A. I don't know.
28 Q. Well, if you say Sesay was the brother of AKK, he was
29 protecting his brother following a personal quarrel between AKK

1 and a colleague?
2 A. That is what AKK told us.
3 Q. Right. That's what the incident was about, a personal
4 enmity, if you like? Do you accept that?
12:01:06 5 A. Well, I was only concerned about the CPO and the
6 commissioner, actually.
7 Q. What you're saying is that Sesay intervened in a personal
8 dispute between two colleagues; correct?
9 A. Well, yes, he did intervene.
12:01:31 10 Q. Right, in a personal dispute, that's what it is, that's
11 what it amounts to?
12 A. Well, I don't really know how personal that was.
13 Q. Now, how long after they'd left the office around 11.30 was
14 it before Sesay came back -- or did he come back, sorry?
12:01:58 15 A. He came back in the evening, around 5.00.
16 Q. Thank you. Now, was there any follow-up? Was there any
17 occurrence after the CPO and the commissioner had returned to the
18 office in relation to this incident, as far as you're aware?
19 A. No, way, not to my own knowledge.
12:02:34 20 Q. So there was no arrest of the parties?
21 A. Which parties?
22 Q. Either AKK or the colleague?
23 A. No, not to my knowledge.
24 Q. No investigation by CID or General Duties?
12:02:58 25 A. CID was about to investigate the case when AKK miraculously
26 disappeared from the office.
27 Q. And never -- what do you mean miraculously disappeared?
28 A. We didn't take notice of him. He just disappeared without
29 the notice of --

1 Q. what, and never came back?
2 A. He only came back later with Issa Sesay and his men.
3 Q. well, why didn't the investigation happen after that?
4 A. He has to cooperate. When you report, you cooperate and
12:03:28 5 make a statement, you come along with your witnesses, but he
6 never turned up, so we can't force him.
7 Q. So because of his lack of participation, there was no
8 investigation; am I right?
9 A. You're right, yes.
12:03:49 10 Q. Thank you. I'm going to move on from this incident, but I
11 suggest you've been given some bare details by the police officer
12 who gave evidence in this Court a few months ago and from that
13 you've constructed a version of events, haven't you?
14 A. They themselves know that I'm saying the truth.
12:04:10 15 Q. well, we'll be able to see when we look at the two
16 accounts. I'll move on. Now, the final subject, I think, or the
17 last two. You spoke about mining at Tongo Field.
18 A. Yes.
19 Q. You've told us that you spoke with lots of people and the
12:04:41 20 information that they gave you was that lots of able-bodied men
21 had been captured to do mining?
22 A. Yes.
23 Q. That's pretty much what you said yesterday about it?
24 A. Yes.
12:04:54 25 Q. Do you regard that as a fair summary of what you know about
26 the mining in Tongo?
27 A. Yes, I later visited Tongo for myself.
28 Q. Do you regard what you told this Court yesterday in your
29 capacity as a witness of truth to be a fair summary of what you

1 know about the mining?
2 A. No, it's not fair.
3 Q. It's not a fair summary. what else do you know about it,
4 then?
12:05:23 5 A. what else do I know about the incident?
6 Q. what I'm asking you is this: you've come here to tell the
7 truth, the whole truth and nothing but the truth.
8 A. Of course.
9 Q. what you've said to us about mining, is that a fair and
12:05:35 10 impartial version of what you know about mining in Tongo?
11 A. well, it is my information from the displaced people who
12 were coming from Tongo that they killed a lot of civilians and
13 captured a lot of able-bodied men to do mining for them.
14 Q. Do you have any other information about mining?
12:05:56 15 A. You are not supposed to mine in our country without a
16 licence, yes, that is my information. If you want to do mining,
17 you obtain a licence.
18 Q. Anything else you would like to assist this Court with
19 about mining?
12:06:11 20 A. Mining?
21 Q. Yes.
22 A. I think that is all I can assist this Court.
23 Q. Okay. Let's have a look at Exhibit 28. It's the diary.
24 I'm particularly interested in page 47. Have you got that,
12:07:14 25 Mr witness?
26 A. Yes.
27 Q. I just want to ask you if this has got anything to do with
28 you. The left-hand column says, I think, 40. This is the --
29 actually, the most extreme left-hand column says 36, do you see

1 that?
2 A. Yep.
3 Q. Entry 36, Alie Kamara arresting some Obai Turay and Amara
4 Koroma at the same address, reporting that "In January 1998 the
12:07:49 5 latter stole a piece of diamond from him at Tongo Field. Value
6 to follow." Is that your writing?
7 A. It's not my writing, but it is the writing of one of my
8 personnel.
9 Q. Do you know anything about this?
12:08:07 10 A. No. Well, actually, I didn't know about this report.
11 Q. This is, is it not, a report of a civilian stealing
12 diamonds from another civilian?
13 A. Yes, that is a report.
14 Q. So am I right then in thinking in January 1998, civilians
12:08:38 15 were able to xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx report thefts of
16 diamonds by other civilians?
17 A. Yes.
18 Q. Page 46, please, one page back, number 30: "Arim Marks
19 kanu" - of an address - "brought in one baby child and reported
12:09:13 20 that on Wednesday 14 January 1998" - or maybe 19 January 1998 -
21 "found the said child in Tongo Field whilst going towards" - can
22 you read that word, something area? Dondoma? Do you see that?
23 A. Yes, it was Landoma area.
24 Q. Right. Did you write this entry?
12:09:42 25 A. No.
26 Q. Does this appear that this is a civilian coming from Tongo
27 Field to Kenema?
28 A. Yes, this report was written by xxxxxxxxxxxxxxxxxxxxxx.
29 Q. 19 January, civilians were able to leave Tongo to come to

1 the police station to report such things?

2 A. Yes. Because there were still civilians there escaping,
3 trying to escape.

4 Q. So you claim that this civilian escaped, having found a
12:10:11 5 baby child?

6 A. No, not this in particular, but some civilians were still
7 there escaping to Kenema.

8 Q. But the civilian we saw on the page after this --

9 A. I'm not talking in terms of this particular civilian. But
12:10:25 10 other civilians used to escape from Tongo intermittently and come
11 to Kenema. That is what I'm saying.

12 Q. This isn't an escape though, is it? This is a civilian
13 coming with a baby child?

14 A. Yes.

12:10:38 15 Q. Can I ask you to turn to page 54, please? I beg your
16 pardon, my mistake - page 30, please. Entry number 21 is: "One
17 Abdul Tarrawallie of 50 Circular Road, Kenema arrived in the
18 office and reported that sometime in November 1997 whilst at
19 Tongo Field with one lady called Porshell who was based at
12:11:47 20 Tongolah, Tongo Field she forcefully seized his Robin Three" -
21 something - "water pump machine; valued the sum of 520,000 which
22 the latter had fraudulently converted same to her use and
23 benefit. DCI informed and I am dealing." Is this another
24 civilian reporting --

12:12:18 25 A. Yes.

26 Q. -- theft of a water pump machine, presumably used for
27 diamond mining?

28 A. Yes.

29 Q. Which happened in November?

1 A. Yes, according to this report.

2 Q. Did that not make you question whether there'd been forced
3 mining if civilians were seemingly in possession of their own
4 equipment?

12:12:51 5 A. Well, perhaps some of them were collaborators, some of them
6 were forced.

7 Q. Or perhaps there weren't any?

8 A. There was. Some were forced; some were collaborators.

9 Q. Was that person referred to just then a collaborator?

12:13:10 10 A. Well, I don't know.

11 Q. You don't know. If there were collaborators, why would
12 they need to come and report it to the police station? They
13 would just be able to call on the likes of Sesay, no, to retrieve
14 it by arms. It doesn't make sense, does it, Mr Witness?

12:13:29 15 A. It makes sense. Perhaps he's not, or perhaps he's a
16 collaborator. I don't know.

17 Q. When you say "collaborator" you mean somebody who is
18 working with the rebels?

19 A. Of course.

12:13:42 20 Q. Who can call on the rebels to exert their military power to
21 retrieve such things as stolen items; yes?

22 A. Suppose the thief is also a strong collaborator.

23 Q. Can I ask you to turn, please, to the notes of November
24 2004 - away from the diary, if you would, Mr Witness.

12:14:18 25 A. Okay. Page?

26 Q. Page 10927.

27 MR JORDASH: Your Honours, page 10927 and I'm coming to a
28 close.

29 PRESIDING JUDGE: Is this related to Tongo Field as well?

1 Are we still in Tongo Field?

2 MR JORDASH: Still in Tongo Field.

3 Q. 10927, paragraph 22. I'll read the paragraph: "I used to
4 hear information that civilians were forced to mine diamonds for
12:15:01 5 the soldiers' rebels. For instance, my father had a house in
6 Tongo and his house was burnt down by the soldiers' rebels.
7 Afterwards, my cousin was forced to mine under where our compound
8 had been. I went to Tongo after all the instances and saw that
9 our compound had been destroyed. People told me that my cousin
12:15:23 10 was forced to mine under the house. Later, I also heard that my
11 cousin had worked with the rebels to burn the house and wanted to
12 mine underneath. My cousin told me this wasn't true, but I don't
13 know who to believe, because many people have told me both
14 stories. I don't know where my cousin is now."

12:15:45 15 A. Yes, I made that statement.

16 Q. Is it right that you, in fact, heard both stories, that
17 some people were saying there was forced mining; some people were
18 saying there wasn't?

19 A. Yes, I heard both stories.

12:16:04 20 Q. You don't actually know which is true, do you, but you
21 would prefer -- well, you don't, do you? You don't know which is
22 true?

23 A. I am quite convinced people were forced to mine diamonds,
24 I'm quite convinced.

12:16:18 25 Q. Why didn't you yesterday, in the spirit of truthfulness,
26 say to this Court: "I've heard stories of forced mining, but
27 I've also heard people say it wasn't true." Why didn't you say
28 that?

29 A. My cousin is not going to admit to me. He must deny it.

1 Q. Why didn't you say that? You want to be truthful in this
2 Court, you want to give the whole picture, don't you?
3 A. Yes, I want to.
4 Q. You don't want Mr Sesay to be convicted on the basis of
12:16:46 5 incomplete evidence; I can presume that?
6 A. It's left for this Court.
7 Q. Why didn't you tell them the other side of the story which
8 might have assisted him?
9 A. You don't have to say everything. You must keep some
12:17:05 10 facts.
11 Q. Well, you have to tell the truth, Mr witness.
12 A. Yes, you have to tell the truth. I'm saying the truth, but
13 you cannot say everything, you must keep some facts.
14 Q. Did the Kamajors kill police officers when they came into
12:17:21 15 Kenema at the end of the junta period?
16 A. That was my information.
17 Q. Were there any police officers missing, presumed dead after
18 your return to Kenema?
19 A. Yes.
12:17:34 20 Q. The information was that the Kamajors had killed them?
21 A. Yes.
22 Q. Can you name any police officers killed by the rebels
23 during the junta period?
24 A. Yes.
12:17:43 25 Q. Who?
26 A. My next-door neighbour, that is SI Mimoh.
27 Q. One police officer killed by the rebels.
28 A. By the rebels?
29 Q. Sorry, by the --

1 A. Kamajors.
2 Q. This was a police officer killed by the Kamajors?
3 A. That was my information.
4 PRESIDING JUDGE: So your question was if the witness could
12:18:10 5 name any police officer in Kenema killed by the rebels, not by
6 the Kamajors.
7 MR JORDASH: Not the Kamajors.
8 THE WITNESS: By the rebels?
9 MR JORDASH:
12:18:26 10 Q. Yes.
11 A. In Kenema?
12 Q. Yes.
13 A. I only heard about 300 policemen killed by the rebels under
14 the AFRC in Freetown here, not in Kenema.
12:18:28 15 Q. Not in Kenema.
16 A. At all.
17 Q. Police officers were killed in Kenema by Kamajors, not by
18 the rebels?
19 A. Yes, you're correct.
12:18:35 20 Q. Thank you very much, Mr Witness.
21 A. Yes.
22 MR JORDASH: I've got nothing further, Your Honour.
23 JUDGE THOMPSON: Counsel for the second accused, are you
24 ready to proceed?
12:18:57 25 MR TAKU: Yes, Your Honour.
26 JUDGE THOMPSON: Please do.
27 CROSS-EXAMINED BY MR TAKU:
28 Q. Good afternoon, witness.
29 A. Good afternoon.

1 Q. I will ask you some questions based on your experience ~~xxxxxx~~
2 ~~xxxxxxxxxxxxxxxx~~for these 25 years, you understand? I will ask
3 you questions based on the two exhibits you've identified; namely
4 Exhibit 28 and Exhibit 31; you understand?
12:20:18 5 A. Okay.
6 Q. I will ask you questions about Tongo Field and Kenema.
7 A. Okay.
8 Q. Now, witness, you informed the Court yesterday that you
9 were in Freetown on 25 May 1997 when the government was toppled;
12:20:52 10 is that correct?
11 A. Yes, you're correct.
12 Q. You stated that you saw some persons you identified as
13 rebels in the street of Freetown jubilating and looting?
14 A. Yes.
12:21:21 15 Q. And committing various crimes?
16 A. Yes.
17 Q. Now, when you talk about rebels, what did you mean? Can
18 you tell the Court what, in fact, you meant by the rebels?
19 A. I meant the RUF rebels of Sierra Leone.
12:22:14 20 Q. Prior to seeing these RUF rebels in Freetown on 25 May
21 1997, had you had an opportunity of seeing them elsewhere in
22 Sierra Leone?
23 A. Yes.
24 Q. Where in Sierra Leone did you see them?
12:22:46 25 A. I saw them at Masiaka when I was going back to Kenema. I
26 saw them at Mile 91, I saw them in Bo, I saw them in Kenema.
27 Q. Did you understand my question?
28 A. Yes.
29 Q. I said prior to seeing them on 25 May 1997, jubilating in

1 the street of Freetown and committing the crimes you stated
2 yesterday, had you had an opportunity of seeing them elsewhere in
3 Sierra Leone?
4 A. Yes.
12:23:28 5 Q. Where in Sierra Leone?
6 A. I saw them manning the checkpoint at Masiaka, Mile 91, Bo
7 Town and Kenema.
8 Q. When did you see them for the first time, what date?
9 A. 25 May 1997.
12:23:51 10 Q. Witness, did you understand the question? Do you have any
11 difficulty in understanding the question? Please, ask me. I
12 will repeat.
13 A. Okay.
14 Q. Prior to seeing the RUF that we'll refer to as rebels?
12:24:15 15 A. Yes.
16 Q. Jubilating in Freetown on 25 May 1997 and committing the
17 crimes you specified yesterday, had you had an opportunity of
18 seeing them elsewhere in Sierra Leone?
19 A. Before May 1997?
12:24:35 20 JUDGE ITOE: Yes.
21 MR TAKU:
22 Q. Exactly.
23 JUDGE ITOE: Before May, yes.
24 THE WITNESS: Yes, they used to attack us on the highway,
12:24:51 25 they set ambush, kill people. There was an ambush on three
26 occasions.
27 JUDGE ITOE: You said there was ambush on how many
28 occasions?
29 THE WITNESS: Three.

1 JUDGE ITOE: Two?
2 THE WITNESS: Three.
3 MR TAKU:
4 Q. Prior to 25 May 1997, had you seen the RUF in any operation
12:25:55 5 with elements of the Sierra Leone Army?
6 A. Yes.
7 JUDGE ITOE: That's prior to the 25th, before the 25th
8 of May 1997.
9 THE WITNESS: Yes.
12:26:13 10 JUDGE ITOE: Did you see RUF elements in operation with SLA
11 elements?
12 THE WITNESS: Yes.
13 MR TAKU:
14 Q. Where did you see them?
12:26:23 15 A. At Magbossie.
16 Q. When was that?
17 A. That was way back in 199 --
18 JUDGE ITOE: What's the town to begin with? Magbossie?
19 THE WITNESS: Magbossie.
12:26:47 20 JUDGE ITOE: Can you spell it, please?
21 THE WITNESS: M-A-G-B-O-S-S-I-E.
22 MR TAKU:
23 Q. When was that?
24 A. That was in 1995, early 1995.
12:27:15 25 Q. Who was the President of Sierra Leone then?
26 A. That was between Strasser and Bio.
27 Q. Who was the commanding chief of the Sierra Leone Army then?
28 A. That was - I can't recall it now, actually.
29 JUDGE ITOE: Mr witness, well, I'm not saying you should

1 know, but under the Sierra Leonean constitution, who was the
2 commanding chief of the armed forces?
3 THE WITNESS: '95.
4 JUDGE ITOE: No, I mean under the constitution. If you
12:28:14 5 don't know, I won't take you to task?
6 THE WITNESS: Now?
7 JUDGE ITOE: No, no.
8 THE WITNESS: At that time?
9 JUDGE ITOE: Yes.
12:28:22 10 THE WITNESS: I cannot remember, actually.
11 MR TAKU:
12 Q. Now I will try to read out some names to you. If you know
13 anything about those names, you tell the Court. If you don't
14 know, you tell the Court.
12:28:45 15 A. Okay.
16 Q. You at sometime in May 1997, did you ever hear the name of
17 any group, combatants, called Donsos?
18 A. Yes.
19 Q. Who were they?
12:29:14 20 A. They were local militias.
21 Q. And they were operating in Sierra Leone?
22 A. Yes, alongside the Sierra Leone Army.
23 Q. What about vigilantes?
24 A. Yes.
12:29:42 25 Q. Who were they?
26 A. They were militia men assisting the Sierra Leone Army to
27 prosecute the war.
28 Q. Were they assisting the Sierra Leone Army in the district
29 of Kenema in May 1997?

1 A. Yes.

2 Q. What's your answer, witness?

3 A. Yes, the vigilantes were with the Sierra Leone Army.

4 PRESIDING JUDGE: Mr Taku, when you're talking of May 1997,
12:30:34 5 do you make the difference before or after 25 May, or May 1997?

6 MR TAKU: May 1997, Your Honour.

7 Q. What about the Civil Defence Unit; you've heard about them?

8 A. Yes.

9 Q. Who were they?

12:30:48 10 A. They were also the Civil Defence Forces called the Kamajors
11 fighting alongside with the Sierra Leone Army.

12 Q. Do you know, witness, or you don't, whether these groups,
13 these combatants, received special training; they were trained by
14 the Sierra Leone Army prior to fighting alongside the Sierra
12:31:32 15 Leone Army against prosecuting the war, to use your words?

16 A. Yes, they had basic training from the Sierra Leone Army.

17 Q. Do you remember, witness, that yesterday you talked about
18 some 2,000 Kamajors, armed Kamajors, that you assisted to flee
19 from Kenema Town or the Kenema District, can you remember?

12:32:17 20 A. Yes, I remember. Yes, I can remember that very well.

21 Q. Who armed these 2,000 Kamajors?

22 A. These were local hunters. They had their shotguns,
23 licensed by the police. They were not fighting Kamajors, but
24 local hunters. That is the name in Mende. Hunter is Kamajor.
12:32:44 25 They were not fighting Kamajors, but local hunters.

26 Q. Witness, were you in the position to know if upon issuing
27 these licences to these 2,000 individuals, were you in a position
28 to know to what use they put the weapons?

29 A. Yes.

1 Q. Were you in a position to know, for example?

2 A. Yes, to protect their farms from wild animals. They had
3 their guns before the war. These are farmers who are going to
4 farm like wild monkeys, baboons who destroy their crops. So they
12:33:29 5 used the shotguns to protect their crops.

6 Q. When the war started, what did they do with the shotguns?

7 A. Well, they were still having it for protecting their crops.

8 Q. Witness, was it part of your duty in protecting the men and
9 women, in fact, the civilian population of Kenema to control the
12:34:05 10 proliferation of weapons in the hands of members of the public?

11 A. Yes.

12 Q. Were you concerned that some of these weapons -- some of
13 these weapons that issue licences with the Kamajors could end up
14 in the hands of the wrong members of the population? That they

12:34:47 15 would use them to steal, to loot?

16 A. No, I don't know that.

17 Q. Did you receive reports at the Kenema ~~xxxxxxxxxxxxxxxxxxxx~~ of
18 armed men, unidentified armed men, breaking into houses, looting
19 and harassing the civilian population within the period of 25 May
12:35:24 20 1997 to February 1998?

21 A. Yes.

22 Q. Witness, as we sit here today, are you in a position to
23 account for the use of each of the weapons you issued the
24 licences to, to the 2,000 Kamajors to possess in the period
12:36:17 25 of May 1997 to February 1998?

26 A. Yes, we have a record of that. We have collected all those
27 arms from them and we given them receipts. We have them in our
28 custody.

29 Q. Why have you collected the weapons from them?

1 A. Because of the disarmament process. We did that during the
2 disarmament process. We did it jointly with the United Nations.
3 Q. Why would the United Nations be concerned with withdrawing
4 weapons from hunters whose sole purpose was to protect their
12:37:03 5 farms from monkeys and other animals?
6 A. Because we want total peace in our country. After total
7 peace, we will consider returning their weapons back to them.
8 Q. Now listen to this question very carefully, witness.
9 A. Okay.
12:37:41 10 Q. As you sit here today, are you in a position to tell this
11 Court what each of those 2,000 people did with the weapons issued
12 to them within the period 5th May 1997 to February 1998?
13 A. Let me get the question clearly.
14 Q. Are you in a position to account for the use for which each
12:38:09 15 of the 2,000 Kamajors who were issued licences to possess arms,
16 what they did with those arms within the period 25th May 1997
17 to February 1998?
18 A. Well, I didn't personally issue -- I don't work at the
19 licence department. xxx
12:38:37 20 xxxxxxxxxx. Those licences were issued to them by the licensing
21 department, so they are in the better position to give account of
22 that, and not me at all.
23 Q. Thank you so much.
24 JUDGE ITOE: Now, Mr Witness, it's a question of -- the
12:38:54 25 issue is not whether the guns were issued or not, whether they
26 were licensed to carry those guns or not. The question, the way
27 I understand it, is: Are you able to give an account of how
28 those arms were used between 25th May 1997 up to -- what was the
29 date, February 1998?

1 THE WITNESS: No, I cannot.
2 MR TAKU:
3 Q. Mr witness, you say you never worked in the licensing
4 department of the police.
12:39:51 5 A. At all.
6 Q. How then did you know that there were 2,000 Kamajors for
7 whom licences were issued?
8 JUDGE ITOE: That's an unfair question, learned counsel. A
9 list was given to him by --
12:40:08 10 MR TAKU: xxxxxxxx.
11 JUDGE ITOE: By the -- yes, it was given to him, 2,000, you
12 know, they own licences, they own guns, go and seize them.
13 That's the state of the evidence.
14 MR TAKU:
12:40:28 15 Q. Now, you stated that some of the Kamajors became combatants
16 on the side of the Sierra Leone Army to combat the RUF.
17 A. Yes, you're correct. Yes.
18 Q. Did you know some of the leaders of these Kamajors in
19 Kenema?
12:40:56 20 A. Yes.
21 Q. Can you give their names?
22 A. We have Arthur Koroma, Eddie Mansaray, Hassan Jalloh.
23 Q. Were you aware that some prominent citizens of Kenema
24 actively took part in the recruiting of Kamajors?
12:41:59 25 A. Yes.
26 Q. Like the late Alpha Lavalie. He was in charge of that?
27 A. [No audible response]
28 Q. In fact, some of them solicited funds from the public for
29 kamajors' initiation?

1 A. Yes, you're correct. To fight alongside the Sierra Leone
2 Army. Yes, you're correct.

3 Q. Prior to 25th May 1997, the Kamajors were operating freely
4 in Kenema District; true or false?

12:43:23 5 A. I did not see much activities on the side of the Kamajors
6 because they were driven out of Kenema Township. I don't know of
7 elsewhere, but as far as Kenema Township was concerned, they were
8 driven out by the rebels and the juntas.

9 Q. When was that?

12:43:47 10 A. Immediately after the coup.

11 Q. Did you understand the question, Witness? Prior to the
12 coup on 25th May 1997, is it true or not that the Kamajors were
13 operating freely and publicly in Kenema Town?

14 A. On their own?

12:44:15 15 Q. Yes.

16 A. After the coup?

17 Q. Before.

18 A. Before the coup?

19 Q. Yes.

12:44:20 20 A. They were operating under the command of the Sierra Leone
21 Army.

22 Q. In Kenema District?

23 A. Yes.

24 Q. Including Tongo Field?

12:44:33 25 A. Yes, they were under the strict supervision of the Sierra
26 Leone Army.

27 Q. Were elements of ECOMOG also present in Kenema District
28 within this period?

29 A. Yes, we had a lot of them there.

1 Q. Now, concentrate your mind a bit on Tongo Field.
2 A. Okay.
3 Q. Your office, your jurisdictional office extended to Tongo
4 Field?
12:45:38 5 A. Yes.
6 Q. Indeed, you received situation reports from Tongo Field?
7 A. Every day, yes.
8 Q. Before the coup, the Kamajors were in charge of the mining
9 operations in Tongo Field; is it true or false?
12:46:26 10 A. The Kamajors?
11 Q. Yes.
12 A. I don't have that kind of information at all.
13 Q. But some of the miners in Tongo Field were Kamajors? Do
14 you know that as a fact?
12:46:46 15 A. I do not want to pre-empt. I was not in Tongo.
16 Q. You were not in Tongo?
17 A. I was not in Tongo, I was based in Kenema.
18 Q. In fact, you know very little about Tongo Field?
19 A. Of course.
12:47:00 20 JUDGE ITOE: Mr witness, base yourself on the situation
21 reports that you received. From the situation reports, did you
22 have an indication that Kamajors were involved in mining in Tongo
23 Field? You were not there, we know.
24 THE WITNESS: I was not there, but during that time, when
12:47:25 25 you have a licence, they allow you to do mining in Tongo Field.
26 So we didn't have any advance reports on Kamajors doing this
27 mining in Tongo Field at all. We know that mining was going on
28 in Tongo.
29 MR TAKU:

1 Q. But from your situation report, you were aware that the
2 Kamajors were present in Tongo Field?

3 A. Yes, they were there.

4 Q. Now, you told the Court yesterday that one week after the
12:48:57 5 coup you came back to Kenema from Freetown?

6 A. Yes.

7 Q. Do you know how long after that the RUF came to Kenema?

8 A. I met them in Kenema. On my return from Freetown, I met
9 the RUF and the AFRC junta in Kenema.

12:49:28 10 Q. So you cannot testify before this Court as to whether there
11 was any combat between the RUF and the Kamajors at the time of
12 the RUF taking over Kenema? You cannot testify about that,
13 because you were not present?

14 A. No, I can testify that.

12:49:55 15 Q. Testify.

16 A. Because I mentioned that in my statement. They fought
17 along Blama Road. Kamajors were based at a certain house along
18 Blama Road, so they went and drove in there. They fought and the
19 Kamajors were beating and the house was burnt down by the junta
12:50:15 20 and the rebels.

21 Q. And the Kamajors withdrew from Kenema Town?

22 A. Yes, exactly.

23 Q. You know to where they withdrew?

24 A. No.

12:50:35 25 Q. But they didn't go far, they were somewhere in the bushes
26 in Kenema District?

27 A. According to my information, I heard about them at Bo
28 waterside, that is the boundary between Sierra Leone and Liberia,
29 so they went far off.

1 Q. What about ECOMOG?
2 A. ECOMOG was still with us in Kenema. But they themselves
3 were later attacked by the rebels and the juntas and they were
4 driven out of Kenema Township, so we were left alone in the mercy
12:51:15 5 of the juntas and the rebels.
6 Q. What about elements of the Sierra Leone Army?
7 A. Some of them went on surrender at Lungi. Some of them were
8 still with the rebels and the AFRC.
9 Q. And the fact they were split: some were against the junta
12:51:37 10 and some were --
11 A. Yes, of course.
12 Q. Witness, did you ever, within that same period, did you
13 ever hear something called People's Army?
14 A. Yes.
12:52:04 15 Q. Who were they?
16 A. The RUF rebels called themselves People's Army.
17 Q. So they didn't call themselves AFRC, they called themselves
18 People's Army?
19 A. They called themselves People's Army and the military
12:52:28 20 called themselves AFRC.
21 Q. Within the period 25 May 1997 to February 1998, did some
22 elements of the People's Army come to the police station, the CID
23 at Kenema, to lay complaints about various -- whenever they felt
24 aggrieved?
12:53:09 25 A. That is not to my knowledge at all.
26 Q. Maybe you would like to refresh your memory later from your
27 records?
28 A. Okay.
29 Q. Well, let us do that. Sometime from now, we'll do that.

1 Now, witness, let us go over very quickly to what happened to
2 BS Massaquoi and others.
3 A. Okay.
4 Q. We would like to save judicial time.
12:53:56 5 A. All right.
6 Q. That's why I want to go to the questions directly, and I
7 want very direct answers.
8 A. Okay.
9 Q. You stated, in fact, you can remember that some officer
12:54:16 10 from the military police came xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
11 xxxxxxxxxxxxxxxxxxxxxxxx. Did you say that?
12 A. Yes, you're correct.
13 Q. What was the name of the officer again?
14 A. xx.
12:54:38 15 Q. Okay. We'll come to that.
16 A. Okay.
17 Q. Indeed, throughout the period that BS Massaquoi was
18 apprehended, it was the military police that was conducting an
19 investigation with the Sierra Leone police. In fact, it was the
12:55:00 20 military police that was collaborating, coming to the police
21 constantly to give statements to inquire about BS Massaquoi.
22 Could that be the situation that happened?
23 A. The military police used to come to the police station, as
24 well as members from the RUF, including Mosquito. They all used
12:55:21 25 to come to the police station.
26 PRESIDING JUDGE: But that's not the question. The
27 question was, if I'm not mistaken, police were coming to the
28 station on a regular basis to conduct an investigation, more or
29 less jointly with your organisation.

1 THE WITNESS: After they have conducted their own
2 investigation, they transferred the matter to the police,
3 together with the case and inquiry file, their own case and
4 inquiry file. So we also started our own investigation. We
12:55:57 5 opened our own case and inquiry file and we started our own
6 investigation. But they used to come and check to know the
7 outcome of the matter on a daily basis.

8 MR TAKU:

9 Q. And that was the military police?

12:56:13 10 A. Military police, yes.

11 Q. All these circumstances were recorded xxxxxxxxxxxxxxxxxxxx,
12 Exhibit 28; true or false?

13 A. No, I cannot say so, because I am not the desk officer. We
14 have a desk officer who is responsible for the recording of those
12:57:20 15 events.

16 Q. But was it your normal practice that if they came to the
17 police station, they were entered in the station diary?

18 A. Yes, I only saw the entry when they brought the case and
19 inquiry file and handed it over to the police for further
12:57:39 20 investigation.

21 Q. Yes. This 50 men that you controlled --

22 A. Fifty-four.

23 Q. The 54 men you controlled, you instructed them to keep an
24 entry of every action that the police took in kenema?

12:57:56 25 A. Yes.

26 Q. Including the period from 25 May 1997 to February 1998?

27 A. Yes.

28 Q. To teach by example, you yourself would make the entries
29 whenever you yourself had any contact during the conversation?

1 A. Of course. All of us make entry in this diary, all of us.

2 Q. If anybody from the People's Army came to the police
3 station, they were entered into that diary - the offence was
4 entered into that diary for any purpose whatsoever?

12:59:15 5 A. Well, if they are deemed an important issue, they do make
6 entry. But if they only pop in to just have a look, I mean, we
7 don't bother ourself to make such an entry.

8 Q. If any of you, that's you or your 54 men, had any contact
9 with any member of the People's Army about a matter that concerns
13:00:01 10 the security of people and their goods in Kenema, an entry will
11 be made in the station diary?

12 A. Yes.

13 Q. I need not go through the procedure again, because you have
14 identified the station diary.

13:00:29 15 A. Yes.

16 Q. Do you have a copy there?

17 A. Yes, I have it here.

18 PRESIDING JUDGE: You're making reference to Exhibit 28?

19 MR TAKU: Exhibit 28, Your Honour.

13:00:42 20 Q. Now, look at page 30.

21 A. Yes, I have seen page 30.

22 Q. That's Saturday, 17 January 1998. Look at that entry. Far
23 left is 18. You see that?

24 A. Yes.

13:01:15 25 Q. Now, you see that entry - with permission, Your Honour, may
26 I read that out - "I left for Colonel Sam Bockarie on inquiry."

27 A. Yes.

28 Q. That's the type of entry you will make if you met any other
29 officer of the People's Army?

1 A. Yes.

2 Q. Now, who made this entry officially?

3 A. That entry was made by my staff.

4 Q. Can you remember the event that is stated in this entry?

13:01:58 5 A. Well, no.

6 Q. You cannot?

7 A. At all.

8 Q. Now, witness, teaching by example, as I said earlier, these

9 contacts that you made, these instances that you wanted to

13:02:28 10 admonish Sam Bockarie for intimidating, harassing civilians, you

11 will have appropriately made an entry like this in Exhibit 28;

12 true or false?

13 A. That is true.

14 Q. Did you make any?

13:03:02 15 A. No, I did not. I did not make an entry in respect of that.

16 Q. I'm putting to you that you made no such entry because

17 those events never took place.

18 A. That's why I always make references, some of the people are

19 alive, they are still in kenema.

13:03:29 20 Q. Witness, we're talking about the diary, Exhibit 28, we're

21 not talking about --

22 A. Those are events that took place in the diary. Those were

23 not normal days. We do things under difficult constraint. We

24 have to be careful.

13:03:45 25 Q. Yes, Mr witness, it is because they are not normal days,

26 that's why you made an entry in Exhibit 28, an intelligent police

27 officer who made an entry in Exhibit 28. I'm putting to you that

28 you did not because those events never took place?

29 A. They took place. A lot of entries were in the other

1 diaries. All the entries of all the killings are made in our
2 diaries, all the killings.

3 Q. Mr witness, I'm talking about the diary, Exhibit 28, not
4 other diaries.

13:04:18 5 A. This diary is the last diary to their reign. We have
6 diaries from the beginning of their reign. This is just the last
7 diary. Even this diary, there are some important entries that we
8 made.

9 Q. That you didn't make; is that what you are saying?

13:04:38 10 A. There are some important entries that we made in this diary
11 as well.

12 Q. If I were to refer to other entries, we will spend a week
13 here, Mr witness. I want to refer you to the most important
14 here.

13:04:50 15 A. Every killing that was done in Kenema, the entry is in our
16 diary. We record everything; every important event, we record
17 it.

18 Q. Now, witness, if I heard you correctly, you stated
19 yesterday, and perhaps today, that Mr BS Massaquoi was

13:05:24 20 re-arrested by a team led by a police officer called Fofanah?

21 A. Yes.

22 Q. Are you sure that's what happened?

23 A. I'm quite sure. The instruction came from xxx commissioner
24 after consulting with the brigade commander. They were giving
13:05:46 25 instructions to go and re-arrest them.

26 Q. Do you know who others they arrested?

27 A. Mosquito. He put the commissioner under gun point.

28 Q. Are you sure it was not the SOS, Secretary of State,
29 Kanneh?

1 A. Mosquito ordered the re-arrest of BS, otherwise he would
2 blow up the commissioner and the police station.

3 JUDGE ITOE: Learned counsel, are you moving to a new
4 episode or are you continuing on this?

13:07:02 5 MR TAKU: I'm continuing on this now.

6 JUDGE ITOE: I'm looking at the time.

7 MR TAKU: I'm continuing on this, Your Honour.

8 PRESIDING JUDGE: We're trying to find out if it is a
9 suitable time to pause for lunch. We're not trying to cut you
13:07:17 10 off.

11 MR TAKU: It is, Your Honour.

12 JUDGE ITOE: Yes.

13 PRESIDING JUDGE: Very well. The Court will adjourn until
14 2.30.

13:07:27 15 [Luncheon recess taken at 1.04 p.m.]

16 [RUF08JUL05D-RK]

17 [On resuming at 2.43 p.m.]

18 JUDGE THOMPSON: Mr Jordash, information has reached us
19 that your client is indisposed.

14:48:58 20 MR JORDASH: I spoke to Mr Sesay at the end of the morning.
21 He wasn't feeling very well at that stage. I asked him whether
22 he was willing to proceed in the afternoon if he wasn't well
23 enough to return, and he said he was happy for that to happen.
24 The next witness is unlikely to be a contentious one and, I
14:49:21 25 think, Mr Sesay was content therefore for that witness to
26 continue. My legal assistant Ms Shackelford -- could I just have
27 a brief moment, please?

28 [Defence counsel confer]

29 JUDGE THOMPSON: Yes.

1 MR JORDASH: He has a bad stomach. He is fine, but not fit
2 to attend court this afternoon.

3 JUDGE THOMPSON: Given the temporary indisposition, the
4 records will reflect this. You guarantee we can proceed in his
14:50:12 5 absence without invoking any special authority?

6 MR JORDASH: I have clear instructions that he is happy to
7 proceed in these circumstances.

8 JUDGE THOMPSON: Okay, then we will proceed. Learned
9 counsel for the second accused, will you continue your
14:50:17 10 cross-examination, please.

11 MR TAKU: Thank you, Your Honour.

12 Q. Good afternoon, Mr Witness. Before going on the break you
13 informed the Court that Mosquito came to the CID police station
14 in Kenema and pointed a gun in the head of the commissioner and
14:50:45 15 asked that Mr BS Massaquoi and his friends and others be
16 re-arrested and brought to him?

17 A. Yes.

18 Q. Are you sure that is what transpired, witness?

19 A. Exactly.

14:51:08 20 Q. So you're saying, to be very clear, that Mr BS Massaquoi
21 and the others were re-arrested and handed over to Mosquito. Is
22 that what you're saying?

23 A. Only BS Massaquoi was re-arrested and handed over to the
24 police for safe custody. He was still in the custody of the
14:51:39 25 police. Mr Brima Kpaka was sick and admitted at the Government
26 hospital Kenema. And the suspects were in the police custody.

27 Q. Eventually, if I'm right, they were handed over to
28 Mosquito?

29 A. Not to Mosquito, to the police when they were re-arrested.

1 They were in the custody of the police when the SOS East - that
2 is, after two days - sent to collect all of them, and they were
3 taken to the brigade headquarters.

4 Q. So just to confirm what you're saying can you -- you have
14:52:27 5 Exhibit 28 before you, witness?

6 JUDGE THOMPSON: Mr walker, would you make available
7 Exhibit 28 to the witness?

8 THE WITNESS: Yes, I have it now.

9 MR TAKU:

14:52:54 10 Q. Do you see the date February, 6th Friday 1998?

11 PRESIDING JUDGE: Which page?

12 MR TAKU: Page 181, Your Honour.

13 JUDGE ITOE: And what entry?

14 MR TAKU: The entry is on the left, number eighth. The
14:53:17 15 date is February 6, 1998, Your Honour.

16 PRESIDING JUDGE: Entry number 6.

17 MR TAKU: Yes, from SN 8.

18 Q. Let me try to read: "Lieutenant AB Touray, OC" - that is
19 officer in charge - "Military police and party arrived in the
14:53:49 20 office. Following suspects Andrew Quee, Issa Ansumana,
21 Abdulai Bockarie, Abdulai Saidu Quee, Brima S Massaquoi and John
22 Swaray are handed over to Lieutenant AB Touray on the orders of
23 Secretary of State East?

24 A. Yes.

14:54:27 25 Q. Does that reflect accurately what happened in that
26 instance?

27 A. Exactly.

28 Q. So, witness, this entry does not say that these people were
29 handed over on the order of Mosquito?

1 PRESIDING JUDGE: This is not the evidence of the witness.
2 The witness has just told you that they re-arrested Massaquoi on
3 the order of Mosquito. Once they had been re-arrested then they
4 were transferred to the police as a result of the order of that
14:55:01 5 SOS. He is not disputing what you are saying. This is exactly
6 his evidence.
7 MR TAKU:
8 Q. Now, witness, this Secretary of State East, can you tell
9 the Court his name again?
14:55:15 10 A. This time around, they've already changed Eddie Kanneh. It
11 was now one Mr Mansaray. I still remember.
12 Q. One Mr Mansaray?
13 A. Yes.
14 Q. Do you know when that change took place?
14:55:33 15 A. I don't know the exact dates, but Eddie Kanneh was
16 subsequently changed and he was sent to Freetown and one
17 Mr Mansaray came down to Kenema and he was there as Secretary of
18 State until this time.
19 Q. Could it be sometime in January 1998?
14:55:53 20 A. Yes, he was there until that time.
21 Q. Who appointed him?
22 A. Johnny Paul Koroma.
23 Q. Do you know who appointed Mosquito as an operational
24 commander?
14:56:17 25 A. No, I don't know.
26 Q. But surely he was not appointed by Johnny Paul Koroma?
27 A. Maybe he was appointed by Johnny Paul Koroma.
28 Q. But you do not know?
29 A. Well, he was their leader, perhaps he was appointed by him.

1 Q. I want to be very sure. Was he appointed by him or not?
2 A. [Inaudible] I don't know.
3 Q. Witness, let's just clarify one point. Within this period,
4 from the 25th of May 1997 to February 1998, you said the market
14:56:59 5 in Kenema was functioning normally?
6 A. Not normally; the market was functioning, but not in that
7 normal form anyway.
8 Q. Vehicles were circulating?
9 A. Sometimes people go to the markets to sell their goods,
14:57:18 10 sometimes they are shooting all over the towns and you don't see
11 any market women in the market.
12 Q. In effect, these people, these combatants who instituted
13 the flag trick when they seized the money from the passers-by,
14 they went to buy provisions for themselves the market?
14:57:55 15 A. Yes.
16 Q. And there was normal circulation by vehicles around Kenema
17 Town?
18 A. Normal what?
19 Q. Vehicles.
14:58:03 20 A. On and off, yes.
21 Q. And vehicles would leave Tongo Field and come to Kenema
22 Town?
23 A. Yes, on and off.
24 Q. You stated earlier today -- you testified today about
14:58:46 25 looting in Kenema Town.
26 A. Yes.
27 Q. And other [indiscernible] admitted that some armed men from
28 time to time broke into certain houses and looted property?
29 A. Yes.

1 Q. And some of those cases were reported to the police?
2 A. Yes.
3 Q. Now, witness, you will help us to identify some -- those
4 cases that were reported to police were recorded in the station
14:59:33 5 diary?
6 A. Of course.
7 Q. Let's go to page 22. Before we look at that page, I'm
8 sorry, witness. Now, these people you identified today as
9 People's Army, how were they normally dressed?
15:00:01 10 A. They were dressed in mufti, the plain cloth, jean trousers,
11 T-shirt, well armed with AK-47 rifles, sometimes with RPG, and so
12 forth.
13 Q. On the other day you testified that some of the people were
14 killed, who died, on the assault on the house belonging to the
15:00:26 15 Kamajors, that they were not dressed in Kamajor uniform?
16 A. In the house along Mambu Street, they were all dressed in
17 plain cloth, no Kamajor uniform at all.
18 Q. Can you tell the Court how the Kamajor uniform looked like?
19 A. Yes.
15:00:46 20 Q. Tell the Court.
21 A. The Kamajor uniform contained some talisman. Sometimes
22 they all wear blue, sometimes green, sometimes brown, and they
23 put talisman all over their bodies with horns, cowries. They
24 just dressed like that.
15:01:16 25 Q. What about members of the AFRC, Sierra Leonean Army, how
26 were they dressed?
27 A. They dress in their full combat uniforms. Sometimes they
28 wear the trousers, the boots, the hat, the T-shirt. Sometimes
29 they wear the full combat.

1 Q. What about members of the Sierra Leone Army that remained
2 loyal to the ousted government; how were they dressed?

3 A. They escaped to Lungi, so they were there with ECOMOG.

4 Q. Were all these groups armed, Kamajors, for example?

15:02:04 5 A. Initially they were armed, yes. But they were driven out
6 of the Kenema township. Some of the rebels were armed, some were
7 without arms. But the majority were armed.

8 Q. And you told the Court yesterday that in Kenema Town the
9 AFRC had their headquarters different from the RUF; in fact, they
15:02:39 10 were at No. 41 Hangha Street.

11 A. No, that is not my statement.

12 JUDGE THOMPSON: That is a misrepresentation of his
13 evidence.

14 MR TAKU: That is why I am asking him to confirm or to deny
15:02:54 15 it.

16 PRESIDING JUDGE: No, you said, "You said yesterday in your
17 evidence" that they had two definite headquarters. That is not
18 his evidence.

19 MR TAKU:

15:02:59 20 Q. Now, tell me, Guinea Base who were the persons, which group
21 was based at the Guinea Base?

22 A. Guinea Base, both the RUF rebels and the AFRC juntas were
23 there. Even the very brigade headquarters was manned by both
24 AFRC and the rebels. They resident at the NIC building at along
15:03:30 25 Dama Road, Kenema, where Mosquito stayed you could find the
26 rebels there as well as the AFRC juntas. The secretariat along
27 14 Hangha Road, you can find the RUF rebels and the AFRC juntas
28 there as well.

29 PRESIDING JUDGE: There was no separate headquarters; both

1 AFRC/RUF at all of these locations.

2 THE WITNESS: You find them at all locations, you find them
3 together doing things in common.

4 MR TAKU:

15:04:02 5 Q. Now, witness, is it your understanding that the AFRC
6 secretariat was for civilian administration?

7 A. Yes that was my understanding.

8 Q. And who was in control of that office?

9 A. There was a lieutenant, I cannot remember his name offhand.
15:04:30 10 There were some civilians there working there.

11 JUDGE ITOE: The question was who was in control of that
12 office.

13 THE WITNESS: One lieutenant whose name I cannot remember
14 now.

15:04:49 15 Q. And the military police, where was their office?

16 A. At the brigade headquarters at the Government reservation,
17 Kenema.

18 Q. Who was in control of that office?

19 A. It was one captain, one captain was in charge of the --
15:05:12 20 Captain Kellie was in charge of the military police.

21 Q. Of the military police?

22 A. Yes.

23 PRESIDING JUDGE: What is the name of the captain.

24 MR TAKU: Captain Kellie, K-E-L-L-I-E.

15:05:29 25 Q. Within this period, the time frame from the 25th of May to
26 February were some of the policemen promoted by the junta?

27 A. Yes, yes.

28 Q. How many from there?

29 A. I don't know the number, but some of them were promoted.

1 Q. By whom?
2 A. By the AFRC junta.
3 Q. Do you know who in the AFRC junta that effected this
4 promotion?
15:06:03 5 A. That is the authorities of the AFRC junta.
6 Q. And within this period you received your monthly salary
7 without any difficulties?
8 A. We received salary under hard constraint.
9 Q. Now, back this time to this Exhibit 28. When complaints
15:06:43 10 were made, you or your men mentioned that you recorded
11 accurately?
12 A. Yes.
13 Q. The complaints that were made?
14 A. Yes.
15:06:56 15 Q. For example, if a complaint was made against the People's
16 Army you would make that recording?
17 A. Yes.
18 Q. If it was made against unidentified armed men that
19 recording would be reflected?
15:07:08 20 A. Yes.
21 Q. Now look at page 22 of Exhibit 28. The entry is 19.
22 A. Yes, I've seen it.
23 Q. Can you read it out, please for the Court?
24 A. "David Lahai of No. 17 Hindowa street, Kenema arrived in
15:07:40 25 the office and reported that on the 5th January 1998 at about
26 11.40 p.m. a gang of armed men surrounded the house at the above
27 address, damaged the doors and entered the rooms, stole various
28 articles, including one Yamaha 100 with registration w29789,
29 value to follow. CPO informed. D Corporal 6006 dealing."

1 Q. Does that reflect accurately the complaint that was made?

2 A. Yeah.

3 Q. Turn to page 43. Entry 11, can you read that out?

4 A. Okay.

15:09:09 5 "Hassan Jalloh of 10 Olu Williams Street, Kenema arrived
6 and reported that on today's date, 19 January 1998, at about 0326
7 hours, armed men dressed in military fatigues broke and entered
8 into his house and made away with various articles, value to
9 follow. OC informed."

15:09:54 10 Q. Page 45, please. This is 20, entry number 20.

11 A. Mm-hmm.

12 Q. Yes, can you read that out?

13 A. "James Sankoh of 15 Kaisamba Terrace, Kenema arrived in the
14 office and reported that on Sunday during the afternoon hours
15:10:27 15 armed men dressed in combat took his vehicle, vehicle tire, 750
16 by SD and went with it; value 180,000 Leones. SO CID, Inspector
17 Hyde informed."

18 Q. Page 51. I can't read the entry right here, but the third
19 entry from the top.

15:11:07 20 A. "PC 5060 Dauda Turay of Kenema Police Station arrived in
21 the office and reported that on today's date, 19 January 1998, at
22 about 2000 hours, 9 Ngombulango Street, Kenema he was threatened
23 to be killed with a rifle by one Mustapha attached at the
24 military police branch, brigade headquarters. NCO in charge
15:11:45 25 shift informed."

26 Q. Now, witness, you listened to all these entries, you've
27 read them out. In fact, these do not talk about People's Army.
28 They talk about particular, groups of persons, described in the
29 entries.

1 A. Some armed men dressed in fatigue. Armed men dressed in
2 combat.
3 Q. Exactly. That is what it says.
4 A. Yes.
15:12:16 5 Q. Now, you also stated today that there were complaints
6 brought by the People's Army to the police station and they
7 record it. A complaint brought against the People's Army, you
8 also record it. Do you remember that?
9 A. Complaint against the RUF rebels, yes.
15:12:39 10 Q. Now, let's look through entry -- look at page 47. No, I'm
11 sorry, page 131. I'm sorry, I'm sorry. Page 131.
12 A. One.
13 Q. 131. Yes, witness. Can you look at the very first entry
14 on Friday, 30 January 1998?
15:13:23 15 A. Yes.
16 Q. I think it starts from page 130. Friday 13th January 1998,
17 the entry is from 53, can you read that out, right at the bottom?
18 A. "Lieutenant Augustine L Momoh of Guinea Base, Kenema
19 arrested and brought in Musu Jalloh of No. 82 Hangha Road, Kenema
15:14:01 20 and reported on wednesday 28 January 1998 at about 9.00 a.m. to
21 10.00 p.m. along Hangha Road, Kenema he entrusted one Robin 3
22 inches bailing machine to the latter, value 500,000 Leones, for
23 the purpose of safe-keeping which latter converted to her own use
24 and benefit. CPO and OC CID informed."
15:14:33 25 Q. Look at page 70, entry number 34. Can you see that?
26 A. Yeah.
27 Q. Can you read that out for the court?
28 A. "One Idrissa Koroma of No. 8 Koker Street, Kenema, arrived
29 in the office and reported that on today's date, 22nd January

1 1998, one Sergeant Morison, a member of the People's Army
2 threatened to kill him. OC CID informed."
3 Q. And look at page 78. The entry 30.
4 A. One Prince Moiwa George of No. 4 George Street, Kenema
15:15:56 5 arrived in the office and reported that on 21/1/98 about 7.30
6 p.m. Hawa Richy of 5 Johnny Lane led one Mustapha and another
7 man, both of People's Army, to beat him or kill him. SO and OC
8 CID informed.
9 Q. Let's look at 134.
15:16:49 10 PRESIDING JUDGE: Open your mic, please.
11 MR TAKU:
12 Q. Just one minute. Gentlemen, page 70.
13 A. 70.
14 Q. Yes. 134. That is on the Thursday 22nd January 1999, the
15:17:36 15 entry 134. Please read it out.
16 PRESIDING JUDGE: He just read it.
17 MR TAKU: Okay, yes. My understanding is that he has not
18 completed reading, Your Honour.
19 Q. So why don't you read again?
15:17:55 20 JUDGE THOMPSON: How many samples are you using?
21 PRESIDING JUDGE: What do you mean he didn't read it? I
22 was following what he was saying. He read it all.
23 JUDGE THOMPSON: How many samples do you intend to use?
24 Because we've had about three or four samples and we're awaiting
15:18:16 25 the question.
26 Counsel. Please sit down, Mr --
27 MR JORDASH: Could I just assist my learned friend? "Am
28 dealing" -- "CID informed, I am dealing" were left out.
29 JUDGE THOMPSON: Counsel, do you accept that?

1 MR TAKU: Yes, Your Honours. Thank you very much.

2 MR JORDASH: No, left out by the witness, I meant.

3 JUDGE THOMPSON: I see, thanks.

4 MR TAKU:

15:18:44 5 Q. Now, witness, from all the entries you've read, you've seen
6 the complaints against the People's Army were brought to the
7 police?

8 A. Yes.

9 Q. And the police investigated?

15:19:00 10 A. Yes.

11 Q. And is there any entry here that these people refused to
12 cooperate with the police in the course of the investigation?

13 MR HARRISON: I'm not sure I understood who he meant by
14 "these people".

15:19:41 15 MR TAKU: I mean the People's Army.

16 MR HARRISON: I have to object to the form of the question.
17 He is asking the witness to review the whole exhibit and then
18 respond and it is not an exercise the witness has gone through.

19 JUDGE THOMPSON: My concern really is that the three or
15:20:03 20 four samples have been read out by the witness and the
21 presumption here is that there is a common theme, Counsel. So
22 the question really is what?

23 MR TAKU: The question really is that --

24 JUDGE THOMPSON: Using those samples that he has read out,
15:20:18 25 what is the common thread or theme that you're trying to put
26 across or question him on?

27 MR TAKU: It is that the People's Army submitted themselves
28 to the rule of law.

29 JUDGE THOMPSON: Submitted themselves. Well, put it to

1 him.

2 MR TAKU:

3 Q. I put to you that the People's Army within this period in
4 Kenema, submitted themselves to the rule of law?

15:20:49 5 A. No.

6 PRESIDING JUDGE: I think there is a huge margin between
7 reporting an incident and then submitting to the rule of law.

8 JUDGE THOMPSON: We've got an answer. He said no, he
9 disagrees with you.

15:21:03 10 MR TAKU:

11 Q. Now, witness, let me move to an entirely different area.
12 You remember that this morning and yesterday you talk about one
13 -- whom did you say was in charge of the mining fields in Tongo
14 Field?

15:21:26 15 A. In charge of the mining field?

16 Q. Yes. Banya, do you remember that name, Banya?

17 A. Yeah, I remember that name but I didn't say he was in
18 charge of the mining field.

19 Q. Yes. What was he in charge of?

15:21:45 20 A. He was in charge of the RUF rebels in Tongo.

21 Q. Did you know him personally?

22 A. Yes. Later when he visited Kenema, I saw him in Kenema. I
23 don't know him personally.

24 Q. When did he visit Kenema?

15:22:09 25 A. After they have driven him out of power, when they were
26 trying to negotiate, he used to visit Kenema. That was the time
27 I saw him.

28 Q. Do you now, witness, whether he was in charge of the RUF
29 operations in Tongo between the 25th of May and February -- May

1 1997 and February 1998?
2 A. No, I don't know that.
3 Q. What period was he in charge of the operations?
4 A. Later part, I came to now he was in charge. Even when we
15:22:58 5 were trying to negotiate peace with them he used to come to
6 Kenema to represent the RUF as commander in charge of Tongo
7 Field.
8 Q. So you did not know him in 1997?
9 A. At all.
15:23:27 10 Q. Now, witness, let me read out, if I may, since you've been
11 asked to identify the statements you made. I want to go through
12 the process again.
13 A. Okay.
14 Q. Now, do you have in front of you the interview notes dated
15:23:55 15 25th of November 2004?
16 A. Yes, I have them with me here.
17 Q. Turn to page 10925.
18 JUDGE THOMPSON: Please give the date again.
19 MR TAKU: Your Honours, it is the 25th of November 2004.
15:24:18 20 JUDGE THOMPSON: Page?
21 MR TAKU: Page 10925.
22 Q. And before I ask the question, witness, you've said several
23 times that in the course of your profession you recorded
24 statements from suspects all these 25 years?
15:24:45 25 A. Yes.
26 Q. And therefore, you have no difficulty in acknowledging your
27 own statements, do you?
28 A. No.
29 Q. Now, let me read paragraph 5, that statement, part of

1 paragraph 5 of that statement. "I saw Morris Kallon in Kenema.
2 I saw Morris Kallon on several occasions. Kallon wasn't that
3 active at that time. He was actually very friendly with the
4 civilians at the time. I saw him stop soldiers from harassing
15:25:38 5 civilians. For instance, one time when some soldiers were
6 putting up the national flag, they saw a woman passing by. The
7 soldiers, one named Junior, the others I don't remember, stopped
8 her and took her money. Kallon saw this and intervened to help
9 the woman. I don't know Kallon's functions." Does that reflect
15:26:15 10 what you told the Prosecutor in the instance, witness?

11 A. Yes, that is my statement.

12 MR TAKU: That is all for the witness, no more questions.

13 JUDGE THOMPSON: Thanks you, counsel. Mr Cammegh, do you
14 want to proceed now?

15:26:33 15 MR CAMMEGH: Thank you, Your Honour, yes. And I've got no
16 questions.

17 JUDGE THOMPSON: Thank you. Mr Werner, were there any
18 questions in re-examination?

19 MR WERNER: None, Your Honour.

15:26:50 20 PRESIDING JUDGE: So, Mr Witness, that concludes your
21 evidence. We thank you very much for coming to this Court. You
22 shall be released shortly. Thank you. Mr Prosecutor, do you
23 have another witness ready to proceed? Based on the comments by
24 Mr Jordash, it is likely to be a short witness.

15:27:14 25 MR HARRISON: Yes, TF1-212 and I'm confident that this
26 witness will complete this afternoon.

27 PRESIDING JUDGE: Let's see what we can achieve. So let's
28 proceed with that next witness.

29 JUDGE THOMPSON: Mr Harrison, will you repeat that

1 pseudonym for us again.
2 MR HARRISON: The number was TF1-212.
3 [The witness withdrew]
4 [The witness entered court]
15:30:52 5 MR HARRISON: I believe this witness will be the 38th to be
6 called to trial.
7 JUDGE THOMPSON: Thank you. Mr Walker, let the witness be
8 sworn.
9 JUDGE ITOE: Witness is TF1-212.
15:31:19 10 MR HARRISON: No. Sorry, yes. I thought there was an
11 extra "1" there for a minute.
12 JUDGE THOMPSON: Proceed, Mr Walker.
13 WITNESS: TF1-212 [Sworn]
14 [The witness answered through interpretation]
15:31:48 15 JUDGE THOMPSON: Mr Harrison, your witness.
16 EXAMINED BY MR HARRISON:
17 Q. Witness, do you have any difficulty with hearing my voice
18 or the voice of the interpreter?
19 A. Yes.
15:32:02 20 Q. Are you able to hear the interpreter?
21 A. Yes, yes.
22 Q. I would like you to try to remember to give your answers
23 slowly, because members of the court will be trying to write down
24 your comments as you say them.
15:32:38 25 A. You want me to talk now?
26 Q. I'll put the question to you now. Can you tell the court
27 how old you are?
28 A. I am 44 years old.
29 Q. Have you ever lived in Tongo Field?

1 A. Yes.

2 Q. When was that?

3 A. I went to Tongo from 1982.

4 Q. Did you leave?

15:33:30 5 A. Yes, I did leave in 1992.

6 Q. And where did you go?

7 A. When I left there I came here in Freetown and from here I

8 went back to Kabala in the Koinadugu district.

9 Q. Did anything happen when you were in Koinadugu?

15:34:12 10 A. Yes.

11 Q. What happened?

12 A. In 1994 when I was in Koinadugu, the rebels came but they

13 couldn't reach the village where I was. They just reached the

14 surrounding villages. But they came to Kabala and burnt houses

15 there. That was in 1994.

15:34:35 16 Q. Did you stay in Koinadugu?

17 A. Yes.

18 Q. Until when?

19 A. I was there in 1994. In 1996 I left for Kono.

15:35:09 20 Q. Where did you go in Kono?

21 A. Tombodu.

22 Q. Why did you go to Tombodu?

23 A. Well, I went after my husband, because at that time my

24 husband was a diamond miner.

15:35:49 25 Q. Did you see anything happen at Tombodu?

26 A. Yes.

27 Q. What did you see?

28 A. I saw rebels. I saw rebels.

29 Q. Did you see them do anything?

1 A. Yes. Staff Alhaji was at number 11 -- Number 11 Camp.
2 That is where he was in Kono. I saw him cutting people's hands.
3 JUDGE ITOE: Staff Alhaji was in --
4 MR HARRISON: At Number 11 Camp.
15:36:44 5 JUDGE ITOE: Camp?
6 PRESIDING JUDGE: They're still in Tombodu.
7 MR HARRISON: Perhaps I should help the Court by asking
8 that question.
9 Q. Can you tell the Court what you mean by Number 11 Camp?
15:36:59 10 A. Yes. What I mean by Number 11 Camp is that because they
11 had camps where they were. They had number 12, they had number 6
12 were the miners stayed. Police and securities, where they
13 stayed. They had different places where they were.
14 Q. Do you know the distance from Number 11 Camp to Tombodu?
15:37:47 15 A. No, but the distance is not that far.
16 Q. If you were to walk, how long would it take you?
17 A. If it is somebody who is walking, he wouldn't take one
18 hour.
19 Q. You said that you saw people's hands being cut, who were
15:38:29 20 those people?
21 A. Those whose hands were cut off or those who cut the
22 people's hands, which ones are you talking about?
23 Q. Those whose hands were cut off.
24 A. The rebels cut off Mohamed S Kamara's hand, Muktar Jalloh
15:39:04 25 and Mr Bah.
26 JUDGE ITOE: Could the witness give the names again,
27 please. Muktar Jalloh?
28 THE WITNESS: Muktar Jalloh, Mohamed S, Bah.
29 JUDGE ITOE: Mohamed S Bah and --

1 THE WITNESS: Mohamed S Kamara. Muktar Jalloh, Mohamed S
2 Kamara and Mr Bah, Mr Bah.
3 MR HARRISON:
4 Q. Who were Mohamed Kamara, Muktar Jalloh and Mr Bah?
15:40:04 5 A. They were civilians.
6 Q. When did this happen?
7 A. The year?
8 Q. Yes.
9 A. 1998, in April.
15:40:46 10 Q. Did anything happen after these people's hands had been cut
11 off?
12 A. So I and my family decided to go back to Kabala.
13 Q. And did you do that?
14 A. Yes.
15:41:28 15 Q. How did you travel?
16 A. We travelled on foot.
17 Q. Tell the Court where you went to.
18 A. I went back to Koinadugu village.
19 Q. Did anything happen when you got back to Koinadugu village?
15:42:16 20 A. Yes.
21 Q. What happened?
22 A. From there we were sleeping one night when we saw a soldier
23 truck come and stop by. From there SAJ Musa, SAJ Musa alighted
24 the truck and said he had come to seek refuge.
15:42:57 25 Q. Did SAJ Musa come with others?
26 A. Yes.
27 Q. Who did he come with?
28 A. With soldiers.
29 Q. And did they stay in Koinadugu village?

1 A. They slept and they returned the other day. It was not up
2 to one week when we saw smoke from the Dankawalie end.
3 Q. Where is Dankawalie?
4 A. Dankawalie is in the Koinadugu District.
15:43:58 5 JUDGE ITOE: Smoke?
6 THE WITNESS: Yes.
7 Q. What happened at Dankawalie?
8 A. We saw smoke from Dankawalie and in the morning my brothers
9 and my cousins came from there and said that Dankawalie had burnt
15:44:31 10 down, that the rebels had burnt down Dankawalie.
11 Q. When you say rebels, who are you talking about?
12 A. Those who were killing people. Those who had come to
13 destroy our country.
14 Q. Was there a name for them?
15:45:24 15 A. The name that I heard was RUF and AFRC junta.
16 Q. After you saw the smoke from Dankawalie, what did you do
17 next?
18 A. So the following morning when we heard this message we took
19 all our belongings and went into the bush.
15:46:26 20 Q. How long did you stay in the bush?
21 A. We left the bush in July when it was raining. That was --
22 because it was raining, we left the bush.
23 JUDGE ITOE: Was the question answered? How long did she
24 stay in the bush?
15:47:06 25 THE WITNESS: Three months.
26 MR HARRISON:
27 Q. What is the next thing that you remember happening?
28 A. During the three months when we were in the bush?
29 Q. Yes, can you tell the Court the next thing that you can

1 recall taking place?

2 A. After July when it was raining and we had left the bush, we
3 came and we concluded that rebels didn't travel in the rainy
4 season, so we returned to the town. We were going to our swamp
15:48:03 5 to transplant our rice, we were there when we heard a gunshot.
6 My husband --

7 Q. Let me stop you there. You heard a gunshot and you talked
8 about a swamp. Is that swamp near a town?

9 A. Yes. It is nearer the town.

15:48:28 10 Q. Which town?

11 A. We called the swamp Komgbesefeh.

12 Q. And the town that it's near is called what?

13 A. Koinadugu village.

14 Q. I stopped you just after you had referred to a gunshot,
15:49:04 15 could you please continue with your answer.

16 A. Yes. So when we heard this gunshot, my husband said that,
17 "Aren't those the rebels who have come?" And we said, "It is the
18 young boys who are probably shooting at monkeys."

19 Q. What happened next?

15:49:50 20 A. So from there my sister-in-law came running and she met my
21 husband and said, "Brother, the rebels have entered xxxxxxxxxxxxxx
22 xxxxxxxxxxxxxxxxxxxxxxxx."

23 Q. Now you mentioned Sorie. Witness, I don't want you to give
24 any other name but can you say who Sorie was, what relation that
15:50:38 25 person was?

26 A. He was my husband's xxxxxxxxxxxxxxxxxxxxxxxx

27 Q. So you received that news of Sorie being shot in the foot.
28 what happened next?

29 A. From there all of us ran into the bush because the swamp

1 was there until the time so we decided to go into the bush.

2 Q. Continue with what happened next.

3 A. So in the morning we came to town. Somebody came first and
4 said the rebels have gone, so we decided to go back to take our
15:51:53 5 belongings but before we could reach there all of our belongings
6 have been carted away and they have been defecating all over the
7 place. So we decided to return to the bush.

8 JUDGE ITOE: What happened to their belongings?

9 MR HARRISON: I think the word used was: "They were carted
15:52:27 10 away".

11 Q. What do you mean by the term "your belongings were carted
12 away"?

13 A. Our clothes, our rice, they took everything away and they
14 defecated in the entire village.

15:52:59 15 Q. When you say "they," who are you referring to?

16 A. The rebels.

17 Q. Do you know if the rebels had any commanders?

18 A. Yes.

19 Q. Do you know their names?

15:53:29 20 A. Yes.

21 Q. Can you tell the Court, please.

22 A. Yes. Superman, SAJ Musa and Brigadier Mani.

23 Q. What happened next after you saw the defecation that took
24 place and the belongings that were taken away?

15:54:34 25 A. We returned to the bush. So we were there and we continued
26 to plant our rice and we had the feeling that they would never
27 return but that they would just pass through.

28 Q. What is the next thing you remember happening?

29 A. So in August we were at our farm hut when a child came

1 running called kumba and she said "Uncle, the rebels have
2 returned."

3 Q. You said this was August, can you tell us what year it was?

4 A. In 1998.

15:55:53 5 Q. After this child came, what happened next?

6 A. So we decided to go. My husband said, well, he would stay
7 to find out if it is true, so in the evening he confirmed that it
8 is true and that he himself was arrested and they told him,
9 "Poppay, poppay, stay with us, we will not harm you.~

15:56:30 10 Q. When you say, "Poppay, poppay," that is a name that was
11 used referring to your husband?

12 JUDGE ITOE: At what stage did they address themselves to
13 him? He's in a hut, he's now been told by a child that the
14 rebels -- a child, kumba that the rebels have come. So at what
15:56:51 15 time then? Clarification, please.

16 MR HARRISON:

17 Q. Let me take you back. The child came, kumba, and announced
18 the rebels had come?

19 A. Yes.

15:57:05 20 Q. Continue on and tell the Court what happened next.

21 A. When kumba came, she told her uncle that "Uncle, the rebels
22 have returned to the village," the koinadugu village, that they
23 have returned.

24 Q. Then what happened?

15:57:39 25 A. So my husband told me that we should take the children and
26 go into the bush and he would stay behind to see if it's true.
27 So in the evening my husband went and met us and confirmed that
28 it is true that the rebels have come and that he was caught and
29 told, "Poppay, don't go anywhere, be with us."

1 Q. After they said, "Poppay, be with us," did your husband
2 remain with the rebels?

3 A. He ran to us in the bush and explained to us. He didn't
4 stay with them.

15:58:54 5 Q. What happened next?

6 A. So he told us that we should go into the bush. I had a one
7 year, two months old baby. When that child was walking around,
8 looking around and whilst the child was jubilating, he said they
9 were not going to kill him for the sake of a child and a wife.

15:59:15 10 So he left, he abandoned us and went away.

11 Q. When you say, "He abandoned us," who are you referring to?

12 A. I said, my husband left us with the children and went,
13 saying that the rebels would not kill him for the sake of
14 women -- for a woman and children. Then I said, well, the
15:59:41 15 children are mine. I couldn't run and leave them behind. If
16 they're going to kill me they will kill me together with the
17 children. But I cannot run away and leave the children behind.
18 Then I said, "You go ahead."

19 Q. What happened next?

16:00:13 20 A. After two days, I came and my children were crying of
21 starvation and I went to pluck some guava for them. As I was
22 plucking the guava, when I raised my head, I saw rebels coming
23 with red piece of cloth tied around their heads and they were
24 just wearing briefs, just tied a piece of cloth around their
16:00:51 25 waist.

26 Q. How many rebels were there?

27 A. There were many. I couldn't count them because at that
28 time I was frightened because I thought that when they come, they
29 will kill me.

1 Q. what happened?

2 A. when they saw me, they asked me where I was going and where
3 I was from and I said I was a stranger and they said they will
4 chop my hands off. Then I started crying. So there was a boy
16:01:55 5 who said, "This is a stranger. Let's let her go. Let's not chop
6 her hands off."

7 [RUF08JULY05adE 4.00 p.m. - AD]

8 Q. what happened next?

9 A. From there they had some children, whom they had with them.
16:02:40 10 There was a 12-year-old child with them. In fact, he was the
11 only one I could -- please. Because I was frightened -- the
12 child was at the age of 12. She was virginated.

13 Q. what do you mean by that term, the child was "virginated"?

14 A. They had sex.

16:03:20 15 Q. who had sex with the 12-year-old girl?

16 A. The rebels.

17 Q. where did that happen?

18 A. The place where they met me where I was plucking the guava.

19 Q. what happened next?

16:04:20 20 JUDGE ITOE: Excuse me. She said it is the rebels. Is
21 there one rebel or many rebels?

22 Mr HARRISON: The answer, I think she gave, the context was
23 that there were so many that she could not count them.

24 JUDGE ITOE: Yes, I know, but she talked of a sexual
16:04:37 25 incident.

26 MR HARRISON: Yes.

27 JUDGE ITOE: With the 12-year-old child.

28 MR HARRISON: Yes.

29 JUDGE ITOE: I thought I heard the translation saying that

1 it was the rebels who had this sexual contact with the
2 12-year-old child. I wanted to confirm whether it was one rebel
3 or more than one rebel. I don't have that clear on my records.

4 Mr HARRISON:

16:05:04 5 Q. Let me make sure you understand the question. The Court
6 would like some guidance on if you can say whether one rebel
7 sexually assaulted the 12-year-old girl or more than one rebel
8 did?

9 A. Because when they surrounded the girl she was crying.
16:05:26 10 Because I was frightened, I thought I, too, would be raped. So I
11 couldn't eye mark them because they were many. I was frightened
12 too.

13 Q. What happened next?

14 A. From there, we were all summoned and taken to the village,
16:05:59 15 in Koinadugu village, and we were all placed in a guardroom.

16 Q. Did anything happen in that guardroom?

17 A. They would come, when they see young girls who were
18 beautiful, the rebel would go and sign for the civilian, meaning
19 that she belonged to him. If anyone is missing, that is unsigned
16:06:41 20 for, many men would in fact rape her. But when you signed for
21 her, she would be under your care.

22 Q. How long were you in the guardroom?

23 A. We slept in there for one night. The following morning,
24 the rebels came and let us out and took us to the barri.

16:07:33 25 Q. Why were you taken to the barri?

26 A. We went to the barri because they said SAJ Musa wanted to
27 talk to us -- we, the civilians.

28 Q. Did you go to the barri?

29 A. Yes.

1 Q. what happened there?
2 A. SAJ Musa came and he said that he had come -- they should
3 not kill any civilians. If they do so -- whom would they role
4 when they come. The people the weapons should be used on should
16:08:27 5 be the enemies; that is, the ECOMOG and the soldiers who were
6 fighting against them. But the civilians should not be harmed.
7 Q. were there any other leaders at the meeting?
8 A. Superman was there, Brigadier Mani came but he did not last
9 long and he returned to Serekolia.
16:09:14 10 Q. where is Serekolia?
11 A. Serekolia is in Koinadugu District.
12 Q. what happened when the meeting was over?
13 THE INTERPRETER: Your Honours, the witness is speaking
14 very fast. Can she go over the testimony?
16:10:00 15 MR HARRISON:
16 Q. Madam witness, if you could just try to remember that we
17 have an interpreter who is trying to interpret every word you say
18 as accurately as they possibly can. So if you could just try
19 speaking a little more slowly, please. The question I asked you
16:10:29 20 was: Did anything happen after the meeting was over?
21 A. The only thing that happened was he told us that everybody
22 should go to his or her place where he was.
23 Q. where did you go?
24 A. We went to -- because there was a house behind our house,
16:11:10 25 that was the place we went.
26 Q. what is the next thing you remember happening?
27 A. So, we left, my younger sister whose name was --
28 Q. You don't need to utter the full name.
29 A. Okay.

1 Q. You were going to say something about your sister. If you
2 just use "sister", that will be sufficient.

3 A. Okay.

4 Q. I am sorry for interrupting you, please continue.

16:11:56 5 A. So my sister -- they told them to go and join the
6 children's rebel so that they can be trained.

7 Q. What happened?

8 A. So, my sister didn't agree. So she was held; the rebels
9 held her, beat her and kicked her. She asked me -- I told my
16:12:44 10 sister that, "Instead of you being killed, please agree."

11 Q. Did anything else happen to your sister?

12 THE INTERPRETER: My Lord, will the witness repeat what she
13 is saying? She talks too fast.

14 MR HARRISON:

16:13:35 15 Q. I am sorry to interrupt you again, Madam Witness. The
16 interpreters are trying their best to accurately interpret each
17 word you say, but they are having a little bit of difficulty. If
18 you could just try to speak a little slower, that would help the
19 interpreters. The question that I asked you was: Did anything
16:14:11 20 else happen to your sister?

21 A. Yes.

22 Q. If you could please tell the Court what it was that
23 happened.

24 A. My sister was marked on her chest "RUF".

16:14:40 25 Q. Who did that?

26 A. The rebels did it to her.

27 Q. Do you know why they did that?

28 A. Because they said if they don't mark these children, if
29 they go to ECOMOG, the ECOMOGs will kill them. If they run away

1 and they are caught, they will be killed.

2 Q. what year was your sister born?

3 A. 1982.

4 Q. what happened next?

16:15:54 5 A. After that, the next day, the time they were to -- one
6 rebel shot one of my children, who was xxxxxxxxxxxxxxxx.

7 Q. I ask you just to refer to the person who was shot as
8 "xxxxxx".

9 A. It was a rebel that shot xxxxxxxx.

16:16:57 10 Q. why was he shot?

11 A. well, that I don't know because I was not there.

12 JUDGE ITOE: It is a rebel "borbor". Does that make any
13 difference? Is she faithfully translated? When she says it is a
14 "rebel borbor", I am not very clear on that.

16:17:21 15 THE INTERPRETER: A rebel boy.

16 JUDGE ITOE: Okay; a rebel boy.

17 Mr HARRISON:

18 Q. Did you understand what was said by the Court and the
19 interpreter?

16:17:40 20 A. Yes.

21 Q. Was it a rebel boy who did the shooting?

22 A. Yes.

23 Q. And why did that shooting happen?

24 A. well, I was not there, so I don't know why he shot him.

16:18:06 25 Q. what happened next?

26 PRESIDING JUDGE: Can we get the age of that child?

27 Mr HARRISON: The one who was shot?

28 PRESIDING JUDGE: Yes, the one that got shot.

29 MR HARRISON:

1 Q. Witness, can you tell the Court what year xxxxxxxx was born?
2 A. It was in '84, 1984.
3 Q. What happened after the shooting?
4 A. My younger sister ran and was crying, saying that a rebel
16:19:06 5 boy has shot xxxxxxxx and xxxxxx was dead.
6 Q. What happened next?
7 A. From that day, the previous morning, SAJ Musa himself
8 killed the rebel boy; he killed him. He said because they had
9 beaten the civilians, they had removed them from their houses and
16:19:44 10 that he had told them they should not kill any civilian. That
11 was why he himself shot the rebel boy.
12 Q. What happened next?
13 A. So, from that time, Superman said that SAJ Musa has done
14 something wrong and they should exchange firing; they should
16:20:27 15 shoot SAJ Musa. So SAJ Musa ran away to Serekolia.
16 Q. What happened next?
17 A. After that, two days later, Superman collected certain
18 people, he should go to Serekolia for SAJ Musa and his people.
19 SAJ Musa said they would not go after Superman because Superman
16:21:26 20 killed civilians so he didn't come at all.
21 Q. I am not sure I understood that answer. Give your answer
22 again, perhaps a little bit more slowly in case the interpreters
23 had difficulty understanding.
24 A. I want you to give me back the question.
16:22:03 25 Q. We have talked about the killing of xxxxxxxx.
26 PRESIDING JUDGE: Take her from the moment that SAJ Musa
27 ran away.
28 Mr HARRISON:
29 Q. The last point you were at was where SAJ Musa ran away to

1 Serekolia. I asked what had happened next.

2 A. So, when he went to Serekolia, three days, Superman sent
3 his man that they should go and call SAJ Musa to come back. So
4 the rebels whom he sent delivered the message that SAJ Musa said
16:22:52 5 he would not work with Superman again.

6 Q. Please continue, what happened next?

7 A. So, from that time, Superman gathered his people, he said
8 the civilians at Koinadugu District -- that was why they are
9 fighting. So they should kill all the civilians.

16:23:33 10 Q. Who said that?

11 A. Superman.

12 Q. What happened next?

13 A. So, in the evening, they started setting the houses on
14 fire, kill people, shot at people. I had wanted to run, but one
16:24:13 15 man who was called Senegalese, he shot me and my child, who was a
16 small girl.

17 Q. Who was it who was doing the shooting?

18 A. It was Superman's people.

19 JUDGE ITOE: Who was the man who shot her and the child?

16:25:08 20 MR HARRISON: She gave the name Senegalese. I was just
21 going to ask the question.

22 JUDGE ITOE: Okay, yes. Please do.

23 MR HARRISON:

24 Q. Could you tell the Court who Senegalese was?

16:25:27 25 A. He was a Liberian; he was tall. Because he was tall, that
26 why he was called Senegalese. He shot me and my child.

27 Q. What happened next?

28 A. From that time, I fell and then my five-year-old child, he
29 ran; he followed the other people.

1 Q. Please continue.

2 A. From that time, the children who were held in that village
3 they took mortar stick and cala, elephant grass. They gave this
4 to the boys and girls so they could set fire on the houses. Some
16:26:52 5 of us who were gathered they said, "See, what they are doing,
6 your children also have become the rebels."
7 Q. How old were these children?
8 A. Some were about the age of 18, 15. But I would not be able
9 to tell them all, because I was not there where they were born.

16:27:40 10 Q. And what was it these children did?
11 A. After they had set the houses on fire, when the houses were
12 burning, then the rebels -- during that time they had gathered
13 some people and locked them in the house. They started setting
14 fire to the house. They took machete and started hacking them.

16:28:19 15 Q. who had the machetes?
16 A. It was the rebels.
17 Q. who were they hacking?
18 A. The civilians.
19 Q. what happened?
16:28:52 20 A. So about 48 of them died.
21 Q. You referred to burning. what was burned?
22 A. The houses, the whole village except the mosque. The
23 mosque was the only one that was left.
24 Q. Did anything else happen?
16:29:49 25 A. Yes. so we left.

26 JUDGE ITOE: [Microphone not activated] let's be very clear
27 on this.
28 Mr HARRISON:
29 Q. witness, these events that you have been talking about,

1 where did they take place?
2 A. It was in Koinadugu village.
3 Q. I'd asked you if anything else happened and you started
4 with yes. Could you please continue?
16:30:40 5 A. Yes. I said about 48 people died.
6 Q. These rebels who did this in Koinadugu, did they have a
7 commander?
8 A. Yes. It was Superman.
9 Q. When did this happen in Koinadugu village?
16:31:42 10 A. It was in October 1998.
11 Q. What happened next?
12 A. So, from that time, when I was all right, so Superman and
13 his boys said I should be killed. But there was one boy, by then
14 he was a small boy, but he had known me but I never knew him. As
16:32:28 15 he saw me, he said "Oh, this is my sister."
16 Q. After this boy spoke and said, "This is my sister," what
17 happened next?
18 A. During that time, since he was Liberian by then the
19 Liberian group had been there, because they were all there. They
16:33:13 20 told him that, "How come? This lady is a Sierra Leonean and you
21 are a Liberian. How are you related to her?" He said, "Ee.
22 Because we travelled. We are related on the mother's side."
23 Q. Did you see anything else happen in Koinadugu?
24 A. The thing that happened was they burnt and killed, they
16:34:03 25 took the small children. About 120 children were taken away.
26 Q. Why were these children taken away?
27 JUDGE ITOE: Is it 100 or 120?
28 MR HARRISON: I think the answer that I heard was 120.
29 JUDGE ITOE: 120.

1 Mr HARRISON:

2 Q. The question for you, Witness, is, why were these children
3 taken away?

4 A. For them to be turned into rebels.

16:34:53 5 Q. And what do you mean by that, for them to be turned into
6 rebels?

7 A. That I mean by that is that the rebels, that is because
8 they damage people, so you see, and that was why, that was how I
9 heard them calling them, they said rebels.

16:35:32 10 Q. How old were these children?

11 A. I cannot tell their ages. But they were under-age
12 children.

13 Q. I realise that you cannot give their exact ages but can you
14 at least tell the Court what you mean by "under-age"?

16:36:14 15 A. If they made a six year child, five year and even if it is
16 a young baby, if they like them, they will take it and carry
17 them. They said the civilians had no power on anything.

18 Q. Do you know where the children were taken?

19 A. The place I know where they took these children after the
16:36:59 20 rebels had left, it was in Freetown here. That was the place I
21 saw them. I saw some. So I don't know the right part where they
22 carry them, but I saw some in Freetown.

23 Q. Did you leave Koinadugu?

24 A. Yes, I left Koinadugu.

16:37:44 25 Q. Why did you leave?

26 A. Because the chief came to Kabala. He said they had damaged
27 people. So, they will have to send some people to go and collect
28 those of us who were damaged to bring us to Kabala for medical
29 treatment.

1 Q. And where did you go for medical treatment?
2 A. When we reach Kabala, ECOMOG took us and brought us to
3 Makeni, at Makeni hospital.
4 Q. And where did you go from Makeni?
16:39:02 5 A. We came to Connaught, Connaught Hospital in Freetown here.
6 Q. When did you arrive in Freetown?
7 A. It was in October 1998.
8 Q. And you said that you saw, in Freetown, children that you
9 had seen in Koinadugu. When did you see those Koinadugu children
16:40:13 10 in Freetown?
11 A. On the 6th January 1999.
12 Q. And how many of those children from Koinadugu did you see
13 in Freetown?
14 A. I wouldn't have known the number, but I did see them.
16:41:16 15 JUDGE ITOE: Where in Freetown did she see the children?
16 Mr HARRISON:
17 Q. Did you hear the question from the Court?
18 A. Around Cottage, because at that time that is where we were
19 finding food.
16:41:42 20 Q. Can you assist the Court a bit more in the location in
21 Freetown?
22 A. I said somewhere in Kissy, Wellington because when anyone
23 is seen by his family member he will be taken away. After the
24 rebels had gone they were let go of so they weren't taken away by
16:42:27 25 the rebels.
26 Mr HARRISON: Those are the questions.
27 JUDGE THOMPSON: Mr Jordash, did you want commence your
28 cross-examination.
29 MR JORDASH: Your Honour, thank you.

1 CROSS-EXAMINED BY MR JORDASH:

2 Q. Good afternoon, Madam Witness.

3 A. Good afternoon.

4 Q. I have a very small number of questions for you.

16:43:37 5 A. Okay.

6 Q. You have told us how you saw some children from Koinadugu
7 in Freetown; is that right?

8 A. Yes.

9 Q. Whereabouts in Freetown did you see them?

16:44:05 10 A. I saw some around the Cottage, Kissy, Calaba Town and some
11 inside Dove Cot.

12 Q. Do you know any of their names?

13 A. Yes.

14 Q. Can you name some?

16:44:33 15 A. Yes. Yira, Sorie, Manti, and Tamba.

16 Q. What were they doing?

17 A. When they came in Freetown, their family members hid them
18 so that they wouldn't return. So, we are all there finding food.
19 That is when I saw them with their families.

16:45:24 20 Q. So the children you saw were all with their families, being
21 looked after?

22 A. Yes, they were looking after them after January 6th when
23 they were taken away from them. Because they were young boys,
24 some were 12, some were 10 years old, they had not reached 13.

25 Q. So this was after January 6th, was it, 1999?

26 A. Yes.

27 Q. Thank you.

28 PRESIDING JUDGE: Madam Witness, are you saying that when
29 you saw them in Freetown, they were with their family?

1 THE WITNESS: Their families -- what I'm trying to say is
2 they were with their family members and their family members took
3 them away from the rebels. So whoever saw his or her child, we
4 took that child and hid that child away because they said they
5 walked from Koinadugu to Freetown.

6 PRESIDING JUDGE: Their family walked from Koinadugu to
7 Freetown to try to find their --

8 THE WITNESS: No. The children.

9 PRESIDING JUDGE: Okay, thank you.

10 MR JORDASH:

11 Q. Do you remember the date when you saw them?

12 A. No.

13 Q. Sometime in 1999? Or after?

14 A. In 1999, but I can't recall the month.

15 Q. Okay. Thank you. Just taking you back, if I may, Madam
16 witness, to Koinadugu when SAJ Musa and Superman are in
17 Koinadugu, were there some men who were taking orders from
18 Superman and some men taking orders from SAJ Musa?

19 A. Yes. Because they had two groups, RUF and AFRC.

20 Q. And the group who were Superman's group contained a number
21 of Liberians; is that right?

22 A. The Liberians, I didn't know their head, but they were all
23 together with Superman. So I didn't know whether they had their
24 own commander.

25 Q. And from what you heard from others, SAJ Musa had given
26 orders to his men not to harm civilians; is that right?

27 A. I didn't hear it by hearsay; he said so in my presence.

28 Q. Different orders had been given to Superman's group by
29 Superman?

1 A. Yes.

2 Q. Thank you.

3 MR JORDASH: I've got no further questions. Thank you very
4 much, Madam Witness.

5 JUDGE THOMPSON: Counsel for the second accused?

6 CROSS-EXAMINED BY MR NICOL-WILSON:

7 Q. Good afternoon, Mr Witness.

8 A. Good afternoon.

9 Q. Now, during your stay in Koinadugu, you met a number of
10 Liberians; is that correct?

11 A. Yes.

12 Q. In fact, there was a group of Liberians called the STF?

13 A. Yes. They were at Kalkoya.

14 Q. Among this group were very --

15 JUDGE ITOE: What did you call that group?

16 MR NICOL-WILSON: STF.

17 JUDGE ITOE: T?

18 MR NICOL-WILSON: Yes, Your Honour. STF.

19 Q. In fact, that group had a number of Liberians committing
20 atrocities, like Senegalese who shot your child.

21 A. Senegalese didn't kill my child. My child was killed by a
22 Liberian. He shot at myself and my girl child.

23 Q. Now, this STF group had Liberians that were terrorising
24 civilians.

25 A. Yes.

26 Q. Now, when did you first get in contact with lawyers from
27 the office of the Prosecutor?

28 A. Well, I can't recall.

29 Q. Was it in 2002?

1 A. I said I can't recall the year.

2 Q. Did you receive any money from any official working for the
3 Special Court?

4 A. No.

5 Q. So you have never received any witness allowance?

6 A. No.

7 Q. So when you --

8 PRESIDING JUDGE: Maybe you can ask the question a bit
9 differently. It may be that it's the terms you're using that may
10 not be well understood by the witness.

11 MR NICOL-WILSON: As Your Honour please.

12 PRESIDING JUDGE: Expenses may have been paid or, I mean,
13 it's --

14 MR NICOL-WILSON: As Your Honour please.

15 Q. Have you been provided with money for food?

16 A. Except that when I was coming here, they gave me transport,
17 transport fare.

18 Q. Will you be able to give an estimate as to how much money
19 you have received?

20 A. I wouldn't know. Because when I come, my transport to
21 return is 5,000 Leones.

22 MR NICOL-WILSON: Your Honour, that will be all for the
23 witness.

24 PRESIDING JUDGE: Thank you.

25 JUDGE THOMPSON: Mr Cammegh.

26 MR CAMMEGH: No questions.

27 JUDGE THOMPSON: Thank you. Any re-examination?

28 MR HARRISON: No, there's not.

29 PRESIDING JUDGE: Thank you. That concludes your evidence,

1 Madam Witness. We thank you very much for having come to this
2 Court today and that will end your evidence.

3 It is almost 5.00, I don't think we're prepared to take
4 another unless it's less than half an hour.

5 MR HARRISON: If I had one of those, I would have presented
6 it a long time ago. But if I can just make sure that everyone's
7 clear that first thing on Monday morning, the witness will be
8 TF1-361. We have switched the order, I think it's with the
9 consent of all the Defence counsel of 361 and 360.

10 PRESIDING JUDGE: So the first one on Monday will be 361,
11 TF1-361?

12 MR HARRISON: Yes.

13 PRESIDING JUDGE: Followed by TF1-360.

14 MR HARRISON: Yes.

15 THE INTERPRETER: And the language is?

16 MR HARRISON: The language for both of those witnesses is
17 Krio.

18 PRESIDING JUDGE: So, Mr Jordash, counsel for second
19 accused, third accused, no comment on that?

20 MR JORDASH: No, thank you.

21 PRESIDING JUDGE: So the Court is adjourned to 9.30, Monday
22 morning.

23 Thank you.

24 [Whereupon the hearing adjourned at 4.57 p.m.,
25 to be reconvened on Monday, the 11th day of
26 July, 2005, at 9.30 a.m.]

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29

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