

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

THURSDAY, 4 MAY 2007
9.42 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Mr Matteo Crippa
Mr Felix Nkongho
Ms Peace Malleni

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Charles Hardaway
Mr Vincent Wagona
Mr Reginald Fynn
Ms Shyamala Alagendra
Ms Amira Hudroge (Case

manager)

For the Public Defender:

Mrs Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph
Mr Kevin Hussey

For the accused Morris Kallon: Mr Shekou Touray

For the accused Augustine Gbao: Mr John Cammegh

1 [RUF4OCTO07A - CR]
2 Thursday, 4 October 2007
3 [The accused present]
4 [The witness entered court]
5 [Open session]
6 [Upon commencing at 9.42 a.m.]

7 PRESIDING JUDGE: Learned counsel on both sides, good
8 morning; your learned legal advisers and legal assistants to
the
9 various teams, good morning to all of you. I welcome you back
to
10 this traditional meeting place after a very long separation,
11 after a long divorce, that was not consummated, anyway. But
here
12 we are, back here again. You are very welcome.

13 I would like to say that we are starting what I
consider,
14 and I think what all of us should consider, a marathon
session,
15 because there is no CDF around the corner, you know, to give
you
16 any respite, or any rest at any time, so I hope that we are
all
17 ready and braced for this eventuality. Certainly we can only
do
18 what we humanly can. There are other factors that are beyond
our

that
19 control that may set in, but we have it on record, at least,
20 we are starting a session that is not going to be interrupted
21 excepting, of course, within the context of the respect of the
very
22 calendar that we have and judicial breaks, of course, as you
23 well know. So, this said, I think we can commence our
24 proceedings. But, before we do, I know that you held a status
take
25 conference and that a lot has been said, but I would like to
most
26 on one issue that is as core as most of the witnesses that
list,
27 of you intend and the Defence intends to call. It is the
28 the number of witnesses which the Defence has indicated it is
note
29 going to call. I won't go into the statistics of it, but I

1 somewhere that Mr Jordash, for Mr Sesay, intends to call 149
2 witnesses, and I think I saw something like for Mr Kallon and
3 about 55 for Mr Gbao.

is

4 I know we are in a judicial process. We are supposed to
5 respect the rights of the accused and of the Defence. There

just

6 no doubt about that; we are here for that, and we shall do

and

7 that. But I think when we talk of so many witnesses, we are
8 making it look a little unrealistic because I do not think,

call

9 we all know that it isn't the number of witnesses that you

in

10 which really make your case. At times, experience has shown

that

11 this courtroom in other cases that those witnesses, in their
12 numbers, some even come to confuse your case. You may think

which

13 you've spoken to them but there is the fright of this room,

14 we all appreciate, and they come and they destroy your case by

15 just one piece of evidence or the other.

quality

16 What I mean to say is that it is not the number of
17 witnesses that you call that matters, really, it is the

us.

18 of witnesses that you call, and what they are coming to tell

you
to
ensure
that
are
reduce
are
proceedings
too

19 So let us concentrate on the quality of the witnesses which
20 are going to call. You are the best judges of what witnesses
21 call in your cases. We concede that to you, but, please,
22 that you don't -- your witnesses don't get too repetitive or
23 they are getting boring and even not necessary because they
24 not testifying on the core issues for which your clients are
25 indicted. So, this said, I note with satisfaction, of course,
26 that the Defence teams have promised to make an effort to
27 the numbers of witnesses, and I think with this assurance we
28 reassured that we would be able to get through these
29 as expeditiously as possible, because we don't want to spend

1 much time here any more, particularly now that we have nothing
2 that obstructs us to move on with this RUF case.

3 So, I thank you, and I count very much on your
4 understanding in the proceedings. We should not, in the
5 proceedings object, because we want to object. Let us be

stopped

6 or let us be interrupted very minimally and when it is really
7 legally necessary. It is the turn for the witnesses to give
8 their version of their story for the accused persons.

us

9 I think that I am at the end of the preliminary remarks
10 that I had to make. Mr Jordash, I think you may proceed,

unless

11 you have some preliminary issues that you wish to raise? But
12 see your witness is already in front of us.

I

13 MR JORDASH: Ms Ashraph will be taking the first

witness.

14 But may I just raise two very quick matters before we start.

The

15 first is to introduce Mr Kevin Hussey, who sits behind me, who
16 our legal assistant.

is

17 Secondly, as regards Your Honour's comments and our
18 determination to reduce the --

19 PRESIDING JUDGE: How do you spell Mr Kevin Hussey's

name.

I-N?

20 Kevin, is it C-A-V-I-N, like we have it in Cameroon or K-E-V-

21 MR JORDASH: The latter, Your Honour.

22 PRESIDING JUDGE: Good, okay. Mr Kevin?

23 MR JORDASH: Hussey, H-U-S-S-E-Y.

brought

24 Secondly, concerning our determination to reduce the
25 witness list, and I link this to the motion which is before
26 Your Honours concerning additional funds for an additional
27 counsel, the difficulty we have is having the witnesses

28 into Freetown, so we can make a final assessment as to their
29 suitability or the appropriateness of calling them to testify.

1 With the best will in the world, that can only be done at a
2 certain pace, given what I consider to be inadequate funding
for
3 the job at hand.

4 Now, we would like to indicate a reduction in the
witness
5 list as soon as possible, but until we get those witnesses
into
6 Freetown, and this team has the opportunity to see the
witnesses,
7 then that cannot be done. This is one of the reasons to have
an
8 additional counsel. This is why we wanted and this is the
9 difficulty we have if we don't have it.

10 I can indicate at this stage today that we were forced
to
11 serve additional information on the Prosecution this morning
as
12 regards this witness. This is not ideal, it is not what we
would
13 like, but the team that we have is at full capacity. When I
14 finish court today, I will be heading to the witness house to
15 proof witnesses for tomorrow. And with, like I say, with the
16 best will in the world, that can only be done at a certain
pace

17 with the number of people we have in our team. And so we will
do
18 our best within the resources we have, and I would
respectfully

19 ask Your Honours to consider the motion and to arrive at a
20 decision as soon as is practicable, so that if Your Honours
are
21 with us on that, we can obtain the additional help and the
22 additional help will be focused on ensuring that we tighten
our
23 case, focus it, and make it shorter and more succinct.

24 PRESIDING JUDGE: Thank you. But I think, all in all --
25 yes, Justice Boutet has --

26 JUDGE BOUTET: I have heard what you've said, Mr
Jordash,
27 I've taken note of it. However, I can only ask you to make
sure
28 that whatever means you have available to you that we don't
get
29 into repetitive evidence which is unnecessary. I say this
based

1 on past experiences where we have had to intervene because
2 evidence that was being led, it appeared to the Bench to be
3 repetitive, and therefore was delaying the proceedings.

and

4 So we ask you, because I know you work hard on this, and
5 you will prepare your case well, and when you do your final
6 decision about witnesses, as such, that you make a very close

only

7 proper assessment of that evidence and lead evidence that is

details

8 absolutely necessary for your case, because unnecessary

9 are just cumbersome after a while, and it may, as Justice Itoe
10 has said to you, it may have a negative impact on the whole
11 picture if we get lost into a number of issues that are not

the

12 ones that you should be dealing with. So I am just calling

upon

13 your experience and professionalism in this respect to assist

us.

14 Thank you.

15 PRESIDING JUDGE: Right. Yes, Mr Cammegh.

16 MR CAMMEGH: Sorry, Your Honour, I have to interrupt at
17 this point as well.

if

18 As you know, there has been a change in the hierarchy,

19 you like, of the Gbao team. I wasn't here for the status

important 20 conference; I chose to remain at home to attend to very
21 issues, rather than come a week earlier when the Court wasn't
22 sitting, and I was hoping to introduce to the Court today my
23 chosen co-counsel.

24 Before I go into that issue, because an issue has arisen
25 there, unfortunately, I should say this: That in the
intervening 26 period, a monumental amount of work has been done. The
somewhat 27 messy appearance of the state of our case as it was erstwhile
has 28 been completely put in order. And I am very proud to say that
we 29 are now in very good shape, indeed. I've recruited two --
well,

1 extended the contract of one extremely capable legal assistant
2 and recruited another even more qualified one.

3 As you know, a very fundamental motion will shortly be
4 before the Court in relation to the indictment. A lot of work
5 has been done. I just wanted to assuage you, because it would
6 naturally have been one of your foremost concerns at this

stage

7 as to how our team had progressed in terms of organisation in

the

8 intervening months, and I am happy to say that things are

looking

9 good.

chosen

10 Having said that, I was hoping to introduce today my

11 co-counsel, Ms Prudence Acirokop, who has been in this room

12 before. She joined the team initially as a legal assistant I

13 think in June of 2006 and she has been with the team ever

since.

14 It was a considered decision based largely on her interaction

15 with other team members, but mainly on her knowledge of the

case,

16 and the dedication that she has shown.

17 PRESIDING JUDGE: She is not in court?

18 MR CAMMEGH: She is not in court today.

19 PRESIDING JUDGE: I see.

20 MR CAMMEGH: There is a good reason for that, and I want

to

conflict 21 predicate any comments by saying this: That there is no
22 between me and the Principal Defender at all. I completely
23 appreciate the position he's taking.

qualified 24 My understanding and belief was that Ms Acirokop
25 on the five-year rule. It appears that, technically, however,
26 she was not called to the Ugandan Bar until 2003, which places
27 her just outside the minimum requirement. It has been pointed
28 out to me, and I repeat there is no conflict between me and
the
in 29 Principal Defender - it is right that he should do so - that

have
that

1 order for her to qualify for that post, I, as team leader,
2 to establish exceptional circumstances. That is something
3 we are working on.

in
year

4 I am going to leave it to the Principal Defender to take
5 the ultimate decision. Your Honours have heard far too much
6 relation to difficulties within the Gbao team over the last
7 or so, and I am not going to burden you with any more of that.
8 The Principal Defender's word will be the final one on this
9 issue.

light

10 The difficulty, of course, that may come about, and this
11 technicality, if you like - and I don't want to minimise the
12 importance by saying that word, technicality, the Principal
13 Defender does have an important point - but it only came to
14 in the last few days. If Ms Acirokop is disqualified and
15 returns to her former post as international investigator,
16 obviously it will be incumbent upon me, with the assistance of
17 the Principal Defender to recruit a new counsel. But reality
18 dictates of course that such recruitment and subsequent

bedding

19 down of a counsel won't only take a long time, it would also
20 necessitate the diversion of effort, hours, et cetera from

other

up 21 experienced members of the team to ensure that that person is

22 to speed.

23 All I can do, Your Honours, is promise to keep you
24 appraised of the position and I will know the outcome within a
25 few days.

fulfilled 26 PRESIDING JUDGE: About what time would she have

not 27 the conditions to be appointed? Is it far from now or it is

28 too far off from this date?

she 29 MR CAMMEGH: Well, it can't be too far off. I am aware

1 passed her diploma, that is the Bar exam, if you like, that we
2 all take in England sometime -- I think it was April 2003. I
3 shouldn't be quoted on that, but I think I'm right. She
wasn't
4 called to the bar, in other words, the ceremonial part of the
5 qualification didn't take place until some time in 2004. Of
6 course, that is the date from which the period runs. I need
to
7 investigate that precise time further. It can't be more than,
8 say, six months away, one would have thought. But there are
9 other concerns the Principal Defender has. I have to adhere
to
10 any comments he makes and I have to answer them, because I am
not
11 going to allow any more confusion, difficulty -- I am not
going
12 to say anything else. I think Your Honours know the stress I
13 have been under within this team over the last three years,
14 really. I want to avoid as much of that as possible.
15 With transparency, I am relying on the Principal
Defender
16 to work with me on this issue, and as soon as I know
something, I
17 will report back to you. Ultimately, I wanted Your Honours to
18 know that an enormous amount of work has been done. We are in
a
19 very good position. Incidentally, when it comes to the
Defence

20 case, the adage I have been repeating over and over again, not
21 only to my client, but to other members of the team, less is
22 more, quality rather than quantity. That is something I can
23 assure you, without going into details, I will be adhering to
24 when it comes to our case.

25 PRESIDING JUDGE: Thank you very much for this
assurance.

26 MR CAMMEGH: Thank you.

27 PRESIDING JUDGE: Thank you. Does Mr Touray have any
28 preliminary issue to raise?

29 MR TOURAY: Your Honour, no. I decline the invitation.

Who
Prosecution
particular

1 PRESIDING JUDGE: Thank you. I see the Prosecution.
2 is appearing for the Prosecution today. I know the
3 is represented, but who is the lead counsel for this
4 witness?

5 MR HARDAWAY: Good morning, Your Honour, I am Charles
6 Hardaway. With me is Mr Vincent Wagona and Mr Reginald Fynn.
7 Mr Wagona will be taking the first witness this morning on
8 of the Prosecution.

9 The Prosecution had one issue, but now apparently we
10 have
11 deals
12 document
13 the
14 to

10 two, based on the comments of Mr Jordash. The first issue
11 with an exhibit that was entered on May 15th of this year,
12 Exhibit 199. It was determined that it was a two-page
13 that was admitted when, in reality, it should have been six
14 pages. That has been rectified, copies have been handed to
15 Court Management officer and I believe he has distributed them
16 the appropriate party, or he still has them. If he hasn't
17 distributed them yet, I apologise.

18 PRESIDING JUDGE: It has how many additional pages?

19 MR HARDAWAY: It is a total of six pages, Your Honours.

20 PRESIDING JUDGE: How many did we have when it was
21 tendered?

22 MR HARDAWAY: Two.

23 PRESIDING JUDGE: Two. So there are four additional
pages
24 that you have furnished?

25 MR HARDAWAY: That is correct, Your Honour.

26 JUDGE BOUTET: What are these pages so I can follow you
on
27 this issue.

28 MR HARDAWAY: This is the complete set of the Exhibit
199,

29 Your Honour, which I believe are minutes of meetings attached.

1 The original one, it had ERN number 27384 and 27385, and this
2 document, which has been handed to Your Honours, is from 27381
to
3 27386; so it is the complete package.

4 JUDGE BOUTET: So this package now will include, or does
5 include 384 and 385?

6 MR HARDAWAY: That is correct, Your Honour.

7 JUDGE BOUTET: Thank you.

8 PRESIDING JUDGE: Are those the new pages? I thought
you
9 said the original exhibit contained two pages and you are
adding
10 four more pages.

11 MR HARDAWAY: That is correct, Your Honour.

12 PRESIDING JUDGE: Which would make --

13 MR HARDAWAY: A total of six.

14 PRESIDING JUDGE: So it should start from 383?

15 MR HARDAWAY: No, Your Honour. The pages that were
16 submitted were 27384 and 27385. What we have submitted has
17 started from 27381 up to and including 27386.

18 MR CAMMEGH: Is my learned friend aware that 386 is a
19 duplicate of 384? I just wonder whether we are all actually
20 missing the last page, because the two pages appear to be
21 identical.

and

22 PRESIDING JUDGE: That remark appears to be right. 386

23 381 appear to be one and the same document.

24 MR HARDAWAY: I believe you meant 384, Your Honour.

25 JUDGE BOUTET: Although 386 --

26 JUDGE THOMPSON: And 384 too.

27 MR HARDAWAY: 384 and 386, I will concur they are

28 duplicate. At the appropriate break, I can --

you

29 PRESIDING JUDGE: That is what I was going to say. Can

form

1 sort out this document and present it when you know it is in
2 and in order at a later stage --

3 MR HARDAWAY: Yes, I can do that.

up

4 PRESIDING JUDGE: -- of these proceedings because we are
5 lost. We will stand the application down until when it comes
6 later in the day in the course of proceedings. Is that all
7 right, Mr Hardaway?

8 MR HARDAWAY: That is fine, Your Honour.

9 PRESIDING JUDGE: Good, thank you.

which

10 MR HARDAWAY: Now, as it relates to the second point,

Prosecution

11 was brought up by Mr Jordash, it is correct that the

12 this morning did receive two additional pages of information
13 concerning this witness who is scheduled to testify today.

The

14 Prosecution knows --

15 PRESIDING JUDGE: Does that prejudice you? Does the
16 information take you back? Are you not in a position to going
17 on?

with

18 MR HARDAWAY: Your Honours, Mr Wagona -- I have spoken

on.

19 Mr Wagona concerning that, and he says he is capable of going

the
happen
such
to
matters

20 I bring up the point simply to state that while I know that
21 Defence will endeavour to make sure that such occurrences
22 very infrequently, if not at all, there may be a time when
23 information is provided on the morning or immediately before
24 witness testifies that could impact the Prosecution's ability
25 effectively test the evidence. We do not want to adjourn the
26 case needlessly, or for any other circumstances, unless it is
27 important. I am just bringing that to the Court's attention.
28 PRESIDING JUDGE: I think we understand where you are
29 coming from. The advice goes to the Defence that these

1 -- I am sure Mr Jordash, like he said, found himself in a
2 situation where he could not do otherwise. Ordinarily, we are
3 certain that he will respect the norms of communicating such
4 additional information to the Prosecution in due time.

5 MR HARDAWAY: Yes, Your Honour.

6 PRESIDING JUDGE: So as not to take you by surprise and
so
7 as to enable you to tackle the evidence and to visit it
8 appropriately in cross-examination.

9 MR HARDAWAY: Yes, Your Honour. It is just my way of
10 putting the Court on notice that if there is a possibility
that
11 it does happen again, that it could -- I am not saying it
will,
12 but the possibility does exist -- I just wish to put the Court
on
13 notice of that.

14 JUDGE THOMPSON: We have the machinery to deal with
15 situations like that. When they do come up, we know what
16 appropriate procedures to adopt in terms of settling the
dispute
17 between the parties.

18 MR HARDAWAY: Very well, Your Honour, thank you.

19 PRESIDING JUDGE: Mr Jordash, is it Ms Ashraph who is
20 taking the witness? Okay.

21 MS ASHRAPH: Your Honour, if I can just raise one --

some
22 PRESIDING JUDGE: I think your witness wants to drink
23 water.
up
24 MS ASHRAPH: That's fine, Your Honour. I can just clear
25 one preliminary issue before I start. Which is that the
witness
26 is concerned that the name of the Joe Bush that he was in
during
27 the war not be said allowed in court. The name is in
paragraph 6
28 of the additional information which may be before Your Honour,
29 but is with your legal officer. He is not literate, this

on

I

is

suggest,

could

remind

1 witness, so it is not possible for him to write down the name
2 a piece of paper. I have spoken to the Prosecution, and what
3 would suggest, rather than --

4 PRESIDING JUDGE: But he can give the name, and the name
5 written by some other person.

6 MS ASHRAPH: That is exactly what I was going to
7 that someone from WVS sat next to him at that time, and he
8 say the name and it could be checked and exhibited.

9 PRESIDING JUDGE: Yes, I think so. That is permissible.

10 MS ASHRAPH: Thank you, Your Honour.

11 WITNESS: DIS-074 [Sworn]

12 [Witness answered through interpreter]

13 PRESIDING JUDGE: Ms Ashraph, this will be your fourth
14 witness?

15 MS ASHRAPH: This is the fourth witness.

16 PRESIDING JUDGE: The fourth witness. Thank you.

17 EXAMINED BY MS ASHRAPH:

18 Q. Mr Witness. Mr Witness, are you hearing me?

19 A. Yes. Yes, I'm hearing you.

20 Q. Before I start asking you questions, I just want to

21 you to speak slowly and clearly.

22 A. Okay, I will do that.

23 Q. If you don't understand what I say, just ask me -- just
let
24 me know and I will repeat the question.

25 A. Okay.

26 Q. Obviously, if you don't know the answer to a question,
it
27 is perfectly acceptable to say that you do not know.

28 A. Okay.

29 Q. Mr Witness, it is right that you are a native of
Kailahun

1 District?

2 A. Yes.

3 Q. Do you know how old you are?

4 A. Yes.

5 Q. How old are you, Mr Witness?

6 A. Forty-five years.

7 Q. Are you married?

8 A. Yes.

9 Q. Do you have any children?

10 A. Yes.

11 Q. Do you speak any other languages other than Mende?

12 A. I only speak Mende. I am a Mende.

13 Q. Did you go to school, witness?

14 A. I did not go to school.

15 Q. What do you do, witness? What is your job?

16 A. I'm a farmer.

17 Q. Witness, where were you in 1991?

18 A. I was in Kailahun District.

19 Q. Do you remember what happened in 1991?

20 PRESIDING JUDGE: He was not living in the whole of

21 Kailahun District. He must have been located somewhere.

22 MS ASHRAPH:

23 Q. What town were you living, what town or village were you

24 living in 1991, witness?

25 A. Do you want me to tell you the name of the town?

26 MS ASHRAPH: Sorry, I didn't catch that on the
translation?

27 Your Honour, if I could have WVS go and write the name of the

28 town for him. The name is obviously a concern for him.

29 PRESIDING JUDGE: That's okay. Is the WVS here. Is
there

SCSL - TRIAL CHAMBER I

1 any representative?

2 MS ASHRAPH:

3 Q. Witness, a member of the witnesses services is going to
4 come to you and if you just let her know the name of the town

you

5 were in and she will write it for you.

6 A. Okay.

tendering

7 PRESIDING JUDGE: Ms Ashraph, I imagine you are

8 that?

be

9 MS ASHRAPH: I am, Your Honour. That, I believe, will

be

10 Exhibit 228; is that right? Sorry, Your Honour, it's going to

11 Exhibit 231.

12 PRESIDING JUDGE: What is the number of the exhibit?

13 MR GEORGE: 231, Your Honour.

14 PRESIDING JUDGE: I imagine there is no objection?

15 Mr Wagona?

16 MR WAGONA: None, Your Honour.

17 PRESIDING JUDGE: The exhibit is admitted confidentially
18 and marked Exhibit 231. 231; am I right?

19 MR GEORGE: Yes, Your Honour.

20 PRESIDING JUDGE: Thank you.

21 [Exhibit No. 231 was admitted]

22 MS ASHRAPH:

identity

23 Q. Mr Witness, I just want to reassure you that your

24 is protected in this Court.

25 A. Okay.

about,

26 Q. And if there is information that you are concerned

27 we can follow that procedure of writing it.

28 A. Okay.

the

29 Q. What is written down, what you say to the person from

1 Witness and Victims Unit, is only seen by the parties to the
2 Court.

3 A. Okay.

4 Q. Okay. Were you in your village when the war started in
5 1991?

6 A. I was in my village.

7 Q. And how did the war first meet you?

8 A. You are asking me how the war -- they came into the
9 village?

10 Q. Who is "they" witness?

11 A. I don't know the day.

12 Q. That's fine. Who is "they" that came into the village?

13 A. The one I knew was Rambo.

14 Q. Okay. Where was Rambo from?

15 A. They said they came from Liberia.

16 Q. Do you know what tribe he was from?

17 A. He said he was a Gio.

18 Q. How many people was he with?

19 A. To us, three of us, where we were, three of them came.

20 Q. Three of them. And when three of them came, what
happened?

21 A. They came and assembled us in one place.

22 Q. Yes. What happened after they assembled you in one
place?

23 A. When they assembled us, they spoke to us.

24 Q. And how many of your -- how many people were assembled
25 besides you?

26 A. Plenty of us. I cannot even give the number.

27 Q. They spoke to you. What did they say to you?

28 A. First thing they told us, that we should not be afraid;
we

29 shouldn't run away. They said they have come to redeem us and
to

SCSL - TRIAL CHAMBER I

1 free us from difficulties.

2 Q. To free you from difficulties?

3 A. Yes.

4 Q. And then what happened?

5 A. So they told us that where we were, we were by them,
they

6 were going to take us from that point and take us backwards so
7 that they can protect us.

8 Q. And why did you need to move backwards to be protected?

9 A. So that whereas they were advancing, if they meet the
10 enemies, we won't be hurt.

11 Q. So where were you; where did you go to?

12 A. We went to Baiwala, and my family, all of us, my
relations.

13 JUDGE BOUTET: I am not sure I understand what the
witness,

14 what it means, going backwards, as such. Does that mean that

15 physically they were walking backwards? I mean, I am not sure
of

16 the translation of what the witness is saying.

17 MS ASHRAPH: I will clarify it.

18 JUDGE BOUTET: I am just trying to understand what your
19 witness is saying.

20 MS ASHRAPH:

21 Q. Witness, when you say they took you backwards, what does

22 that mean, precisely?

23 A. What I mean is they told us -- they said they are going

24 this way and, therefore, if they caught you, they will take
you

25 to the place where they are keeping people, where they have

26 liberated people, and that is where they will keep us, and the

27 area there is under their custody.

28 Q. Where is Baiwala in relation to where you were at the
time

29 you met the Gios?

1 A. [No interpretation].

2 Q. Where is Baiwala in relation to where you met the Gios?

3 THE INTERPRETER: Can the witness, please, Your Honours,
4 can the witness please repeat what he just said.

5 MS ASHRAPH:

6 Q. Witness, can you just repeat your answer, please?

7 A. Can you please come again with the questions, Your
Honours?

8 MS ASHRAPH: I will ask a different question.

9 Q. What was purpose of taking you to Baiwala?

10 A. They went -- they took us to Baiwala so that we could be
11 protected.

12 MS ASHRAPH: Does that assist, Your Honour?

13 JUDGE BOUTET: Slightly.

14 MS ASHRAPH: I'll try.

15 JUDGE BOUTET: But that's okay. A good start. It may
be

16 just in the translation. It may not be that important.

17 MS ASHRAPH: I will give it one more go and then I'll
move

18 on because I am trying to get this into the indictment period.

19 Q. Witness, do you know what the safety zone is?

20 A. That is where I am showing you. When they took us, they
21 took us back to the safety zone; that is where I am telling
you

22 about.

when

23 Q. Okay. Thank you, witness. And how were you treated

24 you were in Baiwala?

25 A. Well, those people did not treat us well. We went and
26 fetched food for ourselves.

are

27 Q. When you say those people did not treat you well, who

28 you referring to?

us.

29 A. Those people, those foreigners, the Lambos who caught

1 Q. Sorry, I'm not hearing you. The Lambos?

2 A. Those people who caught us and took us away, they did
not
3 treat us well.

4 Q. Where did those people come from?

5 A. They came from Liberia.

6 Q. Are we speaking about the Gios again?

7 A. Yes.

8 Q. Okay. And they did not treat you well. How is it that
you
9 were treated badly?

10 A. One of them came and took my wife to his house, and that
11 haunted me so much. And in the morning, the woman came back
to
12 me.

13 Q. What else did the Gios do?

14 A. They did not do anything to me personally, apart from
that,
15 during that time.

16 Q. Did you see or hear them doing anything bad to other
17 civilians?

18 A. Those foreigners?

19 Q. Yes.

20 A. For me, in the morning, they did it. We heard of it.

21 Q. What did they do, witness?

22 A. The thing they did to me, they did to others. They took
23 their wives from them.

24 Q. And what was the age of the youngest Gio?

25 A. Ten years of age. They were ten years of age, children.

26 Q. Did they go under any particular name, those children?

27 A. They had a name they called them, but I can't remember
the

28 name.

29 Q. Okay. And how did they behave?

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1 A. They were threatening us. We had food, they took it
from
2 us.
3 Q. Now, there came a time when the Gios left Sierra Leone;
is
4 that right?
5 A. When the Gios were there, that was when these things
were
6 happening. Those are the things they did.
7 Q. Yes, witness. Am I right that there is a time when the
8 Gios left Kailahun, left Sierra Leone?
9 A. Yes. I did not get the question.
10 Q. At a point in time the Gios left Kailahun; is that
right?
11 A. Yes.
12 Q. Do you know what caused them to leave Kailahun?
13 A. When they drove them from Kailahun, you mean?
14 Q. Who drove them from Kailahun, witness?
15 A. Kinnie Sankoh came and asked them to leave this country.
16 Q. And why was that?
17 A. He said because the things they are doing is not the
reason
18 why they came.
19 Q. And then what happened after that?
20 A. Well, the ones that were trained here now had to force
them

21 to leave, to leave this country.

22 Q. What was the nationality of those who forced the Gios
out?

23 A. They are indigenes of this country. Those who were
24 captured and trained, those are the ones who forced them out
of

25 this country. They drove the Gios out of this country.

26 Q. Now, witness, you say those that were captured and
trained.

27 What do you mean by that?

28 A. Those who were here, those who came, they were the ones
who

29 took them and accepted them, and they were fighters, and those
of

1 them who were trained, those are the ones I am talking about.

2 Commando. Rebel.

3 Q. How did they come to be trained, witness, the commandos?

4 A. Well --

5 Q. If you know.

6 A. They were captured and taken away.

7 Q. By who?

8 A. They were capturing civilians and taking us away.

9 Q. Who was doing that, witness?

10 A. The Gios.

11 Q. After the Gios were pushed out, how did life change
where you were?

12 A. Well, after they had driven out of this country, we had
13 relief, we slept well.

14 Q. What happened to the young Gio soldiers that you were
15 speaking about earlier?

16 A. They drove all of them -- all of them were driven out of
17 this country.

18 Q. And of the soldiers that remained, who you said were
19 indigenous, how old was the youngest soldier you saw then
after

20 the Gios left?

21 A. Those who left behind them, those who remained, most of
22

23 them I saw, they were -- they were about 20, 25, 30 onwards.

name

24 Q. Did those that remained go by a particular name, the

25 of the group of those that remained?

I

26 A. A group named -- given to a soldier? I was a civilian.

27 cannot explain much of that.

28 Q. It's right, witness, you know the name RUF?

29 A. Which one? RUF?

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1 Q. Do you know the name RUF?

2 A. Yes.

3 Q. And it's right that after -- I think you said after the
4 Gios were pushed out, the RUF was mainly composed of people

from

5 what nationality?

6 A. Yes.

7 Q. After the Gios left, the RUF were from what country?

8 A. They were from Sierra Leone.

9 Q. I want to speak to you a bit about what life was like

after

10 the Gios left, when it was under the RUF, who were mainly from
11 Sierra Leone. How from you treated after the Gios left?

12 A. Those who stayed behind we were in good relationship.

We

13 got food to eat.

14 Q. Where would you get food from, witness?

15 A. We were farming.

16 Q. And what would happen to the harvest of your farms?

17 A. We took the rice to our barns.

18 Q. And were you still in Baiwala at that time?

19 A. No.

20 Q. Did you move from Baiwala before or after the Gios left?

21 A. I left them there, and I left.

22 Q. You left them there and you left -- what does that mean,

23 witness?

24 A. I left them in that town and I went to another town.

25 Q. Okay. You see -- which town did you go to?

26 A. Well --

27 Q. Is it a big enough town you are happy to say it out
loud,

28 or would you like it written down?

29 A. I went to a big town. It was not a small town.

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1 Q. Would you prefer --

2 A. I would show you the town, but I don't want to --

3 Q. You would prefer to have it written?

4 A. [No interpretation].

5 Q. Okay.

6 PRESIDING JUDGE: Is there any particular reason.

7 MS ASHRAPH: Only because the town crops up again.

8 PRESIDING JUDGE: That town is not his birth place.

There

9 are many people who visit that town, but if he insists.

10 MS ASHRAPH: He seems particularly nervous, Your Honour.

11 The town will crop up again, so it's probably --

12 PRESIDING JUDGE: That's okay.

13 MS ASHRAPH: Sorry, there was a spelling error.

14 Your Honour, can that be Exhibit 231.

15 MR GEORGE: 232.

16 MS ASHRAPH: 232. I apologise. Yes.

17 PRESIDING JUDGE: Admitted confidentially and marked

18 Exhibit 232.

19 [Exhibit No. 232 was admitted]

20 MS ASHRAPH:

21 Q. Witness.

22 A. Yes.

23 MS ASHRAPH: Sorry, his microphone is not on.

24 Q. Witness, was it there that you were doing your farming?

25 A. I would normally brush and then do the plough and brush.

26 Q. Witness, I'm just checking. It was while you were in
the

27 place that has just been written on the piece of paper that
you

28 were doing your farming?

29 A. I was still doing my farming activities.

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please

saw

1 Q. Mr Witness, do you know who Mr Sinneh [phon] is?

2 THE INTERPRETER: Your Honours, can learned counsel

3 come again with the question?

4 MS ASHRAPH:

5 Q. Do you know who Mr Sinneh?

6 A. Sinneh?

7 Q. Yes.

8 A. I knew him. The town Bandajuma, I knew him there. I

9 him.

10 Q. And who was he?

11 A. He was an old man. They are the indigenes of that town.

12 Q. And were there any RUF officers in that town? Officers,
13 rather, sorry, in that town?

14 A. No, there the officers were not there. There was no
15 leaders staying there.

16 Q. I apologise, that was my error. Were there any RUF
17 officers there? Were there any RUF representatives there?

18 A. Yes, there were some people there.

19 Q. Who was there that you remember?

20 A. Well, those that were there that I know, the MP, he was
21 overall in charge of protection that was sent there.

22 Q. Do you remember his name, the MP?

name.

23 A. His name was Mohamed Fatoma. Yes, I can remember his

the

24 Q. And do you know what his job was? Do you remember what

25 MP did?

26 A. Yes.

27 Q. What was the MP responsible for?

you a

28 A. He was in charge of protection. He protected us. Be

to

29 soldier, as long as you were in that town, you had to report

1 him.

2 Q. And how would he protect you?

3 A. Well, he would not stand by to see any soldier coming
from
4 another area to disturb our peace. He would then arrest you.

5 Q. And were there any other RUF representatives where you
6 were?

7 A. Yes, there were others, and they were civilians. They
were
8 called G5.

9 Q. They were civilians?

10 A. Yes.

11 Q. And what did the G5 do?

12 A. He was sort of intermediary between we, the civilians,
and
13 the soldiers.

14 Q. What would he do as an intermediary?

15 A. If anything was brought to the MP, the MP would call him
16 and explain to him, and he would explain to us, too.

17 Q. You said earlier that the MP would not stand by to see a
18 soldier come and disturb you. What would happen if a soldier
did
19 come and disturb you, if you know?

20 A. We would arrest him and take him to the senior people.

21 Q. How do you know that?

22 A. He arrested them in our presence. If you did anything
23 wrong, that was the law that was passed. If you did anything
24 wrong, you would be arrested and taken to them.

25 Q. You said, "The law that was passed." What laws were
26 passed, witness?

27 A. That is one of the laws I've explained.

28 Q. I'm sorry, could you just repeat that law. I know
you've
29 explained it, but if you could just say it shortly.

1 A. The law that was passed to us, if I, a civilian -- if
2 somebody does something wrong to me, the G5 would report to
the
3 MP and the MP would come and arrest you. That was the law I'm
4 talking - so that they will deal with you.

5 Q. Were there any other laws that you knew?
6 THE INTERPRETER: Can the witness please go over what
he's
7 just said, Your Honours.

8 MS ASHRAPH:
9 Q. Can you repeat your answer, witness?

10 A. Yes.
11 Q. Okay. I will rephrase. Do you know of any other laws
12 beside that law?

13 A. If you ask me about them, I will explain to you, the
other
14 laws.

15 Q. Okay. I will ask you about them. What were the other
laws
16 that you knew, please?

17 A. The others that are laws, one of them was -- you can't
just
18 come and harass a woman and take her to your house. The
other,
19 if you do that, you will be arrested, and you'd be dealt with
20 according to the law. The other, you just can't grab our food
in

with

21 our hands and then take it for yourself. The law will deal

22 you seriously. Those are the three laws that were strictly
23 abided by, that were passed. You can't take a woman to your
24 house, just like that, and have an affair with her.

25 Q. What was the punishment for taking her to your house,
26 taking her away and having an affair with her?

27 A. If you are a soldier and you do that without no prior
28 knowledge or arrangements, then you will be beaten up to the
29 point of death. And then they will keep you for safe -- they

you

1 will keep you somewhere and then, afterwards, they will send

2 somewhere far off so you will not be in that area any more.

3 Q. And what would happen if a soldier stole food?

4 A. If a soldier grabs food from a civilian, and you took it

5 from the civilian, because you were carrying gun, you would be

will

6 dealt with in the same way as I have just explained. They

the

7 beat you. You will be locked up in a room for the night. In

to

8 morning you will be taken out and taken you to -- and take you

there.

9 a far place so that you won't do that again. You will be

10 Q. Now, witness, there came a time when you left Bandajuma.

11 Sorry, you left; is that right?

12 A. Yes.

13 Q. Why did you leave?

14 A. Well, the war was so intense, so we all had to leave.

15 Q. So who was --

16 A. The soldiers who came from here pushed us from where we

17 were, and then we took to our heels so that we would not be

18 killed.

19 Q. When you say the soldiers from here, who do you mean by

20 that?

the
us,

21 A. The soldiers who were here and who were fighting with
22 others, they went and took over the whole place, they drove
23 and then we went into the bushes, that was why we left.

24 Q. And do you know who those soldiers who pushed you to the
25 bushes, who they worked for?

26 A. They worked for the government.

27 Q. You said they pushed you; who left your area and moved
into
28 the bushes?

29 THE INTERPRETER: Your Honours, can learned counsel
please

1 come with the question again?

2 MS ASHRAPH:

3 Q. Who left your area and moved to the bushes?

4 A. When we left and went, all of us in the township were
left

5 and went into the bushes; we were running into the bushes.

6 Q. Why did you not stay to wait for the government
soldiers?

7 A. We were afraid that if they met us -- some were rebels,
and
8 they would kill us, so we were afraid of that.

9 Q. Where did the RUF go when you went into the bushes.

10 A. Well, they went to Giema. They assembled and went to
11 Giema.

12 Q. Where did you settle, witness?

13 A. I am still staying in the place where I have just
explained

14 to you, on paper, just now I'm still in that town.

15 Q. I understand that, witness, but when you were pushed by
the
16 government troops, it's right that you went to the border?

17 A. [No interpretation].

18 Q. Do you remember how long you stayed near the border?

19 A. We just went -- if we got to some place, we spent some
time

20 there, but we met some people there, so they were not people
who

21 catch us and take us away.

caught

22 Q. I'm sorry, I missed that. They were not people who

23 you and took you away?

24 A. [No interpretation].

25 Q. Witness, do you remember how long you remained at the
26 border?

27 A. I spent a month there and left.

the

28 Q. Now, I know you left another place. I am going to ask
29 again that, which is the original suggestion, that you write

1 name of this place down where you went to after leaving the
2 border. Okay?

3 PRESIDING JUDGE: You are tendering it?

4 MS ASHRAPH: Yes, Your Honour, it is Exhibit 233,
please.

5 PRESIDING JUDGE: 233?

6 MS ASHRAPH: Yes.

7 PRESIDING JUDGE: Yes.

8 [Exhibit No. 233 was admitted]

9 MS ASHRAPH:

10 Q. Witness, when you moved, I will call that place the
bush,
11 witness. Okay.

12 A. Yes.

13 Q. When you moved from the border to the bush, were you
alone?

14 A. We were many.

15 Q. And who moved with you?

16 A. Those that I went with, yes, my family. I and my
family,
17 we were passing together.

18 Q. Okay. Where were the RUF at that time?

19 A. Well, they were all living in Giema, but they were not
20 staying there. They were moving around, but they were staying
21 there.

22 MS ASHRAPH: Excuse me, Your Honour.

23 Q. Were they moving around the civilians, witness?

in

24 A. No, we were all staying there together. We were staying

25 one place.

"we"?

26 Q. When you say we were staying there together, who is

is

27 A. We and our families, together with the civilians, that

not

28 what I mean. Those of my dependents and other people. I was

29 alone. I was not alone that I was caught in the bush. There

1 were a good number of us, we, the civilians. That is what I
2 mean.

3 Q. How far were the RUF from where you and your family
were?

4 A. It was about - about just one mile.

5 Q. Why was a decision made to move from the border to the
6 bush.

7 A. Well, to save our own life, to protect our own life.
8 That's what -- that was the reason we did that. We came and
9 removed and prepared our place and we were sitting down there
and
10 they were protecting us.

11 Q. Who was protecting you?

12 A. The RUF.

13 Q. The bush you were in, was it near to any big towns?

14 A. It was not far away.

15 Q. Do you know a big town that it was near that you can
tell
16 us?

17 A. Yes.

18 Q. What is the name of the big town that the bush was near?

19 A. Well, I would like to show the place.

20 Q. Witness, it is quite a big town, and I don't -- I don't
21 think it would necessarily pinpoint where you were, because
the

22 name of the bush is private to the Court. If you want, we can
23 write it down.

24 A. Well, if you tell me to show the place, I will show the
25 place.

big 26 Q. Witness, you will still be safe to give the name of the
27 town that is near to the bush.

28 A. Well, Giema, Bandajuma.

29 Q. Were the RUF staying in the bush with you or were they

1 elsewhere?

2 A. They were living in other place, in other places.

and

3 Q. What was the relationship between the group in the bush
4 the RUF?

There

5 A. They were treating us well, they were treating us.
6 was no problem between us.

the

7 Q. You said earlier that the RUF were in Giema. Why was
8 RUF in the town and you in the bush?

9 A. Well, the place was not safe, because it was for our own
10 protection. That was the reason we prepared our place we were
11 staying there, because those who were our leaders --

12 Q. Yes, those who were your leaders.

If

13 A. They were saving us. They were our leaders to save us.
14 there's any bad thing coming, they would be the first to face
15 before coming to us.

not

16 Q. You said that the place was not safe. What place was
17 safe?

18 A. The place where we were staying, that was the place that
19 security was important. You are saying what they were doing,
20 they gathered us there. They were protecting us. They were
21 protecting us. It was for our own protection that they put us

22 there. We were there, in that bush.

town
23 Q. Why was it not good for your protection to be in the

24 in Giema with the RUF?

those
25 A. Well, if we are staying together with them, because

26 of their friends who were fighting, they were coming there --

go
27 THE INTERPRETER: Please, Your Honours, can the witness

28 over it again.

29 MS ASHRAPH: Witness, it's quite --

that

1 PRESIDING JUDGE: Witness, go slowly, slowly. Go over
2 again.

3 MS ASHRAPH:

4 Q. If you just go slowly and --

5 A. Okay.

it

6 Q. [Microphone not activated]. The question was: Why was
7 not safe for you to be in Giema with the RUF?

8 A. What?

9 Q. The question was why was it not safe for you --

be

10 A. They were fighting there amongst themselves. The bullets
11 were to meet us. That was the place it was not good for us to
12 there, where they put us.

that

13 Q. Witness, I am just going to take that again. You said
14 you were taken to the bush for your own protection.

15 A. Yes.

16 Q. The RUF were in Giema, which is a town nearby.

17 A. Yes.

in

18 Q. Why was it not safe -- why was it better for you to be
19 the bush than in the town?

20 A. Because all those towns, they were not safe, because the
21 men were coming there. So if we were in that town, they would

22 not protect us. That was the reason they put us somewhere so
23 that they would protect us.

24 Q. You said if you are in the town the men would -- just
one
25 last question. You said the men --

26 A. What type of men, oh God. There were not other men. So
if
27 we were in town, we would not be there. For example, we are
in
28 Giema. We would be there. Soldiers would come. They too
would
29 fight there, and we would be caught in the midst of the
fighting,

1 so they would not be able to save us. So we were civilians.

2 That was the reason we were parked there, to protect us.

3 Q. When you were in the bush, what were you doing there?

4 A. We were there as if we were living in the town. We were

fed.

5 working, doing farming, harvesting rice and eating. We were

It

6 We were sleeping well. We were protected quite well there.

7 was nice, just like where I am sitting now. Like a town.

8 Q. You talked about leaders in the bush. You said, "We had

9 our leaders." Who were your leaders?

10 A. Well, those, I did not write their names on papers. You

who

11 have not received their names, because those were like the MP

12 were working with us, like the Joe Bush commander.

13 Q. Okay. So there was an MP in the bush with you?

14 A. Joe Bush commander.

15 Q. What was the job of a Joe Bush commander?

the

16 A. He was asked to appoint a civilian to protect us, and

17 place where --

down,

18 THE INTERPRETER: Your Honour, can the witness slow

19 speak slowly.

20 MS ASHRAPH: Witness, if you can just stop --

your

21 PRESIDING JUDGE: Ms Ashraph, please take control of

22 witness. He is a bit fast, I know.

23 THE WITNESS: Okay. Okay.

24 MS ASHRAPH:

25 Q. Witness, I know you have a lot to say, but if you just

26 answer the first question, and then I will ask you another

bit

27 question and then you can speak some more. I know it seems a

28 slow but actually it will go a lot faster that way. Okay.

29 A. Okay.

Bush 1 Q. Okay, so my question was: What was the job of the Joe
2 commander?

3 A. He was to -- he was to arrange any dispute among us.

4 Q. Amongst the civilians?

5 A. Yes.

you 6 Q. What would happen if there was a dispute? What would
7 do?

protect 8 A. If there was no dispute among us, he was there to
is a 9 us. He, too, he was also a civilian. He was our chief. He
10 chief.

Bush 11 Q. How was he appointed? How did he come to be the Joe
12 commander?

too 13 A. All of us, we came together, and we were asked, and we,
14 appointed him, and we, too, appointed him.

15 Q. And who were --

16 A. And they passed it to him.

17 Q. And who asked you. You said you came together and, "We
18 were asked." Who asked you?

19 A. RUF were asking us such questions. RUF members, they
20 entered there and asked us, and we showed the person, so that
if

21 there's any problem, you have problem with your comrade, you
22 explain to him. It was for our protection.

23 Q. Okay. And there was also an MP, you said in the bush?

24 A. MP, yes. He was in Bandajuma.

25 Q. Do you remember his name?

26 A. Yes.

27 Q. What was his name, the MP in the bush?

28 A. Mohamed -- his name?

29 Q. Yes, please.

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1 A. Let me show?

2 Q. Yes, please.

3 A. Let me give the name?

4 Q. Yes, please, witness.

5 A. Oh, Mohamed Fatoma.

6 Q. And you described the job, witness, of the MP before,

by

7 saying that he was in charge of protection, he would not stand

8 a soldier coming by [microphone not activated]?

9 A. Yes.

10 Q. Was the job the same?

11 A. Yes. That's it.

RUF

12 Q. And what would happen if there was a problem between an

13 and a civilian? What would happen then?

disturb

14 A. You who -- because a civilian -- a civilian cannot

They

15 an RUF member, but if you disturb him, he would arrest you.

16 would arrest you very strongly.

17 Q. Okay. What would happen if an RUF disturbed a civilian?

18 What would happen?

the

19 A. If he flogged the person, so -- or he did something to

20 person, he, too, would be beaten and locked up. He would be

21 removed and sent -- and remove him from us. Where we were

22 staying, he would not be there again.

no

23 Q. You mentioned the laws before about no stealing of food,

Did

24 harassing a woman and taking her to have an affair with her.

25 those laws still apply in the bush?

26 A. Of course.

27 Q. Do you know what commanders were based in Giema?

know

28 A. The commander I knew in Giema, he was Kinnie Issa. I

29 him. I knew him.

his

1 Q. Okay. When you say Kinnie Issa, do you mean -- what is
2 full name, do you know?

3 A. Yes.

4 Q. What is his full name, please?

5 A. Issa. We were calling him Issa Sesay.

Bush?

6 Q. Okay. Did you ever see him when you were in the Joe

7 A. Yes.

8 Q. How often did you see him when you were in the Joe Bush?

9 A. We were not seeing one day or two days, about we were
10 seeing each other.

11 Q. Okay. Why would he come to the bush?

know

12 A. Well, he was coming to greet us. He walked around to

would

13 what was happening to us. He sat down for some time and we

14 give him some food and he would eat.

15 Q. And do you know the purpose of him coming, if you know?

16 A. Yes. He was coming to ask how we were feeling. That is
17 what I thought. If there were any problems, we could explain.

18 Q. And did he come alone when he came to the bush?

19 A. He was coming together with his comrades, sometimes.

20 Q. Did his comrades have arms, have guns?

or

21 A. Yes, they were coming along with guns. For example, one

22 two in their hands.

23 Q. How old were those -- the people that he came with?

24 A. Well, there were some of them -- some of them, they were
of
25 the same age. They were of the same age.

26 Q. What was -- what was the age of the youngest of those
that

27 Mr Sesay came with?

28 A. One day I saw -- the person I saw, he was -- the way I
29 observed him, he would -- like, 25 years, the way I observed
him.

Sesay's

1 Q. Okay. Based on what you know and saw, what was Mr
2 relationship with the civilians in the bush?

3 A. We were friendly. We were very friendly.

4 Q. Did anyone talk to you about what Issa would do?

thing

5 A. Nobody talked to me concerning -- explaining such a
6 like this.

7 Q. Did anyone talk to you about how Issa would treat
8 civilians?

9 A. As I was saying, no.

10 Q. You said earlier that you were farming in the bush.

11 A. Yes.

the

12 Q. What would you do with the produce from your farm, and
13 harvest from your farm?

all

14 A. Well, those rice, I would come and build a barn and put
15 the rice there. I will process them all and come and pack
16 together.

them

17 Q. Okay. There came a time when you left the bush; is that
18 right?

please?

19 THE INTERPRETER: Can counsel repeat the question,

20 MS ASHRAPH:

21 Q. There is a time when you left the bush.

22 A. When I left the bushes, I -- that was what I was doing.

I

23 was farming.

24 Q. When you left the bush, can you tell us where you moved

to?

25 A. Yes. That was the place I put on the paper and gave to
26 you.

27 Q. Do you remember if it was the first piece of paper or

the

28 second piece of paper?

29 A. The second letter. The second paper.

1 MS ASHRAPH: That's Exhibit 232, Your Honour.

2 Q. And where were you when they announced the peace?

3 A. I was there in Bandajuma, where I was there. The place
I showed you, the town I was staying.

4 Q. Okay. What were you doing there?

5 A. I was farming.

6 Q. That was your own farm?

7 A. Yes. It was my very farm who I and my family were
living on.

8 Q. Okay. Did you ever work on any other farms while you
were in that place?

9 A. What? I did not hear.

10 Q. Did you work on any other farms, aside from your own
11 private farm while you were in that area?

12 A. Yes.

13 Q. What other farm did you work on?

14 A. Well, where we were staying there, there were a good
number of us who were making community farm.

15 Q. And what is a community farm, witness?

16 A. That community farm, when we gathered together and make
a community work, that is what I mean.

17

and

22 Q. What was the community farm for?

23 A. Well, we gathered that rice and put them in one place
24 hand it over to one person.

25 Q. What was the rice used for, witness?

26 A. That rice if we -- I receive our friends who are -- who
27 were --

28 THE INTERPRETER: Can the witness take it, please?

29 MS ASHRAPH:

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1 Q. I am going to have to ask you to repeat that, okay?
What
2 was the rice from the community farm used for?
3 A. We were feeding strangers.
4 Q. And why did you need the community farm to feed
strangers?
5 A. Well, for example, even now we are still farming.
6 Q. Yes.
7 A. It was to feed strangers. If we receive a stranger, he
has
8 come to us, we don't have food to give them, that is the rice
we
9 will gather and give so that they will cook, they will eat and
10 then leave.
11 Q. Okay. And what do you mean by strangers?
12 A. Well, you would just sit down, all of us, so that they
13 would bring other people. They would bring them to us. They
are
14 our brothers, if your brothers come from other place and come
to
15 you. So that's the food we would take and give to them. That
is
16 the food we feed them with. So if that happened, you would
save
17 your own food.
18 Q. And whose idea was it, the community farm?
19 A. It was RUF who brought that idea and also we ourselves.

20 Q. And who organised the farm?

it

21 A. G5. We made that arrangement together, then we explain

22 to our leaders.

23 Q. Am I right, the G5 and those in the town made the

24 arrangement together, and explained it to the leaders; is that

25 right?

26 A. Yes.

27 Q. Okay.

28 PRESIDING JUDGE: Yes, Mr Wagona?

am

29 MR WAGONA: Your Honours, I stand reluctantly, because I

1 aware that we should not be objecting unnecessarily.

2 PRESIDING JUDGE: If you have to object, why not,
3 Mr Wagona.

4 MR WAGONA: This has gone on for some time. I would
5 appreciate if the answers come from the witness.

6 PRESIDING JUDGE: Instead of suggestions?

7 MR WAGONA: Instead of being suggested.

8 PRESIDING JUDGE: To the witness?

9 MR WAGONA: Yes, Your Honour.

10 PRESIDING JUDGE: Ms Ashraph. That is not an objection,
11 really, it is an observation.

12 MS ASHRAPH: Your Honour, nothing that I have said
hasn't
13 come from the witness. Usually what the witness has said, I
14 repeat it back to him to make sure that it was properly
written
15 down.

16 PRESIDING JUDGE: I'm sure if Mr Wagona were asked to,
he
17 would substantiate what he's saying, but we don't want to go
that
18 route. So we better just have that in mind and get along.

19 MS ASHRAPH: I will keep it in mind, Your Honour.

20 PRESIDING JUDGE: Thank you.

21 MS ASHRAPH:

treated? 22 Q. How were those who worked on the community farms

we 23 A. Like when we went to work, they would give us food. If

24 asked them, they would feed us.

25 Q. Who gave you food, witness?

26 A. If we asked the G5, he would go to the leaders and they

27 would give us the food, the RUF.

community 28 Q. What food did you eat when you were worked at the

29 farm?

1 A. It was rice that we were eating and completely fed.

2 Q. How often would you have to work at the farm?

3 A. No. In one month, for example, we can work just once or
4 twice.

5 Q. How big was the farm, witness?

6 A. Well, ours, it was up to two acres.

7 Q. And how many people would work on it?

8 A. Some of us who were going there in our own part, we were

up

9 to 40. We would go there in large numbers.

10 Q. How was the work divided?

11 A. Well, when we went there, we would divide it. This part
12 and this other part, I would ask them to brush.

13 Q. And you say, "We would divide it." Who would divide it?

14 Who would organise the [overlapping speakers] --

15 A. Ourself.

16 Q. Were any people from the RUF on the farm?

17 A. They would just come and visit us when we are working.

18 Q. What problems, if any, were there on the farm?

19 PRESIDING JUDGE: Who? Who would come and visit when

they

20 are working?

21 THE WITNESS: When we were working there, RUF men,

22 neighbours, I said they would come and visit us, because we

are

23 farming just along the road. We are not doing it far from the
24 road. They would just come and greet us and pass.

25 MS ASHRAPH:

26 Q. What was the relationship between the RUF who would come
27 and greet you and pass, and those working on the farm?

28 A. Thank God there was no problem. We were working in
unity.

29 PRESIDING JUDGE: Ms Ashraph, I just wanted to remind
you

1 that it is getting to 11.30.

2 MS ASHRAPH: Yes.

of

3 PRESIDING JUDGE: You can still go on. Come to the end

4 that particular episode, maybe, but have it in mind, you know

5 that --

6 MS ASHRAPH: I have only got another few questions about

7 the farm.

microphone

8 PRESIDING JUDGE: Please proceed. Think of your

9 when you are conspiring with Mr Jordash.

10 MS ASHRAPH: Yes.

11 Q. What would happen if --

12 MS ASHRAPH: Excuse me, Your Honours, I will just take

13 instructions. Thank you.

able

14 Q. Witness, what would happen if you were unwell and not

15 to work? What would happen, if you know?

16 A. You will go and take excuse from that person. You would

17 take excuse.

18 Q. You would take excuse from who, witness?

leader

19 A. You would take excuse from that person we elected as

20 for that work.

that?

21 Q. When you say the person we elected, who is "we," in

22 A. The person we elected.

23 Q. Right. Who elected the person? When you say, "The
person

24 we elected"?

25 A. Ourselves. Ourselves. We ourselves, we who were doing the
work.

26 But he was the head of that work so that we can take excuse
from

27 him.

28 Q. And where did he come from, the leader?

29 A. We were all staying together. We were there in that
same

members

1 working place. He was our comrade. We took one of our
2 and elected him as a leader.

3 Q. What would he do if you -- when you would take excuse to
4 him?

when

5 A. Well, he too would explain -- he would explain to us
6 we went to work.

7 Q. He would explain what to you, witness?

8 A. That that person told us, for example, he took excuse.

an

9 Q. The leader would explain to you that someone had taken
10 excuse?

11 A. Yes.

12 Q. The person who took excuse went to the leader and took
13 excuse?

14 A. We would release him, because he has taken excuse.

15 Q. Okay. And did all the harvest from the farm go to feed
16 strangers?

17 A. Well, some of us, as we were working up to the time when
18 the work would start again, we would prepare it and put in one
19 place so that the remaining one would have it and eat it.

questions

20 MS ASHRAPH: Your Honour, that's the end of the

with

21 about the farm. I only have perhaps another 20, 30 minutes

22 him after we come back from recess.

23 PRESIDING JUDGE: That's all right. It is time now for
us
24 to take a break. We will rise and resume in the next couple
of
25 minutes. The Court will rise, please.

26 [Break taken at 11.34 a.m.]

27 [Upon resuming at 12.05 p.m.]

28 PRESIDING JUDGE: We are told Ms Ashraph was missing.

29 MS ASHRAPH: Sorry, Your Honour, I was just outside the

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1 door.

so

2 PRESIDING JUDGE: We thought she had been kidnapped or
3 by some agent.

4 Well, I think we are resuming this session now.

5 Ms Ashraph, I think you can continue.

6 MS ASHRAPH: Thank you.

7 Q. Witness, when we started you said you had children?

8 A. Yes, I have them.

9 Q. How many children did you have at the time that you left
10 the bush and came to the town?

11 A. There were seven children I have.

12 Q. Okay. And --

Just

13 PRESIDING JUDGE: And the witness has how many wives?
14 one wife or --

15 MS ASHRAPH:

16 Q. How many wives do you have, Witness?

17 A. I have wives.

18 Q. How many, Witness?

19 A. Well, I have two wives.

pry

20 PRESIDING JUDGE: That's okay. Sorry. I don't want to
21 into his privacy any further.

22 MS ASHRAPH:

23 Q. And are your children going to school, Witness?

24 A. Yes.

25 Q. And when did the eldest of your children start going to
26 school?

27 A. They started going to school during this war.

28 Q. And where were you living at the time they started going
to
29 school during the war?

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town
1 A. We were staying in the place where -- the name of the
2 that I gave to that man.

3 Q. Okay. Is that the name of the town where the community
4 farm was?

5 A. Yes.

6 Q. And where was that school?

7 A. The school, it was along the Giema Road.

8 Q. Sorry. Yes, witness?

9 A. No. I said it was along the Giema Road, towards Giema.

10 Q. Okay. Thank you. Did it have a name, that school?

11 A. The name they were giving it to him, it was Free Poor
12 School. Free Poor School.

13 Q. And what ages of children was it teaching?

14 PRESIDING JUDGE: It was free what? Sorry, Free Poor?

15 MS ASHRAPH: Free Poor School, I think it is.

16 PRESIDING JUDGE: Free, Poor School or --

17 THE WITNESS: Primary School.

18 PRESIDING JUDGE: No, no what interests me is --

19 MS ASHRAPH: I will ask him again.

20 Q. Witness, could you just repeat the name of the school?

21 A. Primary Poor School. Yes.

22 MS ASHRAPH: I think it's Pwor, P-W-O-R.

23 THE WITNESS: Poor. Poor school.

24 MS ASHRAPH: P-O-O-R, Your Honour.

Can 25 PRESIDING JUDGE: Can you consult your client, please?

know. 26 you consult your client so that he lets us know. He should

as 27 MR JORDASH: He just said it was P-O-O-R, Your Honours,

28 in financially embarrassed.

29 PRESIDING JUDGE: A poor man's school?

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1 MR JORDASH: Exactly.

2 PRESIDING JUDGE: A free, poor school?

3 MR JORDASH: Yes.

4 MS ASHRAPH: I think --

wanted

5 PRESIDING JUDGE: That's what I thought I got, but I

6 to be very sure.

7 MS ASHRAPH: I think he also called it a primary poor

8 school as well.

9 PRESIDING JUDGE: Free, poor, primary school?

10 MR JORDASH: Yes.

11 MS ASHRAPH:

12 Q. And who organised that school, Witness?

13 A. It was RUF who arranged that school.

14 Q. And what did they arrange for that school?

was

15 PRESIDING JUDGE: You say it was on the road to Giema;

16 it in a specific location, that school? Was it in a specific

17 village or so?

18 MS ASHRAPH:

19 Q. Witness, do you hear His Honour?

20 A. Along the Giema Road, that was the place. Somewhere you

Giema,

21 live. Where we are staying, you come along that road to

22 you come to that school. The school was along the road.

23 Q. And how far was it from the place you were staying along
24 the road to Giema. Do you know how many miles it was?

25 A. Just one mile.

RUF

26 Q. And you said the RUF arranged that school; what did the
27 do for that school, exactly?

for

28 A. They were bringing chalks, books for teachers. Chalks
29 the children.

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1 Q. And do you remember any of the names of the teachers at
2 that school?

3 A. I can remember the names of two.

4 Q. Can you give me those names, please?

5 A. Yes. Can I show? If you tell me, I will show.

6 Q. That's fine, Witness, yes. You can say those names?

7 A. Borbu Banda. Uncle J-U.

8 MS ASHRAPH: Your Honours, I have Borbu Banda as being
9 B-O-R-B-U, and the second word B-A-N-D-A, and Uncle J-U is as
10 might expect.

11 PRESIDING JUDGE: Banda or Banda?

12 THE WITNESS: Banda.

13 PRESIDING JUDGE: Sounds like a K P Kpanda. K-P-A-N-D-

A.

14 MS ASHRAPH: I will take instructions, Your Honour.

15 PRESIDING JUDGE: From the way he's pronouncing it.

16 THE WITNESS: Borbor Kpanda.

17 PRESIDING JUDGE: That's right.

did

18 JUDGE THOMPSON: You said the first name was what? How
19 you spell that?

20 MS ASHRAPH: Borbor.

21 JUDGE THOMPSON: Spell.

22 MS ASHRAPH: B-O-R -- as initially spelt, B-O-R-B-U.

23 JUDGE THOMPSON: B-O-R-B-O-R?

24 MS ASHRAPH: But it also -- yes.

25 PRESIDING JUDGE: B-O-R-B-O-R, that's right. Borbor.

26 JUDGE THOMPSON: [Overlapping speakers].

27 PRESIDING JUDGE: That is what I have here, too. My

Lord,

28 that is what I have here, too.

29 JUDGE THOMPSON: Yes, that's the correct --

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--

1 MS ASHRAPH: I apologise for that [overlapping speakers]

2 JUDGE THOMPSON: That's okay.

3 MS ASHRAPH: -- Sesay, who has also got the right
4 spellings.

5 PRESIDING JUDGE: After this, you have to go and live in
6 one of those villages --

7 MS ASHRAPH: I know. Spelling [overlapping speakers] --

write

8 PRESIDING JUDGE: -- to get your historical facts to

9 a book, you know, right. And then the uncle, JU. The second
10 teacher was called Uncle JU. Can he -- is it just an initial
11 or --

12 MS ASHRAPH:

you

13 Q. Do you have another name for the Uncle JU, witness? Do
14 know him by any other name?

know.

15 A. That was the only name they were calling him, that I

16 Q. Does the name Jusu mean anything to you, witness?

him,

17 A. Jusu? Uncle JU? Jusu? Yes, Jusu. I don't know his
18 father. They said Jusu, that was the name they were calling
19 Uncle JU.

20 Q. All right. Thank you, witness. And that school was for
21 the children of which area?

22 A. Where Bandajuma was; around the environs. There were
23 villages, about three, around Bandajuma. All of them were
24 attending that school. It was for the environs of that place.

25 Q. And how many of your children attended that school?

26 A. Mmm?

27 Q. How many of your children attended that school, the
28 Primary --

29 A. There were four of them that I sent to that school.

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1 Q. And how was the education at that school?

2 A. Well, thank God. They were really teaching them.

3 Q. And did you pay for your children to attend that school?

4 A. No.

5 Q. What contribution, if any, did you make towards the
school?

6 A. Like -- like what -- the only thing we were doing, for
7 teachers, we, the fathers of the children, we were doing that.

8 Q. What were you doing, witness?

9 A. Well, we were -- we, because we were not giving any
other

10 thing we were not paying school fees so we would just decide
and

11 gather some food and give it to the teachers so that they
could

12 eat.

13 Q. And why did you do that?

14 A. So that they can be happy to teach our children because
15 they were not paying them; it was for free. It was a -- it

16 was a
school for the poor.

17 Q. When you were in the town, the same town you had the
18 community farm in, did you --

19 THE INTERPRETER: Can the counsel take the question
again

20 please?

21 MS ASHRAPH:

22 Q. When you were staying in the town you were doing the
23 community farm in, were you always in good health?

24 A. Yes. A person --

25 THE INTERPRETER: Can the witness take the last bit of
his
26 testimony, Your Honours?

27 MS ASHRAPH:

28 Q. Please repeat your answer, please, for the interpreter?

29 A. Thank God I was well.

that

1 Q. Was there any medical care available while you were in
2 town?

3 A. Yes.

4 Q. What was available, witness?

5 A. There was a hospital.

6 Q. And where was the hospital?

7 A. It was located along the same Giema road.

8 Q. And how far was it from your town, along the Giema road?

9 A. It was a big town. The distance between them was a bit
10 far, because it was --

11 THE INTERPRETER: Your Honours, can the witness take the
12 statement?

13 MS ASHRAPH:

Primary

14 Q. Witness, how far along? You've said the Free Poor

now

15 School was a mile away from your town along the road and I'm
16 asking you how far along the road was the hospital?

17 A. It was in town, but -- it was in town, but the distance
18 from my own house, it was a bit far away.

hospital?

19 Q. Okay. And what treatment could you get at that

there.

20 A. Oh, if you are sick, you will go there. You will go

headache,

21 They will give you medicine. If you are suffering from
22 they will give you medicine for headache and cold. They will
23 give it to you to drink, so you go back. Thank God we'll be
24 well.

25 Q. And do you remember who worked at the hospital?

Aunty

26 A. Those who were there, who were working there, one was
27 Marie.

28 Q. Sorry, can you just repeat that last name?

29 A. Marie.

1 Q. Do you remember any others who worked there?

2 A. There was other person, but I cannot remember their
names
3 because they were not there. They were visiting there,
working
4 together.

5 Q. And what did Aunty Marie do at the hospital?

6 A. They were treating us. They were treating us. Our
7 children as well.

8 Q. And you said they would give you tablets for headaches
and
9 cold, medicine for headaches and cold. Who was providing the
10 medicine to the hospital?

11 A. Well, it was RUF government that was giving.

12 Q. And did you pay for your treatment, witness?

13 A. We were not given anything for -- for it.

14 Q. When you go to the hospital today, witness, now, in
15 Kailahun, do you pay for your medical treatment?

16 A. Yes.

17 Q. Do you have children still at school in Kailahun
District?

18 A. Yes.

19 Q. And do you pay for their school fees now?

20 A. Yes.

21 Q. Witness, have you ever worked on a community farm after
the

22 community farm during the war?

again,

23 THE INTERPRETER: Can the counsel take the question

24 Your Honours?

25 MS ASHRAPH:

26 Q. Sorry, I've forgotten the question. Did you work on any
27 other community farms aside from the one you worked at in your
28 town?

that

29 A. I did not work in any other community farm, other than

1 I'm talking about.

2 Q. And when did that community farm end, witness? When did
3 you stop having a community farm in your town?

4 A. This year. This year we could not do it.

5 Q. Is this year the first time you've not had a community
6 farm?

7 THE INTERPRETER: Your Honours, can the counsel repeat
the
8 question?

9 MS ASHRAPH:

10 Q. Witness, do you know if Issa Sesay remained in Kailahun
for
11 the duration of the war?

12 A. No.

13 Q. That is the fault of the question. Do you know if there
14 was a time that Issa Sesay left Kailahun District?

15 A. I cannot give the dates now.

16 Q. I'm not asking for the dates, I'm just asking if you
were
17 aware, if you saw or you heard that Issa Sesay left the
Kailahun
18 district?

19 A. Yes.

20 Q. Did you hear where he went to?

21 A. Yes.

22 Q. Where did you hear that he had gone?

23 A. They said they've sent him to Kono now.

24 Q. Okay. Did you have any contact? Did you or any people
25 from your town have any contact with Issa Sesay after he left
26 Kailahun District?

27 A. Yes, yes. We were getting news of him that he was
there.

28 He, too, was sending greetings to us, saying he was greeting,
he

29 was sending greeting messages to us.

Sesay

1 Q. Did you have any other contact with Issa Sesay? Issa
2 was sending greetings to you; did he send anything else?

him

3 A. There was a time we sent people there to go and visit
4 because it has taken a long time without seeing him.

5 Q. You sent people where, witness?

6 A. We sent them to go to Kono.

send

7 Q. Okay. And why did you send people? Why did your town
8 people?

time

9 A. The reason because, that man he was protecting us, the
10 he was there.

Sesay?

11 Q. And what happened when people were sent to see Issa

things

12 A. Well, the time they were to return, he bought some
13 and sent them for us.

14 Q. And what were those things, witness?

eleven

15 A. Well, salt, ten bags, twelve bags but they brought
16 bags of rice. They've told us that they've stolen one bag.

17 Q. Okay. Eleven bags --

sending

18 A. And Maggi, one carton of Maggi, and shoes. He was

19 for the aged, for the aged woman, and even myself, he sent one

town. 20 pair of shoes, and children. But he sent it for the whole
us. 21 They presented the gifts to us. There were more than 500 of
22 That was what it happened.
stay 23 Q. Witness, I have no more questions for you but, if you
24 there, there will be other people who will be asking you some
25 questions.
26 PRESIDING JUDGE: Ms Ashraph, that's the end of your
27 examination-in-chief of this witness?
kind. 28 MS ASHRAPH: That is, Your Honour, if you would be so
29 PRESIDING JUDGE: Thank you. So, Mr Touray, would you -
-

1 MR TOURAY: I will try my hand at very few questions.

2 PRESIDING JUDGE: Very few questions. I know you are
3 always very precise. Yes, you may proceed.

4 MR TOURAY: Thank you, Your Honour.

5 CROSS-EXAMINED BY MR TOURAY:

it

6 Q. Mr Witness, now throughout your evidence it is true, is
7 not, that you remained a civilian throughout?

8 A. Yes. Yeah, I was there as a civilian till the end.

9 Q. And no one forced you to undergo any training, military
10 training?

11 A. No.

12 Q. Although, in fact, perhaps you were young and healthy
13 during that time?

do

14 A. I was strong. Nothing was wrong with me, but I did not
15 it.

16 Q. And nobody forced any member of your family to undergo
17 military training; your wives?

18 A. No. That did not happen.

19 Q. Nor your children?

20 A. That did not happen.

alone.

21 Q. And as far as you know, that was not unique for you

22 It happened to so many other people you knew?

23 A. If even it happened to other people, I did not see it.

civilians
24 Q. Now, you said when the rebels were advancing, the

25 will be sent backwards for their own safety?

26 A. Yes. That was what they did. They did it to me too.

27 Q. And they did it to several others?

28 A. Yes. Plenty of them.

backwards?
29 Q. And they didn't use any force to send civilians

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1 A. No. When they said -- when they asked us to go, they
did
2 not force me.
3 Q. So, it was a voluntary affair; if you want to go
backwards,
4 you go backwards?
5 A. The time when they told us to go backwards, at that time
it
6 wasn't by force.
7 Q. Thank you. But whilst you were there, backwards, they
made
8 sure they created laws for your own safety; for the safety of
the
9 civilians?
10 A. Yes.
11 Q. And they made sure they looked after your welfare and
your
12 well-being as well?
13 A. Yes; very well.
14 Q. And that was your experience throughout the war years,
15 throughout the war years in the Kailahun District, that was
your
16 experience?
17 A. That was what I experienced and that was what happened
to
18 me.
19 Q. Thank you.

20 A. Okay.

21 Q. Now, you spoke about a zoo bush. Before I come there,
let
community
22 me just ask you: You said you were doing some farming;
23 farming?
24 A. Mm-hmm. Yes, we made community farms.
25 Q. At the same time, it's correct to say you had your own
26 private farms?
27 A. That's very right.
28 Q. Now, apart from this community farming you did, did you
29 ever experience being forced by the RUF to carry loads for
them?

carry

1 A. By force? No one did not ever give me something to

2 by force, by RUF.

3 Q. Or to go hunting for them, by force?

4 A. I did not hunt, I did not hunt.

5 Q. Or go fishing by force? Did you hear that, or see that,
6 anyone in the zoo bush?

7 A. No, I did not see it.

ran

8 Q. Now, whilst you were in the zoo bush, where you say you
9 to, when the government soldiers came --

10 A. Yes.

11 JUDGE THOMPSON: Counsel?

12 MR TOURAY: Yes.

13 JUDGE THOMPSON: Is the first letter Z?

14 MR TOURAY: Well, I think it was Joe Bush.

15 JUDGE THOMPSON: Because we need to settle the
16 pronunciation.

17 MR TOURAY: Some say Joe Bush.

18 JUDGE THOMPSON: Yes, fine.

19 MR TOURAY: In 233 it is --

20 JUDGE THOMPSON: I am just trying to figure out my own -

-

the

21 MR TOURAY: 233 I think is Joe Bush, I think what is in

22 evidence.

23 JUDGE THOMPSON: So we can just stay with what we have.

mystery

24 Some say zoo, some say Joe. We are trying to unravel the

25 of that.

26 JUDGE BOUTET: I am sorry to interrupt. Go ahead.

27 PRESIDING JUDGE: Maybe we were going to ask the same

28 question.

was

29 JUDGE BOUTET: Maybe. I'll let you go ahead then. I

understand

1 going to ask you if you could assist me in trying to
2 what Joe Bush is all about. The term has been used.

3 PRESIDING JUDGE: That was my question.

like

4 JUDGE BOUTET: I don't know what this means. It would
5 appear it has been used as if we knew, but I don't. I would
6 to know if you can assist me through the witness.

was

7 PRESIDING JUDGE: And if you could assist me too. That
8 the question I was going to put.

9 JUDGE THOMPSON: I will benefit from the enlightenment.

10 MR TOURAY: I will take the invitation.

11 PRESIDING JUDGE: You won't reject it this time?

[indiscernible].

12 MR TOURAY: No. Should I be directed to

13 PRESIDING JUDGE: Never mind. You are all on the same
14 wavelength.

discussing

15 JUDGE BOUTET: You are right, but as you are now
16 zoo bush, Joe Bush.

the

17 PRESIDING JUDGE: Your cross-examination is not very
18 different from what Ms Ashraph was doing. It's bringing out
19 same set of facts.

20 MR TOURAY: I think he has given the answer.

21 Q. Can you assist the Court and tell the Court what the zoo
22 bush is, or Joe Bush?

23 A. Yes. Joe Bush is a place for hiding. That is where we
24 used to hide.

25 Q. Now, whilst you were there, did you ever hear, or did
you
26 ever see a man called Morris Kallon; did he ever go there?

27 A. I did not see him.

28 Q. Sure. Did you ever hear of him in Giema during that
time?

29 A. Yes, I heard of him, but not almost of the time.

I
war?
war,
late

1 Q. Now, up to the time because, according to your evidence,
2 think you were in the Kailahun District up to the end of the
3 A. Yes, I was in Kailahun District until the end of the
4 and I'm still in Kailahun District.
5 Q. Now, did you come across Morris Kallon at all in the
6 Kailahun District?
7 A. I saw him once. I saw him just once, yes.
8 Q. Can you recall when? Was it after the peace or very
9 towards the end of the war? When? Just tell us because --
10 PRESIDING JUDGE: Or during the war, when?
11 THE WITNESS: During the war I saw him.
12 MR TOURAY:
13 Q. Only once?
14 A. Yes.
15 MR TOURAY: I have no further questions.
16 PRESIDING JUDGE: Yes, Mr Cammegh?
17 MR CAMMEGH: May it please Your Honour, I have got no
18 questions.
19 PRESIDING JUDGE: No questions. Thank you. Yes,
20 Mr Wagona?
21 CROSS-EXAMINED BY MR WAGONA:

22 Q. Witness, I also have some --

23 PRESIDING JUDGE: Mr Wagona, you think you will be on
24 for -- my eyes are on the clock, not on the watch this time,
25 the clock. I don't know. Do you think you will be on for
26 how long?

27 MR WAGONA: Maybe, 30 minutes.

28 PRESIDING JUDGE: Go ahead. If we can't finish now,
29 wrap it up in the afternoon.

on

about

we'll

1 MR WAGONA: Thank you.

2 Q. Mr Witness, I also have some questions for you.

3 A. Okay.

4 Q. And we'll go back to the beginning of the war in 1991.

Leoneans;

5 Now, when the Gios came, in 1991, they came with Sierra

6 is that correct?

7 A. They were mixed up.

that?

8 Q. And you said the Gios did bad things; do you remember

9 A. Yes.

10 Q. And you said they also forced children to train; do you

11 remember that?

12 PRESIDING JUDGE: No, I don't remember that?

13 MR WAGONA:

14 Q. They captured and trained civilians?

15 A. Yes.

16 Q. Now, I suggest to you that the Gios were doing these bad

17 things and forcing civilians to train together with the

18 Sierra Leoneans they were working with; do you accept that?

19 A. No, I disagree. No.

together,

20 Q. But the Gios and the Sierra Leoneans were working

21 weren't they?

22 A. My wife was taken away from me by the Gio. It was not a

23 Sierra Leonean who took her away from me.

24 Q. Now, you mentioned that you saw Sesay and that he had
25 comrades; you remember that?

26 A. Those who came to greet us, yes, I remember that.

27 Q. Now, the comrades Sesay had were his bodyguards, weren't
28 they?

29 A. I did not ask to know the difference because I was a

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1 civilian.

2 Q. And that they were armed, were they not?

3 A. Yes.

4 Q. I suggest to you that some of them were under 15 years
of age; you accept?

5 A. I did not see that.

6 Q. And you saw him, was it only once, you said?

7 A. I did not see him just once.

8 Q. And he always had these comrades with him; not so?

9 A. Yes.

10 Q. And these comrades he had were always armed, weren't
they?

11 A. Yes, but not all of them. No signs too when we saw him
12 come when he came with them to us.

13 Q. Now, I'm going to ask you about the community farm that
you spoke about. And you said that when one was sick they would
14 inform their leader and then they would not be made to work;
is that right?

15 A. Yes. That was what we did. That was what we did.

16 Q. So the sick person would get permission from their
leader;
17 not so?

18 A. Yes. Nothing would be taken away from you.

the
22 Q. And you said this farm was managed by both the RUF and
23 civilians; right?
24 A. Yes. We made arrangements together but we told them
this
25 is what we want to do. They ask us: Are you in position? We
26 would say yes. Okay then, go ahead and do it and we would do
it.
27 Q. So in that case a sick person would get permission from
28 both their leader and the RUF; is that right?
29 A. No, it's actually comes from us. If -- it really came
from

1 us. There was -- they had nothing to do with the soldiers.
It
2 was from us. We appointed the leader amongst ourselves. We,
the
3 civilians.
4 Q. But I suggest to you that their leader would have to
inform
5 the RUF about this sick person who was not going to work; is
that
6 so?
7 A. Yes, we will inform them. We will have to inform them
and
8 tell them.
9 Q. And you also said that some of the harvest was used to
feed
10 strangers; you recall that?
11 A. Yes, yes.
12 Q. These strangers would be visitors of the RUF, not so?
13 A. Yes. To us, all of us. Most of our siblings came.
Just,
14 we were just the same people. We gave them food.
15 Q. So are you saying that the visitors would be visitors of
16 both the RUF and the civilians?
17 A. Our siblings, yes.
18 Q. And it was the RUF who gave this food to the strangers,
not
19 so?

20 A. Yes, with one accord.

21 Q. Now, some RUFs also worked on the community farm; is
that

22 right?

23 A. The farm which -- the farm which we made?

24 Q. Yes, the community farm.

25 A. Just amongst us. Just we, the civilians, as we were the
26 ones who made the farm. Just we, the civilians.

27 Q. Yes, but I'm suggesting to you that some RUFs also
worked

28 there; is that right?

29 A. Hmm. If it happened, except I was not there, but I did
not

1 see that happening. In our own area, it did not happen.

2 Q. Didn't the RUFs guard the community farm?

3 A. Our farm, no. We ourselves had to guard our farms.

4 Q. Witness, I suggest to you that there were armed RUF men
5 supervising the work on the farms; what do you say about that?

6 A. If they get here, they will ask us: Have you done the
7 work? They would ask the G5 and we would say: Yes, we have
done
8 the work.

9 Q. So the RUF would only come to ask if the work had been
10 done; is that your evidence?

11 A. Yes, because we would tell them that we want to do it
and
12 they said: Okay. Will you be able? So when we do it they
would
13 just ask us whether we have done the work and we would say
yes.

14 Q. And when the RUF would come, because this was a time of
15 war, they would be carrying guns, not so?

16 A. Yes, they had guns.

17 Q. And Issa Sesay would also visit the farm when civilians
18 were working there; not so?

19 A. No, no. He did not go to our own farm.

20 Q. And civilians did not refuse to work on the community
farm;
21 is that right?

us. 22 A. Our own work that we were doing, no one refused to work
23 We did it joyfully. We were happy to do it.
could 24 Q. The civilians could not refuse to work on the farm,
25 they?
26 A. If someone was sick, we would say it.
27 PRESIDING JUDGE: Put the question again.
28 MR WAGONA:
the 29 Q. Witness, civilians could not refuse to go and work on

1 community farm; is that right?

2 A. If they could not refuse to work?

3 Q. Yes.

4 A. We were not forced to work. We were not forced to work.

5 We did it willingly so that we would have food to eat. We

6 decided to work. We decided to do that. Yes, we did not
refuse.

7 There was no need to refuse.

8 Q. Witness, I suggest to you that whoever tried to refuse

9 would be punished by the RUF; do you accept that?

10 A. No, I disagree. Disagree.

11 Q. I also suggest to you that there were armed RUF men on
the

12 farm to ensure that the civilians worked; do you accept that?

13 A. No.

14 Q. Now, the civilians would be told by the G5 when to come
and

15 work; is that correct?

16 A. What? What? I did not hear that properly.

17 Q. I'm saying the civilians, the G5s would tell the
civilians

18 when to come and work on the community farm; not so?

19 A. Yes, we were together with G5. We all possessed that
farm.

20 Q. And after work, the G5s would allow the civilians to go

21 home; not so?

your
22 A. After the work, everyone could go to his own farm; if
23 farm is by that part.
24 Q. So it's right that the G5s would allow the civilians to
go
25 there; not so?
26 A. After work?
27 Q. Yes.
28 A. Everyone could go to your house or you go where you
stay,
29 where you can find food for yourself.

after
evening

for
the

is

1 Q. So after work, you would go and find food; not so?

2 A. Yes. You would go and find food to eat. After that,
3 you finished working, you could go and find food for the
4 and eat.

5 MR WAGONA: Just a moment, Your Honours.

6 Q. And this food that you'd go to find, you'd go and look
7 it in the bush; not so?

8 A. Yes. We were farming in the bushes so we would go to
9 farm. We could get food from there and eat it, so we would go
10 there and eat.

11 PRESIDING JUDGE: Mr Wagona, it's 1.00. Maybe we can --
12 this a convenient point to stop? You will resume your
13 cross-examination at 2.30, when we resume.

14 MR WAGONA: Much obliged.

15 PRESIDING JUDGE: The Court will rise.

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

17 [Upon resuming at 2.45 p.m.]

18 PRESIDING JUDGE: Good afternoon, learned counsel.

19 Mr Wagona, you may proceed to conclude.

20 MR WAGONA: Thank you, Your Honour.

21 Q. Good afternoon, Mr Witness?

22 A. Okay, good afternoon.

23 Q. We are still talking about the RUF community farm. Now,

24 the civilians who went to work on the community farm would
stay

25 there until after work, not so?

26 A. When we were doing the farm work with the civilians, we

27 could work. If we were going to plough, we will plough until
the

28 end, then we are off for the day.

29 Q. And the harvest that you say was given to the strangers

--

1 PRESIDING JUDGE: I didn't quite get that reply clearly.

2 Mr Wagona, can you put your question again, please?

3 MR WAGONA:

4 Q. Mr Witness, my question was that the civilians who went
to

5 work on the RUF community farm would stay there until after
work,

6 not so?

7 A. Yes.

8 Q. And the rice that was given to the strangers, it was the
9 RUF that made the decision to give them that rice, not so?

10 A. Yes.

11 Q. You're saying that after farming on the community farm,
you

12 would build a barn and put the rice there; do you remember
that?

13 A. Yes, we put it up in the barn.

14 Q. Is that where the role of you civilians would end?

15 A. Yes. Even our own work that we are doing to it.

16 Q. And you say that you personally were not forced by
anybody

17 to carry any loads anywhere; do you remember that?

18 A. Yes.

19 Q. I suggest to you that, after putting the harvest in the
20 barns, civilians would be made to carry the harvest to
Kailahun;

21 do you accept that?

22 A. No, I have not said that. I did not do that.

23 Q. You mentioned --

24 JUDGE BOUTET: I don't think he has answered your
question,

25 sir. He answered that he was not made to do that. Your
question

26 was civilians.

27 MR WAGONA:

28 Q. Do you accept, witness, that other civilians, other than
29 you yourself, as you have said, were forced to carry the
harvest

1 of rice on their heads and on foot to Kailahun?

2 A. Our own rice? The work that we did, no.

the

3 Q. You did mention about the civilian representatives or

4 civilian leaders on the community farm; do you remember that?

5 A. Yes.

6 Q. Now, you were one of them, weren't you?

7 A. No.

civilian

8 Q. Witness, I put it to you that you were one of the

9 leaders helping the RUF to force civilians to work on the

10 community farm; do you accept?

11 PRESIDING JUDGE: You want him to accept that?

12 MR WAGONA:

13 Q. Do you accept, or not?

14 A. If I was --

Your

15 THE INTERPRETER: Can the witness take the last bit,

16 Honours?

17 MR WAGONA:

18 Q. Witness, please repeat your answer.

19 A. Yes.

20 Q. Is it true that you were one of the civilian leaders

21 forcing civilians to work on the RUF farm and to carry the

22 harvest to Kailahun?

23 A. No.

24 Q. Witness, I suggest to you that you were, and that's why
you
25 personally were not forced to participate; what do you say to
26 that?

27 A. I did not do that at all. I did not do it.

28 Q. Finally, on this farming, Mr Witness, I put it to you
that
29 it's not true that civilians worked willingly; they were
forced

1 to work on the RUF farms. What do you have to say?

2 A. I said it was the truth. That was the reason I swear on
3 the Koran, that I was going to speak the truth.

4 Q. Was it rice that you cultivated on your personal farm?

5 A. I also harvested -- I also planted cassava, those that
6 were eating -- I and my family were eating.

7 Q. And this cultivation was on a very small scale, not so?

8 A. No. I have not understood that.

9 Q. The food that you cultivated was very little; is that
not
10 so?

11 A. Thank God God was providing for me, those that we were
able
12 to get.

13 Q. The food was not enough to sustain your family, was it?

14 A. It was sufficient.

15 Q. Some of the food cultivated by civilians was given to
the
16 RUF, not so?

17 A. Are you asking me that I --

18 Q. Yes.

19 A. Except I gave it to somebody. Except my own food,
except I
20 gave it to somebody willingly.

21 Q. Did you give some of that to the RUF combatants?

up,
your
food

22 PRESIDING JUDGE: Mr Witness, would you look up? Look
23 please. I don't know what's -- Mr Witness, we want to see
24 face. You are not talking to the ground.
25 THE WITNESS: Okay. Okay. I wanted to listen to the
26 questions.
27 MR WAGONA:
28 Q. My question was, Mr Witness, did you give some of your
29 to the RUF combatants?

1 A. I would give it to them. When they visited me, I would
2 give them some to eat.

3 Q. Did other civilians do the same?

4 A. Because where we were, we were not staying together, if
5 somebody would meet me at home, I will do mine to that person.

6 Q. Witness, I suggest to you that the RUF, in fact, took by
7 force the harvest by civilians from their personal family;

what

8 do you have to say to that?

9 A. As for me, it did not happen to me in my own farm with
10 eyes, together with my family.

my

11 Q. And I suggest to you that it did not happen to you
12 personally because you were one of the civilian leaders

working

13 for the RUF; what do you say to that?

14 A. I was not leader. I did not occupy any position other
15 than that of my work.

than

16 Q. The RUF school you spoke about existed even before the
17 war,
18 not so?

war,

18 A. The RUF school? This poor school that they opened? As
19 for
20 me, I did not see it there before the war until they came and
opened it.

for

21 Q. Children of RUF combatants attended the school, didn't
22 they?

23 A. Those that were sent to the school, they were not
carrying
24 guns, those that were sent to that school, to us.

25 Q. But did children of RUF combatants attend the school?

26 A. Everybody. The school was open. As long as you had a
27 child, you could send a child there. The school was open to
child
28 teach everybody. If you had a child, you would send that
29 to that school.

1 PRESIDING JUDGE: That is not the question, Mr Witness.

2 Put the question to him again.

3 MR WAGONA:

4 Q. Mr Witness, my question is: It is true, is it not, that
5 children of RUF combatants did attend the school that you
6 mentioned; is that right?

7 A. Well, they were going about them, who were attending
that
8 school. But I did not go to the school and distinguish
between
9 this RUF, the son, or this RUF child. I did not do that.

10 Q. And the hospital you mentioned treated RUF combatants
11 wounded in the war; is that right?

12 A. That one was for us, the one they opened there. As for
us,
13 if that happened, they were not bringing them there. They
were
14 taking them to other hospital. But that one, they were
treating
15 us there and our children.

16 Q. And you don't know, do you? Do you know where the
medicine
17 used in that hospital was got from?

18 THE INTERPRETER: Your Honours, can the counsel take the
19 question again?

20 MR WAGONA:

21 Q. Witness, I suggest to you that you do not know where the
22 medicine that was being used in the hospital came from; do you
23 accept?

24 A. No.

25 Q. I suggest to you that some of the medicine was looted by
26 the RUF from government clinics on the front lines; do you
27 accept?

28 PRESIDING JUDGE: Was he in the front lines?

29 THE WITNESS: No, I cannot accept that because I was not

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1 there. Nobody told me that. I could not believe that is
true.

2 MR WAGONA:

3 Q. You did not go to the front line, did you?

4 A. No. That was the reason that I could not believe.

5 Q. And you said that the RUF were treating you well in the
Joe
6 Bush; do you remember that?

7 A. Yes.

8 Q. Now, while you were in the Joe Bush, the RUF would be
9 fighting at the front lines, not so?

10 A. Yes, they were far away from us.

11 Q. And I suggest to you that you do not know how the RUF
12 treated the civilians they met at the front lines; do you
accept?

13 A. Where?

14 Q. When you were in the Joe Bush?

15 A. That is the place I am talking about, the places where
we
16 were. Those things that were happening to us is what I am
17 explaining.

18 Q. Yes. I get that, but what I am suggesting to you is
that

19 while you were in the Joe Bush, you don't know what was
happening

20 to the civilians found on the front lines; do you accept?

21 A. No.

22 Q. Is that "no," you don't accept?

23 A. I said "no," that is it.

24 Q. So that is it, that you did not know; is that right?

25 A. No.

26 Q. I'm sorry, I don't know whether your answer means that
you

27 knew or you did not know what was happening on the front
lines?

28 A. I don't know.

29 Q. Thank you.

1 MR WAGONA: Your Honours, that concludes the
2 cross-examination. Thank you, Witness.

3 PRESIDING JUDGE: Thank you, Mr Wagona. Ms Ashraph?

4 MS ASHRAPH: There is no re-examination of this witness,
5 Your Honour.

6 PRESIDING JUDGE: Thank you. Well, Mr Witness, thank
you.

7 We are finished with you.

8 THE WITNESS: Okay. Okay.

9 PRESIDING JUDGE: Thank you for coming.

10 THE WITNESS: Okay. I thank you too for protecting me
here
11 today.

12 [The witness withdrew]

13 PRESIDING JUDGE: Yes, Mr Jordash. Can we have the next
14 witness?

15 MR JORDASH: Yes, please. The fifth witness is DIS-177;
16 language, Mende.

17 PRESIDING JUDGE: DIS-177?

18 MR JORDASH: Your Honour, yes.

19 [The witness entered court]

20 WITNESS: DIS-177 [Sworn]

21 [The witness answered through interpreter]

22 PRESIDING JUDGE: Yes, Mr Jordash. You may proceed.

23 MR JORDASH: Thank you.

24 EXAMINED BY MR JORDASH:

25 Q. Good afternoon, Mr Witness?

26 A. Good afternoon.

27 Q. I'm going to ask you some questions?

28 A. Yes.

29 Q. If there is anything you don't understand, feel free to

ask

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1 me to repeat the question.

2 A. Okay. Okay.

witness

3 Q. Now, I'm going to ask, if I may, the lady from the

you,

4 and victim's unit, with Your Honours' leave, to come toward

be

5 and if you could tell the lady where you were born so it can

6 written down.

7 A. Okay.

8 Q. Or by the Court Management.

write

9 JUDGE BOUTET: What is it the witness is supposed to

he

10 down, because when he spoke to the witness, I didn't hear what

11 was saying.

when

12 MR JORDASH: The witness has a particular job which,

identity.

13 combined with where he was born, might well reveal his

the

14 So I'm asking, if I can, Mr George -- I beg your pardon, to

15 Witness and Victims Unit -- Mr George to go to the witness.

that

16 Q. And I will ask you to tell the man where you were born,

17 Mr Witness, so he can write it down on a piece of paper so

18 we can make sure your identity remains private, okay? Do you

19 follow me?

20 A. I have not understood you properly.

21 Q. Okay. I'm going to ask you to tell the Court where you
22 were born?

23 A. Mm-hmm.

24 Q. And I want you to tell it to the man who's going to come
25 over with a piece of paper. Say it to him quietly so he can
26 write it on a piece of paper so that it remains private.

27 A. Okay.

28 Q. Are you following?

29 A. Okay.

1 PRESIDING JUDGE: Can you put the question to him now,
2 Mr Jordash?

3 MR JORDASH:

4 Q. Mr Witness, tell the man where you were born, please?

you

5 Whilst you're there, just so we can keep things short, could

down

6 also tell the man how many wives you have so he can write it

7 on a piece of paper?

8 A. I have two wives for now.

9 MR JORDASH: It's okay, it's out and it's done now.

to

10 JUDGE BOUTET: I'm not sure that would be confidential

how

11 the extent that he cannot say that publicly. I fail to see

and

12 that would reveal his identity. It's not the first witness

13 the only witness that has two wives.

14 MR JORDASH: Okay.

And

15 PRESIDING JUDGE: It is a norm, Mr Jordash, isn't it.

16 he is not alone in that norm.

17 JUDGE BOUTET: In that part of the country, I mean --

but

18 MR JORDASH: No, I was anticipating other information
19 coming out which, as a cumulative body of information, might,

20 it's done and it can't [overlapping speakers] .

21 JUDGE THOMPSON: I'd respectfully suggest that it's not
22 even the norm, that's the exception.

23 MR JORDASH: It's certainly the exception in England.

24 JUDGE THOMPSON: Well, here too.

25 JUDGE BOUTET: But it's not unusual, let's put it this
way.

26 MR JORDASH: No, certainly not amongst our witnesses.

27 PRESIDING JUDGE: You're tendering that, Mr Jordash?

28 MR JORDASH: Yes, if I may tender that as Exhibit 234.

29 PRESIDING JUDGE: Are you sure it's not 235?

1 MR JORDASH: 234, Your Honour.

2 PRESIDING JUDGE: 234?

3 MR JORDASH: Yes, Your Honour.

4 [Exhibit No. 234 was admitted]

5 Q. Mr Witness, did you go to school?

6 A. [No interpretation].

7 Q. How old are you?

8 A. I am 55 years old.

9 Q. And you told us you didn't go to school. What do you
do?

10 What's your job?

11 A. I was a farmer.

12 Q. Do you have any other job, besides being a farmer?

13 A. Yes.

14 Q. What is that?

15 A. I am a traditional healer. I heal people.

16 Q. Where were you in 1991?

17 A. I was in Pendembu.

18 Q. What were you doing there?

19 A. I went there to heal somebody.

20 Q. Who were you there with?

21 A. At first I was alone. I went alone when I was caught.

22 Q. Did you stay living there on your own?

23 A. Yes, yes. I stayed there for quite some time.

else? 24 Q. And after quite some time, did you live with anyone

collected 25 A. Yes. I went back to where I was staying before,

26 my wife and came to Pendembu.

27 Q. Where was that place where you collected your wife from?

28 A. Luawa.

29 Q. Is that a town, or a village, or an area?

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1 A. A village in Luawa.

2 Q. What was the village?

3 A. Should I give the name?

4 MR JORDASH: With Your Honour's leave, I'd prefer it if
the
5 witness wrote it down, with a very specific job like that and
a
6 specific act.

7 Q. Do you mind again telling the man quietly which town --
8 sorry, which village it was? The man is going to come to you,
I
9 hope.

10 A. At the moment, the interpreter who is interpreting to
me,
11 I'm not getting the questions clearly.

12 PRESIDING JUDGE: Mr Interpreter, or whoever, please,
make
13 sure that you interpret the questions to him correctly.

14 take your time and do it as accurately as you can so that you
Please,
15 give the replies, as well, as accurately as you can.
can

16 MR JORDASH:

17 Q. Where did you fetch your wives from? Please tell it to
the
18 man quietly.

19 PRESIDING JUDGE: I hope the Court Management is

because

20 identifying these exhibits for the witness. I hope so,

21 we don't want to keep repeating this.

22 MR GEORGE: Yes, Your Honour.

23 PRESIDING JUDGE: You are doing so?

24 MR GEORGE: Yes, Your Honour.

25 MR JORDASH:

26 Q. Now, where were you when you first experienced the war?

27 A. I was in Pendembu when I heard of it, when I went there.

28 Q. When was it, or where were you when you saw it?

29 A. Pendembu.

1 Q. What did you see?

2 A. Well, we were in Pendembu when -- we were there when
they,
3 like, tomorrow was a prayer day. At that --

4 THE INTERPRETER: Your Honours, can the witness slow
down,
5 please?

6 MR JORDASH:

7 Q. Mr Witness, just take your time so that the translator
can
8 follow you.

9 A. Okay.

10 Q. Just pause there, Mr Witness. Can I exhibit the last
name
11 on a piece of paper as Exhibit 135, please? Sorry?

12 PRESIDING JUDGE: 235.

13 MR JORDASH: 235?

14 PRESIDING JUDGE: Yes, sir.

15 [Exhibit No. 235 was admitted]

16 MR JORDASH:

17 Q. Let me ask the questions. It's not your fault, Mr
Witness,
18 it's just the translation takes some time. You've mentioned
it

19 was the day before prayer day. And what happened?

20 A. We were seeing people. They were coming from other

their

21 compounds, coming towards our compound, carrying loads on
22 heads.

23 Q. Who were these people?

24 A. Those who were staying together in Pendembu.

25 Q. Where were they going?

26 A. Where? They said the rebels have crossed over and they
27 were coming to Pendembu.

28 Q. What -- did you do anything?

those

29 A. Well, myself, I prepared my own bundle and followed

1 who were going.

2 Q. Where did you go?

following

3 A. Well, they were -- they were big men. I was just
4 them where they were going.

the

5 THE INTERPRETER: Your Honours, can the witness repeat
6 name of the town?

7 MR JORDASH:

8 Q. Where were they going, Mr Witness?

9 A. Well, they were going to enter Yengema. It was far away
10 from Pendembu. It was a village in Pendembu.

11 MR WAGONA: Yengema, Y-E-N-G-E-M-A.

12 Q. This village, was it in Pendembu or was it far from
13 Pendembu?

14 A. From Pendembu to that town, it's about three and a half
15 miles, because it was a bush path.

16 Q. Did you go with your family?

17 A. Yes, we went there together.

18 Q. What did you do when you arrived?

19 A. Well, because I was a stranger, when we went there, they
20 told us not to settle the town. They asked us to go into the
21 bushes because they told us the rebels were going to Pendembu

and

22 we were asked to go into the bushes, so we were staying there

23 together with them.

24 Q. Who is they who asked you to go into the bushes? Who's
25 "they"?

26 A. Well, they were the elders of that town. There was one
27 called Mohamed. He was there in Yengema whom we met there.

28 Q. Just so that we're clear, was that Mohamed a civilian?

29 A. Yes, he was a civilian. He was in Pendembu at the

village

1 in Yengema.

2 Q. And did you go into the bush?

3 A. Yes.

4 Q. And how long did you stay in the bush?

5 A. We were in the bushes about a week, four days.

6 Q. Did something happen after a week and four days?

7 A. While we were there in the bushes, we were hearing the
gun
8 sounds from Pendembu.

9 Q. And did anything happen after the week and four days?

10 A. Yes.

11 Q. Tell the Court what happened?

12 A. While we were there, towards the evening --

13 Q. And what happened?

14 A. We saw people were coming with guns in their hands, in
the
15 bush, they went and surrounded us in the bush where we were.

16 Q. And did they speak to you?

17 A. Yes, they spoke to us.

18 Q. And what language did they speak?

19 A. Well, they were mixed. They were speaking some other
20 languages we could not understand, but there were some who
were
21 speaking Krio.

22 Q. And what did they say to you?

the
we

- 23 A. Well, they told us that Issa had told them to go into
24 bush and look for civilians and take them to the town so that
25 could not run away. They told us not to run away.
26 Q. Did they say why Issa Sesay had said that?
27 A. When we went to the town, he explained that to us.
28 Q. Which town did you go to?
29 A. We went to Pendembu, the time they came there.

1 Q. And did you see Issa Sesay?
2 A. The day he sent to call us, that was the day I set eyes
on
3 him.
4 Q. Did he say anything?
5 A. Yes.
6 Q. What did he say?
7 A. Well, we, the civilians, they've not brought that war
for
8 us. That is the reason we were asked to come out of the
bushes
9 so that we would not be caught -- we will not be shot.
10 Q. Not be shot, is that -- he explained that they had not
come
11 for you. Can you explain further what you understood that to
12 mean?
13 A. They told us that they have not come for us, we, the
14 civilians and that we should leave the bush. It is a gun.
The
15 bullet cannot choose. If we are in time, they will be able to
16 protect us.
17 Q. And what did you do after Issa Sesay made that
suggestion?
18 A. Well, we did not tell any other -- we did not see any
other
19 one. Because they have guns, we were afraid. But we did so.
20 Q. Did Issa Sesay say anything else at that time?

21 A. Yes, he did some other thing.

22 Q. What did he do?

23 A. So he asked that those who are indigenes of this town
who

24 have compounds, move one side, and those who are strangers,
move

25 to the other side.

26 Q. And did that happen?

27 A. Yes.

28 Q. And what happened when the group had divided in that
way?

29 A. So he told us that we, the indigenes, we have compounds
in

1 that town, let us go to our houses and settle. Those who were
2 strangers, let them stay with him because they did not know
3 anybody because it was during the war. And so that he went to
4 our houses and he was protecting them.

that

5 Q. How was he protecting those who were not indigent to
6 town?

7 [RUF4OCT07E - CR]

that

8 Q. How was he protecting those who were not indigent to
9 town?

was

10 A. Well, they were staying to him in the compound. And we
11 were staying in our own houses, we could not tell now how he
12 protecting them.

13 Q. Did you have any food to eat at this time?

very

14 A. At that time that we came there was no food, on that

of

15 day that we came, but Issa gave us food. He gave us food, all

that

16 us. All of us who left the bush, that they brought us into

17 town, we were given food.

18 Q. Were there any commanders in that town?

19 A. Yes.

20 Q. Who were the commanders that you know?

as

21 A. Well, Mohamed Tarawallie at that time.

22 Q. Do you know what Issa Sesay was at that time?

23 A. At that time, he was not occupying any position, as far

24 I know.

25 Q. Do you know where the soldiers, or the men with guns in

26 Pendembu, came from?

27 A. We did not know where they came from. We did not know

28 where they came from.

29 Q. Do you know from which direction some of them came from?

town
1 A. Well, we could not tell now, because it was a very big
2 and I was just from the junction of the town.

3 Q. And how did the men with guns in the town behave?

4 A. Well, those who were having guns, they were really
5 harassing us. They harassed us.

language
6 Q. And those men who harassed you, do you know what
7 they spoke?

understandable.
8 A. The longer they were speaking, it was not
9 It was not like a Krio or Limba. It was -- it was not clear.

10 Q. Were there any armed men from Sierra Leone?

11 THE INTERPRETER: Can the counsel take the question,
12 Your Honours?

13 MR JORDASH:

14 Q. Were there any armed men in that town from Sierra Leone?

somebody
15 A. No. At that time they went there, I did not see
16 that were there together who was having gun, except those
17 strangers, many of them whom we do not know. A good number of
18 them, we did not know them.

19 Q. How long did you stay in Pendembu?

20 A. Go over again.

21 Q. How long was it --

22 A. Yes.

23 Q. -- after you had come to Pendembu?

24 A. Well, I was staying in Pendembu for three years.

25 Q. And where did you find your food?

26 A. At that time, during that war, Issa was helping us.

27 Sometimes we would be called by Issa, and then we would go to

28 him. Sometimes when we went to him, he would distribute food
and

29 salt among us, and then we went back to our houses.

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1 Q. Were there any meetings held in that town, when you were
2 there?

3 A. Pendembu?

4 Q. Yes.

5 A. Well, if ever they had a meeting, I did not know, but we
6 did not hold meeting.

7 Q. The men who were harassing you, whose language you did

not

8 know, did they stay in Pendembu, or did there come a time when
9 they left?

10 A. They were staying at that time. They, more came at that
11 time with the war when they had guns, they were staying there.

12 Q. Did there come a time when they left?

13 A. Yes.

14 Q. Do you know why they left?

15 A. As for us, they explained to us later, but initially we
16 didn't know.

17 Q. Who explained to you later?

18 A. So, at that time, Mr Sankoh explained to us why he has
19 driven them.

20 Q. Were you present when he explained?

21 A. I was in Pendembu at that time.

22 Q. Explain.

them,

23 A. Well, he, he went and he called some of them - all of

24 that, "All of you that I did not bring for this war, all those

25 whose names are not listed, you should leave."

26 Q. Did he explain to you why he wanted them to leave?

27 A. Yes.

28 Q. What did he say?

is

29 PRESIDING JUDGE: Let's be clear about this Sankoh. Who

1 he? Sankoh, it is a common name here. May we be very precise
2 about the personality and --

3 THE WITNESS: Foday Sankoh.

4 PRESIDING JUDGE: Thank you. That is what I was driving
5 at.

6 MR JORDASH:

7 Q. And who is Foday Sankoh, Mr Witness?

the

8 A. The person who went -- who took the war to that part of
9 country.

10 Q. And what did he explain about why he wanted these men to
11 leave?

given

12 A. Because they were raping our wives. Even if we were
13 food, they would go and take away that food from us. He, he

too,

14 they all became fed up of that situation. So, for that

raping.

15 Q. Did they leave willingly, from what you observed?

to

16 A. He drove them. Indeed, because initially he asked them
17 go. Then he told them that those whose name were not on the
18 list, that they should leave.

19 Q. Did you observe them being driven away?

one

20 A. Yes, we saw them. They were -- they were calling them

21 by one. When they are calling you, you will stand somewhere.
22 They would look if your name is on the list. If your name is
23 there, it's okay.

24 Q. Who drove them away?

25 A. Well, that one, Mr Sankoh, at that time, he made an
26 arrangement. Those whose name were on the list that were in
27 together, he gave them the orders so that they should drive
the
28 others away from the civilians, and that they should go back
to
29 their country.

1 Q. When they'd gone, who remained?

2 A. Well, those who left behind, they were a good number of
3 them, people left behind, but I cannot recall the number of

all

4 the people who left, except those who were helping us, like

Issa.

5 I can remember his name.

6 Q. The men who were left, did they have a name as a group?

7 A. Go over that again?

8 Q. Did the men who were left have a name? As a group, did
9 they have a name?

10 A. Yes.

11 Q. What was that?

12 A. They were called freedom fighters.

13 Q. Free what fighters?

14 A. Freedom fighter.

15 Q. Thank you. And the freedom fighters were from which
16 country?

because

17 A. Well, I cannot tell you the country they came from

Sierra

18 they were mixed. They were many. But all of us were in

19 Leone.

behave

20 Q. And when the freedom fighters remained, how did they

21 in Pendembu?

22 A. At that time, we started getting peace. Our wives were
23 getting peace. We are allowing our wives to go on their own
way.

24 Q. Were there any laws in Pendembu at that time?

25 A. Yes, there were laws.

26 Q. Can you remember some?

27 A. Yes.

28 Q. Can you explain, please, to the Court?

29 A. Firstly, they made a law, soldiers that -- that the

if

1 soldiers could not take any food from we, the civilians. That
2 we have clothes, they would not take them from us. They told
3 they would not rape.

4 PRESIDING JUDGE: Sorry, Mr Jordash.

5 MR JORDASH: No, quite all right.

again.

6 PRESIDING JUDGE: Please, can you take the question

7 MR JORDASH: Certainly.

8 Q. Would you just explain again what the laws were that you
9 remember in Pendembu?

to

10 PRESIDING JUDGE: May I have the question that you put
11 him, please?

when

12 MR JORDASH: The laws that were in place in Pendembu
13 the freedom fighters were there.

14 PRESIDING JUDGE: Right. That's the question he's
15 responding to.

16 MR JORDASH: Yes.

17 PRESIDING JUDGE: Thank you.

18 MR JORDASH:

19 Q. Just, if you would, Mr Witness, explain the laws again.

20 A. When they drove those one, the following morning, they
21 gather all of us. They said they were going to make laws.

Those

22 that were worried about that have left. That you who is a
23 soldier, and you take a food from any civilian, will flog you

--

24 THE INTERPRETER: Your Honours, can the witness slow
down.

25 MR JORDASH: Mr Witness --

26 PRESIDING JUDGE: Mr Witness, gently, gently.

27 MR JORDASH:

28 Q. Just go back two sentences and take your time, Mr
Witness.

29 A. Well, first, they made a law that nobody should seize
any

civilian

1 property from a civilian. A soldier could not seize any

2 property.

3 Q. You also mentioned rape. Was there a law about that?

4 A. Yes.

5 Q. What was the law?

flog

6 A. They made a law if you rape anybody's wife, they will

7 you and put you into a guard-room.

8 Q. Now, at the time the men who had been harassing you were

soldiers,

9 present, what was the age of the youngest age of their

10 the men who had been harassing you?

11 A. Go over that again. I could not understand it

completely.

12 Q. The men who had been harassing you, who were driven from

13 Pendembu.

14 A. Yes.

15 Q. What was the age of their soldiers?

16 A. I cannot tell you their ages.

soldiers

17 Q. Can you tell us or give us an idea of the youngest

18 that these men had?

19 A. Well, some of them, as I was observing them. They could

be

20 15 years or 17 years of age.

21 Q. When the men had been driven from the area, leaving the
22 freedom fighters, did you see the age of the freedom fighters?

23 A. No.

24 Q. Were there any offices in Pendembu when the freedom
25 fighters were there?

26 A. Yes.

27 Q. Did they have any names?

28 A. The one I could remember, G5.

29 Q. Do you know what the G5 did?

1 A. Well, they were there -- we and the soldiers to settle
2 dispute between us.

3 Q. Were there any other offices that you can remember, in
4 Pendembu?

5 A. Yes, there was MP office.

6 Q. Do you know what the MP office did?

7 A. At that time, if you harass a civilian, they would bring
8 you there.

9 Q. Who harassed a civilian?

10 A. If they arrested them, they would take them there.

11 Q. Let's go over that. Who would they take there for
12 harassing a civilian.

13 A. The MPs. The MPs, the soldiers who they were calling
MPs.

14 The police.

15 Q. Who would they take to the office?

16 A. You who harassed a civilian, if that report missed them,
17 they would send those MPs there to arrest you.

18 Q. Would they arrest civilians, or would they arrest
freedom
19 fighters?

20 A. They were not dealing with civilians. They, as
soldiers,
21 they were only dealing with that laws between them, among
them.

Pendembu? 22 Q. Thank you. Did there come a time when you left

23 A. Yes.

24 Q. Where did you go?

25 A. Well, I went to Kenewa, but, at first --

26 Q. Go on.

Pendembu. 27 A. We left. The enemies came. They were coming to

28 Q. Who were the enemies?

29 A. Those soldiers who had guns in Daru.

1 Q. Who told you they were coming?

2 A. We, the civilians, we were very attentive. When they
said
3 the enemies were coming, we would find our own way. Now, if
you
4 ask me to tell -- if you ask me to show you the person who was
5 telling us the enemies were coming, well, I cannot.

6 Q. Did you go alone to Kenewa?

7 A. It was not Kenewa. When we left, I did not go to
Kenewa.

8 Q. Where did you go?

9 A. I went to Glaayala, Pendembu.

10 Q. How long did you stay there?

11 A. When we went there, we spent three days there, because
we
12 are many.

13 Q. When you say were many, were you civilians, freedom
14 fighters, or both?

15 A. We, the civilians, alone.

16 Q. After the three days in Glaayala, where did you go then?

17 A. Well, I went back to Pendembu.

18 Q. Who did you go back with?

19 A. Together with my wives, my own families, and other
people
20 that were moving.

21 Q. How long did you stay in Pendembu?

22 A. I've told you, I spent three years there.

23 Q. After leaving Pendembu, where did you go?

24 A. I went to Kenewa.

25 Q. Who did you go to Kenewa with?

26 A. Together with my own family.

27 Q. Did anyone else besides you and your family, go to
Kenewa

28 at that time?

29 A. Yes, it was the road, because we were all using that
same

1 road with other people.

2 Q. Why did you go to Kenewa at that time?

3 A. Well, it was because of the war, Daru was very close to
4 that place. That was the reason I took my own family and went

to

5 Kenewa.

6 Q. Do you know what the freedom fighters did at that time?

7 A. Yes.

8 Q. What did they do?

9 A. Well, they were there. They were in war front.

10 THE INTERPRETER: Your Honours, can the witness take the
11 last bit of his statement?

12 MR JORDASH:

13 Q. Could you repeat the last sentence, please, Mr Witness?

14 A. Like which one?

15 Q. Let me just ask the question again. When you went to
16 Kenewa with your family, where were the freedom fighters?

17 A. Well, they were everywhere. They were in every towns.

18 Q. What were they doing, from what you observed?

were

19 A. Sometimes we could see they were dressed, saying they

20 going to war front, because some of them, they will come back
21 saying they are from war front.

22 Q. Where would they come back to?

23 A. The places where we were staying.

24 Q. What would they do when they came back to the places you
25 were staying?

26 A. Sometimes, when they after some rest, he could go back.

27 Q. How did these freedom fighters who were resting treat or
28 interact with the civilians?

29 A. Your own type of Mende, I cannot understand at all.

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for
out

1 Q. Okay. Let me try to simplify the question. Thank you
2 indicating that. If you don't understand, you keep pointing
3 to us that you don't understand. It's very important that you
4 understand my question. Let's try again.

5 A. Okay.

rest.

6 Q. You've told us about the freedom fighters coming to

7 A. Yes.

8 Q. When they came to rest, where did they stay?

afraid
hiding

9 A. Some of them, when they came, for those MPs, being

10 of them for being arrested, they would stay in the bushes

a

11 because they did not accept to go where civilians stay, it was

12 law.

a

13 Q. When the freedom fighters came from the front, there was

14 law, is that right?

15 A. Yes.

16 Q. What was the law?

if

17 A. The only law there was because, Issa was not accepting,

18 you could leave a front line and come and settle among the

at

19 civilians, he could not accept that, that was the real reason

20 times why, when they came, they would go somewhere else.

21 Q. What couldn't Issa accept? What was unacceptable?

22 A. That is why the soldiers -- if you are -- if we were

23 harassing us or taking our property, or, for example, you beat
a

24 civilian, he could not accept that -- he could not take that
from

25 them at all.

26 Q. When you were in Kenewa, how often did you see Issa
Sesay?

27 A. I did not see him there.

28 Q. When the soldiers came to Kenewa, what was the
relationship

29 like between the freedom fighters and the civilians? Did you
get

1 the question, Mr Witness?

2 A. I have not understood it yet. Go over it again.

3 Q. When the freedom fighters came into Kenewa, what was the
4 relationship like between them and the civilians?

5 A. They did not meet us, then we left, we, the civilians.

6 Q. Where did you go?

7 A. We went straight to Buedu.

8 Q. Why did you go to Buedu?

9 A. There were enemies driving us.

10 Q. Where were the enemies from?

11 A. Well, they came from Daru.

12 Q. And how did you travel to Buedu?

13 A. Well, after the arrival in Kailahun, that was the time

14 Mr Issa and others came and told us that when the enemies, now

15 that the enemies have now come, you, the civilians, leave us
now,

16 go to Buedu and stay there, and they took some soldiers and

told

17 them to accompany us.

18 Q. So if I understand your evidence, you're saying you went
19 from Kenema to Kailahun; is that correct?

20 A. No, Pendembu.

21 Q. You have just spoken about Issa coming to you in
Kailahun

22 and saying you [microphone not activated] --

23 A. Yes.

24 Q. -- what happened?

25 A. Yes.

26 Q. And from Kailahun, you went to where?

27 A. We went straight to Buedu. That was the place he asked
us
28 to go.

29 Q. Why Buedu?

very

he

is

time

that

could

1 A. Well, we were civilians, and it was bullet, if we were
2 close, the bullet will -- would catch us. That was the reason
3 asked us to go far away.

4 Q. And you said you were accompanied by freedom fighters;
5 that right?

6 A. Yes.

7 Q. And when you arrived in -- did you arrive in Buedu?

8 A. Yes, we arrived there.

9 Q. What happened when you arrived there?

10 A. So, as we arrived there, we sat there. We spent some
11 there. The enemies came again and drove us from there and
12 why we were scattered all over in the bushes.

13 Q. Who did you go into the bush with?

14 A. Well, that one, be you a civilian, or soldier, nobody
15 know where one went.

16 Q. Did you see Issa Sesay in the bush?

17 A. Yes.

18 Q. [Microphone not activated]

19 A. Yes, when we met for the first time.

20 Q. What was he doing in the bush?

the

21 A. So the place where he went and settled, he was there
22 protecting us. That it was because of us that he went into
23 bush; we, the civilians.

24 Q. How did he protect you?

harass

25 A. Well, he was feeding us. He was telling the civilian
26 soldiers that they should not harass us. That was the reason
27 that he has come near us, so that the soldiers could not
28 us. So, thank God.

29 Q. How long did you stay in the bush?

bush

1 A. Giema, we spent two, three weeks there, Buedu, in the
2 before we scattered.

3 Q. Where did you scatter and go to?

4 A. Well, I was in the environs, because I did not know the
5 towns in that district, so I was in those bushes.

6 Q. Where did you go to after the bushes, Mr Witness?

just

7 A. Well, I did not just leave and go anywhere. We were

down?

8 sitting down one day and we heard that Issa has asked us to --

9 THE INTERPRETER: Your Honours, can the witness slow

10 MR JORDASH:

please.

11 Q. Mr Witness, just go over that answer again slowly,

separated,

12 A. When we were in those bushes, he, Issa, we were

saying

13 but we were sitting down. We saw people with guns came,

Issa

14 that Issa has asked them to come and collect the civilians.

15 has seen a place where we should go and stay in Giema.

16 Q. Who told you that?

we

17 A. Well, it was Bra Issa. We saw people that he said that

18 should go where he was staying.

19 Q. And did you go?

20 A. Yes, happily.

21 Q. And do you know how many other people went, happily?

22 A. Oh, there were a good number of people. I cannot tell
you
23 the number now, because there were a good number of people.

24 Q. And these people, were they civilians or soldiers?

25 A. That one, civilian or soldier, all the people. The
26 movement they said that Bra Issa has asked us to go to Giema.
27 Everybody was just coming out, going.

28 Q. What were the freedom fighters doing when you went
together
29 to Giema?

1 A. When we were going to Giema, it was in Giema. It is not
2 Giehun.

3 Q. Sorry, my pronunciation. What were the freedom fighters
4 doing when you went to Giema?

5 A. Well, they were not doing anything. They were only
6 protecting us, until my aunty, they took us to Bra, but nobody
7 could just go and settle into your own bush. You would first

go

8 to Issa, write your name and your family, and the names of
9 family.

your

10 Q. And where did you stay when you arrived at Giema?

11 A. Well, I went to one village.

12 THE INTERPRETER: Your Honours, can the witness take the
13 name of that town again.

14 MR JORDASH:

answer.

15 Q. Mr Witness, just go back to the beginning of your

--

16 I will just ask the question again. Where did you go when you

17 A. Kumbala.

18 MR JORDASH: K-U-M-B-L-A [sic], I think.

19 Q. Where is Kumbala, Mr Witness?

20 A. Well, it was around Giema, the village -- the village in
21 Giema.

22 Q. And who did you go there with?

a 23 A. Together with my own family. Well, that one, there were
24 good number of us, but with my own family, all of us went
there.

25 Q. And did you stay in the village?

26 A. Yes.

27 Q. And how long did you stay in the village?

28 A. We were there more than -- for more than two years.

29 Q. And how did you find food in the village?

1 A. Well, we were looking for bush food, like bush yam,
banana.

2 Q. Who did you go into the bush with?

3 A. When we were going there, they would give us soldiers.
4 They will continue to protect us until we come back.

5 Q. Who gave you soldiers?

6 A. It was Mr Issa who was giving us that assistance.

7 PRESIDING JUDGE: Because this running around with Issa
all
8 about, [microphone not activated] movements around Issa is
9 protecting them here.

10 THE WITNESS: Go over that again.

11 PRESIDING JUDGE: What was moving them? Is it because
they
12 were attacked by enemies, that Issa was moving around with
them.

13 MR JORDASH: I will clarify that.

14 PRESIDING JUDGE: All right.

15 MR JORDASH:

16 Q. You've talked about moving from towns because of the
17 enemies, and you talked about the enemies coming from Daru and
--

18 A. Yes.

19 Q. Do you know who the enemies were working for?

20 A. What?

fighters

21 Q. Let me ask a simpler question. Were the freedom

22 your enemy?

protecting

23 A. No. We were staying there for them. They were

24 us.

25 Q. Who were the enemies attacking?

were

26 A. Well, they were coming to the freedom fighters. They

shooting

27 coming to the places where they were and then they were

28 guns, and they were crossfiring.

29 Q. And do you know who the enemies worked for? Do you know

1 who they worked for?
2 A. No. That one, I cannot show anybody that they were
working
3 for this particular person.
4 Q. Did you see any aeroplanes during this time?
5 A. Yes.
6 Q. And when the aeroplanes came, what did they do?
7 A. Well, there was a law that in the morning, we should be
in
8 the bushes. We should spend the day in the bushes.
9 Q. Why?
10 A. For that particular aeroplane that was coming.
11 Q. What did the aeroplane do when it came?
12 A. Well, it was shooting guns, killing people we are
seeing.
13 Q. Who did it kill?
14 A. Well, that why anybody that would come --
15 THE INTERPRETER: Your Honours, can the witness take
that
16 sentence again?
17 MR JORDASH:
18 Q. Could you repeat your answer, please, Mr Witness. Who
did
19 the enemies -- who did the --
20 A. When they were shooting that fire, they would be up in
the

21 sky, and then they shoot it. You, if you are caught on the
22 ground, then the bullet will kill you.

23 Q. And did the aeroplane which came kill civilians, or
freedom

24 fighters, or both?

25 A. Both. It did kill civilians and soldiers.

26 Q. Did the freedom fighters do anything about the aeroplane
27 which came to kill both?

28 A. When we used to see it we would hide away. Whatever it
29 did, I wouldn't know, because everybody, when they heard the

1 sound, would go into the bush, running.

2 Q. What did the freedom fighters say you, civilians, should
do
3 when the aeroplane came?

4 A. They said when the aeroplane approaches, we should go
into
5 the bush, or wherever you were standing, you should stay put,
6 because if you do move, they would identify the place where
you
7 were hiding.

8 Q. Were you ever told why the aeroplane was killing
civilians?

9 A. No.

10 Q. Now, just dealing with Kumbala again; when the aeroplane
11 came, did you stay in Kumbala Village?

12 A. In that Joe Bush?

13 Q. When the aeroplane came over and you were in Kumbala,
did
14 you stay in the village?

15 A. Yes, Kumbala. We were there and they too were in the
bush.

16 Q. Right. And when you were in the bush, was anyone
looking
17 after you?

18 A. Yes.

19 Q. Who was looking after you?

protection

20 A. The freedom fighters were looking after us. Our

21 was in our own hands, the civilians.

22 Q. Were there any offices in Kumbala?

23 A. No, there were no offices there.

Kumbala?

24 Q. Do you know where Issa Sesay was when you were in

25 A. Yes.

26 Q. Where was he?

27 A. He was in Giema Town.

28 Q. Did you go to Giema Town?

29 A. Yes, we used to go there.

1 Q. What did you go to Giema Town for?

2 A. There was a hospital there. We would go there for
3 treatment. We would go there for treatment, for medicines,
when
4 somebody falls ill.

5 Q. Did you go to the hospital?

6 A. Yes.

7 Q. And do you know anyone else who went to the hospital?

8 A. Repeat the question.

9 Q. Besides yourself going to the hospital, do you know
anyone
10 else who went to the hospital for treatment?

11 A. Many. Those of us who were there. Our doctors were --
12 that man facilitated our treatment, said he should treat us.
13 Civilians, soldiers, we used to go there.

14 PRESIDING JUDGE: Which man? Which man facilitated the
15 treatment?

16 THE WITNESS: Well, it was Mr Issa, and the others who
used
17 to tell us that he was bringing medicine.

18 MR JORDASH:

19 Q. Do you know or did you become aware of anyone being
refused
20 treatment?

21 A. Oh, no, there was nobody like that. There was no

22 discrimination.

23 Q. Did you have to pay for treatment?

24 A. Oh, no, we had nothing. We wouldn't pay anything.

25 Q. Was there any other activities in Giema Town, besides
the
26 hospital?

27 A. Yes.

28 Q. What else was there?

29 A. We used to have supplies. They used to supply us.

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1 Q. Who used to supply you?

2 A. Well, there were white people. White people.

3 Q. Who did the white people work with?

4 A. Well, I can't tell with whom they were working. We just

tell

5 used to see where they brought the supplies and they would

6 us to go and attend the supplies.

7 Q. Have you ever heard the initials ICRC, Mr Witness?

8 A. I can't explain anything in relation to that.

9 Q. Okay. What did the white people do in Giema?

10 A. They used to carry food for us, corn soya meal and --

the

11 THE INTERPRETER: Your Honour, can the witness repeat

12 type of foodstuff they used to receive?

13 MR JORDASH:

14 Q. What food did you receive from the white people?

15 A. They used to bring blended.

16 Q. Anything else?

17 A. And bulgor wheat.

white

18 Q. And do you know what the relationship was between the

19 people and the freedom fighters?

know

20 A. Well, their relationship, I can't say that I used to

21 anything in relation to that, apart from the supplies that we

returned 22 used to receive. And when we received the supplies, we
23 to our bushes.
24 Q. Were there any offices in Giema?
25 A. Yes, the G5.
26 Q. Were there any other offices in Giema?
remember 27 A. Yes. There were other offices there, but I can't
town. 28 all, because I was in the bush. I did not normally come to
29 Q. Besides the G5, can you think of one other?

1 A. G5 and MP. Those are the offices that I would go to.

2 Q. Did the MPs do any work?

3 A. Yes.

4 Q. And what work did the MPs do?

5 A. They were there, following the soldiers who'd harassed
us.

6 Whoever harassed us, they would arrest you and take you to
Issa.

7 Q. What would happen to that person, from what you
observed?

8 A. Sometimes if you went there, they would beat you up, or
9 they would give you a place for you to brush.

10 Q. Was there any farming at this time?

11 THE INTERPRETER: Can learned counsel kindly repeat the
12 question?

13 MR JORDASH:

14 Q. Was there any farming at this time?

15 A. Yes. Later.

16 Q. Who had the farms?

17 A. We, too, used to make farms. Everybody used to make his
or

18 her own farm. Whoever was able to do so.

19 Q. Where were these farms?

20 A. Where we stayed, that's where we cultivated the farms in
21 the bushes.

22 Q. Did anyone supervise the farms?

23 A. Well, if you cultivated your own farm, you would be
24 supervising it yourself.

25 Q. What happened to the farms that you cultivated for
26 yourselves? What happened to the products?

27 A. We would eat them ourselves. We did nothing with them.

28 Q. Besides personal farms, were there any other farms?

29 A. Yes, there were farms there.

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1 Q. Who else had farms?

2 A. Well, Issa himself cultivated a farm. He had his own
farm.

3 Q. Who worked on Issa's farm?

4 A. Well, that's his own farm. We were doing his work
because

5 he was looking after our lives. So whatever work he had, it
was

6 our responsibility, but it was not forcefully, but it was our
7 responsibility.

8 Q. And how were people treated on the farm?

9 A. Oh, when we went there, oh, there was so much happiness.

10 In fact, we would eat there. Whatever we wanted him to do for

11 us, he would do for us. There was no fuss. In fact, we thank

12 God. We thank God for him.

13 Q. Did you work on the farm at all?

14 A. Oh, three times, even.

15 Q. And how were you treated on the farm?

16 A. When we went, he would give us food to eat, and after
work,

17 he would buy us cigarettes, and we would return to our bushes

18 where we stayed.

19 Q. Now you have talked about Issa's personal farm and your

20 personal farms. Was there any other kind of farm?

21 A. Yes. We cultivated a farm, a community farm.

22 Q. A community farm?

23 A. Yes.

24 Q. And how was this organised?

25 A. Well, the civilians who were leading us assembled us.

26 Q. And what did they do when they'd assembled you?

27 A. Well, they said they wanted us to cultivate a community
28 farm.

29 Q. Why did they want you to cultivate a community farm?

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yet,

lines.

of

of

but

sea.

have

1 A. They said because the war is still on, it's not over

2 so we cultivated a farm, and it was there. That's the -- the

3 products from that farm, we would send them to the front

4 If we had strangers, we would be feeding them on the products

5 the farm.

6 Q. And who were the strangers who were being fed from the

7 farm?

8 A. Well, the strangers used to go there. I cannot note all

9 them.

10 Q. Do you know where the strangers came from?

11 A. We used to hear sometimes that they came from over the

12 river.

13 THE INTERPRETER: Correction, interpreter: Over sea,

14 we did not know over which sea. I did not know over which

15 MR JORDASH:

16 Q. And do you know how the strangers were treated?

17 A. Yes.

18 Q. How were they treated?

19 A. Sometimes when they went, and they said elderly people

for
20 come, senior people have come, we would provide accommodation
were
21 them, and we'd cook for them and take the food to where they
know.
22 staying. But sometimes the place they stayed, we wouldn't

23 Q. Where was the community farm?

24 PRESIDING JUDGE: Mr Jordash, it is 4.30. We normally
25 break at this point in time. Did you want to pursue a few
more
26 questions?

27 MR JORDASH: Another 15 minutes at most, I think.

28 PRESIDING JUDGE: We may rise now and resume for you to
29 continue and to conclude, maybe. Right?

1 MR JORDASH: Happily.

2 [Break taken at 4.31 p.m.]

3 [RUF04OCT07E - MD]

4 [Upon resuming at 5.00 p.m.]

5 PRESIDING JUDGE: Yes, Mr Jordash, please, you may
proceed.

6 MR JORDASH: Thank you.

7 Q. Mr Witness, we were talking about the community farm and
8 can you tell the Court where the farm was, the name of the
place?

9 A. Yes.

10 Q. Where was it?

11 A. That farm was cultivated at the, behind Giehun
Tukpagbehun.

12 Q. T-U-K-P-A-G-B-E-H-U-N. And do you know anything about
how
13 it was organised, where the people came from to work on the
farm?

14 A. Yes.

15 Q. Please explain?

16 A. We ourselves cultivated the farm. We ourselves
cultivated
17 the farm.

18 Q. And who's "we"?

19 A. Those of us who were there, we, the civilians.

20 Q. Do you know how many people worked on the farm in a day?

21 A. No sometimes 30 people would go there and sometimes 100.

22 Q. Who decided who worked on the farm?

23 A. Well, it was Mr Sellu.

24 Q. And who is Mr Sellu?

25 A. Mr Sellu was there, in Kailahun.

26 Q. What did Mr Sellu do, did he have a job?

27 A. He was a chief. We appointed him chief.

28 Q. And how did he arrange who worked on the farm?

29 A. Well, when we were ready, people were given us --

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go

1 THE INTERPRETER: Your Honours, can the witness please
2 slowly and repeat his answer.

3 MR JORDASH:

4 Q. Yes, just repeat the answer slowly, Mr Witness, please?

5 A. People were given by towns.

from

6 Q. And what role did Chief Sellu play, in getting people
7 the towns?

8 A. Like our rule was, we were under orders.

9 Q. Whose orders?

10 A. We were under Issa's orders at that time.

11 Q. And how did the orders work?

say

12 A. Sometimes we would say if it were Bandajuma, we would
13 Bandajuma ten people or Kenema ten people, Giema ten people.
14 That's how we would get these people.

15 Q. And did the people -- let me start that again. How were
16 the people treated on the farm?

17 A. Well, on that farm, when we went to do the work on that
18 farm it was a happy event. In fact we would eat food there.

19 Whatever was nice they would do for us there and sometimes, if
20 you were not told you would not be happy to go there. Because
21 you would go there and feel happy. As long as there was food

to

22 eat.

23 Q. Did you go to the farm?

24 A. Oh, yes.

25 Q. Why did you go to the farm?

26 A. We went to work there. We ourselves would do it.

27 Q. How were you treated on the farm?

28 A. On that farm, when we went there, they would cook.

29 THE INTERPRETER: Your Honours, the witness is going

very

1 fast.

2 MR JORDASH:

3 Q. Slow down, Mr Witness. Give the answer again but
slowly.

4 Repeat your answer, Mr Witness?

5 A. When we went to the farm, we would go there in happiness
6 and we would eat a lot of food there.

7 Q. Do you know what happened to the produce from the farm?

8 A. Like what?

9 Q. Well, when the farm was harvested, what happened to the
10 produce?

11 A. We would share it and eat it.

12 Q. Who would it be shared with, or between?

13 A. Well, the leaders, those who were leading us there.

14 Q. And who was leading you there?

15 A. Mr Sellu. He was leader of the farming.

16 Q. And was Sellu a civilian or a fighter?

17 A. He was a civilian.

18 Q. Did Chief Sellu do anything else besides arrange the
farm?

19 A. It was only the farming that I knew.

20 Q. Do you know how he was selected to be chief?

21 A. When they were appointing him, I was not there.

22 Q. Were there any -- were you aware of any schools in the
area

23 when you were --

24 A. Yes.

25 Q. Where was this school, or schools?

26 A. There was a school in Giema.

27 Q. Who went to the school?

28 A. My own children used to go there. We put all the
children

29 in the school. In fact, they made it as a rule, that whoever
had

1 a child should send that child to school.

2 Q. Who made the rule?

3 A. It was Mr Issa who made the rule.

4 Q. And when you say whoever had a child, was there any
5 discrimination?

home

6 A. No, there was no discrimination. If you went to your

send

7 town, as long as you had your children or child, you would

8 that child to the school.

9 Q. Did you pay for schooling?

10 A. No, we did not pay at all.

11 Q. At the time you were in Kumbala, and the time of the
12 farming in Giema, did you know anyone called Saleem?

13 A. I used to know one person called Saleem. We were there
14 together.

15 Q. Was Saleem a soldier or a civilian?

16 A. Well, we were all civilians.

17 Q. What did Saleem do?

18 A. Saleem, he was there; he would find food for us. They
19 would send him to go and find food for us.

20 Q. Where would he go?

we

21 A. He and the Guineans had an arrangement. That was where

22 were getting food from.

23 Q. What kind of food were you getting as a result of the
24 arrangement with the Guineans?

25 A. The first one was salt.

26 Q. Anything else?

27 A. And rice.

28 Q. And what kind of arrangement was it with the Guineans;

how

29 did the salt come from the Guineans?

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1 A. When palm, oil palm was harvested they would take that
2 across and they would bring them to us.

3 Q. They would take the palm oil to where?

4 A. At the river, the Guinean river.

5 Q. And do you know who organised this trade?

6 A. Yes.

7 Q. Who organised it?

8 A. Well, it was Issa.

9 Q. How do you know Issa arranged it?

10 A. How I knew, because he said, he told his MP, those MPS
who
11 were there, he told them to find out where we would get our
salt
12 from, to buy.

13 Q. Was it easy to find salt at this time?

14 A. Oh, it was not easy.

15 Q. Who was the salt given to?

16 A. Well, it was Saleem who had the contract.

17 Q. What did Saleem do with the salt?

18 A. When you went with your palm oil they would bring the
salt
19 for you and you would exchange it. You, who would take the
salt,
20 that would be yours.

21 Q. Where did the palm oil come from?

palm.

22 A. We were harvesting oil palm. We used to harvest oil

23 Q. Who's "we"?

24 A. We, the civilians who were there, we used to harvest oil

25 palm.

26 Q. Did you know a man at this time called O'Jalley?

27 A. Yes.

28 Q. Who was he?

29 A. Well, we used to hear that he was an MP.

1 Q. Do you know who he worked under or for?

2 A. At that time, when we were there, he was working under
3 Issa.

4 Q. Did you see him working?

5 A. Him, O'Jalley?

6 Q. Yes.

7 A. Yes.

8 Q. What was he doing?

9 A. He was there. Whoever harassed a civilian, he would
arrest
10 you and bring you along.

11 Q. O'Jalley I think is O'J-A-L-L-E-Y. O apostrophe. Did
you
12 stay in Kailahun to the end of the war, Mr Witness?

13 A. Yes.

14 Q. From Kumbala, where did you go?

15 A. I went straightaway to Kailahun in my village, Kenewa.

16 Q. Do you know where you were in 1998, Mr Witness?

17 A. I was in Kumbala.

18 Q. Did you hear about a man called Mosquito?

19 A. Yes.

20 Q. Did you hear about anything he'd done in 1998?

21 A. Yes.

22 Q. Can you explain what it was you heard?

23 A. Yes, yes.

24 Q. What was it, Mr Witness?

25 A. Well, at that time when they arrested the Kamajors, they
26 arrested some people saying they were Kamajors.

27 Q. Do you know what happened to those people who were
28 arrested?

29 A. Well, I was not there but I heard of it and I came and

saw

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1 it myself.

2 Q. What did you see when you came and saw it yourself?

3 A. So, when I came, I met people. They've taken them out,
4 they've killed them, they've shot them dead.

5 Q. And when you saw that, do you know when that had
happened?

6 How long before you --

7 A. It was during the day; towards the evening.

8 Q. And did you go on that day, the very day?

9 THE INTERPRETER: Your Honours, can the witness take
that

10 last bit. Can the learned counsel take that question again?

11 MR JORDASH:

12 Q. Did you go on the very day that the killing occurred?

13 A. Yes.

14 Q. Do you know, or did you hear where Issa Sesay was, on
that

15 day?

16 A. Yes. I know where he was.

17 Q. Where was he?

18 A. He was in Kono at that time.

19 Q. Okay. Just pause there.

20 PRESIDING JUDGE: Yes.

21 MR JORDASH: I think Your Honour might have missed the

22 witness saying that Issa Sesay was in Kono on the day that the

23 Kamajors were killed.

it.

24 PRESIDING JUDGE: Oh, yes, yes. I heard it. I heard

25 MR JORDASH: Right. Not that I wanted to emphasise it

26 but --

and

27 Q. Mr Witness, I've almost finished asking you questions

28 there will be some more questions from other people, but --

29 A. I am ready to answer.

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his
after

1 Q. -- when you were in Kumbala and Issa Sesay had arranged
2 personal farm and arranged the things you've spoken about,
3 this time, when was the next time you saw Issa Sesay?

my
to

4 A. Well, at that time, the time I went to Kono to look for
5 child. I went and met him there. He was the one who took me
6 Kono.

7 Q. Why did he take you to Kono?

8 A. We met him in one village. He left from Kono Town. He
9 came to one village. We met him there.

10 Q. And how did he treat you when you met him there?

11 A. Oh, he was grateful. Where I met them he really showed
12 that he knew me and --

who

13 Q. And, Mr Witness, do you know when you were in Kumbala
14 Issa Sesay lived with? Who lived with him?

15 A. Well, I cannot know all of them now, but I know some of
16 them.

17 Q. Who do you know?

18 A. Well, some of them are not there now. Some of them are
19 dead.

20 Q. Well, were the people who lived with him civilians or
21 soldiers or both?

staying

22 A. Yes, there were civilians who were many, who were

23 to him because soldiers, as you came, you would go straight to

24 front line. It was civilians who were many, staying with him.

25 Q. Do you know why they were staying with him?

26 A. Oh, yes.

27 Q. Why?

28 A. The way he was treating us. Even myself, sitting down

29 here, I was for him together with my family.

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1 Q. So, how was he treating the civilians living with him?

2 A. So, we were working for him. There was no work to do
for
3 him but he was supposed to feed us. So that was the reason,
4 because he was feeding us, that was the reason we were staying
5 with him.

6 MR JORDASH: I've got no other questions at this time,
7 Mr Witness, but there will be some more questions. Thank you.

8 PRESIDING JUDGE: Mr Witness, you say Kamajors were shot
9 and killed. In what town did this incident take place?

10 THE WITNESS: In Kailahun Town.

11 PRESIDING JUDGE: Kailahun Town?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Thank you. Yes, Mr Touray, if you --

14 MR TOURAY: Can I come tomorrow?

15 PRESIDING JUDGE: That is fine. I thought that you
would
16 need only about five minutes.

17 MR TOURAY: I could take that in the morning.

18 PRESIDING JUDGE: You could take five minutes in the
19 morning. What if, like you reject an offer, we ask you to
20 continue, would you reject the offer at the gate?

21 MR TOURAY: Right now, sir?

22 PRESIDING JUDGE: Yes, it would be a constraint that you

9.30.

23 do. We won't go that far. We won't go that far. We will
24 adjourn the proceedings of today, and resume the session at

25 Yes, Mr Hardaway? Can we take that tomorrow, please?

26 MR HARDAWAY: At the Court's pleasure.

27 PRESIDING JUDGE: I'm sure you are coming on with your
28 exhibits, your four pages.

in

29 MR HARDAWAY: My four, actually, it's six. I can come

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1 the morning.

put

2 PRESIDING JUDGE: Well, you have some more time now to

that

3 it in order and to redistribute them to your colleagues, so

4 we move expeditiously tomorrow morning.

but

5 MR HARDAWAY: No need for redistribution, Your Honour,

6 I take the Court's suggestion.

7 PRESIDING JUDGE: That's all right. Well, we'll adjourn

8 court.

p.m.,

9 [Whereupon the hearing adjourned at 5.30

10 to be reconvened on Friday, the 5th day of

11 October 2007 at 9.30 a.m.]

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EXHIBITS:

16 Exhibit No. 231

24 Exhibit No. 232

30 Exhibit No. 233

75 Exhibit No. 234

77 Exhibit No. 235

WITNESSES FOR THE DEFENCE:

14 WITNESS: DIS-074

14 EXAMINED BY MS ASHRAPH

55 CROSS-EXAMINED BY MR TOURAY

59 CROSS-EXAMINED BY MR WAGONA

72 WITNESS: DIS-177

72 EXAMINED BY MR JORDASH