

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

TUESDAY, 26 OCTOBER 2004
9.40 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsch
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Peter Harrison
Mr Alain Werner
Mr Christopher Santora
Mr Christopher Dunn (intern)
Mr Bobby Gboyor (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh

1 Tuesday, 26 October 2004
2 [Open session]
3 [The witness entered Court]
4 [Accused Kallon and Sesay entered Court]
09:37:05 5 [Accused Gbao not present]
6 [Upon commencing at 9.40 a.m.]
7 PRESIDING JUDGE: Good morning, learned counsel. We are
8 resuming our session. I think we will be calling on
9 learned counsel Mr Touray, or is it Mr Nicol-Wilson --
09:42:20 10 okay, Mr Touray, to proceed with the cross-examination of
11 this witness for his client.
12 WITNESS: TF1-078 [Continued]
13 PRESIDING JUDGE: Good morning, Mr Witness.
14 THE WITNESS: Good morning, My Lord.
09:42:29 15 PRESIDING JUDGE: How are you this morning; are you all right?
16 THE WITNESS: I'm all right, My Lord.
17 PRESIDING JUDGE: Good; okay.
18 MR TOURAY: Good morning, Your Honour.
19 PRESIDING JUDGE: Morning.
09:42:37 20 CROSS-EXAMINED BY MR TOURAY:
21 MR TOURAY:
22 Q. Good morning, Mr Witness.
23 A. Good morning.
24 Q. I'm counsel for Morris Kallon. I'm going to put just
09:42:51 25 some few questions to you. Now, when you knew Morris
26 Kallon in 1998, what was his rank?
27 A. Well, they were calling him major at that time.
28 Q. They were calling him major. Now, he was never called a
29 brigadier-general?

1 A. Not at all, My Lord.

2 Q. Now, at that time there were others in rank superior to
3 him?

4 A. I should believe so, My Lord.

09:44:06 5 PRESIDING JUDGE: Are you saying you should believe so, or are
6 you stating categorically that you know that there were
7 others. If you do not know, say you do not know
8 [overlapping speakers]

9 THE WITNESS: I do not know -- I do not know, My Lord.

09:44:48 10 MR TOURAY:

11 Q. Did you hear of a man called Superman?

12 A. Yes, My Lord.

13 Q. Did you know that he was the overall commander at that
14 time?

09:45:13 15 A. Yes, My Lord.

16 Q. Did you hear of one Colonel Rambo RUF at that time?

17 A. Yes, My Lord.

18 Q. You knew that he was a colonel?

19 A. Yes, My Lord.

09:45:47 20 Q. So, of course, you will agree that Morris Kallon had a
21 boss?

22 A. Yes, My Lord.

23 Q. And he was at that time also answerable to orders --
24 receiving orders?

09:46:49 25 A. Yes, My Lord.

26 JUDGE THOMPSON: Who is the "he"?

27 MR TOURAY: Morris Kallon.

28 JUDGE THOMPSON: I see.

29 PRESIDING JUDGE: Learned counsel, what do we note? Is it

1 answerable, or receiving orders?
2 MR TOURAY: Receiving -- receiving orders.
3 Q. Now, you were in Kunduma?
4 A. Yes, My Lord.
09:47:42 5 Q. That was around October 1998?
6 A. Yes, My Lord.
7 Q. Before that you were in Wonededu?
8 A. Wonededu, My Lord.
9 Q. Wonededu.
09:48:12 10 A. My Lord.
11 Q. Forgive my pronunciation.
12 PRESIDING JUDGE: Supposing we say we don't forgive your
13 pronunciation.
14 MR TOURAY: I'll apologise.
09:48:29 15 PRESIDING JUDGE: Because we are supposed to have it from you.
16 MR TOURAY:
17 Q. Now, there is evidence from you that you saw Kallon
18 visiting the camp, or you people in Wonededu -- Wonededu,
19 or was it Kaidu?
09:49:03 20 A. Kaidu.
21 Q. Yes, Kaidu.
22 A. Yes, My Lord.
23 Q. And that was before you were in Kaidu, before you
24 transferred to Wonededu?
09:49:39 25 A. Yes, My Lord.
26 Q. It is correct, is it not, that by the time you got to
27 Wonededu, you were not seeing Morris Kallon around again
28 at that time?
29 A. Yes, My Lord.

1 Q. In fact, he was out of the Kono District then?
2 A. Yes, My Lord.
3 JUDGE BOUTET: Mr Witness, when you answered, "Yes, he was out
4 of the Kono District," do you know that for a fact, or
09:51:33 5 you assume because you didn't see him?
6 THE WITNESS: He was out of the Kono District. I'd heard.
7 JUDGE BOUTET: You'd heard?
8 THE WITNESS: Yes. I heard that he was not pulling well with
9 Superman, so he had to be withdrawn from that post to
09:52:02 10 Kailahun District.
11 JUDGE THOMPSON: Do you want that, learned counsel?
12 MR TOURAY: It is -- that is what we -- thank you, Your
13 Honour.
14 JUDGE BOUTET: What was that you heard about Superman and
09:52:12 15 him -- I missed the first part of your answer to that,
16 sorry.
17 THE WITNESS: He was not pulling well with Superman.
18 JUDGE BOUTET: Okay, thank you.
19 JUDGE THOMPSON: And that was why?
09:52:28 20 THE WITNESS: Military business.
21 JUDGE THOMPSON: You say he was not pulling well with
22 Superman?
23 THE WITNESS: I heard he was not pulling well with Superman.
24 JUDGE THOMPSON: And that was reason why --
09:52:44 25 THE WITNESS: I don't know the reason, My Lord.
26 JUDGE THOMPSON: Oh, I see.
27 PRESIDING JUDGE: [Microphone not activated]
28 JUDGE THOMPSON: Well, I mean I thought I heard you volunteer
29 a reason, but I'm not pressing you. I just wanted to

1 know what you said.

2 MR TOURAY: I'll follow that up.

3 Q. Because you heard he was not pulling well with
4 Superman --

09:52:54 5 A. Yes, My Lord.

6 Q. -- did anything happen because of that? Was any action
7 taken?

8 A. Well, the action taken was his withdrawal to be
9 reassigned to Kailahun District.

09:53:06 10 Q. Exactly.

11 PRESIDING JUDGE: That is what we were following up, because
12 we heard his reply which was --

13 MR TOURAY:

14 Q. Now, during the time he was in the Kono District, you
09:53:50 15 used to interact with him frequently in the military high
16 command -- military headquarters?

17 A. At Superman Ground, My Lord.

18 Q. At Superman Ground, yes.

19 PRESIDING JUDGE: What is that?

09:54:05 20 MR TOURAY: He used to interact with him --

21 PRESIDING JUDGE: In the Superman Ground.

22 MR TOURAY: At Superman Ground.

23 JUDGE BOUTET: What was the answer?

24 THE WITNESS: Yes, My Lord.

09:54:15 25 JUDGE BOUTET: Yes.

26 JUDGE THOMPSON: Please proceed, Mr Touray.

27 MR TOURAY:

28 Q. Now, Mr Witness, you suffered beatings from the first
29 group of, let's say, rebels that attacked you?

1 A. Yes, My Lord.
2 Q. The second group was very friendly to you?
3 A. Yes, indeed, My Lord.
4 Q. Very gentle?
09:55:24 5 A. Yes, My Lord.
6 Q. And even advised you to --
7 JUDGE THOMPSON: Just a minute. The second group was --
8 MR TOURAY: Very friendly, gentle.
9 JUDGE THOMPSON: "And gentle to me."
09:55:43 10 MR TOURAY: Yes.
11 Q. And even advised you to move?
12 A. Yes, My Lord.
13 Q. And for the long period you spent with the junta forces
14 from 1998 to about 2001 --
09:56:17 15 A. Yes, My Lord.
16 Q. -- you found out that that was the pattern. Some were
17 friendly and some were a bit --
18 A. Yes, My Lord.
19 Q. That was the pattern?
09:56:27 20 A. That was the pattern, My Lord. I want to go out.
21 PRESIDING JUDGE: The Court will recess a bit for the witness
22 to put himself at ease, please. The Court will rise.
23 [Break taken at 9.58 a.m.]
24 [On resuming at 10.05 a.m.]
10:04:25 25 MR TOURAY: Yes.
26 JUDGE THOMPSON: Before the recess, there was in fact an
27 incomplete answer.
28 MR TOURAY: Yes.
29 JUDGE THOMPSON: "For the long period I spent with the junta

1 forces, that was the pattern, some were --

2 MR TOURAY: Friendly.

3 JUDGE THOMPSON: Others?

4 MR TOURAY: Were not friendly.

10:05:09 5 Q. Now, you'd agree with me, would you not, that there was
6 no agreed and coordinated plan to commit atrocities
7 against civilians -- there was no agreed and coordinated
8 plan?

9 A. No, My Lord.

10:05:33 10 JUDGE BOUTET: Mr Touray, I would like that to be situated
11 somewhere in time and space.

12 MR TOURAY:

13 Q. That is insofar as the Kono District was concerned, where
14 you were, the civilians?

10:05:46 15 A. Yes, My Lord.

16 PRESIDING JUDGE: Again, it depends on whether he was an
17 insider -- whether he was a part of the initial planning,
18 because he came in lately, you know.

19 MR TOURAY: He was there since February.

10:06:06 20 PRESIDING JUDGE: Yes, he was there, but he came in lately,
21 you'll appreciate that.

22 MR TOURAY: He was part of them, so he knew [overlapping
23 speakers]

24 PRESIDING JUDGE: He was part of them, but at a later stage.

10:06:15 25 MR TOURAY: As Your Lordship pleases.

26 JUDGE THOMPSON: So what is his answer then, that it is true
27 that there was no agreed and coordinated plan to commit
28 atrocities against civilians in the Kono District.

29 MR TOURAY:

1 Q. During the period he --

2 JUDGE THOMPSON: During the period you were there?

3 THE WITNESS: No, My Lord.

4 JUDGE THOMPSON: In other words, you agree that there was no
10:06:37 5 agreed and coordinated plan?

6 THE WITNESS: Not at all, My Lord.

7 JUDGE THOMPSON: "During the period I was there."

8 MR TOURAY: He was there.

9 PRESIDING JUDGE: No agreed and coordinated plan to commit
10:07:09 10 atrocities.

11 MR TOURAY: Against civilians.

12 PRESIDING JUDGE: During the period.

13 MR TOURAY: "During the period I was with them."

14 JUDGE THOMPSON: In the Kono District.

10:07:25 15 MR TOURAY: In the Kono District. Your Honour, I don't intend
16 to go into a closed session. I want to refer to the
17 xxxxxxx as "the lady", and the gentleman as "the
18 xxxxxxxx". Whether that -- as "the lady".
19 [Trial Chamber confers]

10:08:56 20 PRESIDING JUDGE: Refer to them as "the lady" and "the man".

21 MR TOURAY: The xxxxxxx gentleman?

22 PRESIDING JUDGE: So refer to them as "the lady" and "the man"
23 -- you're on the microphone.

24 MR HARRISON: There is no concern taken with the view
10:09:11 25 expressed by Your Honour, but I wonder if the witness
26 himself could be directed to be cautious of divulging the
27 name, just so that there is no inadvertent utterance by
28 the witness.

29 PRESIDING JUDGE: You are right. You are right, Mr Harrison.

1 I hope you've gotten the hint.

2 MR TOURAY: Yes, I have.

3 Q. Now, sir, for the period you were with the junta forces
4 in the civilian camps, the only killing you witnessed or
10:09:54 5 you saw was that of the lady you mentioned about in your
6 evidence?
7 A. Yes, My Lord.

8 Q. You saw no killings of civilians other than that in
9 Kunduma?
10:10:44 10 A. Yes, My Lord.

11 Q. And you saw no killing of civilians in Meiyor?
12 A. Not at all, My Lord.

13 Q. And you saw none in Madina?
14 A. Not at all, My Lord.

10:11:53 15 Q. You saw none in Fwendu [sic]?
16 A. What?
17 Q. Fwendu [sic] -- I think it's between -- near to Madina --
18 between -- near to Madina.
19 A. Wonedu? Wonedu?

10:12:09 20 Q. Wonedu, yes.
21 A. No, My Lord.

22 Q. Now, these civilian camps, your own camp, the essence of
23 that camp was more to create a situation for the safety
24 and protection of civilians?
10:12:55 25 A. Yes, My Lord.

26 JUDGE THOMPSON: Is that with specific reference to his own
27 camp?
28 MR TOURAY: His own camp.
29 JUDGE THOMPSON: Thank you.

1 MR TOURAY:
2 Q. So you agree with me that forced labour was not the
3 intended primary motive for the creation of those camps?
4 A. Not at all, My Lord.
10:13:53 5 JUDGE THOMPSON: Are you moving now from the particular to the
6 general?
7 MR TOURAY: No, the same camp.
8 JUDGE THOMPSON: All right.
9 PRESIDING JUDGE: Forced labour was not primarily --
10:14:15 10 MR TOURAY: Primary motive for the creation of the camp.
11 Q. Families within your camp maintained their identity; that
12 is, they stayed as families?
13 A. Yes, My Lord. I was there with my whole family and
14 others were there with their whole families.
10:15:25 15 Q. That was not broken up at all?
16 A. Not at all, My Lord.
17 Q. And this food-finding mission you spoke about was just a
18 sort of community service?
19 A. It was a community service to let the civilians have
10:16:10 20 food.
21 Q. Exactly so.
22 A. And the combatants that were there with us.
23 JUDGE THOMPSON: Just a minute. Let's have the first part:
24 "I agree that the food-finding mission..."
10:16:22 25 MR TOURAY: Was a community service to let the civilians have
26 food and the combatants as well that were with them.
27 THE WITNESS: Yes.
28 JUDGE THOMPSON: And the combatants as well?
29 MR TOURAY: That were with them, yes.

1 JUDGE BOUTET: But this food-finding mission, as you call it,
2 it was directed to find food for combatants and/or for
3 civilians -- what was it?
4 THE WITNESS: Both, My Lord -- both civilians and the
10:17:10 5 combatants that were living in the camp.
6 JUDGE BOUTET: True, but were civilians finding food for
7 civilians and combatants finding food for combatants, or
8 civilians were finding food for combatants?
9 THE WITNESS: Civilians were finding food for all.
10:17:26 10 JUDGE THOMPSON: In other words, for both civilians and
11 combatants?
12 THE WITNESS: And combatants, My Lord.
13 JUDGE THOMPSON: Combatants were not finding food for
14 themselves --
10:17:37 15 THE WITNESS: Yes.
16 JUDGE THOMPSON: Just a minute.
17 MR TOURAY: I'll clear that --
18 JUDGE THOMPSON: I appreciate that.
19 MR TOURAY:
10:17:42 20 Q. And when the civilians went on these food-finding
21 missions, they were accompanied by combatants?
22 A. By combatants.
23 JUDGE BOUTET: They were accompanied because the combatants
24 were escorting them, or the combatants were going there
10:17:59 25 to search for food?
26 THE WITNESS: The combatants were escorting them to protect
27 them against enemy forces such as Kamajors that were
28 around.
29 JUDGE THOMPSON: Accompanied civilians on a food-finding

1 mission, he said.

2 MR TOURAY: Yes.

3 JUDGE THOMPSON: And to protect them from what?

4 THE WITNESS: Kamajors.

10:18:27 5 MR TOURAY: Against falling into the hands of the enemies like
6 the Kamajors.

7 THE WITNESS: Enemies.

8 MR TOURAY:

9 Q. Now, that was far different from the situation where you
10:19:14 10 have like labour being used to work in RUF farms, because
11 there were no RUF farms, were there?

12 A. No RUF farms.

13 Q. There were no RUF farms or junta farms?

14 A. No junta farms.

10:19:28 15 Q. And being a wartime situation, food was scarce?

16 A. Very much indeed, My Lord.

17 Q. So you'd agree with me that the exercise was necessary
18 for the survival of the civilians?

19 A. It was necessary for the survival of all of us, including
10:20:35 20 the combatants.

21 Q. So it was a sort of symbiotic relationship: I give you
22 protection, you give me services --

23 A. Services.

24 Q. -- so that we can all survive?

10:21:08 25 A. Yes, My Lord.

26 Q. That sort of situation?

27 A. Yes, My Lord.

28 Q. And that was during a time of war?

29 A. Yes, My Lord.

1 PRESIDING JUDGE: I give you services and you give me food.
2 THE WITNESS: Yes, My Lord.
3 PRESIDING JUDGE: Is that what you mean to say?
4 MR TOURAY: Protection and safety.
10:21:43 5 PRESIDING JUDGE: That's the services, because you used the
6 word "services".
7 MR TOURAY: You give me services.
8 PRESIDING JUDGE: Are you using the word "services" or
9 "protection"?
10:21:51 10 MR TOURAY: No, I give you protection and you give me
11 services.
12 PRESIDING JUDGE: Right, okay.
13 JUDGE THOMPSON: And you said "so that we can all survive".
14 MR TOURAY: Survive, yes.
10:22:00 15 JUDGE THOMPSON: So that's your conception of symbiosis?
16 MR TOURAY: Yes, My Lord.
17 JUDGE THOMPSON: And the witness agrees with that
18 characterisation?
19 MR TOURAY: Yes, he does.
10:22:29 20 JUDGE THOMPSON: Continue, counsel.
21 MR TOURAY:
22 Q. These outside missions, that is, taking cocoa and coffee
23 from Koidu to Kailahun, that happened how many times you
24 went during your time?
10:22:48 25 A. On one occasion, My Lord.
26 Q. Only one occasion?
27 A. That was not from Koidu; it was from Meiyor headquarters
28 during the time of Superman.
29 Q. So it was just one occasion on these outside missions?

1 PRESIDING JUDGE: It was just one -- let's get the transaction
2 right. It was just one occasion when what happened?
3 MR TOURAY: The taking of cocoa and coffee by the civilians in
4 the camps --
10:23:25 5 THE WITNESS: I want to go to the toilet.
6 MR TOURAY: -- to Kailahun. The witness wants to ease
7 himself. The witness wants to ease himself -- he wants
8 to ease himself.
9 PRESIDING JUDGE: Okay. The Court will recess. We'll be back
10:23:46 10 very shortly. Don't forget that we have not come to the
11 end of the reply to the question you put, please.
12 [Break taken at 10.25 a.m.]
13 [On resuming at 10.32 a.m.]
14 PRESIDING JUDGE: Yes, Mr Touray, can you take us back to
10:31:41 15 this -- you said he only saw once the removal -- of the
16 conveying of cocoa and coffee by civilians from --
17 MR TOURAY:
18 Q. From your camp?
19 A. From Meiyor headquarters, My Lord.
10:31:59 20 PRESIDING JUDGE: Yes, Mr Harrison.
21 MR HARRISON: I am sorry to interrupt, but I'm just a bit
22 confused as to the time frame we're now talking about.
23 I was wondering if Mr Touray would be willing to clear
24 that up.
10:32:12 25 MR TOURAY:
26 Q. Now, in your evidence --
27 PRESIDING JUDGE: Let's get this right first -- from where to
28 where, you say?
29 THE WITNESS: From Superman Ground to Buedu --

1 PRESIDING JUDGE: To?

2 THE WITNESS: Buedu in Kailahun District.

3 PRESIDING JUDGE: Buedu in Kailahun District.

4 MR TOURAY:

10:32:53 5 Q. You say it only happened once?

6 A. Once, to my knowledge.

7 PRESIDING JUDGE: Learned counsel, Mr Harrison expressed some

8 apprehensions about the time frame.

9 MR TOURAY:

10:33:21 10 Q. And that was throughout the period you were with the

11 junta from 1998 to --

12 PRESIDING JUDGE: But ask him during what period. Please,

13 don't -- I don't know how we're conducting these

14 proceedings.

10:33:33 15 MR TOURAY: We are cross-examining, My Lord, and we can

16 suggest --

17 PRESIDING JUDGE: No, you cannot. You're not suggesting. You

18 want to say "I'm putting it to you", not that you start

19 relating the story for the man to be saying yes, yes,

10:33:47 20 yes -- no, that is not how it is done. I don't think how

21 it's done.

22 MR TOURAY: We have no intention of putting words in the mouth

23 of the witness. I think what is coming out --

24 PRESIDING JUDGE: Put it to the witness when it comes to it,

10:33:59 25 but when you want to elicit a particular answer, put it

26 in the form of a question. Those are the rules of the

27 game.

28 MR TOURAY: As Your Honour pleases.

29 Q. Now, would you tell us -- you said only once. Within

1 what time frame?

2 A. That was in 1998, My Lord.

3 Q. Did it happen again throughout the period you were with
4 the junta?

10:34:28 5 A. Not to my knowledge.

6 Q. Not to your knowledge.

7 PRESIDING JUDGE: Proceed, learned counsel.

8 MR TOURAY:

9 Q. And what happened to the civilians that took the cocoa
10:35:14 10 and coffee, did they return?

11 A. They returned with commodities.

12 Q. So were they abducted?

13 A. I beg your pardon?

14 Q. Were they abducted -- they returned, so they were not
10:36:03 15 abducted?

16 A. They were not abducted.

17 JUDGE THOMPSON: So the evidence is that the civilians
18 returned, and so they were not abducted?

19 MR TOURAY: Yes.

10:36:18 20 JUDGE THOMPSON: Is that the evidence?

21 MR TOURAY: Yes.

22 JUDGE BOUTET: I would like to have a little more clarity on
23 that -- abducted by whom -- on the way back or in
24 Kailahun?

10:36:35 25 MR TOURAY:

26 Q. Abducted in Kailahun by the rebel forces, were they?

27 A. Not to my knowledge, because the number that went came
28 with essential commodities correctly. I don't remember
29 anyone being abducted and left in Kailahun.

1 MR TOURAY: Yes, that's the point.

2 JUDGE BOUTET: My question had to do with the fact they left
3 from the camp where they were to go to Kailahun, they
4 came back.

10:37:03 5 MR TOURAY: Yes.

6 JUDGE BOUTET: And consequently they were not abducted.

7 MR TOURAY: Yes, that's it.

8 JUDGE BOUTET: Does that mean that at the camp that they were
9 it means they were not abducted; also as resident of that
10:37:12 10 camp, or on their way back and forth? Do you follow my
11 question?

12 MR TOURAY: Yes, I follow. We're not talking about the stay
13 at the camp. Apparently they left, went to Kailahun and
14 then they came back, and they were not abducted at all,
10:37:26 15 so they returned.

16 JUDGE THOMPSON: In other words, this piece of evidence
17 comprises two parts -- a factual thing and then a
18 conclusion being drawn from it.

19 MR TOURAY: Indeed so.

10:37:37 20 JUDGE THOMPSON: Okay.

21 MR HARRISON: With respect, I don't think that was at all
22 clear in the question that was stated, nor do I think it
23 is reflected in the answer that was tendered by the
24 witness, and in fairness to the witness, it ought to be
10:37:48 25 put perhaps as two, or even three, separate questions.

26 JUDGE THOMPSON: What's your response to that, learned
27 counsel?

28 MR TOURAY: The witness has answered the question.

29 JUDGE THOMPSON: Perhaps this matter might be resolved in

1 re-examination.

2 MR HARRISON: I take your point.

3 JUDGE THOMPSON: Because what I see here counsel is this:

4 here we have a witness volunteering two elements in his

10:38:19 5 answer -- one factual, they returned; the other, an

6 inference, and I'm saying that of course he probably is

7 entitled to give that kind of answer, but if there is

8 some confusion there or need for clarification, or

9 ambiguity that you see, I think it can be legitimately

10:38:41 10 taken up on the re-examination.

11 MR HARRISON: We take the point.

12 JUDGE THOMPSON: Right. Continue, learned counsel.

13 MR TOURAY:

14 Q. To your knowledge, Mr Witness, were there any abductions

10:38:58 15 during the early stages from February 1998 to June 1998,

16 as far as you know, in the Kono area?

17 A. All I knew was that civilians were abducted and brought

18 to a safer place when the war was going on.

19 JUDGE THOMPSON: Slowly.

10:39:20 20 THE WITNESS: They were captured and brought to a safer place

21 and handed over to the G5.

22 JUDGE THOMPSON: Slowly, Mr Witness -- the civilians were

23 captured and brought to a safer place. Yes.

24 THE WITNESS: Under the welfare unit headed by the G5s.

10:40:04 25 MR TOURAY:

26 Q. You said when the war was on?

27 A. When the war was going on.

28 JUDGE BOUTET: And this is circumscribing your question from

29 February 1998 to June 1998 in the Kono District.

1 MR TOURAY: Yes.

2 JUDGE BOUTET: That was your question.

3 MR TOURAY: That is my question.

4 Q. Then, at that time, in fact the junta forces were
10:40:37 5 surrounded by enemy forces?

6 A. Yes, My Lord.

7 Q. Is it true that that was the position again after June
8 1998 up to about December 1998?

9 JUDGE THOMPSON: What was the position?

10:41:15 10 MR TOURAY:

11 Q. The position about the war situation; that is, that the
12 junta forces were surrounded by enemy forces.

13 A. Yes, My Lord.

14 JUDGE THOMPSON: When, you said?

10:41:44 15 MR TOURAY: To December 1998.

16 JUDGE THOMPSON: From when to when?

17 MR TOURAY: June 1998 to December 1998. We've dealt with
18 February --

19 JUDGE THOMPSON: Yes. That's why I wanted you to put it in
10:41:56 20 time context.

21 MR TOURAY: It's June 1998 now to December 1998.

22 Q. I'm putting it to you that the capture was in the
23 interest of the civilians.

24 A. Yes, My Lord. I remember that one of the towns --

10:42:27 25 JUDGE THOMPSON: First: I agree that the capture was --

26 MR TOURAY: -- in the interests of the civilians.

27 JUDGE THOMPSON: -- in the interests of the civilians.

28 Witness, do kindly give us a chance to write the first
29 part of your answer and then whatever amplifications you

1 may want to make later on.

2 THE WITNESS: I'm sorry, My Lord.

3 JUDGE THOMPSON: No, that's all right.

4 PRESIDING JUDGE: Mr Touray, Mr Harrison is on his feet.

10:42:59 5 MR HARRISON: Perhaps the witness could be asked to continue

6 with the answer. I got the first couple of words, but

7 that was it.

8 PRESIDING JUDGE: Learned counsel was observing the movement

9 of the pens of the Bench. I'm sure that's why he paused.

10:43:25 10 MR TOURAY:

11 Q. So please continue.

12 A. One of the code of conducts of the war was to protect the

13 lives of civilians. That's why you need the welfare, you

14 need social welfare, you need --

10:44:06 15 Q. You said that was why the social welfare you need --

16 A. Was created.

17 Q. That's why the social welfare unit was created. Thank

18 you.

19 PRESIDING JUDGE: And the G5 was the welfare unit?

10:44:52 20 THE WITNESS: Yes, My Lord.

21 JUDGE BOUTET: The welfare unit belonged to the G5, or the G5

22 was the welfare unit; in other words, when you refer to

23 G5, you mean the welfare unit -- is that what you mean?

24 THE WITNESS: G5 was part of the movement -- the junta

10:45:16 25 movement, My Lord, but that was a special assignment for

26 taking care of the civilians.

27 JUDGE BOUTET: G5 was the organisation looking after

28 civilians?

29 THE WITNESS: Yes, My Lord.

1 JUDGE BOUTET: But as part of the G5 there was a welfare unit,
2 or when you refer to G5, in your language you mean
3 welfare unit?
4 THE WITNESS: Yes, My Lord.
10:45:36 5 JUDGE BOUTET: That's the last that I've just mentioned?
6 THE WITNESS: Yes, My Lord.
7 JUDGE BOUTET: G5, to you, means welfare unit?
8 THE WITNESS: Welfare unit -- welfare unit heads.
9 JUDGE THOMPSON: Learned counsel, proceed.
10:46:20 10 MR TOURAY:
11 Q. Now, Mr Witness, during the period you were interacting
12 with Morris Kallon, what was his relationship with
13 civilians on the ground?
14 A. His relationship with civilians was very good. In fact,
10:46:41 15 on many occasions --
16 Q. Slowly, please.
17 JUDGE THOMPSON: You said in fact on many occasions --
18 THE WITNESS: I visited him and met some little guys of the
19 ages of 7 to 8, about four of them.
10:47:32 20 PRESIDING JUDGE: You met who?
21 [Power failure]
22 PRESIDING JUDGE: We'll hang around for some time and see if
23 the lights will come back on. You will not continue.
24 MR TOURAY: As Your Honour pleases.
10:48:52 25 [Pause in proceedings due to power failure]
26 [HS261004B 10.50 a.m.]
27 MR HARRISON: I'm sorry. I believe the witness may be
28 indicating he wishes to step out of the room.
29 PRESIDING JUDGE: We may just have to rise.

1 [Whereupon the hearing adjourned at 10.50 a.m., to be
2 reconvened on Wednesday, the 27th day of October 2004, at
3 9.30 a.m.]

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C E R T I F I C A T E

We, Maureen P Dunn and Ella K Drury, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Maureen P Dunn

Ella K Drury

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-078 [Continued] 1

CROSS-EXAMINED BY MR TOURAY: 1