

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

WEDNESDAY, 27 OCTOBER 2004
3.55 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
Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison
Mr Alain Werner
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
Mr A.F. Serry-Kamal

For the accused Morris Kallon:

Mr Shekou Touray

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh

1 Wednesday, 27 October 2004

2 [Accused Sesay and Kallon entered court]

3 [The accused Gbao not present]

4 [Open session]

5 [The witness entered court]

6 [Upon commencing at 3.55 p.m.]

7 WITNESS: TF1-078 [Continued]

8 PRESIDING JUDGE: Good afternoon, learned counsel. There was
9 no good morning for reasons we all know. I hope that we
15:52:41 10 can at least be able to proceed, and I think we'll have
11 to sympathise with ourselves, you know, for the ordeal
12 we've gone through, as to not knowing whether we shall
13 sit or whether we shall not sit. But that is part of
14 life and it's what we have from technology anyway. It's
15:53:03 15 useful and it can also render one a big service at times.
16 So I think we're ready to proceed now. We are resuming
17 our session. I very much hope that we'll be able to
18 conclude with this witness today. I hope so. It is my
19 fervent hope. So Mr Touray, you may proceed, please.

15:53:32 20 MR TOURAY: I promise I won't be long, Your Honour.

21 PRESIDING JUDGE: Thank you.

22 CROSS-EXAMINED BY MR TOURAY: [Continued]

23 MR TOURAY:

24 Q. Good afternoon, Mr Witness.

15:53:41 25 A. Good afternoon, learned counsel.

26 Q. Yesterday I asked you about the relationship between
27 Kallon and the civilians. What was the nature of the
28 relationship -- how it was? You started by saying it was
29 very cordial and then you started explaining something

1 before we left. Can you take off from there?

2 A. Yes, My Lord. In that --

3 PRESIDING JUDGE: In fact, you ended off your evidence

4 yesterday by saying that his relationship with civilians

15:54:28 5 was very good.

6 THE WITNESS: Yes, My Lord.

7 PRESIDING JUDGE: Yes. And that you had that impression on

8 the many occasions you visited him.

9 THE WITNESS: Many occasions, because at that abnormal time --

15:54:39 10 PRESIDING JUDGE: Yes. So you want to take over -- you want

11 to continue from there?

12 THE WITNESS: Yes, My Lord.

13 PRESIDING JUDGE: Yes.

14 MR TOURAY:

15:54:50 15 Q. You started saying there were some young girls about

16 seven or eight or so?

17 JUDGE THOMPSON: He said many occasions I visited him I met

18 some little girls.

19 MR TOURAY: Some little girls, yes.

15:55:03 20 JUDGE THOMPSON: Ages seven to eight. On many occasions I

21 visited him I met some little girls seven to eight --

22 aged seven to eight.

23 MR TOURAY: To eight, yes.

24 JUDGE THOMPSON: That was where you left off.

15:55:15 25 MR TOURAY:

26 Q. Can you take off from there now?

27 A. Yes, My Lord.

28 Q. Yeah, please.

29 A. But I --

1 MR JORDASH: Sorry. There's a horrible, horrible groan
2 through these headphones which might be putting off the
3 witness.
4 MR WERNER: I think it's a fan on your --
15:55:54 5 JUDGE BOUTET: Does it still do it now? I think it was
6 Presiding Judge's mike that was open with the fan that
7 did that.
8 MR TOURAY: Okay.
9 Q. Yes, Mr Witness, continue, please.
15:56:05 10 A. But I did not ask him whether they were his children.
11 Q. So how did you find these kids? Were they comfortable
12 with him?
13 A. The way I looked at them, I concluded that they were well
14 taken care of.
15:56:25 15 Q. Okay. You didn't find out from him whether they were
16 orphans?
17 A. No, My Lord.
18 Q. Now, after the capture of Kono in December '98, did you
19 see Mr Morris Kallon?
15:57:07 20 A. After the capture of Koidu 1998?
21 Q. Yes.
22 A. Yes, My Lord, I saw him.
23 Q. Do you know where he was based?
24 A. Well, yes, My Lord.
15:57:32 25 Q. Where was it?
26 A. He was based at Magburaka.
27 Q. Right up to disarmament?
28 A. Right up to the final disarmament, My Lord.
29 Q. You spoke yesterday about attending some conferences on

1 disarmament -- about two conferences?
2 A. Yes.
3 Q. UN. Was he part of that delegation?
4 A. Yes, he was part of the two delegations.
15:58:50 5 MR TOURAY: The two delegations. I think that will be all for
6 this witness.
7 PRESIDING JUDGE: Thank you very much, Mr Touray.
8 JUDGE THOMPSON: Learned counsel for the third accused, you'll
9 proceed.
16:00:21 10 MR O'SHEA: Thank you very much, Your Honours. Good
11 afternoon.
12 JUDGE THOMPSON: Good afternoon.
13 CROSS-EXAMINED BY MR O'SHEA:
14 MR O'SHEA:
16:00:30 15 Q. Good afternoon, sir.
16 A. Good afternoon, sir.
17 Q. My name is Andreas O'Shea. I am under the direction of
18 this Court representing the interest of a man called
19 Augustine Gbao. May I first ask you this: Would it be
16:00:52 20 fair to say that between 1998 and 2001 you developed a
21 general understanding of the way in which the rebels
22 operated in the area of Kono?
23 A. I understand some, My Lord.
24 Q. During the course of your evidence --
16:01:27 25 PRESIDING JUDGE: Mr O'Shea, just a minute.
26 MR O'SHEA: Forgive me, Your Honour.
27 PRESIDING JUDGE: Just a minute.
28 MR O'SHEA: Forgive me.
29 PRESIDING JUDGE: What was his reply? That he got to

1 understand --

2 JUDGE BOUTET: Some.

3 PRESIDING JUDGE: Some. Some?

4 MR O'SHEA: Yes.

16:01:52 5 PRESIDING JUDGE: Of the operations or what?

6 MR O'SHEA: The method of operations --

7 PRESIDING JUDGE: The method of operations.

8 MR O'SHEA: -- of the rebels in Kono.

9 Q. Sir, you've mentioned during the course of your evidence

16:02:54 10 that Captain Rocky had spoken about rules and regulations

11 - no raping, no looting, et cetera. You've also spoken

12 about G5, which was in charge of welfare. Are you able

13 to say whether there was a general policy among the

14 rebels in Kono for the protection and welfare of

16:03:27 15 civilians? Have you understood the question?

16 A. Please go over it again.

17 Q. Okay. During the course of your evidence you've

18 mentioned a few things which indicate an attempt to

19 protect the welfare of civilians. An example that I gave

16:04:09 20 you was the rules and regulations which Captain Rocky

21 laid down. What I'm asking you is this: Are you able to

22 say, from your knowledge -- I appreciate you're not a

23 military man, but are you able to say from your knowledge

24 whether, among the rebels in the district of Kono, there

16:04:32 25 was any general policy for the welfare and protection of

26 civilians?

27 A. Yes, My Lord.

28 Q. You also during the course --

29 PRESIDING JUDGE: No, Mr O'Shea. Please, please.

1 MR O'SHEA: Sorry, Your Honours.

2 PRESIDING JUDGE: No, that's all right.

3 MR O'SHEA:

4 Q. Yes, sir. You also mentioned, during the course of your
16:05:36 5 evidence, the fact that Issa Sesay had flogged rebels
6 when they had done things which were unacceptable.
7 Remember referring to that?

8 A. Yes, My Lord.

9 JUDGE BOUTET: Was it the evidence that he flogged or that he
16:05:56 10 ordered that someone be flogged? I may be wrong in my
11 assumption, but I thought --

12 MR O'SHEA: Well, yes, I was wasn't clear on that myself. But
13 if that was the evidence, I'm --

14 MR JORDASH: As I understand it, it was the latter, that
16:06:13 15 following investigation others would flog.

16 JUDGE BOUTET: Yes.

17 MR JORDASH: That was my understanding.

18 MR O'SHEA: Yes. Well, I'm grateful. Thank you.

19 Q. From your knowledge -- and it's perfectly all right if
16:06:34 20 you don't have knowledge of this. But from your
21 knowledge, are you able to say whether rebels were aware
22 that they would be punished if they did unacceptable acts
23 such as rape?

24 A. Yes, My Lord.

16:06:53 25 PRESIDING JUDGE: Those unacceptable things. That is, if they
26 went against the regulations -- the rules.

27 MR O'SHEA: I gave an example of rape.

28 PRESIDING JUDGE: Yes. It was part of the rules -- one of the
29 rules.

1 MR O'SHEA: Yes.

2 JUDGE THOMPSON: So what is his answer - that from his
3 knowledge he's able to say that rebels were aware that
4 they would be punished if they did unacceptable things?
16:07:58 5 Because that seems to have been the thrust of your
6 question.

7 MR O'SHEA: That was the --

8 JUDGE THOMPSON: Is that his answer - that he is able to say
9 that from his knowledge that the rebels were aware of
16:08:06 10 that? Is that what he's saying?

11 MR O'SHEA: Well, that's the way --

12 JUDGE THOMPSON: If that's his evidence -- I just want to be
13 clear that's the response.

14 MR O'SHEA: That's the way I framed the question and --
16:08:19 15 [Overlapping speakers]

16 JUDGE THOMPSON: And that's the answer --

17 MR O'SHEA: -- he followed with the answer, yes.

18 JUDGE THOMPSON: Thank you very much. I just wanted to be
19 clear.

16:08:24 20 MR O'SHEA:

21 Q. But, notwithstanding those rules and regulations, and
22 that awareness of the possibility of punishment, there
23 were rebels that did rape and did loot?

24 A. Yes, My Lord.

16:08:42 25 Q. According to your knowledge, were there rebels who were
26 difficult to manage?

27 A. Yes, My Lord.

28 Q. Can you elaborate upon that?

29 JUDGE THOMPSON: Just a minute. Let me have that.

1 MR O'SHEA: Sorry.

2 Q. Can you elaborate upon that?

3 A. Yes, My Lord.

4 Q. Please go ahead.

16:10:33 5 A. Well, My Lord, in any organisation you have the bad
6 elements, you have the good elements.

7 Q. Are you aware of whether there were low ranking
8 commanders who were difficult to manage?

9 A. Yes, My Lord, there were.

16:11:48 10 Q. Can you give any examples?

11 A. I cannot precisely give you an example, because --
12 [Overlapping speakers]

13 JUDGE THOMPSON: Just a minute. Let me get that. You were
14 aware that there were low ranking commanders who were
16:12:16 15 difficult to manage. Yes, continue counsel.

16 MR O'SHEA: Thank you, Your Honours.

17 Q. Can you in any way expand, if you're able to, on why it
18 was difficult to manage the bad elements?

19 A. Well, that's a military -- a guerilla movement; I cannot
16:12:56 20 understand why. But in many instances, General Issa
21 Sesay had to juggle -- particularly when the town digging
22 was rampant, he had to go with me to chase these men out
23 of digging peoples' houses.

24 JUDGE BOUTET: But may I suggest to you, Mr O'Shea, that
16:13:20 25 you're asking questions of witness he is in a difficult
26 position to answer, because he has said himself that he
27 is not part of the military structure, doesn't know about
28 the military structure; and you're talking to a civilian,
29 asking him opinions about the military, how they were to

1 be with their own people. I don't see how the witness
2 can answer the question with any value.

3 MR O'SHEA: I take the point, Your Honour. That's why I
4 prefaced the question whether he was able to say. It's
16:13:52 5 just that he has, according to his evidence, spent a fair
6 amount of time with the rebels.

7 JUDGE THOMPSON: Yes, and I think he is volunteering an
8 answer, saying that he did go on several occasions with
9 him -- with General Issa Sesay. And so that is, in
16:14:08 10 itself, evidence which I think he can give. Of course,
11 if he volunteers to say that because of his familiarity
12 with the system then he can make those determinations.
13 So I certainly would think that that answer would seem to
14 fit in with the general thrust of his testimony so far
16:14:34 15 under cross-examination.

16 MR O'SHEA: I'm grateful for --

17 JUDGE THOMPSON: What is the answer? I certainly think that
18 as a guerilla movement, he said, I cannot understand why,
19 but on many occasions I had to do what?

16:14:52 20 THE WITNESS: I had to go out --

21 JUDGE THOMPSON: You said many occasions, not a few. Many
22 occasions.

23 THE WITNESS: Some occasions --

24 JUDGE THOMPSON: Yes, you had to do what?

16:15:01 25 THE WITNESS: -- I had to go out with General Issa Sesay --

26 JUDGE THOMPSON: With General Issa Sesay. Yes?

27 THE WITNESS: -- when some of his --

28 JUDGE THOMPSON: Yes?

29 THE WITNESS: -- uncontrollable elements -- soldier

1 combatants --

2 JUDGE THOMPSON: "Some of his uncontrollable elements --

3 soldier combatants" -- yes?

4 THE WITNESS: -- that were involved in the town mining and

16:15:49 5 demolishing some houses.

6 PRESIDING JUDGE: "That were involved in the town mining"?

7 THE WITNESS: Town mining of -- for diamonds.

8 JUDGE THOMPSON: And demolishing houses, he said.

9 THE WITNESS: And bridges, My Lord.

16:16:31 10 JUDGE THOMPSON: Anything else? Is that it?

11 THE WITNESS: Yes, sir, My Lord. He at time fired in the air

12 to scare them to leave the town.

13 JUDGE THOMPSON: "He at times" --

14 PRESIDING JUDGE: He will fire -- Sesay will fire.

16:16:50 15 THE WITNESS: Fire in the air.

16 JUDGE THOMPSON: "He at times will" --

17 THE WITNESS: Fire shots in the air.

18 JUDGE THOMPSON: -- "fire shots in the air." To do what?

19 THE WITNESS: To frighten them to avoid that kind of conduct.

16:17:28 20 JUDGE THOMPSON: Continue, learned counsel.

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

22 Q. I appreciate that you're not a military man, but do you

23 have knowledge of a person called Savage?

24 A. I beg your pardon?

16:17:45 25 Q. Do you have knowledge of a person known as Savage?

26 A. No, My Lord. I heard of his name but I was not in his

27 area.

28 Q. Do you have knowledge of a person called Staff Alhaji?

29 A. I heard of his name, but I was not in his area. But they

1 were all in the same guerilla movement.

2 Q. So do you know nothing about them?

3 A. Nothing, My Lord.

4 JUDGE THOMPSON: Who was the second person, counsel - Staff

16:18:33 5 Alhaji?

6 MR O'SHEA: Staff Alhaji.

7 THE WITNESS: I was made to understand that Savage was

8 assigned to Tombodu, but I was not in his area. I was

9 made to understand that he was assigned to Tombodu

16:18:56 10 together with Staff Alhaji.

11 JUDGE THOMPSON: Yes, learned counsel.

12 MR O'SHEA:

13 Q. During the course of your evidence you described how

14 during a certain period of time the rebels lost control

16:19:59 15 of part of Kono?

16 A. Yes, My Lord. Let me ease myself.

17 PRESIDING JUDGE: The Court will rise for -- well, you let us

18 know when he's through, please. The Court will rise.

19 [Break taken at 4.24 p.m.]

16:28:59 20 [Upon resuming at 4.29 p.m.]

21 PRESIDING JUDGE: Yes, please, Mr O'Shea, you may proceed,

22 please.

23 MR O'SHEA: Your Honour, thank you.

24 PRESIDING JUDGE: Thank you.

16:28:59 25 JUDGE THOMPSON: Yeah, before the break you were reminding him

26 about something that he said in his evidence.

27 MR O'SHEA: Yes.

28 JUDGE THOMPSON: About how the rebels did what?

29 MR O'SHEA: Yes.

1 Q. I was asking you, sir, before the break, with respect to
2 your evidence where you indicated that there was a period
3 of time where the rebels lost control over part of Kono;
4 is that right?

16:28:59 5 A. I said Kamajors lost control over Koidu Town.

6 Q. Right. Are you aware of a period of time when ECOMOG had
7 control of part of Kono?

8 A. Yes, My Lord.

9 Q. Correct me if --

16:29:00 10 PRESIDING JUDGE: ECOMOG was in control of --
11 THE WITNESS: In control of, yeah.

12 JUDGE BOUTET: You're talking of Kono District I understood,
13 Mr O'Shea?

14 MR O'SHEA: Yes, yes.

16:29:00 15 PRESIDING JUDGE: Is it part of Kono or -- of Kono?
16 THE WITNESS: Kono District, My Lord.

17 PRESIDING JUDGE: Of Kono District?

18 THE WITNESS: Yeah.

19 JUDGE THOMPSON: Counsel, lest you leave that hanging, so he
16:29:00 20 is not responding affirmatively to the question that he
21 did describe in his evidence how the rebels lost control
22 of Koidu Town.

23 MR O'SHEA: Yes.

24 JUDGE THOMPSON: And that is -- I have a lacuna in my notes
16:29:01 25 here.

26 MR O'SHEA: Yes. Well, he --

27 JUDGE THOMPSON: But then he said in response that 'I said the
28 Kamajors lost control of Kono.' Does that mean that he
29 never said that the rebels -- or he never described how

1 the rebels lost control of Koidu Town.

2 MR O'SHEA: Well, to be fair --

3 JUDGE THOMPSON: 'Cause that's your own recollection of some
4 parts of his evidence.

16:29:01 5 MR O'SHEA: To be fair to the witness, I am essentially
6 drawing summary or inference from the way his evidence
7 came out, rather than --

8 JUDGE THOMPSON: So I could expunge that from my own notes,
9 this idea of the rebels losing control.

16:29:01 10 MR O'SHEA: Certainly.

11 JUDGE THOMPSON: Right, thanks. That's all I wanted to know.

12 MR O'SHEA:

13 Q. Can you help us as to whether and when control of the
14 area in which ECOMOG was recovered by rebels? Let me
16:29:01 15 help you. You said that you are aware of a period of
16 time when ECOMOG wasn't in control in part of Kono?

17 A. Yes, My Lord.

18 Q. Are you able to help us in terms of time as to when that
19 was?

16:29:01 20 A. That was on the 16th of December 1998.

21 Q. Is the 16th of December 1998 when ECOMOG took control of
22 an area of Kono District?

23 A. I'm sorry, sir. I'm sorry, My Lord. I'm sorry. I
24 cannot remember that time, because we are now in the bush
16:29:22 25 when we heard that ECOMOG had taken over Koidu Town. I
26 cannot give you the -- but it was within 1998.

27 Q. Yes.

28 A. Around March, April.

29 Q. Do you have -- you've indicated that you have difficulty

1 with time on this issue. But do you have a rough idea as
2 to how long ECOMOG was there?

3 A. ECOMOG was there from 1998 to December 16, 1998.

4 Q. Thank you.

16:30:41 5 PRESIDING JUDGE: We have the last month, but we don't have --
6 well, he has not ventured to give us an estimation of the
7 month. You know, the month of occupation and the month
8 of eviction maybe.

9 THE WITNESS: Eviction, yes, yes, My Lord.

16:31:04 10 MR O'SHEA: I think he said, Your Honour, March or April in
11 his last answer.

12 THE WITNESS: Between March and April.

13 JUDGE THOMPSON: Well, he said 'I am aware of the time when
14 ECOMOG was in control of Kono District. That was around
16:31:21 15 March and April 1998.'

16 MR O'SHEA: Yes.

17 JUDGE THOMPSON: Is that correct? Is that correct, witness?

18 THE WITNESS: Yes, My Lord. Because when I was captured and
19 brought to Kaidu on the 18th, ECOMOG forces were now in
16:31:35 20 Koidu Town.

21 JUDGE THOMPSON: Yes. So it was from there that counsel led
22 on to the question whether he was able to say when
23 control by the ECOMOG was recovered by the rebels --
24 control of that area by ECOMOG was recovered by the
16:32:01 25 rebels.

26 MR O'SHEA: Yes, in other words lost be ECOMOG.

27 JUDGE THOMPSON: Yes, quite. That was the part that I was --
28 [Overlapping speakers]

29 MR O'SHEA: And the witness said December 1998. I think he

1 gave a date - the 16th.

2 Q. And in December 1998 you were with the rebels, correct?

3 A. Yes, My Lord.

4 Q. So did you enter with the rebels into the area that had
16:32:51 5 been previously occupied by ECOMOG?

6 A. My Lord, I entered there later on. I was sick and was
7 hospitalised in the jungle.

8 JUDGE THOMPSON: Excuse me, where were you hospitalised?

9 THE WITNESS: In the --

16:33:59 10 JUDGE THOMPSON: In the jungle?

11 THE WITNESS: In the jungle.

12 JUDGE THOMPSON: Thanks. I thought I got it; I just wanted to
13 be sure.

14 MR O'SHEA:

16:34:10 15 Q. How long were you hospitalised for?

16 A. About -- I was there until the end of December -- the end
17 of December.

18 Q. So at --

19 A. I went back -- I went to Koidu in January 1999.

16:34:51 20 Q. So at the end of December did you find yourself back with
21 the rebels?

22 A. In Koidu Town, My Lord.

23 Q. In Koidu Town. Now, correct me if I am wrong about this,
24 but I remember, during the course of your evidence, you
16:35:10 25 saying that at the end of that period of illness, when
26 you went into Koidu Town, you noticed gravel. Do you
27 remember saying that?

28 [HS271004B 4.40 p.m.]

29 A. I do, My Lord.

1 Q. You have just told the Court that the ECOMOG lost control
2 on -- I think you said the 16th of December?
3 A. The 16th of December.
4 Q. So at the time that you entered Koidu Town personally,
16:35:49 5 the rebels had been there for perhaps one and a half
6 weeks; is that fair?
7 A. Yes, my lord.
8 Q. How much gravel did you see?
9 A. My Lord, apart from gravel piles, when I got to Koidu
16:36:46 10 Town, I saw houses demolished through --
11 PRESIDING JUDGE: No, no, no, please, answer the first
12 question. We'll come to that. How much gravel did you
13 see?
14 THE WITNESS: Many, My Lord, many, but not at one location.
16:37:22 15 PRESIDING JUDGE: When you say not on one occasion, what do
16 you mean?
17 THE WITNESS: Different, different locations in the township.
18 PRESIDING JUDGE: Oh, location, I see.
19 THE WITNESS: Yeah.
16:37:49 20 MR O'SHEA:
21 Q. Now, at the beginning of your evidence you indicated to
22 this Court that you are an man of some experience in the
23 field of mining?
24 A. Yes, My Lord.
16:38:06 25 Q. Again, if you're able to say, if you're not able to say,
26 it's fine, but looking at the gravel that you saw, do
27 you, as a mining man, think that it is possible that
28 gravel was the product of the activities of someone other
29 than the rebels?

1 A. Yes, My Lord.

2 Q. Could you elaborate upon that?

3 A. Because --

4 JUDGE THOMPSON: Just a minute let me get the first part of
16:38:53 5 the answer. "My experience, I think I can say that the
6 gravels I noticed", were what?

7 MR O'SHEA: Were the result of activities of somebody other
8 than rebels.

9 JUDGE THOMPSON: Yes. Yes, witness.

16:39:26 10 THE WITNESS: Because the gravels could not have been
11 extracted within the very short period that the rebels
12 entered Koidu.

13 JUDGE THOMPSON: "I say so, because rebels" -- "extracted",
14 you say, "within the short period"?

16:39:47 15 THE WITNESS: Yes, My Lord.

16 JUDGE THOMPSON: "When the rebels entered Koidu."

17 MR O'SHEA: .

18 Q. Had you ever heard of ECOMOG being involved in mining?

19 A. I was in the jungle. I couldn't hear that. I did not
16:40:23 20 hear that, but mining was going on.

21 JUDGE THOMPSON: Just a minute. Let's have that answer again.
22 Counsel asked whether you've ever heard whether ECOMOG
23 was involved in mining. What is your precise answer?

24 THE WITNESS: I heard of it when we were in the bush.

16:40:41 25 PRESIDING JUDGE: But how do you know? You said you didn't
26 hear.

27 JUDGE THOMPSON: Yes, when you say you heard.

28 PRESIDING JUDGE: What is precisely -- I've written, "I did
29 not hear. I was in the bush."

1 JUDGE THOMPSON: Counsel, put the question again.

2 [OVERLAPPING SPEAKERS]

3 JUDGE BOUTET: You said you didn't know because you were in
4 the bush. You didn't know, that was your answer, then
16:40:59 5 you said, "Well, I heard."

6 PRESIDING JUDGE: I have it here. Now I want you to --

7 JUDGE THOMPSON: We want to be very careful to record
8 precisely what your testimony is, not what we interpret
9 it to be. Please help us.

16:41:14 10 Learned counsel, put the question.

11 MR O'SHEA:

12 Q. Sir, you say you were in the bush, so would it be fair to
13 say that you --

14 JUDGE THOMPSON: But wouldn't it be fair to put the question
16:41:31 15 again and give him some time to think?

16 MR O'SHEA: Well, I would like to break it up.

17 JUDGE THOMPSON: All right. Continue, counsel.

18 MR O'SHEA:

19 Q. Would it be fair to say that when you were in the bush,
16:41:44 20 you would not have had personal knowledge of mining by
21 ECOMOG?

22 A. No, My Lord.

23 Q. Can I ask you this: Have you ever heard anybody talk
24 about mining done by ECOMOG?

16:42:02 25 A. Yes, My Lord. That was when I came to Koidu Town.

26 JUDGE THOMPSON: Just a minute. Let's have this down.

27 "I heard a person talk about mining being done by the
28 ECOMOG", then you can amplify, otherwise we get your
29 evidence wrong.

1 MR O'SHEA:

2 Q. Could you perhaps help us with time. Do you remember
3 when you heard about that?

4 A. Well, when I heard -- when I was discharged from the
16:42:53 5 jungle, it was better to come to Koidu for further
6 treatments. In the first week of January that was the
7 talk all over the town that those piles of gravels and
8 some demolishes of houses were done by ECOMOG soldiers.

9 JUDGE BOUTET: Could you repeat that again, please? You said
16:43:22 10 those demolishes of houses?

11 THE WITNESS: Some houses were demolished, My Lord.

12 JUDGE BOUTET: Yes, I understand, but we were talking of
13 mining, not demolishing of houses. What is it that
14 you've heard when you came back in town? We were talking
16:43:40 15 of mining of diamonds that you've heard, and now in your
16 evidence you said, "When I came back for treatment in
17 Koidu, I heard about the demolition of houses." So is it
18 to you, the demolition of houses and mining for diamonds?
19 I'm just trying to understand what you're saying.

16:43:58 20 THE WITNESS: Yes, My Lord.

21 JUDGE THOMPSON: Well, before he go on, it is a little
22 convoluted now. "I've heard" -- you said, "I've heard
23 persons talk about mining being done by ECOMOG." That
24 was the first premise. And then you said, as my learned
16:44:16 25 brother has said, you heard this when you left the
26 hospital to come to Koidu for treatment; is that correct?

27 THE WITNESS: Yes, My Lord, to come to Koidu finally now from
28 the bush.

29 JUDGE THOMPSON: All right, and then you continued by saying,

1 "It was the talk all over the place."
2 THE WITNESS: All over the place.
3 JUDGE THOMPSON: That what?
4 THE WITNESS: ECOMOG was mining in the township.
16:44:35 5 JUDGE THOMPSON: Yes.
6 THE WITNESS: And in the process they demolished some houses
7 along the Kainkordu Road.
8 JUDGE THOMPSON: Slowly. "And in the process they demolished
9 some houses", along where?
16:45:08 10 THE WITNESS: Kainkordu Road.
11 JUDGE THOMPSON: Spell that.
12 THE WITNESS: K-A-I-N-K-O-R-D-U.
13 JUDGE THOMPSON: Yes.
14 THE WITNESS: Kainkordu Road opposite Mortar Theatre.
16:45:34 15 PRESIDING JUDGE: Mortar? M-O-R-T-A-R.
16 THE WITNESS: Yes, My Lord.
17 PRESIDING JUDGE: What was it, Mortar?
18 THE WITNESS: Mortar Theatre.
19 PRESIDING JUDGE: Theatre.
16:45:57 20 MR O'SHEA: Your Honours, just to be fair to the witness in
21 relation to his first answer, what I recall him saying,
22 and I may be wrong, but what I recall him saying was
23 "mining and demolition of houses".
24 THE WITNESS: In the process of mining.
16:46:12 25 JUDGE THOMPSON: No, no, the witness has virtually said that
26 it's -- to be fair to him, it is the way you put your
27 question sometimes, but in particular case it was clear:
28 "Did he hear about ECOMOG mining diamonds?" And he said
29 he did; he gave his answer. From the answers he's given,

1 it is so clear unless you want to ask him to clarify
2 anything, but I think it would be unfair of us to write
3 want you want us to write. Perhaps the best is to put
4 anything that you may be in doubt of to him. We really
16:46:53 5 are very alert on this issue, notwithstanding the

6 lateness of the afternoon, but can you clarify what you
7 want to clarify.

8 MR O'SHEA:

9 Q. Thank you, Your Honour. Sir, is there any connection
16:47:13 10 between mining and demolition of houses?

11 A. Yes.

12 JUDGE BOUTET: We've heard his answer on that, Mr. O'Shea.
13 I asked the question about demolition, but he gave
14 additional details that in the process of mining they had
16:47:27 15 to demolish and they did demolish houses, so unless there
16 is something specific you want to show, I don't see why
17 we should move in that direction. I asked the question;
18 it was not clear in my mind; I have the response; I'm
19 satisfied. Unless, as I say, you want to pursue
16:47:43 20 something different.

21 MR O'SHEA: I'm in your hands.

22 PRESIDING JUDGE: Learned counsel, wants to pursue the
23 relationship between --

24 JUDGE BOUTET: It's clear in my mind.

16:47:53 25 PRESIDING JUDGE: Mining and demolition of houses.

26 MR O'SHEA: I'm in your hands.

27 PRESIDING JUDGE: You're in my -- that was the question you
28 asked.

29 MR O'SHEA: Yes.

1 PRESIDING JUDGE: Well, if you want to ask the question,
2 please ask the question.
3 JUDGE THOMPSON: That's learned counsel's theory. I think you
4 can put your theory through. I'm prepared to listen
16:48:05 5 to --
6 PRESIDING JUDGE: Yes, what is the connection between, you
7 know, demolition of houses and mining? You know, you can
8 answer.
9 JUDGE THOMPSON: That is introduction.
16:48:17 10 MR O'SHEA: Yes, I'll leave it there. I'm happy with His
11 Honour Judge Boutet's intervention.
12 Q. Have you ever heard of mistreatment of civilians by
13 ECOMOG?
14 A. It was not the ECOMOG mine.
16:48:52 15 PRESIDING JUDGE: He said: "Have you ever heard?"
16 THE WITNESS: No, sir.
17 PRESIDING JUDGE: You can proceed.
18 MR O'SHEA:
19 Q. Thank you. To move on to another area, essentially your
16:49:47 20 evidence is that between 1998 and 2001, you were always
21 in Kono District.
22 A. Yes, My Lord, particularly in Koidu Town.
23 Q. To what extent do you have any knowledge of anything
24 happening during that period outside your district?
16:50:24 25 A. I cannot remember, My Lord.
26 Q. Apart from that period of time 1998 to 2001, have you
27 ever in your life visited Makeni?
28 A. I visited Makeni, yes, My Lord.
29 Q. Are you able to say how long it would take to get to

1 between Makeni and Kono District by car, or Koidu Town,
2 I should be more specific?
3 A. Approximately six miles -- six hours, My Lord.
4 Q. Is that time estimate based on a time of peace or a time
16:51:42 5 of war?
6 A. A time of peace, My Lord.
7 Q. Have you ever been to a place called Kailahun?
8 A. No, My Lord.
9 Q. If I could move on to another area. Towards the end of
16:52:28 10 questions from one of my learned friends from the
11 Defence, there was some discussion of a man called Gibril
12 Massaquoi?
13 A. Yes, My Lord.
14 Q. You've heard of him?
16:52:43 15 A. I've heard of him, My Lord.
16 Q. Have you ever met him?
17 A. I met him on only one occasion.
18 Q. Did you ever hear from anybody about Gibril Massaquoi
19 wishing to stage a coup against the AFRC?
16:53:44 20 A. No, My Lord.
21 Q. Did you ever hear of Gibril Massaquoi being at Foday
22 Sankoh's house at the time that he was arrested?
23 A. No, My Lord.
24 PRESIDING JUDGE: At the time who was arrested, Massaquoi or
16:55:04 25 Foday Sankoh?
26 MR O'SHEA: Foday Sankoh.
27 Q. Perhaps I can ask you this: How much do you know about
28 Gibril Massaquoi?
29 A. Well, I -- I was told that he was the RUF spokesman and

1 he was always in the airwaves, the airwaves.

2 JUDGE THOMPSON: I didn't get the second part, that he was --

3 THE WITNESS: Always in the electronic airwaves, the air
4 media.

16:56:16 5 JUDGE THOMPSON: In the air media?

6 THE WITNESS: Yes, My Lord.

7 MR O'SHEA:

8 Q. Do you have any knowledge of tension between Issa Sesay
9 and Gibril Massaquoi?

16:56:44 10 A. Yes, My Lord.

11 Q. Could you tell us about that?

12 A. No, My Lord. They are all military men. I was not able
13 to know tension between them for what reason, but there
14 was no cordiality between the two of them.

16:57:35 15 PRESIDING JUDGE: When you say "There was tension. There was
16 no cordiality", you were the observer at the time.

17 Counsel wants to know, you know, how you arrived at this
18 judgment of the lack of cordiality or the existence of
19 tension between the two men.

16:57:56 20 THE WITNESS: At first we were all moving all together. In
21 the end I was not seeing them moving together again,
22 because the first time I saw Gibril Massaquoi he was with
23 General Issa Sesay in the meeting we had with the ECOWAS
24 Heads of State.

16:58:21 25 JUDGE BOUTET: So that's when you said -- you have said that
26 you saw him only on one occasion yourself?

27 THE WITNESS: Yes, My Lord.

28 JUDGE BOUTET: And the occasion was at that meeting with the
29 ECOWAS?

1 THE WITNESS: Yes, My Lord.

2 JUDGE BOUTET: So after that you never saw Massaquoi?

3 THE WITNESS: I never saw him again.

4 MR O'SHEA:

16:59:08 5 Q. Where did the ECOWAS meeting take place?

6 A. At Koidu Town, My Lord. In the Koidu girl secondary
7 school.

8 Q. Do you know a man known by the appellation of Superman?

9 A. Superman, I knew him, My Lord.

17:00:16 10 Q. Do you know -- sorry. Do you know anything about the
11 relationship between Superman and Massaquoi?

12 A. No, My Lord.

13 MR O'SHEA: May I have a moment, Your Honours?

14 PRESIDING JUDGE: Yes, go ahead.

17:01:27 15 MR O'SHEA:

16 Q. Sir, thank you very much. That is all the questions I
17 have for you.

18 MR O'SHEA: Your Honours, I have no further questions.

19 PRESIDING JUDGE: Thank you.

17:02:35 20 Yes, Mr Werner, any re-examination?

21 MR WERNER: No re-examination.

22 PRESIDING JUDGE: No re-examination?

23 MR WERNER: No re-examination.

24 [Trial Chamber confer]

17:03:29 25 PRESIDING JUDGE: Mr Witness, thank you, very much for coming
26 to be of assistance to the course of justice in this
27 case. We have finished with you now, but it doesn't mean
28 that the case is over. If necessity arises for us to
29 have a cause for calling you back, we would.

1 THE WITNESS: Yes, My Lord.

2 PRESIDING JUDGE: But for now you are free to go about your
3 business.

4 THE WITNESS: Thank you, My Lord.

17:04:07 5 PRESIDING JUDGE: Yes, you have no further obligations unless,
6 of course, the Courts ask you to come back here once
7 more. We wish you a safe journey.

8 THE WITNESS: Thank you, My Lord.

9 PRESIDING JUDGE: All right. I just wanted to find out if,
17:04:22 10 you know, if -- I'm addressing myself to the Prosecution,
11 Mr Werner or Mr Harrison -- the Tribunal is prepared to
12 go on with the next witness, at least in
13 examination-in-chief for some time, you know.

14 MR HARRISON: We're simply not prepared. We were under the
17:04:43 15 understanding that the Court wanted to deal with this one
16 witness and that would be it.

17 PRESIDING JUDGE: I see.

18 MR HARRISON: We're under the understanding that the Court
19 wishes to reconvene at 8.30 tomorrow morning.

17:04:52 20 PRESIDING JUDGE: We understand, you know, the schedule was so
21 disorganised and confused because of the problem. We
22 understand this. Then let me say here that the Chamber
23 will rise and we'll take matters -- we will start
24 tomorrow at 8.30.

17:05:16 25 [Trial chamber confer]

26 PRESIDING JUDGE: We shall start tomorrow at 8.30, because we
27 have a very important interruption at 11 .00, and then,
28 you know, when we finish with what we're doing from
29 11.00, we'll resume at 2.30 for the afternoon session.

1 So, please, tomorrow is a very special calendar, which is
2 dictated by certain events, you know, in the court, so we
3 are asking all learned counsel to understand and to
4 adjust accordingly. We shall start at 8.30, rise at
17:06:01 5 11.00 and then resume in the afternoon at 2.30. Are we
6 understood on this?

7 Mr Cammegh, you are looking surprised.

8 MR JORDASH: It is 2.00.

9 PRESIDING JUDGE: Is it 2.00? Oh, 2.00, okay. Well, 2.00,
17:06:22 10 yes. It was very well and good that I looked at
11 Mr Cammegh's face because it was sending a very strong
12 message to me. Okay, we shall resume tomorrow at 2.00.
13 The Court shall rise, please.
14 [Whereupon the hearing adjourned at 5.10 p.m., to be
17:07:32 15 reconvened on Thursday, the 28th day of October 2004, at
16 8.30 a.m.]

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C E R T I F I C A T E

We, Ella K Drury and Roni Kerekes, 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.

Ella K Drury

Roni Kerekes

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-078	1
CROSS-EXAMINED BY MR TOURAY	1
CROSS-EXAMINED BY MR O'SHEA	4