

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

WEDNESDAY, 2 NOVEMBER 2005
9.37 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsh Mr Matteo Crippa
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Ms Shyamala Alagendra Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	Mr Ibrahim Foday Mansaray
For the accused Issa Sesay:	Mr Wayne Jordash Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF02NOV05A - SV]
2 Wednesday, 2 November 2005
3 [Open session]
4 [The accused present]
09:31:58 5 [Upon commencing at 9.37 a.m.]
6 PRESIDING JUDGE: Good morning. I would like to ask
7 representation first by the Prosecution for the beginning of this
8 sixth session of the RUF. Mr Prosecutor?
9 MR HARRISON: My name is Harrison, initials "PH". Also
09:37:58 10 appearing is Ms Alagendra, initial "S", and Mr Wallbridge,
11 initial "M".
12 PRESIDING JUDGE: Can you spell out the name of
13 Ms Alagendra if you can?
14 MR HARRISON: I think I will have to defer to the expert.
09:38:16 15 MS ALAGENDRA: Your Honour, it's spelt A-L-A-G-E-N-D-R-A.
16 PRESIDING JUDGE: Thank you. For the Defence, first
17 accused?
18 MR JORDASH: Good morning, Your Honours. Myself,
19 Wayne Jordash, and I introduce, as I did to Honourable Justice
09:38:56 20 Bankole Thompson, Chantal Refahi, which is R-E-F-A-H-I, who is
21 our new legal assistant.
22 PRESIDING JUDGE: Second accused?
23 MR TOURAY: Good morning, Your Honours. Shekou Touray,
24 S-H-E-K-O-U T-O-U-R-A-Y.
09:39:30 25 PRESIDING JUDGE: I don't think we had any problem with --
26 you are not a new --
27 MR TOURAY: Thank you, Your Honour. With me is Mr Melron
28 Nicol-Wilson.
29 PRESIDING JUDGE: We know him too.

1 MR TOURAY: May I just intimate to the Bench that I have
2 some concerns regarding this witness who is to be led this
3 morning, TF1-214? I will raise that after the necessary
4 introductions.

09:39:59 5 PRESIDING JUDGE: Thank you. For third accused?

6 MR CAMMEGH: My name is John Cammegh. Good morning,
7 Your Honour. I am alone.

8 PRESIDING JUDGE: We observe, thank you.

9 JUDGE ITOE: [Microphone not activated]

09:40:24 10 MR CAMMEGH: I'm saying nothing.

11 PRESIDING JUDGE: Mr Touray, you made a comment that you
12 have some observation to make. Do you want to do that now?

13 MR TOURAY: Yes, I could do that now. As a matter of fact,
14 Your Honours, I have discussed --

09:40:42 15 PRESIDING JUDGE: Mr Touray. Just one second please.
16 Mr Harrison, yes?

17 MR HARRISON: If I could just indicate before the witness
18 issue comes up, I think Mr Jordash may have a more general issue.
19 In terms of the sequence of events, it may make a little bit more
09:40:58 20 sense for Mr Jordash to raise his concern before the specific
21 witness of concern to Mr Touray is dealt with. But I leave that
22 to defence counsel to perhaps indicate what would be best.

23 MR JORDASH: Personally, I think that's right, and I think
24 Mr Touray would probably agree. The issue that I would like to
09:41:17 25 raise concerns Your Honours' ruling on the prosecution motion
26 objecting to defence submission of witness statements with
27 inconsistencies marked. The issue I would like to raise is to
28 try to seek clarification from Your Honours concerning the
29 procedure, which is outlined in Your Honours' ruling firstly on

1 16 July 2004 in the CDF case and then outlined once more in the
2 Decision on Prosecution Motion Objecting to Defence Submissions.

3 PRESIDING JUDGE: I thought the decision was quite clear
4 and explicit.

09:42:32 5 MR JORDASH: Well, it hasn't been followed, as Your Honours
6 know, in this trial by any defence counsel. So to that extent my
7 misunderstanding is shared by everybody else. I would
8 respectfully submit that the way in which this decision was
9 expressed and the way in which the trial has proceeded leaves
09:42:58 10 some doubt as to firstly how we are to proceed now but also what
11 happens in relation to --

12 PRESIDING JUDGE: I'll cut you short. As to how to proceed
13 now, I think it is quite clear, I don't think it leaves any doubt
14 as to what is and what was the prescribed procedure. We've been
09:43:19 15 saying that all along; it's still the same. If you intend to use
16 a document to show inconsistency, there is a procedure that has
17 been spelled out. That same procedure still applies. For the
18 future and from now on, and it was in the past as well, that's
19 what we've been saying. So if you don't want to follow it, it is
09:43:38 20 up to you.

21 MR JORDASH: Well, with the greatest of respect, it wasn't
22 clear, and I can indicate why I say that. Firstly, if one looks
23 at the recent decision on the prosecution motion relating to this
24 issue -- and I refer to this because that's where the CDF
09:44:02 25 decision is outlined, so for ease of reference I'll just refer to
26 this motion. On 16 July 2004 Your Honours ruled as per paragraph
27 1 of this motion. I won't read the procedure outlined except as
28 regards sub-section (v).

29 JUDGE THOMPSON: You are referring to a recent decision,

1 the one that I came out --

2 MR JORDASH: On 27 October 2005.

3 JUDGE THOMPSON: Yes. We need that, because I have been
4 looking at the one of the 1st.

09:44:51 5 MR JORDASH: Perhaps I could shortcut this. Perhaps if I
6 can just refer to the CDF decision of 16 July 2004?

7 JUDGE THOMPSON: Well, if that serves your purpose, but I
8 thought you wanted also to refer to the one that we recently gave
9 restating our position as we did in the one of 16 July 2004.

09:45:17 10 MR JORDASH: What I am particularly interested in is the
11 actual procedure outlined and the way it's expressed, because my
12 submission to Your Honours is the way it's expressed leaves some
13 doubt as to the procedure to be followed.

14 JUDGE THOMPSON: The way in which it's expressed in the
09:45:33 15 earlier one, 16 July 2004?

16 MR JORDASH: The way in which the procedure was first
17 outlined.

18 JUDGE THOMPSON: That is at paragraph 21 of the previous
19 decision of 16 July at page 8? It is there we defined it,
09:46:33 20 paragraph 1 of page 28, and we divided it up into five portions
21 of little Roman numerals.

22 MR JORDASH: Yes, and it's (v) that I'm most interested in.

23 JUDGE THOMPSON: Troubled about.

24 MR JORDASH: Yes. The rest of the procedure, (i) to (iv),
09:46:51 25 is clear, I would submit.

26 JUDGE THOMPSON: So what is the complaint about (v)?

27 MR JORDASH: The complaint is that it says:

28 "The Trial Chamber may direct that the portion of the
29 witness statement that is the subject of cross-examination,

1 an alleged contradiction with the viva voce testimony, be
2 admitted into the Court record and marked as an exhibit."

3 JUDGE THOMPSON: Mr Jordash, you can proceed.

4 MR JORDASH: Thank you. "The Trial Chamber may direct",
09:47:56 5 that's the way in which Your Honours expressed the procedure
6 which you were outlining in that judgment. It doesn't say, as
7 Your Honours can see, "the Trial Chamber directs as a mandatory
8 comprehensive from henceforth this procedure should be adopted".

9 JUDGE ITOE: [Microphone not activated] are we mandatorily
09:48:27 10 expected to do this or that? It remains within the discretion of
11 the Court to admit it as an exhibit if -- do you think that we
12 should express ourselves in a mandatory sense, given the fact
13 that the admission of that portion which you may be seeking to
14 tender remains entirely within the discretion of the Court?

09:48:53 15 MR JORDASH: That's exactly my point. That subsequently
16 and in I think it was June of 2004, I was then stopped during
17 cross-examination and told --

18 JUDGE THOMPSON: But that was not subsequent. July was
19 2004. June would be antecedent to.

09:49:40 20 MR JORDASH: Could I just have a moment, please. Sorry, it
21 was 14th January 2005 when I was stopped. I'm sorry for my
22 sloppiness. If I can just sum it up in this way. 16th July 2004
23 the procedure was outlined in the CDF decision. 14th January
24 2005 I was stopped in court and addressed about a procedure which
09:50:23 25 I wasn't following. That procedure is the procedure set out in
26 the CDF trial. But of course I wasn't following the procedure
27 because Your Honours hadn't directed that I did and Your Honours
28 had said in the CDF decision "the Trial Chamber may direct" and
29 the Trial Chamber hadn't directed in this trial.

1 PRESIDING JUDGE: Well, Mr Jordash, I mean you're a common
2 law background lawyer and the procedure that we did talk about
3 and describe in that decision is well-known to common law
4 practitioners as a normal procedure in these cases of
09:51:02 5 inconsistent statements. So we were not in that sense innovating
6 in any particular way when we were expressing that at that
7 particular moment. So to say that you didn't know is also a
8 surprise to me to hear this this morning coming from your
9 background and your own experience.

09:51:20 10 MR JORDASH: My background from the United Kingdom,
11 England, is that the Trial Chamber or the judge may direct and in
12 fact it is usual practice for a witness statement not to be
13 exhibited but the trial judge has the discretion to direct if a,
14 for example, significant part of the witness statement has been
09:51:40 15 referred to in that cross-examination and the judge feels that
16 the jury ought to then see it as an exhibit, then the judge may,
17 in his or her discretion, order that the statement be exhibited.
18 That's why when I read "the Trial Chamber may direct," I presumed
19 it was based on the common law system and I presumed therefore
09:52:01 20 that I would wait until Your Honours directed that in a
21 particular instance this statement be exhibited.

22 PRESIDING JUDGE: But if that is the case you should have
23 known -- if that's the way you read that decision you should as
24 well inquired with the CDF that in all of these cases all
09:52:18 25 statements that were -- where there were allegation of
26 inconsistencies were produced in court, absolutely all of them
27 from that decision. So if what you're saying, you read the "may"
28 to mean this, the practice that was being followed as a result
29 and subsequent to that decision was that in all cases where there

1 were allegation of inconsistencies by any of the defence counsel,
2 all of these statements were produced in evidence. All of them.
3 So I mean we didn't change anything subsequent to that. What we
4 prescribed there and what we directed to be done then was the
09:52:55 5 procedure that we followed in CDF and this is the same bench in a
6 different trial as such, but that's why when we directed --
7 referred to the procedure in the CDF it was not only on that day
8 that the CDF did that, it was from that moment on and subsequent
9 to that, that was the standard procedure.

09:53:13 10 MR JORDASH: And I accept that that was happening in the
11 CDF case and I've spoken to lawyers from the CDF case and they've
12 confirmed that to me. But there was nothing from reading the CDF
13 judgment which would put me on notice that in fact it was an
14 obligation on a cross-examining party and I cannot assume that
09:53:37 15 practice adopted in the CDF case automatically applies here.

16 JUDGE ITOE: Are you suggesting, Mr Jordash, that we are
17 playing double -- we should apply double judicial standard in our
18 approach in these matters and that the practice we so laboriously
19 went into outlining in the CDF case in this particular case would
09:54:01 20 not apply to your own trial?

21 MR JORDASH: There are many things which happen in the CDF
22 trial and I can see --

23 JUDGE ITOE: I mean, basic procedural matters like this,
24 prior inconsistent statements. To prior inconsistent statements.
09:54:26 25 We have had them in the CDF, we have had them in the RUF and we
26 don't see ourselves after publishing a decision and giving a sort
27 of a directive on what should happen in these cases in the CDF,
28 publish another directive in respect of -- we expect that our
29 decisions are read and that they are taken cognisance of by

1 counsel who are appearing before us.

2 Because when you insist on the "may", the "may" component
3 in your argument, you see it is not the Bench, it is not the
4 Court that is raising the issue of prior inconsistency. It isn't
09:55:09 5 the Court. It is the Defence which raises it and where the
6 procedure as outlined in (i), (ii), (iii), (iv) and finally (v)
7 has been adopted, it is the Defence that seeks to benefit from
8 that prior inconsistency to ask that the statement, that portion
9 of the statement, be tendered. The Court is not there -- it's
09:55:34 10 for the Court not to exercise its discretion to admit that
11 portion of the statement and to mark it accordingly. But to say
12 that it is the Court which has to direct that, proprio motu, that
13 the part, that portion should be admitted I think would be
14 putting the Court in the position of playing the role of the
09:56:00 15 Defence which primarily seeks to benefit from such an
16 inconsistency.

17 MR JORDASH: Your Honours, I've made my point and with the
18 greatest of respect I can only proceed on the basis of
19 interpretations of Your Honours' judgments. I cannot, and the
09:56:23 20 Defence cannot have somebody watching other trials to see if
21 those judgments are followed in a literal sense. I can only look
22 at the judgment and go from there. The fact that nobody, with
23 the greatest of respect, stopped me from cross-examining for
24 almost eight or nine months without once asking why I wasn't
09:56:58 25 following the procedure, in my respectful submission, it
26 shouldn't be that the Defence --

27 PRESIDING JUDGE: Mr Jordash, I don't think it's a fair
28 comment. What you are suggesting is that this Bench should have
29 stopped you and tell you what to do and what not to do. This is

1 your case and the Defence. This is not the Court's case. We're
2 trying to be as fair as we can to both the Prosecution and the
3 Defence and I just would like to indicate to you that, indeed, in
4 January I asked you what procedure because I drew your attention
09:57:27 5 to it, because we were concerned that we thought you were not
6 following what we thought was the proper procedure. So to
7 insinuate now that we may not have acted fairly to you or your
8 client in this respect by not stopping you, I don't think it's a
9 fair comment in these circumstances.

09:57:46 10 MR JORDASH: What is fair is that a literal reading of Your
11 Honours' judgment is clear.

12 JUDGE ITOE: On (v)?

13 MR JORDASH: Yes. Your Honours retain and retain from
14 henceforth the discretion to order the filing of statements as
09:58:05 15 exhibits. That's clear.

16 JUDGE ITOE: We said here that the Court "may". "May".
17 May admit that portion. At what stage does the Court admit?
18 Isn't it when it is tendered by the party who is interested in
19 it? That is when the Court now reserves, Mr Jordash, I would
09:58:26 20 like to think, the discretion to admit that portion or not.

21 PRESIDING JUDGE: Indeed, because in many of these cases,
22 not in the RUF, in other trials as such, in some cases we have
23 directed and in other cases we have directed not to because they
24 didn't meet what we felt was essentially requirements that -- to
09:58:48 25 meet the prescribed procedure. In other words, there's got to be
26 an inconsistency that is really an inconsistency before. So it's
27 not in every case where one alleges that there are
28 inconsistencies that it is to be admitted for that purpose. So
29 there is discretion in the Court. In fact, we have to exercise

1 discretion in all of these cases to say whether or not we are
2 moving in that direction to say that particular portion or the
3 portion you're seeking to have introduced as an alleged
4 inconsistency indeed is such. So that's why it's worded in this
09:59:19 5 fashion. It's not every time one alleges that that it has to go
6 automatically into evidence.

7 MR JORDASH: My point still remains that there is nothing
8 in Your Honour's ruling which indicates that it should be upon
9 the Defence application. It is not clear, I would respectfully
09:59:41 10 submit, what the Defence ought to do. It is not clear what Your
11 Honours have just said, that the Defence ought to apply when they
12 perceive an inconsistency.

13 JUDGE THOMPSON: Let me ask a very straightforward
14 question. You are aggrieved by the previous -- the recent
09:59:59 15 decision of October? Are you aggrieved by that?

16 MR JORDASH: I am going to answer in this way. That I am
17 concerned that there is going to be some prejudice to the Defence
18 because we haven't followed the procedure up until now.

19 JUDGE THOMPSON: That's why I asked the question whether
10:00:18 20 you were aggrieved by the recent decision of the Court. In other
21 words, there we restated our position which we took in the July
22 2004 decision and virtually almost repeated ourselves in this
23 recent decision and that is the decision that is directly
24 relevant to your contention now. Do you have a remedy when you
10:00:50 25 are aggrieved by a decision as a matter of law when you are
26 aggrieved by a decision, do you have a remedy?

27 MR JORDASH: Well, I don't know if I am aggrieved by the
28 decision.

29 JUDGE THOMPSON: Well, that's the difficulty. I am in a

1 lurch, in a sense because in that particular decision we
2 virtually said that we were upholding the Prosecution's objection
3 in the form of a motion and that indeed the decision to file
4 unilaterally those statements marked inconsistencies did not
10:01:28 5 emanate from an order of the Court. Is that what we said there?
6 Virtually that's what we said and so it means that that decision
7 puts you at, I'm assuming, a disadvantage.

8 MR JORDASH: Well, I don't know. That's what I'm seeking
9 clarification of.

10:01:48 10 JUDGE THOMPSON: Well, I thought it was clear that we were
11 virtually saying that we made no order in this Court that you
12 file those alleged inconsistent statements or portions for the
13 purposes of their being admitted as exhibit. I think that's what
14 we said in that decision, unless I have forgotten what we said
10:02:13 15 recently. Virtually what we were doing, we were upholding the
16 Prosecution's objection that, indeed, the motion or the filings
17 were not just formally defective but also substantively defective
18 in the sense that they should not have come before the Chamber
19 since there was no order from the Chamber requesting that.

10:02:41 20 MR JORDASH: But the difficulty -- there's a number of
21 difficulties. Number one is this: there are a number of alleged
22 inconsistencies before this Court on the transcript. Are Your
23 Honours going to ignore them because of this procedural
24 irregularity? Secondly, what is the remedy for the Defence if
10:03:11 25 that is Your Honours' intention? Do we now submit a motion in
26 which we seek to relitigate every single inconsistency which has
27 been put before this Court in the last year? Thirdly, what is
28 exactly the procedure Your Honours want us to follow from now on,
29 the nuts and bolts of it; how does it happen?

1 was the, I'm sure, the lesson, the moral, you know we expected
2 you to draw from our recent decision which upheld the motion by
3 the Prosecution.

4 MR JORDASH: Certainly. Well I can only apologise that it
10:05:48 5 has been unclear to me, anyway. Now it is clear I will ensure
6 that it happens.

7 PRESIDING JUDGE: Mr Touray?

8 MR TOURAY: Thank you, Your Honour. Ours is in connection
9 with a late disclosure of a very new allegation - entirely new
10:06:16 10 allegation by the witness who is to be led this morning. The new
11 allegation is contained in the proofings of 20th October 2005,
12 which is page 16861 of the Court Management records at paragraph
13 1. The paragraph more or less is in connection with the
14 ambushing of UNAMSIL trucks at Makoth. Now Your Honour, this
10:07:31 15 proofing was disclosed to the Defence --

16 JUDGE ITOE: Can you spell Makoth?

17 MR TOURAY: It is spelt here as M-A-K-O-T-H. Your Honour,
18 this proofing, although taken on 20th October 2005, was only
19 served on the Defence on 28th October 2005. I am reliably
10:08:10 20 informed by the --

21 MR HARRISON: 21st.

22 MR TOURAY: 21st, I'm corrected.

23 PRESIDING JUDGE: What is the 21st, the service of the
24 document or the proofing? The service?

10:08:25 25 MR TOURAY: The service or the proofing.

26 PRESIDING JUDGE: Proofing was 20 October, the service was
27 21 October.

28 MR TOURAY: 21, yes, according to the Prosecution. Your
29 Honour, this particular witness has been interviewed since 2003

1 on about five occasions by the OTP and never at any one time did
2 she come up with this allegation that my client, Morris Kallon,
3 was a co-perpetrator in that attack. In fact she mentioned one
4 of the accused persons and Superman but not Morris Kallon. It's
10:10:03 5 my submission that this late disclosure is a violation of the
6 disclosure obligation on the part of the Prosecution. It's 42
7 days.

8 PRESIDING JUDGE: Forty-two days, we have made numerous
9 rulings as to the continuous obligations of disclosure. A
10:10:33 10 witness that gives information to the Prosecution this morning,
11 does that mean that they must not disclose it because it's less
12 than 42 days?

13 MR TOURAY: I quite agree but my submission is it is
14 prejudicial to the Defence if disclosures are not timeously made
10:10:57 15 well in time before the witness testifies.

16 JUDGE THOMPSON: What would be the particular prejudice
17 here? Can you articulate one or two?

18 MR TOURAY: We would not be prepared to meet such an
19 allegation coming from this witness at a short time like this.

10:11:21 20 PRESIDING JUDGE: Mr Touray, if a witness is giving this
21 information for the very, very first time when the witness is
22 giving evidence, as such, based on the fact that we have stated
23 on numerous occasions the orality is what governs this Court, not
24 what has been given or may have been given in a witness statement
10:11:39 25 outside the courtroom. So if a witness, for the very first time,
26 testified in court today as to something this witness all of a
27 sudden remembers, you have not received any prior disclosure
28 because this is the very first time, would you be objecting to
29 that?

1 MR TOURAY: Your Honour, with respect, that is quite
2 different because you apply the principle of orality insofar as
3 evidence given viva voce in court. But is it a question of
4 disclosure before the witness testifies? That is the difference
10:12:07 5 here.

6 PRESIDING JUDGE: I'm just putting it to you to see if you
7 see a difference.

8 MR TOURAY: That is the difference here because we are not
9 prepared to meet this new allegation and it is something very
10:12:20 10 serious against the accused person, a co-perpetrator, of a very
11 serious international crime. Moreover, Your Honour, it is not
12 even an amplification of something already said. It is something
13 entirely new.

14 JUDGE THOMPSON: So it's not supplemental?

10:12:38 15 MR TOURAY: Not supplementary. That is our position.

16 JUDGE THOMPSON: In a way, does it enlarge, by its
17 incriminating quality, the case against --

18 MR TOURAY: Not only that, it is more seriously because it
19 makes him a perpetrator of a very serious crime.

10:13:17 20 JUDGE ITOE: If I understand you, Mr Touray, you are not
21 necessarily objecting to the admissibility of such evidence if it
22 were ever sought. What you're complaining about is the timing,
23 the handicap in which you are put in terms of preparing the
24 Defence in relation to that material allegation.

10:13:38 25 MR TOURAY: Indeed so, yes. I did discuss the issue with
26 Mr Harrison for the Prosecution and he says they do intend to
27 lead that evidence.

28 JUDGE THOMPSON: So following from what my learned brother
29 just said, what then is the remedy you are seeking if we agree

1 that you are unduly disadvantaged at this stage?

2 MR TOURAY: I was hoping the Prosecution would be persuaded
3 that, in view of the prejudicial effect of that evidence on my
4 client, they will not insist on leading that evidence.

10:14:18 5 JUDGE THOMPSON: Is prejudicial being used here in the same
6 way as incriminating because, after all, the Prosecution will
7 always lead incriminating evidence against accused persons.
8 That's what the whole prosecutorial process is about. But the
9 concept of undue prejudice is one that tilts the scale on the
10:14:46 10 grounds of a principle of fairness. What I wanted to know is if
11 we agree with you that at this point in time there may be undue
12 prejudice, what remedy are you seeking from the Court.

13 MR TOURAY: Well, actually I do not intend to ask for an
14 adjournment.

10:15:07 15 JUDGE THOMPSON: So then where do you leave us as a Bench?
16 What do we do? Suppose we say that we take the view that even if
17 it's a supplemental statement and therefore it can legitimately
18 be proffered by the Prosecution and of course giving you the
19 opportunity to cross-examine as vigorously and as aggressively as
10:15:37 20 you can, how do you expect the Court to proceed? Because if you
21 complain that it's because of its incriminating nature the
22 Prosecution must now be persuaded not to lead it, I'm not sure
23 whether any prudent prosecution would want to take that option.

24 MR TOURAY: I'm saying in respect of the fact that it is
10:15:59 25 just newly disclosed, it is procedurally unfair to us to insist
26 that it should be led at this time.

27 JUDGE THOMPSON: At this point in time.

28 MR TOURAY: Yes.

29 JUDGE THOMPSON: But that's the point. There are two

1 traditional remedies which we give at this stage: either an
2 adjournment or let this witness be called at some other time, or
3 exclusion. Of course, exclusion is an extreme remedy which
4 normally we don't readily embrace. So that's why I was putting
10:16:34 5 you to your election.

6 MR TOURAY: [Indiscernible] --

7 PRESIDING JUDGE: We've rarely excluded evidence simply
8 because it may prejudice your client. Again, as Justice Thompson
9 has said, the fact that it may cause prejudice -- I mean, this is
10:16:51 10 the normal procedure for the Prosecution to call evidence that
11 they hope will cause some prejudice to your client. But it's not
12 the issue here, the issue here is unfairness of that process.
13 But unfairness could be cured by various remedies, two of which
14 have already been quoted by my learned brother which is give you
10:17:13 15 some more time to prepare, adjourn the cross-examination, recall
16 this witness and so on. Rarely would that evidence be excluded
17 if this is what you're seeking, but we'd have to look at it on
18 its merit and see what is it. That's why we're asking you what
19 is the remedy you're suggesting this Court should apply if we
10:17:36 20 agree with you.

21 MR TOURAY: I'm saying it's the remedy of exclusion.

22 PRESIDING JUDGE: Of exclusion?

23 MR TOURAY: Yes.

24 PRESIDING JUDGE: That concludes your application at this
10:17:47 25 moment?

26 MR TOURAY: Yes.

27 PRESIDING JUDGE: Mr Harrison?

28 MR HARRISON: Yes, Mr Touray did raise this issue with me
29 just before court started this morning and brought to my

1 attention his concern. The immediate response was the
2 Prosecution is prepared to stand this witness down and call the
3 next witness in the order. That would have created, I think,
4 some potential hardship for the first and third accused because
10:18:10 5 they would have been prepared for this witness, but that offer
6 was extended and Mr Touray said, don't bother. I should indicate
7 that the second witness on the list is in the Court premises but,
8 because of the nature of that witness, they are in another area
9 of the general court premises and it would probably take five to
10:18:32 10 10 minutes to bring that person here. But that was the offer
11 that was made.

12 What we're saying is the Defence has known from the
13 indictment the allegation against the second accused with respect
14 to the abduction of UNAMSIL or UN staff. They've heard about it
10:18:58 15 from other witnesses. The Prosecution does make the concession
16 that it's only on 20th October that it was clearly stated by this
17 particular witness; the involvement of the second accused, as to
18 what she knew as to his involvement in that. There is earlier
19 disclosure by that witness in June 2004 of the second accused
10:19:25 20 being on the ground in that area. Disclosure was actually, "When
21 I was in Makeni I saw RUF in UNAMSIL uniforms, vehicles and guns.
22 Morris Kallon" - and another person - "were present as the ground
23 commanders". That's not the same allegation as the one Mr Touray
24 has brought to your attention but again this is a circumstance
10:19:49 25 where exclusion is not the appropriate remedy.

26 Should the Court deem that something ought to be done, my
27 suggestion would have been that the reasonable defence
28 application is for an adjournment. We offered that before the
29 Court started. We are trying to assist in court management. We

1 realise that this is the use of court time which the Bench has
2 indicated in the past, that they do wish to hear evidence as
3 opposed to lawyers dealing with these preliminary points, but we
4 did try to address it before the Court started.

10:20:29 5 JUDGE ITOE: In effect, Mr Harrison, you are objecting to
6 the plea for the exclusion of this evidence?

7 MR HARRISON: Yes, we say it ought not to be granted, such
8 a request.

9 PRESIDING JUDGE: Mr Touray, you wish to reply?

10:22:02 10 MR TOURAY: Yes, Your Honour. That is I think he agrees
11 with the point that this is a new allegation --

12 PRESIDING JUDGE: By this witness.

13 MR TOURAY: -- by this witness.

14 JUDGE THOMPSON: Are you sure you are reporting your
10:22:17 15 learned colleague in a very favourable way? Did he agree that it
16 is a new allegation?

17 MR TOURAY: He seems to agree that it's a new allegation.
18 There is a background to that but it's not exactly the same thing
19 as this particular allegation.

10:22:32 20 JUDGE THOMPSON: All right. That's a matter of
21 interpretation.

22 MR TOURAY: Because that first one in June was merely
23 stating the position of my client, Morris Kallon, as a ground
24 commander.

10:22:44 25 JUDGE ITOE: That he was present.

26 MR TOURAY: He was present as a ground commander. This one
27 really says he is a co-perpetrator. "Augustine Gbao and
28 Morris Kallon who carried out an ambush of UNAMSIL trucks". So
29 he is a co-perpetrator there and there is a difference. But,

1 having said that, Your Honour, if the Court is not minded to
2 exclude the evidence we will not be insisting on an adjournment.

3 PRESIDING JUDGE: You will not be?

4 MR TOURAY: Insisting on an adjournment.

10:23:13 5 PRESIDING JUDGE: Well, we will tell you very clearly that
6 we were not minded indeed to exclude the evidence but we were
7 quite prepared to accede to a request for an adjournment because
8 of what you have submitted. We are saying that we would have
9 been quite prepared to give you the time you need. The
10:23:27 10 Prosecution has told us that they have the next witness, we'll
11 take the next witness and then you have all the time to prepare
12 to do that cross-examination or the examination of this witness.
13 So you have claimed that there might be prejudice, we're
14 concerned about that and therefore, being concerned that the
10:23:43 15 accused may suffer some prejudice, we're quite prepared to follow
16 the proposal by the Prosecution to call their next witness and
17 we'll order them to call their next witness and this witness will
18 follow suit. We appreciate that you say you're not asking for an
19 adjournment but, given your application to the Court that your
10:24:03 20 client may suffer, we want to make sure that your client will not
21 suffer any undue consequence and therefore we'll give you the
22 time to do that preparation.

23 MR TOURAY: Your Honour, may I just confer with my client
24 and get some more instructions?

10:24:18 25 PRESIDING JUDGE: Yes.

26 MR TOURAY: Your Honour, we are not insisting on an
27 adjournment. We would rather take another line of action when
28 the evidence is heard, if at all.

29 PRESIDING JUDGE: Thank you, Mr Touray. So, Mr Prosecutor,

1 you have the option of either calling this witness or the next
2 one as you wish.

3 MR HARRISON: It's our choice, unless other defence counsel
4 have a view, to call TF1-314.

10:25:36 5 PRESIDING JUDGE: Which was the witness you intended to
6 call first.

7 MR HARRISON: The scheduled witness. I think they're
8 content with that so that's what we'll do. If I can indicate to
9 the Court this will be the 43rd prosecution witness, the 44th
10:25:51 10 witness called because of one investigator who was not actually a
11 prosecution witness. We are asking for this witness to be
12 permitted to testify with voice distortion. I've discussed it
13 with defence counsel and this is the logic: This was a category
14 B witness, the Prosecution and the witness are content not to use
10:26:14 15 the closed circuit and to be --

16 PRESIDING JUDGE: Closed circuit or closed session?

17 MR HARRISON: No, the closed circuit, the remote. I'm
18 obviously using the wrong term. The television monitor in the
19 other room, at any rate.

10:26:31 20 PRESIDING JUDGE: Yes, understood.

21 MR HARRISON: The Prosecution is content not to do that.
22 The witness will simply testify from behind the screen. We would
23 not be asking for closed session except that the witness will be
24 asked on a couple of occasions to write names on a piece of
10:26:49 25 paper, but the voice distortion is requested by the Prosecution
26 because of some concern that there may be recognition of a voice
27 and by doing it this way we assume it would be a more efficient
28 procedure. So the Prosecution is not asking for closed session
29 at all for this witness.

1 PRESIDING JUDGE: So the only addition, if I can put it
2 this way, to the normal protective measures of testifying behind
3 the screen is that the voice of this witness be distorted.

4 MR HARRISON: For the public.

10:27:22 5 PRESIDING JUDGE: Any comments from the Defence,
6 Mr Jordash?

7 MR JORDASH: No comments and I can agree to that procedure.

8 PRESIDING JUDGE: Mr Nicol-Wilson?

9 MR NICOL-WILSON: No objection, Your Honour.

10:27:34 10 PRESIDING JUDGE: Mr Cammegh?

11 MR CAMMEGH: None.

12 PRESIDING JUDGE: Mr Prosecutor, you can proceed as
13 suggested. The application that this next witness testifies with
14 protection of identity being protected behind the screen and the
10:28:11 15 voice being distorted is indeed granted.

16 MR HARRISON: If I could just indicate to the Court
17 Management there does not appear to be a person from Witness and
18 Victim Services who could be alerted to locate the witness.

19 PRESIDING JUDGE: Mr Harrison, what's the language of the
10:30:01 20 witness that you're calling and what's the pseudonym?

21 MS ALAGENDRA: Your Honour, this is witness TF1-314 and
22 this witness will testify in Krio.

23 WITNESS: TF1-314 [Sworn]

24 [The witness answered through interpreter]

10:33:05 25 PRESIDING JUDGE: Madam Prosecutor, are you ready to
26 proceed.

27 MS ALAGENDRA: Yes, Your Honour.

28 EXAMINED BY MS ALAGENDRA:

29 Q. Good morning, Witness.

1 A. Yeah.

2 Q. I have a few questions to ask you this morning and I want
3 you to try to answer the questions slowly.

4 A. Okay.

10:28:45 5 [RUF02NOV05B - AD]

6 Q. Witness, can you tell the Court when were you born?

7 A. 10 October XXXXXXX.

8 Q. How old are you now?

9 A. XXXXX.

10:33:57 10 Q. Where were you born, Witness?

11 A. At XXXXXXX.

12 Q. And which district is XXXXX in?

13 A. In the Tonkolili District.

14 Q. Witness, are you able to spell XXXXXX?

10:34:18 15 A. Yes.

16 Q. Can you spell it for the Court, please?

17 A. XXXXXXXXXX.

18 Q. Witness, what is the level of your education?

19 A. It was form XXXXX.

10:34:41 20 Q. Are you married?

21 A. Yes.

22 Q. Do you have any children?

23 A. Yes.

24 Q. How many children do you have?

10:34:57 25 A. I have XXX.

26 Q. Witness, can you tell the Court where you were living in
27 the year 1994?

28 A. I was atXXXXXXXX.

29 Q. Did anything happen in XXXXXXXX in 1994?

1 A. Yes.

2 Q. Can you please tell the Court what happened.

3 A. So our school had a sport. On the first day they told us
4 rebels are coming. We were all panicked at the field and people
10:35:49 5 ran away. On that day they did not attack. The following day we
6 went to complete the sport meet. We were just starting; we heard
7 intensive firing at the back of the field. All of us ran away,
8 but by then I was a small girl and I could not run better off. I
9 was held.

10:36:27 10 Q. Witness, who held you?

11 A. It was the rebels.

12 Q. Witness, when you say rebels, who do you mean?

13 A. The RUFs.

14 Q. Witness, can you tell the Court how many people held you?

10:36:57 15 A. Three of them.

16 Q. Do you know who the three persons were?

17 A. They were rebels.

18 Q. Do you know if the three persons had a commander?

19 A. Yes.

10:37:16 20 Q. Do you know the name of the commander, witness?

21 A. Yes.

22 Q. What is the name of the commander, witness?

23 A. He was called XXXXX.

24 Q. Witness, on that day that you were captured, was XXX
10:37:39 25 present at XXXXXXXXX?

26 A. Yes.

27 Q. What happened after you were captured by the XXX men?

28 A. All of them raped me, the XXX of them.

29 Q. When you say "raped," witness, can you explain what you

1 mean?

2 A. Yes, the three of them had guns with them and I was forced
3 to have sexual intercourse with them.

4 Q. Witness, how old were you at this time when this happened?

10:38:32 5 A. I was ten years old.

6 Q. Witness, what happened after that?

7 A. So after they had raped me, the XXX of them left me
8 there. So I was there lying under the under cellar. I was
9 unable to move. I was there for the rest of the night until the
10:39:04 10 next day. In the morning when XXXXXX and his group were going

11 back, then he said, "Well, let's go to that XXXXXX." They

12 went there and met me there lying. Then XXXXXXXX asked me:

13 "What happened?" Then I said, "Your men came and raped me."

14 Then he asked me if I know them. Then I said, no, I don't know

10:39:37 15 them. Then he said, "Well let's go." Then I said, "Eh, Pa, I
16 could not move." Then he asked me to choose between my life and
17 to go, which one I was to select. When I knew I was small, then
18 I told them that we should go. They met the person had packed
19 his bag with assorted items in them. They took the bag and
10:40:17 20 placed on my head and then we went.

21 Q. Were you the only civilian that went with the RUF from
22 XXXXX that day?

23 A. No. We were many.

24 Q. Are you able to say roughly how many people?

10:40:40 25 A. We were more than 50.

26 Q. Witness, where did you go to from XXXXXXXX?

27 A. So after they had captured us we went through XXXXXX.

28 We bypassed and went and then we surfaced at XXXXXX.

29 MS ALAGENDRA: For the record, XXXXXX, I believe is

1 spelled XXXX.

2 Q. Witness, you said you went to XXXXX together with the other
3 civilians and the RUF; is that correct?

4 A. Yes.

10:41:33 5 Q. What happened when you arrived at XXXXXXX?

6 A. When we arrived there, we slept. In the morning then
7 Issa Sesay gave command that every one of us that went there
8 should be trained.

9 Q. Witness, who is Issa Sesay?

10:42:04 10 A. He was the rebel commander.

11 Q. Do you know if other than Issa Sesay there were other rebel
12 commanders?

13 A. Yes.

14 Q. Do you know their names?

10:42:27 15 A. Yes.

16 Q. Could you tell the Court the names that you know, witness,
17 of the other rebel commanders?

18 A. Well, Issa Sesay was the overall commander. We had Morris
19 Kallon; we had Augustine Gbao; we had XXXXXX, that he was my

10:42:59 20 own boss. Then XXXXXXX had XXXXXXX me. Then the others were
21 there also.

22 Q. Witness, you told the Court that the overall commander,
23 Issa Sesay, passed the order for civilians to be trained. How do
24 you know that Issa Sesay passed this order for training?

10:43:25 25 A. Well, when we were in the jungle, Issa Sesay, who is the
26 overall boss, whatever thing they want to do, they take orders
27 from him. Everybody listens to him. When he passed the order in
28 the morning, then my own commander, who was XXXXX, said
29 somebody would not stay with him and do not know how to fire a

1 gun. So for me that I was with him, I should be trained.

2 Q. Witness, what happened after Issa Sesay passed the order
3 that the civilians had to go for training?

4 A. Then we were all counted that went. They took us to the
10:44:36 5 training base.

6 Q. Witness, about how many civilians were selected to go for
7 this training?

8 A. We were more than 50.

9 Q. Did you go for the training, witness?

10:44:54 10 A. Yes.

11 Q. Who selected you to go for the training?

12 A. It was XXXXXX who was XXXXXX.

13 Q. Where was the training conducted?

14 A. At XXXX.

10:45:17 15 Q. Witness, are you able to tell the Court what was the age of
16 group of the civilians that went for this training?

17 A. From ten to 25 years.

18 Q. Do you know the name of the person who was conducting the
19 training, without mentioning the name?

10:45:51 20 A. Yes.

21 Q. Witness, will you be able to write down the name of this
22 person?

23 A. Yes.

24 MS ALAGENDRA: Your Honour, may I ask that the witness be
10:46:07 25 given a piece of paper on which she could write down this name?

26 PRESIDING JUDGE: Can the Court officer bring the pen and
27 paper to the witness?

28 So the witness is being asked to write down the name of
29 the --

1 MS ALAGENDRA: The person who was conducting the training.
2 PRESIDING JUDGE: The training at Buedu.
3 MS ALAGENDRA: Yes, Your Honour.
4 PRESIDING JUDGE: Mr Jordash, you want to look at this?
10:46:52 5 Mr Touray? Mr Cammegh?
6 [Document shown to all Defence counsel]
7 MS ALAGENDRA: Your Honour, I would like to ask that this
8 piece of paper be admitted into evidence under seal.
9 PRESIDING JUDGE: Thank you.
10:47:57 10 Any comment from the Defence about marking this document as
11 a confidential exhibit.
12 MR JORDASH: No observations.
13 PRESIDING JUDGE: Mr Touray?
14 MR TOURAY: None, Your Honour.
10:48:02 15 PRESIDING JUDGE: Mr Cammegh.
16 MR CAMMEGH: No, thank you.
17 PRESIDING JUDGE: This document will be classified as
18 confidential and marked Exhibit 45.
19 [Exhibit No. 45 was admitted]
10:48:34 20 MS THOMPSON: We have to inscribe on the left-hand corner
21 the pseudonym of this witness.
22 PRESIDING JUDGE: Yes, 314.
23 MS ALAGENDRA: If I may proceed, Your Honour?
24 PRESIDING JUDGE: Yes, you may now.
10:49:04 25 MS ALAGENDRA:
26 Q. Witness, the name that you have written down on this piece
27 of paper, who is this person?
28 A. He was the training commander.
29 Q. Do you know where this person was from?

1 A. Yes.

2 Q. From where?

3 A. From Liberia.

4 Q. For how long did you and the other civilians undergo the
10:49:41 5 training?

6 A. Two weeks.

7 Q. Can you explain to the Court what was the training that was
8 conducted?

9 A. Yes. They showed us how to prepare an ambush, how to cock
10:50:03 10 and fire, how to withdraw. Then how to cock the gun and fire.

11 Q. Witness, how old were you when you were trained how to
12 handle a gun?

13 A. Ten years.

14 Q. What type of gun were you trained to handle?

10:50:37 15 A. A two-pistol grip.

16 Q. Are you able to describe for the Court what a two-pistol
17 grip looks like?

18 A. Yes.

19 Q. Please proceed, Witness.

10:50:57 20 A. This is the way it is long. It has a stick in front and
21 one at the back. The one in front, there you will hold on to
22 give support to the weapon. Then the other at the back, there
23 you placed a small thumb and then the small finger will be there
24 to fire.

10:51:29 25 MS ALAGENDRA: Your Honour, can we just clarify that the
26 Court records reflects the witness indicates the length of the
27 gun was her arm's length.

28 PRESIDING JUDGE: The witness showed with her right hand
29 where the grips were at the front of the gun and one at the back

1 of the gun.

2 THE WITNESS: Two sticks, the one in the front and the
3 other at the back.

4 PRESIDING JUDGE: The one at the front was where you would
10:52:02 5 fire from?

6 THE WITNESS: Yes, there you place your arm so that your
7 big thumb would give support to the second finger for you to be
8 able to fire.

9 MS ALAGENDRA: Witness, during the period of your training,
10:52:23 10 did you know where were the commanders that you named; the
11 overall commander Issa Sesay, the other commanders, Augustine
12 Gbao and Morris Kallon?

13 A. Yes, they were all at Buedu.

14 Q. Witness, what happened after the two weeks training period
10:52:48 15 you went through?

16 A. After the two weeks training, then my commander said we
17 should go for food finding.

18 Q. Did you go on food finding, Witness?

19 A. Yes.

10:53:06 20 Q. Who ordered you to go for the food finding?

21 A. XXXXXXX, who was XXXXXXXXXXX.

22 Q. How many food finding did you go on yourself?

23 A. It was two times.

24 Q. How many people did you go together with when you went on
10:53:38 25 this food finding?

26 A. It was XXXXXXX of us.

27 Q. Who were theXXXXX comprised of?

28 A. We were all RUFs.

29 Q. Are you able to say what was the age group of the XXX that

1 went on this food finding?

2 A. Ten, 11, 12, 13 to 15.

3 Q. Were anyone in the group of XXXX armed?

4 A. Yes.

10:54:27 5 Q. How many were armed, witness?

6 A. Ten of them.

7 Q. What were they armed with?

8 A. They had two pistol grips; they had AK-48s; they had
9 AK-58s.

10:54:53 10 Q. Were you armed when you went on the food finding?

11 A. No.

12 Q. And those that were armed, witness, are you able to say how
13 old they were?

14 A. They were 15 years.

10:55:16 15 Q. Can you describe to the Court what happened when you went
16 on these two food-finding missions?

17 A. Yes. So when we arrive where we were to find the food,
18 those of us that had guns were in front because we met some
19 civilians that had ran away. Very few of them were now in the

10:55:51 20 village. So when we arrived, we took small pebbles and threw
21 them up the zincs. The remaining civilians that remain ran away.
22 Then we entered and took all we wanted and returned.

23 Q. What happened when you returned?

24 A. We went and gave the food to our commander.

10:56:29 25 Q. While you were in Buedu, do you know if the commanders you
26 had named had any meetings?

27 A. Yes.

28 Q. How do you know the commanders had meetings, witness?

29 A. My commander that I was with, when always he wants to go,

1 he will inform me that I am coming - going for a meeting.

2 Q. Do you know who were the commanders that used to be at
3 these meetings?

4 A. Yes.

10:57:21 5 Q. Who were they, witness?

6 A. Issa Sesay, Morris Kallon, Augustine Gbao and my own boss,
7 XXXXXX, and the other bosses.

8 Q. Witness, do you know what any of these meetings were about?

9 A. Yes. When they were about to attack a particular place,
10:58:04 10 they would sit and choose people who would go on that mission.

11 Q. How do you know that was what the meetings were about?

12 A. Well, like I said, whatever that happened at the meeting,
13 our own boss would call us together and tell us.

14 Q. The boys and the girls that were trained, did you all
10:58:40 15 belong to any group?

16 A. Yes.

17 Q. What was the group, Witness?

18 A. The boys, for instance, they had the SBU. The girls had
19 SGU.

10:59:01 20 Q. Are you able to say what SBU and SGU stands for?

21 A. Yes, the SBU means Small Boys Unit. For the girls, it is
22 Small Girls Unit.

23 Q. Did you belong to the SGU?

24 A. Yes.

10:59:36 25 Q. How many SBUs and SGUs were there when you were in Buedu?

26 A. We were many, because each commander had the SBUs and SGUs.

27 Q. Witness, are you able to say who were the commanders who
28 had SBUs and SGUs?

29 A. Yes. All the commanders who I had named, because they had

1 women and they had domestic chores, so we, the young girls, did
2 those chores.

3 Q. Just to be clear, can you name the commanders again who you
4 say had SBUs and SGUs under them?

11:00:40 5 A. XXXXXXXX XXXXX, for instance, XXXXXX, had because I was with
6 him; Morris Kallon had; Augustine Gbao had; and the overall
7 commander himself, Issa Sesay, himself, had.

8 Q. How many SBUs and SGUs did each commander have?

9 A. I do not know about the orders, I just know about XXXXX
11:01:23 10 XXXXX. He had for us, the girls, five of us and the SBUs
11 were five.

12 Q. What was the age range of the SBUs and the SGUs?

13 A. From ten, 11, 12.

14 Q. Do you know what were the functions of the SBUs?

11:02:04 15 MR JORDASH: Sorry to interrupt my friend. Just before we
16 move on, could we clarify which SBUs and SGUs the witness was
17 referring to when she said they were ten, 11 and 12? Is that a
18 global assessment or was that the ones relating to Scorpion.

19 MS ALAGENDRA: Your Honour, if I could clarify, the
11:02:30 20 question to the witness what was the age range of the SBUs and
21 SGU generally, with no particular reference to any.

22 PRESIDING JUDGE: Maybe you can ask the question more
23 specifically, if it was overall or it was in her own group.

24 MS ALAGENDRA: I will do that, Your Honour.

11:02:54 25 Q. Witness, when you told the Court that the age range of the
26 SBUs and the SGUs was ten, 11, 12, can you explain to the Court
27 whether you were referring to the SGUs and SBUs in your own group
28 or is it all the SBUs and SGUs?

29 A. No, in my own group, XXXXXXXX group, he had five SGUs and

1 five SBUs.

2 MS THOMPSON: I don't think she followed you.

3 MS ALAGENDRA: Yes, Your Honour. If I may just go through
4 the line of questioning one more time?

11:03:39 5 JUDGE THOMPSON: Yes.

6 MS ALAGENDRA:

7 Q. Witness, are you able to tell the Court the age range of
8 the SBUs and SGUs that were in Buedu at that time?

9 A. From ten, 11 and 12.

11:03:58 10 Q. How about the age range of the SBUs and SGUs that were with
11 the other commanders that you named?

12 A. That's what I have said, ten, 11 and 12.

13 MS ALAGENDRA: Your Honour, I hope this clarifies the
14 issue.

11:04:20 15 PRESIDING JUDGE: Mr Jordash, that answers your question?

16 MR JORDASH: Your Honour, yes, thank you.

17 MS ALAGENDRA:

18 Q. Witness, do you know what were the functions of the SBUs in
19 Buedu?

11:04:35 20 A. Yes. The SBUs, for instance, they became bodyguards.
21 Because they know that when they instruct a child to do a
22 particular thing he would have no fear, he would do it. For the
23 SGUs, they would be at the house to launder, to cook and to do
24 other chores.

11:05:09 25 Q. Witness, were any of the SBUs or SGUs armed?

26 A. Yes.

27 Q. What were they armed with, Witness?

28 A. Like my own boss for instance, whenever he wants to go to
29 any place he would find one SBU and either give him an AK-47 or

1 AK-48 to be his bodyguard.

2 Q. Witness, what about the SBUs and SGUs that were with the
3 other commanders, do you know if they were armed?

4 A. Yes.

11:06:05 5 Q. What were they armed with, Witness?

6 A. It was the same. Like what XXXXX would arm his SBUs
7 with, it is the same that the others did.

8 Q. Witness, do you know where the RUF in Buedu got their
9 supply of arms and ammunition from?

11:06:37 10 A. Sometimes they would go on an attack and that's where they
11 would get their arms from. Sometimes I saw Issa Sesay go to
12 Kailahun and brought some weapons, but I did not know where he
13 got them from but I just know that he went to Kailahun and got
14 some weapons and brought them to Buedu.

11:07:10 15 Q. Did you yourself ever see Issa Sesay returning from
16 Kailahun bringing back weapons?

17 A. Yes.

18 Q. Witness, how long did you stay in Buedu with the RUF?

19 A. I was there from 'XXXXX to XXXXX.

11:07:35 20 Q. During the time that you were in the Buedu from XXXXX to
21 19XXXXX, did anything happen to you during that time?

22 A. Yes.

23 Q. What happened?

24 A. Okay. After the two weeks -- after those two occasions
11:07:59 25 after I had gone on food finding --

26 Q. I will just stop you there. If you are going to call any
27 names, please do not mention the names in your answer.

28 A. All right.

29 Q. Please proceed.

1 A. So after those two occasions when I had gone on food
2 finding, one day by XXXXX, one of XXXXX called me to
3 him in his room and he forced me to have sex with him XXX
4 XXXXXXXXXXXXXXXX XXXXX.

11:08:46 5 Q. This rebel that raped you, do you know his name without
6 mentioning his name, please?

7 A. I know him.

8 Q. Would you be able to write his name down on a piece of
9 paper?

11:09:06 10 A. Yes.

11 MS ALAGENDRA: Your Honour, if the witness could be given a
12 piece of paper.

13 PRESIDING JUDGE: Madam Prosecutor, you have seen the name.

14 MS ALAGENDRA: Yes, Your Honour.

11:10:01 15 PRESIDING JUDGE: Defence counsel, you have seen the name
16 as well?

17 MR JORDASH: Yes, thank you.

18 PRESIDING JUDGE: Do you have any objection to -- you are
19 asking this document to be filed.

11:10:04 20 MS ALAGENDRA: Yes, Your Honour, as an exhibit under seal.

21 PRESIDING JUDGE: Under seal.

22 MR JORDASH: No objections.

23 MR TOURAY: None, Your Honour.

24 MR CAMMEGH: None, thank you.

11:10:30 25 PRESIDING JUDGE: We are at Exhibit 46.

26 [Exhibit No. 46 was admitted]

27 PRESIDING JUDGE: So what is this name?

28 MS ALAGENDRA: Your Honour, if for convenience we can refer
29 to him as A.

1 PRESIDING JUDGE: Madam Court Officer, please indicate on
2 the document as well that this is from witness TF1-314.

3 MS ALAGENDRA:

4 Q. Witness, I am just going to advise you that if you are
11:11:15 5 going to make reference to the person whose name you have just
6 written down, please could you refer to him as A? Are you able
7 to do that, Witness?

8 A. What?

9 PRESIDING JUDGE: I think you better explain that again to
11:11:33 10 the witness.

11 MS ALAGENDRA: Yes, Your Honour.

12 Q. The name that you have just written down, if you have to
13 refer to him again in your testimony I ask that you call him A
14 and do not mention his name. Is that all right?

11:11:52 15 A. Yes.

16 Q. Witness, you have just told the Court that you were raped
17 by A?

18 A. Yes.

19 Q. You got XXXX and you XXXX to XXXX and the XXX
11:12:12 20 XXXXX

21 A. Yes.

22 Q. How old were you when this happened?

23 A. I was more than ten but I had not reached XXXXX.

24 Q. Witness, was this the only time that you had a XXXXX between
11:12:36 25 XXXXX and XXXXX in Buedu?

26 A. No.

27 Q. Are you able to explain to the Court how you got XXXXX
28 again?

29 A. Yes. After A XXXXXXXX me he went on a certain

1 mission and he XXXXXX. After he XXXXXXX, I had another one.
2 He too did what A had done to me. He called me in his room and
3 he forced me to have sex with him. He XXXXX too. I
4 XXXXXX to the XXXX. I was with that XXXXXX in the bush till we
11:13:33 5 came back to town.
6 Q. This second person who raped you, do you know his name,
7 without mentioning his name, Witness.
8 A. Yes, I know him.
9 Q. Would you be able to write his name down on a piece of
11:13:52 10 paper, Witness?
11 A. Yes. [Witness complied].
12 MS ALAGENDRA: Your Honour, I again ask that this piece of
13 paper be admitted as an exhibit under seal.
14 Mr JORDASH: No objection.
11:15:08 15 MR TOURAY: No objection.
16 MR CAMMEGH: No objection.
17 PRESIDING JUDGE: Thank you. This document with the name
18 will be marked as Exhibit 47.
19 [Exhibit No. 47 was admitted]
11:15:19 20 MS ALAGENDRA: Your Honour, for ease of reference I ask
21 that this person be referred to as B.
22 PRESIDING JUDGE: Again you had better clarify that with
23 your witness.
24 MS ALAGENDRA: Yes, Your Honour.
11:15:30 25 Q. Witness, if you have to refer to this second person whose
26 name you have written down that raped you, please refer to him as
27 B. Could you do that?
28 A. Yes.
29 Q. Witness, do you know if B had a commander?

1 A. Yes.

2 Q. Who was his commander?

3 A. It was CO Issa.

4 Q. Witness, how old were you when you gave birth to the baby
11:16:08 5 for the second time?

6 A. XXXXXX years.

7 Q. During the time that you were in Buedu did you have any
8 relation with B?

9 A. Yes.

11:16:41 10 Q. Can you explain to the Court what was the relation that you
11 had?

12 A. Yes. He took me as his own XXXXX.

13 Q. When you say he took you as XXXX, can you explain to
14 the Court how is it that you became his wife?

11:17:11 15 A. Well, after he had impregnated me, I was in his house, I
16 was cooking for him and laundered for him. I did everything for
17 him. When night falls, we would have sex.

18 Q. Witness, how old were you when you were taken as B's wife?

19 A. XXXXXX years.

11:17:40 20 Q. Were you the only abducted civilian who became a wife to a
21 rebel in Buedu?

22 A. No, we were many.

23 Q. Do you know the ages of the other girls who became wives to
24 the other rebels in Buedu?

11:18:24 25 A. Yes, it is the same age group up to XXXXX years.

26 Q. When you same as group, do you mean same as group as you
27 were?

28 A. Yes, from ten, 11, 12 to 15.

29 Q. Do you know how those other girls became wives to the RUF?

1 A. Some were like me but there were others, when they go be on
2 a mission whoever captures one of them, he would say, "This is my
3 wife." He would take her away to his house.

4 Q. Do you know what these other girls had to do as RUF wives
11:19:18 5 in Buedu?

6 A. Yes. They too did like I was doing. They would cook; they
7 would launder. When night falls, they would call around to have
8 sex.

9 Q. Witness, how do you know this was happening with the other
11:19:40 10 girls?

11 A. I was an SGU too. When we go to some places, sometimes in
12 the bushes when we go to fetch water, we would meet there. You
13 would ask her, you would ask her where she is, she would say,
14 "I'm to so-and-so person. It was that person who captured me."

11:20:00 15 That is how we would know.

16 Q. Witness, do you know if the overall commander, Issa Sesay,
17 and the other commanders you named knew that girls between 12 and
18 15 were being taken as wives of the RUF rebels in Buedu?

19 A. Yes. All of them knew.

11:20:25 20 MR TOURAY: Objection. That is a loaded question, "every
21 commander." I would rather she takes it singularly.

22 MS ALAGENDRA: Your Honour, if I can just clarify.

23 MS THOMPSON: What is your response?

24 MS ALAGENDRA: If I can just clarify, Your Honour, I just
11:20:46 25 said whether the overall commander, Issa Sesay, and the other
26 commanders she named.

27 JUDGE THOMPSON: I see.

28 MS ALAGENDRA: I could take the witness through each
29 commander if that is what the Defence wants.

1 JUDGE THOMPSON: Is that your preference?

2 MR TOURAY: It is.

3 JUDGE THOMPSON: Go ahead, counsel.

4 MS ALAGENDRA: Very well, I will do it.

11:21:06 5 Q. Witness, do you know if the overall commander, Issa Sesay,
6 knew that girls between ten and 15 were taken as RUF wives in
7 Buedu?

8 A. Yes, he knew, because he was the commander. Whatever
9 happened, he would know.

11:21:29 10 Q. Do you know if Morris Kallon knew?

11 MR TOURAY: Objection. That is a leading question.

12 MS ALAGENDRA: Your Honour, I was just asked to take this
13 procedure by Defence counsel himself.

14 PRESIDING JUDGE: Mr Touray, you suggested that she should
11:21:54 15 go commander by commander. That's what she's doing and now you
16 are objecting.

17 MR TOURAY: Yes, Your Honour, but not by leading. I mean
18 to say who else knew. "Do you know who else knew at this stage?"

19 MS THOMPSON: We will uphold the objection at this stage.

11:22:11 20 Try again.

21 MS ALAGENDRA:

22 Q. Witness, do you know if Morris Kallon knew?

23 A. Yes.

24 MR TOURAY: Your Honour, it is the same thing. Very direct
11:22:35 25 and leading.

26 MS ALAGENDRA: Your Honour, with all due respect --

27 MR TOURAY: Very suggestive.

28 JUDGE THOMPSON: Suppose the answer had gone the other way,
29 would it still have been leading?

1 MR TOURAY: It is in my favour --

2 JUDGE THOMPSON: Yes. Mr Cammegh.

3 MR CAMMEGH: Can I put my position in this way: I have not
4 suggested that they are taken one by one and therefore, can I ask
11:23:09 5 my learned friend in relation to any others that she simply ask
6 in terms did anybody else know.

7 MS THOMPSON: Counsel, continue.

8 MS ALAGENDRA: I will do just that, Your Honour.

9 Q. Witness, apart from Issa Sesay and Morris Kallon do you
11:23:33 10 know if anybody else knew that girls between the age of 10 and 15
11 were being taken as RUF wives in Buedu?

12 A. Yes, Augustine Gbao, for instance, knew. XXXXXX,
13 XXXXXX, because I was with him until I was impregnated in first
14 instance 'til I went to be where I stayed.

11:24:04 15 Q. Witness, you told the Court that you remained in Buedu from
16 19XX until XXXXXXXX.

17 A. Yes.

18 Q. Witness, why did you stay in Buedu from 19XXXXX until XXXXXX

19 A. Okay. When you are there, you would have no way of
11:24:31 20 escaping because if you were caught attempting to escape, they
21 would kill you. Or if you risk it and you escape, if you landed
22 in the hands of a Kamajor and they find that you are from a rebel
23 zone, then they would kill you and eat up your flesh.

24 Q. Witness, during the time that you were in Buedu were there
11:25:03 25 any elderly men and women in Buedu at the time?

26 A. Yes.

27 Q. And where were these elderly men and women from, witness?

28 A. Well, wherever they attacked, when they are captured, they
29 would not kill them, they would take them along.

1 Q. Can you explain to the Court what the elderly men and women
2 were doing to Buedu?
3 A. They were there to uproot grass from the farms.
4 Q. And in whose farms were they uprooting grass, witness?
11:26:01 5 A. The farms of the RUF.
6 Q. Witness, did the RUF have a radio communication set in
7 Buedu when they were there?
8 A. Yes.
9 Q. And during the time that you were in Buedu, witness, do you
11:26:23 10 know if there were any radio communications that took place?
11 A. Yes.
12 Q. How do you know that radio communications took place?
13 A. Well, like I had said earlier on, whatever happened the
14 commanders would tell us. My own commander, for instance,
11:26:53 15 XXXX, whatever happened, he would summon all of us and tell
16 us.
17 Q. Did XXXX tell you what was spoken over the radio?
18 A. Yes.
19 Q. What did he tell you that was spoken over the radio,
11:27:13 20 witness?
21 A. He met all of us and called us up to him. As we were
22 sitting down, he told us that SAJ Musa had sent a message that
23 they want to come to Freetown, so Issa should send some other men
24 to come an attack the town.
11:27:35 25 Q. Did he tell you who SAJ Musa sent this message to?
26 A. Well, I don't know to whom he sent the message, but he told
27 me that it was Issa Sesay who told him about that.
28 Q. Witness, do you remember when this communication took
29 place?

- 1 A. It was in 19XX.
- 2 Q. Do you remember the month?
- 3 A. No.
- 4 Q. Are you able to say what season it was at that time?
- 11:28:12 5 A. No, I cannot tell.
- 6 Q. Witness, do you know if after this communication took place
7 whether Issa Sesay did in fact send backup for SAJ Musa, as
8 requested?
- 9 A. Yes.
- 11:28:34 10 Q. Witness, how do you know that Issa Sesay sent backup to SAJ
11 Musa to enter Freetown?
- 12 A. Because my own commander came.
- 13 Q. He came where, witness?
- 14 A. In Freetown.
- 11:29:00 15 Q. Witness, do you know when the group actually moved into
16 Freetown?
- 17 MR JORDASH: Did a group go into Freetown? We have had
18 XXXXXX go into Freetown but not a group.
- 19 MS ALAGENDRA: I will rephrase the question, Your Honour.
- 11:29:25 20 Q. Witness, do you know if SAJ Musa's group went into
21 Freetown?
- 22 A. Yes.
- 23 Q. Do you know when the group went into Freetown?
- 24 A. It was on 6 January.
- 11:29:46 25 Q. Do you remember the year, witness?
- 26 A. 1999.
- 27 Q. You said you remained that Buedu until 1998. Where did you
28 move to from Buedu?
- 29 A. We moved from Buedu to XXXXX.

1 Q. Witness, why did you come out of Buedu in 1998?
2 A. When SAJ Musa had sent the message that he needs people to
3 come to Freetown, then Issa Sesay passed a command that, "at the
4 moment we are tired of staying in the bush. Let us all go to
11:30:38 5 town." Then we were all happy and we left.
6 Q. Witness, did you come out of the bush before 6 January
7 1999?
8 A. Yes.
9 Q. You said you went to XXXX from Buedu.
11:31:03 10 A. Yes.
11 Q. How long were you in XXXX, witness?
12 A. XXXX.
13 Q. Where did you go to from XXXXX?
14 A. To Makeni.
11:31:20 15 Q. Did anything happen when you went to Makeni?
16 A. Yes.
17 Q. Can you tell the Court, Witness, what happened?
18 A. One night we were sitting, we were in Makeni and there was
19 no problem. Then Superman came from Lunsar and attacked in
11:31:46 20 Makeni. The first went to the Station Road and killed Rambo.
21 From there he moved to go towards the hills where Issa Sesay was.
22 Issa ran away. He too went towards Magburaka, picked up
23 reinforcement and he came and fought in Makeni. They fought till
24 Superman and others were repelled. Later they called them and
11:32:29 25 they conferred with them and it was all over, there and then.
26 Q. Did anything else happen in Makeni when you were there?
27 A. Yes.
28 Q. What happened?
29 A. Issa was killing people --

1 THE INTERPRETER: Your Honours, that is not clear; the Krio
2 expression is not clear. Can she make it clear?
3 MS ALAGENDRA:
4 Q. Witness, can you please repeat that answer?
11:33:02 5 A. I said Issa was killing people who raped.
6 Q. Who were the people that were raping?
7 A. It was the RUFs who were raping civilians.
8 Q. How do you know that Issa Sesay killed the RUF raping the
9 civilians?
11:33:31 10 A. Once I was at the NP when Issa Sesay came from up the
11 hills. He met a rebel who had been tied and he asked what that
12 rebel had done. They said he had raped. He took out his pistol
13 and shot him. He left him there.
14 Q. Did you see this yourself, Witness?
11:34:02 15 A. Yes.
16 Q. Was it the only time when somebody was killed for raping
17 civilians?
18 A. No, the other time we went and met a dead person at the NP.
19 They said he raped, but I don't know who killed him.
11:34:29 20 Q. Did anything else happen in Makeni?
21 A. Yes.
22 Q. What happened, Witness?
23 A. After all of that, Issa went to Kono. But he was still in
24 Makeni; he would only go to Kono and return. So, Morris Kallon
11:34:58 25 and Augustine Gbao called a meeting that they should come and
26 attack UNAMSIL.
27 Q. How do you know that Augustine Gbao and Morris Kallon
28 called for a meeting to attack UNAMSIL?
29 A. We had a boy at the house. He attended the meeting. He

1 was an RUF. After the meeting, he came and reported to us that
2 Augustine Gbao and Morris Kallon said they were going to attack
3 UNAMSIL.

4 Q. Do you know if after the meeting that there was actually an
11:35:52 5 attack on UNAMSIL?

6 A. Yes.

7 Q. Do you know what happened during the attack?

8 A. Well, according to what the boys that went to set up the
9 ambush, Morris Kallon and Augustine Gbao were not in the ambush.
11:36:13 10 So they waited for them until when the UNAMSIL people arrived at
11 Makump then they met there.

12 Q. Who met there?

13 A. Morris Kallon and Augustine Gbao met UNAMSIL at Makump.

14 Q. Do you know what happened after they met the UNAMSIL at
11:36:42 15 Makump?

16 A. I was not there when that happened. But after an hour, we
17 saw RUF, Morris Kallon in his own vehicle, Augustine Gbao in his
18 own vehicle, then the others passing by with their vehicles.

19 THE INTERPRETER: Your Honours, can the Witness go back to
11:37:14 20 the last bit?

21 MS ALAGENDRA:

22 Q. Witness, can you repeat the last part of your answer from
23 the point at which you saw Morris Kallon and Augustine Gbao in
24 their own vehicles?

11:37:28 25 A. The vehicles that belonged to the UNAMSILs, after they had
26 removed them from their own vehicles, they were using the
27 vehicles belonging to the UNAMSIL people.

28 Q. Who was using the vehicles belonging to UNAMSIL?

29 A. Augustine Gbao had, Morris Kallon had, and even the small

1 boys had.

2 Q. What else did you see in Makeni?

3 A. So they came with them to Makeni. Everybody saw them.
4 From there they boarded them that they are taking them along.

11:38:11 5 Q. Do you know where they took the UNAMSIL personnel to?

6 A. Well, they said that they were taking them to Kono. But
7 since I was not in Kono -- but they only said they were taking
8 them to Kono.

9 Q. Do you know who went with the UNAMSIL to Kono?

11:38:36 10 A. It was Augustine Gbao and Morris Kallon that took the
11 UNAMSILs away.

12 Q. How do you know they were taken to Kono?

13 MR JORDASH: Objection. She hasn't said that she did know.
14 She said that someone said they were being taken to Kono and
11:39:00 15 Augustine Gbao and Morris Kallon took them somewhere. She said
16 she wasn't in Kono.

17 PRESIDING JUDGE: True, but I thought she said that they
18 had said that they were taking them to Kono.

19 MR JORDASH: Yes, "said" they were taking them to Kono.

11:39:13 20 PRESIDING JUDGE: Yes.

21 MR JORDASH: But this witness doesn't know. I think that
22 is the state of the evidence so far.

23 PRESIDING JUDGE: Our evidence is that they said they were
24 taken to Kono. She hasn't said to my knowledge that she saw them
11:39:25 25 in Kono.

26 MR JORDASH: No, and she hasn't said that she knows that
27 they were taken to Kono, just that --

28 PRESIDING JUDGE: They said they were taking them.

29 MR JORDASH: Yes. But that is all contextualised by, "but

1 I wasn't there in Kono".

2 PRESIDING JUDGE: Yes, that is my understanding of her
3 evidence.

4 MS ALAGENDRA: I was going to proceed to find out from the
11:39:46 5 witness how she knows they went to Kono.

6 MR JORDASH: But she doesn't know that they went to Kono;
7 she hasn't said she knows they went to Kono.

8 MS ALAGENDRA: Your Honour, the witness has just testified
9 that they went to Kono.

11:40:01 10 MR JORDASH: No, she didn't. It was said that they were
11 taking them to Kono, she wasn't in Kono, and they took them
12 somewhere.

13 MS ALAGENDRA: Your Honour, if I may just go through that
14 line of questioning again just to clarify the matters.

11:40:22 15 PRESIDING JUDGE: Please do so.

16 MS ALAGENDRA:

17 Q. Witness, do you know if from Makeni the UNAMSIL personnel,
18 together with Augustine Gbao and Morris Kallon, went anywhere?

19 A. They only said they were taking them to Kono. I was not in
11:40:41 20 Kono. I don't know where they took them, but that was what they
21 said, that they were taking them to Kono.

22 MS ALAGENDRA: Your Honour, I have no further questions for
23 this witness. Thank you, Witness.

24 A. Yes.

11:41:12 25 JUDGE THOMPSON: Mr Jordash, do you want to start?

26 PRESIDING JUDGE: Maybe we should break for a few minutes,
27 if only to allow some activities to take place. We will resume
28 in 10 minutes. I said 10 minutes; I urge all concerned to be
29 back in 10 minutes so we can proceed as directed. Thank you very

1 much. Court is adjourned for 10 minutes.

2 [Break taken at 11.45 a.m.]

3 [RUF02NOV05C - CR.]

4 [Upon resuming at 12.00 p.m]

11:57:48 5 CROSS-EXAMINED BY MR JORDASH:

6 Q. Good afternoon, Witness.

7 A. Yeah.

8 Q. Just so you know who I am, I represent Issa Sesay. I'd

9 like to ask you a few questions about the evidence you've just

11:58:19 10 given. If there is anything you don't understand, please feel

11 free to ask me to ask the question again. Do you understand?

12 A. Yeah.

13 Q. Where did XXXX leave from when he went to provide

14 back-up to SAJ Musa?

11:59:04 15 A. At Buedu.

16 Q. When was that?

17 A. It was in '98.

18 Q. When in 1998?

19 A. Well, I can't say.

11:59:37 20 Q. Beginning, middle or end of 1998?

21 A. It was not at the beginning. It was not at the beginning.

22 It was from the middle to the end to the early years of 1999.

23 PRESIDING JUDGE: Before you ask the next question,

24 Mr Cammegh, I would like to remind you that we had adjourned for

12:00:08 25 a short period of time and we would appreciate counsel to be back

26 in Court when we are coming back not, as you have done now, just

27 walk leisurely back into the courtroom.

28 MR CAMMEGH: I can ensure Your Honour it wasn't leisurely,

29 but I will endeavour to be here next time.

1 PRESIDING JUDGE: Thank you. Sorry, Mr Jordash, I was
2 hoping not to interrupt your flow of questioning.

3 MR JORDASH: That is quite all right.

4 Q. Who was your immediate commander after Scorpion left?

12:01:00 5 A. Well, the one I stayed with, the one that took me as his
6 house wife, that was the one I was with.

7 Q. That's B, is it?

8 A. Yes.

9 Q. How long after XXXXXXX had left was it before you left
12:01:24 10 Buedu?

11 PRESIDING JUDGE: Mr Jordash, sorry again.
12 Mr Nicol-Wilson, I would like to as well remind you that we had
13 adjourned for a short period of time. You are coming back now
14 right in the middle of cross-examination, disturbing the process,
12:01:41 15 you have not apologised to the Court and you're late. So I just
16 want to tell you that I will insist that when we adjourn you come
17 back in due course.

18 MR NICOL-WILSON: Apologies, Your Honour.

19 PRESIDING JUDGE: Thank you.

12:01:53 20 MR JORDASH:

21 Q. Let me repeat the question, Madam Witness. How long after
22 XXXXX left was it before you left Buedu?

23 A. Well, as soon as they left it was not too long then we too
24 left to come to XXXX.

12:02:23 25 Q. Can you try to give us a clearer picture? Was it a number
26 of months, or weeks, or days?

27 A. Well, I can't say, but it was not too long.

28 Q. Well, did you remain living with B?

29 A. When we arrived in XXXXXX, then all of us scattered around.

- 1 Q. When you're still in Buedu, XXXXX has left, did you
2 continue living with B in Buedu?
- 3 A. Yes, so we are together. Since XXXXXXX left, I was with B
4 till we arrived in XXXXX. There we dispersed.
- 12:03:32 5 Q. Which route did you travel to XXXX?
- 6 A. Well, we went through the main road. Well, I can't say the
7 names of the villages that we used to come to XXX.
- 8 Q. Which main road did you take to XXXX?
- 9 A. The road that leads to Tongo, from Tongo to XXXX.
- 12:03:56 10 Q. How long did the journey take?
- 11 A. Well, we took a week en route.
- 12 Q. And you stayed in XXXXXX for XXXXXX, you say?
- 13 A. Yes.
- 14 Q. Now, was the time you remained in Buedu after XXXXXX left
12:04:25 15 longer than the time you were in XXXXXX?
- 16 A. The time XXXXX left? I don't understand.
- 17 Q. Let me try and make myself clearer. When XXXX left,
18 you remained in Buedu. From Buedu you went to XXXX. The time
19 from XXXX leaving to the time you left to go to XXXX, was
12:04:58 20 that longer than the time you spent in XXXXXX which was a month?
- 21 A. No.
- 22 Q. So you stayed in Buedu after XXXXX left for less than XXXX
23 XXXXXXX?
- 24 A. It didn't reach that.
- 12:05:25 25 Q. Was the time you spent in Buedu after XXXXXX left longer
26 or shorter than the time it took to travel to Kono?
- 27 A. I did not understand.
- 28 Q. Well, it took a week to get to XXXXXX from Buedu. Was
29 that --

1 A. Yes.

2 Q. Had you remained in Buedu for longer than a week after
3 Scorpion left?

4 A. It was not up to that because soon as they left, we follow,
12:06:15 5 gradually.

6 Q. So after XXXX left, you followed within a XXXX?

7 A. Yes.

8 Q. Who did you travel to XXXXX with?

9 A. We were many, but still I XXXXX.

12:06:48 10 Q. Who was the commander leading to XXXX?

11 A. That one, there was no commander there because Issa had
12 passed an order that everybody should come out from the bush.
13 They were in front and we were at the back, following gradually.

14 THE INTERPRETER: Your Honours, the interpreter is sorry
12:07:15 15 but we did not get the last bit of the witness's answer.

16 MR JORDASH:

17 Q. Witness, could you repeat the last part of your answer,
18 please?

19 A. I said -- because he asked which of the commanders I was
12:07:36 20 with, I said XXXX had left to come, so when Issa passed
21 command that everybody should come out of the bush, so everybody
22 was coming out, the way you can walk, so you can follow to go.

23 Q. So where was Issa Sesay then, as far as you were aware,
24 when you were travelling to XXXXX?

12:08:08 25 A. I can't say exactly where he was that moment.

26 Q. Was he in XXXXX? Was he in Kailahun? Can you give us a
27 rough idea?

28 A. Like what?

29 Q. Had he remained in Buedu?

1 A. Yes. If I left there to go some other place, or if I was
2 still there?

3 Q. No, when you left to go to XXXXX was Issa Sesay left
4 in Buedu?

12:08:54 5 A. Well, I've said I can't say if he was there or not, but he
6 only gave the command and we didn't see him any longer, so I
7 don't know whether he was there or not.

8 Q. When was the next time you saw or heard where Issa Sesay
9 was after you left Buedu?

12:09:22 10 A. Well, it was long, because you cannot just go around seeing
11 him. When he's ready, he would only give a command. He gave
12 command to his commanders and they too in turn passed on the
13 command to us.

14 Q. Do you say you passed through Tongo on the way to XXXXXX?

12:09:57 15 A. Yes.

16 Q. Now, I want to ask you about -- before I do, let me ask you
17 this: From 19XXX to 19XXX, from what you've told us, if what you
18 say is true, Issa Sesay was the top commander in Buedu?

19 A. Yes.

12:10:37 20 Q. Was he the top commander in Kailahun?

21 A. Well, I don't know for Kailahun, because I was not there.

22 Q. How do you know Issa Sesay was the top commander in Buedu
23 during that period?

24 A. Okay. When I arrived, I asked -- after the training, I
12:11:09 25 asked Scorpion, I said, "Who is in charge of this entire
26 program?" He said, "You don't know that it is Issa? Don't you
27 know that General Issa is overall commander?" I say, "Oh, I
28 don't know."

29 Q. So in 1994, XXXXX told you that Issa Sesay was a

1 general, did he, or referred to him as a general?
2 A. Yes.
3 Q. 1994 until 1998, people referred to Issa Sesay as a
4 general, did they - other people as well as Scorpion?
12:11:54 5 A. Yes. Yes, that was the way they used to call him.
6 Q. Where did General Issa live in Buedu?
7 A. He was at Buedu, because I can't say if we were in
8 different, different locations. We were all in Buedu.
9 Q. Well, you were there for four years working and married to
12:12:41 10 XXXXX around Buedu; am I right?
11 A. Huh?
12 Q. Your role as an SGU, if what you say is true, was to do
13 domestic chores for XXXXXXX?
14 A. Yes, XXXXXX.
12:13:10 15 Q. What kind of domestic chores did you do in Buedu for
16 Scorpion's wife?
17 A. I launder for her; I go and fetch water for her; then I do
18 cooking.
19 Q. Your job would have involved walking around Buedu --
12:13:39 20 JUDGE THOMPSON: Can we have the interpretation again.
21 MR JORDASH: I beg your pardon.
22 THE INTERPRETER: Your Honours, the interpreters are sorry.
23 Can the witness repeat her answer, please.
24 MR JORDASH:
12:13:52 25 Q. Madam Witness, can you just repeat your answer as to what
26 you were doing in Buedu?
27 A. Mmm-hmm. Yes. I said I used to do cooking; I launder;
28 then I fetch water.
29 Q. What about fetching things from the market? Would you do

1 that?

2 A. Well, there we don't have a market. When they go for food
3 finding, there, everybody would get his or her and then bring it
4 back home. So, when you are prepared, you only take it from
12:14:50 5 there and then do your cooking.

6 Q. Are you suggesting there was never a market in Buedu from
7 1994 to 1998?

8 A. Well, I can't say, but on my own side, XXXXX, who is
9 XXXX, we don't go to the market, everything is in the house.

12:15:14 10 Because every week, when there is food finding, you send boys to
11 go for food finding, so everything was in the house. I don't
12 know whether there was a market or not.

13 Q. Where were they going food finding then in 1997 to get this
14 product, to get things for the house?

12:15:32 15 A. Well, it was in the surrounding villages.

16 Q. But the surrounding villages in 1998, can you confirm this,
17 were controlled by the RUF; that was RUF territory, wasn't it?

18 A. It was not -- Kamajors were in the other side. Sometimes
19 they would go and attack the Kamajors and take things from there
12:16:05 20 and come with them.

21 Q. Where were the Kamajors then that they were attacking?

22 A. The Kamajors? Where? They were on their own side.

23 Q. What do you mean by "own side"? Where is that?

24 A. Well, like where government had control, they would be
12:16:28 25 there. Where RUF would be, it would only be for RUFs.

26 Q. Whereabouts, according to you, if you did live in Buedu,
27 were the Kamajors in the region?

28 A. Yes.

29 Q. Whereabouts? Where?

1 A. Well, because I don't know the names of the villages, but
2 they were on their own side, where nobody will attempt to go.

3 Q. So, in any event, food finding took place on Kamajor -- let
4 me start that again, sorry. Do you say that food-finding
12:17:39 5 missions took place by attacking Kamajors?

6 A. Sometimes it would be there, sometimes where there are
7 civilians.

8 Q. Well, let's break that down. Let's put aside, then,
9 attacks on the Kamajors. Which attacks took place on civilians
12:18:04 10 for food-finding missions, aside from the two you mentioned that
11 you say you went on? Which civilians?

12 A. It was not RUFs, but the civilians themselves. Some of
13 them in their villages, they go there to find food.

14 Q. It wasn't RUF going on food finding, it was civilians; is
12:18:33 15 that what you are saying?

16 A. No. It was RUFs that go for food finding where the
17 civilians were.

18 Q. What -- where the civilians were, but -- let me just try to
19 understand this. Attack on civilians for food-finding missions,
12:18:58 20 where were the civilians living?

21 A. The civilians would be in their village. If they hear that
22 rebels are coming, they will run away. Those that would be
23 brave, we stay around.

24 Q. And these civilians, you say, were living in the Kailahun
12:19:24 25 District?

26 A. Well, I don't know the district that covers that area. I
27 don't know whether the district is Kailahun. I don't know the
28 district.

29 Q. How do you know, then, about these attacks?

1 A. Whatsoever attack they want to go for, they will select
2 people among the commanders to go with.

3 Q. How do you know this?

4 A. Well, as I've been saying, XXXXX would tell me. He
12:20:07 5 would always tell me, because in the whole group, he would say,
6 "You come. You are going for food finding."

7 Q. [Microphone not activated] 1994 to 1998, did XXXX tell
8 you the name of any villages that were attacked by the RUF?
9 Where civilians were attacked?

12:20:42 10 A. I don't know the names of the villages in that area,
11 because I've not been asking him about the villages, and then
12 they were not located by a particular village, that is a village
13 they are going to attack.

14 Q. [Microphone not activated] okay, which -- what happened on
12:21:01 15 the food finding? What happened to civilians on the food
16 finding? Did they, as you have told us, just run away?

17 A. Yes.

18 Q. Which men went on food-finding missions that XXXXXX told
19 you about?

12:21:20 20 A. It was the RUFs.

21 Q. Well, who? Name some besides the accused.

22 A. They were there. They were many. When you are in the
23 jungle, sometimes they give themselves false names. You don't
24 know their real names.

12:21:47 25 Q. Give us the false names or the real names. 1994 to 1998,
26 men living in Buedu going on food-finding missions.

27 A. I can't tell all the names. I don't know the names.
28 Sometimes when you bump into someone, you only say [Krio spoken],
29 so that's the name they usually give themselves, unless the name

1 of the commander that you would call.

2 Q. How long would it take you to walk from one side of Buedu
3 to the other, do you think?

4 A. It will not take you a whole day.

12:22:50 5 Q. How long would it take you? If it wouldn't take you a
6 whole day, how long would it take?

7 A. It just depended on the way you want to walk, because
8 sometimes you would go and say - let me go and say hi to
9 somebody. During the day, we will not be in the town, we will be
12:23:10 10 in the bush.

11 Q. Okay, let's ask you about that. "During the day we
12 wouldn't be in the town, we would be in the bush." So during
13 your time with the rebels, you were not living in the town, you
14 were living in the bush in Buedu?

12:23:24 15 A. At Buedu in the morning, say, around 6.00 to 6.30, you
16 would leave, because the jets would come to disturb. So that was
17 the reason why we would go into the bush, everybody would clear
18 up where he would be; you sit there talking. When the jet comes,
19 if they meet you cooking, you put the fire off and take cover.

12:23:53 20 At night, you come to town to sleep.

21 Q. Okay. Do you know where the entrance to the Special Court
22 is from here? Do you know the distance? Can you picture the
23 distance from here to the Special Court entrance?

24 A. Yes.

12:24:16 25 Q. Use that as an estimate to how big you think Buedu is. Is
26 it bigger than that distance or smaller across?

27 A. Well, I can't tell. I was not walking around. They would
28 not allow to you walk around. In the morning, you would go to
29 the bush. At night, you would come to your hut to sleep. Early

1 in the morning, you would go again, so I can't tell exactly the
2 size.

3 Q. Well, you would know, wouldn't you, if it was smaller than
4 that. Was it smaller than that? Was it smaller than from here
12:25:09 5 to the Special Court entrance?

6 A. I don't know. I don't know.

7 Q. You don't know where General Issa lived in Buedu either, do
8 you?

9 A. I don't know. I have never known his house. I only know
12:25:29 10 they were all in Buedu, but I don't know his house.

11 Q. Do you know the distance from Buedu to the Liberian border?

12 A. I don't know because I've never been to those areas.

13 Q. Can I suggest you've never been to Buedu, Madam Witness?

14 A. Well, I've taken an oath on the Bible. I don't think I
12:25:56 15 will come here to lie on the Bible.

16 Q. Well, describe to us Buedu then. Everything you know about
17 Buedu from your time in 1994 to 1998 in terms of buildings, roads
18 and so on. Give us a description.

19 A. Well, there are no places where there would not be houses.
12:26:26 20 I'm not able to describe Buedu. By then I was a small child.
21 They would not allow you to walk around. If you are caught, you
22 would be beaten.

23 Q. So you can't give us any description of Buedu?

24 A. No, I'm unable.

12:26:52 25 Q. Who was the MP commander in Buedu in 1998?

26 A. I don't know.

27 Q. Who is the name of the doctor in Buedu in 1998?

28 A. I've forgotten his name.

29 Q. Who apart from [By direction of the Court, this name has

1 been redacted] -- excuse me. Name, except for the person's name
2 you've given -- perhaps you can do this by writing it down if
3 it's safer. Let me just ask this question first: Apart from the
4 name of the person you've given as being the training commander
12:27:56 5 whose name you've given to the Court on a piece of paper, can you
6 name anyone else who was training on that camp? Simply yes or no
7 will do at this stage. Can you name anyone else?

8 A. For me, I only knew the one that trained me.

9 Q. Okay. Can you name any other person trained on the camp at
12:28:21 10 the same time as you? Yes or no will do at this moment.

11 A. Yes.

12 MR JORDASH: Could the witness please be given a piece of
13 paper to write down who it is?

14 Q. Can you write down on the piece of paper, Madam Witness,
12:28:59 15 who trained with you in Buedu?

16 A. [Witness complied].

17 JUDGE ITOE: Are these two names, because I see an
18 apostrophe after the first name. Is she mentioning two persons
19 on this paper?

12:30:13 20 THE WITNESS: Yes.

21 JUDGE ITOE: There are two persons?

22 THE WITNESS: Yes.

23 MR JORDASH: Can I apply for that piece of paper to be
24 exhibit number 48.

12:30:49 25 PRESIDING JUDGE: Any objection by anybody on this?
26 Mr Cammegh?

27 MR CAMMEGH: No.

28 PRESIDING JUDGE: Mr Touray?

29 MR TOURAY: No.

1 PRESIDING JUDGE: This piece of paper with two names on it
2 will be marked as Exhibit 48.

3 [Exhibit No. 48 was admitted]

4 MR JORDASH:

12:31:14 5 Q. Anybody else? Are those the only two names you can name,
6 Madam Witness? Yes or no.

7 A. Yes.

8 Q. Do you know where those two people are now, presently?

9 A. No.

12:31:36 10 Q. Where was the training camp in Buedu? Whereabouts? Can
11 you describe it?

12 A. I am unable, because by then I was a kid so I was unable to
13 eye mark places. I am unable.

14 Q. Did those who you spent time with in Buedu, from 1994 to
12:32:12 15 1998, always describe Issa Sesay as the top commander?

16 A. Yes.

17 JUDGE ITOE: Mr Jordash, what did you use? Recognise - or
18 what - Issa Sesay as overall commander? What word did you use?

19 MR JORDASH: "Describe".

12:32:59 20 Q. During your time in Buedu, aside from when you were first
21 captured, did you see Issa Sesay through those years in Buedu?

22 A. I saw him once.

23 Q. When was that?

24 A. After the training.

12:33:30 25 Q. Have you ever heard of a man called Mosquito?

26 A. Yes.

27 Q. What did you know about him during your time in Buedu?

28 A. Well, I knew that he too was a rebel.

29 Q. Anything else you knew about him?

1 A. No.

2 Q. Was he in Buedu?

3 A. He was in Kailahun.

4 Q. How do you know?

12:34:22 5 A. I asked my boss.

6 Q. What was he doing in Kailahun?

7 A. I don't know.

8 Q. Didn't your boss tell you?

9 A. I didn't ask him what he was doing in Kailahun. I didn't

12:34:40 10 ask him, so he didn't tell me anything about that.

11 Q. Right. I'm going to move from this subject in a minute,

12 but I want to ask you --

13 MR JORDASH: I would like to, Your Honours, ask this

14 witness to describe where her house was in Buedu and to describe

12:35:06 15 it as accurately as possible. I would respectfully submit it's

16 probably best that those questions take place in a closed

17 session. I notice the time. It may be as good a time as any,

18 but then I won't have to return to this subject. I could leave

19 it to the very end of my cross-examination and move on from this

12:35:32 20 if Your Honours' preference is that.

21 [Trial Chamber conferred]

22 PRESIDING JUDGE: We much prefer, Mr Jordash, that you do

23 that at the end of your cross-examination, if required.

24 MR JORDASH: Certainly.

12:36:00 25 Q. Can I suggest to you, Madam Witness, that if you had been

26 in Buedu in the time period you describe you would have known

27 that Mosquito was the overall commander and the reason you don't

28 know is because you weren't there.

29 JUDGE THOMPSON: Let her answer the first part.

1 MR JORDASH:

2 Q. Do you understand my suggestion, Madam Witness? I'm
3 suggesting you weren't in Buedu, or you would have known Mosquito
4 was the overall commander.

12:36:40 5 A. Well, when I asked XXXXXXXXXX, he told me about
6 Issa. I asked him about Mosquito and he told me that he too was
7 an RUF, but I didn't know whether he was the overall commander.
8 What I knew was that Issa was the overall commander.

9 Q. And I also suggest, Madam Witness, that there was no
12:37:05 10 XXXXXX in Buedu in 1997 or 1998.

11 A. Well, I have come -- I wouldn't sit here, having sworn on
12 the Bible, and tell lies. I wouldn't tell lies.

13 Q. Can you tell us, and this is the last question on Buedu, or
14 certainly describing Buedu -- can you just give us anything from
12:37:43 15 Buedu, any landmark, any building, any road, anything, which
16 would indicate that you have been there?

17 MR HARRISON: I just ask if maybe this could be part of the
18 closed session, because it may well be that the landmark may be
19 something that is immediately adjacent to a residence.

12:38:09 20 MR JORDASH: I would prefer if it was done then by writing,
21 because this witness is going to overnight and I would prefer if
22 an answer could be obtained now to any landmark she can give at
23 this time and not after -- I'm not obviously making any
24 references to the Prosecution, but --

12:38:27 25 PRESIDING JUDGE: Maybe before we go to this writing
26 process, if she could answer the question by a yes or no. If it
27 is a yes, then she can proceed. If is no, then --

28 MR JORDASH: Certainly.

29 Q. Can you think of any landmark or building or something

1 which is in Buedu which would show that you've been in Buedu?
2 Yes or no.
3 A. Yes.
4 Q. Would you be able to write it down on a piece of paper?
12:39:08 5 A. I can say it.
6 Q. When you say it would it give away your identity?
7 A. Well, I wouldn't call names, but I would say what I know.
8 Q. Has it got anything to do with where you lived,
9 specifically where you lived?
12:39:39 10 A. No.
11 Q. Would you describe, then, what it is that's in your mind?
12 A. Well, I know that in Buedu there is a radio communication
13 there and it is situated on top of the hill. The houses that are
14 there, some are built of zinc and some are built of tarpaulin.
12:40:10 15 Those are the three things that I could take to identify the
16 town.
17 Q. This radio set communication was there when? The radio
18 set, when was it there?
19 A. Since I was captured and taken there, I met the radio
12:40:37 20 station there and I heard about it there.
21 PRESIDING JUDGE: The witness didn't see a radio set, she
22 was talking about a radio communication.
23 MR JORDASH: I will clarify that because it is, I think,
24 quite significant.
12:40:51 25 PRESIDING JUDGE: Indeed.
26 MR JORDASH:
27 Q. What is it that you say was situated on the hill that had
28 something to do with the radio?
29 A. The radio communication.

1 Q. When you say "radio communication", what do you mean? Can
2 you describe it?

3 A. Well, I didn't go up there. The only thing was that when
4 you were here and somebody is at some other place and he's
12:41:26 5 calling you, you could receive a call and you too could make a
6 call. That's the radio set I'm talking about.

7 Q. So this was the RUF radio communication centre, was it,
8 when you were in Buedu?

9 A. Well, I do not know whether it's the entire centre for RUF,
12:41:52 10 but I know that there was a radio communication in Buedu that was
11 called the radio -- in fact, it was called Radio Freedom. That's
12 what the station was called.

13 MR JORDASH: Can I just very briefly take instructions,
14 please.

12:42:09 15 PRESIDING JUDGE: The witness just testified to radio
16 station and she had used that word before as well. So she was
17 using radio communication and radio station.

18 MR JORDASH: Certainly. I will try to clarify that. Thank
19 you for the time.

12:43:07 20 Q. Let me suggest to you this, Madam Witness -- well, before I
21 do, this Radio Freedom on the hill, was the hill in the centre of
22 Buedu or where?

23 A. It was on the outskirts, not in the centre of the town.

24 Q. How do you know it was there?

12:43:35 25 A. My commander told me.

26 Q. You never saw it?

27 A. I never went up there.

28 Q. Could you see it from down below?

29 A. Well, the location where we were, there was another house

1 in front of us. You could only see it on top of the hill when
2 you go in front of that house.

3 Q. So you could see from that house, the outskirts of Buedu,
4 Radio Freedom? Am I right?

12:44:11 5 A. Yes. It's not from the house where we were. We were in a
6 tarpaulin house at the back. The other house that was in front,
7 when you go in front of that one, you would see the house on top
8 of the hill where the communication set was.

9 Q. And these houses were in the centre of Buedu?

12:44:40 10 A. It was not in the centre most parts, but it was on the
11 side. It was not too far, not too far that it was far away from
12 the house or in the centre of town.

13 Q. So let me just understand this. You knew where the centre
14 of town was, am I right?

12:44:58 15 A. No, no. I didn't know there, because I was not walking
16 about in the town.

17 Q. So how do you know you weren't at the centre of town?

18 A. I do not know there. I do not know the centre of town,
19 because I was not walking. They wouldn't allow you to walk.

12:45:21 20 Q. How far were you from the centre?

21 A. I don't know.

22 Q. From where these houses were you could see Radio Freedom
23 which was at the outskirts of Buedu; am I right?

24 A. I do not understand.

12:45:46 25 Q. Well, you have told us that from a house you could see the
26 outskirts of Buedu. That house was not at the centre of Buedu;
27 am I right?

28 A. Yes, that's what I said.

29 Q. So what's the distance then from this house you're looking

1 at and the outskirts of Buedu?

2 A. Well, like I had said, you would stand -- you would be
3 standing and you would see it, but I was not walking about. When
4 I was there they wouldn't allow a kid to walk about. An elderly
12:46:27 5 person would know how to hide, but with kids, you wouldn't know
6 how to hide, so when the jets come you wouldn't know how to hide,
7 so they wouldn't allow you to be walking about.

8 Q. Thank you, Madam Witness, but was it, using this distance
9 from here, like I've asked before, the distance from here to the
12:46:47 10 entrance of the Special Court, was the distance from this house
11 you have been referring to greater or smaller -- let me start all
12 that again. Use the distance from here to the entry to the
13 Special Court to indicate the distance from the house where you
14 can see the Radio Freedom from.

12:47:11 15 A. I never walked to go up there, so I wouldn't tell the
16 distance.

17 Q. Let me put this to you, Madam Witness. There is no hill in
18 Buedu or at the outskirts.

19 A. The house was on top of the hill where the radio
12:47:38 20 communication was, but I never walked to go up there. So I
21 wouldn't be able to tell how Buedu is and how it is not, because
22 I was not walking about.

23 Q. In fact, Radio Freedom was in a town or village called Dodo
24 and not in Buedu and you have just invented it being in Buedu.

12:48:04 25 A. I didn't tell a lie. I've sworn on the Bible, how can I
26 tell a lie?

27 Q. And there were no tarpaulin or zinc houses in Buedu, they
28 were all concrete and brick.

29 A. Where we were, it was a tarpaulin house. It was a back

1 house. That was where we were.

2 Q. Now I want to ask you about statements you've made to the
3 Prosecution.

4 MR JORDASH: Can I ask, please, that the witness be given
12:48:47 5 the folder, please.

6 Q. Before I do put these to you, just a couple of questions.
7 Am I right that the only information you have about Mosquito is
8 that told to you by Scorpion which is that he was an RUF and he
9 lived in Kailahun? Is that fair?

12:49:23 10 A. Yes.

11 Q. During your time in 1994 to 1998 you did not know anything
12 else about Mosquito?

13 A. No.

14 Q. Now do you remember meeting the Prosecution on 29th October
12:49:47 15 2003, just over two years ago? Do you remember?

16 A. Yes.

17 Q. Do you remember speaking to the Prosecution and telling
18 them about what your experiences had been with the rebels?

19 A. Yes.

12:50:43 20 Q. Was the interview that was carried out with you in Krio?

21 A. Yes.

22 Q. Did you meet in XXXXX?

23 A. Yes.

24 Q. Did the person who interviewed you speak Krio?

12:51:16 25 A. The first woman whom I met with spoke English to me.

26 Q. Do you speak English?

27 A. Well, I do try. I do speak some.

28 Q. Wasn't the person who met you called Jusu Yarmah?

29 A. I don't know his name.

1 Q. Wasn't he Sierra Leonean?

2 A. I don't know.

3 Q. I suggest he was Sierra Leonean and he spoke Krio to you.
4 Can you remember that?

12:52:09 5 PRESIDING JUDGE: Are we talking a different --

6 THE WITNESS: The first woman with whom I met at Caritas,
7 she was a white lady, the first woman. At that time I was doing
8 my skills training at Caritas. She was the first woman with whom
9 I met. She was not a Sierra Leonean, she was a white woman. She

12:52:32 10 met me where I was doing my welding and she asked me and she
11 interviewed me.

12 MR JORDASH:

13 Q. I'm sorry, Madam Witness, that was me being less than
14 clear, again. What I'm interested in is when you met somebody
12:52:51 15 from the Special Court in XXXXXXXX at a guesthouse.

16 MR HARRISON: I think I can just help with the
17 pronunciation with the name. It is Jusu Yarmah.

18 MR JORDASH: Thank you.

19 Q. And the person you met was Jusu Yarmah. Do you remember
12:53:08 20 that?

21 A. Before we could meet at that guesthouse we first went into
22 an office where they did the interview before we could go to that
23 guesthouse.

24 Q. You remember the interview then?

12:53:31 25 A. Yes.

26 Q. Do you remember being told it was important that you told
27 the truth?

28 A. Yes.

29 Q. Do you remember being told that what you had to say was

1 going to be important for the Special Court?

2 A. Yes.

3 Q. Do you remember signing a statement which had been written
4 by the person who was interviewing you?

12:54:24 5 A. Yes.

6 Q. Why did you sign the statement?

7 A. Because I was ready to come to the Special Court and
8 testify. That's why I signed the document.

9 Q. And you signed it, didn't you, to indicate that you were
12:54:43 10 telling the truth?

11 A. Yes.

12 Q. Did you have the statement read to you so that you knew
13 that what you had said had been properly recorded?

14 A. Did they read it out to me, not did they give it to me.
12:55:14 15 After I signed the statement, I left and went back. At that time
16 I had just come from XXXXX. I was in XXXX when I was
17 informed. From XXXXXX, I didn't go back to my house, I just went
18 straight to the guesthouse.

19 Q. Okay. Did you have it read to you before you signed?

12:55:39 20 A. What did they read?

21 Q. What did they read? Did they read the statement which had
22 been written down recording what you had to say?

23 A. If they read it out to me?

24 Q. Let's break this down. You told the interviewer what
12:56:08 25 happened to you, they wrote it down; am I right?

26 A. Yes.

27 Q. They then read the interview to you so you knew what it
28 said?

29 A. Yes.

1 Q. You then signed --

2 A. If they read what I said to them -- I do not understand, I
3 really do not understand the question.

4 PRESIDING JUDGE: May I suggest, first you are using
12:56:36 5 "they". I thought you were talking of one person. Now it would
6 appear to be more than one person. I know the one person you
7 referred to appeared to be speaking Krio, but is the whole
8 interview done in Krio or somebody translating. I don't know.
9 Is the whole statement written in English or in Krio?

12:56:55 10 MR JORDASH: The original is in English.

11 PRESIDING JUDGE: That's what I mean. We need to know more
12 about what is what and are they translating every question and
13 every answer to her? We need to know the circumstances so we are
14 in a better position to appreciate what it is.

12:57:12 15 MR JORDASH: Certainly.

16 Q. Was Jusu Yarmah alone when interviewing you?

17 A. No.

18 Q. Who else was there?

19 A. There were two of them, but when this program started, I
12:57:33 20 didn't know that it was a program that we'd go through, so I
21 never ask for anybody's names, so I do not know their names.
22 Even the other day when they went, all of them were woman. They
23 went with a lawyer, a fat lawyer, but I wouldn't know his name.
24 The lawyer was questioning me and the other woman was
12:57:57 25 interpreting.

26 JUDGE ITOE: Was the lawyer as fat as Mr Jordash?

27 THE WITNESS: She was a woman. She was fat.

28 MR JORDASH:

29 Q. At the guesthouse in XXXXXXXX, did you tell the

1 investigator your story in Krio? Did you speak Krio?

2 A. Yes, I spoke Krio.

3 JUDGE THOMPSON: Mr Jordash, I expect you are going to
4 explore some new areas. Do you want to finish up laying the
12:58:58 5 foundation, or do you want to --

6 MR JORDASH: I think it may take some time, because there
7 are a number of statements.

8 JUDGE THOMPSON: The clock is ticking away. In fact, it is
9 two minutes past 1.00, according to that clock there. Our ritual
12:59:21 10 dictates that we call the session to a close for today.

11 MR JORDASH: I hope when I come back, I'm a little less
12 rusty.

13 PRESIDING JUDGE: You should be informed, as well, we have
14 been officially notified that tomorrow is the official holiday.
12:59:38 15 We're not sitting this afternoon, so we are back in Court on
16 Friday morning at 9.30. Tomorrow is, as I say, a holiday for
17 everybody, including the Defence.

18 MR JORDASH: I'm not sure that's going to work out.

19 PRESIDING JUDGE: How you enjoy your holiday is your call.

12:59:58 20 MR JORDASH: I think it might be Mr Sesay's.

21 PRESIDING JUDGE: That will conclude the proceedings today.
22 We will adjourn proceedings to Friday at 9.30 in the morning.

23 [Whereupon the hearing adjourned at 1.03 p.m.,
24 to be reconvened on Friday, the 4th day
13:00:51 25 of November 2005, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 45	29
Exhibit No. 46	37
Exhibit No. 47	39
Exhibit No. 48	63

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-314	23
EXAMINED BY MS ALAGENDRA	23
CROSS-EXAMINED BY MR JORDASH	51