

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

MONDAY, 5 NOVEMBER 2007
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Peace Malleni
Ms Erica Bussey
Ms Sandra Brown
Mr Felix Nkongho

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Peter Harrison
Mr Vincent Wagona
Mr Reginald Fynn

For the accused Issa Sesay:

Mr Wayne Jordash
Mr Kevin Hussey

For the accused Morris Kallon:

Mr Kennedy Ogeto
Mr Lansana Dumbuya

For the accused Augustine Gbao:

Mr John Cammegh
Ms Prudence Acirokop

1 [RUF05NOV07A - MD]

2 Monday, 5 November 2007

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.45 a.m.]

6 [The witness entered court]

think

7 PRESIDING JUDGE: Good morning, learned counsel. I

8 we are set to start our proceedings for this morning, and

9 Mr Jordash, I see a new witness.

10 MR JORDASH: That's right.

11 PRESIDING JUDGE: Facing off squarely this morning.

12 MR JORDASH: DIS-149, Your Honour.

13 PRESIDING JUDGE: DIS-149.

14 MR JORDASH: Who will give evidence in Krio.

15 PRESIDING JUDGE: And this will be your 13th witness?

16 MR JORDASH: Your Honour, yes.

17 WITNESS: DIS-149

18 [The witness answered through interpreter]

19 EXAMINED BY MR JORDASH:

20 PRESIDING JUDGE: Yes, Mr Jordash, you may proceed.

21 MR JORDASH: May I apply to go into a closed session for

30

22 minutes, just to deal with the preliminaries, and then I would

23 hope not to have to go back into closed session?

24 PRESIDING JUDGE: Court Management --

25 MR GEORGE: Yes, sir.

26 PRESIDING JUDGE: -- would you please go into closed
27 session --

28 MR GEORGE: Yes.

29 PRESIDING JUDGE: -- for Mr Jordash to make his

SCSL - TRIAL CHAMBER I

1 application.

2 [At this point in the proceedings, a portion of the
3 transcript, pages 4 to 21, was extracted and sealed under
4 separate cover, as the proceeding was heard in a closed

session]

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SCSL - TRIAL CHAMBER I

1 [Open session]

2 MR GEORGE: The Court is in open session.

3 PRESIDING JUDGE: Yes. Since there is some uncertainty
as
4 to whether we will move in and out, I reserve the ruling until
5 when we will consider it appropriate to deliver the ruling on
the
6 closed session application.

7 Mr Jordash, you may proceed with examination-in-chief in
8 the open session, please.

9 MR JORDASH: Thank you, Your Honour.

10 Q. Mr Witness, we are in an open session, so, avoid saying
11 anything which might identify you.

12 A. Okay.

13 Q. Now, I want to take you to Mende Buima, when you were
14 captured. Could you just briefly explain how this was done?

15 A. Well, when we were captured they took us to Mende Buima.
16 We were there for nine months, so they said that everyone
should
17 go to the base.

18 Q. But, sorry, would you repeat that last sentence, please?

19 A. We were there up to nine months when we were taken to
Mende
20 Buima, so, on a particular day, the armed men came. They were
21 patrolling --

22 PRESIDING JUDGE: You were at where, up to nine months;
23 where?

24 THE WITNESS: Mende Buima, when we were captured.

25 PRESIDING JUDGE: Now, you mentioned a place where you
say
26 you were captured. That was about -- did you say 100 metres
from
27 the Moa? Do you -- does that place have a specific name,
where
28 you were captured by the armed men and taken to the river,
where
29 you crossed to Mende Buima? Do you -- does that place have a

1 name?

2 THE WITNESS: Yes, sir. That was my village. Kangama.

taken

3 PRESIDING JUDGE: You were captured from Kangama and

4 to --

5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: -- to the crossing?

7 THE WITNESS: Yes, sir.

8 MR JORDASH:

you

9 Q. Do you know why, or did you observe the reason for why

10 were taken from your village to Mende Buima?

reason

11 A. Well, after they had crossed over with us, the only

12 they gave to us was that the soldiers were advancing towards

13 Manowa, and they did not want any civilians to be in the bush,

14 that they would kill, so that was why they were moving from

15 villages to villages; going to the bushes to find civilians.

16 That was the reason they gave to us.

17 Q. And in Mende Buima the fighters were from which places;

18 which countries; did you observe?

19 A. Well, later on we found out because the language they

from

20 spoke, they said they were Gio people. They said they were

21 Liberia.

Liberians?

22 Q. Now, how were you treated in Mende Buima by the

23 A. They were really treating us bad.

24 Q. Now, you've told us about being taken to the Kailahun
25 training base; were other people taken to the Kailahun

26 base?

27 A. Yes. They took a lot of people there.

28 Q. Were you and the others permitted to leave?

29 A. To leave where?

In
told
an
woman
pay
and
they

- 1 Q. The training base?
- 2 A. Well, at the end of the two months, they went.
- 3 Q. During the two months?
- 4 A. Whether they allowed us to leave?
- 5 Q. Yes.
- 6 A. No. Nobody was -- nobody wanted to stay in the base.
- 7 fact, we were all happy that we were going back, when they
- 8 us we were leaving today.
- 9 Q. Were you taught any ideology on the base?
- 10 A. Yes.
- 11 Q. What were you taught, just briefly?
- 12 A. Well, one, they said the war that had had happened was
- 13 because of democracy, and the laws involved in the war, that
- 14 individual should not rape a woman; you should not grab a
- 15 and lie with her. You should not do that.
- 16 Q. Any other laws?
- 17 A. Yes. They said whatever an individual took, you should
- 18 for it. You should not take it by force from anyone, and they
- 19 said we should respect our elders, especially the civilians
- 20 the chiefs; anyone who was a chief should be respected; and

to
to
operated
the

21 said no one should steal; and everyone should speak politely
22 anybody, whether you knew him before or not, you should speak
23 him or her politely. These were some of the laws that
24 in the base.
25 Q. And after you left the base did there come a time when
26 Liberians left?
27 A. Yes.
28 Q. Where were you when the Liberians left?
29 A. I was at Mende Buima.

base

1 Q. Did you observe how the laws that you'd learnt at the
2 were implemented after the Liberians left?

3 A. Repeat the question.

4 Q. Did you, in Mende Buima, observe how the laws that you'd
5 learnt at the base were implemented after the Gios, the
6 Liberians, had left?

7 A. Yes.

8 Q. How were they implemented in Mende Buima after the
9 Liberians had left?

10 A. Well, in Mende Buima, after the Gio had left, anyone who
11 stole, if he was a fighter, they would arrest him. They would
12 judge him. If it was true that he had stolen, they would beat
13 him up and, wherever he was, they would remove him from that
14 place and send him to another place. And if the stolen goods
15 were in his hand, they would take it from him and give it to

the

16 owner. That happened in the case of Foday Kakpo, who stole
17 a lady.

18 Q. Slow down. Foday Kakpo.

19 A. Kakpo.

20 Q. Who was Foday Kakpo.

21 A. Kakpo.

22 Q. Can you spell that?

from

23 A. K-A-K-P-O.

24 [RUF05NOV07B - JS]

25 Q. Was he an RUF?

26 A. Yes. Yes.

27 Q. Where was he based?

28 A. He was in Baima. He left there and went to Mende Buima
and

29 he went into this woman's farm and he stole the woman's corn.
So

SCSL - TRIAL CHAMBER I

companions

1 they reported him. Before he left the farm he met his

from

2 on the way and they saw the corn with him and they took it

3 him.

4 Q. Did anything happen to him?

him

5 A. Well, they beat him up. They gave orders and they beat

the

6 up. They removed the corn from him and they gave it back to

of

7 woman because the commander, CO Foday, said that this was one

8 the laws --

9 THE INTERPRETER: Your Honours, can the witness go slow.

10 MR JORDASH:

11 Q. Mr Witness, sorry; two sentences, then pause.

12 A. Okay.

13 Q. Now, go over your last answer, please.

found

14 A. Okay. They held him after they had judged him, they

him

15 out it was true, so they removed the corn from him and beat

16 up.

in

17 Q. Were you having anything to do with allegations of crime

18 Mende Buima?

19 A. No. Mende Buima, no. Except for stealing, they used to

20 arrest the people.

21 Q. What about you in the job you told us you had; did you
have

22 anything to do with investigations or allegations of crime?

23 A. Well, at Mende Buima no serious investigation was on
24 concerning crimes, except somebody comes and reports that they
25 had stolen from him or her. Apart from that, until I left
that

26 place, there was no serious crime about -- case about that.

27 Q. Do you know the term joint security, joint security
unit?

28 A. Yes.

29 Q. Was there a joint security unit in Mende Buima?

1 A. No.

2 Q. Was there any around Mende Buima?

3 A. No. There were MPs at the gates, but the joint security,

4 the personnel were not in Mende Buima, to say that they were a
5 joint security personnel.

6 Q. Were you working on a day-to-day in Mende Buima?

7 A. Yes. At dawn, if somebody reports to the commander, he
8 would call me and I would go there, I would find out.

9 Q. Find out what?

10 A. About the reports that they had made. If, for instance, I

11 have a problem with a person, if two women had a dispute and two

12 men had a dispute, they will come with a report because at that

13 time no joint security were at the gate. I, myself, Jusu Moriba

14 and two other men would call -- summon the two parties, talk with

15 them, and we would give them advice and they would go and they
16 will settle things.

17 Q. Did you have anything to do with marital relationships?

18 A. No. In Mende Buima I did not do that.

19 Q. Just to be clear, did you do that in any other place?

20 A. Yes.

21 Q. Where was that?

22 A. Well, we did marital cases at Giema, we did marital
cases
23 at Pendembu.

24 Q. When you say you did marital cases in Giema and
Pendembu,
25 can you explain a little further, please?

26 A. Yes. Giema, there was a lady who was Meto, but they
were
27 in Gago, four miles to Giema. But it was at Giema that the
joint
28 security was based. So she had her husband who was Pa
Lansana,
29 so -- and since she was a Meto and she loved the fighter and
left

1 her husband, so we received the information at Giema.

2 Q. Can I just stop you there. Mento is who?

3 A. She was a lady.

4 Q. And she was married to?

5 A. Pa Lansana.

6 Q. And did anything happen?

7 A. Meto loved a fighter, who was Kallon Nabieu.

8 Q. N-A-B-I-E-U, I think?

9 A. Yes.

10 Q. Go on.

11 PRESIDING JUDGE: Kallon who? Nabieu?

12 MR JORDASH:

13 Q. How do you spell that, Mr Witness?

14 A. Kallon, K-A-L-L-O-N. Kallon Nabieu.

15 PRESIDING JUDGE: Spell Nabieu.

16 THE WITNESS: N-A-B-I-E-U.

17 MR JORDASH:

18 Q. Go on.

19 PRESIDING JUDGE: Yes, what happened between Kallon

Nabieu

20 and Mento? Is it Mento or Menta? Mento?

21 A. Mento.

22 PRESIDING JUDGE: Yes, what happened?

23 THE WITNESS: Mento, who was -- was the wife of Pa

24 Lansana --

25 PRESIDING JUDGE: We heard that. We heard that.

26 THE WITNESS: -- was in love with Kallon Nabieu who was

a

27 fighter.

28 PRESIDING JUDGE: Mm-hmm. We heard that.

29 THE WITNESS: So after we received the information, we

SCSL - TRIAL CHAMBER I

they 1 decided to send someone to go to find out because they said
2 had a dispute over the night.

3 PRESIDING JUDGE: Yes.

He 4 THE WITNESS: It was not long before Pa Lansana came.
5 made the report and he said his wife Meto, he had realised
that 6 he was in love with --

7 THE INTERPRETER: Your Honours, I did not get that last
8 bit.

9 MR JORDASH:

10 Q. Repeat the last sentence, please, Mr Witness.

11 A. It was not long before we had planned to send somebody
to 12 find out when Pa Lansana came. He made the report that his
wife, 13 that he understood that his wife was in love with Kallon
Nabieu 14 who was a fighter, and the woman had decided to leave him.

15 Q. Go on.

16 A. So we sent -- we sent for Meto. She came. The G5
summoned 17 Meto and she came. So the MP, they came with Kallon because
18 Kallon was at the gates at Giema. We asked the lady, and she
19 said that she was in love with Kallon and Kallon too accepted
20 that Meto was his girlfriend. But when we realised that Pa

Kallon
21 Lansana had two children with Meto, and they had been staying
22 before the war, staying the war together, so the G4 told
23 to forget about Meto.

that
24 THE INTERPRETER: Your Honours, let the witness take
25 last bit.

26 MR JORDASH:

27 Q. Repeat the last sentence, please, Mr Witness.

28 A. When we found out that Pa Lansana, that he had been with
29 Meto before the war, and they had got -- they had two children

about
together

1 before the war, so we decided -- we spoke to Meto to forget
2 Pa Kallon and he and Pa Lansana had -- they had children
3 and they had been together before the war, so we begged her to
4 forget about Kallon.

town

5 Q. Did -- when you say "we" who was involved in this?

6 A. MP, IDU, G5 and the town mother, we summoned her; the
7 mother Ami.

8 Q. And the IDU involved, who was that?

9 A. The names? Their names?

10 Q. Well, were they male or female?

was

11 A. Well, the IDU personnel, there was an IDU personnel who
12 a woman.

13 Q. Was she involved?

14 A. Yes. She was part of the panel.

15 Q. Part of the?

16 A. The panel.

17 Q. And was the problem resolved by these people?

18 A. Yes. We were able to solve the problem.

19 Q. Did you know someone called Bunduka?

20 A. Yes.

21 Q. Who was that?

22 A. Bockarie Bunduka. He was a fighter; RUF fighter.

23 Q. Where was he an RUF fighter?

24 A. Well, I met him in Pendembu.

25 Q. Which year was this, do you know?

26 A. He was there in 1997, '98, part of -- 1997, 1998. He
was

27 there. He was in Pendembu.

28 Q. And who was he married to?

29 A. He was married to Haja.

1 Q. And did anything happen with him and Haja?

2 A. Yes. Yes.

3 Q. What happened?

4 A. He, the Bunduka, he and Haja had a fracas and he beat up
5 Haja.

6 Q. And did Haja speak to anyone about that?

7 A. Yes, she had reported him. She met us at the place
where

8 we used to sit because we hadn't a permanent office. It was
9 there she made the report that her husband had beaten her up.

10 Q. And did anything happen following that report?

11 A. Yes. As she made the report, the MP went for Bockarie
12 Bunduka. They wasted no time and he was brought. He was held
by

13 his shirt and they came with him. He was sweating and crying.

14 Q. And what happened?

15 A. When we ask why he beat up the lady, he responded by
saying
16 that the lady was too jealousy and that she jealous him too
much.

17 Q. Sorry, she jealous him too much. What does that mean?

18 A. That anywhere she saw Bunduka, and any other lady
19 discussing or had a joke, that Haja would become so angry and
she

20 will start to use some bad words against him. That was why he
21 said he beat her up.

22 Q. So what happened?

with

23 A. That he, Bunduka, had found out that Haja was in love

24 somebody and that Haja should not stop her from loving any

25 person.

26 Q. Just moving forward. Did anything happen as a result of

27 this inquiry or report? Did anything happen to --

had

28 A. Yes, yes. Well, the conclusion we heard, after Bunduka

29 said that the lady should not return to his house again and he

1 will no longer feed her.

2 Q. Did Haja go anywhere?

G5

3 A. Yes. It was we, ourself, who arranged and gave her one
4 to escort her to her people at Mende Kaima.

issues?

5 Q. Who in Pendembu would women complain to about such
6 Who would they go to?

7 A. If it were a civilian, it would go directly to the G5.

such

8 Q. And, in Pendembu, did women complain to the G5 about
9 issues?

a

10 A. It was only that time when I heard that case, which was
11 very serious case which almost resulted to a divorce that
12 have separated partners, but, apart from that, I did not get
13 other marital issue.

would

14 Q. And in Giema were women able to complain to anyone?

15 A. Giema, yes.

16 Q. Who would they complain to?

so

17 A. Giema, it was the G5. Seeing the woman was a civilian
18 it will be taken to the G5.

complain

19 Q. And in Pendembu when you were there, could women

20 to anyone?

would

21 PRESIDING JUDGE: And if the woman was a fighter she

means

22 complain to who, because you say she was a civilian so it

23 that --

husband

24 THE WITNESS: If the lady were a fighter, then her

report

25 was a civilian, she would go back to the G5 because the person

26 she was reporting was a civilian, so she was supposed to

27 to the G5. But if the woman were a fighter and the man was a

28 fighter, she would go and report to the MP.

29 MR JORDASH:

1 Q. In Pendembu, could women, civilians, report to anyone --
2 sorry, yes, in Pendembu?

pronoun

3 THE INTERPRETER: The interpreter, sorry, he, the
4 is not clear, whether male or female. Can the witness clarify
5 that?

6 MR JORDASH:

report

7 Q. Sorry, let's just deal with that again. Could women
8 to [microphone not activated] in Pendembu when you were there?

9 A. What do you mean? I don't understand that.

as

10 Q. You gave an answer a moment ago, and the question is:
11 Could women complain to anyone in Pendembu about such things
12 marital difficulties?

13 A. Yes. They were reporting to the G5.

given

14 Q. Did you observe that in Pendembu?

15 A. Yes. That's what I've just explained. I have just
16 an example.

after

17 Q. Thank you. I want to just take you back very briefly to
18 Mende Buima after the Gios left. Did any training happen
19 the Gios left that you were aware of?

20 A. Yes, I used to hear.

21 Q. In the job you had in Mende Buima, did you hear any

22 complaints about training after the Gios left?
1993, 23 A. When I was in Mende Buima, until the time I left in
24 no other training took place.
you 25 Q. When did training take place after the Gios left; are
26 aware of any?
27 A. Yes.
28 Q. When was it and where?
29 A. Well, I heard about Baima, 1995.

SCSL - TRIAL CHAMBER I

1 Q. After that did you hear of any, 1996 onwards?

2 A. Bunumbu.

3 Q. When was that?

4 A. Bunumbu, it was in 1994.

5 Q. Do you know if there was a training base called Bunumbu
6 after the intervention?

7 A. I don't understand.

8 Q. Did you hear of a training base at Bunumbu after --

9 A. Yes.

10 Q. -- after the intervention?

11 A. No.

12 Q. Never heard of it?

13 A. Not at all.

14 Q. Did you receive any complaints about training when you
were
15 in Giema and Pendembu?

16 A. I did not receive any complaint from any of the bases
that
17 training was going on there because it wasn't within the
purview
18 of my operations.

19 MR CAMMEGH: Sorry to interrupt. Could Mr Gbao please
20 attend the bathroom?

21 PRESIDING JUDGE: Yes, he may, please.

22 MR JORDASH:

units?

23 Q. When you were in Giema, were you working with other

24 A. Yes.

25 Q. Which other units?

26 A. MP and G5.

27 Q. And when you were in Giema, were you working with those

28 units?

29 A. Yes.

about

1 Q. Did you hear from any of those units, any complaints

2 training, when you were either at Giema or Pendembu?

to

3 A. Well, the only information I gathered, they were saying

4 that they were taking people to the base; that was what I used

place

5 hear. But I did not see the people and I did not go to the

6 to see them.

7 Q. When did you hear that?

8 A. Even 1995.

9 Q. Did you hear that later than that or was it 1995?

year

10 A. It was -- it was in 1995 when I heard about that. The

11 did not end when I heard about it.

1995?

12 Q. And did you ever hear about it at any time later than

13 A. Yes.

14 Q. When?

15 A. 1994. Then --

16 Q. Listen to the question. Did you hear about that at any

17 time after 1995?

18 A. Yes, 1996.

19 Q. Did you hear any details about that?

20 A. No.

21 Q. Did you hear anything about training in 1998?

22 A. Yes.

23 Q. What did you hear?

24 A. Well, they said they were taking people to be trained at
25 Bunumbu, but where I was based, it was distant. So I did not
get
26 the number of people that were taken to the place while the
27 training was conducted.

28 Q. Did you hear anything else besides people were being
taken
29 to the base?

1 A. No, I did not get any other information.

2 Q. Now, let me take you to Giema, when you went there in I
3 think you said around 1993, but I want to move you forward to
4 year or so later. Did you know who the area commander was in
5 Giema?

6 A. Yes.

7 Q. Who was it?

8 A. It was Peter Vandí.

9 Q. Did you get to know at any time Issa Sesay or get to
10 what Issa Sesay did?

11 A. Well, 1995, that was the first time when I set my eyes

12 Issa Sesay. When he went to Giema he was a fighter and he was
13 under Peter Vandí.

14 Q. Did there come a time when Issa Sesay was the top man in
15 the area?

16 A. Well, it wasn't in Giema. In 1998, after Denis Lansana

17 left Pendembu and transferred to Baima, that was the time Sam
18 Bockarie assigned Issa Sesay to Pendembu.

19 Q. Okay. Well, we'll deal with that in a while. I want to
20 just stick with Giema. Were you aware at the time when

21 Issa Sesay --

a

know

on

had

22 A. Okay.

23 Q. -- was in Giema?

24 A. He met us there. It was he who met us in Giema.

25 Q. And what were you doing in terms of daily activities
there?

26 A. Well, Giema, except somebody came and make a report we
will

27 sit together and arrange; after that we will go to our gardens
or

28 our farms.

29 Q. What kind of issues were you dealing with, Mr Witness?

1 A. Well, they used to come, bring some bit of complaint.
2 Person will say this person had loaned some bananas from me,
and
3 we had a time and the time had elapsed, and if that complaint
is
4 made the person will be summoned to come. If the person had a
5 banana he will pay, but if the person doesn't have the banana
we
6 will talk to the complainant. We would talk to the
complainant
7 and the complainant will wait. Those are the sort of
complaints
8 we used to get.

9 Q. What would you do with a complaint such that? Would you
10 pass the complaint on to anyone?

11 A. Well, if it -- it were not a serious complaint, we would
12 sit together and arrange amongst ourselves. But if the
complaint
13 was serious, for instance, if people had a fight and one is
14 wounded, or one had a fracas, so the problem would be
forwarded
15 to Peter Vandj, and we would explain that this person had a
16 fracas with this person but the other man had been injured.
17 Q. Do you know if the joint security unit was working?
18 A. Yes.
19 Q. What was it doing?

and
for
or a
whosoever
was
it

20 A. The joint security, it was working with the civilians
21 the soldiers because the MP was responsible for soldiers, G5
22 civilians. So any complaint that came from either a fighter
23 civilian, we would sit together and investigate it, and
24 was wrong, the commander of the area would be informed. If it
25 were a soldier, the discipline to be meted out would be
26 recommended to the commander. If it were a soldier, we would
27 forward the matter to the G5 and explained that this civilian
28 wrong. A civilian to civilian, we would not take the case and
29 forward it to the commander in charge; we would only forward

1 to the G5, the MP, the IDU would sit together and -- we will
sit
2 together and decide it amongst them because some civilians
were
3 even afraid to report to the commander if they -- they
wouldn't
4 tell the commanders. If the problem was between civilians we
5 would arrange amongst them.

6 Q. Did the IDU in Giema have anything to do with displaced
7 people?

8 A. Yes.

9 Q. What did it do?

10 A. When they had the -- when displaced persons were brought
11 from the front line --

12 Q. Yes.

13 A. -- we wrote down their names. We had paper.

14 Q. Would anything else be written down?

15 A. Yes. We would write the names, the sex, the place where
16 the person came from, where the person was captured, where the
17 person was born. If there were women among the group, if
there
18 were children among the group that he came with, and the work
19 that you were able to do, we documented all. If we had a
paper,
20 we documented it.

would

21 Q. And after this information had been documented, what

22 happen?

23 A. If the overall security commander was there, we would

24 report and tell him that these were the civilians that had

25 arrived. This is the document and he would go through.

26 Q. And what would happen to the civilians?

27 A. If he were not there --

28 Q. Sorry, finish your answer. If he was not there --

area,

29 A. If he was not there, the commander in charge in the

1 will take the document to the commander in charge of the area.

2 Q. And what would happen to the civilians?

would

3 A. Then, after that, we would come back, the commander
4 come and speak to them. He would greet them --

did

5 THE INTERPRETER: The interpreter is sorry. The
6 interpreter is sorry. There is a problem. The interpreter
7 not know where he greeted them or he graded them. Can the
8 witness clarify.

9 MR JORDASH:

10 Q. Could you clarify and repeat your last answer, please,
11 Mr Witness?

the

12 A. The commander -- the commander would come and spoke to
13 civilians.

14 Q. Concerning what?

15 A. He would tell them after he had greeted them --

"greeting"

16 PRESIDING JUDGE: The problem was with the word
17 or "graded." He came, he spoke to them. Is it greeting
18 or graded?

19 THE WITNESS: Greetings.

20 PRESIDING JUDGE: That was the question that the
21 interpreter asked. He would greet them, mm-hmm, and then?

22 THE WITNESS: Then he would advise them, so that they
23 wouldn't feel bad.

24 MR JORDASH:

25 Q. What would be said? What kind of thing would be said?

26 A. So that they would -- would urge them to feel at home.

27 Q. And what would happen then?

28 A. After that we would ask the people, because as they came
29 with the civilians, people were coming from the other
villages,

the

1 and so among the group that came, the people that came from
2 villages would see some of their relatives.

3 Q. And what would happen then?

person

4 A. So anybody who was able to call the names of five, up to
5 ten people, say amongst the group, would give that person, the
6 people whose names he had called. If the people were able to
7 prove that they were the relatives of the person and the

a

8 would take them and go. If any person remained, for instance,
9 lady -- the town woman -- the town mother would take care of

that

10 person. If the person was a man, the town commander would

take

11 care of that person because a person would not just come to a
12 town newly and you give a house to that person without a

landlord

13 and the landlord will not feel fine. That was why we would
14 arrange the situation in that way.

know.

15 PRESIDING JUDGE: Okay, now, we will break off, you

16 We will recess for a few minutes and resume shortly.

17 [Break taken at 11.40 a.m.]

18 [RUF05NOV07C - JS]

19 PRESIDING JUDGE: Mr Jordash.

20 MR JORDASH: Thank you.

21 Q. If we can just finish this subject of displaced people,
22 Mr Witness. How would the town mother take care of the
displaced

23 persons who had not been identified by relatives?

24 A. Well --

25 PRESIDING JUDGE: Can you be a bit more specific? To
take

26 care of displaced women. I think what he said was if they

27 identified, or rather, the identified displaced people who
were

28 women, they were handed over to the town mother. If they were

29 men, they were handed over to the town commander.

1 MR JORDASH:

2 Q. How were the women looked after by the town mother?

will

3 A. Well, they would be with her even though at times they
4 not stay in the same house.

5 Q. Where would they stay?

6 A. They would be in the nearby houses.

7 Q. And what about the town commander and the men?

space,

8 A. The men, if the town commander did not have enough
9 they, too, would be in the nearby -- stay in the nearby

houses.

10 Q. Where would they receive food from?

11 A. When they came with them newly?

12 Q. Yes.

would

13 A. They had food support from the food reserve that they
14 give the town commander or the town mother.

15 Q. What was the food reserve?

eating

16 A. At times they came with banana because when we were

give

17 banana they would bring bananas or bush yams and they would
18 the town commander or the town mother, if they came with

was

19 civilians, newly, who -- people who they brought newly, that
20 the food they gave to them to eat.

21 PRESIDING JUDGE: Who brought the bush bananas and bush
22 yams? Mr Witness, who brought --

23 THE WITNESS: The bush yams or the bush bananas or the
24 bananas they brought.

25 PRESIDING JUDGE: Who brought? Those civilians who --

26 THE WITNESS: The civilians who had come newly, they
were
27 not the ones who brought the bananas. The people who had been
28 staying in the place, they were the ones they told to bring
29 bananas or bush yams because they knew that in the bush area
and

1 they knew how to get them.

2 MR JORDASH:

3 Q. So were these people who obtained the bush yams and
4 bananas, civilians or soldiers?

5 A. They would mix them up because they gave some
instructions
6 like place like Gevelu --

7 THE INTERPRETER: Your Honours, the second name I did
not
8 get.

9 MR JORDASH:

10 Q. Mr Witness, take a moderate pace. Repeat the last two
11 sentences.

12 A. They would mix them up. It was not only a single set of
13 group that would bring the food.

14 Q. So was it soldiers and civilians? Is that what you were
15 saying?

16 A. Yes.

17 Q. When you were in Giema did you experience the ICRC?

18 A. Yes.

19 Q. Did they come to Giema?

20 A. Yes.

21 Q. Did they do anything there?

22 A. Yes.

23 Q. What did they do?

24 A. Well, they came with food supply.

25 Q. What did they come with?

26 A. They came with bulgur, bulgur wheat blended, cornmeal,
27 butter, oil, and later they came with seed rice.

28 Q. What happened to the seed rice?

29 A. The seed rice they brought, when they brought the seed

SCSL - TRIAL CHAMBER I

food,

they

meet

the

1 rice. The ICRC people said that some medicines were in the
2 so people should not eat -- eat from it, except you use it to
3 make a farm. So they distributed it among themselves. Anyone
4 who had a family staying with you and you were able to work,
5 would give it to you.

6 Q. Did you at this time know someone called -- or did you
7 someone called Mariama Lahai?

8 A. Yes.

9 Q. What were the circumstances?

10 A. They came with civilians.

11 Q. Who came with civilians?

12 A. They brought them from Borbu.

13 Q. Who is "they," Mr Witness?

14 A. They were fighters.

15 Q. So the fighters came, yes, with civilians. Go on.

16 A. So when they came with the civilians, we took them to
17 office.

18 Q. Go on.

19 A. We took down their names, all of their names.

20 Q. Yes?

21 A. And for him, he had -- for her, she had no one.

22 Q. Yes?

sitting 23 A. So after they had taken down their names, I saw her

24 down by the window in the office with her two children.

25 Q. Yes. What happened?

26 A. So I asked her, "Were you the ones they brought today?"

27 She answered, "Yes." So I said, "But why are you here and the

houses?" 28 rest" -- "the rest of the others have gone back to their

So 29 So she said she knew no one, and no one had come to take her.

1 I said, "Why did" -- "why did they not hand you over to the
town
2 mother, Ami?" So she said she did not know the town mother.
So
3 I went to Ami. She said there was no more space and she will
not
4 be able to take care of another stranger if she had no food.
So
5 I went to G5. He said, well, that lady -- in fact, we had
6 forgotten. After we told them to pick up their things to go,
he
7 did not even notice that they had left her behind. So I went
8 back to the office. I saw the MP commander, John Gavawo. So
I
9 told him that, "This woman you left behind, she came with her
10 children and it's almost night." So he told me that he had
11 called for the G5. So the G5 came. So I started to ask the
12 woman and she said she's a native of Segbwema. So I told her
13 that Segbwema was my mother's land, homeland. That was where
she
14 was born. So she said, "Well, I'd be happy to stay with you
15 because you are someone from" -- "someone who came from" --
"we
16 came from the same town." So the G5 and the MP, they said,
17 "Well, these two children with the lady, take them to -- take
18 them to your house." So we went. I went and explained to my
19 wife what had transpired and about what had happened in the

food

20 office. So my wife gave her water to bathe and she gave her

21 to eat and she gave her clothes to put on.

and

22 PRESIDING JUDGE: Mr Witness, this is getting too long

know.

23 boring. I don't understand the relevance of all this, you

24 It's getting long. It's getting too long.

knew

25 THE WITNESS: Well, so you asked me to explain what I

26 about her. So she was with me until the time when her husband

27 came in 1996 and they went -- he went with her with the two

28 children.

29 MR JORDASH: If Your Honour wishes, I can explain the

1 relevance in the absence of the witness, but I respectfully
2 submit that the story is at complete odds with what the
3 Prosecution say was happening in Giema at this time.

element

4 PRESIDING JUDGE: Well, it's philanthropism, you know,
5 those who -- isn't it what -- otherwise at least a human
6 was taking care of those who were captured.

7 MR JORDASH: Well, not according to the Prosecution.

his

8 PRESIDING JUDGE: I know. I mean, that's the message
9 evidence is putting across, the evidence you are putting

across.

10 It's just that it was getting too long.

11 MR JORDASH:

12 Q. Mr Witness, briefly --

13 A. Okay.

14 Q. Let's move on from this story, thank you. Briefly, did
15 anyone in Giema when you were there receive any punishment,

any

16 soldier?

17 A. Yes, the one I knew about was Fred Kallon.

18 Kallon Nabieu -- they beat him up.

19 Q. What for?

20 A. The other or a lady --

that

21 THE INTERPRETER: Your Honours, can the witness take

22 again?

23 MR JORDASH:

24 Q. Repeat that last sentence, please?

25 A. After we had -- we had spoken with the lady, we begged
the woman and advised Kallon to forsake them.

27 Q. Sorry, is that the story you told before the break?

28 PRESIDING JUDGE: Your story before the break ended up
with

29 Kallon repudiating, repudiating this woman. And so you people

1 provided a G5 to take her to her -- to her village.

provided

2 THE WITNESS: No, it was not Kallon. The one who
3 a G5 to come -- to go to her village, it was not Kallon.

4 PRESIDING JUDGE: Kallon is the Lansana -- the wife of
5 Lansana?

6 THE WITNESS: Yes, that's it.

7 PRESIDING JUDGE: Okay, all right.

8 MR JORDASH:

9 Q. Would any part of the joint security unit in Giema make
10 recommendations about punishment?

11 A. Yes.

12 Q. Which part?

13 A. IDU, MP, G5s. These are the three units that would come
14 together.

15 Q. And what kind of recommendations were you aware of the
16 joint security making?

17 A. Well, we made the recommendations to make the fighters
18 brush, provide hard labour, to brush, or beat him up, give him

24

19 strokes or they change his area of assignment.

20 Q. Now, let me take you, Mr Witness, to Pendembu. Before I
21 do, let me ask you this: What were the children doing in

Giema

22 when you were there?

to 23 A. Well, the children were not doing any other job except
24 help their relatives on the farm.

25 Q. And were you aware of any rules concerning what children
26 should do at that time?

27 A. No. They did not tell me about any rules concerning
28 children.

were 29 Q. Did Foday Sankoh say anything about children that you

1 aware of?

2 A. Yes. After the Gios had left, he passed an instruction
3 that the children should go to school.

4 Q. And do you recall when that instruction was or when you
5 learnt about it?

6 A. Well, the instructions was -- I came to know about the
7 instructions in -- it was well-known in '95 and in the town

where

8 they opened the -- they built a booth where they opened the
9 school in Giema.

10 Q. Do you know if that instruction was repeated at all
11 1995?

after

12 A. Those instructions were repeated over and over. Every
13 it was repeated.

year

14 Q. And the young boys in Giema and the environs, who were
15 living with?

they

16 A. Well, some children were with some commanders, children
17 whose relatives were not around.

18 Q. And what were they doing with the commanders?

19 A. Well, from what I saw, they were acting as house boys.

20 Q. And was there a problem with them acting as house boys?

21 Was there perceived to be a problem, as you observed?

22 A. No. Because they were happy for Peter Vandi, his own
23 child, the child who was with him, Sheku Kanneh, he was happy
24 because he said he had met his father during the war. He was
25 happy to stay with him.

26 Q. And did those boys who acted as house boys go to school?

27 A. Well, for Giema, the school was not functioning until I
28 left there, but it was built.

29 Q. What about in Pendembu when you were there?

SCSL - TRIAL CHAMBER I

1 A. Pendembu school was going on and I heard that there was
a
2 school in Kailahun.

3 Q. And do you know whether the boys who lived with the
4 commanders would go to school generally?

5 A. Well, in Pendembu I would go to the schools and I would
6 observe that. But during the war you would not just see a
person
7 or be able to tell whether he was part of the army or a
fighter.

8 So I could not -- I was not able to recognise whether they
were
9 children who had been fighters, but I saw some of the children
in
10 the classroom.

11 PRESIDING JUDGE: What has he said? Let him repeat his
12 response to that question.

13 MR JORDASH:

14 Q. Repeat your answer, please, Mr Witness. Can you see if
you
15 can explain it in a different way?

16 A. Yes. I said I saw some children in the school at
Pendembu,
17 but I wasn't able to tell whether they were the boys who were
18 attached to some commanders at the various towns and villages.

19 Q. Do you know from what you observed whether all
commanders

20 obeyed the instruction to send children to school, or did some
21 keep them at home doing domestic tasks?

22 A. It wasn't the people. It was the children. A lot of
them

23 were unwilling to go to school. They would go today, tomorrow
24 they wouldn't go to school. I was in Pendembu. I had been
25 receiving such information.

26 Q. Was there any instruction to the commanders about that?

27 A. Yes.

28 Q. What was the instruction?

29 A. Well, even in Pendembu, the commander, the teacher that
was

children

1 there, Kutubu, he came and told Denis Lansana that some
2 who were in that school had left the school and he did not see
3 them any more. And he was saying that maybe they had gone to
4 their respective villages because a lot of them were born in
5 chiefdom.

that

6 Q. Go on.

7 A. That was what was happening.

civilians

8 Q. Now, let me take you to Pendembu. Where were the
9 living in that region at the time you went there?

stay

10 A. Well, after we had registered them, some accepted to
11 in Pendembu Town. Some decided to go where they have heard

that

12 their relatives were there. Some went to Kortihun, Nanaima --

13 Q. Sorry, can you just spell those two names, please?

14 A. K-A-R-T-I-H-U-N.

15 Q. And the second one?

16 A. N-A-M-A-I-M-A.

17 Q. Go on. I stopped you.

that

18 THE INTERPRETER: Correction interpreter, the spelling

of

19 was given by the witness was K-O-R -- K-O-R-T-I-H-U-N instead

20 K-A-R.

21 THE WITNESS: Some were going as far as Pelewahun.

22 Q. How do you spell that?

23 A. P-E-L-E-W-A-H-U-N. All were villages around Pendembu.

24 Some decided to go to the villages where they had that -- they

25 had their relatives.

26 Q. And where was your office, Mr Witness?

27 A. Well, our office was in the old police station going

28 towards Kailahun.

29 Q. And did you give reports to anyone?

SCSL - TRIAL CHAMBER I

1 A. Yes.

2 Q. Who to?

3 A. I used to give reports to Denis Lansana.

4 Q. And who did you receive reports from?

5 A. I used to get reports from the agents, like Senesi.

6 Q. And what kind of reports?

7 A. Well, most of the reports which were major were when they

8 got civilians they would come with them. They would come and
9 inform us that they've come with civilians and all of us would
go

10 there.

11 Q. And what would happen when you went there?

12 A. When we went there, we would write down their names as we

13 used to do in Giema and where anybody wished to go, the person
14 would go there. But we wouldn't just leave somebody to go
like

15 that because if somebody had just arrived and did not
understand

16 the area, and even if the person was born there -- the person
had

17 lived there for a long time, if the person is going we would
ask

18 the G5 to give that person somebody to escort the person.

19 Q. Did you know anyone called [REDACTED]?

20 A. Yes.

21 Q. And what was he doing around this time?

22 A. Well, he was the [REDACTED].

[REDACTED] 23 Q. Do you know -- do you know what he was doing as

24 at this time?

25 A. Yes. Any report that we received we would sit together,
we

26 compiled it.

27 PRESIDING JUDGE: We are in an open session. We have to
be

28 very careful because this man gave his testimony entirely in a

29 closed session. I'm worried about -- is this not the

1 [REDACTED] -- is this not the --

2 MR JORDASH: Yes.

3 PRESIDING JUDGE: Yes.

4 MR JORDASH: This is [REDACTED].

5 PRESIDING JUDGE: Yes, we have to be very careful about,
6 you know, disclosing his identity. We're coming very close to
7 that. We're coming very, very close to that.

8 MR JORDASH: Could I then ask for this last ten minutes
or
9 perhaps five minutes to be redacted, please, including this
10 conversation, please? I'll be careful, though, Your Honour.

11 PRESIDING JUDGE: Go to another topic and let's see how
we
12 can come back to this one because moving in and out, you know,
13 sort of destabilises one, you know.

14 MR JORDASH:

15 Q. Let me ask you a different question, Mr Witness. Did
you
16 know someone called Alex Brima?

17 A. Yes.

18 Q. Who was he?

19 A. He was an MP.

20 Q. Where?

21 A. Commander, Pendembu.

22 Q. Do you know who he reported to?

23 A. Well, he was reporting to Denis Lansana.

24 Q. Thank you. And did the joint security unit, which
you've

25 told us existed in Pendembu, make any recommendations?

26 A. Yes.

27 Q. Can you give us an example, or some examples?

28 A. Like the change of assignment, we gave that
recommendation.

29 In the situation of Bunduka Haja.

SCSL - TRIAL CHAMBER I

1 Q. Any other recommendations concerning punishment?

2 PRESIDING JUDGE: What is Bunduka Haja?

3 MR JORDASH: The example the witness gave earlier
4 concerning the dispute between a married couple.

5 Q. Any other recommendations on punishment?

6 A. In Pendembu during that time that was the only
7 recommendation so far I recall we made, because all the orders
8 were no problem, so we hadn't to make recommendations
concerning
9 that.

10 Q. Were there investigations during your time in Pendembu?

11 A. Yes.

12 Q. Were there any investigations into soldiers?

13 A. No. A soldier-to-soldier investigation was not done
except
14 when a soldier had a problem with a civilian, so an
investigation
15 would be done.

16 Q. Was there anything you didn't investigate concerning
17 problems between soldiers and civilians?

18 A. Yes, like --

19 THE INTERPRETER: The interpreter is sorry, but after Pa
20 Buima, the name that came, the interpreter cannot get it
clearly.

21 The interpreter is sorry. Can the witness come again?

22 MR JORDASH:

23 Q. What was the second name you mentioned then?

24 A. I said Pa Buima. Blemu, he was in Blemu. Blemu was the
25 section. That was the place he was.

26 Q. And what did you say about him?

27 A. When -- he reported that his cassava had been uprooted.

We

28 did not sit together and made an investigation.

29 Q. Why not?

SCSL - TRIAL CHAMBER I

were
to
was
which

1 A. Because as he was making -- as he made the report, we
2 able to get the person. A person came and ascertained that he
3 saw the man approaching the cassava. Before the MP went there
4 arrest the man, the man left -- throw away the cassava which
5 in a hamper and he went away. So it was the first cassava
6 was given to him and he accepted that.

other

7 Q. So apart from that which wasn't investigated, were there
8 any other matters which were not investigated, or were all
9 matters investigated?

the
serious.

10 A. Well, there were a lot of things that were brought, but
11 only thing -- we investigated matters that we felt were

12 Q. And are you able to say whether the investigations were
13 completed when you considered the matter serious?

14 A. Yes.

15 Q. Are you able to say whether they were completed to the
16 satisfaction of the complainer, complainant?

17 A. Yes, because after -- it -- it were a theft case.

18 Q. It was a what case?

19 A. If the case was a theft case --

20 Q. Yes?

21 A. -- we investigated the case and we were able to get the
22 person who stole. Even the complainant will ascertain that it
23 was the real person who had stolen, because the defendant will
24 accept that indeed, he did the thing, the stealing.

25 Q. When you were in Pendembu, did you know Senesi Vandi?

26 A. Yes.

27 Q. How did you come to know him?

28 A. Senesi Vandi, he was an IDU personnel.

29 Q. Were there any complaints about him at any point?

1 A. During that time, except when he and his wife had a
2 problem, his wife's name Sata, they used to get problems. He
did
3 not -- wouldn't take the matter to the office, we will
deliberate
4 on it. If he was wrong we would tell him and we would talk to
5 the woman. That's what I knew about him.

6 Q. Did you come to know Issa Sesay when you were in
Pendembu?

7 A. Yes.

8 Q. What was he doing there?

9 A. Well, '98, he came there as commander.

10 Q. Had you known what he was doing before that?

11 A. Well, before that time he was a fighter.

12 Q. How do you know he was a fighter before that time?

13 A. Well, before that time I used to see him, even the time
14 while we were in Giema I saw him with an arm. He used to go
to
15 the front line.

16 Q. When he came as a commander, do you know what he was
doing
17 on a day-to-day?

18 A. No, that I wouldn't be able to say because I wasn't
staying
19 with him at home.

20 Q. Do you know if anyone reported to him?

21 A. Report? In what sense?

to

22 Q. Well, for example, did any of the unit commanders report

23 him, unit commanders in Pendembu and the surrounding -- the

24 surrounding towns and villages?

was

25 A. Well, in Pendembu during that time the joint security

26 the body to which reports were made. Then was supposed to get

27 report -- rather, he was supposed to get report from the front

28 line because he was the commander of the area in 1998.

29 PRESIDING JUDGE: Mr Jordash, we will stop here, please.

1 Learned counsel, the Chamber will recess for lunch. We will
2 resume the session at 2.30. The Court will rise, please.

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

4 [RUF05NOV07D - MD]

5 [Upon resuming at 2.59 p.m.]

are

6 PRESIDING JUDGE: Good afternoon, learned counsel. We

7 resuming our session. Mr Jordash, you may proceed, please.

8 MR JORDASH: Thank you.

9 Q. Good afternoon, Mr Witness.

10 A. Afternoon, sir.

sent

11 Q. You made mention this morning about Issa Sesay being

12 to Pendembu?

13 A. Yes.

14 Q. Did you find out the reason why?

not

15 A. Well, the only reason that was given to me was that Sam

16 Bockarie, who was Mosquito, they said -- he asked me to run a

17 mission between Liberia and Sierra Leone border, that he did

18 accept, and I tried to find out what the mission was but I was

19 not able.

20 PRESIDING JUDGE: He was -- we would be content with you

21 putting on the record that he was sent there for disciplinary

story

22 reasons, isn't it? We know the story. I don't think that

23 is -- we don't want to hear it several times, the story of his

24 going and losing diamonds or whatever. I think we have heard

the

25 enough of that story, and it's not this witness who will make

26 point stronger. We know -- we know about that. Why don't we

Don't

27 find a short-circuit to get to the point and to continue?

28 you think that that point has been made, Mr Jordash?

29 MR JORDASH: Well, there is another point, which is that

1 it's senior commanders may know about it but it might be
2 instructive that --

comment

3 PRESIDING JUDGE: Well, I just wanted to make the
4 to say that we don't have to rob one issue too often because

it

5 becomes repetitive, monotonous and -- but you may -- I just

felt

6 I should make this comment, and the witness may continue, if

you

7 think that there is some other point which is novel and which

is

8 only known to him and possibly the one we have not heard

before.

9 MR JORDASH: Well, this evidence doesn't fall into that
10 category.

11 PRESIDING JUDGE: I see.

corroboration

12 MR JORDASH: It's simply corroboration, but

they

13 from different people. Given the Prosecution case, and what

14 say Sesay was doing at this time, it is significant, we would

be

15 say, that all and sundry, from top to bottom, would appear to

16 saying that his role is limited. But, if Your Honour doesn't

17 think it's [overlapping speakers] I will move on.

your

18 PRESIDING JUDGE: No, no, no. I don't want to conduct

19 case for you. It's because this witness is going again to --
20 they gave him this to go to Liberia and this happened, and so
on
21 and so forth. That is what dictated my reaction to the
question.

22 I do not want to interfere with your case, if I wouldn't and I
23 shouldn't, but you may continue.

24 MR JORDASH:

25 Q. Do you know what Sesay's role was in Pendembu? His role
26 was? Full stop.

27 A. He was there to work with the fighters and the
civilians.

28 Q. And --

29 A. The civilians.

Alpha
1 Q. And did -- was there a problem at this time with the
2 Jet in Pendembu?
3 JUDGE BOUTET: At this time, Mr Jordash, you still refer
to
4 '98 time frame?
5 MR JORDASH: Yes.
6 Q. Was there a problem with the Alpha Jet in 1998 in
Pendembu?
7 A. Yes.
8 Q. And what would happen with civilians in Pendembu when
Alpha
9 Jet came?
10 A. Well, we made a law that in the morning, civilians
should
11 go to the bush. So, when daybreak, 6.00, 6.30, all of them
would
12 go to the bush and hide.
13 Q. Did Sesay have anything to do with that?
14 A. He was the second commander to give that instruction.
15 Denis gave the same instruction and when he, himself, came he
16 gave the same instruction. He said that when they -- and that
17 during the day the civilians should go to the bush to hide,
for
18 fear of the jet.
19 Q. Did you --

Maybe

20 JUDGE BOUTET: Mr Jordash, could you just clarify?

21 it's just the -- the witness just said he was the second in

is

22 command, meaning the first one having been Lansana, and this

23 now -- he is not the second in command to Lansana, he is the

24 second [indiscernible] command doing the same thing --

25 MR JORDASH: Yes, that was my understanding.

26 JUDGE BOUTET: Okay.

27 MR JORDASH:

28 Q. Was it Denis Lansana who first gave the instruction?

29 A. He first gave the instructions.

Denis

1 Q. And was Sesay doing the same or different job to what
2 Lansana had done, within the area?

3 A. It was the same job.

4 Q. Thank you. And did you observe Sesay dealing with
5 civilians, when he was doing that job?

6 A. Yes.

7 Q. Did --

8 A. I observed at one time when the civilian commander at
9 Pendembu --

asked

10 THE INTERPRETER: Your Honour, would the witness be
11 to repeat the name of the individual he mentioned?

12 MR JORDASH:

13 Q. Mr Witness, just pause there. What was the name of the
14 individual you mentioned?

15 A. Foday Adebama.

this

16 Q. So, repeat or continue with what you were saying about
17 man?

18 A. So Foday Adebama went to him --

What

19 PRESIDING JUDGE: Who was Foday Adebama? Who was he?
20 was he?

and

21 THE WITNESS: He was the chiefdom commander at Bambara

22 he was based at Pendembu.

23 MR JORDASH:

24 Q. Go on, Mr Witness.

bushy

25 A. So he told him that he wanted, because Pendembu was

26 and it was dirty, so he said he wanted a place to be brushed.

27 Q. Who said that?

28 A. It was Foday Adebama.

29 PRESIDING JUDGE: Who said that Pendembu is bushy and it

1 needed to be brushed?

2 THE WITNESS: Pa Foday Adebama. He came with him,
3 initially, with the security, and he said that: Thank God
4 Mr Sesay has come. Even though he has just come let us go to
5 him. They went and repeated the same to him.

6 PRESIDING JUDGE: Repeated what to him? Tell us? Pa
7 Foday --

8 THE WITNESS: He said --

9 PRESIDING JUDGE: Pa Foday Adebama --

10 THE WITNESS: Pa Foday Adebama --

11 PRESIDING JUDGE: The chiefdom commander --

12 THE WITNESS: -- the chiefdom commander --

13 PRESIDING JUDGE: -- he went and saw Sesay?

14 THE WITNESS: He went to see Issa Sesay, and he told
him,

15 he said that he had seen Pendembu and that it was really
bushy,

16 so he would like to ask the other civilians, the civilians in
the

17 town and the others in the various villages at Pendembu, so as
to

18 assist in brushing Pendembu.

19 PRESIDING JUDGE: He was appealing to Sesay to ask all
20 those civilians to come and brush Pendembu?

21 THE WITNESS: It was information that he had been giving

he
to

22 him because he wouldn't, it wouldn't be good for him to see
23 people coming from different villages and come, so that is why
24 was told. The joint security and he, all of us went together
25 see Issa Sesay.

26 MR JORDASH:

27 Q. And what happened when you went to see Sesay?

28 A. When we went there, he explained, and he accepted. He
29 said, okay. He said all of us, the house, the town belongs to

1 all of us and you own the -- all the civilians.

2 Q. And so --

Alex

3 A. Then, so we ourselves came back and the MP commander,

Amara

4 Brima, he himself passed instructions to the MP commander

gate

5 Sawo, he said: All the fighters that were assigned to the

6 around Pendembu should come and help brush Pendembu.

7 Q. And did this happen?

They

8 A. Yes, it happened in 1998. It happened. They came.

elapsed,

9 gave them three days to come. When the three days had

10 all of us brushed, and we were not able to finish, so all of

11 us --

12 PRESIDING JUDGE: It was only you, only the soldiers for

13 the three days; was it only the soldiers?

time

14 THE WITNESS: No. They said that three days was the

15 limit that all of them should come together. We went to Issa.

16 PRESIDING JUDGE: All of who? All of who?

17 THE WITNESS: MP, IDU, G5 with the paramount chief.

RUF?

18 PRESIDING JUDGE: The soldiers, isn't it? That is the

19 Members of the RUF unit?

and
20 THE WITNESS: Yes. Yes. So, we showed the three days
prepared
21 we said that after these three days everybody should be
came,
22 and come. When the three days had elapsed, a lot of people
23 then brushed. The one that remained, we that were in Pendembu
house.
24 Town, we said that everybody should clean his or her own
been
25 No other individual will come outside to do so. So we had
considerable
26 doing that gradually, until the time that we did a
the
27 number of work, amount of work. We were not able to finish
That
28 work. We uprooted the grass and we made the place clean.
29 was what happened.

1 MR JORDASH:

Foday 2 Q. Do you know what Sesay's relationship was like with
3 Adebama?

Then, 4 A. Well, I used Pa Foday Adebama going to Issa Sesay.
5 at times, Issa Sesay himself, he himself would come to Foday
if 6 Adebama's house. That was what I used to see. I do not know
7 there was any other extra relationship. At one time he even
came 8 with a Maggi pocket in his hands. He came to the office and
9 he told us that he came from Issa and that he was the one that
gave 10 him the Maggi. So that was what I used to see.

11 Q. Right. So Sesay had given Foday Ademaba the Maggi; is
12 that what you explained?

13 A. Maggi, yes.

know 14 Q. And do you know what Adebama does now, today? Do you
15 what he is working as?

Maggi 16 PRESIDING JUDGE: Mr Jordash, did he say a packet of
17 or just Maggi.

18 MR JORDASH?

19 Q. Did you say a packet of Maggi or Maggi, Mr Witness?

20 A. A packet of Maggi.

21 Q. And before I ask you that question of what he is doing
now,

22 you mentioned that Pa Foday Adebama had said: Thank God about
23 Sesay coming. Do you know why he said that?

24 A. No, I was not in his mind, but I was able to detect
because

25 at the time that Denis Lansana was there, he made a similar
26 proposal so that we could brush Pendembu. He did not -- he
did

27 not pay attention to that. So there was hope that when Issa
come

28 he would do it. That was the hope that the old man had. That
29 was his intention.

or

that

had

1 Q. Do you know what Adebema does today? What does he do?

2 A. Question not understood.

3 Q. Do you know what job or role Foday Adebama plays today,
4 does today?

5 A. Well, he was the chiefdom commander. He was the one

6 was the custodian of all the civilians. He was the one that

7 been controlling his civilians in the chiefdom.

8 Q. Do you know what he does now, today?

9 A. Yes.

10 Q. What does he do?

11 A. Well, now, he is the NA court chairman.

12 THE INTERPRETER: Your Honours, would the witness go --
13 repeat the last bit of his testimony?

14 MR JORDASH:

15 Q. Sorry, could you say what he does again, please, today?

16 A. NA court chairman, at Pendembu.

17 Q. What does NA stand for?

18 A. Native Administrative.

19 Q. Did you know somebody in 1998 called Boy George?

20 A. Yes.

21 Q. Who was Boy George?

22 A. Boy George was a bodyguard to Issa Sesay.

23 Q. Did anything happen, that you remember, with Boy George?
24 A. I can recall one thing, when he taunted one individual,
who
25 was called Fema, because of an orange, so the woman did not go
to
26 us, she went and cried to Issa. And when we went, as he had
been
27 explaining, we only heard that Boy George, his fellow
colleagues,
28 bodyguards, had arrested him so we rushed and went there. So
we
29 found out that, we find that he was been judged and he
accepted

1 and he said that he took the orange but he did not have the
2 money, so the woman said that he was to put back the money,
the
3 orange. He did not do so. What did he do? He threw the
orange
4 to the woman and he hissed at her, and it was there that, we
were
5 there when Issa gave the instructions that he should be beaten
6 up. He was beaten and he was advised and we left the place.
7 Fema and I were the individuals who had been talking to him so
8 that he would not be feel bad and he did accept.

9 Q. Sorry, who accept?

10 A. Fema accepted. When he had beaten Boy George. When he
was
11 going to his house, by then, that was the time that we
followed
12 him and we went on talking to him, begging him and he
accepted,
13 and he said that he had forgotten about what had happened, so
I
14 went to my house.

15 Q. And do you know if others heard about this incident,
16 besides you who were present?

17 A. The thing happened in public.

18 Q. Did it have any effect on any others?

19 A. Yes.

20 Q. What was the effect?

bodyguards,
said:
1998?

21 A. They were afraid by then. Apart from the other
22 any fighter that entered Pendembu was afraid that -- they
23 Did you see the example that Issa set? So whosoever stole he
24 would be beaten. So that was the after-effect which was on
25 everybody.
26 Q. Were there any farms in Pendembu or the villages in
27 A. Yes, they laid farms. A lot of people laid farms in
28 Pendembu because when the farming start in 1995 everybody had
29 been laying the farm, every year.

1 Q. What happened to the produce from the farms in 1998?

2 A. Whosoever laid a farm, and when he harvested, and he had
3 corn, whatever he had was your own. Nobody asked anybody. I
4 laid a farm and nobody asked me to subscribe anything.

5 Q. Do you know if Sesay had a farm in Pendembu, in 1998?

6 A. I don't know except the community farm that was laid and
7 that was for everybody, so I wouldn't say that he had no hands
in
8 the farm.

9 Q. Sorry, who made the community farm which was for
everybody?

10 A. The chiefdom people, and some fighters.

11 Q. Who worked on the farm?

12 A. Civilians had been working there. They had some
soldiers
13 going there.

14 Q. And what happened to the harvest?

15 A. Well, the farm that was harvested, the rice man was
16 right --

17 THE INTERPRETER: Your Honours, would the witness go
over
18 the last bit of his testimony?

19 MR JORDASH:

20 Q. Mr Witness, would you just repeat the last sentence,
21 please?

G5's

22 A. When they had harvested, the rice barn was before the
23 house at Pendembu. All the rice was brought there and it was
24 parked there.

25 Q. What happened to it after it had been parked there?

chiefdom

26 A. Well, it was that one, it was between him and the
27 commander, so I was not with them. I did not know how it was
28 used. So I wouldn't be able to tell much.

29 Q. Do you know what the attitude of the civilians was to

1 working on the community farm?

2 PRESIDING JUDGE: Let me -- he says he doesn't know what
3 happened to the rice that was parked. You say it depended on
4 who? I mean, he said something. He said there is a chiefdom
5 commander or who -- can you take that again? The rice which
6 parked, the rice on the community farm which was parked
7 in the store, what do you say happened to it? You say you
8 know what happened to it, to be fair to you, that is what you
9 said.

10 THE WITNESS: Mm-hmm.

11 PRESIDING JUDGE: And do you know so-so-so and those who
12 would know how it was used?

13 THE WITNESS: Well, it was the chiefdom commander and
14 G5 commander who were at Pendembu because they had -- the rice
15 was in their custody.

16 MR JORDASH:

17 Q. Just so we are clear, are you saying you don't know what
18 happened after it went into the custody of the chiefdom
19 commander?

20 A. Well, the whole of the rice, how the thing was done,

was

somewhere

don't

the

they

come,

rice

I

1998

21 would give some to -- a seed rice to civilians, who would

22 and if it was a man that was able to work, he would give the

23 to him. But the rest of the rice that remained, I wouldn't be

24 able to tell. See, I used to see and I used to hear.

25 Q. Thank you. Now, just a few more subjects, Mr Witness.

26 won't be long. Are you aware of any attack on Segbwema in

27 or 1999?

28 A. Yes.

29 Q. And who was attacking?

1 A. Well, it was the RUF.

2 Q. Do you know if anything happened to civilians following
the
3 attack?

4 A. Well, after the attack, I was at Manowa. It was there
that
5 I heard that they had come with civilians to Bunumbu.

6 Q. Go on.

7 A. I went there.

8 PRESIDING JUDGE: That who had come with civilians to
9 Bunumbu? Not they; who had come with civilians to Bunumbu?

10 THE WITNESS: The fighters.

11 PRESIDING JUDGE: The RUF fighters?

12 THE WITNESS: Yes. They were the ones that came with
them.

13 MR JORDASH:

14 Q. Who was the commander in Pendembu at that time?

15 A. It was Denis Lansana.

16 Q. Now, when the RUF fighters came with the civilians, what
17 happened to them?

18 A. Bunumbu, when I went there, when the fighters saw me,
they
19 said that they wanted to take the civilians across the Moa but
20 now that you've come, here they are.

21 Q. So, what happened to them?

22 A. I took them all.

23 Q. And what did you do?

24 A. We came -- we came to Manowa.

25 Q. And what happened when you came to Manowa?

26 A. It was the road that led to Pendembu. So we came to the
27 ferry, we crossed, and we went to Pendembu.

28 Q. Go on.

29 A. So when we arrived at Pendembu, I went to Denis, and I

told

1 him that Denis, I had come with civilians.

2 Q. But did anything with them, Mr Witness?

3 A. Nothing happened with the civilians; they gave me 200
4 civilians. When I came with the paper, when I arrived with

them,

5 by then, before Denis, we counted up to 201. See, there was a
6 little child on its mother's back, so that was the only thing
7 that happened because they asked me why the child was -- and

why

8 I did not count the child and he was asking me the question
9 laughing.

10 Q. Where did they go to live, these civilians, Mr Witness?

11 A. It was in Pendembu, they were based, and some others

went

12 to various villages because a lot of them are born of

Bandajuma

13 Sinneh, Sakiyema, a lot of them. So a lot of them were not
14 strangers.

15 Q. They registered?

16 A. Yes. Yes.

17 Q. And how were they treated by the RUF?

18 A. Well, when we arrived, that very day, Denis Lansana, he
19 gave -- he gave rice, Maggi. What was not in large -- in

great

20 number was palm oil, so they prepared food and they ate.

Before

21 nightfall, saw them that were, whose places were just by
22 Pendembu, so they started going home.

23 Q. And were there any who didn't have anywhere to live?

24 A. Pendembu, there's a lot of place to accommodate them.

25 People were afraid of jet, so that was why a lot of them did
not
26 want to spend the night at Pendembu.

27 Q. Okay. In 1998 and 1999, did you receive any complaints
28 from women concerning forced relationships? Do you understand
29 the question?

1 A. Yes, that was between --

2 THE INTERPRETER: Your Honours, would the witness be
3 instructed to repeat the last testimony?

4 [RUF05NOV07E - JS]

5 MR JORDASH:

6 Q. Repeat the last sentence?

7 A. Yes. It was between Haja and Bunduka.

8 Q. Any others?

9 A. Well, even the commandant that was there, Denis Lansana

--

10 THE INTERPRETER: Your Honours, the interpreter did not
11 get
12 the name of the individual just mentioned.

13 MR JORDASH:

14 Q. Did you say Denis Lansana, Mr Witness?

15 A. Denis Lansana and his wife.

16 Q. What happened with them?

17 A. They had a clash. There was a problem between them. At
18 going
19 that time he was a commander. So he only said that he was

we

20 to treat the matter, it was not a joint security business, so
left them because the woman did not report and the man did not
report, so when we heard about it, we went and greeted him.

We

truth,

21 started asking him in a very funny way, so as to get the

22 but he and the woman were there, and they even had a child who

23 had matured, the child had also given birth and the child has

24 also matured.

of

25 Q. Okay. Just to be clear, did you learn what the nature

26 the crash was? If you didn't, you didn't. Don't speculate.

of

27 A. No, no, I don't know. I don't ask anyway. I was afraid

28 him during that time. He was my commander.

29 Q. Now, did you know in 1996 someone called Ishaka?

1 A. Yes; he was a bodyguard to Issa Sesay.
2 Q. In 1996 did you meet him?
3 A. Yes, I saw him.
4 Q. Where did you see him?
5 A. Pendembu.
6 Q. Did you speak to him?
7 A. Yes. All of us had been talking to each other.
8 Q. How old was he in 1996, approximately?
9 A. Well, he was around 25 years.
10 Q. Did you know any other bodyguards of Issa Sesay in 1996?
11 A. Yes. It was a Alhaji.
12 Q. How old was Alhaji, approximately, in 1996?
13 A. Well, he was about 20.
14 Q. Did I -- I don't think I asked you how old was Boy
15 when --
16 A. Boy George?
17 Q. In 1996, how old was he?
18 A. 20. 20 years.
19 Q. Thank you.
20 A. You're welcome.
21 MR JORDASH: Your Honour, the only other subject I would
22 like to deal with is the one that Your Honour was concerned

George

with

23 dealing with in a public open session. It's three or four
24 questions about the MP commander in Pendembu, the overall MP
25 commander. I'm quite content, if Your Honours considers it
26 acceptable to deal with it in an open session because I think
27 can deal with it in a discreet way.

28 PRESIDING JUDGE: Yes, if you can deal with it in a
29 discreet way, fine. We will deal with it in that way and we

I

SCSL - TRIAL CHAMBER I

you

1 avoid the mechanisms of going in and out of closed session,

2 know.

3 MR JORDASH:

4 Q. I just want to ask you about O'Jalley, Mr Witness.

5 A. Yes.

surrounding

6 Q. Did you observe him working in Pendembu and the

7 environs?

8 A. Yes.

9 Q. What was he doing, practically speaking?

MP

10 A. Well, he, by then, was passing instruction to the town

was

11 commander, so as to arrest any soldier who was reported, who

12 at the front line, he was the one that was passing the border.

any

13 Then it was he that was ahead of us, who had been submitting

14 report that we had from the joint security of the commander in

15 charge.

16 Q. Was he having anything to do with civilians?

17 A. No.

18 Q. Did you have the opportunity to observe his relationship

19 with civilians? If you didn't, you didn't.

20 A. No.

don't

21 Q. Feel free to say you don't know, Mr Witness. If you

22 know, you don't know. It's perfectly acceptable.

If

23 MR JORDASH: I've got no further questions, thank you.

from

24 you remain there, Mr Witness, there will be some questions

25 others. Thank you.

26 PRESIDING JUDGE: Thank you, Mr Jordash.

starts,

27 MR CAMMEGH: Your Honour, before my learned friend

28 could I leave the room for two minutes, please?

29 PRESIDING JUDGE: Yes, you may.

1 MR CAMMEGH: Thank you. I think there's some confusion.
2 There's no need for my learned friends to wait. They can
carry
3 on. I will only be two minutes, unless they have no
questions.

4 PRESIDING JUDGE: They will continue, of course.

5 MR CAMMEGH: Thank you.

6 PRESIDING JUDGE: I am just waiting for them to organise
7 themselves for whoever will spring to his feet to start.

8 CROSS-EXAMINED BY MR DUMBUYA:

9 Q. Good afternoon, Mr Witness.

10 A. Yes, good afternoon, sir.

11 PRESIDING JUDGE: Mr Alusine Sesay?

12 MR DUMBUYA: Mr Lansana Dumbuya.

13 PRESIDING JUDGE: Mr Lansana Dumbuya.

14 MR DUMBUYA: Yes, Your Honour.

15 Q. Mr Witness, my name is Mr Dumbuya. I represent Kallon
and
16 I will be asking you a few questions. I'm not going to be too
17 long. If you do not understand any question, please ask me to
18 repeat it and I will do so.

19 A. All right.

20 Q. Now, when you were being led by my learned friend
21 Mr Jordash, you said whilst you were at the training base you
22 were taught certain ideologies?

23 A. Yes.

24 Q. And you would agree with me that at that particular time
25 you were also taught -- you were also told the reason why the
26 rebellion was there?

27 A. Yes.

28 Q. Can you tell us the reason?

29 A. Well, what they told us, they said we are fighting for

SCSL - TRIAL CHAMBER I

1 democracy, but let everybody have equal rights. Then, to wipe
2 away the rotten system that was there in the country; that was
3 what they were telling us.

from

4 Q. And by then you were a teacher who had just graduated
5 college? Yes?

6 A. Yes.

7 Q. And you were aware of the system then?

8 A. Yes.

9 Q. Were you happy with the system then?

10 JUDGE BOUTET: What do you mean by "then"? What's the
11 "then"? '91, '92?

12 MR DUMBUYA:

13 Q. In 1991 when the rebels came, were you happy with the
14 governance then?

and

15 A. No, I was not glad. I was not glad with the government

first

16 again I was not glad that the war came because that was the

discouragement I

17 time I heard the heavy gun sounds. That was the

18 had, to see gun, to see different gun. Even the barrel we had
19 not seen before but during this time we were seeing them all
20 over.

21 Q. Mr Witness, you spoke about civilians being brought from

22 the war -- from the front, from the front line?

23 A. Yes.

24 PRESIDING JUDGE: Mr Dumbuya, let me -- he said --

25 Mr Witness, you said you were not happy, you know, with the

26 government at the time in 1991. But that you were not glad

27 either when the war came. It means that you neither liked the

28 government at the time, nor were you happy that the war came.

Is

29 that what you want to say?

1 THE WITNESS: No. What I want to say, we were not glad
2 when we were hearing the heavy sounds of guns, and we saw many
3 guns going around, so we were not really happy over it.
4 Everybody was discouraged because we had never seen them
before.

5 PRESIDING JUDGE: Okay. Yes, Mr Dumbuya, you may
continue.

6 MR DUMBUYA:

7 Q. Now, Mr Witness, I remember you spoke about 200
civilians
8 which after counted you said was 201?

9 A. Yes.

10 Q. Now, if you agree with me, you say so; if you don't, you
11 say so. Now, you will agree with me that those civilians, one
of
12 the primary reasons why they were brought to the rear was for
13 their safety?

14 A. Yes. That was the first thing.

15 Q. And also, you would also agree with me that another
reason
16 was for the fear of them not being in a liberated area. Let
me
17 put this again: You would agree with me that another reason
was
18 for the fact that if they were left there, and enemy forces
took
19 over, then some of them would be killed?

be

20 A. Yes. That was the first law; that no civilians should

21 at the front line.

22 Q. Now, you spoke about farms in Pendembu?

23 A. Yes.

fact

24 Q. And if my memory serves me right, you spoke about the

25 that you, yourself, had a farm; you said farm or gardens, sort

26 of?

27 A. It was a rice farm; I had a rice farm at the Ginjama.

28 Q. And you also spoke about a community farm?

29 A. Yes.

1 Q. Now, I want to suggest to you that there were different
2 types of community farms?

3 A. Yes. Besides the one the G5 had, the kitchen, so many
4 other people had farms in the villages, apart from Pendembu
Town.

5 Q. Now, you would agree with me that certain set of
6 communities, or groups of people, like the Muslims, the
7 Christians, these sort of people in the community will have
their
8 own farms. You have a Muslim community farm, you have a
9 Christian community farm?

10 A. Yes. They arranged it later, after the inter-religious
11 council had been formed.

12 Q. Now, would you help us with the period when you said
13 "after," the period in which this, you know, Muslim and
Christian
14 community farms were established?

15 A. That was in 1997, Pendembu; I was there. The Muslims,
they
16 all made swamps; the Christians also made swamp. Only that
the
17 swamps were not that big.

18 Q. This was during the junta time?

19 A. Yes.

20 Q. Now, you would agree with me that the proceeds, for
21 example, of the Muslim farms, would go directly to the Muslim

to
22 community, and the proceeds of the Christian farms go directly
23 the Christian community, and no one else. No one else was
24 entitled except those categories of people?
heard.
25 A. That was how they arranged it, and that was what I
26 Q. And also you would agree with me that, apart from those
also
27 farms, you would agree with me that other units in the RUF
28 made their own farms, like the G5s had their own farms, the
29 combat medic had their own farms; would you agree with me?

decided

1 A. Well, that one, I heard it, but we were not able to make
2 that farm because during that time, the first time they came
3 with, they said it had medicine and that time had already
4 expired, so the rice that was given to me, we did not make any
5 farm, because all unit members had their own farms, so we
6 to eat it.

7 Q. Now, Mr Witness, you've indicated to this Court that you
8 were one of the IDUs in Pendembu?

9 A. Yes.

10 Q. And you held that position in Pendembu in 1998?

11 A. Yes.

Pendembu?

12 Q. Now, Mr Witness, you know Nyama Juru which is in

13 A. No, Nyama Juru is on the Liberian border; it is not in
14 Pendembu. It is far off. It is more than 40 miles.

15 Q. Okay. But as an IDU you were aware of the Nyama Juru
16 jungle?

17 A. Yes, I heard about it.

18 Q. The [indiscernible] jungle?

19 A. Yes.

20 Q. And in 1998, if an operation had been carried out at the
21 Nyama Juru jungle, you would have known about it?

22 A. No. It was only the civilians I received from that end,

23 but I didn't know whether they had run an operation or --

24 Q. Okay. Now, you would agree with me that you never heard
25 about any Operation Born Naked which took place at Nyama Juru
26 jungle?

27 A. I was not near the place. I saw civilians coming -- we
28 came with them from that end but these civilians were coming

from

29 Nyama. But apart from that, the operation's name, I never

heard

SCSL - TRIAL CHAMBER I

1 that with anybody.

in 2 Q. Okay, Mr Witness. Normally, there would be other IDUs
3 other areas of operation within the RUF; is that not so?

4 A. Yes.

5 Q. Do you normally share information or do you normally get
6 information from other IDUs in other areas?

any 7 A. Well, it was not so easy to share information because
8 IDU that is far away, after he has got his information, to
9 transfer that information to where he wants, it will be
10 difficult. Because if the fighters knew that you are an IDU,
11 even if it's a paper, you will not take it there. They will
take 12 the paper from you and tear it off.

13 JUDGE BOUTET: Why would they do that, Mr Witness?

are 14 THE WITNESS: Well, they would say that the IDU, they
15 passing information to the commanders, and that the commanders
16 used to discipline them. That was why they did not like the
17 IDUs. It was only the commanders and the civilians, they had
the 18 interests of the IDUs. That's why our agents who were in the
19 front line, they had to hide. If they didn't hide, and he
have a 20 paper, and if you know how to write, when that -- when they
take

back. 21 that paper from you, it will no good. They will send him

22 Say: Go and sit down. That was what the fighters were doing
23 with the IDU. That was why to transfer information was very
24 difficult.

25 MR DUMBUYA:

you 26 Q. But you would agree with me that in your unit, the IDU,
agent? 27 normally received reports from what is happening from your

had 28 A. Yes, there are times we get information. If the agent
comes 29 a chance to either escape with the report, he writes it and

would

from

IDU

would

you

while

1 with it. If he does not come with it, he cannot write, he
2 say it, he would say it, that something, such-and-such a thing
3 happened, but, at times, they don't even have time to move
4 where they are. As soon as they notice that this man is an
5 that -- to cross the boundary to go to another town -- they
6 never allow them. It happened so many times.

7 Q. Now, Mr Witness, whilst at Pendembu as an IDU officer,
8 would agree with me that you never, never had any report
9 concerning any Operation Born Naked at Nyama Juru Jungle?

10 A. That particular operation you are saying of I have never
11 heard report about it; only that I received civilian from
12 those -- that particular end. They brought them to Pendembu.

13 Q. Thank you, Mr Witness.

14 MR DUMBUYA: Your Honours, that's all I have for this
15 witness.

16 PRESIDING JUDGE: Thank you, Mr Dumbuya.

17 MR CAMMEGH: Can I just have a moment, Your Honours,
18 I check the last paragraph of that testimony? Thank you.

19 PRESIDING JUDGE: Yes, Mr Cammegh, you may proceed.

20 CROSS-EXAMINED BY MR CAMMEGH:

21 Q. Yes. Good afternoon, Mr Witness.

22 A. Good afternoon, sir.

23 Q. It's correct that the IDU had no power. I represent
24 Augustine Gbao, by the way. All right. It's correct, isn't
it,
25 that the IDU had no power of arrest; would you agree?

26 A. Yes.

27 Q. If a civilian was having difficulty with another
civilian,
28 the normal procedure would be for that civilian to report to
the
29 G5; do you agree?

1 A. Yes.

2 Q. And, generally speaking, it was within the purview of
the
3 G5 to sort that problem out; would you agree?

4 A. Repeat the question, sir.

5 Q. Generally speaking, it was up to the G5 to sort that
6 problem out; would you agree?

7 A. Yes.

8 Q. Where a civilian had a problem with a combatant, a
9 different procedure followed; is that correct?

10 A. Yes.

11 Q. I suggest the procedure went like this: The civilian
would
12 report the incident to the G5 and the G5 would, in turn,
report
13 the incident to a member of the IDU; would you agree?

14 A. Yes.

15 Q. According to the procedure that was laid down, it was
then
16 for the IDU to report the matter to the MP; correct?

17 A. Yes.

18 Q. The desired procedure in theory, at that point, was for
the
19 local G5 IDU and MP men concerned to inform the area or
brigade
20 commander of the incident, or, if he was unavailable, to
report

21 to the local battalion commander; would you agree?

22 A. Yes.

23 Q. The next step, I suggest, would be for that area or
24 battalion commander to instruct the MP commander to effect the
25 arrest of the suspect; would you agree?

26 A. Yes.

27 Q. Following the arrest, the MP commander called upon
various
28 unit representatives to form a Joint Security Board of
29 Investigation; do you agree?

1 A. Yes.

2 Q. The Joint Security Board always consisted of
3 representatives from the MP; yes?

4 A. Yes.

5 Q. The IDU?

6 A. Yes.

7 Q. G5; yes?

8 A. Yes.

9 Q. And the IO; is that correct?

10 A. Yes. But the IO it is not always.

11 Q. But as often as possible; would you agree?

12 A. Yes.

13 Q. And, on occasion, as often as possible were
representatives

14 from the combat medics in the Joint Security Board?

15 A. Yes.

16 Q. Signallers?

17 A. Yes.

18 Q. And others where possible; would you agree?

19 A. Yes.

20 Q. Having reached its conclusion in relation to guilt or
21 innocence, was it the duty of the Joint Security Board to send

a

22 report to the area or brigade commander, in order for action

to

23 be authorised?

24 A. Yes, we did it.

25 Q. Thank you. Would you agree with this, please, that the
26 only time that a report from a Joint Security Board was sent
to
where
27 the overall IDU or security commander was in circumstances
28 the area or brigade commander had failed to implement a Joint
29 Security Board recommendation; do you agree?

SCSL - TRIAL CHAMBER I

1 A. Yes. But at times, if the area commander was not on the
2 ground, the investigation would be done and we will carry it
3 to -- with the overall security commander. We will never
4 time, but we would not know the time would be coming, and
5 something happen, so we can take it.

waste

6 JUDGE BOUTET: You would take it with whom, do you say,
7 Mr Witness, if the brigade commander is not on the ground, not
8 available? You said --

9 THE WITNESS: If the security command -- the overall
10 security commander is not there, but the brigade commander is
11 there, we will take it direct. We will not wait for the
12 commander to come. We will carry there to the overall, to the
13 overall security commander.

not

brigade

14 JUDGE BOUTET: I'm not sure. You say if the brigade
15 commander and the overall security commander are not there,
16 do you do? You said, your first example was if the brigade
17 commander is not on the ground, then you would report to the
18 security, the overall security commander. Is it what you say?

what

19 THE WITNESS: Yes.

20 JUDGE BOUTET: And then you would take whatever action
21 approved?

was

22 THE WITNESS: Yes. When the brigade commander comes, he
23 will tell him that such-and-such a thing had happened and that
24 such-and-such is what we decided on.

25 JUDGE BOUTET: Thank you.

26 MR CAMMEGH:

27 Q. Mr Witness, I want to repeat what I just suggested to
you,

28 and I want you to make sure that you are sure about what
you're

29 saying. What I am suggesting to you is this: That the only

1 occasion when the overall IDU, or security commander, should
be
2 sent reports from the Joint Security Board was when an area or
3 brigade commander had failed to implement a Joint Security
4 Board's recommendation. Now, as a general proposal, is that
5 right?

6 A. It was not happening that way all the time. If the
brigade
7 commander was not on the ground, the overall security
commander
8 was there, we would give it to him and even if they come with
9 civilians from the front line, after we have registered them,
we
10 will go to the brigade commander; we can also go to the
security
11 commander and inform him. It was not only an action which the
12 brigade commander did not take; that's why we were taking it
to
13 the security commander.

14 JUDGE THOMPSON: Is your question designed to elicit an
15 answer as to the procedure? Because you used the word,
16 "proposal" just now and I thought that was a little bit
nebulous,
17 because I think, if I understand the thrust of your question,
18 you're seeking at getting an answer as to procedure?

19 MR CAMMEGH: Yes.

then

20 JUDGE THOMPSON: And of course, if that is the case,

21 the answer from the witness shows that you are not on the same
22 radar screen, because he is going to practice --

23 MR CAMMEGH: Yes.

the

24 JUDGE THOMPSON: -- rather than procedure. And this has
25 always been one of the problems in cross-examination questions
26 which do not articulate the difference between the norm and
27 actual practice.

I

28 MR CAMMEGH: Very well. I'm going to clear this up, if
29 may. I'm sorry to labour the point.

1 Q. Is what you are saying this then that -- let me put it a
2 different way. In theory, in theory, was the procedure that
the
3 overall security commander, overall IDU commander, should only
4 receive reports when the area commander had failed to act on
the
5 Joint Security Board's recommendation?

6 A. No, we were not acting that way.

7 Q. No, Mr Witness --

8 JUDGE THOMPSON: This is the difficulty. It may well be
9 that the articulation of the difference, the context of the
10 interpretation itself may well be flawed.

11 MR CAMMEGH: Can I try again?

12 JUDGE THOMPSON: Because, clearly, it is not right for a
13 Chamber to draw the conclusion, and I am resisting any
attempt,
14 that witnesses are not capable of making this distinction.

15 MR CAMMEGH:

16 Q. I'm going to try one last time with this, Mr Witness,
and I
17 want you to bear in mind his Honour's comments and I want you
to
18 listen, please, to the question.

19 A. I'm listening.

20 Q. I'm going to ask you first about the theory and then I'm

-- 21 going to ask you about the practice. I'm making a suggestion

22 A. All right.

23 Q. -- I'm making a suggestion to you. This, I suggest, is
24 correct: That in theory, the only circumstances in which the
25 overall IDU or security commander should receive reports from
a

26 Joint Security Board's finding were where an area commander
had
27 failed to carry out the Joint Security Board's
recommendations.

28 Do you agree?

29 A. No, we were not operating that way. I have repeated
this

1 so many times; we were not operating that way.

this

2 Q. Yes, I agree. I'm sorry, I'm going to have to ask you

what

3 question: Do you understand the difference between theory,

what

4 happened in theory? Sorry, what should happen in theory and

5 happened in practice? Do you understand the distinction?

6 A. Yes. Theory --

7 Q. Yes.

do,

8 A. -- theory is something that is supposed to happen or to

9 and practice is what is taking place.

you

10 Q. That's right. I'm making a very simple suggestion to

11 on behalf of Mr Gbao.

12 A. All right.

13 Q. I'm suggesting that there was a theory on paper?

14 A. Mm-hmm.

area

15 Q. And the theory was that when the Joint Security Board

16 reached a conclusion, that conclusion would be sent to the

17 commander; do you agree with me so far?

18 A. Yes, I agree with the theory.

19 Q. Thank you. Let me finish the theory because there's a

20 second part. The second part is this: That finding from the

21 Joint Security Board would only be reported to the overall IDU
22 and security commander in the unusual circumstance where the
area
23 commander had failed to implement the Joint Security Board's
24 recommendation. Now, in theory, do you agree with what I'm
25 saying?
26 A. Yes.
27 Q. Thank you. Now let's turn to the practice. I'm
suggesting
28 this: That in practice, every finding from every Joint
Security
29 Board in Kailahun District, was reported to the area commander
if

1 he was available; is that right?

2 A. Yes.

3 Q. Right. If he was not available, what I'm suggesting is
4 that, in practice, those reports would instead be sent to the
5 local battalion commander; am I right?

6 A. Well, I don't understand that local battalion commander.

Jordash

7 Q. Mr Witness, I want to emphasise something that Mr

8 said to you just now, and it means no criticism of you at all.

so.

9 If you don't know the answer to any question, please just say

10 It's quite all right. This Court -- the last thing that this
11 Court wants you to do is guess. So let me just try and start
12 again.

13 A. It's not a matter of guessing.

14 Q. I know, but --

15 A. But when you mentioned local --

16 Q. Battalion?

Local

17 A. -- local battalion and we never had that name there.

18 battalion commander, that was what confused me.

the

19 Q. What I mean is the nearest battalion commander to where

20 Joint Security Board took place?

21 A. Oh, yes, yes.

that

22 Q. Let me put the question again. What I'm suggesting is
23 in practice, if the local -- if the nearest area commander was
24 not around, in practice, the Joint Security Board would report
25 its finding to the nearest battalion commander; do you agree
26 what I'm saying?

with

27 A. Yes.

in

28 Q. Okay. Now, the final part of what I'm suggesting to you
29 practice is this: Is that where the nearest area commander,

or,

simply

IDU

I

It's

that

the

to

the

by

1 where appropriate, where the nearest battalion commander
2 ignored the findings of that Joint Security Board, then it was
3 the duty of that board to report its findings to the overall
4 or security commander, and only in those circumstances; do you
5 agree?

6 A. Yes.

7 MR CAMMEGH: I can see Your Honour --

8 JUDGE BOUTET: I know you are always looking at me when
9 ask these questions but it's not to cause any difficulty.

10 just to clarify an issue with you, Mr Witness. The scenario
11 was put to you because you seem to have some difficulty with
12 word "local" and then the word "nearest" was used. When the
13 Joint Security Board was investigating a fighter, the area or
14 brigade commander, or the battalion commander concerned, is it
15 the battalion commander or the area commander under whom this
16 fighter came? In other words, the reporting scenario would be
17 go to the battalion commander in charge of that fighter, or
18 area commander in charge of that fighter; is it what you mean
19 this? Do you understand my question? A battalion commander

do 20 would command a certain number of fighters under his command;

21 you agree?

22 THE WITNESS: Yes.

Joint 23 JUDGE BOUTET: So if one of his fighters is facing a

board 24 Security Board, this is the battalion commander to whom the

25 would be reporting to, isn't it?

26 THE WITNESS: No; he can report to the area commander.

27 JUDGE BOUTET: The battalion commander or the area

28 commander. The battalion commander in question comes under an

in 29 area commander in the same sector, the same area. The fighter

The

the

battalion

the

own

too

one

1 question belongs to a battalion commander and that battalion
2 commander belongs to an area commander. Just to press that:
3 extra I would give you: Could the Joint Security Board report
4 their findings to the area commander in Western Jungle when
5 area in question is Northern Jungle? What is the normal
6 procedure?

7 THE INTERPRETER: Your Honour --

8 THE WITNESS: The joint security would inform the
9 commander.

10 JUDGE BOUTET: Yes.

11 THE WITNESS: Then the battalion commander will inform
12 area commander about the incident that had happened.

13 JUDGE BOUTET: And the area commander here is the area
14 commander under whom the battalion commander comes under; his
15 area commander. That's what you mean by this?

16 THE WITNESS: Yes.

17 JUDGE BOUTET: I hope, Mr Cammegh, I have not confused
18 much the issue. It's just to try to understand, because the
19 nearest -- they might be the nearest but not necessarily the
20 in command.

that
but I
Board
--

21 MR CAMMEGH: I think Your Honour could see why I used
22 word. It was the witness' difficulty with the word "local"
23 don't think any problem arises from that.
24 Q. Can I just clear up one matter that might flow from His
25 Honour's questions. I just want to confirm this, please,
26 Mr Witness: That the procedure required the Joint Security
27 to go to the area or brigade commander as a priority with its
28 finding; do you agree? And it was only if he was unavailable
29 PRESIDING JUDGE: You're making it too long now for him.

1 The problem with these questions is that when they are long
they
2 become complex for the witness to follow the trend. True
enough
3 he has been to school, but these are being put -- like when
you
4 are using if appropriating, or [indiscernible] in doing so,
and
5 so on and so forth, they require a judicial understanding.
It's
6 good to simplify them as much as possible. I think that is
where
7 our difficulty is coming from, and for the witness as well.
It
8 is very long. It becomes blurred and not very decipherable
for
9 the witness to be able to provide an adequate response to the
10 question. So, please, if you may take that again.

11 MR CAMMEGH:

12 Q. The Joint Security Board, I suggest, would only report
to
13 the battalion commander if the area commander was unavailable;
do
14 you agree?

15 A. Yes.

16 Q. I can move on from this point now. I think every RUF
17 combatant knew that an area or brigade commander was
responsible
18 for front line matters; do you agree?

19 A. Yes.

20 Q. And is this right: That each brigade would contain four
21 battalions?

22 A. Yes.

23 Q. Which in turn contained four companies?

24 A. Yes.

25 Q. Which in turn contained -- can I switch back on, please
--
26 which in turn contained four, where did we get to, companies
or
27 platoons?

28 PRESIDING JUDGE: Start that again. Each brigade
contained

29 how many battalions?

1 THE WITNESS: Four.

2 MR CAMMEGH:

3 Q. How many companies in each battalion?

4 A. Four.

5 Q. How many platoons in each company?

6 A. Four platoons.

7 Q. How many squads in each platoon?

8 A. Four squads.

9 Q. Now, where possible, did each brigade, battalion,
company,
10 have MPs assigned to it?

11 A. Yes.

12 Q. Similarly, did each brigade, battalion or company have
IOs
13 assigned to it?

14 A. Yes.

15 Q. G5s assigned to it?

16 A. No, not all. The G5 were not assigned to platoon or
17 platoons.

18 IDUs were afraid of the fighters because they don't have arms.
19 Even the commanders don't have arms. They don't have
bodyguards.

20 So they were not assigning IDUs at the front line.

21 Q. Well, didn't each brigade and battalion have IDUs
assigned

22 to them?

23 A. The battalion -- the battalions had IDUs.

the

24 JUDGE BOUTET: Mr Witness, you said when you answered

25 question that they had --

26 THE WITNESS: Front line. Front line. Battalion is
27 different from the battalion. The battalion headquarter was
28 there. All the battalions had headquarters, so the IDUs, they
29 were there.

Then

platoon

brigade

please,

1 JUDGE BOUTET: But you were saying, you were asked about

2 MPs at the battalion and company level and you said "yes."

3 you added platoons. Where there MPs also with the platoons?

4 THE WITNESS: Yes, they were in platoons. They were

5 placing platoons in squads, but there was no IDU inside a

6 or a squad. At times, one IDU would be in the whole battalion

7 where MPs would be so many.

8 MR CAMMEGH:

9 Q. All right, Mr Witness, I'll accept that answer. But can

10 you please confirm this to me: That there was an area or

11 IDU commander?

12 A. Yes.

13 Q. Right. And who was that, please, in Kailahun District

14 between 1997 and '99?

15 A. In Pendembu, it was Denis Lansana who was the brigade

16 commander.

17 Q. Forgive me, that might have been my mistake. I'm asking

18 about the area or brigade IDU commander. Who was that,

19 in Kailahun District, in -- between '97 and '99?

20 A. Well, the brigade commander was Sam Kolleh. He was the

21 commander in 1998 to 2000.

22 Q. Who was the battalion --

23 A. He was in Kailahun.

24 Q. What did you say his name was, Sam?

25 A. Sam Kolleh. Sam Kolleh. He was in Kailahun.

26 Q. Who was the battalion IDU commander?

27 A. Battalion -- no, not IDU, battalion commander.

28 Q. No, the question was -- well, let me put it this way:

Can

29 you name a battalion IDU commander?

SCSL - TRIAL CHAMBER I

1 A. Yes.

2 Q. Right. Go on.

3 PRESIDING JUDGE: So Sam Kolley was not a battalion IDU
4 commander?

5 THE WITNESS: At all.

6 PRESIDING JUDGE: That's the impression you're giving
us.

7 THE WITNESS: No, no.

8 PRESIDING JUDGE: Because you said in 1997 to 1999.
That
9 was responding to learned counsel's question.

10 MR CAMMEGH: Your Honour, unless I made a dreadful
mistake,

11 I was suggesting the brigade IDU commander.

12 PRESIDING JUDGE: It was the brigade IDU commander, yes,
13 you're right. It's the brigade IDU commander.

14 MR CAMMEGH: Yes, now I'm asking about -- now I'm asking
15 him to name one battalion IDU commander.

16 PRESIDING JUDGE: But what --

17 THE WITNESS: But you asked for a battalion.

18 PRESIDING JUDGE: What I'm saying is you asked for the
19 brigade IDU commander, and the impression he gave was that it
was

20 Sam Kolley.

21 MR CAMMEGH: That's correct.

22 PRESIDING JUDGE: Now it turns out that Sam Kolley was
23 instead, you know, the area brigade commander.

24 JUDGE BOUTET: No, battalion commander.

25 PRESIDING JUDGE: Battalion commander.

26 THE WITNESS: I heard of battalion commander. I heard
of
27 battalion commander.

28 JUDGE BOUTET: But the question you were asked, Mr
Witness,
29 was to name the area or brigade commander, IDU commander,
pardon

1 me, the IDU commander for the area or the brigade, '97 '99, in
2 Kailahun District. So that was the question; if you knew.

3 PRESIDING JUDGE: And that was when you mentioned Sam
4 Kolleh, so, you know --

5 THE WITNESS: No, he is not.

6 PRESIDING JUDGE: Who was he? Who was he? 1997, 1999,
the
7 area IDU commander in Kailahun?

8 THE WITNESS: He was Sylvester.

9 PRESIDING JUDGE: Sylvester, whose surname you don't
know?

10 THE WITNESS: No at all; I don't know.

11 MR CAMMEGH: Your Honours, I notice the time and I'm
going

12 to have to dwell on this topic for a little bit. I wonder if
we
13 could break there?

14 PRESIDING JUDGE: Yes. I think we will break here and
we
15 will recess for a few minutes. The Chamber will rise.

16 [Break taken at 4.37 p.m.]

17 [RUF05NOV07F - JS]

18 [Upon resuming at 5.10 p.m.]

19 PRESIDING JUDGE: Yes, Mr Cammegh.

20 MR CAMMEGH: Thank you, Your Honour.

the

21 Q. Mr Witness, I asked you just before the break to name

1997

22 area or brigade IDU commander in Kailahun District between

23 and 1999 and you named that man as Sam Kolleh; correct?

24 A. No.

25 PRESIDING JUDGE: He said Sylvester.

26 MR CAMMEGH: Oh, now I'm getting confused.

27 PRESIDING JUDGE: Sylvester.

28 MR CAMMEGH: Thank you, Your Honours, yes.

know.

29 PRESIDING JUDGE: The man whose surname he does not

1 JUDGE THOMPSON: The law of diminishing returns.

2 PRESIDING JUDGE: Never mind. It's getting to 5.30 so
3 Mr Cammegh needs to go and sleep over some of his strategies
and
4 his thoughts.

5 MR CAMMEGH: Yes, I'm just going to try and plough
through
6 as much of this as I can before that time.

7 Q. Can I suggest that you're mistaken about that, that the
8 area or brigade IDU commander, during those years in Kailahun
9 was, in fact, Francis Musa; that's right, isn't it?

10 A. From 1998 to 2000, it was Sylvester.

11 Q. Well --

12 A. He was stationed at Kailahun Town.

13 Q. I beg to differ with you, there. I wonder if I can help
14 you by suggesting that, in fact, you, yourself, replaced

Francis

15 Musa as the area commander, IDU commander, for Kailahun

District

16 in 1999?

17 JUDGE BOUTET: Well, isn't it a bit touchy given this --

18 MR CAMMEGH: Argumentative.

19 JUDGE BOUTET: Well, it's not argumentative. It's the
20 identity of the witness.

21 MR CAMMEGH: Oh, I'm sorry, yes. Yes; I might have to

come

22 back to that later, I'm afraid, tomorrow.

for 23 Q. I'm suggesting that Francis Musa was the area commander

That 24 Kailahun District between '97 and '99. Can I suggest this:

Bockarie 25 his deputy was Sheku Coomber who was assigned with Sam

26 in Buedu; am I right about that?

27 A. Yes.

the 28 THE INTERPRETER: Your Honours, the witness did not get

29 name of the individual that the witness has mentioned.

1 MR CAMMEGH:

slight

2 Q. Can I ask you to stop there, Mr Witness. There's a

3 problem with the translation. I will just repeat the question

4 and then ask you to answer it again so the interpreters get

deputy,

5 everything correctly. I've suggested that Francis Musa's

6 between '97 and '99, when he was I suggest district IDU

7 commander, was Sheku Coomber; do you agree?

8 A. Yes.

do

9 Q. And what I further suggested just now was that he was

10 assigned to be with Sam Bockarie in Buedu between '97 and '99;

11 you agree?

there.

12 A. Yes, because I used to see him there. I did not know

13 whether he was assigned there by Sam Bockarie, but he was

14 Q. Okay.

two

15 MR CAMMEGH: Your honours, I'm afraid there are one or

16 issues I'm going to have to tidy up in closed session on this

17 tomorrow.

brigade

18 Q. But will you agree with me on this: That the area or

19 brigade IDU commander had a duty to report to the area or

20 commander; do you agree?

21 A. Yes.

22 Q. And, Mr Witness, do you agree that that was so with all
23 other RUF units?

24 A. Yes. I only knew about IDU because for the other units
25 was not there, and I did not know the procedures.

26 Q. All right. I just want to ask you about the IO. In
27 certain circumstances would the IO -- I'm sorry, would an IO
28 agent report directly to an area or brigade commander?

29 A. Yes.

I

SCSL - TRIAL CHAMBER I

1 Q. And in exceptional circumstances, depending on the
2 intelligence of the information, not of the individual, did
the
3 IO agent have a duty to report to the leader?

4 A. Yes.

5 Q. And did the same procedures follow with respect to the
6 Black Guards?

I
7 A. I cannot tell. I was not in the unit. I was not there.
8 did not know their procedure.

9 Q. That's fine. Can you confirm, please, that under no
10 circumstances did the IO ever report to the IDU?

11 THE INTERPRETER: Your Honours, could learned counsel
12 please ask the question again?

13 MR CAMMEGH:

confirm
14 Q. Can you confirm that the ID -- I'm sorry. Can you
15 that the IO never reported to the IDU?

16 A. At all. Not at all.

17 Q. Thank you. Can you confirm, please, that the IO never
18 worked together with the IDU?

19 A. They used to work with IDU, joint security at times. At
20 times.

21 Q. I understand they worked together in the Joint Security
22 Board, but, in terms of either intelligence-gathering, or

the

23 investigations of crimes, I'm suggesting the IOU, the IO and

24 IDU never worked hand-in-hand; do you agree with me?

25 A. Yes.

26 Q. Would you also agree that the identity of most IOs was

27 never disclosed to the IDUs; do you agree?

28 A. No. I knew some of them.

29 Q. You knew some of them?

SCSL - TRIAL CHAMBER I

1 A. Yes.

2 Q. Some of the IOs?

3 A. Yes.

4 Q. But, generally, was the identity of most of the IOs kept
5 secret from IDU agents?

6 A. Yes. Yes.

7 Q. Thank you. And I think you've already indicated that
the
8 IOs did have access to the leader directly?

9 A. Yes. Yes.

10 Q. I suggest that the MP unit reported -- I suggest that MP
11 officers reported to their overall commanders; do you agree?

12 A. Yes.

13 Q. Similarly, Mr Witness, and if you don't know the answer,
14 please say so; don't guess. But is it true that the G5 units
15 would report to their overall commanders?

16 A. Yes. At times we would send joint security reports.

17 Q. To their own overall commanders?

18 A. Yes.

19 THE INTERPRETER: Your Honours, would the witness be
20 instructed to wait for the translation?

21 MR CAMMEGH:

22 Q. Did you hear that, Mr Witness? You're being asked,
please,

the

23 to wait for the translation to come through before you answer

24 question. It's a request from the interpreters, okay?

25 A. All right.

they

26 Q. I appreciate you're eager to answer the question but

27 have to have time to translate what you're saying. It was not

28 the duty of local MP or G5 commanders to report to the overall

29 security commander, was it?

SCSL - TRIAL CHAMBER I

1 A. No. They said that all joint security --

2 THE INTERPRETER: Your Honours, would the witness be
asked
3 to repeat?

4 MR CAMMEGH:

5 Q. Can you repeat the answer, please?

6 A. The instructions that I had, all joint security reports,
7 the MP commander, he was the one that was supposed to take
8 that --

9 THE INTERPRETER: Your Honours, again, the witness is
fast.
10 Would he be instructed to go slow?

11 MR CAMMEGH:

12 Q. Mr Witness, I'm very sorry and I don't want to be rude
to

13 you, but this is very important and we have to get a record of
14 every word you're saying. The only way we can do that is if
you

15 go slowly so the translators can tell us what you're saying,
16 okay? So --

17 A. All right.

18 Q. Can you start again and pause every now and then; all
19 right?

20 A. Okay. The instructions that I had, if it was something
to

paper.

21 be investigated, when we had done that, we did that on a

the

22 The IDU should sign. G5 should sign. MP should sign the
23 recommendations that we had made. The MP commander, he was

overall

24 one that would take it to the overall commander. If the

25 security commander was on the ground. If he was not there, he

26 would take it to the battalion commander. That was how we

27 operated.

please.

28 Q. Can I suggest a slightly different scenario to you,

commanders

29 You've already agreed with me that local MP or G5 unit

1 would report to their respective overall MP or G5 unit
2 commanders, haven't you? You said that a few moments ago?

3 A. That was what I said. That if it was something to be
4 investigated before it was another report it would be sent to
5 different commanders. But if it was something to be
6 investigated, which the joint security have done, he was
7 supposed
8 was
9 to take it and present it. That was the difference. If it
10 something to be investigated.

11 Q. I'm sorry, Mr Witness, I'm having difficulty
12 understanding
13 of
14 what you're saying. Can we leave the Joint Security Board out
15 this for a moment, because we've already dealt with the Joint
16 Security Board. When you told the Court a few moments ago
17 that
18 local MP or G5 unit commanders would report to their overall
19 commanders, what kind of reports were you referring to?

20 A. Reports that had been coming, like, if it were civilians
21 that were brought, we used to inform our various commanders
22 that
23 they had come with such-and-such numbers of civilians from
24 such-and-such areas. The G5 would inform the commander and
25 the
26 IDU and the MP. That was what we used to do.

saying

20 Q. Okay. Pause there. And just so I'm clear, are you

21 that those were the kind of reports that would go to the

22 respective overall commanders of MP and G5?

23 A. Mm-hmm.

24 Q. Is that "yes"?

25 A. Yes; if we had not done any investigation.

26 Q. That's fine.

27 A. And if we had not been able to locate them. But when we

that

28 had given them to people, and we are with people, the report

MP

29 we made [indiscernible] if we compiled the report it was the

1 that would take it.

would

2 Q. Okay. Now, these -- this kind of report, am I right,

3 not go to the overall security commander; do you agree?

4 A. Well, that, I would not be able to really tell.

of

5 Q. All right. Then I don't want you to guess. In respect

6 the reports that you've just told us about, that would travel

7 from MP and G5 unit commanders to their respective overall

8 commanders, was it then the duty of those respective overall

9 commanders to report to the leader?

10 A. Yes.

RUF

11 Q. Thank you. Can you confirm this, please: That apart

12 from the -- no. Can you confirm this: The only unit in the

13 who would report to Augustine Gbao was the IDU; do you agree?

other

14 A. Well, he was the overall security commander and the

that

15 securities were -- securities and I would not be able to say

16 the other units --

17 THE INTERPRETER: Your Honours, would the witness go a

18 little bit slow?

19 MR CAMMEGH:

20 Q. I'm sorry, you're doing it again. It's not your fault.

21 A. Okay.

22 Q. But can you start again, slowly. What I'm suggesting to
23 you is that no other unit except the IDU would report to Gbao
and
24 what's your answer?
25 A. I said that I would not be able to tell. First, he was
the
26 overall IDU commander. Then he became overall security
commander
27 again. So I wouldn't know if the other unit, units had been
28 sending reports.
29 Q. All right. That's fine. Now, I asked you before the
break

1 to name a battalion IDU commander and [REDACTED].

2 A. [REDACTED].

3 Q. Good. Thank you. And did you, in your position as
4 battalion IDU commander -- excuse me, Your Honours.

5 JUDGE BOUTET: Aren't we again running into the same
6 problem that you were getting into before?

7 MR CAMMEGH: Sorry, Your Honour, could that please be
8 removed from the record, be redacted from the records
entirely?

9 JUDGE BOUTET: Although there was no time frame
specified

10 but anyhow --

11 MR CAMMEGH: No, it's entirely my fault and I apologise.

12 PRESIDING JUDGE: Well, Mr Cammegh, for technical
reasons

13 we have to adjourn here, please. We hope that by the time we
14 start tomorrow the technical problem will be, which has been
15 signalled by the Court Management, would be corrected. Well,
16 learned counsel, the Chamber will rise and we will resume
17 tomorrow at 9.30. The Chamber rises, please.

18 [Whereupon the hearing was adjourned at
19 5.30 p.m., to be reconvened on Tuesday, the
6th
20 day of November 2007 at 9.30 a.m.]

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SCSL - TRIAL CHAMBER I

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-149 2

EXAMINED BY MR JORDASH 2

CROSS-EXAMINED BY MR DUMBUYA

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CROSS-EXAMINED BY MR CAMMEGH

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